



Hermantown City Council Meeting – February 1, 2021

Because of attendance limitations at the regular meeting location due to the health pandemic, Hermantown's February 1, 2021, City Council Meeting, as well as Pre-Agenda Meeting, will be conducted both remotely and with limited access to Council Chambers.

Both meetings will utilize the platform "Zoom" - which allows the public to view and/or hear the meeting from their phone or computer. Interested parties can also choose to attend this meeting in person at City Hall, but only ten (10) members of the public will be allowed in Council Chambers at any time. Masks and distancing requirements are also in place, per Minnesota Department of Health guidelines.

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

<https://us02web.zoom.us/j/83607586859?pwd=V1lvMXBiS1pXK21qL1hCTkU0RlV2UT09>

and/or by calling the number (312) 626-6799 and utilizing the meeting ID number of 836-0758-6859 and the passcode of 897204.

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 "February 1, 2021, Meeting." It is important to note that all comments regarding the February 1, 2021, 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/87344978266?pwd=b1lDb2NNbWh3L3ZlOHBGc0tLVFRsZz09>

and/or by calling the number (312) 626-6799 and utilizing the meeting ID number 873-4497-8266 and the password 281963. 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, February 1, 2021 at 4:30 p.m. Large Conference Room City Hall - Hermantown Governmental Services Building

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

City Council Meeting February 1, 2021 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, February 1, 2021 at 4:30 p.m.
Large Conference Room
Hermantown Governmental Services Building**

**City Council Meeting February 1, 2021 at 6:30 p.m.
Council Chambers
Hermantown Governmental Services Building**

1. **CALL TO ORDER**
2. **PLEDGE OF ALLEGIANCE**
3. **ROLL CALL**
3. **ANNOUNCEMENTS** *(Council Members may make announcements as needed.)*
4. **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.)*
 - A. **Road Improvement District No. 534 (Ugstad Road)**
 - B. **2021-17** Resolution Ordering Improvement And Directing Preparation Of Final Plans And Specifications For Road Improvement District No. 534 (Ugstad Road)

(motion, roll call)
6. **COMMUNICATIONS**
 - A. **21-10** Ben Sosniecki, 5320 Sunnyview Rd.
TO: Wayne Boucher, Mayor
RE: Maple Grove Road Property
7. **PRESENTATIONS** *(Department Heads may give reports if necessary.)*
 - A. John Mulder, City Administrator *(Pre-Agenda Only)*
RE: Community Recreation Initiative & Survey Update
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 [January 19, 2021 City Council Continuation Minutes](#) and [January 25, 2021 Work Session Minutes](#)
- B. **Accounts Payable** – Approve general city warrants from January 16, 2021 through January 31, 2021 in the amount of \$4,074,010.10

(motion, roll call)

10. MOTIONS

11. ORDINANCES

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. **2021-18** Resolution Authorizing The City Of Hermantown To Sponsor A Grant For The Purchase Of Snowmobile Trail Maintenance Equipment By The Hermantown Night Riders

(motion, roll call)

- B. **2021-19** Resolution Approving A Special Use Permit For The Grading And Filling Within A Shoreland Overlay Zoning District

(motion, roll call)

- C. **2021-20** Resolution Approving A Special Use Permit For The Grading And Filling Within A Shoreland Overlay Zoning District

(motion, roll call)

- D. **2021-21** Resolution Authorizing And Directing The Mayor And City Clerk To Execute And Deliver A Master Lease-Purchase Agreement And Amendment Master Lease-Purchase Agreement

(motion, roll call)

- E. **2021-15** Resolution Receiving Bids And Awarding Contract For Old Hwy 2 To Sinnott Contracting, LLC In The Amount Of \$44,000.00

(motion, roll call)

13. RECESS

NOTICE OF PUBLIC HEARING ON
ROAD IMPROVEMENT DISTRICT NO. 534
(UGSTAD 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, February 1, 2021 to consider Road Improvement District No. 534 (Ugstad Road).

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 \$3,656,243.80.

Proposed assessment: \$9,750.00 per parcel

Such persons desired 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.

Bonnie Engseth, City Clerk
City of Hermantown

Resolution No. 2021-17

RESOLUTION ORDERING IMPROVEMENT AND DIRECTING PREPARATION OF FINAL PLANS AND SPECIFICATIONS FOR ROAD IMPROVEMENT DISTRICT NO. 534 (UGSTAD ROAD)

WHEREAS, the City Council has received and approved a preliminary engineering report for the project (“Project”) known as Road Improvement District No. 534 (Ugstad Road); and

WHEREAS, the City Council held a public hearing on the Project; and

WHEREAS, ten days’ mailed notice and two weeks’ published notice of the hearing was given, and the hearing was held on the 1st day of February, 2021 at which all persons desiring to be heard were given an opportunity to be heard thereon; and

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

WHEREAS, the next step in the process is to prepare final plans and specifications for such project; and

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

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

1. Such improvement is necessary, cost-effective, and feasible as detailed in the feasibility report.
2. Such improvement is hereby ordered as proposed.
3. The City Engineer is hereby authorized and directed to have a project engineer complete final plans and specifications in the project known as Road Improvement District No. 534 (Ugstad Road).
4. Upon completion of such final plans and specifications, the project engineer is requested to present them to the City Council for approval and authorization for bidding.
5. The City reasonably expects to finance the Project from an issue of tax-exempt bonds. In advance of issuance of the bonds it will be necessary for the City to temporarily finance certain costs of the Project by using either working capital or cash reserves, which are needed for other purposes. The City reasonably expects to reimburse itself from the proceeds of the bonds within eighteen (18) months after the date the Project is paid from such working capital or cash reserves.

Councilor ____ introduced the foregoing resolution and moved its adoption.

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

Councilors

and the following voted in opposition thereto:

WHEREUPON, such resolution was declared duly passed and adopted February 1, 2021.

DATE: 2021

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

1/25/2021	21-08	Jim Atkinson, MN Power	John Mulder, City Administrator	The Duluth Loop Reliability Project Engagement Opportunities	1/14/2021
1/25/2021	21-09	Tracy Lundeen, Planning & Zoning Commission	Wayne Boucher, Mayor	Resignation	1/19/2021
1/25/2021	21-10	Ben Sosniecki, 5320 Sunnyview Rd.	Wayne Boucher, Mayor	Maple Grove Road Property	1/24/2021
1/26/2021	21-11	Eric Johnson, Community Development Director	Planning & Zoning Commission	Special Use Permit, Robert Doblak, 48XX Hermantown Rd.	1/22/2021
1/26/2021	21-12	Eric Johnson, Community Development Director	Planning & Zoning Commission	Special Use Permit, City of Hermantown, Haines Rd./Swan Lake Rd.	1/22/2021

21-10

From: bensos@usfamily.net <bensos@usfamily.net>

Sent: Sunday, January 24, 2021 2:13:54 PM

To: CH-Wayne Boucher

Subject: Maple Grove Road Property

Caution: This email originated from outside the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Dear Mayor Boucher,

My name is Ben Sosniecki, I live on Sunnyview Road. I have a question in regards to the land for sale along Maple Grove Road, directly across from the snowmobile parking lot. I was wondering if it would ever be possible for the City to purchase that land and turn it into a park preserve or natural area. I bring my kids sledding back there and I just hate the idea of seeing it get developed. I think it would be so neat for Hermantown to have a park that could be used for cross country skiing, hiking, snowshoeing. I actually work for the City of Duluth Park Maintenance so I would be all in for helping develop trails and such. I know it's a far fetched question but Hermantown doesn't have a lot of green spaces like that and I think it could really benefit the community.

Thanks

Ben Sosniecki

218-290-5629

bensos@usfamily.net

CITY OF HERMANTOWN
CITY COUNCIL CONTINUATION MEETING
January 19, 2021
6:30 p.m.

MEETING CONDUCTED VIA ZOOM

Pledge of Allegiance

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

CITY STAFF: John Mulder, City Administrator; Bonnie Engseth, City Clerk; Kevin Orme, Director of Finance & Administration; Joe Wicklund, Communications Manager; Jim Crace, Chief of Police; Steve Overom, City Attorney; David Bolf, City Engineer

ABSENT:

VISITORS: 1

ANNOUNCEMENTS

PUBLIC HEARING

COMMUNICATIONS

Communications 21-01 through and including 21-07 were read and placed on file.

Communication 21-03 from Jim Crace, Chief of Police to Mayor & City Council regarding 2020 Archery Deer Season Report

Communication 21-05 from David Bolf, City Engineer to City Council regarding Lindahl Road Bridge Removal Direction

Communication 21-06 from Jim Rich, Building Official to City Officials regarding 2020 Building Permits

Communication 21-07 from Jim Rich, Building Official to City Officials regarding Building Permit Comparison 2018-2020

PRESENTATIONS

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 January 4, 2021 City Council Minutes
- B. Approve general city warrants from January 1, 2021 through January 15, 2021 in the amount of \$507,089.36

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

MOTIONS

Motion made by Councilor Peterson, seconded by Councilor Nelson to appoint Beth Wentzlaff & Stephen Simmons to the Planning & Zoning Commission for three-year terms effective immediately. Councilors Geissler, Hauschild, Nelson, Peterson, Mayor Boucher, aye. Motion carried.

ORDINANCES

RESOLUTIONS

2021-13 Resolution Supporting The Authority To Impose A Local Sales Tax To Fund Specific Capital Improvements Providing Regional Benefit, To Establish The Duration Of The Tax And The Revenue To Be Raised By The Tax, And To Authorize The City To Issue Bonds Supported By The Sales Tax Revenue

Motion made by Councilor Geissler, seconded by Councilor Hauschild to adopt Resolution 2021-13, Resolution Supporting The Authority To Impose A Local Sales Tax To Fund Specific Capital Improvements Providing Regional Benefit, To Establish The Duration Of The Tax And The Revenue To Be Raised By The Tax, And To Authorize The City To Issue Bonds Supported By The Sales Tax Revenue. Councilors Geissler, Hauschild, Peterson, Mayor Boucher, aye. Councilor Nelson, nay. Motion carried.

2021-14 Resolution Approving Final Plans And Specifications For Road Improvement District No. 537 (Lavaque Junction Road)

Motion made by Councilor Nelson, seconded by Councilor Hauschild to adopt Resolution 2021-14, Resolution Approving Final Plans And Specifications For Road Improvement District No. 537 (Lavaque Junction Road). Councilors Geissler, Hauschild, Nelson, Peterson, Mayor Boucher, aye. Motion carried.

2021-15 Resolution Receiving Bids And Awarding Contract For Old Hwy 2 To _____ In The Amount Of \$ _____

Motion made by Councilor Peterson, seconded by Councilor Hauschild to table Resolution 2021-15, Resolution Receiving Bids And Awarding Contract For Old Hwy 2 To _____ In The Amount Of \$ _____. Motion carried.

2021-16 Resolution Approving Pay Request Number 10 For Sewer Improvement District No. 448 To Utility Systems Of America, Inc. In The Amount Of \$432,032.60

Motion made by Councilor Geissler, seconded by Councilor Peterson to adopt Resolution 2021-16, Resolution Approving Pay Request Number 10 For Sewer Improvement District No. 448 To Utility Systems Of America, Inc. In The Amount Of \$432,032.60. Councilors Geissler, Hauschild, Nelson, Peterson, Mayor Boucher, aye. Motion carried.

Motion made by Councilor Peterson, seconded by Councilor Geissler to recess the meeting at 6:45 p.m. to Motion carried.

Mayor

ATTEST:

Clerk

**CITY COUNCIL
WORK SESSION
Via Zoom**

Monday, January 25, 2021 at 4:30 P.M.

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

ABSENT:

CITY STAFF: John Mulder, City Administrator; Eric Johnson, Community Development Director; Jim Crace, Police Chief; David Bolf, City Engineer

OTHERS:

DISCUSSION ITEMS

- 1.** City Engineer Services: In 2015, the City began hiring project engineers for projects over \$500,000 with some exceptions so the City Engineer would provide oversight of the engineer's work without any conflict about overseeing their work. This created a second layer of engineering on those larger projects which added costs, but also provided an additional layer of protection and oversight to those projects. The Council discussed how the current City Engineer, Northland Consulting Engineers (NCE) might be allowed to provide engineering for projects over \$500,000. The consensus was that it would be okay of NCE submitted proposals, but that decision should be made prior to RFP's being sent out and that all parties would know if NCE was being allowed to submit a proposal. The Council also discussed that when NCE was the engineer that either the Public Works Director or City Administrator sign off as the owner's representative on changer orders and/or pay requests. The Council asked the City Administrator to prepare a policy statement on city engineer services for review at the February 16, 2021 City Council pre-agenda meeting.
- 2.** Planning Services: John Mulder reported that we were not planning on contracting with ARDC for ongoing planning services, but only on as an as needed basis. The City has budgeted for another staff position in 2021 to assist with administrative work related to the Road Improvement Plan, MS4 Compliances GIS database management and assisting the Community Development on planning issues. The plan is to have a draft job description for the City Council to review sometime in the second quarter of 2021.
- 3.** Legal Services: John Mulder listed some possible pros and cons of either hiring a City Attorney as a staff person or hiring a firm/individual as contracted service. While no specific date has been set, it is a significant issue because of the long term institutional knowledge of the City Attorney. The Council discussed whether to include both prosecution and the City Attorney civil work in any change. The consensus was to leave some options open at this time, but proceed with a draft request for proposal (RFP) for legal services which the Council could review. Based on that, the City could proceed with talking with potential candidates or interested parties. A draft RFP will be prepared for Council to review on March 1st. Any transition plan would have the existing attorney stay on in limited capacity to assist the new attorney.
- 4.** Priority Planning: John Mulder reviewed the results from the planning discussion in January 2019 and the progress made on the issues that had been identified. Council members were then asked what they would like to see accomplished over the next 2-4 years. Following the creation of the list below, each member was asked to vote on their top 4 priorities with 1 being the most important of their

top priority and 4 being the least important priority. The individual results follow the item on the list below.

Community Recreation Initiative. bonding and sales tax 1 1 1 1
3 components (Ice Arena, Trails, Fichtner Park)
Trails as part of the Community Recreation 1
Hermantown Dog Park
Broadband 2 2 2 3
Zip code – as it relates to Sales Tax 3 3 3
LGA dollars – change formula 4 4 4
Comp community strategic plan (heavy community involvement) 2 2
Re-start Advance Hermantown – create new destiny drivers 4
Blandin Leadership Program
Recruit business proactively 3 4
Housing – PUD, different options/standards for developers
Exempt seasonal agriculture watering from sewer charges (swimming pool)
Public safety resources
Water/Sewer extensions
Affordable housing

5. Recess: The meeting recessed at approximately 6:20 p.m.

Mayor

ATTEST:

Clerk

CITY OF HERMANTOWN

CHECKS #66931-66991
01/16/2021-01/31/2021

PAYROLL CHECKS

Electronic Checks - #71170-71241 73,081.95

LIABILITY CHECKS

Electronic Checks - #71163-71169 \$57,697.89

Checks #66982-66989 \$74,673.34

PAYROLL EXPENSE TOTAL \$205,453.18

ACCOUNTS PAYABLE

Checks - #66931-66981 \$185,636.84

Checks - #66990-66991 \$2,243.05

Electronic Payments -#9985-99897 \$3,248,644.43

Check- #109 TD Ameritrade to Utility Systems of America \$432,032.60

ACCOUNTS PAYABLE TOTAL \$3,868,556.92

TOTAL \$4,074,010.10

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Fund	Account	Department	Vendor Name	Description	Amount	Check #
101	217450	Employee Flexplan	FURTHER ELECTRONIC PAYMENTS	Claim Reimburse - Electronic p	6.53	-99897
101	217450	Employee Flexplan	FURTHER ELECTRONIC PAYMENTS	Claim Reimburse Electronic pay	965.94	-99896
324	471000	Debt Service	BOND TRUST SERVICES CORPORATION	2018B	280,000.00	-99895
315	471000	Debt Service	BOND TRUST SERVICES CORPORATION	2016B	51,225.00	-99895
315	471000	Debt Service	BOND TRUST SERVICES CORPORATION	2016B	530,000.00	-99895
323	471000	Debt Service	BOND TRUST SERVICES CORPORATION	2018A	30,187.50	-99895
325	471000	Debt Service	BOND TRUST SERVICES CORPORATION	2019A	305,000.00	-99895
324	471000	Debt Service	BOND TRUST SERVICES CORPORATION	2018B	130,737.50	-99895
318	471000	Debt Service	BOND TRUST SERVICES CORPORATION	2016A	375,000.00	-99895
315	471000	Debt Service	BOND TRUST SERVICES CORPORATION	2016B	475.00	-99895
320	471000	Debt Service	BOND TRUST SERVICES CORPORATION	2012A	475.00	-99895
327	471000	Debt Service	BOND TRUST SERVICES CORPORATION	2020B	48,550.00	-99895
318	471000	Debt Service	BOND TRUST SERVICES CORPORATION	2016A	475.00	-99895
323	471000	Debt Service	BOND TRUST SERVICES CORPORATION	2018A	75,000.00	-99895
326	471000	Debt Service	BOND TRUST SERVICES CORPORATION	2020A	475.00	-99895
322	471000	Debt Service	BOND TRUST SERVICES CORPORATION	2014A	15,100.00	-99895
321	471000	Debt Service	BOND TRUST SERVICES CORPORATION	2012B	26,096.88	-99895
321	471000	Debt Service	BOND TRUST SERVICES CORPORATION	2012B	145,000.00	-99895
320	471000	Debt Service	BOND TRUST SERVICES CORPORATION	2012A	165,000.00	-99895
326	471000	Debt Service	BOND TRUST SERVICES CORPORATION	2020A	365,000.00	-99895
325	471000	Debt Service	BOND TRUST SERVICES CORPORATION	2019A	155,815.63	-99895
323	471000	Debt Service	BOND TRUST SERVICES CORPORATION	2018A	475.00	-99895
327	471000	Debt Service	BOND TRUST SERVICES CORPORATION	2020B	205,000.00	-99895
320	471000	Debt Service	BOND TRUST SERVICES CORPORATION	2012A	11,365.00	-99895
326	471000	Debt Service	BOND TRUST SERVICES CORPORATION	2020A	70,519.45	-99895
322	471000	Debt Service	BOND TRUST SERVICES CORPORATION	2014A	235,000.00	-99895
318	471000	Debt Service	BOND TRUST SERVICES CORPORATION	2016A	25,700.00	-99895
240	432510	Trunk Sewer Construction	UTILITY SYSTEMS OF AMERICA, INC.	Trunk Sewer Spur - Munger spur	368,201.86	20109
240	432510	Trunk Sewer Construction	UTILITY SYSTEMS OF AMERICA, INC.	Trunk Sewer Spur- Munger Spur	63,830.74	20109
101	431100	Street Department	ADVANTAGE EMBLEM & SCREEN PRINTING INC	Gift Certificate Bob Miller	75.00	66931
101	427100	Poundmaster	ANIMAL ALLIES HUMANE SOCIETY	Dec Boarding	390.00	66932
101	419100	Community Development	ARROWHEAD ABSTRACT & TITLE CO.	O&E Vacant Land O-308502	75.00	66933
101	421100	Police Administration	AT&T MOBILITY	Cell Phones PD	1,394.79	66934
101	421100	Police Administration	AXON ENTERPRISE INC	Taser Leaset Year 5	2,904.00	66935
101	415300	Administration & Finance	BLACK MOUNTAIN SOFTWARE INC	Annual Service & Support 2021	13,970.50	66936
602	494900	Sewer Administration and General	BLACK MOUNTAIN SOFTWARE INC	Annual Service & Support 2021	7,080.25	66936
601	494400	Water Administration and General	BLACK MOUNTAIN SOFTWARE INC	Annual Service & Support 2021	7,080.25	66936
601	494300	Water Distribution	BORDER STATES ELECTRIC SUPPLY	Electrical Tape/ Cable Ties	126.63	66937

