



## **Hermantown City Council Meeting – October 17, 2022**

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

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

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

<https://us02web.zoom.us/j/89427926114?pwd=VERySW5HSWNpeGtGcG43NWZtcnVBQT09>

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

Public comment may be possible, but difficult, during the meeting, but any public comments, questions, or concerns can be e-mailed to Community Engagement Manager, Joe Wicklund, at [jwicklund@hermantownmn.com](mailto: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 **5:30 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 October 17, 2022 at 5:30 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 October 17, 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 October 17, 2022 at 5:30 p.m.  
Council Chambers  
Hermantown Governmental Services Building**

**City Council Meeting October 17, 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** 22-105 through 22-114 placed on file
7. **PRESENTATIONS** *(Department Heads may give reports if necessary.)*
  - A. Paul Senst, Public Works Director  
RE: Glen Leibel Retirement / Recognition (32 years)
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 October 3, 2022 City Council Continuation Minutes
  - B. **Accounts Payable** – Approve general city warrants from October 1, 2022 through October 15, 2022 in the amount of \$453,763.15
10. **MOTIONS**

**11. ORDINANCES**

- A. **2022-13** An Ordinance Amending Title 2 Of The Hermantown City Code By Amending The Official Zoning Map Of The Eastern 8.1 Acres Of Parcel 395-0010-07720

Second 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. **2022-122** Resolution Approving The 2023 Toward Zero Deaths Enforcement Grant Agreement

(motion, roll call)

**13. RECESS**

**Date:** October 12, 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>
10/4/2022	22-105	Steve Overom, Overom Law	John Mulder, City Administrator & Eric Johnson, Comm. Dev. Dir.	Pillars of Hermantown	9/21/2022
10/4/2022	22-106	Steve Overom, Overom Law	John Mulder, City Administrator & Eric Johnson, Comm. Dev. Dir.	Pillars of Hermantown	9/8/2022
10/4/2022	22-107	Marianne Bohren, WLSSD	John Mulder, City Administrator	2023 Budget WLSSD	9/29/2022
10/7/2022	22-108	Eric Johnson, Comm. Dev. Dir.	Planning Commission	Document handout dated 12/1/2015	9/20/2022
10/7/2022	22-109	Matthew Johnson, St. Louis County	City of Hermantown	11/10/22 Public Hearing	9/30/2022
10/7/2022	22-110	Christine Clark, St. Louis County	John Mulder, City Administrator	Traffic Signal Painting	10/5/2022
10/7/2022	22-111	Ehlers	City of Hermantown	Financial Management Plan	10/7/2022
10/10/2022	22-112	Derek Strom, 5853 Hwy. 194	Wayne Boucher, Mayor	Taxes	10/7/2022
10/11/2022	22-113	Bill Reinke, MN Dept. of Labor	City of Hermantown	Elevator ID#: ELV-1054286	10/5/2022
10/11/2022	22-114	Bill Reinke, MN Dept. of Labor	City of Hermantown	Elevator ID#: ELV-1054285	10/5/2022

CITY OF HERMANTOWN  
CITY COUNCIL MEETING  
October 3, 2022  
6:30 p.m.

## MEETING CONDUCTED IN PERSON & VIA ZOOM

### PLEDGE OF ALLEGIANCE

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

**CITY STAFF:** Jackie Dolentz, City Clerk; Eric Johnson, Community Development Director; Joe Wicklund, Communications Manager; Kevin Orme, Director of Finance & Administration; Gunnar Johnson, City Attorney

**ABSENT:**

**VISITORS:** 7

### ANNOUNCEMENTS

Mayor Boucher thanked the Police, Fire, Rescue Squad, Sheriff's Office and many area departments for responding to the airplane accident on Arrowhead Road this weekend.

### PUBLIC HEARING

#### **A. Ordinance Amending The Fee Schedule For Licenses, Permits, And Fees Section 270 Of The Hermantown Code Of Ordinances**

NOTICE IS HEREBY GIVEN 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.

The Public Hearing held Monday, October 3, 2022 regarding the Ordinance Amending The Fee Schedule for Licenses, Permits, And Fees Section 270 Of The Hermantown Code of Ordinances has been recorded but not transcribed. There were no persons present who spoke on this matter.

Public Hearing closed at 6:35 p.m.

**2022-12**      An Ordinance Amending Hermantown Code Of Ordinances Section 270 - Fee Schedule

Motion made by Councilor Geissler, seconded by Councilor Hauschild, to adopt Ordinance 2022-12 An Ordinance Amending Hermantown Code Of Ordinances Section 270 - Fee Schedule. Roll Call: Councilors Geissler, Hauschild, Nelson, Mayor Boucher, aye. Motion carried.

**COMMUNICATIONS**

Communications 22-97 through and including 22-104 were read and placed on file.

**PRESENTATIONS**

Kevin Orme, Director of Finance & Administration, presented the draft Special Revenue Budgets.

Kevin Orme, Director of Finance & Administration, in conjunction with Todd Hagen with Ehlers, presented the draft Comprehensive Financial Management Plan.

**PUBLIC DISCUSSION**

Jake Benson, 215 5<sup>th</sup> Street, spoke to the City Council regarding meeting minutes.

Madison Taress, 4099 Haines Road, spoke to the City Council regarding pedestrian safety when crossing Maple Grove Road.

**CONSENT AGENDA**

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

- A.      Approve September 19, 2022 City Council Continuation Minutes
- B.      Approve general city warrants from September 16, 2022 through September 30, 2022 in the amount of \$525,255.08

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

**MOTIONS**

Motion made by Councilor Hauschild, seconded by Councilor Nelson, to approve the On-Sale Sunday Intoxicating Liquor License for the following effective November 1, 2022 through June 30, 2023:

Bayfront BBQ (dba Famous Dave's)\*    4135 Richard Ave, Ste 101  
\*contingent upon all paperwork being received

Councilors Geissler, Hauschild, Nelson, Mayor Boucher, aye. Motion carried.



Motion made by Councilor Nelson, seconded by Councilor Geissler, to approve a new Massage Therapist License Application for the following effective October 4, 2022 through December 31, 2022:

The Well Co.

Aine O'Leary

Councilors Geissler, Hauschild, Nelson, Mayor Boucher, aye. Motion carried.

## **ORDINANCES**

**2022-13**      An Ordinance Amending Title 2 Of The Hermantown City Code By Amending The Official Zoning Map Of The Eastern 8.1 Acres Of Parcel 395-0010-07720

First Reading

## **RESOLUTIONS**

**2022-117**      Resolution Authorizing A Summary Of An Ordinance Amending Hermantown Code Of Ordinances Section 270 – Fee Schedule

Motion made by Councilor Hauschild, seconded by Councilor Geissler, to adopt Resolution 2022-117 Resolution Authorizing A Summary Of An Ordinance Amending Hermantown Code Of Ordinances Section 270 – Fee Schedule. Roll Call: Councilors Geissler, Hauschild, Nelson, Mayor Boucher, aye. Motion carried.

