



Hermantown City Council Meeting – Meeting on April 4, 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=Mm5Wb0k2VWFkWFJsVy9GL0l1O2cyZz09>

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, April 4, 2022 at 4:30 p.m. Council Chambers City Hall - Hermantown Governmental Services Building

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

City Council Meeting April 4, 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, April 4, 2022 at 4:30 p.m.
Council Chambers
Hermantown Governmental Services Building**

**City Council Meeting April 4, 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. **Correspondence** 22-31 through 22-36 placed on file
7. **PRESENTATIONS** *(Department Heads may give reports if necessary.)*
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 March 21, 2022 City Council Continuation Minutes
 - B. **Accounts Payable** – Approve general city warrants from March 16, 2022 through March 31, 2022 in the amount of \$288,835.64

(motion, roll call)
10. **MOTIONS**

11. ORDINANCES

- A. 2022-03** An Ordinance Amending Chapter 5, Alcoholic Beverages, Of The Hermantown City Code By Modifying The Rules Governing The Perimeter Of The Exterior Licensed Space

Second Reading

(motion, roll call)

- B. 2022-04** An Ordinance Amending Section 1020, Design Standards, Of The Hermantown Zoning Code

Second Reading

(motion, roll call)

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. 2022-37** Resolution Authorizing The Director Of Finance & Administration To Make 2021 Transfers Between Funds

(motion, roll call)

- B. 2022-38** A Resolution To Elect The Standard Allowance Available Under The Revenue Loss Provision Of The Coronavirus Local Fiscal Recovery Fund Established Under The American Rescue Plan Act

(motion, roll call)

- C. 2022-39** Resolution Approving Special Use Permit For Construction Of An Accessory Structure In Excess Of 1,200 Square Feet In The R-3 Zoning District At 3741 Getchell Road And Imposing Conditions Thereon

(motion, roll call)

- D. 2022-40** Resolution Approving An Extension Of The Final Planned Unit Development Plan For Engwall's Redevelopment

(motion, roll call)

- E. 2022-41** Resolution Approving An Extension Of The Final Planned Unit Development Plan For The Pillars Of Hermantown

(motion, roll call)

- F. 2022-42** Resolution Authorizing And Directing The Mayor And City Clerk To Execute And Deliver Utility Service Agreement With Titan Premier, Llc

(motion, roll call)

- G.** **2022-43** Resolution Authorizing And Directing Mayor And City Clerk To Execute And Deliver An Agreement For Engineering & Park Planning Services With A Total Not To Exceed Contract Amount Of \$19,650.00 For Park Improvements At Fichtner Park With Northland Consulting Engineers

(motion, roll call)

- H.** **2022-44** Resolution Authorizing And Directing Mayor And City Clerk To Execute And Deliver Agreement For The Use Of The City Of Hermantown Athletic Fields With The Hermantown Youth Soccer Association

(motion, roll call)

- I.** **2022-45** Resolution Receiving Bids And Awarding Contract For Purchase Of An Advanced Metering Infrastructure For Water Meters In The Amount Of \$408,620

(motion, roll call)

- J.** **2022-46** Resolution Authorizing And Directing Mayor And City Clerk To Execute An Acceptance Of Easement Agreement To The City Of Hermantown From Gethsemane Covenant Church Of Hermantown For The Ugstad Road And Arrowhead Road Improvement

(motion, roll call)

- K.** **2022-47** Resolution Approving The Employment Of Adam Schminski As The Certified Building Official

(motion, roll call)

- L.** **2022-48** Resolution Approving A Financial Conflict Of Interest Policy For Purchases With Federal Funds To The City Handbook

(motion, roll call)

- M.** **2022-49** Resolution Approving Wage Increase For The City Administrator

(motion, roll call)

- 14.** **RECESS**

Date: March 28, 2022
To: City Council
From: John Mulder, City Administrator
RE: Correspondence

In your agenda 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 included in the agenda packet only the correspondence that we believe to be of special interest.

2022 CORRESPONDENCE

<u>DATE</u>	<u>LOG #</u>	<u>FROM</u>	<u>TO</u>	<u>REGARDING</u>	<u>FILED</u>
3/15/2022	22-31	Mark Koplitz & Jacob Smokovitz, MN Pollution Control Agency	Joe Hughes, KTJ 360, LLC	Pillars of Duluth	3/13/2022
3/15/2022	22-32	Jenny Bourbonais, St. Louis County	City of Hermantown	Subdivision Ordinance 60	3/4/2022
3/16/2022	22-33	Eric Johnson, Comm. Dev. Dir.	Park Board	HYSA Water Subsidy	3/15/2022
3/16/2022	22-34	Eric Johnson, Comm. Dev. Dir.	Park Board	Invoice for Fencing at Keene Creek Park	3/15/2022
3/16/2022	22-35	Eric Johnson, Comm. Dev. Dir.	Planning Commission	SUP, Adam Lilyquist, 3741 Getchell Rd.	3/15/2022
3/21/2022	22-36	Jim Crace, Chief of Police	Mayor & City Council	2021 Annual HPD Report	3/21/2022

CITY OF HERMANTOWN
CITY COUNCIL MEETING
March 21, 2022
6:30 p.m.

MEETING CONDUCTED IN PERSON & VIA ZOOM

PLEDGE OF ALLEGIANCE

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

CITY STAFF: John Mulder, City Administrator; Eric Johnson; Community Development Director; Joe Wicklund, Communications Manager; Paul Senst, Public Works Director

ABSENT:

VISITORS: 2

ANNOUNCEMENTS

PUBLIC HEARING

COMMUNICATIONS

Communications 22-28 through and including 22-30 were read and placed on file.

Communication 22-28 from Jim Crace, Chief of Police to Mayor & City Council regarding 2021 Archery Deer Season Report

PRESENTATIONS

Jim Crace, Chief of Police, provided the Hermantown Police Department's annual report.

Jim Mulder, City Administrator, lead the discussion of Sewer Availabilities.

PUBLIC DISCUSSION

Jay Zierden, 4571 Martin Road, discussed his proposed development.

CONSENT AGENDA

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

- A. Approve March 7, 2022 City Council Continuation Minutes
- B. Approve general city warrants from March 1, 2022 through March 15, 2022 in the amount of \$355,15.57

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

MOTIONS

Motion made by Councilor Hauschild, seconded by Councilor Geissler, to appoint Dante Tomassoni to the Planning & Zoning Commission for three-year terms effective immediately. Roll Call: Councilors Geissler, Hauschild, Nelson, Peterson, Mayor Boucher, aye. Motion carried.

ORDINANCES

2022-02 An Ordinance Of The City Of Hermantown, Minnesota, Amending The City Code, Section 210, Council, To Increase The Reimbursement for Phone & Internet Stipend Of The Mayor And Council Members

Second Reading

Motion made by Councilor Peterson, seconded by Councilor Geissler, to adopt Ordinance 2022-02, An Ordinance Of The City Of Hermantown, Minnesota, Amending The City Code, Section 210, Council, To Increase The Reimbursement for Phone & Internet Stipend Of The Mayor And Council Members. Roll Call: Councilors Geissler, Hauschild, Nelson, Peterson, Mayor Boucher, aye. Motion carried.

2022-03 An Ordinance Amending Chapter 5, Alcoholic Beverages, Of The Hermantown City Code By Modifying The Rules Governing The Perimeter Of The Exterior Licensed Space

First Reading

2022-04 An Ordinance Amending Section 1020, Design Standards, Of The Hermantown Zoning Code

First Reading

RESOLUTIONS

2022-30 Resolution Approving An Amendment To The City Handbook Regarding A Sewer Availability Policy

Motion made by Councilor Peterson, seconded by Councilor Hauschild, to amend and adopt Resolution 2022-30 Resolution Approving An Amendment To The City Handbook Regarding A Sewer Availability Policy by reducing the availability charge for single family, twin homes or triplexes from \$10,000 to \$5,000. Roll Call: Councilors Geissler, Hauschild, Nelson, Peterson, Mayor Boucher, aye. Motion carried.

2022-34 Resolution Authorizing And Directing Mayor And City Clerk To Execute An Acceptance Of Easement Agreement To The City Of Hermantown From Paul And Sara Fitzgerald For The Ugstad Road And Arrowhead Road Improvement

Motion made by Councilor Nelson, seconded by Councilor Geissler, to adopt Resolution 2022-34 Resolution Authorizing And Directing Mayor And City Clerk To Execute An Acceptance Of Easement Agreement To The City Of Hermantown From Paul And Sara Fitzgerald For The Ugstad Road And Arrowhead Road Improvement. Roll Call: Councilors Geissler, Hauschild, Nelson, Peterson, Mayor Boucher, aye. Motion carried.

2022-35 Resolution Awarding Contract For 2023 Western Star 47x Chassis In The Amount Of \$135,252.00 Plus Applicable Taxes And Fees

Motion made by Councilor Peterson, seconded by Councilor Nelson, to adopt Resolution 2022-35, Resolution Awarding Contract For 2023 Western Star 47x Chassis In The Amount Of \$135,252.00 Plus Applicable Taxes And Fees. Roll Call: Councilors Geissler, Hauschild, Nelson, Peterson, Mayor Boucher, aye. Motion carried.

2022-36 Resolution Providing A Grant To The Hermantown Youth Soccer Association

Motion made by Councilor Peterson, seconded by Councilor Geissler, to amend and adopt Resolution 2022-36, Resolution Providing A Grant To The Hermantown Youth Soccer Association by removing the reference to 20% and create a flat reimbursement of \$3,000. Roll Call: Councilors Geissler, Hauschild, Nelson, Peterson, Mayor Boucher, aye. Motion carried.

Motion made by Councilor Peterson, 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 § Section 13D.05 Subd. 3(a) to discuss the City Administrator's performance evaluation.

Motion made by Councilor Peterson, seconded by Councilor Nelson, to re-convene into open session at 8:03 p.m. Motion carried.

Motion made by Councilor Peterson, seconded by Nelson, to recess the meeting at 8:03 p.m. Motion carried.

Mayor

ATTEST:

City Clerk

CITY OF HERMANTOWN

CHECKS #68564-68606
03/16/2022-03/31/2022

PAYROLL CHECKS

Electronic Checks - #69567-69611 \$74,895.50

LIABILITY CHECKS

Electronic Checks - #69561-69566 \$55,904.97

Check - #68603-68606 \$1,223.28

PAYROLL EXPENSE TOTAL \$132,023.75

ACCOUNTS PAYABLE

Check - #68564-68602 \$122,185.23

Electronic Payments #-99790 \$6,005.78

Electronic Payments #-99786-99788 \$28,620.88

ACCOUNTS PAYABLE TOTAL \$156,811.89

TOTAL \$288,835.64

3/28/2022

Page 1

Fun d	Account	Department	Vendor Name	Description	Amount	Check #
601	494400	Water Administration and General	AT&T MOBILITY	Cell Phones/Tablets PW	176.62	-99790
101	421100	Police Administration	AT&T MOBILITY	Cell Phones PD	1,366.28	-99790
602	494900	Sewer Administration and General	AT&T MOBILITY	Cell Phones/Tablets PW	176.62	-99790
602	494900	Sewer Administration and General	AT&T MOBILITY	New Phone PW	1,303.94	-99790
601	494300	Water Distribution	AT&T MOBILITY	New Phone PW	1,303.94	-99790
101	419901	City Hall & Police Building Maintenance	AT&T MOBILITY	Cell Phones/Tablets PW	44.16	-99790
101	415300	Administration & Finance	AT&T MOBILITY	Cell Phones/Tablets PW	158.32	-99790
101	431100	Street Department	AT&T MOBILITY	Cell Phones/Tablets PW	132.46	-99790
101	431100	Street Department	AT&T MOBILITY	New Phone PW	1,343.44	-99790
101	217450	Employee Flexplan	FURTHER ELECTRONIC PAYMENTS	Claim Reimbursement - Electron	1,305.65	-99788
601	494400	Water Administration and General	FURTHER ELECTRONIC PAYMENTS	Monthly Participant Fee 03/22	3.62	-99788
101	419100	Community Development	FURTHER ELECTRONIC PAYMENTS	Monthly Participant Fee 03/22	2.75	-99788
101	419901	City Hall & Police Building Maintenance	FURTHER ELECTRONIC PAYMENTS	Monthly Participant Fee 03/22	0.80	-99788
602	494900	Sewer Administration and General	FURTHER ELECTRONIC PAYMENTS	Monthly Participant Fee 03/22	5.43	-99788
101	217450	Employee Flexplan	FURTHER ELECTRONIC PAYMENTS	Claim Reimbursement - Electron	1,009.92	-99788
101	415300	Administration & Finance	FURTHER ELECTRONIC PAYMENTS	Monthly Participant Fee 03/22	15.00	-99788
101	421100	Police Administration	FURTHER ELECTRONIC PAYMENTS	Monthly Participant Fee 03/22	31.95	-99788
101	431100	Street Department	FURTHER ELECTRONIC PAYMENTS	Monthly Participant Fee 03/22	2.05	-99788
101	452200	Community Building	MN POWER	0606881181 Community Bldg	715.11	-99787
605	431160	Street Lighting	MN POWER	0247020000 Street Lights	399.77	-99787
601	494400	Water Administration and General	MN POWER	3623400000 Water	792.08	-99787
101	431901	City Garage	MN POWER	4995600000 5255 Maple Grove Rd	33.21	-99787
101	431901	City Garage	MN POWER	4971 Lightning Dr	320.35	-99787
605	431160	Street Lighting	MN POWER	3060281959 Street Lights (Roun	18.70	-99787
101	422902	Firehall #2 Morris Thomas Road	MN POWER	4995600000 FH #2 MorrisThomas	120.94	-99787
605	431160	Street Lighting	MN POWER	0234310000 Overhead St Lights	487.50	-99787
101	422903	Firehall #3 Midway Road	MN POWER	4995600000 FH #3 Midway/Rose	107.08	-99787
605	431160	Street Lighting	MN POWER	6175310000 Street Lights	735.12	-99787
101	422901	Firehall #1 Maple Grove Road	MN POWER	4995600000 City Hall/Police/Fi	1,687.67	-99787
101	419901	City Hall & Police Building Maintenance	MN POWER	4995600000 City Hall/Police/Fi	2,639.70	-99787
601	494400	Water Administration and General	MN POWER	4971 Lightning Dr	192.21	-99787
605	431160	Street Lighting	MN POWER	0041881181 Street Lights	467.31	-99787
602	494900	Sewer Administration and General	MN POWER	0973881171 Sewer	717.22	-99787
101	452100	Parks	MN POWER	7463700000 Little Leagues	18.85	-99787
605	431160	Street Lighting	MN POWER	1424100000 Street Lights	357.76	-99787
275	452200	Community Building	MN POWER	5498955531 4289 Ugstad Rd/EWC	10,951.89	-99787
602	494900	Sewer Administration and General	MN POWER	4971 Lightning Dr	128.12	-99787
275	452200	Community Building	MN POWER	3481871314 EWC Garage	493.55	-99787

3/28/2022

Page 2

Fun d	Account	Department	Vendor Name	Description	Amount	Check #
605	431160	Street Lighting	MN POWER	0733871171 Traffic Lights	747.99	-99787
101	452100	Parks	MN POWER	0606881181 Parks	189.68	-99787
101	421100	Police Administration	FIRST BANKCARD	Feb First Bankcard Ross	36.23	-99786
101	421100	Police Administration	FIRST BANKCARD	Feb First Bankcard Enright	7.98	-99786
101	421100	Police Administration	FIRST BANKCARD	Feb First Bankcard Johnson	108.34	-99786
101	421100	Police Administration	FIRST BANKCARD	Feb First Bankcard Dwyer	14.69	-99786
101	421100	Police Administration	FIRST BANKCARD	Feb First Bankcard Crace	19.99	-99786
101	421100	Police Administration	FIRST BANKCARD	Feb First Bankcard Esterbrooks	48.53	-99786
101	421100	Police Administration	FIRST BANKCARD	Feb First Bankcard Ross	31.38	-99786
101	421100	Police Administration	FIRST BANKCARD	Feb First Bankcard Salo	18.86	-99786
101	421100	Police Administration	FIRST BANKCARD	Feb First Bankcard Crace	157.32	-99786
101	421100	Police Administration	FIRST BANKCARD	Feb First Bankcard Enright	11.53	-99786
275	452200	Community Building	FIRST BANKCARD	Feb First Bankcard Orme	490.00	-99786
101	421100	Police Administration	FIRST BANKCARD	Feb First Bankcard Gunderson	17.65	-99786
230	465100	HEDA	FIRST BANKCARD	Feb First Bankcard Mulder	203.28	-99786
101	421100	Police Administration	FIRST BANKCARD	Feb First Bankcard Pfeiffer	13.37	-99786
101	415300	Administration & Finance	FIRST BANKCARD	Feb First Bankcard Mulder	35.00	-99786
101	421100	Police Administration	FIRST BANKCARD	Feb First Bankcard Sorensen	14.31	-99786
101	415300	Administration & Finance	FIRST BANKCARD	Feb First Bankcard Mulder	375.00	-99786
101	415300	Administration & Finance	FIRST BANKCARD	Feb First Bankcard Orme	345.00	-99786
101	421100	Police Administration	FIRST BANKCARD	Feb First Bankcard Esterbrooks	25.00	-99786
101	419901	City Hall & Police Building Maintenance	FIRST BANKCARD	Feb First Bankcard Heinbuch	252.05	-99786
601	494300	Water Distribution	FIRST BANKCARD	Feb First Bankcard Bjonskaas	129.95	-99786
101	421100	Police Administration	FIRST BANKCARD	Feb First Bankcard Leibel	49.88	-99786
101	421100	Police Administration	FIRST BANKCARD	Feb First Bankcard Leibel	14.47	-99786
601	494400	Water Administration and General	FIRST BANKCARD	Feb First Bankcard Orme	3.25	-99786
101	415300	Administration & Finance	FIRST BANKCARD	Feb First Bankcard Orme	9.74	-99786
602	494900	Sewer Administration and General	FIRST BANKCARD	Feb First Bankcard Orme	3.25	-99786
101	421100	Police Administration	FIRST BANKCARD	Feb First Bankcard Williams	11.76	-99786
101	421100	Police Administration	FIRST BANKCARD	Feb First Bankcard Stracek	290.06	-99786
101	421100	Police Administration	FIRST BANKCARD	Feb First Bankcard Knapp	23.12	-99786
602	494500	Sewer Maintenance	FIRST BANKCARD	Feb First Bankcard Senst	500.00	-99786
101	415300	Administration & Finance	FIRST BANKCARD	Feb First Bankcard Orme	283.82	-99786
101	415300	Administration & Finance	FIRST BANKCARD	Feb First Bankcard Orme	70.00	-99786
101	431100	Street Department	FIRST BANKCARD	Feb First Bankcard Senst	281.88	-99786
101	421100	Police Administration	FIRST BANKCARD	Feb First Bankcard Michke	16.31	-99786
101	415300	Administration & Finance	FIRST BANKCARD	Feb First Bankcard Orme	-159.69	-99786
101	419100	Community Development	FIRST BANKCARD	Feb First Bankcard Orme	154.64	-99786