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Fund	Account	Department	Vendor Name	Description	Amount	Check #
402	431150	Street Improvements	BRAUN INTERTEC CORPORATION	Ugstad/Arrowhead St & Utility	14,031.25	66938
101	431100	Street Department	CARSTAR AUTO CARE COLLISION CENTER	Interior Cleaning H5	275.23	66939
101	431100	Street Department	CARSTAR AUTO CARE COLLISION CENTER	Interior Cleaning F-550	154.95	66939
101	431100	Street Department	CARSTAR AUTO CARE COLLISION CENTER	Interior Cleaning 3/4 ton	108.57	66939
101	431100	Street Department	CARSTAR AUTO CARE COLLISION CENTER	Interior Cleaning H23 (Neil's)	150.00	66939
101	422902	Firehall #2 Morris Thomas Road	CENTURYLINK	Internet FH#2 Dec 28-Jan 27	69.98	66940
101	431100	Street Department	CERTIFIED LABORATORIES	Aerosol Grease for Plows	477.14	66941
101	419901	City Hall & Police Building Maintenance	CINTAS CORPORATION	Mats at FD/PD	30.72	66942
101	431901	City Garage	CINTAS CORPORATION	Mats at PW	20.58	66942
101	419901	City Hall & Police Building Maintenance	CINTAS CORPORATION	Mats at CH	8.88	66942
101	431901	City Garage	CINTAS CORPORATION	Supplies	32.00	66942
101	431100	Street Department	CINTAS CORPORATION	Uniforms	48.42	66942
101	431100	Street Department	CINTAS CORPORATION	Uniforms	26.42	66942
101	431901	City Garage	CINTAS CORPORATION	1st Aid Stations	80.81	66942
101	431100	Street Department	CINTAS CORPORATION	Uniforms	10.80	66942
601	494300	Water Distribution	CITY OF DULUTH COMFORT SYSTEMS	Dec Water Charges	65,117.73	66943
601	494400	Water Administration and General	CUSTOMER ELATION INC	Jan Answering	27.93	66944
602	494900	Sewer Administration and General	CUSTOMER ELATION INC	Jan Answering	18.62	66944
401	431100	Street Department	DSC COMMUNICATIONS	Radion in New 1 ton PU	1,360.00	66945
601	494400	Water Administration and General	EHLERS & ASSOCIATES INC	Water Consumpt & Bill Review	3,250.00	66946
101	421100	Police Administration	ESSENTIA HEALTH	Tests- Stracek & Gottschald	636.00	66947
602	494900	Sewer Administration and General	GOPHER STATE ONE-CALL INC	2021 Annual Fee	20.00	66948
601	494400	Water Administration and General	GOPHER STATE ONE-CALL INC	2021 Annual Fee	30.00	66948
602	494500	Sewer Maintenance	GREAT LAKES PIPE SERVICE INC	Clean Misty Morning Lift Stati	650.00	66949
602	494500	Sewer Maintenance	GREAT LAKES PIPE SERVICE INC	Emergency sewer clean Jamie Dr	1,300.00	66949
101	415300	Administration & Finance	GREATAMERICA FINANCIAL SERVICES	Copier Lease/Konica Jan	96.00	66950
230	465100	HEDA	HERMANTOWN AREA CHAMBER OF COMMERCE	Membership Dues 11-49	345.00	66951
101	419100	Community Development	HERMANTOWN STAR LLC	Ord 2020-08 Moratorium	99.00	66952
101	419100	Community Development	HERMANTOWN STAR LLC	Public Hearing P&Z	74.25	66952
101	415300	Administration & Finance	INTEGRATED OFFICE SOLUTIONS	Copy Overage Konica	413.19	66953
101	415300	Administration & Finance	INTEGRATED OFFICE SOLUTIONS	Copy Overage Toshiba	72.23	66953
101	431100	Street Department	KRIS ENGINEERING, INC.	Plow Edges H1, H0, H4	2,599.10	66954
101	431100	Street Department	KRIS ENGINEERING, INC.	Cutting edge	69.00	66954
101	431100	Street Department	KRIS ENGINEERING, INC.	Cutting edge	69.00	66954
101	431100	Street Department	KRIS ENGINEERING, INC.	Plow Edges H1, H0, H4	2,599.10	66954
101	421100	Police Administration	LEAGUE OF MINNESOTA CITIES	Patrol Subscription 2021	1,440.00	66955
602	494500	Sewer Maintenance	MENARD INC	Parts for Vac Trailer Wands	141.28	66956
601	494300	Water Distribution	MENARD INC	Parts for Vac Trailer Wands	141.28	66956

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Fund	Account	Department	Vendor Name	Description	Amount	Check #
101	431100	Street Department	MENARD INC	Wedge Bolts	24.65	66956
101	431100	Street Department	MIKE'S SIGNS	Lettering H7 & Jd Row Mower	350.00	66957
101	419901	City Hall & Police Building Maintenance	MN ENERGY RESOURCES CORP	Natural Gas CH/PD	960.48	66958
101	419901	City Hall & Police Building Maintenance	MN ENERGY RESOURCES CORP	Natural Gas - CH/PD	877.47	66958
101	431901	City Garage	MN ENERGY RESOURCES CORP	Natural Gas Comm Bldg	175.61	66958
101	422901	Firehall #1 Maple Grove Road	MN ENERGY RESOURCES CORP	Natural Gas - FH#1	1,072.47	66958
275	452200	Community Building	MN ENERGY RESOURCES CORP	Natural Gas EWC	6,731.77	66958
605	431160	Street Lighting	MN POWER	Electricity Street Lights	17.68	66959
605	431160	Street Lighting	MN POWER	Electricity Street Lights	442.67	66959
605	431160	Street Lighting	MN POWER	Electricity Street Lights	419.70	66959
602	494900	Sewer Administration and General	MN POWER	Electricity - Lightning Dr	105.31	66959
605	431160	Street Lighting	MN POWER	Electricity Traffic Lights	711.56	66959
101	431901	City Garage	MN POWER	Electricity - Lightning Dr	263.27	66959
101	422901	Firehall #1 Maple Grove Road	MN POWER	Electricity FH #1	1,159.86	66959
101	452100	Parks	MN POWER	Electricity Little Leagues	19.93	66959
101	452100	Parks	MN POWER	Electricity Parks	171.38	66959
101	419901	City Hall & Police Building Maintenance	MN POWER	Electricity CH/PD	1,814.14	66959
101	422903	Firehall #3 Midway Road	MN POWER	Electricity FH#3	94.21	66959
101	431901	City Garage	MN POWER	Electricity Maple Gr Garage	18.14	66959
101	422902	Firehall #2 Morris Thomas Road	MN POWER	Electricity FH#2	116.08	66959
602	494900	Sewer Administration and General	MN POWER	Electricity Sewer	604.18	66959
601	494400	Water Administration and General	MN POWER	Electricity - Water	531.03	66959
275	452200	Community Building	MN POWER	Electricity EWC	5,976.96	66959
101	452200	Community Building	MN POWER	Electricity Community Bldg	456.56	66959
101	452200	Community Building	MN POWER	Electricity 5028 Miller Trunk	127.71	66959
275	452200	Community Building	MN POWER	Electricity EWC Garage	163.21	66959
605	431160	Street Lighting	MN POWER	Electricity Street Lights	626.19	66959
605	431160	Street Lighting	MN POWER	Electricity Street Lights	327.51	66959
601	494400	Water Administration and General	MN POWER	Electricity - Lightning Dr	157.96	66959
605	431160	Street Lighting	MN POWER	Electricity Street Lights	345.15	66959
602	494500	Sewer Maintenance	MN PUMP WORKS	Eone for 5140 Morris Thomas Rd	6,175.00	66960
601	494300	Water Distribution	MN RURAL WATER ASSN	Associate Membership 2021	180.00	66961
602	494500	Sewer Maintenance	MN RURAL WATER ASSN	Associate Membership 2021	120.00	66961
101	419901	City Hall & Police Building Maintenance	MN TELECOMMUNICATIONS	Jan Internet	524.16	66962
101	422901	Firehall #1 Maple Grove Road	MN TELECOMMUNICATIONS	Jan Internet	131.04	66962
260	456101	Cable	NEXTEC SYSTEMS	Council Chambers Project	4,581.01	66963
101	421100	Police Administration	NLEAC	2021 Dues	75.00	66964
101	431100	Street Department	NORTHERN STATES SUPPLY INC	Ladder Rack- Bob's Truck	504.25	66965

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Fund	Account	Department	Vendor Name	Description	Amount	Check #
101	431901	City Garage	NORTHERN STATES SUPPLY INC	Heat Shrink Tube	6.41	66965
230	465100	HEDA	NORTHSPAN GROUP INC	Northland Connection 2021	2,500.00	66966
101	431100	Street Department	POMP'S TIRE SERVICE INC	Tires on 310 Back Hoe	4,920.90	66967
101	431100	Street Department	PRAXAIR DISTRIBUTION INC	Cylinder rent/Safe Env fee	47.28	66968
101	431100	Street Department	PRO TIRE	Tire Sensor H26	40.00	66969
101	421100	Police Administration	SCREEN GRAPHICS UNIFORM CONNECTION	Employee Recognition	25.00	66970
101	452200	Community Building	SHERWIN WILLIAMS	Paint - Community Bldg	83.85	66971
251	421100	Police Administration	SHIELD616	Gottschald Plates/Helmet Pernu	1,500.00	66972
101	419901	City Hall & Police Building Maintenance	SHRED-N-GO INC	Shredding	104.48	66973
101	421100	Police Administration	SHRED-N-GO INC	Shredding	104.49	66973
602	494500	Sewer Maintenance	TARNOWSKI BROTHERS L.L.C.	Rental of ASV w/Drumgrinder	2,500.00	66974
101	341050	Development Agreement Fees	TITAN PREMIER LLC	Refund Overpay Dev Agree Fees	240.00	66975
101	421100	Police Administration	TROY'S BP AMOCO INC	Battery 2014 Explorer	199.95	66976
101	431100	Street Department	ULLAND BROTHERS INC	Bituminous Jaimie & Haines Rd	5,324.30	66977
601	494400	Water Administration and General	UNITED STATES POSTAL SERVICE	Postage Due PD 95083-000	10.00	66978
602	494900	Sewer Administration and General	UNITED STATES POSTAL SERVICE	Postage Due PD 95083-000	10.00	66978
101	421100	Police Administration	USA TOWING & RECOVERY	Tow Stolen Vehicle to HPD	65.00	66979
260	456101	Cable	WALDNER, LARS	Cable TV Coordinator January	625.00	66980
601	494300	Water Distribution	WATER CONSERVATION SERVICE, INC	Water Main Leak Locate	986.00	66981
101	134000	Retiree Insurance/Telephone Reimb.	MN LIFE	Feb Life Ins McMillan Inactive	4.05	66990
101	421100	Police Administration	NORTHEAST SERVICE COOPERATIVE	Health Ins Inactives February	1,388.70	66991
101	134000	Retiree Insurance/Telephone Reimb.	NORTHEAST SERVICE COOPERATIVE	Health Ins Inactives February	850.30	66991

Totals: 136 records printed

3,868,556.92

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



DATE: January 25, 2021 **Meeting Date:** 2/1/21
SUBJECT: Grant application to the MN **Agenda Item:** 12-A **Resolution 2021-18**
DNR

REQUESTED ACTION

Approve the City sponsoring a grant request to the Minnesota Department of Natural Resources (MNDNR) for the Hermantown Night Riders to purchase snow grooming equipment for the maintenance of their snowmobile trails.

BACKGROUND

In 2020, the Hermantown Night Rider snowmobile club contacted the Park Board requesting the City act as the sponsoring governmental unit for their grant application to the Minnesota Department of Natural Resources. The application requires a local unit of government be the applicant with an organization or club as a project partner. The Park Board unanimously recommended that the City act as a sponsor for this grant. Unfortunately, the grant was not selected at the time.

The snowmobile club is pursuing this grant opportunity again in 2021. Bart Porter, representing the club, presented his request for support to the Park Board at their January 2021 meeting. The Park Board was in favor of supporting the club with their grant application and is recommending that the City Council approve a resolution supporting the snowmobile club and acting as the grant sponsor.

The snowmobile club is looking to purchase grooming equipment to maintain their 54 miles of snowmobile trails throughout Hermantown, Proctor and Duluth. This new equipment can be used to groom the snowmobile trail and the walking/cross country ski trails in Keene Creek Park. The snowmobile club has groomed these trails in the past.

The City is the grant applicant with the Hermantown Night Riders being a project partner for the grant. The request is for \$35,500 with the 25% required match of \$8,860 provided by the snowmobile club. City staff will coordinate the application with the snowmobile club and administer the grant.

SOURCE OF FUNDS (if applicable)

Funds available through the Federal Recreation Trail Program
Hermantown Night Riders

ATTACHMENTS

- Draft Application

Resolution No. 2021-18

RESOLUTION AUTHORIZING THE CITY OF HERMANTOWN TO SPONSOR A GRANT FOR THE PURCHASE OF SNOWMOBILE TRAIL MAINTENACE EQUIPMENT BY THE HERMANTOWN NIGHT RIDERS

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

WHEREAS, the City of Hermantown has the legal authority to sponsor a grant funding request to Minnesota Department of Natural Resources (STATE) for an Equipment Grant (PROJECT), in order for the Hermantown Night Riders, project partner with the City, to purchase snowmobile trail maintenance equipment; and

WHEREAS, the City of Hermantown supports the grant application made to the Minnesota Department of Natural Resources for the Federal Recreational Trail Program; and

WHEREAS, the City of Hermantown and the Hermantown Night Riders recognizes the twenty-five (25) percent match requirement for the Federal Recreation Trail Program, and has secured the matching funds; and

WHEREAS, that, if selected for funding by the STATE, the City shall act as a legal sponsor for the PROJECT as funded by the MN Department of Natural Resources and that the City is hereby authorized to apply to the STATE for funding of this project on behalf of the City; and

WHEREAS, if the City of Hermantown is awarded a grant by the Minnesota Department of Natural Resources, the City of Hermantown agrees to accept the grant award, and may enter into an agreement with the State of Minnesota for the above referenced project. The City of Hermantown will comply with all applicable laws, environmental requirements and regulations as stated in the grant agreement; and

WHEREAS, the City of Hermantown has not incurred any development costs and the Hermantown Night Riders are responsible for any grant matches.

NOW, THEREFORE BE IT RESOLVED that the applicant has read the Conflict of Interest Policy contained in the Trail Program Grant Manual and certifies it will report any actual, potential, perceived, or organizational conflicts of interest upon discovery to the state related to the application or grant award.

BE IT FURTHER RESOLVED that the application for a Trail Program Grant is hereby approved and the City Administrator is hereby authorized to execute and submit the application on behalf of the City.

Councilor ____ introduced the foregoing resolution and moved its adoption.

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

Councilors

and the following voted in opposition thereto:

WHEREUPON, such resolution was declared duly passed and adopted February 1, 2021.



FEDERAL RECREATIONAL TRAIL PROGRAM

2021 Equipment Grant Application

INSTRUCTIONS

Delete this page before submitting Application



Before completing this application read and study the program manual, all information on the program website, and these instructions.

APPLICATION DUE DATE: February 26, 2021

COMPLETING THE APPLICATION:

- Carefully review the Project Eligibility section of the program manual to understand the different requirements and eligible expenditures.
- Maximum Grant request is \$75,000 and requires a 25% secured cash match.
- Type all responses within the blank boxes associated with each question. Do not type your answers in the same box as the question. For location and site maps, you may insert these as separate pages immediately following each question.
- Replace the sample resolution page with the actual approved resolution.
- DO NOT change the format of this document.
- Respond to all of the required questions and provide all required documents, including those outlined in the Attachment Checklist. Failure to complete the application appropriately will mean that the project will not be considered for funding.
- Please keep answers as brief and concise as possible. Answers should focus on the project for which the funds will be utilized.

HOW TO SUBMIT THE APPLICATION:

Applications are to be submitted electronically in a “.pdf” format by the due date above. Paper submission of applications will no longer be accepted. To submit the application, email a pdf version of the application and attachments to Trailgrants.DNR@state.mn.us. This is the official submittal email box. Submitting to any other email will not be accepted. Format the entire application, including all attachments, as one pdf document with all pages 8 ½” by 11” in dimension. After submission, make sure you have received a confirmation email that your application has arrived in a useable format by the due date. **A confirmation email should arrive within one business day after you have submitted your application.** Each email is opened to insure the files are readable and then followed with a confirmation email. Applications submitted in an unusable format will NOT be considered for funding. If there are any questions about submitting the application please contact the program staff below.

