



Hermantown City Council Meeting – December 5, 2022

Hermantown's upcoming City Council meeting will include both remote access and in-person access to Council Chambers. The remote access will be available through the platform, "Zoom," which allows the public to view and participate in the meeting via phone or computer. Interested parties can also choose to attend the City Council meetings in person at City Hall.

Remote access to the 6:30 p.m. City Council Meeting is available at:

<https://us02web.zoom.us/j/84196996052?pwd=Mm5Wb0k2VWFkWFJsVy9GL0l1Q2cyZz09>

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 also be submitted in advance of the meeting. Comments, questions, or concerns can be e-mailed to Community Engagement Director, 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
- Everyone has varying levels of comfort regarding remote technology, 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.



AGENDA

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

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

**City Council Meeting December 5, 2022 at 6:30 p.m.
Council Chambers
City Hall - Hermantown Governmental Services Building**

Invitation to participate:

The Hermantown City Council welcomes your thoughts, input and opinions to this meeting. The agenda for this meeting contains a brief description of each item to be considered, and the City Council encourages your participation. If you wish to speak on an item contained in the agenda, you will be allowed to address the Council when a motion is on the floor. If you wish to speak on a matter that does not appear on the agenda, you may do so during the public comment period regularly scheduled and set for the beginning of the meeting.

When addressing the City Council, please state your name and address for the record. Please address the City Council as a whole through the Mayor. Comments to individual Council Members or staff are not permitted. Speakers will be limited to three (3) minutes.

Order of discussion

1. Reading of the resolution title by Mayor
2. Motion/Second
3. Staff Explanation
4. Initial Discussion by City Council
5. Mayor invites public to speak to the motion (3-minute rule)
6. Follow up staff explanation and/or discussion by City Council
7. Call of the vote

**CITY OF HERMANTOWN
AGENDA**

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

**City Council Meeting December 5, 2022 at 6:30 p.m.
Council Chambers
Hermantown Governmental Services Building**

1. **CALL TO ORDER**
2. **PLEDGE OF ALLEGIANCE**
3. **ROLL CALL**
4. **ANNOUNCEMENTS** *(Council Members may make announcements as needed.)*
5. **PUBLIC HEARING** – *(Only when necessary. The rule adopted three minutes per person if necessary. Any action required after the public hearing will be taken immediately following the closing of the public hearing.)*
 - A. ***Truth in Taxation Hearing:***
 - 2022-132** Resolution Adopting The Final 2022 Property Tax Levy Collectible In 2023 In The Amount Of \$7,606,333

(motion, roll call)
 - 2022-133** Resolution Adopting The Final 2023 City General Fund Budget In The Amount Of \$7,266,219 And The Overall Budget Of \$20,782,027

(motion, roll call)
6. **COMMUNICATIONS**
 - A. **Correspondence** 22-122 placed on file
7. **PRESENTATIONS** *(Department Heads may give reports if necessary.)*
8. **PUBLIC DISCUSSION** *(This is the time for individuals to address the Council about any item not on the agenda. The time limit is three minutes per person.)*
9. **CONSENT AGENDA** *(All items on the Consent Agenda are items which are considered routine by the City Council and will be approved by one motion via voice vote. There will be no discussion of these items unless a Council Member or citizen so requests, in which event the item will be removed from the Consent Agenda and considered at the end of the Consent Agenda.)*

- A. **Minutes** - Approval or correction of November 21, 2022 City Council Continuation Minutes
- B. **Accounts Payable** – Approve general city warrants from November 16, 2022 through November 30, 2022 in the amount of \$440,755.91

10. **MOTIONS**

11. **ORDINANCES**

- A. **2022-14** The City Council Of The City Of Hermantown Does Ordain: An Ordinance Adopting Amended And Restated Title 4 Of The City Of Hermantown City Code, Municipal Sales Tax

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. **2022-134** Resolution Creating A Bridge Replacement Priority List And Requesting State Bridge Bonding Funding For BR 7724 On Hermantown Road

(motion, roll call)

- B. **2022-135** Resolution Approving The Final Pay Request For Reconditioning Of Highway 53 Water Tower (Water Improvement District No. 318) To Osseo Construction Co. LLC In The Amount Of \$28,850

(motion, roll call)

- C. **2022-136** Resolution Authorizing The Disposal Of Surplus City Property

(motion, roll call)

- D. **2022-137** Resolution Authorizing The Disposal Of Surplus City Property

(motion, roll call)

- E. **2022-138** Resolution Approving Application For New License For Charitable Gambling By Hermantown Youth Soccer Association For McKenzie's Bar & Grill

(motion, roll call)

- F. **2022-139** Resolution Approving Right Of Entry Agreement -Hermantown School District

(motion, roll call)

G. 2022-140

Resolution Authorizing And Directing The Mayor And City Clerk To Execute And Deliver A Local Government Receipt Of Fund Acknowledgement Enbridge Energy, Limited Partnership In The Amount Of \$70,000

(motion, roll call)

H. 2022-141

Resolution Approving An Extension Of The Preliminary Planned Unit Development Plan For The Arbors At Maple Grove Development

(motion, roll call)

13. RECESS

RESOLUTION NO. 2022-132

**RESOLUTION ADOPTING THE FINAL 2022 PROPERTY TAX LEVY
COLLECTIBLE IN 2023 IN THE AMOUNT OF \$7,606,333**

BE IT RESOLVED by the City Council of the City of Hermantown, County of St. Louis, Minnesota, that the following sums of money be levied for the current year, collectible in 2022 upon the taxable property in the City of Hermantown, for the following purposes:

General Fund	\$6,974,566
General Obligation	\$ 343,621
Miscellaneous – HEDA	\$ 150,000
Other Debt	\$
Abatement – Fleet Farm	\$ 138,146
 Total Levy	 \$7,606,333

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

1. The City Clerk is hereby instructed to transmit a certified copy of this resolution to the county auditor of St. Louis County, Minnesota.

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 December 5, 2022.

Resolution 2022-133

**RESOLUTION ADOPTING THE FINAL 2023 CITY
GENERAL FUND BUDGET IN THE AMOUNT OF \$7,266,219
AND THE OVERALL BUDGET OF \$20,782,027**

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 December 5, 2022.

Date: November 30, 2022
To: City Council
From: John Mulder, City Administrator
RE: Correspondence

In your agenda packet is a correspondence summary log. This briefly summarizes and assigns a log number for written correspondence received at City Hall.

You are provided with the summary so that you may request a full copy of any correspondence article of interest to you.

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

2022 CORRESPONDENCE

<u>DATE</u>	<u>LOG #</u>	<u>FROM</u>	<u>TO</u>	<u>REGARDING</u>	<u>FILED</u>
11/28/2022	22-122	Marianne Bohren, WLSSD	City of Hermantown	Notice of Public Hearing 12/19/22 @ 3:30 pm)	11/21/2022

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

MEETING CONDUCTED IN PERSON & VIA ZOOM

PLEDGE OF ALLEGIANCE

ROLL CALL: Councilors Elect Hjelle, LeBlanc; Councilors Geissler, Nelson; Mayor Boucher

CITY STAFF: John Mulder, City Administrator; Joe Wicklund, Communications Manager; Paul Senst, Public Works Director; Kevin Orme, Director of Finance & Administration; Adam Schminski, Building Official; Jim Crace, Chief of Police; David Bolf, City Engineer; Gunnar Johnson, City Attorney

ABSENT: Councilor Hauschild

VISITORS: 5

ANNOUNCEMENTS

PUBLIC HEARING

COMMUNICATIONS

Communications 22-116 through 22-119 were read and placed on file.

PRESENTATIONS

Kevin Orme, Director of Finance & Administration, presented the 2023 Budget Book

Eric Johnson, Community Development Director, presented information on the Boulder Trail Furniture.

Paul Senst, Public Works Director, presented an update on the Water Modeling Project.

John Mulder, City Administrator, presented an update on the Legislative Agenda.

John Mulder, City Administrator, lead a discussion on City Council Transition Timing and Onboarding of new City Council members.

PUBLIC DISCUSSION

CONSENT AGENDA

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

- A. Approve November 7, 2022 City Council Continuation Minutes
- B. Approve general city warrants from November 1, 2022 through November 15, 2022 in the amount of \$410,925.52

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

MOTIONS

ORDINANCES

RESOLUTIONS

2022-128 Resolution Approving The City Of Hermantown Approving The Contractor Water And Sewer Hookup Process And Repairs To Lateral Lines

Motion made by Councilor Geissler, seconded by Councilor Nelson, to adopt Resolution Approving The City Of Hermantown Approving The Contractor Water And Sewer Hookup Process And Repairs To Lateral Lines. Roll Call: Councilors Geissler, Nelson, Mayor Boucher, aye. Councilor Hauschild, absent. Motion carried.

2022-129 Resolution Awarding Contract For A Plow Truck Package Form Towmaster Truck Equipment Not To Exceed \$175,248

Motion made by Councilor Nelson, seconded by Councilor Geissler, to adopt Resolution 2022-129 Resolution Awarding Contract For A Plow Truck Package Form Towmaster Truck Equipment Not To Exceed \$175,248. Roll Call: Councilors Geissler, Nelson, Mayor Boucher, aye. Councilor Hauschild, absent. Motion carried.

2022-130 Resolution Adopting Assessment Roll for Delinquent Utility Charges for 2022

Motion made by Councilor Geissler, seconded by Councilor Nelson, to adopt Resolution 2022-130, Resolution Adopting Assessment Roll for Delinquent Utility Charges for 2022. Roll Call: Councilors Geissler, Nelson, Mayor Boucher, aye. Councilor Hauschild, absent. Motion carried.

2022-131 Resolution Accepting An Amended Proposal From Northland Consulting Engineers For Engineering Services For Design And Construct Engineering For The Sanitary Sewer Trunkline Spur From Oak Ridge Drive To The Trunkline Under The City Engineers Contract With The City

Motion made by Councilor Nelson, seconded by Councilor Geissler, to table Resolution 2022-131, Resolution Accepting An Amended Proposal From Northland Consulting Engineers For Engineering Services For Design And Construct Engineering For The Sanitary Sewer Trunkline Spur From Oak Ridge Drive To The Trunkline Under The City Engineers Contract With The City.

Joe Wicklund, Communication & Community Engagement Director, spoke for Greg Privette, 4804 Oak Ridge Drive, regarding the extension of Okerstrom Road.

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

Motion made by Councilor Geissler, seconded by Councilor Nelson, to recess the meeting at 6:46 p.m. Motion carried.

