



Hermantown City Council Meeting – November 16, 2020

Because attendance at the regular meeting location is not entirely feasible due to the health pandemic, Hermantown's November 16, 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/82756820514?pwd=YkhWdEVaQmtVbzRGT0dEWDFNbkh3QT09>

and/or by calling the number (312) 626-6799 and utilizing the meeting ID number of 827-5682-0514 and the passcode of 259584.

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 up to 3:30 p.m. the day of the meeting with the e-mail title "November 16, 2020, Meeting." It is important to note that all comments regarding the November 16, 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/81183674784?pwd=YWd1eXR0a1Z5amVWN1F4UkFGMmJlZz09>

and/or by calling the number (312) 626-6799 and utilizing the meeting ID number 811-8367-4784 and the password 266211. 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 Monday, November 16, 2020 at 4:30 p.m. Large Conference Room City Hall - Hermantown Governmental Services Building

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

City Council Continuation Meeting November 16, 2020 at 6:30 p.m. Council Chambers City Hall - Hermantown Governmental Services Building

Invitation to participate:

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

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

Order of discussion

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

**CITY OF HERMANTOWN
AGENDA**

**Pre-Agenda Meeting Monday, November 16, 2020 at 4:30 p.m.
Large Conference Room
Hermantown Governmental Services Building**

**City Council Continuation Meeting November 16, 2020 at 6:30 p.m.
Council Chambers
Hermantown Governmental Services Building**

1. **CALL TO ORDER**
2. **PLEDGE OF ALLEGIANCE**
3. **ROLL CALL**
- A. **2020-156** Resolution Appointing Grant Hauschild To Fill The Vacancy On The Hermantown City Council

(motion, 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. **20-178** Luke Borchardt, 4802 Hermantown Rd.
TO: City Council
RE: Objection to Assessment
7. **PRESENTATIONS** *(Department Heads may give reports if necessary.)*
 - A. David Bolf, City Engineer *(Pre-Agenda Only)*
RE: Traffic Study – Ugstad Road
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 [November 2, 2020 City Council Minutes](#) & [November 9, 2020 City Council Minutes](#)

- B. Accounts Payable** – Approve general city warrants from November 1, 2020 through November 15, 2020 in the amount of (will be available Nov. 16)

(motion, roll call)

10. MOTIONS

11. ORDINANCES

- A. 2020-07** An Ordinance Amending Hermantown Code Of Ordinances Section 270 – Fee Schedule

Second Reading

(motion, roll call)

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.*)

- B. 2020-157** Resolution Adopting Assessment Roll For Delinquent Utilities For 2020
(*Updated list to be provided 11-16-2020*)

(motion, roll call)

- C. 2020-158** Resolution Approving Special Use Permit For Construction Of An Accessory Structure In Excess of 1,200 Square Feet In The R-1 Zoning District At 5381 Morris Thomas Road And Imposing Conditions Thereon

(motion, roll call)

- D. 2020-159** Resolution Adopting An Assessment Against The Marceski Parcel (395-0010-07592) For 2020 Road Improvement District No. 531 & No. 532 (“Project 531 & 532”)

(motion, roll call)

13. CLOSED SESSION

The City Council of the City of Hermantown will meet in closed session pursuant to the following statute and stated reason:

MN Statutes section 13D.05 subd 3(b) to discuss: Objection to Assessment at 4802 Hermantown Road For 2020 Road Improvement District No. 531 & No. 532 (“Project 531 & 532”)

The meeting will be conducted using the Zoom platform.

Following this closed session, the council will re-convene in open session pursuant to the posted agenda for that date and time and during such open session and take any necessary action.

- A. **2020-160** Resolution Adopting An Assessment Against The Borchardt Parcel (395-0010-07510) For 2020 Road Improvement District No. 531 & No. 532 (“Project 531 & 532”)

14. RECESS

Resolution No. 2020-156

**RESOLUTION APPOINTING GRANT HAUSCHILD
TO FILL THE VACANCY ON THE HERMANTOWN CITY COUNCIL**

WHEREAS, a vacancy exists on the Hermantown City Council; and

WHEREAS, an election for the City Council was held on November 3, 2020 and Grant Hauschild was determined to be the individual elected to fill such vacancy effective as of January 2, 2021; and

WHEREAS, the City Council desires to appoint a person to fill the unexpired term of the present vacancy; and

WHEREAS, Grant Hauschild has expressed a willingness to serve as a councilor until his term begins for such City Council position.

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

1. Grant Hauschild is hereby appointed as City Councilor to fill the unexpired term of Kristi Schmidt and is to be sworn into office.

2. Grant Hauschild's term shall end when he is sworn unto the office for the term for which he was elected.

Councilor ____ introduced the foregoing resolution and moved its adoption.

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

and the following voted in opposition thereto:

WHEREUPON, such resolution was declared duly passed and adopted November 16, 2020.

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

11/5/2020	20-177	Dale Kaczmarek, 3991 Haines Rd.	Planning & Zoning Commission	SUB of Ron & Debra Erickson, 3985 Haines Rd.	11/4/2020
11/12/2020	20-178	Luke Borchardt, 4802 Hermantown Rd.	City Council	Objection to Assessment	11/11/2020

Esteemed City Council Members,

11/11/2020

Thank you again for the opportunity to present my case regarding the special assessment on my property at 4802 Hermantown Road. I have included evidence that I have collected in support of my position. Additionally, I would like to make a few points concerning the appraisal by Nagell Appraisal Incorporated:

- The report stated that the mean sale price of homes in the area is \$270,000 for the past 2.5 years.
- My property falls under the “Single-Family Residential- Reclamation (existing paved)” category for which Nagell Appraisal Incorporated assessed the benefit to be \$6,000-\$10,000
- They also say that the home’s value is proportional to the received benefit (“Higher value buildings/homes or larger lots are on the upper end of the range”)
 - My home is valued at about \$107,000. This means that it is less than half as valuable as the average property in the area. Therefore, it would fall on the lower end of the scale of perceived benefit (\$6,000).
- Additionally, since my property is on the corner where the project ends, I am not receiving the same benefit.
 - Nagell Appraisal Incorporated stated in their report, “Properties on corners, with one street being improved and the other not, might receive less than the above ranges (for example 50% of the benefit).”

Therefore, half of \$6,000 (\$3,000) would be a reasonable assessment per the appraisal by Nagell Appraisal Incorporated.

