



Hermantown City Council Meeting – August 16, 2021

Because of attendance considerations at the regular meeting location due to the health pandemic, Hermantown's August 16, 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/87417834695?pwd=MEhLbIZIMkVpUU83UkICy1IYeGJkUT09>

and/or by calling the number (312) 626-6799 and utilizing the meeting ID number of 874-1783-4695 and the passcode of 415010.

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 "August 2, 2021, Meeting." It is important to note that all comments regarding the August 16, 2021, meeting are public data.

A few important tips regarding the Zoom platform:

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

The 4:30 p.m. Pre-Agenda Meeting will be available in-person only at City Hall. Public comment is not a factor in the pre-agenda meeting, but the meeting is open and members of the public are invited and welcome to attend to this meeting. Attendees of the Pre-Agenda Meeting should expect to follow the current social distancing and mask guidelines.



AGENDA

Pre-Agenda Meeting Monday, August 16, 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 Continuation Meeting August 16, 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**

**Interviews for Legal Services Monday, August 16, 2021 at 3:00 p.m.
Council Chambers
Hermantown Governmental Services Building**

**Pre-Agenda Meeting Monday, August 16, 2021 at 4:30 p.m.
Council Chambers
Hermantown Governmental Services Building**

**City Council Continuation Meeting August 16, 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. **21-141** Jake Perry, 3779 Johnson Rd.
TO: John Mulder, City Admin; Bonnie Engseth, City Clerk; Joe Wicklund, Comm. Dir.
RE: Petition for Alternate Secondary Egress – Carlson Road Expansion
7. **PRESENTATIONS** *(Department Heads may give reports if necessary.)*
 - A. 2021 Employee Recognitions
RE: Bill Marsolek – Retirement
5 Years of Service – Eric Johnson, Mary Melde, Paul Senst
10 Years of Service – Aron Bjonskaas, Jim Crace
15 Years of Service – Lisa Volk
 - B. Kevin Orme, Director of Finance & Administration
RE: **2022 Preliminary General Fund Budget & Levy**
8. **PUBLIC DISCUSSION** *(This is the time for individuals to address the Council about any item not on the agenda. The time limit is three minutes per person.)*
9. **CONSENT AGENDA** *(All items on the Consent Agenda are items which are considered routine by the City Council and will be approved by one motion via voice vote. There will be no*

discussion of these items unless a Council Member or citizen so requests, in which event the item will be removed from the Consent Agenda and considered at the end of the Consent Agenda.)

- A. **Minutes** - Approval or correction of [August 2, 2021 City Council Minutes](#)
- B. **Accounts Payable** – Approve general city warrants from August 1, 2021 through August 15, 2021 in the amount of \$859,360.90

(motion, roll call)

10. MOTIONS

11. ORDINANCES

- A. **2021-05** An Ordinance Amending Chapter 9, Utilities And Services, Of The Hermantown City Code

Second Reading

(motion, roll call)

- B. **2021-06** An Ordinance Amending Section 230.02, Utility Commission, Of The Hermantown City Code

Second Reading

(motion, roll call)

- C. **2021-07** An Ordinance Amending Section 820 Of The Hermantown City Code By Amending The City Of Hermantown Snowmobile And ATV Map

First Reading

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

- A. **2021-95** Resolution To Establish A No Parking Zone Along A Section Of Hermantown In The City Of Hermantown

(motion, roll call)

- B. **2021-96** Resolution Authorizing And Directing The Mayor And City Clerk To Execute And Deliver Development Agreement With JLG Enterprises Of Hermantown, LLP For Peyton Acres Phase 1B

(motion, roll call)

- C. **2021-97** Resolution Authorizing And Directing The Mayor And City Clerk To Execute And Deliver A First Amendment To Development Agreement With Shaine Stokke

(motion, roll call)

- D.** **2021-98** Resolution Authorizing A Summary Of An Ordinance Amending Chapter 9, Utilities And Services, Of The Hermantown City Code

(motion, roll call)

- E.** **2021-99** Resolution Authorizing And Directing The Mayor And City Clerk To Consent To The Appraisal Services Agreement For Appraisal Services For The Ugstad Road Improvement Project Between F.I. Salter Company, Inc. And Overom Law, PLLC

(motion, roll call)

- F.** **2021-100** Resolution Declaring A Permanent 25 Foot Setback Area

(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

8/2/2021	21-135	Sheena Shoemaker, 4065 Sangstrom Rd.	Wayne Boucher, Mayor	Tree Cutting on Property	7/31/2021
8/3/2021	21-136	Monique Young, Crown Castle	John Mulder, City Administrator	Ground Lease Agreement	7/1/2021
8/3/2021	21-137	Cathy Remington, WLSSD	John Mulder, City Administrator	WLSSD 2022 Budget	7/29/2021
8/3/2021	21-138	James Dexter, MN Pollution Control Agency	Wayne Boucher, Mayor	Trunk Sewer Spur & Munger Trail Spur	7/29/2021
8/4/2021	21-139	Mariane Bohren, WLSSD	John Mulder, City Administrator	Capacity Allocation Permit (2022-2026)	8/2/2021
8/5/2021	21-140	Lars Waldner, Cable Access Coordinator	John Mulder, City Administrator & Joe Wicklund, Communication & Community Engagement	Resignation as of 9/30/2021	8/4/2021
8/6/2021	21-141	Jake Perry, 3779 Johnson Rd.	John Mulder, City Admin. Bonnie Engseth, City Clerk, & Joe Wicklund, Comm. Dir.	Petition for Alternate Secondary Egress – Carlson Road Expansion	8/6/2021

CH-Bonnie Engseth

From: JAKE E PERRY <jake_perry89@hotmail.com>
Sent: Friday, August 6, 2021 11:17 AM
To: CH-Joseph Wicklund; CH-Bonnie Engseth; CH-John Mulder
Cc: Tony Marino; sambergjim79@gmail.com; ljs bds (via Google Docs); Kelly Manney
Subject: Request for Agenda Item Addition for Upcoming Hermantown Planning and Zoning Committee August Meeting
Attachments: Petition by the Residents of Johnson and Portland Road.pdf

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 Whom it May Concern:

Please see the attached document/petition. We humbly request that this be added as an agenda item in the upcoming Hermantown Planning and Zoning committee meeting held in August.

We will begin collecting signatures between now and the meeting, but we already have the Samberg's, Smith's, Perry's, and Marino's on board (copied them in the email as well). Just wanted to make sure we gave you all plenty of time to get this onto the agenda.

Thanks and have a wonderful weekend!

Jake Perry
3779 Johnson Road
Hermantown, MN 55811

Petition for Alternate Secondary Egress

Carlson Road Expansion

Residents of Johnson and Portland Road

To the City of Hermantown:

The residents of Johnson and Portland Road please ask that you consider putting forth and approving a motion to amend the current egress onto Johnson Road (Carlson Road Expansion), while also approving the planned development and allowing it to continue moving forward as to not delay any of the plans of Jay Zierden and Zierden Construction or the city itself. This can be conditional on the technical details of the amended egress being submitted by the developer and accepted by the city planner and engineer (if required).

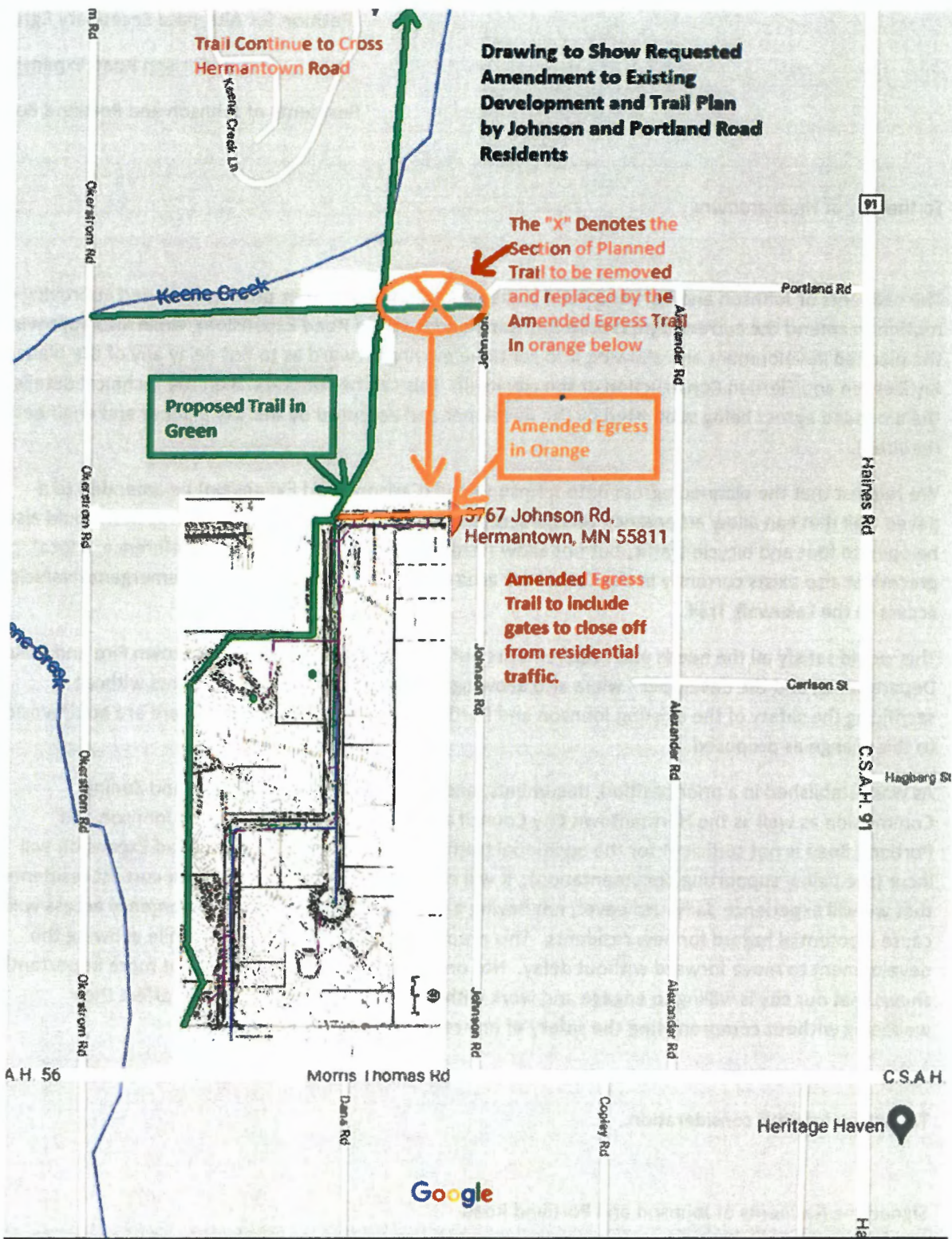
We request that the planned egress onto Johnson Road (Carlson Road Expansion) be amended to a paved trail that can allow emergency vehicle access as shown in the below image. This trail would also be open to foot and bicycle traffic, but not allow residential vehicles to use it. For reference, a local precedent also exists currently in the Canal Park area of Duluth which has gates for emergency vehicle access to the Lakewalk Trail.

This would satisfy all the needs and requirements put forth by the city, the Hermantown Fire and Police Departments, and the developer - while also allowing trail access for existing residents without sacrificing the safety of the existing Johnson and Portland Road neighborhoods. There are no downsides to this change as proposed.

As was established in a prior petition, documents, and meetings with the Planning and Zoning Commission as well as the Hermantown City Council and Mayor, the current size of Johnson and Portland Road is not sufficient for the additional traffic that the planned Carlson Road Expansion will incur (see below supporting documentation). It will create a major safety hazard for current residents that we will experience daily. However, not having a second form of egress for emergency access will cause a potential hazard for new residents. This proposal removes both hazards while allowing the development to move forward without delay. Not only is it the right thing to do, but more importantly shows that our city is willing to engage and work with residents to solve issues that affect their wellbeing **without compromising the safety of any residents** - current or future.

Thank you for your consideration,

Signed the Residents of Johnson and Portland Road



Trail Continue to Cross Hermantown Road

Drawing to Show Requested Amendment to Existing Development and Trail Plan by Johnson and Portland Road Residents

The "X" Denotes the Section of Planned Trail to be removed and replaced by the Amended Egress Trail in orange below

Proposed Trail in Green

Amended Egress in Orange

Amended Egress Trail to include gates to close off from residential traffic.

5767 Johnson Rd, Hermantown, MN 55811

Google

Heritage Haven

Supporting Documentation for the Petition

Below is reasoning given from both the city and residents that support the petitioned changes:

Reasons for Secondary Egress (from developer and city):

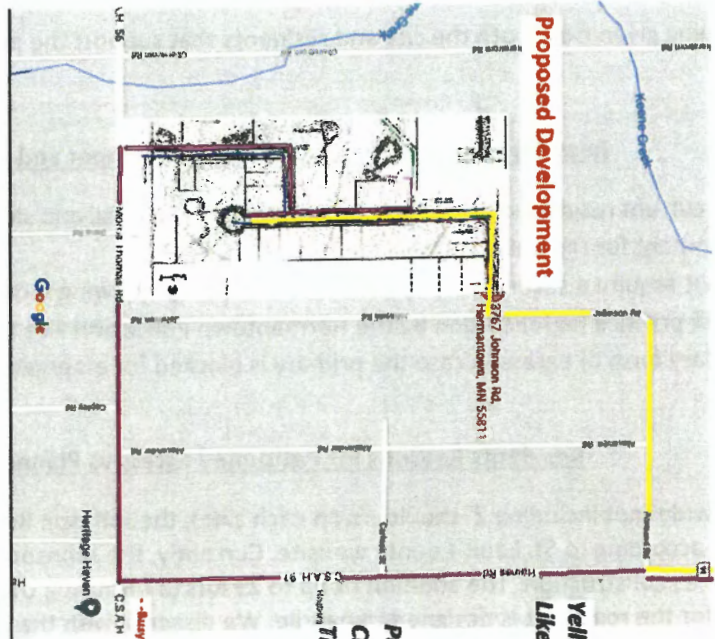
- Allows current residents access to the planned multi-use trail and sidewalks in the new development for recreation.
- Does not require a second roundabout which will make plowing more difficult.
- It is best practice (agreed upon by the Hermantown Police and Fire Department) to have a secondary form of egress in case the primary is blocked for emergency vehicle access.

Residents Reasons for Petitioned Egress vs Planned:

- At 20' wide (not including 2' shoulders on each side), the Johnson Road is designed to 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's assessment that only a handful of units will utilize the Carlson Road extension (*see below map of likely traffic flow*).
 - Traffic coming back from the north (where Walmart, Target, Home Depot, Fleet Farm, Miller Hill Mall, etc. are located) for a large part of the new development will be utilizing Portland to Johnson to the proposed Carlson Road Expansion as a matter of convenience and time.
 - This safety hazard exists whether some of the current residents wanted the road size to stay the same size or not (during reconstruction in 2020).
- 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 if a residential vehicle egress is added.
- The new development will benefit from having one form of egress for residential vehicles – makes for a quieter and safer neighborhood with no outside traffic.
- Going with the petitioned trail egress will make the construction cost cheaper for the developer.

The proposed amendment to the development plan as stated in the petition would satisfy the needs of both groups while also allowing the development to move forward without delay. There are no valid reasons to oppose such a change. More importantly it does not compromise the safety of ANY residents, current or future.

Map of Likely Traffic Flow from New Development

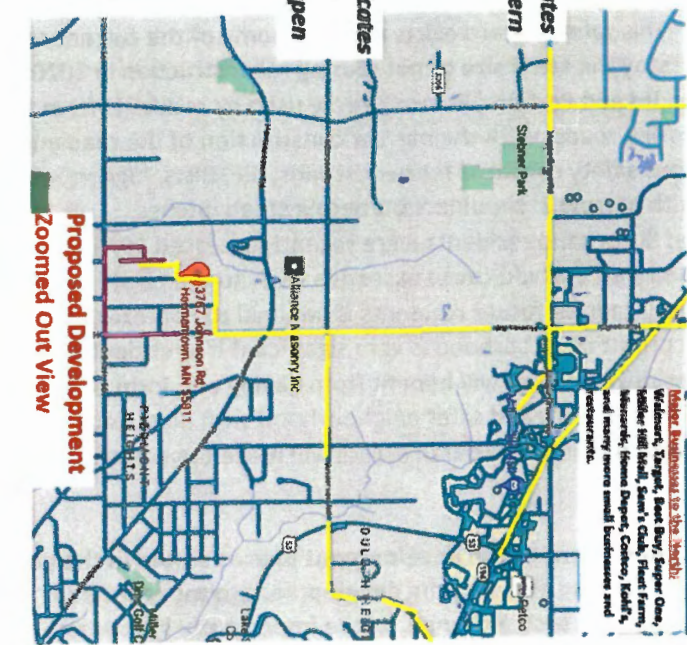


Proposed Development

Yellow Line Indicates Likely Traffic Pattern

Purple Line Indicates City/Developer Thinks Will Happen

Red Line - Busy & Stop Sign Intersection



Proposed Development Zoomed Out View

Other Businesses in the Area:
 Walgreens, Target, Best Buy, Burger King, Miller Hill Mall, Sam's Club, Fleet Farm, Muscoff, Home Depot, Costco, Kwik-Fit, and many more small businesses and restaurants.

Preliminary General Fund Budget & Levy



Hermantown

Working together to serve
and build our community

August 16, 2021
City Council/Departments

2022 Preliminary Budget Message **August 16, 2021**

Preliminary Budget: Attached is a preliminary City of Hermantown General Fund Budget for 2022. The budget is submitted at this time because of state imposed deadlines for Truth in Taxation purposes. The Council will be asked to set the preliminary levy and a public hearing date of December 6, 2021 at the City Council meeting on September 20, 2021. The preliminary levy and the budget hearing date must be approved by the City Council and submitted to St. Louis County by September 30. This preliminary levy represents the maximum proposed levy. The City Council may lower the proposed tax levy between now and the final approval which is scheduled for December 6, 2021.

Budget Discussion: In January 2019 the City Council approved a multi-year Financial Management Plan that addresses many long-term needs such as roads, capital items, staffing, and more. This plan has many benefits, including providing a roadmap of how to improve the long-term financial health of the organization while meeting Council and citizen priorities. Last year, due to the COVID-19 pandemic, we intentionally deviated from the Financial Management Plan and reduced our 2021 levy and expenditures. This has caused a ripple effect on our Financial Management Plan in future years. The 2022 budget gets us part way back to following the Financial Management Plan while being cognizant of the levy increase. Given the last few years, in our ever-changing world, we hope to relook at the Financial Management Plan in 2022 with a long-term focus on serving and building our community with the limited resources we have.

Expenditures: At this time, expenditures in the 2022 General Fund Budget are increasing 7% or \$442,785. As a general rule in 2022 \$67,000 in expenditures is the approximate equivalent of 1% of the tax levy. This increase is due in part to the following factors:

- Normal personnel expenditures increases (cost of living, step increases, health insurance)
- Travelers Insurance rate increase
- 2022 Election expenditures (no election in 2021)
- City attorney increase
- Anticipated retirements
- Increase in funding for capital equipment back to Financial Management Plan level

Revenues: The General Fund budget relies almost solely on local property tax to fund its expenditures. Local property taxes make up approximately 90% of our total general fund revenue. As a comparison, Duluth's local property taxes have made up approximately 20% of their general fund revenue.

Taxes: The general levy under this preliminary general fund budget is projected to increase 7.6%. The total levy increase is 9.4%. Very preliminary estimates show the Net Tax Capacity grew by between 2-3%. With expenditures growing by more than this, it causes an increase in the tax rate, so

that an individual homeowner will pay more for the same value of home. The rate increases from .4374 to .4666. This is an actual 6.67% increase.

The impact of this proposed budget is shown on Table 1.

Property Tax Impact of the Proposed 2022 Budget

Table 1

Annual City Levy	Pay 2021	Incr (Decr) 2021-2020	%	Pay 2022	Incr (Decr) 2022-2021	%
Total Levy	6,502,851	283,757	4.56%	7,114,641	611,790	9.41%
Tax rate	0.4374			0.4666		
General Fund	5,954,917	303,445	5.37%	6,408,585	453,668	7.62%
Tax rate	0.4093			0.4288		
Debt Levy	332,537	60,915	22.43%	415,234	82,697	24.87%
Tax rate	0.0229			0.0278		
Fleet Farm Levy	139,397	3,397	2.50%	140,822	1,425	1.02%
Tax rate	0.0096			0.0094		
HEDA Levy	76,000	(84,000)	-52.50%	150,000	74,000	97.37%
Tax rate	0.0052			0.0100		
Levy Impact						
Impact - \$150,000 home	\$656	\$13	1.96%	\$700	\$44	6.67%
Impact - \$200,000 home	\$875	\$17	1.96%	\$933	\$58	6.67%
Impact - \$300,000 home	\$1,312	\$25	1.96%	\$1,400	\$88	6.67%
Impact - \$400,000 home	\$1,750	\$34	1.96%	\$1,866	\$117	6.67%
Impact - \$500,000 home	\$2,187	\$42	1.96%	\$2,333	\$146	6.67%
Impact - \$600,000 home	\$2,624	\$51	1.96%	\$2,800	\$175	6.67%

2022 PROPOSED BUDGET

REVENUES- TABLE 2

Revenues	Original Budget 2021	Proposed Budget 2022	Increase (Decrease)	Percent
Property Taxes	5,678,071	6,109,256	431,185	7.59%
Licenses & Permits	179,365	181,050	1,685	0.94%
Intergovernmental	233,950	249,150	15,200	6.50%
Charges for Services	146,240	144,930	(1,310)	-0.90%
Fines & Forfeitures	42,575	42,600	25	0.06%
Investment Income	8,000	6,000	(2,000)	-25.00%
Transfers from other Funds	-	-	-	
Totals	6,288,201	6,732,986	444,785	7.07%

Table 2 above shows the changes in the various types of revenue in the general budget.

Taxes: The amount of taxes shown here is the anticipated tax revenue for the General Fund. As in other years, the City has budgeted receiving less than the proposed property tax levy. The full amount levied is higher than listed here because it will include other levies outside of the general fund. Figure 1 is the form that is sent to the County to certify the proposed levy.

Licenses & Permits: Building permit fees are expected to be virtually the same as last year's budget. We are aware of several projects and there are other ones potentially on the horizon, but are not sure if/when those will become reality.

Intergovernmental: Local Government Aid (LGA) for 2022 continues to be zero as in the last several years.

PROPOSED CITY LEVY – ST LOUIS COUNTY

Contact Name: John Mulder
Phone #: 218-729-3600
E-Mail Address: jmulder@hermantownmn.com

The annual tax levy for the year of 2021 collectible in 2022 for the City of Hermantown was adopted by resolution passed at a City Council meeting held on, AUGUST 16, 2021.

<u>LEVY PURPOSE</u>	<u>CERTIFIED LEVY</u>
Net Tax Capacity (NTC) Levies	
1. General Fund (See reverse side)	<u>6,408,585</u>
2. General Obligation Bonded Debt	<u>415,234</u>
3. Other Debt	<u> </u>
4. Misc - Fleet Farm Abatement	<u>140,822</u>
5. Miscellaneous HEDA	<u>150,000</u>
6. Total of NTC Levies (Add lines 1 thru 5)	<u>7,114,641</u> (required)
Referendum Market Value (RMV) Levies	
7. General Obligation Bonded Debt	<u> </u>
8. Other Debt	<u> </u>
9. Total of RMV Levies (Add lines 7 & 8)	<u> </u> (required)
Total Levy (NTC+RMV) (Add lines 6 & 9)	<u>7,114,641</u> (required)

(Complete when total of Debt levies is less than certified debt)

The amount levied for total debt is less than the amount due to be paid from this levy because we have \$ on hand.

CERTIFICATION

State of Minnesota – County of St. Louis

I, Kevin Orme, Director of Finance and Administration of the City of Hermantown, St. Louis County, Minnesota, do hereby certify that I have compared the foregoing with Original Resolution now on file and of record in my office, and that the same is a true and correct copy and transcript of said original resolution.

Witness by My Hand and the Seal of the City of Hermantown, St. Louis County, Minnesota, this _____ day of _____, 2021.

Kevin Orme
Director of Finance and Administration

CITY OF: HERMANTOWN

Public Hearing Date Certification

Public Hearing Information

Date: December 6, 2021
(*must be between Nov. 24 & Dec. 27, 2021*) .

Time: 6:30 p.m. (*must be after 6:00 p.m.*)

Location:

Government Services Center

Address To Mail Comments: 5105 Maple Grove Rd
Hermantown, MN 55811

Contact Name: John Mulder

Title: City Administrator

Phone: 218-729-3600

PLEASE RETURN TO THE COUNTY AUDITOR BY SEPTEMBER 30th.
THANK YOU.

EXPENDITURES

Expenditures: The current requested expenditures in the general fund are \$444,785 more than the amount approved in the 2021 budget. This is a 7.07% increase in expenditures. For comparison, last year we had an 2.53% increase in expenditures. Table 4 shows the comparison by Department along with the percentage of the total budget.

By Department:

Elections: 2022 is an election year. This is the reason for the increase.

Fire: The City's contribution to the volunteer Fire Department is a 3% increase.

Admin: This is increased to comply with the new GASB standard on leases and to redo the Financial Management Plan

Attorney: This is increased due to increased rates for a potential new City attorney.

Building Inspector: Included in this budget in 2022 is a potential retirement pay out.

Transfers Out: This amount is increased to be back in line with our adopted Financial Management Plan. These transfers out are transfers for capital equipment and transfers for long term maintenance to City Hall.

Note: The below left column was presented earlier to the Council as desired increases in expenditures in 2022...both to get us back in line with the Financial Management Plan and additional desired spending. The below right column is what is in this proposed 2022 budget.

		2022 Budget
Original FMP: Start Park transfer	\$ 100,000	\$0
Original FMP: Increase Capital Equipment back to FMP level	\$ 132,000	\$132,000
Fund every 2022 General Fund CIP Request	\$ 49,000	\$0
Comprehensive Plan (first of 2 years)***	\$ 75,000	\$0
City Attorney Increase	\$ 40,000	\$25,000
YMCA Long Term Maintenance Savings	\$ 100,000	\$0
Increase Park Transfer (Currently 100K in FMP)	\$ 100,000	\$0
Increase Building Reserve Transfer (Currently 100K in FMP)	\$ 50,000	\$0
Increase Capital Equipment Transfer	\$ 50,000	\$0
Start transfer to help build trails	\$ 50,000	\$0
Additional Police officer	\$ 120,000	\$0
Fire Dept additional Increase	\$ 55,000	\$0
Economic development specific support	\$ 200,000	\$0
***Note: \$75,000 budgeted in HEDA Budget		

2022 ANNUAL BUDGET

EXPENDITURE COMPARISON –TABLE 3

<u>Department</u>	<u>2021</u>	<u>2022</u>	<u>Increase (Reduction)</u>	<u>Percent Change</u>	<u>Percent of total</u>
Council	45,081	46,875	1,794	3.98%	0.70%
Legal Notices	3,000	1,900	-1,100	-36.67%	0.03%
Mayor	13,015	13,817	802	6.16%	0.21%
Elections	0	24,284	24,284		0.36%
Admin & Finance	658,881	711,219	52,338	7.94%	10.56%
Attorney	35,000	60,000	25,000	71.43%	0.89%
Community Development	253,708	288,164	34,456	13.58%	4.28%
City Hall Maintenance	196,294	167,779	-28,515	-14.53%	2.49%
Police	2,983,422	3,076,349	92,927	3.11%	45.69%
Fire	521,160	536,795	15,635	3.00%	7.97%
Fire Hall 1	58,601	51,388	-7,213	-12.31%	0.76%
Fire Hall 2	5,844	6,307	463	7.92%	0.09%
Fire Hall 3	6,363	7,301	938	14.74%	0.11%
Building Inspector	171,201	243,068	71,867	41.98%	3.61%
Poundmaster	4,100	2,610	-1,490	-36.34%	0.04%
Street	723,286	749,668	26,382	3.65%	11.13%
City Engineer	30,000	29,000	-1,000	-3.33%	0.43%
Garage Building Maintenance	40,302	39,679	-623	-1.55%	0.59%
Parks & Recreation	129,212	139,172	9,960	7.71%	2.07%
Community Building	26,289	22,751	-3,538	-13.46%	0.34%
Cemetery	5,538	5,752	214	3.86%	0.09%
Transfers Out	343,000	475,000	132,000	38.48%	7.05%
Insurance	34,904	34,108	-796	-2.28%	0.51%
Totals	6,288,201	6,732,986	444,785	7.07%	

By Category:

Table 4 shows how the budget is broken down by category. This table shows the largest percentage of the budget is related to Personnel Services.

Personnel Services: The increase in personnel services represents wage increases, severance payouts, and an estimated increase in health insurance.

Services: This category includes items like postage, travel, training, legal notices, recording fees, utilities, liability insurance and other items.

Maintenance: Maintenance includes the costs of maintaining the City’s assets such as buildings, equipment (including computers) and other infrastructure.

Capital Outlay: Capital outlay items are shown on the following pages and include all projects by funding source.

Other Finance Uses: This category includes transfers to other funds for needed capital items and for long term maintenance of City Hall.

Expenditure by Category –Table 4

<u>Department</u>	<u>2021</u>	<u>2022</u>	<u>Increase (Reduction)</u>	<u>Percent Change</u>	<u>Percent of total</u>
Personnel Services	4,073,898	4,264,524	190,626	4.68%	63.34%
Supplies	332,060	322,420	-9,640	-2.90%	4.79%
Services & Maintenance	1,411,193	1,534,542	123,349	8.74%	22.79%
Capital Outlay	126,050	134,500	8,450	6.70%	2.00%
Other Financing Uses	345,000	477,000	132,000	38.26%	7.08%
Totals	6,288,201	6,732,986	444,785	7.07%	

REVENUE

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Account	Actuals				Current	%	Prelim.	Budget	Final	% Old
	2018	2019	2020	2021	Budget 2021	Rec. 2021	Budget 22	Change 22	Budget 22	Budget 22
101 General Fund										
310100 Current Year Taxes										
310100 Current Year Taxes	4,797,076	5,193,090	5,608,408	3,389,397	5,657,171	60%	6,088,156		6,088,156	107%
Group:	4,797,076	5,193,090	5,608,408	3,389,397	5,657,171	60%	6,088,156	0	6,088,156	107%
310200 Delinquent Taxes										
310200 Delinquent Taxes	60,548	18,668	49,698	29,447	0	***%			0	0%
Group:	60,548	18,668	49,698	29,447	0	***%	0	0	0	0%
318100 Franchise Fees										
318100 Franchise Fees	16,000	16,000	16,500	8,250	16,500	50%	16,500		16,500	100%
Group:	16,000	16,000	16,500	8,250	16,500	50%	16,500	0	16,500	100%
318900 Total Other Tax Revenue										
318990 Other Tax Revenues			704		0	0%			0	0%
Group:			704		0	0%	0	0	0	0%
319100 Penalty & Interest Property Taxes										
319100 Penalty & Interest	5,113	3,687	5,620	688	3,000	23%	3,600		3,600	120%
Group:	5,113	3,687	5,620	688	3,000	23%	3,600	0	3,600	120%
319200 Forfeited Tax Apportionments										
319200 Forfeited Tax	962	1,487		2,744	1,400	196%	1,000		1,000	71%
Group:	962	1,487		2,744	1,400	196%	1,000	0	1,000	71%
321100 Beer Licenses										
321100 Beer Licenses		4,690			0	0%			0	0%
321110 On Sale Liquor Licenses	30,710	30,600	38,775	25,013	40,000	63%	44,000		44,000	110%
321120 Off Sale Liquor Licenses	825	675	865	870	650	134%	750		750	115%
321140 Sunday Licenses	2,200	2,600	2,597	1,555	2,665	58%	2,600		2,600	97%
321150 Dance Permits	1,500	750	1,000	250	1,000	25%	1,000		1,000	100%
Group:	35,235	39,315	43,237	27,688	44,315	62%	48,350	0	48,350	109%
321800 Contractors License/Permits										
321800 Contractors	5,955	8,035	7,974	3,750	5,300	71%	5,300		5,300	100%
Group:	5,955	8,035	7,974	3,750	5,300	71%	5,300	0	5,300	100%
321900 Misc Licenses										
321900 Misc Licenses	5,940	6,930	5,360	670	6,600	10%	6,000		6,000	90%
321950 Fireworks Permits	300	750	300	400	400	100%	300		300	75%

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Account	Actuals				Current	%	Prelim.	Budget	Final	% Old
	2018	2019	2020	2021	Budget 2021	Rec. 2021	Budget 22	Change 22	Budget 22	Budget 22
101 General Fund										
321990 Other Licenses & Permits	2,725	3,725	3,220	640	3,500	18%	3,000		3,000	85%
Group:	8,965	11,405	8,880	1,710	10,500	16%	9,300	0	9,300	88%
322100 Building Permits										
322100 Building Permits	184,719	83,476	92,600	175,821	100,000	176%	100,000		100,000	100%
322110 Zoning Fees	9,815	9,675	9,145	5,016	9,950	50%	9,000		9,000	90%
322120 SWPP and Stormwater Mgmt	846				0	0%			0	0%
322121 Erosion & Sediment	4,750	4,500	4,750	2,125	4,500	47%	4,000		4,000	88%
322126 Wetland Permits	1,150	1,000	1,100	1,800	1,300	138%	1,300		1,300	100%
322130 Property Split Fees	2,500	2,500	2,750	1,750	1,500	117%	2,000		2,000	133%
Group:	203,780	101,151	110,345	186,512	117,250	159%	116,300	0	116,300	99%
322400 Licenses & Fees										
322400 Licenses & Fees	3,380	2,745	1,865	960	2,000	48%	1,800		1,800	90%
Group:	3,380	2,745	1,865	960	2,000	48%	1,800	0	1,800	90%
322900 Handgun/Bow Permits										
322900 Handgun/Bow Permits	2,140	2,145	2,195		2,900	0%	2,000		2,000	68%
Group:	2,140	2,145	2,195		2,900	0%	2,000	0	2,000	68%
331900										
331998 Police Overtime Reimb.	43,521	64,089	34,553	16,686	28,000	60%	25,000		25,000	89%
331999 Other Federal Grants &	2,042	3,038	555,433	2,832	2,000	142%	2,500		2,500	125%
334050 Market Value Credit	932	976	1,038		0	0%			0	0%
334160 Police Training	14,355	15,513	14,114		14,300	0%	14,000		14,000	97%
334180 MSAS Maintenance	65,000	65,000	65,000	65,000	65,000	100%	65,000		65,000	100%
Group:	125,850	148,616	670,138	84,518	109,300	77%	106,500	0	106,500	97%
334200 State 2% Fire Insurance/Fire Relief										
334210 State Police Aid	121,076	128,234	141,766		122,000	0%	140,000		140,000	114%
Group:	121,076	128,234	141,766		122,000	0%	140,000	0	140,000	114%
334900										
334999 Other State Grants & Aids	21,007	15,930	1,357	17,160	2,000	858%	2,000		2,000	100%
Group:	21,007	15,930	1,357	17,160	2,000	858%	2,000	0	2,000	100%
336300 Other Grants & Aids										
336300 Other Grants & Aids	3,782	650	650	650	650	100%	650		650	100%
Group:	3,782	650	650	650	650	100%	650	0	650	100%

