



Hermantown City Council Meeting – September 6, 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 September 6, 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 September 6, 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 September 6, 2022 at 4:30 p.m.
Council Chambers
Hermantown Governmental Services Building**

**City Council Meeting September 6, 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** 22-86 through 22-92 placed on file
 - B. **22-87** Ronald Trethewey, Hermantown Resident
TO: City Council
RE: Traffic Concerns Around Edgewood
 - C. **22-91** Jim Crace, Chief of Police
TO: Mayor & City Council
RE: Alcohol Compliance Checks
 - D. **22-92** Jim Crace, Chief of Police
TO: Mayor & City Council
RE: Tobacco Compliance Checks
7. **PRESENTATIONS** *(Department Heads may give reports if necessary.)*
 - A. John Mulder, City Administrator
RE: Community Recreation Initiative *(Pre-Agenda Only)*
8. **PUBLIC DISCUSSION** *(This is the time for individuals to address the Council about any item not on the agenda. The time limit is three minutes per person.)*
9. **CONSENT AGENDA** *(All items on the Consent Agenda are items which are considered routine by the City Council and will be approved by one motion via voice vote. There will be no discussion of*

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

- A. **Minutes** - Approval or correction of August 15, 2022 City Council Continuation Minutes
- B. **Accounts Payable** – Approve general city warrants from August 16, 2022 through August 31, 2022 in the amount of \$578,435.55

10. MOTIONS

- A. Motion to approve/deny an **application for temporary service area expansion** for AAD Shriners on September 24, 2022
- B. Motion to approve/deny to appoint _____ to the Comprehensive Plan **Steering Committee**

11. ORDINANCES

- A. **2022-10** An Ordinance Recommending That Portions Of The Hermantown City Code Be Temporarily Suspended To Further Study The “Earn-A-Buck” Requirement For The Hermantown City 2022 Bow Hunt

First Reading

- C. **2022-11** An Ordinance Amending Title 2 Of The Hermantown City Code By Amending The Official Zoning Map 4747 Hermantown Road (Parcels 395-0010-07045 And 395-0010-07050)

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. **2022-110** Resolution Calling A Public Hearing On An Ordinance Amending The Fee Schedule For Licenses, Permits, And Fees Section 270 Of The Hermantown Code Of Ordinances

(motion, roll call)

- B. **2022-111** Resolution Approving Pay Request Number 5 For Reconditioning Of Highway 53 Water Tower (Water Improvement District No. 318) To Osseo Construction Co. LLC In The Amount Of \$25,175.00

(motion, roll call)

- C. **2022-112** Resolution Approving Special Use Permit For Construction Of An Accessory Structure In Excess Of 1,600 Square Feet In The R-1 Zoning District At 58xx Highway 194 (395-0077-00010) And Imposing Conditions Thereon

(motion, roll call)

D. 2022-113

Resolution Authorizing And Directing The Mayor And City Clerk To
Execute And Deliver An Agreement For Consulting Services With
Hometown Fiber In An Amount Not To Exceed \$19,987.00

(motion, roll call)

13. CLOSED SESSION

Motion to close the meeting of the Hermantown City Council pursuant to Minnesota Statutes §§ 13D.05, subd. 3(c)(1) and 13D.05, subd. 3(c)(3) to evaluate the asking price of naming rights associated with a proposed hockey arena located in the City of Hermantown and develop offers and counteroffers and pursuant to Minnesota Statute § 13D.05, Subd. 3(b), per the attorney-client privilege for discussions regarding potential or threatened litigation related to an employment matter. Following the closed session, the council will re-convene in open session.

14. RECESS

Date: September 1, 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>
8/16/2022	22-86	Jim Frisell, McGough	John Mulder, City Administrator	Cost of Pool Leak in 2021	8/10/2022
8/19/2022	22-87	Ron Trethewey, 4125 Westberg Rd., Apt. 130	City Council	Traffic Issues	8/15/2022
8/19/2022	22-88	William Seuffert, MN Public Utilities Commission	John Mulder, City Administrator	Public Hearing	8/16/2022
8/26/2022	22-89	Brian Holmer, Coalition of Greater MN Cities	John Mulder, City Administrator	2023 CGMC Dues Invoice	8/18/2022
8/30/2022	22-90	MN Power	John Mulder, City Administrator	Wellness Center Credit Due	8/25/2022
8/30/2022	22-91	Jim Crace, Chief of Police	John Mulder, City Administrator & City Council	Alcohol Compliance Checks - Final Report	8/29/2022
8/30/2022	22-92	Jim Crace, Chief of Police	John Mulder, City Administrator & City Council	Tobacco Compliance Checks - Final Report	8/29/2022

8-15-22

Hermantown City Council
Hermantown, Minnesota

Received

AUG 18 2022

City of Hermantown

Clear members,

Some time this past June, you received a letter from the Edgewood View housing complex regarding some troubling car traffic issues near and surrounding Edgewood.

With the support of the Edgewood staff, I wrote that letter.

Because I am an avid walker and use the sidewalk from Sam's Club to Hebron Rd. and Westberg Rd from Maple Grove to Market St., I could not help but notice a tendency to speed on this section of both roads.

What was most troubling was the speeding on the south side of Maple Grove Rd., where the sidewalk is located. What with the sidewalk sitting only about seven feet from car traffic, over speeding can be a bit intimidating.

As for Westberg Rd., which has no

(2)

sidewalks and limited space to walk along side the road, it's a bit concerning. I have also seen a pair of relatively new trucks come to a stop at the bottom of Westberg Rd., come to a complete stop before gunning it straight north up the hill, where entrances and outlets from two other facility buildings are located.

In the winter, when at times walking paths and gravel are not plowed in the parts of the complex to the north, walkers are forced to use the little space provided along Westberg Rd.

Very soon this will not continue to be a concern for me as a walker, as my family will be moving to a much smaller town in northwestern Wisconsin where the city streets and sidewalks will provide more peace and quiet and less danger.

However, before we leave the area I thought I'd be remiss if I didn't offer this reminder. The more tolerance you show to speeders the more reckless and belligerent they will get.

(over)

(3)

A few more caution and speed limit signs placed in critical areas would seem to me to be a critical investment.
Thank you and respectfully yours,

Ron Trethewey
4125 Westberg Rd Apt 130
Hermantown, MN



SAINT PAUL MN 550
16 AUG 2022 PM 1 L



Hermantown city Hall
c/o The city council
5105 Maple Grove Rd
Hermantown, MN
55811

55811-368699



HERMANTOWN POLICE DEPARTMENT

Memo

To: City of Hermantown, City Council & City Administrator John Mulder
From: Jim Crace, Chief of Police 
Date: August 29, 2022
Re: Alcohol Compliance Checks -- Final Report

On 08/23/2022, the Hermantown Police Department completed alcohol compliance checks of current liquor license holders in the City of Hermantown. One business had not been checked prior to this date as the business does not sell or furnish alcohol on a daily basis and was not currently hosting any events during the time of checks using the volunteer.

All compliance checks are performed by the Hermantown Police Department using volunteers. These volunteers attempt to purchase alcoholic beverages as part of our efforts to measure compliance. The goal of these checks is to assess the sales of alcoholic beverages to those under 21 years of age in our community.

The City of Hermantown currently has 23 businesses that were issued a liquor license for 2022. I am pleased to inform you that 23 of 23 businesses successfully passed the alcohol compliance checks by not serving or selling alcohol to our underage volunteer.

HERMANTOWN POLICE DEPARTMENT

Memo

To: City of Hermantown, City Council & City Administrator John Mulder
From: Jim Crace, Chief of Police 
Date: August 29, 2022
Re: Tobacco Compliance Checks – Final Report

On 08/23/2021, the Hermantown Police Department completed tobacco compliance checks of current tobacco license holders in the City of Hermantown.

All compliance checks are performed by the Hermantown Police Department using volunteers. These volunteers attempt to purchase tobacco or tobacco related products as part of our efforts to measure compliance. The goal of these checks is to assess the sales of tobacco to those under 21 years of age in our community.

The City of Hermantown currently has 17 businesses that were issued a tobacco license for 2022. One business, The Hermantown General Store closed and was not included in on the compliance check. I am pleased to inform you that the remaining 16 of 16 businesses successfully passed the tobacco compliance checks by not selling tobacco to our underage volunteer.

CITY OF HERMANTOWN
CITY COUNCIL MEETING
August 15, 2022
6:30 p.m.

MEETING CONDUCTED IN PERSON & VIA ZOOM

PLEDGE OF ALLEGIANCE

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

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

ABSENT:

VISITORS:

ANNOUNCEMENTS

PUBLIC HEARING

COMMUNICATIONS

Communications 22-80 through and including 22-85 were read and placed on file.

Communication 22-85 from Natalie Peterson, City Councilor, to City Council regarding her resignation from City Council effective September 30th, 2022.

PRESENTATIONS

Eric Lagergren, DSGW, review the conceptual plans for the arena.

Kevin Orme, Director of Finance & Administration, reviewed the 2023 Prelim General Fund Budget.

PUBLIC DISCUSSION

Brad Salo, 5931 West Arrowhead Road, asked the City Council to review the bow hunt guidelines and consider removing the requirement that a doe must be taken before a buck can be. Bow hunt season starts September 17, 2022.

CONSENT AGENDA

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

- A. Approve August 1, 2022 City Council Continuation Minutes
- B. Approve general city warrants from August 1, 2022 through August 15, 2022 in the amount of \$422,615.34

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

MOTIONS

ORDINANCES

RESOLUTIONS

2022-105 Resolution Authorizing And Directing Mayor And City Clerk To Execute And Deliver Agreement Between The Hermantown Police Department And Hermantown Community Schools For Police/School Liaison Officer

Motion made by Councilor Peterson, seconded by Councilor Nelson, to adopt Resolution 2022-105 Resolution Authorizing And Directing Mayor And City Clerk To Execute And Deliver Agreement Between The Hermantown Police Department And Hermantown Community Schools For Police/School Liaison Officer. Roll Call: Councilors Geissler, Hauschild, Nelson, Peterson, Mayor Boucher, aye. Motion carried.

2022-106 Resolution Approving Agency Agreement With The State Of Minnesota For Federal Participation In Advance Construction For S.A. P. 201-101-014/202-104-012

Motion made by Councilor Geissler, seconded by Councilor Nelson, to adopt Resolution 2022-106 Resolution Approving Agency Agreement With The State Of Minnesota For Federal Participation In Advance Construction For S.A. P. 201-101-014/202-104-012. Roll Call: Councilors Geissler, Hauschild, Nelson, Peterson, Mayor Boucher, aye. Motion carried.

2022-107 Resolution Accepting The Proposal From Northland Consulting Engineers For Engineering Services To Remove The Bridge On Lindahl Road Over The Midway River Under The City Engineers Contract With The City

Motion made by Councilor Nelson, seconded by Councilor Peterson, to adopt Resolution 2022-107 Resolution Accepting The Proposal From Northland Consulting Engineers For Engineering Services To Remove The Bridge On Lindahl Road Over The Midway River Under The City Engineers Contract With The City. Roll Call: Councilors Geissler, Hauschild, Nelson, Peterson, Mayor Boucher, aye. Motion carried.

2022-108 Resolution Accepting The Proposal From Northland Consulting Engineers For Engineering Services To Design And Construct Sanitary Sewer Trunkline Spur From Oak Ridge Drive To The Section 24 Trunkline Under The City Engineers Contract With The City

Motion made by Councilor Peterson, seconded by Councilor Hauschild, to adopt Resolution 2022-108 Resolution Accepting The Proposal From Northland Consulting Engineers For Engineering Services To Design And Construct Sanitary Sewer Trunkline Spur From Oak Ridge Drive To The Section 24 Trunkline Under The City Engineers Contract With The City. Roll Call: Councilors Geissler, Hauschild, Nelson, Peterson, Mayor Boucher, aye. Motion carried.

2022-109 Resolution Authorizing And Directing Mayor And City Clerk To Execute And Deliver A Cooperative Agreement Between The City Of Hermantown, City Of Duluth And St. Louis County In Project SP 069-691-033, CP 0091-401108

Motion made by Councilor Hauschild, seconded by Councilor Geissler, to adopt Resolution 2022-109 Resolution Authorizing And Directing Mayor And City Clerk To Execute And Deliver A Cooperative Agreement Between The City Of Hermantown, City Of Duluth And St. Louis County In Project SP 069-691-033, CP 0091-401108. Roll Call: Councilors Geissler, Hauschild, Nelson, Peterson, Mayor Boucher, aye. Motion carried.

Motion made by Councilor Nelson, seconded by Peterson, to recess the meeting at 6:49 p.m. Motion carried.

Mayor

ATTEST:

