



AGENDA

Pre-Agenda Meeting Monday, March 2, 2020 at 4:30 p.m. Large Conference Room City Hall - Hermantown Governmental Services Building

Pre-agenda: The Pre-agenda meeting is a work session between the City Council and City staff to review the upcoming City Council meeting and future meetings. The agenda is the same document as the upcoming City Council meeting, but does not follow the same format as the City Council meeting. It is a time for the City Council and City staff to have discussions about the agenda items, and asking and answering questions. Traditionally it is not a time for public comment on the agenda items, as the public can listen to the conversation and ask questions or provide input at the upcoming City Council meeting.

City Council Meeting March 2, 2020 at 6:30 p.m. Council Chambers City Hall - Hermantown Governmental Services Building

Invitation to participate:

The Hermantown City Council welcomes your thoughts, input and opinions to this meeting. The agenda for this meeting contains a brief description of each item to be considered, and the City Council encourages your participation. If you wish to speak on an item contained in the agenda, you will be allowed to address the Council when a motion is on the floor. If you wish to speak on a matter that does not appear on the agenda, you may do so during the public comment period regularly scheduled and set for the beginning of the meeting.

When addressing the City Council, please state your name and address for the record. Please address the City Council as a whole through the Mayor. Comments to individual Council Members or staff are not permitted. Speakers will be limited to three (3) minutes.

Order of discussion

- 1. Reading of the resolution title by Mayor**
- 2. Motion/Second**
- 3. Staff Explanation**
- 4. Initial Discussion by City Council**
- 5. Mayor invites public to speak to the motion (3 minute rule)**
- 6. Follow up staff explanation and/or discussion by City Council**
- 7. Call of the vote**

**CITY OF HERMANTOWN
AGENDA**

**Pre-Agenda Meeting Monday, March 2, 2020 at 4:30 p.m.
Large Conference Room
Hermantown Governmental Services Building**

**City Council Meeting March 2, 2020 at 6:30 p.m.
Council Chambers
Hermantown Governmental Services Building**

1. **CALL TO ORDER**
2. **PLEDGE OF ALLEGIANCE**
3. **ROLL CALL**
4. **ANNOUNCEMENTS** *(Council Members may make announcements as needed.)*
5. **PUBLIC HEARING** – *(Only when necessary. The rule adopted three minutes per person if necessary. Any action required after the public hearing will be taken immediately following the closing of the public hearing.)*
6. **COMMUNICATIONS**
7. **PRESENTATIONS** *(Department Heads may give reports if necessary.)*
 - A. Jim Crace, Chief of Police *(Pre-Agenda Only)*
RE: [Annual Report](#)
8. **PUBLIC DISCUSSION** *(This is the time for individuals to address the Council about any item not on the agenda. The time limit is three minutes per person.)*
9. **CONSENT AGENDA** *(All items on the Consent Agenda are items which are considered routine by the City Council and will be approved by one motion via voice vote. There will be no discussion of these items unless a Council Member or citizen so requests, in which event the item will be removed from the Consent Agenda and considered at the end of the Consent Agenda.)*
 - A. **Minutes** - Approval or correction of [February 18, 2020 City Council Continuation Minutes](#)
 - B. **Accounts Payable** – Approve general city warrants from February 16, 2020 through February 29, 2020 in the amount of \$458,960.03

(motion, roll call)

10. MOTIONS

- A. Motion to approve/deny a new Massage Establishment License for Cookie Killian Therapy & Massage and a new Massage Therapist License for Cookie Killian effective March 2, 2020 through December 31, 2020

(motion, roll call)

- B. Motion to approve the appointment of Jenna Warmuth to the Park Board for a three-year term effective immediately.

(motion, roll call)

- C. Motion to approve the appointment of Jesse Stokke to the Park Board for a three-year term effective immediately.

(motion, roll call)

- D. Motion to approve the appointment of James Nelson to the Board of Appeals & Adjustments for a three-year term effective immediately.

(motion, roll call)

11. ORDINANCES

- A. **2020-02** An Ordinance Amending Hermantown Code Of Ordinances By Amending Section 920, Public Sewers And Private Disposal Systems, By Adding A New Section 920.05.1A, Certificate Of Building Sewer Compliance

Second Reading

(motion, roll call)

- B. **2020-03** An Ordinance Amending Hermantown Code Of Ordinances By Amending Section 240 – City Finances

First Reading

12. RESOLUTIONS *(Roll call will be taken only on items required by law and items requiring 4/5's votes, all others can be done by voice vote.)*

- A. **2020-23** Resolution Authorizing A Summary Of An Ordinance Amending Hermantown Code Of Ordinances By Amending Section 920, Public Sewers And Private Disposal Systems, By Adding A New Section 920.05.1A, Certificate Of Building Sewer Compliance

(motion, roll call)

- B. 2020-31** Resolution Approving Pay Request Number 20 For The Essentia Wellness Center To McGough Construction Co. LLC In The Amount Of \$61,735.00
- (motion, roll call)
- C. 2020-32** Resolution Awarding Contract For Automatic Door Openers In The Amount Of \$24,942.00 For The Essentia Wellness Center
- (motion, roll call)
- D. 2020-33** Resolution Authorizing And Directing The Mayor And City Clerk To Execute And Deliver A Joint Powers Agreement Between The Bureau Of Criminal Apprehension (BCA) And City Of Hermantown
- (motion, roll call)
- E. 2020-34** Resolution Establishing Procedures Relating To Compliance With Reimbursement Bond Regulations Under The Internal Revenue Code
- (motion, roll call)
- F. 2020-35** Resolution Ordering The Removal Of The Lindahl Road Bridge Over Midway River And Creating A Dead End At That Location
- (motion, roll call)
- G. 2020-36** Resolution Approving A Flag Lot Subdivision Of 5227 Maple Grove Road And Authorizing City Staff To Execute Such Subdivision Upon The Satisfaction Of Certain Conditions
- (motion, roll call)
- H. 2020-37** Resolution Approving Preliminary Planned Unit Development For The Pillars Of Hermantown Development
- (motion, roll call)
- 13. RECESS**

DATE: 2020

TO: City Council Members

FROM: John Mulder, City Administrator

RE: Correspondence

In your packet is a correspondence summary log. This briefly summarizes and assigns a log number for written correspondence received at City Hall. You are provided with the summary so that you may request a full copy of any correspondence article of interest to you. Bonnie & I have copied only the correspondence that we believe to be of special interest.

JM

2/13/2020	20-30	Paul Senst, Public Works Director	Steve Krasaway, St. Louis County Public Works	Swan Lake, Stebner, Airbase & Airport Approach Roads Schedule	2/12/2020
2/14/2020	20-31	Eric Johnson, Community Development Director	Planning & Zoning Commission	Brad & Jackie Johnson, Subdivision, 5227 Maple Grove Rd.	2/11/2020
2/14/2020	20-32	Eric Johnson, Community Development Director	Planning & Zoning Commission	Preliminary Planned Unit Development, Oppidan, 5097 Maple Grove Rd.	2/11/2020
2/19/2020	20-33	Marianne Bohren, WLSSD	WLSSD	Discharge Monitoring Report	2/14/2020
2/19/2020	20-34	St. Louis County	City of Hermantown	Property Tax Exemption	2/14/2020



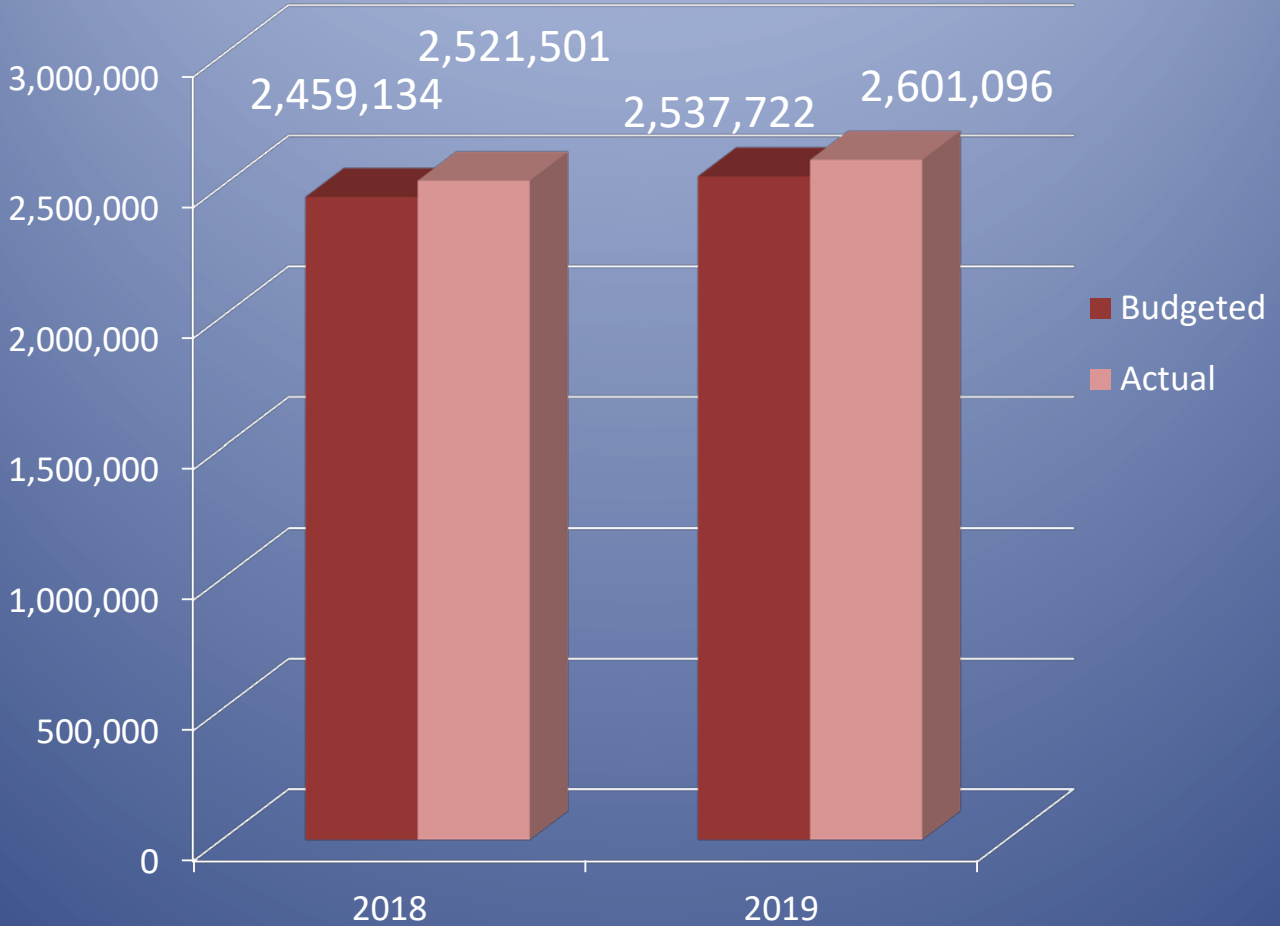
The 2019 Annual Report Hermantown Police Department



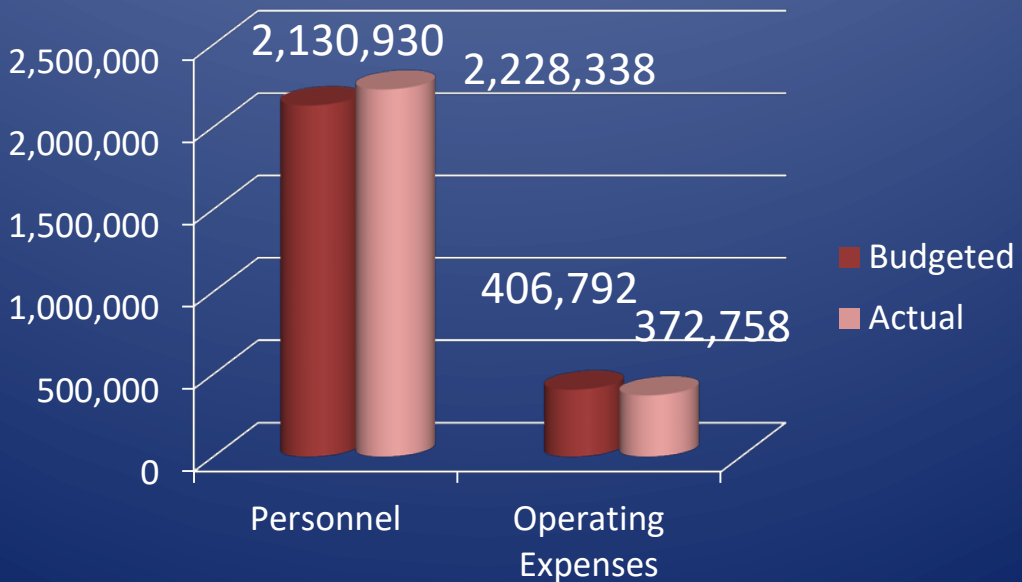
Chief Jim Crace

Budget

Yearly Budget Comparison

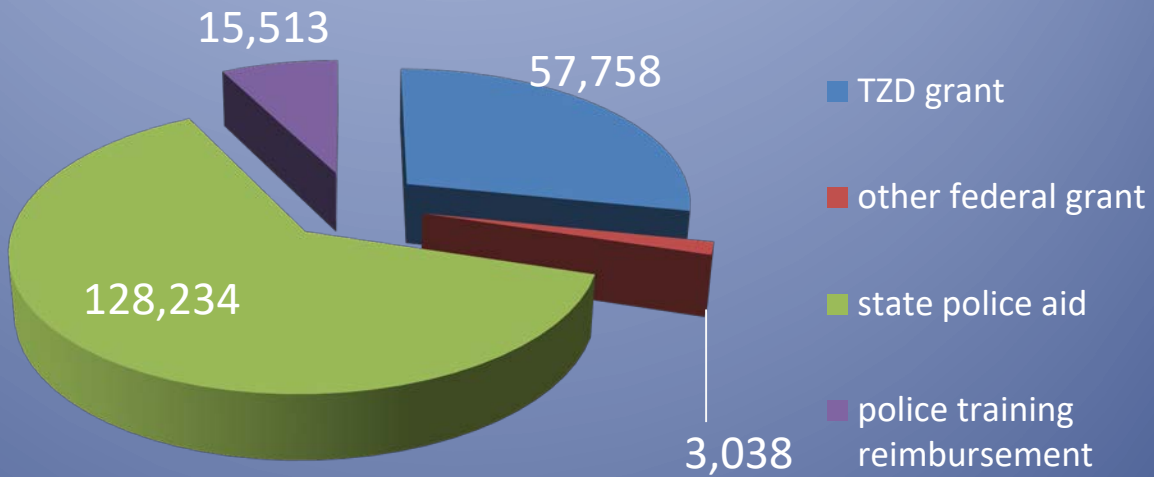


2019 Budget Expenses

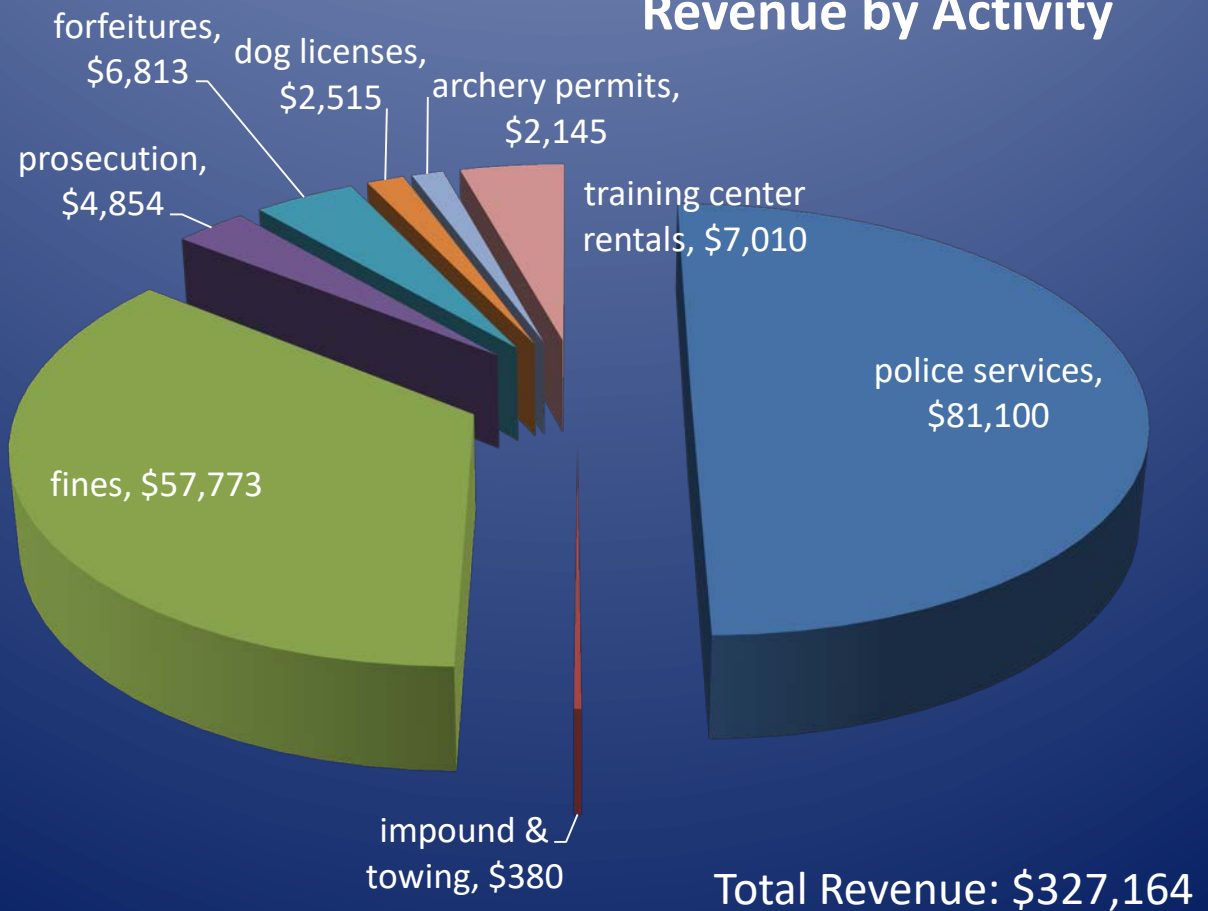


Revenue

Revenue by Program



Revenue by Activity



Fleet

HPD has twelve vehicles in the fleet. Most are driven primarily for patrol functions. All squads except the Detective vehicle are fully equipped and can be used for primary patrol. HPD traditionally buys two squads per year to keep the fleet in good working order. Squads are replaced at around 90,000 miles to protected against costly repairs. HPD logged over 179,000 miles in 2019.

Squad Miles

Assignment	Squad #	Year/Model	Jan 2019	Jan 2020	Miles Driven
			Mileage Reading		
Investigative Commander	10	2015 Durango	23,838	31,789	7,951
Patrol Commander	11	2014 Charger	65,228	70,340	5,112
Sergeant / K-9 Officer	12	2015 Interceptor	68,294	84,178	15,884
Patrol Sergeant	13	2014 Interceptor	44,610	57,803	13,193
K-9 Officer	14	2016 Interceptor	72,207	94,895	22,688
Patrol Officers	15	2016 Interceptor	90,441	16,713	16,713
SRO	16	2018 Silverado	5,568	11,058	5,490
Patrol Officers	17	2018 Interceptor	62,765	98,370	35,605
Patrol Officers	18	2018 Interceptor	51,941	73,792	21,851
Detective	19	2018 Interceptor	3,748	10,260	6,512
Chief	20	2015 Tahoe	43,550	52,229	8,679
Patrol Officers	21	2019 Tahoe	0	25,309	25,309
TOTAL MILES DRIVEN					184,987

Staffing

Chief



**Commander
Patrol**



**Commander
Investigations /
Administrative**



**Sergeant
Patrol**



**Sergeant
Patrol**



Detective



SRO



**A Crew
Patrol**



**B Crew
Patrol**



**Evidence
Tech**



Clerical



Staffing

Personnel	Position	Begin Service	End Service	Years of Service
James Crace	Chief of Police	04/01/11		8
Mark Gunderson	Commander - Patrol	05/03/04		15
Jon Esterbrooks	Commander -Inv / Admin	02/17/09		10
William Marsolek	Sergeant	02/27/93		26
Griffin Pfeiffer	Sergeant / K9 Officer	07/21/08		11
Jason Salo	Officer	10/17/05		14
Lisa Volk	Detective	06/02/06		13
Timothy Battaglia	SRO / Officer	06/15/09		10
Jon Pernu	K9 Officer	04/29/13		6
Jon Enright	Officer	12/29/14		5
Jake Williams	Officer	09/18/15		4
Gary Kneisl	Officer	10/16/17		2
Erika Johnson	Officer / SRO	10/16/17		2
Jeff Dwyer	Officer	09/04/18		1
Quinn Mischke	Officer	10/15/18		1
Jessica Sorensen	Lead Clerical	08/10/04		15
Luanne McMillan	Clerical	08/17/04		15
Dana Ross	Clerical / Evidence Tech	07/20/15		4
Total years of service at HPD for current staff				162

Community Involvement



In 2019, Hermantown officers were very involved in the community . We won our annual Battle of the Badges blood drive competition with the Hermantown Volunteer Fire Department at every Summerfest. We organized the first annual community National Night Out at the Public Safety Building and it was a huge success. We participated in Shop with a Cop and Toys for Tots in December, our annual Bike Rodeo in June, and we often read to elementary school kids.

School Resources

For the 2019-2020 school year, Officer Erika Johnson began her assignment as School Resource Officer. She works in the schools full time during the school year; primarily in the high school, but services extend to the middle school, elementary, and early childhood as needed.



In addition, patrol officers frequent the school area in the morning and afternoon to ensure the safety of our students as they arrive and leave.



Although D.A.R.E. has typically been taught to 6th graders in Hermantown, we are making a switch to teach 5th graders. The world is changing around us and it's important to teach kids early. So that no students would miss out, Officer Johnson spent time teaching the D.A.R.E. curriculum to both 5th and 6th grades this fall. This includes incorporating real stories, scenarios, and videos that they can relate to.



D.A.R.E students celebrated their graduation with a party, complete with refreshments, games, and a photo booth.

K9 Officers

Police Dogs are used to find hidden evidence and narcotics, track suspects and lost people, community policing activities, and for protecting officers in dangerous situations.

Our K9 Officers and their human partners are assigned to separate crews; this allows us to have a K9 Team on duty daily.



Officer Pernu and K9 Jack received the Region 18 Case of the Quarter award from the United States Police Canine Association. Officer Pernu and Jack assisted the Duluth Police Department after a drive-by shooting. They began a methodical search covering approximately 15 city blocks. K9 Jack located a black handgun buried within some bushes near a city park.



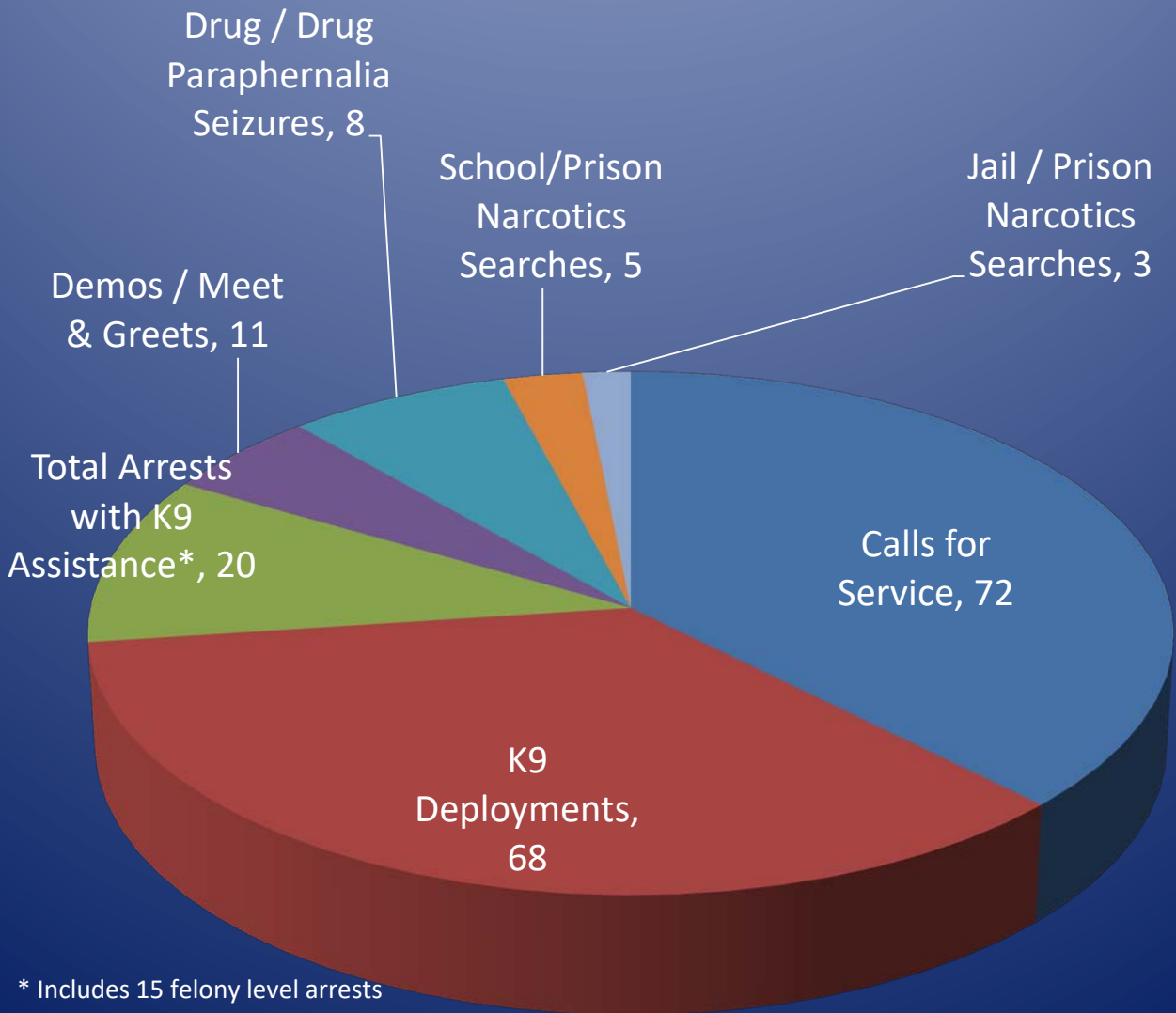
K9 Officers



In addition to responding to calls, our K9 officers, Tuuko and Jack, underwent over 300 hours of training.



K9 Service



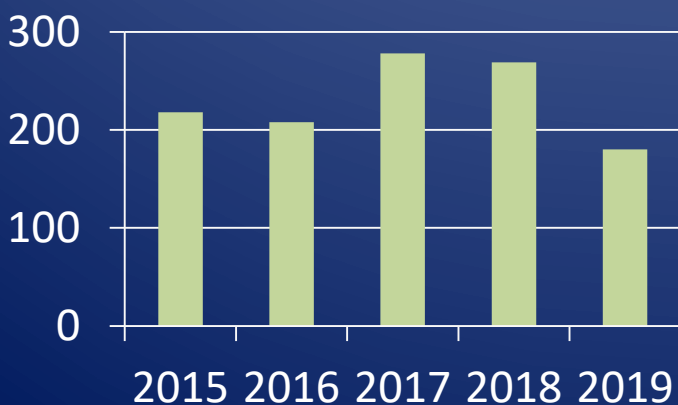
Our K9s also located two guns that had been used in crimes

Investigation Division

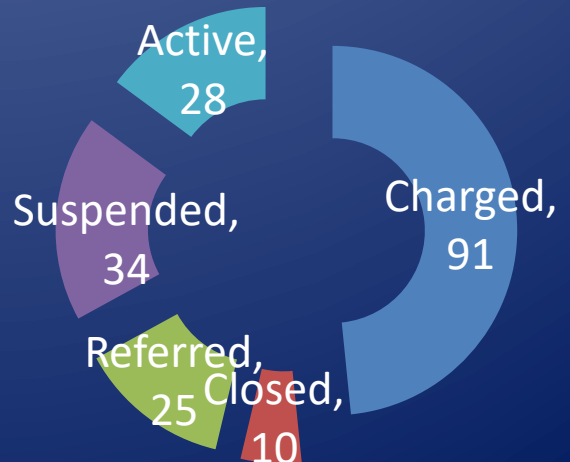
The HPD Detective Bureau is comprised of one Commander, one Detective, and one School Resource Officer. The responsibility of the Detective Bureau is to follow up on cases that did not reach disposition by our patrol officers. Traditionally, these are more complex cases that require time and extensive follow-up to solve. There were 180 cases assigned to Investigations in 2019. This number is significantly less than 2018 because we made changes to how cases are assigned, with patrol officers doing more follow up. As of February 4, 2020, 46% of cases assigned to the Detective Bureau have been charged.