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Account	Actuals				Current Budget 2021	% Rec. 2021	Prelim. Budget 22	Budget Change 22	Final Budget 22	% Old Budget 22
	2018	2019	2020	2021						
101 General Fund										
341000 Other Income										
341010 Building Rentals	6,040	7,010	1,154	1,150	4,000	29%	2,000		2,000	50%
341015 Community Building	16,831	17,491	18,864	11,329	19,500	58%	19,500		19,500	100%
341030 Zoning & Subdivision	500	1,000	500	500	750	67%	750		750	100%
341080 Additional Zoning Charges	400				0	0%			0	0%
341090 Photocopies City		35		-1	0	***%			0	0%
Group:	23,771	25,536	20,518	12,978	24,250	54%	22,250	0	22,250	91%
341100 Filing Fees										
341100 Filing Fees	8		8		0	0%			0	0%
341110 Data Privacy	1,104				200	0%			0	0%
Group:	1,112		8		200	0%	0	0	0	0%
342000										
342010 Police Services	81,160	81,100	77,120	79,801	76,500	104%	77,500		77,500	101%
342030 Photocopies Police	125	70	115	122	80	153%	82		82	102%
Group:	81,285	81,170	77,235	79,923	76,580	104%	77,582	0	77,582	101%
349400 Cemetery Burial										
349400 Cemetery Burial	550	1,500	1,895	1,280	1,300	98%	1,300		1,300	100%
Group:	550	1,500	1,895	1,280	1,300	98%	1,300	0	1,300	100%
351000 Impound & Towing Charges										
351000 Impound & Towing Charges	1,085	380	657	390	475	82%	400		400	84%
351010 Court Fines	48,749	62,722	40,626	28,337	42,000	67%	42,000		42,000	100%
351020 Parking Fines	585	815	105	105	100	105%	200		200	200%
Group:	50,419	63,917	41,388	28,832	42,575	68%	42,600	0	42,600	100%
351200 Dog/City Fines										
351200 Dog/City Fines		500			0	0%			0	0%
Group:		500			0	0%	0	0	0	0%
362100 Investment Interest										
362100 Investment Interest	24,698	30,509	23,841	-2,052	8,000	-26%	6,000		6,000	75%
362120 Interest - Interfund	1,955	1,687			0	0%			0	0%
362160 Gain (Loss) on Sale of	-8,573	18,951	6,919		0	0%			0	0%
Group:	18,080	51,147	30,760	-2,052	8,000	-26%	6,000	0	6,000	75%

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Account	Actuals				Current	%	Prelim.	Budget	Final	% Old
	2018	2019	2020	2021	Budget 2021	Rec. 2021	Budget 22	Change 22	Budget 22	Budget 22
101 General Fund										
362200 Park Field Rental Fees										
362200	Park Field Rental Fees	9,600	9,600	9,600			9,600		9,600	100%
362210	Park Rental Fees	250	125		50	100	50		50	50%
362250	City Property Lease	17,356	16,820	11,018	2,497	11,000	23%	11,138	11,138	101%
362255	Lightning Drive Tower	13,508	14,184	14,893	10,425	15,000	70%	15,000	15,000	100%
	Group:	40,714	40,729	35,511	12,972	35,700	36%	35,788	0	35,788 100%
362400 911 Signs										
362400	911 Signs	2,480	2,690	2,395	2,020	2,710	75%	2,710	2,710	100%
362410	Insurance Recoveries	1,289	35,672	17,170	-571	1,500	-38%	1,500	1,500	100%
362430	Refund & Reimbursement	11,657	5,905	12,318	2,683	0	***%	1,000	1,000	***%*
	Group:	15,426	44,267	31,883	4,132	4,210	98%	5,210	0	5,210 123%
362900 Flex Plan Revenue Over/Short										
362900	Flex Plan Revenue		-582			0	0%		0	0%
362990	Miscellaneous Revenue	7,038	5,550	559	559	100	559%	300	300	300%
	Group:	7,038	4,968	559	559	100	559%	300	0	300 300%
391000										
391010	Sale of General Fixed	18,727	7,230	8,510		1,000	0%	500	500	50%
	Group:	18,727	7,230	8,510		1,000	0%	500	0	500 50%
	Fund:	5,667,991	6,012,122	6,917,604	3,892,098	6,288,201	62%	6,732,986	0	6,732,986 107%
	Grand Total:	5,667,991	6,012,122	6,917,604	3,892,098	6,288,201		6,732,986	0	6,732,986

EXPENDITURES

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Account Object	Actuals				Current	%	Prelim.	Budget	Final	% Old
	2018	2019	2020	2021	Budget 2021	Exp. 2021	Budget 22	Changes 22	Budget 22	Budget 22
101 General Fund										
411100 Council										
103 Part-Time Employees - Reg	30,480	30,480	27,940	17,780	30,480	58%	30,480		30,480	100%
123 PERA Contributions - DCP	1,082	1,082	962	631	1,113	57%	1,113		1,113	100%
128 Social Security	472	472	472	276	510	54%	510		510	100%
129 Medicare	442	442	405	258	442	58%	442		442	100%
133 Life Insurance	191	210	173	117	216	54%	194		194	90%
151 Workers Compensation	648	917	1,060	524	1,048	50%	956		956	91%
201 Office Supplies	235		37		235	0%	50		50	21%
209 Computer Equipment			1,868		0	0%			0	0%
315 School & Conference		800		175	800	22%	200		200	25%
331 Travel Expense		375			500	0%	500		500	100%
405 Computer Maintenance	233	1,002	401	153	187	82%	2,580		2,580	1380%
451 Dues & Subscriptions	15,390	9,691	9,578		9,500	0%	9,800		9,800	103%
499 Miscellaneous			155	30	50	60%	50		50	100%
Account:	49,173	45,471	43,051	19,944	45,081	44%	46,875	0	46,875	104%
411300 Ordinance, Public Notice and Proceedings										
310 Recording/Filing Fees		46			0	0%			0	0%
351 Legal Notices Publishing	1,658	1,597	1,361	1,105	3,000	37%	1,900		1,900	63%
Account:	1,704	1,597	1,361	1,105	3,000	37%	1,900	0	1,900	63%
413100 Mayor										
103 Part-Time Employees - Reg	10,020	10,020	10,020	5,845	10,020	58%	10,020		10,020	100%
123 PERA Contributions - DCP	480	481	481	280	501	56%	501		501	100%
129 Medicare	145	145	145	85	145	59%	145		145	100%
133 Life Insurance	36	52	49	27	54	50%	49		49	91%
151 Workers Compensation	163	274	350	171	343	50%	313		313	91%
209 Computer Equipment			467		0	0%			0	0%
315 School & Conference	140	465			420	0%	420		420	100%
331 Travel Expense		376	299		0	0%	300		300	****%
405 Computer Maintenance	1,889	1,284	1,339	975	1,357	72%	1,939		1,939	143%
451 Dues & Subscriptions	75	30	30		75	0%	30		30	40%
499 Miscellaneous	108	99	102		100	0%	100		100	100%
Account:	13,056	13,226	13,282	7,383	13,015	57%	13,817	0	13,817	106%
414100 Elections										
101 Full-Time Employees - Reg	1,981	2,032	2,493	1,122	0	***%	2,065		2,065	****%
102 Full-Time Employees - Ove	1,808	645	237		0	0%			0	0%
105 Temporary Employees - Reg	7,380		11,794		0	0%	11,760		11,760	****%
111 Severance Pay - Vacation/		752			0	0%			0	0%
121 PERA Contributions - Coord	284	168	205	84	0	***%	155		155	****%
128 Social Security	228	150	168	69	0	***%	857		857	****%
129 Medicare	54	35	39	16	0	***%	200		200	****%
131 Health Insurance	798	453	543	201	0	***%	345		345	****%
133 Life Insurance	11	8	4	4	0	***%	8		8	****%
134 Disability Insurance	20	11	25	9	0	***%	11		11	****%

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Account	Object	Actuals				Current	%	Prelim.	Budget	Final	% Old
		2018	2019	2020	2021	Budget 2021	Exp. 2021	Budget 22	Changes 22	Budget 22	Budget 22
136	MSRS		6	16	9	0	***%	20		20	*****%
151	Workers Compensation	2	4	3		0	0%	363		363	*****%
201	Office Supplies	444		752		0	0%	1,500		1,500	*****%
221	General Supplies	73		50		0	0%	50		50	*****%
315	School & Conference					0	0%	400		400	*****%
325	Postage	1,021	50	1,284		0	0%	1,200		1,200	*****%
331	Travel Expense	199	184	334		0	0%	450		450	*****%
351	Legal Notices Publishing	1,260	66	3,152		0	0%	2,600		2,600	*****%
404	Equipment Maintenance	435	435		1,888	0	***%	1,700		1,700	*****%
499	Miscellaneous	463	200	762		0	0%	600		600	*****%
580	Other Equipment	28,575				0	0%			0	0%
	Account:	45,036	5,199	21,861	3,402	0	***%	24,284	0	24,284	*****%
415300	Administration & Finance										
101	Full-Time Employees - Reg	264,725	320,812	370,841	210,193	401,990	52%	422,474		422,474	105%
102	Full-Time Employees - Ove	64	137	265		0	0%	184		184	*****%
111	Severance Pay - Vacation/	4,743	26,018		1,224	0	***%			0	0%
121	PERA Contributions - Coor	19,984	23,692	28,066	15,895	30,149	53%	31,685		31,685	105%
128	Social Security	16,104	19,667	22,953	12,871	24,923	52%	26,193		26,193	105%
129	Medicare	3,766	4,599	5,297	3,010	5,829	52%	6,126		6,126	105%
131	Health Insurance	68,370	79,038	87,580	49,125	90,771	54%	94,331		94,331	104%
132	Health Care Savings Plan/	277	578	1,210		0	0%			0	0%
133	Life Insurance	751	962	993	562	1,129	50%	1,044		1,044	92%
134	Disability Insurance	1,346	1,162	1,529	961	1,733	55%	1,855		1,855	107%
136	MSRS		1,161	1,925	1,089	2,002	54%	3,198		3,198	160%
151	Workers Compensation	531	439	523	281	563	50%	587		587	104%
201	Office Supplies	5,258	5,404	5,100	2,473	4,000	62%	4,100		4,100	103%
202	Printing Supplies	3,665	3,806	2,208	685	2,100	33%	2,200		2,200	105%
209	Computer Equipment			1,401	-920	400	***%	350		350	88%
221	General Supplies		1,510			0	0%			0	0%
301	Audit/Account Services	19,743	26,616	13,055	18,853	21,000	90%	31,500		31,500	150%
302	Assessors Fees	654	663	619		0	0%	670		670	*****%
303	Banking Fees				30	0	***%			0	0%
314	Computer/Software Fees	3,800	2,840	2,653	3,330	3,150	106%	3,000		3,000	95%
315	School & Conference	1,535	3,348	599	1,012	4,000	25%	3,950		3,950	99%
317	Personnel Testing, Physic	375	1,050			0	0%			0	0%
319	Contracted Services	16,161	9,619	1,303	2,460	14,365	17%	23,000		23,000	160%
321	Telephone	5,245	1,072	1,486	961	1,500	64%	1,500		1,500	100%
325	Postage	1,249	1,425	1,491	642	1,375	47%	1,200		1,200	87%
331	Travel Expense	4,912	8,967	3,729	1,744	5,500	32%	5,400		5,400	98%
343	Community Relations	4,200	4,200	3,069		4,200	0%	4,200		4,200	100%
351	Legal Notices Publishing	182	1,522	1,440	289	900	32%	850		850	94%
405	Computer Maintenance	27,916	32,476	26,753	26,583	29,927	89%	33,822		33,822	113%
413	Equipment Rental	4,565	4,318	4,127	2,084	3,750	56%	3,800		3,800	101%
434	Employee Recognition Prog	52	1,609	100	560	325	172%	650		650	200%
451	Dues & Subscriptions	4,249	3,020	3,087	1,922	3,000	64%	3,050		3,050	102%
499	Miscellaneous	441	576	1,364	248	300	83%	300		300	100%
810	Refund/Reimbursement Expe	14,911				0	0%			0	0%
	Account:	499,774	592,306	594,766	358,167	658,881	54%	711,219	0	711,219	108%

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		2018	2019	2020	2021	Budget	Exp.	Budget	Changes	Budget	Budget
		2018	2019	2020	2021	2021	2021	22	22	22	22
416100	City Attorney										
308	Legal Fees	41,506	32,013	38,207	25,690	35,000	73%	60,000		60,000	171%
	Account:	41,506	32,013	38,207	25,690	35,000	73%	60,000	0	60,000	171%
419100	Community Development										
101	Full-Time Employees - Reg	99,414	84,482	94,079	55,918	142,522	39%	165,425		165,425	116%
121	PERA Contributions - Coord	7,456	6,629	7,056	4,194	10,689	39%	12,407		12,407	116%
128	Social Security	6,009	5,363	5,670	3,354	8,836	38%	10,256		10,256	116%
129	Medicare	1,405	1,254	1,326	785	2,067	38%	2,399		2,399	116%
131	Health Insurance	30,007	27,630	28,070	17,776	45,302	39%	51,835		51,835	114%
133	Life Insurance	243	280	259	147	312	47%	426		426	137%
134	Disability Insurance	514	454	439	252	696	36%	733		733	105%
136	MSRS					0	0%	423		423	*****
151	Workers Compensation	195	165	192	100	200	50%	230		230	115%
201	Office Supplies	441	179	57	31	500	6%	500		500	100%
202	Printing Supplies	280				500	0%	500		500	100%
209	Computer Equipment			531		0	0%			0	0%
304	Parcel Research Fees	650	1,848	1,565	715	1,500	48%	1,500		1,500	100%
305	Engineer Fees	2,343	1,765	7,380	4,453	3,000	148%	8,500		8,500	283%
308	Legal Fees	8,310	13,985	8,533	9,342	15,000	62%	10,000		10,000	67%
310	Recording/Filing Fees	692	736	1,150	480	500	96%	750		750	150%
314	Computer/Software Fees	1,056	2,069	1,972	397	4,500	9%	1,500		1,500	33%
315	School & Conference		553			1,000	0%	200		200	20%
319	Contracted Services	37,715	46,761	20,180	2,571	0	***	1,000		1,000	*****
321	Telephone	300	300	300	150	300	50%	300		300	100%
325	Postage	248	420	678	200	500	40%	850		850	170%
331	Travel Expense	213	1,015		30	500	6%	500		500	100%
351	Legal Notices Publishing	674	1,068	1,466	1,778	1,000	178%	1,500		1,500	150%
361	General Liability Insuran	7,967	7,841	8,213	4,106	8,212	50%	8,212		8,212	100%
405	Computer Maintenance	4,775	5,088	3,667	2,921	4,072	72%	6,218		6,218	153%
451	Dues & Subscriptions	663	550	296	150	2,000	8%	2,000		2,000	100%
	Account:	211,570	210,435	193,079	109,850	253,708	43%	288,164	0	288,164	114%
419900	General Government Buildings & Property										
404	Equipment Maintenance				35	0	***			0	0%
	Account:				35	0	***	0	0	0	0%
419901	City Hall & Police Building Maintenance										
101	Full-Time Employees - Reg	36,290	35,485	38,586	27,581	40,479	68%	35,195		35,195	87%
102	Full-Time Employees - Ove	2,812	3,322	2,657	1,191	0	***			0	0%
103	Part-Time Employees - Reg	6,109	6,562	6,975	4,030	10,621	38%	10,943		10,943	103%
111	Severance Pay - Vacation/				2,457	20,800	12%			0	0%
121	PERA Contributions - Coord	3,383	3,375	3,616	2,458	3,036	81%	2,639		2,639	87%
128	Social Security	2,599	2,614	2,782	2,071	3,168	65%	2,860		2,860	90%
129	Medicare	608	611	651	484	741	65%	669		669	90%
131	Health Insurance	16,297	16,920	18,395	10,145	19,119	53%	20,391		20,391	107%
132	Health Care Savings Plan/				10,898	0	***			0	0%
133	Life Insurance	44	45	43	18	45	40%	41		41	91%
134	Disability Insurance	211	208	206	89	212	42%	180		180	85%

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Account	Object	Actuals				Current	%	Prelim.	Budget	Final	% Old
		2018	2019	2020	2021	Budget	Exp.	Budget	Changes	Budget	Budget
136	MSRS					0	0%	338		338	*****
151	Workers Compensation	1,785	1,817	2,121	1,099	2,197	50%	1,893		1,893	86%
201	Office Supplies		32			0	0%			0	0%
212	Motor Fuels	1,269	2,351	1,239	710	1,600	44%	1,550		1,550	97%
216	Uniforms	-56	217	370	307	500	61%	350		350	70%
221	General Supplies	4,508	4,727	7,745	3,504	7,500	47%	6,000		6,000	80%
224	Land Maintenance & Repair		16		198	4,000	5%	2,000		2,000	50%
319	Contracted Services	3,899	1,053	1,062	1,434	1,400	102%	2,000		2,000	143%
321	Telephone	9,493	8,661	7,571	4,382	8,298	53%	7,572		7,572	91%
322	Internet	6,770	7,273	8,674	4,128	6,760	61%	8,200		8,200	121%
361	General Liability Insuran	9,278	10,613	9,382	4,277	8,243	52%	10,208		10,208	124%
381	Electricity	31,904	26,202	24,428	14,602	27,500	53%	24,500		24,500	89%
383	Heating Gas	16,835	16,335	12,149	7,858	16,200	49%	16,000		16,000	99%
384	Garbage Removal	2,399	2,727	3,190	2,633	2,275	116%	2,600		2,600	114%
401	Building Maintenance	11,561	12,444	7,207	25,033	6,000	417%	7,500		7,500	125%
404	Equipment Maintenance	2,238	8	366	339	5,000	7%	4,000		4,000	80%
405	Computer Maintenance	1,217	1,090	684		0	0%			0	0%
451	Dues & Subscriptions	15	15	65	40	100	40%	50		50	50%
460	Permits & Licenses	56	70	59	30	500	6%	100		100	20%
	Account:	171,524	164,793	160,223	131,996	196,294	67%	167,779	0	167,779	85%
421100	Police Administration										
101	Full-Time Employees - Reg	1,241,237	1,310,778	1,347,808	825,699	1,493,635	55%	1,542,357		1,542,357	103%
102	Full-Time Employees - Ove	168,517	166,484	130,030	55,295	143,037	39%	147,410		147,410	103%
111	Severance Pay - Vacation/	33,257		13,155	683	43,931	2%			0	0%
121	PERA Contributions - Coor	11,032	11,654	10,969	6,327	11,987	53%	12,443		12,443	104%
122	Pera Contributions - Poli	203,723	224,943	235,334	141,004	261,402	54%	269,724		269,724	103%
128	Social Security	8,367	8,589	8,618	4,900	9,909	49%	10,286		10,286	104%
129	Medicare	20,159	20,396	20,486	12,240	24,369	50%	24,502		24,502	101%
131	Health Insurance	359,370	438,789	430,246	288,082	501,217	57%	533,572		533,572	106%
132	Health Care Savings Plan/	2,746	4,135	6,747	23,218	0	***			0	0%
133	Life Insurance	1,503	1,827	1,696	881	1,901	46%	1,733		1,733	91%
134	Disability Insurance	5,898	6,521	6,092	3,708	7,179	52%	7,763		7,763	108%
136	MSRS		1,073	1,569	879	1,560	56%	10,270		10,270	658%
151	Workers Compensation	26,754	33,149	45,703	23,226	46,449	50%	46,304		46,304	100%
201	Office Supplies	463	1,232	1,994	578	1,500	39%	1,500		1,500	100%
202	Printing Supplies	1,598	547	1,153	808	1,500	54%	1,500		1,500	100%
209	Computer Equipment	276	816	1,117	1,295	1,000	130%	1,000		1,000	100%
211	Cleaning Supplies			120		0	0%			0	0%
212	Motor Fuels	37,934	39,289	23,653	17,227	36,000	48%	38,000		38,000	106%
216	Uniforms	17,179	11,914	17,030	17,261	19,000	91%	13,800		13,800	73%
218	Medical Supplies	507	969	384	561	1,000	56%	800		800	80%
221	General Supplies	7,134	6,783	2,735	4,208	4,000	105%	4,000		4,000	100%
222	Tires	2,803	4,460	3,334	340	5,000	7%	4,500		4,500	90%
240	Gun Supplies/Ammo/Tasers	11,626	10,631	9,730	3,730	10,000	37%	10,500		10,500	105%
303	Banking Fees			39		0	***			0	0%
308	Legal Fees	92,153	47,862	66,150	27,808	83,000	34%	83,000		83,000	100%
314	Computer/Software Fees	17,551	21,328	21,030	25,862	25,000	103%	25,000		25,000	100%
315	School & Conference	7,289	11,877	4,836	4,735	11,000	43%	11,000		11,000	100%

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Account Object	Actuals				Current	%	Prelim.	Budget	Final	% Old
	2018	2019	2020	2021	Budget 2021	Exp. 2021	Budget 22	Changes 22	Budget 22	Budget 22
317 Personnel Testing, Physic	2,779	199	1,981	2,595	1,500	173%			0	0%
319 Contracted Services	5,484	7,342	3,565	902	5,000	18%	5,000		5,000	100%
320 Personnel Search Expenses		33	99		0	0%			0	0%
321 Telephone	20,306	14,285	16,389	6,859	15,000	46%	16,000		16,000	107%
325 Postage	1,166	1,088	746	673	1,200	56%	1,300		1,300	108%
331 Travel Expense	4,245	9,148	1,598	2,659	7,500	35%	7,500		7,500	100%
343 Community Relations	947	839	57	285	1,500	19%	1,500		1,500	100%
351 Legal Notices Publishing		112	74	198	300	66%	300		300	100%
361 General Liability Insuran	24,649	25,230	26,146	13,024	25,981	50%	42,387		42,387	163%
404 Equipment Maintenance	2,196	3,681	3,182	956	3,000	32%	3,000		3,000	100%
405 Computer Maintenance	37,817	32,992	30,380	24,090	25,790	93%	40,248		40,248	156%
406 Vehicle Maintenance	11,035	14,263	13,220	15,599	12,500	125%	13,500		13,500	108%
413 Equipment Rental	4,410	4,479	4,113	2,018	4,800	42%	5,000		5,000	104%
434 Employee Recognition Prog		123	268	42	125	34%	250		250	200%
436 Towing Charges	650	250	215	280	250	112%	250		250	100%
451 Dues & Subscriptions	1,327	1,972	1,806	2,559	1,500	171%	2,000		2,000	133%
460 Permits & Licenses	2,380	422	531	59	850	7%	650		650	76%
490 K-9 Expenses	2,516	3,357		892	3,000	30%	3,000		3,000	100%
495 Property Damage Reimb. by	500	1,260	302	2,216	2,000	111%	2,000		2,000	100%
499 Miscellaneous	2,716	4,058	3,757	1,013	3,500	29%	3,500		3,500	100%
540 Office Equip/Furnishings	8,663		4,227	4,579	3,750	122%	2,500		2,500	67%
544 Motor Vehicles	81,673	83,861	54,378	106,857	115,000	93%	115,000		115,000	100%
580 Other Equipment	22,448	8,430	4,865	6,725	4,800	140%	10,500		10,500	219%
Account:	2,516,983	2,603,470	2,583,618	1,685,674	2,983,422	57%	3,076,349	0	3,076,349	103%
422100 Fire Administration										
318 Fire Protection	516,000	516,000	516,000	390,870	521,160	75%	536,795		536,795	103%
Account:	516,000	516,000	516,000	390,870	521,160	75%	536,795	0	536,795	103%
422901 Firehall #1 Maple Grove Road										
101 Full-Time Employees - Reg	14,889	16,038	15,681	8,191	12,455	66%	10,829		10,829	87%
102 Full-Time Employees - Ove	956	1,022	817	366	0	***			0	0%
103 Part-Time Employees - Reg	20	605	305	256	0	***			0	0%
111 Severance Pay - Vacation/				756	6,400	12%			0	0%
121 PERA Contributions - Coor	1,188	1,279	1,237	642	934	69%	812		812	87%
128 Social Security	901	1,008	958	551	772	71%	671		671	87%
129 Medicare	211	236	224	129	181	71%	157		157	87%
131 Health Insurance	6,337	7,069	7,098	3,411	5,883	58%	6,274		6,274	107%
132 Health Care Savings Plan/				3,353	0	***			0	0%
133 Life Insurance	17	20	17	7	14	50%	13		13	93%
134 Disability Insurance	83	92	83	34	65	52%	55		55	85%
136 MSRS					0	0%	104		104	****
151 Workers Compensation		444	517	268	536	50%	444		444	83%
221 General Supplies			258	213	0	***			0	0%
223 Maintenance Supplies	1,652				0	0%			0	0%
321 Telephone	5,477	2,090	1,884	1,085	2,209	49%	2,050		2,050	93%
322 Internet	1,680	1,859	2,169	1,032	1,690	61%	1,690		1,690	100%
361 General Liability Insuran	3,017	3,105	2,723	1,181	2,362	50%	2,789		2,789	118%
381 Electricity	20,909	17,330	15,614	9,336	14,000	67%	15,000		15,000	107%

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Account	Object	Actuals				Current	%	Prelim.	Budget	Final	% Old
		2018	2019	2020	2021	Budget	Exp.	Budget	Changes	Budget	Budget
383	Heating Gas	11,043	9,237	7,489	4,843	10,500	46%	10,000		10,000	95%
401	Building Maintenance	235	657	495	8,008	600	***%	500		500	83%
460	Permits & Licenses	10	10	10		0	0%			0	0%
540	Office Equip/Furnishings	589			402	0	***%			0	0%
	Account:	69,214	62,101	57,579	44,064	58,601	75%	51,388	0	51,388	88%
422902	Firehall #2 Morris Thomas Road										
221	General Supplies	9			25	0	***%	20		20	****%
319	Contracted Services			216	88	0	***%	88		88	****%
322	Internet	733	843	850	490	911	54%	911		911	100%
361	General Liability Insuran	347	884	1,248	541	1,083	50%	1,278		1,278	118%
381	Electricity	1,570	785	1,019	580	1,400	41%	1,200		1,200	86%
383	Heating Gas	2,833	2,392	2,085	1,605	2,300	70%	2,310		2,310	100%
401	Building Maintenance		266	541	2,662	150	***%	500		500	333%
	Account:	5,492	5,170	5,959	5,991	5,844	103%	6,307	0	6,307	108%
422903	Firehall #3 Midway Road										
221	General Supplies	9	94	108	85	0	***%	50		50	****%
223	Maintenance Supplies				253	600	42%	600		600	100%
319	Contracted Services			216	88	0	***%	88		88	****%
322	Internet	370	898	861	560	957	59%	957		957	100%
361	General Liability Insuran	373	912	1,275	553	1,106	50%	1,306		1,306	118%
381	Electricity	1,641	850	833	491	1,400	35%	1,200		1,200	86%
383	Heating Gas	5,663	2,434	2,449	1,561	2,300	68%	2,600		2,600	113%
401	Building Maintenance		70	450	2,352	0	***%	500		500	****%
	Account:	8,056	5,258	6,192	5,943	6,363	93%	7,301	0	7,301	115%
424100	Building Inspection										
101	Full-Time Employees - Reg	91,692	99,358	98,646	57,072	108,702	53%	112,828		112,828	104%
111	Severance Pay - Vacation/					0	0%	60,013		60,013	****%
121	PERA Contributions - Coor	6,877	7,151	7,399	4,280	8,153	52%	8,462		8,462	104%
128	Social Security	5,948	6,278	6,444	3,707	6,740	55%	10,716		10,716	159%
129	Medicare	1,391	1,468	1,507	867	1,576	55%	2,506		2,506	159%
131	Health Insurance	28,466	30,475	31,057	19,711	33,432	59%	34,699		34,699	104%
133	Life Insurance	277	303	274	155	301	51%	273		273	91%
134	Disability Insurance	493	495	497	292	528	55%	519		519	98%
136	MSRS		364	523	293	520	56%	806		806	155%
151	Workers Compensation	136	124	145	76	152	50%	157		157	103%
201	Office Supplies	109	108	99	682	500	136%	400		400	80%
209	Computer Equipment			467		0	0%			0	0%
227	Street Lights & Signs	926	920	623	723	1,200	60%	1,150		1,150	96%
308	Legal Fees				738	0	***%			0	0%
315	School & Conference	170	313	305		300	0%	100		100	33%
320	Personnel Search Expenses					0	0%	800		800	****%
325	Postage	233	122	178	103	240	43%	200		200	83%
331	Travel Expense	5,430	3,214	7,240	4,055	7,200	56%	7,200		7,200	100%
405	Computer Maintenance	2,408	1,384	1,299	975	1,357	72%	1,939		1,939	143%
451	Dues & Subscriptions	240	270			300	0%	300		300	100%
	Account:	144,796	152,347	156,703	93,729	171,201	55%	243,068	0	243,068	142%

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Account	Object	Actuals				Current	%	Prelim.	Budget	Final	% Old
		2018	2019	2020	2021	Budget	Exp.	Budget	Changes	Budget	Budget
						2021	2021	22	22	22	22
427100	Poundmaster										
319	Contracted Services	8,810	4,685	2,610	570	4,100	14%	2,610		2,610	64%
	Account:	8,810	4,685	2,610	570	4,100	14%	2,610	0	2,610	64%
431100	Street Department										
101	Full-Time Employees - Reg	200,373	213,936	231,085	128,447	199,929	64%	209,147		209,147	105%
102	Full-Time Employees - Ove	22,349	29,467	13,190	2,746	11,380	24%	11,722		11,722	103%
103	Part-Time Employees - Reg	1,437	10,511		4,001	0	***			0	0%
121	PERA Contributions - Coord	16,704	18,255	18,321	9,839	15,848	62%	16,565		16,565	105%
128	Social Security	13,460	15,278	14,315	8,038	13,101	61%	13,694		13,694	105%
129	Medicare	3,148	3,573	3,416	1,880	3,064	61%	3,203		3,203	105%
131	Health Insurance	77,187	82,472	98,190	62,154	74,525	83%	79,566		79,566	107%
132	Health Care Savings Plan/		255	-3,431		0	0%			0	0%
133	Life Insurance	323	329	314	179	304	59%	277		277	91%
134	Disability Insurance	1,143	1,182	1,111	676	987	68%	1,080		1,080	109%
136	MSRS			51	117	260	45%	1,615		1,615	621%
151	Workers Compensation	6,682	10,872	14,646	7,667	15,335	50%	16,009		16,009	104%
209	Computer Equipment		179			1,000	0%			0	0%
212	Motor Fuels	39,832	56,193	32,774	17,968	45,000	40%	60,000		60,000	133%
213	Lubricants/Additives	3,507	5,506	4,395	2,338	3,000	78%	3,500		3,500	117%
216	Uniforms	1,080	677	614	335	1,000	34%	1,000		1,000	100%
221	General Supplies	8,999	8,840	2,572	1,665	8,600	19%	5,500		5,500	64%
222	Tires	3,526	845	6,135	1,575	3,000	53%	6,000		6,000	200%
225	Street Maintenance Suppli	24,452	52,250	26,173	12,548	45,000	28%	26,000		26,000	58%
226	Sand, Salt, Chloride	76,363	113,285	67,400	35,490	72,500	49%	72,500		72,500	100%
227	Street Lights & Signs		2,764	1,139		2,625	0%	2,500		2,500	95%
314	Computer/Software Fees		1,604	1,576		0	0%	1,576		1,576	*****
315	School & Conference	552	307	416	719	1,575	46%	1,000		1,000	63%
317	Personnel Testing, Physic			60		500	0%	500		500	100%
319	Contracted Services	24,786	29,392	16,365	14,601	23,500	62%	23,500		23,500	100%
321	Telephone	3,225	2,752	2,281	1,358	2,283	59%	2,300		2,300	101%
322	Internet	280	605	1,211	651	293	222%	1,200		1,200	410%
325	Postage	37	62			0	0%			0	0%
331	Travel Expense	436	1	315		300	0%	300		300	100%
351	Legal Notices Publishing		41	99	140	0	***	100		100	*****
361	General Liability Insuran	5,588	7,049	7,672	4,287	7,448	58%	12,790		12,790	172%
403	Road Maintenance	108,375	78,947	90,643	12,933	85,000	15%	100,000		100,000	118%
404	Equipment Maintenance	51,332	72,399	41,448	17,787	44,500	40%	40,000		40,000	90%
405	Computer Maintenance	5,270	5,753	6,739	5,103	5,429	94%	8,124		8,124	150%
406	Vehicle Maintenance	94		205		3,750	0%	3,750		3,750	100%
413	Equipment Rental	13,121	36,630	7,993	1,510	26,500	6%	15,000		15,000	57%
417	Uniform Rental	2,153	2,405	2,604	1,312	2,500	52%	2,500		2,500	100%
434	Employee Recognition Prog				75	300	25%	300		300	100%
451	Dues & Subscriptions					100	0%			0	0%
460	Permits & Licenses	148	75	198	20	350	6%	350		350	100%
540	Office Equip/Furnishings	1,796		421		2,500	0%	1,500		1,500	60%
580	Other Equipment		1,773	2,352		0	0%	5,000		5,000	*****
	Account:	717,758	866,464	715,008	358,159	723,286	50%	749,668	0	749,668	104%

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Account	Object	Actuals				Current	%	Prelim.	Budget	Final	% Old
		2018	2019	2020	2021	Budget	Exp.	Budget	Changes	Budget	Budget
		2018	2019	2020	2021	2021	2021	22	22	22	22
431130	City Engineer										
305	Engineer Fees	47,869	59,159	24,115	8,230	30,000	27%	29,000		29,000	97%
	Account:	47,869	59,159	24,115	8,230	30,000	27%	29,000	0	29,000	97%
431901	City Garage										
101	Full-Time Employees - Reg	12,122	3,990	6,604	3,095	12,148	25%	12,116		12,116	100%
102	Full-Time Employees - Ove	877	1,053	729	196	654	30%	674		674	103%
103	Part-Time Employees - Reg	882	874	180	654	0	***			0	0%
111	Severance Pay - Vacation/				189	1,600	12%			0	0%
121	PERA Contributions - Coor	975	378	550	247	960	26%	959		959	100%
128	Social Security	826	353	446	246	794	31%	793		793	100%
129	Medicare	193	83	104	57	186	31%	185		185	99%
131	Health Insurance	5,295	2,422	3,673	2,014	4,931	41%	5,263		5,263	107%
132	Health Care Savings Plan/		14	17	838	0	***			0	0%
133	Life Insurance	15	5	8	3	13	23%	12		12	92%
134	Disability Insurance	66	23	34	16	63	25%	66		66	105%
136	MSRS					0	0%	104		104	*****
151	Workers Compensation	555	676	792	413	827	50%	842		842	102%
221	General Supplies	3,127	2,852	6,140	2,739	5,500	50%	4,000		4,000	73%
223	Maintenance Supplies	14,422	593	5,578	730	600	122%	1,600		1,600	267%
321	Telephone	151	201	117		201	0%	250		250	124%
361	General Liability Insuran	1,955	1,976	1,644	663	1,325	50%	1,565		1,565	118%
381	Electricity	3,818	3,150	3,728	1,737	4,000	43%	3,500		3,500	88%
383	Heating Gas	3,850	4,472	3,146	2,298	3,000	77%	3,250		3,250	108%
384	Garbage Removal	2,017	1,989	2,301	1,081	2,500	43%	2,000		2,000	80%
401	Building Maintenance	896	3,290	2,347	1,095	1,000	110%	2,500		2,500	250%
404	Equipment Maintenance	516				0	0%			0	0%
460	Permits & Licenses		20	20		0	0%			0	0%
	Account:	52,558	28,414	38,158	18,311	40,302	45%	39,679	0	39,679	98%
452100	Parks										
101	Full-Time Employees - Reg	9,091	8,495	7,490	8,777	11,636	75%	12,405		12,405	107%
102	Full-Time Employees - Ove	1,267	1,663	747	295	319	92%	335		335	105%
103	Part-Time Employees - Reg	10,825	12,124	5,882	8,178	0	***	29,560		29,560	*****
104	Part-Time Employees - Ove		15			0	0%			0	0%
105	Temporary Employees - Reg					28,694	0%			0	0%
121	PERA Contributions - Coor	777	762	618	680	897	76%	956		956	107%
128	Social Security	1,289	1,361	852	1,043	2,520	41%	2,623		2,623	104%
129	Medicare	302	318	199	244	589	41%	613		613	104%
131	Health Insurance	3,476	3,274	4,290	4,411	2,078	212%	2,229		2,229	107%
133	Life Insurance	12	10	9	10	11	91%	10		10	91%
134	Disability Insurance	55	45	42	48	61	79%	65		65	107%
136	MSRS					0	0%	104		104	*****
151	Workers Compensation	434	1,423	2,044	1,052	2,103	50%	2,131		2,131	101%
212	Motor Fuels	302	52	166	20	1,500	1%			0	0%
219	Other Operating Equipment					0	0%	5,000		5,000	*****
221	General Supplies	1,138	241	711	400	4,500	9%	2,500		2,500	56%
224	Land Maintenance & Repair	29,136	13,081	10,592	24,696	35,000	71%	35,000		35,000	100%
319	Contracted Services	375	16,774	7,176	11,855	20,000	59%	25,000		25,000	125%

CITY OF HERMANTOWN, MN
Expenditure Budget Report -- MultiYear Actuals
For the Year: 2022

