



Hermantown City Council Meeting – June 20, 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/89427926114?pwd=VERySW5HSWNpeGtGcG43NWZtcnVBQT09>

and/or by calling the number (312) 626-6799 and utilizing the meeting ID number of 894-2792-6114 and the passcode of 614195.

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, June 20, 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 June 20, 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, June 20, 2022 at 4:30 p.m.
Council Chambers
Hermantown Governmental Services Building**

**City Council Meeting June 20, 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 22-61 placed on file
7. **PRESENTATIONS** *(Department Heads may give reports if necessary.)*
 - A. Kevin Orme, Director of Finance and Administration *(Pre-Agenda Only)*
RE: [2023 Staffing Budget](#)
8. **PUBLIC DISCUSSION** *(This is the time for individuals to address the Council about any item not on the agenda. The time limit is three minutes per person.)*
9. **CONSENT AGENDA** *(All items on the Consent Agenda are items which are considered routine by the City Council and will be approved by one motion via voice vote. There will be no discussion of these items unless a Council Member or citizen so requests, in which event the item will be removed from the Consent Agenda and considered at the end of the Consent Agenda.)*
 - A. [Minutes](#) - Approval or correction of June 6, 2022 City Council Continuation Minutes
 - B. [Minutes](#) - Approval or correction of June 8, 2022 Joint HEDA and City Council Meeting Minutes
 - C. [Accounts Payable](#) – Approve general city warrants from June 1, 2022 through June 15, 2022 in the amount of \$446,874.59

10. MOTIONS

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

Skyline Social and Games	4894 Miller Trunk Hwy	On Sale/Sunday*
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*Contingent upon all paperwork being received

(motion, roll call)

B. Motion to approve/deny the following renewal of On Sale Intoxicating Liquor Licenses:

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

*Contingent upon all paperwork being received

(motion, roll call)

C. Motion to approve/deny the following renewal of Off Sale Intoxicating Liquor Licenses:

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

(motion, roll call)

D. Motion to approve/deny the following renewal of Off Sale 3.2 Malt Liquor Licenses:

Holiday Stationstores #190	4795 Miller Trunk Hwy	Off Sale/3.2
I Mart Stores	4221 Haines Rd	Off Sale/3.2
Kwik Trip #216	4805 Miller Trunk Hwy	Off Sale/3.2
Kwik Trip #220	4978 Miller Trunk Hwy	Off Sale/3.2
Kwik Trip #572	4145 Haines Rd	Off Sale/3.2
Walmart #1757	4740 Loberg Ave	Off Sale/3.2

(motion, roll call)

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

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

The King of Creams

4140 Richard Ave

Wine/Strong Beer

(motion, roll call)

- F. Motion to approve/deny the Temporary Service Area Expansion Application for the Beacon Sports Bar for July 15th & 16th, 2022 with proposed hours of sale from 10 a.m. to 1 a.m.

(motion, roll call)

11. ORDINANCES

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

- A. **2022-74** Resolution Approving Preliminary And Final Planned Unit Development For Red Tail Hawk Development

(motion, roll call)

- B. **2022-75** Resolution Approving A Special Use Permit For The Construction Of Two - Two-Family Homes (4 Units Total) Within A Recreational Shoreland Area

(motion, roll call)

- C. **2022-76** Resolution Approving Preliminary Planned Unit Development For The Keene Creek Trail Subdivision Development

(motion, roll call)

- D. **2022-77** Resolution Approving Preliminary Plat Of Keene Creek Trail Subdivision And Imposing Conditions On Submittal Of The Final Plat

(motion, roll call)

- E. **2022-78** Resolution Approving A Special Use Permit For The Construction Of Two - Two-Family Homes And Four Single Family Homes (8 Units Total) In A R-3 Residential Zoning District And Within A Natural Environment Shoreland Area

(motion, roll call)

- F. **2022-82** Resolution Approving Additional Engineering Services By Northland Consulting Engineers For Richard Avenue And Lindgren Road - Street Improvement Project No. 538

(motion, roll call)

- G. **2022-83** Resolution Approving Pay Request Number 2 For Reconditioning Of Highway 53 Water Tower (Water Improvement District No. 318) To Osseo Construction Co. Llc In The Amount Of \$158,089.50

(motion, roll call)

H. 2022-84 Resolution Authorizing And Directing Mayor And City Clerk To Execute And Deliver A Master Services Agreement For Professional Services With Braun Intertec Corporation And Engineering Partners, Inc.

(motion, roll call)

I. 2022-85 Resolution Establishing An Absentee Ballot Board

(motion, roll call)

J. 2022-86 Resolution Adopting Performance Measures

(motion, roll call)

K. 2022-87 Resolution Authorizing And Directing Mayor And City Clerk To Execute And Deliver Agreement For Professional Planning Services With Hoisington Koegler Group, Inc., With An Amount Not To Exceed \$150,000

(motion, roll call)

L. 2022-88 Resolution Approving Question To Be Posed To Voters Regarding A Proposed Hermantown Sales Tax For The Hermantown Community Recreation Initiative

(motion, roll call)

13. RECESS

Date: June 15, 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>
6/3/2022	22-61	Carrol Aasen, MN Dept. of Transportation	John Mulder, City Administrator	MnDot Agreement No.: 1049187	6/2/2022

TO: Mayor & Council
FROM: Kevin Orme – Finance Director
DATE: June 20, 2022
SUBJECT: 2023 Personnel Budget



Meeting Date: 06/20/2022

Agenda Item: 7-A

Presentation

REQUESTED ACTION

No action required – information only

BACKGROUND

As we begin the 2023 budget process, we want to present the preliminary 2023 Personnel Budget Summary Staffing Report (attached). The 2023 Personnel Budget Summary includes an estimated 10% health insurance increase, negotiated wage increases, and an additional staff member in the Public Works department. The overall General Fund payroll increase is 5.68%. For context, last year the overall General Fund payroll increase was 4.68%.

In the General Fund, both the Building Inspection and Parks departments experienced material percent change variances from 2022 to 2023. The Building Inspection Department's budget decreased from 2022 to 2023 because 2022's budget included severance pay for Jim Rich. There is no severance budgeted in 2023. The Parks Department's budget is increasing because the newly budgeted Public Works position is primarily a Parks position.

The 2023 Personnel Budget Summary is preliminary. This staffing plan will be presented again later this year as part of the overall approval of the 2023 budget.

SOURCE OF FUNDS (if applicable)

N/A

ATTACHMENTS

2023 Personnel Budget Summary

Department	Wages	Benefits	2023 Total	2022	Difference	% Change
			Wages & Benefits	Budgeted Wages & Benefits		
Council	32,400	3,345	35,745	33,695	2,050	6.08%
Mayor	10,500	1,038	11,538	11,028	510	4.63%
Elections	-	-	-	15,784	(15,784)	
Administration/Finance	443,999	196,807	640,806	587,677	53,129	9.04%
Community Development	186,420	87,292	273,712	244,134	29,578	12.12%
City Hall Maintenance	52,027	30,152	82,179	75,149	7,030	9.35%
Police	1,779,118	947,229	2,726,347	2,606,364	119,983	4.60%
Fire Hall	11,736	8,776	20,512	19,359	1,153	5.95%
Building Inspection	104,207	53,975	158,182	230,979	(72,797)	-31.52%
Street	230,536	134,830	365,367	352,878	12,489	3.54%
Garage	13,466	8,390	21,856	21,014	842	4.01%
Parks	101,528	53,975	155,503	51,031	104,472	204.72%
Community Building	5,868	4,388	10,256	9,680	576	5.95%
Cemetery	5,156	1,195	6,350	5,752	598	10.40%
Subtotal General Fund	2,976,961	1,531,392	4,508,353	4,264,524	243,829	5.72%
Cable TV Fund	11,260	2,245	13,505	5,922	7,583	128.05%
Water Fund/Dist	178,483	113,952	292,435	316,848	(24,413)	-7.71%
Water Fund/Admin	90,838	46,003	136,841	138,404	(1,563)	-1.13%
Sewer Fund/Maint	131,828	83,939	215,767	233,410	(17,643)	-7.56%
Sewer Fund/Admin	90,838	46,003	136,841	138,404	(1,563)	-1.13%
Storm Water	69,258	38,413	107,671	106,357	1,314	1.24%
HEDA	26,882	9,687	36,570	34,945	1,625	4.65%
Total Personnel	3,576,349	1,871,634	5,447,983	5,238,814	209,169	3.99%

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

MEETING CONDUCTED IN PERSON & VIA ZOOM

PLEDGE OF ALLEGIANCE

ROLL CALL: Councilors Hauschild, Nelson, Mayor Boucher

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

ABSENT: Councilors Geissler, Peterson

VISITORS: 23

ANNOUNCEMENTS

PUBLIC HEARING

COMMUNICATIONS

Communications 22-55 through and including 22-60 were read and placed on file.

PRESENTATIONS

PUBLIC DISCUSSION

CONSENT AGENDA

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

- A. Approve May 16, 2022 City Council Continuation Minutes
- B. Approve May 18, 2022 Joint HEDA and City Council Meeting Minutes
- C. Approve general city warrants from May 15, 2022 through May 31, 2022 in the amount of \$483,051.65

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

MOTIONS

ORDINANCES

RESOLUTIONS

2022-71 Resolution Authorizing And Directing Mayor And City Clerk To Enter Into A Master Partnership Contract Between The State Of Minnesota Department Of Transportation And City Of Hermantown

Motion made by Councilor Hauschild, seconded by Councilor Nelson, to adopt Resolution 2022-71 Resolution Authorizing And Directing Mayor And City Clerk To Enter Into A Master Partnership Contract Between The State Of Minnesota Department Of Transportation And City Of Hermantown. Roll Call: Councilors Hauschild, Nelson, Mayor Boucher, aye. Councilor Geissler, Peterson, absent. Motion carried.

2022-72 Resolution Approving St. Louis County's Sap No. 069-656-020 CP No. 0056-493050 County State-Aid Highway No. 56 (Morris Thomas Road) Within The City Of Hermantown Corporate Limits

Motion made by Councilor Nelson, seconded by Councilor Hauschild, to adopt Resolution 2022-72 Resolution Approving St. Louis County's Sap No. 069-656-020 CP No. 0056-493050 County State-Aid Highway No. 56 (Morris Thomas Road) Within The City Of Hermantown Corporate Limits. Roll Call: Councilors Hauschild, Nelson, Mayor Boucher, aye. Councilor Geissler, Peterson, absent. Motion carried.

2022-73 Resolution Approving Special Use Permit For Construction Of An Accessory Structure In Excess Of 1,600 Square Feet In The R-1 Zoning District At 4282 Westwood Road And Imposing Conditions Thereon

Motion made by Councilor Hauschild, seconded by Councilor Nelson, to table Resolution 2022-73 Resolution Approving Special Use Permit For Construction Of An Accessory Structure In Excess Of 1,600 Square Feet In The R-1 Zoning District At 4282 Westwood Road And Imposing Conditions Thereon. Roll Call: Councilors Hauschild, Nelson, Mayor Boucher, aye. Councilor Geissler, Peterson, absent. Motion carried.

2022-74 Resolution Approving Preliminary And Final Planned Unit Development For Red Tail Hawk Development

Motion made by Councilor Nelson, seconded by Councilor Hauschild, to table Resolution 2022-74 Resolution Approving Preliminary And Final Planned Unit Development For Red Tail Hawk Development. Motion carried unanimously on a voice vote.

2022-75 Resolution Approving A Special Use Permit For The Construction Of Two - Two-Family Homes (4 Units Total) Within A Recreational Shoreland Area

Motion made by Councilor Hauschild, seconded by Councilor Nelson, to table Resolution 2022-75 Resolution Approving A Special Use Permit For The Construction Of Two - Two-Family Homes (4 Units Total) Within A Recreational Shoreland Area. Motion carried unanimously on a voice vote.

The following three resolutions were discussed out of order (2022-77, 2022-78 and then 2022-76).

2022-77 Resolution Approving Preliminary Planned Unit Development For The Keene Creek Trail Subdivision Development

Motion made by Councilor Nelson, seconded by Councilor Hauschild, to table Resolution 2022-77 Resolution Approving Preliminary Planned Unit Development For The Keene Creek Trail Subdivision Development. Motion carried unanimously on a voice vote.

Resolution 2022-77 will be renumbered for the June 20, 2022 meeting to 2022-76.

2022-78 Resolution Approving Preliminary Plat Of Keene Creek Trail Subdivision And Imposing Conditions On Submittal Of The Final Plat

Motion made by Councilor Hauschild, seconded by Councilor Nelson, to table Resolution 2022-78 Resolution Approving Preliminary Plat Of Keene Creek Trail Subdivision And Imposing Conditions On Submittal Of The Final Plat. Motion carried unanimously on a voice vote.

Resolution 2022-78 will be renumbered for the June 20, 2022 meeting to 2022-77.

2022-76 Resolution Approving A Special Use Permit For The Construction Of Two - Two-Family Homes And Four Single Family Homes (8 Units Total) In A R-3 Residential Zoning District And Within A Natural Environment Shoreland Area

Motion made by Councilor Nelson, seconded by Councilor Hauschild, to table Resolution 2022-76 Resolution Approving A Special Use Permit For The Construction Of Two - Two-Family Homes And Four Single Family Homes (8 Units Total) In A R-3 Residential Zoning District And Within A Natural Environment Shoreland Area. Motion carried unanimously on a voice vote.

Resolution 2022-76 will be renumbered for the June 20, 2022 meeting to 2022-78.

2022-79 Resolution Receiving Proposals And Awarding Engineering Contract For Design And Construction Engineering To Replace Bridge 7724 Crossing Rocky Run Creek At Hermantown Road In The Amount Not To Exceed \$155,747

Motion made by Councilor Hauschild, seconded by Councilor Nelson, to adopt Resolution 2022-79 Resolution Receiving Proposals And Awarding Engineering Contract For Design And Construction Engineering To Replace Bridge 7724 Crossing Rocky Run Creek At Hermantown Road In The Amount Not To Exceed \$155,747. Roll Call: Councilors Hauschild, Nelson, Mayor Boucher, aye. Councilor Geissler, Peterson, absent. Motion carried.

2022-81 Resolution Proclaiming June 9, 2022 As Beth Clark Day in Hermantown

Motion made by Councilor Nelson, seconded by Councilor Hauschild, to adopt Resolution 2022-81, Resolution Proclaiming June 9, 2022 as Beth Clark Day In Hermantown. Roll Call: Councilors Hauschild, Nelson, Mayor Boucher, aye. Councilor Geissler, Peterson, absent. Motion carried.

Motion made by Councilor Nelson, seconded by Hauschild, at 6:50 p.m. Motion carried.

ATTEST:

Mayor

City Clerk

HERMANTOWN ECONOMIC DEVELOPMENT AUTHORITY

June 8, 2022

5:00 p.m.

JOINT MEETING OF CITY COUNCIL AND HERMANTOWN ECONOMIC DEVELOPMENT AUTHORITY - MEETING CONDUCTED IN PERSON

ROLL CALL: Commissioners Geissler, Nelson, Ronchetti, Haapanen, Hauschild, Mayor Boucher

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

ABSENT: Commissioner Peterson

VISITORS: Heidi Timm-Bijold

City Council Meeting

Mayor Boucher called the City Council meeting to order.

Roll call: Councilors Geissler, Nelson, Hauschild, Mayor Boucher. Councilor Peterson, absent.

Motion by Councilor Geissler, seconded by Councilor Nelson, to combine City Council public hearing with HEDA public hearing with the Mayor acting as the Chair of the combined public hearing and recess the City Council meeting to the combined public hearing: Motion passed unanimously on a voice vote: 4-0. Councilor Peterson, absent.

HEDA Meeting

Chair Boucher called the HEDA meeting to order.

Roll call: Commissioners Geissler, Nelson, Ronchetti, Haapanen, Hauschild, Mayor Boucher. Commissioner Peterson, absent.

Motion Commissioner Ronchetti, seconded by Commissioner Haapanen, to combine the HEDA public hearing with the City Council public hearing with the Mayor acting as Chair of the combined public hearing and recess the HEDA meeting to the combined public hearing Motion passed unanimously on a voice vote:

Mayor Boucher called for the combined public hearing:

Motion by Commissioner Hauschild, second by Commissioner Nelson to reconvene the City Council meeting: Motion passed unanimously on a voice vote: 6-0. Commissioner Peterson, absent.

CITY RESOLUTIONS

2022 – 80 Resolution Approving An Amendment To The Hermantown Business Subsidy Policy, A Business Subsidy Agreement, A Property Tax Abatement, A Development Contract And An Assessment Agreement For The Pillars Of Hermantown Senior Living Project

HERMANTOWN ECONOMIC DEVELOPMENT AUTHORITY

June 8, 2022

5:00 p.m.

Motion by Councilor Nelson, seconded by Counselor Geissler to adopt Resolution 2022 – 80 Resolution Approving An Amendment To The Hermantown Business Subsidy Policy, A Business Subsidy Agreement, A Property Tax Abatement, A Development Contract And An Assessment Agreement For The Pillars Of Hermantown Senior Living Project. Roll Call vote: Councilors Geissler, Nelson, Hauschild, Mayor Boucher, aye. Councilor Peterson, absent. Motion carried 4-0.

Motion by Councilor Geissler, second by Councilor Hauschild to recess the City Council meeting. Motion passed unanimously on a voice vote: 4-0. Councilor Peterson, absent.

HEDA RESOLUTIONS

Motion by Commissioner Haapanen, seconded by Commissioner Nelson to reconvene the Hermantown Economic Development Authority meeting: Motion passed unanimously on a voice vote: 6-0. Commissioner Peterson, absent.

2022 - 05H Resolution Approving An Amendment To The Hermantown Business Subsidy Policy, Business Subsidy Agreement And Development Contract Between The Hermantown Economic Development Authority, The City Of Hermantown And KTJ 360, LLC For The Pillars Of Hermantown Senior Living Project

Motion by Commissioner Ronchetti, second by Commissioner Nelson, to adopt Resolution 2022 - 05H Resolution Approving An Amendment To The Hermantown Business Subsidy Policy, Business Subsidy Agreement And Development Contract Between The Hermantown Economic Development Authority, The City Of Hermantown And KTJ 360, LLC For The Pillars Of Hermantown Senior Living Project. Roll Call vote: Commissioners Ronchetti, Haapanen, Geissler, Nelson, Hauschild, Chair Boucher, aye. Commissioner Peterson, absent. Motion carried 6-0.

RECESS

Motion by Commissioner Geissler, second by Commissioner Hauschild, to recess the Hermantown Economic Development Authority meeting at 5:35 p.m. Motion passed unanimously on a voice vote: 6.0. Commissioner Peterson, absent.

Recorded by:

John Mulder, City Administrator

CITY OF HERMANTOWN

CHECKS #68823
06/01/2022-06/15/2022

PAYROLL CHECKS

Electronic Checks - #-69307-69351 \$83,573.21

LIABILITY CHECKS

Electronic Checks - #69300-69306 \$144,564.91

Check - #68823 & 68825 \$1,181.32

PAYROLL EXPENSE TOTAL \$229,319.44

ACCOUNTS PAYABLE

Check - #68826-68879 \$204,477.36

Electronic Payments #-99742-99750 \$13,077.79

ACCOUNTS PAYABLE TOTAL \$217,555.15

TOTAL \$446,874.59

6/10/2022

Page 1

Fun d	Account	Department	Vendor Name	Description	Amount	Check #
101	421100	Police Administration	NORTHEAST SERVICE COOPERATIVE	Health Ins April-Inactives	1,396.06	-99750
101	134000	Retiree Insurance/Telephone Reimb.	NORTHEAST SERVICE COOPERATIVE	Health Ins April-Inactives	873.65	-99750
101	415300	Administration & Finance	FURTHER ELECTRONIC PAYMENTS	Monthly Participant Fee June	15.80	-99749
101	419100	Community Development	FURTHER ELECTRONIC PAYMENTS	Monthly Participant Fee June	2.75	-99749
101	419901	City Hall & Police Building Maintenance	FURTHER ELECTRONIC PAYMENTS	Monthly Participant Fee June	0.80	-99749
101	421100	Police Administration	FURTHER ELECTRONIC PAYMENTS	Monthly Participant Fee June	31.95	-99749
101	431100	Street Department	FURTHER ELECTRONIC PAYMENTS	Monthly Participant Fee June	2.05	-99749
601	494400	Water Administration and General	FURTHER ELECTRONIC PAYMENTS	Monthly Participant Fee June	3.62	-99749
602	494900	Sewer Administration and General	FURTHER ELECTRONIC PAYMENTS	Monthly Participant Fee June	5.43	-99749
101	411100	Council	FIRST BANKCARD	Apr First Bankcard Mulder	239.00	-99748
101	415300	Administration & Finance	FIRST BANKCARD	Apr First Bankcard Orme	9.74	-99748
101	415300	Administration & Finance	FIRST BANKCARD	Apr First Bankcard Orme	759.46	-99748
101	415300	Administration & Finance	FIRST BANKCARD	Apr First Bankcard Orme	200.00	-99748
101	415300	Administration & Finance	FIRST BANKCARD	Apr First Bankcard Mulder	856.52	-99748
101	415300	Administration & Finance	FIRST BANKCARD	Apr First Bankcard Mulder	14.63	-99748
101	415300	Administration & Finance	FIRST BANKCARD	Apr First Bankcard Mulder	199.00	-99748
101	415300	Administration & Finance	FIRST BANKCARD	Apr First Bankcard Orme	303.03	-99748
101	419901	City Hall & Police Building Maintenance	FIRST BANKCARD	Apr First Bankcard Heinbuch	162.83	-99748
101	421100	Police Administration	FIRST BANKCARD	Apr First Bankcard Dwyer	478.00	-99748
101	421100	Police Administration	FIRST BANKCARD	Apr First Bankcard Dwyer	9.59	-99748
101	421100	Police Administration	FIRST BANKCARD	Apr First Bankcard Ross	465.63	-99748
101	421100	Police Administration	FIRST BANKCARD	Apr First Bankcard Esterbrooks	-39.00	-99748
101	421100	Police Administration	FIRST BANKCARD	Apr First Bankcard Esterbrooks	717.00	-99748
101	421100	Police Administration	FIRST BANKCARD	Apr First Bankcard Pfeiffer	120.00	-99748
101	421100	Police Administration	FIRST BANKCARD	Apr First Bankcard Pfeiffer	250.00	-99748
101	421100	Police Administration	FIRST BANKCARD	Apr First Bankcard Salo	15.00	-99748
101	421100	Police Administration	FIRST BANKCARD	Apr First Bankcard Esterbrooks	632.44	-99748
101	421100	Police Administration	FIRST BANKCARD	Apr First Bankcard Esterbrooks	29.78	-99748
101	421100	Police Administration	FIRST BANKCARD	Apr First Bankcard Esterbrooks	10.72	-99748
101	421100	Police Administration	FIRST BANKCARD	Apr First Bankcard Knapp	77.28	-99748
101	421100	Police Administration	FIRST BANKCARD	Apr First Bankcard Gottschald	9.21	-99748
101	421100	Police Administration	FIRST BANKCARD	Apr First Bankcard Williams	11.59	-99748
101	421100	Police Administration	FIRST BANKCARD	Apr First Bankcard Stracek	12.91	-99748
101	421100	Police Administration	FIRST BANKCARD	Apr First Bankcard Leibel	329.99	-99748
101	431100	Street Department	FIRST BANKCARD	Apr First Bankcard Senst	41.30	-99748
101	452100	Parks	FIRST BANKCARD	Apr First Bankcard Senst	452.88	-99748
601	494400	Water Administration and General	FIRST BANKCARD	Apr First Bankcard Orme	3.25	-99748
602	494900	Sewer Administration and General	FIRST BANKCARD	Apr First Bankcard Orme	3.25	-99748

6/10/2022

Page 2

Fun d	Account	Department	Vendor Name	Description	Amount	Check #
275	452200	Community Building	FIRST BANKCARD	Apr First Bankcard Orme	490.00	-99748
101	415300	Administration & Finance	AT&T MOBILITY	Cell Phones/Tablets PW	108.80	-99747
101	419901	City Hall & Police Building Maintenance	AT&T MOBILITY	Cell Phones/Tablets PW	47.60	-99747
101	421100	Police Administration	AT&T MOBILITY	Cell Phones PD	1,365.71	-99747
101	431100	Street Department	AT&T MOBILITY	Cell Phones/Tablets PW	142.81	-99747
601	494400	Water Administration and General	AT&T MOBILITY	Cell Phones/Tablets PW	190.40	-99747
602	494900	Sewer Administration and General	AT&T MOBILITY	Cell Phones/Tablets PW	190.40	-99747
101	217450	Employee Flexplan	FURTHER ELECTRONIC PAYMENTS	Claim Reimbursement - Electron	46.62	-99746
101	415300	Administration & Finance	GREATAMERICA FINANCIAL SERVICES	Copier Lease/Konica April	96.00	-99745
101	431901	City Garage	MN ENERGY RESOURCES CORP	Natural Gas old CH	55.06	-99744
101	431901	City Garage	MN ENERGY RESOURCES CORP	Natural Gas Lightning Dr	169.82	-99744
601	494400	Water Administration and General	MN ENERGY RESOURCES CORP	Natural Gas Lightning Dr	194.05	-99744
602	494900	Sewer Administration and General	MN ENERGY RESOURCES CORP	Natural Gas Lightning Dr	121.30	-99744
101	452200	Community Building	MN ENERGY RESOURCES CORP	Natural Gas old CH	495.52	-99744
601	494400	Water Administration and General	GOPHER STATE ONE-CALL INC	May 22 Locates	152.28	-99743
602	494900	Sewer Administration and General	GOPHER STATE ONE-CALL INC	May 22 Locates	101.52	-99743
101	419901	City Hall & Police Building Maintenance	HARTEL'S/DBJ DISPOSAL CO LLC	Garbage Recycling May	365.18	-99742
101	431901	City Garage	HARTEL'S/DBJ DISPOSAL CO LLC	Yard Trash Disposal May	37.58	-99742
101	419901	City Hall & Police Building Maintenance	A G O'BRIEN PLUMBING & HEATING INC	Sprinkler Inspection PD/FH	93.94	68826
101	419901	City Hall & Police Building Maintenance	A G O'BRIEN PLUMBING & HEATING INC	Sprinkler Inspection CH	187.88	68826
101	422901	Firehall #1 Maple Grove Road	A G O'BRIEN PLUMBING & HEATING INC	Sprinkler Inspection PD/FH	93.94	68826
101	415300	Administration & Finance	BAKER TILLY US, LLP	Pay Equity Report	750.00	68827
601	494300	Water Distribution	BORDER STATES ELECTRIC SUPPLY	Zip Ties	128.89	68828
101	452100	Parks	BRENT'S SEPTIC SERVICE LLC	Portable Toilets	1,225.00	68829
101	431100	Street Department	BW DISTRIBUTING	Brake Cleaner	39.99	68830
101	431100	Street Department	BW DISTRIBUTING	Shop Solvents	301.97	68830
101	431100	Street Department	CENTRAL PENSION FUND	Training Per Contract	45.56	68831
601	494300	Water Distribution	CENTRAL PENSION FUND	Training Per Contract	45.55	68831
602	494500	Sewer Maintenance	CENTRAL PENSION FUND	Training Per Contract	45.55	68831
101	422902	Firehall #2 Morris Thomas Road	CENTURYLINK	Internet FH #2 5/28/22-6/27/22	79.98	68832
101	422903	Firehall #3 Midway Road	CENTURYLINK	Internet FH #3 5/22/22-6/21/22	79.98	68832
101	419901	City Hall & Police Building Maintenance	CINTAS CORPORATION	Mats at CH	8.88	68833
101	419901	City Hall & Police Building Maintenance	CINTAS CORPORATION	Mats at FD/PD	30.72	68833
101	431100	Street Department	CINTAS CORPORATION	Uniforms	10.80	68833
101	431100	Street Department	CINTAS CORPORATION	Uniforms	99.34	68833
101	431100	Street Department	CINTAS CORPORATION	Uniforms	5.40	68833
101	431100	Street Department	CINTAS CORPORATION	Uniforms	23.38	68833
101	431100	Street Department	CINTAS CORPORATION	Uniforms	9.00	68833

Fun d	Account	Department	Vendor Name	Description	Amount	Check #
101	431100	Street Department	CINTAS CORPORATION	Uniforms	23.38	68833
101	431901	City Garage	CINTAS CORPORATION	Mats at PW	11.08	68833
101	431901	City Garage	CINTAS CORPORATION	Supplies	22.50	68833
101	431901	City Garage	CINTAS CORPORATION	Supplies	22.50	68833
101	431901	City Garage	CINTAS CORPORATION	Mats at PW	11.08	68833
101	431901	City Garage	CINTAS CORPORATION	Mats at PW	29.56	68833
101	431901	City Garage	CINTAS CORPORATION	Supplies	37.50	68833
101	415300	Administration & Finance	CLIFTONLARSONALLEN LLP	2021 Audit	5,705.00	68834
601	494400	Water Administration and General	CLIFTONLARSONALLEN LLP	2021 Audit	1,222.50	68834
602	494900	Sewer Administration and General	CLIFTONLARSONALLEN LLP	2021 Audit	1,222.50	68834
601	494300	Water Distribution	CORE & MAIN LP	Check Valves/Setters	1,848.00	68835
230	465100	HEDA	CREATIVE ARCADE	Website Monthly Maintenance	250.03	68836
602	494500	Sewer Maintenance	DEPARTMENT OF TRANSPORTATION	Sanitary Sewer Relocation Proj	20,369.55	68837
101	415300	Administration & Finance	DOLENTZ, JACKIE	MCFOA Clerk Institute Meals/Mi	815.88	68838
101	421100	Police Administration	DSC COMMUNICATIONS	RSM XTS	80.00	68839
601	494300	Water Distribution	FERGUSON WATERWORKS #2516	Tracer Wire for Hydrants	832.09	68840
601	494300	Water Distribution	FERGUSON WATERWORKS #2516	Tracer Wire Components for Hyd	313.39	68840
101	419901	City Hall & Police Building Maintenance	HEINBUCH, GREG	Safety Boots	168.79	68841
101	419901	City Hall & Police Building Maintenance	HERMANTOWN SERVICE CENTER INC	Repair Air Bag Sensor-07 Chevy	330.76	68842
101	421100	Police Administration	HERMANTOWN STAR LLC	Police Officer Ad	82.50	68843
230	465100	HEDA	HERMANTOWN STAR LLC	HEDA - 5/19 & 5/26/22	222.75	68843
101	421100	Police Administration	HOLIDAY COMPANIES	May Car Washes	20.00	68844
230	465100	HEDA	HTB PROJECT NAVIGATION, LLC	Proposed Hermantown Business P	500.00	68845
101	415300	Administration & Finance	INNOVATIVE OFFICE SOLUTIONS, LLC	Paper FLLR	64.02	68846
101	415300	Administration & Finance	INNOVATIVE OFFICE SOLUTIONS, LLC	Paper/Folder	39.29	68846
101	431100	Street Department	INTER CITY OIL CO INC	Fuel	841.37	68847
101	431100	Street Department	INTER CITY OIL CO INC	Fuel	1,021.87	68847
101	431100	Street Department	INTER CITY OIL CO INC	Fuel	1,455.95	68847
101	419901	City Hall & Police Building Maintenance	INTERSTATE ALL BATTERY CENTER	Battery-Small Mower-CH	120.95	68848
101	419901	City Hall & Police Building Maintenance	INTERSTATE ALL BATTERY CENTER	Battery-Big Mower-CH	99.95	68848
101	419901	City Hall & Police Building Maintenance	INTERSTATE ALL BATTERY CENTER	Corrosion Prevention-CH	14.99	68848
101	452100	Parks	INTERSTATE ALL BATTERY CENTER	Battery-PW Kubota	120.95	68848
101	422902	Firehall #2 Morris Thomas Road	JOHNSTONE SUPPLY	Seal/Duct Tape-FH 2 & 3	14.68	68849
101	422903	Firehall #3 Midway Road	JOHNSTONE SUPPLY	Seal/Duct Tape-FH 2 & 3	14.68	68849
101	419901	City Hall & Police Building Maintenance	KWIK TRIP EXTENDED NETWORK	Gas Building	407.01	68850
101	421100	Police Administration	KWIK TRIP EXTENDED NETWORK	Gas PD	4,529.27	68850
101	421100	Police Administration	KWIK TRIP EXTENDED NETWORK	Car Wash PD	282.99	68850
101	431100	Street Department	KWIK TRIP EXTENDED NETWORK	Gas Street	1,901.08	68850

Fun d	Account	Department	Vendor Name	Description	Amount	Check #
601	494300	Water Distribution	KWIK TRIP EXTENDED NETWORK	Gas Utility	351.35	68850
602	494500	Sewer Maintenance	KWIK TRIP EXTENDED NETWORK	Gas Utility	234.23	68850
101	452100	Parks	LAKEHEAD TRUCKING INC	Lime/Keene Creek Field	1,119.64	68851
101	431100	Street Department	LINDE GAS & EQUIPMENT INC.	CylRent/SafeEnvFee4/20-5/20/22	49.09	68852
101	431100	Street Department	LITTLE FALLS MACHINE, INC.	H1 Parts	193.11	68853
101	431100	Street Department	M-R SIGN CO INC	Stop Signs	1,340.40	68854
603	441100	Storm Water	MACQUEEN EQUIPMENT, LLC	Sweeper Rental 5/18/22-5/20/22	2,175.00	68855
101	419901	City Hall & Police Building Maintenance	MENARD INC	Building Repair-CH	101.59	68856
101	419901	City Hall & Police Building Maintenance	MENARD INC	Screwdrivers/Scraper/GFCI	103.95	68856
101	419901	City Hall & Police Building Maintenance	MENARD INC	GFI Cover/GFCI/Lawn Seed	107.04	68856
101	419901	City Hall & Police Building Maintenance	MENARD INC	GFI Cover/GFCI/Lawn Seed	95.48	68856
101	421100	Police Administration	MENARD INC	Shelf-PD	84.99	68856
101	421100	Police Administration	MENARD INC	Range Supplies	25.39	68856
101	431100	Street Department	MENARD INC	Mailbox Post	11.18	68856
101	431100	Street Department	MENARD INC	Tank Sprayer- for Sander/Truck	69.98	68856
101	431100	Street Department	MENARD INC	Tapcon	11.24	68856
101	431901	City Garage	MENARD INC	Hitch Pin	18.95	68856
101	452100	Parks	MENARD INC	Water Heater Element-Soccer Fi	18.97	68856
101	421100	Police Administration	METRO SALES INC	Copier Lease	294.00	68857
101	415300	Administration & Finance	MN CITY/COUNTY MANAGEMENT ASSOCIATION	MCMA Member Mulder 05/22-04/23	163.86	68858
601	220110	Water Test Fee Payable	MN DEPARTMENT OF HEALTH	Water Supply Serv Connect fee	5,850.36	68859
101	134000	Retiree Insurance/Telephone Reimb.	MN LIFE	Vatne Life Ins - Inactive	5.31	68860
101	419901	City Hall & Police Building Maintenance	MN TELECOMMUNICATIONS	June 2022 Internet	360.00	68861
101	422901	Firehall #1 Maple Grove Road	MN TELECOMMUNICATIONS	June 2022 Internet	90.00	68861
101	431100	Street Department	NAPA AUTO PARTS	Oil - H22	93.06	68862
602	494500	Sewer Maintenance	NORTHERN STATES SUPPLY INC	Chain for Radars @ Lift Statio	409.00	68863
235	452100	Parks	NORTHLAND CONSULTING ENGINEERS L.L.P.	Fitchner Park Master Plan	800.00	68864
475	431150	Street Improvements	NORTHLAND CONSULTING ENGINEERS L.L.P.	Hermantown Road Feasibility St	480.00	68864
475	431150	Street Improvements	NORTHLAND CONSULTING ENGINEERS L.L.P.	Hermantown Road Feasibility St	700.00	68864
475	431150	Street Improvements	NORTHLAND CONSULTING ENGINEERS L.L.P.	Richard Lindgren - SAP 202-080	2,000.00	68864
101	214500	Escrow Deposits Payable	NORTHLAND CONSULTING ENGINEERS L.L.P.	Peyton Property Development	320.00	68864
240	433200	Water Tower	OSSEO CONSTRUCTION CO. LLC	Water Tower Reconditioning	57,712.50	68865
101	416100	City Attorney	OVEROM LAW, PLLC	JAZB Board of Appeals and Adju	323.00	68866
101	416100	City Attorney	OVEROM LAW, PLLC	4825 Anderson Road Nuisance Ma	66.00	68866
101	416100	City Attorney	OVEROM LAW, PLLC	General Matters/Retainer	1,900.00	68866
101	416100	City Attorney	OVEROM LAW, PLLC	Animal & Fowl Ordinance	77.00	68866
101	416100	City Attorney	OVEROM LAW, PLLC	Nuisance Ordinance	242.00	68866
101	416100	City Attorney	OVEROM LAW, PLLC	4255 Lavaque Road Matters	66.00	68866

Fun d	Account	Department	Vendor Name	Description	Amount	Check #
101	416100	City Attorney	OVEROM LAW, PLLC	Data Practices Procedures	22.00	68866
101	416100	City Attorney	OVEROM LAW, PLLC	Right of Way Ordinance Updates	44.00	68866
101	419100	Community Development	OVEROM LAW, PLLC	Zierden Okerstrom Road Develop	574.00	68866
101	419100	Community Development	OVEROM LAW, PLLC	P&R Properties Engwalls Develo	948.00	68866
101	419100	Community Development	OVEROM LAW, PLLC	Keene Creek Plat Matters	70.00	68866
101	419100	Community Development	OVEROM LAW, PLLC	Hoff/Sydow Development (Engwal	112.00	68866
101	419100	Community Development	OVEROM LAW, PLLC	Stebner Farms Projects	1,736.00	68866
101	419100	Community Development	OVEROM LAW, PLLC	Melin's Evergreen 4th Addition	33.00	68866
101	419100	Community Development	OVEROM LAW, PLLC	Planning & Zoning Commission	88.00	68866
101	419100	Community Development	OVEROM LAW, PLLC	Airport Zoning Ordinance Admin	33.00	68866
101	419100	Community Development	OVEROM LAW, PLLC	2022 Sign Ordinance Amendments	1,858.00	68866
101	419100	Community Development	OVEROM LAW, PLLC	Elliott Rebecca Road Access Is	401.00	68866
101	421100	Police Administration	OVEROM LAW, PLLC	Body Camera Matters	649.00	68866
101	421100	Police Administration	OVEROM LAW, PLLC	Sex Offender Matters	99.00	68866
101	421100	Police Administration	OVEROM LAW, PLLC	Police Dept Personnel Matters	528.00	68866
101	421100	Police Administration	OVEROM LAW, PLLC	Gale Rachuy Vehicle Claim	66.00	68866
230	465100	HEDA	OVEROM LAW, PLLC	HEDA Agenda Matters	350.00	68866
230	465100	HEDA	OVEROM LAW, PLLC	Hwy 53 Business Park Developme	294.00	68866
230	465100	HEDA	OVEROM LAW, PLLC	2021 Recreation Facility	1,452.00	68866
601	494300	Water Distribution	OVEROM LAW, PLLC	Water Meter Access at 3645 Hai	33.00	68866
601	494400	Water Administration and General	OVEROM LAW, PLLC	Water Meter Contract	442.00	68866
475	431150	Street Improvements	OVEROM LAW, PLLC	Richard Avenue-Lindgren Rd MN	165.00	68866
475	431150	Street Improvements	OVEROM LAW, PLLC	Richard Avenue and Lindgren Rd	472.00	68866
101	465200	Community Development	OVEROM LAW, PLLC	Construction Manager at Risk M	257.00	68866
230	214500	Escrow Deposits Payable	OVEROM LAW, PLLC	Oppidan Development	5,895.50	68866
601	214500	Escrow Deposits Payable	OVEROM LAW, PLLC	T-Mobile Application	845.00	68866
245	456201	Broadband	OVEROM LAW, PLLC	Broadband Expansion	84.00	68866
101	421100	Police Administration	PER MAR SECURITY SERVICES INC	CCTV 07-01-2022 - 09/30/2022	85.08	68867
101	431100	Street Department	SATHERS, LLC	Class 5 - Crushed Material	1,274.00	68868
101	421100	Police Administration	SHRED-N-GO INC	Shredding Contract	58.28	68869
101	415300	Administration & Finance	ST LOUIS COUNTY AUDITOR	PeytonAcresTaxes395-0158-00070	12.00	68870
101	421100	Police Administration	ST LUKES CLINICS	Blood Draws	58.20	68871
101	421100	Police Administration	STREICHER'S	Ammo	1,265.76	68872
245	419901	City Hall & Police Building Maintenance	SUPERIOR GLASS INC	Window Install-Info Desk	3,795.00	68873
101	415300	Administration & Finance	TOSHIBA FINANCIAL SERVICES	Copier Lease Toshiba	145.57	68874
101	421100	Police Administration	TROY'S BP AMOCO INC	Tire Balance - SQD 22	74.00	68875
101	421100	Police Administration	TROY'S BP AMOCO INC	Remove & Replace Tires-SQD 21	20.00	68875
101	421100	Police Administration	TROY'S BP AMOCO INC	Tire Balance - SQD 14	74.00	68875

CITY OF HERMANTOWN, MN 06/01/2022-06/15/2022
 Check # is between 68826 and 68879 or Check # is between -99750 and -99742

6/10/2022

Fun d	Account	Department	Vendor Name	Description	Amount	Check #
101	419901	City Hall & Police Building Maintenance	UHL COMPANY INC	CO Monitor Repair-PD	160.00	68876
603	441100	Storm Water	UNITED RENTALS (NORTH AMERICA) INC	Water Truck Rental - Street Sw	4,304.94	68877
601	494400	Water Administration and General	VALLI INFORMATION SYSTEMS, INC	May 2022 Bill Print	509.40	68878
602	494900	Sewer Administration and General	VALLI INFORMATION SYSTEMS, INC	May 2022 Bill Print	509.41	68878
603	441100	Storm Water	VALLI INFORMATION SYSTEMS, INC	May 2022 Bill Print	509.41	68878
602	494500	Sewer Maintenance	WLSSD	Wastewater Charges	47,632.00	68879

Totals: 196 records printed **217,555.15**

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



DATE: May 31, 2022

Meeting Date: 06/20/2022

SUBJECT: Preliminary and Final Planned Unit Development – Red Tail Hawk
Agenda Item: 12-A
Resolution: 2022-74

REQUESTED ACTION

Requested approval of a Preliminary and Final Planned Unit Development (PUD) for the purpose of constructing 2 twinhome buildings (4 units total) on lots 4 and 7 of the Red Tail Hawk Addition plat. The property is approximately 5.6 acres in size and is located at 518x West Arrowhead Road. The property is located in an R-3 zoning district.

BACKGROUND

The applicant is proposing to construct 2 twinhome buildings (4 units total) on lots 4 and 7 of the Red Tail Hawk Addition plat. The property is approximately 5.6 acres in size and is located at 518x West Arrowhead Road. The property is located in an R-3 zoning district. In addition to the lots, there will be grading and utility work associated with the driveway and public utilities work for the project.

SITE INFORMATION:

Parcel Size:	5.6 acres
Legal Access:	518x West Arrowhead Road
Wetlands:	Yes, per the National Wetland Inventory
Existing Zoning:	R-3, Residential
Airport Overlay:	None
Shoreland Overlay:	Recreation
Comprehensive Plan:	Suburban

A public hearing for this application was held on Tuesday, May 17, 2022. In addition to the applicant, two members of the public spoke on the application at the meeting. Concerns included rental vs. sale of the units, capacity of the lift station to handle the proposed units and proximity to the Rocky Run tributary. The Planning and Zoning Commission recommended the application unanimously onto the City Council for their approval.

At the time of the Red Tail Hawk PUD approval in August 2021, it was envisioned that lots 4 and 7 would have twinhomes proposed for the property. At that time, the thought was to have two separate lots having access to West Arrowhead Road via a flaglot configuration for each. As the applicant proceeded with design work for this project, it became evident that a shared driveway

scenario providing access to these two twinhomes was more feasible as it eliminated one driveway entrance coming onto West Arrowhead Road. In addition, by clustering the two buildings the applicant was able to stay out of the 75 foot building setback associated with the shoreland area. In order to accomplish this, the applicant is also proposing a Common Interest Community (CIC) plat which makes this proposed driveway the property of both proposed twinhome buildings.

Zoning Analysis:

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

By clustering the two twinhome buildings within upland (non-wetland) areas it allows for the site to preserve approximately 2.8 acres of existing wetlands. The overall project density for the proposed project is 1 unit/1.4 acres which greatly exceeds the R-3 minimum lot size/density of 2 units/acre.

Setbacks

City Code allows a PUD to have standards that meet the City’s goals for each proposed development. These standards include building height, density, roadway widths and setbacks. The proposed project is for two townhome units (4 units total) and the design meets the underlying setback requirements of the R-3 zoning district.

Plat

The applicant is proposing to create a Common Interest Community (CIC) plat for this project. The CIC proposes that each individual twinhome unit will have its own corresponding lot which mirrors the footprint of the unit, it’s driveway and patio/deck space. The remainder of the property will be under the ownership of the community. The City does not review or approve CIC plats, so no action is required on this.

Utilities

The applicant is proposing to extend water and sanitary sewer mains into the property from West Arrowhead Road. These mains will terminate in respective manholes from which service lines to each individual unit will be installed. These mains will be designed and installed to City specifications and will be turned over to the City upon City Engineer recommendation and City Council approval. There will be a 30’ easement running in favor of the City associated with these utility mains. The applicant will be responsible for the cost and installation of the mains and pay any applicable connection or availability fees.

The Public Works Director verified that the lift station has the capacity to handle these proposed units.

Stormwater

The proposed project does not exceed the impervious area associated with the City's stormwater requirements and therefore will not require any on-site treatment of stormwater. Each lot will incur a monthly stormwater utility fee once they are developed.

Access

The proposed project takes access from West Arrowhead Road. No access to Grouse Ridge Drive is proposed.

Wetlands

The applicant has provided a wetland delineation for the property. The wetland delineations and any impacts will be reviewed and acted upon by the Hermantown Technical Evaluation Panel. Wetlands impacts will be required to be approved prior to any new construction.

Park Dedication Fees

The applicant has already paid the \$1,100 park dedication fees associated with the creation of lots 4 and 7. An additional \$2,200 will be required to account for the two new proposed units which have not been paid for yet. Bedroom fees at the rate of \$150/bedroom will be paid at the time of building permit.

Summary

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

1. The preliminary and final PUD meets the intent of the R-3, Residential Zoning District, Chapter 11 – Planned Unit Developments, and the overall goals and policies of the Zoning Ordinance.
2. The preliminary and final PUD meets the Comprehensive Plan for residential development and standards of a Planned Unit Development by providing public benefit through enhanced and coordinated development design and a greater variety of housing variety in the community.
3. A PUD may be allowed in any zoning district in the City of Hermantown. In addition, all permitted and conditional uses listed in the underlying specific district are allowed in a PUD.
4. The project will be served by public water and sewer which will be constructed by the applicant. The applicant/builder will be responsible for any connection of availability fees.
5. The preliminary and final PUD hereby approved is hereby expressly subject to the following conditions:
 - a. Property Owner is initially and continually in compliance with all of the ordinances and regulations of the City of Hermantown.

- b. That the Project will be constructed as described in the plans accompanying the Application and the conditions contained herein.
 - c. The Zoning Administrator of the City of Hermantown shall be notified at least five (5) days in advance of the commencement of the work authorized hereunder and shall be notified of its completion within five (5) days thereafter.
 - d. No change shall be made in the Project without written permission being previously obtained from the City of Hermantown.
 - e. Property Owner 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 that the terms of this permit are met.
 - f. Property Owner is initially and continually in compliance with all of the ordinances and regulations of the City of Hermantown.
 - g. All utility line easements shall be observed and any encroachment into the utility right-of-way shall only be permitted with the written approval of the utility.
 - h. Trees and brush cannot be burned on the Land, but may be chipped and shredded.
 - i. Erosion control measures must be in place prior to any construction on the Final PUD.
 - j. An MPCA Stormwater Permit and erosion control measures must be in place prior to the start of operations.
 - k. The Property Owner shall take measures to control erosion that has the potential to damage adjacent land, and control sedimentation that has the potential to leave the site.
6. The applicant has already paid the \$1,100 park dedication fees associated with the creation of lots 4 and 7. Applicant will be required to an additional \$2,200 park dedication for the two additional units. The applicant/builder will be responsible for the \$150/bedroom park dedication at the time of building permit.
7. Applicant to submit preliminary and final construction documents (water, storm sewer, sanitary sewer, roadway, etc.) according to City standards and coordinated with the City Engineer prior to construction.
8. Installation of water and sanitary sewer shall require the Property Owner to enter into an agreement with the City governing the terms of such work. All utility plans shall be approved by the City Engineer. The City/Developer agreement shall specify the amount of a financial guarantee to be held by the City from the time of commencement of work until such a time as the City is prepared to accept as complete the new public infrastructure.

All drainage and utility easements shall have associated easements. The Property Owner shall enter into a Development Agreement with the City for all public utilities.

9. The applicant is responsible for all City and WLSSD availability, hook-up and CAF fees associated with the PUD.
10. The applicant is responsible for all City Engineer and Attorney fees related to the review and approval of the PUD.
11. The Applicant shall sign a consent form assenting to all conditions of this approval.
12. 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
- Site Plan
- Building Example
- Proposed CIC Plat
- Resolution

Location Map





PROJECT DATE:	NO.	DATE	REVISION	BY
DRAWN BY: Init	-	-	-	-
DESIGNED BY: Init	-	-	-	-
CHECKED BY: Init	-	-	-	-

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

DATE _____ REGNO _____
Date License No.

NAME _____

ARROWHEAD & GROUSE RIDGE TOWNHOUSES
ZIERDEN BUILDERS
HERMANTOWN, MN

PRELIMINARY SITE LAYOUT

PROJECT NO. 21096003
SHEET ----



3683

3685

COMMON INTEREST COMMUNITY NO.150

A PLANNED COMMUNITY

RED TAIL HAWK TOWN HOMES

LOTS 4 AND 7, BLOCK 1 IN RED TAIL HAWK ADDITION.

LOCATED IN PART OF THE SOUTHEAST QUARTER OF SECTION 10, TOWNSHIP 50 NORTH, RANGE 15 WEST OF THE FOURTH PRINCIPAL MERIDIAN, CITY OF HERMANTOWN, ST. LOUIS COUNTY, MINNESOTA.

I, Michael Stang do hereby certify that the work was undertaken by or reviewed and approved by me for this CIC plat of COMMON INTEREST COMMUNITY NUMBER 150 a Planned Community, RED TAIL HAWK TOWN HOMES, being located upon:

Lots 4 and 7, Block 1 of RED TAIL HAWK ADDITION, as of public record, St. Louis County, Minnesota.

And fully and accurately depicts all information required by Minnesota Statutes, Section 515b.0-1101 (c), (1,5,6,8 and 9) as amended.

Dated this ____ day of _____, 2022.

Michael Stang, Land Surveyor
Minnesota License No. 52591

STATE OF MINNESOTA
COUNTY OF _____

The foregoing instrument was acknowledged before me this ____ day of _____, 2021, by Michael Stang, R.L.S. No. 52591.

Notary Public Signature _____ Notary Printed Name _____

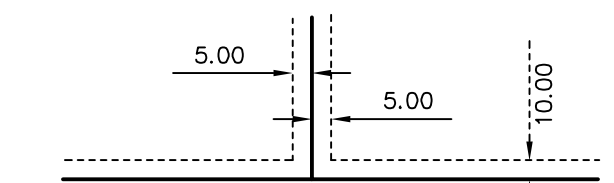
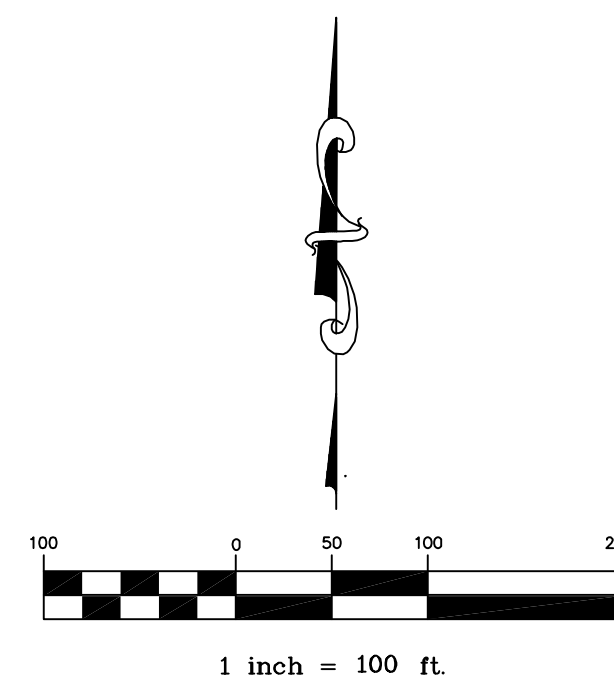
_____, County, Minnesota, My Commission Expires _____

ST. LOUIS COUNTY SURVEYOR
Pursuant to Minnesota Statutes, Chapter 389.09, this CIC plat has been reviewed and approved this ____ day of _____, 2022.

