



Hermantown City Council Meeting - Monday, April 3, 2023

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 via Zoom:

<https://us02web.zoom.us/j/84409952143?pwd=cGdaNzZmU2NYdGxsUDIQVDVxeU9LQT09>

and/or by calling the number (312) 626-6799 and utilizing the meeting ID number of 844 0995 2143 and the passcode of 0260647091.

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 Monday, April 3, 2023 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 Monday, April 3, 2023 at 6:30 p.m.

Council Chambers, City Hall - Hermantown Governmental Services Building

Invitation to participate:

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

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

Order of discussion

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

**CITY OF HERMANTOWN
AGENDA**

**Pre-Agenda Meeting Monday, April 3, 2023 at 4:30 p.m.
Council Chambers, City Hall - Hermantown Governmental Services Building**

**City Council Meeting Monday, April 3, 2023 at 6:30 p.m.
Council Chambers, City Hall - Hermantown Governmental Services Building**

1. **CALL TO ORDER**
2. **PLEDGE OF ALLEGIANCE**
3. **ROLL CALL**
4. **ANNOUNCEMENTS**
Council Members may make announcements as needed.
5. **PUBLIC HEARING**
Only when necessary. The rule adopted three minutes per person if necessary. Any action required after the public hearing will be taken immediately following the closing of the public hearing.
6. **COMMUNICATIONS**
 - A. Correspondence 23-42 through 23-45 placed on file 5
7. **PRESENTATIONS**
 - A. **Community Recreation Initiative Update**
John Mulder, City Administrator
(Pre-Agenda Only)
 - B. **Oak Ridge Sewer Update**
David Bolf, City Engineer
(Pre-Agenda Only)
8. **PUBLIC DISCUSSION**
This is the time for individuals to address the Council about any item not on the agenda. The time limit is three minutes per person.
9. **MOTIONS**
 - A. Motion to approve/deny the following new Massage License effective April 3, 2023 through December 31, 2023 contingent upon complete application being received, successful background check and license fees paid in full:

The Well Co. Leah Burr

(motion, roll call)

10. **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 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 March 20, 2023 City Council Continuation Minutes **7**

- B. **Accounts Payable** - Approve general city warrants from March 15, 2023 through March 31, 2023 in the amount of \$539,875.35 **13**

11. **ORDINANCES**

12. **RESOLUTIONS**

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

- A. **2023-39 Resolution Authorizing And Directing The Mayor And City Clerk To Execute And Deliver Lease Agreement With State Of Minnesota Bureau Of Criminal Apprehension** **21**

(motion, roll call)

- B. **2023-40 Resolution Requesting A Free Conveyance Of A Tax-Forfeit Parcel For Public Right Of Way** **30**

(motion, roll call)

- C. **2023-41 Resolution Approving A Request For Proposals For Design And Construction Engineering For Road Improvement District No. 5394 (Hermantown Road And Old Midway Road)** **43**

(motion, roll call)

- D. **2023-42 Resolution Approving The City Of Hermantown Approving The Prohibition Of Cannabis Products For Commercial Drivers Policy** **80**

(motion, roll call)

13. **RECESS**

Date: March 29, 2023
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.

2023 CORRESPONDENCE

<u>DATE</u>	<u>LOG #</u>	<u>FROM</u>	<u>TO</u>	<u>REGARDING</u>	<u>FILED</u>
3/16/2023	23-42	Randy Palmer	Wayne Boucher, Mayor	General Correspondence	2/14/2023
3/17/2023	23-43	Eric Johnson, Comm. Dev. Dir.	Evan Schroeder, Tribal Historic Preservation Officer	Environmental Review	3/16/2023
3/22/2023	23-44	Eric Johnson, Comm. Dev. Dir	Planning Commission	Zoning Text Amendment to Chapter 14 - Signs & Ground Signs	3/21/2023
3/22/2023	23-45	Eric Johnson, Comm. Dev. Dir.	Park Board	Keene Creek Park Improvements	3/21/2023

**CITY OF HERMANTOWN
CITY COUNCIL MEETING**

Monday, March 20, 2023
6:30 PM Central

MEETING CONDUCTED IN PERSON & VIA ZOOM

Mayor Wayne Boucher: Present
Councilor John Geissler: Absent
Councilor Andy Hjelle: Present
Councilor Ellie Jones: Present
Councilor Brian LeBlanc: Present

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

VISITORS: 1

1. **CALL TO ORDER**
2. **PLEDGE OF ALLEGIANCE**
3. **ROLL CALL**
4. **ANNOUNCEMENTS**
5. **PUBLIC HEARING**
6. **COMMUNICATIONS**

A. Correspondence 23-38 through 23-41 placed on file

B. 23-38

From: Frontier Energy

To: Mayor & City Council

Re: Infrared Scan of Hermantown City Hall/Service Center

7. **PRESENTATIONS**
 - A. **Road Improvement**
John Mulder, City Administrator
(Pre-Agenda Only)

8. **PUBLIC DISCUSSION**
9. **MOTIONS**
10. **CONSENT AGENDA**

A. **Minutes** - Approval or correction of March 6, 2023 City Council Continuation Minutes

B. Accounts Payable - Approve general city warrants from March 1, 2023 through March 15, 2023 in the amount of \$221,154.27

Motion to the approve the Consent Agenda. This motion, made by Councilor Brian LeBlanc and seconded by Councilor Andy Hjelle, Carried.

Councilor Andy Hjelle: Yea
Councilor Brian LeBlanc: Yea
Councilor Ellie Jones: Yea
Councilor John Geissler: Absent
Mayor Wayne Boucher: Yea
Yea: 4, Nay: 0, Absent: 1

11. **ORDINANCES**

A. 2023-02 An Ordinance Amending Hermantown Code of Ordinances By Adding A New Section 405, Sale of Tetrahydrocannabinol Products

(second reading)

(motion, roll call)

Motion to approve 2023-02 An Ordinance Amending Hermantown Code of Ordinances By Adding A New Section 405, Sale of Tetrahydrocannabinol Products. This motion, made by Councilor Andy Hjelle and seconded by Councilor Ellie Jones, Carried.

Councilor Andy Hjelle: Yea
Councilor Brian LeBlanc: Yea
Councilor Ellie Jones: Yea
Councilor John Geissler: Absent
Mayor Wayne Boucher: Yea
Yea: 4, Nay: 0, Absent: 1

B. 2023-03 An Ordinance Amending Hermantown Code Of Ordinances Section 270 - Fee Schedule

(second reading)

(motion, roll call)

Motion to approve 2023-03 An Ordinance Amending Hermantown Code Of Ordinances Section 270 - Fee Schedule. This motion, made by Councilor Andy Hjelle and seconded by Councilor Brian LeBlanc, Carried.

Councilor Andy Hjelle: Yea
Councilor Brian LeBlanc: Yea
Councilor Ellie Jones: Yea
Councilor John Geissler: Absent
Mayor Wayne Boucher: Yea
Yea: 4, Nay: 0, Absent: 1

12. **RESOLUTIONS**

A. 2023-30 Resolution Authorizing A Summary Of An Ordinance Amending Hermantown Code Of Ordinances By Adding A New Section 405, Sale Of Tetrahydrocannabinol Products

(motion, roll call)

Motion to approve 2023-30 Resolution Authorizing A Summary Of An Ordinance Amending Hermantown Code Of Ordinances By Adding A New Section 405, Sale Of Tetrahydrocannabinol Products. This motion, made by Councilor Ellie Jones and seconded by Councilor Andy Hjelle, Carried.

Councilor Andy Hjelle: Yea
Councilor Brian LeBlanc: Yea
Councilor Ellie Jones: Yea
Councilor John Geissler: Absent
Mayor Wayne Boucher: Yea

Yea: 4, Nay: 0, Absent: 1

B. 2023-31 Resolution Authorizing A Summary of An Ordinance Amending Hermantown Code of Ordinances Section 270 - Fee Schedule

(motion, roll call)

Motion to approve 2023-31 Resolution Authorizing A Summary Of An Ordinance Amending Hermantown Code Of Ordinances Section 270 - Fee Schedule. This motion, made by Councilor Brian LeBlanc and seconded by Councilor Ellie Jones, Carried.

Councilor Andy Hjelle: Yea
Councilor Brian LeBlanc: Yea
Councilor Ellie Jones: Yea
Councilor John Geissler: Absent
Mayor Wayne Boucher: Yea

Yea: 4, Nay: 0, Absent: 1

C. 2023-32 Resolution Amending The Recommended Fine Schedule For Single And Multiple Occurrence Offenses Of The City Of Hermantown Code Of Ordinances And The Hermantown Zoning Regulations

(motion, roll call)

Motion to approve 2023-32 Resolution Amending The Recommended Fine Schedule For Single And Multiple Occurrence Offenses Of The City Of Hermantown Code Of Ordinances And The Hermantown Zoning Regulations. This motion, made by Councilor Andy Hjelle and seconded by Councilor Ellie Jones, Carried.

Councilor Andy Hjelle: Yea
Councilor Brian LeBlanc: Yea
Councilor Ellie Jones: Yea
Councilor John Geissler: Absent
Mayor Wayne Boucher: Yea

Yea: 4, Nay: 0, Absent: 1

D. 2023-33 Resolution Approving A Grant Application Between FEMA And The City Of Hermantown And Authorizing And Directing The Mayor And City Clerk To Execute And Deliver Such Grant Application On Behalf Of The City Of Hermantown

(motion, roll call)

Motion to approve 2023-33 Resolution Approving A Grant Application Between FEMA And The City Of Hermantown And Authorizing And Directing The Mayor And City Clerk To Execute And Deliver Such Grant Application On Behalf Of The City Of Hermantown. This motion, made by Councilor Brian LeBlanc and seconded by Councilor Andy Hjelle, Carried.

Councilor Andy Hjelle: Yea
Councilor Brian LeBlanc: Yea
Councilor Ellie Jones: Yea
Councilor John Geissler: Absent
Mayor Wayne Boucher: Yea

Yea: 4, Nay: 0, Absent: 1

E. 2023-34 Resolution Approving Requests For Proposals (“RFP”) For Easement Right Of Way (ROW) Acquisition Services For The City Of Hermantown

(motion, roll call)

Motion to approve 2023-34 Resolution Approving Requests For Proposals ("RFP") For Easement Right Of Way (ROW) Acquisition Services For The City Of Hermantown. This motion, made by Councilor Ellie Jones and seconded by Councilor Andy Hjelle, Carried.

Councilor Andy Hjelle: Yea
Councilor Brian LeBlanc: Yea
Councilor Ellie Jones: Yea
Councilor John Geissler: Absent
Mayor Wayne Boucher: Yea

Yea: 4, Nay: 0, Absent: 1

F. 2023-35 Resolution Receiving Preliminary Engineering Report And Calling For A Public Hearing For Road Improvement District NO. 541 (Hermantown Road & Old Midway Road)

(motion, roll call)

Motion to approve 2023-35 Resolution Receiving Preliminary Engineering Report And Calling For A Public Hearing For Road Improvement District NO. 541 (Hermantown Road & Old Midway Road). This motion, made by Councilor Andy Hjelle and seconded by Councilor Brian LeBlanc, Carried.

Councilor Andy Hjelle: Yea
Councilor Brian LeBlanc: Yea
Councilor Ellie Jones: Yea
Councilor John Geissler: Absent

Mayor Wayne Boucher: Yea
Yea: 4, Nay: 0, Absent: 1

G. 2023-36 Resolution Authorizing And Directing The Mayor And City Clerk To Execute And Deliver The State Of Minnesota Joint Powers Agreement With The City Of Hermantown On Behalf Of Its City Attorney And Police Department

(motion, roll call)

Motion to approve 2023-36 Resolution Authorizing And Directing The Mayor And City Clerk To Execute And Deliver The State Of Minnesota Joint Powers Agreement With The City Of Hermantown On Behalf Of Its City Attorney And Police Department. This motion, made by Councilor Andy Hjelle and seconded by Councilor Ellie Jones, Carried.

Councilor Andy Hjelle: Yea
Councilor Brian LeBlanc: Yea
Councilor Ellie Jones: Yea
Councilor John Geissler: Absent
Mayor Wayne Boucher: Yea
Yea: 4, Nay: 0, Absent: 1

H. 2023-37 Resolution Authorizing And Directing The Mayor And City Clerk To Execute And Deliver The Court Data Services Subscriber Amendment With The City Of Hermantown On Behalf Of Its Police Department

(motion, roll call)

Motion to approve 2023-37 Resolution Authorizing And Directing The Mayor And City Clerk To Execute And Deliver The Court Data Services Subscriber Amendment With The City Of Hermantown On Behalf Of Its Police Department. This motion, made by Councilor Ellie Jones and seconded by Councilor Brian LeBlanc, Carried.

Councilor Andy Hjelle: Yea
Councilor Brian LeBlanc: Yea
Councilor Ellie Jones: Yea
Councilor John Geissler: Absent
Mayor Wayne Boucher: Yea
Yea: 4, Nay: 0, Absent: 1

I. 2023-38 Resolution Authorizing And Directing The Mayor And City Clerk To Execute And Deliver An Agreement Between The Hermantown Volunteer Fire Department And The City Of Hermantown

(motion, roll call)

Motion to approve 2023-38 Resolution Authorizing And Directing The Mayor And City Clerk To Execute And Deliver An Agreement Between The Hermantown Volunteer Fire Department And The City Of Hermantown. This motion, made by Councilor Andy Hjelle and seconded by Councilor Brian LeBlanc, Carried.

Councilor Andy Hjelle: Yea
Councilor Brian LeBlanc: Yea

Councilor Ellie Jones: Yea
Councilor John Geissler: Absent
Mayor Wayne Boucher: Yea
Yea: 4, Nay: 0, Absent: 1

13. **RECESS**

Motion to recess at 6:50 p.m. This motion, made by Councilor Andy Hjelle and seconded by Councilor Ellie Jones, Carried.

Councilor Andy Hjelle: Yea
Councilor Brian LeBlanc: Yea
Councilor Ellie Jones: Yea
Councilor John Geissler: Absent
Mayor Wayne Boucher: Yea
Yea: 4, Nay: 0, Absent: 1

Mayor

ATTEST:

City Clerk

CITY OF HERMANTOWN

CHECKS #69737-69786
03/16/2023-03/31/2023

PAYROLL CHECKS

Electronic Checks - #-68072-68113 86,534.75

Electronic Checks - #-68059-68066 4,085.21

LIABILITY CHECKS

Electronic Checks - #-68067-68071 \$65,629.72

Electronic Checks - #-68056-68058 \$837.54

Checks - #69780-69785 \$5,559.46

Checks - #69787 \$72.10

PAYROLL EXPENSE TOTAL \$162,718.78

ACCOUNTS PAYABLE

Checks - #69737-69779 \$137,867.87

Check - #69786 \$198.00

Electronic Payments #-99445-99476 \$239,090.70

ACCOUNTS PAYABLE TOTAL \$377,156.57

TOTAL \$539,875.35

3/27/2023

Page 1

Fun d	Account	Department	Vendor Name	Description	Amount	Check #
101	421100	Police Administration	AT&T MOBILITY	Cell Phones PD	727.00	-99476
101	419901	City Hall & Police Building Maintenance	AT&T MOBILITY	Cell Phones/Tablets-PW/CH	44.88	-99476
602	494900	Sewer Administration and General	AT&T MOBILITY	Cell Phones/Tablets-PW/CH	181.94	-99476
101	431100	Street Department	AT&T MOBILITY	Cell Phones/Tablets-PW/CH	157.08	-99476
601	494400	Water Administration and General	AT&T MOBILITY	Cell Phones/Tablets-PW/CH	235.15	-99476
101	415300	Administration & Finance	AT&T MOBILITY	Cell Phones/Tablets-PW/CH	149.26	-99476
101	415300	Administration & Finance	GREATAMERICA FINANCIAL SERVICES	Copier Lease/Konica C458	117.87	-99475
101	421100	Police Administration	GREATAMERICA FINANCIAL SERVICES	Copier Lease/Konica C300&C3320	119.58	-99475
101	415300	Administration & Finance	GREATAMERICA FINANCIAL SERVICES	CopierLease/Konica bizhub C308	96.00	-99474
101	419901	City Hall & Police Building Maintenance	MN ENERGY RESOURCES CORP	Natural Gas -CH/PD	2,050.99	-99473
101	422901	Firehall #1 Maple Grove Road	MN ENERGY RESOURCES CORP	Natural Gas -FH #1	2,506.77	-99473
101	419901	City Hall & Police Building Maintenance	MN ENERGY RESOURCES CORP	Natural Gas CH/PD	2,032.61	-99473
101	431901	City Garage	MN ENERGY RESOURCES CORP	Natural Gas old CH	128.58	-99473
601	494400	Water Administration and General	MN ENERGY RESOURCES CORP	Natural Gas Lightning Dr	622.96	-99473
602	494900	Sewer Administration and General	MN ENERGY RESOURCES CORP	Natural Gas Lightning Dr	389.34	-99473
101	452200	Community Building	MN ENERGY RESOURCES CORP	Natural Gas old CH	1,157.23	-99473
101	431901	City Garage	MN ENERGY RESOURCES CORP	Natural Gas Lightning Dr	545.09	-99473
605	431160	Street Lighting	MN POWER	Traffic Lights	776.18	-99472
101	452100	Parks	MN POWER	Parks	212.51	-99472
101	422901	Firehall #1 Maple Grove Road	MN POWER	City Hall/Police/Fire	1,684.09	-99472
602	494900	Sewer Administration and General	MN POWER	4971 Lightning Dr	170.35	-99472
101	431901	City Garage	MN POWER	4971 Lightning Dr	425.87	-99472
601	494400	Water Administration and General	MN POWER	4971 Lightning Dr	255.53	-99472
101	419901	City Hall & Police Building Maintenance	MN POWER	City Hall/Police/Fire	2,634.10	-99472
605	431160	Street Lighting	MN POWER	Street Lights	744.42	-99472
605	431160	Street Lighting	MN POWER	Overhead St Lights	492.90	-99472
101	422903	Firehall #3 Midway Road	MN POWER	FH #3 Midway/Rose	100.79	-99472
101	422902	Firehall #2 Morris Thomas Road	MN POWER	FH #2 MorrisThomas & Stebner	120.10	-99472
605	431160	Street Lighting	MN POWER	Street Lights	473.02	-99472
101	431901	City Garage	MN POWER	5255 Maple Grove Rd Garage	37.35	-99472
605	431160	Street Lighting	MN POWER	Street Lights	405.88	-99472
605	431160	Street Lighting	MN POWER	Street Lights (Roundabout)	18.89	-99472
101	452200	Community Building	MN POWER	Community Bldg	655.98	-99472
602	494900	Sewer Administration and General	MN POWER	Sewer	770.80	-99472
275	452200	Community Building	MN POWER	EWC Garage	18.33	-99472
601	494400	Water Administration and General	MN POWER	Water	891.91	-99472
275	452200	Community Building	MN POWER	4289 Ugstad Rd/EWC	11,498.19	-99472
101	452100	Parks	MN POWER	Little Leagues	16.01	-99472

