



Hermantown City Council Meeting – February 7, 2022

Because of attendance considerations at the regular meeting location due to the health pandemic, Hermantown's upcoming, 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/84196996052?pwd=Mm5Wb0k2VWFkWFJsVy9GL0l1Q2cyZz09>

and/or by calling the number (312) 626-6799 and utilizing the meeting ID number of 841-9699-6052 and the passcode of 075854.

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 "City Council Meeting." It is important to note that all comments regarding this 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, 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, February 7, 2022 at 3:00 p.m. Council Chambers City Hall - Hermantown Governmental Services Building

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

City Council Meeting February 7, 2022 at 6:30 p.m. Council Chambers City Hall - Hermantown Governmental Services Building

Invitation to participate:

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

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

Order of discussion

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

**CITY OF HERMANTOWN
AGENDA**

**Pre-Agenda Meeting Monday, February 7, 2022 at 3:00 p.m.
Council Chambers
Hermantown Governmental Services Building**

**City Council Meeting February 7, 2022 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. **22-11** RE: Crack Seal for Arrowhead Road Project
From: Paul Senst, Public Works Director
To: City Council
 - B. **22-12** RE: Tree Removal for 2022 Ugstad Road Construction Project
From: Paul Senst, Public Works Director
To: City Council
7. **PRESENTATIONS** *(Department Heads may give reports if necessary.)*
 - A. Discussion of the Community Recreation at 3:00 p.m.
 - B. Kevin Orme, Director of Finance & Administration *(Pre-Agenda Only)*
RE: [Preliminary 4th Quarter Financials](#)
 - C. David Bolf, City Engineer *(Pre-Agenda Only)*
RE: Bridge Report – Hermantown Rd
 - D. David Bolf, City Engineer *(Pre-Agenda Only)*
RE: Oak Ridge Drive Sewer Study
 - E. David Bolf, City Engineer *(Pre-Agenda Only)*
RE: Lindahl Rd Bridge

F. Eric Johnson, Community Development Director (*Pre-Agenda Only*)
RE: [Planning and Zoning Update](#)

8. **PUBLIC DISCUSSION** (*This is the time for individuals to address the Council about any item not on the agenda. The time limit is three minutes per person.*)

9. **CONSENT AGENDA** (*All items on the Consent Agenda are items which are considered routine by the City Council and will be approved by one motion via voice vote. There will be no discussion of these items unless a Council Member or citizen so requests, in which event the item will be removed from the Consent Agenda and considered at the end of the Consent Agenda.*)

A. **Minutes** - Approval or correction of January 18, 2022 City Council Continuation Minutes

B. **Accounts Payable** – Approve general city warrants from January 16, 2022 through January 31, 2022 in the amount of \$376,906.99

10. **MOTIONS**

A. **Motion** to approve/deny a sewer credit of \$63,710 for the Y at the Essentia Wellness Center.

(motion, roll call)

11. **ORDINANCES**

A. **2022-01** An Ordinance Amending Section 220, City Administrator, Of The Hermantown City Code By Modifying The City Administrator's Ability To Sign For Purchase Orders For Set Limits

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. **2022-10** Resolution Amending and Restating Resolution No. 2021-87 Ordering Improvement and Directing Preparation of Finals Plans and Specifications for Road Improvement District No. 538

(motion, roll call)

B. **2022-15** Resolution Approving The Donation Of Easements To The City Of Hermantown For The Ugstad Road And Arrowhead Road Improvement

(motion, roll call)

C. **2022-17** Resolution Authorizing The Director Of Finance & Administration To Amend Selected 2021 Budgets And Make Transfers

(motion, roll call)

D. 2022-18 Resolution Authorizing And Directing Mayor And City Clerk To Execute An Acceptance Of Easement Agreement To The City Of Hermantown From Independent School District #700 For The Ugstad Road And Arrowhead Road Improvement

(motion, roll call)

E. 2022-19 Resolution Approving Amendments To Planned Unit Development For The Plat Of Pine View

(motion, roll call)

F. 2022-20 Resolution Approving Preliminary And Final Plat Of Radar Run And Imposing Conditions On The Final Plat

(motion, roll call)

G. 2022-21 Resolution Approving A Special Use Permit For The Construction Of A Two-Family Home In A R-3 Residential Zoning District And Within A Recreational Shoreland Area

(motion, roll call)

H. 2022-22 Resolution Approving Amendments To The Management Compensation Plan

(motion, roll call)

I. 2022-23 Resolution Authorizing And Directing The Distribution Of The Pay Equity Study To The State Of Minnesota For The City Of Hermantown

(motion, roll call)

J. 2022-24 Resolution Approving An Update To The City of Hermantown Minnesota Government Data Practices Act City Hall Procedures

(motion, roll call)

K. 2022-25 Resolution Approving An Update To The City of Hermantown Minnesota Government Data Practices Act Police Department Procedures

(motion, roll call)

13. RECESS

DATE: 2022

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. I have copied only the correspondence that we believe to be of special interest.

JM

2022 CORRESPONDENCE

<u>DATE</u>	<u>LOG #</u>	<u>FROM</u>	<u>TO</u>	<u>REGARDING</u>	<u>FILED</u>
1/7/2022	22-04	Will Seuffert, MN Public Utilities Commission	John Mulder, City Administrator	Notice of Public Information and Environmental Review Scoping Meeting	1/10/2022
1/18/2022	22-05	Susan Craddock	Wayne Boucher, Mayor	Mask Mandate	1/13/2022
1/20/2022	22-06	Eric Johnson, Comm. Dev. Dir.	Park Board	HYSA Water Subsidy	1/19/2022
1/20/2022	22-07	Eric Johnson, Comm. Dev. Dir.	Planning Commission	SUP Soumis, 437X Lavaque Rd.	1/19/2022
1/20/2022	22-08	Eric Johnson, Comm. Dev. Dir.	Planning Commission	Amend Dev. Plan, Stokke, Pine View Dev.	1/19/2022
1/20/2022	22-09	Eric Johnson, Comm. Dev. Dir.	Planning Commission	Prelim & Final Plat, Titan Premier, 5015 Radar Rd.	1/19/2022
2/2/2022	22-10	Minnesota Energy Resources	City of Hermantown	Farm Tap Proposal	2/1/2022
2/2/2022	22-11	Paul Senst, Public Works Director	City Council	Crack Seal for Arrowhead Road Project	2/2/2022
2/2/2022	22-12	Paul Senst, Public Works Director	City Council	Tree Removal for 2022 Ugstad Rd Project	2/2/2022

TO: Mayor & City Council
FROM: Paul Senst, Public Works Director
DATE: February 1, 2022
SUBJECT: Crack Seal



Meeting Date: 02/07/202

Agenda Item: 6-H **Resolution:** N/A

REQUESTED ACTION

No Action required – Informational only

BACKGROUND

On 10/18/2021, the City Council approved Resolution 2021-130 for a Co-Op agreement with St. Louis County (SLC) for Crack sealing Arrowhead Road. SLC provided budgetary numbers of \$7,500/mile when we submitted our request to partner with them. Once their numbers came in, we were told by the SLC Engineers the cost for these 2 miles was going to be in the \$100,000 range. This amount was not in in our 2022 budget as we had budgeted accordingly based on their budgetary information, so we will not be entering into the cooperative agreement with the County.

SOURCE OF FUNDS (if applicable)

N/A

ATTACHMENTS

Original SLC Co-op Sheet
Steve Krasaway Email



**St. Louis County Public Works Department
2022 Crack Sealing Request Form
Due Date: Friday, September 24, 2021**

Agency Name
Address
City, State, Zip
Contact Name
Email
Phone Number

My agency is requesting to participate in the Crack Sealing Program

Road Name	Road #	Miles
1.)	From:	To:
2.)	From:	To:
3.)	From:	To:
4.)	From:	To:
5.)	From:	To:
6.)	From:	To:
7.)	From:	To:
8.)	From:	To:
9.)	From:	To:
10.)	From:	To:

*Please attach a separate sheet for additional roads.

Total Mileage:

If you have requested Maintenance Striping on the Maintenance Striping Request Form for any of the above listed roads, please list the corresponding line numbers here:

The estimated cost is \$7,500 per mile

Please complete and submit this form to:

Email:

FallstromE@stlouiscountymn.gov and
KrasawayS@stlouiscountymn.gov

OR

Mail:

Saint Louis County Public Works Attn:
Steve Krasaway
4787 Midway Rd.
Duluth, MN 55811

A resolution must be attached from the town board or city council that approves entering into a cooperative agreement with St. Louis County. Applications that do not include this resolution may not be accepted into the program.

For general questions, please contact

Eric Fallstrom by phone at 218-742-9821 or via email at FallstromE@stlouiscountymn.gov OR Steve Krasaway by phone at 218-625-3841 or via email at KrasawayS@stlouiscountymn.gov.

South Cracksealing 2021

Zone	Road	Length Miles	Avg. Width Feet (W)	# of Cracks (N)	LF of Transverse Cracks	CL/LF of Cracks	Total	Rout & Seal (1:1.7)		Crack Repair Special (2:1)			
					(W) x (N)			LBS	\$	2.09	LBS	\$	2.25
	City of Hermantown (Arrowhead Road)	2.25	32	590	18,880	5,034	23,914	14,067	\$	29,400.15			
	From HWY 53 To Ugstad Road		32	364	11,648	2,020	13,668				27,336	\$ 61,506.00	
								14,067	\$	29,400.15	27,336	\$ 61,506.00	
									\$			90,906.15	

TO: Mayor & City Council

FROM: Paul Senst-Director PW&U



DATE: February 1, 2022

Meeting Date: 02/07/2022

SUBJECT: Tree Removal-2022 Ugstad Rd
Project

Agenda Item: 6-I

Resolution: N/A

REQUESTED ACTION

No Action Required – Informational only

BACKGROUND

As a requirement of the 2022 Road Improvement Plan, the tree removal for the project must be completed before 3/31/2022. Along with the Ugstad Road Plan Tree removal, there were a few trees at the Essentia Wellness Center that will be removed.

Public Works solicited 3 quotes for this work from Ricks Tree & Stump Removal, Sawtooth Tree Service and Amberjack Tree Service.

Since that amount is within the authority of the City Administrator we will award the work to Ricks Tree & Stump Removal, LLC for a contract in the amount of \$5,298.00

SOURCE OF FUNDS (if applicable)

ATTACHMENTS:

Ricks Tree & Stump Removal Quote



January 24th, 2022

To: Bidders

RE: Tree Removal- 2022 Ugstad Road Construction Project

Bidders,

The City of Hermantown will receive quotes for the attached plans for tree clearing for the 2022 Ugstad Road Project. Quotes are due to the Director of Public Works, Paul Senst on or before January 31st, 2022 @ 12 PM via email, on the attached bid form.

The trees that need to be cleared are shown on the attached drawings along with the following:

- 1) Tree/brush removal as shown on plan sheets. Grubbing will be under General road contract.
- 2) 15 trees at the Essentia Wellness center- these trees are ribboned with a fluorescent Yellow/Green ribbon on the West side of the Property on both sides of the West Arrowhead Road entrance to the facility.- These trees are to be felled and removed at ground level. Stumps will stay, Trunks, branches etc. to be removed by contractor.
- 3) 3 trees at the address 4255 Lavaque Road. These trees are ribboned with a fluorescent Yellow/Green ribbon- These trees are to be felled and removed at ground level. Stumps will stay, Trunks, branches etc. to be removed by contractor.
- 4) A Unit Price per tree if additional trees come into this scope of work under the same mobilization.

5) *WORK must be completed in its entirety by 3/25/22*

Working together to serve and build our community.

5105 Maple Grove Road, Hermantown, MN 55811
218-729-3600 hermantownmn.com



Proof of Insurances will be required, Please see below and attached. These are minimums that will be required.

- *Insurance* – Attach hereto a certificate indicating that you have obtained an insurance policy with a combined single limit of coverage of at least \$1,000,000.00 that provides coverage against all claims and liabilities arising from any construction activity performed by you under the Excavating Contractor License for which application is made and that names the City of Hermantown as an additional insured under such policy and that meets the other requirements of Section 310 of the Hermantown City Code. Also, please read and complete the form entitled “Proof of Workers Compensation Insurance Coverage” which has been provided to you by the City.
- *Hold Harmless Agreement* – Attach hereto a Hold Harmless Agreement executed by an authorized representative of the applicant.
- *Bond* – Attach hereto a surety bond in the amount of \$5000.00 in favor of the City that meets the requirements of Section 310 of the Hermantown City Code.

If you have any questions please contact me.

Respectfully,

A large, stylized handwritten signature in black ink, consisting of several overlapping loops and a long horizontal stroke extending to the right.

Paul Senst
Public Works Director
psenst@hermantownmn.com
218-729-3640

Working together to serve and build our community.

5105 Maple Grove Road, Hermantown, MN 55811
218-729-3600 hermantownmn.com

City of Hermantown

As of 12/31/2021

Cash/Investments per Fund

240 City Sales Tax Fund	5,637,140
601 Water Fund	5,213,070
602 Sewer Fund	5,334,156
101 General Fund	4,535,555
Other	13,556,276
Total	<u>34,276,197</u>

Who holds our money

4M	5,383,936
RBC	19,332,917
Wells Fargo	5,906
TD Ameritrade	632,478
NBC	8,920,960
Total	<u>34,276,197</u>

How our money is invested

	<u>12/31/2021</u>	<u>9/30/2021</u>	<u>11/30/2015</u>
Cash	8,920,960	8,123,118	8,677,550
Short Term Investment (Money Market)	5,387,120	5,612,816	1,820,749
Investment - Section 24 and Road Plan	632,478	1,032,971	0
Long Term Investment	19,335,638	17,177,118	3,924,540
Total	<u>34,276,197</u>	<u>31,946,023</u>	<u>14,422,839</u>

Year our Investments mature

2022	4,431,182
2023	8,670,889
2024	4,997,503
2025 and later	1,236,066
Total	<u>19,335,638</u>

City of Hermantown
Select Departmental and Funds Expenditure Actual to Budget Report (unaudited)

		TARGET (Q4 2021)	ACTUAL (Q4 2021)	PERCENT UNDER (OVER)
Administration & Finance		658,881	620,676	6%
Community Development		253,708	201,390	21%
Police Administration		2,983,422	2,894,891	3%
Fire Administration		521,160	521,160	0%
Street Dept. (Incl. Gen Eng)		753,286	718,848	5%
Parks		129,212	157,188	(22%)
Capital Equipment Transfer		343,000	343,000	0%
Facilities		333,693	350,377	(5%)
Other		311,839	313,940	(1%)
General Fund Expenditure Total		6,288,201	6,121,469	3%
Water		2,068,537	1,937,826	6%
Sewer		1,850,721	1,172,205	37%
Stormwater		486,211	212,725	56%
Sales Tax Revenue		2,990,000	3,577,598	20%

Parks - Red due to Reimb. Tree Grant expenditures and general expenditure excess spending

Facilities – Red due to unexpected Firehall repairs at all three Firehalls

Sewer – Still have major expenditures to recognize in 2021

Stormwater – Still have major expenditures to recognize in 2021



Planning & Zoning Commission
and Community Development
Department

2021 Hermantown Planning & Zoning Commission

Joseph Peterson, *Chair*

Corey Kolquist *Vice Chair*

Samuel Clark

Beth Wentzlaff

Valerie Ouellette

Buckley Simmons

Shannon Sweeney Jorgenson

John Geissler, *Council Liaison*

Summary of Applications

In 2021 the Planning Commission held public hearings on numerous applications. The applications are listed by type, and the projects are described in the paragraphs to follow.

Applications Processed:	25
Planned Unit Development	4
Preliminary and Final Plat	3
Ordinance/Zoning Text Amendment	1
Special Use Permits	9
Variance	2
Flag Lot Subdivision	5
Subdivision	1

DEVELOPMENT PROJECTS

Projects that came before the Planning & Zoning Commission in 2021 are briefly summarized below:

FINAL PLAT

Peyton Acres – JLG Enterprises of Hermantown, LLP

An application for phase 1B consisting of 10 lots on 12 acres and 1 outlot 43 acres. The first two phases are entirely within the R-3 zoning district with the lots being ½ acre minimum in size.

Action Taken:

Planning & Zoning Commission recommended approved the plat contingent on 13 conditions.

Result of Planning & Zoning Commission recommendation:

The preliminary plat was approved by the City Council in April 2020. The final plat for phase 1A (6 lots) was approved in July 2020. The developer commenced work on the project in September 2020 and is currently selling these lots. The developer anticipates phase 1B lots being on the market in the fall of 2022.

PLANNED UNIT DEVELOPMENTS

Keene Creek Trail Subdivision/PUD – Jay Zierden/BMAX

An application for a Preliminary Planned Unit Development (PUD) to construct 21 single family lots and 4 twinhome lots (8 units) for a total of 29 lots/units. The proposed development is located at the NE intersection of Okertrom Road and Morris Thomas Road in a R-3 zoning district. The PUD proposes lots ranging from 11,743 square feet to 20,605 square feet in size. As part of the development, it is anticipated that the developer will deed approximately 13 acres to the City adjacent to Keene Creek which can be used for the extension of the City's trail system.

Action Taken:

Planning & Zoning Commission recommended approved contingent on 13 conditions.

Result of Planning & Zoning Commission recommendation:

The application for the Preliminary Planned Unit Development received approval at the City Council. The developer has one year from the time of City Council approval to apply for a Final PUD. It is anticipated that the developer will be submitting in the spring of 2022.

Maple Grove Apartments – JP Holding Co., LLC

An application for a Preliminary Planned Unit Development (PUD) to construct a 103 unit, four story apartment building. The proposed site is located on a 13 acre site, to the east of the Maple Grove Road/Lavaque Road intersection, along the trunk sanitary sewer corridor. The applicant is proposing three floors of living units above an enclosed garage floor, which is partially underground.

The applicant is proposing an internal trail system which will eventually connect to the future City wide trail system which will run to the north of this property. There is also an internal sidewalk connecting the apartment to the existing sidewalk along Maple Grove Road; a dog run area; community garden for the apartment residents; a play structure and a pavilion.

Action Taken:

Planning & Zoning Commission recommended approved contingent on 20 conditions.

Result of Planning & Zoning Commission recommendation:

The application for the Preliminary Planned Unit Development received approval at the City Council. The developer has one year from the time of City Council approval to apply for a Final PUD.

Red Tail Hawk Subdivision/PUD – Jay Zierden/BMAX

An application for a Preliminary and Final Planned Unit Development (PUD) to construct a 7 lot subdivision. The proposed development is located at 5189 West Arrowhead Road and encompasses 4371 Grouse Ridge Drive. in a R-3 zoning district. The application reconfigured these two parcels into a 0.57 acre parcel for 5189 W Arrowhead Road and a 0.67 acre parcel for the 4371 Grouse Ridge Drive property. The other 5 lots range in size from 0.5 acres to 23.6 acres in size.

Action Taken:

Planning & Zoning Commission recommended approved contingent on 13 conditions.

Result of Planning & Zoning Commission recommendation:

The application for the Preliminary and Final Planned Unit Development received approval at the City Council. The developer has since subdivided the property and filed a plat with St. Louis County.

ZONING TEXT AMENDMENT

Chapter 11 – Planned Unit Development – City of Hermantown

The City undertook an eight month process in order to review the existing PUD ordinance. The City engaged the ARDC to perform a PUD Study in concert with a City led survey of selected stakeholders in order to understand the range and views on the use of PUD's. The ARDC conducted a best practice review of literature and peer communities, evaluated the City's PUD ordinance and comprehensive plan, as it related to the use of a PUD and met with the Planning and Zoning Commission on multiple occasions to discuss and engage them on their thoughts relating to PUD's. This information served as a basis for an update to the text associated with the ordinance.

Action Taken:

Planning & Zoning Commission recommended approval of the text amendments to the PUD ordinance.

Result of Planning & Zoning Commission recommendation:

The City Council approved the text amendments to the PUD ordinance. The new ordinance has been in place for approximately 4 months and has been used for the basis of the Maple Grove Apartments PUD submittal.

ADDITIONAL APPLICATIONS

- A SUP to Miller Creek Property Investment, for a contractor's storage yard/lawn and garden material supplies located at 5350 and 5396 Miller Trunk Hwy. This business relocated to this site in the summer of 2021 and has been making numerous site and building improvements. This project was approved by the Planning and Zoning Commission in November 2021.
- A PUD to A-Lign Properties LLC for the construction of three duplexes (6 units total) was approved in February 2021. The property is located in a R-3 zoning district and is located at the NE intersection of Hermantown Road and Lavaque Road.

- A SUP to Maurice Bourdage, for parking as a primary use, on a property located at 4918 Lightning Drive. This towing business (Nascar Towing) is locating to the City's industrial park, with the new property owner planning on making site improvements. This project was approved by the Planning and Zoning Commission in November 2021.

Community Development Department

In 2021 the Community Development Department processed 77 varying applications as well as spoke to multiple developers regarding housing and commercial development opportunities within the City. There continues to be strong interest in housing opportunities, especially in developments incorporating housing types other than single family residential projects.

Applications Processed:	77
Planned Unit Development	3
Development Agreements	1
Preliminary and Final Plat	3
Wetland Replacement Plan	1
Property Splits/Subdivisions	15
Wetland Delineations	15
Wetland Exemptions	2
Zoning Certificates	21
Erosion Control Permits	3
Ordinance/Zoning Text Amendments	1
Special Use Permits	10
PUD Amendment	1
Easement Vacation	1

CITY OF HERMANTOWN
CITY COUNCIL MEETING
January 18, 2022
6:30 p.m.

MEETING CONDUCTED IN PERSON & VIA ZOOM

Pledge of Allegiance

ROLL CALL: Councilors Geissler, Hauschild, Mayor Boucher

CITY STAFF: John Mulder, City Administrator; Jackie Dolentz, City Clerk; Eric Johnson; Community Development Director; Joe Wicklund, Communications Manager; David Bolf, City Engineer; Gunnar Johnson, City Attorney

ABSENT: Councilors Nelson, Peterson

VISITORS: 2

ANNOUNCEMENTS

The Mayor welcomed the new City Clerk.

Councilor Hauschild is expecting baby #2 in the next few weeks so may be absent from upcoming meetings.

PUBLIC HEARING

A. Street Improvements on Richard Avenue and Lindgren Road in the Hermantown Marketplace

NOTICE IS HEREBY GIVEN, that the City Council of the City of Hermantown will meet in the council chambers of Administrative Services Building, 5105 Maple Grove Road, Hermantown, Minnesota, at 6:30 p.m. on Tuesday, January 18, 2022 to consider the construction of 1,800 feet of street improvements on Richard Avenue and Lindgren Road in the Hermantown Marketplace.

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

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

The estimated cost of such improvement is \$2,138,607.80

A reasonable estimate of the impact of the assessment 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.

Authorized by the City Council.

The Public Hearing held Tuesday, January 18, 2022 regarding the Street Improvements on Richard Avenue and Lindgren Road in the Hermantown Marketplace has been recorded but not transcribed. There were no persons present who spoke on this matter.

Public Hearing closed at 6:46 p.m.

2022-10 Resolution Amending and Restating Resolution No. 2021-87 Ordering Improvement and Directing Preparation of Finals Plans and Specifications for Road Improvement District No. 538

Motion made by Councilor Hauschild, seconded by Councilor Geissler to table Resolution 2022-10, Resolution Amending and Restating Resolution No. 2021-87 Ordering Improvement and Directing Preparation of Finals Plans and Specifications for Road Improvement District No. 538. Motion carried on a voice vote.

COMMUNICATIONS

Communication 21-217 was read and placed on file.

Communication 22-01 from Christopher Belden, DTA to City Officials regarding DTA bus stops.

Communication 22-02 from Jim Rich, Building Official to City Officials regarding 2021 building permits.

Communication 22-03 from Jim Rich, Building Official to City Officials regarding Building Permit Comparison 2019-2021.

PRESENTATIONS

John Mulder, City Administrator, gave a presentation on the Community Recreation Initiative Consultant. The proposal from ICS was included in the packet. John compared this process to the process used during the Wellness Center project and said that a number of questions needed to be discussed.

John Mulder, City Administrator, gave a presentation on the School District Ice Arena. John gave an update on the meeting with School District that was held on January 10, 2022. The three options that the school presented were included in the packet.

PUBLIC DISCUSSION

Chad Ronchetti, 3758 Stebner Road, spoke to the City Council on the different delivery methods possible for delivering construction.

CONSENT AGENDA

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

- A. Approve January 3, 2022 City Council Continuation Minutes
- B. Approve general city warrants from January 1, 2022 through January 15, 2022 in the amount of \$513,565.54

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

MOTIONS

ORDINANCES

RESOLUTIONS

2022-11 Resolution Approving An Amendment To The City Handbook Regarding City Purchasing Policy

Motion made by Councilor Hauschild, seconded by Councilor Geissler to adopt Resolution 2022-11, Resolution Approving An Amendment To The City Handbook Regarding City Purchasing Policy. Roll Call: Councilors Geissler, Hauschild, Mayor Boucher, aye. Councilors Nelson, Peterson absent. Motion carried.

2022-12 Resolution Receiving Bids And Awarding Contract For Highway 53 Water Tower Reconditioning To Osseo Construction Company In The Amount Of \$455,500.00

Motion made by Councilor Hauschild, seconded by Councilor Geissler to adopt Resolution 2022-12, Resolution Receiving Bids And Awarding Contract For Highway 53 Water Tower Reconditioning To Osseo Construction Company In The Amount Of \$455,500.00. Roll Call: Councilors Geissler, Hauschild, Mayor Boucher, aye. Councilors Nelson, Peterson absent. Motion carried.

2022-13 Resolution Authorizing And Directing The Mayor And City Clerk To Execute And Deliver The Police Enterprise Records Management System Access Agreement With The City Of Duluth On Behalf Of Its Police Department

Motion made by Councilor Geissler, seconded by Councilor Hauschild to adopt Resolution 2022-13, Resolution Authorizing And Directing The Mayor And City Clerk To Execute And Deliver The Police Enterprise Records Management System Access Agreement With The City Of Duluth On Behalf Of Its Police Department. Roll Call: Councilors Geissler, Hauschild, Mayor Boucher, aye. Councilors Nelson, Peterson absent. Motion carried.

2022-14 Resolution Evolving The Cable TV Coordinator Position To Include A Communications Internship

Motion made by Councilor Hauschild, seconded by Councilor Geissler to adopt Resolution 2022-14, Resolution Evolving The Cable TV Coordinator Position To Include A Communications Internship. Roll Call: Councilors Geissler, Hauschild, Nelson, Mayor Boucher, aye. Councilors Nelson, Peterson absent. Motion carried.

2022-15 Resolution Approving The Donation Of Easements To The City Of Hermantown For The Ugstad Road And Arrowhead Road Improvement

Motion made by Councilor Geissler, seconded by Councilor Hauschild to table Resolution 2022-15, Resolution Approving The Donation Of Easements To The City Of Hermantown For The Ugstad Road And Arrowhead Road Improvement. Motion carried on a voice vote.

2022-16 Resolution Authorizing and Directing Mayor and City Clerk to Execute and Delivery Agreement for the Use of the City of Hermantown Athletic Fields with Independent School District No. 700

Motion made by Councilor Hauschild, seconded by Councilor Geissler to adopt Resolution 2022-16, Resolution Authorizing and Directing Mayor and City Clerk to Execute and Delivery Agreement for the Use of the City of Hermantown Athletic Fields with Independent School District No. 700. Roll Call: Councilors Geissler, Hauschild, Nelson, Mayor Boucher, aye. Councilors Nelson, Peterson absent. Motion carried.

Motion made by Councilor Geissler, seconded by Councilor Hauschild to close the regular meeting of the Hermantown City Council at 7:03 p.m. and go into a closed session pursuant to the following statute and stated reason: Minnesota Statutes §§ 13D.05, subd. 3(c)(1) and 13D.05, subd. 3(c)(3) to evaluate the asking price of naming rights associated with a proposed hockey arena located in the City of Hermantown and develop offers and counteroffers. Motion carried on a voice vote.

Councilor Peterson participated via Zoom in the discussion.

Motion made by Councilor Geissler, seconded by Councilor Hauschild to re-convene into open session at 7:59 p.m. Motion carried on a voice vote.

Motion made by Councilor Hauschild seconded by Councilor Geissler to recess the meeting at 8:00 p.m. Motion carried on a voice vote.

Mayor

ATTEST:

Clerk

CITY OF HERMANTOWN

CHECKS #68373-68423
01/16/2022-01/31/2022

PAYROLL CHECKS

Electronic Checks - #69768-69812 \$74,121.82

LIABILITY CHECKS

Electronic Checks - #69813 \$765.23

Electronic Checks - #69762-69767 \$54,562.37

Check - #68373-68374 \$1,019.24

Check - #68418-68423 \$4,457.84

PAYROLL EXPENSE TOTAL \$134,926.50

ACCOUNTS PAYABLE

Check - #68375-68417 \$168,165.02

Electronic Payments #-99813-99818 \$73,815.47

ACCOUNTS PAYABLE TOTAL \$241,980.49

TOTAL \$376,906.99

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Fun d	Account	Department	Vendor Name	Description	Amount	Check #
101	362430	Refund & Reimbursement	FIRST BANKCARD	Dec First Bank Card Orme	-250.00	-99818
101	362430	Refund & Reimbursement	FIRST BANKCARD	Dec First Bank Card Sens	-50.00	-99818
101	362430	Refund & Reimbursement	FIRST BANKCARD	Dec First Bank Card Crace	-50.00	-99818
101	413100	Mayor	FIRST BANKCARD	Dec First Bank Card Orme	4.00	-99818
101	415300	Administration & Finance	FIRST BANKCARD	Dec First Bank Card Orme	9.74	-99818
101	415300	Administration & Finance	FIRST BANKCARD	Dec First Bank Card Mulder	76.60	-99818
101	415300	Administration & Finance	FIRST BANKCARD	Dec First Bank Card Orme	43.86	-99818
101	415300	Administration & Finance	FIRST BANKCARD	Dec First Bank Card Orme	4,212.90	-99818
101	415300	Administration & Finance	FIRST BANKCARD	Dec First Bank Card Orme	24.00	-99818
101	419100	Community Development	FIRST BANKCARD	Dec First Bank Card Orme	12.00	-99818
101	419901	City Hall & Police Building Maintenance	FIRST BANKCARD	Dec First Bank Card Heinbuch	174.24	-99818
101	421100	Police Administration	FIRST BANKCARD	Dec First Bank Card Salo	3.44	-99818
101	421100	Police Administration	FIRST BANKCARD	Dec First Bank Card Esterbrook	34.42	-99818
101	421100	Police Administration	FIRST BANKCARD	Dec First Bank Card Johnson	275.00	-99818
101	421100	Police Administration	FIRST BANKCARD	Dec First Bank Card Ross	53.98	-99818
101	421100	Police Administration	FIRST BANKCARD	Dec First Bank Card Esterbrook	282.34	-99818
101	421100	Police Administration	FIRST BANKCARD	Dec First Bank Card Ross	111.15	-99818
101	421100	Police Administration	FIRST BANKCARD	Dec First Bank Card Williams	53.82	-99818
101	421100	Police Administration	FIRST BANKCARD	Dec First Bank Card Stacek	48.86	-99818
101	421100	Police Administration	FIRST BANKCARD	Dec First Bank Card Gottschald	54.31	-99818
101	421100	Police Administration	FIRST BANKCARD	Dec First Bank Card Leibel	7.84	-99818
101	421100	Police Administration	FIRST BANKCARD	Dec First Bank Card Orme	75.98	-99818
101	421100	Police Administration	FIRST BANKCARD	Dec First Bank Card Crace	299.95	-99818
101	421100	Police Administration	FIRST BANKCARD	Dec First Bank Card Crace	27.09	-99818
101	421100	Police Administration	FIRST BANKCARD	Dec First Bank Card Gunderson	45.18	-99818
101	421100	Police Administration	FIRST BANKCARD	Dec First Bank Card Crace	190.00	-99818
101	421100	Police Administration	FIRST BANKCARD	Dec First Bank Card Gunderson	14.54	-99818
101	421100	Police Administration	FIRST BANKCARD	Dec First Bank Card Pfeiffer	330.53	-99818
101	421100	Police Administration	FIRST BANKCARD	Dec First Bank Card Mulder	117.24	-99818
101	424100	Building Inspection	FIRST BANKCARD	Dec First Bank Card Orme	4.00	-99818
101	431100	Street Department	FIRST BANKCARD	Dec First Bank Card Orme	16.00	-99818
101	431100	Street Department	FIRST BANKCARD	Dec First Bank Card Sens	307.00	-99818
101	431100	Street Department	FIRST BANKCARD	Dec First Bank Card Sens	46.16	-99818
601	494300	Water Distribution	FIRST BANKCARD	Dec First Bank Card Bjonskaas	41.37	-99818
601	494400	Water Administration and General	FIRST BANKCARD	Dec First Bank Card Orme	1,469.63	-99818
601	494400	Water Administration and General	FIRST BANKCARD	Dec First Bank Card Orme	12.00	-99818
601	494400	Water Administration and General	FIRST BANKCARD	Dec First Bank Card Orme	19.16	-99818
601	494400	Water Administration and General	FIRST BANKCARD	Dec First Bank Card Orme	3.25	-99818

Fun d	Account	Department	Vendor Name	Description	Amount	Check #
602	494900	Sewer Administration and General	FIRST BANKCARD	Dec First Bank Card Orme	1,469.63	-99818
602	494900	Sewer Administration and General	FIRST BANKCARD	Dec First Bank Card Orme	12.00	-99818
602	494900	Sewer Administration and General	FIRST BANKCARD	Dec First Bank Card Orme	3.25	-99818
602	494900	Sewer Administration and General	FIRST BANKCARD	Dec First Bank Card Orme	19.17	-99818
275	452200	Community Building	FIRST BANKCARD	Dec First Bank Card Orme	490.00	-99818
603	441100	Storm Water	FIRST BANKCARD	Dec First Bank Card Orme	685.84	-99818
101	415300	Administration & Finance	FURTHER ELECTRONIC PAYMENTS	Monthly Participant Fee 01/22	15.80	-99817
101	419100	Community Development	FURTHER ELECTRONIC PAYMENTS	Monthly Participant Fee 01/22	2.75	-99817
101	419901	City Hall & Police Building Maintenance	FURTHER ELECTRONIC PAYMENTS	Monthly Participant Fee 01/22	0.80	-99817
101	421100	Police Administration	FURTHER ELECTRONIC PAYMENTS	Monthly Participant Fee 01/22	31.95	-99817
101	431100	Street Department	FURTHER ELECTRONIC PAYMENTS	Monthly Participant Fee 01/22	2.05	-99817
601	494400	Water Administration and General	FURTHER ELECTRONIC PAYMENTS	Monthly Participant Fee 01/22	3.62	-99817
602	494900	Sewer Administration and General	FURTHER ELECTRONIC PAYMENTS	Monthly Participant Fee 01/22	5.43	-99817
101	414100	Elections	FURTHER ELECTRONIC PAYMENTS	1st Qtr VEBA 2022	25.50	-99816
101	415300	Administration & Finance	FURTHER ELECTRONIC PAYMENTS	1st Qtr VEBA 2022	4,367.75	-99816
101	419100	Community Development	FURTHER ELECTRONIC PAYMENTS	1st Qtr VEBA 2022	1,250.00	-99816
101	419901	City Hall & Police Building Maintenance	FURTHER ELECTRONIC PAYMENTS	1st Qtr VEBA 2022	812.50	-99816
101	421100	Police Administration	FURTHER ELECTRONIC PAYMENTS	1st Qtr VEBA 2022	21,250.00	-99816
101	422901	Firehall #1 Maple Grove Road	FURTHER ELECTRONIC PAYMENTS	1st Qtr VEBA 2022	250.00	-99816
101	424100	Building Inspection	FURTHER ELECTRONIC PAYMENTS	1st Qtr VEBA 2022	1,437.50	-99816
101	431100	Street Department	FURTHER ELECTRONIC PAYMENTS	1st Qtr VEBA 2022	3,787.50	-99816
101	431901	City Garage	FURTHER ELECTRONIC PAYMENTS	1st Qtr VEBA 2022	250.00	-99816
101	452100	Parks	FURTHER ELECTRONIC PAYMENTS	1st Qtr VEBA 2022	250.00	-99816
260	456101	Cable	FURTHER ELECTRONIC PAYMENTS	1st Qtr VEBA 2022	37.50	-99816
230	465100	HEDA	FURTHER ELECTRONIC PAYMENTS	1st Qtr VEBA 2022	200.50	-99816
101	490100	Cemetery	FURTHER ELECTRONIC PAYMENTS	1st Qtr VEBA 2022	25.00	-99816
601	494300	Water Distribution	FURTHER ELECTRONIC PAYMENTS	1st Qtr VEBA 2022	2,875.00	-99816
601	494400	Water Administration and General	FURTHER ELECTRONIC PAYMENTS	1st Qtr VEBA 2022	1,250.00	-99816
602	494500	Sewer Maintenance	FURTHER ELECTRONIC PAYMENTS	1st Qtr VEBA 2022	1,687.50	-99816
602	494900	Sewer Administration and General	FURTHER ELECTRONIC PAYMENTS	1st Qtr VEBA 2022	837.50	-99816
101	452200	Community Building	FURTHER ELECTRONIC PAYMENTS	1st Qtr VEBA 2022	125.00	-99816
603	441100	Storm Water	FURTHER ELECTRONIC PAYMENTS	1st Qtr VEBA 2022	2,006.25	-99816
101	217450	Employee Flexplan	FURTHER ELECTRONIC PAYMENTS	Claim Reimbursement - Electron	72.83	-99815
101	217450	Employee Flexplan	FURTHER ELECTRONIC PAYMENTS	Claim Reimbursement - Electron	1,751.62	-99814
101	419901	City Hall & Police Building Maintenance	MN POWER	4995600000 City Hall/Police/Fi	2,212.20	-99813
101	422901	Firehall #1 Maple Grove Road	MN POWER	4995600000 City Hall/Police/Fi	1,414.35	-99813
101	422902	Firehall #2 Morris Thomas Road	MN POWER	4995600000 FH #2 MorrisThomas	115.17	-99813
101	422903	Firehall #3 Midway Road	MN POWER	4995600000 FH #3 Midway/Rose	101.93	-99813

