



Hermantown City Council Meeting – Meeting on July 5, 2022

Because of attendance considerations at the regular meeting location due to the health pandemic, Hermantown’s upcoming, City Council Meeting will be conducted both remotely and with in-person access to Council Chambers.

The City Council meeting will utilize the platform “Zoom,” which allows the public to view and/or hear the meeting from their phone or computer. Interested parties can also choose to attend the City Council Meeting in person at City Hall. Current Minnesota Department of Health guidelines regarding the health pandemic will be observed during this meeting.

The 6:30 p.m. City Council Meeting will be available at:

<https://us02web.zoom.us/j/84196996052?pwd=Mm5Wb0k2VWFkWFJsVy9GL0lIQ2cyZz09>

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

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

A few important tips regarding the Zoom platform:

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

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



AGENDA

Pre-Agenda Meeting Tuesday, July 5, 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 July 5, 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, July 5, 2022 at 4:30 p.m.
Council Chambers
Hermantown Governmental Services Building**

**City Council Meeting July 5, 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** 22-62 through 22-74 placed on file
7. **PRESENTATIONS** *(Department Heads may give reports if necessary.)*
 - A. Kevin Orme, Director of Finance and Administration *(Pre-Agenda Only)*
RE: **Preliminary 2023-27 Capital Improvement Plan**
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 20, 2022 City Council Continuation Minutes
 - B. **Accounts Payable** – Approve general city warrants from June 15, 2022 through June 30, 2022 in the amount of \$546,122.66
10. **MOTIONS**

11. **ORDINANCES**

- A. **2022-08** An Ordinance Amending Title 2 Of The Hermantown City Code By Amending The Official Zoning Map (Parcel 395-0158-00080)

First Reading

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

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

(motion, roll call)

- B. **2022-89** Resolution Approving Special Use Permit For Construction Of An Accessory Structure In Excess Of 1,200 Square Feet In The R-3 Zoning District At 5243 Hermantown Road And Imposing Conditions Thereon

(motion, roll call)

- C. **2022-90** Resolution Appointing Election Judges For The Primary Election Of August 9, 2022

(motion, roll call)

- D. **2022-91** Resolution Authorizing And Directing The Mayor And City Clerk To Execute And Deliver Amended Lease Agreement With State Of Minnesota Bureau Of Criminal Apprehension

(motion, roll call)

- E. **2022-92** Resolution Approving A Grant Agreement Between St. Louis County And The City Of Hermantown And Authorizing And Directing The Mayor And City Clerk To Execute And Deliver Such Grant Agreement On Behalf Of The City Of Hermantown

13. **RECESS**

Date: June 30, 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>
6/17/2022	22-62	Eric Johnson, Comm. Dev. Dir.	Jay Zierden, 4571 Martin Rd.	60-day Extension of PUD 395--0010-07589 & 395-0195-00040	6/9/2022
6/17/2022	22-63	Eric Johnson, Comm. Dev. Dir.	Jay Zierden, 4571 Martin Rd.	60-day Extension of PUD 395-0159-00040 & 395 -0159-00070	6/9/2022
6/17/2022	22-64	Eric Johnson, Comm. Dev. Dir.	Stephanie Falkers, SRF	Comprehensive Plan	6/10/2022
6/17/2022	22-65	Eric Johnson, Comm. Dev. Dir.	Lori Johnson, WSB	Comprehensive Plan	6/10/2022
6/17/2022	22-66	Eric Johnson, Comm. Dev. Dir.	Samantha McKinney, TKDA	Comprehensive Plan	6/10/2022
6/17/2022	22-67	Robert Smude, MN Dept. of Health	Jackie Dolentz, City Clerk	The Pillars at Hermantown	6/14/2022
6/17/2022	22-68	Christine Clark, St. Louis County, Public Works	John Mulder, City Administrator	Cooperative Agreement Re: Haines Road Frontage Road	6/15/2022
6/22/2022	22-69	Eric Johnson, Comm. Dev. Dir.	Park Board	Rose Road Update	6/21/2022
6/22/2022	22-70	Eric Johnson, Comm. Dev. Dir.	Park Board	Fichtner Park Concepts	6/21/2022
6/22/2022	22-71	Eric Johnson, Comm. Dev. Dir.	Planning Commission	SUP & Variance, 5243 Hermantown Rd.	6/21/2022
6/22/2022	22-72	Eric Johnson, Comm. Dev. Dir.	Planning Commission	Rezoning, 3956 Stebner Rd.	6/21/2022

2022 CORRESPONDENCE

<u>DATE</u>	<u>LOG #</u>	<u>FROM</u>	<u>TO</u>	<u>REGARDING</u>	<u>FILED</u>
6/22/2022	22-73	Eric Johnson, Comm. Dev. Dir.	Planning Commission	Preliminary & Final Plat 3956 Stebner Rd.	6/21/2022
6/23/2022	22-74	Eric Johnson, Comm. Dev. Dir.	David Humes, 4779 W Arrowhead Rd.	Fence Issue	6/22/2022

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



DATE: July 5, 2022 **Meeting Date:** 7/5/22
SUBJECT: Capital Improvement Plan **Agenda Item:** 7-A **Presentation**

REQUESTED ACTION

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

BACKGROUND

Attached is the 2023-2027 preliminary Capital Improvement Plan. We gave it to you in two formats: one by funding source and one by department. We request your input on the 2023 requests. Currently the 2023-2025 requests funded by the General Fund are substantially higher than the past years. Please keep in mind the final decision on the 2023 budget is several months away.

SOURCE OF FUNDS (if applicable)

N/A

ATTACHMENTS

Capital Improvement Plan 2023-2027

City of Hermantown, Minnesota

Capital Improvement Plan

2023 thru 2027

PROJECTS BY FUNDING SOURCE

Source	Project #	Priority	2023	2024	2025	2026	2027	Total
ARPA								
Keene Creek Park Improvements	2023-03	1	150,000					150,000
ARPA Total			150,000					150,000
Assessment								
Lindgren and Richard Ave	2022-06	2	470,000					470,000
Lightning Dr and Thunder Chief and Getchell	2023-08	1			338,000			338,000
Old Midway	2023-09	2		187,200				187,200
Hermantown Rd - Hwy 2 Midway	2023-11	2		187,200				187,200
Lindahl Rd	2024-09	1				105,456		105,456
Getchell Road- Maple Grove to Anderson	2025-03	2				421,824		421,824
Getchell Rd- Maple Grove to Lightning Dr	2025-07	2			169,000			169,000
Thundercheif Lane- Lignthing Drive	2025-08	2			169,000			169,000
Getchell Rd Steb-Morris Thomas	2026-10	2					228,122	228,122
Getchell Rd- Hermantown Rd to Anderson Rd	2026-13	2				105,456		105,456
Assessment Total			470,000	374,400	676,000	632,736	228,122	2,381,258
Bonds General Fund								
Lindgren and Richard Ave	2022-06	2	1,180,000					1,180,000
Lightning Dr and Thunder Chief and Getchell	2023-08	1			814,000			814,000
Old Midway	2023-09	2		748,800				748,800
Hermantown Rd - Midway to Ugstad	2023-10	2		1,872,000				1,872,000
Hermantown Rd - Hwy 2 Midway	2023-11	2		748,800				748,800
Hermantown Road Bridge	2023-12	2	416,000					416,000
Lindahl Rd	2024-09	1				16,368		16,368
Getchell Road- Maple Grove to Anderson	2025-03	2				1,165,472		1,165,472
Getchell Rd- Maple Grove to Lightning Dr	2025-07	2			507,000			507,000
Thundercheif Lane- Lignthing Drive	2025-08	2			507,000			507,000
Getchell Rd Steb-Morris Thomas	2026-10	2					684,368	684,368
Getchell Rd- Hermantown Rd to Anderson Rd	2026-13	2				216,368		216,368
Ugstad Rd- St. Louis River Rd to Morris Thomas Rd	2027-05	2					2,874,646	2,874,646
Chip Seal Projects	Chip Sealing	1				180,000		180,000
Bonds General Fund Total			1,596,000	3,369,600	1,828,000	1,578,208	3,559,014	11,930,822
General Fund								
Motor Grader LEASE	2021-01	1	60,970	60,970	60,970	60,970		243,880
Server	2022-01	2	25,000					25,000
Tandem Plow Truck	2022-02	1	190,000					190,000
ARMER Radio Replacement	2023-02	1	70,000	70,000				140,000
1 Ton Dirt Service Truck	2023-04	1	63,500					63,500
1 Ton Ext Cab Truck	2023-06	1		31,500				31,500

Source	Project #	Priority	2023	2024	2025	2026	2027	Total
Hotmix/Pothole Trailer	2023-14	1	69,750					69,750
Bobcat Toolcat w/Tracks	2023-15	1		86,250				86,250
Squad Cameras, Tasers, Body Cameras	2023-16	1	50,000	50,000	50,000	50,000	50,000	250,000
Mower	2023-18	1	30,000					30,000
Tracked Skidsteer	2024-05	2		48,750				48,750
12' Mower	2024-06	2		80,000				80,000
Steamer Tralier	2024-11	1		32,813				32,813
Tandem Plow Truck	2025-01	1			302,500			302,500
624 Loader	2025-02	1			192,500			192,500
Squad Tablets	2025-04	1			90,000			90,000
Boilers	2025-05	1			150,000			150,000
HVAC Upgrades	2026-01	1				50,000		50,000
Rubber Tire Loader	2026-05	1				110,000		110,000
Police Flooring	2026-11	1				40,000		40,000
Tandem Plow Truck	2027-01	1					110,000	110,000
Voting Machines	2027-02	1					35,000	35,000
Squads	Squads	1	115,000	115,000	115,000	115,000	120,000	580,000
General Fund Total			674,220	575,283	960,970	425,970	315,000	2,951,443

HEDA

Hermantown Marketplace Sign	2023-01	2	125,000					125,000
HEDA Total			125,000					125,000

Municipal Building Reserve

Roof on PD Side	2024-10	1		180,000				180,000
Boilers	2025-05	1			150,000			150,000
Municipal Building Reserve Total				180,000	150,000			330,000

Park Dedication Fund

Section 24 Trail Equipment	2023-17	1		75,000				75,000
Munger Trail- Lightning Drive Segment	2025-06	1			600,000			600,000
Fichtner Fields Restructure Improvements	2026-02	2				500,000	500,000	1,000,000
Munger Trail- Hermantown Rd to Morris Thomas Rd	2026-12	n/a				1,000,000		1,000,000
Munger Trail- Getchell to Lavaque/City Hall	2027-03	1					1,000,000	1,000,000
Park Dedication Fund Total				75,000	600,000	1,500,000	1,500,000	3,675,000

Sales Tax

Water Meter Radio Conversion to AMI	2022-05	1	325,000					325,000
Lightning Drive Sewer Spur	2023-07	1	265,000	1,650,000				1,915,000
Birch Valley Sanitary Sewer Spur	2024-03	1		150,000	150,000	150,000	2,500,000	2,950,000
Getchell Waterline Replacement	2026-06	1				150,000	1,400,000	1,550,000
Sales Tax Total			590,000	1,800,000	150,000	300,000	3,900,000	6,740,000

Sewer Fund

1 Ton Dirt Service Truck	2023-04	1	31,750					31,750
1 Ton Ext Cab Truck	2023-06	1		15,750				15,750
Tracked Skidsteer	2024-05	2		24,375				24,375
624 Loader	2025-02	1			55,000			55,000

Source	Project #	Priority	2023	2024	2025	2026	2027	Total
Tandem Plow Truck	2027-01	1					110,000	110,000
Lift Stations	Lift Station	2	40,000	40,000	40,000			120,000
Sewer Fund Total			71,750	80,125	95,000		110,000	356,875
State Aid - MSA								
Lindgren and Richard Ave	2022-06	2	750,000					750,000
Ugstad Super Project	2022-07	2	3,800,000					3,800,000
Stebner- Morris Thomas to Hermantown Rd	2024-08	1			1,500,000			1,500,000
Lindahl Rd	2024-09	1				300,000		300,000
Chip Seal Projects	Chip Sealing	1	180,000		180,000			360,000
State Aid - MSA Total			4,730,000		1,680,000	300,000		6,710,000
Storm Water								
Lightning Dr and Thunder Chief and Getchell	2023-08	1			200,000			200,000
Hermantown Road Bridge	2023-12	2	104,000					104,000
Tracked Skidsteer	2024-05	2		24,375				24,375
Steamer Tralier	2024-11	1		32,812				32,812
Getchell Road- Maple Grove to Anderson	2025-03	2				100,000		100,000
Getchell Rd- Hermantown Rd to Anderson Rd	2026-13	2				100,000		100,000
Ugstad Rd- St. Louis River Rd to Morris Thomas Rd	2027-05	2					50,000	50,000
Storm Water Total			104,000	57,187	200,000	200,000	50,000	611,187
Water Fund								
1 Ton Dirt Service Truck	2023-04	1	31,750					31,750
1 Ton Ext Cab Truck	2023-06	1		15,750				15,750
624 Loader	2025-02	1			55,000			55,000
Rubber Tire Loader	2026-05	1				77,000		77,000
Tandem Plow Truck	2027-01	1					110,000	110,000
Water Fund Total			31,750	15,750	55,000	77,000	110,000	289,500
GRAND TOTAL			8,542,720	6,527,345	6,394,970	5,013,914	9,772,136	36,251,085

