



## **Hermantown City Council Meeting – June 21, 2021**

Because of attendance considerations at the regular meeting location due to the health pandemic, Hermantown’s June 21, 2021, City Council Meeting will be conducted both remotely and with in-person access to Council Chambers.

The City Council meeting 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 the City Council Meeting in person at City Hall. Current Minnesota Department of Health guidelines regarding the health pandemic will be observed during this meeting.

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

<https://us02web.zoom.us/j/88388062492?pwd=OUxub2JOOFlh0SUtXSGo5czFENndVZz09>

and/or by calling the number (312) 626-6799 and utilizing the meeting ID number of 883-8806-2492 and the passcode of 603816.

Public comment may be possible, but difficult, during the meeting, but any public comments, questions, or concerns can be e-mailed to Community Engagement Manager, Joe Wicklund, at [jwicklund@hermantownmn.com](mailto:jwicklund@hermantownmn.com) up to 3:30 p.m. the day of the meeting with the e-mail title “June 21, 2021, Meeting.” It is important to note that all comments regarding the June 21, 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 in-person only at City Hall. Public comment is not a factor in the pre-agenda meeting, but the meeting is open and members of the public are invited and welcome to attend to this meeting. Attendees of the Pre-Agenda Meeting should expect to follow the current social distancing and mask guidelines.



## **AGENDA**

### **Pre-Agenda Meeting Monday, June 21, 2021 at 4:30 p.m. Council Chambers City Hall - Hermantown Governmental Services Building**

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

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### **City Council Continuation Meeting June 21, 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, June 21, 2021 at 4:30 p.m.  
Council Chambers  
Hermantown Governmental Services Building**

**City Council Continuation Meeting June 21, 2021 at 6:30 p.m.  
Council Chambers  
Hermantown Governmental Services Building**

1. **CALL TO ORDER**
2. **PLEDGE OF ALLEGIANCE**
3. **ROLL CALL**
4. **ANNOUNCEMENTS** *(Council Members may make announcements as needed.)*
5. **PUBLIC HEARING** – *(Only when necessary. The rule adopted three minutes per person if necessary. Any action required after the public hearing will be taken immediately following the closing of the public hearing.)*
6. **COMMUNICATIONS**
  - A. **21-78** MN Dept. of Transportation  
TO: John Mulder, City Administrator  
RE: 2020 Local Road Improvement Program Selection
7. **PRESENTATIONS** *(Department Heads may give reports if necessary.)*
  - A. Kevin Orme, Director of Finance & Administration *(Pre-Agenda Only)*  
RE: [2022 Personnel Budget](#)
  - B. Kevin Orme, Director of Finance & Administration *(Pre-Agenda Only)*  
RE: 2022 General Fund Expenditure Increase Discussion
  - C. Eric Johnson, Community Development Director *(Pre-Agenda Only)*  
RE: [ARDC PUD Study](#)
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 [June 7, 2021 City Council Minutes](#) & [June 14, 2021 Work Session Minutes](#)

B. **Accounts Payable** – Approve general city warrants from June 1, 2021 through June 15, 2021 in the amount of \$883,286.86

(motion, roll call)

## 10. MOTIONS

A. Motion to approve/deny the following On Sale Intoxicating Liquor Licenses:

AAD Shrine	5152 Miller Trunk Hwy	On Sale/Sunday/Dance
Beacon Sports Bar	5044 Hermantown Rd	On Sale/Sunday/Dance
Chalet Lounge	4833 Miller Trunk Hwy	On Sale/Sunday
Foster's Sports Bar & Grill	4767 W. Arrowhead Road	On Sale/Sunday
Maya Mexican Restaurant	4702 Miller Trunk Hwy	On Sale/Sunday
(*Contingent upon all paper work being received*)		
McKenzie's Bar & Grill	5094 Miller Trunk Hwy	On Sale/Sunday
Outback Steakhouse	4255 Haines Road	On Sale/Sunday
Skyline Lounge	4894 Miller Trunk Hwy	On Sale/Sunday
The Social House	4897 Miller Trunk Hwy	On Sale/Sunday
Valentini's	4960 Miller Trunk Hwy	On Sale/Sunday

(motion, roll call)

B. Motion to approve/deny the following Off Sale Intoxicating Liquor Licenses:

Sam's West #6320	4743 Maple Grove Road	Off Sale
Adolph Store	3706 Midway Road	Off Sale

(motion, roll call)

C. Motion to approve/deny the following Off Sale 3.2 Malt Liquor Licenses:

Holiday Stationstores	4795 Miller Trunk Hwy	Off Sale/3.2
Kwik Trip #220	4978 Miller Trunk Hwy	Off Sale/3.2
Kwik Trip #216	4805 Miller Trunk Hwy	Off Sale/3.2
Kwik Trip #572	4145 Haines Road	Off Sale/3.2
Walmart #1757	4740 Loberg Drive	Off Sale/3.2
I Mart Stores	4221 Haines Road	Off Sale/3.2

(motion, roll call)

D. Motion to approve/deny the following On Sale Wine/Strong Beer Liquor Licenses:

China Star Restaurant	4227 Haines Road	Wine/Strong Beer
Do North Pizzeria	5116 Miller Trunk Hwy	Wine/Strong Beer/Sunday
Sammy's Pizza	4310 Menard Drive	Wine/Strong Beer/Sunday



The King of Creams      4140 Richard Avenue      Wine/Strong Beer/Sunday  
Yellow Bike Coffee      5094 Miller Trunk Hwy      Wine/Strong Beer

(motion, roll call)

E. Motion to appoint \_\_\_\_\_ to the Broadband Task Force.

(motion, roll call)

## 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. **2021-69**      Resolution Approving Change Order Number 1 For Old Hwy 2

(motion, roll call)

B. **2021-70**      Resolution Approving A Special Use Permit For The Grading And Filling Within A Shoreland Overlay Zoning District

(motion, roll call)

C. **2021-71**      Resolution Authorizing And Directing The Mayor And City Clerk To Execute And Deliver A Settlement Agreement Between The City Of Hermantown And Stauber Properties Partnership ("Stauber Properties")

(motion, roll call)

D. **2021-72**      Resolution Authorizing And Directing The Mayor And City Clerk To Execute And Deliver A Settlement Agreement Between The City Of Hermantown And Northwood Properties Incorporated A/K/A Northwoods Properties Incorporated ("Northwoods")

(motion, roll call)

E. **2021-73**      Resolution Adopting Performance Measures

(motion, roll call)

F. **2021-74**      Resolution Approving The Removal Of The Gates At Stebner Park

(motion, roll call)

G. **2021-75**      Resolution Receiving Updated Preliminary Engineering Report And Calling For Public Hearing For Road Improvement District No. 538 (Richard Avenue and Lindgren Road

(motion, roll call)

**13. CLOSED SESSION**

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

MN Statutes section 13D.05 subd 3(a) to discuss the City Administrator's performance evaluation.

Following this closed session, the council will re-convene in open session pursuant to the posted agenda for that date and time and during such open session summarize its conclusions regarding the evaluation.

**14. RECESS**

**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

6/2/2021	21-77	John Mulder, City Administrator	Mayor & City Council	Broadband Task Force	6/2/2021
6/3/2021	21-78	Marc Briese, MN Dept. of Transportation	John Mulder, City Administrator	2020 Local Road Improvement Program Project Selection	6/1/2021
6/4/2021	21-79	Residents of Okerstrom, Johnson & N Morris Thomas Roads	Eric Johnson, Comm. Dev. Dir.	Petition to Stop Proposed Access Road for PUD by Zierden Construction	6/4/2021
6/11/2021	21-80	Mike Marshall, Chief HVFD	City Council	HVFD Budget Submittal for 2021	6/26/2021
6/11/2021	21-81	Amy Hadiaris, MN Pollution Control Agency	Alyssa Boock, MNDOT	MNDOT Truck Station, 5506 Highway 194	6/4/2021
6/11/2021	21-82	Jacob Smokovitz, MN Pollution Control Agency	Alyssa Boock,	MNDOT Truck Station, 5506 Highway 194	6/9/2021



State Aid for Local Transportation  
 395 John Ireland Blvd., MS 500  
 St. Paul, MN 55155  
 Phone: 651-366-3800

*revel  
6/1/21*

June 1, 2021

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

Re: 2020 Local Road Improvement Program Project Selection

Dear Mr. Mulder,

Thank you for submitting an application for the Local Road Improvement Program (LRIP). The Richard Ave and Lindgren Rd construction project in City of Hermantown was selected for Local Road Improvement Program funds appropriated by the legislature in 2020. We have identified up to \$750,000 in LRIP funds for this project.

Enclosed is a State Fund Grantee User Guide that provides a summary of the process for developing and delivering a state bond funded project. Your first step will be to request a State Aid Project (SAP) number for this project if you don't already have one (or SP number if you also have federal funding). Please work with your district state aid engineer (DSAE) throughout project development. Please send the SAP number to me immediately after it is issued.

Following are a few other important notes:

- Items that are eligible for LRIP funds include reasonable elements associated with roadway construction, including basic landscaping and turf establishment. Landscaping planters, benches, bike racks, decorative fences, ornamental lighting, and other aesthetic treatments above the standard are generally not eligible. Other items that are not eligible include engineering, construction administration and inspection, right of way acquisition, and water main, sanitary sewer, or private utility work. Additionally, work on trunk highways or on trunk highway right of way is not eligible.
- Your agency will be required to execute an LRIP grant agreement prior to construction, which includes certification of right of way ownership by the agency and a resolution agreeing to finance any cost in excess of the grant amount before the grant can be authorized for reimbursement.
- The plan and engineer's estimate need to be developed with a column that identifies LRIP participating items. If more than one agency will ultimately own bond funded improvements, there will need to be separate LRIP participating columns on the engineer's estimate for each agency. Additionally, if this is the case, separate LRIP grant agreements will be required with each agency that will ultimately own bond funded improvements.
- Regardless of whether the project is on a state aid route, the design will need to adhere to state aid standards and the DSAE will need to approve and sign plans. Additionally, you will need a funding letter from my office before advertising the construction contract. The LRIP amount in the funding letter will be based on a review of eligible items in the engineer's estimate.
- My office will provide additional instructions for assembling and executing the LRIP grant agreement as part of the delivery of the funding letter.
- The final LRIP amount as included in one or more LRIP grant agreements will be based on the low bid documents. The LRIP grant amount is typically capped.
- The LRIP grant agreement should be fully executed before construction begins.

If you have questions, please contact Rashmi Brewer at [rashmi.brewer@state.mn.us](mailto:rashmi.brewer@state.mn.us). She will be your main point of contact for this LRIP award.

Sincerely,

A handwritten signature in blue ink, appearing to read "Marc Bries".

Marc Bries  
State Aid Programs Engineer

copy: Krysten Saatela Foster, District 1 State Aid Engineer

enclosure: State Fund Grantee User Guide



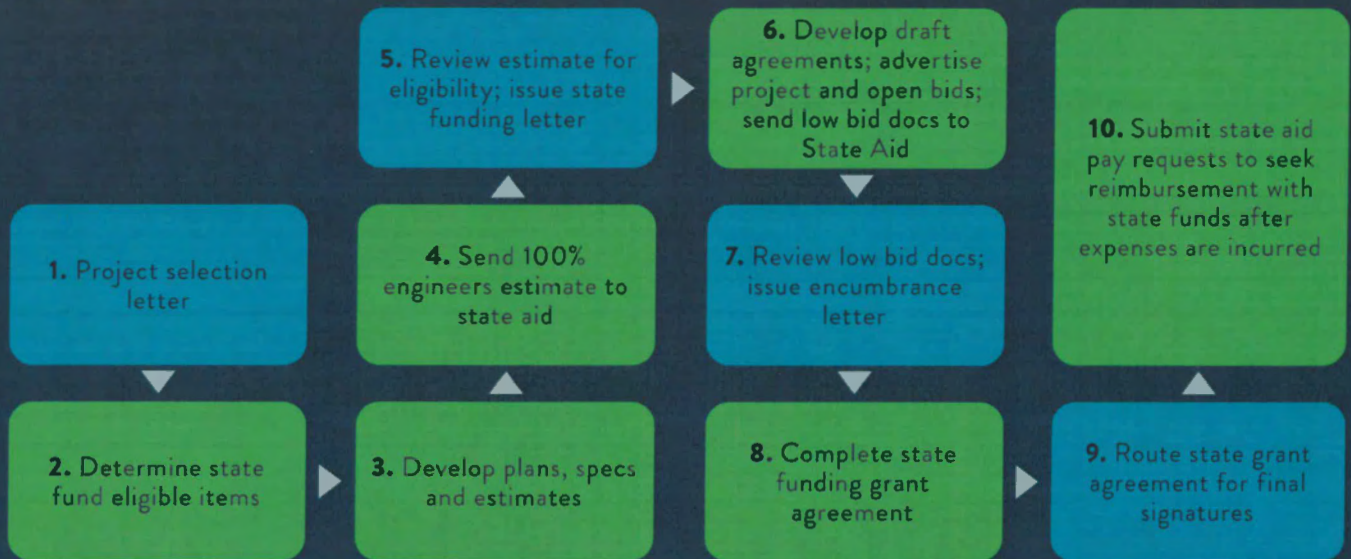


*State Aid for Local Transportation*

# STATE FUND GRANTEE USER GUIDE

*Local Road Improvement Program, Local Bridge Replacement  
Program, Safe Routes to School*





Notes:

1. Blue shade indicates actions by State Aid. Green indicates actions by local agency.
2. Projects with federal funds must also follow federal DCP process
3. State earmarked projects have other considerations and process, including demonstration of full funding. Earmark recipients should schedule a separate kick-off meeting with State Aid Programs Engineer and DSAE.

1

**PROJECT SELECTION LETTER**

After the competitive solicitation for Local Road Improvement Program (LRIP) and Safe Routes to School (SRTS) programs, State Aid Programs group sends selection letters to inform applicants of anticipated award amount. The Local Bridge Replacement Program (LBRP) does not provide selection letters since there is not a competitive solicitation.

2

**DETERMINE STATE FUND-ELIGIBLE ITEMS**

Local agency works with the District State Aid Engineer (DSAE) to determine LRIP, SRTS, or LBRP eligible items and set up the plan and estimate accordingly. Local agency requests State Aid Project (SAP) number for non-federally funded projects or State Project (SP) number for federally funded projects if it doesn't already exist. Send SAP/ SP number to State Aid Programs group for tracking purposes.

3

**DEVELOP PLANS, SPECS, AND ESTIMATES**

Local agency develops plans, specifications, and estimates, in cooperation with DSAE.

For bridge projects, local agency completes LBRP funding application and obtains signatures from DSAE. Local agency informs State Aid Programs Engineer that the project is beginning the design phase.



**4****SEND 100% ENGINEER'S ESTIMATE TO STATE AID**

For projects both with and without federal funds, local agency sends 100% engineer's estimate to DSAE. For projects with no federal funding, DSAE forwards engineer's estimate to Programs group for review and requests state funding letter. Note that bridge projects with no federal funding may or may not receive state bridge funds at this time, depending on availability of funds. Those bridge projects that cannot be funded are added to the waiting list and will be considered for funding when bridge funds become available.

For projects with federal funding, greater Minnesota DSAEs forward engineer's estimate to the CO State Aid Federal Aid group for review. CO State Aid Federal Aid group (for greater Minnesota projects) or Metro State Aid requests state funding letter from Programs group.

**5****REVIEW ESTIMATE FOR ELIGIBILITY; ISSUE STATE FUNDING LETTER**

Programs group reviews engineer's estimate for eligibility and issues state funding letter with initial estimate of state grant amount as well as a summary of other funding sources. Programs group works with State Aid Finance to reserve state fund grant amount in the State Aid Accounting System. Programs group also provides additional instructions to local agency related to the state fund grant agreement.

For bridge projects, Programs group issues state funding letters to projects with federal funding or other projects on the bridge waiting list when funds are appropriated by the legislature or otherwise become available. For this reason, state bridge funding availability can be unpredictable.

**6****DEVELOP DRAFT AGREEMENT; ADVERTISE PROJECT AND OPEN BIDS; SEND LOW BID DOCS TO STATE AID**

Local agency develops draft of the state fund grant agreement and requests review from Programs group. Concurrently, local agency advertises the project and opens bids. Local agency determines apparent low bidder and after consulting with DSAE. For projects with no federal funding, local agency sends low bid documents to State Aid Finance, with copy to DSAE and Programs group, requesting final state funding determination.

For projects with federal funds, local agency sends low bid documents to the CO State Aid Federal Aid group or Metro State Aid for final funding determination (Metro performs final funding analysis for Metro projects), with copy to DSAE. CO State Aid Federal Aid group (for greater Minnesota projects) or Metro State Aid requests final state funding determination from State Aid Finance with a copy to Programs group.

7

### **REVIEW LOW BID DOCS; ISSUE ENCUMBRANCE LETTER**

State Aid Finance and Programs group review low bid documents and determine final state funding eligibility and state grant award amount. State Aid Finance issues encumbrance letter with final state funding determination and adjusts amount in the State Aid Accounting System.

8

### **COMPLETE STATE FUNDING GRANT AGREEMENT**

Local agency completes the state funding grant agreement based on amounts from the encumbrance letter, including council or board resolution accepting the grant and authorizing appropriate parties to sign the grant agreement. While not required, local agencies often award the construction contract at the same council or board meeting. Local agency sends signed pdf version of state grant agreement to Programs group for final execution at MnDOT. Note that the state grant agreement should be fully executed before work begins on the project. Please contact the Programs Engineer if this will be an issue.

9

### **ROUTE STATE GRANT AGREEMENT FOR FINAL SIGNATURES**

Programs group routes state grant agreement for final signatures at MnDOT and sends local agency a pdf of the fully executed state grant agreement.

10

### **SUBMIT STATE AID PAY REQUESTS TO SEEK REIMBURSEMENT WITH STATE FUNDS AFTER EXPENSES ARE INCURRED**

Local agency constructs project and submits partial and final state aid pay requests to DSAE. Note that state grant funds are paid on a reimbursable basis, similar to federal funds. Local agency required to work with DSAE as it would on any other state aid project, including request final inspection and closeout.

For more information, contact:

Marc Briese, P.E.  
Programs Engineer  
State Aid for Local Transportation  
395 John Ireland Blvd, St. Paul, MN 55155  
651-366-3802

**TO:** Mayor & Council  
**FROM:** Kevin Orme – Finance Director



**DATE:** June 16, 2020                      **Meeting Date:** 6/21/21

**SUBJECT:** 2022 Personnel Budget                      **Agenda Item: 7-A**                      **Presentation**

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**REQUESTED ACTION**

**No action required – information only**

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**BACKGROUND**

As we begin the 2022 budget process, we want to present the attached preliminary Staffing Report. The attached includes an estimated 10% health insurance increase, a cost of living increase, and a potential retirement. The overall payroll increase on the attached is 5.35% which includes a full year of the new Project Manager/Engineer position. For context, last year the overall personnel increase was 6.08%.

These attached numbers are preliminary. This staffing plan will come back to you later this year as part of the overall approval of the 2022 budget.

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**SOURCE OF FUNDS (if applicable)**

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**ATTACHMENTS**

2022 Personnel Budget Summary



**2022**  
**City of Hermantown**  
**Personnel Budget Summary**

<b>Department</b>	<b>Salary</b>	<b>Retirement</b>	<b>Health</b>	<b>Other</b>	<b>Total Fringe</b>	<b>2022 Total Salary and Fringe</b>	<b>2021 Total Salary and Fringe</b>	<b>Difference</b>	<b>% Change</b>
Council	30,480	1,113	-	2,195	3,308	33,788	33,809	(21)	-0.06%
Mayor	10,020	501	-	537	1,038	11,058	11,063	(5)	-0.05%
Elections	13,825	174	345	1,474	1,994	15,819	-	15,819	
Administration/Finance	422,658	34,883	94,331	35,816	165,030	587,687	559,089	28,598	5.12%
Community Development	165,427	12,829	51,835	14,047	78,712	244,138	210,624	33,514	15.91%
City Hall Maintenance	46,136	2,977	20,391	5,739	29,108	75,244	100,418	(25,174)	-25.07%
Police	1,689,768	292,437	533,572	92,315	918,324	2,608,091	2,546,576	61,515	2.42%
Fire Hall	10,828	916	6,274	1,363	8,554	19,382	27,240	(7,858)	-28.85%
Building Inspection	112,828	9,268	34,699	9,582	53,549	166,377	160,104	6,273	3.92%
Street	220,871	18,180	79,565	35,198	132,943	353,814	334,733	19,081	5.70%
Garage	12,790	1,063	5,263	1,946	8,272	21,062	22,176	(1,114)	-5.02%
Parks	42,300	1,060	2,229	5,537	8,826	51,126	48,908	2,218	4.53%
Community Building	5,414	458	3,137	682	4,277	9,691	13,620	(3,929)	-28.85%
Cemetery	4,623	111	425	603	1,139	5,762	5,538	224	4.05%
<b>Subtotal General Fund</b>	<b>2,787,967</b>	<b>375,971</b>	<b>832,067</b>	<b>207,034</b>	<b>1,415,073</b>	<b>4,203,040</b>	<b>4,073,898</b>	<b>129,142</b>	<b>3.17%</b>
Cable TV Fund	4,283	341	943	355	1,639	5,922	5,746	176	3.06%
Water Fund Maintenance	201,172	14,940	76,877	24,354	116,171	317,344	280,129	37,215	13.28%
Water Fund Admin.	90,690	7,487	32,643	7,587	47,717	138,406	115,749	22,657	19.57%
Sewer Fund Maintenance	148,251	11,023	56,482	18,023	85,528	233,779	206,527	27,252	13.20%
Sewer Fund Admin.	90,690	7,487	32,643	7,587	47,717	138,406	102,457	35,949	35.09%
Storm Water Fund	68,357	5,487	25,229	7,384	38,100	106,458	96,906	9,552	9.86%
HEDA	26,253	1,974	4,747	1,970	8,692	34,945	33,903	1,042	3.07%
<b>Total Personnel</b>	<b>3,417,664</b>	<b>424,711</b>	<b>1,061,633</b>	<b>274,293</b>	<b>1,760,637</b>	<b>5,178,301</b>	<b>4,915,315</b>	<b>262,986</b>	<b>5.35%</b>

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



**DATE:** June 15, 2021                      **Meeting Date:** 6/21/2021  
**SUBJECT:** ARDC Presentation – PUD      **Agenda Item: 7-C**                      **Presentations**  
Study

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**REQUESTED ACTION**

**Provide comment to the ARDC based on their presentation for the PUD Study associated with the PUD Moratorium.**

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**DESCRIPTION OF REQUEST:**

The PUD study was presented to the Planning and Zoning Commission on June 15, 2021. The Commission recommended the study to the City Council for the upcoming June 21, 2021 meeting.

**Process:**

1. Present PUD Study to the City Council on June 21, 2021 for comment
  2. Present PUD Study to City Council for acceptance on July 6, 2021
  3. Utilize PUD Study to revise existing PUD Ordinance
  4. Bring revised Ordinance to July 20 Planning and Zoning meeting for review
  5. Bring revised Ordinance to City Council for 1<sup>st</sup> reading on August 2, 2021
  6. Bring revised Ordinance to City Council for 2nd reading on August 16, 2021
- 

**ATTACHMENTS:**

Hermantown PUD Report

June 2021

CITY OF HERMANTOWN, MINNESOTA

# Residential Planned Unit Development Report

**COUNCIL REVIEW 06-16-21**



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## Hermantown Planning Commission

- Joe Peterson (Chair)
- Corey Kolquist
- Valerie Ouellette
- Sam Clark
- Shannon Sweeney Jorgenson
- Beth Wentzlaff
- Buckley Simmons
- John Geissler (City Council Liaison)

This report was prepared by ARDC Planning, a division of Arrowhead Regional Development Commission (ARDC), a regional planning and development agency serving the counties of Aitkin, Carlton, Cook, Itasca, Koochiching, Lake and St. Louis in Northeast Minnesota. ARDC Planning serves as a regional and community planning consultant working to further northeast Minnesota as a great place to live, work, play, and learn. Learn more at [www.ardcplanning.org](http://www.ardcplanning.org)

Prepared by Justin Otsea and Josh Bergstad





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# Introduction

On December 21, 2020, the Hermantown City Council passed a six-month partial moratorium on applications for planned unit development (PUD) in the R-3 zone and directed city staff and the Planning and Zoning Commission to study the issues presented by PUDs in the R-3 zone district and provide their report and recommendations to the City Council.

Shortly after the moratorium passed, the City accepted a proposal from ARDC Planning to review of the City of Hermantown's use of PUD to help the City decide the parameters on how and when to use PUD in residential settings to help achieve community development goals.

City staff conducted a survey of preselected stakeholders to understand the range of views on the use of PUD and provided those findings to ARDC Planning.

ARDC Planning conducted a best practice review of literature and peer communities, evaluated Hermantown's PUD ordinance and Comprehensive Plan (as it relates to use of PUD). ARDC Planning met with the Planning and Zoning Commission five times in the first half of 2021 to review and discuss issue.

The following report outlines the process utilized for the study, provides recommendations and model language for adjustments to the ordinance along with underlying research and conceptual information supporting the changes recommended.

A summarized timeline of the meeting process with the Planning Commission has been listed below:

- **March 16, 2021:** Introduction to PUD's overview of ordinance review matrices and comprehensive plan analysis.
- **April 6<sup>th</sup>, 2021:** Work session to further discuss PUD needs for community and areas of concern/opportunity from Commission members.
- **April 20<sup>th</sup>, 2021:** Focused discussion on issues and opportunities for PUD's identified during previous discussion.
- **May 18<sup>th</sup>, 2021:** Outline planning concepts and garner feedback on identified topic areas/questions.
- **June 15<sup>th</sup>, 2021:** Review final report and recommendations and garner feedback prior to finalizing report. The Planning and Zoning Commission voted to recommend the report to the City Council.

# Planning Context

The following section outlines the planning process undertaken by ARDC with support of City of Hermantown Staff and Planning Commission to further understanding on Residential Planned Unit Development needs for the community:

## **Survey**

City staff conducted a survey in early 2021 of 56 community development stakeholders about housing issues and use of PUD in the city. The survey received 45 responses for an 80 percent response rate. The survey went out to City Council members, Planning and Zoning Commission members, City staff, local realtors and developers and Hermantown residents. 37.5 percent of the survey group was comprised of Hermantown residents not counting Councilors, P&Z members, or City staff. City staff led a review of the responses with the Planning and Zoning Commission. The responses were used to inform a discussion with ARDC Planning. The responses show that nearly all respondents were familiar with the concept of PUD. Most respondents were concerned about a lack of variety of housing options and costs. A majority were also open to a variety new types of housing in the R-3 to address a housing shortage if the new developments were evaluated and regulated to mitigate negative impacts. The survey results are included the appendix of this report.

## **Ordinance Review**

ARDC Planning reviewed Hermantown's PUD ordinance and compared it to ordinances from ten other Minnesota cities and a model PUD ordinance developed for Minnesota cities on behalf of the Minnesota Environmental Quality Board and Minnesota Pollution Control Agency.

The communities reviewed were Cambridge, Duluth, East Grand Forks, Golden Valley, Grand Rapids, Hopkins, Mankato, Oakdale, Sartell, and Sauk Rapids. These communities were chosen for a variety of factors including being a similar size, type of community, and proximity.

ARDC Planning compiled two matrices. One matrix reviewed the purpose statements of each ordinance to help determine the scope of use of PUD in other communities. The second matrix reviewed the regulatory approach of each ordinance to help address common approaches and best practices for Hermantown model.

Key observations from the two review matrices include:

1. Every city reviewed had a PUD ordinance.
2. The purpose statement for every PUD ordinance included some version of “encouraging a variety of housing and neighborhoods” and “efficient services and utilities”. Other purposes varied.
3. The content of the ordinances varied greatly with differing degrees of variations allowed, specificity of standards, and process.
4. The use of PUD must be consistent with the Comprehensive Plan.
5. Allowing uses not allowed in the underlying zoning district is allowed in eight of the ten reviewed cities.
6. In six of the ten cities the use allowance was specifically to allow for any type of housing.

### **Comprehensive Plan Review**

The Hermantown PUD ordinance currently states that a PUD must be consistent with Comprehensive Plan. This consistency requirement is also present in all the other community’s ordinances and literature addressing use of PUD. ARDC Planning reviewed the City’s Comprehensive Plan to determine how to use PUD to achieve the plan’s goals.

The Hermantown Comprehensive Plan was adopted in 2001 with a vision to guide development in the city for 20 years. The plan correctly envisioned a community that would grow to over 10,000 residents as people continue to be attracted to Hermantown. The plan acknowledges that growth will create tensions with existing development and offers guidance on how to balance the opportunities and challenges that come with growth and protect the qualities that make Hermantown an attractive place to live and do business.

The plan does not fully recognize the rise of two challenges facing Hermantown and other communities: increasing housing and infrastructure and services costs. New housing and neighborhood types, including multi-family housing, are included in the Comprehensive Plan as an important part of the city’s housing supply in the Hermantown of 2020.

Planned Unit Development is a tool that the City can use to achieve the vision and goals of the Comprehensive Plan by thoughtfully integrating new and different housing types into the city.

The Comprehensive Plan does not, for the most part, address zoning districts and uses within individual districts. The Comprehensive Plan addresses general land use concepts. The locations of the land use concepts are illustrated in map form (see appendix).

Concept Area 1 is designated for suburban development and phased residential development. It overlaps with most of the area within the urban services boundary and the R-3 zoning district. Based on ARDC Planning’s reading of the Comprehensive Plan it is our conclusion that multi-family development can be integrated anywhere within Concept Area 1 if it follows the guidelines set in the Comprehensive Plan.

The Comprehensive Plan is intended to provide a decision-making guide for City Councils and Planning Commissions in the process of reviewing and approving development in the community. Elements of the vision, concepts, goals and policies, and growth management program provide on how to integrate different types of housing throughout the community. Focus is on achieving a moderate suburban density, preserving critical natural features and established neighborhoods, and maintaining adequate public facilities. A list of relevant items from Comprehensive Plan is included in the appendix.

### **Best Practices Review**

ARDC Planning collected and reviewed 15 published materials on use of PUD and other concepts that were discussed during the project. Sources include the American Planning Association, State of Minnesota, State of Washington, Southeast Wisconsin Regional Planning Commission, University of Montana, and Center for Land Use Education. These materials were used to provide information to the Planning and Zoning Commission for discussion and to inform this report's recommendations.

# Recommendations

There were six areas of focus identified with city staff and the Planning and Zoning Commission for improving the residential PUD standards in the City of Hermantown. The areas include purpose/public benefit statements, density bonus, adjustments to standards, amenities, adequate public facilities, and process. Each of the areas of focus along with summarized recommendation for improvements have been identified below, followed by model ordinance language:

## Purpose Statement and Public Benefit Statement

- Rewrite and combine Sections 1100 and 1105 to focus on the following goals:
  - Flexibility and site-based design
  - Conservation of natural features and resources
  - Efficiency in streets and utilities
  - Improved housing and neighborhood options
  - Housing affordability

## Density Bonus

- Establish a density bonus.
  - No or double density in S-1, R2 and areas not served by public utilities.
  - Moderate density in R3 zone.
  - No or double density in Hermantown Marketplace and R3a (only density mentioned is 35 per acre for MFH in HM).
- Establish that bonus density amount is dependent on-site specific review and the amount and quality of amenities and mitigating factors provided.

