



## **Hermantown City Council Meeting – September 8, 2020**

Because attendance at the regular meeting location is not entirely feasible due to the health pandemic, Hermantown's September 8, 2020 City Council Meeting, as well as Pre-Agenda Meeting, will be conducted remotely with limited access to Council Chambers. People can attend in person, but will be expected to follow social distancing guidelines and are required to wear a mask.

Both meetings will utilize the platform "Zoom" – which allows the public to view and/or hear the meeting from their phone or computer. Attendance is allowed at City Hall, with social distancing guidelines to be followed and masks required.

The 6:30 p.m. City Council Meeting will be available at:

<https://us02web.zoom.us/j/88337233618?pwd=MWtOT1dqUEh5eTNVYzI4emFZZINndzO9>

and/or by calling the number (312) 626-6799 and utilizing the meeting ID number of 883-3723-3618 and the password 328459.

Public comment may be possible, but difficult, during the meeting, but any public comments, questions, or concerns can be e-mailed to Community Engagement Manager, Joe Wicklund, at [jwicklund@hermantownmn.com](mailto:jwicklund@hermantownmn.com) up to 3:30 p.m. the day of the meeting with the e-mail title "September 8, 2020 Meeting." It is important to note that all comments regarding the September 8, 2020 meeting are public data.

A few important tips regarding the Zoom platform:

- If your computer does not support audio, you can still watch the meeting on your computer and call in on your phone to hear the meeting
- It is a challenging situation for all of us, so grace and understanding are appreciated

The 4:30 p.m. Pre-Agenda Meeting will be available at:

<https://us02web.zoom.us/j/89772568529?pwd=S3VDNUUwvOTRQcVNXN1F2LzlvMEdtQT09>

and/or by calling the number (312) 626-6799 and utilizing the meeting ID number 897-7256-8529 and the password 790419. Public comment is not a factor in the pre-agenda meeting, but the public is invited to listen to this meeting.



## **AGENDA**

### **Pre-Agenda Meeting Tuesday, September 8, 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.

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### **City Council Meeting September 8, 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 Tuesday, September 8, 2020 at 4:30 p.m.  
Large Conference Room  
Hermantown Governmental Services Building**

**City Council Meeting September 8, 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**
  - A. **20-139** Chelle Eliason, Arrowhead Builders Association  
TO: John Mulder, City Administrator  
RE: Rental Payments
  - B. **20-148** Eric Albrecht, Utility Commission Member  
TO: Janice Shepherd, Utility Billing Clerk  
RE: Resignation
7. **PRESENTATIONS** *(Department Heads may give reports if necessary.)*
  - A. Kevin Orme, Director of Finance & Administration *(Pre-Agenda Only)*  
RE: [2021 Preliminary Debt Services Budget](#)
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 [August 17, 2020 City Council Continuation Minutes](#) & [August 31, 2020 Work Session Minutes](#)

- B. Accounts Payable** – Approve general city warrants from August 16, 2020 through August 31, 2020 in the amount of \$609,792.89

(motion, roll call)

**10. MOTIONS**

**11. ORDINANCES**

- A. 2020-06**      An Ordinance Amending Sections 1005 And 1010 Of The Hermantown Zoning Regulations

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. 2020-121**      Resolution Approving The City Of Hermantown Minnesota Government Data Practices Act City Hall Procedures

(motion, roll call)

- B. 2020-122**      Resolution Approving The City Of Hermantown Minnesota Government Data Practices Act Police Department Procedures

(motion, roll call)

- C. 2020-123**      Resolution Approving The Acceptance Of Declaration Of Use Restrictions For David M. Mesojedec And Melanie C. Mesojedec

(motion, roll call)

- D. 2020-124**      Resolution Declaring Cost To Be Assessed And Ordering Preparation Of Assessment Roll For The Construction Of 2020 Road Improvement District No. 531 & No. 532

(motion, roll call)

- E. 2020-125**      Resolution Receiving Proposed Assessment Roll For The Construction Of 2020 Road Improvement District No. 531 & No. 532

(motion, roll call)

- F. 2020-126**      Resolution Approving Pay Request No. 2 For Okerstrom Road Culverts Improvement Project No. 533 To Dirt Inc. In The Amount Of \$105,185.42

(motion, roll call)

- G. 2020-127**      Resolution Approving Pay Request No. 4 For 2020 Road Improvement District No. 531 & No. 532 To Ulland Brothers, Inc. In The Amount Of \$456,777.67

(motion, roll call)

- H.**     **2020-128**     Resolution Authorizing The City Of Hermantown To Amend A Grant Funding Funding Approval Associated With The Purchase And Planting Of Trees

(motion, roll call)

- I.**     **2020-129**     Resolution Approving Pay Request Number 6 For Sewer Improvement District No. 448 To Utility Systems Of America, Inc. In The Amount Of \$573,269.10

(motion, roll call)

- J.**     **2020-130**     Resolution Authorizing And Directing Mayor And City Clerk To Execute And Deliver An Agreement For Engineering Services With A Total Not To Exceed Contract Amount Of \$179,170 For 2020 Road Improvement District No. 537 (Lavaque Junction Road) With Northland Consulting Engineers

(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

8/17/2020	20-137	Commissioner of Minnesota Management and Budget	John Mulder, City Administrator	G.O Bond Financed Property	8/6/2020
8/17/2020	20-138	Marianne Bohren, WLSSD	Minnesota Pollution Control Agency	Discharge Monitoring Report	8/12/2020
8/18/2020	20-139	Chelle Eliason, Arrowhead Builders Association	John Mulder, City Administrator	Rental Payments	7/22/2020
8/18/2020	20-140	Brandon Kohlts, WLSSD	Paul Senst, Public Works Director	2019-2020 Inflow & Infiltration Reduction Program	8/12/2020
8/18/2020	20-141	Gail Johnejack, 5195 Lavaque Jct. Rd.	City Council	2021 Road Improvement Plan - Lavaque Jct. Rd.	8/17/2020
8/19/2020	20-142	Eric Johnson, Community Development Director	Planning & Zoning Commission	CIDP for WKK, Inc., 4803 Miller Trunk Hwy.	8/18/2020
8/19/2020	20-143	Eric Johnson, Community Development Director	Planning & Zoning Commission	Zoning Ordinance Amendment to the Flag Lot Approval Procedure	8/18/2020
8/19/2020	20-144	Eric Johnson, Community Development Director	Planning & Zoning Commission	Proposed Duluth Airport Draft Zoning Ordinance	8/18/2020
8/26/2020	20-145	Minnesota Pollution Control Agency	City of Hermantown	Lavaque Sanitary Sewer Extension	8/26/2020
8/26/2020	20-146	Kadin Graves	City of Hermantown	Hermantown Cemetary, 5346 Morris Thomas Rd.	8/26/2020
8/31/2020	20-147	Wayne Boucher, Mayor	Candice Pierce, 5192 Lavaque Jct.	Lavaque Jct. Road Project	8/31/2020
8/31/2020	20-148	Janice Shepherd, Utility Billing Clerk	Eric Albrecht, Utility Commission Member	Resignation	8/31/2020

cc'd  
7/24/20



**Board of Directors**

President  
Ann Anderson  
*Tongue & Groove Store*

Vice President  
Maureen Plaunt  
*Maureens LLC*

Treasurer  
Craig Buckley  
*St. Germain's Cabinet, Inc.*

Secretary  
Jody Keppers  
*Keppers Design*

Past President  
Matt Boo  
*Duluth Stove & Fireplace*

Jeremy Carlson  
*Carlson Duluth Company*

Rick Wallin  
*Les Grumdahl Window & Siding*

Sam Heiken  
*Northland Custom Closet and Garage*

Ian Soumis  
*Soumis Construction Inc*

Chase Bement  
*Western Lake Superior Habitat for Humanity*

Christine Packingham  
*Ferguson Bath Kitchen & Lighting Gallery*

Heather Hiner  
*Hiner Home Designs LLC*

**Staff**

Chelle Eliason  
*Executive Officer*

John Mulder, City Administrator  
City of Hermantown  
5105 Maple Grove Road  
Hermantown, MN 55811

22 July 2020

Dear Mr. Mulder,

The impact of COVID-19 has affected all of us in deep ways. We, as a nonprofit (501c6) organization, are facing a crisis that is unparalleled to anything we have ever worked through.

The Arrowhead Builders Association is a membership-based group focused on Advancing the Building Industry. Our members are primarily small business owners focused on building – homes, community, business. We host the Arrowhead Home and Builders Show and the annual Homes on Parade – both of which had to be cancelled; as well as all of our fundraising events. Membership is decreasing because our member businesses are affected by the pandemic also.

During the initial phases of PPP and EIDL funding, programs failed to allow 501c6 organizations to apply for funding. Because foundations and most grant dollars are mission-based, we were ineligible for all pools of support through those options. And, without typical business assets, loans are not an option for us either. Associations are still not eligible.

We have struggled through the past several months by eliminating and reducing every extraneous expense in order to continue the important work we do. And, unfortunately, the time has come that we must reach out to the City of Hermantown regarding our rental expense.

We are requesting to forego or significantly reduce the rental payments through the end of the pandemic restrictions (re: Governor Walz offices). If the Arrowhead Builders Association receives funding of any sort, we will begin rental payments again. Any support you can provide will help prevent us from having to consider moving or closing our beloved Hermantown offices.

Please feel free to contact me or any of the board members with questions; or if you would like to schedule a discussion with the Executive Team of the Board of Directors, I would be happy to make arrangements for it. On behalf of the Board of Directors, thank you for your consideration.

Respectfully,

Chelle Eliason  
Executive Officer  
cc. ABA Exec Team

Member Since 1997





**CH-Bonnie Engseth**

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**From:** CH-Bonnie Engseth  
**Sent:** Monday, August 31, 2020 3:18 PM  
**To:** CH-Bonnie Engseth  
**Subject:** FW: Resignation

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8/31/2020

Janice,

I have been assigned some additional responsibilities within the bank and they will interfere with my role on the utility commission from a scheduling perspective. That being said I know that Joe Acker has expressed interest and has had previous conversations with John Moulder about being on the commission. He would add great knowledge to the committee as he specializes in the utility field. I have attached his contact info below. [jma.acker@gmail.com](mailto:jma.acker@gmail.com)

I have enjoyed my time on the commission and appreciate everybody on it. Please let me know if you need something in writing sent to you or if this can stand as my official notice. This would be effective immediately unless you need additional documentation or have questions.

Thank you  
Eric Albrecht

Sent from my iPhone

# City of Hermantown 2021 Preliminary Debt Services Budgets



# 2021 Debt Service Budgets

- City has approx. \$36 million in bond debt (almost \$26 million of that new in the last three years)
- Individual bonds expire between 2027 and 2039
- Annually the City pays approx. \$3.75 million to service our current debt
- Sales Tax covers approx. 72% of the debt payments
- Tax Levy covers approx. 8% of debt payments
  - Tax levy usage in 2021 (2020 was 271,622)
    - Total = \$332,537
    - Fund 318 = \$78,615
    - Fund 323 (Firehalls) = \$145,031
    - Fund 324 (Rose Road) = \$49,678
    - Fund 326 (2020 Road Plan) = \$59,213
- City in planning stages of approximately \$3 million of additional bonds for the 2021 Road Improvement Plan

## City of Hermantown Debt Service Budgets September 2020

Included in this booklet are the budget sheets for each of the debt services funds. (Funds numbered in the 300's).

Sales Tax (Fund 240) technically, is not a debt service fund, but a Special Revenue Fund. It is included in this budget booklet because the revenue is used primarily for debt service through transfers out of this fund to the various debt service funds as allowed per the statutes regarding the use of the sales tax revenue. Per the statutes, "The proceeds of the tax imposed under this section must be used to meet the costs of: (1) extending a sewer interceptor line; (2) construction of a booster pump station, reservoirs, and related improvements to the water system; (3) construction of a building containing a police and fire station and an administrative services facility; and (4) meet the costs of debt service payments for construction of the Hermantown Wellness Center. " The fourth authorized use was approved by the Legislative in 2017.

The City currently has ten bonds outstanding. (Funds 315,318,320-327). Each fund represents a bond issued by the City for various projects.

<u>Fund</u>	<u>Name</u>	<u>Original Principal</u>	<u>Interest Rate</u>	<u>Expires</u>	<u>Optional Call Date</u>
315	2016B GO	5,055,000	1.35	2027	None
318	2016A GO	3,285,000	1.56	2030	2/1/2018
320	2012A GO	2,500,000	1.93	2026	2/1/2020
321	2012B GO	3,155,000	2.24	2034	2/1/2021
322	2014A GO	2,170,000	2.20	2028	2/1/2024
323	2018A GO	2,035,000	3.20	2039	2/1/2027
324	2018B GO	7,715,000	3.14	2039	2/1/2027
325	2019A GO	8,845,000	3.14	2039	2/1/2027
326	2020A GO	3,585,000	1.74	2036	2/1/2029
327	2020B GO	3,915,000	1.83	2037	2/1/2029
		42,260,000			

Each fund has a tab, and included for each fund are the following:

- Brief Description
- Revenues and Expenditures

Fund 315 and 325 are funded 100% by sales tax.

Fund 350 is referred to as the Special Deficiency Fund. This fund accounts for accumulated resources to make debt payments when special assessments have been deferred.

No action is required at this time as these budgets are part of the overall budget that will be presented to the City Council for adoption in December, 2020.

## Fund 240 - City Sales Tax Fund

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Accounts for the City sales tax collected that is authorized by the Minnesota State Legislature to fund the construction of a city administrative services/public safety facility, Hermantown sewer trunk line and water infrastructure improvements. The Hermantown City Sales Tax rate was increased from .5% to 1%. Voters approved the increase in the 2012 General Election. Collections at the 1% rate were effective April 1, 2013. In 2017 the State Legislature approved extending the sales tax through December 2036 and added the ability to use the sales tax for a Wellness Center. Per the statutes, the proceeds of the tax imposed under this section must be used to meet the costs of: (1) extending a sewer interceptor line; (2) construction of a booster pump station, reservoirs, and related improvements to the water system; (3) construction of a building containing a police and fire station and an administrative services facility; and (4) meet the costs of debt service payments for construction of the Hermantown Wellness Center. (This fourth authorized use was approved by the Legislature in 2017)

	Beginning Fund			Ending Fund
<u>Year</u>	<u>Balance</u>	<u>Income</u>	<u>Expense</u>	<u>Balance</u>
2009	3,064,361	1,178,603	2,406,133	1,836,831
2010	1,836,831	1,187,834	1,345,450	1,679,215
2011	1,679,215	1,194,165	1,336,440	1,536,940
2012	1,536,940	1,219,011	1,326,469	1,429,482
2013	1,429,482	2,015,157	1,637,162	1,807,477
2014	1,807,477	2,579,577	1,498,838	2,888,214
2015	2,888,214	2,737,305	1,565,543	4,059,976
2016	4,059,976	3,033,056	1,469,253	5,623,779
2017	5,623,779	2,986,629	2,122,491	6,487,917
2018	6,487,917	3,093,465	1,827,248	7,754,134
2019	7,754,134	3,351,643*	4,093,934	7,011,843
2020	7,011,843	7,000,000**	6,250,843	7,761,000
2021	7,761,000	3,000,000	4,505,249	6,255,751

Notes: 2020 is estimated and 2021 is budgeted figures.

\*Actual income for each year includes investment income and 2020 includes an approximately \$32,000 County contribution towards Section 24 sewer.

\*\*\$4,000,000 of the \$7,000,000 in 2020 estimated income is revenue from issuing bonds for the Section 24 Sewer Trunk project. The City is charging all Section 24 Sewer Trunkline expenses to the sales tax fund as opposed to another fund. 2021 expenditures will vary depending on the amount spent for Section 24 Trunk Sewer project.

**Fund 240 - City Sales Tax Fund**

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<u>Fund</u>		<u>2021 Transfer for Debt Service</u>
315	2006A GO	698,807
318	2009A GO	153,907
320	2012A GO	197,539
322	2014A GO	215,000
324	2018B GO	517,611
325	2019A GO	647,200
326	2020A GO	180,188
327	2020B GO	294,997
<hr/>		
Total		2,905,249

CITY OF HERMANTOWN, MN  
Revenue Budget Report -- MultiYear Actuals  
For the Year: 2021

Account	Actuals				Current Budget 2020	% Rec. 2020	Prelim. Budget 21	Budget Change 21	Final Budget 21	% Old Budget 21
	2017	2018	2019	2020						
240 City Sales Tax Fund										
313100 City Sales Tax	2,943,058	3,007,853	3,093,501	1,599,572	2,980,000	54%	2,990,000		2,990,000	100%
Group:	2,943,058	3,007,853	3,093,501	1,599,572	2,980,000	54%	2,990,000	0	2,990,000	100%
318900 Total Other Tax Revenue										
318990 Other Tax Revenues			32,254	111,071	0	***%			0	0%
Group:			32,254	111,071	0	***%	0	0	0	0%
362100 Investment Interest										
362100 Investment Interest	72,418	130,743	138,897	-8,431	20,000	-42%	10,000		10,000	50%
362160 Gain (Loss) on Sale of	-28,847	-45,131	86,991		0	0%			0	0%
Group:	43,571	85,612	225,888	-8,431	20,000	-42%	10,000	0	10,000	50%
393100 Bond Issuance										
393100 Bond Issuance				4,092,438	3,000,000	136%			0	0%
Group:				4,092,438	3,000,000	136%	0	0	0	0%
Fund:	2,986,629	3,093,465	3,351,643	5,794,650	6,000,000	97%	3,000,000	0	3,000,000	50%
Grand Total:	2,986,629	3,093,465	3,351,643	5,794,650	6,000,000		3,000,000	0	3,000,000	



CITY OF HERMANTOWN, MN  
Expenditure Budget Report -- MultiYear Actuals  
For the Year: 2021

Account Object	Actuals				Current Budget 2020	% Exp. 2020	Prelim. Budget 21	Budget Changes 21	Final Budget 21	% Old Budget 21
	2017	2018	2019	2020						
240 City Sales Tax Fund										
413200 City Administrator										
101 Full-Time Employees - Reg	28,484	29,099			0	0%			0	0%
121 PERA Contributions - Coord	2,136	2,276			0	0%			0	0%
128 Social Security	1,782	1,844			0	0%			0	0%
129 Medicare	417	431			0	0%			0	0%
131 Health Insurance	6,114	6,493			0	0%			0	0%
133 Life Insurance	65	65			0	0%			0	0%
134 Disability Insurance	117	117			0	0%			0	0%
151 Workers Compensation	41	18			0	0%			0	0%
331 Travel Expense	1,350	1,689			0	0%			0	0%
720 Transfer Out	1,500,560	1,485,560	2,148,919		2,650,843	0%	2,905,249		2,905,249	110%
Account:	1,541,066	1,527,592	2,148,919		2,650,843	0%	2,905,249	0	2,905,249	110%
432510 Trunk Sewer Construction										
305 Engineer Fees			217,986	300,655	100,000	301%	100,000		100,000	100%
308 Legal Fees			24,805	4,669	0	***%			0	0%
310 Recording/Filing Fees			460	138	0	***%			0	0%
319 Contracted Services			5,000		0	0%			0	0%
351 Legal Notices Publishing			297		0	0%			0	0%
460 Permits & Licenses			113,050		0	0%			0	0%
465 Restorations (Wetland)			18,414		0	0%			0	0%
510 Land Acquisition			72,841		0	0%			0	0%
530 Improvements Other Than B			245,319	1,243,375	4,900,000	25%	1,300,000		1,300,000	27%
Account:			698,172	1,548,837	5,000,000	31%	1,400,000	0	1,400,000	28%
433500 Water Improvements										
595 Transmission/Distribution	525,000				0	0%			0	0%
Account:	525,000				0	***%	0	0	0	0%
471000 Debt Service										
620 Fiscal Agent Fees				78,975	0	***%			0	0%
Account:				78,975	0	***%	0	0	0	0%
494300 Water Distribution										
305 Engineer Fees		625	77,030	825	0	***%			0	0%
308 Legal Fees		14	576		0	0%			0	0%
319 Contracted Services			12,100		0	0%			0	0%
351 Legal Notices Publishing			198		0	0%			0	0%
530 Improvements Other Than B			469,235		0	0%			0	0%
Account:		639	559,139	825	0	***%	0	0	0	0%
494500 Sewer Maintenance										
221 General Supplies			1		0	0%			0	0%
305 Engineer Fees	51,481	218,328	54,681		0	0%			0	0%
308 Legal Fees	4,944	9,665	1,116		0	0%			0	0%
319 Contracted Services		70,788	1,372		0	0%			0	0%

08/25/20  
08:37:43

CITY OF HERMANTOWN, MN  
Expenditure Budget Report -- MultiYear Actuals  
For the Year: 2021

Page: 2 of 2  
Report ID: B240B

Account	Object	Actuals				Current Budget 2020	% Exp. 2020	Prelim. Budget 21	Budget Changes 21	Final Budget 21	% Old Budget 21
		2017	2018	2019	2020						
351	Legal Notices Publishing		235	512		0	0%			0	0%
595	Transmission/Distribution			630,023		0	0%	200,000		200,000	*****%
	Account:	56,425	299,017	687,704		0	***%	200,000	0	200,000	*****%
	Fund:	2,122,491	1,827,248	4,093,934	1,628,637	7,650,843	21%	4,505,249	0	4,505,249	59% %
	Grand Total:	2,122,491	1,827,248	4,093,934	1,628,637	7,650,843		4,505,249	0	4,505,249	

## Fund 315 –2016B G.O. Bonds

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The Public Project Revenue Bonds, Series 2006A were issued in December of 2006 in the original amount of \$9,630,000, carry a net interest rate of 4.04% and mature in 2027. The bonds were used to refinance the Public Project Revenue Bonds, Series 1998 (Police/Fire Building) and to construct an administrative services addition to the public safety facility. The debt is being paid by city sales tax collections. No levy. In 2016, the bonds in fund 315 were refunded. The first payment on the new 2016B G.O. bonds was February 1, 2017. The new true interest rate is 1.353%. This saves the City future value savings in the amount of \$999,957. The debt is being paid by City sales tax collections.

### Amortization Schedule

<u>Year</u>	<u>Principal</u>	<u>Interest</u>	<u>Total</u>
2020	510,000	110,100	620,100
2021	530,000	94,500	624,500
2022	545,000	78,375	623,375
2023	560,000	61,800	621,800
2024	575,000	44,775	619,775
2025	595,000	27,225	622,225
2026	610,000	9,150	619,150
Total	3,925,000	425,925	4,350,925

### Budget Detail

CITY OF HERMANTOWN, MN  
Revenue Budget Report -- MultiYear Actuals  
For the Year: 2021

Account	Actuals				Current Budget 2020	% Rec. 2020	Prelim. Budget 21	Budget Change 21	Final Budget 21	% Old Budget 21
	2017	2018	2019	2020						
315 2006 Governmental Services Facility Bond (2016B)										
392000										
392010 Transfers In	698,807	698,807	698,807		698,807	0%	698,807		698,807	100%
Group:	698,807	698,807	698,807		698,807	0%	698,807	0	698,807	100%
Fund:	698,807	698,807	698,807		698,807	0%	698,807	0	698,807	100%
Grand Total:	698,807	698,807	698,807		698,807		698,807	0	698,807	

CITY OF HERMANTOWN, MN  
Expenditure Budget Report -- MultiYear Actuals  
For the Year: 2021

Account	Object	Actuals				Current	%	Prelim.	Budget	Final	% Old
		2017	2018	2019	2020	Budget 2020	Exp. 2020	Budget 21	Changes 21	Budget 21	Budget 21
315 2006 Governmental Services Facility Bond (2016B)											
471000	Debt Service										
	601 Bond Principal	620,000	485,000	500,000	510,000	510,000	100%	530,000		530,000	104%
	611 Bond Interest	239,596	140,025	125,250	110,100	110,100	100%	94,500		94,500	86%
	620 Fiscal Agent Fees	4,358	1,083	914	855	1,385	62%	1,385		1,385	100%
	Account:	863,954	626,108	626,164	620,955	621,485	100%	625,885	0	625,885	101%
471200	Other Debt Principal										
	601 Bond Principal	5,995,000				0	0%			0	0%
	Account:	5,995,000				0	***%	0	0	0	0%
	Fund:	6,858,954	626,108	626,164	620,955	621,485	100%	625,885	0	625,885	101%
											%
	Grand Total:	6,858,954	626,108	626,164	620,955	621,485		625,885	0	625,885	

## Fund 318 -2016A G.O. Bonds

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The General Obligation Improvement Bonds, Series 2009A were issued in December of 2009 in the original amount of \$5,515,000, carry a net interest rate of 3.48% and mature in 2030. The bonds were used for acquisition of the existing public works facility, construction of a new salt storage building, sewer improvements, and to refund the General Obligation Improvement Bonds, Series 2003A-(Fund 312), financing Public improvements; #305 water project, #413,406,408,415,421 and 429 sewer projects. The debt is being repaid by special assessments, property tax levy, city sales taxes, water fund, and sewer fund. These bonds were refunded and are now Series 2016A.

### Amortization Schedule

<u>Year</u>	<u>Principal</u>	<u>Interest</u>	<u>Total</u>
2020	365,000	55,050	420,050
2021	375,000	47,650	422,650
2022	380,000	40,100	420,100
2023	385,000	32,450	417,450
2024	400,000	24,600	424,600
2025	355,000	17,050	372,050
2026	140,000	12,100	152,100
2027	140,000	9,300	149,300
2028	140,000	6,500	146,500
2029	145,000	3,650	148,650
2030	110,000	1,100	111,100
Total	2,935,000	249,550	3,184,550

### Budget Detail

CITY OF HERMANTOWN, MN  
Revenue Budget Report -- MultiYear Actuals  
For the Year: 2021

Account	Actuals				Current Budget 2020	% Rec. 2020	Prelim. Budget 21	Budget Change 21	Final Budget 21	% Old Budget 21
	2017	2018	2019	2020						
318 2009A Bond - PW Salt Storage & Refinance 2003 Bonds (2016A)										
310100 Current Year Taxes										
310100 Current Year Taxes	77,625	76,786	78,242		75,000	0%	74,871		74,871	99%
Group:	77,625	76,786	78,242		75,000	0%	74,871	0	74,871	99%
310200 Delinquent Taxes										
310200 Delinquent Taxes	-920	1,196	373		0	0%			0	0%
Group:	-920	1,196	373		0	0%	0	0	0	0%
361100 Principal - Current										
361100 Principal - Current	82,212	83,032	86,266		85,000	0%	80,000		80,000	94%
361110 Principal - Delinquent	695	514	1,714	3,059	0	***%			0	0%
361120 Principal - Prepaid	16,088	7,276	27,327	9,801	0	***%			0	0%
Group:	98,995	90,822	115,307	12,860	85,000	15%	80,000	0	80,000	94%
361200 Interest - Current										
361200 Interest - Current	51,813	45,216	39,927		49,000	0%	35,000		35,000	71%
361210 Interest - Delinquent	1,225	550	1,317	3,693	0	***%			0	0%
Group:	53,038	45,766	41,244	3,693	49,000	8%	35,000	0	35,000	71%
361300 Penalties & Interest										
361300 Penalties & Interest	702	482	1,284		600	0%			0	0%
Group:	702	482	1,284		600	0%	0	0	0	0%
362100 Investment Interest										
362100 Investment Interest	21,829	10,456			0	0%			0	0%
Group:	21,829	10,456			0	0%	0	0	0	0%
392000										
392010 Transfers In	215,576	216,857	215,507		216,657	0%	217,723		217,723	100%
Group:	215,576	216,857	215,507		216,657	0%	217,723	0	217,723	100%
Fund:	466,845	442,365	451,957	16,553	426,257	4%	407,594	0	407,594	95%
Grand Total:	466,845	442,365	451,957	16,553	426,257		407,594	0	407,594	

CITY OF HERMANTOWN, MN  
Expenditure Budget Report -- MultiYear Actuals  
For the Year: 2021

Account	Object	Actuals				Current	%	Prelim.	Budget	Final	% Old
		2017	2018	2019	2020	Budget	Exp.	Budget	Changes	Budget	Budget
		2020	2020	2020	2020	2020	2020	21	21	21	21
318 2009A Bond - PW Salt Storage & Refinance 2003 Bonds (2016A)											
471000	Debt Service										
601	Bond Principal	300,000	315,000	350,000	365,000	365,000	100%	375,000		375,000	103%
611	Bond Interest	206,546	99,928	62,200	55,050	55,050	100%	47,650		47,650	87%
620	Fiscal Agent Fees	1,558	1,083	914	5,855	1,385	423%	1,385		1,385	100%
	Account:	508,104	416,011	413,114	425,905	421,435	101%	424,035	0	424,035	101%
471200	Other Debt Principal										
601	Bond Principal		3,277,850			0	0%			0	0%
	Account:		3,277,850			0	***%	0	0	0	0%
	Fund:	508,104	3,693,861	413,114	425,905	421,435	101%	424,035	0	424,035	101%
											%
	Grand Total:	508,104	3,693,861	413,114	425,905	421,435		424,035	0	424,035	



## Fund 320 - 2012A G.O. Bonds

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The General Obligation Improvement Bonds, Series 2012A were issued in July of 2012 in the amount of \$2,500,000, carry a net interest rate of 1.93% and mature in 2026. The bonds were used to refund the General Obligation Bonds, Series 2003B (Fund 313) on August 1, 2012 and the General Obligation Bonds, Series 2005A (Fund 314) on February 1, 2013. The debt is being repaid by special assessments and city sales taxes.

### Amortization Schedule

<u>Year</u>	<u>Principal</u>	<u>Interest</u>	<u>Total</u>
2020	155,000	23,931	178,931
2021	165,000	21,204	186,204
2022	170,000	17,935	187,935
2023	175,000	14,311	189,311
2024	175,000	10,505	185,505
2025	180,000	6,510	186,510
2026	185,000	2,220	187,220
Total	1,205,000	96,616	1,301,616

### Budget Detail

CITY OF HERMANTOWN, MN  
Revenue Budget Report -- MultiYear Actuals  
For the Year: 2021

Account	Actuals				Current Budget 2020	% Rec. 2020	Prelim. Budget 21	Budget Change 21	Final Budget 21	% Old Budget 21
	2017	2018	2019	2020						
320 2012A General Obligation Bonds										
361100 Principal - Current										
361100 Principal - Current	29,267	30,568	28,737	728	27,000	3%	29,000		29,000	107%
361110 Principal - Delinquent	29	700	8,752		0	0%			0	0%
361120 Principal - Prepaid	8,437	33,795		9,791	0	***%			0	0%
Group:	37,733	65,063	37,489	10,519	27,000	39%	29,000	0	29,000	107%
361200 Interest - Current										
361200 Interest - Current	18,834	17,639	13,843	285	18,000	2%	10,000		10,000	55%
361210 Interest - Delinquent		448			0	0%			0	0%
361220 Interest - Prepaid		521			0	0%			0	0%
Group:	18,834	18,608	13,843	285	18,000	2%	10,000	0	10,000	55%
361300 Penalties & Interest										
361300 Penalties & Interest	240	235	64		0	0%			0	0%
Group:	240	235	64		0	0%	0	0	0	0%
392000										
392010 Transfers In	197,539	197,539	197,539		197,539	0%	197,539		197,539	100%
Group:	197,539	197,539	197,539		197,539	0%	197,539	0	197,539	100%
Fund:	254,346	281,445	248,935	10,804	242,539	4%	236,539	0	236,539	97%
Grand Total:	254,346	281,445	248,935	10,804	242,539		236,539	0	236,539	

CITY OF HERMANTOWN, MN  
Expenditure Budget Report -- MultiYear Actuals  
For the Year: 2021

Account	Object	Actuals				Current Budget 2020	% Exp. 2020	Prelim. Budget 21	Budget Changes 21	Final Budget 21	% Old Budget 21
		2017	2018	2019	2020						
320 2012A General Obligation Bonds											
471000	Debt Service										
	601 Bond Principal	150,000	155,000	155,000	155,000	155,000	100%	165,000	165,000	106%	
	611 Bond Interest	29,798	28,155	26,179	23,931	23,931	100%	21,204	21,204	89%	
	620 Fiscal Agent Fees	1,108	1,083	914	855	1,385	62%	1,385	1,385	100%	
	Account:	180,906	184,238	182,093	179,786	180,316	100%	187,589	0	187,589 104%	
	Fund:	180,906	184,238	182,093	179,786	180,316	100%	187,589	0	187,589 104%	
	Grand Total:	180,906	184,238	182,093	179,786	180,316		187,589	0	187,589	

## Fund 321 - 2012B G.O. Improvement Bonds

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The General Obligation Improvement Bonds, Series 2012B were issued in September of 2012 in the amount of \$3,155,000, true interest cost of 2.2436% and mature in 2033. In 2013, \$58,176.95 interest will be capitalized. The bonds are being used to finance Projects; #442 Sewer, #314 Miller Trunk Water and #432 Lavaque Sewers. A transfer of \$25,000 from the Community Fund #231 was used to partially cover costs on project #314. The debt will be repaid by special assessments and city sales tax. Properties benefiting from project #432 will have sewer availabilities, when necessary transfers will be made from the special assessment deficiency fund.

### Amortization Schedule

<u>Year</u>	<u>Principal</u>	<u>Interest</u>	<u>Total</u>
2020	145,000	53,644	198,644
2021	145,000	50,744	195,744
2022	145,000	47,844	192,844
2023	150,000	44,894	194,894
2024	150,000	41,894	191,894
2025	160,000	38,794	198,794
2026	165,000	35,544	200,544
2027	165,000	32,141	197,141
2028	170,000	28,581	198,581
2029	175,000	24,806	199,806
2030	175,000	20,869	195,869
2031	180,000	16,538	196,538
2032	185,000	11,747	196,747
2033	195,000	6,759	201,759
2034	160,000	2,100	162,100
Total	2,465,000	456,899	2,921,899

### Budget Detail

CITY OF HERMANTOWN, MN  
Revenue Budget Report -- MultiYear Actuals  
For the Year: 2021

Account	Actuals				Current Budget 2020	% Rec. 2020	Prelim. Budget 21	Budget Change 21	Final Budget 21	% Old Budget 21
	2017	2018	2019	2020						
321 2012B General Obligation Improvement Bonds										
361100 Principal - Current										
361100 Principal - Current	60,903	59,555	59,601		60,000	0%	62,000		62,000	103%
361110 Principal - Delinquent	2,152	4,345	3,387		0	0%			0	0%
361120 Principal - Prepaid	87,173	81,351	30,931	29,255	0	***%			0	0%
Group:	150,228	145,251	93,919	29,255	60,000	49%	62,000	0	62,000	103%
361200 Interest - Current										
361200 Interest - Current	61,732	55,698	51,222		56,000	0%	48,000		48,000	85%
361210 Interest - Delinquent	1,759	5,484	3,489		0	0%			0	0%
361220 Interest - Prepaid		1			0	0%			0	0%
Group:	63,491	61,183	54,711		56,000	0%	48,000	0	48,000	85%
361300 Penalties & Interest										
361300 Penalties & Interest	1,562	2,337	2,130		0	0%			0	0%
Group:	1,562	2,337	2,130		0	0%	0	0	0	0%
392000										
392010 Transfers In	40,119	40,119	40,119		40,119	0%			0	0%
Group:	40,119	40,119	40,119		40,119	0%	0	0	0	0%
Fund:	255,400	248,890	190,879	29,255	156,119	19%	110,000	0	110,000	70%
Grand Total:	255,400	248,890	190,879	29,255	156,119		110,000	0	110,000	

CITY OF HERMANTOWN, MN  
Expenditure Budget Report -- MultiYear Actuals  
For the Year: 2021

Account	Object	Actuals				Current	%	Prelim.	Budget	Final	% Old
		2017	2018	2019	2020	Budget	Exp.	Budget	Changes	Budget	Budget
		2020	2020	2020	2020	2020	2020	21	21	21	21
321 2012B General Obligation Improvement Bonds											
471000	Debt Service										
601	Bond Principal	140,000	140,000	140,000	145,000	145,000	100%	145,000		145,000	100%
611	Bond Interest	62,094	59,294	56,494	53,644	53,644	100%	50,744		50,744	95%
620	Fiscal Agent Fees	1,108	1,108	914	855	1,385	62%	1,385		1,385	100%
	Account:	203,202	200,402	197,408	199,499	200,029	100%	197,129	0	197,129	99%
	Fund:	203,202	200,402	197,408	199,499	200,029	100%	197,129	0	197,129	99%
	Grand Total:	203,202	200,402	197,408	199,499	200,029		197,129	0	197,129	

## Fund 322 - 2014A G.O. Improvement Bonds

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The General Obligation Improvement Bonds, Series 2014A were issued in December of 2014 in the amount of \$2,170,000, true interest cost of 2.207% and mature in 2028. The Bonds were used to refund the City's outstanding Series 2007A bonds and to crossover refund the City's outstanding Series 2007B Bonds for an interest cost savings. This debt is being repaid by special assessments, water, sewer, and sales tax.

### Amortization Schedule

<u>Year</u>	<u>Principal</u>	<u>Interest</u>	<u>Total</u>
2020	240,000	32,600	272,600
2021	235,000	27,850	262,850
2022	120,000	23,700	143,700
2023	125,000	20,025	145,025
2024	110,000	16,500	126,500
2025	115,000	13,125	128,125
2026	125,000	9,525	134,525
2027	125,000	5,775	130,775
2028	130,000	1,950	131,950
Total	1,325,000	151,050	1,476,050

### Budget Detail

CITY OF HERMANTOWN, MN  
Revenue Budget Report -- MultiYear Actuals  
For the Year: 2021

Account	Actuals				Current Budget 2020	% Rec. 2020	Prelim. Budget 21	Budget Change 21	Final Budget 21	% Old Budget 21
	2017	2018	2019	2020						
322 2014A General Obligation Improvement Bonds										
361100 Principal - Current										
361100 Principal - Current	43,362	40,948	42,917		40,000	0%	34,000		34,000	85%
361110 Principal - Delinquent	1,040	1,871	1,950		0	0%			0	0%
361120 Principal - Prepaid	15,345	39,081	37,493	25,859	0	***%			0	0%
Group:	59,747	81,900	82,360	25,859	40,000	65%	34,000	0	34,000	85%
361200 Interest - Current										
361200 Interest - Current	32,353	29,167	26,238		30,000	0%	18,000		18,000	60%
361210 Interest - Delinquent	984	1,196	922		0	0%			0	0%
Group:	33,337	30,363	27,160		30,000	0%	18,000	0	18,000	60%
361300 Penalties & Interest										
361300 Penalties & Interest	673	1,005	1,359		0	0%			0	0%
Group:	673	1,005	1,359		0	0%	0	0	0	0%
392000										
392010 Transfers In	227,100	226,900	226,700		231,500	0%	231,200		231,200	99%
Group:	227,100	226,900	226,700		231,500	0%	231,200	0	231,200	99%
Fund:	320,857	340,168	337,579	25,859	301,500	9%	283,200	0	283,200	93%
Grand Total:	320,857	340,168	337,579	25,859	301,500		283,200	0	283,200	



CITY OF HERMANTOWN, MN  
Expenditure Budget Report -- MultiYear Actuals  
For the Year: 2021

Account	Object	Actuals				Current Budget 2020	% Exp. 2020	Prelim. Budget 21	Budget Changes 21	Final Budget 21	% Old Budget 21
		2017	2018	2019	2020						
322 2014A General Obligation Improvement Bonds											
471000	Debt Service										
	601 Bond Principal	215,000	225,000	220,000	240,000	240,000	100%	235,000	235,000	98%	
	611 Bond Interest	46,050	41,650	37,200	32,600	32,600	100%	27,850	27,850	85%	
	620 Fiscal Agent Fees	1,108	1,108	914	5,855	1,385	423%	1,385	1,385	100%	
	Account:	262,158	267,758	258,114	278,455	273,985	102%	264,235	0	264,235	96%
	Fund:	262,158	267,758	258,114	278,455	273,985	102%	264,235	0	264,235	96%
	Grand Total:	262,158	267,758	258,114	278,455	273,985		264,235	0	264,235	

## Fund 323 2018A G.O. Bond - Fire halls #2 & #3

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The General Obligation Improvement Bonds, Series 2018A were issued in April of 2018 in the amount of \$2,035,000, true interest cost of 3.20% and mature in 2039. The bonds were used to construct new Fire halls #2 and #3. The bonds will be repaid with property taxes.