Attached are two statements from experienced, local real estate brokers who are familiar with the impact and benefit of such an assessment. Please feel free to contact me with any questions or to discuss this matter further.

Respectfully,

Luke Borchardt
218-269-0868

November 10, 2020

Attn: Luke Borchardt

Regarding Subject Property: Assessment Re: 4802 Hermantown Road, Hermantown, MN 55811

To whom it may concern:

I understand that your property is being assessed because of the plan of improving part of Hermantown Road including some parts of the underground utility services.

Based upon the following reasons, I believe the subject property should not be assessed on the high side but rather should be assessed for a smaller amount as reasonably deduced below:

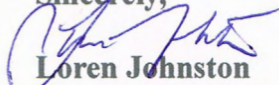
1. Your property is a smaller residential home and is significantly smaller than a majority of homes that are being assessed for said street & utility improvements.
2. Secondly, your property will experience a greater volume of traffic along this section of Hermantown Road due to improving the surface. This increase in traffic has a negative effect on value due to the increased amount of traffic noise.
3. Also, as noted in the appraisal that was received by the owners of 4802 Hermantown Road, "a Single-Family Residential – Reclamation (existing paved) should see an estimated increase of value from \$6,000 to \$10,000 per buildable lot." **Based upon this estimation, it is reasonable that this subject smaller residential home would receive an estimated increase of a net value of \$3,000 (because of 50% less of the benefit as stated in the report below).**

Page# 5 (Nagell Appraisal)

"In addition the appraisal report continues: Note: The above benefit considers only the scope of the project. Higher value buildings/homes or larger lots are on the upper end of the range. Properties on corners, with one street being improved and the other not, might receive less than the above ranges **(for example 50% of the benefit).**"

Based upon my experience as a local real estate broker & realtor over the past 29 years, I believe it would be a fair minded decision for the subject property to be assessed for the amount of \$3,000 (three thousand) for the above aforementioned concerns.

Sincerely,



**Loren Johnston
Lewis & Clark Real Estate
Owner/Broker
5203 E. Superior St.
Duluth, MN 55804**

November 11, 2020

Luke Borchardt
4802 Hermantown Rd
Hermantown, MN 55811

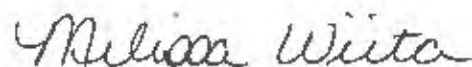
Dear Luke:

Regarding your questions concerning a tax assessment for Hermantown Rd, I will just share my experience in Real Estate over the past 18 years.

The home you own at 4802 Hermantown Rd is quite small and therefore, in the event you wished to sell, having a \$10,000 assessment would adversely affect your home sale. Typically when an offer is made on a house, the buyer requests that the seller pay any assessments which would lower the profit/value on your home. Buyers in your price range would look at the extra cost as a hindrance which would likely price them out of the house (since it would raise the monthly cost by close to \$100). Additionally, some financing will not even allow a buyer to take on the assessment.

I think everyone in our area especially appreciates nice roads. However, to place that large of a burden on a homeowner in your property value bracket is rather burdensome.

For your information.



Melissa Wiita, REALTOR
Adolphson Real Estate, Inc.
218-940-6633

CITY OF HERMANTOWN
CITY COUNCIL MEETING
November 2, 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; Steve Overom, City Attorney

ABSENT:

VISITORS: 6

ANNOUNCEMENTS

Councilor Peterson expressed her thanks to staff for their efforts with early voting.

PUBLIC HEARING

COMMUNICATIONS

Communications 20-166 through and including 2020-176 were read and placed on file.

Communication 20-170 from MN Employment & Economic Development to City of Hermantown regarding Grant - EWC

Communication 20-176 from Kevin Orme, Director of Finance & Administration to MN Management & Budget regarding CARES Report

PRESENTATIONS

PUBLIC DISCUSSION

CONSENT AGENDA

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

- A. Approve October 19, 2020 City Council Continuation Minutes
- B. Approve general city warrants from October 16, 2020 through October 31, 2020 in the amount of \$1,544,490.03

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

MOTIONS

ORDINANCES

2020-07 An Ordinance Amending Hermantown Code Of Ordinances Section 270 – Fee Schedule

First Reading

RESOLUTIONS

2020-143 Resolution Adopting Assessment Roll For 2020 Road Improvement District No. 531 & No. 532

Motion made by Councilor Peterson, seconded by Councilor Geissler to adopt Resolution 2020-143, Resolution Adopting Assessment Roll For 2020 Road Improvement District No. 531 & No. 532. Roll Call: Councilors Geissler, Nelson, Peterson, Mayor Boucher, aye. Motion carried.

2020-144 Resolution Approving Application Of Assessment Roll Number 531A-68 For Deferral Of Assessment Against The Property For The Construction Of 2020 Road Improvement District No. 531 & No. 532 (“Hardship Deferral”)

Motion made by Councilor Geissler seconded by Councilor Nelson to adopt Resolution 2020-144, Resolution Approving Application Of Assessment Roll Number 531A-68 For Deferral Of Assessment Against The Property For The Construction Of 2020 Road Improvement District No. 531 & No. 532. Roll Call: Councilors Geissler, Nelson, Peterson, Mayor Boucher, aye. Motion carried.

2020-145 Resolution Approving Application Of Assessment Roll Number 531A-13 For Deferral Of Assessment Against The Property For The Construction Of 2020 Road Improvement District No. 531 & No. 532 (“Hardship Deferral”)

Motion made by Councilor Geissler, seconded by Councilor Nelson to adopt Resolution 2020-145, Resolution Approving Application Of Assessment Roll Number 531A-13 For Deferral Of Assessment Against The Property For The Construction Of 2020 Road Improvement District No. 531 & No. 532. Roll Call: Councilors Geissler, Nelson, Peterson, Mayor Boucher, aye. Motion carried.

2020-146 Resolution Approving Application Of Assessment Roll Number 531A-70 For Deferral Of Assessment Against The Property For The Construction Of 2020 Road Improvement District No. 531 & No. 532 (“Hardship Deferral”)

Motion made by Councilor Peterson, seconded by Councilor Nelson to adopt Resolution 2020-146, Resolution Approving Application Of Assessment Roll Number 531A-70 For Deferral Of Assessment Against The Property For The Construction Of 2020 Road Improvement District No. 531 & No. 532. Roll Call: Councilors Geissler, Nelson, Peterson, Mayor Boucher, aye. Motion carried.