3/27/2023

Page 2

Fun d	Account	Department	Vendor Name	Description	Amount	Check #
605	431160	Street Lighting	MN POWER	Street Lights	425.26	-99472
101	421100	Police Administration	AXON ENTERPRISE INC	Video Cameras for SQD Cars	31,011.18	-99471
245	421100	Police Administration	AXON ENTERPRISE INC	Video Cameras for SQD Cars	60,552.96	-99471
230	465100	HEDA	CREATIVE ARCADE	Website Monthly Maintenance	250.03	-99470
251	421801	DARE & Police Liaison Fund	CREATIVE PRODUCT SOURCING INC - DARE	Dare T-Shirts	1,602.90	-99469
101	421100	Police Administration	EMERGENCY AUTOMOTIVE TECHNOLOGIES INC	Equipment - SDQ 11	1,013.70	-99468
601	494400	Water Administration and General	GOPHER STATE ONE-CALL INC	Feb 23 Locates	21.87	-99467
602	494900	Sewer Administration and General	GOPHER STATE ONE-CALL INC	Feb 23 Locates	14.58	-99467
602	494500	Sewer Maintenance	GREAT LAKES PIPE SERVICE INC	MH Clean/Line - Stebner/Radar	1,150.00	-99466
101	419901	City Hall & Police Building Maintenance	HARTEL'S/DBJ DISPOSAL CO LLC	Garbage Recycling Feb 2023	309.56	-99465
101	431901	City Garage	HARTEL'S/DBJ DISPOSAL CO LLC	Yard Trash Disposal Feb 2023	180.30	-99465
245	456201	Broadband	HOMETOWN FIBER, LLC	Broadband Consultant	3,997.40	-99464
245	456201	Broadband	HTB PROJECT NAVIGATION, LLC	Broadband Task Force	270.00	-99463
230	465100	HEDA	HTB PROJECT NAVIGATION, LLC	Proposed Hermantown Business P	202.50	-99463
101	431100	Street Department	INTER CITY OIL CO INC	Fuel	834.99	-99462
101	431100	Street Department	INTER CITY OIL CO INC	Fuel	843.37	-99462
101	431100	Street Department	INTER CITY OIL CO INC	Fuel	885.76	-99462
101	431100	Street Department	INTER CITY OIL CO INC	Fuel	703.40	-99462
101	431100	Street Department	INTER CITY OIL CO INC	Fuel	665.59	-99462
101	431100	Street Department	INTER CITY OIL CO INC	Fuel	1,111.98	-99462
101	431100	Street Department	INTER CITY OIL CO INC	Fuel	921.51	-99462
101	431100	Street Department	INTER CITY OIL CO INC	Fuel	744.55	-99462
101	431100	Street Department	LITTLE FALLS MACHINE, INC.	Loader Wing Parts	294.11	-99461
230	465100	HEDA	MAMMOTH SPORTS CONSTRUCTION, LLC	Stebner Farms	15,000.00	-99460
101	431100	Street Department	MCCOY CONSTRUCTION & FORESTRY, INC	Engine Oil Filter	21.72	-99459
101	431100	Street Department	MCCOY CONSTRUCTION & FORESTRY, INC	Oil & Filter - JD ROW Mower	693.64	-99459
101	421100	Police Administration	MELLIN PROMOTIONAL ADVERTISING	Rubber Sunglasses	600.44	-99458
101	431100	Street Department	MIDWEST MACHINERY CO, INC.	Shield/Yoke	443.57	-99457
101	431100	Street Department	NORTHERN STATES SUPPLY INC	Cotter Pins	15.17	-99456
101	431100	Street Department	NORTHERN STATES SUPPLY INC	Nuts/Bolts	26.76	-99456
101	431100	Street Department	NORTHERN STATES SUPPLY INC	plow bolts	75.67	-99455
101	431130	City Engineer	NORTHLAND CONSULTING ENGINEERS L.L.P.	Preagenda/City Council/Four Sq	800.00	-99454
101	419100	Community Development	NORTHLAND CONSULTING ENGINEERS L.L.P.	PO 2354 - NASCAR Town Plan	910.00	-99454
101	214500	Escrow Deposits Payable	NORTHLAND CONSULTING ENGINEERS L.L.P.	Peyton Property Development	480.00	-99454
101	419100	Community Development	NORTHLAND CONSULTING ENGINEERS L.L.P.	Getchell - Radar Rd Developmen	160.00	-99454
101	431130	City Engineer	NORTHLAND CONSULTING ENGINEERS L.L.P.	Design Engineering Services	320.00	-99454
402	431150	Street Improvements	NORTHLAND CONSULTING ENGINEERS L.L.P.	Ugstad Rd - SP 202-101-014	320.00	-99454
240	432510	Trunk Sewer Construction	NORTHLAND CONSULTING ENGINEERS L.L.P.	Oak Ridge Dr. Sanitary Sewer E	1,645.00	-99454

3/27/2023

Page 3

Fun d	Account	Department	Vendor Name	Description	Amount	Check #
101	419100	Community Development	NORTHLAND CONSULTING ENGINEERS L.L.P.	PO 2362 - FEMA Meeting	320.00	-99454
101	419100	Community Development	NORTHLAND CONSULTING ENGINEERS L.L.P.	PO 2361 - Caribuo Coffee	320.00	-99454
475	431150	Street Improvements	NORTHLAND CONSULTING ENGINEERS L.L.P.	Hermantown Road Feasibility St	4,800.00	-99454
601	494400	Water Administration and General	NORTHLAND CONSULTING ENGINEERS L.L.P.	Haines & Anderson Rd WM Ext.	1,280.00	-99454
101	416100	City Attorney	OVEROM LAW, PLLC	Creation of New City Fire Dept	954.25	-99453
260	456101	Cable	OVEROM LAW, PLLC	2023 Mediacom Franchise Renewa	194.35	-99453
101	421100	Police Administration	OVEROM LAW, PLLC	Police Department Complaint Po	735.00	-99453
603	441100	Storm Water	OVEROM LAW, PLLC	Halvorson Lindahl Rd Easement	143.00	-99453
101	416100	City Attorney	OVEROM LAW, PLLC	Old City Hall Lease Matters	377.25	-99453
101	416100	City Attorney	OVEROM LAW, PLLC	Paul Senst Accident Claim	180.00	-99453
101	421100	Police Administration	OVEROM LAW, PLLC	Prosecution Contract Matters	228.00	-99453
245	456201	Broadband	OVEROM LAW, PLLC	Broadband Expansion	1,230.00	-99453
101	419100	Community Development	OVEROM LAW, PLLC	Community Development Matters	5.50	-99453
416	452100	Parks	OVEROM LAW, PLLC	2021 Recreation Facility	170.00	-99453
101	421100	Police Administration	OVEROM LAW, PLLC	Edible Cannabinoids	1,239.75	-99453
412	419100	Community Development	OVEROM LAW, PLLC	2021 Recreation Facility	170.00	-99453
230	214500	Escrow Deposits Payable	OVEROM LAW, PLLC	P&R Properties Tax Increment M	3,497.00	-99453
230	465100	HEDA	OVEROM LAW, PLLC	HEDA Sale to Brett Kolquist	65.50	-99453
415	465200	Community Development	OVEROM LAW, PLLC	2021 Recreation Facility	170.00	-99453
101	421100	Police Administration	OVEROM LAW, PLLC	Rules of Conduct & Citizen Com	118.50	-99453
101	419100	Community Development	OVEROM LAW, PLLC	Independent Living Facility -	60.00	-99453
601	214500	Escrow Deposits Payable	OVEROM LAW, PLLC	T Mobile Lease	60.00	-99453
101	419100	Community Development	OVEROM LAW, PLLC	Hoff/Sydow Development (Engwal	765.00	-99453
101	421100	Police Administration	OVEROM LAW, PLLC	Body Camera Matters	168.00	-99453
101	421100	Police Administration	OVEROM LAW, PLLC	Police Dept Personnel Matters	180.00	-99453
101	419100	Community Development	OVEROM LAW, PLLC	Stebner Farms Projects	915.00	-99453
101	416100	City Attorney	OVEROM LAW, PLLC	Opioid Litigation Matters	177.00	-99453
101	421100	Police Administration	OVEROM LAW, PLLC	Gale Rachuy Claim	454.00	-99453
230	465100	HEDA	OVEROM LAW, PLLC	HEDA Agenda Matters	630.00	-99453
101	416100	City Attorney	OVEROM LAW, PLLC	Data Practices Requests	36.00	-99453
101	421100	Police Administration	OVEROM LAW, PLLC	Police Department Procedures	288.00	-99453
101	416100	City Attorney	OVEROM LAW, PLLC	General Matters/Retainer	2,000.00	-99453
101	416100	City Attorney	OVEROM LAW, PLLC	Data Practices Procedures	168.00	-99453
601	494400	Water Administration and General	OVEROM LAW, PLLC	Verizon Water Tower Lease	324.00	-99453
101	421100	Police Administration	PER MAR SECURITY SERVICES INC	CCTV 4-01-2023 - 6/31/2023	91.89	-99452
602	494500	Sewer Maintenance	SJE-RHOMBUS, INC.	SCADA Monitoring Jan-Mar 2023	1,264.50	-99451
101	431100	Street Department	TELCOLOGIX	Mar 2023 Maintenance	16.75	-99450
101	452200	Community Building	TELCOLOGIX	Mar 2023 Maintenance	10.05	-99450

3/27/2023

Page 4

Fun d	Account	Department	Vendor Name	Description	Amount	Check #
101	419901	City Hall & Police Building Maintenance	TELCOLOGIX	Mar 2023 Maintenance	237.85	-99450
101	422901	Firehall #1 Maple Grove Road	TELCOLOGIX	Mar 2023 Maintenance	70.35	-99450
101	421100	Police Administration	VC3	Network Reconfiguration	1,356.25	-99449
101	421100	Police Administration	VC3	Speakers/Optical Drive - Erika	90.83	-99449
101	421100	Police Administration	VC3	Recycling HP 48 Port Switch	15.00	-99449
101	421100	Police Administration	VC3	Axon Fleet - Tech Config	262.50	-99449
602	494500	Sewer Maintenance	WLSSD	Wastewater Charges	46,175.00	-99448
101	217450	Employee Flexplan	WEX HEALTH INC	Claim Reimbursement	364.09	-99447
101	217450	Employee Flexplan	WEX HEALTH INC	Claim Reimbursement	756.37	-99447
101	217450	Employee Flexplan	WEX HEALTH INC	Claim Reimbursement	546.34	-99447
101	217450	Employee Flexplan	WEX HEALTH INC	Claim Reimbursement	1,845.83	-99447
101	431100	Street Department	WEX HEALTH INC	Monthly Participant /Cobra Fee	14.79	-99446
602	494900	Sewer Administration and General	WEX HEALTH INC	Monthly Participant /Cobra Fee	14.79	-99446
601	494400	Water Administration and General	WEX HEALTH INC	Monthly Participant /Cobra Fee	14.79	-99446
101	421100	Police Administration	WEX HEALTH INC	Monthly Participant /Cobra Fee	95.83	-99446
101	415300	Administration & Finance	WEX HEALTH INC	Monthly Participant /Cobra Fee	39.44	-99446
101	419901	City Hall & Police Building Maintenance	WEX HEALTH INC	Monthly Participant /Cobra Fee	4.93	-99446
101	419100	Community Development	WEX HEALTH INC	Monthly Participant /Cobra Fee	4.93	-99446
601	494400	Water Administration and General	WEX HEALTH INC	Monthly Participant /Cobra Fee	14.79	-99445
101	415300	Administration & Finance	WEX HEALTH INC	Monthly Participant /Cobra Fee	39.44	-99445
101	419901	City Hall & Police Building Maintenance	WEX HEALTH INC	Monthly Participant /Cobra Fee	4.93	-99445
602	494900	Sewer Administration and General	WEX HEALTH INC	Monthly Participant /Cobra Fee	14.79	-99445
101	431100	Street Department	WEX HEALTH INC	Monthly Participant /Cobra Fee	14.79	-99445
101	421100	Police Administration	WEX HEALTH INC	Monthly Participant /Cobra Fee	95.83	-99445
101	419100	Community Development	WEX HEALTH INC	Monthly Participant /Cobra Fee	4.93	-99445
101	427100	Poundmaster	ANIMAL ALLIES HUMANE SOCIETY	Feb 2023 Boarding	288.00	69737
601	494300	Water Distribution	BJONSKAAS, ARON	Reimburse Food/Mileage	315.45	69738
416	452100	Parks	BRAUN INTERTEC CORPORATION	Fitchner Park Improvements	6,375.00	69739
602	494500	Sewer Maintenance	BRAUN INTERTEC CORPORATION	Sanitary Sewer Inspections	820.00	69739
230	465100	HEDA	BRAUN INTERTEC CORPORATION	Future Business Park Site - AU	16,510.17	69739
101	431100	Street Department	BW DISTRIBUTING	Truck Wash	399.97	69740
101	431100	Street Department	CAPITAL ONE TRADE CREDIT	Hot Water Pressure	1,231.00	69741
603	441100	Storm Water	CAPITAL ONE TRADE CREDIT	Hot Water Pressure	3,693.00	69741
601	494300	Water Distribution	CENTRAL PENSION FUND	Training Per Contract	41.01	69742
602	494500	Sewer Maintenance	CENTRAL PENSION FUND	Training Per Contract	41.01	69742
101	431100	Street Department	CENTRAL PENSION FUND	Training Per Contract	41.01	69742
101	422902	Firehall #2 Morris Thomas Road	CENTURYLINK	Internet FH2 02/28/23-03/27/23	79.98	69743
101	422903	Firehall #3 Midway Road	CENTURYLINK	Internet FH3 02/22/23-03/21/23	79.98	69743

3/27/2023

Page 5

Fun d	Account	Department	Vendor Name	Description	Amount	Check #
101	431901	City Garage	CINTAS CORPORATION	Supplies	23.01	69744
101	431901	City Garage	CINTAS CORPORATION	Supplies	38.01	69744
101	431100	Street Department	CINTAS CORPORATION	Uniforms	9.72	69744
101	431901	City Garage	CINTAS CORPORATION	Mats at PW	25.84	69744
101	431100	Street Department	CINTAS CORPORATION	Uniforms	9.72	69744
101	431100	Street Department	CINTAS CORPORATION	Uniforms	26.93	69744
101	431901	City Garage	CINTAS CORPORATION	1st Aid Cabinets	185.19	69744
101	431901	City Garage	CINTAS CORPORATION	Mats at PW	6.16	69744
101	431100	Street Department	CINTAS CORPORATION	Uniforms	26.93	69744
601	494300	Water Distribution	CITY OF DULUTH COMFORT SYSTEMS	Feb Water Charges	72,217.57	69745
602	494900	Sewer Administration and General	CLIFTONLARSONALLEN LLP	2022 Audit	722.25	69746
601	494400	Water Administration and General	CLIFTONLARSONALLEN LLP	2022 Audit	722.25	69746
101	415300	Administration & Finance	CLIFTONLARSONALLEN LLP	Government Training - Orme	130.00	69746
101	415300	Administration & Finance	CLIFTONLARSONALLEN LLP	2022 Audit	3,370.50	69746
101	431100	Street Department	COMO LUBE & SUPPLIES INC.	Parts Washer Fluid	260.00	69747
101	431100	Street Department	COMO LUBE & SUPPLIES INC.	Oil	987.25	69747
101	431100	Street Department	COMPASS MINERALS AMERICA	Road Salt	1,801.09	69748
601	494300	Water Distribution	CORE & MAIN LP	Water Meters - Stock	2,676.43	69749
245	465100	HEDA	COSTIN GROUP MN	City Lobbyist	1,500.00	69750
601	494400	Water Administration and General	CUSTOMER ELATION INC	02/14 - 03/13/23 Answering	38.25	69751
602	494900	Sewer Administration and General	CUSTOMER ELATION INC	02/14 - 03/13/23 Answering	25.50	69751
101	431100	Street Department	DULUTH READY MIX INC	Road Sand	2,041.57	69752
101	431100	Street Department	DULUTH READY MIX INC	Road Sand	810.51	69752
101	431100	Street Department	DULUTH READY MIX INC	Road Sand	788.77	69752
601	494300	Water Distribution	FERGUSON WATERWORKS #2516	Valve Gaskets	260.00	69753
101	431100	Street Department	HERMANTOWN HYDRAULICS	Hose- H1	40.75	69754
101	431100	Street Department	HERMANTOWN HYDRAULICS	Hoses - H1	33.25	69754
101	411300	Ordinance, Public Notice and Proceedings	HERMANTOWN STAR LLC	City Council Minutes	99.00	69755
101	419100	Community Development	HERMANTOWN STAR LLC	Public Hearing P&Z	37.12	69755
101	411100	Council	HJELLE, ANDREW	Mileage Reimbursement	484.70	69756
245	419100	Community Development	HOISINGTON KOEGLER GROUP INC.	Comprehensive Plan Update-Feb	1,305.00	69757
101	421100	Police Administration	HOLIDAY COMPANIES	Car Washes - Feb 2023	35.00	69758
101	421100	Police Administration	KENNEDY & GRAVEN, CHARTERED	HR Issue - PD - Jan 23	317.25	69759
101	421100	Police Administration	KOLAR	Inspection & Batteries	698.32	69760
101	421100	Police Administration	KOLAR	Radiator Repair	1,414.94	69760
101	431100	Street Department	KWIK TRIP EXTENDED NETWORK	Gas Street	630.92	69761
602	494500	Sewer Maintenance	KWIK TRIP EXTENDED NETWORK	Gas Utility 40%	307.86	69761
601	494300	Water Distribution	KWIK TRIP EXTENDED NETWORK	Gas Utility 60%	461.80	69761

Fun d	Account	Department	Vendor Name	Description	Amount	Check #
101	421100	Police Administration	KWIK TRIP EXTENDED NETWORK	Gas PD	4,084.80	69761
101	421100	Police Administration	KWIK TRIP EXTENDED NETWORK	Car Wash PD	231.00	69761
101	431100	Street Department	LIFTPRO	Lift Chain - H1	55.90	69762
101	431100	Street Department	LINDE GAS & EQUIPMENT INC.	Cyl/SafeEnvFee 1/20-2/20/23	71.31	69763
101	431901	City Garage	MENARD INC	Screws for Shelving	29.23	69764
101	431100	Street Department	MENARD INC	Mail Box Parts	42.11	69764
101	431901	City Garage	MENARD INC	Plywood for Shelving	226.79	69764
101	431901	City Garage	MENARD INC	Plywood for Shelving	195.94	69764
602	494500	Sewer Maintenance	MILLER, ROBERT	Food Reimbursement	84.48	69765
101	431100	Street Department	MN PETROLEUM SERVICE	Filter	39.60	69766
101	419901	City Hall & Police Building Maintenance	MN TELECOMMUNICATIONS	Mar 2023 Internet	360.00	69767
101	422901	Firehall #1 Maple Grove Road	MN TELECOMMUNICATIONS	Mar 2023 Internet	90.00	69767
101	431100	Street Department	NAPA AUTO PARTS	Battery	-52.33	69768
101	431100	Street Department	NAPA AUTO PARTS	DEF Fluid	697.02	69768
101	431100	Street Department	NAPA AUTO PARTS	CB Antenna	14.59	69768
101	421100	Police Administration	NAPA AUTO PARTS	Mirror Adhesive	3.04	69768
101	431100	Street Department	NAPA AUTO PARTS	Battery - Hot Water Pressure	149.86	69768
245	465100	HEDA	NORTHSPAN GROUP INC	Business Grant Study ARPA - Pr	726.40	69769
101	415300	Administration & Finance	ORME, KEVIN	Mileage Reimbursement	196.50	69770
101	431100	Street Department	RICHTMAN, JEFF	Reimburse Mail Box	23.03	69771
101	421100	Police Administration	SHRED-N-GO INC	Shredding Contract	207.78	69772
101	431100	Street Department	ST LOUIS COUNTY AUDITOR	Brine Solution Feb 2023	1,275.15	69773
101	419100	Community Development	ST LOUIS COUNTY RECORDERS OFFICE	Peyton Acres, Phase 1C	92.00	69774
601	494300	Water Distribution	TRAVELERS	Insurance - Antenna for Water	25.00	69775
101	421100	Police Administration	TROY'S BP AMOCO INC	Brakes - SQD 17	684.70	69776
101	421100	Police Administration	TROY'S BP AMOCO INC	Oil & Filter - SQD 17	86.33	69776
101	421100	Police Administration	TROY'S BP AMOCO INC	Oil & Filter - SQD 15	74.77	69776
601	494400	Water Administration and General	VALLI INFORMATION SYSTEMS, INC	Feb 2023 Bill Print	545.74	69777
602	494900	Sewer Administration and General	VALLI INFORMATION SYSTEMS, INC	Feb 2023 Bill Print	545.74	69777
603	441100	Storm Water	VALLI INFORMATION SYSTEMS, INC	Feb 2023 Bill Print	545.74	69777
101	415300	Administration & Finance	VAN IWAARDEN ASSOCIATES INC	FYE2023 GASB 75 Actuarial Eval	1,300.00	69778
603	441100	Storm Water	VAN IWAARDEN ASSOCIATES INC	FYE2023 GASB 75 Actuarial Eval	100.00	69778
601	494400	Water Administration and General	VAN IWAARDEN ASSOCIATES INC	FYE2023 GASB 75 Actuarial Eval	300.00	69778
602	494900	Sewer Administration and General	VAN IWAARDEN ASSOCIATES INC	FYE2023 GASB 75 Actuarial Eval	300.00	69778
601	220100	Refund Payable	ZEILLIS, CATHERINE	Refund Acct# 1195-01	30.71	69779
101	414100	Elections	FLEMMING, DAVID	General Election Hours	198.00	69786

Totals: 226 records printed

377,156.57



CITY COUNCIL MEETING DATE: April 3, 2023

TO: Mayor & City Council

FROM: John Mulder, City Administrator

SUBJECT: BCA Lease

RESOLUTION: 2023-39 **ORDINANCE:** **OTHER:**

REQUESTED ACTION

Approve Lease with Bureau of Criminal Apprehension in the City of Hermantown Community Building (Old City Hall).

BACKGROUND

The City owns the Old City Hall at 5255 Maple Grove Road. It rents the space out to the following organizations:

- Arrowhead Builders
- Hermantown Historical Society
- State of Minnesota Bureau of Criminal Apprehension (BCA)

Since 2013, the BCA (Resolution 203-60 and amended with Resolutions 2018-42 & 2022-091) has leased approximately 960 square feet. (Resolution Their current lease is set to expire June 1, 2023. The current rate is \$7.56 per square foot. Our estimates are that current market rates for commercial range from \$12 to \$18 per square foot. The rent has increased 5% each year since 2019.

