



Hermantown City Council Meeting – July 6, 2021

Because of attendance considerations at the regular meeting location due to the health pandemic, Hermantown’s July 6, 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/81434223227?pwd=ckQ5S3o4NUFiQk1BZTZOUXMyTjdPZz09>

and/or by calling the number (312) 626-6799 and utilizing the meeting ID number of 814-3422-3227 and the passcode of 529600.

Public comment may be possible, but difficult, during the meeting, but any public comments, questions, or concerns can be e-mailed to Community Engagement Manager, Joe Wicklund, at jwicklund@hermantownmn.com up to 3:30 p.m. the day of the meeting with the e-mail title “July 6, 2021, Meeting.” It is important to note that all comments regarding the July 6, 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 Tuesday, July 6, 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.

City Council Meeting July 6, 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 Tuesday, July 6, 2021 at 4:30 p.m.
Council Chambers
Hermantown Governmental Services Building**

**City Council Meeting July 6, 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. 21-79** Residents
TO: Eric Johnson, Comm. Dev. Dir.
RE: Petition to Stop Proposed Access Road for PUD by Zierden Construction
 - B. 21-92** Janet & John Janson, 3743 Johnson Rd.
TO: City Council
RE: Zierden Development
 - C. 21-93** Residents from PZ Mtg (Zoom Chat)
TO: City Council
RE: Zierden Development
 - D. 21-94** St. Louis County Public Works Dept.
TO: Residents/Property Owners
RE: Resurfacing on Morris Thomas Rd.
 - E. 21-100** Jim Crace, Chief of Police
TO: Eric Johnson, Comm. Dev. Dir.
RE: Keene Creek Trail Subdivision – Road Access
 - F. 21-101** St. Louis County
TO: Jim Crace, Chief of Police
RE: Thank you

G. 21-102 James & Bonnie Langdon, 3733 Johnson Rd.
TO: Mayor & City Council
RE: Carlson Road Extension

H. 21-103 Jake Perry, 3779 Johnson Rd.
TO: Mayor & City Council
RE: Carlson Road Extension

I. 21-104 Gerald Marceski, 3739 Johnson Rd.
TO: Mayor & City Council
RE: Carlson Road Extension

J. 21-105 Jason Christoff, 3760 Alexander Rd.
TO: Mayor & City Council
RE: Carlson Road Extension

K. 21-106 Bart Smith, 3761 Johnson Rd.
TO: Mayor & City Council
RE: Carlson Road Extension

7. PRESENTATIONS (*Department Heads may give reports if necessary.*)

A. Kevin Orme, Director of Finance & Administration (*Pre-Agenda Only*)
RE: [Capital Improvement Plan](#)

B. Eric Johnson, Community Development Director (*Pre-Agenda Only*)
RE: [PUD Discussion](#)

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 21, 2021 City Council Continuation Minutes](#)

B. Accounts Payable – Approve general city warrants from June 16, 2021 through June 30, 2021 in the amount of \$454,214.81

(motion, roll call)

10. MOTIONS

11. ORDINANCES

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

A. 2021-76 Resolution Consenting To An Assignment Of The Special Use Permit Granted To David Kolquist And Amending Resolution No. 2005-95

(motion, roll call)

- B. 2021-77** Resolution Authorizing And Directing The Mayor And City Clerk To Execute And Deliver Development Agreement With Shaine W. Stokke

(motion, roll call)

- C. 2021-78** Resolution Approving Preliminary Planned Unit Development For The Keene Creek Trail Subdivision Development

(motion, roll call)

- D. 2021-79** Resolution Approving Preliminary Plat Of Keene Creek Trail Subdivision And Imposing Conditions On Submittal Of The Final Plat

(motion, roll call)

- E. 2021-80** Resolution Approving Pay Request Number 3 For Road Improvement District No. 537 (Lavaque Junction Road) To Ulland Brothers, Inc. In The Amount Of \$275,049.98

(motion, roll call)

- F. 2021-81** Resolution Approving Final Pay Request For Old Hwy 2 To Sinnott Contracting, LLC In The Amount Of \$15,700.25

(motion, roll call)

- G. 2021-82** Resolution Approving Change Order Number 1 For Keene Creek Park Trail

(motion, roll call)

- H. 2021-83** Resolution Approving Pay Request Number 12 For Sewer Improvement District No. 48 To Utility Systems Of America, Inc. In The Amount Of \$278,948.17

(motion, roll call)

- 13. 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

6/4/2021	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
6/16/2021	21-83	Eric Johnson, Comm. Dev. Dir.	Planning Commission	SUP, Ben Tessier, 543X Arrowhead Rd.	6/15/2021
6/16/2021	21-84	Eric Johnson, Comm. Dev. Dir.	Planning Commission	Preliminary PUD, Jay Zierden, Okerstrom & Morris Thomas Rds.	6/15/2021
6/16/2021	21-85	Eric Johnson, Comm. Dev. Dir.	Planning Commission	Preliminary Plat, Jay Zierden, Okerstrom & Morris Thomas Rds.	6/15/2021
6/16/2021	21-86	Eric Johnson, Comm. Dev. Dir.	Planning Commission	ARDC PUD Study	6/15/2021
6/16/2021	21-87	Eric Johnson, Comm. Dev. Dir.	Park Board	HYSA Shed Proposal at Stebner Park	6/7/2021
6/16/2021	21-88	Eric Johnson, Comm. Dev. Dir.	Park Board	Park Repair Update	6/15/2021
6/16/2021	21-89	Eric Johnson, Comm. Dev. Dir.	Park Board	Park Dedication Funds	6/4/2021
6/17/2021	21-90	Jodi Nash, MN Power	City of Hermantown	5/26/2021 Damage Claim #20213471	6/16/2021
6/21/2021	21-91	League of Minnesota Cities	City of Hermantown	Membership Dues	6/11/2021

6/21/2021	21-92	Janet & John Janson, 3743 Johnson Rd.	City Council	Zierden Development	6/14/2021
6/21/2021	21-93	Residents	City Council	Zierden Development	6/15/2021
6/21/2021	21-94	Steve Krasaway, St. Louis County Public Works Dept.	City of Hermantown	Resurfacing on Morris Thomas Rd.	6/15/2021
6/21/2021	21-95	Mary Robison, MN Dept. of Natural Resources	City of Hermantown	Potential Temp. Suspension of State Contract Performance	6/17/2021
6/21/2021	21-96	Corey Larson, Northern EMS Specialists	Mayor Wayne Boucher & Councilor John Geissler	Hermantown Fire Dept. and the Future	6/17/2021
6/24/2021	21-97	Kathy Nelson, 3677 Patriot Dr.	Mayor Wayne Boucher	Morris Thomas Road Upgrades	6/22/2021
6/24/2021	21-98	MN Power Real Estate Services	HEDA	495-0092-00160 - Line Survey Work	6/23/2021
6/29/2021	21-99	Brennen Duffield, B&A Property Maintenance	City of Hermantown	Walmart Pollinator Gardens	6/29/2021
6/29/2021	21-100	Jim Crace, Police Chief	Eric Johnson, Comm. Dev. Dir.	Keene Creek Trail Subdivision - Road Access	6/28/2021
6/29/2021	21-101	Kevin Gray & Amy Westbrook, St. Louis County	Jim Crace, Police Chief	COVID Testing Site	6/21/2021
6/29/2021	21-102	James & Bonnie Langdon, 3733 Johnson Rd.	Wayne Boucher, Mayor	Carlson Road Extension	6/29/2021
6/30/2021	21-103	Jake Perry, 37779 Johnson Rd.	Wayne Boucher, Mayor & City Council	Carlson Road Extension	6/29/2021
6/30/2021	21-104	Gerald Marceski, 3739 Johnson Rd.	Wayne Boucher, Mayor	Carlson Road Extension	6/29/2021

6/30/2021	21-105	Jason Christoff, 3760 Alexander Rd.	Wayne Boucher, Mayor & City Council	Carlson Road Extension	6/30/2021
7/2/2021	21-106	Lisa & Bart Smith, 3761 Johnson Rd.	Wayne Boucher, Mayor & City Council	Carlson Road Extension	6/30/2021







PETITION TO STOP PROPOSED ACCESS ROAD TO NEW DEVELOPMENT BETWEEN OKERSTROM ROAD AND JOHNSON ROAD, NORTH OF MORRIS THOMAS ROAD

MARCH, 2021

We, the undersigned, respectfully petition the City Council of Hermantown, MN, to reject the proposed access road on the city-owned easement between 3761 Johnson Rd and 3767 Johnson Rd. (proposed Carlson Road.)

We request this for the following reasons:

- * An additional road/added intersection would substantially increase traffic to an otherwise quiet neighborhood.
- * Johnson Road is 4' narrower than a typical classification of a rural road. Increased traffic, and the addition of another intersection would pose a hazard to walkers, joggers, bikers, parking, etc.
- * Johnson & Portland Road residents were recently assessed \$9,750.00 per lot for the 2020 road improvement project. Increased traffic would cause additional wear and tear to the newly completed road bed.
- * There is sufficient ingress/egress space on Morris Thomas Road to accommodate a new development
- * The increased noise of additional traffic will negatively impact our neighborhood
- * The proposed road would negatively impact the properties adjoining, and in the immediate vicinity of the proposed road.

Date	Address	Phone	Signature	
3/28/21	3704 Johnson	218 461 5061		Sandra Hendrickson
3-28-21	3715 Johnson	218-940-1474		CHARLES WIPSON
3-28-21	3718 Johnson	628-3998		Robert Pagano
3/27/21	3719 Johnson	218-461-2918		Hien Nguyen
3-27-2021	3721 Johnson	722-3515		Phyllis Seafoik
4/22/2021	3799 Alexander Rd	269.1935		Wandy Warfield

3-27-21 3736 Johnson

Nicholas Beck

Nicholas Beck

3-27-21 3722 Johnson 218 340 9088

James H. Ellis

James Ellis

3726 Johnson 218-390-4088 *Margaret Ferguson*

Margaret Ferguson

3/20/21 3729 Johnson 218-940-3369

Megan Pike

Megan Pike

4/10/21 3730 Johnson 218-837-9143

Sherril Hildebrand

Sherril Hildebrand

4/01/21 3733 Johnson

Bonnie Langdon

Bonnie Langdon

3/31/21 3739 Johnson 218-269-9777

Gerraud MacEski

Gerraud MacEski

3/29/21 3742 Johnson 218 940 6601

Damon Walker

Damon Walker

4/16/21 3743 Johnson 218-576-8437

John Jansen

John Jansen

3/28 3749 Johnson 218-5665

Craig Pilon

Craig Pilon

3750 Johnson

3-27-21 3755 Johnson 218-310-8436

Reed Kolquist

Reed Kolquist

3/25/21 3760 Johnson 2183485735

Tony Mearns

Tony Mearns

3/25 3761 Johnson 218 786-0559

Lisa Smith

Lisa Smith

3/25 3762 Johnson

Tim Anderson

Tim Anderson

3/25 3767 Johnson 218-590-1324

John Cox

John Cox

3/28 3770 Johnson 218-666-2110

Jane Mavec

Jane Mavec

3-26-2/3172 Johnson 218-206-1642 Deborah Duprey

3-25/23771 Johnson 218-348-5225 Heather Malmsstrom

3/25/21 3775 Johnson 218-391-0115 Georgianne Kuberna

3/26/21 3779 Johnson 218-969-8480 Jake Perry

3/27/21 3780 Johnson 218 343-3789 Steven Ross

3/28/21 3782 Johnson 218 605 7180 Penny Dee

3-25-21 3785 Johnson 218-766-4636 Joel Hopps

3-26-21 3789 Johnson 218-428-3598 James R Samberg - Julie Leiber James E Samberg

3-25-21 3799 Johnson 218 7271047 Robert Carlson

3/27/21 4701 Portland 218 393 8639 Steven Pederson

3-27-21 4704 Portland 218-393-0000 Jake Postal

3/29/21 4705 Portland 218-591-6734 James Lesar

3/27/21 4715 Portland Kyle Powers

3/27/21 4718 Portland 218-727-2644 James S Walker James Whate

3-27-21 4721 Portland Kathleen Johnson 733-1365 Kathleen Johnson

4729 Portland 218-393-0252 James Murray

JAMES E SAMBERG

ROBERT CARLSON

STEVEN PEDERSON

JAKE POSTAL

JAMES LESAR

KYLE POWERS

JAMES WHATE

KATHLEEN JOHNSON

JAMES MURRAY

DAVID LAPOINTE

3/25/21 | 4735 Portland Hilary Brooks 218-626-7126
HILARY BROOKS

3-27-21 | 4741 Portland Fred Lokovan
Fred Lokovan

3/31/21 | 4744 Portland Carolyn Clark
CAROLYN CLARK

3/25/21 | 4749 Portland Steven Loppala
STEVEN LOPPALA

Carolyn D. Clark 218-724-6235
763-937-2308
Carolyn D. Clark

June 14, ²⁰²¹~~2210~~ 99
 ☺

We invite any Hermantown City Council member who is involved in the decision making process of whether a road should be built perpendicular to Johnson road to adjoin the new development planned by Zeirden Construction to take a drive down Johnson and Portland Roads.

The citizens on the these roads have signed a petition to not allow this new road. When our road improvements were being planned, over a year ago, the original idea was to make them 24 feet wide, (which is the stated recommendation). The citizens suggested a road that was not just an overlay, but a complete overhaul, and advocated for 22 feet wide. We ended out with a 20 foot wide road. The road was not completely overhauled. The decision was made by engineers to add ground asphalt from the old neighboring Alexander road. We now have a smooth road and new culverts, but it is narrow and the ditches have steep sides in many areas. We traded one thing for another, so I cannot say our road has totally been improved.

I feel that adding any more traffic to our road would jeopardize safety. It has safety issues as it is.

1. The curve around Johnson to Portland is narrow. An acquaintance told me she almost hit a pedestrian as she drove around it. Recently I was walking on the left hand side going round the curve and up Portland. A car was coming behind me and one in front of me. The car behind me stopped to make room for the other car. I was walking on the edge of the pavement. It feels very crowded to me when I have met a pedestrian also.
2. When I drive and meet another car, it feels like I could almost hit the mail boxes, it is so narrow.
3. If children ride their bikes, it can be dangerous with the steep ditches and narrowness of the road.

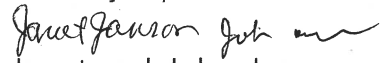
Building the new road perpendicular would only benefit the builders and maybe the city, but has absolutely no benefit to the people on the existing streets, and would increase safety hazards.

No one expected a boulevard, but it would be nice to have a wider road with less

slope of the ditches in this City of Quality Living!

There also are concerns about the new development taking away the aesthetics of the woods behind our existing house, jeopardizing water quality in the creek and impacting wetlands. Large lots would be desirable! Please be careful in this planning.

Thank you,

A handwritten signature in black ink, appearing to read "Janet Janson John Janson".

Janet and John Janson

3743 Johnson Road

Hermantown, MN 55811

CHAT FROM CITY OF HERMANTOWN – PLANNING & ZONING MEETING

JUNE 15, 2021

19:40:22 From Megan Pike : If we knew about the development we might have had a different answer about the size of the road we paid \$9750 for.

19:42:44 From Joe Pike : Electric cars are very heavy. Wear and tear on the road we paid for too.

19:44:01 From Jake Perry : and still take up space/hit people, kids, animals.

20:10:04 From City of Hermantown : If folks in the Zoom meeting would like to comment, please just put a note here and I will make sure the Chair recognizes you when the time is right. Thank you!

20:33:59 From Jennifer Pilon : If you planners knew there was going to be future development then the road plans should have been much more intentional to include this and ensure the road was wide and safe enough to take on more traffic.

20:38:50 From Jake Perry : it isn't about the development itself. if they put a cul-de-sac in there would be such a smaller concern. the reasoning for not putting a cul-de-sac is quite poor. and the concerns of adding the road is quite valid.



Saint Louis County

Public Works Department • Richard H. Hansen Transportation and Public Works Complex
4787 Midway Road, Duluth, MN 55811 • Phone: (218) 625-3830 • www.stlouiscountymn.gov

James T. Foldesi, P.E.
Public Works Director/
Highway Engineer

Construction Notification

Date: June 15, 2021
Reference: Resurfacing on CSAH 56 (Morris Thomas Road) and Left Turn Lanes on Trunk Highway 2
Project Number CP 0056-284469 (LOW) / SP 069-656-018 & CP 0056-431717 / SAP 069-656-019

Dear Resident or Property Owner:

The St. Louis County Public Works Department is sending this letter to inform you of the resurfacing project on CSAH 56 (Morris Thomas Road) between Trunk Highway 2 and Haines Road, and the left turn lane project on Trunk Highway 2 at Morris Thomas Road. Northland Constructors was the successful bidder that will construct the project which is expected to begin around July 6 and is anticipated to be completed this fall.

The Morris Thomas Road project consists of a realignment of Morris Thomas Road at Trunk Highway 2, culvert replacement, full depth reclamation, new bituminous surfacing, and gravel shoulders.

The Trunk Highway 2 project consists of the addition of a left turn lane on Trunk Highway 2 for vehicles turning onto Morris Thomas Road.

Morris Thomas Road will be closed during the culvert replacement portion of the project and for the intersection realignment work at Trunk Highway 2. You will always have access to your property, but the direction which you will have access will vary throughout the project. Changeable message boards will be installed prior to the road closure which will indicate the exact day the closure will begin. Trunk Highway 2 will be open at all times during the project.

The road closure for culvert replacements on Morris Thomas Road will be divided into three phases.

Phase 1 includes culvert replacements and realignment between Trunk Highway 2 and Ugstad Road. The detour for this phase will utilize Trunk Highway 2, Midway Road, Maple Grove Road, and Ugstad Road.

Phase 2 includes culvert replacements between Ugstad Road and Lavaque Road. The detour for this phase will utilize Ugstad Road, Maple Grove Road, and Lavaque Road.

Phase 3 includes culvert replacements between Stebner Road and Haines Road. The detour for this phase will utilize Stebner Road, Maple Grove Road, and Haines Road.

As part of St. Louis County's safety policy, new mailbox supports & mailboxes meeting the Federal crash guidelines will be installed by the Contractor. The new mailbox will be installed in approximately the same location as your existing mailbox. The old supports & mailboxes will be deposited next to your driveway for possible salvage by the owners. About 2 weeks after installation of the new supports & mailboxes, any supports & mailboxes not salvaged by the property owner will be picked up for disposal.

I encourage you to subscribe to the Public Works' email updates on the status of construction by visiting stlouiscountymn.gov/construction. Follow the "Click here to View Map of Construction Projects" link, enter your name and email address, zoom to the project on the map, then follow link for "Click to subscribe to updates."

The contacts for this project are:

St. Louis County:

Steve Krasaway, Resident Engineer (218) 625-3841

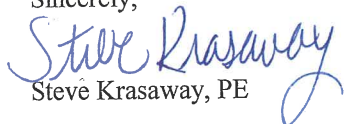
"An Equal Opportunity Employer"

St. Louis County:
Northland Constructors

Steve Ruhanen, Project Manager (218) 625-3855
Mike Johnson, Project Manager (218) 625-3172

Thank you for your attention and cooperation during this important project. If you have questions or concerns, please contact me at the number above, or by email at krasaways@stlouiscountymn.gov.

Sincerely,


Steve Krasaway, PE

CH-Eric Johnson

Subject: FW: Keene Creek Trail Subdivision - Road Access

From: HPD-Jim Crace
Sent: Monday, June 28, 2021 4:11 PM
To: CH-Eric Johnson <eric.johnson@hermantownmn.com>
Subject: RE: Keene Creek Trail Subdivision - Road Access

Eric,

The stance from the Police Department is (and always has been) that any new housing area should have two independent avenues of egress. The reasons for this is that it is much easier to patrol areas that are connected and emergency response is more predicable when there are two ways in/out of an area. In addition, for Fire/Rescue, it is better to have two ways into a neighborhood in the event that one is blocked in some fashion.

I understand that this is not always possible, but when possible, we should always strive for this as a standard.

If you have any further questions, feel free to contact me.

Sincerely,

Chief CRace



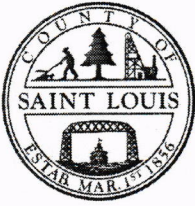
CITY OF HERMANTOWN

HERMANTOWN POLICE DEPARTMENT
5111 Maple Grove Road
Hermantown, MN 55811

Office: 218-729-1200
Voice Mail: 218-729-1202
Email: crace@hermantownmn.com

Jim Crace
Chief of Police





Saint Louis County

Administration • 100 North Fifth Avenue West, Room 202 • Duluth, MN 55802
Phone: (218) 726-2448 • Fax: (218) 726-2469 • www.stlouiscountymn.gov

Kevin Z. Gray
County Administrator

June 21, 2021

City of Hermantown
Attn: Chief Jim Crace
Via electronic mail

Dear Chief Crace,

We're reaching out to express our sincerest appreciation for allowing St. Louis County Public Health to utilize the Hermantown Police Department to host a COVID testing site.

Testing has been a key public health intervention in responding to the pandemic, and protecting Public Safety was critical to maintaining community infrastructure. We could not have reached public safety partners without your generous support.

The partnerships that have been formed in response to the pandemic truly reinforce that we are all stronger when we work together. We are grateful for all you've done (and continue to do) in support of the COVID-19 pandemic response.

Appreciatively,

Kevin Gray
County Administrator

Amy Westbrook
Public Health Division Director

CH-Bonnie Engseth

From: CH-Wayne Boucher
Sent: Tuesday, June 29, 2021 2:38 PM
To: CH-Bonnie Engseth
Subject: Fw: Carlson RD.

Please log this as correspondence

Wayne

From: James Langdon <kimberlangdon@outlook.com>
Sent: Tuesday, June 29, 2021 11:11 AM
To: CH-Wayne Boucher
Subject: Carlson RD.

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

Concerns

To: Hermantown City Council and Mayor
Regarding the Carlson Road extension:

Increased road traffic on Johnson Road- not an increase of 20 cars as stated earlier, but according to a St Louis County survey, up to 120+ cars/day

Also, this increased traffic will put excessive wear and tear on the road that WE paid for- at a cost of nearly \$10,000 per homeowner- and on a substandard road that is narrower than the developers road

In the development it shows looping the water line to Johnson Road- does this mean our new road is going to be dug up because the water line access is across Johnson Road?

You cite safety as an issue for the reason behind the Carlson Road extension- seriously? What about our safety- the walkers, the bikers, the kids, the babies in strollers....?

You stated that the Carlson Road extension is for another egress for emergency vehicles- instead of just having a cul de sac. There are MANY cul de sacs in Hermantown and I know for a fact that many homeowners have only praise for them.

Regarding the development:

According to Zierdan's proposal, there will be 12 -100' lots bordering existing Johnson Road residences. These lots are not consistent with current Johnson Road lots. According to PUD guidelines, neighborhoods should be consistent with existing properties.

When we made plans to build a garage in the back of our lot, a representative from the city of Hermantown gave us permission to fill in part of our lot but told us that the land behind us was not buildable because it was wetlands. There are wet areas behind our lot throughout the year. How can they build homes there?

For the above reasons, we are not for this plan.

James and Bonnie Langdon

3733 Johnson Road

CH-Bonnie Engseth

From: CH-Wayne Boucher
Sent: Tuesday, June 29, 2021 4:23 PM
To: CH-Bonnie Engseth
Subject: Fwd: Carlson Road Extension Opposition - Please Read Prior to July 6th City Council Meeting
Attachments: Hermantown Residents Opposed to the Carlson Road Extension.pdf; Map of New Development Likely Traffic Flow.png

Begin forwarded message:

From: JAKE E PERRY <jake_perry89@hotmail.com>
Date: Jun 29, 2021 at 3:53 PM
To: CH-Wayne Boucher <mayorboucher@hermantownmn.com>, CH-Natalie Peterson <councilorpeter@hermantownmn.com>, CH-Gloria Nelson <councilornelson@hermantownmn.com>, CH-John Geissler <councilorgeissler@hermantownmn.com>, CH-Grant Hauschild <councilorhauschild@hermantownmn.com>
Cc: CH-Joseph Wicklund <jwicklund@hermantownmn.com>
Subject: Carlson Road Extension Opposition - Please Read Prior to July 6th City Council Meeting

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

To the Hermantown Mayor and City Council,

On June 15th, the Hermantown Planning and Zoning Commission approved an application by Jay Zierden/Zierden Construction for a new development which includes an expansion to Carlson Road that allows egress onto Johnson Road. It was narrowly passed and now will be presented to you, the Hermantown City Council, during your July 6th meeting.

The residents of Johnson and Portland Road have come together in unanimous opposition to the Carlson Road expansion (**not the development itself**) with *every single household* signing a petition in opposition. Since the June 15th meeting, our community rallied together further to create and distribute flyers regarding the expansion and the upcoming city council meeting. We also created the attached high-level document and map to highlight points that both refute the reasons given by the City for the Carlson Road expansion, and why it is detrimental to the safety of the residents and the neighborhood itself. To do this in such a short period says a lot about both the issue and the neighborhood itself.

We are hopeful that you, our Hermantown Mayor and City Council members, **can review this attached document prior to the July 6th meeting.** We also strongly encourage you to drive down Johnson and Portland Road to see how narrow they are and the clear safety impact to the heavily increased traffic. If you do, we know you will see not only how important this is to our community, but how vital stopping the Carlson Road expansion is.

As it says on the Hermantown City Website: "Hermantown, Minnesota has the advantages of accessible big-city amenities while still allowing for country living and a small-town community feel.". The wonderful neighborhood of Johnson and Portland road is what Hermantown is supposed to be. You have the power to stop the Carlson Road expansion before it destroys the neighborhood for nearly zero

(or a negative) benefit for the newly proposed development.

Thank you for taking the time to consider what we have said.

Regards,

Concerned Residents of Johnson and Portland Road

Hermantown Residents Opposed to the Carlson Road Extension

City Reasons for Road Extension

Safety issue for emergency vehicles access (main reason given by City for extension)

- **Fact:** Fire Hall #2 is 2/3 mile west of the proposed Morris Thomas Road entrance to development at the intersection of Morris Thomas and Stebner Roads.
- **Fact:** Ambulance service travels north up the Haines Road from West Duluth to the intersection with Morris Thomas Road which is approximately 700 yards (1/3 mile) east of the Morris Thomas entrance to the development.
- **Fact:** Secondary egress is not a requirement for the new development. Many other older and recent developments in the City only have one form of egress.
- There should not be any realistic situations where egress is blocked into the new development if the Carlson Road extension is removed. This can be further minimized during the design and construction of the development if it is not already (unground power, removal of trees, etc.).

Easement has been in place since 1995 for the purpose of development of the property west of Johnson Road lots south of the easement.

- The development is not dependent on the Carlson Road for success.
- A cul-de-sac at the north end of the proposed Keene Creek Court would allow a turnaround for city plows and other utility vehicles.
- The Morris Thomas Road entrance/exit provides sufficient ingress/egress space for this development.

Residents Reasons to Oppose the Road Extension.

- A Petition signed by 100% of residents of the Johnson & Portland roads has been submitted to the city in opposition the Carlson Road extension. WE should be considered ahead of future residents.
- At 24' wide (including 2' shoulders on each side), the Johnson Road is designed for serve 21-30 lots according to St. Louis County website. Currently, the Johnson Road is at the maximum lots for its construction. The addition of up to 29 lots (37 Housing Units) more than doubles the rating for the road as it is designed to handle. We disagree with the City' assessment that only a handful of units will utilize the Carlson Road extension (*see attached map*).
- Johnson Rd and Portland Rd are heavily used by residents from their respective roads as well as neighboring roads. With the narrow construction of the road and increased traffic there would be serious safety concerns for pedestrians, bicyclists, joggers, etc. Blacktop surface is a mere 20' wide with narrow 2' shoulders bordering steep ditches.
- Johnson & Portland residents were recently assessed \$9750.00 per for road improvements. Increased traffic would cause excessive wear to the newly repaired road surface.
- The safety gain for future residents is minimal to non-existent while the negative safety impact to the current neighborhood is very significant.
- The Carlson Road extension would offer **ZERO** benefit to the existing neighborhood and its residents.
 - The egress could be utilized to connect to the planned multi-use trail system. This would utilize the easement and benefit both the proposed and existing neighborhoods.
- The reasons for **NOT** doing the Carlson Road extension seem to far outweigh the reasons for it. Why is the City pushing for this extension when it is a net negative benefit for safety and in general for the entire area?

We respectfully request the City Council follow the lead of the motion made by Sam Clark of the Zoning & Planning Commission to approve the proposed development WITHOUT the Carlson Road extension.



nt

3767 Johnson Rd,
Hermantown, MN 55811

--Busy 4 Stop Sign Intersection



**Yellow Line Indicates
Likely Traffic Pattern**



**Purple Line Indicates
City/Developer
Thinks Will Happen**



**Proposed Develop
Zoomed Out View**

CH-Bonnie Engseth

From: CH-Wayne Boucher
Sent: Wednesday, June 30, 2021 8:36 AM
To: CH-Bonnie Engseth
Subject: Fwd: Carlson Road Extension Opposition - Please Read Prior to July 6th Meeting
Attachments: Hermantown Residents Opposed to the Carlson Road Extension.pdf

Another one

Begin forwarded message:

From: GERALD MARCESKI <gerbearm55@msn.com>
Date: Jun 29, 2021 at 9:59 PM
To: CH-Wayne Boucher <mayorboucher@hermantownmn.com>
Subject: Carlson Road Extension Opposition - Please Read Prior to July 6th Meeting

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

Mayor Wayne Boucher,

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We are hopeful that you, our Hermantown City Council members, can review this attached document prior to the July 6th meeting. We also strongly encourage you to drive down Johnson and Portland Road to see how narrow they are and the clear safety impact to the heavily increased traffic. If you do, we know you will see not only how important this is to our community, but how vital stopping the Carlson Road expansion is.

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proposed development.

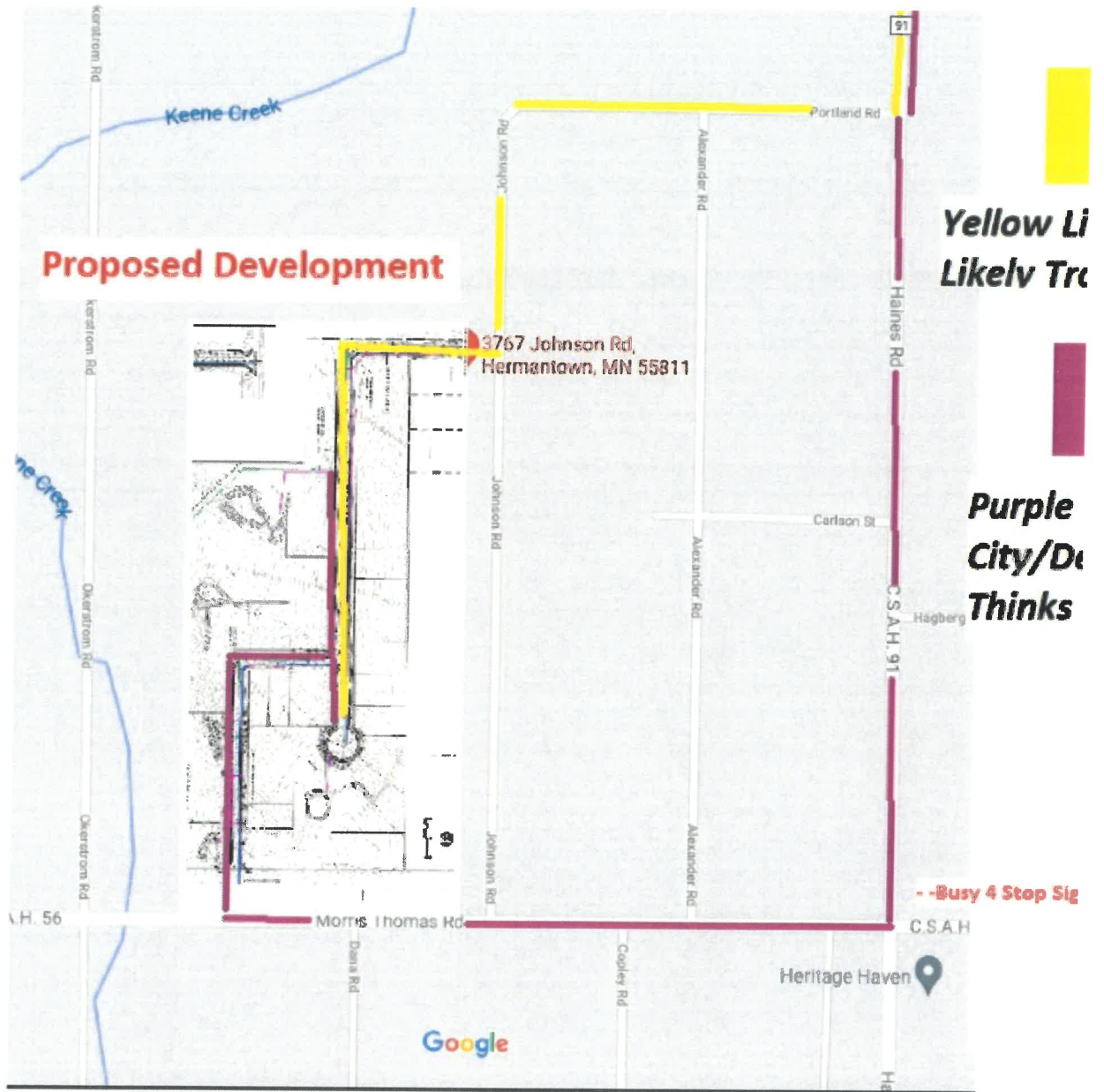
Thank you for taking the time to consider what we have said.

Regards,

Gerald Marceski
3739 Johnson Rd
Hermantown, MN 55811
gerbearm55@msn.com

(218)269-9777

Concerned Residents of Johnson and Portland Road



Taken from St. Louis County website
[Road-Design-Standards-for-Plats-and-Subdivisions.pdf \(stlouiscountymn.gov\)](http://stlouiscountymn.gov/Road-Design-Standards-for-Plats-and-Subdivisions.pdf)

Road Width

The standard for roadway widths is based on single unit lots. If the proposed plat has multiple unit lots, such as an apartment building, the proposed required driving surface width will be determined by the **estimated average daily traffic (ADT)** and approved by the Public Works Department.

Number of Lots being Served	Estimated ADT	Minimum Road Surface Width (including shoulders)
3-10	15-50	20 ft
11-20	51-100	22 ft
21-30	101-150	24 ft
31-50	151-250	26 ft
50-100	251-400	30 ft
>100	>400	See note*

*The developer of a proposed plat or subdivision will be required to perform a traffic and geometric analysis by a registered professional engineer for design adequacy based on the proposed design usage. The proposed road design shall be approved by the Public Works Department.

Hermantown Residents Opposed to the Carlson Road Extension

City Reasons for Road Extension

Safety issue for emergency vehicles access (main reason given by City for extension)

- **Fact:** Fire Hall #2 is 2/3 mile west of the proposed Morris Thomas Road entrance to development at the intersection of Morris Thomas and Stebner Roads.
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We respectfully request the City Council follow the lead of the motion made by Sam Clark of the Zoning & Planning Commission to approve the proposed development WITHOUT the Carlson Road extension.