City of Hermantown, Minnesota

Capital Improvement Plan

2023 thru 2027

PROJECTS & FUNDING SOURCES BY DEPARTMENT

Department	Project #	Priority	2023	2024	2025	2026	2027	Total
Administration								
Voting Machines <i>General Fund</i>	2027-02	1					35,000	35,000
							35,000	35,000
Administration Total							35,000	35,000
City Hall								
Server <i>General Fund</i>	2022-01	2	25,000					25,000
			25,000					25,000
Mower <i>General Fund</i>	2023-18	1	30,000					30,000
			30,000					30,000
Roof on PD Side <i>Municipal Building Reserve</i>	2024-10	1		180,000				180,000
				180,000				180,000
Boilers <i>General Fund</i>	2025-05	1			300,000			300,000
					150,000			150,000
<i>Municipal Building Reserve</i>					150,000			150,000
HVAC Upgrades <i>General Fund</i>	2026-01	1				50,000		50,000
						50,000		50,000
City Hall Total			55,000	180,000	300,000	50,000		585,000
Community Development								
Hermantown Marketplace Sign <i>HEDA</i>	2023-01	2	125,000					125,000
			125,000					125,000
Keene Creek Park Improvements <i>ARPA</i>	2023-03	1	150,000					150,000
			150,000					150,000
Section 24 Trail Equipment <i>Park Dedication Fund</i>	2023-17	1		75,000				75,000
				75,000				75,000
Munger Trail- Lightning Drive Segment <i>Park Dedication Fund</i>	2025-06	1			600,000			600,000
					600,000			600,000
Fichtner Fields Restructure Improvements <i>Park Dedication Fund</i>	2026-02	2				500,000	500,000	1,000,000
						500,000	500,000	1,000,000
Munger Trail- Hermantown Rd to Morris Thomas Rd <i>Park Dedication Fund</i>	2026-12	n/a				1,000,000		1,000,000
						1,000,000		1,000,000
Munger Trail- Getchell to Lavaque/City Hall <i>Park Dedication Fund</i>	2027-03	1					1,000,000	1,000,000
							1,000,000	1,000,000
Community Development Total			275,000	75,000	600,000	1,500,000	1,500,000	3,950,000
Police								
ARMER Radio Replacement <i>General Fund</i>	2023-02	1	70,000	70,000				140,000
			70,000	70,000				140,000
Squad Cameras, Tasers, Body Cameras <i>General Fund</i>	2023-16	1	50,000	50,000	50,000	50,000	50,000	250,000
			50,000	50,000	50,000	50,000	50,000	250,000
Squad Tablets	2025-04	1			90,000			90,000

Department	Project #	Priority	2023	2024	2025	2026	2027	Total
General Fund					90,000			90,000
Police Flooring	2026-11	1				40,000		40,000
General Fund						40,000		40,000
Squads	Squads	1	115,000	115,000	115,000	115,000	120,000	580,000
General Fund			115,000	115,000	115,000	115,000	120,000	580,000
Police Total			235,000	235,000	255,000	205,000	170,000	1,100,000

Public Works

Motor Grader LEASE	2021-01	1	60,970	60,970	60,970	60,970		243,880
General Fund			60,970	60,970	60,970	60,970		243,880
Tandem Plow Truck	2022-02	1	190,000					190,000
General Fund			190,000					190,000
Water Meter Radio Conversion to AMI	2022-05	1	325,000					325,000
Sales Tax			325,000					325,000
1 Ton Dirt Service Truck	2023-04	1	127,000					127,000
General Fund			63,500					63,500
Sewer Fund			31,750					31,750
Water Fund			31,750					31,750
1 Ton Ext Cab Truck	2023-06	1		63,000				63,000
General Fund				31,500				31,500
Sewer Fund				15,750				15,750
Water Fund				15,750				15,750
Lightning Drive Sewer Spur	2023-07	1	265,000	1,650,000				1,915,000
Sales Tax			265,000	1,650,000				1,915,000
Hotmix/Pothole Trailer	2023-14	1	69,750					69,750
General Fund			69,750					69,750
Bobcat Toolcat w/Tracks	2023-15	1		86,250				86,250
General Fund				86,250				86,250
Birch Valley Sanitary Sewer Spur	2024-03	1		150,000	150,000	150,000	2,500,000	2,950,000
Sales Tax				150,000	150,000	150,000	2,500,000	2,950,000
Tracked Skidsteer	2024-05	2		97,500				97,500
General Fund				48,750				48,750
Sewer Fund				24,375				24,375
Storm Water				24,375				24,375
12' Mower	2024-06	2		80,000				80,000
General Fund				80,000				80,000
Steamer Trailer	2024-11	1		65,625				65,625
General Fund				32,813				32,813
Storm Water				32,812				32,812
Tandem Plow Truck	2025-01	1			302,500			302,500
General Fund					302,500			302,500
624 Loader	2025-02	1			302,500			302,500
General Fund					192,500			192,500
Sewer Fund					55,000			55,000
Water Fund					55,000			55,000
Rubber Tire Loader	2026-05	1				187,000		187,000
General Fund						110,000		110,000
Water Fund						77,000		77,000
Getchell Waterline Replacement	2026-06	1				150,000	1,400,000	1,550,000
Sales Tax						150,000	1,400,000	1,550,000
Tandem Plow Truck	2027-01	1					330,000	330,000
General Fund							110,000	110,000
Sewer Fund							110,000	110,000
Water Fund							110,000	110,000
Lift Stations	Lift Station	2	40,000	40,000	40,000			120,000

Department	Project #	Priority	2023	2024	2025	2026	2027	Total
<i>Sewer Fund</i>			40,000	40,000	40,000			120,000
Public Works Total			1,077,720	2,293,345	855,970	547,970	4,230,000	9,005,005
Streets								
Lindgren and Richard Ave	2022-06	2	2,400,000					2,400,000
<i>Assessment</i>			470,000					470,000
<i>Bonds General Fund</i>			1,180,000					1,180,000
<i>State Aid - MSA</i>			750,000					750,000
Ugstad Super Project	2022-07	2	3,800,000					3,800,000
<i>State Aid - MSA</i>			3,800,000					3,800,000
Lightning Dr and Thunder Chief and Getchell	2023-08	1			1,352,000			1,352,000
<i>Assessment</i>					338,000			338,000
<i>Bonds General Fund</i>					814,000			814,000
<i>Storm Water</i>					200,000			200,000
Old Midway	2023-09	2		936,000				936,000
<i>Assessment</i>				187,200				187,200
<i>Bonds General Fund</i>				748,800				748,800
Hermantown Rd - Midway to Ugstad	2023-10	2		1,872,000				1,872,000
<i>Bonds General Fund</i>				1,872,000				1,872,000
Hermantown Rd - Hwy 2 Midway	2023-11	2		936,000				936,000
<i>Assessment</i>				187,200				187,200
<i>Bonds General Fund</i>				748,800				748,800
Hermantown Road Bridge	2023-12	2	520,000					520,000
<i>Bonds General Fund</i>			416,000					416,000
<i>Storm Water</i>			104,000					104,000
Stebner- Morris Thomas to Hermantown Rd	2024-08	1			1,500,000			1,500,000
<i>State Aid - MSA</i>					1,500,000			1,500,000
Lindahl Rd	2024-09	1				421,824		421,824
<i>Assessment</i>						105,456		105,456
<i>Bonds General Fund</i>						16,368		16,368
<i>State Aid - MSA</i>						300,000		300,000
Getchell Road- Maple Grove to Anderson	2025-03	2				1,687,296		1,687,296
<i>Assessment</i>						421,824		421,824
<i>Bonds General Fund</i>						1,165,472		1,165,472
<i>Storm Water</i>						100,000		100,000
Getchell Rd- Maple Grove to Lightning Dr	2025-07	2			676,000			676,000
<i>Assessment</i>					169,000			169,000
<i>Bonds General Fund</i>					507,000			507,000
Thundercheif Lane- Lignthing Drive	2025-08	2			676,000			676,000
<i>Assessment</i>					169,000			169,000
<i>Bonds General Fund</i>					507,000			507,000
Getchell Rd Steb-Morris Thomas	2026-10	2					912,490	912,490
<i>Assessment</i>							228,122	228,122
<i>Bonds General Fund</i>							684,368	684,368
Getchell Rd- Hermantown Rd to Anderson Rd	2026-13	2				421,824		421,824
<i>Assessment</i>						105,456		105,456
<i>Bonds General Fund</i>						216,368		216,368
<i>Storm Water</i>						100,000		100,000
Ugstad Rd- St. Louis River Rd to Morris Thomas Rd	2027-05	2					2,924,646	2,924,646
<i>Bonds General Fund</i>							2,874,646	2,874,646
<i>Storm Water</i>							50,000	50,000
Chip Seal Projects	Chip Sealing	1	45,000	108,160		53,375		206,535
<i>Bonds General Fund</i>						180,000		180,000
<i>State Aid - MSA</i>			180,000		180,000			360,000

CITY OF HERMANTOWN
CITY COUNCIL MEETING
June 20, 2022
6:30 p.m.

MEETING CONDUCTED IN PERSON & VIA ZOOM

PLEDGE OF ALLEGIANCE

ROLL CALL: Councilors Geissler, Hauschild, Peterson, 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: Councilor Nelson

VISITORS: 21

ANNOUNCEMENTS

PUBLIC HEARING

COMMUNICATIONS

Communication 22-61 was read and placed on file.

PRESENTATIONS

Kevin Orme, Director of Finance & Administration presented on the 2023 Staffing Budget.

PUBLIC DISCUSSION

Lisa Smith, 3761 Johnson Road, requested that Zoom attendees be let into the meetings earlier.

Bart Smith, 3761 Johnson Road, thanked the City Council for the trail systems in Hermantown.

CONSENT AGENDA

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

- A. Approve June 6, 2022 City Council Continuation Minutes
- B. Approve June 8, 2022 Joint HEDA and City Council Meeting Minutes
- C. Approve general city warrants from June 1, 2022 through June 15, 2022 in the amount of \$446,874.59

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

MOTIONS

Motion made by Councilor Geissler, seconded by Councilor Peterson, to approve the following new On Sale Intoxicating Liquor Licenses contingent upon all paperwork being received: Skyline Social and Games, 4894 Miller Trunk Hwy, On Sale/Sunday. Roll Call: Councilors Geissler, Hauschild, Peterson, Mayor Boucher, aye. Councilor Nelson, absent. Motion carried.

Motion made by Councilor Peterson, seconded by Councilor Hauschild, to approve the following renewals for On Sale Intoxicating Liquor Licenses: AAD Shrine (contingent upon all paperwork being received), 5152 Miller Trunk Hwy, On Sale/Sunday/Dance; Beacon Sports Bar, 5044 Hermantown Road, On Sale/Sunday/Dance; Chalet Lounge, 4833 Miller Trunk Hwy, On Sale/Sunday; Foster's Sports Bar & Grill, 4767 W. Arrowhead Rd, On Sale/Sunday; Maya Mexican Restaurant, 4702 Miller Trunk Hwy, On Sale/Sunday; McKenzie's Bar & Grill, 5094 Miller Trunk Hwy, On Sale/Sunday; Outback Steakhouse, 4255 Haines Rd, On Sale/Sunday and Skyline 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. Roll Call: Councilors Geissler, Hauschild, Peterson, Mayor Boucher, aye. Councilor Nelson, absent. Motion carried.

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

Motion made by Councilor Hauschild, seconded by Councilor Peterson, to approve the following renewals for Off Sale 3.2 Malt Liquor Licenses: Holiday Stationstores #190, 4795 Miller Trunk Hwy; I Mart Stores, 4221 Haines Rd; Kwik Trip #216, 4805 Miller Trunk Hwy; Kwik Trip #220, 4978 Miller Trunk Highway; Kwik Trip #572, 4145 Haines Road; and Walmart #1757, 4740 Loberg Ave; Roll Call: Councilors Geissler, Hauschild, Peterson, Mayor Boucher, aye. Councilor Nelson, absent. Motion carried.

Motion made by Councilor Geissler, seconded by Councilor Peterson, to approve the following renewals for 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 and The King of Creams, 4140 Richard Ave, Wine/Strong Beer. Roll Call: Councilors Geissler, Hauschild, Peterson, Mayor Boucher, aye. Councilor Nelson, absent. Motion carried.

Motion made by Councilor Peterson, seconded by Councilor Geissler, to approve 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. with amendments that music will end at midnight (12:00 a.m.) and with a submitted parking plan. Roll Call: Councilors Geissler, Hauschild, Peterson, Mayor Boucher, aye. Councilor Nelson, absent. Motion carried.