<u>Year</u>	<u>Principal</u>	<u>Interest</u>	<u>Total</u>
2020	75,000	61,500	136,500
2021	75,000	59,250	134,250
2022	80,000	56,925	136,925
2023	80,000	54,525	134,525
2024	85,000	52,050	137,050
2025	85,000	49,500	134,500
2026	90,000	46,875	136,875
2027	90,000	44,175	134,175
2028	95,000	41,400	136,400
2029	100,000	38,475	138,475
2030	100,000	35,475	135,475
2031	105,000	32,400	137,400
2032	105,000	29,250	134,250
2033	110,000	25,956	135,956
2034	115,000	22,440	137,441
2035	115,000	18,776	133,776
2036	120,000	14,957	134,957
2037	125,000	10,975	135,975
2038	130,000	6,750	136,750
2039	135,000	2,278	137,278
<b>Total</b>	<b>2,015,000</b>	<b>703,932</b>	<b>2,718,932</b>

## Budget Detail

CITY OF HERMANTOWN, MN  
Revenue Budget Report -- MultiYear Actuals  
For the Year: 2021

323 2018A GO Bond (Firehalls #2 & #3)

Account	Actuals				Current Budget 2020	% Rec. 2020	Prelim. Budget 21	Budget Change 21	Final Budget 21	% Old Budget 21
	2017	2018	2019	2020						
310100 Current Year Taxes										
310100 Current Year Taxes		70,880	143,582		135,375	0%	138,125		138,125	102%
Group:		70,880	143,582		135,375	0%	138,125	0	138,125	102%
310200 Delinquent Taxes										
310200 Delinquent Taxes			219		0	0%			0	0%
Group:			219		0	0%	0	0	0	0%
392000										
392010 Transfers In		1,630	71,415		0	0%			0	0%
Group:		1,630	71,415		0	0%	0	0	0	0%
Fund:		72,510	215,216		135,375	0%	138,125	0	138,125	102%

CITY OF HERMANTOWN, MN  
Expenditure Budget Report -- MultiYear Actuals  
For the Year: 2021

323 2018A GO Bond (Firehalls #2 & #3)

Account	Object	Actuals		Current Budget	% Exp.	Prelim. Budget	Budget Changes	Final Budget	% Old Budget		
		2017	2018							2019	2020
471000	Debt Service										
601	Bond Principal			20,000	75,000	75,000	100%	75,000	75,000	100%	
611	Bond Interest			79,609	61,500	61,500	100%	59,250	59,250	96%	
620	Fiscal Agent Fees			914	3,855	1,385	278%	1,385	1,385	100%	
	Account:			100,523	140,355	137,885	102%	135,635	0	135,635	98%
	Fund:			100,523	140,355	137,885	102%	135,635	0	135,635	98%

Fund 324 2018B G.O. Bond - Essentia Wellness Center & Rose Rd Softball Fields

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The General Obligation Improvement Bonds, Series 2018B were issued in August of 2018 in the amount of \$7,715,000, true interest cost of 3.14% and mature in 2039. The bonds were used to construct the Essentia Wellness Center and redo the Rose Road Softball complex. The Rose Road Softball complex component of bonds will be repaid with the property tax. The Essentia Wellness Center portion of the bonds will ultimately be paid with sales tax.

<u>Year</u>	<u>Principal</u>	<u>Interest</u>	<u>Total</u>
2020	150,000	264,475	414,475
2021	280,000	255,875	535,875
2022	290,000	244,475	534,475
2023	305,000	232,575	537,575
2024	320,000	220,075	540,075
2025	330,000	207,075	537,075
2026	340,000	193,675	533,675
2027	355,000	179,775	534,775
2028	375,000	165,175	540,175
2029	385,000	151,900	536,900
2030	395,000	140,200	535,200
2031	410,000	128,125	538,125
2032	425,000	115,600	540,600
2033	435,000	102,428	537,428
2034	450,000	88,600	538,600
2035	460,000	74,094	534,094
2036	480,000	58,819	538,819
2037	495,000	42,975	537,975
2038	510,000	26,325	536,325
2039	525,000	8,859	533,859
Total	7,715,000	2,901,100	10,616,100

Budget Detail

CITY OF HERMANTOWN, MN  
Revenue Budget Report -- MultiYear Actuals  
For the Year: 2021

324 2018B GO Bond (Wellness Center & Rose Rd Softball)

Account	Actuals		Current Budget		% Rec. 2020	Prelim. Budget 21	Budget Change 21	Final Budget 21	% Old Budget 21
	2017	2018	2019	2020					
310100 Current Year Taxes									
310100 Current Year Taxes			52,711		48,312	0%	47,313	47,313	98%
Group:			52,711		48,312	0%	47,313	47,313	97%
392000									
392010 Transfers In			494,931		517,821	0%	517,611	517,611	100%
Group:			494,931		517,821	0%	517,611	517,611	99%
Fund:			547,642		566,133	0%	564,924	564,924	99%

CITY OF HERMANTOWN, MN  
Expenditure Budget Report -- MultiYear Actuals  
For the Year: 2021

324 2018B GO Bond (Wellness Center & Rose Rd Softball)

Account	Object	Actuals			Current Budget 2020	% Exp. 2020	Prelim. Budget 21	Budget Changes 21	Final Budget 21	% Old Budget 21
		2017	2018	2019						
471000	Debt Service									
601	Bond Principal				150,000	100%	280,000	280,000	187%	
611	Bond Interest			261,531	264,475	100%	255,875	255,875	97%	
620	Fiscal Agent Fees			914	855	62%	1,385	1,385	100%	
	Account:			262,445	415,330	100%	537,260	0	537,260	129%
	Fund:			262,445	415,330	100%	537,260	0	537,260	129%

## Fund 325 2019A G.O. Bond - Essentia Wellness Center

---

The General Obligation Improvement Bonds, Series 2019A were issued in January of 2019 in the amount of \$8,845,000, true interest cost of 3.14% and mature in 2039. The bonds will be used to construct the Essentia Wellness Center. The bonds will ultimately be paid with sales tax.

<u>Year</u>	<u>Principal</u>	<u>Interest</u>	<u>Total</u>
2020	280,000	318,632	598,632
2021	305,000	304,007	609,007
2022	320,000	288,382	608,382
2023	340,000	273,581	613,581
2024	350,000	258,030	608,030
2025	370,000	240,031	610,031
2026	390,000	221,031	611,031
2027	405,000	201,155	606,155
2028	430,000	184,581	614,581
2029	440,000	171,532	611,532
2030	455,000	158,106	613,106
2031	465,000	144,305	609,305
2032	480,000	130,131	610,131
2033	495,000	115,507	610,507
2034	510,000	100,113	610,113
2035	525,000	83,940	608,940
2036	545,000	66,881	611,881
2037	560,000	48,926	608,926
2038	580,000	30,037	610,037
2039	600,000	10,125	610,125
Total	8,845,000	3,349,033	12,194,033

Budget Detail



CITY OF HERMANTOWN, MN  
Revenue Budget Report -- MultiYear Actuals  
For the Year: 2021

325 2019A GO Bond (Wellness Center)

Account	Actuals		Current		% Rec.	Prelim. Budget 21	Budget Change 21	Final Budget 21	% Old Budget 21	
	2017	2018	2019	2020						Budget 2020
392000										
392010 Transfers In			168,428		647,462	0%	647,200	647,200	100%	
Group:			168,428		647,462	0%	647,200	0	647,200	99%
Fund:			168,428		647,462	0%	647,200	0	647,200	99%

CITY OF HERMANTOWN, MN  
Expenditure Budget Report -- MultiYear Actuals  
For the Year: 2021

325 2019A GO Bond (Wellness Center)

Account	Object	Actuals		2020	Current Budget 2020	% Exp. 2020	Prelim. Budget 21	Budget Changes 21	Final Budget 21	% Old Budget 21
		2017	2018							
471000	Debt Service									
601	Bond Principal			280,000	280,000	100%	305,000		305,000	109%
611	Bond Interest			177,288	318,631	100%	304,006		304,006	95%
620	Fiscal Agent Fees			914	855	62%	1,385	1,385	1,385	100%
	Account:			178,202	599,486	100%	609,006	1,385	610,391	102%
	Fund:			178,202	599,486	100%	609,006	1,385	610,391	102%

## Fund 326 2020A G.O. Bond – Road Improvement and 2010A Refunding Bonds

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The General Obligation Bonds, Series 2020A were issued in May 2020 for the construction of the 2020 Road Improvements in the City and to current refund the City's outstanding General Obligation Bonds, Series 2010A for an interest cost savings. The 2020A bonds were issued in the amount of \$3,585,000 and carry a true interest cost of 1.74%. The General Obligation Improvement Bonds, Series 2010A were issued in November of 2010 in the original amount of \$3,955,000. Those bonds were used to refund the General Obligation Utility Revenue Bonds, Series 2002- Fund 311, and to finance public improvements: water tower, #311,310 water projects, phase II sewer trunk line, #405,407,408,411,412,432 and 434 sewer projects. The 2020 Road Improvements portion of the bonds will be repaid with property taxes. The 2010A refunded portion of the debt will be repaid by special assessments, city sales taxes, sewer fund, and special deficiency.

<u>Year</u>	<u>Principal</u>	<u>Interest</u>	<u>Total</u>
2021	365,000	112,945	477,944.45
2022	500,000	77,350	577,350.00
2023	495,000	62,425	557,425.00
2024	165,000	52,525	217,525.00
2025	170,000	47,500	217,500.00
2026	175,000	42,325	217,325.00
2027	175,000	37,075	212,075.00
2028	180,000	31,750	211,750.00
2029	185,000	26,275	211,275.00
2030	185,000	21,650	206,650.00
2031	190,000	17,900	207,900.00
2032	150,000	14,500	164,450.00
2033	155,000	11,450	166,450.00
2034	155,000	8,350	163,350.00
2035	170,000	5,100	175,100.00
2036	170,000	1,700	171,700.00
Total	3,585,000	570,820	4,155,820

Budget Detail

CITY OF HERMANTOWN, MN  
Revenue Budget Report -- MultiYear Actuals  
For the Year: 2021

326 2020A GO Bond (Road Plan & 2010A)

Account	Actuals				Current Budget 2020	% Rec. 2020	Prelim. Budget 21	Budget Change 21	Final Budget 21	% Old Budget 21
	2017	2018	2019	2020						
310100 Current Year Taxes					0	0%	56,393		56,393	*****%
310100 Current Year Taxes					0	0%	56,393	0	56,393	*****%
Group:					0	0%	56,393	0	56,393	*****%
361100 Principal - Current					0	0%	60,000		60,000	*****%
361100 Principal - Current					0	0%	60,000	0	60,000	*****%
Group:					0	0%	60,000	0	60,000	*****%
361200 Interest - Current					0	0%	25,000		25,000	*****%
361200 Interest - Current					0	0%	25,000	0	25,000	*****%
Group:					0	0%	25,000	0	25,000	*****%
392000										
392010 Transfers In				-29,582	0	***%	309,705		309,705	*****%
Group:				-29,582	0	***%	309,705	0	309,705	*****%
Fund:				-29,582	0	***%	451,098	0	451,098	*****%

08/20/20  
12:42:44

CITY OF HERMANTOWN, MN  
Expenditure Budget Report -- MultiYear Actuals  
For the Year: 2021

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326 2020A GO Bond (Road Plan & 2010A)

Account	Object	Actuals				Current Budget 2020	% Exp. 2020	Prelim. Budget 21	Budget Changes 21	Final Budget 21	% Old Budget 21
		2017	2018	2019	2020						
471000	Debt Service										
601	Bond Principal					0	0%	365,000		365,000 *****%	
611	Bond Interest					0	0%	112,944		112,944 *****%	
620	Fiscal Agent Fees				380	0	***%	1,385		1,385 *****%	
	Account:				380	0	***%	479,329	0	479,329 *****%	
	Fund:				380	0	***%	479,329	0	479,329 *****%	

Fund 327 2020B G.O. Bond - Section 24 Sewer Trunk line

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The General Obligation Improvement Bonds, Series 2020B were issued in May of 2020 in the amount of \$3,915,000, carry a true interest cost of 1.82% and mature in 2037. The bonds will be used to finance the Section 24 Sewer Trunk line extension project. The bonds will be repaid with sales tax.

<u>Year</u>	<u>Principal</u>	<u>Interest</u>	<u>Total</u>
2020	-	22,926	22,926
2021	205,000	94,025	299,025
2022	190,000	88,100	278,100
2023	195,000	82,325	277,325
2024	200,000	76,400	276,400
2025	205,000	70,325	275,325
2026	210,000	64,100	276,400
2027	220,000	57,650	275,325
2028	225,000	50,975	274,100
2029	230,000	44,150	277,650
2030	240,000	38,300	275,975
2031	240,000	33,500	274,150
2032	245,000	28,650	278,300
2033	250,000	23,700	273,500
2034	255,000	18,650	273,650
2035	260,000	13,500	273,500
2036	270,000	8,200	278,200
2037	275,000	2,750	277,750
Total	3,915,000	818,226.39	4,733,226

Budget Detail

CITY OF HERMANTOWN, MN  
Revenue Budget Report -- MultiYear Actuals  
For the Year: 2021

327 2020B GO Bond (Section 24 Sewer)

Account	Actuals				Current Budget 2020	% Rec. 2020	Prelim. Budget 21	Budget Change 21	Final Budget 21	% Old Budget 21
	2017	2018	2019	2020						
392000										
392010 Transfers In					0	0%	294,997		294,997	*****%
Group:					0	0%	294,997	0	294,997	*****%
Fund:					0	0%	294,997	0	294,997	*****%
Grand Total:		72,510	931,286	-29,582	1,348,970		2,096,344	0	2,096,344	

CITY OF HERMANTOWN, MN  
Expenditure Budget Report -- MultiYear Actuals  
For the Year: 2021

327 2020B GO Bond (Section 24 Sewer)

Account	Object	Actuals				Current Budget 2020	% Exp. 2020	Prelim. Budget 21	Budget Changes 21	Final Budget 21	% Old Budget 21
		2017	2018	2019	2020						
471000	Debt Service										
601	Bond Principal				22,926	0	0%	205,000		205,000	*****%
611	Bond Interest				855	0	***%	94,025		94,025	*****%
620	Fiscal Agent Fees					0	***%	1,385		1,385	*****%
	Account:				23,781	0	***%	300,410	0	300,410	*****%
	Fund:				23,781	0	***%	300,410	0	300,410	*****%
	Grand Total:			541,170	1,179,332	1,153,761		2,061,640	1,385	2,063,025	



**Fund 350 - Special Assessment Deficiency Fund**

Accounts for the accumulated resources to ensure debt service payments of bonds in cases where special assessments have been deferred or collections are not sufficient.

<u>Year</u>	<u>Beginning Fund Balance</u>	<u>Income</u>	<u>Expense</u>	<u>Ending Fund Balance</u>
2009	393,159	4,528	-	397,687
2010	397,687	741	-	398,428
2011	398,428	404	-	398,832
2012	398,832	530,447	21,630	907,649
2013	907,649	109,026	107,255	909,420
2014	909,420	16,007	236,869	688,558
2015	773,708	32,815	194,763	611,760
2016	611,760	43,834	323,371	332,223
2017	332,223	27,942	29,346	330,818
2018	330,818	27,717	30,206	328,329
2019	328,329	33,753	28,725	333,357
2020	333,357	23,700	29,806	327,251
2021	327,251	21,000	29,806	318,445

Note: 2020 & 2021 are budgeted figures

Transfers out:

<u>Fund</u>	<u>Name</u>	<u>Transfers From Special Deficiency</u>
326	2020A GO	27,806

Budget Detail

CITY OF HERMANTOWN, MN  
Revenue Budget Report -- MultiYear Actuals  
For the Year: 2021

Account	Actuals				Current Budget 2020	% Rec. 2020	Prelim. Budget 21	Budget Change 21	Final Budget 21	% Old Budget 21
	2017	2018	2019	2020						
350 Special Assessment Deficiency Fund										
361100 Principal - Current										
361100 Principal - Current	21,070	19,874	20,784	1,532	20,000	8%	19,000		19,000	95%
Group:	21,070	19,874	20,784	1,532	20,000	8%	19,000	0	19,000	95%
361200 Interest - Current										
361200 Interest - Current	4,193	4,411	3,500	345	3,700	9%	2,000		2,000	54%
Group:	4,193	4,411	3,500	345	3,700	9%	2,000	0	2,000	54%
361300 Penalties & Interest										
361300 Penalties & Interest	103	111			0	0%			0	0%
Group:	103	111			0	0%	0	0	0	0%
362100 Investment Interest										
362100 Investment Interest	4,389	5,103	5,828	-353	0	***%			0	0%
362160 Gain (Loss) on Sale of	-1,813	-1,781	3,641		0	0%			0	0%
Group:	2,576	3,322	9,469	-353	0	***%	0	0	0	0%
Fund:	27,942	27,718	33,753	1,524	23,700	6%	21,000	0	21,000	88%
Grand Total:	27,942	27,718	33,753	1,524	23,700		21,000	0	21,000	

08/24/20  
13:31:59

CITY OF HERMANTOWN, MN  
Expenditure Budget Report -- MultiYear Actuals  
For the Year: 2021

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Account	Object	Actuals				Current Budget 2020	% Exp. 2020	Prelim. Budget 21	Budget Changes 21	Final Budget 21	% Old Budget 21
		2017	2018	2019	2020						
350 Special Assessment Deficiency Fund											
415300 Administration & Finance											
	319 Contracted Services	1,540	2,400	919	2,750	2,000	138%	2,000		2,000	100%
	Account:	1,540	2,400	919	2,750	2,000	138%	2,000	0	2,000	100%
471000 Debt Service											
	720 Transfer Out	27,806	27,806	27,806		27,806	0%	27,806		27,806	100%
	Account:	27,806	27,806	27,806		27,806	0%	27,806	0	27,806	100%
	Fund:	29,346	30,206	28,725	2,750	29,806	9%	29,806	0	29,806	100%
	Grand Total:	29,346	30,206	28,725	2,750	29,806		29,806	0	29,806	

CITY OF HERMANTOWN  
CITY COUNCIL CONTINUATION MEETING  
August 17, 2020  
6:30 p.m.

## MEETING CONDUCTED IN PERSON & VIA ZOOM

### Pledge of Allegiance

**ROLL CALL:** Councilors Geissler, Nelson, Peterson, Mayor Boucher

**CITY STAFF:** John Mulder, City Administrator; Bonnie Engseth, City Clerk; Kevin Orme, Director of Finance & Administration; Joe Wicklund, Communications Manager; Paul Senst, Public Works Director; David Bolf, City Engineer; Steve Overom, City Attorney

**ABSENT:**

**VISITORS:** 20

### ANNOUNCEMENTS

Mayor Boucher stated the School Board meeting has been postponed until tomorrow due to technical issues.

### PUBLIC HEARING

#### **PUBLIC HEARING – 2021 Road Improvement District No. 537 (Lavaque Junction Road)**

#### NOTICE OF PUBLIC HEARING ON 2021 ROAD IMPROVEMENT PLAN (LAVAQUE JUNCTION ROAD)

NOTICE IS HEREBY GIVEN, that the City Council of the City of Hermantown will meet in the Council Chambers of Governmental Services Building, 5105 Maple Grove Road, Hermantown, Minnesota, at 6:30 p.m. on Monday, August 17, 2020 to consider improvements to Lavaque Junction Road as part of the 2021 Road Improvement Plan.

The City Council proposes to proceed in accordance with the provisions of Minnesota Statutes Chapter 429.011 to 429.111 of the Minnesota Statutes.

The area proposed to be assessed for such improvement is every piece and parcel of property benefited by such improvement, whether abutting thereon or not, based upon the benefits received by each piece and parcel.

The estimated cost of such improvement is \$2,551,066.92.

Proposed assessment: \$9,750.00 per parcel

Such persons as desire to be heard with reference to the proposed improvements will be heard at this meeting. Written or oral comments are encouraged and will be considered at this hearing. Authorized by the City Council.

The Public Hearing held Monday, August 17, 2020 has been recorded, however, has not been transcribed. The following residents spoke about their concerns regarding the project:

Tim Costley, 5290 Lavaque Jct. Rd.  
Candice Pierce, 5192 Lavaque Jct. Rd.  
Randy Muench, 5275 Lavaque Jct. Rd.  
Kevin Kucza, 5170 Lavaque Jct. Rd.  
Amy Van Loon, 5180 Lavaque Jct. Rd.  
Wally Kucza, 5147 Lavaque Jct. Rd.  
Robin Muench, 5275 Lavaque Jct. Rd.  
Katy Van Loon, 5180 Lavaque Jct. Rd.

Public Hearing recessed at 7:33 p.m.

**2020-117**      Resolution Ordering Improvement And Directing Preparation Of Final Plans And Specifications For 2021 Road Improvement District No. 537 (Lavaque Junction Road)

Motion made by Councilor Geissler, seconded by Councilor Peterson to adopt Resolution 2020-117, Resolution Ordering Improvement And Directing Preparation Of Final Plans And Specifications For 2021 Road Improvement District No. 537 (Lavaque Junction Road). Roll Call: Councilors Geissler, Nelson, Peterson, Mayor Boucher, aye. Motion carried.

**COMMUNICATIONS**

Communications 2020-133 through and including 2020-136 were read and placed on file.

Communication 2020-136 from Jim Crace, Chief of Police to St. Louis County Rescue Squad regarding Thank you

**PRESENTATIONS**

Mayor Boucher recognized the following city employees having anniversaries in 2020:  
5 Years – Alicia Dahlin, Kevin Orme, Jim Rich (26 years), Dana Ross & Jake Williams  
10 Years – Chris Durovec  
15 Years – Bob Miller & Jason Salo  
20 Years – Neil Vatne  
30 Years – Glen Leibel

**PUBLIC DISCUSSION**

**CONSENT AGENDA**

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

- A. Approve August 3, 2020 City Council Minutes
- B. Approve general city warrants from August 1, 2020 through August 15, 2020 in the amount of \$1,266,952.44

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

**MOTIONS**

**RESOLUTIONS**

**2020-118**      Resolution Approving Change Order No. 3 For Ugstad Road Lift Station Sanitary Sewer Improvement District No. 449

Motion made by Councilor Peterson, seconded by Councilor Geissler to adopt Resolution 2020-118, Resolution Approving Change Order No. 3 For Ugstad Road Lift Station Sanitary Sewer Improvement District No. 449. Roll Call: Councilors Geissler, Nelson, Peterson, Mayor Boucher, aye. Motion carried.

**2020-119**      Resolution Approving Pay Request No. 4 (Final) To George Bougalis & Sons, Co. In The Amount Of \$18,238.45

Motion made by Councilor Geissler, seconded by Councilor Nelson to adopt Resolution 2020-119, Resolution Approving Pay Request No. 4 (Final) To George Bougalis & Sons, Co. In The Amount Of \$18,238.45. Roll Call: Councilors Geissler, Nelson, Peterson, Mayor Boucher, aye. Motion carried.

**2020-120**      Resolution Declaring That Thielke Circle And All Infrastructures Within The Plat Of Square 37 Has Been Accepted And Opened By The City of Hermantown

Motion made by Councilor Peterson, seconded by Councilor Geissler to adopt Resolution 2020-120, Resolution Declaring That Thielke Circle And All Infrastructures Within The Plat Of Square 37 Has Been Accepted And Opened By The City Of Hermantown. Roll Call: Councilors Geissler, Nelson, Peterson, Mayor Boucher, aye. Motion carried.

Motion made by Councilor Peterson, seconded by Councilor Geissler to recess the meeting at 7:44 p.m. to Motion carried.

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Mayor

ATTEST:

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Clerk

**CITY COUNCIL  
WORK SESSION  
LARGE CONFERENCE ROOM**

**Monday, August 31, 2020 at 4:30 P.M.**

**MEETING CONDUCTED IN PERSON & VIA ZOOM**

**ROLL CALL:** Councilors Geissler, Nelson, Peterson, Mayor Boucher

**ABSENT:**

**CITY STAFF:** John Mulder, City Administrator;

**OTHERS:**

**DISCUSSION ITEMS**

**1. CARES Budget**

John Mulder presented a proposed budget for the CARES funding related to the COVID 19 Pandemic. The City has received \$733,160. To qualify, expenses must satisfy all three elements:

1. Necessary expenditures incurred due to the public health emergency with respect to COVID 19.
2. Costs not accounted for in the city's budget most recently approved as of March 27, 2020.
3. Performance or delivery must occur during the covered period, and payment of funds must be made during that time. For cities, the covered period is March 1, 2020 November 15, 2020.

Guidance from State of MN and the Federal Government is subject to change. City Staff has identified two priority areas: The first is dealing with the City's organizational needs: The City had had expenses and will have additional expenses for personal protection equipment, cleaning/disinfection, computer equipment to work remotely and hold remote meetings, and staff time.

The second priority area is assisting our community partners such as the Fire Department, Y @ EWC, Chamber of Commerce, and the School District. The Fire Department and Y have submitted possible requests and we are still in discussion with the Chamber and School District. The proposed budget contains some contingency in case the deadline is extended, and/or there are additional increases in the infection rates within the City.

The Council asked John to talk to the County about the responses from Hermantown business to the County's Grant program.

**2. Road Improvement Process**

**a. 2020 Assessment Process**

John Mulder reminded the Council of upcoming dates related to the assessment for the 2020 Road improvement plan. On September 8, the Council will call for a public hearing on the assessments. Over 100 notices will be mailed out. The public hearing will be October 19<sup>th</sup>. The Council was advised to hold October 26 open for possible objection hearings. Those objection hearings will be individual meetings with the Council and the objecting party. The final assessment role will be approved by the City Council on November 2.

**b. 2021 Engineering**

John Mulder stated the City had received 5 proposals for engineering for the Lavaque Jct Road improvement project. Including one from Northland Consulting Engineers. The Council discussed the proposals briefly, and the rationale for having a project engineer.

John also stated that staff was recommending that the City proceed with improvements on Sundby. The costs for engineering and construction for this small portion of work will be more cost effective if we include it with the rest of the road work in the area.

Staff is also recommending that the trail be excluded on the Lavaque Jct project at this time because we do not have a definitive plan to connect it to the City offices complex at this time.

**3. Staffing Issues/Position Changes**

John reviewed a number of staffing issues:

The workload in City Hall has not been reduced at all during the pandemic and in fact it has made more work and made it more difficult to get the work done. City staff are all feeling the extra stress, but continue to do their work.

Currently, the Utility Billing Clerk is overwhelmed, and immediate assistance is needed. There are considerably more assessment searches that need to be done, since people are buying or re-financing homes due to low interest rates. We have not been able to keep up with responding to residents about billing and assessments. We would like to develop a short-term plan to get caught up and then look at the longer term to see if that is sustainable.

The Council discussed the possibility of creating an additional position to take on various projects like the Road Improvement plan, utility management, assessment record keeping, broadband, and other various projects. With Council general approval, staff would proceed with developing the position with the hope of having someone on board in the first part of 2021. We can fund this in the proposed 2021 Budget. The exact duties, job title, and qualifications have not been finalized yet.

**4. Recess:** The meeting recessed at approximately 6:00 p.m.

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Mayor

ATTEST:

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Clerk



**CITY OF HERMANTOWN**

CHECKS #66226-66311  
08/16/2020 -08/31/2020

PAYROLL CHECKS

Electronic Checks - #71806-71848	70,846.68
Printed Checks -#66226-66234	1,790.50

LIABILITY CHECKS

Electronic Checks - #71799-71805	\$55,593.78
Printed Checks- #66302-66308	\$67,117.78
Printed Check- #66311	\$1,008.17

**PAYROLL EXPENSE TOTAL** **\$195,348.74**

ACCOUNTS PAYABLE

Checks - #66235-66301	\$410,211.55
Checks - #66309-66310	\$2,140.05
Electronic Payments - #99922-99924	\$2,092.55

**ACCOUNTS PAYABLE TOTAL** **\$414,444.15**

**TOTAL** **\$609,792.89**

**CITY OF HERMANTOWN, MN 08/16/2020-08/31/2020**  
**Check # is between 66226 and 66311 or Check # is between -99924 and -99922**

9/1/2020

Page 1

Fund	Account	Department	Vendor Name	Description	Amount	Check #
101	217450	Employee Flexplan	FURTHER ELECTRONIC PAYMENTS	Claim Reimbursement	488.40	-99924
101	217450	Employee Flexplan	FURTHER ELECTRONIC PAYMENTS	Claim Reimbursement ACH	180.10	-99923
101	421100	Police Administration	FIRST BANKCARD	First Bankcard July Crace	244.00	-99922
101	415300	Administration & Finance	FIRST BANKCARD	First Bankcard July Orme	-79.98	-99922
101	421100	Police Administration	FIRST BANKCARD	First Bankcard July Esterbrook	85.87	-99922
101	431901	City Garage	FIRST BANKCARD	First Bankcard July Senst	185.46	-99922
101	421100	Police Administration	FIRST BANKCARD	First Bankcard July Pernu	100.00	-99922
101	421100	Police Administration	FIRST BANKCARD	First Bankcard July Esterbrook	12.64	-99922
101	421100	Police Administration	FIRST BANKCARD	First Bankcard July Enright	75.00	-99922
101	415300	Administration & Finance	FIRST BANKCARD	First Bankcard July Orme	33.54	-99922
101	452100	Parks	FIRST BANKCARD	First Bankcard July Senst	22.96	-99922
101	421100	Police Administration	FIRST BANKCARD	First Bankcard July Pfeiffer	100.00	-99922
101	419901	City Hall & Police Building Maintenance	FIRST BANKCARD	First Bankcard July Vatne	159.98	-99922
101	492100	Unallocated - COVID CARES Act	FIRST BANKCARD	First Bankcard July Orme	16.24	-99922
101	421100	Police Administration	FIRST BANKCARD	First Bankcard July Salo	10.70	-99922
101	421100	Police Administration	FIRST BANKCARD	First Bankcard July Kneisl	336.11	-99922
101	421100	Police Administration	FIRST BANKCARD	First Bankcard July Williams	75.00	-99922
101	421100	Police Administration	FIRST BANKCARD	First Bankcard July Esterbrook	33.98	-99922
101	421100	Police Administration	FIRST BANKCARD	First Bankcard July Marsolek	12.55	-99922
101	421100	Police Administration	4 ALARM, LLC	Department Photos and Frame	1,817.00	66235
101	414100	Elections	AANONSEN, ROGER	Election Judge Training	24.00	66236
101	427100	Poundmaster	ANIMAL ALLIES HUMANE SOCIETY	July Boarding	505.00	66237
601	494300	Water Distribution	ASDCO CONSTRUCTION SUPPLY	2" Rigid Foam-Insulating Hydra	608.40	66238
101	414100	Elections	ATIEMO, AMANDA	Primary Election Judge	204.00	66239
101	431100	Street Department	BLUE TARP FINANCIAL	91 Gal Alum Transfer Tank	870.85	66240
475	431150	Street Improvements	BRAUN INTERTEC CORPORATION	AlexanderJohnsonCarlsonPortlan	1,625.00	66241
101	414100	Elections	BUBACZ, ALICE	Primary Election Judge	102.00	66242
603	441100	Storm Water	CARLSON CONCRETE PRODUCTS INC	Driveway Culverts	1,270.50	66243
603	441100	Storm Water	CARLSON CONCRETE PRODUCTS INC	Driveway Culverts	592.80	66243
603	441100	Storm Water	CARLSON CONCRETE PRODUCTS INC	Driveway Culverts	225.00	66243
603	441100	Storm Water	CARLSON CONCRETE PRODUCTS INC	Driveway Culverts	296.40	66243
603	441100	Storm Water	CARLSON CONCRETE PRODUCTS INC	Driveway Culverts	388.70	66243
101	414100	Elections	CHAPINSKI, MARIE	Primary Election Judge	204.00	66244
101	431100	Street Department	CINTAS CORPORATION	Uniforms	10.80	66245
101	431901	City Garage	CINTAS CORPORATION	Mats at PW	2.10	66245
101	419901	City Hall & Police Building Maintenance	CINTAS CORPORATION	Mats at FD/PD	30.72	66245
101	431100	Street Department	CINTAS CORPORATION	Uniforms	10.80	66245

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Fund	Account	Department	Vendor Name	Description	Amount	Check #
101	431100	Street Department	CINTAS CORPORATION	Uniforms	10.80	66245
101	431100	Street Department	CINTAS CORPORATION	Uniforms	25.78	66245
101	419901	City Hall & Police Building Maintenance	CINTAS CORPORATION	Mats at CH	8.88	66245
101	431901	City Garage	CINTAS CORPORATION	Supplies	32.00	66245
101	431901	City Garage	CINTAS CORPORATION	Supplies	13.50	66245
101	431901	City Garage	CINTAS CORPORATION	Supplies	13.50	66245
101	431901	City Garage	CINTAS CORPORATION	Mats at PW	20.58	66245
101	431901	City Garage	CINTAS CORPORATION	Mats at PW	2.10	66245
101	431100	Street Department	CINTAS CORPORATION	Uniforms	25.79	66245
101	431100	Street Department	CINTAS CORPORATION	Uniforms	25.78	66245
601	494300	Water Distribution	CITY OF DULUTH COMFORT SYSTEMS	July Water Charges	79,379.59	66246
251	421100	Police Administration	CROW-GOEBEL VETERINARY CLINIC, P A	Tuuko - Vet	528.00	66247
101	492100	Unallocated - COVID CARES Act	CW TECHNOLOGY GROUP INC	COVID- Laptops/docking station	17,964.66	66248
409	419900	General Government Buildings & Property	CW TECHNOLOGY GROUP INC	2019 CIP HVAC Upgrade	1,091.25	66248
101	419901	City Hall & Police Building Maintenance	DALCO	Restroom Supplies CH	86.01	66249
401	431100	Street Department	DEERE & COMPANY	Snowblower for Tractor Capital	17,345.34	66250
401	431100	Street Department	DEERE & COMPANY	Tractor - Capital purchase	95,637.64	66250
401	431100	Street Department	DIAMOND MOWERS LLC	Row Mower	77,608.01	66251
101	414100	Elections	DONALDSON, THOMAS	Primary Election Judge	126.00	66252
101	452100	Parks	DULUTH LAWN & SPORT	Big Mower Blades	150.99	66253
101	431100	Street Department	DULUTH READY MIX INC	Barrier Block Lindahl Rd	420.00	66254
461	465100	HEDA	EHLERS & ASSOCIATES INC	Fleet Farm 2021 tax abate calc	397.50	66255
460	465100	HEDA	EHLERS & ASSOCIATES INC	2019 TIF Report	937.50	66255
101	414100	Elections	ENBERG, ERIC, JR	Primary Election Judge	204.00	66256
101	492100	Unallocated - COVID CARES Act	ENGSETH, BONNIE	Bins for Pens -election- covid	5.94	66257
601	494400	Water Administration and General	ENGSETH, BONNIE	Mileage Bank	13.08	66257
101	414100	Elections	ENGSETH, BONNIE	Mileage Election	105.71	66257
101	414100	Elections	ENGSETH, BONNIE	Misc Election	37.94	66257
602	494900	Sewer Administration and General	ENGSETH, BONNIE	Mileage Bank	8.72	66257
601	494300	Water Distribution	FERGUSON WATERWORKS #2516	Hydrant/Valve fix on Htown rd	4,734.52	66258
101	414100	Elections	FICHTNER, LORI	Primary Election Judge	198.00	66259
602	432550	Sewer Lift Stations	GEORGE BOUGALIS & SONS CO	Ugstad Rd Lift Station	18,238.45	66260
101	414100	Elections	GRACE LUTHERAN CHURCH	Building Rental - Primary Elec	100.00	66261
101	421100	Police Administration	GREAT LAKES MOBIL LUBE EXPRESS	Squad 21 Oil Change	74.37	66262
101	421100	Police Administration	GREAT LAKES MOBIL LUBE EXPRESS	Squad 18 Oil Change	51.84	66262
602	494500	Sewer Maintenance	GREAT LAKES PIPE SERVICE INC	Clean Sanitary Sewers	7,475.00	66263
101	415300	Administration & Finance	GREATAMERICA FINANCIAL SERVICES	Copier Lease/Konica August	96.00	66264

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Fund	Account	Department	Vendor Name	Description	Amount	Check #
411	419100	Community Development	HALLBERG ENGINEERING, INC.	EWC- Commissioning Agent	780.00	66265
101	414100	Elections	HANE, JUDITH	Primary Election Judge	207.00	66266
101	414100	Elections	HARRISS, DONALD	Primary Election Judge	102.00	66267
475	431100	Street Department	HERMANTOWN STAR LLC	PH 2021 Lavaque Jct Improvemen	115.50	66268
101	414100	Elections	HILL, DARLENE	Primary Election Judge	207.00	66269
101	414100	Elections	HILL, JOLYNN	Primary Election Judge	198.00	66270
101	414100	Elections	HYDE, EVA	Primary Election Judge	204.00	66271
101	414100	Elections	JOHNSON, JOANNE	Primary Election Judge	126.00	66272
603	441100	Storm Water	MAC'S LANDSCAPING CENTER	Straw for Cover at Culverts	13.90	66273
101	414100	Elections	MCMILLAN, LUANNE R.	Election Judge Training	24.00	66274
101	431901	City Garage	MENARD INC	Toilet Flapper Kit- toilet at	9.95	66275
101	492100	Unallocated - COVID CARES Act	MENARD INC	Paper Towels - Election -COVID	21.98	66275
101	419901	City Hall & Police Building Maintenance	MENARD INC	Mouse traps and ant killer CH/	16.14	66275
101	414100	Elections	MERRIER, PATRICIA	Primary Election Judge	123.00	66276
602	494500	Sewer Maintenance	MILLER, ROBERT	mileage-St Paul -look at truck	161.00	66277
601	220110	Water Test Fee Payable	MN DEPARTMENT OF HEALTH	Water Supply Serv Connect fee	5,465.00	66278
101	419901	City Hall & Police Building Maintenance	MN DEPT OF LABOR & INDUSTRY	Boiler	40.00	66279
101	422901	Firehall #1 Maple Grove Road	MN DEPT OF LABOR & INDUSTRY	Pressure Vessel FH #1	10.00	66279
101	431901	City Garage	MN DEPT OF LABOR & INDUSTRY	Boiler/Pressure Vessel PW	20.00	66279
601	494400	Water Administration and General	MN ENERGY RESOURCES CORP	Natural Gas Lightning Dr	25.90	66280
101	431901	City Garage	MN ENERGY RESOURCES CORP	Natural Gas Comm Building	27.60	66280
275	452200	Community Building	MN ENERGY RESOURCES CORP	Natural Gas EWC	2,242.06	66280
101	419901	City Hall & Police Building Maintenance	MN ENERGY RESOURCES CORP	Natural Gas CH/PD	61.15	66280
101	422901	Firehall #1 Maple Grove Road	MN ENERGY RESOURCES CORP	Natural Gas -FH#1	135.39	66280
101	452200	Community Building	MN ENERGY RESOURCES CORP	Natural Gas old CH	54.41	66280
101	431901	City Garage	MN ENERGY RESOURCES CORP	Natural Gas Lightning Dr	22.66	66280
602	494900	Sewer Administration and General	MN ENERGY RESOURCES CORP	Natural Gas Lightning Dr	16.19	66280
101	419901	City Hall & Police Building Maintenance	MN ENERGY RESOURCES CORP	Natural Gas -CH/PD	110.78	66280
101	431901	City Garage	MN ENERGY RESOURCES CORP	Natural Gas old CH	6.05	66280
101	452100	Parks	MN POWER	Electricity Little Leagues	24.45	66281
601	494400	Water Administration and General	MN POWER	Electricity Lightning dr	143.88	66281
101	452200	Community Building	MN POWER	Electricity Comm Bldg	385.87	66281
602	494900	Sewer Administration and General	MN POWER	Electricity Sewer	510.35	66281
605	431160	Street Lighting	MN POWER	Electricity St Lights	356.49	66281
275	452200	Community Building	MN POWER	Electricity EWC Garage	19.22	66281
275	452200	Community Building	MN POWER	Electricity EWC	12,680.99	66281
101	419901	City Hall & Police Building Maintenance	MN POWER	Electricity CH/PD/FD	2,515.20	66281