CH-Bonnie Engseth

From: CH-Wayne Boucher
Sent: Wednesday, June 30, 2021 12:15 PM
To: CH-Bonnie Engseth
Subject: Fwd: Carlson Rd extension

Begin forwarded message:

From: Jason Christoff <jamchris@gmail.com>
Date: Jun 30, 2021 at 12:09 PM
To: CH-Wayne Boucher <mayorboucher@hermantownmn.com>, CH-Natalie Peterson <councilorpeter@hermantownmn.com>, CH-Gloria Nelson <councilornelson@hermantownmn.com>, CH-John Geissler <councilorgeissler@hermantownmn.com>, CH-Grant Hauschild <councilorhauschild@hermantownmn.com>, CH-Joseph Wicklund <jwicklund@hermantownmn.com>
Subject: Carlson Rd extension

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

I am writing to you voicing my extreme concern and complete opposition of the extension of Carlson Rd from Johnson Rd to the new development. I would show up in person to present my opposition but I have scheduling conflicts that won't allow me to attend the July 6th meeting. The extension of Carlson Rd is an extremely bad design decision and a poor engineering choice. I am not even all that much in favor of the development in general but I know that will be next to impossible to stop. Residents in this area purchased homes because of the quiet neighborhood and surrounding wooded areas with wildlife you are proposing to destroy.

There is a systemic issue of cars speeding on what should be our quiet side streets that have a large volume of foot traffic and a very good number of young children playing on them. The issue isn't so much residents of the neighborhood but other vehicles cutting through, both during the middle of the day and all hours of the night. I have personally taken a stop watch and sat on my deck clocking vehicles across my frontage and have calculated them in excess of 50 mph at times! They treat the road like a quarter mile drag strip.

This issue has been brought up at the road construction meeting and at numerous public meetings as well. Thus far the city has completely neglected to take any action addressing this public safety issue. Now with what you are proposing you will add more traffic into the area. This is not an improvement for anyone who lives here and is completely against any good judgement or the existing resident's best interests. At this point in time the way things are its going to be a matter of time before a kid gets hit by one of these crazy drives and in my opinion and other residents opinions if the city takes action to allow Carlson Rd to be extended the city is no longer just negligent in taking action to address the issue but has now become an accessory to the incident.

If there are concerns about more than one access point into the development then I beg the question of why so many other cul de sacs are allowed to only have a single way in or out. Also if 2 access points for

safety and plowing are required why not have 2 access points going out onto Morris Thomas? I would think the residents of the new development would appreciate this as well. It would cut down on any potential cut through traffic and from a safety perspective allow them to keep a better eye on vehicles entering and leaving the area.

If I was a resident on the proposed Carlson Rd extension I would be even more upset. The proposition is to include sidewalk and curb. That is going to increase the value of the home and increase the tax burden on them after they have already been burdened with nearly a \$10,000 assessment to fix the road that the city has severely neglected for years to maintain. On top of that you will burden the residents further by forcing them into clearing the public sidewalks. This will add considerable effort and come at large cost of personal time.

In short if you allow this road extension to go through you are not listening to existing residents and will just further prove the sediment that most residents in the area are starting to feel. The city is acting like a bully doing what they want with a total disregard for existing residents and the impacts it has on them. The city appears to only be concerned about increasing its tax base and increasing its revenue through taxes.

Thank you.

--

Jason Christoff
3760 Alexander Rd
Hermantown, MN 55811
jamchris@gmail.com
218-969-8663

CH-Bonnie Engseth

From: CH-Wayne Boucher
Sent: Tuesday, June 29, 2021 2:14 PM
To: CH-Bonnie Engseth
Subject: Fw: VOTE "NO" ON JULY 6, 2021
Attachments: 21-79 Petition to Stop Proposed Access Road to New Development Between Okerstrom Road and Johnson Road, North of Morris Thomas Road..pdf

Bonnie:

Please log this as correspondence

From: ljs bds <ljsbds@gmail.com>
Sent: Tuesday, June 29, 2021 12:17 AM
To: CH-Wayne Boucher; CH-Natalie Peterson; CH-Gloria Nelson; CH-John Geissler; CH-Grant Hauschild
Subject: VOTE "NO" ON JULY 6, 2021

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

June 29, 2021

Dear City Councilors,

We are writing this letter to ask you to **VOTE "NO"**, regarding the proposed extension of Carlson Road, as a part of the proposed Keene Creek Trail Subdivision Plat and associated development application, which was submitted by Jay Zierden and discussed as Items 5B and 5C on the Planning and Zoning Commission Agenda at the June 15, 2021 meeting. At that meeting, both the development and the plat were approved for submission to the City Council, for discussion at the July 6, 2021 City Council Meeting.

We are very dismayed that the Planning and Zoning Commission was neither willing to consider other options for the development, nor were they willing to give inarguable reasons that the Carlson Road should be built. Rather, the tone was such that because they came up with one plan, they were unwilling to do the work to develop alternatives. In addition, several Commission members were unwilling to consider the grave concerns of the citizens of Johnson and Portland Road residents—100% of whom signed a petition prior to the submitted application, asking that the Carlson Road extension not be included as a part of the development of the Keene Creek Trail Subdivision.

The following language was included in the agenda packet: "The City is requiring the applicant to construct a thru road connecting Morris Thomas to Johnson Road. A thru road is beneficial from a life/safety standpoint as it provides two means of ingress and egress to a development for police and fire access. The City's goal is to ensure that adequate roads, sewer, water, fire and police protection are in place or provided for before the final preliminary plat is approved"

We would like to discuss several points which were brought forth and discuss each:

1. Outlot A Land Swap

- A. As part of the 1995 Valleyview Division plat, the City of Hermantown created an outlot, which could be accessed by a 66' road right-of-way, platted as Carlson Road.
- B. The City states that the outlot had been "envisioned" as future development of the original plat. This 2.5 acre outlot abuts the proposed property of the Keene Creek Trail Subdivision, and has been included as part of a "trade" to the developer, who has been instructed that the Carlson Road must be built, at the developer's cost.

i. In 1996, as part of our home building process, we worked with the City of Hermantown building inspector, to discuss various options for building our home. We looked most seriously at the lot abutting the south side of the platted Carlson Road, but had some reservations. It was explained to us that the proposed Carlson Road location had been relocated approximately 330 feet to the north of the original location, to accommodate the developer of the new Valleyview Division lots, and that the land configuration created Outlot A, which is currently platted. As part of the discussion, we were told that the road easement was to accommodate 1 or 2 single family units for Outlot A.

2. The Zoning Commission noted that two means of ingress/egress were wanted for safety in the proposed development.

A. The following developments in Hermantown are just some of the developments which have only one ingress/egress, and many end in a cul de sac. (Several of these are NEW DEVELOPMENTS):

Patriot Lane Development (Morris Thomas Road entrance)

Greystone Street (Stebner Road entrance)

Sterling Pond Place (Greystone Street entrance)

Oak Ridge Drive (Stebner Road entrance)

Jackson Drive (McKinley entrance)

Roosevelt Drive (Ugstad Road entrance)

Washington Drive (Roosevelt Drive entrance)

Dahl Road (W Arrowhead Rd entrance)

Twin Pines Street (Ugstad Road entrance)

B. The list above is certainly not all-inclusive; rather, it is designed to make the point the cul de sac option is a viable and popular option in Hermantown, and will work for the proposed Keene Creek Trail subdivision, thereby negating the need for another road needing to be built.

C. Fire Hall #2 is the closest fire station to the proposed development, which is located approximately 3/5 mile to the west of the development. Fire vehicles and first responders would not need to travel through the Portland/Johnson Road neighborhood to access the Keene Creek Trail Subdivision.

D. Ambulance Service (Mayo Clinic Ambulance Service) is located at 4505 W Michigan Street. Those vehicles would travel on Haines Road, and turn west at Morris Thomas Road to enter the proposed Keene Creek Trail Subdivision. They would NOT need to enter Johnson Road.

E. The Police Station, as you know, is located on Maple Grove Road. The safest and most efficient route to the proposed subdivision would be to travel south on Lavaque Road or Stebner Road, turn east on Morris Thomas, and access the proposed Keene Creek Subdivision.

F. We make the point that it would actually be more dangerous for any of the above safety vehicles to enter the proposed subdivision via Portland Road (off of Haines Road) to the proposed Carlson Road, as to do so, the vehicles would have to enter a narrow residential road, and travel down what is now a dangerous curve around Portland to Johnson Road, with limited visibility, and at a much slower speed than they would obtain access by simply traveling straight on Haines Road to the next intersection, which is Morris Thomas Road.

G. Garbage and snow removal can all be done safely with a cul de sac, which has already been proven by the number of developments with only one ingress to the neighborhood.

3. As part of our serious reservations about the safety of adding another road to our development, we researched the St. Louis County Road Design Standards, which require the following standards be met when constructing roads in this county:

Road Width

The standard for roadway widths is based on single unit lots. If the proposed plat has multiple unit lots, such as an apartment building, the proposed required driving surface width will be determined by the estimated average daily traffic (ADT) and approved by the Public Works Department.

Number of Lots being Served	Estimated ADT	Minimum Road Surface Width (including shoulders)
3-10	15-50	20 ft
11-20	51-100	22 ft
21-30	101-150	24 ft
31-50	151-250	26 ft
50-100	251-400	30 ft
>100	>400	See note*

*The developer of a proposed plat or subdivision will be required to perform a traffic and geometric analysis by a registered professional engineer for design adequacy based on the proposed design usage. The proposed road design shall be approved by the Public Works Department.

A. Note that the chart above indicates the expected daily traffic (ADT) for a development of 29 units to be 101-150 cars per day.

B. Note that the Minimum Road Surface Width, including shoulders, is recommended to be 24 feet.

C. Also note: 29 units feeding into a development of 43 units (number of homes on Johnson/Portland Roads) equals 72 total units. By looking at the chart above, Johnson/Portland Road, to be the safest for all residents, should have a total road width of 30 feet. **Johnson and Portland Roads' widths are EIGHT FEET SHORT of the safety guidelines.**

a. Johnson Road, Rebuilt in 2020 - 22 foot wide asphalt roadway with NO curb and NO gutter with NO 5' foot width sidewalk along one side of the road.

b. Portland Road Rebuilt in 2020 - 22 foot wide asphalt roadway with NO curb and NO gutter with NO 5' foot width sidewalk along one side of the road.

D. **If the City of Hermantown had truly envisioned the Carlson Road being developed to accommodate a subdivision of that size, then they would and should have made provisions to accommodate a new development when they designed the newly constructed Johnson and Portland Roads last year, which cost each resident \$9,750.**

E. The proposed "Trail Segment 7," as shown on the Munger Trail Spur Map, shows a future trail spur coming out to the Johnson Road, with a potential parking area. This trail spur, with added parking, will increase the numbers of people using the Johnson/Portland Roads recreationally, adding additional danger to residents and pedestrians, if the proposed Carlson Road is developed.

F. You can imagine our dismay at learning that the new proposed subdivision would connect to the water utility at Johnson Road, which will require tearing up our new roadway in order to accomplish that, since the water main is on the east side of the newly constructed Johnson Road. Forethought in what was "envisioned" with the development of the Carlson Road would have prevented this.

4. The current Planned Unit Development (PUD) states:

1. "Public Benefit 1105. Public Benefit. **A PUD must provide public benefits to the surrounding neighborhood** and to the city above and beyond what can be reasonably achieved by application of the zoning provisions applicable to the underlying zoning district. The nature and scale of public benefit shall be determined by the City and include, but not be limited to: 1105.01 Preservation and enhancement of natural systems and resources, topography, vegetation, and other natural features. 1105.02 Provision of a variety of housing and community types. 1105.03 Provision of recreational amenities including trails and parks.

- a. The addition of the proposed Carlson Road decreases traffic safety to the Johnson and Portland Road residents.
- b. The addition of a sidewalk on the proposed Carlson Road does not add any safety for the residents of Johnson and Portland Road neighborhood.
- c. The addition of the proposed Carlson Road does not add a benefit to the Johnson/Portland/Alexander Road residents, as 100% of the residents have stated that in the petition that was signed, asking that the road not be developed (see attachment).
- d. The addition of the proposed Carlson Road destroys the current aesthetic value of the neighborhood and adjoining properties.

5. PLEASE VOTE NO TO THE CURRENT PROPOSAL, AND ASK THAT IT BE AMENDED TO REMOVE THE CONSTRUCTION OF CARLSON ROAD FROM CONSIDERATION AS PART OF THE PROPOSED KEENE CREEK TRAIL SUBDIVISION!

- ❖ Not constructing the Carlson Road will preserve the rural feel AND SAFETY of the Johnson/Portland Road neighborhood.
- ❖ Adding a second cul de sac, on the north end of the proposed Keene Creek Trail Development will, in our opinion, provide a safer neighborhood for future residents, and create a neighborhood that is more desirable to live in, by preserving the rural feeling of living in Hermantown.
- ❖ Not constructing the Carlson Road will allow for the safer future construction of the Munger Trail Spur (segment 7), which will benefit future trail users, by not creating traffic safety concerns for pedestrians and drivers.
- ❖ Not constructing the Carlson Road will preserve the adjoining property values of both 3761 and 3767 Johnson Road, which are already at risk due to the nature of the proposed alternative PUD, which the City Council will also be considering in the near future.

Respectfully,

Bart and Lisa Smith
3761 Johnson Road
Hermantown, MN 55811

Attachment:

Petition 21-79 Petition to Stop Proposed Access Road to New Development Between Okerstrom Road and Johnson Road, North of Morris Thomas Road

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



DATE: June 23, 2021 **Meeting Date:** 7/6/21
SUBJECT: Capital Improvement Plan **Agenda Item: 7-A** **Presentation**

REQUESTED ACTION

No formal action – but looking for some direction from the Council

BACKGROUND

Attached is the 2022-2026 preliminary Capital Improvement Plan. We request your input on the 2022 requests. Please keep in mind the final decision on the 2022 budget is several months away.

SOURCE OF FUNDS (if applicable)

N/A

ATTACHMENTS

Capital Improvement Plan 2022-2026

City of Hermantown, Minnesota

Capital Improvement Plan

2022 thru 2026

PROJECTS BY FUNDING SOURCE

Source	Project #	Priority	2022	2023	2024	2025	2026	Total
Assessment								
Lightning Dr and Thunder Chief and Getchell	ST-22-003	1	165,750					165,750
Old Midway	ST-23-001	2		331,500				331,500
Hermantown Rd - Midway to Ugstad	ST-23-002	2		429,000				429,000
Hermantown Rd - Hwy 2 Midway	ST-23-003	2		204,750				204,750
Thompson Rd	ST-24-001	2					331,500	331,500
Westwood Rd	ST-24-002	2					87,750	87,750
Lindahl Rd	ST-24-004	1			156,000			156,000
Birch Valley Rd	ST-25-001	2					156,000	156,000
Getchell Road	ST-25-002	2				195,000		195,000
Getchell Rd Steb-Morris Thomas	ST-26-001	2					480,000	480,000
Assessment Total			165,750	965,250	156,000	195,000	1,055,250	2,537,250
Bonds General Fund								
Chip Seal Projects	Chip Sealing	1	153,500				180,000	333,500
Lindgren and Richard Ave	ST-22-001	2	655,459					655,459
Lightning Dr and Thunder Chief and Getchell	ST-22-003	1	1,512,266					1,512,266
Old Midway	ST-23-001	2		449,834				449,834
Hermantown Rd - Midway to Ugstad	ST-23-002	2		1,152,649				1,152,649
Hermantown Rd - Hwy 2 Midway	ST-23-003	2		633,524				633,524
Thompson Rd	ST-24-001	2					194,236	194,236
Westwood Rd	ST-24-002	2					134,642	134,642
Lindahl Rd	ST-24-004	1			94,000			94,000
Birch Valley Rd	ST-25-001	2					288,785	288,785
Getchell Road	ST-25-002	2				1,585,209		1,585,209
Getchell Rd Steb-Morris Thomas	ST-26-001	2					834,310	834,310
Bonds General Fund Total			2,321,225	2,236,007	94,000	1,585,209	1,631,973	7,868,414
General Fund								
Server	CH-22-004	2	25,000	25,000				50,000
ARMER Radio Replacement	PD-23-001	1		137,000				137,000
Squad/Body Worn Cameras	PD-24-001	1			130,000			130,000
Video Server	PD-24-002	2			20,000			20,000
Squads	PD-Squads	1	115,000	115,000	115,000	115,000	115,000	575,000
Motor Grader LEASE	PW&U-21-002	1	60,970	60,970	60,970	60,970	60,970	304,850
Tandem Plow Truck	PW&U-22-001	1	150,000	160,000				310,000
1 Ton Truck	PW&U-22-003	1	37,500					37,500
Seal Coat/Stripe Fichtner Fields Parking Lots	PW&U-22-007	1			45,000			45,000
1 Ton Dirt Service Truck	PW&U-23-001	1		45,000				45,000
Steamer Tralier	PW&U-23-003	1					26,250	26,250
Hotmix/Pothole Trailer	PW&U-23-004	1					58,118	58,118
1 Ton Ext Cab Truck	PW&U-23-006	1		37,500				37,500
Tracked Skidsteer	PW&U-24-001	2			48,750			48,750

Source	Project #	Priority	2022	2023	2024	2025	2026	Total
Replacement of existing 12' Mower	PW&U-24-002	2			80,000			80,000
Purchase of a water truck	PW&U-24-004	1			62,500			62,500
Tandem Plow Truck	PW&U-25-001	1				275,000		275,000
Add New 624 loader to Fleet	PW&U-25-002	1				175,000		175,000
Rubber Tire Loader	PW&U-26-001	1					100,000	100,000
General Fund Total			388,470	580,470	562,220	625,970	360,338	2,517,468

HEDA

Hermantown Marketplace Sign	CD-23-001	2		125,000				125,000
HEDA Total				125,000				125,000

Park Dedication Fund

Fichtner Fields Restructure	PK-19-001	2					700,000	700,000
Park Dedication Fund Total							700,000	700,000

Sales Tax

Repairs and Recoat of Hwy 53 Water Tower	PW&U-22-002	1	505,425					505,425
Water Meter Radio Conversion to AMI	PW&U-22-005	1	325,000	325,000				650,000
Lindgren and Richard Ave	ST-22-001	2	200,000					200,000
Sales Tax Total			1,030,425	325,000				1,355,425

Sewer Fund

1 Ton Truck	PW&U-22-003	1	17,500					17,500
1 Ton Dirt Service Truck	PW&U-23-001	1		22,500				22,500
1 Ton Ext Cab Truck	PW&U-23-006	1		17,500				17,500
Tracked Skidsteer	PW&U-24-001	2			24,375			24,375
Add New 624 loader to Fleet	PW&U-25-002	1				50,000		50,000
Getchell Rd Steb-Morris Thomas	ST-26-001	2					250,000	250,000
Lift Stations	SW-17-1	2	40,000	40,000	40,000	40,000		160,000
Sewer Fund Total			57,500	80,000	64,375	90,000	250,000	541,875

State Aid - MSA

Chip Seal Projects	Chip Sealing	1	95,500	180,000		180,000		455,500
Ugstad Super Project	ST-22-002	2	3,780,000					3,780,000
Stebner- Morris Thomas to Maple Grove	ST-24-003	1			1,250,000			1,250,000
State Aid - MSA Total			3,875,500	180,000	1,250,000	180,000		5,485,500

Storm Water

Steamer Trailer	PW&U-23-003	1					26,250	26,250
Tracked Skidsteer	PW&U-24-001	2			24,375			24,375
Purchase of a water truck	PW&U-24-004	1			62,500			62,500
Lindgren and Richard Ave	ST-22-001	2	285,153					285,153
Lighning Dr and Thunder Chief and Getchell	ST-22-003	1	186,446					186,446
Hermantown Road Bridge	ST-23-004	2		100,000				100,000
Getchell Road	ST-25-002	2				197,801		197,801
Getchell Rd Steb-Morris Thomas	ST-26-001	2					75,000	75,000

Source	Project #	Priority	2022	2023	2024	2025	2026	Total
Storm Water Total			471,599	100,000	86,875	197,801	101,250	957,525
Water Fund								
1 Ton Truck	PW&U-22-003	1	17,500					17,500
1 Ton Dirt Service Truck	PW&U-23-001	1		22,500				22,500
1 Ton Ext Cab Truck	PW&U-23-006	1		17,500				17,500
Add New 624 loader to Fleet	PW&U-25-002	1				50,000		50,000
Rubber Tire Loader	PW&U-26-001	1					70,000	70,000
Getchell Rd Steb-Morris Thomas	ST-26-001	2					250,000	250,000
Water Fund Total			17,500	40,000		50,000	320,000	427,500
GRAND TOTAL			8,327,969	4,631,727	2,213,470	2,923,980	4,418,811	22,515,957

City of Hermantown, Minnesota

Capital Improvement Plan

2022 thru 2026

PROJECTS & FUNDING SOURCES BY DEPARTMENT

Department	Project #	Priority	2022	2023	2024	2025	2026	Total
City Hall								
Server <i>General Fund</i>	CH-22-004	2	25,000 25,000	25,000 25,000				50,000 50,000
City Hall Total			25,000	25,000				50,000
Community Development								
Hermantown Marketplace Sign <i>HEDA</i>	CD-23-001	2		125,000 125,000				125,000 125,000
Fichtner Fields Restructure <i>Park Dedication Fund</i>	PK-19-001	2					700,000 700,000	700,000 700,000
Community Development Total				125,000			700,000	825,000
Police								
ARMER Radio Replacement <i>General Fund</i>	PD-23-001	1		137,000 137,000				137,000 137,000
Squad/Body Worn Cameras <i>General Fund</i>	PD-24-001	1			130,000 130,000			130,000 130,000
Video Server <i>General Fund</i>	PD-24-002	2			20,000 20,000			20,000 20,000
Squads <i>General Fund</i>	PD-Squads	1	115,000 115,000	115,000 115,000	115,000 115,000	115,000 115,000	115,000 115,000	575,000 575,000
Police Total			115,000	252,000	265,000	115,000	115,000	862,000
Public Works								
Motor Grader LEASE <i>General Fund</i>	PW&U-21-002	1	60,970 60,970	60,970 60,970	60,970 60,970	60,970 60,970	60,970 60,970	304,850 304,850
Tandem Plow Truck <i>General Fund</i>	PW&U-22-001	1	150,000 150,000	160,000 160,000				310,000 310,000
Repairs and Recoat of Hwy 53 Water Tower <i>Sales Tax</i>	PW&U-22-002	1	505,425 505,425					505,425 505,425
1 Ton Truck <i>General Fund</i>	PW&U-22-003	1	72,500					72,500
<i>Sewer Fund</i>			37,500					37,500
<i>Water Fund</i>			17,500					17,500
Water Meter Radio Conversion to AMI <i>Sales Tax</i>	PW&U-22-005	1	325,000 325,000	325,000 325,000				650,000 650,000
Seal Coat/Stripe Fichtner Fields Parking Lots <i>General Fund</i>	PW&U-22-007	1			45,000 45,000			45,000 45,000
1 Ton Dirt Service Truck <i>General Fund</i>	PW&U-23-001	1		90,000				90,000
<i>Sewer Fund</i>			45,000				45,000	
<i>Water Fund</i>			22,500				22,500	

Department	Project #	Priority	2022	2023	2024	2025	2026	Total
Steamer Trailer	PW&U-23-003	1					52,500	52,500
<i>General Fund</i>							26,250	26,250
<i>Storm Water</i>							26,250	26,250
Hotmix/Pothole Trailer	PW&U-23-004	1					58,118	58,118
<i>General Fund</i>							58,118	58,118
1 Ton Ext Cab Truck	PW&U-23-006	1		72,500				72,500
<i>General Fund</i>				37,500				37,500
<i>Sewer Fund</i>				17,500				17,500
<i>Water Fund</i>				17,500				17,500
Tracked Skidsteer	PW&U-24-001	2			97,500			97,500
<i>General Fund</i>					48,750			48,750
<i>Sewer Fund</i>					24,375			24,375
<i>Storm Water</i>					24,375			24,375
Replacement of existing 12' Mower	PW&U-24-002	2			80,000			80,000
<i>General Fund</i>					80,000			80,000
Purchase of a water truck	PW&U-24-004	1			125,000			125,000
<i>General Fund</i>					62,500			62,500
<i>Storm Water</i>					62,500			62,500
Tandem Plow Truck	PW&U-25-001	1				275,000		275,000
<i>General Fund</i>						275,000		275,000
Add New 624 loader to Fleet	PW&U-25-002	1				275,000		275,000
<i>General Fund</i>						175,000		175,000
<i>Sewer Fund</i>						50,000		50,000
<i>Water Fund</i>						50,000		50,000
Rubber Tire Loader	PW&U-26-001	1					170,000	170,000
<i>General Fund</i>							100,000	100,000
<i>Water Fund</i>							70,000	70,000
Lift Stations	SW-17-1	2	40,000	40,000	40,000	40,000		160,000
<i>Sewer Fund</i>			40,000	40,000	40,000	40,000		160,000
Public Works Total			1,153,895	748,470	448,470	650,970	341,588	3,343,393

Streets

Chip Seal Projects	Chip Sealing	1	249,000	180,000		180,000	180,000	789,000
<i>Bonds General Fund</i>			153,500				180,000	333,500
<i>State Aid - MSA</i>			95,500	180,000		180,000		455,500
Lindgren and Richard Ave	ST-22-001	2	1,140,612					1,140,612
<i>Bonds General Fund</i>			655,459					655,459
<i>Sales Tax</i>			200,000					200,000
<i>Storm Water</i>			285,153					285,153
Ugstad Super Project	ST-22-002	2	3,780,000					3,780,000
<i>State Aid - MSA</i>			3,780,000					3,780,000
Lighning Dr and Thunder Chief and Getchell	ST-22-003	1	1,864,462					1,864,462
<i>Assessment</i>			165,750					165,750
<i>Bonds General Fund</i>			1,512,266					1,512,266
<i>Storm Water</i>			186,446					186,446
Old Midway	ST-23-001	2		781,334				781,334
<i>Assessment</i>				331,500				331,500
<i>Bonds General Fund</i>				449,834				449,834
Hermantown Rd - Midway to Ugstad	ST-23-002	2		1,581,649				1,581,649
<i>Assessment</i>				429,000				429,000
<i>Bonds General Fund</i>				1,152,649				1,152,649
Hermantown Rd - Hwy 2 Midway	ST-23-003	2		838,274				838,274
<i>Assessment</i>				204,750				204,750
<i>Bonds General Fund</i>				633,524				633,524
Hermantown Road Bridge	ST-23-004	2		100,000				100,000
<i>Storm Water</i>				100,000				100,000

Department	Project #	Priority	2022	2023	2024	2025	2026	Total
Thompson Rd	ST-24-001	2					525,736	525,736
<i>Assessment</i>							331,500	331,500
<i>Bonds General Fund</i>							194,236	194,236
Westwood Rd	ST-24-002	2					222,392	222,392
<i>Assessment</i>							87,750	87,750
<i>Bonds General Fund</i>							134,642	134,642
Stebner- Morris Thomas to Maple Grove	ST-24-003	1			1,250,000			1,250,000
<i>State Aid - MSA</i>					1,250,000			1,250,000
Lindahl Rd	ST-24-004	1			250,000			250,000
<i>Assessment</i>					156,000			156,000
<i>Bonds General Fund</i>					94,000			94,000
Birch Valley Rd	ST-25-001	2					444,785	444,785
<i>Assessment</i>							156,000	156,000
<i>Bonds General Fund</i>							288,785	288,785
Getchell Road	ST-25-002	2				1,978,010		1,978,010
<i>Assessment</i>						195,000		195,000
<i>Bonds General Fund</i>						1,585,209		1,585,209
<i>Storm Water</i>						197,801		197,801
Getchell Rd Steb-Morris Thomas	ST-26-001	2					1,889,310	1,889,310
<i>Assessment</i>							480,000	480,000
<i>Bonds General Fund</i>							834,310	834,310
<i>Sewer Fund</i>							250,000	250,000
<i>Storm Water</i>							75,000	75,000
<i>Water Fund</i>							250,000	250,000
Streets Total			7,034,074	3,481,257	1,500,000	2,158,010	3,262,223	17,435,564
GRAND TOTAL			8,327,969	4,631,727	2,213,470	2,923,980	4,418,811	22,515,957

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



DATE: June 30, 2021 **Meeting Date:** 7/6/21
SUBJECT: ARDC Presentation – PUD **Agenda Item: 7-B** **Presentation**
Study

REQUESTED ACTION

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

DESCRIPTION OF REQUEST:

The PUD study was presented to the City Council at the June 21, 2021 pre agenda meeting. Questions regarding how and when density would be established during the process were raised in order to achieve moderate density for proposed projects.

The ARDC has updated the study to include an executive summary as well as added language pertaining to the establishment of density in the recommendations section of the report.

The density bonus is dependent on-site specific review as to how the proposed project relates to its surroundings (proximity of residences, topography, wetlands, access) and the amount and quality of amenities and mitigating factors provided. The density will be set at the pre-application meeting between City staff and the applicant. Once the density is established, it cannot increase.

Process:

1. Utilize PUD Study to revise existing PUD Ordinance
2. Bring revised Ordinance to July 20 Planning and Zoning meeting for review
3. Bring revised Ordinance to City Council for 1st reading on August 2, 2021
4. Bring revised Ordinance to City Council for 2nd reading on August 16, 2021

ATTACHMENTS:

July 6, 2021 Hermantown PUD Report

June 2021

CITY OF HERMANTOWN, MINNESOTA

Residential Planned Unit Development Report

COUNCIL REVIEW 07-06-21



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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

Prepared by Justin Otsea and Josh Bergstad



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Executive Summary

This report is prepared for the City of Hermantown, Minnesota to provide recommendations to amend the Planned Unit Development Ordinance to address issues present by PUDs in the R-3 zoning district.

The City Council passed a six-month partial moratorium on PUDs on December 2020. 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 in the development of this report.

The ordinance and literature review found a wide variation amongst use and regulations in PUD ordinances. Every ordinance reviewed had a focus on “encouraging a variety of housing and neighborhoods” and “efficient services and utilities”. Allowing uses not allowed in the underlying zoning district is allowed in eight of the ten reviewed cities. In six of the ten cities the use allowance was specifically to allow for any type of housing.

There are six areas of focus identified for improving the residential PUD standards.

- Rewrite and combine purpose and public benefit statements to focus on flexibility and site-based design, conservation of natural features and resources, efficiency in streets and utilities, improved housing and neighborhood options, and housing affordability.
- Establish a density bonus with a goal of achieving a moderate suburban density in the R-3 zone. The density bonus is dependent on-site specific review and the amount and quality of amenities and mitigating factors provided. The density will be set at the pre-application meeting.
- City can alter, improve, or create anew any provisions of the Hermantown Zoning Regulations or Subdivision Regulations as they apply to the proposed PUD. Alterations are evaluated site-by-site. Maximum height increase is 25 percent.
- All 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. A list of possible amenities is provided.
- PUD will be reviewed for their 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.
- Amend the application process including requiring a preliminary and final PUD process for projects over 4 units per acre or five acres in size and encouraging the applicant to hold a neighborhood meeting.

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 6th, 2021:** Work session to further discuss PUD needs for community and areas of concern/opportunity from Commission members.
- **April 20th, 2021:** Focused discussion on issues and opportunities for PUD's identified during previous discussion.
- **May 18th, 2021:** Outline planning concepts and garner feedback on identified topic areas/questions.
- **June 15th, 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.
- **June 21st, 2021:** Present final report and recommendations to City Council.

What is a Planned Unit Development (PUD)?

A PUD is both a type of development and a regulatory process. Individual definitions can vary greatly depending on the community or jurisdiction and its goals. The purpose of a PUD is generally to allow greater flexibility in the configuration of buildings and/or uses on a site than is allowed in standard zoning ordinances. A major goal of PUDs is often to encourage unified plans that provide a more complete and integrated package (hopefully including special amenities) over piecemeal development. A typical PUD would include a cluster of small lots in conjunction with a common usable open space with some recreational amenities and a protected natural area functioning as permanent open space. This arrangement can benefit both sides: A developer gets extra flexibility in configuring lots and buildings and perhaps a density bonus and/or reduced infrastructure cost, while the city/county gets permanent open space and/or other desired amenities.

The most common PUD applications occur in suburban cities and rural county areas. Flexibility is the key principle for applications in both types of areas. The protection of critical areas is a common theme of many city PUDs. The protection of larger tracts of open space is a common theme for rural PUDs. Flexibility in clustering small lots in rural areas, however, is more challenging in Washington State under Growth Management Act provisions. Planned unit developments can range in size from large master planned communities to 1–2-acre projects containing a handful of lots. (MRSC.org)

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.
- Site specific bonus density will be agreed upon during pre-application meeting process with applicant and once established, cannot increase.

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 is appropriate for that site. In determining the reasonableness of the authorized 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 during the pre-application meetings with the applicant, and once established, cannot increase.

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.
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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

- 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

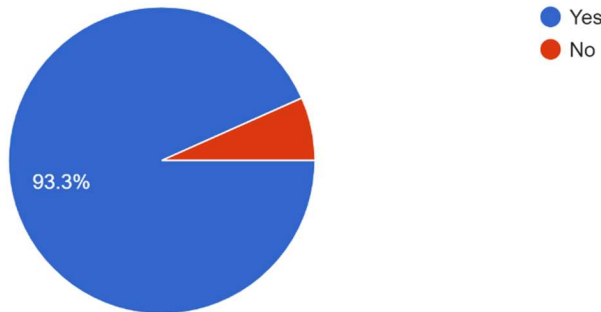
To Note: 45 total respondents

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

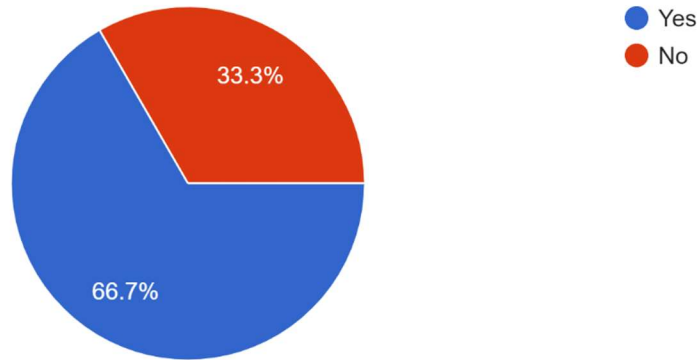
3.) Do any of the following cause concern for you?