## Adjustments

- Establish Maximum Building height and provide additional height opportunity if further setbacks can be met.
- Require Concept landscape/screening plan (if over 4 units/acre).
  - Landscape plan guidance is currently not developed for the City of Hermantown. This could be an area of further exploration moving forward.
- Provide flexibility on setbacks and lot sizes but evaluate on a site-by-site basis.

## Amenities

- Establish relation of amenities to size, density, scale of PUD.
  - PUD's over 4 units/acre required to provide development-based amenity.
- Establish list of acceptable/preferred amenities.
- Establish that bonus density is dependent on-site specific review and the amount and quality of amenities and mitigating factors provided.

## Adequate Public Facilities

- Establish APF statement.
- Establish what will be reviewed and how.
  - PUD's over 4 units/acre and/or 5 acres in size are required to provide a traffic memo/study.
  - PUD's to be submitted to School District, police and fire and City/County engineer for review of capacity/availability.

## Process

- Encourage neighborhood meeting and set standards (notice, timing, city involvement).
- Residential PUD's 4 units/acre or less or less than 5 acres in size may utilize a combined Preliminary and Final PUD process.
- PUD's over 4 units/acre and/or 5 acres in size required to make separate Preliminary and Final PUD submissions.
- Adjust submittal requirements between Preliminary and Final.
  - Preliminary PUD submission to include site plan, concept utility plan, concept grading/stormwater plan, concept building elevations, concept landscape/screening plan (if over 4 units/acre).

To provide further guidance for amending the existing PUD ordinance, the following pages include recommended ordinance text adapted from the resources compiled through the literary review and adapted for the City of Hermantown for adoption in their ordinance to help reach the goals identified during the planning process. If an existing location in the ordinance is related, it has been cited, otherwise a new subdivision in the code is recommend addressing the item at hand with a 11.XX. The original source has also been included in *italic text*.

*Adapted from Sartell, MN*

### Section 1100 - Purpose

The Planned Unit Development (PUD) process provides for a joint planning/design effort by developers and City officials rather than the City establishing maximum limits within which developers may perform. Benefits resulting from this process include an opportunity for site based design, conservation of natural features and resources, efficient design and use of transportation systems and utilities, improved housing and neighborhood options, and housing affordability and provide for the modification of certain regulations when it can be demonstrated that such modification would result in development which: would not have been provided if no regulations were modified; which remains compatible with surrounding development; and, which conforms to the goals and policies of the Comprehensive Plan.

### Section 1105— Public Benefit

## Section 11XX – Density Bonus

- Allowable Density Bonus:
- S-1 and R-2 zoning district – Double density bonus (2 per 5 acres) and (4 per five acres)
- R3 – PUDs in an R3 (or residential) zone shall not exceed a moderate suburban density
- Hermantown Marketplace – 50 units per acre for multi-family housing (35 units is max density)
- Commercial and Industrial Zones – Not applicable

*Adapted from Sartell, MN*

All density bonuses listed are maximum allowed. The City may award a lower density bonus or no density bonus. An applicant desiring higher densities than allowed in the underlying district shall demonstrate that the higher number will not have an undue or adverse impact upon existing public facilities and upon the reasonable use and enjoyment of neighboring property and is appropriate for that site. In determining the reasonableness of the authorized housing units per acre, the site-based design, conservation of natural features and resources, efficient design and use of transportation systems and utilities, improved housing and neighborhood options, and housing affordability and amenities beyond Ordinance requirements may be considered. Allowable maximum density and required amenity targets should be established early on in the process.

## **Adjustments**

*Adapted from Golden Valley*

Section 11.XX The City Council shall have the authority in approving any PUD to alter, improve, or create anew any provisions of the Hermantown Zoning Regulations or Subdivision Regulations as they apply to the proposed PUD.

- Setbacks.
  - a. The City may allow adjustments in setbacks. Requiring greater or allowing lesser setbacks may be based on uses on and off the site, natural site features, amenities and preservation, topography, density, building heights and other plan features. The rationale and justification for these setbacks shall be described in a narrative.
  - b. Principal building. Maximum building height of underlying zoning district shall be applied to all PUD's. An additional 25% of height may be allowed if providing additional setbacks and study of relationship to adjacent structures. No principal building shall be closer than its height to the rear or side lot line when such line abuts on a Residential Zoning District.



## Amenities

*Adapted from Golden Valley*

*Section 11XX Public Amenities.* All applications for new PUDs over 4 units/acre shall provide additional amenities that correlate with the size, density, land use type, and help integrate the PUD into the community. Amenities options include but are not limited to:

PUD Amenity Options	
Amenity	Standards
Public open space	Contiguous ground level outdoor open space that is provided beyond the amount of open space required in the underlying zoning district requirements. The space shall preserve the natural landscape while providing the opportunity for members of the public to interact with the natural habitat using walkways, benches, or other mechanisms.
Community garden	Permanent and viable growing space and/or facilities such as a greenhouse or a garden, which provides fencing, watering systems, soil, secured storage spaces for tools, solar access, and pedestrian access as applicable. The facility shall be designed to be architecturally compatible with the development to minimize the visibility of mechanical equipment.
Public recreation area	An active, safe, and secure outdoor recreation area open and visible to the public that includes equipment or natural features suitable for recreational use.
Public plaza	Plazas shall be open to the public during daylight hours and provide opportunities for the public to interact with the space using outdoor furniture, art, or other mechanisms.
Enhanced bicycle and pedestrian facilities	Amenities and facilities that increase the convenience and encourage the use of public walkways and bikeways beyond what is otherwise required in the underlying zoning district.
Innovative stormwater management	The design must provide capacity for infiltrating stormwater beyond what is required by the City and the design must serve as a visual amenity to the property and be reflective of innovative techniques.

Enhanced landscaping	A landscaping plan prepared by a licensed landscape architect that provides exceptional design with a variety of pollinators and native trees, shrubs, and plant types that provide seasonal interest.
Preservation of natural systems	Preservation or restoration and protection of natural systems like wetlands, shorelands, waterways, wooded areas, and agricultural lands that beyond what is required by the City and other relevant agencies.

### **Section 11XX – Adequate Public Facilities**

An Applicant shall demonstrate that the PUD will not have an undue or adverse impact upon existing public facilities including streets and roads, city water and sanitary sewer utilities, stormwater utility, police and fire services, parks and recreation facilities, and the Hermantown School District.

- Using a standard and format acceptable to the City Engineer and Community Development Director the Applicant shall provide a report on the estimated impact on City water, sanitary sewer, and stormwater utilities.
- PUD's greater than 4 units per acre and/or five acres or more in size shall provide a traffic memo or traffic study. The scope of the analysis shall be determined by the Community Development Director and City Engineer.
- The City Engineer, in consultation with County or State Engineers if applicable, shall review the submitted materials and make a positive, negative, or conditional determination on the adequacy of public facilities. The City Engineer shall consider:
  - The estimated impact to the water, sewer, stormwater, streets or roads.
  - The design capacity of existing water, sewer, stormwater, streets or roads.
  - Planned (or Programmed) improvements to public facilities.
  - The cumulative impact of other approved development in the city.
- In making an adequacy determination the City Engineer and Community Development Director may direct the Applicant to alter the PUD allow for a positive determination through reduction of the density or intensity of the development, phasing of the development and/or through Applicant's provision of facilities or design changes to address the reason for a negative determination as allowed by Minnesota State law.
- The Applicant shall provide information on the impact to the City's parks and recreation system using a standard acceptable to the Community Development Director. The Community Development Director shall review the submitted materials and make a positive, negative, or conditional determination on the adequacy of the City's parks and recreation system to accommodate the PUD. The amount and

quantities of recreational amenities provided by the PUD and Park Dedication fees shall be considered in the determination.

- In making an adequacy determination the Community Development Director may direct the Applicant to alter the PUD allow for a positive determination through reduction of the density or intensity of the development, phasing of the development and/or through Applicant's provision of facilities or design changes to address the reason for a negative determination as allowed by Minnesota State law.

Information on the size, type, location, expected population, and other relevant factors as determined by the Community Development Director shall be provided to the Hermantown Police and Fire Departments during the Preliminary PUD planning process and be given a chance to submit written or oral comments or to meet with the City and Applicant.

## **Section 1115 – Application Procedure**

*Adopted from Golden Valley*

1115.02 Neighborhood Meeting. At an appropriate point during development of a preliminary PUD plan, combined PUD, or major PUD amendment application process, the applicant is encouraged to hold a neighborhood meeting. All property owners within 1000 feet of the PUD shall be given notice of the meeting. The purpose of the meeting is to inform the neighborhood of the proposal, discuss the concepts and basis for the plan being developed, and to obtain information and suggestions from the neighborhood.

*Adopted from Sartell*

1115.03 Preliminary PUD Plan. An application for a Preliminary PUD shall be filed with the City on forms provided by the City. All formal applications for a Preliminary PUD shall include at least the following information:

- Site plan showing applicant's land and uses in adjoining property and physical features.
- A description of the proposed density, types of uses, and general location of uses.
- Concept utility plan.
- Concept grading and stormwater plan.
- Concept building elevations.
- Concept landscape/screening plan (if over 4 units/acre).
- Narrative stating how the proposed development complies with the goals and policies of the Comprehensive Plan and PUD ordinance.
- General description of provided amenities.
- Other criteria as requested by Community Development Director

1115.04 Final PUD Plan. An application for a Final PUD shall be filed with the City on forms provided by the City. All formal applications for a Final PUD shall include at least the following information:

- The Final Development Plan must include all of the information provided in the Preliminary Plan except it must include any changes required by the City in its approval of the Preliminary Development Plan.
- A detailed Site plan, suitable for recording, prepared by a qualified and licensed civil engineer illustrating the proposed use(s) of land; proposed densities; buildings, including square footage, height and other dimensions, distances between buildings and the front, side and rear lot lines, and other buildings located on the property and on property adjacent to the property; street and walkway locations; curb cuts and driveways; parking areas and loading areas; open spaces; the locations of easements and utilities (existing and proposed); landscaping (showing size, types and locations); lighting; grading; drainage; project phasing; anticipated variances from setbacks or other regulations of the underlying zone; tabulation of density, land use intensity, lot coverage and acreage; percentages of land devoted to buildings, parking, and open space; and any other information which may be helpful to understanding and evaluating the proposal.
- Drainage plan indicating catch basins and underground improvements.
- Detailed description and calculation of areas devoted to amenities and open space.

**1115.XX Combined PUD.**

- At the discretion of the Community Development Director, residential PUDs of 4 units/acre or less and/or less than five acres in size may combine the Preliminary and Final PUD requirements and process into one.
- PUDs over 4 units/acre and/or 5 acres in size are required to make separate Preliminary and Final PUD submissions.

# Appendix

- Copy of Moratorium
- Survey
- Review Matrices
- Comprehensive Plan Elements
- Planning Concepts and Definitions

**Ordinance No. 2020-08**

The City Council of the City of Hermantown Does Ordain:

**AN ORDINANCE DECLARING A TEMPORARY MORATORIUM ON  
CERTAIN PLANNED UNIT DEVELOPMENTS IN AN R-3 ZONING DISTRICT WITHIN THE  
CITY OF HERMANTOWN**

WHEREAS, the City's Zoning Code allows planned unit developments ("PUDs") in R-3 Residential Zone Districts ("R-3 Zone"); and

WHEREAS, some uses allowed in a PUD, such as apartment buildings and commercial uses, are not allowed in an R-3 Zone; and

WHEREAS, proposed PUDs that include uses not allowed in a R-3 Zone have received strong opposition from residents; and

WHEREAS, the Planning Commission has discussed the issues presented by PUDs proposed for R-3 Zones with uses not allowed in an R-3 Zone and have recommended that the issues presented by such proposed PUDs be studied further; and

WHEREAS, the City Council has duly considered the recommendation of the Planning Commission and desires to conduct a study regarding PUDs within R-3 Zones and, that until such study is completed, prohibit certain PUDs within R-3 Zones.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Hermantown, Minnesota, that the following regulations be adopted as an Ordinance of the City of Hermantown:

1. No person, firm, entity, or corporation shall propose a PUD within a R-3 Zone District that includes more than three (3) units per acre with a maximum of four (4) dwelling units per building until the earlier of (i) June 21, 2021 or (ii) the effective date of ordinance provisions regarding PUDs in R-3 Zone Districts.

2. This Ordinance is adopted pursuant to the provisions of Minnesota Statutes Section 462.355, Subdivision 4.

3. The purpose and intent of this Ordinance is set forth in the above whereas clauses.

4. This Ordinance shall be effective immediately upon adoption.

5. This Ordinance shall be published once in the official newspaper of the City of Hermantown.

6. City Staff and the Planning and Zoning Commission are hereby directed to study the issues presented by PUDs in an R-3 zone district and provide their report and recommendations to the City Council as soon as possible.

Dated the 21st day of December, 2020.

  
Mayor

ATTEST:

Bruni Engelth  
City Clerk

Adopted: December 21, 2020

Published: 12-31-2020

Filed: 12-31-2020

Effective Date: 12-31-2020

## PUD SURVEY RESULTS

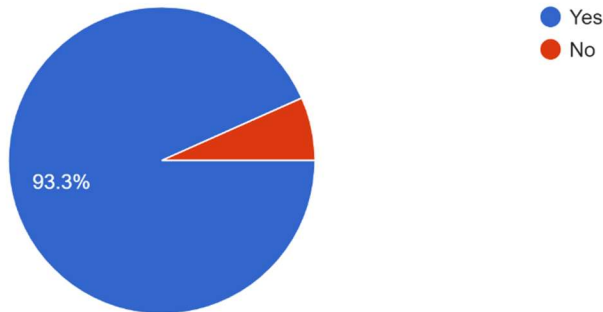
To Note: 45 total respondents

### 1.) I am a ...

- |  |            |
|--|------------|
| • Hermantown Resident/Homeowner                | 33 (73.3%) |
| • Hermantown Business Owner                    | 14 (31.1%) |
| • Person who does business/works in Hermantown | 21 (46.7%) |
| • Other  | 2 (4.4%)   |

### 2.) Are you familiar with Planned Unit Developments?

45 responses



*93.3% = 42 responses*

### 3.) Do any of the following cause concern for you?

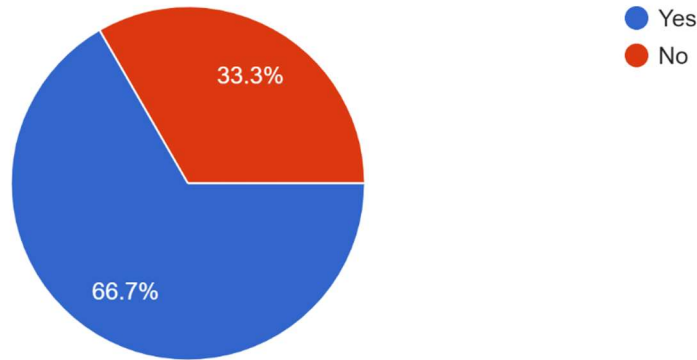
- |  |                    |
|--|--------------------|
| • Lack of a variety of housing options within Hermantown   | 25 (55.6%)         |
| • Overcrowding in the Hermantown school system   | 12 (26.7%)         |
| • Increased traffic due to development   | 11 (24.4%)         |
| • Need for work force/affordable housing   | 19 (42.4%)         |
| • Development costs of new construction  | 28 (62.2%)         |
| • Consumption of land area associated with large lot development   | 13 (28.9%)         |
| • None of the above  | 2 (4.4%)           |
| • Other  | 1 each (2.2% each) |
| ○ Clearly defined expectations of developers up front so that they do not spend thousands on a project just to be turned down because of neighborhood opposition                                   |                    |
| ○ The lack of pedestrian friendly infrastructure and increased traffic in many of the R3 zoned areas. Example: The section of Lavaque Rd from Maple Grove to 53 and other highly trafficked routes |                    |
| ○ I do not like putting group homes and other businesses in residential areas.   |                    |
| ○ The unsustainable cost of homeownership  |                    |
| ○ Residential zoned land turning commercial in nature, lack of planning for future developments  |                    |



- Property tax increases

4.) The average home price for new construction/home sales has risen to \$445,000 in Hermantown. Do you view this as a problem?

45 responses



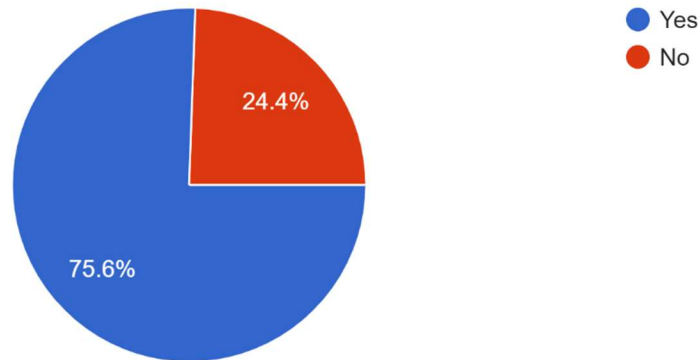
66.7% = 30 responses

#### COMMENTS:

- This price range is unaffordable for many people
- We need a greater diversity of housing types, and lot sizes. We need to be able to create housing that our teachers, police officers, professionals such as office assistants and accountants can afford
- We do need a mix of affordable housing as well.
- Please allow market demand to set pricing
- The cost of building material is what it is. No one can do anything about that.
- We need to ensure that the workforce of our area has housing they can afford. If our city is to sustainably grow, that means providing workforce and affordable housing options. As someone who owns a home well above the average, I still believe our income level has an opportunity to build and purchase homes while providing much more affordable options to the workforce of our community.
- The recent rise in costs makes PUD's that much more important.
- There should be dedicated areas in higher congestion areas where approved higher density housing is permitted. Businesses should not be allowed in residential areas.
- Hermantown is moving from Middle Class to Elite status
- Every growing community in America needs to acknowledge the challenges we face when it comes to housing costs.
- Increased density could help bring costs down. There are many reasons why new home construction costs are rising. Many of them are supply/ demand issues that are market driven and therefore beyond control. The low hanging fruit to bring costs down is increased density to fully utilize land and infrastructure costs.
- That does not bode well for attracting young families
- LGA
- I expect this is not a Hermantown specific issue.
- Lot size and Home size?

5.) The cost of residential construction has increased 24% since 2015. Do you view this as a problem?

45 responses



75.6% = 34 responses

COMMENTS:

- Labor costs are high. But taxes are really high!
- We should determine the underlying factors causing increased construction costs. Is it related to wetlands, state regulation, lack of competition, supply costs, etc. By determining the underlying factors contributing to the costs of construction, our community can work to consider what we can directly control to reduce costs, while also considering opportunities for influence on the factors out of our direct control.
- Someway somehow we have to get the costs down to make new construction a viable option for more people
- Young Families cannot afford Hermantown
- Homeownership strengthens communities, adding semi-detached housing options is one way to bridge the gap between building and renting.
- Again, not a Hermantown specific issue
- Sounds like the national average, is it not?

6.) In your opinion, what are the top two (2) things driving the cost of housing?

- Real estate values have been historically undervalued, so it is not surprising to see an increase – 2 (4.4%)
- Nearby developments are causing costs to increase – 4 (8.9%)
- Increase in building material costs – 37 (82.2%)
- Available housing does not meet the needs of current population – 22 (48.9%)
- Competition – there are not enough residential homes/units available to meet growing demand – 25 (55.6%)
- Other
  - Infrastructure costs are required to be paid by developers up front with their own money
  - Lot sizes and the cost of infrastructure to serve large lots
  - St. Louis County (and Hermantown) taxes are too high
  - Land expenses in Hermantown are way too high
  - Taxes are high, permitting can be high and utility hookups are HIGH
  - Modern monetary theory
  - Contractors make more money on expensive homes, so build those instead of affordable homes
  - Utility installation costs

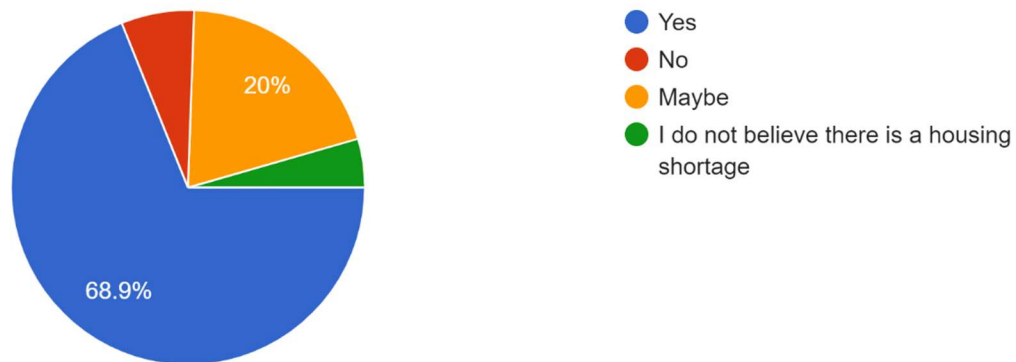
- Low interest rates

COMMENTS:

- None
- We do not need to apologize for having quality housing inventory
- Hook-up fees are higher than most expect
- Due to a lack of new construction and developments, the existing housing stock is skyrocketing in value. This is causing our community to stagnate in growth, which in turn causes property taxes and increasing costs to fall on existing residents. By encouraging a growing community, we can spread out the costs and improve our quality of life.
- Most metro's have seen a flight to the suburbs over the years and Hermantown has positioned itself well to provide for this growth opportunity.
- Try to entice contractors to build affordable housing instead of expensive homes.
- It really is simple supply and demand economics in play. Both for housing inventory and building materials.
- Be mindful of our seniors needs & contributions
- Rural vs Urban issue – Unquantified Question

7.) Would you be open to new types of housing within the R-3 zoning district as a way to address the housing shortage?

45 responses



68.9% = 31 "Yes" responses; 20% = 9 "Maybe" responses

3 "No" responses (6.7%); 2 "I do not believe ..." responses (4.4%)

COMMENTS:

- Tiny house like Duluth is starting.
- Allow limited 4-8 plex in certain areas like Maple Grove close to the Market Square.
- There are good alternatives to our housing issues, exp for 55+ residents. This is what we are lacking in Hermantown. Townhomes and Quads to open up housing
- Hermantown can be a community that provides housing for all ranges of individuals and families. We will continue to have opportunities for high-income families to live a high quality of life, while still ensuring

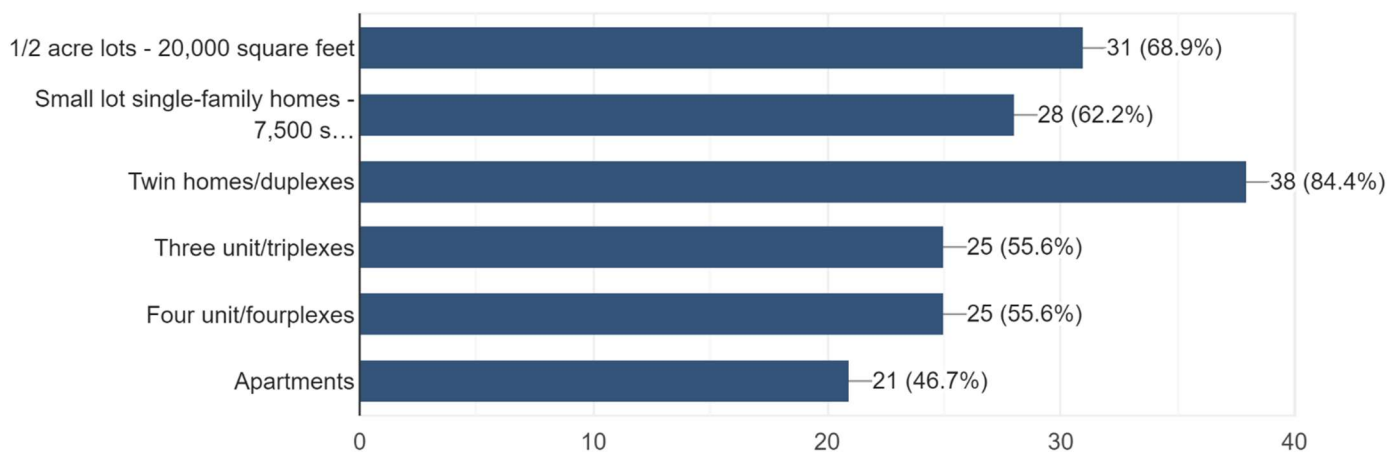
average income earners and the current workforce of our area have a home to live, work, play, and more. Our community will thrive with a diverse range of incomes, backgrounds, and industry backgrounds.

- With a focus on the existing infrastructure and ensuring we provide a pedestrian friendly, interconnected and easily navigated community, I think specific projects with relation to location and density could be considered.
- Any growing community in America will need to allow new types of housing options to continue growing.
- R3 only. Not s1/rural
- What documentation is there to support the claim that there is a housing shortage in Hermantown?
- Large developments are currently "unlimited" in R3 which is the majority of the city. Apartment buildings especially should be keep closer to the 53 corridor or the Hermantown Marketplace which was created to allow for and attract these types of projects.
- Size, scope, and location.

8.)

Are you favorable to any of the following types of development within the R-3 zoning district?

45 responses



COMMENTS:

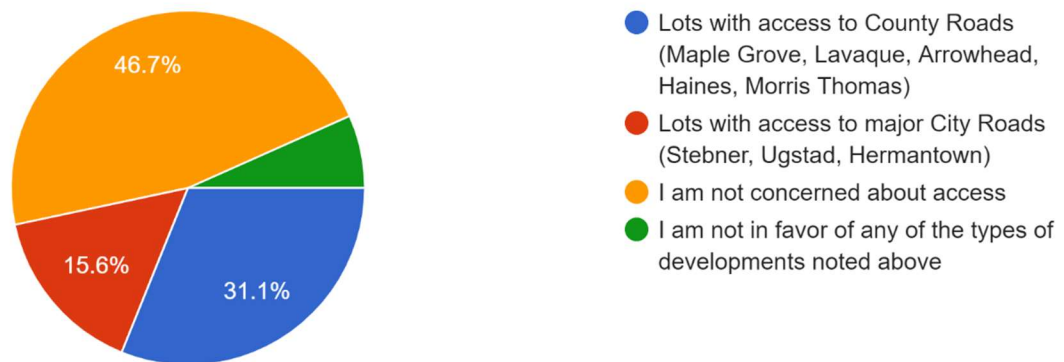
- All the above
- All of these options need to be considered. The development at the corner of Lavaque and Maple Grove SHOULD have been approved as it was in its 1st rendition. Hermantown has to grow residentially and it can only grow West from Stebner. This is not a "rural" community any longer. It is a suburb of Duluth, like it or not. Growth is a good thing that can be dealt with by the City staff that is in-place at this time. The growth will help the tax base of Hermantown and St. Louis County!
- If the foot print of the home is small a smaller lot should be accepted.
- We need to have a plan for the schools! Too many large developments would push us over capacity.
- No apartments period. Again limit to develop area close to "walkable" business growth.
- Looking at a development of 3 twin homes closer together, is much nicer than a small apartment, just not as affordable per economy of scale, but nicer by far.

- Triplexes and above should be reviewed based on location and current infrastructure support or constructed in closer proximity to the commercially zoned areas to accommodate traffic both vehicle and pedestrian.
- I am in favor of all types of housing with proper restrictions. For example, I would recommend a saturation point on apartment units. Too many apartments is tough on a community. We all know that home ownership strengthens communities. Not enough apartments can also be tough on a community. Everything in moderation.
- I'd be open to triplexes/fourplexes/apartments in certain areas, but not as a general rule.
- In what density? – Unquantified Question

9.)

In terms of access, if you are in favor of any of the above, where is the best location for these types of developments?

45 responses



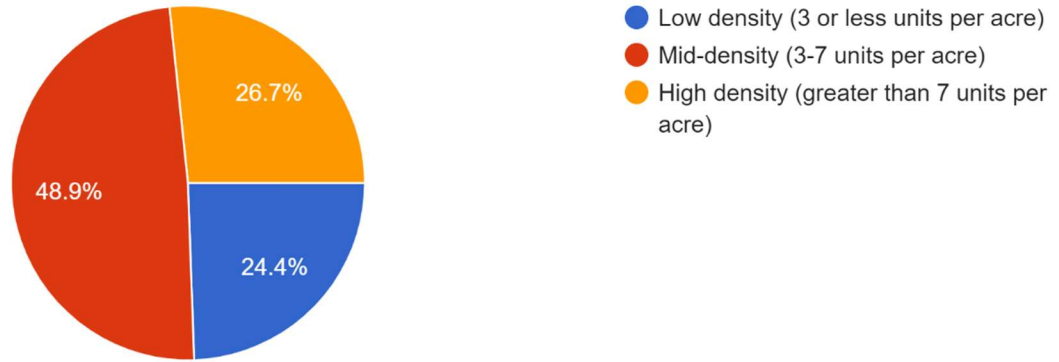
46.7% = 21 "not concerned" responses; 31.1% = 14 "county roads" responses

15.6% = 7 "city roads" responses; 3 "not in favor of any" responses = 6.7%

10.)

To what level/degree of PUD development are you comfortable? (Note: Standard R-3 zoning is 2 units per acre.)

45 responses

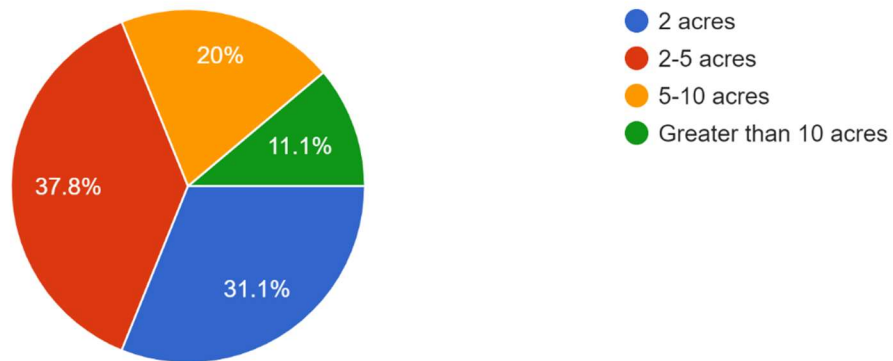


48.9% = 22 responses; 26.7% = 12 responses; 24.4% = 11 responses

11.)

If you are in favor of any of the above, what is the minimum lot sizes that feel comfortable to you for these types of development?

45 responses



37.8% = 17 responses; 31.1% = 14 responses; 20% = 9 responses; 11.1% = 5 responses

12.) If apartments are allowed in the R-3 zoning district through the PUD, what are the criteria you feel comfortable utilizing? (You may select multiple answers.)