Mayor

ATTEST:

City Clerk

CITY OF HERMANTOWN

CHECKS #-69383-69441
11/16/2022-11/30/2022

PAYROLL CHECKS

Electronic Checks - #-68626-68668	\$81,879.90
Electronic Checks - #-68614-68620	\$3,017.20
Checks - #69383-69385	\$5,362.25

LIABILITY CHECKS

Electronic Checks - #-68621-68625	\$61,703.76
Electronic Checks - #-68611-68613	\$617.81
Checks - #69386-69391	\$4,365.10

PAYROLL EXPENSE TOTAL **\$156,946.02**

ACCOUNTS PAYABLE

Checks - #69392-69442	\$256,808.15
Electronic Payments #-99597-99600	\$27,001.74

ACCOUNTS PAYABLE TOTAL **\$283,809.89**

TOTAL **\$440,755.91**

CITY OF HERMANTOWN, MN 11/16/2022-11/30/2022
Check # is between 69392 and 69442 or Check # is between -99600 and -99597

11/28/2022

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Fun d	Account	Department	Vendor Name	Description	Amount	Check #
101	419901	City Hall & Police Building Maintenance	DOORCO, INC.	Repair PD Door	232.50	-99600
402	431150	Street Improvements	MSA PROFESSIONAL SERVICES, INC.	Ugstad Rd Reconditioning MSA P	2,318.63	-99599
101	431100	Street Department	NORTHERN STATES SUPPLY INC	Nuts/Bolts/Pins	98.70	-99598
601	494300	Water Distribution	NORTHERN STATES SUPPLY INC	Stainless Nuts	31.32	-99598
101	419901	City Hall & Police Building Maintenance	MN POWER	City Hall/Police/Fire	3,046.50	-99597
101	422901	Firehall #1 Maple Grove Road	MN POWER	City Hall/Police/Fire	1,947.77	-99597
101	422902	Firehall #2 Morris Thomas Road	MN POWER	FH #2 MorrisThomas & Stebner	51.30	-99597
101	422903	Firehall #3 Midway Road	MN POWER	FH #3 Midway/Rose	101.50	-99597
101	431901	City Garage	MN POWER	5255 Maple Grove Rd Garage	24.68	-99597
101	431901	City Garage	MN POWER	4971 Lightning Dr	373.07	-99597
101	452100	Parks	MN POWER	Parks	224.06	-99597
101	452100	Parks	MN POWER	Little Leagues	18.35	-99597
601	494400	Water Administration and General	MN POWER	4971 Lightning Dr	223.84	-99597
601	494400	Water Administration and General	MN POWER	Water	433.11	-99597
602	494900	Sewer Administration and General	MN POWER	Sewer	612.55	-99597
602	494900	Sewer Administration and General	MN POWER	4971 Lightning Dr	149.23	-99597
101	452200	Community Building	MN POWER	Community Bldg	538.99	-99597
275	452200	Community Building	MN POWER	EWC Garage	17.77	-99597
275	452200	Community Building	MN POWER	4289 Ugstad Rd/EWC	13,118.80	-99597
605	431160	Street Lighting	MN POWER	Traffic Lights	834.33	-99597
605	431160	Street Lighting	MN POWER	Street Lights	432.41	-99597
605	431160	Street Lighting	MN POWER	Street Lights	482.05	-99597
605	431160	Street Lighting	MN POWER	Street Lights	759.12	-99597
605	431160	Street Lighting	MN POWER	Street Lights	410.33	-99597
605	431160	Street Lighting	MN POWER	Overhead St Lights (33 @ \$10.2	501.60	-99597
605	431160	Street Lighting	MN POWER	Street Lights (Roundabout)	19.23	-99597
101	431901	City Garage	A W KUETTEL & SONS INC	Roof Sealent - PW Building- Fi	2,980.00	69392
101	452100	Parks	A W KUETTEL & SONS INC	EPDM Rubber - Field #1 @ Ficht	1,100.00	69392
101	414100	Elections	ALANDER, PATRICIA	Accuracy Test/Gen Election Hou	167.00	69393
101	414100	Elections	ATIEMO, AMANDA	General Election Hours	216.00	69394
101	414100	Elections	BOSLEY, DAVID	General Election Hours	201.00	69395
101	414100	Elections	CHAPINSKI, MARIE	Accuracy Test/Gen Election Hou	266.50	69396
101	414100	Elections	CHRISTENSON, CAROL	General Election Hours	189.00	69397
101	419901	City Hall & Police Building Maintenance	CINTAS CORPORATION	Mats at FD/PD	30.72	69398
101	419901	City Hall & Police Building Maintenance	CINTAS CORPORATION	Mats at CH	8.88	69398
101	431100	Street Department	CINTAS CORPORATION	Uniforms	26.93	69398
101	431100	Street Department	CINTAS CORPORATION	Mats, Uniforms, Supplies	9.72	69398
101	431100	Street Department	CINTAS CORPORATION	Uniforms	26.93	69398

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Fun d	Account	Department	Vendor Name	Description	Amount	Check #
101	431100	Street Department	CINTAS CORPORATION	Mats Uniforms Supplies	9.72	69398
101	431901	City Garage	CINTAS CORPORATION	Mats Uniforms Supplies	22.50	69398
101	431901	City Garage	CINTAS CORPORATION	Mats, Uniforms, Supplies	30.03	69398
101	431901	City Garage	CINTAS CORPORATION	Mats Uniforms Supplies	10.35	69398
101	431901	City Garage	CINTAS CORPORATION	Mats, Uniforms, Supplies	37.50	69398
101	431901	City Garage	CINTAS CORPORATION	1st Aid Cabinets	240.22	69398
601	494300	Water Distribution	CITY OF DULUTH COMFORT SYSTEMS	Oct Water Charges	65,874.50	69399
601	494300	Water Distribution	CORE & MAIN LP	Water Radio	652.19	69400
101	421100	Police Administration	DAIGLE LAW GROUP, LLC	Training - Gunderson	595.00	69401
101	414100	Elections	DEBOER, SHAUNNA	Ballot Board/Gen Election Hour	325.25	69402
101	414100	Elections	DOLENTZ, JACKIE	Gen Election Food/Travel/Suppl	83.38	69403
101	414100	Elections	DOLENTZ, JACKIE	Gen Election Food/Travel/Suppl	42.91	69403
101	414100	Elections	DOLENTZ, JACKIE	Gen Election Food/Travel/Suppl	54.35	69403
101	414100	Elections	DONALDSON, BEVERLY	Accuracy Test/Gen Elect Hrs/Su	282.75	69404
101	415300	Administration & Finance	EHLERS & ASSOCIATES INC	2022 Financial Management Plan	962.50	69405
601	494400	Water Administration and General	EHLERS & ASSOCIATES INC	2022 Utility Rate Study	905.84	69405
602	494900	Sewer Administration and General	EHLERS & ASSOCIATES INC	2022 Utility Rate Study	905.83	69405
603	441100	Storm Water	EHLERS & ASSOCIATES INC	2022 Utility Rate Study	905.83	69405
101	414100	Elections	ENBERG, ERIC, JR	Training/Gen Election Hours	222.00	69406
601	494300	Water Distribution	FERGUSON WATERWORKS #2516	Out of Service Sign	44.40	69407
601	494300	Water Distribution	FERGUSON WATERWORKS #2516	Valve for Hydrant Repair	1,314.79	69407
601	494300	Water Distribution	FERGUSON WATERWORKS #2516	Anode Bag - Hydrant and Water	658.05	69407
601	494300	Water Distribution	FERGUSON WATERWORKS #2516	Gate Valve - Gordy's Repair	1,267.99	69407
101	414100	Elections	FICHTNER, LORI	Accuracy Test/Gen Election Hou	237.75	69408
101	414100	Elections	FLEMMING, DAVID	General Election Hours	198.00	69409
101	414100	Elections	FREY, BONNIE	Ballot Board/Accuracy Test/Gen	357.25	69410
101	414100	Elections	GARRISON, KANDISE	General Election Hours	105.00	69411
101	414100	Elections	GRACE LUTHERAN CHURCH	Rent - General & Primary Elect	200.00	69412
101	414100	Elections	HANE, JUDITH	Accuracy Test/General Election	161.00	69413
101	414100	Elections	HARRISS, DONALD	General Election Hours	105.00	69414
101	431100	Street Department	HERMANTOWN HYDRAULICS	Hoses - H4	153.76	69415
101	431100	Street Department	HERMANTOWN HYDRAULICS	Hose - H1	103.18	69415
101	411300	Ordinance, Public Notice and Proceedings	HERMANTOWN STAR LLC	Proposed Budget & Property Tax	173.25	69416
101	414100	Elections	HERMANTOWN STAR LLC	Election Canvas Board	20.62	69416
402	431150	Street Improvements	HERMANTOWN STAR LLC	Bids for Ugstad Rd Improvement	1,254.00	69416
101	414100	Elections	HILL, JOLYNN	General Election Hours	93.00	69417
245	419100	Community Development	HOISINGTON KOEGLER GROUP INC.	Comprehensive Plan Update-Oct	712.50	69418
101	414100	Elections	JENNISCH, SANDRA	General Election Hours	93.00	69419

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Fun d	Account	Department	Vendor Name	Description	Amount	Check #
101	414100	Elections	KAUFMAN, ALEXANDRA	General Election Hours	201.00	69420
101	414100	Elections	KLEIN, VICKI	Accuracy Test/General Election	237.75	69421
101	421100	Police Administration	LSFT & ICAC TF	Phone Dump	200.00	69422
101	421100	Police Administration	MENARD INC	Wallgrip & Driller Toggle	11.55	69423
101	431100	Street Department	MENARD INC	Cleaning Supplies/Filter- PW	315.39	69423
101	431100	Street Department	MENARD INC	Garbage Bags	28.78	69423
101	414100	Elections	MERRIER, PATRICIA	Healthcare Facility/General El	151.00	69424
245	452100	Parks	MILACA GENERAL RENTAL CENTER	Altoz Tracked Mower	23,499.00	69425
101	414100	Elections	MILLER, PEPPER	Training/Accuracy Test/General	287.00	69426
101	431100	Street Department	NAPA AUTO PARTS	Oil Filter & Washer Fluid	54.84	69427
101	431100	Street Department	O'REILLY FIRST CALL	Sander Light - H4	32.79	69428
101	414100	Elections	PAGANO, PAMELA	General Election Hours	99.00	69429
101	414100	Elections	PAGEL, LAUREL	General Election Hours	105.00	69430
101	414100	Elections	PAGEL, WILLIAM	General Election Hours	102.00	69431
101	414100	Elections	PARMETER, KIMBERLY	General Election Hours	30.00	69432
601	494300	Water Distribution	POLLARD WATER	Water Tap Bits	2,132.80	69433
101	431100	Street Department	PROCTOR BUILDERS	Excavator Rental	400.00	69434
101	414100	Elections	SALEM LUTHERAN CHURCH	Rent - General & Primary Elect	200.00	69435
402	431150	Street Improvements	SHEL/DON GROUP INC	Plan Set Copies for Ugstad	235.93	69436
101	414100	Elections	SHOGREN, PATRICIA	Accuracy Test/General Election	253.50	69437
601	494400	Water Administration and General	SHORT ELLIOTT HENDRICKSON INC	Water System Model Dev	6,367.50	69438
601	214500	Escrow Deposits Payable	SHORT ELLIOTT HENDRICKSON INC	HERT 22 Sprint @ Hawk Circle W	1,051.80	69438
101	414100	Elections	TANSKI, JOAN	General Election Hours	96.00	69439
101	421100	Police Administration	TROY'S BP AMOCO INC	Oil & Filter - SQD 17	94.33	69440
101	421100	Police Administration	TROY'S BP AMOCO INC	Oil & Filter/Repair - SQD 20	119.55	69440
101	421100	Police Administration	TROY'S BP AMOCO INC	Brakes - SQD 15	424.55	69440
101	421100	Police Administration	TROY'S BP AMOCO INC	Tire Balance - SQD 22	74.00	69440
101	421100	Police Administration	TROY'S BP AMOCO INC	Vehicle Repair - SQD 18	46.90	69440
101	421100	Police Administration	TROY'S BP AMOCO INC	Brakes - SQD 12	447.57	69440
101	431100	Street Department	VEIT & COMPANY INC	Debris Disposal	672.00	69441
101	422100	Fire Administration	HERMANTOWN VOLUNTEER FIRE DEPT	4th QTR Fire Protection	134,198.75	69442

