

CITY OF HERMANTOWN  
CITY COUNCIL MEETING  
September 19, 2016  
6:30 p.m.

**Pledge of Allegiance**

**ROLL CALL:** Councilors Geissler, Koski, Nelson, Peterson, Mayor Boucher; John Mulder, City Administrator; Debbie Lund, City Clerk; Jim Crace, Chief of Police; Kevin Orme, Finance Director; Jim Rich, Building Official; Eric Johnson, Community Development Director; Paul Senst, Public Works Director; Steve Overom, City Attorney

**VISITORS:** 7

**ANNOUNCEMENTS**

Councilor Peterson reported on the School Open House. I am happy to say it was a good attendance by the public it was nice to see folks come out with interest in the new facility. There was several speakers and thank you everybody for coming.

**PUBLIC HEARING ON AMENDING REGULATION OF SNOWMOBILES/ALL-TERRAIN VEHICLES**

NOTICE IS HEREBY GIVEN that the City Council of the City of Hermantown, Minnesota will meet at 6:30 p.m. (or as soon thereafter as the hearing may be called to order) on September 19, 2016 at City Hall, 5105 Maple Grove Road, Hermantown, Minnesota to conduct a hearing regarding Amendment to Chapter 8, regulation of snowmobiles and all-terrain vehicles removing the requirement for a City issued permit under the current Section 820 of the Hermantown City Code.

Such persons as desire to be heard with reference to the proposed changes will be heard at this meeting. Written or oral comments will be considered by the City Council.

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The Public Hearing held Monday, September 19, 2016 regarding the amendment of an Ordinance Section 820 – Regulation of Snowmobiles and All-Terrain Vehicles, has been recorded, however, has not been transcribed. The following action was taken:

**Ordinance 2016-55**     An Ordinance Amending Chapter 8, By Amending Section 820 – Regulation Of Snowmobiles And All-Terrain Vehicles

The First Reading was held on Ordinance 2016-55, An Ordinance Amending Chapter 8, By Amending Section 820 – Regulation Of Snowmobiles And All-Terrain Vehicles. No one spoke with regard to the Public Hearing.

Public Hearing recessed at 6:40 p.m.

**COMMUNICATIONS**

Communications 2016-190 through and including 2016-205 were read and placed on file.

Communication 2016-199 from Cole Landgraf, Minnesota Pollution Control Agency to Mayor Wayne Boucher regarding 4/21/16 Notice of Violation/Completion of Corrective Action

## **PRESENTATIONS**

John Mulder, City Administrator – I am going to give you a brief presentation on the 2017 proposed budget. Before you tonight is resolution 2016-110 which sets the preliminary levy and taxes payable for 2017 and sets the Truth In Taxation Hearing for December 5, 2016. In the budget process per state law we can set the preliminary levy and you can always reduce the levy between now and December 5<sup>th</sup> but you cannot move the amount up. There are some challenges in the 2017 budget, right now the expenditures are up about 10% and there are some areas where additional cuts may be made. With the loss of approximately \$100,000 in Local Government Aid our tax levy is increasing by 16.9% The impact of that because of the growth in the tax base would be about a 12% effect on a typical homeowner.

## **PUBLIC DISCUSSION**

Steve Potter, 3018 Midway Road – I would like to talk about my recent experience in working to obtain a building permit from Hermantown. The parcel that I initially viewed June 2<sup>nd</sup> of this year, then I proceeded to spend the next two months performing due diligence on this property to determine to the best of my ability that it is a buildable parcel with no extraneous circumstances that would cause problems. I checked things from flood zones to zoning set back requirements, utility connections, we went so far as to perform a soil boring test and consult with structural engineers and excavation contractors and last but not least viewing all the wetland maps related to the property. I closed on the property the beginning of August, shortly after that I had a few meetings with Jim Rich to go over the plans I had and make sure that I had everything necessary to apply for a building permit and made application on August 16<sup>th</sup>. Around the end of August I inquired with Mr. Rich about the status of that permit and I was told at that time he was out the office until September 12<sup>th</sup>. Got in touch with Mr. Rich on September 13<sup>th</sup> and was told that the plan should be approved the next day. On September 14<sup>th</sup> I received an email from Mr. Rich telling me that there was wetland issues on the property that he was under the impression had been dealt with and needless to say I was quite surprised after the research that had been done. He supplied me with a copy of the wetland overlay map for the city which now showed the parcel as almost entirely wetlands, which was not the case in any other documentation I had been able to find up to that time. That same day I spoke with Eric Johnson about the situation and in that conversation with Mr. Johnson it was discovered that the wetland information that was showing on the map was part of the 2016 National Wetlands Inventory and it appears that information was entered into a GIS system sometime in the middle to the end of August, so after I had submitted my building permit application. Not only that but at this point in time this new data does not show on the US Fish & Wildlife National Wetlands Map online, which appears to be the defacto standard for where to find this information. I have been in contact with some agencies that provide wetland delineations and they were just as surprised as I was, they said they keep pretty close tract of this and they were unaware of any new information. I've now discovered at this point in time that the costs between the delineation, additional permit fees from the city will be a minimum of \$2,000 and the upper limits unknown until the delineation performed. Needless to say it was a frustrating process as I was trying hard to get construction project under way completed yet this year and at this point its unknown whether that will be able to happen. The address is 4848 Adrian Lane.