Account	Object	Actuals				Current Budget 2021	% Exp. 2021	Prelim. Budget 22	Budget Changes 22	Final Budget 22	% Old Budget 22
		2018	2019	2020	2021						
325	Postage	29	38	27	28	0	***%			0	0%
361	General Liability Insuran	993	1,299	1,683	889	1,779	50%	1,341		1,341	75%
381	Electricity	4,540	3,179	3,287	1,791	4,500	40%	3,300		3,300	73%
402	Grounds/Land Maintenance	5,400	3,805	6,363	10,898	5,500	198%	6,500		6,500	118%
404	Equipment Maintenance	1,072	5,037	5,150	8,283	3,025	274%	4,000		4,000	132%
413	Equipment Rental	4,410	3,805	2,940	3,411	2,500	136%	3,500		3,500	140%
530	Improvements Other Than B		6,029			0	0%			0	0%
720	Transfer Out	2,000	2,000	2,000	2,000	2,000	100%	2,000		2,000	100%
	Account:	76,923	84,830	62,268	89,009	129,212	69%	139,172	0	139,172	108%
452101	Passive Park										
493	Community Contributions	15,253	12,527	13	17,160	0	***%			0	0%
	Account:	15,253	12,527	13	17,160	0	***%	0	0	0	0%
452200	Community Building										
101	Full-Time Employees - Reg	2,380	3,284	3,282	1,910	6,228	31%	5,414		5,414	87%
102	Full-Time Employees - Ove	432	510	407	182	0	***%			0	0%
103	Part-Time Employees - Reg	554	524	221	146	0	***%			0	0%
111	Severance Pay - Vacation/				378	3,200	12%			0	0%
121	PERA Contributions - Coor	211	285	277	157	467	34%	406		406	87%
128	Social Security	194	248	226	153	386	40%	336		336	87%
129	Medicare	45	58	53	36	90	40%	79		79	88%
131	Health Insurance	1,413	1,856	1,790	872	2,941	30%	3,137		3,137	107%
132	Health Care Savings Plan/				1,677	0	***%			0	0%
133	Life Insurance	3	5	4	1	7	14%	6		6	86%
134	Disability Insurance	15	21	18	7	33	21%	28		28	85%
136	MSRS					0	0%	52		52	*****
151	Workers Compensation	196	222	259	134	268	50%	222		222	83%
221	General Supplies		17			0	0%			0	0%
223	Maintenance Supplies	16		84		600	0%	350		350	58%
321	Telephone	312	121	121	70	121	58%	121		121	100%
361	General Liability Insuran	2,531	2,561	2,246	974	1,948	50%	2,300		2,300	118%
381	Electricity	5,593	5,411	4,489	3,614	5,000	72%	5,250		5,250	105%
383	Heating Gas	4,155	4,181	3,416	2,366	4,000	59%	4,250		4,250	106%
401	Building Maintenance	260	955	381		1,000	0%	800		800	80%
405	Computer Maintenance	688	542	1,721		0	0%			0	0%
	Account:	18,998	20,801	18,995	12,677	26,289	48%	22,751	0	22,751	87%
490100	Cemetery										
101	Full-Time Employees - Reg	751	2,370	976	230	1,205	19%	1,262		1,262	105%
102	Full-Time Employees - Ove	97	111	56	11	75	15%	77		77	103%
103	Part-Time Employees - Reg	922	1,529	540	281	0	***%	3,284		3,284	*****
105	Temporary Employees - Reg					3,188	0%			0	0%
121	PERA Contributions - Coor	64	186	77	18	96	19%	100		100	104%
128	Social Security	107	242	95	32	277	12%	287		287	104%
129	Medicare	25	57	22	7	65	11%	67		67	103%
131	Health Insurance	336	961	499	168	398	42%	426		426	107%
132	Health Care Savings Plan/		3	3		0	0%			0	0%
133	Life Insurance	1	3	1		1	0%	1		1	100%

CITY OF HERMANTOWN, MN
Expenditure Budget Report -- MultiYear Actuals
For the Year: 2022

Account	Object	Actuals				Current	%	Prelim.	Budget	Final	% Old
		2018	2019	2020	2021	Budget	Exp.	Budget	Changes	Budget	Budget
134	Disability Insurance	5	13	5	1	6	17%	7		7	117%
136	MSRS					0	0%	10		10	*****
151	Workers Compensation	57	106	219	113	227	50%	231		231	102%
	Account:	2,365	5,581	2,493	861	5,538	16%	5,752	0	5,752	104%
492100	Unallocated - COVID CARES Act										
101	Full-Time Employees - Reg			196		0	0%			0	0%
105	Temporary Employees - Reg			1,080		0	0%			0	0%
201	Office Supplies			9		0	0%			0	0%
209	Computer Equipment			189,400		0	0%			0	0%
218	Medical Supplies			886		0	0%			0	0%
221	General Supplies			4,034		0	0%			0	0%
308	Legal Fees			2,555		0	0%			0	0%
321	Telephone			350		0	0%			0	0%
325	Postage			3,779		0	0%			0	0%
405	Computer Maintenance			2,907		0	0%			0	0%
451	Dues & Subscriptions			114		0	0%			0	0%
493	Community Contributions			248,513		0	0%			0	0%
499	Miscellaneous			570		0	0%			0	0%
	Account:			454,393		0	***%	0	0	0	0%
492200	Insurance										
361	General Liability Insuran	22,189	23,467	24,713	13,112	34,904	38%	34,108		34,108	98%
	Account:	22,189	23,467	24,713	13,112	34,904	38%	34,108	0	34,108	98%
495000	Transfer Out										
720	Transfer Out	195,000	213,834	627,121	343,000	343,000	100%	475,000		475,000	138%
	Account:	195,000	213,834	627,121	343,000	343,000	100%	475,000	0	475,000	138%
	Fund:	5,451,607	5,729,148	6,361,768	3,744,932	6,288,201	60%	6,732,986	0	6,732,986	107%
											%
	Grand Total:	5,451,607	5,729,148	6,361,768	3,744,932	6,288,201		6,732,986	0	6,732,986	

CITY OF HERMANTOWN
CITY COUNCIL MEETING
August 2, 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; Kevin Orme, Director of Finance & Administration; Eric Johnson; Community Development Director; Joe Wicklund, Communications Director; Steve Overom, City Attorney; David Bolf, City Engineer

ABSENT:

VISITORS: 8

ANNOUNCEMENTS – Mayor Boucher stated that National Night Out is August 3, 2021 at 4:30 p.m. at the Public Safety Building.

PUBLIC HEARING - Road Improvement District No. 538 (Richard Avenue, Lindgren Road, Eeve Drive & A Frontage Road

NOTICE OF PUBLIC HEARING ON ROAD IMPROVEMENT DISTRICT NO. 538 (RICHARD AVENUE, LINDGREN ROAD, EVEE DRIVE & A FRONTAGE ROAD)

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

The improvement is the construction of extensions of Richard Avenue and Lindgren Road and improvements to Eeve Drive and a Frontage Road.

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

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

A reasonable estimate of the impact of the improvement will be available at the hearing.

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

The Public Hearing held Monday, August 2, 2021 regarding the Road Improvement District No. 538 has been recorded but not transcribed. There were no persons speaking regarding this project.

Public Hearing closed at 6:37 p.m.

2021-87 Resolution Ordering Improvement & Directing Preparation Of Final Plans And Specifications For Road Improvement District No. 538 (Richard Avenue, Lindgren Road, Eeve Drive & A Frontage Road

Motion made by Councilor Peterson, seconded by Councilor Nelson to adopt Resolution 2021-87, Resolution Ordering Improvement & Directing Preparation Of Final Plans And Specifications For Road Improvement District No. 538 (Richard Avenue, Lindgren Road, Eeve Drive & A Frontage Road. Roll Call: Councilors Geissler, Hauschild, Nelson, Peterson, Mayor Boucher, aye. Motion carried.

2021-88 Resolution Authorizing And Directing Mayor And City Clerk To Execute And Deliver An Agreement For Engineering Services With A Total Not To Exceed Contract Amount Of \$180,385.00 Road Improvement District No. 538 (Richard Avenue, Lindgren Road, Eeve Drive & A Frontage Road With Northland Consulting Engineers

Motion made by Councilor Hauschild, seconded by Councilor Peterson to adopt Resolution 2021-88, Resolution Authorizing And Directing Mayor And City Clerk To Execute And Deliver An Agreement For Engineering Services With A Total Not To Exceed Contract Amount Of \$180,385.00 Road Improvement District No. 538 (Richard Avenue, Lindgren Road, Eeve Drive & A Frontage Road With Northland Consulting Engineers. Roll Call: Councilors Geissler, Hauschild, Nelson, Peterson, Mayor Boucher, aye. Motion carried.

COMMUNICATIONS

Communications 21-114 through and including 21-134 were read and placed on file.

PRESENTATIONS

PUBLIC DISCUSSION

Lisa Smith, 3761 Johnson Rd. – She asked the council to consider an emergency access instead of a full extension of Carlson Road for the new development near her neighborhood.

CONSENT AGENDA

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

- A. Approve July 19, 2021 City Council Continuation Minutes
- B. Approve general city warrants from July 16, 2021 through July 31, 2021 in the amount of \$767,317.66

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

MOTIONS

Motion made by Councilor Peterson, seconded by Councilor Hauschild to approve the following Councilors as representatives to negotiate with the following Unions:

IUOE Local #49

Mayor Boucher & Councilor Hauschild

LELS Local #47
AFSCME Local #66

Councilors Geissler & Peterson
Mayor Boucher & Councilor Nelson

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

ORDINANCES

2021-04 An Ordinance Amending Section 1000, State Building Code, Of The Hermantown Code Of Ordinances

Second Reading

Motion made by Councilor Geissler, seconded by Councilor Hauschild to adopt Ordinance 2021-04, An Ordinance Amending Section 1000, State Building Code, Of The Hermantown Code of Ordinances

2021-05 An Ordinance Amending Chapter 9, Utilities And Services, Of The Hermantown City Code

First Reading

2021-06 An Ordinance Amending Section 230.02, Utility Commission, Of The Hermantown City Code

First Reading

RESOLUTIONS

2021-89 Resolution Of The City Of Hermantown, Minnesota Approving Session Laws 2021 First Special Session, Chapter 14, Article 8, Section 8

Motion made by Councilor Peterson, seconded by Councilor Hauschild to adopt Resolution 2021-89, Resolution Of The City Of Hermantown, Minnesota Approving Session Laws 2021 Special Session, Chapter 14, Article 8, Section 8 Roll Call: Councilors Geissler, Hauschild, Nelson, Peterson, Mayor Boucher, aye. Motion carried.

2021-90 Resolution Approving A Special Use Permit For A Greenhouse/Nursery, Sales And Production At 4168 Lindahl Road

Motion made by Councilor Nelson, seconded by Councilor Geissler to adopt Resolution 2021-90, Resolution Approving A Special Use Permit For A Greenhouse/Nursery, Sales And Production At 4168 Lindahl Road. Roll Call: Councilors Geissler, Hauschild, Nelson, Peterson, Mayor Boucher, aye. Motion carried.

2021-91 Resolution Approving Final Plat Of Peyton Acres Phase 1B And Imposing Conditions On The Final Plat

Motion made by Councilor Peterson, seconded by Councilor Hauschild to adopt Resolution 2021-91, Resolution Approving Final Plat Of Peyton Acres Phase 1B And Imposing Conditions On The Final Plat. Roll Call: Councilors Geissler, Hauschild, Nelson, Peterson, Mayor Boucher, aye. Motion carried.

2021-92 Resolution Accepting Quote From Home Menders, Inc. For Repairs On Arrowhead Road In The Amount Of \$55,400.00

Motion made by Councilor Geissler, seconded by Councilor Hauschild to adopt Resolution 2021-92, Resolution Accepting Quote From Home Menders, Inc. For Repairs On Arrowhead Road In The Amount Of \$55,400.00. Roll Call: Councilors Geissler, Hauschild, Nelson, Peterson, Mayor Boucher, aye. Motion carried.

2021-93 Resolution Approving Change Order Number 1 For Road Improvement District No. 537 (Lavaque Junction Road)

Motion made by Councilor Peterson, seconded by Councilor Nelson to adopt Resolution 2021-93, Resolution Approving Change Order Number 1 For Road Improvement District No. 537 (Lavaque Junction Road). Roll Call: Councilors Geissler, Hauschild, Nelson, Peterson, Mayor Boucher, aye. Motion carried.

2021-94 Resolution Approving Pay Request Number 4 For Road Improvement District No. 537 (Lavaque Junction Road) To Ulland Brothers, Inc. In The Amount Of \$387,914.09

Motion made by Councilor Hauschild, seconded by Councilor Geissler to adopt Resolution 2021-94, Resolution Approving Pay Request Number 4 For Road Improvement District No. 537 (Lavaque Junction Road) To Ulland Brothers, Inc. In The Amount Of \$387,914.09. Roll Call: Councilors Geissler, Hauschild, Nelson, Peterson, Mayor Boucher, aye. Motion carried.

Motion made by Councilor Peterson, seconded by Councilor Geissler to recess the meeting at 7:04 p.m. Motion carried.

Mayor

ATTEST:

Clerk

CITY OF HERMANTOWN

CHECKS #67715-67777
08/01/2021-08/15/2021

PAYROLL CHECKS

Electronic Checks - #70422-70466	75,615.89
Electronic Checks - #70416	2,294.47

LIABILITY CHECKS

Electronic Checks - #70417-70421	\$56,658.33
Electronic Checks - #70413-70415	\$1,389.33
Check - #67776	\$928.88

PAYROLL EXPENSE TOTAL **\$136,886.90**

ACCOUNTS PAYABLE

Check - #67715-67775	\$332,284.81
Check - #67777	\$10.62
Checks - #21124 TD Ameritrade to Ulland Brothers	\$387,914.09
Electronic Payments -#-99854-99853	\$2,264.48

ACCOUNTS PAYABLE TOTAL **\$722,474.00**

TOTAL **\$859,360.90**

8/11/2021

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Fund	Account	Department	Vendor Name	Description	Amount	Check #
101	419901	City Hall & Police Building Maintenance	FURTHER ELECTRONIC PAYMENTS	3rd qtr VEBA Heinbuch	541.66	-99854
101	421100	Police Administration	FURTHER ELECTRONIC PAYMENTS	3rd qtr VEBA A Leibel	416.67	-99854
101	422901	Firehall #1 Maple Grove Road	FURTHER ELECTRONIC PAYMENTS	3rd qtr VEBA Heinbuch	166.67	-99854
101	431901	City Garage	FURTHER ELECTRONIC PAYMENTS	3rd qtr VEBA Heinbuch	41.67	-99854
101	452200	Community Building	FURTHER ELECTRONIC PAYMENTS	3rd qtr VEBA Heinbuch	83.33	-99854
101	217450	Employee Flexplan	FURTHER ELECTRONIC PAYMENTS	Claim Reimbursement - Electron	1,014.48	-99853
475	431150	Street Improvements	ULLAND BROTHERS INC	Lavaque Junction Rd Reconstruc	387,914.09	21124
101	419901	City Hall & Police Building Maintenance	MEDIACOM	Phone and Internet CH/FD	163.92	67715
101	419901	City Hall & Police Building Maintenance	MEDIACOM	Phone and Internet CH/FD	394.36	67715
101	422901	Firehall #1 Maple Grove Road	MEDIACOM	Phone and Internet CH/FD	40.98	67715
101	422901	Firehall #1 Maple Grove Road	MEDIACOM	Phone and Internet CH/FD	98.59	67715
101	431100	Street Department	MEDIACOM	Phone and Internet PW	114.19	67715
101	431100	Street Department	MEDIACOM	Phone and Internet PW	22.56	67715
601	494400	Water Administration and General	MEDIACOM	Phone and Internet PW	9.02	67715
601	494400	Water Administration and General	MEDIACOM	Phone and Internet PW	45.68	67715
602	494900	Sewer Administration and General	MEDIACOM	Phone and Internet PW	13.54	67715
602	494900	Sewer Administration and General	MEDIACOM	Phone and Internet PW	68.51	67715
275	452200	Community Building	MEDIACOM	EWC -dedicated internet 1 mnth	490.00	67715
275	452200	Community Building	MEDIACOM	EWC - Line for Elevator	183.60	67715
101	415300	Administration & Finance	SAM'S CLUB DIRECT	Copy Paper, Forks, Cups	82.31	67716
101	421100	Police Administration	SAM'S CLUB DIRECT	Copy Paper	29.63	67716
101	431100	Street Department	SAM'S CLUB DIRECT	MM Bath	50.94	67716
101	431100	Street Department	A & S TRUCK AND TRAILER REPAIR	H-4 Air Bag Repair	436.67	67717
101	431100	Street Department	ACME TOOLS	Chainsaw Chains	117.75	67718
101	419100	Community Development	ARROWHEAD ABSTRACT & TITLE CO.	O-308768 O&E JLG Enterprises	75.00	67719
602	494500	Sewer Maintenance	ASDCO CONSTRUCTION SUPPLY	Manhole Adjusting Rings	324.00	67720
101	415300	Administration & Finance	AT&T MOBILITY	Cell Phones/Tablets PW	99.77	67721
101	419901	City Hall & Police Building Maintenance	AT&T MOBILITY	Cell Phones/Tablets PW	45.09	67721
101	431100	Street Department	AT&T MOBILITY	Cell Phones/Tablets PW	157.81	67721
601	494400	Water Administration and General	AT&T MOBILITY	Cell Phones/Tablets PW	168.32	67721
602	494900	Sewer Administration and General	AT&T MOBILITY	Cell Phones/Tablets PW	163.19	67721
602	494500	Sewer Maintenance	BRAUN INTERTEC CORPORATION	Sanitary Sewer Inspections	2,980.00	67722
101	421100	Police Administration	BRAY & REED LTD.	Prosecution Services June	4,500.00	67723
101	431100	Street Department	CENTRAL PENSION FUND	Training Per Contract	96.74	67724
601	494300	Water Distribution	CENTRAL PENSION FUND	Training Per Contract	48.38	67724
602	494500	Sewer Maintenance	CENTRAL PENSION FUND	Training Per Contract	48.38	67724
101	422903	Firehall #3 Midway Road	CENTURYLINK	Internet FH #3	79.98	67725
101	419901	City Hall & Police Building Maintenance	CINTAS CORPORATION	Mats at FD/PD	30.72	67726

8/11/2021

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Fund	Account	Department	Vendor Name	Description	Amount	Check #
101	419901	City Hall & Police Building Maintenance	CINTAS CORPORATION	Mats at CH	8.88	67726
101	431100	Street Department	CINTAS CORPORATION	Uniforms	10.80	67726
101	431100	Street Department	CINTAS CORPORATION	Uniforms	26.41	67726
101	431100	Street Department	CINTAS CORPORATION	Uniforms	26.41	67726
101	431901	City Garage	CINTAS CORPORATION	1st Aid Cabinet	186.54	67726
101	431901	City Garage	CINTAS CORPORATION	Supplies	30.00	67726
101	431901	City Garage	CINTAS CORPORATION	Mats at PW	25.48	67726
601	494300	Water Distribution	CORE & MAIN LP	Water Meter Radios	1,359.00	67727
235	452100	Parks	CREATIVE ARCADE	Design of Trail Signs	2,500.00	67728
230	465100	HEDA	CREATIVE ARCADE	Website Monthly Maintenance	250.00	67728
601	494400	Water Administration and General	CUSTOMER ELATION INC	July/August Answering	28.28	67729
602	494900	Sewer Administration and General	CUSTOMER ELATION INC	July/August Answering	18.85	67729
101	419901	City Hall & Police Building Maintenance	DALCO	Paper Products CH/Admin	419.74	67730
101	421100	Police Administration	DUKE'S TOWING INC.	Towing-DWI Forfeit #21101953	65.00	67731
101	452100	Parks	DULUTH LAWN CARE INC	Fert&Weed Trtmnt-FH 1,2,3	4,821.25	67732
101	452100	Parks	DULUTH LAWN CARE INC	Insecticide treatment -Stebner	1,255.00	67732
601	494300	Water Distribution	FERGUSON WATERWORKS #2516	Valve Box Parts	2,038.04	67733
601	494300	Water Distribution	FERGUSON WATERWORKS #2516	Hydrants	2,280.30	67733
101	352010	Unclaimed Property	FRANCIS JR, ROBERT ERICK	Found Property	72.00	67734
235	452100	Parks	GLENWOOD SIGNS & AWARDS INC	Trail Signs	4,040.00	67735
101	422901	Firehall #1 Maple Grove Road	GOODIN COMPANY INC	Faucet Repair FH #1	260.14	67736
601	494400	Water Administration and General	GOPHER STATE ONE-CALL INC	July Locates	130.41	67737
602	494900	Sewer Administration and General	GOPHER STATE ONE-CALL INC	July Locates	86.94	67737
101	421100	Police Administration	GREAT LAKES MOBIL LUBE EXPRESS	Oil Change Squad 18	57.76	67738
602	494500	Sewer Maintenance	GREAT LAKES PIPE SERVICE INC	Clean MH at Jamie	650.00	67739
602	494500	Sewer Maintenance	GREAT LAKES PIPE SERVICE INC	Emergency Plug Removal	1,300.00	67739
101	419901	City Hall & Police Building Maintenance	HARTEL'S/DBJ DISPOSAL CO LLC	Garbage Recycling July	477.30	67740
101	431901	City Garage	HARTEL'S/DBJ DISPOSAL CO LLC	Yard Trash Disposal July	165.76	67740
475	431150	Street Improvements	HERMANTOWN STAR LLC	RD Improvement District #538	132.00	67741
101	421100	Police Administration	HOLIDAY COMPANIES	July Car Washes	50.00	67742
230	465100	HEDA	ICS	Hermantown Recreation Initiati	2,400.00	67743
101	431100	Street Department	INTER CITY OIL CO INC	Fuel	604.22	67744
101	431100	Street Department	INTER CITY OIL CO INC	Fuel	657.00	67744
101	431100	Street Department	INTER CITY OIL CO INC	Fuel	1,096.86	67744
101	431100	Street Department	JAKE'S COMPANIES LLC	Road CaCl	1,470.00	67745
101	419100	Community Development	JOHNSON, ERIC	PH Reimbursement Jan-Jul 2021	150.00	67746
235	452100	Parks	JOHNSON, ERIC	Soil Analysis Payment-Uof MN	24.00	67746
101	421100	Police Administration	KOLAR	Diagn SysTest 2019 Chvy Tahoe	218.65	67747

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Fund	Account	Department	Vendor Name	Description	Amount	Check #
101	431100	Street Department	MCCOY CONSTRUCTION & FORESTRY, INC	Air Filter 135 Excavator	94.24	67748
101	419901	City Hall & Police Building Maintenance	MENARD INC	PD Bench at Entry	62.95	67749
101	419901	City Hall & Police Building Maintenance	MENARD INC	Cleaning Supplies	10.48	67749
101	419901	City Hall & Police Building Maintenance	MENARD INC	Battery 2007 Chevy 1/2 T	108.16	67749
101	419901	City Hall & Police Building Maintenance	MENARD INC	Shelving for PD Storage Garage	98.69	67749
101	419901	City Hall & Police Building Maintenance	MENARD INC	Nuts/Bolts PD Garage Shelving	8.03	67749
101	419901	City Hall & Police Building Maintenance	MENARD INC	Shelving for PD Storage Garage	98.95	67749
101	419901	City Hall & Police Building Maintenance	MENARD INC	Wasp/Hornet Spray	10.94	67749
101	431100	Street Department	MENARD INC	Lumber for Woodchip Box	416.78	67749
101	431100	Street Department	MENARD INC	Screws for Woodchip Box	36.84	67749
101	431901	City Garage	MENARD INC	Drill Bits	12.23	67749
101	452100	Parks	MENARD INC	Rakes for batting cage rubber	29.79	67749
601	494300	Water Distribution	MENARD INC	Water Tower Scada Room	1.59	67749
601	494300	Water Distribution	MENARD INC	Water Tower	9.35	67749
601	494300	Water Distribution	MENARD INC	Hawk Circle H2O Tower SCADA Ro	44.27	67749
601	494300	Water Distribution	MENARD INC	2" Extruded R-10 Morris TH H2O	107.92	67749
601	494300	Water Distribution	MENARD INC	2" Extruded R-10 Morris TH H2O	123.80	67749
601	494500	Sewer Maintenance	MENARD INC	Switch Face Plate SCADA Room	4.98	67749
602	494500	Sewer Maintenance	MENARD INC	FDN H2O proof for MH Jamie Dr	169.39	67749
101	421100	Police Administration	METRO SALES INC	Copier Lease	313.30	67750
101	452100	Parks	MTI DISTRIBUTING, INC.	Sprinkler Drive Assembly, Nozz	538.96	67751
101	419901	City Hall & Police Building Maintenance	NAPA AUTO PARTS	Small Engine Repair	4.28	67752
101	431100	Street Department	NAPA AUTO PARTS	DEF Fluid	221.99	67752
101	415300	Administration & Finance	NORTHERN BUSINESS PRODUCTS	Paper and Post-it	14.12	67753
101	415300	Administration & Finance	NORTHERN BUSINESS PRODUCTS	Tape	13.90	67753
101	415300	Administration & Finance	NORTHERN BUSINESS PRODUCTS	Receipt Book	17.14	67753
101	431100	Street Department	NORTHERN STATES SUPPLY INC	Cable Ties, Nuts, Hitch Pin	35.99	67754
412	419100	Community Development	NORTHLAND CONSULTING ENGINEERS L.L.P.	Munger Trail Connector	3,965.00	67755
101	419100	Community Development	NORTHLAND CONSULTING ENGINEERS L.L.P.	Peyton Property Development	910.00	67755
412	419100	Community Development	NORTHLAND CONSULTING ENGINEERS L.L.P.	Keene Creek Trail	1,810.00	67755
101	419100	Community Development	NORTHLAND CONSULTING ENGINEERS L.L.P.	PO 2324 Zierden/Weets Dev	130.00	67755
101	419100	Community Development	NORTHLAND CONSULTING ENGINEERS L.L.P.	PO 2320 Accurate Auto	130.00	67755
240	433200	Water Tower	NORTHLAND CONSULTING ENGINEERS L.L.P.	Water Tower RFP	640.00	67755
601	494400	Water Administration and General	NORTHLAND CONSULTING ENGINEERS L.L.P.	Morris Thomas Rd - Utility Rel	130.00	67755
602	494900	Sewer Administration and General	NORTHLAND CONSULTING ENGINEERS L.L.P.	Morris Thomas Rd - Utility Rel	130.00	67755
402	431150	Street Improvements	NORTHLAND CONSULTING ENGINEERS L.L.P.	Ugstad Rd - SP 202-101-014	1,420.00	67755
402	431150	Street Improvements	NORTHLAND CONSULTING ENGINEERS L.L.P.	Swan Lake Rd and Bridge	210.00	67755
475	431150	Street Improvements	NORTHLAND CONSULTING ENGINEERS L.L.P.	Lavaque Junction Rd Reconstruc	24,005.00	67755

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Fund	Account	Department	Vendor Name	Description	Amount	Check #
475	431150	Street Improvements	NORTHLAND CONSULTING ENGINEERS L.L.P.	Old Hwy 2 Reclamation	325.00	67755
101	431130	City Engineer	NORTHLAND CONSULTING ENGINEERS L.L.P.	PO 2335 Arrowhead Refinery	130.00	67755
101	431130	City Engineer	NORTHLAND CONSULTING ENGINEERS L.L.P.	Pre-Agenda, Four Sq, City Coun	1,950.00	67755
240	432510	Trunk Sewer Construction	NORTHLAND CONSULTING ENGINEERS L.L.P.	Hermantown Trnk Swr SpurSec 24	6,630.00	67755
101	214500	Escrow Deposits Payable	NORTHLAND CONSULTING ENGINEERS L.L.P.	PO 2311 Jenny Farms	260.00	67755
101	421100	Police Administration	PARTY EXPRESS & LONDON RD RENTAL	NNO Tables/Chairs rental	499.95	67756
101	415300	Administration & Finance	PITNEY BOWES PURCHASE POWER	Refill Postage Meter 4745753	188.26	67757
101	419100	Community Development	PITNEY BOWES PURCHASE POWER	Refill Postage Meter 4745753	121.25	67757
101	421100	Police Administration	PITNEY BOWES PURCHASE POWER	Refill Postage Meter 4745753	231.60	67757
101	424100	Building Inspection	PITNEY BOWES PURCHASE POWER	Refill Postage Meter 4745753	44.03	67757
601	494400	Water Administration and General	PITNEY BOWES PURCHASE POWER	Refill Postage Meter 4745753	72.22	67757
602	494900	Sewer Administration and General	PITNEY BOWES PURCHASE POWER	Refill Postage Meter 4745753	48.14	67757
101	431100	Street Department	PRAXAIR DISTRIBUTION INC	Cyl Rent/Safe Env 6/20-7/20/21	47.28	67758
101	431100	Street Department	SATHERS, LLC	Class 5 - Crushed Mtrl & Dump	238.00	67759
601	494300	Water Distribution	SATHERS, LLC	Class 5 - Crushed Material	189.00	67759
101	419901	City Hall & Police Building Maintenance	SHERWIN WILLIAMS	Stain- Wood Trim Entry- CH	37.19	67760
402	431150	Street Improvements	ST LOUIS COUNTY AUDITOR	Sundby & Swan Lake Road	194,889.60	67761
101	419100	Community Development	ST LOUIS COUNTY RECORDERS OFFICE	Tessier SUP	46.00	67762
603	441100	Storm Water	ST LOUIS COUNTY RECORDERS OFFICE	Stormwater Cert Triple J Hold	66.00	67762
101	421100	Police Administration	ST LUKES CLINICS	Blood Draws - July	29.10	67763
101	421100	Police Administration	ST LUKES CLINICS	Blood Draws - June	29.10	67763
101	419901	City Hall & Police Building Maintenance	STACK BROS MECHANICAL	A/C Cooling Tower/Chiller	277.50	67764
101	419901	City Hall & Police Building Maintenance	STACK BROS MECHANICAL	Boiler Pump Motor Repair - PD	1,692.00	67764
603	441100	Storm Water	STONE RIVER WILDLIFE CONTROL	Beaver Removal Cirrus & Airpor	370.00	67765
101	419901	City Hall & Police Building Maintenance	TELCOLOGIX	August Maintenance	237.85	67766
101	422901	Firehall #1 Maple Grove Road	TELCOLOGIX	August Maintenance	70.35	67766
101	431100	Street Department	TELCOLOGIX	August Maintenance	16.75	67766
101	452200	Community Building	TELCOLOGIX	August Maintenance	10.05	67766
101	415300	Administration & Finance	TOSHIBA FINANCIAL SERVICES	Copier Lease Toshiba	145.57	67767
101	421100	Police Administration	TROY'S BP AMOCO INC	Tires Squad 21	682.54	67768
101	421100	Police Administration	TROY'S BP AMOCO INC	Tires Squad 11	295.00	67768
101	421100	Police Administration	TROY'S BP AMOCO INC	Tire Repair Patch Squad 13	20.00	67768
602	494500	Sewer Maintenance	UNITED RENTALS (NORTH AMERICA) INC	Air Compressor Rental - Sewer	183.00	67769
601	494400	Water Administration and General	VALLI INFORMATION SYSTEMS, INC	July Bill Print	442.70	67770
602	494900	Sewer Administration and General	VALLI INFORMATION SYSTEMS, INC	July Bill Print	442.69	67770
603	441100	Storm Water	VALLI INFORMATION SYSTEMS, INC	July Bill Print	442.69	67770
101	431100	Street Department	VIKING INDUSTRIAL CENTER	Safety Vests/Goves	222.55	67771
101	452100	Parks	VIKING INDUSTRIAL CENTER	Water & Sewer Line Marking Fla	556.24	67771

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Fund	Account	Department	Vendor Name	Description	Amount	Check #
260	456101	Cable	WALDNER, LARS	Cable TV Coordinator August	625.00	67772
101	431100	Street Department	WARNING LITES OF MINNESOTA	Sign Rental Hanes Rd	1,292.90	67773
402	431150	Street Improvements	WEDEL, STEVE AND KAREN	Temp Easement Swan Lake Road	500.00	67774
602	494500	Sewer Maintenance	WLSSD	Wastewater Charges	41,026.00	67775
101	134000	Retiree Insurance/Telephone Reimb.	MN LIFE	Life Ins Inactives - Vatne	10.62	67777
Totals:					157 records printed	722,474.00

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



DATE: August 10, 2021 **Meeting Date:** 8/16/21
SUBJECT: Utility Ordinance **Agenda Item: 11-A & B** **Ordinances 2021-05 & 2021-06**
Amendments

REQUESTED ACTION
Second Reading – Utility Ordinance Amendments

BACKGROUND

It has been many years since the water and sewer utility ordinances have been reviewed and updated. Steve Overom, Gunnar Johnson, Paul Senst, Lindsay Townsend, and myself had several meetings to revise and update these ordinances. The revised ordinances were presented to and accepted by the Utility Commission in July. Below are highlights of some of the changes.

- Removed section 905 and integrated that information into sections 930 & 940
- Changed verbiage about receipt of payments. Currently we accept credit card, cash, ACH, and check payments. Old ordinance stated that we only accept cash
- Changed verbiage about reading meters. We currently read meters electronically. Old ordinance stated that residents are to mail in their readings
- Replaced “Superintendent” with “Public Works Director”
- Added sections about temporary water meters and irrigation meters
- Added verbiage to include frozen meters as customers responsibility to pay for replacement
- Added 930.03.5 regarding imposing sewer availability charges and 940.08.5 regarding imposing water availability charges
- Made small changes to Utility Commission Ordinance Section 230.02

SOURCE OF FUNDS (if applicable)
N/A

ATTACHMENTS
FINAL - Utility Ordinance Amendments

Ordinance No. 2021-05

The City Council of the City of Hermantown does ordain:

**AN ORDINANCE AMENDING CHAPTER 9. UTILITIES AND SERVICES,
OF THE HERMANTOWN CITY CODE**

Section 1. Purpose and Intent. The purpose and intent of this Ordinance to update and modernize the requirements in Chapter 9 surrounding water and sewer use in the City of Hermantown, including revisions to the verbiage, availability charges and meters.

Section 2. Amendment to Chapter 9. Chapter 9. Utilities and Services is hereby amended and restated in its entirety to read as shown on Exhibit A attached hereto.

Section 3. Amended and Inserted in the Code. After the amendment made by this ordinance becomes effective, it shall be inserted in the appropriate place in the Hermantown City Code.

Section 4. Effective Date. The provisions of this Ordinance shall be effective after adoption and immediately upon publication once in the official newspaper of the City of Hermantown.

Dated the _____ day of _____, 2021.

Mayor

ATTEST:

City Clerk

Adopted: _____

Published: _____

Effective Date: _____

EXHIBIT A

CHAPTER 9. UTILITIES AND SERVICES

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📖 Section 900 - Solid Waste

900.01 Purpose and Application.

900.01.1. The Sanitary Board of the Western Lake Superior Sanitary District (the “district”), which includes the City of Hermantown (the “City”) within its boundaries, shall be empowered by its enabling legislation to regulate the disposal of solid waste within its boundaries. (See laws of Minnesota 1989, First Special Session, Chapter 1 (the “Score Legislation”). To reduce the volume of solid waste requiring disposal within the State of Minnesota, the Score Legislation requires the district and other governmental agencies in the State of Minnesota responsible for disposal of solid waste to give residents an opportunity to recycle which shall include:

900.01.1.1. Local recycling center in the district and sites for collecting recyclable materials that shall be located in areas convenient for persons to use them; and

900.01.1.2. Curbside pickup, centralized drop-off or a local recycling center for at least four kinds of recyclable materials in cities with a population of 5,000 or more persons.

900.01.2. The district has adopted an ordinance relating to mixed municipal solid waste management and recycling which would become effective within the City unless the City adopts an ordinance which:

900.01.2.1. Creates a system of licensing collectors;

900.01.2.2. Regulates rates for collection;

900.01.2.3. Mandates collection of mixed municipal solid waste;

900.01.2.4. Provides residents an opportunity to recycle as required by M.S. Section 115A.552 (1) and (2), as it may be amended from time to time;

900.01.2.5. Supplies the district copies of all license applications for collectors on a monthly basis; and

900.01.2.6. Provides a certified copy of the ordinance to the district within five days following enactment.

900.01.3. The City Council supports the goals of the Score Legislation and believes it shall be in the best interest of its residents to design methods of accomplishing the goals consistent with factors unique to the City.