There is value in having the BCA in our community and in relative proximity to the Police Department.

We have negotiated to have the new rate be \$10 per square foot beginning in January 2024.

The leases for the other two entities will be renewed in the next two months.

SOURCE OF FUNDS (if applicable)

ATTACHMENTS

- Resolution
- Lease with the BCA

Resolution No. 2023-39

**RESOLUTION AUTHORIZING AND DIRECTING
THE MAYOR AND CITY CLERK TO EXECUTE AND DELIVER
LEASE AGREEMENT WITH STATE OF MINNESOTA
BUREAU OF CRIMINAL APPREHENSION**

WHEREAS, the City of Hermantown (“City”) owns the land and building located thereon in the City of Hermantown, County of St. Louis, State of Minnesota with a street address of 5255 Maple Grove Rd. Hermantown, MN 55811 (“Hermantown Community Center”); and

WHEREAS, the City had had a lease with the State of Minnesota, Bureau of Criminal Apprehension since 2103, and

WHEREAS, the City desires to renew the lease to the State of Minnesota, Bureau of Criminal Apprehension for a portion of the Hermantown Community Center as further described in the Lease Agreement attached hereto; and

WHEREAS, the City Council has duly considered this matter and believes it is in the best interest of the City to approve the Lease Agreement attached hereto and to authorize and direct the Mayor and City Clerk to enter into such Agreement on behalf of the City of Hermantown.

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

1. The Lease Agreement attached hereto as Exhibit A is hereby approved.
2. The Mayor and City Clerk are hereby authorized and directed to execute and deliver the Lease Agreement on behalf of the City of Hermantown.

Councilor _____ introduced the foregoing resolution and moved its adoption.

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

and the following voted in opposition thereto:

WHEREUPON, such resolution was declared duly passed and adopted on April 3, 2023.

EXHIBIT A

STATE OF MINNESOTA
AMENDMENT OF LEASE

Amendment No. **3**

Lease No. **11993**

THIS AMENDMENT No. 3 to Lease No. 11993 is made by and between City of Hermantown, hereinafter referred to as Landlord, and the State of Minnesota, Department of Administration, hereinafter referred to as Tenant, acting for the benefit of the Department of Public Safety; Bureau of Criminal Apprehension.

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

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

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

1. **RENEWAL TERM** This Lease shall be renewed for a period of five (5) years, commencing June 1, 2023 and continuing through May 31, 2028 ("Renewal Term"), at the same terms and conditions as set forth in the Lease, except as otherwise provided herein.
2. **RENT**
 - 2.1 **Rent Payment** Tenant shall pay Landlord rent for the Renewal Term in the sum of fifty one thousand one hundred forty nine and 60/100 dollars (\$51,149.60) according to the rent schedule set forth below:

RENEWAL TERM		SQUARE FEET	RATE PER SQ. FT.	MONTHLY PAYMENT	RENT FOR RENEWAL TERM
6/1/23	- 12/31/23	960	\$8.75	\$ 700.00	\$ 4,900.00
1/1/24	- 12/31/24	960	\$10.00	\$ 800.00	\$ 9,600.00
1/1/25	- 12/31/25	960	\$10.50	\$ 840.00	\$ 10,080.00
1/1/26	- 12/31/26	960	\$11.03	\$ 882.40	\$ 10,588.80
1/1/27	- 12/31/27	960	\$11.58	\$ 926.40	\$ 11,116.80
1/1/28	- 5/31/28	960	\$12.16	\$ 972.80	\$ 4,864.00
				TOTAL	\$ 51,149.60

2.2 Rent Billing Address Landlord shall mail or personally deliver all original bills and statements to Tenant at the following address:

Accounts Payable
Department of Public Safety
444 Cedar St #126
St Paul MN 55101-5126

2.3 Rent Payment Address Tenant shall pay Landlord via electronic payment, or mail or deliver each monthly rent payment set forth above at the end of the applicable calendar month to Landlord at the following address:

City Administrator
City of Hermantown
5105 Maple Grove Rd
Hermantown MN 55811

3. TENANT REQUESTED ALTERATIONS

3.1 Deletion Section 10 of the Lease is deleted and of no further force and effect and is replaced with the following Sections 3.2 and 3.3.

3.2 In the event Tenant desires to remodel, make alterations, additions, and/or changes and request design services (hereinafter, "Alterations") to the Leased Premises, and it is determined that the Alterations are at Tenant's expense, Tenant shall not make such Alterations without the advance written consent of Landlord, which Landlord shall not unreasonably withhold. Alterations shall be approved by and arranged through Landlord as follows:

- a. Upon Tenant's request, Landlord shall provide Tenant up to three (3) written cost estimates from Landlord's vendors for desired Alterations. Landlord or Landlord's agent/management company shall not include supervision fees as a part of the cost of Alterations.
- b. Alterations shall be documented and authorized in advance according to the applicable cost level, as follows:
 - (i) Alterations totaling \$4,999.99 or less shall be set forth in and authorized by Tenant in Tenant's signed Purchase Order which shall be submitted to Landlord.
 - (ii) Alterations totaling \$5,000.00 through \$9,999.99 shall be set forth in and authorized by Tenant in a signed Remodeling Request Memo, which shall be submitted to Landlord.
 - (iii) Alterations of \$10,000.00 or more shall be set forth and authorized by Landlord and Tenant by way of an executed Amendment to the Lease.

3.3 Upon completion of the Alterations, Landlord shall pay the appropriate vendor(s), and Tenant shall reimburse Landlord within thirty (30) days following receipt of a detailed invoice from Landlord.

4. **HEATING AND COOLING**

4.1 Deletion Section 3 of the Amendment No. 1 to the Lease is hereby deleted and of no further force or effect and is replaced with the following Section 4.2.

4.2 Landlord warrants that the Leased Premises are served by heating and cooling facilities of a design capacity sufficient to maintain the Leased Premises within the acceptable range of temperature identified below under all but the most extreme weather conditions, assuming optimal use by Tenant of all thermostats and other climate control devices, such as shutting off computers, opening or closing of blinds, doors and vents within the Leased Premises. Landlord shall provide Tenant with written instructions defining said optimal use. For purposes hereof, the acceptable ranges of temperature for office space are as follows:

- a. From October 1 through April 30, between 70.5°F and 74.5°F. Temperature settings must be lowered to 60°F to 62°F during non-working hours.
- b. From May 1 through September 30, between 72.0°F and 76.0°F. Temperature settings will be increased to 85°F during non-working hours.

5. **INSURANCE AND LIABILITY**

5.1 Deletion Section 4 of the Amendment No. 1 to the Lease is hereby deleted and of no further force or effect and is replaced with the following Sections 5.2 and 5.3.

5.2 Property Damage

- a. It shall be the duty of Landlord and Tenant to maintain insurance or self-insurance on their own property, both real and personal. Notwithstanding anything apparently to the contrary in this Lease, but subject to subsection 5.2.b below, Landlord and Tenant hereby release one another and their respective partners, officers, employees and property manager from any and all liability or responsibility to the other or anyone claiming through or under them by way of subrogation or otherwise for loss or damage, even if such loss or damage shall have been caused by the fault or negligence of the other party or anyone for whom such party may be responsible.
- b. Landlord shall indemnify, defend and hold Tenant harmless from any and all claims, loss, damage and expense arising from water or water-related incidents affecting the Leased Premises, except for those arising from Tenant's negligent or intentional acts or omissions.

5.3 Liability Subject to subsection 5.2.b above, Landlord and Tenant agree that each party will be responsible for its own acts and the results thereof to the extent authorized by law and shall not be responsible for the acts of any others and the results thereof. Tenant's liability shall be governed by the provisions of the Minnesota Tort Claims Act, Minn. Stat. §3.736, and other applicable law.

6. **SMOKING**

6.1 Deletion Section 20 of the Lease is deleted and of no further force and effect and is replaced with the following Section 6.2.

6.2 Pursuant to Minn. Stat. §16B.24, subd. 9, Landlord and Tenant shall not permit smoking, in the Leased Premises. In addition, Landlord and Tenant shall not permit the use of e-cigarettes, chewing tobacco and vaping in the Leased Premises.

7. **NOTICES**

7.1 Deletion Section 25 of the Lease is deleted and of no further force and effect and is replaced with the following Sections 7.2 and 7.3.

7.2 All notices or communications between Landlord and Tenant shall be in writing and deemed to have been given upon the occurrence of one of the following methods of delivery to the address noted in Section 7.3 below.

- a. When personally delivered to the addressee, or
- b. On the second business day after sender has deposited the registered or certified mailing with the US Postal Service, or
- c. When delivered by email to the following John Mulder jmulder@hermantownmn.com (provided such delivery or attempted delivery is confirmed), or
- d. one (1) business day after deposited with an overnight courier service.

7.3 Mailing Addresses:

Landlord:

City Administrator
City of Hermantown
5105 Maple Grove Rd
Hermantown MN 55811
Attn: John Mulder
Email: jmulder@hermantownmn.com

Tenant:

Real Estate and Construction
Services
Department of Administration
50 Sherburne Ave # 309
St Paul MN 55155

9. **EXECUTION IN COUNTERPARTS** This Amendment may be executed in any number of counterparts, each of which when so executed and delivered shall be deemed to be an original and all of which counterparts of this Amendment taken together shall constitute but one and

the same Amendment. Delivery of an executed counterpart of this Amendment by facsimile or email or a PDF file shall be equally as effective as delivery of an original executed counterpart of this Amendment.

10. Except as modified by the provisions of this Amendment, said Lease is ratified and confirmed as originally written. All capitalized terms used but not defined herein shall have the meanings assigned to them as set forth in the Lease, unless otherwise stated.

NO ATTACHMENTS

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

LANDLORD:
CITY OF HERMANTOWN

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

By _____

Title _____

Date _____

By _____

Title _____

Date _____

TENANT:
STATE OF MINNESOTA
DEPARTMENT OF ADMINISTRATION
COMMISSIONER

By _____
Real Estate and Construction Services

Date _____

APPROVED:
STATE OF MINNESOTA
DEPARTMENT OF PUBLIC SAFETY

By  _____
DocuSigned by:
8CD272021FB5461...

Title Deputy Director

Date 3/23/2023

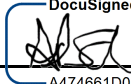
RECOMMENDED:
STATE OF MINNESOTA
BUREAU OF CRIMINAL APPREHENSION

By _____

Title "N/A"

Date _____

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

By  _____
DocuSigned by:
A474661D0D9A4F6...

Date 3/23/2023

SWIFT P.O. 3000080615

Contract No. 141061

Account Code 411001

Fund No. 1000



CITY COUNCIL MEETING DATE: April 3, 2023

TO: Mayor & City Council

FROM: Eric Johnson, Community Development Director

SUBJECT: Conveyance of a tax forfeit parcel to the City from St. Louis County

RESOLUTION: 2023-40 **ORDINANCE:** **OTHER:**

REQUESTED ACTION

Approve adoption of a resolution requesting a tax forfeit parcel from St. Louis County.

BACKGROUND

Staff recommends adoption of a resolution approving a request to St. Louis County to convey a parcel of tax forfeit land to the City in order to have continued access to Miller Trunk Highway for interior lots of the Maple Hill plat, under the authority granted by Minnesota Statute 282.01.

Background

From time to time, St. Louis County offers parcels for sale that have been returned to the State for failure to pay taxes – tax-forfeit properties. There is currently a 0.62-acre parcel located east of Norway Pines Drive and adjacent to 5205 Miller Trunk Highway which has gone tax forfeit. This parcel would provide right of way access to Miller Trunk Highway for the interior lots of the Maple Hill plat and prevent them from being landlocked should a road ever be constructed at a future date.

In order for the City to officially request the available parcel, a resolution from the City Council making such a request is needed. The resolution lays out the City’s statutory authority to acquire tax-forfeit property for road or right of way for road purposes, and makes a request directly of the County to convey the parcel to the City.

Minnesota Statute 282.01, Subdivision 1a, (e), reads:

(e) Non-conservation tax-forfeited land held in trust in favor of the taxing districts may be conveyed by the commissioner of revenue in the name of the state to a governmental subdivision for an authorized public use, if an application is submitted to the commissioner which includes a statement of facts as to the use to be made of the tract and the favorable recommendation of the county board. For the purposes of this paragraph, "authorized public use" means a use that allows an indefinite segment of the public to physically use and enjoy the property in numbers appropriate to its size and use, or is for a public service facility. Authorized public uses as defined in this paragraph are limited to:

- (1) a road, or right-of-way for a road;

- (2) a park that is both available to, and accessible by, the public that contains improvements such as campgrounds, playgrounds, athletic fields, trails, or shelters;
- (3) trails for walking, bicycling, snowmobiling, or other recreational purposes, along with a reasonable amount of surrounding land maintained in its natural state;
- (4) transit facilities for buses, light rail transit, commuter rail or passenger rail, including transit ways, park-and-ride lots, transit stations, maintenance and garage facilities, and other facilities related to a public transit system;
- (5) public beaches or boat launches;
- (6) public parking;
- (7) civic recreation or conference facilities; and
- (8) public service facilities such as fire halls, police stations, lift stations, water towers, sanitation facilities, water treatment facilities, and administrative offices.

No monetary compensation or consideration is required for the conveyance, except as provided in subdivision 1g, but the conveyance is subject to the conditions provided in law, including, but not limited to, the reversion provisions of subdivisions 1c and 1d as follows:

(c) Prior to meeting for the purpose of classifying or reclassifying tax-forfeited lands, the county board must give notice of its intent to meet for that purpose as provided in this paragraph. The notice must be given no more than 90 days and no less than 60 days before the date of the meeting; provided that if the meeting is rescheduled, notice of the new date, time, and location must be given at least 14 days before the date of the rescheduled meeting. The notice must be posted on a website. The notice must also be mailed or otherwise delivered to each person who has filed a request for notice of special meetings with the public body, regardless of whether the matter is considered at a regular or special meeting. The notice must be mailed or delivered at least 60 days before the date of the meeting. If the meeting is rescheduled, notice of the new date, time, and location must be mailed or delivered at least 14 days before the date of the rescheduled meeting. The public body shall publish the notice once, at least 30 days before the meeting, in a newspaper of general circulation within the area of the public body's authority. The board must also mail a notice by electronic means to each person who requests notice of meetings dealing with this subject and who agrees as provided in chapter 325L to accept notice that is mailed by electronic means. Receipt of actual notice under the conditions specified in section [13D.04, subdivision 7](#), satisfies the notice requirements of this paragraph.

(d) At the meeting, the county board must allow any person or agency possessing pertinent information to make or submit comments and recommendations about the pending classification or reclassification. In addition, representatives of governmental entities in attendance must be allowed to describe plans, ideas, or projects that may involve use or acquisition of the property by that or another governmental entity. The county board must solicit and consider any relevant components of current municipal or metropolitan comprehensive land use plans that incorporate the area in which the land is located. After allowing testimony, the board may classify, reclassify, or delay taking action on any parcel or parcels. In order for a state agency or a governmental subdivision of the state to preserve its right to request a purchase or other acquisition of a forfeited parcel, it may, at any time following forfeiture, file a written request to withhold the parcel from sale or lease to others under the provisions of subdivision 1a.

SOURCE OF FUNDS (if applicable)

Under Minnesota Statute 282.01, Subdivision 1a (e), the County may grant the tax-forfeit parcel to the City at no cost. Administrative fees associated with the conveyance will be paid for through the General Fund (230-465100-310).

ATTACHMENTS

Resolution
Parcel Location Map
St. Louis County Forms

Resolution No. 2023-40

**RESOLUTION REQUESTING A FREE CONVEYANCE
OF A TAX-FORFEIT PARCEL FOR PUBLIC RIGHT OF WAY**

WHEREAS, the City of Hermantown is organized as a Statutory City in the County of St. Louis, Minnesota; and

WHEREAS, the City of Hermantown was notified by St. Louis County regarding the availability of tax forfeit parcels; and

WHEREAS, the City has determined that the specific land with Parcel Identification number of 395-0010-00571 is for public right of way in order to provide access to Miller Trunk Highway, with a legal description attached hereto as “Exhibit A”; and

WHEREAS, the State of Minnesota has adopted Statutory provisions allowing for municipal acquisition of tax-forfeit parcels for public services facilities such as road right of way under Minnesota Statute 282.01, Subd. 1a, para (e)(1); and

WHEREAS, the City of Hermantown wishes to acquire the aforementioned parcel for public road right of way;

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

1. The City Council requests a free conveyance of parcel 395-0010-00571 to the City of Hermantown for the public uses permitted under Minnesota Statute 282.01, Subdivision 1a, (e)(1).
2. The City Council directs that any administrative expenditure directly associated with the acquisition of parcel 395-0010-00571 is to be paid from the General fund.
3. City Staff is directed to submit any necessary paperwork and application fees as is necessary to acquire parcel 395-0010-00571 for the public use.

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 April 3, 2023.

EXHIBIT A

Legal Description of Parcel to be acquired by the City of Hermantown

Parcel 395-0010-00571

WLY 25 FT OF SW1/4 OF SE1/4 LYING SLY OF NLY 233.69 FT OF SECTION 3, RANGE
15 TOWNSHIP 50.

Location Map





WITHHOLD APPLICATION

Withhold Tax Forfeited Land from Sale - Pending Acquisition St. Louis County, Minnesota

7000

WITHHOLD (6 Months): In accordance with Minnesota State Statute Subd. 1a.- Conveyance to Public Entities: (a) Upon written request from a state agency or a governmental subdivision of the state, a parcel of unsold tax-forfeited land must be withheld from sale or lease to others for a maximum of 6 (six) months. The request must be submitted to the county auditor. Upon receipt, the county auditor must withhold the parcel from sale or lease to any other party for six months, and must confirm the starting date of the 6 (six)-month withholding period to the requesting agency or subdivision.

WITHHOLD 2nd Request (18 Months): A governmental subdivision of the state must not make, and a county auditor must not act upon, a second request to withhold a parcel from sale or lease within 18 months of a previous request for that parcel. A county may reject a request made under this paragraph if the request is made more than 30 days after the county has given notice to the requesting state agency or governmental subdivision of the state that the county intends to sell or otherwise dispose of the property. Eighteen months begins at date of 1st request.

MAINTENANCE COSTS: If the request is from a governmental subdivision of the state, the governmental subdivision must pay the maintenance costs incurred by the county during the period the parcel is withheld. The county board may approve a sale or conveyance to the requesting party during the withholding period. A conveyance of the property to the requesting party terminates the withholding period.

PROPERTY

Date of Request: **2/16/2023** Note: This is the Start Date of 6 Month Withholding Period

Parcel Identification Number(s) (PIN) **395-0010-00571**

Legal Description(s) **WLY 25 FT OF SW 1/4 OF SE 1/4 LYING SLY OF NLY 233.69 FT SECTION 3 TOWNSHIP 50 RANGE 15**

APPLICANT (City/Town /Entity)

The government entity below hereby requests the following-described parcel(s) of tax forfeited land to be withheld from public sale for six (6) months.

Governmental Entity Name
CITY OF HERMANTOWN

Contact **ERIC JOHNSON** Title **COMMUNITY DEVELOPMENT DIRECTOR**

Daytime Phone # **218-729-3618** Email **ERIC.JOHNSON@HERMANTOWNMN.COM**

Mailing Address **5105 MAPLE GROVE ROAD** City **HERMANTOWN** State **MN** ZIP **55811**

TYPE OF ACQUISITION (Please check the appropriate box below)

Free conveyance for an authorized public use Purchase for appraised value for an authorized public purpose

PURPOSE

Describe public purpose or public use in detail.
TO ADJUT EXISTING CITY OWNED LAND IN ORDER TO CREATE AN ACCESS POINT TO MILLER TRUNK HWY. THERE ARE 2 UNDEVELOPED PARCELS ADJUTING THESE PARCELS - ACCESS

AGREEMENT AND SIGNATURE

By checking the box, the government entity agrees by submitting this form it understands and agrees with the statutory requirements for withholding requirements, that the 6 (six) month withholding period begins on the date on this form listed above, and that this government entity has the legal authority to submit this request. **[Signature]**

SUBMIT TO

St. Louis County Auditor
Attn: Land and Minerals Department
Government Services Center
320 West 2nd Street, Suite 302
Duluth, MN 55802

EMAIL: landdept@stlouiscountymn.gov
PHONE: (218) 726-2606
FAX: (218) 726-2600
WEB: stlouiscountymn.gov

Incomplete Requests: All incomplete requests will be returned to applicant to be completed and resubmitted.