GENERAL INFORMATION:

This is a very competitive program. Staff members are available to discuss your project or review application materials. You are encouraged to submit any draft application or materials by February 5, 2021 if you would like staff to provide comments. For assistance, please contact:

Daniel Golner, Grant Coordinator
daniel.golner@state.mn.us
(651) 259-5599



FEDERAL RECREATIONAL TRAIL PROGRAM 2021 Equipment Grant Application

Project #	
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1) GENERAL CONTACT INFORMATION:

Grant Applicant (Unit of Government Required):	City of Hermantown, Minnesota
Contact Person:	Eric Johnson
Contact Title:	Community Development Director
Mailing Address:	5105 Maple Grove Rd Hermantown , Mn 55811
Phone:	1-218-729-3618
Email address:	Eric.johnson@hermantownmn.com
<i>If the project has a trail club, organization, or project partner, please include below:</i>	
Organization/Club Name:	Hermantown Night Riders- Snowmobile club
Contact Person:	Barton M. Porter
Contact Title:	Board Member – grant writer
Mailing Address (include street address):	5186 Martin Road Duluth, Minnesota 55811
Phone:	218-428-5365
Email address:	Bpbach007@aol.com

2) GENERAL PROJECT INFORMATION:

Project Name:	Keene Creek Park / Hermantown Night Riders
Project Summary (<i>30 words or less</i>):	Grooming trails in Keene Creek Park for multitude of uses. Support grooming and maintenance of 54 miles of trail system throughout Hermantown, Proctor, and Duluth
Project Completion Date:	11-1-21
Trail Name:	Keene Creek, Hermantown Trail
Website with Trail Info:	www.snowmobileclub.net Facebook: Hermantown night Riders and Facebook: Keene Creek Park

3) FINANCIAL INFORMATION:

Grant Request:	\$29,579.64	Source of Cash Match (describe below in the box next to \$ amount):	Are match funds secured? (Yes/No)	Grant-in-Aid Funds (Yes/No)
Matching Funds (25% match required)	\$9,859.88		yes	no
	\$			
	\$			
Total Purchase Cost:	\$39,439.52	(Grant Request + Matching Funds must = Total Purchase Cost)		
If this project has received federal funding through the Enhancements Program or Transportation Alternative Program, please indicate which year the project is			FFY:	N/A

programmed for construction?	
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4) PURCHASE LOCATION:

County Equipment will be Located:	St Louis County
State Legislative (House) District:	03A
State Senate District:	3
State House Representative: (name)	Rob Eckland
State Senator: (name)	Tom Bank
Congressional District:	8th

5) RECREATIONAL USES FOR EQUIPMENT PURCHASE:

5A) Indicate the existing or proposed uses of the trail under primary use and the secondary recreation uses which will directly benefit from the proposed equipment purchase:

Primary Use	Secondary Use	
x		Walking/Hiking
	x	Bicycling
	x	Mountain Bicycling
		Horseback Riding
	x	Cross-Country Skiing
		In-Line Skating
x		Snowmobiling
		ATV Riding
		Off-Highway Motorcycling
		Off-Road Vehicles (4x4, Jeep, etc.)
xxxxx		Other (specify): Snowshoeing, Dog Walking, Wild berry and Nut Harvesting, bird, and animal watching.

5B) Describe/Justify how each of the above identified primary and/or secondary trail user groups will benefit from the project. Response required for each identified use above. Letters of support attached to this application for both primary and secondary usage **strongly recommended**. See manual for secondary usage criteria.

Trail Usage- Walking/Hiking

All the trails are used in all seasons, the snowmobile trail is used by all others in the other seasons. We have people from all parts of Duluth using the trails in the park. Keenes Creek is located of Morris Thomas Rd between Haines road and Stebner Rd. Haines and Stebner are main roads coming out of west Duluth, Lincoln Park, Duluth, Hermantown and Proctor area. This allows a lot of people a quick and easy access to the system with a large easy access parking lot.

The trails are more accessible to all age groups by having a wide groomed trail rather than a single walking trail unmaintained. The work of culverts and bridges across the system have been done the last couple years we did approximately 6 new culverts and two new bridges through the snowmobile club making the system safe and more accessible to all.

Keene Creek Park has a sizeable network of trails throughout the park. Residents from Hermantown, Proctor, and Duluth heavily use this system, drawn by the terrain of rolling hills and the beautiful Keene Creek running through it. The park boasts trails that range from flat and easy, perfect for seniors, to steep trails for the more adventurous. It truly serves the entire community. We are constantly maintaining the trails to keep the trails accessible and free of debris from brush and fallen trees.

The side-by-side will allow us to pull the SnoDozer 600, with walking trail setter, and produce a better trail throughout winter. Year-round trail maintenance would be made easier, faster, and

more efficient by having equipment capable of pulling in trailers to haul off debris and to haul in materials when needed. It will be safer because we will have doors and heat for extreme cold weather. The doors also protect from getting stabbed or stuck with a branch which happens on a snowmobile and ATV from time to time.

Trail Usage- Mountain Biking

Keene Creek Park trail system is used year-round by mountain biking enthusiasts. The terrain found on the trails provides trails for every level of skill and ability. They benefit from the maintenance and grooming of the trails in the same way as those mentioned above.

Trail Usage- Cross Country Skiing

We have cross country skiers that use the trail system. Right now, they use the walking trails, as well as the snowmobile trails. The purchase of the SnoDozer 600 trail groomer, with its cross country trail setters, would enable the grooming of ski trails with a double indented path just for skiers. This would promote the expansion of our cross country ski usage by providing a better trail for them to use. This would provide trails designated for skiers, groomed especially for them. Existing walking trails would remain accessible to them as well. These designated ski trails would provide a safe place for cross country skiers to ski. We have one area that will work great for beginner skiers once we obtain the groomer and trail setter piece for skiing.

Trail Usage-Primary Trail Usage- Snowmobiling

The snowmobile trail has been being used for 50+ years to get to the grant and aid trail. Several years ago, we worked with the city of Hermantown and one private landowner and made it an official snowmobile trail. We started widening it and posting signs to make it safer. It is too small for the big groomers to get down. The new trail separated the snowmobiles to their own primary trail which took them off a long trail shared by all. This trail is privately funded with privately owned equipment. If this private equipment were no longer available, it would be a huge set back for the trail system and accessibility for all that use the system all seasons of the year. This year we reopened and old trail to a look out overlooking all of Duluth this trail also will only fit a side by side. We also just opened a feeder trail from spirit mountain down to the Munger trail and then down to the state trail. This trail can also only be serviced by a side by side. This equipment is key to getting these feeder trails open. It connects trails of all sorts through the Trail system we maintain.

Keenes Creek is a park-and-ride feeder trail to the Grant-in-Aid and state trail systems. Hermantown Night Rider volunteers have been grooming this with privately owned equipment for three years now. It is approx. 1.5 miles just the snowmobile trail in the park. This new trail connects riders to a convenient parking area that is closer to their homes and is large enough to accommodate many vehicles and trailers. This allows people to ride more often because many of the other park-and-rides are small and fill up quickly. This did require residents to trailer their machines across town we are seeing lots of trailers in the park now. We have installed signage throughout the trail system and continue to work on widening the trail, clearing brush off the trail, and leveling the trail where needed. With this new access point and quality of our trails, we are seeing an increase in riders on newer snowmobiles, as well as older sleds being registered and ridden, on our entire trail system because it is so smooth and well maintained. Also, there is a section of trail behind the Tappa Keg Inn restaurant in Duluth that connects the Grant-in-Aid, state trails and the St. Louis riverway. The bridge on that section is too small for the state or club groomers to go over, so it can only be groomed by a side-by-side Minnie groomer. This section is a feeder that connects three different systems. Without this piece of equipment it could not be

groomed to connect them. Our volunteers have been grooming this section using private equipment. Hermantown Night Rider volunteers groom all the trails mentioned in Keene Creek Park, unfunded and with private equipment. We also help groom and maintain 54 miles of Grant-in-Aid trails, and this new equipment will be used to work on the entire trail system. The feeder trails make up another 6 miles of trail. Not to mention allow us to offer even more support to local events, such as the Blackwoods Blizzard Tour, the Vintage Rides, and many resident-organized weekly group rides. The purchase of the Tundra Snow Dozer 600 trail groomer, and the side-by-side to pull it, will allow us to produce an even better trail, much quicker and more efficiently, further increasing trail use. This new equipment will also help us to better pack the snow on the trails in early season, which plays a huge role in the trail quality for the whole season. It will also allow us to groom the trails when there is not enough snow for the large groomers to go out, which will better maintain trail quality between snow accumulations, thus leading to better trail quality all season. This year the private sided by side has been on the entire trail system many times, the trail is flat and the only one in the area that has that accomplished with such small amount of snow. Side by side is a needed to help all the trails.

Snowshoeing

We have large number of snowshoe enthusiasts that use the trail system. From beginner easy flat trails to challenging steeper trails. They benefit from the maintenance and grooming of the trials in the same way as those mentioned above.

Trail Usage-Dog Walking-

We have many dog owners in the area and this is one of the only parks that have trails that welcome dogs. We groom an extra wide entrance to the trail system, providing an area that they can run and play. Many walkers and their pets use this area and the trails daily. Before we groomed this area, most of them walked on a single, narrow, foot carved path that was difficult and sometimes even dangerous for both the owners and their pets. Our groomed trails provide a safer and easier alternative. They benefit from the maintenance and grooming of the trials in the same way as those mentioned above.

Wild Berry and Nut Harvesting

Many people walk on the park trails to pick Service berries, raspberries, strawberries, choke cherries, Mushrooms and hazel nuts. Without the trail system older folks could not access as easy to do these sorts of things.

Bird and animal watching

The park and entire trail system is loaded with grouse, deer, hawks, owls, and many other species. A lot of people take cameras and search these animals out and the topography allows people to get elevated advantages where they can walk up to them often.

6) EQUIPMENT PURCHASE DESCRIPTION:

Provide a description sufficient enough to understand the purchase. Provide specifications of the equipment for which you are seeking assistance. Include make and model of equipment, as well as an invoice showing estimate of cost as an attachment (see attachment checklist). Use the box below.

We are asking for this equipment to better maintain all current trails and expand our new snowmobile trail. Keene Creek has a large network of trails in the park which have been groomed and maintained with privately owned equipment. This new equipment we are requesting will allow us to better maintain the trails, without needing to rely on private parties to donate the use of their equipment. The groomer we currently use is pulled behind a volunteer's snowmobile and is homemade and constructed of wood. While it does help to smooth the trail, the equipment requested will work better, quicker, and much more efficiently. The trail maintenance never ends as brush and trees are continually growing and falling. We truly believe with this equipment will result more users of the park and trail system because of the quality of the trails we will be able to provide. We groom the Grant-in-Aid trails throughout Hermantown, Proctor and Duluth. The purchase of the John Deere side-by-side and SnoDozer 600 trail groomer will allow us to provide year-round trail maintenance that would benefit ALL of the above mentioned users.

Equipment Details Prepared For: Bart P Phone: 218-428-5365 Email: bpbach@aol.com
Dealership: LARRY KLINE DULUTH LAWN & SPORT, INC. 4715 Grand Avenue Duluth, MN 55807 Phone: 2186283718 Email: lmkline@ymail.com Date February 17, 2020 Offer Expires: 4-21-20 Display in numeric order. All amounts are displayed in USD John Deere XUV865M Diesel HVAC (MY20) Code Description Qty List Price 576FM XUV865M HVAC (MY20) \$24,949.00

Base Machine Suggested List Price Does Not Include \$600 USD Destination Charge. Options Required Items: 001A US/Canada 1 In Base Price 0508 PR - Cab Package for XUV835M HVAC (XXXX) and XUV865M HVAC (XXXXX): - G&Y Color (2500) - Yellow Alloy Rims/Maxxis Bighorn Tires (1008) - Yellow Bench Seat (2030) - Cab (4024) - Black Roof with Headliner (4039) - Cargo Box w/ Spray-in Liner and Rear Lights (3003) - Cargo Box Power Lift (3101) - Less Rear Protection (4199) - Front Brush Guard (4201) - Less Winch (6349) See package options that add to price. 1 (\$250.00) 2500 Green and Yellow 1 In Base Price 1008 Yellow Alloy Wheels Maxxis Bighorn Radial Tires 1 \$900.00 2030 Split Bench Seat - Yellow 1 In Base Price 4024 OSR - Cab Doors 1 In Base Price 4039 Black Roof with Headliner This option includes the factory installed headliner. 1 \$149.00 3003 Cargo Box with Spray In Liner, Brake, and Tail Lights 1 In Base Price 3101 Cargo Box Power Lift 1 \$874.00 4199 Less Rear Package 1 In Base Price 4201 Front Brush Guard 1 \$355.00 6349 Less Winch 1 In Base Price Optional Items: BM22767 Rear Bumper For use on XUV 625i, 825, 855, 835, 865 Utility Vehicles. (Includes S4 versions) For use on TX, TH, TE Utility Vehicles. (Includes gas and Diesel versions) (Only vehicles with Deluxe Box) 1 \$257.87 AM882530 Adaptor Parts for Engine Coolant Heater 1 \$98.20 Revised 11/2019 AR87167 Engine Coolant Heater (110 V) Requires Adapter parts for engine coolant heater 1 \$82.67 AR87167 Engine Coolant Heater (110 V) Requires Adapter parts for engine coolant heater 1 \$82.67 BM26462 Floor Mats (2) 1 \$85.60 BUC10141 Brushguard extensions Requires Brushguard 1 \$102.71 BM26129 Cargo Box Fender Guard Requires rear bumper 1 \$209.71 BUC10247 Front Fender Guard Requires front brush guard 1 \$228.99 BM26265 Front Attachment Harness 1 \$144.46 BM26268 Front Attachment Harness (dash port) 1 \$133.76 BM26739 Rear Cab Attachment Harness 1 \$72.76 BM26185 Beacon Light Requires rear cab harness 1 \$257.87 BM26477 Rear View Mirror 1 \$94.16 BUC10682 Winch Kit 4500lb, Winch

For use on 2014+ XUV 625i, 825, 855 Utility Vehicles. (Includes S4 versions). For use on model year 2018 to current XUV835 and XUV865 Utility Vehicles. M-spec and R-spec vehicles come from the factory winch ready, and no additional attachment harnesses are required. Requires winch mounting kit to mount the winch either on the chassis or on the front/rear receivers. 1 \$742.59 Configuration Total: \$29,488.35

Summary Equipment Totals (includes "Other Charges") Qty Each Extended XUV865M HVAC (MY20) 1 \$29,488.35 \$29,488.35 Total Equipment Group Price: \$29,488.35 Additional Charges Freight: +/- \$600.00 Setup & Delivery: +/- \$500.00 Discounts: +/- (\$2,948.83) Trade In Allowance: +/- \$0.00 Extended Warranty: +/- \$0.00 Taxes: +/- \$0.00 camoplast track kit +/- \$5,000.00 Total Additional Charges: \$3,151.17 Total Delivered Price: 1 \$32,639.52

To whom it may concern John Deere Company does not publish American steel content on any of their products. The gators vehicles are built in Horicon WI. Thank you Larry Kline Duluth Lawn and Sport 4715 Grand Ave. Duluth, MN 55807 218-628-3718



5581 HWY 2 Unit 41
Hermantown, MN 55810

TO:
Hermantown Night Riders
c/o Barton Porter

FOR:
SnoDozer 600

INVOICE

INVOICE # INV20200204HNR
DATE: 02/04/2020

DESCRIPTION	UNITS	PRICE	AMOUNT
S600- SnoDozer 600 6 Foot Personal Trail Groomer	1	6800.00	6800.00
Includes:			
Retractable wheels w/ electric lift assist option			
Powder Coated Tongue Jack			
2" ball hitch			
XC Ski Setter			
Trail Pan(corrugated)			
2 Year Warranty			
Shipping: FREE DELIVERY per Tim			
		TOTAL	\$6800.00

Thank you for your business!

Revised 10/2020

7) EQUIPMENT PURCHASE COST BREAKDOWN:

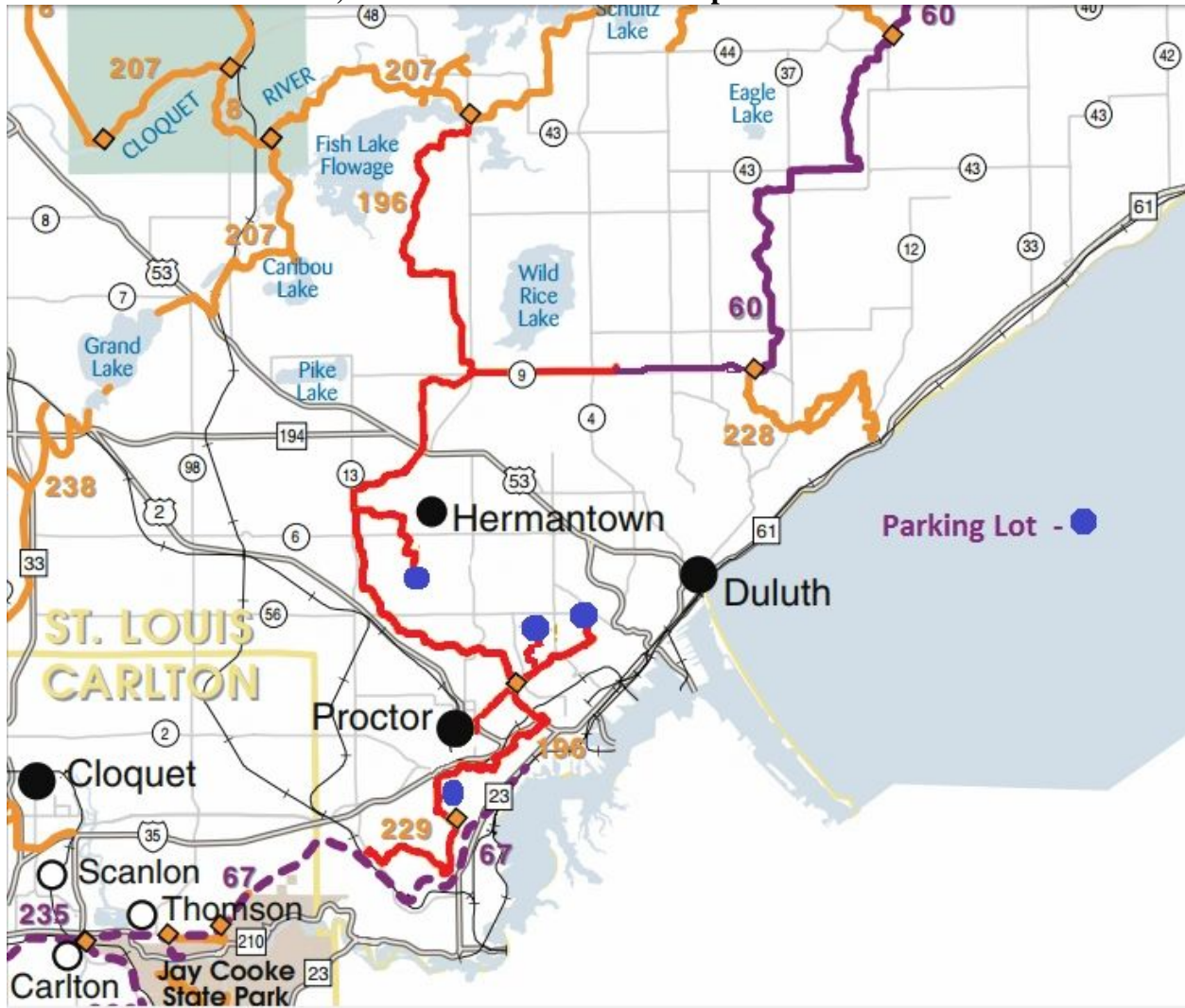
Identify each recreational trail/facility being proposed for funding. Provide a short quantitative description of the purchase, the total estimated cost and the expected purchase date for each piece of equipment. Add or delete rows in the text boxes below as appropriate.