3/28/2022

Page 3

Fun d	Account	Department	Vendor Name	Description	Amount	Check #
601	494300	Water Distribution	FIRST BANKCARD	Feb First Bankcard Senst	13.95	-99786
101	419901	City Hall & Police Building Maintenance	A G O'BRIEN PLUMBING & HEATING INC	Exhaust Stack Repair	195.00	68564
101	431100	Street Department	A W KUETTEL & SONS INC	Plasma Cutting Rack on F 550	706.00	68565
602	494500	Sewer Maintenance	BUSINESS RADIO LICENSING	SCADA Radio License Renewal	105.00	68566
101	422902	Firehall #2 Morris Thomas Road	CENTURYLINK	Internet FH#2 02/28-03/27/22	79.98	68567
101	431901	City Garage	CINTAS CORPORATION	Mats at PW	11.08	68568
101	431100	Street Department	CINTAS CORPORATION	Uniforms	10.80	68568
101	431901	City Garage	CINTAS CORPORATION	1st Aid Cabinets	167.60	68568
101	431100	Street Department	CINTAS CORPORATION	Uniforms	26.76	68568
101	431901	City Garage	CINTAS CORPORATION	Supplies	22.50	68568
101	419901	City Hall & Police Building Maintenance	CINTAS CORPORATION	Mats at FD/PD	30.72	68568
601	494300	Water Distribution	CITY OF DULUTH COMFORT SYSTEMS	Feb Water Charges	63,718.28	68569
601	494300	Water Distribution	CORE & MAIN LP	Battery for Water Radio Reader	292.85	68570
602	494900	Sewer Administration and General	CUSTOMER ELATION INC	2/15 - 3/14 Answering	19.26	68571
601	494400	Water Administration and General	CUSTOMER ELATION INC	2/15 - 3/14 Answering	28.89	68571
101	415300	Administration & Finance	DULUTH AREA CHAMBER OF COMMERCE	St. Louis Cty at Capital Spons	3,700.00	68572
101	415300	Administration & Finance	EHLERS & ASSOCIATES INC	2022 Financial Management Plan	1,755.00	68573
602	494900	Sewer Administration and General	EHLERS & ASSOCIATES INC	2022 Utility Rate Study	3,315.00	68573
601	494400	Water Administration and General	EHLERS & ASSOCIATES INC	2022 Utility Rate Study	3,315.00	68573
101	419901	City Hall & Police Building Maintenance	ESC SYSTEMS SOUND AND LIFE SAFETY	Service Call for iO Panel-PD	82.50	68574
101	422902	Firehall #2 Morris Thomas Road	ESC SYSTEMS SOUND AND LIFE SAFETY	TruPortal Update FH 2	125.00	68574
101	421100	Police Administration	GREAT LAKES MOBIL LUBE EXPRESS	Oil Change 2015 Tahoe	85.38	68575
101	421100	Police Administration	GREAT LAKES MOBIL LUBE EXPRESS	Oil Change Squad 15	56.91	68575
101	431100	Street Department	H & L MESABI	Plow Blade Saver	85.00	68576
101	421100	Police Administration	HERMANTOWN SERVICE CENTER INC	Batteries	403.00	68577
101	415300	Administration & Finance	INNOVATIVE OFFICE SOLUTIONS, LLC	Eraser	21.55	68578
101	415300	Administration & Finance	INNOVATIVE OFFICE SOLUTIONS, LLC	Markers/Protectors	46.02	68578
601	494300	Water Distribution	KWIK TRIP EXTENDED NETWORK	Gas Utility	360.19	68579
101	421100	Police Administration	KWIK TRIP EXTENDED NETWORK	Gas PD	3,301.13	68579
101	421100	Police Administration	KWIK TRIP EXTENDED NETWORK	Car Wash PD	254.00	68579
101	431100	Street Department	KWIK TRIP EXTENDED NETWORK	Gas Street	364.82	68579
602	494500	Sewer Maintenance	KWIK TRIP EXTENDED NETWORK	Gas Utility	240.12	68579
101	419901	City Hall & Police Building Maintenance	KWIK TRIP EXTENDED NETWORK	Gas Building	357.85	68579
101	431100	Street Department	LAKE CITY TOWING	Tow Plow Truck	450.00	68580
601	494300	Water Distribution	LEIBEL, GLEN M	Reimburse Boots/Socks	117.39	68581
602	494500	Sewer Maintenance	LEIBEL, GLEN M	Reimburse Boots/Socks	117.39	68581
101	431100	Street Department	LEIBEL, GLEN M	Reimburse Boots/Socks	117.40	68581
101	419901	City Hall & Police Building Maintenance	MENARD INC	Toilet Flppr/DrainTool/BallCam	21.42	68582

3/28/2022

Page 4

Fun d	Account	Department	Vendor Name	Description	Amount	Check #
101	419901	City Hall & Police Building Maintenance	MENARD INC	Orange Goop Cleaner	8.98	68582
101	452200	Community Building	MENARD INC	BallAssem/Flap/Pliers/Springs	54.88	68582
101	452200	Community Building	MIDWAY SEWER SERVICE	Clean Out 5255 Maple Grv Rd	500.00	68583
101	421100	Police Administration	MN CHIEFS OF POLICE ASSN	Conference - Gunderson	510.00	68584
101	421100	Police Administration	MN CHIEFS OF POLICE ASSN	Conference - Esterbrooks	510.00	68584
101	421100	Police Administration	MN CHIEFS OF POLICE ASSN	Conference - Crace/Pfeiffer	1,235.00	68584
601	220110	Water Test Fee Payable	MN DEPARTMENT OF HEALTH	Water Supply Serv Connect fee	5,756.67	68585
101	431100	Street Department	MN EQUIPMENT	Gear Box Big Snow Blower	1,353.43	68586
101	422901	Firehall #1 Maple Grove Road	MN TELECOMMUNICATIONS	Feb 2022 Internet	90.00	68587
101	419901	City Hall & Police Building Maintenance	MN TELECOMMUNICATIONS	Feb 2022 Internet	360.00	68587
101	431100	Street Department	NAPA AUTO PARTS	Axle Seal & Lug Nuts-Alum Trai	53.14	68588
101	431100	Street Department	NAPA AUTO PARTS	DEF Fluid	56.97	68588
101	431100	Street Department	NORTHERN STATES SUPPLY INC	Nuts/Bolts	7.62	68589
230	465100	HEDA	OVEROM LAW, PLLC	2021 Recreation Facility	4,043.50	68590
101	421100	Police Administration	OVEROM LAW, PLLC	Police Department FLSA Matters	386.50	68590
601	494400	Water Administration and General	OVEROM LAW, PLLC	Water Meter Contract	143.00	68590
101	421100	Police Administration	OVEROM LAW, PLLC	Gale Rachuy Vehicle Claim	126.00	68590
101	419100	Community Development	OVEROM LAW, PLLC	A-Lign Properties Development	70.00	68590
240	432510	Trunk Sewer Construction	OVEROM LAW, PLLC	2017 Sewer Trunkline - Sec 24	88.00	68590
101	416100	City Attorney	OVEROM LAW, PLLC	City Councilor Pay	30.00	68590
101	419100	Community Development	OVEROM LAW, PLLC	Radar Road - Getchell Road - K	397.00	68590
230	465100	HEDA	OVEROM LAW, PLLC	Hwy 53 Business Park Developme	556.50	68590
101	416100	City Attorney	OVEROM LAW, PLLC	Lavaque Road/Hwy 53 Access Iss	10.00	68590
101	419100	Community Development	OVEROM LAW, PLLC	Renaming of City Streets	89.50	68590
101	419100	Community Development	OVEROM LAW, PLLC	Lee Atchison Matters-2022	115.00	68590
101	419100	Community Development	OVEROM LAW, PLLC	Comprehensive Plan Amendments	22.00	68590
101	419100	Community Development	OVEROM LAW, PLLC	Keene Creek Plat Matters	28.00	68590
402	431150	Street Improvements	OVEROM LAW, PLLC	Ugstad Road Easement Acquisiti	295.00	68590
245	456201	Broadband	OVEROM LAW, PLLC	Broadband Expansion	266.00	68590
245	416100	City Attorney	OVEROM LAW, PLLC	COVID-19 Issues	176.00	68590
101	419100	Community Development	OVEROM LAW, PLLC	P&R Apartments Proj (Aery)	266.00	68590
101	419100	Community Development	OVEROM LAW, PLLC	Zierden Okerstrom Road Develop	22.00	68590
101	419100	Community Development	OVEROM LAW, PLLC	P&R Properties Engwalls Develo	224.00	68590
101	416100	City Attorney	OVEROM LAW, PLLC	Construction contract, Instruc	5.00	68590
101	416100	City Attorney	OVEROM LAW, PLLC	City Council Pay Increase	225.00	68590
601	494400	Water Administration and General	OVEROM LAW, PLLC	Verizon Water Tower Lease	99.00	68590
101	419100	Community Development	OVEROM LAW, PLLC	Airport Zoning Consultant	22.00	68590
101	421100	Police Administration	OVEROM LAW, PLLC	Body Camera Matters	676.00	68590

3/28/2022

Page 5

Fun d	Account	Department	Vendor Name	Description	Amount	Check #
101	419100	Community Development	OVEROM LAW, PLLC	Stebner Farms Projects	1,694.00	68590
101	421100	Police Administration	OVEROM LAW, PLLC	Police Dept Personnel Matters	33.00	68590
602	494900	Sewer Administration and General	OVEROM LAW, PLLC	Sewer Availability Charge	176.00	68590
101	416100	City Attorney	OVEROM LAW, PLLC	JAZB Board of Appeals and Adju	374.00	68590
101	419100	Community Development	OVEROM LAW, PLLC	Hoff/Sydow Development (Engwal	406.00	68590
230	465100	HEDA	OVEROM LAW, PLLC	HEDA Agenda Matters	490.00	68590
101	421100	Police Administration	OVEROM LAW, PLLC	Rental of Training Center	99.00	68590
275	452200	Community Building	OVEROM LAW, PLLC	EWC	246.00	68590
101	416100	City Attorney	OVEROM LAW, PLLC	Data Practices Procedures	209.00	68590
101	419100	Community Development	OVEROM LAW, PLLC	Oppidan Development	504.00	68590
101	419100	Community Development	OVEROM LAW, PLLC	Planning & Zoning Commission	198.00	68590
101	416100	City Attorney	OVEROM LAW, PLLC	Data Practices Requests	44.00	68590
101	416100	City Attorney	OVEROM LAW, PLLC	General Matters/Retainer	1,900.00	68590
402	431150	Street Improvements	OVEROM LAW, PLLC	Ugstad Road Culvert Project	242.00	68590
101	421100	Police Administration	PER MAR SECURITY SERVICES INC	CCTV 04-01-2022 - 06/30/2022	85.08	68591
230	465100	HEDA	PRO PRINT INC	SLC Days Flyer	112.04	68592
101	424100	Building Inspection	RICH, JAMES	On Line Seminar	50.00	68593
101	431100	Street Department	RICK'S TREE & STUMP REMOVAL	Tree Removal - Wellness Center	5,289.00	68594
101	421100	Police Administration	SHRED-N-GO INC	Shredding Contract	9.75	68595
101	421100	Police Administration	SHRED-N-GO INC	Shredding Contract	99.75	68595
101	431100	Street Department	ST LOUIS COUNTY AUDITOR	SAP069-030-051 Scrub Seal	1,192.11	68596
101	419901	City Hall & Police Building Maintenance	STACK BROS MECHANICAL, INC.	Rewire Trans Switch/Heat Pump	855.00	68597
101	421100	Police Administration	STREICHER'S	Non Lethal Ammo	1,136.14	68598
101	421100	Police Administration	STREICHER'S	Car unlock Tools	276.96	68598
101	421100	Police Administration	TROY'S BP AMOCO INC	Vehicle Repair - SQD 15	890.06	68599
101	421100	Police Administration	TROY'S BP AMOCO INC	Brakes/Oil Filter-SQD 21	527.77	68599
101	419901	City Hall & Police Building Maintenance	UHL COMPANY INC	CO2 Test - FH1 & PD	336.97	68600
603	441100	Storm Water	VALLI INFORMATION SYSTEMS, INC	Feb 2022 Bill Print	508.37	68601
602	494900	Sewer Administration and General	VALLI INFORMATION SYSTEMS, INC	Feb 2022 Bill Print	508.37	68601
601	494400	Water Administration and General	VALLI INFORMATION SYSTEMS, INC	Feb 2022 Bill Print	508.38	68601
101	431100	Street Department	YOUNGREN, ALEX W	Boot Reimbursement	100.00	68602
602	494500	Sewer Maintenance	YOUNGREN, ALEX W	Boot Reimbursement	50.00	68602
601	494300	Water Distribution	YOUNGREN, ALEX W	Boot Reimbursement	50.00	68602

Totals: 185 records printed

156,811.89

TO: Mayor & City Council

FROM: John Mulder, City Administrator



DATE: March 16, 2022

Meeting Date: 04/04/2022

SUBJECT: Outside Liquor Sales

Agenda Item: 11-A

Ordinance: 2022-03

REQUESTED ACTION

Update the ordinances related to outdoor service areas for liquor.

BACKGROUND

During the Governor' emergency orders for COVID, the requirements for outside liquor sales were relaxed to permit greater outside sales. Those relaxed standards were no longer in effect once the emergency orders were lifted in November 2021.

Under current City ordinances, establishments must have a permanency structure of at least 6-foot perimeter around any outside service areas. Staff reviewed that requirement when the emergency order was lifted, and felt that the practices under the COVID restrictions did not cause problems or concerns.

For safety reasons, staff does believe that some kind of barrier should be around the service area, there should be a single point of entry to the area, and license holders should clearly indicate the area on their license application.

A draft of this ordinance was sent out to all license holders with an invitation to meet to discuss and ask questions at a meeting on March 1st. Only one license holder attended the meeting, and they were in favor of the change.

SOURCE OF FUNDS (if applicable)

N/A

ATTACHMENTS

Ordinance

The City Council of the City of Hermantown does ordain:

AN ORDINANCE AMENDING CHAPTER 5, ALCOHOLIC BEVERAGES, OF THE HERMANTOWN CITY CODE BY MODIFYING THE RULES GOVERNING THE PERIMETER OF THE EXTERIOR LICENSED SPACE

Section 1. **Purpose and Intent.** The purpose and intent of this amendment is to modify the rules governing the defined perimeter of the exterior space of a licensed premise.

Section 2. **Amendment to Section 530.15.1** Section 530.15, General Rule, is hereby amended to read as follows and inserted into the Hermantown City Code to read:

“530.15.1 General Rule. No license granted under this section shall be effective beyond the compact and contiguous space named therein for which the license was granted. Licensed premises for any license granted shall include the entire parcel of land on which the establishment is located, provided, however, that no sales or service of alcoholic beverages shall take place outside of the interior portion of the establishment and any exterior portion of the establishment whose perimeter, with the exception of any the single entry way(s) to the exterior portion of the establishment, shall be bounded by a permanent structure at least six feet an identified barrier at least 30” high that is acceptable to the Chief of Police and the City Clerk, constructed in accordance with all applicable codes, ordinances and regulations, and the interior and exterior portions described above shall be permanently dedicated as an area(s) for the serving and sale of alcoholic beverages with the areas to be identified clearly mapped on the application for the license as the applicant's designated service area.”

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: March 29, 2022

Meeting Date:

04/04/2022

SUBJECT: Cul-de-sacs 2nd Reading

Agenda Item: 11-B

Ordinance: 2022-04

REQUESTED ACTION

Correct an ordinance (Section 1020) related to cul-de-sacs

BACKGROUND

Following the discussion at the last City Council meeting in preparation of the first reading of this ordinance to change a drafting error in this ordinance, it was determined that the word “of” should not be deleted but it should have been the word “or.” The proposed change simply corrects a drafting error.

The intent is simply to prevent dead ends as much as possible, but allow them when there will be future street extensions when the road being developed may need to go beyond the land under control by the developer. I have attached the larger excerpt to show the context of this change.

SOURCE OF FUNDS (if applicable)

N/A

ATTACHMENTS

Ordinance

Ordinance No. 2022-04

The City Council of the City of Hermantown does ordain:

**AN ORDINANCE AMENDING SECTION 1020, DESIGN STANDARDS,
OF THE HERMANTOWN ZONING CODE**

Section 1. Purpose and Intent. The purpose and intent of this Ordinance to correct the language used in Section 1020.03.10 to provide the public with a clear and concise meaning of the terms and provisions of this Section.

Section 2. Amendment to Section 1020.03.10. Section 1020.03.10 of the Hermantown Zoning Code is hereby amended to read as shown:

“1020.03.10. Dead end streets are prohibited, except as stubs to permit future street extension ~~of or~~ when designed as cul-de-sacs.”

Deleted language is struck out and added language is underlined.

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

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

Dated the _____ day of _____, 2022.

Deleted language is struck out and added language is underlined.