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Fun d	Account	Department	Vendor Name	Description	Amount	Check #
101	431901	City Garage	MN POWER	4971 Lightning Dr	293.71	-99813
101	431901	City Garage	MN POWER	4995600000 5255 Maple Grove Rd	23.56	-99813
101	452100	Parks	MN POWER	0606881181 Parks	174.76	-99813
101	452100	Parks	MN POWER	7463700000 Little Leagues	17.75	-99813
601	494400	Water Administration and General	MN POWER	4971 Lightning Dr	176.23	-99813
602	494900	Sewer Administration and General	MN POWER	0973881171 Sewer	609.39	-99813
602	494900	Sewer Administration and General	MN POWER	4971 Lightning Dr	117.48	-99813
275	452200	Community Building	MN POWER	5498955531 4289 Ugstad Rd/EWC	9,377.20	-99813
275	452200	Community Building	MN POWER	3481871314 EWC Garage	227.62	-99813
101	452200	Community Building	MN POWER	0606881181 Community Bldg	481.30	-99813
605	431160	Street Lighting	MN POWER	1424100000 Street Lights	345.99	-99813
605	431160	Street Lighting	MN POWER	6175310000 Street Lights	661.36	-99813
605	431160	Street Lighting	MN POWER	0041881181 Street Lights	434.85	-99813
605	431160	Street Lighting	MN POWER	3060281959 Street Lights (Roun	16.92	-99813
605	431160	Street Lighting	MN POWER	0234310000 Overhead St Lights	438.00	-99813
605	431160	Street Lighting	MN POWER	0247020000 Street Lights	357.26	-99813
605	431160	Street Lighting	MN POWER	0733871171 Traffic Lights	775.12	-99813
601	494300	Water Distribution	ACME TOOLS	H23 Grinder - for water breaks	299.00	68375
101	419901	City Hall & Police Building Maintenance	BENSON ELECTRIC COMPANY	Repair T544A Motor-CH/PD	101.37	68376
101	415300	Administration & Finance	BLACK MOUNTAIN SOFTWARE INC	Annual Service/Support 2022	14,393.00	68377
601	494400	Water Administration and General	BLACK MOUNTAIN SOFTWARE INC	Annual Service/Support 2022	7,196.50	68377
602	494900	Sewer Administration and General	BLACK MOUNTAIN SOFTWARE INC	Annual Service/Support 2022	7,196.50	68377
601	494300	Water Distribution	BORDER STATES ELECTRIC SUPPLY	Conduit-Vac Trailer Suck Tube	439.02	68378
602	494500	Sewer Maintenance	BRAUN INTERTEC CORPORATION	Sanitary Sewer Inspections	2,732.50	68379
101	421100	Police Administration	BRAY & REED LTD.	Prosecution Services December	4,500.00	68380
101	421100	Police Administration	BRAY & REED LTD.	Prosecution Services November	4,500.00	68380
101	431100	Street Department	CENTRAL PENSION FUND	Training Per Contract	73.93	68381
601	494300	Water Distribution	CENTRAL PENSION FUND	Training Per Contract	73.93	68381
602	494500	Sewer Maintenance	CENTRAL PENSION FUND	Training Per Contract	73.93	68381
101	419901	City Hall & Police Building Maintenance	CINTAS CORPORATION	Mats at FD/PD	30.72	68382
101	419901	City Hall & Police Building Maintenance	CINTAS CORPORATION	Mats at CH	8.88	68382
101	431100	Street Department	CINTAS CORPORATION	Mats Uniforms Supplies	10.80	68382
101	431100	Street Department	CINTAS CORPORATION	Mats, Uniforms, Supplies	10.80	68382
101	431100	Street Department	CINTAS CORPORATION	Uniforms	26.66	68382
101	431100	Street Department	CINTAS CORPORATION	Uniforms	26.66	68382
101	431901	City Garage	CINTAS CORPORATION	Mats Uniforms Supplies	11.08	68382
101	431901	City Garage	CINTAS CORPORATION	Mats Uniforms Supplies	15.00	68382
101	431901	City Garage	CINTAS CORPORATION	Mats, Uniforms, Supplies	30.00	68382

CITY OF HERMANTOWN, MN 01/16/2022-01/31/2022
Check # is between 68375 and 68417 or Check # is between -99818 and -99813

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Fun d	Account	Department	Vendor Name	Description	Amount	Check #
101	431901	City Garage	CINTAS CORPORATION	Mats, Uniforms, Supplies	29.56	68382
605	431160	Street Lighting	CITY OF DULUTH	2021 Signal and St Light Maint	5,282.43	68383
601	494300	Water Distribution	CITY OF DULUTH COMFORT SYSTEMS	December Water Charges	75,323.39	68384
601	494300	Water Distribution	CORE & MAIN LP	Water Meters	3,774.64	68385
601	494400	Water Administration and General	CUSTOMER ELATION INC	Dec21 - Jan17 Answering	29.73	68386
602	494900	Sewer Administration and General	CUSTOMER ELATION INC	Dec21 - Jan17 Answering	19.82	68386
101	411100	Council	CW TECHNOLOGY GROUP INC	Quarterly Billing Jan-Mar 2022	233.18	68387
101	413100	Mayor	CW TECHNOLOGY GROUP INC	Quarterly Billing Jan-Mar 2022	415.50	68387
101	415300	Administration & Finance	CW TECHNOLOGY GROUP INC	Quarterly Billing Jan-Mar 2022	2,492.96	68387
101	415300	Administration & Finance	CW TECHNOLOGY GROUP INC	Monitors	197.87	68387
101	419100	Community Development	CW TECHNOLOGY GROUP INC	Quarterly Billing Jan-Mar 2022	1,246.49	68387
101	421100	Police Administration	CW TECHNOLOGY GROUP INC	Quarterly Billing Jan-Mar 2022	7,975.41	68387
101	421100	Police Administration	CW TECHNOLOGY GROUP INC	Remote Support - RMS Implement	760.50	68387
101	424100	Building Inspection	CW TECHNOLOGY GROUP INC	Quarterly Billing Jan-Mar 2022	415.50	68387
101	431100	Street Department	CW TECHNOLOGY GROUP INC	Quarterly Billing Jan-Mar 2022	1,661.98	68387
601	494400	Water Administration and General	CW TECHNOLOGY GROUP INC	Quarterly Billing Jan-Mar 2022	1,246.49	68387
601	494400	Water Administration and General	CW TECHNOLOGY GROUP INC	Monitors	98.94	68387
602	494900	Sewer Administration and General	CW TECHNOLOGY GROUP INC	Monitors	98.94	68387
602	494900	Sewer Administration and General	CW TECHNOLOGY GROUP INC	Quarterly Billing Jan-Mar 2022	1,246.49	68387
101	415300	Administration & Finance	FORECAST5 ANALYTICS, INC.	License Agreement 5Cast Plus 2	4,500.00	68388
601	494400	Water Administration and General	FORECAST5 ANALYTICS, INC.	License Agreement 5Cast Plus 2	1,000.00	68388
602	494900	Sewer Administration and General	FORECAST5 ANALYTICS, INC.	License Agreement 5Cast Plus 2	1,000.00	68388
603	441100	Storm Water	FORECAST5 ANALYTICS, INC.	License Agreement 5Cast Plus 2	1,000.00	68388
601	494400	Water Administration and General	GOPHER STATE ONE-CALL INC	2022 Annual Fee	30.00	68389
602	494900	Sewer Administration and General	GOPHER STATE ONE-CALL INC	2022 Annual Fee	20.00	68389
101	415300	Administration & Finance	GREATAMERICA FINANCIAL SERVICES	Copier Lease/Konica Jan	96.00	68390
101	431901	City Garage	HARTEL'S/DBJ DISPOSAL CO LLC	Yard Trash Disposal October	165.76	68391
101	431901	City Garage	HARTEL'S/DBJ DISPOSAL CO LLC	Yard Trash Disposal November	165.76	68391
101	431901	City Garage	HARTEL'S/DBJ DISPOSAL CO LLC	Yard Trash Disposal December	165.76	68391
101	431901	City Garage	HARTEL'S/DBJ DISPOSAL CO LLC	Yard Trash Disposal September	165.76	68391
101	431100	Street Department	HERMANTOWN HYDRAULICS	H4 Wing Cylinder Rebuild	221.75	68392
101	431100	Street Department	HERMANTOWN HYDRAULICS	Hose for H1	81.14	68392
101	421100	Police Administration	HERMANTOWN SERVICE CENTER INC	Replace Battery SQD 12	154.00	68393
101	411300	Ordinance, Public Notice and Proceedings	HERMANTOWN STAR LLC	Ordiance 2021-10	90.75	68394
475	431100	Street Department	HERMANTOWN STAR LLC	Public Hearing Richard Ave Rd	123.75	68394
101	415300	Administration & Finance	INNOVATIVE OFFICE SOLUTIONS, LLC	Folders - Period 1	23.49	68395
101	415300	Administration & Finance	INNOVATIVE OFFICE SOLUTIONS, LLC	Office Supplies	102.21	68395
101	415300	Administration & Finance	INNOVATIVE OFFICE SOLUTIONS, LLC	Stamp	17.10	68395

Fun d	Account	Department	Vendor Name	Description	Amount	Check #
101	415300	Administration & Finance	INNOVATIVE OFFICE SOLUTIONS, LLC	Folders - Period 1	26.44	68395
601	494300	Water Distribution	KOLAR	Fuel Charcoal Solenoid-H25	61.49	68396
101	419901	City Hall & Police Building Maintenance	LBT OPERATING ALLOUEZ MARINE, LLC	MN Flag	190.00	68397
603	441100	Storm Water	LHB INC	Hermantown Bridge 7724 Assessm	664.50	68398
101	431100	Street Department	MENARD INC	Wiper Blades	19.98	68399
101	431901	City Garage	MENARD INC	Toilet Plunger	14.98	68399
101	431901	City Garage	MENARD INC	Wheel Barrow/Hose	28.87	68399
101	421100	Police Administration	MN CHIEFS OF POLICE ASSN	2022 Dues Crace	320.00	68400
601	494300	Water Distribution	MN MUNICIPAL UTILITIES ASSN	2022 Water Utility Member Dues	521.00	68401
101	419901	City Hall & Police Building Maintenance	MN TELECOMMUNICATIONS	January 2022 Internet	360.00	68402
101	419901	City Hall & Police Building Maintenance	MN TELECOMMUNICATIONS	December Internet	360.00	68402
101	422901	Firehall #1 Maple Grove Road	MN TELECOMMUNICATIONS	January 2022 Internet	90.00	68402
101	422901	Firehall #1 Maple Grove Road	MN TELECOMMUNICATIONS	December Internet	90.00	68402
101	421100	Police Administration	NAPA AUTO PARTS	Wiper Blades	39.98	68403
101	431100	Street Department	NAPA AUTO PARTS	Signal Lamp	49.90	68403
101	431100	Street Department	NAPA AUTO PARTS	DEF Fluid	174.00	68403
101	431100	Street Department	NORTHERN STATES SUPPLY INC	Elec Misc & Nuts	89.42	68404
101	431100	Street Department	NORTHERN STATES SUPPLY INC	Nuts	10.08	68404
230	465100	HEDA	NORTHSPAN GROUP INC	Data Analysis	588.00	68405
230	465100	HEDA	NORTHSPAN GROUP INC	2022 Northland connection fund	2,500.00	68405
101	415300	Administration & Finance	PETTY CASH	Donuts-Kevin Orme	11.58	68406
101	414100	Elections	PITNEY BOWES PURCHASE POWER	Refill Postage Meter 4745753	1.06	68407
101	415300	Administration & Finance	PITNEY BOWES PURCHASE POWER	Refill Postage Meter 4745753	304.87	68407
101	419100	Community Development	PITNEY BOWES PURCHASE POWER	Refill Postage Meter 4745753	-12.44	68407
101	421100	Police Administration	PITNEY BOWES PURCHASE POWER	Refill Postage Meter 4745753	302.82	68407
101	424100	Building Inspection	PITNEY BOWES PURCHASE POWER	Refill Postage Meter 4745753	27.27	68407
601	494400	Water Administration and General	PITNEY BOWES PURCHASE POWER	Refill Postage Meter 4745753	3.04	68407
602	494900	Sewer Administration and General	PITNEY BOWES PURCHASE POWER	Refill Postage Meter 4745753	2.03	68407
603	441100	Storm Water	PITNEY BOWES PURCHASE POWER	Refill Postage Meter 4745753	76.85	68407
603	441100	Storm Water	RSPT C/O S ST LOUIS SWCD	2022 RSPT Membership	1,100.00	68408
101	415300	Administration & Finance	SAFEGUARD QBS	Envelopes	101.46	68409
601	494400	Water Administration and General	SAFEGUARD QBS	Envelopes	33.82	68409
602	494900	Sewer Administration and General	SAFEGUARD QBS	Envelopes	33.82	68409
101	421100	Police Administration	SHEL/DON GROUP INC	Envelopes PD qty 1,000	195.42	68410
240	433200	Water Tower	SHORT ELLIOTT HENDRICKSON INC	AT&T Upgrade at Hawk WT	92.57	68411
101	419901	City Hall & Police Building Maintenance	STACK BROS MECHANICAL, INC.	Repair Damper Motor for HWH	1,843.27	68412
101	421100	Police Administration	STREICHER'S	Non Lethal Ammo	991.08	68413
101	421100	Police Administration	STREICHER'S	Marking Rounds	699.80	68413

CITY OF HERMANTOWN, MN 01/16/2022-01/31/2022
 Check # is between 68375 and 68417 or Check # is between -99818 and -99813

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Fun d	Account	Department	Vendor Name	Description	Amount	Check #
601	494300	Water Distribution	TRENCHERS PLUS, INC	Coupler/Nozzle/Suction	364.66	68414
601	494400	Water Administration and General	VALLI INFORMATION SYSTEMS, INC	Dec Bill Print period 12	733.47	68415
602	494900	Sewer Administration and General	VALLI INFORMATION SYSTEMS, INC	Dec Bill Print period 12	733.47	68415
603	441100	Storm Water	VALLI INFORMATION SYSTEMS, INC	Dec Bill Print period 12	733.47	68415
101	431100	Street Department	VIKING INDUSTRIAL CENTER	Safety Glasses/Ear Plugs	61.60	68416
101	431100	Street Department	ZIEGLER INC	Oil-Vac Trailer	108.06	68417

Totals: 196 records printed 241,980.49

TO: Mayor & City Council
FROM: John Mulder, City Administrator
DATE: February 4, 2022
SUBJECT: Water loss at the Essentia
Wellness Center (EWC)



Meeting Date: 02/07/2022

Agenda Item: 10-A

Motion: 10-A

REQUESTED ACTION

Motion to approve/deny a sewer credit of \$63,710 for the Y at the Essentia Wellness Center.

BACKGROUND

As you will recall, the City identified a leak at the pool at the Essentia Wellness Center. The total difference in charges between 2020 and 2021 was \$154,989. Half of that (\$77,494) would be water charges which were incurred out of pocket expenses as the City had to buy the water from Duluth. The other half would have been the sewer charge, which we are confident did not flow to the WLSSD metering stations.

The Utility Commission previously approved a “sod discount” of \$13,915.65 for one month because we knew that the water had not gone through the sewer. After that action, we looked at this with a broader view to see the water usage by the Y at the Essentia Wellness Center since it opened in October 2019. In January, we informed the Utility Commission that the City Council may consider providing additional credits and pursuing reimbursement from the contractors. While the Utility Commission did provide one month of credit, there are certainly instances of providing longer periods of the credit for leaks where there was evidence that the water did not enter the sewer system. That is why we are recommending to give the Y credit for the entire year based on the difference between 2020 and 2021.

We have asked the contractors and architects for additional information regarding the leak and the repairs. Attached is an e-mail with their response. We plan to follow up with a discussion to ask additional questions. We are trying to set that meeting for the week of February 7-11.

SOURCE OF FUNDS (if applicable)

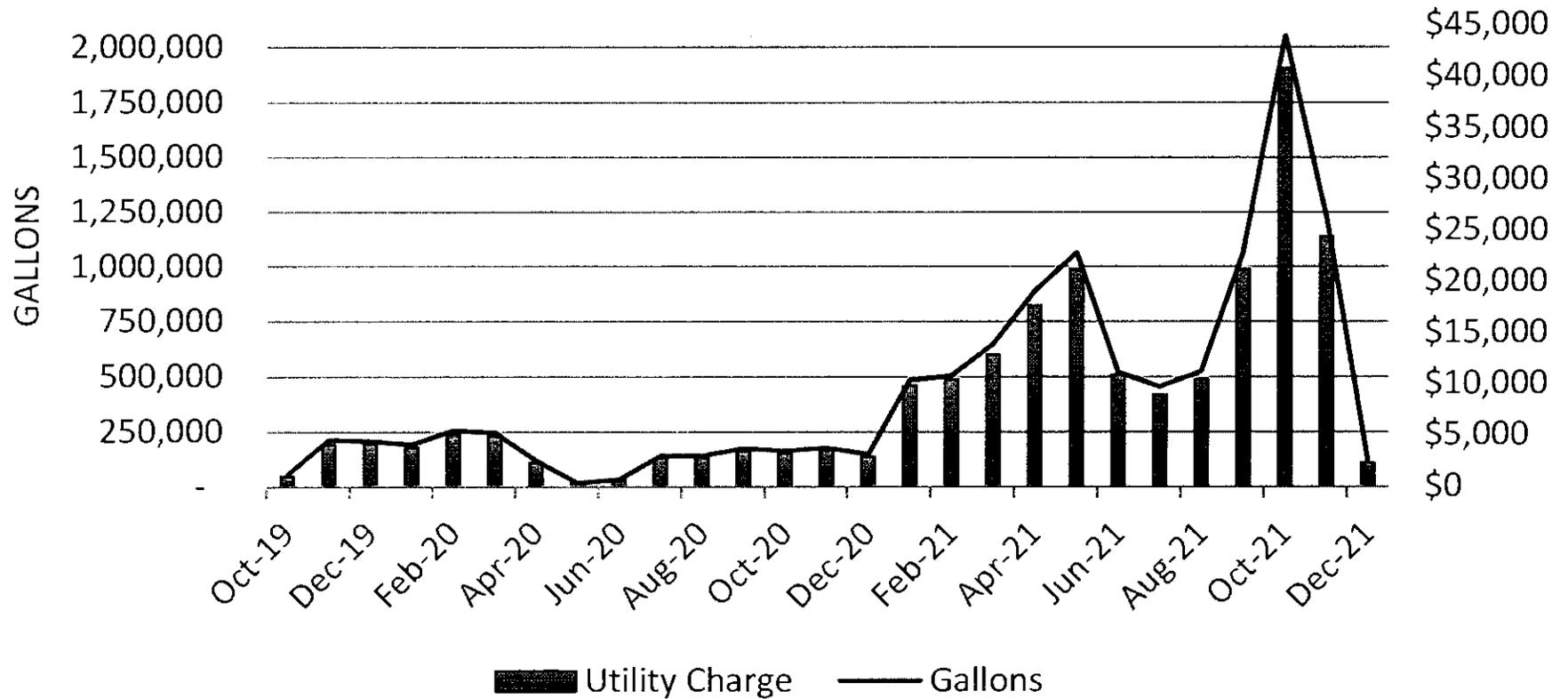
ATTACHMENTS

Water Usage at the EWC
Email response

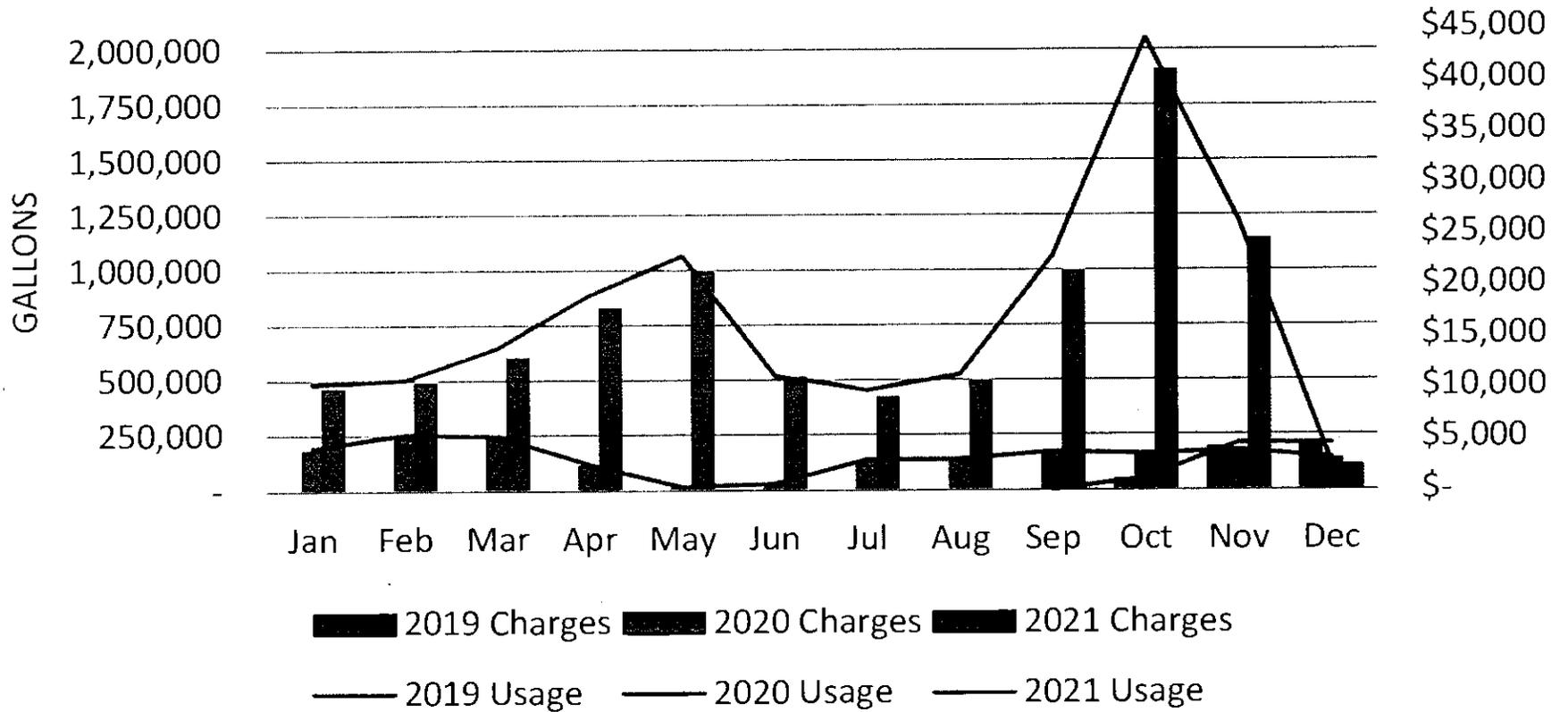
EWC Water Usage

	2019 Usage	2020 Usage	2021 Usage	2019 Charg	2020 Charg	2021 Charges
Jan		191,000	481,000	-	3,820.02	9,828.42
Feb		253,000	501,000	-	5,063.41	10,362.78
Mar		245,000	645,000	-	4,902.97	12,819.35
Apr		117,000	887,000	-	2,335.97	17,632.73
May		16,000	1,063,000	-	343.21	21,133.37
Jun		30,000	518,000	-	609.41	10,890.02
Jul		137,000	451,000	-	2,737.06	8,960.69
Aug		138,000	523,000	-	2,757.12	10,392.77
Sep	0	171,000	1,062,000	-	3,418.92	21,113.48
Oct	53,000	160,000	2,050,000	1,019.46	3,198.32	40,764.80
Nov	210,000	175,000	1,225,000	4,069.12	3,499.14	24,355.55
Dec	207,000	144,000	116,000	4,140.89	2,877.44	2,297.54
Total	470,000	1,777,000	9,522,000	9,229	35,563	190,552
Average	117,500	148,083	793,500			

EWC Water Usage 2019 to Present



EWC Water Usage Year over Year



From: [Phil Johnson](#)
To: [CH-John Mulder](#); [Anne Porter](#); [Todd Mell](#); jbutler@braunintertec.com
Cc: [Jim Frisell](#)
Subject: Aqua Logic Repair Notes
Date: Monday, January 17, 2022 9:59:04 AM
Attachments: [SKM_C360i22011710350.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.

John/Joe,

Please see the marked up WTI drawing from Aqua Logic and the notes form Dan Lundgren. Let me know if you have any additional questions.

Thanks,

Phil

From: Dan Lundgren <dlundgren@aquali.com>
Sent: Monday, January 17, 2022 9:53 AM
To: Phil Johnson <phil.johnson@mcgough.com>
Subject: SKM_C360i22011710350.pdf

WARNING: External Email. Use caution if opening links and attachments.

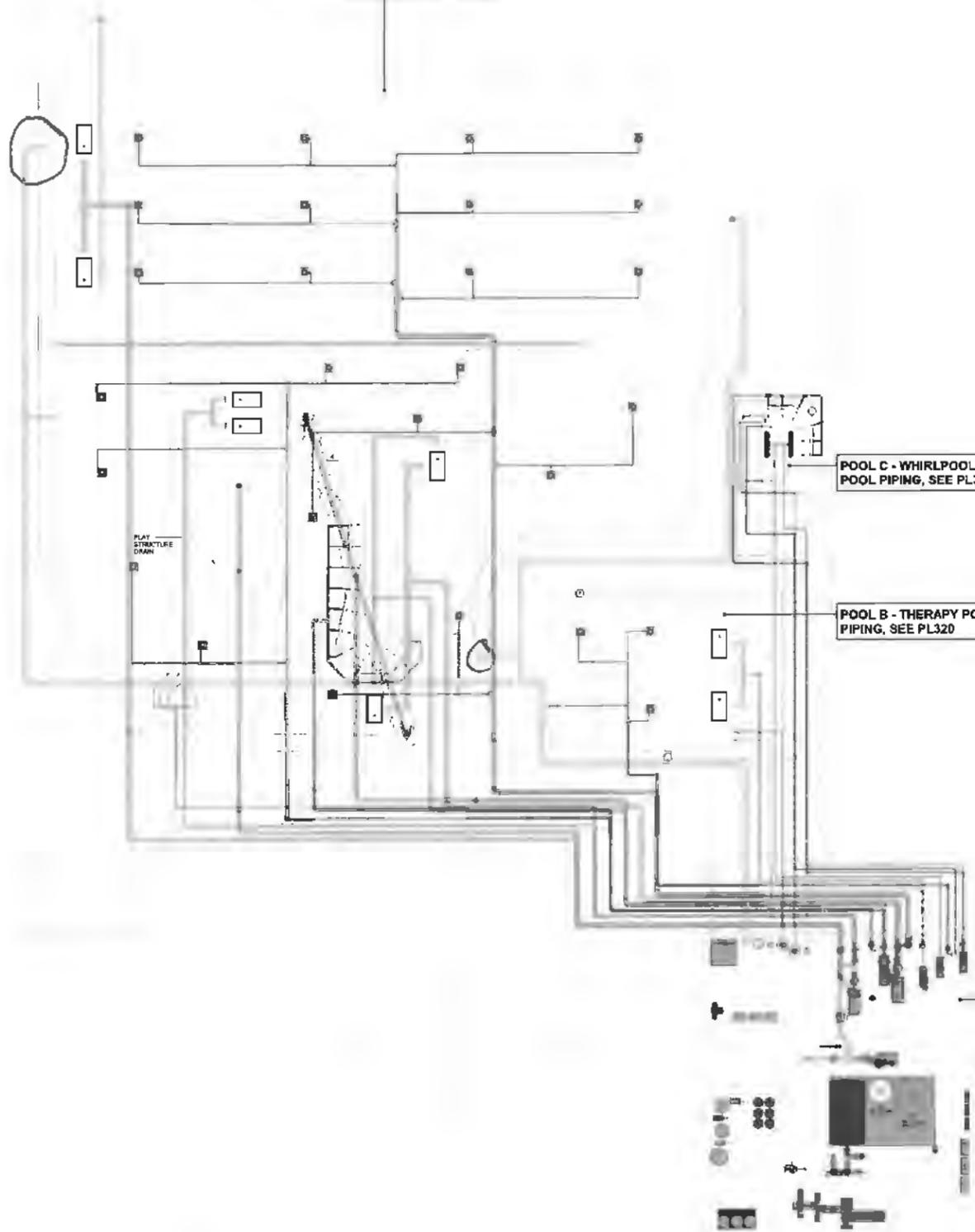
Phil, please see attached drawing showing the 2 locations that voids were found. The one on the upper left was the main problem. It took around 4 bags of non-shrink grout to in-fill the void. Presumably there was a few bags worth of soil erosion which we believe was filled. The other location was in the walking channel and was very minor in comparison and was easily patched with a bit of non-shrink grout.

Let me know if you need anything else.

Thanks, Dan

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**POOL A - LEISURE POOL PIPING,
SEE PL310, PL311 & PL312**



**POOL C - WHIRLPOOL
POOL PIPING, SEE PL330**

**POOL B - THERAPY POOL
PIPING, SEE PL320**

**MECHANICAL ROOM,
SEE PL400**

OVERALL PIPING PLAN
3/16" = 1'-0"

POOL CONTRACTOR PIPING PLAN NOTES

- THE FOLLOWING NOTES APPLY TO ALL POOL/LEISURE PIPING PLANS:
1. THE PIPING LAYOUTS ON THIS DRAWING ARE SCHEMATIC AND FOR REFERENCE ONLY. PIPING AS SHOWN AS SPREAD OUT FOR CLARITY. CONTRACTOR SHALL BE RESPONSIBLE FOR DETERMINING PIPE ROUTING AND ELEVATIONS.
 2. RESERVE THE USE OF FITTINGS AND LEAD PIPE RUNS TO MINIMIZE HEAD LOSS IN THE SYSTEM.
 3. ALL PIPING SHALL BE INSTALLED IN A PIPE TRENCH WITH BEDDING AND COVER MATERIALS FOR SPECIFICATION. PIPING MAY BE STAINED BY THE PIPING TRENCH.
 4. ARROWS INDICATE DIRECTION OF FLOW.
 5. REFER TO ALL SPEC FILMS DOCUMENTATION AND COORDINATE ALL PIPING AND EMBEDEDMENTS WITH AFFECTED TRADES.
 6. ALL GRABITY PIPING SHALL BE INSTALLED AT A MINIMUM SLOPE OF 1" DROP PER 10' LENGTH. ALL OUTDOOR PIPING SHALL BE INSTALLED WITH A SLOPE TO ALLOW COMPLETE DRAINAGE. PROVIDE WATERPROOFING MEMBRANE INSTRUCTIONS AND COORDINATE TO OWNER.
 7. CONTRACTOR SHALL USE SINKING JOISTS OR OTHER MEANS AND METHODS AS NECESSARY TO PROVIDE POOL BUILT FITTINGS PLUS AND PROTECTIVE LAYER WITH 1/8" POOL FLUSH AND AN OVERLAP FOR PROPER SLOPE TO DRAINAGE OR WATERCATION.

DRINKING WATER

REFER TO DIVISION 15 SPECIFICATIONS FOR DETAILS

- PIPING**
1. ALL PIPING DESIGNED FOR PRESSURE MAX SUCTION, EXCEEDING MAX PRESSURE, W/O OVERCROWDING DENSITY.
 2. MAIN DRAIN PIPING SHALL CARRY 100% OF RECIRCULATION RATE AT A VELOCITY NOT TO EXCEED 1.5 M/S.
 3. ALL 2" OR DEEPER CUTTER, CUTTER AND DUCT SUPPLY PIPING MUST BE Laid ON A GRADE OR SHALL BE Laid TO THE SURFACE SHALL COMPLETELY BE COVERED TO PREVENT DAMAGE DURING FREEDOM WEATHER. MAIN DRAIN PIPING MUST BE Laid ON A GRADE OR SHALL BE Laid FROM BENEATH THE POOL TO THE SURFACE DRAINING SHALL BE Laid TO DRAIN TO THE POOL BANK DRAIN SUMP AND IS. ALL PIPING FROM THE ELEVATION CHANGE TO THE SURFACE SHALL BE Laid TO DRAIN TO THE SURFACE. IN ALL INSTANCES WHERE DENSITY DRAINAGE IS NOT PROVIDED THE CONTRACTOR SHALL INSTALL DRAIN VALVES TO DRAIN ALL LINES CAN BE INSTALLED COMPLETELY TO SURFACE TANK OR ANOTHER APPROVED LOCATION. DRAINAGE PIPING SHALL BE PROVIDED IN THE PIPING SYSTEM TO ALLOW DRAINAGE OF POOL PIPING. CONTRACTOR SHALL PROVIDE OPERATION AND MAINTENANCE INSTRUCTIONS TO OWNER.
 4. ALL DRAINAGE TO BE FIELD VERIFIED TO ALLOW FOR PROPER FITCH AND DRAINAGE. FITCH APPROXIMATE 1/8" PER FOOT. CONTRACTOR SHALL SINK PIPING REPORT TO CORRECT THE USE OF FITTINGS TO REDUCE HEAD.
 5. ALL DRAINAGE AND PIPING FOR SCHEMATIC USE ONLY. INSTALLATIONS SHALL BE FIELD VERIFIED WITH ALL OTHER TRADES BY CONTRACTOR.
 6. CONTRACTOR SHALL COORDINATE ALL WORK WITH ARCHITECTURAL, MECHANICAL, ELECTRICAL AND STRUCTURAL DRAWINGS.

- DRAIN**
1. ALL DRAIN FITTINGS TO CARRY 100% OF RECIRCULATION RATE AT VELOCITY NOT TO EXCEED 1.5 M/S THROUGHOUT THE CLEAR AREA OF THE GRATE.
 2. ALL DRAIN AND OUTLET SHALL CONFORM TO MANUFACTURER'S OR ANY SUCCESSOR STANDARD.
 3. DRAIN FITTINGS MUST CARRY 50% OR MORE OF THE RECIRCULATED WATER AND FLOW IN IT TO THE FILTER.

PRESSURE CHANGES

- VALVES**
1. PROVIDE MAN WATER VALVES AND OPERATED SUB-SURFACE BUTTERFLY VALVES WITH VALVE OPERATORS FOR ALL POOL AND SURFACE MAIN DRAIN LINES.
 2. EACH VALVE SHALL HAVE A PERMANENT IDENTIFYING LABEL AND THE ATTACHED TO IT THE SIGNATURE OF OPERATION IDENTIFYING. SHALL BE PROMINENTLY DISPLAYED.

FLOW METERS

1. FLOWMETER SHALL BE PROVIDED IN THE FILTRATION PUMP DISCHARGE LINE AND IN EACH MAIN RETURN LINE AS INDICATED ON THE DRAWING. FLOW METERS MUST BE CAPABLE OF MEASURING FLOW IN EITHER DIRECTION. AT LEAST 1" TO 2" TIMES THE DESIGN FLOW RATE. FLOW METERS SHALL BE INSTALLED ON A STRAIGHT LENGTH OF PIPE WITHOUT ANY VALVE, ELBOW OR OTHER SOURCE OF TURBULENCE UPSTREAM OF FLOW. PROVIDE A MINIMUM OF 10 PIPE DIA. UPSTREAM AND 5 PIPE DIA. DOWNSTREAM FROM THE FLOWMETER OF UNINTERRUPTED FLOW OR INSTALL PER MANUFACTURER'S RECOMMENDATIONS.
2. MAIN FLOW METER SHALL BE USED TO MONITOR BACKWASH RATE.

FILTERS

1. FILTER SHALL BE PROVIDED WITH THE FOLLOWING APPROPRIATELY LOCATED ACCESSORIES: PRESSURE GAUGES, BACKWASH SHUT VALVES OR FINITE DISCHARGE LINE, AN AIR RELIEF VALVE AT THE HIGH POINT OF THE FILTER & VALVED DRAINAGE.

HEAT EXCHANGERS

1. SHALL BE EQUIPPED WITH THERMOMETERS, 0.2-0.5 DEGREE F WITH 2 DEGREE GRADUATIONS. AUTOMATIC TEMPERATURE LIMITING DEVICE, FLOW SWITCH, HEATER, PROTECTIVE VALVE, ALL WITH 1/2" NPT MOUNTING PIPING TO BE INSTALLED. PRESSURE RELIEF VALVE TO BE PROVIDED AND PIPED TO INTERIOR OF FLOOR. THE AUTOMATIC TEMPERATURE SWITCH ON THE POOL HEATER SHALL BE SET FOR A MAX OF 180 DEGREE FURNISH AND INSTALL THERMOMETERS IN INLET AND OUTLET PIPING TO HEATER AND DOWNSTREAM IN THE BUILDING WATER SYSTEMS.

KEY PLAN



CITY OF HERMANTOWN

5105 MAPLE GROVE ROAD
HERMANTOWN, MN 55811

THIS DOCUMENT APPROVED BY CITY OF HERMANTOWN

04	10/25/18	CONFIRMED SET
01	06/25/18	REVISIONS
02	08/07/18	REVISIONS
03	08/07/18	REVISIONS
05	08/07/18	REVISIONS
06	08/07/18	REVISIONS

1	10/25/18	PL11
2	10/25/18	PL12
3	10/25/18	PL13
4	10/25/18	PL14
5	10/25/18	PL15
6	10/25/18	PL16
7	10/25/18	PL17
8	10/25/18	PL18
9	10/25/18	PL19
10	10/25/18	PL20

1. THESE NOTES, SET OF THE MAIN SPECIFICATIONS AND PROJECT AND SPECIFICATIONS BY THE CITY OF HERMANTOWN, MINNESOTA. ALL RIGHTS RESERVED. ALL RIGHTS RESERVED. ALL RIGHTS RESERVED.

DATE: 10/25/18

**ESSENTIA HEALTH
REGIONAL WELLNESS CENTER**

4289 UGSTAD ROAD
HERMANTOWN, MN 55811

OVERALL PIPING PLAN

TO: Mayor & City Council
FROM: John Mulder, City Administrator
DATE: January 31, 2022
SUBJECT: Ordinance Amending Chapter 2,
Section 220, Administration



Meeting Date: 02/07/202

Ordinance: 2022-01

REQUESTED ACTION

First reading of Ordinance Amending Chapter 2, Section 220 Administration, to make this section consistent with the updated Purchasing Policy, which was approved at the January 18, 2022 City Council meeting.

BACKGROUND

Over the past year, the Finance Department had reviewed current purchasing practices in order to create a written policy. The intent of the policy is to, “ensure all purchases are consistent with Minnesota statutes, to establish internal controls, to maintain the appropriate documentation, and to ensure the best value for the public money.” The policy increased the signing authority of the City Administrator from \$10,000.00 to \$25,000.00. The City Council approved this policy at the January 18, 2022 meeting.

SOURCE OF FUNDS (if applicable)

N/A

ATTACHMENTS

Ordinance

Ordinance No. 2022-01

The City Council of the City of Hermantown does ordain:

AN ORDINANCE AMENDING SECTION 220, CITY ADMINISTRATOR, OF THE HERMANTOWN CITY CODE BY MODIFYING THE CITY ADMINISTRATOR’S ABILITY TO SIGN FOR PURCHASE ORDERS FOR SET LIMITS

Section 1. **Purpose and Intent.** The purpose and intent of this amendment is to make this Section consistent with the updated Purchasing Policy for the City of Hermantown.

Section 2. **Amendment to Section 220.03.2** Section 220.03, Duties and Responsibilities, is hereby amended to read as follows and inserted into the Hermantown City Code to read:

“**220.03.2.** The City Administrator shall have authority to sign purchase orders for routine services, equipment and supplies for which the cost does not exceed ~~\$10,000~~\$25,000.00. All claims against the City resulting from orders placed by the City Administrator shall be audited for payment by the City Council. In all cases, the City Administrator shall comply with the Hermantown Code, applicable statutes and rules and regulations of the City Council.”

Deleted language is struck out and added language is underlined.