City Clerk

CITY OF HERMANTOWN

CHECKS #-69078-69105
08/16/2022-08/31/2022

PAYROLL CHECKS

Electronic Checks - #-68940-68993 \$88,580.06

LIABILITY CHECKS

Electronic Checks - #-68934-68939 \$63,886.46

PAYROLL EXPENSE TOTAL \$152,466.52

ACCOUNTS PAYABLE

Check - 69078-69105 \$365,911.36

Electronic Payments #-99694-99703 \$60,057.67

ACCOUNTS PAYABLE TOTAL \$425,969.03

TOTAL \$578,435.55

Fun d	Account	Department	Vendor Name	Description	Amount	Check #
101	421100	Police Administration	NORTHEAST SERVICE COOPERATIVE	Health Ins Aug-Inactives	1,396.06	-99703
101	134000	Retiree Insurance/Telephone Reimb.	NORTHEAST SERVICE COOPERATIVE	Health Ins Aug-Inactives	873.65	-99703
101	424100	Building Inspection	EMPOWER RETIREMENT	Jim Rich Sick Time HCSP	39,855.89	-99702
101	415300	Administration & Finance	FURTHER ELECTRONIC PAYMENTS	Monthly Participant Fee 08/22	15.80	-99701
101	419100	Community Development	FURTHER ELECTRONIC PAYMENTS	Monthly Participant Fee 08/22	2.75	-99701
101	419901	City Hall & Police Building Maintenance	FURTHER ELECTRONIC PAYMENTS	Monthly Participant Fee 08/22	0.80	-99701
101	421100	Police Administration	FURTHER ELECTRONIC PAYMENTS	Monthly Participant Fee 08/22	31.95	-99701
101	431100	Street Department	FURTHER ELECTRONIC PAYMENTS	Monthly Participant Fee 08/22	2.05	-99701
601	494400	Water Administration and General	FURTHER ELECTRONIC PAYMENTS	Monthly Participant Fee 08/22	3.62	-99701
602	494900	Sewer Administration and General	FURTHER ELECTRONIC PAYMENTS	Monthly Participant Fee 08/22	5.43	-99701
101	217450	Employee Flexplan	FURTHER ELECTRONIC PAYMENTS	Claim Reimbursement - Electron	2,189.49	-99701
101	217450	Employee Flexplan	FURTHER ELECTRONIC PAYMENTS	Claim Reimbursement - Electron	185.00	-99701
101	415300	Administration & Finance	GREATAMERICA FINANCIAL SERVICES	Copier Lease/Konica August	96.00	-99700
101	419901	City Hall & Police Building Maintenance	MN ENERGY RESOURCES CORP	Natural Gas -CH/PD	143.37	-99699
101	422901	Firehall #1 Maple Grove Road	MN ENERGY RESOURCES CORP	Natural Gas -FH#1	175.22	-99699
101	452100	Parks	BRENT'S SEPTIC SERVICE LLC	Portable Toilets	1,395.00	-99698
101	431100	Street Department	BROCK WHITE COMPANY, LLC	Plexi Melt Mastic One Leveling	2,746.00	-99697
602	494500	Sewer Maintenance	GOODIN COMPANY INC	Utility Gauge	18.48	-99696
101	419100	Community Development	NORTHLAND CONSULTING ENGINEERS L.L.P.	PO 2334 - Pillars	320.00	-99695
101	419100	Community Development	NORTHLAND CONSULTING ENGINEERS L.L.P.	PO 2324 - Zierden/Weets Dev	400.00	-99695
101	431100	Street Department	NORTHLAND CONSULTING ENGINEERS L.L.P.	PO 2313 - MSA	400.00	-99695
101	431130	City Engineer	NORTHLAND CONSULTING ENGINEERS L.L.P.	PreAgenda, City Council, Four	1,600.00	-99695
101	414100	Elections	FIRST BANKCARD	Jul First Bankcard Heinbuch	43.76	-99694
101	415300	Administration & Finance	FIRST BANKCARD	Jul First Bankcard Heinbuch	120.82	-99694
101	415300	Administration & Finance	FIRST BANKCARD	Jul First Bankcard Orme	9.74	-99694
101	419901	City Hall & Police Building Maintenance	FIRST BANKCARD	Jul First Bankcard Orme	715.06	-99694
101	419901	City Hall & Police Building Maintenance	FIRST BANKCARD	Jul First Bankcard Orme	376.02	-99694
101	419901	City Hall & Police Building Maintenance	FIRST BANKCARD	Jul First Bankcard Heinbuch	106.29	-99694
101	419901	City Hall & Police Building Maintenance	FIRST BANKCARD	Jul First Bankcard Orme	100.00	-99694
101	419901	City Hall & Police Building Maintenance	FIRST BANKCARD	Jul First Bankcard Orme	122.50	-99694
101	421100	Police Administration	FIRST BANKCARD	Jul First Bankcard Gottschald	55.18	-99694
101	421100	Police Administration	FIRST BANKCARD	Jul First Bankcard Heinbuch	79.47	-99694
101	421100	Police Administration	FIRST BANKCARD	Jul First Bankcard Pfeiffer	121.76	-99694
101	421100	Police Administration	FIRST BANKCARD	Jul First Bankcard Sorensen	213.94	-99694
101	421100	Police Administration	FIRST BANKCARD	Jul First Bankcard Esterbrooks	20.59	-99694
101	421100	Police Administration	FIRST BANKCARD	Jul First Bankcard Esterbrooks	125.91	-99694
101	421100	Police Administration	FIRST BANKCARD	Jul First Bankcard Ross	134.90	-99694
101	421100	Police Administration	FIRST BANKCARD	Jul First Bankcard Battaglia	375.00	-99694

Fun d	Account	Department	Vendor Name	Description	Amount	Check #
101	421100	Police Administration	FIRST BANKCARD	Jul First Bankcard Enright	75.00	-99694
101	421100	Police Administration	FIRST BANKCARD	Jul First Bankcard Ross	82.94	-99694
101	421100	Police Administration	FIRST BANKCARD	Jul First Bankcard Sorensen	275.00	-99694
101	421100	Police Administration	FIRST BANKCARD	Jul First Bankcard Leibel	22.69	-99694
101	421100	Police Administration	FIRST BANKCARD	Jul First Bankcard Williams	23.73	-99694
101	421100	Police Administration	FIRST BANKCARD	Jul First Bankcard Knapp	275.00	-99694
101	421100	Police Administration	FIRST BANKCARD	Jul First Bankcard Williams	23.27	-99694
101	421100	Police Administration	FIRST BANKCARD	Jul First Bankcard Stracek	16.99	-99694
101	422901	Firehall #1 Maple Grove Road	FIRST BANKCARD	Jul First Bankcard Orme	94.00	-99694
101	422901	Firehall #1 Maple Grove Road	FIRST BANKCARD	Jul First Bankcard Orme	178.76	-99694
101	424100	Building Inspection	FIRST BANKCARD	Jul First Bankcard Heinbuch	43.54	-99694
101	431100	Street Department	FIRST BANKCARD	Jul First Bankcard Orme	44.02	-99694
101	431100	Street Department	FIRST BANKCARD	Jul First Bankcard Senst	173.38	-99694
101	431100	Street Department	FIRST BANKCARD	Jul First Bankcard Orme	226.90	-99694
101	452100	Parks	FIRST BANKCARD	Jul First Bankcard Bjonskaas	452.64	-99694
601	494300	Water Distribution	FIRST BANKCARD	Jul First Bankcard Senst	412.80	-99694
601	494400	Water Administration and General	FIRST BANKCARD	Jul First Bankcard Orme	17.60	-99694
601	494400	Water Administration and General	FIRST BANKCARD	Jul First Bankcard Orme	3.25	-99694
601	494400	Water Administration and General	FIRST BANKCARD	Jul First Bankcard Senst	11.91	-99694
601	494400	Water Administration and General	FIRST BANKCARD	Jul First Bankcard Orme	90.76	-99694
602	494900	Sewer Administration and General	FIRST BANKCARD	Jul First Bankcard Orme	3.25	-99694
602	494900	Sewer Administration and General	FIRST BANKCARD	Jul First Bankcard Orme	26.40	-99694
602	494900	Sewer Administration and General	FIRST BANKCARD	Jul First Bankcard Orme	136.14	-99694
275	452200	Community Building	FIRST BANKCARD	Jul First Bankcard Orme	1,520.52	-99694
275	452200	Community Building	FIRST BANKCARD	Jul First Bankcard Orme	1,249.68	-99694
101	427100	Poundmaster	ANIMAL ALLIES HUMANE SOCIETY	July Boarding	912.00	69078
101	422902	Firehall #2 Morris Thomas Road	CENTURYLINK	Internet FH2 07-28 to 08-27-22	79.98	69079
101	419901	City Hall & Police Building Maintenance	CINTAS CORPORATION	Mats at CH	8.88	69080
101	419901	City Hall & Police Building Maintenance	CINTAS CORPORATION	Mats at FD/PD	30.72	69080
101	431100	Street Department	CINTAS CORPORATION	Uniforms	9.72	69080
101	431100	Street Department	CINTAS CORPORATION	Uniforms	9.72	69080
101	431100	Street Department	CINTAS CORPORATION	Uniforms	26.93	69080
101	431100	Street Department	CINTAS CORPORATION	Uniforms	25.52	69080
101	431901	City Garage	CINTAS CORPORATION	Supplies	22.50	69080
101	431901	City Garage	CINTAS CORPORATION	Mats at PW	28.83	69080
101	431901	City Garage	CINTAS CORPORATION	Mats at PW	10.35	69080
101	431901	City Garage	CINTAS CORPORATION	Supplies	37.50	69080
601	494300	Water Distribution	CITY OF DULUTH COMFORT SYSTEMS	July Water Charges	92,638.49	69081

Fun d	Account	Department	Vendor Name	Description	Amount	Check #
601	494300	Water Distribution	CORE & MAIN LP	Rubber Meter Washers	34.48	69082
240	433500	Water Improvements	CORE & MAIN LP	Sensus Setup Fee	7,075.00	69082
101	452100	Parks	DAIRYLAND FENCE CO INC	Fence Repairs @ Parks	12,500.00	69083
101	421100	Police Administration	DAKOTA COUNTY FINANCIAL SERVICES	Jan-March 22 eBriefing/eForms	429.87	69084
101	414100	Elections	DOLENTZ, JACKIE	Primary Election Travel & Food	159.21	69085
101	414100	Elections	DOLENTZ, JACKIE	Primary Election Supplies	108.60	69085
101	415300	Administration & Finance	EHLERS & ASSOCIATES INC	2022 Financial Management Plan	1,820.00	69086
460	465100	HEDA	EHLERS & ASSOCIATES INC	TIF Reporting - 2021 Reports	715.00	69086
461	465100	HEDA	EHLERS & ASSOCIATES INC	Prepare pay 2023 tax abatemnt	275.00	69086
101	421100	Police Administration	EMERGENCY AUTOMOTIVE TECHNOLOGIES INC	Radar&Battery - 2018 FD Utilit	230.00	69087
101	421100	Police Administration	EMERGENCY AUTOMOTIVE TECHNOLOGIES INC	New Bolt & Spacer - Squad #15	115.00	69087
101	421100	Police Administration	EMERGENCY AUTOMOTIVE TECHNOLOGIES INC	New Squad #12 In-House Build	11,824.81	69087
101	421100	Police Administration	FAUL PSYCHOLOGICAL PLLC	Evaluation - Prouse & Solem	1,300.00	69088
601	494300	Water Distribution	FERGUSON WATERWORKS #2516	Hydrants	8,402.30	69089
236	465300	Hermantown Wetland	GEI CONSULTANTS, INC.	Fichtner Park - Wetland Deline	3,000.00	69090
101	415300	Administration & Finance	INNOVATIVE OFFICE SOLUTIONS, LLC	Ribbon	4.99	69091
101	415300	Administration & Finance	INNOVATIVE OFFICE SOLUTIONS, LLC	Envelope/Keyboard	86.34	69091
101	419901	City Hall & Police Building Maintenance	KWIK TRIP EXTENDED NETWORK	Gas Building	572.94	69092
101	421100	Police Administration	KWIK TRIP EXTENDED NETWORK	Car Wash PD	189.98	69092
101	421100	Police Administration	KWIK TRIP EXTENDED NETWORK	Gas PD	5,255.34	69092
101	431100	Street Department	KWIK TRIP EXTENDED NETWORK	Gas Street	693.17	69092
601	494300	Water Distribution	KWIK TRIP EXTENDED NETWORK	Gas Utility	612.39	69092
602	494500	Sewer Maintenance	KWIK TRIP EXTENDED NETWORK	Gas Utility	408.26	69092
101	431100	Street Department	MENARD INC	Safety Vest - Drake	16.99	69093
101	431901	City Garage	MENARD INC	Key Box	28.14	69093
601	494300	Water Distribution	MENARD INC	Marking Wand	71.14	69093
602	494500	Sewer Maintenance	MENARD INC	USB Cable - Bob	16.99	69093
101	419901	City Hall & Police Building Maintenance	MN DEPT OF LABOR & INDUSTRY	Boilers - 51111 Maple Grove	40.00	69094
101	422901	Firehall #1 Maple Grove Road	MN DEPT OF LABOR & INDUSTRY	Pressure Vessel - FH1	10.00	69094
101	431100	Street Department	MN DEPT OF LABOR & INDUSTRY	PW Boiler Permit	10.00	69094
601	494400	Water Administration and General	MN DEPT OF LABOR & INDUSTRY	PW Boiler Permit	5.00	69094
602	494900	Sewer Administration and General	MN DEPT OF LABOR & INDUSTRY	PW Boiler Permit	5.00	69094
101	419901	City Hall & Police Building Maintenance	NORTHERN INDUSTRIAL INSULATION, INC.	AHU #3 & Heater	2,324.65	69095
245	465100	HEDA	NORTHSPAN GROUP INC	Business Grant Study ARPA	804.50	69096
101	416100	City Attorney	OVEROM LAW, PLLC	JAZB Board of Appeals and Adju	88.00	69097
101	416100	City Attorney	OVEROM LAW, PLLC	Data Practices Procedures -202	693.00	69097
101	416100	City Attorney	OVEROM LAW, PLLC	Nuisance Ordinance	33.00	69097
101	416100	City Attorney	OVEROM LAW, PLLC	Independent Living Facility -	528.00	69097

Fun d	Account	Department	Vendor Name	Description	Amount	Check #
101	416100	City Attorney	OVEROM LAW, PLLC	Fire Protection District	93.00	69097
101	416100	City Attorney	OVEROM LAW, PLLC	General Matters/Retainer	1,900.00	69097
101	416100	City Attorney	OVEROM LAW, PLLC	Keene Creek Stream Bed Restora	110.00	69097
101	416100	City Attorney	OVEROM LAW, PLLC	Valley View Division Matters	10.00	69097
101	416100	City Attorney	OVEROM LAW, PLLC	Naming Rights Policies	33.00	69097
101	416100	City Attorney	OVEROM LAW, PLLC	Right of Way Ordinance Updates	66.00	69097
101	419100	Community Development	OVEROM LAW, PLLC	Stebner Farms Projects	1,918.50	69097
101	419100	Community Development	OVEROM LAW, PLLC	P&R Properties Engwalls Develo	336.00	69097
101	419100	Community Development	OVEROM LAW, PLLC	Zierden Okerstrom Road Develop	182.00	69097
101	419100	Community Development	OVEROM LAW, PLLC	Moratzka Court of Appeals Matt	330.50	69097
101	421100	Police Administration	OVEROM LAW, PLLC	Edible Cannabinoids	790.00	69097
101	421100	Police Administration	OVEROM LAW, PLLC	Police Dept Personnel Matters	386.50	69097
230	465100	HEDA	OVEROM LAW, PLLC	HEDA Agenda Matters	784.00	69097
230	465100	HEDA	OVEROM LAW, PLLC	2021 Recreation Facility	537.00	69097
230	465100	HEDA	OVEROM LAW, PLLC	Hwy 53 Business Park Developme	328.50	69097
230	465100	HEDA	OVEROM LAW, PLLC	HEDA sale of 5028 Miller Trk H	44.00	69097
275	452200	Community Building	OVEROM LAW, PLLC	Water Loss at EWC	538.00	69097
230	214500	Escrow Deposits Payable	OVEROM LAW, PLLC	Oppidan Development	2,405.36	69097
245	456201	Broadband	OVEROM LAW, PLLC	Broadband Expansion	840.00	69097
101	431100	Street Department	PRO TIRE	Tire Repair - Big Mower	24.62	69098
603	441100	Storm Water	REDROCK PRECAST	Culverts - Getchell Rd	3,772.00	69099
101	431100	Street Department	SATHERS, LLC	Recycled Blacktop	1,500.00	69100
601	214500	Escrow Deposits Payable	SHORT ELLIOTT HENDRICKSON INC	HERT 22 Sprint @ Hawk Circle W	884.10	69101
101	421100	Police Administration	ST LUKES CLINICS	Blood Draws - July 22	87.30	69102
101	421100	Police Administration	STREICHER'S	Uniform - Prouse	189.00	69103
101	421100	Police Administration	STREICHER'S	Uniform - Prouse	329.92	69103
101	421100	Police Administration	STREICHER'S	Uniforms - Solem	427.89	69103
101	150000	Prepaid Items	TRAVELERS	Gen Liability & WC Insur 22-23	199,785.00	69104
230	362415	Other Insurance Recoveries Disability/Workers Comp Etc.	TRAVELERS	Gen Liability & WC Insur 22-23	-3.14	69104
601	362415	Other Insurance Recoveries Disability/Workers Comp Etc.	TRAVELERS	Gen Liability & WC Insur 22-23	-757.39	69104
101	362415	Other Insurance Recoveries Disability/Workers Comp Etc.	TRAVELERS	Gen Liability & WC Insur 22-23	-7,152.12	69104
260	362415	Other Insurance Recoveries Disability/Workers Comp Etc.	TRAVELERS	Gen Liability & WC Insur 22-23	-0.61	69104
602	362415	Other Insurance Recoveries Disability/Workers Comp Etc.	TRAVELERS	Gen Liability & WC Insur 22-23	-568.57	69104
603	362415	Other Insurance Recoveries	TRAVELERS	Gen Liability & WC Insur 22-23	-168.17	69104

Fun d	Account	Department	Vendor Name	Description	Amount	Check #
		Disability/Workers Comp Etc.				
601	494400	Water Administration and General	VALLI INFORMATION SYSTEMS, INC	July 2022 Bill Print	533.65	69105
602	494900	Sewer Administration and General	VALLI INFORMATION SYSTEMS, INC	July 2022 Bill Print	533.65	69105
603	441100	Storm Water	VALLI INFORMATION SYSTEMS, INC	July 2022 Bill Print	533.64	69105
Totals:					151 records printed	425,969.03



Application for Alcoholic Beverage License: Temporary Service Area Expansion

Fees:

All fees for the above-listed types of Alcoholic Beverage Licenses are as shown in the City of Hermantown Fee Schedule which is available from the City Clerk or viewed online at: <http://hermantownmn.com/services/publications.htm>.