Totals: 107 records printed

283,809.89

TO: Mayor & City Council
FROM: John Mulder, City Administrator
DATE: November 30, 2022
SUBJECT: Sales Tax Ordinance



Meeting Date: 12/05/2022

Agenda Item: 11-A

Ordinance 2022-14

REQUESTED ACTION

Hold the first reading of an ordinance increasing the sales tax by .5% effective April 1, 2023

BACKGROUND

Following the passage of the referendum regarding increasing the sales tax by .5% for the Community Recreation Initiative, the City Council must revise its ordinance to make the sales tax effective. This is the first step in a process outlined by the State of Minnesota Department of Revenue.

A second reading will be scheduled for December 19th. The City Council will also be asked to adopt a Resolution on December 19, 2022. The ordinance and resolution will be provided to the State of Minnesota Department of Revenue. We must file this paper work with the State in order for the collection of sales tax can begin April 1, 2023.

By February 8, 2023, the City will have to amend its current agreement with the Department of Revenue to collect the additional tax.

The Department of Revenue will notify the businesses of the increased tax, and the City must publish it on their website.

SOURCE OF FUNDS (if applicable)

ATTACHMENTS

Redlined version of the proposed ordinance changes.

Ordinance 2022-~~14~~

**THE CITY COUNCIL OF THE CITY OF HERMANTOWN DOES ORDAIN:
AN ORDINANCE ADOPTING AMENDED AND RESTATED TITLE 4 OF THE CITY OF
HERMANTOWN CITY CODE, MUNICIPAL SALES TAX**

Section 1. Code Adopted. There is hereby adopted “Amended and Restated Title 4 of the Hermantown City Code, Municipal Sales Tax.” A copy of such code shall be marked “Official Copy” and filed as part of the official records of the City of Hermantown in the office of the City Clerk and included in the Code of Ordinances for the City.

Section 2. Statutory Authorization. This Ordinance is authorized by Article 2, Section 29 of Chapter 471, of Laws of 1996, which was approved by the Hermantown City Council on May 22, 1996 and the voters of the City of Hermantown on November 5, 1996 and by Laws 2006, Chapter 259, Article 3, Section 3 and by Laws 2011, Chapter 7, Article 4, Section 4 which was approved by the Hermantown City Council on December 19, 2011 by Resolution No. 2011-106 and on December 3, 2012 by Resolution No. 2012-147 and the voters of the City of Hermantown on November 6, 2012 and by Laws 2021, First Special Session, Chapter 14, Article 8, Section 8 which was approved by the Hermantown City Council on August 2, 2021 by Resolution No. 2021-89 and the voters of the City of Hermantown on November 8, 2022.

Section 3. Copies. The City Clerk shall provide a sufficient quantity of the “Title 4 of the City of Hermantown City Code, Municipal Sales Tax” for general distribution to the public.

Section 4. Prima Facie Evidence. “Title 4 of Hermantown City Code, Municipal Sales Tax” shall be prima facie evidence of the law of the City of Hermantown.

Section 5. Effective Date. This Ordinance and the provisions of “Title 4 of the Hermantown City Code, Municipal Sales Tax” shall be effective after adoption immediately upon the publication of this ordinance once in the legal newspaper of the City of Hermantown.

Dated the _____ day of _____, 2022.

Mayor

ATTEST:

City Clerk

Adopted _____

Published: _____

Effective Date: _____

EXHIBIT A

240.05 Municipal Sales Tax.

240.01.1 Authority. The Minnesota Legislature has by Laws of Minnesota for 1996, Chapter 471, Article 2, Section 29, as amended by Laws 2006, Chapter 259, Article 3, Section 3~~and~~; by Laws 2011, Chapter 7, Article 4, Section 4, [and by Laws 2021, First Special Session, Chapter 14, Section 8](#) authorized the City to impose a one [and five tenths](#) percent (1.~~05~~) sales and use tax within the City to provide revenues to pay certain costs related to the funding of extending a sewer interceptor line, construction of a booster pump station, reservoirs, and related improvements to the water system, ~~and~~ construction of a building containing a police and fire station~~and~~, an administrative services facility [and the Community Recreation Initiative](#). The City of Hermantown approved the State Laws in accordance with applicable law.

240.01.2 Definitions. The words, terms, and phrases used in Section 4.01 to Section 4.13 shall have the meaning ascribed to them in Minnesota Statutes, Section 297A.61, except where the context clearly indicates otherwise. In addition, the following definitions shall apply:

240.05.2.1 “State Laws” means Laws 1996, Chapter 471, Article 2, Section 29, as amended by Laws 2006 Chapter 259, Article 3, Section 3~~and~~, Laws 2011, ~~1st~~[First Special Session](#), Chapter 7, Article 4~~and~~ [Laws 2021, First Special Session, Chapter 14, Article 8, Section 8](#)

240.05.2.2 “City” means the City of Hermantown

240.05.2.3 “Commissioner” means the Commissioner of Revenue for the State of Minnesota, acting under the authority of an agreement entered into between the City and the State of Minnesota pursuant to the State Laws, or such other person or entity designated to administer and collect the Hermantown Sales Tax.

240.05.2.4 “Hermantown Sales Tax” means the sales and use tax imposed and collected pursuant to this Title 4.

240.05.2.5 “Title 4” means this Title 4 of the Hermantown City Code.

240.05.2.6 “Retailer maintaining a place of business in the City” or any like term, shall mean any retailer having or maintaining within the City, directly or by a subsidiary, an office, place of distribution, sales or sample room or place, warehouse, or other place of business, or having any representative, agent, salesperson, canvasser, or solicitor operating in the City under the authority of the retailer or its subsidiary, for any purpose, including the repairing, selling, delivering, installing, or soliciting of orders of the retailer’s goods or services, or the leasing of tangible personal property located in the City, whether the place of business or agent, representative, salesperson, canvasser, or solicitor is located in the City permanently or temporarily, or whether or not the retailer of subsidiary is authorized to do business within this City.

240.05.3 Sales Tax. Except as otherwise provided in this Title 4, there is hereby imposed~~s~~ a Hermantown sales and use tax in the amount of [one and five tenths percent \(1.5%\)](#)

~~one percent~~ on the gross receipts from sales at retail which are taxable pursuant to Minnesota Statutes, Chapter 297A and occur within the City of Hermantown.

240.05.4 Application to State General Sales Tax. The tax imposed under this Article is intended to be collected for the most part on the same items as the state general sales and use tax imposed by Minnesota Statutes, Chapter 297A and consequently the application and administration of the Hermantown Sales Tax shall be construed consistent with the State general sales and use tax and the imposition of the Hermantown Sales Tax shall be construed so that any subsequent amendment to Minnesota Statutes, Chapter 297A affecting the sales or uses taxable under Chapter 297A shall also apply to Hermantown and affect in the same manner the sales taxable under this Title 4.

~~Provided, however, that in the event any subsequent amendment to Minnesota Statutes, Chapter 297A exempts sales or uses which were taxable under Chapter 297A on April 1, 1997, the City may by amendment hereto extend the tax imposed hereby to any such sales or uses upon compliance with and as provided by the provisions of the Act.~~

~~240.05.6~~**240.05.5 Exemptions.** The following are specifically exempted from the Hermantown Sales Tax imposed this Title 4.

~~240.05.6.1~~**240.05.5.1** The gross receipts from the sale of tangible personal property which the seller delivers to a common carrier for delivery outside the City, places in the United States mail or parcel post directed to a purchaser outside the City, or delivers to the purchaser outside the City by means of the seller's own delivery vehicles, and which is not thereafter returned to a point within the City, except in the course of interstate or intrastate commerce.

~~240.05.6.2~~**240.05.5.2** The gross receipts from the sale of packing materials used to pack and ship household goods, the ultimate destination of which is outside the City and which are not thereafter returned to a point within the City, except in the course of interstate commerce.

~~240.05.6.3~~**240.05.5.3** The gross receipts from the sale of and the storage of material designed to advertise and promote the sale of merchandise or services, which material is purchased and stored for the purpose of subsequently shipping or otherwise transferring outside the City by the purchaser for use thereafter solely outside the City. Mailing and reply envelopes and cards used exclusively in connection with the advertising and promotional materials are included in this exemption.

~~240.05.6.4~~**240.05.5.4** All mobile transportation equipment and parts and accessories attached to or to be attached to such equipment acquired by a person who is engaged in interstate for-hire transportation of tangible personal property or passengers by motor vehicle. Persons referred to herein are: (1) persons possessing a certificate or permit authorizing for-hire transportation of property or passengers from the interstate commerce commission or the Minnesota public utilities commission; or (2) persons transporting commodities defined as "exempt" in for-hire transportation in interstate commerce; or (3) persons who, pursuant to contracts with person described in clauses (1) or (2) above, transport tangible personal property in interstate commerce; or (4) persons who in the course of their business are transporting solely their own goods in interstate commerce.

~~240.05.7~~240.05.6 **Separate Statement; Collection from Purchaser; Advertising No Tax; Minimum; Uniform Tax Collection Methods.** The Hermantown Sales Tax shall be stated and charged separately from the sales price or charge for service insofar as practical and shall be a debt from the purchaser to the seller recoverable at law in the same manner as other debts. In computing the tax to be collected as the result of any transaction amounts of tax less than one-half of one cent may be disregarded and amounts of tax one-half cent or more may be considered an additional cent. If the sale price of any sale at retail is ninety-nine cents or less, no tax shall be collected.

~~240.05.8~~240.05.7 **Exemption Certificates.** An exemption certificate taken in good faith from a purchaser to the effect that the property purchased is for resale or that the sale is otherwise exempt from the application of the tax imposed by this Title 4 conclusively relieve the retailer from collecting and remitting the tax. A person who has obtained from the Commissioner an exemption certificate pursuant to Minnesota Statutes Section 297A.72 may use such exemption certificate for the purposes of the sales tax imposed by the City.