Crime	Impact	Outcome	Time Spent on Case
1 st deg CSC / child porn		Charged/Pending	4 weeks
MV Theft		Charged/Pending	2 days
1 st deg sale (meth)		Charged/Pending	1 week
Theft by Swindle	\$345,453	Charged/Pending	4 weeks and counting
MV Theft		Active	2 weeks and counting
3 rd deg Murder / Overdose		Active	2 weeks and counting
1 st deg CSC		Active	1 ½ weeks and counting

Cases Assigned

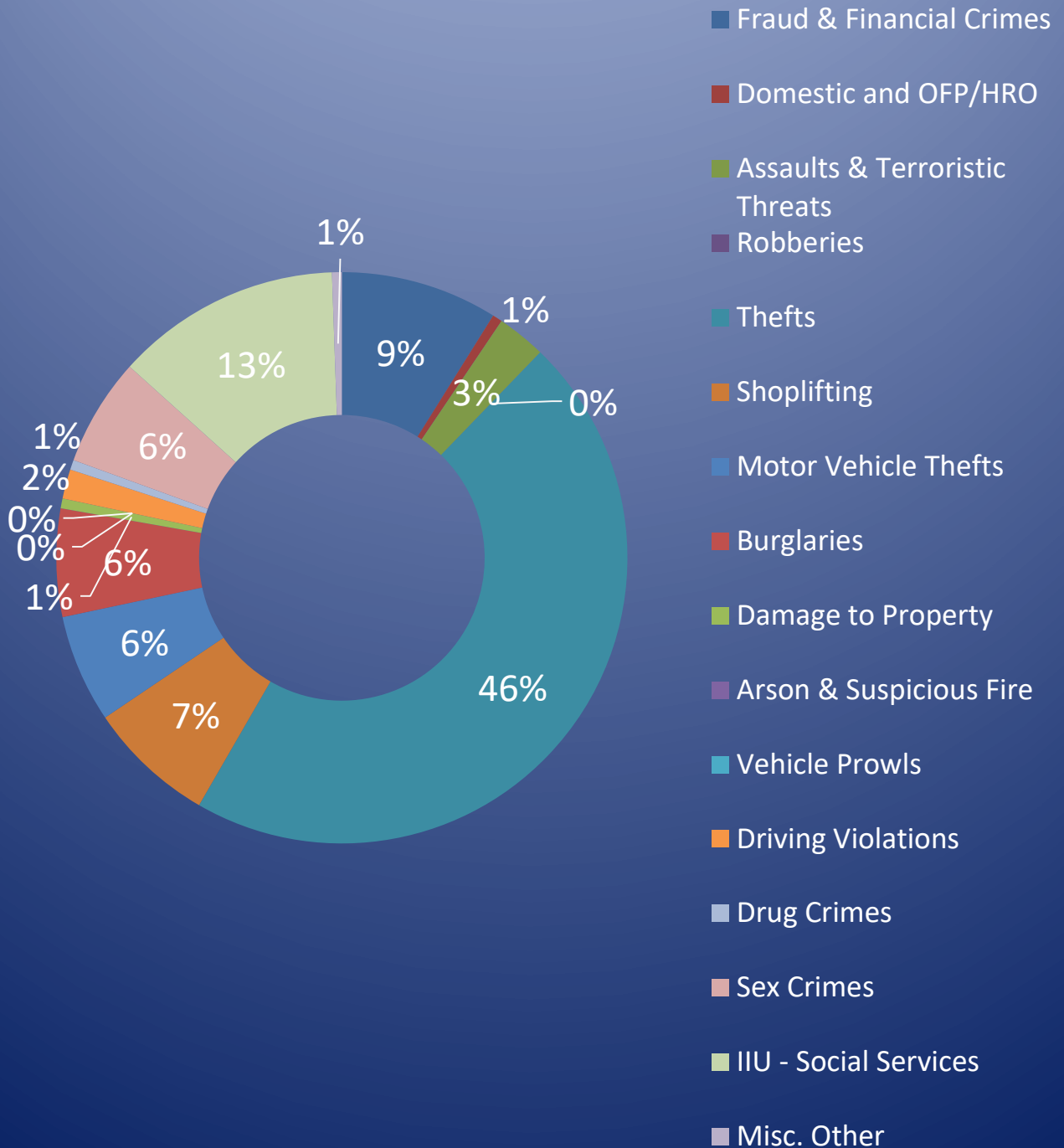


Case Clearance



Investigation Division

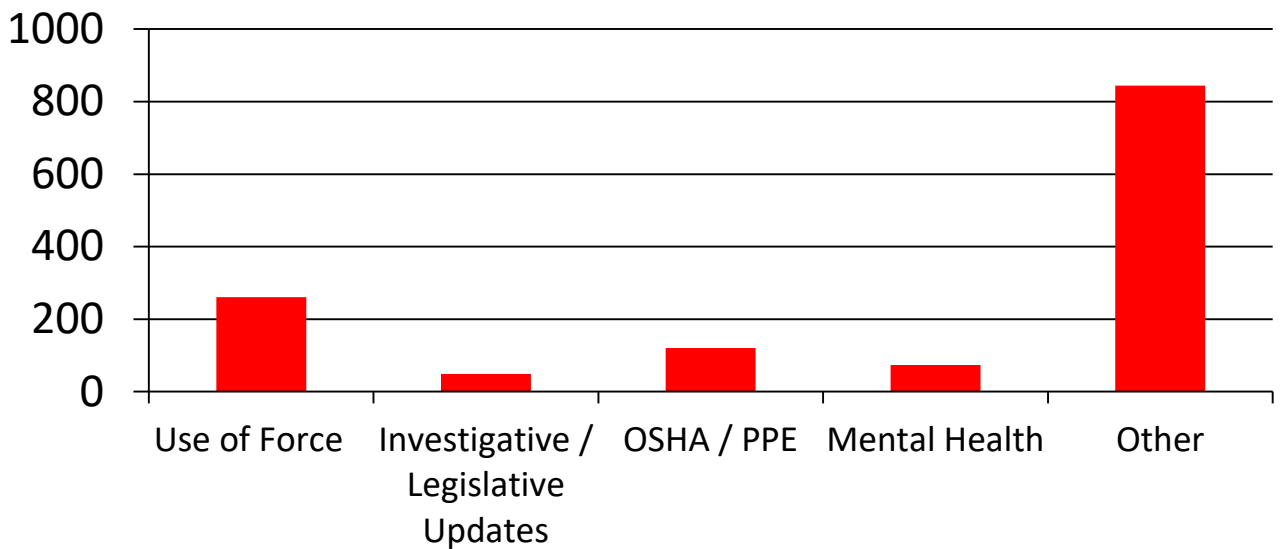
2019 Detective Bureau Activity by Type



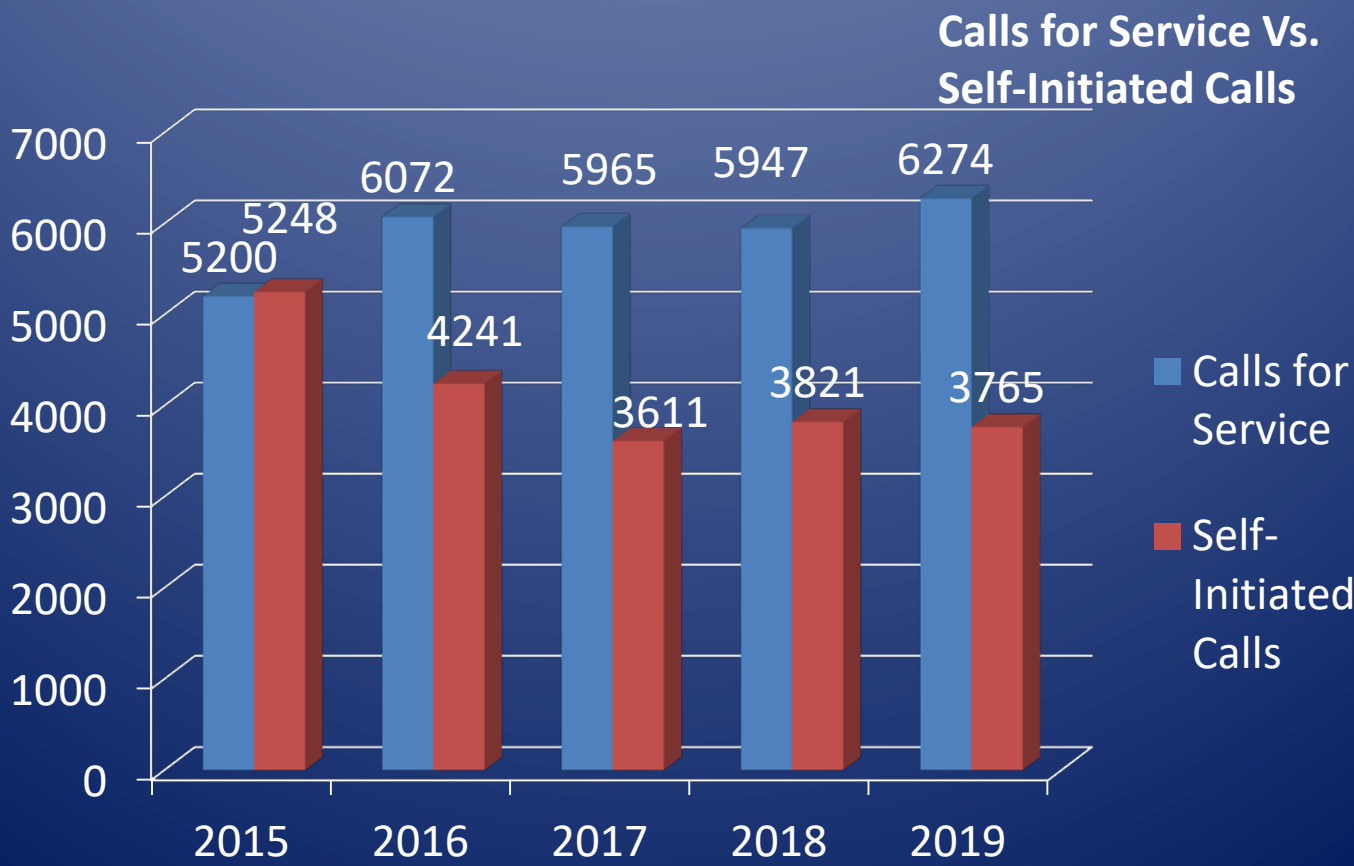
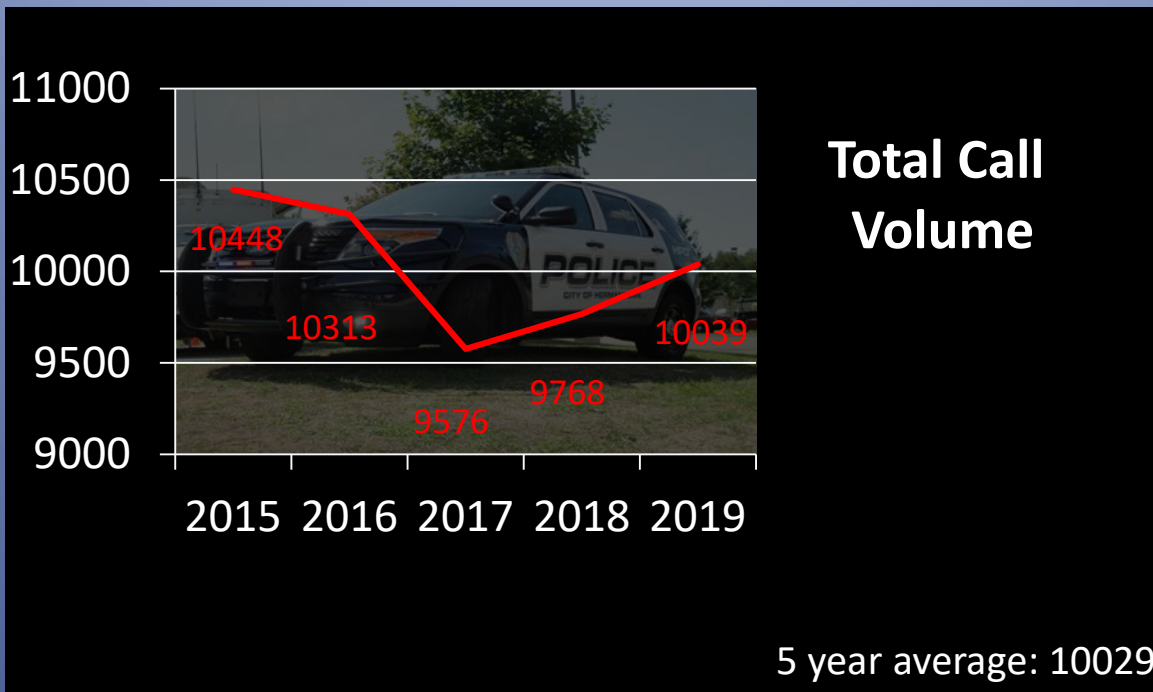
Training

Police officers have to put their life on the line occasionally, but they make life and death decisions on a regular basis. They also make decisions on whether or not to take away someone's freedom by incarcerating them. With this in mind, proper training is paramount to the successful delivery of effective service to the community. In 2019, your officers received over 1300 hours of training in many different areas. Proper training is directly related to quality delivery of service to the community and also minimizes potential for litigation.

Training Types



Agency Activity



Response Times

	2018	2019
Priority 1 Calls		
Avg Time Dispatch to Enroute	04:17	05:36
Avg Time Enroute to Arrival	04:47	01:17
Avg Time to On Scene	09:04	07:06
MINIMUM	0:01:13	0:00:02
MAXIMUM	0:22:52	0:47:44

Priority 2 Calls		
Avg Time Dispatch to Enroute	06:05	05:18
Avg Time Enroute to Arrival	04:55	02:46
Avg Time to On Scene	11:00	08:04
MINIMUM	0:01:18	0:00:02
MAXIMUM	1:03:14	1:20:07

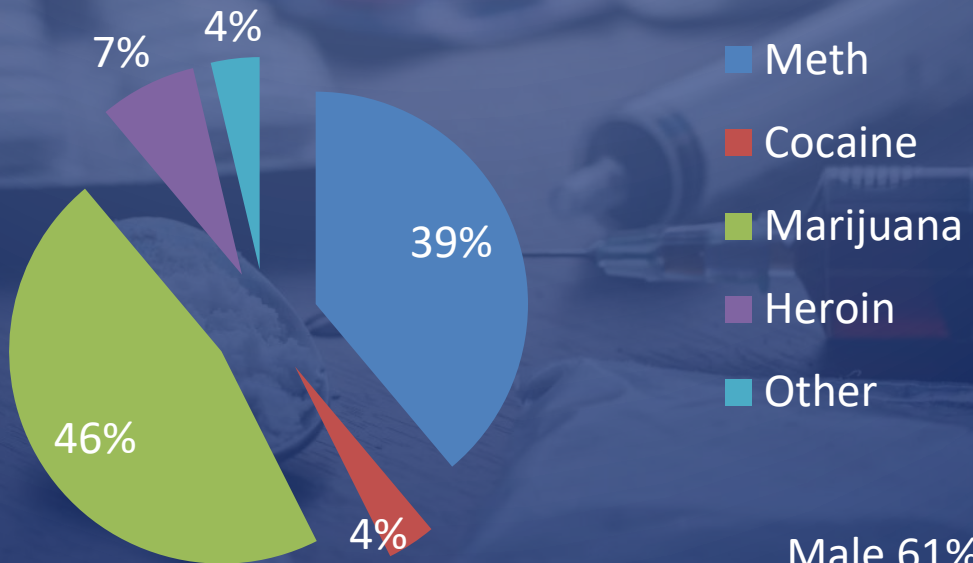
Priority 3 Calls		
Avg Time Dispatch to Enroute	08:01	07:55
Avg Time Enroute to Arrival	04:29	01:54
Avg Time to On Scene	12:29	09:48
MINIMUM	0:02:27	0:00:10
MAXIMUM	0:47:52	0:52:36

Arrests

2019 Part 1 & 2 Arrest Data



Drug Related Arrests

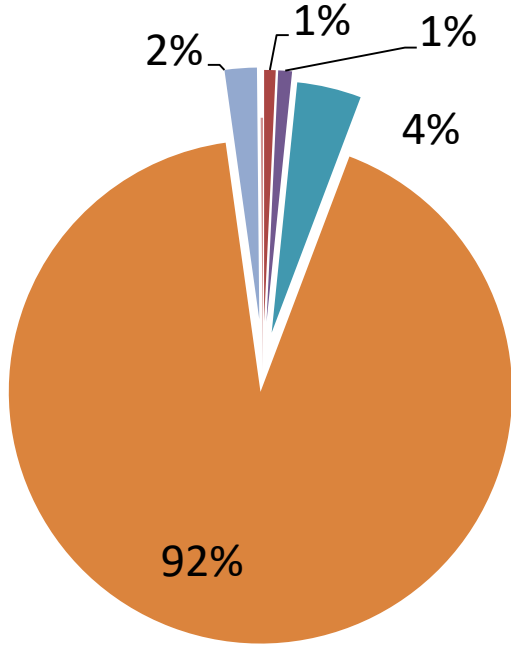


Male 61%
Female 39%

Crime Statistics

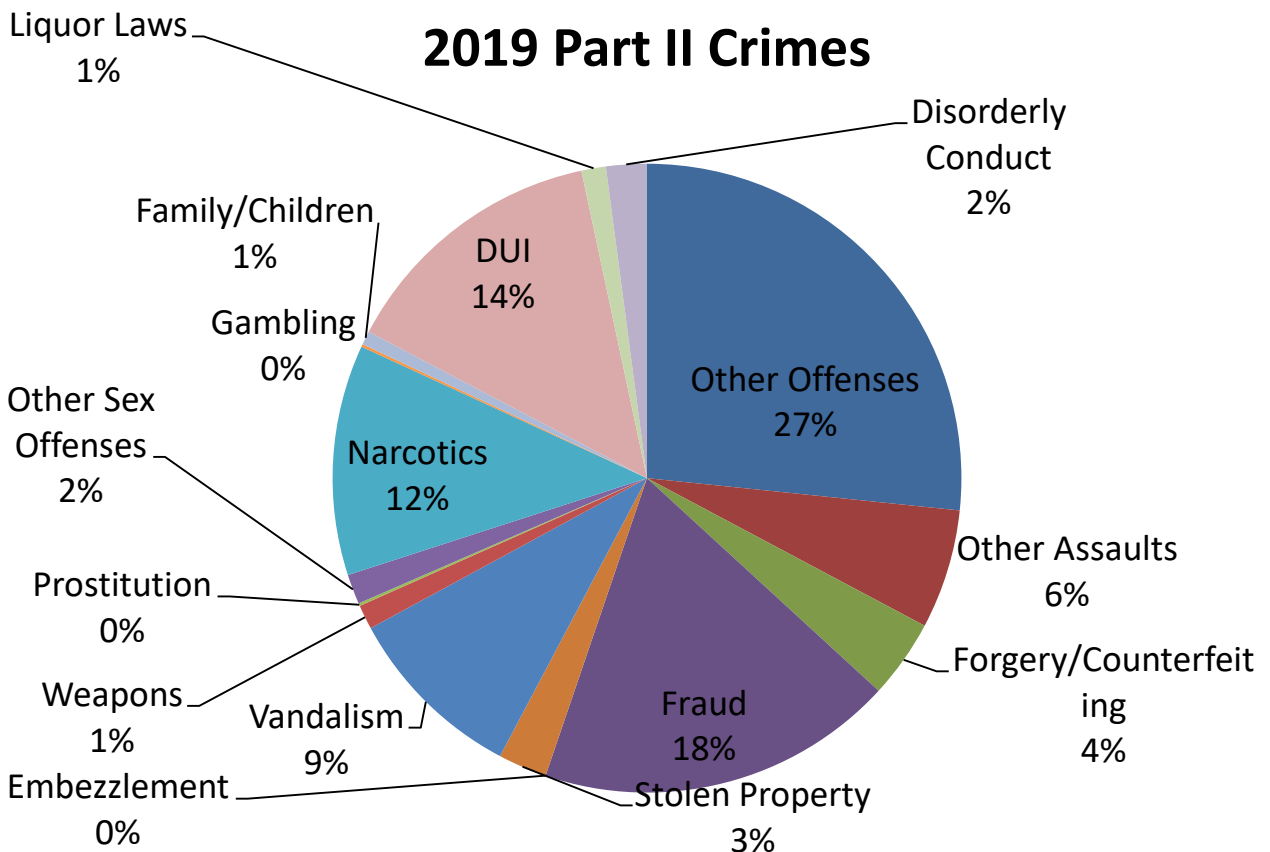
*includes "attempted" crimes

2019 Part I Crimes



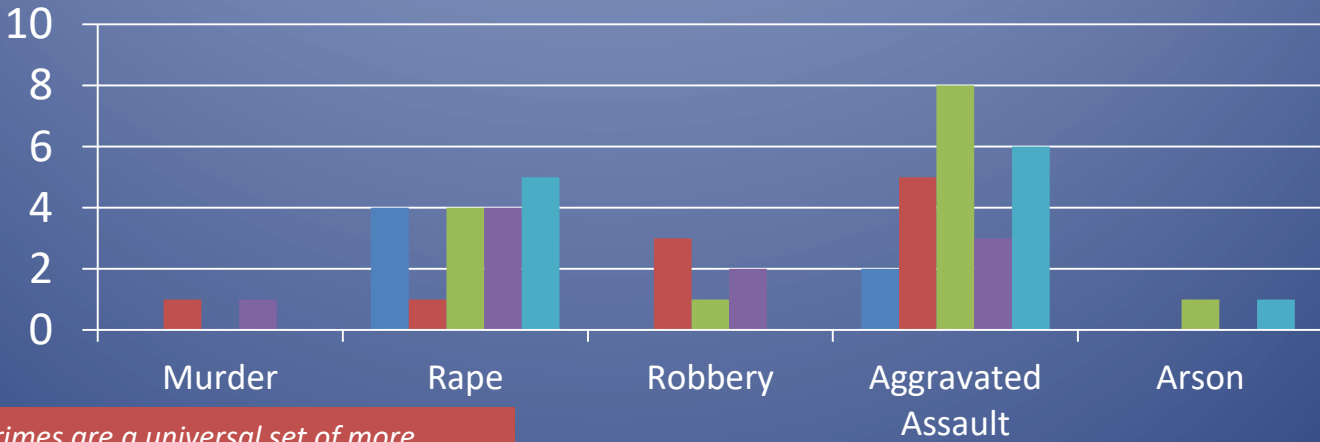
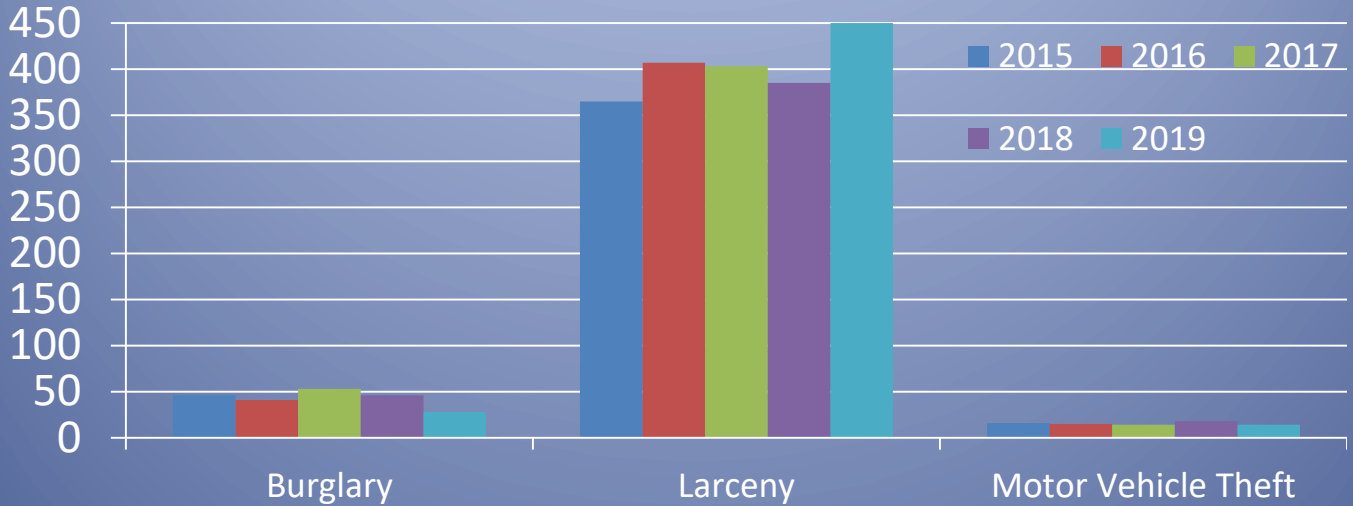
- Murder
- Rape
- Robbery
- Aggravated Assault
- Burglary
- Larceny
- Motor Vehicle Theft
- Arson

2019 Part II Crimes



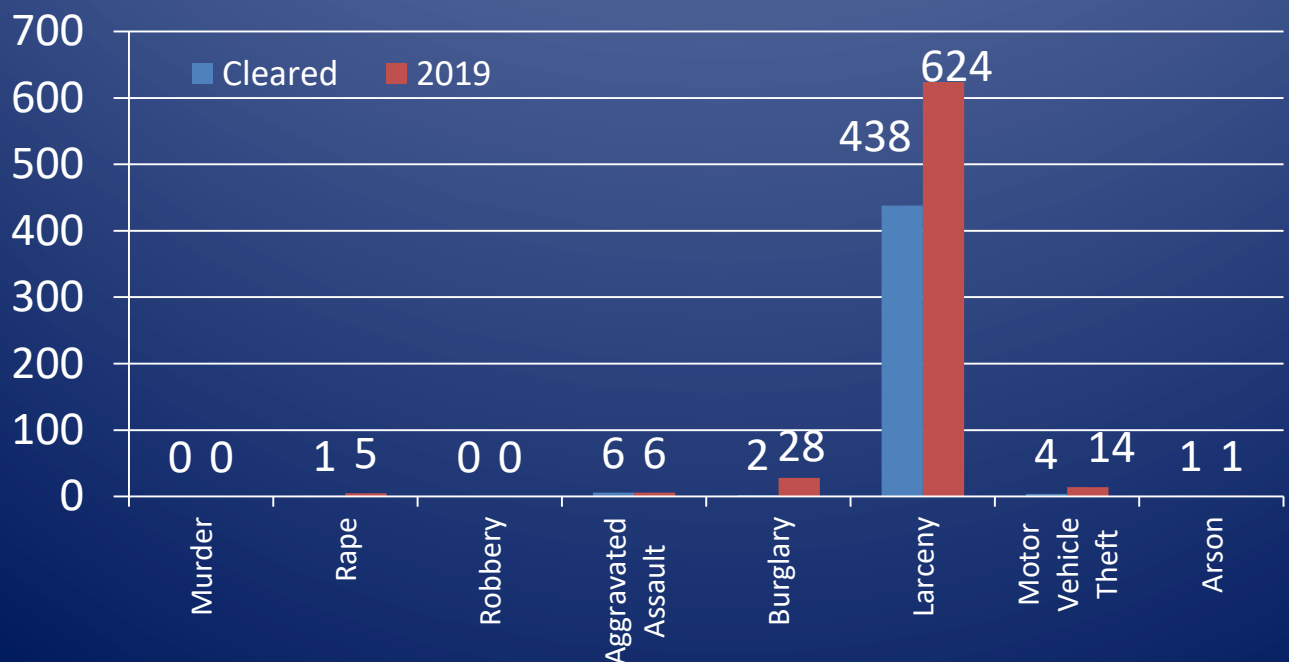
Crime Statistics

Part I Crimes by Year



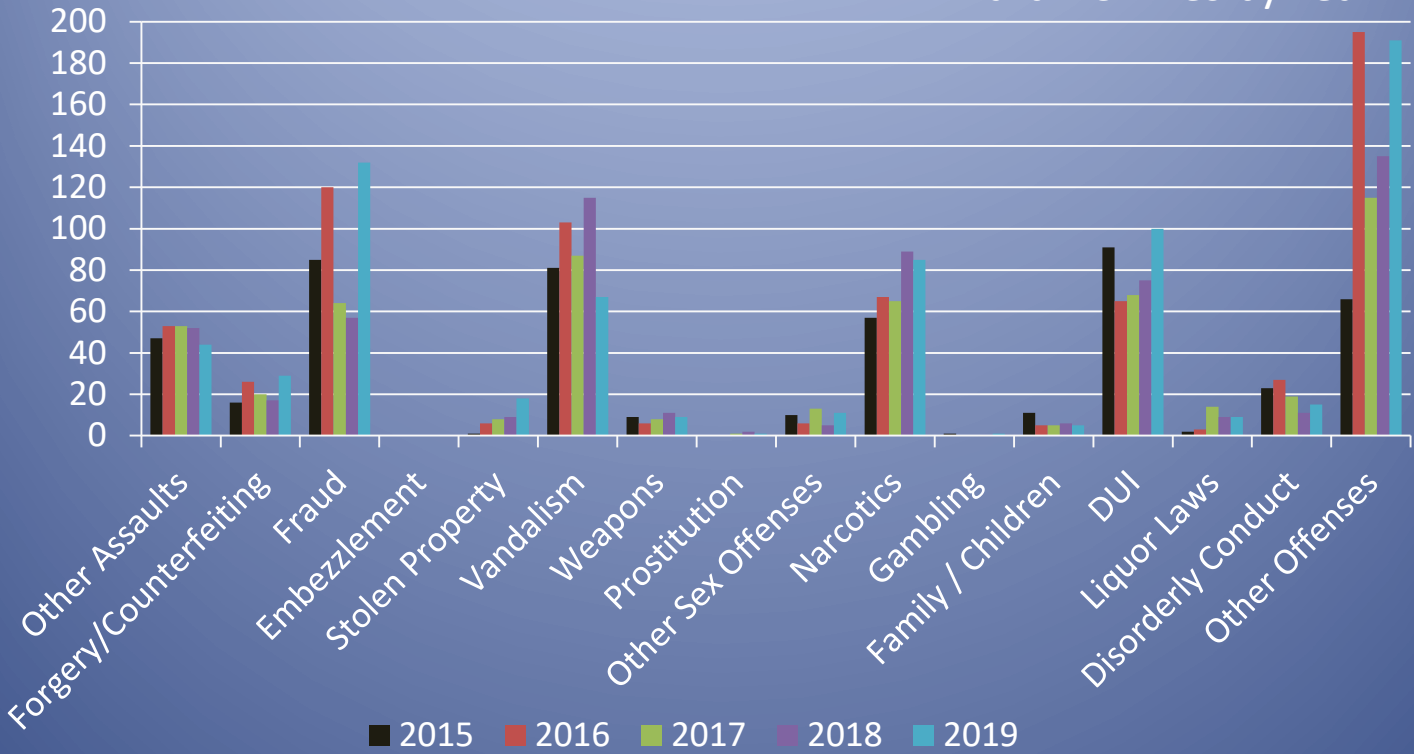
Part I crimes are a universal set of more serious crimes and are traditionally a higher priority for law enforcement.

2019 Clearance Rate for Part I Crimes

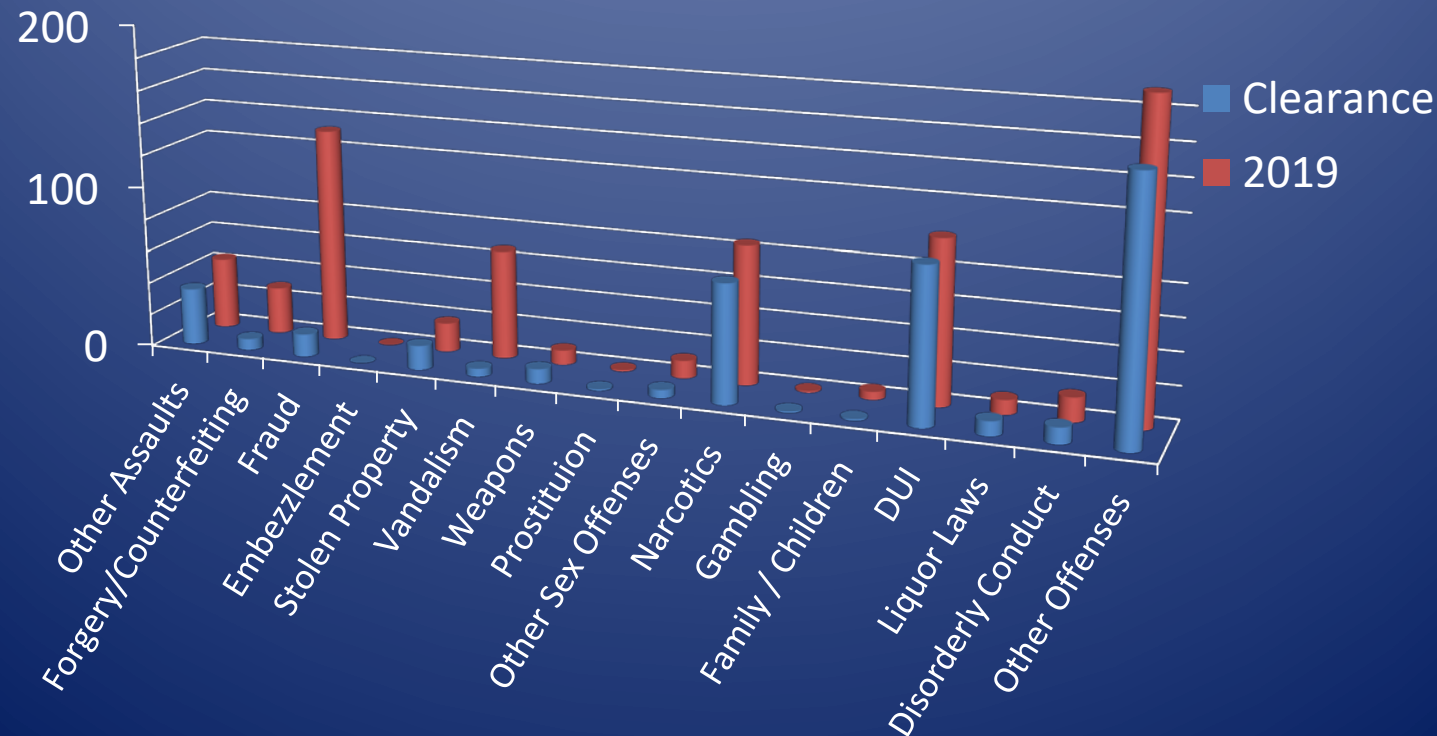


Crime Statistics

Part II Crimes by Year



Part II Clearance by Crime Type



Clearance rates can change with time; this graph is based on rates as of February 3, 2020.