•	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



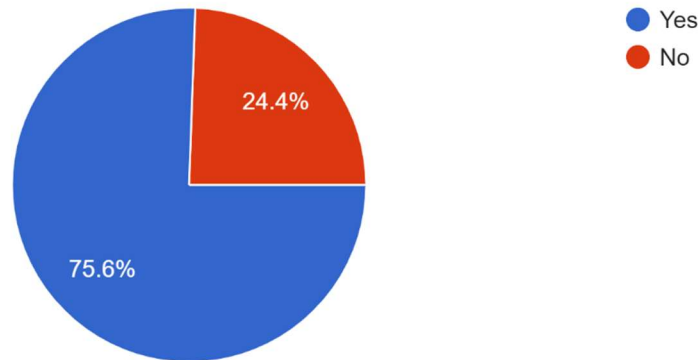
66.7% = 30 responses

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

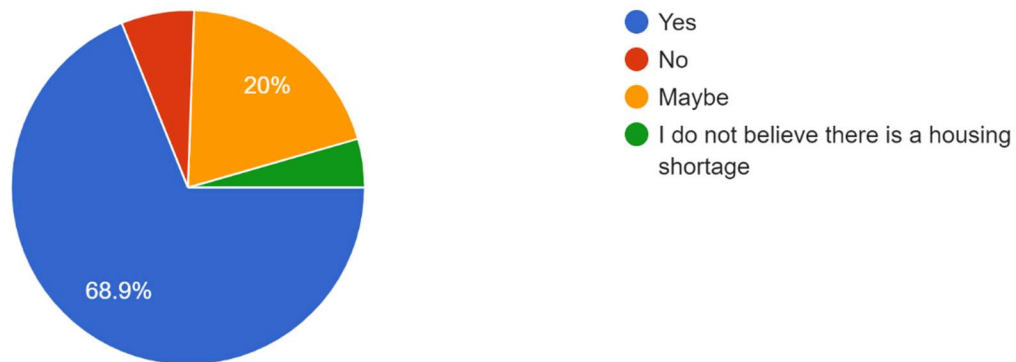
- Low interest rates

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

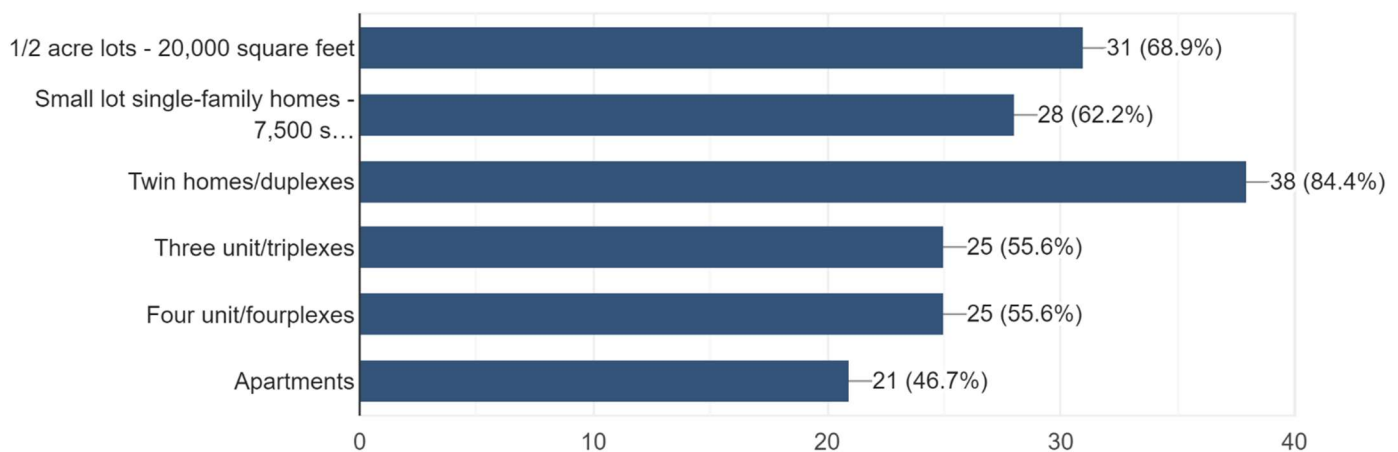
average income earners and the current workforce of our area have a home to live, work, play, and more. Our community will thrive with a diverse range of incomes, backgrounds, and industry backgrounds.

- 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:

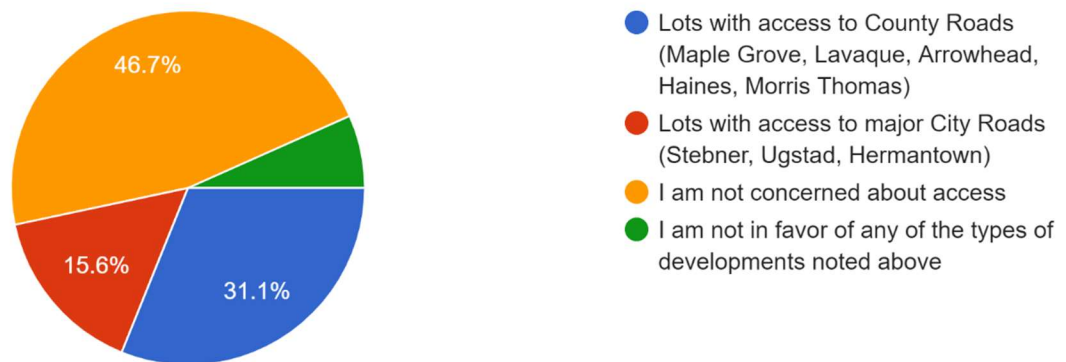
- All the above
- All of these options need to be considered. The development at the corner of Lavaque and Maple Grove SHOULD have been approved as it was in its 1st rendition. Hermantown has to grow residentially and it can only grow West from Stebner. This is not a "rural" community any longer. It 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



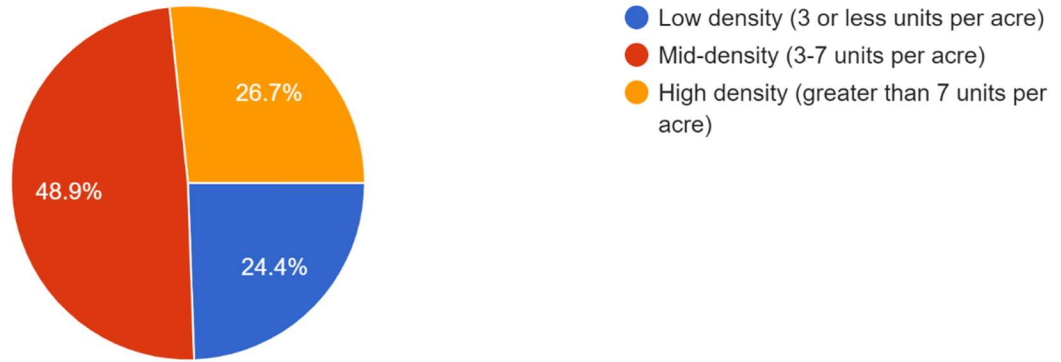
46.7% = 21 "not concerned" responses; 31.1% = 14 "county roads" responses

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

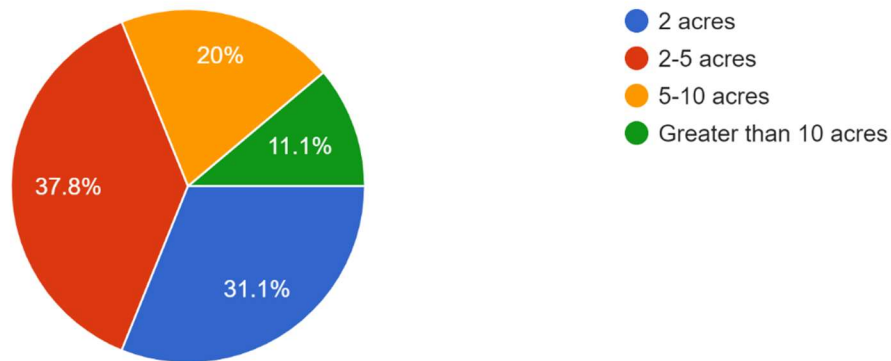


48.9% = 22 responses; 26.7% = 12 responses; 24.4% = 11 responses

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.

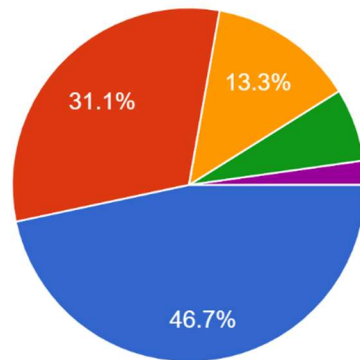
COMMENTS:

- 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
Minimum Size	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
Flexible Land Use	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
Comp Plan Reference	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
Flexible Dimensional and Performance Standards	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,
Density Bonuses	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		
Common Open Space	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
Clustering	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
Mixed Use	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
Design Standards	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
Conservation /Sustainability Standards	Y, unspecified	N	Y	Unspecified	N	Y, not required, awarded amenity points	Unspecified	Unspecified	N	Y, unspecified	Y, unspecified	N	N
Rezone	N	Y	Y	Y	N	N	N	N	N	N	Y	N, listed as a CUP in each district	Overlay District
Community Meeting	N	N	Y, 350'	Y, 350'	N	Y, 500'	N	N	N	N	N	N	N
Other			Street width by city engineer	Street width by city engineer	Traffic management highlighted	Private street standards				HOA required		Private street and traffic standards	
Landscaping	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

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

HERMANTOWN Comprehensive Plan 2001 Update



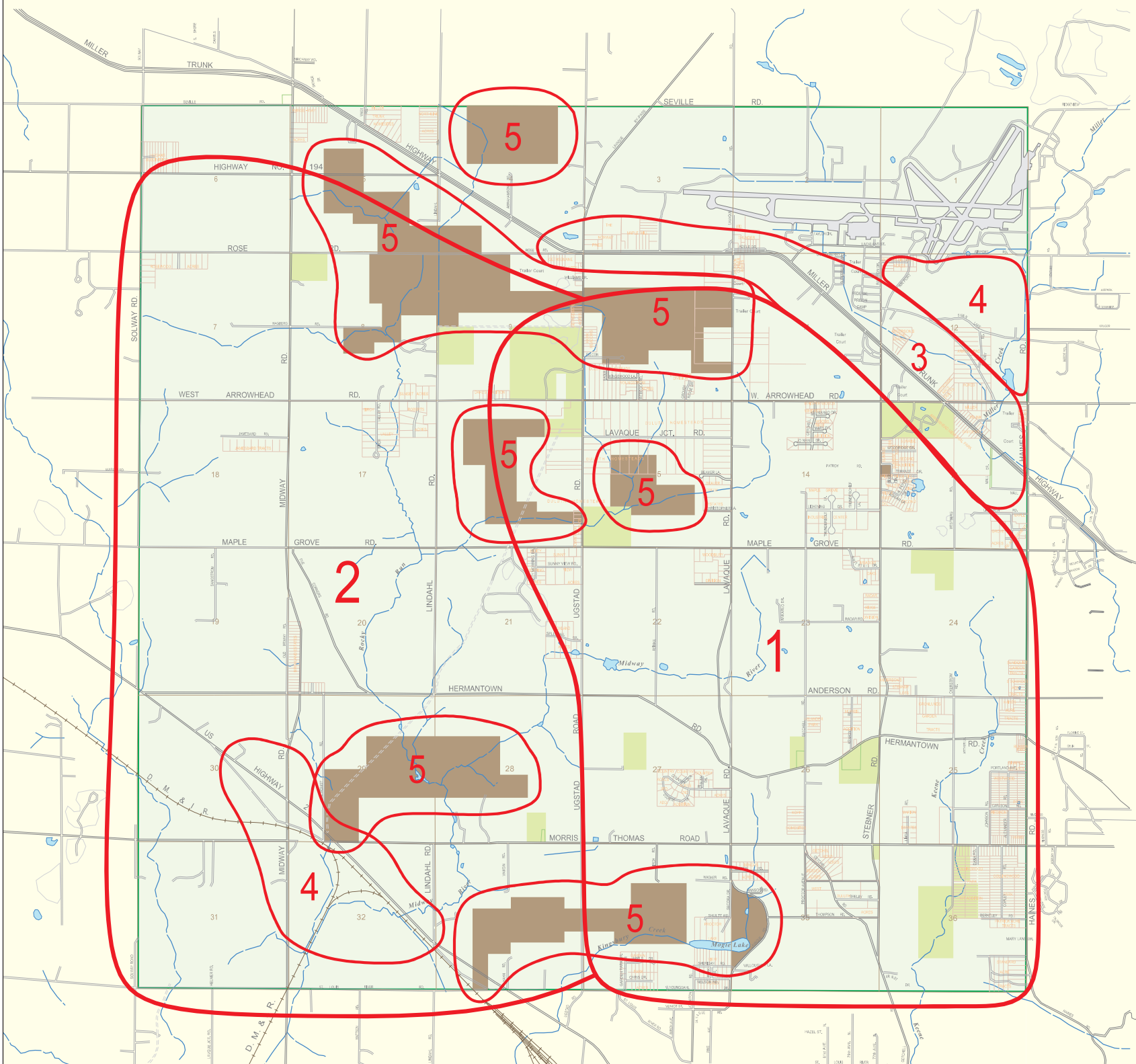
Vicinity

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.

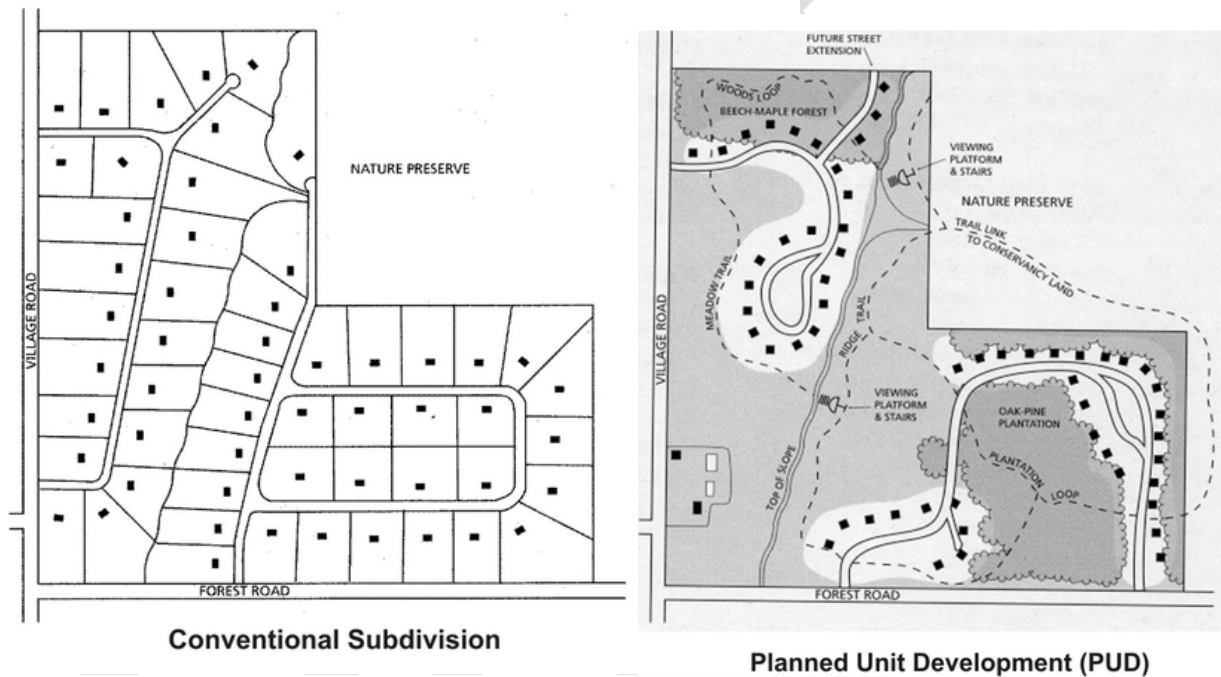


Figure 1: Source APA Michigan

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 CONTINUATION MEETING
June 21, 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; David Bolf, City Engineer

ABSENT:

VISITORS: 3

ANNOUNCEMENTS

PUBLIC HEARING

COMMUNICATIONS

Communications 21-77 through and including 21-82 were read and placed on file.

Communication 21-78 from MN Dept. of Transportation to John Mulder, City Administrator regarding 2020 Local Road Improvement Program Project Selection

PRESENTATIONS

PUBLIC DISCUSSION

CONSENT AGENDA

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

- A. Approve June 7, 2021 City Council Minutes & June 14, 2021 Work Session Meeting Minutes
- B. Approve general city warrants from June 1, 2021 through June 15, 2021 in the amount of \$883,286.86

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

MOTIONS

Motion made by Councilor Geissler, seconded by Councilor Nelson to approve the following On Sale Intoxicating Liquor Licenses: AAD Shrine, 5152 Miller Trunk Hwy, On Sale/Sunday/Dance; Beacon Sports Bar, 5044 Hermantown Road, On Sale/Sunday/Dance; Chalet Lounge, 4833 Miller Trunk Hwy, On Sale/Sunday; Foster's Sports Bar & Grill, 4767 W. Arrowhead Rd, On Sale/Sunday; Maya Mexican Restaurant, 4702 Miller Trunk Hwy, On Sale/Sunday; McKenzie's Bar & Grill, 5094 Miller Trunk Hwy, On

Sale/Sunday; Outback Steakhouse, 4255 Haines Rd, On Sale/Sunday and Skyline Lounge, 4894 Miller Trunk Hwy, On Sale/Sunday; The Social House, 4897 Miller Trunk Hwy; Valentini's, 4960 Miller Trunk Hwy contingent upon meeting all City Requirements. Roll Call: Councilors Geissler, Hauschild, Nelson, Peterson, Mayor Boucher, aye. Motion carried.

Motion made by Councilor Peterson, seconded by Councilor Hauschild to approve the following Off Sale Intoxicating Liquor Licenses: Sam's West #6320, 4743 Maple Grove Rd and Adolph Store, 3706 Midway Road contingent upon meeting all City Requirements. Roll Call: Councilors Geissler, Hauschild, Nelson, Peterson, Mayor Boucher, aye. Motion carried.

Motion made by Councilor Nelson, seconded by Councilor Geissler to approve the following Off Sale 3.2 Malt Liquor Licenses: Holiday Stationstores, 4795 Miller Trunk Hwy, Off Sale; Kwik Trip #220, 4978 Miller Trunk Highway, Off Sale; Kwik Trip #216, 4805 Miller Trunk Hwy, Off Sale; Kwik Trip #572, 4145 Haines Road; Walmart #1757, 4740 Loberg Ave, Off Sale; I Mart Stores, 4221 Haines Rd contingent upon meeting all City requirements. Roll Call: Councilors Geissler, Hauschild, Nelson, Peterson, Mayor Boucher, aye. Motion carried.

Motion made by Councilor Peterson, seconded by Councilor Hauschild to approve the following On Sale Wine/Strong Beer Liquor Licenses: China Star Restaurant, 4227 Haines Rd, Wine/Beer; Do North Pizzeria, 5116 Miller Trunk Hwy, Wine/Beer; Sammy's Pizza, 4310 Menard Dr, Wine/Beer; The King of Creams, 4140 Richard Ave; Yellow Bike Coffee, 5094 Miller Trunk Hwy, Wine/Beer contingent upon meeting all City requirements. Roll Call: Councilors Geissler, Hauschild, Nelson, Peterson, Mayor Boucher, aye. Motion carried.

Motion made by Councilor Hauschild, seconded by Councilor Peterson to appoint Gerald Wallace, Mary Ferguson, Bill Berg, Adhi Devireddy, Thea Stauffenecker, Steve Poggio & Councilor Gloria Nelson to the Broadband Task Force. Roll Call: Councilors Geissler, Hauschild, Nelson, Peterson, Mayor Boucher, aye.

ORDINANCES

RESOLUTIONS

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

Motion made by Councilor Geissler, seconded by Councilor Hauschild to adopt Resolution 2021-69, Resolution Approving Change Order Number 1 For Old Hwy 2. Councilors Geissler, Hauschild, Nelson, Peterson, Mayor Boucher, aye. Motion carried.

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

Motion made by Councilor Peterson, seconded by Councilor Geissler to adopt Resolution 2021-70, Resolution Approving A Special Use Permit For The Grading And Filling Within A Shoreland Overlay Zoning District. Councilors Geissler, Hauschild, Nelson, Peterson, Mayor Boucher, aye. Motion carried.

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 made by Councilor Peterson, seconded by Councilor Geissler to adopt Resolution 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”). Councilors Geissler, Hauschild, Nelson, Peterson, Mayor Boucher, aye. Motion carried.

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 made by Councilor Nelson, seconded by Councilor Geissler to adopt Resolution 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”). Councilors Geissler, Nelson, Mayor Boucher, aye. Councilors Hauschild, Peterson, nay. Motion carried.

2021-73 Resolution Adopting Performance Measures

Motion made by Councilor Peterson, seconded by Councilor Geissler to adopt Resolution 2021-73, Resolution Adopting Performance Measures. Councilors Geissler, Hauschild, Nelson, Peterson, Mayor Boucher, aye. Motion carried.

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

Motion made by Councilor Peterson, seconded by Councilor Nelson to adopt Resolution 2021-74, Resolution Approving The Removal Of The Gates At Stebner Park. Councilors Geissler, Hauschild, Nelson, Peterson, Mayor Boucher, aye. Motion carried.

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 made by Councilor Hauschild, seconded by Councilor Nelson to adopt Resolution 2021-75, Resolution Receiving Updated Preliminary Engineering Report And Calling For Public Hearing For Road Improvement District No. 538 (Richard Avenue And Lindgren Road). Councilors Geissler, Hauschild, Nelson, Peterson, Mayor Boucher, aye. Motion carried.

Motion made by Councilor Peterson, seconded by Councilor Geissler to close the regular meeting of the Hermantown City Council at 6:55 p.m. and go into a 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. Motion carried.

Motion made by Councilor Nelson, seconded by Councilor Peterson to re-convene into open session at 7:20 p.m. Motion carried.

Motion made by Councilor Hauschild, seconded by Councilor Peterson to recess the meeting at 7:25 p.m. Motion carried.

Mayor

ATTEST:

Clerk

CITY OF HERMANTOWN

CHECKS #67538-#67589

06/16/2021-06/30/2021

PAYROLL CHECKS

Electronic Checks - #70659 - 70707 82,451.45

Electronic Checks - #70646 - 70652 3,163.90

LIABILITY CHECKS

Electronic Checks - #70653 - 70658 \$64,571.04

Electronic Checks - #70643 - 70645 \$612.60

Check - #67538 - 67543 \$68,472.00

Checks - #67546 - 67547 \$1,159.10

Check - #67589 \$928.88

PAYROLL EXPENSE TOTAL \$221,358.97

ACCOUNTS PAYABLE

Checks - #67544-67545 \$2,243.05

Checks - #67548-67588 \$206,297.77

Electronic Payments -#99863-99866 \$24,315.02

ACCOUNTS PAYABLE TOTAL

\$232,855.84

TOTAL

\$454,214.81

CITY OF HERMANTOWN, MN 06/16/2021-06/30/2021
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6/29/2021

Page 1

Fund	Account	Department	Vendor Name	Description	Amount	Check #
101	421100	Police Administration	EMPOWER RETIREMENT	MARSOLEK SICK TIME TO HCSP	23,217.60	-99866
101	217450	Employee Flexplan	FURTHER ELECTRONIC PAYMENTS	Claim Reimbursement - Electron	122.90	-99865
101	217450	Employee Flexplan	FURTHER ELECTRONIC PAYMENTS	CLAIM REIMB- ELECTRONIC PYMT	226.80	-99864
101	217450	Employee Flexplan	FURTHER ELECTRONIC PAYMENTS	Claim Reimb- Electronic Pymt	747.72	-99863
101	134000	Retiree Insurance/Telephone Reimb.	MN LIFE	Inactives (Life Ins July)	4.05	67544
101	134000	Retiree Insurance/Telephone Reimb.	NORTHEAST SERVICE COOPERATIVE	Inactives (Health Ins July)	850.30	67545
101	421100	Police Administration	NORTHEAST SERVICE COOPERATIVE	Inactives (Health Ins July)	1,388.70	67545
101	419901	City Hall & Police Building Maintenance	A G O'BRIEN PLUMBING & HEATING INC	Sprinkler Inspection FD/PD	195.89	67548
101	419901	City Hall & Police Building Maintenance	A G O'BRIEN PLUMBING & HEATING INC	Sprinkler System Inspection	344.96	67548
101	452100	Parks	A G O'BRIEN PLUMBING & HEATING INC	Test the RPZ (Soccer Fields)	193.00	67548
101	419901	City Hall & Police Building Maintenance	A G O'BRIEN PLUMBING & HEATING INC	Water Heater (PD)	15,686.00	67548
240	432510	Trunk Sewer Construction	ANDERSON, GOLDSCHMIDT & ROBERTS	Easemt Acq Serv(Trunk Sewer)	200.00	67549
101	419100	Community Development	ARROWHEAD ABSTRACT & TITLE CO.	O-308722 O & E Golden Oaks	75.00	67550
101	419100	Community Development	ARROWHEAD ABSTRACT & TITLE CO.	O-308715 O & E Tessier	75.00	67550
602	494500	Sewer Maintenance	ASDCO CONSTRUCTION SUPPLY	Manhole Seal Water Proofing	1,549.40	67551
101	419901	City Hall & Police Building Maintenance	BLUE TARP FINANCIAL	Gorilla Grip	18.99	67552
475	431150	Street Improvements	BRAUN INTERTEC CORPORATION	MnDotSoilTest/ProjMngntLavJct	962.50	67553
602	494500	Sewer Maintenance	BRAUN INTERTEC CORPORATION	Sanitary Sewer Inspections	1,963.75	67553
101	421100	Police Administration	BRAY & REED LTD.	Prosecution Services May	4,500.00	67554
101	431100	Street Department	CINTAS CORPORATION	Uniforms	10.80	67555
101	431100	Street Department	CINTAS CORPORATION	Uniforms	10.80	67555
101	431100	Street Department	CINTAS CORPORATION	Uniforms	26.41	67555
101	431901	City Garage	CINTAS CORPORATION	Supplies	11.25	67555
101	431100	Street Department	CINTAS CORPORATION	Uniforms	26.41	67555
101	431901	City Garage	CINTAS CORPORATION	Mats at PW	20.58	67555
101	431901	City Garage	CINTAS CORPORATION	Supplies	29.75	67555
101	419901	City Hall & Police Building Maintenance	CINTAS CORPORATION	Mats at FD/PD	30.72	67555
101	419901	City Hall & Police Building Maintenance	CINTAS CORPORATION	Mats at CH	8.88	67555
101	431901	City Garage	CINTAS CORPORATION	Mats at PW	2.10	67555
601	494400	Water Administration and General	CITIES DIGITAL INC	LaserficheCloudupgradeLindsay	225.66	67556
602	494900	Sewer Administration and General	CITIES DIGITAL INC	LaserficheCloudupgradeLindsay	225.67	67556
101	419100	Community Development	CW TECHNOLOGY GROUP INC	SetupNewMeraki (replace MR16)	20.14	67557
601	494400	Water Administration and General	CW TECHNOLOGY GROUP INC	SetupNewMeraki (replace MR16)	20.14	67557
101	421100	Police Administration	CW TECHNOLOGY GROUP INC	SetupNewMeraki (replace MR16)	127.53	67557
101	415300	Administration & Finance	CW TECHNOLOGY GROUP INC	SetupNewMeraki (replace MR16)	40.28	67557
101	413100	Mayor	CW TECHNOLOGY GROUP INC	SetupNewMeraki (replace MR16)	6.71	67557
602	494900	Sewer Administration and General	CW TECHNOLOGY GROUP INC	SetupNewMeraki (replace MR16)	20.14	67557
101	431100	Street Department	CW TECHNOLOGY GROUP INC	SetupNewMeraki (replace MR16)	26.85	67557

CITY OF HERMANTOWN, MN 06/16/2021-06/30/2021
 Check # is between 67538 and 67589 or Check # is between -99866 and -99863

6/29/2021

Page 2

Fund	Account	Department	Vendor Name	Description	Amount	Check #
101	424100	Building Inspection	CW TECHNOLOGY GROUP INC	SetupNewMeraki (replace MR16)	6.71	67557
101	419901	City Hall & Police Building Maintenance	DALCO	Cone Bowl	265.00	67558
101	419901	City Hall & Police Building Maintenance	DOORCO, INC.	Door Repair	225.00	67559
101	421100	Police Administration	DSC COMMUNICATIONS	Radio Repair	236.40	67560
101	452100	Parks	DULUTH READY MIX INC	ConcreteBattingCagesFichtner	490.00	67561
101	421100	Police Administration	DVS RENEWAL	Balance 109NTN 2014 Dodge Tabs	5.00	67562
323	471000	Debt Service	EHLERS & ASSOCIATES INC	2021 Continuing Disclosure Rpt	380.00	67563
318	471000	Debt Service	EHLERS & ASSOCIATES INC	2021 Continuing Disclosure Rpt	380.00	67563
325	471000	Debt Service	EHLERS & ASSOCIATES INC	2021 Continuing Disclosure Rpt	380.00	67563
321	471000	Debt Service	EHLERS & ASSOCIATES INC	2021 Continuing Disclosure Rpt	380.00	67563
320	471000	Debt Service	EHLERS & ASSOCIATES INC	2021 Continuing Disclosure Rpt	380.00	67563
324	471000	Debt Service	EHLERS & ASSOCIATES INC	2021 Continuing Disclosure Rpt	380.00	67563
315	471000	Debt Service	EHLERS & ASSOCIATES INC	2021 Continuing Disclosure Rpt	380.00	67563
327	471000	Debt Service	EHLERS & ASSOCIATES INC	2021 Continuing Disclosure Rpt	380.00	67563
326	471000	Debt Service	EHLERS & ASSOCIATES INC	2021 Continuing Disclosure Rpt	380.00	67563
322	471000	Debt Service	EHLERS & ASSOCIATES INC	2021 Continuing Disclosure Rpt	380.00	67563
101	419901	City Hall & Police Building Maintenance	ESC SYSTEMS SOUND AND LIFE SAFETY	City Hall Repairs	494.50	67564
602	494500	Sewer Maintenance	ESS BROTHERS & SONS INC	Manhole Castings	4,388.00	67565
240	432510	Trunk Sewer Construction	EVERGREEN REAL ESTATE INC	Easemt Acqu Serv Trunk Sewer	175.00	67566
240	432510	Trunk Sewer Construction	F I SALTER REAL ESTATE, INC.	Easemt Acqu Serv Trunk Sewer	900.00	67567
101	419901	City Hall & Police Building Maintenance	GOODIN COMPANY INC	Gauge for Boiler	29.38	67568
101	419100	Community Development	HERMANTOWN STAR LLC	PH PZ ran 6/3/21	49.50	67569
101	411300	Ordinance, Public Notice and Proceedings	HERMANTOWN STAR LLC	Financial Report	577.50	67569
101	415300	Administration & Finance	MCFOA	MCMC Application (Engseth)	40.00	67570
275	452200	Community Building	MEDIACOM	EWC - Line for Elevator	184.27	67571
101	419901	City Hall & Police Building Maintenance	MENARD INC	Batteries	6.54	67572
101	421100	Police Administration	MENARD INC	Range Supplies	99.50	67572
101	421100	Police Administration	MENARD INC	Range Supplies	518.47	67572
601	494300	Water Distribution	MENARD INC	Ziploc Bags for H2O Supplies	4.98	67572
101	452100	Parks	MENARD INC	Ratchet Straps/Cable Ties	24.82	67572
101	452100	Parks	MENARD INC	2-Cycle Oil	19.72	67572
601	494300	Water Distribution	MN DEPARTMENT OF HEALTH	WaterSuppSysOper/Bjonskaas	23.00	67573
601	494300	Water Distribution	MN DEPARTMENT OF HEALTH	WaterSuppSysOper/Durovec	23.00	67573
275	452200	Community Building	MN ENERGY RESOURCES CORP	Natural Gas EWC	4,222.62	67574
101	431901	City Garage	MN ENERGY RESOURCES CORP	Natural Gas Lightning Dr	36.59	67574
601	494400	Water Administration and General	MN ENERGY RESOURCES CORP	Natural Gas Lightning Dr	41.81	67574
101	419901	City Hall & Police Building Maintenance	MN ENERGY RESOURCES CORP	Natural Gas CH/PD	313.18	67574
602	494900	Sewer Administration and General	MN ENERGY RESOURCES CORP	Natural Gas Lightning Dr	26.14	67574

CITY OF HERMANTOWN, MN 06/16/2021-06/30/2021
Check # is between 67538 and 67589 or Check # is between -99866 and -99863

6/29/2021

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Fund	Account	Department	Vendor Name	Description	Amount	Check #
101	452200	Community Building	MN ENERGY RESOURCES CORP	Natural Gas old CH	92.38	67574
101	431901	City Garage	MN ENERGY RESOURCES CORP	Natural Gas Comm Bldg	38.99	67574
101	431901	City Garage	MN ENERGY RESOURCES CORP	Natural Gas old CH	10.26	67574
101	422901	Firehall #1 Maple Grove Road	MN ENERGY RESOURCES CORP	Natural Gas FH#1	382.77	67574
605	431160	Street Lighting	MN POWER	3060281959 St Lghts Roundabout	16.31	67575
605	431160	Street Lighting	MN POWER	6175310000 Street Lights	620.75	67575
602	494900	Sewer Administration and General	MN POWER	4995600000 Electricity PW	88.93	67575
601	494400	Water Administration and General	MN POWER	4995600000 Electricity PW	133.40	67575
602	494900	Sewer Administration and General	MN POWER	0973881171 Sewer	514.84	67575
101	422902	Firehall #2 Morris Thomas Road	MN POWER	4995600000 Electricity FH#2	84.64	67575
101	419901	City Hall & Police Building Maintenance	MN POWER	4995600000 Electricity CH	2,396.21	67575
101	422903	Firehall #3 Midway Road	MN POWER	4995600000 Electricity FH#3	64.80	67575
101	422901	Firehall #1 Maple Grove Road	MN POWER	4995600000 Electricity FH#1	1,532.00	67575
101	431901	City Garage	MN POWER	4995600000 Electricity PW	222.33	67575
101	452100	Parks	MN POWER	0606881181 Parks	399.61	67575
101	431901	City Garage	MN POWER	4995600000 Electricity Maple G	18.33	67575
605	431160	Street Lighting	MN POWER	0234310000 Overhead St Lights	414.60	67575
605	431160	Street Lighting	MN POWER	1424100000 Street Lights	224.09	67575
605	431160	Street Lighting	MN POWER	0733871171 Traffic Lights	633.53	67575
605	431160	Street Lighting	MN POWER	0247020000 Street Lights	338.87	67575
605	431160	Street Lighting	MN POWER	0041881181 Street Lights	410.86	67575
101	452200	Community Building	MN POWER	0606881181 Comm Bldg	434.72	67575
601	494400	Water Administration and General	MN POWER	3623400000 Electricity Water	529.51	67575
101	431100	Street Department	MONARCH PAVING COMPANY	Cold Mix/Pothole Mix	1,695.57	67576
101	421100	Police Administration	NORTH COUNTRY CHEVROLET	2021 Chev Tahoe #360214	39,037.88	67577
101	421100	Police Administration	NORTH COUNTRY CHEVROLET	2021 Chev Tahoe #361418	35,037.88	67577
101	431100	Street Department	NORTHERN STATES SUPPLY INC	Cable Ties/Safety Glasses	54.26	67578
101	431100	Street Department	NORTHERN STATES SUPPLY INC	Dark Safety Glasses	66.96	67578
101	419100	Community Development	NORTHLAND CONSULTING ENGINEERS L.L.P.	PO2324 Zierden/Weets Dev	390.00	67579
101	419100	Community Development	NORTHLAND CONSULTING ENGINEERS L.L.P.	PO2320 Accurate Auto	65.00	67579
475	431150	Street Improvements	NORTHLAND CONSULTING ENGINEERS L.L.P.	Old Hwy 2 Reclamation	1,755.00	67579
475	431150	Street Improvements	NORTHLAND CONSULTING ENGINEERS L.L.P.	PO2333-RichLindUpdateEng Rpt	910.00	67579
240	432510	Trunk Sewer Construction	NORTHLAND CONSULTING ENGINEERS L.L.P.	Herm Trunk Sewer Spur Sec 24	8,710.00	67579
601	494400	Water Administration and General	NORTHLAND CONSULTING ENGINEERS L.L.P.	Morris Thomas Rd - Utility Rel	485.00	67579
602	494900	Sewer Administration and General	NORTHLAND CONSULTING ENGINEERS L.L.P.	Sanitary Sewer Planning	580.00	67579
412	419100	Community Development	NORTHLAND CONSULTING ENGINEERS L.L.P.	Keene Creek Trail	4,380.00	67579
402	431150	Street Improvements	NORTHLAND CONSULTING ENGINEERS L.L.P.	Ugstad Rd SP 202-101-014	910.00	67579
101	214500	Escrow Deposits Payable	NORTHLAND CONSULTING ENGINEERS L.L.P.	PO2311 Jenny Farms	130.00	67579

CITY OF HERMANTOWN, MN 06/16/2021-06/30/2021
 Check # is between 67538 and 67589 or Check # is between -99866 and -99863

6/29/2021

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Fund	Account	Department	Vendor Name	Description	Amount	Check #
101	431130	City Engineer	NORTHLAND CONSULTING ENGINEERS L.L.P.	Pre-Agenda, Four Square	390.00	67579
475	431150	Street Improvements	NORTHLAND CONSULTING ENGINEERS L.L.P.	Lav Jct Rd Reconstruction	34,305.00	67579
101	419100	Community Development	NORTHLAND CONSULTING ENGINEERS L.L.P.	PO2334 Pillars	65.00	67579
101	431130	City Engineer	NORTHLAND CONSULTING ENGINEERS L.L.P.	PO2313 MSA D1 Fed Proj	260.00	67579
601	494400	Water Administration and General	PITNEY BOWES INC	EZ Seal/Ink/InkPad	85.63	67580
602	494900	Sewer Administration and General	PITNEY BOWES INC	EZ Seal/Ink/InkPad	85.62	67580
101	415300	Administration & Finance	PITNEY BOWES INC	EZ Seal/Ink/InkPad	171.25	67580
101	415300	Administration & Finance	SAM'S CLUB DIRECT	CH Supplies	154.01	67581
101	421100	Police Administration	SAM'S CLUB DIRECT	PD Supplies	74.32	67581
101	419901	City Hall & Police Building Maintenance	SAM'S CLUB DIRECT	Membership dues	40.00	67581
101	415300	Administration & Finance	SAM'S CLUB DIRECT	Membership dues	45.00	67581
101	431100	Street Department	SAM'S CLUB DIRECT	PW Supplies	62.92	67581
601	494300	Water Distribution	SATHERS, LLC	Class 5	4,441.50	67582
601	494300	Water Distribution	SATHERS, LLC	Class 5	11,259.00	67582
101	421100	Police Administration	ST LOUIS COUNTY AUDITOR	2021 Everbridge billing	2,565.20	67583
101	419100	Community Development	ST LOUIS COUNTY RECORDERS OFFICE	KTJ 360 Dev Agmt Amendment	46.00	67584
101	419100	Community Development	ST LOUIS COUNTY RECORDERS OFFICE	Doblar SUP	46.00	67584
101	419901	City Hall & Police Building Maintenance	STACK BROS MECHANICAL	Cooling Valve	712.00	67585
101	419901	City Hall & Police Building Maintenance	STACK BROS MECHANICAL	Control Valve	1,210.00	67585
101	421100	Police Administration	TROY'S BP AMOCO INC	Vehicle Repair Squad 20	666.12	67586
101	431100	Street Department	UNITED RENTALS (NORTH AMERICA) INC	H20 Truck Rental - Chloride	1,510.00	67587
101	431100	Street Department	VIKING INDUSTRIAL CENTER	Safety Vests/Gloves/Hats	410.98	67588

Totals: 136 records printed

232,855.84

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



DATE: June 24, 2021 **Meeting Date:** 7/6/21
SUBJECT: Golden Oaks – Assignment of **Agenda Item: 12-A** **Resolution 2021-76**
and Amendment to SUP

REQUESTED ACTION

Approve the documents associated with the assignment of and the amendment to the 2005 Special Use Permit (SUP) for Golden Oaks.