Ordinance:

A copy of the Hermantown Code of Ordinances, Chapter 5, Alcoholic Beverages, can be obtained from the City Clerk or viewed on the Internet at: <http://www.hermantownmn.com> or Minnesota Department of Public Safety <http://www.dps.state.mn.us/alcgamb/alcgamb.aspx>

Application:

This application must be completed and submitted with all required information to be considered.

For all intent and purposes of this application, the APPLICANT means the individual, partnership, corporation, or association that owns the business to be licensed.

To the Honorable City Council of the City of Hermantown:

City Office Use Only

New

Dated Paid

8/29/22 \$250

License No.

Attach and include the following:

Current Intoxicating
Liquor License

Certificate of Liability
Insurance

Diagram of Temporary
Service Area

\$250.00 Cash Deposit

St. Louis County Health
Dept. Restaurant License

Application is hereby made for Temporary Service Area Expansion License for the following date: SEPT 24, 2022

Proposed hours of sale: From: 5 PM To: 11 PM

Name of Applicant: AAD SHRINERS Trade Name

Address of Licensed Premises 5152 MILLER Phone Number: 218-722-7488

TRUNK HWY, HERMANTOWN MN 55811 Email: SECRETARY@AADSHRINE.ORG

BUILDING OWNER:

Name: AAD SHRINERS Phone Number: 218-722-7488

Address: 5152 MILLER TRUNK HWY Email: SECRETARY@AADSHRINE.ORG
HERMANTOWN MN 55811

Any connection directly or indirectly with Application? Yes No

If Yes, explain: I AM A MEMBER

OF AAD SHRINERS. MY DUTY IS TO COORDINATE THIS EVENT FOR THEM.

Who will direct the operation of the business or serve as manager on the premises? Please list name, title and address.
MIKE DAIGLE - MEMBER / TITLE - ASST TARIAN - ELECTED SHRIK OFFICER
4743 BERKELEY RD, HERMANTOWN MN 55811

Additional information is required by the Hermantown Police Department.

1. Is this the first time for the event?

Yes

No

If No, how many people attended the event?

If Yes, how many people are you expecting to attend?

300 TO 600

2. What kind of advertisement have you done?

NONE YET - PENDING APPROVAL FROM CITY

3. What is the target age group for this event?

21 AND OLDER

4. Will dancing be allowed at this event?

Yes

No

I understand that as an applicant for this license, I am responsible for the Police/Security for this event.

Applicant Signature

Date

8/22/2022

For Police Department use only

Is a licensed Police officer needed for this event? _____

If yes, how many licensed peace officers will be required? _____

Minnesota Tax Id. No. _____

Federal Tax Id. No. _____

If a Minnesota Tax Identification number is not required, please explain: _____

Failure to answer all questions truthfully on this application, on the attached Affidavit(s), and on the required disclosures, which are made a part hereof, will be just cause for revocation of your license.

I (We) hereby certify that the applicant will be the sole owner and operator of this business to be conducted under the license and I (we) will notify the Council in writing of any change in ownership in this business before the change is made, for the approval of the City Council. I (We) have read the foregoing questions and answers to said questions are true of my (our) own knowledge. I (We) will comply with all the provisions of the Hermantown Alcoholic Beverage Code and all other applicable laws and regulations and their amendments.

(Individual)

(Individual)

For Partnership:

(Partner)

(Signature and Title)

For Corporations or Limited Liability Company:

(Signature and Title)

(Name of Corporation/Limited Liability Company)

Subscribed and sworn before me this _____ day of _____ 20____

City Use Only
Approved by City Council:

(Notary Public)

Date

Date of Application 8/22/2022
License No. _____

**TEMPORARY EXPANSION OF LICENSED PREMISES
DIAGRAM**

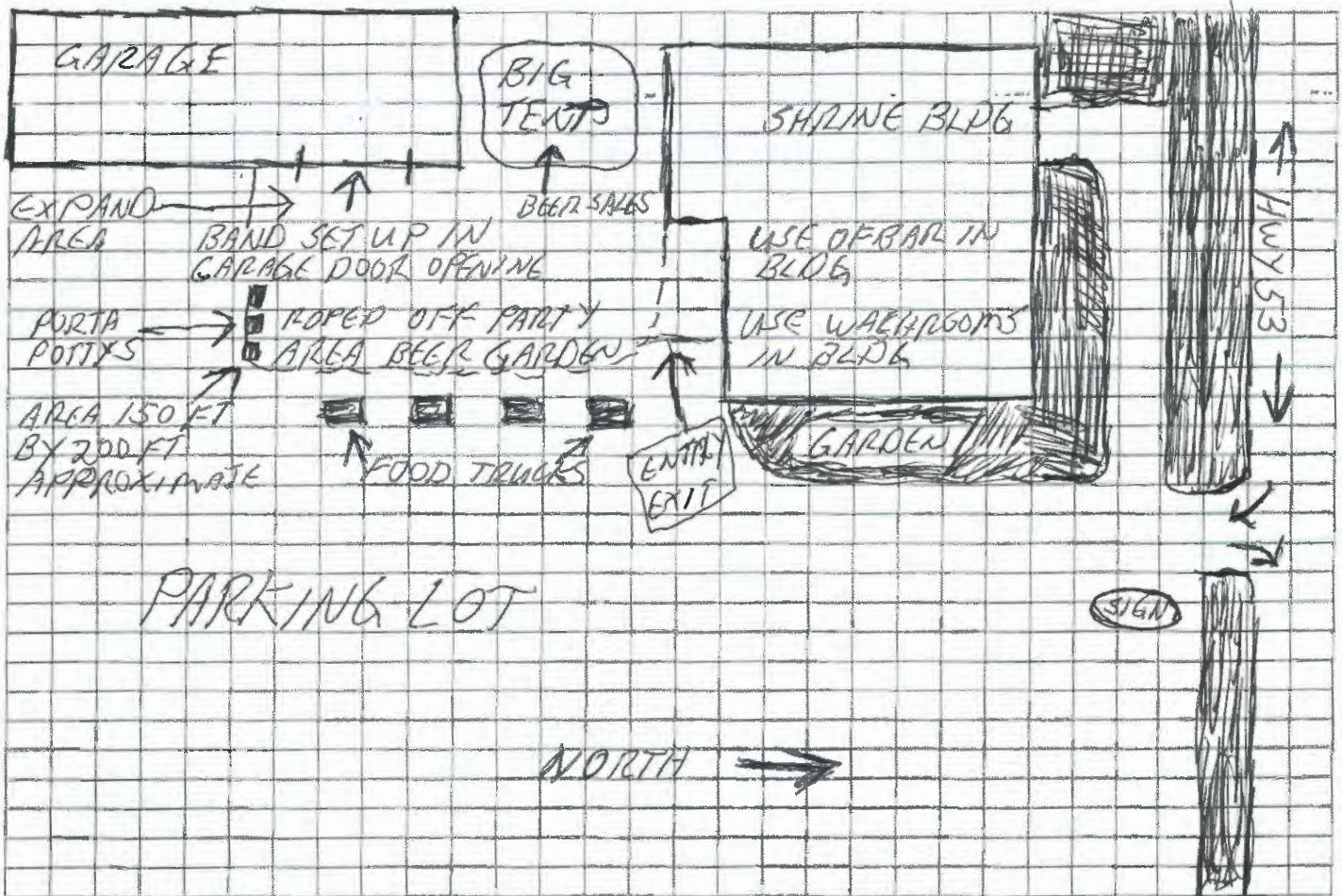
(Additional drawings may be attached if necessary)

Owner: AAD SHRINERS (d/b/a) Trade Name: _____
Date of Event: SEPT 24, 2022 Address: 5152 MILLER TRUNK HWY
Name of Event: _____ Time of Event: 5 PM START - 11 PM END

DIAGRAM MUST SHOW:

- A. Area that will be used.
- B. Streets and intersections bordering the area.
- C. Where fencing surrounding the area will be located and what type of fencing will be used.
- D. Where the bar will be located in the "service area expansion area" (if applicable).
- E. Exits and entries to and from the "service area expansion area".

Sketch location and dimensions of area to be occupied. Indicate north on diagram as "NORTH."



I hereby agree that I shall comply with all of the ordinances of the City of Hermantown and laws of the State of Minnesota and their amendments. I further agree to comply with any special restrictions that may be imposed by resolution of the Hermantown City Council and not to allow any services or consumption outside of the approved "service area expansion" identified here.

Phil Shriners
Signature of owner/authorized representative

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



DATE: August 30, 2022

Meeting Date: 09/06/2022

SUBJECT: Comprehensive Plan Update –
Steering Committee

Agenda Item: 10-B

Motion

REQUESTED ACTION

The Mayor should select one Council Member or Mayor to be on the Comprehensive Plan Update Steering Committee

BACKGROUND

In June, the City Council awarded a contract to Hoisington Koegler Group, Inc. (HKGI) for an update to the City’s Comprehensive Plan. Staff and HKGI have discussed the creation of a Comprehensive Plan Update Steering Committee to assist staff and HKGI with the process. The steering committee will consist of 10 members from the community as well as a one City Council member.

City staff discussed potential candidates for the steering committee with an emphasis on a prior interest in the Comprehensive Plan process as well as an active interest in the community. The interested people are:

Joe Peterson	Micki Wojtysiak
Jonathan Thornton	Bart Porter
J.P. Brooks	Sam Clark
Beth Wentzlaff	Lynne Williams
Karen Pionk	Sandi Peterson

A kick-off meeting with the steering committee is tentatively scheduled for the last week of September. To date, HKGI has been assembling demographics, economic, and housing data; developing existing conditions maps in GIS, and gathering and reviewing background documents relevant to the comprehensive plan.

SOURCE OF FUNDS (if applicable)

N/A

ATTACHMENTS

None

TO: City Council Members
FROM: Jim Crace, Chief of Police
DATE: August 30th, 2022
SUBJECT: Archery Hunt



Meeting Date: 09/06/2022

Agenda Item: 11-A **Ordinance:** 2022-10

REQUESTED ACTION

Approve a one-year Moratorium on the Earn a Buck language in the Hermantown Code.

BACKGROUND

The Hermantown Archery Deer Hunt was put in place primarily to control numbers of deer in the city. At the time of the initial passage, the deer numbers were very high and thus there was a desire to have female deer harvested to control the population. Deer numbers have been leveling off due to harvest and harsh winters as of late. With this change in deer numbers, I believe it is appropriate to lift the requirement to shoot a doe prior to being able to shoot an antlered male. If passed, we can look at this next year and decide if the moratorium should be extended.

SOURCE OF FUNDS (if applicable)

N/A

ATTACHMENTS

Ordinance

Ordinance No. 2022-10

The City Council of the City of Hermantown does ordain:

AN ORDINANCE RECOMMENDING THAT PORTIONS OF THE HERMANTOWN CITY CODE BE TEMPORARILY SUSPENDED TO FURTHER STUDY THE “EARN-A-BUCK” REQUIREMENT FOR THE HERMANTOWN CITY 2022 BOW HUNT

WHEREAS, the City of Hermantown’s Code of Ordinance Section 740 regulates hunting deer by bow and arrow; and

WHEREAS, Section 740.02.1.11 requires that licensed hunters first be required to harvest antlerless deer prior to harvesting antlered buck during the City’s bow hunting season (“Earn-a-Buck Requirement”); and

WHEREAS, administrative staff of the City of Hermantown and the Hermantown Police Department desire to study the effectiveness of the Earn-a-Buck Requirement further and have recommended that Section 740.02.1.11 be suspended for one (1) year; and

WHEREAS, the City Council has duly considered the recommendation of the City’s staff and the Hermantown Police Department and that a suspension of Section 740.02.1.11 for a period of one (1) year is in the best interests of the residents of the City of Hermantown.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Hermantown, Minnesota, that the following regulations be adopted as an Ordinance of the City of Hermantown:

1. Hermantown City Code Section 740.02.1.11 be suspended for one (1) year.
2. Hunters licensed through the State of Minnesota with an archery permit issued by the Hermantown Police Department are allowed to harvest either an antlerless deer or an antlered buck as their first harvest for the 2022 season.
3. This Ordinance is adopted pursuant to the provisions of Minnesota Statutes Section 462.355, Subdivision 4.
4. The purpose and intent of this Ordinance is set forth in the above whereas clauses.
5. This Ordinance shall be effective immediately upon adoption.
6. This Ordinance shall be published once in the official newspaper of the City of Hermantown.
7. City administrative staff and the Hermantown Police Department are hereby directed to study the outcomes of the suspension of the Earn-a-Buck Requirement and provide their report and recommendations to the City Council as soon as possible.

Dated the _____ day of _____, 2022.

Mayor

ATTEST:

City Clerk

Adopted: _____

Published: _____

Effective Date: _____

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



DATE: August 31, 2022

Meeting Date: 09/06/2022

SUBJECT: Zoning Map Amendment from R-3
Residential to C - Commercial

Agenda Item: 11-B

Ordinance: 2022-11

REQUESTED ACTION

Conduct a first reading on the proposed amendment to the Hermantown Zoning Map by rezoning parcels: 395-0010-07045 and 395-0010-07050 from R-3 Residential to C, Commercial. This is the former Engwall's Florist site.

DESCRIPTION OF REQUEST

Requested is the proposed change to the Hermantown Zoning Map by rezoning 4747 Hermantown Road (395-0010-07050 and 395-0010-07045) from R-3, Residential to C, Commercial. The application was made by P&R Development with the concurrence of the property owner Saline Properties, LLC.

The Planning and Zoning Commission is a recommending body in the City Process. The Planning and Zoning Commission did not support the rezoning request and voted 6-0 on a recommendation to deny the rezoning.

This application is now forwarded to the City Council with a recommendation to deny by the Planning and Zoning Commission. The City Council may vote to uphold the decision of the Planning and Zoning Commission or vote to overturn the Planning and Zoning Commission's recommendation and in turn approve the application. Decisions of the City Council shall be final.

SITE DATA

Address: 4747 Hermantown Road (395-0010-07045 and 395-0010-07050)
Comprehensive Plan: Concept Area 1: Maintain Suburban Character, Preserve Critical Natural Features, Phase Residential Development, Existing and New Park Areas
Current Zoning: R-3 Residential
Current Use: Property is currently vacant but buildings remain
Lot Size: 27 acres
Wetlands: Yes, delineation approved in 2019; Impacts for trail approved in 2020
Shoreland Overlay: Yes – Natural Environment Shoreland
Airport Zoning: N/A

ZONING PROCESS

A rezoning to C, Commercial would allow an applicant to apply for a Commercial Industrial Development Permit (CIDP) in order to construct up to 56 permitted uses, of which one of them is multifamily housing. An R-3 Residential district has 10 permitted uses.

