



## **Hermantown City Council Meeting - Tuesday, January 2, 2024**

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](mailto:jwicklund@hermantownmn.com) up to 3:30 p.m. the day of the meeting with the e-mail title "City Council Meeting." It is important to note that all comments regarding this meeting are public data.

### **A few important tips regarding the Zoom platform:**

- If your computer does not support audio, you can still watch the meeting on your computer and call in on your phone to hear the meeting
- 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 Tuesday, January 2, 2024 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.

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### **City Council Meeting Tuesday, January 2, 2024 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 Tuesday, January 2, 2024 at 4:30 p.m.  
Council Chambers, City Hall - Hermantown Governmental Services Building**

**City Council Meeting Tuesday, January 2, 2024 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 23-176 through 23-186 placed on file

[7](#)

7. **PRESENTATIONS**

A. **CLOSED SESSION** - Motion to close the meeting of the Hermantown City Council pursuant to Minnesota Statutes § Section 13D.05 Subd. 3 (b) to consider confidential information related to labor negotiations strategy. Following this closed session, the Hermantown City Council will re-convene in an open session. Discussion on Compensation Plan.

B. **Ice Arena Schematic Design - at approx. 5:15 p.m.**

John Mulder, City Administrator

*(Pre-Agenda Only)*

[9](#)

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 Tobacco License Renewal Applications effective January 3, 2024 through December 31, 2024, contingent upon complete applications being received, successful background checks and license fees being paid in full:

Kareem, Inc.                      4221 Haines Road

- B. Motion to approve/deny Massage Therapist License Renewal Applications for the following effective January 3, 2024 through December 31, 2024 contingent upon complete applications being received, successful background checks and license fees paid in full:

The Well Co.

Rockenback, Amanda

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 December 12, 2023 Work Session minutes 37  
and the December 18, 2023 City Council Continuation Minutes
- B. **Accounts Payable** - Approve general city warrants from December 16, 2023 49  
through December 31, 2023 in the amount of \$604,487.55

C. **Motions**

- I. Appointment of Official Newspaper - Hermantown Star
- II. Appointment of Depositories - Multi Bank Securities; Wells Fargo Securities, RBC Dain Rauscher; US Bank; PMA Financial Network, Inc.; Bell Bank; National Bank of Commerce; 4-M Fund; TD Ameritrade Institutional (Custodian)/Ehlers Investment Partners (Advisor)
- III. Appointment of Mayor Boucher as the City's designated representative to the Hermantown Area Chamber of Commerce
- IV. Appointment of Mayor Boucher as City Representative on the Metropolitan Interstate Council with David Bolf, City Engineer on the Transportation Advisory Committee, with Trish Crego, City Utility and Infrastructure Director as alternate
- V. Appointment of the following for a three-year term:  
**Planning & Zoning Commission**  
- Joe Peterson

**Park Board**

- Gene Shaw

**Utility Commission**

**HEDA**

**Board of Appeals & Adjustments**

D. **Resolutions**

- I. **2023-01 Resolution Appointing Councilor \_\_\_\_\_ As Acting Mayor** [54](#)
- II. **2024-02 Resolution Appointing Ex Officio Members To Various Boards Commissions, And Other Appointments For 2024** [55](#)
- III. **2024-03 Resolution Authorizing And Directing Mayor Wayne Boucher And City Administrator John Mulder To Sign Checks And Drafts For The City Of Hermantown With Alternates Acting Mayor \_\_\_\_\_ And Director Of Finance & Administration, Kevin Orme** [56](#)

11. **ORDINANCES**

- A. **2023-12 An Ordinance Amending Hermantown Code Of Ordinances By Amending Section 850.5, Particular Speed Limits Designated** [57](#)  
  
*(second reading)*  
*(motion, roll call)*
- B. **2024-01 An Ordinance Amending Title 2 Of The Hermantown City Code By Amending The Official Zoning Map Of Parcels 395-0133-00020 And 395-0133-00040** [60](#)  
  
*(first reading)*
- C. **2023-02 An Ordinance Amending Chapter 5 Of The Hermantown Zoning Regulations By Adding Section 590 - HBP, Hermantown Business Park** [68](#)

*(first reading)*

12. **RESOLUTIONS**

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

- A. **2024-04 Resolution Establishing Procedures Relating To Compliance With Reimbursement Bond Regulations Under The Internal Revenue Code** [79](#)  
  
*(motion, roll call)*
- B. **2024-05 Resolution Authorizing DSGW To Provide Design Development Based On Funding For The Arena Project** [84](#)  
  