2020-147 Resolution Approving Application Of Assessment Roll Number 531A-8 For Deferral Of Assessment Against The Property For The Construction Of 2020 Road Improvement District No. 531 & No. 532 (“Hardship Deferral”)

Motion made by Councilor Nelson, seconded by Councilor Peterson to adopt Resolution 2020-147, Resolution Approving Application Of Assessment Roll Number 531A-8 For Deferral Of Assessment Against The Property For The Construction Of 2020 Road Improvement District No. 531 & No. 532

(“Hardship Deferral”). Roll Call: Councilors Geissler, Nelson, Peterson, Mayor Boucher, aye. Motion carried.

2020-148 Resolution Approving Final Planned Unit Development For Engwalls Development

Motion made by Councilor Geissler, seconded by Councilor Peterson to adopt Resolution 2020-148, Resolution Approving Final Planned Unit Development For Engwalls Development.

Luke Sydow, 219 W. 1st St. Duluth, MN (Developer) – He stated that additional parking will be allowed in ancillary spaces; fences will be allowed; sheds won’t be allowed; lot widths are approximately 50 feet; tiny homes are not allowed; pets will be allowed. There will be a Home Owners Association.

Paul Johnson, 3884 Okerstrom Rd. – He questioned why ordinances are changed to allow PUD’s. He also stated that this project is too congested and will harm Keene Creek.

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

2020-149 Resolution Approving A Special Use Permit For The Grading And Filling Within A Shoreland Overlay Zoning District

Motion made by Councilor Peterson, seconded by Councilor Geissler to adopt Resolution 2020-149, Resolution Approving A Special Use Permit For The Grading And Filling Within A Shoreland Overlay Zoning District. Roll Call: Councilors Geissler, Nelson, Peterson, Mayor Boucher, aye. Motion carried.

2020-150 Resolution Authorizing And Directing Mayor And City Clerk To Execute And Deliver An Agreement Of Assessment And Waiver Of Irregularity And Appeal Between P & R Properties Twin Ports, LLC And City Of Hermantown

Motion made by Councilor Peterson, seconded by Councilor Nelson to adopt Resolution 2020-150, Resolution Authorizing And Directing Mayor And City Clerk To Execute And Deliver An Agreement Of Assessment And Waiver Of Irregularity And Appeal Between P & R Properties Twin Ports, LLC And City Of Hermantown. Roll Call: Councilors Geissler, Nelson, Peterson, Mayor Boucher, aye. Motion carried.

2020-151 Resolution Approving St. Louis County’s SAP No. 069-617-005 CP No. 0017-369575 County State-Aid Highway No. 17 (Stebner/Airbase Road) Within The City Of Hermantown Corporate Limits

Motion made by Councilor Nelson, seconded by Councilor Geissler to adopt Resolution 2020-151, Resolution Approving St. Louis County’s SAP No. 069-617-005 CP No. 0017-369575 County State-Aid Highway No. 17 (Stebner/Airbase Road) Within The City Of Hermantown Corporate Limits. Roll Call: Councilors Geissler, Nelson, Peterson, Mayor Boucher, aye. Motion carried.

2020-152 Resolution Approving Change Order Number 3 For Sewer Improvement District No. 448

Motion made by Councilor Geissler, seconded by Councilor Nelson to adopt Resolution 2020-152, Resolution Approving Change Order Number 3 For Sewer Improvement District No. 448. Roll Call: Councilors Geissler, Nelson, Peterson, Mayor Boucher, aye. Motion carried.

2020-153 Resolution Approving Pay Request Number 8 For Sewer Improvement District No. 448 To Utility Systems Of America, Inc. In The Amount Of \$322,822.04

Motion made by Councilor Geissler, seconded by Councilor Nelson to adopt Resolution 2020-153, Resolution Approving Pay Request Number 8 For Sewer Improvement District No. 448 To Utility Systems Of America, Inc. In The Amount Of \$322,822.04. Roll Call: Councilors Geissler, Nelson, Peterson, Mayor Boucher, aye. Motion carried.

2020-154 Resolution Approving Final Compensating Change Order Number 4 & Pay Request Number 6 For 2020 Road Improvement District No. 531 & No. 532 To Ulland Brothers, Inc. In The Amount of \$293,114.95

Motion made by Councilor Peterson, seconded by Councilor Nelson to adopt Resolution 2020-154, Resolution Approving Final Compensating Change Order Number 4 & Pay Request Number 6 For 2020 Road Improvement District No. 531 & No. 531 To Ulland Brothers, Inc. In The Amount Of \$293,114.95. Roll Call: Councilors Geissler, Nelson, Peterson, Mayor Boucher, aye. Motion carried.

2020-155 Resolution Authorizing And Directing Mayor And City Clerk To Execute Addendum To Engineering Contract For The 2020 Road Improvement Program

Motion made by Councilor Nelson, seconded by Councilor Peterson to adopt Resolution 2020-155, Resolution Authorizing And Directing Mayor And City Clerk To Execute Addendum To Engineering Contract For The 2020 Road Improvement Program. Roll Call: Councilors Geissler, Nelson, Peterson, Mayor Boucher, aye. Motion carried.

Motion made by Councilor Geissler, seconded by Councilor Peterson to recess the meeting at 7:16 p.m. Motion carried.

Mayor

ATTEST:

Clerk

CITY OF HERMANTOWN
CITY COUNCIL MEETING
November 9, 2020
4:30 p.m.

MEETING CONDUCTED IN PERSON & VIA ZOOM

Pledge of Allegiance

ROLL CALL: Councilors Geissler, Nelson, Mayor Boucher

CITY STAFF: John Mulder, City Administrator; Joe Wicklund, Communications Manager;
Steve Overom, City Attorney

ABSENT: Councilor Peterson

VISITORS: Luke Borhardt, 4802 Hermantown Rd.

OBJECTION HEARING

John Mulder described the objection process and the process used to determine the assessments. The City's proposed amount was fair, equitable and reasonable. An independent study confirmed the benefit of the new improved road was consistent with the proposed assessment.

Mr. Borhardt believed that the benefit did not exceed the assessment because it was a corner lot and he had spoken to realtors about the potential benefit.

The meeting recessed at 4:50 p.m.