Mayor

ATTEST:

City Clerk

Adopted: _____

Published: _____

Effective Date: _____

Excerpts from Chapter 1020 regarding streets

1020.03.7. Where adjoining areas are not platted, but in the future may be platted, the arrangement of streets in a new plat should make provision for the proper projection of streets into adjoining areas by carrying the new streets to the boundaries of the new plat at appropriate locations. A temporary turn around facility may be required at the closed end, in conformance with standards will be established by the City Engineer.

1020.03.8. Where a plat is to be built in phases, the street shall be extended at least 100 feet past the furthest lot in each phase where a platted road is to connect through to the next phase. A temporary turn around facility may be required at the closed end, in conformance with standards will be established by the City Engineer.

1020.03.9. When a tract is subdivided into larger than normal building lots or parcels which have the potential for further plat, such lots or parcels should be so arranged as to permit the logical location and openings of future streets and appropriate resubdivision, with provision for adequate utility connections for such resubdivision.

1020.03.10. Dead end streets are prohibited, except as stubs to permit future street extension of when designed as cul-de-sacs.

1020.04 Cul-de-Sacs.

1020.04.1. Permanent cul-de-sacs shall not exceed a length of 500 feet.

1020.04.2. Each cul-de-sac must have a closed end terminus of nearly circular shape with a right-of-way diameter of at least 130 feet.

1020.04.3. When a lot completely abuts a cul-de-sac, the required frontage may be measured at the building setback line provided that the frontage at the street line is at least 75% of the required frontage.

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



DATE: March 16, 2022

Meeting Date: 04/04/2022

SUBJECT: 2021 Transfer between
Funds

Agenda Item: 12-A

Resolution: 2022-37

REQUESTED ACTION

Approve transfers between funds as of December 31, 2021.

BACKGROUND

There were water improvements, storm water work, and sewer work to Lavaque Junction as part of the 2021 road improvements. Resolution 2022-17 was done based on preliminary figures and transferred money from sales tax, sewer, and stormwater funds to the debt service fund to pay for some of the work. We now have final figures for that work done on Lavaque. If approved, this will transfer the remaining money to the debt service fund for the improvements.

Transfers between funds –

- Transfer \$39,883.47 from Fund 240 (Sales Tax Fund) to Fund 328 (2021A GO Bond.) This pays for the rest of the water improvements done in the 2021 road plan for improvements to Lavaque Junction Road
- Transfer \$9,243.72 from Fund 603 (Stormwater Fund) to Fund 328 (2021A GO Bond.) This pays for the rest of the Storm water work done in the 2021 road plan for improvements to Lavaque Junction Road
- Transfer \$1,602.14 from Fund 602 (Sewer Fund) to Fund 328 (2021A GO Bond.) This pays for the rest of the sewer work done in the 2021 road plan for improvements to Lavaque Junction Road

SOURCE OF FUNDS (if applicable)

N/A

ATTACHMENTS

N/A

Resolution No. 2022-37

**RESOLUTION AUTHORIZING THE DIRECTOR OF FINANCE &
ADMINISTRATION
TO MAKE 2021 TRANSFERS BETWEEN FUNDS**

WHEREAS, the City had water improvements, storm water work, and sewer work to Lavaque Junction as part of the 2021 road improvements; and

WHEREAS, Resolution 2022-17 was approved based on preliminary figures and transferred money from sales tax, sewer and stormwater funds to the debt service fund to pay for some of the work; and

WHEREAS, the City now has final figures for the above-mentioned work completed on Lavaque Junction and would like to transfer the remaining money to the debt service fund for these improvements.

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 make 2021 transfers between funds as follows:

Transfers between funds –

- Transfer \$39,883.47 from Fund 240 (Sales Tax Fund) to Fund 328 (2021A GO Bond.) This pays for the rest of the water improvements done in the 2021 road plan for improvements to Lavaque Junction Road
- Transfer \$9,243.72 from Fund 603 (Stormwater Fund) to Fund 328 (2021A GO Bond.) This pays for the rest of the Storm water work done in the 2021 road plan for improvements to Lavaque Junction Road
- Transfer \$1,602.14 from Fund 602 (Sewer Fund) to Fund 328 (2021A GO Bond.) This pays for the rest of the sewer work 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 April 4, 2022.

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



DATE: February 23, 2022 **Meeting Date:** 04/04/2022

SUBJECT: ARPA Reporting Resolution **Agenda Item:** 12-B **Resolution:** 2022-XX

REQUESTED ACTION

Approve using the standard allowance under the Revenue Loss Provision of ARPA

BACKGROUND

In July of 2021, the City received slightly more than \$500,000 in federal ARPA funds. The City expects to receive approximately the same amount in the summer of 2022 as a 2nd allocation. The U.S. Treasury has recently come out with final regulations on how that money can be spent. These dollars need to be spent by 12/31/24. One way in which the dollars can be allocated is to use the Standard Allowance under the Revenue Loss Provision of ARPA. Using this method in effect opens up the uses more widely for how the dollars are spent and makes the reporting back to the federal government much easier. The League of Minnesota Cities advises passing this resolution if Cities decide to use this method.

The City is continuing to develop plans and assess how these funds will be used. This could certainly change due to many factors in the future. Currently, this is how the City is considering allocating these funds.

- Broadband - \$200,000
- Fire Department - \$100,000
- Administration & Facilities (Admin time, Infiltration system, remote work, etc.) - \$100,000
- Police – (Body Cams, Squad Cameras, tasers) - \$200,000
- Comprehensive Plan - \$150,000
- Keene Creek Park – \$150,000
- Miscellaneous (Business grants, HEDA projects, Potential future COVID needs) - \$100,000+

SOURCE OF FUNDS (if applicable)

N/A

ATTACHMENTS

N/A

Resolution No. 2022-38

A RESOLUTION TO ELECT THE STANDARD ALLOWANCE AVAILABLE UNDER THE REVENUE LOSS PROVISION OF THE CORONAVIRUS LOCAL FISCAL RECOVERY FUND ESTABLISHED UNDER THE AMERICAN RESCUE PLAN ACT

WHEREAS, Congress adopted the American Rescue Plan Act in March 2021 (“ARPA”) which included \$65 billion in recovery funds for cities across the country; and

WHEREAS, ARPA funds are intended to provide support to state, local, and tribal governments in responding to the impact of COVID-19 and in their efforts to contain COVID-19 in their communities, residents, and businesses; and

WHEREAS, The Fiscal Recovery Funds provides for \$19.53 billion in payments to be made to States and territories which will distribute the funds to non-entitlement units of local government (NEUs); and

WHEREAS, The ARPA requires that States and territories allocate funding to NEUs in an amount that bears the same proportion as the population of the NEU bears to the total population of all NEUs in the State or territory; and

WHEREAS, approximately \$1,000,000 has been allocated to the City of Hermantown (“City”) pursuant to the ARPA; and

WHEREAS, The Coronavirus State and Local Fiscal Recovery Funds ensures that governments have the resources needed to fight the pandemic and support families and businesses struggling with its public health and economic impacts, maintain vital public services, even amid declines in revenue, and build a strong, resilient, and equitable recovery by making investments that support long-term growth and opportunity; and

WHEREAS, In May 2021, the US Department of Treasury (“Treasury”) published the Interim Final Rule describing eligible and ineligible uses of funds as well as other program provisions, sought feedback from the public on these program rules, and began to distribute funds; and

WHEREAS, on January 6, 2022, Treasury issued the final rule. The final rule delivers broader flexibility and greater simplicity in the program, responsive to feedback in the comment process; and

WHEREAS, the final rule offers a standard allowance for revenue loss of up to \$10 million, allowing recipients to select between a standard amount of revenue loss or complete a full revenue loss calculation; and

WHEREAS, recipients that select the standard allowance may use that amount, in many cases their full award, for government services, with streamlined reporting requirements.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Hermantown that the City elects the Standard Allowance available under the Revenue Loss Provision of the American Rescue Plan Act in the approximate amount of \$1,000,000 to be used for the general provision of government services.

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 April 4, 2022.

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



DATE: March 29, 2022 **Meeting Date:** 04/04/2022
SUBJECT: Special Use Permit for an **Agenda Item:** 12-C **Resolution:** 2022-39
accessory structure at 3741
Getchell Road

REQUESTED ACTION

Approval of the proposed Special Use Permit for the construction of a 1,700 (34' x 50') square foot accessory building for City Council consideration subject to the attached conditions.

DESCRIPTION OF REQUEST

Requested is a Special Use Permit to allow construction of an accessory structure over 1,200 square feet in size per Section 515.03.1 of the Zoning Ordinance. The applicant is requesting approval for construction of a 1,700 square foot accessory structure.

SITE DATA

Address: 3741 Getchell Road
Comprehensive Plan: Residential
Zoning: R-3, Residential
Lot Size: +/-3.33 acres
Wetlands: NW portion of the property per NWI
Shoreland Overlay: No
Airport Zoning: N/A

BACKGROUND:

Accessory structures over 1,200 square feet in size are permitted only with a Special Use Permit in the R-3, Residential Zoning District. The applicant is requesting approval to construct a 1,700 square foot accessory building. The accessory building would be 34 feet by 50 feet in size, with 14-foot sidewalls. The overall height of the proposed building is approximately 20'-5" feet. The construction type would be slab-on-grade, with vinyl siding and asphalt shingles to match the existing home. The building will be used to house the applicant's vehicles and personal belongings. No business activity is proposed as part of this use.

The proposed property is located along Getchell Road with the lot dimensions being approximately 220' x 630' for a total of +/-3.33 acres. The proposed accessory structure is approximately 120 feet from the nearest neighboring structure and approximately 286 feet from Getchell Road.

A public hearing for this application was held on Tuesday, March 15, 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.

Section 515.06.5 of the Zoning Ordinance lists the dimensional requirements for accessory structures in excess of 1,200 square feet. They are:

Table 1. Dimensional requirements for accessory structures in excess of 1,200 square feet	R-3 Requirement	Provided
Minimum depth of front yard from R.O.W.	Equal to or greater than the building line of the primary structure	286 feet
Minimum side yard setback	Equal to the height of the accessory structure	30 feet
Minimum rear yard setback	Equal to the height of the accessory structure	300 feet
Minimum setback from primary structure	10 feet	100 feet
Maximum building height	35 feet	20'-5" feet
Maximum sidewall height	14 feet	14 feet

The accessory structure as proposed either meets or exceeds these requirements.

There are several requirements that must be satisfied in order to qualify for a Special Use Permit, from Section 725 "Governing Criteria" of the Zoning Ordinance.

1. *Is the development compatible with development permitted under the general provisions of the Zoning Ordinance for lands in its vicinity?*

There are no significant accessory structures in the vicinity of the property. However, the Zoning Ordinance allows for 35% lot coverage for structures on a property. With the addition of a 1,700 square foot structure, the property would be at approximately 2.8%.

2. *Is the proposed use injurious to the use and enjoyment of the environment, or detrimental to the rightful use and enjoyment of other property in its vicinity?*

The proposed accessory structure will not impact adjacent properties or the community in general. The accessory structure will allow the owner to improve their property by providing storage for vehicles and personal property.

3. *Is the use consistent with the Comprehensive Plan and the spirit and intent of the Zoning Ordinance?*

The proposed accessory structure is consistent with Comprehensive Plan recommendations for residential areas of the City. The Zoning Ordinance allows for up to 35% lot coverage for structures with the proposed property being at 2.8% coverage after the construction of the proposed accessory structure. The proposed use meets the performance standards set in Section 515.06.5 regulating accessory structures in excess of 1,200 square feet.

4. *Will the use result in a random pattern of development, or cause negative fiscal and environmental effects upon the community?*

The Zoning Ordinance allows for 35% lot coverage for structures on a property. With the addition of a 1,700 square foot structure, the property would be at approximately 2.8%.

The City has issued a number of Special Use Permits in the past for accessory structures greater than 1,200 square feet. In addition, the applicant has an acreage property with the proposed structure being approximately 120 feet away from the nearest neighboring structure.

5. *Are there other criteria of the Zoning Ordinance that should be considered?*

No.

Wetlands

The National Wetland inventory shows a small wetland area in the NW corner of the property. This potential wetland is not in the vicinity of the proposed accessory structure.

Summary

The applicant meets the requirements for a Special Use Permit. Staff recommends a motion to recommend approval of the application to the City Council, subject to included conditions.

Recommendation

Staff recommends approval of the Special Use Permit, subject to the following conditions:

1. The approval is for a 1,700 square foot accessory structure on the property at 3741 Getchell Road.
2. The proposed accessory structure shall meet all setback requirements for Accessory Structures in the R-3 Zoning District.
3. The proposed accessory structure location is depicted on the approved site plan. If approved by the Community Development Director, the accessory structure may be placed in other locations on the site, however the 1,700 square foot accessory building will need to meet the minimum setback requirements per Section 515.06.5 of the Zoning Ordinance.
4. 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.
5. Accessory structures shall not be utilized for any use or activity not otherwise allowed in the zone district in which such accessory building is to be located.
6. No business activity is allowed in association with the accessory structure approval.
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
- Structure Location Map/Garage Plan
- Proposed Structure Image

Resolution No. 2022-39

**RESOLUTION APPROVING SPECIAL USE PERMIT
FOR CONSTRUCTION OF AN ACCESSORY STRUCTURE IN EXCESS OF 1,200 SQUARE
FEET IN THE R-3 ZONING DISTRICT AT 3741 GETCHELL ROAD
AND IMPOSING CONDITIONS THEREON**

WHEREAS, Adam and Kayla Lilyquist, a married couple (“Applicant”) made application for a Special Use Permit to construct a 1,700 square foot accessory structure (“Project”) in the City of Hermantown, County of St. Louis, State of Minnesota, on the property located at 3741 Getchell Road and legally described in Attachment A.

WHEREAS, the Planning and Zoning Commission of the City of Hermantown held a public hearing on such application; and

WHEREAS, the Planning and Zoning Commission considered the application at its meeting on March 15, 2022 and recommended that the City Council approve the application subject to certain conditions; and

WHEREAS, the City Council of the City of Hermantown has carefully reviewed the application for a Special Use Permit, the transcript of the public hearing held by the Planning and Zoning Commission, and the recommendations of the Planning and Zoning Commission.

NOW, THEREFORE, on the basis of the foregoing, the City Council of the City of Hermantown, in connection with the application by Developer for a Special Use Permit for the Project does hereby make the following:

FINDINGS OF FACT

1. Applicant made application for the project which is to be located within the City of Hermantown.
2. Applicant has advised the City that all work will be within property owned by Applicant.
3. Applicant is the user or potential user of such property.
4. The fee required to be submitted with the Special Use Permit application has been paid.
5. The Planning and Zoning Commission held a public hearing on the application following notice as required by ordinances of the City of Hermantown.
6. The Planning and Zoning Commission of the City of Hermantown submitted its report and recommendation on such application to the City Council within the time period set forth in the ordinances of the City of Hermantown.
7. The City Council considered such application after receiving the report and recommendation of the Planning and Zoning Commission.

8. The activity proposed in such application is compatible with development permitted under the general provisions of the Hermantown Zoning Ordinance and is compatible with land uses on substantially all land in the vicinity of the proposed development.
9. The activity proposed 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.
10. The proposed activity is consistent with the overall Hermantown Comprehensive Plan and with the spirit and intent of the provisions of the Hermantown Zoning Ordinance.
11. 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.
12. In order to insure that the spirit and intent of the Hermantown Zoning Ordinance are met, conditions must be imposed on the permit requested by Applicant.

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

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

claim or right of action of the City of Hermantown against Applicant, its agents, employees or contractors for violation of or failure to comply with the permit or applicable provisions of law.

- g. This permit may be terminated by the City of Hermantown at any time it deems necessary for the conservation of water resources, or in the interest of public health and welfare, or for violation of any of the provisions of this permit.
 - h. Accessory structure shall not be utilized for any business use or activity not otherwise allowed in the zone district in which such accessory building is to be located.
 - i. 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.
 - j. All state licenses and other permits required for the Project have been obtained by the Applicant and copies are provided to the City of Hermantown before the release of a permanent Certificate of Occupancy.
 - k. 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.
 - l. The applicant shall sign a consent form assenting to all conditions of this approval.
 - m. The applicant shall pay an administrative fine of \$750 per violation of any condition of this approval.
3. The Mayor and City Clerk are hereby authorized and directed to execute and deliver to Applicant a Special Use Permit consistent with this resolution upon written acceptance by Applicant of the conditions hereby imposed on such permit.

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 April 4, 2022.

ATTACHMENT A

Lot 8 Kopp Homesites

AND

Lot 9 Kopp Homesteads

Parcel 395-0079-00080

(TOP THREE INCHES RESERVED FOR RECORDING DATA)

SPECIAL USE PERMIT

Permission is hereby granted to Adam and Kayla Lilyquist, a married couple (“Applicant”), owners of the property located at 3741 Getchell Road (395-0079-00080), submitted an application for construction of an accessory structure at 3741 Getchell Road (395-0079-00080) 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 stopping 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 an accessory structure located at 3741 Getchell Road (395-0079-00080).
- k. Prior to issuance of a building permit, the applicant will submit a site plan showing the lot dimensions and location of the accessory structure relative to the side lot lines.
- l. 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.
- m. Accessory structures shall not be utilized for any use or activity not otherwise allowed in the zone district in which such accessory building is to be located.
- n. No business activity is allowed in association with the accessory structure approval.
- o. Prior to issuance of a building permit, all necessary permits shall be obtained.
- p. The applicant shall sign a consent form assenting to all conditions of this approval.
- q. The applicant shall pay an administrative fine of \$750 per violation of any condition of this approval.

IN WITNESS WHEREOF, the Mayor and City Clerk have hereunto set their hands on behalf of the City of Hermantown on the ____ day of _____, 2022.

CITY OF HERMANTOWN

By _____
Its Mayor

By _____
Its Clerk

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

The foregoing instrument was acknowledged before me this ____ day of _____, 2022, by _____, and _____, the Mayor and City Clerk respectively of the City of Hermantown on behalf of the City.