Equipment Name	Description	Estimated Cost	Expected Purchase Date
John Deere Side by side	XUV865 Diesel HVAC (MY20) Side by side with tracks	\$32,639.52	
Snow Dozer 600 Groomer	S-600 Snowdozer 600 6 foot personal groomer	\$6,800.00	
Total		\$39,439.52	

8) EQUIPMENT WORK AREA LOCATION MAP:

It is important for reviewers to have an idea of where in the state and/or your region the purchase being proposed will be utilized. This map is to be 8 ½ X 11 in size ONLY, **in color** and able to show where the purchase will generally be utilized within the state or region. So typically the scale of this map is large. Insert the map here.

The bold red is the trail system we maintain. The blue dots are park and rides. The over look feeder trail, and the new feeder trail at spirit mountain are not shown.





Hermantown KEENES CREEK Hiking & Ski Trails



Approximate
Snowmobile Trail



Made possible by-
City of Hermantown
Duluth Skyline Rotary
and the help of many volunteers



Grant and Aid
to State Trail

9) CURRENT ABILITY TO MAINTAIN TRAILS:

9A) If within the Grant-in-Aid Program, how many miles of trail are groomed / maintained AND how much GIA funding was awarded in the most recent year? Use the box below.		
54 miles of Grant-in-Aid trails. St Louis County \$16,509.48 and Duluth \$8,746.30		
9B) Provide the following information for each piece of grooming / maintenance equipment you presently own. Use the boxes below.		
Description of equipment (type, make, model, year manufactured):	Total operating hours for each piece of grooming/ maintenance equipment you presently own:	Condition of each piece of equipment and estimated value:
Groomer-Bombardier BR-275 Year 1999	9,065 hours	Well used \$39,000.00
Groomer-Bombardier BR-160 Year 1997	3777 hours	Good used \$35,000.00
Two -groomer Drags Arrowhead 8'6" x 20' year 1997	Not available used both machines BR-160 and BR-275	Good Each \$2500.00
One groomer drag Arrowhead 10' x 20' Year 2001	Not available used with BR-275	Good used \$3000.00
9C) Does your club/organization maintain trails not in the GIA Program, and if so, how many miles? Are any trails maintained through contracts (other than GIA), and if so, how many miles? Use the box below.		
Yes About 6-8 miles. Not funded, Keene Creek, Overlook and new spirit mountain feeder trail.		

10) EVIDENCE OF APPLICANT CAPABILITY:

Demonstrate your ability to complete the purchase, subsequently operate and maintain it, and protect the equipment after purchase. Specifically provide evidence of successful and timely completion of other such purchases. Discuss where and how the equipment will be housed. Use the box below.
Our club is 89 members strong and growing. The Over the hill Night Riders was formed around 1985 and was renamed the Hermantown Night Riders a few years ago. Since the start we have been responsible for maintaining our equipment, and we have always paid to house our groomers in heated spaces. Our club has a variety of talented members, many of whom are business owners. Their professions range from mechanics, welders, and heavy equipment operators to financial advisors and salespeople. We have active members that have been there since the beginning. We are a very stable, reliable, and self-sufficient club with a strong resume. We have reached the point that we need better equipment, and this grant will enable us to continue providing quality trails to our community. The equipment will be housed inside garages. One at 5186 Martin Road, Duluth, which is situated on a Grant-in-Aid trail. The other is at a Hermantown at 3677 Okerstrom Rd,

Hermantown, which is on the road leading into Keene Creek Park. The equipment will be housed at either location, depending on what part of the trail is being worked on.

11) PUBLIC NEED FOR AND BENEFIT OF PURCHASE:

Why should this project be funded? What safety concerns will be addressed with this project? Is there urgency to move ahead with this project now, and what consequences are looming? Demonstrate the benefit from this purchase compared to the total cost? How many people would be expected to use the trail maintained with this equipment over the course of one year? Use the box below.

We are requesting funding because we are doing a lot of work with privately owned equipment. This equipment we are using is not large enough to pull the mini groomer; it is designed to be pulled by a side-by-side. We have tried with proper equipment and is much faster and creates a wider and smoother pass. The new equipment has a flashing beacon light, headlights, custom LED lights that illuminates the trail both in front of and behind the machine, interior lights, and brake lights. These all work together to provide clear visibility for both the operator of the groomer, as well as anyone they encounter on the trail. This makes it safer for both the volunteers who are working, as well as all those who are out on the trails. The side-by-side is also equipped with a heated cab with bench seating. This seating allows for more than one volunteer to groom the trail at once. Right now, we have a single volunteer out on their privately owned snowmobile pulling the homemade groomer. This new equipment will provide a safer alternative for all parties involved. This equipment is urgently needed for a few major reasons. 1. Safety. As mentioned, our current methods of grooming leave our volunteers in a somewhat vulnerable state. 2. Privately owned equipment. Right now, we rely heavily on our volunteers to not only donate their time, but their equipment as well. They are required to put their snowmobiles to work and are responsible for upkeep and any repairs their machines may need. It is easy to understand how this could quickly become a problem, especially when using homemade equipment that is repaired regularly. 3. Trail quality and usage. This new equipment will result in better quality trails immediately. The little homemade groomer has maintained as well as it can, but this new groomer will provide a smoother, wider, and all-around better trail. It does not take long for word to get out when the trails are good, and people come out. The equipment will provide trails that people will love to use, and usage will go up. The benefit compared to cost. This new machine can do things the big groomer can't. It can access smaller trails, like the Keene Creek Park feeder trail, as well as walking trails. It uses less fuel than the large groomer and will be more cost effective to maintain. It can also groom the trails when there is less snow, which will better maintain trail quality between snow accumulations, as well as at the beginning and end of the snowmobiling season when snow is scarce, thus leading to better trail quality all season. While we do not have an exact count, it can be estimated that thousands of people that use our trails year-round. We have people who travel from all over to explore our beautiful Northland, and our trail system provides a unique, up close view. Residents from Hermantown, Proctor, and Duluth use these trails daily. The trail systems we maintain are used year-round for a wide variety of outdoor activities, as previously detailed in section 6B

12) CONTEXT OF PURCHASE IN A WIDER PLAN:

Demonstrate compatibility with local/area/state trail plans, and compatibility with plans guiding management of trail systems, etc. What relationship does the proposed purchase have to other outdoor recreation facilities and trails? Use the box below.

The Keene Creek snowmobile trail was constructed by our volunteers over the last few years and is still work in process. This is a park-and-ride feeder trail to the Grant-in-Aid and state trail systems. It is too small for our bigger groomers to come down as of yet. The snowmobile feeder trail is approx. 1.5 mi and the trails within the park make up another approx. 1.5 mi. This new trail

connects riders to a convenient parking area that is closer to their homes and is large enough to accommodate many vehicles and trailers. This allows people to ride more often because many of the other park-and-rides are small and fill up quickly or require residents to trailer their machines across town. We have installed signage throughout the trail system and continue to work on widening the trail, clearing brush off the trail, and leveling the trail where needed. With this new access point and quality of our trails, we are seeing an increase in older sleds being registered and ridden on our entire trail system. Also, there is a section of trail behind the Tappa Keg Inn restaurant in Duluth that connects the Grant-in-Aid and state trails. The bridge on that section is too small for the state or club groomers to go over, so it can only be groomed by a small machine. Our volunteers have been grooming this section using private equipment. Hermantown Night Rider volunteers groom all the trails mentioned in Keene Creek Park, unfunded and with private equipment. We also help groom and maintain 54 miles of Grant-in Aid trails, and this new equipment will be used to work on the entire trail system. The purchase of the Tundra Snow Dozer 600 trail groomer, and the John Deere side-by-side to pull it, will allow us to produce an even better trail, much quicker and more efficiently, further increasing trail use. This new equipment will also help us to better pack the snow on the trails in early season, which plays a huge role in the trail quality for the whole season. It will also allow us to groom the trails when there isn't enough snow for the large groomers to go out, which will better maintain trail quality between snow accumulations, thus leading to better trail quality all season.

13) IDENTIFY ADVERSE IMPACTS THAT MIGHT BE REALIZED AS A RESULT OF PURCHASE:

Will the purchase result in increased use? What possible conflict situation may arise? Use the box below.

The purchase of this equipment will ultimately result in better maintained trails and therefore lead to an increase in usage. Even with the improvements we have managed to make with our little handmade groomer, word is getting out and trail usage has gone up. This is resulting in more usage in the Grant-in-Aid and state trail systems. We have not encountered, nor do we anticipate any conflict at all.

ATTACHMENT CHECKLIST

REQUIRED ATTACHMENTS (All attachments MUST be 8 ½ by 11 ONLY)	
	<p>Attachment A – Required Certifications</p> <p>The first signature block is to be signed by the proper authority for the grant applicant (Unit of Government). A representative of the trail organization or club that is purchasing the equipment should sign the second section. If the proposed purchase will primarily be utilized public land that is not under the jurisdiction of the applicant, the proper authority must sign the final section in order to assure that they are both aware and supportive of the project.</p>
	<p>Attachment B – Resolution Supporting Application</p> <p>The application must be accompanied by either a copy of a resolution, council minutes or some other official documentation that demonstrates that the local unit of government supports the proposed project and the consequent application. The resolution does not need to have a specific form or specific language, as long as it satisfies what was outlined in the previous sentence. A sample resolution has been included. The sample resolution is a combination type resolution example. It shows support of the grant application (as required above), and if the project is awarded, it includes language to support accepting the grant award, names the fiscal agent, and states that the facility or trail will be maintained for no less than twenty years. This combination resolution helps eliminate the need for an additional resolution for this project in the future, if awarded a grant. <u>If the applicant is awarded, all three items must be mentioned in the resolution in order to accept the grant.</u></p>
	<p>Attachment C – Estimated Value/Cost Invoice</p> <p>If there is a specific piece of equipment that is being proposed for purchase, please contact the appropriate equipment vendor and obtain an estimate of cost sheet.</p>
	<p>Attachment D – Buy America compliance letter. See Equipment Grant Manual for requirements.</p>
ADDITIONAL ATTACHMENTS (if applicable)	
	<p>Attachment E – Letters of Support</p> <p>Letters of support are an important factor for reviewers when selecting projects. There should be an effort to solicit letters from specific groups that will derive a direct benefit from the project, especially from the primary and secondary user groups you identify in Question 5. The applicant is also welcome to provide letters of support from all other sources as well. There is no limit on how many letters may be submitted, and diversity is favorable</p>
	<p>Attachment F – Grant-in-Aid Award Letter</p> <p>If the applicant or partnering trail association is receiving funding from one of the DNR grant-in-aid programs (snowmobile, cross-country ski, all-terrain vehicle, off-highway motorcycle, or off-road vehicles), typically the recipients are notified by the DNR, Parks and Trails Area Supervisor with an award letter. Copy the letter and provide as Attachment F, if applicable.</p>

Attachment A – REQUIRED CERTIFICATIONS

Complete the Required Certifications form below with original signatures.

For Grant Applicants:

“I hereby certify that all of the information provided in this application is true and accurate to the best of my knowledge. I recognize that in the event of the proposed project being funded, this document will be used as an addendum to the agreement between the sponsoring unit of government and the state to guide project scope and reimbursement. I also acknowledge that all work must be completed by **June 30, 2023**, and no reimbursement will be sought for an in-house labor services and/or to meet existing payroll.”

Name:		Title:	
Unit of Government:			
Signature:		Date:	

For Trail and Park Administrators (if applicable):

“I substantially agree that the proposed trail related project will be mutually beneficial to the local community, as well as to the goals and purposes for which this recreation unit was established. I will cooperate in its provision if the project proposal should be funded.”

Name:		Title:	
Unit of Government:			
Signature:		Date:	

For All Administrators of Public Lands Crossed/Utilized in the Proposed Linkage

(Required only if the proposed project will utilize public land that is not under the jurisdiction of the grant applicant):

“I preliminarily agree with plans to develop the proposed trail related project on land administered by my agency, and I will cooperate in seeking more formal authorization in the event the project proposal is authorized for reimbursement.”

Name:		Title:	
Unit of Government:			
Signature:		Date:	

SAMPLE RESOLUTION

DELETE THIS PAGE AND REPLACE WITH ACTUAL RESOLUTION

WHEREAS, the City of Sunnybrook supports the grant application made to the Minnesota Department of Natural Resources for the Federal Recreational Trail Program. The application is to purchase snowmobile grooming equipment for the Sunnybrook Recreational Trail System. The trail system is located within 30 acres of Sunnybrook Park, and

WHEREAS, the City of Sunnybrook recognizes the twenty-five (25) percent match requirement for the Federal Recreational Trail Program, and has secured the matching funds

NOW, THEREFORE, BE IT RESOLVED, if the City of Sunnybrook is awarded a grant by the Minnesota Department of Natural resources, the City of Sunnybrook agrees to accept the grant award, and may enter into an agreement with the State of Minnesota for the above referenced project. The City of Sunnybrook will comply with all applicable laws, environmental requirements and regulations as stated in the grant agreement, and

BE IT FURTHER RESOLVED that the applicant has read the Conflict of Interest Policy contained in the Trail Program Grant Manual and certifies it will report any actual, potential, perceived, or organizational conflicts of interest upon discovery to the state related to the application or grant award.

BE IT FURTHER RESOLVED, the City Council of the City of Sunnybrook names the fiscal agent for the City of Sunnybrook for this project as:

Jane Doe
Director of Finance/Treasurer
City of Sunnybrook
1111 Happy Trails Avenue
Sunnybrook, MN 59985

BE IT FURTHER RESOLVED, the City of Sunnybrook hereby assures the grooming equipment acquired through this grant will be maintained for no less than twenty (20) years as required by the Federal Recreational Trail Grant Program or until such time as appropriate disposition actions are approved by the Minnesota Department of Natural Resources.

PASSED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF SUNNYBROOK
THIS ____ DAY OF _____, 2021.

JOHN DOE - MAYOR
ATTEST:

MARY DOE - CITY CLERK

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



DATE: January 25, 2021 **Meeting Date:** 2/1/21
SUBJECT: Robert Doblar - Special Use **Agenda Item: 12-B** **Resolution 2021-19**
Permit for grading and
filling in a Shoreland
Overlay Area

REQUESTED ACTION

Approve a Special Use Permit for filling and grading within a Natural Environment Shoreland Overlay Zone.

DESCRIPTION OF REQUEST:

The applicant purchased the property located at 486x Hermantown Road for the purposes of constructing a single family home and associated driveway.

SITE INFORMATION:

Parcel Size: 7.46 acres total
Legal Access: 486x Hermantown Road
Wetlands: Yes, delineation will need to be conducted
Existing Zoning: R-3, Residential
Airport Overlay: None
Shoreland Overlay: Natural Environment
Comprehensive Plan: Residential

Development Details

The applicant purchased this property in the fall of 2020. He has had discussions with the MN DNR regarding the unmapped tributary located on the property. The applicant is proposing for a driveway located on the eastern portion of the property that would extend approximately 375 feet into the property in order to access upland area located on the property.

The driveway is located as to minimize the wetland impacts but will necessitate a crossing of the unmapped tributary. The proposed 52' x 68' house footprint is proposed to be a minimum of 150' away from the Ordinary High Water Level (OHWL) which meets the structure setback requirements of a Natural Environment Shoreland area.

A public hearing was held on January 21, 2021 to discuss the application. There were three residents in attendance for the meeting. The Planning Commission recommended the project to the City Council for their review and approval.

Wetlands

The National Wetland Inventory map shows the presence of wetlands along the northern and central portions of the property. The applicant will need to engage a wetland delineator in order to document the extent of the wetlands and submit for approval of wetland impacts. Due to the property being located in a Natural Environment Shoreland area, and wetland impacts greater than 400 square feet will require the purchase of wetland credits.

Special Use Permit

The Special Use Permit is for filling and grading within a Shoreland zone. There are general conditions for all SUPs. Staff finds the following in regard to the criteria for Special Use Permits in the Zoning Ordinance:

No special use permit shall be approved unless positive findings are made with respect to each and every one of the following criteria:

- 1. The proposed development is likely to be compatible with development permitted under the general provisions of this chapter on substantially all land in the vicinity of the proposed development;**

The development of a single-family residence is the primary purpose of the R-3 zoning district and is the primary use of all surrounding developed land. Conditions placed on the SUP and wetland approvals will restrict future wetland impacts.

- 2. The proposed use 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;**

Conditions placed on the SUP restricting wetland impacts and clearing and grading within 50 feet of the unnamed tributary meet the intent of the zoning ordinance to protect natural resources. The development of a single-family residence is the primary purpose of the R-3 zoning district and is the primary use of all surrounding developed land.