Application for State Deed for Tax-Forfeited Land

In St. Louis County

Type of Acquisition

- Purchase (Minn. Stat. § 282.01, subd. 1a, par. (b) or subd. 3 or subd. 7a)
- Remove Blight/Afford. Housing (Minn. Stat. § 282.01, subd. 1a, par. (d))
- Conservation-related usage (Minn. Stat. § 282.01, subd. 1a, par. (h))
- Repurchase (Minn. Stat. § 282.012; Minn. Stat. § 282.241)
- Financed (Minn. Stat. § 282.01, subd. 6)
- Failure to convey to city or association (Minn. Stat. § 282.01, subd. 1a, par. (f) or (g))
- Replacement for Lost/Destroyed Deed (Minn. Stat. § 282.33)
- Release (State Agencies only) (Minn. Stat. § 282.01, subd. 1a, par. (c))
- Conditional Use Deed (Minn. Stat. § 282.01, subd. 1a, par. (e)) - Conditional Use Deed Supplement required -
- School Forest Deed (Minn. Stat. § 282.01, subd. 1a, par. (j)) - School Forest Deed Supplement required -
- Land Exchange (Minn. Stat. § 94.344)
- Authorized by statute or special law (include citation)

Correction

Is this application intended to correct a previous deed? Yes (Complete this section) No (Skip this section)
 State deed number of original & date issued: _____
 Information being corrected: Grantee's name Legal description Other: _____
 Was this state deed recorded? Yes No
 Recording Date: _____ Recording Number: _____
 (If the state deed was not recorded, please return the original state deed with this application.)

Applicant (Grantee)

Name(s) of Applicant(s) CITY OF HERMANTOWN 218-729-3618
 Address of Applicant 5105 MAPLE GROVE ROAD Phone Number or Email of Applicant _____
 City HERMANTOWN State MN Zip Code 55811

Ownership Please check the appropriate box below:
 Single ownership Co-ownership: joint tenancy Co-ownership: tenancy in common Co-ownership: other

Date of auditor's certificate of forfeiture _____ Date tax-forfeited land was sold (required for purchase and repurchase) _____

Date purchase price was paid in full (if applicable) _____ Purchase price (if applicable) _____

Property Information

Legal description of property: (Please email longer legal descriptions to deed.application@state.mn.us) All or part of the described real property is Registered (Torrens)
WLY 25 FT OF SW 1/4 OF SE 1/4 LYING SW
OF NWLY 233.69 FT SECTION 3 TOWNSHIP 50
RANGE 15

Wells Please check the appropriate box below:
 There are one or more wells on this property. There are no wells on this property. No change since last well certificate.
 (If wells disclosure certificate has been electronically filed, please list WDC number: _____)

Wetland Certification
 The wetland certification form has been completed and attached to this application.

Replacement

Complete this section only if "Replacement for Lost/Destroyed Deed" is selected above as the type of acquisition.
 The applicant is (check the appropriate box): the grantee named in the original deed the grantee's successor
 If the applicant is the grantee's successor, please state the name of the grantee in the original deed (otherwise leave blank): _____

Date that unrecorded state deed was issued _____ State Deed Number (if known) _____

Attach a statement of reasons in support of allegations that said deed has been lost or destroyed before it was recorded (please be specific).

Certification

All applications require the signature of the county auditor, date of the signature and raised county seal below. Applications for Replacement Deeds will require the signature of the applicant.

Please provide the information below as it corresponds to the type of acquisition selected on the front of the form.

Blight/Affordable Housing	<p>Auditor to complete this section only if "Remove Blight/Afford. Housing" is selected above as the type of acquisition.</p> <p>The County Board, or its delegate, of _____ County, Minnesota, has reviewed the application of _____ dated _____, 20____, for the conveyance of certain tax-forfeited land described therein. The county board has determined that: (1) a sale at a reduced price is in the public interest because a reduced price is necessary to provide an incentive to correct the blighted conditions that make the lands undesirable in the open market or the reduced price will lead to the development of affordable housing; and (2) the governmental subdivision or state agency has documented its specific plans or correcting the blighted conditions or developing affordable housing and the specific law or laws that empower it to acquire real property in furtherance of the plans.</p>
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Conservation	<p>Auditor to complete this section only if "Conservation-related usage" is selected above as the type of acquisition.</p> <p>The County Board, or its delegate, of _____ County, Minnesota, has reviewed the application of _____ dated _____, 20____, for the conveyance of certain tax-forfeited land described therein. The county board has determined that a sale at a reduced price is in the public interest for (select one):</p> <p>___ (1) creation or preservation of wetlands; or</p> <p>___ (2) drainage or storage of storm water under a storm water management plan; or</p> <p>___ (3) preservation, or restoration and preservation, of the land in its natural state.</p>
---------------------	---

Failure to Convey	<p>Auditor to complete this section only if "Failure to convey to city or association" is selected above as the type of acquisition.</p> <p>The County Board, or its delegate, of _____ County, Minnesota, has reviewed the application of _____, a (check one) <input type="checkbox"/> governmental subdivision / <input type="checkbox"/> common interest community, dated _____, 20____, for the free conveyance, due to a prior failure to convey which was duly certified, of certain tax-forfeited land described therein, and recommends that this application be granted.</p>
--------------------------	---

Conditional Use Deed	<p>Auditor to complete this section only if "Conditional Use Deed" is selected above as the type of acquisition.</p> <p>The County Board, or its delegate, of _____ County, Minnesota, has reviewed the application of _____ dated _____, 20____, for the conveyance for an authorized public use of certain tax-forfeited land described therein, and recommends that this application be granted.</p>
-----------------------------	--

School Forest	<p>Auditor to complete this section only if "School Forest Deed" is selected above as the type of acquisition.</p> <p>The County Board, or its delegate, of _____ County, Minnesota, and the Commissioner of Natural Resources has reviewed the application of _____, dated _____, 20____ for the conveyance for a school forest of certain tax-forfeited land described therein, and recommends that this application be granted.</p>
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Replacement	<p>Auditor to complete this section only if "Replacement for Lost/Destroyed Deed" is selected above as the type of acquisition.</p> <p>The property described herein was duly bid in for the state for taxes payable in the year _____, delinquent _____; and became forfeited to the State of Minnesota on the _____ day of _____, _____.</p>
--------------------	---

Sign, Seal and Date Here	<p>I certify that the above information is true and correct, the county board has taken the official action required under Minnesota Statute § 270C.88, and that therefore conveyance by state deed of the real property described above should be executed by the Commissioner of Revenue to the above named applicant(s) as required by Minnesota Statutes, Chapter 282.</p> <p>Signature of County Auditor _____) County _____</p> <p>Date of Signature of County Auditor _____</p> <p>Applicant Signature (Replacement Deed Only) _____</p> <p>Date of Applicant Signature (Replacement Deed Only) _____</p>
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(seal is required if application is mailed in)

Wetland Certification Form

TO: Commissioner of Revenue
Minnesota Department of Revenue

RE: Sale of Tax-forfeited Land Described As:

Insert legal description:

Pursuant to Minnesota Statutes, sections 103F.535, subdivision 1, and 282.018, subdivision 2, as amended, and the procedures issued by the Department of Natural Resources and by the Board of Water and Soil Resources, I have reviewed the available data concerning the lands described above and have determined that the deed does not require a restrictive covenant because:

- The land is in a platted subdivision. (Auditor's plats are not deemed platted subdivisions for the purpose of this procedure.)
- The conveyance is a transfer to correct errors in legal descriptions or grantees.

OR

- Neither of the above statements apply to this parcel; therefore, the deed for this parcel must include a restrictive covenant prohibiting enrollment of this parcel in a state funded program providing compensation for conservation of marginal lands or wetlands.

If you have any questions or comments concerning this determination please contact:

_____, telephone number _____

SIGNED

DATE

TITLE

COUNTY

Supplemental Information for a Conditional Use Deed

In _____ County

ALL applications (*State Deed Application Form*) for a conditional use deed **must** be accompanied by a completed *Conditional Use Deed Supplement* form.

Property	Property identification number(s) (PIN) for requested property (attach additional sheets if necessary)	
	Market value of requested property	Total acreage of requested property
	Describe current condition of the parcel (Identify any improvements and natural features)	

Forfeiture	Date of recording of auditor's certificate of forfeiture with the county recorder (if applicable)	Recorder's Document number (if applicable)
	Date of recording of auditor's certificate of forfeiture with the county registrar of titles (if applicable)	Registrar's Document number (if applicable)

Public Use	Authorized Public Use (Check only one box)	
	Minnesota Statute § 282.01, subd. 1a, par. (e) limits the authorized public uses for conditional use deeds to the following list. Please check the appropriate box below:	
	<input type="checkbox"/> Road or right-of-way for a road	<input type="checkbox"/> Park
	<input type="checkbox"/> Trails	Will the park be available to and accessible by the public? <input type="radio"/> Yes <input type="radio"/> No
	<input type="checkbox"/> Transit facilities	Will there be signage indicating to the public this is a park? <input type="radio"/> Yes <input type="radio"/> No
	<input type="checkbox"/> Public beach or boat launch	Will the park contain amenities maintained for active utilization by the public? <input type="radio"/> Yes <input type="radio"/> No
	<input type="checkbox"/> Public parking	Type of amenities: _____
	<input type="checkbox"/> Civic recreation or conference facilities	Will the park primarily be open space? <input type="radio"/> Yes <input type="radio"/> No
	<input type="checkbox"/> Public service facilities	Type of facility: _____
	Describe in detail the intended public use of the property:	

Do you anticipate establishing the proposed use within 3-years? <input type="checkbox"/> Yes <input type="checkbox"/> No		
If "no", when do you anticipate the use being established? _____		

Enclosures	Fee Required
	Minnesota Statute § 282.01, subd. 1g requires a fee of \$250 to be submitted to the Commissioner of Revenue along with this application. If this application is denied, the Commissioner shall refund \$150 of the application fee.
	<input type="checkbox"/> The required fee is enclosed.
Supporting Documentation	
Indicate the supporting documentation that you have included for consideration during the review of your application. Please note that some forms of documentation are required. Check all that apply:	
<input type="checkbox"/> Photos (required)	
<input type="checkbox"/> Maps (required)	
<input type="checkbox"/> Other: _____	
<input type="checkbox"/> Resolution authorizing application by the governmental subdivision (required)	
<input type="checkbox"/> Plans documenting the intended use	

Office Use only	This application it is hereby: rejected _____ granted _____	Fee Paid: _____ Refund: _____
Commissioner of Revenue	By _____	

ST. LOUIS COUNTY LAND & MINERALS DEPARTMENT ADDENDUM
TO THE APPLICATION BY A GOVERNMENTAL
SUBDIVISION FOR CONVEYANCE OF TAX-FORFEITED
LAND FOR AN AUTHORIZED PUBLIC USE
IN ST. LOUIS COUNTY
(to be completed by the applicant)

Name of governmental subdivision (applicant): [Click here to enter text.](#)

Mailing address of applicant: [Click here to enter text.](#)

Date requested property was forfeited to the State: [Click here to enter a date.](#)

Legal description of property (include name of the city/town in which the property is located):
[Click here to enter text.](#)

In preparation of presentation of this application for conveyance of tax-forfeited land to the St. Louis County board, please complete the following questionnaire:

1. Is the proposed use authorized by statute, law, or local charter? Yes No
2. How is the proposed use likely to serve the public's interest as much or more than returning the parcel to the tax rolls? Rationale [Click here to enter text.](#)
3. Does the parcel contain valuable natural resources? Yes No
4. Does the parcel have public scenic or aesthetic values? Yes No
5. Does the parcel contain unique geological features? Yes No
If yes, what? [Click here to enter text.](#)
6. According to ordinarily available information, is the parcel absent of rare plants or animals? Yes No If no, which? [Click here to enter text.](#)
7. According to ordinarily available information, is the parcel absent of important, historic or archeological features? Yes No
If no, which? [Click here to enter text.](#)
8. Is the parcel adjacent to a meandered lake or other public water or water course?
Yes No If yes, which? [Click here to enter text.](#)

9. What is the zoning designation for the parcel? [Click here to enter text.](#)
Which zoning authority? [Click here to enter text.](#)
10. What are the low income requirements for this proposed project? [Click here to enter text.](#)
(If applicable)
11. What are the moderate income requirements for this proposed project?
[Click here to enter text.](#)
(If applicable)



CITY COUNCIL MEETING DATE: April 3, 2023

TO: Mayor & City Council

FROM: John Mulder, City Administrator

SUBJECT: Hermantown Road – Engineering Request for Proposals

RESOLUTION: 2023-41 **ORDINANCE:** **OTHER:**

REQUESTED ACTION

Approve a Request for Proposals for Design and Construction Engineering for the 2024 Road Improvement Project 539 (Hermantown Road and Old Midway Road).

BACKGROUND

Improvements to Hermantown Road from Ugstad to Hwy 2 and Old Midway Road are part of the City’s Road Improvement Plan for 2024.

The City Engineer has prepared a feasibility report for the project, and if the Council determines to order the project, then a Project Engineer will be needed.

In 2015, the City started hiring project engineers for public improvement projects that were estimated to be in excess of \$500,000. The rationale was that City Engineer would then provide oversight to the project engineer, and would avoid situation where the City Engineer may have a conflict about overseeing the construction of their own design. The impact of that has been that we now have two layers of engineering for those larger projects.

Having a project engineer also requires the City to prepare separate Requests for Proposals (RFP’s) for the larger projects. While this does increase the costs of the projects, it also provides an additional layer of protection and oversight to the project.

The City has three options for projects over \$500,000:

1. The can hire the City Engineer directly if they believe it is the in the best interest of the City
2. Solicit proposals for a project engineer, and allow the City Engineer to submit a proposal
3. Solicit proposals for a project engineer, and specifically prohibit the City Engineer to from submitting a proposal.

If the RFP is approved, the City Engineer will not be submitting a proposal on this project and will assist in reviewing the proposals.



Proposal will be due in May, and a recommendation will be made to the City Council in later that month assuming the Council orders the project.

SOURCE OF FUNDS (if applicable)

475-431150-305 Project 541

ATTACHMENTS

Resolution
Request for Proposals
NCE Work Plan proposal

Resolution No. 2023-41

RESOLUTION APPROVING A REQUEST FOR PROPOSALS FOR DESIGN AND CONSTRUCTION ENGINEERING FOR ROAD IMPROVEMENT DISTRICT NO. 5394 (HERMANTOWN ROAD AND OLD MIDWAY ROAD)

WHEREAS, the City of Hermantown (“City”) desires to obtain design and construction engineering services with respect to Road Improvement District No. 539 (Hermantown Road and Old Midway Road) (“Project”); and

WHEREAS, City Administrator and City Engineer have prepared a Request for Proposals (RFP) for engineering services for the “Project” and

WHEREAS, the City Council believes that it is in the best interests of the City of Hermantown to approve the Request for Proposals as shown on Exhibit A attached hereto and authorize and direct the City Administrator to advertise and seek proposals per the RFP.

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

1. The Request for Proposals is approved, and
2. The City Administrator is hereby authorized and directed to advertise and seek proposals for design and construction engineering for Road Improvement District No. 539 (Hermantown Road and Old Midway Road) substantially in the form attached hereto as 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 April 3, 2023.

EXHIBIT A



5105 Maple Grove Road Hermantown, Minnesota 55811

Phone: 218-729-3600 / Fax: 218-729-3620

REQUEST FOR PROPOSAL

STREET IMPROVEMENT DISTRICT #541 HERMANTOWN ROAD AND OLD MIDWAY ROAD

CITY OF HERMANTOWN, MN

April 4, 2023

Proposals Due: May 2, 2023 by 10:00 am CDT

PROJECT OVERVIEW

The City of Hermantown is interested in retaining an Engineering "Consultant" to provide field data collection, design engineering and construction engineering for the reconstruction of Hermantown Road and Old Midway Road in the city of Hermantown.

The City of Hermantown has evaluated the two roadways as part of a feasibility study dated March 15th, 2023. The project scope will include the entirety of Old Midway Road from Midway Road to Midway Road and Hermantown Road from Highway 2 to Ugstad Road. The total roadway length is 20,600 feet. The recommendation of the feasibility study was to use a combination of primarily reclaim and overlay with 25% of the project extents being a full depth reconstruct.

The project will be funded with local funding. Both Hermantown Road and Old Midway Road are City of Hermantown roadways and will not receive state aid funding, however the plans and specifications shall be designed and prepared to state aid standards. Old Midway Road is expected to remain open during construction to local traffic. Hermantown Road is anticipated to be closed because of an active project to replace the bridge over Rocky Run Creek.

The City is committed to providing the following:

1. Materials Testing
2. Wetland Delineation and Wetland Permitting
3. Facilitate Easement Acquisition
4. Geotechnical Engineering (as part of professional services agreements)
5. Feasibility Study (Exhibit C to this RFP)
6. Bridge #7724 crossing of Rocky Run Creek as available

PROJECT SCOPE

The Consulting Engineering Services include the following:

1. Initial Site Visit and Consultations
 - a. The Consultant shall meet with City of Hermantown representatives to review project scope and complexity, design criteria, related requirements, view existing conditions, and gather data from the City engineering files. Additional consultations shall, where necessary, clarify the technical requirements and objectives of the contract and may be in the form of letters and/or telephone conversations.
 - b. The Consultant shall provide documentation of meetings and data provided.
 - c. The Consultant shall ascertain the applicability of information provided, review data for completeness, and notify the City of any additional data required. It shall be the responsibility of the Consultant to determine, by site inspection procedures, the reliability of all the drawings and information which they choose as reference.

2. Cooperation between Consultants

The city of Hermantown has an active project to replace bridge #7724 crossing Rocky Run Creek along Hermantown Road. It is expected that the consultant awarded this project will coordinate roadway reconstruction and traffic control/detouring with the bridge replacement consultant.

3. Topographic Survey and Right of Way Mapping

The Consultant shall perform all necessary data collection as needed to provide accurate topography and right of way mapping of the area. This includes but is not limited to verifying existing data, reviewing available right of way data, and boundary survey if necessary. Upon completion of this task the Consultant will provide a narrative discussing project progress and challenges.

4. Coordination of Potential Wetland Impacts and Property Easements

The Consultant shall evaluate the wetland delineation and notify the city of any required impacts. Any delineated wetlands that will be impacted during construction will need to be permitted by the city of Hermantown. The Consultant shall prepare a wetland disturbance exhibit based on their final project design. The city will use this exhibit to coordinate wetland replacement. The cost of permitting shall not be included in the proposal.

The Consultant shall prepare easement exhibits for all easements that will be required for the project. The city of Hermantown will facilitate with the property owners to obtain these easements.

5. Public Meeting

It is anticipated that three public meetings will take place during the design of the project. The dates will be determined during the design phase of the project. The Consultant shall prepare and participate in the public meeting.

6. Preliminary Plans, Specifications, and Engineer's Estimate

The Consultant shall prepare preliminary plans, specifications, and engineer's estimate in the fall of 2023. The Consultant shall submit them to the city administrator, engineer, and public works director for review. A formal review meeting will follow after all review comments have been compiled.

7. Securing Necessary Permits

The Consultant shall have a complete understanding of permits necessary for the project. The Consultant will be responsible for securing all necessary permits. The city will provide payment to each entity for each respective permit.

8. Construction Documents, Specifications, and Engineer's Estimate

The Consultant shall be responsible for providing construction documents, bidding documents, and specifications for the project. This includes managing the project through

the builders exchanges and QuestCDN. This includes any addendums and answering questions during bidding. The Consultant shall also provide a final engineer's estimate and prepare a bid abstract after bids have been opened.

9. Construction Administration and Inspection

The Consultant shall provide full time construction inspection throughout the project. The shall be based on 20 weeks at 45 hours per week. The Consultant is responsible for preparing all change orders and payment applications. The Consultant shall hold weekly construction meetings throughout the project. This scope item shall be provided as a lump sum on the consultants fee proposal.

PROPOSAL CONTENTS

Your submission must include the following:

1. Title Page - Show the proposal subject, the name of the proposer's firm, address, name of the primary contact person, telephone number, e-mail address and the date.
2. A restatement of the goals, objectives, and project tasks to demonstrate Consultants understanding of the project.
3. Identification and Qualifications of Firm and Assigned Personnel
Identify personnel to conduct the project and detail their training and work experience.
 - a. Firm – Provide a firm overview and relevant experience
 - b. Project Manager - The name of the person who will be responsible for the management and administration of engineering services with the City together with a resume describing that person's experience and qualifications.
4. A detailed work plan identifying the work tasks associated with the preparation of plans, specifications, and engineers estimate. The work plan shall also identify the deliverables at key milestones in the Project as well as any other services to be provided by the City. The City staff intends to be actively involved with the Project, and a maximum of four (4) status meetings are to be contained in the work plan in addition to any data collection or input/review meetings.
5. A listing of names, addresses and telephone numbers of at least three (3) references for whom the respondent has performed similar roadway design and construction administration.
6. Provide, in separate document, the cost proposal, clearly marked identified by the file name along with the responder's official business name and address. Terms of the proposal as stated must be valid for the project length of time. The responder must include a "not to exceed" total project cost along with the following information:

- A breakdown of the hours by task for each employee
 - Identification of anticipated direct expenses
 - Identification of any assumption made while developing this cost proposal
 - Identification of any cost information related to additional services or tasks
 - Include this in the cost proposal, but identify it as additional costs and do not make it part of the total project cost
 - Responder must have the cost proposal signed in ink by an authorized member of the firm. The responder must not include any cost information within the body of the RFP technical proposal response.
7. Prior to entering into an agreement with the city, the Consultant shall furnish proof that it has met all legal requirements for transacting business in the State of Minnesota.
8. Disclosures and Assurances
- a. Applicant Authority – Assurance that the signatory making representations in the proposal on behalf of the proposer has the authority to do so.
 - b. Insurance Coverage – Documentation of current insurance coverage and limits, including professional liability insurance shall be provided with the proposal.
 - c. Insurance requirements for Errors and Omissions: (as included per attached) See Exhibit B.