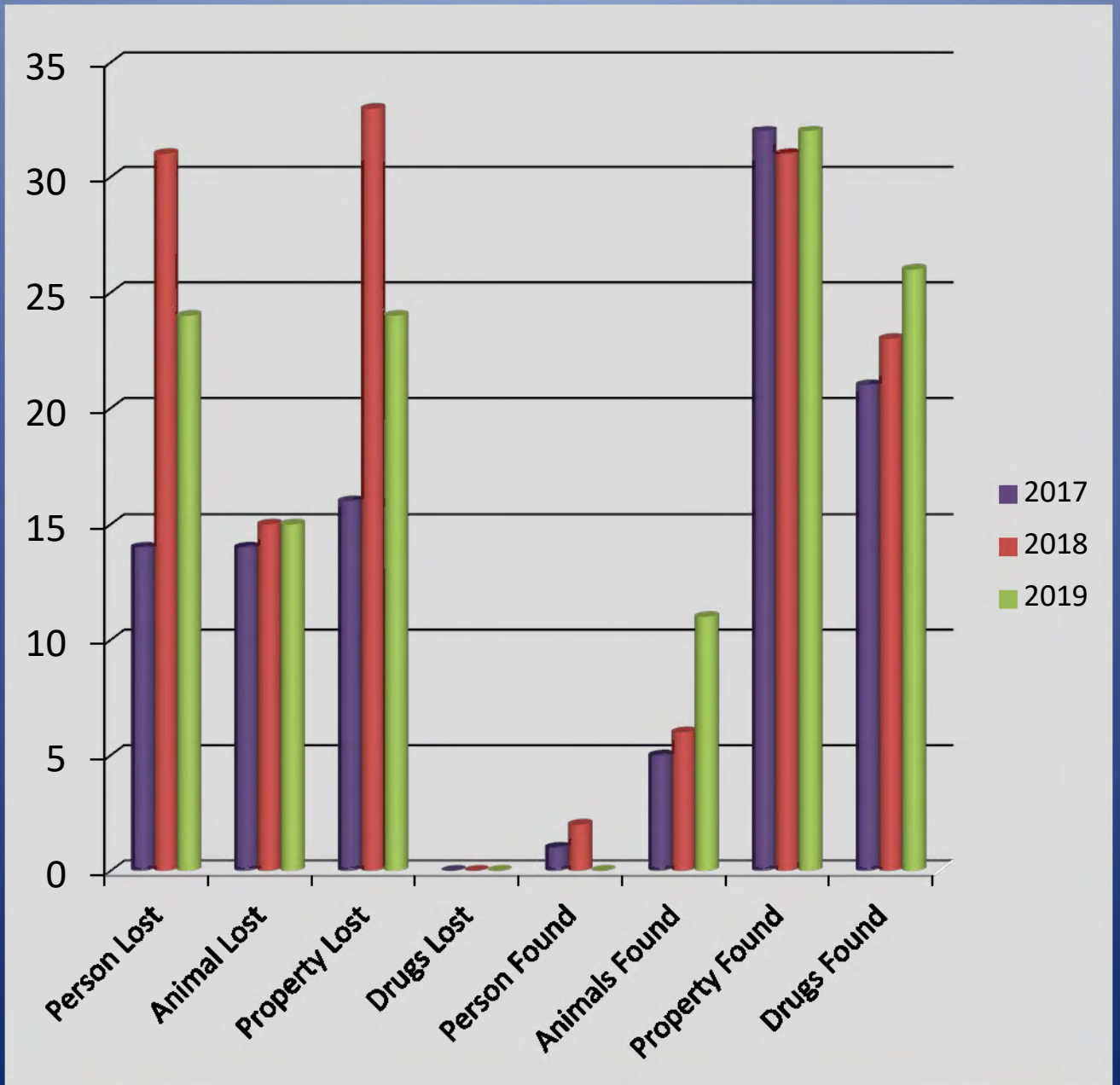
Yearly Activity Overview

Offense 1	Total	0001 – 0759 hrs	0800 – 1559 hrs	1600 – 2359 hrs
Rape	4	1	1	2
Arson	1		1	
Aggravated Assault	5		1	4
Burglary	27	3	20	4
Larceny	602	20	331	251
Motor Vehicle Theft	12	2	9	1
Gambling	1		1	
Other Assaults	31	6	11	14
Forgery / Counterfeiting	24	3	17	4
Fraud	116	3	91	22
Stolen Property	5	2	3	
Vandalism	44	8	28	8
Weapons	3	1		2
Prostitution				
Other Sex Offenses	10		8	2
Narcotics	32	5	11	16
Family / Children	4		1	3
DUI	48	14	5	29
Liquor Laws	8	1	3	4
Disorderly Conduct	11		7	4
Other Offenses	82	11	35	36
N/A (Misc)	8854	1526	3833	3589
TOTALS	9903	1570	4474	3995

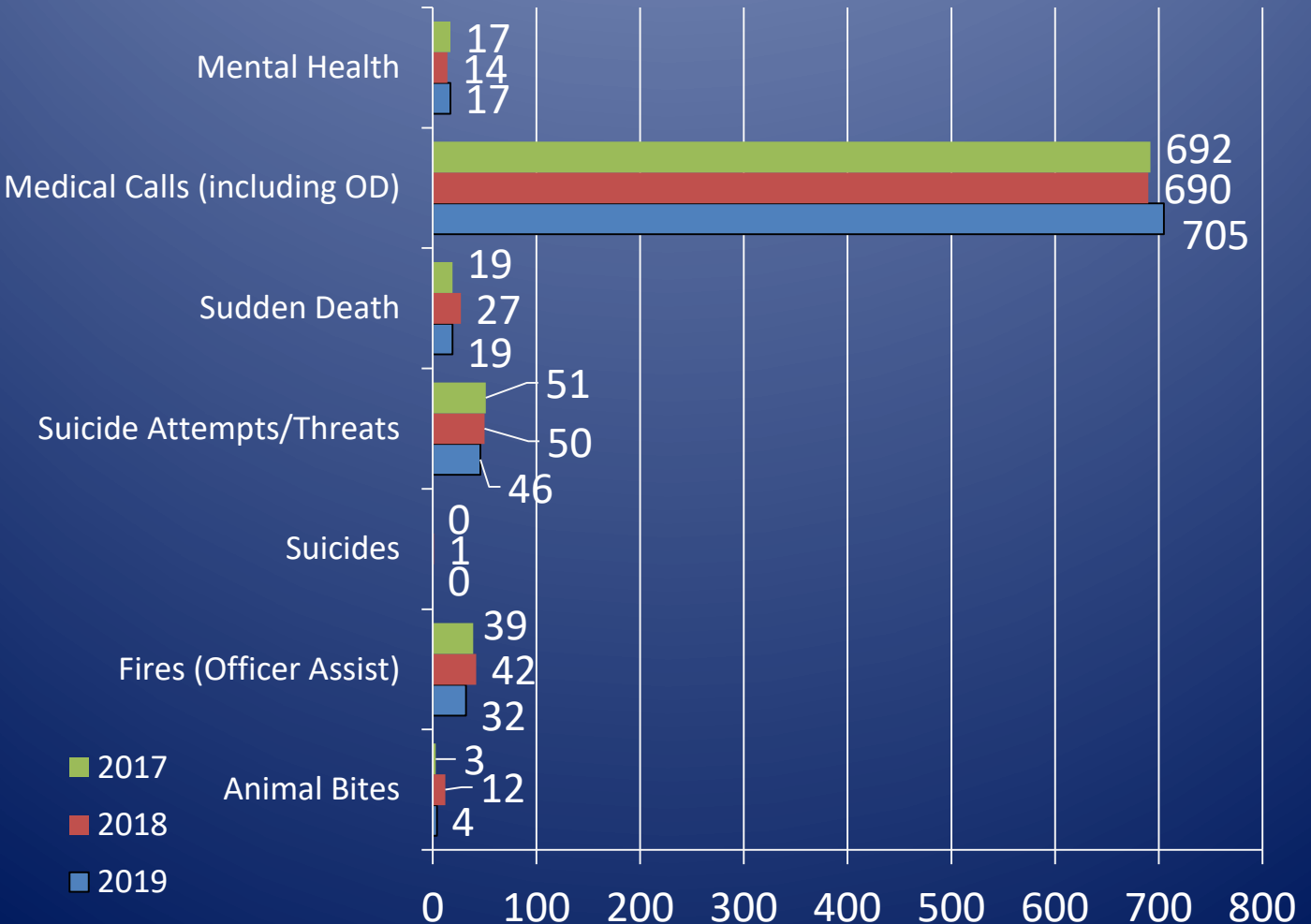
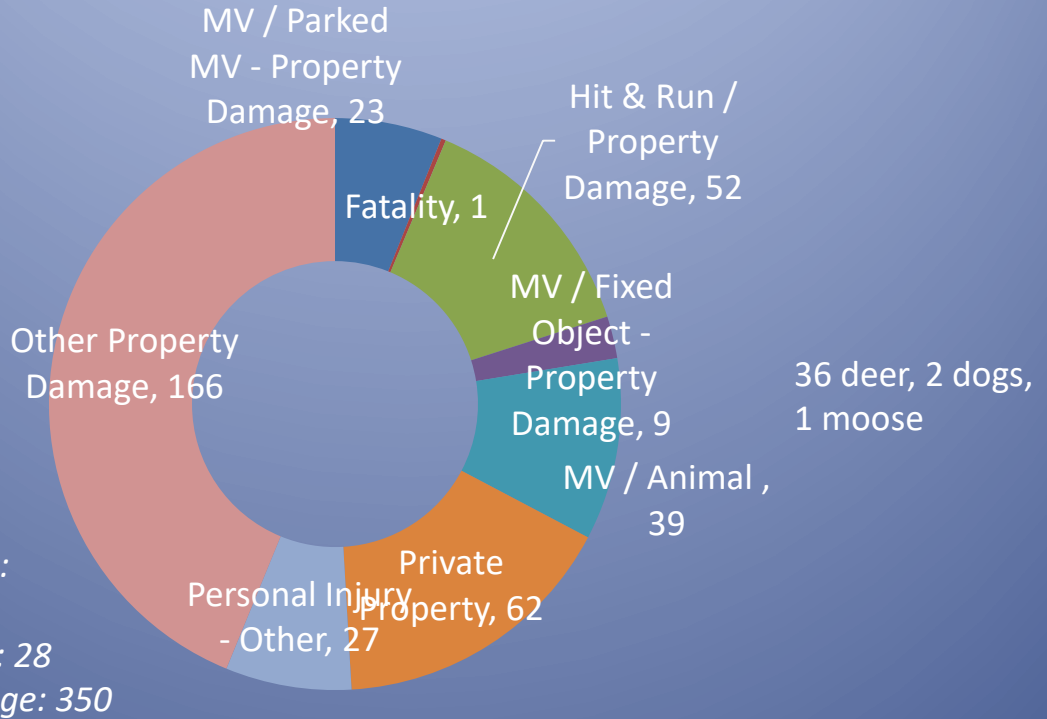
Monthly Activity Overview

<i>Offense 1</i>	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
Rape				1			2	1				
Arson											1	
Aggravated Assault					1	2				1		1
Burglary	2	4	2		4		5	2	1	5	2	
Larceny	42	30	50	46	41	48	52	74	45	67	63	44
Motor Vehicle Theft	1		1	2		1	1	2	1	1	2	
Gambling			1									
Other Assaults	4	1	3	4	6	3		3	2	2	2	1
Forgery / Counterfeiting	3	1			2	1	2	2	2	6	3	2
Fraud	3	3	3	1	2	24	48	3	12	8	5	4
Stolen Property							1	1	2		1	
Vandalism	1		2	4	6	1	3	3	8	8	6	2
Weapons								1	1	1		
Other Sex Offenses	1	1	2	2		1				1		2
Narcotics	1	3	5	3	3	2	2	4	3	1	2	3
Family / Children		1		2		1						
DUI	6	3	4	5	2	3	6	2	6	3	3	5
Liquor Laws		2			2		1			3		
Disorderly Conduct		2	1	2	1		1	2		1	1	
Other Offenses	6	1	9	10	11	2	4	6	9	6	13	5
N/A (Misc)	737	675	710	846	843	822	794	724	792	719	664	643
TOTALS	807	727	793	928	924	911	922	830	884	833	768	712

Part III Lost and Found



Part IV Casualties



Part V Miscellaneous Public

	<u>2017</u>	<u>2018</u>	<u>2019</u>
Deer Complaints	80	66	69
Dog Complaints	125	122	112
Bear Complaints	8	8	10
Horse Complaints	3	3	3
Other Animal Complaints	23	23	32
Check on Welfare	187	189	219
Check Hazard	163	157	199
Request for Extra Patrol	37	27	27
Doors & Windows Found Open	13	12	24
Motorist Assist	57	81	101
Open Car Door	84	71	85
Towed/Abandoned Vehicle	5	5	10
Suspicious Person	2	3	8
Suspicious Vehicle	109	132	113
Suspicious Activity	381	358	366
Illness & Death Notices	3	2	4
Attempt to Locate	327	293	265
Civil Problem	57	52	68
Kid Trouble	43	50	32
911 Hang-Up	28	27	36
Fire/ Security Alarm	260	279	284
Public Assist	252	182	186
Snowmobile/ATV Disturbance	7	1	3
CO Detector	7	10	7

Part V Miscellaneous Public – cont.

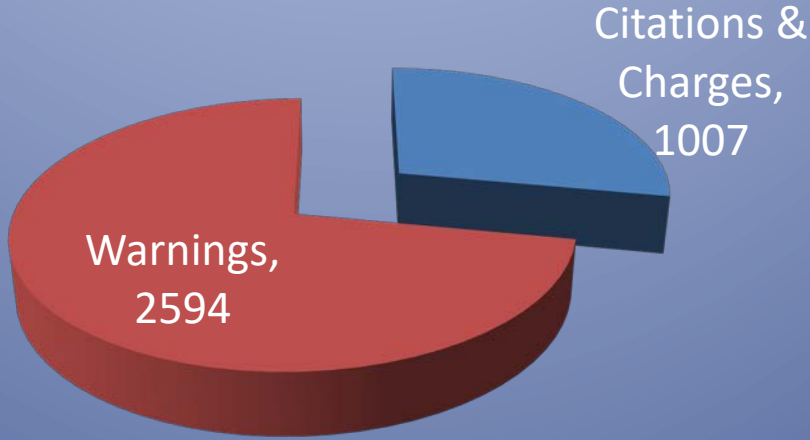
	<u>2017</u>	<u>2018</u>	<u>2019</u>
Residence/Non-residence check	758	985	747
General Disturbance	216	225	234
Domestic Disturb (verbal)	33	30	20
Shots Heard	24	5	11
Unwanted Person	167	142	290
Dog License Issued	166	179	132
Motor Vehicle in Ditch	63	53	79
Fingerprinting	251	380	351
All Other Calls For Service	545	817	716
TOTAL	4484	4969	4843

Part V Miscellaneous Officer

	<u>2017</u>	<u>2018</u>	<u>2019</u>
Assist Other Agency	472	248	267
Gun Permits	94	92	87
Traffic Control	38	31	43
Serve Subpoena/ Civil Process	5	7	0
Predatory Offender Registration	22	33	38
Liquor License Check	18	19	22
Tobacco License Check	23	18	21
ATV Permits	2		
Archery Permits	142	125	125
Other	47	95	61
TOTAL	863	668	664

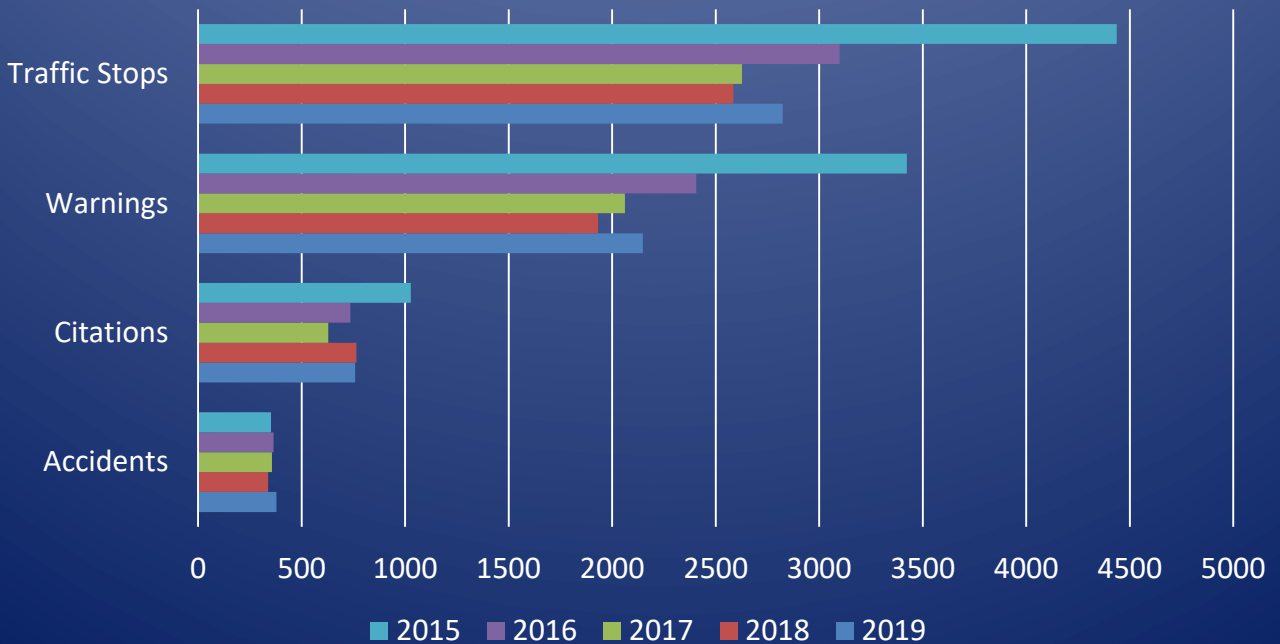
Traffic

Traffic Stops



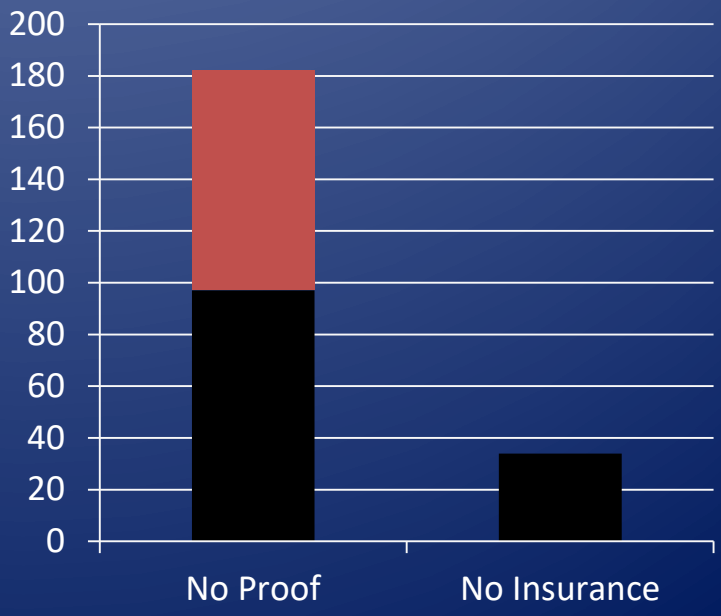
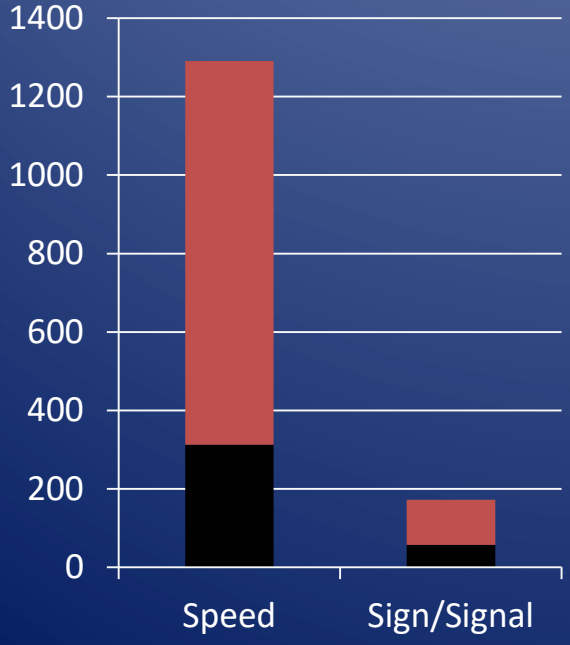
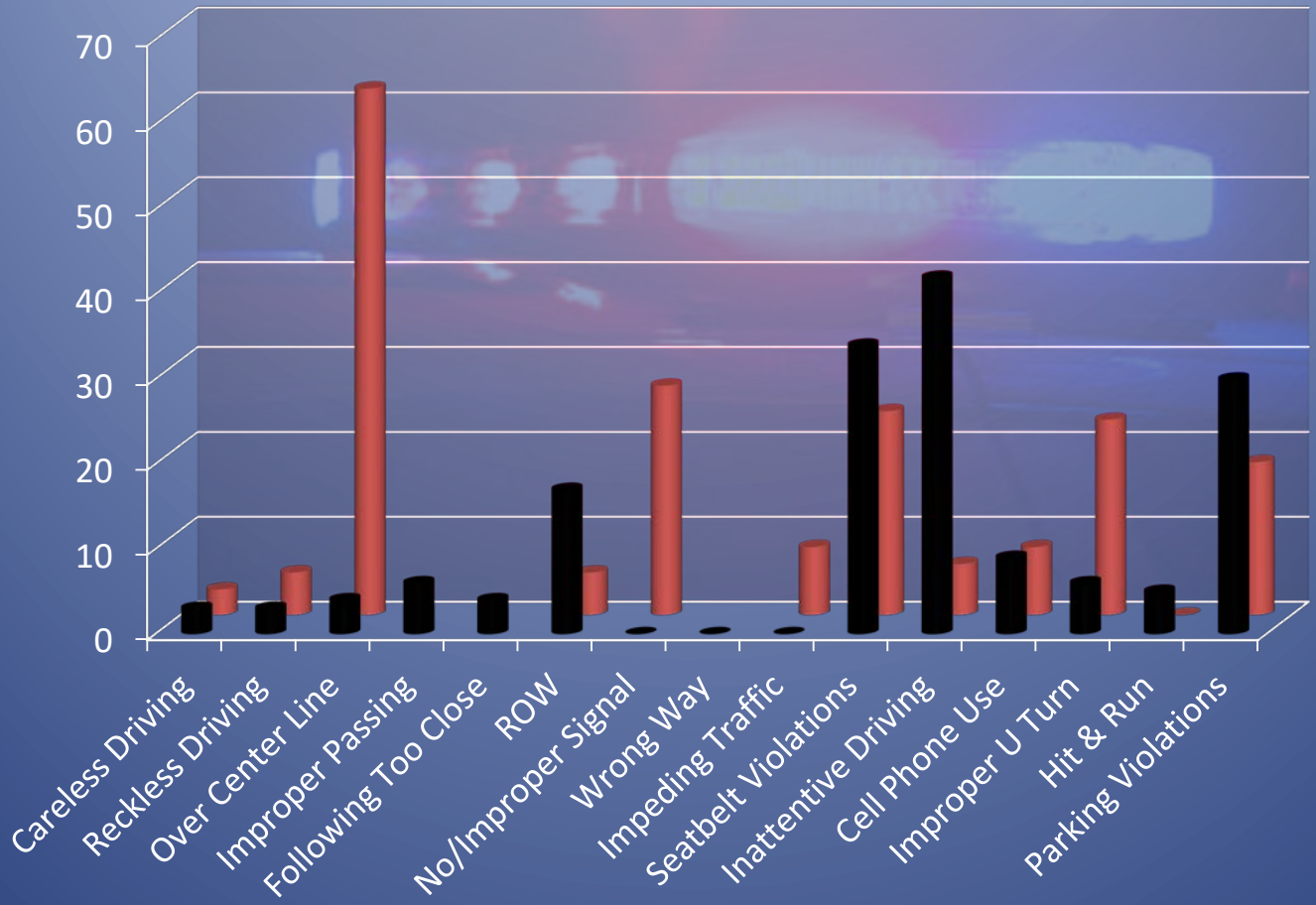
Traffic enforcement is an important element in providing public safety services. Our goal is to influence the behaviors of those driving in our community to ensure safe roadways. Officers have the discretion to determine the best disposition to effectively influence those drivers' behaviors when conducting traffic stops. Routine traffic stops often lead to additional criminal behavior discoveries with additional consequences, which may include arrest and/or vehicles being towed.

Traffic Offenses and Accidents



Traffic

■ Charged
■ Warned



THANK YOU FOR YOUR
CONTINUED SUPPORT OF THE
POLICE DEPARTMENT IN 2019.



CITY OF HERMANTOWN
CITY COUNCIL CONTINUATION MEETING
February 18, 2020
6:30 p.m.

Pledge of Allegiance

ROLL CALL: Councilors Nelson, Peterson, Schmidt, Mayor Boucher

CITY STAFF: Bonnie Engseth, City Clerk; Eric Johnson, Community Development Director; Kevin Orme, Director of Finance & Administration; Joe Wicklund, Communications Manager; Steve Overom, City Attorney

ABSENT: Councilor Geissler

VISITORS: 8

ANNOUNCEMENTS

Councilor Peterson congratulated the Hermantown/Proctor Mirage for a successful season and good luck to Cloquet at the state tournament.

PUBLIC HEARING

COMMUNICATIONS

Communications 2020-26 through and including 2020-29 were read and placed on file.

PRESENTATIONS

PUBLIC DISCUSSION

Patricia Kellar, 4993 Maple Grove Rd. – She stated she is organizing a fund raiser for the American Cancer Society and wants to plant 8-foot maple trees along Maple Grove Rd. from Midway Rd. to Haines Rd.

Ken Sorensen, 4007 Haines Rd. – He stated he supports Patricia Kellar in her tree planting idea.

CONSENT AGENDA

Motion made by Councilor Schmidt, seconded by Councilor Nelson to approve the Consent Agenda which includes the following items:

- A. Approve February 3, 2020 City Council Minutes
- B. Approve general city warrants from February 1, 2020 through February 15, 2020 in the amount of \$1,288,040.22

Roll Call: Councilors Nelson, Peterson, Schmidt, Mayor Boucher, aye. Councilor Geissler, absent.
Motion carried.

MOTIONS

Motion made by Councilor Nelson, seconded by Councilor Schmidt to appoint John Geissler to the Board of Adjustment of the Duluth International Airport Joint Airport Zoning Board.

Roll Call: Councilors Nelson, Peterson, Schmidt, Mayor Boucher, aye. Councilor Geissler, absent.
Motion carried.

ORDINANCES

2020-02 An Ordinance Amending Hermantown Code Of Ordinances By Amending Section 920, Public Sewers And Private Disposal Systems, By Adding A New Section 920.05.1A, Certificate Of Building Sewer Compliance

Second Reading

Motion made by Councilor Peterson, seconded by Councilor Schmidt to table to March 2, 2020 Ordinance 2020-02, An Ordinance Amending Hermantown Code Of Ordinances By Amending Section 920, Public Sewers And Private Disposal Systems, By Adding A New Section 920.05.1A, Certificate Of Building Sewer Compliance. Motion carried.

RESOLUTIONS

2020-14 Resolution Receiving Bids And Awarding Contract For Section 24 Sewer Spur Improvement District No. 448 In the Amount Of \$4,209,784.30

Motion made by Councilor Schmidt, seconded by Councilor Peterson to adopt Resolution 2020-14, Resolution Receiving Bids And Awarding Contract For Section 24 Sewer Spur Improvement District No. 448 In The Amount Of \$4,209,784.30. Roll Call: Councilors Nelson, Peterson, Schmidt, Mayor Boucher. Councilor Geissler, absent. Motion carried.

2020-21 Resolution Appointing Election Judges For The Presidential Nomination Primary Election Of March 3, 2020

Motion made by Councilor Peterson, seconded by Councilor Nelson to adopt Resolution 2020-21, Resolution Appointing Election Judges For The Presidential Nomination Primary Election Of March 3, 2020. Roll Call: Councilors Nelson, Peterson, Schmidt, Mayor Boucher. Councilor Geissler, absent. Motion carried.

2020-22 Resolution Approving Pay Request Number 2 To George Bougalis & Sons, Co. In The Amount Of \$137,796.97

Motion made by Councilor Nelson, seconded by Councilor Schmidt to adopt Resolution 2020-22, Resolution Approving Pay Request Number 2 To George Bougalis & Sons, Co. In The Amount Of \$137,796.97. Roll Call: Councilors Nelson, Peterson, Schmidt, Mayor Boucher. Councilor Geissler, absent. Motion carried.

2020-23 Resolution Authorizing A Summary Of An Ordinance Amending Hermantown Code Of Ordinances By Amending Section 920, Public Sewers And Private Disposal Systems, By Adding A New Section 920.05.1A, Certificate Of Building Sewer Compliance

Motion made by Councilor Schmidt, seconded by Councilor Peterson to table to March 2, 2020 Resolution 2020-23, Resolution Authorizing A Summary Of An Ordinance Amending Hermantown Code Of Ordinances By Amending Section 920, Public Sewers And Private Disposal Systems, By Adding A New Section 920.05.1A, Certificate Of Building Sewer Compliance. Motion carried.

2020-24 Resolution Authorizing And Directing Mayor And City Clerk To Execute And Deliver A Master Services Agreement For Professional Services With Braun Intertec Corporation And Engineering Partners, Inc.

Motion made by Councilor Nelson, seconded by Councilor Peterson to adopt Resolution 2020-24, Resolution Authorizing And Directing Mayor And City Clerk To Execute And Deliver A Master Services Agreement For Professional Services With Braun Intertec Corporation And Engineering Partners, Inc. Roll Call: Councilors Nelson, Peterson, Schmidt, Mayor Boucher. Councilor Geissler, absent. Motion carried.

2020-25 Resolution Receiving Bids And Awarding Contract For 2020 Road Improvement District No. 531 & No. 532 In The Amount Of \$2,235,779.50

Motion made by Councilor Peterson, seconded by Councilor Schmidt to adopt Resolution 2020-25, Resolution Receiving Bids And Awarding Contract For 2020 Road Improvement District No. 531 & No. 532 In The Amount Of \$2,314,800.00. Roll Call: Councilors Nelson, Peterson, Schmidt, Mayor Boucher. Councilor Geissler, absent. Motion carried.

2020-26 Resolution Approving Authorization For Professional Services For Construction Materials Testing Services By Braun Intertec Corporation

Motion made by Councilor Nelson, seconded by Councilor Schmidt to adopt Resolution 2020-26, Resolution Approving Authorization For Professional Services For Construction Materials Testing Services By Braun Intertec Corporation. Roll Call: Councilors Nelson, Peterson, Schmidt, Mayor Boucher. Councilor Geissler, absent. Motion carried.

2020-27 Resolution Authorizing And Directing Mayor And City Clerk To Execute And Deliver Agreement For Professional Services With Bray & Reed, Ltd.

Motion made by Councilor Nelson, seconded by Councilor Schmidt to adopt Resolution 2020-27, Resolution Authorizing And Directing Mayor and City Clerk To Execute And Deliver Agreement For Professional Services With Bray & Reed, Ltd. Roll Call: Councilors Nelson, Peterson, Schmidt, Mayor Boucher. Councilor Geissler, absent. Motion carried.

2020-28 Resolution Authorizing And Directing Mayor And City Clerk To Execute And Deliver Agreement For The Use Of The City Of Hermantown Athletic Fields With Independent School District No. 700

Motion made by Councilor Peterson, seconded by Councilor Schmidt to adopt Resolution 2020-28, Resolution Authorizing And Directing Mayor And City Clerk To Execute And Deliver Agreement For The Use Of The City Of Hermantown Athletic Fields With Independent School District No. 700. Roll Call: Councilors Nelson, Peterson, Schmidt, Mayor Boucher. Councilor Geissler, absent. Motion carried.

2020-29 Resolution Authorizing And Directing Mayor And City Clerk To Execute And Deliver Agreement With Hermantown Night Riders Snowmobile Club

Motion made by Councilor Peterson, seconded by Councilor Nelson to adopt Resolution 2020-29, Resolution Authorizing And Directing Mayor And City Clerk To Execute And Deliver Agreement With Hermantown Night Riders Snowmobile Club. Roll Call: Councilors Nelson, Peterson, Schmidt, Mayor Boucher. Councilor Geissler, absent. Motion carried.

2020-30 Resolution Authorizing The City Of Hermantown To Sponsor A Grant For The Purchase Of Snowmobile Equipment By The Hermantown Night Riders

Motion made by Councilor Nelson, seconded by Councilor Peterson to adopt Resolution 2020-30, Resolution Authorizing The City Of Hermantown To Sponsor A Grant For The Purchase Of Snowmobile Equipment By The Hermantown Night Riders. Roll Call: Councilors Nelson, Peterson, Schmidt, Mayor Boucher. Councilor Geissler, absent. Motion carried.

Motion made by Councilor Peterson, seconded by Councilor Schmidt to recess the meeting at 6.52 p.m. Motion carried.