Nick C. Stewart County Surveyor By _____
Todd M. Hendershott, Deputy

ST. LOUIS COUNTY AUDITOR
Pursuant to Minnesota Statutes, Section 515B.1-116(e) and 272.12, taxes payable in the year 2022, on real estate herein before described have been paid; there are no delinquent taxes and transfer entered, on this ____ day of _____, 2022

Nancy Nilsen County Auditor - Treasurer By _____
Deputy



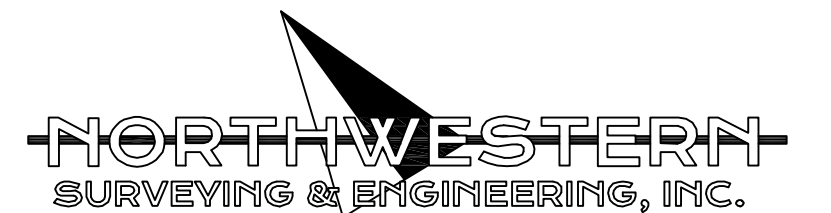
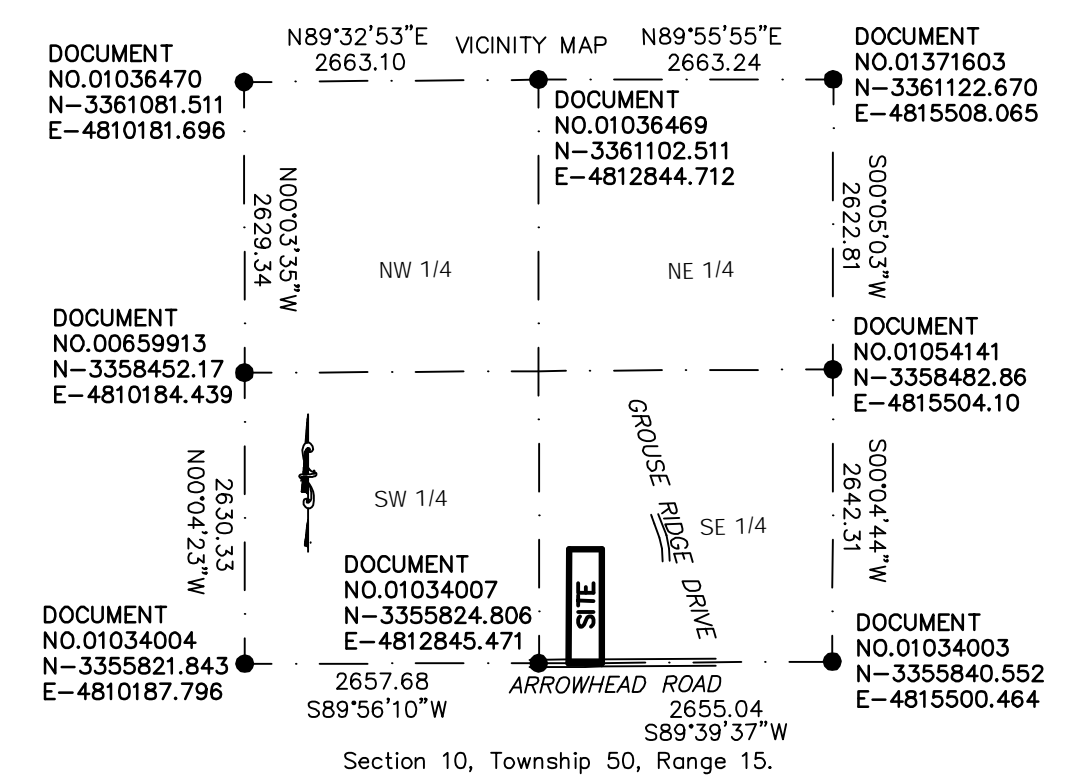
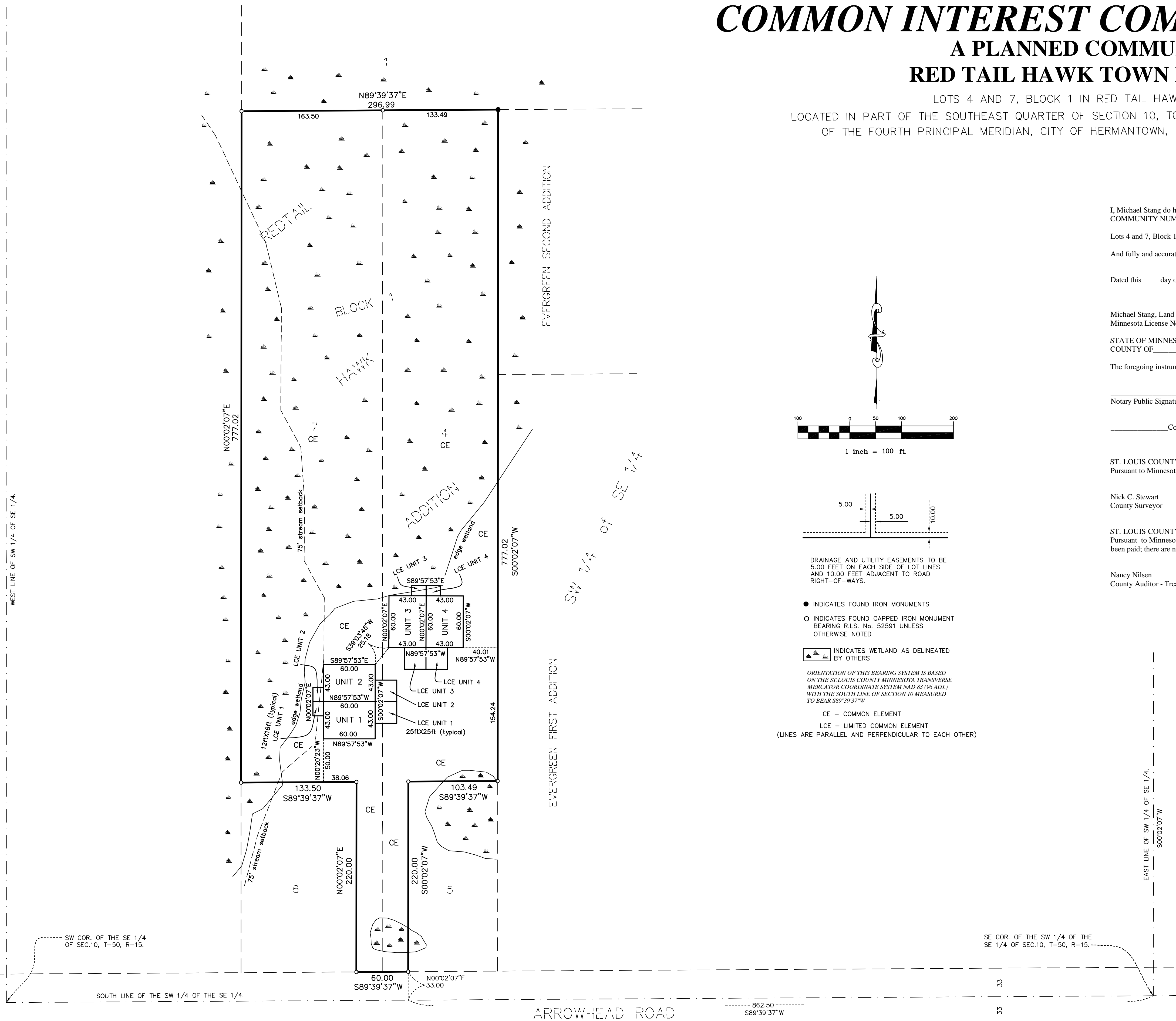
DRAINAGE AND UTILITY EASEMENTS TO BE 5.00 FEET ON EACH SIDE OF LOT LINES AND 10.00 FEET ADJACENT TO ROAD RIGHT-OF-WAYS.

- INDICATES FOUND IRON MONUMENTS
- INDICATES FOUND CAPPED IRON MONUMENT BEARING R.L.S. No. 52591 UNLESS OTHERWISE NOTED

▲ INDICATES WETLAND AS DELINEATED BY OTHERS

ORIENTATION OF THIS BEARING SYSTEM IS BASED ON THE ST. LOUIS COUNTY MINNESOTA TRANSVERSE MERCATOR COORDINATE SYSTEM NAD 83 (96 ADJ.) WITH THE SOUTH LINE OF SECTION 10 MEASURED TO BEAR S89°39'37"W

CE - COMMON ELEMENT
LCE - LIMITED COMMON ELEMENT
(LINES ARE PARALLEL AND PERPENDICULAR TO EACH OTHER)



Resolution No. 2022-74

**RESOLUTION APPROVING PRELIMINARY AND FINAL PLANNED UNIT DEVELOPMENT
FOR RED TAIL HAWK DEVELOPMENT**

WHEREAS, BMAX Inc; Darren and Layne Weets, a married couple; Darrell and Desiree Weets, a married couple; and Derek and Mary Weets, a married couple (Applicant) has submitted a complete application (Application) for a preliminary and final Planned Unit Development (PUD) in association with parcels 395-0159-00070 and 395-0159-00040; and

WHEREAS, the Hermantown Planning and Zoning Commission held a public hearing on the preliminary and final PUD on May 17, 2022 following notice as required by the City's Zoning Code; and

WHEREAS, following the public hearing on the preliminary and final PUD, the Hermantown Planning Commission recommend on a 7-0 vote that the City Council approve the preliminary and final PUD; and

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

NOW THEREFORE, BE IT RESOLVED after due consideration of the entire City file, the testimony at the public hearing and all other relevant matters the City Council hereby makes the following findings related to the Final Planned Unit Development.

A. FINDINGS OF FACT

1. The proposed development plan meets the intent of the R-3, Residential Zoning District and the overall goals and policies of the Zoning Ordinance.
2. The proposed development meets the Comprehensive Plan for residential development and standards of a Planned Unit Development by providing public benefit through siting of the buildings in order to protect wetlands.
3. A PUD may be allowed in any zoning district in the City of Hermantown. In addition, all permitted and conditional uses listed in the underlying specific district are allowed in a PUD.
4. The tract of land ("Land") affected by the Plan is legally described on **Exhibit A** attached hereto.
5. The Plan includes provisions for the preservation of natural amenities.
6. The Plan appears to harmonize with both existing and proposed development in the area surrounding the project site.
7. The Plan is comprised of at least two and one half (2 ½) acres of contiguous land.
8. The Plan includes residential uses.

9. Maps were provided with the Plan and contained the following:
 - 9.1 The existing topographic character of the land.
 - 9.2 A composite of all natural amenities of the site including steep slopes, drainage ways plus wetlands.
 - 9.3 The size of the site and proposed uses of the land to be developed.
 - 9.4 The density of land use to be allocated to the overall development.
10. The Plan includes the following:
 - 10.1 A statement of the ownership of all land involved in the Planned Unit Development.
 - 10.2 An explanation of the general character of the planned development.
 - 10.3 A general indication of the expected time schedule of development.
11. The approval of the Final Development Plan is subject to the following modifications/conditions:
 - 12.1 The Developer will cause all buildings within the development to be constructed in accordance with all applicable building and fire codes.
 - 12.2 In order to insure that the spirit and intent of the Hermantown Zoning Code is met modifications must be made to the Plan and conditions imposed on the development proposed by the Plan.
 - 12.3 Erosion control measures shall be utilized and remain in place throughout the construction period, and shall not be removed until vegetation is established on the site.
 - 12.4 Prior to issuance of a building permit, all necessary permits shall be obtained, including, without limitation, any stormwater permits required by the Minnesota Pollution Control Agency.
 - 12.5 The applicant/future builder will be required to apply for a Special Use Permit for the purpose of grading, filling or construction within a shoreland overlay area. A Special Use Permit for each of these lots will be required prior to approval of any building permits.
 - 12.6 The applicant will be required to finalize the wetland delineation and identify any proposed wetland impacts associated with the development.
 - 12.7 The applicant shall describe best management methods that will be used to demarcate and protect wetlands that are located on site, including physically signing boundaries and providing electronic and GIS information to City documenting the wetland boundaries.
 - 12.8 The developer shall comply with the following conditions during construction:
 - a. Development activity shall comply with all City noise ordinances. There shall be no construction activity between the hours of 10 p.m. and 7 a.m.

- b. Loud equipment shall be kept as far as possible from adjacent residences.
- c. The site shall be kept free of dust and debris that could blow onto neighboring properties.
- d. Public streets shall be maintained free of dirt and shall be cleaned as necessary.
- e. The City shall be contacted a minimum of 72 hours prior to any work in a public street or right-of-way. Work in a public street shall take place only upon the determination by the Public Works Director that appropriate safety measures have been taken to ensure motorist and pedestrian safety.
- f. The Zoning Administrator may impose additional conditions if it becomes necessary in order to mitigate the impact of construction on surrounding properties.

12.9 The applicant shall sign a consent form assenting to all conditions of this approval.

12.10 The applicant shall pay an administrative fine of \$750 per violation of any condition of this approval.

13. To accomplish the complex review process for approval of the Plan, the dates and deadlines of Chapter 11, "Planned Unit Developments" were reviewed and requirements met by the Developer.

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

15. The Developer will be required to pay park dedication fees consistent with the requirements of the City Zoning Ordinance. The applicant has already paid the \$1,100 park dedication fees associated with the creation of lots 4 and 7. Developer will be required to an additional \$2,200 park dedication for the two additional units. The developer/builder will be responsible for the \$150/bedroom park dedication at the time of building permit.

16. A Final PUD Order consistent with the provisions of this resolution will be prepared by staff and the Mayor and City Clerk are authorized to execute the Final PUD Order.

17. Developer must pay all costs and expenses incurred by the City, including attorney's fees, planner fees and out of pocket costs incurred by the City.

CONCLUSION

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

1. The preliminary and final PUD meets the intent of the R-3, Residential Zoning District, Chapter 11 – Planned Unit Developments, and the overall goals and policies of the Zoning Ordinance.
2. The preliminary and final PUD meets the Comprehensive Plan for residential development and standards of a Planned Unit Development by providing public benefit through enhanced and coordinated development design and a greater variety of housing variety in the community.
3. A PUD may be allowed in any zoning district in the City of Hermantown. In addition, all permitted and conditional uses listed in the underlying specific district are allowed in a PUD.
4. The project will be served by public water and sewer which will be constructed by the Developer. The developer/builder will be responsible for any connection of availability fees.
5. The preliminary and final PUD hereby approved is hereby expressly subject to the following conditions:
 - a. Property Owner is initially and continually in compliance with all of the ordinances and regulations of the City of Hermantown.
 - b. That the Project will be constructed as described in the plans accompanying the Application and the conditions contained herein.
 - c. The Zoning Administrator of the City of Hermantown shall be notified at least five (5) days in advance of the commencement of the work authorized hereunder and shall be notified of its completion within five (5) days thereafter.
 - d. No change shall be made in the Project without written permission being previously obtained from the City of Hermantown.
 - e. Property Owner 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 that the terms of this permit are met.
 - f. Property Owner is initially and continually in compliance with all of the ordinances and regulations of the City of Hermantown.
 - g. All utility line easements shall be observed and any encroachment into the utility right-of-way shall only be permitted with the written approval of the utility.
 - h. Trees and brush cannot be burned on the Land, but may be chipped and shredded.
 - i. Erosion control measures must be in place prior to any construction on the Final PUD.
 - j. An MPCA Stormwater Permit and erosion control measures must be in place prior to the start of operations.

- k. The Property Owner shall take measures to control erosion that has the potential to damage adjacent land, and control sedimentation that has the potential to leave the site.
6. The Developer has already paid the \$1,100 park dedication fees associated with the creation of lots 4 and 7. Developer will be required to an additional \$2,200 park dedication for the two additional units. The developer/builder will be responsible for the \$150/bedroom park dedication at the time of building permit.
7. Developer to submit preliminary and final construction documents (water, storm sewer, sanitary sewer, roadway, etc.) according to City standards and coordinated with the City Engineer prior to construction.
8. Installation of water and sanitary sewer shall require the Property Owner to enter into an agreement with the City governing the terms of such work. All utility plans shall be approved by the City Engineer. The City/Developer agreement shall specify the amount of a financial guarantee to be held by the City from the time of commencement of work until such a time as the City is prepared to accept as complete the new public infrastructure. All drainage and utility easements shall have associated easements. The Property Owner shall enter into a Development Agreement with the City for all public utilities.
9. The Developer is responsible for all City and WLSSD availability, hook-up and CAF fees associated with the PUD.
10. The Developer is responsible for all City Engineer and Attorney fees related to the review and approval of the PUD.
11. The Developer shall sign a consent form assenting to all conditions of this approval.
12. The Developer shall pay an administrative fine of \$750 per violation of any condition of this approval.

Councilor _____ introduced the foregoing resolution and moved its adoption.

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

and the following voted in opposition thereto:

WHEREUPON, such resolution was declared duly passed and adopted June 20, 2022.

LEGAL DESCRIPTION

Lot 4, Block 1 Red Tail Hawk Addition

Parcel: 395-0159-00040

Lot 7, Block 1 Red Tail Hawk Addition

Parcel: 395-0159-00070

ACCEPTANCE OF RESOLUTION

BMAX Inc; Darren and Layne Weets, a married couple; Darrell and Desiree Weets, a married couple; and Derek and Mary Weets, a married couple (“Applicant”) hereby acknowledges and accepts the conditions specified on the foregoing Resolution and covenants and agrees to comply with each and every such condition.

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

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

IN WITNESS WHEREAS, BMAX Inc; Darren and Layne Weets, a married couple; Darrell and Desiree Weets, a married couple; and Derek and Mary Weets, a married couple has executed this acceptance this ____ day of _____, 2022.

BMAX Inc

Darren Weets

Layne Weets

Darrell Weets

Desiree Weets

Derek Weets

Mary Weets

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

The foregoing instrument was acknowledged before me this ____ day of _____, 2022, by BMAX Inc; Darren and Layne Weets, a married couple; Darrell and Desiree Weets, a married couple; and Derek and Mary Weets, a married couple.

Notary Public

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



DATE: May 31, 2022

Meeting Date: 06/20/2022

SUBJECT: Special Use Permit for grading and
filling in a recreation shoreland area

Agenda Item: 12-B

Resolution: 2022-75

REQUESTED ACTION

Applicant is requesting approval of a Special Use Permit for grading and filling in a recreation environment shoreland area associated with an unnamed tributary to Rocky Run Creek for the purpose of constructing 2 twinhome buildings (4 units total) on lots 4 and 7 of the Red Tail Hawk Addition plat. The property is approximately 5.8 acres in size and is located at 518x W. Arrowhead Road. The property is located in an R-3 zoning district.

BACKGROUND

The applicant is proposing to construct 2 twinhome buildings (4 units total) on lots 4 and 7 of the Red Tail Hawk Addition plat. The property is approximately 5.8 acres site and is located at 518x W. Arrowhead Road. The property is located in an R-3 zoning district. In addition to the lots, there will be grading and utility work associated with the driveway and public utilities within the recreation environment shoreland area.

SITE DATA

Parcel Size:	5.8 acres
Legal Access:	W Arrowhead Road
Wetlands:	Yes, delineation conducted in 2021
Existing Zoning:	R-3, Residential
Airport Overlay:	None
Shoreland Overlay:	Recreation Environment
Comprehensive Plan:	Suburban

A public hearing for this application was held on Tuesday, May 17, 2022. In addition to the applicant, two members of the public spoke on the application at the meeting. Concerns included the proximity to the Rock Run tributary. The Planning and Zoning Commission recommended the application unanimously onto the City Council for their approval.

Wetlands

A wetland delineation was performed in the fall of 2021. The plan envisions wetland impacts associated with the driveway construction and potentially with the building footprints. The

applicant will be required to submit a wetland impact plan to the Hermantown Technical Evaluation Panel for their review and approval.

Special Use Permit

The Special Use Permit is for filling and grading within a Shoreland zone. There are general conditions for all SUPs. Staff finds the following in regard to the criteria for Special Use Permits in the Zoning Ordinance:

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

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

The development of two twinhomes (4 units total) is allowed within the R-3 zoning district with an approved Planned Unit Development. Single family homes is the primary use of all surrounding developed land. These four units are proposed to take place on the overall 5.8 acre property for a site density of 1 unit on 1.45 acres. Conditions placed on the SUP and wetland approvals will restrict future wetland impacts.

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

Conditions placed on the SUP restricting wetland impacts and clearing and grading within 50 feet of the unnamed tributary meet the intent of the zoning ordinance to protect natural resources. The development of two twinhomes (4 units total) is allowed within the R-3 zoning district with a Planned Unit Development. Single family homes is the primary use of all surrounding developed land

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

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

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

The existing development surrounding this site is single family residential; the proposed use continues this character. The proposed impervious surface is below maximum limits and the required 50 feet buffer zone will protect the unnamed tributary.

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

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

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

RECOMMENDATIONS:

Staff recommends approval of the Special Use Permit based on the findings set forth in the Staff report, subject to the following conditions:

1. The approval is for a Special Use Permit for filling and grading in a Recreation Environment Shoreland of a tributary to the Rocky Run Creek to construct 2 twinhomes (4 units total), utilities and driveway in association with proposed project. The Community Development Director may approve minor variations to structures and filling and grading indicated on the attached preliminary site plan as long as the variations do not result in greater wetland impacts.
2. The applicant will follow the rules for grading and filling in a Shoreland Overlay Zone established in Section 725.02 and Section 555.07.1 and 555.07.2 including, but not limited to:
 - a. No impervious surface or clearing, grubbing and grading will be allowed within 50 feet of the Ordinary High Water Level of the unnamed tributary.
 - b. The elevation of the lowest floor level shall be at least three feet above the Ordinary High Water Level of the unnamed tributary.
 - c. The smallest amount of bare ground is exposed for as short a time as feasible;
 - d. Temporary groundcover, such as mulch, is used, and permanent groundcover, such as sod, is planted;

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

SOURCE OF FUNDS (if applicable)

N/A

ATTACHMENTS:

- Site Location Map
- Proposed Site plan
- Shoreland Area Map
- Resolution

Location Map





PROJECT DATE:	NO.	DATE	REVISION	BY
DRAWN BY: Init	-	-	-	-
DESIGNED BY: Init	-	-	-	-
CHECKED BY: Init	-	-	-	-

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

DATE _____ REGNO _____
Date License No.

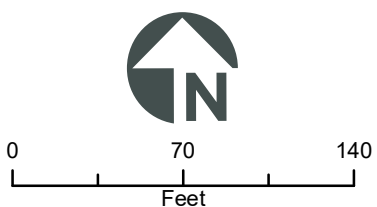
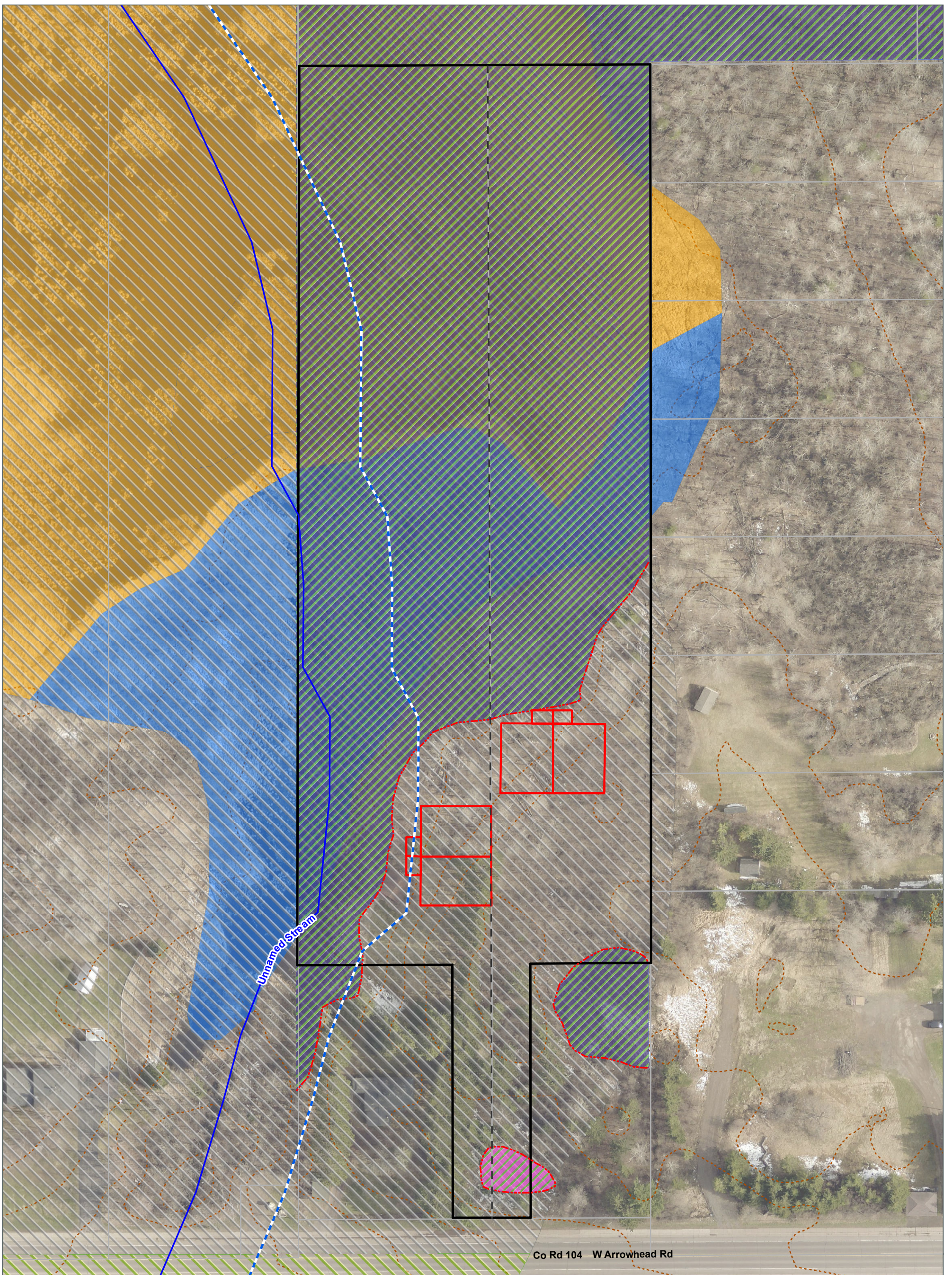
NAME _____

ARROWHEAD & GROUSE RIDGE TOWNHOUSES
ZIERDEN BUILDERS
HERMANTOWN, MN

PRELIMINARY SITE LAYOUT

PROJECT NO.
21096003

SHEET



Sources:

St. Louis County, MnTopo, DNR River and Stream Centerlines, National Wetlands Inventory, Hermantown ArcGIS Online (Shoreline Overlay Zoning)

- | | |
|-------------------------|------------------------------------|
| Lot Boundary | Natural Environment |
| Building Footprint | Recreational Development |
| Parcel Boundary | MSA Delineated Wetland Type |
| Stream (Perennial) | Forested Swamp |
| 75-Foot Stream Buffer | Scrub Shrub |
| Lot Dividing Line | NWI Wetland Type |
| Wetland Boundary | Freshwater Emergent Wetland |
| 2-Foot Contour Interval | Freshwater Shrub/Emergent Wetland |

FIGURE 5
LOT CONFIGURATION
5189 Arrowhead Road
Hermantown
St. Louis County, Minnesota

Resolution No. 2022-75

RESOLUTION APPROVING A SPECIAL USE PERMIT FOR THE CONSTRUCTION OF TWO - TWO-FAMILY HOMES (4 UNITS TOTAL) WITHIN A RECREATIONAL SHORELAND AREA

WHEREAS, BMAX Inc; Darren and Layne Weets, a married couple; Darrell and Desiree Weets, a married couple; and Derek and Mary Weets, a married couple (Applicant) submitted an application for a Special Use Permit for the construction of two - two-family homes (4 units total) within a Recreation Shoreland Area (the “Project”) in association with parcels 395-0159-00070 and 395-0159-00040; and with a legal description as follows:

Lot 4, Block 1 Red Tail Hawk Addition

Parcel: 395-0159-00040

Lot 7, Block 1 Red Tail Hawk Addition

Parcel: 395-0159-00070

WHEREAS, The Hermantown Planning and Zoning Commission held a public hearing on the Special Use Permit application at its meeting on May 17, 2022 and recommended approval of the Special Use Permit at such meeting; and

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

FINDINGS OF FACT

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

The development of two - two family residential homes (4 units total) is allowed with a Planned Unit Development (PUD) approval under the R-3, Residential zoning district. The proposed use is compatible with development within the vicinity which is characterized by low and medium density residential and residential compatible uses.

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

Conditions placed on the SUP restricting wetland impacts and clearing and grading within 50 feet of the unnamed tributary meet the intent of the zoning ordinance to protect natural resources. two - two family residential homes (4 units total) is allowed with a Planned Unit Development (PUD) approval under the R-3, Residential zoning district. with residential property being the primary use of all surrounding developed land.

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

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

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

The proposed use is similar to uses of nearby properties in density and style. The 4 total proposed units are located on 5.8 acres of land with a density less than the surrounding single family residential properties.

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

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

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

CONCLUSION

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

- 1. The applicant shall connect to public sewer and water services at their own expense and pay any applicable connection or availability fees.
- 2. Prior to issuance of a building permit, the applicant will submit a site plan showing the lot dimensions and location of the two-family residence relative to the side lot lines.
- 3. Erosion control measures shall be utilized and remain in place throughout the construction period, and shall not be removed until vegetation is established on the site.
- 4. Prior to issuance of a building permit, all necessary permits shall be obtained.
- 5. The approval is for a Special Use Permit for filling and grading in a Recreational Environment Shoreland area for the purpose of constructing two - two-family structures. The Community Development Director may approve minor variations to filling and grading as long as the variations do not result in any wetland impacts.
- 6. The City will follow the rules for grading and filling in a Shoreland Overlay Zone established in Section 725.02 and Section 555.07.1 and 555.07.2 including, but not limited to:
 - a. No impervious surface or clearing, grubbing and grading will be allowed within 50 feet of the Ordinary High Water Level of the unnamed tributary.
 - b. The elevation of the lowest floor level shall be at least three feet above the Ordinary High Water Level of the unnamed tributary.
 - c. The smallest amount of bare ground is exposed for as short a time as feasible;

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

Councilor _____ introduced the foregoing resolution and moved its adoption.

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

and the following voted in opposition thereto:

WHEREUPON, such resolution was declared duly passed and adopted June 20, 2022.

(TOP THREE INCHES RESERVED FOR RECORDING DATA)

SPECIAL USE PERMIT

Permission is hereby granted to BMAX Inc; Darren and Layne Weets, a married couple; Darrell and Desiree Weets, a married couple; and Derek and Mary Weets, a married couple (Applicant) submitted an application for a Special Use Permit for the construction of two - two-family homes (4 units total) within a Recreation Shoreland Area (the "Project") in association with parcels 395-0159-00070 and 395-0159-00040; and with a legal description as fisted in Attachment A:

The permission hereby granted is expressly conditioned as follows:

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

- f. This permit may be terminated by the City of Hermantown at any time it deems necessary for the conservation of water resources, or in the interest of public health and welfare, or for violation of any of the provisions of this permit.
- g. Applicant is initially and continually in compliance with all of the ordinances and regulations of the City of Hermantown Building Code and the Hermantown Fire Code.
- h. All state licenses and other permits required for the Project have been obtained by the Applicant and copies are provided to the City of Hermantown.
- i. That Applicant pay all direct costs incurred by the City of Hermantown in connection with the enforcement and administration of this permit within fifteen (15) days of Applicant being invoiced by the City for such costs.
- j. The approval is for a Special Use Permit for construction of two - two family homes (4 units total) within a Recreation Shoreland Area at the applicants property located at 395-0159-00040 and 395-0159-00070.
- k. The applicant shall connect to public sewer and water services at their own expense and pay any applicable connection or availability fees.
- l. Prior to issuance of a building permit, the applicant will submit a site plan showing the lot dimensions and location of the two-family residence relative to the side lot lines.
- m. Erosion control measures shall be utilized and remain in place throughout the construction period, and shall not be removed until vegetation is established on the site.
- n. Prior to issuance of a building permit, all necessary permits shall be obtained.
- o. The approval is for a Special Use Permit for filling and grading in a Recreational Environment Shoreland area for the purpose of constructing two - two-family structures. The Community Development Director may approve minor variations to filling and grading as long as the variations do not result in any wetland impacts.
- p. The City will follow the rules for grading and filling in a Shoreland Overlay Zone established in Section 725.02 and Section 555.07.1 and 555.07.2 including, but not limited to:
 - 1. No impervious surface or clearing, grubbing and grading will be allowed within 50 feet of the Ordinary High Water Level of the unnamed tributary.
 - 2. The elevation of the lowest floor level shall be at least three feet above the Ordinary High Water Level of the unnamed tributary.
 - 3. The smallest amount of bare ground is exposed for as short a time as feasible;
 - 4. Temporary groundcover, such as mulch, is used, and permanent groundcover, such as sod, is planted;
 - 5. Adequate methods to prevent erosion and trap sediment are employed;
 - 6. Fill is stabilized to accepted engineering standards;
 - 7. Adequate methods are employed to reduce the runoff and/or flow of water on or over the affected shoreland so that the grading, filling or alteration of the natural topography does not contribute to downstream flooding;

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

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

ACCEPTANCE OF RESOLUTION

BMAX Inc; Darren and Layne Weets, a married couple; Darrell and Desiree Weets, a married couple; and Derek and Mary Weets, a married couple (“Applicant”) hereby acknowledges and accepts the conditions specified on the foregoing Resolution and covenants and agrees to comply with each and every such condition.

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

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

IN WITNESS WHEREAS, BMAX Inc; Darren and Layne Weets, a married couple; Darrell and Desiree Weets, a married couple; and Derek and Mary Weets, a married couple has executed this acceptance this ____ day of _____, 2022.

BMAX Inc

Darren Weets

Layne Weets

Darrell Weets

Desiree Weets

Derek Weets

Mary Weets

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

The foregoing instrument was acknowledged before me this ____ day of _____, 2022, by BMAX Inc; Darren and Layne Weets, a married couple; Darrell and Desiree Weets, a married couple; and Derek and Mary Weets, a married couple.

Notary Public

ATTACHMENT A

Lot 4, Block 1 Red Tail Hawk Addition

Parcel: 395-0159-00040

Lot 7, Block 1 Red Tail Hawk Addition

Parcel: 395-0159-00070

TO: Mayor & City Council

FROM: Eric Johnson, Community
Development Director

DATE: May 31, 2022
UPDATED June 10, 2022

SUBJECT: Preliminary Planned Unit
Development – Keene Creek Trail
Subdivision



Meeting Date: 06/20/2022

Agenda Item: 12-C

Resolution: 2022-76

REQUESTED ACTION

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

BACKGROUND

The applicant is proposing to construct 21 single family home lots and 8 twinhome lots (8 units total) for a total of 29 lots on an existing 33-acre lot. In addition, the applicant has requested the City enter into an agreement to swap the 2.5-acre Outlot A of the Valleyview Division Plat for the 12.6-acre outlot proposed as part of this plat. This outlot is accessed via the platted 66' right of way known as Carlson Road as part of the Valleyview Division plat. The proposed project will consist of 21 single family lots ranging in size from 16,400 square feet to 58,890 square feet. In addition, the applicant is proposing 8 twinhome lots ranging from 11,743 square feet to 20,605 square feet in size for the purpose of building 4 twinhomes, for a total of 8 units total.

SITE INFORMATION:

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

An application for this project was previously reviewed and recommended for approved by the Planning and Zoning Commission in June 2021 (hereinafter the “Carlson Road Option”). The Carlson Road Option was subsequently approved by the City Council in July 2021. The main public benefit of the Carlson Road Option was the extension of the Carlson Road out to Johnson Road along with an adjacent sidewalk which provided pedestrian connection throughout the

development. The Carlson Road extension was opposed by local residents because of concerns about increased traffic.

In the time since this approval, the applicant has reassessed the project and is now proposing to modify the plan to not include the Carlson Road extension to Johnson Road, nor that corresponding section of sidewalk. Instead, the applicant is looking to terminate the main north-south road in a hammerhead road design (hereinafter the “Hammerhead Option”). The applicant has not proposed a substitute to the public benefit previously provided under the Carlson Road Option. This change to the previously approved Carlson Road Option requires that the applicant remains at the preliminary review stage and with another public hearing on this proposal.

A public hearing for this revised application was held on Tuesday, May 17, 2022. In addition to the applicant, numerous members of the public spoke on the application at the meeting. The people who spoke were generally supportive of the application as submitted by the applicant with the hammerhead terminus to the road vs. a through street to Johnson Road. Other comments included the proximity of new homes to existing lots and the potential of a paved trail along the future Carlson Road right of way instead of a road.

The Planning and Zoning staff memo recommended the continuation of the project with a through Road to Johnson Road as was previously approved as a preliminary Planned Unit Development.

In lieu of this road, staff provided an alternative scenario that instead of a through road that the developer construct a paved 10 foot wide trail connecting Johnson Road to the Hammerhead and as part of installing the sanitary sewer adjacent to Keene Creek, applicant provide clean backfill and a gravel/rock base which can be utilized for the trail base until this section is paved. This trail base would extend from Morris Thomas Road to the proposed hammerhead where it would intersect with the paved trail section within the Carlson Road right of way.

The Planning and Zoning Commission recommended the application as submitted by the applicant with the hammerhead road terminus and no additional trail work, unanimously, onto the City Council for their approval.

Zoning Analysis:

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

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

Setbacks

City Code allows a PUD to have standards that meet the City’s goals for each proposed development. These standards include building height, density, roadway widths and setbacks. The

proposed project is for 21 lot single family home and 8 twinhome lot (8 units total) for a total of 29 lots. The single family lots meet the underlying front and rear yard setback requirements of the R-3 zoning district. The applicant is proposing a minimum 10' foot side yard setback, 20' aggregate total as opposed to the 25' aggregate total associated with the R-3 district. The PUD allows for the setting of site specific setbacks.

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

Plat

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

Utilities

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

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

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

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

Stormwater

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

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

Access

The project is proposed to be accessed by way of Morris Thomas Road with the interior road system terminating in a hammerhead configuration. This Hammerhead Option differs from the

previously approved Carlson Road Option in that it does not provides a second road access via the 66' road right of way associated with the Valleyview Division which was platted as Carlson Road.

Hammerhead Design – PLANNING AND ZONING RECOMMENDATION

The Planning and Zoning Commission recommended the application as submitted by the applicant with the hammerhead road terminus and no additional trail/sidewalk connection to Johnson Road, It was the opinion of the Planning and Zoning Commission that the added expense of the trail/sidewalk connection should not be borne by the Applicant but rather the City should pursue grants or other means of financing this work.

The Planning and Zoning Commission also supported the concerns of the Johnson/Alexander//Portland Road residents that a through road was not in the best interests of the adjoining neighborhood and that a 'dead-end' hammerhead instead be utilized for the proposed development.

The Planning and Zoning Commission unanimously recommended this design onto the City Council for their approval.

Carlson Road Option – STAFF RECOMMENDATION

The City staff recommends the previously approved Carlson Road Option for public safety, planning, and City Code reasons. The build out of Carlson Road provides public benefits to the City and its residents from a life/safety standpoint as it provides two means of ingress and egress to a development for police and fire access. The City's goal in planning and public safety is to ensure that adequate roads, sewer, water, fire and police protection are in place or provided for before the final preliminary plat is approved.

In addition to the road, the applicant shall construct a 5 foot wide concrete sidewalk adjacent to the road surface. This sidewalk would provided continual connection from Johnson Road to Morris Thomas Road.

In addition to these benefits, the City zoning ordinance references multiple sections supporting through roads:

1020.03.2. Streets must be designed and located with consideration to existing and planned streets, reasonable circulation patterns, topographical conditions, stormwater runoff, public conveyance safety.

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.

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

Trail As Replacement of Carlson Road Public Benefit – ALTERNATE OPTION

If the City Council supports the Hammerhead Option, City staff recommends a modification to the proposed applicant plan. Instead of building out Carlson Road, the applicant build the trail infrastructure that provides a roughly equivalent public benefit as required under the PUD ordinance. Staff proposes that applicant construct a 10' wide paved trail from Johnson Road to the hammerhead location. This paved trail would be required to be designed and built per City requirements and be constructed within the 66' Carlson Road right of way at the sole cost and responsibility to the applicant. This trail would have a safety gate installed at the east and west entry points and would be turned over to the City for ownership upon review of the City Engineer and acceptance by the City. By constructing this trail along with the required 5 foot wide sidewalk adjacent to the constructed roadway, there would be a continual paved surface connecting Johnson Road to Morris Thomas Road. This sidewalk/trail system would then be able to access the existing Keene Creek trail south of Morris Thomas Road.

This new sidewalk/trail section would provide a public benefit to the future residents of this subdivision as well as residents within the Johnson, Carlson, Alexander and Portland Road area as it would provide off road access to Keene Creek Park and its amenities. In addition, this trail could serve as an emergency access to the proposed development from Johnson Road.

Land Swap

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

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

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

Wetlands

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

The MN DNR has also identified a potential tributary to Keene Creek that runs from east to west along the south portion of the property and generally parallels Morris Thomas Road. This classification of this unmapped water conveyance by the DNR as a tributary is still being discussed

with the DNR. The applicant will be required to obtain all necessary permits from the DNR should this water conveyance be classified as a tributary.

Park Dedication Fees

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

Summary

The Staff recommendation includes three options moving forward:

Option 1: The City Council approves the application per the Planning and Zoning Commission recommendation with a hammerhead and no trail/sidewalk connection to Johnson Road; (1)

Option 2: The City Council approves the application per the Staff recommendation with the Carlson Road connection. The approval would be the same as was previously approved in the summer of 2021;

Option 3: The City Council approves the application with the alternate option to construct a hammerhead road terminus and the construction of a trail connection to Johnson Road. The trail infrastructure improvement would be substituted for the public benefit previously provided by the Carlson Road Extension. (2)

(1) The conditions for the Hammerhead Option with NO trail connection to Johnson Road would be:

1. The preliminary PUD meets the intent of the R-3, Residential Zoning District, Chapter 11 – Planned Unit Developments, and the overall goals and policies of the Zoning Ordinance.
2. The preliminary PUD meets the Comprehensive Plan for residential development and standards of a Planned Unit Development by providing public benefit through enhanced and coordinated development design and a greater variety of housing variety in the community.
3. The preliminary PUD hereby approved is hereby expressly subject to the following conditions:
 - 3.1 Property Owner is initially and continually in compliance with all of the ordinances and regulations of the City of Hermantown.
 - 3.2 Trees and brush cannot be burned on the Land, but may be chipped and shredded.
 - 3.3 An MPCA Stormwater Permit and erosion control measures must be in place prior to any construction on the Final PUD.

- 3.4 All utility line easements shall be observed and any encroachment into the utility right-of-way shall only be permitted with the written approval of the entity that owns the utility.
- 3.5 The Property Owner shall take measures to control erosion that has the potential to damage adjacent land, and control sedimentation that has the potential to leave the site.
- 3.6 The Applicant will have one year from the date of the preliminary PUD approval to file for a final PUD.
- 3.7 The Applicant is required to submit final construction documents (water, storm sewer, sanitary sewer, roads, sidewalks etc.) according to City standards and coordinated with the City Engineer as part of the Final PUD application.
- 3.8 The Applicant to construct 5 foot wide concrete sidewalk adjacent to all streets per the City requirements.
4. The applicant shall pay a park dedication fee of \$1,100 per lot/unit in lieu of dedicated park land. This fee will be paid at the time of PUD approval. Bedroom park dedication fees of \$150.00/bedroom will be paid at time of building permit.
5. The applicant shall sign a consent form assenting to all conditions of this approval.
6. The applicant shall pay an administrative fine of \$750 per violation of any condition of this approval.

OR

(2) The conditions for the Hammerhead Option with trail connection to Johnson Road would be:

1. The preliminary PUD meets the intent of the R-3, Residential Zoning District, Chapter 11 – Planned Unit Developments, and the overall goals and policies of the Zoning Ordinance.
2. The preliminary PUD meets the Comprehensive Plan for residential development and standards of a Planned Unit Development by providing public benefit through enhanced and coordinated development design and a greater variety of housing variety in the community.
3. The preliminary PUD hereby approved is hereby expressly subject to the following conditions:
 - 3.1 Property Owner is initially and continually in compliance with all of the ordinances and regulations of the City of Hermantown.
 - 3.2 Trees and brush cannot be burned on the Land, but may be chipped and shredded.

- 3.3 An MPCA Stormwater Permit and erosion control measures must be in place prior to any construction on the Final PUD.
- 3.4 All utility line easements shall be observed and any encroachment into the utility right-of-way shall only be permitted with the written approval of the entity that owns the utility.
- 3.5 The Property Owner shall take measures to control erosion that has the potential to damage adjacent land, and control sedimentation that has the potential to leave the site.
- 3.6 The Applicant will have one year from the date of the preliminary PUD approval to file for a final PUD.
- 3.7 Construction of a 10 foot wide paved trail from Johnson Road to the proposed hammerhead. Installation of safety gates at the east and west end of the proposed trail. All work to be constructed to City standards and turned over to the City upon acceptance by the City Council.
- 3.8 The Applicant to construct 5 foot wide concrete sidewalk adjacent to all streets per the City requirements.
- 3.9 The Applicant is required to submit final construction documents (water, storm sewer, sanitary sewer, roads, sidewalks etc.) according to City standards and coordinated with the City Engineer as part of the Final PUD application
4. The applicant shall pay a park dedication fee of \$1,100 per lot/unit in lieu of dedicated park land. This fee will be paid at the time of PUD approval. Bedroom park dedication fees of \$150.00/bedroom will be paid at time of building permit.
5. The applicant shall sign a consent form assenting to all conditions of this approval.
6. The applicant shall pay an administrative fine of \$750 per violation of any condition of this approval.

SOURCE OF FUNDS (if applicable)

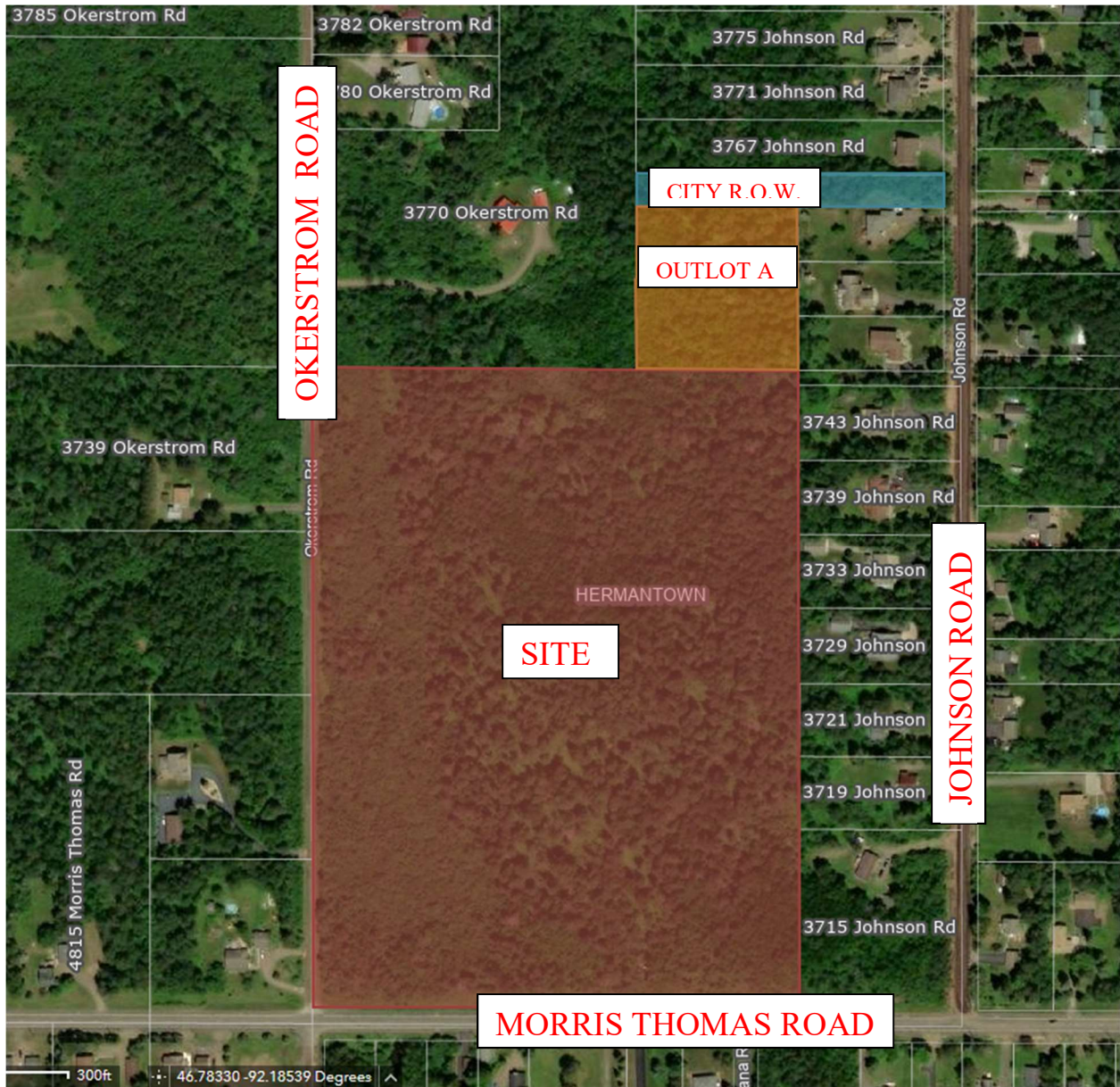
N/A

ATTACHMENTS:

- Location Map
- Proposed Preliminary Site Plan
- Previously Approved Preliminary Site Plan

- Road Option Graphic
- Trail Option Graphic
- Valleyview Division Plat
- Proposed Twinhome Building Example

Location Map



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

595561

OFFICE OF REGISTRAR OF TITLES
STATE OF MINNESOTA }
COUNTY OF ST. LOUIS }
I hereby certify that the within
Instrument was filed in this office on
MAR 21 1995
at 10a M. and was duly registered
in Book 715 of Register of Titles,
page 358
MARK A. MONACELLI
Registrar of Titles
Deputy

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

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

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

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

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

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

Owner

City of Hermantown

Daniel J. Urshan

Nancy A. Sirois

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

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

STEVEN C. OVEROM
NOTARY PUBLIC-MINNESOTA
MY COMMISSION EXPIRES 1-31-00

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

I hereby certify that I have surveyed and platted the property described on this plat as VALLEYVIEW DIVISION, that this plat is a correct representation of the survey; that all distances are correctly shown on the plat in feet and hundredths of a foot, that all monuments have been correctly placed in the ground as shown; that the outside boundary lines are correctly designated on the plat; and that there are no wet lands as defined in MS 505.02 Subd. 1, or public highways to be designated other than as shown.

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

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

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

LAURALEE M. SAMPLE
Notary Public-Minnesota
St. Louis County
My Commission Expires 4-30-97

Lauralee M. Sample
Notary Public, St. Louis County, MN
My Commission Expires 4/3/97

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

Daniel J. Urshan
Mayor, City of Hermantown

Nancy A. Sirois
City Clerk, City of Hermantown

I hereby certify that this plat has been checked and approved this 14th day of MARCH, 1995.