A CIDP is reviewed and approved by the Heramtown Planning and Zoning Commission with no City Council review or approval required, however any Development or utility Agreements will require review and action by the City Council.

Dimensional standards would change as follows:

Dimensional Standards	R-3	C
Height	35 feet	65 feet
Setbacks		
<i>Front</i>	50 feet	35 feet
<i>Side (abutting street)</i>	10 feet	35 feet
<i>Side</i>	10 foot minimum, 25foot aggregate	10 feet
<i>Rear</i>	40 feet	40 feet
Minimum lot area	½ acre	none
Minimum lot width	100 feet	none
Maximum lot coverage	35%	50%

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.

The City is beginning the Comprehensive Plan Update process. Given the commercial characteristics of this Hermantown Road corridor, City staff will be discussing a study area with the planning consultant.

BACKGROUND

The Applicant has had exploratory conversations with City staff regarding the possible construction of a multifamily housing development at the former Engwall's Floral site. There are two potential routes to facilitate this type of development; the submission of a Planned Unit Development which would allow for the creation of site-specific setbacks and density while maintaining a maximum of 43 feet of building height or the rezoning of the property to C, Commercial which allows for multifamily housing. The C, Commercial zoning district has district wide setbacks in place along with a 65-foot maximum building height.

The applicant has chosen to pursue a property rezoning as that would provide greater flexibility for a project design in the future as well as potentially create a smaller building footprint and the opportunity to have more greenspace on the property.

At this time, the applicant has not applied for any building/development related permits.

The property is bordered by the R-3, Residential zoning district. There is a C, Commercial zoning district located at the intersection of Hermantown Road and Haines Road which contains Accurate Auto Repair and a BP Gas Station. The Salem Lutheran Church property is located between the subject parcels and the C, Commercial zoned properties. Churches, synagogues and convents are permitted uses within the R-3, Residential and C, Commercial zoning districts.

The property at 4770 Hermantown Road is a Kidz Kollege learning Center (daycare) which received a Special Use Permit in 2008. 4776 Hermantown Road houses an antique and estate treasures business. This property was formerly the Carlson Florist and Greenhouse which was in existence prior to 1976. Although located in a R-3 Residential district, these two uses do have commercial characteristics.

The Keene Creek townhome development consisting of 44 townhomes (22 buildings) is located on the south side of Hermantown Road in close proximity of the subject parcels.

SITE HISTORY

The property was the former location of Engwall's Florist which predated 1976. Engwall's left the site in 2021 with the property currently being vacant at this time.

The property owner has been actively marketing the land for redevelopment since 2015. A concept master plan for the overall 27 acres was prepared in 2015 and has been used for marketing since then.

The City extended a sanitary sewer main through parcel 395-0010-07050 in 2020 and 2021. The location of the sewermain was coordinated with the property owner in order to not impede redevelopment of the property. The alignment of the sanitary sewer main generally follows the concept master plan. New development would be able to access the sanitary sewer via manholes installed as part of the City's project.

There is an approved Planned Unit Development for the northern 8 acres of the subject property for 25 single family lots. These lots are approximately 5,000 square feet in size and utilized the master plan as the basis of the project design. A rezoning of these parcels would not affect this previously approved development.

PLANNING AND ZONING COMMISSION MEETING

A public hearing before the Planning and Zoning Commission for this application was held on Tuesday, August 16, 2022. There were 21 people in attendance for the hearing. Pete Pavlovich (applicant – P&R Development) spoke to the potential development plans associated with the site. There is the potential for 1-2 apartment buildings on the property similar in scale to the Aery development located on Highway 53. A rezoning of the property from R-3 to C would allow P&R to propose a building similar in scale and height (60'+/-) to the Aery. Under the R-3 zoning the height would be capped at 43' which would necessitate a larger building footprint, less overall site greenspace and potentially an increased construction cost. Alex Bushey of F.I. Salter spoke in

favor of the rezoning as their proposed project at the north portion of the Engwall's site would benefit from the P&R project as both projects could potentially share infrastructure costs.

Nine members of the public who spoke were not in favor of the rezoning as it would allow for a larger structure than could be permitted under the R-3 zoning as well as a use which is out of character with the surrounding properties. Another common concern was the potential unknown use of the property should it be rezoned to commercial should P&R not pursue their project.

The Planning and Zoning Commission expressed similar concerns regarding the unknowns associated with the site should a rezoning be approved and the P&R project not move forward. In addition, two of the members stated that the Comprehensive Plan update should review this area as a whole vs. approving a single lot rezoning at this time.

Discussions also included the ability to develop an apartment on this site utilizing the existing zoning and a Planned Unit Development. Staff reiterated to the board that there was not an application for development at this time, only a rezoning application.

The Planning and Zoning Commission is a recommending body in the City Process. The Planning and Zoning Commission did not support the rezoning request and voted 6-0 on a recommendation to deny the rezoning.

SUMMARY

Staff had recommended that the rezoning be supported by the Planning and Zoning Commission with their motion reflecting this support. Staff recommended 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 commercial zoning and commercial development currently exist.
2. C, Commercial uses are compatible with the surrounding uses, including an auto repair business, a gas/convenience store, a church, daycare and retail sales.
3. C, Commercial zoned property is located approximately 660 feet to the east at the Hermantown Road/Haines Road intersection.
4. A rezoning to C, Commercial allows for the maximization of existing water and sanitary sewer infrastructure thus allowing for more development opportunities than can be realized under a R-3 Residential zoning.
5. A rezoning to C, Commercial allows for multifamily housing and more redevelopment opportunities than can be accomplished with R-3 Residential zoning.

However, the Planning and Zoning Commission recommended denial of this application for rezoning on a 6-0 vote based on the following rationale:

1. A rezoning of a single property in this area is premature and should be reviewed on a larger scale as part of the Comprehensive Plan Update.
2. A rezoning of the property to C, Commercial without P&R Development being a verified end user could present compatibility issues with the residential uses abutting the property.
3. An apartment use at a reduced height can be accomplished with a Planned Unit Development application.

SOURCE OF FUNDS (if applicable)

N/A

ATTACHMENTS

- Location Map
- Current and Proposed Zoning Maps
- Ordinance

Findings of Fact. Approving Rezoning Request by P&R Development

1. A rezoning to C, Commercial is compatible with the surrounding uses, including an auto repair business, a gas/convenience store, a church, daycare and retail sales.
2. The property is bordered by the R-3, Residential zoning district. There is a C, Commercial zoning district located at the intersection of Hermantown Road and Haines Road which contains Accurate Auto Repair and a BP Gas Station. The Salem Lutheran Church property is located between the subject parcels and the C, Commercial zoned properties. Churches, synagogues and convents are permitted uses within the R-3, Residential and C, Commercial zoning districts.
3. The property at 4770 Hermantown Road is a Kidz Kollege learning Center (daycare) which received a Special Use Permit in 2008. 4776 Hermantown Road houses an antique and estate treasures business. This property was formerly the Carlson Florist and Greenhouse which was in existence prior to 1976. Although located in a R-3 Residential district, these two uses do have commercial characteristics.
4. The Keene Creek townhome development consisting of 44 units (22 buildings) is located on the south side of Hermantown Road in close proximity of the Land.
5. C, Commercial zoned property is located approximately 660 feet to the east at the Hermantown Road/Haines Road intersection.
6. A rezoning to C, Commercial allows for the maximization of existing water and sanitary sewer infrastructure thus allowing for more development opportunities than can be realized under a R-3 Residential zoning.
7. A rezoning to C, Commercial allows for multifamily housing and more redevelopment opportunities than can be accomplished with R-3 Residential zoning.
8. The Land falls within the City's Urban Services Boundary. A sanitary sewer main was extended through this property with service manholes provided for future development.
9. The Applicant has had exploratory conversations with City staff regarding the possible construction of a multifamily housing development on the Land.
10. Maps showing the Land in question adjacent to the Property are attached.

Findings of Fact Denying Rezoning Request by P&R Development

1. The proposed rezoning does not meet the policy statements or recommended goals of the adopted Hermantown Comprehensive Plan (2001). The site is in Area 1 of 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.

2. A C, Commercial zoning district includes land uses that are generally higher in intensity than those land uses permitted in the R-3 Residential district. Further information would be needed prior to making a determination about the capabilities of the existing transportation system.

3. The proposal to rezone the R-3 Residential zoned property in this location is inconsistent with surrounding land uses. All properties abutting these parcels are zoned R-3 Residential. The addition of a property zoned C, Commercial, a higher intensity land use with different impacts to adjacent properties, in the midst of this R-3 property could result in negative externalities to existing property owners within the R-3 district directly abutting and in the immediate vicinity of the Land.

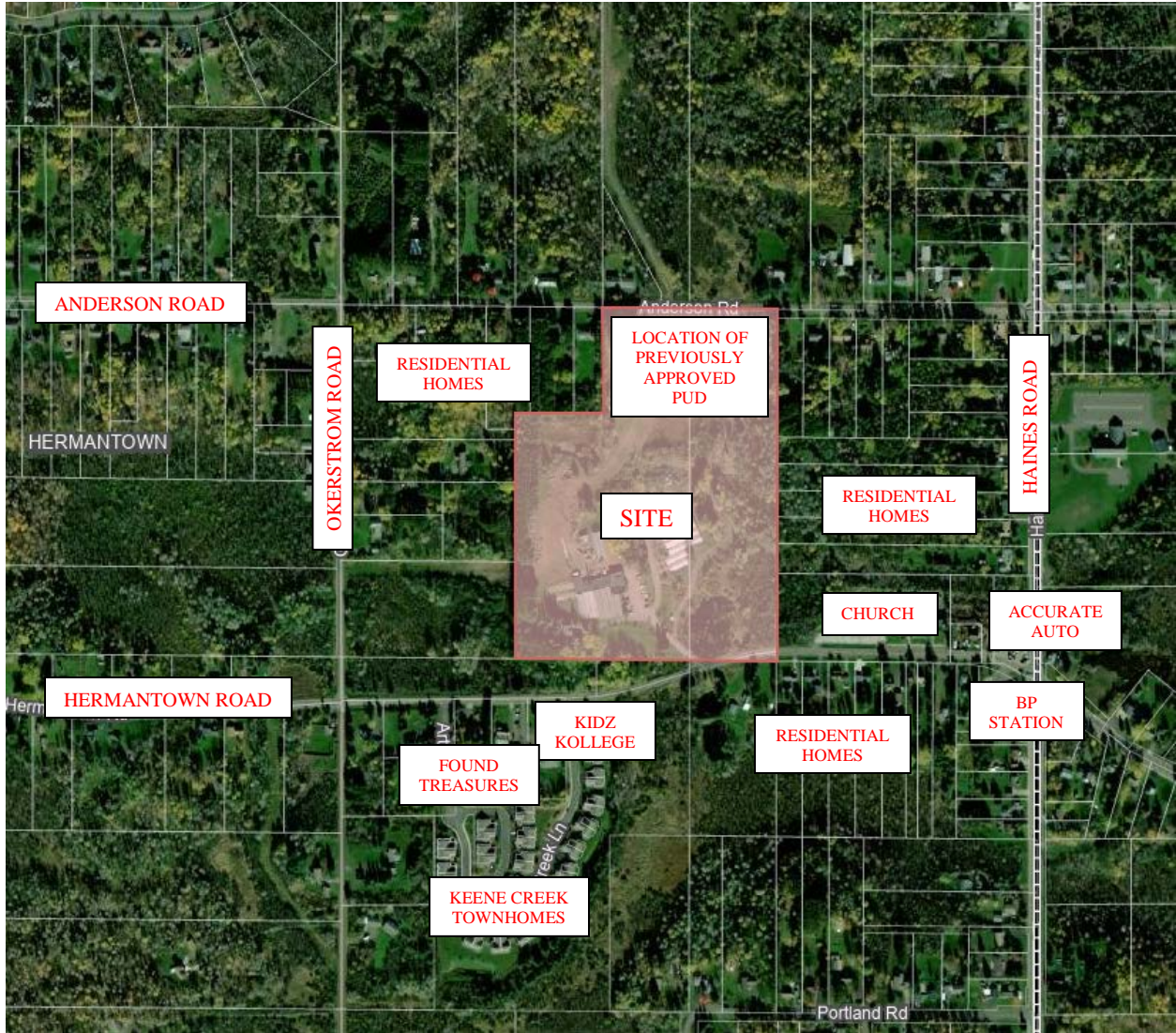
4. The City has commenced with the Comprehensive Plan Update. The rezoning of the Land in this area is premature and should be reviewed on a larger scale as part of the Comprehensive Plan Update.

5. At this time, the Applicant has provided a concept plan for development of the Land. There are no assurances with the rezoning application that the Land would be redeveloped as indicated by the Applicant should the site if rezoned.

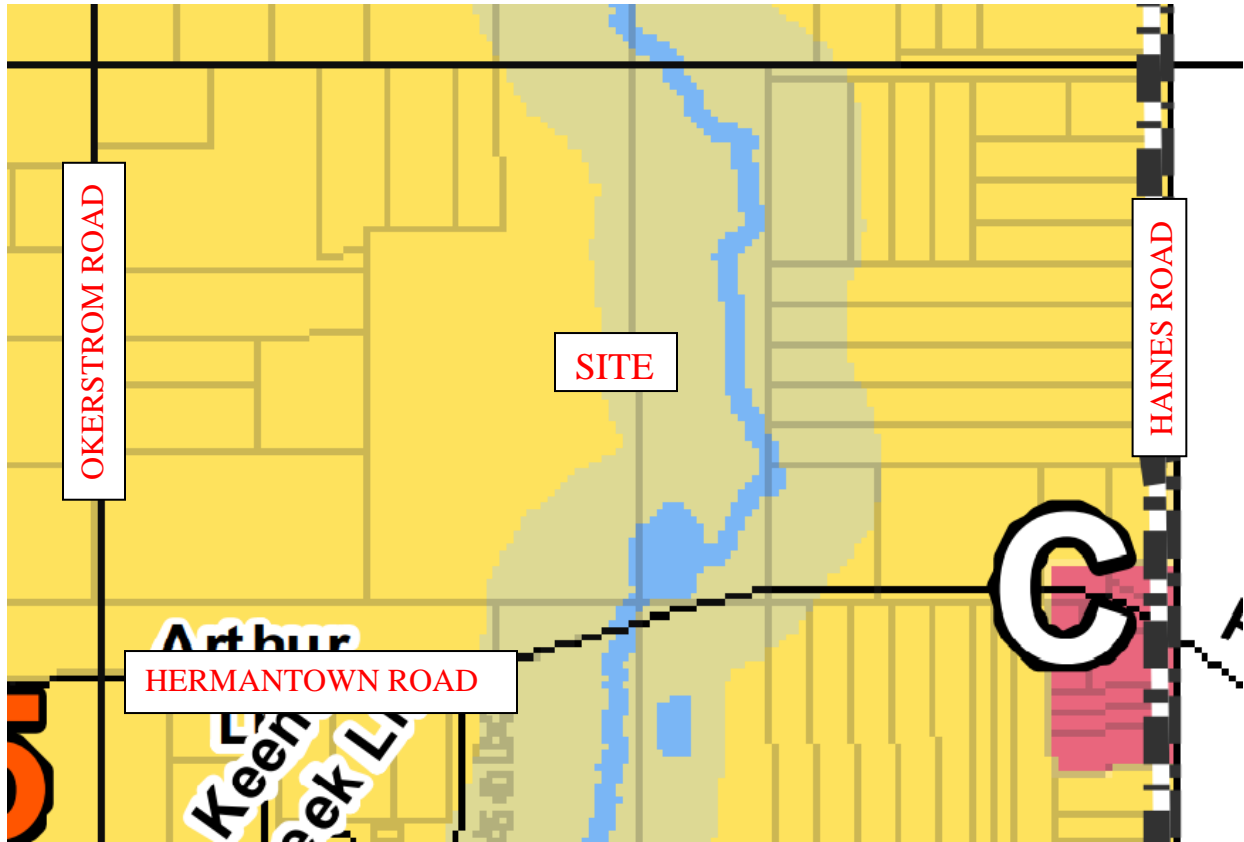
6. C, Commercial uses generally will produce more noise than R-3 Residential use which may result in negative externalities to surrounding property owners.