DESIGN FAMILIARITY

The Consultant selected will be required to demonstrate and provide proof of competency in the following areas:

- Topographic Survey and Right of Way Mapping
- Knowledge of applicable permitting
- Knowledge of Roadway Reclamation
- Knowledge of Roadway Construction
- Knowledge of State aid standards\
- 2022 Hermantown Construction Standards

The following additional qualifications and provisions of the Consultant are also required:

A Professional Engineer (registered in the State of Minnesota with experience in engineering, and preparation of bridge plans and specifications).

FEES AND EXPENSES REIMBURSEMENT

The proposal shall state, not to exceed, the fee based on the total estimated hourly rates included in the proposal. Include any subconsultant costs. Also to be included is an itemized breakdown of specific tasks for all services proposed by the Consultant in response to the City's Request for Proposal. The proposal should also include a schedule of hourly billing rates for each employee

who may be involved in the project. Include rates of miscellaneous charges, such as copies and mileage.

SELECTION

The City has a review committee comprised of staff members and the City Engineer. The intent of the selection process is to review the proposals and make an award based upon the qualifications as described herein. A 100-point scale will be used to create the final evaluation recommendations. The factors and weighting on which the proposals will be judged are as follows:

- Goals & Objectives 10%
- Experience 20%
- Knowledge of Hermantown requirements 10%
- Work Plan/Schedule 20%
- Project Cost 40%

Proposals will be evaluated on the “Best Value” basis with 60% qualifications and 40% cost consideration. The review committee will not open the cost proposal until after the qualification points have been awarded. The City of Hermantown anticipates that the evaluation and selection will be made by **Tuesday, May 10, 2023**.

The City reserves the right to reject proposals, in whole or in part, that do not comply with the provisions of this RFP. The Proposer must also provide a completed Tennessee warning in the form attached hereto as **Exhibit A**, along with its proposal.

PROJECT COMPLETION DATES

- April 4, 2023 City Solicits Engineering Services
- April 6, 2023 Public Information Meeting
- May 2, 2023 Proposals Due 10:00 am CDT
- May 10, 2023 Selection Complete
- May 15, 2023 City Council Awards Contract to Consultant
- May - June 2023 Contract prepared, signed, and Notice to Proceed
- August 18, 2023 Complete Data Collection and Provide Progress Narrative
- December 8, 2023 Submit Final Plans, Specifications, Engineers Estimate
- January 2024 Receive Bids and Award Contract
- May 2024 Start Construction
- October 2024 End Construction

PROPOSAL SUBMITTAL

Proposers are required to e-mail a copy of the proposal to the City Administrator at jmulder@hermantownmn.com on or before **Tuesday, May 2, 2023 by 10:00am CDT**.

Proposals received after the deadline will not be considered. An official authorized to bind the Proposer must sign the proposal. By submitting a proposal, the Proposer agrees and accepts the terms and conditions of this RFP.

Proposals are to be sent to:
John Mulder, City Administrator
jmulder@hermantownmn.com
City of Hermantown
5105 Maple Grove Road
Hermantown, MN 55811
(218) 729-3600

RFP Questions
David Bolf, P.E. – City Engineer
david@nce-duluth.com
Northland Consulting Engineers, LLP
102 South 21st Avenue West, Suite 1
Duluth, MN 55806
(218) 727-5995

INSTRUCTIONS TO PROPOSERS

Any questions on the RFP must be submitted to David Bolf by email (david@nce-duluth.com) and must be received no later than **3:00 p.m. on Tuesday, April 25, 2023**. An email response will be provided to all proposers to whom the City sent a copy of this RFP and other proposers who have contacted the City by that date, by noon on **Thursday, April 27, 2023**.

The proposal shall be limited to a **maximum of 10 pages**, which includes cover letter, printed on one side, including all supporting documentation. Additional material, other than that requested by the City of Hermantown, will be disregarded.

The City will review the proposals and may schedule interviews for any proposer selected for an interview.

Proposers are prohibited from contacting any representative of the City Council regarding this proposal.

CITY ENGINEER PARTICIPATION IN RFP REVIEW

As noted elsewhere in this RFP, David Bolf, P.E., who is the City Engineer for the City of Hermantown, will participate in the review of RFP proposals.

David Bolf is the brother of Matt Bolf who works for Short Elliot Hendricksen, Inc., which is expected to submit a proposal.

David Bolf also previously worked for Salo Engineering, Inc., which is now Toltz, King, Duvall, Anderson and Associates, Incorporated.

David Bolf also has personal and professional relationships with other engineers who are expected to submit proposals.

David Bolf has consulted with the City Council of the City, the City Attorney of the City and the City Administration for the City and all have determined that he does not have an impermissible conflict of interest that would preclude him from fully participating in the RFP review process.

Notwithstanding the foregoing, the City desires to determine if its views are shared by Responders to the RFP. Accordingly, please check one of the boxes below and sign it and submit this form with your response to the RFP.

- The undersigned Responder consents to David Bolf participating in the RFP review process.

- The undersigned Responder objects to David Bolf participating in the RFP review process.

This page will not count against the ten (10) page maximum number of pages allowed for a proposal.

Name of Responder

Signature and Title

Date

EXHIBIT A

TENNESSEN WARNING

Data Practices Advisory

The information that you are asked to provide is classified by state law as either public, private or confidential. Public data is information that can be given to the public. Private data is information that generally cannot be given to the public but can be given to the subject of the data. Confidential data is information that generally cannot be given to either the public or the subject of the data.

Our purpose and intended use of this information is to consider your proposal in response to a Request for Proposal.

You are not legally required to provide this information.

You may refuse to provide this information.

The consequences of supplying or refusing to supply data are that your proposal may not be considered or it may be denied.

Other persons or entities may be authorized by law to receive this information. The identity of those persons or entities, if known, are as follows:_____

_____.

The undersigned has read this advisory and understands it.

Dated this ____ day of _____, 20__.

Print Name

Signature and Title (if signing on behalf of an entity)

EXHIBIT B

Standard Municipal/Government Entity Consultant Agreement Insurance Requirements

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

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

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

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

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

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

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

Consultant shall deliver to Owner, concurrent with the execution of this Agreement, one or more certificate(s) of insurance evidencing that Consultant has the insurance required by this

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

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

CITY OF HERMANTOWN

**PRELIMINARY ENGINEERING REPORT
AND
FEASIBILITY STUDY**

Prepared: March 15, 2023

**STREET IMPROVEMENT DISTRICT #541
(HERMANTOWN ROAD AND OLD MIDWAY ROAD)**

NCE JOB NO. 23-8001

RECOMMENDED:



Hermantown City Engineer

03-15-23

Date

TABLE OF CONTENTS

1. Report
2. Project Cost Estimate
3. Preliminary Plan & Exhibits

LEGAL BASIS FOR REPORT

This report is prepared as part of the City of Hermantown's Road Improvement program which requires the preparation of a preliminary engineering report, pursuant to Minnesota Statutes Section 429.031.

This report is prepared in accordance with said Section 429.031. Specifically, this report hereby advises the City Council, in a preliminary way, as to whether the proposed improvement is necessary, cost-effective, and feasible and as to whether it should best be made as proposed or in connection with some other improvement.

This report also includes the estimated cost of the improvements as recommended.

The compensation paid to Northland Consulting Engineers, LLC. for preparing this report is based on the following factors:

1. The time and labor required.
2. The experience and knowledge of the preparer.
3. The complexity and novelty of the problems involved.
4. The extent of the responsibilities assumed.

The compensation paid to Northland Consulting Engineers, LLC. for preparing this report is not based on a percentage of the estimated cost of the improvement.

PURPOSE

The purpose of this report is to determine the necessity, cost effectiveness, and economic feasibility for rehabilitation/reconstruction of Hermantown Road between U.S Route 2 and Ugstad road, and reconstruction of the entirety of the intersecting Old Midway Road.

EXISTING CONDITIONS

NCE has found that these sections of Hermantown Road and old Midway Road are in poor condition and quickly deteriorating. The stress of aging and weathering on the pavement have caused various cracking and erosion conditions that create unsuitable driving conditions are beyond the scope of incremental repairs.

Road Condition

The majority of the current road is in poor/failing condition. For the purposes of this study this project has been split up into two segments: segment 1 is Old Midway Road and segment 2 is Hermantown Road. In addition to the failing bituminous pavement, the ditching and driveway culverts are in need of replacement. The ditching is either overgrown or has filled in with sediment over time. Without the proper drainage the road section is holding water which expedites the deterioration of the bituminous pavement.

At this point in time the subsurface conditions of the roadway are unknown, but soil borings to determine the structural quality of the soil base have been ordered to be completed. Until the Geotechnical report confirms the subsurface conditions, it will be assumed that 25% of the length of the roadway has unsuitable subsurface material and will need soil correction in order to construct a sturdy, lasting road.

Listed in the table below are the two segments identified for reconstruction.

Existing Conditions - Street Improvement District #541					
Segment	Road Name	Road Length	Road Width	ROW Width*	Road Condition
1	Old Midway Road	5,115'	24'	66'*	Bituminous - Poor
2	Hermantown Road	15,485'	24'-26'	66'*	Bituminous - Poor

*In lieu of a complete boundary survey of the area, accurate Right of Way or Roadway Easement widths cannot yet be identified.

DESIGN

It is NCE's recommendation that the roadway improvements are designed and constructed to the City of Hermantown Standard construction specifications. For a rural road design this includes 24' bituminous pavement with 2' aggregate shoulders on each side.

Road Improvements

The table below summarizes the road segments to be improved as part of the Street Improvement District.

Proposed Construction - Street Improvement District #541					
Segment	Road Name	Road Length	Road Width	ROW Width	Improvement Strategy
1	Old Midway Road	5,115'	24'-26'	66'	75% Reclaim & Overlay, 25% Full Reconstruction
2	Hermantown Road	15,485'	24'-28'	66'	75% Reclaim & Overlay, 25% Full Reconstruction

Until the specific subsurface soil conditions can be determined from a geotechnical report, it is assumed that the majority of the roadway pavement will be able to be reclaimed, and new pavement overlaid to create a sufficiently stable and durable driving surface. 25% of the road however, it is assumed will need to be fully reconstructed to facilitate a structurally sound roadway section. This 25% is expected to be scattered throughout the project length, with specific sections to be identified for reclamation versus full reconstruction. For now, specific areas are not identified, and these numbers are to be used for the purposes of cost estimating.

Full Reconstruction: 25% of each segment roadway length is proposed as full reconstruction. This will entail a 2' sub cut of existing roadway materials, removal of unsuitable soils, and a full rebuild of the 2' section:

Minimum Typical Roadway Section Full Reconstruction – Geotechnical Engineer to recommend

4" Bituminous Pavement

8" Class 5 Aggregate

12" Select Granular Borrow

Geotextile Fabric, Type 5

Anywhere where the roadway is less than 24' pavement width is likely expected to be fully reconstructed since that will be the new full width of the pavement. Widening the roadway will require bringing in a full depth section to reduce the effect of differential heaving over time since the materials beneath existing would likely not be the same as the new roadway.

Reclaim & Overlay: Everywhere else is proposed as a reclaim and overlay improvement. The existing bituminous (3"-4") will be reclaimed or ground up and mixed with the existing roadbed. This will add to the thickness of the road section improving the road base for the new 4" of bituminous pavement to be added on the surface (See plan sheet 2). Reclaiming the bituminous surface will raise the paved top approximately the thickness of the existing bituminous about 3-4". This additional elevation along with improved ditching and culverts will allow the road to drain properly.

Utility Evaluation

Culverts & Ditching: The driveway culverts along the road are in poor condition. Most have a blockage or are elevated above the ditch bottom. The ditching will need to be reshaped throughout the project to allow for proper drainage to the low-lying areas along the road. Many of the culverts are also less than 1' below the driveways which means they are highly susceptible to being crushed by driveway traffic. Frost also pushes these culverts towards the surface creating cracks and humps in the driveway entrances.

There are also several centerline culverts that will need to be sized and replaced as part of the road improvements. These culverts provide similar challenges as many of them are shallow causing cracking, settling and humps in the road surface. A few of the culverts are for tributaries of Rocky Run. This may require DNR permits prior to construction.

Other Utilities: There are no other public utilities known to be within the ROW of the project. Minnesota Power, Charter, and Lumen likely have utilities along this corridor. A utility design meeting will identify the extent of the private utilities.

Site Evaluation

Further study of the underlying conditions and drainage characteristics within the right of way will need to be performed prior to final design of the plans.

Soils Investigation: It is recommended that soil borings be performed at every 500 lineal feet along the centerline of the roadway. 38 Soil borings are proposed with this methodology with 20 more proposed to be performed after the first batch in higher density around poor subsurface conditions to delineate rehabilitation vs reconstruction sections.

Wetland Permitting: A wetland delineation will be required within the right of way throughout the length of the project. Various low points and stream beds exist throughout the project. If required, the project will need to mitigate any disturbed wetlands that are above and beyond the allowed wetland de minimis exemption. Credits from the wetland roadway bank may be an option.

CONCLUSION

Northland Consulting Engineers believes the improvements above are beneficial to the City of Hermantown. The improvements to roadways will be a major benefit allowing for improved travel along



Hermantown Road and Old Midway Road Engineer's Estimate

Date: 2/13/2023

Item No.	Spec. No.	Item Description	Unit of Measure	Total Estimated Quantities	NCE Estimated Unit Price	NCE Estimated Total Cost
1	2021.501	MOBILIZATION	LS	1	\$ 100,000.00	\$ 100,000.00
2	2101.505	CLEARING	ACRE	8	\$ 5,000.00	\$ 40,000.00
3	2101.505	GRUBBING	ACRE	8	\$ 5,000.00	\$ 40,000.00
4	2104.502	REMOVE SIGN	EACH	103	\$ 10.00	\$ 1,030.00
5	2104.502	REMOVE MAIL BOX SUPPORT	EACH	91	\$ 10.00	\$ 910.00
6	2104.502	REMOVE METAL CULVERT	EACH	97	\$ 150.00	\$ 14,550.00
7	2104.503	SAWING BITUMINOUS PAVEMENT (FULL DEPTH)	LF	528	\$ 6.00	\$ 3,168.00
8	2105.504	GEOTEXTILE FABRIC TYPE V	S Y	20,020	\$ 3.00	\$ 60,060.00
9	2105.607	SELECT GRANULAR BORROW MOD 7% (CV)	C Y	5,915	\$ 35.00	\$ 207,025.00
10	2106.507	EXCAVATION - COMMON	C Y	11,720	\$ 30.00	\$ 351,600.00
11	2211.507	AGGREGATE BASE (CV) CLASS 5	C Y	6,485	\$ 50.00	\$ 324,250.00
12	2211.507	AGGREGATE BASE (CV) CLASS 5 (DRIVEWAY)	C Y	1,025	\$ 50.00	\$ 51,250.00
13	2215.504	FULL DEPTH RECLAMATION	S Y	54,940	\$ 1.50	\$ 82,410.00
14	2221.507	SHOULDER BASE AGGREGATE (CV) CLASS 5	C Y	1,730	\$ 50.00	\$ 86,500.00
15	2301.504	CONCRETE PAVEMENT 6"	S Y	70	\$ 100.00	\$ 7,000.00
16	2360.509	TYPE SP 9.5 WEARING COURSE MIXTURE (3:B)	TON	6,105	\$ 100.00	\$ 610,500.00
17	2360.509	TYPE SP 9.5 WEARING COURSE MIXTURE (3:B) (DRIVEWAY)	TON	80	\$ 100.00	\$ 8,000.00
18	2360.509	TYPE SP 12.5 NON WEARING COURSE MIXTURE (3:B)	TON	6,105	\$ 100.00	\$ 610,500.00
19	2501.502	36" RC PIPE APRON	EACH	12	\$ 1,500.00	\$ 18,000.00
20	2501.503	12" CAS PIPE CULVERT	L F	2,184	\$ 40.00	\$ 87,360.00
21	2501.503	36" RC PIPE CULVERT	L F	216	\$ 150.00	\$ 32,400.00
22	2540.602	MAIL BOX SUPPORT	EACH	91	\$ 250.00	\$ 22,750.00
23	2563.601	TRAFFIC CONTROL	LS	1	\$ 15,000.00	\$ 15,000.00
24	2564.502	INSTALL SIGN TYPE C	EACH	103	\$ 300.00	\$ 30,900.00
25	2564.618	SIGN TYPE C	S F	139	\$ 15.00	\$ 2,085.00
26	2573.501	STABILIZED CONSTRUCTION EXIT	LS	1	\$ 2,000.00	\$ 2,000.00
27	2573.502	CULVERT END CONTROLS	EACH	91	\$ 250.00	\$ 22,750.00
28	2573.503	SILT FENCE; TYPE HI	L F	20,600	\$ 5.00	\$ 103,000.00
29	2573.503	SEDIMENT CONTROL LOG TYPE WOOD FIBER	L F	3,000	\$ 5.00	\$ 15,000.00
30	2574.508	FERTILIZER TYPE 1	LB	2,400	\$ 5.00	\$ 12,000.00
31	2575.504	ROLLED EROSION PREVENTION CATEGORY 20	S Y	52,600	\$ 4.00	\$ 210,400.00
32	2575.504	SODDING TYPE LAWN	S Y	25,800	\$ 6.00	\$ 154,800.00
33	2575.508	SEED MIXTURE 25-131	LB	2,400	\$ 6.00	\$ 14,400.00
34	2575.508	HYDRAULIC BONDED FIBER MATRIX	LB	9,330	\$ 6.00	\$ 55,980.00
35	2575.523	RAPID STABILIZATION METHOD 3	MGAL	14	\$ 5,000.00	\$ 68,000.00
36	2582.503	4" DOUBLE SOLID LINE PAINT	L F	20,600	\$ 2.00	\$ 41,200.00

NCE'S Estimated Construction Costs Subtotal	\$ 3,406,778.00
Construction Contingency (10%)	\$ 340,677.80
Design Engineering (8%)	\$ 272,542.24
Construction Engineering (8%)	\$ 272,542.24
Material Testing	\$ 40,000.00
Geotechnical Evaluation	\$ 30,000.00
Wetland Permitting	\$ 10,000.00
Easement Acquisition	\$ 10,000.00
Legal Proceedings	\$ 5,000.00
Estimated Total Project Costs	\$ 4,387,540.28

CITY OF HERMANTOWN

DEPARTMENT OF PUBLIC WORKS AND UTILITIES

FEASIBILITY STUDY FOR: HERMANTOWN ROAD AND OLD MIDWAY ROAD FULL RECONSTRUCT & MILL AND OVERLAY



PROJECT LOCATION
ST. LOUIS COUNTY
CITY OF HERMANTOWN

SITE: HERMANTOWN ROAD
LOCATION: FROM UGSTAD ROAD TO US HWY 2
LENGTH: 15,485 FEET 2.933 MILES
SITE: OLD MIDWAY ROAD
LENGTH: 5,115 FEET 0.969 MILES



1-800-252-1166

VICINITY MAP



LEGEND		
DESCRIPTION	PROPOSED	EXISTING
SITE PROPERTY	---	---
SECTION	---	---
RIGHT OF WAY	---	---
EASEMENT	---	---
LOT	---	---
BENCHMARK	△	△
SURVEY MONUMENT	⊙	⊙ T · X
CENTERLINE	---	---
PAVEMENT	---	---
PAVERS	---	---
CONCRETE	---	---
SIDEWALK	---	---
GRAVEL	---	---
RIP RAP	---	---
CURB & GUTTER	---	---
CURB & GUTTER	---	N/A
STRIPING	---	---
ADA DOMES	---	---
FLAG POLE	---	---
MAIL BOX	---	---
POST	---	---
BOLLARD	---	---
PARKING METER	---	---
SIGN	---	---
CHAIN LINK FNC	---	---
BARB WIRE FNC	---	---
FNC	---	---
GUARD RAIL	---	---
VEGETATION	---	---
TREE	---	---
WETLAND	N/A	---
BUILDING	---	---
WALL	---	---
DOORS	---	---
OVERHANG	---	---
STOOP	---	N/A
FOOTING	---	---
DOWN DRAIN	---	---
MJR CONTOUR	500	500
MNR CONTOUR	499	499
TOP OF SLOPE	TOP	TOP
TOE OF SLOPE	TOE	TOE
DAYLIGHT FILL	F	N/A
DAYLIGHT CUT	C	N/A
FLOW LINE	---	---
OVERHEAD	OH	OH
UTILITY POLE	---	---
GUY WIRE	---	---
VALVE	---	---
UTILITY BOX	---	---
METER	---	---
CLEANOUT	---	---
STORM PIPE	---	---
STORM MH	---	---
CB - SQUARE	---	---
CB - ROUND	---	---
APRON	---	---
FORCEMAIN	FM	FM
SANITARY	---	---
SANITARY MH	---	---
WATER LINE	---	---
WATER MH	---	---
HYDRANT	---	---
WELL	---	---
GAS PIPE	---	---
GAS MH	---	---
REGULATOR	---	---
ELECTRICAL	---	---
ELEC MH	---	---
LIGHT POLE	---	---
TRANSFORMER	---	---
OUTLET	---	---
FIBER OPTIC	FO	FO
TELECOM	T	T
CABLE	CBL	CBL
COMM MH	---	---

DEFINITIONS	
ABBREVIATION	DESCRIPTION
EG	EXISTING GRADE
FFE	FINISH FLOOR ELEVATION
FG	FINISH GRADE
N/A	NOT APPLICABLE
PC	POINT OF CURVATURE
PI	POINT OF INTERSECTION
PT	POINT OF TANGENT

GOVERNING SPECIFICATIONS

THE 2020 EDITION OF THE MINNESOTA DEPARTMENT OF TRANSPORTATION 'STANDARD SPECIFICATIONS FOR CONSTRUCTION' SHALL GOVERN. AVAILABLE AT: <http://www.dot.state.mn.us/pre-letting/spec/>

THE 2022 EDITION OF THE CITY OF HERMANTOWN STANDARD CONSTRUCTION SPECIFICATIONS AND SUPPLEMENTS OR ADDENDUMS SHALL APPLY. AVAILABLE AT: GOVERNMENTAL SERVICES BUILDING

UTILITY DETAIL LEVEL

THE SUBSURFACE UTILITY INFORMATION IN THIS PLAN IS UTILITY LEVEL D. THIS QUALITY LEVEL WAS DETERMINED ACCORDING TO THE GUIDELINES OF CI/ASCE 38-02, ENTITLED "STANDARD GUIDELINES FOR THE COLLECTION AND DEPICTION OF EXISTING SUBSURFACE UTILITY DATA".