Section 3. **Amendment to be Inserted in Code.** After this ordinance becomes effective, the changes made by this ordinance shall be made in the appropriate place in the Hermantown City Code. This ordinance shall be published in the official newspaper of the City.

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: _____

Mayor

Attest:

City Clerk

Adopted: _____

Published: _____

Effective Date: _____

TO: Mayor & City Council

FROM: John Mulder, City Administrator



DATE: January 12, 2022

Meeting Date: 02/07/2022

SUBJECT: Hermantown Marketplace Road
Improvements Public Hearing

Agenda Item: 12-A

Resolution: 2022-10

REQUESTED ACTION

The Public Hearing was held on January 18, 2022; approve the preparation of the plans

BACKGROUND

In December, the City Council received an update Preliminary Engineering report that made some additional road improvements in the Hermantown Marketplace road project scheduled for 2022-23. At that time a public hearing was scheduled for January 18 and notices were both published in the Hermantown Star and mailed out to individual property owners. The notices to individual property owners included the specific amounts of the proposed assessments and an invitation to meet individually if the owner wanted. To date, we have not heard from individual owners.

Following the public hearing (held January 18, 2022), the City Council is asked to approve the preparation of the final plans.

SOURCE OF FUNDS (if applicable)

N/A

ATTACHMENTS

Public Hearing Notice

**NOTICE OF PUBLIC HEARING ON
RICHARD AVENUE AND LINDGREN ROAD IMPROVEMENTS**

NOTICE IS HEREBY GIVEN, that the City Council of the City of Hermantown will meet in the council chambers of Administrative Services Building, 5105 Maple Grove Road, Hermantown, Minnesota, at 6:30 p.m. on Tuesday, January 18, 2022 to consider the construction of 1,800 feet of street improvements on Richard Avenue and Lindgren Road in the Hermantown Marketplace.

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

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

The estimated cost of such improvement is \$\$2,138,607.80

A reasonable estimate of the impact of the assessment 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.

Authorized by the City Council.

John Mulder,
Acting City Clerk
City of Hermantown

Resolution No. 2022-10

**RESOLUTION AMENDING AND RESTATING RESOLUTION NO. 2021-87
ORDERING IMPROVEMENT AND DIRECTING PREPARATION OF FINAL PLANS
AND SPECIFICATIONS FOR ROAD IMPROVEMENT DISTRICT NO. 538**

WHEREAS, the City Council has received and approved a preliminary engineering report for the project (“Project”) known as Road Improvement District No. 538 (Richard Avenue, Lindgren Road, Eeve Drive & A Frontage Road); and

WHEREAS, the City Council of the City of Hermantown approved by Resolution No. 2021-87, Resolution Ordering Improvement and Directing Preparation of Final Plans and Specifications for Road Improvement District No. 538 (Richard Avenue, Lindgren Road, Eeve Drive & A Frontage Road), on August 2, 2021 (“2021 Resolution”); and

WHEREAS, the City desires to amend the plans and specifications approved by the 2021 Resolution to include “Sam’s Way” and further improvements along Richard Avenue and Eeve Drive that includes pavement reconditioning and sidewalk improvements,

WHEREAS the number of parcels to be assessed increased to include but not limited to Hermantown Sam's Club. No. 6320, and the National Bank of Commerce, and as a properties to be assessed in connection with the Project (“2022 Addition to Project”); and

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

WHEREAS, ten days’ mailed notice and two weeks’ published notice of the hearing was given, and the hearing was held on January 18, 2022 at which all persons desiring to be heard were given an opportunity to be heard thereon; and

WHEREAS, after due consideration the Council believes it is in the best interests of the City of Hermantown to proceed further with the Project, as amended with the 2022 Addition to Project, subject to receiving commitments from the benefitted property owners to pay the entire cost of the Project, including the 2022 Addition to Project, without regard to benefits received; and

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

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

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

1. The 2022 Addition to Project is hereby added to the scope of the Project.

2. Such improvement is necessary, cost-effective, and feasible as detailed in the feasibility report.

3. Such improvement is hereby ordered as proposed.

4. The City Engineer is hereby authorized and directed to have a project engineer complete final plans and specifications in the project now known as Road Improvement District No. 538 (Richard Avenue, Lindgren Road, Eeve Drive, A Frontage Road & Sam's Way).

5. Upon completion of such final plans and specifications, the project engineer is requested to present them to the City Council for approval and authorization for bidding.

6. The City reasonably expects to finance the Project from an issue of tax-exempt bonds. In advance of issuance of the bonds it will be necessary for the City to temporarily finance certain costs of the Project by using either working capital or cash reserves, which are needed for other purposes. The City reasonably expects to reimburse itself from the proceeds of the bonds within eighteen (18) months after the date the Project is paid from such working capital or cash reserves.

7. The approval hereby given is subject to the City receiving written commitments in form and substance acceptable to the City Attorney and City Administrator from all of the benefitted property owners to the effect that they will pay the entire cost of the Project without regard to benefits received.

Councilor _____ introduced the foregoing resolution and moved its adoption.

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

and the following voted in opposition thereto:

WHEREUPON, such resolution was declared duly passed and adopted February 7, 2022.

TO: Mayor & City Council

FROM: John Mulder, City Administrator



DATE: January 12, 2022

Meeting Date: 02/07/22

SUBJECT: City Easements – Ugstad Road project

Agenda Item: 12-B

Resolution: 2022-15

REQUESTED ACTION

Approve Easements for the Ugstad Road Project

BACKGROUND

As you know, the City will be making improvements along Ugstad and Arrowhead Roads in the summer of 2022 using a combination of Federal, State, and local funds. Because we are using Federal funds the easement acquisition is a little more complicated and must follow specific procedures to acquire those easements. Therefore, we are recommending that the City Council donate easements on city owned property toward the project. If effect, the City is taking formal action to grant easements to itself for the project.

The specific parcels are the two parcels where the Essentia Wellness Center is located. (395-0010-04421 and 395-0070-00861). The easements are along Ugstad and Arrowhead Roads

SOURCE OF FUNDS (if applicable)

No cost

ATTACHMENTS

Easement Description 395-0010-04421 Ugstad Road
Easement Description 395-0070-00861 Ugstad Road
Easement Description 395-0070-00861 Arrowhead Road

Resolution No. 2022-15

**RESOLUTION APPROVING THE DONATION OF
EASEMENTS TO THE CITY OF HERMANTOWN FOR THE
UGSTAD ROAD AND ARROWHEAD ROAD IMPROVEMENT**

WHEREAS, in the interest of public health and safety, it is necessary for the City of Hermantown, Minnesota, to make improvements to portions of Ugstad Road and Arrowhead Road in the City of Hermantown (“Project”); and

WHEREAS, the City must acquire easements (“Easements”) in order to complete the Project; and

WHEREAS, some of the Easements are on property owned by the City; and

WHEREAS, the City Administrator has recommended that the City donate the Easements on property owned by the City required for the Project and that the City release the City from its obligation to appraise the property affected by the Easements; and

WHEREAS, the City Council has duly considered this request and believes it to be in the best interests of the City to donate the Easements and release the City from its obligation to appraise the property affected by the Easements.

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

1. The City hereby agrees to donate the Easements on property owned by the City to the City and release the City from its obligation to appraise the property affected by the Easements.
2. The Mayor and City Clerk are hereby authorized and directed to execute whatever documents are necessary and appropriate to convey the Easements to 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:

and the following voted in opposition thereto:

WHEREUPON, such resolution was declared duly passed and adopted on February 7, 2022.

EASEMENT LEGAL DESCRIPTION:

A TEMPORARY EASEMENT FOR CONSTRUCTION PURPOSES OVER, UNDER AND ACROSS THE EAST 10 FEET OF THAT PART OF THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER, SECTION 16, TOWNSHIP 50 NORTH, RANGE 15 WEST OF THE FOURTH PRINCIPAL MERIDIAN, ST. LOUIS COUNTY, MINNESOTA, DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF SECTION 16, TOWNSHIP 50 NORTH, RANGE 15 WEST, ST. LOUIS COUNTY, MINNESOTA; THENCE ALONG THE EAST LINE OF SAID SECTION 16 WHICH HAS A BEARING OF SOUTH 00 DEGREES 26 MINUTES 22 SECONDS WEST (SOUTH 00 DEGREES 27 MINUTES WEST PER DULUTH HOMESTEADS SUBDIVISION PLAT, ACCORDING TO THE RECORDED PLAT THEREOF, ST. LOUIS COUNTY, MINNESOTA) A DISTANCE OF 33.00 FEET TO THE EASTERLY EXTENSION OF THE NORTH LINE OF LOT 2, BLOCK 16, SAID DULUTH HOMESTEADS SUBDIVISION PLAT; THENCE NORTH 89 DEGREES 38 MINUTES 00 SECONDS WEST, ALONG SAID EASTERLY EXTENSION 33.00 FEET TO THE NORTHEAST CORNER OF SAID LOT 2, BLOCK 16; THENCE SOUTH 00 DEGREES 26 MINUTES 22 SECONDS WEST, ALONG THE EAST LINE OF SAID LOT 2 AND PARALLEL WITH SAID EAST LINE OF SECTION 16 A DISTANCE OF 250.00 FEET TO THE POINT OF BEGINNING OF THE PARCEL HEREIN DESCRIBED; THENCE NORTH 89 DEGREES 38 MINUTES 00 SECONDS WEST, PARALLEL WITH SAID NORTH LINE OF LOT 2, BLOCK 16, SAID LINE ALSO BEING PARALLEL WITH THE NORTH LINE OF SAID SECTION 16 A DISTANCE OF 236.00 FEET; THENCE SOUTH 00 DEGREES 26 MINUTES 22 SECONDS WEST, PARALLEL WITH SAID EAST LINE OF LOT 2, BLOCK 16 AND PARALLEL WITH SAID EAST LINE OF SECTION 16 A DISTANCE OF 30.00 FEET; THENCE NORTH 89 DEGREES 38 MINUTES 00 SECONDS WEST, PARALLEL WITH SAID NORTH LINE OF LOT 2, BLOCK 16 AND PARALLEL WITH SAID NORTH LINE OF SECTION 16 A DISTANCE OF 151.00 FEET; THENCE SOUTH 00 DEGREES 26 MINUTES 22 SECONDS WEST, PARALLEL WITH SAID EAST LINE OF LOT 2, BLOCK 16 AND PARALLEL WITH SAID EAST LINE OF SECTION 16 A DISTANCE OF 250.00 FEET TO THE EASTERLY EXTENSION OF THE SOUTH LINE OF LOT 1, BLOCK 16, SAID DULUTH HOMESTEADS SUBDIVISION PLAT; THENCE SOUTH 89 DEGREES 38 MINUTES 00 SECONDS EAST, ALONG SAID EASTERLY EXTENSION OF THE SOUTH LINE OF LOT 1 AND PARALLEL WITH SAID NORTH LINE OF LOT 2, BLOCK 16 AND PARALLEL WITH SAID NORTH LINE OF SECTION 16 A DISTANCE OF 387.00 FEET TO THE SAID EAST LINE OF LOT 2, BLOCK 16; THENCE NORTH 00 DEGREES 26 MINUTES 22 SECONDS EAST, ALONG SAID EAST LINE OF LOT 2 AND PARALLEL WITH SAID EAST LINE OF SECTION 16 A DISTANCE OF 280.00 FEET TO THE POINT OF BEGINNING.

I HEREBY CERTIFY THAT THIS SURVEY WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT I AM A DULY LICENSED PROFESSIONAL LAND SURVEYOR UNDER THE LAWS OF THE STATE OF MINNESOTA.

CURTIS E. SCHLEY
Date: 9/24/2021 Registration No. 49907



**UGSTAD RD & ARROWHEAD RD
IMPROVEMENTS
CITY OF HERMANTOWN
ST. LOUIS COUNTY, MN**

**EXHIBIT A
(PID 395-0010-04421)**

PROJECT NO.
07994009
SHEET
1 OF 2

POST DATE: 11/20/2021 8:14 AM \\msa\clients\p\proj\3950010\4421\Drawings\100-UGSTAD RD & ARROWHEAD RD.dwg

DULUTH HOMESTEADS
SUBDIVISION PLAT
BLOCK 16
LOT 2

LINE LYING 250' SOUTH AND PARALLEL WITH
THE NORTH LINE OF LOT 2, BLOCK 16,
DULUTH HOMESTEADS SUBDIVISION PLAT

EAST LINE LOT 2, BLOCK 16,
DULUTH HOMESTEADS
SUBDIVISION PLAT

NE 1/4 - NE 1/4

CONSTRUCTION LIMITS

EASTERLY EXTENSION OF THE SOUTH
LINE OF LOT 1, BLOCK 16, DULUTH
HOMESTEADS SUBDIVISION PLAT

33

33

10

280

280

10

UGSTAD ROAD

15

LOT 4

DULUTH HOMESTEADS SUBDIVISION PLAT

LEGEND

-  R/W LINE
-  PARCEL LIMITS
-  CONSTRUCTION LIMITS
-  PROPOSED TEMPORARY EASEMENT (2,800 SQ. FT.)



**UGSTAD RD & ARROWHEAD RD
IMPROVEMENTS**
CITY OF HERMANTOWN
ST. LOUIS COUNTY, MN

EXHIBIT A-1
(PID 395-0010-04421)

PROJECT NO.
07994009
SHEET
2 OF 2

EASEMENT LEGAL DESCRIPTION:

A PERPETUAL EASEMENT FOR DRAINAGE AND UTILITY PURPOSES OVER, UNDER AND ACROSS THE NORTH 10 FEET OF THE EAST 10 FEET OF THE WEST 173 FEET LOT 1, BLOCK 16, DULUTH HOMESTEADS SUBDIVISION PLAT, ST. LOUIS COUNTY, MINNESOTA.

I HEREBY CERTIFY THAT THIS SURVEY WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT I AM A DULY LICENSED PROFESSIONAL LAND SURVEYOR UNDER THE LAWS OF THE STATE OF MINNESOTA.

CURTIS E. SCHLEY

9/24/2021
Date

49907
Registration No.

POST DATE: 11/23/2021 8:14 AM \\msa\cortis\p\proj\07994009\07994009.dwg PLOT DATE: 11/23/2021 8:14 AM



**UGSTAD RD & ARROWHEAD RD
IMPROVEMENTS
CITY OF HERMANTOWN
ST. LOUIS COUNTY, MN**

**EXHIBIT A-2
(PID 395-0070-00861)**

PROJECT NO.
07994009
SHEET
1 OF 2

DULUTH HOMESTEADS SUBDIVISION PLAT
OUTLOT A

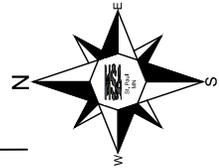
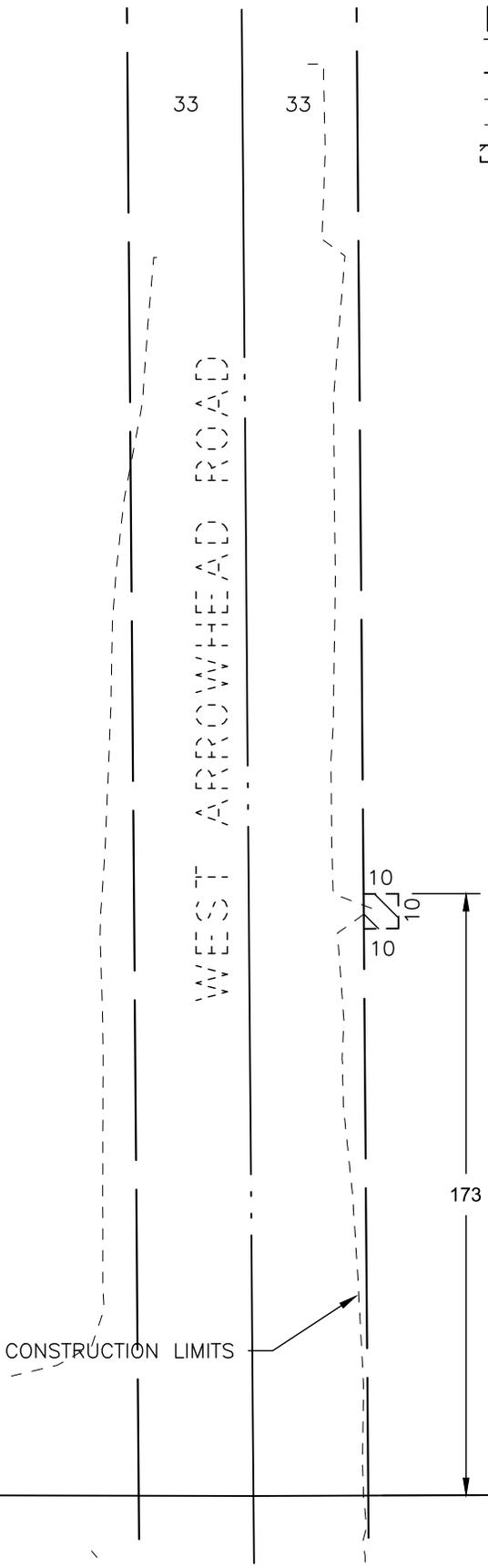
WEST ARROWHEAD ROAD

B L O C K 1 6
L O T 1

DULUTH HOMESTEADS
SUBDIVISION PLAT

LEGEND

-  R/W LINE
-  PARCEL LIMITS
-  CONSTRUCTION LIMITS
-  PROPOSED PERMANENT EASEMENT (100 SQ. FT.)



**UGSTAD RD & ARROWHEAD RD
IMPROVEMENTS**
CITY OF HERMANTOWN
ST. LOUIS COUNTY, MN

EXHIBIT A-3
(PID 395-0070-00861)

PROJECT NO.
07994009
SHEET
2 OF 2

PROJECT DATE: 11/20/2017 8:14 AM
 DRAWING NUMBER: P:\Projects\3950070\Drawings\07994009\07994009_002_UGSTAD RD & ARROWHEAD RD.dwg

WEST ARROWHEAD ROAD

33

NORTH LINE OF LOT 2

45

54.05

30

12.01

EAST LINE OF LOT 2

226.67

220

DULUTH HOMESTEADS
SUBDIVISION PLAT

BLOCK 16
LOT 2

SOUTH LINE OF NORTH 250'
CONSTRUCTION LIMITS

10

33

UGSTAD ROAD

33

BLOCK 15
LOT 1

DULUTH HOMESTEADS
SUBDIVISION PLAT

LEGEND

-  R/W LINE
-  PARCEL LIMITS
-  CONSTRUCTION LIMITS
-  EXISTING EASEMENT
-  PROPOSED TEMPORARY EASEMENT (2,233 SQ. FT.)
-  PROPOSED FEE (675 SQ. FT.)



**UGSTAD RD & ARROWHEAD RD
IMPROVEMENTS**
CITY OF HERMANTOWN
ST. LOUIS COUNTY, MN

EXHIBIT A-1
(PID 395-0070-00861)

PROJECT NO.
07994009
SHEET
2 OF 2

PROJECT DATE: 11/20/2017 8:14 AM \\msa\shared\Projects\3950070\IMPROV\DRAWING\395-0070-A1-001.dwg

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



DATE: January 25, 2022

Meeting Date: 02/07/2022

SUBJECT: 2021 Budget Amendments &
Transfers

Agenda Item: 12-C

Resolution: 2022-17

REQUESTED ACTION

Approve amending items in the 2021 budget per our policy and approve transfers between funds as of December 31, 2021.

BACKGROUND

After reviewing the 2021 budget to actual numbers and our Budget Amendment Policy, I am recommending the following budget amendments for 2021. In addition, I am recommending the below actual transfers between funds as of 12/31/21.

2021 Budget Amendments -

- Fund 260 -Cable TV Fund – (260-456101-314) Increase the budget \$13,000 for the video server and power protect project
- Fund 230 -HEDA – (230-465100-311 and 319) Increase the funds budget \$64,000 due to:
 1. Contract with ICS
 2. Hwy 53 Business development contracted services
 3. Escrow expense for sale of 5028 Miller Trunk Highway
- Fund 321 – 2012B GO Bonds –
 1. Increase Bond Principal by \$2,175,000 (Account 321-471000-601) to account for the refunding of the bonds.
 2. Increase Fiscal Agent Fees (Account 321-471000-620) by \$49,000 to account for the refunding of the bonds.

Transfers between funds –

- Transfer the remaining cash balance from Fund 321 (2012B General Obligation Improvement Bonds) to Fund 328 (2021A GO Bonds.) The 2012B Bonds were refunded as part of our 2021A Bond issue so this will transfer the 12/31/21 cash balance in Fund 321 to the new Fund 328. Fund 321 will then be closed.

- Transfer \$137,689.07 from Fund 412 (Munger Trail Fund) to the Fund 240 (Sales Tax Fund.) This is an allocation of engineering and wetland credits that the sales tax fund paid for the new trail.
- Transfer the 12/31/21 remaining cash balance (approximately \$360,000) from Fund 235 (Park Dedication Fund) to Fund 412 (Munger Trail Fund.) The Munger Trail Fund has paid for the new trail sections and currently has a deficit of more than \$360,000. The Park Dedication Fund will reimburse the rest of the deficit in 2022 as funds become available.
- Transfer \$319,073.98 from Fund 240 (Sales Tax Fund) to Fund 328 (2021A GO Bond.) This pays for the water improvements done in the 2021 road plan for improvements to Lavaque Junction Road.
- Transfer \$12,817.42 from Fund 602 (Sewer Fund) to Fund 328 (2021A GO Bond.) This pays for the sewer improvements done in the 2021 road plan for improvements to Lavaque Junction Road.
- Transfer \$73,951.22 from Fund 603 (Stormwater Fund) to Fund 328 (2021A GO Bond.) This pays for the stormwater improvements done in the 2021 road plan for improvements to Lavaque Junction Road.

SOURCE OF FUNDS (if applicable)

N/A

ATTACHMENTS

N/A

Resolution No. 2022-17

RESOLUTION AUTHORIZING THE DIRECTOR OF FINANCE & ADMINISTRATION TO AMEND SELECTED 2021 BUDGETS AND MAKE TRANSFERS

WHEREAS, the City completed several projects and had expenditures during 2021 that were not anticipated in the 2021 Budget, and

WHEREAS, the City refinanced bonds in 2021, and

WHEREAS, the City Administrator has reviewed the 2021 Budgets for 2021 as it relates to the City's Budget Amendment Policy.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Hermantown that the Mayor and City Clerk hereby authorize the Director of Finance & Administration to amend the 2021 Budget and authorize transfers as follows:

2021 Budget Amendments -

- Fund 260 -Cable TV Fund – (260-456101-314) Increase the budget \$13,000 for the video server and power protect project
- Fund 230 -HEDA – (230-65100-311 and 319) Increase the funds budget \$64,000 due to:
 1. Contract with ICS
 2. Hwy 53 Business development contracted services
 3. Escrow expense for sale of 5028 Miller Trunk Highway
- Fund 321 – 2012B GO Bonds –
 1. Increase Bond Principal by \$2,175,000 (Account 321-471000-601) to account for the refunding of the bonds.
 2. Increase Fiscal Agent Fees (Account 321-471000-620) by \$49,000 to account for the refunding of the bonds.

Transfers between funds –

- Transfer the remaining cash balance from Fund 321 (2012B General Obligation Improvement Bonds) to Fund 328 (2021A GO Bonds.) The 2012B Bonds were refunded as part of our 2021A Bond issue so this will transfer the 12/31/21 cash balance in Fund 321 to the new Fund 328. Fund 321 will then be closed.
- Transfer \$137,689.07 from Fund 412 (Munger Trail Fund) to the Fund 240 (Sales Tax Fund.) This is an allocation of engineering and wetland credits that the sales tax fund paid for the new trail.
- Transfer the 12/31/21 remaining cash balance (approximately \$360,000) from Fund 235 (Park Dedication Fund) to Fund 412 (Munger Trail Fund.) The Munger Trail Fund has paid

for the new trail sections and currently has a deficit of more than \$360,000. The Park Dedication Fund will reimburse the rest of the deficit in 2022 as funds become available.

- Transfer \$319,073.98 from Fund 240 (Sales Tax Fund) to Fund 328 (2021A GO Bond.) This pays for the water improvements done in the 2021 road plan for improvements to Lavaque Junction Road.
- Transfer \$12,817.42 from Fund 602 (Sewer Fund) to Fund 328 (2021A GO Bond.) This pays for the sewer improvements done in the 2021 road plan for improvements to Lavaque Junction Road.
- Transfer \$73,951.22 from Fund 603 (Stormwater Fund) to Fund 328 (2021A GO Bond.) This pays for the stormwater improvements done in the 2021 road plan for improvements to Lavaque Junction Road.

Councilor _____ introduced the foregoing resolution and moved its adoption.

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

and the following voted in opposition thereto:

WHEREUPON, such resolution was declared duly passed and adopted February 7, 2022.

TO: Mayor & City Council

FROM: John Mulder, City Administrator



DATE: February 2, 2022

Meeting Date: 02/07/22

SUBJECT: School Easements – Ugstad
Road project

Agenda Item: 12-D

Resolution: 2022-18

REQUESTED ACTION

Accept Easements from ISD 700 for the Ugstad Road Project

BACKGROUND

As you know, the City will be making improvements along Ugstad and Arrowhead Roads in the summer of 2022 using a combination of Federal, State, and local funds. The City requested easements along those roads on land owned by the school district. The School Board approved the donation of those easements at their January 24, 2022 school board meeting.

SOURCE OF FUNDS (if applicable)

No cost

ATTACHMENTS

Easements from ISD 700

Resolution No. 2022-18

RESOLUTION AUTHORIZING AND DIRECTING MAYOR AND CITY CLERK TO EXECUTE AN ACCEPTANCE OF EASEMENT AGREEMENT TO THE CITY OF HERMANTOWN FROM INDEPENDENT SCHOOL DISTRICT #700 FOR THE UGSTAD ROAD AND ARROWHEAD ROAD IMPROVEMENT

WHEREAS, the City of Hermantown (“City”) desires to construct improvements to portions of Ugstad Road and Arrowhead Road in the City of Hermantown (“Project”); and

WHEREAS, the City needs to obtain easements (“Easements”) from School to construct the Project and School has executed and delivered the required Easements to the City; and

WHEREAS, the City desires to accept the Easements as described in and granted by the Easement Agreement attached hereto as Exhibit A.

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

1. The Mayor and City Clerk are hereby authorized and directed to execute and deliver the Acceptance of the Easements.
2. The City will own and be responsible for the maintenance of the sanitary sewer improvements located in the Easement from and after the date of the Acceptance of the Easement.

Councilor _____ introduced the foregoing resolution and moved its adoption.

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

And the following voted in opposition thereto:

WHEREUPON, such resolution was declared duly passed and adopted February 7, 2022.

EXHIBIT A

EASEMENT AGREEMENT

(700 THESE INCHES RESERVED FOR RECORDING DATA)

THIS INDENTURE is made and entered into this 24th day of January, 2021, between Independent School District #700, a public corporation of the State of Minnesota, hereinafter called "Grantor" and City of Hermantown, a Minnesota municipal corporation, hereinafter called "Grantee" in response to the following situation:

- A. Grantor is the owner of real property located in St. Louis County, Minnesota (the "Property").
- B. Grantee desires to construct a roadway improvements on the Property ("Project").
- C. Grantor has agreed to provide permanent and temporary easements ("Easements") for the construction of the roadway within the areas legally described on Exhibits A, B, C, D and E and depicted on Exhibits A-1, B-1, C-1, D-1 and E-1 attached hereto.

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

1. The Recitals are included as a part hereof.
2. Grantor grants the Easements to Grantee, its agents and employees, with necessary equipment, to enter upon and have access to the Easement Areas for the purpose of construction work relating to the Project. Any temporary easements shall expire and be of no force and effect on December 31, 2024.
3. Prior to expiration of the temporary easements, Grantee shall reasonably restore the temporary easement area to substantially the same condition prior to Grantee's entry and to the temporary easement area.

(SIGNATURES APPEAR ON NEXT PAGE)

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

Independent School District #700

By Dianne Mathews
Its Board Chair

And by Heather Holst
Its Board Clerk

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

This instrument was acknowledged before me on this 24th day of January, 2022 by Dianne Mathews and Heather Holst, the Board Chair and Board Clerk, respectively of the Independent School District #700 and on behalf of the Independent School District #700, a public corporation of the State of Minnesota.

Lance Eric Takunen
Notary Public



[ACCEPTANCE APPEARS ON NEXT PAGE]

ACCEPTANCE

The City of Hermantown hereby accepts the foregoing easement.

Dated: _____

CITY OF HERMANTOWN

By _____
Its Mayor

And By _____
Its City Clerk

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

The foregoing instrument was acknowledged before me this _____ day of _____ 20___, by Wayne Boucher and _____ the Mayor and City Clerk, respectively, of the City of Hermantown and on behalf of the City of Hermantown.

Notary Public

THIS INSTRUMENT WAS DRAFTED BY:
Steven C. Ovesom
Ovesom Law, PLLC
11 E. Superior Street
Suite 543
Duluth, MN 55802
218-625-4460

EXHIBIT A
Temporary Easement

A TEMPORARY EASEMENT FOR CONSTRUCTION PURPOSES OVER, UNDER AND ACROSS THE EAST 10 FEET OF THAT PART OF THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION SEVENTEEN, TOWNSHIP FIFTY NORTH RANGE FIFTEEN WEST OF THE FOURTH PRINCIPAL MERIDIAN, ST. LOUIS COUNTY, MINNESOTA, DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT WHICH IS DISTANT 293 FEET SOUTH OF THE NORTH SIDE OF SAID SECTION 15, AND DISTANT 33 FEET WEST OF THE EAST SIDE OF SAID SECTION 16; RUNNING THENCE WEST PARALLEL WITH THE NORTH SIDE OF SAID SECTION 16, 236 FEET; THENCE SOUTH PARALLEL WITH THE EAST SIDE OF SAID SECTION 16, 36 FEET THENCE WEST PARALLEL WITH THE NORTH SIDE OF SAID SECTION 16, 191 FEET; THENCE SOUTH PARALLEL WITH THE EAST SIDE OF SECTION 15, 320 FEET THENCE EAST PARALLEL WITH THE NORTH SIDE OF SAID SECTION 16, 367 FEET, AND THENCE NORTH PARALLEL WITH THE EAST SIDE OF SAID SECTION 16, 350 FEET, TO THE POINT OR PLACE OF BEGINNING.

LESS AND EXCEPTING THE FOLLOWING DESCRIBED PARCEL: THAT PART OF THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER, SECTION 16, TOWNSHIP 50 NORTH, RANGE 15 WEST OF THE FOURTH PRINCIPAL MERIDIAN, ST. LOUIS COUNTY, MINNESOTA, DESCRIBED AS FOLLOWS: COMMENCING AT THE NORTHEAST CORNER OF SECTION 16, TOWNSHIP 50 NORTH, RANGE 15 WEST, ST. LOUIS COUNTY, MINNESOTA; THENCE ALONG THE EAST LINE OF SAID SECTION 16 WHICH HAS A BEARING OF SOUTH 09 DEGREES 28 MINUTES 22 SECONDS WEST (SOUTH 09 DEGREES 27 MINUTES WEST PER DULUTH HOMESTEADS SUBDIVISION PLAT, ACCORDING TO THE RECORDED PLAT THEREOF, ST. LOUIS COUNTY, MINNESOTA) A DISTANCE OF 33.00 FEET TO THE EASTERLY EXTENSION OF THE NORTH LINE OF LOT 2, BLOCK 18, SAID DULUTH HOMESTEADS SUBDIVISION PLAT; THENCE NORTH 89 DEGREES 38 MINUTES 00 SECONDS WEST, ALONG SAID EASTERLY EXTENSION 33.00 FEET TO THE NORTHEAST CORNER OF SAID LOT 2, BLOCK 18; THENCE SOUTH 00 DEGREES 26 MINUTES 22 SECONDS WEST, ALONG THE EAST LINE OF SAID LOT 2 AND PARALLEL WITH SAID EAST LINE OF SECTION 16 A DISTANCE OF 250.00 FEET TO THE POINT OF BEGINNING OF THE PARCEL HEREIN DESCRIBED; THENCE NORTH 89 DEGREES 38 MINUTES 00 SECONDS WEST, PARALLEL WITH SAID NORTH LINE OF LOT 2, BLOCK 18, SAID LINE ALSO BEING PARALLEL WITH THE NORTH LINE OF SAID SECTION 16 A DISTANCE OF 236.00 FEET; THENCE SOUTH 00 DEGREES 26 MINUTES 22 SECONDS WEST, PARALLEL WITH SAID EAST LINE OF LOT 2, BLOCK 18 AND PARALLEL WITH SAID EAST LINE OF SECTION 16 A DISTANCE OF 30.00 FEET; THENCE NORTH 89 DEGREES 38 MINUTES 00 SECONDS WEST, PARALLEL WITH SAID NORTH LINE OF LOT 2, BLOCK 18 AND PARALLEL WITH SAID NORTH LINE OF SECTION 16 A DISTANCE OF 151.00 FEET; THENCE SOUTH 00 DEGREES 26 MINUTES 22 SECONDS WEST, PARALLEL WITH SAID EAST LINE OF LOT 2, BLOCK 18 AND PARALLEL WITH SAID EAST LINE OF SECTION 16 A DISTANCE OF 250.00 FEET TO THE EASTERLY EXTENSION OF THE SOUTH LINE OF LOT 1, BLOCK 18, SAID DULUTH HOMESTEADS SUBDIVISION PLAT; THENCE SOUTH 89 DEGREES 38 MINUTES 00 SECONDS EAST, ALONG SAID EASTERLY EXTENSION OF THE SOUTH LINE OF LOT 1 AND PARALLEL WITH SAID NORTH LINE OF LOT 2, BLOCK 18 AND PARALLEL WITH SAID NORTH LINE OF SECTION 16 A DISTANCE OF 367.00 FEET TO THE SAID EAST LINE OF LOT 2, BLOCK 18; THENCE NORTH 00 DEGREES 26 MINUTES 22 SECONDS EAST, ALONG SAID EAST LINE OF LOT 2 AND PARALLEL WITH SAID EAST LINE OF SECTION 16 A DISTANCE OF 280.00 FEET TO THE POINT OF BEGINNING.

EXHIBIT A-1
Easement Depictions



EXHIBIT B

Permanent Easement and Temporary Easement

A TEMPORARY EASEMENT FOR CONSTRUCTION PURPOSES OVER, UNDER AND ACROSS THE SOUTH 18 FEET OF THE EAST 1200 FEET OF THE WEST 1745 FEET OF OUTLOT A, DULUTH HOMESTEADS SUBDIVISION PLAT, LOCATED IN THE SOUTHEAST QUARTER SECTION 9, TOWNSHIP 60, RANGE 18, ST. LOUIS COUNTY, MINNESOTA.

ALSO:

A TEMPORARY EASEMENT FOR CONSTRUCTION PURPOSES OVER, UNDER AND ACROSS THE NORTH 20 FEET OF THE SOUTH 40 FEET OF THE EAST 80 FEET OF THE WEST 1350 FEET OF OUTLOT A, DULUTH HOMESTEADS SUBDIVISION PLAT, LOCATED IN THE SOUTHEAST QUARTER SECTION 9, TOWNSHIP 60, RANGE 18, ST. LOUIS COUNTY, MINNESOTA.

ALSO:

A PERPETUAL EASEMENT FOR DRAINAGE AND UTILITY PURPOSES OVER, UNDER AND ACROSS THE SOUTH 10 FEET OF THE EAST 18 FEET OF THE WEST 1485 FEET OF OUTLOT A, DULUTH HOMESTEADS SUBDIVISION PLAT, LOCATED IN THE SOUTHEAST QUARTER SECTION 9, TOWNSHIP 60, RANGE 18, ST. LOUIS COUNTY, MINNESOTA.

ALSO:

A PERPETUAL EASEMENT FOR DRAINAGE AND UTILITY PURPOSES OVER, UNDER AND ACROSS THE NORTH 10 FEET OF THE EAST 10 FEET OF THE WEST 1510 FEET OF OUTLOT A, DULUTH HOMESTEADS SUBDIVISION PLAT, LOCATED IN THE SOUTHEAST QUARTER SECTION 9, TOWNSHIP 60, RANGE 18, ST. LOUIS COUNTY, MINNESOTA.

AND

A TEMPORARY EASEMENT FOR CONSTRUCTION PURPOSES OVER, UNDER AND ACROSS OUTLOT A, DULUTH HOMESTEADS SUBDIVISION PLAT, LOCATED IN THE SOUTHEAST QUARTER SECTION 9, TOWNSHIP 60, RANGE 18, ST. LOUIS COUNTY, MINNESOTA, DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF THE SOUTHEAST QUARTER OF SAID SECTION 9; THENCE SOUTH 00 DEGREES 04 MINUTES 23 SECONDS EAST, ALONG THE EAST LINE OF SAID SOUTHEAST QUARTER, A DISTANCE OF 1077.57 FEET; THENCE SOUTH 88 DEGREES 50 MINUTES 13 SECONDS WEST, A DISTANCE OF 80.00 FEET TO THE WESTERLY RIGHT-OF-WAY OF USTAD ROAD AND THE POINT OF BEGINNING; THENCE CONTINUING SOUTH 88 DEGREES 50 MINUTES 13 SECONDS WEST, A DISTANCE OF 10.00 FEET; THENCE SOUTH 00 DEGREES 04 MINUTES 23 SECONDS EAST PARALLEL WITH SAID RIGHT-OF-WAY, A DISTANCE OF 305.04 FEET; THENCE SOUTH 88 DEGREES 50 MINUTES 13 SECONDS WEST, A DISTANCE OF 20.00 FEET; THENCE SOUTH 00 DEGREES 04 MINUTES 23 SECONDS EAST PARALLEL WITH SAID RIGHT-OF-WAY, A DISTANCE OF 100.00 FEET; THENCE NORTH 88 DEGREES 50 MINUTES 13 SECONDS EAST, A DISTANCE OF 50.00 FEET; THENCE SOUTH 00 DEGREES 04 MINUTES 23 SECONDS EAST PARALLEL WITH SAID RIGHT-OF-WAY, A DISTANCE OF 410.58 FEET TO THE NORTH LINE OF LOT 2 OF REARRANGEMENT OF LOTS 1 AND 2, BLOCK 9, DULUTH HOMESTEADS; THENCE NORTH 88 DEGREES 50 MINUTES 13 SECONDS EAST ALONG THE NORTH LINE OF SAID LOT 2; A DISTANCE OF 10.00 FEET TO THE WESTERLY RIGHT-OF-WAY OF SAID USTAD ROAD; THENCE NORTH 00 DEGREES 04 MINUTES 23 SECONDS WEST ALONG SAID RIGHT-OF-WAY, A DISTANCE OF 482.78 FEET; THENCE SOUTH 88 DEGREES 50 MINUTES 13 SECONDS WEST ALONG SAID RIGHT-OF-WAY, A DISTANCE OF 10.00 FEET; THENCE NORTH 00 DEGREES 04 MINUTES 23 SECONDS WEST ALONG SAID RIGHT-OF-WAY, A DISTANCE OF 432.88 FEET TO THE POINT OF BEGINNING.