900.02 Definitions. As used in this section, the following terms shall be defined as follows, unless a different meaning clearly appears from the context:

900.02.1. “Backyard compost size” shall mean a site used to compost food scraps or yard waste from a single family or household, apartment building or a single commercial office.

900.02.2. “Board” shall mean the Sanitary Board of the Western Lake Superior Sanitary District.

900.02.3. “Bulky items” shall mean items of solid waste which do not fit within a container.

900.02.4. “City” shall mean the City of Hermantown.

900.02.5. “City Council” shall mean the City Council of the City.

900.02.6. “City Clerk” shall mean the duly appointed City Clerk of the City.

900.02.7. “Collector” shall mean the person or entity specifically licensed by the City to collect garbage, rubbish, other mixed municipal solid waste and recyclable materials and to dispose of same.

900.02.8. “Composting” shall mean the controlled microbial degradation of organic waste to yield a humus-like product.

900.02.9. “Container” shall mean a container for solid waste which shall meet the requirements set forth in 900.07.2.

900.02.10. “Demolition debris” shall mean inert material that shall include concrete, brick, bituminous concrete, untreated wood, masonry, glass, rock, and plastic building parts resulting from the demolition of buildings, roads and other man-made structures. “Demolition debris” shall not include solid waste or asbestos waste.

900.02.11. “District” shall mean the Western Lake Superior Sanitary District.

900.02.12. “Facility” shall mean the land, structures, monitoring devices and other improvements on the land used for monitoring, treating, processing, storing or disposing of solid waste, leachate or residuals from solid waste processing.

900.02.13. “Garbage” shall mean discarded material resulting from the handling, processing, storage, preparation, serving and consumption of food.

900.02.14. “Hazardous substance.”

900.02.14.1. The term shall mean:

900.02.14.1.1. Any commercial chemical designated pursuant to the Federal Water Pollution Control Act, under 33 USC 1321 (b)(2)(A), as it may be amended from time to time;

900.02.14.1.2. Any hazardous air pollutant listed pursuant to the Clean Air Act, under 42 USC 7412, as it may be amended from time to time; and

900.02.14.1.3. Any other substance which constitutes a hazardous waste under Minnesota law or federal law.

900.02.14.2. “Hazardous substance” shall not include natural gas, natural gas liquids, liquified natural gas, synthetic gas usable for fuel or mixtures of the synthetic gas and natural gas, nor shall it include petroleum, including crude oil or any fraction thereof which is not otherwise a hazardous waste. “Hazardous substance” shall not include household hazardous waste.

900.02.15. “Hospital waste” shall mean all solid waste generated by a hospital except infectious waste and pathological waste.

900.02.16. “Household hazardous waste” shall mean those waste chemicals and compounds which would be considered hazardous substances under state law and are generated by residential dwelling units.

900.02.17. “Industrial solid waste” shall mean all solid waste generated from an industrial or manufacturing process and solid waste generated from non-manufacturing activities such as service and commercial establishments. “Industrial solid waste” shall not include office

materials, restaurant and food preparation waste, discarded machinery, demolition debris or household refuse.

900.02.18. “Infectious waste” shall mean laboratory waste, blood, regulated body fluids, medical sharps and research animal waste that have not been decontaminated. For purposes of this definition, “laboratory waste” shall mean waste cultures and stocks of agents that are generated from a laboratory and are infectious to humans; discarded contaminated items used to inoculate, transfer or otherwise manipulate cultures or stocks of agents that are infectious to humans; wastes from the production of biological agents that are infectious to humans; and discarded live or attenuated vaccines that are infectious to humans. For purposes of this definition, regulated human body fluids shall mean cerebrospinal fluid, synovial fluid, pleural fluid, peritoneal fluid, pericardial fluid and amniotic fluid that are in containers or that drip freely from body fluid soaked solid waste items. For purposes of this definition, research animal waste shall mean carcasses, body parts and blood derived from animals knowingly and intentionally exposed to agents that are infectious to humans for the purpose of research, production of biologicals or testing of pharmaceuticals.

900.02.19. “Institutional facilities” shall mean schools, courthouses, hospitals, “in-house” municipal programs, and the like, for collecting recyclable materials.

900.02.20. “Medical sharps” shall mean:

900.02.20.1. Discarded items that can cause subdermal inoculation of infectious agents, including needles, scalpel blades, pipettes and other items derived from human or animal patient care, blood banks, laboratories, mortuaries, research facilities and industrial operations; and

900.02.20.2. Discarded glass or rigid plastic vials containing infectious agents.

900.02.21. “Mixed municipal solid waste” shall mean garbage, refuse and other solid waste from residential, commercial, industrial and community activities which is generated and collected in aggregate, but shall not include auto hulks, street sweepings, ash, construction debris, mining waste, sludges, tree and agricultural wastes, tires, lead acid batteries, used oil and other materials collected, processed and disposed of as separate waste streams.

900.02.22. “Owner” and “occupant” shall mean the person(s) or entity(s) which hold legal or beneficial title to a property and the person(s) or entity(s) which have or exercise possession or occupancy of a property, respectively.

900.02.23. “Pathological waste” shall mean human tissues and human body parts removed accidentally or during surgery or autopsy intended for disposal. “Pathological waste” shall not include teeth.

900.02.24. “Recyclable materials” shall mean any materials that are designated as “recyclable materials” by regulation of the district.

900.02.25. “Recycling facility” shall mean a site permitted by the Minnesota Pollution Control Agency, used to collect, process and repair recyclable materials and reuse them in their original form or use them in manufacturing processes.

900.02.26. “Rubbish” shall mean non-putrescible solid wastes, including ashes, consisting of both combustible and noncombustible wastes, such as paper, cardboard, tin cans, yard clippings, wood, glass, bedding, crockery or litter of any kind.

900.02.27. “Solid waste” shall mean all garbage, rubbish and other discarded solid materials including solid materials resulting from industrial, commercial, agricultural and residential uses, but shall not include recyclable materials, demolition debris, animal waste used as fertilizer, solids or dissolved material in domestic sewage or other significant pollutants in water resources, such as silt, wastewater effluent, dissolved materials, suspended solids in irrigation return flows, or other water pollutants.

900.02.28. “Unacceptable waste” shall mean solid waste designated as “unacceptable waste” by regulation of the district.

900.02.29. “Yard waste compost facility” shall mean a site used for the composting of yard waste which shall be:

900.02.29.1. Operated by the district or the City; or

900.02.29.2. Operated by a private person or entity and permitted by the Minnesota Pollution Control Agency to accept yard waste.

900.03 Disposal of Recyclable Materials.

900.03.1. Separation Required. Every person or entity disposing of solid waste in the City shall separate recyclable materials from solid waste. The owner or occupants of each residence or residential unit and the owner or occupant of each nonresidential commercial, or industrial premises authorized to place solid waste in the various waste receiving facilities of the district, including its sanitary landfill, shall separate recyclable materials prior to collection by a collector.

900.03.2 Containers. Persons or entities shall place recyclable materials in approved containers (an approved container can be either a bin or a bag at the discretion of the licensed hauler) for collection, or, in the alternative, shall deliver recyclable materials to the recycling facility of their choice.

900.03.3 Public Establishments. Owners of establishments at which there is public traffic, including, but not limited to public buildings, hotels, motels, retail stores, theaters, college dormitories and church social halls, shall provide receptacles for recyclable materials alongside their present public receptacles for solid waste. The owners of these establishments shall not be required to separate items which the general public places in receptacles intended for solid waste.

900.03.4 Collection. No person or entity other than the owner or the occupant of a residential, commercial or industrial structure, or the licensed collector which provides services to the structure, shall collect or gather recyclable materials set out for collection by a licensed collector.

900.04 Disposal of Yard Waste; Composting.

900.04.1. Any person disposing of yard waste shall have the option of disposing of the waste by one of the following methods:

900.04.1.1. Disposal in a backyard compost site;

900.04.1.2. Disposal in a yard waste compost facility operated by the City or the district;
or

900.04.1.3. Disposal in a privately operated yard waste compost facility.

900.04.2. Yard waste shall not be placed in the waste receiving facilities of the district. No person or entity shall cause, allow or permit the burning of yard waste, notwithstanding any permit which the person or entity may obtain from the State of Minnesota.

900.04.3. Yard waste may be subject to periodic pickup by a licensed collector. Yard waste collected for the purpose of composting shall not be disposed of in any other manner.

900.05 Disposal of Demolition Debris. Any person disposing of demolition debris shall transport the waste to any site designated by the Minnesota Pollution Control Agency for receipt of the demolition debris.

900.06 Disposal of Bulky Items. Any person disposing of bulky items shall transport the waste to any site designated by the district for receipt of the bulky items. If the service is provided, bulky items may be subject to periodic collection by a licensed collector.

900.07 Waste Preparation and Storage.

900.07.1 Accumulation. No owner or occupant of any private property or business property shall permit any accumulation of solid waste, or any similar material or mixture of material upon the property or upon any adjoining property, alley, street, sidewalk or highway, except in proper containers as described below.

900.07.2 Containers. Every owner or occupant of any private property or business property shall provide in good condition water-tight and rodent-proof containers sufficient to hold all the solid waste which accumulates on the premises during the time between collections. In the case of residential structures containing four or less dwelling units, the containers shall be of a maximum size of 96 gallons, shall be provided with handles and a tight and securely fitted cover. All solid waste shall be placed in the containers which shall not be filled in a manner

which prevents closure of the container and, in the case of residential structures containing four or less dwelling units, the contents shall not exceed 96 pounds in weight.

(Am. Ord. 2002-02, passed 10-21-02)

900.07.3 Oil, Batteries and Tires. Every owner or occupant shall separate all automobile oil, motor vehicle batteries and tires from all solid waste and shall transport such items to the facility designated by the district for the handling of oil, batteries or tires, respectively. Automobile oil shall be placed in an unbreakable, leak-proof receptacle by the owner or occupant. Motor vehicle batteries shall be transported in a manner which shall not allow release or escape of their contents.

900.07.4 Unauthorized Disposal. No person or entity shall place solid waste in any container unless specifically authorized by the owner, occupant or licensed collector which provides collection services for the container. The disposal in a roadside litter receptacle of garbage or rubbish generated within an automobile shall not violate this provision.

900.07.5 Household Hazardous Waste. Every owner or occupant shall separate all household hazardous waste from all other solid waste. Containers with household hazardous waste shall be handled or transported in a manner which shall not allow release or escape of the contents. All household hazardous waste shall be disposed of in accordance with the household hazardous waste program of the district, as the program shall exist at such time, or in such other manner as shall be specified by the district.

900.07.6 Hospital, Pathological, Infectious, Medical Sharps, Hazardous Substances and Other Unacceptable Wastes. Hospital waste, pathological waste, infectious waste, medical sharps, hazardous substances and other unacceptable wastes not specifically referred to in this section shall be disposed of in accordance with state law and as required by the district. Industrial solid waste shall be disposed of in accordance with the industrial solid waste management plan of the district, as the same shall exist at such time.

900.08 Mandatory Collection of Waste. It shall be the duty of the owner and occupant of every single family residential structure to provide for not less frequently than weekly disposal of all mixed municipal solid waste generated by such single family residence through employment of the services of a licensed collector; provided that collection may be less frequent than weekly where the volume of mixed municipal solid waste generated by such single family residential structure is sufficiently low to allow less frequent collection in compliance with all other provisions of this section. Owners of residential structures containing more than one dwelling unit but more than four dwelling units shall employ a licensed collector for the removal of all mixed municipal solid waste at least weekly from the premises. Owners of residential structures containing more than four dwelling units or of commercial or industrial establishments shall either employ a licensed collector for the removal of all mixed municipal solid waste from their premises weekly or provide the removal service themselves, weekly, provided that the owner shall obtain under this section.

(Am. Ord. 2002-02, passed 10-21-02)

900.09 Collection of Recyclable Materials. All collectors licensed by the City under this section shall provide curbside collection of recyclable materials at least once each month. Curbside collection of recyclable materials by collectors shall be provided in the entire City of Hermantown. Every owner or occupant shall dispose of recyclable materials:

900.09.1. By the curbside collection required to be provided by collectors under this subsection;

900.09.2. At a structure, if any, for collection and disposal of recyclable materials maintained by the City; or

900.09.3. At a privately operated location for the lawful collection and disposal of recyclable materials.

900.09.4. No person shall burn any recyclable materials.

900.09.5. No person shall accumulate and store prior to collection more than 100 gallons in volume or 200 pounds by weight of recyclable material on such person's premises.

(Am. Ord. 2002-02, passed 10-21-02)

900.10 Charges for Collection.

900.10.1. Each licensed collector operating within the city shall establish a schedule of rates. The schedules of rates shall be fixed based upon the frequency of collection, the character and volume of solid waste collected and removed, distance between residences, and the distance and cost for delivery of solid waste to facilities of the district and create an incentive for persons within the City to reduce the amount of mixed municipal solid waste which requires disposal. The schedules of rates shall require a minimum charge for collection based on a unit of volume per collection; provided, however, that there shall be a volume based charge for additional units of the same additional volume.

(Am. Ord. 2002-02, passed 10-21-02)

900.10.2. The incremental cost of additional volume above the minimum charge shall increase so that an owner or occupant shall have a financial incentive to reduce the volume of mixed municipal solid waste that requires disposal. Each schedule of rates shall provide additional charges for bulky items. These charges shall not be included in the minimum charge.

900.10.3. Where a collector provides mandatory collection of mixed municipal solid waste at a residential structure containing four or fewer dwelling units, there shall be no additional charge for collection of recyclable materials.

900.10.4. No collector or any agent thereof shall charge any rate in excess of the maximum rate for such service as established from time to time by the district.

(Am. Ord. 2002-02, passed 10-21-02)

900.11 Licensing Collectors of Solid Waste and Recyclable Materials. For the health, safety and welfare of the residents of the City, the following regulations applicable to all mixed municipal solid waste removal and disposal and handling of recyclable materials shall be established:

900.11.1 Collector's License Required.

900.11.1.1. No person shall engage in the business of collecting or removing garbage, rubbish, other mixed municipal solid waste and recyclable materials within the City without first obtaining a license to do so from the Western Lake Superior Sanitary District. Charitable, religious and fraternal organizations may collect recyclable materials without compliance with this subsection.

(Am. Ord. 2002-02, passed 10-21-02)

900.11.2 Continuing Obligations of Licensee. All collectors, in addition to any other requirements contained in this section, shall comply with the following:

900.11.2.1. All vehicles used by collectors shall be inspected annually by the Minnesota State Patrol, Commercial Vehicle Inspection Division or any state certified inspector. Inspection reports shall be forwarded to the City. The collector shall maintain all vehicles used by the collector in good repair and shall comply with all laws, rules and regulations applicable to the vehicles.

(Am. Ord. 2002-02, passed 10-21-02)

900.11.2.2. The insurance required by the Western Lake Superior Sanitary District as a condition to the issuance of a license shall be maintained and the collector shall provide evidence of maintenance of insurance upon request by the City Clerk.

(Am. Ord. 2002-02, passed 10-21-02)

900.11.2.3. Any collector shall notify the City Clerk in writing within 30 days of any change in ownership, name or location of business offices.

900.11.2.4. Any collector shall notify the City Clerk in writing immediately upon loss of liability insurance coverage.

900.11.2.5. A collector shall accept assignment of collection duties for residential and commercial structures as provided in 900.08.

900.12 Reporting Requirement.

900.12.1. All collectors and owners which provide their own collection services under 900.08, recycling facilities, institutional facilities, and commercial, retail and industrial businesses, receiving or processing any recyclable materials shall provide quarterly written reports to the district in a form prescribed by the district.

(Am. Ord. 2002-02, passed 10-21-02)

900.12.2. Each quarterly report shall contain, at a minimum, for each type of material received or processed during the quarter:

900.12.2.1. Weight by ton;

900.12.2.2. Name and location of market to which the material was sold or delivered;

900.12.2.3. Average price per ton received; and

900.12.2.4. Inventory (in tons) of material in storage.

900.12.3. Each quarterly report shall contain the certification that, based on the inquiry of the person(s) who manage the system or those persons directly responsible for gathering the information, the information is, to the best of their knowledge and belief, true, accurate and complete.

900.12.4. Each collector or owner which provides its own collection services under 900.08 of this section and any yard waste compost facility shall submit quarterly reports to the district of the tonnage of yard waste collected and disposed.

(Am. Ord. 2002-02, passed 10-21-02)

900.12.5. Each collector shall provide the City and the district with an opportunity to inspect current customer lists.

900.13 Nuisance. No owner or occupant shall permit any accumulation or storage of solid waste which shall cause a nuisance or unsanitary condition or permits or encourages the accumulation or breeding of rats, insects or other vermin.

900.14 Unauthorized Deposit Of Solid Waste. No person shall:

900.14.1. Deposit solid waste, recyclable materials, demolition debris or yard waste upon any public or private highway, street, road or right-of-way; deposit solid waste, recyclable materials, demolition debris or yard waste upon or within any river, creek, stream, lake, waterway or other body of water of any kind or character; or deposit solid waste, recyclable materials, demolition debris or yard waste on the property of another;

900.14.2. Cause, maintain or permit the accumulation of solid waste which creates an unsanitary condition or permits or encourages the accumulation or breeding of rats, insects or other vermin; or

900.14.3. Deposit solid waste, recyclable materials, demolition debris or yard waste within the City in any manner that shall violate the provision of this section.

900.15 Enforcement and Inspection.

900.15.1 General. Inspection and evaluation of containers and collectors shall be made by the City in such frequency as to insure consistent compliance by the owners, occupants and collectors with the provisions of this section. Each owner, occupant or collector shall be provided with written and documented notice of any deficiencies, recommendations for their correction and the date when the correction shall be accomplished. Each owner, occupant or collector shall be required to allow free access to authorized representatives of the City, or to authorized representatives of any other governmental agency at any time for the purpose of making the inspections as may be necessary to determine compliance with the requirements of this section, or any other applicable statute, ordinance or regulation.

900.15.2 Private Property. The City shall have the right to inspect private property to determine if a container or collector is in accordance with the provisions of this section.

900.16 Violations and Remedies.

900.16.1 Equitable Relief. In the event of a violation of a threat or violation of this section, the attorney for the City may take appropriate action to enforce this section, including but not limited to, application for injunctive relief, action to compel performance or other appropriate action in district court, if necessary, to prevent, restrain, correct or abate the violations or threatened violations.

900.16.2 Costs as Special Assessment. If an owner or occupant fails to comply with the regulations in this section, the City may take the necessary steps to correct the violations and the costs thereof may be recovered in a civil action or may be certified, at the discretion of the City Council, to the County Auditor as a special assessment against real property under M.S. Chapter 429, as it may be amended from time to time, or other similar law relating to special assessment.

900.17 Intent.

900.17.1. It shall be the express intent of this section, specifically the mandatory recycling provisions of this section, to require the recycling of recyclable materials within the City in order to aid the district in meeting the goals specified in M.S. Section 115A.551, as it may be amended from time to time.

900.17.2. It shall further be the express intent of this section to recognize that the district has regional authority for the solid waste generated by residents of the City. Therefore, where this section is in contradiction to the rules and regulations of the district, the rules and regulations of

the district shall supersede the specific portions of this section in contradiction or contravention of the rules and regulations of the district. This section shall not govern or control the disposal of hospital waste, pathological waste, infectious waste, medical sharps, industrial solid waste and hazardous substances.

📖 Section 910 – Stormwater Utility

910.01 Definitions. The following words and phrases when used in this section shall have the meanings ascribed to them in this section unless the context otherwise clearly indicates.

910.01.1 “Best Management Practices” or “BMP” shall mean the practices to prevent or reduce the pollution of the waters of the state, as defined by the MS4 Permit, including schedules of activities, prohibitions of practices, and other management practices, and also includes treatment requirements, operating procedures and practices to control plant site runoff, spillage or leaks, sludge, or waste disposal or drainage from raw material storage.

910.01.2 “City” shall mean the City of Hermantown.

910.01.3 “City Clerk” shall mean the City Clerk as designated from time to time by the City Council.

910.01.4 “City Code of Ordinances” shall mean the Hermantown Code of Ordinances, as it may be amended from time to time.

910.01.5 “City Council” shall mean the City Council of the City. The City Council is the governing body of the City.

910.01.6 “City’s Fee Schedule” shall mean the fee schedule established from time to time by City ordinance or resolution of the City Council.

910.01.7 “Department” means the department of public works of the City.

910.01.8 “Department Director” means the director of public works of the City, or his or her designee.

910.01.9 “Equivalent Residential Unit” or “ERU” shall mean 9,100 square feet which has been determined to be the average impervious area of residential property within the City.

910.01.10 “ERU Rate” shall mean the standard monthly fee charged per each ERU established from time to time by resolution or ordinance and set forth in the City’s Fee Schedule.

910.01.11 “Exempt Property” shall mean property that is classified by St. Louis County Auditor, Minnesota with the following land use:

910.01.11.1 Ag Non-Productive Contiguous

910.01.11.2 Agricultural

910.01.11.3 Assessed Elsewhere

910.01.11.4 Cemeteries – Private

910.01.11.5 Cemeteries – Public

- 910.01.11.6** County Public Property
- 910.01.11.7** County Public Service Enterprises
- 910.01.11.8** Federal Public Property
- 910.01.11.9** K-12 Schools – Public
- 910.01.11.10** Managed Forest Lands
- 910.01.11.11** Municipal – All Other
- 910.01.11.12** Municipal Public Service Enterprises
- 910.01.11.13** Non-Homestead Agricultural Land
- 910.01.11.14** Vacant Land
- 910.01.11.15** Rural Vacant Land
- 910.01.11.16** State Administered Lands
- 910.01.11.17** State Public Property
- 910.01.11.18** Streets and Roadways
- 910.01.11.19** Tax-Forfeited Real Estate

910.01.12 “Impervious Area or Surface” shall mean a surface which is compacted or covered with material that is resistant to infiltration by water, including, but not limited to, most conventionally surfaced streets, roofs, sidewalks, patios, driveways, parking lots, and any other graveled, graded, compacted, or any other surface which impedes the natural infiltration of surface water.

910.01.13 “Municipal Separate Storm Sewer System” or “MS4” shall mean a conveyance or system of conveyances (roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, man-made channels, storm drains, etc.) that are designed or used for collecting or conveying stormwater and owned and operated by the City. The Municipal Separate Storm Sewer System includes the City’s Stormwater Management Facilities for purposes of this Section 910.

910.01.14 “National Pollutant Discharge Elimination System Municipal Separate Storm Sewer Systems Permit” or “MS4 Permit” shall mean the general permit authorization to discharge stormwater associated with Municipal Separate Storm Sewer Systems.

910.01.15 “Nonresidential Property” shall mean developed property that is not classified as Residential Property or Exempt Property. Property that has a mixture of residential and nonresidential uses shall be considered nonresidential.

910.01.16 “Residential Property” shall mean developed property that is classified by St. Louis County, Minnesota Auditor with the following land use:

- 910.01.16.1** Commons Area Assessed Parcel
- 910.01.16.2** Non-Comm Seasonal Residential Recreational
- 910.01.16.3** Residential 1 Unit
- 910.01.16.4** Residential 2-3 Units
- 910.01.16.5** Residential Non-Homestead (Single Unit)

910.01.17 “Stormwater Management Facilities” are structural or nonstructural features that are designed to reduce storm water runoff pollutant loads, discharge volumes, peak flow discharge rates and detrimental changes in stream temperature that affect water quality and habitat.

910.01.18 “Stormwater Pollution Prevention Program” or “City SWPPP” shall mean a comprehensive program developed by the City to manage and reduce the discharge of pollutants in stormwater and from the City’s storm sewer system.

910.01.19 “Stormwater Utility” shall mean the utility created by this Section 910 to operate, maintain and improve the City’s Municipal Separate Storm Sewer System.

910.01.20 “Stormwater Utility Fee” shall mean the charges established from time to time by ordinance or resolution and set forth in the City’s Fee Schedule.

910.01.21 “U.S. Environmental Protection Agency” of “EPA” shall mean the agency of the United States federal government whose mission is to protect human and environmental health.

910.02 Authority and Application. The Municipal Separate Storm Sewer System owned and operated by the City if hereby declared to be and to constitute a public utility of the City. The Stormwater Utility shall be operated as a public utility pursuant to the City Code of Ordinances and applicable provisions of Minnesota Statutes.

910.02.1 The revenues of the Stormwater Utility shall be subject to provisions of this Section 910 and Minnesota Statutes Section 444.075. The properties of the Stormwater Utility and all future improvements, extension and enlargements thereof, together with all cash and assets held in the Stormwater Utility shall be appropriated and dedicated to the purpose of insuring the public health, safety and welfare by maintaining and improving the Stormwater Utility as provided for in this Section 910. The Stormwater Utility, and all assets of the Stormwater Utility shall at all times be under the management and control of the City Council.

910.02.2 The Stormwater Utility shall be part of the Public Works Department and shall be administered by the Department Director.

910.03 Purpose. The purpose of the Stormwater Utility is to provide a funding mechanism for the following services:

910.03.1 The administration, planning, analysis, installation, construction, operation, maintenance, and replacement of the Municipal Separate Storm Sewer System.

910.03.2 The administration, planning, implementation, construction, and maintenance of storm water Best Management Practices to reduce the introduction of sediment and other pollutants into local water resources.

910.03.3 Other education, engineering, inspection, monitoring, testing, and enforcement activities as necessary to maintain compliance with local, state, and federal storm water requirements.

910.03.4 Activities necessary to maintain compliance with MS4 Permit requirements established by the EPA, including preparation, implementation, and management of a City SWPPP to address the following control measures:

910.03.4.1 Public education and outreach on storm water impacts.

910.03.4.2 Public involvement/participation.

910.03.4.3 Illicit discharge detection and elimination.

910.03.4.4 Construction site storm water runoff control.

910.03.4.5 Post-construction runoff control in new development and redevelopment.

910.03.4.6 Pollution prevention for municipal operations.

910.04 Rates and Charges. The City shall charge Stormwater Utility Fees to pay the operation costs described in Section 910.03. The Stormwater Utility Fees shall be established by the City Council in accordance with this Section 910.04. In establishing Stormwater Utility Fees, each parcel of property within the City shall be categorized as Residential, Nonresidential, or Exempt property. Stormwater Utility Fees for Nonresidential Property may be reduced through the application of stormwater credits as provided for by Section 910.06. Stormwater Utility Fees for Residential Property shall be fixed. The Stormwater Utility Fees established herein shall be the joint and several responsibility of the owner, lessee and the occupant of each parcel of property subject to the Stormwater Utility Fee and shall be subject to recovery in accordance with Section 910.11.

910.04.1 Established ERU. The average impervious area of residential property shall be equal to 9,100 square feet, making 1 ERU equal to 9,100 square feet.

910.04.2 Minimum Stormwater Utility Charges.

910.04.2.1 The minimum monthly Stormwater Utility Fee applied to any Residential Property or Nonresidential Property shall be equal to the ERU Rate.

910.04.2.2 No fee shall be charged to a Nonresidential Property that has no impervious surface.

910.04.03 Residential Property. The monthly Stormwater Utility Fee for Residential Property shall be equal to the ERU Rate.

910.04.4 Nonresidential Property. Subject to Section 910.04.2, Nonresidential Properties shall pay a Stormwater Utility Fee in an amount proportional to the amount of impervious area within the property. The monthly Stormwater Utility Fee for Nonresidential Property shall be the ERU Rate multiplied by the ERU (numerical factor obtained by dividing the property's Impervious Area by 9,100 rounded to the nearest ERU).

910.04.5 Exempt Property. Exempt Properties are not subject to Stormwater Utility Fees.

910.04.6 Estimated Charges. If, for any reason, precise information related to the use, development or area of a property is not available; then Stormwater Utility Fees for such property shall be estimated and billed, based upon information then available to the City.

910.05 Adjustments to Charges. Stormwater Utility Fees may be adjusted under any of the following conditions:

910.05.1 The estimated expenditures for management of the City's MS4 shall be reviewed by the City Council from time to time. The ERU Rate shall be adjusted accordingly to meet the estimated expenditures. The rate will not increase until after December 31, 2021.

910.05.1.1 Prior to any increase in the ERU Rate or any change in the ERU, the City Council will hold a public hearing at a regular City Council meeting.

910.05.2 As property is developed or redeveloped, Stormwater Utility Fees shall be recalculated based on the revised amount of Impervious Area on the property after such property is developed or redeveloped and the other provisions of this Ordinance.

910.06 Credits for Nonresidential Property.

910.06.1 The Department Director may provide for the adjustment of Stormwater Utility Fees for property if BMPs or other stormwater management practices are employed on-site that reduce the quantity or improve the quality of stormwater runoff from the parcel pursuant to City Code of Ordinances Section 1080.

910.06.2 The Department Director shall establish a credit application form for credits. It shall be the responsibility of the property owner to provide justification and any required documentation for the credit adjustment.

910.06.3 Credit applications are subject to approval by the Department Director. The City may from time to time by resolution or ordinance establish a fee for the review and processing of credit applications as set forth on the City's Fee Schedule.

910.06.4 Property subject to a minimum Stormwater Utility Fee shall not be eligible for credits.

910.06.5 Nonresidential Property BMPs or stormwater management practices are subject to the inspection, maintenance, and repair requirements set forth in the MS4 Permit and/or the City Code of Ordinances, as it may be amended from time to time. A Nonresidential Property that is deemed noncompliant or in violation of the maintenance and repair requirements established in the MS4 Permit and/or the City Code of Ordinances shall not be initially eligible for credits. Approved credits may be rescinded by the Department Director if the Department Director determines that the Nonresidential Property BMPs or stormwater parties are non-compliant or in violation of the maintenance and repair requirements established under the MS4 Permit and/or the City Code of Ordinances. The Department Director shall notify the owner, lessee and occupants of the Nonresidential Property in writing of his/her determination of noncompliance and provide the owner, lessee and/or occupant a reasonable time within which to remedy the noncompliance. If the owner and/or occupant does not remedy the noncompliance within the time period by the Department Director, then the Department Director may rescind the credits for such property effective as of the second month following the rescission of the credits. A

Nonresidential Property for which credits have been rescinded shall not be eligible to apply for credits for five (5) years after the effective date of the rescission of the credits.

910.06.6 A credit of 25% of the Stormwater Utility Fee for a Nonresidential Property determined by operation of Section 910.04 may be given for Nonresidential Property which employs BMPs to manage stormwater runoff for water quality (total suspended solids and/or phosphorous).

910.06.7 A credit of 25% of the Stormwater Utility Fee for a Nonresidential Property determined by operation of Section 910.04 may be given for Nonresidential Property which employs BMPs to manage stormwater runoff for rate control and detention.

910.06.8 Credits are cumulative and shall not exceed 50% of the Stormwater Utility Fee determined by operation of Section 910.04.

910.07 Adjustment to Impervious Area Determinations. If the amount of Impervious Area on a nonresidential property differs from the amount determined by the City, the owner or manager of the nonresidential property may request a recalculation. It is the responsibility of the owner or manager or any nonresidential property to provide the City with necessary surveys and other information as the City may reasonable request to determine if a property qualifies for an adjustment to the Impervious Area determination. Requests for adjustments shall only be reviewed upon receipt of all requested information by the City. Any approved adjustment shall be effective the next billing cycle following approval.

910.08 Adjustment Determinations. Impervious Area adjustments made by Section 910.07 and Credit adjustments made by Section 910.06 and denials of adjustments shall be made in writing by the Department Director. No credits may be applied retroactive for any approved requests for credits made after January 1, 2020.

910.09 Appeal. Any property owner who has been denied an adjustment may request review and re-computation of said fee. Such appeals shall be made by filing a written notice of appeal with the City Clerk. The City's Utilities Commission shall hear the appeal and affirm, modify or reverse the adjustment determination applying the standards established in this Section 910.

910.10 Billing Method. The City will compute Stormwater Utility Fees. Stormwater Utility Fees shall be collected by the City together with other City fees through the City billing system, or by any other method approved by the City. The City may provide for penalties and interest for late payments. Any such penalties and interest shall be as set forth on the City's Fee Schedule as adopted from time to time by resolution or ordinance of the City.

910.11 Delinquent Accounts. Delinquent and unpaid Stormwater Utility Fees may be certified to the St. Louis County Auditor for collection with real estate taxes during the following year or any year thereafter in the manner prescribed in City of Hermantown's Policy adopted October 6, 2014, titled: Delinquent Utility Bills – Certification on Property Taxes, as it may be amended from time to time, pursuant to Minnesota Statute 444.075.

(Am. Ord. 2018-11, passed 11-19-18)

📖 **Section 920 - Wastewater System and Sewer Utility**

920.01 Purpose and Application. The sewer facilities owned by the City are declared to be and to constitute a public utility of the City, owned, operated, maintained, improved, extended and administered as an undertaking to be known as the “Sewer Utility.” The properties of the Sewer Utility shall include all systems, works, instrumentalities, equipment, materials, supplies, interceptor sewers, trunk connections, pumping stations, and all other parts and appurtenances of the foregoing which are useful or used in connection with the collection of sewer.

920.02 Scope of Utility. The properties of the Sewer Utility and all future improvements, extensions and enlargements thereof, together with all cash and other assets held in the Sewer Utility shall be appropriated and dedicated to the purpose of insuring the public health, safety and welfare by furnishing and making available sewer service to the City and its inhabitants and businesses. The Sewer Utility, and all of the assets of the Sewer Utility shall at all times be under the management and control of the City Council.

920.03 Policy in Regard to Improvements, Enlargements and Extensions. The City Council shall use the Financial Management Plan and other appropriate methodology of the City as the principal guide for sewer extension decisions.

920.04 Definitions. Unless the context otherwise clearly indicates, the words and phrases used in this section shall have the meaning ascribed to them in 930.01 of this Chapter.

920.05 Wastewater Facilities System Continued.

920.05.1 Continuation. There shall be continued a City Wastewater Treatment Facilities System (“City’s Sanitary Sewer System”). The City’s Sanitary Sewer System shall include all City owned lateral, main and interceptor sewers, wastewater pumping stations, equipment and other works and facilities, whether presently existing or acquired after the enactment date of this Code, as shall be found necessary to establish and maintain the City’s Sanitary Sewer System in operating condition adequate to collect and transmit all wastewater of the City which is discharged into the City’s Sanitary Sewer System to the Wastewater Treatment Facilities of the WLSSD.

920.05.2 Intent. It is hereby declared and ordained that the continued operation of the City’s Sanitary Sewer System is necessary for the public health, safety, welfare and convenience of the City and its inhabitants; that the City’s Sanitary Sewer System will constitute and be a public utility that confers direct and indirect benefits to the City and for which reasonable rates and charges may be imposed.

920.06 User Charge System Continued.

920.06.1 Continuation. For the purpose of distributing amongst users within the City, the charges made to the City by the WLSSD for the City's proportionate share of the operation, maintenance, including replacement and debt service of WLSSD Wastewater Treatment Facilities, a User Charge is hereby continued.

920.06.2 Collection. The User Charges provided for in this subsection shall be collected by the City through a monthly billing and collection procedure to be established from time to time by the City and the procedure shall be effective upon approval of the Council by resolution. The procedure shall include a late payment penalty provision.

920.06.3 Responsibility for Payment. The owner of premises which are connected to the City's Sanitary Sewer System, the occupant thereof, and the user of the service, shall be jointly and severally liable to pay for the service to the premises and the service shall be furnished to the premises by the City only upon the condition that the owner of the premises, occupant and user of the services, shall be jointly and severally liable to the City for the services. A claim for unpaid charges which shall have been billed to the occupant of the premises or the user of the service may be recovered against the owner, occupant or user in a civil action in any court of competent jurisdiction or in the discretion of the City may be certified to the County Auditor to be collected with taxes against the premises so served in accordance with the provisions of Section 930.09.6. Money paid to the County Auditor on the account shall belong to the City and shall be remitted to the City by the County Auditor in the manner provided by law for the payment of other money belonging to the City. In addition to, and not in lieu of, the foregoing method of enforcing payment of the charges, the City may, according to the rules and regulations as it may have established and the Council shall have by resolution approved, cause the City water supply for and to any premises to be shut off until all arrears, with penalties on the delinquent charges, shall be paid, together with the cost of shutting off and turning on the water.