- 3. The proposed use is consistent with the overall Hermantown Comprehensive Plan and with the spirit and intent of the provisions of this chapter;**

The property is within an area marked for residential development in the Hermantown Comprehensive Plan. The purpose of the Shoreland Overlay Zone is to protect public waterways. Impervious surface caps are included to prevent excessive runoff from constructed surfaces. The proposed impervious surface is below maximum limits and the required 50 feet buffer zone will protect the unnamed tributary.

- 4. 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.**

The existing development surrounding this site is single family residential; the proposed use continues this character. The proposed impervious surface is below maximum limits and the required 50 feet buffer zone will protect the unnamed tributary.

5. Other criteria required to be considered under the provisions of this code for any special use permit.

The applicant will follow the rules for grading and filling in a Shoreland Overlay Zone established in Section 725.02 and Section 555.07.1 and 555.07.2. Additional details of note include:

- A. No impervious surface or clearing, grubbing and grading will be allowed within 50 feet of the Ordinary High Water Level of the unnamed tributary.
- B. The elevation of the lowest floor level shall be at least three feet above the Ordinary High Water Level of the unnamed tributary.

RECOMMENDATIONS:

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

- 1. The approval is for a Special Use Permit for filling and grading in a Natural Environment Shoreland of an unnamed tributary to Keene Creek to construct a single family home and driveway. The Community Development Director may approve minor variations to structures and filling and grading indicated on the attached preliminary site plan as long as the variations do not result in greater wetland impacts.
- 2. The applicant will follow the rules for grading and filling in a Shoreland Overlay Zone established in Section 725.02 and Section 555.07.1 and 555.07.2 including, but not limited to:
 - a. No impervious surface or clearing, grubbing and grading will be allowed within 50 feet of the Ordinary High Water Level of the unnamed tributary.
 - b. The elevation of the lowest floor level shall be at least three feet above the Ordinary High Water Level of the unnamed tributary.
 - c. The smallest amount of bare ground is exposed for as short a time as feasible;
 - d. Temporary groundcover, such as mulch, is used, and permanent groundcover, such as sod, is planted;
 - e. Adequate methods to prevent erosion and trap sediment are employed;
 - f. Fill is stabilized to accepted engineering standards;
 - g. Adequate methods are employed to reduce the runoff and/or flow of water on or over the affected shoreland so that the grading, filling or alteration of the natural topography does not contribute to downstream flooding;
 - h. Adequate methods are employed to preserve water quality so that the grading, filling or alteration of the natural topography will not detrimentally affect the quality of the public waters of the City of Hermantown;

- i. Adequate methods are employed for the preservation or establishment of local vegetation that provides wildlife habitat and screening; and
 - j. Fill used will consist of suitable material free from toxic pollutants in other than trace quantities.
3. The applicant to provide a wetland delineation for the property along with proposed wetland impacts prior to the issuance of any building or site disturbance permits.
4. The applicant shall sign a consent form assenting to all conditions of this approval.
5. The applicant shall pay an administrative fine of \$750 per violation of any condition of this approval.

ATTACHMENTS:
Site Location Map
Proposed site plan
Shoreland Area Map

Resolution No. 2021-19

**RESOLUTION APPROVING A SPECIAL USE PERMIT FOR THE GRADING AND FILLING
WITHIN A SHORELAND OVERLAY ZONING DISTRICT**

WHEREAS, Mr. Robert R. Doblak (“Applicant”), owner of the property identified as 395-0010-07380, submitted an application for a Special Use Permit for the grading and filling within a Shoreland Overlay Zoning District for construction of single family residence and a driveway associated with the property identified as 395-0010-07380 (the “Project”), and legally described in Attachment A.

WHEREAS, The Hermantown Planning and Zoning Commission held a public hearing on the Special Use Permit application at its meeting on January 21, 2021 and recommended approval of the Special Use Permit at such meeting; and

WHEREAS, after due consideration of the entire City file, the testimony at the public hearing and all other relevant matters the City Council hereby makes the following findings related to the Special Use Permit.

FINDINGS OF FACT

- 1. The proposed development is likely to be compatible with development permitted under the general provisions of this chapter on substantially all land in the vicinity of the proposed development;**

The development of a single-family residence is the primary purpose of the R-3 zoning district and is the primary use of all surrounding developed land. Conditions placed on the SUP and wetland approvals will restrict future wetland impacts.

- 2. The proposed use 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;**

Conditions placed on the SUP restricting wetland impacts and clearing and grading within 50 feet of the unnamed tributary meet the intent of the zoning ordinance to protect natural resources. The development of a single-family residence is the primary purpose of the R-3 zoning district and is the primary use of all surrounding developed land.

- 3. The proposed use is consistent with the overall Hermantown Comprehensive Plan and with the spirit and intent of the provisions of this chapter;**

The property is within an area marked for residential development in the Hermantown Comprehensive Plan. The purpose of the Shoreland Overlay Zone is to protect public waterways. Impervious surface caps are included to prevent excessive runoff from constructed surfaces. The proposed impervious surface is below maximum limits and the required 50 feet buffer zone will protect the unnamed tributary.

4. **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.**

The existing development surrounding this site is single family residential; the proposed use continues this character. The proposed impervious surface is below maximum limits and the required 50 feet buffer zone will protect the unnamed tributary.

5. **Other criteria required to be considered under the provisions of this code for any special use permit.**

The applicant will follow the rules for grading and filling in a Shoreland Overlay Zone established in Section 725.02 and Section 555.07.1 and 555.07.2. Additional details of note include:

- A. No impervious surface or clearing, grubbing and grading will be allowed within 50 feet of the Ordinary High Water Level of the unnamed tributary.
- B. The elevation of the lowest floor level shall be at least three feet above the Ordinary High Water Level of the unnamed tributary.

CONCLUSION

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

1. The approval is for a Special Use Permit for filling and grading in a Natural Environment Shoreland of an unnamed tributary to Keene Creek to construct a single family home and driveway. The Community Development Director may approve minor variations to structures and filling and grading indicated on the attached preliminary site plan as long as the variations do not result in greater wetland impacts.
2. The applicant will follow the rules for grading and filling in a Shoreland Overlay Zone established in Section 725.02 and Section 555.07.1 and 555.07.2 including, but not limited to:
 - a. No impervious surface or clearing, grubbing and grading will be allowed within 50 feet of the Ordinary High Water Level of the unnamed tributary.
 - b. The elevation of the lowest floor level shall be at least three feet above the Ordinary High Water Level of the unnamed tributary.
 - c. The smallest amount of bare ground is exposed for as short a time as feasible;
 - d. Temporary groundcover, such as mulch, is used, and permanent groundcover, such as sod, is planted;
 - e. Adequate methods to prevent erosion and trap sediment are employed;
 - f. Fill is stabilized to accepted engineering standards;
 - g. Adequate methods are employed to reduce the runoff and/or flow of water on or over the affected shoreland so that the grading, filling or alteration of the natural topography does not contribute to downstream flooding;
 - h. Adequate methods are employed to preserve water quality so that the grading, filling or alteration of the natural topography will not detrimentally affect the quality of the public waters of the City of Hermantown;

- i. Adequate methods are employed for the preservation or establishment of local vegetation that provides wildlife habitat and screening; and
 - j. Fill used will consist of suitable material free from toxic pollutants in other than trace quantities.
3. The applicant to provide a wetland delineation for the property along with proposed wetland impacts prior to the issuance of any building or site disturbance permits.
4. The applicant shall sign a consent form assenting to all conditions of this approval.
5. The applicant shall pay an administrative fine of \$750 per violation of any condition of this approval.

Councilor _____ introduced the foregoing resolution and moved its adoption.

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

Councilors

and the following voted in opposition thereto:

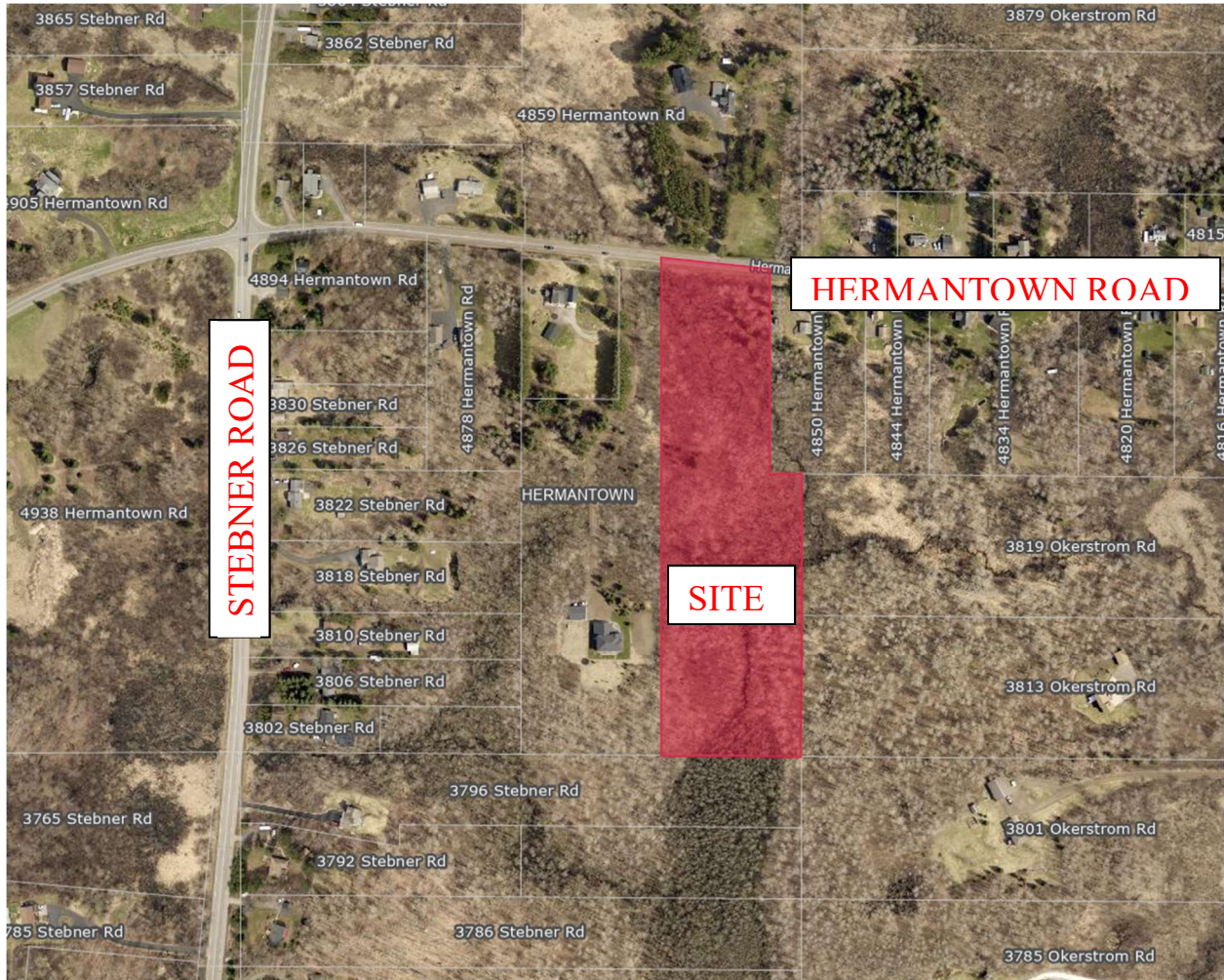
WHEREUPON, such resolution was declared duly passed and adopted on February 1, 2021.

ATTACHMENT A

The E1/2 OF E1/2 OF THAT PART OF SW1/4 OF NW1/4 LYING S OF HERMANTOWN RD EX
ELY 75 FT OF N1/2 OF SW1/4 OF NW1/4 of Section 25, Township 50, North, Range 15 West of the
Fourth Principal Meridian, St. Louis County, Minnesota

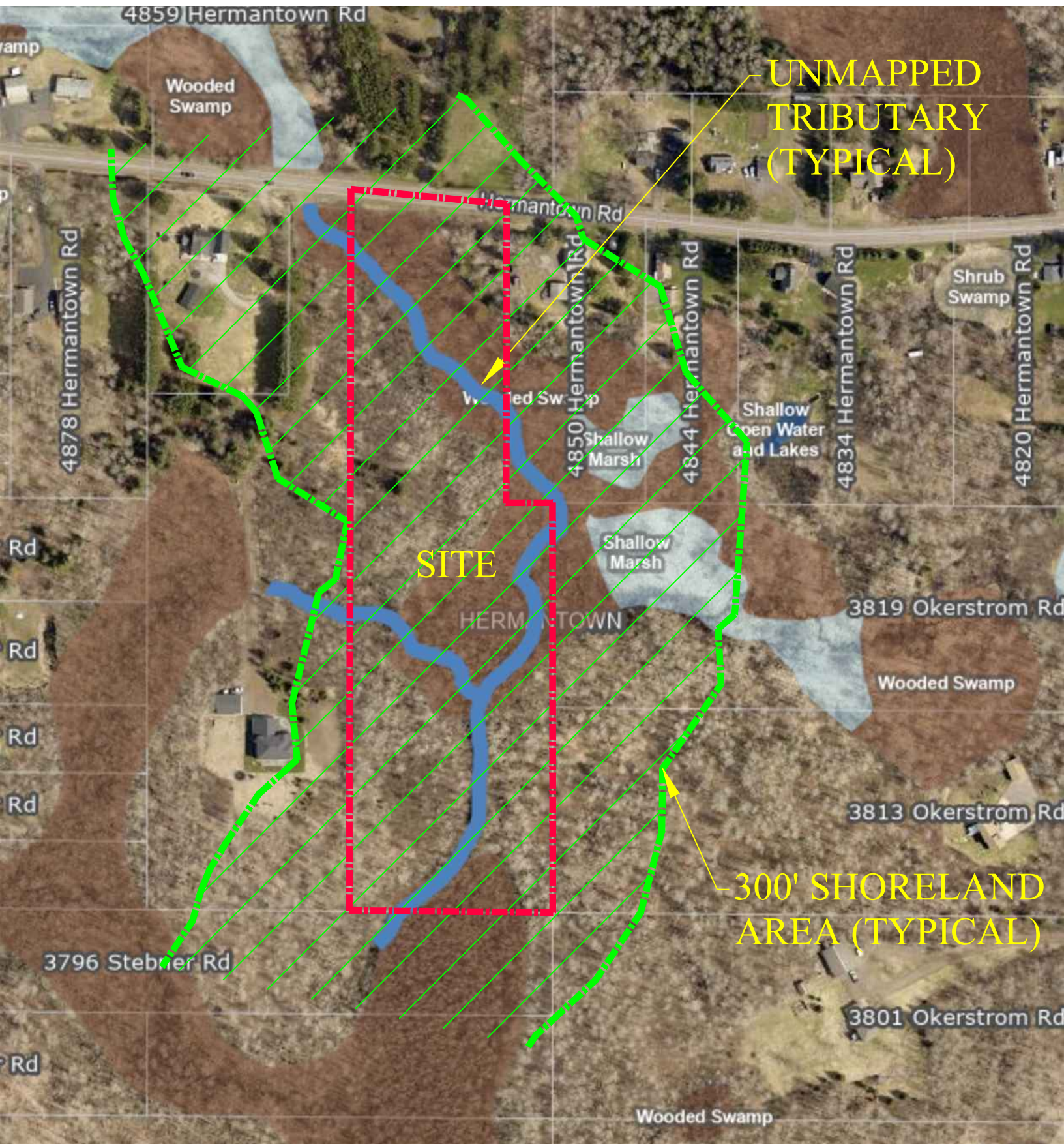
Property ID: 395-0010-07380

Location Map





SHORELAND AREA MAP



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



DATE: January 25, 2021 **Meeting Date:** 2/1/21
SUBJECT: Swan Lake Road Bridge - **Agenda Item: 12-C** **Resolution 2021-20**
Special Use Permit for
grading and filling in a
Shoreland Overlay Area

REQUESTED ACTION

Approve a Special Use Permit for filling and grading within a Natural Environment Shoreland Overlay Zone.

DESCRIPTION OF REQUEST:

The City, with St. Louis County through a cooperative agreement, is proposing to replace the existing bridge located on Swan Lake Road which is located 275 west of the Haines Road/Swan Lake Road intersection. The existing bridge is classified as functionally obsolete based on the October 9, 2019 Bridge Inspection Report.

SITE INFORMATION:

Parcel Size: N/A
Legal Access: Swan Lake Road
Wetlands: Yes, delineation and impacts approved in 2020
Existing Zoning: BLM, Business and Light Manufacturing
Airport Overlay: Safety Zone C, height restrictions only
Shoreland Overlay: Natural Environment
Comprehensive Plan: Light Industrial

Development Details

All bridges in Hermantown are inspected annually. Bridge 88688 on Swan Lake Road, which spans Miller Creek, has been classified as functionally obsolete in 2019. The City entered into a cooperative agreement with St. Louis County for the design and construction engineering of the bridge replacement. This bridge is on a state aid roadway and therefore needs to be designed to state standards. The current standards require a larger span and to flatten the in-slopes which requires filling within the shoreland area as part of the construction. The MNDNR has issued a permit to the City of Hermantown to construct the new bridge.

A public hearing was held on January 21, 2021 to discuss the application. There were no members of the public in attendance for the meeting. The Planning Commission recommended the project to the City Council for their review and approval.

Wetlands

The property was delineated in the fall of 2020. The delineation was approved as well as the subsequent wetland impacts which qualify under the road improvement program.

Special Use Permit

The Special Use Permit is for filling and grading within a Shoreland zone. There are general conditions for all SUPs. Staff finds the following in regard to the criteria for Special Use Permits in the Zoning Ordinance:

No special use permit shall be approved unless positive findings are made with respect to each and every one of the following criteria:

- 1. The proposed development is likely to be compatible with development permitted under the general provisions of this chapter on substantially all land in the vicinity of the proposed development;**

The proposed work is for the replacement of an existing bridge structure. The proposed bridge will replace a functionally obsolete existing bridge.

- 2. The proposed use 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;**

The area surrounding the bridge is located in the BLM, Business, Light Manufacturing zoning district and is primarily wetland in character. The new bridge will provide continued access to Swan Lake Road from Haines Road.

- 3. The proposed use is consistent with the overall Hermantown Comprehensive Plan and with the spirit and intent of the provisions of this chapter;**

The bridge is within an area marked for light industrial development in the Hermantown Comprehensive Plan. The purpose of the Shoreland Overlay Zone is to protect public waterways. Impervious surface caps are included to prevent excessive runoff from constructed surfaces.