- Height restrictions – 26 (57.8%)
- Minimum lot size – 24 (53.3%)
- Maximum allowed units – 27 (60%)
- Specific location within the R-3 zoning district – 24 (53.3%)
- Specific road access requirements – 19 (42.2%)
- I am not in favor of apartments in the R-3 zoning district 8 (17.8%)
- Other
  - School impact but more robust than in past. Fire and rescue assessment too
  - Individualized Restrictions to meet the individual situation.

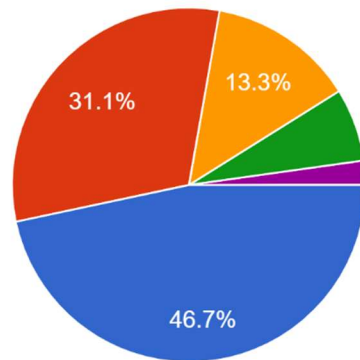
COMMENTS:

- I would like to see flag shape lots utilized for more housing options.
- the question on lot size for PUDS is not a good one. The size of the underlying parcel needs to reflect the use that will be made. So, a couple of duplexes are ok on a 2 acre parcel but not an apartment. so the density might be the better answer than the underlying lot size
- None
- They are doable but must be managed.
- Clear guidelines are needed to build the community wisely.
- I would like to see our community develop a comprehensive development plan that structures our zoning in a way that can encourage multi-family housing projects in several locations throughout the city with walkability and services in mind. That way we can encourage neighborhood structures to our community that allows those with single-family homes, while also having neighborhoods with mixed commercial/multi-family housing developments. For instance, in the Market Place zoning district, it would be great to see apartment complexes developed with commercial opportunities on the main floor. This would provide easy access to commercial businesses for those without a vehicle, but also provide the density and traffic required for some businesses to thrive.
- Keep them in higher density areas
- Large multi-family structures that do not allow for home ownership should be restricted.
- Apartments in an R3 zoning district should require re-zoning, not a PUD
- High density, transportation, infrastructure, and urban sprawl issues

13.)

To better understand the impacts of expanding housing options, please rate how you feel about allowing more housing types/options within the R-3 zoning district.

45 responses



- I strongly agree we need more housing types/options in this zoning district
- I agree we need more housing types/options in this zoning district
- I am neutral regarding more housing types/options in this zoning district
- I disagree we need more housing types/options in this zoning district
- I strongly disagree we need more housing types/options in this zoning di...

46.7% = 21 responses; 31.1% = 14 responses; 13.3% = 6 responses

3 "I disagree" responses = 6.7%; 1 "strongly disagree" response = 2.2%

14.) What are the reasons for your ranking in the previous question? (You may select multiple answers.)

- I believe it will lower my property value – 4 (8.9%)
- I believe it will raise my property value – 3 (6.7%)
- It would make good use of existing infrastructure – 32 (71.1%)
- It would add necessary infrastructure – 21 (46.7%)
- It can be used to preserve the natural features of our area by clustering/grouping homes – 25 (55.6%)
- It will help lead to school overcrowding – 9 (20%)
- It will cause a negative increase in traffic – 10 (22.2%)
- It will change the character of my neighborhood negatively – 9 (20%)
- It will change the character of my neighborhood positively – 7 (15.6%)
- It will cause too many trees to be lost – 6 (13.3%)
- It will cause more stormwater issues, such as runoff and flooding – 5 (11.1%)
- Fire and emergency response concerns – 10 (22.2%)
- Police response concerns – 8 (17.8%)
- I believe it will raise my property taxes – 6 (13.3%)
- I believe it will lower my property taxes – 9 (20%)
- Other
  - It will allow teachers, cops and other folks who cannot afford a \$445k home to live in Hermantown.
  - It will open up a greater variety of housing options yet still maintain a rural element to our community. Housing diversification is desired.
  - Sharing wisely will cost less for all.



## COMMENTS:

- Hello my name is (name removed) and I have filled out this survey a couple week's ago but would like add some thoughts that I did not in the last survey. Would the city consider allowing multiple family on the new flag shaped lots that have been created in Hermantown as in duplex, triplex or four Plex. I believe this would add more options for transitional housing. Without having to live in the big complexes. My family and I currently own rental houses throughout Hermantown and in Duluth. Most of our tenants are young professionals either medical or IT workers not planning to stay more than a couple years they have very little options for housing in Hermantown. Thank you for your time.
- We need to acknowledge the need for a paid fire department soon with all expansions. This will be a very big new expense to the city that is not accounted for yet in many assessments of impact.
- Overall I don't strictly oppose new and various levels of development. My main concerns are the community feel, traffic and the current lack of pedestrian safety in some of the areas in which these PUD's have been proposed. I think the focus should be on creating the infrastructure and ensuring the main arteries of Hermantown such as Stebner, Lavaque, Hains Rd all have appropriate sidewalks and speed limits (lower to 35). Connecting Hermantown through trails and bike paths and allowing the community to grow and move safely rather than more suburban sprawl with chokepoints.
- My views on allowing different types of housing is not based on how it would effect me personally. I strongly feel that it would be better for the community as a whole. It will open up more options for home ownership and potentially curb the unsustainable increase in housing prices.
- Answers are for current R3 only. Keep s1 rural
- The two questions are not relatable in several ways.

	HERMANTOWN	Cambridge	Duluth (Residential-Planned and Mixed-Use Planned)		East Grand Forks	Golden Valley	Grand Rapids	Hopkins	Mankato	Model Ordinance	Oakdale	Sartell	Sauk Rapids
<b>Minimum Size</b>	N, except 5 acres in S1 and R1 districts	N	4 acres	2 acres	N	2 acres, smaller w/ waiver	2 acres	N	1-5 acres, district dependent	10 acres, smaller by city approval based on specified standards	5 acres, smaller by city approval based on specified standards	N	N
<b>Flexible Land Use</b>	All permitted and conditional uses listed in the underlying specific district are allowed in a PUD, except any type of housing may be allowed and neighborhood supporting commercial allowed	Land uses generally associated with land use category in Comp Plan	Any type of housing, some additional commercial	Any type of housing	Exclusively used for housing, all housing types allowed regardless of underlying district	Unspecified flexible uses	Only those uses allowed in underlying	Mixed residential density and type and compatible mixed uses	Any type of housing allowed	Uses not otherwise allowed in the zoning district are prohibited within a PUD except as provided in this Article and listed in the development agreement.	Any type of housing in any PUD	Any type of housing in residential PUD	Any use considered
<b>Comp Plan Reference</b>	The PUD shall be consistent with the Comp Plan	Land uses generally associated with land use category in Comp Plan	To encourage a variety of housing in established neighborhoods while maintaining character and vitality	No	Consistent with land use plan	Achieve development consistent with the Comp Plan	Zoning shall be required to be in accordance with the city Comp Plan	Only those uses generally considered associated with the general land use category shown for the area on the official comprehensiv e land use plan	No	Goals laid out in purpose statement are specifically drawn from Comp Plan goals	Shall be consistent with the City of Oakdale Comp Plan	Remains compatible with surrounding development; and, which conforms to the goals and policies of the Comp Plan	Consistent with the Comp Plan
<b>Flexible Dimensional and Performance Standards</b>	Y, unspecified	Y, unspecified except max residential lot coverage of 25%, non- residential 50%	Y	Y	Y, unspecified	Y, lot and side setbacks equal to height when abutting Single Family District, at least 15 ft all setbacks	Y, except no setback variances adjacent to exterior property lines or public streets	Y, unspecified	Y, Unspecified	Y, non- standard lot sizes, lot lines, density	N, except <u>that</u> buildings shall be set back from adjacent property equal to its height, max of 45'	Y, unspecified	Y, SFH PUD in R-1 districts are specified (6600 sf min, 55 width, standard setbacks,
<b>Density Bonuses</b>	Y, unspecified	Housing: In rural districts, 4 units per acre, Other	Y, 20% decrease in lot area, 25% decrease in width, but	N/A	Does not say	Y, awarded on a points scale for affordable housing or	Y, up to 25%	N, density transfer with clustering	N	Y, unspecified overall density, < 40% SFH may use reduced lot areas up to	Y, up to 10% automatic, additional with open space and	Y, < 15% automatic, with additional by city approval	Y, unspecified

		residential +15%	does not specifically cap # of units (multi-family)			other public amenities				a min of 3,500 sf	site/building design		
<b>Common Open Space</b>	Y, unspecified	Y, < 15%	Y, < 30%	Y, < 20%	Y, but not required	Y, but not required, gets 4 of required amenity points	Unspecified	Unspecified	Y, but not required	Y, but not required	Y, not required, unspecified	Y, unspecified	Y, unspecified
<b>Clustering</b>	Y	# of units i/o units per acre	Y, but requires a 20% overall density decrease and up to 50% lot area decrease	Y	Y	Y	Y	Y	Y	Y, unspecified	Y, unspecified	Y, unspecified	Y, unspecified
<b>Mixed Use</b>	Y	Y, if allowed in underlying district or that provide services to primary uses of PUD	Y, residential and commercial, 66% min residential	Y, residential and commercial	Limited to other residential district uses (school, church, etc.)	Y, housing, retail, office, business	Y	Y	Y, but limited non-residential in residential districts	Y	Y	Y, 2 types of PUD – residential and mixed use	Y
<b>Design Standards</b>	Y, Unspecified	Unspecified	Unspecified	Y, underlying district or alternate	N	Y, not required, awarded 1 amenity point	N	N	N	Y, unspecified	Y, unspecified	N	N
<b>Conservation /Sustainability Standards</b>	Y, unspecified	N	Y	Unspecified	N	Y, not required, awarded amenity points	Unspecified	Unspecified	N	Y, unspecified	Y, unspecified	N	N
<b>Rezone</b>	N	Y	Y	Y	N	N	N	N	N	N	Y	N, listed as a CUP in each district	Overlay District
<b>Community Meeting</b>	N	N	Y, 350'	Y, 350'	N	Y, 500'	N	N	N	N	N	N	N
<b>Other</b>			Street width by city engineer	Street width by city engineer	Traffic management highlighted	Private street standards				HOA required		Private street and traffic standards	
<b>Landscaping</b>	Y, unspecified	If required by underlying district	Y, 15% decrease over base	Y, 20% decrease	N	Y, not required, awarded amenity points	N	Y, Unspecified	Y, per ordinance		Y, unspecified	Y, unspecified	N

Purpose Matrix

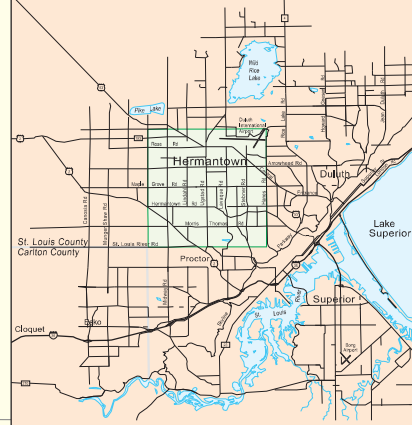
Purpose	HERMANTOWN	Cambridge	Duluth	East Grand Forks	Golden Valley	Grand Rapids	Hopkins	Mankato	Model Ordinance	Oakdale	Sartell	Sauk Rapids
Preservation and enhancement of nature	X	X	X		X	X	X	X	X	X	X	
Variety of housing and neighborhoods	X	X	X	X	X	X	X	X	X	X	X	X
Recreational Amenities	X		X						X		X	X
Non-motorized travel facilities	X		X					X	X			
Improved design, landscape, architectural	X				X					X		
Elimination of blight and incompatible uses	X							X				
Improved business and commerce, economy, tax base	X					X		X				
Efficient services and utilities	X	X	X	X	X	X	X	X	X	X	X	X
Green infrastructure	X											
Preservation and enhancement of historical or cultural resources	X	X					X	X				
Mixed use development	X	X			X		X			X	X	X
Clustering/density transfer		X				X	X		X			

**Purpose Matrix**

<b>Common open space</b>				X		X		X			X	X
<b>Reduced traffic conflicts through design</b>				X								X
<b>Reduce greenhouse gas emissions</b>									X			
<b>Enhance local labor supply, proximity to jobs</b>									X			
<b>Use local renewable energy resources</b>									X			
<b>Sustainable design</b>			X		X				X			
<b>Linkages to mass transit</b>			X									
<b>Creativity and flexibility in design</b>					X			X				

# HERMANTOWN

## Comprehensive Plan 2001 Update



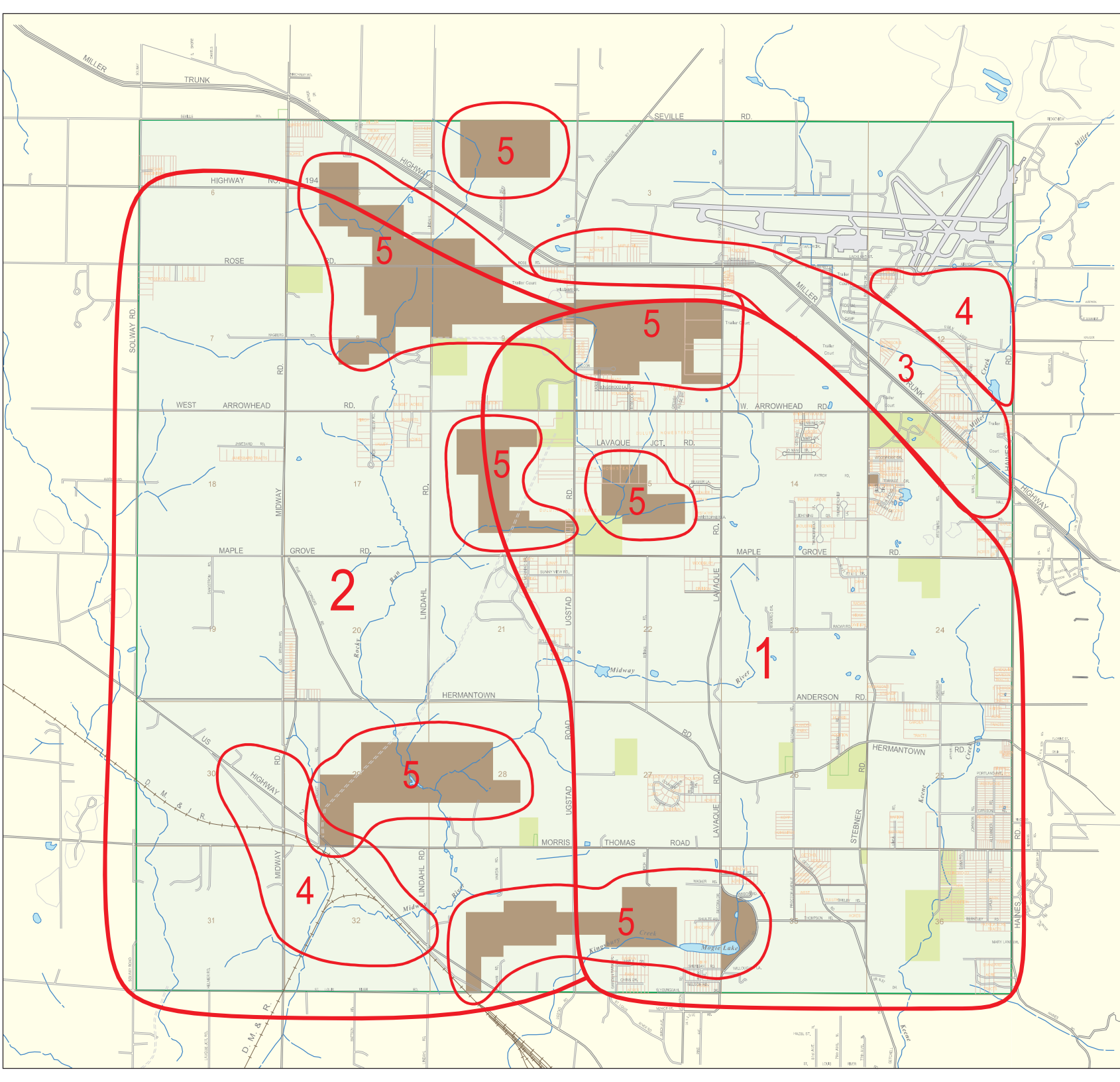
Vicinity

Key Map 1

### Comprehensive Plan Concepts

- Parks & Cemeteries
- Open Space

1. Maintain Suburban Character, Preserve Critical Natural Features, Phase Residential Development, Develop Existing and New Park Areas.
2. Maintain Rural Character, Preserve Natural Features and Open Space, Protect Agricultural Uses.
3. Develop New Compatible Commercial with Adequate Public Utilities and Facilities, Develop Frontage/Backage Road System, Preserve Wetlands and Natural Features.
4. Develop New Compatible Light Industrial with Adequate Public Facilities, Preserve Wetlands and Rural Uses.
5. Maintain Large Areas of Contiguous Open Space, Preserve Critical Habitat, Preserve Water Resources.



## **Vision Statement**

- A. “Residential land use will continue to be the dominant land use surrounded by abundant open areas and public spaces for passive and active recreation. The number of residents will increase to over 10,000 people for the first time ever, but the new developments will have blended with the character of the community and located in areas suitable for the land use.” – page 5
- B. “This area (east of Ugstad Road) is considered suburban because population densities have remained moderate due to lot requirements and public open space standards.” – page 5
- C. “There is a mix of housing types including multi-family for seniors and young people. Neighborhood characteristics have been preserved through strict enforcement of development standards where new single and multi-family homes were developed.” – page 5
- D. “Traffic and public safety considerations are built into all new developments. The development has not overloaded local streets or isolated properties from rapid emergency response.” – page 6
- E. “The Hermantown schools, city hall, public safety building, existing and new park areas along Maple Grove Road are the core or center of Hermantown. This area is surrounded by residential development for both young and old.” – page 7
- F. “Future Hermantown’s Growth Management program has successfully guided and meshed development with existing neighborhoods.” – page 8
- G. A safe, secure, clean and vibrant City has continued into the future because of quality families and people, which are attracted to the community because of its numerous educational, social, and civic amenities.

## **Comprehensive Plan Concepts and Plan Goals and Policies**

*“Comprehensive plan goals and policies are intended to provide a decision making guide for future City Councils and Planning Commissions in the process of reviewing and approving development in the community.” – page 9*

- H. “Maintain the rural and suburban character of Hermantown.” – page 9
- I. “Manage residential development to preserve critical natural features and existing, established neighborhoods.” – page 9
- J. “Phase residential development consistent with necessary and available public infrastructure.” – page 9
- K. “Reduce the community’s reliance on the automobile and connect neighborhoods with public and private activity centers through a system of on and off road bicycle trails and pedestrian paths that would not be accessible to motorized traffic.” – page 10
- L. “Plan a community traffic circulation system to serve the evolving land use pattern and provide necessary right-of-way for new roadways to serve development and enhance the community traffic circulation system for people, goods and services entering and leaving the city.” – page 10
- M. Consider the environmental and fiscal impacts of major new residential, commercial, or light industrial development. Identify and evaluate the short and long term impacts on the physical environment and infrastructure of Hermantown, including fire, police and emergency medical services.” – page 10

## Growth Management Program

- N. “The growth impacts that threaten the quality of life in Hermantown are:
- i. Traffic moving through the city during morning and evening hours;
  - ii. Local traffic from multiple family and subdivision development;
  - iii. The loss of open space and wildlife habitat;
  - iv. Extension of utilities to serve existing development and creating opportunities for new development;
  - v. The addition of new senior and assisted living housing developments;
  - vi. Requests for rezoning to allow new development;
  - vii. Request for special use permits to establish new uses in single family zone districts such as group homes, professional offices, tri-plexes and four-plexes, etc. – page 17-18
- O. “Proposed re-zonings of property outside the (urban services) boundary that increase development density will generally not be considered.” – page 19
- P. “The phased development growth management limits development of new subdivision plats having more than 15 lots to the trunk sewer project Phase I or II areas. Any proposed subdivisions outside this area must contain 15 or less lots to be considered by the City. This standard is intended to preserve the S-1 and R-1 zones. The expense of extending city water and paving roads is greater per lot for more rural development.” – page 21
- Q. “No proposed plat will be considered without a detailed traffic impact study of the project to determine if local roadways are adequate to handle all traffic. If a project requires upgrading of an existing roadway that provides legal access to the proposed developed property, the developer will be required to pay for such improvements.” – page 21-21 (*comment: state law changes may complicate this.*)
- R. “All proposed developments will provide a detailed report on the impact of the project on the City’s public safety goals, fire and police departments and water supply system. Any identified deficiencies must be eliminated before the project is approved and construction commences.” – page 22
- S. All proposed residential subdivisions or multiple family uses will provide a detailed analysis of the project’s impact on the City’s park and recreation systems.” – page 22



## Concepts

The following concepts were discussed in relation to use of PUD.

**Conservation subdivisions**, sometimes called cluster developments, maintain a significant portion of a development site in common open space by minimizing individual lot sizes, while maintaining the overall density of development specified by a local master plan or zoning ordinance. Conservation subdivisions should be designed around the area proposed to be preserved in open space; that is, the areas for open space preservation should be set aside before the streets and lots are laid out.

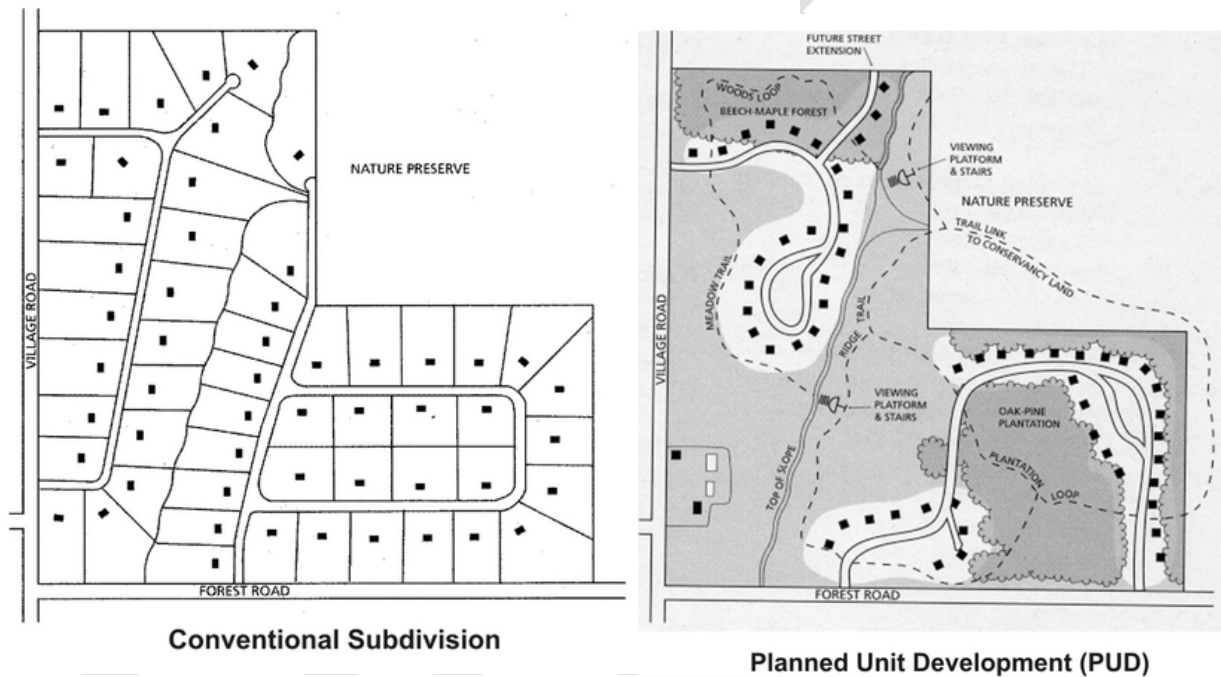


Figure 1: Source APA Michigan

## Missing Middle Housing- Opticos Website

Opticos Design founder Daniel Parolek inspired a new movement for housing choice in 2010 when he coined the term “Missing Middle Housing,” a transformative concept that highlights a time-proven and beloved way to provide more housing and more housing choices in sustainable, walkable places.

These building types, such as duplexes, fourplexes, cottage courts, and courtyard buildings, provide diverse housing options and support locally-serving retail and public transportation options. We call them “Missing” because they have typically been illegal to build since the mid-1940s and “Middle” because they sit in the middle of a spectrum between detached single-family homes and mid-rise to high-rise apartment buildings, in terms of [form and scale](#), as well as number of units and often, affordability. In the diagram below, the Missing Middle types are shown, providing many housing options in between the single-family homes and higher intensity apartment buildings, both shown in white.



More information on this concept can be found: <https://missingmiddlehousing.com/>

### **Underlying zoning district**

When considering a PUD, the underlying zoning district needs to be considered as a part of the process. While the specific conditions and requirements can change, the overall intent and purpose of the district should remain. How the underlying zoning impacts the development is determined by a number of factors, most notably whether a PUD is allowed by right, is its own district, or as an overlay zone. Specific to this study, we are only focused on PUDs in the R-3 district, which has an intent of providing multi-family development. Most notably, that any proposed PUD would need to have allowed or complimentary uses to the existing underlying zoning. For example, a large scale industrial/commercial facility would not be allowed to fit within the R-3 zoning in Hermantown, and thus could not be included in a PUD overlay of the R-3 district.

### **New Urbanism and Traditional Neighborhood Design-Congress for New Urbanism**

New Urbanism is a planning and development approach based on the principles of how cities and towns had been built for the last several centuries: walkable blocks and streets, housing and shopping in close proximity, and accessible public spaces. In other words: New Urbanism focuses on human-scaled urban design.

These design and development principles can be applied to new development, urban infill and revitalization, and preservation. They can be applied to all scales of development in the full range of places including rural Main Streets, booming suburban areas, urban neighborhoods, dense city centers, and even entire regions. They are developed to offer alternatives to the sprawling, single-use, low-density patterns typical of post-WWII development, which have been shown to inflict negative economic, health, and environmental impacts on communities.

More information can be found at <https://www.cnu.org/>

CITY OF HERMANTOWN  
CITY COUNCIL MEETING  
June 7, 2021  
6:30 p.m.

## MEETING CONDUCTED IN PERSON & VIA ZOOM

### Pledge of Allegiance

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

**CITY STAFF:** John Mulder, City Administrator; Bonnie Engseth, City Clerk; Eric Johnson; Community Development Director; Joe Wicklund, Communications Director; Steve Overom, City Attorney

**ABSENT:**

**VISITORS:** 3

### ANNOUNCEMENTS

#### **PUBLIC HEARING - Vacation of Easement – Heartwoods Addition Plat**

NOTICE IS HEREBY GIVEN that a public hearing will be held before the Hermantown City Council on Monday, June 7, 2021 beginning at 6:30 PM at City Hall, 5105 Maple Grove Road, Hermantown, MN 55811 to consider the following:

One vacation of a portion of a Drainage and Utility Easement located at Lot 3, Block 3 Heartwoods Addition. The legal description of the portion of the public easement proposed to be vacated is attached hereto along with a map showing the location of the portion of the Drainage and Utility Easement proposed to be vacated.

Attendance at the Hermantown's June 7, 2021, City Council meeting may be attended in person and will also be conducted remotely, utilizing the platform "Zoom" – which allows the public to view and/or hear the meeting from their phone or computer.

The Public Hearing held Monday, June 7, 2021 regarding the Vacation of Easement – Heartwoods Addition Plat has been recorded but not transcribed. There were no persons present to speak on this matter.

Public Hearing closed at 6:34 p.m.

**2021-61**      Resolution Approving The Vacation Of A Drainage And Utility Easement Associated With The Heartwoods Addition Plat

Motion made by Councilor Peterson, seconded by Councilor Nelson to adopt Resolution 2021-61, Resolution Approving The Vacation Of A Drainage And Utility Easement Associated With The Heartwoods Addition Plat. Roll Call: Councilors Geissler, Hauschild, Nelson, Peterson, Mayor Boucher, aye. Motion carried.

## COMMUNICATIONS

Communications 21-67 through and including 21-77 were read and placed on file.

Communication 21-73 from Josh Bergstad, Justin Otsea, ARDC Planning to Eric Johnson, Comm. Dev. Dir. regarding PUD Review Update

Communication 21-74 from Josh Bergstad, Justin Otsea, ARDC Planning to Eric Johnson, Comm. Dev. Dir. regarding PUD Review Update

Communication 21-75 from Josh Bergstad, Justin Otsea, ARDC Planning to Eric Johnson, Comm. Dev. Dir. regarding PUD Review Discussion Outline

Communication 21-77 from John Mulder, City Administrator to Mayor & City Council regarding Broadband Task Force

## PRESENTATIONS

## PUBLIC DISCUSSION

## CONSENT AGENDA

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

- A. Approve May 17, 2021 City Council Continuation Minutes
- B. Approve general city warrants from May 16, 2021 through May 31, 2021 in the amount of \$574,577.02

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

## MOTIONS

## ORDINANCES

## RESOLUTIONS

**2021-62**      Resolution Approving A Temporary Service Area Expansion Liquor License For Beacon Sports Bar

Motion made by Councilor Peterson, seconded by Councilor Nelson to adopt Resolution 2021-62, Resolution Approving A Temporary Service Area Expansion Liquor License For Beacon Sports Bar. Roll Call: Councilors Geissler, Hauschild, Nelson, Peterson, Mayor Boucher, aye. Motion carried.

**2021-63**      Resolution Approving Cooperative Agreement With St. Louis County Project No. CP 0000-599792 Signal Painting Within The City Of Hermantown Corporate Limits

Motion made by Councilor Nelson, seconded by Councilor Hauschild to adopt Resolution 2021-63, Resolution Approving Cooperative Agreement With St. Louis County Project No. CP 0000-599792 Signal Painting Within The City Of Hermantown Corporate Limits. Roll Call: Councilors Geissler, Hauschild, Nelson, Peterson, Mayor Boucher, aye. Motion carried.

**2021-64**      Resolution Approving A Request For Proposals For City Attorney Civil Services

Motion made by Councilor Peterson, seconded by Councilor Geissler to adopt Resolution 2021-64, Resolution Approving A Request For Proposals For City Attorney Civil Services. Roll Call: Councilors Geissler, Hauschild, Nelson, Peterson, Mayor Boucher, aye. Motion carried.

**2021-65**      Resolution Approving Pay Request Number 1 For Old Hwy 2 To Sinnott Contracting, LLC In The Amount Of \$38,878.75

Motion made by Councilor Geissler, seconded by Councilor Peterson to adopt Resolution 2021-65, Resolution Approving Pay Request Number 1 For Old Hwy 2 To Sinnott Contracting, LLC In The Amount Of \$38,878.75. Roll Call: Councilors Geissler, Hauschild, Nelson, Peterson, Mayor Boucher, aye. Motion carried.

**2021-66**      Resolution Approving Pay Request Number 2 For Road Improvement District No. 537 (Lavaque Junction Road) To Ulland Brothers, Inc. In The Amount Of \$200,380.27

Motion made by Councilor Nelson, seconded by Councilor Hauschild to adopt Resolution 2021-66, Resolution Approving Pay Request Number 2 For Road Improvement District No. 537 (Lavaque Junction Road) To Ulland Brothers, Inc. In The Amount Of \$200,380.27. Roll Call: Councilors Geissler, Hauschild, Nelson, Peterson, Mayor Boucher, aye. Motion carried.