WARNING:
LOCATION OF UNDERGROUND UTILITIES TO BE VERIFIED BY CONTRACTOR. CALL BEFORE DIGGING. GOPHER STATE ONE CALL 1-800-252-1166 REQUIRED BY LAW.

BASIS OF BEARING/CONTROL

CONTROL BASED ON THE ST. LOUIS COUNTY TRANSVERSE MERCATOR COORDINATE SYSTEM OF 1996

POINT NAME:	NORTHING:	EASTING:	ELEVATION:

SHEET INDEX	
SHEET NO	DESCRIPTION
1	TITLE
2	TYPICAL SECTIONS
3-5	OLD MIDWAY ROAD
6-15	HERMANTOWN ROAD

---THIS PLAN CONTAINS 15 SHEETS---

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Structural, Civil and Forensic Engineering Services
www.nce-engineers.com
Voice: (612) 977-5695
Fax: (612) 977-1779

HERMANTOWN ROAD AND OLD MIDWAY ROAD FULL RECONSTRUCT & MILL AND OVERLAY FEASIBILITY STUDY

I hereby certify that this plan, specification, or report was prepared by me or under my direct supervision and that I am a duly licensed Professional Engineer under the laws of the State of Minnesota.
PRELIMINARY NOT FOR CONSTRUCTION
Engineer: David G. Bolf Lic. No: 40926

revision

Proj: 23-8001
Date: 2/10/23
Drawn: JJS
Checked: DGB

CITY APPROVAL

PRELIMINARY NOT FOR CONSTRUCTION

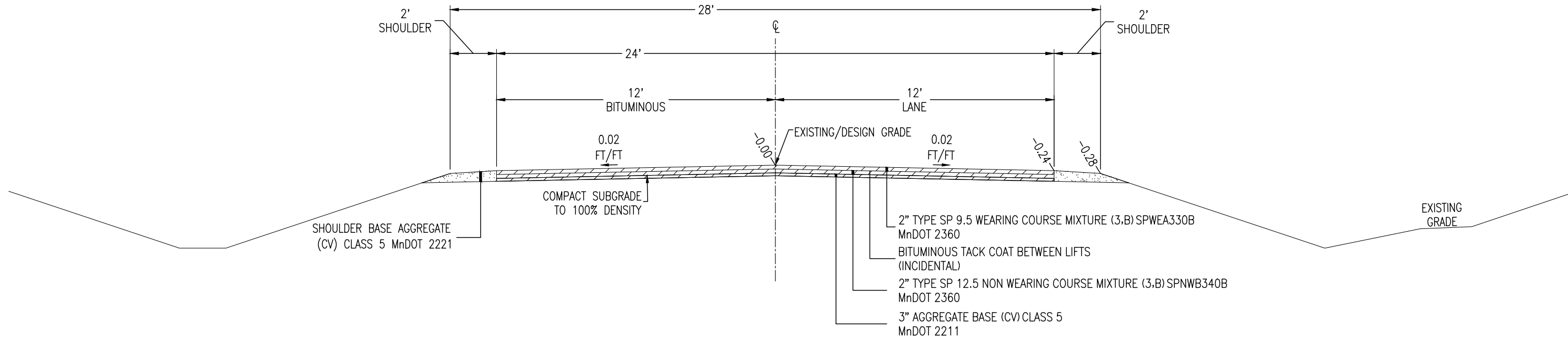
APPROVED _____ HERMANTOWN CITY ENGINEER _____ DATE _____

TITLE
Sheet Title
Sheet Number
1

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IN CUT

TYPICAL ROADWAY SECTION RECLAIM AND OVERLAY HERMANTOWN ROAD & OLD MIDWAY ROAD

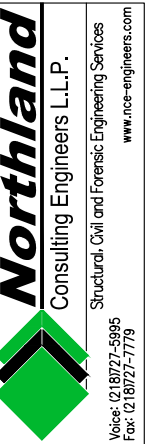
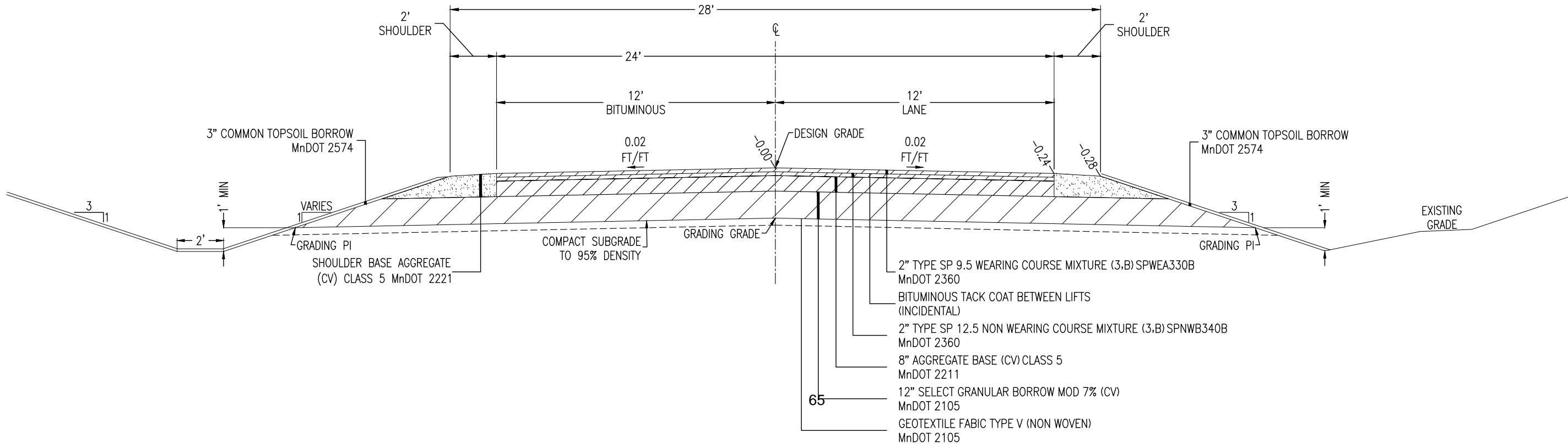
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IN FILL



THIS SIDE SHOWN
IN CUT

TYPICAL ROADWAY SECTION FULL RECONSTRUCTION HERMANTOWN ROAD & OLD MIDWAY ROAD

THIS SIDE SHOWN
IN FILL



**HERMANTOWN ROAD AND
OLD MIDWAY ROAD
FULL RECONSTRUCT & MILL AND OVERLAY
FEASIBILITY STUDY**

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**PRELIMINARY
NOT FOR CONSTRUCTION**

XX/XX/XX
Lic. No: 40926
Engineer: David G. Bolf

revision

Proj: 23-8001
Date: 2/10/23
Drawn: JJS
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**TYPICAL
SECTIONS**
Sheet Title
Sheet Number

DAVID E LUCIA
 3763 MIDWAY ROAD
 HERMATOWN, MN 55810
 PID 395-0010-08924

BEGIN OLD MIDWAY ROAD
 STA 1+75.00

JLG ENTERPRISES OF HERMANTOWN LLP.
 3850 OLD MIDWAY ROAD
 HERMANTOWN, MN 55810
 PID 395-0010-08692

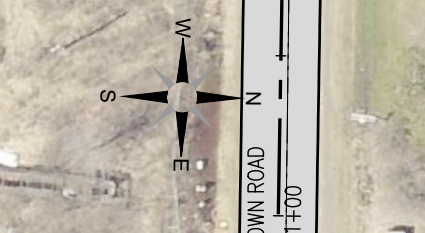
ASH M HAWK
 3871 OLD MIDWAY ROAD
 HERMANTOWN, MN 55810
 PID 395-0010-08882

LEE ATCHINSON
 3891 OLD MIDWAY ROAD
 HERMANTOWN, MN 55810
 PID 395-0010-08880

PENNY J HELDT
 3891 ALMQUIST ROAD
 HERMANTOWN, MN 55810
 PID 395-0010-08680



**HERMANTOWN ROAD PER
 PER FOR HERMANTOWN RD AND OLD
 MIDWAY RD
 RECONSTRUCTION**



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PRELIMINARY
NOT FOR CONSTRUCTION
 Engineer: David G. Bolf Lic. No: 40926
 XXXXXX

revision	
Proj:	23-8001
Date:	2/10/23
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OLD MIDWAY RD	
Sheet Title	
Sheet Number	3

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JOHN R LOFALD
5725 HERMANTOWN ROAD
HERMANTOWN, MN 55810
PID 395-0010-05325

SUSAN L FLEMING
3923 OLD MIDWAY ROAD
HERMANTOWN, MN 55810
PID 395-0010-05326

MORGHANN A BOYER
3927 OLD MIDWAY ROAD
HERMANTOWN, MN 55810
PID 395-0010-05320

19+00 20+00 21+00 22+00 23+00 24+00 25+00 26+00 27+00

OLD MIDWAY RD



WILLIAM ROY ENGLUND
5709 HERMANTOWN ROAD
HERMANTOWN, MN 55810
PID 395-0049-00250

BENJAMIN J LAMFERS
3906 OLD MIDWAY ROAD
HERMANTOWN, MN 55810
PID 395-0049-00240

DAVID SUNDIN
3912 OLD MIDWAY ROAD
HERMANTOWN, MN 55810
PID 395-0049-00230

JON G DENZLER
3916 OLD MIDWAY ROAD
HERMANTOWN, MN 55810
PID 395-0049-00220

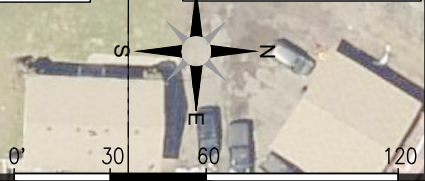
FREDRICK LEE HELLAND
3920 OLD MIDWAY ROAD
HERMANTOWN, MN 55810
PID 395-0049-00210

MARK P KALLBERG
3924 OLD MIDWAY ROAD
HERMANTOWN, MN 55810
PID 395-0049-00200

TINA M LONETTO
3926 OLD MIDWAY ROAD
HERMANTOWN, MN 55810
PID 395-0049-00190

TIMOTHY A NELSON
3932 OLD MIDWAY ROAD
HERMANTOWN, MN 55810
PID 395-0049-00180

TIMOTHY A NELSON
3932 OLD MIDWAY ROAD
HERMANTOWN, MN 55810
PID 395-0049-00170



NICHOLAS BURSİK
3941 OLD MIDWAY ROAD
HERMANTOWN, MN 55810
PID 395-0010-05322

LUCAS HARJU
3949 OLD MIDWAY ROAD
HERMANTOWN, MN 55810
PID 395-0010-05311

MELISSA TAHTINEN
3953 OLD MIDWAY ROAD
HERMANTOWN, MN 55810
PID 395-0010-05266

DUANE M ANDERSON
3959 OLD MIDWAY ROAD
HERMANTOWN, MN 55810
PID 395-0010-05260



28+00 29+00 30+00 31+00 32+00 33+00 34+00 35+00 36+00

OLD MIDWAY RD



TIMOTHY A NELSON
3932 OLD MIDWAY ROAD
HERMANTOWN, MN 55810
PID 395-0049-00160

KATHLEEN M RIDDLE
3950 OLD MIDWAY ROAD
HERMANTOWN, MN 55810
PID 395-0049-00130

JEAN C KINNEY
3954 OLD MIDWAY ROAD
HERMANTOWN, MN 55810
PID 395-0049-00120

QUINN DESHAUN JONES SR.
3956 OLD MIDWAY ROAD
HERMANTOWN, MN 55810
PID 395-0049-00110

RAYMOND D BILLINGS
3962 OLD MIDWAY ROAD
HERMANTOWN, MN 55810
PID 395-0049-00100

LEE D SANDSTROM
3966 OLD MIDWAY ROAD
HERMANTOWN, MN 55810
PID 395-0049-00090

JAMES L GUNNARSON
3970 OLD MIDWAY ROAD
HERMANTOWN, MN 55810
PID 395-0049-00080

67

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PRELIMINARY
NOT FOR CONSTRUCTION
Engineer: David G. Bolf
Lic. No: 40926

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Date:	2/10/23
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Checked:	DGB
OLD MIDWAY RD	
Sheet Title	
Sheet Number	4

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JAMES M CHRISTENSON
3979 OLD MIDWAY ROAD
HERMANTOWN, MN 55810
PID 395-0010-05265

JOSHUA MARTALOCK
3985 OLD MIDWAY ROAD
HERMANTOWN, MN 55810
PID 395-0010-05267

ERIC C GRUSSENDORF
3993 OLD MIDWAY ROAD
HERMANTOWN, MN 55810
PID 395-0010-05268

37+00 38+00 39+00 40+00 41+00 42+00 43+00 44+00 45+00

OLD MIDWAY RD



GUNNARSON
D MIDWAY ROAD
OWN, MN 55810
0049-00080

JONATHON SEMMELROTH
3974 OLD MIDWAY ROAD
HERMANTOWN, MN 55810
PID 395-0049-00070

MARY J SLYGH
3980 OLD MIDWAY ROAD
HERMANTOWN, MN 55810
PID 395-0049-00050

MARY J SLYGH
3980 OLD MIDWAY ROAD
HERMANTOWN, MN 55810
PID 395-0049-00060

ERIK E LEE
3986 OLD MIDWAY ROAD
HERMANTOWN, MN 55810
PID 395-0049-00030

SPRING MOUNTAIN DEVELOPMENT LLC
3994 OLD MIDWAY ROAD
HERMANTOWN, MN 55810
PID 395-0049-00020

SPRING MOUNTAIN DEVELOPMENT LLC
3994 OLD MIDWAY ROAD
HERMANTOWN, MN 55810
PID 395-0049-00010



DANIEL J HARTEL
4011 OLD MIDWAY ROAD
HERMANTOWN, MN 55810
PID 395-0010-05120

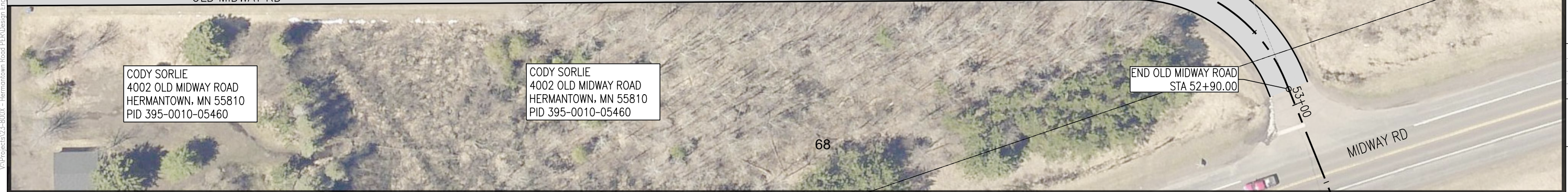
PEACEFUL POINT LLC.
4021 OLD MIDWAY RD
HERMANTOWN, MN 55810
PID 395-001-05110

RICHARD E ROBERTZ
4027 OLD MIDWAY ROAD
HERMANTOWN, MN 55810
PID 395-001-05100



46+00 47+00 48+00 49+00 50+00 51+00 52+00

OLD MIDWAY RD



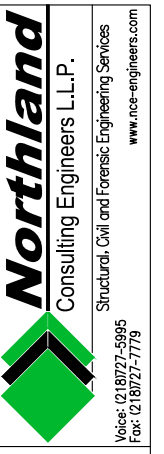
CODY SORLIE
4002 OLD MIDWAY ROAD
HERMANTOWN, MN 55810
PID 395-0010-05460

CODY SORLIE
4002 OLD MIDWAY ROAD
HERMANTOWN, MN 55810
PID 395-0010-05460

END OLD MIDWAY ROAD
STA 52+90.00

68

MIDWAY RD



HERMANTOWN ROAD PER
PER FOR HERMANTOWN RD AND OLD
MIDWAY RD
RECONSTRUCTION

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Engineer: David G. Bolf

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Proj: 23-8001	
Date: 2/10/23	
Drawn: JJS	
Checked: DGB	
OLD MIDWAY RD	
Sheet Title	
Sheet Number	5

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**HERMANTOWN ROAD PER
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RECONSTRUCTION**

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XX/XX/XX

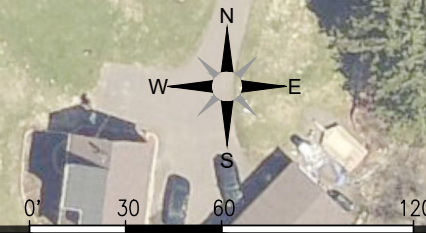
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Date: 2/10/23	
Drawn: JJS	
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HERMANTOWN RD	
Sheet Title	
Sheet Number	6

DAVID S THORNTON
 5863 HERMANTOWN ROAD
 HERMANTOWN, MN 55810
 PID 395-0010-05240

4+00 5+00 6+00 7+00 8+00 9+00 10+00 11+00 12+00

HERMANTOWN ROAD

NATHAN GILBERTSON
 5854 HERMANTOWN ROAD
 HERMANTOWN, MN 55810
 PID 395-0010-08952



ERNEST D HALVERSON
 5817 HERMANTOWN ROAD
 HERMANTOWN, MN 55810
 PID 395-0010-05250



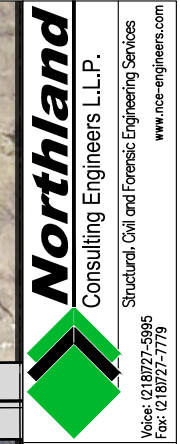
13+00 14+00 15+00 16+00 17+00 18+00 19+00 20+00 21+00