Motion made by Councilor Peterson, seconded by Councilor Hauschild, to approve a new Massage Therapist License Application for the following effective June 21, 2022 through December 31, 2022:

The Well Co.

Amanda Rockenback

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

ORDINANCES

RESOLUTIONS

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

Motion made by Councilor Peterson, seconded by Councilor Geissler, to adopt Resolution 2022-74 Resolution Approving Preliminary And Final Planned Unit Development For Red Tail Hawk Development. Roll Call: Councilors Geissler, Hauschild, Peterson, aye. Mayor Boucher, nay. Councilor Nelson, absent. Motion carried.

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 Geissler, seconded by Councilor Peterson, to adopt 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. Roll Call: Councilors Geissler, Hauschild, Peterson, aye. Mayor Boucher, nay. Councilor Nelson, absent. Motion carried.

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

Motion made by Councilor Peterson, seconded by Councilor Hauschild, to adopt Resolution 2022-76 Resolution Approving Preliminary Planned Unit Development For The Keene Creek Trail Subdivision Development with the amendment to build a trail to city standards as identified in 2022-76B on page 84.

Lisa Smith, 3761 Johnson Road, sought clarification from the City Council about the trail and expressed concern about the cost to the developer. She inquired if the trail could be built at a later date.

Tony Marino, 3760 Johnson Road, spoke to the City Council about confusion regarding this project and the costs associated with it.

Jay Zierden, 4571 Martin Road, spoke to the City Council about the cost of the amendment and the addition of the trail. He requested the City Council pass the Resolution as approved by the Planning and Zoning without any amendments.

Jim Samberg, 3789 Johnson Road, spoke to the City Council about the location, the need for, and the cost of the trail.

Dean Bjorlin, 3750 Johnson Road, encouraged the City Council to work with the developer.

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

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

Motion made by Councilor Geissler, seconded by Councilor Hauschild, to adopt Resolution 2022-77 Resolution Approving Preliminary Plat Of Keene Creek Trail Subdivision And Imposing Conditions On Submittal Of The Final Plat. Roll Call: Councilors Geissler, Hauschild, and Peterson, aye. Mayor Boucher, nay. Councilor Nelson, absent. Motion carried.

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 made by Councilor Geissler, seconded by Councilor Peterson, to adopt Resolution 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. Roll Call: Councilors Geissler, Hauschild, and Peterson, aye. Mayor Boucher, nay. Councilor Nelson, absent. Motion carried.

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

Motion made by Councilor Peterson, seconded by Councilor Hauschild, to adopt Resolution 2022-82 Resolution Approving Additional Engineering Services By Northland Consulting Engineers For Richard Avenue And Lindgren Road - Street Improvement Project No. 538. Roll Call: Councilors Geissler, Hauschild, Peterson, Mayor Boucher, aye. Councilor Nelson, absent. Motion carried.

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 made by Councilor Peterson, seconded by Councilor Geissler, to adopt Resolution 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. Roll Call: Councilors Geissler, Hauschild, Peterson, Mayor Boucher, aye. Councilor Nelson, absent. Motion carried.

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 made by Councilor Geissler, seconded by Councilor Hauschild, to adopt Resolution 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.. Roll Call: Councilors Geissler, Hauschild, Peterson, Mayor Boucher, aye. Councilor Nelson, absent. Motion carried.

2022-85 Resolution Establishing An Absentee Ballot Board

Motion made by Councilor Peterson, seconded by Councilor Hauschild, to adopt Resolution 2022-85 Resolution Establishing An Absentee Ballot Board. Roll Call: Councilors Geissler, Hauschild, Peterson, Mayor Boucher, aye. Councilor Nelson, absent. Motion carried.

2022-86 Resolution Adopting Performance Measures

Motion made by Councilor Geissler, seconded by Councilor Peterson, to adopt Resolution 2022-86 Resolution Adopting Performance Measures. Roll Call: Councilors Geissler, Hauschild, Peterson, Mayor Boucher, aye. Councilor Nelson, absent. Motion carried.

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

Motion made by Councilor Peterson, seconded by Councilor Geissler, to adopt Resolution 2022-87 Resolution Authorizing And Directing Mayor And City Clerk To Execute And Deliver Agreement For Professional Planning Services With Hoisington Kogler Group, Inc., With An Amount Not To Exceed \$150,000. Roll Call: Councilors Geissler, Hauschild, Peterson, Mayor Boucher, aye. Councilor Nelson, absent. Motion carried.

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

Motion made by Councilor Peterson, seconded by Councilor Geissler, to table Resolution 2022-88 Resolution Approving Question To Be Posed To Voters Regarding A Proposed Hermantown Sales Tax For The Hermantown Community Recreation Initiative with changes discussed. Roll Call: Councilors Geissler, Hauschild, Peterson, Mayor Boucher, aye. Councilor Nelson, absent. Motion carried.

Motion made by Councilor Peterson, seconded by Geissler, to recess the meeting at 8:09 p.m. Motion carried.

ATTEST:

Mayor

City Clerk

CITY OF HERMANTOWN

CHECKS #68880-68918
06/16/2022-06/30/2022

PAYROLL CHECKS

Electronic Checks - #-69255-69299 \$83,245.29

Electronic Checks - #-69242-69249 \$3,659.17

LIABILITY CHECKS

Electronic Checks - #-69250-69254 \$62,742.65

Electronic Checks - #-69239-69241 \$703.87

Check - #68880-68884 \$4,358.00

Check - #68885 \$72.10

PAYROLL EXPENSE TOTAL \$154,781.08

ACCOUNTS PAYABLE

Check - #68886-68918 \$357,277.10

Electronic Payments #-99737-99741 \$34,064.48

ACCOUNTS PAYABLE TOTAL \$391,341.58

TOTAL \$546,122.66

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Fun d	Account	Department	Vendor Name	Description	Amount	Check #
101	217450	Employee Flexplan	FURTHER ELECTRONIC PAYMENTS	Claim Reimbursement - Electron	1,931.06	-99741
101	217450	Employee Flexplan	FURTHER ELECTRONIC PAYMENTS	Claim Reimbursement - Electron	392.00	-99741
101	419901	City Hall & Police Building Maintenance	MN ENERGY RESOURCES CORP	Natural Gas -CH/PD	473.69	-99740
101	422901	Firehall #1 Maple Grove Road	MN ENERGY RESOURCES CORP	Natural Gas -FH#1	578.96	-99740
275	452200	Community Building	MN ENERGY RESOURCES CORP	Natural Gas EWC	5,874.53	-99740
101	419901	City Hall & Police Building Maintenance	MN POWER	4995600000 City Hall/Police/Fi	2,699.01	-99739
101	422901	Firehall #1 Maple Grove Road	MN POWER	4995600000 City Hall/Police/Fi	1,725.60	-99739
101	422902	Firehall #2 Morris Thomas Road	MN POWER	4995600000 FH #2 MorrisThomas	107.86	-99739
101	422903	Firehall #3 Midway Road	MN POWER	4995600000 FH #3 Midway/Rose	84.75	-99739
101	431901	City Garage	MN POWER	4995600000 5255 Maple Grove Rd	28.46	-99739
101	431901	City Garage	MN POWER	4971 Lightning Dr	270.45	-99739
101	452100	Parks	MN POWER	0606881181 Parks	441.70	-99739
101	452100	Parks	MN POWER	7463700000 Little Leagues	67.48	-99739
601	494400	Water Administration and General	MN POWER	3623400000 Water	241.48	-99739
601	494400	Water Administration and General	MN POWER	4971 Lightning Dr	162.27	-99739
602	494900	Sewer Administration and General	MN POWER	4971 Lightning Dr	108.18	-99739
602	494900	Sewer Administration and General	MN POWER	0973881171 Sewer	827.11	-99739
101	452200	Community Building	MN POWER	0606881181 Community Bldg	536.04	-99739
275	452200	Community Building	MN POWER	3481871314 EWC Garage	197.12	-99739
275	452200	Community Building	MN POWER	5498955531 4289 Ugstad Rd/EWC	12,746.31	-99739
605	431160	Street Lighting	MN POWER	0234310000 Overhead St Lights	485.10	-99739
605	431160	Street Lighting	MN POWER	3060281959 Street Lights (Roun	18.94	-99739
605	431160	Street Lighting	MN POWER	0733871171 Traffic Lights	792.42	-99739
605	431160	Street Lighting	MN POWER	6175310000 Street Lights	731.20	-99739
605	431160	Street Lighting	MN POWER	1424100000 Street Lights	267.79	-99739
605	431160	Street Lighting	MN POWER	0247020000 Street Lights	396.70	-99739
605	431160	Street Lighting	MN POWER	0041881181 Street Lights	464.82	-99739
101	414100	Elections	PITNEY BOWES PURCHASE POWER	Refill Postage Meter 4745753	31.27	-99738
101	415300	Administration & Finance	PITNEY BOWES PURCHASE POWER	Refill Postage Meter 4745753	173.31	-99738
101	419100	Community Development	PITNEY BOWES PURCHASE POWER	Refill Postage Meter 4745753	284.08	-99738
101	421100	Police Administration	PITNEY BOWES PURCHASE POWER	Refill Postage Meter 4745753	142.02	-99738
101	424100	Building Inspection	PITNEY BOWES PURCHASE POWER	Refill Postage Meter 4745753	19.30	-99738
601	494400	Water Administration and General	PITNEY BOWES PURCHASE POWER	Refill Postage Meter 4745753	32.99	-99738
602	494900	Sewer Administration and General	PITNEY BOWES PURCHASE POWER	Refill Postage Meter 4745753	22.00	-99738
603	441100	Storm Water	PITNEY BOWES PURCHASE POWER	Refill Postage Meter 4745753	0.53	-99738
101	421100	Police Administration	CW TECHNOLOGY GROUP INC	Recycle Network Equipment	20.00	-99737
101	421100	Police Administration	CW TECHNOLOGY GROUP INC	HPE Aruba Switch-PD	687.95	-99737
101	431100	Street Department	A & S TRUCK AND TRAILER REPAIR	Fix Brake Cams-H4	423.41	68886

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Fun d	Account	Department	Vendor Name	Description	Amount	Check #
101	431100	Street Department	A & S TRUCK AND TRAILER REPAIR	Fix Break Cams-H-0	291.94	68886
101	431100	Street Department	ADVANTAGE SIGNS & GRAPHICS, INC	Street Sign Posts	1,473.00	68887
240	433200	Water Tower	BOLTON & MENK, INC.	Hwy 53 Water Tower Recon	9,003.09	68888
275	452200	Community Building	BRAUN INTERTEC CORPORATION	EWC Pool Investigation	3,499.25	68889
101	421100	Police Administration	BULLDOG COLLISION	RT Strip/Applique 15 Explorer	301.71	68890
101	419901	City Hall & Police Building Maintenance	CINTAS CORPORATION	Mats at FD/PD	30.72	68891
101	419901	City Hall & Police Building Maintenance	CINTAS CORPORATION	Mats at CH	8.88	68891
101	431100	Street Department	CINTAS CORPORATION	Uniforms	23.38	68891
101	431100	Street Department	CINTAS CORPORATION	Uniforms	9.00	68891
101	431100	Street Department	CINTAS CORPORATION	Uniforms	23.38	68891
101	431100	Street Department	CINTAS CORPORATION	Uniforms	9.00	68891
101	431901	City Garage	CINTAS CORPORATION	Supplies	37.50	68891
101	431901	City Garage	CINTAS CORPORATION	Mats at PW	11.08	68891
101	431901	City Garage	CINTAS CORPORATION	Mats at PW	29.56	68891
101	431901	City Garage	CINTAS CORPORATION	Supplies	22.50	68891
601	494300	Water Distribution	CITY OF DULUTH COMFORT SYSTEMS	May Water Charges	72,135.08	68892
601	494300	Water Distribution	CORE & MAIN LP	Portable water meter and fitti	1,780.99	68893
101	421100	Police Administration	CROW-GOEBEL VETERINARY CLINIC, P A	Jack - Vet	129.80	68894
601	494400	Water Administration and General	CUSTOMER ELATION INC	5/10 - 06/06 Answering	29.37	68895
602	494900	Sewer Administration and General	CUSTOMER ELATION INC	5/10 - 06/06 Answering	19.58	68895
101	419901	City Hall & Police Building Maintenance	DALCO	Seal Gasket Bag	3.54	68896
101	419901	City Hall & Police Building Maintenance	DALCO	Paper Products/Can Liners/Bath	629.73	68896
101	452100	Parks	DULUTH LAWN CARE INC	Fertilizing & Weed Treatment F	5,040.00	68897
101	415300	Administration & Finance	EHLERS & ASSOCIATES INC	2022 Financial Management Plan	1,560.00	68898
460	465100	HEDA	EHLERS & ASSOCIATES INC	TIF Reporting - 2021 Reports	650.00	68898
601	494300	Water Distribution	FERGUSON WATERWORKS #2516	Water Sleeve	888.67	68899
601	494300	Water Distribution	FERGUSON WATERWORKS #2516	Alpha Repair Water Sleeve	1,332.58	68899
101	415300	Administration & Finance	GOVT FINANCE OFFICERS ASSOCIATION	Dues Orme 300213229 8/22-7/23	170.00	68900
101	411300	Ordinance, Public Notice and Proceedings	HERMANTOWN STAR LLC	Ordinance 2022-05 (Airport Zon	160.88	68901
101	411300	Ordinance, Public Notice and Proceedings	HERMANTOWN STAR LLC	Ordinance 2022-07 (Sunrise Zon	66.00	68901
101	411300	Ordinance, Public Notice and Proceedings	HERMANTOWN STAR LLC	Ordinance 2022-06 (Evee to Ste	111.38	68901
101	419100	Community Development	HERMANTOWN STAR LLC	Public Hearing P&Z	57.75	68901
101	415300	Administration & Finance	INNOVATIVE OFFICE SOLUTIONS, LLC	Returned Paper, FLLR 11x8	-15.97	68902
101	415300	Administration & Finance	INNOVATIVE OFFICE SOLUTIONS, LLC	Glue/Clip/Envelope	15.97	68902
101	431100	Street Department	JAKE'S COMPANIES LLC	Road CaCl	37,392.25	68903
101	421100	Police Administration	KOLAR	Vehicle Repair 19 Chev Tahoe	159.88	68904
101	419901	City Hall & Police Building Maintenance	MENARD INC	Utility Blades/Clorox/Bit	30.90	68905
101	419901	City Hall & Police Building Maintenance	MENARD INC	Vent Mount/Door Stop/Deep CVR	42.42	68905