**2021-67**      Resolution Approving Pay Request Number 1 For Keene Creek Park Trail To Veit & Company, Inc. In The Amount Of \$143,247.18

Motion made by Councilor Peterson, seconded by Councilor Geissler to adopt Resolution 2021-67, Resolution Approving Pay Request Number 1 For Keene Creek Park Trail To Veit & Company, Inc. In The Amount Of \$143,247.18. Roll Call: Councilors Geissler, Hauschild, Nelson, Peterson, Mayor Boucher, aye. Motion carried.

**2021-68**      Resolution Approving Pay Request Number 11 For Sewer Improvement District No. 448 To Utility Systems Of America, Inc. In The Amount Of \$129,602.89

Motion made by Councilor Geissler, seconded by Councilor Nelson to adopt Resolution 2021-68, Resolution Approving Pay Request Number 11 For Sewer Improvement District No. 448 To Utility Systems Of America, Inc. In The Amount Of \$129,602.89. Roll Call: Councilors Geissler, Hauschild, Nelson, Peterson, Mayor Boucher, aye. Motion carried.

Motion made by Councilor Hauschild, seconded by Councilor Peterson to recess the meeting at 6:46 p.m. Motion carried.

\_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
Clerk

**CITY COUNCIL  
WORK SESSION**

**Monday, June 14, 2021 at 4:00 P.M.**

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

**ABSENT:**

**CITY STAFF:** John Mulder, City Administrator; Eric Johnson, Community Development Director; Joe Wicklund, Communications Director; Steve Overom, City Attorney

**OTHERS:** Jim Crace, Brad Sykta, Jeff Schiltz, Marty Olson

**DISCUSSION ITEMS**

Community Recreation Initiative:

**Legislative Update:** The Conference Committee released the text of the tax bill and the language related to Hermantown's sales tax request. The conference committee included all three projects, but there was some confusion about the dollar amounts listed in the bill because of the included interest costs on the Fichtner Park dollar amount. After a lengthy discussion, the Council directed staff to urge the Committee to list it as one project and to clarify the dollar amounts.

**Inquiries for Federal Dollars:** We have submitted requests to both Representative Stauber's office and Senator Klobuchar's office. We were not included in the projects that were submitted to Representative Stauber's office. We have not heard back from Senator Klobuchar. Those requests were attached for your information. Staff will follow up on the status of the request.

**Referendum Process – The City's limited role:** The City can play a role in providing factual information regarding the referendum question, but cannot use City funds for a campaign related to the referendum question. An advocacy related to the question on the ballot must be done by outside parties.

**Naming Rights Discussion:** The Council discussed at length the value of the naming rights and the process. Grant Hauschild volunteered to help clarify the process.

**School Discussions:** Jeff Schiltz and John Mulder are scheduled to meet with Wayne Whitwam on Thursday June 17<sup>th</sup>. Agenda includes:

- Update on Hermantown Recreational Initiative
- Potential land swaps.
- Naming rights discussions (including the existing rink).
- Other potential items such as locker rooms, ice plant, etc.

**Construction Delivery Methods:** We will schedule a meeting in July or August to hear a presentation from ICS about their methodology.

Recess: The meeting recessed at approximately 5:51 p.m.

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Mayor

ATTEST:

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Clerk

**CITY OF HERMANTOWN**

CHECKS #67464-#67537

06/1/2021-06/15/2021

PAYROLL CHECKS

Electronic Checks - #70716-70760 76,800.00

LIABILITY CHECKS

Electronic Checks - #70711-70715 \$57,648.85

Check - #67464 \$985.07

**PAYROLL EXPENSE TOTAL \$135,433.92**

ACCOUNTS PAYABLE

Checks - #67465-67537 \$414,123.36

Electronic Payments -#99867 - #99869 \$3,747.42

Check- #110 TD Ameritrade to Utility Systems \$129,601.89

Check- #122 TD Ameritrade to Ulland Brothers \$200,380.27

**ACCOUNTS PAYABLE TOTAL \$747,852.94**

**TOTAL \$883,286.86**



6/11/2021

Page 1

Fund	Account	Department	Vendor Name	Description	Amount	Check #
101	217450	Employee Flexplan	FURTHER ELECTRONIC PAYMENTS	Claim Reimbursement - Electron	813.05	-99869
101	421100	Police Administration	FIRST BANKCARD	May First Bankcard Salo	60.93	-99868
101	421100	Police Administration	FIRST BANKCARD	May First Bankcard Dwyer	30.26	-99868
602	494900	Sewer Administration and General	FIRST BANKCARD	May First Bankcard Orme	3.25	-99868
101	415300	Administration & Finance	FIRST BANKCARD	May First Bankcard Orme	9.74	-99868
101	421100	Police Administration	FIRST BANKCARD	May First Bankcard Ross	306.43	-99868
101	421100	Police Administration	FIRST BANKCARD	May First Bankcard Ross	55.00	-99868
101	421100	Police Administration	FIRST BANKCARD	May First Bankcard Knapp	41.61	-99868
101	419901	City Hall & Police Building Maintenance	FIRST BANKCARD	May First Bankcard Vatne	198.00	-99868
101	415300	Administration & Finance	FIRST BANKCARD	May First Bankcard Orme	420.00	-99868
101	421100	Police Administration	FIRST BANKCARD	May First Bankcard Esterbrooks	31.98	-99868
101	421100	Police Administration	FIRST BANKCARD	May First Bankcard Pfeiffer	162.56	-99868
101	421100	Police Administration	FIRST BANKCARD	May First Bankcard Volk	55.00	-99868
101	431100	Street Department	FIRST BANKCARD	May First Bankcard Bjonskaas	3.26	-99868
101	421100	Police Administration	FIRST BANKCARD	May First Bankcard Pfeiffer	120.00	-99868
101	421100	Police Administration	FIRST BANKCARD	May First Bankcard Crace	525.00	-99868
101	419901	City Hall & Police Building Maintenance	FIRST BANKCARD	May First Bankcard Vatne	212.00	-99868
101	415300	Administration & Finance	FIRST BANKCARD	May First Bankcard Mulder	108.64	-99868
601	494400	Water Administration and General	FIRST BANKCARD	May First Bankcard Orme	3.25	-99868
101	217450	Employee Flexplan	FURTHER ELECTRONIC PAYMENTS	Claim Reimb- Elect Pymnt	587.46	-99867
240	432510	Trunk Sewer Construction	UTILITY SYSTEMS OF AMERICA, INC.	Trunk Sewer Spur Munger Spur	129,601.89	67463
475	431150	Street Improvements	ULLAND BROTHERS INC	Lavaque Jct Road Construction	200,380.27	67464
101	419901	City Hall & Police Building Maintenance	ADVANTAGE EMBLEM & SCREEN PRINTING INC	Work Shirts (Greg)	94.90	67465
101	427100	Poundmaster	ANIMAL ALLIES HUMANE SOCIETY	May Boarding	380.00	67466
101	452100	Parks	ASDCO CONSTRUCTION SUPPLY	24"Sonotube for Batting Cages	419.16	67467
101	431100	Street Department	AT&T MOBILITY	Cell Phones/Tablets PW	157.92	67468
602	494900	Sewer Administration and General	AT&T MOBILITY	Cell Phones/Tablets PW	163.22	67468
101	415300	Administration & Finance	AT&T MOBILITY	Cell Phones/Tablets PW	57.45	67468
601	494400	Water Administration and General	AT&T MOBILITY	Cell Phones/Tablets PW	168.38	67468
101	421100	Police Administration	AT&T MOBILITY	Cell Phones PD	1,409.55	67468
101	419901	City Hall & Police Building Maintenance	AT&T MOBILITY	Cell Phones/Tablets PW	45.12	67468
101	452100	Parks	BRENT'S SEPTIC SERVICE LLC	Pump Septic Tank at Keene Cree	250.00	67469
101	452100	Parks	BRENT'S SEPTIC SERVICE LLC	Portable Toilets	900.00	67469
101	452100	Parks	BROCK WHITE COMPANY, LLC	36"Sonotube for Batting Cages	1,143.40	67470
601	494300	Water Distribution	CENTRAL PENSION FUND	Training per Contract	46.07	67471
101	431100	Street Department	CENTRAL PENSION FUND	Training per Contract	46.07	67471
602	494500	Sewer Maintenance	CENTRAL PENSION FUND	Training per Contract	46.06	67471
101	422903	Firehall #3 Midway Road	CENTURYLINK	Internet FH#3	79.98	67472

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Fund	Account	Department	Vendor Name	Description	Amount	Check #
101	422902	Firehall #2 Morris Thomas Road	CENTURYLINK	Internet FH#2 May 28-June 27	69.98	67472
101	431901	City Garage	CINTAS CORPORATION	Mats at PW	20.58	67473
101	431100	Street Department	CINTAS CORPORATION	Uniforms	10.80	67473
101	431100	Street Department	CINTAS CORPORATION	Uniforms	10.80	67473
101	431100	Street Department	CINTAS CORPORATION	Uniforms	26.41	67473
101	419901	City Hall & Police Building Maintenance	CINTAS CORPORATION	Mats at CH	8.88	67473
101	431100	Street Department	CINTAS CORPORATION	Uniforms	45.40	67473
101	431901	City Garage	CINTAS CORPORATION	Mats at PW	2.10	67473
101	431100	Street Department	CINTAS CORPORATION	Uniforms	26.41	67473
101	419901	City Hall & Police Building Maintenance	CINTAS CORPORATION	Mats at FD/PD	30.72	67473
101	431901	City Garage	CINTAS CORPORATION	Supplies	11.25	67473
101	431901	City Garage	CINTAS CORPORATION	Supplies	29.75	67473
601	494300	Water Distribution	CITY OF DULUTH COMFORT SYSTEMS	May Water Charges	80,940.24	67474
602	494900	Sewer Administration and General	CLIFTONLARSONALLEN LLP	2020 Audit	1,047.37	67475
101	415300	Administration & Finance	CLIFTONLARSONALLEN LLP	2020 Audit	4,887.75	67475
601	494400	Water Administration and General	CLIFTONLARSONALLEN LLP	2020 Audit	1,047.38	67475
601	494300	Water Distribution	CORE & MAIN LP	Check Valves	340.16	67476
230	465100	HEDA	CREATIVE ARCADE	Website Monthly Maintenance	250.00	67477
251	421100	Police Administration	CROW-GOEBEL VETERINARY CLINIC, P A	Tuuko-Vet	170.80	67478
601	494400	Water Administration and General	CUSTOMER ELATION INC	May/June Answering	29.90	67479
602	494900	Sewer Administration and General	CUSTOMER ELATION INC	May/June Answering	19.93	67479
101	415300	Administration & Finance	CW TECHNOLOGY GROUP INC	Meraki MR33 Wireless access po	86.98	67480
101	419100	Community Development	CW TECHNOLOGY GROUP INC	Meraki MR33 Wireless access po	43.49	67480
101	415300	Administration & Finance	CW TECHNOLOGY GROUP INC	Recycling Networking Equipment	35.00	67480
101	431100	Street Department	CW TECHNOLOGY GROUP INC	CREDIT - Yellow Toner	-478.00	67480
101	421100	Police Administration	CW TECHNOLOGY GROUP INC	APC Backups	95.85	67480
601	494400	Water Administration and General	CW TECHNOLOGY GROUP INC	Meraki MR33 Wireless access po	43.49	67480
101	421100	Police Administration	CW TECHNOLOGY GROUP INC	Meraki MR33 Wireless access po	275.41	67480
101	424100	Building Inspection	CW TECHNOLOGY GROUP INC	Meraki MR33 Wireless access po	14.50	67480
101	413100	Mayor	CW TECHNOLOGY GROUP INC	Meraki MR33 Wireless access po	14.50	67480
101	431100	Street Department	CW TECHNOLOGY GROUP INC	Meraki MR33 Wireless access po	57.99	67480
602	494900	Sewer Administration and General	CW TECHNOLOGY GROUP INC	Meraki MR33 Wireless access po	43.49	67480
101	452100	Parks	DAIRYLAND FENCE CO INC	Ugstad Rd Field 1 Fence Repair	4,800.00	67481
101	452100	Parks	DULUTH LAWN CARE INC	Fertilizing/Weed (All)	4,821.25	67482
101	452100	Parks	DULUTH READY MIX INC	Concrete for Batting Cages	740.00	67483
101	452100	Parks	DULUTH READY MIX INC	Concrete for Batting Cages	980.00	67483
101	452100	Parks	EQUIPMENT RENTAL COMPANY	Augur Trunk Rental Batting Cag	1,440.00	67484
101	421100	Police Administration	ESSENTIA HEALTH	Test - O. Gottschald	350.00	67485

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Fund	Account	Department	Vendor Name	Description	Amount	Check #
601	494300	Water Distribution	FERGUSON WATERWORKS #2516	Water Corp for water services	707.52	67486
601	220100	Refund Payable	FREEMAN, CHRISTOPHER	Overpmt on account 0804-03	11.11	67487
601	494400	Water Administration and General	FURTHER	Monthly Participant Fee June	3.62	67488
101	431100	Street Department	FURTHER	Monthly Participant Fee June	4.00	67488
101	419901	City Hall & Police Building Maintenance	FURTHER	Monthly Participant Fee June	2.75	67488
101	421100	Police Administration	FURTHER	Monthly Participant Fee June	34.70	67488
602	494900	Sewer Administration and General	FURTHER	Monthly Participant Fee June	5.43	67488
101	415300	Administration & Finance	FURTHER	Monthly Participant Fee June	10.30	67488
101	419100	Community Development	FURTHER	Monthly Participant Fee June	0.80	67488
101	421100	Police Administration	GALLS, LLC - DBA UNIFORMS UNLIMITED	Uniforms	52.00	67489
101	421100	Police Administration	GALLS, LLC - DBA UNIFORMS UNLIMITED	Uniforms	38.50	67489
101	421100	Police Administration	GALLS, LLC - DBA UNIFORMS UNLIMITED	Uniforms	73.60	67489
101	421100	Police Administration	GALLS, LLC - DBA UNIFORMS UNLIMITED	Uniforms (CREDIT)	-34.00	67489
101	419901	City Hall & Police Building Maintenance	GOODIN COMPANY INC	Chiller Fluid	154.47	67490
101	452100	Parks	GOODIN COMPANY INC	Toilet Valve Soccer	139.10	67490
601	494400	Water Administration and General	GOPHER STATE ONE-CALL INC	May Locates	149.04	67491
602	494900	Sewer Administration and General	GOPHER STATE ONE-CALL INC	May Locates	99.36	67491
101	415300	Administration & Finance	GREATAMERICA FINANCIAL SERVICES	Copier Lease/Konica June	96.00	67492
101	452101	Passive Park	GRUSSENDORF LANDSCAPING INC	DNR Tree Grant	16,620.00	67493
101	419901	City Hall & Police Building Maintenance	HARTEL'S/DBJ DISPOSAL CO LLC	Garbage Recycling May	637.34	67494
101	431901	City Garage	HARTEL'S/DBJ DISPOSAL CO LLC	Yard Trash Disposal May	165.76	67494
101	419901	City Hall & Police Building Maintenance	HEINBUCH, GREG	Motors/Benson Elec personal cc	241.51	67495
101	419100	Community Development	HERMANTOWN STAR LLC	PH PZ ran 3 times	1,113.75	67496
101	415300	Administration & Finance	HERMANTOWN STAR LLC	Broadband Task Force Ad	66.00	67496
101	421100	Police Administration	HOLIDAY COMPANIES	May Car Washes	45.00	67497
101	431100	Street Department	INTER CITY OIL CO INC	Fuel	1,299.94	67498
101	419901	City Hall & Police Building Maintenance	JOHNSTONE SUPPLY	Backpack (Greg)	120.79	67499
101	421100	Police Administration	KOLAR	DiagnosticDriverDoor2019Tahoe	88.67	67500
101	431100	Street Department	KWIK TRIP EXTENDED NETWORK	Car Wash PW	16.00	67501
101	431100	Street Department	KWIK TRIP EXTENDED NETWORK	Gas Street	545.34	67501
101	421100	Police Administration	KWIK TRIP EXTENDED NETWORK	Gas PD	3,197.55	67501
602	494500	Sewer Maintenance	KWIK TRIP EXTENDED NETWORK	Gas Utility	253.32	67501
101	421100	Police Administration	KWIK TRIP EXTENDED NETWORK	Car Wash PD	167.00	67501
601	494300	Water Distribution	KWIK TRIP EXTENDED NETWORK	Gas Utility	379.97	67501
101	419901	City Hall & Police Building Maintenance	KWIK TRIP EXTENDED NETWORK	Gas Building	91.11	67501
601	220100	Refund Payable	LICARI, PETER & KATIE	Overpayment account 2279-02	36.27	67502
101	431100	Street Department	LIFTPRO	Bucket/lifting hooks	856.44	67503
275	452200	Community Building	MEDIACOM	EWC-Telephone	441.31	67504

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Fund	Account	Department	Vendor Name	Description	Amount	Check #
275	452200	Community Building	MEDIACOM	EWC-Cable TV-June	158.46	67504
275	452200	Community Building	MEDIACOM	EWC-Internet	354.90	67504
101	452101	Passive Park	MENARD INC	DNR Tree Grant	67.05	67505
101	419901	City Hall & Police Building Maintenance	MENARD INC	Trap	18.99	67505
101	452101	Passive Park	MENARD INC	DNR Tree Grant	52.08	67505
101	419901	City Hall & Police Building Maintenance	MENARD INC	Landscaping Tools	45.37	67505
101	419901	City Hall & Police Building Maintenance	MENARD INC	Plunger/Drain Opener	6.18	67505
101	452100	Parks	MENARD INC	Cable Connectors/Batting Cages	170.24	67505
601	220100	Refund Payable	MERCHMAN, ANTHONY & HOLLY	Overpayment Acct 1684-02	66.69	67506
101	421100	Police Administration	METRO SALES INC	Copier Lease	306.95	67507
101	452100	Parks	MN POWER	Little Leages	16.31	67508
275	452200	Community Building	MN POWER	EWC Garage	61.05	67508
275	452200	Community Building	MN POWER	4289 Ugstad Rd/EWC	11,451.96	67508
101	419901	City Hall & Police Building Maintenance	MN TELECOMMUNICATIONS	June Internet	524.16	67509
101	422901	Firehall #1 Maple Grove Road	MN TELECOMMUNICATIONS	June Internet	131.04	67509
402	431150	Street Improvements	MSA PROFESSIONAL SERVICES, INC.	Ugstad Rd Recondition MSA Proj	14,128.64	67510
101	452100	Parks	MTI DISTRIBUTING, INC.	Drive Assmby/Nossle/Strator	527.87	67511
101	431100	Street Department	NAPA AUTO PARTS	Kubota Fuel Filter	9.76	67512
101	452100	Parks	NAPA AUTO PARTS	Battery Cables JD mower	16.21	67512
101	452100	Parks	NAPA AUTO PARTS	2 Cycle Oil	6.33	67512
101	415300	Administration & Finance	NORTHERN BUSINESS PRODUCTS	Post its/Rubber Bands	43.46	67513
101	419901	City Hall & Police Building Maintenance	NORTHERN DOOR & HARDWARE INC	Keys	34.00	67514
101	419100	Community Development	NORTHLAND CONSULTING ENGINEERS L.L.P.	PO2320 Accurate Auto	585.00	67515
101	419100	Community Development	NORTHLAND CONSULTING ENGINEERS L.L.P.	PO2324 Four Sq/Zierden	780.00	67515
235	452100	Parks	NORTHLAND CONSULTING ENGINEERS L.L.P.	PO2332 Rose Rd Warranty Work	390.00	67515
101	419100	Community Development	NORTHLAND CONSULTING ENGINEERS L.L.P.	PO2306 Kuklis Sewer	65.00	67515
101	431130	City Engineer	NORTHLAND CONSULTING ENGINEERS L.L.P.	PO2331 FMP Map Update-5yr Rd	520.00	67515
101	419100	Community Development	NORTHLAND CONSULTING ENGINEERS L.L.P.	PO2326 Kaski Townhome	65.00	67515
101	431130	City Engineer	NORTHLAND CONSULTING ENGINEERS L.L.P.	PO2331 FMP Map Updates	130.00	67515
101	431100	Street Department	ODC INC	Marking Lath	254.40	67516
101	421100	Police Administration	OVEROM LAW, PLLC	25 mph issues	28.00	67517
101	416100	City Attorney	OVEROM LAW, PLLC	Data Practices Requests	5.00	67517
101	424100	Building Inspection	OVEROM LAW, PLLC	Bldg Code update	89.00	67517
230	465100	HEDA	OVEROM LAW, PLLC	HEDA Agenda Matters	203.00	67517
240	432510	Trunk Sewer Construction	OVEROM LAW, PLLC	Section 24 Eniment Domain	427.00	67517
101	416100	City Attorney	OVEROM LAW, PLLC	Open Meeting Law Issues	62.00	67517
101	416100	City Attorney	OVEROM LAW, PLLC	2020 Street Proj	84.00	67517
101	419100	Community Development	OVEROM LAW, PLLC	Jenny Farms	685.00	67517

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Fund	Account	Department	Vendor Name	Description	Amount	Check #
101	421100	Police Administration	OVEROM LAW, PLLC	Personnel Issues	98.00	67517
240	432510	Trunk Sewer Construction	OVEROM LAW, PLLC	2017 Sewer Trunkline-Sec 24	231.00	67517
101	416100	City Attorney	OVEROM LAW, PLLC	Right of Way Ord	42.00	67517
602	494900	Sewer Administration and General	OVEROM LAW, PLLC	Water/Sewer Appl.	1,405.00	67517
240	432510	Trunk Sewer Construction	OVEROM LAW, PLLC	Northwoods Prop (Easement)	138.00	67517
601	494400	Water Administration and General	OVEROM LAW, PLLC	Water/Sewer Appl.	1,405.00	67517
101	416100	City Attorney	OVEROM LAW, PLLC	Broadband Expansion	495.10	67517
240	432510	Trunk Sewer Construction	OVEROM LAW, PLLC	Daniel Reilly Easement	49.00	67517
101	416100	City Attorney	OVEROM LAW, PLLC	Special Assessment Policy	135.00	67517
101	416100	City Attorney	OVEROM LAW, PLLC	COVID 19 Issues	199.00	67517
101	416100	City Attorney	OVEROM LAW, PLLC	Nuisance Ordinance	117.00	67517
101	416100	City Attorney	OVEROM LAW, PLLC	JAZB Board of Appeals	1,468.00	67517
101	416100	City Attorney	OVEROM LAW, PLLC	General Matters/Retainer	1,250.00	67517
101	419100	Community Development	OVEROM LAW, PLLC	Moratorium Multi-Fam R3 Zone	21.00	67517
101	419100	Community Development	OVEROM LAW, PLLC	Heartwood PUD Amendment	730.00	67517
101	419100	Community Development	OVEROM LAW, PLLC	Oppidan Dev	360.00	67517
230	416100	City Attorney	OVEROM LAW, PLLC	Marketplace Anchor Proj	2,687.50	67517
101	416100	City Attorney	OVEROM LAW, PLLC	Right of Way Ord updates	42.50	67517
101	416100	City Attorney	OVEROM LAW, PLLC	2021 Recreation Facility	255.00	67517
101	419100	Community Development	OVEROM LAW, PLLC	Stebner Farms Proj	90.00	67517
101	416100	City Attorney	OVEROM LAW, PLLC	Swap Parcel Matters	124.00	67517
101	421100	Police Administration	PER MAR SECURITY SERVICES INC	CCTV 7/21 - 9/21	81.03	67518
101	424100	Building Inspection	PITNEY BOWES PURCHASE POWER	Postage	41.82	67519
101	415300	Administration & Finance	PITNEY BOWES PURCHASE POWER	Postage	163.90	67519
101	452100	Parks	PITNEY BOWES PURCHASE POWER	Postage	8.16	67519
101	419100	Community Development	PITNEY BOWES PURCHASE POWER	Postage	58.79	67519
601	494400	Water Administration and General	PITNEY BOWES PURCHASE POWER	Postage	146.39	67519
101	421100	Police Administration	PITNEY BOWES PURCHASE POWER	Postage	188.85	67519
602	494900	Sewer Administration and General	PITNEY BOWES PURCHASE POWER	Postage	97.59	67519
101	431100	Street Department	PRAXAIR DISTRIBUTION INC	Cylinder Rent/Safe Env Fee	47.28	67520
101	431100	Street Department	RICK'S TREE & STUMP REMOVAL	Tree Removal/Getchell/Radar	3,160.00	67521
601	220100	Refund Payable	RUST, DAVID & ERIN	Overpayment account 1976-02	23.18	67522
601	494300	Water Distribution	SATHERS, LLC	Class 5	1,323.00	67523
475	431150	Street Improvements	SINNOTT CONTRACTING	Old Hwy 2 Reclamation	38,878.75	67524
240	432510	Trunk Sewer Construction	ST LOUIS COUNTY ATTORNEY'S OFFICE	Eniment Domain/Sec 24 Sewer	540.00	67525
101	419100	Community Development	ST LOUIS COUNTY RECORDERS OFFICE	A-Lign Prop PUD	46.00	67526
101	421100	Police Administration	ST LUKES CLINICS	Blood Draws	29.10	67527
101	431100	Street Department	STONE RIVER WILDLIFE CONTROL	Beaver Removal	270.00	67528

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Fund	Account	Department	Vendor Name	Description	Amount	Check #
101	431100	Street Department	TELCOLOGIX	June Maintenance	16.75	67529
101	422901	Firehall #1 Maple Grove Road	TELCOLOGIX	June Maintenance	70.35	67529
101	419901	City Hall & Police Building Maintenance	TELCOLOGIX	June Maintenance	237.85	67529
101	452200	Community Building	TELCOLOGIX	June Maintenance	10.05	67529
601	220100	Refund Payable	TERRY, WILLIAM	Overpayment account 1735-01	24.79	67530
101	431100	Street Department	TRAVELERS	Com'l Package Policy Change	127.00	67531
101	421100	Police Administration	TROY'S BP AMOCO INC	Brakes Squad 14	523.46	67532
101	421100	Police Administration	TROY'S BP AMOCO INC	Tire Repair Squad 15	20.00	67532
602	494900	Sewer Administration and General	VALLI INFORMATION SYSTEMS, INC	May Bill Print	483.23	67533
603	441100	Storm Water	VALLI INFORMATION SYSTEMS, INC	May Bill Print	483.22	67533
601	494400	Water Administration and General	VALLI INFORMATION SYSTEMS, INC	May Bill Print	483.23	67533
412	419100	Community Development	VEIT & COMPANY INC	Keene Creek park Trail	143,247.18	67534
260	456101	Cable	WALDNER, LARS	Cable TV Coordinator June	625.00	67535
602	494500	Sewer Maintenance	WLSSD	Wastewater Charges	41,026.00	67536
402	431150	Street Improvements	WSP	Wetland Delineation Ugstad Rd	2,000.00	67537

Totals: 205 records printed

747,852.94

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



**DATE:** June 16, 2021                      **Meeting Date:** 6/21/21  
**SUBJECT:** Old Hwy 2 Reclamation              **Agenda Item: 12-A**              **Resolution 2021-69**

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**REQUESTED ACTION**

**Approve Change Order #1 to Sinnott Contracting, LLC for the construction related to the Old Hwy 2 Pavement Reclamation project.**

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**BACKGROUND**

Attached is Change Order #1 for work associated with the Old Highway 2 Pavement Reclamation project. During construction two areas within the roadway were determined to have unsuitable soils. NCE and Sinnott Contracting, LLC reviewed the issue in the field and discussed a corrective action plan. It was determined that 12 inches of unsuitable soils should be removed and replaced with new class 5 aggregate. The amount of Change Order #1 is **\$10,579.00**. Change Order #1 modifies the original contract price from \$44,000.00 to **\$54,579.00**.

NCE has reviewed the quote provided by Sinnott Contracting, LLC representatives. I recommend a change order in the amount of **\$10,579.00** be authorized at the June 21, 2021 City Council Meeting.

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**SOURCE OF FUNDS (if applicable)**

475-431150-530 – Proj. 540

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**ATTACHMENTS**

Change Order #1

**Resolution No. 2021-69**

**RESOLUTION APPROVING CHANGE ORDER NUMBER 1 FOR OLD HWY 2**

WHEREAS, the City of Hermantown has contracted with Sinnott Contracting, LLC. for construction of Old Hwy 2 (“Project:”); and

WHEREAS, Sinnott Contracting, LLC has submitted Change Order No. 1 for:

1. To provide construction related to poor sub-grade soils along two portions of the roadway. From station 22+50 to station 24+00, full width of roadway excavating and removing top 12” of unsuitable soils and replacing with class 5 aggregate. From station 35+100 to station 36+00, removing top 12” of unsuitable soils and replacing with class 5 aggregate only in the east bound lane.

Increase this Change Order: \$10,579.00.

WHEREAS, Sinnott Contracting, LLC has recommended such Change Order No. 1, and;

WHEREAS, Northland Consulting Engineers LLP has approved such Change Order No. 1, and;

WHEREAS, the City Administrator has reviewed the change order and recommends its approval.

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

1. Change Order No. 1 is hereby approved.

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

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

Councilors

and the following voted in opposition thereto:

WHEREUPON, such resolution has been duly passed and adopted June 21, 2021.



June 15, 2021

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

Re: Old Highway 2 Pavement Reclamation – Change Order #1

Dear John:

Attached is Change Order #1 for work associated with the Old Highway 2 Pavement Reclamation project. During construction two areas within the roadway were determined to have unsuitable soils. NCE and Sinnott Contracting, LLC reviewed the issue in the field and discussed a corrective action plan. It was determined that 12 inches of unsuitable soils should be removed and replaced with new class 5 aggregate. The amount of Change Order #1 is **\$10,579.00**. Change Order #1 modifies the original contract price from \$44,000.00 to **\$54,579.00**.

NCE has reviewed the quote provided by Sinnott Contracting, LLC representatives. I recommend a change order in the amount of **\$10,579.00** be authorized at the June 21, 2021 City Council Meeting.

Please contact me with any questions you may have.

Thank you,



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

CC: Bonnie Engseth, City of Hermantown  
Trent Prigge, P.E., Northland Consulting Engineers  
Dan Wyman, Sinnott Contracting, LLC



# Sinnott Contracting, LLC

PO Box 16205  
Duluth, MN 55816

Phone: (218) 626-1822  
Fax: (218) 740-3465

<b>To:</b> City Of Hermantown	<b>Contact:</b>
<b>Address:</b> 5105 Maple Grove Road Hermantown, MN. 55811	<b>Phone:</b> (218) 729-3600
<b>Project Name:</b> Old Highway 2, Soil Correction, Change Order Request #1	<b>Fax:</b> (218) 729-3600
<b>Project Location:</b> Hermantown, MN.	<b>Bid Number:</b>
	<b>Bid Date:</b> 5/26/2021

Thank you for the opportunity to quote on your project.