Mayor Boucher thanked Mr. Potter for the information and stated we will work with city staff and to try and take action on this and work through whatever difficulties you've had. I cannot promise the result of what we look into.

Mr. Potter asked if there was someone he could work with as a point of contact going forward with this?

Mayor Boucher told Mr. Potter to contact John Mulder, City Administrator.

## **CONSENT AGENDA**

Motion made by Councilor Geissler, seconded by Councilor Peterson to approve the Consent Agenda which has the following items:

- A. Approval of August 15, 2016 City Council Minutes
- B. Approve general city warrants from August 16, 2016 through August 31, 2016 in the amount of \$905,331.10 and general city warrants from September 1, 2016 through September 15, 2016 in the amount of \$278,965.45
- C. Approve appointment of Michael Boese to the Board of Appeals & Adjustment to December 31, 2016  
Approve appointment of Doug Kerfeld to the Utility Commission through December 31, 2018
- D. Resolution 2016-105 – Approving Pay Request No. 4 and Minor Work Order No. 2 for Street Improvement District No. 524-N Stebner Road to Ulland Brothers in the amount of \$647,029.57  
Resolution 2016-113 – Execute and Deliver the Master Subscriber Agreement for Minnesota Court Data Services And Request Form for Court Integration Services

Roll Call: Councilors Geissler, Koski, Nelson, Peterson, Mayor Boucher, aye. Motion carried.

## **ORDINANCES**

**2016-54**      An Ordinance Amending Section 730 – Firearms And Other Dangerous Weapons Of The Hermantown City Code

The First Reading was held on Ordinance 2016-54, An Ordinance Amending Section 730 – Firearms And Other Dangerous Weapons Of The Hermantown City Code.

**2016-56**      An Ordinance Amending Hermantown Zoning Regulations Chapter 10, Land Splits And Platting

The First Reading was held on Ordinance 2016-56, An Ordinance Amending Hermantown Zoning Regulations Chapter 10, Land Splits And Platting.

**2016-57**      An Ordinance Amending Hermantown Zoning Regulations Chapter 2, Definitions

The First Reading was held on Ordinance 2016-57, An Ordinance Amending Hermantown Zoning Regulations Chapter 2, Definitions.

## RESOLUTIONS

**2016-106**      Resolution Receiving Quotations And Awarding Contract For New Garage Foundation To Weets Brother Flatwork, Inc. In The Amount Of \$8,600

Motion made by Councilor Geissler, seconded by Councilor Nelson to adopt Resolution 2016-106, Resolution Receiving Quotations And Awarding Contract For New Garage Foundation To Weets Brother Flatwork, Inc. In The Amount Of \$8,600. Roll Call: Councilors Geissler, Koski, Nelson, Peterson, Mayor Boucher, aye. Motion carried.

**2016-107**      Resolution Receiving Quotations And Awarding Contract For Fascia And Soffits At Hermantown Government Services Building To Chad Offersen In The Amount Of \$21,900

Motion made by Councilor Koski, seconded by Councilor Nelson to adopt Resolution 2016-107, Resolution Receiving Quotations And Awarding Contract For Fascia And Soffits At Hermantown Government Services Building To Chad Orffersen In The Amount Of \$21,900. Roll Call: Councilors Geissler, Koski, Nelson, Peterson, Mayor Boucher, aye. Motion carried.

**2016-108**      Resolution Approving The City Of Hermantown Minnesota Government Data Practices Act Police Department Procedures

Motion made by Councilor Koski, seconded by Councilor Peterson to adopt Resolution 2016-108, Resolution Approving The City Of Hermantown Minnesota Government Data Practices Act Police Department Procedures. Roll Call: Councilors Geissler, Koski, Nelson, Peterson, Mayor Boucher, aye. Motion carried.