~~240.05.9~~240.05.8 **Presumption of Purposed of Sale.** For the purpose of the proper administration and enforcement of this Title 4, it shall be presumed that all retail sales for delivery in the City are for storage, use, or other consumption in the City until the contrary is established.

~~240.05.10~~240.05.9 **Collection of Sales Tax at Time of Sale.** (a) Any retailer making deliveries within the City, any retailer maintaining a place of business in the City, or any other retailer otherwise doing business within the City, upon making sales of any items described in this Title 4 which are not exempted from the sales tax imposed under this Title 4 and which are to be delivered within the City to the purchaser, shall at the time of making such sales collect the Hermantown Sales Tax from the purchaser. The tax collected by such retailer shall be remitted to the Commissioner on behalf of the City.

~~240.05.10.1~~240.05.9.1 Any retailer required to collect the Hermantown Sales Tax and remit such tax to the Commissioners pursuant to this section shall register with the Commissioner and provide such other information as the Commissioner may require.

~~240.05.10.2~~240.05.9.2 **Agent of Retailer.** When, in the opinion of the Commissioner, it is necessary for the efficient administration of the tax, the Commissioner may regard any salesman, representative, trucker, peddler, or canvasser as the agent of the dealer, distributor, supervisor, employer, or other person under whom such salesman, representative, trucker, peddler, or canvasser operates or from whom the tangible property is being sold is obtained, and may regard the dealer, distributor, supervisor, employer, or other person as a retailer for the purposes of this Title 4.

~~240.05.11~~240.05.10 **Effective Date, Transitional Sales.** Except as otherwise provided herein, the Hermantown Sales Tax authorized by this Title 4 shall continue to apply to sales made on or after ~~April 1, 1997~~November 8, 2022, and shall be in addition to all other taxes now in effect. The increase from ~~one percent (1.0%)~~one half percent (0.5%) to one and five tenths percent (1.5%)~~one percent (1.0%)~~ authorized by voters at the November ~~68, 2012-2022~~ election shall take effect as soon as the Commissioner can implement such change.

~~The Hermantown Sales Tax shall not apply to: (a) the gross receipts from retail sales or leases of tangible personal property made pursuant to a bona fide written contract which unconditionally vests the rights and obligations of the parties hereto, provided that such contracts were enforceable prior to April 1, 1997, and that delivery of the tangible personal property subject thereto is made on or before April 1, 1997; (b) the gross receipts from retail sales made pursuant to a bona fide lump sum or fixed price construction contract which unconditionally vests the rights and obligations of the parties thereto and which does not make provision for allocation of future taxes, provided that such contract was enforceable prior to April 1, 1997, and that delivery of the tangible personal property used in performing such construction contract is made before April 1, 1997; payments made prior to April 1, 1997, for contracts to provide taxable services, provided that such contracts were enforceable prior to April 1, 2013; however, the Hermantown Sales Tax shall apply to payments made pursuant to such contracts to provide services on and after April 1, 1997; and (d) utility bills that include charges for service for any dated before April 1, 1997, however, the Hermantown Sales Tax shall apply to all utility bills for service provided after April 1, 1997.~~

~~240.05.13~~**240.05.11** **Collection and Enforcement.** The Hermantown Sales Tax imposed by the City pursuant to this Title 4 shall be subject to the same interest, penalties, and other rules as are applicable to the State general sales and use tax imposed by Minnesota Statutes, Chapters 289A and 297A. The Hermantown Sales Tax imposed by the City pursuant to this Title 4 may be collected by the State of behalf of the City as provided by an appropriate agreement with the Commissioner.

~~240.05.14~~**240.05.12** **Tax Clearance; Issuance of Licenses.** The City may not issue or renew a license for the conduct of a trade or business in the City if the Commissioner notifies the City that the applicant for such license owes delinquent Hermantown Sales Taxes as provided in this Title 4, or penalties or interest due on such taxes.

For the purpose of this Section, the following terms have the meaning given:

~~240.05.14.1~~**240.05.12.1** “Hermantown Sales Taxes” include sales tax as provided in this Title 4. Penalties and interest are penalties and interest due on taxes included in this definition.

~~240.05.14.2~~**240.05.12.2** “Delinquent Taxes” does not include a tax liability if (i) an administrative or court action which contests the amount of validity of the liability has been filed or served, (ii) the appeal period to contest the tax liability has not expire, or (iii) the applicant has entered into a payment agreement and is current with the payments.

~~240.05.14.3~~**240.05.12.3** “Applicant” means an individual if the license is issued to or in the name of an individual or the corporation, partnership or other entity if the license is issued to or in the name of a corporation, partnership or other entity.

A copy of the notice of delinquent taxes given to the City shall also be sent to the applicant taxpayer. In the case of renewal of a license, if the applicant requests a hearing in writing, within 30 days of the receipt of the notice of delinquent taxes, then, a contested case hearing shall be held by the Commissioner under the same procedures as provided in Minnesota Statutes for the State Sales and Use Tax imposed under Minnesota Statutes, Chapter 297A; provided that if a hearing must be held on the State Sales and Use Tax, hearings may be combined.

~~240.05.15~~240.05.13 This Ordinance amends and restates Ordinance No. ~~96-08~~2012-10 in its entirety. The provisions of Ordinance No. ~~96-08~~2012-10 as amended by Ordinance No. 2020-03 shall continue in full force and effect with respect to all sales made prior to the imposition of the additional one-half percent (0.5%) sales tax authorized by voters on November ~~6~~8, ~~2012~~2022.

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



DATE: November 30, 2022 **Meeting Date:** 12/05/2022

SUBJECT: Request for Bridge Bonding – **Agenda Item:** 12-A **Resolution:** 2022-134
Hermantown Road

REQUESTED ACTION

Approve a resolution requesting bridge bonding for the bridge over the Rocky Run river on Hermantown Road.

BACKGROUND

As part of the Road Improvement Project in 2024 to re-pave Hermantown Road between Ugstad and Hwy 2, the City plans on replacing the bridge over the Rocky Run River. This request would provide state bridge bonding money to help finance that portion of the project. The City has hired LHB Engineers to design the bridge and that work is being completed now. The plan is to reconstruct in 2024

SOURCE OF FUNDS (if applicable)

ATTACHMENTS

Resolution

Resolution No. 2022-134

RESOLUTION CREATING A BRIDGE REPLACEMENT PRIORITY LIST AND REQUESTING STATE BRIDGE BONDING FUNDING FOR BR 7724 ON HERMANTOWN ROAD

WHEREAS, The City of Hermantown, has reviewed the pertinent data on bridges requiring replacement, rehabilitation, or removal, supplied by local citizenry and local units of government, (and the regional development commission, or the metropolitan council where applicable); and

WHEREAS, The City of Hermantown has identified those bridges that are high priority and that require replacement, rehabilitation, or removal within the next five years;

NOW, THEREFORE BE IT RESOLVED that the following bridges are high priorities for replacement, major rehabilitation, or removal, and The City of Hermantown intends to replace, rehabilitate, or remove these bridges as soon as possible when funds are available; and

Old Bridge Number	Road Number and Name	Crossing	LPI	Total Project Cost	Township or State Bridge Funds Requested	Federal Funds	Local Funds	Proposed Construction Year
BR-7724	Hermantown Road	Rocky Run		\$655,000	\$505,000	\$0	\$150,000	2024

BE IT FURTHER RESOLVED that The City of Hermantown does hereby request authorization to replace, rehabilitate, or remove such bridges.

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 December 5, 2022.

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



DATE: November 29th, 2022 **Meeting Date:** 12/05/2022
SUBJECT: 2022 Water Tower Recoating **Agenda Item:** 12-B **Resolution 2022-135**
Pay App. #FINAL

REQUESTED ACTION

Approve Payment Application #6 Final to Osseo Construction Co. LLC for the work related to the tower reconditioning project.

BACKGROUND

Attached is Pay Application #6 Final for the work associated with the Hwy. 53 Water Tower Reconditioning project. This is for ALL work completed on the job. Bolton & Menk and NCE have reviewed the project progress thus far and agreed upon the quantities of work completed. The amount of Pay Application #Final is **\$28,850.00**. This represents **100%** of the Total Work Completed under this contract including retainage release.

NCE has reviewed the quantities through construction inspection and discussions with Bolton & Menk, representatives. I recommend payment in the amount of **\$28,850.00** be authorized at the December 5th, 2022 City Council Meeting.

SOURCE OF FUNDS (if applicable)

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

ATTACHMENTS

Bolton & Menk attachment
Resolution

Resolution No. 2022-135

RESOLUTION APPROVING THE FINAL PAY REQUEST FOR RECONDITIONING OF HIGHWAY 53 WATER TOWER (WATER IMPROVEMENT DISTRICT NO. 318) TO OSSEO CONSTRUCTION CO. LLC IN THE AMOUNT OF \$28,850.00

WHEREAS, the City of Hermantown has contracted with Osseo Construction Co. LLC for Highway 53 Water Tower Reconditioning (“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 Final Pay Request in the amount of \$28,850.00; and

WHEREAS, Bolton & Menk has approved such Final Pay Request provided that all IC 134’s and paper work for the Project is submitted to the City of Hermantown.

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

1. Final Pay Request is hereby approved.
2. The City is hereby authorized and directed to pay to Osseo Construction Co. LLC. the sum of \$28,850.00.

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 December 5, 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

November 28, 2022

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

RE: HWY 53 Tower Reconditioning
Pay Request No. 6
BMI Project Number: 0M2.125206

Dear John,

Enclosed is a copy of Pay Request No. 6 and Change Order No. 1 from Osseo Construction Co. LLC. Change Order No. 1 reduces the final contract amount by \$15,300.00 for unused project quantities. This reduces the final contract amount from \$455,500.0 to \$440,200.00. Pay Request No. 6 is the final application for the project in the amount of \$28,850.00.

Also enclosed are the necessary closeout documents including the consent of surety, lien waivers, and IC134s. I recommend final payment to the contractor in the amount of \$28,850.00 to close out the contract.

Please contact me if you have any questions.

Sincerely,

Bolton & Menk, Inc.