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Fun d	Account	Department	Vendor Name	Description	Amount	Check #
101	431901	City Garage	MENARD INC	LS Anchors/Dish Soap	18.42	68905
101	452100	Parks	MENARD INC	Chair and Spring Clips at Soft	118.68	68905
101	452100	Parks	MENARD INC	Bolt Cutter & Chair - Softball	40.46	68905
602	494500	Sewer Maintenance	MENARD INC	Lift Station Radar Install	34.94	68905
602	494500	Sewer Maintenance	MENARD INC	LS Anchors/Dish Soap	12.95	68905
602	494500	Sewer Maintenance	MENARD INC	Radar Anchors at LS	14.96	68905
602	494500	Sewer Maintenance	MENARD INC	Spring Snap	1.59	68905
101	431901	City Garage	NORTHERN STATES SUPPLY INC	Drill Bit	44.86	68906
245	465100	HEDA	NORTHSPAN GROUP INC	Business Grant Study ARPA	416.00	68907
235	452100	Parks	NORTHWOODS SODDING, INC.	Rose RD Repairs	30,650.00	68908
101	415300	Administration & Finance	OFFICE OF THE SECRETARY OF STATE	Notory Fee - Townsend	120.00	68909
240	433200	Water Tower	OSSEO CONSTRUCTION CO. LLC	Water Tower Reconditioning	158,089.50	68910
101	415300	Administration & Finance	PITNEY BOWES INC	Ink Ctg	127.49	68911
601	494400	Water Administration and General	PITNEY BOWES INC	Ink Ctg	63.74	68911
602	494900	Sewer Administration and General	PITNEY BOWES INC	Ink Ctg	63.74	68911
101	431100	Street Department	SATHERS, LLC	Class 5 - Crushed Material/Rec	11,618.60	68912
601	214500	Escrow Deposits Payable	SHORT ELLIOTT HENDRICKSON INC	HERT 22 Sprint @ Hawk Circle W	1,483.52	68913
101	431100	Street Department	ST LOUIS COUNTY AUDITOR	Essentia Wellness Center Sign	1,375.00	68914
603	441100	Storm Water	ST LOUIS COUNTY AUDITOR	Keene Creek LOMR SP069-656-018	13,650.00	68914
101	421100	Police Administration	TACTICAL SOLUTIONS	Radar Certifications	495.00	68915
101	419901	City Hall & Police Building Maintenance	TELCOLOGIX	June 2022 Maintenance	237.85	68916
101	422901	Firehall #1 Maple Grove Road	TELCOLOGIX	June 2022 Maintenance	70.35	68916
101	431100	Street Department	TELCOLOGIX	June 2022 Maintenance	16.75	68916
101	452200	Community Building	TELCOLOGIX	June 2022 Maintenance	10.05	68916
101	421100	Police Administration	TROY'S BP AMOCO INC	Oil & Filter - SQD 13	91.31	68917
101	421100	Police Administration	TROY'S BP AMOCO INC	Brakes - SQD 19	532.68	68917
101	431100	Street Department	VIKING INDUSTRIAL CENTER	Safety Hat/Vest/Glasses/Gloves	290.46	68918

Totals: 103 records printed

391,341.58

The proposed Phase 1C of the Peyton Acres development is split between the HM, Hermantown Marketplace and R-3, Residential district. The Applicant has requested for a rezoning of the HM zoned property to R-3 in order to keep with the ability to construct single family homes.

A public hearing for this application was held on Tuesday, June 21, 2022. There were no members of the public who spoke regarding the application. The Planning and Zoning Commission unanimously recommended the application to the City Council for approval.

Utilities

The project will connect to City water lines located within the right-of-way of Peyton Drive. New sewer and water lines will be via City mains constructed to City standards. The Applicant will provide engineered plans to the City Engineer for utility connections prior to beginning such work on this phase. Preliminary engineering plans are in the process of being developed by the Applicants engineer.

Wetlands

There are 13.5 acres of wetlands on the overall property. The preliminary and final plat for this phase does not propose any permanent wetland impacts. The TEP and City Staff are supporting a project de minimis exemption up to 10,000 square feet of wetland impacts over the whole 65 acres of the property for a 1.7% permanent wetland impact.

Zoning

Applicant is requesting a rezoning from HM, Hermantown Marketplace to R-3, Residential. Applicant has stated that they intend to continue the single family residential development associated with the Peyton Acres project.

Should the Applicant wish to construct another housing product at a future date, other than single family housing, they would then be required to pursue a Planned Unit Development for the work.

Dimensional standards would change as follows:

Dimensional Standards	HM	R-3
Height	45 feet	35 feet
Setbacks		
<i>Front</i>	5 feet	50 feet
<i>Side (abutting street)</i>	35 feet	10 feet
<i>Side</i>	5 feet	10 foot minimum, 25 foot aggregate
<i>Rear</i>	5 feet	40 feet
Minimum lot area	None	½ acre
Minimum lot width	None	100 feet
Maximum lot coverage	50%	35%

Comprehensive Plan

The site is in Area 1 on the Hermantown Comprehensive Plan Concepts Map. The goal for Area 1 is to maintain suburban character, preserve critical natural features, phase residential

development, and develop existing and new park areas. Suburban character includes residential development and is compatible with the uses of the adjacent properties.

SUMMARY & JUSTIFICATION:

The proposed rezoning meets the criteria of the Comprehensive Plan and the overall goals and policies of the Zoning Ordinance. The 2-acre site is located in an area that has an existing commercial character and development of the site could be complementary to the area. Staff recommends approval of the rezoning based on the following findings:

1. The property is included in the suburban development concept area (Area 1) of the Comprehensive Plan within which residential development is currently allowed.
2. R-3, Residential is compatible with the surrounding uses as it mirrors the existing development patterns of the surrounding/abutting parcels.

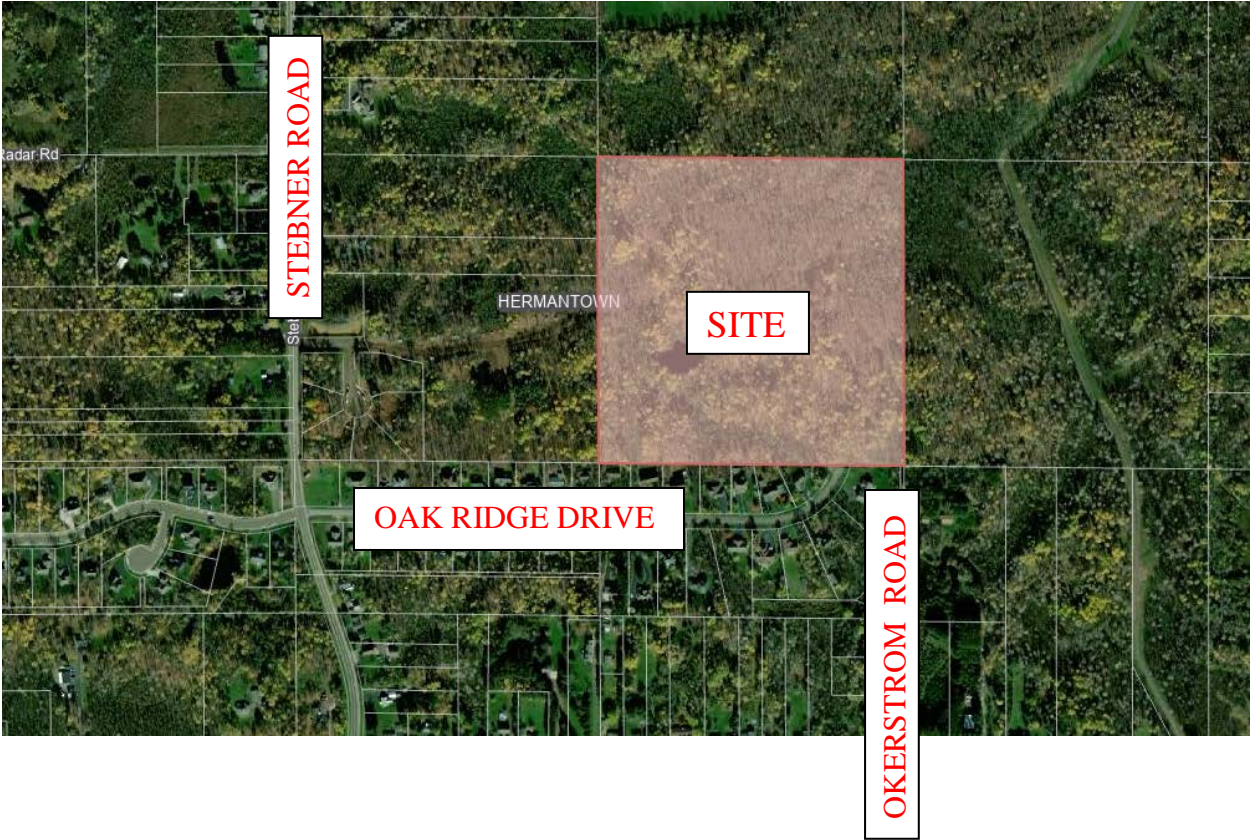
SOURCE OF FUNDS (if applicable)