Mayor

ATTEST:

Clerk

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



DATE: November 9, 2020 **Meeting Date:** 11/16/20
SUBJECT: Ordinance - Section 270 - Fee Schedule **Agenda Item: 5-A** **Ordinance 2020-07**

REQUESTED ACTION
Second Reading of the Ordinance for the 2021 Fee Schedule

BACKGROUND

Each year, the department heads are asked to review the Fee Schedule. The following are all the changes to the Fee Schedule beginning January 1, 2021.

Utility Department:

Water Rates:	<u>2020</u>	<u>2021</u>
-Residential Tier 1	\$7.84	\$8.15
-Residential Tier 2	\$9.02	\$9.38
-Residential Tier 3	\$9.92	\$10.32
-Multi Family Tier 1	\$9.02	\$9.38
-Multi Family Tier 2	\$9.02	\$9.38
-Multi Family Tier 3	\$9.02	\$9.38
-Commercial Tier 1	\$8.11	\$8.43
-Commercial Tier 2	\$8.53	\$8.87
-Commercial Tier 3	\$9.37	\$9.74
-Irrigation Tier 1, 2 and 3	\$9.92	\$10.32

Service charges – billed monthly:

-5/8” to 1” meter	\$8.65	\$9.00
-1 ¼ “ meter	\$12.98	\$13.50
-1 ½” meter	\$12.98	\$13.50
-2” meter	\$32.45	\$33.75
-3” meter	\$37.86	\$39.37
-4” meter	\$48.67	\$50.62
-5” meter	\$70.30	\$73.11

Sewer Rates:

-Residential, Multi Family, Commercial Tier 1	\$9.90	\$10.15
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-Flat Rate Tier 2	\$24.75	\$25.37
-Flat Rate Tier 3	\$44.55	\$45.66
Monthly & Minimum Service Charge	\$3.16	\$3.24

SOURCE OF FUNDS (if applicable)

ATTACHMENTS

Ordinance No. 2020-07

The City Council of the City of Hermantown does ordain:

**AN ORDINANCE AMENDING HERMANTOWN CODE OF ORDINANCES SECTION 270 -
FEE SCHEDULE**

Section 1. Amendment of Section 270 - Fee Schedule. Section 270 is hereby amended as follows:

See attached Exhibit A.

The terms and provisions of Section 270 remain in full force and effect except as modified as shown on Exhibit A.

Section 2. Nexus. Pursuant to Minnesota Statutes § 462.353, Subd.4 (2008), as it may be amended from time to time, the City has determined that there is a nexus between the fees and the City's costs and purposes based upon the City's actual costs in providing the services described above. The City's actual costs include employee time for investigative services as well as administrative costs and expenses.

Section 3. Added to Code. The terms and provisions of this ordinance shall be added in the appropriate place in Title 2 of the Hermantown City Code after adoption and becoming effective.

Section 4. 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.

Dated:

Mayor

Attest:

City Clerk

Adopted:

Published:

Effective Date:

UTILITIES DEPARTMENT (WATER/SEWER)

Administrative fee in delinquent utility property tax certification	\$50	
Administrative fee in delinquent utility property tax Certification – 2 nd and ongoing years	\$75	
Assessment Construction Project Admin. Fee	3.5%	
City Contracts up to 10 yrs	8.0%	
Customers without radio read meters (monthly)	\$25	
Excavating Contractor's License	\$175	
- Permit	\$25	
Excavating Permit for Private Person	\$25	
Fats, Oil, Grease (FOG Program)		
Sewer Service Surcharge	\$50	Monthly
Late Payment Fee (penalty on current balance due)	10%	
Return Check Fee	\$30	
Unpolluted Water Surcharge (monthly)	\$100	
Water Filling Station (per 1008 gallons)	\$14	
<u>Water Rates: (per 1,000 gallons)</u>		
Residential Tier 1 (up to 2,500 gallons)	\$8.15	
Residential Tier 2 (between 2,501-4,500 gallons)	\$9.38	
Residential Tier 3 (over 4,501 gallons)	\$10.32	
<u>Multi Family</u>		
Multi-Family Tier 1 (all usage)	\$9.38	
Multi-Family Tier 2 (all usage)	\$9.38	
Multi-Family Tier 3 (all usage)	\$9.38	
<u>Commercial</u>		
Tier 1 (up to 20,000 gallons)	\$8.43	
Tier 2 (between 20,001-50,000 gallons)	\$8.87	
Tier 3 (over 50,001 gallons)	\$9.74	
<u>Irrigation</u>		
Tier 1 (all usage)	\$10.32	
Tier 1 (all usage)	\$10.32	
Tier 3 (all usage)	\$10.32	
Water testing fee - August annual bill	\$9.72	
Service charges - billed monthly		
5/8" to 1" meter	\$9.00	
1 1/4" meter	\$13.50	
1 1/2" meter	\$13.50	
2" meter	\$33.75	
3" meter	\$39.37	
4" meter	\$50.62	
6" meter	\$73.11	
On/Off Fees		

Snowbirds	\$15
Reconnection for delinquent accounts	\$50
Water Hookups	
Residential (includes duplex)	\$800
Commercial	\$1,300
<u>Sewer Rates: (per 1,000 gallons)</u>	
Residential Tier 1 (all usage)	\$10.15
Multi-Family Tier 1 (all usage)	\$10.15
Commercial Tier 1 (all usage)	\$10.15
Flat Rate Tier 2 – Residential Average (2,500 gallons)	\$25.37
Flat Rate Tier 3 – Commercial Average (4,500 gallons)	\$45.66
Service charge - monthly	\$3.24
Minimum sewer charges	
Service charge	\$3.24
Sewer Hookup	
Residential (includes duplex)	\$800
Permit	\$85
Commercial	\$2,000
Permit plus \$50 per toilet - max 50 toilets	\$50
Capacity Availability Fee For Single Family (contact WLSSD for fee determination of commercial buildings)	\$940
Call for Water & Sewer Availability Charges	

Stormwater Rates:

Equivalent Rate Unit (ERU) \$7.00/ERU

Resolution No. 2020-157

**RESOLUTION ADOPTING ASSESSMENT ROLL
FOR DELINQUENT UTILITY CHARGES FOR 2020**

WHEREAS, pursuant to Hermantown City Code Section 930.08 the City Clerk has prepared an Assessment Roll for delinquent Utility charges through September 30, 2020; and

WHEREAS, the individuals responsible for the payment of such accounts have been duly notified of the intent of the City to certify such accounts to the County Auditor to be paid with the real estate taxes on the property served payable in 2021; and

WHEREAS, the City Council has met, heard and passed upon all objections to the proposed assessment roll for the delinquent Utility charges for 2020, and made amendments to the assessment roll as it deemed just and reasonable under the circumstances.