Item #	Item Description	Estimated Quantity	Unit	Unit Price	Total Price
1	Excavate 12", Furnish/Install 12" Class #5.	284.00	TON	\$37.25	\$10,579.00


**Total Bid Price: \$10,579.00**

### Payment Terms:

All overruns to be paid at the unit price above.

Sinnott Contracting, LLC. proposal shall become an integral document to any subcontract agreement.

This quote is effective for 2021 Season only if signed and returned to our office within fifteen days after Quote Date.

<b>ACCEPTED:</b> The above prices, specifications and conditions are satisfactory and are hereby accepted. <b>Buyer:</b> _____ <b>Signature:</b> _____ <b>Date of Acceptance:</b> _____	<b>CONFIRMED:</b> <b>Sinnott Contracting, LLC</b>  <b>Authorized Signature:</b> _____ <b>Estimator:</b> Dan Wyman 218-626-1822 estimator@sinnottblacktop.com
---	--

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



**DATE:** June 14, 2021                      **Meeting Date:** 6/21/21  
**SUBJECT:** Ben Tessier - Special Use      **Agenda Item: 12-B**              **Resolution 2021-70**  
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 543x Maple Grove Road for the purposes of constructing a single family home and associated driveway.

**SITE INFORMATION:**

**Parcel Size:** 20 acres total  
**Legal Access:** 543x Maple Grove Road  
**Wetlands:** Yes, delineation and impacts have been approved  
**Existing Zoning:** R-1, Residential  
**Airport Overlay:** None  
**Shoreland Overlay:** Natural Environment  
**Comprehensive Plan:** Residential

**Development Details**

The applicant purchased this property in the fall of 2020. There is a tributary to the Rocky Run Creek located on the western portion of the property. The applicant will not be crossing the tributary, however the natural environment shoreland area associated with the tributary requires a Special Use Permit. The applicant is proposing for a driveway located on the eastern portion of the property that would extend approximately 270 feet into the property in order to access upland area located on the property.

The driveway is located as to minimize the wetland impacts and will result in 6,275 square feet of impact. The proposed house footprint is outside of the shoreland area and is greater than 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 June 15, 2021 to discuss the application. Other than the applicant there were no residents in attendance for the meeting. The Planning Commission recommended the project to the City Council for their review and approval.

### **Wetlands**

This property was delineated in 2018 and received Technical Evaluation Panel (TEP) approval for the wetland impacts in May 2021. 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. The applicant has entered into an agreement to purchase the wetland credits associated with this work.

### **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-1 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-1 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 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 a tributary to Rocky Run 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 tributary.
  - b. The elevation of the lowest floor level shall be at least three feet above the Ordinary High Water Level of the 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 shall sign a consent form assenting to all conditions of this approval.
4. 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. 2021-70**

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

WHEREAS, Mr. Benjamin M. Tessier and Emily R. Tessier, a married couple (“Applicant”), owner of the property identified as 395-0010-05670, 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 395-0010-05670 (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 June 15, 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-1 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-1 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 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 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 tributary.
- B. The elevation of the lowest floor level shall be at least three feet above the Ordinary High Water Level of the 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 a tributary to Rocky Run 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 tributary.
  - b. The elevation of the lowest floor level shall be at least three feet above the Ordinary High Water Level of the 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 shall sign a consent form assenting to all conditions of this approval.
  4. 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 \_\_\_\_\_, Mayor Boucher, aye.

and the following voted in opposition thereto:

None

WHEREUPON, such resolution was declared duly passed and adopted on June 21, 2021.

**ATTACHMENT A**

The E1/2 OF NW1/4 OF NW1/4 of Section 21, Township 50, North, Range 15 West of the Fourth Principal Meridian, St. Louis County, Minnesota

Property ID: 395-0010-05670

(TOP THREE INCHES RESERVED FOR RECORDING DATA)

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## **SPECIAL USE PERMIT**

**Permission is hereby granted to Benjamin M. Tessier and Emily R. Tessier, a married couple, (“Applicant”) for filling and grading within a Natural Environment Shoreland Overlay Zone (“Project”) in the City of Hermantown, County of St. Louis, State of Minnesota, on the property located at parcel 395-0010-05670 and legally described on Exhibit A attached hereto (“Property”).**

The permission hereby granted is expressly conditioned as follows:

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

estopping or limiting any legal claims or right of action of any person against Applicant, its agents, employees of contractors, for any damage or injury resulting from any such act or omission, or as estopping or limiting any legal claim or right of action of the City of Hermantown against Developer, its agents, employees or contractors for violation of or failure to comply with the permit or applicable provisions of law.

- g. This permit may be terminated by the City of Hermantown at any time it deems necessary for the conservation of water resources, or in the interest of public health and welfare, or for violation of any of the provisions of this permit.
- h. Applicant is initially and continually in compliance with all of the ordinances and regulations of the City of Hermantown Building Code and the Hermantown Fire Code.
- i. All state licenses and other permits required for the Project have been obtained by the Applicant and copies are provided to the City of Hermantown before the release of a permanent Certificate of Occupancy.
- j. That Applicant pay all direct costs incurred by the City of Hermantown in connection with the enforcement and administration of this permit within fifteen (15) days of Applicant being invoiced by the City for such costs.
- k. 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.
- l. 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:
  - 1. No impervious surface or clearing, grubbing and grading will be allowed within 50 feet of the Ordinary High Water Level of the tributary.
  - 2. The elevation of the lowest floor level shall be at least three feet above the Ordinary High Water Level of the tributary.
  - 3. The smallest amount of bare ground is exposed for as short a time as feasible;
  - 4. Temporary groundcover, such as mulch, is used, and permanent groundcover, such as sod, is planted;
  - 5. Adequate methods to prevent erosion and trap sediment are employed;
  - 6. Fill is stabilized to accepted engineering standards;
  - 7. 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;
  - 8. 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;

9. Adequate methods are employed for the preservation or establishment of local vegetation that provides wildlife habitat and screening; and
  10. Fill used will consist of suitable material free from toxic pollutants in other than trace quantities.
- m. The applicant shall sign a consent form assenting to all conditions of this approval.
  - n. The applicant shall pay an administrative fine of \$750 per violation of any condition of this approval.





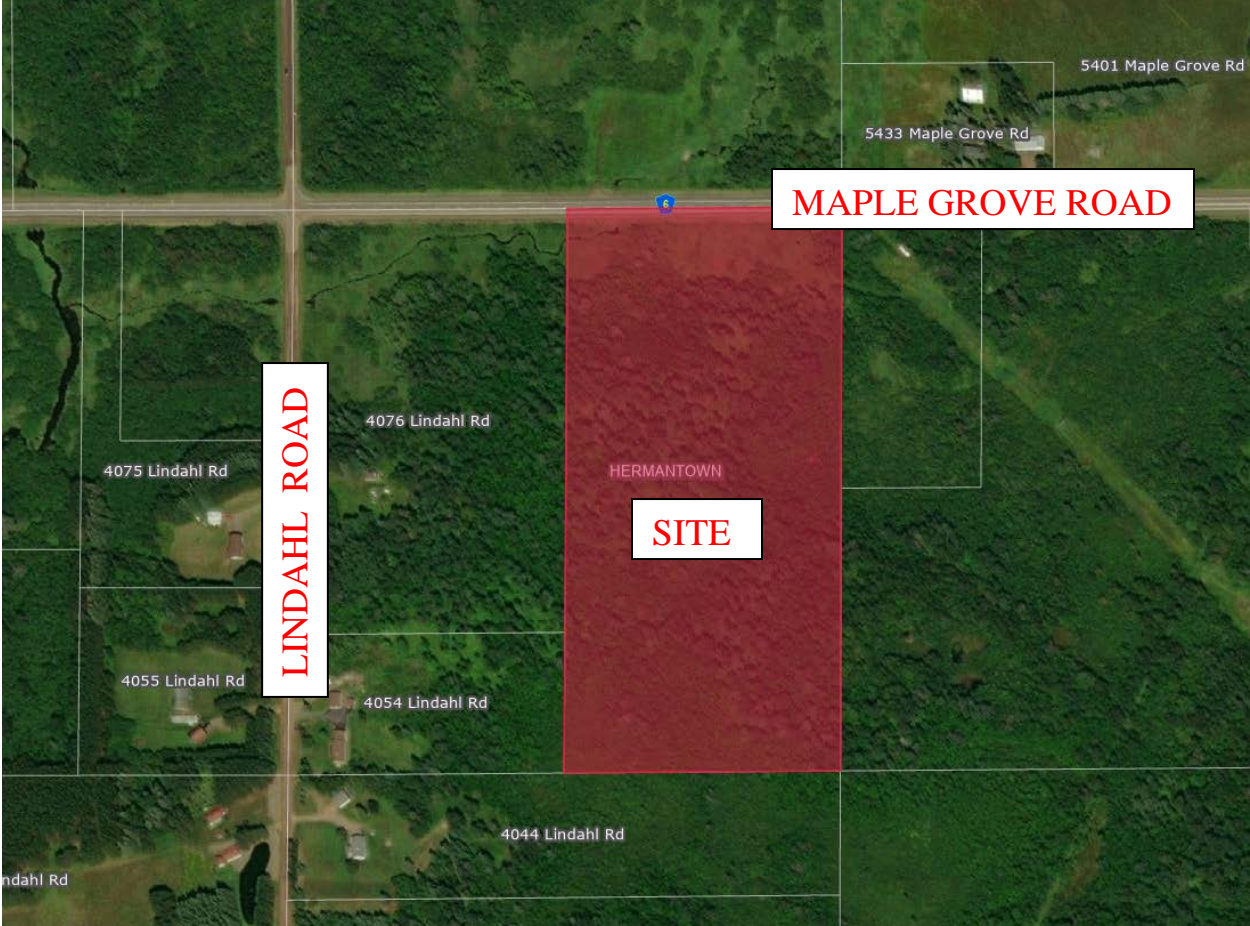


**ATTACHMENT A**

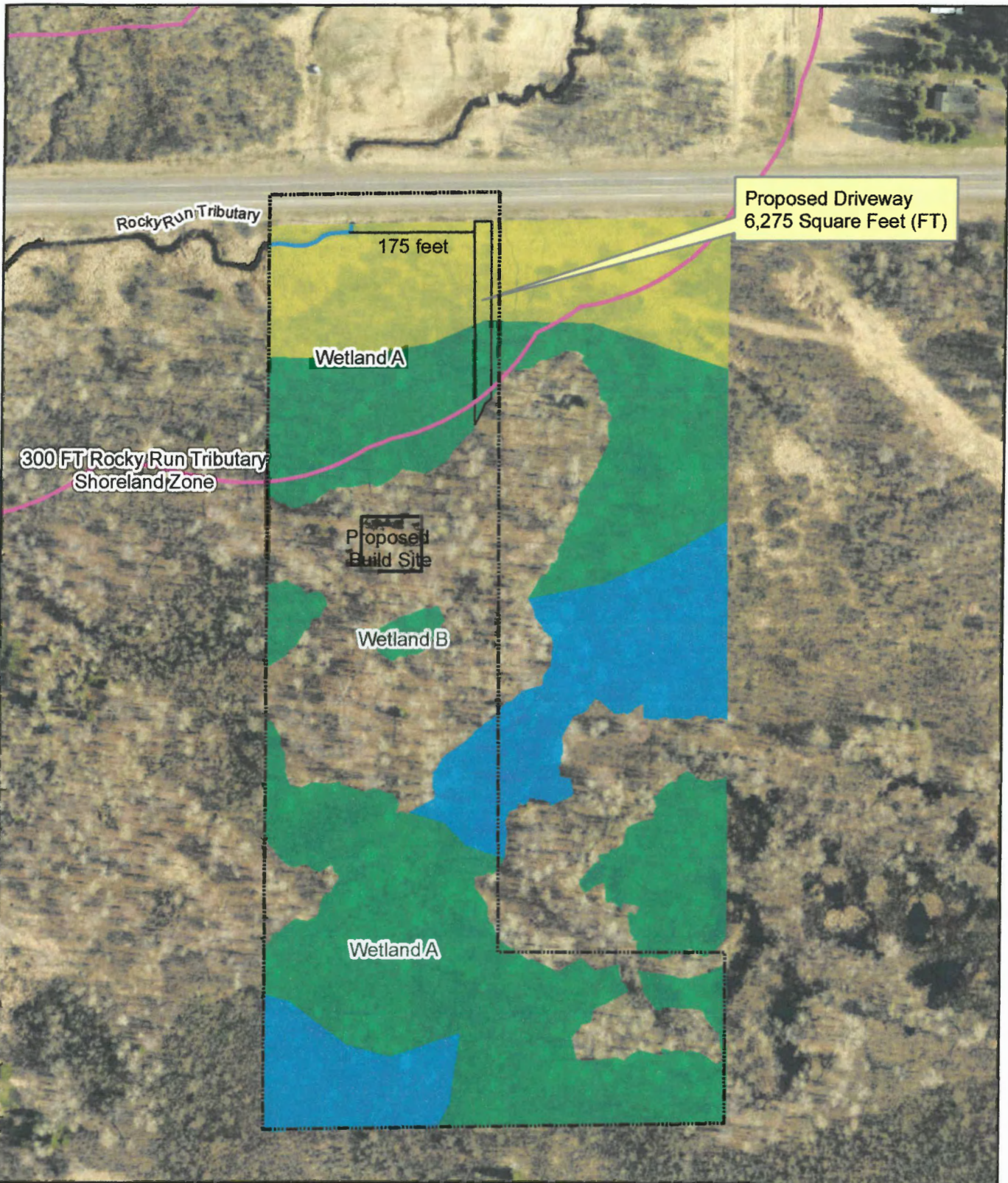
The E1/2 OF NW1/4 OF NW1/4 of Section 21, Township 50, North, Range 15 West of the Fourth Principal Meridian, St. Louis County, Minnesota

Property ID: 395-0010-05670

**Location Map**







Proposed Driveway  
6,275 Square Feet (FT)

175 feet

Wetland A

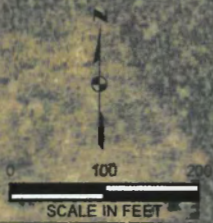
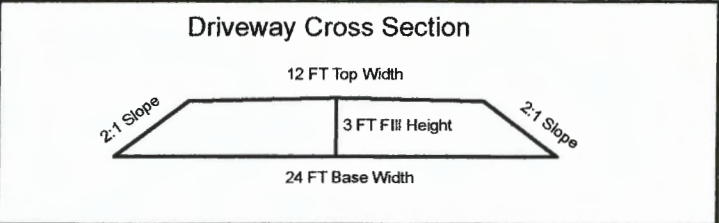
300 FT Rocky Run Tributary  
Shoreland Zone

Proposed  
Build Site

Wetland B

Wetland A

- Parcel Boundary
- Alder Thicket
- Black Ash Swamp
- Sedge Meadow



Drawn: 4/22/2021  
Service Layer Credits: 2019 St. Louis County Pictometry



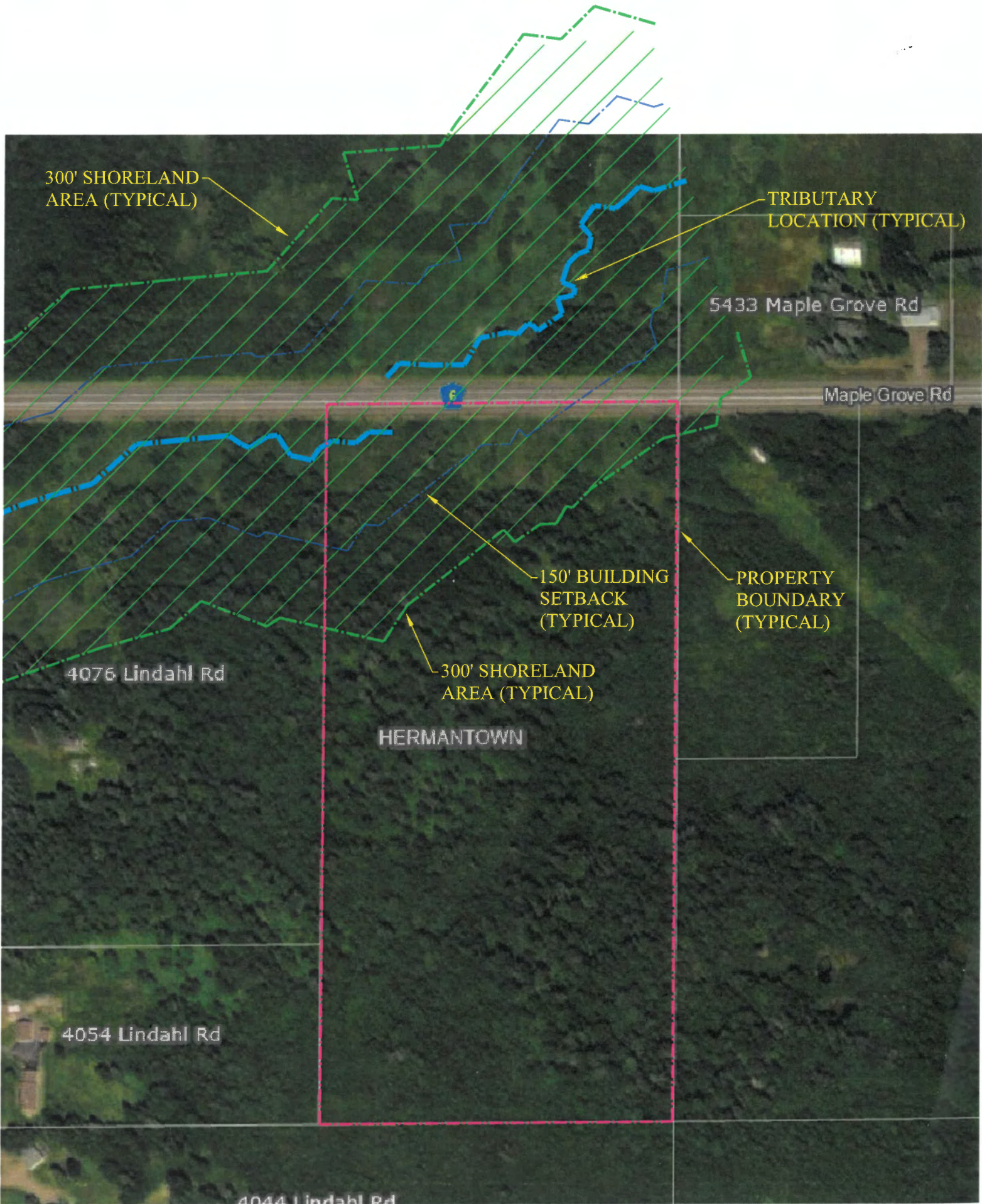
**TESSIER PROPERTY**  
HERMANTOWN, MINNESOTA

PREPARED FOR  
**BEN TESSIER**

**FIGURE 1**

**WETLAND PLANT COMMUNITIES  
AND PROPOSED DRIVEWAY**  
APRIL, 2020





300' SHORELAND  
AREA (TYPICAL)

TRIBUTARY  
LOCATION (TYPICAL)

5433 Maple Grove Rd

Maple Grove Rd

6

150' BUILDING  
SETBACK  
(TYPICAL)

PROPERTY  
BOUNDARY  
(TYPICAL)

4076 Lindahl Rd

300' SHORELAND  
AREA (TYPICAL)

HERMANTOWN

4054 Lindahl Rd

4044 Lindahl Rd



**Resolution No. 2021-71**

**RESOLUTION AUTHORIZING AND DIRECTING  
THE MAYOR AND CITY CLERK TO EXECUTE AND DELIVER  
A SETTLEMENT AGREEMENT BETWEEN THE CITY OF HERMANTOWN AND STAUBER  
PROPERTIES PARTNERSHIP (“STAUBER PROPERTIES”)**

WHEREAS, the City of Hermantown (“City”) commenced a condemnation action in the Sixth Judicial District, County of St. Louis against the Stauber Properties in the case entitled *City of Hermantown v. Godmare Properties, LLC, et al.*; and

WHEREAS, in order to avoid further litigation, the City and Stauber Properties desire to enter into the Settlement Agreement (“Agreement”) attached hereto as Exhibit A; and

WHEREAS, the Stauber Properties has executed the Agreement; and

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

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

1. The Mayor and City Clerk are hereby authorized and directed to execute and deliver the Settlement Agreement attached hereto.

2. The City Attorney, in collaboration with Kimberly Maki, is hereby authorized and directed to complete and file all documents necessary to comply with the Settlement Agreement.

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:

None

WHEREUPON, such resolution was declared duly passed and adopted June 21, 2021.



City of  
**Hermantown**  
Minnesota

June 7, 2021

VIA EMAIL: \_\_\_\_\_

[ENTER ADDRESS]

RE: *City of Hermantown v. Godmare Properties, LLC, et al.*  
Sixth Judicial Court Case No. 69DU-CV-19-1503

Dear Mr. Stauber:

The purpose of this letter is to summarize our telephone conversation regarding details of the settlement between the City of Hermantown and Stauber Properties Partnership. As we discussed, Hermantown has made an offer, contingent on City Council approval, in the amount of \$10,000 in full and final settlement of any and all claims and disputes that are or may be involved in the above-referenced proceeding. This amount includes the \$4,000 that the City has already deposited with the court in the above-referenced proceeding plus an additional payment of \$6,000.

The \$10,000 offer is inclusive of all court costs, attorney's fees, appraisal fees, and any other expenses you may have incurred in this proceeding. The City will not agree to any additional terms or conditions.

Attached please find a draft settlement agreement with accompanying documents. Please review and let me know of any revisions you deem necessary or desirable.

The City will be holding a closed session to discuss the settlement offer on Monday, June 7, 2021, at 5:00 p.m. Formal approval will be considered at the June 21, 2021 City Council meeting. Upon formal approval, we can arrange for execution of the settlement agreement and related documents. In the meantime, please indicate your acceptance of this offer by signing below and returning a copy of the signed letter to me by 4:00 p.m. this afternoon.

Thank you for your attention to this matter. I look forward to hearing from you.

Sincerely,

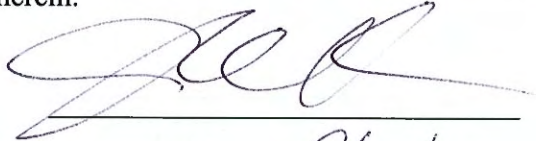
John Mulder  
City Administrator

Working together to serve and build our community.

5105 Maple Grove Road, Hermantown, MN 55811  
218-729-3600 [hermantownmn.com](http://hermantownmn.com)

Acceptance

I, John Stauber, on behalf of Stauber Properties Partnership, hereby accept the settlement offer made by the City of Hermantown in *City of Hermantown v. Godmare Properties, Inc. et al.*, 69DU-CV-19-1503 as set forth herein.



John Stauber  
(Printed Name)

6-8-21  
(Date)



## SETTLEMENT AGREEMENT

This Settlement Agreement (the "Agreement") is entered as of \_\_\_\_\_, 2021, by and between Stauber Properties Partnership, ("Stauber Properties"), and the City of Hermantown (the "City").

WHEREAS, the City commenced an eminent domain proceeding against Stauber Properties, among others, as the fee owner of real property legally described as:

The South Half of the South Half of the Northeast Quarter of the Northeast Quarter, except the Easterly 660 feet thereof, Section 24, Township 50 North of Range 15, West of the Fourth Principal Meridian, St. Louis County, Minnesota.

(the "Property").

WHEREAS, in the eminent domain proceeding, captioned *City of Hermantown v. Godmare Properties, LLC, et al.*, Case No. 69DU-CV-19-1503 (the "Proceeding"), the City has sought to condemn certain permanent and temporary easements over the Property in order to construct a sewer line, recreational trail and related improvements (the "Project").

WHEREAS, the parties now wish to resolve all disputes between them relative to the Proceeding.

NOW, THEREFORE, for good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the parties agree as follows:

1. Stauber Properties will execute an easement in the same or substantially the same form as attached hereto as Exhibit A, sign a voucher for payment in the amount of \$10,000 (the "Settlement Amount") in the same or substantially the same form as attached hereto as Exhibit B, and complete a W-9 tax form. Stauber Properties will provide all completed documents to the City.

2. Upon receipt of the executed easement, voucher and W-9 form, the City will record the easement and submit the voucher and W-9 tax form to the Finance Department for payment of the Settlement Amount to Stauber Properties, which shall occur within thirty days from the date of submission of the voucher and W-9 form to the Finance Department.

3. Upon the City's payment of the Settlement Amount to Stauber Properties, the City shall file with the court a Notice of Dismissal of the Proceeding in the same or substantially the same form as attached hereto as Exhibit C and shall record in the Office of the County Recorder a Partial Discharge of Lis Pendens in the same or substantially the same form as attached hereto as Exhibit D.

4. For the payment of the Settlement Amount and provision of other consideration as set forth herein, Stauber Properties and its representatives, successors, and assigns hereby fully and forever release and discharge the City and the City's departments, offices, mayor,

councilors, officers, employees, agents, affiliates, insurers, attorneys, predecessors, successors, and assigns from any and all claims, demands, actions, causes of action, damages, costs, fees, disbursements, and expenses of whatever kind or nature, including specifically attorneys' fees, expert fees, costs and disbursements incurred by Stauber Properties in the Proceeding, which Stauber Properties now has or may hereafter have against the City that in any way arise out of or relate to the Proceeding, including, without limitation, the claims it may have asserted in the Proceeding. Stauber Properties understands that this release includes all claims that it or its legal representatives and assigns may have either individually or in a representative capacity.

5. Stauber Properties agrees that in making this Agreement, it is relying on its own judgment, belief, or knowledge as to all aspects of its claims and it is not relying on representations or statements made by the City or anyone representing it.


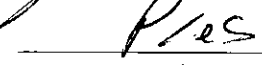
6. This Agreement contains the entire agreement among the parties to this Agreement. The terms of this Agreement are contractual and not a mere recital. The undersigned further state that they have read this Agreement, that it has been explained to them by their attorneys, that they sign it as of their own free will, and that they intend to be legally bound hereby.

7. The parties to this Agreement agree that, should any dispute arise over the interpretation of this Agreement, this Agreement will be interpreted neutrally pursuant to Minnesota law. In the event and to the extent that any provision of this Agreement is declared invalid or is unenforceable for any reason, such provision shall be deleted and shall not invalidate any other provision contained in this Agreement.

8. The parties to this Agreement represent and warrant that the undersigned have the right and authority to execute this Agreement.

9. Any court proceedings arising from or relating to this Agreement shall be venued in the Minnesota District Court for the Sixth Judicial District in Duluth, Minnesota.

**STAUBER PROPERTIES PARTNERSHIP**

By:   
Its:   
Date: 6/8/21

**CITY OF HERMANTOWN**

By: \_\_\_\_\_  
Wayne Boucher

Its: Mayor

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

By: \_\_\_\_\_  
Bonnie Engseth

Its: City Clerk

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

**Attachments**

Exhibit A: Easement Agreement

Exhibit B: Voucher

Exhibit C: Notice of Dismissal

Exhibit D: Discharge of Lis Pendens

## EXHIBIT A

### PARCEL 8 PERMANENT EASEMENT AGREEMENT AND TEMPORARY EASEMENT AGREEMENT

[TOP THREE INCHES RESERVED FOR RECORDING DATA]

THIS INDENTURE is made and entered into this \_\_\_\_ day of \_\_\_\_\_, 2021, between **Stauber Properties Partnership**, a Minnesota general partnership, hereinafter called "Grantor" and **City of Hermantown**, a Minnesota municipal corporation, hereinafter called "Grantee" in response to the following situation:

A. Grantor is the owner of real property located in St. Louis County, Minnesota, and legally described on Exhibit A attached hereto (the "Property").

B. Grantee desires to construct a sewer line and related improvements on the Property ("Project").

C. Grantor has agreed to provide a permanent easement ("Permanent Easement") for public purposes, including, but not limited to, the construction and maintenance of a sewer line and a recreational trail, over, under, and across the property owned by Grantor, within the Permanent Easement area legally described and depicted on Exhibit B attached hereto.

D. Grantor has also agreed to provide a temporary easement ("Temporary Easement") for the construction of a sewer line and a recreational trail within the Temporary Easement area legally described and depicted on Exhibit B.

NOW, THEREFORE, in consideration of mutual covenants contained herein and for other good and valuable consideration, the receipt and sufficient of which are hereby acknowledged, the parties agree as follows:

1. The Recitals are included as a part hereof.

2. Grantor grants Grantee the Permanent Easement to construct, maintain, inspect, operate, protect, repair and replace a sewer line and recreational trail on, over and across the Permanent Easement area, together with the right to locate the Permanent Easement area by surveying and the placement of appropriate markers, if necessary, the right to enter upon and occupy as much of the Permanent Easement area as may be necessary to construct any sewer line and recreational trail thereon, including any required slope and fill, and the right to remove any and all trees and shrubs and herbage thereon and the right to clear and keep the Permanent Easement area cleared so as to allow Grantee to have access to the public improvements.

3. Grantor grants the Temporary Easement to Grantee, its agents and employees, with necessary equipment, to enter upon and have access to the Temporary Easement area for the purpose of construction work relating to the Project. The Temporary Easement shall expire and be of no force and effect two (2) years after the commencement of physical construction activities related to the Project in the Temporary Easement area.

4. Grantee shall have the right to assign or encumber the Permanent Easement and/or Temporary Easement in whole or in part and as to all or any portion of the rights accruing hereunder, subject always to the terms of this Agreement.

5. The Permanent Easement shall be perpetual and the Permanent Easement shall run with the land and shall be binding upon the heirs, successors and assigns of the parties.

6. Prior to expiration of the Temporary Easement, Grantee shall reasonably restore the Temporary Easement area to substantially the same condition prior to Grantee's entry and to the Temporary Easement area.

**[SIGNATURES APPEAR ON NEXT PAGE]**

IN WITNESS WHEREOF, the said Grantor has caused this instrument to be executed on the day and year first above written.

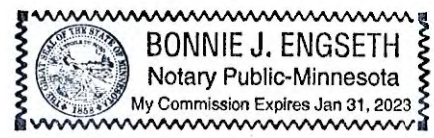
**Stauber Properties Partnership**

By *[Signature]*  
Its *pres.*

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

This instrument was acknowledged before me on this 8<sup>th</sup> day of June, 2021, by John Stauber as President of Stauber Properties Partnership and on behalf of Stauber Properties Partnership, a Minnesota general partnership.

*Bonnie Engseth*  
Notary Public



[ACCEPTANCE APPEARS ON NEXT PAGE]

**ACCEPTANCE**

The City of Hermantown hereby accepts the foregoing easement.

Dated: \_\_\_\_\_

**CITY OF HERMANTOWN**

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

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

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

The foregoing instrument was acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_, 2021, by Wayne Boucher and Bonnie Engseth, the Mayor and City Clerk, respectively, of the City of Hermantown and on behalf of the City of Hermantown.