*(motion, roll call)*
- C. **2024-06 Resolution Approving The Employment Of Brandon Holmes As The Certified Building Official** [68](#)  
  
*(motion, roll call)*
- D. **2024-07 Resolution Approving An Extension Of The Preliminary Planned Unit Development Plan For The Arbors At Maple Grove Development** [93](#)

*(motion, roll call)*

- E. **2024-08 Resolution Approving Pay Request No. 2 For Stebner Park Utility Improvement District 544 To Northern Interstate Construction, Inc In The Amount Of \$127,368.83** [101](#)

*(motion, roll call)*

- F. **2024-09 Resolution Approving Modifications To Section 621 Of The Handbook For The City Of Hermantown Policy And Procedures Regarding Deferral Of Assessments** [108](#)

*(motion, roll call)*

13. **CLOSED SESSION**

14. **RECESS**

## 2023 CORRESPONDENCE

<u>DATE</u>	<u>LOG #</u>	<u>FROM</u>	<u>TO</u>	<u>REGARDING</u>	<u>FILED</u>
12/12/2023	23-176	MN Pollution Control Agency	Wayne Johnson, 5105 Morris Thonmas Rd.	Petroleum Storage Tank Release	12/11/2023
12/14/2023	23-177	Eric Johnson, Comm. Dev. Dir.	Dan Jones, Redd Group	395-0255-00010; 395-0155-00020; & 395-0155-00030	12/13/2023
12/15/2023	23-178	Tim Gannon, LELS	John Mulder, City Administrator	Impact Bargaining for ESST Implementation	12/13/2023
12/18/2023	23-179	Eric Johnson, Comm. Dev. Dir.	Stephanie Ouren, 11174 E Gull Lake Dr., Gull Lake, MN 56401 & Sheryl Ihleng, 1361 Lake Susan Hills Dr., Chanhassen, MN 55317	Zoning Violation, 5547 Highway 2	12/15/2023
12/28/2023	23-180	Tim Gannon, Law Enforcement Labor Services, Inc.	John Mulder, City Administrator	Impact Bargaining for ESST Implementation	12/13/2023
12/28/2023	23-181	Eric Johnson, Comm. Dev. Dir.	Planning Commission	CIDP - Jack Kolar/Kolar Hyundai	12/19/2023
12/28/2023	23-182	Eric Johnson, Comm. Dev. Dir.	Planning Commission	CIDP - Vermillion Homes	12/19/2023
12/28/2023	23-183	Eric Johnson, Comm. Dev. Dir.	Planning Commission	CIDP - 438X Sundby Rd.	12/19/2023
12/28/2023	23-184	Eric Johnson, Comm. Dev. Dir.	Planning Commission	SUP - 438X Sundby Rd.	12/19/2023
12/28/2023	23-185	Eric Johnson, Comm. Dev. Dir.	Planning Commission	Zoning Text Amendment to Chapter 5 - Hermantown Business Park	12/19/2023

## 2023 CORRESPONDENCE

<u>DATE</u>	<u>LOG #</u>	<u>FROM</u>	<u>TO</u>	<u>REGARDING</u>	<u>FILED</u>
12/28/2023	23-186	John Mulder, City Administrator	Tim Gannon, Law Enforcement Labor Services, Inc.	LELS ESST Letter	12/22/2023