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Fund	Account	Department	Vendor Name	Description	Amount	Check #
101	422902	Firehall #2 Morris Thomas Road	MN POWER	Electricity FH #2	62.11	66281
101	422901	Firehall #1 Maple Grove Road	MN POWER	Electricity CH/PD/FD	1,608.08	66281
601	494400	Water Administration and General	MN POWER	Electricity - Water	537.68	66281
101	431901	City Garage	MN POWER	Electricity Lightning dr	239.80	66281
101	422903	Firehall #3 Midway Road	MN POWER	Electricity FH #3	62.29	66281
605	431160	Street Lighting	MN POWER	Electricity Traffic Lights	630.80	66281
605	431160	Street Lighting	MN POWER	Electricity St Lights	327.84	66281
605	431160	Street Lighting	MN POWER	Electricity St Lights	397.14	66281
605	431160	Street Lighting	MN POWER	Electricity St Lights roundabo	17.51	66281
101	431901	City Garage	MN POWER	Electricity Maple gr garage	15.30	66281
602	494900	Sewer Administration and General	MN POWER	Electricity Lightning dr	95.92	66281
605	431160	Street Lighting	MN POWER	Electricity St Lights	462.97	66281
101	452100	Parks	MN POWER	Electricity Parks	306.98	66281
605	431160	Street Lighting	MN POWER	Electricity St Lights	158.49	66281
101	422901	Firehall #1 Maple Grove Road	MN TELECOMMUNICATIONS	July Internet	131.04	66282
101	419901	City Hall & Police Building Maintenance	MN TELECOMMUNICATIONS	July Internet	524.16	66282
101	431100	Street Department	MONARCH PAVING COMPANY	Pothole Cold Patch	1,933.70	66283
101	414100	Elections	MONSON, SAUNDRA	Primary Election Judge	207.00	66284
101	414100	Elections	PAGANO, PAMELA	Primary Election Judge	207.00	66285
101	214500	Escrow Deposits Payable	PETERSON COMPANIES, INC	Refund Deposit Erosion Control	500.00	66286
602	494900	Sewer Administration and General	PITNEY BOWES INC	Ink - Postage Tape	78.62	66287
101	415300	Administration & Finance	PITNEY BOWES INC	Ink - Postage Tape	157.22	66287
601	494400	Water Administration and General	PITNEY BOWES INC	Ink - Postage Tape	78.62	66287
101	431100	Street Department	PRAXAIR DISTRIBUTION INC	Cylinder Rent/Safe Env fee	96.34	66288
101	431100	Street Department	PRO TIRE	Tire Repair	25.00	66289
101	414100	Elections	SALEM LUTHERAN CHURCH	Building Rental - Primary Elec	100.00	66290
603	441100	Storm Water	SATHERS, LLC	Class 5 for driveway culvers	94.50	66291
240	494300	Water Distribution	SHORT ELLIOTT HENDRICKSON INC	Water Tower Recondition	825.00	66292
101	421100	Police Administration	SHRED-N-GO INC	Shredding	87.29	66293
101	414100	Elections	SIROIS, KAREN	Primary Election Judge	102.00	66294
602	494500	Sewer Maintenance	SJE-RHOMBUS, INC.	SCADA Monitoring Jul-Sept 2020	1,204.50	66295
101	421100	Police Administration	ST LOUIS COUNTY AUDITOR	2020 MDC Fee 11 @ \$420	4,620.00	66296
101	421100	Police Administration	ST LOUIS COUNTY AUDITOR	2020 Shield Fee 16@\$408.50	6,536.00	66296
101	421100	Police Administration	ST LOUIS COUNTY AUDITOR	2020 eMert Lic 11 @ \$274.95	3,024.45	66296
101	414100	Elections	TANSKI, JOAN	Primary Election Judge	108.00	66297
402	431150	Street Improvements	TKDA	Rd Reconstruct Htown rd	1,651.87	66298
475	431150	Street Improvements	TKDA	Rd Reconstruct Local rds	22,168.46	66298

**CITY OF HERMANTOWN, MN 08/16/2020-08/31/2020**  
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<b>Fund</b>	<b>Account</b>	<b>Department</b>	<b>Vendor Name</b>	<b>Description</b>	<b>Amount</b>	<b>Check #</b>
475	431150	Street Improvements	TKDA	Credit-ovepayment 2020002464	-1,427.82	66298
602	432550	Sewer Lift Stations	TKDA	Ugstad Rd Lift Station 3 repla	536.52	66298
101	452100	Parks	TRUGREEN	Weed & Feed Stebner Soccer	1,763.22	66299
260	456101	Cable	WALDNER, LARS	Cable TV Coordinator August	625.00	66300
101	452200	Community Building	WESCOM	Old CH Power issues	165.00	66301
101	134000	Retiree Insurance/Telephone Reimb.	MN LIFE	Life Ins Inact McMillan Sept	4.05	66309
101	134000	Retiree Insurance/Telephone Reimb.	NORTHEAST SERVICE COOPERATIVE	Health Ins Inactives September	811.20	66310
101	421100	Police Administration	NORTHEAST SERVICE COOPERATIVE	Health Ins Inactives September	1,324.80	66310
<b>Totals:</b>					<b>156 records printed</b>	<b>414,444.15</b>

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



**DATE:** August 31, 2020                      **Meeting Date:** 9/8/20  
**SUBJECT:** Ordinance Amendment to      **Agenda Item: 11-A**                      **Ordinance 2020-06**  
the flag lot approval process

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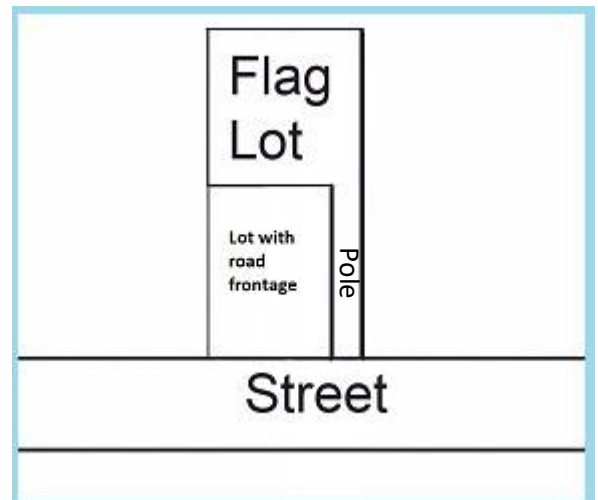
### REQUESTED ACTION

**Hold a first reading on an amendment to Chapter 10 Land Splits and Platting as it pertains to the flag lot approval process.**

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### BACKGROUND

In 2016, the Planning and Zoning Commission recommended changes to the City’s subdivision ordinance allowing the creation of flag lots. A flag lot is a lot containing an area shaped like a “flag” which is the portion of the lot for a house to be located and an area shaped like a “pole” which is the portion of the lot connecting to the road. Flag lots were not previously allowed because they do not meet the standards for road frontage.



Flag lots were allowed if specific conditions could be met and the City found that the flag lot would not interfere with future development of the area.

Key conditions include:

- The pole cannot exceed 500 feet.
- The pole must be a minimum of 30’ wide and driveway setback at least 10’ from the neighboring property.
- The flag must meet width and area standards for the zoning district.
- The regular lot must continue to meet width and area standards for the zoning district.
- Only single family residential and accessory uses are allowed on the flag lot.
- Only one flag lot can be created from a property.

Since 2016, the City has approved 5 flag lots. The City has not denied a flag lot application. Flag lots require a public hearing and both Planning Commission and City Council approval. The City currently allows administrative approval of non-flag lots that result in three or fewer new lots. Requiring the Planning and Zoning Commission and City Council to approve the flag lot adds two to four weeks to the lot splitting process. Considering the lack of reported issues with flag lots, City staff is recommending that the ordinance be amended to eliminate the City Council’s required approval to provide more responsive service. Staff is recommending that the ordinance be amended to include a process that would allow aggrieved parties to appeal the

Planning Commission's decision to the City Council and for the Council to review a decision of its own accord.

**RECOMMENDATION:**

City Staff recommends that the Planning Commission forward amendments to Chapter 10 Land Splits and Platting amending Section 1010.04 regarding the approval process for flag lots based on the following findings:

1. The Hermantown Planning and Zoning Commission finds that the proposed amendments are consistent with the Hermantown Zoning Regulations Purpose and Objectives to ensure a safer, more pleasant and more economical environment for residential, commercial, industrial and public activities, and to promote the public health, safety and general welfare.
2. The Hermantown Planning and Zoning Commission finds that the proposed amendments are consistent with the established role of the Hermantown Planning and Zoning Commission granting zoning approvals and provides the City Council the ability to make final decisions through the appeals and review process.
3. The Planning and Zoning Commission recommends approval of the amendments to Chapter 10 Land Splits and Platting of the Hermantown Zoning Regulations which are attached as Attachment A. Proposed Flag Lot Amendments

**ATTACHMENTS:**

- Attachment A. Proposed Flag Lot Amendments



**Ordinance No. 2020-06**

The City Council of the City of Hermantown does ordain:

**AN ORDINANCE AMENDING SECTIONS 1005 AND 1010 OF THE HERMANTOWN ZONING REGULATIONS**

**Section 1.** Purpose and Intent. The purpose of this Ordinance is to amend the provisions of Sections 1005 and 1010 of the Hermantown Zoning Regulations to incorporate the policy recommendations of the City Council pertaining to flag lots.

**Section 2.** Amending. Section 1005 of the Hermantown Zoning Regulations is hereby amended to:

**1005.01.5.** “Flag Lot” means 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.

**Section 3.** Amending. Section 1010.04 of the Hermantown Zoning Regulations is hereby amended to:

**1010.04.11.4.** Upon receipt of a complete application, the Zoning Officer will set a date for a public hearing before the Planning and Zoning Commission. Not less than ten days before the public hearing, the City will publish a notice in the official newspaper and send notice by mail to the Applicant and to the owners of all property wholly or partially within 350 feet of the property to be subdivided. The Hermantown Police and Fire Department will be notified at the same time.

**1010.04.11.5. Decision by Planning and Zoning Commission.** Following the hearing, the Planning and Zoning Commission shall make its decision on an application for a Flag Lot. Action shall be my majority vote of the members present and voting.

**1010.04.11.6.** Appeal to Council. The decision of the Planning and Zoning Commission shall be subject to appeal to the City Council by any person or persons, jointly or severally aggrieved by any decision of the Planning and Zoning Commission, or any taxpayer, officer, department, board or bureau of the City under the procedures as set forth for appeals from decisions of the Board of Appeals and Adjustments under Section 355 of this code.

**1010.04.11.7 Review by Council.** The City Council, upon its own motion, may review any action of the Planning and Zoning Commission made under this section. Such review shall be initiated within ten days of the date of the decision by the Planning and Zoning Commission by the majority vote of those Council members present and voting on the matter.

**1010.04.11.8 Procedures.** Upon a review of any such action of the Planning and Zoning Commission, the City Council shall proceed in accordance with the procedures set forth in Section 355 of this code.

**1010.04.11.9 Finality.** A decision by the Planning and Zoning Commission under this section

shall not be final until any appeal period specified herein shall have expired. No action shall be taken by any party in reliance on any such decision of the Planning and Zoning Commission until it shall be final.

**Section 7.** Added to the 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 8.** Effective Date. The provisions of this Ordinance shall be effective after adoption immediately upon publication once in the official newspaper of the City of Hermantown and upon recording with the St. Louis County Recorder's Office.

Dated:

\_\_\_\_\_  
Mayor

Attest:

\_\_\_\_\_  
City Clerk

Adopted:

Published: \_\_\_\_\_

Effective Date: \_\_\_\_\_

## **Attachment A. Proposed Flag Lot Revisions**

**1005.01.5.** “Flag Lot” means 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.

**1010.04 Flag Lots.** Flag lots may be allowed in the S-1, R-1, and R-3 Zoning Districts provided that:

**1010.04.1.** The resulting lots do not violate any provision of the Hermantown Zoning Regulations, Comprehensive Plan, or any other local ordinance.

**1010.04.2.** The width of the flag lot at the front yard setback line must meet the lot width requirements of the Hermantown Zoning Regulations.

**1010.04.3.** The pole portion of a flag lot shall not exceed 500 feet.

**1010.04.4.** 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.

**1010.04.5.** The pole portion of the flag lot will not be included in calculating the minimum lot area.

**1010.04.6.** Only one flag lot may be created from an existing mother property.

**1010.04.7.** Must be used exclusively for single family dwelling and accessory uses.

**1010.04.8.** The City must determine that the creation of the flag lot will not interfere with future development of roads or interior lands.

**1010.04.9.** The City must determine that the flag lot provides adequate accessibility of emergency responders.

**1010.04.10.** All flag lots must display an address at their closest point of access to a public street for emergency responders.

**1010.04.11. Procedure for Filing, Review, and Approval of Flag Lots.** An application to create a flag lot must be submitted to the Zoning Officer on a form provided by the City accompanied by the following:

**1010.04.11.1.** An application fee set by the City Council.

**1010.04.11.2.** A certificate of survey map for abstract land or registered land survey for

Torrens land.

**1010.04.11.3.** A full legal description of the existing property and resulting parcels documented by all current land title records.

**1010.04.11.4.** Upon receipt of a complete application, the Zoning Officer will set a date for a public hearing before the Planning and Zoning Commission. Not less than ten days before the public hearing, the City will publish a notice in the official newspaper and send notice by mail to the Applicant and to the owners of all property wholly or partially within 350 feet of the property to be subdivided. The Hermantown Police and Fire Department will be notified at the same time.

**1010.04.11.5. Decision by Planning and Zoning Commission.** Following the hearing, the Planning and Zoning Commission shall make its decision on an application for a Flag Lot. Action shall be my majority vote of the members present and voting.

**1010.04.11.6. Appeal to Council.** The decision of the Planning and Zoning Commission shall be subject to appeal to the City Council by any person or persons, jointly or severally aggrieved by any decision of the Planning and Zoning Commission, or any taxpayer, officer, department, board or bureau of the City under the procedures as set forth for appeals from decisions of the Board of Appeals and Adjustments under Section 355 of this code.

**1010.04.11.7 Review by Council.** The City Council, upon its own motion, may review any action of the Planning and Zoning Commission this section. Such review shall be initiated within ten days of the date of the decision by the Planning and Zoning Commission by the majority vote of those Council members present and voting on the matter.

**1010.04.11.8 Procedures.** Upon a review of any such action of the Planning and Zoning Commission, the City Council shall proceed in accordance with the procedures set forth in Section 355 of this code.

**1010.04.11.9 Finality.** A decision by the Planning and Zoning Commission under this section shall not be final until any appeal period specified herein shall have expired. No action shall be taken by any party in reliance on any such decision of the Planning and Zoning Commission until it shall be final.

**TO:** Mayor & City Council

**FROM:** Steve Overom, City Attorney



**DATE:** September 1, 2020

**Meeting Date:** 9/8/20

**SUBJECT:** Minnesota Government Data Practices Act City Hall Procedures  
Agenda Item: 12-A  
Resolution 2020-121

---

**REQUESTED ACTION**

Approve a Resolution affirming the City of Hermantown Minnesota Government Data Practices Act City Hall Procedures

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**BACKGROUND**

Minnesota Statutes § 13.025 requires that the City of Hermantown Minnesota Government Data Practices Act City Hall Procedures be reviewed annually and updated as necessary to reflect legislative changes or administrative changes in personnel, procedures, or other circumstances.

No substantive changes were made to the Minnesota Government Data Practices Act this year. This Resolution affirms that the policies are up to date and do not require any amendment this year.

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**SOURCE OF FUNDS (if applicable)**

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**ATTACHMENTS**

Data Practice City Hall Procedures

**Resolution No. 2020-121**

**RESOLUTION APPROVING THE CITY OF HERMANTOWN  
MINNESOTA GOVERNMENT DATA PRACTICES ACT  
CITY HALL PROCEDURES**

WHEREAS, pursuant to Minnesota Statutes Section 13.03, subdivision 2, the City of Hermantown is required to have procedures in place to respond to requests for data under the Minnesota Government Data Practices Act; and

WHEREAS, the City of Hermantown has determined it is necessary to have specific procedures to respond to requests for data with the City of Hermantown City Hall; and

WHEREAS, pursuant to Minnesota Statutes Section 13.025, the City of Hermantown is required to review its procedures and make necessary updates to reflect changes in personnel, procedures, or other circumstances that impact the public's ability to access data; and

WHEREAS, the City Attorney has proposed to affirm the current City of Hermantown Minnesota Government Data Practices Act City Hall Procedures ("City Hall Procedures") as shown on the attached **Exhibit A**; and

WHEREAS, the City Council has considered this matter and believes that it is in the best interests of the City of Hermantown to approve the City Hall Procedures and require them to be used by Hermantown City Hall staff.

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

1. The City of Hermantown City Hall Minnesota Government Data Practices Act Procedures in the form of the one attached hereto as **Exhibit A** is hereby approved.

2. The Hermantown City Hall staff are authorized and directed to proceed in accordance with such City of Hermantown City Hall Minnesota Government Data Practices Act Procedures.

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 September 8, 2020.

**CITY OF HERMANTOWN**  
**MINNESOTA GOVERNMENT DATA PRACTICES ACT**  
**CITY HALL PROCEDURES**

## **I. Introduction.**

These procedures are adopted by the City of Hermantown (“City”) for use by City Hall to comply with the requirements of the Minnesota Government Data Practices Act (“MGDPA”), Chapter 13 of the Minnesota Statutes.

All information maintained by the City is public unless classified as not public by a state statute or a federal law. Any person has the right to inspect and copy public data. The person also has the right to have an explanation of the meaning of the public data.

## **II. Responsible Authority and Data Practices Compliance Official.**

The person who is the responsible authority for the City under the MGDPA is the City Clerk. All MGDPA requests must be submitted in writing, by mail or email, to the responsible authority or a designee who will then respond to the MGDPA request. The designee(s) for City Hall are listed on attached Exhibit 1. The City Clerk is also the data practices compliance official for City Hall and is responsible for answering questions, concerns, or complaints regarding problems in obtaining access to City Hall information.

## **III. Requests for Data.**

### **A. Form of Request and Response.**

**Request.** The request for data must be written. A City of Hermantown Information Disclosure Request Form (“MGDPA Request Form”) must be completed, which is attached hereto as Exhibit 2 and sent to the responsible authority by mail or email.

An individual is not required to provide his/her name on the MGDPA Request Form; however, the burden is then on the individual to check with the responsible authority or designee on the status of the MGDPA request.

**Response.** The responsible authority or the designee will then respond to the MGDPA request.

If the data is maintained in electronic format and is requested to be electronic format, then it may be provided in that medium. This does not mean that the City will provide the data in an electronic format or program that is different from the format in which the City maintains the data.

### **B. Time Limits.**

**Requests.** MGDPA requests will be received and processed only during normal business hours.



**Response.** Responses to MGDPA requests will be made at the time of the request or as soon thereafter as possible. If the data requested is Data on Individuals, by the subject of the data, responses will be made at the time of the request or within ten (10) days, excluding Saturdays, Sundays, and Holidays.

Responses will be in writing, on the MGDPA Request Form submitted. If the responsible authority or the designee denies the request for data, the specific legal authority including the statutory section must be given.

- C. **Fees.** Fees will be charged according to the City's Fee Schedule and the policy attached as Exhibit 3.
- D. **Standing Requests.** A person requesting data may make a standing request to inspect or receive copies of public data. Except for standing requests for notices of meetings and copies of agendas, which remain in effect until terminated by the person requesting such data, pursuant to existing practice of the City that mimics the policy of the Minnesota Department of Administration, standing requests will expire three (3) months after the initial request unless the person requesting the data renews the standing request no more than ten (10) days prior to the expiration of the most recent standing request for such data.

#### IV. **Data on Individuals.**

Information about individual people is classified by law as public, private, or confidential.

##### A. **People Entitled to Access.**

*Public* information about an individual may be shown or given to anyone.

*Private* information about an individual may not be shown or given to the public, but may be shown or given to:

- The individual, but only once every six months, unless a dispute has arisen, or additional data has been collected.
- A person who has been given access by the express written consent of the data subject. This consent must be on the Consent to Release Private Data form, attached as Exhibit 4, or a form reasonably similar.
- People who are authorized access by the federal, state, or local law or court order.

- Data on customers of municipal utilities are private data on individuals or nonpublic data, but utility data may be released to charitable organizations when consent is given by the individual on the form attached as Exhibit 4A.
- People about whom the individual was advised at the time the data was collected. A Tennessean Warning, attached as Exhibit 5, or a form reasonably similar, must be completed when this type of information is requested.
- People within the City staff, the City Council, and outside agents (such as attorneys) whose work assignments or responsibilities reasonably require access.

*Confidential* information may **not** be shown or given to the subject of the data, or to the public, but may be shown or given to:

- People who are authorized access by federal, state, or local law or court order.
- People within the City staff, the City Council, and outside agents (such as attorneys) whose work assignments or responsibilities reasonably require access.

**B. Request.** Any individual may request, in writing, to know if the City has stored data about that individual and whether the data is classified as public, private, or confidential. The individual must be allowed to inspect public or private data without charge and can request an explanation of the content and the meaning of the data.

**C. Identification of Requesting Party.** The responsible authority or designee must verify the identity of the requesting party as a person entitled to access of non-public data. This can be through personal knowledge, presentation of written identification, comparison of the data subject's signature on a consent form with the person's signature in City records, or other reasonable means.

**D. Summary Data.** Summary data is statistical records and reports derived from data on individuals, but which does not identify an individual by name or any other characteristic that could uniquely identify an individual. Summary data derived from private or confidential data is public, unless classified as otherwise by Minnesota Statute or federal law. The responsible authority or designee will prepare summary data on private or confidential data upon request if the request is in writing and the requesting party pays for the cost of preparation. Within ten (10) days of receiving a request for summary data, the responsible authority or designee must notify the requesting party about the estimated costs and collect those costs before preparing or supplying the summary data.

Summary data may be prepared by "blacking out" personal identifiers, cutting out portions of the records that contain personal identifiers, programming computers to delete personal identifiers, or other reasonable means.

The responsible authority may ask an outside agency or person to prepare the summary data if (1) the specific purpose is given in writing, (2) the agency or person agrees not to disclose the private or confidential data, and (3) the responsible authority determines that access by this outside agency or person will not compromise the privacy of the private or confidential data.

**E. Juvenile Records.** The following applies to *private* (not confidential) data about people under the age of 18.

**Parental Access.** In addition to the people listed above who may have access to private data, a parent may have access to private information about a juvenile data subject. “Parent” means the parent or guardian of a juvenile data subject, or individual acting as a parent or guardian in the absence of a parent or guardian. The parent is presumed to have this right unless the responsible authority or designee has been given evidence that there is a state law, court order, or other legally binding document which prohibits this right.

**Notice to Juvenile.** Before requesting private data from juveniles, city personnel must notify the juveniles that they may request that the information not be given to their parent(s). A Tennessee Warning – Juvenile, attached as Exhibit 6, or a form reasonably similar, must be completed when information is requested.

**Denial of Parental Access.** The responsible authority or designee may deny parental access to private data when the juvenile requests this denial and the responsible authority or designee determines that withholding the data would be in the best interest of the juvenile, pursuant to Minnesota Statutes Section 13.384, Subdivision 3. The request from the juvenile must be in writing stating the reasons for the request. In determining the best interest of the juvenile, the responsible authority or designee will consider:

- Whether the juvenile is of sufficient age and maturity to explain the reasons and understand the consequences,
- Whether denying access may protect the juvenile from physical or emotional harm,
- Whether there are reasonable grounds to support the juvenile’s reasons, and
- Whether the data concerns medical, dental, or other health services provided under Minnesota Statutes Section 144.346. If so, the data may be released only if failure to inform the parent would seriously jeopardize the health of the minor.

**Commented [CD1]:** Added: the statutory basis for the ability to deny parental access given a request from the juvenile.

**Commented [CD2]:** This section specifically regards releasing juvenile health information - regarding *treatments* the juvenile is receiving - to parents.

**Commented [CD3]:** This has been repealed and there doesn’t appear to be a statute authorizing denial of parental access in the absence of a request from the juvenile to replace it.

**V. Data Not on Individuals.**

Information not on individuals is classified by law as public, nonpublic, or protected nonpublic.

**A. People Entitled to Access**

*Public* information that is not about an individual may be shown or given to anyone.

*Nonpublic* information that is not about an individual may not be shown or given to the public, but may be shown or given to:

- The subject of that data, if any.
- A person who has been given access by the express written consent of the data subject. This consent must be on the Consent to Release Private Data form, attached as Exhibit 4, or a form reasonably similar.
- People who are authorized access by the federal, state, or local law or court order.
- People about whom the subject was advised at the time the data was collected. A Tennessee Warning, attached as Exhibit 5, or a form reasonably similar, must be completed when information is requested.
- People within the City staff, the City Council, and outside agents (such as attorneys) whose work assignments or responsibilities reasonably require access.

*Protected Nonpublic* information that is not about an individual may **not** be shown or given to the subject of the data, or to the public, but may be shown or given to:

- People who are authorized access by federal, state, or local law or court order.
- People within the City staff, the City Council, and outside agents (such as attorneys) whose work assignments or responsibilities reasonably require access.

**B. Request.** Any individual may make a request, in writing, for public data not on individuals.

**C. Identification of Requesting Party.** The responsible authority or designee must verify the identity of the requesting party as a person entitled to access of non-public data. This can be through personal knowledge, presentation of written

identification, comparison of the data subject's signature on a consent form with the person's signature in City records, or other reasonable means.

## **VI. Data on Decedents.**

Information on decedents is classified as public, private, or confidential. Upon the death of a data subject, private data and confidential data become classified as private data on a decedent and confidential data on a decedent. Private data on a decedent and confidential data on a decedent become public ten (10) years after the individual's death and thirty (30) years after the creation of the data. There is a presumption of death if ninety (90) years has passed since the data was created or the persons birth unless there is proof otherwise.

### **A. People entitled to Access.**

*Public* information about a decedent may be shown or given to anyone.

*Private* information about a decedent may not be shown or given to the public, but may be shown or given to:

- The representative of the decedent.
- A person who has been given access by the express written consent of the data subject. This consent must be on the Consent to Release Private Data form, attached as Exhibit 4, or a form reasonably similar.
- People who are authorized access by the federal, state, or local law or court order.
- People about whom the individual was advised at the time the data was collected. A Tennessee Warning, attached as Exhibit 5, or a form reasonably similar, must be completed when information is requested.
- People within the City staff, the City Council, and outside agents (such as attorneys) whose work assignments or responsibilities reasonably require access.

*Confidential* information about a decedent may **not** be shown or given to the representative, or to the public, but may be shown or given to:

- People who have authorized access by federal, state, or local law or court order.
- People within the City staff, the City Council, and outside agents (such as attorneys) whose work assignments or responsibilities reasonably require access.

- A trustee in cases of a wrongful death action.

**B. Request.** Any individual may request public data on decedents.

**C. Identification of Requesting Party.** The responsible authority or designee must verify the identity of the requesting party as a person entitled to access of non-public data. This can be through personal knowledge, presentation of written identification, comparison of the data subject's signature on a consent form with the person's signature in City records, or other reasonable means.

## **VII. Collection of Data on Individuals.**

The collection and storage of information about individuals will be limited to that necessary for the administration and management of programs specifically authorized by the state legislature, city council, or federal government.

When an individual is asked to supply private or confidential information about the individual, the City employee requesting the information must give the individual a *Tennessee* warning. This warning must contain the following:

- the purpose and intended use of the requested data,
- whether the individual may refuse or is legally required to supply the requested data,
- any known consequences from supplying or refusing to supply the information, and
- the identity of other persons or entities authorized by state or federal law to receive the data.

A *Tennessee* warning is not required when an individual is requested to supply investigative data to a law enforcement officer.

A *Tennessee* warning may be on a separate form or may be incorporated into the form which requests the private or confidential data. See attached [Exhibit 5](#).

## **VIII. Challenge to Data Accuracy.**

An individual who is the subject of public or private data may contest the accuracy or completeness of that data maintained by the City. The individual must notify the City's responsible authority in writing, by mail or email, describing the nature of the disagreement. Within 30 days, the responsible authority or designee must respond and either (1) correct the data found to be inaccurate or incomplete and attempt to notify past

recipients of inaccurate or incomplete data, including recipients named by the individual, or (2) notify the individual that the authority believes the data to be correct.

An individual who is dissatisfied with the responsible authority's action may appeal to the Commissioners of the Minnesota Department of Administration, using the contested case procedures under Minnesota Statutes Chapter 14. The responsible authority will correct any data if so ordered by the Commissioner.

**IX. Complaints.**

An individual may file a complaint alleging a violation of the MGDPA with the district court pursuant to Minnesota Statutes Section 13.08, Subdivision 4, as it may be amended from time to time or with the Office of Administrative Hearings pursuant to Minnesota Statutes Section 13.085, as it may be amended from time to time.

**X. Data Protection.**

**A. Accuracy and Currency of Data.**

All employees will be requested, and given appropriate forms, to provide updated personal information to the appropriate supervisor, City Administrator, or Finance Director, which is necessary for tax, insurance, emergency notification, and other personnel purposes. Other people who provide private or confidential information will also be encouraged to provide updated information when appropriate.

Department heads should periodically review forms used to collect data on individuals to delete items that are not necessary and to clarify items that may be ambiguous. All records must be disposed of according to the City's records retention schedule.

**B. Data Safeguards.**

Not public data are any data classified by statute, federal law, or temporary classification as confidential, private, nonpublic, or protected nonpublic.

Not public data will be stored in files or databases, which are not readily accessible to individuals who do not have authorized access, and which will be secured during hours when the offices are closed.

Not public data must be kept only in City offices, except when necessary for City business.

Only those employees whose job responsibilities require them to have access will be allowed access to files and records that contain not public data. These employees will be instructed to:

- not discuss, disclose, or otherwise release not public data to City employees whose job responsibilities do not require access to the data,

- not leave not public data where non-authorized individuals might see it, and
- shred not public data before discarding.

When a contract with an outside party requires access to not public data, the contracting party will be required to use and disseminate the information consistent with the MGDPA. The City may include in a written contract the language contained in Exhibit 7.

**C. Investigation of Data Breaches.**

Pursuant to Minnesota Statutes Section 13.055, as it may be amended from time to time, if the Hermantown City Hall discovers a data breach, it must disclose that breach to the subject of the data, and the person must be informed that the entity will perform an investigation of the data breach, and instructions on how the report can be accessed after completion. The report must contain, at a minimum, the following information:

- A description of the type of data that was accessed or acquired,
- The number of individuals whose data was improperly accessed or acquired,
- If there has been a final disposition of disciplinary action, the name of each employee determined to be responsible for the unauthorized access or acquisition, and
- The final disposition of any disciplinary action taken against each employee in response.

The Responsible Authority shall issue the above-mentioned report.

**D. Annual Security Assessment.**

Pursuant to Minnesota Statutes Section 13.055, as it may be amended from time to time, the responsible authority shall conduct a comprehensive security assessment of any personal information maintained by Hermantown City Hall.

**E. Employee Penalties.**

Pursuant to Minnesota Statutes Section 13.09, as it may be amended from time to time, the knowing unauthorized acquisition of not public data is a misdemeanor and constitutes just cause for suspension without pay or dismissal of the City employee.

**F. Not Public Data.**

Data that is not public data will be referred to in these Procedures as not public data.



**XI. Data Inventory.**

An inventory of the types of data classified as not public data maintained by City Hall as is required pursuant to Minnesota Statutes § 13.025 is attached hereto as Exhibit 8.

**XII. Copyrighted Data.**

Certain data may be protected under the copyright laws of the United States. Copyrighted data may be shown to a requestor, but the City may not make copies of copyrighted data unless authorized to do so by court order (see e.g. *National Council on Teacher Quality v. Minnesota State Colleges & Universities, et al*, 2013 WL 3968735 (Minn. Ct. App. 2013)). A warning in the form of the one attached as Exhibit 8, or a form containing reasonably similar language, must be included at the beginning of any reproduction of any material made by the City.

Revised --/2020

City of Hermantown  
5105 Maple Grove Road  
Hermantown, MN 55811  
218-729-3600 (phone)  
218-729-3620 (fax)  
**[www.hermantownmn.com](http://www.hermantownmn.com)**

**EXHIBIT 1**

Receptionist

**EXHIBIT 2**

CITY OF HERMANTOWN  
 INFORMATION DISCLOSURE REQUEST FORM  
 Minnesota Government Data Practices Act

**A. Completed by Requester**

REQUESTER NAME (Last, First, M):	DATE OF REQUEST:
STREET ADDRESS:	PHONE NUMBER:
CITY, STATE, ZIP CODE:	SIGNATURE:
DESCRIPTION OF THE INFORMATION REQUESTED:	

**B. Completed by Department**

DEPARTMENT NAME:	HANDLED BY:
INFORMATION CLASSIFIED AS: <input type="checkbox"/> PUBLIC <input type="checkbox"/> NON-PUBLIC <input type="checkbox"/> PRIVATE <input type="checkbox"/> PROTECTED NON-PUBLIC <input type="checkbox"/> CONFIDENTIAL	ACTION: <input type="checkbox"/> APPROVED <input type="checkbox"/> APPROVED IN PART <input type="checkbox"/> DENIED
REMARKS OR BASIS FOR DENIAL INCLUDING STATUTE SECTION:	
PHOTOCOPYING CHARGES: <input type="checkbox"/> None <input type="checkbox"/> <u>    </u> PAGES X <u>    </u> CENTS = <u>                    </u> <input type="checkbox"/> SPECIAL RATE <u>          </u> (attach explanation) <u>    </u>	Identity verified for private information: <input type="checkbox"/> IDENTIFICATION: DRIVERS LICENSE, STATE ID, ETC. <input type="checkbox"/> COMPARISON WITH SIGNATURE ON FILE <input type="checkbox"/> PERSONAL KNOWLEDGE <input type="checkbox"/> OTHER: <u>                    </u>
AUTHORIZED SIGNATURE:	DATE:

*\* The information that you are asked to provide is classified by state law as public. Our purpose and intended use of this information is to consider your request. You are not legally required to provide this information. You may refuse to provide this information. If you do not provide the requested information we will not be able to contact you to let you know when the response to your request has been completed. Other persons or entities may be authorized by law to receive this information.*

**EXHIBIT 3**

## **Policy for Fees for Providing Copies of Public Government Data**

Minnesota Statutes, section 13.03 provides that, if a person request copies or electronic transmittal of public government data, the Responsible Authority for the government entity may require the requester to pay a fee.

Below are the two methods of calculating fees, pursuant to Minnesota Statutes 13.03. There are two scenarios when copies are requested; either the request is for 100 or fewer pages of black and white legal-size paper, or the request is for 101 or more pages of black and white legal-size paper.

If a fee for responding to a data request as calculated below is less than \$15.00, no fee will be charged unless the data request is part of a series of request that is designed to avoid the imposition of a fee.

### **Fee Calculation Method I**

If 100 or fewer pages of black and white, letter or legal-size paper copies are requested, the entity may charge a per-page fee of not more than 25 cents for each page copied and 50 cents for a two-sided copy. The entity is authorized to charge only the per-page fee and cannot require the requester to pay any of the actual costs listed in Fee Calculation Method II. This provision should not be interpreted to permit division of a single request into requests for copies of fewer than 100 pages in order to avoid charging a fee based on the actual costs of providing copies.

Exceptions:

The entity may require the requester to pay the actual costs of providing a copy of data in a format or program than is different from how the City stores the data.

The entity may require the requester to pay the actual costs of making and certifying copies of individual data and data that has commercial value.

All fees must be paid prior to the data being released to the requestor.

Acceptable forms of payment include:

- Credit and debit cards,
- Cash,
- Money orders, and other forms of direct money transfers.

Unacceptable forms of payment include:

- Personal checks.

### **Fee Calculation Method II**

If 101 or more pages of black and white, letter or legal size paper copies are requested, , the entity may require the requester to pay the actual costs of searching for and retrieving the data, including the cost of employee time, and for making, certifying, compiling and electronically transmitting copies of the data or the data themselves (Minnesota Statutes, Section 13.03, Subdivision 3c).

Additional criteria for determining copy costs using Method II are set forth at Minnesota Rules, part 1205.0300, subpart 4. The entity may not charge a minimum fee. Certain advisory opinions issued pursuant to Minnesota Statutes, Section 13.072, have established the following criteria for determining copy costs using Method II. (See the opinion index on IPAD's website; specifically, the topical index category, Copy costs.)

The City may require a deposit of \$500.00 on all requests that the Responsible Authority determines will be over 100 pages. Such deposit shall be made prior to the City compiling the data. If this amount is in excess of the actual costs incurred by the City, then the excess amount shall be returned when the data is released to the requestor. If this amount is less than the actual amount incurred by the City, then the additional amount will be required to be paid before the data is released to the requestor.

**Costs that May be Included in the Calculation of Actual Costs:**

◆ Staff time required to:

- Retrieve documents and/or data which are responsive to the request.
- Sort and label documents, if necessary, to identify the data to be copied.
- Remove staples or paper clips.
- Take documents to copier for copying documents.

*Notes:* The entity may not assess a fee for labor costs (wages/salary plus benefits) that exceed those of the lowest-paid employee who could complete the task(s) performed. The requirement that data be kept in a manner that makes them easily accessible for convenient use may limit the entity in charging for staff time.

- ◆ Materials (paper, copier ink, staples, magnetic tapes, video or audio cassettes, etc.)
- ◆ If the data is electronically stored, the time required to electronically organize, compile, and label the data responsive to the request.
- ◆ Special costs associated with making copies from computerized data, such as writing or modifying a computer program to format data.
- ◆ Mailing costs
- ◆ Vehicle costs directly involved in transporting data to the appropriate facility when necessary to provide copies (for example, when the entity is unable to provide copying services for photographs, oversized documents, videos, etc.)



- ◆ Electricity costs when the requester uses own scanner to make an unusually large number of copies

**Costs that *may not* be included:**

- ◆ Purchase or rental of copier
- ◆ Maintenance of copier
- ◆ Normal operating expenses of computer/copier, including electricity used, and machine wear/tear
- ◆ Depreciation of copier
- ◆ Staff time required to:
  - Separate public from not public data
  - Open a data request that was mailed
  - Sort, label or review data, *if not necessary* to identify the data to be copied
  - Return documents to storage
  - Provide information about the data to the requester (i.e., explain content and meaning of data)
  - Prepare data for mailing
  - Prepare cover letter, fax sheet or invoice for copies
  - Credit payment and perform other associated accounting functions

*Note:* The entity may not assess a fee for labor costs (wages/salary plus benefits) that exceed those of the lowest-paid employee who could complete the task(s) performed

- ◆ Administrative costs that are not related to copying
- ◆ Records storage
- ◆ Sales tax
- ◆ The entire cost of operating a multi-tasked computer for a measured unit of time, when fulfilling a request for copies was only one of the tasks performed during that unit of time
- ◆ Costs incurred because data are not maintained in a manner that makes them easily accessible for convenient use
- ◆ Search and retrieval costs when data are inspected but no copies are requested

**EXHIBIT 4**

**CONSENT TO RELEASE PRIVATE DATA**

I, \_\_\_\_\_, authorize the City of Hermantown ("City") to release the following private data about me:

\_\_\_\_\_

\_\_\_\_\_ to the following person or entity:

\_\_\_\_\_

\_\_\_\_\_

The person or entity receiving the private data may use it only for the following purpose or purposes: \_\_\_\_\_

This authorization is dated \_\_\_\_\_ and expires on \_\_\_\_\_.

The expiration cannot exceed one year from the date of the authorization, except in the case of authorizations given in connection with applications for life insurance or noncancelable or guaranteed renewable health insurance and identified as such, two years after the date of the policy.

**I agree to give up and waive all claims that I might have against the City, its agents, and employees for releasing data pursuant to this consent.**

The undersigned has read this form and understands it.

Dated this \_\_\_\_ day of \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
Print Name

\_\_\_\_\_  
Signature and Title (if signing on behalf of an entity)

**IDENTITY VERIFIED BY:**

Witness: X \_\_\_\_\_

Identification: Driver's License, State ID, Passport, other:

\_\_\_\_\_

Comparison with signature on file

Other: \_\_\_\_\_

Responsible Authority/Designee: \_\_\_\_\_

**EXHIBIT 4A**

CONSENT TO RELEASE PRIVATE DATA TO CHARITABLE ORGANIZATIONS

I, \_\_\_\_\_, authorize the City of Hermantown (“City”) to release the following private data about me: municipal utility data.

To the following person or entity: any charitable organization.

The person or entity receiving the private data may use it only for the following purpose or purposes: to assist in the payment of municipal utility bills.

This authorization is valid for one year from the date of the authorization and may be revoked by the individual at any time.

I agree to give up and waive all claims that I might have against the City, its agents and employees for releasing data pursuant to this consent.