\_\_\_\_\_  
Notary Public

THIS INSTRUMENT WAS DRAFTED BY:  
Steven C. Overom  
Overom Law, PLLC  
11 East Superior Street – Suite 543  
Duluth, MN 55802  
218-625-8460

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

The South Half of the South Half of the Northeast Quarter of the Northeast Quarter, except the Easterly 660 feet thereof, Section 24, Township 50 North of Range 15, West of the Fourth Principal Meridian, St. Louis County, Minnesota.

Parcel No. 395-0010-06540



## EXHIBIT B

### Permanent Easement and Temporary Easement

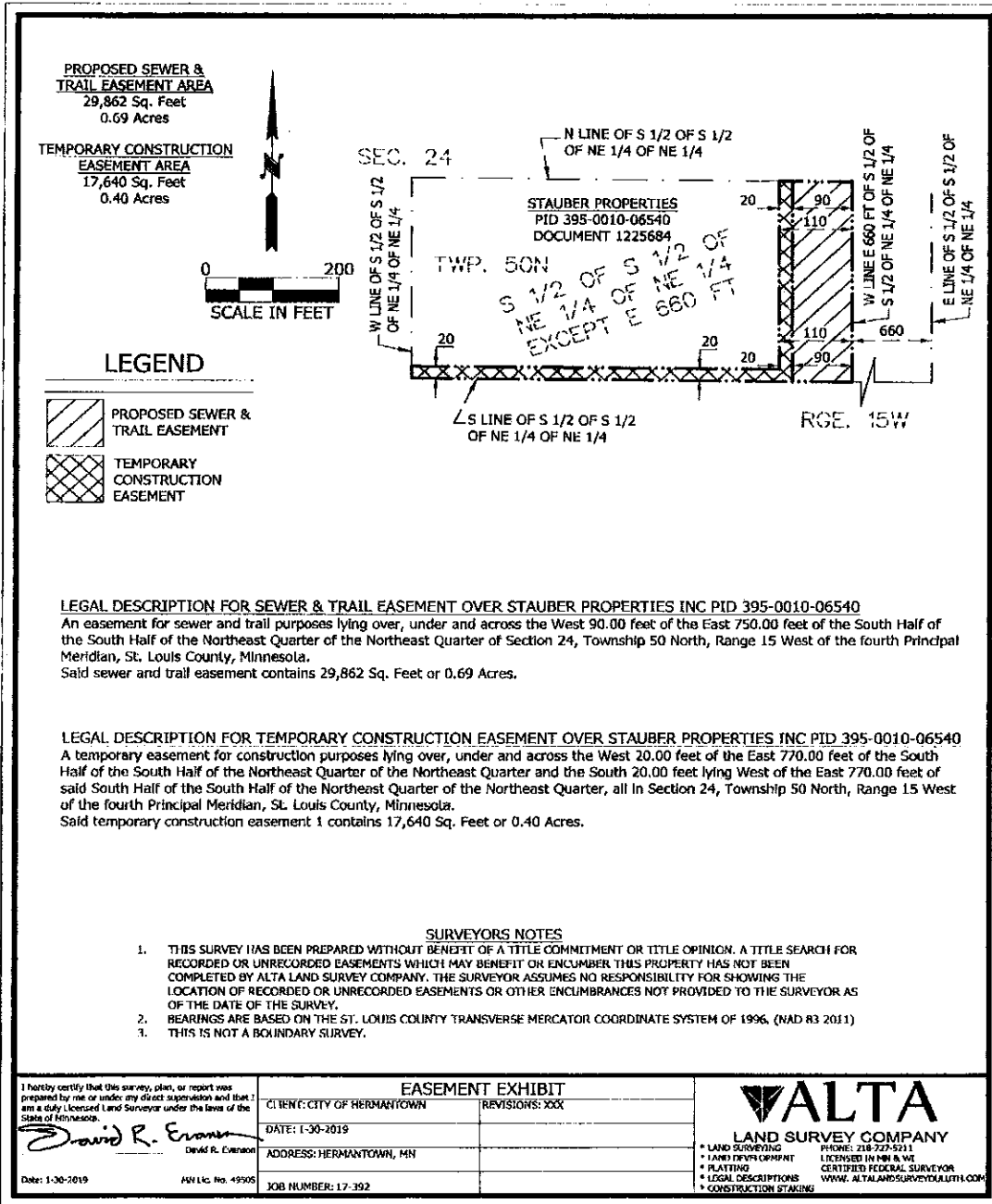


EXHIBIT B



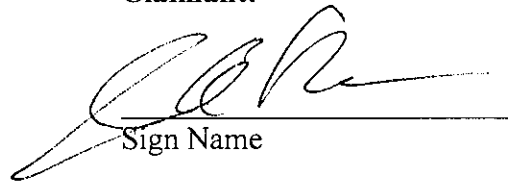
ACCOUNTS PAYABLE VOUCHER

Date:	
Claimant Name: Stauber Properties Partnership	Dept: Finance

Date	Explanation	Amount
	Section 24 Sewer Trunk Line Project – Easements	\$10,000.00
	Total	\$10,000.00

I declare under the penalties of law that this claim is just and correct and no part of this has been paid.

Claimant:

  
\_\_\_\_\_  
Sign Name

*John Stauber*  
\_\_\_\_\_  
Print Name

For Accounting Use Only

Account	Debit	Credit	Balance
			\$
			\$
			\$
			\$
			\$
			\$

City Approval:

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

**EXHIBIT C**

2. Condemnation

STATE OF MINNESOTA

DISTRICT COURT

COUNTY OF ST. LOUIS

SIXTH JUDICIAL DISTRICT

City of Hermantown,

Court File No. 69DU-CV-19-1503

Petitioner,

vs.

**NOTICE OF DISMISSAL  
OF RESPONDENT  
STAUBER PROPERTIES  
PARTNERSHIP ONLY**

Godmare Properties, LLC, a Minnesota limited liability company, Donald E. Kallos, a/k/a Donald E. Kallos II, Olivia S. Kallos, Mortgage Electronic Registration Systems, Inc., a Delaware corporation, Northwood Properties Incorporated, a/k/a Northwoods Properties Incorporated, a Minnesota corporation, Stauber Properties Partnership, a Minnesota general partnership, Larson Enterprises, a Minnesota general partnership, Bremer Bank, National Association, a national banking association, Gerald E. Plaisted, Kent A. Oliver, Debra J. Oliver, Donald J. Frye, Margaret Frye, Western National Bank of Duluth, a national bank, Maple Grove Estates Limited Partnership, a Minnesota limited partnership, and all other persons unknown, claiming any right, title, estate, interest, or lien in the real estate described herein,

Respondents.

**IN THE MATTER OF THE CONDEMNATION OF CERTAIN LAND  
FOR SEWER AND RECREATION TRAIL PURPOSES**

Petitioner, City of Hermantown, has acquired, through direct purchase, permanent and temporary construction easements over the property owned by Respondent Stauber Properties

Partnership, which were described and included in the Petition filed in the above-captioned proceeding.

Accordingly, please take notice that Kimberly J. Maki, attorney for Petitioner, elects to dismiss, without prejudice, the above-captioned eminent domain proceeding as to Respondent Stauber Properties Partnership only.

Said election is made pursuant to Rule 41.01 of the Minnesota Rules of Civil Procedure.

Dated: \_\_\_\_\_, 2021.

OVEROM LAW, PLLC

BY: /s/Kimberly J. Maki  
Kimberly J. Maki (#333712)  
100 N. 5th Ave. W., #501  
Duluth, MN 55802-1298  
Telephone: (218) 726-2323  
*Attorney for Petitioner,*  
*City of Hermantown*

**EXHIBIT D**

(Top 3 inches reserved for recording data)

---

City of Hermantown ,

Petitioner,

v.

SIXTH JUDICIAL DISTRICT

Court File No. 69DU-CV-19-1503

Godmare Properties, LLC, a Minnesota limited liability company, Donald E. Kallos, a/k/a Donald E. Kallos II, Olivia S. Kallos, Mortgage Electronic Registration Systems, Inc., a Delaware corporation, Northwood Properties Incorporated, a/k/a Northwoods Properties Incorporated, a Minnesota corporation, Stauber Properties Partnership, a Minnesota general partnership, Larson Enterprises, a Minnesota general partnership, Bremer Bank, National Association, a national banking association, Gerald E. Plaisted, Kent A. Oliver, Debra J. Oliver, Donald J. Frye, Margaret Frye, Western National Bank of Duluth, a national bank, Maple Grove Estates Limited Partnership, a Minnesota limited partnership, and all other persons unknown, claiming any right, title, estate, interest, or lien in the real estate described herein,

Respondents.

**PARTIAL DISCHARGE  
OF LIS PENDENS**

---

The undersigned, Kimberly J. Maki, does hereby certify that the Notice of Lis Pendens recorded on June 5, 2019, as Document Number 01356070 in the Office of the County Recorder and Document Number 1011162.0 in the Office of the County Registrar, both of St. Louis County, Minnesota, is hereby discharged as to the following-described property owned by Stauber Properties Partnership only:

The South Half of the South Half of the Northeast Quarter of the Northeast Quarter, except the Easterly 660 feet thereof, Section 24, Township 50 North of Range 15, West of the Fourth Principal Meridian, St. Louis County, Minnesota.

---

*(signature of Attorney for Petitioner)*

Kimberly J. Maki (#333712)  
Attorney for the City of Hermantown  
100 N. 5th Avenue West, #501  
Duluth, MN 55802  
Telephone No.: (218) 726-2323

State of Minnesota, County of St. Louis

This instrument was acknowledged before me on \_\_\_\_\_, 2021, by Kimberly J. Maki.

---

Notary Public

THIS INSTRUMENT WAS DRAFTED BY:  
**Kimberly J. Maki**  
100 N. 5th Avenue W., #501  
Duluth, MN 55802

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



**DATE:** June 15, 2021

**Meeting Date:** 6/21/21

**SUBJECT:** Settlement Agreement –  
Northwoods Properties Easement  
Acquisition

**Agenda Item: 12-D**      **Resolution 2021-72**

---

**REQUESTED ACTION**

**Approve a settlement agreement with Northwoods Properties for a sewer easement for the Section 24 sewer project for \$300,000**

---

**BACKGROUND**

The City has reached a proposed agreement with John Stauber for the sewer easement for the Section 24 sewer project. The proposed settlement allows the City to avoid a long drawn out costly process within the courts. The settlement is for \$300,000.

---

**SOURCE OF FUNDS (if applicable)**

Sales Tax 240-432510-510

---

**ATTACHMENTS**

Settlement Agreement

**Resolution No. 2021-72**

**RESOLUTION AUTHORIZING AND DIRECTING  
THE MAYOR AND CITY CLERK TO EXECUTE AND DELIVER  
A SETTLEMENT AGREEMENT BETWEEN THE CITY OF HERMANTOWN AND  
NORTHWOOD PROPERTIES INCORPORATED A/K/A NORTHWOODS PROPERTIES  
INCORPORATED (“NORTHWOODS”)**

WHEREAS, the City of Hermantown (“City”) commenced a condemnation action in the Sixth Judicial District, County of St. Louis against the Northwoods in the case entitled *City of Hermantown v. Godmare Properties, LLC, et al.*; and

WHEREAS, in order to avoid further litigation, the City and Northwoods desire to enter into the Settlement Agreement (“Agreement”) attached hereto as Exhibit A; and

WHEREAS, the Northwoods has executed the Agreement; and

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

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

1. The Mayor and City Clerk are hereby authorized and directed to execute and deliver the Settlement Agreement attached hereto.

2. The City Attorney, in collaboration with Kimberly Maki, is hereby authorized and directed to complete and file all documents necessary to comply with the Settlement Agreement.

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:

None

WHEREUPON, such resolution was declared duly passed and adopted June 21, 2021.





OFFICE OF THE SAINT LOUIS COUNTY ATTORNEY

MARK S. RUBIN COUNTY ATTORNEY

June 7, 2021

VIA EMAIL: [morman@btolawyers.com](mailto:morman@btolawyers.com)

Mr. Michael Orman  
Attorney at Law  
Beaumier, Trogdon, Orman,  
Hurd & Viegas, P.L.L.P.  
227 W 1<sup>st</sup> Street, Suite 610  
Duluth, MN 55802

RE: *City of Hermantown v. Godmare Properties, LLC, et al.*  
Sixth Judicial Court Case No. 69DU-CV-19-1503

Dear Mr. Orman:

The purpose of this letter is to summarize our telephone conversation regarding final details of the settlement between the City of Hermantown and Northwoods Properties and to provide revised settlement documents reflecting our conversation. As we discussed, Hermantown has made an offer, contingent on City Council approval, in the amount of \$300,000 in full and final settlement of any and all claims and disputes that are or may be involved in this proceeding. This amount is in addition to the \$25,700 already paid to your client by the City.

The \$300,000 is inclusive of all court costs, attorney's fees, appraisal fees exceeding the \$5,000 already paid, and any other expenses your client has or may have incurred in this proceeding. The City will not agree to any additional terms or conditions.

With this change and with revisions to the settlement agreement and payment voucher (see attached), you have indicated your client will accept the City's offer. Please sign and have your client sign this letter evidencing your client's acceptance.

The City will be holding a closed session to discuss the settlement offer on Monday, June 7, 2021, at 5:00 p.m. Formal approval will be considered at the June 21, 2021, City Council meeting. Upon formal approval, we can arrange for execution of the settlement agreement and related documents.

DULUTH COURTHOUSE  
101 N FIFTH AVE W, #501  
DULUTH, MINNESOTA 55802  
218-726-2321

GOVERNMENT SERVICES CENTER  
320 W SECOND ST, #103  
DULUTH, MINNESOTA 55802  
218-726-2011

VIRGINIA COURTHOUSE  
300 S FIFTH AVE, #222  
VIRGINIA, MINNESOTA 55792  
218-719-7101

HERRING COURTHOUSE  
1810 TWELFTH AVE E, #107  
HERRING, MINNESOTA 55746  
218-262-0158

Mr. Michael Orman  
Page 2  
June 7, 2021

Please let me know of any questions. I look forward to hearing from you.

Sincerely,

OVEROM LAW, PLLC



KIMBERLY J. MAKI

KJM/ss  
Attachments

c: John Mulder, City Administrator (via email)  
c: Steve Overom, City Attorney (via email)

Acceptance

I, \_\_\_\_\_, on behalf of Northwood Properties, Incorporated a/k/a Northwoods Properties Incorporated, hereby accept the settlement offer made by the City of Hermantown in *City of Hermantown v. Godmare Properties, Inc. et al.*, 69DU-CV-19-1503 as set forth herein.

\_\_\_\_\_

\_\_\_\_\_  
(Printed Name)

\_\_\_\_\_  
(Date)

I, Michael Orman, legal counsel for Northwood Properties, Incorporated a/k/a Northwoods Properties Incorporated, hereby assent to my client's acceptance of the settlement offer made by the City of Hermantown in *City of Hermantown v. Godmare Properties, Inc. et al.*, 69DU-CV-19-1503 as set forth herein.

\_\_\_\_\_  
Michael Orman  
Attorney for Northwood Properties, Incorporated  
a/k/a Northwoods Properties Incorporated

\_\_\_\_\_  
(Date)

## SETTLEMENT AGREEMENT

This Settlement Agreement (the "Agreement") is entered as of \_\_\_\_\_, 2021, by and between Northwood Properties Incorporated, a/k/a Northwoods Properties Incorporated, ("Northwoods"), and the City of Hermantown (the "City").

WHEREAS, the City commenced an eminent domain proceeding against Northwoods, among others, as the fee owner of real property legally described as:

NW1/4 of SE1/4 Section 24 Township 50 North Range 15 West of the Fourth Principal Meridian

and

S1/2 of S1/2 of NE1/4 of SE1/4 of NE1/4 EXCEPT the E'ly 1 acre thereof;  
SW1/4 of NE1/4;  
SW1/4 of SE1/4 of NE1/4;  
NW1/4 of SE1/4 of NE1/4; and  
S1/2 of S1/2 of SE1/4 of SE1/4 of NE1/4 EXCEPT the N'ly 50 feet;  
All in Section 24 Township 50 North Range 15 West of the Fourth Principal Meridian

EXCEPT minerals to said S1/2 of S1/2 of NE1/4 of SE1/4 of NE1/4, EXCEPT the E'ly 1 acre thereof; and S1/2 of S1/2 of SE1/4 of SE1/4 of NE1/4 EXCEPT the N'ly 50 feet, all in Section 24 Township 50 North Range 15 West of the Fourth Principal Meridian.

S1/2 of S1/2 of NE1/4 of SE1/4 of NE1/4 EXCEPT the E'ly 1 acre thereof; and S1/2 of S1/2 of SE1/4 of SE1/4 of NE1/4 EXCEPT the N'ly 50 feet, Section 24 Township 50 Range 15 are SUBJECT to such easements and servitudes as are incident to the reservation of the mineral estate by the State of Minnesota effected by deed recorded in the office of the Registrar of Titles as Document No. 337251.

(the "Property").

WHEREAS, in the eminent domain proceeding, captioned *City of Hermantown v. Godmare Properties, LLC, et al.*, Case No. 69DU-CV-19-1503 (the "Proceeding"), the City has sought to condemn certain permanent and temporary easements over the Property in order to construct a sewer line, recreational trail and related improvements (the "Project").

WHEREAS, earlier in the Proceeding, the City paid Northwoods \$20,700, which was the City's appraised value of the taking, and \$5,000 for Northwoods' appraisal fees.

WHEREAS, the City has offered to pay Northwoods an additional \$300,000 in settlement of all claims between them in the Proceeding, and Northwoods has accepted the City's offer.

WHEREAS, the parties now wish to resolve all disputes between them relative to the Proceeding.

NOW, THEREFORE, for good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the parties agree as follows:

1. Northwoods will execute easements in the same or substantially the same form as attached hereto as Exhibits A-1 and A-2, sign a voucher for payment in the amount of \$300,000 (the "Settlement Amount") in the same or substantially the same form as attached hereto as Exhibit B, and complete a W-9 tax form. Northwoods will provide all completed documents to the City.

2. Upon receipt of the executed easements, voucher and W-9 form, the City will record the easements and submit the voucher and W-9 tax form to the Finance Department for payment of the Settlement Amount to Northwoods, which shall occur within thirty days from the date of submission of the voucher and W-9 form to the Finance Department.

3. Upon the City's payment of the Settlement Amount to Northwoods, the City shall file with the court a Stipulation of Dismissal of the Proceeding in the same or substantially the same form as attached hereto as Exhibit C and shall record in the Offices of the County Recorder and Registrar a Partial Discharge of Lis Pendens in the same or substantially the same form as attached hereto as Exhibit D.

4. For the payment of the Settlement Amount and provision of other consideration as set forth herein, including the \$25,700 previously paid to Northwoods by the City, Northwoods and its representatives, successors, and assigns hereby fully and forever release and discharge the City and the City's departments, offices, mayor, councilors, officers, employees, agents, affiliates, insurers, attorneys, predecessors, successors, and assigns from any and all claims, demands, actions, causes of action, damages, costs, fees, disbursements, and expenses of whatever kind or nature, including specifically attorneys' fees, expert fees, costs and disbursements incurred by Northwoods in the Proceeding, which Northwoods has against the City that in any way arise out of or relate to the Proceeding, including, without limitation, the claims it may have asserted in the Proceeding. Northwoods understands that this release includes all claims that it or its legal representatives and assigns may have either individually or in a representative capacity.

5. Northwoods agrees that in making this Agreement, it is relying on its own judgment, belief, or knowledge as to all aspects of its claims and it is not relying on representations or statements made by the City or anyone representing it.

6. This Agreement contains the entire agreement among the parties to this Agreement. The terms of this Agreement are contractual and not a mere recital. The undersigned further state that they have read this Agreement, that it has been explained to them by their attorneys, that they sign it as of their own free will, and that they intend to be legally bound hereby.

7. The parties to this Agreement agree that, should any dispute arise over the interpretation of this Agreement, this Agreement will be interpreted neutrally pursuant to Minnesota law. In the event and to the extent that any provision of this Agreement is declared invalid or is unenforceable for any reason, such provision shall be deleted and shall not invalidate any other provision contained in this Agreement.

8. The parties to this Agreement represent and warrant that the undersigned have the right and authority to execute this Agreement.

9. Any court proceedings arising from or relating to this Agreement shall be venued in the Minnesota District Court for the Sixth Judicial District in Duluth, Minnesota.

**NORTHWOOD PROPERTIES INCORPORATED  
a/k/a NORTHWOODS PROPERTIES INCORPORATED**

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

Its: \_\_\_\_\_

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

**CITY OF HERMANTOWN**

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

Wayne Boucher

Its: Mayor

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

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

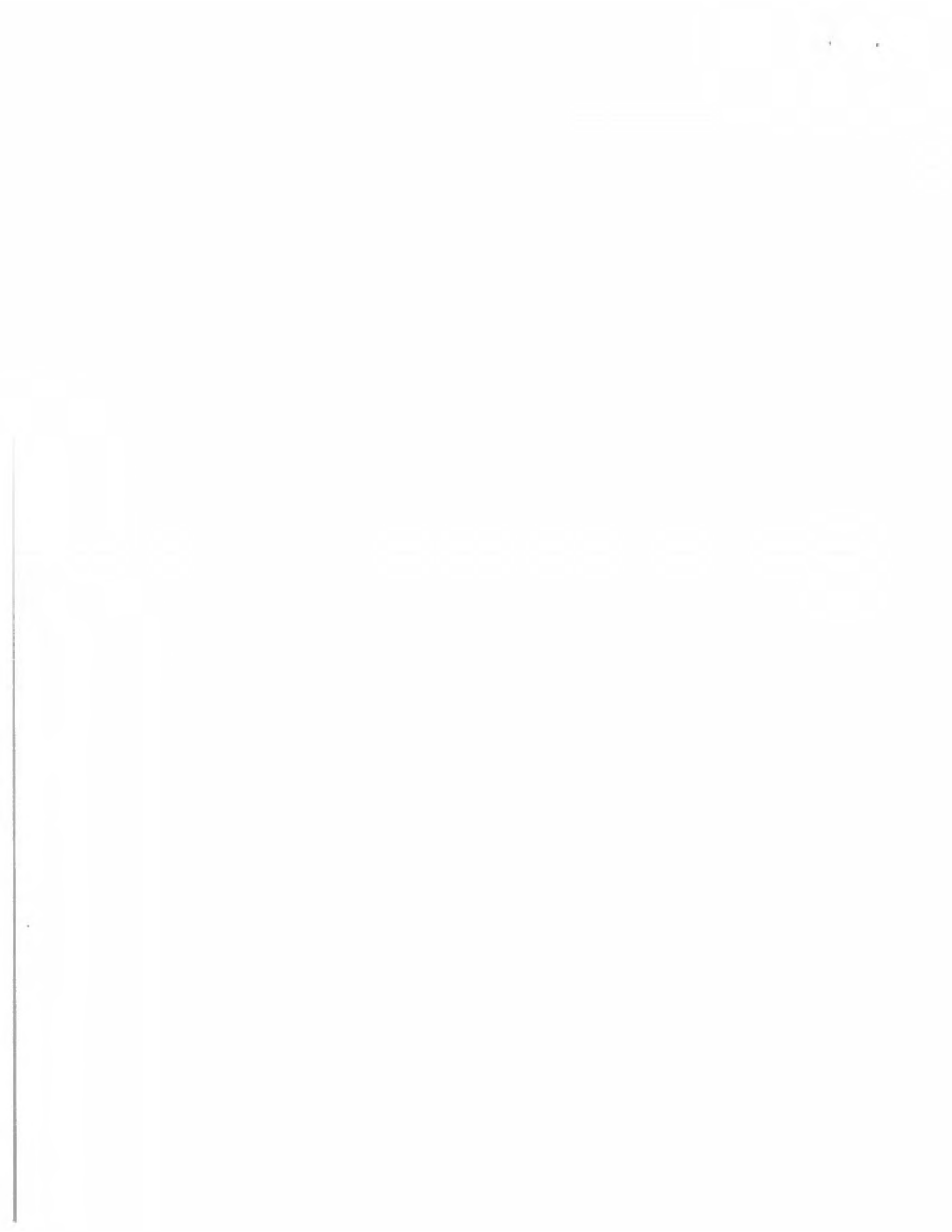
Bonnie Engseth

Its: City Clerk

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

**Attachments**

- Exhibit A-1: Parcel 5 Easement Agreement
- Exhibit A-2: Parcels 6 and 7 Easement Agreement
- Exhibit B: Voucher
- Exhibit C: Notice of Dismissal
- Exhibit D: Discharge of Lis Pendens



## EXHIBIT A-1

### PARCEL 5 PERMANENT EASEMENT AGREEMENT AND TEMPORARY EASEMENT AGREEMENT

[TOP THREE INCHES RESERVED FOR RECORDING DATA]

THIS INDENTURE is made and entered into this \_\_\_\_ day of \_\_\_\_\_, 2021, between **Northwood Properties Incorporated**, a Minnesota corporation, a/k/a **Northwoods Properties Incorporated**, a Minnesota corporation, hereinafter called "Grantor" and **City of Hermantown**, a Minnesota municipal corporation, hereinafter called "Grantee" in response to the following situation:

A. Grantor is the owner of real property located in St. Louis County, Minnesota, and legally described on Exhibit A attached hereto (the "Property").

B. Grantee desires to construct a sewer line, trail and related improvements on the Property ("Project").

C. Grantor has agreed to provide a permanent easement ("Permanent Easement") for public purposes, including, but not limited to, the construction and maintenance of a trail and sewer line, over, under, and across the property owned by Grantor, within the Permanent Easement area legally described and depicted on Exhibit B attached hereto.

D. Grantor has also agreed to provide a temporary easement ("Temporary Easement") for the construction of a trail and sewer line within the Temporary Easement area legally described and depicted on Exhibit B.

NOW, THEREFORE, in consideration of mutual covenants contained herein and for other good and valuable consideration, the receipt and sufficient of which are hereby acknowledged, the parties agree as follows:

- I. The Recitals are included as a part hereof.







IN WITNESS WHEREOF, the said Grantor has caused this instrument to be executed on the day and year first above written.

**Northwood Properties Incorporated  
a/k/a Northwoods Properties Incorporated**

By \_\_\_\_\_  
its \_\_\_\_\_

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

This instrument was acknowledged before me on this \_\_\_\_\_ day of \_\_\_\_\_, 2021, by \_\_\_\_\_ as \_\_\_\_\_ of Northwood Properties Incorporated and on behalf Northwood Properties Incorporated, a Minnesota corporation, a/k/a Northwoods Properties Incorporated, a Minnesota corporation.

\_\_\_\_\_  
Notary Public

**[ACCEPTANCE APPEARS ON NEXT PAGE]**





**EXHIBIT B**  
**Permanent Easement and Temporary Easement**

**Permanent Easements**

An easement for sewer and trail purposes lying over, under and across Northwest Quarter of the Southeast Quarter of Section 24, Township 50 North, Range 15 West of the fourth Principal Meridian, St. Louis County, Minnesota, described as follows:

Commencing at the South Quarter corner of said Section 24, Township 50 North, Range 15 West of the Fourth Principal Meridian; thence on an assumed bearing of South 89 degrees 34 minutes 08 seconds East, along the South line of Section 24 for a distance of 1314.42 feet to the East line of the Southwest Quarter of the Southeast Quarter; thence North 00 degrees 13 minutes 21 seconds West, along said East line 1318.89 feet to the Southeast corner of said Northwest Quarter of the Southeast Quarter; thence North 89 degrees 37 minutes 01 seconds West, along the South line of said Northwest Quarter of the Southeast Quarter 312.36 feet to the point of beginning of the sewer and trail easement herein described; thence North 14 degrees 32 minutes 31 seconds West 138.95 feet; thence North 33 degrees 57 minutes 45 seconds West 195.65 to a point hereinafter known as Point "A"; thence continue North 33 degrees 57 minutes 45 seconds West 26.67 feet; thence North 21 degrees 17 minutes 20 seconds West 383.98 feet to a point hereinafter known as Point "B"; thence continue North 21 degrees 17 minutes 20 seconds West 685.19 feet; thence North 43 degrees 39 minutes 44 seconds East 9.20 feet to the North line of said Northwest Quarter of the Southeast Quarter; thence North 89 degrees 39 minutes 53 seconds West, along said North line 73.51 feet; thence South 21 degrees 17 minutes 20 seconds East 466.17 feet to a point herein after known as Point "C"; thence continue South 21 degrees 17 minutes 20 seconds East 640.64 feet; thence South 33 degrees 57 minutes 45 seconds East 218.72 feet; thence South 14 degrees 32 minutes 31 seconds East 112.69 feet to said South line of the Northwest Quarter of the Southeast Quarter; thence South 89 degrees 37 minutes 01 seconds East, along said South line 62.09 feet to the point of beginning.  
Said sewer and trail easement contains 86,306 Sq. Feet or 1.98 Acres.

**AND**

An easement for sewer purposes lying over, under and across Northwest Quarter of the Southeast Quarter of Section 24, Township 50 North, Range 15 West of the fourth Principal Meridian, St. Louis County, Minnesota, described as follows:

Beginning at said Point "A"; thence on an assumed bearing of North 33 degrees 57 minutes 45 seconds West 26.67 feet; thence North 21 degrees 17 minutes 20 seconds West 34.17 feet; thence North 56 degrees 03 minutes 59 seconds East 242.50 feet; thence South 33 degrees 57 minutes 51 seconds East 59.87 feet; thence South 56 degrees 02 minutes 09 seconds West 250.00 feet to the point of beginning.  
Said sewer easement contains 14,859 Sq. Feet or 0.34 Acres.

## Temporary Easements

A temporary easement for construction purposes lying over, under and across Northwest Quarter of the Southeast Quarter of Section 24, Township 50 North, Range 15 West of the fourth Principal Meridian, St. Louis County, Minnesota, described as follows:

Beginning at said Point "B"; thence on an assumed bearing of North 21 degrees 17 minutes 20 seconds West 250.00 feet; thence North 68 degrees 42 minutes 40 seconds East 10.00 feet; thence South 21 degrees 17 minutes 20 seconds East 250.00 feet; thence South 68 degrees 42 minutes 40 seconds West 10.00 feet to the point of beginning.