Mayor

ATTEST:

Clerk

CITY OF HERMANTOWN

CHECKS #65547-#65596
02/16/2020 -02/29/2020

PAYROLL CHECKS

Electronic Checks - #72520- #72592 \$71,496.53

LIABILITY CHECKS

Electronic Checks - #72513-#72519 \$55,011.98

Printed Checks- #65586-65594 65,152.53

PAYROLL EXPENSE TOTAL \$191,661.04

ACCOUNTS PAYABLE

Checks - #65547-65585 \$253,111.54

Checks - #65595-#65596 \$1,510.50

Electronic Payments - #99958-#99961 \$12,676.95

ACCOUNTS PAYABLE TOTAL \$267,298.99

TOTAL \$458,960.03

CITY OF HERMANTOWN, MN 02/16/2020 to 02/29/2020
 Check # is between 65547 and 65596 or Check # is between -99961 and -99958

2/26/2020

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Fund	Account	Department	Vendor Name	Description	Amount	Check #
101	217450	Employee Flexplan	FURTHER ELECTRONIC PAYMENTS	Claim Reimbursement ACH	1,796.00	-99961
101	217450	Employee Flexplan	FURTHER ELECTRONIC PAYMENTS	Claim Reimbursement	735.55	-99960
101	421100	Police Administration	FIRST BANKCARD	Dec/Jan Firstbank Card Ross	78.74	-99959
101	421100	Police Administration	FIRST BANKCARD	Dec/Jan Firstbank Card Enright	99.99	-99959
101	421100	Police Administration	FIRST BANKCARD	Dec/Jan Firstbank Card Pfeiffe	-50.93	-99959
411	452200	Community Building	FIRST BANKCARD	Dec/Jan Firstbank Card Mulder	6,871.34	-99959
251	421801	DARE & Police Liaison Fund	FIRST BANKCARD	Dec/Jan Firstbank Card Johnson	200.00	-99959
101	421100	Police Administration	FIRST BANKCARD	Dec/Jan Firstbank Card Marsole	11.11	-99959
101	431100	Street Department	FIRST BANKCARD	Dec/Jan Firstbank Card Senst	11.88	-99959
101	421100	Police Administration	FIRST BANKCARD	Dec/Jan Firstbank Card Sorensen	64.56	-99959
101	421100	Police Administration	FIRST BANKCARD	Dec/Jan Firstbank Card Salo	4.37	-99959
101	415300	Administration & Finance	FIRST BANKCARD	Dec/Jan Firstbank Card Orme	39.44	-99959
601	494300	Water Distribution	FIRST BANKCARD	Jan First Bankcard Senst	52.26	-99958
101	421100	Police Administration	FIRST BANKCARD	Jan First Bankcard Gunderson	49.18	-99958
101	431100	Street Department	FIRST BANKCARD	Jan First Bankcard Senst	54.45	-99958
101	431100	Street Department	FIRST BANKCARD	Jan First Bankcard Orme	14.88	-99958
101	431100	Street Department	FIRST BANKCARD	Jan First Bankcard Senst	81.90	-99958
101	415300	Administration & Finance	FIRST BANKCARD	Jan First Bankcard Orme	22.30	-99958
101	415300	Administration & Finance	FIRST BANKCARD	Jan First Bankcard Senst	8.99	-99958
101	424100	Building Inspection	FIRST BANKCARD	Jan First Bankcard Orme	3.73	-99958
230	465100	HEDA	FIRST BANKCARD	Jan First Bankcard Orme	295.00	-99958
230	465100	HEDA	FIRST BANKCARD	Jan First Bankcard Orme	495.00	-99958
101	421100	Police Administration	FIRST BANKCARD	Jan First Bankcard Orme	81.83	-99958
101	415300	Administration & Finance	FIRST BANKCARD	Jan First Bankcard Orme	295.00	-99958
101	419901	City Hall & Police Building Maintenance	FIRST BANKCARD	Jan First Bankcard Vatne	56.70	-99958
101	421100	Police Administration	FIRST BANKCARD	Jan First Bankcard Pernu	50.00	-99958
101	413100	Mayor	FIRST BANKCARD	Jan First Bankcard Orme	3.73	-99958
101	421100	Police Administration	FIRST BANKCARD	Jan First Bankcard Gunderson	21.50	-99958
101	421100	Police Administration	FIRST BANKCARD	Jan First Bankcard Ross	50.00	-99958
101	419100	Community Development	FIRST BANKCARD	Jan First Bankcard Orme	11.17	-99958
101	421100	Police Administration	FIRST BANKCARD	Jan First Bankcard Johnson	275.00	-99958
101	421100	Police Administration	FIRST BANKCARD	Jan First Bankcard Marsolek	10.28	-99958
601	494400	Water Administration and General	FIRST BANKCARD	Jan First Bankcard Orme	11.17	-99958
101	421100	Police Administration	FIRST BANKCARD	Jan First Bankcard Sorensen	7.86	-99958
101	421100	Police Administration	FIRST BANKCARD	Jan First Bankcard Pfeiffer	120.00	-99958
602	494500	Sewer Maintenance	FIRST BANKCARD	Jan First Bankcard Senst	52.26	-99958
602	494900	Sewer Administration and General	FIRST BANKCARD	Jan First Bankcard Orme	11.17	-99958

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Fund	Account	Department	Vendor Name	Description	Amount	Check #
101	421100	Police Administration	FIRST BANKCARD	Jan First Bankcard Pfeiffer	10.99	-99958
101	421100	Police Administration	FIRST BANKCARD	Jan First Bankcard Ross	79.58	-99958
101	421100	Police Administration	FIRST BANKCARD	Jan First Bankcard Pernu	250.00	-99958
101	421100	Police Administration	FIRST BANKCARD	Jan First Bankcard Pfeiffer	27.92	-99958
101	421100	Police Administration	FIRST BANKCARD	Jan First Bankcard Esterbrooks	51.80	-99958
101	421100	Police Administration	FIRST BANKCARD	Jan First Bankcard Ross	14.90	-99958
101	421100	Police Administration	FIRST BANKCARD	Jan First Bankcard Esterbrooks	5.55	-99958
101	421100	Police Administration	FIRST BANKCARD	Jan First Bankcard Ross	6.19	-99958
101	421100	Police Administration	FIRST BANKCARD	Jan First Bankcard Ross	189.66	-99958
101	421100	Police Administration	FIRST BANKCARD	Jan First Bankcard Esterbrooks	42.95	-99958
101	431100	Street Department	BLUE TARP FINANCIAL	Steamer Parts	73.87	65547
101	431100	Street Department	BLUE TARP FINANCIAL	Thermostat for Steamer	72.30	65547
602	494500	Sewer Maintenance	BRAUN INTERTEC CORPORATION	Sanitary FOG Inspections	4,722.50	65548
411	419100	Community Development	BRAUN INTERTEC CORPORATION	EWC- Vapor Mitigation	505.00	65548
101	431901	City Garage	CINTAS CORPORATION	Supplies	1.83	65549
101	431100	Street Department	CINTAS CORPORATION	Uniforms	25.77	65549
101	431901	City Garage	CINTAS CORPORATION	1st Aid Cabinets	130.81	65549
101	431901	City Garage	CINTAS CORPORATION	Mats at PW	20.58	65549
101	431901	City Garage	CINTAS CORPORATION	Supplies	20.33	65549
101	419901	City Hall & Police Building Maintenance	CINTAS CORPORATION	Mats at CH	8.88	65549
101	431100	Street Department	CINTAS CORPORATION	Uniforms	46.57	65549
101	431100	Street Department	CINTAS CORPORATION	Uniforms	10.80	65549
101	419901	City Hall & Police Building Maintenance	CINTAS CORPORATION	Mats at PD/FD	30.72	65549
101	431901	City Garage	CINTAS CORPORATION	Mats @PW	2.10	65549
101	431100	Street Department	CINTAS CORPORATION	Uniforms	10.80	65549
601	494300	Water Distribution	CITY OF DULUTH COMFORT SYSTEMS	Jan Water Charges	53,296.79	65550
601	494300	Water Distribution	CORE & MAIN LP	FCC License	999.99	65551
601	494300	Water Distribution	CORE & MAIN LP	FCC License	0.01	65551
251	421801	DARE & Police Liaison Fund	CREATIVE PRODUCT SOURCING INC - DARE	Dare Expense	2,604.96	65552
251	421801	DARE & Police Liaison Fund	CREATIVE PRODUCT SOURCING INC - DARE	Dare Expense	440.54	65552
251	421100	Police Administration	CROW-GOEBEL VETERINARY CLINIC, P A	K-9 Expense Jack	618.50	65553
251	421100	Police Administration	CROW-GOEBEL VETERINARY CLINIC, P A	K-9 Expense Jack	203.00	65553
251	421100	Police Administration	CROW-GOEBEL VETERINARY CLINIC, P A	K-9 Expense Tuuko	72.00	65553
101	415300	Administration & Finance	CW TECHNOLOGY GROUP INC	Ipads	1,401.10	65554
601	494400	Water Administration and General	CW TECHNOLOGY GROUP INC	Ipads	233.53	65554
101	413100	Mayor	CW TECHNOLOGY GROUP INC	Ipads	467.07	65554
101	421100	Police Administration	CW TECHNOLOGY GROUP INC	Ipads	467.07	65554

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Fund	Account	Department	Vendor Name	Description	Amount	Check #
101	419100	Community Development	CW TECHNOLOGY GROUP INC	Ipads	467.07	65554
602	494900	Sewer Administration and General	CW TECHNOLOGY GROUP INC	Ipads	233.53	65554
101	424100	Building Inspection	CW TECHNOLOGY GROUP INC	Ipads	467.07	65554
101	431100	Street Department	CW TECHNOLOGY GROUP INC	Ipads	1,868.15	65554
101	431100	Street Department	DEY DISTRIBUTING	Steamer Parts	196.58	65555
411	452200	Community Building	DULUTH AREA FAMILY YMCA	EWC- Bikes- Keiser	7,369.11	65556
350	415300	Administration & Finance	EHLERS & ASSOCIATES INC	Debt Service/Outstanding Indep	750.00	65557
101	415300	Administration & Finance	EHLERS & ASSOCIATES INC	Debt Service/Outstanding Indep	750.00	65557
602	494500	Sewer Maintenance	GEORGE BOUGALIS & SONS CO	Ugstad Rd Lift Station PR#2	137,796.97	65558
101	431100	Street Department	HERMANTOWN HYDRAULICS	Hoses for H4	93.54	65559
101	421100	Police Administration	HERMANTOWN SERVICE CENTER INC	Vehicle Maintenances #14	456.99	65560
101	414100	Elections	HERMANTOWN STAR LLC	Voter Information	123.75	65561
101	414100	Elections	HERMANTOWN STAR LLC	Sample Ballot	330.00	65561
101	414100	Elections	HERMANTOWN STAR LLC	Primary Election	165.00	65561
101	421100	Police Administration	IACP	Dues Crace-01595858 -2020	190.00	65562
230	465100	HEDA	JOHNSON, ERIC	Mileage Ehlers Conference	178.26	65563
101	413100	Mayor	LEAGUE OF MINNESOTA CITIES	Safety&Loss Wksp Boucher	20.00	65564
101	431100	Street Department	MANEY INTERNATIONAL OF DULUTH INC	Repair Pump H1 driveshaft	3,124.46	65565
601	494400	Water Administration and General	MEDIACOM	Internet PW	37.38	65566
601	494400	Water Administration and General	MEDIACOM	Phone PW	8.75	65566
101	431100	Street Department	MEDIACOM	Phone PW	21.87	65566
101	422901	Firehall #1 Maple Grove Road	MEDIACOM	Telephone- Fire	93.35	65566
101	419901	City Hall & Police Building Maintenance	MEDIACOM	Internet- Govt Services	163.92	65566
101	431100	Street Department	MEDIACOM	Internet PW	93.45	65566
101	419901	City Hall & Police Building Maintenance	MEDIACOM	Telephone- Govt Services	373.41	65566
275	452200	Community Building	MEDIACOM	EWC- Cable TV	166.00	65566
101	422901	Firehall #1 Maple Grove Road	MEDIACOM	Internet- Fire	40.98	65566
275	452200	Community Building	MEDIACOM	EWC- Telephone	494.29	65566
602	494900	Sewer Administration and General	MEDIACOM	Internet PW	56.07	65566
602	494900	Sewer Administration and General	MEDIACOM	Phone PW	13.12	65566
601	494300	Water Distribution	MENARD INC	Fernco's Return less restock f	-44.98	65567
101	431901	City Garage	MENARD INC	Cleaning Supplies	37.22	65567
101	431100	Street Department	MENARD INC	Mailbox/ Fasteners	30.12	65567
601	494300	Water Distribution	MENARD INC	Fernco's for Water Tower	68.98	65567
101	419901	City Hall & Police Building Maintenance	MENARD INC	Sidewalk Grit/GFI Receptacle	24.97	65567
101	419901	City Hall & Police Building Maintenance	MENARD INC	GFI Replacement Outlet-PD side	14.99	65567
251	421500	Drug/Alcohol Fund	MN DEPARTMENT OF FINANCE	Admin Forf ICR#19-142261	26.10	65568

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Fund	Account	Department	Vendor Name	Description	Amount	Check #
601	220110	Water Test Fee Payable	MN DEPARTMENT OF HEALTH	Water Supply Service Connectio	5,377.00	65569
411	419100	Community Development	MN POLLUTION CONTROL AGENCY	EWC-VIC Reimbursement	62.50	65570
275	452200	Community Building	MN POWER	EWC Electricity	9,119.58	65571
101	452200	Community Building	MN POWER	Electricity - Community Bldg	71.08	65571
101	431901	City Garage	MN POWER	Electricity - Lightning Dr	334.09	65571
605	431160	Street Lighting	MN POWER	Street Lights	480.76	65571
605	431160	Street Lighting	MN POWER	Street Lights	325.50	65571
601	494400	Water Administration and General	MN POWER	Electricity - Water	567.96	65571
605	431160	Street Lighting	MN POWER	Street Lights	340.74	65571
101	452100	Parks	MN POWER	Electricity Little Leagues	23.99	65571
101	452100	Parks	MN POWER	Electricity - Parks	194.26	65571
602	494900	Sewer Administration and General	MN POWER	Electricity - Sewer	666.78	65571
101	422901	Firehall #1 Maple Grove Road	MN POWER	Electricity CH	1,423.48	65571
605	431160	Street Lighting	MN POWER	Street Lights - Roundabout	15.45	65571
605	431160	Street Lighting	MN POWER	Street Lights	337.50	65571
605	431160	Street Lighting	MN POWER	Traffic Lights	719.32	65571
101	422902	Firehall #2 Morris Thomas Road	MN POWER	Electricity FH 2	87.86	65571
101	431901	City Garage	MN POWER	Electricity CH	17.36	65571
601	494400	Water Administration and General	MN POWER	Electricity - Lightning Dr	200.45	65571
602	494900	Sewer Administration and General	MN POWER	Electricity - Lightning Dr	133.64	65571
101	422903	Firehall #3 Midway Road	MN POWER	Electricity FH 3	76.57	65571
605	431160	Street Lighting	MN POWER	Street Lights	321.30	65571
101	419901	City Hall & Police Building Maintenance	MN POWER	Electricity CH	2,226.46	65571
101	421100	Police Administration	MN SECRETARY OF STATE - NOTARY	Notary Comm App - Knapp	120.00	65572
101	419901	City Hall & Police Building Maintenance	MN TELECOMMUNICATIONS	Feb Internet	524.16	65573
101	422901	Firehall #1 Maple Grove Road	MN TELECOMMUNICATIONS	Feb Internet	131.04	65573
101	431100	Street Department	NORTHERN STATES SUPPLY INC	Plow Bolts	2.59	65574
101	431100	Street Department	NORTHERN STATES SUPPLY INC	Roll Pins	1.63	65574
101	431901	City Garage	NORTHERN STATES SUPPLY INC	Safety Glasses	28.20	65574
101	431901	City Garage	NORTHERN STATES SUPPLY INC	Nuts/Bolts	72.14	65574
101	431100	Street Department	NORTHERN STATES SUPPLY INC	Plow Bolts	70.62	65574
101	415300	Administration & Finance	ORME, KEVIN	Mileage Ehlers Conference	173.65	65575
101	421100	Police Administration	PETTY CASH	PD- Notary Filing St Louis Cty	20.00	65576
101	431100	Street Department	PRAXAIR DISTRIBUTION INC	Cylinder Rent/Safe Env fee	28.57	65577
101	419901	City Hall & Police Building Maintenance	PROCTOR CANVAS PRODUCTS	Repair Flag	22.00	65578
601	214500	Escrow Deposits Payable	SHORT ELLIOTT HENDRICKSON INC	AT&T Upgrade at Hawk WT	500.00	65579
251	421500	Drug/Alcohol Fund	ST LOUIS COUNTY ATTORNEY'S OFFICE	Admin Forf ICR#19-142261	52.20	65580

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Fund	Account	Department	Vendor Name	Description	Amount	Check #
101	421100	Police Administration	ST LOUIS COUNTY AUDITOR	Radio Repair	287.00	65581
605	431160	Street Lighting	ST LOUIS COUNTY AUDITOR	Traffic Signal Painting	4,166.58	65582
475	431150	Street Improvements	ST LOUIS COUNTY RECORDERS OFFICE	2020 RIP Easement Langdon	46.00	65583
475	431150	Street Improvements	ST LOUIS COUNTY RECORDERS OFFICE	2020 RIP Easement Carlson	92.00	65583
475	431150	Street Improvements	ST LOUIS COUNTY RECORDERS OFFICE	2020 RIP Easement Wipson	46.00	65583
260	456101	Cable	WALDNER, LARS	Cable TV Coordinator	625.00	65584
101	431100	Street Department	ZIEGLER INC	Repair on Motor Grader	190.64	65585
101	134000	Retiree Insurance/Telephone Reimb.	MN LIFE	Life Insurance March-McMillan	4.50	65595
101	134000	Retiree Insurance/Telephone Reimb.	NORTHEAST SERVICE COOPERATIVE	Health Ins Mar-Lund Credit-Nov	-630.00	65596
101	421100	Police Administration	NORTHEAST SERVICE COOPERATIVE	Health Ins Mar-Jones Hanson	1,324.80	65596
101	134000	Retiree Insurance/Telephone Reimb.	NORTHEAST SERVICE COOPERATIVE	Health Ins Mar-SharpeJonesHans	811.20	65596

Totals: 159 records printed

267,298.99

TO: Mayor & City Council

FROM: Bonnie Engseth, City Clerk



DATE: February 25, 2020

Meeting Date: 3/2/20

SUBJECT: Massage Establishment &
Massage Therapist License

Agenda Item: 10-A **Motions**

REQUESTED ACTION

Approve the Massage Establishment License for Cookie Killian Therapy & Massage & the Massage Therapist License for Cookie Killian

BACKGROUND

The City Council passed an ordinance on September 16, 2019 amending the Hermantown Code of Ordinances by adding a new section for Massage Enterprises requiring all Massage Establishments and Massage Therapists be licensed by the City. We received the massage establishment application for Cookie Killian Therapy & Massage and for Cookie Killian as the only therapist at that location. The fee has been paid and background investigation done. The licenses are for 2020.

SOURCE OF FUNDS (if applicable)

N/A

ATTACHMENTS

TO: Mayor & City Council

FROM: Paul Senst, Public Works
Director

DATE: February 25, 2020

Meeting Date: 3/2/20

SUBJECT: Ordinance for the
Implementation of Point of
Sale I & I Inspection

Agenda Item: 11-A

Ordinance 2020-02



REQUESTED ACTION

Second Reading of an Ordinance requiring an I & I Inspection Point of Sale on homes connected to city sewer sold in the City of Hermantown

BACKGROUND

The City of Hermantown needs to implement a lateral sanitary sewer inspection process per a WLSSD Ordinance that was passed by them in 2019. Staff feels this is best handled at point of sale for each residence. The inspection will be handled by a licensed plumber or professional with video inspection equipment. Upon successful inspection, the property will receive a certificate for 10 years. A copy of the certificate will be tied to the City utility billing software. Exceptions to the sewer inspection are as follows:

1. Structures that were constructed ten years or less.
2. Structures that have a sewer that was replaced, relined or installed within ten years.
3. Structures not connected to the public sewer.
4. The owner replaces or relines the sewer.

We have removed the escrow requirements for systems that have not passed inspection, but will impose a monthly surcharge until the systems come into compliance.

SOURCE OF FUNDS (if applicable)

N/A

ATTACHMENTS

Proposed Ordinance

Ordinance No. 2020-02

The City Council of the City of Hermantown does ordain:

**AN ORDINANCE AMENDING HERMANTOWN
CODE OF ORDINANCES BY AMENDING SECTION 920,
PUBLIC SEWERS AND PRIVATE DISPOSAL SYSTEMS, BY ADDING A NEW SECTION
920.05.1A, CERTIFICATE OF BUILDING SEWER COMPLIANCE**

Section 1. Purpose and Intent. The purpose and intent of this Ordinance is to protect the health, welfare and safety of the public and the environment by requiring the reduction of unpolluted water in the sanitary sewer system owned and operated by the City of Hermantown.

Section 2. Addition to Section 920. Section 920, Public Sewers and Private Disposal Systems, of the City of Hermantown Code of Ordinances is hereby amended by adding a new Section 920.05.1A, Certificate of Building Sewer Compliance, to read as shown on Exhibit A attached hereto.

Section 3. Amendment to be Inserted in Code. After the amendment made by this ordinance becomes effective, it shall be inserted in the appropriate place in the Hermantown City Code.

Section 4. Effective Date. The provisions of this Ordinance shall be effective on July 1, 2020.

Dated: _____

Mayor

Attest:

City Clerk

Adopted: _____

Published: _____

Effective Date: _____

EXHIBIT A

Section 920.05.1A, Certificate of Building Sewer Compliance

920.05.1A.1 Definitions. All definitions set forth in Section 920.01 are applicable to this Section 920.05.1A. In addition, the following words and phrases when used in this Section 920.05.1A and when otherwise used in this Chapter shall have the meanings ascribed to them in this Section 920.05.1A unless the context clearly requires otherwise.

920.05.1A.1.1 “Certificate of Building Sewer Compliance” means a certificate issued by the Superintendent to verify that a Building Sewer is not contributing any material amounts of unpolluted water to the Public Sewer through the Building Sewer.

920.05.1A.1.2 “Correction Notice” means the written notice issued by the Superintendent to the Owner after review of an Inspection Report advising that the Owner’s Property is not in compliance with the requirements of this Section, and notifying the Owner of corrections to Owner’s Property needed to bring it into compliance in a timely manner.

920.05.1A.1.3 “E-One Pump System” means a Building Sewer that is pressurized by the use of an E-One Pump System. For purposes of this 920.05.1A, Building Sewer includes a Building Sewer that utilizes an E-One Pump System and all provisions related to a Building Sewer set forth in this Section apply to a Building Sewer that utilizes an E-One Pump Systems.

920.05.1A.1.4 “Inspection Report” means the report required to be provided to the Superintendent by the Owner pursuant to Sections 920.05.1A.4 of this Ordinance.

920.05.1A.1.45 “New Use” means the development or redevelopment of a property for a different residential, business or industrial use evidenced by the requirement of a building permit issued by the Hermantown Building Official or by other official governmental actions for such use.

920.05.1A.1.6 “Owner” means the person(s) or entities that own or hold the title to the Property served by the Public Sewer.

920.05.1A.1.7 “Owner’s Property” means the Property owned by a person who owns Property served by the Public Sewer.

920.05.1A.1.8 “Property” means the land served by a Building Sewer.

920.05.1A.1.9 “Notice to Inspect” means the written notice sent to the Owner by the Superintendent, which requires the Owner to obtain an Inspection Report and file it with the Superintendent.

920.05.1A.1.10 “Sump Pump” means the pump and discharging pipes designed to remove liquids from the Sump and discharge them away from the building foundation.

920.05.1A.2 Certificate of Building Sewer Compliance. If the Owner needs to obtain a Certificate of Building Sewer Compliance pursuant to Section 920.05.1A.3, the Owner shall complete an application for a Certificate of Building Sewer Compliance on a form prescribed by the Superintendent. At the time of application, the Owner shall pay the fees in the amount set from time to time by the City of Hermantown.

920.05.1A.3 Building Sewer – Mandatory Inspections and Testing.

920.05.1A.3.1 Events Requiring a Building Sewer Inspection. Except as provided by Section 920.05.1A.3.2, an Owner, or if applicable, all Owners of a common Building Sewer, shall have the Building Sewer inspected at the Property Owner's expense when any of the following events occur:

920.05.1A.3.1.1 If the Superintendent sends the Owner a written Notice to Inspect for an imminent threat to public health and safety reasons, the Building Sewer must be inspected not later than the 30th day after the date the Notice to Inspect is provided to the Owner.

920.05.1A.3.1.2 Upon a determination by the Superintendent that the Owner of a structure with a new or existing connection to the Public Sewer must pay a Capacity Availability Fee as a result of a new use or anticipated wastewater flow increase calculated in accordance with the *WLSSD Capacity Availability Fee Procedures Manual* in effect at the time of the calculation.

920.05.1A.3.1.3 Upon the proposed sale or the proposed transfer of title in Owner's Property, or substantial change in use in the Property, the Owner shall obtain a Building Sewer inspection.

920.05.1A.3.1.4 Upon repair or replacement of any portion of a Building Sewer.

920.05.1A.3.2 Exceptions. The following are exceptions to the Building Sewer inspection requirements provided in Sections 920.05.1A.3.1.1 through 920.05.1A.3.1.4:

920.05.1A.3.2.1 Structures that were constructed ten (10) years or less prior to any event listed in Sections 920.05.1A.3.1.3;

920.05.1A.3.2.2 Structures that have a Building Sewer that was replaced, relined or installed within ten (10) years prior to the event listed in Sections 920.05.1A.3.1.3 and the Owner provides the Superintendent with documentation that the replacement, relining or installation was satisfactorily completed in the prior ten (10) years;

920.05.1A.3.2.3 Structures not connected to the Public Sewer; or

920.05.1A.3.2.4 The Owner replaces or relines the Building Sewer upon the occurrence of one of the events in Sections 920.05.1A.3.1.1 through 920.05.1A.3.1.4 and provides evidence of such replacement or repair satisfactory to the Superintendent.

920.05.1A.4 Building Sewer – Inspection Report – Requirements.

920.05.1A.4.1 Report Required. If an Owner is required to have an inspection performed for the Building Sewer under Sections 920.05.1A.3.1.1 through 920.05.1A.3.1.4, or voluntarily has an inspection conducted for the Building Sewer, an Inspection Report must be provided to the Superintendent in the form set forth herein. The Inspection Report shall be prepared in a format acceptable to the Superintendent. An Inspection Report is not required if the Owner relines or replaces the entire Building Sewer after the inspection, and provides written evidence to the Superintendent proving that the relining or replacement was properly completed.

920.05.1A.4.2 Inspection Report Standards. The Building Sewer Inspection Report required by Section 920.05.1A shall be prepared in accordance with the following requirements and specifications.

920.05.1A.4.2.1 The Inspection Report shall be prepared by a licensed plumber or professional approved by the City of Hermantown Public Works Department.

920.05.1A.4.2.2 The Inspection Report shall identify all of the following:

920.05.1A.4.2.2.1 Any and all defects that could allow unpolluted water into the Building Sewer or otherwise create a maintenance issue in the Public Sewer, including all of the inspection criteria listed in Section 920.05.1A.4.3.

920.05.1A.4.2.2.2 Whether any connection, by pipe or otherwise, allows unpolluted water to enter the Building Sewer or Public Sewer.

920.05.1A.4.2.2.3 Date of the inspection.

920.05.1A.4.2.2.4 Name of the person conducting the inspection, the license number of such person and the business employing the person.

920.05.1A.4.2.2.5 A certification that the inspection of the Building Sewer was conducted using televised video.

920.05.1A.4.2.2.61 A certification that no floor, roof, foundation and/or surface drains are physically connected to the Building Sewer.

920.05.1A.4.2.2.7 If the Building Sewer was not able to be televised due to a blockage or debris in the Building Sewer, a certification that the Building Sewer was thoroughly cleaned prior to the video inspection.

920.05.1A.4.2.2.8 If necessary, a recommended method for repair of the Building Sewer to eliminate any unpolluted water from entering into the Public Sewer.

920.05.1A.4.3 Building Sewer Inspection Criteria. A Property complies with the provisions of this Section 920.05.1A if the inspection verifies all of the following conditions:

920.05.1A.4.3.1 The Building Sewer is free of roots, grease deposits, and other solids, which may impede or obstruct the transmission of sewage.

920.05.1A.4.3.2 There are no improper or illegal connections to the Building Sewer such as sump pumps, down spouts or area drainage facilities.

920.05.1A.4.3.3 All joints in the Building Sewer are tight and sound to prevent the exfiltration of sewage and the infiltration of groundwater, storm water and rain water.

920.05.1A.4.3.4 The Building Sewer is free of structural defects, cracks, breaks, or missing portions and the grade is reasonably uniform without major sags or offsets.

920.05.1A.4.3.5 The Building Sewer is constructed with PVC sewer pipe or is relined and the Owner provides the Superintendent with documentation that the relining was satisfactorily completed.

920.05.1A.5 Compliance and Expiration.

920.05.1A.5.1 Once a Certificate of Building Sewer Compliance is issued, that Building Sewer shall not require inspection for a period of ten (10) years from the date of issuance unless the Superintendent has reason to believe the Building Sewer is in a defective condition.

920.05.1A.5.2 A Certificate of Building Sewer Compliance is valid to be used for the transfer of the Property.

920.05.1A.6 Correction Notice.

920.05.1A.6.1 If an Inspection Report discloses that the use of the Property is not in accordance with the provisions of Section 920, a Correction Notice may be issued by the Superintendent requiring corrections to the Property to bring it in to compliance. The corrections must be completed within the time specified in the Correction Notice no later than 180 days from the date of the Correction Notice. Upon proof of satisfactory completion of the corrections, a Certificate of Building Sewer Compliance shall be issued.

920.05.1A.6.2 A Correction Notice may be issued by the Superintendent permitting transfer of title of the Property if the following conditions are met:

920.05.1A.6.2.1 An agreement by the Owner and transferee has been executed whereby the Owner and transferee agree to complete corrections to the Property necessary to bring it within compliance of the provisions of Section 920 within one hundred eighty (180) days of the transfer of Property, and agree that if acceptable proof that the corrections have been made are not provided to the Superintendent within one hundred eighty (180) days that the Property will be subject to surcharge in an amount to be determined from time-to-time by the City Council.

920.05.1A.6.2.4 The Correction Notice is recorded with the County Recorder or Registrar of Titles Office, as the case may be.

920.05.1A.7 Failure to Comply; Penalty.

920.05.1A.7.1 Owners not in compliance with this Section 920.05.1A will be charged a monthly surcharge in an amount established from time to time by the City Council.

920.05.1A.7.2 A surcharge in an amount set by separate resolution of the City Council is hereby imposed and added to every sewer billing to Owners who are not in compliance with the provisions of this Section 920.05.1A. The surcharge shall be levied monthly on properties not complying with the provisions of this Section 920.05.1A. This charge shall cease when the Property has been inspected and a Certificate of Building Sewer Compliance is issued by the Superintendent.

920.05.1A.7.3 The City may also enforce the terms of this Section 920.05.1A in any manner it deems appropriate as allowed by applicable law.

920.05.1A.7.4 A violation of the provision of this Section 920.05.1A.7.4 is a misdemeanor.

TO: Mayor & City Council

FROM: Kevin Orme, Director of
Finance and Administration

DATE: February 24, 2020

Meeting Date: 3/2/20

SUBJECT: Amending Ordinance –
Section 240

Agenda Item: 11-B

Ordinance 2020-03



REQUESTED ACTION

First Reading of an Ordinance deleting Section 240.03 of the Hermantown City Code regarding the Community Development Fund

BACKGROUND

Years ago, Ordinance Section 240.03.1 created a Community Development Fund. This fund has been inactive for several years now. The purpose of this fund dovetails with the purpose of the Hermantown Economic Development Fund, which is active. We proposed transferring the remaining balance from the Community Development Fund to the Hermantown Economic Development Fund, which the Council approved in Resolution 2020-18. At that time, we indicated we would be proposing to amend the ordinance to remove Section 240.03. This would remove this section and close the Community Development Fund, which currently has a zero balance.

SOURCE OF FUNDS (if applicable)

N/A

ATTACHMENTS

Ordinance No. 2020-03

The City Council of the City of Hermantown does ordain:

**AN ORDINANCE AMENDING HERMANTOWN CODE OF ORDINANCES BY AMENDING
SECTION 240 – CITY FINANCES**

Section 1. Purpose and Intent. The purpose and intent of this Ordinance is to amend the provisions of Section 240 of the Hermantown City Ordinances to incorporate the removal the Community Development Fund.

Section 2. Deletion. Section 240.03 of the Hermantown City Code is hereby deleted.

~~240.03 Community Development Fund.~~

~~— **240.03.1 Fund Created.** There is hereby created a separate fund to be designated as the Community Development Fund ("CDF"). This fund shall be maintained in the official city accounting records and administered by the City Finance Director in accordance with the provisions of this subsection. The following amounts shall be deposited in to the CDF.~~

~~— **240.03.1.1.** \$100,000 from City Fund 303.~~

~~— **240.03.1.2.** \$50,000 from the Utility Fund.~~

~~— **240.03.1.3.** Investment earnings generated by the monies in the CDF.~~

~~— **240.03.1.4.** Any other monies appropriated by the Council or dedicated for the purposes of the CDF.~~

Section 3. Deleted from City Code. The terms and provisions of this ordinance shall be amended in the appropriate place in the Hermantown City Code, after adoption and becoming effective.

Section 4. Effective Date. The provisions of this Ordinance shall be effective after adoption and immediately upon publication once in the official newspaper of the City of Hermantown.

Dated:

Mayor

ATTEST:

City Clerk

Adopted:

Published:

Effective Date:

Resolution No. 2020-23

**RESOLUTION AUTHORIZING A SUMMARY
OF AN ORDINANCE AMENDING HERMANTOWN CODE OF ORDINANCES BY
AMENDING SECTION 920, PUBLIC SEWERS AND PRIVATE DISPOSAL SYSTEMS, BY
ADDING A NEW SECTION 920.05.1A, CERTIFICATE OF BUILDING SEWER COMPLIANCE**

WHEREAS, the City Council has adopted Ordinance No. 2020-02, An Ordinance Amending Hermantown Code of Ordinances By Amending Section 920, Public Sewers And Private Disposal Systems, By Adding A New Section 920.05.1A, Certificate Of Building Sewer Compliance; and

WHEREAS, Minnesota Statutes Section 412.191, Subd. 4 (2017) authorizes the City Council to publish a summary of lengthy ordinances upon a four-fifths vote of its members; and

WHEREAS, the Ordinance is quite lengthy and detailed; and

WHEREAS, the City Council desires to publish a summary of the Ordinance; and

WHEREAS, a summary of the Ordinance has been prepared and attached hereto as **Exhibit A**; and

WHEREAS, a copy of the full text of the Ordinance is available for review at the Hermantown City Offices, 5105 Maple Grove Road, Hermantown, MN 55811 during regular business hours.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Hermantown, Minnesota, as follows:

1. That a summary attached hereto as **Exhibit A** of the Ordinance be published in lieu of the publication of the entire Ordinance; and
2. The City Council hereby authorizes and directs the City Administrator to publish the summary attached hereto as **Exhibit A** once in the Hermantown Star.

Councilor ____ introduced the foregoing resolution and moved its adoption.

The motion for the adoption of such resolution was seconded by Councilor ____, and upon a vote being taken thereon, the following voted in favor thereof:

Councilors

and the following voted in opposition thereto:

WHEREUPON, such resolution was declared duly passed and adopted February 18, 2020.

EXHIBIT A

**SUMMARY OF ORDINANCE NO. 2020-02, AN ORDINANCE AMENDING
HERMANTOWN CODE OF ORDINANCES BY AMENDING SECTION 920, PUBLIC SEWERS
AND PRIVATE DISPOSAL SYSTEMS, BY ADDING A NEW SECTION 920.05.1A,
CERTIFICATE OF BUILDING SEWER COMPLIANCE**

The following is the official summary of Ordinance No. 2020-02, An Ordinance Amending Hermantown Code Of Ordinances By Amending Section 920, Public Sewers And Private Disposal Systems, By Adding A New Section 920.05.1A, Certificate Of Building Sewer Compliance. Ordinance No. 2020-02 was approved by the City Council of the City of Hermantown on February 18, 2020.

The purpose of this Ordinance is to protect the health, welfare and safety of the public and the environment by requiring the reduction of unpolluted water in the sanitary sewer system owned and operated by the City of Hermantown.

It will require inspection of the building sewer that is connected to a city sewer main for all structures over ten years old at the point of sale or transfer of title of owners property, or substantial change in use in the property.