Brian J. Guldán, 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:
 City of Hermantown
 5105 Maple Grove Road
 Hermantown, MN 55811
 CONTRACTOR:
 Osseo Construction Co. LLC
 PO Box 143, 14248 10th Street
 Osseo, WI 54758

PROJECT: HWY 53 Tower Reconditioning

APPLICATION NO: 6

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"/>	

VIA ARCHITECT:
 Bolton & Menk Inc

PERIOD TO: 11/28/2022

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>(15,300.00)</u>
3. CONTRACT SUM TO DATE (Line 1 ± 2)	\$	<u>440,200.00</u>
4. TOTAL COMPLETED & STORED TO DATE (Column G)	\$	<u>440,200.00</u>
5. RETAINAGE:		
a. <u>5%</u> of Completed Work (Column D + E)	\$	<u>0.00</u>
b. <u> </u> % of Stored Material (Column F)	\$	<u>n/a</u>
Total Retainage (Lines 5a + 5b or Total in Column I)	\$	<u>0.00</u>
6. TOTAL EARNED LESS RETAINAGE (Line 4 Less Line 5 Total)	\$	<u>440,200.00</u>
7. LESS PREVIOUS CERTIFICATES FOR PAYMENT (Line 6 from prior Certificate)	\$	<u>411,350.00</u>
8. CURRENT PAYMENT DUE	\$	<u>28,850.00</u>
9. BALANCE TO FINISH, INCLUDING RETAINAGE (Line 3 less 6)	\$	<u>0.00</u>



 Contractors Signature

11/28/2022

 Date



 Engineers Signature

11/28/22

 Date

 Owners Signature

 Date

CHANGE ORDER SUMMARY	ADDITIONS	DEDUCTIONS
Total changes approved in previous months by Contractor		
Total approved this Month		(\$15,300.00)
TOTALS		
NET CHANGES by Change Order		(\$15,300.00)

CONTINUATION SHEET

PAGE 2 OF 2 PAGES

APPLICATION NO: 6
 APPLICATION DATE: 11/28/2022
 PERIOD TO: 11/28/2022

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	C SCHEDULED VALUE	E WORK COMPLETED		F MATERIALS PRESENTLY STORED (NOT IN D OR E)	G TOTAL COMPLETED AND STORED TO DATE (D+E+F)		H BALANCE TO FINISH (C - G)	I RETAINAGE (IF VARIABLE RATE)
			D FROM PREVIOUS APPLICATION (D + E)	THIS PERIOD		% (G + C)			
1	Mobilization and Site Maintenance	\$50,000.00	\$50,000.00	\$0.00	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	\$1,000.00	N/A	\$1,000.00	100.00%	\$0.00	\$50.00
3	Welding (misc) 10 L.F., \$150.00/L.F. (C01-\$1500)	\$0.00	\$0.00	\$0.00	N/A	\$0.00	#DIV/0!	\$0.00	\$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	\$1,500.00	\$0.00	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 (C01 -\$13,800)	\$6,200.00	\$0.00	\$6,200.00	N/A	\$6,200.00	100.00%	\$0.00	\$310.00
GRAND TOTALS		\$440,200.00	\$433,000.00	\$7,200.00	\$0.00	\$440,200.00	100.00%	\$0.00	\$22,010.00

SECTION 00991 – CHANGE ORDER

No. 1

PROJECT: Hwy. 53 Tower Reconditioning

DATE OF ISSUANCE: 10/12/22

EFFECTIVE DATE: 10/12/22

OWNER: City of Hermantown

ENGINEER'S Project No.: 0M2.125206

CONTRACTOR: Osseo Construction Co. LLC

ENGINEER: Bolton and Menk, Inc.

You are directed to make the following changes in the Contract Documents.

Description:

Reduce the final contractor amount to \$440,200.00.

Reason for Change Order:

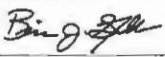
Reduce final contract amount to account for unused bid quantities.

Attachments: (List documents supporting change)

Osseo Construction Co. LLC bid tab, showing unused items.

CHANGE IN CONTRACT PRICE:	CHANGE IN CONTRACT TIMES:
Original Contract Price	No Change
<u>\$455,500.00</u>	
Net changes from previous Change Orders No. <u>0</u> to No. 0	
<u>\$0</u>	
Contract Price Prior to this Change Order	
<u>\$455,500.00</u>	
Net Decrease of this Change Order	
<u>\$15,300</u>	
Contract Price with all approved Change Orders	
<u>\$440,200.00</u>	

RECOMMENDED:

By: 
 Engineer (Authorized Signature)


Date: 10/20/22

APPROVED:

By: _____
 Owner (Authorized Signature)

Date: _____

ACCEPTED:

By: 
 Contractor (Authorized Signature)

Date: 10/26/2022

EJCDC No. 1910C8-B (1990 Edition)

Prepared by the Engineers Joint Contract Documents Committee and endorsed by The Associated General Contractors of America.

CONTINUATION SHEET

APPLICATION NO: 6
 APPLICATION DATE: 10/3/2022
 PERIOD TO: 10/3/2022

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	C SCHEDULED VALUE	E WORK COMPLETED		F MATERIALS PRESENTLY STORED (NOT IN D OR E)	G TOTAL COMPLETED AND STORED TO DATE (D+E+F)		H BALANCE TO FINISH (C - G)	I RETAINAGE (IF VARIABLE RATE)
			D FROM PREVIOUS APPLICATION (D + E)	THIS PERIOD		% (G ÷ C)			
1	Mobilization and Site Maintenance	\$50,000.00	\$50,000.00	\$0.00	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	\$1,000.00	N/A	\$1,000.00	100.00%	\$0.00	\$50.00
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	\$1,500.00	\$0.00	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	\$6,200.00	N/A	\$6,200.00	31.00%	\$13,800.00	\$310.00
GRAND TOTALS		\$455,500.00	\$433,000.00	\$7,200.00	\$0.00	\$440,200.00	96.64%	\$15,300.00	\$22,010.00



AIA Document G707™ – 1994

Consent of Surety to Final Payment

PROJECT: *(Name and address)*

B&M Project No. 0M2.125206 - Hwy 53 Water Tower Reconditioning:
Rehabilitation of a 600,000-gallon elevated water tower and
Sandblasting and coatings with full enclosure, work as further outlined
in Contractor's Bid, Hermantown, Minnesota

ARCHITECT'S PROJECT NUMBER:

OWNER

CONTRACT FOR:

ARCHITECT

CONTRACTOR

TO OWNER: *(Name and address)*

City Of Hermantown
5105 Maple Grove Road
Hermantown, MN 55811

CONTRACT DATED: 1/21/2022

SURETY

OTHER

In accordance with the provisions of the Contract between the Owner and the Contractor as indicated above, the
(Insert name and address of Surety.)

Granite Re, Inc.
14001 Quailbrook Drive
Oklahoma City, OK 73134

on bond of
(Insert name and address of Contractor.)

The Osseo Construction Co. LLC
14248 - 10th Street P.O. Box 143
Osseo, WI 54758

, SURETY,

hereby approves of the final payment to the Contractor, and agrees that final payment to the Contractor shall not relieve
the Surety of any of its obligations to
(Insert name and address of Owner.)

City Of Hermantown
5105 Maple Grove Road
Hermantown, MN 55811

, CONTRACTOR,

as set forth in said Surety's bond.

November 3rd 2022

IN WITNESS WHEREOF, the Surety has hereunto set its hand on this date:
(Insert in writing the month followed by the numeric date and year.)

Granite Re, Inc.

(Surety)

(Signature of authorized representative)

Nicholas Hochban, Attorney-in-fact

(Printed name and title)

, OWNER,

Attest:
(Seal)

CAUTION: You should sign an original AIA Contract Document, on which this text appears in RED. An original assures that changes will not be obscured.

AIA[®] Document G707[™] – 1994 Instructions

Consent of Surety to Final Payment

GENERAL INFORMATION

Purpose. AIA Document G707[™] is intended for use as a companion to AIA Document G706[™], Contractor's Affidavit of Payment of Debts and Claims, on construction projects where the Contractor is required to furnish a bond. By obtaining the Surety's approval of final payment to the Contractor and its agreement that final payment will not relieve the Surety of any of its obligations, the Owner may preserve its rights under the bond.

Related Documents. This document may be used with most of the AIA's Owner-Contractor agreements and general conditions, such as A201 and its related family of documents. As noted above, this is a companion document to AIA Document G706.

Use of Current Documents. Prior to using any AIA Contract Document, users should consult www.aia.org or a local AIA component to verify the most recent edition.

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The AIA hereby grants the purchaser a limited license to reproduce a maximum of ten copies of a completed G707, but only for use in connection with a particular project. The AIA will not permit reproduction outside of the limited license for reproduction granted above, except upon written request and receipt of written permission from the AIA.

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CHANGES FROM THE PREVIOUS EDITION

Changes in the location of various items of information were made, without revision to the substance of the document.

COMPLETING G707-1994

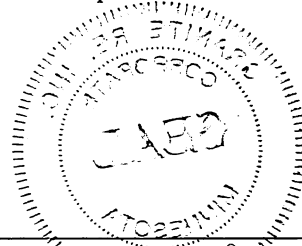
General. The bond form is the usual source of required information such as the contract date and the names and addresses of the Surety, Owner, Contractor and Project.

Architect's Project No. This information is typically supplied by the Architect and entered on the form by the Contractor.

Contract For. This refers to the scope of the contract, such as "General Construction" or "Mechanical Work."

EXECUTING THE DOCUMENT

AIA Document G707 requires both the Surety's seal and the signature of the Surety's authorized representative.



GRANITE RE, INC.
GENERAL POWER OF ATTORNEY

Know all Men by these Presents:

That GRANITE RE, INC., a corporation organized and existing under the laws of the State of MINNESOTA and having its principal office at the City of OKLAHOMA CITY in the State of OKLAHOMA does hereby constitute and appoint:

WANDA FRANZ; TOM LAHL; TOM KEMP; LISA M. FRANCOUR; JENNIFER BOYLES; ZACHARY PATE; TROY STAPLES; NICHOLAS HOCHBAN its true and lawful Attorney-in-Fact(s) for the following purposes, to wit:


To sign its name as surety to, and to execute, seal and acknowledge any and all bonds, and to respectively do and perform any and all acts and things set forth in the resolution of the Board of Directors of the said GRANITE RE, INC. a certified copy of which is hereto annexed and made a part of this Power of Attorney; and the said GRANITE RE, INC. through us, its Board of Directors, hereby ratifies and confirms all and whatsoever the said:

WANDA FRANZ; TOM LAHL; TOM KEMP; LISA M. FRANCOUR; JENNIFER BOYLES; ZACHARY PATE; TROY STAPLES; NICHOLAS HOCHBAN may lawfully do in the premises by virtue of these presents.

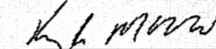
In Witness Whereof, the said GRANITE RE, INC. has caused this instrument to be sealed with its corporate seal, duly attested by the signatures of its President and Assistant Secretary, this 3rd day of January, 2020.

STATE OF OKLAHOMA)
) SS:
COUNTY OF OKLAHOMA)





Kenneth D. Whittington, President

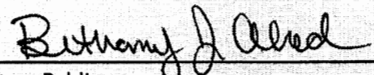


Kyle P. McDonald, Assistant Secretary

On this 3rd day of January, 2020, before me personally came Kenneth D. Whittington, President of the GRANITE RE, INC. Company and Kyle P. McDonald, Assistant Secretary of said Company, with both of whom I am personally acquainted, who being by me severally duly sworn, said, that they, the said Kenneth D. Whittington and Kyle P. McDonald were respectively the President and the Assistant Secretary of GRANITE RE, INC., the corporation described in and which executed the foregoing Power of Attorney; that they each knew the seal of said corporation; that the seal affixed to said Power of Attorney was such corporate seal, that it was so fixed by order of the Board of Directors of said corporation, and that they signed their name thereto by like order as President and Assistant Secretary, respectively, of the Company.