EXHIBIT B-1
Easement Depictions

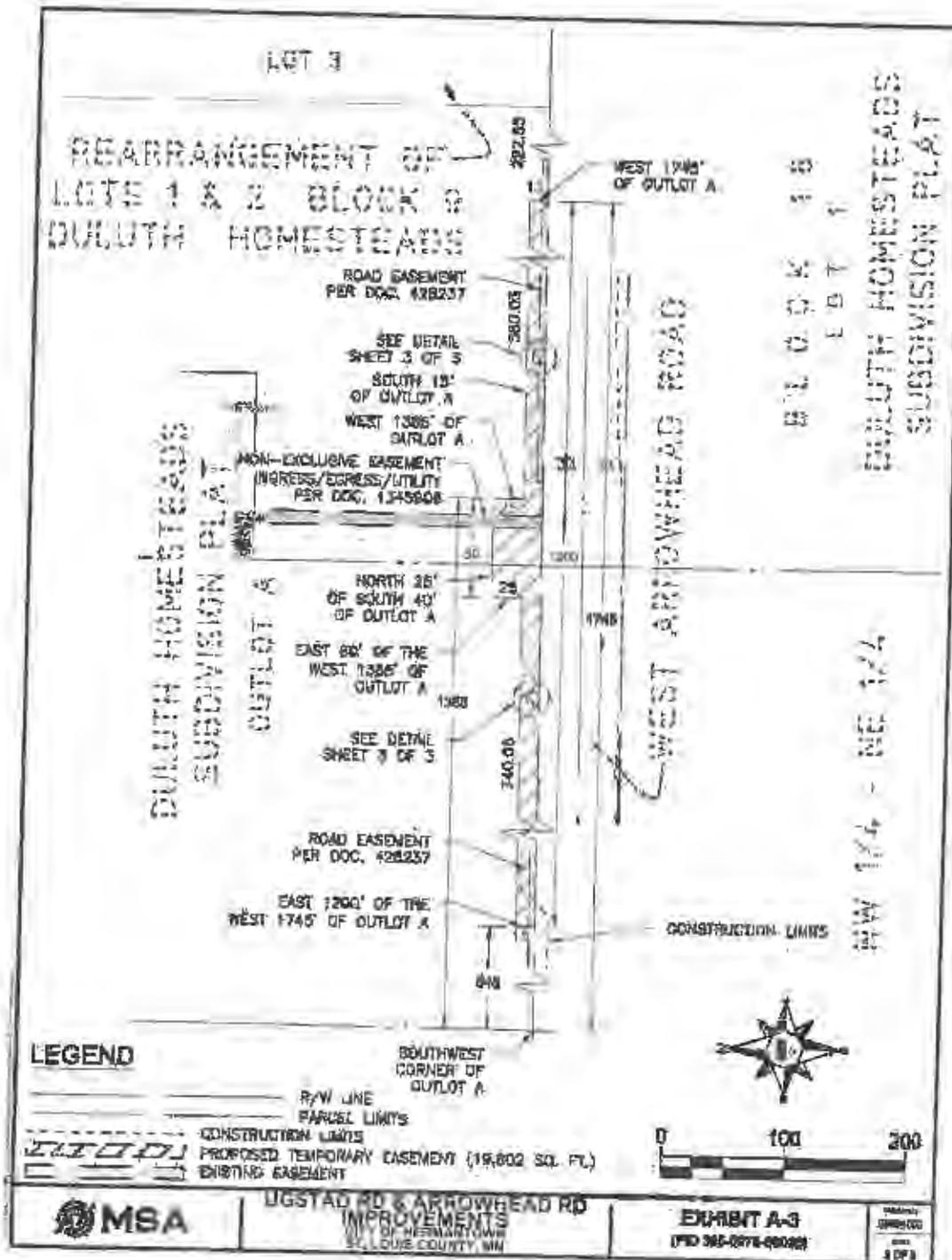


EXHIBIT C
Temporary Easement

A TEMPORARY EASEMENT FOR CONSTRUCTION PURPOSES OVER, UNDER AND ACROSS THE EAST 10 FEET OF THE SOUTH 400.23 FEET OF LOT 2, BLOCK 16, DULUTH HOMESTEAD SUBDIVISION PLAT, ST. LOUIS COUNTY, MINNESOTA.

**EXHIBIT C-1
Easement Depletion**

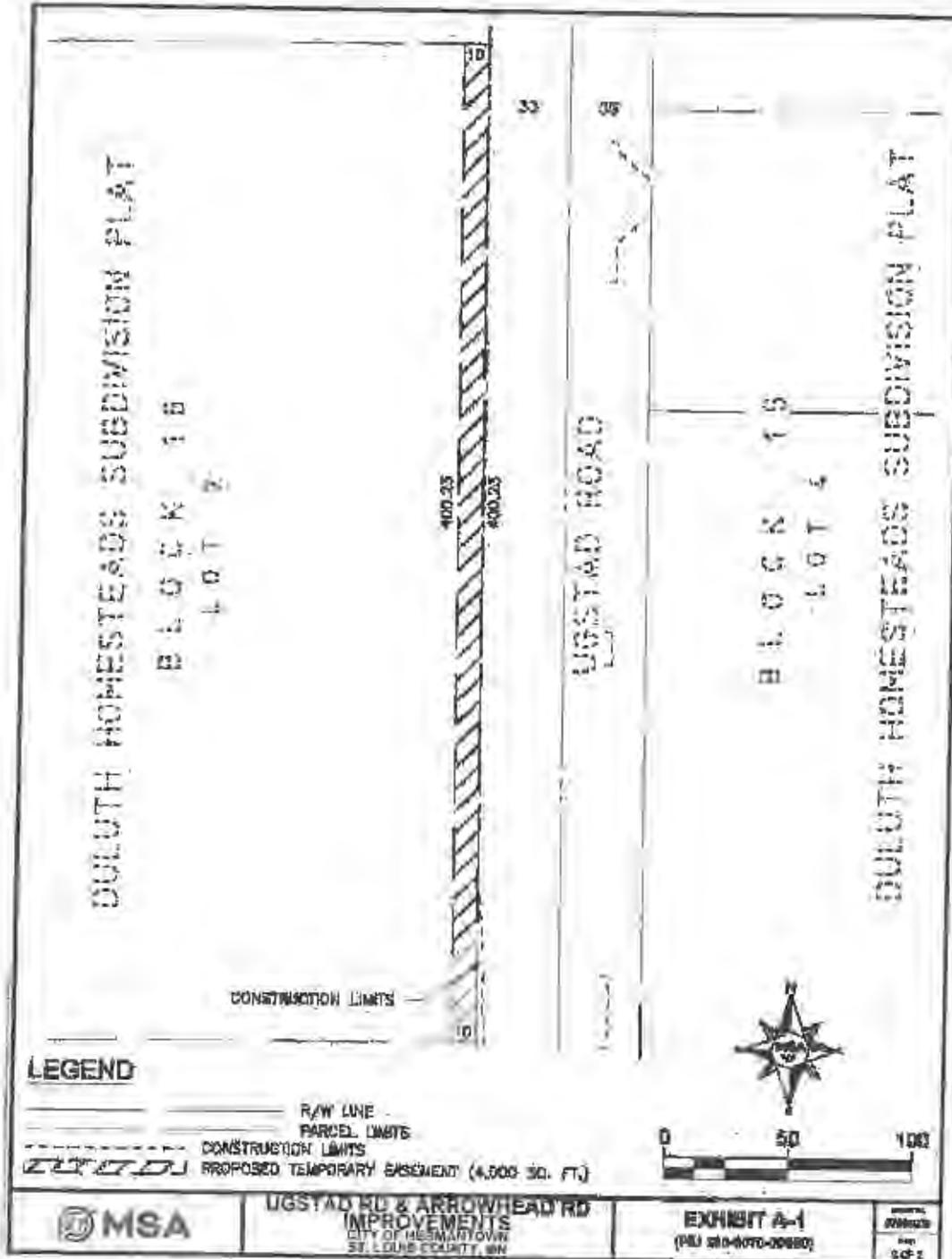


EXHIBIT D
Temporary Easement

PROPOSED LEGAL DESCRIPTION:

THAT PART OF OF LOT ONE (1) OF REARRANGEMENT OF LOTS ONE (1) AND TWO (2), BLOCK NINE (9) OF DULUTH HOMESTEADS SUBDIVISION PLAT, ST. LOUIS COUNTY, MINNESOTA, LYING SOUTHEASTERLY OF LINE 1 DESCRIBED AS FOLLOWS:

"LINE 1"
COMMENCING AT THE SOUTHEAST CORNER OF SAID LOT 1; THENCE NORTHERLY ALONG THE EASTERLY LINE OF SAID LOT 1, A DISTANCE OF 20.00 FEET TO THE POINT OF BEGINNING; THENCE SOUTHWESTERLY TO A POINT ON THE SOUTH LINE OF SAID LOT 1 DISTANT 20.00 FEET WESTERLY FROM THE SOUTHEAST CORNER AND THERE TERMINATING.

EASEMENT LEGAL DESCRIPTION:

A TEMPORARY EASEMENT FOR CONSTRUCTION PURPOSES OVER, UNDER AND ACROSS THE EAST 17 FEET OF LOT ONE (1) OF REARRANGEMENT OF LOTS ONE (1) AND TWO (2), BLOCK NINE (9) OF DULUTH HOMESTEADS SUBDIVISION PLAT, ST. LOUIS COUNTY, MINNESOTA.

EXHIBIT D-1
Easement Depictions

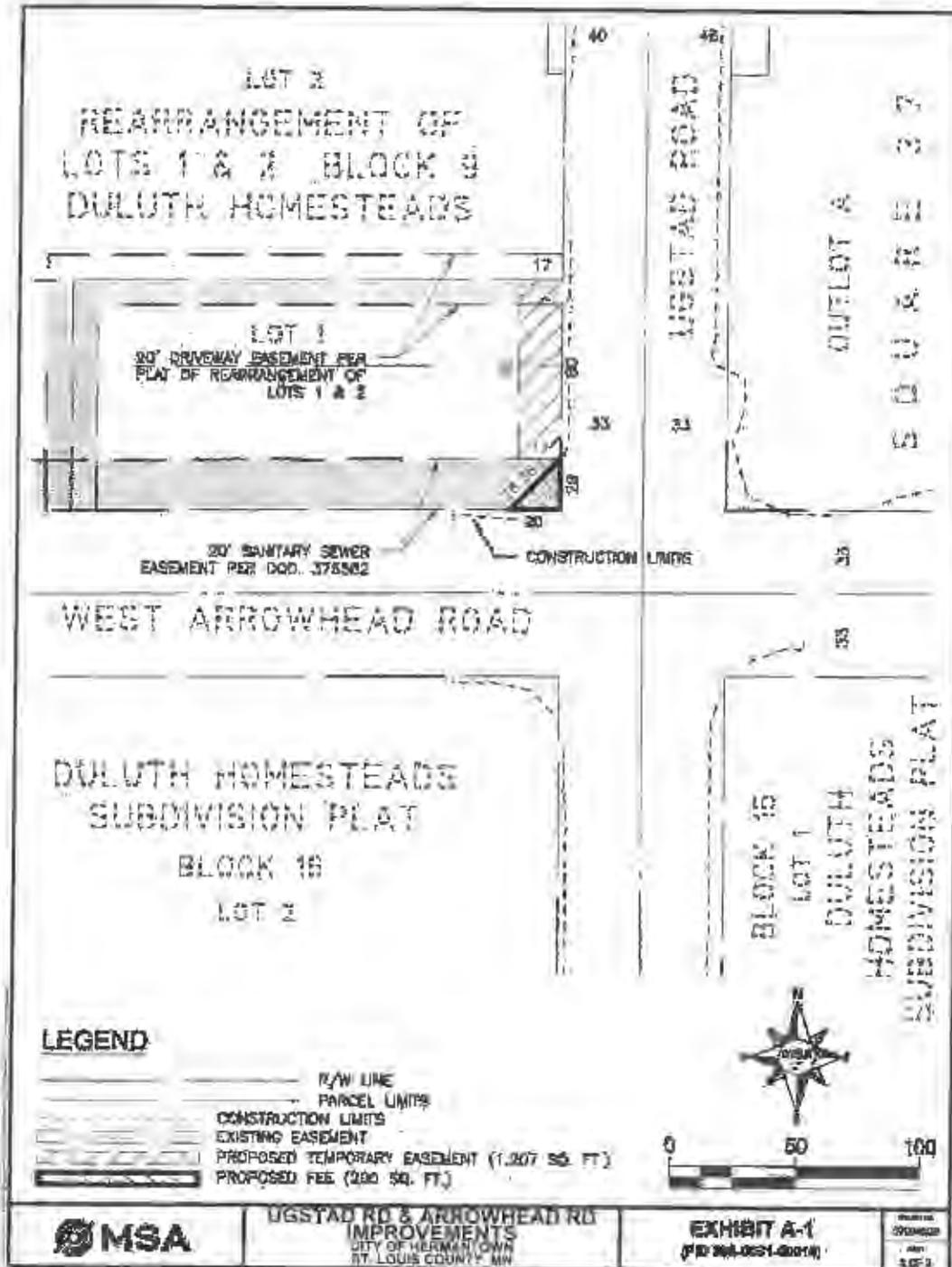
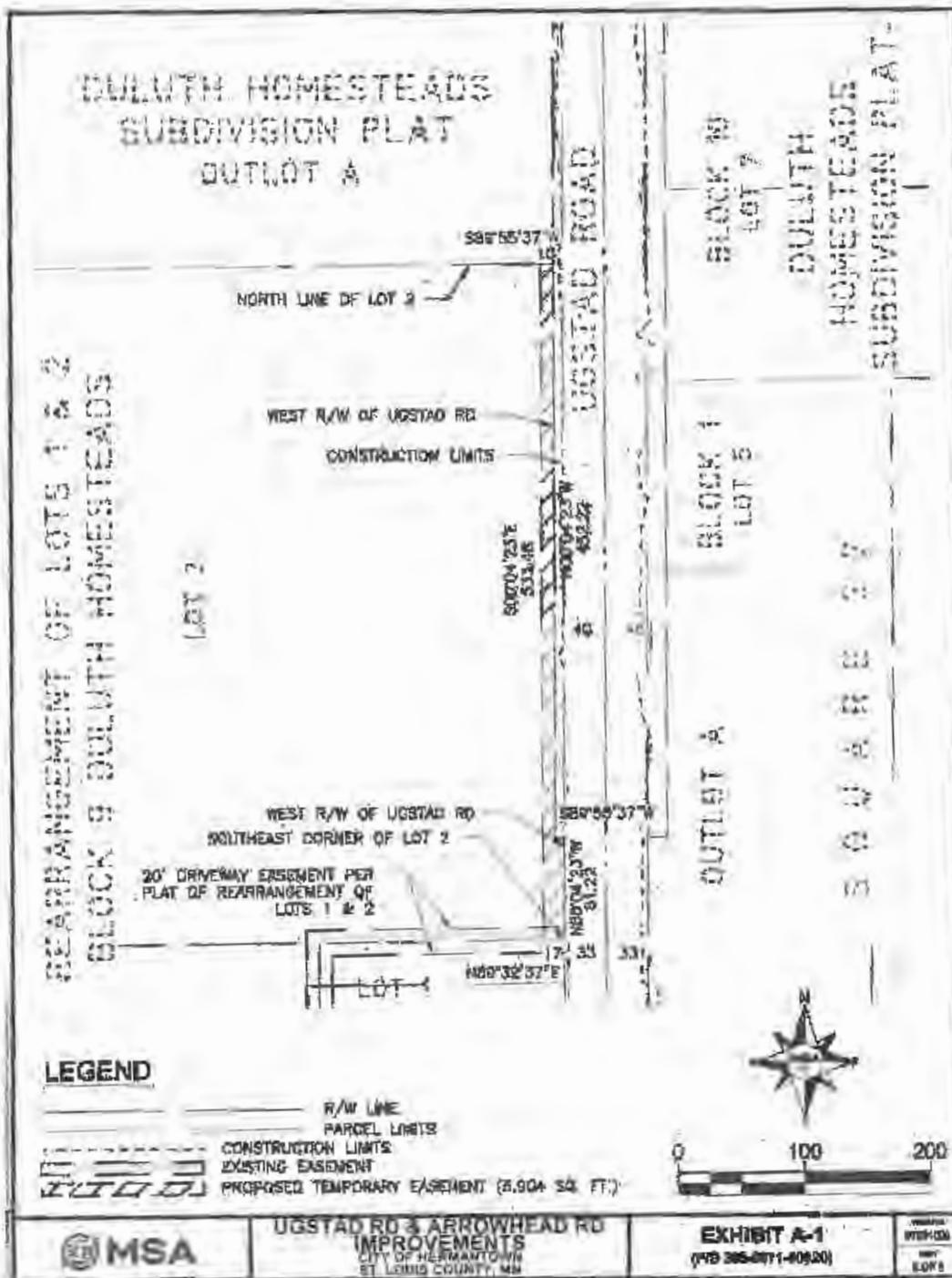


EXHIBIT E
Temporary Easement

A TEMPORARY EASEMENT FOR CONSTRUCTION PURPOSES OVER, UNDER AND ACROSS LOT TWO OF REARRANGEMENT OF LOTS ONE AND TWO, BLOCK NINE OF DULUTH HOMESTEADS SUBDIVISION, PLAT, ST. LOUIS COUNTY, MINNESOTA, DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEAST CORNER OF SAID LOT 2; THENCE NORTH 08 DEGREES 04 MINUTES 23 SECONDS WEST, ASSUMED BEARING, ALONG THE WEST RIGHT-OF-WAY OF UGSTAD ROAD, A DISTANCE OF 81.22 FEET; THENCE SOUTH 88 DEGREES 35 MINUTES 37 SECONDS WEST, ALONG SAID RIGHT-OF-WAY, A DISTANCE OF 7.00 FEET; THENCE NORTH 00 DEGREES 04 MINUTES 23 SECONDS WEST, ALONG SAID RIGHT-OF-WAY, A DISTANCE OF 452.22 FEET TO THE NORTH LINE OF SAID LOT 2; THENCE SOUTH 89 DEGREES 33 MINUTES 37 SECONDS WEST, ALONG THE NORTH LINE OF SAID LOT 2, A DISTANCE OF 10.00 FEET; THENCE SOUTH 00 DEGREES 04 MINUTES 23 SECONDS EAST, PARALLEL TO SAID RIGHT-OF-WAY, A DISTANCE OF 533.48 FEET TO THE SOUTH LINE OF SAID LOT 2; THENCE NORTH 89 DEGREES 32 MINUTES 37 SECONDS EAST, ALONG THE SOUTH LINE OF SAID LOT 2, A DISTANCE OF 17.00 FEET TO THE POINT OF BEGINNING.

**EXHIBIT E-1
Easement Depiction**



EASEMENT LEGAL DESCRIPTION:

A TEMPORARY EASEMENT FOR CONSTRUCTION PURPOSES OVER, UNDER AND ACROSS THE SOUTH 15 FEET OF THE EAST 1200 FEET OF THE WEST 1745 FEET OF OUTLOT A, DULUTH HOMESTEADS SUBDIVISION PLAT, LOCATED IN THE SOUTHEAST QUARTER SECTION 8, TOWNSHIP 50, RANGE 15, ST. LOUIS COUNTY, MINNESOTA.

ALSO:

A TEMPORARY EASEMENT FOR CONSTRUCTION PURPOSES OVER, UNDER AND ACROSS THE NORTH 25 FEET OF THE SOUTH 40 FEET OF THE EAST 80 FEET OF THE WEST 1365 FEET OF OUTLOT A, DULUTH HOMESTEADS SUBDIVISION PLAT, LOCATED IN THE SOUTHEAST QUARTER SECTION 8, TOWNSHIP 50, RANGE 15, ST. LOUIS COUNTY, MINNESOTA.

ALSO:

A PERPETUAL EASEMENT FOR DRAINAGE AND UTILITY PURPOSES OVER, UNDER AND ACROSS THE SOUTH 10 FEET OF THE EAST 10 FEET OF THE WEST 1485 FEET OF OUTLOT A, DULUTH HOMESTEADS SUBDIVISION PLAT, LOCATED IN THE SOUTHEAST QUARTER SECTION 8, TOWNSHIP 50, RANGE 15, ST. LOUIS COUNTY, MINNESOTA.

ALSO:

A PERPETUAL EASEMENT FOR DRAINAGE AND UTILITY PURPOSES OVER, UNDER AND ACROSS THE SOUTH 10 FEET OF THE EAST 10 FEET OF THE WEST 1210 FEET OF OUTLOT A, DULUTH HOMESTEADS SUBDIVISION PLAT, LOCATED IN THE SOUTHEAST QUARTER SECTION 8, TOWNSHIP 50, RANGE 15, ST. LOUIS COUNTY, MINNESOTA.

I HEREBY CERTIFY THAT THIS SURVEY WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT I AM A DULY LICENSED PROFESSIONAL LAND SURVEYOR UNDER THE LAWS OF THE STATE OF MINNESOTA.

CURTIS E. SCHLEY

8/24/2021
Date

48907
Registration No.



UGSTAD RD & ARROWHEAD RD
IMPROVEMENTS
CITY OF HERMANTOWN
ST. LOUIS COUNTY, MN

EXHIBIT A-2
(PND 365-0070-00000)

FILED
D7964000
1 OF 3

LOT 3

REARRANGEMENT OF LOTS 1 & 2 BLOCK 9 DULUTH HOMESTEADS

BLOCK 9
LOT 1

DULUTH HOMESTEADS
SUBDIVISION PLAT

DULUTH HOMESTEADS
SUBDIVISION PLAT

OUTLOT A

WEST ARROWHEAD ROAD

NW 1/4 - NE 1/4

ROAD EASEMENT
PER DOC. 428237

SEE DETAIL
SHEET 3 OF 3

SOUTH 15'
OF OUTLOT A

WEST 1365'
OF OUTLOT A

NON-EXCLUSIVE EASEMENT
INGRESS/EGRESS/UTILITY
PER DOC. 1345906

NORTH 25'
OF SOUTH 40'
OF OUTLOT A

EAST 80' OF THE
WEST 1365' OF
OUTLOT A

SEE DETAIL
SHEET 3 OF 3

ROAD EASEMENT
PER DOC. 428237

EAST 1200' OF THE
WEST 1745' OF OUTLOT A

WEST 1745'
OF OUTLOT A

CONSTRUCTION LIMITS

SOUTHWEST
CORNER OF
OUTLOT A

LEGEND

-  R/W LINE
-  PARCEL LIMITS
-  CONSTRUCTION LIMITS
-  PROPOSED TEMPORARY EASEMENT (19,802 SQ. FT.)
-  EXISTING EASEMENT



UGSTAD RD & ARROWHEAD RD
IMPROVEMENTS
CITY OF HERMANTOWN
ST. LOUIS COUNTY, MN

EXHIBIT A-3
(PID 295-0070-00030)

PROJECT NO.
07904000
SHEET
3 OF 3

LOT 3

REARRANGEMENT OF LOTS 1 & 2 BLOCK 8 DULUTH HOMESTEADS

DULUTH HOMESTEADS
SUBDIVISION PLAT

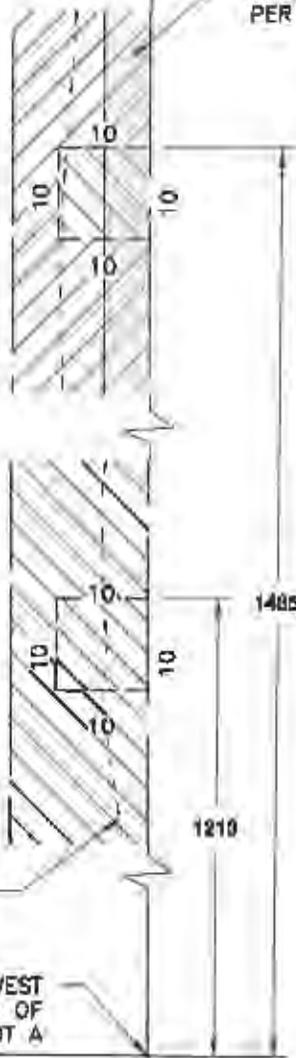
OUTLOT A

ROAD EASEMENT
PER DOC. 428237

WEST ARROWHEAD ROAD

CONSTRUCTION LIMITS

SOUTHWEST
CORNER OF
OUTLOT A



LEGEND

- R/W LINE
- PARCEL LIMITS
- CONSTRUCTION LIMITS
- PROPOSED TEMPORARY EASEMENT (19,675 SQ. FT.)
- PROPOSED PERMANENT EASEMENT (200 SQ. FT.)
- EXISTING EASEMENT



UGSTAD RD & ARROWHEAD RD
IMPROVEMENTS
CITY OF HERMANTOWN
ST. LOUIS COUNTY, MN

EXHIBIT A-4 DETAIL
(PID 395-0070-00030)

PLAT NO.
0792-1009

SHEET
2 OF 3

EASEMENT LEGAL DESCRIPTION:

A TEMPORARY EASEMENT FOR CONSTRUCTION PURPOSES OVER, UNDER AND ACROSS OUTLOT A, DULUTH HOMESTEADS SUBMISION PLAT, LOCATED IN THE SOUTHEAST QUARTER SECTION 9, TOWNSHIP 50, RANGE 15, ST. LOUIS COUNTY, MINNESOTA, DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF THE SOUTHEAST QUARTER OF SAID SECTION 9; THENCE SOUTH 00 DEGREES 04 MINUTES 23 SECONDS EAST, ALONG THE EAST LINE OF SAID SOUTHEAST QUARTER, A DISTANCE OF 1077.57 FEET; THENCE SOUTH 89 DEGREES 50 MINUTES 13 SECONDS WEST, A DISTANCE OF 50.00 FEET TO THE WESTERLY RIGHT-OF-WAY OF UGSTAD ROAD AND THE POINT OF BEGINNING; THENCE CONTINUING SOUTH 89 DEGREES 50 MINUTES 13 SECONDS WEST, A DISTANCE OF 10.00 FEET; THENCE SOUTH 00 DEGREES 04 MINUTES 23 SECONDS EAST PARALLEL WITH SAID RIGHT-OF-WAY, A DISTANCE OF 385.00 FEET; THENCE SOUTH 89 DEGREES 50 MINUTES 37 SECONDS WEST, A DISTANCE OF 20.00 FEET; THENCE SOUTH 00 DEGREES 04 MINUTES 23 SECONDS EAST PARALLEL WITH SAID RIGHT-OF-WAY, A DISTANCE OF 100.00 FEET; THENCE NORTH 88 DEGREES 55 MINUTES 37 SECONDS EAST, A DISTANCE OF 30.00 FEET; THENCE SOUTH 00 DEGREES 04 MINUTES 23 SECONDS EAST PARALLEL WITH SAID RIGHT-OF-WAY, A DISTANCE OF 410.52 FEET TO THE NORTH LINE OF LOT 2 OF REARRANGEMENT OF LOTS 1 AND 2, BLOCK 9, DULUTH HOMESTEADS; THENCE NORTH 89 DEGREES 35 MINUTES 37 SECONDS EAST ALONG THE NORTH LINE OF SAID LOT 2, A DISTANCE OF 10.00 FEET TO THE WESTERLY RIGHT-OF-WAY OF SAID UGSTAD ROAD; THENCE NORTH 00 DEGREES 04 MINUTES 23 SECONDS WEST ALONG SAID RIGHT-OF-WAY, A DISTANCE OF 482.78 FEET; THENCE SOUTH 89 DEGREES 55 MINUTES 37 SECONDS WEST ALONG SAID RIGHT-OF-WAY, A DISTANCE OF 10.00 FEET; THENCE NORTH 00 DEGREES 04 MINUTES 23 SECONDS WEST ALONG SAID RIGHT-OF-WAY, A DISTANCE OF 432.68 FEET TO THE POINT OF BEGINNING.

I HEREBY CERTIFY THAT THIS SURVEY WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT I AM A DULY LICENSED PROFESSIONAL LAND SURVEYOR UNDER THE LAWS OF THE STATE OF MINNESOTA.

CURTIS E. SCHLEY

9/24/2021

Date

49907

Registration No.



UGSTAD RD & ARROWHEAD RD
IMPROVEMENTS
CITY OF HERMAPTOWN
ST. LOUIS COUNTY, MN

EXHIBIT A
(PID 295-0370-0003)

PLAT NO.
07294008

1 OF 2

LEGEND

-  R/W LINE
-  PARCEL LIMITS
-  CONSTRUCTION LIMITS
-  PROPOSED TEMPORARY EASEMENT (11,476 SQ. FT.)



OUTLOT A
 DULUTH HOMESTEAD SUBDIVISION PLAT
 DULUTH HOMESTEAD SUBDIVISION PLAT



NORTH LINE OF LOT 2
OF REARRANGEMENT OF
LOTS 1 & 2

CONSTRUCTION LIMITS



**UGSTAD RD & ARROWHEAD RD
IMPROVEMENTS**
CITY OF HERMANTOWN
ST. LOUIS COUNTY, MN

EXHIBIT A-1
(PID 336-0070-00030)

PROJECT NO.
0769400
DATE
2 OF 2

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



DATE: January 26, 2022

Meeting Date: 02/07/2022

SUBJECT: Amendment to the Development
Plan associated with the Pine View
development

Agenda Item: 12-E

Resolution: 2022-19

REQUESTED ACTION

Amend the Development Plan associated the the Planned Unit Development approval for the Pine View development subdivision.

RECOMMENDED ACTION:

Staff recommends approval of the amendment to the Development Plan to allow for the construction of a two family residential structure.

DESCRIPTION OF REQUEST:

Requested is an amendment to the Development Plan to allow for the construction of a two family residential structure.

BACKGROUND:

The Pine View development was originally platted in 2005. At that time the development was envisioned as a twinhome development with utilities being installed on each individual lot in order for each half of the twinhome to have its own utility connection.

In 2010, the developer requested an amendment to the development plan to allow for single family homes on specific lots within the development. At the time, twinhome sales were extremely slow so the amendment was envisioned as a way to spur lot sales within the development. To date, 7 single family homes have been constructed within the development. The underlying plat for the development did not change, rather the development plan specified which lots that single family homes could be constructed on.

Lots 19-22, Block 2 of the development fall under the single family home designation per the 2010 amendment. Each lot has its own utility services, but the amendment allows for one single family home on lots 19 and 20 and one single family home on lots 21 and 22. In the summer of 2021, the applicant, Jesse Stokke purchased lots 19 and 20 for the purpose of constructing a two-family residential structure. He was unaware of the amended development plan which limited these lots to one single family structure. These lots were amended in October 2021 to allow for the construction of a two-family residential structure.

The applicant has since purchased the adjoining two lots, 21 and 22 and is requesting an amendment to the development plan which would allow for the construction of one two-family residential structure on lots 21 and 22, which is consistent with the original 2005 development plan.

A public hearing for this application was held on Wednesday, January 19, 2022. Other than the applicant, there were no other members of the public present to speak on the application. The Planning and Zoning Commission recommended the application unanimously onto the City Council for their approval.

SUMMARY:

The proposed amendment to the Development Plan is consistent with the City's development goals for residential housing in the affected area of the City. By amending the 2010 Development Plan to now allow for the construction of a twinhome on lots 21 and 22, the proposed amendment now aligns with the original plan for the Pine View development.

RECOMMENDATION:

Staff recommends approval of the amendment to the PUD Development Plan, subject to the following:

1. Prior to building permit issuance:
 - a. All professional fees incurred by the City in connection with the Amendment must be paid.
 - b. All necessary permits, including but not limited to stormwater, erosion control, and driveways, shall be issued.
2. All conditions of prior approvals shall be met in the construction of the twinhome structure.
3. The applicant shall sign a consent form assenting to all conditions of this approval.
4. The applicant shall pay an administrative fine of \$750 per violation of any condition of this approval.

SOURCE OF FUNDS (if applicable)

- N/A

ATTACHMENTS

- Location Map
- 2005 Plan – Exhibit A
- 2010 Revised Development Plan – Exhibit B
- Proposed Amended Plan – Exhibit C
- Resolution

Resolution No. 2022-19

**RESOLUTION APPROVING AMENDMENTS TO PLANNED UNIT DEVELOPMENT FOR
THE PLAT OF PINE VIEW**

WHEREAS, in 2010, Lakeland Construction Finance, LLC (“Developer”) submitted a plan to the City Council for a proposed development consisting of a combination of twin homes and single-family dwellings (“Project”); and

WHEREAS, the planned unit development (“PUD”) for the Project was approved by the Hermantown City Council by Resolution No. 2010-19; and

WHEREAS, a Final Planned Unit Development Order was issued for the Pineview Planned Unit Development (“Final PUD Order”) on October 12, 2010, and recorded with the St. Louis County Recorder of St. Louis County, Minnesota as Document No. 1146194; and

WHEREAS, Section 2.1 of Resolution No. 2010-19 requires that twin homes are to be clustered in the center of the Plat of Pine View (“Plat”) and single-family homes are to be located on the east and west ends; and

WHEREAS, infrastructure on the Plat was designed to accommodate the requirements for development set forth in Resolution No. 2010-19; and

WHEREAS, Lots 21 and 22 of Block 2 (“Property”) are in the center of the Plat and designated by the Revised Pineview Development Plan depicted as Exhibit C to the Final PUD Order to have a single-family home, which is inconsistent with the requirements of Resolution No. 2010-19; and

WHEREAS, Jesse Stokke (“Stokke”) and Darren Weets (Weets) have purchased Property and desires to develop a twin home on the Property and has requested an amendment to the Final PUD Order; and

WHEREAS, the Hermantown Planning and Zoning Commission held a public hearing on January 19, 2022 to consider the Stokke request; and

WHEREAS, the Hermantown Planning and Zoning Commission determined that an amendment to the Revised Pineview Development Plan of the Final PUD Order was consistent with the Project and recommended approval of such amendment; and

WHEREAS, the City Council has reviewed the proposed amendment to the Revised Pineview Development Plan as shown on Exhibit A attached hereto, the actions of Hermantown Planning and Zoning Commission, the recommendations of Hermantown Planning and Zoning Commission and the written information provided to it.

WHEREAS, based on such review and consideration the City Council of the City of Hermantown hereby makes the following:

FINDINGS OF FACT

A. Resolution No. 2010-19 required that twin homes are to be clustered in the center of the Plat of Pine View.

B. The Revised Pineview Development Plan depicted the Final PUD Order did not accurately reflect the original concept of the Resolution No. 2010-19.

C. After further review and consideration, it was concluded that the Final PUD Order be amended to allow a twin home on Lots 20 and 22 of Block 2 by revising Exhibit C to the Final PUD Order.

ON THE BASIS OF THE FOREGOING FINDINGS OF FACT, the City Council of the City of Hermantown hereby resolves as follows:

1. The amendment to the Revised Pineview Development Plan of the Final PUD Order is hereby approved.

2. The approval of the Amended Revised Pineview Development Plan attached hereto is Exhibit A, is subject to all the modifications/conditions being met as set forth in Resolution No. 2010-19.

3. The City Clerk of the City of Hermantown is hereby authorized to record this Resolution against the Property.

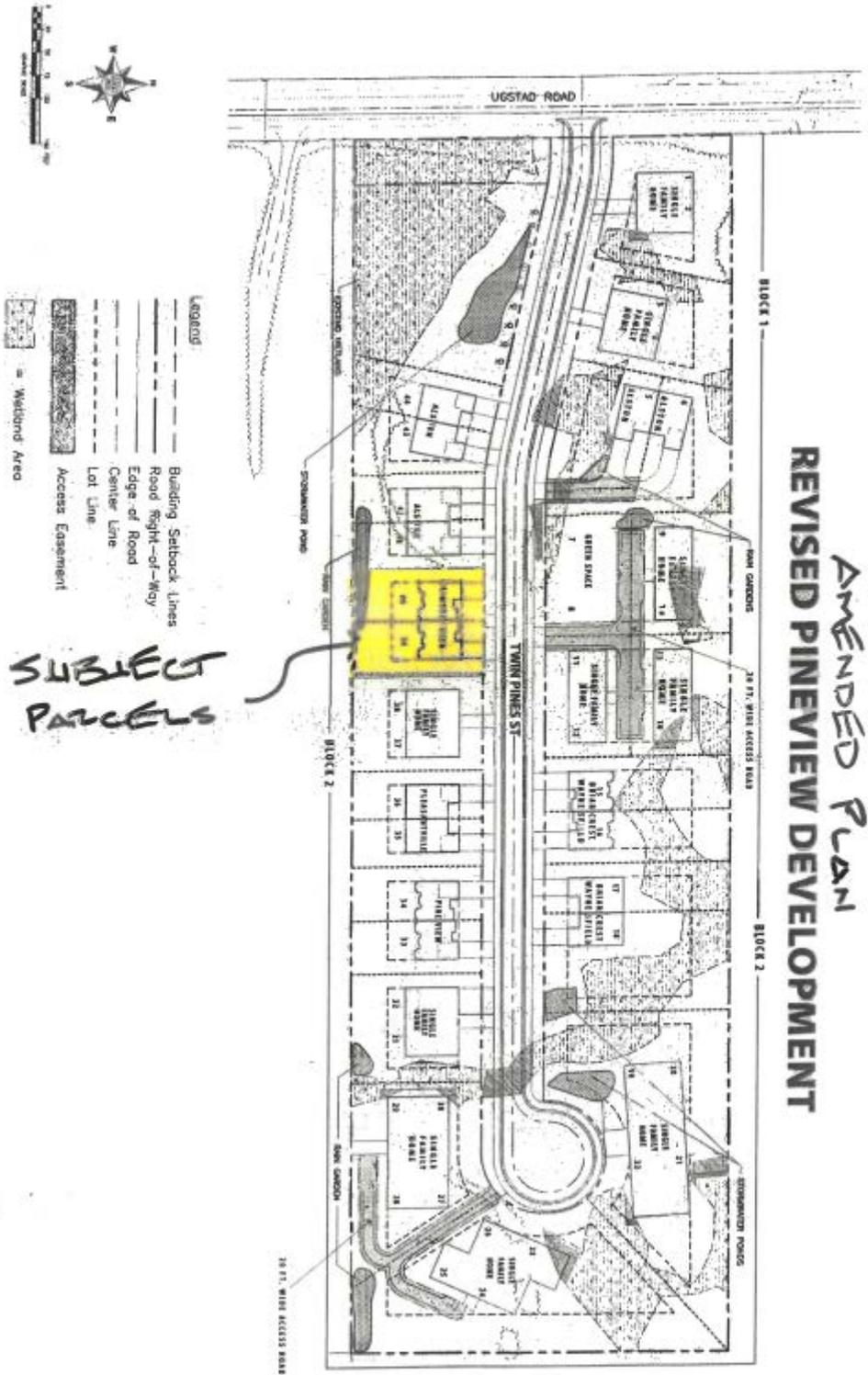
Councilor _____ introduced the foregoing resolution and moved its adoption.