920.06.4 Charges; Volume Based. Except as otherwise provided in this section, for the purpose of determining the charge to be rendered against premises using the City's Sanitary Sewer System and the WLSSD Wastewater Treatment Facilities, the volume of Wastewater discharged into the City's Sanitary Sewer System by the owner, user or occupant of any premises having any direct or indirect connection with the system shall be deemed to be and shall be based and computed upon the amount of water used on the premises.

920.06.4.1. In all cases where the premises obtain water from the City's water supply, the volume of water used on any such premises shall be determined by the water meter readings made by the City.

920.06.4.2. In all cases where the water used on the premises is derived in whole or in part from sources independent from the City, water used thereon which is supplied from private sources shall be measured by a water meter provided by the City to be installed by a licensed plumber at the owner, user, or occupant's cost and subject to the supervision and inspection of the Public Works Director. User Charges against the premises shall be based upon the volume of water used thereon, as measured from both public and private sources. Whenever the owner, user or occupant fails to install the meter, or where it is not practicable to measure the water consumed on any premises by a meter, the City shall charge a monthly rate set forth in the City's Fee Schedule.

920.06.5 Charges; Special. Where the owner, occupant or user of the service has been required by the Public Works Director or the WLSSD as authorized by this Section 920 of the City Code, to install meters or other measuring devices that serve to demonstrate the volume

of wastewater being discharged to the City's System and the WLSSD's Wastewater Treatment Facilities, the volume of Wastewater as so measured shall be the basis upon which the charges to be made under this section shall be determined.

920.06.6 Cost Recovery. For the purpose of recovering from users the cost of operation, maintenance, including replacement, and debt service of the City's System, there shall be continued and shall be collected a user charge based upon the volume of Wastewater discharged to the City's System and determined as in 920.07 provided and in accordance with rates determined and established by resolution of the City Council from time to time. Until so modified by Council resolution, the rates presently in effect in the City shall continue.

920.06.7 Industrial Costs. Charges made to the City by the WLSSD in accordance with the industrial cost recovery requirements of Title II of the Federal Water Pollution Control Act Amendments of 1972, 33 USC 1251 *et seq.*, as it may be amended from time to time, shall be apportioned among industrial users within the City in accordance with the *WLSSD Industrial Cost Recovery Classification System*, 1976, a copy of which shall be on file in the office of the City Clerk.

920.07 Unpolluted Water Surcharge.

920.07.1 Establishment of Unpolluted Water Surcharge. For the purpose of recovering the increased cost to the City caused by the discharge of Unpolluted Water into the City's System there shall be hereby established, in addition to the User Charge otherwise established and charged pursuant to this section an Unpolluted Water surcharge.

920.07.2 Procedure for Establishing Unpolluted Water Surcharge.

920.07.2.1 The City Council of the City shall be authorized to proceed under the procedures set forth in 920.07.2.2 or 920.07.2.3 of this subsection in establishing a charge for the discharge of Unpolluted Water into the City's Sanitary Sewer System. The City Council may proceed as set forth in such parts of this subsection as may from time to time be determined by it.

920.07.2.2 City Wide Charge.

920.07.2.2.1. The City Council may impose a surcharge on all of its sewer customers equal to an amount determined by the City Council to be the total cost to the City of treating Unpolluted Water. The amount shall be determined by subtracting the amount of water sold by the City Council to its sewer customers from the total amount of water for which the City Council is charged by the WLSSD and multiplying the resulting amount by the charge imposed on the amount by the WLSSD. The surcharge imposed on any customer may be eliminated upon the customer verifying his, her or its compliance with the terms of 920.07.2.3, that prohibits connections of sources of Unpolluted Water to be made to the City's Sanitary Sewer System. In order to remain eligible to receive the elimination of the surcharge, the sewer customer shall have his, her or its compliance with the terms of 920.07.2.3, verified annually. In the event that the City determines that a sewer customer is no longer in compliance with the terms of

920.07.2.3, by inspection or if the sewer customer fails to allow an inspection after request by the City, the customer shall once again be subject to the Unpolluted Water surcharge.

920.07.2.2.2. The amount of the Unpolluted Water surcharge shall be recalculated by the City every six months, with the cost of treatment of Unpolluted Water being divided amongst the sewer customers who have not been determined to be eligible for the elimination of the Unpolluted Water surcharge.

920.07.2.3 Individual Users Determined.

920.07.2.3.1. The City Council may impose an Unpolluted Water surcharge on individual users as provided herein. If the Public Works Director has reason to believe that a sewer customer is discharging Unpolluted Water into the City's Sanitary Sewer System, he or she shall so notify the City Administrator. The City Administrator shall then inform the sewer user by mail that the City intends to impose on the customer an Unpolluted Water surcharge and the amount of the proposed surcharge, which shall be an amount estimated to be the amount of Unpolluted Water being discharged into the City's Sanitary Sewer System multiplied by the usual sewer rate as set by the Fee Schedule, as it may be amended from time to time.

(Am. Ord. 2009-04, passed 8-3-09)

920.07.2.3.2. The notice shall also inform the sewer customer that the Unpolluted Water surcharge shall be imposed as of the first day of the first month after the expiration of the ten day notice period specified in the notice. Within ten business days after the mailing of the notice, the sewer customer may request, in writing, an inspection of his, her or its property by the City. Upon receipt of the request, the City Administrator shall have the property inspected to determine if Unpolluted Water is being discharged into the City's Sanitary Sewer System.

920.07.2.3.3. If the inspection reveals that no Unpolluted Water is being discharged and the sewer customer signs a written statement stating that the sewer customer shall not change, alter, modify or reconfigure the property or his, her or its water or Wastewater disposal system in such a way as to discharge Unpolluted Water into the City's Sanitary Sewer System, no surcharge shall be imposed after the inspection has been completed. The City Administrator shall notify the sewer customer in writing of the decision on whether or not a surcharge shall be imposed. Within ten business days after the mailing of the notice, a sewer customer may file a written objection with the City Administrator and request an appeal to the Hermantown Utility Commission.

920.07.2.3.4. The failure to file the objection shall be deemed to be a waiver of any right to object to the imposition of the Unpolluted Water surcharge. After the Unpolluted Water surcharge has been imposed, a sewer customer may at any time thereafter, not exceeding once per month, request an inspection of the property by the City. Upon receipt of the request, the City Administrator shall have the property inspected to determine if Unpolluted Water is being discharged into the City's Sanitary Sewer System. The procedures set forth in Section 920.07.2.3.3 shall be followed after such inspection is completed.

(Am. Ord. 2014-06, passed 6-16-2014)

Section 930 - Public Sewers and Private Disposal Systems

930.01 Definitions. The following words and phrases when used in the definitions in Section 920 and this section and when otherwise used in this chapter shall have the meanings ascribed to them in this section unless the context otherwise clearly indicates.

930.01.1. “Authorized Inspector” shall mean an inspector authorized by the City.

930.01.2. “Biochemical oxygen demand” or “BOD” shall mean the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedures in five days at 20 degrees Centigrade and as expressed in terms of milligrams per liter (mg/l) and as described in *Standard Methods*.

930.01.3. “Building Drain” shall mean the part of the lowest horizontal piping of a drainage system which receives the discharge from soil, waste, and other drainage pipes inside the walls of a building and conveys wastewater to the Building Sewer, beginning three feet outside the inner face of the building wall.

930.01.4. “Building Sewer” shall mean the extension from the Building Drain to the Public Sewer, private sewer, Onsite Wastewater Disposal System or other place of disposal; also referred to as a sewer service line. Building Sewer shall include any Pump System utilized to convey Wastewater from the building to the Public Sewer. The property owner is the owner of and responsible for installation, repair and maintenance of the Building Sewer, including, without limitation, the Pump System.

930.01.5. “City” shall mean The City of Hermantown.

930.01.6. “City Council” shall mean the City Council of the City. The City Council is the governing body of the City.

930.01.7. “Clean Water Act” shall mean The Federal Water Pollution Control Act (also referred to as the Clean Water Act,) as amended.

930.01.8. “Combined sewer” shall mean a Sewer receiving both surface runoff and sewage.

930.01.9. “Commercial wastewater” shall mean Wastewater emanating from a place of business of a commercial user.

930.01.10. “County” shall mean St. Louis County.

930.01.11. “County Health Department” shall mean the health department of the County.

930.01.12. “Debt service charge” shall mean a charge to users of Wastewater Treatment Facilities for the purpose of repaying the cost of capital improvements to the Wastewater Treatment Facilities.

930.01.13. “Engineer” shall mean the person designated as the City Engineer or the authorized deputy, agent, or representative of the City Engineer.

930.01.14. “Extra strength waste” shall mean Wastewater having a BOD and/or T.S.S. greater than NDS and not otherwise classified as an incompatible waste.

930.01.15. “Fee Schedule” shall mean the schedule of fees established from time to time by the City Council.

930.01.16. “Flow” shall mean the quantity of Wastewater.

930.01.17. “Garbage” shall mean solid wastes from the domestic and commercial preparation, cooking, and dispensing of food, and from the handling, storage, and sale of produce and animal products, including the packaging of such products.

930.01.18. “Industrial user” shall mean a user which discharges industrial Wastewater.

930.01.19. “Incompatible waste” shall mean waste that either singly or by interaction with other wastes interferes with any sewage treatment process, constitutes a hazard to humans or animals in spite of the treatment method used by the WLSSD, creates a public nuisance or creates any hazards in the receiving waters of the Wastewater Treatment Facilities.

930.01.20. “Infiltration/inflow or I/I” shall mean water other than Wastewater that enters a Public Sewer or service connection from the ground or from surface runoff through such means as defective pipes, pipe joints, connections or manholes or from sources such as but not limited to, roof leaders, cellar drains, area drains, foundation drains, cross connections between storm sewers and sanitary sewers, catch basins, cooling towers, storm waters or drainage.

930.01.21. “Industrial wastewater” shall mean the liquid, gaseous, and solid processing wastes from an industrial manufacturing process, trade, or business.

930.01.22. “Load” shall mean quantities of Wastewater characteristics such as BOD, T.S.S., phosphorus or other constituents.

930.01.23. “MPCA” shall mean The Minnesota Pollution Control Agency.

930.01.24. “National Categorical Pretreatment Standards” shall mean federal regulations establishing pretreatment standards for introduction of pollutants in publicly owned Wastewater Treatment Facilities, found at section 307(b) of the Clean Water Act.

930.01.25. “National pollutant discharge elimination system permit or NPDES permit” shall mean a permit issued by the United States Environmental Protection Agency/MPCA setting

limits on pollutant strength that a permittee may legally discharge into the waters of the United States pursuant to Sections 402 and 405 of the Clean Water Act.

930.01.26. “Natural outlet” shall mean any outlet, including Storm Sewers and Combined Sewers, which flows into a water course, pond, ditch, lake or other body of surface water or ground water.

930.01.27. “Normal Domestic Strength Waste or NDSW” shall mean Wastewater that has those characteristics ordinarily introduced by domestic users.

930.01.28. “Onsite wastewater disposal system; individual sewage treatment system or ISTS” shall mean an arrangement of devices or structures for treating domestic or nondomestic Wastewater approved for use by applicable regulations of the state or county and located on or adjacent to the property of the generator of the Wastewater.

930.01.29. “Operation, maintenance and replacement costs or OM&R” shall mean expenditures necessary to provide for the dependable, economical and efficient functioning of the Wastewater Treatment Facilities throughout their design life, including operator training and permit fees and the establishment of reasonable funds to offset depreciation of the Wastewater Treatment Facilities. Replacement refers to obtaining and installing of equipment, accessories, or appurtenances which are necessary during the design life or useful life, whichever is longer, of the Wastewater Treatment Facilities to maintain the capacity and performance for which such System was designed and constructed, not the cost of future replacement of the entire facility.

930.01.30. “Permit” shall mean written authorization from the City to perform acts allowed or required by this section.

930.01.31. “Person” shall mean any individual, firm, company, association, society, corporation (municipal or otherwise) or other group discharging Wastewater to the Wastewater Treatment Facilities.

930.01.32. “pH” shall mean the logarithm of the reciprocal of the weight of hydrogen ions in grams per liter of solution.

930.01.33. “Pretreatment” shall mean the treatment of Wastewater prior to introduction thereof into the City or the WLSSD Wastewater Treatment Facilities.

930.01.34. “Private sewer or private wastewater disposal system” shall mean a privately owned sewer or privately owned Wastewater disposal system, including but not limited to a privately owned on-site Wastewater disposal system.

930.01.35. “Properly shredded garbage” shall mean garbage and/or the wastes from the preparation, cooking, and dispensing of food that have been shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in the Sewer.

930.01.36. “Public sewer(s)” shall mean any sewer or pumping facility owned or operated by the city or the WLSSD. Public sewer does not include any Building Sewer.

930.01.37. “Pump system” shall mean a Pump System approved by the City that is part of a Building Sewer.

930.01.38. “Residential user” shall mean a user of the Wastewater Treatment Facilities whose building is used primarily as a private residence and discharges NDSW.

930.01.39. “Sanitary sewer” shall mean a Sewer that carries Wastewater and to which storm, surface and ground water are not intentionally admitted.

930.01.40. “Service connection” shall mean the point at which the Building Sewer meets and is connected to the Public Sewer.

930.01.41. “ISTS septage” shall mean high strength Wastewater derived from pumping the septic tank of an onsite Wastewater Treatment Facilities.

930.01.42. “Remote facilities septage” shall mean the Wastewater derived from recreational vehicles; campers; portable toilets; boats, ships and other marine vehicles, and the like.

930.01.43. “Sewer” shall mean a pipe or conduit that carries Wastewater or unpolluted storm, surface and groundwater.

930.01.44. “Sewer availability charge or SAC” shall mean the fees and charges, if any, established from time to time by the City Council for access or connection to the Public Sewer.

930.01.45. “Slug” shall mean a discharge of water or Wastewater which in load or flow exceeds for any period of duration longer than 15 minutes, more than 5 times the average 24 hour concentration of flow or load during normal operation and which may adversely affect the Wastewater Treatment Facilities and/or performance of the Wastewater Treatment Facilities.

930.01.46. “State” shall mean the State of Minnesota.

930.01.47. “State disposal system permit or SDS permit” shall mean a permit issued by the MPCA pursuant to M.S. section 115.07 for a disposal system as defined by M.S. section 115.01(5).

930.01.48. “*Standard Methods*” shall mean the latest edition of *Standard Methods for the Examination of Water and Wastewater* published jointly by the American Public Health Association, the American Waterworks Association and the Water Environment Federation or EPA approved method listed in 40 CFR 136.

930.01.49. “Storm sewer” shall mean a Sewer intended to carry unpolluted storm, surface and groundwater from any source.

930.01.50. “Suspended solids (SS) or Total suspended solids or (T.S.S)” shall mean the total suspended solids in Wastewater as determined under standard laboratory procedures as set forth in *Standard Methods*.

930.01.51. “Toxic pollutant(s)” shall mean the concentration of any pollutant or combination of pollutants which upon exposure to or assimilation into any organism will cause adverse effects as defined in standards issued pursuant to section 307(a) of the Clean Water Act or M.S. section 115.01(20).

930.01.52. “Unpolluted water” shall mean water which meets the effluent criteria in effect or water that would not cause violation of receiving water quality standards and would not be benefited by discharge to the Sanitary Sewers and Wastewater Treatment Facilities provided.

930.01.53. “User charge” shall mean a charge levied on the users of the Wastewater Treatment Facilities for the cost of operation, maintenance, including replacement and debt service.

930.01.54. “Wastewater” shall mean combination of the liquid and water carried wastes from residences, business buildings, institutions, and industrial establishments. The term "Wastewater" also includes septage.

930.01.55. “Wastewater treatment facilities or treatment facilities” or “Sanitary Sewer System” shall mean the land, devices, facilities, structures, equipment and processes owned or used by the City and the WLSSD for the purpose of the transmission, storage, treatment, recycling and reclamation of Wastewater, or structures necessary to recycle or reuse water including interceptor sewers and the disposal of residues resulting from such treatment. Outfall sewers, collection sewers, pumping, power, and other equipment and their appurtenances; extension, improvements, remodeling, additions, and alterations thereof; elements essential to provide a reliable recycled water supply such as standby treatment units and clear well facilities, and any works including land which is an integral part of the treatment process or is used for ultimate disposal of residues resulting from such treatment. Wastewater Treatment Facilities does not include Building Sewers.

930.01.56. “Watercourse” shall mean a channel in which a flow of water occurs, either continuously or intermittently.

930.01.57. “WLSSD.” shall mean the Western Lake Superior Sanitary District, a public corporation and political subdivision of the State of Minnesota established by Chapter 478, Laws of Minnesota, 1971, now codified as M.S. Chapter 458D.

(Ord. 2006-11, passed 12-19-06) (Am. Ord. 2014-06, passed 6-16-2014)

930.02 General Provisions.

930.02.1. Purpose. The purpose of this section is to require and regulate the use of Public Sewers, Building Sewers and Private Sewers within the City.

930.02.2. Construction. Except as specifically noted herein, it is the intent of the City that this section be consistent with the policies, procedures and ordinances of WLSSD to the extent possible. Except as specifically noted herein, if, at any time, any conflict should arise between any provision of this section and the policies, procedures and ordinances of WLSSD, the policies, procedures and ordinances of the WLSSD will in all cases be controlling.

930.02.3. Severability. It is hereby declared to be the intention of the City that the sections, paragraphs, sentences, clauses and phrases of this section are severable, and if any phrase, clause, sentence, paragraph or section of this ordinance shall be declared unconstitutional or otherwise invalid by the judgment or decree of a court of competent jurisdiction, such unconstitutionality or invalidity shall not affect any of the remaining phrases, clauses, sentences; paragraphs and sections of this section.

930.02.4. Methods Regarding Measurements, Tests, Analysis. All measurements, tests and analyses of the characteristics of waters and waste to which reference is made in this section must be determined in accordance with the provisions set out in *Standard Methods*. Sampling methods, location, times, duration and frequencies are to be determined on an individual basis subject to approval by the Public Works Director and Engineer.

930.02.5. Amendments. This section cannot be amended except by further ordinance of the City.

(Ord. 2006-11, passed 12-19-06)

930.03 Use of Public Sewers Required.

930.03.1. Suitable Treatment. It shall be unlawful to discharge to any natural outlet within the City or in any area under jurisdiction of the City any Wastewater or other polluted waters except where suitable treatment has been provided in accordance with the provisions of this section.

930.03.2. Construction or Maintenance of Privies and Like Devices Prohibited. Except as hereinafter provided, it shall be unlawful to construct or maintain any privy, privy vault, septic tank, cesspool, or other facility intended or used for the disposal of Wastewater.

930.03.3. Service Connection Required. The owner of any house or building of any character wherein or whereon Wastewater develops or occurs is hereby required at the owner's expense to install suitable Wastewater collection facilities therein or thereon.

In the case of new construction or new use the owner shall install a suitable Building Sewer and connect the Building Sewer directly with the Public Sewer in accordance with the provisions of this section at the time of construction. In the case of an existing house or building such connection shall be made when any of the following occur:

930.03.3.1. The existing Onsite Wastewater Disposal System on such property is determined to be failing, based on inspection by the St. Louis County Health Department pursuant to St. Louis County Ordinance 55, Section 6.

930.03.3.2. The house or building is remodeled to add bedroom(s), and/or bathrooms, and/or additional kitchen facilities.

930.03.3.3. The ownership of the property is transferred from one owner to another so as to require a point of sale inspection pursuant to St. Louis County Ordinance 55, Section 6 and the point of sale inspection indicates that the Onsite Wastewater Disposal System is noncompliant.

The foregoing connections shall be required provided that the Public Sewer is located within an easement or right of way adjoining the property and within 400 feet of the house or building to be connected to the Public Sewer.

(Am. Ord. 2011-08, passed 10-03-11) (Am. Ord. 2014-06, passed 6-16-2014)

930.03.4. Assessments. All assessments hereunder shall be made consistent with the procedures set forth in the City's Assessment Policy found in the Handbook for the City of Hermantown.

(Ord. 2006-11, passed 12-16-06) (Am. Ord. 2011-08, passed 10-03-11)

930.03.5. Sewer Availability Charge. The City shall impose a sewer availability charge ("SAC") for any new connections to the City sewer. The purpose of the SAC is to provide funds for the sewage collection system and the payment of capital charges used to finance the additions or expansions to the facilities and the payment of reasonable reserves for repair. The amount of the SAC shall be determined by the City pursuant to Minnesota Statutes Section 444.075.

930.03.6. The provisions of this section are applicable to property owners for Public Sewer mains no matter when constructed.

(Am. Ord. 2011-08, passed 10-03-11)

930.03.7. The policies and procedures adopted hereby are subject to the provisions of St. Louis County Ordinance No. 55, as it may be amended from time to time.

(Am. Ord. 2011-08, passed 10-03-11) (Am. Ord. 2014-06, passed 6-16-2014)

930.04 Private Wastewater Disposal.

930.04.1. Unavailability of Public Sewer. Where a public sewer is not available as described in section 930.03 above, the Building Drain must be connected to an Onsite Wastewater Disposal System complying with the requirements of the County, the MPCA and all other regulatory agencies including U.S. Environmental Protection Agency Class 5 injection well regulations.

930.04.2. Private Facilities Unlawful. Except as provided hereinafter, it is unlawful to construct or maintain any private Onsite Wastewater Disposal System or other private facility intended or used for the disposal of wastewater.

930.04.3. Construction of Onsite Wastewater Disposal Systems. Before commencement of construction of a private Onsite Wastewater Disposal System the owner shall first obtain a written permit from the County Health Department.

930.04.4. Compliance with County Requirements. The type, capacities, location and layout of a private Onsite Wastewater Disposal System shall comply with all requirements of the ordinances and regulations of the County and such other requirements as may be imposed by the MPCA, the State Department of Health, or other responsible agencies. No such system shall be permitted to discharge to surface water unless an NPDES permit to perform such a discharge has been obtained.

930.04.5. Operation and Maintenance of Onsite Wastewater Disposal Systems. The owner, user or occupant shall operate and maintain the private Onsite Wastewater Disposal System in a manner which complies with applicable state and County regulations at all times and at no expense to the City.

930.04.6. Availability of Public Sewers and Abandonment of ISTS. When and whenever Public Sewer becomes available to a property and such property is required to connect to the Public Sewer under Section 930.03 and such property is served by an Onsite Wastewater Disposal System, use of the Onsite Wastewater Disposal System must be discontinued, and a service connection must be made to the Public Sewer within 90 days of receiving written notification that Public Sewer is available from the City and any septic tanks, cesspools, and similar Onsite Wastewater Disposal Systems must be abandoned and dealt with in accordance with current requirements of the County, the MPCA and all other regulatory agencies at the property owner's sole expense, unless such Onsite Wastewater Disposal System is legally incorporated into the design of the Building Sewer.

930.04.7. Additional Legal Requirements. No provision of this section shall be construed to interfere with any additional requirements that may be imposed by the Minnesota Pollution Control Agency, the County, the WLSSD or the U.S. Environmental Protection Agency.

(Ord. 2006-11, passed 12-19-06) (Am. Ord. 2014-06, passed 6-16-2014)

930.05 Building Sewers and Connections.

930.05.1. Permit Required.

930.05.1.1. Except for City employees acting in the course of employment, no Person shall uncover, make any connections with or opening into, use, alter, or disturb any Public Sewer or appurtenances thereof without first obtaining a written permit from the Public Works Director.

930.05.1.2. There shall be two or more classes of service connection permits:

930.05.1.2.1. For users discharging domestic strength Wastewater to Public Sewers.

930.05.1.2.2. For users discharging non domestic strength Wastewater to Public Sewer. In all cases, the owner or his agent shall make application on a special form furnished by the City. The permit application shall be supplemented by any plans, specifications, or other information considered pertinent in the judgment of the Public Works Director. A permit and inspection fee sufficient to defray the cost incidental to the processing of such connection permit including the cost of inspection of connection for each such class shall be established by resolution or ordinance of the City and shall be paid to the City at the time the application is filed. There shall be submitted to the Public Works Director a report, in form and substance satisfactory to the Public Works Director, which indicates that no Unpolluted Water will be discharged into the Public Sewer as a result of the service connection for which the permit is sought.

930.05.1.2.3. All costs and expenses incidental to the installation and connection of the Building Sewer shall be borne by the owner. The owner shall indemnify the City from any loss or damage that may directly or indirectly be occasioned by the installation of the Building Sewer.

930.05.1.2.4. No Building Sewer connection permit shall be issued unless the Public Works Director first determines that all City's Sanitary Sewer System and WLSSD Wastewater Treatment Facilities have sufficient capacity to accommodate the flow and load to be discharged as a result of such connection.

930.05.1.2.5. Existing Building Sewers may be used in connection with new buildings only when they are found, on examination and test by the Public Works Director, to meet all requirements of this section.

930.05.1.2.6. The size, slope, alignment, materials of construction of a Building Sewer, and the methods to be used in excavating, placing of the pipe, jointing, testing, and backfilling the trench, shall all conform to the requirements of the building and plumbing code or other applicable rules and regulations of the City.

930.05.1.2.7. Whenever possible, the Building Sewer shall be brought to the building at an elevation below the basement floor. In all buildings in which any Building Drain is too low to permit gravity flow to the Public Sewer, Wastewater carried by such Building Drain shall be lifted by an approved means and discharged to the Building Sewer.

930.05.1.2.8. No person shall make connection of roof downspouts, areaway drains, or other sources of Unpolluted Waters such as storm water, ground water, roof runoff, subsurface drainage, unpolluted industrial water or cooling water to a Building Sewer or Building Drain which is connected directly or indirectly to a Public Sewer.

930.05.1.2.9. The connection of the Building Sewer into the Public Sewer shall conform to the requirements of the building and plumbing code or other applicable rules and regulations of the City. All such connections shall be made gastight and watertight and verified by proper testing. The Public Works Director shall have authority to promulgate rules,

regulations, and tests as to the manner in which connections shall be made and such rules, regulations and tests when so promulgated and filed with the City shall be met.

930.05.1.2.10. The applicant for the permit must notify the Public Works Director when the Building Sewer is ready for installation of the connection to the Public Sewer. The area to be inspected must be open for inspection and backfilling must not have commenced. All connections to the Public Sewer must be made under the supervision of the Public Works Director.

930.05.1.2.11. All excavations for Building Sewer installation shall be adequately guarded with barricades and lights so as to protect the public from hazard. Streets, sidewalks, parkways, and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the Public Works Director.

930.05.1.2.12. No private Building Drain may extend beyond the limits of the building or property for which the permit has been given.

930.05.1.2.13. All Building Sewers, service connections, pumps and other equipment must, at all times, conform to specifications established by the city from time to time and be compatible with the Public Sewer to which the Building Sewer will be connected. The determination of whether the Building Sewer is compatible shall be made by the Engineer. Installation of a Building Sewer, service connection, Pump System or other equipment, which is not compatible with any other requirements of the City will be a violation of this section. The owner is obligated to keep the Building Sewer, including any Pump System, in good condition and repair. The City reserves the right to deny or discontinue service to a property served by a Building Sewer, service connection, pump or other equipment which is not compatible with the Public Sewer to which the Building Sewer is connected or does not otherwise comply with the requirements of this section or other requirements of the City.

930.05.1.2.14. The City may, by resolution, adopt reasonable rules and regulations relating to sewer construction, use, maintenance, discharges, and deposit or disposal of all Wastewater, either directly or indirectly, within the City. Such resolution may adopt rules and regulations by reference.

930.05.2. Pump Systems. The owner of a property connected to the Public Sewer shall be the owner of the Building Sewer, including any Pump System which is part of the Building Sewer. The City will, as part of a construction project, designate the type of Pump System that must be utilized by an owner in the Building Sewer that will be connected to the Public Sewer. An owner must utilize the designated Pump System as part of its Building Sewer. The City may also obtain, as part of construction projects, Pump Systems to provide to owners to utilize as part of the Building Sewer. The owner may obtain a pump from the City by entering into an agreement with respect to the Pump System that is provided by the City. The owner of the property shall be the owner of or responsible for the maintenance of any Pump System.

(Ord. 2006-11, passed 12-19-06) (Am. Ord. 2014-06, passed 6-16-2014)

930.05A Certificate of Building Sewer Compliance.

930.05.A.1 Definitions. All definitions set forth in Section 930.01 are applicable to this Section 930.05.A. In addition, the following words and phrases when used in this Section 930.05.A and when otherwise used in this Chapter shall have the meanings ascribed to them in this Section 930.05.A unless the context clearly requires otherwise.

930.05.A.1.1 “Certificate of Building Sewer Compliance” means a certificate issued by the Public Works Director to verify that a Building Sewer is not contributing any material amounts of unpolluted water to the Public Sewer through the Building Sewer.

930.05.A.1.2 “Correction Notice” means the written notice issued by the Public Works Director to the Owner after review of an Inspection Report advising that the Owner’s Property is not in compliance with the requirements of this Section, and notifying the Owner of corrections to Owner’s Property needed to bring it into compliance in a timely manner.

930.05.A.1.3 “E-One Pump System” means a Building Sewer that is pressurized by the use of an E-One Pump System. For purposes of this 930.05.A, Building Sewer includes a Building Sewer that utilizes an E-One Pump Systems and all provisions related to a Building Sewer set forth in this Section apply to a Building Sewer that utilizes an E-One Pump System.

930.05.A.1.4 “Inspection Report” means the report required to be provided to the Public Works Director by the Owner pursuant to Sections 930.05.A.4 of this Ordinance.

930.05.A.1.5 “New Use” means that development or redevelopment of a property for a different residential, business or industrial use evidenced by the requirement of a building permit issued by the Hermantown Building Official or by other official governmental actions for such use.

930.05.A.1.6 “Owner” means the person(s) or entities that own or hold the title to the Property served by the Public Sewer.

930.05.A.1.7 “Owner’s Property” means the Property owned by a person who owns Property served by the Public Sewer.

930.05.A.1.8 “Property” means the land served by a Public Sewer.

930.05.A.1.9 “Notice to Inspect” means the written notice sent to the Owner by the Public Works Director, which requires the Owner to obtain an Inspection Report and file it with the Public Works Director.

930.05.A.1.10 “Sump Pump” means the pump and discharging pipes designed to remove liquids from the Sump and discharge them away from the building foundation.

930.05.A.2 Certificate of Building Sewer Compliance. If the Owner needs to obtain a Certificate of Building Sewer Compliance pursuant to Section 930.05.A.3, the Owner shall

complete an application for a Certificate of Building Sewer Compliance on a form prescribed by the Public Works Director. At the time of application, the Owner shall pay the fees in the amount set from time to time by the City of Hermantown.

930.05.A.3 Building Sewer – Mandatory Inspections and Testing.

930.05.A.3.1 Events Requiring a Building Sewer Inspection. Except as provided by Section 930.05.A.3.2, an Owner, or if applicable, all Owners of a common Building Sewer, shall have the Building Sewer inspected at the Property Owner's expense when any of the following events occur:

930.05.A.3.1.1 If the Public Works Director sends the Owner a written Notice to Inspect for an imminent threat to public health and safety reasons, the Building Sewer must be inspected not later than the 30th day after the date the Notice to Inspect is provided to the Owner.

930.05.A.3.1.2 Upon a determination by the Public Works Director that the Owner of a structure with a new or existing connection to the Public Sewer must pay a Capacity Availability Fee as a result of a new use or anticipated wastewater flow increase calculated in accordance with the *WLSSD Capacity Availability Fee Procedures Manual* in effect at the time of the calculation.

930.05.A.3.1.3 Upon the proposed sale or the proposed transfer of title in Owner's Property, or substantial change in use in the Property, the Owner shall obtain a Building Sewer inspection.

930.05.A.3.1.4 Upon repair or replacement of any portion of a Building Sewer.

930.05.A.3.2 Exceptions. The following are exceptions to the Building Sewer inspection requirements provided in Sections 930.05.A.3.1.1 ad 930.05.A.3.1.4:

930.05.A.3.2.1 Structures that were constructed ten (10) years or less prior to any event listed in Section 930.05.A.3.1.3;

930.05.A.3.2.2 Structures that have a Building Sewer that was replaced, relined or installed within ten (10) years prior to the event listed in Sections 930.05.A.3.1.3 and 930.05.A.3.1.4 and the Owner provides the Public Works Director with documentation that the replacement, relining or installation was satisfactorily completed in the prior ten (10) years;

930.05.A.3.2.3 Structures not connected to the Public Sewer; or

930.05.A.3.2.4 The Owner replaces or relines the Building Sewer upon the occurrence of one of the events in Sections 930.05.A.3.1.1 and provides evidence of such replacement or repair satisfactory to the Public Works Director.

930.05.A.4 Building Sewer – Inspection Report – Requirements

930.05.A.4.1 Report Required. If an Owner is required to have an inspection performed for the Building Sewer under Sections 930.05.A.3.1.1 through 930.05.A.3.1.4, or voluntarily has an inspection conducted for the Building Sewer, an Inspection Report must be provided to the Public Works Director in the form set forth herein. The Inspection Report shall be prepared in a format acceptable to the Public Works Director. An Inspection Report is not required if the Owner relines or replaces the entire Building Sewer after the inspection, and provides written evidence to the Public Works Director proving that the relining or replacement was properly completed.

930.05.A.4.2 Inspection Report Standards. The Building Sewer Inspection Report required by Section 930.05.A shall be prepared in accordance with the following requirements and specifications:

930.05.A.4.2.1 The Inspection Report shall be prepared by a licensed plumber or professional approved by the City of Hermantown Public Works Department.

930.05.A.4.2.2 The Inspection Report shall identify all of the following:

930.05.A.4.2.2.1 Any and all defects that could allow unpolluted water into the Building Sewer or otherwise create a maintenance issue in the Public Sewer, including all of the inspection criteria listed in Section 930.05.A.4.3.

930.05.A.4.2.2.2 Whether any connection, by pipe or otherwise, allows unpolluted water to enter the Building Sewer or Public Sewer.

930.05.A.4.2.2.3 Date of the inspection.

930.05.A.4.2.2.4 Name of the person conducting the inspection, the license number of such person and the business employing the person.

930.05.A.4.2.2.5 A certification that the inspection of the Building Sewer was conducted using televised video.

930.05.A.4.2.2.6 A certification that no floor, roof, foundation and/or surface drains are physically connected to the Building Sewer.

930.05.A.4.2.2.7 If the Building Sewer was not able to be televised due to a blockage or debris in the Building Sewer, a certification that the Building Sewer was thoroughly cleaned prior to the video inspection.

930.05.A.4.2.2.8 If necessary, a recommended method for repair of the Building Sewer to eliminate any unpolluted water from entering into the Public Sewer.

930.05.A.4.3 Building Sewer Inspection Criteria. A Property complies with the provisions of this Section 930.05.A if the inspection verifies all of the following conditions:

930.05.A.4.3.1 The Building Sewer is free of roots, grease deposits, and other solids, which may impede or obstruct the transmission of sewage.

930.05.A.4.3.2 There are no improper or illegal connections to the Building Sewer such as sump pumps, down spouts or area drainage facilities.

930.05.A.4.3.3 All joints in the Building Sewer are tight and sound to prevent the exfiltration of sewage and the infiltration of groundwater, stormwater and rain water.

930.05.A.4.3.4 The Building Sewer is free of structural defects, cracks, breaks, or missing portions and the grade is reasonably uniform without major sags or offsets.

930.05.A.4.3.5 The Building Sewer is constructed with PVC sewer pipe or is relined and the Owner provides the Public Works Director with documentation that the relining was satisfactorily completed.

930.05.A.5 Compliance and Expiration.

930.05.A.5.1 Once a Certificate of Building Sewer Compliance is issued, that Building Sewer shall not require inspection for a period of ten (10) year from the date of issuance unless the Public Works Director has reason to believe the Building Sewer is in a defective condition.

930.05.A.5.2 A Certificate of Building Sewer Compliance is valid to be used for the transfer of property.

930.05.A.6 Correction Notice.

930.05.A.6.1 If an Inspection Report discloses that the use of the Property is not in accordance with the provisions of Section 930, a Correction Notice may be issued by the Public Works Director requiring corrections to the Property to bring it into compliance. The corrections must be completed within the time specified in the Correction Notice no later than 180 days from the date of the Correction Notice. Upon proof of satisfactory completion of the corrections, a Certificate of Building Sewer Compliance shall be issued.