The foregoing is a summary of a lengthy and detailed Ordinance. The full text of the Ordinance is on file in the office of the City Clerk of the City of Hermantown, 5105 Maple Grove Road, Hermantown, MN 55811, during regular business hours.

If there are any inconsistencies between this summary and the full text of the Ordinance, the terms of the full Ordinance shall govern.

The Ordinance is effective upon publication of this summary.

Resolution No. 2020-31

RESOLUTION APPROVING PAY REQUEST NUMBER 20 FOR THE ESSENTIA WELLNESS CENTER TO MCGOUGH CONSTRUCTION CO. LLC IN THE AMOUNT OF \$61,735.00

WHEREAS, the City of Hermantown has contracted with McGough Construction Co. LLC for construction management services for the Essentia Wellness Center (“Project”); and

WHEREAS, McGough Construction Co. LLC has performed a portion of the agreed upon work in said Project; and

WHEREAS, McGough Construction Co. LLC has submitted separate Pay Request No. 20 for Labor & Services, and Tax Exempt material as shown below, and

Project Number	Item	Amount
859801	Labor & Services	45,100
859802	Tax Exempt Material	16,635
	Total	61,735

WHEREAS, the City will maintain an accumulated retainage as shown on the pay requests until the final work and documentation is completed,

WHEREAS, the necessary documentation for the pay request is on file and available for inspection.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Hermantown, Minnesota as follows:

1. Pay Request No. 20 is hereby approved.
2. The City is hereby authorized and directed to pay to McGough Construction Co LLC the sum of \$61,735.00 which is the amount represented on Pay Request No. 20 for both Labor & Services, and Tax Exempt material.

Councilor ____ introduced the foregoing resolution and moved its adoption.

The motion for the adoption of such resolution was seconded by Councilor ____ and, upon a vote being taken thereon, the following voted in favor thereof:

Councilors

and the following voted in opposition thereto:

WHEREUPON, such resolution has been duly passed and adopted March 2, 2020.

APPLICATION AND CERTIFICATE FOR PAYMENT

Facsimile of AIA Document G702

TO : CITY OF HERMANTOWN
 5105 Maple Grove Rd
 Hermantown, MN 55811

Project: HERMANTOWN-ESSENTIA Application Number: 21
 HEALTH REGIONAL Period from: 1/1/2020
 to: 1/31/2020

ATTN: John Mulder
 jmulder@hermantown.com

Contractor: McGough Construction Co, LLC Project Number: 100079.001/
 2737 Fairview Avenue Nor 859801
 St. Paul, MN 55113 INVOICE NUMBER 37624
 Contract Date: 3/1/2018

CONTRACTOR'S APPLICATION FOR PAYMENT

Application is made for Payment, as shown below, in connection with the Contract. Continuation Sheet, Facsimile of AIA Document G703, is attached.

The present status of the account for this Contract is as follows:

ORIGINAL CONTRACT SUM	<u>\$13,903,890</u>
Net change by Change Orders	<u>(554,571)</u>
 CONTRACT SUM TO DATE	 <u>\$13,349,319</u>
TOTAL COMPLETED & STORED TO DATE	<u>12,526,773</u>
RETAINAGE TO DATE	<u>\$0</u>
TOTAL EARNED LESS RETAINAGE	<u>\$12,526,773</u>
 LESS PREVIOUS CERTIFICATES FOR PAYMENT	 <u>\$12,481,673</u>
CURRENT PAYMENT DUE	<u>\$45,100</u>

CHANGE ORDER SUMMARY		ADDITIONS	DEDUCTIONS
Change Orders previous approved by Owner			
TOTAL			
Number	Date Approved		
1		\$42,364	
2		\$3,065	
3		(\$600,000)	
TOTALS		(554,571)	\$0
Net Change by Change Orders		\$ (554,571)	

The undersigned Contractor certifies that to the best of his knowledge, information & belief the Work covered by this Application for Payment has been completed in accordance with the Contract Documents that all amounts have been paid by him for Work for which previous Certificates for Payment were issued & payments received from the Owner, and that current payment shown herein is now due.

CONTRACTOR: McGough Construction

By: Melissa Svoboda 1/31/2020
 Melissa Svoboda, Project Accounting Supervisor



State of: MINNESOTA
 Subscribed and sworn to before me this
 Notary Public
 My Commission expires: January 31, 2022

Andrea Rekow

AMOUNT CERTIFIED..... \$45,100

ARCHITECT _____ Date: _____

This Certificate is not negotiable. The AMOUNT CERTIFIED is payable only to the Contractor herein. Issuance, payment and acceptance of payment are without prejudice to any Contractor under this Contract.

In accordance with the Contract Documents, based on on-site observations & the data comprising the above application, the Architect certifies to the Owner that the Work has progressed to the point indicated; that to the best of his knowledge, information & belief, the quality of the Work is in accordance with the Contract Documents, & that the Contractor is entitled to the AMOUNT CERTIFIED.

CONTINUATION SHEET

ATTACHMENT TO PAY APPLICATION

APPLICATION NUMBER: 21

PROJECT:

APPLICATION DATE: 1/1/2020

HERMANTOWN-ESSENTIA HEALTH REGIONAL WELLNESS CENTER

PERIOD TO: 1/31/2020

A Item No.	B Description of Work	C Scheduled Value	D Work Completed		F Materials Presently Stored (Not In D or E)	G		H Balance To Finish (C - G)	I Retainage
			From Previous Application (D + E)	This Period		Total Completed And Stored To Date (D + E + F)	% (G/C)		
1	George Bougalis and Sons, Co.	1,808,425	1,808,425			1,808,425	100%		
2	Wells Concrete	472,968	472,969			472,969	100%	(1)	
3	Brent's Biffies	7,000	6,363			6,363	91%	637	
4	A-1 Fence Company	23,220	23,220			23,220	100%	0	
5	Home Mender, Inc.	868,311	868,311			868,311	100%		
6	The Jamar Company	921,236	920,952			920,952	100%	284	
7	Briese Iron Works, Inc.								
8	St. Germain's Glass Inc.	286,158	286,158			286,158	100%		
9	Otis Elevator Company	101,050	101,050			101,050	100%	(0)	
10	A.G. O'Brien Plumbing and Heating Co.	118,880	118,880			118,880	100%		
11	Holden Electrical Co., Inc.	854,591	854,023	568		854,591	100%		
12	Northern Industrial Erectors, Inc.	286,218	286,218			286,218	100%		
13	A.G. O'Brien Plumbing and Heating Co.	1,458,041	1,456,307			1,456,307	100%	1,734	
14	LHB (Survey Services)	5,530	5,530			5,530	100%		
15	Olympic	866,159	866,159			866,159	100%		
16	Aqua Logic	681,176	681,176			681,176	100%		
17	Bedrock Flint	84,364	84,364			84,364	100%		
18	Universal Forest Products	70,919	46,383	24,536		70,919	100%		
19	Johnsons Carpet	321,557	321,557			321,557	100%		
20	Intercon Group Inc.	293,579	292,659			292,659	100%	920	
21	Swanson & Youngdale, Inc.	140,309	139,509			139,509	99%	800	
23	Twin City Acoustics Inc.	58,840	58,840			58,840	100%		
24	DoorCo Inc.	5,000	5,000			5,000	100%		
25	Anderson Ladd	69,787	69,787			69,787	100%		
23	Belanger Inc.	3,900	3,900			3,900	100%		
24	Hufcor, Inc.	7,310	7,310			7,310	100%		
25	Peterson Companies, Inc.	88,385	88,385			88,385	100%		
	Page-1 (Continued on Next Page)	9,902,913	9,873,435	25,104		9,898,539	100%	4,374	

CONTINUATION SHEET

ATTACHMENT TO PAY APPLICATION

PROJECT:

HERMANTOWN-ESSENTIA HEALTH REGIONAL WELLNESS CENTER

APPLICATION NUMBER: 21

APPLICATION DATE: 1/1/2020

PERIOD TO: 1/31/2020

A Item No.	B Description of Work	C Scheduled Value	D Work Completed		F Materials Presently Stored (Not In D or E)	G		H Balance To Finish (C - G)	I Retainage
			From Previous Application (D + E)	This Period		Total Completed And Stored To Date (D + E + F)	% (G/C)		
26	TriMark Hockenbergs	9,670	9,670			9,670	100%	589,448	
27	Summit Signs	7,705	7,705			7,705	100%		
28	Prime Construction	39,676	37,800	1,876		39,676	100%		
29	TBD Tax - Exempt Transfer	589,448							
30									
31	McGOUGH								
32	Project Staff	741,699	720,586	13,252		733,838	99%	7,862	
33	Labor	329,478	318,763			318,763	97%	10,714	
34	Insurance & Taxes	133,762	133,493			133,493	100%	269	
35	Materials	178,167	175,206	2,578		177,784	100%	384	
36	Equip. Small Tools	100,587	99,297	1,290		100,587	100%	(0)	
37	Weather Conditons	146,754	146,754			146,754	100%	(0)	
38									
39	Builders Risk	16,914	16,914			16,914	100%		
40	Performance Bond	104,279	104,279			104,279	100%		
41	Subcontractor Default Insurance	167,765	167,765			167,765	100%		
42	General Liability Insurance	197,688	197,688			197,688	100%	0	
43									
44	Construction Contingency	500,000						500,000	
45	Construction Contingency Approved								
46	Potential Savings	298,907							
46	Approved COs	(600,000)						(600,000)	
46									
46	CM Fee	483,907	472,318	1,001		473,319	98%	10,588	
	Page-2	13,349,319	12,481,674	45,100		12,526,774	94%	523,638	

APPLICATION AND CERTIFICATE FOR PAYMENT

Facsimile of AIA Document G702

TO : CITY OF HERMANTOWN
5105 Maple Grove Rd
Hermantown, MN 55811

Project: HERMANTOWN-ESSENTIA
HEALTH REGIONAL WELLNESS
TAX EXEMPT

Application Number: 20
Period from: 1/1/2020
to: 1/31/2020

ATTN: John Mulder
jmulder@hermantown.com

Contractor: McGough Construction Co, LLC
2737 Fairview Avenue North
St. Paul, MN 55113

Project Number: 100079.002/
859802
INVOICE NUMBER: 37625
Contract Date: 3/1/2018

CONTRACTOR'S APPLICATION FOR PAYMENT

Application is made for Payment, as shown below, in connection with the Contract. Continuation Sheet, Facsimile of AIA Document G703, is attached.

The present status of the account for this Contract is as follows:

CHANGE ORDER SUMMARY			
Change Orders previously approved by Owner		ADDITIONS	DEDUCTIONS
TOTAL			
Number	Date Approved		
1		\$84,577	
2		\$4,755	
3		\$600,000	
TOTALS		689,332	\$0
Net Change by Change Orders		\$ 689,332	

ORIGINAL CONTRACT SUM	<u>\$8,087,000</u>
Net change by Change Orders	<u>689,332</u>
CONTRACT SUM TO DATE	<u>\$8,776,332</u>
TOTAL COMPLETED & STORED TO DATE	<u>\$8,763,523</u>
RETAINAGE TO DATE	<u>\$0</u>
TOTAL EARNED LESS RETAINAGE	<u>\$8,763,523</u>

The undersigned Contractor certifies that to the best of his knowledge, information & belief the Work covered by this Application for Payment has been completed in accordance with the Contract Documents that all amounts have been paid by him for Work for which previous Certificates for Payment were issued & payments received from the Owner, and that current payment shown herein is now due.

LESS PREVIOUS CERTIFICATES FOR PAYMENT	<u>8,746,888</u>
CURRENT PAYMENT DUE	<u>\$16,635</u>

CONTRACTOR: McGough Construction

By: Melissa Svoboda 1/31/2020
Melissa Svoboda, Project Accounting Supervisor

State of: MINNESOTA
Subscribed and sworn to before me this
Notary Public
My Commission expires: January 31, 2022

Andrea Rekow

CERTIFICATE FOR PAYMENT

In accordance with the Contract Documents, based on on-site observations & the data comprising the above application, the Architect certifies to the Owner that the Work has progressed to the point indicated; that to the best of his knowledge, information & belief, the quality of the Work is in accordance with the Contract Documents, & that the Contractor is entitled to the AMOUNT CERTIFIED.



AMOUNT CERTIFIED..... \$16,635

ARCHITECT _____ Date: _____

This Certificate is not negotiable. The AMOUNT CERTIFIED is payable only to the Contractor herein. Issuance, payment and acceptance of payment are without prejudice to any rights of Contractor under this Contract.

CONTINUATION SHEET

ATTACHMENT TO PAY APPLICATION

PROJECT:
HERMANTOWN-ESSENTIA HEALTH REGIONAL WELLNESS CENTER

APPLICATION NUMBER: 20
APPLICATION DATE: 1/1/2020
PERIOD TO: 1/31/2020
ARCHITECT'S PROJECT NO: 859802

A Item No.	B Description of Work	C Scheduled Value	D		F Materials Presently Stored (Not In D or E)	G		H Balance To Finish (C - G)	I Retainage
			E Work Completed			Total Completed And Stored To Date (D + E + F)	% (G/C)		
			From Previous Application (D + E)	This Period					
1	George Bougalis and Sons, Co.	543,747	543,747			543,747	100%		
2	Wells Concrete	932,279	932,279			932,279	100%		
3	Brent's Biffies								
4	A-1 Fence Company								
5	Home Mender, Inc.	366,822	366,822			366,822	100%		
6	The Jamar Company	522,198	522,198			522,198	100%		
7	Briese Iron Works, Inc.	629,326	612,827	16,500		629,327	100%	(1)	
8	St. Germain's Glass Inc.	242,836	242,836			242,836	100%		
9	Otis Elevator Company	77,965	77,965			77,965	100%	0	
10	A.G. O'Brien Plumbing and Heating Co.	29,800	29,800			29,800	100%		
11	Holden Electrical Co., Inc.	995,699	995,564	135		995,699	100%		
12	Northern Industrial Erectors, Inc.								
13	A.G. O'Brien Plumbing and Heating Co.	1,706,968	1,704,711			1,704,711	100%	2,257	
14	LHB (Survey Services)								
15	Olympic	191,542	191,542			191,542	100%		
16	Aqua Logic	979,331	979,331			979,331	100%		
17	Bedrock Flint	22,575	22,575			22,575	100%		
18	Universal Forest Products	168,764	168,764			168,764	100%		
19	Northern Door & Hardware	200,604	200,604			200,604	100%		
20	Johnsons Carpet	403,642	403,642			403,642	100%		
21	Intercon Group Inc.	124,142	124,142			124,142	100%		
22	Swanson & Youngdale Inc.	49,763	49,763			49,763	100%		
23	Twin City Acoustics Inc.	82,344	82,344			82,344	100%		
24	DoorCo Inc.	20,950	20,950			20,950	100%		
25	Anderson Ladd	114,420	114,420			114,420	100%		
26	Belganger Inc.	29,424	29,424			29,424	100%		
27	Hufcor, Inc.	37,083	37,083			37,083	100%		
28	Peterson Companies, Inc.	50,933	50,933			50,933	100%		
		8,523,157	8,504,265	16,635		8,520,900	100%	2,256	

CONTINUATION SHEET

ATTACHMENT TO PAY APPLICATION
PROJECT:

APPLICATION NUMBER: 20
APPLICATION DATE: 01/01/20
PERIOD TO: 1/31/2020
ARCHITECT'S PROJECT NO: 859802

A Item No.	B Description of Work	C Scheduled Value	D Work Completed		F Materials Presently Stored (Not In D or E)	G		H Balance To Finish (C - G)	I Retainage
			From Previous Application (D + E)	This Period		Total Completed And Stored To Date (D + E + F)	% (G/C)		
26	TriMark Hockenbergs	68,830	68,830			68,830	100%		
27	Bartley Sales Company, Inc.	149,308	149,308			149,308	100%		
28	Summit Signs	24,485	24,485			24,485	100%		
29	<i>Prime Construction</i>								
30	Approved COs (In above line items)	600,000							
31	TBD Labor/Equipment/TM Transfer	(589,448)						(589,448)	
34									
35									
36									
37									
38									
39									
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42									
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51									
52									
53									
54									
55									
56									
SUBTOTALS PAGE 3		8,776,332	8,746,888	16,635		8,763,523	100%	(587,191)	

01 - McGough Construction Co., LLC

JOB COSTING - TRANSACTION REPORT

Job Phase												
Category	Name											
APP	T	Batch	Post Date	Source	Source Desc	Reference	Reference Desc	Quantity	WM	Billing Amount	Cost	Committed Cost
Job	100079.001											
100079.001 ESSENTIA WELLNESSCENTER												
001 General Conditions												
001-013100 PROJECT STAFF												
Z100		McGough										
L2		Labor - Supervisory										
PY	C	227	Jan 05, 2020	BARTC001	CHRISTINE M BARTA	OFWK	OFWK20201	2	HR		102.30	
PY	C	227	Jan 05, 2020	BARTC001	CHRISTINE M BARTA	OFWK	OFWK20201	2	HR		102.30	
PY	C	227	Jan 05, 2020	BARTC001	CHRISTINE M BARTA	OFWK	OFWK20201	2	HR		102.30	
PY	C	227	Jan 05, 2020	KLOCJ001	JAKE G KLOCKE	OFWK	OFWK20201	8	HR		436.40	
PY	C	227	Jan 05, 2020	KLOCJ001	JAKE G KLOCKE	OFWK	OFWK20201	8	HR		436.40	
PY	C	620	Jan 12, 2020	NELSS001	SCOTT A NELSON	WKLY	WKLY20202	2	HR		127.60	
PY	C	620	Jan 12, 2020	NELSS001	SCOTT A NELSON	WKLY	WKLY20202	3	HR		191.40	
PY	C	648	Jan 12, 2020	BARTC001	CHRISTINE M BARTA	OFWK	OFWK20202	1	HR		51.15	
PY	C	648	Jan 12, 2020	BARTC001	CHRISTINE M BARTA	OFWK	OFWK20202	1	HR		51.15	
PY	C	648	Jan 12, 2020	BARTC001	CHRISTINE M BARTA	OFWK	OFWK20202	1	HR		51.15	
PY	C	648	Jan 12, 2020	JOHNP001	PHILIP S JOHNSON	OFWK	OFWK20202	2	HR		158.00	
PY	C	648	Jan 12, 2020	JOHNP001	PHILIP S JOHNSON	OFWK	OFWK20202	1	HR		79.00	
PY	C	648	Jan 12, 2020	KLOCJ001	JAKE G KLOCKE	OFWK	OFWK20202	8	HR		436.40	
PY	C	648	Jan 12, 2020	KLOCJ001	JAKE G KLOCKE	OFWK	OFWK20202	8	HR		436.40	
PY	C	648	Jan 12, 2020	KLOCJ001	JAKE G KLOCKE	OFWK	OFWK20202	8	HR		436.40	
PY	C	648	Jan 12, 2020	KLOCJ001	JAKE G KLOCKE	OFWK	OFWK20202	8	HR		436.40	
PY	C	648	Jan 12, 2020	KRUSJ001	JENNIFER L KRUSE	OFWK	OFWK20202	.25	HR		19.44	
PY	C	779	Jan 12, 2020	NELSS001	SCOTT A NELSON	WKLY	Union Weekly Payroll20202	0	HR		157.35	
PY	C	1738	Jan 19, 2020	BARTC001	CHRISTINE M BARTA	OFWK	OFWK20203	1	HR		51.15	
PY	C	1738	Jan 19, 2020	BARTC001	CHRISTINE M BARTA	OFWK	OFWK20203	1	HR		51.15	
PY	C	1738	Jan 19, 2020	BARTC001	CHRISTINE M BARTA	OFWK	OFWK20203	1	HR		51.15	
PY	C	1738	Jan 19, 2020	JOHNP001	PHILIP S JOHNSON	OFWK	OFWK20203	.5	HR		39.50	
PY	C	1738	Jan 19, 2020	JOHNP001	PHILIP S JOHNSON	OFWK	OFWK20203	1	HR		79.00	

01 - McGough Construction Co., LLC

JOB COSTING - TRANSACTION REPORT

Job Phase Category		Name						Quantity	WM	Billing Amount	Cost	Committed Cost
APP	T	Batch	Post Date	Source	Source Desc	Reference	Reference Desc					
Job 100079.001												
PY	C	1738	Jan 19, 2020	JOHNP001	PHILIP S JOHNSON	OFWK	OFWK20203	1	HR		79.00	
PY	C	1738	Jan 19, 2020	KLOCJ001	JAKE G KLOCKE	OFWK	OFWK20203	4	HR		218.20	
PY	C	1738	Jan 19, 2020	KLOCJ001	JAKE G KLOCKE	OFWK	OFWK20203	2	HR		109.10	
PY	C	1738	Jan 19, 2020	KLOCJ001	JAKE G KLOCKE	OFWK	OFWK20203	4	HR		218.20	
PY	C	1738	Jan 19, 2020	KLOCJ001	JAKE G KLOCKE	OFWK	OFWK20203	3	HR		163.65	
PY	C	1738	Jan 19, 2020	KLOCJ001	JAKE G KLOCKE	OFWK	OFWK20203	4	HR		218.20	
PY	C	3346	Jan 26, 2020	BARTC001	CHRISTINE M BARTA	OFWK	OFWK20204	1	HR		51.15	
PY	C	3346	Jan 26, 2020	BARTC001	CHRISTINE M BARTA	OFWK	OFWK20204	1	HR		51.15	
PY	C	3346	Jan 26, 2020	BARTC001	CHRISTINE M BARTA	OFWK	OFWK20204	1	HR		51.15	
PY	C	3346	Jan 26, 2020	BARTC001	CHRISTINE M BARTA	OFWK	OFWK20204	1	HR		51.15	
PY	C	3346	Jan 26, 2020	BARTC001	CHRISTINE M BARTA	OFWK	OFWK20204	1	HR		51.15	
PY	C	3346	Jan 26, 2020	DRIEP001	PATRIC J DRIESSEN	OFWK	OFWK20204	1	HR		53.10	
PY	C	3346	Jan 26, 2020	DRIEP001	PATRIC J DRIESSEN	OFWK	OFWK20204	1	HR		53.10	
PY	C	3346	Jan 26, 2020	DRIEP001	PATRIC J DRIESSEN	OFWK	OFWK20204	1	HR		53.10	
PY	C	3346	Jan 26, 2020	JOHNP001	PHILIP S JOHNSON	OFWK	OFWK20204	1	HR		79.00	
PY	C	3346	Jan 26, 2020	JOHNP001	PHILIP S JOHNSON	OFWK	OFWK20204	1	HR		79.00	
PY	C	3346	Jan 26, 2020	KLOCJ001	JAKE G KLOCKE	OFWK	OFWK20204	6	HR		327.30	
PY	C	3346	Jan 26, 2020	KLOCJ001	JAKE G KLOCKE	OFWK	OFWK20204	4	HR		218.20	
PY	C	3346	Jan 26, 2020	KLOCJ001	JAKE G KLOCKE	OFWK	OFWK20204	5	HR		272.75	
PY	C	3346	Jan 26, 2020	KLOCJ001	JAKE G KLOCKE	OFWK	OFWK20204	3	HR		163.65	
PY	C	3346	Jan 26, 2020	KLOCJ001	JAKE G KLOCKE	OFWK	OFWK20204	4	HR		218.20	
PY	C	3360	Jan 26, 2020	NILSB001	BENJAMIN E NILSEN	WKLY	WKLY20204	4	HR		255.20	
PY	C	3607	Jan 26, 2020	NILSB001	BENJAMIN E NILSEN	WKLY	Union Weekly Payroll20204	0	HR		125.88	
Labor - Supervisory TOTAL:								115.75		0.00	6,807.67	0.00
McGough TOTAL:								115.75		0.00	6,807.67	0.00
PROJECT STAFF TOTAL:								115.75		0.00	6,807.67	0.00

01 - McGough Construction Co., LLC

JOB COSTING - TRANSACTION REPORT

Job Phase Category		Name						Quantity	WM	Billing Amount	Cost	Committed Cost
APP	T	Batch	Post Date	Source	Source Desc	Reference	Reference Desc					
Job 100079.001												
M2		Materials - External										
AP	C	902	Jan 16, 2020	MINPOW01	Minnesota Power	4159459219-JAN19	Acct #4159459219		LS		326.67	
AP	C	3464	Jan 01, 2020	VEIDIS01	Veit Disposal Systems	0000069984	Roll-Off Service		LS		50.00	
Materials - External TOTAL:								0		0.00	376.67	0.00
TEMP FACILITY/COND TOTAL:								0		0.00	376.67	0.00
001-017423 CLEAN-UP FINAL												
Z300		Subcontractors										
S		Subcontract										
AP	C	2454	Jan 23, 2020	PRICON01	Prime Construction Solutions L	100079-0027-2	Essentia Health Regional Wellness Center	0	LS		1,876.00	
Subcontract TOTAL:								0		0.00	1,876.00	0.00
Subcontractors TOTAL:								0		0.00	1,876.00	0.00
CLEAN-UP FINAL TOTAL:								0		0.00	1,876.00	0.00
001-992000 EQUIP COSTS												
Z100		McGough										
E4		Trucks										
PY	C	779	Jan 12, 2020	NELSS001	SCOTT A NELSON	WKLY	Union Weekly Payroll20202	0	LS		32.50	
PY	C	3607	Jan 26, 2020	NILSB001	BENJAMIN E NILSEN	WKLY	Union Weekly Payroll20204	0	LS		26.00	
Trucks TOTAL:								0		0.00	58.50	0.00
McGough TOTAL:								0		0.00	58.50	0.00
EQUIP COSTS TOTAL:								0		0.00	58.50	0.00
General Conditions TOTAL:								115.75		0.00	9,118.84	0.00
006 Interior Construction												
006-038000 CONC CUTTING/BORING												
M2		Materials - External										
AP	C	3379	Jan 01, 2020	SUPDIA01	Superior Diamond Concrete Cutt	8500	6" Core Holes for Railings		LS		670.00	
Materials - External TOTAL:								0		0.00	670.00	0.00
CONC CUTTING/BORING TOTAL:								0		0.00	670.00	0.00
006-099100 PAINTING												

01 - McGough Construction Co., LLC

JOB COSTING - TRANSACTION REPORT

Job Phase Category		Name												
APP	T	Batch	Post Date	Source	Source Desc	Reference	Reference Desc	Quantity	WM	Billing Amount	Cost	Committed Cost		
Job 100079.001														
Z300 Subcontractors														
S Subcontract														
SC	O	3676	Jan 30, 2020	SWAAND01	Swanson and Youngdale	100079-0007	100079-0007-009 CHANGE ORDER #9	1	LS				863.00	
								1		0.00	0.00	863.00		
Subcontract TOTAL:								1		0.00	0.00	863.00		
Subcontractors TOTAL:								1		0.00	0.00	863.00		
PAINTING TOTAL:								1		0.00	0.00	863.00		
Interior Construction TOTAL:								1		0.00	670.00	863.00		
009 Mechanical														
009-200000 MECHANICAL(ALL)														
Z300 Subcontractors														
S Subcontract														
SC	O	3459	Jan 29, 2020	AG01	A G OBrien	100079-0029	100079-0029-013 Change Order #13	1	LS				1,154.00	
								1		0.00	0.00	1,154.00		
Subcontract TOTAL:								1		0.00	0.00	1,154.00		
Subcontractors TOTAL:								1		0.00	0.00	1,154.00		
MECHANICAL(ALL) TOTAL:								1		0.00	0.00	1,154.00		
009-210000 FIRE PROTECTION														
Z300 Subcontractors														
S Subcontract														
AP	C	1186	Jan 01, 2020	AG01	A G OBrien	100079-0018-RET	Essentia Health Regional Wellness Center	0	LS		0.00			
								0		0.00	0.00	0.00		
Subcontract TOTAL:								0		0.00	0.00	0.00		
Subcontractors TOTAL:								0		0.00	0.00	0.00		
FIRE PROTECTION TOTAL:								0		0.00	0.00	0.00		
Mechanical TOTAL:								1		0.00	0.00	1,154.00		
010 Electrical														
010-260000 ELECTRICAL (ALL)														
Z300 Subcontractors														
S Subcontract														
AP	C	1222	Jan 16, 2020	HOLELE01	Holden Electric Co.	100079-0011-14	Essentia Health Regional Wellness Center	0	LS		1,285.00			
AP	C	1222	Jan 16, 2020	HOLELE01	Holden Electric Co.	100079-0011-14	Essentia Health Regional Wellness Center	0	LS		-525.00			

01 - McGough Construction Co., LLC

JOB COSTING - TRANSACTION REPORT

Job Phase												
Category	Name											
APP	T	Batch	Post Date	Source	Source Desc	Reference	Reference Desc	Quantity	WM	Billing Amount	Cost	Committed Cost
Job	100079.001											
AP	C	1222	Jan 16, 2020	HOLELE01	Holden Electric Co.	100079-0011-14	Essentia Health Regional Wellness Center	0	LS		1,575.00	
AP	C	1222	Jan 16, 2020	HOLELE01	Holden Electric Co.	100079-0011-14	Essentia Health Regional Wellness Center	0	LS		-1,685.00	
AP	C	1222	Jan 16, 2020	HOLELE01	Holden Electric Co.	100079-0011-14	Essentia Health Regional Wellness Center	0	LS		-82.00	
Subcontract TOTAL:								0		0.00	568.00	0.00
Subcontractors TOTAL:								0		0.00	568.00	0.00
ELECTRICAL (ALL) TOTAL:								0		0.00	568.00	0.00
Electrical TOTAL:								0		0.00	568.00	0.00
900 Non-Reimbursable												
900-013100 PROJECT OVRHEAD/STAF												
M2		Materials - External										
AP	C	707	Jan 15, 2020	EMPVEN01	Employee as Vendor	20191125	859801 - EXPENSE REIMB	0	LS		-137.46	
Materials - External TOTAL:								0		0.00	-137.46	0.00
PROJECT OVRHEAD/STAF TOTAL:								0		0.00	-137.46	0.00
Non-Reimbursable TOTAL:								0		0.00	-137.46	0.00
999999 JOB INCOME												
CNV		Conversion Only										
JB	B	5339	Jan 31, 2020	CITOF66	City of Hermantown	010503	JB Draw 21 -	0	LS	45,484.00		
Conversion Only TOTAL:								0		45,484.00	0.00	0.00
JOB INCOME TOTAL:								0		45,484.00	0.00	0.00
ESSENTIA WELLNESSCENTER TOTAL:								117.75		45,484.00	10,219.38	2,017.00
Department	Account	Account Name			Cost Amount			Billing Amount			Profit	
25010	50010	Direct Costs-Subcontracts			2,444.00			0.00			-2,444.00	
25010	40010	Billings-Subcontracts			0.00			45,484.00			45,484.00	
25010	50120	Direct Costs-Trucks			58.50			0.00			-58.50	
25010	50020	Direct Costs-CM Labor			6,807.67			0.00			-6,807.67	
25010	50070	Direct Costs-Materials, Ext			909.21			0.00			-909.21	
					10,219.38			45,484.00			35,264.62	

01 - McGough Construction Co., LLC

JOB COSTING - TRANSACTION REPORT

Report Parameters

Company: 01
Job Pick List:
From Job: 100079.001
To Job: 100079.001
Category Pick List:
Phase Type:

From Category:
To Category:
From Phase:
To Phase:
Batch Number:
Print Inv Date: N

Job Status: A
Transaction Type: A
Include Subjobs: Y
Separate Page per Job: N
From Date: Jan 01, 2020
To Date: Jan 31, 2020

Run Date: Feb 14, 2020
Run Time: 3:06 PM CST
Operator: PATRIC.DRIESSEN
Report Code: JC2000

COMPANY NUMBER 1
 MCGOUGH CONSTRUCTION CO., LLC
 REQUESTED BY: PJD4
 JOB NUMBER 859801 ESSENTIA WELLNESS
 PAY ITEMS: TO 899

FROM 12/22/2019 TO 12/31/2019 CURRENT

VENDOR NUMBER	NAME	DESCRIPTION	TRAN DATE	INVOICE #	REF. #	GROSS AMT	RETAINED	PAID
MATERIAL COSTS								
22166	VEIT DISPOSAL SYSTEMS	CONSUMABLES	12/31/2019		1797189	292.61	.00	292.61
		ROLL OFF SERVICE	12/31/2019	0000069865	1800391	215.00	.00	215.00
		J KLOCK / MENARDS HE	12/31/2019		1803030	12.96	.00	12.96
		J KLOCK / THE JAMAR	12/31/2019		1803031	335.77	.00	335.77
		J KLOCK / 829 ALLIED	12/31/2019		1803032	109.24	.00	109.24
		J KLOCK / MENARDS HE	12/31/2019		1803033	139.97	.00	139.97
		J KLOCK / MENARDS HE	12/31/2019		1803034	3.23	.00	3.23
		S NELSO / EXXONMOBIL	12/31/2019		1803035	82.35	.00	82.35
		S NELSO / THE HOME D	12/31/2019		1803036	113.16	.00	113.16
		S NELSO / MENARDS HE	12/31/2019		1803037	131.10	.00	131.10
		S NELSO / MENARDS HE	12/31/2019		1803038	82.29	.00	82.29
		S NELSO / KWIK TRIP	12/31/2019		1803039	13.44	.00	13.44
		MOBILE 11.21 - 12.20	12/31/2019		1804260	115.99	.00	115.99
		Superior Diamond Con	12/31/2019		1804741	670.00	.00	670.00
TOTAL MATERIAL COSTS						2,317.11	.00	2,317.11
SUB-CONTRACT COSTS								
29529	CUSTOM CASEWORKS	ESSENTIA WELLNESS	12/31/2019	859801-3	1800392	24,535.66	1,226.78	23,308.88
TOTAL SUB-CONTRACT COSTS						24,535.66	1,226.78	23,308.88
EQUIPMENT COSTS								
	EQUIP	EQUIPMENT RENTAL	12/31/2019			1,231.92	.00	1,231.92
TOTAL EQUIPMENT COSTS						1,231.92	.00	1,231.92
PAYROLL COSTS								
	PAYROLL	2019 PR Accrual	12/31/2019			761.35	.00	761.35
TOTAL PAYROLL COSTS						761.35	.00	761.35
CONTRACT MGMT COSTS								
	CONTRACT MGMT	Payroll 12/22/2019	12/22/2019			5,465.00	.00	5,465.00
	CONTRACT MGMT	Payroll 12/29/2019	12/29/2019			1,800.00	.00	1,800.00
TOTAL CONTRACT MGMT COSTS						7,265.00	.00	7,265.00
TOTAL SUB JOB COSTS						36,111.04	1,226.78	34,884.26

COMPANY NUMBER 1
MCGOUGH CONSTRUCTION CO., LLC
REQUESTED BY: PJD4
JOB NUMBER 859801

FROM 12/22/2019 TO 12/31/2019 CURRENT

ESSENTIA WELLNESS

*****S U B J O B R E C A P *****

COST TYPE	GROSS AMT	RETAINED	PAID
-----	-----	-----	-----
MATERIAL COSTS	2,317.11	.00	2,317.11
MATERIAL - SALES TAX	.00	.00	.00
SUB-CONTRACT COSTS	24,535.66	1,226.78	23,308.88
EQUIPMENT COSTS	1,231.92	.00	1,231.92
WAREHOUSE COSTS	.00	.00	.00
PAYROLL COSTS	761.35	.00	761.35
CONTRACT MGMT COSTS	7,265.00	.00	7,265.00
INSURANCE/TAX COSTS	.00	.00	.00
OVERHEAD & PROFIT	.00	.00	.00
GENERAL LIABILITY	.00	.00	.00
CONSUMABLES	.00	.00	.00
SDI INSURANCE	.00	.00	.00
 TOTAL SUB JOB COSTS	 36,111.04	 1,226.78	 34,884.26

COMPANY NMCGOUGH CONSTRUCTION CO., LLC FROM 12/22/2019 TO 12/31/2019 CURRENT
REQUESTED BY: PJD4
JOB NUMBER 859801 ESSENTIA WELLNESS

***** J O B R E C A P *****

COST TYPE	GROSS AMT	RETAINED	PAID
-----	-----	-----	-----
MATERIAL COSTS	2,317.11	.00	2,317.11
MATERIAL - SALES TAX	.00	.00	.00
SUB-CONTRACT COSTS	24,535.66	1,226.78	23,308.88
EQUIPMENT COSTS	1,231.92	.00	1,231.92
WAREHOUSE COSTS	.00	.00	.00
PAYROLL COSTS	761.35	.00	761.35
CONTRACT MGMT COSTS	7,265.00	.00	7,265.00
INSURANCE/TAX COSTS	.00	.00	.00
OVERHEAD & PROFIT	.00	.00	.00
GENERAL LIABILITY	.00	.00	.00
CONSUMABLES	.00	.00	.00
SDI INSURANCE	.00	.00	.00
 TOTAL JOB COSTS	 36,111.04	 1,226.78	 34,884.26

TO: Mayor & City Council
FROM: John Mulder, City Administrator



DATE: February 25, 2020 **Meeting Date:** 3/2/20
SUBJECT: Automatic Door Openers **Agenda Item: 12-C** **Resolution 2020-32**

REQUESTED ACTION

Approval of purchase of seven (7) Automatic Door Openers for the Essentia Wellness Center

BACKGROUND

Following the opening of the Essentia Wellness Center, the YMCA requested that automatic door openers be installed on the doors to the locker rooms. This included two doors each on the men’s and women’s locker rooms, as well two doors for the hallway with the family locker rooms. Finally, one of the family locker rooms would also have an automatic door opener installed. LHB reviewed the options, and McGough sought pricing the from St. Germain Glass who originally installed the doors. Because the City Council informally approved at the time of discussion and there is a three-week lead time, McGough was provided direction to have these installed on February 25, 2020. This resolution provides formal documentation of approval.