DESCRIPTION OF REQUEST

In 2005, the City approved a Special Use Permit (SUP) for David Kolquist to construct a 30 bed assisted living facility in a R-3, Residential zoning district. A condition of the SUP was that the permit was not assignable except with the written consent of the City of Hermantown.

This facility (Golden Oaks) was sold in the spring of 2021. The new owner plans to continue operation of the assisted living facility and is requesting that the SUP be assigned to him as the new owner. The City Attorney has prepared documents relating to this proposed assignment.

During the City Attorney’s research, it was discovered that the SUP was granted to a larger land parcel. In 2005, the Golden Oaks parcel was part of the 4073 Reinke Road property. Once the Golden Oaks facility was constructed, the original parcel was subdivided into two parcels – 395-0010-05875 (4073 Reinke Road, with its existing home) and 395-0010-05870 (Golden Oaks). However, the SUP still pertained to both parcels.

As part of this action, the City Attorney has drafted a Partial Release of property 395-0010-05875 (4073 Reinke Road) from the SUP. This release would ‘clear the title’ for this parcel which will be a benefit to future land transactions associated with this parcel. The SUP will still be in place for parcel 395-0010-05870 (Golden Oaks).

Lastly, the City Attorney has drafted an Amendment to the SUP which deletes Section 2 (non-assignable permit) and amends the property description for which the SUP applies to.

SOURCE OF FUNDS (if applicable)

ATTACHMENTS

SUP – Partial Release
Amendment to SUP
Consent to Assignment of SUP

Resolution No. 2021-76

**RESOLUTION CONSENTING TO AN ASSIGNMENT
OF THE SPECIAL USE PERMIT GRANTED TO DAVID KOLQUIST
AND AMENDING RESOLUTION NO. 2005-95**

WHEREAS, the City of Hermantown (“City”), Resolution No. 2005-95, granted a Special Use Permit (“SUP”) to David Kolquist (“Developer”) for the development of a 30-bed assisted living facility now known as the Golden Oaks Assisted Living facility (“Project”) in Hermantown, Minnesota and legally described on Exhibit A attached hereto; and

WHEREAS, the SUP is dated August 16, 2005 and was recorded on October 17, 2005 as Document No. 806718.0 with the Registrar of Titles of St. Louis County, Minnesota; and

WHEREAS, Reinke Road Property LLC (“Purchaser”) has proposed to purchase the Project; and

WHEREAS, Section 2 of the SUP states that the SUP is not assignable, except with the written consent of the City of Hermantown; and

WHEREAS, Purchaser has requested the City to consent the assignment of the SUP; and

WHEREAS, the City staff have reviewed this request and recommends that the City Council approve the request of Purchaser to consent to the assignment and also have recommended that the requirement in the SUP for consents by City to future assignments of the SUP be deleted; and

WHEREAS, a parcel of property included on Exhibit A to the SUP and legally described on Exhibit B attached hereto (“Wunner Parcel”) is not utilized in the Project; and

WHEREAS, City administrative staff have recommended that the Wunner parcel be deleted from the legal description of the property covered by the SUP and the development agreement related to the Project; and

WHEREAS, the City Council has considered this matter and believes it is in the best interest of the City to consent to the assignment of the SUP by Developer.

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

1. The SUP is hereby amended by removing the requirements of Section 2.
2. City consents to the assignment of the Special Use Permit to Purchaser.
3. The City approves the amendment of the SUP to eliminate the need for consents to subsequent assignments of the SUP.
4. The Wunner Parcel is hereby removed from the property covered by the SUP and the development agreement related to the Project.

5. The Mayor and City Clerk are authorized and directed to execute whatever documents are needed to effectuate the assignment of the Special Use Permit, amendment of the SUP and release of the Wunner Parcel from the SUP and development agreement related to the SUP.

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 July 6, 2021.

EXHIBIT A

Parcel A

North 170.00 feet of that part of the North 30 acres of the East $\frac{3}{4}$ of the E1/2 of the NW1/4, Section 22, Township 50 North of Range 15 West of the Fourth Principal Meridian described as follows:

Commencing at the NE corner of said NW1/4, Section 22, thence South 00 degrees 27 minutes 33 seconds East (assumed bearing), along the East line of said NW1/4, a distance of 675.01 feet to the point of beginning of the parcel of land to be described: thence South 89 degrees 47 minutes 34 seconds West, along a line 675.00 feet distant and parallel with the North line of said NW1/4, a distance of 498.40 feet to the East line of the W1/2 of W1/2 of E1/2 of E1/2 of NW1/4; thence South 00 degrees 25 minutes 31 seconds East, along said East line, a distance of 636.03 feet to the South line of said North 30 acres of the East $\frac{3}{4}$ of the E1/2 of the NW1/4, thence North 89 degrees 47 minutes 34 seconds East, along said South line, a distance of 498.78 feet to the East line of said NW1/4; thence North 00 degrees 27 minutes 33 seconds West, along said East line, a distance of 636.03 feet to the point of beginning.

Certificate of Title No. 331824.0

Parcel B

That part of the North 30 acres of the East $\frac{3}{4}$ of the E1/2 of the NW1/4, Section 22, Township 50 North of Range 15 West of the Fourth Principal Meridian described as follows:

Commencing at the NE corner of said NW1/4, Section 22, thence South 00 degrees 27 minutes 33 seconds East (assumed bearing), along the East line of said NW1/4, a distance of 675.01 feet to the point of beginning of the parcel of land to be described: thence South 89 degrees 47 minutes 34 seconds West, along a line 675.00 feet distant and parallel with the North line of said NW1/4, a distance of 498.40 feet to the East line of the W1/2 of W1/2 of E1/2 of E1/2 of NW1/4; thence South 00 degrees 25 minutes 31 seconds East, along said East line, a distance of 636.03 feet to the South line of said North 30 acres of the East $\frac{3}{4}$ of the E1/2 of the NW1/4, thence North 89 degrees 47 minutes 34 seconds East, along said South line, a distance of 498.78 feet to the East line of said NW1/4; thence North 00 degrees 27 minutes 33 seconds West, along said East line, a distance of 636.03 feet to the point of beginning EXCEPT the North 170.00 feet thereof.

Certificate of Title No. 337649.0

Except: The North 170 feet thereof.

EXHIBIT B
Wunner Parcel

North 170.00 feet of that part of the North 30 acres of the East $\frac{3}{4}$ of the E1/2 of the NW1/4, Section 22, Township 50 North of Range 15 West of the Fourth Principal Meridian described as follows:

Commencing at the NE corner of said NW1/4, Section 22, thence South 00 degrees 27 minutes 33 seconds East (assumed bearing), along the East line of said NW1/4, a distance of 675.01 feet to the point of beginning of the parcel of land to be described: thence South 89 degrees 47 minutes 34 seconds West, along a line 675.00 feet distant and parallel with the North line of said NW1/4, a distance of 498.40 feet to the East line of the W1/2 of W1/2 of E1/2 of E1/2 of NW1/4; thence South 00 degrees 25 minutes 31 seconds East, along said East line, a distance of 636.03 feet to the South line of said North 30 acres of the East $\frac{3}{4}$ of the E1/2 of the NW1/4, thence North 89 degrees 47 minutes 34 seconds East, along said South line, a distance of 498.78 feet to the East line of said NW1/4; thence North 00 degrees 27 minutes 33 seconds West, along said East line, a distance of 636.03 feet to the point of beginning.

Certificate of Title No. 331824.0

(Top 3 inches reserved for recording data)

PARTIAL RELEASE

DATE: _____, 2021

The City of Hermantown hereby releases that certain real property in St. Louis County, Minnesota, legally described on Exhibit A attached hereto, from all of the terms and conditions of the Special Use Permit dated August 16, 2005 and recorded on October 17, 2005 as Document No. 806718.0 with the Registrar of Titles of St. Louis County, Minnesota and all of the terms and conditions of the Development Agreement dated May 12, 2003 and recorded on July 2, 2003 as Document No. 753207 with the Registrar of Titles of St. Louis County, Minnesota.

Check here if all or part of the described real property is Registered (Torrens)

GRANTOR:

City of Hermantown

By: _____
Its: Mayor

And By: _____
Its: City Clerk

State of Minnesota, County of St. Louis

The foregoing instrument was acknowledged before me this ____ day of _____, 2021, by _____ and _____, the Mayor and City Clerk, respectively, of the City of Hermantown on behalf of the City of Hermantown.

(Stamp)

(signature of notarial officer)

Title (and Rank): _____

My commission expires: _____
(month/day/year)

THIS INSTRUMENT WAS DRAFTED BY:
Steven C. Overom
Overom Law
11 E. Superior Street
Suite 543
Duluth, MN 55802

EXHIBIT A
Legal Description

North 170.00 feet of that part of the North 30 acres of the East $\frac{3}{4}$ of the E1/2 of the NW1/4, Section 22, Township 50 North of Range 15 West of the Fourth Principal Meridian described as follows:

Commencing at the NE corner of said NW1/4, Section 22, thence South 00 degrees 27 minutes 33 seconds East (assumed bearing), along the East line of said NW1/4, a distance of 675.01 feet to the point of beginning of the parcel of land to be described: thence South 89 degrees 47 minutes 34 seconds West, along a line 675.00 feet distant and parallel with the North line of said NW1/4, a distance of 498.40 feet to the East line of the W1/2 of W1/2 of E1/2 of E1/2 of NW1/4; thence South 00 degrees 25 minutes 31 seconds East, along said East line, a distance of 636.03 feet to the South line of said North 30 acres of the East $\frac{3}{4}$ of the E1/2 of the NW1/4, thence North 89 degrees 47 minutes 34 seconds East, along said South line, a distance of 498.78 feet to the East line of said NW1/4; thence North 00 degrees 27 minutes 33 seconds West, along said East line, a distance of 636.03 feet to the point of beginning.

Certificate of Title No. 331824.0

(Top 3 inches reserved for recording data)

AMENDMENT TO SPECIAL USE PERMIT

DATE: _____, 2021

The City of Hermantown hereby amends that certain Special Use Permit ("SUP") dated August 16, 2005 and recorded on October 17, 2005 as Document No. 806718.0 with the Registrar of Titles of St. Louis County, Minnesota as follows:

1. Section 2 of the SUP is hereby deleted.
2. The property covered by the SUP is hereby amended to be the property legally described on Exhibit A attached hereto.
3. Except as amended by this Amendment to Special Use Permit, the remaining terms and conditions of the SUP remain in full force and effect.

Check here if all or part of the described real property is Registered (Torrens)

IN WITNESS WHEREOF, the City of Hermantown has caused this Amendment to Special Use Permit to be executed by its duly authorized representatives as of the day and year first above written.

City of Hermantown

By: _____
Its: Mayor

And By: _____
Its: City Clerk

State of Minnesota, County of St. Louis

The foregoing instrument was acknowledged before me this ____ day of _____, 2021, by _____ and _____, the Mayor and City Clerk, respectively, of the City of Hermantown on behalf of the City of Hermantown.

(Stamp)

(signature of notarial officer)

Title (and Rank): _____

My commission expires: _____
(month/day/year)

THIS INSTRUMENT WAS DRAFTED BY:
Steven C. Overom
Overom Law
11 E. Superior Street
Suite 543
Duluth, MN 55802

EXHIBIT A
Legal Description

That part of the North 30 acres of the East 3/4 of the E1/2 of the NW1/4, Section 22, Township 50 North of Range 15 West of the Fourth Principal Meridian described as follows:

Commencing at the NE corner of said NW1/4, Section 22, thence South 00 degrees 27 minutes 33 seconds East (assumed bearing), along the East line of said NW1/4, a distance of 675.01 feet to the point of beginning of the parcel of land to be described: thence South 89 degrees 47 minutes 34 seconds West, along a line 675.00 feet distant and parallel with the North line of said NW1/4, a distance of 498.40 feet to the East line of the W1/2 of W1/2 of E1/2 of E1/2 of NW1/4; thence South 00 degrees 25 minutes 31 seconds East, along said East line, a distance of 636.03 feet to the South line of said North 30 acres of the East 3/4 of the E1/2 of the NW1/4, thence North 89 degrees 47 minutes 34 seconds East, along said South line, a distance of 498.78 feet to the East line of said NW1/4; thence North 00 degrees 27 minutes 33 seconds West, along said East line, a distance of 636.03 feet to the point of beginning EXCEPT the North 170.00 feet thereof.

Certificate of Title No. 337649.0

(Top 3 inches reserved for recording data)

CONSENT TO ASSIGNMENT OF SPECIAL USE PERMIT

DATE: _____, 2021

The City of Hermantown, the issuer of that certain Special Use Permit ("SUP") dated August 16, 2005 and recorded on October 17, 2005 as Document No. 806718.0 with the Registrar of Titles of St. Louis County, Minnesota of the property described in Exhibit A attached hereto, hereby consents to the assignment of such SUP to Reinke Road Property LLC.

Check here if all or part of the described real property is Registered (Torrens)

IN WITNESS WHEREOF, The City of Hermantown has caused this Consent to Assignment of Special Use Permit to be executed on its behalf as of the day and year first above written.

City of Hermantown

By: _____
Its: Mayor

And By: _____
Its: City Clerk

State of Minnesota, County of St. Louis

The foregoing instrument was acknowledged before me this ____ day of _____, 2021, by _____ and _____, the Mayor and City Clerk, respectively, of the City of Hermantown on behalf of the City of Hermantown.

(Stamp)

(signature of notarial officer)

Title (and Rank): _____

My commission expires: _____
(month/day/year)

THIS INSTRUMENT WAS DRAFTED BY:
Steven C. Overom
Overom Law
11 E. Superior Street
Suite 543
Duluth, MN 55802

EXHIBIT A
Legal Description

Parcel A

North 170.00 feet of that part of the North 30 acres of the East $\frac{3}{4}$ of the E1/2 of the NW1/4, Section 22, Township 50 North of Range 15 West of the Fourth Principal Meridian described as follows:

Commencing at the NE corner of said NW1/4, Section 22, thence South 00 degrees 27 minutes 33 seconds East (assumed bearing), along the East line of said NW1/4, a distance of 675.01 feet to the point of beginning of the parcel of land to be described: thence South 89 degrees 47 minutes 34 seconds West, along a line 675.00 feet distant and parallel with the North line of said NW1/4, a distance of 498.40 feet to the East line of the W1/2 of W1/2 of E1/2 of E1/2 of NW1/4; thence South 00 degrees 25 minutes 31 seconds East, along said East line, a distance of 636.03 feet to the South line of said North 30 acres of the East $\frac{3}{4}$ of the E1/2 of the NW1/4, thence North 89 degrees 47 minutes 34 seconds East, along said South line, a distance of 498.78 feet to the East line of said NW1/4; thence North 00 degrees 27 minutes 33 seconds West, along said East line, a distance of 636.03 feet to the point of beginning.

Certificate of Title No. 331824.0**Parcel B**

That part of the North 30 acres of the East $\frac{3}{4}$ of the E1/2 of the NW1/4, Section 22, Township 50 North of Range 15 West of the Fourth Principal Meridian described as follows:

Commencing at the NE corner of said NW1/4, Section 22, thence South 00 degrees 27 minutes 33 seconds East (assumed bearing), along the East line of said NW1/4, a distance of 675.01 feet to the point of beginning of the parcel of land to be described: thence South 89 degrees 47 minutes 34 seconds West, along a line 675.00 feet distant and parallel with the North line of said NW1/4, a distance of 498.40 feet to the East line of the W1/2 of W1/2 of E1/2 of E1/2 of NW1/4; thence South 00 degrees 25 minutes 31 seconds East, along said East line, a distance of 636.03 feet to the South line of said North 30 acres of the East $\frac{3}{4}$ of the E1/2 of the NW1/4, thence North 89 degrees 47 minutes 34 seconds East, along said South line, a distance of 498.78 feet to the East line of said NW1/4; thence North 00 degrees 27 minutes 33 seconds West, along said East line, a distance of 636.03 feet to the point of beginning EXCEPT the North 170.00 feet thereof.

Certificate of Title No. 337649.0

Except: The North 170 feet thereof.

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



DATE: June 22, 2021 **Meeting Date:** 7/6/21
SUBJECT: Development Agreement – Jenny Farms **Agenda Item: 12-B** **Resolution 2021-77**

REQUESTED ACTION

Approve execution of the Development Agreement between Shaine W. Stokke and City of Hermantown for the Jenny Farms development.

DESCRIPTION OF REQUEST

Requested is approval of the Development Agreement between Shaine W. Stokke (Developer) and the City of Hermantown (City) for the completion of public and private improvements associated with the Jenny Farms plat approved by the City Council on June 1, 2020. The agreement is substantially in the form of the attached Development Agreement document.

The project will be started in the summer of 2021 and commence throughout the 2021/2022 building season. The Development Agreement includes an irrevocable letter of credit in the amount of 125% of the construction cost of the stormwater improvements that will be completed in association with the project.

SOURCE OF FUNDS (if applicable)

ATTACHMENTS

Development Agreement

Resolution No. 2021-77

**RESOLUTION AUTHORIZING AND DIRECTING
THE MAYOR AND CITY CLERK TO EXECUTE AND DELIVER
DEVELOPMENT AGREEMENT WITH SHAINÉ W. STOKKE**

WHEREAS, Shaine W. Stokke (“Developer”) owns property located within the City of Hermantown; and

WHEREAS, Developer has requested the City to approve the Final Plat Permit for the (“Project”); and

WHEREAS, the City of Hermantown desires to enter into a Development Agreement with Developer for the Project; and

WHEREAS, a Development Agreement, substantially in the form of, has been prepared and is attached hereto; and

WHEREAS, the City Council has considered this matter and believes it is in the best interest of the City to approve the Development Agreement and to authorize and direct the Mayor and City Clerk to enter into such 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 Development Agreement attached hereto is hereby approved.
2. The Mayor and City Clerk are hereby authorized and directed to execute and deliver such Agreement on behalf of the City of Hermantown.

Councilor _____ introduced the foregoing resolution and moved its adoption.

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

Councilors

and the following voted in opposition thereto:

WHEREUPON, such resolution was declared duly passed and adopted July 6, 2021.

ACCEPTANCE OF RESOLUTION

Shaine W. Stokke (“Developer”) hereby acknowledges and accepts the conditions specified on the foregoing Resolution and covenants and agrees to comply with each and every such condition.

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

IN WITNESS WHEREAS, Shaine W. Stokke has executed this acceptance the ____ day of _____, 2021.

DEVELOPER:

Shaine W. Stokke

By _____
Its _____

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

The foregoing instrument was acknowledged before me this ____ day of _____, 2021, by Shaine W. Stokke.

Notary Public

DEVELOPMENT AGREEMENT

BY AND BETWEEN

**SHAINE W. STOKKE
("DEVELOPER")**

AND

CITY OF HERMANTOWN

("CITY")

Dated as of the _____ day of _____, 2021

THIS DOCUMENT WAS DRAFTED BY:

Steven C. Overton
Overton Law PLLC
11 East Superior St., Suite 543
Duluth, Minnesota 55802
(218) 623-8460

DEVELOPMENT AGREEMENT

THIS AGREEMENT, made on or as of the _____ day of _____, 2021, by and between **City of Hermantown**, (hereinafter referred to as the "City") and **Shaine W. Stokke** (hereinafter referred to as the "Developer"), is in response to the following situation:

A. The Developer has requested the City to approve the plat of **Jenny Farms ("Plat")** which is platted over the property located in St. Louis County, Minnesota legally described as follows:

See **Exhibit A** attached hereto ("Property")

B. The City will not approve the Plat until the Developer installs permanent wetland markers, and constructs **Stormwater Improvements** and a **Roadway** (as such terms are defined herein) and which are collectively referred to as "**Infrastructure Improvements**").

NOW, THEREFORE, in consideration of the foregoing and the mutual obligations of the parties hereto, each of them does hereby covenant and agree with the other as follows:

1. To pay all costs incurred by the City in connection with the initial review and consideration of the Plat, prior to the execution of the Plat and thereafter in connection with the determination of whether the conditions to the approval of the Plat or the construction of the Infrastructure Improvements have been completed in accordance with the Plans and Specifications, including, without limitation, fees incurred by the City Engineer for inspecting the construction of Infrastructure Improvements, within ten (10) days of being invoiced by the City for such costs.

2. Developer acknowledges that it is a requirement of the City that the Developer bear all costs of construction of the Infrastructure Improvements and that the Infrastructure Improvements must be constructed in accordance with Plans and Specifications approved by the City Engineer and City Public Works Director.

3. Before the Plat will be executed by the City the Developer must:

3.1 Comply with the provisions of Section 8 hereof (Infrastructure Plans and Specifications approved).

3.2 Developer shall provide a security deposit equal to 125% of the cost of construction of the Roadway as determined by the City Engineer unless construction is completed before the Plat is executed. No building permits shall be granted for any Property within the Plat until the Plat is approved and filed. The security is to be in effect until the Roadway has been constructed and the City Engineer and City Public Works Director executes a Certificate of Completion with respect to the Roadway attesting that it has been constructed in accordance with the Plans and Specifications. For the purposes of this Agreement, Roadway means the road as defined in Section 8.3.

3.3 Developer shall provide a security deposit equal to 125% of cost of construction of the Stormwater Improvements upon the execution of this Development Agreement of construction. This security is in addition to any security required by Section 3.2 hereof. No building permits shall be granted for any portion of the Property until an MS4 Certificate of Compliance is issued. The Stormwater Improvements are defined as the entire system utilized to collect, convey and treat stormwater. The security is to be in effect until all of the Stormwater Improvements have been constructed and the City Engineer and City Public Works Director executes a Certificate of Completion with respect to the Stormwater Improvements attesting that they have been properly constructed.

3.4 Pay City a park dedication fee of \$1,100.00 per lot in the Plat (total of \$9,900.00).

3.5 Provide the City with title evidence in form and substance acceptable to the City and the City Attorney examines or causes the title of the land underlying the Plat to be examined and the Developer completes all actions required to be taken by the City Attorney and City Engineer.

3.6 Cause the Plat dedication on the final Plat to be in form and substance acceptable to the City Attorney and City Engineer.

3.7 Provide the City with the final Plat that has duly and properly executed by all parties with an interest in the Property, as determined by the City Attorney and the signatures of such parties are duly and properly notarized.

3.8 Provide the City with the copies of the final Plat as is required under the Hermantown subdivision platting regulations.

3.9 City to provide written approval of the final Plat by the Community Development Director, City Attorney and City Engineer as being in compliance with the Hermantown subdivision platting.

3.10 Provide City with evidence that corrections to any deficiency noted by the County Surveyor on the Preliminary Plat have been made on the Final Plat.

3.11 Pay the City's out-of-pocket costs and expenses, including attorneys' fees and engineering fees, incurred prior to the Plat being signed by the City.

3.12 Comply with the provisions of Section 20 hereof (Declaration of Wetland Restrictions).

3.13 A Final PUD Order consistent with City Resolution No. 2020-80 is prepared by City administrative staff and approved by Developer, executed by the Mayor and City Clerk and recorded in the appropriate land title recording office.

4. All notices, certificates or other communications hereunder shall be sufficiently given and shall be deemed given when mailed sent by U.S. Certified Mail to the following name and address:

If to Developer: Shaine W. Stokke
 3708 Midway Road
 Hermantown, MN 55810

If to City: City of Hermantown
 5105 Maple Grove Road
 Hermantown, MN 55811
 Attn: John Mulder

With a copy to: Steven C. Overom
 Overom Law, PLLC
 11 E. Superior Street
 Suite 543
 Duluth, MN 55802

5. The City Engineer shall, after consulting with the designated representatives of Developer, be the final authority in the event of any questions, ambiguities or disagreements regarding the interpretation of the Plans and Specifications or whether the construction of the Infrastructure Improvements have been completed in accordance with the Plans and Specifications.

6. Developer acknowledges and agrees that pursuant to Section 350 of the Hermantown City Code, no road or street within the city becomes a City street until it is accepted and opened by the City Council by a resolution to that effect and that the City has not accepted or opened the roads within the Plat. Developer further acknowledges and agrees that the City has no obligation and will not assume responsibility to grade, construct, improve, repair, replace, snowplow or in any way maintain or construct the Roadway has been accepted and opened pursuant to Section 350 of the Hermantown City Code. Developer further acknowledges and agrees that the City Council will not consider any resolution accepting and opening the Roadway until Developer makes a written request of the City to accept and open the Roadway. Such request may not be made by Developer until (i) one year after the construction of the Roadway is determined to be fully completed in accordance with the Plans and Specifications and (ii) only if Developer has maintained and repaired the Roadway in good condition and repair unless Developer (x) provides a written one year warranty with respect to the construction of the Roadway that is in form and substance acceptable to the City, City Engineer and the City Attorney and (y) Developer provides security for such warranty in an amount, form and substance acceptable to the City, City Engineer and City Attorney. In the event Developer proceeds as provided in subparts (x) and (y) of this paragraph the City Council will consider a resolution accepting and opening the Roadway at its first regular meeting after Developer makes a written request of the City to accept and open the Roadway and the items required by subparts (x) and (y) of this paragraph are provided to the City. Likewise, Developer acknowledges and agrees that the City has no obligation to repair or replace any other Infrastructure Improvements until such Infrastructure Improvements have been determined to be

fully constructed in accordance with the Plans and Specifications by the City Engineer and City Public Works Director.

7. Developer agrees that it will not make any changes to the Plans and Specifications without the prior written approval of the City Engineer and City Public Works Director.

8. Developer shall present detailed plans and specifications for the Infrastructure Improvements to the City Engineer and City Public Works Director and obtain approval of such plans and specifications by the City Engineer, City Public Works Director. Whenever the words "Plans and Specifications" are used herein it shall mean the plans and specifications that are approved by the City Engineer and City Public Works Director. All construction work shall be completed strictly in accordance with the approved Plans and Specifications. The Plans and Specifications shall include the requirement that the final road elevation be marked prior to any building permit being issued for any construction on any lot within the Plat. For the purposes of this Development Agreement, Infrastructure Improvements means the following:

8.1. The Stormwater Improvements within the Plat and servicing the Plat.

8.2. Permanent wetland markers marking the wetlands on all residential lots within the Project.

8.3. A 24 foot wide asphalt roadway ("Roadway") with 2 foot wide shoulders per the requirements of the City of Hermantown. This Roadway will provide access for nine lots from Maple Grove Road Road.

9. Before the commencement of any work on any Infrastructure Improvements, Developer, Developer's Contractor and Developer's Engineer shall meet with the City Engineer and City Public Works Director to determine guidelines to insure that work is subject to appropriate testing and inspection before any portion of the work is covered or further work is done. Developer and Developer's Contractor may be limited, as a result of this discussion, as to work that may be done outside of regular working hours unless prior arrangements are made for inspection and testing to be done at such times and appropriate payment arrangements are made.

10. Developer acknowledges that the City Engineer may require independent testing of the work done on the Infrastructure Improvements prior to its determining that the work has been completed in accordance with the Plans and Specifications. Developer further understands and acknowledges that Developer shall be responsible for paying the costs incurred in connection with any such testing.

11. The City Engineer will execute and deliver the Certificate of Substantial Completion for the Roadway in the form attached hereto as Exhibit B to the City only upon substantial completion of the Roadway and the security is provided pursuant to Section 3.2 and continued until the City Engineer executes and delivers a Certificate of Final Completion in the form attached hereto as Exhibit C.

12. Developer acknowledges and agrees that no zoning permits and no building permits will be issued for any construction within the Plat until the City Engineer executes the Certificate of Substantial Completion for the Roadway in form of the one attached hereto as Exhibit B and the security required by Section 3.2, Section 3.3 and Section 11 has been provided to City.

13. Notwithstanding anything to the contrary contained herein Developer agrees that all of the Infrastructure Improvements will be fully completed in accordance with the Plans and Specifications no later than June 30, 2022.

14. Any security provided by Developer to City pursuant to Section 3.2 hereof shall be released upon final completion of the Infrastructure Improvements and a Certificate of Final Completion is issued by the City Engineer for such work and the record drawings for the Roadway on paper and electronically in auto-cad format and PDF format are provided to the City pursuant to Section 16 hereof. The City will not release any security provided to it pursuant to Section 3.2 or Section 3.3 until the required record drawings and copies of the Plat required by Section 16 and GPS data points required by Section 17 have been provided to the City. Any security provided by Developer to City pursuant to Section 3.3 hereof shall be released upon the issuance of a MS4 Certificate of Compliance and all work on the Stormwater Improvements is complete and a Certificate of Final Completion for the Stormwater Improvements has been executed.

15. Developer agrees that the City may exercise its rights under any security provided to it hereunder if Developer shall fail to perform any obligation required to be performed by Developer hereunder and such failure shall continue for a period of ten (10) days after written notice of such failure has been given by City to the Developer.

16. Developer will provide record drawings for the Infrastructure Improvements constructed by it pursuant to this Agreement on paper and electronically in auto-cad format and PDF format before June 30, 2022. Developer will also provide City with an electronic copy of the recorded Plat.

17. Developer will provide the GPS data points for the wetland boundaries on all lots within the Plat and for the permanent wetland markers required to be installed by Developer pursuant to Section 8.2 hereof. Developer, on its behalf and on behalf of its successors and assigns, further grants City access to the Property and any lot on the Property for purposes of checking the wetland boundaries and permanent wetland markers.

18. Upon the issuance of a Certificate of Final Completion by the City Engineer for the Roadway, the City shall become the owner of the Roadway covered by such Certificate of Final Completion.

19. All individual dwelling units within the Plat shall have their own private well and septic system. The City will not issue a Certificate of Occupancy for any dwelling until the requirements of this Section 19 have been satisfied with respect to such dwelling.

20. Developer will execute and deliver to City for recording with the real estate records the Dedication of Wetland Restrictions in the form of the one attached hereto as Exhibit

20. Neither Developer nor its successors or assigns shall modify or disturb the wetland areas or Stormwater Improvements within the Plat without the prior written approval of the City. The owner of each lot within the Plat shall be responsible for the preservation and maintenance of the wetland areas located on such owner's lot. Developer, for itself and its heirs and assigns, grants City access to the Property and every lot on the Plat for the purpose of determining compliance with this provision.