7. Maps showing the Land in question adjacent to the Property are attached.

Location Map



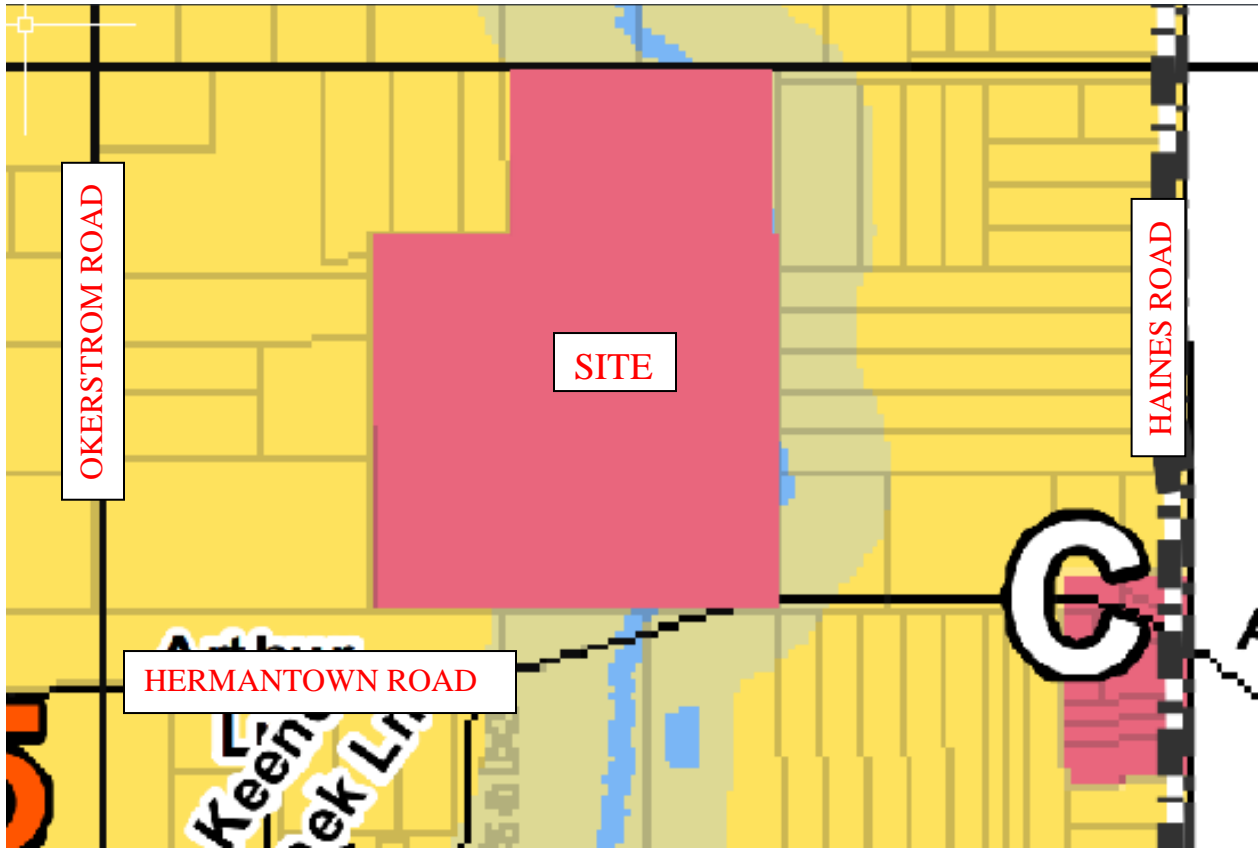
Existing Zoning Map



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

Proposed Zoning Map



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. 2022-11

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
4747 HERMANTOWN ROAD (PARCELS 395-0010-07045 AND
395-0010-07050)**

Section 1. Amendment to Official Zoning Map. The Official Zoning Map of the City of Hermantown is hereby amended so that Parcels 395-0010-07045 and 395-0010-07050 are zoned C, Commercial. See Exhibit A for Legal Description.

Section 2. Purpose and Intent. The purpose of this amendment is to rezone Parcels 395-0010-07045 and 395-0010-07050 to C, Commercial with the following Findings of Fact:

Findings of Fact.

1. The Planning Commission of the City of Hermantown (“Planning Commission”) held a public hearing on the rezoning request on August 16, 2022 at which time all parties desiring to be heard were afforded the opportunity to be heard.

2. A rezoning to C, Commercial is compatible with the surrounding uses, including an auto repair business, a gas/convenience store, a church, daycare and retail sales.

3. The property is bordered by the R-3, Residential zoning district. There is a C, Commercial zoning district located at the intersection of Hermantown Road and Haines Road which contains Accurate Auto Repair and a BP Gas Station. The Salem Lutheran Church property is located between the subject parcels and the C, Commercial zoned properties. Churches, synagogues and convents are permitted uses within the R-3, Residential and C, Commercial zoning districts.

4. The property at 4770 Hermantown Road is a Kidz Kollege learning Center (daycare) which received a Special Use Permit in 2008. 4776 Hermantown Road houses an antique and estate treasures business. This property was formerly the Carlson Florist and Greenhouse which was in existence prior to 1976. Although located in a R-3 Residential district, these two uses do have commercial characteristics.

5. The Keene Creek townhome development consisting of 44 units (22 buildings) is located on the south side of Hermantown Road in close proximity of the Land.

6. C, Commercial zoned property is located approximately 660 feet to the east at the Hermantown Road/Haines Road intersection.

7. A rezoning to C, Commercial allows for the maximization of existing water and sanitary sewer infrastructure thus allowing for more development opportunities than can be realized under a R-3 Residential zoning.

8. A rezoning to C, Commercial allows for multifamily housing and more redevelopment opportunities than can be accomplished with R-3 Residential zoning.

9. The Land falls within the City's Urban Services Boundary. A sanitary sewer main was extended through this property with service manholes provided for future development.

10. The Applicant has had exploratory conversations with City staff regarding the possible construction of a multifamily housing development on the Land.

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: _____

Exhibit A – Legal Descriptions

Parcels

395-0010-07045

395-0010-07050

East Half of Northwest Quarter of Northeast Quarter (E1/2 of NW1/4 of NE1/4), and West Half of West Half of Northeast Quarter of Northeast Quarter (W1/2 of W1/2 of NE1/4 of NE1/4), Section Twenty-five (25), Township Fifty (50) North, of Range Fifteen (15) West of the Fourth PM, EXCEPTING therefrom the following:

- A. That part of the W1/2 of W1/2 of NE1/4 of NE1/4 which is South of Hermantown Road, as the same was laid out and constructed on June 7, 1934, and**
- B. The Westerly 330 feet of Northerly 400 feet of the E1/2 of NW1/4 of NE1/4.**

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



DATE: August 31, 2022

Meeting Date: 09/06/2022

SUBJECT: Public Hearing on Ordinance -
Section 270 - Fee Schedule

Agenda Item: 12-A

Resolution 2022-110

REQUESTED ACTION

Approve a resolution calling for a public hearing on and Ordinance for the 2023 Fee Schedule

BACKGROUND

Each year, the department heads are asked to review the Fee Schedule. The document following this memo shows in red all the proposed changes to the Fee Schedule beginning January 1, 2023.

Included in the fee increases are the utility fee increases. The proposed stormwater increase will be the first increase in 4 years and will necessitate a public hearing.

SOURCE OF FUNDS (if applicable)

N/A

ATTACHMENTS

Fee Schedule with marked changes
Resolution

Section 270 - Fee Schedule

As of January 1, 2022

DESCRIPTION	FEE
Antenna Lease (New or Amendment)	\$1,000
Assessment Searches	
- First Parcel	\$35 \$40
- Additional	\$20
AUDIO/VISUAL	
-Audio CD of Meetings	\$15
- Photo CD's	\$15
- Video Tapes/DVD's	\$15
BUILDING DEPARTMENT	
911 Signs	
Installed Signpost	\$75
Sign and Bracket Only	\$35
Appeals	
Building Code Appeals	\$250
Fire Code Appeals	\$250
Hazardous & Unsafe Structures - Fire Code	\$250
Commercial	
Permit Fees are Based On Value (See Schedule B)	
- Plan Checking Fee (% of Building Permit Fee)	65%
Demolition *- Single Family Res.	\$0
- Other	\$100
*Charge waived if issued with building permit	
Floodproofing Permit Fee	\$25
Inspect Fire sprinkler systems	\$50
Inspections after normal business hours	\$65/hr
Investigation Fee	
First Infraction - Double Permit (Min. \$200)	
Each Add'l in 12 Month -Triple Permit (min \$300)	
Residential	
- Re-roofing Permit	\$30 \$50
- Re-siding Permit	\$30 \$50
- Window Replacement	\$30 \$50
- Door Replacement	\$30 \$50
- Plumbing Permit - initial	\$30 \$50
- Plus per fixture	\$5
- Mechanical Permit - initial	\$25 \$50
- Plus per fixture	\$15
- Replacement	\$25 \$50
- Detached Garage/Accessory Building (less than 1200 sq. ft.)	\$115 \$150
- Mobile/Manufactured -Home Setting Fee	\$600

- Park Dedication Fee - per bedroom	\$150
- Plan Checking Fee (% of Building Permit Fee)	65%
All Other Permit Fees are Based On Value (Schedule A)	
Special Permit Fees	\$25
State Surcharge	See Schedule B
single fixed fee permit for fees under \$10,010	\$1

CEMETERY/BURIAL

- Burial	
- Non-winter weekday	\$600
- Non-winter weekend	\$800
- Winter weekday (Nov 1 - Mar 31)	\$800
- Winter weekend (Nov 1 - Mar 31)	\$1,250
- Burial of Urn	
- New Plot	\$350
- Shared Plot	\$225
- Winter - New Plot (Nov 1 - Mar 31)	\$550
- Winter - Shared Plot (Nov 1 - Mar 31)	\$450
- Weekend	\$1,000

CITY CLERK

BUSINESS LICENSE FEES

Adult Businesses

- Application Fee	
- New Principal License	\$3,500
- Renewal of Principal License	\$725
- New Accessory License	\$725
- Renewal of Accessory License	\$160
- License Fee	
- Principal License	\$1,425
- Accessory License	\$305

LIQUOR LICENSE FEES:

- 3.2% Malt Liquor	
- On Sale	\$550
- Off Sale	\$80
- Temporary - per day	\$60
- Transfer - On Sale	\$110
- Off Sale	\$60

Charities Temporary Service Area \$105

- Club License	
- Under 200 members	\$300
- 201-500 members	\$500
- 501-1000 members	\$650
- 1001-2000 members	\$800
- 2001-4000 members	\$1,000
- 4001-6000 members	\$2,000

- Over 6000 members	\$3,000
- Dance Permit	\$500
- Intoxicating Liquor	
- On Sale	\$3,450
- Off Sale	\$155
- Temporary - per day	\$255
- Transfer/On Sale	\$155
/Off Sale	\$130
- Investigation Fee (Police)	\$210
Summerfest Temporary Service Area	\$250
Temporary Service Area Expansion	\$250
Deposit for Temporary Service Area Expansion	\$250
- Sunday License	\$200
- Wine	
- Only Wine	\$815
- With Hard Beer	\$1,150
- Temporary - per day	\$110
- Transfer	\$110
Other License Fees:	
Pawn Shop	\$3,750
- Transaction Fee	\$6
\$25,000 Bond Required	
Investigation fee with new application	\$660
Massage Establishment	\$125
Massage Therapist	\$55
-Investigation fee with new application	\$30
Tobacco License	\$335
Candidate Filing Fee for City Council	\$5

COPIES, DOCUMENTS, FAXES, MAPS

	No chg under \$5
Data Practice Request	
- Color copies Additional charge per side	\$0
- Copies smaller than 11' x 17' (per copy)	\$0.25
- 2 sided copy	\$0.50
- 11 x 17 - 1st Page	\$2.00
- Add'l	\$1.00
Other Requests	
- 8 1/2 x 11 - 1st Page	\$1
- Add'l	\$0
- 8 1/2 x 14 - 1st Page	\$1.00
- Add'l	\$0
- 11 x 17 - 1st Page	\$2.00
- Add'l	\$1.00
- Larger than 11 x 17	\$10
- Photo - per page	\$4
FAXES	
- Local - 1st Page	\$2.00
- Add'l	\$0

- Long Dist.- 1st Page	\$3.00
- Add'l	\$0

MAPS

- Address	\$1
- 11 x 17	\$10
- 20 x 30	\$10
- 24 x 36	\$45

OTHER FEES

Foot and Bicycle Races	\$25
Gambling Investigation Fee	\$100
Non-Sufficient Funds (NSF) Charge	\$30
Recording Fee	\$60 \$75

PARKS DEPARTMENT

Hermantown Community Park (Passive Park)

- Resident	\$25
- Non Resident	\$75

PLANNING & ZONING DEPARTMENT

Administrative Appeal	\$200
Alternative Energy Systems Permit	\$30
Christmas Tree Permit (\$25 refund after Season)	\$100
Com'l Industrial Development Permit	
- With Development Agreement*	\$665 \$700
- Without Development Agreement	\$400
- Zoning Certificate in lieu of CIDP	\$250
* Plus Professional Fees	
Dog Exception Permit	\$195
Driveway Access	
- Permit (Plus \$250 Deposit)	\$100
Erosion & Sediment Control	
- Multi-Family/Com'l/Industrial	\$250
- Single Family Residential	\$125
- Utility - Per lineal foot disturbed	\$0.125
- Minimum	\$250
Park Fee	
- Single Family, Two Family, Three Family, Residential Parcel	\$1,100
- Multi-Family, 2+ bedrooms	\$800
- Multi-Family, 1 bedroom and studio	\$400
-Commercial and Industrial	\$1,100 per acre
-Planned Unit Development	Proportional to Mix of Development
Fence Permit	
If Building Permit Not Needed	\$30 \$35
Fireworks Permit	