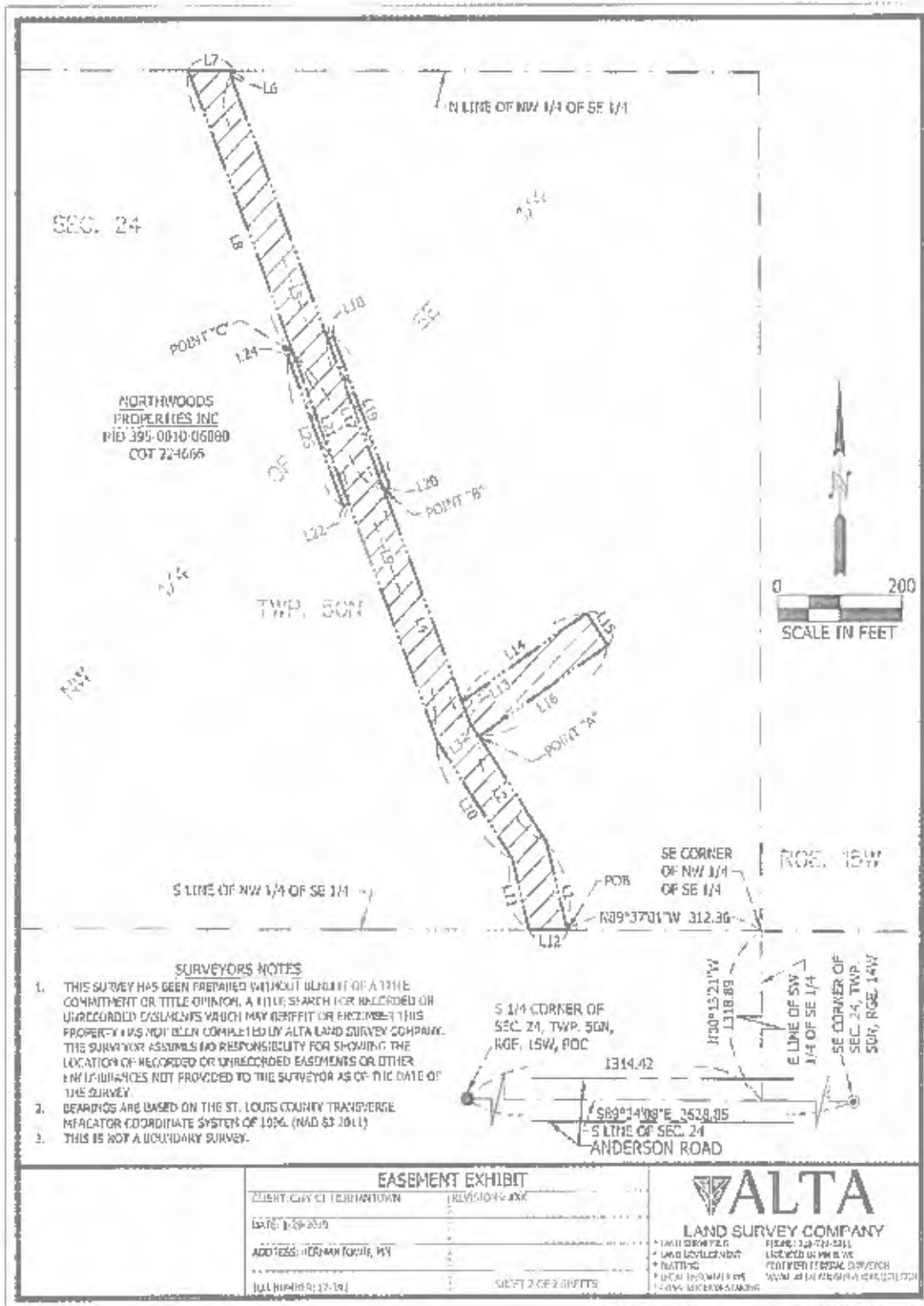
Said temporary construction easement 1 contains 2,500 Sq. Feet or 0.06 Acres.

AND

A temporary easement for construction purposes lying over, under and across Northwest Quarter of the Southeast Quarter of Section 24, Township 50 North, Range 15 West of the fourth Principal Meridian, St. Louis County, Minnesota, described as follows:

Beginning at said Point "C"; thence on an assumed bearing of South 21 degrees 17 minutes 20 seconds East 250.00 feet; thence South 68 degrees 42 minutes 40 seconds West 10.00 feet; thence North 21 degrees 17 minutes 20 seconds West 250.00 feet; thence North 68 degrees 42 minutes 40 seconds East 10.00 feet to the point of beginning.

Said temporary construction easement 2 contains 2,500 Sq. Feet or 0.06 Acres.



NORTHWOODS PROPERTIES INC  
PID 395-0010-06000  
COT 22-4666

**SURVEYORS NOTES**

1. THIS SURVEY HAS BEEN PREPARED WITHOUT BURDEN OF A TITLE COMMITMENT OR TITLE OPINION. A TITLE SEARCH OR RECORDED OR UNRECORDED EASEMENTS WHICH MAY BENEFIT OR PREJUDICE THIS PROPERTY HAS NOT BEEN COMPLETED BY ALTA LAND SURVEY COMPANY. THE SURVEYOR ASSUMES NO RESPONSIBILITY FOR SHOWING THE LOCATION OF RECORDED OR UNRECORDED EASEMENTS OR OTHER ENCUMBRANCES NOT PROVIDED TO THE SURVEYOR AS OF THE DATE OF THE SURVEY.
2. BEARINGS ARE BASED ON THE ST. LOUIS COUNTY TRANSVERSE MERCATOR COORDINATE SYSTEM OF 1094 (NAD 83 2011). THIS IS NOT A BOUNDARY SURVEY.
- 3.

**EASEMENT EXHIBIT**

CLIENT: CITY OF DEERHARTOWN	REVISION: NONE
DATE: 1-29-2019	
ADDRESS: DEERHARTOWN, MO	
TOLL NUMBER: 913-7-191	SHEET 2 OF 2 SHEETS

**ALTA**  
LAND SURVEY COMPANY

• MISSOURI REGISTERED  
• MISSOURI LICENSED SURVEYOR  
• MISSOURI LICENSED PROFESSIONAL SURVEYOR  
• MISSOURI LICENSED PROFESSIONAL SURVEYOR

PHONE: 314-721-2211  
LICENSED IN MISSOURI  
REGISTERED PROFESSIONAL SURVEYOR  
WWW.ALTA-SURVEY.COM

## EXHIBIT A-2

### PARCELS 6 AND 7 PERMANENT EASEMENT AGREEMENT AND TEMPORARY EASEMENT AGREEMENT

[TOP THREE INCHES RESERVED FOR RECORDING DATA]

THIS INDENTURE is made and entered into this \_\_\_\_ day of \_\_\_\_\_, 2021, between **Northwood Properties Incorporated**, a Minnesota corporation, a/k/a **Northwoods Properties Incorporated**, a Minnesota corporation, hereinafter called "Grantor" and **City of Hermantown**, a Minnesota municipal corporation, hereinafter called "Grantee" in response to the following situation:

A. Grantor is the owner of real property located in St. Louis County, Minnesota, and legally described on Exhibit A attached hereto (the "Property").

B. Grantee desires to construct a sewer line, trail and related improvements on the Property ("Project").

C. Grantor has agreed to provide a permanent easement ("Permanent Easement") for public purposes, including, but not limited to, the construction and maintenance of a trail and sewer line, over, under, and across the property owned by Grantor, within the Permanent Easement area legally described and depicted on Exhibit B attached hereto.

D. Grantor has also agreed to provide a temporary easement ("Temporary Easement") for the construction of a trail and sewer line within the Temporary Easement area legally described and depicted on Exhibit B.

NOW, THEREFORE, in consideration of mutual covenants contained herein and for other good and valuable consideration, the receipt and sufficient of which are hereby acknowledged, the parties agree as follows:

1. The Recitals are included as a part hereof.





IN WITNESS WHEREOF, the said Grantor has caused this instrument to be executed on the day and year first above written.

**Northwood Properties Incorporated  
a/k/a Northwoods Properties Incorporated**

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

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

This instrument was acknowledged before me on this \_\_\_\_ day of \_\_\_\_\_, 2021, by \_\_\_\_\_ as \_\_\_\_\_ of Northwood Properties Incorporated and on behalf Northwood Properties Incorporated, a Minnesota corporation, a/k/a Northwoods Properties Incorporated, a Minnesota corporation.

\_\_\_\_\_  
Notary Public

[ACCEPTANCE APPEARS ON NEXT PAGE]



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

S1/2 of S1/2 of NE1/4 of SE1/4 of NE1/4 EXCEPT the E'ly 1 acre thereof;  
SW1/4 of NE1/4;  
SW1/4 of SE1/4 of NE1/4;  
NW1/4 of SE1/4 of NE1/4; and  
S1/2 of S1/2 of SE1/4 of SE1/4 of NE1/4 EXCEPT the N'ly 50 feet;  
All in Section 24 Township 50 North Range 15 West of the Fourth Principal Meridian

EXCEPT minerals to said S1/2 of S1/2 of NE1/4 of SE1/4 of NE1/4, EXCEPT the E'ly 1 acre thereof; and S1/2 of S1/2 of SE1/4 of SE1/4 of NE1/4 EXCEPT the N'ly 50 feet, all in Section 24 Township 50 North Range 15 West of the Fourth Principal Meridian.

S1/2 of S1/2 of NE1/4 of SE1/4 of NE1/4 EXCEPT the E'ly 1 acre thereof; and S1/2 of S1/2 of SE1/4 of SE1/4 of NE1/4 EXCEPT the N'ly 50 feet, Section 24 Township 50 Range 15 are SUBJECT to such easements and servitudes as are incident to the reservation of the mineral estate by the State of Minnesota effected by deed recorded in the office of the Registrar of Titles as Document No. 337251.

This property is Torrens. Certificate of Title No. 231100

Parcel No. 395-0010-06560; 395-0010-06570



Said sewer easement contains 15,108 Sq. Feet or 0.35 Acres.

AND

An easement for trail purposes lying over, under and across Southwest Quarter of the Northeast Quarter of Section 24, Township 50 North, Range 15 West of the fourth Principal Meridian, St. Louis County, Minnesota, described as follows:

Beginning at said Point "D"; thence on an assumed bearing of South 24 degrees 27 minutes 02 seconds West 125.82 feet to said Point "E"; thence North 44 degrees 28 minutes 48 seconds West 106.08 feet; thence North 89 degrees 28 minutes 48 seconds West, parallel with said the North line of said Southwest Quarter of the Northeast Quarter 1141.41 feet to the West line of said Southwest Quarter of the Northeast Quarter; thence North 00 degrees 18 minutes 17 seconds West, along said West line 40.00 feet to the Northwest corner of said Southwest Quarter of the Northeast Quarter; thence South 89 degrees 28 minutes 48 seconds East, along said North line 1268.03 feet to the point of beginning.

Said trail easement contains 54,416 Sq. Feet or 1.25 Acres.

AND

An easement for sewer and trail purposes lying over, under and across the North 60.00 feet of the Northwest Quarter of the Southeast Quarter of the Northeast Quarter of Section 24, Township 50 North, Range 15 West of the fourth Principal Meridian, St. Louis County, Minnesota.

Said sewer and trail easement contains 39,609 Sq. Feet or 0.91 Acres.

#### Temporary Easements

A temporary easement for construction purposes lying over, under and across Southwest Quarter of the Northeast Quarter of Section 24, Township 50 North, Range 15 West of the fourth Principal Meridian, St. Louis County, Minnesota, described as follows:

Beginning at said Point "A"; thence on an assumed bearing of North 43 degrees 39 minutes 44 seconds East 351.52 feet to said Point "B"; thence South 46 degrees 20 minutes 16 seconds East 20.00 feet; thence South 43 degrees 39 minutes 44 seconds West 351.52 feet; thence North 46 degrees 20 minutes 16 seconds West 20.00 feet to the point of beginning.

Said temporary construction easement 1 contains 7,030 Sq. Feet or 0.16 Acres.

AND

A temporary easement for construction purposes lying over, under and across Southwest Quarter of the Northeast Quarter of Section 24, Township 50 North, Range 15 West of the fourth Principal Meridian, St. Louis County, Minnesota, described as follows:

Beginning at said Point "C"; thence on an assumed bearing of North 24 degrees 27 minutes 02 seconds East 803.01 feet; thence South 89 degrees 28 minutes 48 seconds East 14.06 feet to the

East line of said Southwest Quarter of the Northeast Quarter; thence South 00 degrees 12 minutes 50 seconds East, along said East line 20.00 feet; thence North 89 degrees 28 minutes 48 seconds West 12.25 feet; thence South 24 degrees 27 minutes 02 seconds West 538.40 feet; thence South 65 degrees 32 minutes 58 seconds East 10.00 feet; thence South 24 degrees 27 minutes 02 seconds West 254.13 feet; thence North 46 degrees 20 minutes 16 seconds West 21.18 feet to the point of beginning.

Said temporary construction easement 2 contains 10,747 Sq. Feet or 0.25 Acres.

AND

A temporary easement for construction purposes lying over, under and across Southwest Quarter of the Northeast Quarter of Section 24, Township 50 North, Range 15 West of the fourth Principal Meridian, St. Louis County, Minnesota, described as follows:

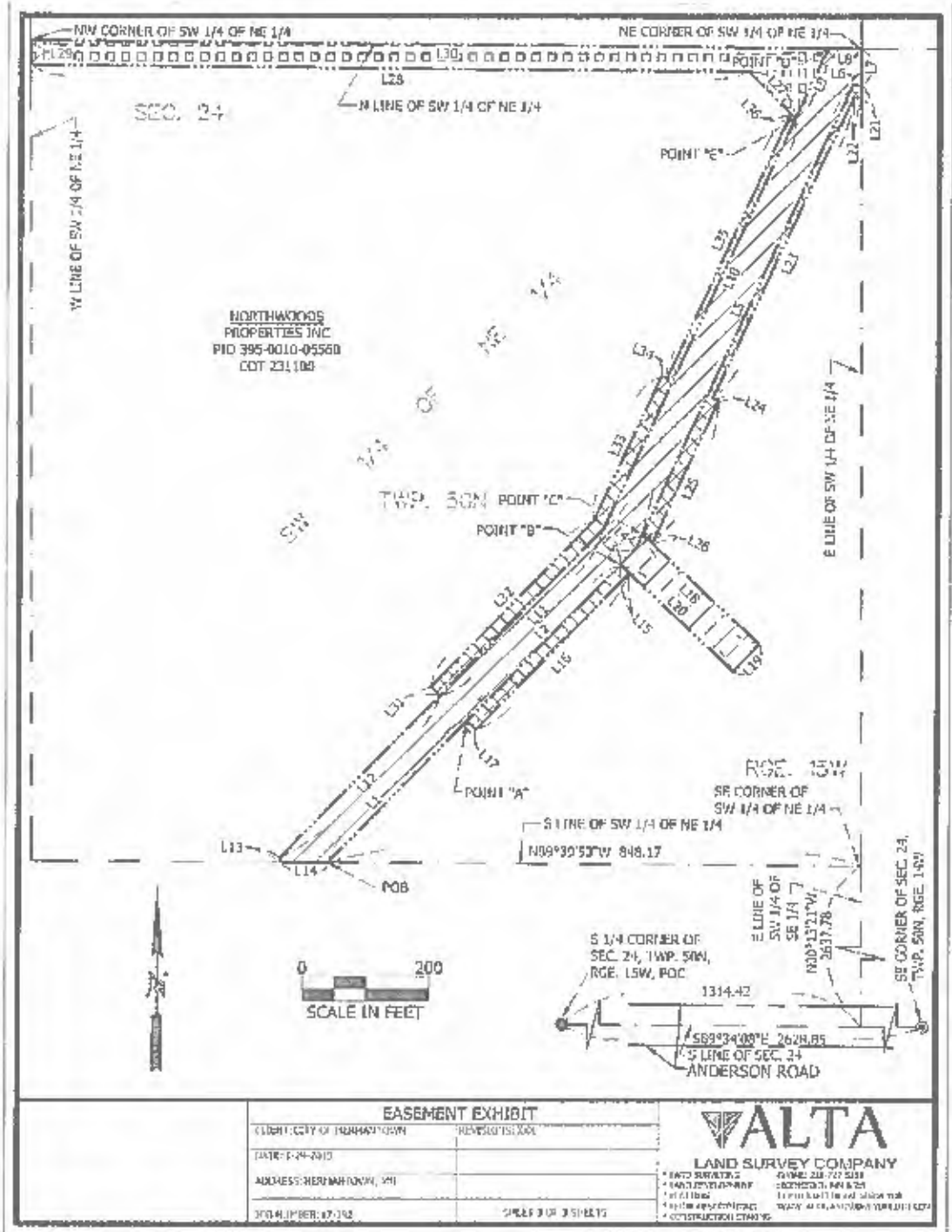
Beginning at said Point "E"; thence on an assumed bearing of South 24 degrees 27 minutes 02 seconds West 732.44 feet; thence South 43 degrees 39 minutes 44 seconds West 376.44 feet; thence North 46 degrees 20 minutes 16 seconds West 20.00 feet; thence North 43 degrees 39 minutes 44 seconds East 373.06 feet; thence North 24 degrees 27 minutes 02 seconds East 260.02 feet; thence South 65 degrees 32 minutes 58 seconds East 10.00 feet; thence North 24 degrees 27 minutes 02 seconds East 472.89 feet; thence South 44 degrees 28 minutes 48 seconds East 10.72 feet to the point of beginning.

Said temporary construction easement 3 contains 17,439 Sq. Feet or 0.40 Acres.

AND

A temporary easement for construction purposes lying over, under and across the South 20.00 feet of the North 80.00 feet of the Northwest Quarter of the Southeast Quarter of the Northeast Quarter of Section 24, Township 50 North, Range 15 West of the fourth Principal Meridian, St. Louis County, Minnesota.

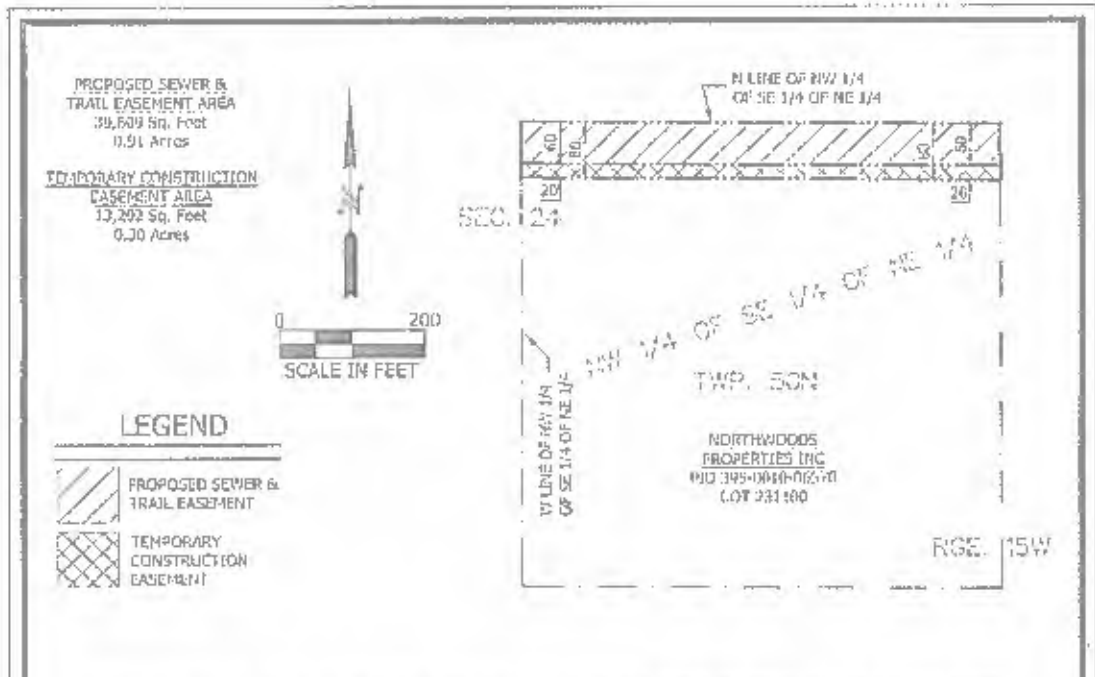
Said temporary construction easement 1 contains 13,202 Sq. Feet or 0.30 Acres.



EASEMENT EXHIBIT	
CLIENT: CITY OF IRMAHAY TOWNSHIP	REVISIONS: NONE
DATE: 5-24-2010	
ADDRESS: HERMAN TOWNSHIP, MI	
DRAWING NUMBER: 47-1102	SHEET 3 OF 3 SHEETS

**ALTA**  
 LAND SURVEY COMPANY  
 16700 SURVEYOR'S  
 14000 DEVELOPMENT  
 11000 11th  
 4000 1st Street NE  
 CONSTRUCTION CENTER  
 GRAND RAPIDS, MI 49508  
 PHONE: 226-722-5538  
 FAX: 226-722-5539  
 E-MAIL: info@alta.com  
 WWW: www.alta.com





**LEGAL DESCRIPTION FOR SEWER & TRAIL EASEMENT OVER NORTHWOODS PROPERTIES INC PID 395-0010-06570**  
 An easement for sewer and trail purposes lying over, under and across the North 60.00 feet of the Northwest Quarter of the Southeast Quarter of the Northeast Quarter of Section 24, Township 50 North, Range 15 West of the fourth Principal Meridian, St. Louis County, Minnesota.  
 Said sewer and trail easement contains 39,609 Sq. Feet or 0.91 Acres.

**LEGAL DESCRIPTION FOR TEMPORARY CONSTRUCTION EASEMENT OVER NORTHWOODS PROPERTIES INC PID 395-0010-06570**  
 A temporary easement for construction purposes lying over, under and across the South 20.00 feet of the North 60.00 feet of the Northwest Quarter of the Southeast Quarter of the Northeast Quarter of Section 24, Township 50 North, Range 15 West of the fourth Principal Meridian, St. Louis County, Minnesota.  
 Said temporary construction easement 1 contains 13,202 Sq. Feet or 0.30 Acres.

**SURVEYORS NOTES**

1. THIS SURVEY HAS BEEN PREPARED WITHOUT DULITY OF A TITLE COMMITMENT OR TITLE OPINION. A TITLE SEARCH FOR RECORDED OR UNRECORDED EASEMENTS WHICH MAY AFFECT OR FACILITATE THIS PROPERTY HAS NOT BEEN COMPLETED BY ALTA LAND SURVEY COMPANY. THE SURVEYOR ASSUMES NO RESPONSIBILITY FOR SHOWING THE LOCATION OF RECORDED OR UNRECORDED EASEMENTS OR OTHER ENCUMBRANCES NOT PROVIDED TO THE SURVEYOR AS OF THE DATE OF THE SURVEY.
2. MEASUREMENTS ARE BASED ON THE ST. LOUIS COUNTY TRANSVERSE MERCATOR COORDINATE SYSTEM OF 1983 (NAD 83 2011).
3. THIS IS NOT A BOUNDARY SURVEY.

I, the undersigned, being a duly qualified and licensed land surveyor in the State of Minnesota, do hereby certify that the foregoing is a true and correct copy of the original record of this survey as the same appears in my records.  <i>David R. Erwin</i> David R. Erwin Land Surveyor License No. 100-1000	<b>EASEMENT EXHIBIT</b>		 <b>ALTA</b> LAND SURVEY COMPANY 4301 W. WASHINGTON ST. ST. LOUIS, MO 63108 TEL: 314-241-1100 FAX: 314-241-1101 WWW.ALTA-SURVEY.COM
	DATE OF SURVEY	DATE OF RECORDING	
	ADDRESS OF GRANTEE	ADDRESS OF GRANTEE	
	LEGAL DESCRIPTION	LEGAL DESCRIPTION	



**EXHIBIT B**



**ACCOUNTS PAYABLE VOUCHER**

<b>Date:</b>	
Claimant Name: Northwood Properties Incorporated a/k/a Northwoods Properties Incorporated	Dept: Finance

Date	Explanation	Amount
	Section 24 Sewer Trunk Line Project - Easements	\$300,000.00
	<b>Total</b>	\$300,000.00

**I declare under the penalties of law that this claim is just and correct and no part of this has been paid.**

**Claimant:**

\_\_\_\_\_

**Sign Name**

\_\_\_\_\_

**Print Name**

**City Approval:**

By \_\_\_\_\_

Its \_\_\_\_\_

**For Accounting Use Only**

<b>Vendor Number</b>			
Fund	Account	Obj	Amount
			\$
			\$
			\$
			\$
			\$
			\$
<b>Total</b>			\$



**EXHIBIT C**

2. Condemnation

STATE OF MINNESOTA

DISTRICT COURT

COUNTY OF ST. LOUIS

SIXTH JUDICIAL DISTRICT

---

City of Hermantown,

Court File No. 69DU-CV-19-1503

Petitioner,

vs.

**STIPULATION OF  
DISMISSAL OF RESPONDENT  
NORTHWOOD PROPERTIES  
INCORPORATED a/k/a  
NORTHWOODS PROPERTIES  
INCORPORATED ONLY**

Godmare Properties, LLC, a Minnesota limited liability company, Donald E. Kallos, a/k/a Donald E. Kallos II, Olivia S. Kallos, Mortgage Electronic Registration Systems, Inc., a Delaware corporation, Northwood Properties Incorporated, a/k/a Northwoods Properties Incorporated, a Minnesota corporation, Stauber Properties Partnership, a Minnesota general partnership, Larson Enterprises, a Minnesota general partnership, Bremer Bank, National Association, a national banking association, Gerald E. Plaisted, Kent A. Oliver, Debra J. Oliver, Donald J. Frye, Margaret Frye, Western National Bank of Duluth, a national bank, Maple Grove Estates Limited Partnership, a Minnesota limited partnership, and all other persons unknown, claiming any right, title, estate, interest, or lien in the real estate described herein,

Respondents.

---

**IN THE MATTER OF THE CONDEMNATION OF CERTAIN LAND  
FOR SEWER AND RECREATION TRAIL PURPOSES**

---

Petitioner, City of Hermantown, has acquired, through direct purchase, permanent and temporary construction easements over the properties owned by Respondent Northwood Properties

Incorporated a/k/a Northwoods Properties Incorporated which were described and included in the Petition filed in the above-captioned proceeding.

Accordingly, please take notice that Kimberly J. Maki, attorney for Petitioner, and Michael Orman, attorney for Respondent Northwood Properties Incorporated a/k/a Northwoods Properties Incorporated, stipulate to the dismissal, without prejudice, of the above-captioned eminent domain proceeding as to Respondent Northwood Properties Incorporated a/k/a Northwoods Properties Incorporated only.

Said election is made pursuant to Rule 41.01 of the Minnesota Rules of Civil Procedure.

Dated: \_\_\_\_\_, 2021.

Dated: \_\_\_\_\_, 2021.

**BEAUMIER TROGDON ORMAN  
HURD & VIEGAS, P.L.L.P.**

**OVEROM LAW, PLLC**

BY: \_\_\_\_\_  
Michael E. Orman (#127498)  
227 W. 1<sup>st</sup> Street, Suite 610  
Duluth, MN 55802  
Telephone: (218) 722-1000  
*Attorney for Respondent  
Northwood Properties Incorporated  
a/k/a Northwoods Properties Incorporated*

BY: \_\_\_\_\_  
Kimberly J. Maki (#333712)  
100 N. 5th Ave. W., #501  
Duluth, MN 55802-1298  
Telephone: (218) 726-2323  
*Attorney for Petitioner,  
City of Hermantown*

**EXHIBIT D**

(Top 3 inches reserved for recording data)

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City of Hermantown ,

Petitioner,

v.

Godmare Properties, LLC, a Minnesota limited liability company, Donald E. Kallos, a/k/a Donald E. Kallos II, Olivia S. Kallos, Mortgage Electronic Registration Systems, Inc., a Delaware corporation, Northwood Properties Incorporated, a/k/a Northwoods Properties Incorporated, a Minnesota corporation, Stauber Properties Partnership, a Minnesota general partnership, Larson Enterprises, a Minnesota general partnership, Bremer Bank, National Association, a national banking association, Gerald E. Plaisted, Kent A. Oliver, Debra J. Oliver, Donald J. Frye, Margaret Frye, Western National Bank of Duluth, a national bank, Maple Grove Estates Limited Partnership, a Minnesota limited partnership, and all other persons unknown, claiming any right, title, estate, interest, or lien in the real estate described herein,

Respondents.

---

SIXTH JUDICIAL DISTRICT  
Court File No. 69DU-CV-19-1503

**PARTIAL DISCHARGE  
OF LIS PENDENS**

The undersigned, Kimberly J. Maki, does hereby certify that the Notice of Lis Pendens recorded on June 5, 2019, as Document Number 01356070 in the Office of the County Recorder and Document Number 1011162.0 in the Office of the County Registrar, both of St. Louis County, Minnesota, is hereby discharged as to the following-described properties owned by Northwood Properties Incorporated a/k/a Northwoods Properties only:

NW1/4 of SE1/4 Section 24 Township 50 North Range 15 West of the Fourth Principal Meridian

and

S1/2 of S1/2 of NE1/4 of SE1/4 of NE1/4 EXCEPT the E'ly 1 acre thereof;  
SW1/4 of NE1/4;  
SW1/4 of SE1/4 of NE1/4;  
NW1/4 of SE1/4 of NE1/4; and  
S1/2 of S1/2 of SE1/4 of SE1/4 of NE1/4 EXCEPT the N'ly 50 feet;  
All in Section 24 Township 50 North Range 15 West of the Fourth Principal Meridian

EXCEPT minerals to said S1/2 of S1/2 of NE1/4 of SE1/4 of NE1/4, EXCEPT the E'ly 1 acre thereof; and  
S1/2 of S1/2 of SE1/4 of SE1/4 of NE1/4 EXCEPT the N'ly 50 feet, all in Section 24 Township 50 North  
Range 15 West of the Fourth Principal Meridian.

S1/2 of S1/2 of NE1/4 of SE1/4 of NE1/4 EXCEPT the E'ly 1 acre thereof; and S1/2 of S1/2 of SE1/4 of  
SE1/4 of NE1/4 EXCEPT the N'ly 50 feet, Section 24 Township 50 Range 15 are SUBJECT to such  
easements and servitudes as are incident to the reservation of the mineral estate by the State of Minnesota  
effected by deed recorded in the office of the Registrar of Titles as Document No. 337251.

*(Signature of Attorney for Petitioner)*

Kimberly J. Maki (#333712)  
Attorney for the City of Hermantown  
100 N. 5th Avenue West, #501  
Duluth, MN 55802  
Telephone No.: (218) 726-2323

State of Minnesota, County of St. Louis

This instrument was acknowledged before me on \_\_\_\_\_, 2021, by Kimberly J. Maki.

\_\_\_\_\_  
Notary Public

THIS INSTRUMENT WAS DRAFTED BY:  
Kimberly J. Maki  
100 N. 5th Avenue W., #501  
Duluth, MN 55802

**TO:** Mayor & City Council

**FROM:** Joe Wicklund, Communications  
Director

**DATE:** June 15, 2021

**Meeting Date:** 6/21/21

**SUBJECT:** Performance Measures

**Agenda Item: 12-E**

**Resolution 2021-73**



### **REQUESTED ACTION**

**Adopt resolution for Performance Measures and implement a minimum of ten performance measures**

### **BACKGROUND**

In 2010, the State Legislature created the Council on Local Results and Innovation and developed a standard set of performance measures that will aid residents, taxpayers and state and local elected officials in determining the efficiency of local services. As of 2018, cities that choose to participate are eligible for a \$0.14 per capita in local government aid (LGA), not to exceed \$25,000 and are also exempt from levy limits under Minnesota statutes sections 275.70 to 275.74 for taxes payable in the following calendar year.