- 4. 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.**

The proposed work is for the replacement of an existing bridge structure. The proposed bridge will replace a functionally obsolete existing bridge.

5. Other criteria required to be considered under the provisions of this code for any special use permit.

The City will follow the rules for grading and filling in a Shoreland Overlay Zone established in Section 725.02 and Section 555.07.1 and 555.07.2.

RECOMMENDATIONS:

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

1. The approval is for a Special Use Permit for filling and grading in a Natural Environment Shoreland of Miller Creek in order to replace an existing bridge structure. The Community Development Director may approve minor variations to structures and filling and grading indicated on the attached preliminary site plan as long as the variations do not result in greater wetland impacts.
2. The City will follow the rules for grading and filling in a Shoreland Overlay Zone established in Section 725.02 and Section 555.07.1 and 555.07.2 including, but not limited to:
 - a. The smallest amount of bare ground is exposed for as short a time as feasible;
 - b. Temporary groundcover, such as mulch, is used, and permanent groundcover, such as sod, is planted;
 - c. Adequate methods to prevent erosion and trap sediment are employed;
 - d. Fill is stabilized to accepted engineering standards;
 - e. Adequate methods are employed to reduce the runoff and/or flow of water on or over the affected shoreland so that the grading, filling or alteration of the natural topography does not contribute to downstream flooding;
 - f. Adequate methods are employed to preserve water quality so that the grading, filling or alteration of the natural topography will not detrimentally affect the quality of the public waters of the City of Hermantown;
 - g. Adequate methods are employed for the preservation or establishment of local vegetation that provides wildlife habitat and screening; and
 - h. Fill used will consist of suitable material free from toxic pollutants in other than trace quantities.

ATTACHMENTS:

Site Location Map
Proposed site plan
Shoreland Area Map

Resolution No. 2021-20

**RESOLUTION APPROVING A SPECIAL USE PERMIT FOR THE GRADING AND FILLING
WITHIN A SHORELAND OVERLAY ZONING DISTRICT**

WHEREAS, the City of Hermantown with St. Louis County through a cooperative agreement, is proposing to replace an existing bridge structure located along properties identified as 395-0010-03501 and 395-0010-03502, submitted an application for a Special Use Permit for the grading and filling within a Shoreland Overlay Zoning District for the bridge replacement (“Project”), and legally described in Attachment A.

WHEREAS, The Hermantown Planning and Zoning Commission held a public hearing on the Special Use Permit application at its meeting on January 21, 2021 and recommended approval of the Special Use Permit at such meeting; and

WHEREAS, after due consideration of the entire City file, the testimony at the public hearing and all other relevant matters the City Council hereby makes the following findings related to the Special Use Permit.

FINDINGS OF FACT

- 1. The proposed development is likely to be compatible with development permitted under the general provisions of this chapter on substantially all land in the vicinity of the proposed development;**

The proposed work is for the replacement of an existing bridge structure. The proposed bridge will replace a functionally obsolete existing bridge.

- 2. The proposed use 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;**

The area surrounding the bridge is located in the BLM, Business, Light Manufacturing zoning district and is primarily wetland in character. The new bridge will provide continued access to Swan Lake Road from Haines Road.

- 3. The proposed use is consistent with the overall Hermantown Comprehensive Plan and with the spirit and intent of the provisions of this chapter;**

The bridge is within an area marked for light industrial development in the Hermantown Comprehensive Plan. The purpose of the Shoreland Overlay Zone is to protect public waterways. Impervious surface caps are included to prevent excessive runoff from constructed surfaces.

- 4. 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.**

The proposed work is for the replacement of an existing bridge structure. The proposed bridge will replace a functionally obsolete existing bridge.

5. Other criteria required to be considered under the provisions of this code for any special use permit.

The City will follow the rules for grading and filling in a Shoreland Overlay Zone established in Section 725.02 and Section 555.07.1 and 555.07.2.

CONCLUSION

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

1. The approval is for a Special Use Permit for filling and grading in a Natural Environment Shoreland of Miller Creek in order to replace an existing bridge structure. The Community Development Director may approve minor variations to structures and filling and grading indicated on the attached preliminary site plan as long as the variations do not result in greater wetland impacts.
2. The applicant will follow the rules for grading and filling in a Shoreland Overlay Zone established in Section 725.02 and Section 555.07.1 and 555.07.2 including, but not limited to:
 - a. No impervious surface or clearing, grubbing and grading will be allowed within 50 feet of the Ordinary High Water Level of the unnamed tributary.
 - b. The elevation of the lowest floor level shall be at least three feet above the Ordinary High Water Level of the unnamed tributary.
 - c. The smallest amount of bare ground is exposed for as short a time as feasible;
 - d. Temporary groundcover, such as mulch, is used, and permanent groundcover, such as sod, is planted;
 - e. Adequate methods to prevent erosion and trap sediment are employed;
 - f. Fill is stabilized to accepted engineering standards;
 - g. Adequate methods are employed to reduce the runoff and/or flow of water on or over the affected shoreland so that the grading, filling or alteration of the natural topography does not contribute to downstream flooding;
 - h. Adequate methods are employed to preserve water quality so that the grading, filling or alteration of the natural topography will not detrimentally affect the quality of the public waters of the City of Hermantown;
 - i. Adequate methods are employed for the preservation or establishment of local vegetation that provides wildlife habitat and screening; and
 - j. Fill used will consist of suitable material free from toxic pollutants in other than trace quantities.

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 February 1, 2021.

ATTACHMENT A

ELY 685 FT OF E1/2 OF SE1/4 LYING NLY OF CENTERLINE OF SWAN LAKE RD of Section 12,
Township 50, North, Range 15 West of the Fourth Principal Meridian, St. Louis County, Minnesota

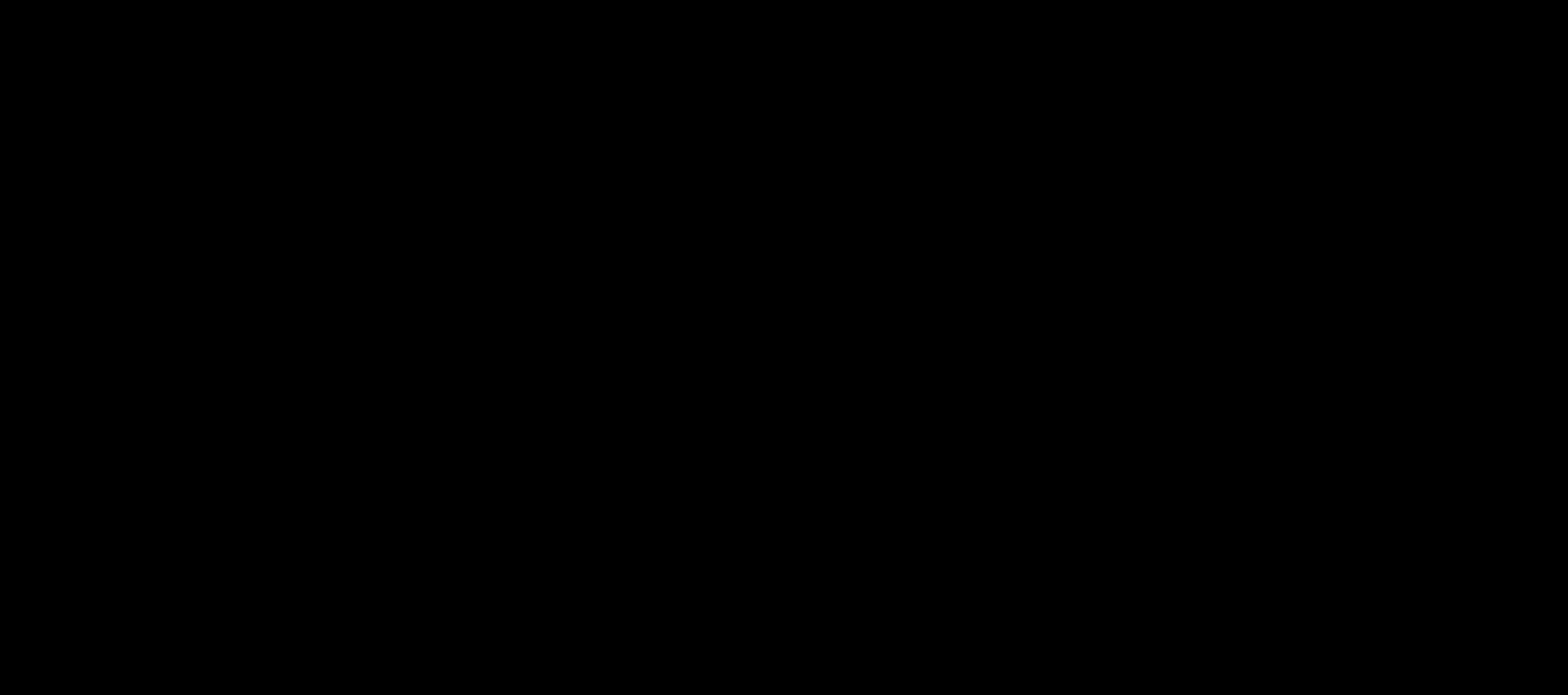
Property ID: 395-0010-03501

ELY 500 FT OF THE NLY 900 FT OF NE1/4 OF SE1/4 LYING S OF SWAN LAKE RD of Section 12,
Township 50, North, Range 15 West of the Fourth Principal Meridian, St. Louis County, Minnesota

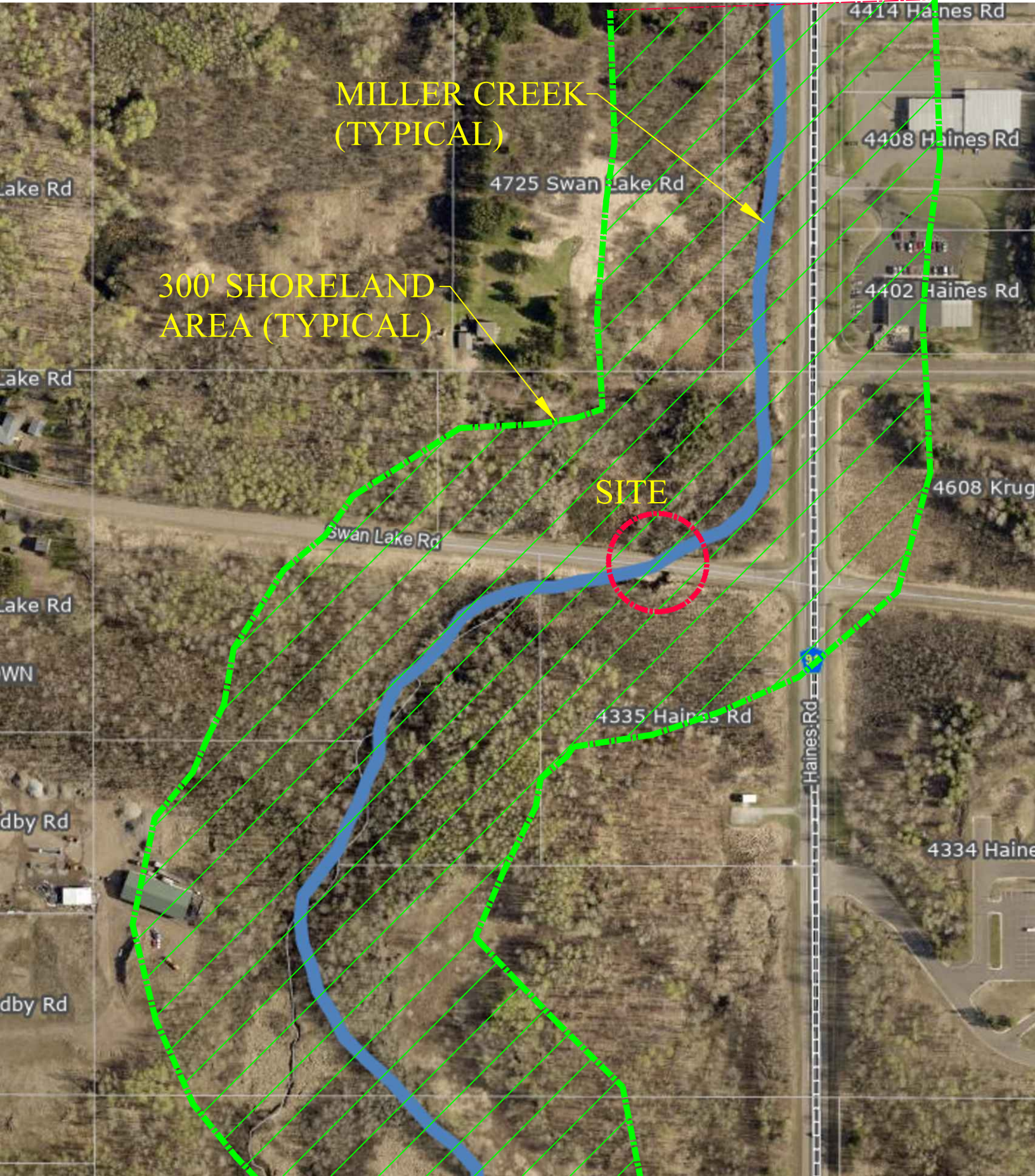
Property ID: 395-0010-03502

Location Map





SHORELAND AREA MAP



TO: Mayor & City Council
FROM: Paul Senst, Public Works Director
DATE: January 27, 2021
SUBJECT: Motor Grader Lease



Meeting Date: 2/1/21
Agenda Item: 12-D **Resolution 2021-21**

REQUESTED ACTION

Approve lease agreement for 2021 John Deere Motor Grader

BACKGROUND

As part of our 2021 Capital improvement plan, we have a plan for a 6 year Municipal lease with a \$2.00 Purchase option at the end of the lease terms. We will be trading our existing motor grader off due to excessive maintenance, (over \$87,000) in the last 4.5 years. There was the fear that this major part of our snowplowing operation will break during a crucial snowfall and we would be left without a motor grader for parts of the snow plow season. We have chosen the lease option because it gives us the flexibility of purchasing it at the end of the lease or return it and lease a newer machine. Motor graders are meant to be run on gravel roads and grade gravel. Snowplowing is a secondary function that they serve and take much more abuse by doing so. By going to a lease, we minimize our capital outlay and are able to eliminate big balloon payments. The council approved the contract for the motor grader by Resolution on October 19, 2020. (Res. 2020-142)

In going to a lease, we have an existing motor grader that we will need to remove from the City fleet. We have worked with McCoy Construction to trade the City's existing motor grader for a new frontend loader with snow equipment to our fleet of equipment.

This is a purchase through McCoy Construction & Forestry as part of the MN State Bid Process.

SOURCE OF FUNDS (if applicable)

401-431100-543

ATTACHMENTS

Lease Agreement (will be emailed separately)

Resolution No. 2021-21

RESOLUTION AUTHORIZING AND DIRECTING THE MAYOR AND CITY CLERK TO EXECUTE AND DELIVER A MASTER LEASE-PURCHASE AGREEMENT AND AMENDMENT MASTER LEASE-PURCHASE AGREEMENT

WHEREAS, the City of Hermantown (“City”) and Deere Credit, Inc. (“John Deere”) desire to enter into a Master Lease-Purchase Agreement (“Master Agreement”) with respect to the lease and option to purchase of the 772G John Deere Motorgrader and Snow Wing (“Equipment”); and

WHEREAS, City and John Deere desire to amend the Master Agreement to clarify certain terms and provisions in the form of the Amendment to Master Lease-Purchase Agreement (“Amendment”) attached hereto; and

WHEREAS, the City is authorized to enter into the Master Agreement and Amendment pursuant to Minnesota Statutes § 465.71; and

WHEREAS, City purchased the Equipment in accordance with applicable statutory requirements, including Minnesota Statutes § 471.345; and

WHEREAS, the City Council believes that it is in the best interests of the City of Hermantown to approve the Master Agreement and Amendment and authorize and direct the Mayor and City Clerk to execute and deliver the Master Agreement and Amendment 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 Master Agreement and Amendment to Master Lease-Purchase Agreement, substantially in the form of the ones attached hereto, are hereby approved.

2. The Mayor and City Clerk are hereby authorized and directed to take any and all actions necessary to effectuate the Master Agreement and Amendment, including the execution of the Master Agreement and Amendment and to make such non-substantive changes to the documents as are approved by legal counsel.

Councilor ___ introduced the foregoing resolution and moved its adoption.

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

Councilors

and the following voted in opposition thereto:

WHEREUPON, such resolution was declared duly passed and adopted February 1, 2021.

TO: Mayor & City Council

FROM: David Bolf, City Engineer



DATE: January 27, 2021

Meeting Date: 2/1/21

SUBJECT: Award of Contract to Sinnott Contracting for Old Hwy 2
Agenda Item: 12-E **Resolution 2021-15**

REQUESTED ACTION

Approve Award of Contract for Old Hwy 2 to Sinnott Contracting in the amount of \$44,000.00

BACKGROUND

On December 21, 2020, the City Council approved and authorized the advertisement for bids for the road improvement project on Old Hwy 2. As part of the City's 2021 Road Improvement program, the City will be milling the bituminous surface on Old Hwy 2 south of the current Hwy 2. This road will then be maintained as a gravel road.

The bids were opened on Thursday, January 21, 2021, and the recommended contractor is Sinnott Contracting with the low bid of \$44,000.00.

SOURCE OF FUNDS (if applicable)

Stormwater Fund

General Levy (Bond Proceeds)

ATTACHMENTS

Abstract of Bids

Letter of Recommendation & Bid

Resolution No. 2021-15

**RESOLUTION RECEIVING BIDS AND AWARDING
CONTRACT FOR OLD HWY 2
TO SINNOTT CONTRACTING, LLC IN THE AMOUNT OF \$44,000.00**

WHEREAS, the City of Hermantown duly advertised for bids for Old Hwy 2 within the City of Hermantown; and

WHEREAS, the City will finance a portion of the Project from an issue of tax-exempt bonds; and

WHEREAS, bids on such project were publicly opened and tabulated by the Consulting Engineer and City Clerk on January 14, 2021; and

WHEREAS, a transcript of such bids is attached hereto as Exhibit A; and

WHEREAS, the Consulting Engineer reviewed the bid of the lowest bidder to confirm its accuracy; and

WHEREAS, the Consulting Engineer reviewed the bid of the lowest bidder and found it to be technically responsive to the specifications and also investigated the experience, past record of performance and capacity of the low bidder to perform the work contracted to be performed within the stated time period; and

WHEREAS, on the basis of such review, the Consulting Engineer has recommended that the lowest bidder, Sinnott Contracting, LLC. ("Contractor") be awarded the contract for Old Hwy 2; and

WHEREAS, after fully considering this matter, the City Council believes that it is in the best interests of the City of Hermantown to award the contract for such improvement to Contractor.