21. City is hereby granted access across the Property and all individual lots within the Plat at any time to repair, maintain and restore the Stormwater Improvements and wetland areas on any of the Property and to check the location of the wetland boundaries and permanent wetland markers on the Property and any lot on the Plat.

22. In the event that the City is required to repair, restore or modify the wetland areas, permanent wetland markers or Stormwater Improvements as a result of actions by the Developer or its successors or assigns, then the City may assess the costs of such repairs, restoration or modifications against the Property or any part of the Property pursuant to Chapter 429 of the Minnesota Statutes or the City may declare that the portion of the Property upon which such wetland or Stormwater Improvements are located to be a hazardous property within the meaning Minnesota Statutes §463.15, it being agreed to and acknowledged by Developer that a failure to adequately maintain or unremedied damage to a wetland or Stormwater Improvements constitutes a hazard to public safety or health.

23. The Developer further agrees that nothing in this Agreement constitutes any approval of any other licenses or permits or approvals required to be obtained under applicable law, rule, regulation or ordinance before any construction can take place on the Property. Examples of permits and approvals that are not approved by this Agreement are building permits, well and septic permits.

24. During construction, Developer agrees:

24.1 Erosion control measures shall be utilized and remain in place throughout the construction period, and shall not be removed until vegetation is established on the site; and

24.2 Not conduct any on-site burning or burial of brush or other site debris on the Property.

24.3 Construction activity shall comply with all City noise ordinances. There shall be no construction activity between the hours of 10:00 p.m. and 7:00 a.m.; and

24.4 The site shall be kept free of dust and debris that could blow onto neighboring properties; and

24.5 Public streets shall be maintained free of dirt and shall be cleaned as necessary; and

24.6 The City shall be contacted a minimum of 72 hours prior to any work in a public street. Any required construction or excavation permits for construction shall be obtained before work commences. Work in a public street shall take place only upon the determination by the Public Works Superintendent that appropriate safety measures have been taken to ensure motorist and pedestrian safety; and

24.7 The Community Development Director may impose additional conditions if it becomes necessary in order to mitigate the impact of construction on surrounding properties.

25. Developer acknowledges and will advise any persons buying a lot from Developer that if such person desires to construct a residential building on a lot within the Plat that a bedroom fee of One Hundred Fifty and No/100 Dollars (\$150.00) per bedroom will be required to be paid with the building permit for such residential building.

[SIGNATURES APPEAR ON NEXT PAGE]

**SIGNATURE PAGE
TO DEVELOPMENT AGREEMENT
BETWEEN THE CITY OF HERMANTOWN
AND SHAINÉ W. STOKKE**

IN WITNESS WHEREOF, City has caused this Agreement to be duly executed in its name and behalf as of the date first above written.

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 _____ and _____, the Mayor and City Clerk, respectively, of the City of Hermantown on behalf of the City of Hermantown.

Notary Public

**SIGNATURE PAGE
TO DEVELOPMENT AGREEMENT
BETWEEN THE CITY OF HERMANTOWN
AND SHAINÉ W. STOKKE**

IN WITNESS WHEREOF, Developer has caused this Agreement to be duly executed in its name and behalf on or as of the date first above written.

SHAINÉ W. STOKKE

By 
Its Owner

STATE OF MINNESOTA)
)ss.
COUNTY OF St. Louis)

The foregoing instrument was acknowledged before me this 28th day of June, 2021, by Shaine W. Stokke.


Notary Public

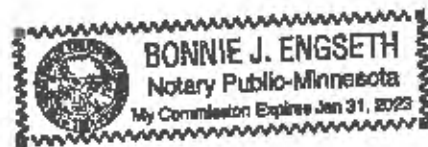


EXHIBIT A
LEGAL DESCRIPTION OF THE LAND

Parcel 1 – 395-0010-05020

East 50 rods of Southwest $\frac{1}{4}$ of Southeast $\frac{1}{4}$ ex. 5 acres at Southwest corner Section 18, Township 50, Range 15.

Parcel 2 – 395-0010-04990

East 50 rods of Northwest $\frac{1}{4}$ of Southeast $\frac{1}{4}$ Section 18, Township 50, Range 15.

This is Abstract property.

EXHIBIT B
CERTIFICATE OF SUBSTANTIAL COMPLETION OF ROADWAY

Date of Issuance: _____, 20__

This Certificate of Substantial Completion is made with reference to the following facts:

Shaine W. Stokke, (hereinafter the "Developer") entered into a Development Agreement (hereinafter referred to as "Development Agreement") with the City of Hermantown, a statutory city under the laws of the State of Minnesota, (hereinafter the "City"), with respect to a development to be constructed by Developer in the City.

The undersigned hereby certifies that the following facts and representations are true and correct:

1. The construction of the Roadway as defined in the Development Agreement has been fully completed in accordance with the Plans and Specifications. The date of substantial completion is hereby established as of _____.
2. All capitalized terms when used herein shall have the meaning given them in the Development Agreement.

Name of Developer's Contractor

By _____
Its _____

The undersigned, the City Engineer, based on the foregoing Certificate and such other testing and inspections as it deemed necessary hereby certifies that the construction of the Roadway defined in the Development Agreement other than the blacktopping of the Roadway has been substantially completed in accordance with the Plans and Specification and the terms of the Development Agreement.

Dated _____

Northland Consulting Engineers. L.L.P.

By _____
Its _____

EXHIBIT C
CERTIFICATE OF FINAL COMPLETION

Date of Issuance: _____, 2022

This Certificate of Final Completion is made with reference to the following facts:

Shaine W. Stokke, (hereinafter the "Developer") entered into a Development Agreement (hereinafter referred to as "Development Agreement") with the City of Hermantown, a statutory city under the laws of the State of Minnesota, (hereinafter the "City"), with respect to a development to be constructed by Developer in the City.

The undersigned parties hereby certify that the following facts and representations are true and correct:

1. The construction of the Infrastructure Improvements defined in the Development Agreement has been completed strictly in accordance with the Infrastructure Plans and Specifications and the terms of the Development Agreement. The date of final completion is hereby established as of _____

2. All capitalized terms when used herein shall have the meaning given them in the Development Agreement.

3. That the following have been satisfied:

3.1. Construction of the Infrastructure Improvements have been fully completed in accordance with the Infrastructure Plans and Specifications.

3.2. The Stormwater Improvements have been completed in accordance with the MS4 Certificate of Compliance.

3.3. The provisions of Section 3.11 of this Agreement with respect to the payment of fees have been satisfied.

3.4. Developer is not in default under this Agreement.

3.5. All wetland work has been completed in accordance with any permits or approvals for such work.

3.6. Developer has provided record drawings for the Infrastructure Improvements constructed by it pursuant to this Agreement on paper and electronically in auto-cad format and PDF format before June 30, 2022. Developer has also provided City with an electronic copy of the recorded Plat.

3.7. Developer has provided the GPS data points for the wetland boundaries on all lots within the Plat and for the permanent wetland markers required to be installed by Developer pursuant to Section 8.3 hereof.

SHAINÉ W. STOKKE

By _____
Its _____

Developer's Engineer:

By _____
Its _____

The undersigned, the City Engineer, based on the foregoing Certificate and such other testing and inspections as it deemed necessary hereby certifies that the construction of the Infrastructure Improvements defined in the Development Agreement have been completed strictly in accordance with the Plans and Specification.

Dated: _____

Northland Consulting Engineers, LLP

By _____
Its _____

EXHIBIT 20

DECLARATION OF WETLAND RESTRICTIONS

Shaine W. Stokke, ("Developer") hereby certifies and declares that Lot _____, Block _____ Jenny Farms ("Property") is subject to the restrictions contained within that certain Development Agreement between Developer and the City of Hermantown dated _____, 2021 and recorded the ____ day of _____, 20__ as Document No. _____ with the _____ of St. Louis County, Minnesota. Such restrictions include, but are not limited to, the following:

1. The permanent wetland markers installed on the Property may not be removed or disturbed in any manner. The wetland areas on the Property may not be disturbed in any manner.
2. The City may enter upon the Property to repair, maintain and correct any disturbances to the wetland areas on the Property.
3. If the owner of the Property fails to maintain the wetland areas or modifies or disturbs the wetland areas, then the City may assess the cost of repairing or restoring the wetland areas against the Property pursuant to the provisions of Chapter 429 of the Minnesota Statutes or it may declare such failure or such modification or disturbance to be a hazard to public safety or health and proceed to take actions which are permissible under Minnesota Statutes §463.15, et. seq., to enjoin or abate the hazard and collect the costs thereof as provided for in such statutes.
4. This Declaration shall run with the land and be binding on Developer and its successors and assigns.

[SIGNATURE APPEARS ON NEXT PAGE]

IN WITNESS WHEREOF, Developer has caused this Agreement to be duly executed in its name and behalf on or as of the date first above written.

Shaine Stokke

STATE OF MINNESOTA)
)ss.
COUNTY OF _____)

The foregoing instrument was acknowledged before me this ____ day of _____, 2021, by Shaine W. Stokke.

Notary Public

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



DATE: June 22, 2020 **Meeting Date:** 7/6/21
SUBJECT: Preliminary PUD – Keene Creek Trail Subdivision **Agenda Item: 12-C** **Resolution 2021-78**

REQUESTED ACTION

Approve a Preliminary Planned Unit Development (PUD) with Jay Zierden/Zierden Builders for the Keene Creek Trail Subdivision

DESCRIPTION OF REQUEST

Applicant is requesting approval of a Preliminary Planned Unit Development (PUD) for construction of a 21 lot single family home and 8 twinhome lot (8 units total) for a total of 29 lots located in the NE intersection of Okerstrom Road and Morris Thomas Road. The property is located in an R-3 zoning district.

SITE INFORMATION:

Parcel Size: 36.5 acres
Legal Access: Morris Thomas Road and Carlson Road (Future)
Wetlands: Yes, delineation approved in 2020
Existing Zoning: R-3, Residential
Airport Overlay: None
Shoreland Overlay: Natural Environment
Comprehensive Plan: Suburban

Development Details

The applicant is proposing to construct 21 single family home lots and 8 twinhome lots (8 units total) for a total of 29 lots on an existing 33 acre lot. In addition, the applicant has requested the City enter into an agreement to swap the 2.5 acre Outlot A of the Valleyview Division Plat for the 12.6 acre outlot proposed as part of this plat. The proposed project will consist of 21 single family lots ranging in size from 16,400 square feet to 58,890 square feet. In addition, the applicant is proposing 8 twinhome lots ranging from 11,743 square feet to 20,605 square feet in size for the purpose of building 4 twinhomes, for a total of 8 units total.

A public hearing for the PUD was held on Tuesday, June 15, 2021. There were approximately 30 people in attendance. Public concern was expressed over the proposed Carlson Road connection and how this future road could affect traffic and safety along Johnson and Portland Roads. In addition, a petition signed by 44 residents of Johnson and Portland Roads to stop the Carlson Road connection was submitted to the City and included in the Planning and Zoning Commission packet. The project as proposed with the Carlson Road connection was recommended for approval 4-3 with Councilor Geissler casting the deciding vote for.

PUD Process:

The City's zoning regulations governing PUD's require that each PUD obtain preliminary and final approval. At the City's discretion, the preliminary and final PUD approvals may be processed concurrently. However, the applicant is pursuing preliminary and final approval under separate applications.

The PUD review and approval process include a public hearing by the Planning Commission and a recommendation to the City Council. A PUD order will be issued by the City setting project specific development standards. Following completion of the development contract the applicant will be granted final Zoning approval and can begin construction, pending approval of the associated building permits.

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

- 1.1 Preservation and enhancement of natural systems and resources, topography, vegetation, and other natural features. – This project proposes a 12.6 acre outlot which consists of wetlands, Keene Creek and a future city trail.
- 1.2 Provision of a variety of housing and community types. – The project proposes single family lots of varying sizes along with twinhome lots to the community.
- 1.3 Provision of recreational amenities including trails and parks. – The Project proposes green space associated with the proposed outlot as part of the development. The Project has an interior sidewalk which connects to Morris Thomas Road and Carlson Road. In the future, the City is planning construction of the Munger Trail Spur trail segment which will connect the existing trail segments south of Morris Thomas Road, running to Keene Creek Park and the northern segment at Hermantown Road which connects to Stebner Park and the Hermantown Marketplace.

Zoning Analysis:

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

The purpose of the PUD request is to allow for the creation of 8 twinhome lots and for 17 of the proposed 21 single family lots to be less than ½ acre (21,780 square feet) in size.

Setbacks

City Code allows a PUD to have standards that meet the City's goals for each proposed development. These standards include building height, density, roadway widths and setbacks. The proposed project is for 21 lot single family home and 8 twinhome lot (8 units total) for a total of 29 lots. The single family lots meet the underlying front and rear yard setback requirements of the R-3 zoning district. The applicant is proposing a minimum 10' foot side yard setback, 20' aggregate total as opposed to the 25' aggregate total associated with the R-3 district. The PUD allows for the setting of site specific setbacks.

The twinhome lots propose a 50' front yard setback, a 40' rear yard setback and a minimum 10' foot side yard setback (20' aggregate total). The twinhomes are located within the interior of the site and do not abut any existing single family homes.

Plat

The applicant is proposing to divide the property into 29 lots. A preliminary plat has been provided as part of the application. A final plat prepared by a registered land surveyor will be required for the project. Staff is working with the applicant on the street names for the project.

Utilities

The applicant has engaged a civil engineer to conduct this work with preliminary documents being submitted as part of the application. The work submitted include grading plans along with water and sanitary sewer plans.

The project proposes the extension of a sanitary sewer line from Morris Thomas Road which generally parallels Keene Creek and progressing to the north and east to provide sanitary sewer service to each lot.

The water main extension will connect from Morris Thomas Road running to the north and east and connect into the existing water main in Johnson Road. This design will provide a looped water system for the proposed development.

Upon submittal of the Final PUD the applicant will be required to submit construction documents for review and approval by the City Engineer. Upon City acceptance, all utilities will be turned over to the City of Hermantown.

Stormwater

The applicant is proposing a series of six ponds located throughout the site to accommodate the stormwater associated with the project. The applicant has engaged a civil engineer to conduct this work with preliminary documents being submitted as part of the application. Upon submittal of the Final PUD the applicant will be required to submit erosion and sediment control plan for construction and post-construction control of run-off. Bio-rolls, silt fencing and other Best Management Practices will be required in order to control runoff during construction.

The stormwater ponds are within the proposed outlot for the plat and will be turned over to the City upon completion and acceptance by the City Engineer.

Access

The project is proposed to be accessed by way of a thru road connecting Morris Thomas Road to Johnson Road. As part of the Valleyview Division plat, a 66' road right of way was platted as Carlson Road. This road had been envisioned to provide access to the property located to the west of Johnson Road. This road would be a public, 28 foot wide asphalt roadway with curb and gutter with a 5' foot width sidewalk along one side of the road.

The City is requiring the applicant to construct a thru road connecting Morris Thomas to Johnson Road. A thru road is beneficial from a life/safety standpoint as it provides two means of ingress and egress to a development for police and fire access. The City's goal is to ensure that adequate roads, sewer, water, fire and police protection are in place or provided for before the final preliminary plat is approved.

The applicant will be fully responsible to design and construct the proposed roads within the project to City standards. Upon completion and inspection by the City Engineer, the City will accept the road and maintain it from after time of acceptance.

Land Swap

As part of the 1995 Valleyview Division plat, the City created an outlot which was accessed by way of a 66' road right of way platted as Carlson Road. This outlot had been envisioned as future development of the original plat. This 2.5 acre outlot abuts the proposed property and by its inclusion in the project allows for its development and access by way of Carlson Road.

The City has discussed a land swap with the applicant, with the applicant making a formal request for the City's Valleyview Division Outlot. The proposed land swap encompasses the 12.6 acre proposed plat outlot for the City's 2.5 acre Valleyview Division Outlot. This land swap accomplishes multiple goals: the protection of Keene Creek; the protection of wetlands; the location of stormwater ponds; available land for the City's planned segment connection of the Munger Trail Spur; two points of ingress/egress for the proposed development and development of an existing outlot for residential housing.

City staff will continue to work with the applicant on the details associated with this proposed land swap.

Wetlands

A wetland delineation was performed in the fall of 2020. The plan envisions wetland impacts associated with the road construction and potentially 2-4 lots in order to accommodate a building footprint. The applicant will be required to submit a wetland impact plan to the Hermantown Technical Evaluation Panel for their review and approval.

The MN DNR has also identified a potential tributary to Keene Creek that runs from east to west along the south portion of the property and generally parallels Morris Thomas Road. This classification of this unmapped water conveyance by the DNR as a tributary is still being discussed with the DNR. The applicant will be required to obtain all necessary permits from the DNR should this water conveyance be classified as a tributary.

Park Dedication Fees

The developer will be required to pay park dedication fees consistent with the requirements of the City Zoning Ordinance. A park dedication fee of \$1,100 per lot/unit will be paid at the time of final PUD approval. Bedroom fees at the rate of \$150/bedroom will be paid at the time of building permit.

Summary

Staff recommends approval of the Preliminary PUD based on the findings of this report and the following conditions

1. The preliminary PUD meets the intent of the R-3, Residential Zoning District, Chapter 11 – Planned Unit Developments, and the overall goals and policies of the Zoning Ordinance.
2. The preliminary PUD meets the Comprehensive Plan for residential development and standards of a Planned Unit Development by providing public benefit through enhanced and coordinated development design and a greater variety of housing variety in the community.
3. The preliminary PUD hereby approved is hereby expressly subject to the following conditions:
 - 3.1 Property Owner is initially and continually in compliance with all of the ordinances and regulations of the City of Hermantown.
 - 3.2 Trees and brush cannot be burned on the Land, but may be chipped and shredded.
 - 3.3 An MPCA Stormwater Permit and erosion control measures must be in place prior to any construction on the Final PUD.
 - 3.4 All utility line easements shall be observed and any encroachment into the utility right-of-way shall only be permitted with the written approval of the entity that owns the utility.
 - 3.5 The Property Owner shall take measures to control erosion that has the potential to damage adjacent land, and control sedimentation that has the potential to leave the site.
 - 3.6 The Applicant will have one year from the date of the preliminary PUD approval to file for a final PUD.
 - 3.7 The Applicant is required to submit final construction documents (water, storm sewer, sanitary sewer, drives, parking lots etc.) according to City

standards and coordinated with the City Engineer as part of the Final PUD application.

4. The applicant shall pay a park dedication fee of \$1,100 per lot/unit in lieu of dedicated park land. This fee will be paid at the time of PUD approval. Bedroom park dedication fees of \$150.00/bedroom will be paid at time of building permit.
5. The Applicant shall enter into an agreement with the City for a land swap for Applicants 12.6 acre outlot for the City's 2.5 acre Outlot A associated with the Valleyview Division plat.
6. The applicant shall sign a consent form assenting to all conditions of this approval.
7. The applicant shall pay an administrative fine of \$750 per violation of any condition of this approval.

SOURCE OF FUNDS (if applicable)

N/A

ATTACHMENTS:

- Location Map
- Correspondence from Chief Crace
- Preliminary Site Plan
- Preliminary Plat
- Valleyview Division Plat
- Aerial with Road Alignment
- Proposed Twinhome Building Example

Resolution No. 2021-78

RESOLUTION APPROVING PRELIMINARY PLANNED UNIT DEVELOPMENT FOR THE KEENE CREEK TRAIL SUBDIVISION DEVELOPMENT

WHEREAS, Jay Zierden/Zierden Builders (“Applicant”) submitted an application (“Application”) for a Preliminary Planned Unit Development (“Preliminary PUD”) to allow for construction of 21 single family lots and 8 twinhome lots (“Project”) on a site located at the NE quadrant of Okerstrom Road and Morris Thomas Road, Parcels 395-0010-07589 and 395-0195-00040 in the City of Hermantown; and

WHEREAS, the Hermantown Planning and Zoning Commission held a public hearing on the Preliminary Planned Unit Development (“Preliminary PUD”) on June 15, 2021 following notice as required by the City’s Zoning Code; and

WHEREAS, following the public hearing on the Preliminary PUD, the Hermantown Planning and Zoning Commission recommended by a 4-3 vote that the City Council approve the Preliminary PUD; and

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

A. FINDINGS OF FACT

1. Applicant made application for the Preliminary PUD which is to be located within the City of Hermantown.
2. Applicant is the owner of parcel 395-0010-07589 and the City of Hermantown is owner or parcel 395-0195-00040.
3. Applicant will be the user of the PUD.
4. The fee required to be submitted with the Preliminary PUD application has been paid.
5. The Planning and Zoning Commission held a public hearing on the Preliminary PUD following notice as required by ordinances of the City of Hermantown.
6. The Planning and Zoning Commission of the City of Hermantown submitted its report and recommendation on the Preliminary PUD to the City Council within the time period set forth in the ordinances of the City of Hermantown.
7. The City Council considered the Preliminary PUD after receiving the report and recommendation of the Planning and Zoning Commission.
8. The Preliminary PUD is consistent with the Hermantown Comprehensive Plan and is a permitted use in the R-3 Zone District in which it is located.
9. The tract of land (“Land”) affected by the Preliminary PUD is legally described on **Exhibit A** attached hereto.

10. The Preliminary PUD includes provisions for the preservation and creation of natural amenities.
11. Natural systems, resources, topography, vegetation and other natural features will be preserved and enhanced to the extent possible.
12. The Preliminary PUD is located on more than two and one half (2 ½) acres of contiguous land.
13. The Preliminary PUD includes residential uses.
14. The Preliminary PUD provides a public benefit with the following:
 - 14.1 Preservation and enhancement of natural systems and resources, topography, vegetation, and other natural features. – This project proposes a 12.6 acre outlot which consists of wetlands, Keene Creek and a future city trail.
 - 14.2 Provision of a variety of housing and community types. – The project proposes single family lots of varying sizes along with twinhome lots to the community.
 - 14.3 Provision of recreational amenities including trails and parks. – The Project proposes green space associated with the proposed outlot as part of the development. The Project has an interior sidewalk which connects to Morris Thomas Road and Carlson Road. In the future, the City is planning construction of the Munger Trail Spur trail segment which will connect the existing trail segments south of Morris Thomas Road, running to Keene Creek Park and the northern segment at Hermantown Road which connects to Stebner Park and the Hermantown Marketplace.
15. Maps were provided with the Plan and contained the following:
 - 15.1. The existing topographic character of the land.
 - 15.2. A composite of all natural amenities of the site.
 - 15.3. The size of the site and proposed uses of the land to be developed together with an identification of off-site land uses.
 - 15.4. The density of land use to be allocated to the overall development.
 - 15.5. The approximate location of thoroughfares.
 - 15.6. The location of open space.
16. The Preliminary PUD includes the following:
 - 16.1. A statement of the ownership of all land involved in the Preliminary PUD.
 - 16.2. An explanation of the general character of the Preliminary PUD.

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

B. CONCLUSION

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

1. The Preliminary PUD meets the intent of the R-3, Residential Zoning District, Chapter 11 – Planned Unit Developments, and the overall goals and policies of the Zoning Ordinance.
2. The Preliminary PUD meets the Comprehensive Plan for residential development and standards of a Planned Unit Development by providing public benefit through enhanced and coordinated development design and a greater variety of housing types in the community.
3. The Preliminary PUD hereby approved is hereby expressly subject to the following conditions:
 - 3.1. That the Preliminary PUD will be constructed as described in the plans accompanying the Application and the conditions contained herein and the Development Agreement.
 - 3.2. The Zoning Administrator of the City of Hermantown shall be notified at least five (5) days in advance of the commencement of the work authorized hereunder and shall be notified of its completion within five (5) days thereafter.
 - 3.3. Applicant shall grant access to the site at all reasonable times during and after construction to authorized representatives of the City of Hermantown for inspection to see that the terms of this permit are met.
 - 3.4. Property Owner is initially and continually in compliance with all of the ordinances and regulations of the City of Hermantown.
 - 3.5. Trees and brush cannot be burned on the Land, but may be chipped and shredded.
 - 3.6. An MPCA Stormwater Permit and erosion control measures must be in place prior to any construction on the Preliminary PUD.
 - 3.7. All utility line easements shall be observed and any encroachment into the utility right-of-way shall only be permitted with the written approval of the entity that owns the utility.
 - 3.8. The Property Owner shall take measures to control erosion that has the potential to damage adjacent land, and control sedimentation that has the potential to leave the site.
 - 3.9. The Applicant will have one year from the date of the Preliminary PUD approval to submit a Final PUD application and enter into a Development Agreement with the City.

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

3.11. The Applicant is required to submit preliminary and final construction documents (water, storm sewer, sanitary sewer, drives, parking lots etc.) according to City standards and coordinated with the City Engineer which will be incorporated into the Development Agreement for the Final PUD.

3.12. The Applicant shall pay park dedication fees consistent with the requirements of the City Zoning Ordinance. A park dedication fee of \$1,100 per lot/unit will be paid at the time of final PUD approval. Bedroom fees at the rate of \$150/bedroom will be paid at the time of building permit.

3.13. The Applicant shall enter into an agreement with the City for a land swap for Applicants 12.6 acre outlot for the City's 2.5 acre Outlot A associated with the Valleyview Division plat.

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

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

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

Councilor ___ introduced the foregoing resolution and moved its adoption.

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

Councilors

and the following voted in opposition thereto:

WHEREUPON, such resolution was duly passed and adopted July 6, 2021.

ACCEPTANCE OF RESOLUTION

Jay Zierden/Zierden Builders (“Applicant”) hereby acknowledges and accepts the conditions specified on the foregoing Resolution and covenants and agrees to comply with each and every such condition.

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

IN WITNESS WHEREAS, Jay Zierden/Zierden Builders has executed this acceptance the ____ day of _____, 2021.

DEVELOPER:

Jay Zierden/Zierden Builders

By _____
Its _____

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

The foregoing instrument was acknowledged before me this ____ day of _____, 2021, by Jay Zierden/Zierden Builders.

Notary Public

EXHIBIT A

SW1/4 OF SE1/4 EX COMM 691.04 FT N OF SE COR ALONG E LINE TO PT OF BEG THENCE LEFT IN A WLY DIRECTION 89DEG35'50" 329.22 FT THENCE RIGHT IN A NLY DIRECTION 89DEG35'50" 631.55 FT TO N LINE OF FORTY THENCE ELY ALONG N LINE TO E LINE OF FORTY THENCE SLY ALONG E LINE TO PT OF BEG & EX BEG AT SE COR THENCE N 544.02 FT TO THE PT OF BEG THENCE W AT AN ANGLE OF 89DEG35'50" 329.29 FT THENCE N AT AN ANGLE OF 90DEG25'15" 147.02 FT THENCE E AT AN ANGLE OF 89DEG34'45" 329.29 FT THENCE S TO PT OF BEG & EX BEG AT SE COR THENCE N 397 FT TO PT OF BEG THENCE WLY 329.36 FT THENCE N AT AN ANGLE OF 90DEG25'15" 147.02 FT THENCE E AT AN ANGLE OF 89DEG34'45" 329.29 FT THENCE S TO PT OF BEG & EX THAT PART COMM AT SE COR ALSO BEING THE PT OF BEG THENCE N ALONG THE E LINE 397 FT THENCE DEFLECT 90DEG24'10" TO THE LEFT IN A WLY DIRECTION 329.36 FT THENCE DEFLECT 89DEG34'15" TO THE LEFT IN A SLY DIRECTION AND PARALLEL WITH THE E LINE 397 FT TO THE SLY LINE THENCE ELY ALONG SLY LINE TO THE PT OF BEG SECTION TWENTY FIVE (25), TOWNSHIP FIFTY (50), RANGE FIFTEEN (15).

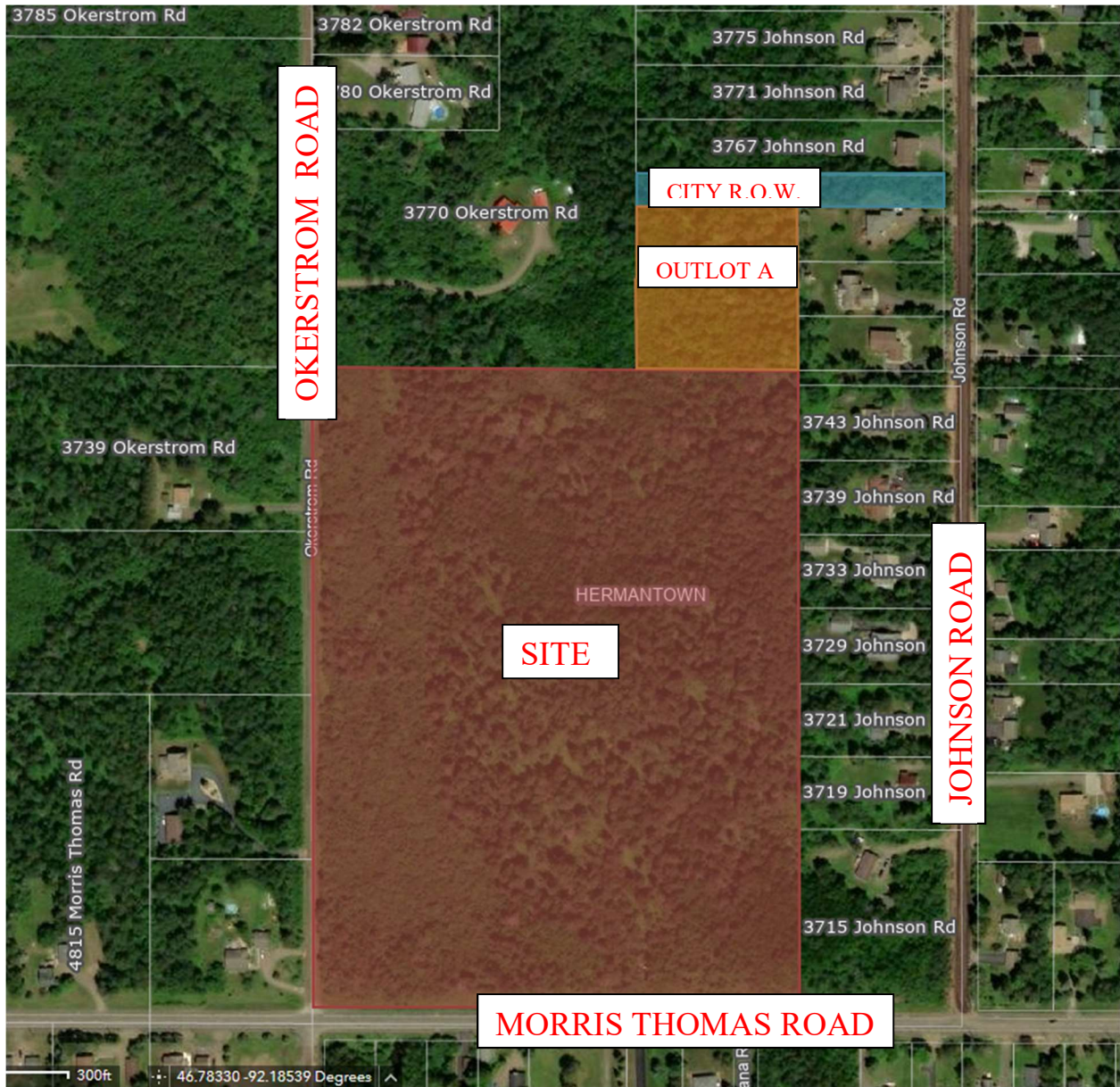
PARCEL: 395-0010-07589

AND

OUTLOT A VALLEYVIEW DIVISION SECTION TWENTY FIVE (25), TOWNSHIP FIFTY (50), RANGE FIFTEEN (15).

PARCEL: 395-0195-00040

Location Map



CH-Bonnie Engseth

Subject: FW: Keene Creek Trail Subdivision - Road Access

From: HPD-Jim Grace
Sent: Monday, June 28, 2021 4:11 PM
To: CH-Eric Johnson <eric.johnson@hermantownmn.com>
Subject: RE: Keene Creek Trail Subdivision - Road Access

Eric,

The stance from the Police Department is (and always has been) that any new housing area should have two independent avenues of egress. The reasons for this is that it is much easier to patrol areas that are connected and emergency response is more predicable when there are two ways in/out of an area. In addition, for Fire/Rescue, it is better to have two ways into a neighborhood in the event that one is blocked in some fashion.

I understand that this is not always possible, but when possible, we should always strive for this as a standard.

If you have any further questions, feel free to contact me.