**2022-118**      Resolution Authorizing The Disposal Of Surplus City Property

Motion made by Councilor Nelson, seconded by Councilor Hauschild, to adopt Resolution 2022-118 Resolution Authorizing The Disposal Of Surplus City Property. Roll Call: Councilors Geissler, Hauschild, Nelson, Mayor Boucher, aye. Motion carried.

**2022-119**      Resolution Appointing Election Judges For The General Election Of November 8, 2022

Motion made by Councilor Geissler, seconded by Councilor Nelson, to adopt Resolution 2022-119, Resolution Appointing Election Judges For The General Election Of November 8, 2022. Roll Call: Councilors Geissler, Hauschild, Nelson, Mayor Boucher, aye. Motion carried.

**2022-120**      Resolution Approving A Special Use Permit For The Construction Of A Two-Family Home In A R-3 Residential Zoning District And Within A Recreational Shoreland Area

Motion made by Councilor Geissler, seconded by Councilor Hauschild, to adopt Resolution 2022-120, Resolution Approving A Special Use Permit For The Construction Of A Two-Family Home In A R-3 Residential Zoning District And Within A Recreational Shoreland Area. Roll Call: Councilors Geissler, Hauschild, Nelson, Mayor Boucher, aye. Motion carried.

**2022-121**      Resolution Approving Preliminary And Final Plat Of Maple Grove Homesites And Imposing Conditions On The Final Plat

Motion made by Councilor Hauschild, seconded by Councilor Nelson, to adopt Resolution 2022-121 Resolution Approving Preliminary And Final Plat Of Maple Grove Homesites And Imposing Conditions

On The Final Plat. Roll Call: Councilors Geissler, Hauschild, Nelson, Mayor Boucher, aye. Motion carried.

Motion made by Councilor Nelson, seconded by Geissler, to recess the meeting at 7:03 p.m. Motion carried.

---

Mayor

ATTEST:

---

City Clerk

**CITY OF HERMANTOWN**

CHECKS #-69232-69271  
10/01/2022-10/15/2022

PAYROLL CHECKS

Electronic Checks - #-68778-68821 \$79,047.40

LIABILITY CHECKS

Electronic Checks - #-68822-68823 \$77,186.37

Electronic Checks - #-68773-68777 \$59,846.86

Checks - #69269-69270 \$2,118.74

**PAYROLL EXPENSE TOTAL \$218,199.37**

ACCOUNTS PAYABLE

Checks - #69232-69268 \$170,830.88

Checks - #69271 \$160.05

Electronic Payments #-99653-99663 \$64,572.85

**ACCOUNTS PAYABLE TOTAL \$235,563.78**

**TOTAL \$453,763.15**

10/12/2022

Page 1

Fun d	Account	Department	Vendor Name	Description	Amount	Check #
603	441100	Storm Water	EMPOWER RETIREMENT	Glen Leibel Sick Time to HCSP	4,278.50	-99663
602	494500	Sewer Maintenance	EMPOWER RETIREMENT	Glen Leibel Sick Time to HCSP	6,417.77	-99663
601	494300	Water Distribution	EMPOWER RETIREMENT	Glen Leibel Sick Time to HCSP	10,696.28	-99663
101	422901	Firehall #1 Maple Grove Road	MN ENERGY RESOURCES CORP	Natural Gas -FH#1	273.58	-99662
101	419901	City Hall & Police Building Maintenance	MN ENERGY RESOURCES CORP	Natural Gas CH/PD	108.54	-99662
101	452200	Community Building	MN ENERGY RESOURCES CORP	Natural Gas old CH	64.46	-99662
101	431901	City Garage	MN ENERGY RESOURCES CORP	Natural Gas Comm Building	35.72	-99662
101	431901	City Garage	MN ENERGY RESOURCES CORP	Natural Gas Lightning Dr	26.08	-99662
101	419901	City Hall & Police Building Maintenance	MN ENERGY RESOURCES CORP	Natural Gas -CH/PD	223.84	-99662
602	494900	Sewer Administration and General	MN ENERGY RESOURCES CORP	Natural Gas Lightning Dr	11.75	-99662
601	494400	Water Administration and General	MN ENERGY RESOURCES CORP	Natural Gas Lightning Dr	29.80	-99662
101	431901	City Garage	MN ENERGY RESOURCES CORP	Natural Gas Lightning Dr	16.45	-99662
601	494400	Water Administration and General	MN ENERGY RESOURCES CORP	Natural Gas Lightning Dr	18.80	-99662
101	431901	City Garage	MN ENERGY RESOURCES CORP	Natural Gas old CH	7.16	-99662
602	494900	Sewer Administration and General	MN ENERGY RESOURCES CORP	Natural Gas Lightning Dr	18.62	-99662
275	452200	Community Building	MN ENERGY RESOURCES CORP	Natural Gas EWC	5,296.00	-99662
275	452200	Community Building	MN POWER	3481871314 EWC Garage	32.10	-99661
605	431160	Street Lighting	MN POWER	0247020000 Street Lights	403.52	-99661
275	452200	Community Building	MN POWER	5498955531 4289 UgstadRd/EWC	2,344.60	-99661
605	431160	Street Lighting	MN POWER	1424100000 Street Lights	313.40	-99661
101	452100	Parks	MN POWER	0606881181 Parks	591.40	-99661
605	431160	Street Lighting	MN POWER	0733871171 Traffic Lights	847.13	-99661
602	494900	Sewer Administration and General	MN POWER	0973881171 Sewer	570.48	-99661
601	494400	Water Administration and General	MN POWER	3623400000 Water	302.25	-99661
101	452100	Parks	MN POWER	7463700000 Little Leagues	40.82	-99661
101	452200	Community Building	MN POWER	0606881181 Community Bldg	545.83	-99661
605	431160	Street Lighting	MN POWER	0234310000 Overhead St Lights	490.50	-99661
101	422902	Firehall #2 Morris Thomas Road	MN POWER	4995600000 FH#2 MorrisThomas &	112.49	-99661
605	431160	Street Lighting	MN POWER	3060281959 Street Lights (Roun	19.20	-99661
101	422903	Firehall #3 Midway Road	MN POWER	4995600000 FH#3 Midway/Rose	84.23	-99661
101	422901	Firehall #1 Maple Grove Road	MN POWER	4995600000City Hall/Police/Fir	1,999.23	-99661
605	431160	Street Lighting	MN POWER	0041881181 Street Lights	470.57	-99661
101	431901	City Garage	MN POWER	4995600000 5255 Maple Grove Rd	21.29	-99661
601	494400	Water Administration and General	MN POWER	4971 Lightning Dr	184.01	-99661
602	494900	Sewer Administration and General	MN POWER	4971 Lightning Dr	122.68	-99661
605	431160	Street Lighting	MN POWER	6175310000 Street Lights	740.56	-99661
101	419901	City Hall & Police Building Maintenance	MN POWER	4995600000City Hall/Police/Fir	3,127.00	-99661
101	431901	City Garage	MN POWER	4971 Lightning Dr	306.69	-99661