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

1. Such proposed assessment, a copy of which is attached hereto and made a part hereof, is hereby accepted and shall constitute an assessment against the lands named therein.

2. Such assessments shall be paid in full with general taxes for the year 2020, collectable with the taxes of 2021.

3. The City Clerk shall forthwith transmit a certified duplicate copy of this assessment to the County Auditor to be extended on the tax list of the County.

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 November 16, 2020

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



DATE: November 12, 2020 **Meeting Date:** 11/16/20
SUBJECT: Paul Paczynski - Special Use Permit for a 1,920 square foot accessory structure **Agenda Item: 12-C** **Resolution 2020-158**

REQUESTED ACTION

Approve a Special Use Permit for construction of a 1,920 square foot accessory structure in a R-1 zoning district.

DESCRIPTION OF REQUEST:

Requested is a Special Use Permit to allow construction of an accessory structure over 1,600 square feet in size per Section 505.03.1 of the Zoning Ordinance. The applicant is requesting approval for construction of a 1,920 (32' x 60') square foot garage.

SITE INFORMATION:

Address: 5381 Morris Thomas Road
Parcel Size: +/-72 acres
Legal Access: Morris Thomas Road
Wetlands: N/A
Existing Zoning: R-1, Residential
Airport Overlay: None

Project Background:

A public hearing for the Special Use Permit (SUP) was held on November 10, 2020. Other than the applicant, there were no public comments received at the meeting. The SUP was recommended unanimously by the Planning and Zoning Commission to be forwarded to the City Council.

Accessory structures over 1,600 square feet in size are permitted only with a Special Use Permit in the R-1, Residential Zoning District. The applicant is requesting approval to construct a 1,920 square foot accessory building. The accessory building would be 32 feet by 60 feet in size, with 12-foot sidewalls. The overall height of the proposed building is approximately 17 feet. The construction type would be slab-on-grade, with steel sided construction. The building will be used to house the applicant's camper, boat, tractor, bulldozer and truck.

The proposed property is located along Morris Thomas Road with the lot dimensions being approximately 1300' x 2600' for a total of +/-72 acres. The proposed accessory structure is approximately 450 feet from the nearest property line and approximately 1,400 feet from Morris Thomas Road.

Section 505.06.5 of the Zoning Ordinance lists the dimensional requirements for accessory structures in excess of 1,600 square feet. They are:

Table 1. Dimensional requirements for accessory structures in excess of 1,600 square feet	R-1 Requirement	Provided
Minimum depth of front yard from R.O.W.	Equal to or greater than the building line of the primary structure	1,400 feet
Minimum side yard setback	Equal to the height of the accessory structure	450 feet
Minimum rear yard setback	40 feet	1150 feet
Minimum setback from primary structure	10 feet	40 feet
Maximum building height	35 feet	17 feet
Maximum sidewall height	17 feet	12 feet

The accessory structure as proposed either meets or exceeds these requirements.

There are several requirements that must be satisfied in order to qualify for a Special Use Permit, from Section 725 “Governing Criteria” of the Zoning Ordinance.

1. Is the development compatible with development permitted under the general provisions of the Zoning Ordinance for lands in its vicinity?

There are other examples of accessory structures in the R-1 Zoning District which are greater than 1,600 square feet. The property located at 3719 Ugstad Road, directly to the east from the applicant has a 2,600 square foot accessory structure.

2. Is the proposed use injurious to the use and enjoyment of the environment, or detrimental to the rightful use and enjoyment of other property in its vicinity?

The proposed accessory structure will not impact adjacent properties or the community in general. The accessory structure will allow the owner to improve their property by providing storage for vehicles and equipment which is currently outside.

3. Is the use consistent with the Comprehensive Plan and the spirit and intent of the Zoning Ordinance?

The proposed accessory structure is consistent with Comprehensive Plan recommendations for rural areas of the City. The Zoning Ordinance is supportive of this type of use on acreage lots. The proposed use meets the performance standards set in Section 505.06.1 regulating accessory structures in excess of 1,600 square feet.

4. *Will the use result in a random pattern of development, or cause negative fiscal and environmental effects upon the community?*

The proposed accessory structure is a customary allowed incidental use consistent with other acreage lots in the City.

5. *Are there other criteria of the Zoning Ordinance that should be considered?*

No.

Wetlands

The National Wetland inventory does not identify any wetlands in the vicinity of the proposed accessory structure.

Summary

The applicant meets the requirements for a Special Use Permit. Staff recommends a motion to recommend approval of the application to the City Council, subject to included conditions.

Recommendation

Staff recommends approval of the Special Use Permit, subject to the following conditions:

1. The approval is for a 1,920 square foot garage on the property at 5381 Morris Thomas Road.
2. The proposed accessory structure shall meet all setback requirements for Accessory Structures in the R-1 Zoning District.
3. The proposed accessory structure location is depicted on the approved site plan. If approved by the Community Development Director, the accessory structure may be placed in other locations on the site, however the 1,920 square foot accessory building will need to meet the minimum setback requirements per Section 505.06.5 of the Zoning Ordinance.
4. Erosion control measures shall be utilized and remain in place throughout the construction period and shall not be removed until vegetation is established on the site.
5. Accessory structure shall not be utilized for any business use or activity not otherwise allowed in the zone district in which such accessory building is to be located.
6. The applicant shall sign a consent form assenting to all conditions of this approval.
7. The applicant shall pay an administrative fine of \$750 per violation of any condition of this approval.

Attachments

- Location Map
- Site Sketch

Resolution No. 2020-158

**RESOLUTION APPROVING SPECIAL USE PERMIT
FOR CONSTRUCTION OF AN ACCESSORY STRUCTURE IN EXCESS OF 1,600 SQUARE
FEET IN THE R-1 ZONING DISTRICT AT 5381 MORRIS THOMAS ROAD
AND IMPOSING CONDITIONS THEREON**

WHEREAS, Paul T. and Lisaann J. Paczynski, a married couple (“Applicant”) made application for a Special Use Permit to construct a 1,920 square foot accessory structure (“Project”) in the City of Hermantown, County of St. Louis, State of Minnesota, on the property located at 5381 Morris Thomas Road and legally described in Attachment A.