My Commission Expires:
April 21, 2023
Commission #: 11003620





Notary Public

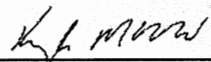
GRANITE RE, INC.
Certificate

THE UNDERSIGNED, being the duly elected and acting Assistant Secretary of Granite Re, Inc., a Minnesota Corporation, HEREBY CERTIFIES that the following resolution is a true and correct excerpt from the July 15, 1987, minutes of the meeting of the Board of Directors of Granite Re, Inc. and that said Power of Attorney has not been revoked and is now in full force and effect.

"RESOLVED, that the President, any Vice President, the Assistant Secretary, and any Assistant Vice President shall each have authority to appoint individuals as attorneys-in-fact or under other appropriate titles with authority to execute on behalf of the company fidelity and surety bonds and other documents of similar character issued by the Company in the course of its business. On any instrument making or evidencing such appointment, the signatures may be affixed by facsimile. On any instrument conferring such authority or on any bond or undertaking of the Company, the seal, or a facsimile thereof, may be impressed or affixed or in any other manner reproduced; provided, however, that the seal shall not be necessary to the validity of any such instrument or undertaking."

IN WITNESS WHEREOF, the undersigned has subscribed this Certificate and affixed the corporate seal of the Corporation this
3rd day of November, 2022.





Kyle P. McDonald, Assistant Secretary



TNEMEC COMPANY, INC.

Credit Department

123 West 23rd Avenue, North Kansas City, MO 64116 USA

TEL +1 816-483-3400 FAX +1 816-326-4296 tnemec.com

FINAL WAIVER OF LIEN

TO WHOM IT MAY CONCERN:

Whereas, the undersigned, TNEMEC COMPANY, INC., has furnished material to:
OSSEO CONSTRUCTION for the job described as:

**WATER TANK
HERMANTOWN, MN**

Now, therefore, the undersigned, does hereby waive and release any and all lien or claim of or right to lien, with respect to and on the above material, fixtures, apparatus, or machinery furnished, and on the moneys or other consideration due or to become due from the owner.

NOVEMBER 28TH, 2022

Keely Perry
Tnemec Company, Inc.
Credit Analyst

WAIVER AND RELEASE OF LIEN

WHEREAS the undersigned,
Abrasives Incorporated

NAME OF MANUFACTURER, MATERIAL SUPPLIER OR SUBCONTRACTOR

has furnished to The Osseo Construction Co. LLC the following:

NAME OF CONTRACTOR

for

KIND OF MATERIAL AND SERVICES FURNISHED

use in the construction of a project belonging to City Of Hermantown

NAME OF OWNER

NOW, THEREFORE, the undersigned,

Abrasives Inc.

NAME OF MANUFACTURER, MATERIAL SUPPLIER, OR SUBCONTRACTOR

for and in consideration of \$ 20,447.32 and other good and valuable consideration, the receipt whereof is hereby acknowledged, do(es) hereby waive and release any and all liens, or right to or claim of lien, on the above described project and premises, under any law, common or statutory, on account of labor or materials, or both, heretofore or hereafter furnished by the undersigned to or for the account of

said The Osseo Construction Co. LLC for said project.

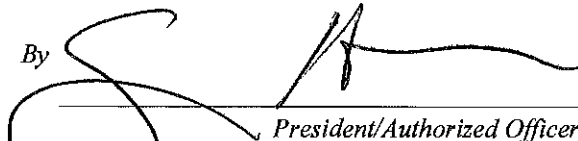
NAME OF CONTRACTOR

Given under my (our) hand(s) and seal(s) this 23 day of NOV, 2022.

Abrasives Inc.

Name of Manufacturer, Material Supplier, or Subcontractor

By


President/Authorized Officer

This Waiver and Release of Lien must be signed with the full name of the Manufacturer, Material Supplier, or Subcontractor. If the Manufacturer, Material Supplier, or Subcontractor is a partnership, this Waiver and Release of Lien must be signed in the partnership name by a partner. If the Manufacturer, Material Supplier, or Subcontractor is a corporation, this Waiver and Release of Lien must be signed in the corporate name by a duly authorized officer and the corporate seal affixed and attested by the Secretary of the Corporation.



November 15, 2022

ID: XX-XXX4320
Letter ID: L1087837344

#BWBBMRR
#0000 0108 7837 3447#
OSSEO CONSTRUCTION COMPANY LLC
14248 10TH ST
OSSEO WI 54758-7696

Certificate of Compliance for Form IC134, Contractor Affidavit

The Minnesota Department of Revenue certifies that OSSEO CONSTRUCTION COMPANY LLC fulfilled their Minnesota Withholding Tax requirements for the following project:

Project Location: UGSTAD RD/HWY 53
Project Owner: CITY OF HERMANTOWN
Project Number: 0M2. 125206
Project Begin Date: May, 2022
Project End Date: August, 2022

What do I do with this certificate?

If you are a contractor, provide this certificate to the governmental unit or prime contractor who hired you for the project.

If you are the project owner, verify that the project location, owner, begin date, and end date are correct. If not, have the contractor resubmit Form IC134 to us with the correct information.

What if I have questions?

For details on Contractor Affidavit requirements, go to www.revenue.state.mn.us and type **Withholding Fact Sheet 13** into the Search box. You may also contact us.

Income Tax and Withholding Division
Phone: 651-282-9999 or 1-800-657-3594 (toll-free)
Email: withholding.tax@state.mn.us

Daniel Getschel, Director
Income Tax and Withholding Division

TO: Mayor & City Council
FROM: Jim Crace, Chief of Police
DATE: November 29, 2022
SUBJECT: Asset Disposal Two Police
Vehicles



Meeting Date: 12/05/2022

Agenda Item: 12-C

Resolution 2022-136

REQUESTED ACTION

The Chief of Police recommends that the City dispose of two used police vehicles that have passed their useful life. Both vehicles are well over 100,000 miles. The plan is to trade them in during the purchase process.

BACKGROUND

The Police Department is purchasing two new squad cars through Northland Chevrolet on the MN State Bid. We have received quotes to trade in the vehicles that are being replaced. Trading the vehicles in helps offset the overall 2022 budget expenditure.

SOURCE OF FUNDS (if applicable)

N/A

ATTACHMENTS

Resolution
Asset Disposal Forms

Resolution No. 2022-136

**RESOLUTION AUTHORIZING THE DISPOSAL OF SURPLUS
CITY PROPERTY**

WHEREAS, the Chief of Police of the City of Hermantown is seeking authorization to dispose of city surplus equipment; and

WHEREAS, various vehicles are removed from use through sale or trade-in; and

WHEREAS, the Hermantown City Council deems it appropriate to dispose of such surplus equipment; and

WHEREAS, the Hermantown City Council desires to proceed forward with the disposal of the surplus equipment listed as follows:

- A. Asset # 2882 - 2015 Ford Interceptor – VIN#1FM5K8AR5FGC17096
- B. Asset #2930 – 2017 Ford Interceptor – VIN#1FM5K8AR5HGB93000

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

1. The City Administrator and Chief of Police are hereby Authorized and Directed to Proceed to Dispose of Surplus Equipment in the Possession of the City of Hermantown as listed below.
2. All items will be scrapped or discarded by administrative staff in accordance with all applicable laws, rules and regulations.
3. The vehicle has been traded-in. The asset will be removed from inventory.

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 December 5, 2022.

DISPOSITION OR LOSS OF AN ASSET

Disposition of a capitalized asset requires City Council approval prior to disposing the asset. This form should be completed and forwarded to Finance within 2 weeks of the disposition of any capital asset. If this trade in item is included in purchasing a new asset, please note it and complete an acquisition form for that item. Employees and related parties are prohibited from purchasing or receiving City surplus property.

Asset No: 2882
VIN/Serial #: 2FM5K8AR5FGC17096
City ID/Vehicle #: 12
Description: 2015 Ford Interceptor
Department: Police
Date of Change: 12/5/22
Type of Change: Trade In
Sold (To Whom?): Northland Chevrolet Amount: \$4000⁰⁰

Transferred: _____ To Dept: _____

Trade In: _____ For new asset
(describe) _____

Destroyed: _____ How Disposed? _____

.....
Entered on the Fixed Asset System: Yes or No

Department Head: _____

Finance Dept: _____

Insurance notified?: Yes No N/A Date of notification: _____

Notes: _____

DISPOSITION OR LOSS OF AN ASSET

Disposition of a capitalized asset requires City Council approval prior to disposing the asset. This form should be completed and forwarded to Finance within 2 weeks of the disposition of any capital asset. If this trade in item is included in purchasing a new asset, please note it and complete an acquisition form for that item. Employees and related parties are prohibited from purchasing or receiving City surplus property.

Asset No: 2930

VIN/Serial #: 1FM5K8AR5HGB93000

City ID/Vehicle #: 18

Description: 2017 Ford Interceptor

Department: Police

Date of Change: 12/5/2022

Type of Change: Trade In

Sold (To Whom?): Northland Chev Amount: \$6000

Transferred: _____ To Dept: _____

Trade In: _____ For new asset
(describe) _____

Destroyed: _____ How Disposed? _____

.....

Entered on the Fixed Asset System: Yes or No

Department Head: _____

Finance Dept: _____

Insurance notified?: Yes No N/A Date of notification: _____

Notes: _____

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



DATE: November 29th, 2022 **Meeting Date:** 12/5/2022
SUBJECT: Asset disposition – Lawn Mower **Agenda Item:** 12-D **Resolution** 2022-137

REQUESTED ACTION

Approve Public Works to get rid of a walk behind Sickle Bar mower that doesn't run due to a blown motor.

BACKGROUND

Public Works has a sickle bar mower ("Jari mower") that has a blown mower and doesn't run. Spending money to fix it doesn't make sense due to the machine's age and the equipment we now have in our fleet. Public Works is asking for the mower to be disposed of and removed from the asset list.

SOURCE OF FUNDS (if applicable)

N/A

ATTACHMENTS

Asset Disposal form
Resolution

Resolution No. 2022-137

RESOLUTION AUTHORIZING THE DISPOSAL OF SURPLUS CITY PROPERTY

WHEREAS, the Public Works Director of the City of Hermantown is seeking authorization to dispose of city surplus equipment; and

WHEREAS, various vehicles are removed from use through sale or trade-in; and

WHEREAS, the Hermantown City Council deems it appropriate to dispose of such surplus equipment; and

WHEREAS, the Hermantown City Council desires to proceed forward with the disposal of the surplus equipment listed as follows:

- A. Asset #1494 Self Propelled Sickle Bar / Jari Mower

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

1. The City Administrator and Public Works Director are hereby Authorized and Directed to Proceed to Dispose of Surplus Equipment in the Possession of the City of Hermantown as listed below.
2. All items will be scrapped or discarded by administrative staff in accordance with all applicable laws, rules and regulations.