10/12/2022

Page 2

Fun d	Account	Department	Vendor Name	Description	Amount	Check #
251	421100	Police Administration	APPLIED CONCEPTS INC	Radar	2,195.00	-99660
101	419901	City Hall & Police Building Maintenance	HARTEL'S/DBJ DISPOSAL CO LLC	Garbage Recycling September	591.12	-99659
101	431901	City Garage	HARTEL'S/DBJ DISPOSAL CO LLC	Yard Trash Disposal September	182.69	-99659
603	441100	Storm Water	LHB INC	Predesign & Survey - Hermantow	9,870.63	-99658
101	431100	Street Department	NORTHERN STATES SUPPLY INC	Torque Seal	11.43	-99657
101	431100	Street Department	NORTHERN STATES SUPPLY INC	Cable Ties	32.25	-99657
603	441100	Storm Water	REDROCK PRECAST	Culvert - Adrian Lane	1,132.50	-99656
101	424100	Building Inspection	VC3	GenSPEED Cable/Keystone Jack	4.28	-99655
101	419100	Community Development	VC3	GenSPEED Cable/Keystone Jack	12.85	-99655
602	494900	Sewer Administration and General	VC3	GenSPEED Cable/Keystone Jack	12.85	-99655
101	411100	Council	VC3	GenSPEED Cable/Keystone Jack	17.15	-99655
101	421100	Police Administration	VC3	GenSPEED Cable/Keystone Jack	81.40	-99655
101	415300	Administration & Finance	VC3	GenSPEED Cable/Keystone Jack	25.70	-99655
101	413100	Mayor	VC3	GenSPEED Cable/Keystone Jack	4.28	-99655
101	431100	Street Department	VC3	GenSPEED Cable/Keystone Jack	17.14	-99655
601	494400	Water Administration and General	VC3	GenSPEED Cable/Keystone Jack	12.85	-99655
101	134000	Retiree Insurance/Telephone Reimb.	NORTHEAST SERVICE COOPERATIVE	Health Ins Oct-Inactives	1,540.61	-99654
101	421100	Police Administration	NORTHEAST SERVICE COOPERATIVE	Health Ins Oct-Inactives	7,398.79	-99654
101	134000	Retiree Insurance/Telephone Reimb.	NORTHEAST SERVICE COOPERATIVE	Dental Ins Oct Inact-Rich	110.00	-99653
101	134000	Retiree Insurance/Telephone Reimb.	NORTHEAST SERVICE COOPERATIVE	Dental Ins Oct Inact-Volk	42.00	-99653
101	134000	Retiree Insurance/Telephone Reimb.	NORTHEAST SERVICE COOPERATIVE	Dental Ins Aug&Sept Inact-Volk	84.00	-99653
101	431100	Street Department	ACME TOOLS	Shovels	272.95	69232
602	494500	Sewer Maintenance	BATTERIES PLUS BULBS	Batteries for Lift Stations	145.44	69233
251	421100	Police Administration	BLUEPEARL VETERINARY - EDEN PRAIRIE	Emergency Vet	2,963.66	69234
251	421100	Police Administration	BLUEPEARL VETERINARY - EDEN PRAIRIE	Vet Bill - Jack	12,415.64	69234
230	465100	HEDA	BRAUN INTERTEC CORPORATION	HWY 53 Business Park Developme	35,922.90	69235
101	431100	Street Department	CAPITAL ONE TRADE CREDIT	2 Ton Floor Jack	357.98	69236
101	452100	Parks	CAPITAL ONE TRADE CREDIT	Hose Reel for Field 1	62.29	69236
101	431901	City Garage	CAPITAL ONE TRADE CREDIT	4 Ton Floor Jack	299.99	69236
101	422903	Firehall #3 Midway Road	CENTURYLINK	Internet FH3 09/22/22-10/21/22	79.98	69237
101	431100	Street Department	CINTAS CORPORATION	Uniforms	26.93	69238
101	431901	City Garage	CINTAS CORPORATION	Supplies	22.50	69238
101	419901	City Hall & Police Building Maintenance	CINTAS CORPORATION	Mats at CH	8.88	69238
101	431100	Street Department	CINTAS CORPORATION	Uniforms	26.93	69238
101	431100	Street Department	CINTAS CORPORATION	Uniforms	9.72	69238
101	431901	City Garage	CINTAS CORPORATION	Mats at PW	30.03	69238
101	431901	City Garage	CINTAS CORPORATION	Mats at PW	10.35	69238
101	431901	City Garage	CINTAS CORPORATION	1st Aid Cabinets	191.28	69238