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

And the following voted in opposition thereto:

WHEREUPON, such resolution was declared duly passed and adopted February 7, 2022.

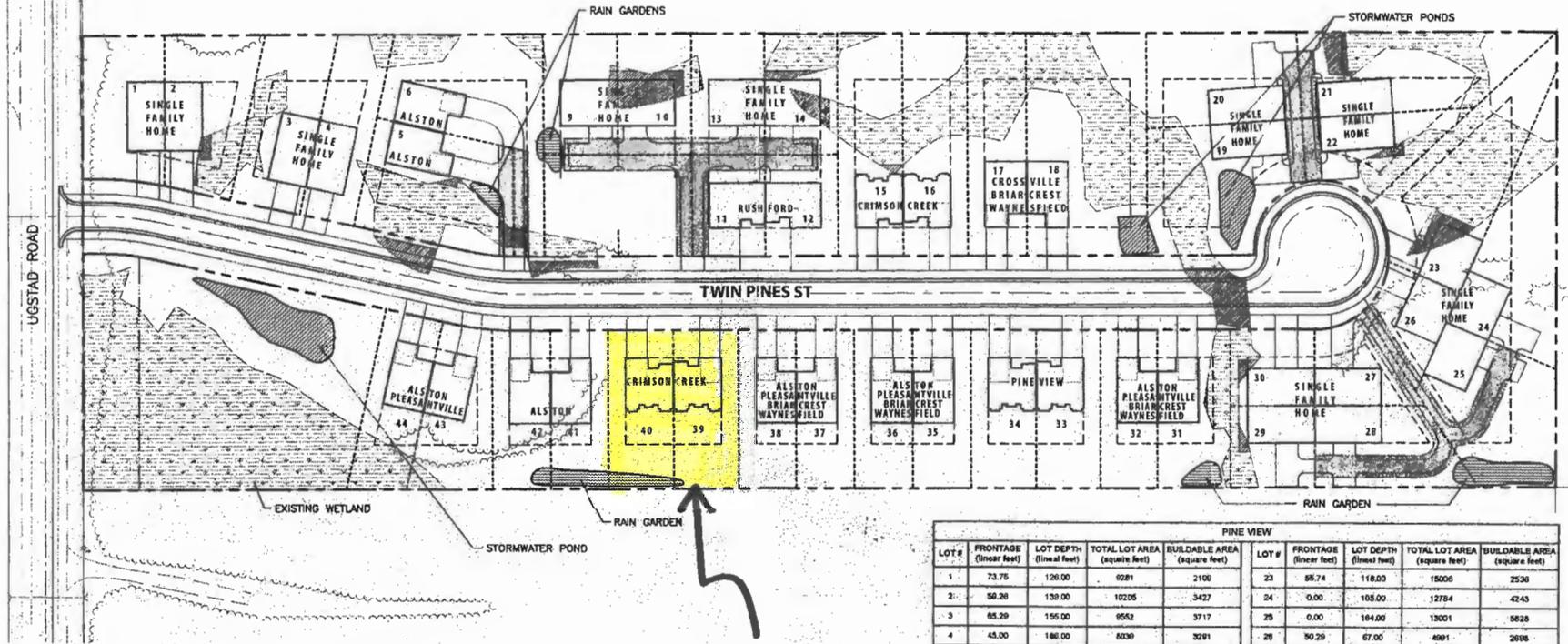
EXHIBIT A
AMENDED REVISED PINEVIEW DEVELOPMENT PLAN



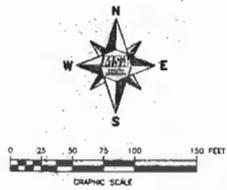
Location Map



2005 PINEVIEW DEVELOPMENT



- Legend**
- Building Setback Lines
 - Road Right-of-Way
 - Edge of Road
 - Center Line
 - Lot Line
 - Access Easement
 - = Wetland Area

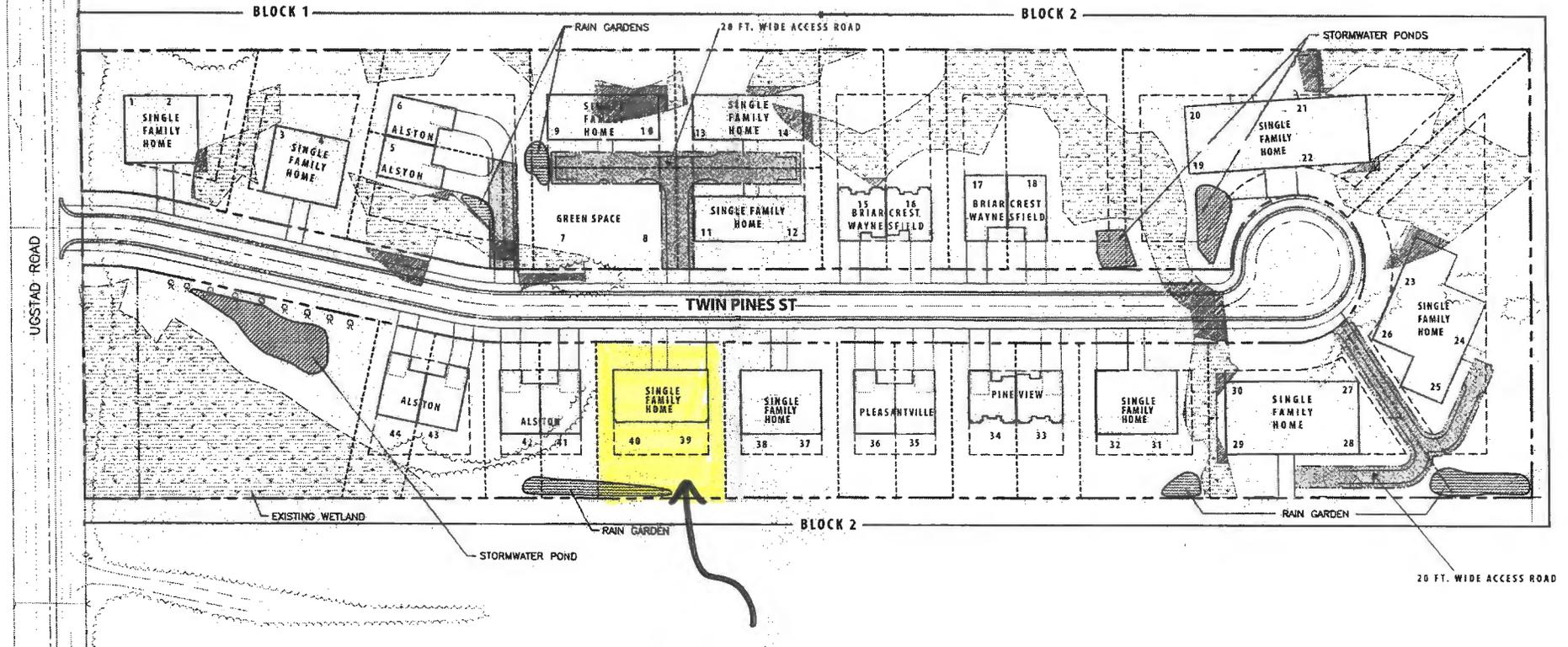


SUBJECT PARCELS

PINEVIEW									
LOT #	FRONTAGE (linear feet)	LOT DEPTH (linear feet)	TOTAL LOT AREA (square feet)	BUILDABLE AREA (square feet)	LOT #	FRONTAGE (linear feet)	LOT DEPTH (linear feet)	TOTAL LOT AREA (square feet)	BUILDABLE AREA (square feet)
1	73.75	126.00	9281	2100	23	95.74	118.00	11306	2538
2	58.28	138.00	10205	3427	24	0.00	105.00	12784	4243
3	65.29	155.00	9552	3717	25	0.00	164.00	13001	5828
4	45.00	186.00	8336	3281	26	30.29	67.00	4981	2696
5	136.00	134.00	13243	5422	27	45.72	77.00	5089	3153
6	28.92	141.00	19008	6428	28	0.00	77.00	6072	3086
7	88.00	90.00	5947	3247	29	0.00	73.00	5500	2900
8	85.00	90.00	5847	3247	30	75.00	89.00	5150	2542
9	0.00	105.00	8822	3088	31	84.87	142.00	9163	3520
10	0.00	105.00	8822	2205	32	51.50	142.00	7313	2811
11	98.00	90.00	5847	3247	33	57.00	142.00	8084	3234
12	55.00	90.00	5847	3247	34	57.00	142.00	8084	3234
13	0.00	105.00	8822	3248	35	51.50	142.00	7313	2811
14	0.00	105.00	8822	2634	36	51.50	142.00	7313	2811
15	57.00	185.00	11110	3706	37	51.50	142.00	7313	2811
16	57.00	185.00	11110	3560	38	51.50	142.00	7313	2811
17	51.50	185.00	10038	3178	39	57.00	142.00	8084	3234
18	107.89	185.00	20886	6686	40	57.00	142.00	8084	3234
19	191.54	118.00	13873	4784	41	51.50	142.00	7313	2811
20	0.00	80.00	10786	4071	42	51.54	142.00	7326	2811
21	0.00	88.00	13358	5915	43	44.13	146.00	6858	3820
22	53.87	85.00	7207	3047	44	51.50	160.00	8224	3323

2010

REVISED PINEVIEW DEVELOPMENT



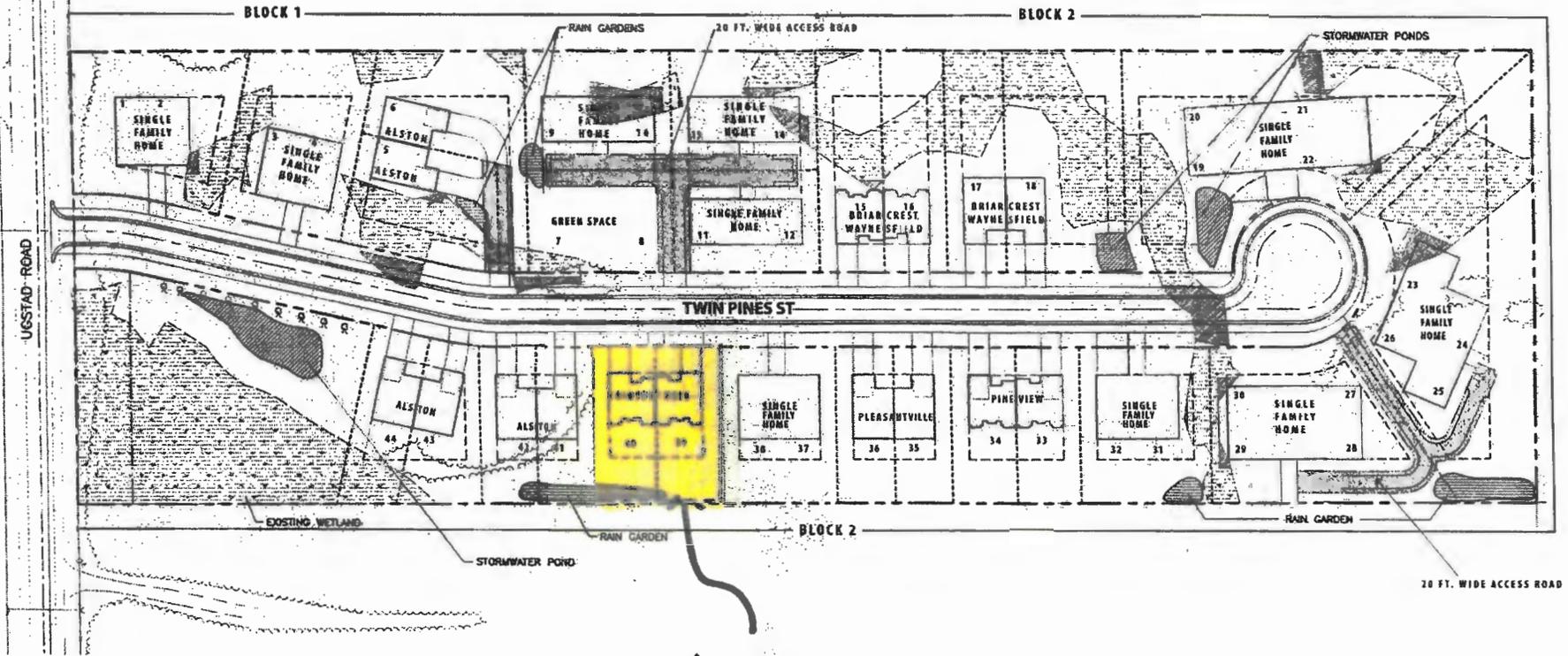
Legend

- Building Setback Lines
- Road Right-of-Way
- Edge of Road
- Center Line
- Lot Line
- Access Easement
- Wetland Area

**SUBJECT
PARCELS**

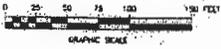


AMENDED PLAN REVISED PINEVIEW DEVELOPMENT



SUBJECT PARCELS

- Legend**
- Building Setback Lines
 - Road Right-of-Way
 - Edge of Road
 - Center Line
 - Lot Line
 - Access Easement
 - Wetland Area



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



DATE: January 31, 2022

Meeting Date: 02/07/2022

SUBJECT: Preliminary and Final Plat for a 6-
lot subdivision in a R-3 zoning
district

Agenda Item: 12-F

Resolution: 2022-20

REQUESTED ACTION

Approval of a Preliminary and Final Plat for the subdivision of a 5.0 acre parcel into 6 residential lots. The property is located at 5015 Radar Road and is in a R-3 zoning district.

SITE INFORMATION:

Parcel Size: 5.0 acres total
Legal Access: 5015 Radar Road
Wetlands: Yes, delineated in 2021 – No impacts
Existing Zoning: R-3, Residential
Airport Overlay: No
Shoreland Overlay: No
Comprehensive Plan: Suburban

BACKGROUND

The applicant is proposing to subdivide the existing 5.0 acre parcel located at 5015 Radar Road into 6 residential lots, each being a minimum of 0.5 acres in size. The proposed lots directly abut Getchell Road and will take access from the existing right of way/road. There is an existing home located on the property which will be demolished prior to the selling of any lots.

A public hearing for this application was held on Wednesday, January 19, 2022. There were no members of the public who spoke regarding the application. The Planning and Zoning Commission recommended the application unanimously onto the City Council for their approval.

ZONING ANALYSIS

The property is zoned R-3, Residential which requires a minimum of 0.5 acre lots and 100 feet of road frontage. The proposed land subdivision meets both of these requirements.

Plat

The applicant is proposing to divide the 5.0 acre property into 6 lots. A preliminary plat has been provided as part of the application. A final plat prepared by a registered land surveyor will be required for the project.

Utilities

City water and sanitary sewer are located approximately 100 feet south of the SE corner of the site in Getchell Road. The applicant is proposing to extend water and sewer services approximately 660 feet to the northern property line of the property. The utility mains will be located in a 30 foot wide easement along the eastern property line of the site with the easement being dedicated to the City. The utilities are required to be designed by a registered engineer and designed and installed to City specifications. Upon completion of the utilities and subsequent inspections/approvals, the utilities will be turned over to the City for their ownership and maintenance. The 30 foot easement will also be dedicated to the City for the purposes of maintaining the utilities.

The applicant will be required to enter into a utility extension agreement with the City for the design and installation of the utility mains.

Stormwater

These are single family lots and as such are not required to have an additional stormwater requirements. Each lot will incur a monthly stormwater utility fee once they are developed.

Access

The 6 lots directly abut Getchell Road with access being provided from the existing right of way/road.

As part of the plat, the applicant will be required to dedicate 33 feet along the south portion of the property for the purpose of creating a 66 right of way for Radar Road.

Wetlands

A wetland delineation was performed in the fall of 2021. There were no wetlands present on the subject 5.0 acre parcel.

Park Dedication Fees

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

Summary

Staff recommends approval of the Preliminary and Final Plat based on the following findings and conditions:

1. The proposed preliminary plat meets the intent of the R-3, Residential Zoning District and the overall goals and policies of the Zoning Ordinance.
2. The preliminary plat is in accordance with and conformity to the Hermantown Comprehensive Plan and Hermantown Zoning Ordinance.
3. The lots will be served by public water and sewer which will be constructed by the applicant. The applicant/builder will be responsible for the construction costs and any connection of availability fees.
4. The applicant will be required to enter into a Utility Extension Agreement with the City in order to extend utilities along Getchell Road within a proposed 30 foot wide easement.

5. The preliminary and final Plat hereby approved is hereby expressly subject to the following conditions:
 - a. Property Owner is initially and continually in compliance with all of the ordinances and regulations of the City of Hermantown.
 - b. Trees and brush cannot be burned on the Land, but may be chipped and shredded.
 - c. Erosion control measures must be in place prior to any construction on the Final Plat.
 - d. The Property Owner shall take measures to control erosion that has the potential to damage adjacent land, and control sedimentation that has the potential to leave the site.
 - e. Prior to issuance of a building permit, all necessary permits shall be obtained, including, without limitation, any stormwater permits required by the Minnesota Pollution Control Agency.
6. The Applicant will be required to pay park dedication fees consistent with the requirements of the City Zoning Ordinance. A park dedication fee of \$1,100 per lot/unit will be paid at the time of final Plat approval. The applicant/builder will be responsible for the \$150/bedroom park dedication at the time of building permit.
7. The applicant will be required to demolish the existing home and garage associated with the property prior to City issuing building permits for the specific lot(s).
8. Final plat approval will be void if: (1) a final plat is not recorded with St. Louis County within one calendar year of preliminary plat approval; and (2) the City has not received and approved a written request for a time extension within one calendar year of final plat approval.
9. The title of the land underlying the plat shall be approved by the City Attorney.
10. Regardless of the impact on the number of approved lots, all lots will meet the minimum standards for lot area (1/2 acre) and width (100'), all other design standards of the Hermantown Zoning Ordinance, including but not limited to:
 - a) Section 1020.02.2. Frontage. The entire required frontage of each lot must abut on a street that has been officially accepted by the City of Hermantown or other governmental body with jurisdiction over such street, except as provided for flag lots and cul-de-sacs
11. The Applicant shall sign a consent form assenting to all conditions of this approval.
12. The Applicant is responsible for payment of all City Engineer and City Attorney fees incurred by the City in the review and approval of the plat/project.
13. The Applicant shall pay an administrative fine of \$750 per violation of any condition of this approval.

SOURCE OF FUNDS (if applicable)

N/A

ATTACHMENTS

- Location Map
- Preliminary Plat

Resolution No. 2022-20

RESOLUTION APPROVING PRELIMINARY AND FINAL PLAT OF RADAR RUN AND IMPOSING CONDITIONS ON THE FINAL PLAT

WHEREAS, Titan Premier LLC (Applicant) has requested a preliminary and final plat for Radar Run comprised of 6 lots on the overall property described in Exhibit A, in an R-3 zoning district; and

WHEREAS, the Hermantown Planning and Zoning Commission recommended the approval of the preliminary and final plat following a public hearing on January 19, 2022; and

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

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

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

1. The final plat is in accordance with and conformity to the Hermantown Comprehensive Plan and Hermantown Zoning Ordinance.
2. The preliminary and final plat of Radar Run is hereby approved.
3. The following conditions are imposed upon the final plat:
 - a. Final plat approval will be void if: (1) a final plat is not recorded with St. Louis County within one calendar year of preliminary plat approval; and (2) the City has not received and approved a written request for a time extension within one calendar year of final plat approval.
 - b. The title of the land underlying the plat shall be approved by the City Attorney.
4. The lots will be served by public water and sewer which will be constructed by the applicant. The applicant will be responsible for any connection or availability fees.
5. The applicant will be required to enter into a Utility Extension Agreement with the City in order to extend utilities along Getchell Road within a proposed 30 foot wide easement.
6. The preliminary and final Plat hereby approved is hereby expressly subject to the following conditions:
 - a. Property Owner is initially and continually in compliance with all of the ordinances and regulations of the City of Hermantown.
 - b. Trees and brush cannot be burned on the Land, but may be chipped and shredded.
 - c. Erosion control measures must be in place prior to any construction on the Final Plat.

- d. The Property Owner shall take measures to control erosion that has the potential to damage adjacent land, and control sedimentation that has the potential to leave the site.
 - e. Prior to issuance of a building permit, all necessary permits shall be obtained, including, without limitation, any stormwater permits required by the Minnesota Pollution Control Agency.
7. The Applicant will be required to pay park dedication fees consistent with the requirements of the City Zoning Ordinance. A park dedication fee of \$1,100 per lot/unit will be paid at the time of final Plat approval. The applicant/builder will be responsible for the \$150/bedroom park dedication at the time of building permit.
8. The applicant will be required to demolish the existing home and garage associated with the property prior to City issuing building permits for the specific lot(s).
9. Final plat approval will be void if: (1) a final plat is not recorded with St. Louis County within one calendar year of preliminary plat approval; and (2) the City has not received and approved a written request for a time extension within one calendar year of final plat approval.
10. The title of the land underlying the plat shall be approved by the City Attorney.
11. Regardless of the impact on the number of approved lots, all lots will meet the minimum standards for lot area (1/2 acre) and width (100'), all other design standards of the Hermantown Zoning Ordinance, including but not limited to:
 - a) Section 1020.02.2. Frontage. The entire required frontage of each lot must abut on a street that has been officially accepted by the City of Hermantown or other governmental body with jurisdiction over such street, except as provided for flag lots and cul-de-sacs
12. The Applicant shall sign a consent form assenting to all conditions of this approval.
13. The Applicant is responsible for payment of all City Engineer and City Attorney fees incurred by the City in the review and approval of the plat/project.
14. The Applicant shall pay an administrative fine of \$750 per violation of any condition of this approval.

Councilor _____ introduced the foregoing resolution and moved its adoption.

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

And the following voted in opposition thereto:

WHEREUPON, such resolution was declared duly passed and adopted February 7, 2022.

EXHIBIT A

East Half of the Southeast Quarter of Southeast Quarter of Northwest Quarter (E ½ of SE ¼ of SE ¼ of NW ¼), Section Twenty-three (23), Township Fifty (50), range Fifteen (15) of the Fourth Principal Meridian

Parcel: 395-0010-06290

Location Map



PRELIMINARY PLAT OF RADAR RUN

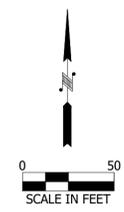
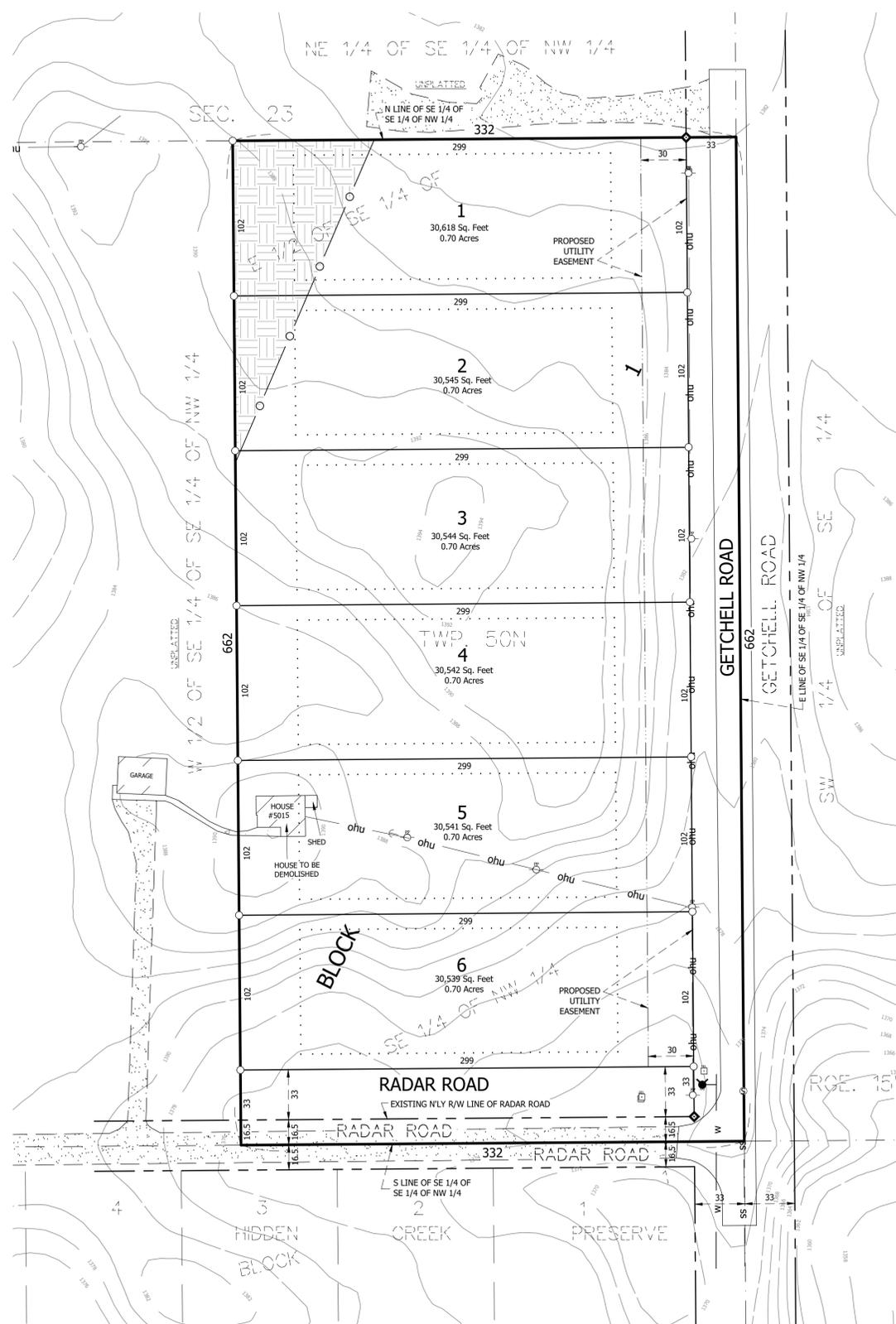
LOCATED IN PART THE NORTHWEST QUARTER OF SECTION 23, TOWNSHIP 50 NORTH, RANGE 15 WEST OF THE FOURTH PRINCIPAL MERIDIAN

ST. LOUIS COUNTY MINNESOTA

OWNER/DEVELOPER
TITAN PREMIER-LLC
KEVIN KUKLIS
3515 B LONGMIRE DR. #200
COLLEGE STATION, TX 77845
EMAIL kevin@titan-premier.com

CITY OF HERMANTOWN CIVIL ENGINEER
NORTHLAND CONSULTING ENGINEERS L.L.P.
102 S 21ST AVENUE WEST, SUITE 1
DULUTH, MN 55806
PHONE (218) 727-5995
EMAIL info@nce-duluth.com

SURVEYOR
ALTA LAND SURVEY COMPANY
DAVID R. EVANSON, MN STATE REG. NO. 49505
P.O. BOX 161138
102 S 21ST AVENUE WEST, SUITE 4
DULUTH, MN 55816-1138
PHONE (218) 727-5211
EMAIL info@altasurveyduluth.com



- 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 ENCLUMBER 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)
 - NO SPECIFIC SOILS INVESTIGATION HAS BEEN COMPLETED ON THIS LOT BY ALTA LAND SURVEY COMPANY. THE SUITABILITY OF SOILS TO SUPPORT THE SPECIFIC STRUCTURE PROPOSED IS NOT THE RESPONSIBILITY OF ALTA LAND SURVEY COMPANY OR THE SURVEYOR.
 - CONTOUR DATA SHOWN HEREON WAS DERIVED FROM LIDAR DATA PROVIDED BY THE MN/DNR. IT IS RECOMMENDED ON THE GROUND MEASUREMENTS BE INCORPORATED INTO ANY AREA OF PROPOSED DESIGN AND CONSTRUCTION.

- ZONING AND BUILDING SETBACKS PER THE CITY OF HERMANTOWN**
CURRENTLY ZONED- R-3, RESIDENTIAL SEE SECTION 515-R-3, RESIDENTIAL FOR CITY REQUIREMENTS.
- BASIC DIMENSIONAL STANDARDS PER TABLE 515.04 CITY OF HERMANTOWN PLANNING AND ZONING.**
- MINIMUM LOT AREA WITH PUBLIC WATER & SEWER-1/2 ACRE OR 21,780 SQ. FEET.
 - MINIMUM LOT WIDTH-100 FEET
 - MINIMUM DEPTH OF FRONT YARD SETBACK (FROM R/W) PRINCIPAL STRUCTURE-50 FEET.
 - MINIMUM DEPTH OF CORNER SIDE YARD (FROM R/W)-10 FEET.
 - MINIMUM SIDE YARD PRINCIPAL STRUCTURE-10 FEET.
 - MINIMUM REAR YARD SETBACK PRINCIPAL STRUCTURE-40 FEET.
 - MAXIMUM LOT COVERAGE ALL STRUCTURES-35%.
 - MAXIMUM BUILDING HEIGHT-35 FEET.
- ** EACH SIDE YARD MUST BE A MINIMUM OF 10 FEET; HOWEVER, AN AGGREGATE OF BOTH SIDE YARDS MUST EQUAL 25 FEET.

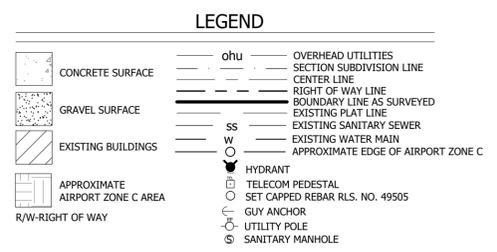
A PORTION OF LOTS 1 AND 2 DEPICTED ON THIS PRELIMINARY PLAT LIES IN AIRPORT ZONE C. CHECK WITH THE CITY OF HERMANTOWN FOR CITY AND AIRPORT REQUIREMENTS IN THIS AREA.

FLOOD ZONE INFORMATION
SITE LOCATED WITHIN ZONE C (AREAS MINIMAL FLOODING). PER FIRM FLOOD INSURANCE RATE MAP COMMUNITY-PANEL NUMBER 270708 0009 B, EFFECTIVE DATE: NOVEMBER 18, 1981.

SITE ADDRESS
5050 RADAR ROAD, HERMANTOWN, MN 55811
PID NO. 395-0010-06290

LEGAL DESCRIPTION FOR PRELIMINARY PLAT PURPOSES ONLY
The East Half of the Southeast Quarter of the Southeast Quarter of the Northwest Quarter of Section 23, Township 50 North, Range 15 West of the Fourth Principal Meridian, St. Louis County, Minnesota.

AREA SUMMARY	
TOTAL AREA	5.05 AC
TOTAL LOT AREA	4.22 AC
TOTAL ROAD EASEMENT AREA	0.83 AC
NUMBER OF LOTS	6
NUMBER OF BLOCKS	1
NUMBER OF OUTLOTS	0
LARGEST LOT IN SQ. FEET	30,618 SQ. FEET
SMALLEST LOT IN SQ. FEET	30,539 SQ. FEET



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



DATE: January 26, 2022

Meeting Date: 02/07/2022

SUBJECT: Special Use Permit – Construction
of a two-family structure in a R-3
zoning district

Agenda Item: 12-G

Resolution: 2022-21

REQUESTED ACTION

Approval of a Special Use Permit for construction of a two-family residential structure in a R-3, Residential zoning district as well as work within a Recreational Shoreland Area.

SITE INFORMATION:

Parcel Size: 6.2 acres total
Legal Access: 437x Lavaque Road
Wetlands: Yes, delineated in 2021
Existing Zoning: R-3, Residential
Airport Overlay: C Zone – height restrictions only
Shoreland Overlay: Yes
Comprehensive Plan: Residential

BACKGROUND

The applicant (Soumis Construction, Inc.) purchased the property located at 437x Lavaque Road, which is zoned R-3, Residential, in 2021. The property consists of 5+ acres of wetland with a portion of upland located in the NE portion of the property. This parcel is known as Outlot A of the Evergreen Fourth Addition.

A public hearing for this application was held on Wednesday, January 19, 2022. Other than the applicant, there were two members of the public present to speak on the application. Questions/comments included the amount of wetland on the property and whether the property was subject to the development covenants associated with the Evergreen Fourth Addition project. The Planning and Zoning Commission recommended the application unanimously onto the City Council for their approval.

ZONING ANALYSIS

Two-family dwellings are allowed by Special Use Permit (SUP) in the R-3 – Residential Zoning District. There are specific conditions which apply to two-family dwellings in addition to the standard regulations in the zoning district. The existing property meets the minimum lot dimensions associated with the construction of a two-family dwelling.

Table 1. Twin Home Requirements	Requirement	Provided
Minimum lot area	1.0 acre	6.2 acre
Minimum lot width	150 feet	700 feet
Minimum depth of front yard	50 feet	50 feet minimum
Minimum rear yard	40 feet	40 feet minimum
Minimum side yard	40 feet	40 feet minimum
Minimum distance from nearest condominiums, town homes, two-family dwellings	200 feet	Greater than 200 feet.
Minimum living area per unit	792 sq. ft.	1,640 sq. ft.

Utilities

There are existing water and sanitary sewer service in Lavaque Road. The applicant is required to provide new lateral services to the proposed two-family structure as well as being responsible for any connection or availability fees.

Wetlands

A wetland delineation was performed in the fall of 2021. The proposed two-family will require wetland impacts and the potential purchase of wetland credits in order to be constructed. The applicant will be required to submit an application to the Hermantown Technical Evaluation Panel for approval of these wetland impacts prior to being able to construct the two-family home.

Shoreland Area

The majority of the property is located within a Recreational Shoreland Area and is subject to the requirements of the City's Shoreland Ordinance as it pertains to grading a filling within a shoreland area.

Property Covenants

From staff review of the Evergreen project file, there is a covenant covering development restrictions within the Third Addition of the plat addition. One requirement of the covenant was for the construction of single family homes only.

A member of the public stated that the subject property was under covenant restrictions as well. The applicant stated that he engaged his attorney to research this matter with the attorney's opinion being that the subject property (Outlot A Evergreen Fourth Addition) was not restricted in its ability to have a two-family home.

The City does not enforce covenants but rather reviews a property based upon the Zoning ordinance. Two-family homes are allowed in a R-3, Residential zoning district with a Special Use Permit assuming the project meets the dimensional requirements of the ordinance. The proposed two-family home meets or exceeds these requirements.

Special Use Permit

The Special Use Permit is for construction of a two-family residential structure in a R-3, Residential zoning district as well as for work within a Recreational Shoreland Area. Staff finds the following in regard to the criteria for Special Use Permits in the Zoning Ordinance:

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

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

The development of a two family residential home is allowed with a special use permit under the R-3, Residential zoning district. The proposed use is compatible with development within the vicinity which is characterized by low and medium density residential and residential compatible uses.

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

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

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

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

- 4. The proposed use will not result in a random pattern of development with little contiguity to existing programmed development and will not cause negative fiscal and environmental effects upon the community.**

The proposed use is similar to uses of nearby properties in density and style.

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

The project will meet requirements for minimum distance from other two-family dwellings and minimum living area per unit. Refer to Table 1 for specifics of the zoning analysis.

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

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

Findings of Fact and Recommendations

Staff recommends approval of the special use application to construct a two-family dwelling in a Recreational Shoreland Area, subject to the following:

1. The applicant shall connect to public sewer and water services at their own cost and be responsible for any connection or availability fees.
2. Prior to issuance of a building permit, the applicant will submit a site plan showing the lot dimensions and location of the two-family residence relative to the side lot lines.
3. 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.
4. Prior to issuance of a building permit, all necessary permits shall be obtained.
5. The approval is for a Special Use Permit for filling and grading in a Recreational Environment Shoreland area for the purpose of constructing a two-family structure. The Community Development Director may approve minor variations to filling and grading as long as the variations do not result in any wetland impacts.
6. The City will follow the rules for grading and filling in a Shoreland Overlay Zone established in Section 725.02 and Section 555.07.1 and 555.07.2 including, but not limited to:
 - a. No impervious surface or clearing, grubbing and grading will be allowed within 50 feet of the Ordinary High Water Level of the unnamed tributary.
 - b. The elevation of the lowest floor level shall be at least three feet above the Ordinary High Water Level of the unnamed tributary.
 - c. The smallest amount of bare ground is exposed for as short a time as feasible;
 - d. Temporary groundcover, such as mulch, is used, and permanent groundcover, such as sod, is planted;
 - e. Adequate methods to prevent erosion and trap sediment are employed;
 - f. Fill is stabilized to accepted engineering standards;
 - g. Adequate methods are employed to reduce the runoff and/or flow of water on or over the affected shoreland so that the grading, filling or alteration of the natural topography does not contribute to downstream flooding;
 - h. Adequate methods are employed to preserve water quality so that the grading, filling or alteration of the natural topography will not detrimentally affect the quality of the public waters of the City of Hermantown;
 - i. Adequate methods are employed for the preservation or establishment of local vegetation that provides wildlife habitat and screening; and
 - j. Fill used will consist of suitable material free from toxic pollutants in other than trace quantities.
7. The applicant shall sign a consent form assenting to all conditions of this approval.
8. The applicant shall pay an administrative fine of \$750 per violation of any condition of this approval.

SOURCE OF FUNDS (if applicable)

N/A

ATTACHMENTS

- Location Map
- Proposed Site Plan
- Shoreland Overlay Map
- Proposed Floor Plan
- Proposed Building Elevation

Resolution No. 2022-21

RESOLUTION APPROVING A SPECIAL USE PERMIT FOR THE CONSTRUCTION OF A TWO-FAMILY HOME IN A R-3 RESIDENTIAL ZONING DISTRICT AND WITHIN A RECREATIONAL SHORELAND AREA

WHEREAS, Soumis Construction Inc. (“Applicant”), owner of the property at 395-0055-00100 submitted an application for a Special Use Permit for the construction of a two-family home in a R-3 Residential District and within a Recreation Shoreland Area (the “Project”), with a legal description as follows:

Property ID: 395-0055-00100

Outlot A, Evergreen Fourth Addition

WHEREAS, The Hermantown Planning and Zoning Commission held a public hearing on the Special Use Permit application at its meeting on January 19, 2022 and recommended approval of the Special Use Permit at such meeting; and

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

FINDINGS OF FACT

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

The development of a two family residential home is allowed with a special use permit under the R-3, Residential zoning district. The proposed use is compatible with development within the vicinity which is characterized by low and medium density residential and residential compatible uses.

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

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

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

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

4. **The proposed use will not result in a random pattern of development with little contiguity to existing programmed development and will not cause negative fiscal and environmental effects upon the community.**

The proposed use is similar to uses of nearby properties in density and style.

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

The project will meet requirements for minimum distance from other two-family dwellings and minimum living area per unit. Refer to Table 1 for specifics of the zoning analysis.