\_\_\_\_\_  
Print Name

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

IDENTITY VERIFIED BY:

Witness: \_\_\_\_\_

Identification Driver’s License, State ID,  
Passport, other: \_\_\_\_\_

Comparison with signature on file

Other: \_\_\_\_\_  
Responsible

Authority/Designee: \_\_\_\_\_

**EXHIBIT 5**

TENNESSEN WARNING  
Data Practices Advisory

The information that you are asked to provide is classified by state law as either public, private, or confidential. Public data is information that can be given to the public. Private data is information that generally cannot be given to the public but can be given to the subject of the data. Confidential data is information that generally cannot be given to either the public or the subject of the data.

Our purpose and intended use of this information is to consider: \_\_\_\_\_  
\_\_\_\_\_.

You are not legally required to provide this information.

You may refuse to provide this information.

The consequences of supplying or refusing to supply data are that your request or application may not be considered, or it may be denied.

Other persons or entities may be authorized by law to receive this information. The identity of those persons or entities, if known, are as follows: \_\_\_\_\_  
\_\_\_\_\_.

The undersigned has read this advisory and understands it.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
Print Name

\_\_\_\_\_  
Signature and Title (if signing on behalf of an entity)

**EXHIBIT 6**



TENNESSEN WARNING - JUVENILE  
Data Practices Advisory

The information that you are asked to provide is classified by state law as either public, private, or confidential. Public data is information that can be given to the public. Private data is information that generally cannot be given to the public but can be given to the subject of the data. Confidential data is information that generally cannot be given to either the public or the subject of the data.

Our purpose and intended use of this information is to consider: \_\_\_\_\_  
\_\_\_\_\_.

You are not legally required to provide this information.

You may refuse to provide this information.

The consequences of supplying or refusing to supply data are that your request or application may not be considered, or it may be denied.

Other persons or entities may be authorized by law to receive this information. The identity of those persons or entities, if known, are as follows: \_\_\_\_\_  
\_\_\_\_\_.

If you are providing private data, you may request that the private data not be released to your parent or guardian. Please state any such request here: \_\_\_\_\_  
\_\_\_\_\_.

The undersigned has read this advisory and understands it.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
Print Name

\_\_\_\_\_  
Signature and Title

**EXHIBIT 7**

### **SAMPLE CONTRACT PROVISION**

Data Practices Compliance. Contractor will have access to data collected or maintained by the City to the extent necessary to perform Contractor's obligations under this contract. Contractor agrees to maintain all data obtained from the City in the same manner as the City is required under the Minnesota Government Data Practices Act, Minn. Stat. Chap. 13 (the "MGDPA"). Contractor will not release or disclose the contents of data classified as not public to any person except at the written direction of the City. Contractor agrees to defend and indemnify the City from any claim, liability, damage or loss asserted against the City as a result of Contractor's failure to comply with the requirements of the Act or this contract. Upon termination of this contract, Contractor agrees to return data to the City, as requested by the City.

**EXHIBIT 8**

## **DATA INVENTORY**

This is an inventory of private and nonpublic data categories and classifications at the City of Hermantown City Hall. All other data are presumed public.

Not public data are only accessible to City Hall staff and attorneys (“Hermantown City Hall Staff”) whose work assignments reasonably require access to that data.

City of Hermantown  
5105 Maple Grove Road  
Hermantown, MN 55811

Responsible Authority & Data Practices Compliance Official: Bonnie Engseth  
bengseth@hermantownmn.com, (218)729-3600.

### **Category of Data:**

#### **Computer Data**

Electronic access data may be classified as private and/or non-public pursuant to Minnesota Statute § 13.15.  
Employee Work Access:

#### **Labor Relations Information**

Management positions on economic and noneconomic items that have not been presented during the collective bargaining process or interest arbitration are classified as private and or non-public pursuant to Minnesota Statutes § 13.37.  
Employee Work Access:

#### **Bids, Proposals, Sealed Bids**

Data contained in bids, proposal, and sealed bid may be private and/or nonpublic pursuant to Minnesota Statutes §§ 13.37 and 13.591.  
Employee Work Access:

#### **Security Data**

Government data the disclosure of which would be likely to substantially jeopardize the security of information, possessions, individuals or property against theft, tampering, improper use, attempted escape, illegal disclosure, trespass, or physical injury is classified as private and/or non-public pursuant to Minnesota Statutes § 13.37.  
Employee Work Access:

#### **Trade Secret Data**

Trade secret data is classified as private and/or non-public pursuant to Minnesota Statutes § 13.37.  
Employee Work Access:

**Civil Investigative Data**

Data collected by a government entity as part of an active investigation undertaken for the purpose of the commencement or defense of a pending civil legal action, or which are retained in anticipation of a pending civil legal action, are classified as nonpublic data and/or confidential pursuant to Minnesota Statutes § 13.39.

Employee Work Access:

**Property Data**

Identities of individuals that register complaints concerning the use of real property are classified as confidential and certain appraisal data may be classified as private, confidential, or protected non-public pursuant to Minnesota Statutes § 13.44. Certain assessment data may be classified as private or nonpublic pursuant to Minnesota Statutes § 13.51.

Employee Work Access:

**Personnel Data**

Data on current and former employees, applicants, or volunteers are or may be classified as private pursuant to Minnesota Statutes §§ 13.43, 13.601, 13.63, and 181.954

Employee Work Access:

**Background Investigation and Criminal History Check Data**

Background Investigations and/or Criminal History Check data may be classified as private and/or confidential pursuant to Minnesota Statute §§ 13.82 and 13.87

Employee Work Access:

**Social Security Numbers**

Social security numbers are classified as private data pursuant to Minnesota Statutes § 13.355.

Employee Work Access:

**Internal Auditing Data**

Internal auditing data are classified as confidential and/or nonpublic pursuant to Minnesota Statutes § 13.392.

Employee Work Access:

**Business Data**

Data from a business requesting financial assistance or a benefit financed by public funds are classified as private or non-public data pursuant to Minnesota Statutes § 13.591.

Employee Work Access:

**Registered Voter Lists /Absentee Ballots**

Sealed absentee ballots before opening by an election judge are protected nonpublic.

Names of voters submitting absentee ballots are private until the close of voting. Certain data regarding on registered voter lists are private pursuant to Minnesota Statutes § 13.37.

Employee Work Access:

**Examination Data**

Completed versions of personnel and licensing examinations are private data, unless the Responsible Authority determines that they should be confidential because access would compromise the objectivity, fairness, or integrity of the examination process pursuant to Minnesota Statutes § 13.34.

Employee Work Access:

**Elected Officials Correspondence**

Correspondence between individuals and elected officials is private data, but may be made public by either the author or any recipient pursuant to Minnesota Statutes § 13.601.

Employee Work Access:

**Federal Contracts Data**

To the extent that a federal agency requires it as a condition for contracting with a City, all government data collected and maintained by the City are classified as private or nonpublic pursuant to Minnesota Statutes § 13.35.

Employee Work Access:

**Social Recreation Data**

Certain data regarding individuals enrolling in recreational or social programs are private data pursuant to Minnesota Statutes § 13.548.

Employee Work Access:

**Planning Survey Data**

Certain data collected in surveys of individuals conducted by the City for the purpose of planning, development and redevelopment are classified as private or nonpublic pursuant to Minnesota Statutes § 13.59.

Employee Work Access:

**Auditing Data**

Data, notes, and preliminary drafts of audit reports are protected nonpublic or confidential until the final report has been published pursuant to Minnesota Statutes § 13.292.

Employee Work Access:

**City Attorney Data**

Data collected or created by the City Attorney may be classified as private, confidential, and/or non-public and is governed by statutes, rules, and professional standards concerning discovery, production of documents, introduction of evidence, professional responsibility, and Minnesota Statutes § 13.393.

Employee Work Access:

**Utility Data**

Data collected on customers of municipal electric utilities are classified as private and/or nonpublic data pursuant to Minnesota Statutes Section 13.685.  
Employee Work Access:

**Property Data**

Identities of individuals that register complaints concerning the use of real property are classified as confidential pursuant to Minnesota Statutes § 13.44.  
Employee Work Access:



**EXHIBIT 9**

WARNING

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The City of Hermantown owns the copyright to this recording and any copying is strictly prohibited.

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**TO:** Mayor & City Council

**FROM:** Steve Overom, City Attorney



**DATE:** September 1, 2020

**Meeting Date:** 9/8/20

**SUBJECT:** Minnesota Government Data Practices Act Police Department Procedures  
**Agenda Item: 12-B**      **Resolution 2020-122**

---

**REQUESTED ACTION**

**Approve a Resolution updating the City of Hermantown Minnesota Government Data Practices Act Police Department Procedures**

---

**BACKGROUND**

Minnesota Statutes § 13.025 requires that the City of Hermantown Minnesota Government Data Practices Act Police Department Procedures be reviewed annually and updated as necessary to reflect legislative changes or administrative changes in personnel, procedures, or other circumstances.

No substantive changes were made to the Minnesota Government Data Practices Act this year. This Resolution affirms that the policies are up to date and do not require any amendment this year.

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**SOURCE OF FUNDS (if applicable)**

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**ATTACHMENTS**

Data Practice Police Procedures

**Resolution No. 2020-122**

**RESOLUTION APPROVING THE CITY OF HERMANTOWN  
MINNESOTA GOVERNMENT DATA PRACTICES ACT  
POLICE DEPARTMENT PROCEDURES**

WHEREAS, pursuant to Minnesota Statutes Section 13.03, subdivision 2, the City of Hermantown is required to have procedures in place to respond to requests for data under the Minnesota Government Data Practices Act; and

WHEREAS, the City of Hermantown has determined it is necessary to have specific procedures to respond to requests for data with the City of Hermantown Police Department; and

WHEREAS, pursuant to Minnesota Statutes Section 13.025, the City of Hermantown is required to review its procedures and make necessary updates to reflect changes in personnel, procedures, or other circumstances that impact the public's ability to access data; and

WHEREAS, the City Attorney has proposed the revised City of Hermantown Minnesota Government Data Practices Act Police Department Procedures ("Police Department Procedures") as shown on the attached Exhibit A; and

WHEREAS, the City Council has considered this matter and believes that it is in the best interests of the City of Hermantown to approve the Police Department Procedures and require them to be used by Hermantown Police Department staff.

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

1. The City of Hermantown Police Department Minnesota Government Data Practices Act Procedures in the form of the one attached hereto as Exhibit A is hereby approved.

2. The Hermantown Police Department staff are authorized and directed to proceed in accordance with such City of Hermantown Police Department Minnesota Government Data Practices Act Procedures.

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 September 8, 2020.

**CITY OF HERMANTOWN**  
**MINNESOTA GOVERNMENT DATA PRACTICES ACT**  
**POLICE DEPARTMENT PROCEDURES**

**I. Introduction.**

These procedures are adopted by the City of Hermantown (“City”) for use by the Hermantown Police Department to comply with the requirements of the Minnesota Government Data Practices Act (“MGDPA”), Chapter 13 of the Minnesota Statutes.

All information maintained by the City is public unless classified as not public by a state statute or a federal law. Any person has the right to inspect and copy public data. The person also has the right to have an explanation of the meaning of the public data.

**II. Responsible Authority and Data Practices Compliance Official.**

The person who is the responsible authority for the City under the MGDPA is the City Clerk. All MGDPA requests must be submitted to the responsible authority in writing, by mail or email, or to a designee who will then respond to the MGDPA request. The designee for the Police Department is listed on attached Exhibit 1. The designee for the Police Department is also the data practices compliance official for the Police Department and is responsible for answering questions, concerns, or complaints regarding problems in obtaining access to Police Department information.

**III. Requests for Data.**

**A. Form of Request and Response.**

**Request.** The request for data must be written. A City of Hermantown Information Disclosure Request Form (“MGDPA Request Form”) must be completed, which is attached hereto as Exhibit 2, and sent to the responsible authority by mail or email.

An individual is not required to provide his/her name on the MGDPA Request Form; however, the burden is then on the individual to check with the responsible authority or designee on the status of the MGDPA request.

**Response.** The responsible authority or the designee will then respond to the MGDPA request.

If the data is maintained in electronic format and is requested to be electronic format, then it may be provided in that medium. This does not mean that the City will provide the data in an electronic format or program that is different from the format in which the City maintains the data.

**B. Time Limits.**

**Requests.** MGDPA requests will be received and processed only during normal business hours.

**Response.** Responses to MGDPA requests will be made at the time of the request or as soon thereafter as possible. If the data requested is Data on Individuals, by the subject of the data, responses will be made at the time of the request or within ten (10) days, excluding Saturdays, Sundays, and Holidays.

Responses will be in writing, on the MGDPA Request Form submitted. If the responsible authority or the designee denies the request for data, the specific legal authority including the statutory section must be given.

- C. **Fees.** Fees will be charged according to the City's Fee Schedule and the policy attached as Exhibit 3.
- D. **Standing Requests.** A person requesting data may make a standing request to inspect or receive copies of public data. Except for standing requests for notices of meetings and copies of agendas, which remain in effect until terminated by the person requesting such data, pursuant to existing practice of the City that mimics the policy of the Minnesota Department of Administration, standing requests will expire three (3) months after the initial request unless the person requesting the data renews the standing request no more than ten (10) days prior to the expiration of the most recent standing request for such data.

#### IV. **Data on Individuals.**

Information about individual people is classified by law as public, private, or confidential.

##### A. **People Entitled to Access.**

*Public* information about an individual may be shown or given to anyone.

*Private* information about an individual may not be shown or given to the public, but may be shown or given to:

- The individual, but only once every six months, unless a dispute has arisen, or additional data has been collected.
- A person who has been given access by the express written consent of the data subject. This consent must be on the Consent to Release Private Data form, attached as Exhibit 4, or a form reasonably similar.
- People who are authorized access by the federal, state, or local law or court order.



- People about whom the individual was advised at the time the data was collected. A Tennesen Warning, attached as Exhibit 5, or a form reasonably similar, must be completed when this type of information is requested.
- People within the City staff, the City Council, Police Department, and outside agents (such as attorneys) whose work assignments or responsibilities reasonably require access.

*Confidential* information may **not** be shown or given to the subject of the data, or to the public, but may be shown or given to:

- People who are authorized access by federal, state, or local law or court order.
- People within the City staff, the City Council, Police Department, and outside agents (such as attorneys) whose work assignments or responsibilities reasonably require access.

**B. Request.** Any individual may request, in writing, to know if the Police Department has stored data about that individual and whether the data is classified as public, private, or confidential. The individual must be allowed to inspect public or private data without charge and can request an explanation of the content and the meaning of the data.

**C. Identification of Requesting Party.** The responsible authority or designee must verify the identity of the requesting party as a person entitled to access of non-public data. This can be through personal knowledge, presentation of written identification, comparison of the data subject's signature on a consent form with the person's signature in City records, or other reasonable means.

**D. Summary Data.** Summary data is statistical records and reports derived from data on individuals, but which does not identify an individual by name or any other characteristic that could uniquely identify an individual. Summary data derived from private or confidential data is public, unless classified as otherwise by Minnesota Statute or federal law. The responsible authority or designee will prepare summary data on private or confidential data upon request, if the request is in writing and the requesting party pays for the cost of preparation. Within ten (10) days of receiving a request for summary data, the responsible authority or designee must notify the requesting party about the estimated costs and collect those costs before preparing or supplying the summary data.

Summary data may be prepared by "blacking out" personal identifiers, cutting out portions of the records that contain personal identifiers, programming computers to delete personal identifiers, or other reasonable means.

The responsible authority may ask an outside agency or person to prepare the summary data if (1) the specific purpose is given in writing, (2) the agency or person agrees not to disclose the private or confidential data, and (3) the responsible authority determines that

access by this outside agency or person will not compromise the privacy of the private or confidential data.

**E. Juvenile Records.** The following applies to *private* (not confidential) data about people under the age of 18.

**Parental Access.** In addition to the people listed above who may have access to private data, a parent may have access to private information about a juvenile data subject. “Parent” means the parent or guardian of a juvenile data subject, or individual acting as a parent or guardian in the absence of a parent or guardian. The parent is presumed to have this right unless the responsible authority or designee has been given evidence that there is a state law, court order, or other legally binding document which prohibits this right.

**Notice to Juvenile.** Before requesting private data from juveniles, city personnel must notify the juveniles that they may request that the information not be given to their parent(s). A Tennessee Warning - Juvenile, attached as Exhibit 6, or a form reasonably similar, must be completed when information is requested.

**Denial of Parental Access.** The responsible authority or designee may deny parental access to private data when the juvenile requests this denial and the responsible authority or designee determines that withholding the data would be in the best interest of the juvenile, pursuant to Minnesota Statutes Section 13.384, Subdivision 3. The request from the juvenile must be in writing stating the reasons for the request. In determining the best interest of the juvenile, the responsible authority or designee will consider:

- Whether the juvenile is of sufficient age and maturity to explain the reasons and understand the consequences,
- Whether denying access may protect the juvenile from physical or emotional harm,
- Whether there are reasonable grounds to support the juvenile’s reasons, and
- Whether the data concerns medical, dental, or other health services provided under Minnesota Statutes Sections 144.346. If so, the data may be released only if failure to inform the parent would seriously jeopardize the health of the minor.

**Commented [CD1]:** Added: the statutory basis for the ability to deny parental access given a request from the juvenile.

**Commented [CD2]:** This section specifically regards releasing juvenile health information - regarding treatments the juvenile is receiving - to parents.

**Commented [CD3]:** This has been repealed and there doesn’t appear to be a statute authorizing denial of parental access in the absence of a request from the juvenile to replace it.

**V. Data Not on Individuals.**

Information not on individuals is classified by law as public, nonpublic, or protected nonpublic.

**A. People Entitled to Access**

*Public* information that is not about an individual may be shown or given to anyone.

*Nonpublic* information that is not about an individual may not be shown or given to the public, but may be shown or given to:

- The subject of that data, if any.
- A person who has been given access by the express written consent of the data subject. This consent must be on the Consent to Release Private Data form, attached as Exhibit 4, or a form reasonably similar.
- People who are authorized access by the federal, state, or local law or court order.
- People about whom the subject was advised at the time the data was collected. A Tennessee Warning, attached as Exhibit 5, or a form reasonably similar, must be completed when information is requested.
- People within the City staff, the City Council, Police Department, and outside agents (such as attorneys) whose work assignments or responsibilities reasonably require access.

*Protected Nonpublic* information that is not about an individual may **not** be shown or given to the subject of the data, or to the public, but may be shown or given to:

- People who are authorized access by federal, state, or local law or court order.
- People within the City staff, the City Council, Police Department and outside agents (such as attorneys) whose work assignments or responsibilities reasonably require access.

**B. Request.** Any individual may make a request, in writing, for public data not on individuals.

**C. Identification of Requesting Party.** The responsible authority or designee must verify the identity of the requesting party as a person entitled to access of non-public data. This can be through personal knowledge, presentation of written identification, comparison of the data subject's signature on a consent form with the person's signature in City records, or other reasonable means.

**VI. Data on Decedents.**

Information on decedents is classified as public, private, or confidential. Upon the death of a data subject, private data and confidential data become classified as private data on a decedent and confidential data on a decedent. Private data on a decedent and confidential data on a decedent become public ten (10) years after the individual's death and thirty (30) years after the creation of the data. There is a presumption of death if ninety (90) years has passed since the data was created or the persons birth unless there is proof otherwise.

**A. People entitled to Access.**

*Public* information about a decedent may be shown or given to anyone.

*Private* information about a decedent may not be shown or given to the public, but may be shown or given to:

- The representative of the decedent.
- A person who has been given access by the express written consent of the data subject. This consent must be on the Consent to Release Private Data form, attached as Exhibit 4, or a form reasonably similar.
- People who are authorized access by the federal, state, or local law or court order.
- People about whom the individual was advised at the time the data was collected. A Tennessee Warning, attached as Exhibit 5, or a form reasonably similar, must be completed when information is requested.
- People within the City staff, the City Council, Police Department, and outside agents (such as attorneys) whose work assignments or responsibilities reasonably require access.

*Confidential* information about a decedent may **not** be shown or given to the representative, or to the public, but may be shown or given to:

- People who have authorized access by federal, state, or local law or court order.
- People within the City staff, the City Council, Police Department, and outside agents (such as attorneys) whose work assignments or responsibilities reasonably require access.
- A trustee in cases of a wrongful death action.

**B. Request.** Any individual may request public data on decedents.

**C. Identification of Requesting Party.** The responsible authority or designee must verify the identity of the requesting party as a person entitled to access of non-public data. This can be through personal knowledge, presentation of written identification,

comparison of the data subject's signature on a consent form with the person's signature in City records, or other reasonable means.

## **VII. Collection of Data on Individuals.**

The collection and storage of information about individuals will be limited to that necessary for the administration and management of programs specifically authorized by the state legislature, city council, or federal government.

When an individual is asked to supply private or confidential information about the individual, the member of the Police Department requesting the information must give the individual a *Tennessee* warning. This warning must contain the following:

- the purpose and intended use of the requested data,
- whether the individual may refuse or is legally required to supply the requested data,
- any known consequences from supplying or refusing to supply the information, and
- the identity of other persons or entities authorized by state or federal law to receive the data.

A *Tennessee* warning is not required when an individual is requested to supply investigative data to a law enforcement officer. A *Tennessee* warning may be on a separate form or may be incorporated into the form which requests the private or confidential data. See attached Exhibit 6.

## **VIII. Challenge to Data Accuracy.**

An individual who is the subject of public or private data may contest the accuracy or completeness of that data maintained by the Police Department. The individual must notify the City's responsible authority or the Police Department designee, listed on Exhibit 1, in writing describing the nature of the disagreement. Within 30 days, the responsible authority or designee must respond and either (1) correct the data found to be inaccurate or incomplete and attempt to notify past recipients of inaccurate or incomplete data, including recipients named by the individual, or (2) notify the individual that the authority believes the data to be correct.

An individual who is dissatisfied with the responsible authority's action may appeal to the Commissioners of the Minnesota Department of Administration, using the contested case procedures under Minnesota Statutes Chapter 14. The responsible authority will correct any data if so ordered by the Commissioner.

**IX. Complaints.**

An individual may file a complaint alleging a violation of the MGDPA with the district court pursuant to Minnesota Statutes Section 13.08, Subdivision 4, as it may be amended from time to time or with the Office of Administrative Hearings pursuant to Minnesota Statutes Section 13.085, as it may be amended from time to time.

**X. Data Protection.**

**A. Accuracy and Currency of Data.**

All employees will be requested, and given appropriate forms, to provide updated personal information to the appropriate supervisor, City Administrator, Police Chief, or Finance Director, which is necessary for tax, insurance, emergency notification, and other personnel purposes. Other people who provide private or confidential information will also be encouraged to provide updated information when appropriate.

Department heads should periodically review forms used to collect data on individuals to delete items that are not necessary and to clarify items that may be ambiguous. All records must be disposed of according to the City's records retention schedule.

**B. Data Safeguards.**

Not public data are any data classified by statute, federal law, or temporary classification as confidential, private, nonpublic, or protected nonpublic.

Not public data will be stored in files or databases, which are not readily accessible to individuals who do not have authorized access, and which will be secured during hours when the offices are closed.

Not public data must be kept only in City or Police Department offices, except when necessary for City or Police Department business.

Only those employees whose job responsibilities require them to have access will be allowed access to files and records that contain not public data. These employees will be instructed to:

- not discuss, disclose, or otherwise release not public data to City or Police Department employees whose job responsibilities do not require access to the data,
- not leave not public data where non-authorized individuals might see it, and
- shred not public data before discarding.

When a contract with an outside party requires access to not public data, the contracting party will be required to use and disseminate the information consistent with the MGDPA.

**C. Investigation of Data Breaches.**

Pursuant to Minnesota Statutes Section 13.055, as it may be amended from time to time, if the Police Department discovers a data breach, it must disclose that breach to the subject of the data, and the person must be informed that the entity will perform an investigation of the data breach, and instructions on how the report can be accessed after completion. The report must contain, at a minimum, the following information:

- A description of the type of data that was accessed or acquired,
- The number of individuals whose data was improperly accessed or acquired,
- If there has been a final disposition of disciplinary action, the name of each employee determined to be responsible for the unauthorized access or acquisition, and
- The final disposition of any disciplinary action taken against each employee in response.

The responsible authority or Police Department designee shall issue the above-mentioned report.

**D. Annual Security Assessment.**

Pursuant to Minnesota Statutes Section 13.055, as it may be amended from time to time, the Police Chief shall conduct a comprehensive security assessment of any personal information maintained by the Police Department.

**E. Employee Penalties.**

Pursuant to Minnesota Statutes Section 13.09, as it may be amended from time to time, the knowing unauthorized acquisition of not public data is a misdemeanor and constitutes just cause for suspension without pay or dismissal of the Police Department employee.

**F. Not Public Data.**

Data that is not public data will be referred to in these Procedures as not public data.

**XI. Criminal Investigative Data.**

Pursuant to Minnesota Statutes Section 13.82, criminal investigative data collected or created by a law enforcement agency in order to prepare a case against a person, whether known or unknown,

for the commission of a crime or other offense for which the agency has primary investigative responsibility is confidential or protected nonpublic while the investigation is active. Certain arrest, request for service, and response or incident data is public and upon request, the responsible authority or designee shall provide such data on the form attached as Exhibit 7. However, the identity of certain individuals may be protected, including juvenile witnesses when the police department reasonably determines that the subject matter of the investigation justifies protecting the identity of the witness. This shall be at the discretion and in the best judgment of the responsible authority for designee.

**XII. Access to Data for Crime Victims.**

Pursuant to Minnesota Statutes Section 13.82, subdivision 13, upon receipt of a written request, the prosecuting authority shall release investigative data collected by the Hermantown Police Department to the victim of a criminal act or alleged criminal act or to the victim's legal representative unless the release to the individual subject of the data would be prohibited under section 13.821 or the prosecuting authority reasonably believes:

- (a) that the release of that data will interfere with the investigation; or
- (b) that the request is prompted by a desire on the part of the requester to engage in unlawful activities.

**XIII. Copyrighted Data.**

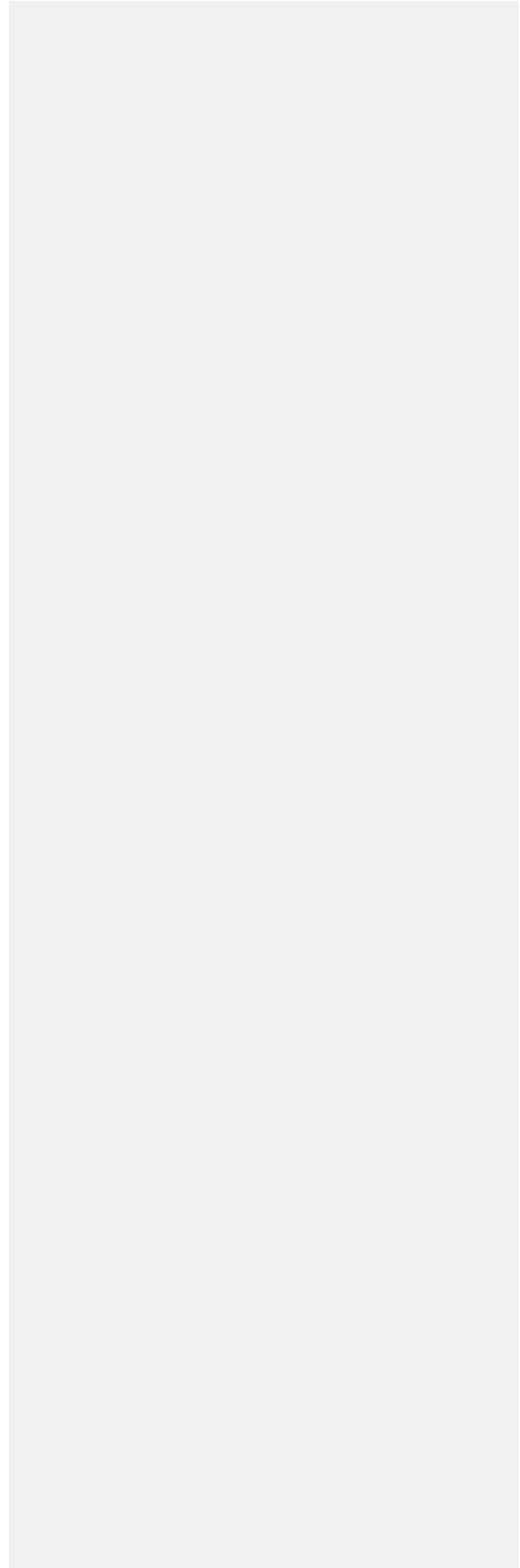
Certain data may be protected under the copyright laws of the United States. Copyrighted data may be shown to a requestor, but the City may not make copies of copyrighted data unless authorized to do so by court order (see e.g. *National Council on Teacher Quality v. Minnesota State Colleges & Universities, et al*, 2013 WL 3968735 (Minn. Ct. App. 2013)). A warning in the form of the one attached as Exhibit 9, or a form containing reasonably similar language, must be included at the beginning of any reproduction of any material made by the Hermantown Police Department, including so called WatchGuard DVDs.

Revised --/2020

City of Hermantown Police Department  
5111 Maple Grove Road Hermantown, MN 55811  
218-729-1200 (phone)  
218-729-1201 (fax)  
[www.hermantownmn.com](http://www.hermantownmn.com)



**EXHIBIT 1**



Police Commander Mark Gunderson or his designee.

**EXHIBIT 2**

CITY OF HERMANTOWN  
 INFORMATION DISCLOSURE REQUEST FORM  
 Minnesota Government Data Practices Act

**A. Completed by Requester**

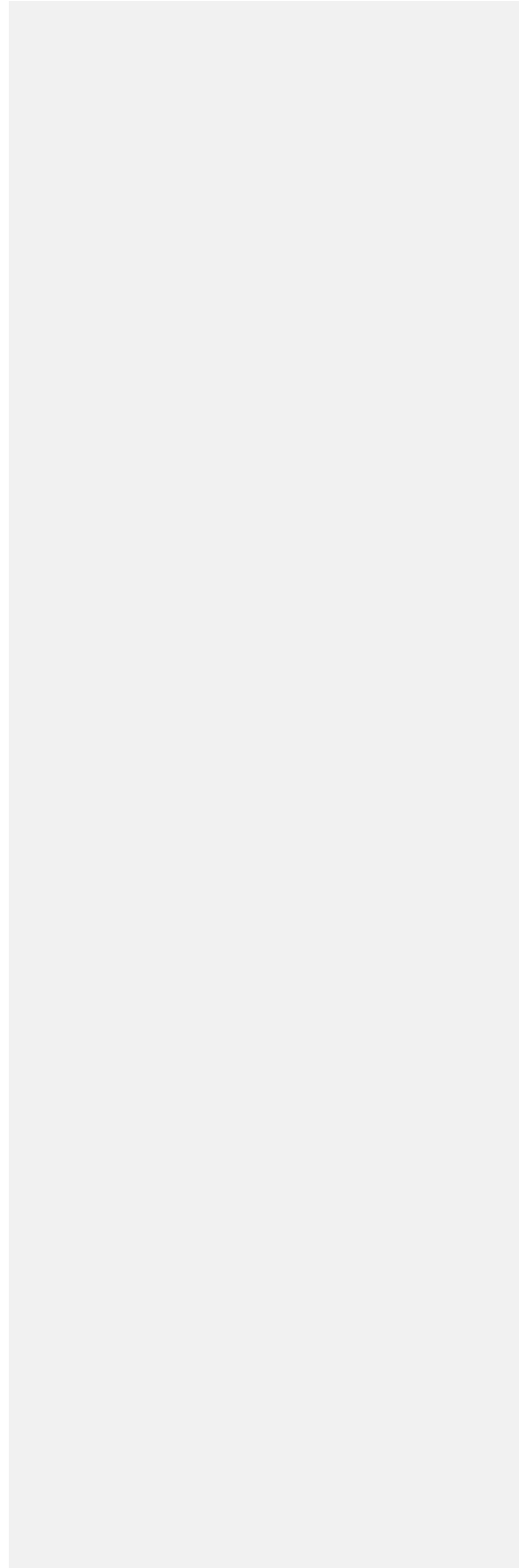
REQUESTER NAME (Last, First, M):	DATE	OF
REQUEST:		
STREET ADDRESS:	PHONE NUMBER:	
CITY, STATE, ZIP CODE:	SIGNATURE:	
DESCRIPTION OF THE INFORMATION REQUESTED:		

**B. Completed by Department**

DEPARTMENT NAME:	HANDLED BY:
INFORMATION CLASSIFIED AS: <input type="checkbox"/> PUBLIC <input type="checkbox"/> NON-PUBLIC <input type="checkbox"/> PRIVATE <input type="checkbox"/> PROTECTED NON-PUBLIC <input type="checkbox"/> CONFIDENTIAL	ACTION: <input type="checkbox"/> APPROVED <input type="checkbox"/> APPROVED IN PART <input type="checkbox"/> DENIED
REMARKS OR BASIS FOR DENIAL INCLUDING STATUTE SECTION:	
PHOTOCOPYING CHARGES: <input type="checkbox"/> None <input type="checkbox"/> PAGES X CENTS = _____ <input type="checkbox"/> SPECIAL RATE _____ (attach explanation)_____	Identity verified for private information: <input type="checkbox"/> IDENTIFICATION: DRIVERS LICENSE, STATE ID, ETC. <input type="checkbox"/> COMPARISON WITH SIGNATURE ON FILE <input type="checkbox"/> PERSONAL KNOWLEDGE <input type="checkbox"/> OTHER: _____
AUTHORIZED SIGNATURE:	DATE:

*\* The information that you are asked to provide is classified by state law as public. Our purpose and intended use of this information is to consider your request. You are not legally required to provide this information. You may refuse to provide this information. If you do not provide the requested information we will not be able to contact you to let you know when the response to your request has been completed. Other persons or entities may be authorized by law to receive this information.*

**EXHIBIT 3**



### **Policy for Fees for Providing Copies of Public Government Data**

Minnesota Statutes, section 13.03 provides that, if a person requests copies or electronic transmittal of public government data, the Responsible Authority for the government entity may require the requester to pay a fee.

Below are the two methods of calculating fees, pursuant to Minnesota Statutes 13.03. There are two scenarios when copies are requested; either the request is for 100 or fewer pages of black and white legal-size paper, or the request is for 101 or more pages of black and white legal-size paper.

If a fee for responding to a data request as calculated below is less than \$15.00, no fee will be charged unless the data request is part of a series of requests that is designed to avoid the imposition of a fee.

Acceptable forms of payment include:

- Credit and debit cards,
- Cash,
- Money orders, and other forms of direct money transfers.

Unacceptable forms of payment include:

- Personal checks.

#### **Fee Calculation Method I**

If 100 or fewer pages of black and white, letter or legal-size paper copies are requested, the entity may charge a per-page fee of not more than 25 cents for each page copied and 50 cents for a two-sided copy. The entity is authorized to charge only the per-page fee and cannot require the requester to pay any of the actual costs listed in Fee Calculation Method II. This provision should not be interpreted to permit division of a single request into requests for copies of fewer than 100 pages in order to avoid charging a fee based on the actual costs of providing copies.

Exceptions:

The entity may require the requester to pay the actual costs of providing a copy of data in a format or program than is different from how the City stores the data.

All fees must be paid prior to the data being released to the requestor.

#### **Fee Calculation Method II**

If 101 or more pages of black and white, letter or legal size paper copies are requested, , the entity may require the requester to pay the actual costs of searching for and retrieving the data, including the cost of employee time, and for making, certifying, compiling and electronically

transmitting copies of the data or the data themselves (Minnesota Statutes, Section 13.03, Subdivision 3c).

Additional criteria for determining copy costs using Method II are set forth at Minnesota Rules, part 1205.0300, subpart 4. The entity may not charge a minimum fee. Certain advisory opinions, issued pursuant to Minnesota Statutes, Section 13.072, have established the following criteria for determining copy costs using Method II. (See the opinion index on IPAD's website; specifically, the topical index category, Copy costs.)

The City may require a deposit of \$500.00 on all requests that the Responsible Authority determines will be over 100 pages. Such deposit shall be made prior to the City compiling the data. If this amount is in excess of the actual costs incurred by the City then the excess amount shall be returned when the data is released to the requestor. If this amount is less than the actual amount incurred by the City then the additional amount will be required to be paid before the data is released to the requestor.

**Costs that May be Included in the Calculation of Actual Costs:**

- ◆ Staff time required to:
  - Retrieve documents and/or data which are responsive to the request.
  - Sort and label documents, if necessary, to identify the data to be copied.
  - Remove staples or paper clips.
  - Take documents to copier for copying documents.

*Notes:* The entity may not assess a fee for labor costs (wages/salary plus benefits) that exceed those of the lowest-paid employee who could complete the task(s) performed. The requirement that data be kept in a manner that makes them easily accessible for convenient use may limit the entity in charging for staff time.

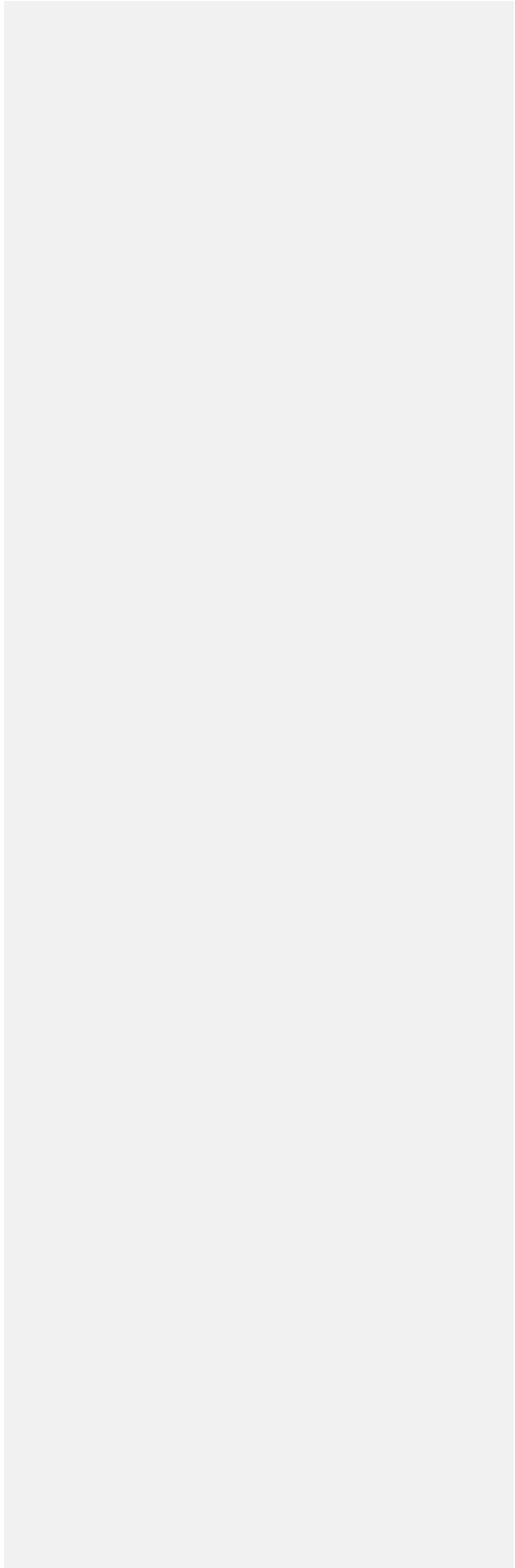
- ◆ Materials (paper, copier ink, staples, magnetic tapes, video or audio cassettes, etc.)
- ◆ If the data is electronically stored, the time required to electronically organize, compile, and label the data responsive to the request.
- ◆ Special costs associated with making copies from computerized data, such as writing or modifying a computer program to format data.
- ◆ Mailing costs
- ◆ Vehicle costs directly involved in transporting data to the appropriate facility when necessary to provide copies (for example, when the entity is unable to provide copying services for photographs, oversized documents, videos, etc.)
- ◆ Electricity costs when the requester uses own scanner to make an unusually large number of copies

**Costs that *may not* be included:**

- ◆ Purchase or rental of copier
- ◆ Maintenance of copier
- ◆ Normal operating expenses of computer/copier, including electricity used, and machine wear/tear
- ◆ Depreciation of copier
- ◆ Staff time required to:
  - Separate public from not public data
  - Open a data request that was mailed
  - Sort, label or review data, *if not necessary* to identify the data to be copied
  - Return documents to storage
  - Provide information about the data to the requester (i.e., explain content and meaning of data)
  - Prepare data for mailing
  - Prepare cover letter, fax sheet or invoice for copies
  - Credit payment and perform other associated accounting functions
- Note:* The entity may not assess a fee for labor costs (wages/salary plus benefits) that exceed those of the lowest-paid employee who could complete the task(s) performed
- ◆ Administrative costs that are not related to copying
- ◆ Records storage
- ◆ Sales tax
- ◆ The entire cost of operating a multi-tasked computer for a measured unit of time, when fulfilling a request for copies was only one of the tasks performed during that unit of time
- ◆ Costs incurred because data are not maintained in a manner that makes them easily accessible for convenient use
- ◆ Search and retrieval costs when data are inspected but no copies are requested



**EXHIBIT 4**



**CONSENT TO RELEASE PRIVATE DATA**

I, \_\_\_\_\_, authorize the City of Hermantown ("City") to release the following private data about me:

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_ to the following person or people:

\_\_\_\_\_

\_\_\_\_\_

The person or people receiving the private data may use it only for the following purpose or purposes: \_\_

\_\_\_\_\_

This authorization is dated \_\_\_\_\_ and expires on \_\_\_\_\_.