930.05.A.6.2 A Correction Notice may be issued by the Public Works Director permitting transfer of title of the Property if the following conditions are met:

930.05.A.6.2.1 An agreement by the Owner and transferee has been executed whereby the Owner and transferee agree to complete corrections to the Property necessary to bring it within compliance of the provisions of Section 930 within one hundred eighty (180) days of the transfer of Property, and agree that if acceptable proof that the corrections have been made are not provided to the Public Works Director within one hundred eighty (180) days that the Property will be subject to surcharge in an amount to be determined from time to time by the City Council.

930.05.A.6.3 The Correction Notice is recorded with the County Recorder or Registrar of Title Office, as the case may be.

930.05.A.7 Failure to Comply; Penalty.

930.05.A.7.1 Owners not in compliance with this Section 930.05.A will be charged a monthly surcharge in an amount established from time to time by the City Council.

930.05.A.7.2 A surcharge in an amount set by separate resolution of the City Council is hereby imposed and added to every sewer billing to Owners who are not in compliance with the provisions of this Section 930.05.A. The surcharge shall be levied monthly on properties not complying with the provisions of this Section 930.05.A. This charge shall cease when the Property has been inspected and a Certificate of Building Sewer Compliance is issued by the Public Works Director.

930.05.A.7.3 The City may also enforce the terms of this Section 930.05.A in any manner it deems appropriate as allowed by applicable law.

930.05.A.7.4 A violation of the provision of this Section 930.05.A.7.4 is a misdemeanor.

(Ord. 2020-02, passed 3-2-2020)

930.06 Use of the Public Sewers.

930.06.1. Unpolluted Water. No Unpolluted Water such as storm water, ground water, roof runoff, surface drainage, cooling water, etc. may be discharged to the Sanitary Sewer. Such water must be discharged only to storm sewers or to natural outlets approved by the City and other regulatory agencies. Industrial cooling water may be discharged, on approval of the Engineer, to a storm sewer or natural outlet, subject to approval and the issuance of a NPDES Permit.

930.06.2. Septage. Remote facilities septage may only be discharged or deposited into the Sanitary Sewer at locations specifically designated by the WLSSD. No ISTS septage may be deposited in Public Sewers in the City.

930.06.3. Prohibited Substances. No person(s) may discharge or cause to be discharged any of the following substances in or to the Public Sewer:

930.06.3.1. Any liquids, solids or gases which by reason of their nature or quantity are, or may be, sufficient, either alone or by interaction with other substances, to cause fire or explosion or be injurious in any other way to the treatment facilities or to the operation of the treatment facilities. Prohibited materials include, but are not limited to, gasoline, kerosene, benzene, naphtha, fuel oil, toluene, xylene, ethers, alcohols, ketones, aldehydes, peroxides, chlorates, perchlorates, bromates, carbides, hydrides, and sulfides.

930.06.3.2. Any substance which either singly or by interaction with other waste will injure or interfere with any waste treatment process or Wastewater Treatment Facilities, constitute a hazard to humans or animals in spite of treatment, create a public nuisance or create a hazard in the receiving waters of the Wastewater Treatment Facilities, including but not limited to cyanides in excess of federal and state requirements.

930.06.3.3. Solid or viscous substances which may, either singly or by interaction with other wastes, cause obstruction to the flow in a sewer, or other interference with the proper operation of the treatment facilities such as, but not limited to, bone, fish heads, fish scales, fish entrails, ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, sanitary napkins, feathers, tar, plastics, wood, garbage which is not properly shredded garbage, whole blood, paunch manure, hair and fletching, entrails, and paper dishes, cups, milk containers, etc., either whole or ground by garbage grinders.

930.06.4. Other Discharges. No person may discharge or cause to be discharged the following described substance, materials, waters or wastes if it appears likely in the opinion of the Engineer and/or Public Works Director that such wastes can harm either the Sanitary Sewers, sewage treatment process, or Wastewater Treatment Facilities, have an adverse effect on the receiving waters, streams, soils, vegetation and ground water, or can otherwise endanger life, limb, public property, or constitute a nuisance. In forming his/her opinion as to the acceptability of these wastes, the Engineer and/or Public Works Director will give consideration to such factors as the district's NPDES Permit, the quantities of subject wastes in relation to the flow and velocities in the Sanitary Sewers, materials and construction of the Sanitary Sewers, nature of the treatment process, capacity of the Wastewater Treatment Facilities, degree of treatability of the Wastewater, and other factors deemed pertinent. The substances prohibited are:

930.06.4.1. Any Wastewater that would directly or indirectly result in a violation of the WLSSD's NPDES Permit.

930.06.4.2. Any liquid or vapor having a temperature higher than 150°F (65.6 °C), or causing, individually or in combination with other Wastewater, the influent at the treatment facilities to have a temperature exceeding 104°F (40°C), or having heat in amounts which will be detrimental to biological activity in the Treatment Facilities.

930.06.4.3. Any water or waste containing fats, wax, grease, oils, whether emulsified or not, in excess of 100 milligrams per liter or containing substances which may solidify or become viscous at temperatures between 32° and 150°F (65.6° C).

930.06.4.4. Any garbage that is not properly shredded garbage.

930.06.4.5. Any waters or wastes containing iron, chromium, copper, zinc, nickel, lead, cadmium, mercury, cyanide, PCBs, and similar toxic or objectionable substances to such degree that any such material received in the composite sewage at the Wastewater Treatment Facilities exceeds the limits established by the MPCA for such unusual materials.

930.06.4.6. Any waters or wastes containing phenols or other taste or odor producing substances, in such concentrations exceeding limits which may be established by the Public Works Director as necessary, after treatment of the composite sewage, to meet the requirements of the state, federal, or other public agencies of jurisdiction for such discharge to the receiving waters.

930.06.4.7. Any radioactive wastes or isotopes of such half life or concentration as may exceed limits established by the Public Works Director, in compliance with applicable state and federal regulations.

930.06.4.8. Materials which contain or cause, whether alone or by interaction with other substances, release of noxious gasses or form suspended solids (such as, but not limited to, fullers earth, lime slurries and lime residues) or of dissolved solids (such as, but not limited to, sodium chloride and sodium sulfate) that would interfere with the treatment facilities or create a condition deleterious to or cause disruption to the Wastewater Treatment Facilities and processes.

930.06.4.9. Materials which contain or cause excessive discoloration which cannot be removed in the treatment process (such as, but not limited to, dye wastes and vegetable tanning solution), excessive BOD, chemical oxygen demand, or disinfection requirements in such quantities as to constitute a significant load on the treatment facilities, except by permit or agreement.

930.06.4.10. Unusual volume of flow or concentration of wastes, which constitutes a slug.

930.06.4.11. Waters or wastes containing substances which are not amenable to treatment or reduction by the treatment process employed, or are amenable to treatment only to such degree that the treatment facilities effluent cannot meet the requirements or cause a violation of the regulations of the agencies having jurisdiction over discharge to the receiving waters or are amenable to treatment only by the application of extraordinary processes.

930.06.4.12. Wastewater with BOD or suspended solids levels greater than that defined as normal domestic strength waste, except as may be permitted by specific written agreement with the City.

930.06.4.13. Wastewater contaminated by petroleum oil, fuel, organic solvents, or other toxic organic compound which contains more than 1 milligram per liter (mg/l) of anyone of the following compounds; benzene, ethyl benzene, toluene, and xylene (BETX). The sum of these four compounds must not be over 3 mg/l. Diesel range organics (DRO) and gasoline range organics (GRO) must each be less than 100 mg/l each. Lead must be under 1 mg/l and mercury less than 0.3 ug/l. For hauled Wastewater the concentrations must be less than 3 mg/l each for BETX with the combined total less than 10 mg/l. DRO and GRO must be less than 100 mg/l, lead less than 1 mg/l, and mercury less than 0.3 mg/l.

930.06.4.14. Wastewater containing substances which cannot be treated to produce effluent quality required by agreement for wastewater treatment with WLSSD or causing a violation of any applicable local, county, state, or federal regulation.

930.06.4.15. Noxious or malodorous liquids, gases, or solids.

930.06.4.16. Water or waste containing substances which are not amenable to treatment or reduction by the wastewater treatment processes employed or are amenable to treatment only to such degree that the Wastewater Treatment Facilities effluent cannot meet the requirements of the NPDES Permit issued to the WLSSD or are amenable to treatment only by the application of extraordinary processes.

930.06.5. Grease, Oil and Sand Interceptors. In Addition to the requirements of Section 980, grease, oil, sand and flammable liquids interceptors (sometimes called traps) must be provided at the owner's expense when required by the Hermantown Building Code or when, in the opinion of the Public Works Director, they are necessary for the proper handling of liquid wastes containing floatable grease in excessive amounts, any flammable wastes, sand or other harmful ingredients. All interceptors must be of a type and capacity approved by the Public Works Director and must be readily and easily accessible for cleaning and inspection. The owner will be responsible for the maintenance of interceptors, including proper removal and disposal of the captured materials by appropriate means, and must maintain a record of dates and means of disposal that are subject to review by the City. Any material removal and hauling must be performed by the property owner's personnel or a currently licensed waste disposal firm and in compliance with all applicable laws and regulations.

930.06.6. Pretreatment. Where pretreatment or flow equalizing facilities are provided or required for any water or wastes, plans, specifications, and any other pertinent information relating thereto shall be submitted for approval of the City and the WLSSD and no construction of such facilities shall be commenced until approval in writing is granted. Where such facilities are provided, they shall be maintained continuously in satisfactory and effective operating order by the owner at the expense of the owner and may be subject to periodic inspection by the City and the WLSSD to determine that such facilities are being operated in conformance with the applicable federal, state and local laws, regulations and permits. The owner shall maintain operating records.

(Ord. 2006-11, passed 12-19-06) (Am. Ord. 2014-06, passed 6-16-2014)

930.06.7. Metering and Testing of Waste.

930.06.7.1. Metering and Testing Industrial Users. Where required by the City, industrial users must install and maintain, at their own expense, a suitable structure or control manhole with such necessary meters and other testing equipment needed to facilitate observation, sampling and measurement of wastewater. The manhole will be safe and accessible at all times and must be constructed in accordance with the plans and specifications approved by the Public Works Director and the WLSSD.

930.06.7.2. Laboratory Analysis. The City may require submission of laboratory analyses to illustrate compliance with this section and any special conditions for discharge established by the City or responsible regulatory agency. All measurements, tests and analyses to which reference is made in this section must be determined in accordance with the latest edition of *Standard Methods*. Sampling methods, location, times, duration and frequencies are to be determined on an individual basis by the City. The Industrial User must supply a complete analysis of the constituents of the wastewater discharge to assure that compliance with federal, state and local standards are being met. The industrial user must report the results of measurements and laboratory analyses to the City as such times and in such manner as prescribed by the City. The industrial user must bear the expense of all measurements, analyses, and reporting required by the City. At such times as deemed necessary, the City reserves the right to take its own measurements and samples for analysis by an independent laboratory.

930.06.7.3. Metering and Testing of Nonresidential and Commercial Users. The City, in its sole discretion may require nonresidential users and commercial users to install and maintain, at their own expense, a suitable structure or control manhole with such necessary meters and other testing equipment needed to facilitate observation, sampling and measurement of wastewater as required in section 930.06.7 for industrial users. The manhole must be installed by the owner at his/her expense, and must be maintained by him so as to be safe for use at all times.

930.06.7.4. Water Meters. Where required by the City, water meters must be installed on a user's water supply lines to facilitate measurement of wastewater generated. The City will own, supply, install and maintain meters. The City will set a fee by resolution or ordinance to cover the costs of installation, maintenance, meter readings, etc. The meters must be accessible to the City at all times.

930.06.8. Dilution of Discharges. No user may increase the use of process water or in any manner attempt to dilute a discharge as a partial or complete substitute for adequate treatment to achieve compliance with the limitations contained in this article, the National Categorical Pretreatment Standards and any state or local requirement.

930.06.9. Accidental Discharges.

930.06.9.1. Where required by the city, users must provide protection from an accidental discharge of substances regulated by this section. Where necessary, facilities to prevent accidental discharges of prohibited materials must be provided and maintained at the owners expense. Detailed plans and operating procedures of said facilities must be submitted to the Public Works Director for review and approval prior to construction of the facility. Approval of such plans and operating procedures will not relieve user from the responsibility of modifying the facility as necessary to meet the requirements of this section.

930.06.9.2. Users must notify the City and WLSSD immediately if a Slug or accidental discharge of wastewater occurs in violation of this section. Notification will allow measures to be taken to minimize damage to the treatment facilities. Notification will not relieve users of

liability for any expense, loss or damage to the treatment facilities, or for fines imposed on the community by any state or federal agency as a result of their actions.

930.06.10. Emergency Repairs. Notwithstanding anything in this section to the contrary, in the event of damage to sewers or the treatment facilities, which disrupts other users, the City may without notice repair such damage.

930.06.11. Special Agreements or Arrangements. No provision contained in this section shall be construed as preventing any special agreement or arrangement between the City and the WLSSD, and any industrial concern whereby an industrial waste of unusual strength or character may be accepted by the City and the WLSSD for treatment. Provided that any such agreement shall establish that charges to user shall be in accordance with the City established user charges.

(Ord. 2006-11, passed 12-19-06)

930.07. Damage to Wastewater Facilities Prohibited.

930.07.1. Prohibited Activities. No person shall maliciously or willfully break, damage, destroy, uncover, deface, or tamper with any structure, appurtenance, or equipment which is a part of the wastewater facilities. Any Person violating this provision shall be guilty of a misdemeanor, shall be subject to immediate arrest, and shall be liable to the City and the WLSSD for the cost of making necessary repairs occasioned by such violation. No person shall install any Building Sewer, Pump System or other component part thereof that is not compatible with the Public Sewer to which the Building Sewer is connected. The Engineer shall determine whether any Building Sewer, Pump System or any component part thereof is compatible with the Public Sewer to which it is proposed to be connected or is connected.

930.07.2. Deposits or Obstructions.

930.07.2.1. No person may permit any substance or matter that may form a deposit or obstruction of flow to be discharged into the Public Sewer. Whenever any service connection becomes clogged, obstructed, detrimental to the use of the Public Sewer, or unfit for the purpose of drainage, the owner must make repairs as directed by the City or the WLSSD.

930.07.2.2. If 48 hours after receiving written notice from the City the property owner has not commenced repairs, the City may have said work done and may collect such amounts from the property owner or, it may discontinue providing water service to such owner, it may block the service connection so that the Building Sewer is no longer connected to the Public Sewer or it may take any action it deems appropriate to cause such owner to make the required repairs.

930.07.3. Unauthorized Discharges.

930.07.3.1. In the event of discharges or proposed discharges to the Public Sewer that contain substances or possess characteristics prohibited in this section or which in the judgment of the Public Works Director and/or Engineer may have a deleterious effect on the treatment

facilities, processes, equipment, receiving waters, soils, vegetation, or which create a hazard or nuisance, the Engineer and/or Public Works Director may:

930.07.3.1.1. Refuse to accept the wastes.

930.07.3.1.2. Require pretreatment to an acceptable condition for discharge to the public sewers, pursuant to section 307(b) of the Clean Water Act and all addenda thereof.

930.07.3.1.3. Require control over the quantities and rates of discharge.

930.07.3.1.4. Require payment to cover all the added costs of handling, treating and disposing of wastes not covered by existing taxes or sewer access charges or sewer service charges.

930.07.3.2. If the Engineer and/or Public Works Director permits the pretreatment or equalization of flow, the design and installation of the plant and equipment are subject to review and approval by the district and subject to the requirements of all applicable federal and state codes, ordinances, and the National Categorical Pretreatment Standards.

(Ord. 2006-11, passed 12-19-06) (Am. Ord. 2014-06, passed 6-16-2014)

930.08 Powers and Authority of Inspectors.

930.08.1. Right of Entry. The Public Works Director and other duly authorized employees of the City and the WLSSD bearing proper credentials and identification shall be permitted to enter all properties for the purposes of inspection, observation, measurement, sampling and testing pertinent to discharge to the Public Sewer in accordance with the provisions of this section. The Public Works Director or other duly authorized employees of the City and the WLSSD shall be provided by users with such information concerning industrial processes as have a direct bearing on the kind and source of discharge to the Public Sewer.

930.08.2. Easements. The Public Works Director and other duly authorized employees of the City and WLSSD bearing proper credentials and identification shall be permitted to enter all private properties over which the City holds an easement for the purposes of, but not limited to, inspection, observation, measurement, sampling, repair, and maintenance of any portion of the Wastewater Treatment Facilities lying within said easement. All entry and subsequent work, if any, on said easement, shall be done in full accordance with the terms of the easement pertaining to the property involved.

(Ord. 2006-11, passed 12-19-06) (Am. Ord. 2014-06, passed 6-16-2014)

930.09 Penalties for Violation.

930.09.1. Violation Unlawful. It is unlawful for any person to violate any provision or to fail to comply with any of the requirements of this section 930.

930.09.2. Violation and Misdemeanor. Any person violating or found to have violated any provision of this section is guilty of a misdemeanor.

930.09.3. Fines and Penalties.

930.09.3.1. Any person who is convicted of a violation of this section 930 will be subject to a fine and/or imprisonment in an amount and/or for a term not to exceed the maximums allowed by state law. In either case, the costs of prosecution as permitted by Minnesota Statutes, Rules of Court for the District Courts of Minnesota and the Minnesota Rules of Criminal Procedure will also be imposed.

930.09.3.2. Each act of violation and every day on which any such violation continues is a separate offense.

930.09.4. Collection.

930.09.4.1. To collect delinquent sewer service charge accounts, the City may file a civil action suit or may certify unpaid charges and related expenses, including attorney's fees to the County Auditor with real estate taxes against the property served, for collection as other real estate taxes are collected.

930.09.4.2. In the event the City charges a user/owner for the cost of any work permitted under this section, and such amounts are not immediately paid by the user/owner, the City may certify unpaid penalties and charges and related expenses including attorney fees, to the County auditor with real estate taxes against the property served, for collection as other taxes are collected.

930.09.4.3. City may, from time to time, establish penalties for nonpayment of amounts due City from a user of the City's Sanitary Sewer System.

930.09.4.4. The landowner and the property served by a Public Sewer are obligated to pay any amounts due with respect to the Public Sewer serving such property and related to any violation of this section 930.

930.09.4.5. The provisions of this section 930.09.4 are in addition to and not a substitute for the provisions of section 920.06 of the Hermantown Ordinance Code. The remedies available to the City under section 920.06 of the Hermantown City Code are available to collect amounts due the City under this section 930.

930.09.5. Liability. Any person violating any of the provisions of this section will become liable to the City for any expense, loss or damage occasioned by the City by reason of such violation including attorney's fees.

930.09.6. Delinquent Sewer Accounts. All charges for sewer service shall be paid on or before the bill due date and shall be delinquent 30 days thereafter. Once delinquent, the City will follow its past due procedure, which includes notification, opportunity to discuss, and timing on

possible disconnection. It shall be the duty of the City to promptly collect delinquent accounts, and in all cases where satisfactory arrangements for payment have not been made, the past due procedure will be followed. All delinquent accounts shall be certified to St. Louis County to be paid on the following year's property taxes. The Clerk shall prepare an assessment roll each year providing for assessment of the delinquent accounts against the respective properties served.

930.09.7. Enforcement Alternatives. Notwithstanding any provision in this section to the contrary, the City may use any remedy or alternative available in law or statute in the enforcement of this section, including, without limitation, criminal or civil actions, enforcement of the Hazardous and Substandard Buildings Act, M.S. sections 463.15 through 463.261, which is incorporated by reference as though fully set forth herein, discontinuing water or sewer service to the property relating to a violation of this section 930 and exercising the remedies available to the City under section 920.06 of the Hermantown City Code.

930.09.8. Remedies Cumulative. Any remedies or penalties provided in this section are cumulative and in addition to any other remedies, either in law or equity, that may be available to City.

📖 **Section 940 – Water and Water Utility**

940.01 Definitions.

940.01.1. “Assessment” shall mean basic charge required as a prerequisite to obtaining water service.

940.01.2. “Commission” shall mean the City Utility Commission.

940.01.3. “Department” shall mean the Utility Department in the City.

940.01.4. “Industrial” shall mean diversified use of a property other than strictly residential.

940.01.5. “Service installation” shall mean installation of a water service line from the water main to a curb stop and box (shutoff valve).

940.01.6. “Water availability charge or WAC” shall mean the fees and charges, if any, established from time to time by the City Council for access or connection to the City water main.

940.01.7. “Water service” shall mean water furnished by the Department.

940.02 Purpose and Application. The waterworks owned by the City are declared to be and to constitute a public utility of the City, owned, operated, maintained, improved, extended and administered as an undertaking to be known as the “Water Utility.” The properties of the Water Utility shall include all systems, works, instrumentalities, equipment, materials, supplies, water mains, pumping stations, and all other parts and appurtenances of the foregoing which are useful or used in connection with the distribution of water.

940.03 Scope of Utility. The properties of the Water Utility and all future improvements, extensions and enlargements thereof, together with all cash and other assets held in the Water Utility shall be appropriated and dedicated to the purpose of insuring the public health, safety and welfare by furnishing and making available water service to the City and its inhabitants and businesses. The Water Utility, and all of the assets of the Water Utility shall at all times be under the management and control of the City Council.

940.04 Policy in Regard to Improvements, Enlargements and Extensions. The City Council shall use the Financial Management Plan and other appropriate methodologies for the City as the principal guide for water extension decisions.

940.05 Use of Water Restricted to Authorized Persons. No person, firm or corporation shall make, construct or install any water service installation, or make use of any water service connected to the City water system except pursuant to application and permit as provided in this section, nor shall any person, firm or corporation otherwise make, construct, install or make use of any installation connected to the City water system contrary to the regulatory provisions of this section.

940.06 Applications.

940.06.1. All requests for water service installation or transfer of water service shall be made to the Utility Department utilizing the appropriate form.

940.06.2. All applications for service installation to the property adjacent to an existing main shall be made by the owner of the property requesting service, or by his or her duly authorized agent, and shall state the size of service connection required by the Department, and the applicant shall, at the time of making application, pay to the Department the amount of the assessment, fees or deposits required for the service installation as provided in this section.

940.06.3. A permit shall be obtained by an approved, licensed contractor through the City.

940.07 Service Charges.

940.07.1 Service Installation Charges.

940.07.1.1. The service installation charge periodically approved by the Council to be paid prior to water meter installation for routine water service shall include the cost of tapping the water main, installation of the corporation cock and installation of a water meter up to two inches in size which shall be performed by City employees. The service line installation from the corporation cock to the water service in the improvements on the property including the curb stop and box, shall be performed by the applicant at the applicant's expense, under the direction and inspection of the Department. Any property with unique circumstances that result in excess time and labor expenses will be billed additional costs as calculated by the Public Works Director.

940.07.1.2. All service line pipes, stop cocks and other fixtures from the main line shall be laid and attached, kept in good repair, and protected from frost, at the expense of the owner of the property, but the service line shall remain under the control of the City.

940.07.2 Turn on Water. A service charge shall be made for turning on water where service has been turned off for nonpayment of bills to the Department, failure to repair a leak, discontinuance of service or any other cause.

940.08 Assessments.

940.08.1. All assessments hereunder shall be made consistent with the procedures set forth in the City's Assessment Policy found in the Handbook for the City of Hermantown.

940.08.2. An assessment for the water main and appurtenant facilities shall be paid for each installation made.

940.08.3. The above charges due and payable to the City by each applicant either within or without the City for water main assessment when water service is made from the City water system or from any other governmental water system operating within the jurisdictional boundaries of the township shall, from time to time, be adjusted and fixed by the Council.

940.08.4. Any part or parcel of industrial property, as defined in this section, removed therefrom and supplied by water therefrom shall thereupon and at that time be subject to payment of its appropriate assessment and other charges. It shall be the sole responsibility of the holders of industrial properties, as defined in this section, to notify the City prior to any such removal, sale or transfer of property.

940.08.5. Water Availability Charge. The City shall impose a water availability charge ("WAC") for any new connections to an existing City water main where such property has not been previously connected or assessed for the cost of the main. The purpose of the WAC is to provide funds for the waterworks and the payment of capital charges used to finance the additions or expansions to the facilities and the payment of reasonable reserves for repair. The amount of the WAC shall be determined by the City pursuant to Minnesota Statutes Section 444.075.

940.09 Water Rates.

940.09.1 Council Sets. The rates due and payable to the Department by each water user either within or without the City of Hermantown for water taken from the City water system shall, from time to time, be fixed by the Council.

940.09.2 Construction and Temporary Uses. When water is desired for construction purposes or other temporary uses, the owner shall contact the Utility Department pursuant to the provisions of this section. The rates shall be fixed by the Council.

940.09.3 Meter Readings. Meters are read electronically by the City on a monthly basis.

940.09.4 Fire Service.

940.09.4.1. Should it be found that water not metered is used through a fire connection for any purpose other than the extinguishing of fire upon the premises, the owner and occupant shall be notified and if such improper conditions shall not be corrected within five days, the water shall be shut off until proper adjustments shall be made, and the owner shall be subject to the penalties as provided in this section.

940.09.4.2. Regular inspections shall be made of all fire service connections with all piping, fire gates and other attached appurtenances.

940.09.4.3. Authorized agents shall have access to the premises for the inspection and shall keep a record of all inspections made.

940.10 Delinquent Water Accounts. All charges for water service shall be paid on or before the bill due date and shall be delinquent 30 days thereafter. Once delinquent, the City will follow its past due procedure, which includes notification, opportunity to discuss, and timing on possible disconnection. It shall be the duty of the City to promptly collect delinquent accounts, and in all cases where satisfactory arrangements for payment have not been made, the past due procedure will be followed, which may result in shutting off the water at the stop box. All delinquent accounts shall be certified to St. Louis County to be paid on the following year's property taxes. The Clerk shall prepare an assessment roll each year providing for assessment of the delinquent accounts against the respective properties served.

940.11 Discontinuance of Service for Ordinance Violations. Water service may be shut off at any stop box connection whenever:

940.11.1. The owner or occupant of the premises served, or any person working on the pipes or equipment thereon which are connected with the water supply system, has intentionally violated any of the requirements or provisions of the ordinances of the City relative to the water supply system.

940.11.2. The owner or occupant of the premises served threaten to violate or cause to be violated any of the requirements or provisions of the ordinances of the City relative to the water supply system.

940.11.3. Any charge for water, service, meter or any other financial obligations imposed on the present or former owner or occupant of the premises served, by the provisions of this section, is unpaid.

940.11.4. Fraud or misrepresentation is committed by the owner or occupant in connection with an application for service.

940.11.6. The owner and occupant of the premises served has violated any of the requirements or provisions of this section or other applicable code provision.

940.12 Deficiency of Water and Shutting off Water. The Department shall not be liable for any deficiency or failure in the supply of water to consumers, whether occasioned by shutting water off for the purpose of making repairs or connections, or from any other cause whatever. In case of fire, or alarm of fire, water may be shut off to insure a supply for firefighting; or in making repairs or construction of new works, water may be shut off at any time and kept shut off so long as necessary.

940.13 Turning on Water. No person, except an authorized Department employee, shall turn on any water supply at the stop box without a permit from the Department.

940.14 Supply from One Service. No more than one residential or commercial establishment shall be supplied from one service installation except by a special permission of the City Council. Whenever two or more parties are supplied from one pipe, connecting with the distribution main, each building shall have a separate stop and box and a separate meter.

940.15 Tapping of Mains Prohibited. No person except an agent authorized by the Department shall tap any distributing main or pipe of the water supply system, or insert stop cocks or ferrules therein.

940.16 Ownership of Service Line. The service line from the house to but not including the stop cock is owned by the benefitted property. The service line from and including the stop cock to the main is owned by the City utility.

940.17 Repair of Service Line. It shall be the responsibility of the owner and/or occupant of the property served by a water service line to maintain the service line, including the curb stop and box, from the corporation cock into the house or building. If such owner and/or occupant shall fail to repair any leak occurring in the service line within 24 hours after verbal or written notice shall have been given to the owner or occupant of the property, as reflected in the records of the Department, the water service shall be turned off and shall not be reestablished until all applicable fees have been paid. When the water being discharged from the service line is substantial or when damage is likely to result from the leak, the water service shall be turned off if the repair shall not be commenced immediately upon the giving of the notice.

940.18 Abandoned Services; Penalties.

940.18.1. All service installations connected to the water system, that have been abandoned or have not been used for three years or, for any reason, have become useless for further service, shall be disconnected at the main by the Department, and all pipe and appurtenances shall be the property of the City.

940.18.2. When new buildings are erected on the site of old ones, and it is desired to increase or change the old water service, no connections with the mains shall be given until all the old service shall have been removed and the main plugged. If any contractor, workman or employee upon the building shall cause or allow any service pipe to be hammered together at the ends to stop the flow of water, or to save expense in removing the pipe from the main, the owner of the building, the workman and contractor shall, upon conviction thereof be subject to the penalties

set forth in 940.29, and shall remove the service pipe from the main. If he or she shall fail to do so within 24 hours of notice he or she shall be obligated to pay the Department the cost incurred by it for the removal.

940.19 Service Pipes.

940.19.1. The size and type of all service pipes shall be verified by the City.

940.19.2. All service pipes shall meet the City of Hermantown Standard Specifications for Construction. Every service pipe shall be laid sufficiently waving to allow not less than one foot of extra length and in such a manner as to prevent rupture by settlement. The service pipe shall be placed not less than seven feet below the final graded surface, except as authorized by the Department, and in all cases so arranged as to prevent rupture by freezing.

940.19.3. Service pipes shall extend from the curb box to the inside of the building; or if not taken into a building then to the hydrant or other fixture which it is intended to supply. A shut-off or other stop cock with waste valve of the size and strength required shall be placed close to the inside wall of the building well protected from freezing.

940.19.4. All services over two inches shall be cast iron except as authorized by the Department. Connections with the mains for domestic supply shall be at least ¾-inch to one inch.

940.20 Water Meters.

940.20.1. Except for extinguishment of fires, no person except an agent authorized by the Department shall use water from the water supply system of the City or permit water to be drawn therefrom, unless the same be metered by passing through a meter supplied or approved by the Department. No person not authorized by the Department shall connect, disconnect, take apart, or in any manner change, or cause to be changed, or interfere with any such meter or the action thereof.

940.20.2. The Department shall maintain and repair all meters when rendered unserviceable through ordinary wear and shall replace them if necessary. However, where replacement, repair or adjustment of any meter is rendered necessary by the act, neglect or carelessness of the owner or occupant of any premises, including frozen meters. Any expenses incurred by the City due to neglect or carelessness of the owner or tenant may be charged against and collected from the water consumer or owner of the premises and water service may be discontinued until the cause shall be corrected and amount charged collected.

940.20.3. Inaccurate Water Meters. If any water meter is not working or in the judgment of the Public Works Director not making proper water measurement, the meter shall be repaired or replaced. The amount of water to be charged for the period of time that the meter was not making proper measurement shall be set by the City based on the customer's prior usage. Appeals of the Public Works Director's determination shall be heard by the Utility Commission.

940.20.4. All water meters shall be and remain the property of the Department, and may be removed or replaced or changed as to size and type by the Department whenever deemed necessary.

940.20.5. Department employees delegated for that purpose shall have free access at reasonable hours of the day to all parts of every building and premises connected with the City water supply system for reading of meters and inspections. The Department shall be authorized to make adjustments in water charges where in its opinion the amount billed shall be erroneous due to meter deficiency or other mistake.

940.20.6. Temporary Meters. For construction purposes by a licensed contractor, uses that do not discharge into the public sewer system, the Department may issue a temporary water meter for use on a construction site or on a City hydrant. The rate for the rental of the temporary meter shall be set in the City's Fee Schedule.

940.20.7 Irrigation Meters. An irrigation meter may be connected to separately measure water used for irrigation that will not otherwise go into the public sewer system. An irrigation service line, the irrigation meter, and related appurtenances shall be installed in accordance with the same regulations, policies, and procedures that apply to non-irrigation meters. The cost for an irrigation meter shall be set in the City's Fee Schedule.

940.21 Water Meter Setting. All water meters hereafter installed shall be in accordance with the following rules:

940.21.1. The service pipe from the stop and box to the meter, when the service pipe enters the building, shall be brought through the floor in a vertical position unless otherwise authorized by the Department. The stop and waste valve shall be installed about 12 inches above the floor.

940.21.2. The meter shall be located so that the bottom is from six to 12 inches above the finished floor line. The meter shall be set not more than 12 inches measured horizontally from the inside line of the wall, unless an alternate method shall be approved by the Department. A suitable bracket to support the meter in a proper vertical position and to prevent noise from vibration shall be provided.

940.21.3. All meter installations shall have a stop and waste valve on the street side of the meter. In no case shall there be more than 12 inches of pipe exposed between the point of entrance through the floor and the stop and waste valve. A stop and waste valve shall also be installed on the house side of the meter, and shall be within 12 inches of the meter.

940.21.4. The water pipe connecting with the stop and box shall not be run under any floor for a distance of more than two feet, measured from the inside of the wall, before being connected to the water meter, unless otherwise authorized by the Department.

940.21.5. All connections or devices for setting ¾-inch and one-inch meters shall be of copper pipe or tubing from the terminus of the service pipe up to and including the house side stop and waste valve.

940.22 Use of Fire Hydrants. No person except the Public Works Director or his or her agent or the Fire Department shall operate fire hydrants or interfere in any way with the City water system without first obtaining authority to do so from the Department.

940.23 Private Water Supplies. No water pipe of the City water supply system shall be connected with any pump, well or tank that is connected with any other source of water supply and when such are found the Department shall notify the owner to disconnect the same, and if not done immediately, the water supply shall be turned off forthwith. Before any new connection to the City's system shall be permitted, the Department shall ascertain that no cross connections shall exist when the new connection is made.

940.24 Use Confined to Premises. No person shall permit water from the City's water supply system to be used for any purpose except upon his or her own premises, as described in his or her original water service application.

940.25 Connections Beyond City Boundaries. In any and all cases where water mains of the City have been or shall be extended to or constructed in any road, street, alley or public highway adjacent to or outside the City limits, the Department shall be hereby authorized to issue permits to the owners or occupants of properties adjacent to or accessible to, the water mains to tap connections with the water mains of the City in conformity with and subject to all the terms, conditions and provisions of the ordinances of the City relating to the tapping of the City water mains and making water service pipe connections therewith, and to furnish and supply water from the water works system of the City to the owners and occupants of properties adjacent or accessible to the water mains of the City through and by means of water meters duly installed. Water service rendered to such persons shall be subject to all provisions of this section, and persons accepting the service shall thereby agree to be bound and obligated by the section.

940.26 Restricted Hours for Sprinkling and Other Uses. Whenever the Department shall determine that shortage of water supply threatens the City, it may give notice that the times and hours during which water from the City water supply system may be used for lawn and garden sprinkling, irrigation, car washing, air conditioning or other uses specified therein are limited, a copy of the notice shall be posted at city hall, public service announcements and the police and fire buildings. Two days after the posting of the notice, any water customer who shall cause or permit water to be used in violation of the provisions of the notice shall be charged per the City fee schedule for each day of the violation, which charge shall be added to his or her next water bill. Continued violation shall be hereby prohibited and shall be cause for discontinuance of water service.

940.27 Private Wells. Private wells may be maintained and continued in use after connection is made to the City water system provided there shall be no cross-connection between the private well and City water supply at any time.

940.28 Permitting Use by Others. No person shall permit water from the City water supply system to be used for any purpose except upon his or her own premises except in emergency and then only if permission shall be first obtained from the Department. Contractors or others

desiring to obtain water from hydrants for construction purposes shall make written applications to the Department for the service.

940.29 Charges to be Set. The Council shall establish, by resolution, all charges required pursuant to the provisions of this section, including but not necessarily limited to:

940.29.1. Service installation charges pursuant to 940.07.1;

940.29.2. Charges for turning on water pursuant to 940.07.2;

940.29.3. Assessments pursuant to 940.05.2;

940.29.4. Water rates pursuant to 940.07.1;

940.29.5. Service charges for disconnection pursuant to 940.18; and

940.29.6. WAC charges and water availability charge.

📖 **Section 950 - Fire Hydrants, Mains and Valves**

950.01 Unauthorized Use. It shall be unlawful for any unauthorized person to open or shut any service cock or fire hydrant or remove or unscrew, wholly or partially, the cap from such fire hydrant.