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

1. Contractor is hereby found, determined and declared to be the lowest responsible bidder for Old Hwy 2.
2. The bid of Contractor is in the amount of \$44,000.00 for Old Hwy 2 for such bid option in accordance with the plans and specifications and advertisements for bids shall be and hereby is accepted.
3. The Consulting Engineer is hereby directed to prepare a contract between the City of Hermantown and Contractor as soon as possible and submit it to Contractor for execution by it.
5. Upon execution of such contract by Contractor and its submission of a performance bond, payment bond and certificate of insurance acceptable to the City Attorney, Mayor and City Clerk are hereby authorized and directed to execute such contract for and on behalf of the City of Hermantown.
6. The City Clerk is hereby authorized and directed to return forthwith to all bidders, the deposits (bid bonds) made with their bids, except that deposit (bid bond) of the successful bidder and the next lowest bidder shall not be returned until a contract has been executed.

Councilor _____ introduced the foregoing resolution and moved its adoption.

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

Councilors

and the following voted in opposition thereto:

WHEREUPON, such resolution was declared duly passed and adopted February 1, 2021.

EXHIBIT A

OLD HIGHWAY 2 BID ABSTRACT

JANUARY 21, 2021

LINE ITEM NO.	ITEM NO.	ITEM DESCRIPTION	UNIT	ESTIMATED QUANTITY	ENGINEER'S ESTIMATE		Sinnott Contracting		KTM Paving		Veit & Company		Northland Constructors	
					UNIT PRICE	ESTIMATED COSTS	UNIT PRICE	ESTIMATED COSTS	UNIT PRICE	ESTIMATED COSTS	UNIT PRICE	ESTIMATED COSTS	UNIT PRICE	ESTIMATED COSTS
1	2021.501	MOBILIZATION	LS	1	\$13,000.00	\$13,000.00	\$1,570.72	\$1,570.72	\$2,000.00	\$2,000.00	\$13,500.00	\$13,500.00	\$3,940.40	\$3,940.40
2	2104.502	REMOVE SIGN TYPE C	EACH	8	\$40.00	\$320.00	\$50.00	\$400.00	\$55.70	\$445.60	\$100.00	\$800.00	\$55.00	\$440.00
3	2104.502	REMOVE MAIL BOX SUPPORT	EACH	4	\$35.00	\$140.00	\$50.00	\$200.00	\$58.49	\$233.96	\$200.00	\$800.00	\$55.00	\$220.00
4	2104.503	SAWING BITUMINOUS PAVEMENT (FULL DEPTH)	LF	76	\$2.50	\$190.00	\$4.25	\$323.00	\$6.56	\$498.56	\$4.00	\$304.00	\$2.20	\$167.20
5	2123.510	MOTOR GRADER	HOURL	16	\$150.00	\$2,400.00	\$290.00	\$4,640.00	\$337.99	\$5,407.84	\$205.00	\$3,280.00	\$220.00	\$3,520.00
6	2211.507	AGGREGATE BASE (CV) CLASS 5	CY	800	\$40.00	\$32,000.00	\$25.00	\$20,000.00	\$23.03	\$18,424.00	\$27.30	\$21,840.00	\$36.00	\$28,800.00
7	2215.504	FULL DEPTH RECLAMATION	SY	14,284	\$5.50	\$78,562.00	\$0.92	\$13,141.28	\$0.80	\$11,427.20	\$0.50	\$7,142.00	\$1.10	\$15,712.40
8	2540.602	MAIL BOX SUPPORT	EACH	4	\$100.00	\$400.00	\$275.00	\$1,100.00	\$275.97	\$1,103.88	\$200.00	\$800.00	\$160.00	\$640.00
9	2563.601	TRAFFIC CONTROL	LS	1	\$2,500.00	\$2,500.00	\$1,250.00	\$1,250.00	\$1,268.82	\$1,268.82	\$1,250.00	\$1,250.00	\$1,000.00	\$1,000.00
10	2564.502	INSTALL SIGN PANEL TYPE C	EACH	8	\$40.00	\$320.00	\$50.00	\$400.00	\$393.42	\$3,147.36	\$150.00	\$1,200.00	\$140.00	\$1,120.00
11	2564.518	SIGN PANELS TYPE C	SF	13	\$30.00	\$390.00	\$75.00	\$975.00	\$58.11	\$755.43	\$80.00	\$1,040.00	\$80.00	\$1,040.00
TOTAL COST:					\$130,222.00		\$44,000.00		\$44,712.65		\$51,956.00		\$56,600.00	

LINE ITEM NO.	ITEM NO.	ITEM DESCRIPTION	UNIT	ESTIMATED QUANTITY	ENGINEER'S ESTIMATE		TNT Construction		KGM Contractors		Ulland Brothers		Kiminski Paving	
					UNIT PRICE	ESTIMATED COSTS	UNIT PRICE	ESTIMATED COSTS	UNIT PRICE	ESTIMATED COSTS	UNIT PRICE	ESTIMATED COSTS	UNIT PRICE	ESTIMATED COSTS
1	2021.501	MOBILIZATION	LS	1	\$13,000.00	\$13,000.00	\$9,446.00	\$9,446.00	\$14,000.00	\$14,000.00	\$9,198.00	\$9,198.00	\$8,000.00	\$8,000.00
2	2104.502	REMOVE SIGN TYPE C	EACH	8	\$40.00	\$320.00	\$40.00	\$320.00	\$45.00	\$360.00	\$44.00	\$352.00	\$100.00	\$800.00
3	2104.502	REMOVE MAIL BOX SUPPORT	EACH	4	\$35.00	\$140.00	\$50.00	\$200.00	\$55.00	\$220.00	\$55.00	\$220.00	\$100.00	\$400.00
4	2104.503	SAWING BITUMINOUS PAVEMENT (FULL DEPTH)	LF	76	\$2.50	\$190.00	\$3.00	\$228.00	\$4.50	\$342.00	\$5.00	\$380.00	\$5.00	\$380.00
5	2123.510	MOTOR GRADER	HOURL	16	\$150.00	\$2,400.00	\$200.00	\$3,200.00	\$215.00	\$3,440.00	\$420.00	\$6,720.00	\$250.00	\$4,000.00
6	2211.507	AGGREGATE BASE (CV) CLASS 5	CY	800	\$40.00	\$32,000.00	\$35.00	\$28,000.00	\$35.20	\$28,160.00	\$38.00	\$30,400.00	\$32.50	\$26,000.00
7	2215.504	FULL DEPTH RECLAMATION	SY	14,284	\$5.50	\$78,562.00	\$0.95	\$13,569.80	\$1.05	\$14,998.20	\$1.50	\$21,426.00	\$3.00	\$42,852.00
8	2540.602	MAIL BOX SUPPORT	EACH	4	\$100.00	\$400.00	\$125.00	\$500.00	\$135.00	\$540.00	\$140.00	\$560.00	\$400.00	\$1,600.00
9	2563.601	TRAFFIC CONTROL	LS	1	\$2,500.00	\$2,500.00	\$2,500.00	\$2,500.00	\$2,900.00	\$2,900.00	\$2,000.00	\$2,000.00	\$2,000.00	\$2,000.00
10	2564.502	INSTALL SIGN PANEL TYPE C	EACH	8	\$40.00	\$320.00	\$125.00	\$1,000.00	\$135.00	\$1,080.00	\$138.00	\$1,104.00	\$100.00	\$800.00
11	2564.518	SIGN PANELS TYPE C	SF	13	\$30.00	\$390.00	\$72.00	\$936.00	\$80.00	\$1,040.00	\$80.00	\$1,040.00	\$80.00	\$1,040.00
TOTAL COST:					\$130,222.00		\$59,899.80		\$67,080.20		\$73,400.00		\$87,872.00	



Northland

Consulting Engineers L.L.P.

Structural, Civil and Forensic Engineering Services

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

Re: Old Highway 2 Pavement Reclamation

Dear John,

This letter is regarding the bid opening for the pavement reclamation project at Old Highway 2.

We have reviewed all the bids that were received this morning at the bid opening. Sinnott Contracting, LLC is the low bidder for the project with a bid of \$44,000.00. We recommend awarding the contract for Old Highway 2 Pavement Reclamation to Sinnott Contracting, LLC.

I have included the bid abstract and the bid form received from Sinnott Contracting, LLC.

Sincerely,

David Bolf, P.E.
Northland Consulting Engineers
102 South 21st Avenue West, Suite 1
Duluth, MN 55806

Hermantown, Minnesota

Old Highway 2

BID FORM

<p>BID DATE: January 21, 2021</p> <p>BID TIME: 10:00 A.M.</p> <p>LOCATION: Government Services Building, 5105 Maple Grove Road, Hermantown, MN 55811</p>

Proposal of: SINNOTT CONTRACTING, LLC
 (hereinafter called "Bidder"), organized and existing under the laws of the State of _____
 doing business as LLC.
(Insert "a corporation", "a partnership", "a limited liability company" or "an individual" as applicable)

for City of Hermantown hereinafter called "OWNER". In compliance with your ADVERTISEMENT FOR BIDS and INSTRUCTIONS TO BIDDERS, Bidder hereby proposes to perform all WORK as specified in the CONTRACT DOCUMENTS in strict accordance with the CONTRACT DOCUMENTS within the time set forth therein, and at the Unit Prices stated below.

By submission of this Bid, each Bidder certifies, and in the case of a joint Bid each party thereto certified as to such Bidder's own organization, that this Bid has been arrived at independently, without consultation, communication, collusion or fraud, or agreement as to any matter relating to this Bid with any other Bidder or with any competitor or with the Engineer or any representative of Owner.

Bidder hereby agrees to commence WORK under the Contract Documents on or before a date to be specified in the NOTICE TO PROCEED and to fully complete the WORK in accordance with the following completion date schedule.

COMPLETION DATE SCHEDULE: Work shall be substantially completed within the listed number of consecutive calendar days from the date of NOTICE TO PROCEED or by Completion Date stated:

Project Description	Completion Date
Roadway reclamation	June 26th, 2021

Bidder further agrees to pay as liquidated damages the sum of \$900.00 dollars for each consecutive calendar day thereafter.

Bidder acknowledges receipt of the following ADDENDUM:

Number	Date

The undersigned Bidder proposes and agrees, if this Bid is accepted, to enter into an agreement with the Owner in the form included in the bid booklet to perform and furnish all Work described in the bid booklet for the amounts listed below, which includes sales tax and all other applicable taxes and fees and within the time indicated in this Bid and the bid booklet and in accordance with the other terms and conditions of the bid booklet.

Base Bid: All work shown called out in the plans and specifications AND listed under Base Bid on the Statement of Estimated Quantities.

Total Base Bid
\$ 44,000.00

Accompanying this Bid is a BID BOND or certified check in an amount which is at least five percent (5%) of the Total Base Bid made payable to the OWNER and the same is subject to forfeiture in the event of default on the part of the Bidder or failure on the part of the Bidder to execute the Contract and provide the requested payment bond, performance bond, certificate of insurance and endorsement to insurance policy(ies) within the times as stated in the CONTRACT DOCUMENTS.

It is understood that Bids may not be withdrawn for a period of **One Hundred Twenty (120) days** from the date of the Bid opening. It is further understood that the OWNER reserves the right to retain the Bid Security until the Contract is executed between the OWNER and the successful Bidder.

In submitting this Bid, it is agreed that the OWNER retains the right to reject any and all Bids and to waive irregularities and informalities therein, and to adjourn any meetings to a later date for the purpose of further consideration of the Bids and taking action thereon, and to award the Contract to the Bidder that will serve the best interests of the OWNER.

BID SUBMITTAL CHECKLIST
(Check to Indicate Inclusion with Submittal)

<input checked="" type="checkbox"/>	Item to be Submitted
<input checked="" type="checkbox"/>	Completed Bid Form
<input checked="" type="checkbox"/>	Completed Schedule of Prices
<input checked="" type="checkbox"/>	5% Bid Bond
<input checked="" type="checkbox"/>	Completed Responsible Contractor Verification Form
<input checked="" type="checkbox"/>	Completed Non-Collusion Affidavit
<input checked="" type="checkbox"/>	Project Qualifications

The undersigned, being familiar with all local conditions and having made all necessary field investigations and being familiar with all other factors affecting the conditions and cost for the WORK, hereby proposes to furnish all labor, materials, equipment, tools, skills and all else necessary to complete the WORK in accordance with the Contract Documents and the plans and specifications prepared for the work by Northland Consulting Engineers L.L.P.

Daniel R. Wyman
Signature

DANIEL R. WYMAN
Printed Name

SINNOTT CONTRACTING, LLC
Legal Name of Bidding Entity

MINNESOTA
State of Incorporation or Organization

1-21-21
Date

PROJ. MANAGER
Title

327- 2ND ST.
Street Address (Must be served by
U.S. Postal Service)

PROCTOR, MN 55810
City, State and Zip Code

218 626-1822
Telephone Number

218 740-3465
Facsimile Number

ESTIMATOR@SINNOTTBLACKTOP
E-mail Address
.COM

SCHEDULE OF PRICES

DATE: DECEMBER 8, 2020

LINE ITEM NO.	ITEM NO.	ITEM DESCRIPTION	UNIT	ESTIMATED QUANTITY	BID UNIT PRICE	BID PRICE
1	2021.501	MOBILIZATION	LS	1	1,570.72	1,570.72
2	2104.502	REMOVE SIGN TYPE C	EACH	8	50.00	400.00
3	2104.502	REMOVE MAIL BOX SUPPORT	EACH	4	50.00	200.00
4	2104.503	SAWING BITUMINOUS PAVEMENT (FULL DEPTH)	LF	76	4.25	323.00
5	2123.510	MOTOR GRADER	HOUR	16	290.00	4,640.00
6	2211.507	AGGREGATE BASE (CV) CLASS 5	CY	800	25.00	20,000.00
7	2215.504	FULL DEPTH RECLAMATION	SY	14,284	0.92	13,141.28
8	2540.602	MAIL BOX SUPPORT	EACH	4	275.00	1,100.00
9	2563.601	TRAFFIC CONTROL	LS	1	1,250.00	1,250.00
10	2564.502	INSTALL SIGN PANEL TYPE C	EACH	8	50.00	400.00
11	2564.518	SIGN PANELS TYPE C	SF	13	75.00	975.00

TOTAL BID PRICE: \$ 44,000.00

TOTAL BID PRICE WRITTEN OUT: FOURTY FOUR THOUSAND & $\frac{00}{100}$

NON-COLLUSION AFFIDAVIT

The following Non-Collusion Affidavit shall be executed by the bidder:

State of Minnesota _____)
) ss

County of ST LOUIS)

I, DANIEL R WYMAN, do state under penalty of
(name of person signing this affidavit)

perjury under 28 U.S.C. 1746 of the laws of the United States:

- (1) that I am the authorized representative of SINNOTT CONTRACTING, LLC

(name of person, partnership or corporation submitting this proposal)

and that I have the authority to make this affidavit for and on behalf of said bidder;

(2) that, in connection with this proposal, the said bidder has not either directly or indirectly entered into any agreement, participated in any collusion or otherwise taken any action in restraint of free competitive bidding;

(3) that, to the best of my knowledge and belief, the contents of this proposal have not been communicated by the bidder or by any of his/her employees or agents to any person who is not an employee or agent of the bidder or of the surety on any bond furnished with the proposal and will not be communicated to any person who is not an employee or agent of the bidder or of said surety prior to the official opening of the proposal, and

(4) that I have fully informed myself regarding the accuracy of the statements made in this affidavit.

Signed: Daniel R Wyman
(bidder or his authorized representative)

RESPONSIBLE CONTRACTOR CERTIFICATE

Applies to all prime contracts in excess of \$50,000.00

A responsible contractor is defined in Minnesota Statutes §16C.285, subdivision 3.

Any prime contractor or subcontractor who does not meet the minimum criteria under Minnesota Statute §16C.285, subdivision 3, or who fails to verify that it meets those criteria, is not a responsible contractor and is not eligible to be awarded a construction contract for the project or to perform work on the project.

A false statement under oath verifying compliance with any of the minimum criteria shall render the prime contractor or subcontractor that makes the false statement ineligible to be awarded a construction contract for the project and may result in termination of a contract awarded to a prime contractor or subcontractor that makes a false statement.

A prime contractor shall submit to the contracting authority upon request copies of the signed verifications of compliance from all subcontractors of any tier pursuant to subdivision 3, clause 7.

By signing this statement, I, DANIEL R WYMAN,
(type or print name)

PROJ. MANAGER
(title) certify that I am an owner or officer of the company

and do verify under oath that my company is in compliance with each of the minimum criteria listed in the law.

SINNOTT CONTRACTING LLC
(name of the person, partnership, or corporation submitting this proposal)

327. 2ND STREET, PROCTOR, MN 55810
(business address)

Signed: 
(bidder or authorized representative)

Date: 1-21-21

ATTACHMENT A

RESPONSIBLE CONTRACTOR AND CERTIFICATION OF COMPLIANCE

Minn. Stat. §16.285, Subd., 7, **IMPLEMENTATION.** any prime contractor or subcontractor that does not meet the minimum criteria in subdivision 3 or fails to verify it meets those criteria is not a responsible contractor and is not eligible to be awarded a construction contract for the project or to perform work on the project.