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

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

CONCLUSION

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

1. The applicant shall connect to public sewer and water services at their own expense and pay any applicable connection or availability fees.
2. Prior to issuance of a building permit, the applicant will submit a site plan showing the lot dimensions and location of the two-family residence relative to the side lot lines.
3. 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.
4. Prior to issuance of a building permit, all necessary permits shall be obtained.
5. The approval is for a Special Use Permit for filling and grading in a Recreational Environment Shoreland area for the purpose of constructing a two-family structure. The Community Development Director may approve minor variations to filling and grading as long as the variations do not result in any wetland impacts.
6. The City will follow the rules for grading and filling in a Shoreland Overlay Zone established in Section 725.02 and Section 555.07.1 and 555.07.2 including, but not limited to:
 - a. No impervious surface or clearing, grubbing and grading will be allowed within 50 feet of the Ordinary High Water Level of the unnamed tributary.
 - b. The elevation of the lowest floor level shall be at least three feet above the Ordinary High Water Level of the unnamed tributary.
 - c. The smallest amount of bare ground is exposed for as short a time as feasible;
 - d. Temporary groundcover, such as mulch, is used, and permanent groundcover, such as sod, is planted;
 - e. Adequate methods to prevent erosion and trap sediment are employed;
 - f. Fill is stabilized to accepted engineering standards;

- g. Adequate methods are employed to reduce the runoff and/or flow of water on or over the affected shoreland so that the grading, filling or alteration of the natural topography does not contribute to downstream flooding;
 - h. Adequate methods are employed to preserve water quality so that the grading, filling or alteration of the natural topography will not detrimentally affect the quality of the public waters of the City of Hermantown;
 - i. Adequate methods are employed for the preservation or establishment of local vegetation that provides wildlife habitat and screening; and
 - j. Fill used will consist of suitable material free from toxic pollutants in other than trace quantities.
7. The applicant shall sign a consent form assenting to all conditions of this approval.
 8. The applicant shall pay an administrative fine of \$750 per violation of any condition of this approval.

Councilor _____ introduced the foregoing resolution and moved its adoption.

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

and the following voted in opposition thereto:

WHEREUPON, such resolution was declared duly passed and adopted February 7, 2022.

(TOP THREE INCHES RESERVED FOR RECORDING DATA)

SPECIAL USE PERMIT

Permission is hereby granted to Soumis Construction Inc. (“Applicant”), owner of the property located at 395-0055-00100, submitted an application for construction of a two-family home at 395-0055-00100 and within a Recreation Shoreland Area (“Project”), and legally described in Attachment A.

The permission hereby granted is expressly conditioned as follows:

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

failure to comply with the permit or applicable provisions of law.

- f. This permit may be terminated by the City of Hermantown at any time it deems necessary for the conservation of water resources, or in the interest of public health and welfare, or for violation of any of the provisions of this permit.
- g. Applicant is initially and continually in compliance with all of the ordinances and regulations of the City of Hermantown Building Code and the Hermantown Fire Code.
- h. All state licenses and other permits required for the Project have been obtained by the Applicant and copies are provided to the City of Hermantown.
- i. That Applicant pay all direct costs incurred by the City of Hermantown in connection with the enforcement and administration of this permit within fifteen (15) days of Applicant being invoiced by the City for such costs.
- j. The approval is for a Special Use Permit for construction of a two family home within a Recreation Shoreland Area at the applicants property located at 395-0055-00100.
- k. The applicant shall connect to public sewer and water services at their own expense and pay any applicable connection or availability fees.
- l. Prior to issuance of a building permit, the applicant will submit a site plan showing the lot dimensions and location of the two-family residence relative to the side lot lines.
- m. 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.
- n. Prior to issuance of a building permit, all necessary permits shall be obtained.
- o. The approval is for a Special Use Permit for filling and grading in a Recreational Environment Shoreland area for the purpose of constructing a two-family structure. The Community Development Director may approve minor variations to filling and grading as long as the variations do not result in any wetland impacts.
- p. The City will follow the rules for grading and filling in a Shoreland Overlay Zone established in Section 725.02 and Section 555.07.1 and 555.07.2 including, but not limited to:
 - 1. No impervious surface or clearing, grubbing and grading will be allowed within 50 feet of the Ordinary High Water Level of the unnamed tributary.
 - 2. The elevation of the lowest floor level shall be at least three feet above the Ordinary High Water Level of the unnamed tributary.
 - 3. The smallest amount of bare ground is exposed for as short a time as feasible;
 - 4. Temporary groundcover, such as mulch, is used, and permanent groundcover, such as sod, is planted;
 - 5. Adequate methods to prevent erosion and trap sediment are employed;
 - 6. Fill is stabilized to accepted engineering standards;

7. Adequate methods are employed to reduce the runoff and/or flow of water on or over the affected shoreland so that the grading, filling or alteration of the natural topography does not contribute to downstream flooding;
 8. Adequate methods are employed to preserve water quality so that the grading, filling or alteration of the natural topography will not detrimentally affect the quality of the public waters of the City of Hermantown;
 9. Adequate methods are employed for the preservation or establishment of local vegetation that provides wildlife habitat and screening; and
 10. Fill used will consist of suitable material free from toxic pollutants in other than trace quantities.
- q. The applicant shall sign a consent form assenting to all conditions of this approval.
- r. The applicant shall pay an administrative fine of \$750 per violation of any condition of this approval.

ACCEPTANCE OF RESOLUTION

Soumis Construction Inc., (“Applicant”) hereby acknowledges and accepts the conditions specified on the foregoing Resolution and covenants and agrees to comply with each and every such condition.

Applicant acknowledges that the failure to comply with all of the modifications and conditions shall constitute a violation of the Hermantown Zoning Ordinance and that the City of Hermantown may, in such event, exercise and enforce its rights against the undersigned by instituting any appropriate action or proceeding to prevent, restrain, correct or abate the violation including, without limitation, exercising and enforcing its rights against any security that the undersigned may provide to the City to insure its compliance with the conditions contained in the foregoing Resolution.

Applicant acknowledges that this Resolution shall be recorded with the title to the property described in the text of the Resolution.

IN WITNESS WHEREAS, Soumis Construction Inc., has executed this acceptance this ____ day of _____, 2022.

Soumis Construction Inc.

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

The foregoing instrument was acknowledged before me this ____ day of _____, 202, by Soumis Construction Inc.

Notary Public

ATTACHMENT A

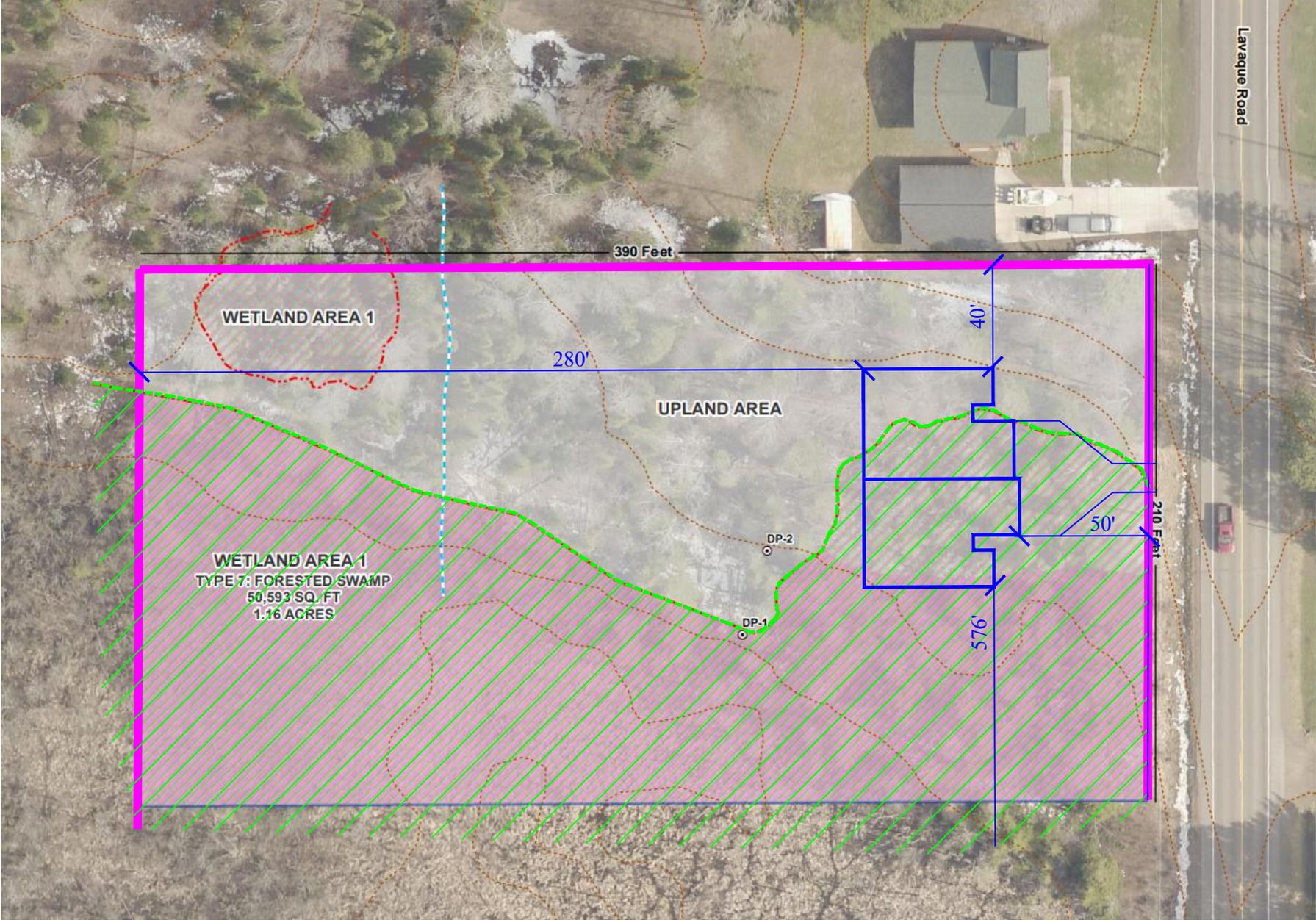
Outlot A, Evergreen Fourth Addition

Property ID: **395-0055-00100**

Location Map

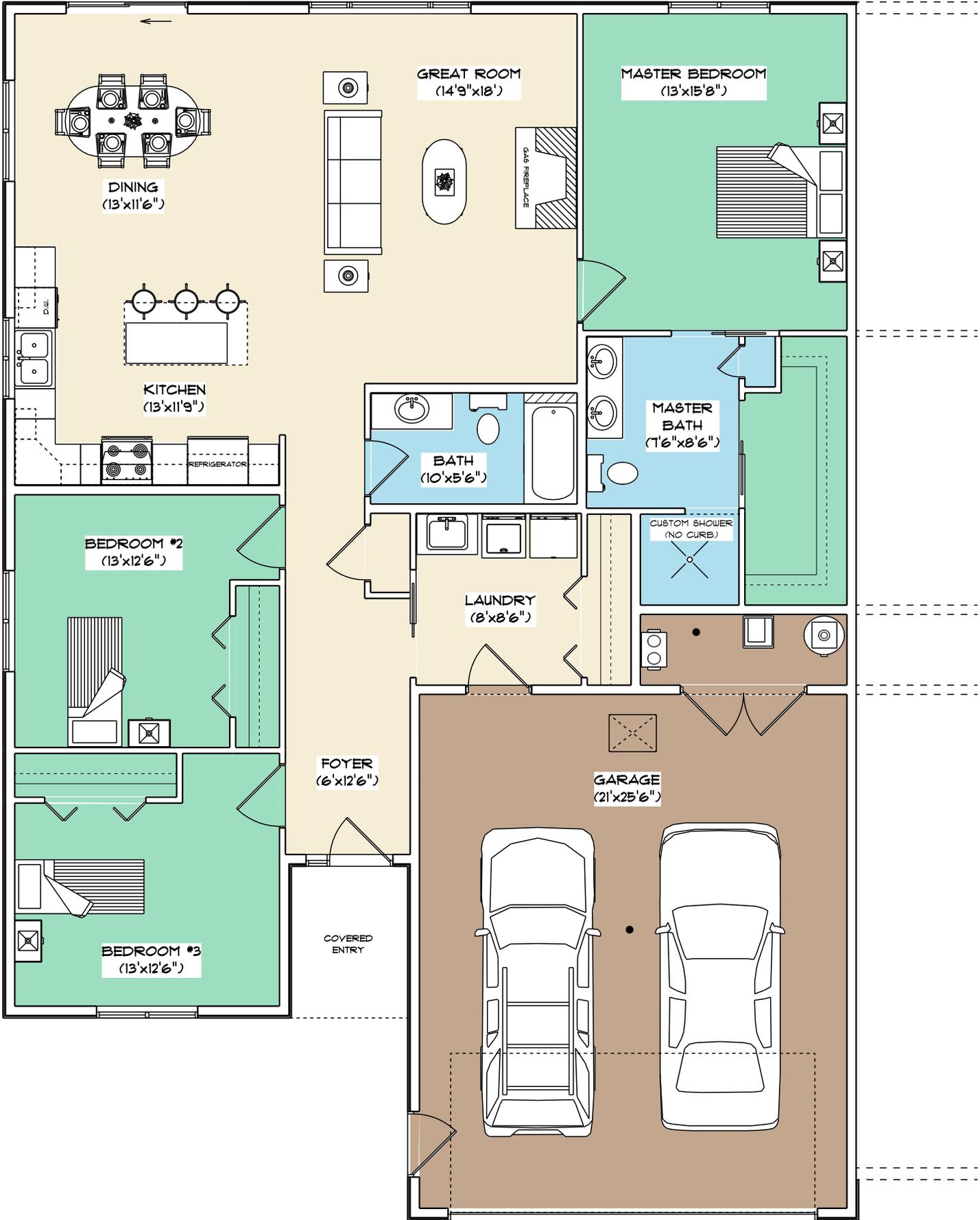


Proposed Site Plan



Shoreland Map







TO: Mayor & City Council
FROM: John Mulder, City Administrator
DATE: February 2, 2022
SUBJECT: Management Compensation Plan



Meeting Date: 02/07/2022

Agenda Item: 12-H

Resolution: 2022-22

REQUESTED ACTION

Approve changes to the Management Compensation plan for 2022-2024

BACKGROUND

The City has settled all labor contracts for the years 2022, 2023 and 2024. Management employees are covered under the Management Compensation plan. The Mayor and I met with the management employees and discussed the recommended changes as described below.

Significant Changes: (in order as they appear in the plan)

- Effective February 8, the City would increase the City's contribution to Deferred Compensation on a dollar for dollar matching basis up to \$60 per pay check in 2022 and 2023, and increase to \$80 in 2023.
- The across the board increases are consistent with the union settlements.

SOURCE OF FUNDS (if applicable)

Wage increase are charged to specific funds and/or departments.

ATTACHMENTS

Draft Management Compensation Plan

Resolution No. 2022-22

**RESOLUTION APPROVING AMENDMENTS TO THE MANAGEMENT
COMPENSATION PLAN**

WHEREAS, the City Council desires to amend the Management Compensation Plan from time to time, in order to keep the plan updated relative to the changes in the workplace and market; and

WHEREAS, The City has reached agreements with all three bargaining units for 2022 through 2024; and

WHEREAS, the Mayor and City Administrator met with the management employees to review possible changes to the compensation plan,

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

1. The City Council approves amendments to the Management Compensation Plan for 2022, 2023 and 2024.

Councilor _____ introduced the foregoing resolution and moved its adoption.

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

and the following voted in opposition thereto:

WHEREUPON, such resolution was declared duly passed and adopted on February 7, 2022.

Management Compensation Plan

City of Hermantown

This handbook is intended to outline executive-level compensation afforded to the management employees of the City of Hermantown. Management employees include the Finance Director of Finance & Administration, City Clerk, Public Works Director, Chief of Police, Police Commanders, Community Development Director, Building Official, Utility Infrastructure Manager, Communications and Community Engagement Director Manager and Accountant. It is the policy and belief of the City Council to establish a compensation plan which is generally competitive with similar public sector employers and which maintains equity with other employee groups within the state. Whenever the term “employee” or “supervisor” is used herein, it shall refer to and be limited to the management employees within the city.

The City management employees are not represented by a collective bargaining unit agreement. Therefore, it should be understood that periodic amendments will be necessary to reflect changing times and policies.

The Management Compensation Plan as enclosed shall be the sole agreement between the City and its Management Employees. All ordinances, resolutions, motions or policies dealing with supervisor policies prior to the passage of this Management Compensation Plan are hereby repealed. The supervisor’s will receive the benefits accorded in this pay plan, which are not in conflict with any state statutes.

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SALARY PLAN

I. STEP & LONGEVITY INCREMENT

A. Employees hired prior to July 1, 2014:

As part of the Management Compensation Plan the City Council chooses to adopt step and longevity increments. Step increases shall only be granted upon receiving a satisfactory performance review by the City Administrator. The longevity increments are incorporated to recognize the experience and continued loyalty of the employee to the city. In some cases, employees may be initially placed at a step other than the entry level. In such case, the number of steps, may be limited. Actual placement on the step plan is shown in Appendix A, Salary progression schedule.

Steps: 3% of current wage completing the following year periods:

2 years	(Step Increase/Satisfactory Performance Review)
4 years	(Step Increase/Satisfactory Performance Review)
6 years	Longevity
8 years	Longevity
10 years	Longevity
12 years	Longevity

B. Employees hired after July 1, 2014

Steps of 3.5% of current wage on an annual basis based on satisfactory performance evaluation up to completing 6 years. After ~~seven~~ eleven years, there is one more step at which time employees will be at the maximum rate of pay for that ~~positor~~ position. In some cases, employees may be initially placed at a step other than the entry level. In such case, the number of steps, may be limited. Actual placement on the step plan is shown in Appendix A, Salary progression schedule.

II. PREMIUM PAY

1. **Reimbursed Compensation:** The Chief of Police and Police Commanders will be paid premium pay at the rate of time and one half of their regular hourly rate for filling vacancy on funded patrols in those cases where the total costs of the hours are funded by external sources.

III. SPECIAL PROVISIONS

1. **Uniform Allowances:** The Chief of Police and **Deputy Chief of Police Police Commanders** shall be eligible to receive a Uniform Clothing Allowance in parity at all times with the Standard Uniform Allowance as outlined in the Labor Agreement between the City of Hermantown and Law Enforcement Labor Services Local #47.
2. **Cell Phones:** All Division Directors and Managers shall be issued a City Cell phone so that they are available via phone and e-mail when away from the office. If a Director prefers, in lieu of a separate city phone, they may receive a monthly stipend of \$25 per month with the understanding that their phone will be used for city business and e-mails.
3. **Police Retirement:** Upon Retirement, the Police Department management employees as defined herein may retain their police department issued handgun.
4. **Car Allowance:** The Building Official will be provided a car allowance of \$600 per month.
5. **Boot Allowance:** The Public Works Director will be provided a boot allowance **of up to \$200 per year** in parity at all times with the Standard Boot Allowance as outlined in the Labor Agreement between the City of Hermantown and **OPERATING ENGINEERS LOCAL NO. 49**

WORK HOURS

The normal workday for supervisory employees covered by this Plan shall be eight (8) hours. However, in recognition of the specifically unique demands upon working hours for each department, each supervisor may adjust their own working schedule to accommodate the necessary balance of needs of the department, the needs of the City and the needs of the individual.

The City has exempted unless specifically noted supervisory and administrative employees from overtime payment as defined by the Federal Fair Labor Standards Act and Minnesota State Statute 179.A03, Public Employment Labor Relations Act.

However, it also recognized that the employee must devote a great deal of time outside the normal office hours to business of the City and to that end, the employee will be allowed to take time off as they and the City Administrator or Supervisor deem appropriate during normal office hours.

LEAVE PROGRAMS

I. HOLIDAYS

Holidays for city management employees during a calendar year are as follows:

New Year's Day	January 1st
Martin Luther King Day	Third Monday in January
President's Day	Third Monday in February
Memorial Day	Last Monday of May
Independence Day	July 4th
Labor Day	First Monday in September
Veteran's Day	November 11th
Thanksgiving Day	Fourth Thursday in November
Day after Thanksgiving	Fourth Friday in November
Christmas Eve	December 24th
Christmas Day	December 25th

When any of the above city holidays fall on a Saturday, the preceding Friday shall be observed as the holiday and when any of the above holidays fall on a Sunday, the following Monday is considered the holiday. Holiday pay is defined as pay equal to eight (8) hours of regular straight time rate of pay.

II. ANNUAL LEAVE

Annual leave is part of a management employee's compensation. Therefore, management employee's paid vacation leave shall accrue on the following basis:

Years of Service

0 through 3 years	.83 days/month
4 through 8 years	1.25 days/month
9 through 14 years	1.67 days/month
15 through 19 + years	2.08 days/month
20 + years	2.50 days per month

For newly appointed management employees annual leave is negotiable.

1. Years of service for existing management employees shall be computed from beginning employment date which shall become the management employee's anniversary date. Annual leave must be taken in increments of one-half hour or more. Unused vacation hours may accumulate in an amount up to two times the allowable vacation days **plus 5 days** based upon years of service earnings or negotiated leave time. Any accumulations in excess of allowable carryover shall be forfeited without pay down to the allowable maximum carryover hours based upon years of service. Management Employees may request a 6 month extension to use

annual leave accruals over their allowable carryover. Management Employees must submit a written plan to the City Administrator detailing plans to use it.

Paid sick leave will not be allowed during a previously scheduled vacation unless the employee is under the care of a physician because of an unexpected injury or illness and the employee furnishes to the City Administrator a certificate indicating the number of days the employee was actually medically disabled from work. The employee will then receive paid sick leave for those days spent confined.

Upon termination, the management employee will be paid in full for all past earned and accumulated unused vacation. In case of death of any management employee, any unused vacation shall be paid to their estate.

III. PERSONAL LEAVE

Management employees are entitled to three personal days each year to be used at their discretion. Personal leave shall not be cumulative from year to year. Personal leave must be taken in increments of one-half hour or more.

IV. SICK LEAVE

Sick leave with pay will be granted at a rate of eight (8) hours per month, which is ninety-six (96) hours per year or twelve (12) days per year. Sick leave is computed on a calendar year basis and no accumulated sick leave may exceed 910 hours as of January 1, 1997, which only a maximum of 910 hours will be calculated as specified in Section VII under BENEFITS PROGRAM. Deductions for sick leave charges will be made first from the management employee's accrued credit as it exists at the first day of each year. Sick leave credit earned during the current year will then either be added on to the remaining balance at the end of the calendar year or if necessary, applied to the credit balance.

Sick leave may be paid for absence because of a management employee's inability to perform their duties by reason of illness or injury, by necessity for medical or dental care, or by exposure to a contagious disease under circumstances in which health of the employee, co-workers or members of the public would be endangered by the management employee's attendance at work.

An employee may use Sick Leave for illness in immediate family when attendance with the immediately family is necessary. Immediate family shall be defined as spouse, parent, children or step children.

Any employee who is at the maximum accumulation of sick leave and who is credited for sick leave during a year in excess of the maximum sick leave of 910 hours shall, as of December 31 of the year in question, have fifty percent (50%) of such excess credit towards sick leave deposited in the employees State of Minnesota Health Care Savings Plan at the employees December 31 wage rate of the year in question.

V. FUNERAL LEAVE

Funeral Leave shall be granted up to five days per year for absence because of death in the immediate family or an associate worker, where attendance of the employee is necessary. "Immediate Family" for this purpose shall be defined as spouse, parents, child, sister, brother, grandparent, grandchild, son-in-law or daughter-in-law; and a grandparent, parent, sister or brother of the employee's spouse. An employee may be permitted an additional five days beyond the original allocated five days upon written approval of the City Administrator in the event of death in the immediate family. The additional days, if granted, shall be credited against the employee's accumulated sick leave. Funeral leave shall not be cumulative from year to year.

VI. PARENTAL LEAVE

Consistent with applicable Minnesota Statutes, maternity and paternity leaves will be considered in the same manner as any other type of leaves of absence, except that prior approval by the City Council shall not be required. For female employees taking maternity leave, the use of sick leave and leaves of absence will be as follows: Sick leave may be used for up to five days, with additional sick leave taken for which there is a documented need, verified by a physician. Additional time off may be taken in accordance with other leave benefits. For male employees taking paternity leave, the maximum sick leave days allowed for paternity related reasons is five days, unless more time is needed upon physician's verification.

For adoptive parents, the maximum sick leave days allowed for maternity or paternity related reasons is five days, unless more time is needed upon physician's verification. Additional time off may be taken in accordance with other leave benefits.

VII. OTHER LEAVES OF ABSENCE

In addition to holidays, vacation leave, personal leave, and sick leave, management employees covered by this plan are eligible for the following leaves with pay:

Military Leave

A member of a military reserve unit of the United States or the State of Minnesota who is called to active duty, is entitled to up to 15 working days with pay per calendar year.

Juror Service

Anyone called for jury service will receive his or her regular rate of pay for the time spent in court but is expected to report for work for any time that is not required in court. Employees will be allowed to keep any expense reimbursement, but will be expected to turn any compensation for jury service (excluding mileage and meal reimbursement) to the City.

In limited circumstances, management employee's covered by this plan may be granted a leave of absence without pay for a period not to exceed one year, if it is in the best interests of the City. A leave of absence may be requested for a sickness or disability, including pregnancy or a pregnancy related condition, or for education, or for active military service. A leave request must be submitted in writing to the City Administrator and must be approved by the City Council.

For any leave in excess of one month, a leave request must be submitted, in writing, to the City Administrator at least 60 days in advance. All other leave requests shall be submitted at least 30 days in advance, unless an emergency should dictate otherwise. A leave request shall state the duration of the leave and the purpose of the leave and, where appropriate, shall be accompanied by supporting documents.

A leave request may be denied if the request is not timely submitted, if the leave would severely disrupt a department or project, or because of financial concerns.

An employee receiving a leave of absence shall provide written authorization to permit the City to validate the extent and purpose of the leave upon request. A previous authorization for leave shall immediately cease if the project, reason, or purpose for which the leave was initially granted ceases.

Administrative Leave

A management employee shall be entitled to eight hours of administrative leave per year. Request for this leave shall include but not be limited to public relations, personal professional development and promoting business developments and enhancements.

BENEFITS PROGRAMS

I. HEALTH INSURANCE

Management employees shall be eligible for participation in the City's hospital/medical insurance plan from the date of hire. The management employee has the right to enroll in an insurance plan under single or family coverage. ~~The single premium for hospital/medical insurance shall be paid in full by the city in 2019.~~ The City will pay ninety percent (90%) of the cost of the family cost, and the employee shall pay ten percent (10%) of the cost of the family coverage.

~~Effective January 1, 2020, the City will pay 97% of the cost of the single plan, employees shall pay 3% for the cost of the single plan.~~

Effective January 1, 2021, the City will pay 94% of the cost of the single plan, employees shall pay 6% for the cost of the single plan.

The Employer agrees to provide insurance coverage equal to or better than the benefits in effect on January 1, 2021 ~~contained within the Summary Plan description of the Triple Gold Health Plan for benefits effective January 1, 2008.~~

The Employer shall provide the option of a Voluntary Employee Benefit Association (VEBA) hospital/medical insurance plan. The Employer shall contribute 92% of the annual VEBA deductible. These amounts apply to both full-time and part-time eligible employees. The annual contribution shall be made in equal quarterly installments on the first payday following January 1st, April 1st, July 1st and October 1st.

For employees hired after the first of the calendar year, they shall receive a pro-rata based contribution to their VEBA accounts. The formula shall be 1/12 of the annual amount times the balance of months of employment left in the calendar year. (Employee hired in March, becomes enrolled April 1, = 9 months x 1/12 of single amount).

II. LIFE INSURANCE

The City shall provide management employee's with a \$150,000 term life insurance policy at no cost to the management employee while they are employed by the City of Hermantown. In addition, \$6,000 of term life insurance shall be provided for the spouse under the age of 70 and \$3,000 of term life insurance for each child of the management employee from the age of 6 months to the age of 19 or the age of 24 if a fulltime student.

III. ACCIDENT & SICKNESS PROGRAM

The City will provide at no cost to the management employee's an accident and sickness program on the following basis: Effective with the first day of an accident and the eighth (8) day of illness, with a maximum of twenty-six (26) weeks for each incident, the insurance will pay a weekly benefit. Weekly pay means the basic weekly rate of pay of the person insured as of the policy anniversary occurring immediately before the disability started. The weekly benefit cannot exceed 60% of the weekly pay of the person insured subject to a maximum of \$1,000 per week. All claims must be filed with the City Clerk.

IV. WORKER'S COMPENSATION

In the event a management employee is injured on the job and cannot report to work, compensation will be paid in accordance with the State Worker's Compensation laws. To be compensated the management employee must report the injury immediately and file a claim on forms prescribed, signed and present a copy to the City Clerk. A management employee may be entitled to benefits including wage reimbursement, medical payments, rehabilitation services and permanent partial disability compensation for work related accidents, injuries or occupational diseases. Management employees will be allowed to supplement their workers compensation payments using accrued sick leave. Employees will be issued their city payroll check but will be required to submit the workers compensation check to the city. The difference between the two checks will be deducted from their accrued sick leave.

V. DEFERRED COMPENSATION

Management employees are eligible to join a voluntary investment plan whereby they may set aside part of their salary and postpone the income tax liability on it until the year (s) in which the deferred amount is actually received. The deferred compensation administrators that are available to City Management employees are: International City/County Management Association and Minnesota State Retirement System/National Benefits, Inc.

Effective 2/8/22 the City will match employee contributions to Deferred Compensation dollar for dollar up to \$20 60 per pay period. That amount will stay the same in 2023 and then will increase to \$80 on 1/1/24

VI. RETIREMENT

The City of Hermantown participates in the federal social security and the Minnesota Public Employees Retirement Association (PERA). PERA occasionally changes the rates of the employee and/or employer contributions, the rates paid by the employee and employer will change accordingly.

VII. SICK LEAVE RESERVE

The City of Hermantown agrees to permit management employees who are eligible for retirement under PERA and worked at least 5 years for the City of Hermantown, who choose to retire to continue the then existing hospitalization and insurance programs to the point of Medicare eligibility with sick leave credit or at the management employee's cost. Any management employee having up to 910 hours of unused sick leave time shall have credited to their account for the payment upon retirement for hospital and medical insurance an amount equal to the number of hours accumulated unused sick leave times the hourly rate at the time of retirement. A retiree, at their option, may designate use of such accumulated sick reserve fund to pay the premium for either single or family health insurance coverage.

Upon death of the retiree, the remaining balance can be used to continue the coverage of their surviving spouse or dependent children until one of the following occurs:

- a. Upon Death of the surviving spouse
- b. Upon re-marriage of the surviving spouse
- c. Upon becoming Medicare eligible
- d. When the dependents are no longer eligible per the plan documents.

VIII. POST RETIREMENT HEALTH CARE SAVINGS PLAN

Management employees must participate in the Minnesota Post Employment Health Care Savings Plan (HCSP) established under Minnesota Statutes, section 352.98 (Minn. Supp. 2001) and as outlined in the Minnesota State Retirement System's Trust and Plan Documents. All funds collected by the employer on the behalf of the employee will be deposited into the employee's post-employment health care savings plan account. Management employees, as a

group, may decide to contribute a flat monetary amount, a percentage of their wage, and/or any other contribution, as agreed upon between the City and the Management employees. Such contributions shall commence as soon as is reasonable after the City is notified of the group's wishes (through a "Side Letter of Understanding"). A Management employee, at the time of retirement, must have all of their unused sick leave (up to 910 hours) converted into cash and deposited in their post-employment health care savings account **unless otherwise qualify under the "opt out" provision below.**

An employee can opt out of the plan if he/she qualifies to do so under the current MSRS/HCSF Employee Opt Out list of eligibilities. If an employee chooses to opt out of the MSRS/HCSF, the employees accumulated sick leave at time of retirement shall be paid to the employee as a cash amount. The employee must receive confirmation from the MSRS that the opt out waiver has been approved by the MSRS, prior to any payment of the accumulated sick leave balance.

Furthermore, for employees receiving a cash amount of accumulated sick leave, the value of the accumulated leave will be reduced in the amount of the City's payroll tax liability. The employees shall be responsible for all applicable Federal, State and employee incurred FICA amounts.

IX. DENTAL INSURANCE

Management Employees shall be eligible for participation in the City's dental plan upon hire should they choose. The City will pay 90% of the actual premium of the plan selected by the employee but capped at \$65.61 per month. If employees select a plan with premiums greater than the cap, then the any additional premiums will be paid 100% by the management employee.

OTHER PROGRAMS

I. DISCIPLINE/REMOVAL/SUSPENSION

No person covered by the provisions of this Management Compensation Plan shall be suspended, discharged, or otherwise disciplined without just cause, notwithstanding the language in any other City policy, manual, handbook or procedure. All such persons shall be afforded progressive discipline in cases of alleged incompetence other than misconduct. The progressive discipline in normal cases shall consist of four steps: (1) verbal warning, (2) written warning, (3) suspension, and (4) discharge.

II. ARBITRATION

All disputes arising out of or related to the interpretation of or the breach of this Management Compensation Plan shall be resolved by binding arbitration, not litigation. A demand for arbitration must be made in writing and must be made within 120 days of the event-giving rise to the dispute. Arbitration shall be conducted under Minnesota version of the Uniform Arbitration Act and shall be venue in Hermantown, Minnesota. The parties shall mutually agree upon an arbitrator, but if they are unable to do so they shall jointly petition the District Court of the Sixth Judicial District, St. Louis County, Minnesota, for the power to add to, vary, or delete any terms of this Management Compensation Plan. The arbitrator shall, however, have the power to resolve the dispute presented to him/her and may award such monetary and equitable relief as the arbitrator deems just, together with interest, costs, disbursements and attorney's fees, if appropriate in the discretion of the arbitrator. The parties shall share equally in payment of the arbitrator's fees and expenses if the arbitrator finds in favor of the City. The City shall pay 50% of the arbitrator's fees and expenses if the arbitrator finds in favor of the management employees.

III. LEGAL EXPENSES

The City shall reimburse a management employee for legal expenses incurred by a management employee in defending him or her against charges arising out of the reasonable and lawful performance of his/her duties as a management employee of the City subject to the following:

1. No reimbursement shall be made if the management employee is found guilty of criminal charges brought against him/her or other charges are found to be sustained or proven by a fair preponderance of available evidence.
2. No reimbursement shall be made with respect to any disciplinary proceedings by the City against the management employee.
3. No reimbursement shall be made if the actions of the management employee amounted to malfeasance or willful or wanton neglect of duty.
4. No reimbursement will be made where there is not a written fee agreement between the attorney and management employee that is entered into concurrent with the commencement of legal representation. The City Attorney shall advise the City on

the reasonableness of the fees and as to whether the acts complained of arose out of the reasonable and lawful performance of his/her duties as a management employee. Any dispute over the reasonableness of the fees will be referred to the Eleventh District Bar Association Fee Arbitration Committee.

IV. EMPLOYEE EXPENSES

I. Travel & Meal Reimbursement

A management employee that must travel to locations away from the normal work site in their personal vehicles shall receive reimbursement at a rate equal to the IRS standard mileage reimbursement rate.

Travel including lodging, a lodging receipt must be attached to a claim form as well as an itemized statement of mileage for use of a personal vehicle.

Meal Allowances. Employees shall be reimbursed for meals up to ~~forty~~ ~~fifty~~-five dollars ~~(\$45.00)~~ ~~(\$55.00)~~ per day, including tax and gratuity but excluding alcohol, with receipts. Dinner reimbursement may be claimed only if the employee is away from the home station in a travel status overnight or is required to remain in a travel status until 7 p.m. Lunch reimbursement may be claimed only if the employee is on assignment away from the home station at least one (1) hour before and during the normal lunch period. Breakfast reimbursement may be claimed only if the employee is on assignment away from the home station in a travel status overnight, or departs from home in an assigned travel status before 6 a.m. An employee eligible for one (1) or more meals may combine the reimbursements for one (1) meal charge. Employees shall be required to provide receipts on being reimbursed for meal allowances.

APPENDIX A

I. ACROSS THE BOARD INCREASES

Effective 1/1/~~19~~ 22 2.50% 3.75%
Effective 1/1/~~20~~ 23 2.75% 3.25%
Effective 1/1/~~21~~ 24 3.00% 3.25%

II. SALARY PROGRESSION STEPS

The chart below shows the date of the next steps in the salary progression for each person.

Employees hired prior to July 1, 2014:

	Position	DOH	2	4	6	8	10	12
Lund, Debbie	City Clerk	6/18/2001						At Max
Crace, Jim	Chief of Police	4/1/2011				4/1/2019	4/1/2021	4/1/2023
Rich, Jim	Building Official	1/5/15						At max

Employees hired after July 1, 2014

See the full compensation grid as attached.

III. ANNUAL LEAVE STEPS

-	Position	Original	4	9	15	20+
-	-	DOH	-	-	-	
Lund, Debbie	City Clerk	7/2/1990	-	-		Current
Orme, Kevin	Director of Finance & Administration Director	9/28/15	-	Current	9/2/23	9/28/28
Crace, Jim	Chief of Police	4/1/2011	-		Current	4/1/2021
Johnson, Eric	Community Development Dir.	2/29/16		2/29/19	2/29/25	2/29/30
Middlemist, Liz	Accountant	7/30/14	Current	7/30/22	7/30/28	7/30/33
Rich, Jim	Building Official	1/5/15			1/5/20	1/5/25
Senst, Paul	Public Works Director	4/11/16		4/11/19	4/11/25	4/11/30
Jon Esterbrooks	Police Commander	2/17/09			2/17/23	2/17/28
Mark Gunderson	Police Commander	5/3/04				5/3/23
Joe Wicklund	Communications Manager Director	4/1/19		4/1/22	4/1/28	4/1/33

MANAGEMENT COMPENSATION PLAN

POLICY PERIOD

This Compensation Plan shall be effective following ratification by the City Council and shall continue in full force and effect until such time it is modified by the City Council.

TO: Mayor & City Council
FROM: John Mulder, City Administrator
DATE: January 12, 2022
SUBJECT: Pay Equity Report



Meeting Date: 02/07/2022

Agenda Item: 12-I

Resolution: 2022-23

REQUESTED ACTION

Authorize the distribution of the pay equity study to the State of Minnesota for the City of Hermantown

BACKGROUND

The Local Government Pay Equity Act, M.S. 471.991-471.999 and Minnesota Rules Chapter 3920 require local government jurisdictions to submit a Pay Equity Report to the State of Minnesota every three years. The City Council must approve the report and distribute it to the State of Minnesota.

Every three years, the City has a consultant, Baker Tilly, Inc, (formerly Springsted, Inc,) do the appropriate analysis for compliance under the law and prepare the required report.

The report must be submitted by February 1, 2022, so while the report is not completed, we are asking your approval to submit to the State.

SOURCE OF FUNDS (if applicable)

N/A

ATTACHMENTS

Pay Equity Report (will be distributed separately)

Resolution No. 2022-23

**RESOLUTION AUTHORIZING AND DIRECTING THE DISTRIBUTION
OF THE PAY EQUITY STUDY TO THE STATE OF MINNESOTA
FOR THE CITY OF HERMANTOWN**

WHEREAS, the City of Hermantown is required to submit a Pay Equity Study to the State of Minnesota every three years in compliance with the Local Government Pay Equity Act; and

WHEREAS, the City has prepared a Pay Equity Report.