Notary Public

ATTACHMENT A

Lot 8 Kopp Homesites

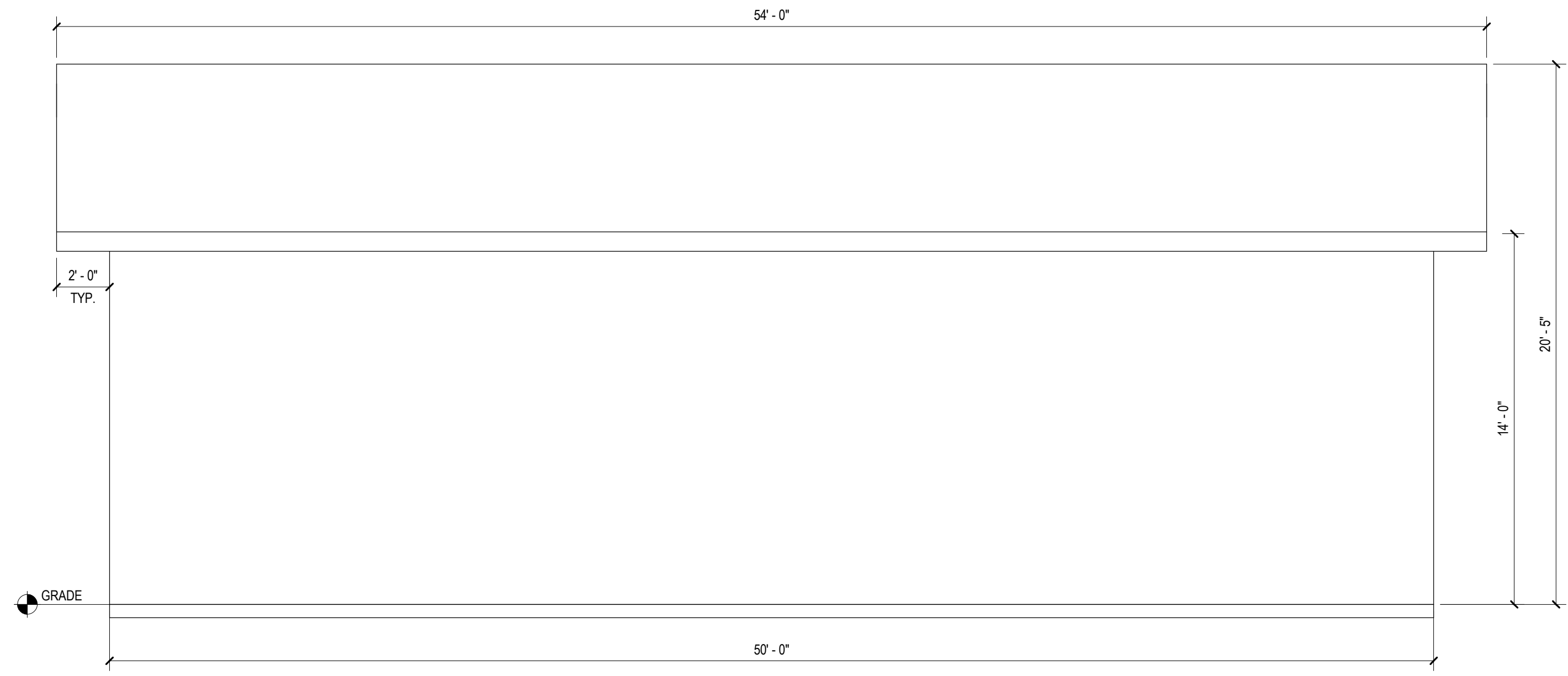
AND

Lot 9 Kopp Homesteads

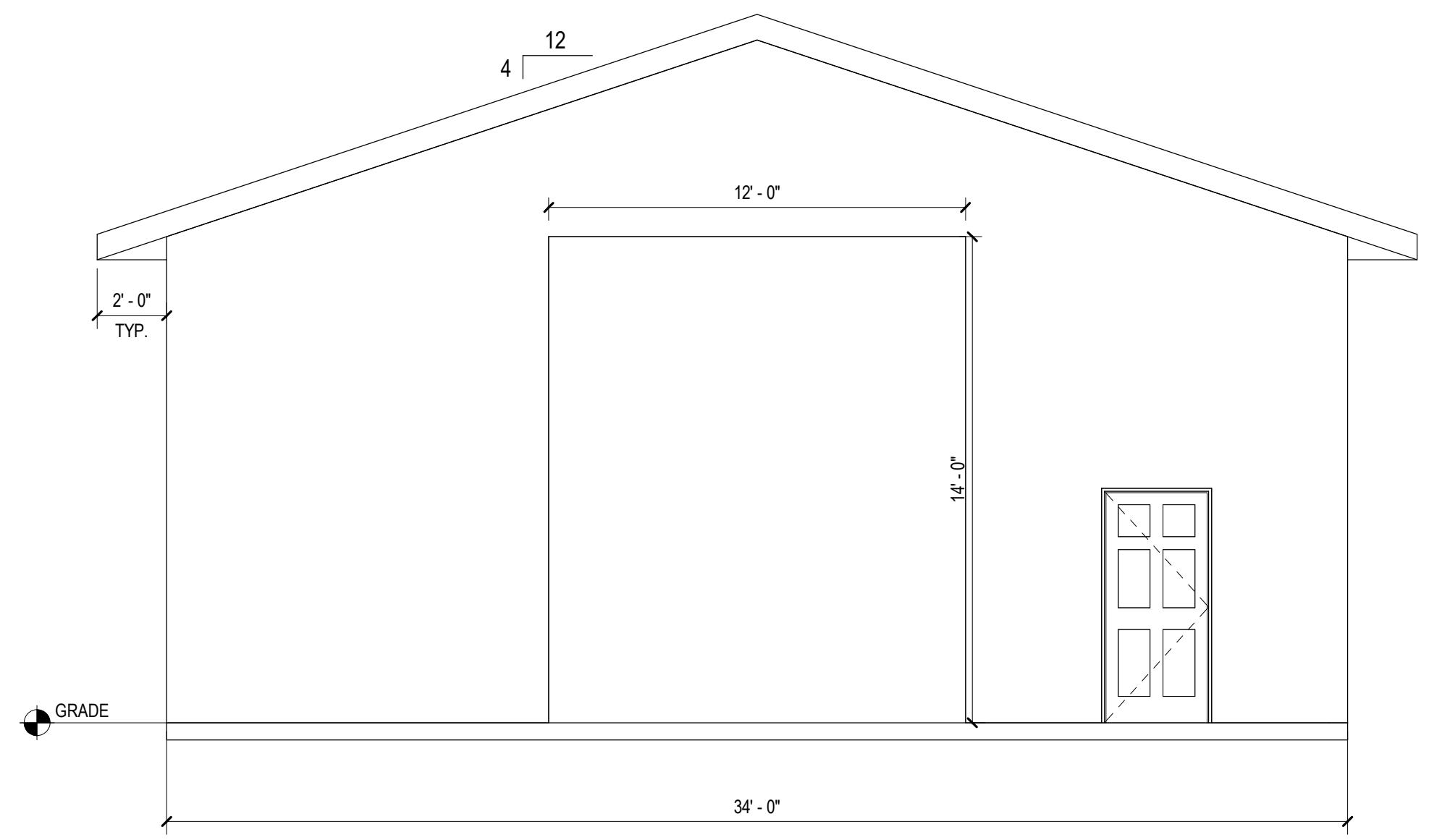
Parcel 395-0079-00080

Location Map

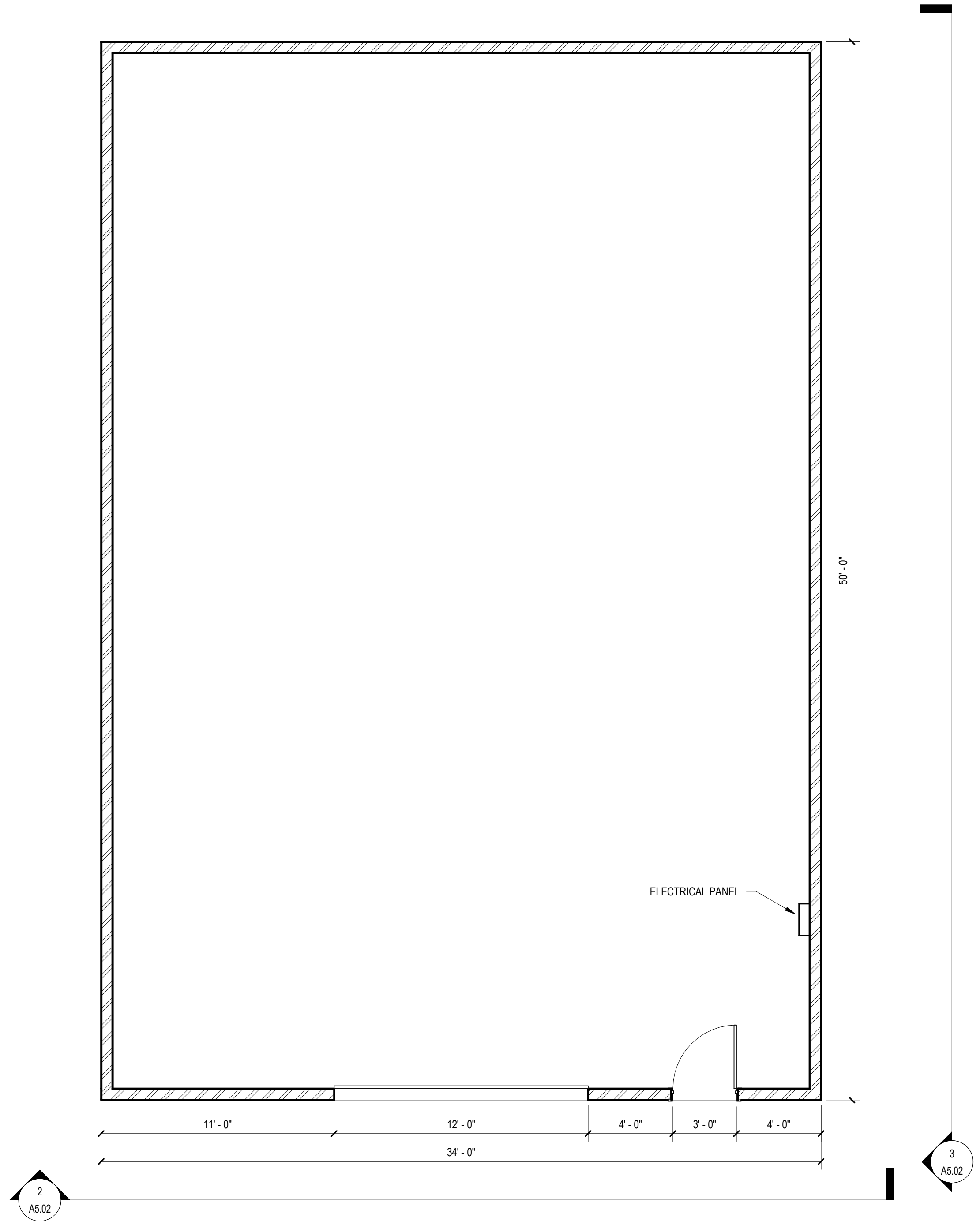




3 NORTH ELEVATION
1/4" = 1'-0"



2 EAST ELEVATION
1/4" = 1'-0"



1 FLOOR PLAN
1/4" = 1'-0"

THIS SQUARE APPEARS 1/2"x1/2"
ON FULL SIZE SHEETS

NO	DATE	REVIEW	ISSUED FOR
2/18/2022			

PROJECT NAME:
ACCESSORY BUILDING

3741 GETCHELL ROAD
HERMANTOWN, MN 55811

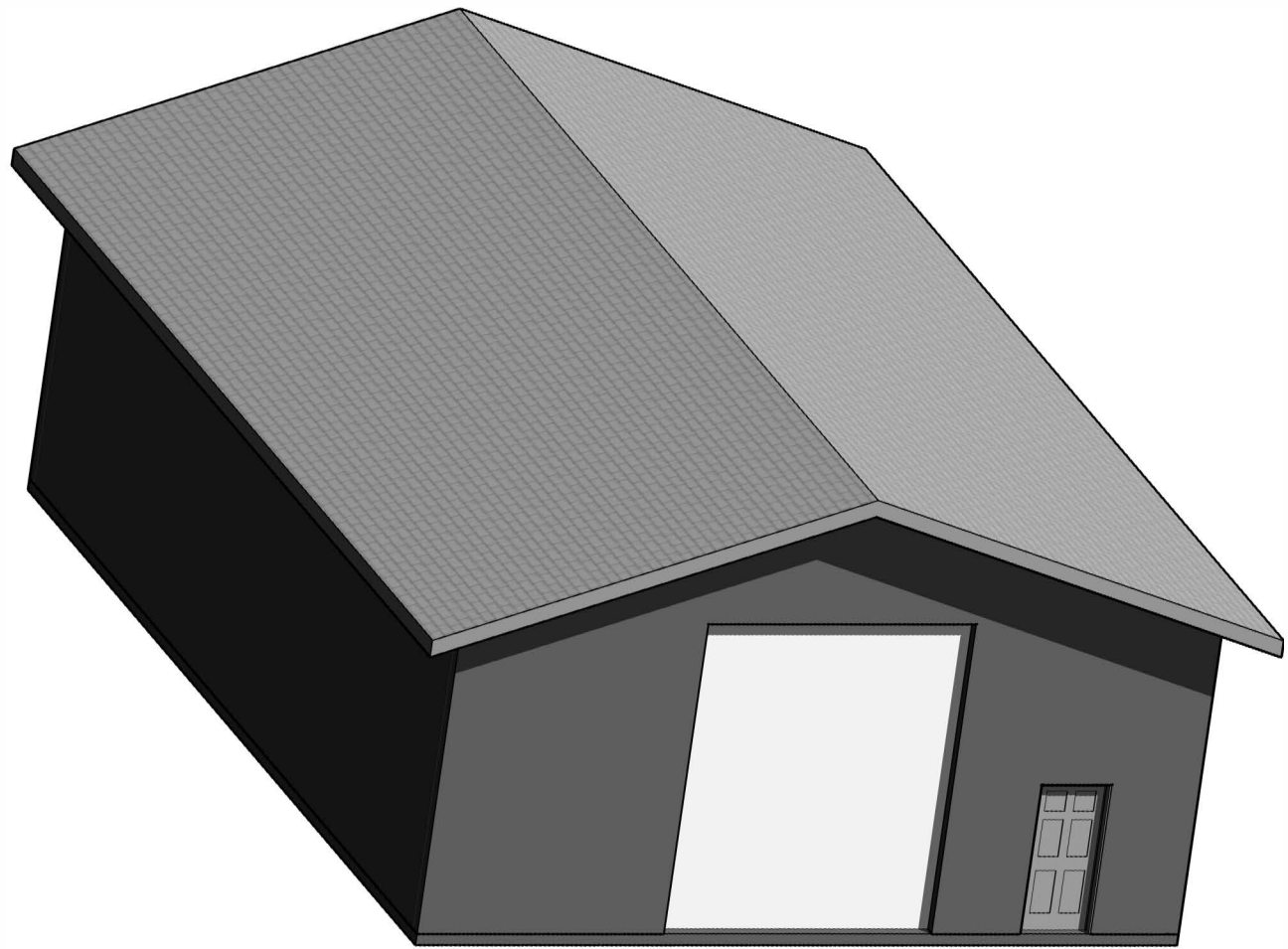
DRAWING TITLE:
FLOOR PLAN AND ELEVATIONS

FILE: 3741 Getchell Road.rvt
DRAWN BY: AWL



DRAWING NO:

A5.02



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



DATE: March 29, 2022 **Meeting Date:** 04/04/2022
SUBJECT: Extend a Planned Unit **Agenda Item:** 12-D **Resolution** 2022-40
Development Approval

REQUESTED ACTION

Approve a one-year extension to the Final Planned Unit Development (PUD) for a twenty-six unit/lot residential project associated with the Engwall's site redevelopment.

DESCRIPTION OF REQUEST

Applicant is requesting a one-year extension to the Final Planned Unit Development (PUD) for a twenty-six unit/lot residential project associated with the Engwall's site redevelopment.

The Hermantown Zoning code allows for the extension of the Final PUD approval by the City Council for such time as it shall be determined and for good cause shown, without further hearing. The applicant has requested a one-year extension as they continue project related discussions with the City.

ATTACHMENTS:

Sandy Hoff Extension Request Letter

Resolution No. 2022-40

RESOLUTION APPROVING AN EXTENSION OF THE FINAL PLANNED UNIT DEVELOPMENT PLAN FOR ENGWALLS REDEVELOPMENT

WHEREAS, Sandy Hoff (Applicant) submitted a final Planned Unit Development Plan (PUD) with respect to certain property located in the City of Hermantown; and

WHEREAS, the Hermantown Planning and Zoning Commission held a public hearing on the final PUD on October 20, 2020 following notice as required by the City's Zoning Code; and

WHEREAS, the Hermantown City Council held a public hearing on the final PUD at its meeting on November 2, 2020 and approved the PUD by Resolution No. 2020-148; and

WHEREAS, the Applicant has asked the City Council to extend the final PUD for 365 days in order to continue project related discussions with the City; and

WHEREAS, the Hermantown Zoning Code allows for the City Council to extend the PUD upon receiving written request by the Applicant; and

WHEREAS, the City of Hermantown City Council believes it is in the best interests of the City to continue these discussions with the Applicant; and

WHEREAS, the Hermantown City Council has duly considered the request to extend the final PUD and believes it to be in the best interests of the City of Hermantown to grant such request.

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

1. The final PUD is hereby extended to April 4, 2023.
2. The City Clerk is hereby directed to notify the Applicant, the planning and Zoning Administrator and the Planning and Zoning Commission of the extension of the final PUD.

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 April 4, 2022.

CH-Eric Johnson

From: Sanford Hoff <shoff@fialter.com>
Sent: Wednesday, March 30, 2022 8:14 AM
To: CH-Eric Johnson
Cc: lsydow@yahoo.com
Subject: RE: Engwalls Final PUD Extension

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

Eric – Good morning. We are making progress with the proposed Engwall redevelopment project and continue to target starting construction this summer or fall. Therefore, I am writing to request an extension of the final PUD approval to April 4, 2023.