The expiration cannot exceed one year from the date of the authorization, except in the case of authorizations given in connection with applications for life insurance or noncancelable or guaranteed renewable health insurance and identified as such, two years after the date of the policy.

**I agree to give up and waive all claims that I might have against the City, its agents, and employees for releasing data pursuant to this request.**

The undersigned has read this form and understands it.

Dated this \_\_\_\_ day of \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
Print Name

\_\_\_\_\_  
Signature and Title (if signing on behalf of an entity)

**IDENTITY VERIFIED BY:**

Witness: X \_\_\_\_\_

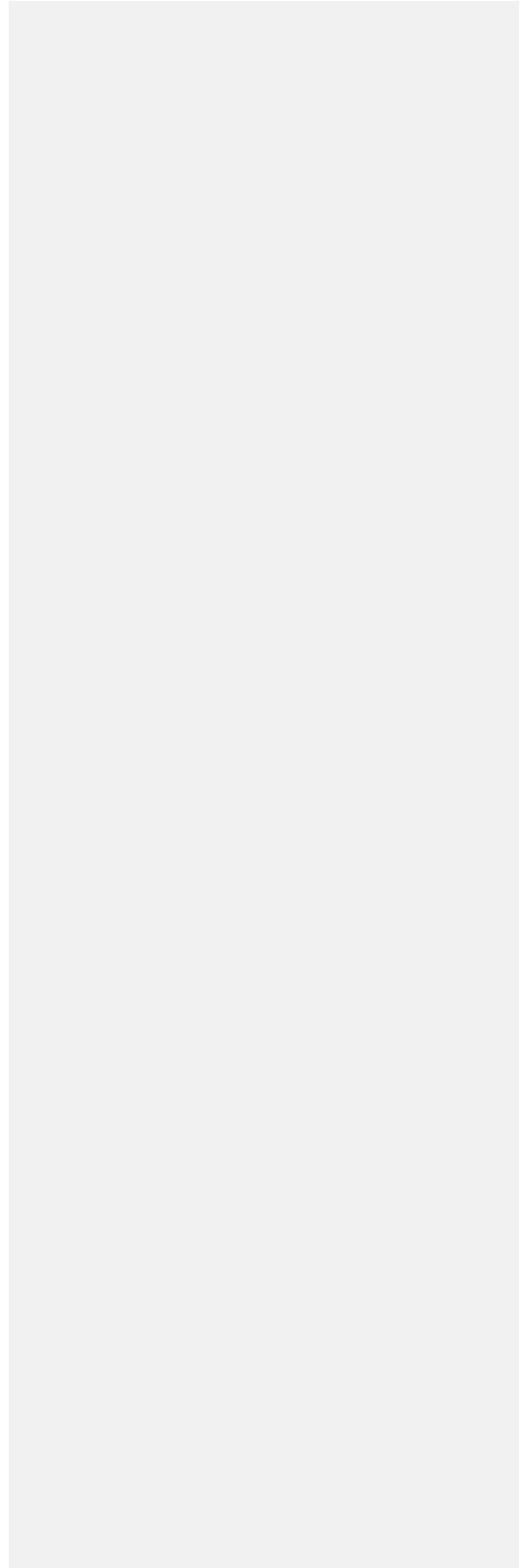
Identification: Driver's License, State ID, Passport, other: \_\_\_\_\_

Comparison with signature on file

Other: \_\_\_\_\_

Responsible Authority/Designee: \_\_\_\_\_

**EXHIBIT 5**



**TENNESSEN WARNING  
Data Practices Advisory**

The information that you are asked to provide is classified by state law as either public, private, or confidential. Public data is information that can be given to the public. Private data is information that generally cannot be given to the public but can be given to the subject of the data. Confidential data is information that generally cannot be given to either the public or the subject of the data.

Our purpose and intended use of this information is to consider: \_\_\_\_\_  
\_\_\_\_\_.

You are not legally required to provide this information.

You may refuse to provide this information.

The consequences of supplying or refusing to supply data are that your request or application may not be considered or it may be denied.

Other persons or entities may be authorized by law to receive this information. The identity of those persons or entities, if known, are as follows: \_\_\_\_\_  
\_\_\_\_\_.

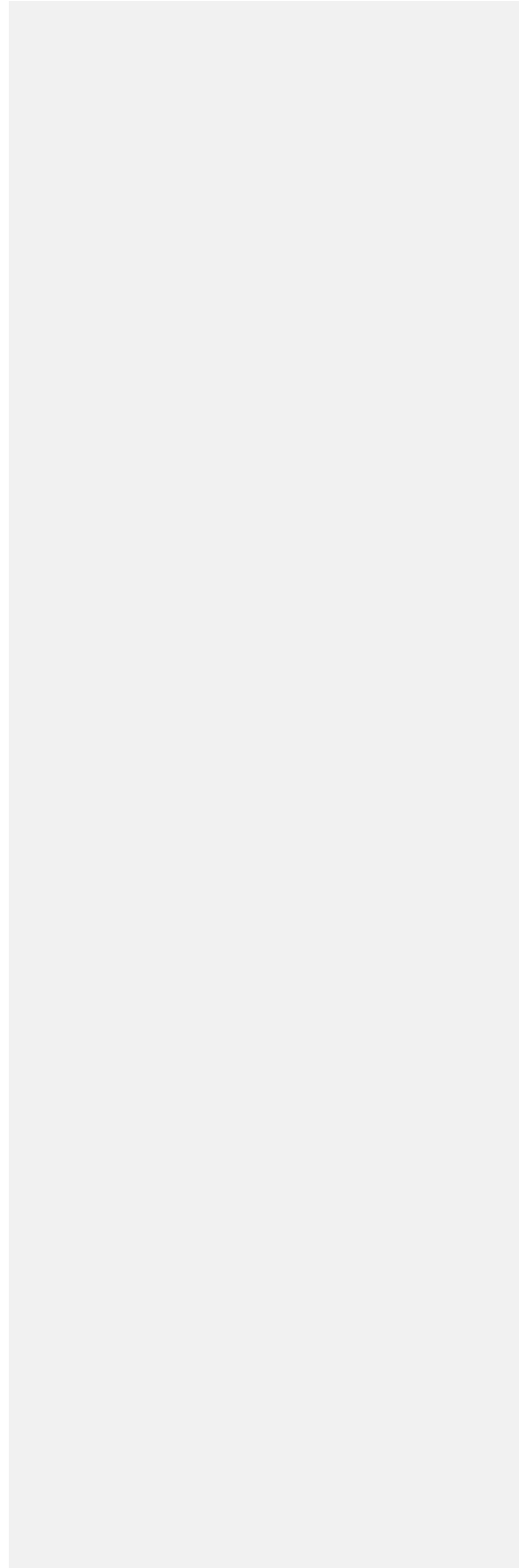
The undersigned has read this advisory and understands it.

Dated this \_\_\_\_ day of \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
Print Name

\_\_\_\_\_  
Signature and Title (if signing on behalf of an entity)

**EXHIBIT 6**



**TENNESSEN WARNING - JUVENILE  
Data Practices Advisory**

The information that you are asked to provide is classified by state law as either public, private, or confidential. Public data is information that can be given to the public. Private data is information that generally cannot be given to the public but can be given to the subject of the data. Confidential data is information that generally cannot be given to either the public or the subject of the data.

Our purpose and intended use of this information is to consider: \_\_\_\_\_  
\_\_\_\_\_.

You are not legally required to provide this information.

You may refuse to provide this information.

The consequences of supplying or refusing to supply data are that your request or application may not be considered or it may be denied.

Other persons or entities may be authorized by law to receive this information. The identity of those persons or entities, if known, are as follows: \_\_\_\_\_  
\_\_\_\_\_.

If you are providing private data, you may request that the private data not be released to your parent or guardian. Please state any such request here: \_\_\_\_\_  
\_\_\_\_\_.

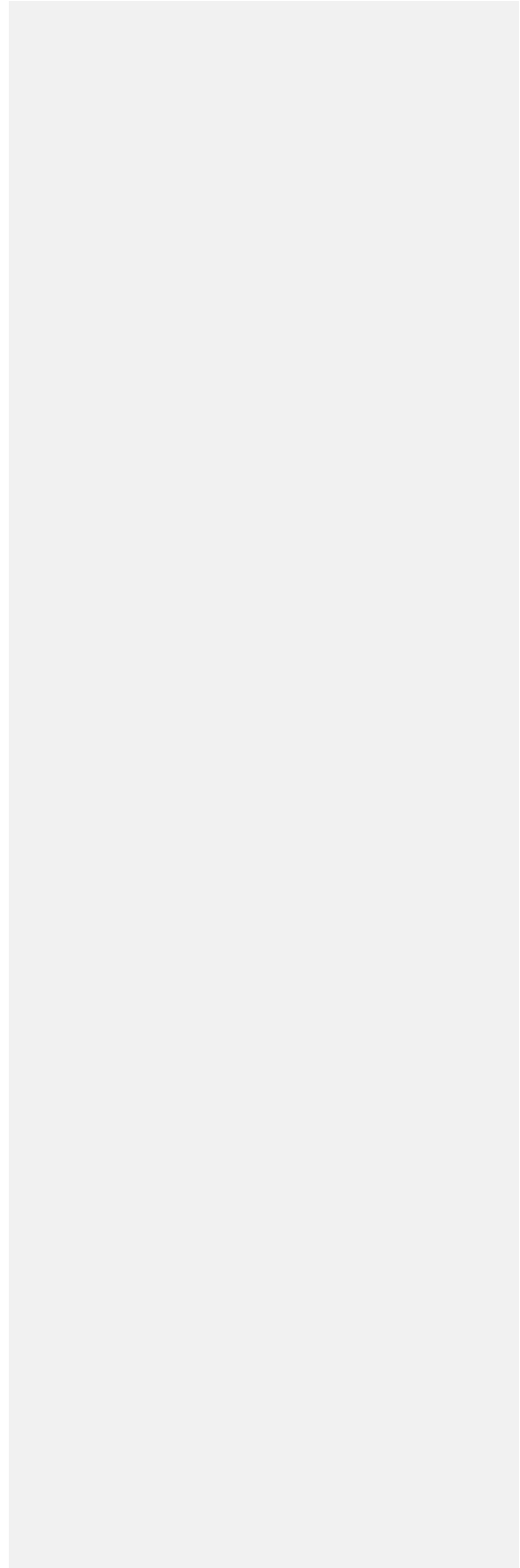
The undersigned has read this advisory and understands it.

Dated this \_\_\_\_ day of \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
Print Name

\_\_\_\_\_  
Signature and Title

**EXHIBIT 7**

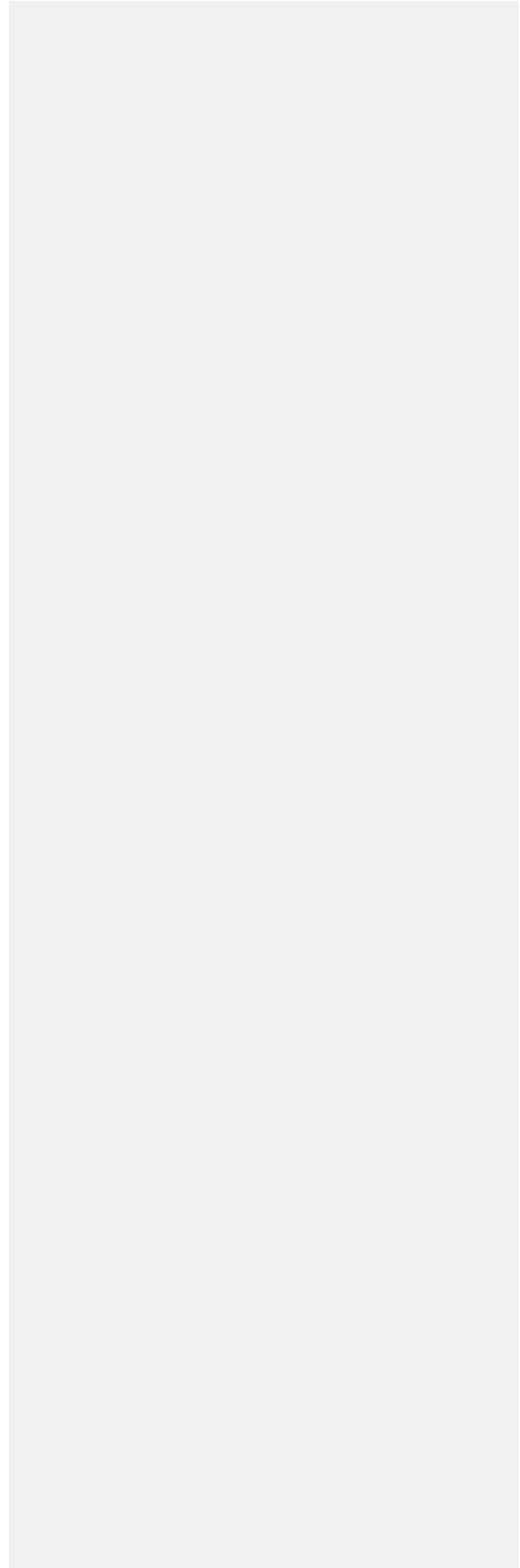


### **SAMPLE CONTRACT PROVISION**

Data Practices Compliance. Contractor will have access to data collected or maintained by the City to the extent necessary to perform Contractor's obligations under this contract. Contractor agrees to maintain all data obtained from the City in the same manner as the City is required under the Minnesota Government Data Practices Act, Minn. Stat. Chap. 13 (the "MGDPA"). Contractor will not release or disclose the contents of data classified as not public to any person except at the written direction of the City. Contractor agrees to defend and indemnify the City from any claim, liability, damage or loss asserted against the City as a result of Contractor's failure to comply with the requirements of the Act or this contract. Upon termination of this contract, Contractor agrees to return data to the City, as requested by the City.



**EXHIBIT 8**



**CITY OF HERMANTOWN POLICE DEPARTMENT**

**ARREST / REQUEST FOR SERVICE / RESPONSE OR INCIDENT DATA**

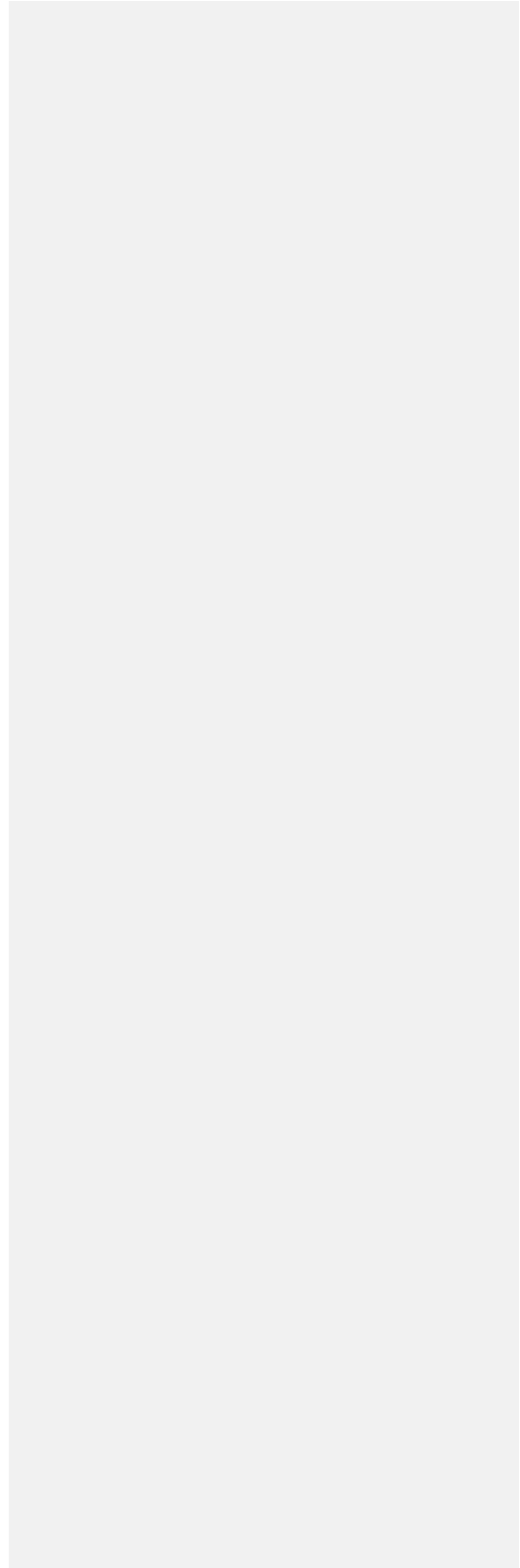
Pursuant to Minnesota Statutes Section 13.82, Subdivisions 2, 3 and 6 certain data created or collected by the Hermantown Police Department, which documents the agency's response to a request for service including, but not limited to, responses to traffic accidents, or which describes actions taken by the agency including arrests may be public government data.

The following is public data:

1. Date, time and place of the action;
2. The nature of the request or the activity complained of;
3. The name and address of the individual making the request unless the identity of the individual qualifies for protection under subdivision 17;
4. The response initiated and the response or incident report number;
5. Agencies, units of agencies and individual agency personnel participating in the action unless the identities of agency personnel qualify for protection under subdivision 17;
6. Any resistance encountered by the agency;
7. Any pursuit engaged in by the agency;
8. Whether any weapons were used by the agency or other individuals;
9. A brief factual reconstruction of events associated with the action;
10. Names and addresses of witnesses to the agency action or the incident unless the identity of any witness qualifies for protection under subdivision 17;
11. Names and addresses of any victims or casualties unless the identities of those individuals qualify for protection under subdivision 17;
12. The name and location of the health care facility to which victims or casualties were taken;
13. Dates of birth of the parties involved in a traffic accident;
14. Whether the parties involved were wearing seat belts;
15. The alcohol concentration of each driver;
16. The charge, arrest or search warrants, or other legal basis for the action;

17. Whether and where the individual is being held in custody or is being incarcerated by the agency;
18. The date, time and legal basis for any transfer of custody and the identity of the agency or person who received custody;
19. The date, time and legal basis for any release from custody or incarceration;
20. The name, age, sex and last known address of an adult person or the age and sex of any juvenile person cited, arrested, incarcerated or otherwise substantially deprived of liberty;
21. Whether the agency employed an automated license plate reader, wiretaps or other eavesdropping techniques, unless the release of this specific data would jeopardize an ongoing investigation; and
22. The manner in which the agencies received the information that led to the arrest and the names of individuals who supplied the information unless the identities of those individuals qualify for protection under subdivision 17.

**EXHIBIT 9**



## DATA INVENTORY

This is an inventory of private and nonpublic data categories and classifications at the City of Hermantown Police Department. All other data are presumed public.

Not public data are only accessible to police officers, clerical staff, and attorneys (“Hermantown Police Department Staff”) whose work assignments reasonably require access to that data.

City of Hermantown Police Department  
5111 Maple Grove Road  
Hermantown, MN 55811

Police Department Data Practices Compliance Official: Police Commander Mark Gunderson,  
gunderson@hermantownmn.com, (218) 729-1200.

Responsible Authority: Bonnie Engseth, [bengseth@hermantownmn.com](mailto:bengseth@hermantownmn.com), (218)729-3600.

### Category of Data:

#### Criminal Investigative Data

Investigative data collected or created by the Hermantown Police Department in order to prepare a case against a person, whether known or unknown, for the commission of a crime is classified as private, confidential and/or protected non-public while the investigation is active pursuant to Minnesota Statutes § 13.82. See also, Minnesota Statutes §§ 13.80, 13.85, 13.87, 169.09, 168.10, 169A.70, 171.043, 171.07, 171.071, 171.12, 171.32, 299A.61, 299C.065, 299C.091, 299C.093, 299C.095, 299C.46, 299C.48, 299C.53, 299C.56, 611.272, 626.53, 609.324, 609.3452, 609.3471, 626.556, 626.5563, 626.557, 626.558, 626.5593, 626.89, 629.341, 260B.171, 260B.198, 260B.235, 299C.68, 299F.035, 299F.04, 299F.05, 299F.054, 299F.055, 299F.056, 299F.095, and 299F.096.

Employee Work Access: All Hermantown Police Department Staff.

#### Computer Data

Electronic access data may be classified as private and/or non-public pursuant to Minnesota Statute § 13.15.

Employee Work Access: All Hermantown Police Department Staff.

#### Security Data

Government data the disclosure of which would be likely to substantially jeopardize the security of information, possessions, individuals or property against theft, tampering, improper use, attempted escape, illegal disclosure, trespass, or physical injury is classified as private and/or non-public pursuant to Minnesota Statutes § 13.37.

Employee Work Access: Command Staff.

#### Personnel Data

Data on current and former employees, applicants, or volunteers are or may be classified as private pursuant to Minnesota Statutes § 13.47.

Employee Work Access: Command Staff.

**Background Investigation and Criminal History Check Data**

Background Investigations and/or Criminal History Check data may be classified as private and/or confidential pursuant to Minnesota Statute §§ 13.82 and 13.87.  
Employee Work Access: All Hermantown Police Department Staff.

**Child Abuse Identity Data**

Active or inactive investigative data that identify a victim of child abuse or neglect are private data and active or inactive investigative data that identify a reporter of child abuse or neglect are classified as confidential pursuant to Minnesota Statutes § 13.82, subd. 8.  
Employee Work Access: All Hermantown Police Department Staff.

**Vulnerable Adult Identity Data**

Active or inactive investigative data that identify a victim of vulnerable adult maltreatment are private data and active or inactive investigative data that identify a reporter of vulnerable adult maltreatment are classified as private pursuant to Minnesota Statutes § 13.82, subd. 10.  
Employee Work Access: All Hermantown Police Department Staff.

**Juvenile Data.**

Active or inactive investigative data regarding juveniles are or may be classified as private pursuant to Minnesota Statutes Chapter 260B and Section 13.82.  
Employee Work Access: All Hermantown Police Department Staff.

**Firearms Data**

Data about the purchase or transfer of firearms and applications for permits to carry firearms is classified as private pursuant to Minnesota Statutes § 13.87.  
Employee Work Access: All Hermantown Police Department Staff.

**Examination Data**

Completed versions of personnel and licensing examinations are Private Data, unless the Responsible Authority determines that they should be confidential because access would compromise the objectivity, fairness, or integrity of the examination process pursuant to Minnesota Statutes § 13.34.  
Employee Work Access: Command Staff.

**Property Data**

Identities of individuals that register complaints concerning the use of real property are classified as confidential pursuant to Minnesota Statutes § 13.44.  
Employee Work Access: All Hermantown Police Department Staff.

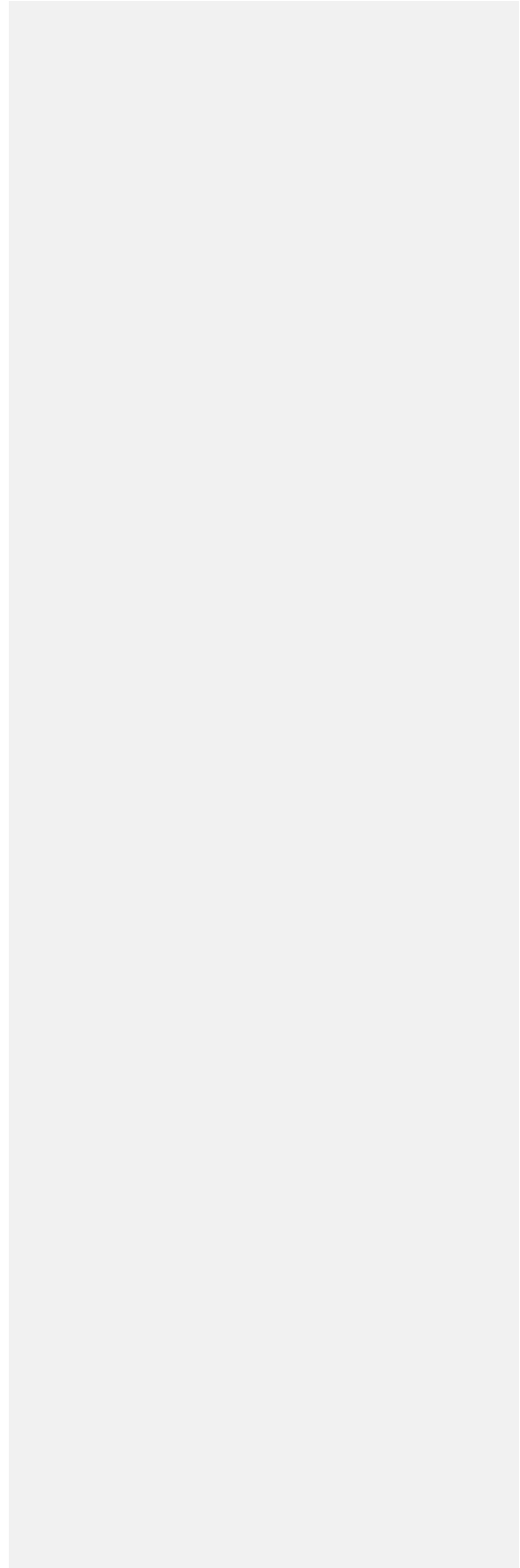
**Automated License Plate Reader Data**

Data collected by an automated license plate reader are classified as private and/or nonpublic pursuant to Minnesota Statutes § 13.824.

**Employee Work Access**

Chief of Police and his/her designees

**EXHIBIT10**



**WARNING**

The reproduction that follows may be protected under the copyright laws of the United States. The unauthorized reproduction or distribution of a copyrighted work is illegal.

The City of Hermantown owns the copyright to this recording and any copying is strictly prohibited.

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



**DATE:** August 31, 2020                      **Meeting Date:** 9/8/20  
**SUBJECT:** Acceptance of a Declaration of Use Restrictions for 3721 Lavaque Road      **Agenda Item: 12-C**      **Resolution 2020-123**

---

**REQUESTED ACTION**

**Approve the City accepting a Declaration of Use Restrictions by David and Melanie Mesojedec (Owner’s) for their use of their Existing Pole Building located at 3721 Lavaque Road for the storage of vehicles, supplies and equipment utilized by Owner in connection with the Owner’s insulation contracting business**

---

**SITE INFORMATION:**

Parcel Size: 5.82 acres  
Address: 3721 Lavaque Road  
Wetlands: No  
Existing Zoning: R-3, Residential  
Shoreland Overlay: No  
Airport Overlay: No  
Comprehensive Plan: Small Economic Activity Centers

**BACKGROUND**

During the spring of 2020, Mr. Mesojedec inquired with St. Louis County why his property was being assessed at a commercial rate. The question was brought to the Hermantown Board of Appeal and Equalization on April 15, 2020 and staff verified that the property was zoned R-3, Residential. However, from review of the property file, internet search and visual inspection it was apparent that the Mr. Mesojedec was conducting a business out of a residentially zoned property, which is in violation of the City ordinance.

From staff review of the property file, this lot was originally zoned C, Commercial. In 2010 the previous property owner applied for a lot split and a rezoning of the original 22 acre property. The application was approved with the result being a 5.82 acre lot (3721 Lavaque Road) and a 16.23 acre lot (3747 Lavaque Road) which were both rezoned from C, Commercial to R-3, Residential.

Staff contacted Mr. Mesojedec to discuss this and offered one of two courses to resolve the zoning violation. One option was the rezoning of the property back to a C, Commercial zoning with the second being the relocation of the business to an appropriately zoned district.

The C, Commercial zoning would allow for Mr. Mesojedec to continue using the property for his business as well as allow the dwelling structure as a non-conforming use. Mr. Mesojedec weighed these options and chose to pursue the rezoning.

This item was heard at the July 21, 2020 Planning and Zoning meeting and received numerous comments against the rezoning. The Planning and Zoning Commission voted to table the item until the August 18, 2020 meeting.

City staff has discussed the use of this property on multiple occasions since the July planning and Zoning meeting. City staff determined the best course of action would be the creation of a Declaration of Use Restrictions which would allow for the continuation of the use by the Owner's and terminate upon the death of the survivor of Owner or upon the sale, transfer or assignment of a controlling interest in Owner's Business or substantially all of the assets in Owner's Business or of any interest in the Property owned by Owner.

The property is in a Small Economic Activity Center. The city contains several small areas where commercial and industrial activity occurs in relative proximity to residential uses. A goal for small neighborhood commercial areas is to define the scope and nature of non-residential uses which are compatible with the surrounding neighborhood. The use of this property as a business has worked in harmony of the adjacent residences for the past 10 years.

Mr. Mesojedec has withdrawn his application for the rezoning and instead agreed to enter into the Declaration of use Restrictions.

**RECOMMENDATIONS:**

Staff recommends approval of the Declaration of Use Restrictions based on the findings set forth in the Staff report, subject to the following conditions:

1. The three thousand five hundred twenty foot (3,420') pole building located on the Property, may not be enlarged, expanded or modified without the prior written approval of the City.
2. The Existing Pole Building may be used by Owner for the storage of vehicles, supplies and equipment utilized by Owner in connection with the Owner's insulation contracting business ("Owner's Business"). The right granted to Owner is personal to Owner and may not be assigned, transferred or otherwise continued and shall terminate upon the death of the survivor of Owner or upon the sale, transfer or assignment of a controlling interest in Owner's Business or substantially all of the assets in Owner's Business or of any interest in the Property owned by Owner.
3. This Declaration may only be modified by the City of Hermantown approving a rezoning of the Property.
4. The City of Hermantown has the right to enforce this Declaration of Use Restrictions by proceedings at law or in equity. The right shall include, but not be limited to, the right to

bring an action in any court of competent jurisdiction to enforce the terms of this Declaration of Use Restrictions, to require the restoration of the Property or to enjoying noncompliance by appropriate injunctive relief. The City does not waive or forfeit the right to take action as may be necessary to ensure compliance with the terms of this Declaration of Use Restrictions by any prior failure to act.

5. Owner received valuable consideration for granting this Declaration of Use Restrictions by virtue of the City of Hermantown determining to consider the Existing Pole Building and the operation of Owner's Business on the Property as a non-conforming use for purposes of zoning, subject to the terms and provisions of this Declaration of Use Restrictions.
6. No building permit will be issued for any new construction on the Property without the prior written approval of the City.
7. This Declaration of Use Restrictions shall be binding on Owner and their successors and assigns.

**Attachments**

- Location Map
- Declaration of Use Restrictions

**Resolution No. 2020-123**

**RESOLUTION APPROVING THE ACCEPTANCE OF DECLARATION OF USE RESTRICTIONS FOR DAVID M. MESOJEDEC AND MELANIE C. MESOJEDEC**

WHEREAS, David M. Mesojedec and Melanie C. Mesojedec, husband and wife, (collectively “Owner”) own property in the City of Hermantown and legally described on Exhibit A attached hereto (“Property”); and

WHEREAS, Owner desires to continue to use the Property for the conduct of Owner’s business (“Project”); and

WHEREAS, the City of Hermantown (“City”) is willing to allow the present use of the Property to continue only if Owner places restrictions on the use of the Property; and

WHEREAS, the Declaration of Use Restrictions (“Declaration”) attached hereto as Exhibit B has been drafted by the City Attorney for the Property; and

WHEREAS, Owner has approved the Declaration; and

WHEREAS, the City Council has duly considered this matter and believes it to be in the best interests of the City of Hermantown to approve the Acceptance of the Declaration of Use Restrictions attached to the Declaration, and authorize the Mayor and City Clerk to execute Acceptance of the Declaration of Use Restrictions.

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

1. The Acceptance of the Declaration of Use Restrictions attached to the Declaration of Use Restrictions substantially the form as attached as Exhibit B is hereby approved.
2. The Mayor and City Clerk are hereby authorized and directed to execute and deliver the Acceptance of the Declaration of Use Restrictions upon the execution by Owner.
3. The City Clerk shall record the Declaration of Use Restrictions at Owner’s expense.

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 September 8, 2020.

**EXHIBIT A**  
**Legal Description**

That part of the Southeast Quarter of the Southeast Quarter of Section 27, Township 50 North, Range 15 West of the 4th Principal Meridian, St. Louis County, Minnesota, described as follows:

Commencing at the Southeast corner of said Section 27; thence North 00 degrees 22 minutes 01 seconds West along the East line of the Southeast 1/4 of said Section 27, a distance of 415.00 feet to the point of beginning; thence South 89 degrees 46 minutes 53 seconds West, a distance of 359.00 feet; thence South 00 degrees 21 minutes 38 seconds East, a distance of 20.00 feet; thence South 89 degrees 46 minutes 53 seconds West, a distance of 326.30 feet; thence North 00 degrees 22 minutes 01 seconds West, a distance of 298.00 feet; thence North 89 degrees 46 minutes 53 seconds East, a distance of 420.30 feet; thence North 00 degrees 22 minutes 01 seconds West, a distance of 212.93 feet; thence North 89 degrees 37 minutes 59 seconds East, a distance of 265.00 feet to a point on the East line of said Southeast 1/4; thence South 00 degrees 22 minutes 01 seconds East, a distance of 491.61 feet to the point of beginning.

PIN(s) 395-0010-08390

Property Address: 3721 Lavaque Road

**EXHIBIT B**  
**Declaration of Use Restrictions**

# Location Map



## DECLARATION OF USE RESTRICTIONS

Dated: \_\_\_\_\_, 2020

**David M. Mesojedec** and **Melanie C. Mesojedec**, husband and wife, (collectively “Owner”) hereby certify and declare that the property legally described on Exhibit A attached hereto (“Property”) is subject to the restrictions contained within this Declaration of Use Restrictions.

1. The three thousand five hundred twenty foot (3,420’) pole building located on the Property, as shown on Exhibit B attached hereto (“Existing Pole Building”), may not be enlarged, expanded or modified without the prior written approval of the City.

2. The Existing Pole Building may be used by Owner for the storage of vehicles, supplies and equipment utilized by Owner in connection with the Owner’s insulation contracting business (“Owner’s Business”). The right granted to Owner in this Section 2 is personal to Owner and may not be assigned, transferred or otherwise continued and shall terminate upon the death of the survivor of Owner or upon the sale, transfer or assignment of a controlling interest in Owner’s Business or substantially all of the assets in Owner’s Business or of any interest in the Property owned by Owner.

3. This Declaration may only be modified by the City of Hermantown approving a rezoning of the Property.

4. The City of Hermantown has the right to enforce this Declaration of Use Restrictions by proceedings at law or in equity. The right shall include, but not be limited to, the right to bring an action in any court of competent jurisdiction to enforce the terms of this Declaration of Use Restrictions, to require the restoration of the Property or to enjoying non-compliance by appropriate injunctive relief. The City does not waive or forfeit the right to take



action as may be necessary to ensure compliance with the terms of this Declaration of Use Restrictions by any prior failure to act.

5. Owner received valuable consideration for granting this Declaration of Use Restrictions by virtue of the City of Hermantown determining to consider the Existing Pole Building and the operation of Owner's Business on the Property as a non-conforming use for purposes of zoning, subject to the terms and provisions of this Declaration of Use Restrictions.

6. No building permit will be issued for any new construction on the Property without the prior written approval of the City.

7. This Declaration of Use Restrictions shall be binding on Owner and their successors and assigns.

[SIGNATURES APPEAR ON NEXT PAGE]



**ACCEPTANCE OF  
DECLARATION OF USE RESTRICTIONS**

The City of Hermantown, Minnesota hereby accepts the terms and provisions of the attached and foregoing Declaration of Use Restrictions.

The City, by its acceptance, does not make any determination that the present use is located entirely on the Property or that the existing use is in compliance with all applicable laws, rules and regulations, including environmental laws.

Dated \_\_\_\_\_, 2020.

**City of Hermantown**

By \_\_\_\_\_  
Its Mayor

And By \_\_\_\_\_  
Its City Clerk

**EXHIBIT A**  
**Legal Description**

That part of the Southeast Quarter of the Southeast Quarter of Section 27, Township 50 North, Range 15 West of the 4th Principal Meridian, St. Louis County, Minnesota, described as follows:

Commencing at the Southeast corner of said Section 27; thence North 00 degrees 22 minutes 01 seconds West along the East line of the Southeast 1/4 of said Section 27, a distance of 415.00 feet to the point of beginning; thence South 89 degrees 46 minutes 53 seconds West, a distance of 359.00 feet; thence South 00 degrees 21 minutes 38 seconds East, a distance of 20.00 feet; thence South 89 degrees 46 minutes 53 seconds West, a distance of 326.30 feet; thence North 00 degrees 22 minutes 01 seconds West, a distance of 298.00 feet; thence North 89 degrees 46 minutes 53 seconds East, a distance of 420.30 feet; thence North 00 degrees 22 minutes 01 seconds West, a distance of 212.93 feet; thence North 89 degrees 37 minutes 59 seconds East, a distance of 265.00 feet to a point on the East line of said Southeast 1/4; thence South 00 degrees 22 minutes 01 seconds East, a distance of 491.61 feet to the point of beginning.

PIN(s) 395-0010-08390

Property Address: 3721 Lavaque Road

**EXHIBIT B**  
**Existing Pole Building**



**Resolution No. 2020-124**

**RESOLUTION DECLARING COST TO BE ASSESSED AND ORDERING PREPARATION OF ASSESSMENT ROLL FOR THE CONSTRUCTION OF 2020 ROAD IMPROVEMENT DISTRICT NO. 531 & NO. 532**

WHEREAS, the City of Hermantown has caused expenses to be incurred in connection with the construction of 2020 Road Improvement District No. 531 & No. 532 ("Project"); and

WHEREAS, the City Council desires to have an assessment roll prepared for this Project.

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

1. The City will pay the entire cost of the Project that is not assessed pursuant to Section 2,
2. The total amount that will be specially assessed is the amount set forth in the assessment roll of the Project.
3. The City Clerk shall prepare a proposed assessment roll in accordance with the feasibility report and shall file a copy of such proposed assessment with the office of the City Clerk where it shall be open for public inspection.
4. The City Clerk shall, upon completion of such proposed assessment, provide the proposed assessment roll to the City Council thereof.

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 September 8, 2020.

**Resolution No. 2020-125**

**RESOLUTION RECEIVING PROPOSED ASSESSMENT ROLL  
FOR THE CONSTRUCTION OF 2020 ROAD IMPROVEMENT  
DISTRICT NO. 531 & NO. 532 AND ORDERING HEARING THEREON**

WHEREAS, the City Engineer prepared a preliminary engineering report and feasibility study on 2020 Road Improvement District No. 531 & No. 532; and

WHEREAS, the report concluded that the improvements are beneficial to the City of Hermantown and will benefit the abutting land owners; and

WHEREAS, the City Clerk has prepared a proposed assessment roll for such Project; and

WHEREAS, said proposed assessment roll is on file with the City Clerk and open to public inspection and a copy is attached hereto as Exhibit A; and

WHEREAS, a public hearing is required to be held on such proposed assessment roll prior to the City Council approving such assessment roll; and

WHEREAS, the City Council desires that such public hearing be held following notice as required by law.

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

1. The preliminary engineering report and feasibility study is hereby received.
2. The proposed assessment roll prepared by the City Clerk is hereby received and ordered to be maintained on file and open to public inspection in the Administration Services Building during regular office hours.
3. A hearing on such proposed assessment roll shall be held on the **19th day October**, at **6:30 o'clock p.m.** in the City Council Chambers of the Governmental Services Building, 5105 Maple Grove Road, Hermantown, Minnesota, and at such time and place all persons owning property affected by such improvement will be given an opportunity to be heard with reference to such assessment.
4. The City Clerk shall mail notice of such hearing to the owner of each parcel described in the assessment roll no later than **September 16, 2020**, and shall publish notice of such hearing in the official newspaper on **October 1, 2020** and on **October 8, 2020**.
5. The notice of the hearing to be published shall be in substantially the form of the notice attached hereto as Exhibit B.
6. The notice of the hearing to be mailed to each property owner shall be in substantially the form of the notice attached hereto as Exhibit C.
7. For the purpose of giving mailed notice; owners shall be those shown on the records of the St. Louis County Auditor.
8. The owner of any property so assessed may, at any time prior to December 31, 2020 pay the whole of the assessment on such property, without interest. The owner of any property so assessed may, at any time thereafter, pay to the City Clerk the entire amount of the assessment remaining unpaid, with interest accrued to December 31 of the year in which such payment is made. Any such payment must be made before November

15 or interest will be charged through December 31 of the succeeding year. Partial prepayments of the assessment have not been authorized by ordinance 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:

Councilors

and the following voted in opposition thereto:

WHEREUPON, such resolution was declared duly passed and adopted September 8, 2020.