SOURCE OF FUNDS (if applicable)

411-452200-580

ATTACHMENTS

Proposal

Resolution No. 2020-32

RESOLUTION AWARDING CONTRACT FOR AUTOMATIC DOOR OPENERS IN THE AMOUNT OF \$24,942.00 FOR THE ESSENTIA WELLNESS CENTER

WHEREAS, the City of Hermantown desires to obtain automatic door openers for the Essentia Wellness Center; and

WHEREAS, the automatic door openers desired by the City is available from St. Germain's Glass; and

WHEREAS, the automatic door openers will be purchased from St. Germain's Glass; and

WHEREAS, after fully considering this matter, the City Council of the City of Hermantown believes that it is in the best interest of the City of Hermantown to award the contract for the automatic door openers to St. Germain's Glass.

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of Hermantown as follows:

1. St. Germain's Glass is hereby determined to be able to provide the automatic door openers to the City.
2. The price of \$24,942.00 for the automatic door openers is hereby accepted.
3. The funds for the payment of the automatic door openers will be paid from Fund No. 411 and expensed to 411-452200-580.

Councilor _____ introduced the foregoing resolution and moved its adoption.

The motion for the adoption of such resolution was seconded by Councilor _____ and, upon a vote being taken thereon, the following voted in favor thereof:

Councilors

and the following voted in opposition thereto:

WHEREUPON, such resolution was declared duly passed and adopted March 2, 2020.

Essentia Wellness Center COST CHANGE PROPOSAL

02/18/20

Description: PR#68

PR#68 added auto operators and battery push button actuators at 7 interior doors. Work figured to be completed during normal working hours.

Funding Source: **Insurances:**

- | | |
|---|---|
| <input checked="" type="checkbox"/> Construction Contingency
<input type="checkbox"/> Contract Change
<input checked="" type="checkbox"/> Construction Contingency - Used for a Contract Change | <input type="checkbox"/> Subcontract default Insurance
<input type="checkbox"/> Performance and Payment Bond |
|---|---|

Item	Description	Quantity	Unit	Labor and Taxable Materials		Tax Exempt Materials	
				Cost/Unit	Totals	Unit Price	Totals
	St. Germain's Glass						
	Supply and install Stanley Auto Operators, push butt	1	LS	3,571	\$3,571	15,007	\$15,007
	Holden Electric						
	Supply and install wired connections for auto operat	1	LS	5,819	\$5,819	545	\$545
Subtotal Construction Cost Change					\$9,390		\$15,552
	Miscellaneous Items						
	Subcontractor Default insurance	1.00%	%		\$0		
	General Liability Insurance	0.95%	%		\$0		
Subtotal Construction & Misc. Cost Change					\$9,390		\$15,552
	Fees & Contingency						
	Construction Contingency	0.00%	%		\$0		\$0
	Construction & Purchasing Agent Fee	2.25%	%		\$0		\$0
	Performance and Payment Bond	0.75%	%		\$0		
Total Construction Cost					\$9,390		\$15,552
Total							\$24,942

Owner

McGough Construction

Date

Date

Architect

Date

TO: Mayor & City Council

FROM: Jim Crace, Chief of Police



DATE: February 25, 2020

Meeting Date: 3/2/2020

SUBJECT: JPA – MN BCA

Agenda Item: 12-D

Resolution 2020-33

REQUESTED ACTION

Pass a resolution to enter into a Joint Powers Agreement with the MN Bureau of Criminal Apprehension for their Minnesota Anti-Heroin Task Force.

BACKGROUND

HPD has had several Heroin investigations over the years and a couple that have been over dose deaths. These investigations require a great deal of personnel time and resources. This JPA allows HPD to recover cost of overtime associated with these investigations. It also allows us to work collaboratively with other agencies within the task force.

SOURCE OF FUNDS (if applicable)

N/A

ATTACHMENTS

JPA – Minnesota Anti-Heroin Task Force Program

Resolution No 2020-33

**RESOLUTION AUTHORIZING AND DIRECTING
THE MAYOR AND CITY CLERK TO EXECUTE AND DELIVER A JOINT POWERS
AGREEMENT BETWEEN THE BUREAU OF CRIMINAL APPREHENSION (BCA) AND CITY
OF HERMANTOWN**

WHEREAS, the Bureau of Criminal Apprehension (BCA) and the City of Hermantown are empowered to engage in agreements that are necessary to exercise their powers. The parties wish to work together to investigate illicit activities related to the distribution of heroin or unlawful distribution of prescription opioids; and

WHEREAS, the City of Hermantown wants to participate in the Minnesota Anti-Heroin Task Force Program (AHTF) and receive overtime reimbursement as allowed under the Community Oriented Policing Services (COPS) Anti-Heroin Task Force Program, and

WHEREAS, a copy of the Joint Powers Agreement is attached hereto; and

WHEREAS, the City Council has considered this matter and believes it is in the best interest of the City to authorize and direct the Mayor and City Clerk to enter into such Joint Powers Agreement on behalf of the City of Hermantown.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Hermantown, Minnesota as follows:

1. The Mayor and City Clerk are hereby authorized and directed to execute and deliver the Joint Powers Agreement attached hereto on behalf of the City of Hermantown.

Councilor ____ introduced the foregoing resolution and moved its adoption.

The motion for the adoption of such resolution was seconded by Councilor ____ and, upon a vote being taken thereon, the following voted in favor thereof:

and the following voted in opposition thereto:

WHEREUPON, such resolution was declared duly passed and adopted March 2, 2020



STATE OF MINNESOTA

JOINT POWERS AGREEMENT MINNESOTA ANTI-HEROIN TASK FORCE PROGRAM

This Joint Powers Agreement (“Agreement”) is between the State of Minnesota, acting through its Commissioner of Public Safety on behalf of the Bureau of Criminal Apprehension [“BCA”] (“State”), and the City of Hermantown on behalf of its Police Department (“Governmental Unit”).

Recitals

Under Minnesota Statutes § 471.59, the BCA and the Governmental Unit are empowered to engage in agreements that are necessary to exercise their powers. The parties wish to work together to investigate illicit activities related to the distribution of heroin or unlawful distribution of prescription opioids. The Governmental Unit wants to participate in the Minnesota Anti-Heroin Task Force Program (AHTF) and receive overtime reimbursement as allowed under the Community Oriented Policing Services (COPS) Anti-Heroin Task Force Program.

Agreement

1. Term of Agreement

- 1.1 **Effective Date.** This Agreement is effective on the date BCA obtains all required signatures pursuant to Minnesota Statutes § 16C.05, subdivision 2.
- 1.2 **Expiration Date.** This Agreement expires five years from the date of execution, unless terminated earlier pursuant to clause 12.

2. Purpose

The Governmental Unit and BCA enter into this Agreement to provide overtime reimbursement to the Governmental Unit who investigates illicit activities related to the distribution of heroin, or unlawful distribution of prescription opioids or any opioid-related overdose death. Priority will be given to those investigations with a nexus to Minnesota Indian Country.

3. Standards

The Governmental Unit will adhere to the AHTF Program standards identified below.

- 3.1 Investigate illicit activities related to the distribution of heroin or unlawful distribution of prescription opioids with a nexus to Indian Country. Indian Country is defined as “(a) all land within the limits of any Indian reservation under the jurisdiction of the United States Government, notwithstanding the issuance of any patent, and, including rights-of-way running through the reservation, (b) all dependent Indian communities within the borders of the United States whether within the original or subsequently acquired territory thereof, and whether within or without the limits of a state, and (c) all Indian allotments, the Indian titles to which have not been extinguished, including rights-of-way running through the same.” (see 18 U.S.C. 1151).
- 3.2 Investigate traffickers linked to fatal opioid-related overdose deaths.
- 3.3 Investigate practitioners prescribing opioids in violation of state or federal law.
- 3.4 Investigators will follow appropriate state and/or federal laws in obtaining arrest warrants, search warrants, and civil and criminal forfeitures. Investigators will follow proper legal procedures in securing evidence, including electronic devices.
- 3.5 Investigators will understand and use appropriate legal procedures in the use of informants including documentation of identity, monitoring of activities, and use and recordation of payments.
- 3.6 Investigators will use, as appropriate, the most current investigative technologies and techniques.
- 3.7 Investigators must be licensed Minnesota peace officers.

- 3.8 Governmental Unit must de-conflict case investigations with Regional Information Sharing Systems (RISS).
- 3.9 Investigators will comply with the guidelines of the COPS Anti-Heroin Task Force Program as outlined in the 2017 COPS Office Anti-Heroin Task Force Program Grant Owner's Manual. This manual is located at <https://cops.usdoj.gov/pdf/2017AwardDocs/ahtf/AOM.pdf>. If Governmental Unit receives funding from a grant awarded to the BCA subsequent to the 2017 grant, Governmental Unit will comply with the guidelines established by the later grant.

4. Responsibilities of the Governmental Unit and the BCA

4.1 The Governmental Unit will:

- 4.1.1 Assign a Governmental Unit point of contact to act as the liaison between it and the AHTF Project Coordinator to assist in case submissions for overtime, monthly reporting and meeting overtime reimbursement deadlines.
- 4.1.2 Submit an AHTF case submission form for pre-approval of funds. This request shall include a case synopsis, an explanation of how it qualifies under the required criteria in clauses 3.1, 3.2, 3.3, and 3.4 above, and an operational plan.
- 4.1.3 Conduct investigations in accordance with provisions of the AHTF Program Standards, identified in clause 3 above, and conclude such investigations in a timely manner.
- 4.1.4 Maintain accurate records of enforcement activities to be collected and forwarded monthly to the BCA for statistical reporting purposes.
- 4.1.5 Submit case data as required by the AHTF Program on a monthly basis. This information will include a case synopsis and demographic information on cases submitted for overtime, the number of heroin or unlawful distribution of prescription opioids investigations, search warrants, arrests, seizures and NARCAN®/naloxone deployments.
- 4.1.6 Prepare an operational briefing sheet for each active operation.
- 4.1.7 Allow BCA to inform participating agencies of potential case connections based on data submitted to BCA through the AHTF Program.
- 4.1.8 Refrain from comingling AHTF funds with any other existing federal or state grant funded overtime or additional local Governmental Unit funding.
- 4.1.9 De-conflict case investigations with RISS.
- 4.1.10 Enter suspect traffickers telephone numbers into the DEA Internet Connectivity Endeavor (DICE) database system as a means of deconfliction of case investigations. The BCA is available to assist in this process.
- 4.1.11 Certify that it is in compliance with 8 U.S.C. §1373(a) and (b) and will remain in compliance for the life of this Agreement.

4.2 The BCA will:

- 4.2.1 Provide a Senior Special Agent who will serve as the Project Coordinator.
- 4.2.2 Provide a Special Agent who will be assigned to the Drug Enforcement Administration's (DEA) Drug Diversion Team.
- 4.2.3 Provide a Criminal Intelligence Analyst (CIA) who will provide analytical support to heroin and prescription opioid investigations.
- 4.2.4 Certify it is compliance with 8 U.S.C. §1373 (a) and (b) and will remain in compliance for the life of this Agreement.

- 4.3 Nothing in this Agreement shall otherwise limit the jurisdiction, powers, and responsibilities normally possessed by a Governmental Unit acting through its employees.

5. Payment

- 5.1 To receive reimbursement for overtime expense, Governmental Unit must make an AHTF case submission by providing a case synopsis, an explanation of how the case qualifies under the required criteria for case acceptance and an operational plan. The BCA will review the case submission and grant or deny the reimbursement request within seven (7) business days of receipt by the BCA Authorized Representative.
- 5.2 To receive approved reimbursement, Governmental Unit must submit an overtime expense form no later than 15 business days after the end of the month during which the expense is incurred. The form must be submitted to bca.heroingrant@state.mn.us.
- 5.3 The BCA will pay the Governmental Unit within thirty (30) calendar days of the submission of the expense form.
- 5.4 The Governmental Unit may receive payment for an AHTF case submission for overtime expense approved prior to the effective date of this Agreement if the Governmental Unit had a joint powers agreement in place with the BCA that expired prior to the effective date of this Agreement. Reimbursement will occur as provided in Clause 5.2.

6. Authorized Representatives

The BCA's Authorized Representative is the following person or his successor:

Name: Jeffrey Hansen, Deputy Superintendent
 Address: Department of Public Safety; Bureau of Criminal Apprehension
 1430 Maryland Street East
 Saint Paul, MN 55106
 Telephone: 651.793.7000
 E-mail Address: jeff.hansen@state.mn.us

The Governmental Unit's Authorized Representative is the following person or his/her successor:

Name: James Crace, Chief
 Address: Hermantown Police Department
 5111 Maple Grove Rd
 Hermantown, MN 55811
 Telephone: 218.729.1202
 E-mail Address: Crace@hermantownmn.com

If the Governmental Unit's Authorized Representative changes at any time during this Agreement, the Governmental Unit must immediately notify the BCA.

7. Assignment, Amendments, Waiver, and Agreement Complete

- 7.1 Assignment.** The Governmental Unit may neither assign nor transfer any rights or obligations under this Agreement.
- 7.2 Amendments.** Any amendment to this Agreement must be in writing and will not be effective until it has been executed and approved by the same parties who executed and approved the original Agreement, or their successors in office.
- 7.3 Waiver.** If the BCA fails to enforce any provision of this Agreement, that failure does not waive the provision or its right to enforce it.
- 7.4 Agreement Complete.** This Agreement contains all negotiations and agreements between the BCA and the Governmental Unit. No other understanding regarding this Agreement, whether written or oral, may be used to bind either party.

8. Liability

The BCA and the Governmental Unit agree each party will be responsible for its own acts and the results thereof to the extent authorized by law and shall not be responsible for the acts of any others and the results thereof. The BCA's liability shall be governed by provisions of the Minnesota Tort Claims Act, Minnesota Statutes § 3.736, and other applicable law. The Governmental Unit's liability shall be governed by provisions of the Municipal Tort Claims Act, Minnesota Statutes §§ 466.01-466.15, and other applicable law.

9. Audits

Under Minnesota Statutes, § 16C.05, subdivision 5, the Governmental Unit's books, records, documents, and accounting procedures and practices relevant to this Agreement are subject to examination by the BCA and/or the State Auditor and/or Legislative Auditor, as appropriate, for a minimum of six (6) years from the end of this Agreement.

10. Government Data Practices

The Governmental Unit and the BCA must comply with the Minnesota Government Data Practices Act, Minnesota Statutes Chapter 13, and other applicable law, as it applies to all data provided by the BCA under this Agreement and as it applies to all data created, collected, received, stored, used, maintained, or disseminated by the Governmental Unit under this Agreement. The civil remedies of Minnesota Statutes § 13.08 apply to the release of the data referred to in this clause by either the Governmental Unit or the BCA.

If the Governmental Unit receives a request to release the data referred to in this Clause, the Governmental Unit must immediately notify the State. The State will give the Governmental Unit instructions concerning the release of the data to the requesting party before the data is released.

11. Venue

The venue for all legal proceedings out of this Agreement, or its breach, must be in the appropriate state or federal court with competent jurisdiction in Ramsey County, Minnesota.

12. Expiration and Termination

- 12.1 Either party may terminate this Agreement at any time, with or without cause, upon 30 days written notice to the other party. To the extent funds are available, the Governmental Unit shall receive reimbursement in accordance with the terms of this Agreement through the date of termination.
- 12.2 In the event that federal funding is no longer available, the BCA will notify the Governmental Unit and terminate the Agreement.
- 12.3 In the event the Governmental Unit breaches this Agreement, it will not be eligible to receive any further grant funds.

13. Continuing Obligations

The following clauses survive the expiration or cancellation of this Agreement: 8, Liability; 9, Audits; 10, Government Data Practices; and 11, Venue.

THE REMAINDER OF THE PAGE IS INTENTIONALLY BLANK

The parties indicate their agreement and authority to execute this Agreement by signing below.

1. STATE ENCUMBRANCE VERIFICATION
Individual certifies that funds have been encumbered as required by Minnesota Statutes §§ 16A.15 and 16C.05.

Signed: _____

Date: _____

SWIFT PO Number: _____

3. DEPARTMENT OF PUBLIC SAFETY; BUREAU OF CRIMINAL APPREHENSION

By: _____
(with delegated authority)

Title: _____

Date: _____

2. GOVERNMENTAL UNIT
Governmental Unit certifies that the appropriate person(s) has(have) executed this Agreement on behalf of the Governmental Unit and its jurisdictional government entity as required by applicable articles, laws, by-laws, resolutions or ordinances.

By: _____

Title: _____

Date: _____

By: _____

Title: _____

Date: _____

By: _____

Title: _____

Date: _____

4. COMMISSIONER OF ADMINISTRATION
As delegated to the Office of State Procurement

By: _____

Date: _____

TO: Mayor & City Council
FROM: Kevin Orme, Finance Director



DATE: February 19, 2020 **Meeting Date:** 3/2/20
SUBJECT: Bond Reimbursement **Agenda Item: 12-E** **Resolution 2020-34**
Compliance

REQUESTED ACTION

Approve again Procedure Relating to Compliance with Reimbursement Bond Regulations under the Internal Revenue Service Code

BACKGROUND

We are issuing new bonds, Series 2020A and Series 2020B, for the Section 24 Sewer Trunk line and for the 2020 Road Improvement Plan. There is a blanket resolution that allows us to reimburse ourselves prior expenditures out of the proceeds of subsequently issued bonds. Hermantown previously passed this resolution on March 27, 2018 (Resolution 2018-35). Our municipal bond advisors, Ehlers, recommend we pass this resolution again with these new bond issues.

SOURCE OF FUNDS (if applicable)

ATTACHMENTS

Resolution No. 2020-34

**RESOLUTION ESTABLISHING PROCEDURES
RELATING TO COMPLIANCE WITH REIMBURSEMENT BOND
REGULATIONS UNDER THE INTERNAL REVENUE CODE**

BE IT RESOLVED by the City Council (the "Council") of the City of Hermantown, Minnesota (the "City"), as follows:

1. Recitals.

(a) The Internal Revenue Service has issued Treasury Regulations, Section 1.150-2 (as the same may be amended or supplemented, the "Regulations"), dealing with "reimbursement bond" proceeds, being proceeds of the City's bonds used to reimburse the City for any project expenditure paid by the City prior to the time of the issuance of those bonds.

(b) The Regulations generally require that the City make a declaration of intent to reimburse itself for such prior expenditures out of the proceeds of subsequently issued bonds, that such declaration be made not later than 60 days after the expenditure is actually paid, and that the bonding occur and the written reimbursement allocation be made from the proceeds of such bonds within 18 months after the later of (1) the date of payment of the expenditure or (2) the date the project is placed in service (but in no event more than 3 years after actual payment).

(c) The City heretofore implemented procedures for compliance with the predecessor versions of the Regulations and desires to amend and supplement those procedures to ensure compliance with the Regulations.

(d) The City's bond counsel has advised the City that the Regulations do not apply, and hence the provisions of this Resolution are intended to have no application to payments of City project costs first made by the City out of the proceeds of bonds issued prior to the date of such payments.

2. Official Intent Declaration. The Regulations, in the situations in which they apply, require the City to have declared an official intent (the "Declaration") to reimburse itself for previously paid project expenditures out of the proceeds of subsequently issued bonds. The Council hereby authorizes the City Finance Director to make the City's Declarations or to delegate from time to time that responsibility to other appropriate City employees. Each Declaration shall comply with the requirements of the Regulations, including without limitation the following:

(a) Each Declaration shall be made not later than 60 days after payment of the applicable project cost and shall state that the City reasonably expects to reimburse itself for the expenditure out of the proceeds of a bond issue or similar borrowing. Each Declaration may be made substantially in the form of the Exhibit A which is attached to and made a part of this Resolution, or in any other format which may at the time comply with the Regulations.

(b) Each Declaration shall (1) contain a reasonably accurate description of the "project," as defined in the Regulations (which may include the property or program to be financed, as applicable), to which the expenditure relates and (2) state the maximum principal amount of bonding expected to be issued for that project.

(c) Care shall be taken so that the City, or its authorized representatives under this Resolution, not make Declarations in cases where the City does not reasonably expect to issue reimbursement bonds to finance the subject project costs, and the City officials are hereby authorized to consult with bond counsel to the City concerning the requirements of the Regulations and their application in particular circumstances.

(d) The Council shall be advised from time to time on the desirability and timing of the issuance of reimbursement bonds relating to project expenditures for which the City has made Declarations.

3. Reimbursement Allocations. The designated City officials shall also be responsible for making the "reimbursement allocations" described in the Regulations, being generally written allocations that evidence the City's use of the applicable bond proceeds to reimburse the original expenditures.

4. Effect. This Resolution shall amend and supplement all prior resolutions and/or procedures adopted by the City for compliance with the Regulations (or their predecessor versions), and, henceforth, in the event of any inconsistency, the provisions of this Resolution shall apply and govern.

Councilor ___ introduced the forgoing resolution and moved its adoption.

The motion for the adoption of such resolution was seconded by Councilor ___ and, upon a vote being taken thereon, the following voted in favor thereof:

Councilors

and the following voted in opposition thereto:

WHEREUPON, such resolution was duly passed and adopted March 2, 2020.

TO: Mayor & City Council
FROM: John Mulder, City Administrator



DATE: February 25, 2020

Meeting Date: 3/2/20

SUBJECT: Closure of Lindahl Road
Bridge

Agenda Item: 12-F

Resolution 2020-35

REQUESTED ACTION

Adopt Resolution to remove the Lindahl Road Bridge over the Midway River and create a dead end at that location.

BACKGROUND

At the October 7, 2019 Pre-agenda meeting, the City Council discussed some options for the bridge on Lindahl Road south of Morris Thomas Road. Those options included replacing the bridge or removing the bridge and closing Lindahl Road to through traffic. The City Council asked the City Engineer to investigate those options and prepare a feasibility report.

On November 4, 2019, the City Council received the preliminary engineering report and called for a public hearing on the matter. The Feasibility report recommended the removal of the bridge and the creation of hammerhead at the end of leg to allow for traffic to turn around on the dead ends.

On December 16, 2019, the City Council held a public hearing on the matter of closing Lindahl Road between Morris Thomas and U.S. Hwy 2 by removing the bridge over the Midway River.

If approved, the City Engineer would then prepare plans and specifications and the City would seek bids to complete the work. The City Council would then need to award the contract. The bridge would be closed in 2021.

SOURCE OF FUNDS (if applicable)

Stormwater Fund

ATTACHMENTS

Resolution No. 2020-35

**RESOLUTION ORDERING THE REMOVAL OF THE LINDAHL ROAD BRIDGE OVER
MIDWAY RIVER AND CREATING A DEAD END AT THAT LOCATION**

WHEREAS, the City of Hermantown (“City”) has been granted the authority by Minnesota Statutes § 412.221, Subd. 6 to maintain and control the streets within its jurisdiction; and

WHEREAS, City has received and approved a preliminary engineering report for the proposed bridge removal located on Lindahl Road over Midway River and create a dead end at that location (“Project”); and

WHEREAS, City held a public hearing on the Project on December 16, 2019; and

WHEREAS, City deems it advisable and necessary to proceed with the Project; and

WHEREAS, after due consideration the Council believes it is in the best interests of the City of Hermantown to proceed further with the Project; and

WHEREAS, the next step in the process is to have the City Engineer prepare final plans and specifications for such Project; and

WHEREAS, the City Council desires that the City Engineer proceed to prepare such plans and specifications.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Hermantown, Minnesota, as follows:

1. The Project is in the public interest.
2. The Project is hereby ordered as proposed.
3. The City Engineer is hereby authorized and directed to complete final plans and specifications for the Project.
4. Upon completion of such final plans and specifications, the City Engineer is requested to present them to the City Council for approval and authorization for bidding.
5. The City reasonably expects to finance the Project from an issue of tax-exempt bonds. In advance of issuance of the bonds it will be necessary for the City to temporarily finance certain costs of the Project by using either working capital or cash reserves, which are needed for other purposes. The City reasonably expects to reimburse itself from the proceeds of the bonds within eighteen (18) months after the date the Project is paid from such working capital or cash reserves.

Councilor ___ introduced the foregoing resolution and moved its adoption.

The motion for the adoption of such resolution was seconded by Councilor ___, and upon a vote being taken thereon, the following voted in favor thereof:

and the following voted in opposition thereto:

WHEREUPON, such resolution was declared duly passed and adopted March 2, 2020.

TO: Mayor & City Council
FROM: Eric Johnson, Community
Development Director



DATE: February 25, 2020 **Meeting Date:** 3/2/20
SUBJECT: Subdivision of an R-3 zoned property to create a flag lot **Agenda Items: 12-G** **Resolutions 2020-36**

REQUESTED ACTION

Council to approve a subdivision of the R-3 zoned property located at 5227 Maple Grove Road for the purpose of creating a flag lot.

DESCRIPTION OF REQUEST

The property owner owns a five acre property at 5227 Maple Grove Road. The property has a lot dimension of 166' x 1330'. A single family house and two accessory buildings are located on the property.

The property owner proposes to create a new flag lot along the western border of the existing property. The property owner is proposing a 30 foot 'pole/driveway' connection to Maple Grove Road for a distance of 320 feet with the 'flag' portion of the lot being approximately 166' x 1010'. The proposed lot sizes for the two total parcels are:

- Parcel A: 136' x 320' / 43,520 sf. or 1.0 acres
- Parcel B: 30' x 320' and 166' x 1010' / 175,586 or 4.03 acres

The property owner intends to construct a new single-family home on the new parcel and then rent the existing home upon completion of the new residence, which will also be a rental property. The property owner has discussed this proposal with the City Utility Clerk as well as St. Louis County in order to verify that utilities are available and that a new driveway cut would be permitted.

This application was heard at the February 11, 2020 Planning and Zoning Commission meeting. There were no members of the public present who spoke regarding the request. The Planning and Zoning Commission unanimously recommended the project be forwarded to the City Council for the March 2, 2020 meeting.

SITE INFORMATION:

Parcel Size:	5.0 acres
Legal Access:	Maple Grove Road
Wetlands:	Yes, northern 500' of property
Existing Zoning:	R-3, Residential
Minimum Lot Area:	0.5 acres (city services are available)
Airport Overlay:	No
Shoreland Overlay:	No
Comprehensive Plan:	Residential

BACKGROUND:

The City updated its regulations covering splitting of land and subdivisions in 2016. The update to the regulations created a process to allow flag lots in residential zoning districts. A flag lot is defined as a lot containing an area shaped like a “flag” which is the portion of the lot where all structures are to be located and an area shaped like a “pole” which is the portion of the lot where the vehicular access between the flag and its adjoining road shall be located. The regulations set ten standards for flag lots in Hermantown. These are listed in the Findings section. Flag lots require a public hearing by the Planning Commission and approval by the City Council.

Administrative approvals and Flag Lot approvals require a certificate of survey, resulting legal descriptions, and review of any assessments. In addition, the City charges a fee in lieu of land dedication of \$1,100 for parks and recreation for every new residential lot created.

Furthermore, the existing property is Torrens land. Per the City ordinance Torrens land requires that a registered land survey be prepared for the subdivision of the property. The property owner has provided a certificate of survey at this point and will be required to provide a registered land survey in order to finalize the subdivision of the property.

The existing home utilizes City water and sanitary sewer services. As part of the flag lot project, the property owner will need to complete the hook up new City services and pay the associated City and WLSSD hook up fees. The new flag lot will also be required to utilize City sanitary sewer and water services.

City wetland inventory maps indicate the presence of wetlands on the rear 500 feet of the property. Maps indicate that buildable upland areas exist from Maple Grove Road to approximately 830’ into the property. The property owner’s plans for a new home and accessory structure will not impact these wetlands.

There is an existing water line and sanitary sewer within the right of way of Maple Grove Road. The property owner will need to submit for the proper required permits and pay any applicable connection fees in order to utilize these existing utility services.

FINDINGS:

Staff recommends the following findings of fact regarding the flag lot split application:

- 1. The resulting lots do not violate any provision of the Hermantown Zoning Regulations, Comprehensive Plan, or any other local ordinance.** The lot exceeds minimum standards in the R-3, Residential District, maintains the suburban residential development pattern identified in the Comprehensive Plan, and has access to water and sewer.
- 2. The width of the flag lot at the front yard setback line must meet the lot width requirements of the Hermantown Zoning Regulations.** The lot is 166’ wide at the front yard setback line which exceeds the requirement of 100’.
- 3. The pole portion of a flag lot shall not exceed 500 feet.** The pole is 320’ feet long.
- 4. The pole portion of a flag lot must have a minimum width of 30 feet, be of uniform width, be a platted part of the flag lot, and connect to a public street. The driveway shall be set back a minimum of 10 feet from the neighboring property that was not used to create the flag lot and five feet from the mother property.** The pole is 30’ wide. Approval of building permits will be conditioned on siting of the driveway to meet setback standards defined in Section 1010.04.04 of the Hermantown Zoning Regulations.