Minn. Stat. §16.285, Subd. 3. **RESPONSIBLE CONTRACTOR, MINIMUM CRITERIA.** "Responsible contractor" means a contractor that conforms to the responsibility requirements in the solicitation document for its portion of the work on the project and verifies that it meets the following minimum criteria:

1. The Contractor:
 - a. is in compliance with workers' compensation and unemployment insurance requirements;
 - b. is currently registered with the Department of Revenue and the Department of Employment and Economic Development if it has employees;
 - c. has a valid federal tax identification number or a valid Social Security number if an individual; and
 - d. has filed a certificate of authority to transact business in Minnesota with the secretary of state if a foreign corporation or cooperative.
 - e.
2. The contractor or related entity is in compliance with and, during the three-year period before submitting the verification, has not violated section 177.24, 177.25, 177.41 to 177.44, 181.13, 181.14, or 181.722, and has not violated United States Code, title 29, sections 201 to 219, or United States Code, title 40, sections 3141 to 3148. For purposes of this clause, a violation occurs when a contractor or related entity:
 - a. repeatedly fails to pay statutorily required wages or penalties on one or more separate projects for a total underpayment of \$25,000 or more within the three-year period;
 - b. has been issued an order to comply by the commissioner of labor and industry that has become final;
 - c. has been issued at least two determination letters within the three-year period by the Department of Transportation finding an underpayment by the contractor or related entity to its own employees;
 - d. has been found by the commissioner of labor and industry to have repeatedly or willfully violated any of the sections referenced in this clause pursuant to section 177.27;
 - e. has been issued a ruling or findings of underpayment by the administrator of the Wage and Hour Division of the United States Department of Labor that have become final or have been upheld by an administrative law judge or the Administrative Review Board; or
 - f. has been found liable for underpayment of wages or penalties or misrepresenting a construction worker as an independent contractor in an action brought in a court having jurisdiction. Provided that, if the contractor or related entity contests a determination of underpayment by the Department of Transportation in a contested case proceeding, a

violation does not occur until the contested case proceeding has concluded with a determination that the contractor or related entity underpaid wages or penalties.

3. The contractor or related entity is in compliance with and, during the three-year period before submitting the verification, has not violated section 181.723 or chapter 326B. For purposes of this clause, a violation occurs when a contractor or related entity has been issued a final administrative or licensing order.
4. The contractor or related entity has not, more than twice during the three-year period before submitting the verification, had a certificate of compliance under section 363A.36 revoked or suspended based on the provisions of section 363A.36, with the revocation or suspension becoming final because it was upheld by the Office of Administrative Hearings or was not appealed to the office.
5. The contractor or related entity has not received a final determination assessing a monetary sanction from the Department of Administration or Transportation for failure to meet targeted group business, disadvantaged business enterprise, or veteran-owned business goals, due to a lack of good faith effort, more than once during the three-year period before submitting the verification.
6. The contractor or related entity is not currently suspended or debarred by the federal government or the state of Minnesota or any of its departments, commissions, agencies, or political subdivisions; and
7. All subcontractors that the contractor intends to use to perform project work have verified to the contractor through a signed statement under oath by an owner or officer that they meet the minimum criteria listed in clauses (1) to (6).

Minn. Stat. 1§16.285, Subd. 5. **SUBCONTRACTOR VERIFICATION.** A prime contractor or subcontractor shall include in its verification of compliance under subdivision 4 a list of all of its first-tier subcontractors that it intends to retain for work on the project.

If a prime contractor or any subcontractor retains additional subcontractors on the project after submitting its verification of compliance, the prime contractor or subcontractor shall obtain verifications of compliance from each additional subcontractor with which it has a direct contractual relationship and shall submit a supplemental verification confirming compliance with subdivision 3, clause (7), within 14 days of retaining the additional subcontractors.

A prime contractor shall submit to the contracting authority upon request copies of the signed verifications of compliance from all subcontractors of any tier pursuant to subdivision 3, clause (7). A prime contractor and subcontractors shall not be responsible for the false statements of any subcontractor with which they do not have a direct contractual relationship. A prime contractor and subcontractors shall be responsible for false statements by their first-tier subcontractors with which they have a direct contractual relationship only if they accept the verification of compliance with actual knowledge that it contains a false statement.

Minn.Stat. §16.285, Subd. 4. **VERIFICATION OF COMPLIANCE.** A contractor responding to a solicitation document of a contracting authority shall submit to the contracting authority a signed statement under oath by an owner or officer verifying compliance with each of the minimum criteria in subdivision 3 at the time that it responds to the solicitation document.

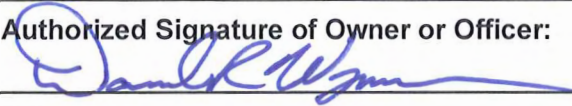
A contracting authority may accept a sworn statement as sufficient to demonstrate that a contractor is a responsible contractor and shall not be held liable for awarding a contract in reasonable reliance on that statement. Failure to verify compliance with any one of the minimum criteria or a false statement under oath in a verification of compliance shall render the prime contractor or subcontractor that makes the false statement ineligible to be awarded a construction contract on the project for which the verification was submitted.

A false statement under oath verifying compliance with any of the minimum criteria may result in termination of a construction contract that has already been awarded to a prime contractor or subcontractor that submits a false statement. A contracting authority shall not be liable for declining to award a contract or terminating a contract based on a reasonable determination that the contractor failed to verify compliance with the minimum criteria or falsely stated that it meets the minimum criteria.

CERTIFICATION

By signing this document I certify that I am an owner or officer of the company, and I swear under oath that:

- 1) My company meets each of the Minimum Criteria to be a responsible contractor as defined herein and is in compliance with Minn. Stat. §16.285,**
- 2) I have included Attachment A-1 with my company's solicitation response, and**
- 3) if my company is awarded a contract, I will also submit Attachment A-2 as required.**

Authorized Signature of Owner or Officer: 	Printed Name: DANIEL R WYMAN
Title: PROJ. MANAGER	Date: 1-21-21
Company Name: SINNOTT CONTRACTING, LLC	

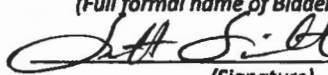
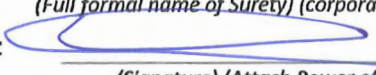
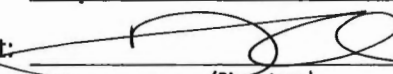
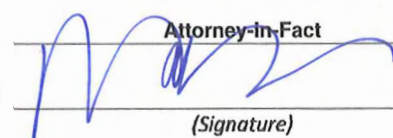
ATTACHMENT A-1

FIRST-TIER SUBCONTRACTOR LIST
(Submit with Prime Contractor Response)

Minn. Stat. §16.285, Subd. 5: A prime contractor or subcontractor shall include in its verification of compliance under subdivision 4 a list of all of its first-tier subcontractors that it intends to retain for work on the project.

First-Tier Subcontractor Names (Legal name of company as registered with the Secretary of State)	Name of city where company home office is located
ALLSTATES PAVEMENT RECYCLING	ROGERS, MN.

BID BOND (PENAL SUM FORM)

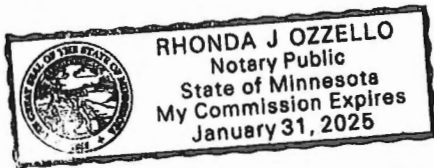
Bidder Name: Sinnott Contracting, LLC Address (principal place of business): 327 2nd Street Proctor, MN 55810	Surety Name: North American Specialty Insurance Company Address (principal place of business): 1200 Main Street, Suite 800 Kansas City, MO 64105
Owner Name: City of Hermantown Address (principal place of business): 5105 Maple Grove Road Hermantown, MN 55811	Bid Project (name and location): Old Hwy 2, Reclamation Bid Due Date: January 21, 2021
Bond Penal Sum: Five Percent (5%) of Total Amount Bid Date of Bond: January 21, 2021	
Surety and Bidder, intending to be legally bound hereby, subject to the terms set forth in this Bid Bond, do each cause this Bid Bond to be duly executed by an authorized officer, agent, or representative.	
Bidder Sinnott Contracting, LLC	Surety North American Specialty Insurance Company
(Full formal name of Bidder) By: <u></u> (Signature)	(Full formal name of Surety) (corporate seal) By: <u></u> (Signature) (Attach Power of Attorney)
Name: <u>SCOTT SINNOTT</u> (Printed or typed)	Name: <u>Lin Ulven</u> (Printed or typed)
Title: <u>PRESIDENT</u>	Title: <u>Attorney-in-Fact</u>
Attest: <u></u> (Signature)	Attest: <u></u> (Signature)
Name: <u>Rachael Ozzello</u> (Printed or typed)	Name: <u>Rachel Thomas</u> (Printed or typed)
Title: <u>Acting Mayor</u>	Title: <u>Surety Client Representative</u>
Notes: (1) Note: Addresses are to be used for giving any required notice. (2) Provide execution by any additional parties, such as joint venturers, if necessary.	

1. Bidder and Surety, jointly and severally, bind themselves, their heirs, executors, administrators, successors, and assigns to pay to Owner upon default of Bidder the penal sum set forth on the face of this Bond. Payment of the penal sum is the extent of Bidder's and Surety's liability. Recovery of such penal sum under the terms of this Bond will be Owner's sole and exclusive remedy upon default of Bidder.
2. Default of Bidder occurs upon the failure of Bidder to deliver within the time required by the Bidding Documents (or any extension thereof agreed to in writing by Owner) the executed Agreement required by the Bidding Documents and any performance and payment bonds required by the Bidding Documents.
3. This obligation will be null and void if:
 - 3.1. Owner accepts Bidder's Bid and Bidder delivers within the time required by the Bidding Documents (or any extension thereof agreed to in writing by Owner) the executed Agreement required by the Bidding Documents and any performance and payment bonds required by the Bidding Documents, or
 - 3.2. All Bids are rejected by Owner, or
 - 3.3. Owner fails to issue a Notice of Award to Bidder within the time specified in the Bidding Documents (or any extension thereof agreed to in writing by Bidder and, if applicable, consented to by Surety when required by Paragraph 5 hereof).
4. Payment under this Bond will be due and payable upon default of Bidder and within 30 calendar days after receipt by Bidder and Surety of written notice of default from Owner, which notice will be given with reasonable promptness, identifying this Bond and the Project and including a statement of the amount due.
5. Surety waives notice of any and all defenses based on or arising out of any time extension to issue Notice of Award agreed to in writing by Owner and Bidder, provided that the total time for issuing Notice of Award including extensions does not in the aggregate exceed 120 days from the Bid due date without Surety's written consent.
6. No suit or action will be commenced under this Bond prior to 30 calendar days after the notice of default required in Paragraph 4 above is received by Bidder and Surety, and in no case later than one year after the Bid due date.
7. Any suit or action under this Bond will be commenced only in a court of competent jurisdiction located in the state in which the Project is located.
8. Notices required hereunder must be in writing and sent to Bidder and Surety at their respective addresses shown on the face of this Bond. Such notices may be sent by personal delivery, commercial courier, or by United States Postal Service registered or certified mail, return receipt requested, postage pre-paid, and will be deemed to be effective upon receipt by the party concerned.
9. Surety shall cause to be attached to this Bond a current and effective Power of Attorney evidencing the authority of the officer, agent, or representative who executed this Bond on behalf of Surety to execute, seal, and deliver such Bond and bind the Surety thereby.
10. This Bond is intended to conform to all applicable statutory requirements. Any applicable requirement of any applicable statute that has been omitted from this Bond will be deemed to be included herein as if set forth at length. If any provision of this Bond conflicts with any applicable statute, then the provision of said statute governs and the remainder of this Bond that is not in conflict therewith continues in full force and effect.
11. The term "Bid" as used herein includes a Bid, offer, or proposal as applicable.

LIMITED LIABILITY COMPANY ACKNOWLEDGMENT

State of Minnesota)
) ss
County of St. Louis)

On this 21st day of January 2021, before me appeared SCOTT SINNOTT, to be known, who, being by me duly sworn, did say that (s)he is the PRESIDENT of the Limited Liability Company described in and which executed the foregoing instrument, and that (s)he signed his name thereto by order of the Board of Governors of said Limited Liability Company.



[Signature]
Notary Public Minnesota County, St. Louis
My commission expires 1/31/2025

SURETY ACKNOWLEDGMENT

State of Minnesota)
) ss
County of Hennepin)

On this 21st day of January 2021, before me appeared Lin Ulven, to me personally know, who being by me duly sworn, did say that (s)he is the Attorney-in-Fact of North American Specialty Insurance Company, a corporation, that the seal affixed to the foregoing instrument is the corporate seal of said corporation and that said instrument was executed in behalf of said corporation by authority of its Board of Directors; and that said Lin Ulven acknowledged said instrument to be the free act and deed of said corporation.



[Signature]
Notary Public Ramsey County, Minnesota
My commission expires 1/31/2025

SWISS RE CORPORATE SOLUTIONS

NORTH AMERICAN SPECIALTY INSURANCE COMPANY
WASHINGTON INTERNATIONAL INSURANCE COMPANY
WESTPORT INSURANCE CORPORATION GENERAL POWER OF ATTORNEY

KNOW ALL MEN BY THESE PRESENTS, THAT North American Specialty Insurance Company, a corporation duly organized and existing under laws of the State of New Hampshire, and having its principal office in the City of Kansas City, Missouri and Washington International Insurance Company a corporation organized and existing under the laws of the State of New Hampshire and having its principal office in the City of Kansas City, Missouri, and Westport Insurance Corporation, organized under the laws of the State of Missouri, and having its principal office in the City of Kansas City, Missouri does hereby make, constitute and appoint:

R.W. FRANK, JOHN E. TAUBER, JOSHUA R. LOFTIS, TINA L. DOMASK, ROSS S. SQUIRES, RACHEL THOMAS, NICOLE STILLINGS, SANDRA M. ENGSTRUM, BETSY WRIGHT, JEROME T. OUMET,

KURT C. LUNDBLAD, BRIAN J. OESTREICH, LIN ULVEN, EMILY WHITE, TED JORGENSEN, MELINDA C. BLODGETT, R. C. BOWMAN, COLBY D. WHITE, ALLISON HILL and NATHAN WEAVER JOINTLY OR SEVERALLY

Its true and lawful Attorney(s)-in-Fact, to make, execute, seal and deliver, for and on its behalf and as its act and deed, bonds or other writings obligatory in the nature of a bond on behalf of each of said Companies, as surety, on contracts of suretyship as are or may be required or permitted by law, regulation, contract or otherwise, provided that no bond or undertaking or contract or suretyship executed under this authority shall exceed the amount of: ONE HUNDRED TWENTY FIVE MILLION (\$125,000,000.00) DOLLARS

This Power of Attorney is granted and is signed by facsimile under and by the authority of the following Resolutions adopted by the Boards of Directors of North American Specialty Insurance Company and Washington International Insurance Company at meetings duly called and held on March 24, 2000 and Westport Insurance Corporation by written consent of its Executive Committee dated July 18, 2011.

"RESOLVED, that any two of the President, any Senior Vice President, any Vice President, any Assistant Vice President, the Secretary or any Assistant Secretary be, and each or any of them hereby is authorized to execute a Power of Attorney qualifying the attorney named in the given Power of Attorney to execute on behalf of the Company bonds, undertakings and all contracts of surety, and that each or any of them hereby is authorized to attest to the execution of any such Power of Attorney and to attach therein the seal of the Company; and it is

FURTHER RESOLVED, that the signature of such officers and the seal of the Company may be affixed to any such Power of Attorney or to any certificate relating thereto by facsimile, and any such Power of Attorney or certificate bearing such facsimile signatures or facsimile seal shall be binding upon the Company when so affixed and in the future with regard to any bond, undertaking or contract of surety to which it is attached."



By [Signature] Steven P. Anderson, Senior Vice President of Washington International Insurance Company & Senior Vice President of North American Specialty Insurance Company & Senior Vice President of Westport Insurance Corporation

By [Signature] Mike A. Ito, Senior Vice President of Washington International Insurance Company & Senior Vice President of North American Specialty Insurance Company & Senior Vice President of Westport Insurance Corporation



IN WITNESS WHEREOF, North American Specialty Insurance Company, Washington International Insurance Company and Westport Insurance Corporation have caused their official seals to be hereunto affixed, and these presents to be signed by their authorized officers this 2nd day of MARCH, 20 20.

North American Specialty Insurance Company
Washington International Insurance Company
Westport Insurance Corporation

State of Illinois
County of Cook

On this 2nd day of MARCH, 20 20, before me, a Notary Public personally appeared Steven P. Anderson, Senior Vice President of

Washington International Insurance Company and Senior Vice President of North American Specialty Insurance Company and Senior Vice President of Westport Insurance Corporation and Michael A. Ito Senior Vice President of Washington International Insurance Company and Senior Vice President of North American Specialty Insurance Company and Senior Vice President of Westport Insurance Corporation, personally known to me, who being by me duly sworn, acknowledged that they signed the above Power of Attorney as officers of and acknowledged said instrument to be the voluntary act and deed of their respective companies.



[Signature] M. Kenny, Notary Public

I, Jeffrey Goldberg, the duly elected Vice President and Assistant Secretary of North American Specialty Insurance Company, Washington International Insurance Company and Westport Insurance Corporation do hereby certify that the above and foregoing is a true and correct copy of a Power of Attorney given by said North American Specialty Insurance Company, Washington International Insurance Company and Westport Insurance Corporation which is still in full force and effect.

IN WITNESS WHEREOF, I have set my hand and affixed the seals of the Companies this 21st day of January, 2021.

Jeffrey Goldberg, Vice President & Assistant Secretary of Washington International Insurance Company & North American Specialty Insurance Company & Vice President & Assistant Secretary of Westport Insurance Corporation

Proctor Contracting, LLC

1000 - 2nd Street

Proctor, MN. 55810

1-21-2021

Recent Completed Project:

Project Name	Description	Date	Owner	Project Cost
Hamantown Market Place	Bldg. 6 & 7, Site/Utility Work	2018-2019	Platinum Property	\$ 840,000
Louis County Jail	Parking Lot/Storm Sewer Improvements	2018	St. Louis County	\$ 373,000
State Hwy 39	Bituminous Paving	2019	MN-Dot	\$ 315,000
L&P Water Treatment Plant	Parking Lot Storm Sewer Improvements	2017	SWL&P	\$ 160,000
Parking Lot Reconstruction	Bituminous Paving/Curb & Gutter	2019	United Methodist Church	\$ 334,000
19 Road & Storm Sewer Repairs	Street/Storm Sewer Reconstruction	2019	City of Proctor	\$ 184,000
City of Wrenshall, Goad Drive	Street/Storm Water Improvements	2020	City of Wrenshall	\$ 425,000
Hamantown Market Place	Building #3, Site/Utility Work	2020	Platinum Property	\$ 400,000