HERMANTOWN ROAD

DAVID STROM
 5834 HERMANTOWN ROAD
 HERMANTOWN, MN 55810
 PID 395-0010-08940

JEREMY HODGSON
 5812 HERMANTOWN ROAD
 HERMANTOWN, MN 55810
 PID 395-0010-08930

70

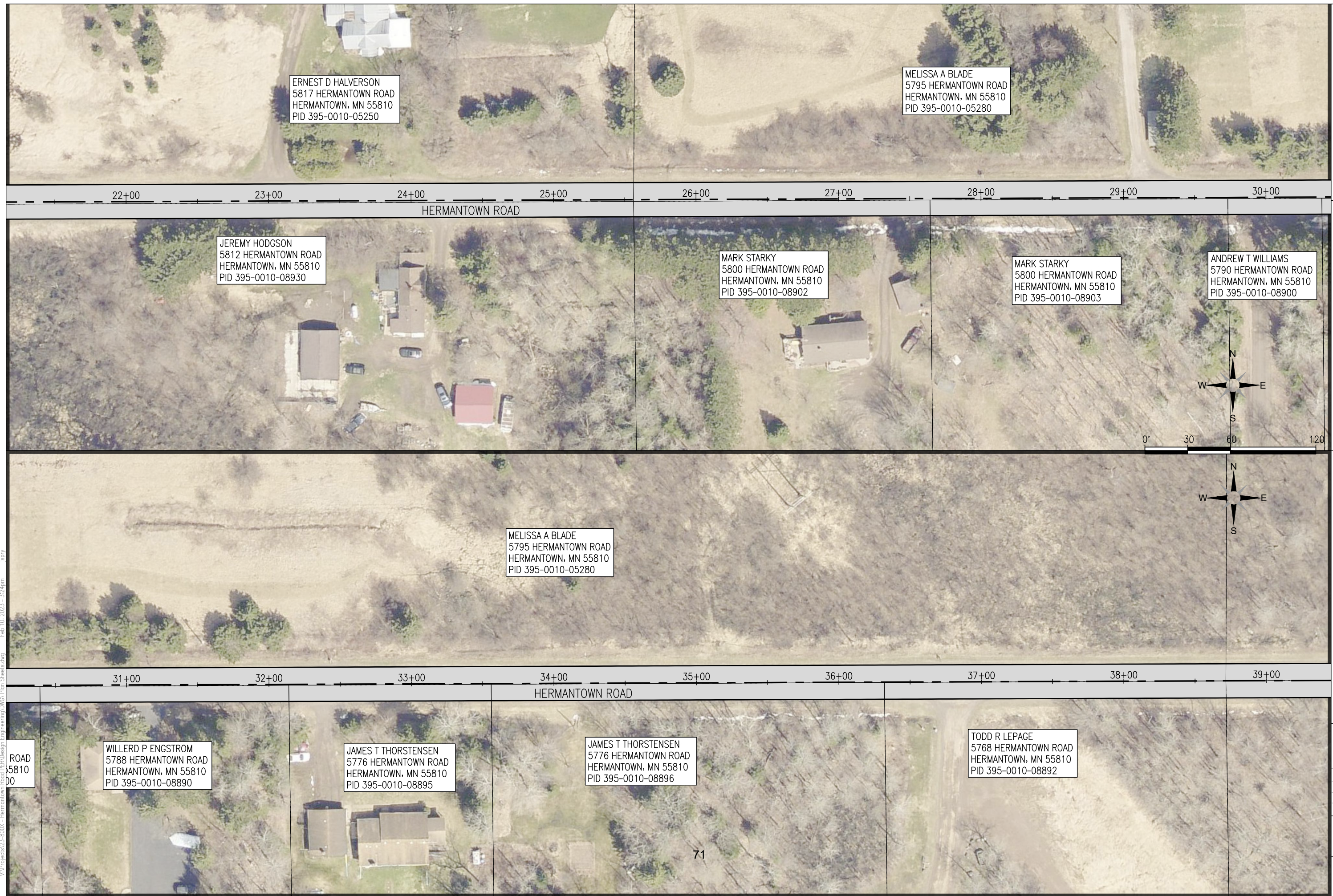


**HERMANTOWN ROAD PER
 PER FOR HERMANTOWN RD AND OLD
 MIDWAY RD
 RECONSTRUCTION**

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**PRELIMINARY
 NOT FOR CONSTRUCTION**
 Engineer: David G. Bolf
 Lic. No: 40926
 XXXXXX

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HERMANTOWN RD	
Sheet Title	
Sheet Number	7

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ROAD 5810 00

WILLERD P ENGSTROM
5788 HERMANTOWN ROAD
HERMANTOWN, MN 55810
PID 395-0010-08890

JAMES T THORSTENSEN
5776 HERMANTOWN ROAD
HERMANTOWN, MN 55810
PID 395-0010-08895

JAMES T THORSTENSEN
5776 HERMANTOWN ROAD
HERMANTOWN, MN 55810
PID 395-0010-08896

TODD R LEPAGE
5768 HERMANTOWN ROAD
HERMANTOWN, MN 55810
PID 395-0010-08892

MELISSA A BLADE
5795 HERMANTOWN ROAD
HERMANTOWN, MN 55810
PID 395-0010-05280

JEREMY HODGSON
5812 HERMANTOWN ROAD
HERMANTOWN, MN 55810
PID 395-0010-08930

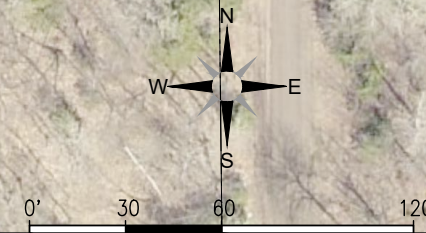
MARK STARKY
5800 HERMANTOWN ROAD
HERMANTOWN, MN 55810
PID 395-0010-08902

MARK STARKY
5800 HERMANTOWN ROAD
HERMANTOWN, MN 55810
PID 395-0010-08903

ANDREW T WILLIAMS
5790 HERMANTOWN ROAD
HERMANTOWN, MN 55810
PID 395-0010-08900

ERNEST D HALVERSON
5817 HERMANTOWN ROAD
HERMANTOWN, MN 55810
PID 395-0010-05250

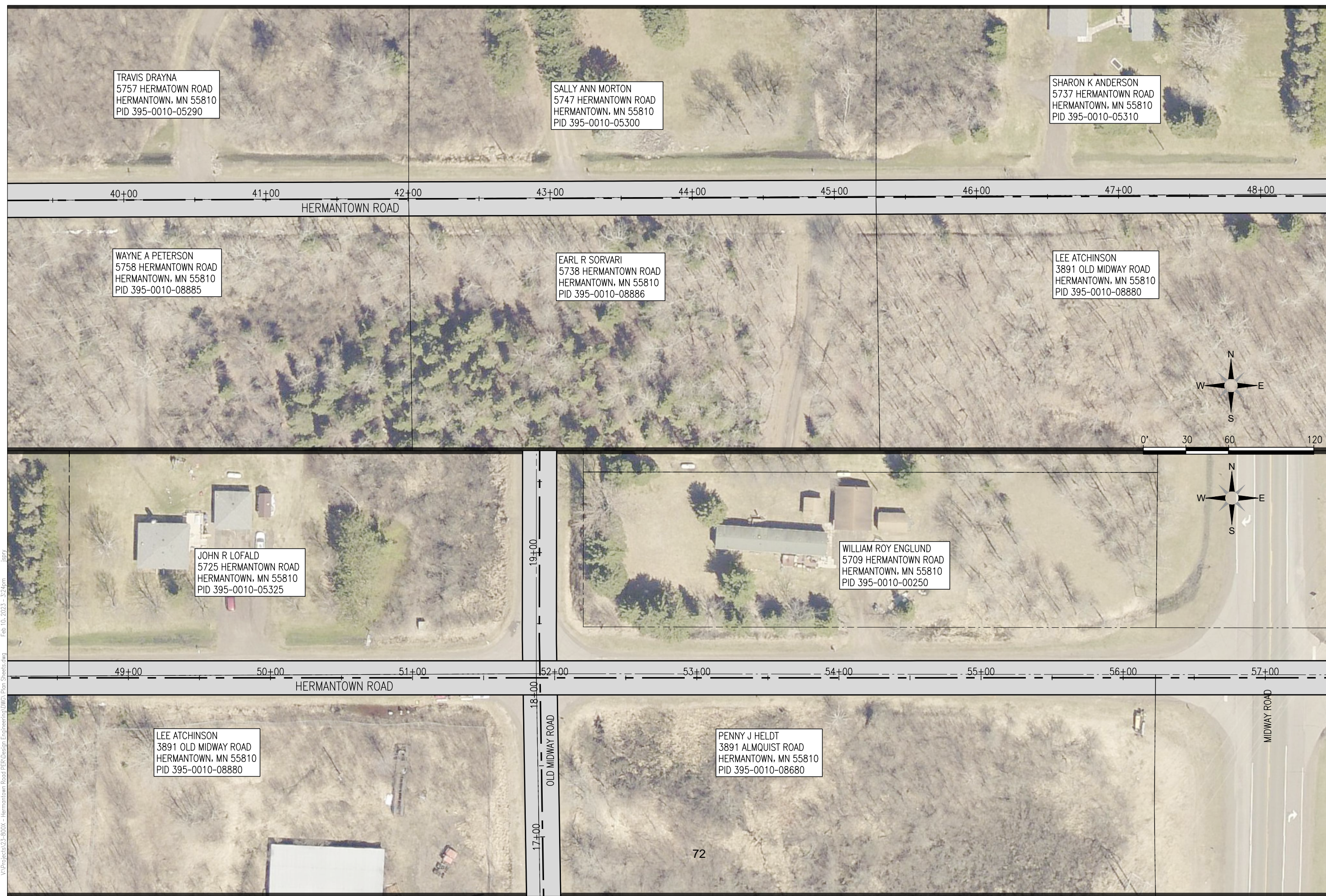
MELISSA A BLADE
5795 HERMANTOWN ROAD
HERMANTOWN, MN 55810
PID 395-0010-05280



**HERMANTOWN ROAD PER
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 MIDWAY RD
 RECONSTRUCTION**

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 NOT FOR CONSTRUCTION**
 Engineer: David G. Bolf Lic. No: 40926
 XXXXXX

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HERMANTOWN RD	
Sheet Title	
Sheet Number	8



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**PRELIMINARY
 NOT FOR CONSTRUCTION**
 Engineer: David G. Bolf
 Lic. No.: 40926
 XXXXXX

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HERMANTOWN RD	
Sheet Title	
Sheet Number	9

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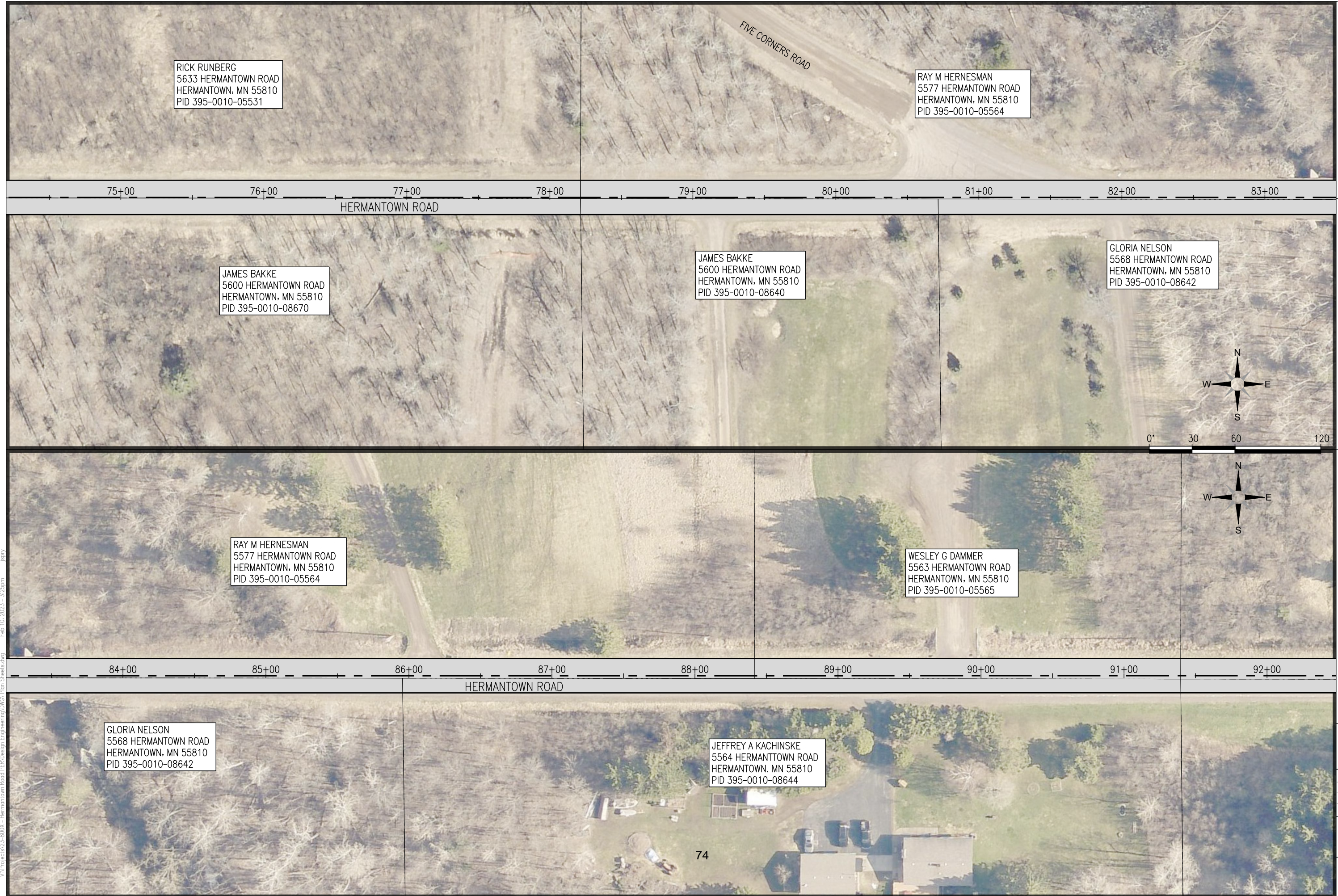
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 Structural, Civil and Forensic Engineering Services
 Voice: (612) 777-5995
 Fax: (612) 777-7779
 www.nce-engineers.com

**HERMANTOWN ROAD PER
 PER FOR HERMANTOWN RD AND OLD
 MIDWAY RD
 RECONSTRUCTION**

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PRELIMINARY
NOT FOR CONSTRUCTION
 Engineer: David G. Bolf
 Lic. No: 40926
 XXXXXX

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Date:	2/10/23
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Checked:	DGB
HERMANTOWN RD	
Sheet Title	
Sheet Number	10



RICK RUNBERG
5633 HERMANTOWN ROAD
HERMANTOWN, MN 55810
PID 395-0010-05531

RAY M HERNESMAN
5577 HERMANTOWN ROAD
HERMANTOWN, MN 55810
PID 395-0010-05564

JAMES BAKKE
5600 HERMANTOWN ROAD
HERMANTOWN, MN 55810
PID 395-0010-08670

JAMES BAKKE
5600 HERMANTOWN ROAD
HERMANTOWN, MN 55810
PID 395-0010-08640

GLORIA NELSON
5568 HERMANTOWN ROAD
HERMANTOWN, MN 55810
PID 395-0010-08642

RAY M HERNESMAN
5577 HERMANTOWN ROAD
HERMANTOWN, MN 55810
PID 395-0010-05564

WESLEY G DAMMER
5563 HERMANTOWN ROAD
HERMANTOWN, MN 55810
PID 395-0010-05565

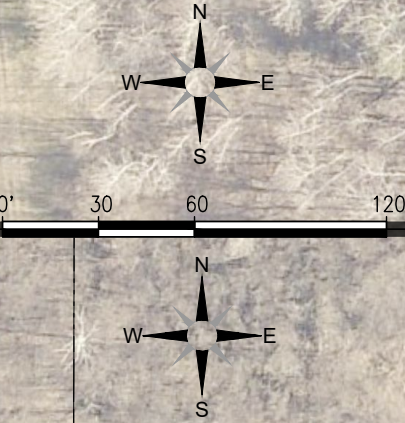
GLORIA NELSON
5568 HERMANTOWN ROAD
HERMANTOWN, MN 55810
PID 395-0010-08642

JEFFREY A KACHINSKE
5564 HERMANTOWN ROAD
HERMANTOWN, MN 55810
PID 395-0010-08644

74



**HERMANTOWN ROAD PER
PER FOR HERMANTOWN RD AND OLD
MIDWAY RD
RECONSTRUCTION**

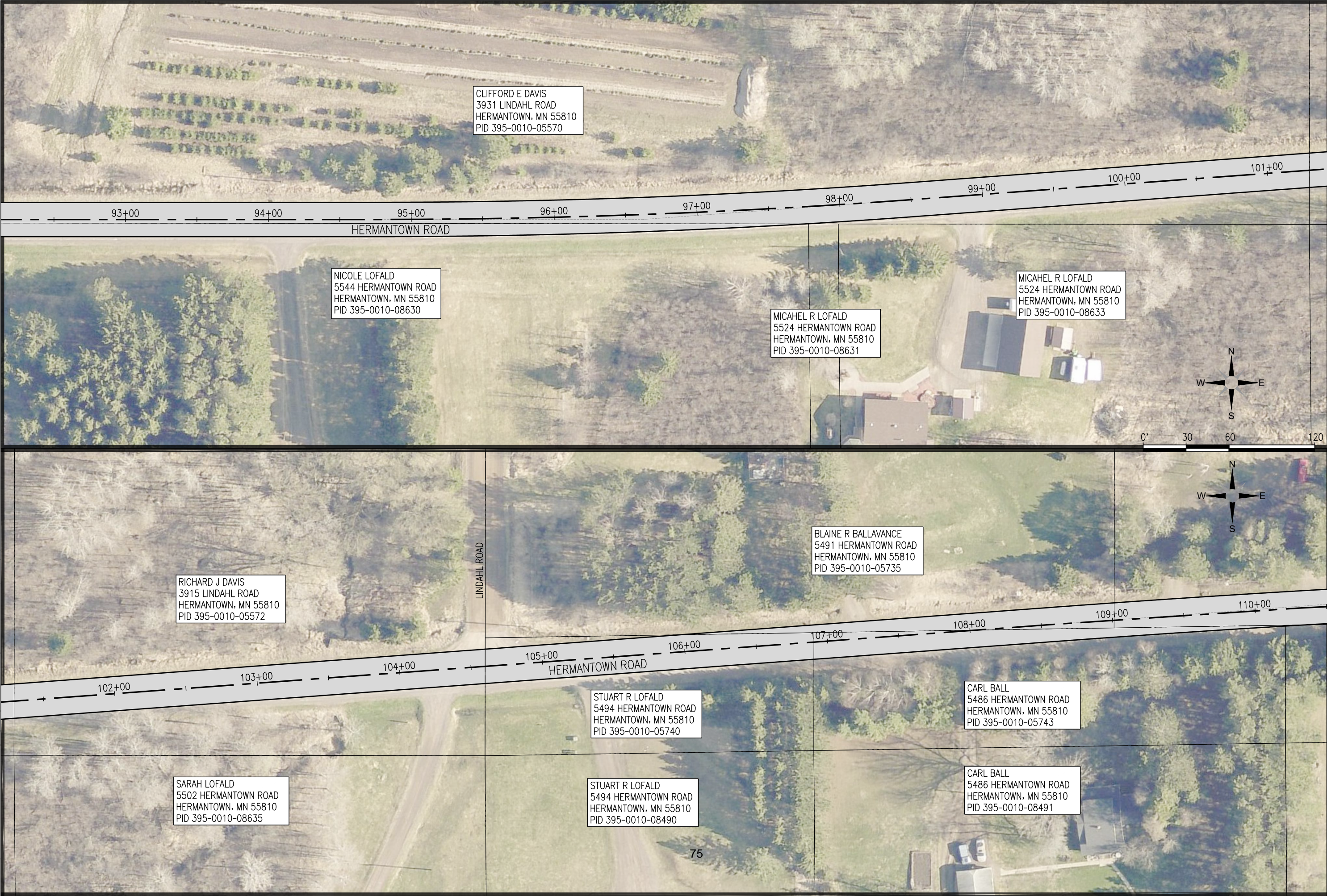


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NOT FOR CONSTRUCTION**
Lic. No: 40926
Engineer: David G. Bolf

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Drawn:	JJS
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HERMANTOWN RD	
Sheet Title	
Sheet Number	11

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CLIFFORD E DAVIS
3931 LINDAHL ROAD
HERMANTOWN, MN 55810
PID 395-0010-05570

NICOLE LOFALD
5544 HERMANTOWN ROAD
HERMANTOWN, MN 55810
PID 395-0010-08630

MICAH EL R LOFALD
5524 HERMANTOWN ROAD
HERMANTOWN, MN 55810
PID 395-0010-08631

MICAH EL R LOFALD
5524 HERMANTOWN ROAD
HERMANTOWN, MN 55810
PID 395-0010-08633

RICHARD J DAVIS
3915 LINDAHL ROAD
HERMANTOWN, MN 55810
PID 395-0010-05572

BLAINE R BALLAVANCE
5491 HERMANTOWN ROAD
HERMANTOWN, MN 55810
PID 395-0010-05735

STUART R LOFALD
5494 HERMANTOWN ROAD
HERMANTOWN, MN 55810
PID 395-0010-05740

CARL BALL
5486 HERMANTOWN ROAD
HERMANTOWN, MN 55810
PID 395-0010-05743

SARAH LOFALD
5502 HERMANTOWN ROAD
HERMANTOWN, MN 55810
PID 395-0010-08635

STUART R LOFALD
5494 HERMANTOWN ROAD
HERMANTOWN, MN 55810
PID 395-0010-08490

CARL BALL
5486 HERMANTOWN ROAD
HERMANTOWN, MN 55810
PID 395-0010-08491



**HERMANTOWN ROAD PER
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Engineer: David G. Bolf Lic. No: 40926
XXXXXX

revision	
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Checked: DGB	
HERMANTOWN RD	
Sheet Title	
Sheet Number	12