5. **The pole portion of the flag lot will not be included in calculating the minimum lot area.** The lot area without the “pole” is 3.85 acres which exceeds the ½ acre minimum lot size of the R-3, Residential zoning district.
6. **Only one flag lot may be created from an existing/mother property.** The city will record that no further flag lots can be created from PIN # 395-0010-04353
7. **Must be used exclusively for single family dwelling and accessory uses.** The intended use of the new developable lot is for single family residential. The City will only issue building or zoning permits for single family residential and related uses.
8. **The City must determine that the creation of the flag lot will not interfere with future development of roads or interior lands.** The rear portion of this property abuts a large wetland complex. The creation of a flag lot would not hinder development in this area.
9. **The City must determine that the flag lot provides adequate accessibility of emergency responders.** The proposed pole meets minimum width and is less than the maximum length. Both standards were developed with emergency response vehicles in mind.
10. **All flag lots must display an address at their closest point of access to a public street for emergency responders.** The applicant will have to assent to displaying 911 addressing in a visible location at the entrance of the driveway.

RECOMMENDATION:

Staff recommends approval of the creation of a 166’ by 1010’ flag lot with a 30’ by 320’ pole abutting Maple Grove Road with the following conditions:

1. Adopt the stated Findings of Fact and other content of this report as the required findings identified in Section 1010.04.11.6 of the Hermantown Zoning Regulations.
2. Prior to recording of the flag lot the property owner shall pay a fee in lieu of land dedication for parks and recreation of \$1,100.
3. Prior to issuance of a City land alteration permit for site work on the flag lot the property owner of the land alteration permit will provide a site plan depicting the driveway and flag the location of the driveway for inspection to confirm that it meets setback requirements listed Section 1010.04 of the Hermantown Zoning Regulations.
4. The new flag lot will be required to utilize City sanitary sewer and water services and pay all applicable fees.
5. The property owner will be required to provide a registered land survey for the subdivision of a Torrens property. This will be required prior to the City’s sign off on the warranty and or quit claim deed.
6. The property owner shall sign a consent form assenting to all conditions of this approval.
7. The property owner shall pay an administrative fine of \$750 per violation of any condition of this approval.

ATTACHMENTS

- Location Map
- Proposed Survey and Legal Descriptions

Resolution 2020-36

**RESOLUTION APPROVING A FLAG LOT SUBDIVISION OF
5227 MAPLE GROVE ROAD AND AUTHORIZING CITY STAFF TO EXECUTE SUCH
SUBDIVISION UPON THE SATISFACTION OF CERTAIN CONDITIONS**

WHEREAS, Survey documents ("Survey") of the flag lot subdivision have been submitted to the City;
and

WHEREAS, Brad Johnson and Jackie Johnson, husband and wife ("Applicants") have requested that the City Council approve the flag lot subdivision creating one (1) new conforming lot from the existing 5227 Maple Grove Road property; and

WHEREAS, The Hermantown Planning and Zoning Commission has recommended the approval of the flag lot subdivision; and

WHEREAS, The City Council has duly considered this matter and believes that it is in the best interests of the City of Hermantown that the flag lot subdivision be approved, subject to the satisfaction of certain conditions; and

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of Hermantown, Minnesota, as follows:

1. The flag lot subdivision is hereby approved.
2. City Staff are hereby authorized and directed to execute the flag lot subdivision on behalf of the City of Hermantown when City Staff determine that all of the following items have been satisfied:
 - 2.1. Prior to issuance of a City land alteration permit for site work on the flag lot, the applicant of the land alteration permit will provide a site plan depicting the driveway and flag the location of the driveway for inspection to confirm that it meets setback requirements listed in Section 1010.04 of the Hermantown Zoning Regulations.
 - 2.2. The property owner will be required to provide a registered land survey for the subdivision of a Torrens property. This will be required prior to the City's sign off on the warranty and or quit claim deed.
 - 2.3. The new flag lot will be required to utilize City sanitary sewer and water services for the newly created flag lot and pay all applicable fees.
 - 2.4. Prior to recording of the flag lot the applicant shall pay a fee in lieu of land dedication for parks and recreation of \$1,100.
 - 2.5. The applicant shall sign a consent form assenting to all conditions of this approval.
 - 2.6. No further flag lot splits will be allowed for the subject property. In addition, the applicants consent to a 911 sign being installed at the driveway entrance of the newly created flag lot.
 - 2.7. The applicant shall pay an administrative fine of \$750 per violation of any condition of this approval.

Councilor ___ introduced the foregoing resolution and moved its adoption.

The motion for the adoption of such resolution was seconded by Councilor ___ and, upon a vote being taken thereon, the following voted in favor thereof:

Councilors

and the following voted in opposition thereto:

WHEREUPON, such resolution was declared duly passed and adopted March 2, 2020.

ACCEPTANCE OF RESOLUTION

Brad Johnson and Jackie Johnson husband and wife (“Owners”) hereby acknowledges and accept the conditions specified on the foregoing Resolution and covenant and agree to comply with each and every such condition.

Owners acknowledges that the failure to comply with all of the modifications and conditions shall constitute a violation of the Hermantown Zoning Ordinance and that the City of Hermantown may, in such event, exercise and enforce its rights against Owners by instituting any appropriate action or proceeding to prevent, restrain, correct or abate the violation.

Owners acknowledge that this Resolution shall be recorded with the title to the property depicted in Exhibit A to the Resolution.

IN WITNESS WHEREAS, Brad Johnson and Jackie Johnson. have executed this acceptance this ____ day of _____, 2020.

Brad Johnson

Jackie Johnson

STATE OF MINNESOTA)
)ss.
COUNTY OF ST. LOUIS)

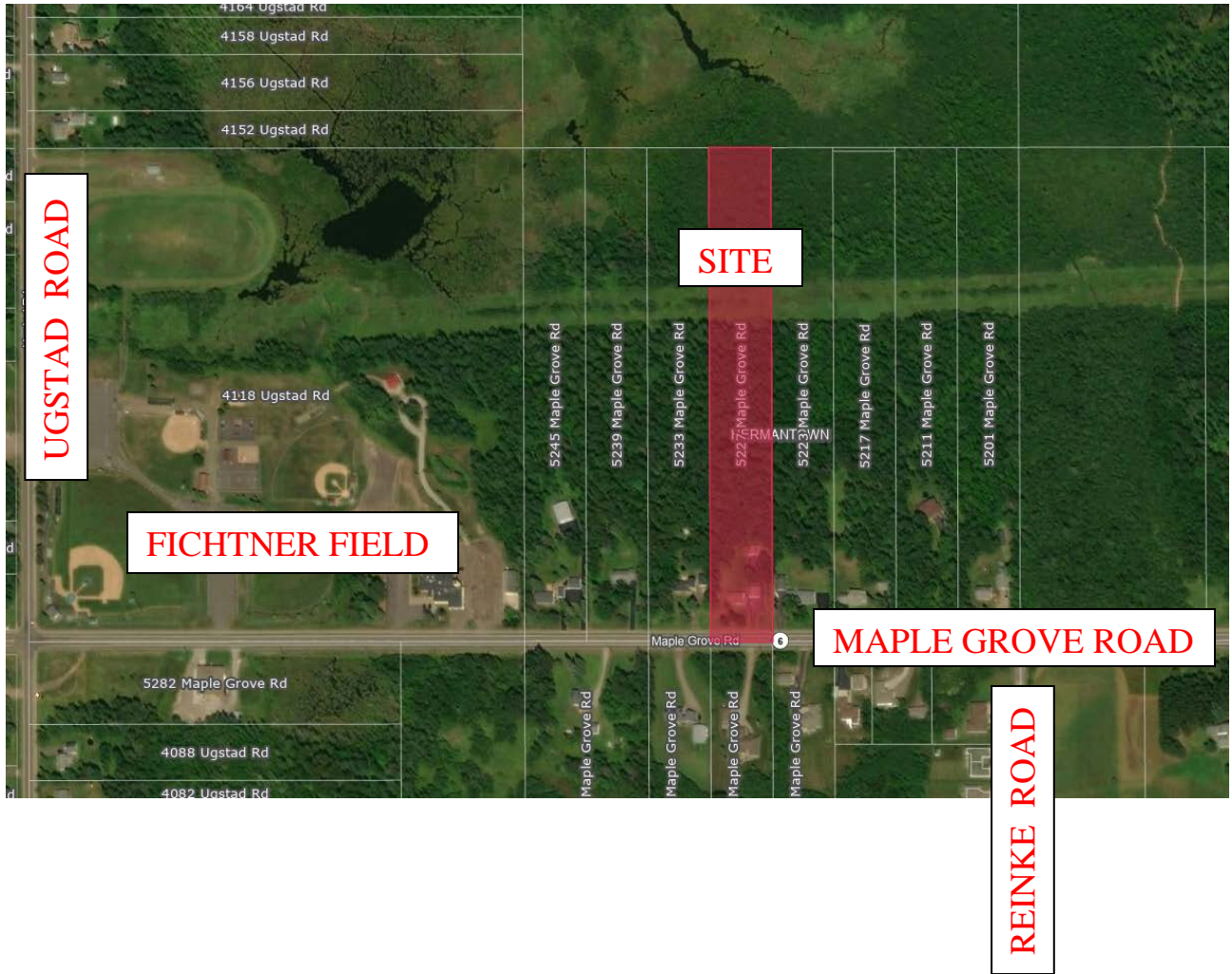
The foregoing instrument was acknowledged before me this ____ day of _____, 2020, by Brad Johnson and Jackie Johnson, husband and wife.

Notary Public

EXHIBIT A

The East Half of the East half of the West half of the Southeast Quarter of the Southwest Quarter, of Section Fifteen (15), in Township Fifty (50) North of Range Fifteen (15) West of the Fourth Principal Meridian, St. Louis County, Minnesota.

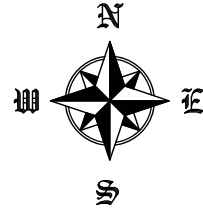
Location Map



LEGAL DESCRIPTION SKETCH

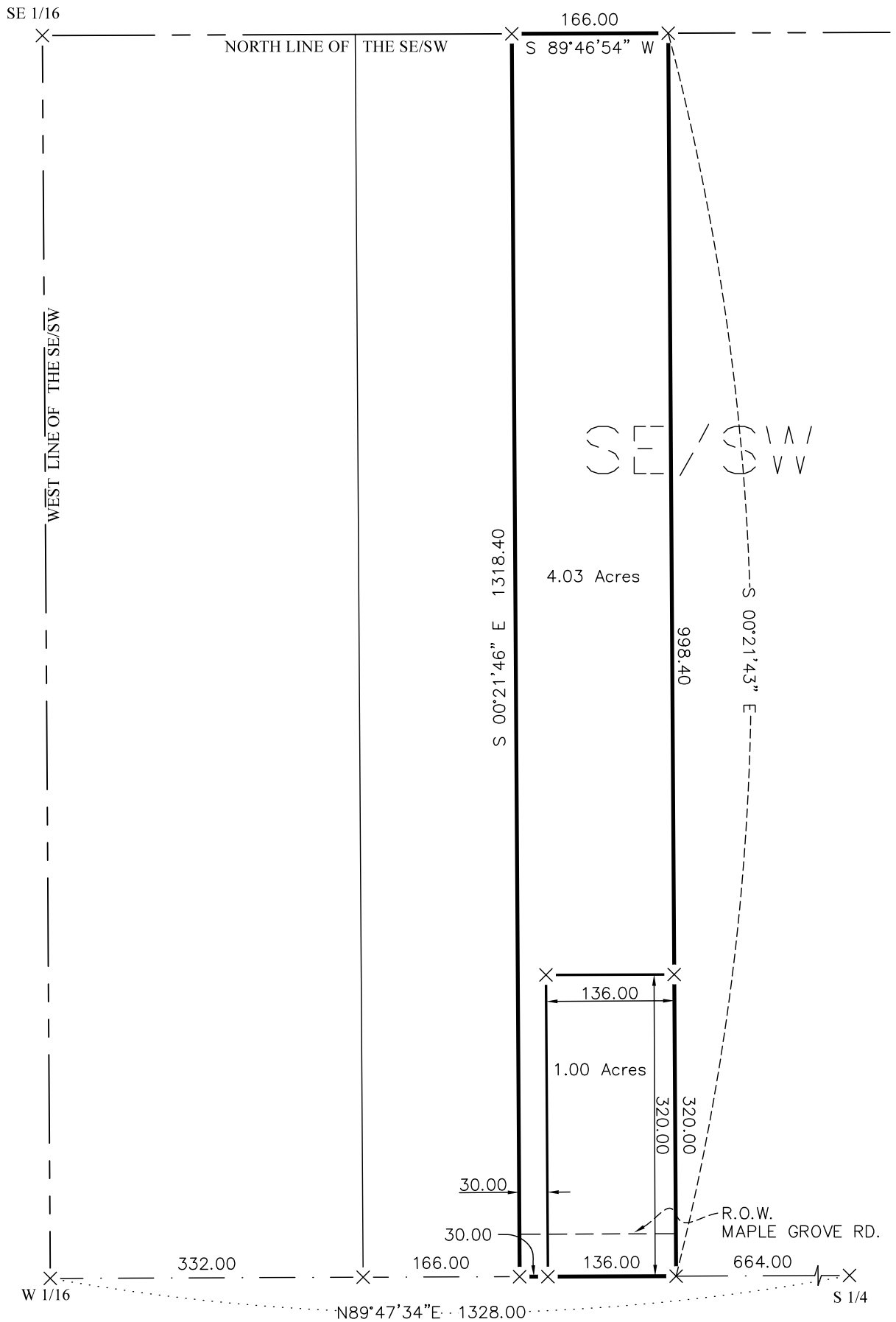
PARCEL SUBDIVISION IN THE SE/SW OF SECTION 15, T50N, R15W, 4th P.M. ST. LOUIS COUNTY, MN

BEAR ISLAND SURVEYING INC.
ELY, MINNESOTA



BASIS OF BEARING IS ASSUMING THE SOUTH LINE OF SECTION 15 TO BEAR N89°47'34"E
ALL LINEAR MEASUREMENTS ARE U.S. SURVEY FEET
©

SCALE 1" = 150' DECEMBER, 2019



LEGAL DESCRIPTION for Brad Johnson
(Residue Parcel)

December 4, 2019

The East 136.00 feet of the South 320.00 feet of the East Half of the East Half of the West Half of the Southeast Quarter of the Southwest Quarter, Section 15, Township 50 North, Range 15 West of the Fourth Principal Meridian, St. Louis County, Minnesota as defined by a line parallel with and 136.00 feet distant from the East line of the East Half of the East Half of the West Half of the Southeast Quarter of the Southwest Quarter and by a line parallel with and 320.00 feet distant from the South line of the East Half of the East Half of the West Half of the Southeast Quarter of the Southwest Quarter.

Said parcel contains 1.00 acre.

(Johnson-01-des)

LEGAL DESCRIPTION for Brad Johnson
(Flag Lot)

December 4, 2019

The East Half of the East Half of the West Half of the Southeast Quarter of the Southwest Quarter, Section 15, Township 50 North, Range 15 West of the Fourth Principal Meridian, St. Louis County, Minnesota EXCEPT for the East 136.00 feet of the South 320.00 feet thereof, as defined by a line parallel with and 136.00 feet distant from the East line of the East Half of the East Half of the West Half of the Southeast Quarter of the Southwest Quarter and by a line parallel with and 320.00 feet distant from the South line of the East Half of the East Half of the West Half of the Southeast Quarter of the Southwest Quarter.

Said parcel contains 4.03 acres.

(Johnson-02-des)

Brad and Jackie Johnson

01/31/2020

4958 Maple Grove Rd.

Hermantown, MN 55811

218-340-1258

Prepared for: City of Hermantown

This letter is to address our plans for the property at 5227 Maple Grove Rd. We purchased this property November 26, 2019 with the plan to ask for a land split through the city of Hermantown. The property we split from the original will be put up for sale upon completion of title work. We have had preliminary title work done through Bear Island Surveying. They confirm that the property will fall within the guidelines the city has set. If accepted we will have a registered land survey done. We have also checked with the city of Hermantown utilities department and confirmed both city sewer and water are on our side of the street. They also indicate there would be no issues with adding a new service in this location. We have contacted a concrete contractor and received a bid for installation of new driveway entrance, sidewalk and curb at roadside. We also plan to stub out utilities to the 33 foot mark and install a driveway down the pole of the new property.

Please call with any questions.
Thank you for your consideration.
Brad and Jackie Johnson

TO: Mayor & City Council
FROM: Eric Johnson, Community
Development Director



DATE: February 26, 2020 **Meeting Date:** 3/2/20
SUBJECT: Preliminary PUD – The **Agenda Items:** 12-H **Resolutions 2020-37**
Pillars of Hermantown

REQUESTED ACTION

Council to approve a Preliminary Planned Unit Development Plan for a 110 unit/lot residential development.

BACKGROUND

Applicant is requesting approval of a Preliminary Planned Unit Development (PUD) Plan, to construct a 110-unit, three story senior living building on 10 acres in the R-3 Zoning District at 5097 Maple Grove Road. The proposed development is proposed to contain 110 units total. Final unit count may increase or decrease at the time of the Final PUD application.

SITE INFORMATION: 10 acres
Legal Access: Maple Grove Road and Lavaque Road
Wetlands: Yes – on adjacent 10 acre parcel. Have been delineated
Existing Zoning: R -3 Single Family Residential
Airport Overlay: C Zone, structure height restrictions only
Shoreland Overlay: No
Comprehensive Plan: Residential

Background:

The City was first approached in February 2019 with a proposed project which included a senior living facility, 16 townhomes and 18 single family homes. This prior application with its associated development plans was reviewed by staff and presented to the Planning Commission in July 2019 for Preliminary PUD approval and in November for Final PUD approval. The Project was forwarded to the City Council in December and was heard at both December and January City Council meetings. The City Council ultimately denied the Project as previously proposed.

The Applicant has revisited the Project and is now proposing The Pillars of Hermantown a 110-unit, senior living, three story building. The site is currently undeveloped with rolling topography and a mixture of trees and open grassland area. There are no wetlands on the property and the site has access from Maple Grove Road to the south and Lavaque Road to the west. The adjacent 10-acre parcel which will be used for site access does have wetlands present. These wetlands have been reviewed and approved delineation wise and will need to have a wetland impact application submitted.

This application was heard at the February 11, 2020 Planning and Zoning Commission meeting. There were approximately 15 members of the public present, of which two of whom spoke. The Planning and Zoning Commission unanimously recommended the project be forwarded to the City Council for the March 2, 2020 meeting.

The 110-unit, three story senior building consists of independent, assisted living and memory care units and has a footprint of approximately 39,000 square feet for a total of approximately 116,000 square feet in size. The building is proposed to have 72 surface parking spaces and 62 underground spaces.

Before starting the design process, Oppidan hired a third-party source to conduct a market study to determine demand for senior residential units on this site. Using this information, Oppidan and Ebenezer worked together to design a building to fit this demand.

Included within the proposed community are several amenity spaces with potential to include heated, underground parking, a pub, theater and chapel room, fitness center, salon, a library and outdoor activity spaces.

Approximately 20 of the units would be designed specific to Memory Care residents. This area of the building will be secured to provide a safe community home for the residents and prevent residents from wandering away and will be staffed to handle higher care levels. This space will include separate dining and community space, as well as a private courtyard. Memory Care residents do not have access to vehicles and therefore do not have any impact on area traffic.

Ebenezer staffs 'awake' caregivers at their facilities 24/7, 365 days a year to help care for residents, and address emergencies. In addition to these services the Project is closely located to the Hermantown Volunteer Fire Department with the entrance to the project site being approximately 1,500 feet from the Maple Grove driveway access of the HVFD.

PUD Process:

The City's zoning regulations governing PUD's require that each PUD obtain preliminary and final approval. At the City's discretion, the preliminary and final PUD approvals may be processed concurrently. The City determined that preliminary review is appropriate in this case as it provides two public hearings for the public to provide comments related to the project.

The PUD review and approval process include a public hearing by the Planning Commission and a recommendation to the City Council. Following approval by the City Council, the Applicant will have one year to file for a Final PUD. At the time of Final PUD approval, the Applicant will then be required to enter into a development contract with the City to govern certain aspects of the site development, including payments for utility connections. A Final PUD order will be approved by the City setting Project specific development standards. Following completion of the development contract the applicant will be granted final Zoning approval and can begin construction, pending approval the associated building permits.

Per Section 1105 of the Planned Unit Development section of the Zoning Ordinance, it requires that a PUD must provide public benefits to the surrounding neighborhood and to the city above and beyond what can be reasonably achieved by application of the zoning provisions applicable to the underlying zoning district. The nature and scale of public benefit shall be determined by the City and include, but not be limited to:

Preservation and enhancement of natural systems and resources, topography, vegetation, and other natural features. – This project allows for development of a property which has minimal impediments (good access, no wetlands, minimal adjacent properties). There are no existing structures or wetlands on this 10-acre site. There is a vegetated berm located on the south and west sides of the property along Maple Grove Road and Lavaque Road, respectively. The proposed senior living community will sit in the NE

corner of the site which allows for the majority of the berm to remain as is, creating a buffer between the proposed development and the roadway.

The topography in this portion of the site allows for relatively easy access into the underground parking garage with access under the north-south wing of the building. As much foliage as possible will be preserved to provide additional screening and greenspace for residents. Proposed landscaping plans will fit accordingly within City guidelines.

- 1.2 Provision of recreational amenities including trails and parks. – The Project proposes green space as well as undeveloped land as part of the development. The Project has an interior sidewalk which connects to the existing sidewalk along Maple Grove Road. In the future, the City is planning construction of the Hermantown Community Connector Trail, a 2.15 mile trail from the Government Services Complex (City Hall) to the Essentia Wellness Center/Hermantown School Campus. This proposed trail would connect to the existing sidewalk located at the NW intersection of Maple Grove and Lavaque Road.
- 1.3 Provisions of pedestrian and non-motorized travel facilities. - Internal sidewalk system which connects to the public right of way and sidewalk described above.
- 1.4 Use of design, landscape, or architectural features to create pleasing environment or other special development features. This is accomplished by requiring the use of approved building materials and green space/undeveloped land.
- 1.5 Provision of a variety of housing and community types. – The project proposes to add needed senior housing to the community.

Zoning Analysis:

The property is zoned R-3, Residential. The applicant has applied for a Planned Unit Development (PUD) for the property. A PUD is a permitted use in an R-3 zone district. Section 11 of the zoning ordinance explains that: ‘A PUD is intended to encourage a more efficient and creative use of land and development, more efficient and effective use of streets, utilities and public services; protection of natural resources; and more efficient and effective provision of recreational, public and open space than can be achieved through conventional development procedures.

This Project is in close proximity to the City’s administrative services complex and will be a natural and complementary extension of a higher density institutional service use of the property near the intersection of Maple Grove Road and Lavaque Road.

Setbacks

City Code allows a PUD to have standards that meet the City’s goals for each proposed development. These standards include building height, density, roadway widths and setbacks. The proposed project has the following setbacks and building height:

Typical setback standards in the R-3 Zoning District for single family residential homes and proposed setbacks are shown in Table 1:

Table 1. R-3 Residential Requirements	R-3 Requirement	The Pillars of Hermantown
Minimum lot area	½ acre	10 acre site
Minimum lot width (at setback line)	100 feet	580 feet minimum – Maple Grove Road 544 feet minimum – Lavaque Road
Minimum front yard	50 feet from public ROW	150 feet minimum – Maple Grove Road ROW 233 feet minimum – Lavaque Road ROW
Minimum side yard	10 feet, 25 feet aggregate	32 feet minimum from eastern property line
Minimum rear yard Main structure	40 feet	100 feet
Minimum rear yard Accessory structure	10 feet	N/A
Minimum side yard Accessory structure	10 feet	N/A
Roadway ROW width	66 feet	N/A – private driveway
Building height	35 feet to mid point of roofline	38’ -10” to mid point of roofline
Maximum lot coverage	35%	9%

Stormwater

The Applicant is proposing that the stormwater for the Project be directed towards a main storm basin located in the western, center portion of the site. The stormwater plans will be further reviewed at the time of the Final PUD submission. Upon submittal of the Final PUD the Applicant will be required to engage an engineer to prepare an erosion and sediment control plan for construction and post-construction control of run-off. Bio-rolls, silt fencing and other Best Management Practices will be required in order to control runoff during construction.

Utilities

The Applicant will connect the senior building to City sewer and water systems. The Applicant will provide engineered plans for utility connections prior to beginning such work on the site. Detailed plans for the utility connections will be reviewed and approved by the City Engineer prior to issuance of the building permits.

The proposed Project would be constructed solely with private funds, as the Applicant has not requested any City assistance for the project. Previously, the City engaged a contractor to install water service to this property in association with the Maple Grove roadway improvement project in mid-2019. The cost of this service extension to the south property line of the site was \$66,190.00. As part of the

Development Agreement, the Applicant will be responsible to repay the City this amount either at time of platting or as an assessment to the property.

Driveway, Parking, and Traffic

The Applicant plans to construct a 28-foot-wide asphalt roadway with curb and gutter from Maple Grove Road along the existing sanitary sewer line immediately to the east of this 10 acre site. This roadway would be privately constructed and maintained, however it may be deeded to the City at a future date. From this roadway, the Applicant will construct a private drive which will connect to the underground parking and parking lot for the facility. This drive would then connect to Lavaque Road which allows for access to the property from two County Roads.

The Project will include Code compliant, senior-friendly sidewalks which will be provided to allow for resident's easy access to the parking lots and any outdoor amenity spaces. This sidewalk will also connect the senior building to the existing sidewalk system along Maple Grove Road.

The proposed parking for residents will be located in the underground parking garage which will hold approximately 62 stalls. Additional staff, visitor and resident parking has been proposed directly outside the main entrance and provides approximately another 72 stalls. Per the Applicant, this is adequate parking as several residents of senior communities do not transport themselves, many times opting to use the community owned bus. The proposed parking lot will be buffered through a combination of landscape plantings and by preserving a portion of the natural landscape, shielding much of the site from neighbors.

Vic Lund, Traffic Engineer with St. Louis County advised City Staff that the County performed an intersection control evaluation (ICE) study of Maple Grove Road and Lavaque Road in 2013. At that time, the traffic volumes did not warrant a traffic signal in accordance with the Minnesota Manual on Uniform Traffic Control Devices (MUTCD).

The Property Owner engaged Vernon Swing a Professional Engineer specializing in traffic engineering to conduct a traffic study which took place in July and August 2019. The study was forwarded to Vic Lund, who concurred with the report and stated that a permit for full driveway access on Maple Grove Road and Lavaque Road would be approved upon receiving an application. This study has since been updated to only include the senior living facility as this is the proposed use on the site.

Vic Lund is of the opinion that the intersection of Maple Grove Road and Lavaque Road does not currently warrant a traffic signal. However, this intersection may warrant something in the future such as a traffic signal or roundabout. In order to provide a definitive analysis, we would have to recount the intersection and perform a signal warrant analysis. The applicant will be required to perform a Traffic Study two (2) years after the completion of the project in order to assess the need for intersection improvements.

Lastly, the intersection of Maple Grove Road and Lavaque Road is an entirely County-owned intersection and therefore St. Louis County is responsible to ensure this intersection is performing safely and efficiently while also looking out for future needs. St. Louis County has already reviewed the trip generation study of this proposed development and did not have any concerns about the additional traffic it may add and has indicated that it will issue access permits when requested.

Park Dedication Fees

The Applicant will be required to pay park dedication fees consistent with the requirements of the City Zoning Ordinance. Park dedication fees will be paid according to the following schedule. Payments are due at the time of approval of the Final PUD or as agreed to in the development contract.

Development Type	Recommended
Multi-family, 2+ bedroom units	\$800
Multi-family, 1 bedroom and studio	\$400
Per bedroom fee	\$150
Planned Unit Development	Proportional to Mix of Development

Ownership Structure:

Oppidan Investment Company will own the community and has entered into an agreement with Ebenezer Management Services to manage the community. Ebenezer is wholly owned by Fairview Health Services and brings a wealth of experience and awareness to the aging population from both a caring living experience to necessary healthcare provisions. This will be the seventh community partnership between Oppidan and Ebenezer.

The proposed Pillars of Hermantown Senior living Community will enhance the local economy via job creation and tax expenses. New property taxes will be generated as a result of this development. This will also create the equivalent of more than 35 full time, permanent jobs. Both part-time and full-time positions exist at various wage rates and skill levels including skilled nursing, housekeeping, culinary and dining assistants and professional management.

Stormwater Utility Fees:

The Stormwater Facility Fee for the senior living facility will be calculated as a non-residential (greater than 4 units) use and subject to \$7.00/9,100 square feet of impervious surface. A stormwater fee of approximately \$420/year after credits will be required to be paid by the Project under current rates.

Summary

Staff recommends approval of 110 unit/lot Preliminary PUD based on the findings of this report and the following:

1. The Preliminary PUD meets the intent of the R-3, Residential Zoning District, Chapter 11 – Planned Unit Developments, and the overall goals and policies of the Zoning Ordinance.
2. The Preliminary PUD meets the Comprehensive Plan for residential development and standards of a Planned Unit Development by providing public benefit through enhanced and coordinated development design and a greater variety of housing types in the community.
3. The Preliminary PUD hereby approved is hereby expressly subject to the following conditions:
 - 3.1 That the Preliminary PUD will be constructed as described in the plans accompanying the Application and the conditions contained herein and the Development Agreement.
 - 3.2 The Zoning Administrator of the City of Hermantown shall be notified at least five (5) days in advance of the commencement of the work authorized hereunder and shall be notified of its completion within five (5) days thereafter.
 - 3.3 Applicant shall grant access to the site at all reasonable times during and after construction to authorized representatives of the City of Hermantown for inspection to see that the terms of this permit are met.

- 3.4 Property Owner is initially and continually in compliance with all of the ordinances and regulations of the City of Hermantown.
- 3.5 Trees and brush cannot be burned on the Land, but may be chipped and shredded.
- 3.6 An MPCA Stormwater Permit and erosion control measures must be in place prior to any construction on the Preliminary PUD.
- 3.7 All utility line easements shall be observed and any encroachment into the utility right-of-way shall only be permitted with the written approval of the entity that owns the utility.
- 3.8 The Property Owner shall take measures to control erosion that has the potential to damage adjacent land, and control sedimentation that has the potential to leave the site.
- 3.9 Dimensional requirements of lots, setbacks, and rights-of-way shall be according to the site plan submitted with the Application and table 1 below.

Table 1. R-3 Residential Requirements	R-3 Requirement	The Pillars of Hermantown
Minimum lot area	½ acre	10 acre site
Minimum lot width (at setback line)	100 feet	580 feet minimum – Maple Grove Road 544 feet minimum – Lavaque Road
Minimum front yard	50 feet from public ROW	150 feet minimum – Maple Grove Road ROW 233 feet minimum – Lavaque Road ROW
Minimum side yard	10 feet, 25 feet aggregate	32 feet minimum from eastern property line
Minimum rear yard Main structure	40 feet	100 feet
Minimum rear yard Accessory structure	10 feet	N/A
Minimum side yard Accessory structure	10 feet	N/A
Roadway ROW width	66 feet	N/A – private driveway
Building height	35 feet to mid point of roofline	38’-10” to mid point of roofline
Maximum lot coverage	35%	9%

- 3.10 The Applicant will have one year from the date of the Preliminary PUD approval to submit a Final PUD application and enter into a Development Agreement with the City.
- 3.11 The Applicant shall sign a consent form assenting to all conditions of this Resolution.
- 3.12 Property Owner will provide for the ongoing maintenance of the drives, parking lots, landscaping features and other improvements constructed as part of the Preliminary PUD and also provide for snow removal, salting, sanding, and other such work within the development at Applicants cost and expense.
- 3.13 No separate frontage on a public roadway will be required for any building constructed in the Land. The frontage of the Land on Maple Grove Road and Lavaque Road will satisfy the road frontage requirements for all buildings on the Land.
- 3.14 The Applicant is required to submit preliminary and final construction documents (water, storm sewer, sanitary sewer, drives, parking lots etc.) according to City standards and coordinated with the City Engineer which will be incorporated into the Development Agreement for the Final PUD.
- 3.15 The Applicant shall pay park dedication fees according to the following schedule. Payments are due at the time set forth in the future Development Agreement.

Development Type	Recommended
Multi-family, 2+ bedroom units	\$800
Multi-family, 1 bedroom and studio	\$400
Per bedroom fee	\$150
Planned Unit Development	Proportional to Mix of Development

4. The City Council hereby approves and adopts the additional Findings of Fact set forth on Exhibit B attached hereto.
5. The approval given by this Resolution is not effective until Applicant executes and delivers an acceptance of the terms and provisions of this Resolution.
6. The approval made by this resolution only extends to the Preliminary PUD as defined in this resolution.
7. The Applicant shall pay an administrative fine of \$750 per violation of any condition of this Resolution.

ATTACHMENTS:

- Location Map
- Graphic Site Plan
- Senior Facility Building Elevation
- Concept Landscape Plan

Resolution No. 2020-37

RESOLUTION APPROVING PRELIMINARY PLANNED UNIT DEVELOPMENT FOR THE PILLARS OF HERMANTOWN DEVELOPMENT

WHEREAS, KTJ 360, LLC (“Applicant”) submitted an application (“Application”) for a Preliminary Planned Unit Development (“Preliminary PUD”) to allow for construction of approximately 110 new residential units (“Project”) on a site located at 5097 Maple Grove Road in the City of Hermantown; and

WHEREAS, the Hermantown Planning and Zoning Commission held a public hearing on the Preliminary Planned Unit Development (“Preliminary PUD”) on February 11, 2020 following notice as required by the City’s Zoning Code; and

WHEREAS, following the public hearing on the Preliminary PUD, the Hermantown Planning and Zoning Commission recommended by a unanimous vote that the City Council approve the Preliminary PUD; and

WHEREAS, after due consideration of the entire City file, the testimony at the public hearing conducted by the Hermantown Planning and Zoning Commission and all other relevant matters the City Council hereby makes the following findings of fact related to the Preliminary PUD.