10/12/2022

Page 3

Fun d	Account	Department	Vendor Name	Description	Amount	Check #
101	431901	City Garage	CINTAS CORPORATION	Supplies	37.50	69238
101	431100	Street Department	CINTAS CORPORATION	Uniforms	9.72	69238
101	419901	City Hall & Police Building Maintenance	CINTAS CORPORATION	Mats at FD/PD	30.72	69238
101	431901	City Garage	CINTAS CORPORATION	Supplies	22.50	69238
101	431901	City Garage	CINTAS CORPORATION	Mats at PW	10.35	69238
101	431100	Street Department	CINTAS CORPORATION	Uniforms	26.93	69238
101	431100	Street Department	CINTAS CORPORATION	Uniforms	9.72	69238
601	494300	Water Distribution	CITY OF DULUTH COMFORT SYSTEMS	August Water Charges	80,525.18	69239
601	494300	Water Distribution	CORE & MAIN LP	Water Meters	841.56	69240
601	494400	Water Administration and General	CUSTOMER ELATION INC	8/30 - 9/26 Answering	30.93	69241
602	494900	Sewer Administration and General	CUSTOMER ELATION INC	8/30 - 9/26 Answering	20.62	69241
601	494300	Water Distribution	DSC COMMUNICATIONS	Radio for Service Truck	829.88	69242
602	494500	Sewer Maintenance	DSC COMMUNICATIONS	Radio for Service Truck	829.87	69242
601	494300	Water Distribution	FERGUSON WATERWORKS #2516	Valve Box Top	77.00	69243
601	494300	Water Distribution	FERGUSON WATERWORKS #2516	Valve Box Top Section	308.00	69243
236	465300	Hermantown Wetland	GEI CONSULTANTS, INC.	Keene Creek North Trail Deline	3,000.00	69244
236	465300	Hermantown Wetland	GEI CONSULTANTS, INC.	Hermantown Rd Bridge Wetland D	2,500.00	69244
101	411300	Ordinance, Public Notice and Proceedings	HERMANTOWN STAR LLC	Public Hearing Amending Fee Sc	783.75	69245
101	419100	Community Development	HERMANTOWN STAR LLC	Public Hearing P&Z	66.00	69245
101	452100	Parks	HLS OUTDOOR	Mound and Home Plate Clay and	4,296.49	69246
245	456201	Broadband	HOMETOWN FIBER, LLC	Broadband Consultant	9,993.50	69247
101	415300	Administration & Finance	INNOVATIVE OFFICE SOLUTIONS, LLC	Notary Stamp - Townsend	35.45	69248
101	415300	Administration & Finance	INNOVATIVE OFFICE SOLUTIONS, LLC	Paper/Markers	77.49	69248
601	494300	Water Distribution	LFAVE, CHRISTOPHER	Reimburse Safety Boots	62.49	69249
101	431100	Street Department	LFAVE, CHRISTOPHER	Reimburse Safety Boots	124.97	69249
602	494500	Sewer Maintenance	LFAVE, CHRISTOPHER	Reimburse Safety Boots	62.49	69249
101	452100	Parks	LAKEHEAD TRUCKING INC	Aggregate - Baseball Field	1,090.50	69250
101	431100	Street Department	MAMO CONCRETE SAWING SERVICES, INC.	Slab Saw - Hermantown, Morris	450.00	69251
101	431100	Street Department	MCCOY CONSTRUCTION & FORESTRY, INC	Oil & Threadlocker	218.53	69252
101	431100	Street Department	MCCOY CONSTRUCTION & FORESTRY, INC	Tractor Lug Bolts - 6130 M	160.28	69252
101	431100	Street Department	MCCOY CONSTRUCTION & FORESTRY, INC	Parts Expedite	23.63	69252
101	452100	Parks	MENARD INC	Chain Lube/Battery/Photo Eye	45.94	69253
101	431100	Street Department	MENARD INC	Blocking/Cribbing	122.91	69253
101	452100	Parks	MENARD INC	Supplies for Corner Building F	43.97	69253
101	421100	Police Administration	METRO SALES INC	Copier Lease	305.92	69254
601	494300	Water Distribution	MILLER, ROBERT	Reimburse Safety Boots	50.00	69255
101	431100	Street Department	MILLER, ROBERT	Reimburse Safety Boots	100.00	69255
602	494500	Sewer Maintenance	MILLER, ROBERT	Reimburse Safety Boots	50.00	69255

10/12/2022

Page 4

Fun d	Account	Department	Vendor Name	Description	Amount	Check #
101	415300	Administration & Finance	MULDER, JOHN	Reimburse ICMA Conf Travel/Mea	375.61	69256
101	431100	Street Department	NAPA AUTO PARTS	Oil Filter	42.99	69257
101	431100	Street Department	NORTHERN ENGINE & SUPPLY INC	Solenoid -Vac Trailer Jack Sta	110.07	69258
101	415300	Administration & Finance	PITNEY BOWES GLOBAL FINANCIAL SVCS	QRTLYMeter Lease Jul 30-Oct 29	269.13	69259
101	431100	Street Department	POMP'S TIRE SERVICE INC	Road Service- for 6130 Tractor	405.20	69260
101	431100	Street Department	PRO TIRE	Tires - Big Mower Trailer	476.00	69261
601	494300	Water Distribution	SATHERS, LLC	Sand/Class 5 - Water Breaks	1,822.80	69262
601	494400	Water Administration and General	SHORT ELLIOTT HENDRICKSON INC	Water System Model Dev	3,998.79	69263
601	214500	Escrow Deposits Payable	SHORT ELLIOTT HENDRICKSON INC	HERT 22 Sprint @ Hawk Circle W	1,064.25	69263
101	415300	Administration & Finance	ST LOUIS COUNTY AUDITOR	Peyton Acres TX 395-0158-00070	12.00	69264
101	431100	Street Department	TENET	Gravel Rakes	157.04	69265
101	415300	Administration & Finance	TOSHIBA FINANCIAL SERVICES	Copier Lease Toshiba	145.57	69266
101	421100	Police Administration	TROY'S BP AMOCO INC	Vehicle Repair - SQD 15	1,580.63	69267
101	414100	Elections	ULINE	A-Frame Signs	248.56	69268
101	134000	Retiree Insurance/Telephone Reimb.	MN LIFE	Volk - Inactive Aug & Sept	88.82	69271
101	134000	Retiree Insurance/Telephone Reimb.	MN LIFE	Vatne - Inactive Oct	5.31	69271
101	134000	Retiree Insurance/Telephone Reimb.	MN LIFE	Volk - Inactive Oct	44.41	69271
101	134000	Retiree Insurance/Telephone Reimb.	MN LIFE	Rich - Inactive Oct	21.51	69271

Totals: 132 records printed

235,563.78

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



**DATE:** October 10, 2022

**Meeting Date:** 10/17/2022

**SUBJECT:** Zoning Map Amendment from P,  
Public to R-3 Residential

**Agenda Item:** 11-A

**Ordinance:** 2022-13

---

### REQUESTED ACTION

Conduct a second reading on the proposed amendment to the Hermantown Zoning Map by rezoning the eastern 8.1 acres of Parcel 395-0010-07720 from P, Public to R-3 Residential. This is the eastern portion of the Bethany Cemetery property.

---

### DESCRIPTION OF REQUEST

Requested is the proposed change to the Hermantown Zoning Map by rezoning the eastern 8.1 acres of Parcel 395-0010-07720 from P, Public to R-3, Residential. The purpose of the rezoning is to facilitate the sale of the property for future residential development.

A public hearing for this application was held on Tuesday, September 20, 2022. In addition to the applicant, there were five other members of the public present to speak on the application. Concerns expressed by the public included what plans there were for the property, the ability to develop the property if the land was gifted to the cemetery association and potential wetlands on the property.