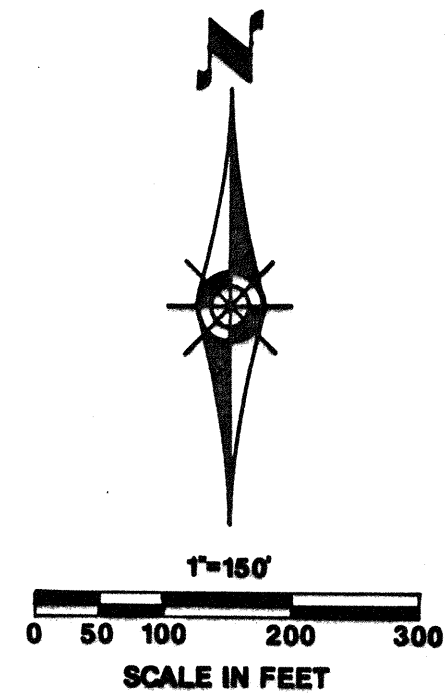
Robert C. Busch
St. Louis County Surveyor *17360

Section
25

All Taxes Paid
March 21, 1995
Gordon D. McFaul
St. Louis County Auditor
By Mary Jo Tomasic Deputy

Plat 195

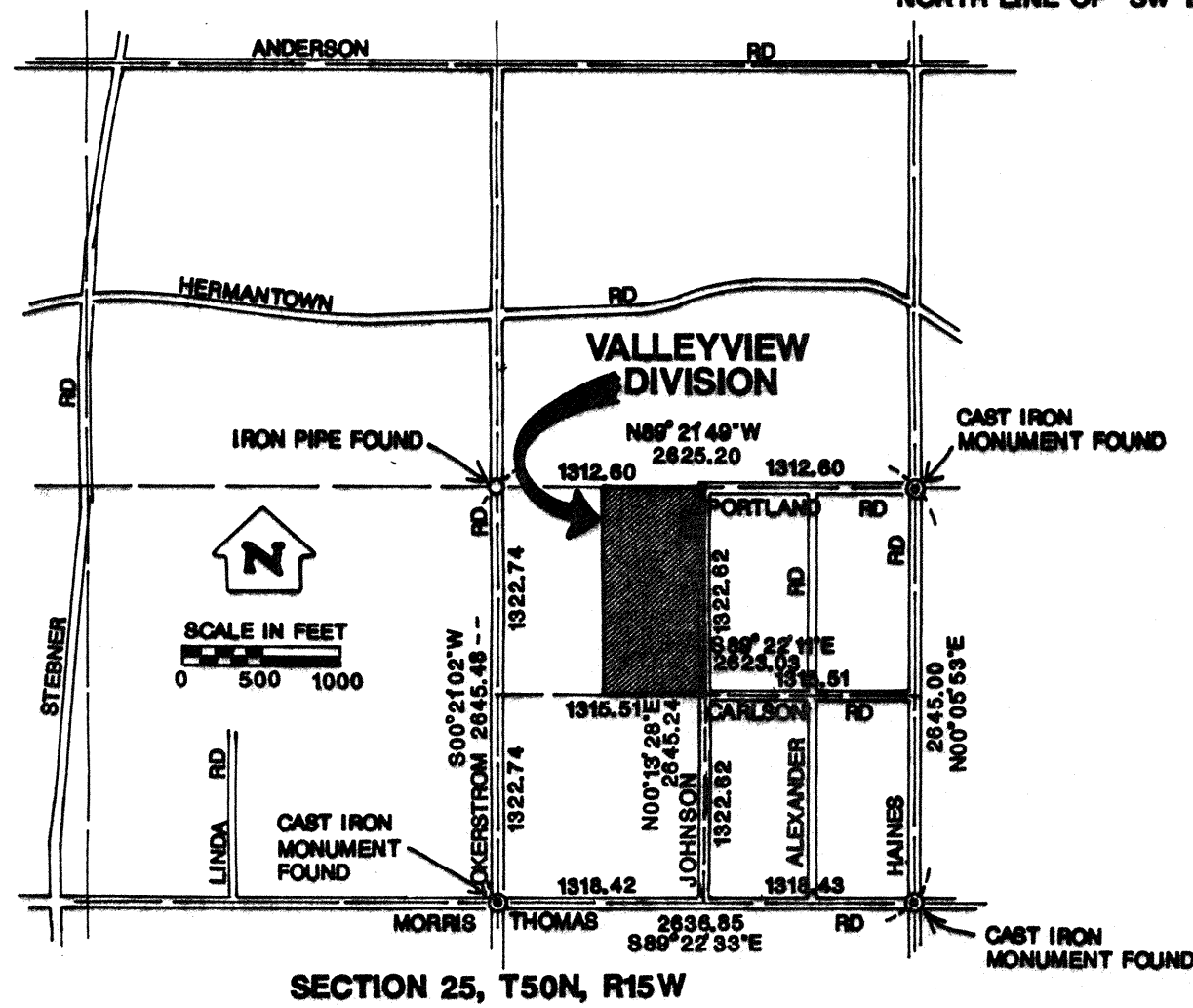
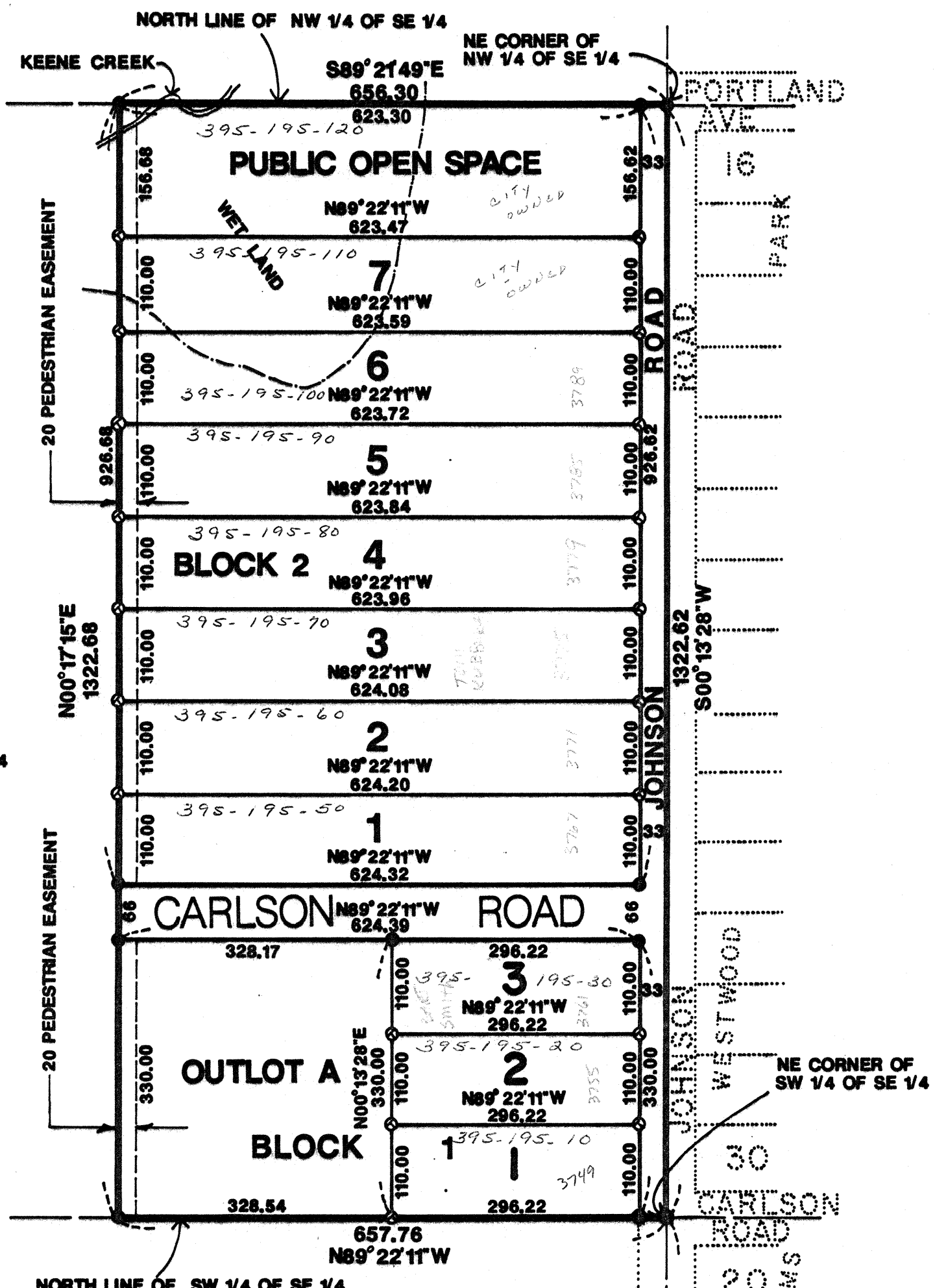
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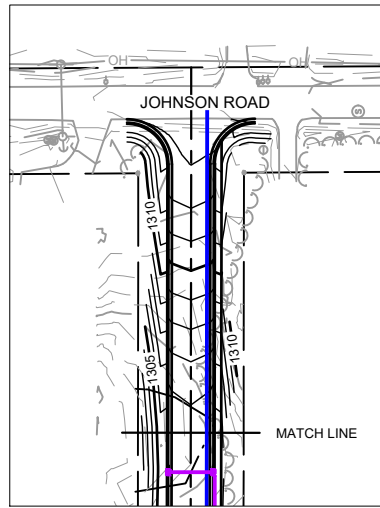
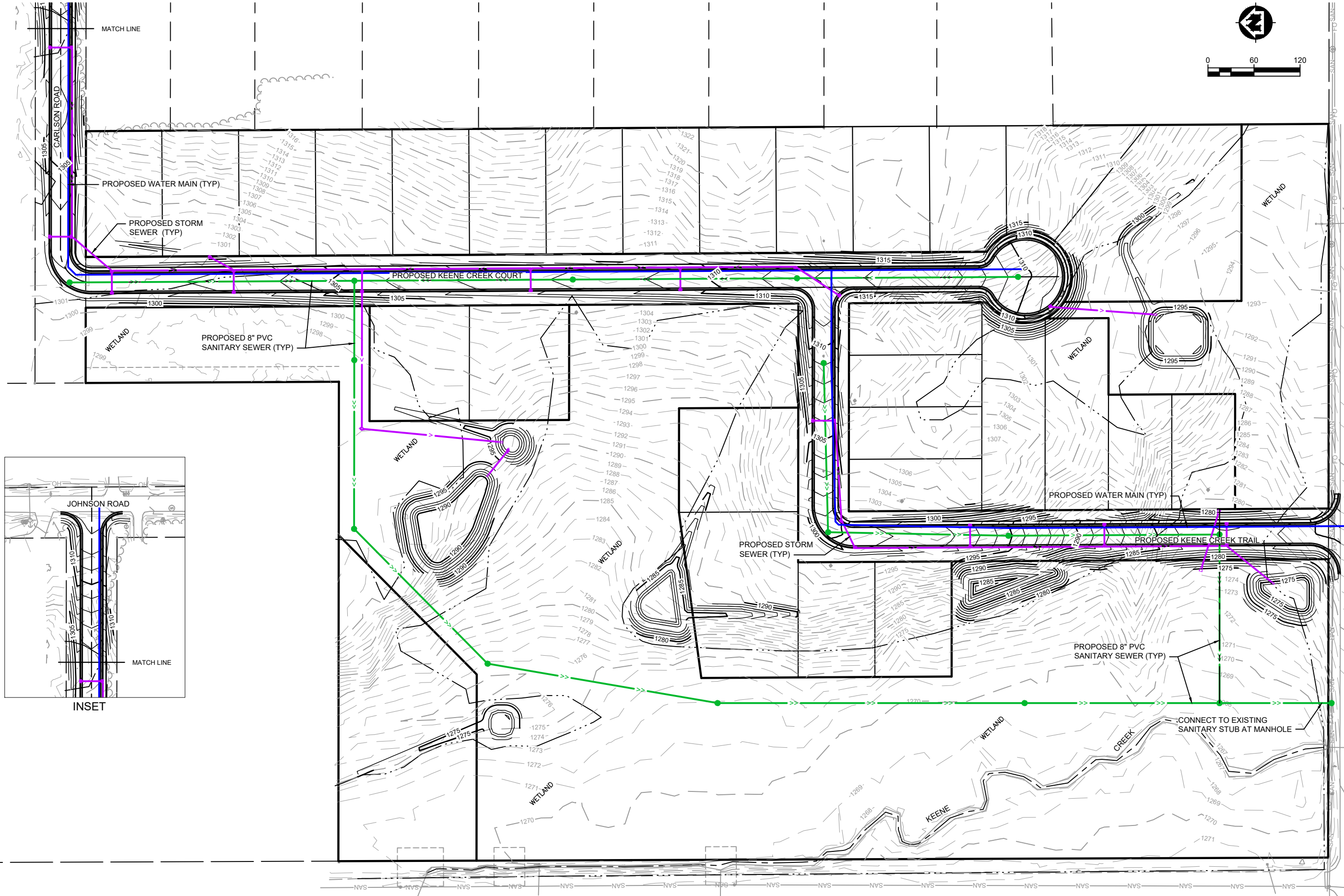
- LEGEND -

- IRON SURVEY MARKER SET - RLS 13794
- 3/4" IRON ROD SET - RLS 13794
- WET LAND BOUNDARY (NAT'L. WETLAND INVENTORY)
- 1 1/2" IRON PIPE FOUND
- ⊙ CAST IRON MONUMENT FOUND

BASIS OF BEARINGS - NORTH LINE OF NW 1/4 OF SE 1/4, WAS ASSUMED TO HAVE A BEARING OF S89°21'49"E.



SEE INSET FOR CONTINUATION



PROJECT DATE:	DRAWN BY:	NO.	DATE	REVISION	BY
	JAS				
	DESIGNED BY:	Init			
	CHECKED BY:	Init			

PRELIMINARY

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

DATE: _____
 REGNO: _____
 License No. _____



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

KEENE CREEK TRAIL SUBDIVISION
DARREN WEETS
 CITY OF HERMANTOWN

OVERALL SITE PLAN

PROJECT NO.
14491004
 SHEET
G

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

595561

OFFICE OF REGISTRAR OF TITLES
STATE OF MINNESOTA }
COUNTY OF ST. LOUIS }
I hereby certify that the within
Instrument was filed in this office on
MAR 21 1995
at 10a M. and was duly registered
in Book 715 of Register of Titles,
page 358
MARK A. MONACELLI
Register of Titles
Deputy

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

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

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

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

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

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

Owner

City of Hermantown

Daniel J. Urshan

Nancy A. Sirois

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

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

STEVEN C. OVEROM
NOTARY PUBLIC-MINNESOTA
MY COMMISSION EXPIRES 1-31-00

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

I hereby certify that I have surveyed and platted the property described on this plat as VALLEYVIEW DIVISION, that this plat is a correct representation of the survey; that all distances are correctly shown on the plat in feet and hundredths of a foot, that all monuments have been correctly placed in the ground as shown; that the outside boundary lines are correctly designated on the plat; and that there are no wet lands as defined in MS 505.02 Subd. 1, or public highways to be designated other than as shown.

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

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

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

LAURALEE M. SAMPLE
Notary Public-Minnesota
St. Louis County
My Commission Expires 4-3-97

Lauralee M. Sample
Notary Public, St. Louis County, MN
My Commission Expires 4/3/97

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

Daniel J. Urshan
Mayor, City of Hermantown

Nancy A. Sirois
City Clerk, City of Hermantown

I hereby certify that this plat has been checked and approved this 14th day of MARCH, 1995.

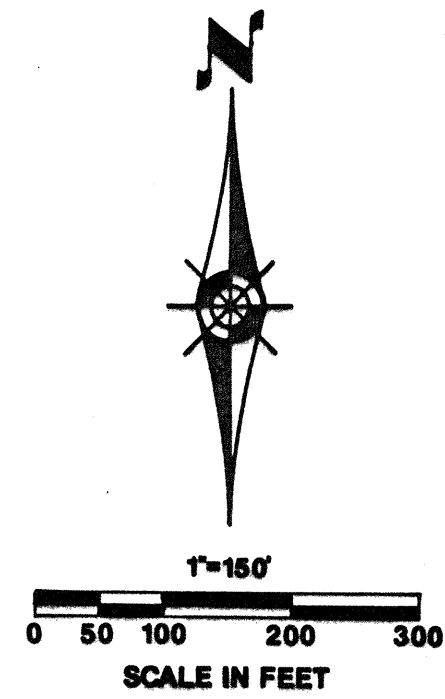
Robert C. Busch
St. Louis County Surveyor *17360

Section
25

All Taxes Paid
March 21, 1995
Gordon D. McFaul
St. Louis County Auditor
By Mary Jo Tomasic Deputy

Plat 195

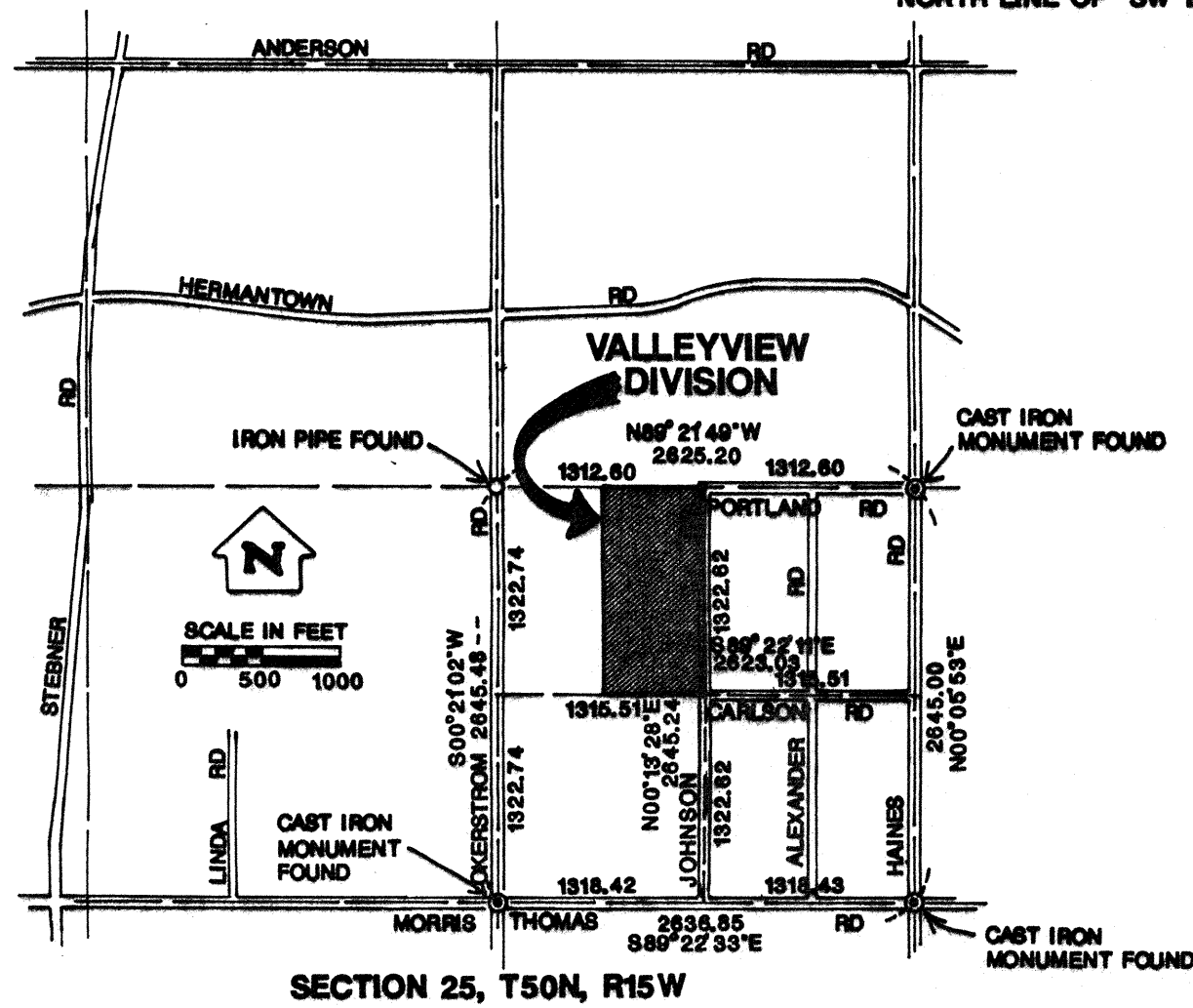
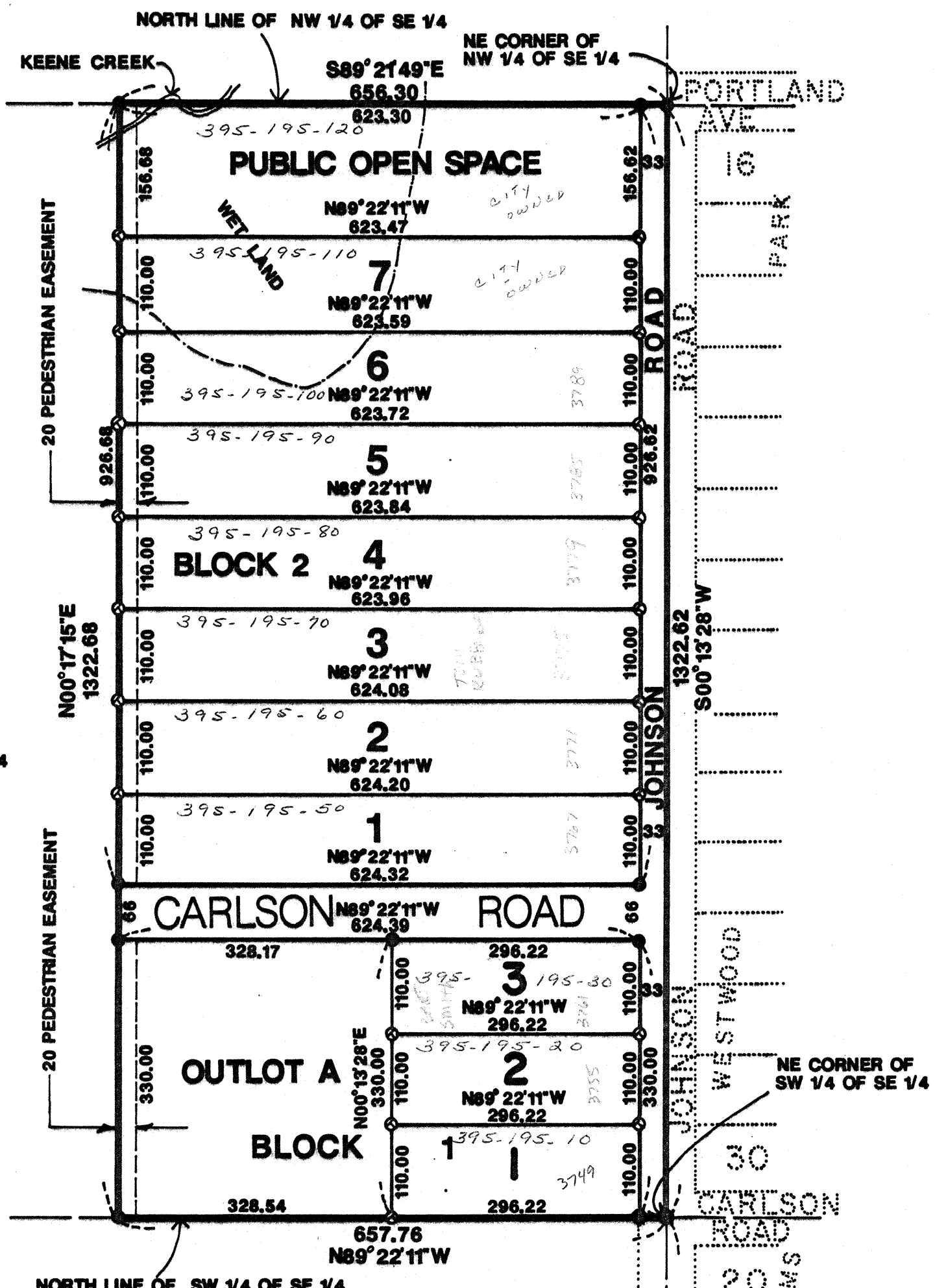
395-195



- LEGEND -

- IRON SURVEY MARKER SET - RLS 13794
- 3/4" IRON ROD SET - RLS 13794
- WET LAND BOUNDARY (NAT'L. WETLAND INVENTORY)
- 1 1/2" IRON PIPE FOUND
- ⊙ CAST IRON MONUMENT FOUND

BASIS OF BEARINGS - NORTH LINE OF NW 1/4 OF SE 1/4, WAS ASSUMED TO HAVE A BEARING OF S89°21'49"E.





3683

3685

Resolution No. 2022-76

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

WHEREAS, BMAX Inc; Darren and Layne Weets, a married couple (Applicant) has submitted a complete application (Application) for a Preliminary Planned Unit Development (“Preliminary PUD”) to allow for construction of 21 single family lots and 8 twinhome lots (“Project”) on a site located at the NE quadrant of Okerstrom Road and Morris Thomas Road, Parcels 395-0010-07589 and 395-0195-00040 in the City of Hermantown; and

WHEREAS, the Hermantown Planning and Zoning Commission held a public hearing on the Preliminary Planned Unit Development (“Preliminary PUD”) on May 17, 2022 following notice as required by the City’s Zoning Code; and

WHEREAS, following the public hearing on the Preliminary PUD, the Hermantown Planning and Zoning Commission recommended by a 7-0 vote that the City Council approve the Preliminary PUD as submitted by the Applicant; and

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

A. FINDINGS OF FACT

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

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

16.2. An explanation of the general character of the Preliminary PUD.

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

B. CONCLUSION

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

1. The Preliminary PUD meets the intent of the R-3, Residential Zoning District, Chapter 11 Planned Unit Developments, and the overall goals and policies of the Zoning Ordinance.

2. The Preliminary PUD meets the Comprehensive Plan for residential development and standards of a Planned Unit Development by providing public benefit through enhanced and coordinated development design and a greater variety of housing types in the community.

3. Applicant shall construct a hammerhead terminus to the interior road system with no connection to Johnson Road. All roads to be built to City standards and turned over to City upon acceptance by the City Council.

4. Applicant shall provide a 5 foot wide concrete sidewalk adjacent to above referenced road system. Sidewalk to be designed and constructed per City standards and requirements.

5. The Preliminary PUD hereby approved is hereby expressly subject to the following conditions:

5.1. That the Preliminary PUD will be constructed as described in the plans accompanying the Application and the conditions contained herein and the Development Agreement.

5.2. The Zoning Administrator of the City of Hermantown shall be notified at least five (5) days in advance of the commencement of the work authorized hereunder and shall be notified of its completion within five (5) days thereafter.

5.3. Applicant shall grant access to the site at all reasonable times during and after construction to authorized representatives of the City of Hermantown for inspection to see that the terms of this permit are met.

5.4. Property Owner is initially and continually in compliance with all of the ordinances and regulations of the City of Hermantown.

5.5. Trees and brush cannot be burned on the Land, but may be chipped and shredded.

5.6. An MPCA Stormwater Permit and erosion control measures must be in place prior to any construction on the Preliminary PUD.

5.7. All utility line easements shall be observed and any encroachment into the utility right-of-way shall only be permitted with the written approval of the entity that owns the utility.

5.8. The Property Owner shall take measures to control erosion that has the potential to damage adjacent land, and control sedimentation that has the potential to leave the site.

5.9. The Applicant will have one year from the date of the Preliminary PUD approval to submit a Final PUD application and enter into a Development Agreement with the City.

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

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

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

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

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

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

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

Councilor _____ introduced the foregoing resolution and moved its adoption.

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

and the following voted in opposition thereto:

WHEREUPON, such resolution was duly passed and adopted June 20, 2022

ACCEPTANCE OF RESOLUTION

BMAX Inc; Darren and Layne Weets, a married couple (“Applicant”) hereby acknowledges and accepts the conditions specified on the foregoing Resolution and covenants and agrees to comply with each and every such condition.

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

IN WITNESS WHEREAS, BMAX Inc; Darren and Layne Weets, a married couple has executed this acceptance the ____ day of _____, 20212

DEVELOPER:

BMAX Inc.

By _____
Its _____

Darren Weets

Layne Weets

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

The foregoing instrument was acknowledged before me this ____ day of _____, 2022, by BMAX Inc; Darren and Layne Weets, a married couple.

Notary Public

EXHIBIT A

The Southwest Quarter of the Southeast Quarter, Section 25, Township 50 North, Range 15 West of the

Fourth Principal Meridian except the following:

A tract of land in the Southwest Quarter of Southeast Quarter (SW ¼ of SE ¼), Section Twenty-five (25), Township Fifty (50) North of Range Fifteen (15) West of the Fourth Principal Meridian, described as follows: Commencing at the Southeast corner of said Southwest Quarter of Southeast Quarter (SW ¼ of SE ¼) the point of beginning of the land to be described; thence North along the East line of said Southwest Quarter of Southeast Quarter (SW ¼ of SE ¼), a distance of 397 feet; thence deflect 90°- 24'-10" to the left in a Westerly direction, a distance of 329.36 feet; thence deflect 89° -34'- 45" to the left in a Southerly direction and parallel with the East line of said Southwest Quarter of Southeast Quarter (SW ¼ of SE ¼), a distance of 397 feet, more or less, to the South line of said Southwest Quarter of Southeast Quarter (SW ¼ of SE ¼); thence Easterly along the South line of said Southwest Quarter of Southeast Quarter (SW ¼ of SE ¼) to the point of beginning.

AND

All that part of the Southwest Quarter of the Southeast Quarter (SW ¼ of SE ¼), Section Twenty-five (25), Township Fifty (50), Range Fifteen (15), described as follows: Beginning at the Southeast (SE) corner of said SW ¼ of SE ¼ ; thence North along the Easterly line of said SW ¼ of SE ¼ a distance of 397 feet to a point, which is the point of beginning; thence West at an angle of 89° 35' 50" a distance of 329.36 feet to a point, thence North at an angle of 90° 25' 15" from the last described line a distance of 294.04 feet to a point; thence East at an angle of 89° 34' 45" from the last described line a distance of 329.22 feet, more or less, to the easterly line of said SW ¼ of SE ¼ thence South along said Easterly line of said SW ¼ of SE ¼, to the point of beginning.

AND

A tract of land in the SW ¼ of SE ¼, Section 25, Township 50, Range 15, West of the Fourth Principal Meridian, described as follows: Commencing at the Southeast corner of said SW ¼ of SE ¼; thence North along the East line of said SW ¼ of SE ¼, a distance of 691.04 feet to the point of beginning of the land to be described; thence deflect 89° 35' 50" to the left in a Westerly direction a distance of 329.22 feet; thence deflect 89° 35' 50" to the right in a Northerly direction, along a line 329.22 feet distant and parallel with the East line of said SW ¼ of SE ¼, a distance of 631.55 feet, more or less, to the North line of said SW ¼ of SE ¼; thence Easterly along the North line of said SW ¼ of SE ¼ to the East line of said SW ¼ of SE ¼; thence Southerly along the East line of said SW ¼ of SE ¼ to the point of beginning.

PARCEL: 395-0010-07589

AND

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

PARCEL: 395-0195-00040

TO: Mayor & City Council
FROM: John Mulder, City Administrator
DATE: June 15, 2022
SUBJECT: Keene Creek Development



Meeting Date: 06/20/2022

Agenda Items: 12-C
12-D

Resolutions: 2022-76
2022-77

REQUESTED ACTION

Approve the Keene Creek Trail Plat & PUD – with some possible options

BACKGROUND

Three options

- 1. Resolution 76 as presented - Planning Commission Recommendation/Developer's request**
This would include the construction of a cul-de-sac terminating in a hammer head at Carlson Road. It does not include the construction on Carlson Road connecting to Johnson Road. Staff believes this represents poor city planning. Carlson Road was platted years ago with the thought that Carlson Road would one day be extended to adjoining neighborhoods. Now would be the time to do that. Arguably, this is a PUD which provides no public benefit as required under the City's new PUD ordinance and could create a negative example for future proposed developments.
- 2. Staff Recommendation Alternate labeled Resolution 76A (attached):** City Staff believes that this development should be connected to Johnson Road via the extension and construction of Carlson Road to connect the new subdivision with Johnson Road. This is consistent with what was previously approved by the City Council. It follows through on what was planned years ago when Carlson Road was platted. It provides greater access and avoids having a long development with 25+ homes with a single access on to Morris Thomas. This additional access is supported and favored by the Police and Fire Departments. This is the PUD and Plat that was preliminarily approved by the City Council.
- 3. An Alternative Resolution labeled Resolution 76B (attached)** This would include the construction of a cul-de-sac terminating in a hammer head at Carlson Road, **and** the construction of a trail to City standards with gates in the Carlson Road right of way. This alternative could provide emergency access via the trail to the new subdivision and provide a public benefit by creating an access point for Johnson Road residents to a planned new trail that would connect to the new Keene Creek Trail.

SOURCE OF FUNDS (if applicable)

N/A

ATTACHMENTS

Alternate Resolution 76A – Staff recommendation – Road Layout

Alternate Resolution 76B – Trail layout

Resolution No. 2022-76A

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WHEREAS, the Hermantown Planning and Zoning Commission held a public hearing on the Preliminary Planned Unit Development (“Preliminary PUD”) on May 17, 2022 following notice as required by the City’s Zoning Code; and

WHEREAS, following the public hearing on the Preliminary PUD, the Hermantown Planning and Zoning Commission recommended by a 7-0 vote that the City Council approve the Preliminary PUD as submitted by the Applicant; and

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

A. FINDINGS OF FACT

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6. The Planning and Zoning Commission of the City of Hermantown submitted its report and recommendation on the Preliminary PUD to the City Council within the time period set forth in the ordinances of the City of Hermantown.
7. The City Council considered the Preliminary PUD after receiving the report and recommendation of the Planning and Zoning Commission.
8. The Preliminary PUD is consistent with the Hermantown Comprehensive Plan and is a permitted use in the R-3 Zone District in which it is located.
9. The tract of land (“Land”) affected by the Preliminary PUD is legally described on **Exhibit A** attached hereto.

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11. Natural systems, resources, topography, vegetation and other natural features will be preserved and enhanced to the extent possible.
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14. The Preliminary PUD provides a public benefit with the following:
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B. CONCLUSION

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

1. The Preliminary PUD meets the intent of the R-3, Residential Zoning District, Chapter 11 Planned Unit Developments, and the overall goals and policies of the Zoning Ordinance.

2. The Preliminary PUD meets the Comprehensive Plan for residential development and standards of a Planned Unit Development by providing public benefit through enhanced and coordinated development design and a greater variety of housing types in the community.

3. Applicant shall construct a through road (Carlson Road) to Johnson Road. This road will provide connection between Morris Thomas Road and Johnson Road. Road to be designed and constructed per City standards and turned over to City upon acceptance of City Council.

4. Applicant shall provide a 5 foot wide concrete sidewalk adjacent to above referenced road system. Sidewalk to be designed and constructed per City standards and requirements.

5. The Preliminary PUD hereby approved is hereby expressly subject to the following conditions:

5.1. That the Preliminary PUD will be constructed as described in the plans accompanying the Application and the conditions contained herein and the Development Agreement.

5.2. The Zoning Administrator of the City of Hermantown shall be notified at least five (5) days in advance of the commencement of the work authorized hereunder and shall be notified of its completion within five (5) days thereafter.

5.3. Applicant shall grant access to the site at all reasonable times during and after construction to authorized representatives of the City of Hermantown for inspection to see that the terms of this permit are met.

5.4. Property Owner is initially and continually in compliance with all of the ordinances and regulations of the City of Hermantown.

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5.9. The Applicant will have one year from the date of the Preliminary PUD approval to submit a Final PUD application and enter into a Development Agreement with the City.

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

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

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

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

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

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

Councilor _____ introduced the foregoing resolution and moved its adoption.

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

and the following voted in opposition thereto:

WHEREUPON, such resolution was duly passed and adopted June 20, 2022

ACCEPTANCE OF RESOLUTION

BMAX Inc; Darren and Layne Weets, a married couple (“Applicant”) hereby acknowledges and accepts the conditions specified on the foregoing Resolution and covenants and agrees to comply with each and every such condition.

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

IN WITNESS WHEREAS, BMAX Inc; Darren and Layne Weets, a married couple has executed this acceptance the ____ day of _____, 20212

DEVELOPER:

BMAX Inc.

By _____
Its _____

Darren Weets

Layne Weets

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

The foregoing instrument was acknowledged before me this ____ day of _____, 2022, by BMAX Inc; Darren and Layne Weets, a married couple.

Notary Public

EXHIBIT A

The Southwest Quarter of the Southeast Quarter, Section 25, Township 50 North, Range 15 West of the

Fourth Principal Meridian except the following:

A tract of land in the Southwest Quarter of Southeast Quarter (SW ¼ of SE ¼), Section Twenty-five (25), Township Fifty (50) North of Range Fifteen (15) West of the Fourth Principal Meridian, described as follows: Commencing at the Southeast corner of said Southwest Quarter of Southeast Quarter (SW ¼ of SE ¼) the point of beginning of the land to be described; thence North along the East line of said Southwest Quarter of Southeast Quarter (SW ¼ of SE ¼), a distance of 397 feet; thence deflect 90°- 24'-10" to the left in a Westerly direction, a distance of 329.36 feet; thence deflect 89° -34'- 45" to the left in a Southerly direction and parallel with the East line of said Southwest Quarter of Southeast Quarter (SW ¼ of SE ¼), a distance of 397 feet, more or less, to the South line of said Southwest Quarter of Southeast Quarter (SW ¼ of SE ¼); thence Easterly along the South line of said Southwest Quarter of Southeast Quarter (SW ¼ of SE ¼) to the point of beginning.

AND

All that part of the Southwest Quarter of the Southeast Quarter (SW ¼ of SE ¼), Section Twenty-five (25), Township Fifty (50), Range Fifteen (15), described as follows: Beginning at the Southeast (SE) corner of said SW ¼ of SE ¼ ; thence North along the Easterly line of said SW ¼ of SE ¼ a distance of 397 feet to a point, which is the point of beginning; thence West at an angle of 89° 35' 50" a distance of 329.36 feet to a point, thence North at an angle of 90° 25' 15" from the last described line a distance of 294.04 feet to a point; thence East at an angle of 89° 34' 45" from the last described line a distance of 329.22 feet, more or less, to the easterly line of said SW ¼ of SE ¼ thence South along said Easterly line of said SW ¼ of SE ¼, to the point of beginning.

AND

A tract of land in the SW ¼ of SE ¼, Section 25, Township 50, Range 15, West of the Fourth Principal Meridian, described as follows: Commencing at the Southeast corner of said SW ¼ of SE ¼; thence North along the East line of said SW ¼ of SE ¼, a distance of 691.04 feet to the point of beginning of the land to be described; thence deflect 89° 35' 50" to the left in a Westerly direction a distance of 329.22 feet; thence deflect 89° 35' 50" to the right in a Northerly direction, along a line 329.22 feet distant and parallel with the East line of said SW ¼ of SE ¼, a distance of 631.55 feet, more or less, to the North line of said SW ¼ of SE ¼; thence Easterly along the North line of said SW ¼ of SE ¼ to the East line of said SW ¼ of SE ¼; thence Southerly along the East line of said SW ¼ of SE ¼ to the point of beginning.

PARCEL: 395-0010-07589

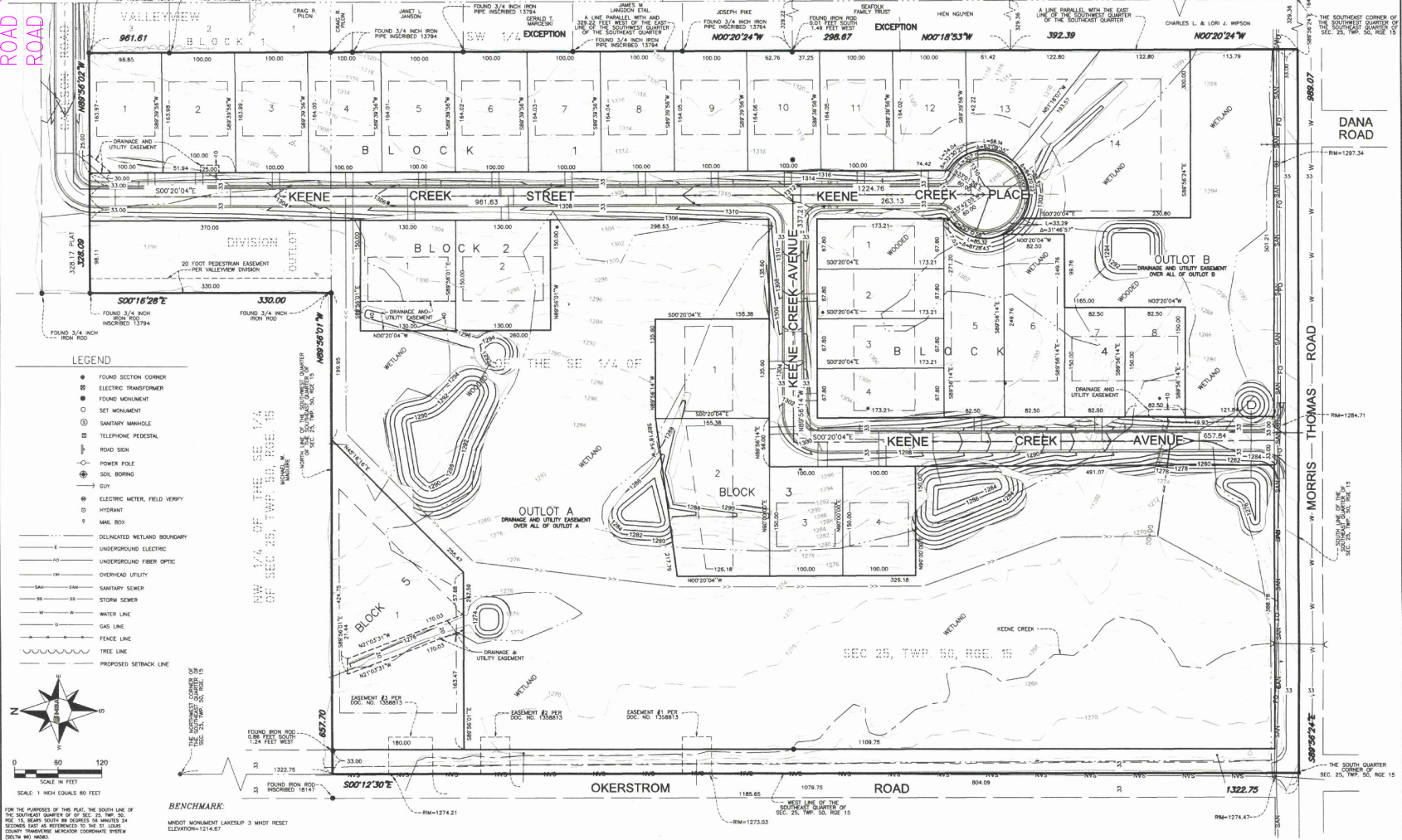
AND

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

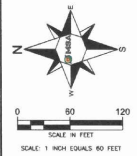
PARCEL: 395-0195-00040

ROAD OPTION
5' WIDE SIDEWALK AND
ROAD TO JOHNSON
ROAD

PRELIMINARY PLAT OF KEENE CREEK TRAIL



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



BENCHMARK:
MINOT MONUMENT LAKESUP 3 WHOT RESET
ELEVATION=1214.67

PROJECT DATE	MAY 2021	DRAWN BY	CEJ	CHK	DATE	REVISION
DENCHED BY	JZA	#	#	#	#	
CHECKED BY	ES	#	#	#	#	

FOR THE PURPOSES OF THIS PLAT, THE SOUTH LINE OF THE SOUTHWEST QUARTER OF SEC. 25, TWP. 50, RGE. 15, SEC. 15, SEAS BOUND AS CORNER OR MONUMENT IS BEING USED AS REFERENCE TO THE U.S. COUNTY TRANSFORMED MERIDIAN COORDINATE SYSTEM (NAD 83) MONUMENT.

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KEENE CREEK TRAIL
CITY OF HERMANTOWN
ST. LOUIS COUNTY, MN

PRELIMINARY PLAT
PROJECT NO. 14491004
SHEET 2 OF 2

PLOT DATE: Monday, June 28, 2021 11:06:57 AM. G:\161449\14491004\Survey\Bldg\14491004 Preliminary Plat.dwg

Resolution No. 2022-76B

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

WHEREAS, BMAX Inc; Darren and Layne Weets, a married couple (Applicant) has submitted a complete application (Application) for a Preliminary Planned Unit Development (“Preliminary PUD”) to allow for construction of 21 single family lots and 8 twinhome lots (“Project”) on a site located at the NE quadrant of Okerstrom Road and Morris Thomas Road, Parcels 395-0010-07589 and 395-0195-00040 in the City of Hermantown; and

WHEREAS, the Hermantown Planning and Zoning Commission held a public hearing on the Preliminary Planned Unit Development (“Preliminary PUD”) on May 17, 2022 following notice as required by the City’s Zoning Code; and

WHEREAS, following the public hearing on the Preliminary PUD, the Hermantown Planning and Zoning Commission recommended by a 7-0 vote that the City Council approve the Preliminary PUD as submitted by the Applicant; and

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

A. FINDINGS OF FACT

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

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

16.2. An explanation of the general character of the Preliminary PUD.

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

B. CONCLUSION

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

1. The Preliminary PUD meets the intent of the R-3, Residential Zoning District, Chapter 11 Planned Unit Developments, and the overall goals and policies of the Zoning Ordinance.

2. The Preliminary PUD meets the Comprehensive Plan for residential development and standards of a Planned Unit Development by providing public benefit through enhanced and coordinated development design and a greater variety of housing types in the community.

3. Applicant shall construct a hammerhead terminus to the interior road system with no connection to Johnson Road. All roads to be built to City standards and turned over to City upon acceptance by the City Council.

4. Applicant shall construct a 10 foot wide paved trail from Johnson Road to the proposed hammerhead within the existing Carlson Road right of way. Applicant shall provide a safety gate at the east and west end of the trail segment. Trail to be built to City standards and turned over to City upon acceptance by the City Council.

5. Applicant shall provide a 5 foot wide concrete sidewalk adjacent to above referenced road system. Sidewalk to be designed and constructed per City standards and requirements.

6. The Preliminary PUD hereby approved is hereby expressly subject to the following conditions:

6.1. That the Preliminary PUD will be constructed as described in the plans accompanying the Application and the conditions contained herein and the Development Agreement.

6.2. The Zoning Administrator of the City of Hermantown shall be notified at least five (5) days in advance of the commencement of the work authorized hereunder and shall be notified of its completion within five (5) days thereafter.

6.3. Applicant shall grant access to the site at all reasonable times during and after construction to authorized representatives of the City of Hermantown for inspection to see that the terms of this permit are met.

6.4. Property Owner is initially and continually in compliance with all of the ordinances and regulations of the City of Hermantown.

6.5. Trees and brush cannot be burned on the Land, but may be chipped and shredded.

- 6.6. An MPCA Stormwater Permit and erosion control measures must be in place prior to any construction on the Preliminary PUD.
- 6.7. All utility line easements shall be observed and any encroachment into the utility right-of-way shall only be permitted with the written approval of the entity that owns the utility.
- 6.8. The Property Owner shall take measures to control erosion that has the potential to damage adjacent land, and control sedimentation that has the potential to leave the site.
- 6.9. The Applicant will have one year from the date of the Preliminary PUD approval to submit a Final PUD application and enter into a Development Agreement with the City.
- 6.10. The Applicant shall sign a consent form assenting to all conditions of this Resolution.
- 6.11. The Applicant is required to submit preliminary and final construction documents (water, storm sewer, sanitary sewer, drives, parking lots etc.) according to City standards and coordinated with the City Engineer which will be incorporated into the Development Agreement for the Final PUD.
- 6.12. The Applicant shall pay park dedication fees consistent with the requirements of the City Zoning Ordinance. A park dedication fee of \$1,100 per lot/unit will be paid at the time of final PUD approval. Bedroom fees at the rate of \$150/bedroom will be paid at the time of building permit.
- 6.13. The Applicant shall enter into an agreement with the City for a land swap for Applicants 12.6 acre outlot for the City's 2.5 acre Outlot A associated with the Valleyview Division plat.
7. The approval given by this Resolution is not effective until Applicant executes and delivers an acceptance of the terms and provisions of this Resolution.
8. The approval made by this resolution only extends to the Preliminary PUD as defined in this resolution.
9. The Applicant shall pay an administrative fine of \$750 per violation of any condition of this Resolution.

Councilor _____ introduced the foregoing resolution and moved its adoption.

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

and the following voted in opposition thereto:

WHEREUPON, such resolution was duly passed and adopted June 20, 2022

ACCEPTANCE OF RESOLUTION

BMAX Inc; Darren and Layne Weets, a married couple (“Applicant”) hereby acknowledges and accepts the conditions specified on the foregoing Resolution and covenants and agrees to comply with each and every such condition.

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

IN WITNESS WHEREAS, BMAX Inc; Darren and Layne Weets, a married couple has executed this acceptance the ____ day of _____, 20212

DEVELOPER:

BMAX Inc.

By _____
Its _____

Darren Weets

Layne Weets

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

The foregoing instrument was acknowledged before me this ____ day of _____, 2022, by BMAX Inc; Darren and Layne Weets, a married couple.

Notary Public

EXHIBIT A

The Southwest Quarter of the Southeast Quarter, Section 25, Township 50 North, Range 15 West of the

Fourth Principal Meridian except the following:

A tract of land in the Southwest Quarter of Southeast Quarter (SW ¼ of SE ¼), Section Twenty-five (25), Township Fifty (50) North of Range Fifteen (15) West of the Fourth Principal Meridian, described as follows: Commencing at the Southeast corner of said Southwest Quarter of Southeast Quarter (SW ¼ of SE ¼) the point of beginning of the land to be described; thence North along the East line of said Southwest Quarter of Southeast Quarter (SW ¼ of SE ¼), a distance of 397 feet; thence deflect 90°- 24'-10" to the left in a Westerly direction, a distance of 329.36 feet; thence deflect 89° -34'- 45" to the left in a Southerly direction and parallel with the East line of said Southwest Quarter of Southeast Quarter (SW ¼ of SE ¼), a distance of 397 feet, more or less, to the South line of said Southwest Quarter of Southeast Quarter (SW ¼ of SE ¼); thence Easterly along the South line of said Southwest Quarter of Southeast Quarter (SW ¼ of SE ¼) to the point of beginning.

AND

All that part of the Southwest Quarter of the Southeast Quarter (SW ¼ of SE ¼), Section Twenty-five (25), Township Fifty (50), Range Fifteen (15), described as follows: Beginning at the Southeast (SE) corner of said SW ¼ of SE ¼ ; thence North along the Easterly line of said SW ¼ of SE ¼ a distance of 397 feet to a point, which is the point of beginning; thence West at an angle of 89° 35' 50" a distance of 329.36 feet to a point, thence North at an angle of 90° 25' 15" from the last described line a distance of 294.04 feet to a point; thence East at an angle of 89° 34' 45" from the last described line a distance of 329.22 feet, more or less, to the easterly line of said SW ¼ of SE ¼ thence South along said Easterly line of said SW ¼ of SE ¼, to the point of beginning.

AND

A tract of land in the SW ¼ of SE ¼, Section 25, Township 50, Range 15, West of the Fourth Principal Meridian, described as follows: Commencing at the Southeast corner of said SW ¼ of SE ¼; thence North along the East line of said SW ¼ of SE ¼, a distance of 691.04 feet to the point of beginning of the land to be described; thence deflect 89° 35' 50" to the left in a Westerly direction a distance of 329.22 feet; thence deflect 89° 35' 50" to the right in a Northerly direction, along a line 329.22 feet distant and parallel with the East line of said SW ¼ of SE ¼, a distance of 631.55 feet, more or less, to the North line of said SW ¼ of SE ¼; thence Easterly along the North line of said SW ¼ of SE ¼ to the East line of said SW ¼ of SE ¼; thence Southerly along the East line of said SW ¼ of SE ¼ to the point of beginning.

PARCEL: 395-0010-07589

AND

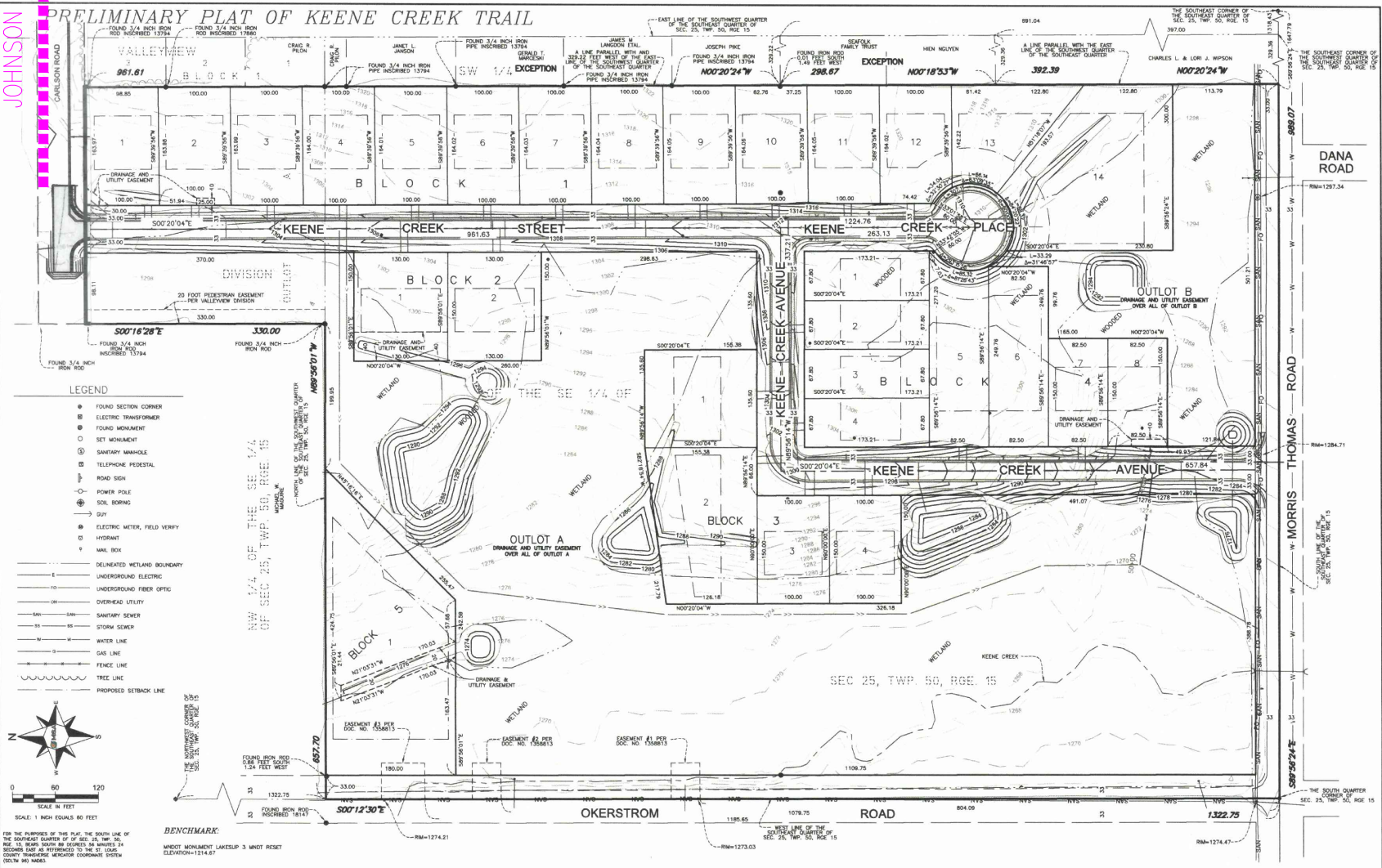
OUTLOT A VALLEYVIEW DIVISION SECTION TWENTY-FIVE (25), TOWNSHIP FIFTY (50), RANGE FIFTEEN (15).