- Established Retail	\$100	
- Temporary Structure	\$350	
Land Alternation Permits (Fill)		
- Flat Fee	\$125	
- Refundable Deposit	\$500	
Mobile Home Park Approval Fee *	\$445	
*Plus Professional Fees		
Non-Conforming Use Permit & Fee Application		
Single Family	\$150	
Commercial	\$400	
Ordinance		
- Amendment	\$300	\$350
- Interpretation	\$185	
Parcel Split Review Fee		
Fee per Split Reviewed	\$300	
Planned Unit Development Approval*		
PUD Fee	\$700	
*Plus Professional Fee		
PUD Amendment	\$350	
Recording Fee	\$75	
Rezoning Application Fee	\$300	\$350
Sign Permits		
- Temporary (Class G)	\$20	
- Com'l (Class C-Other up to 25 ft.)	\$75	
- Com'l (Class C-Other over 25 ft.)	\$110	
- Com'l (Class C-Free Standing)	\$110	
- Billboards (Class D)	\$500	
Special Use Permit *		
- New	\$400	
- Renewal	\$350	
- Amendment	\$350	
* Plus professional fees		
Stormwater *		
- New application	\$450	
- Recording fee	\$75	
* Plus professional fees		
- Concept Plan Review***		
*** Includes professional fees		
Subdivision Plan Approval		
- Preliminary	\$350	
- Final	\$300	
- Combined process	\$600	
Vacation Fee (easement)	\$235	
Variance Application Fee	\$250	\$300
Wetland Permits *		
- Deminimus Exemption	\$250	
- Delineation	\$175	\$200

- No Loss Determination	\$225	\$250
- Replacement Plans		
- Individual/Single Family	\$350	
- Subdivisions/Com'l/Multi Family	\$750	
*Plus Professional Fees		

Wetland Impact Fee

- per sq. ft. x mitigation ratio	\$0.15	
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Zoning Verification Letter	\$25	\$30
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Zoning Certificate Fee	\$30	\$35
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Hermantown Marketplace Zoning Certificate	\$250	
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Zoning Maps (GIS Maps) Plotted

- 11 x 17	\$10	
- 24 x 36	\$45	
- Color map	\$30	

POLICE DEPARTMENT

Animal Licenses (Dog & Cat)	\$10	
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Lifetime Permit	\$50	
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Lifetime Animal Transfer Fee	\$5	
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Duplicate Tag Fee	\$5	
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Animal Licenses at City Impound Facility	\$12	
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Dangerous Animal	\$500	
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Archery (Bow Hunting)

-Resident Permit	\$10	
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-Non-Resident Permit	\$25	\$30
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Fingerprinting	\$25	\$30
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Police Services

Officer for School Events Beyond Contract (per unit per hour)	\$60	\$70
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Officer for Special Events (Per unit per hour)	\$75	\$85
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Administrative Parking Violations under Hermantown Code Section 830

-Handicapped	\$200	
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-All other Parking Violations	\$30	
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Training Center Rental

- Resident - During Working Hours	Free once a month	
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Training Center Rental

- During Working Hours (8:00 am - 4:30 pm)	\$175	\$190
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- After Hours (After 4:30)	\$220	\$245
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Add: Saturday Rental	\$50	\$75
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Vehicle Storage/Impound (per day)	\$25	\$30
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UTILITIES DEPARTMENT (WATER/SEWER)

Administrative fee in delinquent utility property tax certification	\$100	
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Assessment Construction Project Admin. Fee	3.5%	
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Excavating Contractor's License	\$200	
- Permit	\$50	
Excavating Permit for Private Person	\$50	
Fats, Oil, Grease (FOG Program)		
Sewer Service Surcharge	\$100	Monthly
Late Payment Fee (penalty on current balance due)	10%	
Return Check Fee	\$30	
Unpolluted Water Surcharge (monthly)	\$100	
Water Filling Station (per 1008 gallons)	\$15	
<u>Water Rates: (per 1,000 gallons)</u>		
Residential Tier 1 (up to 2,500 gallons)	\$8.48	\$8.82
Residential Tier 2 (between 2,501-4,500 gallons)	\$9.76	\$10.15
Residential Tier 3 (over 4,501 gallons)	\$10.73	\$11.16
<u>Multi Family</u>		
Multi-Family Tier 1 (all usage)	\$9.76	\$10.16
Multi-Family Tier 2 (all usage)	\$9.76	\$10.16
Multi-Family Tier 3 (all usage)	\$9.76	\$10.16
<u>Commercial</u>		
Tier 1 (up to 20,000 gallons)	\$8.77	\$9.12
Tier 2 (between 20,001-50,000 gallons)	\$9.22	\$9.59
Tier 3 (over 50,001 gallons)	\$10.13	\$10.54
<u>Irrigation</u>		
Tier 1 (all usage)	\$10.73	\$11.16
Tier 1 (all usage)	\$10.73	\$11.16
Tier 3 (all usage)	\$10.73	\$11.16
Water testing fee - August annual bill	\$9.72	
Temporary meter rental (construction and hydrant)	\$150 per	
	season	
Service charges - billed monthly		
5/8" to 1" meter	\$9.36	\$9.73
1 1/4" meter	\$14.04	\$14.60
1 1/2" meter	\$14.04	\$14.60
2" meter	\$35.10	\$36.50
3" meter	\$40.94	\$42.58
4" meter	\$52.64	\$54.75
6" meter	\$76.03	\$79.01
On/Off Fees		
Snowbirds	\$25	
Reconnection for delinquent accounts	\$75	
Water Hookups		
Residential (includes duplex)	\$850	
Irrigation Meter	\$850	
Commercial	\$1,400	
<u>Sewer Rates: (per 1,000 gallons)</u>		
Residential Tier 1 (all usage)	\$10.40	\$10.66
Multi-Family Tier 1 (all usage)	\$10.40	\$10.66
Commercial Tier 1 (all usage)	\$10.40	\$10.66

Flat Rate Tier 2 – Residential Average (2,500 gallons)	\$31.21	\$38.07
Flat Rate Tier 3 – Commercial Average (4,500 gallons)	\$46.80	\$47.97
Service charge - monthly	\$3.32	\$3.40
Minimum sewer charges		
Service charge	\$3.32	\$3.40
Sewer Hookup		
Residential (includes duplex)	\$850	
Permit	\$85	
Commercial	\$2,200	
Permit	\$85	
Stool Fee per toilet - max 50 toilets	\$50	
Capacity Availability Fee For Single Family (contact WLSSD for fee determination of commercial buildings)	\$940	
Call for Water & Sewer Availability Charges		

Stormwater Rates:

Equivalent Rate Unit (ERU) ~~————— \$7.00/ERU~~ **\$8.00/ERU**

Schedule A

Residential Building Permit Fee Schedule

This reflects a roughly 20% increase from 2022 to 2023

The City of Hermantown for purposes of establishing the valuation to be utilized in establishing the building permit fee shall use the most updated building valuation data sheets, which list Minnesota State Building Code Designation for Occupancy, Type and Cost Per Square Foot as provided by the State of Minnesota, Department of Administration, Building Codes and Standards Division. The only exceptions to these are special inspections listed in the Fee Schedule.

Total Valuation		Fee
\$1.00 to \$500.00	\$25.00	\$15.00
\$501.00 to \$2,000.00	\$25 plus \$2.50 for each \$100	\$15.00 for the \$500.00 plus \$2.00 for each additional \$100.00 or fraction thereof, to and including \$2,000.00
\$2001.00 to \$25,000.00	\$54 plus \$11.00 for each \$1,000	\$45.00 for the first \$2,000.00 plus \$9.00 for each additional \$1,000.00 or fraction thereof, to and including \$25,000.00
\$25,001.00 to \$50,000.00	\$302 plus \$8.00 for each \$1,000	\$252.00 for the first \$25,000.00 plus \$6.50 for each additional \$1,000.00 or fraction thereof, to and including \$50,000.00
\$50,001.00 to \$100,000.00	\$497 plus \$5.50 for each \$1,000	\$414.50 for the first \$50,000.00 plus \$4.50 for each additional \$1,000.00 or fraction thereof, to and including \$100,000.00
\$100,000.00 to \$500,000.00	\$767 plus \$4.50 for each \$1,000	\$639.50 for the first \$100,000.00 plus \$3.50 for each additional \$1,000.00 or fraction thereof
\$500,000.00 to \$1,000,000.00	\$2,446 plus \$4.00 for each \$1,000	\$2,039.50 for the first \$500,000.00 plus \$3.00 for each additional \$1,000.00 or fraction thereof, to and including \$1,000,000.00
\$1,000,000.00 and up	\$4,246 plus \$2.50 for each \$1,000	\$3,539.50 for the first \$1,000,000.00 plus \$2.00 for each additional \$1,000.00 or fraction thereof

All fees shall include a surcharge of .0005 times the valuation to determine the total fee. The minimum surcharge for a "fixed fee" permit is \$5.00

Schedule B

Commercial Building Permit Fee Schedule This reflects a roughly 20% increase from 2022 to 2023

The City of Hermantown for purposes of establishing the valuation to be utilized in establishing the building permit fee shall use the most updated building valuation data sheets, which list Minnesota State Building Code Designation for Occupancy, Type and Cost Per Square Foot as provided by the State of Minnesota, Department of Administration, Building Codes and Standards Division. The only exceptions to these are special inspections listed in the Fee Schedule.

Total Valuation		Fee
\$1.00 to \$500.00	\$30.00	\$22.00
\$501.00 to \$2,000.00	\$30 plus \$3.50 for each \$100	\$22.00 for the \$500.00 plus \$2.75 for each additional \$100.00 or fraction thereof, to and including \$2,000.00
\$2001.00 to \$25,000.00	\$75 plus \$15.00 for each \$1,000	\$63.00 for the first \$2,000.00 plus \$12.50 for each additional \$1,000.00 or fraction thereof, to and including \$25,000.00
\$25,001.00 to \$50,000.00	\$422 plus \$11.00 for each \$1,000	\$352.00 for the first \$25,000.00 plus \$9.00 for each additional \$1,000.00 or fraction thereof, to and including \$50,000.00
\$50,001.00 to \$100,000.00	\$696 plus \$7.50 for each \$1,000	\$580.00 for the first \$50,000.00 plus \$6.25 for each additional \$1,000.00 or fraction thereof, to and including \$100,000.00
\$100,000.00 to \$500,000.00	\$1074 plus \$6.00 for each \$1,000	\$895.00 for the first \$100,000.00 plus \$5.00 for each additional \$1,000.00 or fraction thereof
\$500,000.00 to \$1,000,000.00	\$3,426 plus \$5.00 for each \$1,000	\$2,855.00 for the first \$500,000.00 plus \$4.25 for each additional \$1,000.00 or fraction thereof, to and including \$1,000,000.00
\$1,000,000.00 and up	\$5,946 plus \$3.00 for each \$1,000	\$4,955.00 for the first \$1,000,000.00 plus \$2.75 for each additional \$1,000.00 or fraction thereof

All fees shall include a surcharge of .0005 times the valuation to determine the total fee. The minimum surcharge for a "fixed fee" permit is \$5.00

Resolution No. 2022-110

**RESOLUTION CALLING A PUBLIC HEARING ON AN ORDINANCE
AMENDING THE FEE SCHEDULE FOR LICENSES, PERMITS, AND FEES
SECTION 270 OF THE HERMANTOWN CODE OF ORDINANCES**

WHEREAS, the City Council desires to amend the Fee Schedule for Licenses, Permits, and Fees (herein "Fee Schedule") in Section 270 of the Hermantown Code of Ordinances; and

WHEREAS, Minnesota Statute Section 462.353, Subd.4a (2003), requires the City to give published notice of its intention to consider action on or approval of a fee schedule at least ten (10) days prior to the public hearing.

WHEREAS, the Hermantown City Code Section 910.05.1.1 requires a public hearing prior to any increase in the ERU rate for the stormwater utility.

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

1. The City Council will consider the Fee Schedule and a public hearing shall be held on such Fee Schedule on the 3rd day of October, 2022, before the City Council in the City Hall at 6:30 p.m.
2. Notice of such public hearing shall be in substantially the form of the one attached as Exhibit A.
3. Notice shall be performed by the City Clerk as follows:
 - a. By publication in the Hermantown Star, once at least ten days prior to the public hearing, and
 - b. By posting, on the door to the City Hall.

Councilor _____ introduced the foregoing resolution and moved its adoption.

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

and the following voted in opposition thereto:

WHEREUPON, such resolution was declared duly passed and adopted on September 6, 2022.

EXHIBIT A

**PUBLIC HEARING ON AN ORDINANCE AMENDING THE FEE SCHEDULE
FOR LICENSES, PERMITS, AND FEES SECTION 270 OF THE
HERMANTOWN CODE OF ORDINANCES**

PLEASE TAKE NOTICE, that the Hermantown City Council will hold a public hearing on Monday, October 3, 2022 at 6:30 p.m., or as soon thereafter as reasonably possible, in Hermantown City Council Chambers located at 5105 Maple Grove Road for review and citizen input with regard to an Ordinance amending the Fee Schedule for Licenses, Permits, and Fees (herein “Fee Schedule”) Section 270 of the Hermantown Code of Ordinances

Such persons as desire to be heard in reference to the Fee Schedule will be heard at this meeting. The city council also welcomes written comments in reference to the Fee Schedule.

Authorized by the City Council.

Jackie Dolentz, City Clerk
City of Hermantown

TO: City Council Members
FROM: Paul Senst, Public Works
Director



DATE: August 30th, 2022 **Meeting Date:** 09/06/2022
SUBJECT: 2022 Water Tower Recoating **Agenda Item:** 12-B **Resolution:** 2022-111
Pay App. #5

REQUESTED ACTION

Approve Public Application #5 to Osseo Construction Co. LLC for the work related to the tower reconditioning project.

BACKGROUND

Attached is Pay Application #5 for the work associated with the Hwy. 53 water tower reconditioning project. This is for work completed thru August 19th, 2022. Bolton & Menk and NCE have reviewed the project progress thus far and agreed upon the quantities of work completed. The amount of Pay Application #5 is **\$25,175.00**. This represents **100%** of the Total Work Completed under this contract. The City will hold 5% retainage of the completed construction through the duration of the project. This retainage amount for pay application #5 is **\$ 1,258.75**

NCE has reviewed the quantities through construction inspection and discussions with Bolton & Menk, representatives. I recommend payment in the amount of **\$25,175.00** be authorized at the September 6th, 2022 City Council Meeting.

SOURCE OF FUNDS (if applicable)

CIP Project # PW7U-22-002
Fund #240-433200-530
Project 318

ATTACHMENTS

Resolution
Bolton & Menk attachments

Resolution No. 2022-111

RESOLUTION APPROVING PAY REQUEST NUMBER 5 FOR RECONDITIONING OF HIGHWAY 53 WATER TOWER (WATER IMPROVEMENT DISTRICT NO. 318) TO OSSEO CONSTRUCTION CO. LLC IN THE AMOUNT OF \$25,175.00

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

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

WHEREAS, Osseo Construction Co. LLC has submitted Pay Request No. 5 in the amount of \$25,175.00; and

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

WHEREAS, Bolton & Menk has approved such Pay Request No. 5 provided that \$1,258.75 accumulated as retainage of 5% be withheld pending final acceptance of the Project by the City of Hermantown; and

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

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

1. Pay Request No. 5 is hereby approved.
2. The City is hereby authorized and directed to pay to Osseo Construction Co. LLC The Sum Of \$25,175.00 which is the amount represented on pay request No. 5.

Councilor _____ introduced the foregoing resolution and moved its adoption.

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

and the following voted in opposition thereto:

WHEREUPON, such resolution has been duly passed and adopted September 6, 2022.



**BOLTON
& MENK**

Real People. Real Solutions.