Thank you very much.

Respectfully
Sandy Hoff
Engwall Development

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



DATE: March 29, 2022 **Meeting Date:** 04/04/2022
SUBJECT: Extend a Planned Unit
Development Approval **Agenda Item:** 12-E **Resolution:** 2022-41

REQUESTED ACTION

Approve a one-year extension to the Planned Unit Development (PUD) for a 105-unit senior living project known as the Pillars of Hermantown.

DESCRIPTION OF REQUEST

Applicant is requesting a one-year extension to the Planned Unit Development (PUD) for a 105-unit senior living project known as the Pillars of Hermantown.

The Hermantown Zoning code allows for the extension of the Final PUD approval by the City Council for such time as it shall be determined and for good cause shown, without further hearing. The applicant has requested a one-year extension as they continue project related discussions with the City.

ATTACHMENTS:

Oppidan Extension Request Letter

Resolution No. 2022-41

RESOLUTION APPROVING AN EXTENSION OF THE FINAL PLANNED UNIT DEVELOPMENT PLAN FOR THE PILLARS OF HERMANTOWN

WHEREAS, KTJ 360 LLC (Applicant) submitted a final Planned Unit Development Plan (PUD) with respect to certain property located in the City of Hermantown; and

WHEREAS, the Hermantown Planning and Zoning Commission held a public hearing on the final PUD on March 17, 2020 following notice as required by the City's Zoning Code; and

WHEREAS, the Hermantown City Council held a public hearing on the final PUD at its meeting on April 6, 2020 and approved the PUD by Resolution No. 2020-47; and

WHEREAS, the Applicant has asked the City Council to extend the PUD for 365 days; and

WHEREAS, the Hermantown Zoning Code allows for the City Council to extend the PUD upon receiving written request by the Applicant; and

WHEREAS, the Hermantown City Council granted a one year extension to April 6, 2022 by Resolution 2021-23; and

WHEREAS, the applicant is requesting an additional one-year extension to April 6, 2023; and

WHEREAS, the Hermantown City Council has duly considered the request to extend the final PUD and believes it to be in the best interests of the City of Hermantown to grant such request.

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

1. The final PUD is hereby extended to April 6, 2023.
2. The City Clerk is hereby directed to notify the Applicant, the Planning and Zoning Administrator and the Planning and Zoning Commission of the extension of the PUD.

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 April 4, 2022.



March 25, 2022

Mr. Eric Johnson
City of Hermantown
5105 Maple Grove Road
Hermantown, MN 55811

RE: The Pillars of Hermantown Senior Living Development

Dear Eric,

As we continue to work with the City of Hermantown on our tax abatement application and analysis, we are respectfully requesting to extend our entitlements for this project for another year. This would extend our entitlement to April 6, 2023.

We look forward to continuing to work with the City of Hermantown. It has been a very positive experience to date.

Thank you,

Shannon Rusk

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



DATE: March 29, 2022

Meeting Date: 04/04/2022

SUBJECT: Utility Extension Agreement with
Titan Premier, LLC

Agenda Item: 12-F

Resolution: 2022-42

REQUESTED ACTION

Approval of the utility extension agreement with Titan Premier, LLC in order to install water and sanitary sewer mains along Getchell Road

RECOMMENDED ACTION:

Staff recommends approval of the utility extension agreement with Titan Premier, LLC in order to install water and sanitary sewer mains along Getchell Road in association with the Radar Run plat.

DESCRIPTION OF REQUEST:

Titan Premier, LLC (applicant) was approved by the City Council in February 7, 2022 to plat 6 lots on an existing 5.0-acre lot with the lots being a minimum of 0.5 acres in size. The lots will take access from the Getchell Road frontage.

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 has provided engineered plans for utility extensions/connections for the proposed work. Detailed plans for the utility extensions/connections have been **preliminarily** reviewed by the City Engineer and Public Works Director for the purpose of issuing a WLSSD and MPCA permit. The utility work will be designed and built to City standards/specifications and turned over to the City upon recommendation of acceptance by the City Engineer.

The applicant will be required to either present a Letter of Credit for 125% of the construction value of these utilities or install these utilities prior to the City signing and releasing the Radar Run plat document.

RECOMMENDATION:

Staff recommends approval of the utility extension agreement subject to the following conditions:

1. The applicant shall sign a consent form assenting to all conditions of this approval.
2. The applicant shall pay an administrative fine of \$750 per violation of any condition of this approval.
3. The applicant shall pay all legal and engineering fees in connection with the documents related to this agreement.
4. The applicant shall extend the water and sewer mains along the length of the property along Getchell Road to the property's northern property line.
5. The applicant will be required to either present a Letter of Credit for 125% of the construction value of these utilities or install these utilities prior to the City signing and releasing the Radar Run plat document.

SOURCE OF FUNDS (if applicable)

N/A

ATTACHMENTS

- Location Map
- Site Plan
- Utility Plan

Resolution No. 2022-42

**RESOLUTION AUTHORIZING AND DIRECTING THE MAYOR AND
CITY CLERK TO EXECUTE AND DELIVER UTILITY SERVICE AGREEMENT WITH
TITAN PREMIER, LLC**

WHEREAS, Titan Premier, LLC (“Owner”) desires to extend sanitary sewer from the City of Hermantown, a municipal corporation (hereinafter called “City”); and

WHEREAS, Owner is the owner of real estate (“Owners Property”) situated in St. Louis County, Minnesota legally described on **Exhibit A** attached hereto; and

WHEREAS, Owner desires to extend sanitary sewer service from City for Owner’s Property from the City sanitary sewermain (“Sewermain”) on Getchell Road; and

WHEREAS, Owner desires to extend water service from City for Owner’s Property from the City watermain (“Watermain”) on Getchell Road; and

WHEREAS, the location of the Sanitary Sewermain and Watermain and the proposed service lines to provide service to the Owner’s Property is shown on **Exhibit B** attached hereto; and

WHEREAS, City has agreed to allow Owner to extend sanitary sewer service and water service to Owner’s Property under the terms and conditions specified in the Utility Service Agreement **Exhibit C**.

NOW THEREFORE, BE IT RESOLVED, By the City Council of the City of Hermantown, Minnesota, that the Mayor and City Clerk are hereby authorized and directed to execute and deliver the Utility Agreement substantially in the form of the one attached hereto as **Exhibit C**.

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:

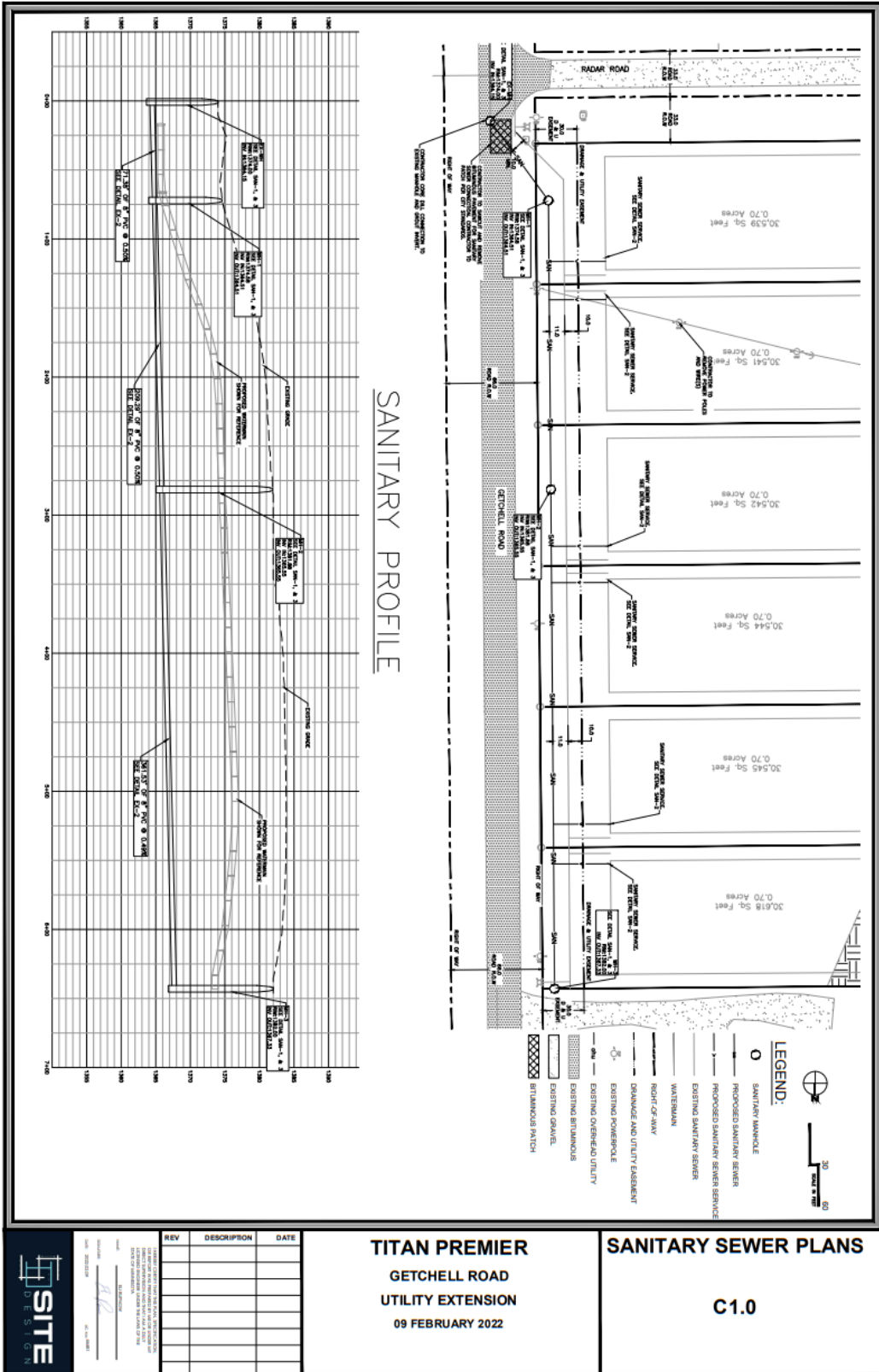
WHEREUPON, such resolution was declared duly passed and adopted April 4, 2022.

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

EXHIBIT B



SANITARY PROFILE

SANITARY SEWER PLANS

C1.0

TITAN PREMIER
 GETCHELL ROAD
 UTILITY EXTENSION
 09 FEBRUARY 2022

REV	DESCRIPTION	DATE

PROJECT: TITAN PREMIER GETCHELL ROAD UTILITY EXTENSION

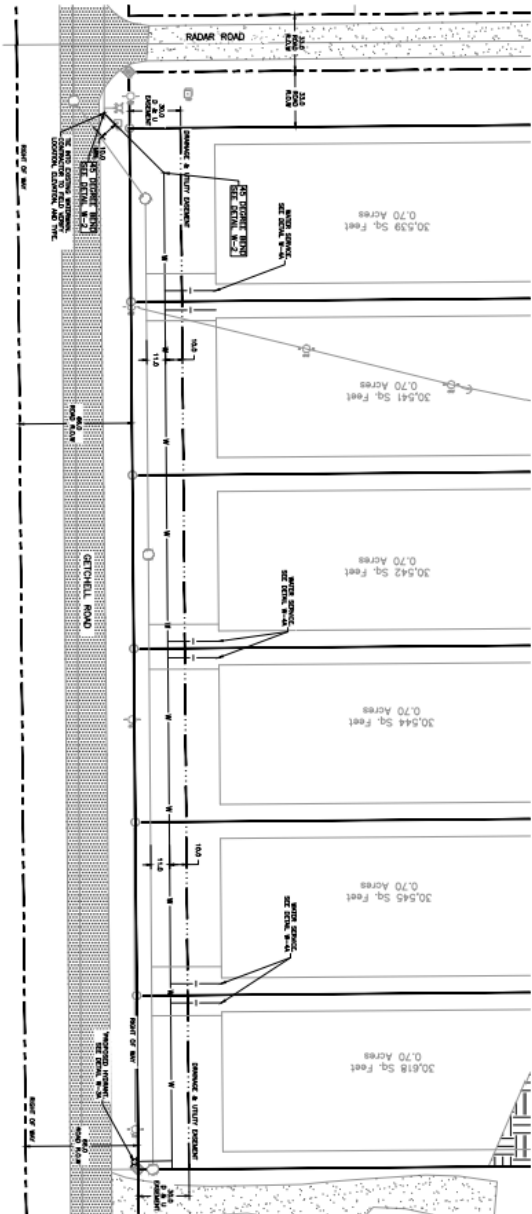
 SHEET: C1.0

 DATE: 02/09/2022

 DRAWN BY: [Signature]

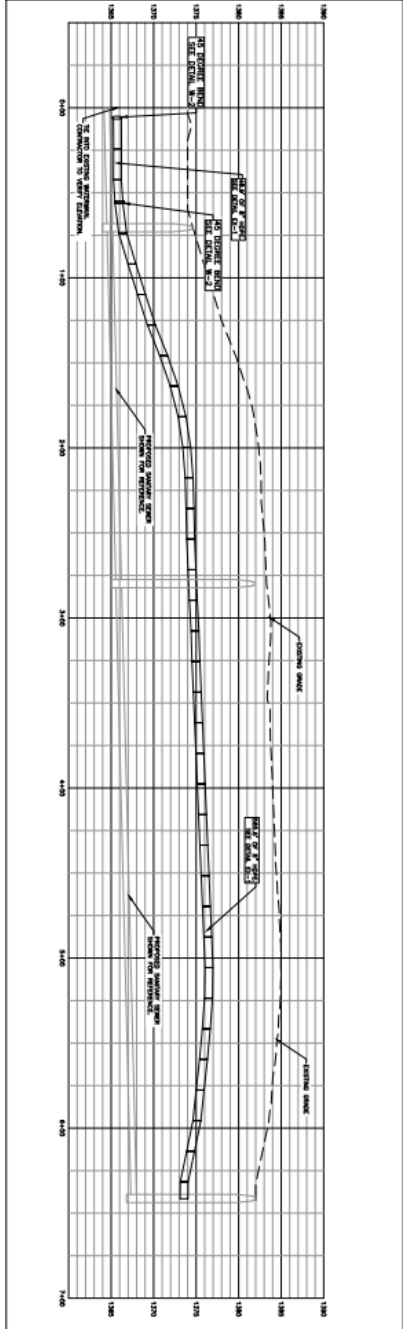
 CHECKED BY: [Signature]

 APPROVED BY: [Signature]



LEGEND:

- PROPOSED WATERMAIN
- EXISTING WATERMAIN
- PROPOSED WATERMAIN SERVICE
- EXISTING WATERMAIN SERVICE
- SANITARY SEWER
- RIGHT-OF-WAY
- DRAINAGE AND UTILITY EASEMENT
- EXISTING POWERLINE
- EXISTING OVERHEAD UTILITY
- EXISTING BRICKMANHOLE
- EXISTING GRAVEL



REV	DESCRIPTION	DATE

TITAN PREMIER
GETCHELL ROAD
UTILITY EXTENSION
09 FEBRUARY 2022

WATERMAIN PLANS
C2.0



EXHIBIT C

UTILITY SERVICE AGREEMENT

THIS UTILITY SERVICE AGREEMENT, made and entered into this ____ day of _____, 2022, between the City of Hermantown, a municipal corporation (hereinafter called “City”), and Titan Premier, LLC, a Texas Limited Liability Company (“Owner”), is made in response to the following situation:

A. Owner is the owner of real estate (“Property”) situated in St. Louis County, Minnesota, legally described on Exhibit A attached hereto.

B. Owner desires to construct privately a public sanitary sewer and public water lines by way of the existing sanitary sewer and water lines in the right of way and private property along Getchell Road.

C. Owner will dedicate and City will accept the public sanitary sewer and public water lines under the terms provide herein.

D. Upon the issuance of a Certificate of Final Completion by the City Engineer for the public sanitary sewer and public water lines the City shall become the owner of the public sanitary sewer and public water lines covered by such Certificate of Final Completion.

E. The location of the extended utilities and the proposed service lines to provide service to the proposed single family lots on the Property is shown on Exhibit B attached hereto.

F. City has approved a plat to create six single family residential lots on the Property, and agreed to allow Owner to obtain sanitary sewer and water service to the Property under the terms and conditions specified herein.

NOW, THEREFORE, in consideration of the mutual covenants contained herein, the sufficiency of which are hereby acknowledged, the parties agree as follows:

1. As proposed on Exhibit B, Owner will extend the utility lines from the existing connection into its site along the Getchell Road public right of way.

2. Owner will obtain all necessary permits for the utility extensions, including a Minnesota Department of Health permit for the water main and WLSSD and MPCA permits for the sanitary sewer extension.

3. Owner will be responsible for any road repairs associated with the utility work described herein.

4. Owner will provide engineering plans for the sewer and water main extensions and for the utility connections to the single family lots prior to beginning such utility work. The City Engineer shall review and must approved Owner’s utility plans prior to utility construction.

5. Owner will dedicate a 30-foot-wide drainage and utility easement along the east portion of the subject property for the purpose of construction the sanitary sewer and water mains. The 30-foot easement will be dedicated to the City at the time of final plat.

6. Owner shall pay to the City's utility department the sewer hook up fee & permit fee per the City's Fee Schedule, as well as a WLSSD Capacity Availability Fee of \$940.00 for each connection. The amount required to be paid under this Agreement shall be paid in full by the purchaser(s) of each lot prior to such purchaser(s) connecting to the sewer and water mains.

7. Owner shall pay to the City's utility department the water hook up fee per the City's Fee Schedule, as well as a water availability charge of \$7.50 per front foot of road frontage for each connection. The amount required to be paid under this Agreement shall be paid in full by the purchaser(s) of each lot prior to such purchaser(s) connecting to the sewer and water mains.

8. Owner shall provide a security deposit equal to 125% of cost of construction of the utility improvements at time of Agreement execution. The security is to be in effect until all of the utility improvements have been constructed and the City Engineer and City Public Works Director executes a Certificate of Completion with respect to the utility improvements attesting that they have been properly constructed. No building permits shall be granted for the Property until the Certificate of Completion is issued.