PARCEL: 395-0195-00040

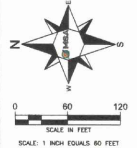
10' WIDE TRAIL TO JOHNSON ROAD

TRAIL OPTION

PRELIMINARY PLAT OF KEENE CREEK TRAIL



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



BENCHMARK:
MINOT MONUMENT LAKESUP 3 MINOT ROSET
ELEVATION=1214.67

PROJECT DATE:	MAY 2021	DRAWN BY:	CS	NO.	DATE	REVISION	BY
DESIGNED BY:	JVA	#	#				
CHECKED BY:	CS	#	#				

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KEENE CREEK TRAIL
CITY OF HERMANTOWN
ST. LOUIS COUNTY, MN

PRELIMINARY PLAT

PROJECT NO:
14491004
SHEET:
2 OF 2

FOR THE PURPOSES OF THIS PLAT, THE SOUTH LINE OF THE SOUTHWEST QUARTER OF SEC. 25, TWP. 50, RGE. 15, BEARS SOUTH 86 DEGREES 34 MINUTES 14 SECONDS EAST AS REFERENCED TO THE ST. LOUIS COUNTY TRANSFER MERIDIAN GOVERNMENT SYSTEM (GLN 94) WEBER.

TO: Mayor & City Council

FROM: Eric Johnson, Community
Development Director



DATE: May 31, 2022
UPDATED June 10, 2022

Meeting Date: 06/20/2022

SUBJECT: Preliminary Plat – Keene Creek
Trail Subdivision

Agenda Item: 12-D

Resolution: 2022-77

REQUESTED ACTION

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

BACKGROUND

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

SITE INFORMATION:

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

An application for this project was previously reviewed and recommended for approved by the Planning and Zoning Commission in June 2021 (hereinafter the “Carlson Road Option”). The Carlson Road Option was subsequently approved by the City Council in July 2021. The main public benefit of the Carlson Road Option was the extension of the Carlson Road out to Johnson Road along with an adjacent sidewalk which provided pedestrian connection throughout the development. The Carlson Road extension was opposed by local residents because of concerns about increased traffic.

In the time since this approval, the applicant has reassessed the project and is now proposing to modify the plan to not include the Carlson Road extension to Johnson Road, nor that corresponding

section of sidewalk. Instead, the applicant is looking to terminate the main north-south road in a hammerhead road design (hereinafter the “Hammerhead Option”). The applicant has not proposed a substitute to the public benefit previously provided under the Carlson Road Option. This change to the previously approved Carlson Road Option requires that the applicant remains at the preliminary review stage and with another public hearing on this proposal.

A public hearing for this revised application was held on Tuesday, May 17, 2022. In addition to the applicant, numerous members of the public spoke on the application at the meeting. The people who spoke were generally supportive of the application as submitted by the applicant with the hammerhead terminus to the road vs. a through street to Johnson Road. Other comments included the proximity of new homes to existing lots and the potential of a paved trail along the future Carlson Road right of way instead of a road.

The Planning and Zoning staff memo recommended the continuation of the project with a through Road to Johnson Road as was previously approved as a preliminary Planned Unit Development. In lieu of this road, staff provided an alternative scenario that instead of a through road that the developer construct a paved 10 foot wide trail connecting Johnson Road to the Hammerhead and as part of installing the sanitary sewer adjacent to Keene Creek, applicant provide clean backfill and a gravel/rock base which can be utilized for the trail base until this section is paved. This trail base would extend from Morris Thomas Road to the proposed hammerhead where it would intersect with the paved trail section within the Carlson Road right of way.

The Planning and Zoning Commission recommended the application as submitted by the applicant with the hammerhead road terminus and no additional trail work, unanimously onto the City Council for their approval.

The issue of a trail connection to Johnson Road is addressed in the Planned Unit Development staff report associated with this project. The plat approval is addressing the subdivision of the land and not project related amenities/public benefits.

Zoning Analysis:

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

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

Setbacks

City Code allows a PUD to have standards that meet the City’s goals for each proposed development. These standards include building height, density, roadway widths and setbacks. The proposed project is for 21 lot single family home and 8 twinhome lot (8 units total) for a total of 29 lots. The single family lots meet the underlying front and rear yard setback requirements of the

R-3 zoning district. The applicant is proposing a minimum 10' foot side yard setback, 20' aggregate total as opposed to the 25' aggregate total associated with the R-3 district. The PUD allows for the setting of site specific setbacks.

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

Plat

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

Utilities

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

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

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

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

Stormwater

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

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

Access

The project is proposed to be accessed by way of Morris Thomas Road with the interior road system terminating in a hammerhead configuration. This Hammerhead Option differs from the previously approved Carlson Road Option in that it does not provides a second road access via the 66' road right of way associated with the Valleyview Division which was platted as Carlson Road.

Hammerhead Design – PLANNING AND ZONING RECOMMENDATION

The Planning and Zoning Commission recommended the application as submitted by the applicant with the hammerhead road terminus. The Planning and Zoning Commission generally supported the concerns of the Johnson/Alexander//Portland Road residents that a through road was not in the best interests of the adjoining neighborhood and that a ‘dead-end’ hammerhead instead be utilized for the proposed development.

The Planning and Zoning Commission unanimously recommended this design onto the City Council for their approval.

Carlson Road Option – STAFF RECOMMENDATION

The City staff recommends the previously approved Carlson Road Option for public safety, planning, and City Code reasons. The build out of Carlson Road provides public benefits to the City and its residents from a life/safety standpoint as it provides two means of ingress and egress to a development for police and fire access. The City’s goal in planning and public safety is to ensure that adequate roads, sewer, water, fire and police protection are in place or provided for before the final preliminary plat is approved.

In addition to these benefits, the City zoning ordinance references multiple sections supporting through roads:

1020.03.2. Streets must be designed and located with consideration to existing and planned streets, reasonable circulation patterns, topographical conditions, stormwater runoff, public conveyance safety.

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.

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

Land Swap

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

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

Munger Trail Spur; two points of ingress/egress for the proposed development and development of an existing outlot for residential housing.

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

Wetlands

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

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

Park Dedication Fees

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

Summary

The Staff recommendation includes two options moving forward:

Option 1: The City Council approves the application per the Planning and Zoning Commission recommendation with a hammerhead and no trail/sidewalk connection to Johnson Road; (1)

Option 2: The City Council approves the application per the Staff recommendation with the Carlson Road connection. The approval would be the same as was previously approved in the summer of 2021; (2)

(1) The conditions for the Hammerhead Option would be:

1. The proposed preliminary plat meets the intent of the R-3, Residential Zoning District and the overall goals and policies of the Zoning Ordinance.
2. The preliminary plat is in accordance with and conformity to the Hermantown Comprehensive Plan and Hermantown Zoning Ordinance.
3. The applicant will have one year from the date of the preliminary Plat approval to file for a Final Plat.

4. Construction of a hammerhead terminus to the proposed interior road system. The hammerhead would terminate within the existing Carlson Road right of way and would not connect to Johnson Road. The construction of the hammerhead and all interior roads within the project would be the responsibility of the Applicant. The road is required to be designed and constructed to City standards.
5. The lots will be served by public water and sewer which will be constructed by the applicant. The new water and sewer main will be constructed by the applicant, reviewed and approved by the City Engineer then turned over to the City.
6. The applicant will be required to enter into an agreement with the City in order to obtain Outlot A of the Valleyview Division for the purpose of utilizing the outlot as part of the Keene Creek Trail Subdivision project.
7. The applicant will be required to deed to the City the outlot and subsequent stormwater ponds within to the City.
8. The Applicant will be required to pay park dedication fees consistent with the requirements of the City Zoning Ordinance. A park dedication fee of \$1,100 per lot/unit will be paid at the time of final PUD/Plat approval. The applicant/builder will be responsible for the \$150/bedroom park dedication at the time of building permit.
9. The Applicant shall sign a consent form assenting to all conditions of this approval.
10. The Applicant shall pay an administrative fine of \$750 per violation of any condition of this approval.

OR

(2) The conditions for the Carlson Road Option would be:

1. The proposed preliminary plat meets the intent of the R-3, Residential Zoning District and the overall goals and policies of the Zoning Ordinance.
2. The preliminary plat is in accordance with and conformity to the Hermantown Comprehensive Plan and Hermantown Zoning Ordinance.
3. The applicant will have one year from the date of the preliminary Plat approval to file for a Final Plat.
4. Construction of a through road from the proposed development to Johnson Road. The through road would be constructed within the existing Carlson Road right of way and would connect to Johnson Road. The construction of the through road and all interior roads within the project would be the responsibility of the Applicant. The road is required to be designed and constructed to City standards.

5. The lots will be served by public water and sewer which will be constructed by the applicant. The new water and sewer main will be constructed by the applicant, reviewed and approved by the City Engineer then turned over to the City.
6. The applicant will be required to enter into an agreement with the City in order to obtain Outlot A of the Valleyview Division for the purpose of utilizing the outlot as part of the Keene Creek Trail Subdivision project.
7. The applicant will be required to deed to the City the outlot and subsequent stormwater ponds within to the City.
8. The Applicant will be required to pay park dedication fees consistent with the requirements of the City Zoning Ordinance. A park dedication fee of \$1,100 per lot/unit will be paid at the time of final PUD/Plat approval. The applicant/builder will be responsible for the \$150/bedroom park dedication at the time of building permit.
9. The Applicant shall sign a consent form assenting to all conditions of this approval.
10. The Applicant shall pay an administrative fine of \$750 per violation of any condition of this approval.

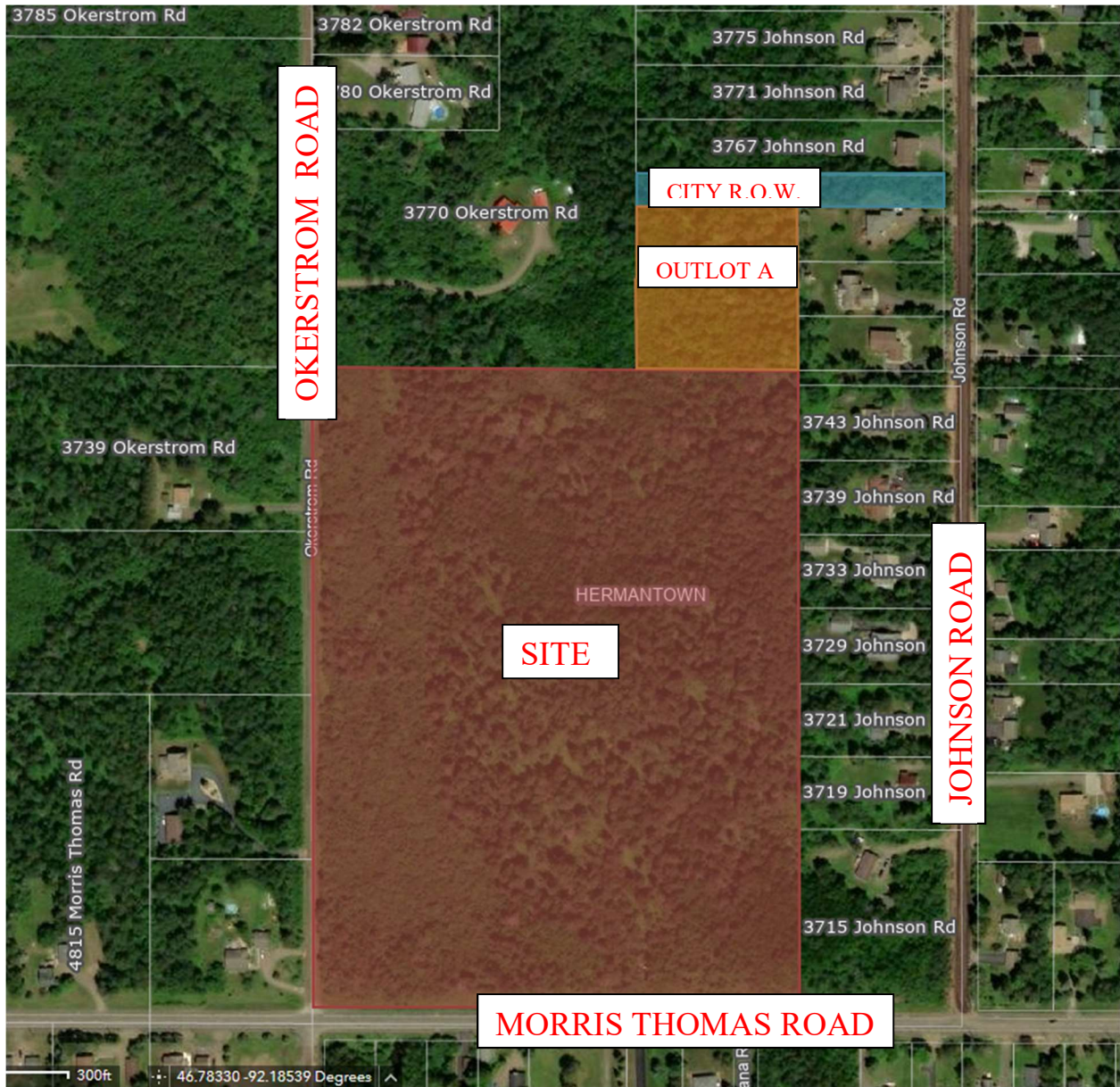
SOURCE OF FUNDS (if applicable)

N/A

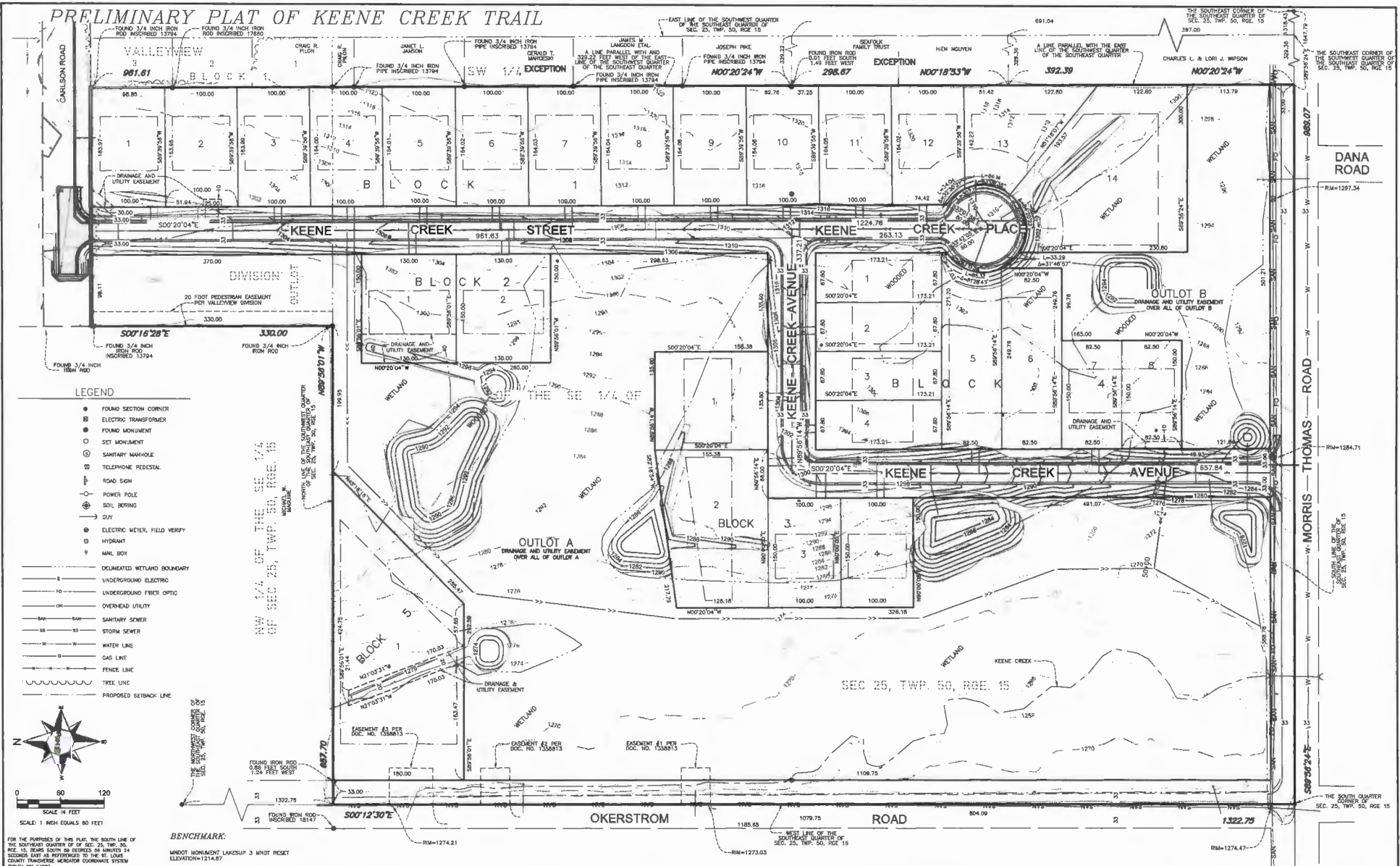
ATTACHMENTS:

- Location Map
- Proposed Preliminary Plat
- Previously Approved Preliminary Plat
- Road Option Graphic
- Trail Option Graphic
- Valleyview Division Plat
- Resolution

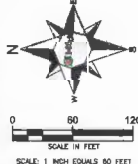
Location Map



PRELIMINARY PLAT OF KEENE CREEK TRAIL



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



BENCHMARK:
 MINDOT MONUMENT LAKESUP 3 MINUT RESET
 ELEVATION=1214.87

FOR THE PURPOSES OF THIS PLAT, THE SOUTH LINE OF THE SOUTHWEST QUARTER OF SEC. 25, TWP. 50, RGE. 15, BEARS SOUTH 80 DEGREES 00 MINUTES 24 SECONDS EAST AS REFERRED TO THE 1983 NAD COUNTY TRANSFORMED MERCATOR COORDINATE SYSTEM (GCSN 83) HANKS.

PROJECT DATE	MAY 2021	DRAWN BY:	GES	NO.	DATE	REVISION	BY
DESIGNED BY:	JSL						
CHECKED BY:	ES						

UTILITY DISCLAIMER
 THIS SURVEY REFLECTS ABOVE GROUND INDICATIONS OF UTILITIES AND INFORMATION AVAILABLE FROM ASBUILT DRAWINGS. THE SURVEYOR MAKES NO GUARANTEE THAT THE UNDERGROUND UTILITIES SHOWN CORRESPOND TO ALL SUCH UTILITIES IN THE AREA, EITHER IN SERVICE OR ABANDONED. THE SURVEYOR FURTHER DOES NOT WARRANT THAT THE UNDERGROUND UTILITIES SHOWN ARE IN THE EXACT LOCATION INDICATED, ALTHOUGH HE DOES CERTIFY THAT THEY ARE LOCATED AS ACCURATELY AS POSSIBLE FROM INFORMATION AVAILABLE. THE SURVEYOR HAS NOT PHYSICALLY LOCATED UNDERGROUND UTILITIES.

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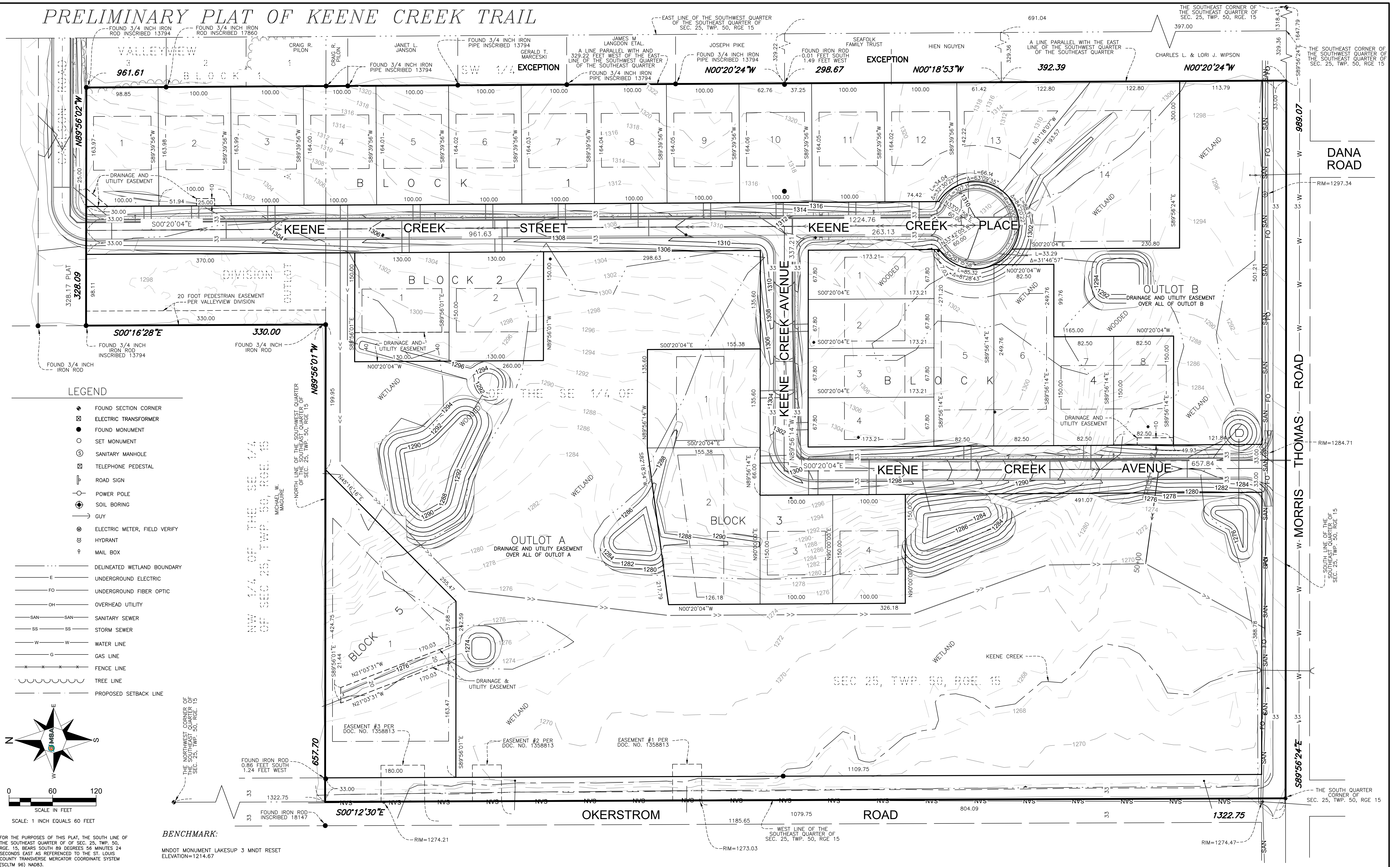
KEENE CREEK TRAIL
 CITY OF HERMANTOWN
 ST. LOUIS COUNTY, MN

PRELIMINARY PLAT

PROJECT NO. 14481004
 SHEET 2 OF 2

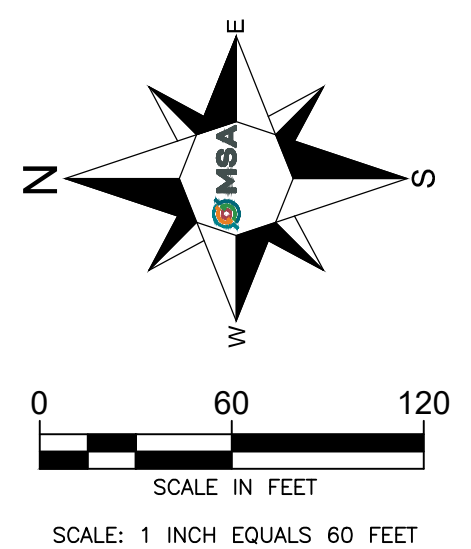
PLAT DATE: Monday, June 28, 2021 10:50:57 AM, 93161443114431056\herm\platt\14481004 Preliminary Plat.dwg