Sincerely,

Chief CRace



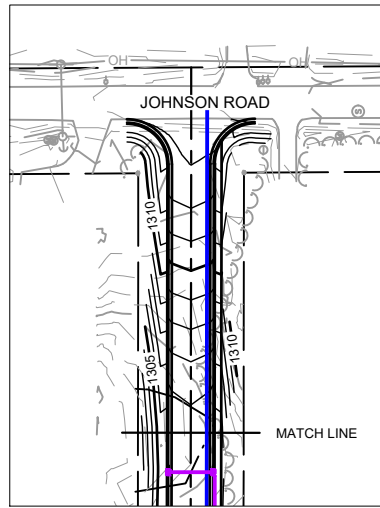
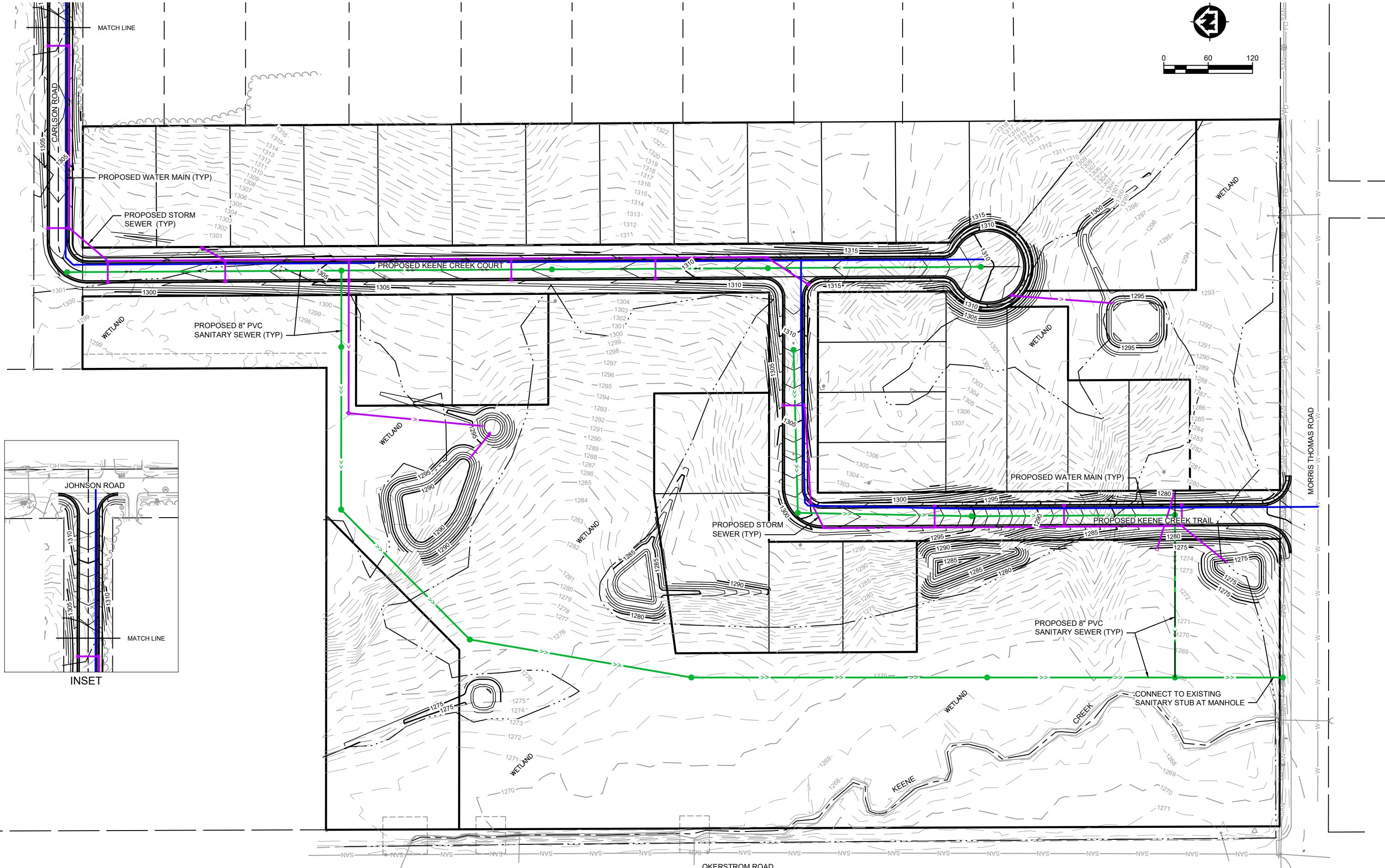
HERMANTOWN POLICE DEPARTMENT
5111 Maple Grove Road
Hermantown, MN 55811

Office: 218-729-1200
Voice Mail: 218-729-1202
Email: crace@hermantownmn.com

Jim Grace
Chief of Police



SEE INSET FOR CONTINUATION



INSET

PROJECT DATE:	DRAWN BY:	NO.	DATE	REVISION	BY
5/20/2021	JAS				
	DESIGNED BY:	Init			
	CHECKED BY:	Init			

PRELIMINARY

I HEREBY CERTIFY THAT THIS PLAN, REPORT, OR SPECIFICATION WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT I AM A DULY LICENSED PROFESSIONAL ENGINEER UNDER THE LAWS OF THE STATE OF MINNESOTA.

DATE: _____
REGNO: _____
License No. _____

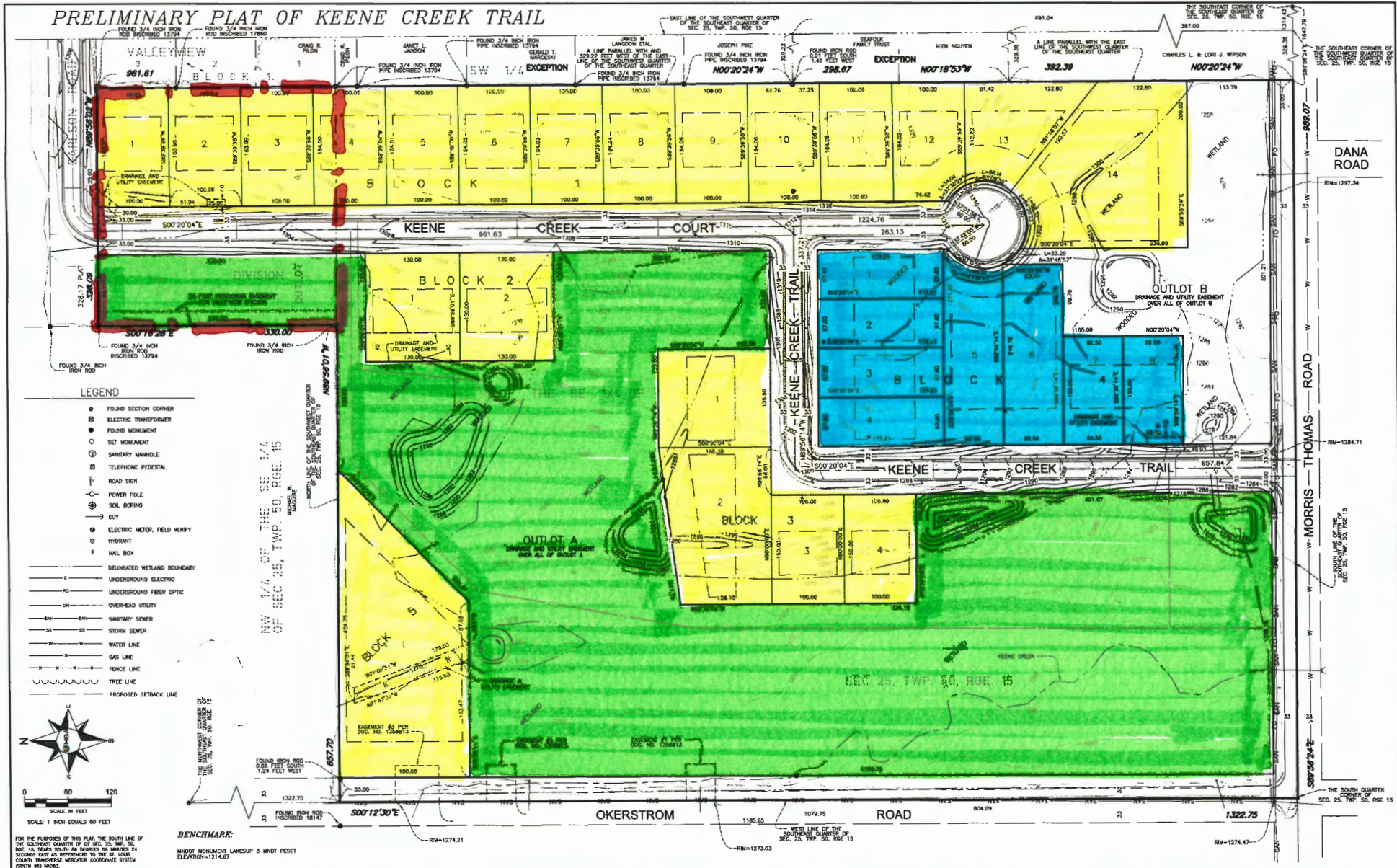
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ENGINEERING | ARCHITECTURE | SURVEYING
FUNDING | PLANNING | ENVIRONMENTAL
332 W Superior Street, Duluth MN 55802
(218) 722-3915 www.msa-ps.com
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KEENE CREEK TRAIL SUBDIVISION
DARREN WEETS
CITY OF HERMANTOWN

OVERALL SITE PLAN

PROJECT NO.
14491004
SHEET
G

OUTLOT A - VALLEYVIEW DIVISION **PROPOSED OUTLOT**
SINGLE FAMILY LOT **TWIN HOME LOT**



PROJECT DATE: MAY 2021	DESIGNED BY: CES	DRAWN BY: JVA	CHECKED BY: ES	NO. DATE	REVISION	BY	UTILITY DISCLAIMER	ENGINEERING ARCHITECTURE SURVEYING FUNDING PLANNING ENVIRONMENTAL MSA 332 W Superior Street, Duluth MN 55802 (218) 722-8935 www.msa-ps.com <small>© 2021 MSA Professional Services, Inc.</small>	KEENE CREEK TRAIL CITY OF HERMANTOWN ST. LOUIS COUNTY, MN	PRELIMINARY PLAT	PROJECT NO: 14491004 SHEET: 2 OF 2
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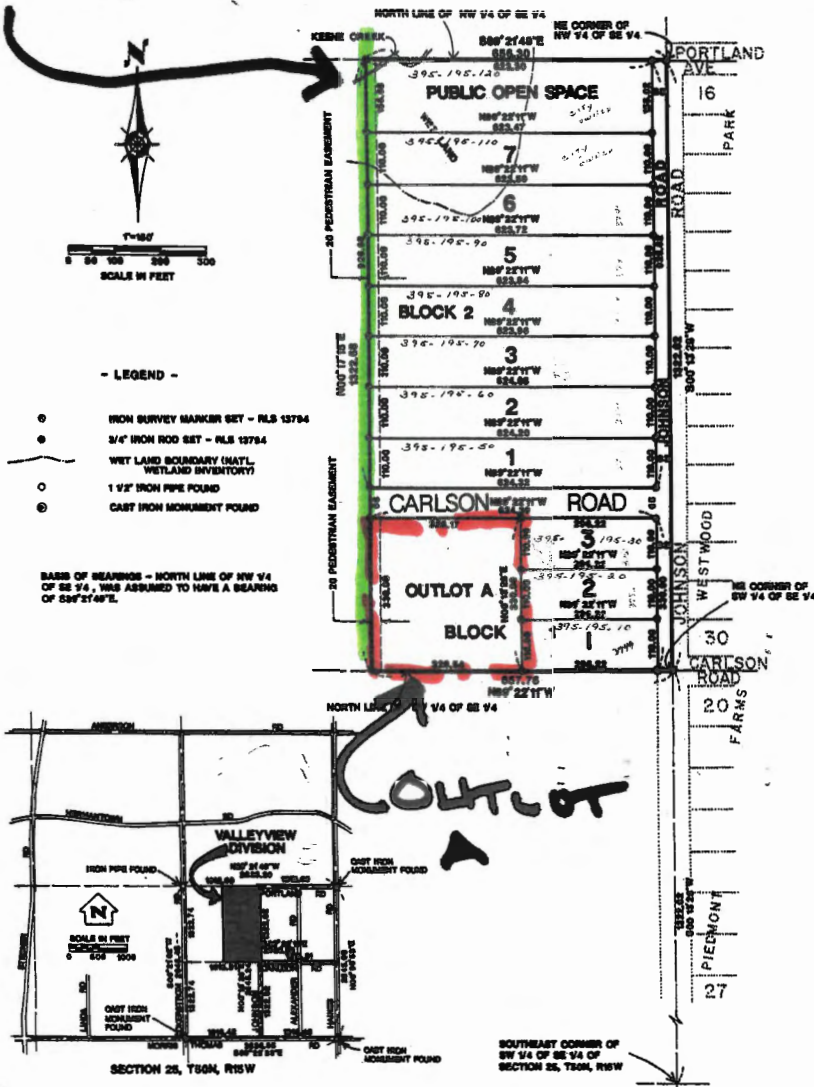
EXISTING TRAIL EASEMENT

PLAT OF VALLEYVIEW DIVISION LOCATED IN THE E 1/2 OF NW 1/4 OF SE 1/4, SECTION 25, T.50N, R.15W. OF THE FOURTH PRINCIPAL MERIDIAN

595561
OFFICE OF REGISTER OF DEEDS
STATE OF MINNESOTA
COUNTY OF ST. LOUIS

I hereby certify that the within instrument was duly recorded in Book 715 of Register of Deeds, page 352.

MARK A. MORGAN
Register of Deeds



Plat Dedication
Valleyview Division
Hermantown, St. Louis County, Minnesota

KNOW ALL MEN BY THESE PRESENTS: That City of Hermantown, a Municipal Corporation, owner and proprietor of the following described property situated in the City of Hermantown, County of St. Louis, State of Minnesota, to wit:

East Half of Northwest Quarter of Southeast Quarter (E 1/2 of NW 1/4 of SE 1/4), SECTION Twenty-five (25), TOWNSHIP Fifty (50) North of RANGE Fifteen West of the Fourth Principal Meridian, according to the United States Government Survey thereof;

Containing 19.94 acres of land, more or less, except all minerals.

Have caused the same to be surveyed and platted as VALLEYVIEW DIVISION and do hereby donate and dedicate to the public for public use forever the thoroughfares and also dedicating the easements as shown on this plat for pedestrian purposes only.

IN WITNESS WHEREOF we have hereunto set our hands this 14th day of March, 1995.

Owner
City of Hermantown
Daniel J. Walsh Mayor
James J. Sines City Clerk

STATE OF MINNESOTA)
COUNTY OF ST. LOUIS)

The foregoing instrument was acknowledged before me this 14th day of March, 1995 by *Daniel J. Walsh* and *James J. Sines* of the City of Hermantown, a Municipal Corporation, on behalf of the corporation.

Steven G. Overton
Notary Public, St. Louis County, MN
My Commission Expires 4/3/97

I hereby certify that I have surveyed and platted the property described on this plat as VALLEYVIEW DIVISION, that this plat is a correct representation of the survey, that all distances are correctly shown on the plat in feet and hundredths of a foot, that all monuments have been correctly placed in the ground as shown; that the outside boundary lines are correctly designated on the plat; and that there are no wet lands as defined in RS 805.02 Subd. 1, or public highways to be designated other than as shown.

Dale L. Bertson
Dale L. Bertson, Land Surveyor
Minnesota License No. 13794

STATE OF MINNESOTA)
COUNTY OF ST. LOUIS)

The foregoing Surveyor's Certificate was acknowledged before me this 7th day of March, 1995 by Dale L. Bertson, MN License No. 13794.

Lawrence H. Sanner
Notary Public, St. Louis County, MN
My Commission Expires 4/3/97

We do hereby certify that on the 14th day of March, 1995, the City Council of Hermantown, Minnesota, approved this plat.

Daniel J. Walsh Mayor, City of Hermantown
James J. Sines City Clerk, City of Hermantown

I hereby certify that this plat has been checked and approved this 14th day of March, 1995.
Robert C. Bueh
St. Louis County Surveyor #17560

Plat 195

Section 25

All Taxes Paid
March 21, 1995
Gordon D. McFaul
St. Louis County Auditor
By *Theresa J. Tomaszewski* Deputy

395-195



Keene Creek Ln

Portland Rd

HERMANTOWN

Okerstrom Rd

Johnson Rd

Alexander Rd

Carlson Rd

Haines Rd

91

Morris Thomas Rd

96

Twinhome Example



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



DATE: June 22, 2020 **Meeting Date:** 7/6/21
SUBJECT: Preliminary Plat – Keene Creek Trail Subdivision **Agenda Item: 12-D** **Resolution 2021-79**

REQUESTED ACTION

Approve a Preliminary Plat with Jay Zierden/Zierden Builders for the Keene Creek Trail Subdivision

DESCRIPTION OF REQUEST

Applicant is requesting approval of a Preliminary Plat for construction of a 21 lot single family home and 8 twinhome lot (8 units total) for a total of 29 lots located in the NE intersection of Okerstrom Road and Morris Thomas Road. The property is located in an R-3 zoning district.

SITE INFORMATION:

Parcel Size: 36.5 acres
Legal Access: Morris Thomas Road and Carlson Road (Future)
Wetlands: Yes, delineation approved in 2020
Existing Zoning: R-3, Residential
Airport Overlay: None
Shoreland Overlay: Natural Environment
Comprehensive Plan: Suburban

Development Details

The applicant is proposing to construct 21 single family home lots and 8 twinhome lots (8 units total) for a total of 29 lots on an existing 33 acre lot. In addition, the applicant has requested the City enter into an agreement to swap the 2.5 acre Outlot A of the Valleyview Division Plat for the 12.6 acre outlot proposed as part of this plat. The proposed project will consist of 21 single family lots ranging in size from 16,400 square feet to 58,890 square feet. In addition, the applicant is proposing 8 twinhome lots ranging from 11,743 square feet to 20,605 square feet in size for the purpose of building 4 twinhomes, for a total of 8 units total.

A public hearing for the Preliminary Plat was held on Tuesday, June 15, 2021. There were approximately 30 people in attendance. Public concern was expressed over the proposed Carlson Road connection and how this future road could affect traffic and safety along Johnson and Portland Roads. In addition, a petition signed by 44 residents of Johnson and Portland Roads to stop the Carlson Road connection was submitted to the City and included in the Planning and Zoning Commission packet. The project as proposed with the Carlson Road connection was recommended for approval 4-2.

Zoning Analysis:

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

The purpose of the PUD request is to allow for the creation of 8 twinhome lots and for 17 of the proposed 21 single family lots to be less than ½ acre (21,780 square feet) in size.

Plat

The applicant is currently only seeking approval of a preliminary plat. A preliminary plat is a drawing that provides enough information for the City to determine that the proposed development can meet the City's zoning, environmental, engineering, and other development standards. Approval of the preliminary plat does not grant approval to develop the property. It provides the applicant and City with a basis for further planning direction and design.

The applicant is proposing to divide the property into 29 lots. A preliminary plat has been provided as part of the application. A final plat prepared by a registered land surveyor will be required for the project. Staff is working with the applicant on the street names for the project.

Setbacks

City Code allows a PUD to have standards that meet the City's goals for each proposed development. These standards include building height, density, roadway widths and setbacks. The proposed project is for 21 lot single family home and 8 twinhome lot (8 units total) for a total of 29 lots. The single family lots meet the underlying front and rear yard setback requirements of the R-3 zoning district. The applicant is proposing a minimum 10' foot side yard setback, 20' aggregate total as opposed to the 25' aggregate total associated with the R-3 district. The PUD allows for the setting of site specific setbacks.

The twinhome lots propose a 50' front yard setback, a 40' rear yard setback and a minimum 10' foot side yard setback (20' aggregate total). The twinhomes are located within the interior of the site and do not abut any existing single family homes.

Utilities

The applicant has engaged a civil engineer to conduct this work with preliminary documents being submitted as part of the application. The work submitted include grading plans along with water and sanitary sewer plans.

The project proposes the extension of a sanitary sewer line from Morris Thomas Road which generally parallels Keene Creek and progressing to the north and east to provide sanitary sewer service to each lot.

The water main extension will connect from Morris Thomas Road running to the north and east and connect into the existing water main in Johnson Road. This design will provide a looped water system for the proposed development.

Upon submittal of the Final PUD the applicant will be required to submit construction documents for review and approval by the City Engineer. Upon City acceptance, all utilities will be turned over to the City of Hermantown.

Stormwater

The applicant is proposing a series of six ponds located throughout the site to accommodate the stormwater associated with the project. The applicant has engaged a civil engineer to conduct this work with preliminary documents being submitted as part of the application. Upon submittal of the Final PUD the applicant will be required to submit erosion and sediment control plan for construction and post-construction control of run-off. Bio-rolls, silt fencing and other Best Management Practices will be required in order to control runoff during construction.

The stormwater ponds are within the proposed outlot for the plat and will be turned over to the City upon completion and acceptance by the City Engineer.

Access

The project is proposed to be accessed by way of a thru road connecting Morris Thomas Road to Johnson Road. As part of the Valleyview Division plat, a 66' road right of way was platted as Carlson Road. This road had been envisioned to provide access to the property located to the west of Johnson Road. This road would be a public, 28 foot wide asphalt roadway with curb and gutter with a 5' foot width sidewalk along one side of the road.

The City is requiring the applicant to construct a thru road connecting Morris Thomas to Johnson Road. A thru road is beneficial from a life/safety standpoint as it provides two means of ingress and egress to a development for police and fire access. The City's goal is to ensure that adequate roads, sewer, water, fire and police protection are in place or provided for before the final preliminary plat is approved.

The applicant will be fully responsible to design and construct the proposed roads within the project to City standards. Upon completion and inspection by the City Engineer, the City will accept the road and maintain it from after time of acceptance.

Land Swap

As part of the 1995 Valleyview Division plat, the City created an outlot which was accessed by way of a 66' road right of way platted as Carlson Road. This outlot had been envisioned as future development of the original plat. This 2.5 acre outlot abuts the proposed property and by its inclusion in the project allows for its development and access by way of Carlson Road.

The City has discussed a land swap with the applicant, with the applicant making a formal request for the City's Valleyview Division Outlot. The proposed land swap encompasses the 12.6 acre proposed plat outlot for the City's 2.5 acre Valleyview Division Outlot. This land swap accomplishes multiple goals: the protection of Keene Creek; the protection of wetlands; the

location of stormwater ponds; available land for the City's planned segment connection of the Munger Trail Spur; two points of ingress/egress for the proposed development and development of an existing outlot for residential housing.

City staff will continue to work with the applicant on the details associated with this proposed land swap.

Wetlands

A wetland delineation was performed in the fall of 2020. The plan envisions wetland impacts associated with the road construction and potentially 2-4 lots in order to accommodate a building footprint. The applicant will be required to submit a wetland impact plan to the Hermantown Technical Evaluation Panel for their review and approval.

The MN DNR has also identified a potential tributary to Keene Creek that runs from east to west along the south portion of the property and generally parallels Morris Thomas Road. This classification of this unmapped water conveyance by the DNR as a tributary is still being discussed with the DNR. The applicant will be required to obtain all necessary permits from the DNR should this water conveyance be classified as a tributary.

Park Dedication Fees

The developer will be required to pay park dedication fees consistent with the requirements of the City Zoning Ordinance. A park dedication fee of \$1,100 per lot/unit will be paid at the time of final PUD approval. Bedroom fees at the rate of \$150/bedroom will be paid at the time of building permit.

Summary

Staff recommends approval of the Preliminary Plat based on the findings of this report and the following conditions

1. The proposed preliminary plat meets the intent of the R-3, Residential Zoning District and the overall goals and policies of the Zoning Ordinance.
2. The proposed preliminary plat meets the Comprehensive Plan criteria for residential development.
3. The Applicant shall enter into an agreement with the City for a land swap for Applicants 12.6 acre outlot for the City's 2.5 acre Outlot A associated with the Valleyview Division plat.

ATTACHMENTS:

- Location Map
- Preliminary Site Plan
- Preliminary Plat
- Valleyview Division Plat
- Aerial with Road Alignment

Resolution No. 2021-79

**RESOLUTION APPROVING PRELIMINARY PLAT OF KEENE CREEK TRAIL
SUBDIVISION AND IMPOSING CONDITIONS ON SUBMITTAL OF THE FINAL PLAT**

WHEREAS, Jay Zierden/Zierden Builders (Applicant) has requested a preliminary plat for Keene Creek Trail Subdivision comprised of 21 single family lots, 8 twinhome lots and two out lots in an R-3 zoning district; and

WHEREAS, the Hermantown Planning and Zoning Commission has recommended the approval of the preliminary plat following a public hearing on June 15, 2021; and

WHEREAS, upon the satisfaction of the conditions set forth herein, the preliminary plat will satisfy the requirements of the Hermantown Zoning Code; and

WHEREAS, the City Council has duly considered this matter and believes that it is in the best interests of the City of Hermantown that the preliminary plat be approved, subject to certain conditions being met.

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

1. The preliminary plat is in accordance with and conformity to the Hermantown Comprehensive Plan and Hermantown Zoning Ordinance.
2. The preliminary plat of Keene Creek Trail Subdivision is hereby approved.
3. The following conditions are imposed upon the final plat:
 - a. The final plat shall be submitted within one year of the date of the approval of the preliminary plat.
 - b. The title of the land underlying the plat shall be approved by the City Attorney.
 - c. Any deficiency noted by the surveyor on the preliminary plat will be corrected on the final plat.
 - d. Applicant shall pay a cash contribution in lieu of parkland dedication per the schedule adopted in the Hermantown Fee Schedule.
 - e. Applicant shall enter into a development agreement with the City at time of final plat that outlines development responsibilities and provide financial securities for site improvements and utility installation.
 - f. Applicant agrees to construct, at their own expense, a connection between Morris Thomas Road and Johnson Road, via Carlson Road, in a manner and time to be determined via development agreement with City.
 - g. Regardless of the impact on the number of approved lots, all lots will meet the requirements associated with the Planned Unit Development approval for the project. Additional requirements per the Hermantown Zoning Ordinance, include but not limited to:
 - i. Section 1020.02.2. Frontage. The entire required frontage of each lot must abut on a street that has been officially accepted by the City of Hermantown or other governmental body with jurisdiction over such street, except as provided for flag lots and cul-de-sacs; and

- ii. 1020.04.3. When a lot completely abuts a cul-de-sac, the required frontage may be measured at the building setback line.
- h. Prior to approval of the final plat, the applicant shall submit an application for wetland replacement plan associated with the wetland impacts proposed on site.
- i. Prior to approval of the final plat, the applicant shall submit and receive approval from the City Engineer of a permanent stormwater treatment plan that meets the City standards codified in Sections 1080 and 1060 of the City Code.
- j. Prior to approval of the final plat, the applicant shall submit and receive approval from the City Engineer a road design meeting the Hermantown Urban Section Road Standards with a 28' wide curb face to curb face bituminous paved road with a sidewalk on at least one side and all other Hermantown road design standards including 30 mph speed design.
- k. Prior to approval of the Final Plat, the applicant shall submit and receive approval from the City Engineer a road design meeting the Hermantown Urban Section Road Standards with cul-de-sacs designed to R/W width of 130' with a paved surface of 100' paved surface.
- l. The applicant shall sign a consent form assenting to all conditions of this approval.

Councilor ____ introduced the foregoing resolution and moved its adoption.

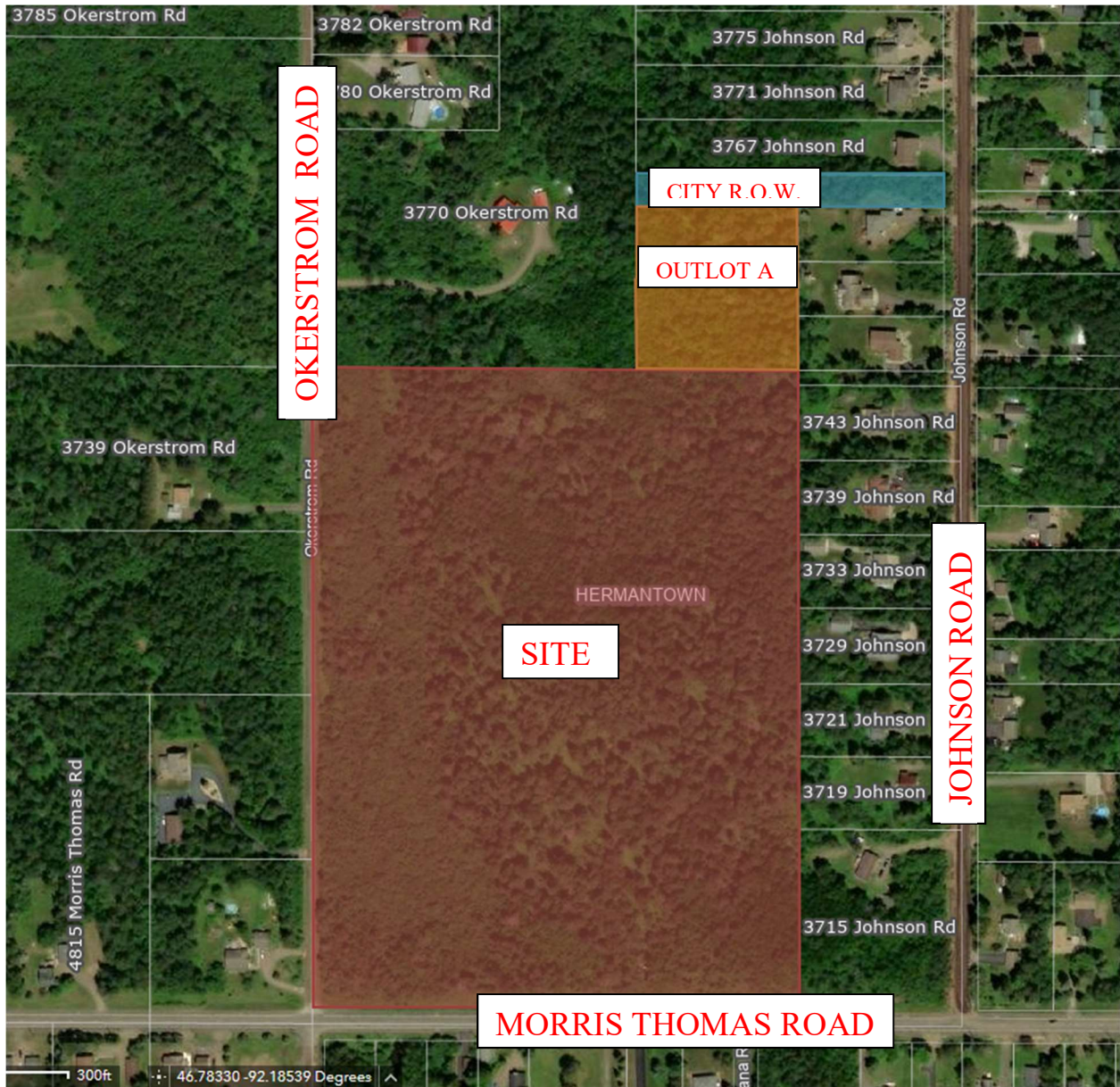
The motion for the adoption of such resolutions was seconded by Councilor _____ and, upon a vote being taken thereon, the following voted in favor thereof:

Councilors

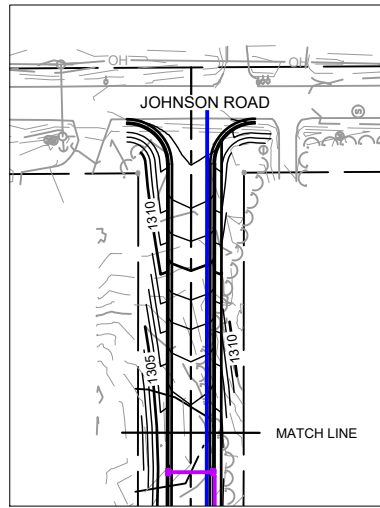
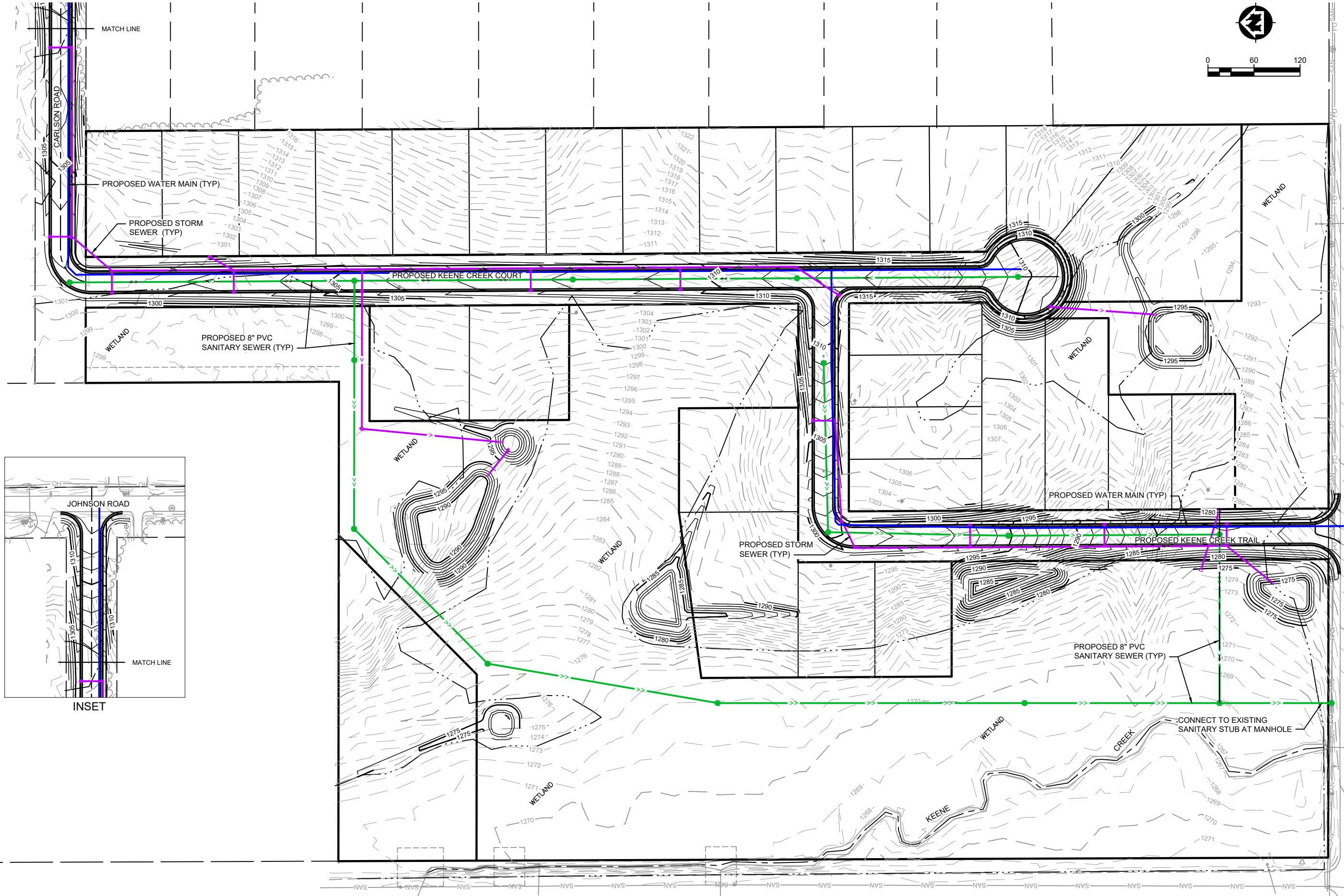
and the following voted in opposition thereto:

WHEREUPON, such resolution was declared duly passed and adopted July 6, 2021.

Location Map



SEE INSET FOR CONTINUATION



INSET

PROJECT DATE:	DRAWN BY:	NO.	DATE	REVISION	BY
5/20/2021	JAS				
	DESIGNED BY:	Init			
	CHECKED BY:	Init			

PRELIMINARY

I HEREBY CERTIFY THAT THIS PLAN, REPORT, OR SPECIFICATION WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT I AM A DULY LICENSED PROFESSIONAL ENGINEER UNDER THE LAWS OF THE STATE OF MINNESOTA.