The Planning and Zoning Commission is a recommending body in the City Process. The Planning and Zoning Commission recommended to approve the rezoning on a 5-2 vote

### SITE DATA

**Address:** 4938 Hermantown Road (395-0010-07720)  
**Comprehensive Plan:** Concept Area 1: Maintain Suburban Character, Preserve Critical Natural Features, Phase Residential Development, Existing and New Park Areas  
**Current Zoning:** P, Public  
**Current Use:** Vacant/undeveloped  
**Lot Size:** 8.1 acres  
**Wetlands:** Yes, per the National Wetland Inventory  
**Shoreland Overlay:** No  
**Airport Zoning:** N/A



## ZONING PROCESS

Bethany Cemetery Association (Applicant) is requesting a rezoning from P, Public to R-3, Residential. Applicant has stated the purpose of the rezoning is to facilitate the sale of the property for future residential development. Other than the cemetery property, the surrounding properties are zoned R-3, Residential.

Dimensional standards would change as follows:

Dimensional Standards	P	R-3
Height	50 feet	35 feet
Setbacks		
<i>Front</i>	35 feet	50 feet
<i>Side (abutting street)</i>	35 feet	10 feet
<i>Side</i>	15 feet	10 foot minimum, 25 foot aggregate
<i>Rear</i>	25 feet	40 feet
Minimum lot area	None	½ acre
Minimum lot width	None	100 feet
Maximum lot coverage	35%	35%

## COMPREHENSIVE PLAN

The site is in Area 1 on the Hermantown Comprehensive Plan Concepts Map. The goal for Area 1 is to maintain suburban character, preserve critical natural features, phase residential development, and develop existing and new park areas. Suburban character includes residential development and is compatible with the uses of the adjacent properties.

## BACKGROUND

Bethany Cemetery Association owns two parcels associated with the Bethany Cemetery; 395-0010-07740 and 395-0010-07720. Parcel 395-0010-07740 and the western portion of 395-0010-07720 contain the cemetery with the eastern 8.1 acres of 395-0010-07720 being vacant. The Applicant does not foresee the need for this eastern portion of land and is seeking rezoning of this portion of property in order to be marketed for residential development.

With the exception of the cemetery land to the west, the subject property is bordered by the R-3, Residential zoning district. Rezoning of this property would be in keeping with the surrounding zoning and land use.

## Land Subdivision

Assuming the 8.1 acre parcel is rezoned, the Applicant will submit an application for an Administrative Parcel Split. The proposed subdivision of Parcel 395-0010-07720 would create 2 parcels, with the western 8 acre portion containing the cemetery and remaining a P, Public zoning and the eastern 8.1 acres being rezoned to R-3 Residential and marketed for residential development.

### **Utilities**

There is public water and sanitary sewer within the Stebner Road right of way. Any future residential development will be required to connect to the public utilities and pay any applicable connection and availability fees.

### **Wetlands**

Per the National Wetland Inventory (NWI) there is the presence of a wetland on the southern 1/3 of the property. Any proposed wetland impacts in this area of the property will require a wetland delineation for review and approval by the Hermantown Technical Evaluation Panel.

### **SUMMARY**

The proposed rezoning meets the criteria of the Comprehensive Plan and the overall goals and policies of the Zoning Ordinance. The 8.1 acre site is located in an area that has an existing residential character and rezoning of the parcel would be complementary to the area. Staff recommends approval of the rezoning based on the following Findings of Fact:

1. The Planning Commission of the City of Hermantown (“Planning Commission”) held a public hearing on the rezoning request on September 20, 2022 at which time all parties desiring to be heard were afforded the opportunity to be heard.

2. A rezoning to R-3, Residential is compatible with the surrounding uses as it mirrors the existing development patterns of the surrounding/abutting parcels.

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

4. The subject parcel (395-0010-07720) will be administratively subdivided to create new 8.1 acre parcel. The lot split will require the payment of a \$1,100.00 park dedication fee and the subsequent \$300.00 application fee.

5. The Land falls within the City’s Urban Services Boundary. Sanitary sewer and water mains are within the adjacent right of way of Stebner Road.

6. The property is included in the suburban development concept area (Area 1) of the Comprehensive Plan within which residential development is currently allowed.