TIMOTHY WHITE
5467 HERMANTOWN ROAD
HERMANTOWN, MN 55810
PID 395-0010-05738

PRILEY PROPERTIES LLC.
5463 HERMANTOWN ROAD
HERMANTOWN, MN 55810
PID 395-0010-05733

DANIEL KUKLIS
4031 HUMMINGBIRD DR
BARNUM, MN 55707
PID 395-0010-05730

110+00

111+00

112+00

113+00

114+00

115+00

116+00

117+00

118+00

HERMANTOWN ROAD

DENNIS LOFALD
5464 HERMANTOWN ROAD
HERMANTOWN, MN 55810
PID 395-0010-05746

MICHAEL KOCHENDORFER
5460 HERMANTOWN ROAD
HERMANTOWN, MN 55810
PID 395-0010-05742

MICHAEL KOCHENDORFER
5460 HERMANTOWN ROAD
HERMANTOWN, MN 55810
PID 395-0010-05744

DENNIS LOFALD
5464 HERMANTOWN ROAD
HERMANTOWN, MN 55810
PID 395-0010-08494

MICHAEL KOCHENDORFER
5460 HERMANTOWN ROAD
HERMANTOWN, MN 55810
PID 395-0010-08492

MICHAEL KOCHENDORFER
5460 HERMANTOWN ROAD
HERMANTOWN, MN 55810
PID 395-0010-08495

0' 30' 60' 120'



BRIAN LAMPHIER
5451 HERMANTOWN ROAD
HERMANTOWN, MN 55810
PID 395-0010-05756

BRIAN LAMPHIER
5451 HERMANTOWN ROAD
HERMANTOWN, MN 55810
PID 395-0010-05758

JOSHUA MAIDA
4341 KINGSTON RD
DULUTH, MN 55803
PID 395-0010-05757

118+00

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HERMANTOWN ROAD

CITY OF HERMANTOWN

LAUREN VAN LOON
5424 HERMANTOWN ROAD
HERMANTOWN, MN 55810
PID 395-0010-08481

SHERI VAN LOON
5426 HERMANTOWN ROAD
HERMANTOWN, MN 55810
PID 395-0010-08480

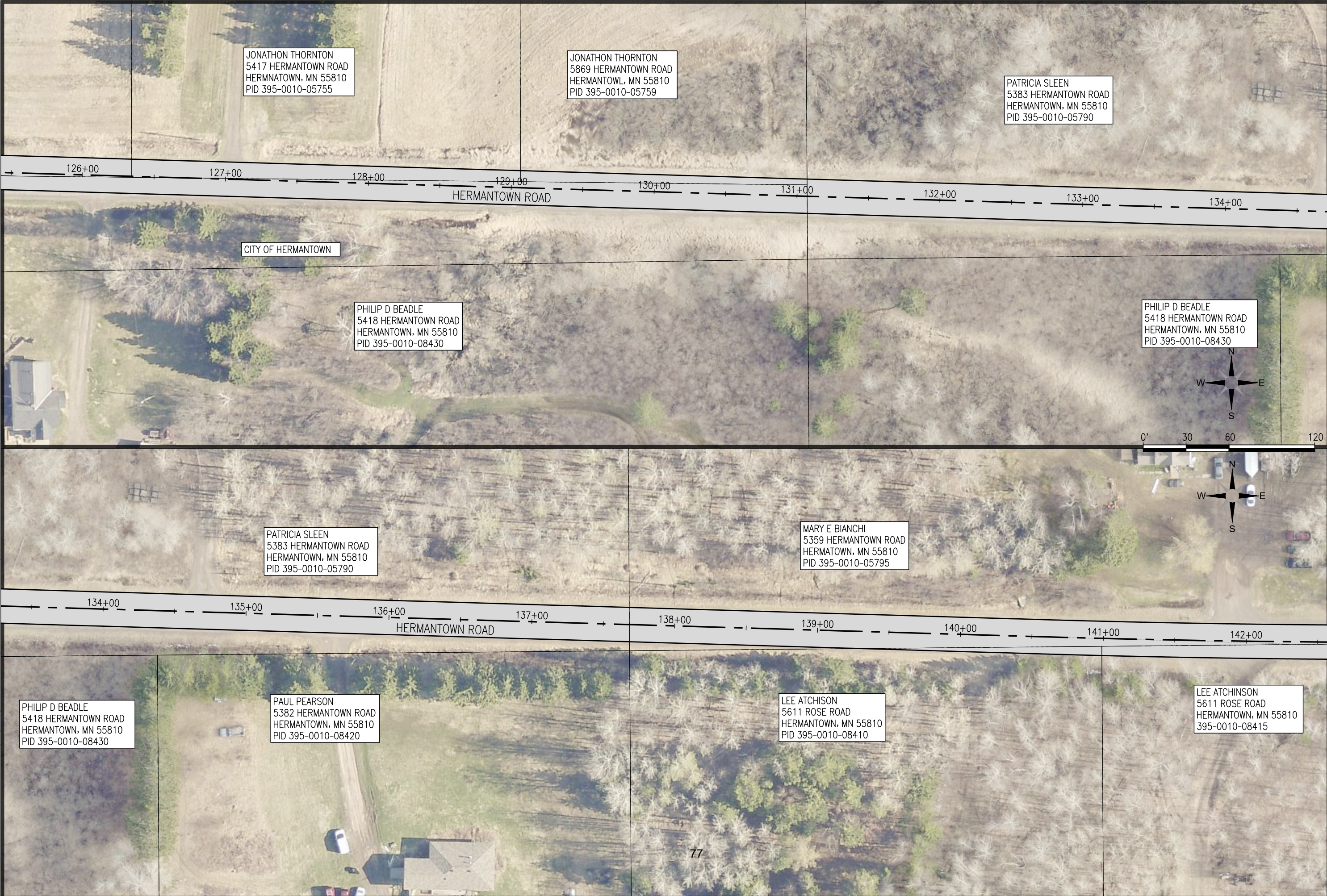
PHILIP D BEADLE
5418 HERMANTOWN ROAD
HERMANTOWN, MN 55810
PID 395-0010-08430

I hereby certify that this plan, specification, or report was prepared by me or under my direct supervision and that I am a duly licensed Professional Engineer under the laws of the State of Minnesota.
**PRELIMINARY
NOT FOR CONSTRUCTION**
Engineer: David G. Bolf
Lic. No.: 40926
XXXXXX

revision

Proj: 23-8001
Date: 2/10/23
Drawn: JJS
Checked: DGB

HERMANTOWN
RD
Sheet Title
Sheet Number



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 Feb 10, 2023 - 3:26pm
 jstry

**HERMANTOWN ROAD PER
 PER FOR HERMANTOWN RD AND OLD
 MIDWAY RD
 RECONSTRUCTION**

I hereby certify that this plan, specification, or report was prepared
 by me or under my direct supervision and that I am a duly licensed
 Professional Engineer under the laws of the State of Minnesota.
PRELIMINARY
NOT FOR CONSTRUCTION
 Engineer: David G. Bolf
 Lic. No: 40926
 XXXXXX

revision	
Proj: 23-8001	
Date: 2/10/23	
Drawn: JJS	
Checked: DGB	
HERMANTOWN RD	
Sheet Title	
Sheet Number	14



I hereby certify that this plan, specification, or report was prepared by me or under my direct supervision and that I am a duly licensed Professional Engineer under the laws of the State of Minnesota.

**PRELIMINARY
 NOT FOR CONSTRUCTION**

Engineer: David G. Bolf
 Lic. No.: 40926
 XXXXXX

revision	
Proj: 23-8001	
Date: 2/10/23	
Drawn: JJS	
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HERMANTOWN RD	
Sheet Title	
Sheet Number	15

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WORK PLAN AND COSTS

PROJECT TASKS		PROJECT MANAGER	PROJECT ENGINEER	TECHNICIAN	ESTIMATED FEE
Task 1 - Preliminary Engineering (0-30% Plans) (June 2023 - July 2023)					
1.1	Field Review of Project with City of Hermantown Staff	4	4		\$ 1,320.00
1.2	Review Survey and Geotechnical Report	4	12	32	\$ 5,200.00
1.3	Utility Coordination Meeting (Preparation, Meeting & Meeting Summary)	2	2		\$ 660.00
1.4	Preliminary Roadway Plan, Typical Sections & Storm Sewer Layout	16	32	80	\$ 14,400.00
1.5	Identify Areas of needed Permanent & Temporary Easement Acquisition	4	4	8	\$ 2,000.00
1.6	Public Meeting #1 & Preparation (Late June 2023)	4	4		\$ 1,320.00
1.7	30% Engineers Estimate	2	4		\$ 950.00
1.8	City Status Meeting #1	2	2		\$ 660.00
30% Design Review (July 21, 2023)					
NCE Task 1 Design Hours & Fee:		38	64	120	\$ 26,510.00
Task 2 - Design Engineering (30-60% Plans) (July 2023 - August 2023)					
2.1	Field Review with City of Hermantown Staff	4	4		\$ 1,320.00
2.2	Utility Coordination Meeting (Preparation, Meeting & Meeting Summary)	2	2		\$ 660.00
2.3	Identify Design Criteria (Pavement, Hydraulics, Utilities)	8	16	16	\$ 5,160.00
2.4	Roadway Plan & Profile Sheets	16	40	96	\$ 16,920.00
2.5	Preliminary SEQ, Schedules, Standard Plates, Details, Typical Sections	4	8	24	\$ 3,940.00
2.6	Hydraulic Analysis & Culvert Sizing	4	16	4	\$ 3,400.00
2.7	Preliminary Sheet Development (Title Sheet, Schedule, Details, Cross Sections, SWPPP, etc.)	2	16	72	\$ 8,810.00
2.8	Preliminary Bidding Document Development	4	16		\$ 3,060.00
2.9	Public Meeting #2 & Preparation (Late August 2023)	4	4		\$ 1,320.00
2.10	60% Engineers Estimate	2	4		\$ 950.00
2.11	City Status Meeting #2	2	2		\$ 660.00
60% Design Review (September 1, 2023)					
NCE Task 2 Design Hours & Fee:		52	128	212	\$ 46,200.00
Task 3 - Design Engineering (60-90% Plans) (September 2023 - October 2023)					
3.1	Field Review with City of Hermantown Staff	4	4		\$ 1,320.00
3.2	Coordination with County - Connections to Midway Road	2	2		\$ 660.00
3.3	Utility Coordination Meeting (Preparation, Meeting & Meeting Summary)	2	2		\$ 660.00
3.4	Roadway Plan and Profile Sheets	16	32	72	\$ 13,720.00
3.5	SEQ, Schedules, Standard Plates, Details, Typical Sections	8	24	24	\$ 7,000.00
3.6	Provide Easement Data to ALTA for Exhibit Preparation	2	2	4	\$ 1,000.00
3.7	Sheet Development (Title Sheet, Schedule, Details, Cross Sections, SWPPP, etc.)	8	16	96	\$ 11,960.00
3.8	Bidding Documents	8	24		\$ 4,960.00
3.9	Preparation of Wetland Exhibits	2	4	4	\$ 1,290.00
3.10	Public Meeting #3 & Preparation (Late October 2023)	4	4		\$ 1,320.00
3.11	90% Engineers Estimate	2	4		\$ 950.00
3.12	City Status Meeting #3	2	2		\$ 660.00
90% Design Review (October 27, 2023)					
NCE Task 3 Design Hours & Fee:		60	120	200	\$ 45,500.00
Task 4 - Design Engineering (90-100% Plans) (November 2023)					
4.1	Coordination with County - Connections to Midway Road	2	2		\$ 660.00
4.2	Final Utility Coordination Meeting	2	2		\$ 660.00
4.3	Roadway Plan and Profile Sheets	8	16	32	\$ 6,520.00
4.4	SEQ, Schedules, Standard Plates, Details, Typical Sections	4	16	12	\$ 4,080.00
4.5	City Status Meeting #4	2	2		\$ 660.00
4.6	Final Sheet Development (Title Sheet, Schedule, Details, Cross Sections, SWPPP, etc.)	2	24	40	\$ 7,250.00
4.7	Final Bidding Documents and Special Provisions	4	12		\$ 2,480.00
4.8	Final Engineers Estimate	2	4		\$ 950.00
100% Plans, Specifications & Estimate Submitted to City of Hermantown (December 8, 2023)					
NCE Task 4 Design Hours & Fee:		26	78	84	\$ 23,260.00
Task 5 - Construction Engineering (May 7, 2024 - September 21, 2024)					
5.1	Project Management	100	120		\$ 35,900.00
5.2	Preconstruction Conference & Bidding Assistance	2	2		\$ 660.00
5.3	Weekly Construction Meetings & Summary	20	40		\$ 9,500.00
5.4	Shop Drawing Review	2	4		\$ 950.00
5.5	Construction Inspection (20 weeks @ 45 hrs/week)			900	\$ 76,500.00
5.6	Materials Testing Coordination		8		\$ 1,160.00
5.7	Review and Prepare Payment Applications	4	40		\$ 6,540.00
5.8	Record Drawing Preparation	4	16	40	\$ 6,460.00
Completion of Construction (September 21, 2024)					
NCE Task 5 Construction Hours & Fee:		132	230	940	\$ 137,670.00
NCE TOTAL (TASKS 1-4) DESIGN ENGINEERING HOURS & FEE:		176	390	616	\$ 141,470.00
NCE TOTAL (TASK 5) CONSTRUCTION ENGINEERING HOURS & FEE:		132	230	940	\$ 137,670.00

Sub-Consultants			
Alta Land Survey Company - Topographic Mapping and Data Processing		Lump Sum	\$ 25,000.00
Alta Land Survey Company - Right of Way Base Mapping, Staking and Easement Exhibits		Lump Sum	\$ 10,000.00
Alta Land Survey Company - Construction Staking		Lump Sum	\$ 25,000.00
Sub-Consultant Fee:			\$ 60,000.00

NCE Hourly Rates	
Project Manager	\$185.00
Project Engineer	\$145.00
Civil Technician	\$85.00

NCE Fee Breakdown	
NCE Design Fee:	\$ 141,470.00
NCE Construction Fee:	\$ 137,670.00
Subconsultant Fee:	\$ 60,000.00
Total NCE Fee:	\$ 339,140.00

Notes & Assumptions:

- 1) The City of Hermantown will be providing wetland delineation and permitting.
- 2) The City of Hermantown will be providing geotechnical recommendations.
- 3) The City of Hermantown will be providing materials testing.



David Bolf, P.E. - Principal Partner - Lic. No. 40926

Date: 3/23/2023



CITY COUNCIL MEETING DATE: April 3, 2023

TO: Mayor & City Council

FROM: John Mulder, City Administrator

SUBJECT: Handbook Policy – Zero Tolerance

RESOLUTION: 2023-42 **ORDINANCE:** **OTHER:**

REQUESTED ACTION

Approve Handbook policy.

BACKGROUND

With the availability of Cannabis Products, and the potential for impairment on employees with a commercial driver’s license (CDL) the City needs to set some policies related to the use of those and how they may impact certain positions/employees within the City.

While certain cannabis products may be legal, there are still federal laws and safety concerns related to being under the influence of those products. This policy sets a zero tolerance for the use or impairment of any cannabis product.

The Police Department issued the attached memo reminding officers of the federal law related to this. This policy covers those employees who are required to have a commercial driver’s license.

SOURCE OF FUNDS (if applicable)

N/A

ATTACHMENTS

Resolution
Policy – Handbook section
Police Department Memo

Resolution No. 2023-42

**RESOLUTION APPROVING THE CITY OF
HERMANTOWN APPROVING THE PROHIBITION OF
CANNABIS PRODUCTS FOR COMMERCIAL DRIVERS POLICY**

WHEREAS, the City Council of the City of Hermantown (“City”) desires to adopt a policy to which prohibits City employees holding commercial driver’s licenses from using or otherwise being under the influence of hemp, cannabis or medical cannabis products while operating any vehicle owned or operated by the City of Hermantown; and

WHEREAS, City staff have prepared a proposed Prohibition of Cannabis Products for Commercial Drivers Policy (“Zero Tolerance CDL Policy”) attached hereto as Exhibit A; and

WHEREAS, the City Council has duly considered the Zero Tolerance CDL Policy and believes it is in the best interest of the City of Hermantown to approve the Zero Tolerance CDL Policy.

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

1. The City of Hermantown Prohibition of Cannabis Products for Commercial Drivers Policy is hereby approved effective immediately.
2. The City Clerk is hereby authorized and directed to insert the Prohibition of Cannabis Products for Commercial Drivers Policy in the appropriate location of the City’s Personnel Management section of the Handbook for the City of Hermantown.

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 April 3, 2023.

EXHIBIT A

Handbook for the City of Hermantown		
Policy – Resolution 2023-		Procedure
Date Adopted _____, 20____	Title: Prohibition of Cannabis Products for Commercial Drivers Policy	Section: Personnel Management
Revision Dates: --/20____		Page: 1 of 1

Purpose

The City recognizes that City employees that hold a commercial driver’s license (“CDL”) who are impaired because of hemp, cannabis or medical cannabis products (e.g., hash oils, edibles or beverages containing cannabinoids, or pills) (collectively referred to as “Cannabis Products”) jeopardize the safety and health of other workers, the public as well as themselves.

Prohibition against Cannabis Products

City employees with a CDL are prohibited from using or being under the influence of Cannabis Products while operating any vehicle owned or operated by the City of Hermantown.

The City of Hermantown has a zero-tolerance policy for the use of or impairment by any Cannabis Products by a City employee with a CDL.

Having a medical marijuana card, patient registry number, and/or cannabis prescription from a physician does not allow a City employee with a CDL to use, possess, or be impaired by Cannabis Products.

Likewise, while Cannabis Products may be lawfully purchased and consumed in some circumstances, this does not permit a City employee with a CDL to use or be impaired by Cannabis Products.

There is no acceptable concentration of hemp or marijuana metabolites in the blood or urine of a City employee with a CDL. City employees with a CDL are subject to being disciplined, suspended, or terminated after testing positive for hemp or marijuana metabolites if the employee was found to have used or was impaired by Cannabis Products, including a City employee with a CDL who obtained a medical exemption for the use of Cannabis Products.

TO: HPD Sworn Officers
FROM: Jim Crace, Chief of Police
DATE: February 15, 2023
SUBJECT: Legal CBD Products



RE: Legal CBD Products

Questions have been asked about the impact of legal edible and beverage products that are derived from hemp and contain CBD and a small dose of THC. Simply stated, a high dose of CBD (Cannabidiol) and a low dose of THC is produced from hemp. Conversely, a low dose of CBD and a high dose of THC is produced from marijuana.

Among other treatments, CBD is commonly used in the treatment of pain, anxiety and depression. As we have seen in Minnesota, the landscape of what is legal and what is not, is changing in regard to CBD and THC.

This raises the question, can police officers use legal products that are produced from hemp that contain a larger amount of CBD, and a small amount of THC. The answer is NO. Federal law prohibits license public safety officers who carry a firearm from using cannabis. Furthermore, federal law prohibits cities from providing firearms or ammunition to an employee it knows or has reason to know is using cannabis.

Again, even though the hemp derived products that are legal in the State of Minnesota, federal law prohibits the use of these products by public safety officers. (see insert below from the League of MN Cities)

Employment impacts of edible cannabinoids

It is important to consider both federal and state laws with respect to employee CBD use and related impacts to the workplace.

Cities often have positions requiring an employee to hold a commercial driver's license (CDL). These positions are regulated by federal law and those regulations are supervised by the Federal Department of Transportation (DOT).

Federal law preempts state law related to CBD use. In fact, in a [December 2012 notice](#), the DOT states it does not authorize the use of Schedule I drugs, including marijuana, for any reason. As a result, cities should continue to follow their current drug testing procedures related to CDL holders and to enforce prohibitions against any use of cannabis for CDL holders, regardless of state law protections.

For non-sworn police officer positions and non-CDL drivers, the new law provides no allowance for an employee to use, possess, or be impaired by cannabis while on duty. Dealing with impaired behavior on the

job site can be challenging, so League staff will continue to research this new law and next steps for this group of workers.

Additionally, public safety employees who carry a firearm cannot lawfully use cannabis under federal law. Federal law prohibits cities from providing firearms or ammunition to an employee it knows, or has reason to know, is using cannabis.