DATE: _____
 REGNO: _____
 License No. _____



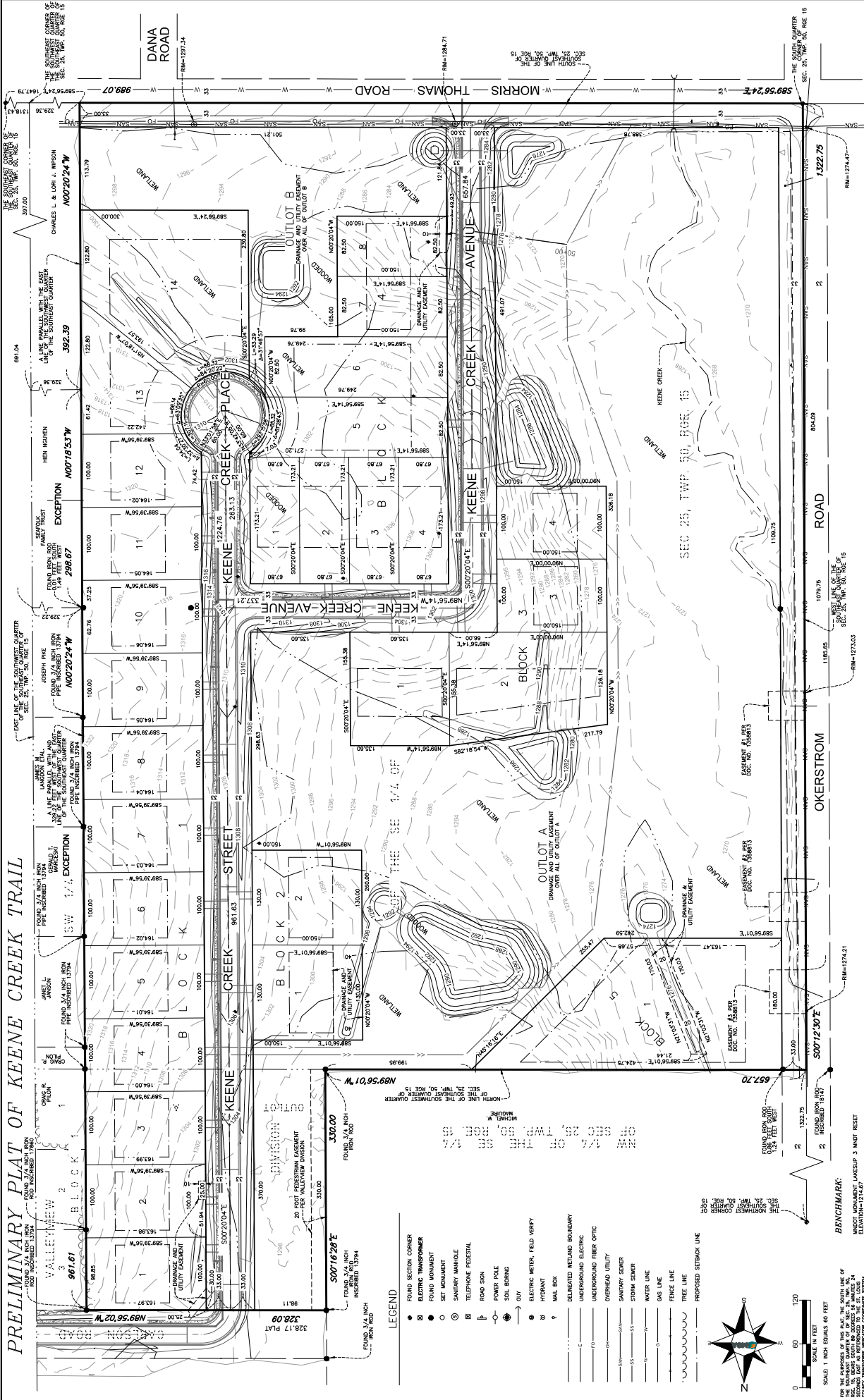
ENGINEERING | ARCHITECTURE | SURVEYING
 FUNDING | PLANNING | ENVIRONMENTAL
 332 W Superior Street, Duluth MN 55802
 (218) 722-3915 www.msa-ps.com
 © MSA Professional Services, Inc.

KEENE CREEK TRAIL SUBDIVISION
DARREN WEETS
 CITY OF HERMANTOWN

OVERALL SITE PLAN

PROJECT NO.
14491004
 SHEET
G

PRELIMINARY PLAT OF KEENE CREEK TRAIL



- LEGEND**
- FOUND SECTION CORNER
 - ⊕ ELECTRIC TRANSFORMER
 - FOUND MONUMENT
 - SET MONUMENT
 - SANITARY MANHOLE
 - ⊕ TELEPHONE FEDERAL
 - ⊕ ROAD SIGN
 - ⊕ POWER POLE
 - ⊕ SOIL BORING
 - ⊕ GUT
 - ⊕ ELECTRIC METER, FIELD VERIFY
 - ⊕ HYDRANT
 - ⊕ MAIL BOX
 - ⊕ DELINEATED METLAND BOUNDARY
 - ⊕ UNDERGROUND ELECTRIC
 - ⊕ UNDERGROUND FIBER OPTIC
 - ⊕ OVERHEAD UTILITY
 - ⊕ SANITARY SEWER
 - ⊕ STORM SEWER
 - ⊕ WATER LINE
 - ⊕ GAS LINE
 - ⊕ FENCE LINE
 - ⊕ TREE LINE
 - ⊕ PROPOSED SETBACK LINE



BENCHMARK:
WOODY MONUMENT JAMES P. WOOD RESET
ELEVATION=1214.67

NO.	DATE	REVISION
1	MAY 2021	ISSUED FOR PERMIT
2		REVISION
3		REVISION
4		REVISION
5		REVISION

FOR THE PURPOSES OF THIS PLAT, THE SOUTH LINE OF
RUE 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167, 168, 169, 170, 171, 172, 173, 174, 175, 176, 177, 178, 179, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 192, 193, 194, 195, 196, 197, 198, 199, 200, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, 224, 225, 226, 227, 228, 229, 230, 231, 232, 233, 234, 235, 236, 237, 238, 239, 240, 241, 242, 243, 244, 245, 246, 247, 248, 249, 250, 251, 252, 253, 254, 255, 256, 257, 258, 259, 260, 261, 262, 263, 264, 265, 266, 267, 268, 269, 270, 271, 272, 273, 274, 275, 276, 277, 278, 279, 280, 281, 282, 283, 284, 285, 286, 287, 288, 289, 290, 291, 292, 293, 294, 295, 296, 297, 298, 299, 300, 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 312, 313, 314, 315, 316, 317, 318, 319, 320, 321, 322, 323, 324, 325, 326, 327, 328, 329, 330, 331, 332, 333, 334, 335, 336, 337, 338, 339, 340, 341, 342, 343, 344, 345, 346, 347, 348, 349, 350, 351, 352, 353, 354, 355, 356, 357, 358, 359, 360, 361, 362, 363, 364, 365, 366, 367, 368, 369, 370, 371, 372, 373, 374, 375, 376, 377, 378, 379, 380, 381, 382, 383, 384, 385, 386, 387, 388, 389, 390, 391, 392, 393, 394, 395, 396, 397, 398, 399, 400, 401, 402, 403, 404, 405, 406, 407, 408, 409, 410, 411, 412, 413, 414, 415, 416, 417, 418, 419, 420, 421, 422, 423, 424, 425, 426, 427, 428, 429, 430, 431, 432, 433, 434, 435, 436, 437, 438, 439, 440, 441, 442, 443, 444, 445, 446, 447, 448, 449, 450, 451, 452, 453, 454, 455, 456, 457, 458, 459, 460, 461, 462, 463, 464, 465, 466, 467, 468, 469, 470, 471, 472, 473, 474, 475, 476, 477, 478, 479, 480, 481, 482, 483, 484, 485, 486, 487, 488, 489, 490, 491, 492, 493, 494, 495, 496, 497, 498, 499, 500, 501, 502, 503, 504, 505, 506, 507, 508, 509, 510, 511, 512, 513, 514, 515, 516, 517, 518, 519, 520, 521, 522, 523, 524, 525, 526, 527, 528, 529, 530, 531, 532, 533, 534, 535, 536, 537, 538, 539, 540, 541, 542, 543, 544, 545, 546, 547, 548, 549, 550, 551, 552, 553, 554, 555, 556, 557, 558, 559, 560, 561, 562, 563, 564, 565, 566, 567, 568, 569, 570, 571, 572, 573, 574, 575, 576, 577, 578, 579, 580, 581, 582, 583, 584, 585, 586, 587, 588, 589, 590, 591, 592, 593, 594, 595, 596, 597, 598, 599, 600, 601, 602, 603, 604, 605, 606, 607, 608, 609, 610, 611, 612, 613, 614, 615, 616, 617, 618, 619, 620, 621, 622, 623, 624, 625, 626, 627, 628, 629, 630, 631, 632, 633, 634, 635, 636, 637, 638, 639, 640, 641, 642, 643, 644, 645, 646, 647, 648, 649, 650, 651, 652, 653, 654, 655, 656, 657, 658, 659, 660, 661, 662, 663, 664, 665, 666, 667, 668, 669, 670, 671, 672, 673, 674, 675, 676, 677, 678, 679, 680, 681, 682, 683, 684, 685, 686, 687, 688, 689, 690, 691, 692, 693, 694, 695, 696, 697, 698, 699, 700, 701, 702, 703, 704, 705, 706, 707, 708, 709, 710, 711, 712, 713, 714, 715, 716, 717, 718, 719, 720, 721, 722, 723, 724, 725, 726, 727, 728, 729, 730, 731, 732, 733, 734, 735, 736, 737, 738, 739, 740, 741, 742, 743, 744, 745, 746, 747, 748, 749, 750, 751, 752, 753, 754, 755, 756, 757, 758, 759, 760, 761, 762, 763, 764, 765, 766, 767, 768, 769, 770, 771, 772, 773, 774, 775, 776, 777, 778, 779, 780, 781, 782, 783, 784, 785, 786, 787, 788, 789, 790, 791, 792, 793, 794, 795, 796, 797, 798, 799, 800, 801, 802, 803, 804, 805, 806, 807, 808, 809, 810, 811, 812, 813, 814, 815, 816, 817, 818, 819, 820, 821, 822, 823, 824, 825, 826, 827, 828, 829, 830, 831, 832, 833, 834, 835, 836, 837, 838, 839, 840, 841, 842, 843, 844, 845, 846, 847, 848, 849, 850, 851, 852, 853, 854, 855, 856, 857, 858, 859, 860, 861, 862, 863, 864, 865, 866, 867, 868, 869, 870, 871, 872, 873, 874, 875, 876, 877, 878, 879, 880, 881, 882, 883, 884, 885, 886, 887, 888, 889, 890, 891, 892, 893, 894, 895, 896, 897, 898, 899, 900, 901, 902, 903, 904, 905, 906, 907, 908, 909, 910, 911, 912, 913, 914, 915, 916, 917, 918, 919, 920, 921, 922, 923, 924, 925, 926, 927, 928, 929, 930, 931, 932, 933, 934, 935, 936, 937, 938, 939, 940, 941, 942, 943, 944, 945, 946, 947, 948, 949, 950, 951, 952, 953, 954, 955, 956, 957, 958, 959, 960, 961, 962, 963, 964, 965, 966, 967, 968, 969, 970, 971, 972, 973, 974, 975, 976, 977, 978, 979, 980, 981, 982, 983, 984, 985, 986, 987, 988, 989, 990, 991, 992, 993, 994, 995, 996, 997, 998, 999, 1000.

PRELIMINARY PLAT

ENGINEERING ARCHITECTURE SURVEYING
FUNDING PLANNING ENVIRONMENTAL
DESIGN CONSULTANTS
3301 W. STATE ST. SUITE 200
ST. LOUIS, MO 63103
TEL: (314) 241-3315 FAX: (314) 241-3316
WWW.MSAENGINEERS.COM

MSA

PROJECT NO. 144491004
DATE: 05/20/21
SHEET NO. 2 OF 2

EXISTING TRAIL EASEMENT

PLAT OF VALLEYVIEW DIVISION LOCATED IN THE E 1/2 OF NW 1/4 OF SE 1/4, SECTION 25, T.50N, R.15W. OF THE FOURTH PRINCIPAL MERIDIAN

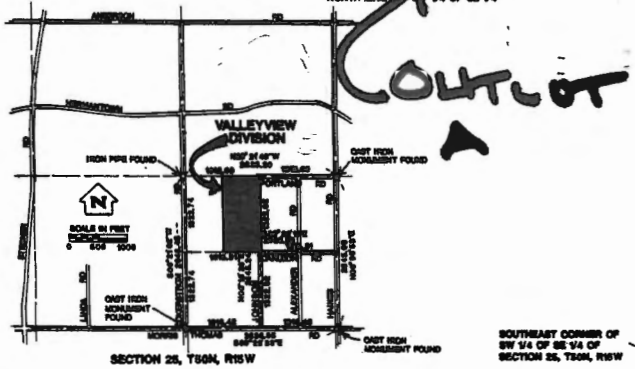
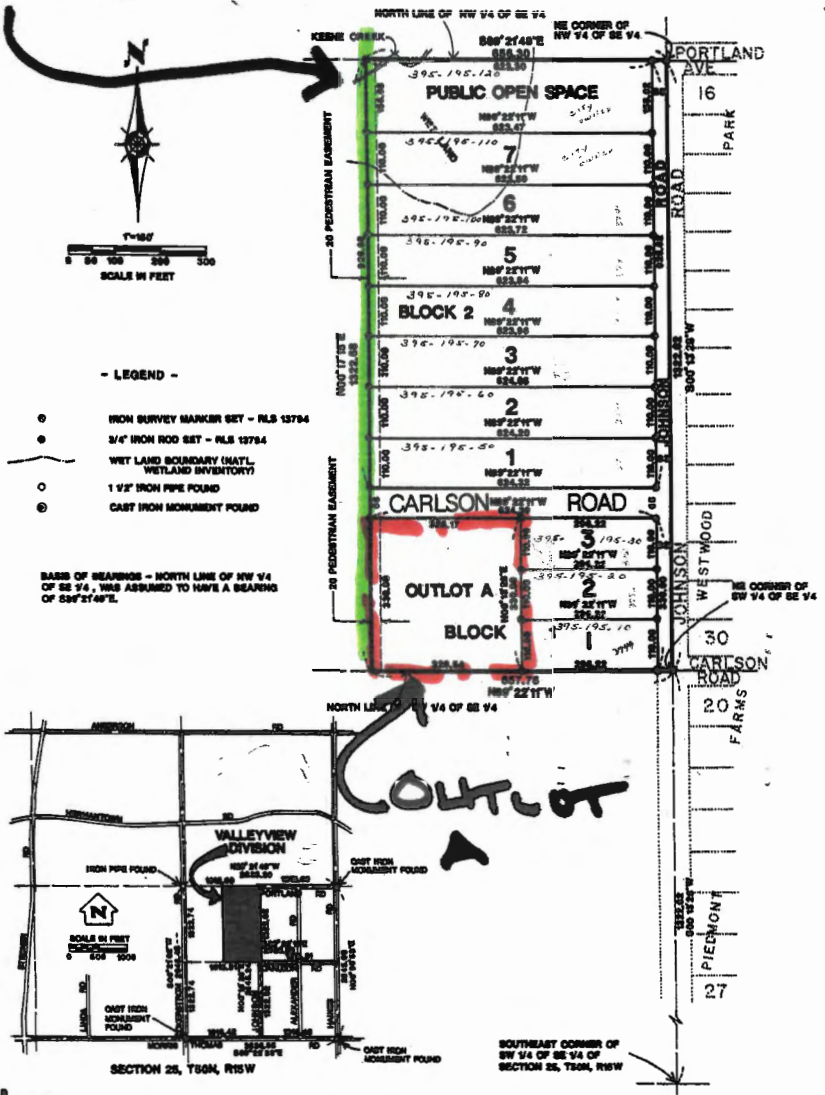
595561
OFFICE OF RECORDER OF DEEDS
STATE OF MINNESOTA
COUNTY OF ST. LOUIS
I hereby certify that the within instrument was duly recorded in Book 715 of Register of Deeds, page 352.
MADE A. MORGAN
Deputy



- LEGEND -

- IRON SURVEY MARKER SET - NLS 13784
- 3/4" IRON ROD SET - NLS 13784
- WET LAND BOUNDARY (NATL. WETLAND INVENTORY)
- 1 1/2" IRON PIPE FOUND
- CAST IRON MONUMENT FOUND

BASES OF BEARINGS - NORTH LINE OF NW 1/4 OF SE 1/4, WAS ASSUMED TO HAVE A BEARING OF S89°27'49"E.



Plat Dedication
Valleyview Division
Hermantown, St. Louis County, Minnesota

KNOW ALL MEN BY THESE PRESENTS: That City of Hermantown, a Municipal Corporation, owner and proprietor of the following described property situated in the City of Hermantown, County of St. Louis, State of Minnesota, to wit:

East Half of Northwest Quarter of Southeast Quarter (E 1/2 of NW 1/4 of SE 1/4), SECTION Twenty-five (25), TOWNSHIP Fifty (50) North of RANGE Fifteen West of the Fourth Principal Meridian, according to the United States Government Survey thereof;
Containing 19.94 acres of land, more or less, except all minerals.

Have caused the same to be surveyed and platted as VALLEYVIEW DIVISION and do hereby donate and dedicate to the public for public use forever the thoroughfares and also dedicating the easements as shown on this plat for pedestrian purposes only.

IN WITNESS WHEREOF we have hereunto set our hands this 14th day of March, 1995.

Owner
City of Hermantown
Daniel J. Walsh Mayor
James J. Sines City Clerk

STATE OF MINNESOTA)
COUNTY OF ST. LOUIS)

The foregoing instrument was acknowledged before me this 14th day of March, 1995 by Daniel J. Walsh and James J. Sines of the City of Hermantown, a Municipal Corporation, on behalf of the corporation.

Steven G. Overton
Notary Public, St. Louis County, MN
My Commission Expires 4/3/97

I hereby certify that I have surveyed and platted the property described on this plat as VALLEYVIEW DIVISION, that this plat is a correct representation of the survey, that all distances are correctly shown on the plat in feet and hundredths of a foot, that all monuments have been correctly placed in the ground as shown; that the outside boundary lines are correctly designated on the plat; and that there are no wet lands as defined in RS 805.02 Subd. 1, or public highways to be designated other than as shown.

Dale L. Bertson
Dale L. Bertson, Land Surveyor
Minnesota License No. 13794

STATE OF MINNESOTA)
COUNTY OF ST. LOUIS)

The foregoing Surveyor's Certificate was acknowledged before me this 7th day of March, 1995 by Dale L. Bertson, MN License No. 13794.

Lawrence H. Sanner
Notary Public, St. Louis County, MN
My Commission Expires 4/3/97

We do hereby certify that on the 14th day of March, 1995, the City Council of Hermantown, Minnesota, approved this plat.

Daniel J. Walsh Mayor, City of Hermantown
James J. Sines City Clerk, City of Hermantown

I hereby certify that this plat has been checked and approved this 14th day of March, 1995.
Robert C. Bueh
St. Louis County Surveyor #17560

Plat 195

Section 25

All Taxes Paid
March 21, 19 95
Gordon D. McFaul
St. Louis County Auditor
By *Theresa J. Tomaszewski* Deputy

395-195



Keene Creek Ln

Portland Rd

Okerstrom Rd

HERMANTOWN

Haines Rd

91

Johnson Rd

Alexander Rd

Carlson Rd

Morris Thomas Rd

96

Resolution No. 2021-80

RESOLUTION APPROVING PAY REQUEST NUMBER 3 FOR ROAD IMPROVEMENT DISTRICT NO. 537 (LAVAQUE JUNCTION ROAD) TO ULLAND BROTHERS, INC. IN THE AMOUNT OF \$275,049.98

WHEREAS, the City of Hermantown has contracted with Ulland Brothers, Inc. for construction of Road Improvement District No. 537 (Lavaque Junction Road) (“Project”); and

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

WHEREAS, Ulland Brothers, Inc. has submitted Pay Request No. 3 in the amount of \$275,049.98; and

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

WHEREAS, Northland Consulting Engineers LLP has approved such Pay Request No. 3 provided that \$27,047.00 accumulated as retainage of 5% be withheld pending final acceptance of the Project by the City of Hermantown.

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

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

1. Pay Request No. 3 is hereby approved.
2. The City is hereby authorized and directed to pay to Ulland Brothers, Inc. the sum of \$275,049.98 which is the amount represented on Pay Request No. 3.

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 July 6, 2021.

Contractor's Application for Payment

No. 3

Application Period:	May 22, 2021 through June 26, 2021	Application Date:	6/29/2021
To (Owner):	City of Hermantown	From (Contractor):	Ulland Brothers Inc.
Project:	Lavaque Junction Street Impr. District #537	Via (Engineer):	Northland Consulting Engineers, LLP
Owner's Contract Number:	Street Improvement District #537	Contractor's Project Number:	Engineer Project Number: 20-8014

Application For Payment Change Order Summary		
Approved Change Orders		
Number	Additions	Deductions
1		
2		
3		
4		
TOTAL		
NET CHANGE BY CHANGE ORDER:		

Application For Payment Previous Pay Application Summary		
Approved Pay Applications		
Number	Date	Amount
1	4/27/2021	\$38,462.73
2	6/1/2021	\$200,380.27
3		
4		
8. TOTALS		\$238,843.00

1. ORIGINAL CONTRACT PRICE.....	\$	<u>1,353,290.00</u>
2. Net change by Change Orders.....	\$	<u>0.00</u>
3. Current Contract Price (Line 1 ± 2).....	\$	<u>1,353,290.00</u>
4. TOTAL COMPLETED AND STORED TO DATE		
See attached Pay Application Summary.....	\$	<u>540,939.98</u>
5. RETAINAGE:		
a. 5% X \$540,939.98 Work Completed.....	\$	<u>27,047.00</u>
b. 5% X Stored Material.....	\$	
c. Total Retainage (Line 5.a + Line 5.b).....	\$	<u>27,047.00</u>
6. AMOUNT ELIGIBLE TO DATE (Line 4 - Line 5.c).....	\$	<u>513,892.98</u>
7. LESS PREVIOUS PAYMENTS (Line 8).....	\$	<u>238,843.00</u>
9. AMOUNT DUE THIS APPLICATION.....	\$	<u>275,049.98</u>
10. BALANCE TO FINISH, PLUS RETAINAGE		
(Line 3 - 4 + Line 5.c above).....	\$	<u>839,397.02</u>

Payment of: \$ 275,049.98
(Line 9 or other - attach explanation of the other amount)

Contractor's Certification	
<p>The undersigned Contractor certifies, to the best of its knowledge, the following: (1) All previous progress payments received from Owner on account of Work done under the Contract have been applied on account to discharge Contractor's legitimate obligations incurred in connection with the Work covered by prior Applications for Payment; (2) Title to all Work, materials and equipment incorporated in said Work, or otherwise listed in or covered by this Application for Payment, will pass to Owner at time of payment free and clear of all Liens, security interests, and encumbrances (except such as are covered by a bond acceptable to Owner indemnifying Owner against any such Liens, security interest, or encumbrances); and</p>	
Contractor Signature - Ulland Brothers Inc.	
By:	Date: 6-29-21

Recommended by:

 David Bolf, P.E. - City Engineer (Date) 6/29/2021

Approved by:

 John Mulder, City Administrator (Date)



Pay Application #3 - June 29, 2021
City of Hermantown
Lavaque Junction
Street Improvement District #537

Item No.	Spec. Number	Item Description	Unit of Measure	Contract Total Quantities	Ulland Unit Price	Total Project	
						Completed Quantities	Completed Cost
BASE BID							
1	2021.501	MOBILIZATION	LS	1	\$24,174.15	0.5	\$12,087.08
2	2101.501	CLEARING AND GRUBBING	LS	1	\$16,000.00	1	\$16,000.00
3	2101.524	CLEARING	TREE	35	\$400.00	35	\$14,000.00
4	2101.524	GRUBBING	TREE	35	\$170.00	35	\$5,950.00
5	2104.502	REMOVE SIGN TYPE C	EACH	38	\$40.00	0	\$0.00
6	2104.502	REMOVE MAIL BOX SUPPORT	EACH	35	\$35.00	35	\$1,225.00
7	2104.502	REMOVE HYDRANT	EACH	5	\$800.00	5	\$4,000.00
8	2104.502	SALVAGE HYDRANT	EACH	1	\$1,200.00	1	\$1,200.00
9	2104.502	SALVAGE PIPE APRON	EACH	1	\$200.00	1	\$200.00
10	2104.503	REMOVE PIPE CULVERTS	LF	896	\$11.00	117	\$1,287.00
11	2104.503	REMOVE WATER SERVICE PIPE	LF	46	\$9.00	0	\$0.00
12	2104.503	SAWING BITUMINOUS PAVEMENT (FULL DEPTH)	LF	370	\$2.00	370	\$740.00
13	2104.503	SAWING CONCRETE PAVEMENT (FULL DEPTH)	LF	12	\$3.00	0	\$0.00
14	2104.504	REMOVE BITUMINOUS PAVEMENT	SY	9,852	\$1.80	9852	\$17,733.60
15	2104.504	REMOVE BITUMINOUS DRIVEWAY PAVEMENT	SY	800	\$6.00	800	\$4,800.00
16	2104.504	REMOVE CONCRETE DRIVEWAY PAVEMENT	SY	12	\$39.00	0	\$0.00
17	2104.618	SALVAGE BRICK PAVERS	SF	455	\$8.30	455	\$3,776.50
18	2105.601	WETLAND RESTORATION	LS	1	\$2,500.00	0	\$0.00
19	2105.507	SELECT GRANULAR BORROW MOD 7% (CV)	CY	8,143	\$12.00	6333	\$75,996.00
20	2106.504	GEOTEXTILE FABRIC TYPE 5	SY	22,429	\$2.50	13328	\$33,320.00
21	2106.507	COMMON EXCAVATION	CY	14,776	\$10.80	6626	\$71,560.80
22	2106.507	MUCK EXCAVATION	CY	5,500	\$10.70	4580	\$49,006.00
23	2106.507	GRANULAR BORROW (CV)	CY	5,500	\$16.00	3340	\$53,440.00
24	2130.523	WATER	MGAL	52	\$35.00	4	\$140.00
25	2211.507	AGGREGATE BASE (CV) CLASS 5	CY	3,910	\$30.00	0	\$0.00
26	2211.507	AGGREGATE BASE (CV) CLASS 5 DRIVEWAY	CY	164	\$75.00	0	\$0.00
27	2221.507	SHOULDER BASE AGGREGATE (CV) CLASS 5	CY	395	\$45.00	0	\$0.00
28	2215.504	FULL DEPTH RECLAMATION	SY	2,462	\$4.20	2462	\$10,340.40
29	2360.509	TYPE SP 9.5 WEARING COURSE MIXTURE (3,B)	TON	1,616	\$60.00	0	\$0.00
30	2360.509	TYPE SP 12.5 NON-WEARING COURSE MIXTURE (3,B)	TON	1,616	\$58.00	0	\$0.00
31	2360.609	TYPE SP 9.5 BITUMINOUS MIXTURE FOR PATCHING	TON	127	\$185.00	0	\$0.00
32	2401.507	STRUCTURE EXCAVATION CLASS R	CY	70	\$300.00	49	\$14,700.00
33	2411.507	GRANULAR BACKFILL (CV)	CY	140	\$26.00	0	\$0.00
34	2451.507	COARSE FILTER AGGREGATE (CV)	CY	82	\$31.00	0	\$0.00
35	2501.502	24" RC PIPE APRON	EACH	4	\$800.00	4	\$3,200.00
36	2501.503	36" RC PIPE APRON	EACH	1	\$200.00	1	\$200.00
37	2501.503	24" RC PIPE CULVERT	LF	88	\$90.00	80	\$7,200.00
38	2501.503	36" RC PIPE CULVERT	LF	8	\$72.00	8	\$576.00
39	2501.503	12" CS PIPE CULVERT	LF	34	\$31.00	0	\$0.00
40	2501.503	15" CS PIPE CULVERT	LF	1,258	\$31.00	60	\$1,860.00
41	2504.602	CONNECT TO EXISTING WATER MAIN	EACH	2	\$2,200.00	2	\$4,400.00
42	2504.602	RELOCATE HYDRANT	EACH	1	\$1,600.00	1	\$1,600.00
43	2504.602	HYDRANT	EACH	9	\$7,300.00	8	\$58,400.00
44	2504.602	8" GATE VALVE AND BOX	EACH	3	\$3,000.00	1	\$3,000.00
45	2504.602	1" CURB STOP AND BOX	EACH	1	\$400.00	1	\$400.00
46	2504.602	1" CORPORATION STOP	EACH	1	\$400.00	1	\$400.00
47	2504.603	1" TYPE K COPPER PIPE	LF	54	\$28.00	52	\$1,456.00
48	2504.603	HYDRANT RISER	LF	10	\$1,000.00	0	\$0.00
49	2504.603	6" WATERMAIN HDPE SDR-11	LF	30	\$71.00	30	\$2,130.00
50	2504.603	6" WATERMAIN DUCTILE IRON CL-53	LF	49	\$90.00	27	\$2,430.00
51	2504.603	8" WATERMAIN HDPE SDR-11	LF	1,289	\$47.00	1100	\$51,700.00
52	2504.604	4" POLYSTYRENE INSULATION	SY	67	\$60.00	57	\$3,420.00
53	2506.502	ADJUST FRAME AND RING CASTING	EACH	11	\$400.00	0	\$0.00
54	2506.502	MANHOLE FRAME SEAL (EXTERNAL)	EACH	11	\$450.00	0	\$0.00
55	2511.507	RANDOM RIPRAP CLASS II	CY	11	\$68.00	0	\$0.00

56	2531.504	6" CONCRETE DRIVEWAY PAVEMENT	SY	12	\$145.00	0	\$0.00
57	2540.602	MAIL BOX SUPPORT	EACH	39	\$125.00	0	\$0.00
58	2540.618	INSTALL BRICK PAVERS	SF	300	\$18.00	0	\$0.00
59	2563.601	TRAFFIC CONTROL	LS	1	\$2,000.00	0.8	\$1,600.00
60	2564.502	INSTALL SIGN PANEL TYPE C	EACH	45	\$125.00	0	\$0.00
61	2564.518	SIGN PANELS TYPE C	SF	54	\$36.00	0	\$0.00
62	2573.501	EROSION CONTROL SUPERVISOR	LS	1	\$2,000.00	0	\$0.00
63	2573.501	STABILIZED CONSTRUCTION EXIT	LS	2	\$1,200.00	0	\$0.00
64	2573.502	CULVERT END CONTROLS	EACH	45	\$235.00	0	\$0.00
65	2573.503	SILT FENCE, TYPE HI	LF	1,095	\$3.05	1792	\$5,465.60
66	2573.503	SEDIMENT CONTROL LOG TYPE WOOD FIBER	LF	410	\$2.90	0	\$0.00
67	2574.507	COMMON TOPSOIL BORROW	CY	1,400	\$26.00	0	\$0.00
68	2574.508	FERTILIZER TYPE 1	POUND	254	\$1.00	0	\$0.00
69	2575.504	EROSION CONTROL BLANKET CATEGORY 3N	SY	6,121	\$1.60	0	\$0.00
70	2575.504	SODDING TYPE LAWN	SY	12,366	\$4.80	0	\$0.00
71	2575.505	SEEDING	ACRE	1.27	\$90.00	0	\$0.00
72	2575.508	SEED MIXTURE 25-131 (UPLAND)	POUND	96	\$3.10	0	\$0.00
73	2575.508	SEED MIXTURE 34-371 (WETLAND)	POUND	57	\$82.00	0	\$0.00
74	2582.503	4" SOLID LINE PAINT (WR)	LF	10,496	\$0.25	0	\$0.00
75	2582.503	4" DOUBLE SOLID LINE PAINT (WR)	LF	5,248	\$0.50	0	\$0.00
76	2582.503	24" SOLID LINE PAINT (WR)	LF	30	\$5.00	0	\$0.00

TOTAL AMOUNT EARNED	\$540,939.98
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TO: Mayor & City Council
FROM: John Mulder, City Administrator



DATE: June 23, 2021 **Meeting Date:** 7/6/21
SUBJECT: Old Hwy 2 Reclamation **Agenda Item: 12-F** **Resolution 2021-81**

REQUESTED ACTION

Approve Final Pay Application to Sinnott Contracting for the construction related to the Old Hwy 2 Pavement Reclamation project and close out the project

BACKGROUND

Attached is the Final Pay Application for the work associated with the Old Hwy 2 project from May 29, 2021 through June 29, 2021. NCE and Sinnott Contracting have reviewed the project progress thus far and agreed upon quantities of work completed. The contract price was increased from **\$44,000.00** to **\$54,579.00** after change order #1. The amount of this Final Pay Application is **\$15,700.25**. I recommend the city release the 5% retainage accrued for pay application #1. This retainage amount for pay application was **\$2,046.25**.

NCE has reviewed the quantities through construction inspection and discussions with Sinnott Contracting representatives. I recommend final payment in the amount of **\$15,700.25** be authorized at the July 6, 2021 City Council Meeting. This amount includes payment for work completed after pay application #1 along with the 5% retainage from pay application #1. All work has been completed per the plans and specifications. I hereby recommend to the city that it accepts the project.

SOURCE OF FUNDS (if applicable)

475-431150-530 – Proj. 540

ATTACHMENTS

Final Pay Application

Resolution No. 2021-81

RESOLUTION APPROVING FINAL PAY REQUEST FOR OLD HWY 2 TO SINNOTT CONTRACTING, LLC IN THE AMOUNT OF \$15,700.25

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

WHEREAS, Sinnott Contracting, LLC has completed the agreed upon work in said Project; and

WHEREAS, Sinnott Contracting, LLC has submitted Final Pay Request in the amount of \$15,700.25; and

WHEREAS, Northland Consulting Engineers LLP has approved such Final Pay Request; and

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

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

1. Final Pay Request is hereby approved.
2. The City is hereby authorized and directed to pay to Sinnott Contracting, LLC the sum of \$15,700.25 which is the amount represented on Final Pay Request.

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 July 6, 2021.

June 29, 2021

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

Re: Old Highway 2 Pavement Reclamation

Dear John:

Attached is the final pay application for the work associated with the Old Highway 2 Pavement Reclamation project from May 29, 2021 through June 29, 2021. NCE and Sinnott Contracting, LLC have reviewed the project progress thus far and agreed upon quantities of work completed. The contract price was increased from \$44,000.00 to **\$54,579.00** after change order #1. The amount of this final pay application is **\$15,700.25**. I recommend the city release the 5% retainage accrued for pay application #1. This retainage amount for pay application #1 was **\$2,046.25**.

NCE has reviewed the quantities through construction inspection and discussions with Sinnott Contracting, LLC representatives. I recommend final payment in the amount of **\$15,700.25** be authorized at the July 6, 2021 City Council Meeting. This amount includes payment for work completed after pay application #1 along with the 5% retainage from pay application #1. All work has been completed per the plans and specifications. I hereby recommend to the city that it accepts the project.