EXHIBIT B  
(To Be Published in the Hermantown Star)

NOTICE OF HEARING ON ASSESSMENTS FOR THE  
CONSTRUCTION OF 2020 ROAD IMPROVEMENT DISTRICT NO. 531 & No. 532

NOTICE IS HEREBY GIVEN that the City Council will meet at 6:30 p.m. on Monday, October 19, 2020 at the Governmental Services Building, 5105 Maple Grove Road, Hermantown, Minnesota to consider the proposed assessment for the construction of 2020 Road Improvement District No. 531 & No. 532 (“Project”).

The area proposed to be assessed for such improvements are the parcels of land determined by the City to be benefited by said improvements based on benefits received.

The proposed assessment roll is on file for public inspection at the office of the City Clerk in the Governmental Services Building, 5105 Maple Grove Road, Hermantown, Minnesota. The amount of the proposed assessment for the entire Project is \$1,131,000.00.

Written or oral objections by any property owner to the proposed assessment will be considered at the hearing. If a property owner at or prior to the hearing files a written objection to the assessment, the City Council shall consider such objection at an adjourned meeting upon such further notice to such objecting property owner as it deems advisable.

An owner may appeal an assessment to the District Court of St. Louis County pursuant to Minnesota Statutes, Section 429.081 by serving notice of the appeal upon the Mayor or Clerk of the City within thirty (30) days after the adoption of the assessment roll and filing such notice with the District Court within ten (10) days after service upon the Mayor or Clerk. No such appeal may be taken as to the amount of any assessment unless a written objection signed by the affected property owner is filed with the City Clerk prior to the assessment hearing or presented to the presiding officer at the assessment hearing.

Under Sections 435.193 to 435.195 of the Minnesota Statutes, the City Council may, in its discretion, defer the payment of a special assessment for any homestead property owned by a person sixty-five (65) years of age or older or a person who is retired due to permanent disability or a person in the military ordered into active military service for whom it would be a hardship to make the payments.

When deferment of the special assessment has been granted and is terminated for any reason provided in that law, all amounts accumulated plus applicable interest become due.

Any assessed property owner meeting the requirements of such law and City of Hermantown Resolution No. 2010-99 may, on a form obtained from the City Clerk, apply for such deferral of payment of a special assessment.

Authorized by the City Council.

Bonnie Engseth, Clerk  
City of Hermantown

## EXHIBIT C

(To Be Mailed To Property Owners)

### NOTICE OF HEARING ON ASSESSMENT FOR THE CONSTRUCTION OF 2020 ROAD IMPROVEMENT DISTRICT NO. 531 & NO. 532

NOTICE IS HEREBY GIVEN that the City Council will meet at 6:30 o'clock p.m. on October 19, 2020 at the Governmental Services Building, 5105 Maple Grove Road, Hermantown, Minnesota, consider the proposed assessment for the construction of 2020 Road Improvement District No. 531 & No. 532 ("Project").

The area proposed to be assessed for such improvements are the parcels of land determined by the City to be benefited by said improvements based on benefits received.

The proposed assessment roll is on file for public inspection at the office of the City Clerk in the Governmental Services Building, 5105 Maple Grove Road, Hermantown, Minnesota. The amount of the proposed assessment for the entire Project is \$1,131,000.00.

Written or oral objections by any property owner to the proposed assessment will be considered at the hearing. If a property owner at or prior to the hearing files a written objection to the assessment, the City Council shall consider such objection at an adjourned meeting upon such further notice to such objecting property owner as it deems advisable.

An owner may appeal an assessment to the District Court of St. Louis County pursuant to Minnesota Statutes, Section 429.081 by serving notice of the appeal upon the Mayor or Clerk of the City within thirty (30) days after the adoption of the assessment roll and filing such notice with the District Court within ten (10) days after service upon the Mayor or Clerk.

No such appeal may be taken as to the amount of any assessment unless a written objection signed by the affected property owner is filed with the City Clerk prior to the assessment hearing or presented to the presiding officer at the assessment hearing.

Under Minnesota Statutes, Sections 435.193 to 435.195, the Council may, in its discretion, defer the payment of a special assessment for any homestead property owned by a person sixty-five (65) years of age or older or a person who is retired due to permanent disability or a person in the military ordered into active military service for whom it would be a hardship to make the payments. When deferment of the special assessment has been granted and is terminated for any reason provided in that law, all amounts accumulated plus applicable interest become due. Any assessed property owner meeting the requirements of such law and City of Hermantown Resolution No. 2010-99 may, on a form obtained from the City Clerk, apply for such deferral of payment of a special assessment.

The amount to be specially assessed against your particular lot, piece or parcel of land, is **\$9,750.00**. You may at any time prior to December 31, 2020, pay the entire assessment on such property without interest, to the Hermantown City Clerk. No interest shall be charged if the entire assessment is paid by December 31, 2020. You may at any time thereafter pay to the Hermantown City Clerk the entire amount of the assessment remaining unpaid, with interest accrued to December 31 of the year in which such payment is made. Any such payment must be made before November 30 or interest will be charged through December 31 of the succeeding year. If you decide not to prepay the assessment before December 31, 2020, the rate of interest that will apply is 4% percent over fifteen years. Partial prepayments of the assessments have not been authorized by ordinance of the City of Hermantown.

The proposed assessment roll may be adopted by the City Council at the hearing or at a regular meeting following the hearing.

**2020 Road Improvement District No. 531 & No. 532**

Parcel ID	Owner	Proposed Assessment	Taxpayer	Mailing Address
395-0010-07092	CARLSON ROBT A ETUX	\$9,750.00	CARLSON ROBERT A	3799 JOHNSON RD DULUTH MN 55811
395-0010-07593	PIKE JOSEPH CHRISTOPHER	\$9,750.00	PIKE JOSEPH C & MEGAN A	3729 JOHNSON RD HERMANTOWN MN 55811
395-0010-07594	LANGDON JAMES M ETAL	\$9,750.00	LANGDON JAMES M	3733 JOHNSON RD HERMANTOWN MN 55811
395-0010-07591	WIPSON CHARLES L JR	\$9,750.00	WIPSON CHARLES L JR & LORI J	3715 JOHNSON RD HERMANTOWN MN 55811
395-0010-07592	MARCESKI GERALD T	\$9,750.00	MARCESKI GERALD T	3739 JOHNSON RD HERMANTOWN MN 55811
395-0010-07597	JANSON JOHN A	\$9,750.00	JANSON JOHN A & JANSON JANET L	3743 JOHNSON RD HERMANTOWN MN 55811
395-0010-07596	NGUYEN HIEN	\$9,750.00	NGUYEN HIEN	3719 JOHNSON ROAD HERMANTOWN MN 55811
395-0010-07595	SEAFOLK FAMILY TRUST	\$9,750.00	SEAFOLK PHYLLIS	3721 JOHNSON RD HERMANTOWN MN 55811
395-0110-00370	HENDRICKSON DEWAYNE B	\$9,750.00	HENDRICKSON DEWAYNE & SANDRA	3704 JOHNSON RD HERMANTOWN MN 55811
395-0110-00500	WALKER DAMON R	\$9,750.00	WALKER DAMON R & ZACHARY J	3742 JOHNSON RD DULUTH MN 55811
395-0110-00530	BEACK NICHOLAS	\$9,750.00	BEACK NICHOLAS & TERESA	9117 GRAND AVENUE PL DULUTH MN 55808
395-0110-00550	HILDEBRAND SHERYL	\$9,750.00	HILDEBRAND SHERYL	3730 JOHNSON RD HERMANTOWN MN 55811
395-0110-00590	PAGANO ROBERT G	\$9,750.00	PAGANO ROBERT G & PAMELA K	3718 JOHNSON RD HERMANTOWN MN 55811
395-0110-00560	FERGUSON MARGARET MARY	\$9,750.00	FERGUSON MARGARET MARY	3726 JOHNSON RD DULUTH MN 55811
395-0110-00570	ELLIS JAMES M	\$9,750.00	ELLIS JAMES	3722 JOHNSON RD HERMANTOWN MN 55811
395-0110-00600	PAGANO ROBERT G	\$9,750.00	PAGANO ROBERT G & PAMELA K	3718 JOHNSON RD HERMANTOWN MN 55811
395-0195-00020	KOLQUIST REED L ETAL	\$9,750.00	KOLQUIST REED L	3755 JOHNSON RD DULUTH MN 55811
395-0195-00050	COX JOHN M	\$9,750.00	COX JOHN M	3767 JOHNSON RD DULUTH MN 55811
395-0195-00080	PERRY JAKE E	\$9,750.00	PERRY JAKE & KELLY	3779 JOHNSON RD HERMANTOWN MN 55811
395-0195-00100	SAMBERG JAMES R	\$9,750.00	SAMBERG JAMES R	3789 JOHNSON RD HERMANTOWN MN 55811
395-0195-00060	MALMSTROM JASON E	\$9,750.00	MALMSTROM JASON E & HEATHER M	3771 JOHNSON RD HERMANTOWN MN 55811
395-0195-00120	CITY OF HERMANTOWN	\$9,750.00	CITY OF HERMANTOWN NANCY SIROIS CLERK	5255 MAPLE GROVE RD HERMANTOWN MN 55811
395-0220-00560	MAVEC DAVID A ETAL	\$9,750.00	MAVEC DAVID A	3770 JOHNSON RD HERMANTOWN MN 55811
395-0220-00610	BJORLIN DEAN D	\$9,750.00	BJORLIN DEAN & MARIJO	737 MAIN ST BRECKENRIDGE MN 565620-3017
395-0195-00010	PILON CRAIG R	\$9,750.00	PILON CRAIG R & JENNIFER R	3749 JOHNSON RD HERMANTOWN MN 55811
395-0195-00030	SMITH BART D	\$9,750.00	SMITH BART D	3761 JOHNSON RD DULUTH MN 55811
395-0195-00090	HOPPS JOEL G	\$9,750.00	HOPPS JOEL & BETTENDORF-HOPPS NICOL	3785 JOHNSON ROAD HERMANTOWN MN 55811
395-0220-00580	ANDERSON TIMOTHY R & CHRISTINE	\$9,750.00	ANDERSON TIMOTHY R & CHRISTINE	3762 JOHNSON RD HERMANTOWN MN 55811
395-0195-00070	KUBERRA THOMAS R & GEORGIANN	\$9,750.00	KUBERRA THOMAS R & GEORGIANN	3775 JOHNSON RD HERMANTOWN MN 55811
395-0195-00110	SAMBERG JAMES	\$9,750.00	SAMBERG JAMES & SUSAN	3789 JOHNSON RD DULUTH MN 55811
395-0220-00510	DEE PENNY A	\$9,750.00	DEE PENNY A	3782 JOHNSON RD HERMANTOWN MN 55811
395-0220-00545	DUPREY DEBORAH J	\$9,750.00	DUPREY DEBORAH J	3772 JOHNSON ROAD HERMANTOWN MN 55811

395-0220-00595	ANDERSON TIMOTHY R & CHRISTINE	\$9,750.00	ANDERSON TIMOTHY R & CHRISTINE	3762 JOHNSON RD HERMANTOWN MN 55811
395-0220-00530	ROSS STEVEN D	\$9,750.00	ROSS STEVEN D	PO BOX 15241 DULUTH MN 55811
395-0220-00540	LATTNER KATHLEEN J	\$9,750.00	ROSS STEVEN D	PO BOX 15241 DULUTH MN 55811
395-0220-00590	MARINO ANTHONY	\$9,750.00	MARINO ANTHONY & PEGGY	3760 JOHNSON RD DULUTH MN 55811
395-0110-00200	926 NORTH 8TH INC	\$9,750.00	926 NORTH 8TH AVE E INC	114 S 20TH AVE W SUITE DULUTH, MN 55806
395-0110-00180	HOLM JULIE K	\$9,750.00	HOLM JULIE K	4708 CARLSON RD HERMANTOWN MN 55811
395-0110-00181	GLOCKLE NATHAN K	\$9,750.00	GLOCKLE NATHAN K & HEATHER M	4702 CARLSON RD HERMANTOWN MN 55811
395-0220-00010	LANTHIER TAMMIE M	\$9,750.00	LANTHIER TAMMIE M	5276 LINDHOLM ROAD CROMWELL MN 55726
395-0220-00320	TARNOWSKI LYNN M	\$9,750.00	TARNOWSKI LYNN M, NOOYEN THOMAS K & LESLIE A	4721 CARLSON RD HERMANTOWN MN 55811
395-0110-00250	MART BRIAN J	\$9,750.00	MART JAMES & MARY	3730 ALEXANDER RD DULUTH MN 55811
395-0110-00440	HICKS JEANINE M	\$9,750.00	HICKS JEANINE M	3729 ALEXANDER RD HERMANTOWN MN 55811
395-0110-00205	WOOD CHAD W	\$9,750.00	WOOD CHAD W & AMANDA R	3748 ALEXANDER RD HERMANTOWN MN 55811
395-0110-00240	ROYER DOUGLAS M & TERESA	\$9,750.00	ROYER DOUGLAS M & TERESA	3734 ALEXANDER RD HERMANTOWN MN 55811
395-0110-00420	LARSON LORI A	\$9,750.00	LARSON PATRICIA A	3725 ALEXANDER RD HERMANTOWN MN 55811
395-0110-00460	SANDSTROM KATIE A	\$9,750.00	SANDSTROM KATIE A	3737 ALEXANDER RD HERMANTOWN MN 55811
395-0110-00470	OSTLUND DONALD L & SHIRLEY A	\$9,750.00	OSTLUND DONALD L & SHIRLEY A	3743 ALEXANDER RD HERMANTOWN MN 55811
395-0110-00220	GRAVES KEVIN	\$9,750.00	GRAVES KEVIN	3740 ALEXANDER RD DULUTH MN 55811
395-0110-00260	OLSON RICHARD S ETAL	\$9,750.00	OLSON RICHARD S ETAL	3726 ALEXANDER RD DULUTH MN 55811
395-0110-00275	PETERSON DOUGLAS R ETUX	\$9,750.00	PETERSON DOUGLAS	3720 ALEXANDER RD DULUTH MN 55811
395-0110-00070	KYLLONEN RAYMOND M ETAL	\$9,750.00	KYLLONEN RAYMOND M	4719 MORRIS THOMAS RD DULUTH MN 55811
395-0110-00290	FINN MICHAEL J	\$9,750.00	FINN MICHAEL J	3714 ALEXANDER RD DULUTH MN 55811
395-0110-00310	AHO RICHARD T & NANCY	\$9,750.00	AHO RICHARD T & NANCY	3711 ALEXANDER RD HERMANTOWN MN 55811
395-0110-00400	MARECK NICOLE E	\$9,750.00	MARECK NICOLE E & HASENSTAB IAN J M	3715 ALEXANDER RD HERMANTOWN MN 55811
395-0110-00410	LORD JAMES W	\$9,750.00	LORD JAMES W & KELLY	3721 ALEXANDER RD DULUTH MN 55811
395-0110-00450	LUOMA LEONARD H & CLEONE R	\$9,750.00	LUOMA LEONARD H & CLEONE R	3733 ALEXANDER RD HERMANTOWN MN 55811
395-0220-00190	NEPHEW SARA	\$9,750.00	NEPHEW SARA	3792 ALEXANDER RD HERMANTOWN MN 55811
395-0220-00380	ROY GUY D	\$9,750.00	ROY GUY D	3769 ALEXANDER RD DULUTH MN 55811
395-0220-00400	WILLIAMS LYNNE M	\$9,750.00	WILLIAMS LYNNE M & RYAN M	3777 ALEXANDER RD HERMANTOWN MN 55811
395-0220-00220	PAULSON MARK R	\$9,750.00	PAULSON MARK R	4431 DECKER RD DULUTH MN 55811
395-0220-00230	KILGORE THOMAS W	\$9,750.00	KILGORE THOMAS W	3776 ALEXANDER RD DULUTH MN 55811
395-0220-00240	KILGORE THOMAS W	\$9,750.00	KILGORE THOMAS W	3776 ALEXANDER RD DULUTH MN 55811
395-0220-00280	ANDERSON DEREK S	\$9,750.00	ANDERSON DEREK S	3766 ALEXANDER RD HERMANTOWN MN 55811

395-0220-00360	ZYLKA THERESA M	\$9,750.00	ZYLKA THERESA M	3765 ALEXANDER RD HERMANTOWN MN 55811
395-0220-00200	D & J PERRAULT PROPERTIES LLC	\$9,750.00	D & J PERRAULT PROPERTIES LLC	PO BOX 116 CARLTON MN 55718-0116
395-0220-00210	VARTMANN WILLIAM W	\$9,750.00	VARTMANN WILLIAM W	3788 ALEXANDER RD HERMANTOWN MN 55811
395-0220-00250	LESSARD DARRIN S & ANGELA	\$9,750.00	LESSARD DARRIN S & ANGELA	3770 ALEXANDER RD HERMANTOWN MN 55811
395-0220-00270	THORESON DONALD ETUX	\$9,750.00	THORESON DONALD E	3768 ALEXANDER RD DULUTH MN 55811
395-0220-00290	CHRISTOFF JASON M	\$9,750.00	CHRISTOFF JASON M & REBECCA J	3760 ALEXANDER RD HERMANTOWN MN 55811
395-0220-00310	REYNOLDS ROGER B	\$9,750.00	REYNOLDS ROGER B/REYNOLDS SHIRLEY/REYNOLDS NANC	3754 ALEXANDER ROAD HERMANTOWN MN 55811
395-0220-00350	DECHMEROWSKI SARA	\$9,750.00	OBRIEN KEVIN M & SANDRA J	3759 ALEXANDER RD DULUTH MN 55811
395-0220-00410	WILLIAMS LYNNE M	\$9,750.00	WILLIAMS LYNNE M & RYAN M	3777 ALEXANDER RD HERMANTOWN MN 55811
395-0220-00430	COOKE KELLY S ETUX	\$9,750.00	COOKE KELLY S & CINDY L	3785 ALEXANDER RD HERMANTOWN MN 55811
395-0220-00180	RILEA RONDA L	\$9,750.00	RILEA RONDA L	3794 ALEXANDER RD DULUTH MN 55811
395-0220-00330	ROBILLARD THOMAS	\$9,750.00	ROBILLARD THOMAS	3753 ALEXANDER RD DULUTH MN 55811
395-0220-00420	PETERSON JOSEPH	\$9,750.00	PETERSON JOSEPH	4240 WASHINGTON DR HERMANTOWN MN 55811
395-0220-00440	FREEMAN DONALD ETUX	\$9,750.00	FREEMAN DONALD L & BETTY	3789 ALEXANDER RD DULUTH MN 55811
395-0220-00465	DANIELSON KENNETH ETUX	\$9,750.00	DANIELSON KENNETH S	3799 ALEXANDER RD DULUTH MN 55811
395-0110-00325	SHOWEN BRYAN & SHEINA	\$9,750.00	SHOWEN BRYAN & SHEINA	4727 MORRIS THOMAS RD HERMANTOWN MN 55811

395-0010-07306	ELLIOTT STEVEN	\$9,750.00	ELLIOTT STEVEN & MARILYN	4881 HERMANTOWN RD DULUTH MN 55811
395-0010-07350	VANREESE GARY G	\$9,750.00	VANREESE GARY G & TERRI	4878 HERMANTOWN RD DULUTH MN 55811
395-0010-07356	ELLISON DIANE E	\$9,750.00	ELLISON DIANE E C/O ERIKSON CLYDE & BERNICE	4894 HERMANTOWN RD HERMANTOWN MN 55811
395-0010-07370	WOJTYSIAK SCOTT	\$9,750.00	WOJTYSIAK SCOTT & MICKI	4866 HERMANTOWN RD HERMANTOWN MN 55811
395-0010-07400	DISCH MICHELE	\$9,750.00	DISCH MICHELE	4845 HERMANTOWN RD HERMANTOWN MN 55811
395-0010-07410	CLOVER NICOLE	\$9,750.00	CLOVER NICOLE	4839 HERMANTOWN RD HERMANTOWN MN 55811
395-0010-07420	LARSON CHAD D	\$9,750.00	LARSON CHAD D	4831 HERMANTOWN RD DULUTH MN 55811
395-0010-07302	KROLL JOHN A	\$9,750.00	KROLL NANCY M	4859 HERMANTOWN ROAD HERMANTOWN MN 55811
395-0010-07308	BRISTOL DAVID C	\$9,750.00	BRISTOL DAVID	4149 MIDWAY RD DULUTH MN 55811
395-0010-07460	DUNCAN PATRICIA J	\$9,750.00	DUNCAN PATRICIA J	4844 HERMANTOWN RD HERMANTOWN MN 55811
395-0010-07490	MACMILLAN CHARLENE A	\$9,750.00	MACMILLAN CHARLENE A	4820 HERMANTOWN RD HERMANTOWN MN 55811
395-0010-07305	BRISTOL DAVID C	\$9,750.00	BRISTOL DAVID	4149 MIDWAY RD DULUTH MN 55811
395-0010-07371	ORVILLE DIANE M	\$9,750.00	ORVILLE DIANE M	4870 HERMANTOWN RD HERMANTOWN MN 55811
395-0010-07382	HEIKKINEN JOHN H	\$9,750.00	HEIKKINEN JOHN H	4850 HERMANTOWN RD HERMANTOWN MN 55811
395-0010-07440	BREITKREUTZ MARINDA M	\$9,750.00	BREITKREUTZ MARINDA M & AARON P	4815 HERMANTOWN ROAD HERMANTOWN MN 55811
395-0010-07500	HANSON PATRICK G ETUX	\$9,750.00	HANSON PATRICK G	4816 HERMANTOWN RD DULUTH MN 55811
395-0010-07510	BORCHARDT LUKE ALAN	\$9,750.00	BORCHARDT LUKE ALAN & HANNAH SUE	4802 HERMANTOWN RD HERMANTOWN MN 55811
395-0010-07380	BEIER GORDON R & TAMMI D	\$9,750.00	BEIER GORDON R AND TAMMI D	4899 MILLER TRUNK HWY DULUTH MN 55811
395-0010-07430	HAMMERSTROM JEFFREY M	\$9,750.00	HAMMERSTROM JEFFREY M & CAROLE A	4819 HERMANTOWN RD DULUTH MN 55811

395-0010-07470	WHITE THERESA	\$9,750.00	WHITE THERESA J	4834 HERMANTOWN RD HERMANTOWN MN 55811
395-0010-07220	LAPOINTE DAWN MARIE	\$9,750.00	LAPOINTE DAWN MARIE & FIEDLER GARY LEE	4731 PORTLAND RD HERMANTOWN MN 55811
395-0010-07180	LEPPALA STEVEN J	\$9,750.00	LEPPALA STEVEN J	4749 PORTLAND RD HERMANTOWN MN 55811
395-0010-07230	MURRAY JAMES A	\$9,750.00	MURRAY JAMES A	4729 PORTLAND RD HERMANTOWN MN 55811
395-0010-07190	VOKOVAN FRED D	\$9,750.00	VOKOVAN FRED D	4741 PORTLAND RD HERMANTOWN MN 55811
395-0010-07210	EIKAM MICHELLE N	\$9,750.00	EIKAM MICHELLE N	4735 PORTLAND ROAD HERMANTOWN MN 55811
395-0082-00060	JOHNSON DONALD P REVOCABLE TRUST	\$9,750.00	JOHNSON DONALD P	4721 PORTLAND ROAD HERMANTOWN MN 55811
395-0082-00070	JOHNSON DONALD P REVOCABLE TRUST	\$9,750.00	JOHNSON DONALD P C/O NORTH SHORE INVESTMENTS &	PO BOX 16450 DULUTH MN 55811
395-0082-00030	PEDERSON STEVEN	\$9,750.00	PEDERSON STEVEN	4701 PORTLAND RD HERMANTOWN MN 55811
395-0082-00040	LESAR JAMES A	\$9,750.00	LESAR JAMES A	4705 PORTLAND RD DULUTH MN 55811
395-0082-00050	POWERS KYLE	\$9,750.00	POWERS KYLE	4715 PORTLAND RD HERMANTOWN MN 55811
395-0220-00170	CAMPBELL KENNETH C ETAL	\$9,750.00	WALLACE JAMES S	4718 PORTLAND RD DULUTH MN 55811
395-0220-00460	STOFFEL AUGUST M	\$9,750.00	STOFFEL AUGUST M	281 RATIKA RD ESKO MN 55733
395-0220-00470	STOFFEL AUGUST M	\$9,750.00	STOFFEL AUGUST M	281 RATIKA RD ESKO MN 55733
395-0220-00480	AUBLE FAMILY TRUST	\$9,750.00	AUBLE ALLEN & SHIRLEY	4744 PORTLAND RD DULUTH MN 55811
395-0220-00485	STOFFEL AUGUST M	\$9,750.00	STOFFEL AUGUST M	281 RATIKA RD ESKO MN 55733
395-0220-00160	POSTAL JAKE & ALISSA	\$9,750.00	POSTAL JAKE & ALISSA	4605 W 6TH ST DULUTH MN 55807

116 \$1,131,000.00

**Resolution No. 2020-126**

**RESOLUTION APPROVING PAY REQUEST NO. 2 FOR OKERSTROM ROAD CULVERTS IMPROVEMENT PROJECT NO. 533 TO DIRT INC. IN THE AMOUNT OF \$105,185.42**

WHEREAS, the City of Hermantown has contracted with Dirt Inc. for construction of Okerstrom Road Culverts Improvement Project No. 533 (“Project:”); and

WHEREAS, Dirt Inc. has performed a portion of the agreed upon work in said Project; and

WHEREAS, Dirt Inc. has submitted Pay Request No. 2 in the amount of \$105,185.42; and

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

WHEREAS, Dirt Inc. has recommended such Pay Request No. 2, and

WHEREAS, Northland Consulting Engineers LLP has approved such Pay Request No. 2 provided that \$7,182.40 accumulate as retainage of 5% and be withheld pending final acceptance of the Project by the City of Hermantown.

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

1. Pay Request No. 2 is hereby approved.
2. The City is hereby authorized and directed to pay to Dirt Inc. the sum of \$105,185.42 charged to 603-441100.

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 September 8, 2020.

September 1, 2020

John Mulder  
City Administrator  
City of Hermantown  
5105 Maple Grove Road  
Hermantown MN 55811

Re: Okerstrom Road Culvert Replacements

Dear John:

Attached is Pay Application #2 for the work associated with the Okerstrom Road Culvert Replacements from Pay Application #1 through August 31<sup>st</sup>, 2020. NCE and Dirt Inc. have reviewed the project progress thus far and agreed upon quantities of work completed. The amount of Pay Application #2 is **\$105,185.42**. The City will hold a 5% retainage of the completed construction through the duration of the project. This retainage amount stands at **\$7,182.40** to date.

NCE has reviewed the quantities through construction inspection and discussions with Dirt Inc. representatives. I recommend payment in the amount of **\$105,185.42** be authorized at the September 8, 2020 City Council Meeting.

Please contact me with any questions you may have.

Thank you,



David Bolf, P.E. – City Engineer  
Northland Consulting Engineers  
218-727-5995  
[david@nce-duluth.com](mailto:david@nce-duluth.com)

CC: Bonnie Engseth  
Tom DesMarais, P.E.  
Rob Irving




**Contractor's Application for Payment No. 2**

Application Period: 4/26/2020 to 9/1/2020		Application Date: 9/1/2020
To (Owner): City of Hermantown	From (Contractor): Dirt Inc.	Via (Engineer): Northland Consulting Engineer, LLP
Project: Okerstrom Road Culvert Replacements	Contract: Okerstrom Road Culvert Replacements	
Owner's Contract No.:	Contractor's Project No.:	Engineer's Project No.: 18-8003

1. ORIGINAL CONTRACT PRICE.....	\$	<u>\$98,882.00</u>
2. Net change by Change Orders.....	\$	<u>\$57,560.00</u>
3. Current Contract Price (Line 1 ± 2).....	\$	<u>\$156,442.00</u>
4. TOTAL COMPLETED AND STORED TO DATE (Column F total on Progress Estimates).....	\$	<u>\$143,648.00</u>
5. RETAINAGE:		
a. 5%       X                   \$143,648.00 Work Completed....	\$	<u>\$7,182.40</u>
b. 0%       X                   \$0.00 Stored Material.....	\$	<u>\$0.00</u>
c. Total Retainage (Line 5.a + Line 5.b).....	\$	<u>\$7,182.40</u>
6. AMOUNT ELIGIBLE TO DATE (Line 4 - Line 5.c).....	\$	<u>\$136,465.60</u>
7. LESS PREVIOUS PAYMENTS .....	\$	<u>\$31,280.18</u>
8. AMOUNT DUE THIS APPLICATION.....	\$	<u>\$105,185.42</u>
9. BALANCE TO FINISH, PLUS RETAINAGE (Line 3 - 4 + Line 5.c above).....	\$	<u>\$19,976.40</u>

Payment of: \$ \$105,185.42  
(Line 8 or other - attach explanation of the other amount)

is recommended by:  9/1/2020  
David Bolf, P.E. - City Engineer (Date)

**Application For Payment  
Change Order Summary**

Approved Change Orders		
Number	Additions	Deductions
1	-	-
2	\$57,560.00	
TOTALS	\$57,560.00	\$0.00
NET CHANGE BY CHANGE ORDERS	<b>\$57,560.00</b>	

**Application For Payment  
Previous Pay Application Summary**

Approved Pay Applications		
Number	Date	Amount
1	11/4/2019	\$31,280.18
TOTALS		<b>\$31,280.18</b>

**Contractor's Certification**

The undersigned Contractor certifies, to the best of its knowledge, the following:  
 (1) All previous progress payments received from Owner on account of Work done under the Contract have been applied on account to discharge Contractor's legitimate obligations incurred in connection with the Work covered by prior Applications for Payment;  
 (2) Title to all Work, materials and equipment incorporated in said Work, or otherwise listed in or covered by this Application for Payment, will pass to Owner at time of payment free and clear of all Liens, security interests, and encumbrances (except such as are covered by a bond acceptable to Owner indemnifying Owner against any such Liens, security interest, or encumbrances); and  
 (3) All the Work covered by this Application for Payment is in accordance with the Contract Documents and is not defective.

**Contractor Signature**

By:  Date: 8/31/20



**Pay Estimate #2 - 9/1/2020**  
**Okerstrom Road Culvert Replacements**

Item # No.	Spec. No.	Item Description	Unit of Measure	Unit Price	Contract Total Quantities	Pay Estimate #1		% Complete
						Total Quantities	Total Cost	
1	2021.501	MOBILIZATION	LS	\$5,200.00	1	1	\$ 5,200.00	100%
2	2104.503	REMOVE METAL CULVERT	L F	\$10.00	103	71	\$ 710.00	69%
3	2104.503	SALVAGE METAL CULVERT	L F	\$10.00	40	40	\$ 400.00	100%
4	2105.504	GEOTEXTILE FABRIC TYPE 5	S Y	\$4.00	340	272	\$ 1,088.00	80%
5	2105.507	COMMON EXCAVATION	C Y	\$20.00	268	215	\$ 4,300.00	80%
6	2105.507	SELECT GRANULAR BORROW MOD 7% (CV)	C Y	\$28.00	145	116	\$ 3,248.00	80%
7	2105.601	DEWATERING	LS	\$3,000.00	1	0.9	\$ 2,700.00	90%
8	2105.601	TEMPORARY STREAM DIVERSION SYSTEM	LS	\$3,000.00	1	1	\$ 3,000.00	100%
9	2211.507	AGGREGATE BASE (CV) CLASS 5	C Y	\$30.00	123	99	\$ 2,970.00	80%
10	2412.502	3X4 PRECAST CONCRETE BOX CULVERT END SECTION	EACH	\$3,000.00	2	2	\$ 6,000.00	100%
11	2412.502	4X5 PRECAST CONCRETE BOX CULVERT END SECTION	EACH	\$4,000.00	2	2	\$ 8,000.00	100%
12	2412.503	3X4 PRECAST CONCRETE BOX CULVERT	L F	\$390.00	32	32	\$ 12,480.00	100%
13	2412.503	4X5 PRECAST CONCRETE BOX CULVERT	L F	\$490.00	32	32	\$ 15,680.00	100%
14	2501.502	24" RC PIPE APRON	EACH	\$1,000.00	0	0	\$ -	-
15	2501.502	36" RC PIPE APRON	EACH	\$1,400.00	2	2	\$ 2,800.00	100%
16	2501.503	24" RC PIPE CULVERT	L F	\$90.00	0	0	\$ -	-
17	2501.503	36" RC PIPE CULVERT	L F	\$180.00	28	28	\$ 5,040.00	100%
18	2511.507	RANDOM RIPRAP CLASS II	C Y	\$70.00	47	24	\$ 1,680.00	51%
19	2563.601	TRAFFIC CONTROL	LS	\$2,000.00	1	0.8	\$ 1,600.00	80%
20	2573.503	SILT FENCE; TYPE HI	L F	\$4.00	388	388	\$ 1,552.00	100%
21	2575.501	TURF ESTABLISHMENT	LS	\$1,000.00	1	0.8	\$ 800.00	80%
22	2575.523	RAPID STABILIZATION METHOD 3	MGAL	\$2,500.00	0.2	0.2	\$ 500.00	100%
23	CO #2	9X5 PRECAST CONCRETE BOX CULVERT (INCLUSIVE)	LS	\$71,000.00	1	0.9	\$ 63,900.00	90%

AMOUNT EARNED	\$ 143,648.00
LESS PAYMENT #1	\$ 31,280.18
5% RETAINAGE	\$ 7,182.40
<b>PAYMENT #2</b>	<b>\$ 105,185.42</b>

ORIGINAL CONTRACT AMOUNT \$ 98,882.00  
CHANGE ORDER #1 AMOUNT \$ -  
CHANGE ORDER #2 AMOUNT \$ 57,560.00  
CURRENT CONTRACT AMOUNT \$ 156,442.00

**Resolution No. 2020-127**

**RESOLUTION APPROVING PAY REQUEST NUMBER 4 FOR 2020 ROAD IMPROVEMENT DISTRICT NO. 531 & NO. 532 TO ULLAND BROTHERS, INC. IN THE AMOUNT OF \$456,777.67**

WHEREAS, the City of Hermantown has contracted with Ulland Brothers, Inc. for construction of 2020 Road Improvement District No. 531 & No. 532 (“Project”); and

WHEREAS, Ulland Brothers, Inc. has performed a portion of the agreed upon work in said Project; and

WHEREAS, Ulland Brothers, Inc. has submitted Pay Request No. 4 in the amount of \$456,777.67; and

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

WHEREAS, Northland Consulting Engineers LLP has approved such Pay Request No. 4 provided that \$82,076.17 accumulated as retainage of 5% be withheld pending final acceptance of the Project by the City of Hermantown.

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. 4 is hereby approved.
2. The City is hereby authorized and directed to pay to Ulland Brothers, Inc. the sum of \$456,777.67 which is the amount represented on Pay Request No. 4.

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 September 8, 2020.



11 East Superior Street, Suite 420  
Duluth, MN 55802  
218.724.8578  
tkda.com

September 1, 2020

Mr. John Mulder  
Hermantown City Administrator  
5105 Maple Grove Rd  
Hermantown, MN 55811

RE: Hermantown SID #531 & #532  
MSA 202-102-005  
TKDA Project No. 17587.000

Dear Mr. Mulder,

The Contractor for the above-referenced project, Ulland Brothers, Inc. has submitted Pay Application 4 for this project and has requested approval by City Council at its September 8, 2020 meeting.

I recommend that the City approve payment to Ulland Brothers, Inc. in the amount of \$456,777.67 as shown in Pay Application 4. Retainage, in the amount of \$82,076.17 (5%), has been withheld and is reflected in the recommended payment amount.

Please contact me with any questions you may have. Thank you for your attention to this matter.

Sincerely,

A handwritten signature in black ink, appearing to read 'Jeff Goetzman'.

Jeff Goetzman, PE  
Project Manager

cc: David Bolf, City Engineer (NCE)

**Contractor's Application for Payment No.**

4

Application Period: July 26, 2020-August 29, 2020		Application Date: 9/1/2020
To (Owner): City of Hermantown	From (Contractor): Ulland Brothers, Inc	Via (Engineer): TKDA
Project: Street Improvement Districts 531 & 532, MSA 202-102-005	Contract:	
Owner's Contract No.:	Contractor's Project No.:	Engineer's Project No.: 17587.000

**Application For Payment  
Change Order Summary**

Approved Change Orders				
Number	Additions	Deductions		
1	\$23,677.62		1. ORIGINAL CONTRACT PRICE.....	\$ \$2,235,779.50
			2. Net change by Change Orders.....	\$ \$23,677.62
			3. Current Contract Price (Line 1 ± 2).....	\$ \$2,259,457.12
			4. TOTAL COMPLETED AND STORED TO DATE	
			See attached Pay Application Summary.....	\$ \$1,641,523.33
			5. RETAINAGE:	
			a. 5% X \$1,641,523.33 Work Completed.....	\$ \$82,076.17
			b. 5% X _____ Stored Material.....	\$ _____
			c. Total Retainage (Line 5.a + Line 5.b).....	\$ \$82,076.17
			6. AMOUNT ELIGIBLE TO DATE (Line 4 - Line 5.c).....	\$ \$1,559,447.16
			7. LESS PREVIOUS PAYMENTS (Line 6 from prior Application).....	\$ \$1,102,669.49
			8. AMOUNT DUE THIS APPLICATION.....	\$ \$456,777.67
			9. BALANCE TO FINISH, PLUS RETAINAGE	
			(Line 3 - 4 + Line 5.c above).....	\$ \$700,009.96
TOTALS	\$23,677.62			
NET CHANGE BY CHANGE ORDERS	\$23,677.62			


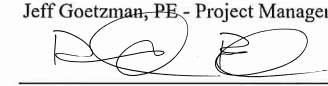
**Contractor's Certification**

The undersigned Contractor certifies, to the best of its knowledge, the following:  
 (1) All previous progress payments received from Owner on account of Work done under the Contract have been applied on account to discharge Contractor's legitimate obligations incurred in connection with the Work covered by prior Applications for Payment;  
 (2) Title to all Work, materials and equipment incorporated in said Work, or otherwise listed in or covered by this Application for Payment, will pass to Owner at time of payment free and clear of all Liens, security interests, and encumbrances (except such as are covered by a bond acceptable to Owner indemnifying Owner against any such Liens, security interest, or encumbrances); and  
 (3) All the Work covered by this Application for Payment is in accordance with the Contract Documents and is not defective.