950.02 Tampering and Damage. It shall be unlawful for any unauthorized person to modify, tamper with or damage any valve, main, fire hydrant or any other part of the City water system.

📖 **Section 960 - Street Lighting and Traffic Signal Utility**

960.01 Purpose and Intent. The purpose and intent of this section is to establish a street lighting and traffic signal system (“Utility”) in order to help protect the health, safety, and welfare of the City's citizens, visitors and the general public by providing for the construction and maintenance of facilities to cast light on to municipal streets so as to promote safe travel for vehicles and pedestrians and providing for the construction and maintenance of traffic signals to control traffic flow at certain intersections. The Utility created hereby is not intended to provide security lighting for private parties.

(Ord. 2003-04, passed 7-7-03)

960.02 Creation of Utility. The street lights and traffic signals owned or to be owned by the City are declared to be and constitute a public utility of the City, to be known as the Street Lighting and Traffic Signal Utility, herein after referred to as (“Utility”). The properties of the Utility shall include all systems, works, instrumentalities, equipment, materials, supplies, lights, poles, wires, cables, conduits and all other parts and appurtenances of the foregoing which are

useful or used in connection with the operation and maintenance of street lights and traffic signals. The Utility shall at all times be under the management and control of the City Council.

(Ord. 2003-04, passed 7-7-03)

960.03 Creation of Fund. There is hereby created a Street Lighting and Traffic Signal Utility Fund herein (“Fund”), into which all charges and monies collected under Ordinance No. 2003-03 will be deposited. The Fund shall at all times be under the management and control of the City Council.

(Ord. 2003-04, passed 7-7-03)

960.04 Costs. The cost of installation of street lights and traffic signals on existing streets shall be the responsibility of the City. The cost of installation of street lights and traffic signals in new subdivisions shall be the responsibility of the developer of a new subdivision. The developer of such new subdivision shall also be responsible for the operation and maintenance costs of street lights until the roads and lighting systems within the development are accepted by the City. The Fund will be used to pay for expenses of installation that are the responsibility of the City, and to pay for maintenance and operation of the street lights and traffic signals owned or accepted by the City.

(Ord. 2003-04, passed 7-7-03)

960.05 Determination of Installation Sites. Street lights and traffic signals shall only be installed by the City where two or more public streets join or cross. The determination of the order of installation of street lights and traffic lights shall be at the discretion of the City Council. The installation sites for street lights and traffic signals shall be determined by the City Council.

(Ord. 2003-04, passed 7-7-03)

960.06 City Liability. The City shall not be liable for injury or damage to persons or property caused by any decision made by the City Council pursuant to this section relating to the installation or non-installation of street lights or traffic signals, any failure of any street light or traffic signals or any other matter relating to the street lights or traffic signals under the control of the Utility.

960.07 Tampering. No person shall maliciously, willfully, or negligently break, damage, destroy, uncover, deface, or tamper with any structure, appurtenance, or equipment which is part of the Utility.

960.08 Access. The Public Works Director or any other duly authorized employee of the City bearing proper credentials and identification, shall to the fullest extent of the law, be permitted to enter all properties for the purposes of inspection, observation, measurement,

(Ord. 2003-04, passed 7-7-03)

📖 Section 970 – Locating Sewer and Water Laterals

970.01 Definitions.

970.01.1 Scope. The terms used in this section have the meanings given them.

970.01.2. "Locate" means an operator's markings of an underground facility.

970.01.3. "Meet," when used as a noun in this section, refers to a meeting at the site of proposed excavation requested at the time of notice by the excavator with all affected underground facility operators to further clarify the precise geographic location of excavating, schedule locating, propose future contacts, and share other information concerning the excavating and facilities.

970.01.4. "Public right-of-way" means the area on, below, or above a public roadway, highway, street, cart way, bicycle lane, and sidewalk in which a government unit has an interest, including rights-of-way dedicated for travel purposes and utility easements of government units.

970.01.5. "Service lateral" means an underground facility that is used to transmit, distribute, or furnish gas, electricity, communications, or water from a common source to an end-use customer. A service lateral is also an underground facility that is used in the removal of wastewater from a premises.

970.01.6. "Locating wire" shall mean:

970.01.6.1. For a sanitary sewer lateral installed by open trench a green jacketed direct burial #12 AWG steel core high strength tracer wire.

970.01.6.2. For a sanitary sewer installed by directional boring a green jacketed direct burial #12 AWG solid steel core extra high strength horizontal directional drill tracer wire.

970.01.6.3. For a water lateral installed by open trench a blue jacketed direct burial #12 AWG steel core high strength tracer wire.

970.01.6.4. For a water lateral installed by directional boring a blue jacketed direct burial #12 AWG solid steel core extra high strength horizontal directional drill tracer wire.

(Ord. 2005-16, passed 1-9-06)

970.02 Public Right-of-Way Mapping and Installation.

970.02.1 Duty of City to Map. After December 31, 2005, the City shall maintain a map, a diagram or drawing, or geospatial information regarding the location of any service lateral within a public right-of- way installed after that date.

970.02.2 Duty to Install Locating Wire. After December 31, 2005, the City shall install a locating wire or have an equally effective means of marking the location of each nonconductive service lateral within a public right-of-way installed after that date. This requirement does not apply when making minor repairs to an existing nonconductive facility. As applied to this chapter, "minor repairs" means repairs to or partial replacement of portions of existing service laterals located within a public right-of-way for purposes of routine maintenance and upkeep.

(Ord. 2005-16, passed 1-9-06)

970.03 Locating a Service Lateral.

970.03.1 Location of Service Laterals. After December 31, 2005 the City shall locate that portion of a service lateral within a public right-of-way installed after that date up to the point where the service lateral first leaves the public right-of-way.

970.03.2 Exception. The City is not required to locate a service lateral of a person who currently participates in the statewide notification system, provided the person and City mutually agree that the person will assume locate responsibilities. The agreement must be in writing.

970.03.3 Pre-Existing Service Laterals. City shall advise that there is no information readily available for the locate of any service laterals installed prior to December 31, 2005 unless the information required to be maintained with respect to such service laterals after December 31, 2005 is available to the City for the service lateral to be located.

(Ord. 2005-16, passed 1-9-06)

970.04 Private Service Laterals.

970.04.1 Locating Wire Required. After December 31, 2005 the owner of any property upon which a water or sanitary sewer lateral is installed shall install a locating wire that marks the location of each underground non-conductive lateral from the connection to the public sewer main or public water main, as the case may be, to the building served by such lateral.

970.04.2 Map Required. After December 31, 2005 the owner of any property upon which a water or sanitary sewer lateral is installed shall provide the City upon complete of the installation of such lateral with a map on paper and electronically in auto-cad format showing the location of each such lateral installed on the property of such owner.

(Ord. 2005-16, passed 1-9-06)

970.05 Rules Governing Connections to City Water and Sewermains.

970.05.1 City To Be Present. No connections to a City water main or a City sewer main shall be made unless an employee of the City Utilities Department is present at the time such connection is made.

970.05.2 Conductivity Established. No connection to the City water main or City sewer main shall be made until the conductivity of the City sewer main or City water main, as the case may be, and the proposed lateral is determined by the owner and City.

(Ord. 2005-16, passed 1-9-06)

970.06 Trenchless Installations. The following rules shall apply to trenchless installations within the City:

970.06.1. An excavation permit shall be required prior to the start of construction.

970.06.2. The excavation must pothole or open cut when crossing all sewer and water laterals.

970.06.3. Trenchless excavations more than four feet below grade are prohibited without a specific permit to do so being obtained from the City.

970.06.4. Trenchless excavations shall comply with all requirements set forth in M.S. Chapter 2160 and Minnesota Rules Chapter 7560.

(Ord. 2005-16, passed 1-9-06)

970.07 Compliance.

970.07.1 Evidence of Compliance Provided. Owners or their contractors shall submit to the City Utilities Department evidence satisfactory to the City Utilities Department of compliance with the provisions of 970.04, 970.05 and 970.06.

970.07.2 Penalty. A failure by any owner or contractor to provide prompt and accurate information on the location of service laterals or a failure to comply with the provisions of 970.04, 970.05 and 970.06 may result in the revocation of any permit issued for the work or constitute the basis for refusal to issue permits to such person or his, her or its subcontractors for future work.

(Ord. 2005-16, passed 1-9-06)

Section 980 – Fats, Oils and Grease

980.01 Purpose. The purpose of this Section 980 is to establish standards for the reduction of FOG discharged to the City Sewer System. Food service facilities (which are referred to as FSFs or FOG Generating Facilities in this Section 980) are the primary source of FOG entering the City Sewer System. This Section 980 requires FOG generating facilities take certain steps to minimize the amount of FOG that enters the City Sewer System. This Section 980 provides for the enforcement of the terms and provisions of this Section 980 and specifies penalties of various types including sewer service surcharges for non-compliance with its terms. This Section 980 is intended to protect the health, welfare and safety of the public and the environment by requiring the reduction of FOG entering the City Sewer System.

980.02 Definitions.

The following words and phrases when used in this Section 980 shall have the meanings given to them in this Section 980.02 unless the context clearly requires otherwise.

980.02.01 “Best Management Practices or BMPs” means management practices that offer the most effective and practicable means to prevent or reduce the introduction of FOG to the City Sewer System. FOG BMPs are set forth in the FOG Manual.

980.02.02 “Building Official” means the individual appointed by the City Council to act as the City’s Building Official.

980.02.03 “Captured Material” means the material removed from Grease Traps and/or Grease Interceptors as a result of maintenance performed pursuant to the terms of this Section 980.

980.02.04 “City” means the City of Hermantown, St. Louis County, Minnesota.

980.02.05 “City Council” means the City Council of the City of Hermantown.

980.02.06 “City Sewer System” means the City of Hermantown waste water collection and transport system and stormwater collection and transport system.

980.02.07 “FOG” means material, either liquid or solid, composed primarily of fat, oil or grease from animal, vegetable or mineral sources.

980.02.08 “FOG Generating Facility” means a User of City Sewer System that generates or potentially generate FOG that can be discharged to the City Sewer System.

980.02.09 “FOG Manual” means the most recent Fats, Oils and Grease Control Manual that has been approved by resolution by the City Council.

980.02.10 “FOG Prevention Plan Certificate” means a certificate issued by the Public Works Director for existing FOG Generating Facilities or issued by the Building Official for FOG Generating Facilities that are new construction or remodeled indicating that the FOG Prevention Plan for a FOG Generating Facility has been reviewed and approved.

980.02.11 “FSF” means a food service facility of any kind and includes the following types of establishments: full service restaurants, fast food restaurants, delicatessens, cafeterias, school cafeterias, church kitchens, hospitals and medical facilities, boarding houses, clubhouses, adult daycare facilities, assisted living facilities, convalescent homes, meat distributors and processing facilities, food processing facilities, grocery stores with food preparation/service areas, bakeries, caterers and or other similar types of operations with commercial kitchen equipment.

980.02.12 “Grease Interceptor” means a device designed to remove FOG other than a Grease Trap.

980.02.13 “Grease trap” means a device designed to remove FOG located within the kitchen of a FOG generating facility.

980.02.14 “Landowner” means the person identified as the taxpayer on the most recent real estate tax statement for the real estate upon which a FOG Generating Facility is located.

980.02.15 “Maintenance Records” means a written report of any and all maintenance activities performed on any Grease Interceptor or Grease Trap.

980.02.16 “New Construction” means a FOG Generating Facility that applies for a building permit for the construction of a new FOG Generating Facility or that applies for a building permit to convert an existing building to a FOG Generating Facility.

980.02.17 “Person” means any individual, firm, company, association, society, corporation (municipal or otherwise) or other legal entity.

980.02.18 “Public Works Director” means the official of the City who is authorized to enforce this section, or his/her authorized deputy, agent or representative.

980.02.19 “Remodeling” means a physical change or operational change to a FOG Generating Facility that involves any one or combination of the following: (1) any change in plumbing in the food processing area, (2) a 30% increase in the net public seating area, (3) a 30% increase in the size of the kitchen area, or (4) any change in the size or type of food preparation equipment.

980.02.20 “Stop Work Order” means an order that is issued by the Building Official which requires that all construction activity on a site be stopped.

980.02.21 “User” means any person who/which discharges wastewater to the City Sewer System.

980.02.22 “WLSSD” means the Western Lake Superior Sanitary District, a public corporation and political subdivision of the State of Minnesota established by Chapter 478, Laws of Minnesota, 1971, now codified as M.S. Chapter 458D.

980.03 Relationship to Other Laws, Ordinances and Private Agreements.

980.03.01 Compatibility with Other Laws and Ordinances. This Section 980 is not intended to interfere with, abrogate, or annul any other ordinance, rule or regulation, statute, or other provision of law. The requirements of this Section 980 should be considered minimum requirements, and where any provision of this Section 980 imposes restrictions different from those imposed by any other ordinance, rule or regulation, or other provision of law, whichever provisions impose higher protective standards for human health, safety or general welfare or the environment shall be considered to take precedence.

980.03.02 Private Agreements. This Section 980 is not intended to revoke, repeal or modify any easement, covenant, or other private agreement. The existence of any private agreement, easement or covenant does not preclude the application of the provisions of this Section 980.

980.04 Severability. If the provisions of any article, section, subsection, paragraph, subdivision or clause of this section shall be judged invalid by a court of competent jurisdiction such order or judgment shall not affect or invalidate the remainder of any article, section, subsection, paragraph, subdivision or clause of this section.

980.05 Minimum Requirements.

980.05.01 All FOG Generating Facilities must implement a FOG control program that includes the BMPs contained in Chapter 3 of the FOG Manual. FOG Generating Facilities that are in existence on the initial effective date of this Section 980 must implement the FOG control program on or before April 1, 2012. FOG Generating Facilities that include a newly constructed FOG Generating Facility or a remodeled FOG Generating Facility must comply with the provision of Section 980.06 before a building permit for the new construction or remodeling is issued by the Building Official.

980.05.02 All FOG Generating Facilities are subject to the inspection provisions contained in this Section 980.

980.06 FOG Prevention Plan.

980.06.01 New Construction: A FOG Prevention Plan shall be provided to the Building Official with the User's application for a building permit for the new construction of a FOG Generating Facility. No building permit application for new construction of a FOG Generating Facility will be considered until the required FOG Prevention Plan is submitted and approved by the Building Official.

980.06.02 Remodeling. A FOG Prevention Plan shall be provided to the Building Official with the User's application for a building permit for the remodeling of a FOG Generating Facility. No building permit application for remodeling will be considered until the required FOG Prevention Plan is submitted and approved by the Building Official.

980.06.03 Existing FOG Generating Facilities. A FOG Prevention Plan must be prepared and be submitted to the Public Works Director as follows:

980.06.03.1 If the Public Works Director, determines the discharge of FOG from the FOG Generating Facility has or is creating restrictions in the City Sewer System or is causing additional City Sewer System maintenance costs.

980.06.03.2 The Public Works Director shall make his/her determination to require a User to prepare and submit a FOG Prevention Plan based on information obtained by the Public Works Director from maintenance and repairs of the City Sewer System, compliance inspections performed pursuant to this Section 980 or other relevant information available to the Public Works Director.

980.06.03.3 The User of and the existing FOG generating facility will have 30 days from the date of notice from the Public Works Director to submit a FOG Prevention Plan to the Public Works Director pursuant to this Section 980.06.03.

980.07 FOG Prevention Plan. A FOG Prevention Plan must be prepared and be certified by a licensed plumber. The FOG Prevention Plan shall incorporate measures sufficient to meet the requirements of this Section.

980.07.01 The wastewater from the FOG Generating Facility shall not violate the provisions of Section 930.06.4.3 of the Hermantown City Code.

980.07.02 The plumbing installation specified by the FOG Prevention Plan shall meet the requirements of the State Plumbing Code and State Building Code.

980.07.03 The FOG Prevention Plan will include drawings to a scale sufficient to show details required by the plumbing and building codes. Plans will show the location, size and type of Grease Interceptors and/or Grease Traps in relation to sinks, drains, outside walls and building sewers.

980.07.04 The FOG Prevention Plan will show the location, size and type of clean out facilities for Grease Interceptors and/or Grease Traps.

980.07.05 The FOG Prevention Plan will identify how the BMPs will be incorporated in User's operation.

980.07.06 The FOG Prevention Plan shall require that Grease Interceptors and/or Grease Traps be installed in the waste/drain line leading from the sink drains or other fixtures where grease may be introduced.

980.07.07 The FOG Prevention Plan must provide the procedures that the User will follow to maintain records for all Grease Interceptor and/or Grease Trap cleaning and maintenance activities in a format approved by the City and that such record will be available for inspection.

980.07.08 The FOG Prevention Plan shall specify that the format for the maintenance records will be as prescribed by the City in the FOG Control Manual. The FOG Prevention Plan must require that the User of the FOG interceptor mail a copy of the annual report of maintenance activities to the Hermantown Utility Billing Department no later than February 1 of any year, for the preceding year's maintenance activities.

980.07.09 The FOG Prevention Plan must contain a schedule that provides for the regular cleaning and maintenance of the Grease Interceptors and/or Grease Traps and a procedure for the disposal of Captured Material.

980.07.10 The FOG Prevention Plan shall specify that the User must maintain records of the dates and means of disposal of Captured Material and that any removal and hauling of the Captured Material not performed by the User's personnel must be performed in compliance with all applicable laws and regulations by a licensed waste disposal contractor.

980.07.11 The FOG Prevention Plan for existing FOG Generating Facilities shall contain a time table for the implementation of the various parts of the FOG Implementation Plan.

980.07.12 The FOG Prevention Plan shall provide an estimate of the costs of implementation of the FOG Prevention Plan and the User shall specify the type of security that it will provide to secure its performance under the FOG Prevention Plan.

980.07.13 The User shall, along with the FOG Prevention Plan, file with the City a bond, letter of credit or other surety to insure compliance with the approved FOG Prevention Plan. The amount of the surety shall be equal to the estimated cost of implementing the entire FOG Prevention Plan, from beginning to end (including cost of materials, installation, inspection and maintenance), plus 25%. The form of such surety shall be subject to approval by the City Attorney.

980.07.13.1 No security will be released until a final inspection has been conducted and the Public Works Director confirms in writing that the FOG Prevention Plan is fully implemented.

980.07.14 The FOG Prevention Plan must include a signed statement that the User and Landowner will conduct its activities in accordance with the FOG Prevention Plan.

980.07.15 A non-refundable review fee in amount determined from time-to-time by the City Council shall be submitted with the FOG Prevention Plan.

980.08 Review of FOG Prevention Plan.

980.08.01 Within 15 days of the receipt of a FOG Prevention Plan, the Building Official (in the case of a newly constructed or remodeled FOG Generating Facility) or Public Works Director (in the case of an existing FOG Generating Facility) shall determine whether the FOG Prevention Plan is complete.

980.08.01.1 If a FOG Prevention Plan is incomplete, the Building Official or Public Works Director shall notify the User in writing what is required to make the FOG Prevention Plan complete, and a deadline shall be provided. The FOG Prevention Plan shall not be considered complete until the day all required materials are received.

980.08.01.2 Complete FOG Prevention Plans shall be reviewed by the Building Official or Public Works Director and shall be approved or disapproved within 60 days of the receipt of the complete FOG Prevention Plan.

980.08.01.2.1 If a FOG Prevention Plan is approved, a FOG Prevention Plan Certificate shall be issued to the User by the Building Official or Public Works Director.

980.08.01.2.2 If a FOG Prevention Plan is disapproved, the Building Official or Public Works Director shall notify the User in writing, stating the reasons why the FOG Prevention Plan was not approved.

980.08.01.2.3 If FOG Prevention Plan is disapproved, the User may submit a revised FOG Prevention Plan for review and approval. The

Building Official or Public Works Director shall have 60 days from the date the revised FOG Prevention Plan is received to approve or disapprove the FOG Prevention Plan.

980.08.01.2.4 No building permit will be issued for new construction or remodeling until a FOG Prevention Plan is approved. A User shall be in violation of the provisions of this Section 980 if a FOG Prevention Plan for an existing FOG Generating Facility is not approved within ninety (90) days of the date a notice is provided to a User pursuant to Section 980.06.03.

980.09 Modification of Plans. An approved FOG Prevention Plan may be modified upon submission of a written request for modification to the Public Works Director, and after written approval by the Public Works Director. In reviewing the modification request, the Public Works Director may require additional reports and data. The modified plan should include all of the information listed in Section 980.07.

980.10 Certification. Written certification by the User's licensed plumber shall be submitted to the Public Works Director or Building Official (whoever issued the FOG Prevention Plan Certificate) after the plumbing installed required by the approved FOG Prevention Plan has been installed, affirming that construction has been completed in accordance with the approved FOG Prevention Plan and other applicable provisions of this section.

980.11 Compliance Inspections.

980.11.01 The Public Works Director will perform periodic scheduled and/or random inspections of FOG Generating Facilities to determine compliance with the applicable FOG Prevention Plan or to determine whether a FOG Prevention Plan shall be required for an existing FOG Generating Facility. Records of the City's inspections shall be maintained by the Public Works Director.

980.11.02 The Public Works Director may at all reasonable hours, enter any FOG Generating Facility for the purpose of inspecting connections to the City Sewer System, plumbing, Grease Interceptors and/or Grease Traps and appurtenances to assure compliance with this Section 980 or other applicable laws, regulations and ordinances.

980.11.03 The Public Works Director will inspect each FOG Generating Facility for compliance with requirements of its approved FOG Prevention Plan, for requirements regarding maintenance of Grease Interceptors and/or Grease Traps, for compliance regarding disposal of Captured Material and for implementation of the BMPs contained in the FOG Prevention Plan.

980.11.04 All FOG compliance inspections will be made pursuant to a checklist and the Public Works Director will share the checklist with the User and identify a time and date for a follow-up inspection if necessary.

980.12 Action Upon Noncompliance.

980.12.01 Notice of Violation. In the event a FOG Generating Facility does not comply with the requirements of this Section 980 or to an approved FOG Prevention Plan or to any instructions of the Public Works Director, compliance may be ordered by written notice of violation to the User and/or to the Landowner. Failure to address a notice of violation in a timely manner may result in civil, criminal or monetary penalties in accordance with the enforcement measures authorized in this section. In the case of work for which there is a permit, the notice of violation shall be mailed by first class mail, postage pre-paid, to the address listed by the permittee on the permit. In the case of work for which there is no permit, the notice of violation shall be mailed to the person(s) listed as the taxpayer and/or Landowner by the records of the St. Louis County Auditor and the User if the User is a different person than the Landowner. After a notice of violation is given, the Landowner, User, permittee or his or her contractor shall be required to make the corrections within the time period determined by the Public Works Director. If an imminent hazard exists, the Public Works Director may require that the corrective work begin immediately. The notice of violation shall contain:

980.12.01.1 The name and address of the Landowner and/or the User/violator;

980.12.01.2 The address when available or a description of the building, structure or land upon which the violation is occurring;

980.12.01.3 A statement specifying the nature of the violation;

980.12.01.4 A description of the remedial measures necessary to achieve compliance with this section and a deadline for the completion of such remedial action;

980.12.01.5 A statement advising that, should the violation not be remedied or restored within the established deadline, the work may be done by the City or a contractor, and the expense thereof shall be charged to the land, Landowner and/or violator; and

980.12.01.6 A statement of the penalty or penalties that shall or may be imposed against the person to whom the notice of violation is directed or against the land upon which the violation is originating or occurring.

980.12.02 Stop Work Order. The Building Official may issue a stop work order for the entire project or any specified part thereof when an imminent hazard exists and/or for failure to comply with the requirements set forth in a notice of violation. Upon issuance of a stop work order, all work must stop immediately except that work which is required to attain compliance with Section 980. A stop work order shall remain in effect until the Building Official confirms that the violation has been satisfactorily addressed and that the work is in accordance with the FOG Prevention Plan.

980.12.02.1 For the purposes of this section, a stop work order is validly posted by posting a copy of the stop work order on the site of the project in reasonable proximity to a location where the FOG Prevention Plan work is taking place. Additionally, a copy of the order, in the case of work for which there is a permit, shall be mailed by first class mail, postage pre-paid, to the address listed by the permittee on the permit. In the case of work for which there is no permit, a copy of the order shall be mailed to the person(s) listed as the taxpayer and/or Landowner by the records of the St. Louis County Auditor.

980.12.03 Enforcement Measures. If a violation has not been corrected pursuant to the requirements set forth in the notice of violation and/or stop work order, then representatives of the City may take any and all measures necessary to abate the violation and/or cause compliance within this Section 980 or the FOG Prevention Plan. It shall be unlawful for any person, Landowner, agent or person in possession of any land to refuse to allow the Public Works Director or Building Official to enter upon the land for the purposes set forth above. The remedies available to the City shall include:

980.12.03.1 Criminal prosecution;

980.12.03.2 Injunctive relief pursuant to Section 980.12.05;

980.12.03.3 Collection of administrative and remediation costs, including attorney's fees, court costs, labor, use of equipment, sampling and monitoring costs and other expenses associated with enforcement of this section;

980.12.03.4 Imposition of costs of abatement pursuant to Section 980.12.04;

980.12.03.5 Immediate revocation of and/or suspension of the processing of any and all City permits for which the Landowner or violator has applied, even if the permits are not connected to the land where the violation is occurring;

980.12.03.6 Suspension of City sewer and water services at the property where the violation is occurring;

980.12.03.7 Withholding of the certificate of occupancy for the property where the violation is occurring; and

980.12.03.8 Taking whatever other action is necessary and appropriate to obtain compliance with the terms of this Section 980.

980.12.04 Abatement of Violation. If a violation continues for ten days beyond the deadline set forth in the notice of violation and/or stop work order, the Public Works Director may issue a notice of intent to the Landowner and/or violator of the City's intent to perform work necessary to comply with Section 980. The City may go on the site and commence work 14 days after issuing the notice of intent. After abatement of the violation, the Landowner and/or violator will be notified of the cost of abatement, including attorney's fees and administrative costs. The Landowner and/or violator may file a written protest objecting to the amount of the amount charged for such work within ten calendar days with the City Clerk. The costs incurred by the Public Works Director to perform the abatement work shall be paid by the Landowner out of the security referenced in Section 980.07.13, to the extent that the amount is covered thereby, with the remainder being directly due and owing to the City by the Landowner and/or violator. In the event no permit was issued or no security was posted, the cost, plus interest at the rate authorized by the Public Works Director, plus a reasonable administrative fee shall be billed to the Landowner and/or violator. If in any event the amount due is not paid by the deadline set forth by the decision of the City Council, then the City Clerk shall enter the amount due on the tax roll as a charge for utility service against the property using the procedures contained in applicable City codes and state law or may collect such amount in whatever manner is allowed or permitted by law.

980.12.05 Injunctive Relief. It shall be unlawful for any person to violate any provision or fail to comply with a notice of violation, a stop work order or any requirement of this Section 980. If a person has violated or continues to violate the provisions of this section, the City may petition for a preliminary or permanent injunction restraining the person from activities which would create further violations or compelling the person to perform abatement or remediation of the violation.

980.12.06 Violations Deemed a Public Nuisance. In addition to the enforcement processes and penalties provided, any condition caused or permitted to exist in violation of any of the provisions of this section is a threat to public health, safety and welfare, and is declared and deemed a nuisance, and may be summarily abated or restored at the violator's and/or Landowner's expense, and/or a civil action to abate, enjoin or otherwise compel the cessation of such nuisance may be taken.

980.12.07 Criminal Prosecution. Any person, firm, corporation or agency acting as principal, agent, employee or otherwise, who fails to comply with the provisions of Section 980 shall be guilty of a misdemeanor. Each day there is a violation of any part of Section 980 shall constitute a separate offense.

980.12.08 Remedies Not Exclusive. The remedies listed in this section are not exclusive of any other remedies available under any applicable federal, state or local law and it is within the discretion of the City of Hermantown to seek cumulative remedies.

980.13 Charges for Remedial Maintenance or Repair of City Sewer System.

980.13.01 In the event that the Landowner or User of an FOG Generating Facility or the Landowner or User of any structure in which a FOG Generating Facility is located is found to have contributed to the partial or complete obstruction of a City Sewer System resulting from the discharge of wastewater or waste containing FOG and that the City is required to act immediately to control a public health hazard because of such blockage, such Landowner or User shall be required to reimburse the City for all costs of abating such condition.

980.13.02 In situations where there are multiple persons identified as contributing to FOG that causes an obstruction referenced in Section 980.13.01, the Public Works Director will apportion the cost of the cleanup, maintenance or repair costs on a prorated basis, based on each Landowner's or User's percentage share of the average total sanitary sewer charges for all such owners. Further, should inspection, testing or other sampling activity by the Public Works Director confirm that any User or Landowner is contributing excessive FOG (including other harmful ingredients) and is causing the repair or extraordinary maintenance activity to maintain the integrity of the City Sewer System, the Public Works Director may require a FOG Prevention Plan be prepared and submitted or if anyone is in place to be modified to provide a solution to the problem.

980.13.03 The costs for curing any private sewer lateral failures, including cleaning and other maintenance, caused in whole or in part by FOG introduced into the City Sewer System by any FOG Generating Facility, alone or in conjunction with any other party are the responsibility of the Landowner or User of the FOG Generating Facility and the Landowner or User of any

structure in which the FOG Generating Facility contributing the FOG to the City Sewer System is located.

980.14 Sewer Service Surcharges for Failure to Implement BMPs

980.14.01 For failing to implement an employee training program as required by the BMPs a monthly sewer service surcharge in an amount set forth from time to time by resolution of the City Council will be imposed until compliance is documented.

980.14.02 For failing to implement BMPs for dish washing procedures a monthly sewer service surcharge in an amount set forth from time to time by resolution of the City Council will be imposed until compliance is documented.

980.14.03 For failing to implement BMPs for interceptor or grease trap maintenance a monthly sewer service surcharge in an amount set forth from time to time by resolution of the City Council will be imposed until compliance is documented.

980.14.04 For failing to implement BMPs for exhaust system cleaning and maintenance a monthly sewer service surcharge in an amount set forth from time to time by resolution of the City Council will be imposed until compliance is documented.

980.14.05 For failing to implement BMPs related to dish washing hot water temperatures in excess of 140 degrees F a monthly sewer service surcharge in an amount set forth from time to time by resolution of the City Council will be imposed until compliance is documented.

980.14.06 For refusing to allow access to the Public Works Director a monthly sewer service surcharge in an amount set forth from time to time by resolution of the City Council will be imposed until access is granted.

980.14.07 For improper outside storage of collected FOG a monthly sewer service surcharge in an amount set forth from time to time by resolution of the City Council will be imposed until compliance is achieved.

980.14.08 For failing to implement any other FOG BMPs a monthly sewer service surcharge in an amount set forth from time to time by resolution of the City Council will be imposed until compliance is achieved.

980.15 Records Retention

980.15.01 Records required to be maintained under this Section shall be retained for a minimum of seven years from the date of creation of the record. Records include written, photographic, recorded, electronic, or stored data of any kind.

980.16 User/Landowner Responsibility. The Landowner and/or User, his or her agent, contractors and employees shall conduct the operation of a FOG Generating Facility in accordance with the requirements of Section 980 and the approved FOG Prevention Plan at all times. The

design, testing, installation and maintenance of a FOG Generating Facility shall adhere at all times to the standards and specifications contained in the approved FOG Prevention Plan.

980.16.01 A copy of the approved FOG Prevention Plan, maintenance record and inspection records shall be on-site and available for inspection during all working hours.

(Ord. 2011-06, passed 09-19-11)

Ordinance No. 2021-06

The City Council of the City of Hermantown does ordain:

**AN ORDINANCE AMENDING SECTION 230.02, UTILITY COMMISSION,
OF THE HERMANTOWN CITY CODE**

Section 1. Purpose and Intent. The purpose and intent of this ordinance is to amend the duties of the Utility Commission to include additional duties.

Section 2. Amendment to Section 230.02.8. Section 230.02.8 is hereby amended to read as shown:

“**230.02.8** Jurisdiction and Duties. The Commission shall have the following jurisdiction and duties:

230.02.8.1. To consider and make recommendations to the City Council with respect to improvements to be constructed and financed pursuant to M.S. Chapter 429, as it may be amended from time to time;

230.02.8.2. To monitor the public utilities provided by the city; and

230.02.8.3. To monitor the performance of the current companies, holding franchises for the conduct of business in the City or “companies” herein, under the cable television, electric, and gas franchises granted by the city.

230.02.8.4. To hear and decide appeals under Chapter 9 of the Hermantown City Code of Ordinances; and

230.02.8.5. To perform such other functions as may by resolution of the City Council be delegated to it.”

Section 3. Amended and Inserted in the Code. After the amendment made by this ordinance becomes effective, it shall be inserted in the appropriate place in the Hermantown City Code.

Section 4. Effective Date. The provisions of this Ordinance shall be effective after adoption and immediately upon publication once in the official newspaper of the City of Hermantown.

Dated the _____ day of _____, 2021.

Mayor

ATTEST:

City Clerk

Adopted: _____

Published: _____

Effective Date: _____

TO: Mayor & City Council

FROM: Jim Crace, Chief of Police



DATE: August 10, 2021

Meeting Date: 8/16/21

SUBJECT: Ordinance – Amend ATV Map Agenda Item: 11-C Ordinance 2021-07

REQUESTED ACTION

First Reading of an ordinance amending Section 820 – ATV Map

BACKGROUND

Several years ago, the City of Hermantown opened up our city streets to ATV and snowmobile traffic. Shortly after that, St. Louis County also opened up county roads to Class 2 ATVs. At the time of those changes, staff was concerned about the area on the far east side of our city, specifically the area East of Stebner Road. At that time, we decided that restricting Stebner Road and most all roads to the East of that, was the best approach. After several years of not experiencing any issues associated with allowing this traffic, a request came in from Councilor Geissler to re-evaluate the area of Stebner Road and a couple other roads within that restricted area. I have evaluated that request and have come to the opinion that expanding ATV and snowmobile traffic will not have adverse effects. Please see the attached map for the proposed revisions.

SOURCE OF FUNDS (if applicable)

ATTACHMENTS

Map

Ordinance No. 2021-07

The City Council of the City of Hermantown does ordain:

**AN ORDINANCE AMENDING SECTION 820 OF
THE HERMANTOWN CITY CODE BY AMENDING THE
CITY OF HERMANTOWN SNOWMOBILE AND ATV MAP**

Section 1. Purpose and Intent. The purpose and intent of this amendment to the City of Hermantown Snowmobile and ATV Map is to modify the routes established by the City Council available to the public for the snowmobile and ATV use.

Section 2. Amendment to City of Hermantown Snowmobile and ATV Map. The official City of Hermantown Snowmobile and ATV Map of the City of Hermantown is hereby amended as indicated on the map attached hereto as Exhibit A and available for public inspection at the Hermantown Police Department.

Section 3. Effective Date. The provisions of this Ordinance shall be effective after adoption and immediately upon publication once in the official newspaper of the City of Hermantown.