PRELIMINARY PLAT OF KEENE CREEK TRAIL



LEGEND

- FOUND SECTION CORNER
- ⊕ ELECTRIC TRANSFORMER
- FOUND MONUMENT
- SET MONUMENT
- ⊙ SANITARY MANHOLE
- ⊕ TELEPHONE PEDESTAL
- ⊕ ROAD SIGN
- POWER POLE
- ⊕ SOIL BORING
- GUY
- ⊕ ELECTRIC METER, FIELD VERIFY
- ⊕ HYDRANT
- ⊕ MAIL BOX
- DELINEATED WETLAND BOUNDARY
- E UNDERGROUND ELECTRIC
- FO UNDERGROUND FIBER OPTIC
- OH OVERHEAD UTILITY
- SAN SANITARY SEWER
- SS STORM SEWER
- W WATER LINE
- G GAS LINE
- * FENCE LINE
- ~~~~~ TREE LINE
- - - - PROPOSED SETBACK LINE



FOR THE PURPOSES OF THIS PLAT, THE SOUTH LINE OF THE SOUTHWEST QUARTER OF SEC. 25, TWP. 50, RGE. 15, BEARS SOUTH 89 DEGREES 59 MINUTES 24 SECONDS EAST AS REFERENCED TO THE ST. LOUIS COUNTY TRANSVERSE MERCATOR COORDINATE SYSTEM (SCLTM 96) NAD83.

BENCHMARK:
MNDOT MONUMENT LAKESUP 3 MNDT RESET
ELEVATION=1214.67

PROJECT DATE:	MAY 2021	DRAWN BY:	CES	NO.	DATE	REVISION	BY
DESIGNED BY:	JS/JL	#	#				
CHECKED BY:	ES	#	#				

UTILITY DISCLAIMER
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332 W Superior Street, Duluth MN 55802
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© MSA Professional Services, Inc.

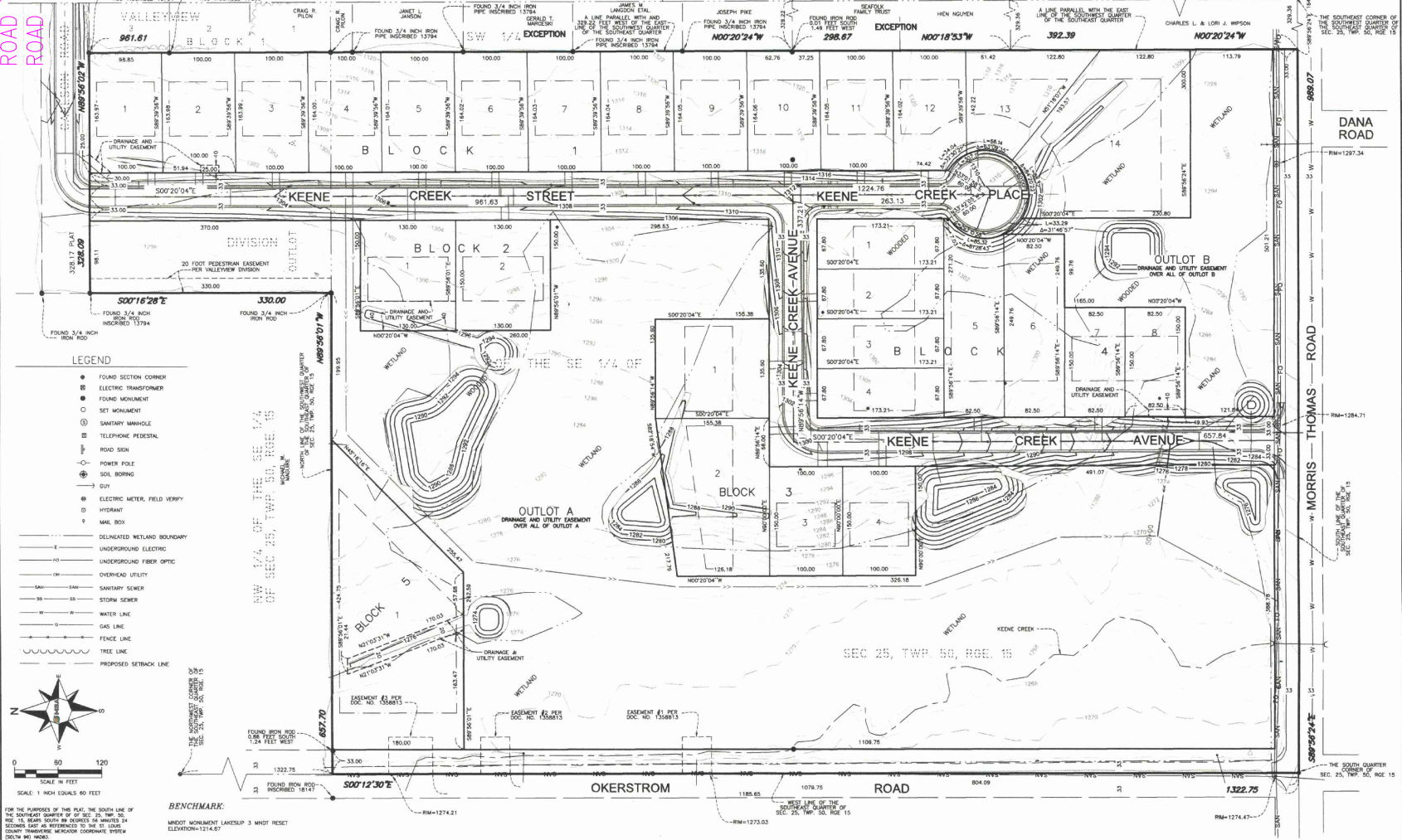
KEENE CREEK TRAIL
CITY OF HERMANTOWN
ST. LOUIS COUNTY, MN

PRELIMINARY PLAT

PROJECT NO:
14491004
SHEET
2 OF 2

ROAD OPTION
5' WIDE SIDEWALK AND
ROAD TO JOHNSON
ROAD

PRELIMINARY PLAT OF KEENE CREEK TRAIL



LEGEND

- FOUND SECTION CORNER
- ⊕ ELECTRIC TRANSFORMER
- FOUND MONUMENT
- SET MONUMENT
- SANITARY MANHOLE
- TELEPHONE PEDESTAL
- ROAD SIGN
- POWER POLE
- SOIL BORING
- GULLY
- ELECTRIC METER, FIELD VERIFY
- HYDRANT
- MAIL BOX
- DELINEATED WETLAND BOUNDARY
- UNDERGROUND ELECTRIC
- UNDERGROUND FIBER OPTIC
- OVERHEAD UTILITY
- SANITARY SEWER
- STONE SCREEN
- WATER LINE
- GAS LINE
- FENCE LINE
- TREE LINE
- PROPOSED SETBACK LINE

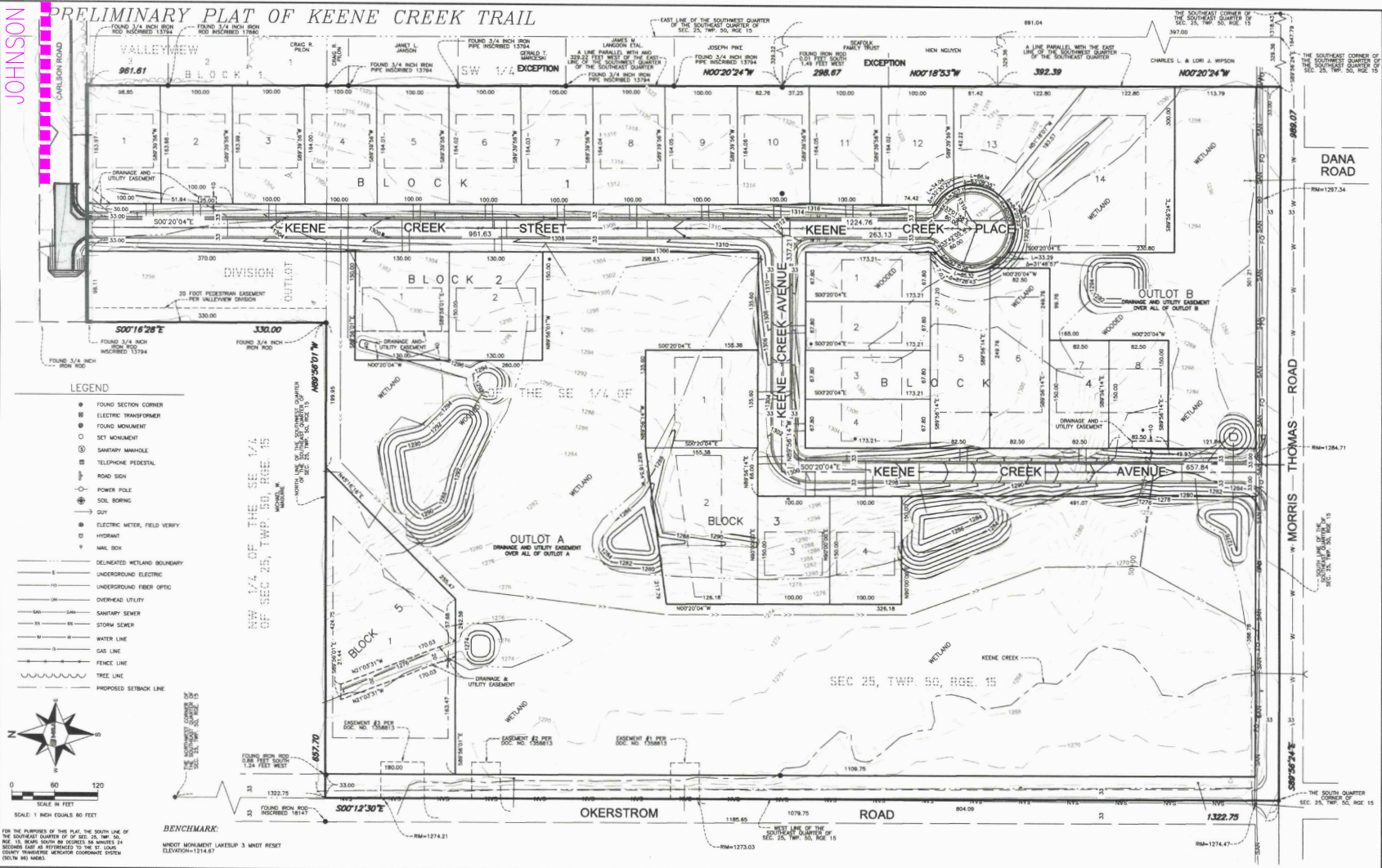
BENCHMARK:
MINOT MONUMENT LAKEUP 3 WHOT RESET
ELEVATION=1214.67

UTILITY DISCLAIMER:
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PROJECT DATE: MAY 2021	DRAWN BY: CES	NO.:	DATE:	REVISION:	<p>ENGINEERING ARCHITECTURE SURVEYING PLANNING PLANNING ENVIRONMENTAL 333 W Superior Street, Duluth MN 55802 (218) 722-3915 www.msa-95.com</p>	<p>KEENE CREEK TRAIL CITY OF HERMANTOWN ST. LOUIS COUNTY, MN</p>	<p>PRELIMINARY PLAT</p>	<p>14491004 sheet 2 OF 2</p>
CHECKED BY: CES	#	#	#					
DATE: Monday, June 28, 2021 10:46:57 AM	G:\161449\14491004\Survey\26509\14491004 Preliminary Plat.dwg							

10' WIDE TRAIL TO JOHNSON ROAD

TRAIL OPTION



FOR THE PURPOSES OF THIS PLAT, THE SOUTH LINE OF THE SOUTHWEST QUARTER OF SEC. 25, TWP. 50, RGE. 15, NE 1/4, SE 1/4, SW 1/4, AND SW 1/4 CORNERS AS SHOWN BY SURVEY 24 BEING THE EAST AND WEST BOUNDARIES OF THE LOCAL COUNTY TRANSFER MERGERS COORDINATE SYSTEM (RTM) ARE WASH.

BENCHMARK:
MNDOT MONUMENT LAKE/SLIP 3 UNIT RESET
ELEVATION=1214.67

PROJECT DATE	MAY 2021	DRAWN BY:	CEB	#	REV	DESCRIPTION	BY
CHECKED BY:	JVAL	#	1				
CHECKED BY:	CS	#	2				

UTILITY DISCLAIMER:
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KEENE CREEK TRAIL
CITY OF HERMANTOWN
ST. LOUIS COUNTY, MN

PRELIMINARY PLAT

PROJECT NO:
14491004
SHEET:
2 OF 2

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

595561

OFFICE OF REGISTRAR OF TITLES
STATE OF MINNESOTA }
COUNTY OF ST. LOUIS }

I hereby certify that the within
Instrument was filed in the office on
MAR 21 1995
at 10a M. and was duly registered
in Book 715 of Register of Titles,
page 358
MARK A. MONACELLI
Register of Titles
Deputy

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

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

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

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

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

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

Owner

City of Hermantown

Daniel J. Urshan

Nancy A. Sirois

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

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

STEVEN C. OVEROM
NOTARY PUBLIC-MINNESOTA
MY COMMISSION EXPIRES 1-31-00

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

I hereby certify that I have surveyed and platted the property described on this plat as VALLEYVIEW DIVISION, that this plat is a correct representation of the survey; that all distances are correctly shown on the plat in feet and hundredths of a foot, that all monuments have been correctly placed in the ground as shown; that the outside boundary lines are correctly designated on the plat; and that there are no wet lands as defined in MS 505.02 Subd. 1, or public highways to be designated other than as shown.

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

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

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

LAURALEE M. SAMPLE
Notary Public-Minnesota
St. Louis County
My Commission Expires 4-3-97

Lauralee M. Sample
Notary Public, St. Louis County, MN
My Commission Expires 4/3/97

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

Daniel J. Urshan
Mayor, City of Hermantown

Nancy A. Sirois
City Clerk, City of Hermantown

I hereby certify that this plat has been checked and approved this 14th day of MARCH, 1995.

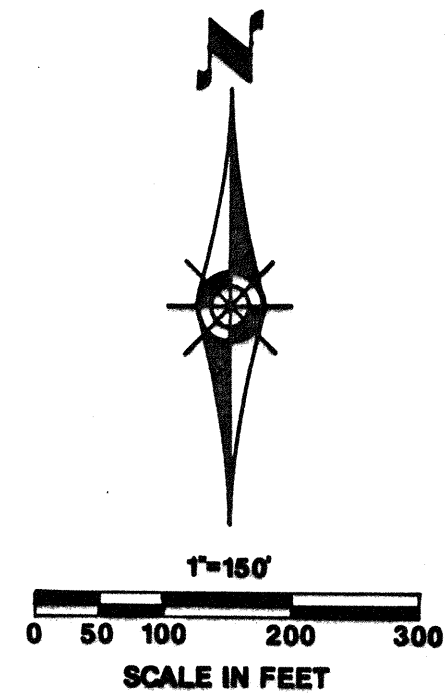
Robert C. Busch
St. Louis County Surveyor *17360

Section
25

All Taxes Paid
March 21, 1995
Gordon D. McFaul
St. Louis County Auditor
By Mary Jo Tomasic Deputy

Plat 195

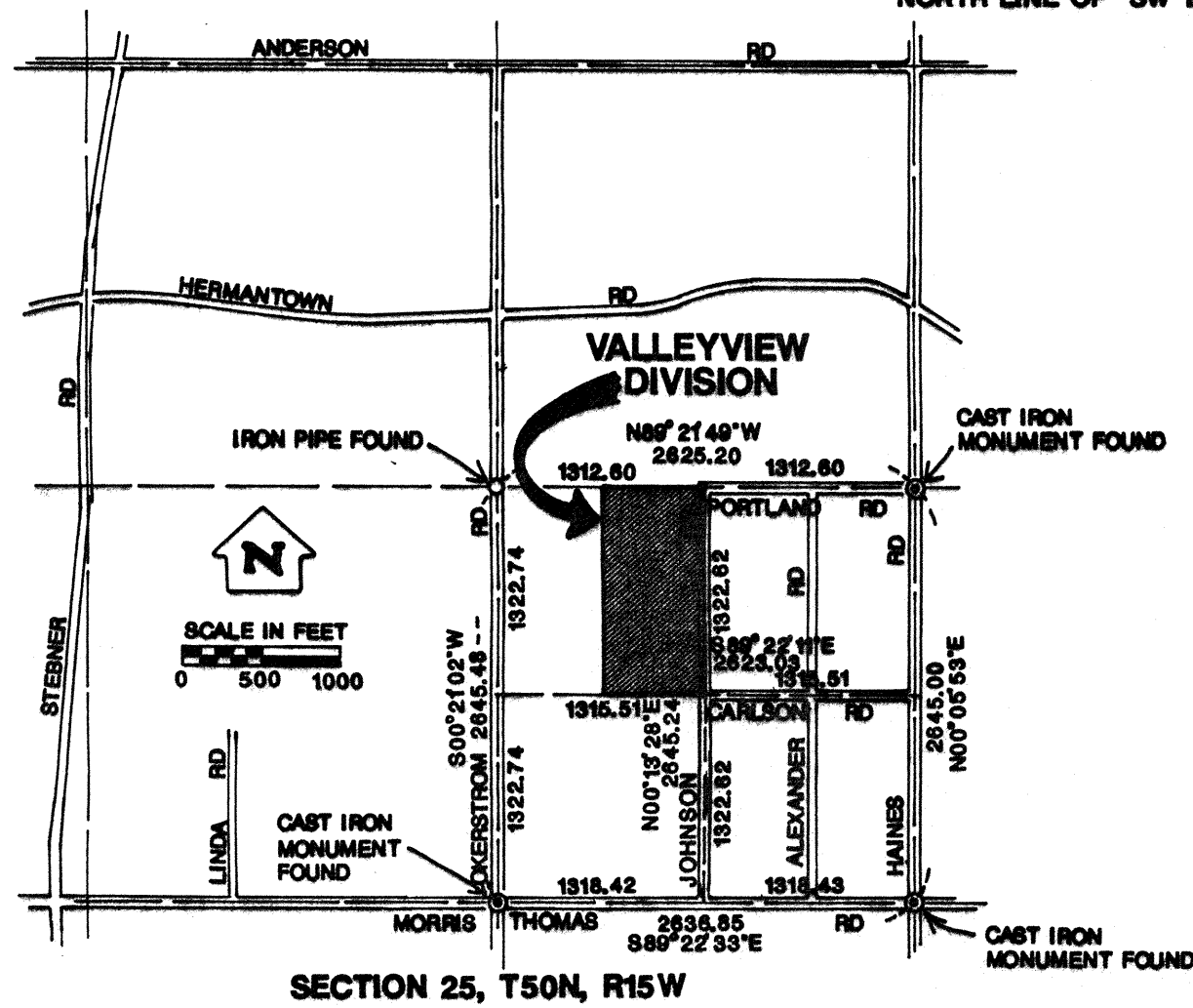
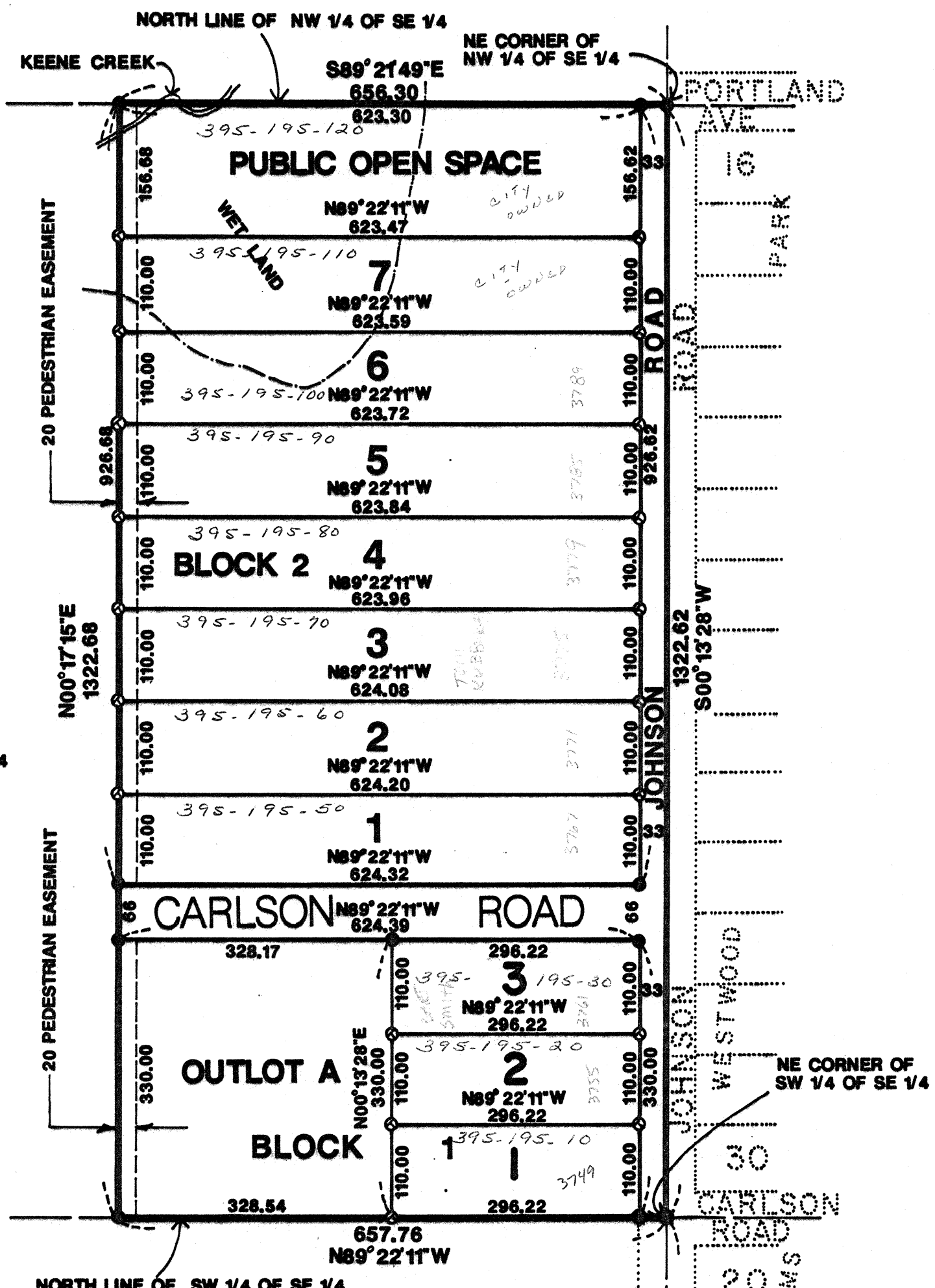
395-195



- LEGEND -

- IRON SURVEY MARKER SET - RLS 13794
- 3/4" IRON ROD SET - RLS 13794
- WET LAND BOUNDARY (NAT'L. WETLAND INVENTORY)
- 1 1/2" IRON PIPE FOUND
- ⊙ CAST IRON MONUMENT FOUND

BASIS OF BEARINGS - NORTH LINE OF NW 1/4 OF SE 1/4, WAS ASSUMED TO HAVE A BEARING OF S89°21'49"E.



Resolution No. 2022-77

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

WHEREAS, BMAX Inc; Darren and Layne Weets, a married couple (Applicant) has requested a preliminary plat for Keene Creek Trail Subdivision comprised of 21 single family lots, 8 twinhome lots and two out lots in an R-3 zoning district; and

WHEREAS, the Hermantown Planning and Zoning Commission has recommended the approval of the preliminary plat following a public hearing on May 17, 2022; and

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

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

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

1. The preliminary plat is in accordance with and conformity to the Hermantown Comprehensive Plan and Hermantown Zoning Ordinance.
2. The preliminary plat of Keene Creek Trail Subdivision is hereby approved.
3. Applicant shall construct a hammerhead terminus to the interior road system with no connection to Johnson Road. All roads to be built to City standards and turned over to City upon acceptance by the City Council.
4. Applicant shall provide a 5 foot wide concrete sidewalk adjacent to above referenced road system. Sidewalk to be designed and constructed per City standards and requirements.
5. The following conditions are imposed upon the final plat:
 - a. The final plat shall be submitted within one year of the date of the approval of the preliminary plat.
 - b. The title of the land underlying the plat shall be approved by the City Attorney.
 - c. Any deficiency noted by the surveyor on the preliminary plat will be corrected on the final plat.
 - d. Applicant shall pay a cash contribution per the schedule adopted in the Hermantown Fee Schedule.
 - e. Applicant shall enter into a development agreement with the City at time of final plat that outlines development responsibilities and provide financial securities for site improvements and utility installation.
 - f. Applicant agrees to construct, at their own expense, a connection between Morris Thomas Road and Johnson Road, via Carlson Road, in a manner and time to be determined via development agreement with City.

- g. Regardless of the impact on the number of approved lots, all lots will meet the requirements associated with the Planned Unit Development approval for the project. Additional requirements per the Hermantown Zoning Ordinance, include but not limited to:
 - i. Section 1020.02.2. Frontage. The entire required frontage of each lot must abut on a street that has been officially accepted by the City of Hermantown or other governmental body with jurisdiction over such street, except as provided for flag lots and cul-de-sacs; and
 - ii. 1020.04.3. When a lot completely abuts a cul-de-sac, the required frontage may be measured at the building setback line.
- h. Prior to approval of the final plat, the applicant shall submit an application for wetland replacement plan associated with the wetland impacts proposed on site.
- i. Prior to approval of the final plat, the applicant shall submit and receive approval from the City Engineer of a permanent stormwater treatment plan that meets the City standards codified in Sections 1080 and 1060 of the City Code.
- j. Prior to approval of the final plat, the applicant shall submit and receive approval from the City Engineer a road design meeting the Hermantown Urban Section Road Standards with a 28' wide curb face to curb face bituminous paved road with a sidewalk on at least one side and all other Hermantown road design standards including 30 mph speed design.
- k. Prior to approval of the Final Plat, the applicant shall submit and receive approval from the City Engineer a road design meeting the Hermantown Urban Section Road Standards with cul-de-sacs designed to R/W width of 130' with a paved surface of 100' paved surface.
- l. The applicant shall sign a consent form assenting to all conditions of this approval.

Councilor _____ introduced the foregoing resolution and moved its adoption.

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

and the following voted in opposition thereto:

WHEREUPON, such resolution was declared duly passed and adopted June 20, 2022.

Resolution No. 2022-77A

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

WHEREAS, BMAX Inc; Darren and Layne Weets, a married couple (Applicant) has requested a preliminary plat for Keene Creek Trail Subdivision comprised of 21 single family lots, 8 twinhome lots and two out lots in an R-3 zoning district; and

WHEREAS, the Hermantown Planning and Zoning Commission has recommended the approval of the preliminary plat following a public hearing on May 17, 2022; and

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

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

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

1. The preliminary plat is in accordance with and conformity to the Hermantown Comprehensive Plan and Hermantown Zoning Ordinance.
2. The preliminary plat of Keene Creek Trail Subdivision is hereby approved.
3. Applicant shall construct a through road (Carlson Road) to Johnson Road. This road will provide connection between Morris Thomas Road and Johnson Road. Road to be designed and constructed per City standards and turned over to City upon acceptance of City Council.
4. Applicant shall provide a 5 foot wide concrete sidewalk adjacent to above referenced road system. Sidewalk to be designed and constructed per City standards and requirements.
5. The following conditions are imposed upon the final plat:
 - a. The final plat shall be submitted within one year of the date of the approval of the preliminary plat.
 - b. The title of the land underlying the plat shall be approved by the City Attorney.
 - c. Any deficiency noted by the surveyor on the preliminary plat will be corrected on the final plat.
 - d. Applicant shall pay a cash contribution per the schedule adopted in the Hermantown Fee Schedule.
 - e. Applicant shall enter into a development agreement with the City at time of final plat that outlines development responsibilities and provide financial securities for site improvements and utility installation.
 - f. Applicant agrees to construct, at their own expense, a connection between Morris Thomas Road and Johnson Road, via Carlson Road, in a manner and time to be determined via development agreement with City.
 - g. Regardless of the impact on the number of approved lots, all lots will meet the requirements associated with the Planned Unit Development approval for the project.

Additional requirements per the Hermantown Zoning Ordinance, include but not limited to:

- i. Section 1020.02.2. Frontage. The entire required frontage of each lot must abut on a street that has been officially accepted by the City of Hermantown or other governmental body with jurisdiction over such street, except as provided for flag lots and cul-de-sacs; and
- ii. 1020.04.3. When a lot completely abuts a cul-de-sac, the required frontage may be measured at the building setback line.
- h. Prior to approval of the final plat, the applicant shall submit an application for wetland replacement plan associated with the wetland impacts proposed on site.
- i. Prior to approval of the final plat, the applicant shall submit and receive approval from the City Engineer of a permanent stormwater treatment plan that meets the City standards codified in Sections 1080 and 1060 of the City Code.
- j. Prior to approval of the final plat, the applicant shall submit and receive approval from the City Engineer a road design meeting the Hermantown Urban Section Road Standards with a 28' wide curb face to curb face bituminous paved road with a sidewalk on at least one side and all other Hermantown road design standards including 30 mph speed design.
- k. Prior to approval of the Final Plat, the applicant shall submit and receive approval from the City Engineer a road design meeting the Hermantown Urban Section Road Standards with cul-de-sacs designed to R/W width of 130' with a paved surface of 100' paved surface.
- l. The applicant shall sign a consent form assenting to all conditions of this approval.

Councilor _____ introduced the foregoing resolution and moved its adoption.

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

and the following voted in opposition thereto:

WHEREUPON, such resolution was declared duly passed and adopted June 20, 2022.

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



DATE: May 31, 2022

Meeting Date: 06/20/2022

SUBJECT: Special Use Permit – Keene Creek
Trail Subdivision

Agenda Item: 12-E

Resolution: 2022-78

REQUESTED ACTION

Requested approval of a Special Use Permit for grading and filling in a natural environment shoreland area associated with Keene Creek for the purpose of constructing 4 lots of single family home and 4 lots of twinhome lot (4 units total) for a total of 8 lots on a portion of the overall 33 acre site located in the NE intersection of Okerstrom Road and Morris Thomas Road. The property is located in an R-3 zoning district.

BACKGROUND

The applicant is proposing to construct 21 single family home lots and 8 twinhome lots (8 units total) for a total of 29 lots on an existing 33 acre lot. Of these 29 lots, 8 are located in the natural environment shoreland area associated with Keene Creek. In addition to the lots, there will be grading and utility work associated with the overall development within the natural environment shoreland area.

There is also an unnamed tributary of Keene Creek located on the south portion of the property adjacent to Morris Thomas Road. In conversations with the DNR, they are viewing this water conveyance as a tributary which will require the Special Use Permit for this portion of the development as well.

SITE INFORMATION:

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

Wetlands

A wetland delineation was performed in the fall of 2020. The plan envisions wetland impacts associated with the road construction and potentially 2-4 lots in order to accommodate a building

footprint. The applicant will be required to submit a wetland impact plan to the Hermantown Technical Evaluation Panel for their review and approval.

Special Use Permit

The Special Use Permit is for filling and grading within a Shoreland zone. There are general conditions for all SUPs. Staff finds the following in regard to the criteria for Special Use Permits in the Zoning Ordinance:

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

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

The development of a single-family residential development is the primary purpose of the R-3 zoning district and is the primary use of all surrounding developed land. Conditions placed on the SUP and wetland approvals will restrict future wetland impacts.

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

Conditions placed on the SUP restricting wetland impacts and clearing and grading within 50 feet of Keene Creek meet the intent of the zoning ordinance to protect natural resources. The development of a single-family development is the primary purpose of the R-3 zoning district and is the primary use of all surrounding developed land.

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

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

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

The existing development surrounding this site is single family residential; the proposed use continues this character. The proposed impervious surface is below maximum limits and the required 50 feet buffer zone will protect Keene Creek and the unnamed tributary.

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

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

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

RECOMMENDATIONS:

Staff recommends approval of the Special Use Permit based on the findings set forth in the Staff report, subject to the following conditions:

1. The approval is for a Special Use Permit for filling and grading in a Natural Environment Shoreland of a tributary to the Keene Creek and also for Keene Creek to construct 4 single family homes, 4 twinhomes (4 units total) utilities and roadway in association with the overall Keene Creek Trail Subdivision project.. The Community Development Director may approve minor variations to structures and filling and grading indicated on the attached preliminary site plan as long as the variations do not result in greater wetland impacts.
2. The applicant will follow the rules for grading and filling in a Shoreland Overlay Zone established in Section 725.02 and Section 555.07.1 and 555.07.2 including, but not limited to:
 - a. No impervious surface or clearing, grubbing and grading will be allowed within 50 feet of the Ordinary High Water Level of Keene Creek and the unnamed tributary.
 - b. The elevation of the lowest floor level shall be at least three feet above the Ordinary High Water Level of Keene Creek and the unnamed tributary.
 - c. The smallest amount of bare ground is exposed for as short a time as feasible;
 - d. Temporary groundcover, such as mulch, is used, and permanent groundcover, such as sod, is planted;
 - e. Adequate methods to prevent erosion and trap sediment are employed;
 - f. Fill is stabilized to accepted engineering standards;

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

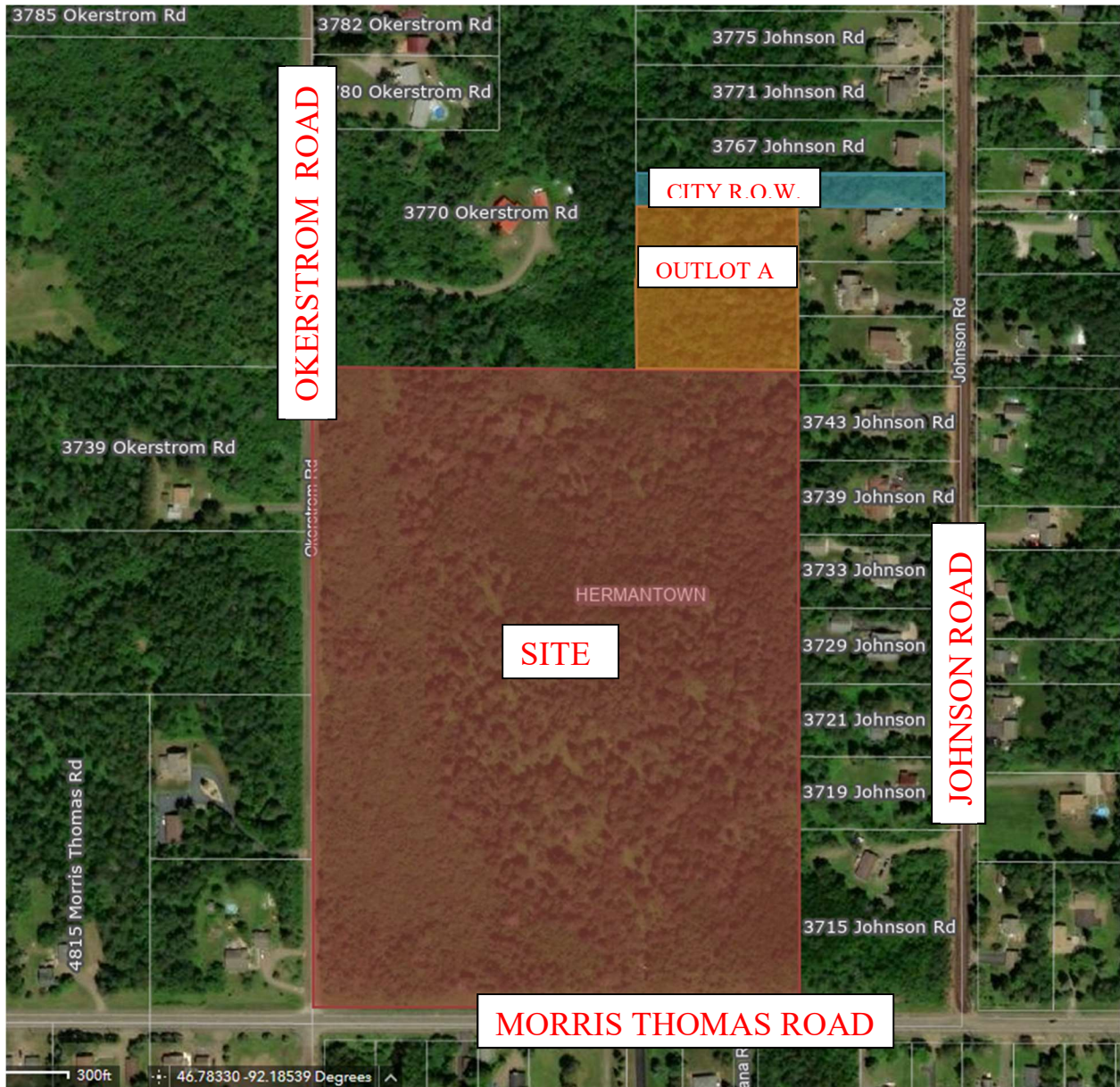
SOURCE OF FUNDS (if applicable)

N/A

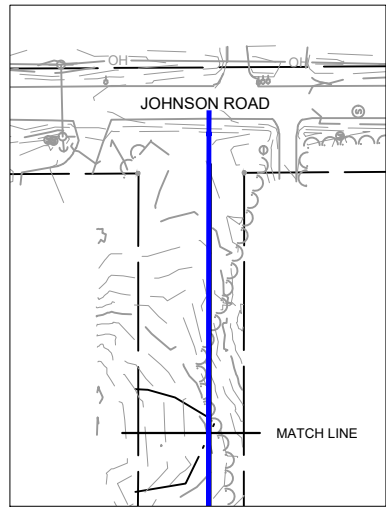
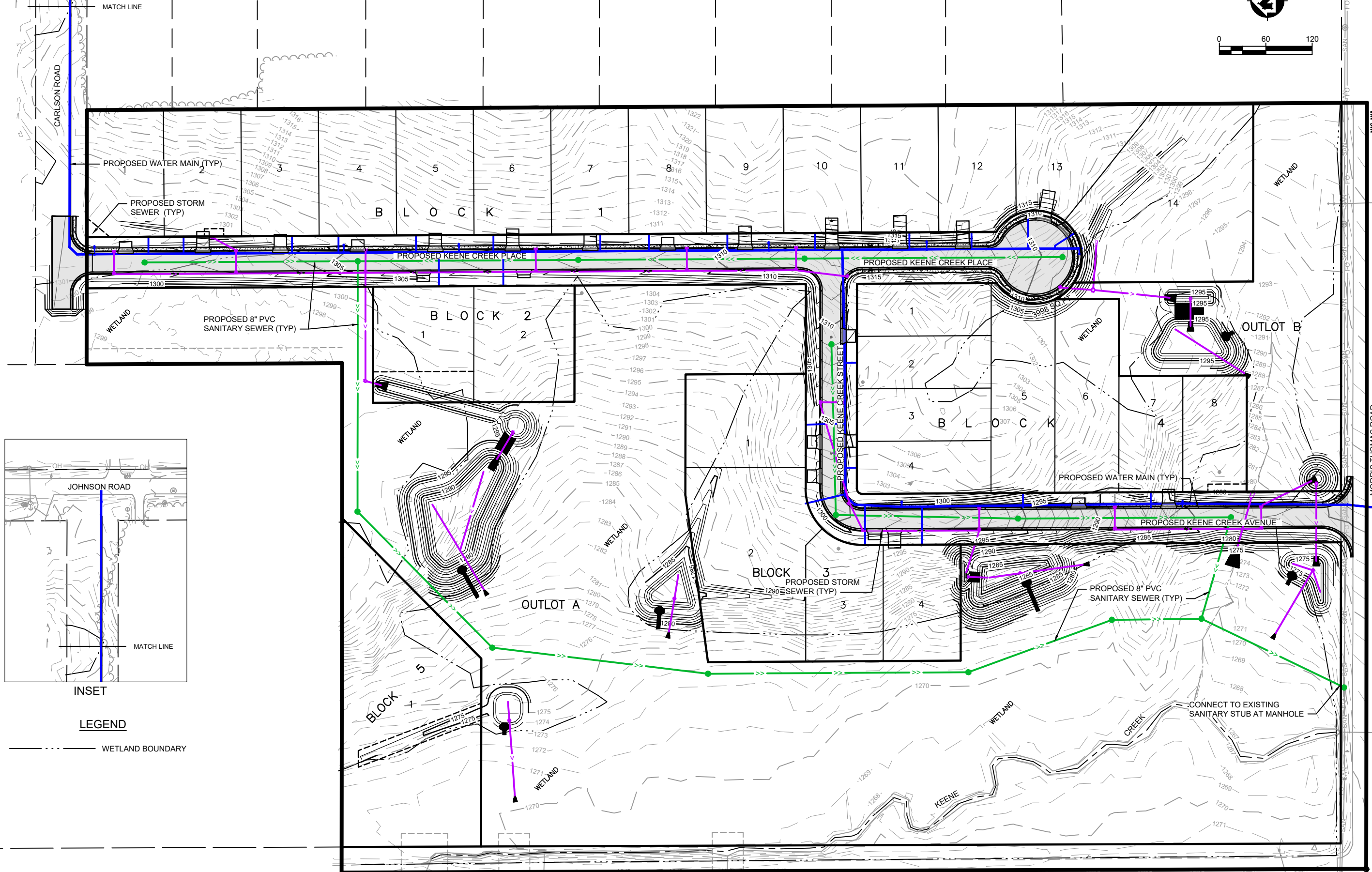
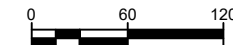
ATTACHMENTS:

- Site Location Map
- Proposed Site plan
- Shoreland Area Map
- Resolution

Location Map



SEE INSET FOR CONTINUATION



LEGEND

--- WETLAND BOUNDARY

PROJECT DATE: 8/31/2021	DRAWN BY: JAS	NO.	DATE	REVISION	BY
	DESIGNED BY: JL				
	CHECKED BY: JL				

PRELIMINARY

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

3/30/2022 Date
52222 License No.
JON LOYE

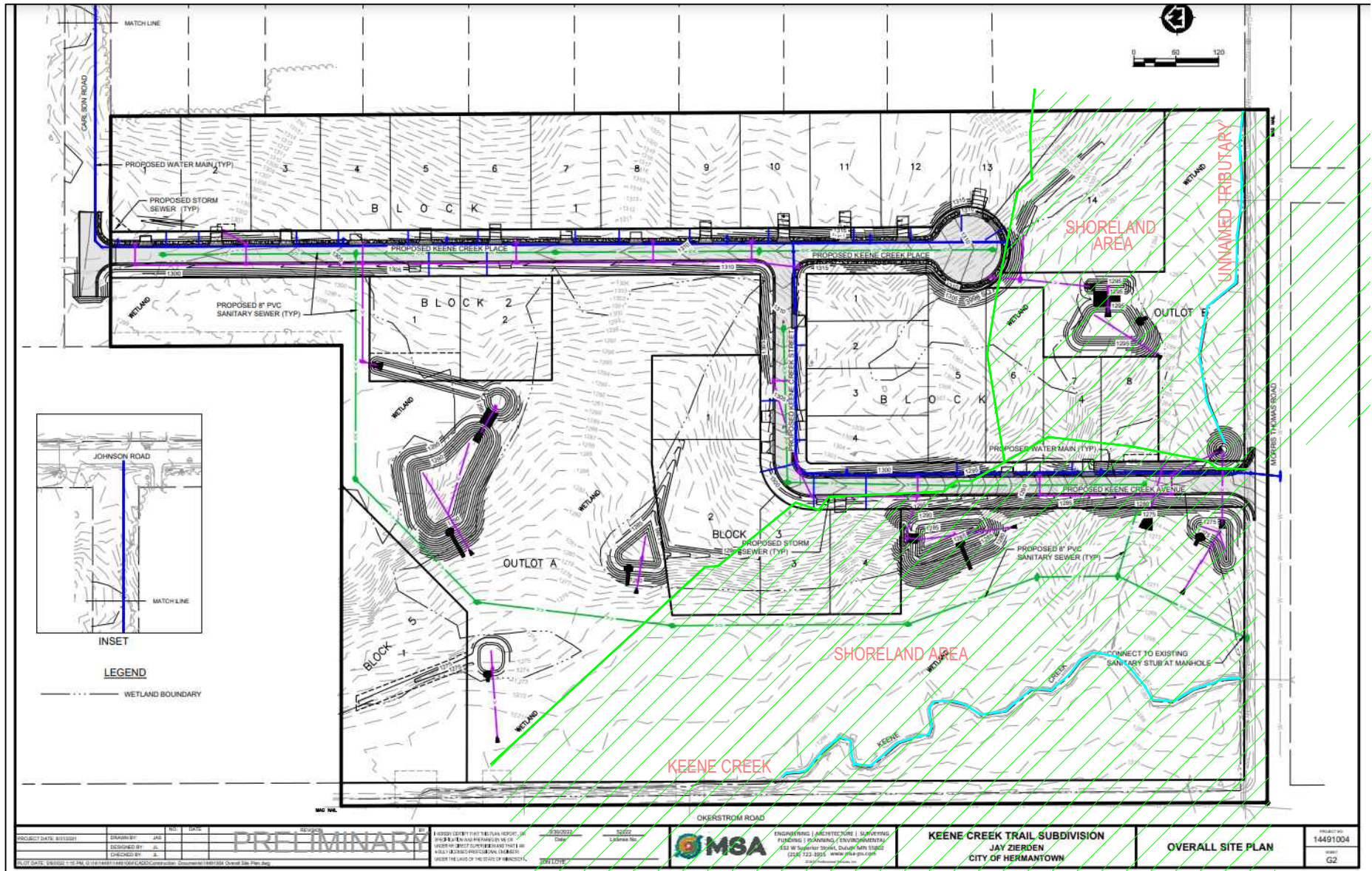
MSA
ENGINEERING | ARCHITECTURE | SURVEYING
FUNDING | PLANNING | ENVIRONMENTAL
332 W Superior Street, Duluth MN 55802
(218) 722-3915 www.msa-ps.com
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KEENE CREEK TRAIL SUBDIVISION
JAY ZIERDEN
CITY OF HERMANTOWN

OVERALL SITE PLAN

PROJECT NO.
14491004
SHEET
G2

SHORELAND AREA MAP



PROJECT DATE: 8/11/2021	DRAWN BY: JAR	DATE: 8/11/2021	PROJECT: Keene Creek Trail Subdivision	NO. 1	REVISION: 1	DATE: 8/11/2021	DESCRIPTION: PRELIMINARY	PROJECT: Keene Creek Trail Subdivision	NO. 1	REVISION: 1	DATE: 8/11/2021	DESCRIPTION: PRELIMINARY	PROJECT: Keene Creek Trail Subdivision	NO. 1	REVISION: 1	DATE: 8/11/2021	DESCRIPTION: PRELIMINARY	PROJECT: Keene Creek Trail Subdivision	NO. 1	REVISION: 1	DATE: 8/11/2021	DESCRIPTION: PRELIMINARY	
<p>PLANNING & ENGINEERING, INC. 1000 W. Superior Street, Duluth, MN 55812 218.825.1234 www.p-e.com</p>																							
<p>MSA</p>												<p>KEENE CREEK TRAIL SUBDIVISION JAY ZIERDEN CITY OF HERMANTOWN</p>						<p>OVERALL SITE PLAN</p>				<p>PROJECT NO: 14491004</p> <p>DATE: G2</p>	

Resolution No. 2022-78

RESOLUTION APPROVING A SPECIAL USE PERMIT FOR THE CONSTRUCTION OF TWO - TWO-FAMILY HOMES AND FOUR SINGLE FAMILY HOMES (8 UNITS TOTAL) IN A R-3 RESIDENTIAL ZONING DISTRICT AND WITHIN A NATURAL ENVIRONMENT SHORELAND AREA

WHEREAS, BMAX Inc; Darren and Layne Weets, a married couple (Applicant) submitted an application for a Special Use Permit for the construction of two - two-family homes and 4 single family homes (8 units total) in a R-3 Residential District and within a Natural Environment Shoreland Area (the “Project”) in association with parcel 395-0010-07589 and with a legal description included in Attachment A.

WHEREAS, The Hermantown Planning and Zoning Commission held a public hearing on the Special Use Permit application at its meeting on May 17, 2022 and recommended approval of the Special Use Permit at such meeting; and

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

FINDINGS OF FACT

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

The development of two - two-family homes and 4 single family homes (8 units total) is allowed with a Planned Unit Development (PUD) approval under the R-3, Residential zoning district. The proposed use is compatible with development within the vicinity which is characterized by low and medium density residential and residential compatible uses.

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

Conditions placed on the SUP restricting wetland impacts and clearing and grading within 50 feet of the unnamed tributary meet the intent of the zoning ordinance to protect natural resources. Two - two-family homes and 4 single family homes (8 units total) is allowed with a Planned Unit Development (PUD) approval under the R-3, Residential zoning district, with residential property being the primary use of all surrounding developed land.

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

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

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

The proposed use is similar to uses of nearby properties in density and style. The 8 total proposed units are part of a larger project with a density less than the R-3 zoning district minimum.

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

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

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

CONCLUSION

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

1. The applicant shall connect to public sewer and water services at their own expense and pay any applicable connection or availability fees.
2. Prior to issuance of a building permit, the applicant will submit a site plan showing the lot dimensions and location of the two-family residence relative to the side lot lines.
3. Erosion control measures shall be utilized and remain in place throughout the construction period, and shall not be removed until vegetation is established on the site.
4. Prior to issuance of a building permit, all necessary permits shall be obtained.
5. The approval is for a Special Use Permit for filling and grading in a Natural Environment Shoreland area for the purpose of constructing two - two-family homes and 4 single family homes (8 units total). The Community Development Director may approve minor variations to filling and grading as long as the variations do not result in any wetland impacts.
6. The City will follow the rules for grading and filling in a Shoreland Overlay Zone established in Section 725.02 and Section 555.07.1 and 555.07.2 including, but not limited to:
 - a. No impervious surface or clearing, grubbing and grading will be allowed within 50 feet of the Ordinary High Water Level of the unnamed tributary.
 - b. The elevation of the lowest floor level shall be at least three feet above the Ordinary High Water Level of Keene Creek and the unnamed tributary.
 - c. The smallest amount of bare ground is exposed for as short a time as feasible;
 - d. Temporary groundcover, such as mulch, is used, and permanent groundcover, such as sod, is planted;
 - e. Adequate methods to prevent erosion and trap sediment are employed;
 - f. Fill is stabilized to accepted engineering standards;
 - g. Adequate methods are employed to reduce the runoff and/or flow of water on or over the affected shoreland so that the grading, filling or alteration of the natural topography does not contribute to downstream flooding;

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

Councilor _____ introduced the foregoing resolution and moved its adoption.

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

and the following voted in opposition thereto:

WHEREUPON, such resolution was declared duly passed and adopted June 20, 2022.

(TOP THREE INCHES RESERVED FOR RECORDING DATA)

SPECIAL USE PERMIT

Permission is hereby granted to BMAX Inc; Darren and Layne Weets, a married couple; (Applicant) submitted an application for a Special Use Permit for the construction of two - two-family homes and 4 single family homes (8 units total) in a R-3 Residential District and within a Natural Environment Shoreland Area (the “Project”) in association with parcel 395-0010-07589 and with a legal description as fisted in Attachment A:

The permission hereby granted is expressly conditioned as follows:

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

- f. This permit may be terminated by the City of Hermantown at any time it deems necessary for the conservation of water resources, or in the interest of public health and welfare, or for violation of any of the provisions of this permit.
- g. Applicant is initially and continually in compliance with all of the ordinances and regulations of the City of Hermantown Building Code and the Hermantown Fire Code.
- h. All state licenses and other permits required for the Project have been obtained by the Applicant and copies are provided to the City of Hermantown.
- i. That Applicant pay all direct costs incurred by the City of Hermantown in connection with the enforcement and administration of this permit within fifteen (15) days of Applicant being invoiced by the City for such costs.
- j. The approval is for a Special Use Permit for construction of two - two-family homes and 4 single family homes (8 units total) within a Natural Environment Shoreland Area at the applicants property located at 395-0010-07589.
- k. The applicant shall connect to public sewer and water services at their own expense and pay any applicable connection or availability fees.
- l. Prior to issuance of a building permit, the applicant will submit a site plan showing the lot dimensions and location of the two-family residence relative to the side lot lines.
- m. Erosion control measures shall be utilized and remain in place throughout the construction period, and shall not be removed until vegetation is established on the site.
- n. Prior to issuance of a building permit, all necessary permits shall be obtained.
- o. The approval is for a Special Use Permit for filling and grading in a Natural Environment Shoreland area for the purpose of constructing two - two-family homes and 4 single family homes (8 units total). The Community Development Director may approve minor variations to filling and grading as long as the variations do not result in any wetland impacts.
- p. The City will follow the rules for grading and filling in a Shoreland Overlay Zone established in Section 725.02 and Section 555.07.1 and 555.07.2 including, but not limited to:
 - 1. No impervious surface or clearing, grubbing and grading will be allowed within 50 feet of the Ordinary High Water Level of the unnamed tributary.
 - 2. The elevation of the lowest floor level shall be at least three feet above the Ordinary High Water Level of the unnamed tributary.
 - 3. The smallest amount of bare ground is exposed for as short a time as feasible;
 - 4. Temporary groundcover, such as mulch, is used, and permanent groundcover, such as sod, is planted;
 - 5. Adequate methods to prevent erosion and trap sediment are employed;
 - 6. Fill is stabilized to accepted engineering standards;
 - 7. Adequate methods are employed to reduce the runoff and/or flow of water on or over the affected shoreland so that the grading, filling or alteration of the natural topography does not contribute to downstream flooding;

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

ACCEPTANCE OF RESOLUTION

BMAX Inc; Darren and Layne Weets, a married couple; (“Applicant”) hereby acknowledges and accepts the conditions specified on the foregoing Resolution and covenants and agrees to comply with each and every such condition.

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

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

IN WITNESS WHEREAS, BMAX Inc; Darren and Layne Weets, a married couple; has executed this acceptance this ____ day of _____, 2022.

BMAX Inc

Darren Weets

Layne Weets

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

The foregoing instrument was acknowledged before me this ____ day of _____, 2022, by BMAX Inc; Darren and Layne Weets, a married couple.

Notary Public

ATTACHMENT A

The Southwest Quarter of the Southeast Quarter, Section 25, Township 50 North, Range 15 West of the

Fourth Principal Meridian except the following:

A tract of land in the Southwest Quarter of Southeast Quarter (SW ¼ of SE ¼), Section Twenty-five (25), Township Fifty (50) North of Range Fifteen (15) West of the Fourth Principal Meridian, described as follows: Commencing at the Southeast corner of said Southwest Quarter of Southeast Quarter (SW ¼ of SE ¼) the point of beginning of the land to be described; thence North along the East line of said Southwest Quarter of Southeast Quarter (SW ¼ of SE ¼), a distance of 397 feet; thence deflect 90°- 24'-10" to the left in a Westerly direction, a distance of 329.36 feet; thence deflect 89° -34'- 45" to the left in a Southerly direction and parallel with the East line of said Southwest Quarter of Southeast Quarter (SW ¼ of SE ¼), a distance of 397 feet, more or less, to the South line of said Southwest Quarter of Southeast Quarter (SW ¼ of SE ¼); thence Easterly along the South line of said Southwest Quarter of Southeast Quarter (SW ¼ of SE ¼) to the point of beginning.

AND

All that part of the Southwest Quarter of the Southeast Quarter (SW ¼ of SE ¼), Section Twenty-five (25), Township Fifty (50), Range Fifteen (15), described as follows:

Beginning at the Southeast (SE) corner of said SW ¼ of SE ¼ ; thence North along the Easterly line of said SW ¼ of SE ¼ a distance of 397 feet to a point, which is the point of beginning; thence West at an angle of 89° 35' 50" a distance of 329.36 feet to a point, thence North at an angle of 90° 25' 15" from the last described line a distance of 294.04 feet to a point; thence East at an angle of 89° 34' 45" from the last described line a distance of 329.22 feet, more or less, to the easterly line of said SW ¼ of SE ¼ thence South along said Easterly line of said SW ¼ of SE ¼, to the point of beginning.

AND

A tract of land in the SW ¼ of SE ¼, Section 25, Township 50, Range 15, West of the Fourth Principal Meridian, described as follows: Commencing at the Southeast corner of said SW ¼ of SE ¼; thence North along the East line of said SW ¼ of SE ¼, a distance of 691.04 feet to the point of beginning of the land to be described; thence deflect 89° 35' 50" to the left in a Westerly direction a distance of 329.22 feet; thence deflect 89° 35' 50" to the right in a Northerly direction, along a line 329.22 feet distant and parallel with the East line of said SW ¼ of SE ¼, a distance of 631.55 feet, more or less, to the North line of said SW ¼ of SE ¼; thence Easterly along the North line of said SW ¼ of SE ¼ to the East line of said SW ¼ of SE ¼; thence Southerly along the East line of said SW ¼ of SE ¼ to the point of beginning.

PARCEL: 395-0010-07589

AND

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

PARCEL: 395-0195-00040

TO: Mayor & City Council
FROM: John Mulder, City Administrator
DATE: March 16, 2022
SUBJECT: Amended Scope – Engineering
for Marketplace Road
Improvements



Meeting Date: 06/20/2022

Agenda Item: 12-F

Resolution: 2022-82

REQUESTED ACTION

Approve additional engineering services by Northland Consulting Engineers for Richard Avenue and Lindgren Road - Street Improvement Project No. 538

BACKGROUND

Northland Consulting Engineers is the engineer for the road improvement project in the Hermantown Marketplace. They have requested and expanded scope and additional money related to easement acquisition and re-design of part of the project related to those easements. Their request is attached. This is a reasonable request, and is recommended for approval

SOURCE OF FUNDS (if applicable)

475-431150-305 Project 538

ATTACHMENTS

Resolution
Northland Consulting Engineers Request

June 13, 2022

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

Re: Richard/Lindgren Road – Sap 202-080-003
Scope Amendment Request

Dear John:

As we discussed on the phone and an email I sent you on 5/31/2, I am requesting a scope amendment associated with design engineering associated with Richard/Lindgren project. The added scope is associated with the effort NCE has put forth on the easement acquisition with both MP and McNutt Parcels. The majority of the effort is with the McNutt parcel. In discussions/negotiations with the representative of the McNutt trust, our original design and drainage and utility easement was not well received. With some minor changes to the plan, and adjustment of the easement we were able to come to a verbal agreement. The nature of the changes includes revising catch basins, manholes, under ground storm water chamber, outlet structure and updating the easement exhibits.

I am estimating the cost of this effort to be \$5,000.00. Thank you for your consideration in this matter.

Please contact me with any questions you may have.

Thank you,



David Bolf, P.E. – Principal Partner
Northland Consulting Engineers
218-727-5995
david@nce-duluth.com

Resolution No. 2022-82

**RESOLUTION APPROVING ADDITIONAL ENGINEERING SERVICES BY
NORTHLAND CONSULTING ENGINEERS FOR RICHARD AVENUE AND
LINDGREN ROAD - STREET IMPROVEMENT PROJECT NO. 538**

WHEREAS, the City of Hermantown has a contract with Northland Consulting Engineers for engineering services for Richard Avenue and Lindgren Road Street Improvement Project No. 538 (“Project”) and

WHEREAS, Northland Consulting Engineers is providing the design and construction engineering for the “Project”, and

WHEREAS, the project has required the acquisition of easements from private property owners which has required additional meetings and re-design of a portion of the project and additional time for Northland Consulting Engineers, and

NOW, THEREFORE BE IT RESOLVED that the City Council of the City of Hermantown accept the proposal from Northland Consulting Engineers for additional design and construction engineering in the amount of \$5,000.

BE IT FURTHER RESOLVED, that the Mayor and City Clerk are hereby directed and authorized to sign a contract amendment for the services.

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 June 20, 2022.

TO: City Council Members
FROM: Paul Senst, Public Works Director
DATE: June 14, 2022
SUBJECT: 2002 Water Tower Recoating Pay App. #2



Meeting Date: 06/20/2022

Agenda Item: 12-G

Resolution: 2022-83

REQUESTED ACTION

Approve Public Application #2 to Osseo Construction Co. LLC for the work related to the tower reconditioning project.

BACKGROUND

Attached is Pay Application #2 for the work associated with the Hwy. 53 water tower reconditioning project. This is for work completed from May 1, 2022 thru June 10, 2022. Bolton & Menk and NCE have reviewed the project progress thus far and agreed upon the quantities of work completed. The amount of Pay Application #2 is **\$158,089.50**. The City will hold 5% retainage of the completed construction through the duration of the project. This retainage amount for pay application #2 is **\$ 11,358.00**.

NCE has reviewed the quantities through construction inspection and discussions with Bolton & Menk, representatives. I recommend payment in the amount of **\$158,089.50** be authorized at the June 20th, 2022 City Council Meeting.

SOURCE OF FUNDS (if applicable)

240-433200-530 Project 318

ATTACHMENTS

Bolton & Menk attachments



**BOLTON
& MENK**

Real People. Real Solutions.

4960 Miller Trunk Highway
Suite 350
Duluth, MN 55811

Ph: (218) 729-5939
Bolton-Menk.com

VIA EMAIL

June 10, 2022

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

RE: HWY 53 Tower Reconditioning
Pay Request No. 2
BMI Project Number: 0M2.125206

Dear John,

Enclosed is a copy of Pay Request No. 2 from Osseo Construction Co. LLC for \$158,089.50. Work covered by this pay request primarily consists of sandblasting of the tower exterior and interior. The total completed work reflected on this request represents 47% of the work to be completed under this contract. I have reviewed this request and recommend payment to the contractor. Please process this request for payment.

Please contact me if you have any questions.

Sincerely,

Bolton & Menk, Inc.

Brian J. Guldan, P.E.
Principal Environmental Engineer

Enclosures

cc: Paul Senst, City of Hermantown Public Works Director
David Bolf, City Engineer
Jamie Connor, Bolton & Menk, Inc.
File

APPLICATION FOR PAYMENT

Owner: PROJECT: HWY 53 Tower Reconditioning
 City of Hermantown APPLICATION NO: 2
 5105 Maple Grove Road
 Hermantown, MN 55811
 CONTRACTOR: VIA ARCHITECT: PERIOD TO: 6/10/2022
 Osseo Construction Co. LLC Bolton & Menk Inc
 PO Box 143, 14248 10th Street
 Osseo, WI 54758

PROJECT #: 0M2. 125206
 CONTRACT #:
 CONTRACT DATE:

Distribution to:
 OWNER
 ARCHITECT
 GENERAL CONTRACTOR
 SUBCONTRACTOR

CONTRACTOR'S APPLICATION FOR PAYMENT

Application is made for payment, as shown below, in connection with the Contract.
 Continuation Sheet is attached.

1. ORIGINAL CONTRACT SUM	\$	<u>455,500.00</u>
2. Net change by Change Orders	\$	<u>0.00</u>
3. CONTRACT SUM TO DATE (Line 1 ± 2)	\$	<u>455,500.00</u>
4. TOTAL COMPLETED & STORED TO DATE (Column G)	\$	<u>227,160.00</u>
5. RETAINAGE:		
a. <u>5%</u> of Completed Work (Column D + E)	\$	<u>11,358.00</u>
b. <u> </u> % of Stored Material (Column F)	\$	<u>n/a</u>
Total Retainage (Lines 5a + 5b or Total in Column I)	\$	<u>11,358.00</u>
6. TOTAL EARNED LESS RETAINAGE (Line 4 Less Line 5 Total)	\$	<u>215,802.00</u>
7. LESS PREVIOUS CERTIFICATES FOR PAYMENT (Line 6 from prior Certificate)	\$	<u>57,712.50</u>
8. CURRENT PAYMENT DUE	\$	<u>158,089.50</u>
9. BALANCE TO FINISH, INCLUDING RETAINAGE (Line 3 less 6)	\$	<u>239,698.00</u>

The undersigned Contractor certifies that to the best of the Contractor's knowledge, information and belief the Work covered by this Application for Payment has been completed in accordance with the Contract Documents, that all amounts have been paid by the Contractor for Work for which previous Certificates for Payment were issued and payments received from The Osseo Construction Co. LLC, and that current payment shown herein is now due.

Tamara J. Poppe 06/10/2022
 Contractors Signature Date

Bin J. Zll 06/10/2022
 Engineers Signature Date

 Owners Signature Date

CHANGE ORDER SUMMARY	ADDITIONS	DEDUCTIONS
Total changes approved in previous months by Contractor		
Total approved this Month		
TOTALS		
NET CHANGES by Change Order		

CONTINUATION SHEET

APPLICATION NO: 1
 APPLICATION DATE: 6/10/2022
 PERIOD TO: 6/10/2022

In tabulations below, amounts are stated to the nearest dollar.

Use Column I on Contracts where variable retainage for line items may apply.

CONTRACTOR'S PROJECT NO:

A ITEM NO.	B DESCRIPTION OF WORK	C SCHEDULED VALUE	D WORK COMPLETED		F MATERIALS PRESENTLY STORED (NOT IN D OR E)	G		H BALANCE TO FINISH (C - G)	I RETAINAGE (IF VARIABLE RATE)
			FROM PREVIOUS APPLICATION (D + E)	THIS PERIOD		TOTAL COMPLETED AND STORED TO DATE (D+E+F)	% (G ÷ C)		
1	Mobilization and Site Maintenance	\$50,000.00	\$25,000.00	\$0.00	N/A	\$25,000.00	50.00%	\$25,000.00	\$1,250.00
2	Grinding (misc) 10 hrs, \$100.00/hour	\$1,000.00	\$0.00	\$0.00	N/A	\$0.00	0.00%	\$1,000.00	\$0.00
3	Welding (misc) 10 L.F., \$150.00/L.F.	\$1,500.00	\$0.00	\$0.00	N/A	\$0.00	0.00%	\$1,500.00	\$0.00
4	Pit Filler (misc) 1 hr, \$150.00/hour	\$150.00	\$0.00	\$0.00	N/A	\$0.00	0.00%	\$150.00	\$0.00
5	Caulking (misc) 100 L.F., \$10.00/hour	\$1,000.00	\$0.00	\$0.00	N/A	\$0.00	0.00%	\$1,000.00	\$0.00
6	Complete Sandblasting and Reconditioning of Tower (Interior Wet)	\$110,000.00	\$0.00	\$66,000.00	N/A	\$66,000.00	60.00%	\$44,000.00	\$3,300.00
7	Complete Sandblasting and Reconditioning of Tower (Exterior)	\$137,350.00	\$0.00	\$82,410.00	N/A	\$82,410.00	60.00%	\$54,940.00	\$4,120.50
8	Partial removal and spot repair sandblasting and reconditioning of tower < 10% spot repair (interior dry)	\$30,000.00	\$0.00	\$18,000.00	N/A	\$18,000.00	60.00%	\$12,000.00	\$900.00
9	Full curtain containment	\$25,000.00	\$25,000.00	\$0.00	N/A	\$25,000.00	100.00%	\$0.00	\$1,250.00
10	Replace failed material covering the exterior roof to dry riser opening	\$3,000.00	\$0.00	\$0.00	N/A	\$0.00	0.00%	\$3,000.00	\$0.00
11	Provide and install new safety climb systems to all ladders	\$8,000.00	\$0.00	\$0.00	N/A	\$0.00	0.00%	\$8,000.00	\$0.00
12	Provide and install new overflow pipe screen	\$250.00	\$0.00	\$0.00	N/A	\$0.00	0.00%	\$250.00	\$0.00
13	Replace pressure manway gasket	\$250.00	\$0.00	\$0.00	N/A	\$0.00	0.00%	\$250.00	\$0.00
14	Remove and salvage existing inlet/outlet pipe insulation. Reinstall salvaged existing insulation with new metal jacket with new metal banding.	\$6,500.00	\$0.00	\$0.00	N/A	\$0.00	0.00%	\$6,500.00	\$0.00
15	New tank logos/lettering	\$10,000.00	\$0.00	\$0.00	N/A	\$0.00	0.00%	\$10,000.00	\$0.00
16	Provide and install tower (tank) mixer	\$25,000.00	\$0.00	\$0.00	N/A	\$0.00	0.00%	\$25,000.00	\$0.00
17	Remove and replace damaged grout and mortar between cone base ring and foundation and repair foundation. Apply caulk to grout/base ring seam.	\$5,000.00	\$0.00	\$0.00	N/A	\$0.00	0.00%	\$5,000.00	\$0.00
18	Provide and install new dual LED aviation obstruction lighting on pivoting post	\$4,500.00	\$2,250.00	\$0.00	N/A	\$2,250.00	50.00%	\$2,250.00	\$112.50
19	Modify tower access doors	\$4,500.00	\$4,500.00	\$0.00	N/A	\$4,500.00	100.00%	\$0.00	\$225.00

Resolution No. 2022-83

RESOLUTION APPROVING PAY REQUEST NUMBER 2 FOR RECONDITIONING OF HIGHWAY 53 WATER TOWER (WATER IMPROVEMENT DISTRICT NO. 318) TO OSSEO CONSTRUCTION CO. LLC IN THE AMOUNT OF \$158,089.50

WHEREAS, the City of Hermantown has contracted with Osseo Construction Co. LLC for reconditioning of the Highway 53 Water Tower (Water Improvement District NO. 318) (“Project”); and

WHEREAS, Osseo Construction Co. LLC has performed a portion of the agreed upon work in said Project; and

WHEREAS, Osseo Construction Co. LLC has submitted Pay Request No. 2 in the amount of \$158,089.50; and

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

WHEREAS, Bolton & Menk has approved such Pay Request No. 2 provided that \$11,358.00 accumulated as retainage of 5% be withheld pending final acceptance of the Project by the City of Hermantown; and

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

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

1. Pay Request No. 2 is hereby approved.
2. The City is hereby authorized and directed to pay to Osseo Construction Co. LLC The Sum Of \$159,089.50 which is the amount represented on pay request No. 2.

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 has been duly passed and adopted June 20, 2022.

TO: Mayor & City Council
FROM: John Mulder, City Administrator
DATE: June 13, 2022
SUBJECT: Geo-technical Services



Meeting Date: 06/20/2022

Agenda Item: 12-H **Resolution:** 2022-84

REQUESTED ACTION

Approve a Master services agreement for professional services with Braun Intertec and Engineering Partners

BACKGROUND

In 2017, the City entered into a Master Services Agreement with Braun Intertec and Engineering Partners Inc, (EPC) for various geo-technical services. At the time we had proposals from several firms and selected Braun and EPC. As a project comes up, we ask each for a proposal for that particular project, based on that proposal we hire one or the other for the work. Having these Master Services Agreements has been very beneficial for the various projects of the City. It allows us to request proposal and assign work quickly. We continued this for the years 2020 and 2021, and are proposing to extend this arrangement for the years 2022-2024

In the past, if the proposal is for less than \$10,000, we award that contract for the project administratively. If it exceeds, \$10,000, a recommendation is presented to the City Council for approval. With the new purchasing policy, this amount will be increased to \$25,000. It is recommended to enter a non-exclusive contract with Braun Intertec and EPC for various geo-technical services for the next three years.

SOURCE OF FUNDS (if applicable)

The source of funds will vary based on the approved project.

ATTACHMENTS

Resolution
Master Services Agreement with each firm.
Fee Schedule of each firm

Resolution No. 2022-84

**RESOLUTION AUTHORIZING AND DIRECTING
MAYOR AND CITY CLERK TO EXECUTE AND DELIVER
A MASTER SERVICES AGREEMENT FOR PROFESSIONAL SERVICES
WITH BRAUN INTERTEC CORPORATION AND ENGINEERING PARTNERS, INC.**

WHEREAS, the City of Hermantown (“City”) desires to obtain geotechnical and material testing services on a non-exclusive, project by project basis for the City; and

WHEREAS, City has had a Master Services Agreement with Braun Intertec Corporation (“Braun Intertec”) and Engineering Partners, Inc. (“EPC”) since 2017; and

WHEREAS, City and Braun Intertec entered into a Master Services Agreement for Professional Services (“Agreement”) as shown on Exhibit A attached hereto in which Braun Intertec shall be authorized to provide for geotechnical and material testing services on a non-exclusive, project by project basis pursuant to the Agreement; and

WHEREAS, City and EPC entered into a Master Services Agreement for Professional Services (“Agreement”) as shown on Exhibit B attached hereto in which EPC shall be authorized to provide for geotechnical and material testing services on a non-exclusive, project by project basis pursuant to the Agreement; and

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

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

1. The Mayor and City Clerk are hereby authorized and directed to execute and deliver the Master Subscriber Agreement for Professional Services for geotechnical and material testing services substantially in the form attached hereto as Exhibit A and Exhibit B.

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 June 20, 2022.

EXHIBIT A

BRAUN INTERTEC CORPORATION AGREEMENT

**MASTER SERVICES AGREEMENT
FOR PROFESSIONAL SERVICES**

**CITY OF HERMANTOWN
AND
BRAUN INTERTEC CORPORATION**

THIS AGREEMENT is by and between the **City of Hermantown**, Minnesota, a statutory city under the laws of the State of Minnesota, hereinafter referred to as “City”, and **Braun Intertec Corporation**, a Minnesota corporation, d/b/a Braun Intertec, hereinafter referred to as “Consultant” in response to the following situation:

A. City desires to utilize Consultant’s geotechnical, environmental, and material testing services on a non-exclusive, project by project basis for City operations for the years 2022-2024.

B. Consultant has represented that it is qualified and willing to perform services set forth in its proposal.

NOW, THEREFORE, the City and Consultant do mutually agree as follows:

1. Services to be Performed.

1.1. Consultant will provide, upon written request of the City in the form of a Request for Services or similar documentation (each a “RFS”), certain services that have been identified in the Consultant’s proposal attached hereto as Exhibit A on an as needed basis. In the event of any conflict between an RFS and this Agreement, the terms and conditions of this Agreement shall be deemed to be controlling.

1.2. The City Administrator shall be responsible for administration of this contract. Upon receipt of an RFS from the City Administrator, Consultant shall prepare a project budget for the services identified in the RFS. Consultant shall provide the identified services only upon approval of the project budget by the City, and upon the receipt of an authorization to proceed from the City. City will not be obligated to pay for services performed that are not authorized and requested by the City Administrator.

2. Assignment. Consultant represents that it will utilize only its own personnel in the performance of services set forth herein; and further agrees that it will neither assign, transfer, or subcontract any rights or obligations under this Agreement without prior written consent of the City. City agrees that Consultant may subcontract drilling services to its subsidiary, Braun Intertec Drilling, LLC.

3. Contract Period. This Agreement shall be effective as of the date first above written and shall continue until December 31, 2024 unless sooner terminated as provided in paragraph 4 hereof.

4. Termination of Contract. Either the Consultant or the City may, by giving written notice specifying the effective date which shall not be less than thirty (30) days from the date such notice is given, terminate this contract in whole or in part. In the event of termination, all property and finished or unfinished documents and other writings prepared by the Consultant under this contract shall be delivered to the City and Consultant shall be entitled to compensation for time expended to the date of termination and expenses incurred.

5. Independent Contractor. The relationship between the Consultant and the City shall be that of an independent contractor. Nothing herein shall in any way make or create any employer-employee relationship between the City and Consultant.

6. Standard of Performance and Insurance.

6.1. Comprehensive general liability insurance that covers the consultant services performed by Consultant for City with a combined single limit of liability of at least One Million Dollars (\$1,000,000.00).

6.2. Errors and omissions or equivalent insurance that covers the consultant services performed by Consultant for City with a combined single limit of liability of at least One Million Dollars (\$1,000,000.00).

6.3. Worker's compensation insurance covering Consultant (if an individual) all of Consultant's employees with coverages and limits of coverage required by law.