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 December 5, 2022.

DISPOSITION OR LOSS OF AN ASSET

City of Hermantown

Disposition of a capitalized asset requires City Council approval prior to disposing the asset. This form should be completed and forwarded to Finance within 2 weeks of the disposition of any capital asset. If this trade in item is included in purchasing a new asset, please note it and complete an acquisition form for that item.

Employees and related parties are prohibited from purchasing or receiving City surplus property.

Asset No: 01494

VIN/Serial #: _____

City ID/Vehicle #: _____

Description: Self Propelled Sickle Bar/Jari mower



Department: Public Works

Date of Change: 11/21/2022

Type of Change: Won't run no value to it anymore

Sold (To Whom?): _____

Amount: _____

Transferred: _____ To Dept: _____


Trade In: _____

For new asset (describe) _____

Destroyed: Engine Blown How Disposed- Dumpster



Entered on the Fixed Asset System: Yes or No

Department Head: PAUL SEUST  11/21/22

Finance Dept.: _____

Insurance notified?: Yes No N/A Date of notification: _____

Notes: _____

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



DATE: November 30, 2022

Meeting Date: 12/05/2022

SUBJECT: Hermantown Soccer Youth
Association– McKenzie’s Bar &
Grill

Agenda Item: 12-E

Resolution 2022-138

REQUESTED ACTION

Approve charitable gambling at McKenzie’s Bar & Grill

BACKGROUND

The Hermantown Soccer Youth Association (HYSA) has applied for a Gambling Premises Permit for pull tabs at McKenzie’s Bar & Grill. They would replace the Hermantown Amateur Hockey Association.

SOURCE OF FUNDS (if applicable)

N/A

ATTACHMENTS

Resolution
Letter of Certification

Resolution No. 2022-138

RESOLUTION APPROVING APPLICATION FOR NEW LICENSE FOR CHARITABLE GAMBLING BY HERMANTOWN YOUTH SOCCER ASSOCIATION FOR MCKENZIE'S BAR & GRILL

WHEREAS, the Hermantown Youth Soccer Association has made application for a new charitable gambling license for the conduct by it of lawful gambling on the premises of the McKenzie's Bar & Grill with the Minnesota Charitable Gambling Control Board; and

WHEREAS, the Hermantown Youth Soccer Association will replace the Hermantown Amateur Hockey Association as the sole authorized Eligible Organization on the premises of the McKenzie's Bar & Grill; and

WHEREAS, under Minnesota Statute 349.213, Subdivision 2, provides that an initial premises permit will be issued to an applicant if the City Council were to adopt a resolution approving the issuance of the initial premises permit; and

WHEREAS, the gambling to be conducted by the Hermantown Youth Soccer Association pursuant to such applications is permitted under the Hermantown Code of Ordinances, Section 430, Gambling; and

WHEREAS, the Hermantown Youth Soccer Association has provided a certification and description of the expenditures made by it from the profits of its gambling activities during the preceding two (2) calendar years, as required by Section 430.07, 430.07.01 and 430.07.2 of the Hermantown Code of Ordinances; and

WHEREAS, the City Council of the City of Hermantown has carefully considered this matter and has determined that it does not have a basis for disapproving the licenses that are applied for by the Hermantown Youth Soccer Association.

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

1. The City Council of the City of Hermantown hereby approves the application for new charitable gambling licenses made by the Hermantown Youth Soccer Association for the conduct by it of lawful gambling on the premises of the McKenzie's Bar & Grill.

2. Nothing in this resolution shall be deemed to cause the City of Hermantown to be responsible for any actions conducted by the Hermantown Youth Soccer Association pursuant to the license to be issued by the Minnesota Charitable Gambling Control Board pursuant to its application.

Councilor _____ introduced the foregoing resolution and moved its adoption.

The motion for the adoption of the foregoing 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 December 5, 2022.

December 2, 2022

Letter of Certification

To Whom It May Concern:

The Hermantown Youth Soccer Association (HYSA) is applying for a second premise permit for our Charitable Gambling Operation.

HYSA is a Hermantown based 501c(3) charity conducting lawful gambling in Hermantown (lic #03182) currently at the Chalet Lounge in Hermantown, and we wish to add a second site at McKenzie's Bar and Grill. HYSA has operated in Hermantown for over 30 years, and uses its charitable gambling proceeds to support its mission of organizing and providing an environment for the children of Hermantown to learn and play soccer at both the recreational and competitive level while developing soccer skills and knowledge of the rules and strategies in a fun atmosphere. We have approximately 400 families that are members of HYSA and benefit from programs that HYSA facilitates.

If you have any questions or need further information, please reach out.

Respectfully,

Barbara Harris
HYSA Business Manager
218-310-9111

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



DATE: November 30, 2022 **Meeting Date:** 12/5/2022
SUBJECT: School District Request for Land **Agenda Item:** 12-F **Resolution:** 2022-139

REQUESTED ACTION

Approve a right of entry to the Hermantown School District on City owned land for investigation and possible construction of a District Administrative Office Building.

BACKGROUND

The School District has made a formal request for the City to convey City owned property adjacent (See attached) to the Essential Wellness Center to the School District for the purposes of constructing District Administrative Office Building.

If the School District could re-locate their Administrative Office, it would facilitate the City's plan to expand the existing ice arena to the east.

There are a couple of considerations

1. The City should allow the District to fully consider the possibility of constructing on this site, but convey it only if and when the school district determines to proceed.
2. On the southern portion of this site is a stormwater pond for the Essentia Wellness Center, this issue would have to be addressed in any conveyance.
3. There are some restrictive covenants (attached) on the property when the City acquired it in 2018. These are not insurmountable, but we simply need to be aware of them.

SOURCE OF FUNDS (if applicable)

ATTACHMENTS

Resolution
Map of requested property
Restrictive Covenants
Agreement

(The referenced attachment in the resolution will be sent out via separate cover on Friday)

Resolution No. 2022-139

RESOLUTION APPROVING RIGHT OF ENTRY AGREEMENT -HERMANTOWN SCHOOL DISTRICT

WHEREAS, the City of Hermantown owns certain lands, and

WHEREAS, the City and the Hermantown School District wish to partner to develop an expansion to the Ice Arena and the re-location of School District Administrative Offices

WHEREAS, the School District wishes to inspect the physical condition, including but not necessarily limited to the stability of soils of city owned land; and

WHEREAS, the School District wishes to prepare plans and specifications for a potential District Administrative Offices on a City owned land, and

WHEREAS, the City of Hermantown is willing to allow the School District and/or their consultant enter City owned land to conduct their physical inspection; and

WHEREAS, the City of Hermantown is willing to convey the necessary property to the School District if they wish to proceed with the District Administrative Offices at the location, and upon other mutually agreeable conditions.

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

1. The City Council approves the Right of Entry Agreement as shown on Exhibit A.

Councilor _____ introduced the foregoing resolution and moved its adoption.

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

and the following voted in opposition thereto:

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

[TOP THREE INCHES RESERVED FOR RECORDING DATA]

**CITY OF HERMANTOWN
DECLARATION OF RESTRICTIVE COVENANTS
AND GRANT OF RIGHT OF FIRST REFUSAL**

The City of Hermantown ("City") has a fee simple interest in the real property located in the County of St. Louis, State of Minnesota that is legally described and shown on Exhibit A attached hereto and all facilities situated thereon (collectively referred to as the "Restricted Property") and as owner of such fee title does hereby declare that such interest in the Restricted Property is hereby made subject to the following restrictions and encumbrances:

1. For a period of twenty (20) years from the date hereof, the Restricted Property may not be used for any use that is not a permitted use in the P-Public Zone District on the date hereof as described in Section 550.01 of the City of Hermantown Zoning Code, a copy of which is attached hereto as Exhibit B or for use as a medical facility. Provided, however, that nothing in this Declaration of Restrictive Covenants and Grant of Right of First Refusal shall prohibit any use that is related or affiliated with the City owned Essentia Wellness Center.

2. The Restricted Property shall remain subject to this City of Hermantown Declaration for twenty (20) years from the date hereof or until it shall be released from the restriction in Section 1 by way of a written release in recordable form signed on behalf of Kevin Kuklis, or his heirs, successors, or assigns ("Kuklis") and such written release is recorded in the real estate records relating to the Restricted Property. This Declaration may not be terminated, amended, or in any way modified without the specific written consent of Kuklis.

3. City hereby acknowledges and confirms that the breach of the provisions of this Declaration would cause immediate and irreparable injury, loss and damage to Kuklis and that an adequate remedy at law for such injury, loss or damage may not exist. Therefore, City agrees that, in the event of any such breach, Kuklis shall be entitled to institute and prosecute proceedings in a court of competent jurisdiction to obtain temporary and permanent injunctive relief to enforce any provision hereof. City agrees that the proper venue and jurisdiction of any proceeding brought pursuant to this paragraph shall be in District Court, St. Louis County,

Minnesota sitting in Duluth, Minnesota. If City is found to have violated any term of this Agreement, City shall pay all attorneys' fees and costs incurred by Kuklis in connection with the enforcement of this Agreement. If City is found to have not violated any term of this Agreement, Kuklis shall pay all attorneys' fees and costs incurred by City in connection to the defense of any action brought by Kuklis.

4. If City enters into a contract or other similar agreement (a "Contract") for the sale or conveyance of the Property (or any portion thereof) within twenty (20) years from the date hereof, then City shall notify Kuklis thereof within ten (10) days after full execution of such Contract and shall deliver a copy of such Contract to Kuklis concurrently therewith, either personally or by certified U.S. Mail with a return receipt. Kuklis shall have thirty (30) days after receipt of such notice and the Contract to notify City in writing of Kuklis' exercise of its Right of First Refusal to purchase the Property described in the Contract. If Kuklis fails to timely deliver notice of his exercise of the Right of First Refusal, then City shall have the right to sell or convey the Property described in the Contract to such prospective purchaser or pursuant to the terms of the Contract. If Kuklis timely exercises his Right of First Refusal to purchase the Property described in the Contract, then Kuklis and City shall proceed to the closing of the purchase in accordance with the terms of the Contract.

5. The restrictive covenants created by this Declaration shall bind the parties, their heirs, successors and assigns and shall burden and run with the Restricted Property.

[SIGNATURES APPEAR ON NEXT PAGE]

RIGHT OF ENTRY AGREEMENT

This RIGHT OF ENTRY AGREEMENT (this “**License**”) is made as of this ____ day _____, 2022, by and between the **City of Hermantown**, a Minnesota statutory city, (“**City**”) and **Independent School District No. 700** (“**Licensee**”) in response to the following situation:

A. City and Licensee are working to develop an ice arena expansion (“Ice Arena Expansion”) as part of the Community Recreation Initiative.