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

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

Contractor's Application for Payment			No. Final
Application Period:	May 29, 2021 through June 29, 2021	Application Date:	6/29/2021
To (Owner):	City of Hermantown	Project:	Old Highway 2 Pavement Reclamation
Owner's Contract Number:		From (Contractor):	Sinnott Contracting, LLC
		Contractor's Project Number:	
		Engineer Project Number:	20-8017
		Via (Engineer):	Northland Consulting Engineers, LLP

Application For Payment Change Order Summary		
Approved Change Orders		
Number	Additions	Deductions
1	\$10,579.00	
2		
3		
4		
TOTAL		
NET CHANGE BY CHANGE ORDER:		\$10,579.00

Application For Payment Previous Pay Application Summary		
Approved Pay Applications		
Number	Date	Amount
1	6/1/2021	\$38,878.75
2		
3		
4		
8. TOTALS		\$38,878.75

1. ORIGINAL CONTRACT PRICE.....	\$	44,000.00
2. Net change by Change Orders.....	\$	10,579.00
3. Current Contract Price (Line 1 ± 2).....	\$	54,579.00
4. TOTAL COMPLETED AND STORED TO DATE		
See attached Pay Application Summary.....	\$	54,579.00
5. RETAINAGE:		
a. 5% X Work Completed.....	\$	
b. 5% X Stored Material.....	\$	
c. Total Retainage (Line 5.a + Line 5.b).....	\$	
6. AMOUNT ELIGIBLE TO DATE (Line 4 - Line 5.c).....	\$	54,579.00
7. LESS PREVIOUS PAYMENTS (Line 8).....	\$	38,878.75
9. AMOUNT DUE THIS APPLICATION.....	\$	15,700.25
10. BALANCE TO FINISH, PLUS RETAINAGE (Line 3 - 4 + Line 5.c above).....	\$	

Payment of: \$ 15,700.25
(Line 9 or other - attach explanation of the other amount)

Contractor's Certification	
<p>The undersigned Contractor certifies, to the best of its knowledge, the following:</p> <p>(1) All previous progress payments received from Owner on account of Work done under the Contract have been applied on account to discharge Contractor's legitimate obligations incurred in connection with the Work covered by prior Applications for Payment;</p> <p>(2) Title to all Work, materials and equipment incorporated in said Work, or otherwise listed in or covered by this Application for Payment, will pass to Owner at time of payment free and clear of all Liens, security interests, and encumbrances (except such as are covered by a bond acceptable to Owner indemnifying Owner against any such Liens, security</p>	
Contractor Signature - Sinnott Contracting, LLC	
By:	Date: 6-29-21

Recommended by:

6/29/2021

David Bolf, P.E. - City Engineer (Date)

Approved by:

John Mulder, City Administrator (Date)



**Final Pay Application - June 29, 2021
City of Hermantown
Old Highway 2 Pavement Reclamation**

Item No.	Spec. Number	Item Description	Unit of Measure	Contract Total Quantities	Sinnot Unit Price	Total Project	
						Completed Quantities	Completed Cost
BASE BID							
1	2021.501	MOBILIZATION	LS	1	\$1,570.72	1	\$1,570.72
2	2104.502	REMOVE SIGN TYPE C	EACH	8	\$50.00	8	\$400.00
3	2104.502	REMOVE MAIL BOX SUPPORT	EACH	4	\$50.00	4	\$200.00
4	2104.503	SAWING BITUMINOUS PAVEMENT (FULL DEPTH)	LF	76	\$4.25	76	\$323.00
5	2123.510	MOTOR GRADER	hour	16	\$290.00	16	\$4,640.00
6	2211.507	AGGREGATE BASE (CV) CLASS 5	CY	800	\$25.00	800	\$20,000.00
7	2215.504	FULL DEPTH RECLAMATION	SY	14,284	\$0.92	14284	\$13,141.28
8	2540.602	MAIL BOX SUPPORT	EACH	4	\$275.00	4	\$1,100.00
9	2563.601	TRAFFIC CONTROL	LS	1	\$1,250.00	1	\$1,250.00
10	2564.502	INSTALL SIGN PANEL TYPE C	EACH	8	\$50.00	8	\$400.00
11	2564.518	SIGN PANELS TYPE C	SF	13	\$75.00	13	\$975.00
12	CO #1	CHANGE ORDER #1	LS	1	\$10,579.00	1	\$10,579.00

TOTAL AMOUNT EARNED	\$54,579.00
LESS PAY APPLICATION #1	\$38,878.75
TOTAL FINAL PAY APPLICATION	\$15,700.25

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



DATE: June 30, 2021 **Meeting Date:** 7/6/21
SUBJECT: Keene Creek Park Trail **Agenda Item: 12-G** **Resolution 2021-82**

REQUESTED ACTION

Approve Change Order #1 to Veit Companies for additional work on Keene Creek Trail Project

BACKGROUND

There are multiple pieces to this change order #1. There was muck encountered in (2) areas that NCE directed the contractor to remove the muck and backfill with select granular borrow. We also found an old septic tank and leach field that got abandoned. In discussions with SLC, they allowed us to place riprap in Keene Creek under their DNR permit. This effort saved \$ by not having to install a fence. Lastly, we directed Veit to excavate and find a buried catch basin.

The attached change order and compensating summary outlines the description and costs related to this change order. I recommending approval of change order #1 in the amount of **\$50,329.57** be authorized at the July 6, 2021 City Council Meeting.

SOURCE OF FUNDS (if applicable)

Park Dedication
GMPTC Grant

ATTACHMENTS

Change Order #1

Resolution No. 2021-82

**RESOLUTION APPROVING CHANGE ORDER NUMBER 1 FOR
KEENE CREEK PARK TRAIL**

WHEREAS, the City of Hermantown has contracted with Veit & Company, Inc. for construction of Keene Creek Park Trail (“Project:”); and

WHEREAS, Veit & Company, Inc. has submitted Change Order No. 1 for:

This change order adjusts the contract quantities both up and down to reflect the actual constructed quantities. In addition, there were various extra items of work directed by the Engineer, summarized below:

1.	Muck Excavation sta: 6+88 – sta: 8+68 and sta: 18+00 – sta: 22+35	
i.	Muck excavated and placed onsite = 424 CY @ \$5.65/CY =	\$2,395.00
ii.	Muck excavation exported = 775 CY @ \$14.50/CY =	\$11,237.50
2.	Abandon Septic Tank and Field = Lump Sum Cost =	\$2,850.00
3.	Exploratory Dig and exposed catch basin = Lump Sum =	\$ 930.00
4.	Remove trees and RipRap in Keene Creek = Lump Sum =	<u>\$5,135.00</u>
	Subtotal	\$22,548.10
5.	Adjusted Contract Quantities from Attached Summary =	Subtotal \$27,781.47
	TOTAL	\$50,329.57

WHEREAS, Veit & Company, Inc. has recommended such Change Order No. 1, and;

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

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 July 6, 2021.

Date of Issuance: 6/29/21

Effective Date:

Owner: City of Hermantown

Owner's Contract No.: 21-8001

Contractor: Veit Companies

Contractor's Project No.:

Engineer: Northland Consulting Engineers

Engineer's Project No.: 21-8001

Project: Keene Creek Trail

SSID:

The Contract is modified as follows upon execution of this Compensating Change Order:

Description: This change order adjusts the contract quantities both up and down to reflect the actual constructed quantities. In addition, there were various extra items of work directed by the engineer, summarized below.

1) Muck Excavation sta: 6+88 – sta: 8+68 and sta: 18+00 – sta: 22+35	
i. Muck excavated and placed onsite = 424 CY @ \$5.65/CY =	\$ 2,395.60
ii. Muck excavation exported = 775 CY @ \$14.50/CY =	\$11,237.50
2) Abandon Septic Tank and Field = Lump Sum Cost =	\$ 2,850.00
3) Exploratory Dig and exposed catch basin = Lump Sum =	\$ 930.00
4) Remove trees and RipRap in Keene Creek = Lump Sum =	<u>\$ 5,135.00</u>
	Subtotal = \$22,548.10
5) Adjusted Contract Quantities from Attached Summary =	Subtotal = \$27,781.47
	Total = \$50,329.57

Attachments: 1) *Compensating Summary*

CHANGE IN CONTRACT PRICE	CHANGE IN CONTRACT TIMES
Original Contract Price: \$ 286,778.53	
Increase from previously approved Change Orders: \$ 0	Extend Contract Time to 9/4/21
Contract Price prior to this Change Order: \$ 286,778.53	
Increase of this Change Order: \$ 50,329.57	
Contract Price incorporating this Change Order: \$ 337,108.10	

RECOMMENDED:	ACCEPTED:	ACCEPTED:
By: _____ Engineer	By: _____ Owner	By: _____ Contractor
Title: City Engineer	Title: _____	Title: Project Manager
Date: 6/29/21	Date: _____	Date: 6/29/2021



**Compensating Change Order Justification
City of Hermantown
Keene Creek Trail 6/29/21**

Item No.	Spec. Number	Item Description	Unit of Measure	Contract Total Quantities	Veit Unit Price	Total Project		Quantity Increase/Decrease	Compensating Cost	Comments
						Completed Quantities	Completed Cost			
BASE BID										
1	2021.501	MOBILIZATION	LS	1	\$31,000.00	1	\$31,000.00	0	\$0.00	
2	2101.501	CLEARING AND GRUBBING	LS	1	\$12,500.00	1	\$12,500.00	0	\$0.00	
3	2101.524	CLEARING	TREE	6	\$300.00	6	\$1,800.00	0	\$0.00	
4	2101.524	GRUBBING	TREE	6	\$150.00	6	\$900.00	0	\$0.00	
5	2104.503	REMOVE METAL CULVERT	L F	32	\$18.00	32	\$576.00	0	\$0.00	
6	2105.507	COMMON EXCAVATION (CV)	C Y	1730	\$16.00	1730	\$27,680.00	0	\$0.00	
7	2105.504	GEOTEXTILE FABRIC TYPE 5	S Y	5200	\$1.05	5200	\$5,460.00	0	\$0.00	
8	2105.507	SELECT GRANULAR BORROW MOD 7% (CV)	C Y	1200	\$25.00	3000	\$75,000.00	1800	\$45,000.00	1,800 CY of Select in (2) muck areas
9	2211.507	AGGREGATE BASE (CV) CLASS 5	C Y	1300	\$35.00	1600	\$56,000.00	300	\$10,500.00	250 CY of Class 5 in soft areas and bridge culverts
10	2301.504	CONCRETE PAVEMENT 6"	S Y	67	\$93.00	67	\$6,231.00	0	\$0.00	
11	2360.509	TYPE SP 9.5 WEARING COURSE MIXTURE (3;B)	TON	440	\$100.00	440	\$44,000.00	0	\$0.00	
12	2511.507	RANDOM RIPRAP CLASS II	C Y	85	\$50.00	85	\$4,250.00	0	\$0.00	
13	2501.503	12" CP PIPE CULVERT	L F	20	\$24.00	45	\$1,080.00	25	\$600.00	NCE directed to add culvert in existing drainage course
14	2501.503	18" CP PIPE CULVERT	L F	115	\$36.00	115	\$4,140.00	0	\$0.00	
15	2501.502	12" GS PIPE APRON	EACH	2	\$282.00	4	\$1,128.00	2	\$564.00	NCE directed to add culvert in existing drainage course
16	2501.502	18" GS PIPE APRON	EACH	8	\$354.00	8	\$2,832.00	0	\$0.00	
17	2557.503	WIRE FENCE DESIGN SPECIAL VINYL COATED	L F	294	\$32.00	0	\$0.00	-294	-\$9,408.00	Worked under SLC's permit to place fill in Keene Creek - fence not needed
18	2557.502	VEHICULAR GATE	EACH	2	\$4,650.00	2	\$9,300.00	0	\$0.00	
19	2563.601	TRAFFIC CONTROL	LS	1	\$1,650.00	1	\$1,650.00	0	\$0.00	
20	2564.502	INSTALL SIGN TYPE C	EACH	12	\$285.00	12	\$3,420.00	0	\$0.00	
21	2573.501	STABILIZED CONSTRUCTION EXIT	LS	2	\$1,180.00	2	\$2,360.00	0	\$0.00	
22	2573.503	SILT FENCE; TYPE HI	L F	4510	\$3.75	4720	\$17,700.00	210	\$787.50	Extra silt fence placed to control sediment
23	2573.503	FILTER BERM TYPE 4	L F	965	\$3.30	0	\$0.00	-965	-\$3,184.50	Item Not needed
24	2575.504	SODDING TYPE LAWN	S Y	1300	\$14.25	0	\$0.00	-1300	-\$18,525.00	NCE directed to hydroseed - no sod required
25	2575.505	SEEDING	ACRE	0.71	\$343.00	1.00	\$343.00	0	\$99.47	NCE directed to hydroseed area originally to be sodded
26	2575.508	SEED MIXTURE 36-311 (UPLAND)	LB	54	\$36.00	65	\$2,340.00	11	\$396.00	NCE directed to hydroseed area originally to be sodded
27	2575.508	SEED MIXTURE 34-361 (WETLAND)	LB	6	\$47.50	12	\$570.00	6	\$285.00	NCE directed to hydroseed area originally to be sodded
28	2575.605	MULCH MATERIAL TYPE 1	ACRE	0.71	\$2,300.00	1.00	\$2,300.00	0	\$667.00	NCE directed to hydroseed area originally to be sodded
29	CO #1	SOIL CORRECTION, SEPTIC, EXPLORATORY DIG & RIP RAP	LUMP SUM	1	\$22,548.10	1.00	\$22,548.10	0	\$0.00	

TOTAL AMOUNT EARNED	Compensating Amount	\$27,781.47
\$337,108.10		

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



DATE: June 23, 2021 **Meeting Date:** 7/6/21

SUBJECT: Trunk Sewer Spur & Munger Trail Spur – Sanitary Sewer Improvement District No. 448 **Agenda Item: 12-H** **Resolution 2021-83**

REQUESTED ACTION

Approve Pay Application #12 to Utility Systems of America for the construction related to the Trunk Sewer Spur and Munger Trail Spur Project – Sanitary Sewer Improvement District No. 448.

BACKGROUND

Attached is Pay Application #12 for the work associated with the Hermantown Trunk Sewer Spur & Munger Trail Spur – Sanitary Sewer Improvement District No. 448 from Pay Application #11 through June 28, 2021. NCE and Utility Systems of America, Inc. (USA) have reviewed the project progress thus far and agreed upon quantities of work completed. The amount of Pay Application #12 is **\$278,948.17**. The City will hold a 5% retainage of the completed construction through the duration of the project. This retainage amount stands at **\$205,525.60** to date.

NCE has reviewed the quantities through construction inspection and discussions with Utility Systems of America, Inc. representatives. I recommend payment in the amount of **\$278,948.17** be authorized at the July 6, 2021 City Council Meeting.

SOURCE OF FUNDS (if applicable)

Sales Tax

ATTACHMENTS

Pay Application #12

Resolution No. 2021-83

RESOLUTION APPROVING PAY REQUEST NUMBER 12 FOR SEWER IMPROVEMENT DISTRICT NO. 448 TO UTILITY SYSTEMS OF AMERICA, INC. IN THE AMOUNT OF \$278,948.17

WHEREAS, the City of Hermantown has contracted with Utility Systems of America, Inc. for construction of Sewer Improvement District No. 448 (“Project”); and

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

WHEREAS, Utility Systems of America, Inc. has submitted Pay Request No. 12 in the amount of \$278,948.17; and

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

WHEREAS, Northland Consulting Engineers LLP has approved such Pay Request No. 12 provided that \$204,525.60 accumulated as retainage of 5% be withheld pending final acceptance of the Project by the City of Hermantown.

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

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

1. Pay Request No. 12 is hereby approved.
2. The City is hereby authorized and directed to pay to Utility Systems of America, Inc. the sum of \$278,948.17 which is the amount represented on Pay Request No. 12.

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 July 6, 2021.

June 29, 2021

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

Re: Hermantown Trunk Sewer Spur & Munger Trail Spur – Sanitary Sewer Improvement District No. 448

Dear John:

Attached is Pay Application #12 for the work associated with the Hermantown Trunk Sewer Spur & Munger Trail Spur – Sanitary Sewer Improvement District No. 448 from Pay Application #11 through June 28, 2021. NCE and Utility Systems of America, Inc. (USA) have reviewed the project progress thus far and agreed upon quantities of work completed. The amount of Pay Application #12 is **\$278,948.17**. The City will hold a 5% retainage of the completed construction through the duration of the project. This retainage amount stands at **\$204,525.60** to date.

NCE has reviewed the quantities through construction inspection and discussions with Utility Systems of America, Inc. representatives. I recommend payment in the amount of **\$278,948.17** be authorized at the July 6, 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

CC: Bonnie Engseth
Adam Zwak, P.E.
Jim Pucel, P.E.

Contractor's Application for Payment No.

12

Application Period: May 29th, 2021 to June 28, 2021		Application Date: 6/29/2021
To (Owner): City of Hermantown	From (Contractor): Utility Systems of America, Inc.	Via (Engineer): Northland Consulting Engineers, LLP
Project: Trunk Sewer Spur & Munger Trail Spur - Sanitary Sewer Improvement District No. 448	Contract: Trunk Sewer Spur & Munger Trail Spur - Sanitary Sewer Improvement District No. 448	
Owner's Contract No.: Sanitary Sewer Improvement District No. 448	Contractor's Project No.:	Engineer's Project No.: 16-808

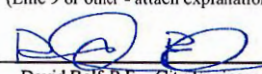
**Application For Payment
Change Order Summary**

Approved Change Orders				
Number	Additions	Deductions		
1	\$15,100.00		1. ORIGINAL CONTRACT PRICE.....	\$ 4,209,784.30
2	\$28,900.00		2. Net change by Change Orders.....	\$ 181,383.57
3	\$93,908.57		3. Current Contract Price (Line 1 + 2).....	\$ 4,391,167.87
4	Time Extension		4. TOTAL COMPLETED AND STORED TO DATE	
5	\$38,975.00		See attached Pay Application Summary (Line E).....	\$ 4,090,511.97
6	\$4,500.00		5. RETAINAGE:	
			a. 5% X \$4,090,511.97 Work Completed.....	\$ 204,525.60
			b. 5% X Stored Material.....	\$
			c. Total Retainage (Line 5.a + Line 5.b).....	\$ 204,525.60
TOTALS	\$181,383.57		6. AMOUNT ELIGIBLE TO DATE (Line 4 + Line 5.c).....	\$ 3,885,986.37
NET CHANGE BY CHANGE ORDERS	\$181,383.57		7. LESS PREVIOUS PAYMENTS (Line 8).....	\$ 3,607,038.20
			9. AMOUNT DUE THIS APPLICATION.....	\$ 278,948.17
			10. BALANCE TO FINISH, PLUS RETAINAGE (Line 3 - 4 + Line 5.c above).....	\$ 505,181.50

**Application For Payment
Previous Pay Application Summary**

Approved Pay Applications		
Number	Date	Amount
1	4/6/2020	\$ 455,588.49
2	5/4/2020	\$ 30,045.81
3	6/3/2020	\$ 101,408.63
4	7/6/2020	\$ 654,831.60
5	8/3/2020	\$ 188,378.58
6	9/2/2020	\$ 573,269.10
7	10/5/2020	\$ 600,156.51
8	11/2/2020	\$ 322,822.04
9	12/6/2020	\$ 118,902.95
10	1/13/2021	\$ 432,032.60
11	6/7/2021	\$ 129,601.89
12		
13		
14		
8. TOTALS		\$3,607,038.20

Payment of: \$ 278,948.17
(Line 9 or other - attach explanation of the other amount)

is recommended by:  6/29/2021
David Bolf, P.E. - City Engineer (Date)

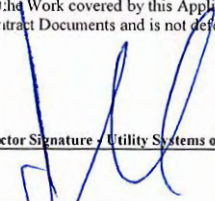
Contractor's Certification

The undersigned Contractor certifies, to the best of its knowledge, the following:

(1) All previous progress payments received from Owner on account of Work done under the Contract have been applied on account to discharge Contractor's legitimate obligations incurred in connection with the Work covered by prior Applications for Payment;

(2) Title to all Work, materials and equipment incorporated in said Work, or otherwise listed in or covered by this Application for Payment, will pass to Owner at time of payment free and clear of all Liens, security interests, and encumbrances (except such as are covered by a bond acceptable to Owner indemnifying Owner against any such Liens, security interest, or encumbrances); and

(3) All the Work covered by this Application for Payment is in accordance with the Contract Documents and is not defective.

Contractor Signature:  Utility Systems of America

By: _____ Date: 6-29-21

Northland		Pay Application #12 - 06/29/21											
		Trunk Sewer Spur & Munger Trail Spur											
		Sanitary Sewer District Improvement District No. 448											
Item No.	Spec. Number	Item Description	Unit of Measure	Contract Total	USA Unit Price	Trunk Sewer Spur		Munger Trail Spur		Completed Cost	Completed Quantities	Total Project	
						Contract Quantities	Completed Cost	Contract Quantities	Completed Cost				
BASE BIDD													
1	2021.501	MOBILIZATION	LS	1.00	\$ 434,000.00	0.00	0.00	\$ 247,200.00	0.00	0.00	\$ 247,200.00	1.00	\$ 434,000.00
2	2021.601	BLAST NIGHT DRAINAGE SURVEY	LS	1.00	\$ 45,000.00	1.00	1.00	\$ 45,000.00	-	-	\$ 45,000.00	1.00	\$ 45,000.00
3	2021.601	FIELD OFFICE	LS	1.00	\$ 1,500.00	0.00	0.00	\$ 6,000.00	0.00	0.00	\$ 1,500.00	1.00	\$ 7,500.00
4	2025.601	MAINTENANCE AND RESTORATION OF HAUL ROADS	LS	1.00	\$ 1,000.00	0.00	0.00	\$ 600.00	0.00	-	\$ 400.00	1.00	\$ 600.00
5	2101.501	CLEARING	ACRE	18.00	\$ 12,500.00	14.50	14.50	\$ 174,000.00	13.00	3.50	\$ 42,000.00	18.00	\$ 210,000.00
6	2101.506	GRUBBING	ACRE	18.00	\$ 1,500.00	14.50	14.50	\$ 21,750.00	3.50	3.50	\$ 5,250.00	18.00	\$ 27,000.00
7	2104.502	REMOVE CASTING	EACH	1	\$ 240.00	1	1	\$ -	-	-	\$ -	1	\$ 240.00
8	2104.502	REPLACE ELECTRICAL BRISTOL AND SIGN	EACH	6	\$ 340.00	6	6	\$ 1,440.00	-	-	\$ -	6	\$ 1,440.00
9	2104.503	REMOVE CONCRETE CURB AND GUTTER	LF	20	\$ 600	20	20	\$ 12,000	-	-	\$ -	20	\$ 12,000
10	2104.503	REMOVE SEWER PIPE (SANITARY)	LF	10	\$ 90	10	10	\$ 900	-	-	\$ -	10	\$ 900
11	2104.503	SAWING BITUMINOUS PAVEMENT (FULL DEPTH)	LF	150	\$ 4,000	150	153	\$ 6,120	-	-	\$ -	153	\$ 6,120
12	2104.503	REMOVE CONCRETE PAVEMENT FULL DEPTH	LF	170	\$ 750	170	170	\$ 127,500	-	-	\$ -	170	\$ 127,500
13	2104.508	REMOVE CONCRETE PAVEMENT	SY	832	\$ 6.00	832	832	\$ 4,992	-	-	\$ -	832	\$ 4,992
14	2104.508	REMOVE BITUMINOUS PAVEMENT	SY	243	\$ 4.00	243	252	\$ 1,008	-	-	\$ -	252	\$ 1,008
15	2104.518	REMOVE CONCRETE WALK	SF	820	\$ 1.00	820	820	\$ 820	-	-	\$ -	820	\$ 820
16	2104.601	REMOVE LIFT STATION	LS	1.00	\$ 20,000.00	1.00	1.00	\$ 20,000.00	-	-	\$ -	1.00	\$ 20,000.00
17	2104.602	REMOVE GIBBS/SPOUSERS	EACH	4	\$ 1,000.00	4	4	\$ 4,000.00	-	-	\$ -	4	\$ 4,000.00
18	2106.504	GEOTEXTILE FABRIC TYPE 2 (NON-WOVEN)	SY	29,745	\$ 1.53	17,500	15,816	\$ 23,844.40	17,750	7,775	\$ 12,114.75	35,491	\$ 50,213.15
19	2106.504	GEOTEXTILE FABRIC TYPE 3 (NON-WOVEN) (PATCHING)	SY	265	\$ 4.00	250	252	\$ 1,008	-	-	\$ -	252	\$ 1,008
20	2106.507	EXCAVATION - COMMON	CY	20,643	\$ 11.00	16,760	16,870	\$ 183,370.00	3,823	5,977	\$ 65,761.00	20,693	\$ 229,531.00
21	2106.507	COMMON EMBANKMENT (CY)	CY	3,424	\$ 7.00	3,176	514	\$ 3,614.00	745	888	\$ 6,210.00	1,422	\$ 9,844.00
22	2106.507	SELECT GRANULAR EMBANKMENT MTD 7% (CY)	CY	4,500	\$ 1.00	3,205	3,400	\$ 3,400.00	3,300	3,300	\$ 3,300.00	4,500	\$ 4,500.00
23	2106.507	SELECT GRANULAR EMBANKMENT MTD 7% (CY) (PATCHING)	CY	100	\$ 7.00	100	133	\$ 931.00	-	-	\$ -	133	\$ 931.00
24	2106.507	BATTERING	LS	1	\$ 80,000.00	0.00	0.00	\$ 40,000.00	0.00	0.00	\$ 0.00	1.00	\$ 80,000.00
25	2106.601	TURF & WEED AND RESTORATION	LS	1	\$ 30,000.00	0.00	0.00	\$ 4,000.00	0.00	0.00	\$ 0.00	1.00	\$ 34,000.00
26	2106.602	NEEDLE CHECK CROSSING	EACH	4	\$ 4,000.00	4	4	\$ 16,000.00	-	-	\$ -	4	\$ 16,000.00
27	2111.607	AGGREGATE BASE (CY) CLASS 5	CY	7,511	\$ 8.00	4,434	4,324	\$ 33,072.00	3,177	3,177	\$ 25,310.00	7,511	\$ 60,382.00
28	2111.607	AGGREGATE BASE (CY) CLASS 5 (PATCHING)	CY	60	\$ 40.00	60	76	\$ 3,072.00	-	-	\$ -	76	\$ 3,072.00
29	2121.605	CONCRETE PAVEMENT 7" MANHOLE DRIVE EXISTING	SY	652	\$ 88.00	652	652	\$ 57,376.00	-	-	\$ -	652	\$ 57,376.00
30	2160.509	TYPE SP 13 WEARING COURSE MIXTURE (3 B)	TON	1,770	\$ 80.00	1,770	1,770	\$ 141,600.00	1,485	30	\$ 2,355.00	1,805	\$ 143,955.00
31	2160.509	TYPE SP 13 WEARING COURSE MIXTURE (CY) (PATCHING)	TON	32	\$ 154.00	32	45	\$ 6,924.00	-	-	\$ -	45	\$ 6,924.00
32	2412.503	24x PRECAST CONCRETE BOX CULVERT	LF	44	\$ 800.00	34	34	\$ 27,200.00	30	30	\$ 24,000.00	64	\$ 51,200.00
33	2413.507	GRAVEL FILTER AND AGGREGATE (CY)	CY	1,546	\$ 74.00	1,095	837	\$ 61,260.00	-	-	\$ -	837	\$ 61,260.00
34	2413.507	GRAVEL AND BACKFILL (CY)	CY	6,275	\$ 11.00	275	288	\$ 3,168.00	-	-	\$ -	288	\$ 3,168.00
35	2413.507	STRUCTURE EXCAVATION CLASS B	CY	4,525	\$ 50.00	4,825	4,172	\$ 208,840.00	-	-	\$ -	4,172	\$ 208,840.00
36	2413.507	STRUCTURE EXCAVATION CLASS B	CY	4,525	\$ 50.00	4,825	4,172	\$ 208,840.00	-	-	\$ -	4,172	\$ 208,840.00
37	2501.402	12" GAS PIPE APRON	EACH	28	\$ 300.00	18	18	\$ 5,400.00	8	8	\$ 2,400.00	26	\$ 7,800.00
38	2501.402	12" GAS PIPE APRON	EACH	45	\$ 318.00	37	37	\$ 11,766.00	45	44	\$ 13,920.00	82	\$ 25,686.00
39	2501.403	12" GAS PIPE GASKET	LF	2,238	\$ 2.00	230	230	\$ 460.00	610	610	\$ 1,220.00	878	\$ 1,740.00
40	2501.403	12" GAS PIPE GASKET	LF	590	\$ 43.00	-	-	\$ -	610	610	\$ 26,430.00	610	\$ 26,430.00
41	2503.503	12" PVC PIPE SEWER (SDR35)	LF	547	\$ 117.00	547	547	\$ 63,999.00	-	-	\$ -	547	\$ 63,999.00
42	2503.503	12" PVC PIPE SEWER (SDR35)	LF	5,431	\$ 119.00	6,651	6,651	\$ 792,499.00	-	-	\$ -	6,651	\$ 792,499.00
43	2503.503	12" PVC PIPE SEWER (SDR35)	LF	3,203	\$ 131.00	3,203	3,203	\$ 420,603.00	-	-	\$ -	3,203	\$ 420,603.00
44	2503.602	CONNECT TO EXISTING SANITARY SEWER	EACH	4	\$ 1,000.00	4	4	\$ 4,000.00	-	-	\$ -	4	\$ 4,000.00
45	2503.602	CONNECT TO EXISTING SANITARY SEWER	EACH	3	\$ 1,500.00	3	3	\$ 4,500.00	-	-	\$ -	3	\$ 4,500.00
46	2503.602	PLUMB AND ABANDON PIPE SEWER	EACH	6	\$ 500.00	6	6	\$ 3,000.00	-	-	\$ -	6	\$ 3,000.00
47	2503.603	TELEPHONE SANITARY SEWER	LF	9,415	\$ 230	9,411	9,319	\$ 2,146,270.00	-	-	\$ -	9,319	\$ 2,146,270.00
48	2524.604	3" POLYETHYLENE INSULATION	SY	138	\$ 50.00	135	135	\$ 6,750.00	-	-	\$ -	135	\$ 6,750.00
49	2506.502	CASTING ASSEMBLY	EACH	5	\$ 800.00	5	5	\$ 4,000.00	-	-	\$ -	5	\$ 4,000.00
50	2506.502	CONSTRUCT DRAINAGE STRUCTURE DESIGN #007	LF	508	\$ 150.00	508	508.00	\$ 76,200.00	-	-	\$ -	508.00	\$ 76,200.00
51	2506.602	CASTING ASSEMBLY ORIGINAL	EACH	33	\$ 600.00	33	33	\$ 19,800.00	-	-	\$ -	33	\$ 19,800.00
52	2506.602	MANHOLE FRAME SEAL (EXTERNAL)	EACH	38	\$ 200.00	38	38	\$ 7,600.00	-	-	\$ -	38	\$ 7,600.00
53	2506.602	CONSTRUCT 8" INSIDE CHOP	LF	6	\$ 200.00	6	6	\$ 1,200.00	-	-	\$ -	6	\$ 1,200.00
54	2521.618	6" CONCRETE WALK	SF	630	\$ 9.25	630	630	\$ 5,827.50	-	-	\$ -	630	\$ 5,827.50
55	2531.603	CONCRETE CURB AND GUTTER, DESIGN B&D	LF	20	\$ 55.00	20	20	\$ 1,100.00	-	-	\$ -	20	\$ 1,100.00
56	2545.602	INSTALL ELECTRICAL PESTICIDAL AND SIGN	EACH	8	\$ 780.00	8	8	\$ 6,240.00	-	-	\$ -	8	\$ 6,240.00
57	2503.601	TRAFFIC CONTROL	LS	1.00	\$ 27,500.00	0.00	0.00	\$ 27,500.00	0.00	0.00	\$ 27,500.00	1.00	\$ 27,500.00
58	2573.501	STABILIZER CONSTRUCTION EXT	LS	1.00	\$ 1,000.00	0.00	0.00	\$ 700.00	0.00	0.00	\$ 700.00	1.00	\$ 1,000.00
59	2573.502	STORM DRAINAGE EXT PROTECTION	EACH	30	\$ 300.00	27	27	\$ 8,100.00	10	10	\$ 3,000.00	47	\$ 14,100.00
60	2573.503	FILTER BURN TYPE 2	LF	13,893	\$ 2.00	13,848	13,848	\$ 27,696.00	0.00	0.00	\$ 0.00	13,848	\$ 27,696.00
61	2573.503	SAL FENCE TYPE MS	LF	6,874	\$ 2.25	13,841	17,194	\$ 38,681.50	3,317	5,824	\$ 13,296.00	21,170	\$ 51,977.50
62	2573.503	BERMOUNT CONTROL LOG TYPE WOOD FIBER	LF	18,846	\$ 2.75	13,848	2,220	\$ 6,156.00	5,047	200	\$ 550.00	2,967	\$ 8,162.00
63	2513.601	REHABILITATION PUBLIC WORKS STORAGE IMPROVEMENTS	LS	1.00	\$ 50,000.00	-	-	\$ -	1.00	0.50	\$ 25,000.00	1.50	\$ 75,000.00
64	2575.504	EROSION CONTROL BANNETS CATEGORY 3H	SY	3,777	\$ 1.63	1,785	8,743	\$ 14,320.95	1,487	1,487	\$ 2,443.30	3,272	\$ 16,764.25
65	2575.504	SECURING	ACRE	16.75	\$ 0.00	14.00	14.00	\$ 44.00	2.75	2.75	\$ 185.00	16.75	\$ 189.00
66	2575.508	SEED MIXTURE 3# 3T1 (OPLAND)	LB	775	\$ 38.00	550	550	\$ 20,900.00	225	225	\$ 8,625.00	775	\$ 29,525.00
67	2575.508	SEED MIXTURE 3# 3T1 (OPLAND)	LB	815	\$ 33.00	190	450	\$ 14,850.00	120	120	\$ 3,960.00	645	\$ 21,810.00
68	2575.509	MULCH MATERIAL TYPE 1	ACRE	16.75	\$ 700.00	14.00	14.00	\$ 9,800.00	2.75	2.75	\$ 1,925.00	16.75	\$ 11,725.00
69	2627.503	1" DOUBLE COAT WHITE PAINT (YELLOW)	LF	21	\$ 12.00	11	11	\$ 132.00	-	-	\$ -	11	\$ 132.00
70	2627.503	1" SINGLE COAT WHITE PAINT (WHITE)	LF	102	\$ 8.00	102	102	\$ 816.00	-	-	\$ -	102	\$ 816.00
71	2642.503	2" SOLID LINE PAINT (WHITE)	LF	30	\$ 4.00	30	30	\$ 120.00	-	-	\$ -	30	\$ 120.00
72	2160.509	TYPE SP 13 WEARING COURSE MIXTURE (3 B)	TON	425	\$ 80.00	425	425	\$ 34,000.00	-	-	\$ -	425	\$ 34,000.00
73	2104.502	SALVAGE 6" RC PIPE APRON	EACH	1	\$ 400.00	1	1	\$ -	-	-	\$ -	1	\$ 400.00
74	2104.502	SALVAGE LIGHT POLE AND BASE	EACH	1	\$ 600.00	1	1	\$ -	-	-	\$ -	1	\$ 600.00
75	2104.502	SALVAGE SIGN	EACH	1	\$ 50.00	1	1	\$ -	-	-	\$ -	1	\$ 50.00
76	2106.504	GEOTEXTILE FABRIC TYPE 2 (NON-WOVEN)	SY	700	\$ 3.00	-	-	\$ -	700	600.00	\$ 1,800.00	700	\$ 2,100.00
77	2106.507	EXCAVATION - COMMON	CY	250	\$ 25.00	-	-	\$ -	250	250.00	\$ 6,250.00	250	\$ 6,250.00
78	2106.507	SELECT GRANULAR EMBANKMENT MTD 7% (CY)	CY	150	\$ 95.00	-	-	\$ -	150	150.00</			