Contractor Signature - Ulland Brothers, Inc

By:  Date: 9-1-20

Payment of: \$ 456,777.67  
 (Line 8 or other - attach explanation of the other amount)

is recommended by:  9/1/2020  
 Jeff Goetzman, PE - Project Manager (Date)  
 9/1/20  
 David Bolf, P.E. - City Engineer Date

ITEM NO.	SPEC. NO.	ITEM DESCRIPTION	UNIT OF MEASURE	TOTAL QUANTITIES	ULLAND UNIT COST	TOTAL COST	QUANTITIES THROUGH PAY APP #4							
							S.A.P. 202-102-005 PARTICIPATING QUANTITIES	S.A.P. 202-102-005 NON-PARTICIPATING QUANTITIES	LOCAL ROADS NON-PARTICIPATING QUANTITIES	TOTAL QUANTITIES THRU PAY APP 4	SAP 202-102-005 PARTICIPATING COST	SAP 202-102-005 NON-PARTICIPATING COST	LOCAL ROADS NON PARTICIPATING COST	TOTAL COST THRU PAY APP 4 (excluding change orders)
1	2021.501	MOBILIZATION	LUMP SUM	1	\$ 16,210.21	\$ 16,210.21	0.16	0.04	0.8	1	\$ 2,593.63	\$ 648.41	\$ 12,968.17	\$ 16,210.21
2	2101.501	CLEARING & GRUBBING	LUMP SUM	1	\$ 30,000.00	\$ 30,000.00			0.84	0.84			\$ 25,200.00	\$ 25,200.00
3	2101.524	CLEARING	TREE	80	\$ 250.00	\$ 20,000.00	64		106	170			\$ 26,500.00	\$ 42,500.00
4	2101.524	GRUBBING	TREE	80	\$ 200.00	\$ 16,000.00	64		92	156			\$ 18,400.00	\$ 31,200.00
5	2104.502	REMOVE SIGN TYPE SPECIAL	EACH	100	\$ 28.20	\$ 2,820.00			1	1			\$ 28.20	\$ 28.20
6	2104.502	SALVAGE SIGN TYPE SPECIAL	EACH	2	\$ 56.40	\$ 112.80							\$ -	\$ -
7	2104.502	SALVAGE SIGN TYPE C	EACH	2	\$ 56.40	\$ 112.80							\$ -	\$ -
8	2104.502	REMOVE SIGN TYPE C	EACH	24	\$ 56.40	\$ 1,353.60							\$ -	\$ -
9	2104.502	REMOVE MAIL BOX SUPPORT	EACH	100	\$ 50.50	\$ 5,050.00							\$ -	\$ -
10	2104.502	REMOVE HYDRANT	EACH	3	\$ 600.00	\$ 1,800.00			4	4			\$ 2,400.00	\$ 2,400.00
11	2104.502	REMOVE GATE VALVE AND BOX	EACH	14	\$ 300.00	\$ 4,200.00		2		2			\$ -	\$ 600.00
12	2104.502	REMOVE CURB STOP AND BOX	EACH	9	\$ 425.00	\$ 3,825.00			8	8			\$ 3,400.00	\$ 3,400.00
13	2104.503	REMOVE PIPE CULVERTS	LIN FT	3004	\$ 17.00	\$ 51,068.00	354		2259	2613			\$ 38,403.00	\$ 44,421.00
14	2104.503	REMOVE WATER MAIN	LIN FT	668	\$ 14.00	\$ 9,352.00			610	610			\$ 8,540.00	\$ 8,540.00
15	2104.503	REMOVE WATER SERVICE	LIN FT	239	\$ 17.00	\$ 4,063.00			215	215			\$ 3,655.00	\$ 3,655.00
16	2104.503	SAWING CONCRETE PAVEMENT (FULL DEPTH)	LIN FT	34	\$ 4.00	\$ 136.00			11	11			\$ 44.00	\$ 44.00
17	2104.503	SAWING BITUMINOUS PAVEMENT (FULL DEPTH)	LIN FT	1245	\$ 1.60	\$ 1,992.00	265		913	1178			\$ 1,460.80	\$ 1,884.80
18	2104.504	REMOVE BITUMINOUS DRIVEWAY PAVEMENT	SQ YD	2741	\$ 5.00	\$ 13,705.00			2164	2164			\$ 10,820.00	\$ 10,820.00
19	2104.504	REMOVE BITUMINOUS PAVEMENT	SQ YD	8568	\$ 4.00	\$ 34,272.00			8489	8489			\$ 33,956.00	\$ 33,956.00
20	2104.504	REMOVE CONCRETE DRIVEWAY PAVEMENT	SQ YD	132	\$ 8.00	\$ 1,056.00			17	17			\$ 136.00	\$ 136.00
21	2105.504	GEOTEXTILE FABRIC TYPE 5	SQ YD	22994	\$ 2.30	\$ 52,886.20		3266	19286	22552			\$ 44,357.80	\$ 51,869.60
22	2105.507	COMMON EXCAVATION (P)	CU YD	14708	\$ 24.00	\$ 352,992.00	573	1966	12423	14962			\$ 298,152.00	\$ 359,088.00
23	2105.507	SELECT GRANULAR BORROW MOD 7% (CV)	CU YD	7188	\$ 27.00	\$ 194,076.00		1564	5964.3	7528.3			\$ 161,036.10	\$ 203,264.10
24	2105.507	ROCK EXCAVATION	CU YD	50	\$ 280.00	\$ 14,000.00			77	77			\$ 21,560.00	\$ 21,560.00
25	2118.507	AGGREGATE SURFACING (CV) CLASS 5	CU YD	934	\$ 51.00	\$ 47,634.00			48.3	48.3			\$ 2,463.30	\$ 2,463.30
26	2211.507	AGGREGATE BASE (CV) CLASS 5	CU YD	2583	\$ 43.00	\$ 111,069.00	165		2101	2266			\$ 90,343.00	\$ 97,438.00
27	2215.504	FULL DEPTH RECLAMATION	SQ YD	14129	\$ 1.50	\$ 21,193.50	6789		7340	14129			\$ 11,010.00	\$ 21,193.50
28	2357.606	BITUMINOUS MATERIAL FOR SHOULDER TACK	GAL	1072	\$ 3.00	\$ 3,216.00							\$ -	\$ -
29	2360.509	TYPE SP 9.5 WEARING COURSE MIXTURE (3:C)	TON	3220	\$ 77.00	\$ 247,940.00			447	447			\$ 34,419.00	\$ 34,419.00
30	2360.509	TYPE SP 12.5 NON-WEARING COURSE MIXTURE (3:C)	TON	3602	\$ 65.00	\$ 234,130.00			2127	2127			\$ 138,255.00	\$ 138,255.00
31	2501.502	15" RC PIPE APRON	EACH	16	\$ 960.00	\$ 15,360.00			20	20			\$ 19,200.00	\$ 19,200.00
32	2501.502	24" RC PIPE APRON	EACH	4	\$ 1,100.00	\$ 4,400.00			4	4			\$ 4,400.00	\$ 4,400.00
33	2501.502	30" RC PIPE APRON	EACH	2	\$ 1,300.00	\$ 2,600.00	2			2			\$ -	\$ 2,600.00
34	2501.502	36" RC PIPE APRON	EACH	2	\$ 1,700.00	\$ 3,400.00	2			2			\$ -	\$ 3,400.00
35	2501.502	44" SPAN RC PIPE APRON	EACH	2	\$ 2,100.00	\$ 4,200.00			2	2			\$ 4,200.00	\$ 4,200.00
36	2501.503	15" RC PIPE CULVERT	LIN FT	340	\$ 93.00	\$ 31,620.00			320	320			\$ 29,760.00	\$ 29,760.00
37	2501.503	24" RC PIPE CULVERT	LIN FT	97	\$ 110.00	\$ 10,670.00			70	70			\$ 7,700.00	\$ 7,700.00
38	2501.503	30" RC PIPE CULVERT	LIN FT	48	\$ 142.00	\$ 6,816.00	48			48			\$ -	\$ 6,816.00
39	2501.503	36" RC PIPE CULVERT	LIN FT	56	\$ 176.00	\$ 9,856.00	48			48			\$ -	\$ 8,448.00
40	2501.503	44" SPAN RC PIPE CULVERT CL IIA	LIN FT	34	\$ 262.00	\$ 8,908.00			34	34			\$ 8,908.00	\$ 8,908.00
41	2501.503	15" CS PIPE CULVERT	LIN FT	3745	\$ 38.00	\$ 142,310.00	442		2633	3075			\$ 100,054.00	\$ 116,850.00
42	2501.503	18" CS PIPE CULVERT	LIN FT	62	\$ 43.00	\$ 2,666.00							\$ -	\$ -
43	2503.602	SANITARY SEWER SPOT REPAIRS	EACH	1	\$ 7,500.00	\$ 7,500.00							\$ -	\$ -
44	2504.601	TEMPORARY WATER SERVICE	LUMP SUM	1	\$ 40,000.00	\$ 40,000.00			1	1			\$ 40,000.00	\$ 40,000.00
45	2504.602	CONNECT TO EXISTING WATER MAIN	EACH	14	\$ 1,900.00	\$ 26,600.00		3	2	5			\$ 3,800.00	\$ 9,500.00
46	2504.602	RELOCATE HYDRANT & VALVE	EACH	12	\$ 2,900.00	\$ 34,800.00		1		1			\$ -	\$ 2,900.00
47	2504.602	HYDRANT	EACH	3	\$ 5,400.00	\$ 16,200.00		3	1	4			\$ 5,400.00	\$ 21,600.00
48	2504.602	CURB STOP & BOX	EACH	8	\$ 965.00	\$ 7,720.00			8	8			\$ 7,720.00	\$ 7,720.00
49	2504.602	6" GATE VALVE AND BOX	EACH	3	\$ 2,800.00	\$ 8,400.00			1	1			\$ 2,800.00	\$ 2,800.00
50	2504.602	MAGNETIZED TRACER BOX	EACH	22	\$ 340.00	\$ 7,480.00			8	8			\$ 2,720.00	\$ 2,720.00
51	2504.602	WATER SERVICE TAP & HOOKUP	EACH	8	\$ 1,120.00	\$ 8,960.00			8	8			\$ 8,960.00	\$ 8,960.00
52	2504.603	8" HDPE WATER MAIN SDR 11	LIN FT	610	\$ 114.00	\$ 69,540.00			610	610			\$ 69,540.00	\$ 69,540.00
53	2506.502	ADJUST FRAME AND RING CASTING	EACH	24	\$ 1,700.00	\$ 40,800.00			2	2			\$ 3,400.00	\$ 3,400.00
54	2511.507	RANDOM RIPRAP CLASS III	CU YD	187	\$ 98.00	\$ 18,326.00	56		161	217			\$ 15,778.00	\$ 21,266.00
55	2531.504	6" CONCRETE DRIVEWAY PAVEMENT	SQ YD	132	\$ 95.00	\$ 12,540.00							\$ -	\$ -
56	2540.602	MAIL BOX SUPPORT	EACH	102	\$ 106.00	\$ 10,812.00							\$ -	\$ -
57	2563.601	TRAFFIC CONTROL	LUMP SUM	1	\$ 4,000.00	\$ 4,000.00	0.12	0.03	0.6	0.75	\$ 480.00	\$ 120.00	\$ 2,400.00	\$ 3,000.00
58	2564.502	INSTALL SIGN TYPE SPECIAL	EACH	2	\$ 225.00	\$ 450.00							\$ -	\$ -
59	2564.502	SIGN PANELS TYPE SPECIAL	EACH	102	\$ 96.00	\$ 9,792.00							\$ -	\$ -

ITEM NO.	SPEC. NO.	ITEM DESCRIPTION	UNIT OF MEASURE	TOTAL QUANTITIES	ULLAND UNIT COST	TOTAL COST	S.A.P. 202-102-005 PARTICIPATING QUANTITIES	S.A.P. 202-102-005 NON-PARTICIPATING QUANTITIES	LOCAL ROADS NON-PARTICIPATING QUANTITIES	TOTAL QUANTITIES THRU PAY APP 4	SAP 202-102-005 PARTICIPATING COST	SAP 202-102-005 NON-PARTICIPATING COST	LOCAL ROADS NON PARTICIPATING COST	TOTAL COST THRU PAY APP 4 (excluding change orders)
60	2564.518	SIGN PANELS TYPE C	SQ FT	150	\$ 57.00	\$ 8,550.00							\$ -	\$ -
61	2573.501	EROSION CONTROL SUPERVISOR	LUMP SUM	1	\$ 1,500.00	\$ 1,500.00							\$ -	\$ -
62	2573.503	SEDIMENT CONTROL LOG TYPE WOOD FIBER	LIN FT	16311	\$ 3.00	\$ 48,933.00	3289		15915	19204			\$ 47,745.00	\$ 57,612.00
63	2574.507	COMMON TOPSOIL BORROW	CU YD	978	\$ 26.00	\$ 25,428.00							\$ -	\$ -
64	2574.508	FERTILIZER TYPE 1 (20-10-20)	POUND	534	\$ 0.76	\$ 405.84							\$ -	\$ -
65	2575.504	EROSION CONTROL BLANKETS, CATEGORY 3N	SQ YD	7345	\$ 1.70	\$ 12,486.50							\$ -	\$ -
66	2575.504	SODDING TYPE LAWN	SQ YD	10278	\$ 6.00	\$ 61,668.00							\$ -	\$ -
67	2575.505	SEEDING	ACRE	2.0	\$ 455.00	\$ 910.00							\$ -	\$ -
68	2575.508	SEED MIXTURE 25-151	POUND	183	\$ 3.75	\$ 686.25							\$ -	\$ -
69	2580.503	INTERIM PAVEMENT MARKING	LIN FT	7638	\$ 0.40	\$ 3,055.20							\$ -	\$ -
70	2582.503	4" SOLID LINE MULTI-COMPONENT GROUND IN	LIN FT	5092	\$ 0.90	\$ 4,582.80							\$ -	\$ -
71	2582.503	4" DOUBLE SOLID LINE MULTI-COMPONENT GROUND IN	LIN FT	2546	\$ 1.80	\$ 4,582.80							\$ -	\$ -
72	C/O #1	ADDITIONAL SUBCUT ON PORTLAND	LUMP SUM	1	\$ 23,677.62	\$ 23,677.62			1	1			\$ 23,677.62	\$ 23,677.62
						<b>\$ 2,259,457.12</b>	<b>TOTAL THRU PAY APP 4</b>			<b>\$ 3,073.63</b>	<b>\$ 768.41</b>	<b>\$ 1,395,669.99</b>	<b>\$ 1,641,523.33</b>	

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



**DATE:** August 31, 2020                      **Meeting Date:** 9/8/20  
**SUBJECT:** Amendment to Resolution 2017-44 for an increase in grant funds                      **Agenda Item: 12-H**                      **Resolution 2020-128**

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**REQUESTED ACTION**

**Approve an amendment to Resolution 2017-44 to increase the grant from the MNDNR Great Lakes Restoration Initiative from \$30,000 to \$43,461.22 for the purposes of purchasing and planting trees on City owned property**

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**BACKGROUND**

The City received a \$30,000.00 grant from the Minnesota Department of Natural Resources (MNDNR) in 2017 for the purpose of purchasing and planting a minimum of 200 trees on City owned property. The timeline for the grant completion has been extended twice and to date the City, along with volunteers have planted 183 trees and have \$5,873.16 in remaining funds.

MNDNR contacted City staff in early August to offer an additional \$13,461.22 in funds that another tree grant community could not utilize. MNDNR recognizes that it is difficult to get volunteers for these projects and has modified their requirements to allow for the contracting of the planting and watering/care services. This change in the requirements to allow for a contractor to conduct the work provides City staff with the comfort level that this work can be done in the fall of 2020 or spring of 2021. It is anticipated that a minimum of 50 trees will be planted along portions of the Munger Trail Spur. Per the MNDNR, this work needs to be completed by May 30, 2021.

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**SOURCE OF FUNDS (if applicable)**

Funds available through the MNDNR Great Lakes Restoration Initiative

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**ATTACHMENTS**

- Amendment # 3 for Grant Contract # 122801



**Resolution No. 2020-128**

**RESOLUTION AUTHORIZING THE CITY OF HERMANTOWN TO AMEND A GRANT FUNDING APPROVAL ASSOCIATED WITH THE PURCHASE AND PLANTING OF TREES**

WHEREAS, in 2017, the City of Hermantown (“GRANTEE”) submitted a grant application for the purchase and planting a minimum of 200 trees (“PROJECT”); and

WHEREAS, the Minnesota Department of Natural Resources (“STATE ENTITY”) accepted such grant application and submitted a Grant Agreement Predesign or Design Grant for the PROJECT; and

WHEREAS the State awarded \$30,000.00 to the GRANTEE for the purpose of conducting the purchase and planting of a minimum of 200 trees per the Great Lakes Restoration Initiative; and

WHEREAS, the City approved the grant funding through the adoption of Resolution 2017-44; and

WHEREAS, the STATE ENTITY has contacted the City regarding the acceptance of an additional \$13,461.22; and

WHEREAS, the revised award is now \$43,461.22 to the GRANTEE for the purpose of conducting the purchase and planting of a minimum of 250 trees per the Great Lakes Restoration Initiative; and

WHEREAS, the GRANTEE and the STATE ENTITY desire to set forth herein the provisions relating to the granting of such monies and the disbursement thereof to the GRANTEE; and

WHEREAS, the City of Hermantown has the legal authority to accept a grant funding associated with the purchase and planting of the trees; and

WHEREAS, the City is fully aware of the information provided in the funding approval, including any non-state match and any other long-term commitments as defined in the funding request.

NOW, THEREFORE BE IT RESOLVED that the City Administrator is hereby authorized to execute such agreements as are necessary to implement the project on behalf of the City of Hermantown.

Councilor \_\_\_ introduced and moved the foregoing resolution.

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 September 8, 2020.

### Amendment # 3 for Grant Contract # 122801

Contract Start Date:	<u>March 20, 2017</u>	Total Contract Amount:	<u>\$43,561.22</u>
Original Contract Expiration Date:	<u>September 30, 2018</u>	Original Contract:	<u>\$30,000.00</u>
Current Contract Expiration Date:	<u>December 21, 2020</u>	Previous Amendment(s) Total:	<u>\$0.00</u>
Requested Contract Expiration Date:	<u>May 30, 2021</u>	This Amendment:	<u>\$13,561.22</u>

This amendment is by and between the State of Minnesota, through its Commissioner of Natural Resources, Division of Forestry, 500 Lafayette Road, St. Paul, MN 55155 (“State”) and the City of Hermantown, 5105 Maple Grove Road, Hermantown, MN 55811 (“Grantee”).

#### Recitals

1. The State has a grant contract with the Grantee identified as 122801 (“Original Grant Contract”) to provide Urban and Community Forestry services.
2. This grant contract is being amended to add time due to delay caused by COVID-19 and add funding to plant 50 additional trees within the community.
3. The State and the Grantee are willing to amend the Original Grant Contract as stated below.

#### Grant Contract Amendment

**REVISION 1.** Clause 1. “**Term of Grant Contract**” is amended as follows:

- 1.1 **Effective date:** March 20, 2017, or the date the State obtains all required signatures under [Minn. Stat. §16B.98](#), Subd. 5, whichever is later. Per [Minn. Stat. §16B.98](#) Subd. 7, no payments will be made to the Grantee until this grant contract is fully executed.

**The Grantee must not begin work under this grant contract until this grant contract is fully executed and the Grantee has been notified by the State’s Authorized Representative to begin the work.**

- 1.2 **Expiration date:** ~~December 31, 2020~~, May 30, 2021, or until all obligations have been satisfactorily fulfilled, whichever occurs first.

**REVISION 2.** Clause 2. “**Grantee’s Duties**” is amended to add:

The Grantee, who is not a state employee, will:

Perform the duties specified in ~~Revised Exhibit A~~ Exhibit A.3 which is attached and incorporated into this grant agreement.

The Grantee will comply with required grants management policies and procedures set forth through Minnesota Statutes Section 16B.97, subdivision 4 (a) (1).

The Grantee agrees to complete the program in accordance with the approved budget to the extent practicable and within the program period specified in the grant agreement. Any material change in the grant agreement shall require an amendment by the State (see section 7.2 of the original grant agreement).

The Grantee shall be responsible for the administration, supervision, management, record keeping and program oversight required for the work performed under this agreement.

The Grantee is responsible for maintaining a written conflict of interest policy. Throughout the term of this agreement, the Grantee shall monitor and report any actual, potential, or perceived conflicts of interest to the State’s Authorized Representative.

**REVISION 3.** Clause 4.1 “**Consideration**” is amended as follows:

4.1. **Consideration.** Consideration for all services performed by Grantee pursuant to this grant agreement shall be paid by the State as follows:

4.1.1. **Compensation.** The Grantee will be paid an amount not to exceed ~~\$30,000.00~~ \$43,561.22.

Grant funds cannot be used by the Grantee as match or for reimbursement for any other grant or program without prior written authorization from the State's Authorized Representative.

- (a) The Grantee must submit a written request for authorization no less than 10 business days prior to applying for the new funds or program to the State's Authorized Representative. This request must include the following information: project name, grant contract number, the amount of grant funds to be used, location where grant funds were or will be used, activity the grant funded, and current landowner (if applicable). The project name, location where the new funds will be used, activity to be funded, funding source of the new grant or program, and a brief description of the grant or program being applied for must also be included.
- (b) If the new grant or program will add any encumbrances to the land where grant funds were or will be spent, these encumbrances must be approved in writing by the State's Authorized Representative and the current landowner.

THE TOTAL STATE OBLIGATION FOR ALL COMPENSATION AND REIMBURSEMENTS TO GRANTEE SHALL NOT EXCEED ~~THIRTY THOUSAND DOLLARS~~ FORTY-THREE THOUSAND FIVE HUNDRED SIXTY-ONE DOLLARS AND TWENTY-TWO CENTS (\$43,561.22).

Funds made available pursuant to this Agreement shall be used only for expenses incurred in performing and accomplishing the purposes and activities specified herein. Notwithstanding all other provisions of this Agreement, it is understood that any reduction or termination of funds allocated to the State may result in a like reduction to the Grantee.

**REVISION 4.** Clause 4.2 "**Payment**" is amended as follows:

The State shall disburse funds to the Grantee pursuant to this agreement **on a reimbursement basis**. The Grantee shall submit payment requests with required expenditure documentation. If necessary, advance payments on grants shall be negotiated between the State and Grantee on a case by case basis. In order to make advance payments, the Grantee must prepare and submit a written justification to the State for approval that details the specific need to utilize advance payments. A copy of the signed justification must be maintained in the grant file. All advance payments on grants over \$50,000 must be reconciled within 12 months of issuance or within 60 days of the end of the grant period.

The State will promptly pay the Grantee after the Grantee presents an itemized invoice for the services actually performed and the State's Authorized Representative accepts the invoiced services. Invoices must be submitted timely and according to the following schedule:

- a. June 30, 2017
- b. December 31, 2017
- c. June 30, 2018
- d. December 31, 2018
- e. June 30, 2019
- f. December 31, 2019
- g. June 30, 2020
- h. ~~Final report due~~ December 31, 2020
- i. Final report due May 30, 2021

**1. STATE ENCUMBRANCE VERIFICATION**

*Individual certifies that funds have been encumbered as required by Minn. Stat. §§ 16A.15 and 16C.05*

Signed: \_\_\_\_\_

Date: September 1, 2020

SWIFT Contract/PO No(s). 122801 / 3-110705

**2. GRANTEE**

The Grantee certifies that the appropriate person(s) have executed the grant contract on behalf of the Grantee as required by applicable articles, bylaws, resolutions, or ordinances.

By: \_\_\_\_\_

Title: \_\_\_\_\_

Date: \_\_\_\_\_

By: \_\_\_\_\_

Title: \_\_\_\_\_

Date: \_\_\_\_\_

**3. STATE AGENCY**

By: \_\_\_\_\_

Title: Deputy Director

Date: \_\_\_\_\_

Distribution:  
Agency  
Grantee  
State's Authorized Representative

**Revised Exhibit A Exhibit A.3: Grant Project Deliverables**  
Great Lakes Restoration Initiative  
*Engaging Citizens to Improve our Great Lakes Watershed  
through Strategic Community Forestry Efforts*  
City of Hermantown Deliverables

Grant sum total: \$30,000.00

For the purposes of this contract “Partners” is defined by those collaborating and in contract with the Minnesota Department of Natural Resources, Division of Forestry which include: University of Minnesota.

**Grant Contract Deliverables**

Work with DNR and statewide Partners to fully execute the work plan by providing:

1. city staff member to provide in-kind match support and provide location guidance for volunteer events, ie. Providing locations of where trees can be planted, and locations of newly planted trees in need of pruning, and other maintenance.
2. necessary access to, trees, tools, data, etc., to all partners so that they can complete tasks in a timely fashion.
3. a training facility for volunteers at no cost to the project.
4. reasonable effort to work with all Partners to enlist volunteers within your community for all volunteer events and programs.
5. timely purchases, so that volunteer events can occur.
6. timely submission by the deadlines listed:
  - Submit invoices and proof of payment for grant-funded purchases; Submit cash-match proof of payment and in-kind match justifications; Submit Status Update Reports and Planting and Volunteer Reports.
  - a. June 30, 2017
  - b. December 31, 2017
  - c. June 30, 2018
  - d. December 31, 2018
  - e. June 30, 2019
  - f. December 31, 2019
  - g. June 30, 2020
  - h. ~~Final report due~~ December 31, 2020
  - i. Final report due May 30, 2021

Work with DNR and state Partners to fully execute the work plan below:

1. Planting
  - a. Plant a minimum of ~~200~~ 250 trees which can include bare root, gravel bed, or containerized stock (traditional or air pruned containers are acceptable).
  - b. Host a minimum of two planting events with volunteers.
  - c. Work with DNR and Partners to define planting locations to ensure stormwater runoff capacity.
  - d. Provide all tools needed for successful volunteer planting.
  - e. Work with Partners to track and submit the number of volunteers in attendance, number of total volunteer hours, number of trees planted, and the landscape plan for each planting event.
2. Citizen Pruner
  - a. Provide Partners and volunteers information about location of small and newly planted trees.
  - b. Allow and engage volunteers as the host of a minimum of two volunteer pruning events.
  - c. Work with Partners to engage volunteers in collecting and submitting pruning data.
3. Tree Health Monitor
  - a. Work with Partners to setup volunteer reporting submission protocol and engage citizens in collecting and submitting of data.
  - b. Enable volunteers through the use of collected data.
4. Tree Watering
  - a. Ensure newly planted trees are regularly watered by city staff or; work with Partners to create sustainable access for volunteers to maintain the watering of newly planted trees or; work with all to develop sustainable outreach to citizens so that they can engage in watering practices.
  - b. Work with Partners to track and submit tree watering accomplishments.
5. Acknowledgement
  - a. The Forest Service needs to be acknowledged in publications, audiovisuals, and electronic media developed as a result of this award.
  - b. All projects completed in the field will require signage to state that funds were received from the Great Lakes Restoration Initiative. Any project completed in the field that will be visible to the general public will require signage that gives project information and credit to the Great Lakes Restoration Initiative and the Forest Service.
  - c. In order to use the Forest Service insignia on any published media, such as a Web page, printed publication, or audiovisual production, permission must be granted by the Forest Service's Office of Communications. A written request can be submitted Valerie McClannahan who will pass it along to the appropriate authorities.

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



**DATE:** September 2, 2020      **Meeting Date:** 9/8/20  
**SUBJECT:** Trunk Sewer Spur & Munger Trail Spur – Sanitary Sewer Improvement District No. 448      **Agenda Item: 12-I**      **Resolution 2020-129**

**REQUESTED ACTION**

**Approve Pay Application #6 to Utility Systems of America for the construction related to the Trunk Sewer Spur and Munger Trail Spur Project – Sanitary Sewer Improvement District No. 448.**

**BACKGROUND**

Attached is Pay Application #6 for the work associated with the Hermantown Trunk Sewer Spur & Munger Trail Spur – Sanitary Sewer Improvement District No. 448 from Pay Application #5 through August 29, 2020. NCE and Utility Systems of America, Inc. (USA) have reviewed the project progress thus far and agreed upon quantities of work completed. The amount of Pay Application #6 is **\$573,269.10**. The City will hold a 5% retainage of the completed construction through the duration of the project. This retainage amount stands at **\$105,448.54** to date.

NCE has reviewed the quantities through construction inspection and discussions with Utility Systems of America, Inc. representatives. I recommend payment in the amount of **\$573,269.10** be authorized at the September 8, 2020 City Council Meeting.

**SOURCE OF FUNDS (if applicable)**

Sales Tax

**ATTACHMENTS**

Pay Application #6

**Resolution No. 2020-129**

**RESOLUTION APPROVING PAY REQUEST NUMBER 6 FOR SEWER IMPROVEMENT DISTRICT NO. 448 TO UTILITY SYSTEMS OF AMERICA, INC. IN THE AMOUNT OF \$573,269.10**

WHEREAS, the City of Hermantown has contracted with Utility Systems of America, Inc. for construction of Sewer Improvement District No. 448 (“Project”); and

WHEREAS, Utility Systems of America, Inc. has performed a portion of the agreed upon work in said Project; and

WHEREAS, Utility Systems of America, Inc. has submitted Pay Request No. 6 in the amount of \$573,269.10; and

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

WHEREAS, Northland Consulting Engineers LLP has approved such Pay Request No. 6 provided that \$105,448.54 accumulated as retainage of 5% be withheld pending final acceptance of the Project by the City of Hermantown.

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. 6 is hereby approved.
2. The City is hereby authorized and directed to pay to Utility Systems of America, Inc. the sum of \$573,269.10 which is the amount represented on Pay Request No. 6.

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 September 8, 2020.



September 2, 2020

John Mulder  
City Administrator  
City of Hermantown  
5105 Maple Grove Road  
Hermantown MN 55811

Re: Hermantown Trunk Sewer Spur & Munger Trail Spur – Sanitary Sewer Improvement District No. 448

Dear John:

Attached is Pay Application #6 for the work associated with the Hermantown Trunk Sewer Spur & Munger Trail Spur – Sanitary Sewer Improvement District No. 448 from Pay Application #5 through August 29, 2020. NCE and Utility Systems of America, Inc. (USA) have reviewed the project progress thus far and agreed upon quantities of work completed. The amount of Pay Application #6 is **\$573,269.10**. The City will hold a 5% retainage of the completed construction through the duration of the project. This retainage amount stands at **\$105,448.54** to date.

NCE has reviewed the quantities through construction inspection and discussions with Utility Systems of America, Inc. representatives. I recommend payment in the amount of **\$573,269.10** be authorized at the September 8, 2020 City Council Meeting.

Please contact me with any questions you may have.

Thank you,



David Bolf, P.E. – City Engineer  
Northland Consulting Engineers  
218-727-5995  
[david@nce-duluth.com](mailto:david@nce-duluth.com)

CC: Bonnie Engseth  
Adam Zwak, P.E.  
Jim Pucel, P.E.

**Contractor's Application for Payment No. 6**

Application Period: July 26, 2020 to August 29, 2020		Application Date: 8/31/2020
To (Owner): City of Hermantown	From (Contractor): Utility Systems of America, Inc.	Via (Engineer): Northland Consulting Engineers, LLP
Project: Trunk Sewer Spur & Munger Trail Spur - Sanitary Sewer Improvement District No. 448	Contract: Trunk Sewer Spur & Munger Trail Spur - Sanitary Sewer Improvement District No. 448	
Owner's Contract No.: Sanitary Sewer Improvement District No. 448	Contractor's Project No.:	Engineer's Project No.: 16-808

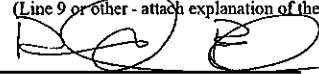
**Application For Payment  
Change Order Summary**

Number	Additions	Deductions	
1	\$15,100.00		1. ORIGINAL CONTRACT PRICE..... \$ 4,209,784.30
2	\$28,900.00		2. Net change by Change Orders..... \$ 44,000.00
			3. Current Contract Price (Line 1 + 2)..... \$ 4,253,784.30
			4. TOTAL COMPLETED AND STORED TO DATE
			See attached Pay Application Summary (Line E)..... \$ 2,108,970.75
			5. RETAINAGE:
			a. 5% X \$1,965,569.75 Work Completed..... \$ 98,278.49
			b. 5% X \$143,401.00 Stored Material..... \$ 7,170.05
			c. Total Retainage (Line 5.a + Line 5.b)..... \$ 105,448.54
			6. AMOUNT ELIGIBLE TO DATE (Line 4 - Line 5.c)..... \$ 2,003,522.21
			7. LESS PREVIOUS PAYMENTS (Line 8)..... \$ 1,430,253.11
			9. AMOUNT DUE THIS APPLICATION..... \$ 573,269.10
			10. BALANCE TO FINISH, PLUS RETAINAGE
			(Line 3 - 4 + Line 5.c above)..... \$ 2,250,262.09
TOTALS	\$44,000.00		
NET CHANGE BY CHANGE ORDERS	\$44,000.00		

**Application For Payment  
Previous Pay Application Summary**

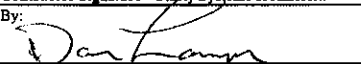
Number	Date	Amount
1	4/6/2020	\$ 455,588.49
2	5/4/2020	\$ 30,045.81
3	6/3/2020	\$ 101,408.63
4	7/6/2020	\$ 654,831.60
5	8/3/2020	\$ 188,378.58
6		
7		
8		
9		
10		
11		
12		
13		
14		
8. TOTALS		\$1,430,253.11

Payment of: \$ 573,269.10  
(Line 9 or other - attach explanation of the other amount)

is recommended by:  9/1/2020  
David Bolf, P.E. - City Engineer (Date)

**Contractor's Certification**

The undersigned Contractor certifies, to the best of its knowledge, the following:  
 (1) All previous progress payments received from Owner on account of Work done under the Contract have been applied on account to discharge Contractor's legitimate obligations incurred in connection with the Work covered by prior Applications for Payment;  
 (2) Title to all Work, materials and equipment incorporated in said Work, or otherwise listed in or covered by this Application for Payment, will pass to Owner at time of payment free and clear of all Liens, security interests, and encumbrances (except such as are covered by a bond acceptable to Owner indemnifying Owner against any such Liens, security interest, or encumbrances); and  
 (3) All the Work covered by this Application for Payment is in accordance with the Contract Documents and is not defective.

Contractor Signature - Utility Systems of America  
 By:  Date: 9/2/20



**Pay Application #6 - 08/31/20**  
**Trunk Sewer Spur & Munger Trail Spur**  
**Sanitary Sewer District Improvement District No. 448**

Item No.	Spec. Number	Item Description	Unit of Measure	Contract Total Quantities	USA Unit Price	Trunk Sewer Spur			Munger Trail Spur			Total Project	
						Contract Quantities	Completed Quantities	Completed Cost	Contract Quantities	Completed Quantities	Completed Cost	Completed Quantities	Completed Cost
<b>BASE BID</b>													
1	2021.501	MOBILIZATION	LS	1.00	\$ 434,000.00	0.80	0.40	\$ 173,600.00	0.20	0.10	\$ 43,400.00	0.50	\$ 217,000.00
2	2021.601	BLAST MONITORING/SURVEY	LS	1.00	\$ 45,000.00	1.00	0.50	\$ 22,500.00	-	-	\$ -	0.50	\$ 22,500.00
3	2031.601	FIELD OFFICE	LS	1.00	\$ 7,500.00	0.80	0.80	\$ 6,000.00	0.20	0.20	\$ 1,500.00	1.00	\$ 7,500.00
4	2051.601	MAINTENANCE AND RESTORATION OF HAUL ROADS	LS	1.00	\$ 1,000.00	0.80	-	\$ -	0.20	-	\$ -	-	\$ -
5	2101.501	CLEARING	ACRE	18.00	\$ 12,000.00	14.50	14.50	\$ 174,000.00	3.50	3.50	\$ 42,000.00	18.00	\$ 216,000.00
6	2101.506	GRUBBING	ACRE	18.00	\$ 1,500.00	14.50	10.00	\$ 15,000.00	3.50	3.00	\$ 4,500.00	13.00	\$ 19,500.00
7	2104.502	REMOVE CASTING	EACH	1	\$ 250.00	1	-	\$ -	-	-	\$ -	-	\$ -
8	2104.502	SALVAGE ELECTRICAL PEDESTAL AND SIGN	EACH	6	\$ 350.00	6	-	\$ -	-	-	\$ -	-	\$ -
9	2104.503	REMOVE CONCRETE CURB AND GUTTER	LF	20	\$ 5.00	20	29	\$ 145.00	-	-	\$ -	29	\$ 145.00
10	2104.503	REMOVE SEWER PIPE (SANITARY)	LF	10	\$ 5.00	10	-	\$ -	-	-	\$ -	-	\$ -
11	2104.503	SAWING BITUMINOUS PAVEMENT (FULL DEPTH)	LF	156	\$ 4.00	156	61	\$ 244.00	-	-	\$ -	61	\$ 244.00
12	2104.503	SAWING CONCRETE PAVEMENT (FULL DEPTH)	LF	170	\$ 7.00	170	-	\$ -	-	-	\$ -	-	\$ -
13	2104.509	REMOVE CONCRETE PAVEMENT	SY	852	\$ 9.00	852	-	\$ -	-	-	\$ -	-	\$ -
14	2104.509	REMOVE BITUMINOUS PAVEMENT	SY	343	\$ 4.00	227	47	\$ 188.00	116	-	\$ -	47	\$ 188.00
15	2104.518	REMOVE CONCRETE WALK	SF	630	\$ 1.00	630	-	\$ -	-	-	\$ -	-	\$ -
16	2104.601	REMOVE LIFT STATION	LS	1.00	\$ 20,000.00	1.00	-	\$ -	-	-	\$ -	-	\$ -
17	2104.602	REMOVE GREENHOUSES	EACH	8	\$ 1,000.00	8	8	\$ 8,000.00	-	-	\$ -	8	\$ 8,000.00
18	2106.504	GEOTEXTILE FABRIC TYPE 5 (NON-WOVEN)	SY	28,750	\$ 1.65	17,000	4,000	\$ 6,600.00	11,750	3,458	\$ 5,705.70	7,458	\$ 12,305.70
19	2106.504	GEOTEXTILE FABRIC TYPE 5 (NON-WOVEN) (PATCHING)	SY	250	\$ 4.00	250	47	\$ 188.00	-	-	\$ -	47	\$ 188.00
20	2106.507	EXCAVATION - COMMON	CY	20,683	\$ 11.00	16,760	5,866	\$ 64,526.00	3,923	2,942	\$ 32,362.00	6,808	\$ 96,888.00
21	2106.507	COMMON EMBANKMENT (CV)	CY	3,924	\$ 7.00	3,179	-	\$ -	745	888	\$ 6,216.00	888	\$ 6,216.00
22	2106.507	SELECT GRANULAR EMBANKMENT MOD 7% (CV)	CY	5,500	\$ 21.00	3,200	1,067	\$ 22,400.00	2,300	922	\$ 19,362.00	1,989	\$ 41,762.00
23	2106.507	SELECT GRANULAR EMBANKMENT MOD 7% (CV) (PATCHING)	CY	100	\$ 22.00	100	31	\$ 682.00	-	-	\$ -	31	\$ 682.00
24	2106.601	DEWATERING	LS	1	\$ 50,000.00	0.80	0.50	\$ 25,000.00	0.20	0.10	\$ 5,000.00	0.50	\$ 30,000.00
25	2106.601	TURF & WETLAND RESTORATION	LS	1	\$ 30,000.00	0.80	0.30	\$ 9,000.00	0.20	-	\$ -	0.30	\$ 9,000.00
26	2106.602	KEENE CREEK CROSSING	EACH	4	\$ 4,000.00	3	3	\$ 12,000.00	1	1	\$ 4,000.00	4	\$ 16,000.00
27	2211.507	AGGREGATE BASE (CV) CLASS 5	CY	7,611	\$ 30.00	4,434	1,333	\$ 39,999.90	3,177	980	\$ 28,400.00	2,313	\$ 69,399.90
28	2211.507	AGGREGATE BASE (CV) CLASS 5 (PATCHING)	CY	60	\$ 40.00	60	8	\$ 320.00	-	-	\$ -	8	\$ 320.00
29	2301.509	CONCRETE PAVEMENT 7" (MAPLE GROVE ESTATES)	SY	852	\$ 88.00	852	-	\$ -	-	-	\$ -	-	\$ -
30	2360.509	TYPE SP 9.5 WEARING COURSE MIXTURE (3;B)	TON	1,770	\$ 80.00	-	-	\$ -	1,770	-	\$ -	-	\$ -
31	2360.509	TYPE SP 9.5 WEARING COURSE MIXTURE (3;C) (PATCHING)	TON	35	\$ 154.00	35	-	\$ -	-	-	\$ -	-	\$ -
32	2360.509	TYPE SP 12.5 NON-WEARING COURSE MIXTURE (3;C) (PATCHING)	TON	32	\$ 154.00	32	-	\$ -	-	-	\$ -	-	\$ -
33	2412.503	3X6 PRECAST CONCRETE BOX CULVERT	LF	64	\$ 850.00	34	34	\$ 28,900.00	30	30	\$ 25,500.00	64	\$ 54,400.00
34	2451.507	COARSE FILTER AGGREGATE (CV)	CY	1,045	\$ 24.00	1,045	98	\$ 2,352.00	-	-	\$ -	98	\$ 2,352.00
35	2451.507	GRANULAR BACKFILL (LV)	CY	6,275	\$ 14.00	6,275	-	\$ -	-	-	\$ -	-	\$ -
36	2451.507	STRUCTURE EXCAVATION, CLASS R	CY	4,825	\$ 52.00	4,825	1,727	\$ 89,804.00	-	18	\$ 936.00	1,745	\$ 90,740.00
37	2501.502	12" CAS PIPE APRON	EACH	26	\$ 300.00	16	-	\$ -	8	6	\$ 1,800.00	6	\$ 1,800.00
38	2501.502	15" CAS PIPE APRON	EACH	45	\$ 325.00	-	-	\$ -	45	34	\$ 11,050.00	34	\$ 11,050.00
39	2501.503	12" CAS PIPE CULVERT	LF	328	\$ 50.00	230	-	\$ -	98	78	\$ 3,900.00	78	\$ 3,900.00
40	2501.503	15" CAS PIPE CULVERT	LF	590	\$ 53.00	-	-	\$ -	590	478	\$ 25,228.00	478	\$ 25,228.00
41	2503.503	8" PVC PIPE SEWER (SDR35)	LF	547	\$ 117.00	547	532	\$ 62,244.00	-	-	\$ -	532	\$ 62,244.00
42	2503.503	10" PVC PIPE SEWER (SDR35)	LF	5,651	\$ 119.00	5,651	3,942	\$ 469,077.77	-	-	\$ -	3,942	\$ 469,077.77
43	2503.503	10" PVC PIPE SEWER (SDR26)	LF	3,203	\$ 121.00	3,203	1,334	\$ 161,372.86	-	-	\$ -	1,334	\$ 161,372.86
44	2503.602	BENTONITE TRENCH DAM	EACH	74	\$ 1,900.00	74	38	\$ 72,200.00	-	-	\$ -	38	\$ 72,200.00
45	2503.602	CONNECT TO EXISTING SANITARY SEWER	EACH	3	\$ 1,500.00	3	2	\$ 3,000.00	-	-	\$ -	2	\$ 3,000.00
46	2503.602	PLUG AND ABANDON PIPE SEWER	EACH	6	\$ 500.00	6	-	\$ -	-	-	\$ -	-	\$ -
47	2503.603	TELEWISE SANITARY SEWER	LF	9,401	\$ 2.50	9,401	-	\$ -	-	-	\$ -	-	\$ -
48	2504.604	3" POLYSTYRENE INSULATION	SY	135	\$ 50.00	135	-	\$ -	-	-	\$ -	-	\$ -
49	2506.502	CASTING ASSEMBLY	EACH	5	\$ 800.00	5	-	\$ -	-	-	\$ -	-	\$ -
50	2506.503	CONSTRUCT DRAINAGE STRUCTURE DESIGN 4007	LF	508	\$ 525.00	508	256.11	\$ 134,457.75	-	-	\$ -	256.11	\$ 134,457.75
51	2506.602	CASTING ASSEMBLY SPECIAL	EACH	33	\$ 800.00	33	-	\$ -	-	-	\$ -	-	\$ -
52	2506.602	MANHOLE FRAME SEAL (EXTERNAL)	EACH	38	\$ 250.00	38	-	\$ -	-	-	\$ -	-	\$ -
53	2506.603	CONSTRUCT 8" INSIDE DROP	LF	6	\$ 200.00	6	-	\$ -	-	-	\$ -	-	\$ -
54	2521.518	6" CONCRETE WALK	SF	630	\$ 9.25	630	-	\$ -	-	-	\$ -	-	\$ -
55	2531.503	CONCRETE CURB AND GUTTER, DESIGN B624	LF	20	\$ 65.00	20	29	\$ 1,595.00	-	-	\$ -	29	\$ 1,595.00