---

### **SOURCE OF FUNDS (if applicable)**

N/A

---

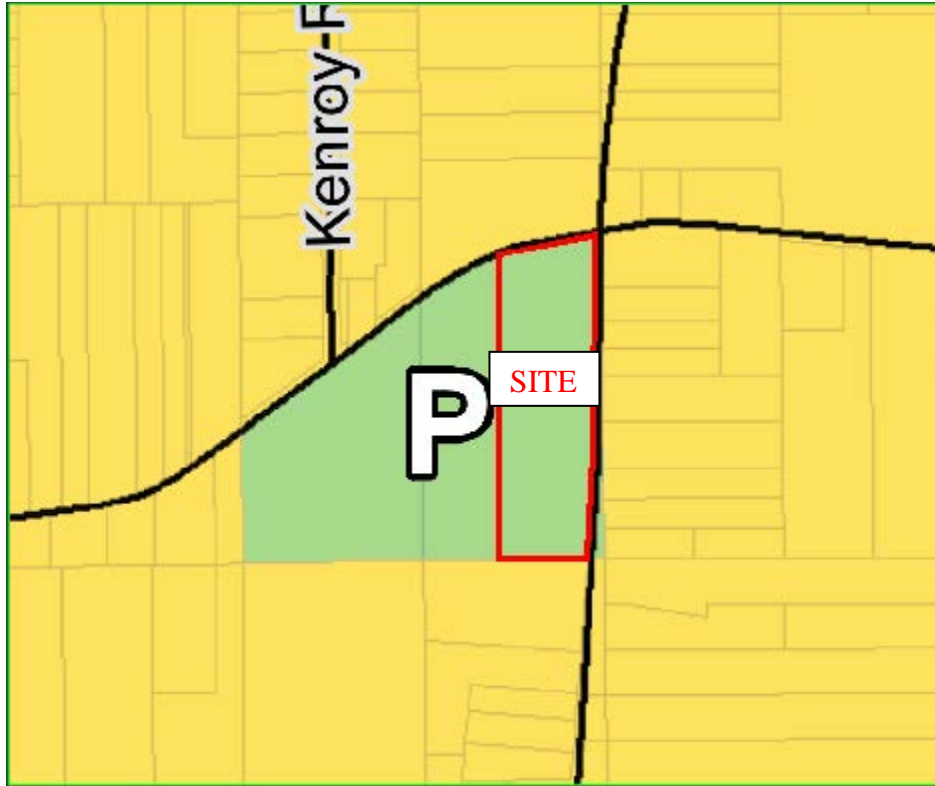
### **ATTACHMENTS**

- Location Map
- Current and Proposed Zoning Maps
- Ordinance





**Location Map**



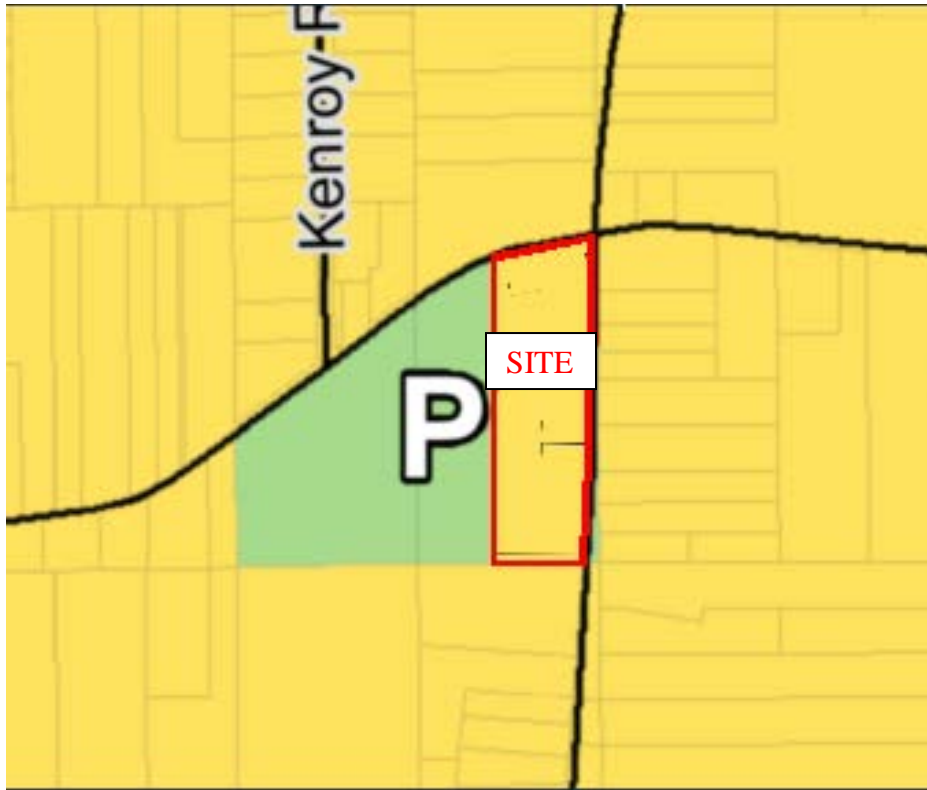
## Existing Zoning Map
















### 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. 2022-13**

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 OF  
THE EASTERN 8.1 ACRES OF PARCEL 395-0010-07720**

Section 1. Amendment to Official Zoning Map. The Official Zoning Map of the City of Hermantown is hereby amended so that the eastern 8.1 acres of Parcel 395-0010-07720 is zoned R-3, Residential. See Exhibit A for Legal Description.

Section 2. Purpose and Intent. The purpose of this amendment is to rezone the eastern 8.1 acres of Parcel 395-0010-07720 to R-3, Residential 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 September 20, 2022 at which time all parties desiring to be heard were afforded the opportunity to be heard.

2. A rezoning to R-3, Residential is compatible with the surrounding uses as it mirrors the existing development patterns of the surrounding/abutting parcels.

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

4. The Land falls within the City’s Urban Services Boundary. Sanitary sewer and water mains are within the adjacent right of way of Stebner Road.

5. The property is included in the suburban development concept area (Area 1) of the Comprehensive Plan within which residential development is currently allowed.

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**

### **PARENT LEGAL DESCRIPTION FOR PARCEL 395-0010-07720 PER TAX STATEMENT**

That part of the East Half of the Southeast Quarter of the Northeast Quarter of Section 26, Township 50 North, Range 15 West of the Fourth Principal Meridian, St. Louis County, Minnesota, lying South of Hermantown Road.

### **LEGAL DESCRIPTION FOR PARCEL A**

The East 300 feet of the East Half of the Southeast Quarter of the Northeast Quarter of Section 26, Township 50 North, Range 15 West of the Fourth Principal Meridian, St. Louis County, Minnesota, lying South of the Centerline of Hermantown Road.

Said parcel contains 352,887 Sq. Feet or 8.10 Acres.

### **LEGAL DESCRIPTION FOR PARCEL B**

The East Half of the Southeast Quarter of the Northeast Quarter of Section 26, Township 50 North, Range 15 West of the Fourth Principal Meridian, St. Louis County, Minnesota, lying South of the Centerline of Hermantown Road.

EXCEPT: The East 300 feet thereof.

AND EXCEPT: The recorded plat of BETHANY CEMETERY FIRST ADDITION.

Said parcel contains 349,787 Sq. Feet or 8.03 Acres.

## **Parcel**

395-0010-07720

**TO:** Mayor & City Council

**FROM:** Jim Crace, Chief of Police



**DATE:** October 11, 2022

**Meeting Date:** 10/17/2022

**SUBJECT:** Towards Zero Deaths Grant for  
2023

**Agenda Item:** 12-A

**Resolution:** 2022-122

---

## REQUESTED ACTION

Approve agreement with the City of Duluth for a Towards Zero Deaths Traffic Enforcement Grant.

---

## BACKGROUND

Annually, the Hermantown Police Department partners with other local agencies in traffic enforcement efforts. The agreement before you is to participate in these enforcement efforts. The grant reimburses the city for all wages and fringe benefits for officers to work these extra enforcement shifts. The shifts focus on speed, DUI, seatbelt and distracted driving. With St. Louis County regularly identified as one of the 13 deadliest counties in Minnesota, these extra shifts are very useful in helping keep our roads safe.

---

## SOURCE OF FUNDS (if applicable)

N/A

---

## ATTACHMENTS

Resolution  
Agreement



**Resolution No. 2022-122**

**RESOLUTION APPROVING THE 2023 TOWARD ZERO DEATHS  
ENFORCEMENT GRANT AGREEMENT**

WHEREAS, the City of Duluth is the recipient of a 2023 Toward Zero Deaths Law Enforcement Grant (herein after referred to as “Grant”) from the Minnesota Department of Public Safety in an amount not to exceed \$114,400.00; and

WHEREAS, pursuant to the terms of said Grant the City of Duluth is to support the Lake Superior Traffic Enforcement Team Enforcement Plan (hereinafter referred to as “Enforcement Plan”) to reduce the number of fatal crashes and injuries in southern St. Louis County, Minnesota, for which the Lake Superior Traffic Enforcement Team parties will be entitled to reimbursement under the terms of the Grant; and

WHEREAS, the City of Duluth, County, UMD Police, Hermantown, Proctor and Floodwood are collectively referred to as the Lake Superior Traffic Enforcement Team for purposes of the 2023 Toward Zero Deaths Project; and

WHEREAS, the parties hereto did enter into an agreement memorializing the parties’ rights and responsibilities in the implementation of said Grant; and

WHEREAS, the parties hereto desire to amend the Agreement as stated in Exhibit “A”, attached hereto.