WHEREAS, the Planning and Zoning Commission of the City of Hermantown held a public hearing on such application; and

WHEREAS, the Planning and Zoning Commission considered the application at its meeting on November 10, 2020 and recommended that the City Council approve the application subject to certain conditions; and

WHEREAS, the City Council of the City of Hermantown has carefully reviewed the application for a Special Use Permit, the transcript of the public hearing held by the Planning and Zoning Commission, and the recommendations of the Planning and Zoning Commission.

NOW, THEREFORE, on the basis of the foregoing, the City Council of the City of Hermantown, in connection with the application by Developer for a Special Use Permit for the Project does hereby make the following:

FINDINGS OF FACT

1. Applicant made application for the project which is to be located within the City of Hermantown.
2. Applicant has advised the City that all work will be within property owned by Applicant.
3. Applicant is the user or potential user of such property.
4. The fee required to be submitted with the Special Use Permit application has been paid.
5. The Planning and Zoning Commission held a public hearing on the application following notice as required by ordinances of the City of Hermantown.
6. The Planning and Zoning Commission of the City of Hermantown submitted its report and recommendation on such application to the City Council within the time period set forth in the ordinances of the City of Hermantown.
7. The City Council considered such application after receiving the report and recommendation of the Planning and Zoning Commission.

8. The activity proposed in such application is compatible with development permitted under the general provisions of the Hermantown Zoning Ordinance and is compatible with land uses on substantially all land in the vicinity of the proposed development.

9. The activity proposed will not be injurious to the use and enjoyment of the environment, or detrimental to the rightful use and enjoyment of other property in the immediate vicinity of the proposed development.

10. The proposed activity is consistent with the overall Hermantown Comprehensive Plan and with the spirit and intent of the provisions of the Hermantown Zoning Ordinance.

11. The proposed use will not result in a random pattern of development with little contiguity to existing programmed development, and will not cause negative fiscal and environmental effects upon the community, except that the project will not generate any tax base or tax revenue for the City.

12. In order to insure that the spirit and intent of the Hermantown Zoning Ordinance are met, conditions must be imposed on the permit requested by Applicant.

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

1. The application for Special Use Permit to construct the Project is hereby approved and permission is hereby granted to conduct the activity described in Applicant's application.

2. The Special Use Permit hereby approved is hereby expressly subject to the following conditions:

- a. That the Project will be constructed as described in the plans accompanying the application and the conditions contained herein.
- b. This permit is not assignable except with the written consent of the City of Hermantown.
- c. The Zoning Officer of the City of Hermantown shall be notified at least five (5) days in advance of the commencement of the work authorized hereunder and shall be notified of its completion within (5) days thereafter.
- d. No change shall be made in the Project without written permission being previously obtained from the City of Hermantown.
- e. Applicant shall grant access to the site at all reasonable times during and after construction to authorized representatives of the City of Hermantown for inspection of the Project to see the terms of this permit are met.
- f. The permit is permissive only. No liability shall be imposed upon or incurred by the City of Hermantown or any of its officers, agents or employees, officially or personally, on account of the granting hereof or on account of any damage to any person or property resulting from any act or omission of Applicant or any of Applicant's agents, employees or contractors relating to any matter hereunder. This permit shall not be construed as estopping or limiting any legal claims or right of action of any person against Applicant, its agents, employees of contractors, for any damage or injury resulting from any such act or omission, or as estopping or limiting any legal

claim or right of action of the City of Hermantown against Applicant, its agents, employees or contractors for violation of or failure to comply with the permit or applicable provisions of law.

- g. This permit may be terminated by the City of Hermantown at any time it deems necessary for the conservation of water resources, or in the interest of public health and welfare, or for violation of any of the provisions of this permit.
- h. Accessory structure shall not be utilized for any business use or activity not otherwise allowed in the zone district in which such accessory building is to be located.
- i. Applicant is initially and continually in compliance with all of the ordinances and regulations of the City of Hermantown Building Code and the Hermantown Fire Code.
- j. All state licenses and other permits required for the Project have been obtained by the Applicant and copies are provided to the City of Hermantown before the release of a permanent Certificate of Occupancy.
- k. That Applicant pay all direct costs incurred by the City of Hermantown in connection with the enforcement and administration of this permit within fifteen (15) days of Applicant being invoiced by the City for such costs.
- l. The applicant shall sign a consent form assenting to all conditions of this approval.
- m. The applicant shall pay an administrative fine of \$750 per violation of any condition of this approval.

3. The Mayor and City Clerk are hereby authorized and directed to execute and deliver to Applicant a Special Use Permit consistent with this resolution upon written acceptance by Applicant of the conditions hereby imposed on such permit.

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 on November 16, 2020.

ATTACHMENT A

NW ¼ of SE1/4 of Section 28, Township 50, Range 15 of the City of Hermantown.

Parcel 395-0010-08580

And

SW ¼ of SE ¼ except eastly 718.52 feet of southerly 495 feet of Section 28, Township 50, Range 15 of the City of Hermantown.

Parcel 395-0010-08590

ACCEPTANCE OF CONDITIONS

Applicant hereby acknowledges and accepts the conditions specified on the foregoing Special Use Permit and covenants and agrees to comply with each and every such situation.

Applicant acknowledges that the failure to comply with all of the conditions shall constitute a violation of the Hermantown Zoning Ordinance and that the City of Hermantown may, in such event, in addition to other remedies, institute any appropriate action or proceeding to prevent, restrain, correct or abate the violation.

IN WITNESS WHEREAS, Applicant has executed this acceptance the ____ day of _____ 2020.