**2016-109**      Resolution Approving State Of Minnesota Joint Powers Agreements With The City Of Hermantown On Behalf Of Its City Attorney And Police Department

Motion made by Councilor Peterson, seconded by Councilor Koski to adopt Resolution 2016-109, Resolution Approving State Of Minnesota Joint Powers Agreements With The City Of Hermantown On Behalf Of Its City Attorney And Police Department. Roll Call: Councilors Geissler, Koski, Nelson, Peterson, Mayor Boucher, aye. Motion carried.

**2016-110**      Resolution To Adopt The Proposed Property Tax And Proposed Budget For Taxes Payable In 2017 And Scheduling The Truth In Taxation Hearing

Motion made by Councilor Koski, seconded by Councilor Nelson to adopt Resolution 2016-110, Resolution To Adopt The Proposed Property Tax And Proposed Budget For Taxes Payable In 2017 And Scheduling The Truth In Taxation Hearing for Monday, December 5, 2016 at 6:30 p. m. Roll Call: Councilors Geissler, Koski, Nelson, Peterson, Mayor Boucher, aye. Motion carried.

**2016-111**      Resolution Approving An Amendment To A Planned Unit Development (“PUD”) Of Heartwoods Addition And Imposing Conditions On The Approval Of The PUD Amendment

Motion made by Councilor Geissler, seconded by Councilor Koski to adopt Resolution 2016-111, Resolution Approving An Amendment To A Planned Unit Development (“PUD”) Of Heartwoods Addition And Imposing Conditions On The Approval Of The PUD Amendment. Roll Call: Councilors Geissler, Koski, Nelson, Peterson, Mayor Boucher, aye. Motion carried.

**2016-112**      Resolution Revising Resolution 2016-87 Approving The Transfer Of \$41,944.23 From The General Fund (Fund 101) To The Police Program Fund (Fund 251)

Motion made by Councilor Geissler, seconded by Councilor Koski to adopt Resolution 2016-112, Resolution Revising Resolution 2016-87 Approving The Transfer Of \$41,944.23 From The General Fund (Fund 101) To The Police Program Fund (251). Roll Call: Councilors Geissler, Koski, Nelson, Peterson, Mayor Boucher, aye. Motion carried.

**2016-114**      Resolution Supporting The Use Of The Hermantown Sales Tax For A Regional Multiuse Health And Wellness Center

Motion made by Councilor Peterson, seconded by Councilor Nelson to adopt Resolution 2016-114, Resolution Supporting The Use Of The Hermantown Sales Tax For A Regional Multiuse Health And Wellness Center. Roll Call: Councilor Geissler, Koski, Nelson, Peterson, Mayor Boucher, aye. Motion carried.

**2016-115**      Resolution Authorizing The City Of Hermantown To Sponsor A Grant Funding Request Associated With The Munger Trail Spur Route Plan

Motion made by Councilor Geissler, seconded by Councilor Nelson to adopt Resolution 2016-115, Resolution Authorizing The City Of Hermantown To Sponsor A Grant Funding Request Associated With The Munger Trail Spur Route Plan. Roll Call: Councilors Geissler, Koski, Nelson, Peterson, Mayor Boucher, aye. Motion carried.

**2016-116**      Resolution Terminating Purchasing Card Policy And Adopting Credit Card Use Policy

Motion made by Councilor Peterson, seconded by Councilor Geissler to adopt Resolution 2016-116, Resolution Terminating Purchasing Card Policy And Adopting Credit Card Use Policy. Roll Call: Councilors Geissler, Koski, Nelson, Peterson, Mayor Boucher, aye. Motion carried.

**2016-117**      Resolution Approving The Proposed Amendments To The Bylaws Of The Hermantown Volunteer Fire Department Relief Association, Inc.

Motion made by Councilor Geissler, seconded by Councilor Peterson to adopt Resolution 2016-117, Resolution Approving The Proposed Amendments To The Bylaws Of The Hermantown Volunteer Fire Department Relief Association, Inc. Roll Call: Councilors Geissler, Koski, Nelson, Peterson, Mayor Boucher, aye. Motion carried.

Mayor Boucher thanked Xavier Witikko and Nathan Soumis for running the video equipment.

Motion made by Councilor Nelson, seconded by Councilor Peterson to recess the meeting at 7:30 p.m.  
Motion carried.

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Mayor

ATTEST:

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Clerk