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

1. The Mayor is hereby authorized to execute and deliver the Agreement attached hereto as Exhibit A.
2. The money pursuant to this resolution shall be credited to Fund 101-331998.

Councilor \_\_\_\_\_ introduced the foregoing resolution and moved it 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 October 17, 2022.

**Exhibit A**

**2023 TOWARD ZERO DEATHS ENFORCEMENT GRANT  
AGREEMENT  
CITY OF DULUTH  
LAKE SUPERIOR TRAFFIC ENFORCEMENT TEAM**

THIS AGREEMENT, by and among the CITY OF DULUTH, a municipal corporation under the laws of the State of Minnesota, hereinafter referred to as "City of Duluth", and St. Louis County, a Minnesota county acting through its governing body, hereinafter referred to as "County", and University of Minnesota - Duluth Police Department, hereinafter referred to as "UMD Police", and City of Hermantown, a municipal corporation under the laws of the State of Minnesota, hereinafter referred to as "Hermantown", and City of Proctor, a municipal corporation under the laws of the State of Minnesota, hereinafter referred to as "Proctor", and City of Floodwood, a municipal corporation under the laws of the State of Minnesota, hereinafter referred to as "Floodwood".

WHEREAS, City of Duluth is the recipient of a FY 2023 Towards Zero Deaths Enforcement Grant (hereinafter referred to as "Grant") from the Minnesota Department of Public Safety in an amount not to exceed \$114,400.00;

WHEREAS, pursuant to the terms of said Grant, City of Duluth is to support the Lake Superior Traffic Enforcement Team Enforcement Plan (hereinafter referred to as "Enforcement Plan") to reduce the number of fatal crashes and injuries in southern St. Louis County, Minnesota, for which Lake Superior Traffic Enforcement Team parties will be entitled to reimbursement under the terms of the Grant; and

WHEREAS, the City of Duluth, County, UMD Police, Hermantown, Proctor, and Floodwood are collectively referred to as the Lake Superior Traffic Enforcement Team for purposes of the 2023 Toward Zero Deaths Project.

WHEREAS, the parties hereto have deemed it desirable to enter into an agreement memorializing the parties' rights and responsibilities in the implementation of said Grant.

NOW, THEREFORE, in consideration of the mutual covenants and conditions hereinafter contained, the parties hereto agree as follows:

**ARTICLE I**

**Scope of Professional Services**

Each member of the Lake Superior Traffic Enforcement Team ("Team Member") agrees that it will be responsible to provide its respective services as generally described in the Grant Agreement and Enforcement Calendar, copies of which are attached hereto and made a part hereof as Document A and Exhibit B and provide other necessary professional services generally relating thereto.

## ARTICLE II

### Reimbursement for Expenses

Each Team Member shall be entitled to be reimbursed by City of Duluth for the cost of providing services in an amount not to exceed the following:

<b>Team Member</b>	<b>Maximum Reimbursement Amount</b>	<b>Additional Funds</b>
St. Louis County Sheriff's Office	\$16,063.00	
	\$2,000.00	911 Dispatch - DWI
UMD Police Dept.	\$5,138.00	
Hermantown Police Dept.	\$27,151.00	
Proctor Police Dept.	\$1,713.00	
Floodwood Police Dept.	\$5,912.00	
Dispatch Other	\$400.00	

The remaining funds, including those not utilized by the above Team Members, will be reimbursed to the City of Duluth for services provided by the Duluth Police Department under the terms of this Grant. Upon the expenditure of funds in support of the Grant Agreement and Enforcement Calendar and presentation to City of Duluth of documentation establishing the expenses, City of Duluth shall promptly reimburse Team Members for said costs up to the amount set forth above. All reimbursements from City of Duluth to Team Members pursuant to this Agreement shall be issued from City of Duluth Fund 215-200-2209-5447 (Duluth Police Grant Programs, Police, TZD, Payment to Other Government Agencies).

## ARTICLE III

### Assignability

The Team Members shall not in any way assign or transfer any of their respective rights or interests under this Agreement in any way whatsoever.

## ARTICLE IV

### Term

Notwithstanding the date of execution of this Agreement, this Agreement shall be deemed to commence on October 1, 2022 and run concurrently with the Grant Term and expire on September 30, 2023.

## ARTICLE V

### Termination of Services

Any Team Member may, by giving written notice at least thirty (30) days prior to the effective date thereof, terminate, without cause, a portion of the Agreement as it relates to its obligations

hereunder. The terminating party shall be entitled to compensation for services properly performed by it, to and including the date of written notice of termination of this Agreement, including reimbursable expenses. Such termination shall not affect the remaining Team Member's rights and obligations. Notwithstanding the foregoing, the City of Duluth may terminate this Agreement upon notification from the Minnesota Department of Public Safety that grant funding to fund City of Duluth's obligations hereunder has been terminated; such termination shall be effective upon the parties receiving notice thereof.

## ARTICLE VI

### Standard of Performance

Each Team Member agrees that all services to be provided pursuant to this Agreement shall be in accordance with the generally accepted standards of the profession for provision of services of this type.

## ARTICLE VII

### Records and Inspections

#### A. Establishment and Maintenance of Records

Records shall be maintained by each Team Member in accordance with requirements prescribed by Grant. Such records shall be maintained for a period of six (6) years after receipt of final payment under this Agreement.

#### B. Documentation of Costs

Each Team Member will ensure that all costs shall be supported by properly executed payrolls, time records, invoices, contracts, vouchers or other official documentation evidencing in proper detail the nature and propriety of the charges. All checks, payrolls, invoices, contracts, vouchers, orders or other accounting documents pertaining in whole or in part to this Agreement shall be clearly identified and readily accessible.

#### C. Reports and Information

Each party shall be responsible for furnishing to City of Duluth records, data and information as City of Duluth may require pertaining to matters covered by this Agreement.

#### D. Audits and Inspections

Each Team Member shall ensure that at any time during normal business hours, there shall be made available to any party, for examination, all of its records with respect to all matters covered by this Agreement. Each Team Member will also permit any party, State, or Federal agency to audit, examine and make excerpts or transcripts from such records, and to make audits of all contracts, invoices, materials, payrolls, records of personnel, conditions of employment, and other data relating to all matters covered by this Agreement.