9. Upon City issuing the Certificate of Completion, Owner dedicates the public sanitary sewer and public water lines depicted on Exhibit B to City. Owner warrants that the dedicated sanitary sewer and water lines were constructed in accordance with the engineering plans, fit for the purpose for which they were constructed, and free from defects for a one-year period, which shall run from the time of acceptance by the City.

10. In consideration of the payment of such sums and the performance of all of the other obligations of Owner to City hereunder, City hereby grants to Owner the right to extend the sanitary sewer main and water main to connect to the Property.

11. Owner covenants and agrees to execute a petition in substantially the form attached hereto as Exhibit C for the extension of the City sanitary sewer main and water main adjacent to the Property along Hermantown Road and that confirms Owner's obligation to pay for the cost of the extension of the sanitary sewer main and water main.

12. Owner shall be responsible for, indemnify and hold harmless the City from paying for all costs and expenses in connection with the installation, construction of the sanitary sewer main and water main extension.

13. Prior to acceptance of the sanitary sewer main and water main, the City shall be entitled to repair the sanitary sewer main or water main at the expense of Owner if Owner fails to repair the sanitary sewer main or water main. Any costs and expenses incurred by the City in connection with any such repair of the sanitary sewer main or water main shall be paid by Owner to the City immediately upon receipt by Owner of an itemized statement for the cost and expense

incurred by the City in repairing the sanitary sewer main or water main. If Owner fails to pay such amount to the City within thirty (30) days of the mailing of such itemized statement by the City to Owner, then the City may proceed to collect such amount from Owner in whatever manner it deems appropriate, including, without limitation, assessing the amount of such statement against the Property in the manner provided by law. In this regard, Owner agrees that any charge made by the City for the repair of the sanitary sewer main shall be a charge for sanitary sewer service and any charges made by the City for the repair of the water main shall be a charge for water service. Nothing in this section shall be deemed to require the City to repair the sanitary sewer main or water main. Owner acknowledges that if Owner fails to repair the sanitary sewer main or water main, that City may discontinue allowing Owner to have access to the sanitary sewer main or water main. Owner hereby grants City permission to test the sanitary sewer main for leaks at any time and Owner agrees to pay the cost of performing any such test (i) once per calendar year or (ii) if the test shows that the sanitary sewer main is leaking.

14. Upon the issuance of a Certificate of Final Completion by the City Engineer for the public sanitary sewer and public water lines the City shall become the owner of the public sanitary sewer and public water lines covered by such Certificate of Final Completion.

15. Owner shall pay all legal fees and other expenses and any engineering fees and expenses incurred by the City of Hermantown in connection with the preparation of the Agreement and the documents related to this Agreement. A failure by Owner to pay such fees and expenses shall entitle City to discontinue providing water service to Owner until such fees and expenses are paid. Such fees and expenses shall also be deemed to be a charge for sewer or water service.

16. Owner shall complete a standard form of City's Sanitary Sewer Application prior to making any connection to the sanitary sewer main.

17. Owner shall complete a standard form of the City's Water Service Application prior to making any connection to the water main.

18. Owner agrees to notify the City at least three (3) working days before Owner commences the construction of the sanitary sewer main extension or water main extension and does further agree that no connection shall be made by Owner to the sanitary sewer main or water main until such connection, including the location of such connection, is approved and, if applicable, made by the City Public Works Director.

19. Owner agrees that the sanitary sewer main extension and water main extension shall be built and installed in accordance with all applicable building, plumbing and other codes and regulations and in accordance with the policies, requirements and procedures of the Utility Commission of the City including the installation of required clean-outs, if applicable. The City shall be entitled to inspect the Utility Service at any time during the construction and installation of it. A drawing showing the location of the Utility Service, which must show that it is within the City Right of Way, a design for installation of the Utility Service shall be prepared by a Minnesota registered engineer and submitted to the City Public Works Director and City Engineer for their review and written approval which shall be noted on the design and drawing. No changes in the design of the sanitary sewer main or water main shall be made without the prior written approval

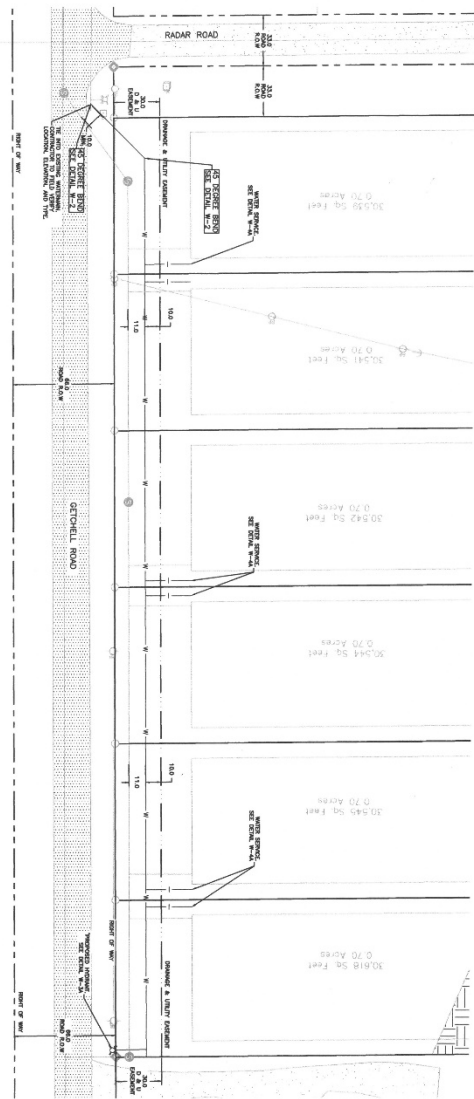
of the City Public Works Director and City Engineer. An “as built” record drawing showing the location and depth of the sanitary sewer main and water main and a collateral assignment of any warranties related to the construction and installation of the sanitary sewer main and water main, including any covering the pipe utilized in such installation, of the shall be provided to the City within ten (10) days after the completion of the installation of the sanitary sewer main and water main. If such “as built” record drawing is not provided within such time then, in that event, the City shall be entitled to discontinue sanitary sewer service and water service to the Property until such drawing is provided.

[SIGNATURES APPEAR ON NEXT PAGE]

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

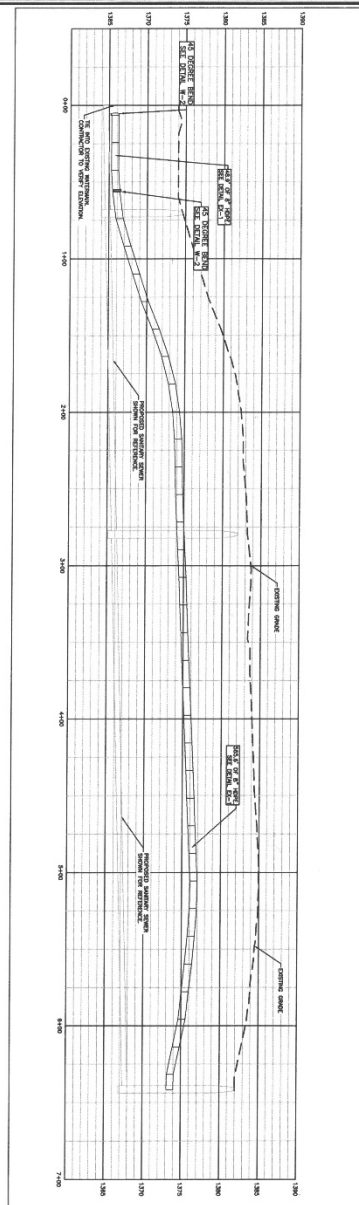
Parcel: 395-0010-06290



LEGEND:

- PROPOSED HYDRANT
- EXISTING HYDRANT
- PROPOSED WATERMAIN
- EXISTING WATERMAIN
- PROPOSED SANITARY SEWER
- EXISTING SANITARY SEWER
- PROPOSED STORMWATER
- EXISTING STORMWATER
- EXISTING POWERPOLE
- EXISTING OVERHEAD UTILITY
- EXISTING BIRNDAIDS
- EXISTING GRAVEL

0 30 60
FOOT SCALE



TITAN PREMIER
GETCHELL ROAD
UTILITY EXTENSION
09 FEBRUARY 2022

WATERMAIN PLANS
C2.0

REV	DESCRIPTION	DATE

PREPARED BY: [Signature]
 CHECKED BY: [Signature]
 DATE: 02/09/22
 SCALE: AS SHOWN
 SHEET NO. C2.0 OF 10



EXHIBIT C
PETITION

TO: The City Council of the City of Hermantown

_____ ("Owner"), being the fee owner of real estate in the City of Hermantown, County of St. Louis, State of Minnesota, does hereby petition your honorable body to cause the following improvements to be made within said City, to-wit:

Extension of the City's Sanitary Sewermain and Watermain along Getchell Road along and abutting on the property located in said City, County and State, legally described on **Exhibit A** attached hereto.

and does for himself and his successors and assigns, irrevocably appoint the Chairman of the Utility Commission of the City of Hermantown as his agent for the presentation of this Petition and such further petitions as are required to accomplish the improvements hereinbefore requested, to the City Council of the City of Hermantown, and finally represent that in consideration of the making of the improvements as described by the City of Hermantown, that he hereby binds himself, his successors and assigns to pay all assessments arising by reason of the ordering in or making of such improvements that are levied in accordance with then applicable law and then applicable City of Hermantown policies and procedures, including those applicable to delineate wetland areas.

Owner by this Petition agrees that Owner will not and may not challenge the amount of the assessment based on the argument that the Owner's Property will not be benefitted by the extension of the Sanitary Sewermain and Watermain.

IN WITNESS WHEREOF, _____ has caused this Petition to be executed
this _____ day of _____, 2022.

EXHIBIT D
Certificate of Final Completion

Date of Issuance: _____, 2022

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

Titan Premier, LLC, (hereinafter the “Developer”) entered into a Utility Extension Agreement (hereinafter referred to as “Agreement”) with the City of Hermantown, a statutory city under the laws of the State of Minnesota, (hereinafter the “City”), with respect to a development to be constructed by Developer in the City.

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

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

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

3. That the following have been satisfied:

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

3.2. The provisions of Section 14 of this Agreement with respect to the payment of fees have been satisfied.

3.3. Developer is not in default under this Agreement.

3.4. Developer has provided the City with a map/plan on paper and electronically in auto cad format showing the location of water, Stormwater Improvements and sewer service lines.

3.5. Developer has installed a locating wire or equally effective means of marking the location of each non-conductive water or sewer service lines.

3.6. Developer has provided record drawings for the Infrastructure Improvements constructed by it pursuant to this Agreement on paper and electronically in auto-cad format and PDF format before November 15, 2022. Developer has also provided City with an electronic copy of the recorded Plat.

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

Titan Premier, LLC

By _____
Its _____

Developer's Engineer:

By _____
Its _____

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

Dated: _____

Northland Consulting Engineers, LLP

By _____
Its _____

EXHIBIT A
Legal Description of Property

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

TO: Mayor & City Council
FROM: John Mulder, City Administrator
DATE: March 30, 2022
SUBJECT: Fichtner Park Planning



Meeting Date: 04/04/2022

Agenda Item: 12-G

Resolution: 2022-43

REQUESTED ACTION

Approve proposal from Northland Consulting Engineers for engineering and park planning services for Fichtner Park as part of the Community Recreation Initiative.

BACKGROUND

The City Council decided not to include the Park Improvements in the RFP for the Construction Manager for the Community Recreation Initiative. The City does need to prepare plans for the desired improvements at Fichtner Park. This process would help to determine the exact improvements and costs that could/would be completed if the Sales Tax referendum should pass in November.

SOURCE OF FUNDS (if applicable)

235-452100-305 PROJECT 171

ATTACHMENTS

Proposal

Resolution No. 2022-43

RESOLUTION AUTHORIZING AND DIRECTING MAYOR AND CITY CLERK TO EXECUTE AND DELIVER AN AGREEMENT FOR ENGINEERING & PARK PLANNING SERVICES WITH A TOTAL NOT TO EXCEED CONTRACT AMOUNT OF \$19,650.00 FOR PARK IMPROVEMENTS AT FICHTNER PARK WITH NORTHLAND CONSULTING ENGINEERS

WHEREAS, the City of Hermantown (“City”) desires to obtain engineering and park planning services with respect to Park Improvements at Fichtner Park (“Project”); and

WHEREAS, Northland Consulting Engineers (“Engineer”) submitted a proposal to the City to provide such services and

WHEREAS, City and Engineer desire to enter into an Agreement for engineering and park planning Services for Park Improvements at Fichtner Park (“Agreement”) as shown on Exhibit A attached hereto in which Engineer provides engineering to City pursuant to these terms of the Agreement; and

WHEREAS, the City Council believes that it is in the best interests of the City of Hermantown to approve the Agreement of and authorize and direct the Mayor and City Clerk to execute and deliver it on behalf of the City of Hermantown.

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

1. The Mayor and City Clerk are hereby authorized and directed to execute and deliver to Engineer the Agreement for engineering and park planning services for Park Improvements at Fichtner Park substantially in the form attached hereto as Exhibit A.

The source of payment for the consultant services will be City Fund No. 235-452100-305 PROJECT 171

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 April 4, 2022.

Civil Engineering Fee Proposal



Date: 03-22-2022

Proposal #: P0322

Project Title: Fichtner Field Feasibility Study

Project Location: Hermantown, MN

Company: City of Hermantown

Client Contact: John Mulder

Full Address: 5105 Maple Grove Road, Hermantown, MN 55811

Client Email: jmulder@hermantownmn.com

Office Phone: 218-729-3600

Cell Phone:

Project Description

Northland Consulting Engineer's understands the City of Hermantown's desire to make improvements to Fichtner Field at the intersection of Maple Grove Road and Ugstad Road. This proposal is for a feasibility study to evaluate the necessity, cost effectiveness, and economic feasibility for the design and construction of the desired improvements.

Scope of Civil Engineering Services

1. Meetings and Communications.
2. Feasibility Report
3. Preliminary Site Planning Options
4. Cost Estimating
5. Landscape Architecture Planning

Proposed Fee Calculation Table	Estimated Hours / Hourly Rates					Extended Cost
	Principal	PE	Tech.	Clerical	Other	
Feasibility Study	\$180.00	\$140.00	\$85.00	\$50.00		
Meetings & Discussions with Owner and Landscape Architect	4	4				\$ 1,280.00
2018 Master Plan Review	2	4				\$ 920.00
Review Existing Conditions and Utility Investigation		4	8			\$ 1,240.00
Feasibility Study Report	2	8				\$ 1,480.00
Site Concept Planning	2	4	16			\$ 2,280.00
Engineer's Estimate		4				\$ 560.00
User Group Meeting's	6	6				\$ 1,920.00
					Subtotal	\$ 9,680.00
Sub-Consultants						
SAS + Associates - Review Master Plan/Concept Development	LUMP SUM					\$ 9,970.00
Total NCE Engineering Fees						\$ 19,650.00

Assumptions

1. Compensation for services described above will be performed on a Lump-Sum-Fee basis based on the overall project description and scope of services listed above.
2. Additional Services may be required. Additional services will be performed only upon written approval by the client and billed on an hourly rate basis in accordance with NCE current rate schedule.
3. If acceptable, this proposal along with the attached terms and conditions sheet will serve as our contract for the project.

We understand that this proposal including the attached terms and conditions will serve as our contract for this project.

Submitted By

 3/23/22

Signature _____ Date _____

David Bolf, P.E.
Principle Partner - Civil Department Manager
Northland Consulting Engineers LLP

Accepted By

Signature _____ Date _____

Printed Name _____
Title _____
Representing _____

Basis of Compensation - 2022

The compensation of Northland Consulting Engineers for professional services is based upon straight hourly rates as indicated below.

Classification	Hourly Rates
Partner Engineer	\$180.00
Licensed Project Engineer (Civil / Structural)	\$140.00
Principal	\$180.00
Expert Witness / Testimony - PE	\$210.00
Engineer	\$120.00
Structural Engineer Technician	\$85.00
Civil / Structural Drafting	\$85.00
Secretary / Clerical	\$60.00

Reimbursable Expenses

Expenses connected with the work such as, but not limited to, travel, vehicle rental, equipment rental, meals, lodging will be charged at cost. Outside consultants, material testing and geotechnical services (if included in our scope) will be charged at cost plus 10 percent. Vehicle

Reproduction expenses will be charged as follows:

Copy or Scan (large format)	\$4.00 / sheet
Copy or Scan (up to 11x17)	\$0.25 / each

Effective 1/1/2022

Terms & Conditions

Northland Consulting Engineers, L.L.P. (NCE) shall perform the services outlined in this agreement for the stated fee arrangement.

Fee

The total fee, except stated lump sum, shall be understood to be an estimate, based upon Scope of Services, and shall not be exceeded by more than ten percent, without written approval of the Client. Where the fee arrangement is to be on an hourly basis, the rates shall be those that prevail at the time services are rendered.

Billings/Payments

Invoices will be submitted monthly for services and reimbursable expenses and are due when rendered. Invoices shall be considered past due if not paid within 30 days after the invoice date and the Engineer (NCE) may, without waiving any claim or right against Client, and without liability whatsoever to the Client, terminate the performance of the service. Retainers shall be credited on the final invoice. A service charge will be charged at 1.5% (or the legal rate) per month on the unpaid balance. In the event any portion of an account remains unpaid 90 days after billing, the Client shall pay cost of collection, including reasonable attorneys' fees.

Ownership Documents

All documents produced by the NCE under this agreement shall remain the property of the NCE and may not be used by the Client for any other endeavor without the consent of the NCE.

Access to Site

Unless otherwise stated, NCE will have access to the site for activities necessary for the performance of the services. NCE will take precautions to minimize damage due to these activities, but has not included in the fee the cost of restoration of any resulting damage.