N/A

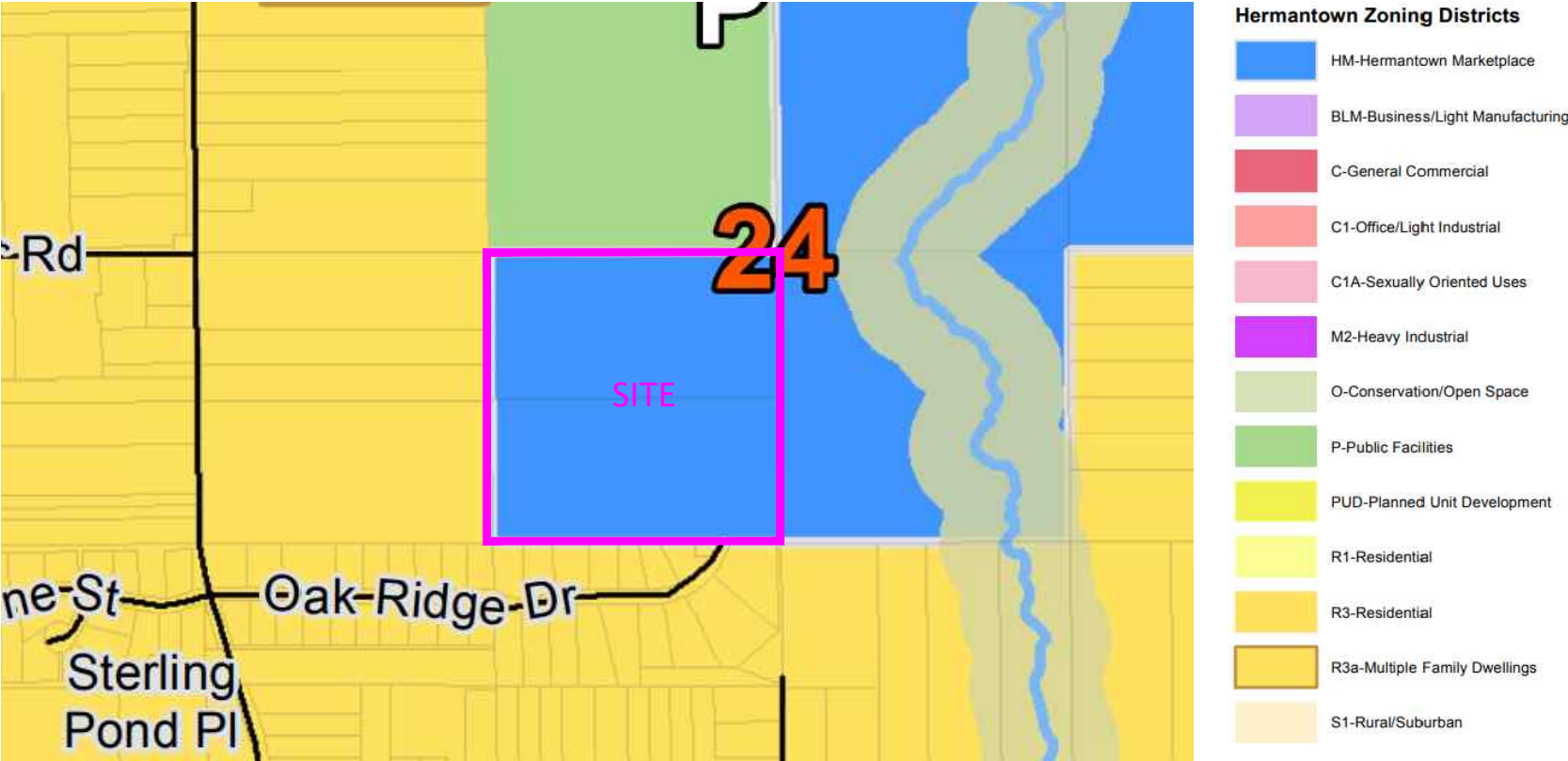
ATTACHMENTS

- Location Map
- Current Zoning Map
- Proposed Zoning Map
- Ordinance

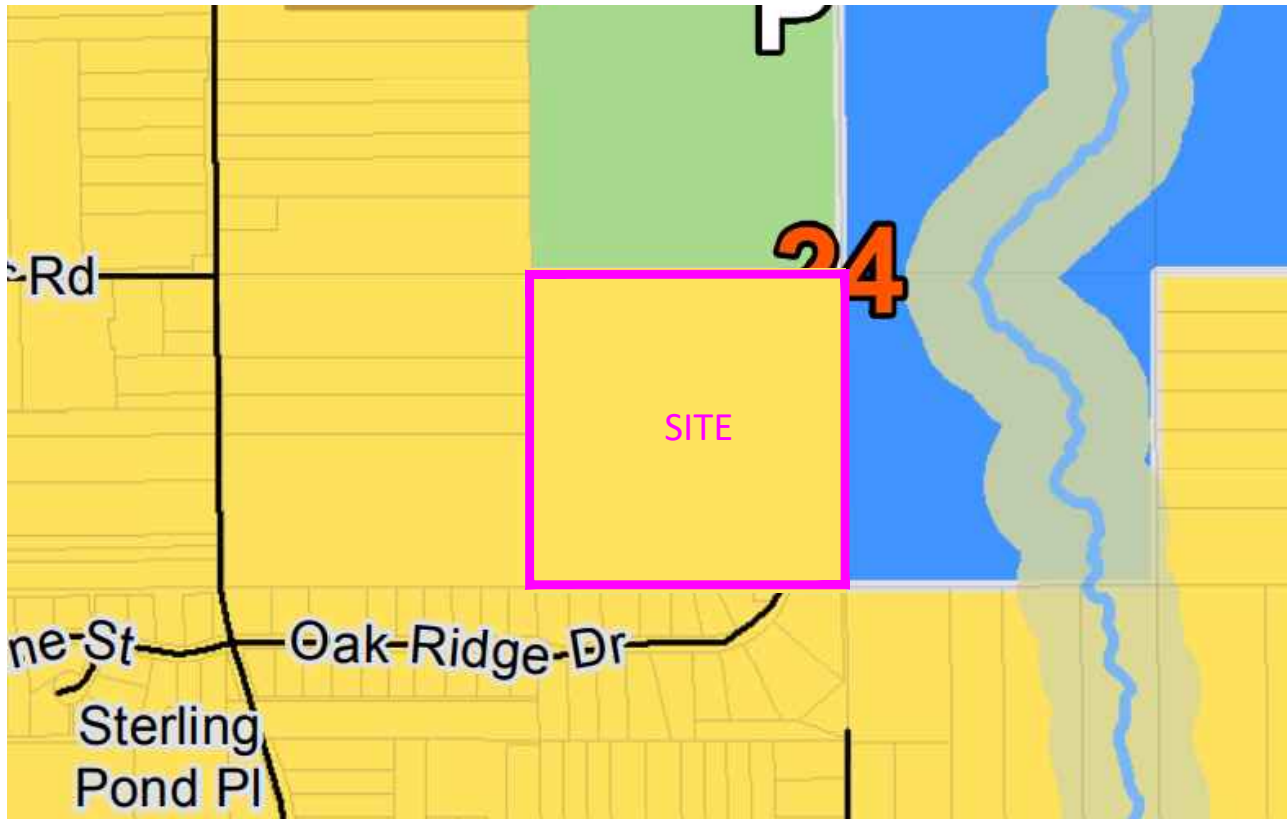
Location Map



EXISTING ZONING



PROPOSED ZONING



Hermantown Zoning Districts

- HM-Hermantown Marketplace
- BLM-Business/Light Manufacturing
- C-General Commercial
- C1-Office/Light Industrial
- C1A-Sexually Oriented Uses
- M2-Heavy Industrial
- O-Conservation/Open Space
- P-Public Facilities
- PUD-Planned Unit Development
- R1-Residential
- R3-Residential
- R3a-Multiple Family Dwellings
- S1-Rural/Suburban

Ordinance No. 2022-08

The City Council of the City of Hermantown does ordain:

**AN ORDINANCE AMENDING TITLE 2 OF THE HERMANTOWN CITY CODE
BY AMENDING THE OFFICIAL ZONING MAP
(PARCEL 395-0158-00080)**

Section 1. Amendment to Official Zoning Map. The Official Zoning Map of the City of Hermantown is hereby amended so that an area measuring 40 acres and associated with parcel 395-0158-00080 is zoned R-3, Residential.

Section 2. Purpose and Intent. The purpose of this amendment is to rezone an area measuring 40 acres and described as That part of Outlot B, of the recorded plat of Peyton Acres that lies within the Northeast Quarter of the Southwest Quarter of Section 24, Township 50, Range 15 St. Louis County, Minnesota from HM – Hermantown Marketplace to R-3, Residential.

Section 3. Effective Date. This amendment to Title 2 of the Hermantown Code that amends the Official Zoning Map shall be effective after adoption immediately upon (1) the publication of this Amendment to Title 2 of the Hermantown City Code once in the legal newspaper of the City of Hermantown and (2) the filing of this Amendment to Title 2 with the County Recorder of St. Louis County.

Dated: _____

Mayor

Attest:

City Clerk

Adopted: _____

Published: _____

Effective Date: _____

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 Arena, 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 Ice 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 Arena Project

Should the City of Hermantown be authorized to pay for a portion of the upgrades to the Hermantown Ice 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 portion of the additional 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 portion of the additional 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 portion of the additional 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 July 5th, 2022.

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



DATE: June 28 2022 **Meeting Date:** 07/05/2022

SUBJECT: Special Use Permit – Accessory Structure **Agenda Item:** 12-B **Resolution:** 2022-89

REQUESTED ACTION

Requested is a Special Use Permit to allow construction of an accessory structure over 1,200 square feet in size per Section 515.03.1 of the Zoning Ordinance. The applicant is requesting approval for construction of a 2,400 square foot accessory structure.

BACKGROUND

The City has received a request to construct a 2,400 square foot (40' x 60') accessory structure in a R-3, Residential zoning district. The subject property is located at 5243 Hermantown Road.

SITE DATA

Address: 5243 Hermantown Road
Comprehensive Plan: Residential
Zoning: r-3, Residential
Lot Size: +/-16.5 acres
Wetlands: Yes, not within building area
Shoreland Overlay: Yes, not within building area
Airport Zoning: N/A

Accessory structures over 1,200 square feet in size are permitted only with a Special Use Permit in the R-3, Residential Zoning District. The applicant is requesting approval to construct a 2,400 square foot accessory building. The accessory building would be 40 feet by 60 feet in size, with 14-foot sidewalls. The overall height of the proposed building is approximately 24 feet. The construction type would be slab-on-grade, with steel siding and roof. The building will be used to house the applicant's vehicles and personal belongings. No business activity is proposed as part of this use.

The applicant owns two parcels with frontage along Hermantown Road with the lot dimensions being approximately 730' x 930' for a total of +/-16.5 acres. The proposed accessory structure is approximately 300 feet from the nearest neighboring structure and approximately 93 feet from Hermantown Road and 450 feet from Reinke Road. The applicant is proposing to combine the two parcels into one.

A public hearing for this application was held on Tuesday, June 21, 2022. There were no members of the public who spoke regarding the application. The Planning and Zoning Commission unanimously recommended the application to the City Council for approval.

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

Table 1. Dimensional requirements for accessory structures in excess of 1,200 square feet	R-3 Requirement	Provided
Minimum depth of front yard from R.O.W.	Equal to or greater than the building line of the primary structure	93 feet – Hermantown Road Located to preserve wetlands present to the north
Minimum side yard setback	Equal to the height of the accessory structure	450 feet – Reinke Road
Minimum rear yard setback	40 feet	800 feet
Minimum setback from primary structure	10 feet	140 feet
Maximum building height	35 feet	24 feet
Maximum sidewall height	14 feet	14 feet

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

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

1. *Is the development compatible with development permitted under the general provisions of the Zoning Ordinance for lands in its vicinity?*
 There is a 3,300 square foot accessory structure located on the south side of Hermantown Road directly across from this property. The Zoning Ordinance allows for 35% lot coverage for structures on a property. With the addition of a 2,400 square foot structure, the property would be at approximately 0.7%.

2. *Is the proposed use injurious to the use and enjoyment of the environment, or detrimental to the rightful use and enjoyment of other property in its vicinity?*
 The proposed accessory structure will not impact adjacent properties or the community in general. The accessory structure will allow the owner to improve their property by providing storage for vehicles and personal property.

3. *Is the use consistent with the Comprehensive Plan and the spirit and intent of the Zoning Ordinance?*
 The proposed accessory structure is consistent with Comprehensive Plan or residential areas of the City. The Zoning Ordinance allows for up to 35% lot coverage for structures with the proposed property being at 0.7% coverage after the construction

of the proposed accessory structure. The proposed use meets the performance standards set in Section 515.06.5 regulating accessory structures in excess of 1,200 square feet.

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

There is a 3,300 square foot accessory structure located on the south side of Hermantown Road directly across from this property. The Zoning Ordinance allows for 35% lot coverage for structures on a property. With the addition of a 2,400 square foot structure, the property would be at approximately 0.7%.

5. *Are there other criteria of the Zoning Ordinance that should be considered?*
No.

Variance

The Planning and Zoning Commission approved a variance to the front yard setback associated with the proposed accessory structure. Section 515.06.5 of the Zoning Ordinance lists the dimensional requirements for accessory structures in excess of 1,200 square feet. The front yard setback is required to be equal to or greater than the building line of the primary structure. The existing home on the property is located approximately 225 feet from the pavement surface of Hermantown Road.

The proposed accessory structure is approximately 93 feet from the pavement surface of Hermantown Road. The applicant is proposing that the driveway surface associated with the proposed structure is located on the north side of the building and takes access from the existing driveway to the house. The National Wetland Inventory shows the presence of wetlands approximately 170 from the pavement surface of Hermantown Road.

The applicant is proposing to keep much of the existing vegetation on the south side of the proposed structure which will provide screening from Hermantown Road. By locating the proposed structure in this upland area, the applicant is able to preserve the existing wetlands to the north.

Wetlands

The National Wetland inventory shows wetlands to the north of the proposed structure location. The proposed structure location is not within this area with the presence of wetlands being the rationale for the front yard setback being less than the existing hose setback

Summary

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

Recommendation

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

1. The approval is for a 2,400 square foot accessory structure on the property at 5243 Hermantown Road.
2. The proposed accessory structure shall meet all setback requirements for Accessory Structures in the R-3 Zoning District.
3. The proposed accessory structure location is depicted on the approved site plan. If approved by the Community Development Director, the accessory structure may be placed in other locations on the site, however the 2,400 square foot accessory building will need to be a minimum of 93 feet from the Hermantown Road pavement surface.
4. Erosion control measures shall be utilized and remain in place throughout the construction period and shall not be removed until vegetation is established on the site.
5. Accessory structures shall not be utilized for any use or activity not otherwise allowed in the zone district in which such accessory building is to be located.
6. No business activity is allowed in association with the accessory structure approval.
7. The applicant shall sign a consent form assenting to all conditions of this approval.
8. The applicant shall pay an administrative fine of \$750 per violation of any condition of this approval.

SOURCE OF FUNDS (if applicable)

N/A

ATTACHMENTS

- Location Map
- Site Plan with Wetlands
- Floor Plan
- Resolution

Location Map



SITE PLAN



12 x 12 Door

DOUBLE GARAGE
31 x 39

DOUBLE GARAGE
31 x 39

STOR

UP

12 x 12 DOOR

12 x 12 DOOR

12 x 12 DOOR

12 x 12 DOOR

STOOP

width: 63'-0" 60-63?