6.4. In addition to the coverages listed above, Consultant shall maintain a professional liability insurance policy in the amount of \$2,000,000. Said police need not name the City as an additional insured. It shall be Consultant's responsibility to pay any retention or deductible for the professional liability insurance. Consultant agrees to maintain the professional liability insurance for a minimum of two (2) years following termination of this Agreement.

Consultant shall indemnify and hold harmless City to the extent Consultant's negligent errors, omissions and/or negligent acts cause claims, damages, liabilities and damages arising out of the performance of his/her/its services hereunder. Consultant's aggregate liability for claims of professional and pollution liability are limited to the limits of the insurance policies required to be provided by Consultant under this Agreement.

Consultant certifies that Consultant is in compliance with all applicable worker's compensation laws, rules and regulations. Neither Consultant (if an individual) nor Consultant's

employees and agents will be considered City employees. Any claims that may arise under any worker's compensation laws on behalf of any employee of Consultant and any claims made by any third party as a consequence of any act or omission on the part of Consultant or any employee of Consultant are in no way City's obligation or responsibility. By signing this Agreement, Consultant certifies that Consultant is in compliance with these laws and regulations.

Consultant shall deliver to City, concurrent with the execution of this Agreement, one or more certificate(s) of insurance evidencing that Consultant has the insurance required by this Agreement in full force and effect. City shall be named as additional insured under such Consultant's comprehensive general liability policy. The insurer will provide at least thirty (30) days prior written notice to City, without fail, of any cancellation of any of the Consultant's comprehensive general liability policy or coverage evidenced by said certificate(s) for any cause, except for nonpayment of premium. The insurer will provide at least ten (10) days prior written notice to City, without fail, of any cancellation of any of the Consultant's comprehensive general liability policy or coverage evidenced by said certificate(s) for nonpayment of premium. Consultant shall provide City with appropriate endorsements to Consultant's comprehensive general liability policy reflecting the status of City as an additional insured and requiring that the foregoing required notice of cancellation be provided City by the insurance company providing such insurance policy to Consultant.

The Consultant shall require any subcontractor permitted by City to perform work for Consultant to have in full force and effect the insurance coverage required of the Consultant under this Agreement before any subcontractor(s) begin(s) work. Consultant shall require any such subcontractor to provide to Consultant a Certificate of Insurance evidencing that such subcontractor has the insurance required by this Agreement in full force and effect. The Consultant and City shall be named as additional insureds under such policies. The insurer will provide 30 day written notice to City and Consultant, without fail, of any cancellation of the subcontractor's comprehensive general liability policy or coverage evidenced by said certificate(s) for any cause, except for nonpayment of premium. The insurer will provide at least ten (10) days prior written notice to City and Consultant, without fail, of any cancellation of any of the subcontractor's comprehensive general liability policy or coverage evidenced by said certificate(s) for nonpayment of premium. City and Consultant shall also be provided with appropriate endorsements to subcontractor's comprehensive general liability policy reflecting the status of City and Consultant as an additional insured and requiring that the foregoing required notice of cancellation be provided City by the insurance company providing subcontractor's comprehensive general liability policy.

7. Compensation. Consultant shall be compensated for the services to be performed hereunder in accordance with the fee schedule attached hereto as Exhibit B and pursuant to a project budget submitted by Consultant in response to an RFS and approved by the City. Consultant shall submit to the City itemized statements of services rendered during each month setting forth the date such services were rendered, a description of the services rendered, the person performing such services and the amount of time expended in performing such services.

8. Confidentiality. Consultant agrees that, at all times, both during the term of this Agreement and after the termination of this contract, it will be faithful to City by not divulging, disclosing or communicating to any perform, firm or corporation, in any manner whatsoever, except in furtherance of the business of City or as required by an applicable law, rule, regulation or ordinance of City or any other governmental authority, any information of any kind, nature or description concerning any matters affecting or relating to the business, employees, agents, customers of City, or parties contracting with City.

9. Intellectual Property Rights. For the purposes of this contract, Project Materials means copyrights and all works developed in the performance of this contract, including, but not limited to, the finished product and any deliverables, including any software or data whether in written or electronic format. Project materials do not include any materials that Consultant developed, acquired or otherwise owned or had a license to use prior to the date of this contract. All Project Materials are agreed by Consultant to be “works made for hire” as defined under 17 U.S.C. §101, for which City has the sole and exclusive right, title and interest, including all rights to ownership and copyright and/or patent. In addition, City hereby assigns all right, title and interest, including rights of ownership and copyright in the Project Materials to City no matter what their status might be under federal law. Consultant shall provide City with copies of all Project Materials. Upon request by Consultant, City may authorize Consultant to use specified Project Materials to evidence Consultant’s progress and capability. In all such uses of Project Materials by Consultant, reference shall be made to City and the Project and that the Project Materials are owned by City. Consultant also acknowledges and agrees that all names and logos provided to Consultant by City for use are and shall remain the sole and exclusive property of City. Such documents prepared by Consultant under this Agreement are not intended or represented to be suitable for reuse by City or others on extension or modifications of the Project for which they are prepared or on any other project. Any such reuse without written verification or adaption by Consultant for the specific purpose intended will be at the user's sole risk, and user agrees to hold Consultant harmless as to all costs and liability arising out of such unauthorized use. Any such verification or adaptation will entitle Consultant to further compensation at rates to be agreed upon by City and Consultant.

10. Notices. Any notice required to be given hereunder shall be deemed sufficient if delivered in writing personally, or mailed certified mail, return receipt requested, postage prepaid to the following places and directed to the following persons:

If to City:

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

If to Consultant:

Braun Intertec Corporation
4511 West 1st Street
Suite 4
Duluth, MN 55807

With a copy of legal notices to:
Braun Intertec Corporation
11001 Hampshire Ave S
Minneapolis, MN 55438
Attn: Law Department

11. Miscellaneous. This contract constitutes the sole and complete agreement relating to the subject matter of this contract between the parties, superseding any and all other agreements between the parties and no verbal or other statements, inducements or representations have been made or relied upon by either party. No modifications hereof shall be binding upon either party unless in writing and properly executed.

12. No Contractual Authority. Consultant shall have no authority to enter into any contracts or agreements binding upon City or to create any obligations on the part of City.

13. Data Practices Act. Consultant acknowledges that City is subject to the provisions of the Minnesota Government Data Practices Act. Consultant must comply with the Minnesota Government Data Practices Act, Minnesota Statutes, Chapter 13, as it applies to all data provided by City in accordance with this contract and as it applies to all data created, collected, received, stored, used, maintained, or disseminated by Consultant in accordance with this contract. The civil remedies of Minnesota Statutes § 13.08, apply to Consultant and City. Minnesota Statutes, Chapter 13, provides that all government data are public unless otherwise classified. If Consultant receives a request to release the data referred to in this Section, Consultant must immediately notify City and consult with City as to how Consultant should respond to the request. City's response shall comply with applicable law, including that the response is timely and, if Consultant denies access to the data, that Consultant's response references the statutory basis upon which Consultant relied. Consultant does not have a duty to provide public data to the public if the public data is available from City.

14. Choice of Law and Venue. All matters relating to the validity, construction, performance, or enforcement of this Agreement shall be determined in accordance with the laws of the State of Minnesota. All legal actions initiated with respect to or arising from any provision contained in this Agreement shall be initiated, filed and venued in the State of Minnesota District Court located in the City of Duluth, County of St. Louis, State of Minnesota.

15. Counterparts. This Agreement may be executed in any number of counterparts, each of which when so executed and delivered shall be an original, but such counterparts shall together constitute one and the same instrument.

16. Recordkeeping. Consultant hereby agrees:

16.1. To maintain all books, documents, papers, accounting records and other evidence pertaining to the fees and expenses for which it seeks payment or reimbursement hereunder and appropriate records with respect to the services performed by him under this Agreement.

16.2. To make such materials available at its office at all reasonable times during the contract period and for three (3) years from the date of final payment under this Agreement for inspection by the City and copies thereof shall be furnished to City upon request by City.

16.3. That no employee, officer or agent of the City, any member of the family of any such person, any partner of any such person or any organization which employs or is about to employ any of the above has a financial or other interest in the business of Consultant.

[SIGNATURES APPEAR ON FOLLOWING PAGE]

IN WITNESS WHEREOF, the City and Consultant have executed this contract as of the date first above written.

CITY:

City of Hermantown

By _____
Its Mayor

And By _____
Its City Clerk

CONSULTANT:

BRAUN INTERTEC CORPORATION

By  _____
Its Business Unit Manager



The Science You Build On.

Schedule of Charges
(Effective January 1, 2022)
Braun Intertec Corporation
and Subsidiaries

Service Locations

Minneapolis, MN
St. Paul, MN
Albertville, MN
Duluth, MN
Hibbing, MN
Mankato, MN
Rochester, MN
St. Cloud, MN

Cedar Rapids, IA

Lenexa, KS

St. Louis, MO

Bismarck, ND
Dickinson, ND
Minot, ND
Watford City, ND
West Fargo, ND
Williston, ND

La Crosse, WI

Geotechnical Services

Hourly rates apply for regular-time (8 hours or less on weekdays). Hourly rates do not include support truck or carrier rental or use, mileage, supplies consumed in drilling or abandoned in test holes, or per diem expenses.

Drilling Equipment, Services & Personnel

Drilling Services

9000 – Truck Mounted Drilling Services, per hour	374
9100 – Flotation Tire Drill Rig and Crew, per hour	443
9200 – Track Mounted Drill Rig and Crew, per hour	514
9300 – Skid Mounted Drilling Services, per hour	374

GeoProbe Services

9400 – GeoProbe services, per hour	318
9430 – Water sampling tubing and consumables, per sample	9
9435 – Soil gas sampling tubing and consumables, per sample	28
9450 – GeoProbe grouting/sealing, per foot	2
9455 – Additional crew person for SPT borings, per hour	71
9460 – Overtime addition, per person, for work in excess of 8 hours per day, per hour	37

CPT Services

9500 – CPT Services, per hour	545
9515 – Standby time, CPT & Crew, per hour	455
9525 – CPT grouting/sealing, per foot	2
9520 – Seismic wave analysis	357
9540 – Dissipation testing, per ¼ hour	136
9510 – Overtime addition to two-person crews, per hour	79

Drilling Related Services

205 – Site layout and utility clearance	134
292 – Drilling supervisor	145
306 – Flaggers (per flagger 2 or 3 man crew)	133
1052 – Warning signs	Quote
1030 – Vane shear test (ASTM D 2573), per day	414
1032 – Electrical resistivity equipment (ASTM G 57), per day	309
1022 – Thin-walled sample tubes (ASTM D 15 87), each	36
1044 – Surcharge for continuous tube sample systems (2-1/4" x 5"). Per hour	50

E-Logging Services

1089 – E-Log unit and technician, per day	1,485
1084 – E-Log setup and mobilization, per day	Quote

Consumables: Wells/Piezometers/Borehole Abandonment

9702 – Piezometer or well casing – 3/4" PVC, per foot	6
9712 – Well screen – 3/4" PVC, per foot	6
9720 – Well screen – 2" stainless, per foot	73
9710 – Piezometer or well casing - 2" black iron, per foot	37
9723 – Borehole closure device	10
9732 – Grout with neat cement, materials per foot	9
9746 – 8" Well Vault for at grade well - each	97
9748 – 6" Protective casing with locking cover - each	351
9752 – 4" Bumper post steel - each	148
9754 – 4" Bumper post wood - each	75

Permits & Sealing Records

9906 – Well permit MN – Hennepin County, each	Quote
9912 – Trip permit – Iowa, each	Quote
9920 – Right of way permit, each	Quote

Additional Drilling Related

9950 – Drum, steel 55 gallon, with lid, each	62
9964 – Air compressor rental	Quote
9952 – In-field steam cleaning, per hour	167
9954 – Steam cleaning of drill rig and tool, per steam	167
1087 – Mobilization	Quote

1059 – NQ Diamond coring bit wear, per foot	27
6204 – Rock coring setup, each	308
1055 – Rock core boxes, each	68
1045 – Rock coring, per foot	62
1029 – Standby time (2 man crew), per hour	240
1033 – Jars with box, 24 jars	32

Laboratory Tests of Soils

1152	Moisture content (ASTM D 2216), per sample	26
1154	Density and Moisture of Soil Specimens (ASTM D 2937), per sample	41
1156	Atterberg Limits: LL and PL (ASTM D 4318), per sample	139
1157	Atterberg Limits: LL and PL (AASHTO T89 and T90 and Wet Preparation (AASHTO T146), per sample	185
1223	Soil/Concrete Stabilization	Quote

Grain Size Analysis

1162	Sieve analysis with 200 wash (ASTM C 136 and C 117), per sample	170
1680	Rush surcharge, per sample	46
1679	Rush surcharge	31
1172	Hydrometer – Sieve Analysis (ASTM D 422), per sample	221
1174	Organic content (ASTM D 2974), per sample	98
1176	Specific gravity of fine -grained soils (ASTM D 854), per sample	165

Permeability

1180	Constant head permeability of course-grained soils (ASTM D 2434), per sample	448
1183	Falling head permeability, undisturbed (ASTM D 5084, per sample	659
1185	Falling head permeability, remolded (ASTM D 5084, per sample	762
Double ring-infiltrometer test (ASTM D 3385):		
1193	Granular soils – test and equipment rental	876
1194	Cohesive soils – test and equipment rental	1,082

Strength and Compressibility Testing

1186	Unconfined compression (ASTM D 2166), per sample	118
1190	Direct shear, granular soil (3 point test) (ASTM D 3080), per sample	747
1192	Direct shear, cohesive soil (3 point test) (ASTM D 3080), per sample	958
1198	Consolidation testing, time-rate (ASTM D 2435), per sample	742

One Dimensional Swell Test

1202	Maximum swell pressure (ASTM D 4546), per sample	381
1206	Unconsolidated-Undrained triaxial testing (per 3 points) (ASTM D 2850), per sample	1,082
1208	Consolidated-Undrained triax testing with pore pressure measurements (ASTM D 4767), per sample	1,571

Corrosion Potential and Miscellaneous

1214	pH determination (ASTM G 51), per sample	36
1216	Electrical resistivity of soils (ASTM G 187), per sample	93
3238	Thermal conductivity of soil (ASTM D 5334)	979
1220	Sulfate (concrete), per sample	47
6146	Sulfate (soil) (ASTM C 1580-05)	435

1222	Sulfide (metals), per sample	74
1226	Topsoil testing, MNDOT 3877A (without nutrients), per sample	355
1228	Topsoil testing, MNDOT 3877B (with nutrients), per sample	422
1230	Specialty testing	Quote
1234	Extrusion of thin-walled tube, per sample	41

Construction Testing and Observations

Earthwork (excavation observation, compaction control testing, special foundation installations)

1308	Nuclear moisture-density meter charge in addition to hourly rates in section "100 Personnel Services," per hour	30
1310	Field laboratory rental including utilities, if required	Quote
1318	Moisture Density Relationship (ASTM D 698 Standard)	232
6170	Rush surcharge – Proctor test	59
1322	One-point Proctor check	88
1324	Maximum-minimum density of cohesion less soils (ASTM D 4523, D 4254), per sample	392

Deep Foundation and Vibration

1342	Pile Driving Analyzer equipment rental, per day	724
1343	Wave Equation analysis	600
1344	CAPWAP analysis	650

Seismograph monitor:

1570	With modem, per day	230
1571	With modem, per week	550
1572	With modem, per month	1,150
1576	With modem and X100 geophone, per day	250
1577	With modem and X100 geophone, per week	600
1578	With modem and X100 geophone, per month	1,300
1347	Static or cyclic load testing equipment (compression, tension with environmental control)	Quote

Concrete

1357	Concrete strength development curve, each	340
1374	Temperature maturity sensor, each	57
1365	Estimating the Cracking Tendency of concrete (AASHTO T334), per sample	2,060
1393	Coring of shotcrete panels, per panel	64

Command Center PDA

5122	Per week	101
5123	Per month	264
1358	Laboratory batching of concrete, per batch	530

Laboratory moist-curing of concrete delivered to laboratories

1364	Compression strength of concrete cylinders (ASTM C 39), per specimen	38
1367	Flexural strength of beams (ASTM C 78 and ASTM C 293), per specimen	155
1368	Splitting tensile strength of concrete (ASTM C 496), per specimen	118
1371	Dry unit weight (ASTM C 567), per specimen	148
1372	Specific gravity and voids (ASTM C 642), per specimen	281
1380	Sawing of concrete unit (ASTM C 31), per cut	15
5163	Compressive Strength of Controlled Low Strength Material ASTM D4832, each	54
5165	Compressive Strength of Lightweight Insulating Concrete ASTM C495, each	54

Concrete cylinder molds (includes labels and data slips)

1386	Concrete cylinder molds (ASTM C 470), per mold	3
1392	Cast in place cylinder molds (cippoc), per mold	47
1395	Mold rental (cubes and beams), per use	59
1397	Compressive strength of cast in place cylinders (cippoc) (ASTM C 873), per specimen	101
1401	Compressive strength of concrete cores (ASTM C 42), per specimen	143

Petrographic

No discounting will apply

Petrographic analysis of concrete

2101	(ASTM C 856), per specimen	Quote
5182	Observations only, per sample	732
5283	Thin section only, per sample	732
2102	Hardened air content analysis (ASTM C 457), per specimen	927
2104	Petrographic analysis of coarse aggregate - pit-run material, limited to 7 screens, per sample	2,758
2105	Petrographic analysis of fine aggregate – quarried material (ASTM C 295), limited to 7 screens, per sample	2,122
2108	Petrographic analysis of aggregates, additional screens, per screen	403
2106	Petrographic analysis of mortar (ASTM C 1324), per sample	2,781
3100	X-Ray diffraction analysis (XRD), per sample	308
2109	Fourier transform infrared analysis (FTIR), per sample	398
2110	Other specialty testing	Quote

Masonry

Concrete Masonry Units - Standard:

1403	Compressive strength - RWU (ASTM C 140), per specimen	109
1404	Compressive strength - block (ASTM C 140), per specimen	60
1402	Absorption of RWU (ASTM C 140), per specimen	88
1406	Physical measurements and absorption (ASTM C 140), per specimen	84
1407	Net area determination (ASTM C 140), per specimen	64
1408	Compressive strength of masonry prism assembly (ASTM C 1314), per specimen	138
1409	Compressive strength – Hollow block prisms (ASTM C 1314), per specimen	234
1411	Compressive strength – Grouted block prisms (ASTM C 1314), per specimen	286
1412	Compressive strength of grout (ASTM C 1019), per specimen	84
1421	Linear shrinkage (ASTM C 426), set of 3 specimens	965
1424	Freeze/thaw of RWU (ASTM C 1262), per set of 5 specimens	1,098
1414	Unique testing	Quote
1413	Freeze/thaw of brick (ASTM C 67), per set of 5 specimens	1,204
1431	Brick weight per unit area (ASTM C 67/C 216)	197
1434	Brick measurement of length change (ASTM C 67/C 216)	960
1438	Brick void area in deep frogged units (ASTM C 67/C 216)	382
1415	Efflorescence of brick or masonry units (ASTM C 67), per set of 10 samples	244
1416	Initial rate of absorption (ASTM C 67), per set of 5 specimens	244
1417	Compressive strength (ASTM C 67), per set of 5 specimens	222

1418	Absorption and saturation coefficient (ASTM C 67), per set of 5 specimens	313	Soil and Aggregate Testing for Concrete, Bituminous, Roofing, etc.		
1419	Dimensional analysis (ASTM C 67), per set of 5 specimens	303	1162	Sieve analysis with 200 wash (ASTM C 136 and C 117), per sample	170
1423	Warpage (ASTM C 67), per set of 10 specimens	361	1166	Loss By Washing #200 Sieve (ASTM C 117), per sample	93
Specialty Concrete			1684	Lightweight particles 2.0 specific gravity (ASTM C 123), per sample	108
1433	Windsor probe, per day	84	1685	Lightweight particles 2.4 specific gravity (ASTM C 123), per sample	191
1437	Length change of hardened concrete (ASTM C 157), per set of 3 samples	631	1686	Lithological count (MNDOT 1209), per sample	170
1439	Absorption of cast stone (ASTM C 1195), per set of 3	239	1688	Percent crushed (ASTM D 5821), per sample	108
1441	Rapid freeze/thaw (ASTM C 666), per specimen	414	1692	Coarse aggregate specific gravity (ASTM C 127), per sample	113
1448	Water-soluble chloride ion (ASTM C 1218), per sample	170	1694	Fine aggregate specific gravity (ASTM C 128), per sample	160
1449	Chloride, acid-soluble, concrete (ASTM C 1152), per sample	175	1696	Modified mill abrasion (Union Pacific), per sample	170
1450	Bulk sample preparation, per sample	148	1698	Los Angeles Abrasion (ASTM C 131, C 535), per sample	170
1456	Electrical indications of concrete's ability to resist chloride ion penetration (RCP ASTM 1202), per test	637	1700	Soundness, Magnesium Or Sodium Sulfate (ASTM C 88), per sample	424
1459	Diffusivity coefficient (ASTM C 1556), per sample	1,697	1702	Flat, elongated, and flat and elongated (ASTM D 4791), per sample	128
1466	Setting time (ASTM C 403), per sample	409	1703	Flakiness index (MNDOT 1223), per sample	207
Cement			1704	Potential reactivity (ASTM C 289), per sample	1,608
1476	Fineness of cement by air permeability – (ASTM C 204), per sample	122	1429	Potential reactivity of aggregates (ASTM C 1260), per sample	1,039
1480	Batching and casting mortar samples (ASTM C 305), per sample	234	1705	Fine aggregate angularity (ASTM C 1252), per sample	101
1486	Mortar-aggregate ratio test (ASTM C 790 Annex A4), per specimen	111	1706	Unit weight (ASTM C 29), per test	106
Grout			1708	Mill abrasion (Union Pacific), per sample	170
3237	Thermal conductivity of Portland Cement, each	228	1712	Moisture content (ASTM C 566), per sample	36
Mortar			1716	Organic impurities (ASTM C 40), per sample	88
1490	Compressive strength of 2x2 mortar cube (ASTM C 109), per specimen	38	1718	Clay lumps (ASTM C 142), per sample, per size tested	165
1493	Compression testing of cylindrical mortar specimen (ASTM C 780), per specimen	38	1720	Freeze-thaw (AASHTO T103)	417
1516	Prism testing (ASTM C 1072), per 5 mortar joints	435	Insoluble residue (MNDOT)		
Bituminous			1724	Insoluble residue (MNDOT 1221), sample prep only	57
1528	Rice specific gravity (ASTM D 2041), per sample	108	1732	Hveem stabilometer R-Value (MNDOT 1307), per sample	587
1529	Gyratory design point, per sample	304	1734	California bearing ratio (ASTM D 1883), per molded specimen	386
1530	Asphalt content (ASTM D 2172/6307), per sample	196	1739	Resilient modulus of fine grain soils (molded), per sample	670
1532	Extracted aggregate gradation (ASTM D 5444), per sample	139	1761	Resilient modulus of coarse grain soils and aggregate, per sample	1,030
1534	Marshall stability and flow (ASTM D 1559), per set of 3 specimens	93	1741	Sand equivalent (ASTM D 2419), per sample	170
1540	Marshall density testing (AASHTO T245), per set of 3 specimens	165	Stone		
5342	Thickness of pavement core (ASTM D 3549)	27	1746	Compressive strength stone, includes end cutting (ASTM C 170), per sample	149
1542	Thickness and density of pavement core (ASTM D 2726), per specimen	67	1747	Unconfined compressive strength of intact rock core specimen (ASTM D 7012), per specimen	148
5821	Disc-shaped Compact Tension Test ASTM 7313 MNDOT Modified	538	1751	Coefficient of linear thermal expansion (ASTM D 5335), per sample	Quote
5822	Semicircular Bend Test	418	Geosynthetic and Pond Liner		
1545	Draindown characteristics of asphalt (ASHTO T305 or ASTM D6390), per sample	144	1753	Shear/peel test on field seams (HDPE, VLDPE), per sample	191
1558	Lottman stripping (AASHTO T283), per sample	456	1754	Material property testing	Quote
1562	Laboratory mix design (Marshall), per mix	Quote			
1563	Laboratory mix design (Gyratory), per mix	Quote			
1567	Resilient modulus of bituminous, per specimen	Quote			
1568	Gyratory gravity (AASHTO T312), per sample	242			
1569	Mobile laboratory rental, per month	Quote			

Fire-Resistive Materials			1634	Portable fluorescent spray, per can	40
1784	Thickness/Density, laboratory determination	67	1636	Portable developer, per can	40
1785	Adhesion/Cohesion testing, per test	54	1637	Portable cleaner, per can	40
Other Specialty Testing			1638	Portable visible penetrant, per can	40
1790	Tensile Testing of Rebar	129	1639	Portable fluorescent penetrant, per can	40
1793	Tensile Test	Quote	1642	Cellulose gum (with certifications), per quart	76
1794	Floor Flatness Equipment, per pour	274	1643	High temperature couplant, per 4 oz. tube	187
1795	Dipstick rental (one week minimum), per week	848	1646	4-1/2" x 10" film	7
1796	Dipstick rental (one week minimum), per additional day	251	1647	4-1/2" x 17" film	11
1845	Hydraulic Ram Calibration	283	1648	14" x 17" film	43
5385	Iron Enriched Aggregate Testing	294	1649	8" x 10" film	11
5570	Charpy Impact Testing	206	1650	5" x 7" film	10
Air meter			1651	7" x 17" film	24
1828	Rebuild, full	143	70mm film, per weld		
1820	Parts, each	Quote	5440	Up to 6"	25
Nondestructive Examination Services			5441	8" – 12"	31
1602	Computed radiography, per section "100 Personnel Services"	Quote	5442	14" – 18"	38
1629	Magnetic particle examination, per section "100 Personnel Services"	Quote	5443	20" – 24"	45
1635	Liquid penetrant examination, per section "100 Personnel Services"	Quote	5444	26" – 30"	56
1640	Ultrasonic examination, per section "100 Personnel Services"	Quote	5446	32" – 36"	69
Infrared			Geophysical Testing		
1658	Report	Quote	259	Ground penetrating radar, per hour	236
1699	Thermographic imaging (minimum charge)	Quote	1443	Ground penetrating radar, per hour on site (includes equipment)	236
Positive materials identification (PMI)			1447	Ground penetrating radar, per project	Quote
1654	Equipment only, per hour	68	1600	FWD/GPR Mobilization, per mile	4
1659	Equipment only, per day	282	Coatings		
1667	Radiography, colbalt, per shot	Quote	617	Inspections, per hour	146
1668	Radiography, iridium, per shot	Quote	627	Inspections, NACE certified, per hour	191
Computed radiography			637	Specification review, per hour	247
5431	Equipment only, per day	650	1606	PosiTest AT Adhesion Tester, per Day	100
5432	Equipment and labor, per day	Quote	1607	Elcometer 270 Holiday detector, per day	100
Welding Operator Examination			1608	Adhesion tests, 20 MM, each	60
1604	Bend tests	Quote	2210	Ultrasonic thickness gauge, per day	76
1611	Radiography, AWS D1.1	165	NDE Miscellaneous Expense		
1612	Bend tests, AWS D1.1	250	1660	Vehicle, per day	54
1613	Radiography, ASME/ANSI	165	1661	Vehicle mileage, per mile	Quote
1623	AWS D1.5 qualification	250	1662	Mobile darkroom, per day	96
Weld Procedure Qualifications			1663	Mobile darkroom, per mile	Quote
1619	AWS D1.1	Quote	1653	Radiography transponder, per day	79
5569	Charpy test	Quote	1664	Trip charge	Quote
5572	Write WPS, per hour	Quote	1666	Report	579
NDE Equipment, per day			Safety Plans/Equipment		
1626	MT yoke	32	540	Develop/Review Health Safety Plans	215
6756	Black light	40	Miscellaneous Equipment Rental/Supplies		
5567	Brinell hardness bars	35	iPad/R1 Field Data GPS (sub-meter horizontal only)		
2210	Ultrasonic thickness gauge	76	5902	Per day	132
5269	Ultrasonic shearwave	130	5903	Per week	546
NDE Consumables			Trimble R8 Rover GPS (horizontal and vertical)		
1630	Consumable dry powder, per pound	40	5099	Per hour	71
1633	Portable visible spray, per can	40	5100	Per day	391
			5101	Per week	1,409
			3758	UAV Quadcopter	358
			Reliance Letter, per addressee		
			Greater of \$1,000 or 10% of original project fee		

Pavement Evaluation Services

Nondestructive testing and analysis flexible pavements

8620	Falling Weight Deflectometer (FWD) testing, per hour	291
8640	Mobilization	Quote

Expenses

1854	Vehicle, per day	125
1856	Vehicle Mileage, per mile	1
1861	CMT Trip charge, per trip	Quote

Personnel Services, Per Hour

118	Staff Engineer	170
126	Project Engineer	211
128	Senior Engineer	237
130	Principal Engineer	283
226	Project Manager	206
228	Senior Project Manager	232

Rates for litigation support services will include a surcharge

Building and Structure Sciences (BaSS)

160	Consultant I	161
161	Consultant II	169
162	Consultant III	181
163	Consultant IV	214
191	Field Technician I	105
192	Field Technician II	122
193	Field Technician III	138
194	Field Technician IV	152
195	Engineer-in-Training	167
196	Staff Engineer/Architect	181
197	Project Engineer/Architect	214
198	Senior Engineer/Architect	241
199	Principal Engineer/Architect	288
253	Forensic Consultant Expert	276
255	Forensic Consultant Witness	297
257	Forensic Engineer/Architect Expert	309
258	Forensic Engineer/Architect Witness	330
652	Firestopping Observations	146
653	Firestopping Manager	214
654	Firestopping Consultant	181

Field and office services, regular hourly rates*

102	Technician I	102
106	Technician II	119
110	Technician III	139
111	Technician IV	152
138	Project Assistant	119
371	CAD Technician	142
373	UAV Pilot	155
375	GIS Technician	142

Environmental Consulting

302	Field Scientist I	85
308	Field Scientist II	93
310	Field Scientist III	101
311	Field Scientist IV	110
388	Staff Consultant I	95
389	Staff Consultant II	105
390	Staff Consultant III	125
391	Project Consultant I	142
393	Project Consultant II	150
394	Project Consultant III	165
395	Senior Consultant I	183
396	Senior Consultant II	202

397	Principal Consultant I	225
398	Principal Consultant II	250

Environmental Equipment/Supplies

Quote

Nondestructive Examination (NDE) Technicians, regular hourly rates**

108	Level II NDE Technician	139
629	Magnetic Particle	
635	Liquid Penetrant	
640	Ultrasonic Examination	
645	Solo Technician-Radiography	
112	AWS-Certified Weld Inspector	146
613	Radiography, two-man crew (IR-192)	221
619	Radiography, three-man crew (IR-192)	311
254	PMI (positive material identifier) services	266
615	Radiography, two-man crew (Co-60)***	291
107	API 510/570/653 Technician	165
117	Level III NDE services	191
602	Computed Radiography (CR)	374
643	Phased array two man crew, per hour	225

Reduced weekly and monthly rates available for continuous service. Regular hourly rates apply during normal work hours of 7 AM to 4 PM, Monday through Friday. Services provided to meet project requirements or the contractor's construction schedule outside the normal work hours or exceeding 8 hours per day will be invoiced using an overtime rate factor.

* The factor for services provided outside the normal work hours or on Saturday will 1.25 times the regular hourly rate for the service provided. The factor for services provided on Sunday or legal holidays will be 1.5 times the regular hourly rate for the service provided

** The factor for NDE services provided outside the normal work hours or on Saturday will 1.35 times the regular hourly rate for the service provided. The factor for services provided on Sunday or legal holidays will be 1.85 times the regular hourly rate for the service provided

*** Co-60 work may require a three-man crew. Code 615 plus Assistant code 614

EXHIBIT B

ENGINEERING PARTNERS, INC. (“EPC”) AGREEMENT

**MASTER SERVICES AGREEMENT
FOR PROFESSIONAL SERVICES**

**CITY OF HERMANTOWN
AND
ENGINEERING PARTNERS INC.**

THIS AGREEMENT is by and between the **City of Hermantown**, Minnesota, a statutory city under the laws of the State of Minnesota, hereinafter referred to as “City”, and **ENGINEERING PARTNERS INC.**, a Minnesota corporation, d/b/a **ENGINEERING PARTNERS INC.**, hereinafter referred to as “Consultant” in response to the following situation:

A. City desires to utilize Consultant’s geotechnical and material testing services on a non-exclusive, project by project basis for City operations for the years 2022-2024.

B. Consultant has represented that it is qualified and willing to perform services set forth in its proposal.

NOW, THEREFORE, the City and Consultant do mutually agree as follows:

1. Services to be Performed.

1.1. Consultant will provide, upon written request of the City in the form of a Request for Services or similar documentation (each a “RFS”), certain services that have been identified in the Consultant’s proposal attached hereto as Exhibit A on an as needed basis. In the event of any conflict between an RFS and this Agreement, the terms and conditions of this Agreement shall be deemed to be controlling.

1.2. The City Administrator shall be responsible for administration of this contract. Upon receipt of an RFS from the City Administrator, Consultant shall prepare a project budget for the services identified in the RFS. Consultant shall provide the identified services only upon approval of the project budget by the City, and upon the receipt of an authorization to proceed from the City. City will not be obligated to pay for services performed that are not authorized and requested by the City Administrator.

2. Assignment. Consultant represents that it will utilize only its own personnel in the performance of services set forth herein; and further agrees that it will neither assign, transfer, or subcontract any rights or obligations under this Agreement without prior written consent of the City.

3. Contract Period. This Agreement shall be effective as of the date first above written and shall continue until December 31, 2019 unless sooner terminated as provided in paragraph 4 hereof.

4. Termination of Contract. Either the Consultant or the City may, by giving written notice specifying the effective date which shall not be less than thirty (30) days from the date such notice is given, terminate this contract in whole or in part. In the event of termination, all property and finished or unfinished documents and other writings prepared by the Consultant under this contract shall be delivered to the City and Consultant shall be entitled to compensation for time expended to the date of termination and expenses incurred.

5. Independent Contractor. The relationship between the Consultant and the City shall be that of an independent contractor. Nothing herein shall in any way make or create any employer-employee relationship between the City and Consultant.

6. Standard of Performance and Insurance.

6.1. Comprehensive general liability insurance that covers the consultant services performed by Consultant for City with a combined single limit of liability of at least One Million Dollars (\$1,000,000.00).

6.2. Errors and omissions or equivalent insurance that covers the consultant services performed by Consultant for City with a combined single limit of liability of at least One Million Dollars (\$1,000,000.00).

6.3. Worker's compensation insurance covering Consultant (if an individual) all of Consultant's employees with coverages and limits of coverage required by law.

6.4. In addition to the coverages listed above, Consultant shall maintain a professional liability insurance policy in the amount of \$2,000,000. Said policy need not name the City as an additional insured. It shall be Consultant's responsibility to pay any retention or deductible for the professional liability insurance. Consultant agrees to maintain the professional liability insurance for a minimum of two (2) years following termination of this Agreement.

Consultant shall indemnify and hold harmless City from and against all errors, omissions and/or negligent acts causing claims, damages, liabilities and damages arising out of the performance of his/her/its services hereunder.

Consultant certifies that Consultant is in compliance with all applicable worker's compensation laws, rules and regulations. Neither Consultant (if an individual) nor Consultant's employees and agents will be considered City employees. Any claims that may arise under any worker's compensation laws on behalf of any employee of Consultant and any claims made by any third party as a consequence of any act or omission on the part of Consultant or any employee of Consultant are in no way City's obligation or responsibility. By signing this Agreement, Consultant certifies that Consultant is in compliance with these laws and regulations.

Consultant shall deliver to City, concurrent with the execution of this Agreement, one or more certificate(s) of insurance evidencing that Consultant has the insurance required by this Agreement in full force and effect. City shall be named as additional insured under such Consultant's comprehensive general liability policy. The insurer will provide at least thirty (30) days prior written notice to City, without fail, of any cancellation, non-renewal, or modification of any of the Consultant's comprehensive general liability policy or coverage evidenced by said certificate(s) for any cause, except for nonpayment of premium. The insurer will provide at least ten (10) days prior written notice to City, without fail, of any cancellation of any of the Consultant's comprehensive general liability policy or coverage evidenced by said certificate(s) for nonpayment of premium. Consultant shall provide City with appropriate endorsements to Consultant's comprehensive general liability policy reflecting the status of City as an additional insured and requiring that the foregoing required notice of cancellation, material alteration or non-renewal be provided City by the insurance company providing such insurance policy to Consultant.

The Consultant shall require any subcontractor permitted by City to perform work for Consultant to have in full force and effect the insurance coverage required of the Consultant under this Agreement before any subcontractor(s) begin(s) work. Consultant shall require any such subcontractor to provide to Consultant a Certificate of Insurance evidencing that such subcontractor has the insurance required by this Agreement in full force and effect. The Consultant and City shall be named as additional insureds under such policies. The insurer will provide 30 day written notice to City and Consultant, without fail, of any cancellation, non-renewal, or modification of the subcontractor's comprehensive general liability policy or coverage evidenced by said certificate(s) for any cause, except for nonpayment of premium. The insurer will provide at least ten (10) days prior written notice to City and Consultant, without fail, of any cancellation of any of the subcontractor's comprehensive general liability policy or coverage evidenced by said certificate(s) for nonpayment of premium. City and Consultant shall also be provided with appropriate endorsements to subcontractor's comprehensive general liability policy reflecting the status of City and Consultant as an additional insured and requiring that the foregoing required notice of cancellation, material alteration or non-renewal be provided City by the insurance company providing subcontractor's comprehensive general liability policy.

7. Compensation. Consultant shall be compensated for the services to be performed hereunder in accordance with the fee schedule attached hereto as Exhibit B and pursuant to a project budget submitted by Consultant in response to an RFS and approved by the City. Consultant shall submit to the City itemized statements of services rendered during each month setting forth the date such services were rendered, a description of the services rendered, the person performing such services and the amount of time expended in performing such services.

8. Confidentiality. Consultant agrees that, at all times, both during the term of this Agreement and after the termination of this contract, it will be faithful to City by not divulging, disclosing or communicating to any person, firm or corporation, in any manner whatsoever, except in furtherance of the business of City or as required by an applicable law, rule, regulation

or ordinance of City or any other governmental authority, any information of any kind, nature or description concerning any matters affecting or relating to the business, employees, agents, customers of City, or parties contracting with City.

9. Intellectual Property Rights. For the purposes of this contract, Project Materials means copyrights and all works developed in the performance of this contract, including, but not limited to, the finished product and any deliverables, including any software or data whether in written or electronic format. Project materials do not include any materials that Consultant developed, acquired or otherwise owned or had a license to use prior to the date of this contract. All Project Materials are agreed by Consultant to be “works made for hire” as defined under 17 U.S.C. §101, for which City has the sole and exclusive right, title and interest, including all rights to ownership and copyright and/or patent. In addition, City hereby assigns all right, title and interest, including rights of ownership and copyright in the Project Materials to City no matter what their status might be under federal law. Consultant shall provide City with copies of all Project Materials. Upon request by Consultant, City may authorize Consultant to use specified Project Materials to evidence Consultant’s progress and capability. In all such uses of Project Materials by Consultant, reference shall be made to City and the Project and that the Project Materials are owned by City. Consultant also acknowledges and agrees that all names and logos provided to Consultant by City for use are and shall remain the sole and exclusive property of City.

10. Notices. Any notice required to be given hereunder shall be deemed sufficient if delivered in writing personally, or mailed certified mail, return receipt requested, postage prepaid to the following places and directed to the following persons:

If to City:	City of Hermantown 5105 Maple Grove Road Hermantown, MN 55811 Attn: John Mulder, City Administrator
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If to Consultant:	Engineering Partners, Inc, 539 Garfield Avenue Duluth Mn, 55802
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11. Miscellaneous. This contract constitutes the sole and complete agreement relating to the subject matter of this contract between the parties, superseding any and all other agreements between the parties and no verbal or other statements, inducements or representations have been made or relied upon by either party. No modifications hereof shall be binding upon either party unless in writing and properly executed.

12. No Contractual Authority. Consultant shall have no authority to enter into any contracts or agreements binding upon City or to create any obligations on the part of City.

13. Data Practices Act. Consultant acknowledges that City is subject to the provisions of the Minnesota Government Data Practices Act. Consultant must comply with the Minnesota

Government Data Practices Act, Minnesota Statutes, Chapter 13, as it applies to all data provided by City in accordance with this contract and as it applies to all data created, collected, received, stored, used, maintained, or disseminated by Consultant in accordance with this contract. The civil remedies of Minnesota Statutes § 13.08, apply to Consultant and City. Minnesota Statutes, Chapter 13, provides that all government data are public unless otherwise classified. If Consultant receives a request to release the data referred to in this Section, Consultant must immediately notify City and consult with City as to how Consultant should respond to the request. City's response shall comply with applicable law, including that the response is timely and, if Consultant denies access to the data, that Consultant's response references the statutory basis upon which Consultant relied. Consultant does not have a duty to provide public data to the public if the public data is available from City.

14. Choice of Law and Venue. All matters relating to the validity, construction, performance, or enforcement of this Agreement shall be determined in accordance with the laws of the State of Minnesota. All legal actions initiated with respect to or arising from any provision contained in this Agreement shall be initiated, filed and venued in the State of Minnesota District Court located in the City of Duluth, County of St. Louis, State of Minnesota.

15. Counterparts. This Agreement may be executed in any number of counterparts, each of which when so executed and delivered shall be an original, but such counterparts shall together constitute one and the same instrument.

16. Recordkeeping. Consultant hereby agrees:

16.1. To maintain all books, documents, papers, accounting records and other evidence pertaining to the fees and expenses for which it seeks payment or reimbursement hereunder and appropriate records with respect to the services performed by him under this Agreement.

16.2. To make such materials available at its office at all reasonable times during the contract period and for three (3) years from the date of final payment under this Agreement for inspection by the City and copies thereof shall be furnished to City upon request by City.

16.3. That no employee, officer or agent of the City, any member of the family of any such person, any partner of any such person or any organization which employs or is about to employ any of the above has a financial or other interest in the business of Consultant.

[SIGNATURES APPEAR ON FOLLOWING PAGE]

IN WITNESS WHEREOF, the City and Consultant have executed this contract as of the date first above written.

CITY:

City of Hermantown

By _____
Its Mayor

And By _____
Its City Clerk

CONSULTANT:

ENGINEERING PARTNERS INC.

By _____
Its _____

2022 FEE SCHEDULE

LABOR

Principal Engineer	\$ 166 / hour
Project Engineer/Manager	\$ 146 / hour
Staff Engineer	\$ 131 / hour
Sr. Drilling Crew Chief	\$ 111 / hour
Sr. Engineering Technician/Level II	\$ 111 / hour
Drilling Crew Chief	\$ 101 / hour
Engineering Technician/Level I	\$ 101 / hour
Drilling Crew Member	\$ 89 / hour
Assistant Engineering Technician	\$ 89 / hour
Office / Field Support Personnel	\$ 81 / hour
Minimum Vehicle Trip Charge	\$ 57.00 or 0.815 / mile
Subsistence	\$ 190 / person / day

The above rates are based on work being performed up to an 8-hour period from 7:00AM to 5:00PM, Monday through Friday. Over 8-hours and/or outside of this time period and all of Saturday could be charged at the applicable rate times 1.25. Sunday and holidays could be 1.5 times the rate. Quantity discounts available.
Consumable / rental / subcontract mark-up 15 to 25 percent.

DRILLING**2022**

1 -	PER FOOT: 0-50 FEET WITH STANDARD (2.5 & 5-FOOT) SPT SAMPLING	\$ 36.00 FOOT
2 -	PER FOOT: 50-100 FEET WITH STANDARD (5-FOOT) SPT SAMPLING	\$ 41.00 FOOT
3 -	PER FOOT: 100-150 FEET WITH STANDARD (10-FOOT) SPT SAMPLING	\$ 52.00 FOOT
4.	DIAMOND BIT ROCK CORING (20-foot minimum)	\$ 2X Above Rates
5 -	PER FOOT: 0-50 FEET WITH FLYTE AUGER	\$ 29.00 FOOT
6 -	THIN-WALLED (SHELBY) TUBE SAMPLE	\$ 105.00 EACH
7 -	MUD ROTARY DRILLING	(ADD \$5.00 PER FOOT)
8 -	BORING ABANDONMENT	\$ 12.50 FOOT
9 -	HOURLY DRILLING RIG RATE (w/ 2 PERSON CREW)	\$ 440.00 HOUR
10 -	HOURLY HOIST RIG RATE (w/ 1 PERSON CREW)	\$ 190.00 HOUR
11 -	DAILY RIG RENTAL	
	TRUCK MOUNTED	\$ 370.00 DAY
	TRACK (Rubber)	\$ 590.00 DAY
	SEMI & TRAILER	\$ 370.00 DAY
	SUPPORT VEHICLE	\$ 130.00 DAY
12 -	MILEAGE RATES	
	TRUCK MOUNTED	\$ 1.85 MILE
	SEMI & TRAILER	\$ 2.45 MILE
	SUPPORT VEHICLE	\$ 1.60 MILE
13 -	MINIMUM VEHICLE TRIP CHARGE	\$ 57.00 / 0.815 MILE
14 -	SUBSISTENCE	\$ 190 / PERSON / DAY

The above rates are based on work being performed up to an 8-hour period from 7:00AM to 5:00PM, Monday through Friday. Over 8-hours and/or outside of this time period and all of Saturday could be charged at the applicable rate times 1.25. Sunday and holidays could be 2 times the rate. Quantity discounts available. **Consumable / rental / subcontract mark-up 15 to 25 percent.**

SOILS AND AGGREGATES**2022**

DT-1=	% PASSING #200	ASTM C-117	\$ 85.00 EACH
DT-2=	FINE GRADATION (thru # 200)	ASTM C-136	\$ 85.00 EACH
DT-3=	COARSE GRADATION (1.5")	ASTM C-136	\$ 85.00 EACH
DT-3R=	ROCK CORRECTION	ASTM D-4718	\$ 85.00 EACH
DT-4=	COARSE & FINE GRADATION	ASTM C-136	\$ 139.00 EACH
DT-4B=	COARSE & FINE GRADATION with Bituminous Pavement, MDH Mound Sand, Salt, Wood, and/or WIDOT		\$ 246.00 EACH
DT-5=	pH OF SOILS	ASTM D-4972	\$ 88.00 EACH
DT-6=	UNIT WT OF SOILS (COHESIVE – DIRECT MEASUREMENT)	ASTM D-7263	\$ 85.00 EACH
DT-7=	WATER CONTENT	ASTM D-2216	\$ 31.00 EACH
DT-8=	ATTERBERG LIMITS	ASTM D-4318	\$ 175.00 EACH
DT-9=	HYDROMETER ANALYSIS	ASTM D-422	\$ 215.00 EACH
DT-10=	ORGANIC CONTENT	ASTM D-2974	\$ 85.00 EACH
DT-11=	PERCENT SOLIDS		\$ 31.00 EACH
DT-12=	UNIT WT OF SOILS (NON-COHESIVE)	ASTM C-29	\$ 95.00 EACH
DT-13=	SPECIFIC GRAVITY OF COARSE AGGREGATE	ASTM C-127	\$ 155.00 EACH
DT-14=	SPECIFIC GRAVITY OF FINE AGGREGATE	ASTM C-128	\$ 175.00 EACH
DT-15=	SPECIFIC GRAVITY OF SOILS	ASTM D-854	\$ 190.00 EACH
DT-16=	PROCTOR DENSITY: STANDARD & MODIFIED (METHODS A,B,C)	ASTM D-698/1557	\$ 190.00 EACH
DT-17=	COHESIVE (CLAY/SILT) SOIL PREPARATION		\$ 210.00 EACH
DT-18=	SINGLE POINT PROCTOR VERIFICATION		\$ 85.00 EACH
DT-19=	UNCONFINED COMPRESSIVE STRENGTH	ASTM D-2166	\$ 160.00 EACH

SOILS AND AGGREGATES (Continued)**2022**

DT-20=	PERMEABILITY		
	RIGID WALL	ASTM D-2434	\$ 365.00 EACH
	FLEXIBLE WALL	ASTM D-5084	\$ 540.00 EACH
DT-21=	SOIL CLASSIFICATION (VISUAL) BY USCS	ASTM D2487	\$ 65.00 EACH
DT-22=	PERCENT CRUSHING OF COARSE AGGREGATE (SINGLE FACE) MNDOT		\$ 135.00 EACH
DT-23=	PERCENT CRUSHING OF COARSE AGGREGATE (DOUBLE FACE) MNDOT		\$160.00 EACH
DT-24=	NUCLEAR DENSITY TESTING (MINIMUM 4 PER HOUR)	ASTM D-2922	\$ 38.00 EACH
DT-25=	SAND CONE DENSITY TESTING (MINIMUM 1.5 PER HOUR)	ASTM D-1556	\$ 89.00 EACH
DT-26=	DCP TEST ON ROADBASE AGGREGATE (MINIMUM 1 PER HOUR)		\$ 159.00 EACH