56	2545.602	INSTALL ELECTRICAL PEDESTAL AND SIGN	EACH	6	\$ 750.00	6	\$ -	-	\$ -	\$ -	\$ -
57	2563.601	TRAFFIC CONTROL	LS	1.00	\$ 27,500.00	0.80	0.20	\$ 5,500.00	0.20	\$ -	\$ 5,500.00
58	2573.501	STABILIZED CONSTRUCTION EXIT	LS	1.00	\$ 1,090.00	0.80	0.40	\$ 400.00	0.20	0.10	\$ 100.00
59	2573.502	STORM DRAIN INLET PROTECTION	EACH	37	\$ 300.00	27	14	\$ 4,200.00	10	6	\$ 1,800.00
60	2573.503	FILTER BERM TYPE 4	LF	18,896	\$ 2.00	13,848	9,500	\$ 19,000.00	5,047	4,000	\$ 8,000.00
61	2573.503	SILT FENCE, TYPE MS	LF	8,463	\$ 2.26	3,541	14,986	\$ 33,718.50	4,922	5,424	\$ 12,204.00
62	2573.503	SEDIMENT CONTROL LOG TYPE WOOD FIBER	LF	18,896	\$ 2.75	13,848	2,220	\$ 6,105.00	5,047		\$ 2,220.00
63	2573.601	HERMANTOWN PUBLIC WORKS STORMWATER IMPROVEMENTS	LS	1.00	\$ 50,000.00	-	-	\$ -	1.00		\$ -
64	2575.504	EROSION CONTROL BLANKETS CATEGORY 3N	SY	3,277	\$ 1.65	1,795	153	\$ 252.45	1,482	75	\$ 123.75
65	2575.506	SEEDING	ACRE	16.75	\$ 80.00	14.00	3.00	\$ 180.00	2.75	0.50	\$ 30.00
66	2575.508	SEED MIXTURE 36-311 (UPLAND)	LB	775	\$ 35.00	550	27	\$ 945.00	225	43	\$ 1,505.00
67	2575.508	SEED MIXTURE 34-371 (WETLAND)	LB	575	\$ 75.00	450	23	\$ 1,687.50	125	1.5	\$ 112.50
68	2575.605	MULCH MATERIAL TYPE 1	ACRE	16.75	\$ 700.00	14.00	3.00	\$ 2,100.00	2.75	0.50	\$ 350.00
69	2582.503	4" DOUBLE SOLID LINE PAINT (YELLOW)	LF	71	\$ 12.00	71		\$ -			\$ -
70	2582.503	4" SOLID LINE PAINT (WHITE)	LF	102	\$ 6.00	102		\$ -			\$ -
71	2582.503	24" SOLID LINE PAINT (WHITE)	LF	50	\$ 14.00	-		\$ -	50		\$ -
BID ALTERNATE #1 - MAINTENANCE ROAD PAVING											
72	2360.509	TYPE SP 9.5 WEARING COURSE MIXTURE (3:8)	TON	425	\$ 80.00	-		\$ -	425		\$ -
BID ALTERNATE #2 - MAINTENANCE ROAD ALONG MAPLE GROVE											
73	2104.502	SALVAGE 24" RC PIPE APRON	EACH	1	\$ 400.00	-		\$ -	1		\$ -
74	2104.502	SALVAGE LIGHT POLE AND BASE	EACH	1	\$ 600.00	-		\$ -	1		\$ -
75	2104.502	SALVAGE SIGN	EACH	1	\$ 50.00	-		\$ -	1		\$ -
76	2106.504	GEOTEXTILE FABRIC TYPE 5 (NON-WOVEN)	SY	700	\$ 3.00	-		\$ -	700		\$ -
77	2106.507	EXCAVATION - COMMON	CY	250	\$ 25.00	-		\$ -	250		\$ -
78	2106.507	SELECT GRANULAR EMBANKMENT MOD 7% (CV)	CY	150	\$ 30.00	-		\$ -	150		\$ -
79	2211.507	AGGREGATE BASE (CV) CLASS 5	CY	175	\$ 32.00	-		\$ -	175		\$ -
80	2360.509	TYPE SP 9.5 WEARING COURSE MIXTURE (3:8)	TON	68	\$ 83.00	-		\$ -	68		\$ -
81	2501.503	24" RC PIPE SEWER DESIGN 3006	LF	10	\$ 120.00	-		\$ -	10		\$ -
82	2501.602	INSTALL RC PIPE APRON	EACH	1	\$ 200.00	-		\$ -	1		\$ -
83	2546.602	INSTALL LIGHT POLE	EACH	1	\$ 6,500.00	-		\$ -	1		\$ -
84	2564.602	INSTALL SIGN	EACH	1	\$ 200.00	-		\$ -	1		\$ -
CHANGE ORDERS											
85	CO #1	CHANGE ORDER #1 - WATER MAIN STUB - ANDERSON ROAD	LS	1	\$ 15,100.00	1.00		\$ -			\$ -
86	CO #2	CHANGE ORDER #2 - 3X6 BOX CULVERT	LF	34	\$ 850.00	34.00		\$ -			\$ -
87											

TRUNK SEWER SPUR COST	MUNGER TRAIL SPUR COST	TOTAL AMOUNT EARNED
\$1,679,484.80	\$285,084.95	\$1,965,569.75

CONTRACT BREAKDOWN	
ORIGINAL TRUNK SEWER CONTRACT AMOUNT	\$3,441,999.00
ORIGINAL MUNGER TRAIL CONTRACT AMOUNT	\$767,785.30
TOTAL ORIGINAL CONTRACT AMOUNT	\$4,209,784.30
CURRENT CONTRACT AMOUNT	\$4,253,784.30

A. PREVIOUS MATERIALS STORED/ON HAND	\$ 208,963.98
B. % CONSTRUCTED (Line A x -%)	-50% \$ (104,481.99)
C. ADDED MATERIALS STORED/ON HAND	\$ 38,919.01
D. TOTAL COST OF MATERIALS STORED/ON HAND (Line A+B+C)	\$ 143,401.00

E. TOTAL COMPLETED & STORED TO DATE (Total Amount Earned + Line D)	\$2,108,970.75
F. 5% RETAINAGE (Line E x 5%)	\$ 106,448.54
G. LESS PREVIOUS PAY APPS	\$ 1,430,253.11

PAY APPLICATION #6 (Line E - F - G)	\$ 573,269.10
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**ESS BROTHERS & SONS, INC.**

9350 County Road 19  
Loretto/Corcoran, MN 55357  
www.essbrothers.com

Phone 763-478-2027  
Toll Free 800-478-2027  
Fax 763-478-8868

Equal Opportunity Employer/Supplier

HERMAN TOWN  
Tank Sewer Stop & Tank Sp-R  
MATERIALS ON SITE  
PAY ESTIMATE #5  
7-29-20

INVOICE #

ST00020107

ST00020520

ST00020561

20017

DESCRIPTION

FORTIFIED

FORTIFIED

FORTIFIED

EVALUATE PENNS -  
(COATINGS)

$$\begin{array}{r} \text{BID} \\ 508' \\ \hline \end{array} - \begin{array}{r} \text{PAID} \\ 256' \\ \hline \end{array} = \begin{array}{r} \text{BALANCE} \\ 252' \\ \hline \end{array}$$

$$\begin{array}{r} 252' \\ \hline 352' \end{array} \times 2' \times 3.14 \times 2 = \begin{array}{r} 3167' \\ \hline 4421 \text{ SQ FT} \end{array}$$

$$\begin{array}{r} 3167' \\ \hline 4421 \text{ SQ FT} \end{array} \times \$5.40/\text{SQ FT} = \begin{array}{r} \$17,101.80 \\ \hline 23,878.04 \end{array}$$

Amount  
~~\$742.70~~  
~~\$8,114.00~~ \$4860.89  
~~\$16,956.32~~

~~\$56,410.48~~  
**\$38,919.01**



Utility Systems Of America Inc  
 PO Box 706  
 Eveleth MN 55734-0706

Invoice: ST00020127  
 Invoice Date: 6/29/2020  
 Due Date: 7/29/2020  
 Forterra Order #: 6319296PM1  
 Customer PO #:  
 Customer #: 177300  
 Delivery Order #: DS0000490600

Ship To: Hermantown, MN - Trunk Sewer Spur and Munger

Structure #/Description	Bill of Lading	Pieces	Feet	Unit Retail	Retail Ext	Disc %	Net Unit Price	Ext Net Price
<b>SA224</b>								
48x5.0 BBL P2 Vt <b>INSTALLED</b>	DS0000490600	1.00	5.00	193.00	965.00	20%	154.40	772.00
48x6.0 BBL P2 Vt	DS0000490600	1.00	6.00	193.00	1,158.00	20%	154.40	926.40
48x2.8 MonoIn1/2 P2 Vt	DS0000490600	1.00	0.00	1,007.90	1,007.90	20%	806.32	806.32
48x3.5 Cone 27in Ecc P2	DS0000490600	1.00	3.50	158.00	553.00	20%	126.40	442.40
Gasket P2 48 inch	DS0000490600	3.00	0.00	0.00	0.00	20%	0.00	0.00
MH Connector NPC S406-14AW (OD 9.5-11.2)	DS0000490600	2.00	0.00	189.00	378.00	20%	151.20	302.40
<b>SA225</b>								
48x6.0 BBL P2 Vt	DS0000490600	2.00	12.00	193.00	2,316.00	20%	154.40	1,852.80
48x2.8 MonoIn1/2 P2 Vt	DS0000490600	1.00	0.00	1,007.90	1,007.90	20%	806.32	806.32
48x3.5 Cone 27in Ecc P2	DS0000490600	1.00	3.50	158.00	553.00	20%	126.40	442.40
Gasket P2 48 inch	DS0000490600	3.00	0.00	0.00	0.00	20%	0.00	0.00
MH Connector NPC S406-14AW (OD 9.5-11.2)	DS0000490600	2.00	0.00	189.00	378.00	20%	151.20	302.40
<b>SA200</b>								
48x2.0 BBL P2 Vt Coated B.O.	DS0000490600	1.00	2.00	193.00	386.00	20%	154.40	308.80
Gasket P2 48 inch	DS0000490600	1.00	0.00	0.00	0.00	20%	0.00	0.00

220368  
 7/1/80-2

Invoices are due Net 30 Days	Retail Subtotal	8,702.80
Past Due Amounts are subject to 1 1/2% Finance Charge per month	Discount	1,740.56
<b>Please make sure your account balance is brought current and in good standing.</b>	Net Price	6,962.24
	Freight Charge	0.00
	Misc Charges	0.00
<b>Product returns of standard items must be made within a 6 month period.</b>	Prepaid Amount	0.00
	MN State Sales Tax	6.875 % 478.65
Please contact me with any questions or should you need anything	St. Louis MN County Sales Tax	0.500 % 34.81
	<b>Net Total</b>	<b>\$7,475.70</b>
John Sharp... John.Sharp@forterrabp.com or 763-694-3252	<b>Due Date</b>	<b>7/29/2020</b>


To ensure proper credit, please detach this portion and return with remittance

Forterra Pipe & Precast

REMIT TO: Forterra Pipe & Precast  
P O Box 74008199  
Chicago, IL 60674-8199

Utility Systems Of America  
Inc

Customer #: 177300  
Invoice: ST00020127  
Invoice Date: 6/29/2020  
Due Date: 7/29/2020

Amount Due:  

Amount Enclosed:



Utility Systems Of America Inc  
 PO Box 706  
 Eveleth MN 55734-0706

*220368  
 1180-2*

Invoice: ST00020520  
 Invoice Date: 7/15/2020  
 Due Date: 8/15/2020  
 Forterra Order #: 6319296PM1  
 Customer PO #:  
 Customer #: 177300  
 Delivery Order #: DS0000494706

Ship To: Hermantown, MN - Trunk Sewer Spur and Munger

Structure #/Description	Bill of Lading	Pieces	Feet	Unit Retail	Retail Ext	Disc %	Net Unit Price	Ext Net Price
<b>SA226</b>								
48x2.0 BBL P2 Vt <b>INSTALLED</b>	DS0000494706	1.00	2.00	193.00	386.00	20%	154.40	308.80
48x6.0 BBL P2 Vt	DS0000494706	2.00	12.00	193.00	2,316.00	20%	154.40	1,852.80
48x2.8 MonoIn1/2 P2 Vt	DS0000494706	1.00	0.00	1,007.90	1,007.90	20%	806.32	806.32
48x4.0 Cone 27in Ecc P2	DS0000494706	1.00	4.00	158.00	632.00	20%	126.40	505.60
Gasket P2 48 inch	DS0000494706	4.00	0.00	0.00	0.00	20%	0.00	0.00
MH Connector NPC S406-14AW (OD 9.5-11.2)	DS0000494706	2.00	0.00	189.00	378.00	20%	151.20	302.40
<b>SA233</b>								
48x3.0 BBL P2 Vt	DS0000494706	1.00	3.00	193.00	579.00	20%	154.40	463.20
48x2.8 MonoIn1/2 P2 Vt	DS0000494706	1.00	0.00	1,007.90	1,007.90	20%	806.32	806.32
48x3.5 Cone 27in Ecc P2	DS0000494706	1.00	3.50	158.00	553.00	20%	126.40	442.40
Gasket P2 48 inch	DS0000494706	2.00	0.00	0.00	0.00	20%	0.00	0.00
MH Connector NPC S406-12AW (OD 7.5-9.0)	DS0000494706	1.00	0.00	121.00	121.00	20%	96.80	96.80
<b>SA234</b>								
48x4.0 BBL P2 Vt	DS0000494706	1.00	4.00	193.00	772.00	20%	154.40	617.60
48x2.8 MonoIn1/2 P2 Vt	DS0000494706	1.00	0.00	1,007.90	1,007.90	20%	806.32	806.32
48x3.5 Cone 27in Ecc P2	DS0000494706	1.00	3.50	158.00	553.00	20%	126.40	442.40
Gasket P2 48 inch	DS0000494706	2.00	0.00	0.00	0.00	20%	0.00	0.00
MH Connector NPC S406-12AW (OD 7.5-9.0)	DS0000494706	1.00	0.00	121.00	121.00	20%	96.80	96.80



Invoices are due Net 30 Days	Retail Subtotal	\$5658.78	<del>9,434.70</del>
Past Due Amounts are subject to 1 1/2% Finance Charge per month	Discount	\$20% DISCOUNT	<del>1,886.94</del>
<b>Please make sure your account balance is brought current and in good standing.</b>	Net Price	\$4527.02	<del>7,547.76</del>
<b>Product returns of standard items must be made within a 6 month period.</b>	Freight Charge		0.00
	Misc Charges		0.00
	Prepaid Amount		0.00
	MN State Sales Tax	6.875 %	<del>518.94</del>
Please contact me with any questions or should you need anything	St. Louis MN County Sales Tax	0.500 %	<del>37.74</del>
	<b>Net Total</b>		<del>\$8,104.41</del>
John Sharp... John.Sharp@forterrabp.com or 763-694-3252	<b>Due Date</b>		8/15/2020
			<b>\$4860.89</b>

To ensure proper credit, please detach this portion and return with remittance

Forterra Pipe & Precast

REMIT TO: Forterra Pipe & Precast  
P O Box 74008199  
Chicago, IL 60674-8199

Utility Systems Of America  
Inc

Customer #: 177300

Invoice: ST00020520

Invoice Date: 7/15/2020

Due Date: 8/15/2020

Amount Due:

Amount Enclosed:

**\$4860.89**



Utility Systems Of America Inc  
 PO Box 706  
 Eveleth MN 55734-0706

Invoice: ST00020561  
 Invoice Date: 7/16/2020  
 Due Date: 8/16/2020  
 Forterra Order #: 6319296PM1  
 Customer PO #:   
 Customer #: 177300  
 Delivery Order #: DS0000494713

*220368  
 1180.2*

Ship To: Hermantown, MN - Trunk Sewer Spur and Munger

Quantity / Description	Bill of Lading	Pieces	Feet	Unit Retail	Retail Ext	Disc %	Net Unit Price	Net Price
<b>SA228</b>								
48x1.0 BBL P2 Vt	DS0000494713	1.00	1.00	351.00	351.00	20%	280.80	280.80
48x6.0 BBL P2 Vt	DS0000494713	2.00	12.00	193.00	2,316.00	20%	154.40	1,852.80
48x2.8 MonoIn1/2 P2 Vt	DS0000494713	1.00	0.00	1,007.90	1,007.90	20%	806.32	806.32
48x3.5 Cone 27in Ecc P2	DS0000494713	1.00	3.50	158.00	553.00	20%	126.40	442.40
Gasket P2 48 inch	DS0000494713	4.00	0.00	0.00	0.00	20%	0.00	0.00
MH Connector NPC S406-14AW (OD 9.5-11.2)	DS0000494713	2.00	0.00	189.00	378.00	20%	151.20	302.40
<b>SA208</b>								
48x2.0 BBL P2 Vt	DS0000494708	1.00	2.00	193.00	386.00	20%	154.40	308.80
48x6.0 BBL P2 Vt	DS0000494708	1.00	6.00	193.00	1,158.00	20%	154.40	926.40
48x3.5 Cone 27in Ecc P2	DS0000494708	1.00	3.50	158.00	553.00	20%	126.40	442.40
Gasket P2 48 inch	DS0000494708	2.00	0.00	0.00	0.00	20%	0.00	0.00
<b>SA227</b>								
48x4.0 BBL P2 Vt	DS0000494713	1.00	4.00	193.00	772.00	20%	154.40	617.60
48x6.0 BBL P2 Vt	DS0000494713	2.00	12.00	193.00	2,316.00	20%	154.40	1,852.80
48x2.8 MonoIn1/2 P2 Vt	DS0000494713	1.00	0.00	1,007.90	1,007.90	20%	806.32	806.32
48x3.5 Cone 27in Ecc P2	DS0000494713	1.00	3.50	158.00	553.00	20%	126.40	442.40
Gasket P2 48 inch	DS0000494713	4.00	0.00	0.00	0.00	20%	0.00	0.00
MH Connector NPC S406-14AW (OD 9.5-11.2)	DS0000494713	2.00	0.00	189.00	378.00	20%	151.20	302.40
<b>SA230</b>								
48x4.0 BBL P2 Vt	DS0000494708	1.00	4.00	193.00	772.00	20%	154.40	617.60
48x6.0 BBL P2 Vt	DS0000494708	1.00	6.00	193.00	1,158.00	20%	154.40	926.40
48x2.8 MonoIn1/2 P2 Vt	DS0000494708	1.00	0.00	1,007.90	1,007.90	20%	806.32	806.32
48x3.5 Cone 27in Ecc P2	DS0000494708	1.00	3.50	158.00	553.00	20%	126.40	442.40
Gasket P2 48 inch	DS0000494708	3.00	0.00	0.00	0.00	20%	0.00	0.00
MH Connector NPC S406-14AW (OD 9.5-11.2)	DS0000494708	2.00	0.00	189.00	378.00	20%	151.20	302.40
<b>SA229</b>								
48x5.0 BBL P2 Vt	DS0000494708	1.00	5.00	193.00	965.00	20%	154.40	772.00
48x6.0 BBL P2 Vt	DS0000494708	1.00	6.00	193.00	1,158.00	20%	154.40	926.40
48x2.8 MonoIn1/2 P2 Vt	DS0000494708	1.00	0.00	1,007.90	1,007.90	20%	806.32	806.32



Utility Systems Of America Inc  
 PO Box 706  
 Eveleth MN 55734-0706

Invoice: ST00020561  
 Invoice Date: 7/16/2020  
 Due Date: 8/16/2020  
 Forterra Order #: 6319296PM1  
 Customer PO #:  
 Customer #: 177300  
 Delivery Order #: DS0000494713

Ship To: Hermantown, MN - Trunk Sewer Spur and Munger

Structure#/Description	Bill of Lading	Pieces	Feet	Unit Retail	Retail Ext	Disc %	Net Unit Price	Ext Net Price
48x4.0 Cone 27in Ecc P2	DS0000494708	1.00	4.00	158.00	632.00	20%	126.40	505.60
Gasket P2 48 inch	DS0000494708	3.00	0.00	0.00	0.00	20%	0.00	0.00
MH Connector NPC S406-14AW (OD 9.5-11.2)	DS0000494708	2.00	0.00	189.00	378.00	20%	151.20	302.40

Invoices are due Net 30 Days	Retail Subtotal	19,739.60
Past Due Amounts are subject to 1 1/2% Finance Charge per month	Discount	3,947.92
<b>Please make sure your account balance is brought current and in good standing.</b>	Net Price	15,791.68
<b>Product returns of standard items must be made within a 6 month period.</b>	Freight Charge	0.00
Please contact me with any questions or should you need anything	Misc Charges	0.00
John Sharp... John.Sharp@forterrabp.com or 763-694-3252	Prepaid Amount	0.00
	MN State Sales Tax	6.875 % 1085.68
	St. Louis MN County Sales Tax	0.500 % 78.96
	<b>Net Total</b>	<b>\$16,956.32</b>
	<b>Due Date</b>	<b>8/16/2020</b>

To ensure proper credit, please detach this portion and return with remittance

Forterra Pipe & Precast

REMIT TO: Forterra Pipe & Precast  
 P O Box 74008199  
 Chicago, IL 60674-8199

Utility Systems Of America Inc

Customer #: 177300  
 Invoice: ST00020561  
 Invoice Date: 7/16/2020  
 Due Date: 8/16/2020

Amount Due: \$16,956.32  
 Amount Enclosed:

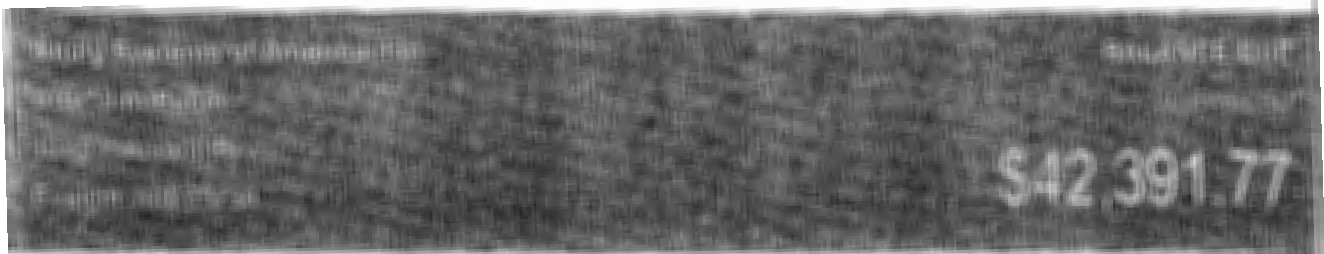
11



**EverLast Rehab**  
INVOICE # 20017

April 28, 2020

Send Payment to:  
2063 120TH Street  
Milltown, WI 54858



\$42,391.77

Notes

Project Location- Coated structures on site of Stacy, MN Forterra  
Completion Date- April 27, 2020

Item/Item Description	Qty/Hr/Rate	Unit Cost	Total
Exterior Structure Coating - Price includes preparation and epoxy coating	7,771.44 ft <sup>2</sup>	\$5.40/ft <sup>2</sup>	\$41,641.77
Mobilization Fee	3	\$250.00	\$750.00
NOTE: THE ENGINEER WILL NOT RELEASE PAYMENT FOR THE COATING UNTIL ALL MANHOLES ARE ON SITE. WE WILL RELEASE 50% PAYMENT NOW AND EXPECT TO RELEASE THE BALANCE DUE YOU WITHIN THE NEXT MONTH OR SO. THANK YOU.			
		Subtotal	\$42,391.77
		Tax - 0%	\$0.00
TOTAL			\$42,391.77

6/16/20 CR # 13784 Enclosed → - 21,195.88

Balance Due \$ 21,195.89

**TO:** Mayor & City Council  
**FROM:** John Mulder, City Administrator  
**DATE:** September 2, 2020  
**SUBJECT:** Engineering Services – 2021  
Road Improvement Program



**Meeting Date:** 9/8/20

**Agenda Item:** 12-J      **Resolution:** 2020-130

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**REQUESTED ACTION**

**Approve the resolution authorizing the Mayor and Clerk to sign and enter an agreement for Engineering services for the 2021 Lavaque Junction Road Improvement Program.**

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**BACKGROUND**

As part of the Road Improvement Program, the City solicited proposals for design and construction engineering services for the project. We received proposals from five firms:

Firm	Cost Proposal
MSA,	\$259,609
SEH,	\$259,051
TKDA,	\$198,800
Bolton Menk,	\$169,208
Northland Consulting Engineers.	\$179,170

The proposals were reviewed by the City Administrator.

It would appear that the large difference on costs between the firms is the number of hours that they have estimated for the project. The average hourly rate is fairly close for all of firms.

There are two primary considerations involved in this decision.

1. **City Engineer vs Project Engineers In** 2015, the City started hiring project engineers for public improvement projects that were estimated to be in excess of \$500,000. The rationale was that City Engineer would then provide oversight to the project engineer, and would avoid situation where the City Engineer may have a conflict about overseeing the construction of their own design. The impact of that has been that we now have two layers of engineering for those larger projects. This does increase the costs of the projects, but provides an additional layer of protection and oversight to the project.

On this particular project, the City will likely more that \$10,000 to the City Engineer for overseeing the project Engineer if we hire Bolton and Menk.

2. **Known Entity:** The City has worked with Northland Consulting Engineers (David Bolf) for several years as the City Engineer and has been very happy with the quality of their work. The City does not have any experience working with Bolton and Menk.

The Request for Proposals (RFP) process ensures that we are receiving competitive pricing from qualified firms.

Given, the City's positive experience with Northland Consulting Engineers, and the fact that the relative costs are so close, it is recommended that the City award the engineering contract to NCE.

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**SOURCE OF FUNDS (if applicable)**

475-431150-305

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**ATTACHMENTS**

NCE Cost Proposal

**Resolution No. 2020-130**

**RESOLUTION AUTHORIZING AND DIRECTING MAYOR AND CITY CLERK TO EXECUTE AND DELIVER AN AGREEMENT FOR ENGINEERING SERVICES WITH A TOTAL NOT TO EXCEED CONTRACT AMOUNT OF \$179,170 FOR 2021 ROAD IMPROVEMENT DISTRICT NO. 537 (LAVAQUE JUNCTION ROAD) WITH NORTHLAND CONSULTING ENGINEERS**

WHEREAS, the City of Hermantown (“City”) desires to obtain design and construction engineering services with respect to Road Improvement District No. 537 (Lavaque Junction Road) (“Project”); and

WHEREAS, Northland Consulting Engineers (“Engineer”) submitted a proposal to the City to provide such services and

WHEREAS, City and Engineer desire to enter into an Agreement for Engineering Services for Road Improvement District No. 537 (Lavaque Junction Road) (“Agreement”) as shown on Exhibit A attached hereto in which Engineer provides engineering to City pursuant to these terms of the Agreement; and

WHEREAS, the City Council believes that it is in the best interests of the City of Hermantown to approve the Agreement of and authorize and direct the Mayor and City Clerk to execute and deliver it 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 to Engineer the Agreement for Consulting Services for Road Improvement District No. 537 (Lavaque Junction Road) substantially in the form attached hereto as Exhibit A.
2. The source of payment for the consultant services will be City Fund No. 475-431150-305.

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 September 8, 2020.

August 20, 2018

John Mulder - City Administrator  
City of Hermantown  
5105 Maple Grove Road  
Hermantown, MN 55811

Re: City of Hermantown Street Improvement District #537  
Lavaque Junction Road – Project No.: 20-8006

Dear John:

Northland Consulting Engineers, LLP (NCE) is pleased to submit our proposal for Design and Construction Engineering services associated with Street Improvement District #537, Lavaque Junction Road.

I, David Bolf will lead the NCE team, bringing 26 years of engineering and project management experience to the project. NCE's team consists of staff engineers, technicians and Alta Land Surveying Company. NCE acknowledges the conditions of the original RFP dated August 6, 2020 and Addendum #1 dated August 11, 2020. In addition, per our August 9, 2020 phone discussion, we agreed that NCE would submit an abbreviated response, including a detailed work plan, a project schedule and cost proposal.

Based on experience gathered from previous State Aid projects and local roadway projects that NCE has worked on and my experience in the role as Hermantown City Engineer, we have determined there are key components that make each project successful. On this project, NCE feels these key components are: 1) Utility Coordination 2) Public Informational Meetings 3) Driveway Connections & 4) Meeting the City's Schedule. This year's Road Improvement Project has highlighted the importance of the Public Meetings and keeping the residents informed. NCE will continue to work with the Community Engagement Manager to ensure the correct message is conveyed, both during design and construction phases of the project.

NCE brings a comprehensive understanding of Chapter 429, Local Improvements/Special Assessments projects. Starting with the ordering of the feasibility study, to public informational meetings, public hearings, ordering of the improvement, approving the design, accepting the constructed project and the final assessment hearing. Additionally, NCE has been instrumental in development of the road inventory assessment and the Roadway Improvement Plan (RIP) and participated in the Financial Management Plan. These efforts have laid the ground work for improving the roadways in Hermantown for the next 8 years. By selecting NCE for this project, we will expand upon our role in the betterment of Hermantown.

NCE has gained a reputation in the surrounding region of providing high quality professional services. This point is proven by the many repeat clients that we serve. We look forward to working with department heads and administration in delivering another successful project to the City of Hermantown.

Thank you for the opportunity to respond, and if you have any questions as you review our proposal please call me at 218.727.5995 or email me at [david@nce-duluth.com](mailto:david@nce-duluth.com).

Sincerely,



David Bolf, P.E. – Principal Partner  
Northland Consulting Engineers, L.L.P.





**WORK PLAN AND COSTS**

PROJECT TASKS		PROJECT MANAGER	PROJECT ENGINEER	TECHNICIAN	ESTIMATED FEE
<b>Task 1 - Preliminary Engineering (0-30% Plans) (September 2020 - November 3, 2020)</b>					
1.1	Field Review of Project with City of Hermantown Staff	4	4		\$ 1,160.00
1.2	Review Survey and Geotechnical Report	2	6	16	\$ 2,380.00
1.3	Utility Coordination Meeting (Preparation, Meeting & Meeting Summary)	2	2	2	\$ 740.00
1.4	Preliminary Roadway Plan, Typical Sections & Storm Sewer Layout	4	8	32	\$ 4,240.00
1.5	Identify Areas of needed Permanent & Temporary Easement Acquisition	2	4	8	\$ 1,480.00
1.6	Preliminary Draft of MN DNR Protected Waters Permit Documents - Culvert in Rocky Run	2	4		\$ 840.00
1.7	City Council Meeting & Preparation	1	1		\$ 290.00
1.8	30% Engineers Estimate	2	4		\$ 840.00
<b>30% Design Review (November 3, 2020)</b>					
NCE Task 1 Design Hours & Fee:		19	33	58	\$ 11,970.00
<b>Task 2 - Design Engineering (30-60% Plans) (November 4, 2020 - December 8, 2020)</b>					
2.1	Field Review with City of Hermantown Staff	2	2		\$ 580.00
2.2	Utility Coordination Meeting (Preparation, Meeting & Meeting Summary)	1	1		\$ 290.00
2.3	Identify Design Criteria (Pavement, Hydraulics, Utilities)	4	4		\$ 1,160.00
2.4	Roadway Plan & Profile Sheets	4	6	24	\$ 3,340.00
2.5	Preliminary SEQ, Schedules, Standard Plates, Details, Typical Sections	2	6	16	\$ 2,380.00
2.6	Hydraulic Analysis & Culvert Sizing	2	8		\$ 1,360.00
2.7	Preliminary Sheet Development (Title Sheet, Schedule, Details, Cross Sections, SWPPP, etc.)	2	8	40	\$ 4,560.00
2.8	Preliminary Bidding Document Development	2	6		\$ 1,100.00
2.9	Submit MN DNR Protected Waters Permit Documents - Culvert in Rocky Run	4	12		\$ 2,200.00
2.10	City Council Meeting & Preparation	1	1		\$ 290.00
2.11	60% Engineers Estimate	2	2		\$ 580.00
2.12	Public Meeting & Preparation (1 Assumed Meeting, November 2020)	4	4		\$ 1,160.00
<b>60% Design Review (December 8, 2020)</b>					
NCE Task 2 Design Hours & Fee:		30	60	80	\$ 19,000.00
<b>Task 3 - Design Engineering (60-90% Plans) (December 9, 2020 - January 5, 2021)</b>					
3.1	Field Review with City of Hermantown Staff	2	2		\$ 580.00
3.2	Coordination with County - Connection to Lavaque Road	1	1		\$ 290.00
3.3	Utility Coordination Meeting (Preparation, Meeting & Meeting Summary)	2	2		\$ 580.00
3.4	Roadway Plan and Profile Sheets	6	10	40	\$ 5,460.00
3.5	SEQ, Schedules, Standard Plates, Details, Typical Sections	4	12	8	\$ 2,840.00
3.6	Watermain Plan and Profiles & MDH Permit Application	2	8	16	\$ 2,640.00
3.7	Provide Easement Data to ALTA for Exhibit Preparation	2	2	4	\$ 900.00
3.8	Sheet Development (Title Sheet, Schedule, Details, Cross Sections, SWPPP, etc.)	2	12	64	\$ 7,000.00
3.9	Bidding Documents	4	14		\$ 2,460.00
3.10	City Council Meeting & Preparation	4	8		\$ 1,680.00
3.11	90% Engineers Estimate	2	4		\$ 840.00
3.12	Preparation of Wetland Exhibits	2	8		\$ 1,360.00
<b>90% Design Review (January 5, 2021)</b>					
NCE Task 3 Design Hours & Fee:		33	83	132	\$ 26,630.00
<b>Task 4 - Design Engineering (90-100% Plans) (January 6, 2021 - January 26, 2021)</b>					
4.1	Coordination with County - Connection to Lavaque Road	1	1		\$ 290.00
4.2	Final Utility Coordination Meeting	2	2		\$ 580.00
4.3	Roadway Plan and Profile Sheets	4	4	12	\$ 2,120.00
4.4	SEQ, Schedules, Standard Plates, Details, Typical Sections	2	8	12	\$ 2,320.00
4.5	Watermain Plan and Profiles	2	4	8	\$ 1,480.00
4.6	Final Sheet Development (Title Sheet, Schedule, Details, Cross Sections, SWPPP, etc.)	2	12	24	\$ 3,800.00
4.7	Final Bidding Documents and Special Provisions	4	12		\$ 2,200.00
4.8	Final Engineers Estimate	1	2		\$ 420.00
<b>100% Plans, Specifications &amp; Estimate Submitted to City of Hermantown (January 26, 2021)</b>					
NCE Task 4 Design Hours & Fee:		18	45	56	\$ 13,210.00
<b>Task 5 - Construction Engineering (May 3, 2021 - September 12, 2021)</b>					
5.1	Project Management	42	51		\$ 13,350.00
5.2	Preconstruction Conference & Bidding Assistance	2	2		\$ 580.00
5.3	Weekly Construction Meetings & Summary	17	17		\$ 4,930.00
5.4	Shop Drawing Review	1	4		\$ 680.00
5.5	Construction Inspection (17 weeks @ 40 hrs/week)			680	\$ 54,400.00
5.6	Materials Testing Coordination		8		\$ 1,040.00
5.7	Review and Prepare Payment Applications	4	12		\$ 2,200.00
5.8	Record Drawing Preparation	4	8		\$ 1,680.00
<b>Completion of Construction (September 12th, 2021)</b>					
NCE Task 5 Construction Hours & Fee:		70	102	680	\$ 78,860.00
<b>NCE TOTAL (TASKS 1-4) DESIGN ENGINEERING HOURS &amp; FEE:</b>		<b>100</b>	<b>221</b>	<b>326</b>	<b>\$ 70,810.00</b>
<b>NCE TOTAL (TASK 5) CONSTRUCTION ENGINEERING HOURS &amp; FEE:</b>		<b>70</b>	<b>102</b>	<b>680</b>	<b>\$ 78,860.00</b>
<b>VALUE ADDED SERVICE - 1000' OF MULTIUSE TRAIL DESIGN AND CONSTRUCTION ENGINEERING:</b>		<b>LUMP SUM</b>			<b>\$ 8,500.00</b>
<b>Sub-Consultants</b>					
Alta Land Survey Company - Topographic Mapping and Data Processing				Lump Sum	\$ 6,750.00
Alta Land Survey Company - Right of Way Base Mapping, Staking and Easement Exhibits				Lump Sum	\$ 3,250.00
Alta Land Survey Company - Construction Staking				Lump Sum	\$ 19,500.00
<b>Sub-Consultant Fee:</b>				<b>\$</b>	<b>29,500.00</b>

NCE Hourly Rates	
Project Manager	\$160.00
Project Engineer	\$130.00
Civil Technician	\$80.00

NCE Fee Breakdown	
NCE Design Fee:	\$ 70,810.00
NCE Construction Fee:	\$ 78,860.00
Subconsultant Fee:	\$ 29,500.00
<b>Total NCE Fee:</b>	<b>\$ 179,170.00</b>
<b>Value Added Service:</b>	<b>\$ 8,500.00</b>

**Notes & Assumptions:**

- 1) The City of Hermantown will be providing wetland delineation and permitting.
- 2) The City of Hermantown will be providing geotechnical recommendations.
- 3) The City of Hermantown will be providing materials testing.



David Bolf, P.E. - Principal Partner - Lic. No. 40926

Date: 8/20/2020