By _____

Paul T. Paczynski

By _____

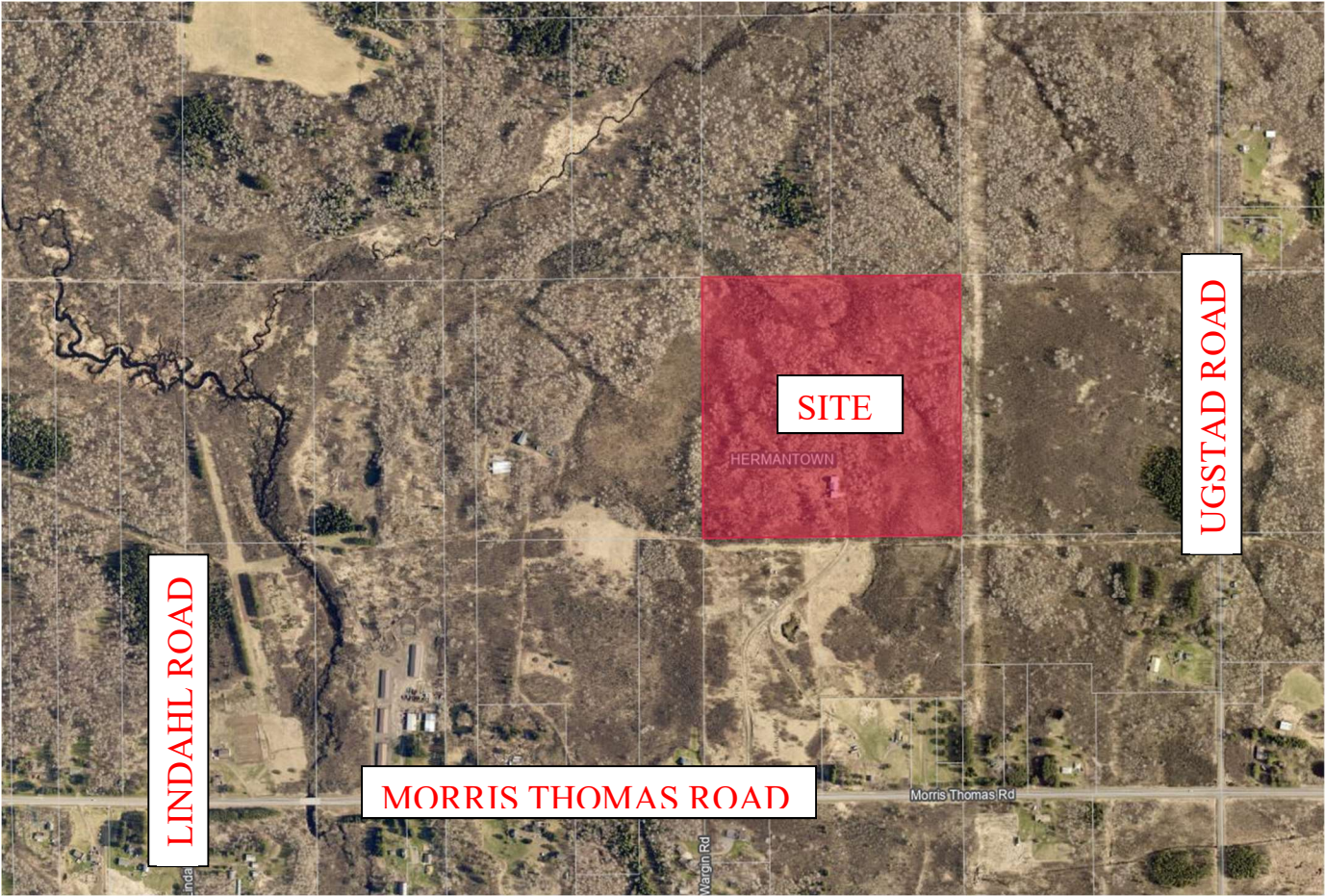
Lisann J. Paczynski

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

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

Notary Public _____

Location Map

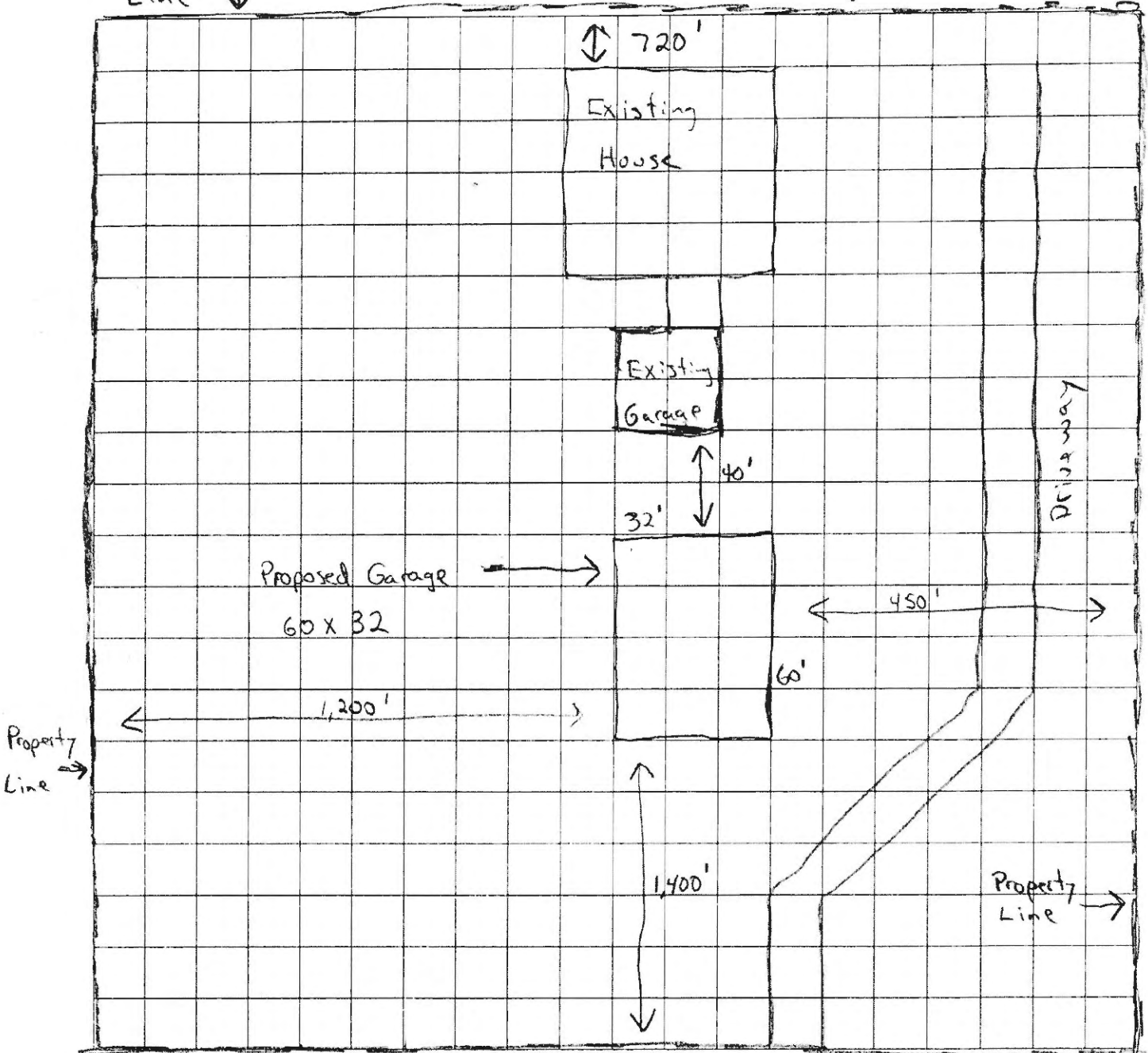


Residential Garage

Property Line ↓

Building Site Plan

N



Morrison's Thomas Road

S

Property Line ↑

Address / Legal Description / Parcel Number:

395-0010-08580

Proposed Construction:

Signature: _____

[Handwritten Signature]

Date: _____

10-8-20

Resolution No. 2020-159

**RESOLUTION ADOPTING AN ASSESSMENT AGAINST
THE MARCESKI PARCEL (395-0010-07592) FOR 2020 ROAD
IMPROVEMENT DISTRICT NO. 531 & NO. 532 (“PROJECT 531 & 532”)**

WHEREAS, pursuant to proper notice duly given as required by law, the City Council held a hearing on the proposed assessment roll on October 19, 2020 at 6:30 p.m. for 2020 Road Improvement District No. 531 & No. 532 ("Project"). The hearing held on October 19, 2020 is referred to as the “Assessment Hearing;” and

WHEREAS, prior to or at the Assessment Hearing, a written objection to the proposed assessment was received from Gerald Marceski (“Marceski”) with respect to the assessment against the property owned by Marceski and assigned Parcel Number 395-0010-07592 (“Marceski Parcel”); and

WHEREAS, pursuant to the provisions of Hermantown Resolution No. 82-52, an Adjourned hearing was scheduled on November 9, 2020 (“Adjourned Hearing”); and

WHEREAS, prior to the hearing Marceski withdrew his objection and did not appear at the Adjourned Hearing; and

WHEREAS, the City Council having received and considered all of the evidence presented to it at the Assessment Hearings and the Adjourned Hearing, and upon the entire City file in this matter, hereby makes the following:

FINDINGS OF FACT

1. Due and proper notice of the Assessment Hearing and Adjourned Hearing was given to Marceski.
2. The methodology followed by the City in determining the amount proposed to be assessed against the Marceski Parcel was and is fair, equitable and reasonable.
3. The amount proposed to be assessed against Marceski Parcel was and is based upon benefits received by Marceski and the amount proposed to be assessed against the Marceski Parcel does not exceed the benefits received by the Marceski Parcel.
4. Prior to the Adjourned Hearing, Marceski withdrew his objection and did not appear at the Adjourned Hearing;

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

1. An assessment of \$9,750.00 is hereby adopted and shall constitute the special assessment against the Marceski Parcel.
2. Such assessment shall be payable as follows:
 - 2.1. The assessment shall be payable in equal annual installments, including principal and interest, extending over a period of fifteen (15) years, with interest at the rate of four percent

(4.00%) per annum, from and after December 31, 2020 in an amount annually required to pay the principal over such period at such interest rate. The first of such installments is to be paid with the general taxes for the year 2020, collectible with such taxes during the year 2021.

2.2. Marceski may, at any time, prior to December 31, 2020 pay the whole of the assessment without interest to the City, and thereafter at any time prior to November 15 of any year, prepay to the City the whole of the principal amount of the assessment remaining due, provided that no such prepayment shall be accepted without payment of (i) all installments, including interest and principal due to and including December 31 of the year of prepayment, and (ii) the original principal amount reduced only by the amount of principal included in such installments computed on an annual amortization basis. Partial prepayments of assessments have not been authorized by ordinance of the City of Hermantown.

3. The City Clerk shall file the assessment pertaining to the Marceski Parcel in her office and shall certify it to the St. Louis County Auditor on or before November 30, 2020.

4. The City Clerk shall mail a notice of the adoption of the assessment roll to Marceski. Such notice shall be in substantially the form of the one attached as Exhibit A.

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 November 16, 2020

EXHIBIT A
NOTICE OF FINAL ASSESSMENT

Hermantown, Minnesota
_____, 20__

TO:

This is to notify you that the final assessment with respect to your property for the construction of 2020 Road Improvement District No. 531 & No. 532 was adopted by the City Council of the City of Hermantown on November 16, 2020 pursuant to Minnesota Statutes, Chapter 429. The final assessment is on file for inspection in the office of the City Clerk.

As a result of the adoption of the assessment roll, the assessment against the property owned/occupied/leased by you which has been assigned CVT-Plat-Parcel Number 395-0010-07592, is \$9,750.00. Such assessment will be payable, together with interest at the rate of four percent (4.10%) per annum with real estate taxes for the years 2020-2034 inclusive payable in the years 2021-2035 inclusive. Such assessment may be prepaid in full without interest, if payment is received by the City prior to December 31, 2020 and thereafter the assessment may be prepaid at any time prior to November 15 of any year if such prepayment includes (i) all installments, including interest and principal due to and including December 31 of the year of prepayment and (ii) the original principal amount reduced only by the amount of principal included in such installments computed on an annual amortization basis. Partial prepayments of the assessment have not been authorized by ordinance of the City of Hermantown.

An owner who filed a written objection with the City Clerk at or before the assessment hearing, or an owner that had reasonable cause for failing to file a written objection at or before the assessment hearing may appeal the assessment against his or her property to the District Court pursuant to Minnesota Statutes, Section 429.081, by serving notice of the appeal upon the Mayor or City Clerk within thirty (30) days after the adoption of the assessment and filing such notice with the Clerk of the District Court within ten (10) days after its service upon the Mayor or City Clerk.

Pursuant to §435.193 to 435.195 of the Minnesota Statutes and Hermantown Resolution No. 2010-99, 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 for whom it would be a hardship to make the payments. By Resolution No. 2010-99 the Hermantown City Council has established criteria for the consideration of requests for deferrals of special assessments, the payment of interest during the period of the deferral, the term of the deferral and the payments required when the deferral terminates. 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.

CITY OF HERMANTOWN

By _____
Its City Clerk