The original Resolution 2018-60 was passed in 2018. Each year going forward, a new Resolution needs to be passed and along with survey results, submitted to Office of State Auditor.

### **SOURCE OF FUNDS (if applicable)**

### **ATTACHMENTS**

2020 Community Survey Overview with 2018 and 2019 comparatives.

**Resolution No. 2021-73**

**RESOLUTION ADOPTING PERFORMANCE MEASURES**

WHEREAS, in 2010, the Minnesota Legislature created the Council on Local Results and Innovation; and

WHEREAS, the Council on Local Results and Innovation developed a standard set of performance measures that will aid residents, taxpayers, and state and local elected officials in determining the efficacy of counties in providing services and measure residents' opinion of those services; and

WHEREAS, benefits to the City of Hermantown are outlined in MS 6.91 and include eligibility for a reimbursement as set by State statute; and

WHEREAS, any city/county participating in the comprehensive performance measurement program is also exempt from levy limits for taxes, if levy limits are in effect; and

WHEREAS, the City of Hermantown has adopted and implemented at least ten of the performance measures, as developed by the Council on Local Results and Innovation, and a system to use this information to help plan, budget, manage and evaluate programs and processes for optimal future outcomes; and

NOW, THEREFORE, BE RESOLVED that the City of Hermantown will report the results of the performance measures to its citizenry by the end of the year through publication, direct mailing, posting on the city's website, or through a public hearing at which the budget and levy will be discussed and public input allowed.

BE IT FURTHER RESOLVED, the City of Hermantown will submit to the Office of the State Auditor the actual results of the performance measures adopted by 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:

WEREUPON, such resolution was declared duly passed and adopted June 21, 2021.



# City of Hermantown

## 2020 Community Survey Overview

2018	2019		2020
96%	95%	Agree Hermantown is a safe city	97%
77%	84%	Agree fire protection is good/excellent	72%
62%	76%	Agree city services is good/excellent	66%
76%	81%	Agree the overall appearance of Hermantown good/excellent	86%



Condition of streets is good/excellent

2020  
47%

2018 2019  
42% 43%



Quality of snowplowing is good/excellent

2020  
77%

2018 2019  
65% 74%



Quality of water supply is good/excellent

2020  
74%

2018 2019  
65% 68%



Quality of sanitary service is good/excellent

2020  
71%

2018 2019  
58% 67%



Quality of parks and trails is good/excellent

2020  
50%

2018 2019  
38% 54%

### Changes in Taxable Market Value

Assessor's Estimated Market Value	Assessor's Taxable Market Value	Net Tax Capacity	Taxable Net Tax Capacity	% Change in Tax Net Capacity
\$1,144,642,600	1,138,860,858	20,683,685	14,180,025	3.00%

**TO:** Mayor & City Council

**FROM:** John Mulder, City  
Administrator

**DATE:** June 15, 2021

**Meeting Date:** 6/21/21

**SUBJECT:** Gates at Stebner Park

**Agenda Item:** 12-F

**Resolution 2021-74**



## **REQUESTED ACTION**

**Approval to remove gates at Stebner Park**

## **BACKGROUND**

In 2016, the Council considered Resolution 2016-89 which would have relocated the gates at Stebner Park to the back parking lot allowing access to the front parking lot. The Council considered this resolution over a couple of meetings (July 18<sup>th</sup> and August 15, 2016) and after discussing the issue with the Hermantown Youth Soccer Association.

At that time, the Park Board has discussed the location of the gate at Stebner Park and considered the possibility of either removing it or re-locating it to allow greater access to park for the general public. One of the issues raised during the discussion was the possibility of damage to the field by vehicles if the gate were removed/left open. To significantly reduce this possibility, the City acquired large rocks from the Fleet Farm construction project and placed them around the perimeter of the front parking lot so that vehicles could not drive on to the fields. Additional rocks have been placed along the back fields to prevent automobiles from getting onto the fields.

In November 2016, the City Council tabled the resolution indefinitely. The City Council did direct staff to provide a pedestrian opening at the gate, to allow residents to walk into the park from that point.

Since that time, the City with assistance from the County, constructed a 10 foot wide accessible path from the intersection of Maple Grove and Stebner through the park ending at the parking lot near the concession building.

Within the next month or two, the City full expects to complete the new trail from Stebner Park to Hermantown Road through Section 24. This trail will also connect to the intersection of Maple Grove and Haines Road. Stebner Park will likely serve as a trailhead for residents who wish to use this trail.

One of the major impetus for constructing the sewer line along Maple Grove in 2019 and the Section 24 Sewer trunk line was to allow the property adjacent to Stebner Park to the east (i.e. Stebner Farms) to develop. With the completion of these sewer projects, the development pressure on these parcels along with potential development within Section 24 will only intensify.

On June 15, 2021, the Park Board recommended the removing the gates on a 4-1 vote.

**SOURCE OF FUNDS (if applicable)**

---

**ATTACHMENTS**

**Resolution No. 2021-74**

**RESOLUTION APPROVING THE REMOVAL OF THE GATES AT STEBNER PARK**

WHEREAS, the City has committed considerable public money in creating the soccer fields at Stebner Park.

WHEREAS, the Hermantown Youth Soccer Association has a nonexclusive user agreement to use the Stebner Park,

WHEREAS, the Park Board has recommended that the gates be removed in order to provide better public access to the park and trails when not in use by the Soccer Association.

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

1. The Public Works Director is hereby directed to remove the existing gates at the park entrance for the greater access to the park.

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

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

Councilors

and the following voted in opposition thereto:

WHEREUPON, such resolution has been duly passed and adopted June 21, 2021.



**Resolution No. 2021-75**

**RESOLUTION RECEIVING UPDATED PRELIMINARY ENGINEERING  
REPORT AND CALLING FOR PUBLIC HEARING FOR ROAD IMPROVEMENT DISTRICT  
NO. 538 (RICHARD AVENUE AND LINDGREN ROAD)**

WHEREAS, pursuant to Resolution 2017-09H of the Hermantown Economic Development Authority (HEDA) adopted on May 11, 2017 a preliminary engineering report (“Report”) has been prepared by Northland Consulting Engineers, LLP with reference to the Road Improvement No. 538 (Richard Avenue & Lindgren Road (“Project”)) and this Report was received by HEDA on May 11, 2017; and

WHEREAS, the City has received a Local Road Improvement Grant to fund a portion of the “Project”, and

WHEREAS, the City Engineer was directed to prepare an update on the report and that update is being presented to the City Council,

WHEREAS, the City Council has been advised by Northland Consulting Engineers, LLP, the consulting engineer for such project in the Report that the Project is feasible and should best be made as proposed; and

WHEREAS, the City Council believes that it is in the best interests of the City of Hermantown that further consideration be given to the construction of Road Improvement Plan in the City of Hermantown; and

WHEREAS, Chapter 429 of the Minnesota Statutes provides that no such improvement shall be made until the City Council shall have a public hearing on such improvements following mailed notice and two publications thereof in the official newspaper stating the time and place of the hearing, the general nature of the improvement, the estimated costs thereof and the area proposed to be assessed in accordance with the law.

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

1. The Council will consider the improvement of such road in accordance with the Report and the assessment abutting property for all or a portion of the cost of the improvement pursuant to Minnesota Statutes, Chapter 429 at an estimated total cost of the improvement of \$1,925,752.30
2. A public hearing on the proposed improvements will be held **August 2, 2021 at 6:30 p.m.** in the Governmental Services Building, 5105 Maple Grove Road, Hermantown, Minnesota.
3. The notice of hearing attached hereto is approved and the City Clerk is hereby authorized and directed to cause such notice to be published twice in the official newspaper, once on **July 15, 2021** and once on **July 22, 2021**.
4. The City Clerk is further authorized and directed to mail such notice to the owner of each parcel of land within the area proposed to be assessed as described in such notice no later than **July 7, 2021**. For purpose of giving such mailed notice, owners shall be those shown to be such on the records of the St. Louis County Auditor. As to properties not listed on the records of the St. Louis County Auditor, the City Clerk shall ascertain such ownership by any practicable means and give mailed notice to such owners.

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 June 21, 2021.

NOTICE OF PUBLIC HEARING ON  
ROAD IMPROVEMENT DISTRICT NO. 538  
(RICHARD AVENUE AND LINDGREN ROAD)

NOTICE IS HEREBY GIVEN, that the City Council of the City of Hermantown will meet in the Council Chambers of Governmental Services Building, 5105 Maple Grove Road, Hermantown, Minnesota, at 6:30 p.m. on Monday, August 2, 2021 to consider the Road Improvement District No. 538 (Richard Avenue & Lindgren 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 \$1,925,752.00.

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

Bonnie Engseth, City Clerk  
City of Hermantown



**CITY OF HERMANTOWN**

**PRELIMINARY ENGINEERING REPORT  
AND  
FEASIBILITY STUDY**

**Originally Prepared: May 1, 2017**

**Updated: November 29, 2018**

**Updated: June 15, 2021**

**STREET IMPROVEMENT DISTRICT #538  
(Richard Avenue and Lindgren Road)**

**NCE JOB NUMBER: 21-8005**

**RECOMMENDED:**



**Hermantown City Engineer**

**06-15-21**

**Date**

## **TABLE OF CONTENTS**

1. Legal Basis for Report
2. Report
3. Exhibit 1.0 – Overall Map Showing Improvements
4. Exhibit 2.0 – Typically Roadway Section
5. Exhibit 3.0 – Engineer’s Estimate of Cost

## **LEGAL BASIS FOR REPORT**

This report is prepared pursuant to a Resolution approved by the Hermantown City Council calling for the preparation of a preliminary engineering report, pursuant to Minnesota Statutes Section 429.031.

This report is prepared in accordance with said Section 429.031. Specifically, this report hereby advises the City Council, in a preliminary way, as to whether the proposed improvement is necessary, cost-effective and feasible and as to whether it should best be made as proposed or in connection with some other improvement.

This report also includes the estimated cost of the improvements as recommended.

The compensation paid to Northland Consulting Engineers, LLC. for preparing this report is based on the following factors:

1. The time and labor required.
2. The experience and knowledge of the preparer.
3. The complexity and novelty of the problems involved.
4. The extent of the responsibilities assumed.

The compensation paid to Northland Consulting Engineers, LLC. for preparing this report is not based on a percentage of the estimated cost of the improvement.

## **PURPOSE**

The purpose of this report is to determine the necessity, cost effectiveness, and economic feasibility for the roadway and utility improvements to Richard Avenue, Lindgren Road, Eeve Drive, and Frontage Road.

## **DISCUSSION/BACKGROUND**

In early 2017, it was brought to city staff's attention that there is interest in development along Richard Avenue and the south side of Lindgren Road. This interest initiated the need for a study to upgrade the existing roadways and utilities.

Through discussions with the City Administrator, Public Works Director, and Community Development Director, there is interest to upgrade the roadway and utilities along Richard Avenue and Lindgren Road. The purpose of the project is to provide roadways and utilities to future developments in the Hermantown Marketplace. The project would include the extension of Richard Avenue from Eeve Drive to Lindgren Road. Lindgren road would be reconstructed from Haines Road to Loberg Avenue. Eeve Drive from Richard Avenue to Haines Road would receive a 2-inch mill and overlay. Lastly a portion of frontage road along Haines Road would be

reconditioned. Water main and storm sewer would be constructed along with a sanitary sewer main extension for future development in the area.

## **LOCAL ROAD IMPROVEMENT PROGRAM (LRIP) FUNDING**

In 2020 the city of Hermantown applied for Local Road Improvement Program (LRIP) project funding from the state of Minnesota. On June 1, 2021 the city was notified that the Richard Avenue and Lindgren Road project was selected for LRIP funds appropriated by the state legislature in 2020. The state of Minnesota has identified up to \$750,000 of available funding for this project. These funds will need to be used in either 2022 or 2023.

Eligible items include elements associated with roadway construction, including basic landscaping and turf establishment. Upgrades to plantings, amenities, and aesthetics are not eligible for LRIP funding. Engineering fees, right-of-way/easement acquisition, and utility work are not eligible for LRIP funding.

## **DESIGN**

### **Richard Avenue**

Richard Avenue is currently improved from Maple Grove Road up to Eeve Drive. The existing roadway is 32' wide with curb, gutter and sidewalk. The sidewalk only exists on the east side of the roadway. The intent of this report is to determine the feasibility of completing Richard Avenue from Eeve Drive up to Lindgren Road. The new road extension will be constructed within a right-of-way that is already in place. The new roadway will be 32 feet wide with curb, gutter, and sidewalk to match existing. The storm sewer in the existing road will be extended to serve the entire new roadway. The new storm sewer will be routed to the south and connect to the storm in Eeve Drive. The existing water main along Richard Avenue extends to an easement approximately 200 feet north of Eeve Drive. The watermain will extend from the utility easement up to Lindgren Road. The watermain will connect to a new water main along Lindgren. The sanitary sewer along Richard Avenue will not be extended.

### **Lindgren Road**

Lindgren Road is a rural section. The easternmost 400' of the roadway is bituminous that is in poor condition. This portion of road will be reconstructed to match the new 32' roadway section. The existing gravel portion of the road shrinks to a minimum of 18' wide to the west of Richard Avenue. This section of roadway will need to be significantly widened. The widening of this section will impact overhead utilities and wetlands in this area. A recent wetland delineation was completed as part of a proposed development. However, further delineation will be necessary as part of the Lindgren Road portion of the project. Lindgren Road is proposed to be 32 feet wide with curb, gutter, and a 4' sidewalk on the south side. The existing sanitary sewer system has a forcemain extending from Haines road approximately 350 feet down Lindgren. At this point it changes to a gravity main, continues to approximately 220 feet west of

Richard Avenue, then turns in a manhole and heads to the north. The existing sanitary sewer will be extended by approximately 450' to the west from this manhole. Storm sewer will be added to Lindgren road. The storm sewer system will be designed to convey water to a low point near the wetlands by Loberg Road. The stormwater will pass through a treatment basin before discharging to the wetlands. A utility easement will need to be acquired for this treatment cell. A watermain will be extended from Loberg Road to Haines Road. The main currently ends just to the east of Loberg Road. This extension will include approximately 1,200 feet of 8" water main.

### **Evee Drive**

Evee Drive is currently improved from Richard Avenue to Haines Road. The existing roadway is a 32' wide urban section with curb and gutter along with a sidewalk on the south side. The sidewalk needs to be extended approximately 95' east to connect to the sidewalk on the west side of Haines Road. The bituminous surface of Evee Drive is starting to deteriorate. While this portion of work would not qualify for LRIP funding, it is recommended that a 2" mill and overlay be performed on Evee Drive to add longevity to the road surface.

### **Haines Road Frontage Road**

Mid distance between Evee Drive and Maple Grove Road a small section of frontage road exists on the west side of Haines Road. This section of roadway is in disrepair and has poor drainage characteristics. This has been studied by both the city and St. Louis County. As part of this project the roadway will be fully re-constructed, and a proper drainage pattern will be established. The city of Hermantown would work with St. Louis County to determine the best corrective action plan.

### **Site Evaluation**

Further study of the underlying conditions and drainage characteristics within the right of way will need to be performed prior to final design of the plans.

Soils Investigation: It is recommended that soil borings be performed at every 200 lineal feet along the centerline of Lindgren Road. The frequency is determined based on the variability of upland and wetlands that are adjacent to the existing roadway. The high frequency will also provide a better understanding of the limits of muck excavation. The extension of Richard Avenue from Evee Drive to Lindgren Road is taking place on land with no past development. It is recommended that soil borings be performed every 200 lineal feet along the center of the right-of-way.

Wetland Permitting: A wetland delineation will be required within the right of way throughout the project limits. Various low points and flow paths exist throughout the project. If required, the project will need to mitigate any disturbed wetlands that are above and beyond the allowed wetland de minimis exemption. Credits from the wetland roadway bank may be an option.

### **Right-of-Way and Easement Acquisition**

One area of right-of-way acquisition will be required along Lindgren Road between Richard Avenue and Haines Road. The existing right-of-way at this location is 50 feet wide extending north from the north boundary of parcels owned by Krenzen Properties. It is recommended that this right-of-way is increased from 50 feet to 66 feet wide. The new right of way would extend north from the north boundary of parcels owned by Krenzen Properties. This would only require right-of-way acquisition from Minnesota

Power. Various construction, utility, or drainage easements may be required. The design process will determine where these easements would need to be.

## **Conclusion**

If it is staff and councils desire to continue enhancements and development in the Hermantown Marketplace, the city needs to invest in road and utility infrastructure. Further geotechnical information is needed to verify the road section. The thickness of the road section has a direct effect on the cost per foot of the roadway.

## **PROJECTED COSTS**

See Exhibit 3 for a breakdown of the cost projections of the project.

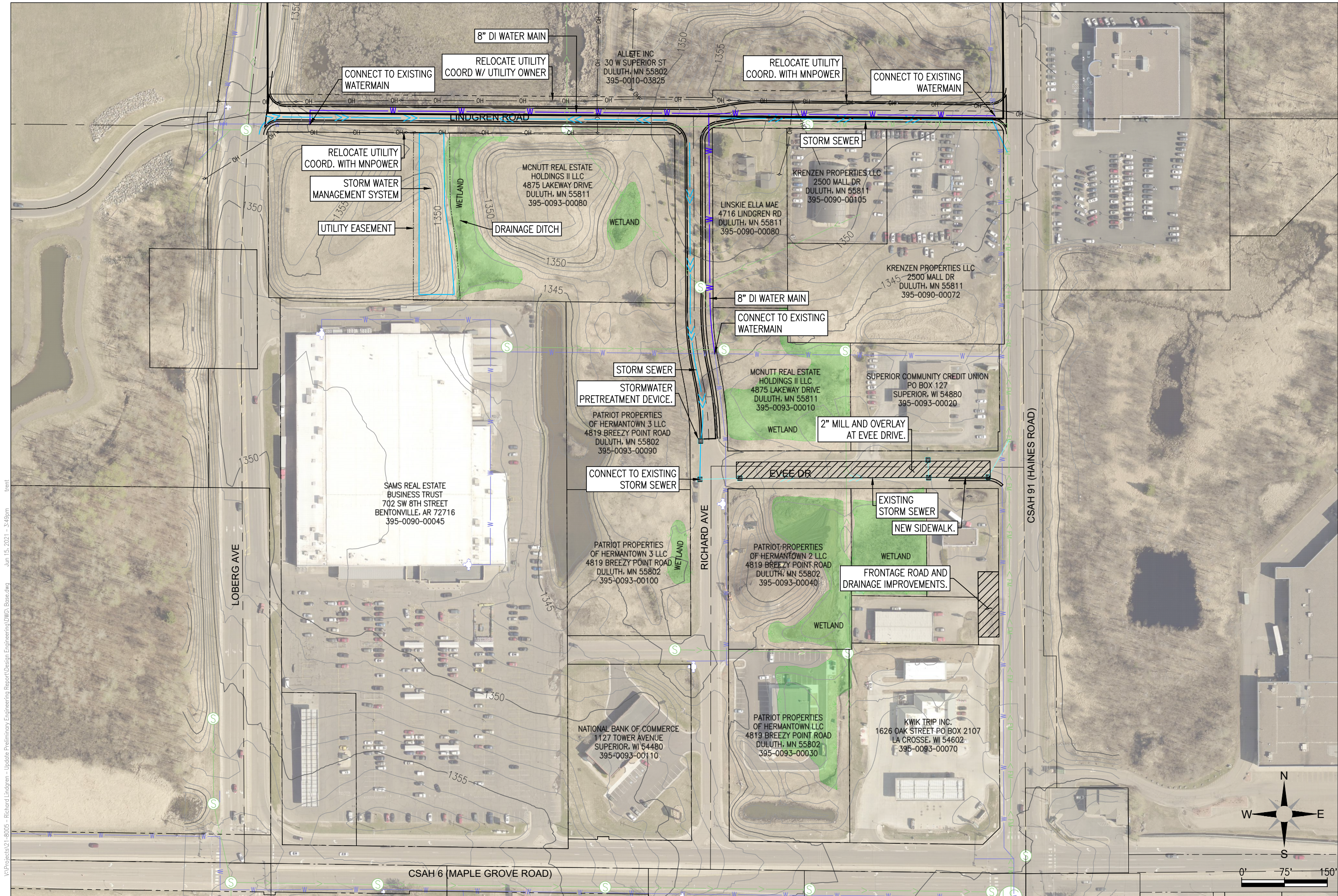
### **Estimated Construction Costs:**

Street Improvement District #538 – Richard and Lindgren	\$1,368,025.00
Evee Drive – 2” Mill and Overlay	\$15,246.00
Frontage Road - Reconstruction	\$25,000.00
<b>Estimated Total Construction Costs</b>	<b>\$1,415,021.00</b>
<b>Design and Construction Engineering (7.5%)</b>	<b>\$211,240.65</b>
<b>Wetland Delineation and Permitting</b>	<b>\$25,000.00</b>
<b>Geotechnical Evaluation</b>	<b>\$10,000.00</b>
<b>Surveying</b>	<b>\$10,000.00</b>
<b>Right-of-way Acquisition</b>	<b>\$50,000.00</b>
<b>Construction Contingency (10%)</b>	<b>\$140,827.10</b>
<b>City Administrative Cost (5%)</b>	<b>\$70,413.55</b>
<b>Estimated Total Project Costs</b>	<b>\$1,925,752.30</b>

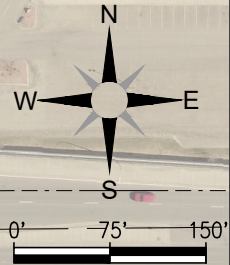
### **Projected Project Funding for Construction & Soft Costs**

Local Road Improvement Program	\$750,000.00
Storm Water Utility Fund	\$60,000.00
Water Utility Fund	\$192,000.00
Sanitary Sewer Utility Fund	\$50,950.00
Street Light Utility Fund	\$96,000.00
General Levy and Assessments	\$776,802.30
<b>Estimated Total Project Costs</b>	<b>\$1,925,752.30</b>

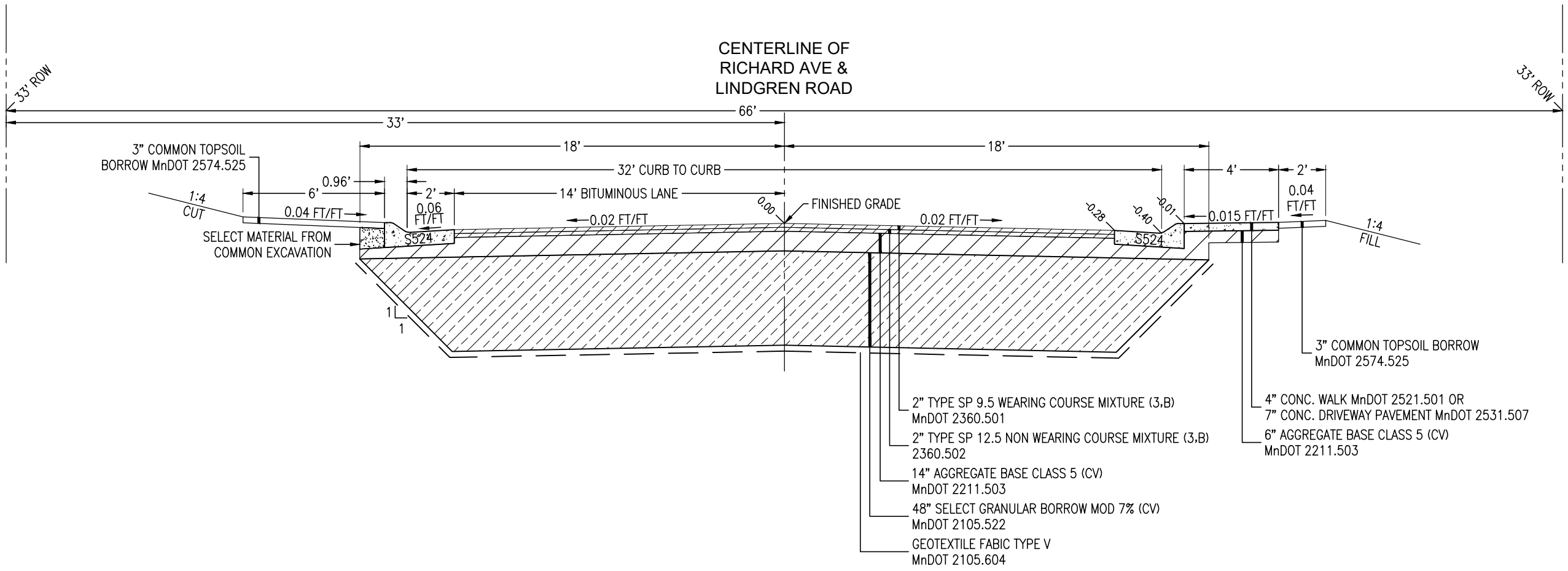




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**TYPICAL SECTION**

Sheet Title

Sheet Number  
**EX 2**





# Engineer's Estimate (Exhibit 3)

Date: 6/15/2021

Richard Avenue and Lindgren Road  
Project No.: 21-8005

Item No.	Spec. No.	Item Description	Unit of Measure	Participating Quantities	Non-Participating Quantities	Total Estimated Quantities	Estimated Unit Price	Participating Cost	Non-Participating Cost	Estimated Total Cost
1	2021.501	MOBILIZATION	LUMP SUM	0.80	0.20	1	\$ 40,000.00	\$ 32,000.00	\$ 8,000.00	\$ 40,000.00
2	2101.511	CLEARING AND GRUBBING	LUMP SUM	1		1	\$ 5,000.00	\$ 5,000.00	\$ -	\$ 5,000.00
3	2104.505	REMOVE BITUMINOUS PAVEMENT	SQ YD	1,335		1,335	\$ 6.00	\$ 8,010.00	\$ -	\$ 8,010.00
4	2105.501	COMMON EXCAVATION (EV)	CU YD	3,310		3,310	\$ 15.00	\$ 49,650.00	\$ -	\$ 49,650.00
5	2105.507	MUCK EXCAVATION (EV)	CU YD	2,620		2,620	\$ 20.00	\$ 52,400.00	\$ -	\$ 52,400.00
6	2105.522	SELECT GRANULAR BORROW MOD. 7% (CV)	CU YD	9,600		9,600	\$ 25.00	\$ 240,000.00	\$ -	\$ 240,000.00
7	2105.604	GEOTEXTILVE FABRIC TYPE 5 NON-WOVEN	SQ YD	4,965		4,965	\$ 3.00	\$ 14,895.00	\$ -	\$ 14,895.00
8	2211.503	AGGREGATE BASE (CV), CLASS 5	CU YD	2,800		2,800	\$ 30.00	\$ 84,000.00	\$ -	\$ 84,000.00
9	2232.504	MILL BITUMINOUS SURFACE	SQ YD		1,416	1,416	\$ 6.00	\$ -	\$ 8,496.00	\$ 8,496.00
10	2360.504	TYPE SP 9.5 WEAR COURSE MIX (3,C)	TON	650	75	725	\$ 90.00	\$ 58,500.00	\$ 6,750.00	\$ 65,250.00
11	2360.504	TYPE SP 12.5 NON-WEAR COURSE MIX (3,B)	TON	650		650	\$ 90.00	\$ 58,500.00	\$ -	\$ 58,500.00
12	2503.511	8" PVC PIPE SEWER - SDR 35	LIN FT		450	450	\$ 100.00	\$ -	\$ 45,000.00	\$ 45,000.00
13	2503.602	CONNECT TO EXISTING MANHOLES (SAN)	EACH		1	1	\$ 1,500.00	\$ -	\$ 1,500.00	\$ 1,500.00
14	2503.603	RC PIPE SEWER	LIN FT	1,865		1,865	\$ 20.00	\$ 37,300.00	\$ -	\$ 37,300.00
15	2506.501	DRAINAGE STRUCTURE DESIGN F	EACH	17	1	18	\$ 1,200.00	\$ 20,400.00	\$ 1,200.00	\$ 21,600.00
16	2506.516	CASTING ASSEMBLY	EACH	18	1	19	\$ 750.00	\$ 13,500.00	\$ 750.00	\$ 14,250.00
17	2506.602	INSTALL SANITARY MANHOLE	EACH		1	1	\$ 2,500.00	\$ -	\$ 2,500.00	\$ 2,500.00
18	2521.501	4" CONCRETE WALK	SQ FT		8,900	8,900	\$ 5.00	\$ -	\$ 44,500.00	\$ 44,500.00
19	2531.501	CONCRETE CURB AND GUTTER DESIGN S524	LIN FT	3,614		3,614	\$ 30.00	\$ 108,420.00	\$ -	\$ 108,420.00
20	2545.601	INSTALL SITE LIGHTING	LUMP SUM		1	1	\$ 96,000.00	\$ -	\$ 96,000.00	\$ 96,000.00
21	2563.601	TRAFFIC CONTROL	LUMP SUM	1		1	\$ 5,000.00	\$ 4,000.00	\$ -	\$ 4,000.00
22	2575.555	TURF ESTABLISHMENT	LUMP SUM	1		1	\$ 20,000.00	\$ 20,000.00	\$ -	\$ 20,000.00
23	2575.601	EROSION CONTROL	LUMP SUM	1		1	\$ 20,000.00	\$ 20,000.00	\$ -	\$ 20,000.00
24	CITY 2504	8" WATER MAIN	LIN FT		1,620	1,620	\$ 100.00	\$ -	\$ 162,000.00	\$ 162,000.00
25	CITY 2504	WATER HYDRANT	EACH		4	4	\$ 7,500.00	\$ -	\$ 30,000.00	\$ 30,000.00
26		OVERHEAD ELECTRIC RELOCATION	LUMP SUM	1		1	\$ 80,000.00	\$ 80,000.00	\$ -	\$ 80,000.00
27		STORMWATER MANAGEMENT	LUMP SUM	1		1	\$ 60,000.00	\$ 60,000.00	\$ -	\$ 60,000.00
28		PAVEMENT MARKINGS AND SIGNS	LUMP SUM	1		1	\$ 10,000.00	\$ 10,000.00	\$ -	\$ 10,000.00
29		FRONTAGE ROAD IMPROVEMENTS	LIN FT		100	100	\$ 250.00	\$ -	\$ 25,000.00	\$ 25,000.00
<b>Sub-Total</b>								<b>\$ 976,575.00</b>	<b>\$ 431,696.00</b>	<b>\$ 1,408,271.00</b>

**Construction Sub-Total \$ 1,408,271.00**

Engineering Fee (7.5% Design & 7.5% Construction)	\$ 211,240.65
Wetland Delineation & Permitting	\$ 25,000.00
Geotechnical	\$ 10,000.00
Surveying	\$ 10,000.00
Right-of-Way Acquisition	\$ 50,000.00
Construction Contingency (10%)	\$ 140,827.10
City Administrative Cost (5%)	\$ 70,413.55

**Total Project Cost \$ 1,925,752.30**

**Construction Cost Per Lineal Foot \$ 782.37**