Resolution No. 2022-89

**RESOLUTION APPROVING SPECIAL USE PERMIT
FOR CONSTRUCTION OF AN ACCESSORY STRUCTURE IN EXCESS OF 1,200 SQUARE
FEET IN THE R-3 ZONING DISTRICT AT 5243 HERMANTOWN ROAD
AND IMPOSING CONDITIONS THEREON**

WHEREAS, Paul Francis Fitzgerald and Sara Beth Fitzgerald, a married couple (“Applicant”) made application for a Special Use Permit to construct a 2,400 square foot accessory structure (“Project”) in the City of Hermantown, County of St. Louis, State of Minnesota, on the property located at 5243 Hermantown Road and legally described in Attachment A.

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

WHEREAS, the Planning and Zoning Commission considered the application at its meeting on June 21, 2022 and recommended that the City Council approve the application subject to certain conditions; and

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

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

FINDINGS OF FACT

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

8. The activity proposed in such application is compatible with development permitted under the general provisions of the Hermantown Zoning Ordinance and is compatible with land uses on substantially all land in the vicinity of the proposed development.
9. The activity proposed will not be injurious to the use and enjoyment of the environment, or detrimental to the rightful use and enjoyment of other property in the immediate vicinity of the proposed development.
10. The proposed activity is consistent with the overall Hermantown Comprehensive Plan and with the spirit and intent of the provisions of the Hermantown Zoning Ordinance.
11. The proposed use will not result in a random pattern of development with little contiguity to existing programmed development, and will not cause negative fiscal and environmental effects upon the community.
12. In order to insure that the spirit and intent of the Hermantown Zoning Ordinance are met, conditions must be imposed on the permit requested by Applicant.

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

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

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

- g. This permit may be terminated by the City of Hermantown at any time it deems necessary for the conservation of water resources, or in the interest of public health and welfare, or for violation of any of the provisions of this permit.
 - h. Accessory structure shall not be utilized for any business use or activity not otherwise allowed in the zone district in which such accessory building is to be located.
 - i. Applicant is initially and continually in compliance with all of the ordinances and regulations of the City of Hermantown Building Code and the Hermantown Fire Code.
 - j. All state licenses and other permits required for the Project have been obtained by the Applicant and copies are provided to the City of Hermantown before the release of a permanent Certificate of Occupancy.
 - k. That Applicant pay all direct costs incurred by the City of Hermantown in connection with the enforcement and administration of this permit within fifteen (15) days of Applicant being invoiced by the City for such costs.
 - l. The applicant shall sign a consent form assenting to all conditions of this approval.
 - m. The applicant shall pay an administrative fine of \$750 per violation of any condition of this approval.
3. The Mayor and City Clerk are hereby authorized and directed to execute and deliver to Applicant a Special Use Permit consistent with this resolution upon written acceptance by Applicant of the conditions hereby imposed on such permit.

Councilor _____ introduced the foregoing resolution and moved its adoption.

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

Councilors _____, Mayor Boucher, aye. Councilor Geissler, Peterson, absent.

And the following voted in opposition thereto:

None

WHEREUPON, such resolution was declared duly passed and adopted on July 5, 2022.

ATTACHMENT A

E 200 FT OF W 556.50 FT OF E 1113.50 FT OF SE1/4 OF SW1/4 LYING SLY OF
CENTERLINE OF MIDWAY RIVER SECTION 22 TOWNSHIP 50 RANGE 15 ST. LOUIS
COUNTY

PIN: 395-0010-05996

AND

E 557 FT OF SE1/4 OF SW1/4 LYING SLY OF CENTERLINE OF MIDWAY RIVER

PIN: 395-0010-05994

(TOP THREE INCHES RESERVED FOR RECORDING DATA)

SPECIAL USE PERMIT

Permission is hereby granted to Paul Francis Fitzgerald and Sara Beth Fitzgerald, a married couple (“Applicant”), owners of the property located at 5243 Hermantown Road (395-0010-05994 and 395-0010-05996), submitted an application for construction of an accessory structure at 5243 Hermantown Road (395-0010-05994 and 395-0010-05996) and legally described in Attachment A.

The permission hereby granted is expressly conditioned as follows:

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

its agents, employees of contractors, for any damage or injury resulting from any such act or omission, or as estopping or limiting any legal claim or right of action of the City of Hermantown against Developer, its agents, employees or contractors for violation of or failure to comply with the permit or applicable provisions of law.

- f. This permit may be terminated by the City of Hermantown at any time it deems necessary for the conservation of water resources, or in the interest of public health and welfare, or for violation of any of the provisions of this permit.
- g. Applicant is initially and continually in compliance with all of the ordinances and regulations of the City of Hermantown Building Code and the Hermantown Fire Code.
- h. All state licenses and other permits required for the Project have been obtained by the Applicant and copies are provided to the City of Hermantown.
- i. That Applicant pay all direct costs incurred by the City of Hermantown in connection with the enforcement and administration of this permit within fifteen (15) days of Applicant being invoiced by the City for such costs.
- j. The approval is for a Special Use Permit for construction of an accessory structure located at 5243 Hermantown Road (395-0010-05994 and 395-0010-05996).
- k. Prior to issuance of a building permit, the applicant will submit a site plan showing the lot dimensions and location of the accessory structure relative to the side lot lines.
- l. Erosion control measures shall be utilized and remain in place throughout the construction period and shall not be removed until vegetation is established on the site.
- m. Accessory structures shall not be utilized for any use or activity not otherwise allowed in the zone district in which such accessory building is to be located.
- n. No business activity is allowed in association with the accessory structure approval.
- o. Prior to issuance of a building permit, all necessary permits shall be obtained.
- p. The applicant shall sign a consent form assenting to all conditions of this approval.
- q. The applicant shall pay an administrative fine of \$750 per violation of any condition of this approval.

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

CITY OF HERMANTOWN

By _____
Its Mayor

By _____
Its Clerk

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

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

Notary Public

ATTACHMENT A

E 200 FT OF W 556.50 FT OF E 1113.50 FT OF SE1/4 OF SW1/4 LYING SLY OF
CENTERLINE OF MIDWAY RIVER SECTION 22 TOWNSHIP 50 RANGE 15 ST. LOUIS
COUNTY

PIN: 395-0010-05996

AND

E 557 FT OF SE1/4 OF SW1/4 LYING SLY OF CENTERLINE OF MIDWAY RIVER

PIN: 395-0010-05994

Resolution No. 2022-90

**RESOLUTION APPOINTING ELECTION JUDGES FOR
THE PRIMARY ELECTION OF AUGUST 9, 2022**

BE IT RESOLVED by the City Council of the City of Hermantown as follows:

The persons named below are hereby appointed judges for the Primary Election to be held in the City of Hermantown, County of St. Louis, State of Minnesota, on Tuesday, August 9, 2022.

The following judges are appointed with substitutions as necessary:

Beverly Allison	Alexandra Kaufman
Amanda Atiemo	Patricia Merrier
David Bosley	Carol Misiak
Marie Chapinski	Laurel Pagel
Shaunna DeBoer	William Pagel
Beverly Donaldson	Steven Peterson
Thomas Donaldson	Liz Shannon
Lori Fichtner	Patricia Shogren
Kandise Garrison	Karen Sirois
Judy Hane	Joan Tanski
Donald Harriss	Bonita Tucker
Jolynn Hill	Richard Tucker
Sandra Jennisch	

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 July 5, 2022.

TO: Mayor & City Council
FROM: John Mulder, City Administrator
DATE: June 29, 2022
SUBJECT: Amended Lease – Bureau of
Criminal Apprehension (BCA)



Meeting Date: 7/5/2022
Agenda Item: 12-D
Resolution: 2022-91

REQUESTED ACTION

Approve an amendment to the lease between the City of Hermantown and the Bureau of Criminal Apprehension (BCA) in the old City Hall.

BACKGROUND

The City has leased space to the Bureau of Criminal Apprehension (BCA) in the old City Hall since 2013.

The Department of Public Safety/Bureau of Criminal Apprehension has requested that we include a Management Control Agreement (MCA) in the leases as part of the DPS/BCA agreement with the FBI. The MCAs are required by the FBI CJIS Security Policy when any criminal justice function is outsourced to a non-criminal justice agency. This includes any outsourcing of physical space or network infrastructure.

SOURCE OF FUNDS (if applicable)

No additional expense or revenue

ATTACHMENTS

Lease Amendment

STATE OF MINNESOTA
AMENDMENT OF LEASE

Amendment No. 2

Lease No. 11993

THIS AMENDMENT No. 2 to Lease No. 11993 is made by and between City of Hermantown, hereinafter referred to as Landlord, and the State of Minnesota, Department of Administration, hereinafter referred to as Tenant, acting for the benefit of the Department of Public Safety; Bureau of Criminal Apprehension.

WHEREAS, Landlord and Tenant entered into Lease No. 11993, dated August 5, 2013, as may subsequently be amended, involving the lease of approximately nine hundred sixty (960) usable square feet of space in Rooms 7, 8, 9, 10 & 11, in the building known as Hermantown Community Building, located at 5255 Maple Grove Road in Hermantown, MN 55811;

WHEREAS, the parties deem certain amendments and additional terms and conditions mutually beneficial for the effective continuation of said Lease;

NOW THEREFORE, Landlord and Tenant agree to substitution and/or addition of the following terms and conditions, which shall become a part of Lease No. 11993 effective as of the date set forth herein.

1. **MANAGEMENT CONTROL AGREEMENT** Landlord and Tenant hereby agree to comply with the requirements described in the Management Control Agreement attached hereto and incorporated herein as Exhibit A.
2. **EXECUTION IN COUNTERPARTS** This Amendment may be executed in any number of counterparts, each of which when so executed and delivered shall be deemed to be an original and all of which counterparts of this Amendment taken together shall constitute but one and the same Amendment. Delivery of an executed counterpart of this Amendment by facsimile or email or a PDF file shall be equally as effective as delivery of an original executed counterpart of this Amendment.
3. Except as modified by the provisions of this Amendment, said Lease is ratified and confirmed as originally written. All capitalized terms used but not defined herein shall have the meanings assigned to them as set forth in the Lease, unless otherwise stated.

EXHIBITS:

Exhibit A Management Control Agreement

IN WITNESS WHEREOF, the parties have set their hands on the date(s) indicated below intending to be bound thereby.

LANDLORD:
CITY OF HERMANTOWN

Landlord certifies that the appropriate person(s) have executed the Lease on behalf of Landlord as required by applicable articles, bylaws, resolutions or ordinances.

By _____

Title _____

Date _____

By _____

Title _____

Date _____

TENANT:
STATE OF MINNESOTA
DEPARTMENT OF ADMINISTRATION
COMMISSIONER

By _____
Real Estate and Construction Services

Date _____

APPROVED:
STATE OF MINNESOTA
DEPARTMENT OF PUBLIC SAFETY

By _____

Title _____

Date _____

RECOMMENDED:
STATE OF MINNESOTA
BUREAU OF CRIMINAL APPREHENSION

By _____

Title _____

Date _____

STATE ENCUMBRANCE VERIFICATION
Individual signing certifies that funds have been encumbered as required by Minn. Stat. §16A.15 and §16C.05.

By _____

Date _____

SWIFT P.O. _____

Contract No. _____

Account Code _____

Fund No. _____

EXHIBIT A

The parties acknowledge that the State of Minnesota, Department of Administration (DOA), acting for the benefit of the Department of Public Safety (DPS), leases space located at 5255 Maple Grove Road, Hermantown, Minnesota 55811 from the City of Hermantown for use by the Bureau of Criminal Apprehension (BCA). This lease includes office cleaning and maintenance.

The Federal Bureau of Investigation (FBI) provides a number of systems and services for use by criminal justice agencies around the country for criminal justice purposes. The FBI has adopted the Criminal Justice Information Services (CJIS) Security Policy (Security Policy) that sets for a number of requirements that criminal justice agencies must meet. A copy of the most current version of the Security Policy is available at <https://www.fbi.gov/services/cjis/cjis-securitypolicyresource-center/view> .

The Security Policy requires that the BCA, DPS, and the City of Hermantown include this Exhibit A, because the City of Hermantown space that DOA leases for DPS/BCA, is used for a criminal justice function and because the City of Hermantown is a non-criminal-justice agency (NCJA).

The BCA has the authority, via managed control, to set, maintain, and enforce:

- (1) Priorities regarding the security and use of CJIS and Criminal Justice Information.
- (2) Standards for the selection, supervision, and removal of personnel access to BCA systems or Criminal Justice Information (CJI).
- (3) Policy governing operation of justice systems, computers, access devices, circuits, hubs, routers, firewalls, and any other components, including encryption, that comprise and support a telecommunications network and related criminal justice systems to include but not limited to criminal history record/criminal justice information, insofar as the equipment is used to process or transmit criminal justice systems information guaranteeing the priority, integrity, and availability of service needed by the criminal justice community.
- (4) Restriction of unauthorized personnel, as determined by the BCA, from access to BCA physical locations or use of equipment accessing BCA network, systems, or services.