Dated: _____

Mayor

Attest:

City Clerk

Adopted: _____

Published: _____

Effective Date: _____

Hermantown Snowmobile & ATV Designated Routes

Must have VALID City of Hermantown Permit
RULE REMINDERS

All-Terrain Vehicles (ATVs)

Class 1 ATVs are motorized flotation-tired vehicles with at least three but no more than six low pressure tires that have an engine displacement of less than 1000 cubic centimeters and totally dry weight of less than 1200 pounds.*

Class 2 ATVs are motorized flotation-tired vehicles with at least three but no more than six, low pressure tires that have an engine displacement of less than 1000 cubic centimeters and total dry weight of 1200 to 1800 pounds.*

Public road right-of-way

- ◆ Class 1 & 2 ATVs may be operated in the extreme right side of designated city streets.
- ◆ Class 2 ATVs may be operated in the extreme right side of designated city streets and county roadways.
- ◆ Class 1 & 2 ATVs may NOT be operated on the shoulder of a state trunk highway




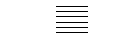



ATV General Operations

- ◆ A valid driver's license is required to operate an ATV on road right-of-way.
- ◆ If your ATV is equipped with a headlight and taillight they must be on at all times.
- ◆ ATVs must be operated on far right-hand side of authorized roadway
- ◆ Speed limit in Hermantown is 30 mph and travel must be on the right side of authorized roadways.
- ◆ Class 2 ATV may operate in road right-of-way of a trunk, county state-aid, or county highway - but only to access businesses or make trail connections. A left turn may be made safe if it is safe to do so.
- ◆ All state laws regarding operation and equipment requirements apply
- ◆ Proof of insurance in compliance with provisions of Minnesota Statutes Section 65B.48, subd. 5

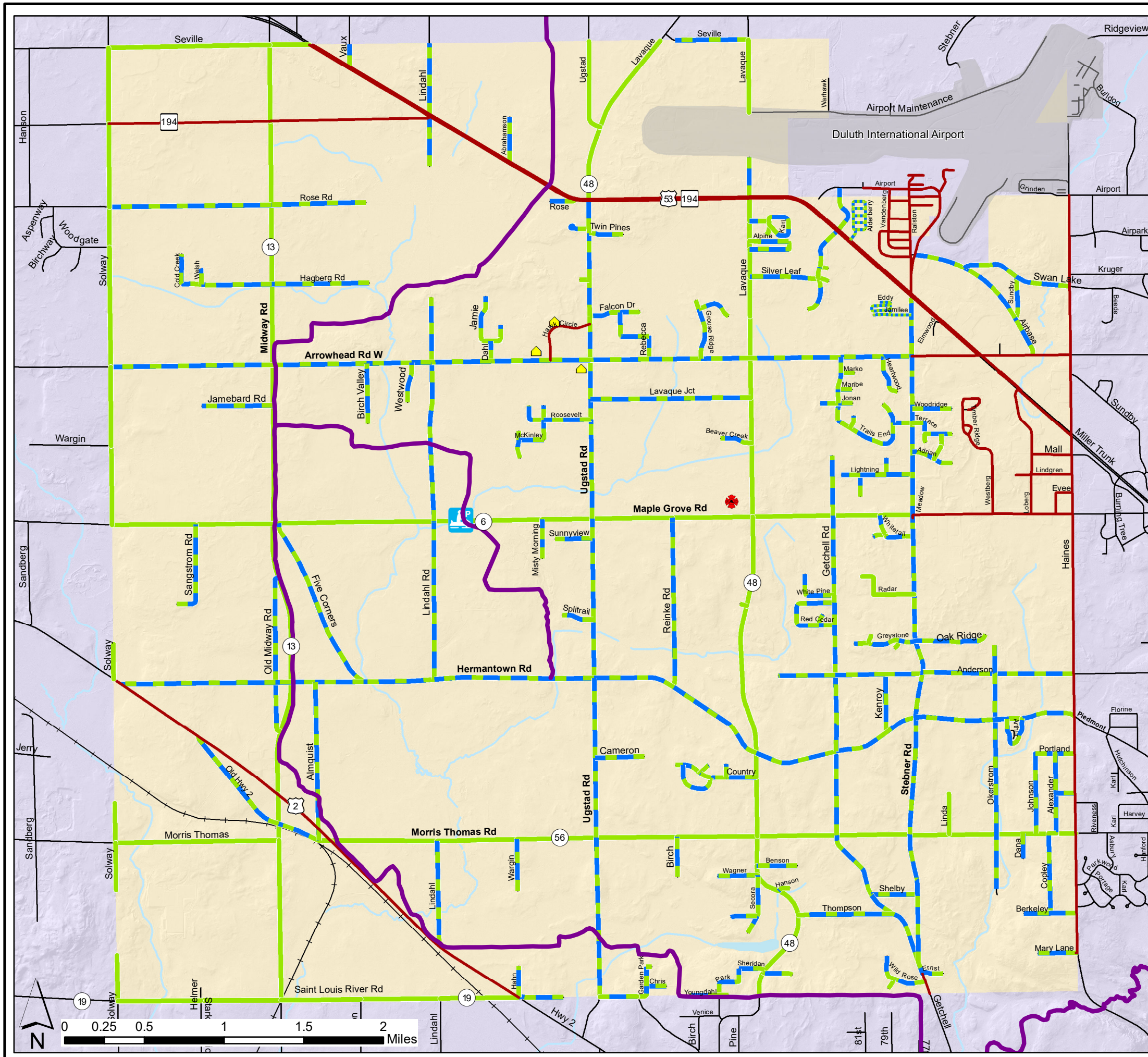
Snowmobiles

- ◆ Snowmobiles may operate on far right-hand side of city streets only.
- ◆ For County roadways, snowmobile operators must travel in the outside slope of the ditch, whenever passable.
- ◆ Speed limit in Hermantown is 30 mph and travel must be on the right side of authorized roadways.

LEGEND

-  State Snowmobile Trail
-  Snowmobile Club Parking Lot
-  Hermantown Schools
-  Hermantown Volunteer Fire Department
-  Roads **NOT** permitted for on road use
-  Class 1 & 2 and Snowmobiles permitted for on-road use
-  Class 2 ATV ONLY permitted for on road use

**Snowmobiles and Class I ATVs are allowed in all ditches
 Class 2 ATVs are **NOT allowed in any ditches



TO: Mayor & City Council

FROM: Jim Crace, Chief of Police



DATE: August 10, 2021

Meeting Date: 8/16/21

SUBJECT: No Parking on a section of
Hermantown Road

Agenda Item: 12-A

Resolution 2021-95

REQUESTED ACTION

Approve a no parking resolution along the north side of Hermantown Rd between Getchell and Lavaque

BACKGROUND

Hermantown Road between Getchell and Lavaque Road has become more dangerous over the past couple of years due to parking near the Beacon Sports Bar and Grill. Specifically, parking on both sides of Hermantown Road is a problem. During inclement weather, such as fog, parking on both sides of the road make travel and pedestrian traffic more dangerous. By adding NO PARKING signs on the North side of Hermantown Road, I believe we can alleviate some of these concerns.

Section 831.02.01 of the Hermantown City code allows the City Council to prohibit parking on certain streets with the adoption of a resolution.

SOURCE OF FUNDS (if applicable)

ATTACHMENTS

Resolution No. 2021-95

RESOLUTION TO ESTABLISH A NO PARKING ZONE ALONG A SECTION OF HERMANTOWN ROAD IN THE CITY OF HERMANTOWN

Whereas, the current width and striped use of Hermantown Road between Getchell Road and Lavaque Road are not sufficient for on street parking on the north side of the roadway; and

Whereas, Section 830.02.1 of the Hermantown City Code permits the City Council by resolution to designate and establish upon any street, avenue or road within the city no parking zones; and

WHEREAS, the City Council of the City of Hermantown has determined that the establishment of a no parking zone on the north side of Hermantown Road between Getchell Road and Lavaque Road is in the best interests of the City of Hermantown.

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

1. Pursuant to section 830.02.1 of the Hermantown City Code. The City Council hereby designates a no parking zone along the north side of Hermantown Road between Getchell Road and Lavaque Road.
2. The Chief of Police is hereby directed to mark with appropriate signs the no parking zone which is hereby created.

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 August 16, 2021.

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



DATE: August 10, 2021 **Meeting Date:** 8/16/21
SUBJECT: Development Agreement – Peyton Acres Phase 1B **Agenda Item: 12-B** **Resolution 2021-96**

REQUESTED ACTION

Approve execution of the Development Agreement between JLG Enterprises of Hermantown, LLP and City of Hermantown for the Peyton Acres Phase 1B development.

DESCRIPTION OF REQUEST

Requested is approval of the Development Agreement between JLG Enterprises of Hermantown, LLP (Developer) and the City of Hermantown (City) for the completion of public and private improvements associated with the Peyton Acres Phase 1B plat approved by the City Council on August 2, 2021. 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 and 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. 2021-96

**RESOLUTION AUTHORIZING AND DIRECTING
THE MAYOR AND CITY CLERK TO EXECUTE AND DELIVER
DEVELOPMENT AGREEMENT WITH JLG ENTERPRISES OF HERMANTOWN, LLP FOR
PEYTON ACRES PHASE 1B**

WHEREAS, JLG Enterprises of Hermantown, LLP (“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 August 16, 2021.

DEVELOPMENT AGREEMENT

BY AND BETWEEN

**JLG ENTERPRISES OF HERMANTOWN, LLP
("DEVELOPER")**

AND

**CITY OF HERMANTOWN
("CITY")**

Dated as of the _____ day of _____, 2021

THIS DOCUMENT WAS DRAFTED BY:

Steven C. Overom
Overom Law
11 East Superior St., Suite 543
Duluth, Minnesota 55802
(218) 625-8460

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 **JLG Enterprises of Hermantown, LLP**, a Minnesota limited liability partnership (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 Peyton Acres Phase 1B (“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 constructs Stormwater Improvements, a City Sewer Main, a City Water Main, a Public Roadway and Sidewalk (as such terms are defined in Section 8 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 Infrastructure Improvements (Sewer Main, Water Main, Public Roadway and Sidewalk) 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 recorded. The security is to be in effect until all of the Infrastructure Improvements have been constructed and the City Engineer and City Public Works Director executes a Certificate of Completion with respect to the Infrastructure Improvements attesting that they have been constructed in accordance with the Plans and Specifications.

3.3 Developer shall provide a security deposit equal to 125% of cost of construction of the Stormwater Improvements prior to the commencement of construction of the Infrastructure Improvements. 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 \$11,000.00).

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 Provide the City with an easement covering the Property on which the Stormwater Improvements will be constructed or identify an easement covering the Property on which the Stormwater Improvements will be construction on the Final Plat and convey Outlot A to the City.

3.10 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.

3.11 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.

3.12 Pay the City's out-of-pocket costs and expenses, including attorneys' fees and engineering fees, incurred to the date the Plat is signed.

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

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: JLG Enterprises of Hermantown, LLP
3850 Old 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 any road until such road 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 any road until Developer makes a written request of the City to accept and open the road. Such request may not be made by Developer until (i) one year after the construction of the road is determined to be fully completed in accordance with the Plans and Specifications and (ii) only if Developer has maintained and repaired the road in good condition and repair unless Developer (x) provides a written one year warranty with respect to the construction of the road 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 road at its first regular meeting after Developer makes a written request of the City to accept and open the road 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 sewer main (“Sewer Main”) and water main (“Water Main”) within the Project.

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

8.3. Permanent wetland markers marking the wetlands on all residential lots within the Plat.

8.4. A 28 foot wide asphalt roadway (“Public Roadway”) with curb and gutter per the requirements of the City of Hermantown. This Public Roadway will provide access for ten lots from Stebner Road. The Public Roadway in the Plat will provide future access to Outlot B.

8.5. A 5 foot wide sidewalk (“Sidewalk”) within the Public Roadway providing a connection to Stebner Road and continuing along the east side of the proposed cul-de-sac within the Plat.

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 (Sewer Main, Water Main, Public Roadway and Sidewalk) in the form attached hereto as Exhibit B to the City only upon the completion of the Infrastructure Improvements and the City Engineer will execute and deliver a Certificate of Final Completion in the form attached hereto as Exhibit C to the City only upon the final completion of the Infrastructure Improvements required to be constructed by Developer.

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 (Sewer Main, Water Main, Public Roadway and Sidewalk) in form of the one attached hereto as Exhibit B and/or the security required by Section 3.2 and Section 3.3 has been provided to City for such items and an MS4 Certificate of Compliance has been issued for the

Stormwater Improvements and/or the security required by Section 3.3 has been provided to the City for the Stormwater Improvements.

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 October 15, 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 Infrastructure Improvements 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 hereunder 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.

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 October 15, 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 8.3 hereof before a Certificate of Final Completion will be issued. 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 Infrastructure Improvements the City shall become the owner of the Infrastructure Improvements covered by such Certificate of Final Completion. Upon the issuance of a Certificate of Final Completion by the City Engineer for the Public Roadway and Sidewalk and the satisfaction of the provisions of Section 6 of this agreement the City shall become the owner of the Public Roadway and Sidewalk covered by such Certificate of Final Completion. Upon the issuance of an MS4 Certificate of Compliance for the Stormwater Improvements pursuant to Section 3.3, the City shall become the owner of the Stormwater Improvements.

19. Developer will provide or cause to be provided separate water and sewer services to each dwelling unit in the Plat and:

19.1 Provide the plans and specifications for the construction of the water and sewer service lines within the Plan for the City's review and approval prior to commencing construction of such water and sewer service lines.

19.2 Provide the City with a map/plan on paper and electronically in auto cad format and PDF format showing the location of water and sewer service lines. Information is to be in a coordinate system so that it can be imported into the City's GIS system.

19.3 Install a locating wire or equally effective means of marking the location of each non-conductive water or sewer service lines.

19.4 All individual dwelling units within the Plat shall be connected directly to the Sewer Main and Water Main.

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 Declaration 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. Developer acknowledges that City intends to provide a letter, substantially in the form of the one attached hereto as Exhibit 21 to each party who requests utility service from the City at any time with regard to lots within the Plat.

22. 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.

23. 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 unremediated damage to a wetland or Stormwater Improvements constitutes a hazard to public safety or health.

24. 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, water and sewer connection approvals (which require payments for connection fees to the City and a CAF payment to WLSSD).

25. During construction, Developer agrees:

25.1 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

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

25.3 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

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

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

25.6 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

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

26. The provisions of Section 12 of Resolution No. 2021-91, a Resolution Approving Final Plat of Peyton Acres Phase IB and Imposing Conditions on the Final Plat are hereby determined to be not applicable to this Plat.

[SIGNATURES APPEAR ON NEXT PAGE]

EXHIBIT A
LEGAL DESCRIPTION OF THE LAND

Northwest Quarter of Southwest Quarter (NW 1/4 of SW 1/4), Section Twenty-four (24), Township Fifty (50), North of Range Fifteen (15), West of the Fourth Principal Meridian, EXCEPT the Northerly 160 feet of the Southerly 965 feet thereof

AND

The Northeast Quarter of the Southwest Quarter (NE 1/4 of SW 1/4) of Section Twenty-four (24), Township Fifty (50), Range Fifteen (15)

Parcel ID: 395-0010-06800, 395-0010-06780, 395-0010-06750 and 395-0010-06760

EXHIBIT B
CERTIFICATE OF SUBSTANTIAL COMPLETION
SEWER MAIN, WATER MAIN, PUBLIC ROADWAY AND SIDEWALK

Date of Issuance: _____, 20__

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

JLG Enterprises of Hermantown, LLP, (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 Sewer Main, Water Main, Roadway and Sidewalk as defined in the Development Agreement have 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 Sewer Main, Water Main, Roadway and Sidewalk defined in the Development Agreement other than the items described on Addendum No. 1 attached hereto strictly in accordance with the Plans and Specifications and the Road as defined in the Development Agreement have 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 _____

ADDENDUM NO. 1

COMPLETION ITEMS

The following are items required to be completed for the Sewer Main, Water Main, Public Roadway and Sidewalk:

EXHIBIT C
CERTIFICATE OF FINAL COMPLETION

Date of Issuance: _____, 2022

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

JLG Enterprises of Hermantown, LLP, (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 the City with a map/plan on paper and electronically in auto cad format showing the location of water service lines and sewer service lines.

3.7. Developer has installed a locating wire or equally effective means of marking the location of each non-conductive water service lines or sewer service lines.

3.8. 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. Developer has also provided City with an electronic copy of the recorded Plat.

3.9. 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.

3.10. Developer has provided City with a Declaration of Wetland Restrictions required by Section 20 of the Development Agreement acceptable to the City in recordable form.

3.11. Developer has complied with the provisions of Section 3.9 of the Development Agreement with regard to the Stormwater Improvements.

JLG ENTERPRISES OF HERMANTOWN, LLP

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 and Stormwater 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

JLG Enterprises of Hermantown, LLP, a limited liability partnership organized under the laws of the State of Minnesota, (“Developer”) hereby certifies and declares that Lot _____, Block _____ Peyton Acres (“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.

JLG ENTERPRISES OF HERMANTOWN, LLP

By _____
Its _____

STATE OF MINNESOTA)
)ss.
COUNTY OF _____)

The foregoing instrument was acknowledged before me this ____ day of _____, 2021, by _____ of JLG Enterprises of Hermantown, LLP, a Minnesota limited liability partnership, on behalf of the limited liability partnership.

Notary Public

EXHIBIT 21

[TO BE PLACED ON CITY'S LETTERHEAD]

«Date»

«Name»

«AddressBlock»

«AddressBlock»

Dear _____:

Thank you for becoming a utility customer of the City of Hermantown.

We want to let you know that the City of Hermantown prides itself on being environmentally friendly. In furtherance of this, the City has required wetland areas on and adjacent to your property to be marked. These markers have to stay in place and the wetlands marked by the markers need to remain undisturbed.

Further detail regarding the wetlands are set for the in the Declaration of Wetland Restrictions that is enclosed and that has also been recorded with your property title.

Also, please feel free to call City Hall at any time if you have any questions.

Sincerely,

Enclosure

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



DATE: August 10, 2021 **Meeting Date:** 8/16/21
SUBJECT: Development Agreement – Jenny Farms First Amendment **Agenda Item: 12-C** **Resolution 2021-97**

REQUESTED ACTION

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

DESCRIPTION OF REQUEST

Requested is approval of the First Amendment of the Development Agreement between Shaine W. Stokke (Developer) and the City of Hermantown (City) in order to obtain an easement for the stormwater improvements and assign maintenance responsibilities of said stormwater improvements. The agreement is substantially in the form of the attached First Amendment to the Development Agreement document.

The agreement will provide the City with an easement over the stormwater improvements and allow for the City to enter the property for maintenance purposes. Upon issuance of the MS4 Certificate for Compliance for the stormwater improvements, the City shall become the owner of the stormwater improvements.

SOURCE OF FUNDS (if applicable)

ATTACHMENTS

First Amendment to the Development Agreement

Resolution No. 2021-97

**RESOLUTION AUTHORIZING AND DIRECTING THE MAYOR AND
CITY CLERK TO EXECUTE AND DELIVER A FIRST AMENDMENT TO DEVELOPMENT
AGREEMENT WITH SHAINA STOKKE**

WHEREAS, Shaina Stokke (“Developer”) entered into a Development Agreement with the City of Hermantown (“City”) on July 12, 2021 to construct a 9-lot residential development on a 45-acre site located at 5753 Maple Grove Road in the City of Hermantown (“Project”); and

WHEREAS, City desires to obtain an easement for the Stormwater Improvements and assign the maintenance responsibilities of such Stormwater Improvements; and

WHEREAS, the City Attorney has prepared a First Amendment to Development Agreement (“Amendment”) with respect to the City’s request; and

WHEREAS, the City Council has reviewed the Amendment and believes that it is in the best interests of the City of Hermantown to approve the Amendment and authorize and direct the Mayor and City Clerk to execute and deliver it on behalf of the City of Hermantown.

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

1. The Amendment substantially in the form of the one attached hereto as Exhibit A is hereby approved.
2. The Mayor and City Clerk are hereby authorized and directed to execute and deliver the Amendment on behalf of the City.

Councilor ____ introduced the foregoing resolution and moved its adoption.

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

Councilors

And the following voted in opposition thereto:

WHEREUPON, such resolution was declared duly passed and adopted August 16, 2021.

[TOP THREE INCHES RESERVED FOR RECORDING DATA]

**FIRST AMENDMENT TO DEVELOPMENT AGREEMENT
BETWEEN THE CITY OF HERMANTOWN AND
SHAINÉ STOKKE**

THIS FIRST AMENDMENT TO DEVELOPMENT AGREEMENT is made this _____ day of _____, 2021 by and between **City of Hermantown** (“City”) and **Shaine W. Stokke** (“Stokke”) in response to the following situation:

A. City and Shaine Stokke entered into a Development Agreement (“Agreement”) dated July 12, 2021 for a 9-lot residential development on a 45-acre site located at 5753 Maple Grove Road in the City of Hermantown (“Project”).

B. City additionally desires to obtain an easement for the Stormwater Improvements, as that term is defined in the Agreement, and the assignment of responsibility for the maintenance and repair of the Stormwater Improvements.

NOW THEREFORE, City and Developer hereby agree to amend the Agreement as follows:

1. A new Section 3.14 reading as follows is hereby added to the Agreement:

“3.14 Provide the City with an easement covering the Property on which the Stormwater Improvements will be constructed in form and substance acceptable to the City and City Attorney or identify an easement covering the Property on which the Stormwater Improvements will be constructed on the Final Plat.”

2. Section 18 in the Agreement is hereby amended by adding the following sentence to said Section 18:

“Upon the issuance of an MS4 Certificate of Compliance for the Stormwater Improvements pursuant to Section 3.3, the City shall become the owner of the Stormwater Improvements.”

3. Except as amended by this First Amendment to Development Agreement, the remaining terms and provisions of the Agreement remain in full force and effect.

4. All capitalized terms when used in this First Amendment to Development Agreement shall have the meanings given to them in the Agreement.

[SIGNATURES APPEAR ON NEXT PAGE]

Resolution No. 2021-98

**RESOLUTION AUTHORIZING A SUMMARY
OF AN ORDINANCE AMENDING CHAPTER 9, UTILITIES AND SERVICES,
OF THE HERMANTOWN CITY CODE**

WHEREAS, the City Council has adopted Ordinance No. 2021-05, an Ordinance Amending Chapter 9, Utilities and Services, of the Hermantown City Code; and

WHEREAS, Minnesota Statutes Section 412.191, Subd. 4 (2017) authorizes the City Council to publish a summary of lengthy ordinances upon a four-fifths vote of its members; and

WHEREAS, the Ordinance is quite lengthy and detailed; and

WHEREAS, the City Council desires to publish a summary of the Ordinance; and

WHEREAS, a summary of the Ordinance has been prepared and attached hereto as Exhibit A; and

WHEREAS, a copy of the full text of the Ordinance is available for review at the Hermantown City Offices, 5105 Maple Grove Road, Hermantown, MN 55811 during regular business hours.

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

1. That a summary attached hereto as Exhibit A of the Ordinance be published in lieu of the publication of the entire Ordinance; and

2. The City Council hereby authorizes and directs the City Administrator to publish the summary attached hereto as Exhibit A once in the Hermantown Star.

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 August 16, 2021.

EXHIBIT A

SUMMARY OF ORDINANCE NO. 2021-05, AN ORDINANCE AMENDING ORDINANCE AMENDING CHAPTER 9, UTILITIES AND SERVICES, OF THE HERMANTOWN CITY CODE

The following is the official summary of Ordinance No. 2021-05, an Ordinance Amending Ordinance Amending Chapter 9, Utilities and Services, of the Hermantown City Code was approved by the City Council of the City of Hermantown on August 16, 2021.

There is a lengthy definition section in the Ordinance, which has not been included in this summary. Please refer to the Ordinance to determine the definitions of terms used in this Summary.

The purpose and intent of this Ordinance was to amend and update the provisions of Chapter 9 to reflect current standards and practices utilized by the City of Hermantown with respect to the verbiage, current regulations and administration, including the collection of fees, with respect to its stormwater utility system and other public utilities owned by it.

The Ordinance eliminates Section 905, Water and Sewer Utility, and integrates it in Section 930, Public Sewer and Private Disposal Systems, and Section 940, Water and Water Utility, to simply and clarify repetitive requirements of the administration of publicly owned utilities. Sections 930 and 940 also provide updated language for the collection of delinquent accounts and availability charges.

The Ordinance adds additional language in Section 940 pertaining to the use of temporary and irrigation meters to avoid discharge into the public sewer system to protect the health and safety of the residents of Hermantown. The fees for the temporary and irrigation meters will be set in the City's Fee Schedule.

This Ordinance further clarifies the responsibility of the property owner with respect to frozen meters and places the duty for replacement on the customer in the event a water meter is frozen. Section 940 also simplifies the duties of the property for meter readings as all meter readings are performed electronically.

Finally, the Ordinance was amended to update the forms of payment accepted to include credit card, cash, ACH and check payments to better serve the residents of Hermantown.

The foregoing is a summary of a lengthy and detailed Ordinance. The full text of the Ordinance is on file in the office of the City Clerk of the City of Hermantown, 5105 Maple Grove Road, Hermantown, MN 55811, during regular business hours.

If there are any inconsistencies between this summary and the full text of the Ordinance, the terms of the full Ordinance shall govern.

The Ordinance is effective upon publication of this summary.

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



DATE: August 11, 2021 **Meeting Date:** 8/16/21
SUBJECT: Appraisal Services – Ugstad **Agenda Item: 12-E** **Resolution 2021-99**
 Road Imp.

REQUESTED ACTION

Approve agreement between F.I. Salter Company, Inc. and Overom Law PLLC for appraisal services related to the Ugstad Road Project

BACKGROUND

The City will need to acquire some additional easements for the Ugstad Road project scheduled for 2022. Because the City is receiving federal funding for this project, we will need to follow a formal easement acquisition process. It is proposed that the City Attorney enter into an agreement with F.I. Salter to conduct the appraisal work for the City.

SOURCE OF FUNDS (if applicable)

ATTACHMENTS

Agreement for Appraisal Services

Resolution No. 2021-99

**RESOLUTION AUTHORIZING AND DIRECTING THE MAYOR
AND CITY CLERK TO CONSENT TO THE APPRAISAL SERVICES AGREEMENT FOR
APPRAISAL SERVICES FOR THE UGSTAD ROAD IMPROVEMENT PROJECT BETWEEN
F. I. SALTER COMPANY, INC. AND OVEROM LAW, PLLC**

WHEREAS, the City of Hermantown (“City”) requires appraisal services (“Appraisal Services”) related to the proposed capital improvements to Ugstad Road in the City of Hermantown; and

Whereas, F. I. Salter Company, Inc. (“Appraiser”) submitted a proposal for the Appraisal Services; and

WHEREAS, in an effort to obtain confidentiality and attorney-client privilege in connection with the Appraisal Services, City desires to consent to the proposed Appraisal Services Agreement attached hereto as Exhibit A between Appraiser and Overom Law, PLLC; and

WHEREAS, the City Council believes that it is in the best interests of the City of Hermantown to consent to the Appraisal Services Agreement of and authorize and direct the Mayor and City Clerk to execute and deliver it on behalf of the City of Hermantown.

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

1. The Mayor and City Clerk are hereby authorized and directed to consent to the Appraisal Services Agreement for Appraisal Services substantially in the form attached hereto as Exhibit A.

Councilor ____ introduced the foregoing resolution and moved its adoption

The motion for the adoption 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 August 16, 2021.

EXHIBIT A

AGREEMENT FOR APPRAISAL SERVICES

THIS AGREEMENT FOR APPRAISAL SERVICES (the “Agreement”), made this _____ day of _____, 2021, by and between the **F. I. Salter Company, Inc.** (the “Appraiser”), and **Overom Law, PLLC**, the City Attorney (“City Attorney”) for the City of Hermantown and the **City of Hermantown**, a Minnesota statutory city (“City”).

WHEREAS, the City is planning to undertake capital improvements to Ugstad Road located in the City of Hermantown (the “Project”); and

WHEREAS, F. I. Salter Company, Inc. has experience assessing the value of property for municipal entities; and

WHEREAS, the City desires that City Attorney engage F. I. Salter Company, Inc. to provide appraisal services relative to the Project; and

WHEREAS, for a number of reasons, including to preserve confidentiality and attorney-client privilege, the City Attorney has recommended that this Agreement be made with the City Attorney; and

WHEREAS, the Appraiser and City Attorney desire to enter into an agreement setting forth the terms and conditions of such representation.

NOW, THEREFORE, for good and valuable consideration, the parties agree as follows:

1. **Services.** The Appraiser shall provide appraisal services to the City, as requested by City Attorney, relative to the Project, which may include drive by viewing of the subject properties and neighborhood assessment, review of physical and/or economic factors affecting the properties, review of real estate market affecting the properties and providing a general range of benefit for any properties other services relating to the Project.

2. **Compensation.** Compensation for the services set forth in paragraph 1 above shall be paid on an hourly basis. It is anticipated that Sanford Hoff will have primary responsibility for this engagement and will charge a flat fee of \$_____. Any meetings, owner contact, appraisal reports, any discovery, preparation and testifying would be extra and billed at \$_____ per hour. Appraiser shall submit to City itemized statements of services rendered during each month setting forth the date such services were rendered, a description of the services rendered, the person performing such services and the amount of time expended in performing such services.

3. **Costs.** The City shall reimburse the Appraiser and the Appraiser for any costs that the Appraiser incurs relative to its representation, which shall include, but are not limited to, court filing fees and costs, service costs, mailing and publication costs, recording fees, court reporting costs, witness fees, commissioner compensation, mileage outside of the city limits of the City of Hermantown, photocopies, use of other service providers such as printers, and professional

liability insurance premiums. However, at its discretion and to the extent practical, the Appraiser may request that the City pay charges directly to outside vendors.

4. **Payment.** The Appraiser will send monthly invoices to the City for services rendered and other charges incurred relative to the Project during the previous month. The invoices will detail the work performed and the type of charges incurred. Payments will be due thirty (30) days after the date of the invoice. In the event that the City fails to pay invoices when due, it shall pay all costs of collection (including attorneys' fees) that the Appraiser may incur in connection with the unpaid invoices.

5. **Standard of Care.** The Appraiser and assistants shall perform all work done under the terms of this Agreement in a professional manner and with the degree of care required from experienced appraisers in the community.

6. **Confidentiality and Data Practices.** The Appraiser is bound by professional standards of confidentiality and shall protect the City's and City Attorney's private information in accordance with the attorney-client privilege rule, the work product rule, and any other law or rule that protects the City's and City Attorney's private information from disclosure. However, both the Appraiser and the City are subject to the Minnesota Government Data Practices Act ("MGDPA") and other government transparency laws and rules. To the extent the City's information is not otherwise protected, the City acknowledges that the Appraiser must disclose information if required to do so by the MGDPA or any other law or rule.

7. **Termination.** The City Attorney and City have the right to terminate the Appraiser's representation of the City at any time. If it does terminate representation, the City is responsible for charges incurred in connection with the representation up to termination. The Appraiser may terminate its representation of the City for any reason consistent with the Minnesota Rules of Professional Conduct, including non-payment of fees and expenses.

8. **Term and Notices.** This Agreement shall commence as of the date of the Agreement and remain in effect until all opportunities for appeal relative to the Project have been exhausted or extinguished, unless earlier terminated by either of the parties. All communications and notices between the parties during the term of this Agreement shall be directed as follows:

If to City:	City of Hermantown Attn: John Mulder, City Administrator 5105 Maple Grove Road Hermantown, MN 55811 218-729-3600 jmulder@hermantownmn.com
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If to City Attorney:	Steven C. Overom Overom Law, PLLC 11 E. Superior Street Suite 543 Duluth, MN 55802
----------------------	--

(218) 625-8460
soverom@overomlaw.com

If to Appraiser:

Sanford Hoff
F. I. Salter Company, Inc.
800 B W. Railroad Street
Duluth, MN 55802
(218) 390-3634
shoff@fisalter.com

[SIGNATURES APPEAR ON NEXT PAGE]

IN WITNESS WHEREOF, the parties hereto have executed this Agreement the day and year first above written.

CITY:

City of Hermantown

By: _____
Its Mayor

By: _____
Its City Clerk

CITY ATTORNEY:

Overom Law, PLLC

By _____
Steven C. Overom, Its Owner

APPRAISER:

F. I. Salter Company, Inc.

By _____
Its _____

Resolution No. 2021-100

**RESOLUTION DECLARING A
PERMANENT 25 FOOT SETBACK AREA**

WHEREAS, Cirrus Design Corporation (“Cirrus”) desires to construct a manufacturing facility (“2021 Building”) located in the City of Duluth on the property shown in crosshatching and identified as “Development Area” on the survey drawing attached hereto as Exhibit A and provide the ability to construct future expansions within the Development Area; and

WHEREAS, the building code of the City of Duluth requires a public way or yard not less than sixty feet (60’) wide to surround a building of the nature desired to be constructed by Cirrus; and

WHEREAS, the 2021 Building is designed to be an extension of an existing building and it is located thirty-four feet (34’) from the boundary line of the Development Area; and

WHEREAS, the City of Hermantown’s Zoning Code in the P (Public) zone district adjacent to the Development Area provides for a minimum twenty-five foot (25’) setback from the property line for any buildings on the property adjacent to the Development Area; and

WHEREAS, the City of Hermantown’s minimum setback area (“Setback Area”) is as shown on Exhibit A attached hereto; and

WHEREAS, the City of Duluth Building Official has advised Cirrus that if the City of Hermantown declares the Setback Area to be a permanent Setback Area and not subject to variances or modifications that the City of Duluth will issue a building permit for the 2021 Building; and

WHEREAS, the City of Hermantown has duly considered this matter and its Building Official and Community Development Director have recommended the approval of this Resolution.

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

1. The area designated as the Permanent Setback Area on Exhibit A attached hereto is hereby declared to be a permanent setback area.
2. The City further declares that:
 - 2.1. No variance applications will be considered for any reduction in the Permanent Setback Area as long as the 2021 Building and any expansion to the 2021 Building remains in the Development Area.
 - 2.2. No modifications to the City’s setback requirements for the Permanent Setback Area shown on Exhibit A attached will be considered as long as the 2021 Building and any expansion to the 2021 Building remains in the Development Area.
 - 2.3. This Resolution shall be kept in the City’s permanent records and a notation will be made on the Official Zoning Map reflecting the terms 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:

None

WHEREUPON, such resolution was declared duly passed and adopted August 16, 2021.

AIRPORT

CITY OF DULUTH
PID NO. 010-0148-00170

CITY OF DULUTH
PID NO. 010-0148-00160

CITY OF DULUTH
PID NO. 010-0148-00150

CITY OF DULUTH
PID NO. 010-0148-00140

CITY OF DULUTH
PID NO. 010-0148-00130

CITY OF DULUTH
PID NO. 010-0148-00130

CITY OF DULUTH
PID NO. 010-0148-00120

CITY OF DULUTH
PID NO. 010-0148-00110

CITY OF DULUTH
PID NO. 010-0148-00090

BLOCK

BLOCK

N 1/4 COR OF
SEC. 11, TWP.
50N, RGE. 15W
1324.55

ALLEY (VACATED)

S89°49'49"W 1324.55

S89°49'49"W 1324.71

UNITED STATES OF AMERICA
PID NO. 395-0010-02925

NE COR OF
SEC. 11, TWP.
50N, RGE. 15W

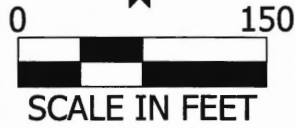
SEC. 11

TWP. 50N

RGE. 15W

SURVEYOR'S NOTES

- THIS SURVEY HAS BEEN PREPARED WITHOUT BENEFIT OF A TITLE COMMITMENT OR TITLE OPINION. A TITLE SEARCH FOR RECORDED OR UNRECORDED EASEMENTS WHICH MAY BENEFIT OR ENCUMBER THIS PROPERTY HAS NOT BEEN COMPLETED BY ALTA LAND SURVEY COMPANY. THE SURVEYOR ASSUMES NO RESPONSIBILITY FOR SHOWING THE LOCATION OF RECORDED OR UNRECORDED EASEMENTS OR OTHER ENCUMBRANCES NOT PROVIDED TO THE SURVEYOR AS OF THE DATE OF THE SURVEY.
- BEARINGS ARE BASED ON THE ST. LOUIS COUNTY TRANSVERSE MERCATOR COORDINATE SYSTEM OF 1996. (NAD 83 2011)



LEGEND

- RIGHT OF WAY LINE
- PROPOSED EASEMENT LINE
- SECTION SUBDIVISION LINE
- EXISTING PLAT LINE
- CAST IRON MON
- ALUM CAPPED MONUMENT
- PROPOSED EASEMENT AREA

LEGAL DESCRIPTION OF ~~PROPOSED EASEMENT~~
 The North ~~25~~ ²⁵ feet of the Northeast Quarter of the Northeast Quarter of Section 11, Township 50 North, Range 15 West of the Fourth Principal Meridian, St. Louis County, Minnesota.
 Said easement contains ~~33,112~~ ^{33,112} square feet or ~~.76~~ ^{.76} acres.

I hereby certify that this survey, plan, or report was prepared by me or under my direct supervision and that I am a duly Licensed Land Surveyor under the laws of the State of Minnesota.

David R. Evanson
 David R. Evanson
 MN License #49505
 DATE:07-01-2021

EASEMENT EXHIBIT

CLIENT:NCE	REVISIONS:
ADDRESS:RALSTON DRIVE/AIRPORT ROAD HERMANTOWN, MN 55811	
DATE:07-01-2021	JOB NO:21-076 SHEET 1 OF 1

ALTA
 LAND SURVEY COMPANY

PHONE: 218-727-5211
 LICENSED IN MN & WI
 WWW. ALTALANDSURVEYDULUTH.COM