Indemnification

The Engineer (NCE) shall indemnify and hold harmless the Client and its personnel against any and all claims, damages, losses and expenses to the extent they are caused by the negligent acts, errors, or omissions of NCE or its employees in the performance of its services under this Agreement, subject to the Risk Allocation provisions. The Client shall indemnify and hold harmless NCE and all of its personnel from and against any and all claims, damages, losses and expenses arising out of or resulting from the performance of the services, provided that any such claims, damage, loss or expense is caused in whole or in part by the negligent act or omission and/or strict liability of the Client, anyone directly or indirectly employed by the Client (except NCE) or anyone for whose acts any of them may be liable. This indemnification shall include any claim, damage or loss due to the presence of hazardous materials.

Dispute Resolution

The Engineer and Client agree to negotiate any claim(s) or dispute(s) arising out of or related to the agreement between them in good faith prior to exercising any other provision of this Agreement. If a claim or dispute between NCE and Client cannot be settled within 30 days by good faith negotiations the Engineer and Client agree to submit it to mediation in accordance with the Construction Rules of the American Arbitration Association. If the claim or dispute cannot be settled by good faith negotiations or mediation then either party may exercise their rights under law. In no event shall a claim or dispute be made or sustained if it would be barred by the applicable statute of limitations.

Termination of Services

This agreement may be terminated upon 10 days written notice by either party should the other fail to perform his obligations hereunder. In the event of termination, the Client shall pay the NCE for all services rendered to the date of termination, all reimbursable expenses, and reasonable termination expenses.

18 March 2022

Mr. David Bolf
Northland Consulting Engineers
102 S 21st Ave W #1
Duluth MN 55806

(p) 218 727 59995

Dear David,

We are pleased to be afforded the opportunity to submit the following proposal for professional design services for the Fichtner Field project. With this project, **SAS+Associates** hopes to continue its working relationship with NCE. As discussed, we will provide plans for areas of Fichtner Field Park based on the previously completed Master Plan, described in the process below.

PROPOSED SCOPE OF SERVICES

The scope of services shown below briefly summarizes the tasks we propose in order to complete conceptual plans for Fichtner Field. We have made every attempt to clearly describe each task, product and meeting included in our approach, and the assumptions on which our fee is based. For clarity we have identified the future design steps as well.

Project Status:

The Fichtner Field Field/ City of Hermantown Community has previously completed master plan designs, so SAS will begin with the drawings/concepts developed to date.

1.0 Master Plan Refinement Process

REVIEW 2018 MASTER PLAN / CONCEPT DEVELOPMENT

- Working with the Staff , User groups, Community and with the guidance of the approved preliminary Master Plans, SAS will work to confirm the findings for the two provided options and further study the constraints and opportunities for each plan through the lens of such items as:
 - Farmers Market
 - Field Layout / Orientation
 - Destination Playground
 - Historical Center Connection/visibility
 - Skate Park
 - Turf areas and use
 - Pedestrian circulation and connection improvements
 - Parking opportunities
 - Signage improvements for City entry locations and wayfinding
 - Etc.
- **Site Visit / Mtg. #1: Preliminary Master Plan Review (Receive Staff Comments)**
 - Plans shall be a minimum 22" x 34" at 1" = 30' for the areas defined. We will include preliminary notes on minimum sizes, finishes and materials and lighting approach (we assume a lighting concept plan is not required at this phase).
 - Collect user group input for the desired elements, this could be completed through an all-day open house that community members and User Group leaders attend.

- Rendered Preliminary Master Plan for presentation to the Community, design team and various regulatory agencies.
- **Site Visit / Mtg. #2:** Preliminary Master Plan Presentation (Receive Comments)
 - Working with the responses from the Master Plan Review meeting, SAS will create a Preliminary Master Plan for presentation to City Staff, User Groups, and the Community.
 - This *Revised Final Master Plan Phase* includes one round of revisions to the plans and re-submittal to the group and agencies for final plan review selection and approval. (We assume a revised rendered site plan will not be required for re-submittal).
- **Site Visit / Mtg. #3** Final Master Plan Presentation / Open House

Deliverables:

In the Master Plan Phase, SAS+Associates will confirm the layout, based on user group input, and present plans/graphics for review with the Design Team. The final layout will include the following:

- Building sizing, locations & proposed expansion areas
- Desired site elements and orientation of those elements.
- Site element sizing, layout and dimensions.
- Rendered Final Master Plan Graphics.

DESIGN DEVELOPMENT

- Refine the Final Master Plans to guide plans for further review and refinement with NCE, User Groups, City Staff and other stakeholder groups. This will be completed through the use of:
 - Renderings
 - Sections
 - Hand Drawings
 - Project Examples
- Develop preliminary budget projections for the proposed elements/options.
 - *We estimate this phase will include 2 site/team visits.*

Deliverables:

In the Design Development Phase, SAS+Associates will refine the layout, select and identify materials, coordinate with other team members, and present plans/graphics for review with the Design Team. The final layout will include the following:

- Building materials, refined uses, and layout
- Signage locations and materials
- Identified lighting for field and pedestrian areas
- Selection and location of site amenities
- Site element materials and preliminary costs
- Refined parking locations for connections to surrounding elements
- Pedestrian elements, plazas, seating and circulation
- Ballfield amenities including selected materials and layout
- Vegetative buffers, screening & landscape improvements

FINALIZE PLAN/ PHASE 1 CONSTRUCTION PLAN/ TIMELINE

- Based on Council and public reviews, SAS+Associates will revise the Design Development Plans in preparation for the Construction Documentation phase and to provide a final plan for consensus. This plan will look at the park as a whole, integrating the selected design elements and site amenities chosen from the previous phase.

➤ *We estimate this phase will include 1 site/team visit.*

Deliverables:

For the Final Design Development Plan, SAS+Associates will:

- Create a Public and User Group Approved Final Fichtner Field Graphic Site Plan(s) for review with the Parks Board and City Council.
- Finalize materials and phasing based on costs and available budgets.
- Provide a descriptive narrative to supplement the plan set
- Refine the timeline for all interested parties

2.0 Coordination for Construction Plan

Throughout the previous steps coordination with NCE will be in the form of team presentations to the community. SAS+Associates will continuously coordinate all design issues with you. This step will involve one coordination meeting with NCE to define the role of SAS+Associates in the Construction Documentation Process.

Deliverables:

There are no deliverables in this phase.

3.0 Construction Plans

Provide Construction Plans, Details and Specifications as necessary to complete construction of the Fichtner Field elements as defined and approved in Section 1.0.

<i>Products</i>	80% plan set for review by City Staff and Design Team. 100% Construction Plan Set.
-----------------	---

4.0 Bidding Services

Work with contractors at a pre-bid meeting, define bid alternates, answer questions and provide necessary addendums. Prior to construction, we will work with the selected contractor to identify any last minute questions at a pre-construction meeting.

<i>Products</i>	Provide any necessary Addendums or Clarifications.
-----------------	--

5.0 Constructions Observation.

Regular site visits during the construction process.

<i>Products</i>	Provide any necessary Addendums or Clarifications.
-----------------	--

FEEES FOR PROFESSIONAL SERVICES

The following is a summary of our proposed fee for the Fichtner Field project, based on the scope of services as described above. We welcome your thoughts and comments on our proposed scope and we are prepared to make any changes which you feel will improve the process or reduce costs.

1.0	<i>Master Plan Refinement Process</i>	
	Review Master Plan/Concept Development	\$9,970
	Design Development Documents	\$11,425
	Finalize Plan/Timeline	\$7,695
2.0	Coordinate for Construction Plans	\$TBD
3.0	Construction Documents/Specs	\$TBD
4.0	Bidding Services (hourly est.)	\$TBD
5.0	Construction Observation (hourly est.)	\$TBD
	Total Fee	\$29,090

The fee shown above is based on the following assumptions:

- That the electronic mapping provided by the City/NCE will be AutoCAD compatible and will contain adequate information (property lines, easements, existing improvements and topography) for our work during the Design Development Phase and subsequent phases.
- City staff/ NCE will coordinate all meetings with other city agencies and public meetings (determine venues, notify neighbors, advertise, etc.).
- Assumes that all design work for the various sites will be conducted simultaneously.
- Any meetings, site visits or revisions to the drawings requested, which are beyond those outlined above (or contrary to previous approvals or instructions) or which are required by enactment or revisions to codes or laws, will be compensated as additional services.

6.0 Preliminary Schedule.

Regular site visits during the construction process.

FICHTNER FIELD												
SCHEDULE	Mar	Apr	May	June	July	Aug	Sep	Oct	Nov	Dec		
A. Review 2018 Master Plan / Concept Development												
- Design Development												
- Finalize Plan												
4.0 Bidding Services												
5.0 Constuction Observation												

We have made every attempt to be as complete and thorough as possible with this proposal. We intended it to addresses many of your questions. Should further questions arise, please do not hesitate to call me so that I may answer them.

Sincerely,
SAS+ Associates

Luke W. Sydow
Principal

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



DATE: March 29, 2022

Meeting Date: 04/04/2022

SUBJECT: User Group Agreements

Agenda Item: 12-H

Resolution: 2022-44

REQUESTED ACTION

Approval of park user agreements with Hermantown Youth Soccer Association (HYSA).

BACKGROUND

The City enters into user agreements with five park users (Youth Soccer, Youth Baseball, Youth Softball, VFW Baseball and the Hermantown School District). This is the user agreement with the Hermantown Youth Soccer Association for their use of Stebner Park.

SOURCE OF FUNDS (if applicable)

General Fund (101-452100-720) to the Water Enterprise Fund (601-39210) – Water Usage Grant

ATTACHMENTS

Resolution – Hermantown Youth Soccer Association

Resolution No. 2022-44

RESOLUTION AUTHORIZING AND DIRECTING MAYOR AND CITY CLERK TO EXECUTE AND DELIVER AGREEMENT FOR THE USE OF THE CITY OF HERMANTOWN ATHLETIC FIELDS WITH THE HERMANTOWN YOUTH SOCCER ASSOCIATION

WHEREAS, the City of Hermantown owns certain athletic fields; and

WHEREAS, the Hermantown Youth Soccer Association desires to utilize fields applicable to its sport; and

WHEREAS, the City requires that any party using a City athletic field enters into an agreement governing such use; and

WHEREAS, the Hermantown Youth Soccer Association desires to enter into the Agreement for a three-year term expiring on December 31, 2024 with the City.

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

1. A three-year Agreement with the Hermantown Youth Soccer Association and Hermantown is hereby approved.
2. The Mayor and City Clerk are hereby authorized and directed to execute and deliver such agreement on behalf of the City.

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 April 4, 2022.

AGREEMENT FOR THE USE OF THE CITY OF HERMANTOWN ATHLETIC FIELDS

THIS AGREEMENT is made between the CITY OF HERMANTOWN (“City”) and Hermantown Youth Soccer Association (“User”) with regard to the use of the City Athletic Fields.

City at considerable expense has allocated land belonging to the City for use as athletic fields (“City Athletic Fields”).

City and User desire to allocate duties with respect to the maintenance and use of the City Athletic Fields. Accordingly, the parties do agree as follows:

1. City hereby grants to User a license to use the City Athletic Fields described on Exhibit A attached hereto (“Field”) at such times as are specified on Exhibit A attached hereto. This license of usage includes the right to use the Field, parking area, and all other facilities appurtenant to the Fields.

2. The term of this License shall expire on December 31, 2024.

3. Property installed by City on the City Athletic Fields shall be and remain the property of the City.

4. No property may be installed by User on the City Athletic Fields without the prior written approval by City. Property installed by User for use in connection with City Athletic Fields shall be and remain the property of City, unless the same can be removed without issue. Prior to the installation of any property to the City Athletic Fields, the City will seek input from the User on its location.

5. Maintenance of the City Athletic Fields shall be the responsibility of City except the User shall be responsible for restoration of fields following usage by it. Maintenance, which is the responsibility of the User, shall include the following:

a. custodial services in order to clean and maintain any buildings during and following use by User;

b. trash and litter clean up and proper disposal in containers provided by the City following use by User.

c. operating any concession stand utilized by User in accordance with all applicable codes and regulations

d. maintaining the cleanliness of any concession stand utilized by User in accordance with all applicable codes and regulations

e. the City will provide a yearly credit of \$3,000.00 total towards the water bill associated with the following accounts (1962-00, 1963-00, 1968-00, 2021-00 and 3059-00). This credit will be reviewed on a three year basis at the time of each new user agreement.

6. User shall, during the term of this Agreement, maintain comprehensive property damage and liability insurance that names City as an additional insured and with a combined single limit of coverage of at least one million two-hundred thousand dollars (\$1,200,000.00). User shall provide City with a certificate evidencing that insurance is in force and effect with such certificate indicating that the insurance evidenced by such certificate shall not be cancelled, materially altered or not renewed without thirty (30) days prior written notice of such cancellation, material alteration or non-renewal being given to City.

7. All receipts and disbursements from or related to the use of the City Athletic Fields shall be for the account of the Hermantown Youth Soccer Association except as specifically noted on Exhibit B attached hereto or except as specifically agreed to in writing by the City.

8. User may not assign, sublease, sublicense or otherwise grant any rights to the use of the City Athletic Fields for non-athletic events without prior written consent of the City.

IN WITNESS WHEREOF, City and User have each authorized the ratification of this Agreement and have caused the same to be executed by their appropriate officers this _____ day of _____, 2022.

CITY OF HERMANTOWN

USER:

By _____

Its Mayor

And By _____

Its Clerk

Hermantown Youth Soccer Association

By  (Peter Raukar)

Its President

By _____

Its _____

CITY OF HERMANTOWN
PARKS AND RECREATION USER GROUP AGREEMENT
HERMANTOWN YOUTH SOCCER ASSOCIATION
EXHIBIT A

FACILITY COVERED BY THIS AGREEMENT: Stebner Park
Field's 1, 2, 3, 4, 5

TIME PERIOD:

First scheduled game or practice: _____

Last scheduled game or practice: _____

CITY OF HERMANTOWN
PARKS AND RECREATION USER GROUP AGREEMENT
EXHIBIT B

No Restrictions.

TO: City Council Members
FROM: Paul Senst, Public Works Director
DATE: March 25th, 2022
SUBJECT: Water Radio AMI Change Over



Meeting Date: 04/04/2022

Agenda Item: 12-I

Resolution: 2022-45

REQUESTED ACTION

Approve Public Works to purchase the AMI Water Radios from Core & Main and have them install necessary Radio antennas for the system.

BACKGROUND

The City of Hermantown water system has grown over the last 15 years. As a result, the City needs to replace the water meter radios used to “Read” the monthly usage. The existing “R” radios haven’t been produced for a few years and support for them will be ending in 2023 or 2024. As part of our 2022 and 2023 CIP Plans, you approved these new “M” type water meter radios. After going thru an RFP and bid process, we would like to award this material purchase and radio tower install to Core & Main. This system will easily integrate with our existing system and software and will have its own dedicated radio frequency for these radios to transmit to the end computer, City Hall, hourly and will keep data for 3 years. After these radio towers/antennas and meter radios are installed, it will eliminate the need and time of 1 person spending 2 days or so a month driving and collecting the monthly “reading” and data. This will free up this individual for other tasks and give us “real time” data for each home owner in the event we would need it. Think Summer of 2020 or 2021 water usage questions, we will have an hour by hour usage for each residence. Great data to have to give back to the user in the event of a question.

The Public Works staff will be doing the install of these radios over the 2022 and 2023 calendar years. Core and Main/Sensus will be doing the integration and the radio antenna/tower installation.

SOURCE OF FUNDS (if applicable)

240-433500-580

ATTACHMENTS

Bid Tabulation attachments

Resolution No. 2022-45

**RESOLUTION RECEIVING BIDS AND AWARDING
CONTRACT FOR PURCHASE OF AN ADVANCED METERING INFRASTRUCTURE
FOR WATER METERS IN THE AMOUNT OF \$408,620**

WHEREAS, the City of Hermantown duly advertised for bids for the purchase of an advanced metering infrastructure for water meetings within the City of Hermantown; and

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

WHEREAS, bids on such project were publicly opened and tabulated by the City Engineer and Public Works Director on March 17, 2022; and

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

WHEREAS, the Public Works Director reviewed the bid of the lowest bidder to confirm its accuracy; and

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

WHEREAS, on the basis of such review, the Public Works Director has recommended that the lowest bidder, Core & Main (“Contractor”) be awarded the contract for purchase of an advanced metering infrastructure for water meters; and

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

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

1. Contractor is hereby found, determined and declared to be the lowest responsible bidder for the purchase of an advanced metering infrastructure for water meetings within the City of Hermantown.
2. The bid of Contractor is in the amount of \$408,620.00 for the purchase of an advanced metering infrastructure for water meetings within the City of Hermantown for such bid option in accordance with the plans and specifications and advertisements for bids shall be and hereby is accepted.
3. The Public Works Director is hereby directed to prepare a contract between the

City of Hermantown and Contractor as soon as possible and submit it to Contractor for execution by it.

4. Upon execution of such contract by Contractor and its submission of a performance bond, payment bond and certificate of insurance acceptable to the City Attorney, Mayor and City Clerk are hereby authorized and directed to execute such contract for and on behalf of the City of Hermantown.

5. The City Clerk is hereby authorized and directed to return forthwith to all bidders, the deposits (bid bonds) made with their bids, except that deposit (bid bond) of the successful bidder and the next lowest bidder shall not be returned until a contract has been executed.

Councilor _____ introduced the foregoing resolution and moved its adoption.

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

and the following voted in opposition thereto:

WHEREUPON, such resolution was declared duly passed and adopted on April 4, 2022.

Water Meter - AMI

Date: 3/17/2022
 Time: 10:00 AM
 NCE Project No.: 22-8001

	Bidder	Bid Bond Present	Responsible Contractor	Non-Collusion Affidavit	Bid Amount
1	Win Water	x	x	x	\$418,740.86
2	Core & Main	x	x	x	\$408,620.00
3					
4					
5					
6					
7					
8					
9					
10					
	Engineers Estimate				

TO: Mayor & City Council
FROM: John Mulder, City Administrator
DATE: March 29, 2022
SUBJECT: Easements – Ugstad Road project



Meeting Date: 04/04//2022

Agenda Item: 12-J

Resolution: 2022-46

REQUESTED ACTION

Accept Easements from Gethsemane Covenant Church of Hermantown

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 Council authorized the offers in December with the adoption of Resolution 2021-169. The City requested easements along those roads on land owned by Gethsemane Covenant Church. The City made an offer based upon an uncomplicated appraisal by F.I. Salter for those easements and the Gethsemane Covenant Church has accepted. The cost of the easement is \$4,825.