- (5) Compliance with all rules, regulations, and policies of BCA and the CJIS Security Policy in the operation of all information received. This includes a requirement to be audited as provided in these policies and rules.

To demonstrate that the Security Policy requirements for management and control have been met, the parties will use the following activities and measures:

- (A) BCA will maintain management control of the space that BCA leases.
- (B) When building entrances are shared, BCA maintains management control of BCA use.
- (C) In shared physical space, information systems and documents containing CJI will be positioned in such way as to prevent unauthorized individuals from access and view. BCA will take appropriate precautions to prevent the unauthorized view or access of CJI.
- (D) BCA staff will not leave any BCA physical secure location unsecured.
- (E) Neither the City of Hermantown nor DPS staff who have not completed the required screening and security awareness training will enter any BCA physically secure space unescorted.

This agreement covers the overall supervision of all BCA physical spaces, systems, applications, equipment, systems design, programming, and operational procedures associated with the development, implementation, and maintenance of any BCA system to include NCIC Programs that may be subsequently designed and/or implemented within the BCA.

To ensure that all provisions of this Agreement are being met, the Authorized Representatives will meet on an annual basis. All policy, operational, and change issues may be discussed at these meetings and all meetings will be documented.

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



DATE: June 29, 2022 **Meeting Date:** 7/5/2022
SUBJECT: Broadband Grant Agreement **Agenda Item:** 12-E **Resolution:** 2022-92

REQUESTED ACTION

Approve Grant agreement with St Louis County for Broadband planning.

BACKGROUND

In September, 2021, the City Council approved a grant application to St. Louis County for Broadband planning. Since that time the City’s Broadband Taskforce has talked with internet providers, discussed possible strategies, and conducted a broadband speed and opinion survey. The grant funding would be used to provide a greater level of expertise than current staff can provide on the topic. We would seek informal proposals from some known vendors. The Taskforce would interview/meet with possible consultants and make a recommendation to the City Council. The City would have to provide a match on a dollar for dollar basis.

SOURCE OF FUNDS (if applicable)

245-456201-319 Broadband ARPA

ATTACHMENTS

Broadband Grant Agreement

Resolution No. 2022 - 92

RESOLUTION APPROVING A GRANT AGREEMENT BETWEEN ST. LOUIS COUNTY AND THE CITY OF HERMANTOWN AND AUTHORIZING AND DIRECTING THE MAYOR AND CITY CLERK TO EXECUTE AND DELIVER SUCH GRANT AGREEMENT ON BEHALF OF THE CITY OF HERMANTOWN

WHEREAS, the City of Hermantown (“City”) desires to improve broadband services to the residents of Hermantown; and

WHEREAS, to further the interests of the City and its residents, the City has applied to St. Louis County for a grant (“Grant”) to assist with broadband development; and

WHEREAS, a form of a Grant Agreement is attached hereto as Exhibit A which outlines the terms and provisions acceptable to the St Louis County and City for the utilization of such Grant; and

WHEREAS, the City Council has reviewed the Grant Agreement and believes that it is in the best interests of the City of Hermantown to approve the Grant Agreement substantially in the form of the one attached hereto and authorize and direct the Mayor and City Clerk to execute and deliver the Grant Agreement on behalf of the City of Hermantown.

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

1. The Grant Agreement substantially in the form of the one attached hereto as Exhibit A between the St Louis County and the City of Hermantown is hereby approved.
2. The Mayor and City Clerk are hereby authorized and directed to execute and deliver the Grant Agreement substantially in the form attached hereto on behalf of the City.

Councilor _____ introduced the foregoing resolution and moved its adoption.

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

Councilors, _____, aye.

and the following voted in opposition thereto:

WHEREUPON, such resolution was declared duly passed and adopted on July 5, 2022.

EXHIBIT A

COUNTY OF ST. LOUIS, MINNESOTA
Funding Contract 5801B

THIS FUNDING CONTRACT is made and entered into between the **County of St. Louis**, a body politic and corporate existing under the laws of the State of Minnesota, hereinafter referred to as the "County," and, **City of Hermantown**, located at **5105 Maple Grove Road, Hermantown, Minnesota 55811**, hereinafter referred to as the "City/Township."

WITNESSETH:

WHEREAS, the City/Township has requested St. Louis County to consider up to \$25,000.00 in broadband development and/or broadband application preparation and submission, as more fully described in Exhibit A, attached hereto and made a part herein; and

WHEREAS, the County has identified the need to establish a St. Louis County Broadband Planning Grant Program for assisting communities to plan for, develop, and seek funding to expand investment in high-speed broadband initiatives in their communities, for unserved or underserved areas in St. Louis County, Minnesota;

WHEREAS, The St. Louis County Board of Commissioners has previously identified economic development as a strategic priority; and

WHEREAS, St. Louis County has the authority and ability to fund this project.

NOW, THEREFORE, for good and valuable consideration, the parties do hereby agree as follows:

BACKGROUND

1. St. Louis County Broadband Planning Grant supports local broadband initiatives by providing financial assistance to eligible projects.
2. Eligible applicants consist of Cities, Townships, Tribal Units, Multi-organization collaborations, and non-profits, located within St. Louis County
3. Eligible project areas are unserved or underserved areas in St. Louis County:
 - 3.1 An unserved area is an area in which households or businesses lack access to wire-line broadband service at speeds that meet the Federal Communications Commission's (FCC) threshold of 25 megabits per second (Mbps) download and 3 Mbps upload.

- 3.2 An underserved area is an area of St. Louis County in which households or businesses do not receive service at or above the FCC threshold of 25 Mbps download and 3 Mbps upload but lack access to wire-line broadband service at speeds of 100 Mbps download and 20 Mbps upload.

TERM OF CONTRACT

4. The City/Township agrees to obtain or perform services described in this Contract from its Execution through December 31, 2024.

CONTRACT DOCUMENTS

5. It is understood and agreed that the Submitted Application, any Exhibits, and this Funding Contract 5108B shall collectively constitute the agreement between the County and the City/Township, and shall be referred to as the Contract and the work shall be done in accordance therewith.

RESPONSIBILITIES OF THE CITY/TOWNSHIP

6. Notwithstanding any other duties contained herein, the City/Township shall promptly respond to any written inquiries made by the County and carry out instructions received from the County as within the scope of City/Township's responsibilities under this Contract.
7. Eligible projects consist of Broadband plan development (e.g. feasibility studies) and/or broadband application preparation and submission (e.g. Federal, State, and other resources)
8. Eligible project costs consist of consulting costs and services, grant writing, personnel costs, surveys, and similar costs associated with planning.
9. Costs relating to infrastructure installation, middle mile, last mile, acquisition of property, equipment purchases, right-of-way, food, rent, travel, conferences and similar costs are considered ineligible project costs and will not be funded by this Contract.
10. As more fully described in Exhibit A attached hereto and incorporated herein.

PROCEEDS TO THE CITY/TOWNSHIP

11. The County shall, through its economic development or general funds, provide the City/Township an amount not to exceed Twenty-five Thousand Dollars and No Cents (\$25,000.00) for eligible project costs pursuant to this Contract.
12. Funding of eligible project costs, pursuant to this Contract, requires a 1:1 financial match (one part City/Township and one part County). The match must be committed and can come from any private and/or public source. The City/Township will identify the matching funds when submitting to the County an invoice for eligible project cost reimbursements.

RECORDS AUDITING AND RETENTION

13. The City/Township's books, records, documents, papers, accounting procedures and practices, and other evidence relevant to this Contract are subject to the examination, duplication, transcription and audit by the County and either the Legislative or State Auditor, pursuant to Minn. Stat. § 16C.05, Subd. 5. Such evidence is also subject to review by the Comptroller General of the United States, or a duly authorized representative, if federal funds are used for any work under this Contract. The City/Township agrees to maintain such evidence for a period of six (6) years from the date of services or payment were last provided or made or longer if any audit in progress requires a longer retention period.

OWNERSHIP OF DOCUMENTS

14. All materials prepared or developed by the City/Township or its employees or independent contractors, hereunder, including documents, computer data, correspondence, calculations, maps, sketches, designs, tracings, notes, reports, data, models, and forms specific to St. Louis County shall become the property of the County when prepared, whether delivered to the County or not, and shall, together with any materials furnished by the County, be delivered without cost to the County upon request, or in any event, upon the determination of final performance or termination of this Contract.

SUBCONTRACTING AND ASSIGNMENT

15. Except as identified in Exhibit A, the City/Township shall neither enter into subcontracts for performance of any of the services contemplated under this Contract, nor assign this Contract without the prior written approval of the County, and subject to such conditions and provisions as the County may deem necessary. The City/Township shall be responsible for the performance of all sub-contractors.

NON-DISCLOSURE OF INFORMATION OR DATA

16. Pursuant to Minnesota Statutes chapter 13 (Minnesota Government Data Practices Act), the City/Township agrees to maintain and protect data on individuals received, or to which the City/Township has access, according to the statutory provisions applicable to the data. No private, public, or confidential data developed, maintained or reviewed by the City/Township under this Contract may be released to the public by the City/Township or its employees or representatives.
17. It is further understood that the City/Township shall not, unless otherwise authorized by the County, disclose any information to the media or other third parties relating to the specific details of any documents, discussions, or meetings which may arise during the performance of services under this Contract. All requests for data or information from third parties shall be directed to the County for response.
18. The City/Township is hereby notified that the requirements of Minn. Stat. § 13.05, Subd. 11 may apply to this Contract. The City/Township shall administer and protect any and all government data according to the provisions of the Minnesota Government Data Practices Act, codified at Minnesota Statutes Chapter 13.

DISCRIMINATION IN EMPLOYMENT

19. The City/Township agrees to comply with all federal, state and local laws, ordinances, rules, regulations and executive orders pertaining to unlawful discrimination on account of race, color, creed, religion, national origin, sex, sexual orientation, marital status, status with regard to public assistance, disability or age. The City/Township further agrees to comply with all federal, state and local laws or ordinances and all applicable rules, regulations and standards established by any governmental agency having jurisdiction over the City/Township's performance of the provisions of this Contract.

MODIFICATIONS/ADDENDA

20. Any alterations, variations, modifications, or waivers of the provisions of this Contract shall only be valid when they have been reduced to writing and signed by the authorized representatives of the County and the City/Township. This Contract shall supersede all other oral and written Contracts prior to execution of this document.
21. The County may, in its discretion, amend this Contract without the consent of the City/Township to comply with changes in federal, state or local governmental regulations, policies, and available funding amounts. Any amendments will make specific reference to this Contract and will be in writing and signed by the County.

TERMINATION

22. If the City/Township fails to perform any of the provisions of this Contract or so fails to administer the work as to endanger the performance of the Contract, this shall constitute a default. Unless the City/Township's default is excused by the County, the County may upon written notice immediately terminate this Contract in its entirety.
23. Should this Contract terminate early for cause or convenience, the County shall have no further obligation to remit funding in relation to broadband infrastructure.
24. The County's failure to insist upon strict performance of any provision or to exercise any right under this Contract shall not be deemed a relinquishment or waiver of the same, unless consented to in writing. Such consent shall not constitute a general waiver or relinquishment throughout the entire term of the Contract.

NOTICES/COMMUNICATIONS

25. All notices and demands pursuant to this Contract shall be directed in writing to:

City of Hermantown

John Mulder
City Administrator
5105 Maple Grove Road
Hermantown, MN 55811
(218) 729-3600
jmulder@hermantownmn.com

St. Louis County

Brad Gustafson
Planning Manager
320 W 2nd Street
Duluth, MN 55802
(218)742-9563
gustafsonb@stlouiscountymn.gov

OTHER CONDITIONS

26. Compliance with Laws/Standards

The City/Township shall abide by all Federal, State or local laws, statutes, ordinances, rules and regulations now in effect or hereinafter adopted pertaining to this Contract or the facilities, programs and staff for which the City/Township is responsible.

27. Licenses

The City/Township shall procure, at its own expense, all licenses, permits or other rights required for the provision of services contemplated by this Contract. The City/Township shall inform the County of any changes in the above within five (5) days of occurrence.

28. Minnesota Law to Govern

This Contract shall be governed by and construed in accordance with the substantive and procedural laws in the State of Minnesota without giving effect to the principles of conflict of laws. All proceedings related to this Contract shall be venued in the State of Minnesota District Court for the Sixth Judicial District in Duluth, Minnesota.

29. Non-Participation in Political Activities

The City will comply with the provisions of the Hatch Act in that no funds provided, nor personnel employed under this Tax Abatement Agreement, will be in any way or to any extent engaged in the conduct of political activities (5 USC Ch.15).

LIMITATION OF LIABILITY

30. Neither party shall be liable for any special, consequential, or punitive damages resulting from or relating to any breach of the Contract under any circumstances.

SEVERABILITY

31. The provisions of this Contract shall be deemed severable. If any part of this Contract is rendered void, invalid, or unenforceable, such rendering shall not affect the validity and enforceability of the remainder of this Contract unless the part or parts which are void, invalid, or otherwise unenforceable shall substantially impair the value of the entire Contract with respect to either party.