B. The Ice Arena Expansion will involve the demolition of the existing administration building on the corner of Ugstad Road and Arrowhead Road.

C. City and Licensee are considering the relocation of the administration building on the real estate depicted on Exhibit A (“Premises”) attached hereto.

D. This License will allow City and Licensee to being the planning process for such move of the administration building.

NOW, THEREFORE, City and Licensee hereby agree as follows:

1. **Grant of Right of Entry.** On and subject to the terms hereof, City grants to Licensee the right to inspect the physical condition of the Premises, including, without limitation, performing or procuring one or more geological or geotechnical studies of the physical composition and stability of the soils on the Premises, any underground structures on the Premises and otherwise determining the suitability of the Premises for the development of buildings and structures (the “**Investigations**”).

2. **Term and Termination.** Licensee’s right to use the Premises shall begin at 12:01 AM on December 8, 2022 and shall terminate at 11:59 PM on December 8, 2023. Notwithstanding the foregoing, City reserves the right to immediately terminate this License and Licensee’s right to use the Premises at any time and for any reason.

3. **Licensee’s Covenants.** Licensee covenants to City and agrees as follows: (a) Licensee’s use of the Premises shall comply with all applicable federal, state, or local laws, rules, regulations, ordinances, and permits; (b) Licensee shall obtain, at its/their sole expense and provide City with copies of, all required permits for its/their activities on the Premises; (c) Licensee shall not grant, create, or suffer any lien, claim, encumbrance, restriction, or other charge to be placed on the Premises or any other property City; (d) any equipment Licensee may place on the Premises and any portion of the Premises altered by Licensee shall be maintained in a safe, neat, and orderly condition so as to protect life and property and so as not to create any public or private nuisance or damage or injury to any persons or property; (e) Licensee shall require any person or entity who it engages to perform the Investigations to agree to be bound by the terms of this Right of entry agreement; (f) upon the expiration hereof, Licensee shall restore the Premises to substantially the same condition as they existed prior to the date hereof and (g) Licensee shall provide copies of all written reports of studies performed on the Premises pursuant to this License.

4. **Liability.**

4.1. Each party will be responsible for its own acts and behaviors and results thereof. If any claim or cause of action is asserted against a party in connection with the performance of this License, that party will promptly notify the other party of the claim or cause of action. The parties will seasonally cooperate with each other in the defense of claims and causes of action arising out of the performance of this License.

4.2. The terms of this Section shall survive the expiration or termination hereof.

5. **Miscellaneous.**

5.1. **Notices.** Notices hereunder shall be given by hand delivery or by overnight mail, postage prepaid, as addressed below and shall be effective when received. Either party may change its notice address by written notice to the other party of such change. Notice made via email may satisfy the requirements in this Section only if the receiving party waives in reply email the personal, overnight, or certified mail delivery requirements of this Section. Except as otherwise provided in this Agreement, a notice is effective only **(i)** on receipt by the receiving party, and **(ii)** if the party giving the notice has complied with the requirements of this Section.

If to City: City of Hermantown
5105 Maple Grove Road
Hermantown, MN 55811
Attn: City Administrator

With a copy to: Gunnar B. Johnson
Overom Law, PLLC
802 Garfield Avenue
Suite 101
Duluth, MN 55802

If to the Licensee: Independent School District No. 700
4307 Ugstad Road
Hermantown, MN 55811
Attn: Superintendent

5.2. **Construction; Venue.** This License shall be governed by and performed in accordance with the laws of Minnesota. Each party irrevocably consents to the exclusive jurisdiction of the federal and state courts sitting in or for St. Louis County, Minnesota for the resolution of any conflicts arising hereunder, agrees that such courts are the proper and convenient venue, and waives any claim that such venue is inconvenient.

5.3. **Recordation.** Neither party shall be permitted to record this License in the official records of any jurisdiction, including the jurisdiction in which the Premises are located.

[Remainder of Page Intentionally Blank]

SIGNATURE PAGE TO RIGHT OF ENTRY AGREEMENT:

IN WITNESS WHEREOF, the parties have executed this License as of the date above.

CITY:

City of Hermantown

By: _____
Its Mayor

By: _____
Its City Clerk

LICENSEE:

Independent School District No. 700

By _____
Wayne Whitwam, Its Superintendent

EXHIBIT A
Depiction



TO: Mayor & City Council

FROM: Paul Sens



DATE: November 28th, 2022

Meeting Date: 12/05/2022

SUBJECT: Acceptance of Enbridge Grant

Agenda Item: 12-G

Resolution 2022-140

REQUESTED ACTION

Approve acceptance of Grant from Enbridge for Keene's Creek Restoration

BACKGROUND

Enbridge approached the City of Hermantown asking if they had any projects that had to do with improving water quality. The City was working with SSLCWCD (South St. Louis County Water Conservation District) and Trout Unlimited on the Keene's Creek restoration in Keene's Creek Park where the creek goes under the roadway entering the park for work in 2023.

This Grant will cover the City's 10% match that was approved by the Council on Sept. 19 (Resolution 22-116) and additional gravel that will be needed to reshape the roadway in the work area after the culvert is installed.

SOURCE OF FUNDS (if applicable)

N/A

ATTACHMENTS

Enbridge Grant Document
Resolution

Resolution No. 2022-140

**RESOLUTION AUTHORIZING AND DIRECTING THE MAYOR
AND CITY CLERK TO EXECUTE AND DELIVER A LOCAL GOVERNMENT RECEIPT OF
FUND ACKNOWLEDGEMENT ENBRIDGE ENERGY, LIMITED PARTNERSHIP IN THE
AMOUNT OF \$70,000**

WHEREAS, City of Hermantown desires to partner with the Southern St. Louis County Soil and Water Conservation District and Minnesota Trout Unlimited to make improvements to the Okerstrom Road culvert at the entrance to Keene Creek park, (“Project”) and

WHEREAS, Enbridge Energy, Limited Partnership (“Enbridge”) is willing to contribute \$70,000 toward the cost of the “Project”; and

WHEREAS, the City Administrator and City Council have reviewed the Local Government Receipt of Funds Acknowledgement and believe that it is in the best interest of the City of Hermantown to approve the 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. A Local Government Receipt of Funds Acknowledgment attached hereto as Exhibit A is hereby approved.
2. The Mayor and City Clerk are hereby authorized and directed to execute and deliver the Local Government Receipt of Funds Acknowledgment on behalf of the City.

Councilor _____ introduced the foregoing resolution and moved its adoption.

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

and the following voted in opposition thereto:

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

EXHIBIT A

Local Government Receipt of Funds Acknowledgment

Local Government Receipt of Funds Acknowledgement

City of Hermantown (“LGU”) hereby acknowledges and agrees that, in accordance with the terms and conditions of the Stipulation Agreement between the Minnesota Pollution Control Agency (“Agreement”) and Enbridge Energy, Limited Partnership (“Enbridge”) dated October 17, 2022 (“Stipulation Agreement”), Enbridge has made the payment listed below to the LGU to facilitate LGU’s completion of the supplemental environmental project (“Project”) described in **Attachment A** of the Stipulation Agreement and as restated below.

Project Description: Keene Creek Park Culvert-Okerstrom Road
Payment Amount: \$ 70,000

Said lump sum payment has been made directly to the LGU.

In consideration for the payment, LGU agrees to diligently pursue completion of the Project in 2023 and to timely provide to Enbridge regular progress reports regarding the status of the Project, including but not limited to, a report dated no later than June 15, 2023 and upon completion of the Project. LGU shall notify Enbridge immediately if LGU cannot, for any reason, complete the Project in 2023. LGU shall maintain copies of all invoices, contracts, manifests, receipts and any and all other documentation of actual costs related to completion of the Project and make such records available to Enbridge upon request.

Please direct all reports and correspondence to: Bobby Hahn, (Bobby.Hahn@enbridge.com) and Laura Kircher (Laura.Kircher@enbridge.com).

LGU:

Signature: _____

Signature: _____

Print Name: _____

Print Name: _____

Print Title: _____

Print Title: _____

Date: _____

Date: _____

Enbridge:

Signature: _____

Print Name: _____

Print Title: _____

Date: _____

Prepared By: Enbridge Energy, LP
11 East Superior Street, Ste. 125
Duluth, MN 55802
Tel: 218-522-4751

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



DATE: November 29, 2022 **Meeting Date:** 12/05/2022
SUBJECT: Extend a Planned Unit
Development Approval **Agenda Item:** 12-H **Resolution** 2022-141

REQUESTED ACTION

Approve a one-year extension to the Preliminary Planned Unit Development (PUD) for a 103-unit residential apartment project associated with the Arbors of Maple Grove development.

DESCRIPTION OF REQUEST

Applicant is requesting a one-year extension to the Preliminary Planned Unit Development (PUD) for a 103-unit residential apartment project associated with the Arbors of Maple Grove development. The project is located at 507x Maple Grove Road.

The Hermantown Zoning code allows for the extension of a PUD approval by the City Council for such time as it shall be determined and for good cause shown, without further hearing. The applicant has requested a one-year extension as they await construction/building material costs to decrease or stabilize.

ATTACHMENTS:

James Talago Extension Request Letter
Location Map
Resolution

Resolution No. 2022-141

RESOLUTION APPROVING AN EXTENSION OF THE PRELIMINARY PLANNED UNIT DEVELOPMENT PLAN FOR THE ARBORS AT MAPLE GROVE DEVELOPMENT

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

WHEREAS, the Hermantown Planning and Zoning Commission held a public hearing on the preliminary PUD on November 16, 2021 following notice as required by the City's Zoning Code; and

WHEREAS, the Hermantown City Council held a public hearing on the preliminary PUD at its meeting on December 6, 2021 and approved the preliminary PUD by Resolution No. 2021-152; and

WHEREAS, the Applicant has asked the City Council to extend the preliminary PUD for 365 days in order to allow for construction/building material costs to decrease or stabilize; and

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

WHEREAS, the City of Hermantown City Council believes it is in the best interests of the City to extend the preliminary approval and

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

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

1. The preliminary PUD is hereby extended to December 5, 2023.
2. The City Clerk is hereby directed to notify the Applicant, the Planning and Zoning Administrator and the Planning and Zoning Commission of the extension of the preliminary PUD.

Councilor _____ introduced the foregoing resolution and moved its adoption.

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

and the following voted in opposition thereto:

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

Location Map



James Talago

JP Holding Co, LLC

James Patrick Development

Resolution No. 2021-152

Dear Eric Johnson,

Our team is requesting a 1-year extension of the PUD which is set to expire on December 7th, 2022.

NE quadrant of Maple Grove Road and Lavaque Road, Parcels 395-0010-04130 and 395-0010-04137 in the City of Hermantown.

Due to unforeseen conditions in the construction sector, we are pausing developing this parcel until costs decrease or stabilize.

Thank you,

James Talago

JP Development, LLC