DT-27=	POCKET/HAND PENETROMETER TEST		\$ 31.00 EACH
DT-28=	THIN-WALLED TUBE EXTRACTION AND VISUAL (2&3 / 5-INCH)		\$ 78 / 140.00 EACH
DT-29=	TOPSOIL BORROW (MN DOT 3877)		\$ 400.00 EACH
DT-29A	WITH NUTRIENTS		\$ 465.00 EACH
DT-30=	DENSITY TESTING FIELD EQUIPMENT (max of 8 hrs per day)		\$ 22.00 HOUR
DT-31=	CONSOLIDATION (up to 32 tsf)	ASTM D-2435	\$ 970.00 EACH

**Rush charge for samples of up to 100 percent could apply.
Quantity discounts available.
Consumable / rental / subcontract mark-up 15 to 25 percent.**

CONCRETE / MASONRY**2022**

C-1=	CYLINDER (ASTM C 39) AND MORTAR CUBE (C 109) COMPRESSIVE STRENGTH	\$ 32.00 EACH
C-1A=	CLIENT MADE CYLINDER COMPRESSIVE STRENGTH	\$ 37.00 EACH
C-2=	CYLINDER SAWING (TRIMMING) (IF REQUIRED)	\$ 22.00 EACH
C-3=	CONCRETE, GROUT AND MORTAR CUBE/CYLINDER OR PRISM STORAGE, IF NOT TESTED	\$ 27.00 EACH
C-3A=	CLIENT MADE SPARE CYLINDERS	\$ 32.00 EACH
C-4=	GROUT (CORE-FILL) PRISM COMPRESSIVE STRENGTH (ASTM C 1019)	\$ 49.00 EACH
C-5=	FLEXURAL BEAMS (ASTM C 78 and 293)	\$ 170.00 EACH
C-6=	DRILLED CONCRETE CORE COMPRESSIVE STRENGTH (INCLUDES TRIMMING) (ASTM C 42)	\$ 160.00 EACH
C-7=	MASONRY BLOCK PRISM COMPRESSIVE STRENGTH TEST (ASTM C 1314)	\$ 300.00 EACH
C-8=	SINGLE BLOCK COMPRESSIVE STRENGTH (ASTM C 140)	\$ 130.00 EACH
C-9=	SINGLE BLOCK ABSORPTION, UNIT WT, MOISTURE CONTENT (ASTM C 140)	\$ 130.00 EACH
C-10=	CONCRETE POUR (INCLUDES SLUMP, AIR TEMP. & 3 CYLINDERS (1.5 HRS LABOR & EQUIPMENT)	\$ 195.00 EACH
C-11=	CYLINDER, CUBE OR GROUT (COREFILL) PRISM PICK-UP & LOG-IN	\$ 57.00 EACH
C-12=	SCHMIDT HAMMER TEST (ASTM C 805) (MINIMUM 6 PER HOUR)	\$ 29.00 EACH
C-13=	CONCRETE TESTING FIELD EQUIPMENT (max of 8 hrs per day)	\$ 22.00 HOUR
C-14=	CONCRETE CYLINDER MOLDS 6"x12" CASE OF 20	\$ 90.00 CASE
		\$ 4.75 EACH
C-14A=	4"x 8" CASE OF 36	\$ 110.00 CASE
		\$ 3.50 EACH
C-15=	CONCRETE MIX DESIGN REVIEW (ACI 211)	\$ 175.00 EACH
C-16=	CORING EQUIPMENT (includes generator)	\$ 195.00 DAY
C-17	CALIBRATED JACK for ANCHOR PULL-OUT TEST	\$ 165.00 DAY

Rush charge for samples of up to 100 percent could apply.**Quantity discounts available.****Consumable / rental / subcontract mark-up 15 to 25 percent.**

BITUMINOUS PAVEMENT**2022**

B-1=	GYRATORY / MARSHALL ANALYSIS (ASTM D 1559), EXTRACTION (ASTM D 2172/6307) and GRADATION (ASTM D 5444)	\$ 825.00 EACH
B-2=	GYRATORY / MARSHALL ANALYSIS: AIR VOIDS and MAXIMUM SPECIFIC GRAVITY ONLY	\$ 500.00 EACH
B-3=	EXTRACTION (ASTM D 2172/6307) and GRADATION (ASTM D 5444) – Solvent or Burn	\$ 470.00 EACH
B-4=	EXTRACTION ONLY (ASTM D 2172/6307) – Solvent or Burn	\$ 330.00 EACH
B-5=	CORE DENSITY (ASTM D 2726)	\$ 52.00 EACH

Rush charge for samples of up to 100 percent could apply.

Quantity discounts available.

Consumable / rental / subcontract mark-up 15 to 25 percent.

TO: Mayor & City Council

FROM: Jackie Dolentz, City Clerk



DATE: June 15, 2022

Meeting Date: 06/20/2022

SUBJECT: Appointment of Absentee Ballot Board

Agenda Item: 12-I

Resolution: 2022-85

REQUESTED ACTION

Approve the Absentee Ballot Board for the 2022 Primary Election.

BACKGROUND

The City of Hermantown is required by Minnesota Statute 203B.121, Subd. 1 to establish an Absentee Ballot Board to process the acceptance and rejection of returned absentee ballots.

SOURCE OF FUNDS (if applicable)

101-414100-105

ATTACHMENTS

Resolution

Resolution No. 2022-85

RESOLUTION ESTABLISHING AN ABSENTEE BALLOT BOARD

WHEREAS, the City of Hermantown is required by Minnesota Statutes 203B.121, Subd. 1 to establish an Absentee Ballot Board effective June 20, 2022; and

WHEREAS, this board will bring uniformity in the processing of accepting or rejecting returned absentee ballots in the City of Hermantown, Saint Louis County; and

WHEREAS, the Absentee Ballot Board would consist of a sufficient number of election judges as provided in sections 204B.19 to 204B.22 or deputy county auditors trained in the processing and counting of absentee ballots; and

WHEREAS, the City Clerk is hereby authorized and directed to appoint the members of the ballot board, including substitutions as necessary. The clerk shall establish, maintain and update a roster of members appoint to and currently serving on the ballot board with the following as the ballot board:

Liz Shannon	Bonnie Frey	Steven Peterson
Shaunna DeBoer	Jackie Dolentz	Mary Melde

THEREFORE, BE IT RESOLVED THAT, the City of Hermantown City Council hereby establishes an Absentee Ballot Board that would consist of a sufficient number of election judges as provided in sections 204B.19 to 204B.22 or deputy auditors to perform the task.

BE IT FURTHER RESOLVED THAT the City of Hermantown City Council hereby authorized any member of the ballot board to be compensated as required by Minnesota Statutes Section 203B.121, when said member performs any required duty of the ballot board.

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 June 20, 2022.

TO: Mayor & City Council
FROM: Joe Wicklund, Communications
Director



DATE: June 13, 2022

Meeting Date: 06/20/2022

SUBJECT: Performance Measures

Agenda Item: 12-J

Resolution: 2022-86

REQUESTED ACTION

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

BACKGROUND

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

The original Resolution 2018-60 was passed in 2018. Each year going forward, a new Resolution needs to be passed and along with survey results, submitted to Office of State Auditor. 2021 will mark the City's fourth consecutive year of committing to and measuring these performance metrics.

SOURCE OF FUNDS (if applicable)


N/A

ATTACHMENTS

2021 Community Survey Overview with 2020, 2019, and 2018 comparatives.

City of Hermantown

2021 Community Survey Overview

2018	2019	2020		2021
96%	95%	97%	Agree Hermantown is a safe city	98%
77%	84%	72%	Agree fire protection is good/excellent	63%
62%	76%	66%	Agree city services is good/excellent	72%
76%	81%	86%	Agree the overall appearance of Hermantown good/excellent	79%



Condition of streets is good/excellent

2021
45%

2018 2019 2020
42% 43% 47%



Quality of snowplowing is good/excellent

2021
78%

2018 2019 2020
65% 74% 77%



Quality of water supply is good/excellent

2021
80%

2018 2019 2020
65% 68% 74%



Quality of sanitary service is good/excellent

2021
70%

2018 2019 2020
58% 67% 71%



Quality of parks and trails is good/excellent

2021
45%

2018 2019 2020
38% 54% 50%

Changes in Taxable Market Value 2019 to 2020

Assessor's Estimated Market Value	Assessor's Taxable Market Value	Net Tax Capacity	Taxable Net Tax Capacity	% Change in Tax Net Capacity
\$1,240,188,500	\$1,190,036,218	\$15,031,925	\$14,932,042	2.18%

Resolution No. 2022-86

RESOLUTION ADOPTING PERFORMANCE MEASURES

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

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

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

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

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

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

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

Councilor _____ introduced the foregoing resolution and moved its adoption.

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

and the following voted in opposition thereto:

WEREUPON, such resolution was declared duly passed and adopted June 20, 2022.

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



DATE: June 10, 2022

Meeting Date: 06/20/2022

SUBJECT: Contract with HKGI for
Comprehensive Plan Update

Agenda Item: 12-K

Resolution: 2022-87

REQUESTED ACTION

Approve Contract with Hoisington Koegler Group, Inc. (HKGI) for the Comprehensive Plan Update

BACKGROUND

The City prepared a Request for Proposals for qualified planning/design firms to provide a proposal to prepare an update to the City's Comprehensive Plan. The City received proposals from TKDA, HKGI, WSB and SRF. City staff conducted interviews on June 3 and June 8, 2022 with the four firms and after consideration is recommending HKGI for the contract in the amount not to exceed of \$150,000.

City staff is recommending HKGI based on their years of experience, number of previously prepared comprehensive plans, a past working relationship with the firm as well as the potential to utilize the information, graphics and written/digital material associated with the Comprehensive Plan for the City's communication and engagement with its residents.

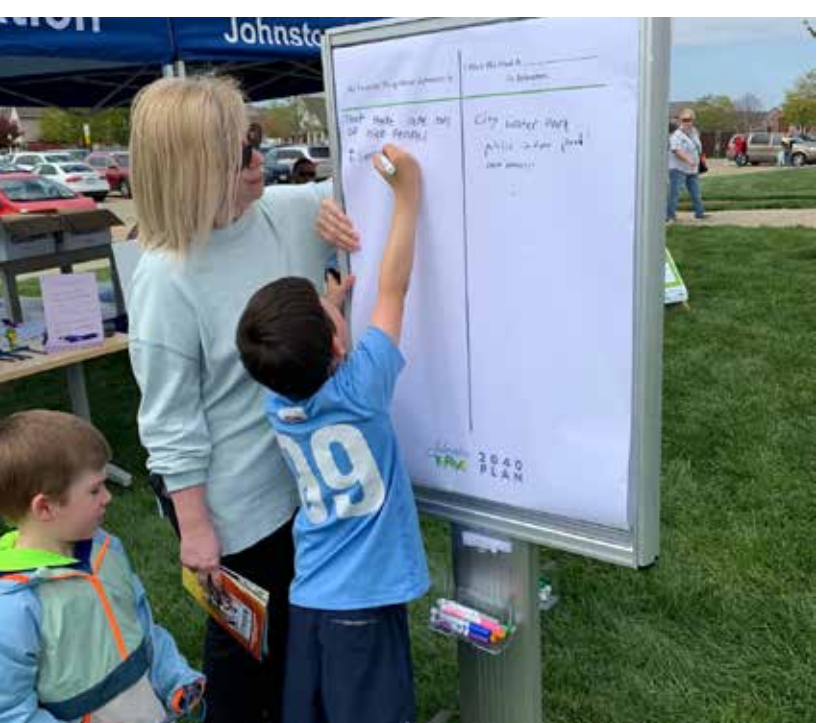
The funds for the Comprehensive Plan Update will come from the funds received from the City as part of the American Rescue Plan Act of 2021 (ARPA).

SOURCE OF FUNDS (if applicable)

American Rescue Plan Act of 2021 (ARPA)
245-419100-319

ATTACHMENTS

- Resolution
- HKGI Proposal
- Agreement for Consultant Services



PROPOSAL AND QUALIFICATIONS FOR PLANNING SERVICES
COMPREHENSIVE PLAN UPDATE
HERMANTOWN, MINNESOTA



Prepared by HKGi
May 13, 2022

CONTENTS

01 GENERAL INFORMATION.....	2
02 PROJECT UNDERSTANDING ..	5
03 PROJECT APPROACH.....	8
04 PROPOSED PROJECT TEAM & EXPERIENCE.....	12
05 SCHEDULE.....	40
06 TOTAL CONSULTANT COST ..	42



**RED WING - COMPREHENSIVE PLANNING, PARK
AND REDEVELOPMENT PLANNING**



May 13, 2022

Eric Johnson, Community Development Director
City of Hermantown
5105 Maple Grove Road
Hermantown, Minnesota 55811

Re: HKGi Team Proposal for Comprehensive Plan Update

Dear Mr. Johnson and Members of the Selection Committee:

For nearly forty years, HKGi has provided outstanding service and developed creative, action-oriented planning solutions for municipal clients throughout the Upper Midwest. Comprehensive planning has been one of HKGi’s core services with more than eighty comprehensive plans completed since the firm’s establishment in 1982. The staff members assigned to this project have collectively completed more than sixty comprehensive plans and have been recognized with planning awards for outstanding comprehensive plans they developed for communities in Minnesota, Wisconsin, and Michigan. HKGi’s wealth of comprehensive plan experience means that we have expertise in a wide range of community types, including rural, suburban, conservation residential development, neighbourhood, and small town. Based on our understanding of Hermantown’s current development patterns and discussions, all of these development types may be beneficial to the planning dialogue of the plan update project. With comprehensive planning being a core competency for HKGi, we have a strong knowledge base in all of the comprehensive planning elements.

Our team’s community-centered planning approach means that the foundation for our planning work comes directly from community members. Their input guides us to the image, vision, issues, and goals that are most important to the community. As a result, the City of Hermantown can expect to receive a highly customized Comprehensive Plan that responds directly and specifically to issues and opportunities that are unique to the residents, business owners, and other stakeholders of Hermantown.

Since the City’s interest is to identify a strong community image and vision as part of this planning process, we have included Civic Brand as a partner on our team. Civic Brand brings expertise in engaging communities in a discussion and exploration of community identity and branding. HKGi has partnered with Civic Brand on a number of community planning projects, including Washington County and Stearns County in MN. We are excited about the team that we have assembled for this project and are confident that we will bring the right blend of experience, passion, and knowledge to conduct an inspiring planning process and deliver a Comprehensive Plan that provides effective guidance and creative ideas for Hermantown’s future growth and development.

Jeff Miller will serve as the Project Manager for the HKGi team. He brings both breadth and depth of experience, conducting not only comprehensive planning but also growth area and trail planning for several communities. He has also led a number of zoning/subdivision code update projects, including code evaluations and code updates to align with updated comprehensive plans. In addition, Jeff has a strong knowledge base in Hermantown’s planning context as he was the project manager for the Proctor Hermantown Munger Trail Spur study and master plan, as well as the Hermantown Marketplace concept plan.

We are excited about the opportunity to serve the City of Hermantown once again, and we appreciate the chance to be considered for this project. If you have questions about our proposal or would like to discuss this project in greater detail, please don’t hesitate to contact us. We look forward to speaking with you soon.

Sincerely,

Jeff Miller, AICP
Project Manager | Associate

612.720.8311

jmiller@hkgi.com

Brad Scheib, AICP
Principal in Charge

612.252.7122

brad@hkgi.com



**WINONA- COMPREHENSIVE PLAN AND
UNIFORM DEVELOPMENT CODE REWRITE**

GENERAL INFORMATION



CONSULTANT

HKGi

HKGi was established in 1982 to provide community-based planning and landscape architecture services to clients throughout the Upper Midwest.

Our objective is to use a community-based planning approach to help clients build great places for people to live, work, and play. The input we collect about a community’s strengths, values, needs and challenges provides the foundation for our work. HKGi’s planners leverage their experience, creativity, and problem-solving skills to produce planning strategies and tools that respond directly the community’s input and position the city to achieve its vision for the future.

Setting the stage for successful community development means addressing issues related to land use, connectivity, stormwater, parks, and infrastructure improvements. As demonstrated in this proposal, HKGi is experienced at addressing each of these issues in a variety of settings and development contexts. Our work in Hermantown will respond to the city’s unique development climate and context and will result in a customized comprehensive plan that will enjoy broad community support.


Qualifications and experience for key personnel assigned to the project begin on page 12.



CREATING PLACES THAT ENRICH PEOPLE’S LIVES

 612.338.0800

 www.hkgi.com

 800 Washington Ave. N.
Suite 103
Minneapolis, MN 55401

4 Certified Planners

9 Licensed Landscape Architects

9 Planners/Urban Designers

1 Communications Staff



COLLABORATE
LISTEN
EXPLORE
CREATE



CivicBrand



CivicBrand will provide engagement and branding expertise for the Hermantown Comprehensive Plan Update project.

CivicBrand specializes in city / district branding and public engagement. Additionally, CivicBrand works with cities and consultants to deliver more effective planning projects through greater awareness, participation and buy-in. Successful planning projects align all stakeholders behind common goals and cast a common vision for a plan forward. Project branding, engagement and communication can elevate the planning process by reaching and inspiring stakeholders to get involved. This creates momentum that drives the project and community forward.

PLANNING PROJECT BRANDING & PUBLIC ENGAGEMENT



“**CITIES HAVE THE CAPABILITY OF PROVIDING SOMETHING FOR EVERYBODY, ONLY BECAUSE, AND ONLY WHEN, THEY ARE CREATED BY EVERYBODY.**”
JANE JACOBS

 **YOUR CITY**



WOODBURY - GROWTH AREA PLANNING

PROJECT UNDERSTANDING



Project Understanding

HKGi's understanding of the Comprehensive Plan Update project is based on our previous project work with the City, our pre-RFP meeting in February with City staff, review of the RFP, and City staff's responses to the RFP questions. HKGi's previous project work includes the Proctor-Hermantown Munger Trail Spur, both the Trail Route Plan & Feasibility Study and the subsequent Master Plan to meet the GMRPTC requirements for regional trail designation. HKGi also worked with the City on development of the Hermantown Marketplace illustrative concept plan. In our work on these projects, we became familiar with the 2000 Comprehensive Plan's vision, goals, policies, and guiding maps. We also gained an understanding of the current plan's limitations, its planning elements and mapping in particular. We also recognize that plan is becoming increasingly outdated.

HKGi's work on the Munger Trail Spur Trail and the Marketplace afforded us the opportunity to learn about the Hermantown community in a comprehensive manner. We gained an understanding of the existing development patterns including the dominant influences of the community's natural landscape (i.e. Lake Superior ridge, rivers/creeks, uplands, wetlands, and wooded areas), three major highway corridors and a grid of county highways, as well as current and past economic centers (i.e. Miller Hill Mall area, Duluth International Airport, Federal Prison/former Air Force Base).

In addition, HKGi has a depth of experience working with the City of Duluth on its 2012 flood recovery effort, recreational planning for the St. Louis River corridor neighborhoods, the St. Louis River Estuary National Water Trail Master Plan, a city-wide bike and trail plan, a city-wide park and recreation plan, and redevelopment site concept planning are just some examples. As part of our Munger Trail Spur trail work, we also worked the City of Proctor and thus have a strong understanding of Hermantown's surrounding context.

In addition to the current Comprehensive Plan being more than 20 years old, it is our understanding that this plan update project is being driven by Hermantown's continuing growth, exceeding 10,000 residents for the first time in 2020. With planned future growth, the City sees opportunities to proactively plan for new growth areas and new types of development, including increasing market interest in a broader range of housing types (i.e. apartments, townhouses, twinhomes, and smaller single-family lots). We are familiar with the City's challenges with some of these new housing types, since we had discussions with City staff and submitted a proposal to assist the City with the update of the PUD ordinance in 2021.

From the economic development perspective, we understand that the City has an active EDA that is currently updating its Strategic Plan. The City sees

opportunities to also proactively plan for land to be available for increasing jobs, diversifying its economic sectors, and ensuring long-term economic stability in sync with residential growth.

It is our understanding that the City has identified some priorities to be addressed by the updated Comprehensive Plan. The RFP identifies the following priorities:

- » Enhance quality of life and support land values;
- » Support economic development;
- » Evaluate adequacy and relevance of existing ordinances;
- » Housing; and
- » Airport area development.

In addition to these priorities, we understand that establishing the community's vision or image is a key priority. City staff described how they feel that the new Comprehensive Plan is an opportunity for the community to answer the question of "What do we want to be?" The planning process can facilitate a discussion about the community's interests and concerns about future growth and development character (rural vs. suburban vs. neighborhood) and what areas are appropriate for different development patterns and housing types.

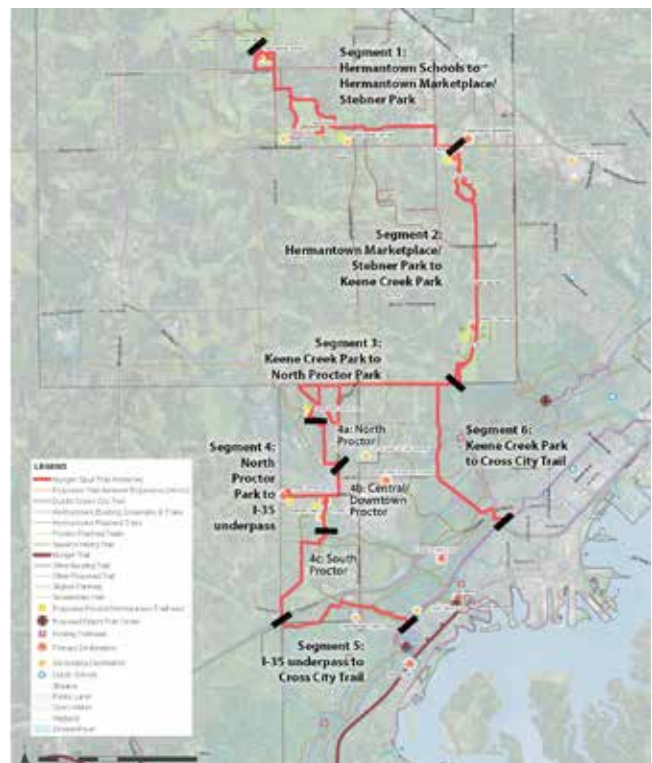
Based on our understanding of the desire for a strong community vision and image, HKGi is including Civic Brand, a branding and community engagement firm, on our team. We can tailor Civic Brand's role in the final scope of services in collaboration with the City if we are the selected consultant firm.

Based on our pre-RFP meeting in February with City staff and review of the RFP, it is our understanding that the City desires to select a planning firm to lead the Comprehensive Plan Update project. In our discussion with City staff, it was clear that engineering and market analysis partners are not needed for this project. The selected planning firm will be expected to work with the City's engineering consultant, Northland Consulting Engineers.

Our understanding is that the City has completed a substantial amount of related planning that can serve as a foundation for the new Comprehensive Plan. These plans include the 2018 Parks and Trails

Master Plan, the Proctor Hermantown Munger Trail Spur Master Plan (and subsequent planning as the Hermantown Connector Trail System), Hermantown Marketplace Illustrative Concept Plan, sanitary sewer extension plans, recent PUD zoning ordinance, the HEDA Strategic Plan, Western Miller Trunk Highway Small Area Plan and Market Study, an upcoming water modelling study, and the community recreation initiative/local sales tax referendum.

Finally, it is our understanding that the City desires a fairly robust public engagement effort as part of the planning process. The City is assembling a project committee/task force. The City expects public engagement activities to be facilitated as in-person events as much as possible with online input activities supplementing the effort. The in-person events should include open houses, which could be project-specific or coordinated with other events, project committee meetings, interviews with key stakeholders, and updates/meetings with the Planning Commission and City Council. Online engagement activities will include surveys and information sharing.



HKGi's previous work in Hermantown on projects such as the Munger Spur Trail (above) and the Marketplace Concept Plan means our staff members understand some of the community character and quality of life issues that are important to residents.



**CHASKA - CHEVALLE CONSERVATION
DEVELOPMENT PLANNING**

PROJECT APPROACH

Project Approach

To meet the City of Hermantown's needs for an updated Comprehensive Plan, HKGi has assembled a multi-disciplined and experienced team that will provide the range of planning services identified in the RFP. HKGi's overarching approach to planning projects is to collaborate, listen, explore, and create. Our team is proposing a 9-step planning and community engagement process based on the RFP's stated needs and our extensive experience with preparing comprehensive plans for communities. The seven steps or tasks consist of the following:

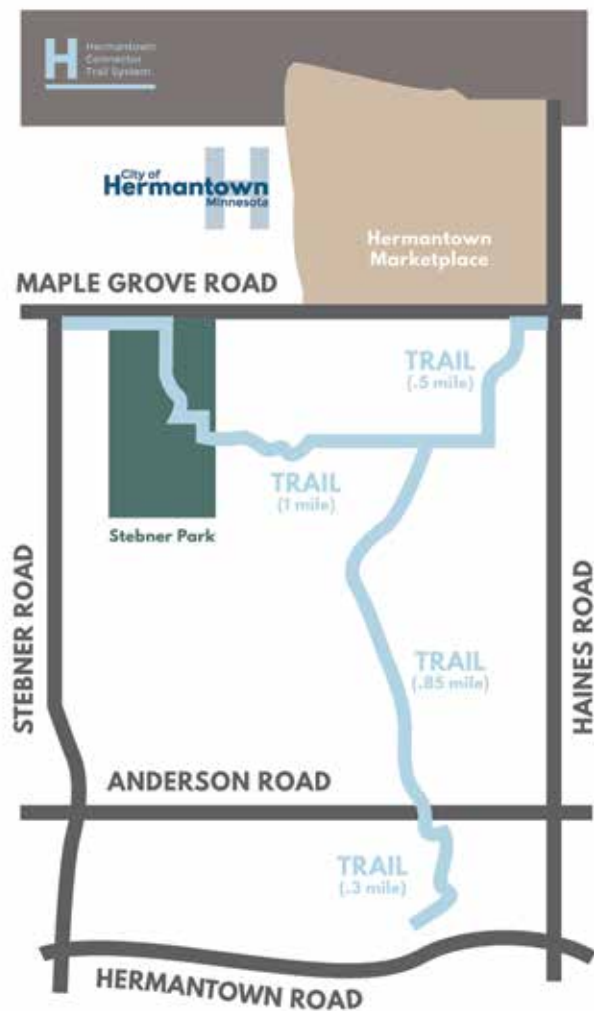
- » **Task 1 – Organize the Effort**
- » **Task 2 - Understand the Community's History and Current Conditions**
- » **Task 3 – Analyze Issues, Trends, and Future Projections**
- » **Task 4 – Gather the Community's Vision/Image Ideas**
- » **Task 5 – Explore Alternative Vision Concepts**
- » **Task 6 – Develop Plan Elements**
- » **Task 7 - Develop Draft Plan Document**
- » **Task 8 - Develop and Approve Final Plan Document**
- » **Task 9 - Evaluate Existing City Ordinances**

HKGi views every community as a unique place and culture, so we prioritize collaboration and listening throughout our proposed planning and design process. We understand that community members, leaders, and staff have the most knowledge about their community, what doesn't work, what works, and what they want. One of our roles is to ask the right questions, listen to the community throughout, and propose ideas and solutions to meet the community's needs and desires. We know our proposed process has proven to be successful in achieving communities' needs across a diverse range of communities.

Our approach to exploring potential future growth concepts involves looking at different types of development patterns and building forms. We will look at different types of housing types, residential/neighborhood patterns, business areas, mixed-use development, roadways, walking/biking connections, public spaces, and preservation of

community character (e.g. natural landscape, rural). For example, housing types to explore could include affordability, missing middle housing, and mixed-use buildings.

For each potential growth area, we will create a set of alternative future concepts for the community to review and evaluate. Sometimes, one of these alternatives will rise to the top as the most preferred concept. Often times, people prefer specific ideas in multiple concepts and a hybrid or combined concept emerges as the best solution. To help the community understand the concepts, we will create easy-to-understand plan view concepts. Our approach is intended to create concepts that



From its previous work in Hermantown, HKGi understands the relationship between the Marketplace, the Munger Trail, park amenities, and key transportation corridors. (Graphic credit: City of Hermantown)

achieve the city priorities identified in the RFP.

Scope of Work

Task 1 - Organize the Effort

- 1.1 Develop the detailed public engagement plan
- 1.2 Develop detailed project schedule
- 1.3 Kickoff meeting with staff
- 1.4 Kickoff meeting with project committee
- 1.5 Identify and connect with key community stakeholders
- 1.6 Tour and take photos of key community areas
- 1.7 Obtain background information/GIS data
- 1.8 Set up project website

Task 2 - Understand the Community's History and Existing Conditions

- 2.1 Review background documents including neighboring communities
- 2.2 Assemble demographics data
- 2.3 Assemble economic, housing, and building permits data
- 2.4 Develop existing conditions maps
- 2.5 Create existing development character areas diagram
- 2.6 Write existing conditions chapter of plan



A site tour will provide an initial opportunity for the planning team to learn about the issues and opportunities facing Hermantown.

- 2.7 Meeting with staff

Task 3 - Analyze Issues, Trends, and Future Projections

- 3.1 Adapt HKGi trends presentation to Hermantown context
- 3.2 Meeting with project committee and staff
- 3.3 Conduct interviews with key stakeholders
- 3.4 Identify and analyze Hermantown trends, external forces
- 3.5 Develop future population, household, employment projections
- 3.6 Conduct online public survey about existing concerns and priorities
- 3.7 Meeting with staff
- 3.8 Update City Priorities identified in RFP

Task 4 - Gather the Community's Vision/Image Ideas

- 4.1 Meeting with project committee and staff
- 4.2 Engage with PC and CC
- 4.3 Prepare visual preferences/community character survey
- 4.4 Conduct online public survey about visual preferences/community character
- 4.5 Facilitate public open house
- 4.6 Develop draft community vision including



HKGi and CivicBrand are creative in the use of public Open Houses to collect input and raise awareness of planning initiatives.

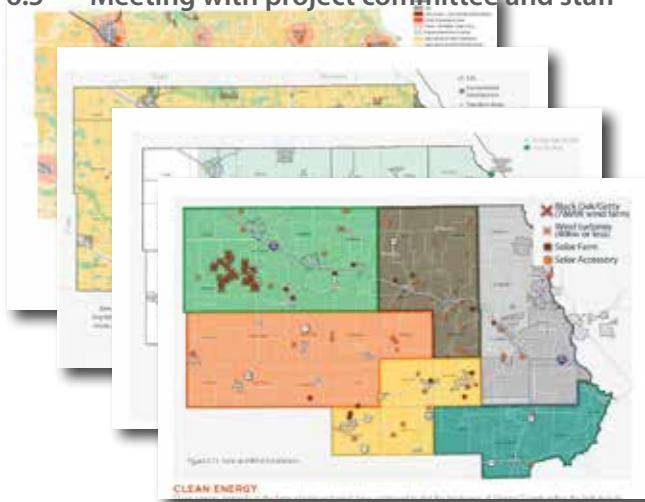
image opportunities

Task 5 - Explore Alternative Vision Concepts

- 5.1 Develop community character and growth framework
- 5.2 Meeting with project committee and staff
- 5.3 Identify potential growth focus areas
- 5.4 Explore alternative concepts for growth areas
- 5.5 Identify cost/benefit implications
- 5.6 Conduct online public survey about alternative vision concepts
- 5.7 Facilitate public open house
- 5.8 Identify preferred vision concepts
- 5.9 Joint meeting with project committee, PC and CC

Task 6 - Develop Plan Elements

- 6.1 Identify/confirm plan elements
- 6.2 Write draft general directions for each element
- 6.3 Develop draft maps for each element
- 6.4 Develop draft goals (short and long term) and policies for each element
- 6.5 Meeting with project committee and staff



HKGI's mapping will illustrate a variety of key community topics such as land use, transportation, infrastructure, parks, and housing.

- 6.6 Conduct interviews with key stakeholders

Task 7 - Develop Draft Plan Document

- 7.1 Assemble draft 1 of plan document
- 7.2 Meeting with project committee and staff
- 7.3 Prepare implementation/action steps
- 7.4 Prepare draft 2 of plan document
- 7.5 Conduct online public survey to gain feedback on draft plan
- 7.6 Facilitate public open house
- 7.7 Engage with PC and CC

Task 8 - Develop and Approval of Final Plan Document

- 8.1 Incorporate public input into draft plan document
- 8.2 Meeting with project committee and staff
- 8.3 Prepare final draft of plan document
- 8.4 Meeting with PC for approval
- 8.5 Meeting with CC for approval
- 8.6 Prepare final package of printed and digital materials

Task 9 - Evaluate Existing City Ordinances





- 9.1 High level code audit
- 9.2 GIS analysis
- 9.3 Creation and analysis of tables for uses and dimensions
- 9.4 Draft preliminary list of recommendations
- 9.5 Meeting with staff
- 9.6 Prepare final code evaluation



HIGHLIGHT MARKETPLACE CONCEPT PLAN

HKGI worked with the City of Hermantown to create a concept redevelopment plan for a regional commercial area that borders the City of Duluth. The commercial area includes a regional mall in Duluth, car dealerships, and several big box retail outlets. The concept created by HKGI includes new commercial and office uses, preserved open space, and medium-density residential. As part of the concept plan HKGI also identified gateway areas, potential locations for roundabouts to help address potential traffic congestion issues, and the locations of stormwater treatment features. Staff members Jeff Miller, Bryan Harjes, and Sarah Evenson, all assigned to this team, provided planning services for this concept plan.

Legend

-  Regional Boundary
-  Gateway Area
-  Roundabout
-  Concept Boundary



Phone 12:00
Shape 2040 Stearns

 **Community Member**
Stearns County



♡ ◻ ↗



157 822 likes

PROPOSED PROJECT TEAM & EXPERIENCE

Home Search Camera Heart Profile

City of Hermantown



Jeff Miller

HKGI
Project Manager



Brad Scheib

HKGI
Principal in Charge



Lance Bernard

HKGI
Transportation & Infrastructure
Planning



Rita Trapp

HKGI
Zoning Ordinance Review



Natalie Strait

HKGI
Planning and Engagement
Support



Sarah Evenson

HKGI
Parks & Open Space and Natural
Resources Planning



Bryan Harjes

HKGI
Urban Design



Kevin Clarke

HKGI
GIS, Mapping, Economic
Development Planning



Ryan Short

CIVICBRAND
Engagement & Branding

Comprehensive Plan Update



Jeff Miller

AICP

Associate

 jmiller@hkgi.com

Jeff will serve as the consultant Project Manager for Hermantown's Comprehensive Plan update process. He will coordinate the work of the planning team, be the primary contact for the client, facilitate stakeholder engagement efforts, and will lead planning in the areas of land use, housing, economic development, and implementation.

Jeff is a veteran consulting planner who brings a diverse range of experience that allows him to integrate broad perspectives into the planning process. He is valued by clients for his outstanding listening and communication skills, his thoughtful approach, and his emphasis on providing outstanding client service. His ability to build trust with stakeholders enables him to tackle challenging projects in which consensus building is essential to the project's long-term success. He leverages problem solving and critical thinking skills to address stakeholder concerns and find appropriate planning and design solutions.

Relevant Project Experience

- » 2040 Community Plan | Red Wing, MN
- » Comprehensive Plan & Uniform Development Code Rewrite | Winona, MN
- » Housing Study & Zoning Ordinance Revision | Grand Marais, MN
- » Housing & Planning Study | Northfield, MN
- » Southwest Growth & Development Plan | Chaska, MN
- » Highway 16 Redevelopment Planning & Uniform Development Code Rewrite | Onalaska, WI
- » Marketplace Redevelopment Concept | Hermantown, MN
- » Urban Village Master Plan & Zoning Ordinance | Woodbury, MN

Years of Experience: 22

Education

Master of Planning, University of Minnesota
B.A., Economics, St. Olaf College, Northfield, MN

Registration

American Institute of Certified Planners,
Certification #025995

Awards

2019 MN APA Excellence in Community Engagement Award - Red Wing 2040 Community Plan
2017 MN APA Success Stories in Implementation Award - Chaska Downtown Master Plan
2017 MN APA Context in Planning Award - Eliot School Site Reuse Study - St. Louis Park, MN
2014 MN APA Planning in Context Award - Chaska Downtown Signage Design Guidelines
2002 MN APA Outstanding Plan Award - Northwest Corridor Planning and Design Framework






Brad Scheib

AICP

Vice President

 brad@hkgi.com

Brad will serve as the Principal in Charge for this project, ensuring that the planning team has the resources it needs to conduct an extensive planning and engagement process that results in a high-quality comprehensive plan for the City of Hermantown.

For all of his project involvement, Brad leverages his extensive experience conducting community planning and his emphasis on generating innovative economic development ideas and user-friendly implementation tools. He has been a Principal at HKGi for more than two decades and has been a leader in the innovative use of technology to facilitate planning and implementation initiatives. He has also been at the forefront of HKGi's efforts to monitor and enhance its approach to leverage new technologies and methods.

Relevant Project Experience

- » Comprehensive Plan | Ironwood, MI
- » Comprehensive Plan 2040 | Le Sueur, MN
- » Comprehensive Plan 2040 | New Brighton, MN
- » 2040 Community Plan | Red Wing, MN
- » District 1 Neighborhood Plan | Clive, IA
- » Growth Area Planning | Chanhassen, MN
- » Downtown Master Plan | Grand Rapids, MN
- » Small Area Planning | New Brighton, MN
- » Highway 61 Economic Recovery Analysis | Newport, MN
- » Highway 36 Corridor Master Plan | North St. Paul, MN
- » Alice's Road Corridor Study | Waukee, IA
- » Growth Area Planning | Moorhead, MN
- » Red River Corridor Master Plan | Moorhead, MN

Years of Experience: 28

Education

B.S., Community and Regional Planning - Iowa State University

Minnesota Real Estate Certificate - Prosource Educational Services

Form-Based Codes Institute Certificate of Completion

Registration

American Institute of Certified Planners - Cert. #013665

Awards

2019 WI APA Innovation in Planning Award - Comprehensive Plan for the City of New Richmond

2019 MN APA Excellence in Community Engagement Award - 2040 Red Wing Community Plan

2015 MI APA Daniel Burnham Award for a Comprehensive Plan - Comprehensive Plan for the City of Ironwood

2015 MN APA Planning in Context Award - Moorhead River Corridor Master Plan

2015 ACEC-MN Engineering Excellence Grand Award - Designing a City for Zero Discharge; Inver Grove Heights

2010 MN Preservation Award and 2010 MN-ASLA Merit Award for Planning and Research - Red Wing Downtown Action Plan





Lance Bernard

Associate

 lance@hkgi.com

Years of Experience: 19

Education

B.S. Community Development/Urban Affairs,
St. Cloud State University

Memberships/Affiliations

Legislative and Law Committee Co-Chair
for the Minnesota Chapter of the American
Planning Association

Engagements

Shared Parking: How Does it Work? –
Railvolution Conference, Denver, Colorado
(2017)

TOD and Districtwide Parking Forum –Metro
Transit (2016)

Comprehensive Planning and Public Health
Community Workshop – City of Eau Claire,
Wisconsin (2013)

Integrating Public Health Into the Planning
Process Trainings– Minnesota Department
of Health (2009 – 2011)

Lance will provide planning leadership for this project, particularly in the areas of transportation, infrastructure, and implementation planning.

Lance’s broad portfolio of planning experience includes conducting comprehensive, transportation, and redevelopment planning for clients throughout the state of Minnesota. In his work Lance uses his data collection and analysis skills to ensure that planning initiatives have a strong evidence-based foundation, and he emphasizes creating plans that include clear and effective implementation strategies.

Lance has leveraged his experience to also become a leader in developing grants, asset management plans and financial plans for client agencies. His approach has helped clients identify their asset management needs and align those needs with innovative funding mechanisms. He has helped his clients secure over \$250 million in grant dollars.

Relevant Project Experience

- » Shape Stearns 2040 Comprehensive Plan | Stearns County, MN
- » Comprehensive Plan | Benton County, MN
- » Land Use Plan | Foley, MN
- » Comprehensive Plan | Sauk Rapids, MN
- » Comprehensive Plan | St. Michael, MN
- » Comprehensive Plan | Byron, MN
- » Downtown Parking Studies | Duluth, Victoria, St. Francis, and Stillwater, MN
- » MOVE: Countywide Bicycle-Pedestrian Plan | Washington County, MN
- » Grant Services | Sherburne County, MN





Rita Trapp

AICP

Associate

 rita@hkgi.com

Years of Experience: 20

Education

B.S., Land Use Geography and Economics,
University of Wisconsin-Eau Claire

Registration

American Institute of Certified Planners -
Cert. #021555

Awards

2018 MN APA Excellence in Community
Engagement Award - Chanhassen Parks and
Recreation System Plan

2017 National APA President's Council
Leadership Award

2009 ASLA-MN Honor Award for Planning
and Research - Saint Paul Park and
Recreation Vision Plan

Rita will conduct the zoning ordinance review for the City of Hermantown's Comprehensive Plan Update.

Rita has worked with zoning ordinances on a daily basis for much of the past twenty years in her role providing planning services and development reviews to municipal clients. She has also led or contributed expertise to several zoning and development code rewrite or revision projects. This experience means that she not only understands zoning from a planning perspective, she also understands the impact that zoning can have on development from her work reviewing development applications. This knowledge makes her a valuable contributor to implementation planning and conducting implementation initiatives dealing with zoning and policy revisions.

Rita blends technical planning knowledge with exceptional communication skills to provide clients with outstanding project leadership and efficient processes that address the community's needs and vision for the future.

Relevant Project Experience

- » Uniform Development Code/Zoning Ordinance Update | Onalaska, WI
- » Comprehensive Plan & Unified Development Code | Winona, MN
- » Zoning Ordinance Amendments | Lindström, MN
- » Zoning Ordinance Revision | Maplewood, MN
- » Zoning Ordinance | Grand Rapids, MN
- » Design Guidelines for Growth Areas | Fargo, ND
- » Zoning Ordinance | Mound, MN
- » Zoning Ordinance Code Update | Kasson, MN





Natalie Strait

Planner

 natalie@hkgi.com

Years of Experience: 1

Education

Master of Urban and Regional Planning,
University of Minnesota

Bachelor of Arts, Anthropology, University of
Wisconsin

Professional Experience

Minnesota Parks and Trails Council:
Collaborative Research

Affiliations

American Planning Association

Natalie will provide planning support throughout the project and will be heavily involved in engagement, current conditions analysis, land use and economic development planning, GIS mapping, and report writing.

She recently earned an urban and regional planning graduate degree from the University of Minnesota with a concentration on environmental planning and food systems. Her previous work and research experience includes mapping and analyzing potential habitat restoration, invasive species removal, farmers market organizing, and youth program management. She also has training and experience in the areas of GIS, entrepreneurship, microfinance, statistics, and engagement.

Natalie has played a similar role in several recent and current comprehensive plans for communities such as Kanabec County, Byron, St. Michael, and Sauk Rapids.

Relevant Project Experience

- » Zoning Ordinance Revision | Grand Marais, MN
- » Comprehensive Plan | Byron, MN
- » Comprehensive Plan | Sauk Rapids
- » Comprehensive Plan | St. Michael
- » Grant Writing | Dakota and Anoka Counties, MN
- » Highway 10 Corridor Study | Dilworth, ND
- » Fox Cities-High Cliff Park Trail Connection | East Central Wisconsin Regional Planning Commission
- » Land Use Plan | Foley, MN
- » Comprehensive Plan | Kanabec County, MN
- » Downtown Design Study | Lindström, MN
- » Downtown Parking Study | Onalaska, WI






Sarah Evenson

PLA

Landscape Architect

 sarah@hkgi.com

Years of Experience: 11

Education

Master of Landscape Architecture and
Bachelor of Environmental Design -
University of Minnesota

Registration

Landscape Architect, Minnesota
License No. 53008

Awards

2021 ASLA Honor Award in Planning and
Urban Design, Minnehaha Parkway Regional
Trail Master Plan, Minneapolis

2019 MN APA Excellence in Community
Engagement Award, 2040 Community Plan,
Red Wing

2015 MN APA Excellence in Community
Engagement Award, Great River Passage
Interpretive Plan, Saint Paul

Sarah will provide parks and open space and natural resource conservation planning for this project.

Sarah's work will identify strategies to help the City conserve wetlands, streams, and other critical natural areas, ensuring that Hermantown continues to maintain an attractive, high-quality landscape. Her planning work for the parks and open space system will also ensure that land use and development concepts are built around a framework that integrates recreational amenities and destinations into the fabric of the community as it grows.

Sarah is a creative designer whose background in ecology facilitates the consideration of conservation issues during the planning process. She is an outstanding communicator who enjoys working with stakeholders to explore creative problem-solving ideas.

Relevant Project Experience

- » Natural Resources Management Plan | Duluth, MN
- » Cross City Trail Master Plan | Duluth, MN 2040 Community Plan | Red Wing, MN
- » Parks & Recreation System Plan | Sherburne County, MN
- » Western Shakopee/Jackson Township Land Use Master Plan | Shakopee, MN
- » Highway Corridors in Transition Study | Shoreview, MN
- » Penn Avenue Corridor Study | Richfield, MN
- » Seneca Site Redevelopment Concept Planning | Olmsted County, MN
- » Columbia Arena Redevelopment Concepts | Fridley, MN
- » Downtown Development Guide | Lakeville, MN
- » Downtown Plan | Le Sueur, MN





Bryan Harjes

PLA, LEED AP

Vice President

 bryan@hkgi.com

Years of Experience: 23

Education

Master of Landscape Architecture and
Bachelor of Environmental Design,
University of Minnesota

Registration

Landscape Architect, Minnesota, License No.
42954

Awards

2021 ASLA-MN Honor Award for Planning
and Urban Design - Minnehaha Parkway
Regional Trail Master Plan

2018 ASLA-MN Merit Award for Planning
and Urban Design - St. Louis River Estuary
National Water Trail Master Plan - Duluth-
Superior

2014 APA-IA Innovation in Economic
Planning and Development Award - Merle
Hay Road Gateway Redevelopment Master
Plan, Johnston, IA

2009 ASLA-MN Honor Award - UMore Park
Master Plan, Rosemount, MN

2007 ASLA-MN Merit Award for Private
Landscape Design - Chevalle, A Country
Estate, Chaska, MN

2005 MN Housing Finance Agency
Excellence in Affordable Housing Design -
Heritage Greens, Cambridge, MN

Bryan will provide urban design leadership for the planning team, ensuring that connectivity, stormwater management, economic development, conservation design, and other design elements are considered and addressed in the Comprehensive Plan and its redevelopment, growth area, and corridor planning discussions.

His involvement in numerous award-winning projects attests to his expertise and creativity as an urban designer. He emphasizes high quality solutions that fulfill community needs such as enhancing connectivity, promoting ecological sustainability, and identifying development levels and qualities that address market and financial viability. He brings creativity, an ability to facilitate idea generation, and strong critical thinking skills to his project work.

Relevant Project Experience

- » 2040 Community Plan | Red Wing, MN
- » Chevalle Conservation Subdivision Design | Chaska, MN
- » St. Louis River Corridor Park and Trail Planning | Duluth, MN
- » Urban Village Master Plan & Zoning Ordinance | Woodbury, MN
- » Highway 16 Redevelopment Planning | Onalaska, WI
- » Marketplace Redevelopment Concept | Hermantown, MN
- » 105th Avenue Area Master Plan | Maple Grove, MN
- » Rocking Horse Farm Conservation Subdivision Design | Fargo, ND
- » NW Area Small Area Plans | Inver Grove Heights, MN
- » Growth Area Planning | Hutchinson, MN
- » Growth Area and Development Planning | Baxter, MN





Kevin Clarke

Planner and Urban Designer

 kevin@hkgi.com

Years of Experience: 11

Education

Master of Landscape Architecture and
Master of Urban and Regional Planning -
University of Minnesota

B.A., Economics -
Saint John's University

Awards

2017 MN APA Success Stories in
Implementation Award - Downtown Master
Plan and Streetscape Design - Chaska, MN

2015 MI APA Daniel Burnham Award for a
Comprehensive Plan - Comprehensive Plan
for the City of Ironwood

Kevin will provide planning services particularly in the areas of demographic and household data collection and analysis, GIS mapping, economic development, and land use. His work will enable the planning team to assemble mapping and other data-derived documentation to communicate key planning projections and considerations to community members and city leadership.

Kevin's training in data collection and analysis related to economics and markets has enabled him to provide data collection, research and analysis services to several of HKGi's comprehensive, redevelopment and park planning projects. He has also demonstrated his ability to work with stakeholders to explore potential planning solutions to address concerns, needs, and desires expressed during input and engagement phases. He works with stakeholders to identify and build economic development and land use initiatives based on common interests.

Relevant Project Experience

- » Comprehensive Plan | Ironwood, MI
- » Highway 16 Redevelopment Planning | Onalaska, WI
- » Comprehensive Plan | Le Sueur, MN
- » 2040 Community Plan | Red Wing, MN
- » St. Louis River Corridor Park and Trail Planning | Duluth, MN
- » Sams Club Site Redevelopment Concept Planning | St. Louis Park, MN
- » Highway 36 Corridor Master Plan | North St. Paul, MN
- » West End Redevelopment Planning | Red Wing, MN
- » Downtown Development Plan | Le Sueur, MN
- » Land Use and Development Concepts | Baxter, MN
- » Comprehensive Plan | St. Francis, MN



MEET THE TEAM



RYAN SHORT
CEO / PROJECT LEAD

Ryan is a founder and the CEO of CivicBrand and would be the project lead. Ryan is passionate about three things - design, cities and fly fishing. With over 20 years of experience, Ryan has led the agency for over a decade and won numerous awards in design, branding, citizen engagement and digital strategy.



BANNER SHORT
FOUNDER / STRATEGIST

Banner is a founder of CivicBrand and brings over 20 years of experience to the agency. As a leader of the agency, she helps direct the vision, strategy, and approach to community projects. Banner has experience with both the latest digital tools as well as traditional branding efforts.



BRISA BYFORD
STRATEGIST

Brisa is a strategist that has led numerous citywide and district branding projects. She understands how to reach and engage stakeholders to create a brand story that is authentic and leads to buy-in. With expertise in brand architecture, engagement, statistics and messaging she uses both data and creative to tell the story of communities.



LAYNE FERGUSON
PLACEMAKING

Layne has a Master of Science in Architecture and professional experience in Urban Design and Placemaking. Before joining the CivicBrand team Layne worked at Better Block where he led numerous placemaking activations. Layne's role is incorporating the brand into the built environment and creating places people love.



COLIN COOLIDGE
CREATIVE DIRECTOR

Colin brings over 20 years of experience to the agency. Colin understands designing for both print and digital and how design shapes people and their places. Colin has crafted brands and marketing materials for a number of cities, districts and organizations.



KINSEY STEWART
ART DIRECTOR

Kinsey is an art director that with an amazing talent for bringing a brand story to life through design. She understands that a brand is not just a logo but rather a promise that is reinforced through typography and design. Kinsey develops comprehensive brand platforms and guidelines for communities.



MATT HENRY
PHOTO / VIDEO

Matt's love for film-making and telling stories stems from his roots in photography. When he's not making films with CivicBrand, you can find him outdoors exploring with friends and family with a camera in hand. Matt brings a communities story to life through photography and video.



CLAY HERVEY
PHOTO / VIDEO

Clay has been making films professionally since 2007. Combine his love for building with Lego and curiosity of photography as a child and a career in film-making is no surprise. Community branding is all about story telling and Clay uses photography and video to create emotional films about communities.

A background image of a park path lined with trees and street lamps. The path is paved and leads into the distance. The trees have green and yellowing leaves, suggesting autumn. The street lamps are green and white. The overall scene is peaceful and scenic.

Experience Summary

As illustrated on the following page, HKGi has a long history of developing comprehensive plans for communities throughout the state of Minnesota and the Upper Midwest. As a firm HKGi has completed more than 80 comprehensive plans, and the leaders assigned to this team have conducted comprehensive planning for communities of all sizes and development contexts.

These comprehensive plans have addressed a broad range of topics that the City of Hermantown wants to address in this planning process. These topics include:

- » Land use
- » Economic development
- » Redevelopment
- » Housing
- » Infrastructure and transportation
- » Parks and open spaces
- » Natural resource conservation
- » Zoning ordinances
- » Implementation

Examples of some of these projects are included on the following pages.

HKGi has also addressed many of the planning topics listed above in more focused projects addressing issues such as:

- » Growth area planning
- » Zoning ordinance reviews and rewrites
- » Redevelopment in downtown areas
- » Development along highway corridors

We have also included samples of our project experience in these areas on the following pages.

ALBERT LEA- COMPREHENSIVE PLAN

80+ Comprehensive Planning Processes

HKGi has written more than eighty comprehensive plans for communities throughout the Upper Midwest. We use the knowledge we have gained from our work to serve our clients and help them find the right mix of initiatives and implementation strategies that work best for their communities.

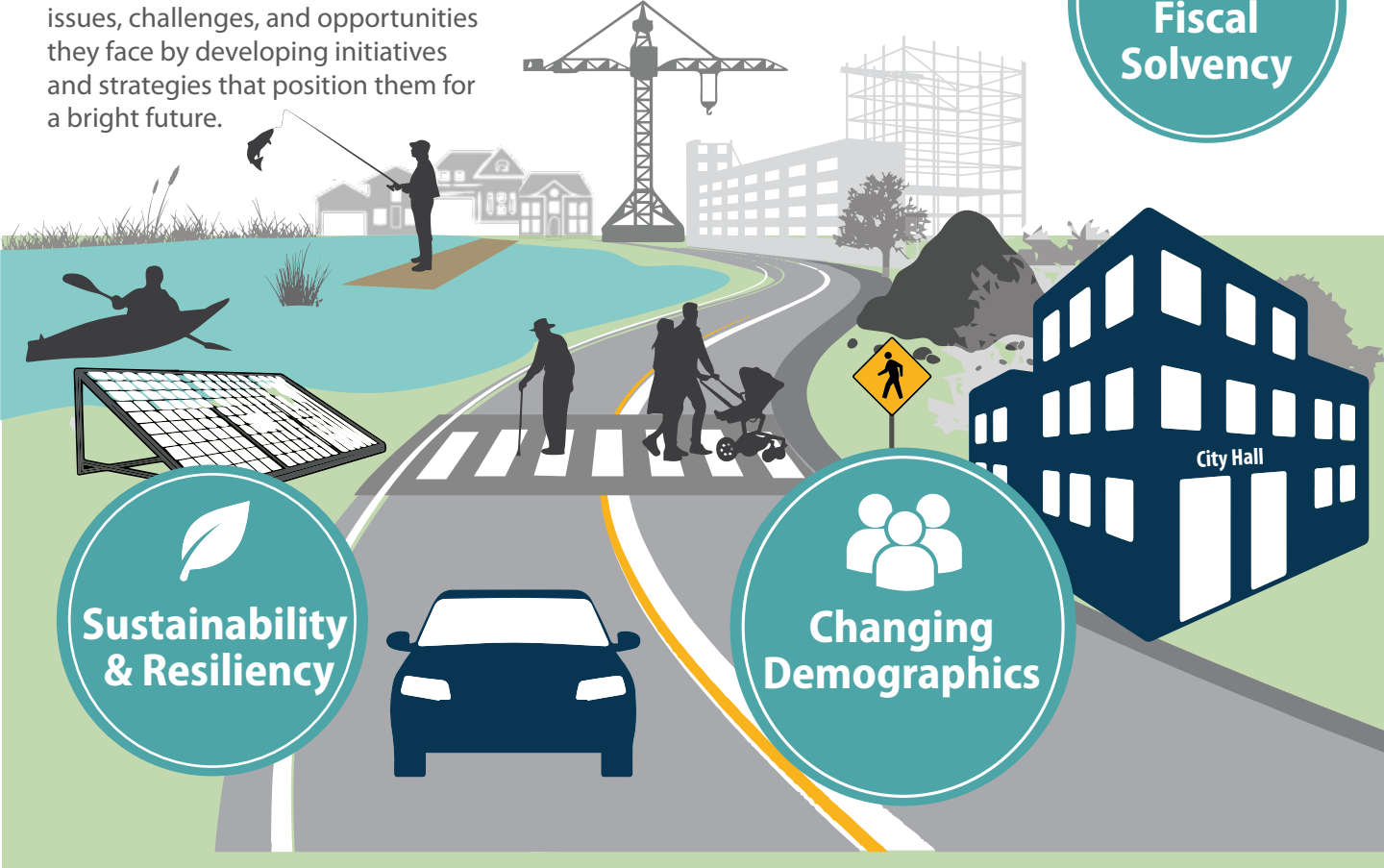
Quality of Place

Housing & Land Use

Economic Development

Fiscal Solvency

HKGi has helped clients address the issues, challenges, and opportunities they face by developing initiatives and strategies that position them for a bright future.



Sustainability & Resiliency

Changing Demographics

DOWNTOWN RIVERFRONT SITE

Opportunities Diagram Key Points

- Strengthen pedestrian space on riverfront - primary connection to riverfront along Broad Street
- Strengthen and the riverfront at Broad Street and Hwy 13/Main Street
- Streetscape
- Provide a view
- At riverfront
- Provide outdoor
- Redevelop
- Find a place
- Extend street/Urbaniscape of Dakota St. south of Main Street