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

The City Council approves authorizing and directing the distribution of the pay equity study to the State of Minnesota for 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:

and the following voted in opposition thereto:

WHEREUPON, such resolution was declared duly passed and adopted on February 7, 2022.



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bakertilly.com

January 27, 2022

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

Dear Mr. Mulder:

Baker Tilly has prepared the City's Pay Equity Implementation Report and utilized the Minnesota Management and Budget web-based pay equity reporting system to analyze the City's 2021 wage information. There are four tests for compliance with the State of Minnesota Local Government Pay Equity Act. Following are the tests and the results:

1. **Completeness and Accuracy Test:** The City will pass this test if the report is submitted electronically by January 31, 2022. Baker Tilly will submit the report for the City upon approval of the report by the City Council.
2. **Statistical Analysis Test:** To pass this test the City must have 6 or more male classes and at least one class with an established salary range or 4 or 5 male classes and an underpayment ratio of 80 or more. The City has an underpayment ratio of 160 which is well above the established standard and indicates that the City would be found in compliance with this test.
3. **Salary Range Test:** For organizations with established salary ranges for positions, this measures whether male classes are reaching the top of their salary range faster than female classes. This result must either be 0 or above 80 to be found in compliance. The results of the salary range test for the City is 89.36, which is also above the established standard and indicates that the City would also pass this test.
4. **Exceptional Service Pay Test:** This test analyzes whether there is a larger percentage of male classes receiving longevity or performance pay than female classes. For this test the result must either be 0 if less than 25% of male classes receive exceptional service pay or be above 80. The results of this test are 0 as none of the City's male classes receive longevity, which meets the established standard and indicates that the City also passes this test.

Please review the enclosed information and if there are no changes please have the report reviewed and approved by the City Council prior to January 31, 2022. Baker Tilly will submit the report to the Department of Management and Budget upon notification of approval by the City Council.

Please let me know if you have any questions or concerns.

Sincerely,

Ann Antonsen

Ann Antonsen
Director

Compliance Report

Jurisdiction: Hermantown
5105 Maple Grove Road

Report Year: 2022
Case: 1 - 2021 Data (Private (Jur
Only))

Hermantown, MN 55811

Contact: John Mulder

Phone: (218) 729-3600

E-Mail: jmulder@hermantownmn.com

The statistical analysis, salary range and exceptional service pay test results are shown below. Part I is general information from your pay equity report data. Parts II, III and IV give you the test results.

For more detail on each test, refer to the Guide to Pay Equity Compliance and Computer Reports.

I. GENERAL JOB CLASS INFORMATION

	Male Classes	Female Classes	Balanced Classes	All Job Classes
# Job Classes	10	8	1	19
# Employees	19	8	11	38
Avg. Max Monthly Pay per employee	7275.41	5072.28		6490.45

II. STATISTICAL ANALYSIS TEST

A. Underpayment Ratio = 160 *

	Male Classes	Female Classes
a. # At or above Predicted Pay	4	5
b. # Below Predicted Pay	6	3
c. TOTAL	10	8
d. % Below Predicted Pay (b divided by c = d)	60.00	37.50

*(Result is % of male classes below predicted pay divided by % of female classes below predicted pay.)

B. T-test Results

Degrees of Freedom (DF) = 25	Value of T = -1.629
------------------------------	---------------------

a. Avg. diff. in pay from predicted pay for male jobs = -19

b. Avg. diff. in pay from predicted pay for female jobs = 63

III. SALARY RANGE TEST = 89.36 (Result is A divided by B)

A. Avg. # of years to max salary for male jobs = 10.50

B. Avg. # of years to max salary for female jobs = 11.75

IV. EXCEPTIONAL SERVICE PAY TEST = 0.00 (Result is B divided by A)

A. % of male classes receiving ESP = 0.00 *

B. % of female classes receiving ESP = 0.00

*(If 20% or less, test result will be 0.00)

Job Class Data Entry Verification List

Case: 2021 Data

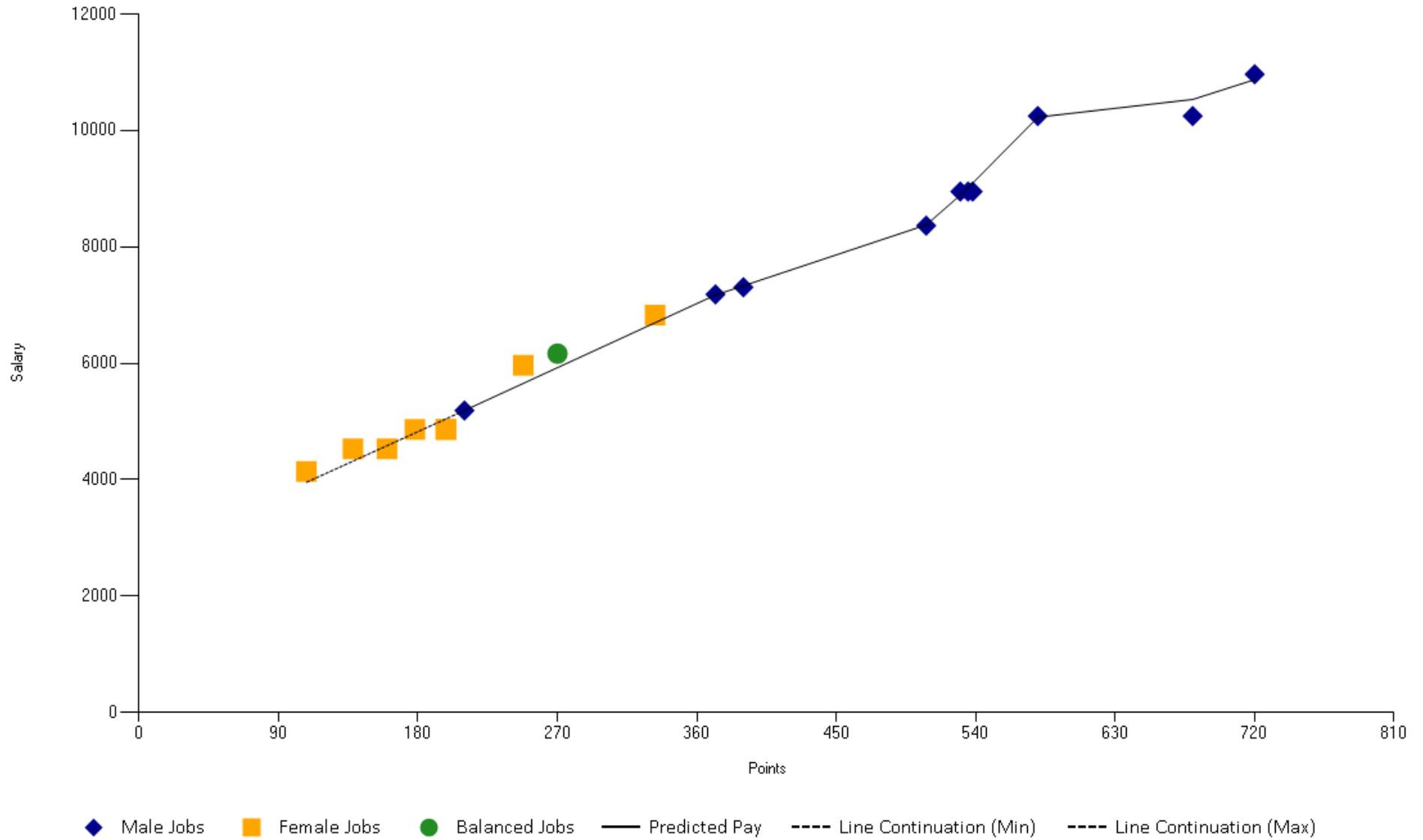
Hermantown

LGID: 420

Job Nbr	Class Title	Nbr Males	Nbr Females	Non-Binary	Class Type	Jobs Points	Min Mo Salary	Max Mo Salary	Yrs to Max Salary	Yrs of Service	Exceptional Service Pay
1	Administrative Assistant/Recep	0	1	0	F	108	3372.42	4138.40	12.00	0.00	
2	Law Enforcement Secretary	0	1	0	F	138	3673.96	4531.80	12.00	0.00	
3	Account Clerk	0	1	0	F	160	3673.96	4531.80	12.00	0.00	
4	Utility Billing Clerk	0	1	0	F	178	3923.51	4861.07	12.00	0.00	
5	Lead Law Enforcement Secretary	0	1	0	F	198	3923.51	4861.07	12.00	0.00	
6	Evidence Technician	0	1	0	F	198	3923.51	4861.07	12.00	0.00	
7	Maintenance Worker - Utilities	8	0	0	M	210	4231.99	5188.60	11.00	0.00	
8	City Clerk	0	1	0	F	248	4687.77	5964.99	11.00	0.00	
9	Patrol Officer	8	3	0	B	270	5017.04	6166.01	6.00	0.00	
10	Accountant	0	1	0	F	333	5556.00	6828.02	11.00	0.00	
11	Police Sergeant	2	0	0	M	372	6706.71	7185.02	6.00	0.00	
12	Building Official	1	0	0	M	390	5743.16	7306.33	11.00	0.00	
13	Police Commander	2	0	0	M	508	6575.00	8365.19	11.00	0.00	
14	Communications Director	1	0	0	M	530	7035.98	8950.95	11.00	0.00	
15	Public Works Director	1	0	0	M	535	7035.98	8950.95	11.00	0.00	
16	Community Development Director	1	0	0	M	538	7035.98	8950.95	11.00	0.00	
17	Finance Director	1	0	0	M	580	8054.98	10248.96	11.00	0.00	
18	Chief of Police	1	0	0	M	680	8054.98	10248.96	11.00	0.00	
19	City Administrator	1	0	0	M	720	8618.21	10966.42	11.00	0.00	

Job Number Count: 19

Predicted Pay Report for: Hermantown Case: 2021 Data



Predicted Pay Report for: Hermantown

Case: 2021 Data

Job Nbr	Job Title	Nbr Males	Nbr Females	Non-Binary	Total Nbr	Job Type	Job Points	Max Mo Salary	Predicted Pay	Pay Difference
1	Administrative Assistant/Recep	0	1	0	1	Female	108	4138.4000	3954.7953	183.6047
2	Law Enforcement Secretary	0	1	0	1	Female	138	4531.8000	4317.8234	213.9766
3	Account Clerk	0	1	0	1	Female	160	4531.8000	4584.1675	-52.3675
4	Utility Billing Clerk	0	1	0	1	Female	178	4861.0700	4801.9844	59.0856
5	Lead Law Enforcement Secretary	0	1	0	1	Female	198	4861.0700	5044.2501	-183.1801
6	Evidence Technician	0	1	0	1	Female	198	4861.0700	5044.2501	-183.1801
7	Maintenance Worker - Utilities	8	0	0	8	Male	210	5188.6000	5189.4614	-0.8614
8	City Clerk	0	1	0	1	Female	248	5964.9900	5649.5439	315.4461
9	Patrol Officer	8	3	0	11	Balanced	270	6166.0100	5915.8880	250.1220
10	Accountant	0	1	0	1	Female	333	6828.0200	6678.2471	149.7729
11	Police Sergeant	2	0	0	2	Male	372	7185.0200	7174.1074	10.9126
12	Building Official	1	0	0	1	Male	390	7306.3300	7331.4832	-25.1532
13	Police Commander	2	0	0	2	Male	508	8365.1900	8378.5119	-13.3219
14	Communications Director	1	0	0	1	Male	530	8950.9500	8890.1473	60.8027
15	Public Works Director	1	0	0	1	Male	535	8950.9500	9019.6879	-68.7379
16	Community Development Director	1	0	0	1	Male	538	8950.9500	9097.0963	-146.1463
17	Finance Director	1	0	0	1	Male	580	10248.9600	10228.9438	20.0162
18	Chief of Police	1	0	0	1	Male	680	10248.9600	10533.9274	-284.9674
19	City Administrator	1	0	0	1	Male	720	10966.4200	10874.8833	91.5367

Job Number Count: 19

TO: Mayor & City Council

FROM: John Mulder, City Administrator



DATE: January 31, 2022

Meeting Date: 02/07/2022

SUBJECT: Annual Review of Minnesota
Government Data Practices Act
City Hall Procedures

Agenda Item: 12-J

Resolution: 2022-24

REQUESTED ACTION

Annual review of Minnesota Government Data Practice Act City Hall Procedures.

BACKGROUND

Minnesota Statutes § 13.025 requires that the City of Hermantown Minnesota Government Data Practices Act City Hall Procedures be reviewed annually and updated as necessary to reflect legislative changes or administrative changes in personnel, procedures, or other circumstances.

Other than updating the name of the Responsible Authority & Data Practices Compliance Official to our new City Clerk, no substantive changes were made to the Minnesota Government Data Practices Act this year. This Resolution affirms that the policies are up to date and do not require any amendment this year.

SOURCE OF FUNDS (if applicable)

N/A

ATTACHMENTS

Resolution Approving An Update To The City Of Hermantown Minnesota Government Data Practices Act City Hall Procedures

Resolution No. 2022-24

**RESOLUTION APPROVING AN UPDATE TO THE CITY OF HERMANTOWN
MINNESOTA GOVERNMENT DATA PRACTICES ACT
CITY HALL PROCEDURES**

WHEREAS, pursuant to Minnesota Statutes Section 13.03, subdivision 2, the City of Hermantown is required to have procedures in place to respond to requests for data under the Minnesota Government Data Practices Act; and

WHEREAS, the City of Hermantown has hired a new City Clerk, who is the Responsible Authority & Data Practices Compliance Official and the City Hall Procedures must be updated to reflect the new Responsible Authority & Data Practices Compliance Official.

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

1. The amended City of Hermantown City Hall Minnesota Government Data Practices Act Procedures in the form of the one attached hereto as **Exhibit A** is hereby approved.

2. The Hermantown City Hall staff are authorized and directed to proceed in accordance with such amended City of Hermantown City Hall Minnesota Government Data Practices Act Procedures.

Councilor _____ introduced the foregoing resolution and moved its adoption.

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

and the following voted in opposition thereto:

WHEREUPON, such resolution was declared duly passed and adopted February 7, 2022.

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Purpose:

**CITY OF HERMANTOWN
MINNESOTA GOVERNMENT DATA PRACTICES ACT
CITY HALL PROCEDURES**

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I. Introduction.

These procedures are adopted by the City of Hermantown (“City”) for use by City Hall to comply with the requirements of the Minnesota Government Data Practices Act (“MGDPA”), Chapter 13 of the Minnesota Statutes.

All information maintained by the City is public unless classified as not public by a state statute or a federal law. Any person has the right to inspect and copy public data. The person also has the right to have an explanation of the meaning of the public data.

II. Responsible Authority and Data Practices Compliance Official.

The person who is the responsible authority for the City under the MGDPA is the City Clerk. All MGDPA requests must be submitted in writing, by mail or email, to the responsible authority or a designee who will then respond to the MGDPA request. The designee(s) for City Hall are listed on attached Exhibit 1. The City Clerk is also the data practices compliance official for City Hall and is responsible for answering questions, concerns, or complaints regarding problems in obtaining access to City Hall information.

III. Requests for Data.

A. Form of Request and Response.

Request. The request for data must be written. A City of Hermantown Information Disclosure Request Form (“MGDPA Request Form”) must be completed, which is attached hereto as Exhibit 2 and sent to the responsible authority my mail or email.

An individual is not required to provide his/her name on the MGDPA Request Form; however, the burden is then on the individual to check with the responsible authority or designee on the status of the MGDPA request.

Response. The responsible authority or the designee will then respond to the MGDPA request.

If the data is maintained in electronic format and is requested to be electronic format, then it may be provided in that medium. This does not mean that the City will provide the data in an electronic format or program that is different from the format in which the City maintains the data.

B. Time Limits.

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Requests. MGDPA requests will be received and processed only during normal business hours.

Response. Responses to MGDPA requests will be made at the time of the request or as soon thereafter as possible. If the data requested is Data on Individuals, by the subject of the data, responses will be made at the time of the request or within ten (10) days, excluding Saturdays, Sundays and Holidays.

Responses will be in writing, on the MGDPA Request Form submitted. If the responsible authority or the designee denies the request for data, the specific legal authority including the statutory section must be given.

- C. Fees.** Fees will be charged according to the City's Fee Schedule and the policy attached as Exhibit 3.
- D. Standing Requests.** A person requesting data may make a standing request to inspect or receive copies of public data. Except for standing requests for notices of meetings and copies of agendas, which remain in effect until terminated by the person requesting such data, pursuant to existing practice of the City that mimics the policy of the Minnesota Department of Administration, standing requests will expire three (3) months after the initial request unless the person requesting the data renews the standing request no more than ten (10) days prior to the expiration of the most recent standing request for such data.

IV. Data on Individuals.

Information about individual people is classified by law as public, private, or confidential.

A. People Entitled to Access.

Public information about an individual may be shown or given to anyone.

Private information about an individual may not be shown or given to the public, but may be shown or given to:

- The individual, but only once every six months, unless a dispute has arisen, or additional data has been collected.

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- A person who has been given access by the express written consent of the data subject. This consent must be on the Consent to Release Private Data form, attached as Exhibit 4, or a form reasonably similar.
- People who are authorized access by the federal, state, or local law or court order.
- Data on customers of municipal utilities are private data on individuals or nonpublic data, but utility data may be released to charitable organizations when consent is given by the individual on the form attached as Exhibit 4A.
- People about whom the individual was advised at the time the data was collected. A Tennesen Warning, attached as Exhibit 5, or a form reasonably similar, must be completed when this type of information is requested.
- People within the City staff, the City Council, and outside agents (such as attorneys) whose work assignments or responsibilities reasonably require access.

Confidential information may **not** be shown or given to the subject of the data, or to the public, but may be shown or given to:

- People who are authorized access by federal, state, or local law or court order.
- People within the City staff, the City Council, and outside agents (such as attorneys) whose work assignments or responsibilities reasonably require access.

B. Request. Any individual may request, in writing, to know if the City has stored data about that individual and whether the data is classified as public, private, or confidential. The individual must be allowed to inspect public or private data without charge and can request an explanation of the content and the meaning of the data.

C. Identification of Requesting Party. The responsible authority or designee must verify the identity of the requesting party as a person entitled to access of non-public data. This can be through personal knowledge, presentation of written identification, comparison of the data subject's signature on a consent form with the person's signature in City records, or other reasonable means.

D. Summary Data. Summary data is statistical records and reports derived from data on individuals, but which does not identify an individual by name or any other characteristic that could uniquely identify an individual. Summary data derived from private or confidential data is public, unless classified as otherwise by Minnesota Statute or federal law. The responsible

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authority or designee will prepare summary data on private or confidential data upon request, if the request is in writing and the requesting party pays for the cost of preparation. Within ten (10) days of receiving a request for summary data, the responsible authority or designee must notify the requesting party about the estimated costs and collect those costs before preparing or supplying the summary data.

Summary data may be prepared by “blacking out” personal identifiers, cutting out portions of the records that contain personal identifiers, programming computers to delete personal identifiers, or other reasonable means.

The responsible authority may ask an outside agency or person to prepare the summary data if (1) the specific purpose is given in writing, (2) the agency or person agrees not to disclose the private or confidential data, and (3) the responsible authority determines that access by this outside agency or person will not compromise the privacy of the private or confidential data.

E. Juvenile Records. The following applies to *private* (not confidential) data about people under the age of 18.

Parental Access. In addition to the people listed above who may have access to private data, a parent may have access to private information about a juvenile data subject. “Parent” means the parent or guardian of a juvenile data subject, or individual acting as a parent or guardian in the absence of a parent or guardian. The parent is presumed to have this right unless the responsible authority or designee has been given evidence that there is a state law, court order, or other legally binding document which prohibits this right.

Notice to Juvenile. Before requesting private data from juveniles, city personnel must notify the juveniles that they may request that the information not be given to their parent(s). A Tennessee Warning – Juvenile, attached as Exhibit 6, or a form reasonably similar, must be completed when information is requested.

Denial of Parental Access. The responsible authority or designee may deny parental access to private data when the juvenile requests this denial and the responsible authority or designee determines that withholding the data would be in the best interest of the juvenile. The request from the juvenile must be in writing stating the reasons for the request. In determining the best interest of the juvenile, the responsible authority or designee will consider:

- Whether the juvenile is of sufficient age and maturity to explain the reasons and understand the consequences,
- Whether denying access may protect the juvenile from physical or emotional harm,

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- Whether there are reasonable grounds to support the juvenile's reasons, and
- Whether the data concerns medical, dental, or other health services provided under Minnesota Statutes Sections 144.341 to 144.347. If so, the data may be released only if failure to inform the parent would seriously jeopardize the health of the minor.

The responsible authority or designee may also deny parental access without a request from the juvenile under Minnesota Statutes Section 144.335.

V. Data Not on Individuals.

Information not on individuals is classified by law as public, nonpublic, or protected nonpublic.

A. People Entitled to Access

Public information that is not about an individual may be shown or given to anyone.

Nonpublic information that is not about an individual may not be shown or given to the public, but may be shown or given to:

- The subject of that data, if any.
- A person who has been given access by the express written consent of the data subject. This consent must be on the Consent to Release Private Data form, attached as Exhibit 4, or a form reasonably similar.
- People who are authorized access by the federal, state, or local law or court order.
- People about whom the subject was advised at the time the data was collected. A Tennesen Warning, attached as Exhibit 5, or a form reasonably similar, must be completed when information is requested.
- People within the City staff, the City Council, and outside agents (such as attorneys) whose work assignments or responsibilities reasonably require access.

Protected Nonpublic information that is not about an individual may **not** be shown or given to the subject of the data, or to the public, but may be shown or given to:

- People who are authorized access by federal, state, or local law or court order.

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- People within the City staff, the City Council, and outside agents (such as attorneys) whose work assignments or responsibilities reasonably require access.

B. Request. Any individual may make a request, in writing, for public data not on individuals.

C. Identification of Requesting Party. The responsible authority or designee must verify the identity of the requesting party as a person entitled to access of non-public data. This can be through personal knowledge, presentation of written identification, comparison of the data subject's signature on a consent form with the person's signature in City records, or other reasonable means.

VI. Data on Decedents.

Information on decedents is classified as public, private, or confidential. Upon the death of a data subject, private data and confidential data become classified as private data on a decedent and confidential data on a decedent. Private data on a decedent and confidential data on a decedent become public ten (10) years after the individual's death and thirty (30) years after the creation of the data. There is a presumption of death if ninety (90) years has passed since the data was created or the persons birth, unless there is proof otherwise.

A. People entitled to Access.

Public information about a decedent may be shown or given to anyone.

Private information about a decedent may not be shown or given to the public, but may be shown or given to:

- The representative of the decedent.
- A person who has been given access by the express written consent of the data subject. This consent must be on the Consent to Release Private Data form, attached as Exhibit 4, or a form reasonably similar.
- People who are authorized access by the federal, state, or local law or court order.
- People about whom the individual was advised at the time the data was collected. A Tennessen Warning, attached as Exhibit 5, or a form reasonably similar, must be completed when information is requested.

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- People within the City staff, the City Council, and outside agents (such as attorneys) whose work assignments or responsibilities reasonably require access.

Confidential information about a decedent may **not** be shown or given to the representative, or to the public, but may be shown or given to:

- People who are authorized access by federal, state, or local law or court order.
- People within the City staff, the City Council, and outside agents (such as attorneys) whose work assignments or responsibilities reasonably require access.
- A trustee in cases of a wrongful death action.

B. Request. Any individual may request public data on decedents.

C. Identification of Requesting Party. The responsible authority or designee must verify the identity of the requesting party as a person entitled to access of non-public data. This can be through personal knowledge, presentation of written identification, comparison of the data subject's signature on a consent form with the person's signature in City records, or other reasonable means.

VII. Collection of Data on Individuals.

The collection and storage of information about individuals will be limited to that necessary for the administration and management of programs specifically authorized by the state legislature, city council, or federal government.

When an individual is asked to supply private or confidential information about the individual, the City employee requesting the information must give the individual a *Tennessee* warning. This warning must contain the following:

- the purpose and intended use of the requested data,
- whether the individual may refuse or is legally required to supply the requested data,
- any known consequences from supplying or refusing to supply the information, and
- the identity of other persons or entities authorized by state or federal law to receive the data.

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A *Tennessee* warning is not required when an individual is requested to supply investigative data to a law enforcement officer.

A *Tennessee* warning may be on a separate form or may be incorporated into the form which requests the private or confidential data. See attached [Exhibit 5](#).

VIII. Challenge to Data Accuracy.

An individual who is the subject of public or private data may contest the accuracy or completeness of that data maintained by the City. The individual must notify the City's responsible authority in writing, by mail or email, describing the nature of the disagreement. Within 30 days, the responsible authority or designee must respond and either (1) correct the data found to be inaccurate or incomplete and attempt to notify past recipients of inaccurate or incomplete data, including recipients named by the individual, or (2) notify the individual that the authority believes the data to be correct.

An individual who is dissatisfied with the responsible authority's action may appeal to the Commissioners of the Minnesota Department of Administration, using the contested case procedures under Minnesota Statutes Chapter 14. The responsible authority will correct any data if so ordered by the Commissioner.

IX. Complaints.

An individual may file a complaint alleging a violation of the MGDPA with the district court pursuant to Minnesota Statutes Section 13.08, Subdivision 4 (2010), as it may be amended from time to time or with the Office of Administrative Hearings pursuant to Minnesota Statutes Section 13.085 (2010), as it may be amended from time to time.

X. Data Protection.

A. Accuracy and Currency of Data.

All employees will be requested, and given appropriate forms, to provide updated personal information to the appropriate supervisor, City Administrator, or Finance Director, which is necessary for tax, insurance, emergency notification, and other personnel purposes. Other people who provide private or confidential information will also be encouraged to provide updated information when appropriate.

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Department heads should periodically review forms used to collect data on individuals to delete items that are not necessary and to clarify items that may be ambiguous. All records must be disposed of according to the City's records retention schedule.

B. Data Safeguards.

Not public data are any data classified by statute, federal law, or temporary classification as confidential, private, nonpublic, or protected nonpublic.

Not public data will be stored in files or databases, which are not readily accessible to individuals who do not have authorized access, and which will be secured during hours when the offices are closed.

Not public data must be kept only in City offices, except when necessary for City business.

Only those employees whose job responsibilities require them to have access will be allowed access to files and records that contain not public data. These employees will be instructed to:

- not discuss, disclose, or otherwise release not public data to City employees whose job responsibilities do not require access to the data,
- not leave not public data where non-authorized individuals might see it, and
- shred not public data before discarding.

When a contract with an outside party requires access to not public data, the contracting party will be required to use and disseminate the information consistent with the MGDPA. The City may include in a written contract the language contained in Exhibit 7.

C. Investigation of Data Breaches.

Pursuant to Minnesota Statutes Section 13.055, as it may be amended from time to time, if the Hermantown City Hall discovers a data breach, it must disclose that breach to the subject of the data, and the person must be informed that the entity will perform an investigation of the data breach, and instructions on how the report can be accessed after completion. The report must contain, at a minimum, the following information:

- A description of the type of data that was accessed or acquired,
- The number of individuals whose data was improperly accessed or acquired,

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- If there has been a final disposition of disciplinary action, the name of each employee determined to be responsible for the unauthorized access or acquisition, and
- The final disposition of any disciplinary action taken against each employee in response.

The Responsible Authority shall issue the above-mentioned report.

D. Annual Security Assessment.

Pursuant to Minnesota Statutes Section 13.055, as it may be amended from time to time, the responsible authority shall conduct a comprehensive security assessment of any personal information maintained by Hermantown City Hall.

E. Employee Penalties.

Pursuant to Minnesota Statutes Section 13.09, as it may be amended from time to time, the knowing unauthorized acquisition of not public data is a misdemeanor and constitutes just cause for suspension without pay or dismissal of the City employee.

F. Not Public Data.

Data that is not public data will be referred to in these Procedures as not public data.

XI. Data Inventory.

An inventory of the types of data classified as not public data maintained by City Hall as is required pursuant to Minnesota Statutes § 13.025 is attached hereto as Exhibit 8.

XII. Copyrighted Data.

Certain data may be protected under the copyright laws of the United States. Copyrighted data may be shown to a requestor, but the City may not make copies of copyrighted data unless authorized to do so by court order (see e.g. *National Council on Teacher Quality v. Minnesota State Colleges & Universities, et al*, 2013 WL 3968735 (Minn. Ct. App. 2013)). A warning in the form of the one attached as Exhibit 8, or a form containing reasonably similar language, must be included at the beginning of any reproduction of any material made by the City.

Revised 09/18

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City of Hermantown
 5105 Maple Grove Road
 Hermantown, MN 55811
 218-729-3600 (phone)
 218-729-3620 (fax)
www.hermantownmn.com

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EXHIBIT 1

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Receptionist

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CITY OF HERMANTOWN
INFORMATION DISCLOSURE REQUEST FORM
Minnesota Government Data Practices Act

A. Completed by Requester

REQUESTER NAME (Last, First, M):	DATE	OF
REQUEST:		
STREET ADDRESS:	PHONE NUMBER:	
CITY, STATE, ZIP CODE:	SIGNATURE:	
DESCRIPTION OF THE INFORMATION REQUESTED:		

B. Completed by Department

DEPARTMENT NAME:	HANDLED BY:
INFORMATION CLASSIFIED AS: <input type="checkbox"/> PUBLIC <input type="checkbox"/> NON-PUBLIC <input type="checkbox"/> PRIVATE <input type="checkbox"/> PROTECTED NON-PUBLIC <input type="checkbox"/> CONFIDENTIAL	ACTION: <input type="checkbox"/> APPROVED <input type="checkbox"/> APPROVED IN PART <input type="checkbox"/> DENIED
REMARKS OR BASIS FOR DENIAL INCLUDING STATUTE SECTION:	
PHOTOCOPYING CHARGES: <input type="checkbox"/> None <input type="checkbox"/> PAGES X <input type="checkbox"/> CENTS = _____ <input type="checkbox"/> SPECIAL RATE _____ (attach explanation)_____	Identity verified for private information: <input type="checkbox"/> IDENTIFICATION: DRIVERS LICENSE, STATE ID, ETC. <input type="checkbox"/> COMPARISON WITH SIGNATURE ON FILE <input type="checkbox"/> PERSONAL KNOWLEDGE <input type="checkbox"/> OTHER: _____

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AUTHORIZED SIGNATURE:	DATE:
-----------------------	-------

* The information that you are asked to provide is classified by state law as public. Our purpose and intended use of this information is to consider your request. You are not legally required to provide this information. You may refuse to provide this information. If you do not provide the requested information we will not be able to contact you to let you know when the response to your request has been completed. Other persons or entities may be authorized by law to receive this information.

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EXHIBIT 3

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Policy for Fees for Providing Copies of Public Government Data

Minnesota Statutes, section 13.03 provides that, if a request is for copies or electronic transmittal of government data, the responsible authority for the government entity may require the requester to pay a fee.

Below are the two methods that government entities may use to calculate fees, pursuant to [Minnesota Statutes 13.03](#). There are two scenarios when copies are requested; either the request is for 100 or fewer pages of black and white legal-size paper, or the request is for more than 100 pages of black and white legal-size paper. These two methods lay out the fees that may be charged in each of these scenarios. Regardless of which fee-calculation method is used, the entity may not charge for separating public data from not public data.

If a fee for responding to a data request as calculated below is less than \$10.00, no fee will be charged unless the data request is part of a series of requests that is designed to avoid the imposition of a fee.

Fee Calculation Method I

If 100 or fewer pages of black and white, letter or legal-size paper copies are requested, the entity may charge a per-page fee of not more than 25 cents for each page copied (50 cents for a two-sided copy). The entity is authorized to charge only the per-page fee and cannot require the requester to pay any of the costs listed in Fee Calculation Method II. This provision should not be interpreted to permit division of a single request into requests for copies of fewer than 100 pages in order to avoid charging a fee based on the actual costs of providing copies.

Exceptions:

The entity may require the requester to pay the actual costs of providing fewer than 101 pages of data if, to provide copies, it is necessary that copies must be in a format or program different from how the City stores the data.

The entity may require the requester to pay the actual costs of making and certifying copies of individual data and data that has commercial value.

All fees must be paid prior to the data being released to the requestor.

Fee Calculation Method II

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If 101 or more pages of black and white, letter or legal size paper copies are requested, , the entity may require the requester to pay the actual costs of searching for and retrieving the data, including the cost of employee time, and for making, certifying, compiling and electronically transmitting copies of the data or the data themselves.

Additional criteria for determining copy costs using Method II are set forth at Minnesota Rules, part 1205.0300, subpart 4. The entity may not charge a minimum fee. Certain advisory opinions issued pursuant to Minnesota Statutes, section 13.072, have established the following criteria for determining copy costs using Method II. (See the opinion index on IPAD's website; specifically, the topical index category, Copy costs.)

The City may require a deposit of \$500.00 on all requests that the Responsible Authority determines will be over 100 pages. Such deposit shall be made prior to the City compiling the data. If this amount is in excess of the actual costs incurred by the City, then the excess amount shall be returned when the data is released to the requestor. If this amount is less than the actual amount incurred by the City, then the additional amount will be required to be paid before the data is released to the requestor.

Costs that may be included as long as they are reasonable:

- ◆ Staff time required to:
 - Retrieve documents
 - Sort and label documents, *only* if necessary to identify the data to be copied
 - Remove staples or paper clips
 - Take documents to copier for copying
 - Copy documents

Notes: The entity may not assess a fee for labor costs (wages/salary plus benefits) that exceed those of the lowest-paid employee who could complete the task(s) performed. The requirement that data be kept in a manner that makes them easily accessible for convenient use may limit the entity in charging for staff time.

- ◆ Materials (paper, copier ink, staples, magnetic tapes, video or audio cassettes, etc.)
- ◆ Special costs associated with making copies from computerized data, such as writing or modifying a computer program to format data. *Note:* Computerized data must be kept in a manner that makes the data easily accessible for convenient use.
- ◆ Mailing costs

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◆ Vehicle costs directly involved in transporting data to the appropriate facility when necessary to provide copies (for example, when the entity is unable to provide copying services for photographs, oversized documents, videos, etc.)

◆ Electricity costs when the requester uses own scanner to make an unusually large number of copies

Costs that *may not* be included:

◆ Purchase or rental of copier

◆ Maintenance of copier

◆ Normal operating expenses of computer/copier, including electricity used, and machine wear/tear

◆ Depreciation of copier

◆ Staff time required to:

Separate public from not public data

Open a data request that was mailed

Sort, label or review data, *if not necessary* to identify the data to be copied

Return documents to storage

Provide information about the data to the requester (i.e., explain content and meaning of data)

Prepare data for mailing

Prepare cover letter, fax sheet or invoice for copies

Credit payment and perform other associated accounting functions

Note: The entity may not assess a fee for labor costs (wages/salary plus benefits) that exceed those of the lowest-paid employee who could complete the task(s) performed

◆ Administrative costs that are not related to copying

◆ Records storage

◆ Sales tax

◆ The entire cost of operating a multi-tasked computer for a measured unit of time, when fulfilling a request for copies was only one of the tasks performed during that unit of time

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- ◆ Costs incurred because data are not maintained in a manner that makes them easily accessible for convenient use
- ◆ Search and retrieval costs when data are inspected but no copies are requested

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EXHIBIT 4

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CONSENT TO RELEASE PRIVATE DATA

I, _____, authorize the City of Hermantown (“City”) to release the following private data about me:

_____ to the following person or entity:

The person or entity receiving the private data may use it only for the following purpose or purposes: _____

This authorization is dated _____ and expires on _____.

The expiration cannot exceed one year from the date of the authorization, except in the case of authorizations given in connection with applications for life insurance or noncancelable or guaranteed renewable health insurance and identified as such, two years after the date of the policy.

I agree to give up and waive all claims that I might have against the City, its agents and employees for releasing data pursuant to this consent.

The undersigned has read this form and understands it.

Dated this _____ day of _____, 20__.

Print Name

Signature and Title (if signing on behalf of an entity)

IDENTITY VERIFIED BY:

- Witness: X _____
- Identification: Driver’s License, State ID, Passport, other: _____
 - Comparison with signature on file
 - Other: _____

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Responsible Authority/Designee: _____

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EXHIBIT 4A

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CONSENT TO RELEASE PRIVATE DATA TO CHARITABLE ORGANIZATIONS

I, _____, authorize the City of Hermantown (“City”) to release the following private data about me: municipal utility data.

To the following person or entity: any charitable organization.

The person or entity receiving the private data may use it only for the following purpose or purposes: to assist in the payment of municipal utility bills.

This authorization is valid for one year from the date of the authorization and may be revoked by the individual at any time.

I agree to give up and waive all claims that I might have against the City, its agents and employees for releasing data pursuant to this consent.

Print Name

Signature

Date

IDENTITY VERIFIED BY:

- Witness: _____
- Identification Driver’s License, State ID, Passport, other: _____
- Comparison with signature on file

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Other: _____
Responsible Authority/Designee: _____

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TENNESSEN WARNING
Data Practices Advisory

The information that you are asked to provide is classified by state law as either public, private or confidential. Public data is information that can be given to the public. Private data is information that generally cannot be given to the public but can be given to the subject of the data. Confidential data is information that generally cannot be given to either the public or the subject of the data.

Our purpose and intended use of this information is to consider: _____
_____.

You are not legally required to provide this information.

You may refuse to provide this information.

The consequences of supplying or refusing to supply data are that your request or application may not be considered, or it may be denied.

Other persons or entities may be authorized by law to receive this information. The identity of those persons or entities, if known, are as follows: _____
_____.

The undersigned has read this advisory and understands it.

Dated this ____ day of _____, 20__.

Print Name

Signature and Title (if signing on behalf of an entity)

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EXHIBIT 6

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TENNESSEN WARNING - JUVENILE
Data Practices Advisory

The information that you are asked to provide is classified by state law as either public, private or confidential. Public data is information that can be given to the public. Private data is information that generally cannot be given to the public but can be given to the subject of the data. Confidential data is information that generally cannot be given to either the public or the subject of the data.

Our purpose and intended use of this information is to consider: _____
_____.

You are not legally required to provide this information.

You may refuse to provide this information.

The consequences of supplying or refusing to supply data are that your request or application may not be considered, or it may be denied.

Other persons or entities may be authorized by law to receive this information. The identity of those persons or entities, if known, are as follows: _____
_____.

If you are providing private data, you may request that the private data not be released to your parent or guardian. Please state any such request here: _____
_____.

The undersigned has read this advisory and understands it.

Dated this ____ day of _____, 20__.

Print Name

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Signature and Title

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EXHIBIT 7

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SAMPLE CONTRACT PROVISION

Data Practices Compliance. Contractor will have access to data collected or maintained by the City to the extent necessary to perform Contractor's obligations under this contract. Contractor agrees to maintain all data obtained from the City in the same manner as the City is required under the Minnesota Government Data Practices Act, Minn. Stat. Chap. 13 (the "MGDPA"). Contractor will not release or disclose the contents of data classified as not public to any person except at the written direction of the City. Contractor agrees to defend and indemnify the City from any claim, liability, damage or loss asserted against the City as a result of Contractor's failure to comply with the requirements of the Act or this contract. Upon termination of this contract, Contractor agrees to return data to the City, as requested by the City.