ORDER OF PRECEDENCE

32. In all instances where any language in any attachment or Exhibit attached hereto is inconsistent with this Funding Contract 5801B (all sections and the recitals), this Funding Contract 5801B (all sections and the recitals) shall govern and control.

FINAL CONTRACT

33. This Contract is the final expression of the Contract of the parties and the complete and exclusive statement of the terms agreed upon, and shall supersede all prior negotiations, understandings, or contracts. There are no representations, warranties, or stipulations either oral or written not herein contained.

REMAINDER OF PAGE INTENTIONALLY LEFT BLANK

IN WITNESS WHEREOF, the parties hereto have executed this Contract on the day and year indicated below.

City of Hermantown

County of St. Louis

By: _____
Print or Type Name

By: _____

Signature

Matthew E. Johnson
Planning & Community
Development Director

Title: _____

Date: _____

Date: _____

By: _____

Email: _____

Paul McDonald
Chair, County Board

Date: _____

By: _____

Nancy Nilsen
Auditor

Date: _____


APPROVED AS TO FORM & EXECUTION:

By: _____

Thomas G. Stanley
Assistant County Attorney

Date: _____

OnBase Contract Number: 2022-0167

 <p>St. Louis County, MN</p>	<h1 style="text-align: center;">St. Louis County Broadband Planning Grant</h1> <h2 style="text-align: center;">PROGRAM GUIDELINES</h2>		<p>Form 9000 Rev. 7-19-2021</p>
<p>Background: The 'St. Louis County Broadband Planning Grant' supports local broadband initiatives by providing financial assistance to eligible projects. Application and additional information can be found online at: www.stlouiscountymn.gov/broadband</p>			
<p>Funding</p>	<p>Up to \$25,000 for eligible projects (\$250,000 total available for grants countywide)</p>		
<p>PROGRAM GUIDELINES</p>			
<p>Program Purpose</p>	<p>To assist communities with planning for and securing funds for broadband infrastructure in unserved or underserved areas of St Louis County.</p>		
<p>Program Goal <i>Aligned with the State</i></p>	<p>Goal 1: By 2022, St. Louis County businesses and homes have access to or are in the process of planning for high-speed broadband that provides minimum download speeds of at least 25 megabits per second and minimum upload speeds of at least three (3) megabits per second.</p> <p>Goal 2: By 2026, St. Louis County businesses and homes have access to at least one provider of broadband with download speeds of at least 100 megabits per second and upload speeds of at least 20 megabits per second.</p>		
<p>Eligible Applicants</p>	<p>Cities, townships, tribal units, and non-profits located within St. Louis County. <i>Multi-organization collaborations are encouraged.</i></p>		
<p>Eligible Project Areas</p>	<p>Unserved or Underserved Areas in St. Louis County An unserved area is an area in which households or businesses lack access to wire-line broadband service at speeds that meet the Federal Communications Commission's (FCC) threshold of 25 megabits per second (Mbps) download and 3 megabits per second (Mbps) upload. An underserved area is an area of St. Louis County in which households or businesses do receive service at or above the FCC threshold of 25 Mbps download and 3 Mbps upload but lack access to wire-line broadband service at speeds of 100 Mbps download and 20 Mbps upload.</p>		
<p>Eligible Projects</p>	<ul style="list-style-type: none"> ✓ Broadband plan development (e.g. feasibility studies) ✓ Broadband application preparation and submission (E.g. Federal, state, and other resources) 		
<p>Project Costs</p>	<p>Eligible Costs</p>	<p>Ineligible Costs</p>	
	<ul style="list-style-type: none"> ✓ Consulting costs and services, grant writing, personnel costs, surveys, and similar costs associated with planning 	<ul style="list-style-type: none"> ✓ Infrastructure installation, middle mile, last mile, acquisition of property, equipment purchases, right-of-way, food, rent, travel, conferences 	
<p>Match Funds Requirement</p>	<p>Requires a 1:1 financial match (one part applicant and one part County). The match must be committed and can come from any private and/or public source.</p>		
<p>Priorities <i>Scoring Criteria</i></p>	<ul style="list-style-type: none"> ✓ Leverages provider partnership/investment (20 pts) ✓ Serves unserved and underserved areas (20 pts) ✓ Number of households and businesses served (20 pts) ✓ Strong citizen participation and support (20 pts) ✓ Project readiness (10 pts) ✓ Leverages government investment (10 pts) 		
<p>APPLICATION PROCESS</p>			
<p>Application Deadline</p>	<p>Initial Application Deadline: September 17, 2021 <i>All eligible applications received during this time period are reviewed and scored according to the evaluation criteria. Grants are awarded to the most competitive and ready to go applications. Applications submitted after deadline may be awarded on a rolling basis subject to meeting eligibility requirements and the availability of remaining grant funds.</i></p>		
<p>Application Requirements</p>	<p>All applicants must provide an approved resolution to apply for, accept and match grant funds.</p>		
<p>Contact Information</p>	<p>Brad Gustafson Planning & Community Development St. Louis County</p>	<p>Phone: (218) 742-9563 Email: gustafsonb@stlouiscountymn.gov www.stlouiscountymn.gov/broadband</p>	



St. Louis County, MN

St. Louis County Broadband Planning Grant Application

Form

9001

Rev. 7/16/2021

Overview: The purpose of this grant is to provide broadband assistance to qualifying cities, townships, tribal units of government, or non-profits located within unserved or underserved areas of St. Louis County. The grant will provide up to \$25,000 per applicant/project and will require a 1:1 financial match. The match must be committed and can come from any private and/or public source. St. Louis County may conduct an audit of any grants awarded.

BEFORE YOU GET STARTED...

As part of this application, you will need to submit a signed and dated W-9 Form (www.irs.gov) and a map of your project area.

PROGRAM ADMINISTRATOR and CONTACT

Submit Applications To	
Brad Gustafson Senior Planner (218) 742-9563 gustafsonb@stlouiscountymn.gov	By Mail: Planning and Community Development St. Louis County Government Services Center 201 South 3rd Avenue West Virginia, MN 55792
By Email: communitydevelopmentinfo@stlouiscountymn.gov (Preferred)	
Initial Application Deadline: <u>September 17, 2021</u>, then ongoing thereafter as funds are available.	

APPLICANT INFORMATION

Name of Applicant CITY OF HERMANTOWN - JOHN MULDER, CITY ADMINISTRATOR			
Please Briefly Describe the Applicant (public agency, unit of government, non-profit, etc.) CITY OF HERMANTOWN			
Project Name Broadband Task Force	Estimated Start Date	Estimated End Date	
Applicant Physical Address (no P.O. boxes) 5105 MAPLE GROVE ROAD	City HERMANTOWN	State MN	Zip 55811
Applicant Mailing Address (if different)	City	State	Zip
Applicant Email Address JMULDER@HERMANTONWMN.CO	Applicant Phone 218 729-3600	Applicant Website URL HERMANTOWNMN.COM	
Contact Person Name JOHN MULDER	Contact Person Phone		
Contact Person Email Address jmulder@hermantownmn.com	Federal ID Number (EIN number) – <i>if applicable</i>		

Project Budget (IF UNKNOWN, LEAVE BLANK)

St. Louis County Broadband Planning Grant Request	\$25000
Applicant Committed Funds	\$25000
Other Sources Funds	\$
Total Project Cost	\$50000

PROJECT NARRATIVE (PROVIDE A DESCRIPTION OF YOUR PROJECT)

THE CITY OF HERMANTOWN STARTED A BROADBAND TASK FORCE AND HELD THEIR FIRST MEETING ON AUGUST 25, 2021. WE HAVE SET THE SCHEDULE FOR THEM TO COMPLETE THEIR WORK BY THE END OF 2024. THE TASK FORCE WAS CREATED BY THE CITY COUNCIL (APPROVED POLICY ADOPTED BY THE COUNCIL IS ATTACHED) AND CHARGED WITH THE FOLLOWING DUTIES:

INVENTORY EXISTING BROADBAND INFRASTRUCTURE.

INVENTORY EXISTING BROADBAND PROVIDERS.

IDENTIFY AREAS WITHIN THE CITY OF HERMANTOWN THAT ARE UNDERSERVED OR UNSERVED BY BROADBAND.

CREATE A STRATEGY FOR PROVIDING BROADBAND SERVICE TO UNDERSERVED OR UNSERVED AREAS OF THE CITY OF HERMANTOWN.

SUBJECT TO THE APPROVAL BY THE CITY COUNCIL, APPLY FOR AND ACCEPT GRANTS TO PROVIDE FUNDS TO ENABLE IT TO PERFORM ITS DUTIES. ANY GRANT AGREEMENT MUST BE APPROVED BY THE CITY COUNCIL.

MAKE RECOMMENDATIONS FOR MODIFICATIONS TO THE GRANT PROGRAM DESCRIBED IN SECTION 4 HEREOF THAT ARE NEEDED FROM TIME-TO-TIME.

THIS GRANT WOULD BE USED TO HIRE CONSULTANT(S), INCLUDING BUT NOT LIMITED TO, IT PROFESSIONALS, CIVIL ENGINEERS, LEGAL COUNSEL, AND/OR INDIVIDUALS TO FACILITATE DISCUSSION AND PLANNING.

THE CITY IS COMMITTEING \$500,000 OF THE AMERICAN RESCUE FUNDS TO FACILITATE BROADBAND EXPANSION USING EITHER EXISTING PROVIDERS OR REMOVING BARRIERS FOR NEW PROVIDERS. IN MAY OF THIS YEAR, THE CITY COUNCIL APPROVED A GRANT OF \$39,499 TO MEDIACOM AS A PARTIAL MATCH TO THEIR CONTRIBUTION OF \$585,253 AND A STATE GRANT OF \$624,752 TO PROVIDE HIGH SPEED SERVICE TO 240+ UNDERSERVED RESIDENCES & BUSINESSES .

THE TASK FORCE HOPES TO DEVELOP STRATEGIES TO WORK WITH PROVIDERS IN LEVERAGING OTHER GRANT DOLLARS TO EXPAND BROADBAND IN THE UNSERVED AND UNDERSERVED AREAS WITHIN THE CITY OF HERAMTOWN

DESCRIPTION OF PROJECT BUDGET (IF UNKNOWN, LEAVE BLANK)

1. What is the total expected cost of the project?	\$50000
2. What is the total amount committed by the applicant towards the project?	\$25000
3. What is the total amount requested of St. Louis County?	\$25000
4. What other sources of funding will be used for the project?	Name of grant: <input type="checkbox"/> Awarded <input type="checkbox"/> Applied <input type="checkbox"/> Will Apply
	Name of grant: <input type="checkbox"/> Awarded <input type="checkbox"/> Applied <input type="checkbox"/> Will Apply
	Name of grant: <input type="checkbox"/> Awarded <input type="checkbox"/> Applied <input type="checkbox"/> Will Apply

APPLICATION REQUIREMENTS	
Please verify the following grant requirements:	<i>Check the appropriate box</i>
1. Is the applicant physically in St. Louis County?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
2. Does the applicant have a broadband committee to work on this project?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
3. Are there multiple organizations working together on this project?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
If yes, who:	
4. Has a feasibility study been completed on this project in the past?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
5. Is the applicant working with a service provider?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
If yes, who: MEDIACOM	
6. Is the project located in an unserved or underserved area?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
7. Has a community survey been completed to determine interest in the project?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
8. Has the applicant committed money towards this project?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
9. Approximately how many households and/or businesses will be served from this project?	
10. Estimated month/year of planning/feasibility study?	

ORGANIZATIONAL STRUCTURE	
Please list members of the project committee and describe their roles.	
Member Name	Role
SEE ATTACHED LIST	

AGREEMENT		
<input checked="" type="checkbox"/> Check Box to Agree	<p>By submitting this application, I certify and agree that I am the authorized agent of the organization and that all information submitted is true and correct to the best of my knowledge. I further agree that false or misleading statements will result in nullifying the grant application and require the immediate return of any allocated grant funds to St. Louis County. Failure to provide proper documentation of the information provided in this application to St. Louis County upon request shall render the grant application incomplete and will result in the grant being nullified and require that all grant funds received be returned immediately to St. Louis County. I understand the information submitted may be public data, pursuant to the Minnesota Government Data Practices Act. I further understand that St. Louis County may audit the use of the grant funds. A list of successful grant recipients will also be made public.</p> <p>By providing an email address, you are authorizing St. Louis County to exchange information with you about your application using unencrypted email. This information may include private or nonpublic data. Unencrypted email is not secure. You accept the risk that data may be intercepted by someone other than the intended recipient and understand that St. Louis County is not liable for any damages caused by such interception. Selecting email does not authorize St. Louis County to release private or nonpublic data to anyone other than the recipient unless otherwise allowed by law.</p>	
Authorized Applicant Name: (By filling in, this is your signature) JOHN MULDER	Title: CITY ADMINISTRATOR	Date (month/day/year): 9/15/21