#### E. Information

All reports, data, information, documentation and material given to or prepared by each Team Member pursuant to this Agreement will be public except as provided for in applicable Federal or state laws, rules, regulations or orders.

ARTICLE VIII

Independent Contractor

It is agreed that nothing herein contained is intended or shall be construed in any manner as creating or establishing a relationship of co-partners between the parties hereto or of constituting any party as an agent, representative or employee of the other for any purpose or in any manner whatsoever. None of the parties or any officers or employees thereof shall be considered an employee of any other party, and any and all claims that may or might arise under the Workers' Compensation Act of the State of Minnesota on behalf of any party and their employees while so engaged and any and all claims whatsoever on behalf of any party arising out of employment or alleged employment, including without limitation, claims of discrimination against any party, its officers, agents, contractors or employees shall in no way be the responsibility of the other party. Neither the parties nor their officers, agents, contractors and employees shall be entitled to any compensation or rights or benefits of any hospital care, sick leave and vacation pay, Workers' Compensation, Unemployment Insurance, disability pay or severance pay from another party.

ARTICLE IX

Liability

A. As Between the Parties

Each party hereto agrees that it will be solely liable for any liability arising out of any acts or omissions of itself or its officers, agents, servants, employees or subcontractors in the performance of its respective obligations under this Agreement.

B. Limitation of Liability

Nothing herein shall be deemed to create any liability on behalf of any party not otherwise existing as to such party under the provisions of Minnesota Statutes Chapters 466 or 3.736 as applicable or to extend the amount of liability of any party to amounts in excess of that specified in said Chapters.

C. Third Party Liability

Nothing herein shall be deemed to create any liability to any third party not otherwise existing under applicable law.

ARTICLE X

Civil Rights Assurances

Each Team Member and their respective officers, agents, servants and employees as part of the consideration under this Agreement, does hereby covenant and agree that:

- A. No person on the grounds of race, color, creed, religion, national origin, ancestry, age, sex, marital status, status with respect to public assistance, sexual orientation and/or disability shall be excluded from any participation in, denied any benefits of or otherwise subjected to discrimination with regard to the work to be done pursuant to this Agreement.
- B. That all activities to be conducted pursuant to this Agreement shall be conducted in accordance with the Minnesota Human Rights Act of 1974, as amended (Chapter 363),

Title 7 of the U.S. Code and any regulations and executive orders which may be affected with regard thereto.

#### ARTICLE XI

##### Rules and Regulations

All parties agree to observe and comply with all laws, ordinances, rules and regulations of the United States of America, the State of Minnesota, County, and the City of Duluth and their respective agencies which are applicable to their activities under this Agreement.

#### ARTICLE XII

##### Notices

Notice to Team Members provided for herein shall be sufficient if sent by the regular United States mail, postage prepaid, addressed to the parties at the addresses hereinafter set forth or to such other respective persons or addresses as the parties may designate to each other in writing from time to time:

CITY OF DULUTH:	Lt. Ryan Morris City of Duluth Police Department 2030 N. Arlington Avenue Duluth, MN 55811
County:	Sheriff Ross Litman St. Louis County Sheriff's Office Room 103 100 North 5th Avenue West Duluth, MN 55802
Hermantown:	Chief James Crace Chief of Police Hermantown Police Department 5111 Maple Grove Road Hermantown, MN 55811-3605
UMD Police	Chief Sean Huls Chief of Police Sponsored Projects Administration, UMD 409 Darland Admin. Bldg. 1049 University Drive. Duluth, MN 55812-3011
Floodwood:	City Administrator City of Floodwood 111 W. 8 <sup>th</sup> Ave. Floodwood, MN 55736

Proctor: Jessica Rich  
City Administrator  
City of Proctor  
100 Pionk Drive  
Proctor, MN 55810

#### ARTICLE XIII

##### Waiver

Any waiver by any party of any provision of this Agreement shall not imply a subsequent waiver of that or any other provision.

#### ARTICLE XIV

##### Applicable Law

This Agreement, together with all of its paragraphs, terms and provisions is made in the State of Minnesota and shall be construed and interpreted in accordance with the laws of the State of Minnesota.

#### ARTICLE XV

##### Severability

In the event any provision herein shall be deemed invalid or unenforceable, the remaining provisions shall continue in full force and effect and shall be binding upon the parties to this Agreement.

#### ARTICLE XVI

##### Entire Agreement

It is understood and agreed that the entire agreement of the parties is contained herein and that this Agreement supersedes all oral agreements and negotiations between the parties relating to the subject matter hereof. Any amendment to this Agreement shall be in writing and shall be executed by the same parties who executed the original agreement or their successors in office.

#### ARTICLE XVII

This Contract may be executed in several counterparts, each of which shall be an original, all of which shall constitute but one and the same instrument.

*[Remainder of page intentionally left blank; signature page to follow.]*

**IN WITNESS WHEREOF, the parties have hereunto set their hands the day and date shown below.**

**CITY OF DULUTH**, a Minnesota municipal corporation

**ST. LOUIS COUNTY**, a Minnesota County

By: \_\_\_\_\_  
Its Mayor

By: \_\_\_\_\_  
Paul McDonald, County Board Chair

Date: \_\_\_\_\_

Date: \_\_\_\_\_

Attest:

By: \_\_\_\_\_  
Nancy Nilsen, Auditor

By: \_\_\_\_\_  
City Clerk

Date: \_\_\_\_\_

Date: \_\_\_\_\_

By: \_\_\_\_\_  
Ross Litman, Sheriff

Countersigned:

Date: \_\_\_\_\_

\_\_\_\_\_  
City Auditor

Approved as to form and execution:  
KIMBERLY J. MAKI  
St. Louis County Attorney

Date: \_\_\_\_\_

Approved as to form:

By: \_\_\_\_\_  
Thomas Stanley  
Assistant County Attorney

\_\_\_\_\_  
City Attorney

Damion# 2022-15239

Date: \_\_\_\_\_

Date: \_\_\_\_\_



**CITY OF PROCTOR**, A Minnesota  
municipal corporation

**CITY OF FLOODWOOD**, A Minnesota  
municipal corporation

By: \_\_\_\_\_

By: \_\_\_\_\_  
Tad Farrell

Its: \_\_\_\_\_

Its: Mayor \_\_\_\_\_

Date: \_\_\_\_\_

Date: \_\_\_\_\_

**CITY OF HERMANTOWN**, A Minnesota  
municipal corporation

**Regents of the University of Minnesota for  
the UMD UNIVERSITY POLICE  
DEPARTMENT**

By: \_\_\_\_\_

By: \_\_\_\_\_

Its: \_\_\_\_\_

Its: \_\_\_\_\_

Date: \_\_\_\_\_

Date: \_\_\_\_\_