4960 Miller Trunk Highway
Suite 350
Duluth, MN 55811

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

VIA EMAIL

August 26, 2022

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

RE: HWY 53 Tower Reconditioning
Pay Request No. 5
BMI Project Number: 0M2.125206

Dear John,

Enclosed is a copy of Pay Request No. 5 from Osseo Construction Co. LLC for \$25,175.00. This pay request includes all remaining work under the contract except for the retainage of 5 percent. We anticipate receiving the required closeout paperwork from the contractor over the next couple of weeks so the project can be closed out in September or early October. I have reviewed this request and recommend payment to the contractor. Please process this request for payment.

Please contact me if you have any questions.

Sincerely,

Bolton & Menk, Inc.

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

Enclosures

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

APPLICATION FOR PAYMENT

Owner: PROJECT: HWY 53 Tower Reconditioning
 City of Hermantown APPLICATION NO: 5
 5105 Maple Grove Road
 Hermantown, MN 55811
 CONTRACTOR: VIA ARCHITECT: PERIOD TO: 8/19/2022
 Osseo Construction Co. LLC Bolton & Menk Inc
 PO Box 143, 14248 10th Street
 Osseo, WI 54758

Distribution to:

<input checked="" type="checkbox"/>	OWNER
<input checked="" type="checkbox"/>	ARCHITECT
<input checked="" type="checkbox"/>	GENERAL CONTRACTOR
<input type="checkbox"/>	SUBCONTRACTOR
<input type="checkbox"/>	

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

CONTRACTOR'S APPLICATION FOR PAYMENT


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

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

1. ORIGINAL CONTRACT SUM	\$	<u>455,500.00</u>
2. Net change by Change Orders	\$	<u>0.00</u>
3. CONTRACT SUM TO DATE (Line 1 ± 2)	\$	<u>455,500.00</u>
4. TOTAL COMPLETED & STORED TO DATE (Column G)	\$	<u>433,000.00</u>
5. RETAINAGE:		
a. <u>5%</u> of Completed Work (Column D + E)	\$	<u>21,650.00</u>
b. <u> </u> % of Stored Material (Column F)	\$	<u>n/a</u>
Total Retainage (Lines 5a + 5b or Total in Column I)	\$	<u>21,650.00</u>
6. TOTAL EARNED LESS RETAINAGE (Line 4 Less Line 5 Total)	\$	<u>411,350.00</u>
7. LESS PREVIOUS CERTIFICATES FOR PAYMENT (Line 6 from prior Certificate)	\$	<u>386,175.00</u>
8. CURRENT PAYMENT DUE	\$	<u>25,175.00</u>
9. BALANCE TO FINISH, INCLUDING RETAINAGE (Line 3 less 6)	\$	<u>44,150.00</u>


 Contractors Signature

8/19/22
 Date


 Engineers Signature

8/26/22
 Date

Owners Signature

Date

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

CONTINUATION SHEET

APPLICATION NO: 5
 APPLICATION DATE: 8/19/2022
 PERIOD TO: 8/19/2022

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

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

CONTRACTOR'S PROJECT NO:

ITEM NO	DESCRIPTION OF WORK	SCHEDULED VALUE	WORK COMPLETED		MATERIALS PRESENTLY STORED (NOT IN D OR E)	TOTAL G		BALANCE TO FINISH (C - G)	RETAINAGE (IF VARIABLE RATE)
			FROM PREVIOUS APPLICATION (D + E)	THIS PERIOD		COMPLETED AND STORED TO DATE (D+E+F)	% (G = C)		
1	Mobilization and Site Maintenance	\$50,000.00	\$25,000.00	\$25,000.00	N/A	\$50,000.00	100.00%	\$0.00	\$2,500.00
2	Grinding (misc) 10 hrs, \$100.00/hour	\$1,000.00	\$0.00	\$0.00	N/A	\$0.00	0.00%	\$1,000.00	\$0.00
3	Welding (misc) 10 L.F., \$150.00/L.F.	\$1,500.00	\$0.00	\$0.00	N/A	\$0.00	0.00%	\$1,500.00	\$0.00
4	Pit Filler (misc) 1 hr, \$150.00/hour	\$150.00	\$150.00	\$0.00	N/A	\$150.00	100.00%	\$0.00	\$7.50
5	Caulking (misc) 100 L.F., \$10.00/hour	\$1,000.00	\$1,000.00	\$0.00	N/A	\$1,000.00	100.00%	\$0.00	\$50.00
6	Complete Sandblasting and Reconditioning of Tower (Interior Wet)	\$110,000.00	\$110,000.00	\$0.00	N/A	\$110,000.00	100.00%	\$0.00	\$5,500.00
7	Complete Sandblasting and Reconditioning of Tower (Exterior)	\$137,350.00	\$137,350.00	\$0.00	N/A	\$137,350.00	100.00%	\$0.00	\$6,867.50
8	Partial removal and spot repair sandblasting and reconditioning of tower < 10% spot repair (interior dry)	\$30,000.00	\$30,000.00	\$0.00	N/A	\$30,000.00	100.00%	\$0.00	\$1,500.00
9	Full curtain containment	\$25,000.00	\$25,000.00	\$0.00	N/A	\$25,000.00	100.00%	\$0.00	\$1,250.00
10	Replace failed material covering the exterior roof to dry riser opening	\$3,000.00	\$3,000.00	\$0.00	N/A	\$3,000.00	100.00%	\$0.00	\$150.00
11	Provide and install new safety climb systems to all ladders	\$8,000.00	\$8,000.00	\$0.00	N/A	\$8,000.00	100.00%	\$0.00	\$400.00
12	Provide and install new overflow pipe screen	\$250.00	\$250.00	\$0.00	N/A	\$250.00	100.00%	\$0.00	\$12.50
13	Replace pressure manway gasket	\$250.00	\$250.00	\$0.00	N/A	\$250.00	100.00%	\$0.00	\$12.50
14	Remove and salvage existing inlet/outlet pipe insulation. Reinstall salvaged existing insulation with new metal jacket with new metal banding.	\$6,500.00	\$6,500.00	\$0.00	N/A	\$6,500.00	100.00%	\$0.00	\$325.00
15	New tank logos/lettering	\$10,000.00	\$10,000.00	\$0.00	N/A	\$10,000.00	100.00%	\$0.00	\$500.00
16	Provide and install tower (tank) mixer	\$25,000.00	\$25,000.00	\$0.00	N/A	\$25,000.00	100.00%	\$0.00	\$1,250.00
17	Remove and replace damaged grout and mortar between cone base ring and foundation and repair foundation. Apply caulk to grout/base ring seam.	\$5,000.00	\$5,000.00	\$0.00	N/A	\$5,000.00	100.00%	\$0.00	\$250.00
18	Provide and install new dual LED aviation obstruction lighting on pivoting post	\$4,500.00	\$4,500.00	\$0.00	N/A	\$4,500.00	100.00%	\$0.00	\$225.00
19	Modify tower access doors	\$4,500.00	\$4,500.00	\$0.00	N/A	\$4,500.00	100.00%	\$0.00	\$225.00
20	Remove and reinstall all telecommunications equipment (if necessary)	\$2,000.00	\$2,000.00	\$0.00	N/A	\$2,000.00	100.00%	\$0.00	\$100.00
21	Provide and install 30-inch roof to interior wet access manway	\$4,000.00	\$4,000.00	\$0.00	N/A	\$4,000.00	100.00%	\$0.00	\$200.00
22	Provide new recirculation pump flex hose/fittings and inlet/outlet pipe valves and fittings	\$1,500.00	\$0.00	\$1,500.00	N/A	\$1,500.00	100.00%	\$0.00	\$75.00
23	Disinfection	\$2,500.00	\$2,500.00	\$0.00	N/A	\$2,500.00	100.00%	\$0.00	\$125.00
24	Site restoration/grading	\$2,500.00	\$2,500.00	\$0.00	N/A	\$2,500.00	100.00%	\$0.00	\$125.00
25	Construction Allowance	\$20,000.00	\$0.00	\$0.00	N/A	\$0.00	0.00%	\$20,000.00	\$0.00
GRAND TOTALS		\$455,500.00	\$406,500.00	\$26,500.00	\$0.00	\$433,000.00	95.06%	\$22,500.00	\$21,650.00

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



DATE: August 30, 2022

Meeting Date: 09/06/2022

SUBJECT: Special Use Permit - Accessory
Structure

Agenda Item: 12-C

Resolution: 2022-112

REQUESTED ACTION

Requested is a Special Use Permit to allow construction of an accessory structure over 1,600 square feet in size per Section 505.03.1 of the Zoning Ordinance. The applicant is requesting approval for construction of a 2,520 square foot accessory structure.

DESCRIPTION OF REQUEST

The City has received a request from Steve Saarela to construct a 2,520 square foot (42' x 60') accessory structure in a R-1, Residential zoning district. The subject property is located at 58xx Highway 194 (305-0077-00010).

SITE DATA

Address: 58xx Highway 194 (395-0077-00010)
Comprehensive Plan: Residential
Zoning: R-1 Residential
Lot Size: 5.0 acres
Wetlands: Yes, not impacted by proposed structure
Shoreland Overlay: No
Airport Zoning: N/A

DESCRIPTION OF REQUEST:

Requested is a Special Use Permit to allow construction of an accessory structure over 1,600 square feet in size per Section 505.03.1 of the Zoning Ordinance. The applicant is requesting approval for construction of a 2,520 square foot accessory structure.

BACKGROUND:

Accessory structures over 1,600 square feet in size are permitted only with a Special Use Permit in the R-1, Residential Zoning District. The applicant is requesting approval to construct a 2,520 square foot accessory building. The accessory building would be 42 feet by 60 feet in size, with 12-foot sidewalls. The overall height of the proposed building is approximately 20 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.

A public hearing for this application was held at the Hermantown Planning and Zoning Commission on Tuesday, August 16, 2022. Other than the applicant, 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.

The proposed property is located on Highway 194 with the lot dimensions being approximately 200' x 1,120' for a total of +/-5.0 acres. The proposed accessory structure is approximately 420 feet from the nearest neighboring structure and approximately 580 feet from Highway 194.

Section 505.06.5 of the Zoning Ordinance lists the dimensional requirements for accessory structures in excess of 1,600 square feet. They are:

Table 1. Dimensional requirements for accessory structures in excess of 1,600 square feet	R-1 Requirement	Provided
Minimum depth of front yard from R.O.W.	Equal to or greater than the building line of the primary structure	+/-580 feet
Minimum side yard setback	Equal to the height of the accessory structure	67 feet
Minimum rear yard setback	40 feet	+/- 500 feet
Minimum setback from primary structure	10 feet	67 feet
Maximum building height	35 feet	20 feet
Maximum sidewall height	17 feet	12 feet

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

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

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

There are no significant accessory structures in the vicinity of the property. However, the Zoning Ordinance allows for 35% lot coverage for structures on a property. With the addition of a 2,520 square foot structure, the property would be at approximately 2.3%.

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

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

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

The proposed accessory structure is consistent with Comprehensive Plan recommendations for residential areas of the City. The Zoning Ordinance allows for up to 35% lot coverage for structures with the proposed property being at 2.3% coverage after the construction of the proposed accessory structure. The proposed use meets the performance standards set in Section 505.06.5 regulating accessory structures in excess of 1,600 square feet.

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

The Zoning Ordinance allows for 35% lot coverage for structures on a property. With the addition of a 2,520 square foot structure, the property would be at approximately 2.3%.

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

No.

Wetlands

The National Wetland inventory shows the potential presence of wetlands at the northern portion of the property. This wetland is outside of the proposed accessory structure footprint area.

Summary

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

Recommendation

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

1. The approval is for a 2,520 square foot accessory structure on the property at 58xx Highway 194 (395-0077-00010)
2. The proposed accessory structure shall meet all setback requirements for Accessory Structures in the R-1 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 2,520 square foot accessory building will need to meet the minimum setback requirements per Section 515.06.5 of the Zoning Ordinance.
4. Erosion control measures shall be utilized and remain in place throughout the construction period and shall not be removed until vegetation is established on the site.
5. Accessory structures shall not be utilized for any use or activity not otherwise allowed in the zone district in which such accessory building is to be located.
6. No business activity is allowed in association with the accessory structure approval.
7. The applicant shall sign a consent form assenting to all conditions of this approval.

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

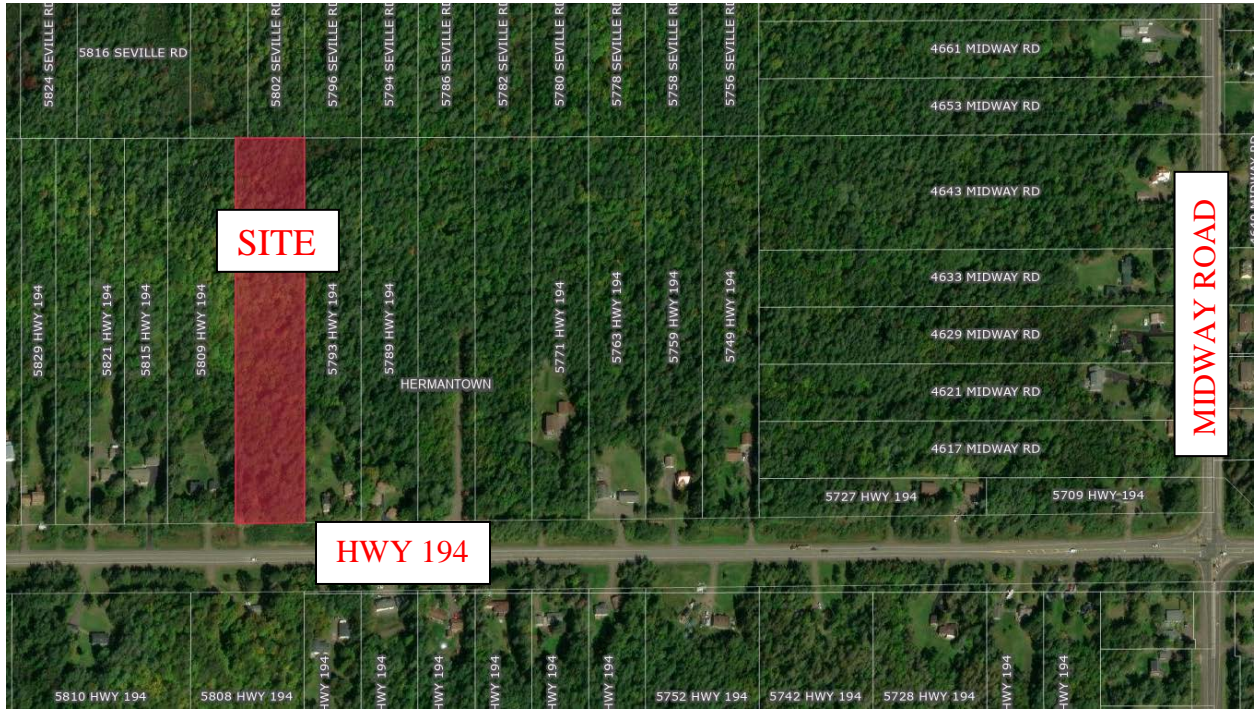
SOURCE OF FUNDS (if applicable)