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EXHIBIT 8

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DATA INVENTORY

This is an inventory of private and nonpublic data categories and classifications at the City of Hermantown City Hall. All other data are presumed public.

Not public data are only accessible to City Hall staff and attorneys (“Hermantown City Hall Staff”) whose work assignments reasonably require access to that data.

City of Hermantown
5105 Maple Grove Road
Hermantown, MN 55811

Responsible Authority & Data Practices Compliance Official: ~~Bonnie Engseth~~ Jackie Dolentz, bengseth@hermantownmn.com, jdolentz@hermantownmn.com, (218) 729-3600.

Category of Data:

Computer Data

Electronic access data may be classified as private and/or non-public pursuant to Minnesota Statute § 13.15.

Employee Work Access:

Labor Relations Information

Management positions on economic and noneconomic items that have not been presented during the collective bargaining process or interest arbitration are classified as private and or non-public pursuant to Minnesota Statutes § 13.37.

Employee Work Access:

Bids, Proposals, Sealed Bids

Data contained in bids, proposal, and sealed bid may be private and/or nonpublic pursuant to Minnesota Statutes §§ 13.37 and 13.591.

Employee Work Access:

Security Data

Government data the disclosure of which would be likely to substantially jeopardize the security of information, possessions, individuals or property against theft, tampering, improper use, attempted escape, illegal disclosure, trespass, or physical injury is classified as private and/or non-public pursuant to Minnesota Statutes § 13.37.

Employee Work Access:

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Trade Secret Data

Trade secret data is classified as private and/or non-public pursuant to Minnesota Statutes § 13.37.

Employee Work Access:

Civil Investigative Data

Data collected by a government entity as part of an active investigation undertaken for the purpose of the commencement or defense of a pending civil legal action, or which are retained in anticipation of a pending civil legal action, are classified as nonpublic data and/or confidential pursuant to Minnesota Statutes § 13.39.

Employee Work Access:

Property Data

Identities of individuals that register complaints concerning the use of real property are classified as confidential and certain appraisal data may be classified as private, confidential, or protected non-public pursuant to Minnesota Statutes § 13.44. Certain assessment data may be classified as private or nonpublic pursuant to Minnesota Statutes § 13.51.

Employee Work Access:

Personnel Data

Data on current and former employees, applicants, or volunteers are or may be classified as private pursuant to Minnesota Statutes §§ 13.43, 13.601, 13.63, and 181.954

Employee Work Access:

Background Investigation and Criminal History Check Data

Background Investigations and/or Criminal History Check data may be classified as private and/or confidential pursuant to Minnesota Statute §§ 13.82 and 13.87

Employee Work Access:

Social Security Numbers

Social security numbers are classified as private data pursuant to Minnesota Statutes § 13.355.

Employee Work Access:

Internal Auditing Data

Internal auditing data are classified as confidential and/or nonpublic pursuant to Minnesota Statutes § 13.392.

Employee Work Access:

Business Data

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Data from a business requesting financial assistance or a benefit financed by public funds are classified as private or non-public data pursuant to Minnesota Statutes § 13.591.

Employee Work Access:

Registered Voter Lists /Absentee Ballots

Sealed absentee ballots before opening by an election judge are protected nonpublic. Names of voters submitting absentee ballots are private until the close of voting. Certain data regarding on registered voter lists are private pursuant to Minnesota Statutes § 13.37.

Employee Work Access:

Examination Data

Completed versions of personnel and licensing examinations are private data, unless the Responsible Authority determines that they should be confidential because access would compromise the objectivity, fairness, or integrity of the examination process pursuant to Minnesota Statutes § 13.34.

Employee Work Access:

Elected Officials Correspondence

Correspondence between individuals and elected officials is private data, but may be made public by either the author or any recipient pursuant to Minnesota Statutes § 13.601.

Employee Work Access:

Federal Contracts Data

To the extent that a federal agency requires it as a condition for contracting with a City, all government data collected and maintained by the City are classified as private or nonpublic pursuant to Minnesota Statutes § 13.35.

Employee Work Access:

Social Recreation Data

Certain data regarding individuals enrolling in recreational or social programs are private data pursuant to Minnesota Statutes § 13.548.

Employee Work Access:

Planning Survey Data

Certain data collected in surveys of individuals conducted by the City for the purpose of planning, development and redevelopment are classified as private or nonpublic pursuant to Minnesota Statutes § 13.59.

Employee Work Access:

Auditing Data

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Data, notes, and preliminary drafts of audit reports are protected nonpublic or confidential until the final report has been published pursuant to Minnesota Statutes § 13.292.

Employee Work Access:

City Attorney Data

Data collected or created by the City Attorney may be classified as private, confidential, and/or non-public and is governed by statutes, rules, and professional standards concerning discovery, production of documents, introduction of evidence, professional responsibility, and Minnesota Statutes § 13.393.

Employee Work Access:

Utility Data

Data collected on customers of municipal electric utilities are classified as private and/or nonpublic data pursuant to Minnesota Statutes Section 13.685.

Employee Work Access:

Property Data

Identities of individuals that register complaints concerning the use of real property are classified as confidential pursuant to Minnesota Statutes § 13.44.

Employee Work Access:

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EXHIBIT 9

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TO: Mayor & City Council
FROM: John Mulder, City Administrator
DATE: January 31, 2022
SUBJECT: Annual Review of Minnesota
Government Data Practices Act
Police Department Procedures



Meeting Date: 02/07/2022

Agenda Item: 12-K **Resolution:** 2022-25

REQUESTED ACTION

Annual review of Minnesota Government Data Practice Act Police Department Procedures.

BACKGROUND

Minnesota Statutes § 13.025 requires that the City of Hermantown Minnesota Government Data Practices Act Police Department Procedures be reviewed annually and updated as necessary to reflect legislative changes or administrative changes in personnel, procedures, or other circumstances.

Other than updating the name of the Responsible Authority & Data Practices Compliance Official to our new City Clerk, no substantive changes were made to the Minnesota Government Data Practices Act this year. This Resolution affirms that the policies are up to date and do not require any amendment this year.

SOURCE OF FUNDS (if applicable)

N/A

ATTACHMENTS

Resolution Approving An Update To The City Of Hermantown Minnesota Government Data Practices Act Police Department Procedures

Resolution No. 2022-25

**RESOLUTION APPROVING AN UPDATE TO THE CITY OF HERMANTOWN
MINNESOTA GOVERNMENT DATA PRACTICES ACT
POLICE DEPARTMENT PROCEDURES**

WHEREAS, pursuant to Minnesota Statutes Section 13.03, subdivision 2, the City of Hermantown is required to have procedures in place to respond to requests for data under the Minnesota Government Data Practices Act; and

WHEREAS, the City of Hermantown has hired a new City Clerk, who is the Responsible Authority & Data Practices Compliance Official and the Police Department Procedures must be updated to reflect the new Responsible Authority & Data Practices Compliance Official.

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

1. The amended City of Hermantown City Hall Minnesota Government Data Practices Act Procedures in the form of the one attached hereto as **Exhibit A** is hereby approved.

2. The Hermantown Police Department staff are authorized and directed to proceed in accordance with such amended City of Hermantown City Hall Minnesota Government Data Practices Act Procedures.

Councilor _____ introduced the foregoing resolution and moved its adoption.

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

and the following voted in opposition thereto:

WHEREUPON, such resolution was declared duly passed and adopted February 7, 2022.

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Purpose:

CITY OF HERMANTOWN

MINNESOTA GOVERNMENT DATA PRACTICES ACT POLICE

DEPARTMENT PROCEDURES

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I. Introduction.

These procedures are adopted by the City of Hermantown (“City”) for use by the Hermantown Police Department to comply with the requirements of the Minnesota Government Data Practices Act (“MGDPA”), Chapter 13 of the Minnesota Statutes.

All information maintained by the City is public unless classified as not public by a state statute or a federal law. Any person has the right to inspect and copy public data. The person also has the right to have an explanation of the meaning of the public data.

II. Responsible Authority and Data Practices Compliance Official.

The person who is the responsible authority for the City under the MGDPA is the City Clerk. All MGDPA requests must be submitted to the responsible authority in writing, by mail or email, or to a designee who will then respond to the MGDPA request. The designee for the Police Department is listed on attached Exhibit 1. The designee for the Police Department is also the data practices compliance official for the Police Department and is responsible for answering questions, concerns, or complaints regarding problems in obtaining access to Police Department information.

III. Requests for Data.

A. Form of Request and Response.

Request. The request for data must be written. A City of Hermantown Information Disclosure Request Form (“MGDPA Request Form”) must be completed, which is attached hereto as Exhibit 2, and sent to the responsible authority by mail or email.

An individual is not required to provide his/her name on the MGDPA Request Form; however, the burden is then on the individual to check with the responsible authority or designee on the status of the MGDPA request.

Response. The responsible authority or the designee will then respond to the MGDPA request.

If the data is maintained in electronic format and is requested to be electronic format, then it may be provided in that medium. This does not mean that the City will provide the data in an electronic format or program that is different from the format in which the City maintains the data.

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B. Time Limits.

Requests. MGDPA requests will be received and processed only during normal business hours.

Response. Responses to MGDPA requests will be made at the time of the request or as soon thereafter as possible. If the data requested is Data on Individuals, by the subject of the data, responses will be made at the time of the request or within ten (10) days, excluding Saturdays, Sundays and Holidays.

Responses will be in writing, on the MGDPA Request Form submitted. If the responsible authority or the designee denies the request for data, the specific legal authority including the statutory section must be given.

C. Fees. Fees will be charged according to the City’s Fee Schedule and the policy attached as Exhibit 3.

D. Standing Requests. A person requesting data may make a standing request to inspect or receive copies of public data. Except for standing requests for notices of meetings and copies of agendas, which remain in effect until terminated by the person requesting such data, pursuant to existing practice of the City that mimics the policy of the Minnesota Department of Administration, standing requests will expire three (3) months after the initial request unless the person requesting the data renews the standing request no more than ten (10) days prior to the expiration of the most recent standing request for such data.

IV. Data on Individuals.

Information about individual people is classified by law as public, private, or confidential.

A. People Entitled to Access.

***Public* information about an individual may be shown or given to anyone.**

***Private* information about an individual may not be shown or given to the public, but may be shown or given to:**

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- The individual, but only once every six months, unless a dispute has arisen, or additional data has been collected.
- A person who has been given access by the express written consent of the data subject. This consent must be on the Consent to Release Private Data form, attached as Exhibit 4, or a form reasonably similar.
- People who are authorized access by the federal, state, or local law or court order.
- People about whom the individual was advised at the time the data was collected. A Tennessee Warning, attached as Exhibit 5, or a form reasonably similar, must be completed when this type of information is requested.
- People within the City staff, the City Council, Police Department, and outside agents (such as attorneys) whose work assignments or responsibilities reasonably require access.

Confidential information may not be shown or given to the subject of the data, or to the public, but may be shown or given to:

- People who are authorized access by federal, state, or local law or court order.
- People within the City staff, the City Council, Police Department, and outside agents (such as attorneys) whose work assignments or responsibilities reasonably require access.

B. Request. Any individual may request, in writing, to know if the Police Department has stored data about that individual and whether the data is classified as public, private, or confidential. The individual must be allowed to inspect public or private data without charge and can request an explanation of the content and the meaning of the data.

C. Identification of Requesting Party. The responsible authority or designee must verify the identity of the requesting party as a person entitled to access of non-public data. This can be through personal knowledge, presentation of written identification, comparison of the data subject's signature on a consent form with the person's signature in City records, or other reasonable means.

D. Summary Data. Summary data is statistical records and reports derived from data on individuals, but which does not identify an individual by name or any other characteristic

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that could uniquely identify an individual. Summary data derived from private or confidential data is public, unless classified as otherwise by Minnesota Statute or federal law. The responsible authority or designee will prepare summary data on private or confidential data upon request, if the request is in writing and the requesting party pays for the cost of preparation. Within ten (10) days of receiving a request for summary data, the responsible authority or designee must notify the requesting party about the estimated costs and collect those costs before preparing or supplying the summary data.

Summary data may be prepared by “blacking out” personal identifiers, cutting out portions of the records that contain personal identifiers, programming computers to delete personal identifiers, or other reasonable means.

The responsible authority may ask an outside agency or person to prepare the summary data if (1) the specific purpose is given in writing, (2) the agency or person agrees not to disclose the private or confidential data, and (3) the responsible authority determines that access by this outside agency or person will not compromise the privacy of the private or confidential data.

E. Juvenile Records. The following applies to *private* (not confidential) data about people under the age of 18.

Parental Access. In addition to the people listed above who may have access to private data, a parent may have access to private information about a juvenile data subject. “Parent” means the parent or guardian of a juvenile data subject, or individual acting as a parent or guardian in the absence of a parent or guardian. The parent is presumed to have this right unless the responsible authority or designee has been given evidence that there is a state law, court order, or other legally binding document which prohibits this right.

Notice to Juvenile. Before requesting private data from juveniles, city personnel must notify the juveniles that they may request that the information not be given to their parent(s). A Tennessee Warning - Juvenile, attached as **Exhibit 6**, or a form reasonably similar, must be completed when information is requested.

Denial of Parental Access. The responsible authority or designee may deny parental access to private data when the juvenile requests this denial and the responsible authority or designee determines that withholding the data would be in the best interest of the juvenile. The request from the juvenile must be in

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writing stating the reasons for the request. In determining the best interest of the juvenile, the responsible authority or designee will consider:

- Whether the juvenile is of sufficient age and maturity to explain the reasons and understand the consequences,
- Whether denying access may protect the juvenile from physical or emotional harm,
- Whether there are reasonable grounds to support the juvenile’s reasons, and
- Whether the data concerns medical, dental, or other health services provided under Minnesota Statutes Sections 144.341 to 144.347. If so, the data may be released only if failure to inform the parent would seriously jeopardize the health of the minor.

The responsible authority or designee may also deny parental access without a request from the juvenile under Minnesota Statutes Section 144.335.

V. Data Not on Individuals.

Information not on individuals is classified by law as public, nonpublic, or protected nonpublic.

A. People Entitled to Access

***Public* information that is not about an individual may be shown or given to anyone.**

***Nonpublic* information that is not about an individual may not be shown or given to the public, but may be shown or given to:**

- The subject of that data, if any.
- A person who has been given access by the express written consent of the data subject. This consent must be on the Consent to Release Private Data form, attached as Exhibit 4, or a form reasonably similar.
- People who are authorized access by the federal, state, or local law or court order.

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- People about whom the subject was advised at the time the data was collected. A Tennessee Warning, attached as Exhibit 5, or a form reasonably similar, must be completed when information is requested.
- People within the City staff, the City Council, Police Department, and outside agents (such as attorneys) whose work assignments or responsibilities reasonably require access.

Protected Nonpublic information that is not about an individual may not be shown or given to the subject of the data, or to the public, but may be shown or given to:

- People who are authorized access by federal, state, or local law or court order.
- People within the City staff, the City Council, Police Department and outside agents (such as attorneys) whose work assignments or responsibilities reasonably require access.

B. Request. Any individual may make a request, in writing, for public data not on individuals.

C. Identification of Requesting Party. The responsible authority or designee must verify the identity of the requesting party as a person entitled to access of non-public data. This can be through personal knowledge, presentation of written identification, comparison of the data subject's signature on a consent form with the person's signature in City records, or other reasonable means.

VI. Data on Decedents.

Information on decedents is classified as public, private, or confidential. Upon the death of a data subject, private data and confidential data become classified as private data on a decedent and confidential data on a decedent. Private data on a decedent and confidential data on a decedent become public ten (10) years after the individual's death and thirty

(30) years after the creation of the data. There is a presumption of death if ninety (90) years has passed since the data was created or the persons birth, unless there is proof otherwise.

A. People entitled to Access.

Public information about a decedent may be shown or given to anyone.

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Private information about a decedent may not be shown or given to the public, but may be shown or given to:

- The representative of the decedent.
- A person who has been given access by the express written consent of the data subject. This consent must be on the Consent to Release Private Data form, attached as Exhibit 4, or a form reasonably similar.
- People who are authorized access by the federal, state, or local law or court order.
- People about whom the individual was advised at the time the data was collected. A Tennessee Warning, attached as Exhibit 5, or a form reasonably similar, must be completed when information is requested.
- People within the City staff, the City Council, Police Department, and outside agents (such as attorneys) whose work assignments or responsibilities reasonably require access.

Confidential information about a decedent may not be shown or given to the representative, or to the public, but may be shown or given to:

- People who are authorized access by federal, state, or local law or court order.
- People within the City staff, the City Council, Police Department, and outside agents (such as attorneys) whose work assignments or responsibilities reasonably require access.
- A trustee in cases of a wrongful death action.

B. Request. Any individual may request public data on decedents.

C. Identification of Requesting Party. The responsible authority or designee must verify the identity of the requesting party as a person entitled to access of non-public data. This can be through personal knowledge, presentation of written identification, comparison of the data subject's signature on a consent form with the person's signature in City records, or other reasonable means.

VII. Collection of Data on Individuals.

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The collection and storage of information about individuals will be limited to that necessary for the administration and management of programs specifically authorized by the state legislature, city council, or federal government.

When an individual is asked to supply private or confidential information about the individual, the member of the Police Department requesting the information must give the individual a *Tennessee* warning. This warning must contain the following:

- the purpose and intended use of the requested data,
- whether the individual may refuse or is legally required to supply the requested data,
- any known consequences from supplying or refusing to supply the information, and
- the identity of other persons or entities authorized by state or federal law to receive the data.

A *Tennessee* warning is not required when an individual is requested to supply investigative data to a law enforcement officer. A *Tennessee* warning may be on a separate form or may be incorporated into the form which requests the private or confidential data. See attached Exhibit 6.

VIII. Challenge to Data Accuracy.

An individual who is the subject of public or private data may contest the accuracy or completeness of that data maintained by the Police Department. The individual must notify the City's responsible authority or the Police Department designee, listed on Exhibit 1, in writing describing the nature of the disagreement. Within 30 days, the responsible authority or designee must respond and either (1) correct the data found to be inaccurate or incomplete and attempt to notify past recipients of inaccurate or incomplete data, including recipients named by the individual, or (2) notify the individual that the authority believes the data to be correct.

An individual who is dissatisfied with the responsible authority's action may appeal to the Commissioners of the Minnesota Department of Administration, using the contested case procedures under Minnesota Statutes Chapter 14. The responsible authority will correct any data if so ordered by the Commissioner.

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IX. Complaints.

An individual may file a complaint alleging a violation of the MGDPA with the district court pursuant to Minnesota Statutes Section 13.08, Subdivision 4, as it may be amended from time to time or with the Office of Administrative Hearings pursuant to Minnesota Statutes Section 13.085, as it may be amended from time to time.

X. Data Protection.

A. **Accuracy and Currency of Data.**

All employees will be requested, and given appropriate forms, to provide updated personal information to the appropriate supervisor, City Administrator, Police Chief, or Finance Director, which is necessary for tax, insurance, emergency notification, and other personnel purposes. Other people who provide private or confidential information will also be encouraged to provide updated information when appropriate.

Department heads should periodically review forms used to collect data on individuals to delete items that are not necessary and to clarify items that may be ambiguous. All records must be disposed of according to the City's records retention schedule.

B. Data Safeguards.

Not public data are any data classified by statute, federal law, or temporary classification as confidential, private, nonpublic, or protected nonpublic.

Not public data will be stored in files or databases, which are not readily accessible to individuals who do not have authorized access, and which will be secured during hours when the offices are closed.

Not public data must be kept only in City or Police Department offices, except when necessary for City or Police Department business.

Only those employees whose job responsibilities require them to have access will be allowed access to files and records that contain not public data. These employees will be instructed to:

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- not discuss, disclose, or otherwise release not public data to City or Police Department employees whose job responsibilities do not require access to the data,
- not leave not public data where non-authorized individuals might see it, and
- shred not public data before discarding.

When a contract with an outside party requires access to not public data, the contracting party will be required to use and disseminate the information consistent with the MGDPA.

C. Investigation of Data Breaches.

Pursuant to Minnesota Statutes Section 13.055, as it may be amended from time to time, if the Police Department discovers a data breach, it must disclose that breach to the subject of the data, and the person must be informed that the entity will perform an investigation of the data breach, and instructions on how the report can be accessed after completion. The report must contain, at a minimum, the following information:

- A description of the type of data that was accessed or acquired,
- The number of individuals whose data was improperly accessed or acquired,
- If there has been a final disposition of disciplinary action, the name of each employee determined to be responsible for the unauthorized access or acquisition, and
- The final disposition of any disciplinary action taken against each employee in response.

The responsible authority or Police Department designee shall issue the above-mentioned report.

D. Annual Security Assessment.

Pursuant to Minnesota Statutes Section 13.055, as it may be amended from time to time, the Police Chief shall conduct a comprehensive security assessment of any personal information maintained by the Police Department.

E. Employee Penalties.

Pursuant to Minnesota Statutes Section 13.09, as it may be amended from time to time, the knowing unauthorized acquisition of not public data is a misdemeanor and constitutes just cause for suspension without pay or dismissal of the Police Department employee.

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F. Not Public Data.

Data that is not public data will be referred to in these Procedures as not public data.

XI. Criminal Investigative Data.

Pursuant to Minnesota Statutes Section 13.82, criminal investigative data collected or created by a law enforcement agency in order to prepare a case against a person, whether known or unknown, for the commission of a crime or other offense for which the agency has primary investigative responsibility is confidential or protected nonpublic while the investigation is active. Certain arrest, request for service, and response or incident data is public and upon request, the responsible authority or designee shall provide such data on the form attached as Exhibit 7. However, the identity of certain individuals may be protected, including juvenile witnesses when the police department reasonably determines that the subject matter of the investigation justifies protecting the identity of the witness. This shall be at the discretion and in the best judgment of the responsible authority for designee.

XII. Access to Data for Crime Victims.

Pursuant to Minnesota Statutes Section 13.82, subdivision 13, upon receipt of a written request, the prosecuting authority shall release investigative data collected by the Hermantown Police Department to the victim of a criminal act or alleged criminal act or to the victim's legal representative unless the release to the individual subject of the data would be prohibited under section 13.821 or the prosecuting authority reasonably believes:

- (a) that the release of that data will interfere with the investigation; or
- (b) that the request is prompted by a desire on the part of the requester to engage in unlawful activities.

XIII. Copyrighted Data.

Certain data may be protected under the copyright laws of the United States. Copyrighted data may be shown to a requestor, but the City may not make copies of copyrighted data unless authorized to do so by court order (see e.g. *National Council on Teacher Quality v. Minnesota State Colleges & Universities, et al*, 2013 WL 3968735 (Minn. Ct. App. 2013)). A warning in the form of the one attached as Exhibit 9, or a form containing reasonably similar language, must be included at the beginning of any reproduction of any material made by the Hermantown Police Department, including so called WatchGuard DVDs.

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Revised ~~07/19~~ 2/22

City of Hermantown Police Department
5111 Maple Grove Road Hermantown, MN 55811
218-729-1200 (phone)
218-729-1201 (fax)
www.hermantownmn.com

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EXHIBIT 1

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Police Commander Mark Gunderson or his designee.

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CITY OF HERMANTOWN
INFORMATION DISCLOSURE REQUEST FORM
Minnesota Government Data Practices Act

A. Completed by Requester

REQUESTER NAME (Last, First, M):	DATE	OF
REQUEST:		
STREET ADDRESS:		PHONE NUMBER:
CITY, STATE, ZIP CODE:		SIGNATURE:
DESCRIPTION OF THE INFORMATION REQUESTED:		

B. Completed by Department

DEPARTMENT NAME:	HANDLED BY:
INFORMATION CLASSIFIED AS: <input type="checkbox"/> PUBLIC <input type="checkbox"/> NON-PUBLIC <input type="checkbox"/> PRIVATE <input type="checkbox"/> PROTECTED NON-PUBLIC <input type="checkbox"/> CONFIDENTIAL	ACTION: <input type="checkbox"/> APPROVED <input type="checkbox"/> APPROVED IN PART <input type="checkbox"/> DENIED
REMARKS OR BASIS FOR DENIAL INCLUDING STATUTE SECTION:	
PHOTOCOPYING CHARGES: <input type="checkbox"/> None <input type="checkbox"/> ___ PAGES X ___ CENTS = _____ <input type="checkbox"/> SPECIAL RATE _____ (attach explanation) ___	Identity verified for private information: <input type="checkbox"/> IDENTIFICATION: DRIVERS LICENSE, STATE ID, ETC. <input type="checkbox"/> COMPARISON WITH SIGNATURE ON FILE <input type="checkbox"/> PERSONAL KNOWLEDGE <input type="checkbox"/> OTHER: _____

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AUTHORIZED SIGNATURE:	DATE:
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** The information that you are asked to provide is classified by state law as public. Our purpose and intended use of this information is to consider your request. You are not legally required to provide this information. You may refuse to provide this information. If you do not provide the requested information we will not be able to contact you to let you know when the response to your request has been completed. Other persons or entities may be authorized by law to receive this information.*

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EXHIBIT 3

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Policy for Fees for Providing Copies of Public Government Data

Minnesota Statutes, section 13.03 provides that, if a request is for copies or electronic transmittal of government data, the responsible authority for the government entity may require the requester to pay a fee.

Below are the two methods that government entities may use to calculate fees, pursuant to [Minnesota Statutes 13.03](#). There are two scenarios when copies are requested; either the request is for 100 or fewer pages of black and white legal-size paper, or the request is for more than 100 pages of black and white legal-size paper. These two methods lay out the fees that may be charged in each of these scenarios. Regardless of which fee-calculation method is used, the entity may not charge for separating public data from not public data.

If a fee for responding to a data request as calculated below is less than \$10.00, no fee will be charged unless the data request is part of a series of requests that is designed to avoid the imposition of a fee.

Fee Calculation Method I

If 100 or fewer pages of black and white, letter or legal-size paper copies are requested, the entity may charge a per-page fee of not more than 25 cents for each page copied (50 cents for a two-sided copy). The entity is authorized to charge only the per-page fee and cannot require the requester to pay any of the costs listed in Fee Calculation Method II. This provision should not be interpreted to permit division of a single request into requests for copies of fewer than 100 pages in order to avoid charging a fee based on the actual costs of providing copies.

Exceptions:

The entity may require the requester to pay the actual costs of providing fewer than 101 pages of data if, to provide copies, it is necessary that copies must be in a format or program different from how the City stores the data.

All fees must be paid prior to the data being released to the requestor.

Fee Calculation Method II

If 101 or more pages of black and white, letter or legal size paper copies are requested, , the entity may require the requester to pay the actual costs of searching for and retrieving

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the data, including the cost of employee time, and for making, certifying, compiling and electronically transmitting copies of the data or the data themselves.

Additional criteria for determining copy costs using Method II are set forth at Minnesota Rules, part 1205.0300, subpart 4. The entity may not charge a minimum fee. Certain advisory opinions, issued pursuant to Minnesota Statutes, section 13.072, have established the following criteria for determining copy costs using Method II. (See the opinion index on IPAD's website; specifically, the topical index category, Copy costs.)

The City may require a deposit of \$500.00 on all requests that the Responsible Authority determines will be over 100 pages. Such deposit shall be made prior to the City compiling the data. If this amount is in excess of the actual costs incurred by the City then the excess amount shall be returned when the data is released to the requestor. If this amount is less than the actual amount incurred by the City then the additional amount will be required to be paid before the data is released to the requestor.

Costs that *may be included* as long as they are *reasonable*:

◆ Staff time required to:

Retrieve documents

Sort and label documents, *only* if necessary, to identify the data to be copied Remove staples or paper clips

Take documents to copier for copying Copy documents

Notes: The entity may not assess a fee for labor costs (wages/salary plus benefits) that exceed those of the lowest-paid employee who could complete the task(s) performed. The requirement that data be kept in a manner that makes them easily accessible for convenient use may limit the entity in charging for staff time.

◆ Materials (paper, copier ink, staples, magnetic tapes, video or audio cassettes, etc.)

◆ Special costs associated with making copies from computerized data, such as writing or modifying a computer program to format data. *Note:* Computerized data must be kept in a manner that makes the data easily accessible for convenient use.

◆ Mailing costs

◆ Vehicle costs directly involved in transporting data to the appropriate facility when necessary to provide copies (for example, when the entity is unable to provide copying services for photographs, oversized documents, videos, etc.)

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- ◆ Electricity costs when the requester uses own scanner to make an unusually large number of copies

Costs that *may not* be included:

- ◆ Purchase or rental of copier
- ◆
- ◆ Maintenance of copier
- ◆ Normal operating expenses of computer/copier, including electricity used, and machine wear/tear
- ◆ Depreciation of copier
- ◆ Staff time required to:
 - Separate public from not public data**
 - Open a data request that was mailed**
 - Sort, label or review data, *if not necessary* to identify the data to be copied**
 - Return documents to storage**
 - Provide information about the data to the requester (i.e., explain content and meaning of data)**
 - Prepare data for mailing**
 - Prepare cover letter, fax sheet or invoice for copies**
 - Credit payment and perform other associated accounting functions**

Note: The entity may not assess a fee for labor costs (wages/salary plus benefits) that exceed those of the lowest-paid employee who could complete the task(s) performed

- ◆ Administrative costs that are not related to copying
- ◆ Records storage
- ◆ Sales tax
- ◆ The entire cost of operating a multi-tasked computer for a measured unit of time, when fulfilling a request for copies was only one of the tasks performed during that unit of time
- ◆ Costs incurred because data are not maintained in a manner that makes them easily accessible for convenient use

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- ◆ Search and retrieval costs when data are inspected but no copies are requested

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EXHIBIT 4

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CONSENT TO RELEASE PRIVATE DATA

I, _____, authorize the City of Hermantown (“City”) to release the following private data about me:

_____ to the following person or people:

The person or people receiving the private data may use it only for the following purpose or purposes:

This authorization is dated _____ and expires on _____.

The expiration cannot exceed one year from the date of the authorization, except in the case of authorizations given in connection with applications for life insurance or noncancelable or guaranteed renewable health insurance and identified as such, two years after the date of the policy.

I agree to give up and waive all claims that I might have against the City, its agents and employees for releasing data pursuant to this request.

The undersigned has read this form and understands it.

Dated this ____ day of _____, 20__.

Print Name

Signature and Title (if signing on behalf of an entity)

IDENTITY VERIFIED BY:

Witness: X _____

Identification: Driver’s License, State ID, Passport, other:

Comparison with signature on file

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Other: _____

Responsible Authority/Designee: _____

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EXHIBIT 5

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**TENNESSEN WARNING
Data Practices Advisory**

The information that you are asked to provide is classified by state law as either public, private or confidential. Public data is information that can be given to the public. Private data is information that generally cannot be given to the public but can be given to the subject of the data. Confidential data is information that generally cannot be given to either the public or the subject of the data.

Our purpose and intended use of this information is to consider: _____
_____.

You are not legally required to provide this information.

You may refuse to provide this information.

The consequences of supplying or refusing to supply data are that your request or application may not be considered or it may be denied.

Other persons or entities may be authorized by law to receive this information. The identity of those persons or entities, if known, are as follows: _____
_____.

The undersigned has read this advisory and understands it.

Dated this ____ day of _____, 20__.

Print Name

Signature and Title (if signing on behalf of an entity)

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**TENNESSEN WARNING - JUVENILE
Data Practices Advisory**

The information that you are asked to provide is classified by state law as either public, private or confidential. Public data is information that can be given to the public. Private data is information that generally cannot be given to the public but can be given to the subject of the data. Confidential data is information that generally cannot be given to either the public or the subject of the data.

Our purpose and intended use of this information is to consider: _____
_____.

You are not legally required to provide this information.

You may refuse to provide this information.

The consequences of supplying or refusing to supply data are that your request or application may not be considered or it may be denied.

Other persons or entities may be authorized by law to receive this information. The identity of those persons or entities, if known, are as follows: _____
_____.

If you are providing private data, you may request that the private data not be released to your parent or guardian. Please state any such request here: _____
_____.

The undersigned has read this advisory and understands it.

Dated this ____ day of _____, 20__.

Print Name

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Signature and Title

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SAMPLE CONTRACT PROVISION

Data Practices Compliance. Contractor will have access to data collected or maintained by the City to the extent necessary to perform Contractor’s obligations under this contract. Contractor agrees to maintain all data obtained from the City in the same manner as the City is required under the Minnesota Government Data Practices Act, Minn. Stat. Chap. 13 (the “MGDPA”). Contractor will not release or disclose the contents of data classified as not public to any person except at the written direction of the City. Contractor agrees to defend and indemnify the City from any claim, liability, damage or loss asserted against the City as a result of Contractor’s failure to comply with the requirements of the Act or this contract. Upon termination of this contract, Contractor agrees to return data to the City, as requested by the City.

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CITY OF HERMANTOWN POLICE DEPARTMENT

ARREST / REQUEST FOR SERVICE / RESPONSE OR INCIDENT DATA

Pursuant to Minnesota Statutes Section 13.82, Subdivisions 2, 3 and 6 certain data created or collected by the Hermantown Police Department, which documents the agency's response to a request for service including, but not limited to, responses to traffic accidents, or which describes actions taken by the agency including arrests may be public government data.

The following is public data:

1. Date, time and place of the action;
2. The nature of the request or the activity complained of;
3. The name and address of the individual making the request unless the identity of the individual qualifies for protection under subdivision 17;
4. The response initiated and the response or incident report number;
5. Agencies, units of agencies and individual agency personnel participating in the action unless the identities of agency personnel qualify for protection under subdivision 17;
6. Any resistance encountered by the agency;
7. Any pursuit engaged in by the agency;
8. Whether any weapons were used by the agency or other individuals;
9. A brief factual reconstruction of events associated with the action;
10. Names and addresses of witnesses to the agency action or the incident unless the identity of any witness qualifies for protection under subdivision 17;
11. Names and addresses of any victims or casualties unless the identities of those individuals qualify for protection under subdivision 17;
12. The name and location of the health care facility to which victims or casualties were taken;
13. Dates of birth of the parties involved in a traffic accident;
14. Whether the parties involved were wearing seat belts;

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15. The alcohol concentration of each driver;
16. The charge, arrest or search warrants, or other legal basis for the action;
17. Whether and where the individual is being held in custody or is being incarcerated by the agency;
18. The date, time and legal basis for any transfer of custody and the identity of the agency or person who received custody;
19. The date, time and legal basis for any release from custody or incarceration;
20. The name, age, sex and last known address of an adult person or the age and sex of any juvenile person cited, arrested, incarcerated or otherwise substantially deprived of liberty;
21. Whether the agency employed an automated license plate reader, wiretaps or other eavesdropping techniques, unless the release of this specific data would jeopardize an ongoing investigation; and
22. The manner in which the agencies received the information that led to the arrest and the names of individuals who supplied the information unless the identities of those individuals qualify for protection under subdivision 17.

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EXHIBIT 9

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DATA INVENTORY

This is an inventory of private and nonpublic data categories and classifications at the City of Hermantown Police Department. All other data are presumed public.

Not public data are only accessible to police officers, clerical staff, and attorneys (“Hermantown Police Department Staff”) whose work assignments reasonably require access to that data.

City of Hermantown Police Department
5111 Maple Grove Road
Hermantown, MN 55811

Police Department Data Practices Compliance Official: Police Commander Mark Gunderson, gunderson@hermantownmn.com, (218) 729-1200.

Responsible Authority: ~~Bonnie Engseth, bengseth@hermantownmn.com~~, [Jackie Dolentz, jdolentz@hermantownmn.com](mailto:jdolentz@hermantownmn.com), (218) 729-3600.

Category of Data:

Criminal Investigative Data

Investigative data collected or created by the Hermantown Police Department in order to prepare a case against a person, whether known or unknown, for the commission of a crime is classified as private, confidential and/or protected non-public while the investigation is active pursuant to Minnesota Statutes § 13.82. See also, Minnesota Statutes §§ 13.80, 13.85, 13.87, 169.09, 168.10, 169A.70, 171.043, 171.07, 171.071, 171.12, 171.32, 299A.61, 299C.065, 299C.091, 299C.093, 299C.095, 299C.46, 299C.48, 299C.53, 299C.56, 611.272, 626.53, 609.324, 609.3452, 609.3471, 626.556, 626.5563, 626.557, 626.558, 626.5593, 626.89, 629.341, 260B.171, 260B.198, 260B.235, 299C.68, 299F.035, 299F.04, 299F.05, 299F.054, 299F.055, 299F.056, 299F.095, and 299F.096.

Employee Work Access: All Hermantown Police Department Staff.

Computer Data

Electronic access data may be classified as private and/or non-public pursuant to Minnesota Statute § 13.15.

Employee Work Access: All Hermantown Police Department Staff.

Security Data

Government data the disclosure of which would be likely to substantially jeopardize the security of information, possessions, individuals or property against theft, tampering, improper use, attempted escape, illegal disclosure, trespass, or physical injury is classified as private and/or non-public pursuant to Minnesota Statutes § 13.37.

Employee Work Access: Command Staff.

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Personnel Data

Data on current and former employees, applicants, or volunteers are or may be classified as private pursuant to Minnesota Statutes § 13.47.

Employee Work Access: Command Staff.

Background Investigation and Criminal History Check Data

Background Investigations and/or Criminal History Check data may be classified as private and/or confidential pursuant to Minnesota Statute §§ 13.82 and 13.87.

Employee Work Access: All Hermantown Police Department Staff.

Child Abuse Identity Data

Active or inactive investigative data that identify a victim of child abuse or neglect are private data and active or inactive investigative data that identify a reporter of child abuse or neglect are classified as confidential pursuant to Minnesota Statutes § 13.82, subd. 8.

Employee Work Access: All Hermantown Police Department Staff.

Vulnerable Adult Identity Data

Active or inactive investigative data that identify a victim of vulnerable adult maltreatment are private data and active or inactive investigative data that identify a reporter of vulnerable adult maltreatment are classified as private pursuant to Minnesota Statutes § 13.82, subd. 10.

Employee Work Access: All Hermantown Police Department Staff.

Juvenile Data

Active or inactive investigative data regarding juveniles are or may be classified as private pursuant to Minnesota Statutes Chapter 260B.

Employee Work Access: All Hermantown Police Department Staff.

Firearms Data

Data about the purchase or transfer of firearms and applications for permits to carry firearms is classified as private pursuant to Minnesota Statutes § 13.87.

Employee Work Access: All Hermantown Police Department Staff.

Examination Data

Completed versions of personnel and licensing examinations are Private Data, unless the Responsible Authority determines that they should be confidential because access would compromise the objectivity, fairness, or integrity of the examination process pursuant to Minnesota Statutes § 13.34.

Employee Work Access: Command Staff.

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Property Data

Identities of individuals that register complaints concerning the use of real property are classified as confidential pursuant to Minnesota Statutes § 13.44.

Employee Work Access: All Hermantown Police Department Staff.

Automated License Plate Reader Data

Data collected by an automated license plate reader are classified as private and/or nonpublic pursuant to Minnesota Statutes § 13.824.

Employee Work Access

Chief of Police and his/her designees

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