- Consider a park/plaza space behind the Caribou Coffee/Depot building (historic) preserving views of the building and providing view to riverfront.
- Explore truck access to gain elevators other than Broad Street, we looked at Franklin but it is too steep to achieve.
- Provide trail along top of terrace - back side of redevelopment sites; this could be treated like a river balcony with overblows.



SPRING CREEK ROAD SITE CONCEPTS



EXISTING SITES



OLD ST. JOHN'S HOSPITAL SITE CONCEPTS



2040 Red Wing Community Plan

Red Wing, Minnesota - The 2040 Community Plan for Red Wing is filled with action items that will help the community address a variety of challenges related to land use, economic development, redevelopment, and housing. The community's extensive vision also enabled the planning team to address wide-ranging issues such as lifelong learning, public health, and connectivity and accessibility.

In addition to an award-winning engagement campaign programmed and conducted by the City and HKGi, the planning process featured an intense 4-day design charrette in which HKGi's staff members created redevelopment plans for opportunity sites across the city. Concepts addressed downtown redevelopment, residential and commercial redevelopment for several sites across the community, and ideas for reinvigorating and updating some of the city's parks and public spaces.

HKGi has also conducted redevelopment, streetscape, and park planning and design for the City of Red Wing. Many of these projects are intended to leverage Red Wing's unique landscape as a quality of life amenity that can attract new residents and employers to the community.

HIGHLIGHTS



2019 MN APA Award for Excellence in Engagement

Addresses affordable housing and community growth

Extensive community engagement conducted prior to and as part of the comprehensive planning process

REFERENCE

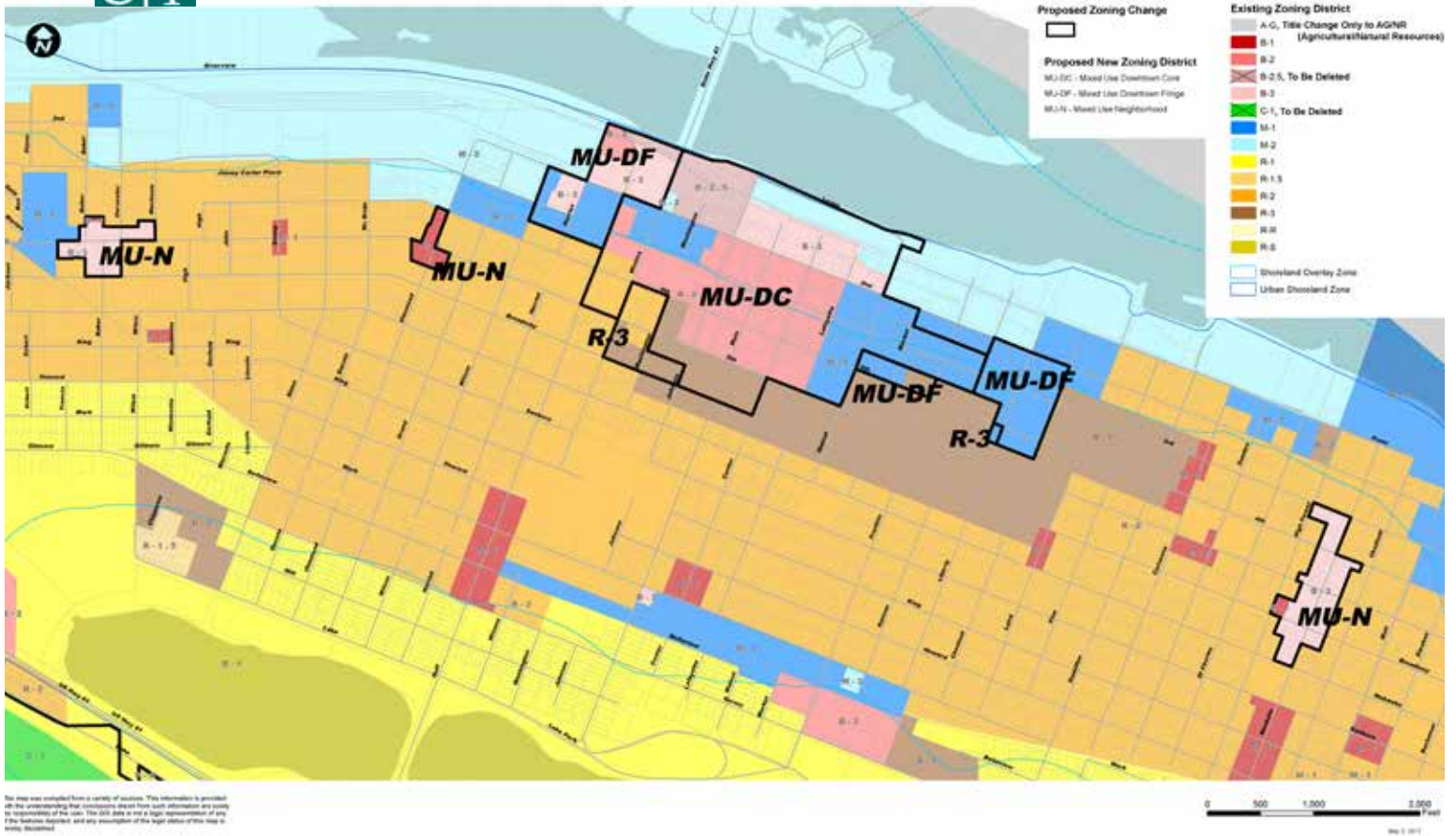
Brian Peterson, Planning Director (retired)
City of Red Wing
651-380-5432

STAFF

Brad Scheib - Project Manager
Jeff Miller - Lead Planner
Sarah Evenson - Park Concepts
Bryan Harjes - Redevelopment
Kevin Clarke - Redevelopment



**2017 UNIFIED DEVELOPMENT CODE UPDATE
PROPOSED ZONING MAP CHANGES**



Comprehensive Plan and Zoning Ordinance Rewrite

Winona, Minnesota - HKGi is currently in the process of updating Winona’s Comprehensive Plan. a review and rewrite of the City of Winona’s subdivision code, zoning code and map, and site plan ordinance to modernize the code in accordance with the City’s 2007 Comprehensive Plan. HKGi worked with City staff over the course of the two year project to combine the different components into a Unified Development Code. In addition to conducting the analysis, writing draft and final code versions, and presenting to the Planning Commission and City Council, HKGi also led an extensive public participation process to ensure that members of the public had a voice throughout the planning process.

Project objectives included the creation of the Unified Development Code; incorporation of form-based and design standard strategies for downtown Winona; inclusion of illustrations and graphics in the code to facilitate a better understanding of code requirements; establishment of mixed-use zoning districts and regulations; and consideration of Winona’s natural setting and its impact on greenfield development.

HIGHLIGHTS

A graphics-based approach to illustrate and demonstrate a variety of topics such as building design and site standards.

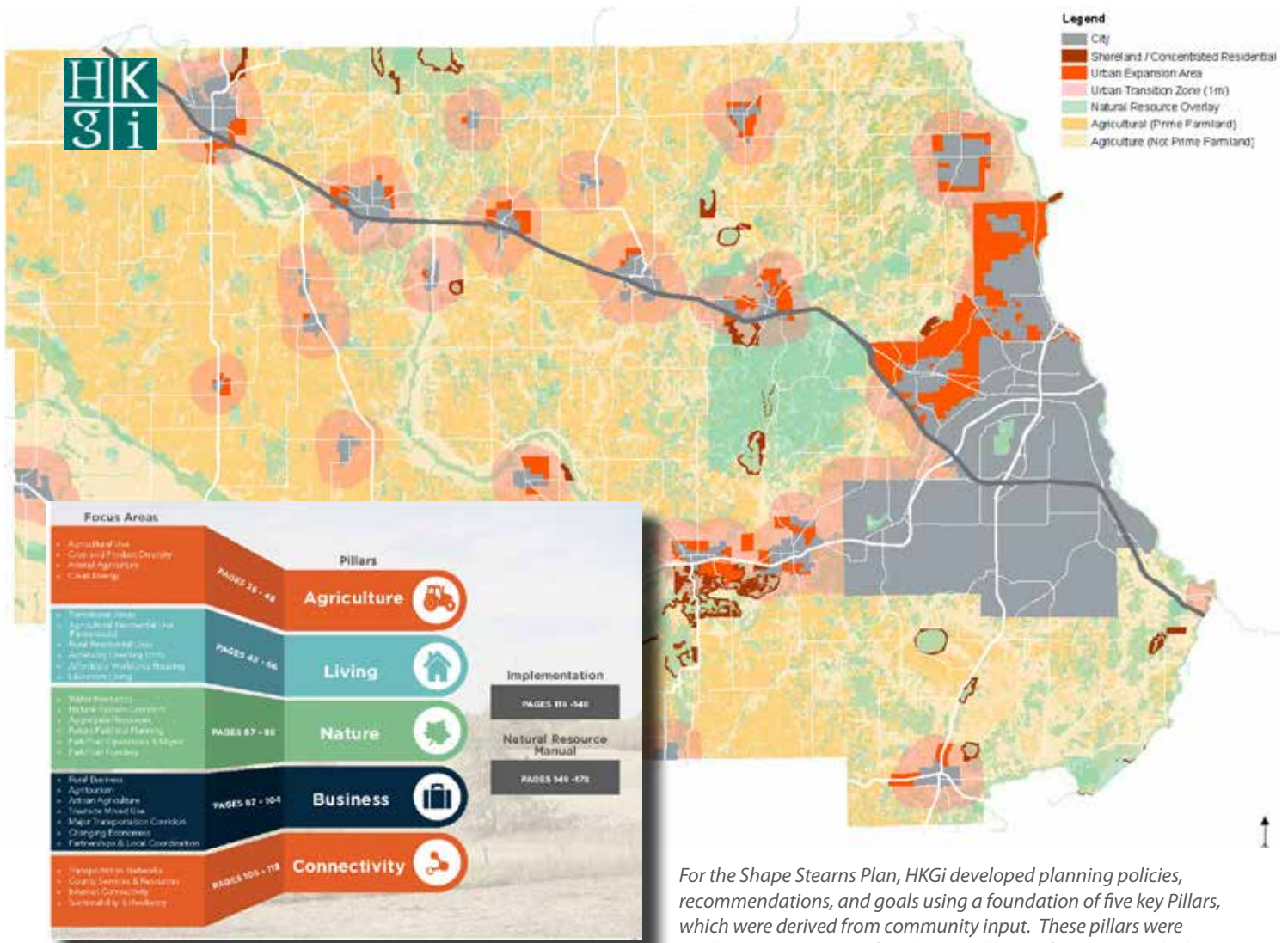
Executive summary clearly and concisely communicates key topics and revisions to the general public, developers, and city leaders

REFERENCE

Carlos Espinosa, City Planner
City of Winona
507-457-8250
cespinosa@ci.winona.mn.us

STAFF

Jeff Miller - Project Manager
Rita Trapp - Zoning and Implementation



For the Shape Stearns Plan, HKGi developed planning policies, recommendations, and goals using a foundation of five key Pillars, which were derived from community input. These pillars were used to create a series of land use evaluation factors to guide the County in implementing the Future Land Use Plan shown above.

Shape Stearns 2040 Comprehensive Plan

Stearns County, Minnesota - HKGi led the planning process to update the county's Comprehensive Plan, which included a robust public engagement effort featuring visual communications, branding, and the creation of a user-friendly online plan that substantially improves accessibility of the plan for all residents and stakeholders. The plan is built around a framework of five pillars that the community indicated were key to planning for a predominantly rural county: Living, Agriculture, Nature, Business, and Connectivity. Elements typically found in comprehensive plans, such as Land Use, Transportation, and Parks are integrated throughout each of the chapters and are considered for the ways in which they impact each of the Pillars.

Land Use in the Plan includes a detailed series of evaluation factors to help guide County staff and leadership as they make future decisions regarding development throughout the county. This format also enables more direct discussion and consideration of the ways in which land use, transportation, parks and trails, economic development, natural resources, and other forms of connectivity impact one another.

HIGHLIGHTS

- Enhanced branding to increase public participation
- Innovative reader-friendly report
- Interactive web site to house the plan and implementation initiatives
- Focus on preserving and enhancing rural character and employment

REFERENCE

Angie Berg, Land Use Division Supervisor
 Stearns County
 320-656-3613
 angie.berg@co.stearns.mn.us

STAFF

Lance Bernard - Project Manager
 Brad Scheib - Principal in Charge
 Kevin Clarke - Planning and GIS
 Rita Trapp - Zoning and Engagement



Southwest Chaska Growth Area Master Plan

Chaska, Minnesota - Located immediately west of historic downtown Chaska, the Southwest Chaska Growth Area encompasses nearly three square miles of largely undeveloped land that was used predominately for agricultural and mining operations until 2008, when highway 212 was rerouted through Chaska. HKGi created a holistic growth and development plan for the entire 1,800 acres to help the City prepare for future development of the area.

The Plan was intentionally developed to provide a realistic, implementable, and flexible roadmap to counter the City's previous challenges with plans that were too idealistic and prescriptive. Designed to achieve a long-term balance between the community's growth in both households and jobs, the Plan aims to ensure a sustainable economy and high quality of life for residents of southwest Chaska into the future.

The plan includes a chapter that provides developers with a set of design guidelines that illustrate the City's desired character and development patterns for the growth area. These design guidelines will encourage strong public spaces including new gathering spaces for new residents and workers who will live, work, and play in the area.

HIGHLIGHTS

Master Plan addresses future land use and infrastructure investments for 1,800 acre project area

Designed to complement rather than compete with Chaska's downtown, which lies directly east

Project included development of design guidelines to encourage strong public spaces throughout the area

REFERENCE

Kevin Ringwald, Director of Planning and Development
 City of Chaska
 952-448-9200
 kringwald@chaskamn.com

STAFF

Jeff Miller - Lead Planner
 Bryan Harjes - Urban Design
 Kevin Clarke - GIS, Planning Support

RESIDENTIAL BUILDING TYPES

<p>ROWHOUSE (4 units/run)</p> 		<p>Lot Width Minimum:</p> <p>18'</p> <p>24'</p> 
<p>ROWHOUSE, LARGE (5 to 8 units/run)</p> 		<p>Lot Width Minimum:</p> <p>18'</p> <p>24'</p> 
<p>MULTI-PLEX, LARGE (7 to 18 units/lot)</p> 		<p>Lot Width Minimum:</p> <p>75'</p> <p>90'</p> 
<p>COURTYARD APARTMENT (12 to 40 units/lot)</p> 		<p>Lot Width Minimum:</p> <p>100'</p> <p>125'</p> 
<p>LIVE/WORK (2 units/lot)</p> 	<p>MAIN STREET MIXED USE (1 to 8 units/lot)</p> 	

HOUSING TYPES: ACCESSORY DWELLING UNIT (A.D.U.)



HOUSING TYPES: ROWHOUSE / TOWNHOUSE



Housing Study and Zoning Ordinance Revisions

Grand Marais, Minnesota - HKGi recently completed work on a housing study to help the City of Grand Marais and its residents identify strategies to encourage a more diversified housing stock. For the project HKGi took inventory of the City's current land use and housing regulations, conducted research on best practices, and led two community workshops in which stakeholders shared ideas and concerns and helped brainstorm strategies and establish priorities for implementing the Housing Plan.

Following completion of the housing study, HKGi was retained to continue assisting Grand Marais in addressing its housing goals. Based on findings from the housing study, HKGi is working with the City to make revisions to the Grand Marais zoning code that will provide greater flexibility and more clear guidance for the development of new housing and a greater diversity of housing types to meet the city's unique seasonal and year-round housing needs.

Changes to the zoning ordinance being recommended are designed to encourage more housing development to help the City address its housing shortage.

HIGHLIGHTS

Establishment of new Design Standards to ensure that new housing will fit within existing neighborhoods

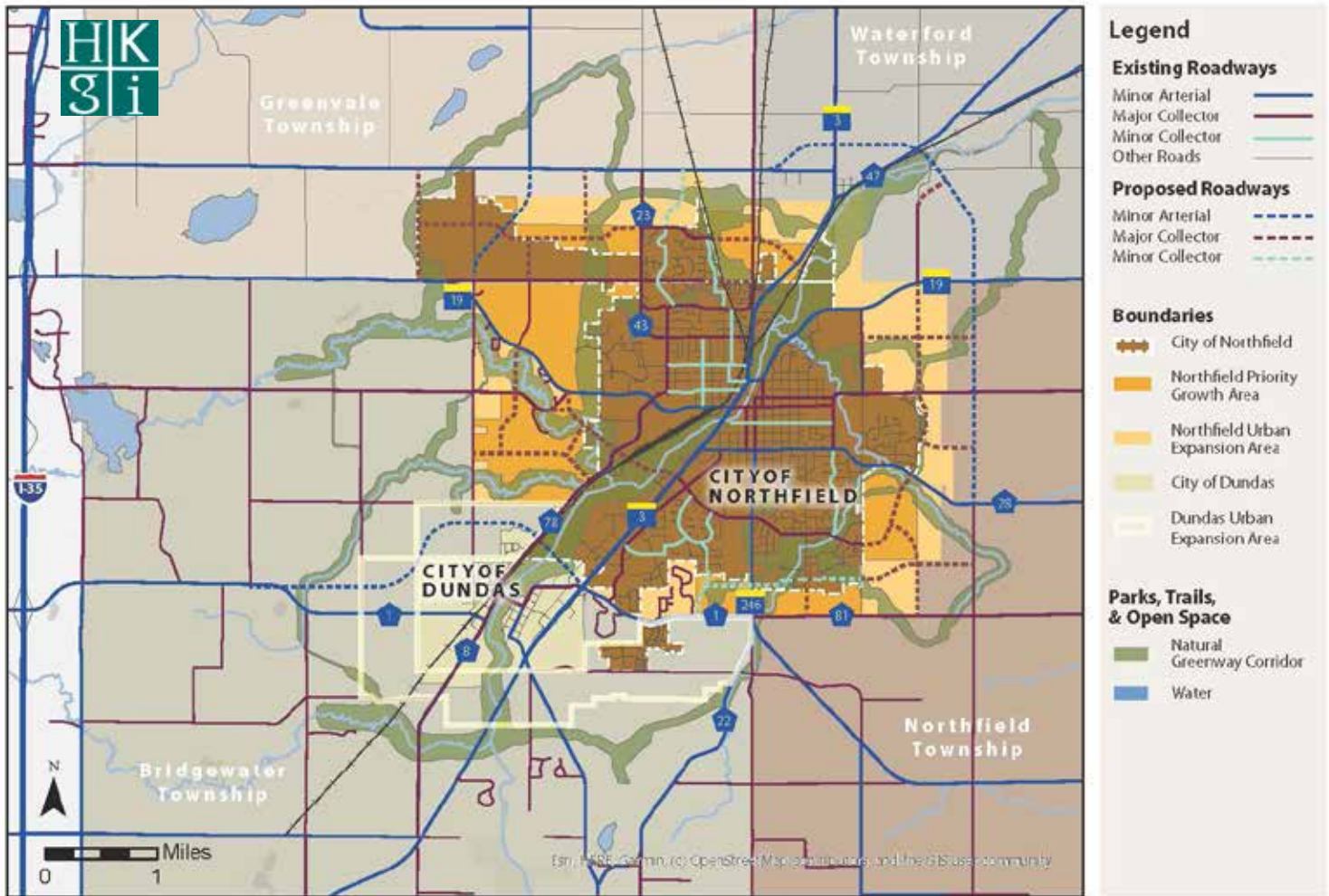
Land use guidance for a variety of housing types

REFERENCES

Mike Roth, City Administrator
City of Grand Marais
218-387-1848

STAFF

Jeff Miller - Project Manager
Natalie Strait - Planning Support



GROWTH CONTEXT MAP

Housing and Growth Studies

Northfield, Minnesota - HKGi recently conducted two studies for the City of Northfield. The growth study will assist the City with negotiations regarding regional growth and development issues. HKGi is in the process of reviewing existing planning documents and controls and preparing demographic, housing, and commercial development forecasts in order to analyze the City's ability to accommodate development potential within its existing boundaries. The study will also include analysis of transportation and infrastructure systems and potential environmental issues.

HKGi also conducted a comprehensive housing study and needs analysis to help the City establish a full understanding of its housing needs. The study findings will be used to create strategies to grow and maintain Northfield's affordable housing options. HKGi's final report will include an inventory and analysis of Northfield's existing housing stock and its demographic trends and will also include future housing demand and supply projections. HKGi will compare the community's existing housing types with current and projected population demographics in order to identify affordable housing gaps.

HIGHLIGHTS

Housing study intended to assist City in implementation of one of its Comprehensive Plan goals

Extensive data collection and analysis effort to project future development, especially in the area of workforce housing types

STAFF

Brad Scheib - Project Manager
 Jeff Miller - Lead Planner and Zoning
 Kevin Clarke - GIS, Data Collection and Analysis



Redevelopment opportunities (top left) identified by HKGi and the potential to link redevelopment projects to infrastructure improvements (bottom left). HKGi also used several factors to create redevelopment scores for each parcel in the study area (top and bottom right).

Downtown & Highway 16 Redevelopment Planning

Onalaska, Wisconsin - HKGi provided redevelopment planning expertise to help the City of Onalaska and its stakeholders develop common goals for the Highway 16 corridor and better anticipate the impact of the eventual transition of the Valley View Mall in neighboring La Crosse to new uses.

HKGi conducted an analysis of current transportation and development conditions, a high level market and retail gap analysis for this regional commercial center, and created a redevelopment score for individual parcels to help the City understand which properties offered the best opportunities for near-term redevelopment.

The redevelopment framework created by HKGi identified potential development types such as Power Centers, Lifestyle Centers, and New Town Villages for the three distinct districts within the study area. HKGi also identified key redevelopment initiatives, several of which have the potential to be linked to infrastructure improvements desired by the community.

HIGHLIGHTS

Scenario-based planning used to analyze potential redevelopment

Redevelopment site scoring to identify best opportunities

Identify phasing and infrastructure improvement considerations

REFERENCE

Katie Aspenson, City Planner
City of Onalaska
608-781-9590
kaspenson@onalaskawi.gov

STAFF

Bryan Harjes - Project Manager
Jeff Miller - Lead Planner
Kevin Clarke - GIS, Data Collection, Redevelopment
Lance Bernard - Transportation/Parking Study
Natalie Strait - Parking Study Support



Click the icon or go to vimeo.com/515142184 for more about this project



The development concept (bottom left) has guided the creation of a mixed use district featuring a variety of housing types such as senior living facilities, market rate apartments (top left), townhomes (above middle) and office and neighborhood commercial development (above bottom).

Urban Village Master Plan

Woodbury, Minnesota - HKGi developed the Urban Village Master Plan to outline a vision for a vibrant, walkable 240-acre mixed use district in the southern portion of Woodbury at the major crossroads of Radio Drive and Bailey Road. The Urban Village includes a mix of retail and office uses as well as a range of residential types built around a framework of parks and open spaces, stormwater treatment facilities, and enhanced streetscapes.

Working closely with property owners, HKGi created a development plan that accommodates more traditional suburban development and the automobile, but also creates strong pedestrian connections to major amenities east of the study area (such as Bielenberg Sports Center and East Ridge High School), as well as within the developments commercial and residential areas.

HKGi worked closely with project engineers to better understand a range of stormwater treatment options and to efficiently utilize the land for development while providing sustainable solutions to infiltration and stormwater treatment.

HIGHLIGHTS

Mixture of greenfield and brownfield development

Development includes a housing mix including senior housing, market rate rental, owner-occupied townhomes and single-family homes

Neighborhood commercial and office development implemented

Stormwater approach has been applied to new developments elsewhere in the city

REFERENCE

Eric Searles, City Planner
City of Woodbury
651-714-3532
esearles@ci.woodbury.mn.us

STAFF

Bryan Harjes - Project Manager
Jeff Miller - Zoning & Design Guidelines



The Master Plan for Chevalle utilizes conservation design techniques preserving over 65% of the total land area as permanent open space.



The development included extensive trail networks and a signature covered bridge at the entrance to the neighborhood.

Chevalle, A Country Estate - Development Planning

Chaska, Minnesota - Through low-impact planning, dedicated restoration, and conservation design, the Chevalle development preserves much of the site as permanent open space and connects residents to preserved natural landscape.

HKGi provided planning and design services for a unique, high-amenity rural residential development encompassing approximately 300 acres of land along Lake Bavaria in Laketown Township and the City of Chaska. Using conservation design techniques, the development plan provides for 215 residential home sites while still preserving 65% of the site as permanent open space. Conservation easements protect sensitive areas and over ten miles of walking/biking trails and two City parks allow public access throughout the development. Additional amenities include an equestrian facility with horse trails, two private parks, an extensive wetland restoration program, and an environmental learning center.

Because the project is located in Chaska's Greenbelt, outside of the metropolitan service boundary, HKGi worked closely with the developer and the City of Chaska to identify the most logical route for municipal sewer and water to serve the site.

HIGHLIGHTS

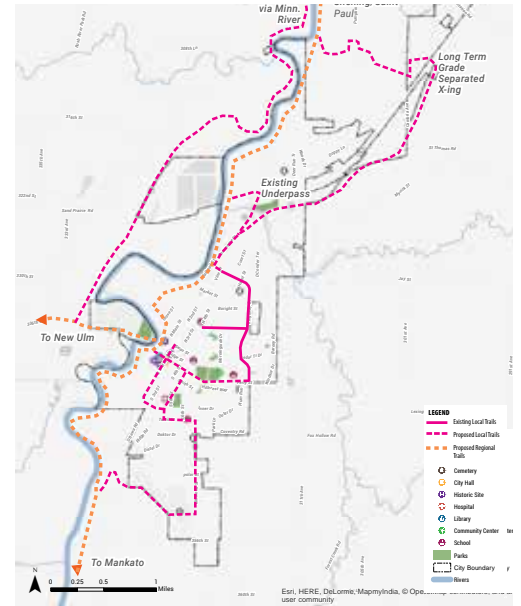
- 65% of site preserved as open space
- Over 10 miles of trails and 2 city parks on site
- Amenity package includes equestrian facilities, private parks, environmental learning center

REFERENCE

Kevin Ringwald, Director of Planning and Development
 City of Chaska
 952-448-9200
 kringwald@chaskamn.com

STAFF

Bryan Harjes - Project Manager
 Jeff Miller - Planning



A Technology Innovation District (left) is one of several Project Ideas intended to further implementation of the plan. Other initiatives include developing a trail system plan (above) to capitalize on Le Sueur's extraordinary natural resources.

Description

Building off of current technology businesses and facilities, the City should develop a "Technology Innovation District" based on grouping technology focused businesses and startups. Provisions of some infrastructure related to internet speeds, security, etc. may be required. First step would include a master plan that establishes the district brand and identity, market strategy, and public improvements needed. Additional steps will include placing major business professionals on a board to voluntarily mentor and control grant monies to applicants. These leaders would need to represent a wide range of significant business sectors.

Guiding Principles			
Location	Centered around 4th St. between Division St. & Cathcart St.		
Responsible Entity	City of Le Sueur, Chamber of Commerce, Business Owners, Developers/Brokers		
Priority	Low	Medium	High
Project Cost	\$	\$\$	\$\$\$
Project Duration	Short Term	Long Term	Ongoing
Funding Sources	Grant Resources, DEED, EDA, Philanthropy		

Comprehensive Plan

Le Sueur, Minnesota - Le Sueur is a small, agricultural town (population 4,000+) situated on the Minnesota River a little less than an hour west of Minneapolis and thirty miles from Mankato to the south. The city's population growth has been steady for the past 25 years, and the city enjoys a fairly strong employment climate for its size, with over 3,000 jobs located in Le Sueur. The city also enjoys access to the natural resources found in the Minnesota River Valley; the river's floodplain creates a buffer of undevelopable land that remains preserved in a natural state.

HKGi led the community through the comprehensive plan process, collecting input from over 800 respondents and building consensus for a vision and set of guiding principles that provide a foundation for the plan and Le Sueur's future. Highlights of the plan include new land use categories (live, work, conserve, and prosper) that reflect conservation and economic objectives; case studies to provide inspiration and guidance as the City seeks to implement the plan's 26 goals; and a set of Project Ideas that identify potential projects in greater detail to help spark implementation.

HIGHLIGHTS

- Creative implementation initiatives to spark inspiration within the community
- Project Ideas include potential funding sources, responsible agencies, cost expectations, priority
- Emphasis on developing cost effective implementation initiatives that are feasible and can build momentum for larger initiatives

STAFF

Brad Scheib - Project Manager
Kevin Clarke - Lead Planner

Business Mentorship Program



Business Incubator

Why do it?

- Provide business business
- Support
- Promote connect
- Provide communit
- To expo business

Who does it?

- Chamber
- Economic
- Geographic
- Ironwood
- Local business management

What is it?

- A business incubator is with the establishment early stage businesses.
- It lowers barriers to providing a variety of services for start-up but for new businesses to permanent locations.
- Business incubators are business creation.
- Incubating business rents.
- A business incubator support spaces.
- Programs may provide assistance.
- Incubators may or may

Why do it?

- Support new business lowering barriers to entry
- Enhance the image of friendly/supportive community
- Activate underutilized space in the community

Pop-up Storefronts

What is it?

- A pop-up shop is a temporary or start-up business that occupies a vacant storefront or work space, typically at a reduced rent and on a short-term lease.
- In some cases, the temporary business is able to grow into a permanent arrangement, paying full rent in the space or moves on to another permanent site.
- A "Pop-up" project can be a retail storefront, gallery, park, or other public or private space improvement that is installed on a temporary or seasonal basis.

Why do it?

- Activate and invigorate underutilized spaces in the community.
- Foster new businesses and artistic endeavors.
- Allow entrepreneurs to test their business ideas and skills in a lower risk environment.
- Provide new options for goods and services for citizens.
- Create interim revenue-generating uses for otherwise vacant or under-utilized properties.

Who does it?

- An economic development entity
- The City
- A non-profit organization

How do you do it?

- Identify, inventory, and advertise vacant or underutilized retail properties that could be utilized on a short-term basis, including:
 - City-owned spaces
 - Privately owned spaces with cooperating and supportive property owners
- Match spaces to the needs of local artisans, makers, craftspeople, etc.
 - What will they use the space for?
 - How long do they want to use the space for - a weekend, a week, a month, the holiday season?
 - Are their dates flexible?
 - Do they have location requirements or limitations?
 - What is their budget?
 - Do they carry any necessary licenses (i.e. catering)?
 - Would they be interested in a shared pop-up?
- Establish terms of the agreement
 - Payment amount and terms
 - Duration of pop-up

Where do you do it?

- Downtown Ironwood or in any other vacancies within a commercial node

How is it measured?

- Formal and informal feedback regarding program success from:
 - Pop-up business owners
 - Property owners
 - Customers/citizens
 - Neighboring business owners
- Rate of transition for pop-up businesses into permanent locations

Related Strategies:

- Strategy 6.1: Invest in Quality of Life
- Strategy 6.3: Develop Economic Gardening Programs and Activities
- Strategy 6.5: Enhance Downtown Business & Retail Environment
- Strategy 6.9: Coordinate Local and Regional Economic Development Efforts

Connecting to the Vision & Guiding Principles

The Vision and Guiding Principles of the Ironwood Comprehensive Plan articulate how the community will look, feel, and function over the next 20 years and help to define the character, values, and priorities of the Ironwood community. The strategy described in this Spark Plan supports the vision and guiding principles in the following ways:

A THRIVING COMMUNITY This strategy cultivates entrepreneurship and business innovation and leverages vacancies to benefit individuals and the community.

A FRIENDLY COMMUNITY An active, busy downtown contributes to an atmosphere of a friendly and inviting community, and filling vacant spaces, even temporarily, improves the community's image.

A GREAT DESTINATION By repurposing and enlivening vacant storefronts, Ironwood can share the creative talents of locals with visitors to the historic downtown, capturing those that come to the area from around the world.

See Chapter 2 of the Comprehensive Plan for full text of the community Vision and Guiding Principles.

Comprehensive Plan

Ironwood, Michigan - The history of Ironwood is grounded in Iron Ore mining with historical sites, memorial parks, and street names paying homage to the industry that first sparked the City's development. Although its spirit remains, the large population and thriving commerce once characteristic of this community have faded as Iron Ore production has declined. HKGi worked with city staff and residents to create a new Plan that aims to retain the City's historic image while also capitalizing on emerging trends to stimulate new development and economic success.

Making Ironwood a destination community for new businesses, residents, and visitors is an essential goal of this Plan and will be accomplished through a combination of community development, downtown revitalization, improved connectivity, and maintaining and enhancing park and trail systems. Economic development strategies also include "economic gardening" strategies, which strive to create an environment in which home-grown business can be encouraged to thrive.

HKGi devoted considerable thought to ensuring successful and ongoing implementation of this plan's goals. This focus on implementation has resulted in significant progress in putting the plan into action.

HIGHLIGHTS



MI APA 2015 Daniel Burnham Award for a Comprehensive Plan

REFERENCE

Michael Brown, Community and Economic Development Director
Town of Greenville, WI (formerly with City of Ironwood)
mbrown@townofgreenville.com
920-757-5151

STAFF

Brad Scheib - Project Manager
Kevin Clarke - Lead Planner

PARK RAPIDS, MN

COMMUNITY BRANDING

The community branding work that we did in Park Rapids, MN in creating the Heartland Lakes brand was nominated as a finalist in the 2018 City / Nation / Place Awards held in London, UK. We were the only agency from the U.S. that was named a finalist in this global competition. The CivicBrand approach of deeply engaging the public and producing a video documentary not only made this an award winning project but also created a sense of pride, ownership, and buy-in by pulling back the curtain and inviting everyone into the process.

- ♥ Community Branding
- ♥ Video Production
- ♥ Public Engagement
- ♥ Photography
- ♥ Project Websites
- ♥ Promotional Products
- ♥ Website Design
- ♥ Content Strategy
- ♥ Banners & Signage
- ♥ Implementation Plan



BRECKENRIDGE, CO

PUBLIC ENGAGEMENT FOR THE OPEN SPACE & TRAILS MASTER PLAN

CivicBrand is currently leading all engagement for the Breckenridge Open Space & Trails Master Plan. The engagement strategy is a combination of both listening and educating through the engagement process. With many different opinions on a wide range of very nuanced topics we utilized on-the-trail engagement, focus groups, a project website and project podcast to pull the curtain back and have public conversations on a wide range of topics so that the plan that comes out is truly the people's plan.

- ♥ Branding
- ♥ Public Engagement Strategy
- ♥ Project Website
- ♥ On-The-Trail Engagement
- ♥ Focus Groups & Interviews
- ♥ Video Production
- ♥ Project Podcast
- ♥ Engagement Signage
- ♥ Online Surveys
- ♥ Language Translation



RECENT PROJECTS

- Clackamas County, OR - County Branding
- Breckenridge, CO - Open Space & Trails branding
- Richardson, TX - District Brand & Placemaking
- Burleson, TX - Community Branding
- Two Rivers, WI - Community Branding
- Ike Hike Trail, Denison, TX - Naming & Branding
- Stearns County, MN - Branding & Engagement
- Washington County, MN - Branding & Engagement
- Embrace Dallas - Branding & Video Production
- Park Rapids, MN - Regional Community Branding
- Sachse, TX - Comprehensive Plan Branding
- Downtown Plano, TX - Branding & Placemaking
- Downtown Waco, TX - Placemaking
- Santa Fe, NM - District Branding
- Las Cruces, NM - Comp Plan Branding & Engagement
- Texarkana, TX - Comprehensive Plan
- Lewisville, TX - Old Town Lewisville Marketing Strategy
- Waupaca, WI - Community Branding
- Little Elm, TX - Lakefront District Brand Strategy
- Snohomish County, WA - Visitor Website Design
- Broken Arrow, OK - Comprehensive Plan
- Kerrville, TX - Comp Plan Branding & Engagement
- Prince George's County, MD - Public Engagement
- Farmers Branch, TX - District Branding

REFERENCES

ANNE LOWE

Town of Breckenridge, CO
annel@townofbreckenridge.com
970.406.8614

RICH BROWN

City of Santa Fe, NM - Economic Development
rdbrown@santafenm.gov
505. 955-6625

CURT ANDREWS

City of Two Rivers, WI
candrews@two-rivers.org
214.215.4642

TERRI SCHULTZ

Waupaca, WI - CVB President
terri@waupacaareachamber.com
(715) 513-0100

TONIA HOLOWETZKI

Clackamas County, Oregon
THolowetzki@clackamas.us
503.250.1381

DEANNA PHILLIPS

City of Burleson, TX
dphillips@burlesontx.com
(817) 416-9600

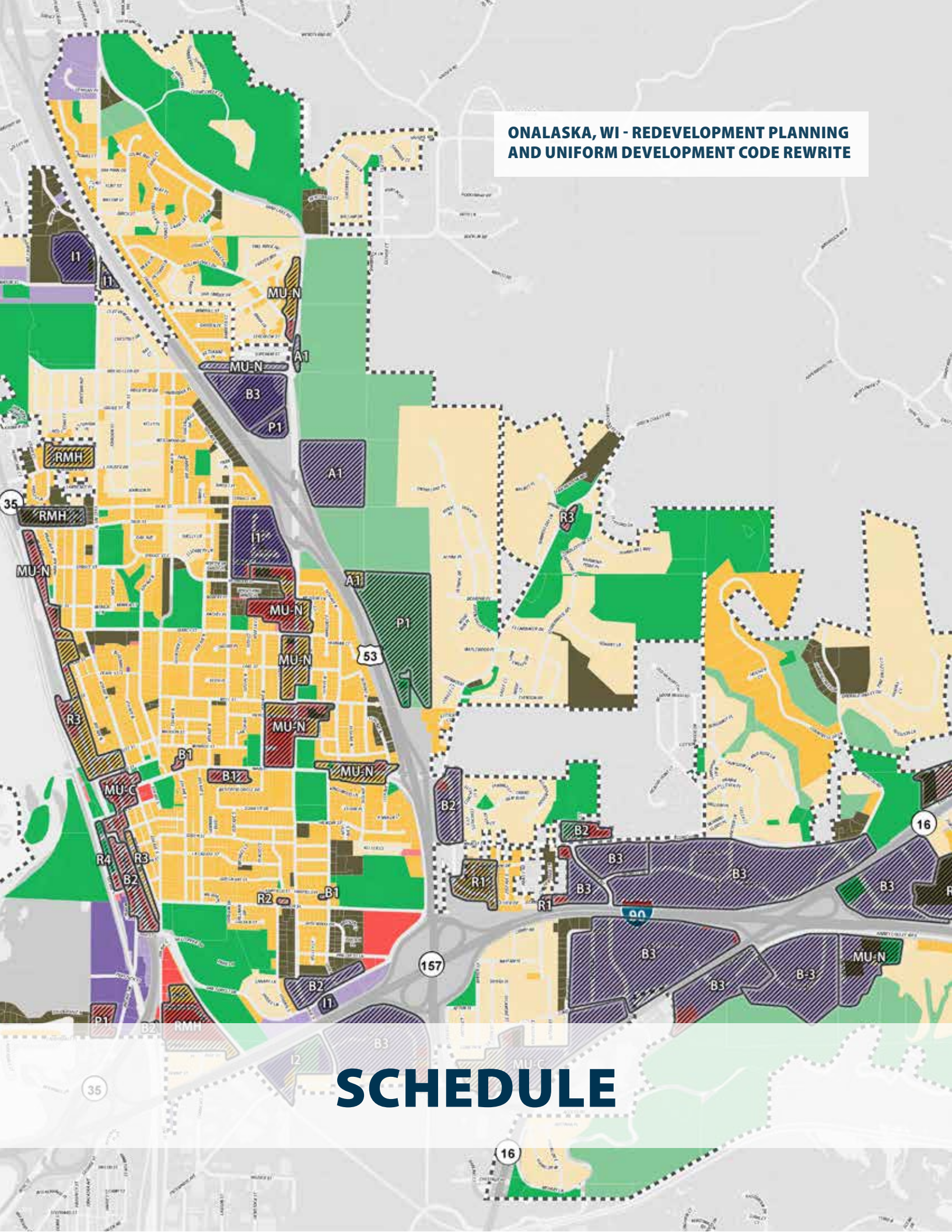
WENDY GRAGG

City Center Waco
Wendy@citycenterwaco.com
(254) 754-8898

ZANE KING

Historic Downtown Plano Association
zane@visitdowntownplano.com
(972) 922-1292

**ONALASKA, WI - REDEVELOPMENT PLANNING
AND UNIFORM DEVELOPMENT CODE REWRITE**



SCHEDULE

Proposed Schedule

TASK DESCRIPTION	JUL '22	AUG	SEP	OCT	NOV	DEC	JAN '23	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC	
Task 1 - Organize the Effort	Kick-Off w/Tour Project Website																		
Task 2 - Understand the Community's History and Existing Conditions																			
Task 3 - Analyze Issues, Trends, and Future Projections																			
Task 4 - Gather the Community's Vision/Image Ideas																			
Task 5 - Explore Alternative Vision Concepts																			
Task 6 - Develop Plan Elements																			
Task 7 - Develop Draft Plan Document																			
Task 8 - Develop and Approval of Final Plan Document																			
Task 9 - Evaluate Existing City Ordinances																			
MEETINGS/MILESTONES																			
Staff		Staff/Steering Committee		Stakeholder Interviews		Online Engagement		Public Open House											
Planning Commission		City Council		Joint PC/CC		Deliverable Milestone													

A photograph showing three people in a meeting. A man in a blue shirt is on the left, leaning over a table. A woman in a grey blazer is in the center, looking at a large diagram on the table. A woman in a red shirt is on the right, also leaning over the table and pointing at the diagram. The diagram consists of several interconnected shapes, possibly representing a process flow or organizational structure. There are markers and a container of markers on the table. The background is a plain wall with a light-colored paneling.

RED WING - COMPREHENSIVE PLAN

TOTAL CONSULTANT COST

Fee Proposal

The table below outlines our proposed fee to conduct the work plan outlined earlier in this document. Our fee is listed as a not-to-exceed total including anticipated reimbursable expenses, which include travel costs and printing.

TASK DESCRIPTION	FEE ESTIMATE
Task 1 - Organize the Effort	\$8,000
Task 2 - Understand the Community's History and Existing Conditions	\$18,000
Task 3 - Analyze Issues, Trends, and Future Projections	\$13,000
Task 4 - Gather the Community's Vision/Image Ideas	\$18,000
Task 5 - Explore Alternative Vision Concepts	\$25,000
Task 6 - Develop Plan Elements	\$18,000
Task 7 - Develop Draft Plan Document	\$25,000
Task 8 - Develop and Approval of Final Plan Document	\$8,000
Task 9 - Evaluate Existing City Ordinances	\$10,000
Subtotal	\$143,000
Reimbursable Expenses	\$7,000
Not-to-Exceed Total	\$150,000

Hourly Rates

HKGI

Scheib	\$220
Harjes	\$210
Trapp	\$165
Miller	\$160
Bernard.....	\$155
Clarke	\$110
Evenson.....	\$105
Strait	\$85

CivicBrand

Staff	\$125
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**CREATING
PLACES
THAT ENRICH
PEOPLE'S
LIVES.**

Resolution No. 2022-87

**RESOLUTION AUTHORIZING AND DIRECTING MAYOR
AND CITY CLERK TO EXECUTE AND DELIVER AGREEMENT
FOR PROFESSIONAL PLANNING SERVICES WITH HOISINGTON KOEGLER
GROUP, INC., WITH AN AMOUNT NOT TO EXCEED \$150,000**

WHEREAS, Hoisington Koebler Group, Inc., has presented a proposal to the City of Hermantown for providing professional planning services in connection with the project known as the Comprehensive Plan Update; and

WHEREAS, the City Council of the City of Hermantown has duly considered such proposal; and

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 directed to execute and deliver an Agreement for Professional Planning Services in connection with the Comprehensive Plan Update, attached hereto as Exhibit A in an amount not to exceed \$150,000.
2. The amounts payable pursuant to this resolution shall be fully reimbursable with funds received by the City as part of the American Rescue Plan Act of 2021.

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 June 20, 2022.

EXHIBIT A

EXHIBIT A
AGREEMENT FOR CONSULTING SERVICES
FOR CONSULTING SERVICES FOR THE COMPREHENSIVE PLAN UPDATE

THIS AGREEMENT FOR CONSULTING SERVICES (“Agreement”) is made effective as of the ____ day of _____, 2022 by and between the **City of Hermantown**, hereinafter referred to as “City”, and **Hoisington Koegler Group, Inc.**, hereinafter referred to as “Consultant”, in response to the following situation:

A. City desires to obtain consultant services for the preparation of the Hermantown Comprehensive Plan Update (“Project”).

B. Consultant submitted a submitted a response to the City’s request for consulting services solicited by the City; and

C. Consultant is willing to provide consulting services to City pursuant to the terms of this Agreement.

NOW, THEREFORE, City and the Consultant do mutually agree as follows:

1. Services to be Performed.

1.1 The scope of services to be provided to City by Consultant is as set forth in the Proposal.

1.2 The principal contact person for Consultant is Eric Johnson.

2. Personnel. Consultant will secure, at its own expense, all personnel required to perform the services under this Agreement, and such personnel shall not be the employee(s) of, nor have a contractual relationship with, City.

3. Assignability. Consultant shall not assign any interest in this Agreement, shall not contract with others to perform Consultant’s services and shall not transfer any interest in this Agreement without the prior written approval of City. The subcontractors identified in the Proposal are hereby approved.

4. Agreement Period. This Agreement shall be effective as of the date hereof and shall continue until terminated as provided in paragraph 5 hereof.

5. Termination of Agreement. Either Consultant or City may, by giving written notice specifying the effective date which shall not be less than thirty (30) days from the date such notice is given, terminate this Agreement in whole or in part. In the event of termination, all property and finished or unfinished documents and other writings prepared by the Consultant under this Agreement shall be delivered to City and Consultant shall be entitled to compensation for time expended and expenses incurred to the date of termination.

6. Independent Contractor. The relationship between the Consultant and City shall be that of an independent contractor. Nothing herein shall in any way make or create any employer employee relationship between City and Consultant.

7. Standard of Performance and Insurance; Indemnity. All services to be performed by Consultant hereunder shall be performed in a skilled, professional and non-negligent manner. Consultant shall obtain and maintain at his/her/its cost and expense:

7.1 Comprehensive general liability insurance that covers the consultant services performed by Consultant for City with a combined single limit of liability of at least One Million Dollars (\$2,000,000.00).

7.2 Errors and omissions or equivalent insurance that covers the consultant services performed by Consultant for City with a combined single limit of liability of at least One Million Dollars (\$2,000,000.00).

7.3 Worker's compensation insurance covering Consultant (if an individual) all of Consultant's employees with coverages and limits of coverage required by law.

Consultant shall indemnify and hold harmless City from and against all errors, omissions and/or negligent acts causing claims, damages, liabilities and damages arising out of the performance of his/her/its services hereunder.

Consultant certifies that Consultant is in compliance with all applicable worker's compensation laws, rules and regulations. Neither Consultant (if an individual) nor Consultant's employees and agents will be considered City employees. Any claims that may arise under any worker's compensation laws on behalf of any employee of Consultant and any claims made by any third party as a consequence of any act or omission on the part of Consultant or any employee of Consultant are in no way City's obligation or responsibility. By signing this Agreement, Consultant certifies that Consultant is in compliance with these laws and regulations.

Consultant shall deliver to City, concurrent with the execution of this Agreement, one or more certificate(s) of insurance evidencing that Consultant has the insurance required by this Agreement in full force and effect. City shall be named as additional insured under such policy(ies). The insurer will provide at least thirty (30) days prior written notice to City, without fail, of any cancellation, non-renewal, or modification of any the policy(ies) or coverage evidenced by said certificate(s) for any cause, except for nonpayment of premium. The insurer will provide at least ten (10) days prior written notice to City, without fail, of any cancellation of any of the policy(ies) or coverage evidenced by said certificate(s) for nonpayment of premium. Consultant

shall provide City with appropriate endorsements to its policy(ies) reflecting the status of City as an additional insured and requiring that the foregoing required notice of cancellation, material alteration or non-renewal be provided City by the insurance company providing such insurance policy to Consultant.

The Consultant shall require any subcontractor permitted by City under Section 3 hereof to perform work for Consultant on the Project to have in full force and effect the insurance coverage required of the Consultant under this Agreement before any subcontractor(s) begin(s) work on the Project. Consultant shall require any such subcontractor to provide to Consultant and City a Certificate of Insurance evidencing that such subcontractor has the insurance required by this Agreement in full force and effect. The Consultant and City shall be named as additional insureds under such policies. The insurer will provide thirty (30) day written notice to City and Consultant, without fail, of any cancellation, non-renewal, or modification of the policy(ies) or coverage evidenced by said certificate(s) for any cause, except for nonpayment of premium. The insurer will provide at least ten (10) days prior written notice to City and Consultant, without fail, of any cancellation of any of the policy(ies) or coverage evidenced by said certificate(s) for nonpayment of premium. City and Consultant shall also be provided with appropriate endorsements to its policy(ies) reflecting the status of City and Consultant as an additional insured and requiring that the foregoing required notice of cancellation, material alteration or non-renewal be provided City and Consultant by the insurance company providing such insurance policy(ies).

8. Compensation. Consultant shall be compensated for the services to be performed hereunder as set forth in the Proposal. Consultant shall submit to City itemized statements of services rendered during each month setting forth the date such services were rendered, a description of the services rendered, the person performing such services and the amount of time expended in performing such services. The Consultant's compensation shall not exceed \$7,866.00 and shall be based on actual hours spent in the performance of Consultant's services.

9. Recordkeeping. Consultant hereby agrees:

9.1 To maintain all books, documents, papers, accounting records and other evidence pertaining to the fees and expenses for which it seeks payment or reimbursement hereunder and appropriate records with respect to the services performed by it under this Agreement.

9.2 To make such materials available at its office at all reasonable times during the Agreement Term and for three (3) years from the date of final payment under this Agreement for inspection by City and copies thereof shall be furnished to City upon request by City.

10. No Prohibited Interest. Consultant represents and warrants to City that no employee, officer or agent of City, any member of the family of any such person, any partner of any such person or any organization which employs or is about to employ any of the above has a financial or other interest in the business of Consultant.

11. Confidentiality. Consultant agrees that, at all times, both during the term of this Agreement and after the termination of this Agreement, it will be faithful to City by not divulging, disclosing or communicating to any person, firm or corporation, in any manner whatsoever, except in furtherance of the business of City or as required by any applicable law, rule, regulation or ordinance of City or any other governmental authority, any information of any kind, nature or description concerning any matters affecting or relating to the business, employees, agents, customers of City, or parties contracting with City.

12. Intellectual Property Rights. For the purposes of this Agreement, Project Materials means copyrights and all works developed in the performance of this Agreement, including, but not limited to, the finished product and any deliverables, including any software or data.

Project Materials do not include any materials that Consultant developed, acquired or otherwise owned or had a license to use prior to the date of this Agreement.

All Project Materials are agreed by Consultant to be “works made for hire” as defined under 17 U.S.C. §101, for which City has the sole and exclusive right, title and interest, including all rights to ownership and copyright and/or patent. In addition, Consultant hereby assigns all right, title and interest, including rights of ownership and copyright in the Project Materials to the City no matter what their status might be under federal law.

Consultant shall provide City with copies of all Project Materials

Upon request by Consultant, City may authorize Consultant to use specified Project Materials to evidence Consultant’s progress and capability. In all such uses of Project Materials by Consultant, reference shall be made to City and the Project and that the Project Materials are owned by City.

Consultant also acknowledges and agrees that all names and logos provided to Consultant by City for use in connection with the Project are and shall remain the sole and exclusive property of City.

13. Notices. Any notice required to be given under this Agreement shall be deemed sufficient if in writing, sent by mail to the last known office address of Consultant, or to City at 5105 Maple Grove Road, Hermantown, Minnesota 55811 to the attention of John Mulder, City Administrator.

14. Miscellaneous. This Agreement constitutes the sole and complete agreement relating to the subject matter of this Agreement between the parties, superseding any and all other agreements between the parties and no verbal or other statements, inducements or representations have been made or relied upon by either party. No modifications hereof shall be binding upon either party unless in writing and properly executed.

15. No Contractual Authority. Consultant shall have no authority to enter into any contracts or agreements binding upon City or to create any obligations on the part of City.

16. Data Practices Act. Consultant acknowledges that City is subject to the provisions of the Minnesota Government Data Practices Act.

Consultant must comply with the Minnesota Government Data Practices Act, Minnesota Statutes, Chapter 13, as it applies to all data provided by City in accordance with this Agreement and as it applies to all data created, collected, received, stored, used, maintained, or disseminated by Consultant in accordance with this Agreement. The civil remedies of Minnesota Statutes § 13.08, apply to Consultant and City.

Minnesota Statutes, Chapter 13, provides that all government data are public unless otherwise classified. If Consultant receives a request to release the data referred to in this Section, Consultant must immediately notify City and consult with City as to how Consultant should respond to the request. Consultant's response shall comply with applicable law, including that the response is timely and, if Consultant denies access to the data, that Consultant's response references the statutory basis upon which Consultant relied. Consultant does not have a duty to provide public data to the public if the public data is available from City.

17. Choice of Law and Venue. All matters relating to the validity, construction, performance, or enforcement of this Agreement shall be determined in accordance with the laws of the State of Minnesota. All legal actions initiated with respect to or arising from any provision contained in this Agreement shall be initiated, filed and venued in the State of Minnesota District Court located in the City of Duluth, County of St. Louis, State of Minnesota.

18. Counterparts. This Agreement may be executed in any number of counterparts, each of which when so executed and delivered shall be an original, but such counterparts shall together constitute one and the same instrument.

[SIGNATURES APPEAR ON NEXT PAGE]

IN WITNESS WHEREOF, City and Consultant have executed this Agreement for Consulting Services as of the date first above written.

CITY:
City of Hermantown

By _____
Its Mayor

And By _____
Its City Clerk

CONSULTANT:
Hoisington Koegler Group, Inc.,

By _____
Its _____

Resolution No. 2022-88

**RESOLUTION APPROVING QUESTION TO BE POSED TO VOTERS
REGARDING A PROPOSED HERMANTOWN SALES TAX FOR THE
HERMANTOWN COMMUNITY RECREATION INITIATIVE**

WHEREAS, in 2019, St. Louis County, Minnesota ranked in the bottom fifteen percent (15%) of Minnesota counties for health outcomes; and

WHEREAS, the City Council of the City of Hermantown (“City”) believes that recreation is vital to the current and future health, welfare and wellbeing of the citizens, neighbors, and visitors of the City; and

WHEREAS, the City Council desires to pursue a community recreation initiative (“Community Recreation Initiative”) to improve health outcomes across the region and community by investing in a city-wide, accessible trail system, a host of upgrades to Fichtner Park and an addition to the existing ice arena to provide another sheet of indoor ice; and

WHEREAS, on January 21, 2020, by Resolution 2020-16, the Hermantown City Council approved its support to impose a local sales tax to fund a Community Recreation Initiative; and

WHEREAS, on January 19, 2021, by Resolution 2021-13, the City Council approved its support to impose a local sales tax to fund a Community Recreation Initiative; and

WHEREAS, the 2021 First Special Session of the Minnesota State Legislature passed and the Governor of Minnesota signed Minnesota Laws 2021, First Special Session, Chapter 14, Article 8, Section 8 (“Sales Tax Legislation”), which authorized the City of Hermantown, Minnesota to impose by Ordinance, subject to a referendum, a sales and use tax of one-half of one percent (0.5%) to pay the costs of collecting and administering the tax and paying for the following projects in the City related to a Community Recreation Initiative, including securing and paying debt services on bonds; and

WHEREAS, on August 2, 2021, by Resolution 2021-89, the City Council approved the Sales Tax Legislation; and

WHEREAS, proposed questions to submit to the voters have been drafted and approved by the City Attorney and City Administrator; and

WHEREAS, the City Council has considered the draft questions and believes the questions to be appropriate to submit to the voters.

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

1. The question to the electors on the ballot of the said general election shall read as follows if the legislature authorizes a single question in the anticipated special session prior to the Saint Louis County Auditor finalizing the ballot in early August:

QUESTION

Community Recreation Initiative Hockey, Trails and Fichtner Park Project

Should the City of Hermantown be authorized to impose by ordinance a one-half percent (1/2%) local option sales tax for up to twenty (20) years and issue general obligation bonds in an amount not to exceed \$ 19,310,000, plus allowable costs, to finance the following projects: upgrades to the Hermantown Hockey Arena; a walking, running, biking, and other non-motorized trail upgrade as part of a larger effort to connect the local trail systems and recreational facilities in Hermantown; and baseball, sports court, playground, basketball, and skate park upgrades to Fichtner Park?

2. The questions to the electors on the ballot of said general election shall read as follows if the law does not change prior to the Saint Louis County Auditor finalizing the ballot in early August:

QUESTION ONE

Community Recreation Initiative Hockey Project

Should the City of Hermantown be authorized to pay for a portion of the upgrades to the Hermantown Hockey Arena with up to \$10,840,000 plus allowable costs and issue bonds as part of the larger Community Recreation Initiative of up to \$19,310,000 authorized by the State of Minnesota in the 2021 tax bill and paid for with a one-half of one percent (0.5%) local option sales and use tax?

QUESTION TWO

Community Recreation Initiative Trails Project

Should the City of Hermantown be authorized to pay for a walking, running, biking and other non-motorized trail upgrade as part of a larger effort to connect the Essentia Wellness Center, Fichtner Field Complex, Stebner Park, local schools, other communities, and other trail systems with up to \$4,750,000 plus allowable costs and issue bonds as part of the larger Community Recreation Initiative of up to \$19,310,000 authorized by the State of Minnesota in the 2021 tax bill and paid for with a one-half of one percent (0.5%) local option sales and use tax?

QUESTION THREE
**Community Recreation Initiative Fichtner Park Baseball,
Basketball, Playground & Skate Project**

Should the City of Hermantown be authorized to pay for baseball, sports court, playground, basketball, and skate park upgrades at Fichtner Park with up to \$3,900,000 plus allowable costs and issue bonds as part of the larger Community Recreation Initiative of up to \$19,310,000 authorized by the State of Minnesota in the 2021 tax bill and paid for with a one-half of one percent (0.5%) local option sales and use tax?

3. The above question shall be submitted to the voters at the general election to be held on November 8, 2022, for the purpose of submitting to the electors of the city whether the city should impose by ordinance a one-half percent local sales option tax and issue general obligation bonds in an amount not to exceed \$19,310,000 or such higher amount as allowed by the Minnesota State Legislature, plus allowable costs, to finance the Community Recreation Initiative
4. The City Council is hereby authorized and directed to take such actions as are necessary and appropriate to cause such question to be placed on the applicable ballot.

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 June 20, 2022.