N/A

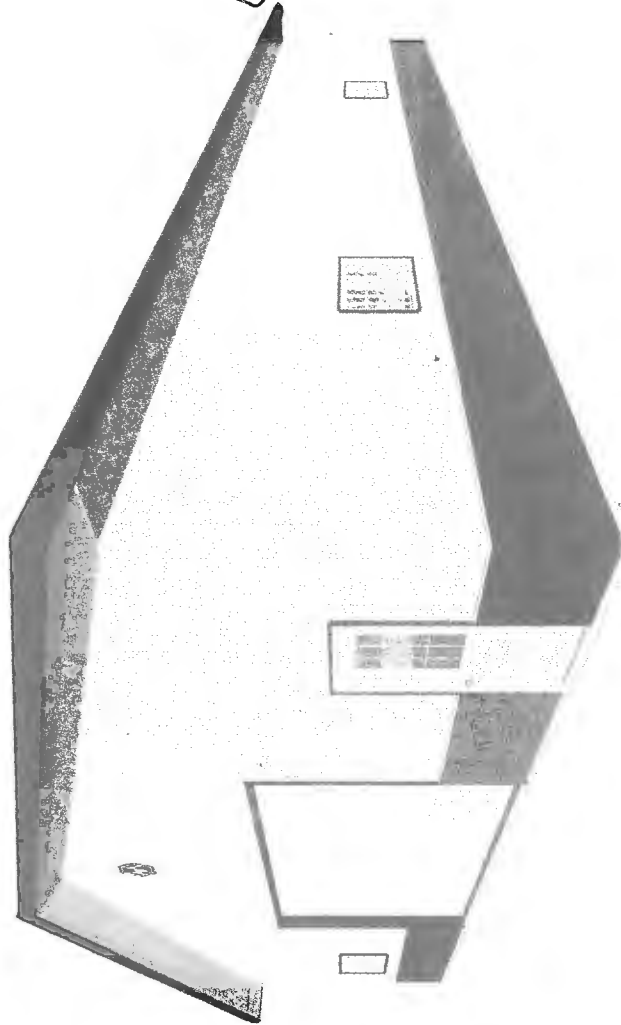
ATTACHMENTS

- Location Map
- Structure Location Map
- Proposed Structure Image
- Resolution

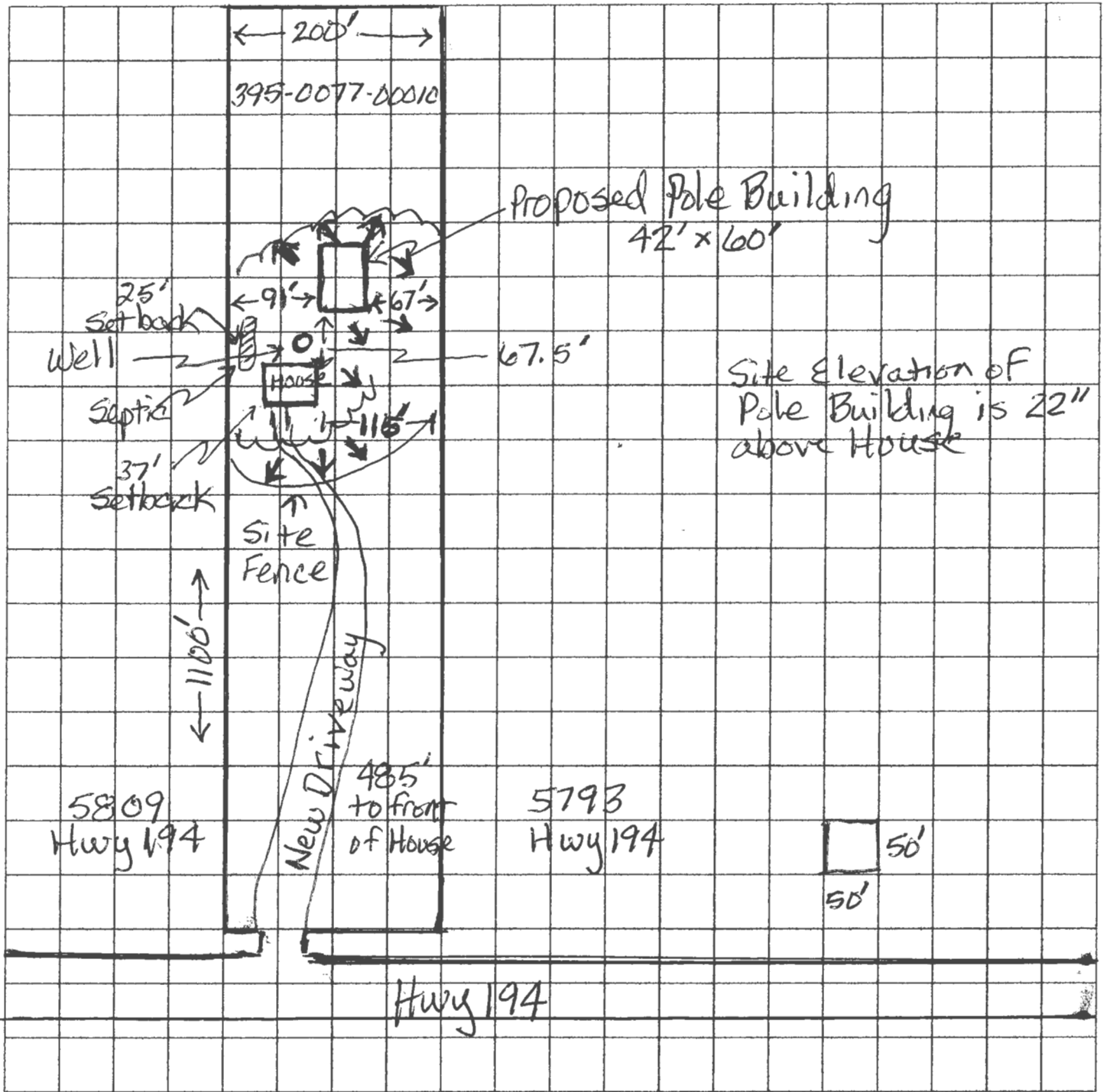
Location Map



306 42'x12'x60' West and South Walls
(Total height is 20' 3" at the peak)



Building Site Plan



Address / Legal Description / Parcel Number: 58xx Hwy 194 / 395-0077-00010

Proposed Construction: Morton Pole Building

Signature: Steve Saucala

Date: 8 Aug 2022

Resolution No. 2022-112

**RESOLUTION APPROVING SPECIAL USE PERMIT
FOR CONSTRUCTION OF AN ACCESSORY STRUCTURE IN EXCESS OF 1,600 SQUARE
FEET IN THE R-1 ZONING DISTRICT AT 58XX HIGHWAY 194 (395-0077-00010)
AND IMPOSING CONDITIONS THEREON**

WHEREAS, Steve Saarela and Jayne Saarela, a married couple (“Applicant”) made application for a Special Use Permit to construct a 2,520 square foot accessory structure (“Project”) in the City of Hermantown, County of St. Louis, State of Minnesota, on the property located at 58xx Highway 194 (395-0077-00010) 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 August 16, 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.

And the following voted in opposition thereto:

None

WHEREUPON, such resolution was declared duly passed and adopted on September 6, 2022.

ATTACHMENT A

Lots One (1) and Two (2) Hogan's Subdivision

(TOP THREE INCHES RESERVED FOR RECORDING DATA)

SPECIAL USE PERMIT

Permission is hereby granted to Steve Saarela and Jayne Saarela, a married couple (“Applicant”), owners of the property located at 58xx Highway 194 (395-0077-00010), submitted an application for construction of an accessory structure at 58xx Highway 194 (395-0077-00010 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 58xx Highway 194 (395-0077-00010).
- 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

ACCEPTANCE OF CONDITIONS

Steve Saarela and Jayne Saarela a married couple (“Applicant”) hereby acknowledges and accepts the conditions specified on the foregoing Resolution and covenants and agrees to comply with each and every such condition.

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

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

IN WITNESS WHEREAS, Steve Saarela and Jayne Saarela a married couple (“Applicant”) has executed this acceptance this ____ day of _____, 2022.

By _____

Steve Saarela

By _____

Jayne Saarela

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

The foregoing instrument was acknowledged before me this ____ day of _____, 2022,
by _____.

Notary Public

ATTACHMENT A

Lots One (1) and Two (2) Hogan's Subdivision

TO: Mayor & City Council
FROM: John Mulder, City Administrator
DATE: September 1, 2022
SUBJECT: Broadband Consultant



Meeting Date: 09/06/2022

Agenda Item: 12-D **Resolution:** 2022-113

REQUESTED ACTION

Approve contract with Hometown Fiber as a broadband consultant

BACKGROUND

The Broadband Taskforce was created in 2021 and has been meeting for about a year. The focus has been on learning more about how broadband can be delivered, potential goals and outcomes, and various strategies.

The City has received a planning grant from St. Louis County for up to \$25,000 and has set aside money from the American Rescue Plan Act for broadband. The grant will reimburse the City for 50% of the costs and the City must pay the match.

The City received two proposals and the firms presented their proposals to the Taskforce on August 29. The Taskforce recommends the City enter a contract with Hometown Fiber. One of the first tasks will be to complete an inventory of fiber within the City. The task will also include defining goals & priorities, and provide pre-engineering estimates for a directly connected fiber network for residential and business properties.

Hometown Fiber is located out of Maple Grove MN, and partners with Bolton & Menk, and Ehlers.

SOURCE OF FUNDS (if applicable)

St Louis County Grant & ARPA money

ATTACHMENTS

Proposed contract with Hometown Fiber

Resolution No. 2022-113

**RESOLUTION AUTHORIZING AND DIRECTING THE MAYOR
AND CITY CLERK TO EXECUTE AND DELIVER AN
AGREEMENT FOR CONSULTING SERVICES WITH HOMETOWN FIBER
IN AN AMOUNT NOT TO EXCEED \$19,987.00**

WHEREAS, the City of Hermantown (“City”) staff have been working to facilitate the expansion of its broadband services and apply for grants to make such expansion possible to serve underserved and unserved residents of the City of Hermantown (“Project”); and

WHEREAS, a proposal was received from Hometown Fiber (“Hometown Fiber”) with regard Project; and

WHEREAS, City’s staff reviewed the proposal and on the basis of such review, City’s staff has recommended that Hometown Fiber be awarded a contract for Project; and

WHEREAS, a form of proposed Consulting Agreement to be entered into between Hometown Fiber and City for the Project is attached hereto as Exhibit A; and

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

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

1. The proposal of Hometown Fiber for a payment in the amount of \$19,987.00 from City for the Project shall be and hereby is accepted.
2. The Consulting Agreement substantially in the form of the one attached hereto as Exhibit A is hereby approved.
3. Upon execution of such Consulting Agreement by Hometown Fiber and its submission of a certificate of insurance acceptable to City’s Attorney, the work pursuant to the Consulting Agreement may proceed.

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.

EXHIBIT A

AGREEMENT FOR CONSULTING SERVICES BROADBAND INFRASTRUCTURE

THIS AGREEMENT FOR CONSULTING SERVICES (“Agreement”) is made effective as of the ____ day of _____, 2022 by and between the **City of Hermantown**, hereinafter referred to as “Owner”, and **Hometown Fiber**, hereinafter referred to as “Consultant”, in response to the following situation:

A. Owner desires to work with Consultant to obtain an assessment of the existing broadband infrastructure and develop a strategy for providing broadband service to underserved or unserved areas of the City of Hermantown (“Project”).

B. Consultant is willing to provide such services to Owner pursuant to these terms of this Agreement.

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

1. **Services to be Performed.**

1.1. The services to be performed by Consultant shall be performed by Kyle Moorhead.

1.2. The scope of services to be provided to Owner by Consultant is as set forth on Exhibit A attached hereto.

2. **Personnel.** Consultant will secure, at its own expense, all personnel required to perform the services under this Agreement, and such personnel shall not be the employee(s) of, nor have a contractual relationship with, Owner.

3. **Assignability.** Consultant shall not assign any interest in this Agreement, shall not contract with others to perform Consultant’s services and shall not transfer any interest in this Agreement without the prior written approval of Owner.

4. **Agreement Period.** This Agreement shall be effective as of the date hereof and shall continue until terminated as provided in paragraph 5 hereof.

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

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

7. **Standard of Performance and Insurance; Indemnity.** All services to be performed by Consultant hereunder shall be performed in a skilled, professional and non-negligent manner. Consultant shall obtain and maintain at his/her/its cost and expense:

7.1. Commercial general liability insurance that covers the consultant services performed by Consultant for Owner with a per occurrence limit/general aggregate limit of liability of at least Two Million Dollars (\$2,000,000.00).

7.2. Errors and omissions or equivalent insurance that covers the consultant services performed by Consultant for Owner with a per occurrence limit/general aggregate limit of liability of at least Two Million Dollars (\$2,000,000.00).

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

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

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

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

The Consultant shall require any subcontractor permitted by Owner under Section 3 hereof to perform work for Consultant on the Project to have in full force and effect the insurance coverage required of the Consultant under this Agreement before any subcontractor(s)

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

8. **Compensation.** Consultant shall be compensated for the services to be performed hereunder as set forth in Exhibit A. Consultant shall submit to Owner itemized statements of services rendered during each month setting forth the date such services were rendered, a description of the services rendered, the person performing such services and the amount of time expended in performing such services.

9. **Recordkeeping.** Consultant hereby agrees:

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

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

10. **No Prohibited Interest.** Consultant represents and warrants to Owner that no employee, officer or agent of Owner, any member of the family of any such person, any partner of any such person or any organization which employs or is about to employ any of the above has a financial or other interest in the business of Consultant.

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

12. **Intellectual Property Rights.** For the purposes of this Agreement, Project Materials means copyrights and all works developed in the performance of this Agreement, including, but not limited to, the finished product and any deliverables, including any software or

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

13. **Notices.** Any notice required to be given under this Agreement shall be deemed sufficient if in writing, sent by mail to the last known office address of Consultant, or to Owner at 5105 Maple Grove Road, Hermantown, Minnesota 55811.

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

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

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

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

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

[SIGNATURES APPEAR ON NEXT PAGE]

IN WITNESS WHEREOF, Owner and Consultant have executed this Agreement for Consulting Services as of the date first above written.

OWNER:

City of Hermantown

By _____
Its Mayor

And By _____
Its City Clerk

CONSULTANT:

Hometown Fiber

By _____
Its _____

EXHIBIT A

Scope of Work	Deliverables	Fee
<p>Define goals, priorities and timelines</p> <p>Conduct field assessment of existing fiber optic broadband infrastructure. Evaluate how broadband reaches Hermantown. Verify easements of anticipated fiber routes.</p> <p>Create pre-engineering cost estimates for a directly connected fiber optic network for residential and business properties; and private municipal fiber optic network</p> <p>Financial analysis including:</p> <ul style="list-style-type: none"> • Market demand, needs • Anticipated network use • Bonding options, terms <p>Recommend budget friendly prioritized steps</p>	<p>An efficient, community-led approach to fiber optic broadband infrastructure which could include a private municipal network.</p> <p>Use current infrastructure efficiently. Ensure it has capacity to meet the city's needs.</p> <p>Construction estimates. Detail necessary to conduct a financial analysis.</p> <p>Understanding of financing options, recurring revenue, network use and expense.</p> <p>Prioritized, actionable recommendations aligned with city priorities.</p>	<p>\$19,987*</p>

Other services

As the project moves forward, Hometown Fiber and our partners also provide:

- Parcel level ratings to pinpoint areas of greatest need and use in grant applications
- Correct, as necessary, state and federal broadband service maps
- Scoring of grant eligibility, grant writing
- Construction specifications, bid documents, bidding
- Project management

Terms

50% deposit is required for the work to begin. NET 30 credit terms extended on remaining balances which shall be invoiced upon completion of services. Due to market dynamics, the fees and timelines in this proposal are valid for just 60 calendar days.

**Actual price dependent on agreed upon final scope.*