A. FINDINGS OF FACT

1. Applicant made application for the Preliminary PUD which is to be located within the City of Hermantown.
2. Applicant has advised the City that the Preliminary PUD is located on the Land for which Applicant has been granted an option to purchase exercisable if a Final PUD is approved for the Project.
3. Applicant or its transferees will be the user or potential user of the PUD.
4. The fee required to be submitted with the Preliminary PUD application has been paid.
5. The Planning and Zoning Commission held a public hearing on the Preliminary PUD following notice as required by ordinances of the City of Hermantown.
6. The Planning and Zoning Commission of the City of Hermantown submitted its report and recommendation on the Preliminary PUD to the City Council within the time period set forth in the ordinances of the City of Hermantown.
7. The City Council considered the Preliminary PUD after receiving the report and recommendation of the Planning and Zoning Commission.
8. The Preliminary PUD is consistent with the Hermantown Comprehensive Plan and is a permitted use in the R-3 Zone District in which it is located.
9. The tract of land (“Land”) affected by the Preliminary PUD is legally described on **Exhibit A** attached hereto and is subject to an option to purchase exercisable by Applicant if a Final PUD is approved for the Project.

10. The Preliminary PUD includes provisions for the preservation and creation of natural amenities.
11. Natural systems, resources, topography, vegetation and other natural features will be preserved and enhanced to the extent possible.
12. The Preliminary PUD is located on more than two and one half (2 ½) acres of contiguous land.
13. The Preliminary PUD includes residential uses.
14. The Preliminary PUD provides a public benefit with the following:
 - 14.1. Pedestrian and non-motorized travel facilities through its internal sidewalk system which connects to a public right of way and public sidewalks.
 - 14.2. Utilization of design, landscape and architectural features to create a pleasing environment by its use of different and quality building materials and green space.
 - 14.3. Significant additional tax base.
15. Maps were provided with the Plan and contained the following:
 - 15.1. The existing topographic character of the land.
 - 15.2. A composite of all natural amenities of the site.
 - 15.3. The size of the site and proposed uses of the land to be developed together with an identification of off-site land uses.
 - 15.4. The density of land use to be allocated to the overall development.
 - 15.5. The approximate location of thoroughfares.
 - 15.6. The location of open space.
16. The Preliminary PUD includes the following:
 - 16.1. A statement of the ownership of all land involved in the Preliminary PUD.
 - 16.2. An explanation of the general character of the Preliminary PUD.
 - 16.3. A general indication of the expected time schedule of the Preliminary PUD.
 - 16.4. A statement describing the ultimate ownership and maintenance of all parts of the development including drives, parking lots, structures and open space. These will also be addressed in a Development Agreement(s) for development as a condition to the approval of the Final PUD.

16.5. A statement describing how all necessary governmental services will be provided for the Project. These will also be addressed in a Development Agreement(s) for development as a condition to the approval of the Final PUD.

B. CONCLUSION

On the basis of the foregoing Findings of Fact, the City Council of the City of Hermantown is hereby resolved as follows:

1. The Preliminary PUD meets the intent of the R-3, Residential Zoning District, Chapter 11 – Planned Unit Developments, and the overall goals and policies of the Zoning Ordinance.

2. The Preliminary PUD meets the Comprehensive Plan for residential development and standards of a Planned Unit Development by providing public benefit through enhanced and coordinated development design and a greater variety of housing types in the community.

3. The Preliminary PUD hereby approved is hereby expressly subject to the following conditions:

3.1. That the Preliminary PUD will be constructed as described in the plans accompanying the Application and the conditions contained herein and the Development Agreement.

3.2. The Zoning Administrator of the City of Hermantown shall be notified at least five (5) days in advance of the commencement of the work authorized hereunder and shall be notified of its completion within five (5) days thereafter.

3.3. Applicant shall grant access to the site at all reasonable times during and after construction to authorized representatives of the City of Hermantown for inspection to see that the terms of this permit are met.

3.4. Property Owner is initially and continually in compliance with all of the ordinances and regulations of the City of Hermantown.

3.5. Trees and brush cannot be burned on the Land, but may be chipped and shredded.

3.6. An MPCA Stormwater Permit and erosion control measures must be in place prior to any construction on the Preliminary PUD.

3.7. All utility line easements shall be observed and any encroachment into the utility right-of-way shall only be permitted with the written approval of the entity that owns the utility.

3.8. The Property Owner shall take measures to control erosion that has the potential to damage adjacent land, and control sedimentation that has the potential to leave the site.

3.9. Dimensional requirements of lots, setbacks, and rights-of-way shall be according to the site plan submitted with the Application and table 1 below.

Table 1. R-3 Residential Requirements	R-3 Requirement	The Pillars of Hermantown
Minimum lot area	½ acre	10 acre site
Minimum lot width (at setback line)	100 feet	580 feet minimum – Maple Grove Road 544 feet minimum – Lavaque Road
Minimum front yard	50 feet from public ROW	150 feet minimum – Maple Grove Road ROW 233 feet minimum – Lavaque Road ROW
Minimum side yard	10 feet, 25 feet aggregate	32 feet minimum from eastern property line
Minimum rear yard Main structure	40 feet	100 feet
Minimum rear yard Accessory structure	10 feet	N/A
Minimum side yard Accessory structure	10 feet	N/A
Roadway ROW width	66 feet	N/A – private driveway
Building height	35 feet to mid point of roofline	38’-10” to mid point of roofline
Maximum lot coverage	35%	9%

3.10. The Applicant will have one year from the date of the Preliminary PUD approval to submit a Final PUD application and enter into a Development Agreement with the City.

3.11. The Applicant shall sign a consent form assenting to all conditions of this Resolution.

3.12. The Property will have one year from the date of the Preliminary PUD to submit a Final PUD application and enter into a Development Agreement with the City.

3.13. Property Owner will provide for the ongoing maintenance of the drives, parking lots, landscaping features and other improvements constructed as part of the Preliminary PUD and also provide for snow removal, salting, sanding, and other such work within the development at Applicants cost and expense.

3.14. No separate frontage on a public roadway will be required for any building constructed in the Land. The frontage of the Land on Maple Grove Road and Lavaque Road will satisfy the road frontage requirements for all buildings on the Land.

3.15. The Applicant is required to submit preliminary and final construction documents (water, storm sewer, sanitary sewer, drives, parking lots etc.) according to City standards and

coordinated with the City Engineer which will be incorporated into the Development Agreement for the Final PUD.

3.16. The Applicant shall pay park dedication fees according to the following schedule. Payments are due at the time set forth in the future Development Agreement.

Development Type	Recommended
Multi-family, 2+ bedroom units	\$800
Multi-family, 1 bedroom and studio	\$400
Per bedroom fee	\$150
Planned Unit Development	Proportional to Mix of Development

4. The City Council hereby approves and adopts the additional Findings of Fact set forth on Exhibit B attached hereto.

5. The approval given by this Resolution is not effective until Applicant executes and delivers an acceptance of the terms and provisions of this Resolution.

6. The approval made by this resolution only extends to the Preliminary PUD as defined in this resolution.

7. The Applicant shall pay an administrative fine of \$750 per violation of any condition of this Resolution.

Councilor ____ introduced the foregoing resolution and moved its adoption.

The motion for the adoption of such resolution was seconded by Councilor _____, and upon a vote being taken thereon, the following voted in favor thereof:

Councilors

and the following voted in opposition thereto:

WHEREUPON, such resolution was duly passed and adopted March 2, 2020.

ACCEPTANCE OF RESOLUTION

KTJ 360, LLC (“Applicant”) hereby acknowledges and accepts the conditions specified on the foregoing Resolution and covenants and agrees to comply with each and every such condition.

Applicant acknowledges that the failure to comply with all of the modifications and conditions shall constitute a violation of the Hermantown Zoning Ordinance and that the City of Hermantown may, in such event, exercise and enforce its rights against the undersigned by instituting any appropriate action or proceeding to prevent, restrain, correct or abate the violation.

IN WITNESS WHEREAS, KTJ 360, LLC has executed this acceptance the ____ day of _____, 2020.

DEVELOPER:

KTJ 360, LLC

By _____
Its _____

STATE OF MINNESOTA)
)ss.
COUNTY OF ST. LOUIS)

The foregoing instrument was acknowledged before me this ____ day of _____, 2020, by KTJ 360, LLC.

Notary Public

EXHIBIT A

South half of West half of Southwest Quarter of Southwest Quarter (S1/2 of W1/2 of SW1/4 of SW1/4),
Section Fourteen (14), Township Fifty (50), Range Fifteen (15).

EXHIBIT B
Findings of Fact Related to Preliminary PUD
For KTJ 360, LLC
(“The Pillars of Hermantown”)

Certain information has been provided to the City Council through public testimony and by staff research and investigation. Based upon such information, these facts are hereby found and made as part of the City Council’s consideration of an application for a Preliminary PUD for The Pillars of Hermantown Project.

1. Notices of Planning and Zoning public hearing were mailed to property owners 1000 feet from the Land’s boundary. Mailed notices were sent out to 27 property owners on January 30, 2020 for the Preliminary PUD. The Planning and Zoning meeting related to this application were posted in the Hermantown Star in the January 30, 2020 issue. Applicant posted a notice sign on the Land fifteen (15) days prior to the meeting in February 2020.

2. Property Owner/Applicant and City Staff have been discussing this Project since February, 2019. The City has followed the required procedures associated with applications for planned unit developments. During this process, Property Owner/Applicant has made modifications to the concept and preliminary plans based on City Staff comments. The Applicant further revised the preliminary plans in February 2020 to only propose the senior living facility. Property Owner/Applicant has followed the City review and approval process in regards to submissions to City Staff, applications to Planning and Zoning and City Council. The procedures and process set forth in Chapter 11 of the City Code were followed.

3. A Preliminary site plan that is drawn to scale showing the location of all structures including their placement, size and type as well as drives, parking areas and stall arrangement, pedestrian facilities, parking calculations, designed outdoor recreation areas, and common areas has been provided to the City.

4. A landscape plan that shows the location, size and species of plant materials and all nonvegetative landscape features was provided to City.

5. Building plans at a level of detail sufficient to allow parking calculations to be made and building elevation drawings showing architectural details and proposed building materials was provided to City.

6. Any other information which the City requested to fully present the intention and character of the Project was provided, including a view of the senior building from the interior of the site.

7. The Land is zoned R-3, Residential. Applicant applied for a Planned Unit Development (PUD) for the Land. **A PUD IS A PERMITTED USE IN AN R-3 ZONE DISTRICT.** Section 11 of the zoning ordinance states that: “A PUD is intended to encourage a more efficient and creative use of land and development, more efficient and effective use of streets, utilities and public services; protection of natural resources; and more efficient and effective provision of recreational, public and open space than can be achieved through conventional development procedures.”

8. The Project is in close proximity to the City’s administrative services complex and will be a natural and complementary extension of a higher density institutional service use of the property near the intersection of Maple Grove Road and Lavaque Road.

9. The Preliminary PUD allows for development of Land which has minimal impediments to development (good access, no wetlands, minimal adjacent properties).

10. The Preliminary PUD includes open green space in the development. In addition, this development is adjacent to the proposed Hermantown Community Connector Trail, a 2.15 mile trail from the Government Services Complex (City Hall) to the Essentia Wellness Center/Hermantown School Campus. This proposed trail would connect to the existing sidewalk located at the NW intersection of Maple Grove and Lavaque Road.

11. The Preliminary PUD includes an internal sidewalk system which connects to a public right of way and sidewalk described above.

12. The Applicant has conducted a market study for Senior Housing Demand in Hermantown.

The PMA – Hermantown, Duluth, Proctor, Rice Lake, Canosia Township Lakewood Township and Midway Township has a sizeable 75+ senior population that is projected to grow over the next five years (+15.7%), reversing declines experienced last decade. This growth will lead to demand for additional senior housing units in Hermantown.

After accounting for other pending developments that may come on-line, total unmet demand in the PMA for the three levels of housing with services is projected to be 532 market rate units in 2023.

13. The City Code allows a PUD to have standards that meet the City’s goals for each proposed development. These standards include building height, density and setbacks.

14. The Preliminary PUD is approximately 2.25 miles from the school campus. Traffic from this site will not affect traffic around the school.

15. The Preliminary PUD is bounded by two (2) County roads. A trip generation study (“Study”) for the Preliminary PUD was prepared by Vernon Swing, a Professional Engineer specializing in traffic engineering, to conduct the study. The Study took place in July and August 2019 and was updated on January 28, 2020 to reflect the development with only the senior housing component. The Study is available for inspection at City Hall and is attached hereto as Exhibit B-1.

16. As part of the Maple Grove Road project in 2019, St. Louis County installed a two-way-left-turn lane on Maple Grove Road, with dedicated left-turn lanes at the intersection of Maple Grove Road and Lavaque Road to accommodate this project.

17. Ebenezer, which will operate the senior facility in the Preliminary PUD, has protocols for all emergency services and employ well-trained staff that is equipped to handle these types of instances. Safety and security is the number one priority in all their senior living facilities. Ebenezer operates numerous similar facilities in the State of Minnesota, and other states, and has done so for several years.

18. The Project is adjacent to the proposed Hermantown Community Connector Trail, a 2.15 mile trail from the Government Services Complex (City Hall) to the Essentia Wellness Center/Hermantown School Campus. This proposed trail would connect to the existing sidewalk located at the NW intersection of Maple Grove and Lavaque Road and extend north approximately ½ mile to the sanitary sewer easement corridor. From this point the trail would head northwest towards the Arrowhead Road/Ugstad Road intersection.

19. Vic Lund, Traffic Engineer with St. Louis County advised City Staff that the County performed an intersection control evaluation (ICE) study of Maple Grove Road and Lavaque Road in 2013. At that time, the traffic volumes did not warrant a traffic signal in accordance with the Minnesota Manual on Uniform Traffic Control Devices (MUTCD). Vic Lund is of the opinion that the intersection of Maple Grove Road and Lavaque Road does not currently warrant a traffic signal or other traffic control measures. This intersection may warrant improvements in the future such as a traffic signal or roundabout. In order to provide a definitive analysis, a current trip generation study would be required regarding the intersection and a signal warrant analysis would be performed.

20. The intersection of Maple Grove Road and Lavaque Road is an entirely County-owned intersection and therefore St. Louis County is responsible to ensure this intersection is performing safely and efficiently while also looking out for future needs. St. Louis County has reviewed the Study of this proposed development and did not have any concerns about the additional traffic it may add and has indicated that it will issue access permits when requested.

21. An excessive service fee will be addressed in the Development Agreement for the Project.

22. The senior building approved as part of the Preliminary PUD will be a fully sprinkled building as required by the Minnesota State Building Codes.

23. Ebenezer staffs 'awake' caregivers at their facilities 24/7, 365 days a year to help care for residents, and address emergencies.

24. The Land is within the Airport Safety Zone C, which only regulates height. The C zone restricts building height perimeter to a 1580 elevation. The proposed senior building is at approximately 1391 FFE; a 50' tall structure puts the elevation at 1441 well below the airport zoning height restrictions.

25. The Preliminary PUD is for approximately 110 senior living units. This may change during final design.

26. The proposed Pillars of Hermantown development is anticipated to have 187 residents with up to 20 staff at a time associated with the senior building facility.

27. The proposed project would be constructed solely with private funds.

28. The City engaged a contractor to install water service to the Land in association with the Maple Grove roadway improvement project in mid-2019. The cost of this service extension to the south property line of the site was \$66,190.00. As part of the future Development Agreement, Property Owner/Applicant will be responsible to repay the City this amount either at time of platting or as an assessment to the Land.

29. Property tax will be generated on the Project that consists of 110 senior housing units. Per the County Assessor, the approximate valuations for this structure is:

1. 110 unit senior housing building: \$12,500,000

Per the County Auditor, approximate property taxes for this structure per year is:

1. 110 unit senior housing building: \$243,414

Property taxes are primarily broken into three components: County, City and School. The proposed development would generate the following:

1. County taxes: \$110,136/year
2. City taxes: \$68,148/year
3. School taxes: \$63,230/year

In addition to property taxes this project will also generate approximately \$51,600.00 in park dedication fees.

30. In addition to the property taxes generated by the Project, the senior building facility will create the equivalent of approximately thirty-five (35) full-time and part-time positions. There will be both part-time and full-time positions at various wage rates and skill levels including skilled nursing, housekeeping, cooks and dining assistants and professional management.

31. The construction of the senior housing building is expected to take place over multiple months. This construction activity will provide numerous construction jobs during this period.

32. The Applicant will be required to submit preliminary and final engineering plans for the development as well as storm water calculations. Applicant will be required to submit preliminary engineering documents and storm water calculations prior to commencement of any site development work. These documents will be reviewed by City Staff and the City Engineer. All stormwater work will be required to be performed pursuant to the future Development Agreement and covered by letter(s) of credit.

33. To date 17 soil borings, a wetland assessment and delineations and other due diligence investigations have been completed regarding the Land. No issues have been discovered.

34. Undeveloped or underdeveloped property surrounds this proposed development, which can continue to serve as wildlife habitat. The Development Agreement that will be required as a condition to the approval of the Final PUD will require appropriate landscaping of the Project and as much tree preservation as is possible.

35. Landscaping will be required as part of the future Development Agreement. A large existing stand of trees buffers the properties to the North and southwest portion of the project. The sanitary sewer easement abuts the east side of the Land, which limits development within this 100' corridor. The Land is a corner lot abutting two County roadways. The two residential properties on the south side of Maple Grove Road are a minimum of 325' from the senior building structure.

36. The City Engineer will review and approve preliminary and final construction drawings. No building permits will be issued until the City Engineer approves these documents.

37. The Project will be a privately maintained development. The Development Agreement that will be required as a condition to the approval of the Final PUD plat will require that Applicant be responsible for snow removal and storage. Applicant will be responsible for any trucking or removal of snow from the project at Applicant's cost.

EXHIBIT B-1
Trip Generation Study



January 28, 2020

**To: James Talago,
James Patrick Development, LLC**

From: Vernon Swing, PE

Re: Trip Generation Study – The Pillars, Hermantown, MN

Per your request, Swing Traffic Solutions has conducted a trip generation analysis for the proposed James Patrick Development’s The Pillars, a senior continuing care community in Hermantown, MN. The 10.5-acre site is located in the northeast quadrant of the Lavaque Rd (CSAH 48) and Maple Grove Rd (CSAH 6) intersection. The proposed development site will include 110 senior continuing care units. Full access to the site is proposed along Maple Grove Rd approximately 530 feet east of Lavaque Rd, and along Lavaque Rd approximately 530 feet north of Maple Grove Rd.

The trip generation for the proposed development has been estimated based on the methodology described by the Institute of Transportation Engineers (ITE) in *Trip Generation*, 10th Edition. Table 1 summarizes the findings.

Table 1
Trip Generation

Land Use	ITE Code	AM Peak Hour		PM Peak Hour		Daily Trips
		Enter	Exit	Enter	Exit	
Continuing Care (110 Units)	255	11 Trips	6 Trips	7 Trips	12 Trips	288 Trips
TOTAL		17 Trips		19 Trips		288 Trips

As shown in Table 1, the site will generate 11 entering and 5 exiting trips during the morning traffic peak hour; and 7 entering and 12 exiting trips during the afternoon traffic peak hour.

Review of the current traffic conditions, including traffic counts conducted at the intersection of Lavaque Rd and Maple Grove Rd, suggest traffic from the proposed development will be distributed as follows:

- 15% to/from the north on Lavaque Rd
- 28% to/from the west on Maple Grove Rd
- 15% to/from the south on Lavaque Rd
- 42% to/from the east on Maple Grove Rd

The estimated site generated traffic when distributed according to the regional pattern results in the following turning movements at the site accesses:



STS

Swing Traffic Solutions

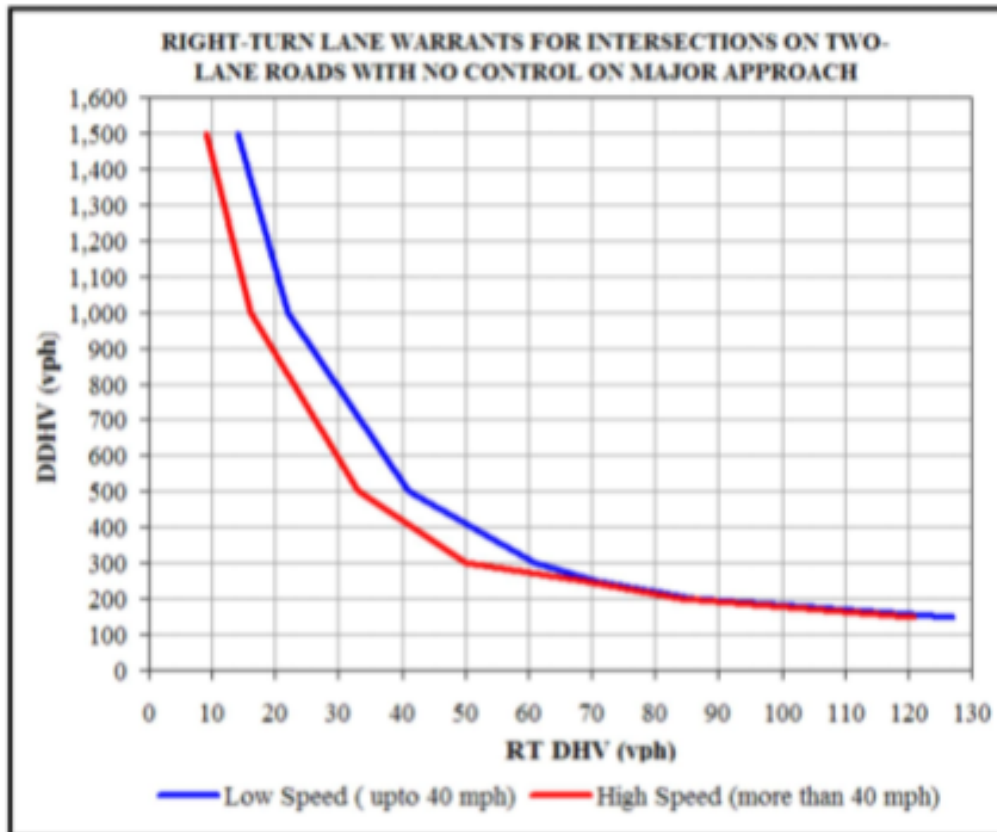
Table 2

Driveway Movement

Access	AM Peak Entering		AM Peak Exiting		PM Peak Entering		PM Peak Exiting	
	Left	Right	Left	Right	Left	Right	Left	Right
Lavaque Rd	2	1	1	1	1	1	2	2
Maple Grove RD	3	5	3	2	2	3	5	3

As shown in the Table 2, the largest single turning movement is 5 right turns westbound to northbound from Maple Grove Rd to the site in the AM Peak and 5 left turns from the site southbound to eastbound onto Maple Grove Rd in the PM Peak. Saint Louis County has requested that right turn lane warrants be investigated at this access. To determine if right turn lane warrants are satisfied, Swing Traffic Solutions relied on standards published by MnDOT, and by the American Association of State Highway and Transportation Officials (AASHTO) as reproduced below.

MnDOT Right Turn Lane Warrants





STS

Swing Traffic Solutions

Maple Grove Rd is a 50 mph road which is represented by the redline in the graph above. Recent traffic counts indicate the design hourly traffic flow in the westbound direction of Maple Grove Rd is 450 trips. Using the graph to warrant a right turn lane when the DDHV is 500 trips, the right turn demand would need to equal or exceed 33 turns. The proposed development is forecast to include 5 right turns from Maple Grove Rd. Therefore, a right turn lane from Maple Grove Rd to the site is not warranted.

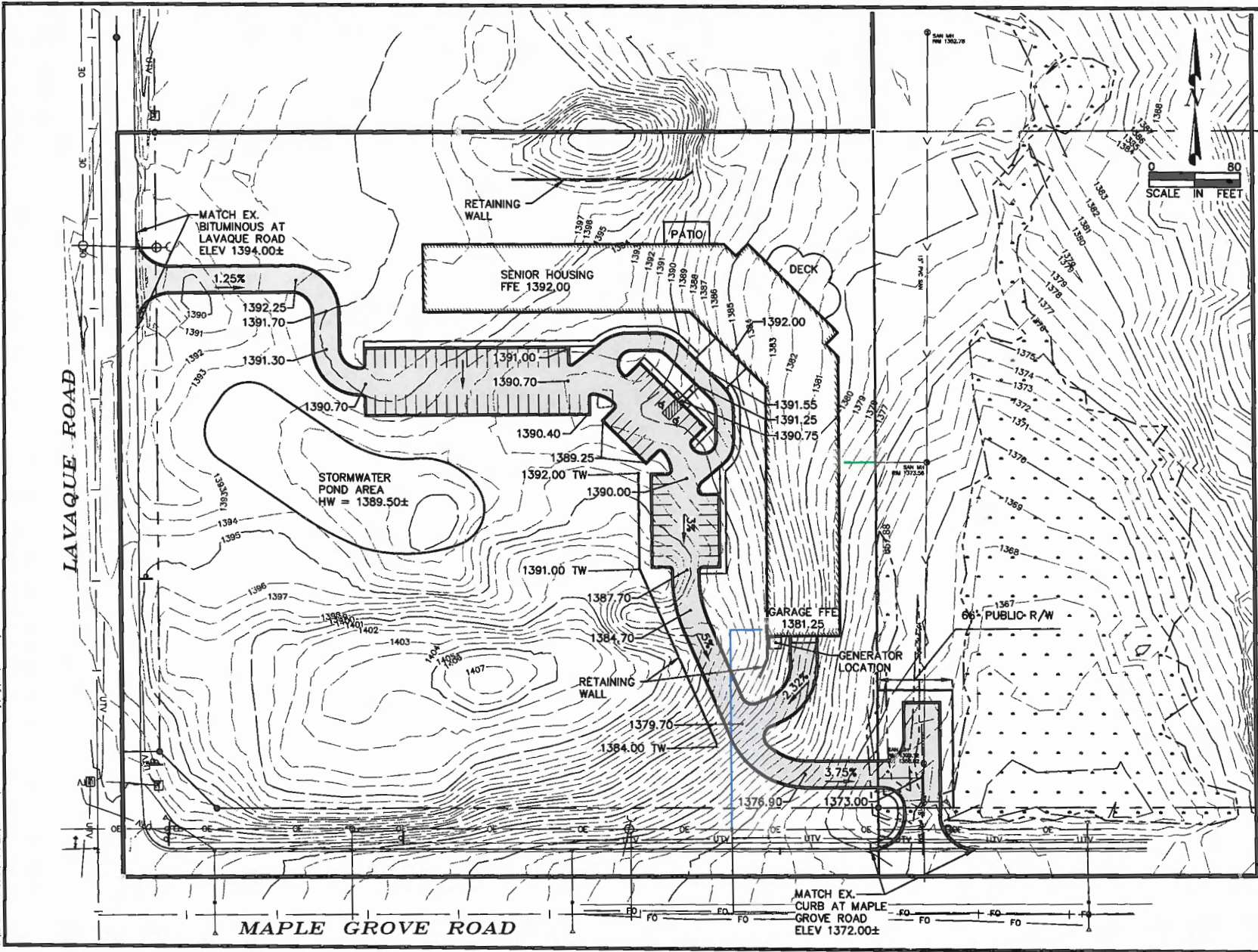
In conclusion, the proposed development has appropriate access to the site and to the surrounding roadway network. The addition of The Pillars is not anticipated to impact traffic operations in the area. In other words, the roadway network serving the proposed development will function well with the residential project.

Please contact Vernon Swing at vswingtraffic@gmail.com or 612-968-4142 with any questions.

Location Map



Jan 30, 2020 10:15am
 © James Patrick Development, LLC (19-036 Maple Grove Senior Living) 2021.036 S.dwg

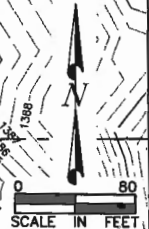


Engineering
Land Surveying
Site Development

JPJ ENGINEERING, INC
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5670 Miller Trunk Hwy
Duluth, MN 55811
(218) 720-6219

www.jpjeng.com



THE ARBOURS
OF MAPLE GROVE
HERMANTOWN, MN

CONCEPT GRADING PLAN

REVISION DATE:	DESCRIPTION:

SURVEYED	SC
DESIGNED	SC
DRAWN	JPJ
CHECKED	JPJ

I hereby certify that this plan was prepared by me or under my direct supervision and that I am a duly licensed Professional Engineer under the laws of the State of Minnesota.

PRELIMINARY

JOHN P. JANNIFK, P.E.

DATE: _____ LIC. NO. 19907

19-036
PROJECT #

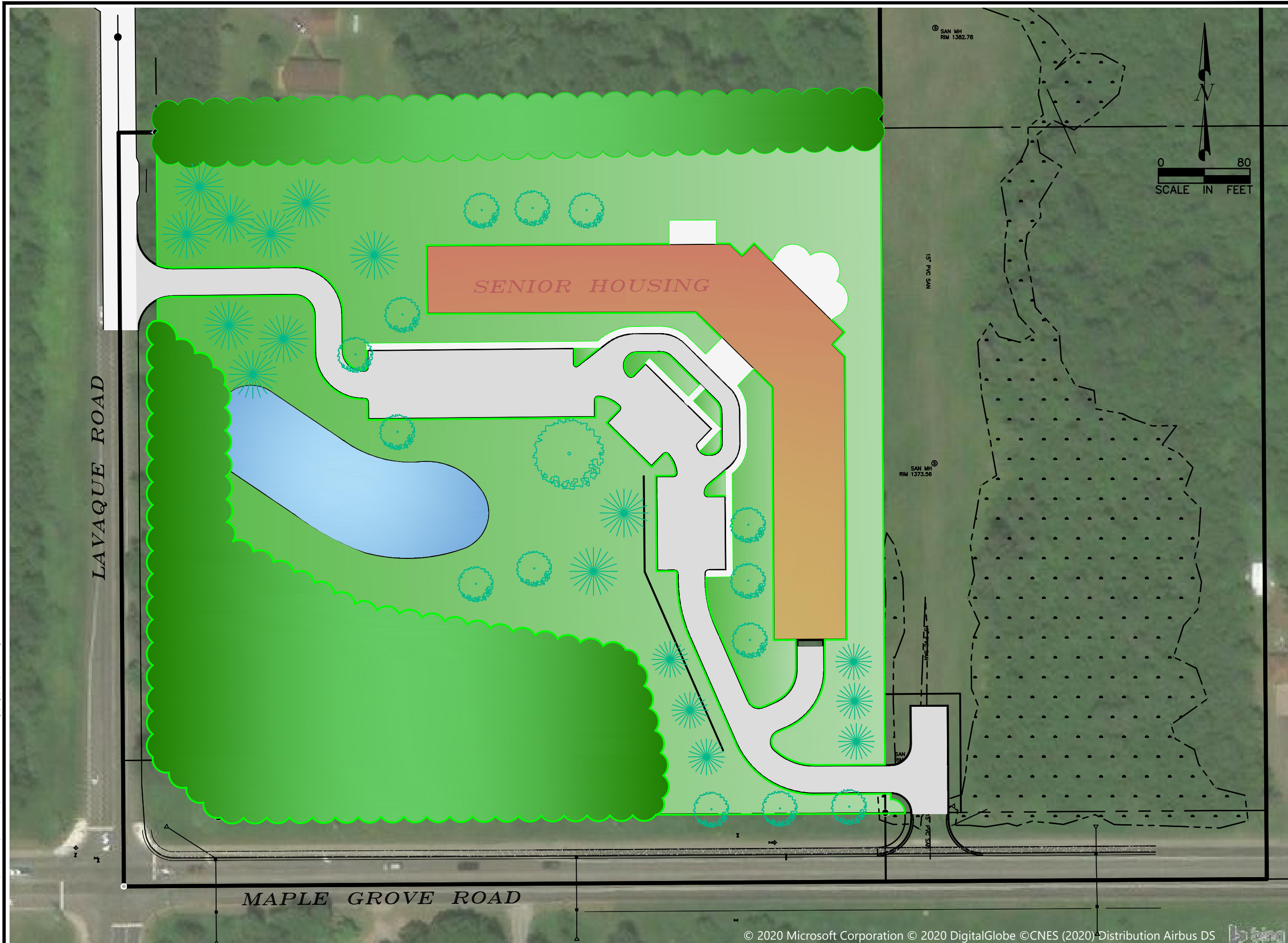
SI-2



kaas
wilson
architects

The Pillars of Hermantown
Hermantown, MN

Feb 03, 2020 10:07am
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www.jpjeng.com

THE ARBOURS
OF MAPLE GROVE
HERMANTOWN, MN

CONCEPT LANDSCAPE PLAN

REVISION DATE:	DESCRIPTION:

SURVEYED
DESIGNED SC
DRAWN SC
CHECKED JPJ

I hereby certify that this plan was prepared by me or under my direct supervision and that I am a duly licensed Professional Engineer under the laws of the State of Minnesota.

PRELIMINARY

JOHN P. JAMNICK, P.E.

DATE _____ LIC. NO. 19907

19-636
PROJECT #

SI-4