SOURCE OF FUNDS (if applicable)

402-431150-510 Project 534 Ugstad Road Project

ATTACHMENTS

Easements from Gethsemane Covenant Church

Resolution No. 2022-46

RESOLUTION AUTHORIZING AND DIRECTING MAYOR AND CITY CLERK TO EXECUTE AN ACCEPTANCE OF EASEMENT AGREEMENT TO THE CITY OF HERMANTOWN FROM GETHSEMANE COVENANT CHURCH OF HERMANTOWN 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 an easement (“Easements”) from Gethsemane Covenant Church of Hermantown to construct the Project and from Gethsemane Covenant Church of Hermantown have executed and delivered the required Easement to the City; and

WHEREAS, the City will pay from Gethsemane Covenant Church of Hermantown \$4,825 for the easement, an amount determined by the City’s appraiser; 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.

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 April 4, 2022.

EXHIBIT A

EASEMENT AGREEMENT

[TOP THREE INCHES RESERVED FOR RECORDING DATA]

THIS INDENTURE is made and entered into this 24th day of March, ~~2021~~ ²⁰²², between **Gethsemane Covenant Church of Hermantown, Duluth, 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, and legally on Exhibit A attached hereto (the "Property").
- B. Grantee desires to construct a roadway improvements on the Property ("Project").
- C. Grantor has agreed to provide an easement ("Easement") for public purposes, including, but not limited to, the construction and maintenance of a roadway and public utilities or other public improvements, over, under, and across the property owned by Grantor legally described on Exhibit B and depicted on Exhibit C 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 Grantee the Easement to construct and maintain a roadway on, over and across the Easement area, together with the right to locate the Easement area by surveying and the placement of appropriate markers, if necessary, the right to enter upon and occupy as much of the Easement area as may be necessary to construct any roadway thereon, including any required slope and fill, and the right to remove any and all trees and shrubs and herbage thereon and the right to clear and keep the Easement area cleared so as to allow Grantee to have access to the public improvements.
3. The Easement shall be perpetual and shall run with the land and shall be binding upon the heirs, successors and assigns of the parties.

[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.

**Gethsemane Covenant Church of
Hermantown, Duluth, Minnesota**

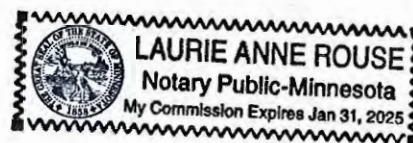
By Jonathan Webb
Its Leadership Team Chair
Jonathan Webb

And by Kelly Johnson
Its Leadership Team Vice Chair
Kelly Johnson

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

²² This instrument was acknowledged before me on this 24 day of March,
2021, by Jonathan Webb and Kelly Johnson, the Leadership Team Chair and
Leadership Team Vice, respectively of the Gethsemane Covenant Church of Hermantown, Duluth,
Minnesota and on behalf of the Gethsemane Covenant Church of Hermantown, Duluth, Minnesota.

Laurie A. Rouse
Notary Public



[ACCEPTANCE APPEARS ON NEXT PAGE]

EXHIBIT A
Legal Description

All that part of the Northeast Quarter of the Northeast Quarter (NE 1/4 of NE 1/4) Section Nine (9), Township Fifty (50), Range Fifteen (15), described as follows to wit:

Beginning at a point Three Hundred Forty-Three (343) feet South of the Northeast corner of said land; running thence West One Hundred (100) feet, running thence South at right angles to last mentioned line One Hundred Forty (140) feet; running thence East at right angles to last mentioned line One Hundred (100) feet, running thence North at right angles to last mentioned line One Hundred Forty (140) feet to the point of beginning, St. Louis County, Minnesota.

Parcel No. 395-0010-02540.

Jennifer Kelly Johnson

Laurie A. Rouse

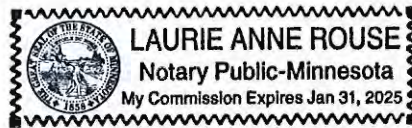
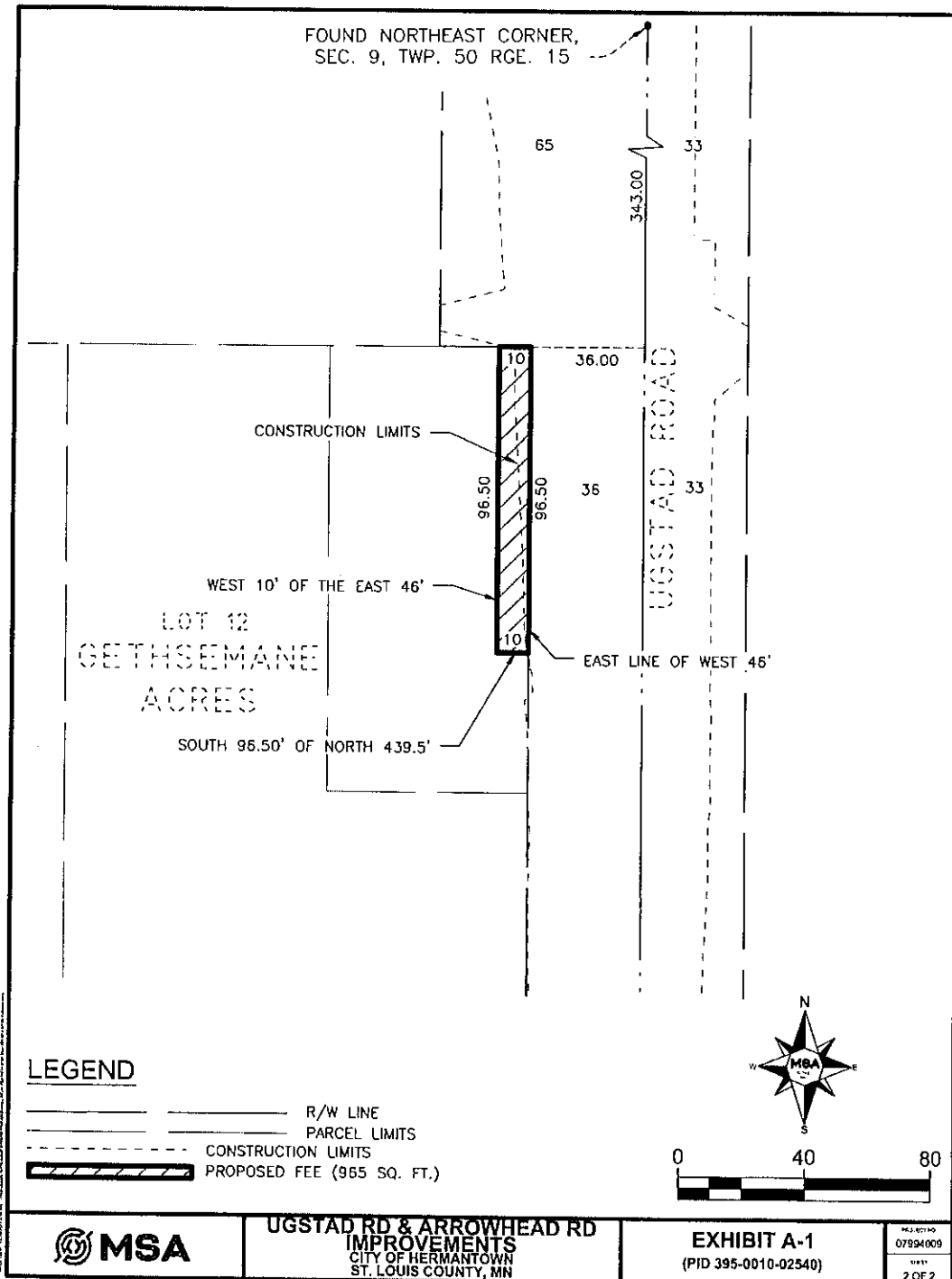


EXHIBIT B
Easement and Temporary Easement

THE SOUTH 96.50 FEET OF THE NORTH 439.50 FEET OF THE WEST 10 FEET OF THE EAST 46 FEET OF THE NORTHEAST QUARTER OF SECTION 9, TOWNSHIP 50, RANGE 15, ACCORDING TO THE GOVERNMENT SURVEY THEREOF, ST. LOUIS COUNTY, MINNESOTA.

EXHIBIT C
Easement Depictions





Accounts Payable Voucher

Date: 12/21/21

Claimant Name: Gethsemane Covenant Church

Dept: Finance

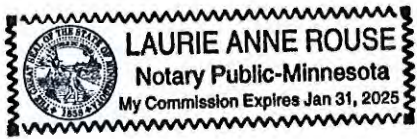
Date	Explanation	Amount
12/21/21	Ugstad Road Project Easement	\$ 4,825
		\$
		\$
		\$
		\$
		\$
		\$
		\$
		\$
		\$
		\$
		\$
		\$
		\$
		\$
	Total	\$ 4,825

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

For Accounting Use Only

Laurie A. Rouse

Fund	Account	Object	Amount
402	431150	510	\$
			\$
			\$
			\$
			\$
			\$
			\$
		Total	\$



Claimant Signature *Gethsemane*
 Approval Signature _____

TO: Mayor & City Council

FROM: Dept Head

DATE: March 30, 2022

Meeting Date: 04/04/2022

SUBJECT: Certified Building Official

Agenda Item: 12-K

Resolution: 2022-47



REQUESTED ACTION

Approve the employment of Adam Schminski as the Certified Building Official

BACKGROUND

On March 28th & 29th, John Mulder, John Geissler, and Jim Rich conducted interviews for the Certified Building Official position. Following the interviews, the consensus was to offer the position to Adam Schminski.

Adam Schminski has accepted the attached offer.

SOURCE OF FUNDS (if applicable)

101-424100-101

ATTACHMENTS

Summary Job offer

Resolution No. 2022-47

**RESOLUTION APPROVING THE EMPLOYMENT OF
ADAM SCHMINSKI AS THE CERTIFIED BUILDING OFFICIAL**

WHEREAS, a search has been conducted for a person with experience and education for a Certified Building Official for the City of Hermantown; and

WHEREAS, interviews were conducted on March 28th & 29th, 2022, with respect to such position; and

WHEREAS, the City Council has duly considered this matter and believes it is in the best interests of the City of Hermantown to accept the recommendations of the City Administrator set forth in the attached memo.

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

1. The employment of Adam Schminski as the Certified Building Official pursuant to the terms set forth in the summary job offer attached hereto is approved.

Councilor _____ introduced the foregoing resolution and moved its adoption.

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

and the following voted in opposition thereto:

WHEREUPON, such resolution was declared duly passed and adopted on April 4, 2022.

**Summary Job Offer to
Adam Schminski from the City of Hermantown
For the Certified Building Official
March 30, 2022**

Proposed Start Date: April 20, 2022

Starting Salary: The Certified Building Official is a salaried position.

The starting salary is \$ 76,609 and will be paid in the same fashion as all other employees.

Vacation: On the start date, the City will credit the vacation balance with 100 hours. For purposes of employment benefits such as vacation and the like, he will be credited with having 6 years of employment with the City on his first day of employment.

Sick Leave: On the start date, the City will credit the sick leave balance with 100 hours of sick leave.

Car Allowance: The Building Official will be provided a car allowance of \$600 per month.

All Other Terms: As provided in the Management Compensation Plan

TO: Mayor & City Council

FROM: Jim Crace, Chief of Police

DATE: March 30, 2022

Meeting Date: 04/04/202

SUBJECT: Financial Conflict of Interest
Policy

Agenda Item: 12-L

Resolution: 2022-48



REQUESTED ACTION

The Chief of Police recommends adopting the attached Financial Conflict of Interest Policy

BACKGROUND

The Hermantown Police Department has been working on purchasing Body Worn Cameras for some time. A grant proposal was submitted and part of the \$32,000.00 award.

SOURCE OF FUNDS (if applicable)

N/A

ATTACHMENTS

Policy

Resolution No. 2022-48

RESOLUTION APPROVING A FINANCIAL CONFLICT OF INTEREST POLICY FOR PURCHASES WITH FEDERAL FUNDS TO THE CITY HANDBOOK

WHEREAS, the City of Hermantown does not have a conflict of interest policy for purchases with federal funds; and

WHEREAS, purpose of this Conflict of Interest Policy (“Policy”) is to protect the City of Hermantown’s interests when it is considering taking an action or entering into a transaction that might benefit the private interests of an employee, officer or agent, or might otherwise violate federal laws governing conflicts of interest applicable to recipients of federal funds; and

WHEREAS, the attached policy will clarify and communicate responsibilities and expectations to City Employees, and

WHEREAS, the City Council has considered this matter and believes that it is in the best interests of the City of Hermantown to approve the attached conflict of interest policy and authorize the use by the City of Hermantown.

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

1. The City Council approves the policy named “Financial Conflict of Interest Policy for Purchases with Federal Funds” as shown on Exhibit A.

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 April 4, 2022.

Handbook for the City of Hermantown		
<input checked="" type="checkbox"/> Policy – Resolution – 2022-xx		<input type="checkbox"/> Procedure
Date Adopted 4-4-22	Title: Financial Conflict of Interest Policy for Purchases with Federal Funds	Section: General Government
Revision Dates:		Page: 1 of 2

Purpose

The purpose of this Conflict of Interest Policy (“Policy”) is to protect the City of Hermantown’s interests when it is considering taking an action or entering into a transaction that might benefit the private interests of an employee, officer or agent, or might otherwise violate federal laws governing conflicts of interest applicable to recipients of federal funds.

Conflicts of Interest:

No employee, officer or agent may participate in the selection, award, or administration of a contract paid for in whole or in part with federal funds if he or she has a real or apparent conflict of interest. A conflict of interest would arise when the employee, officer or agent, his or her immediate family or partner, or an organization which employs or is about to employ any of these parties, has a financial or other interest in, or a tangible personal benefit from, a company considered for a contract or transaction.

It is impossible to list all the possible circumstances that could present conflicts of interest. Potential conflicts of interest include situations in which an employee, officer or agent or that person’s relative or business:

- has an ownership or investment interest in any third party that the City of Hermantown contracts with or is considering contracting/entering into a transaction with;
- serves on the board of, participates in the management of, or is otherwise employed by any third party that the City of Hermantown is considering contracting/entering into a transaction with;
- receives or may receive compensation or other benefits in connection with a transaction into which the City of Hermantown enters;
- would like to pursue a transaction being considered by the City of Hermantown for their personal benefit.

Conflicts might occur in other areas or through other relations than those outlined above, and the situations described above are not all-encompassing. Employees, officers and agent must be vigilant in upholding impartiality in the City of Hermantown’s business dealings. To that end, they must scrutinize their transactions and relationships to recognize any conflict of interest either described above or by analogy.

Requirement to disclose conflict of interest:

Employees, officers and agents must disclose to the best of their knowledge all potential conflicts of interest they have—or that someone else has of which they become aware—as soon as the employee, officer or agent becomes aware of them and always before any actions involving the potential conflict are taken. Disclosure must be made to the City Administrator or the Mayor. The City Administrator or the Mayor will evaluate the circumstances and determine if the conflict or potential conflict exists.

Handbook for the City of Hermantown		
X Policy – Resolution – 2022-xx		<input type="checkbox"/> Procedure
Date Adopted 4-4-22	Title: Financial Conflict of Interest Policy for Purchases with Federal Funds	Section: General Government
Revision Dates:		Page: 2 of 2

In situations where it seems uncertain, err on the side of caution and disclose the potential conflict as set forth in this policy.

Once disclosed, if an actual or potential conflict of interest exists, that employee, officer or agent must not participate in the selection process, evaluation or award of a contract or transaction funded in whole or in part with federal funds.

Prohibition on gratuities and gifts:

Employees, officers and agents of the City of Hermantown may not solicit or accept gifts, favors, bribes or anything of value from contractors or subcontractors or parties from those entities, unless a gift is unsolicited and is of nominal value, which is defined as a gift valued at the lesser of \$25 or the maximum allowed by Minnesota law. Any employee, director, or agent who receives, or anticipates the receipt of any gift or request for favor shall immediately notify his or her supervisor.

Violation of Conflict of Interest Policy:

Violation of this Conflict of Interest Policy may result in disciplinary action up to and including termination.

TO: Mayor & City Council
FROM: John Mulder, City Administrator
DATE: March 29, 2022
SUBJECT: City Administrator Performance
Evaluation & Compensation



Meeting Date: 04/04/2022

Resolution: 2022-49

REQUESTED ACTION

Approve favorable performance evaluation and changes to the City Administrator's compensation

BACKGROUND

The City Council of the City of Hermantown met in closed session pursuant to MN Statutes section 13D.05 subd 3(a) at on March 21, 2022 to discuss the City Administrator's performance evaluation. The meeting took place in the Large Conference Room of the City Administrative Offices, 5105 Maple Grove Road. The City Council met with City Administrator John Mulder to conduct the evaluation. The City Council concluded John Mulder had a favorable performance evaluation.

The City Council then directed that the attached resolution be prepared for changes in the City Administrator's compensation.

SOURCE OF FUNDS (if applicable)

101-415300-101

ATTACHMENTS

Resolution

Resolution No. 2022-49

**RESOLUTION APPROVING WAGE INCREASE
FOR THE CITY ADMINISTRATOR**

WHEREAS, on March 21, 2022 the City Council met with the City Administrator to conduct the annual performance review of the City Administrator; and

WHEREAS the City Council provided a favorable performance review for the City Administrator and discussed compensation changes for the City Administrator.

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

1. The City Council approves the favorable evaluation of the City Administrator and an increase of 3.75% effective January 1, 2022 along with other changes to the management compensation plan approved by the Council on February 7, 2022.
2. Effective January 1, 2023, a 3.25% increase (consistent with all other employees).
3. Effective January 1, 2024, a 3.25% increase (consistent with all other employees)

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 April 4, 2022.