# Hermantown Ice Arena



Schematic Design  
City Council Meeting  
02 JAN 2024



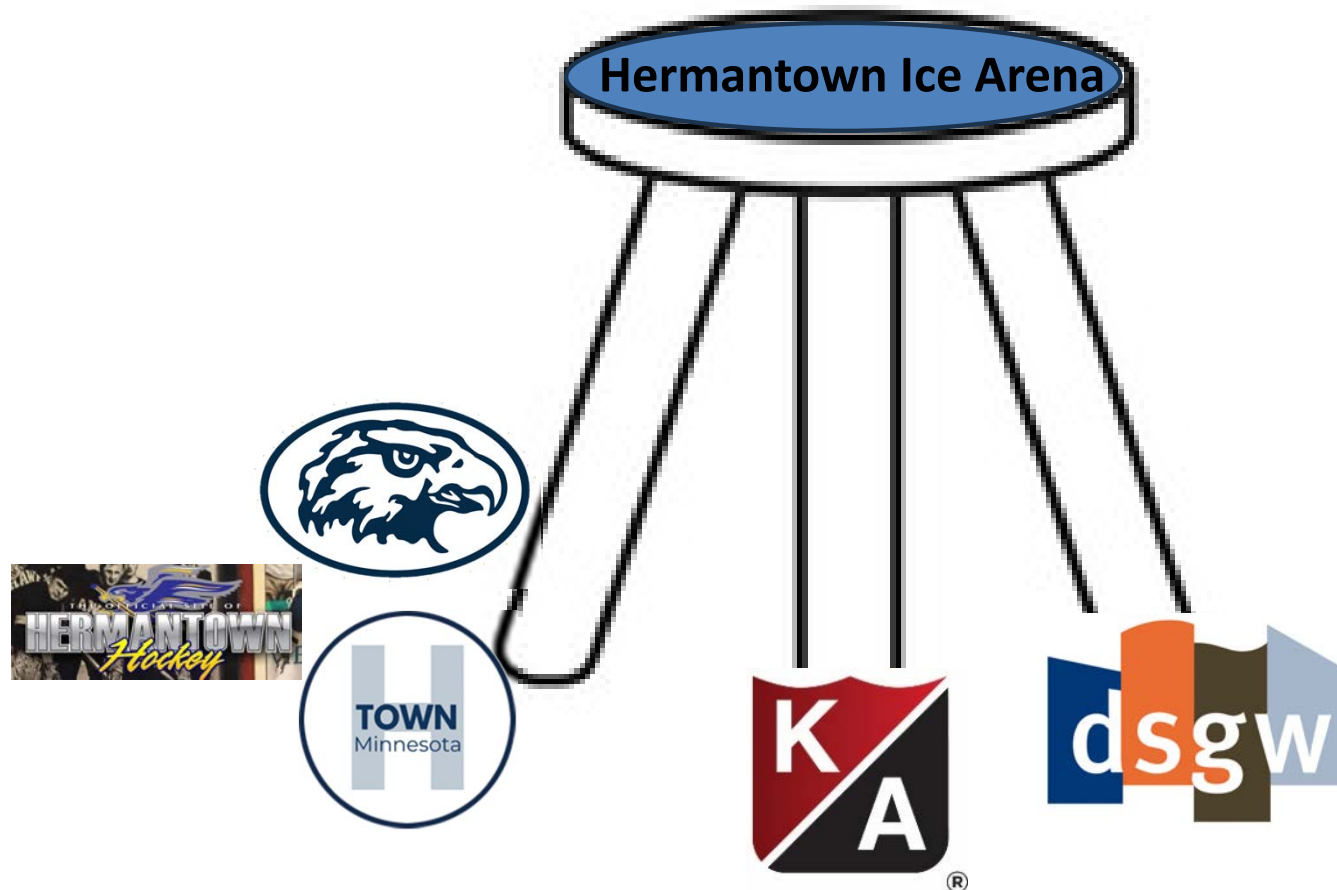


KRAUS-ANDERSON®

Agenda

Hermantown Ice Arena — S.D. Estimate

# Project Team:





KRAUS-ANDERSON<sup>®</sup>

Agenda

Hermantown Ice Arena — S.D. Estimate

## **Meeting Agenda**

- 1. Meeting Intent**
- 2. Hard Costs vs. Soft Costs**
- 3. Changes Since Last Meeting**
- 4. Revised Design Option 12/6/23**
- 5. Previous Design Option 11/20/23**
- 6. Current Funding Status – Fully Confirmed**
- 7. Project Timeline Review**
- 8. Questions**
- 9. Design Options**
- 10. Council Direction**



## **Meeting Intent**

- **Inform The City Council Where The Project Is At As Of Today Pertaining To Design And Budget**
- **Communicate Key Differences Between Previous (11/20/23) and Revised (12/6/23) Design**
- **Answer Any Questions From The Council**
- **Ask For Council Direction Moving Forward**



## Hard Costs: - KA Estimate

Examples:

- Construction Costs
- General Conditions, Site Services, Reimbursables
- Contingency
- CM Fee

**Vs.**

## Soft Costs:

Examples:

- Architect & Engineer Fees
- Architect & Engineers Reimbursables
- Plan Review & Permit
- Construction Testing & Special Inspections (Code Required)
- Geotechnical Report
- Wetland Mitigation, USACOE Permit/Review, & Purchase of Wetlands Removal Credits
- Owner Technology/IT
- Owner Furniture, Fixtures & Equipment



# Changes Since Last Meeting

(04 DEC 2023)

- **Revised Schematic Design (12/6/23)**
- **New Schematic Design Estimate (12/18/23)**
- **Budget Status with Committed Fundraising**



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Changes Since Last Meeting

Hermantown Ice Arena — S.D. Estimate

# Revised Schematic Design (12/6/23)

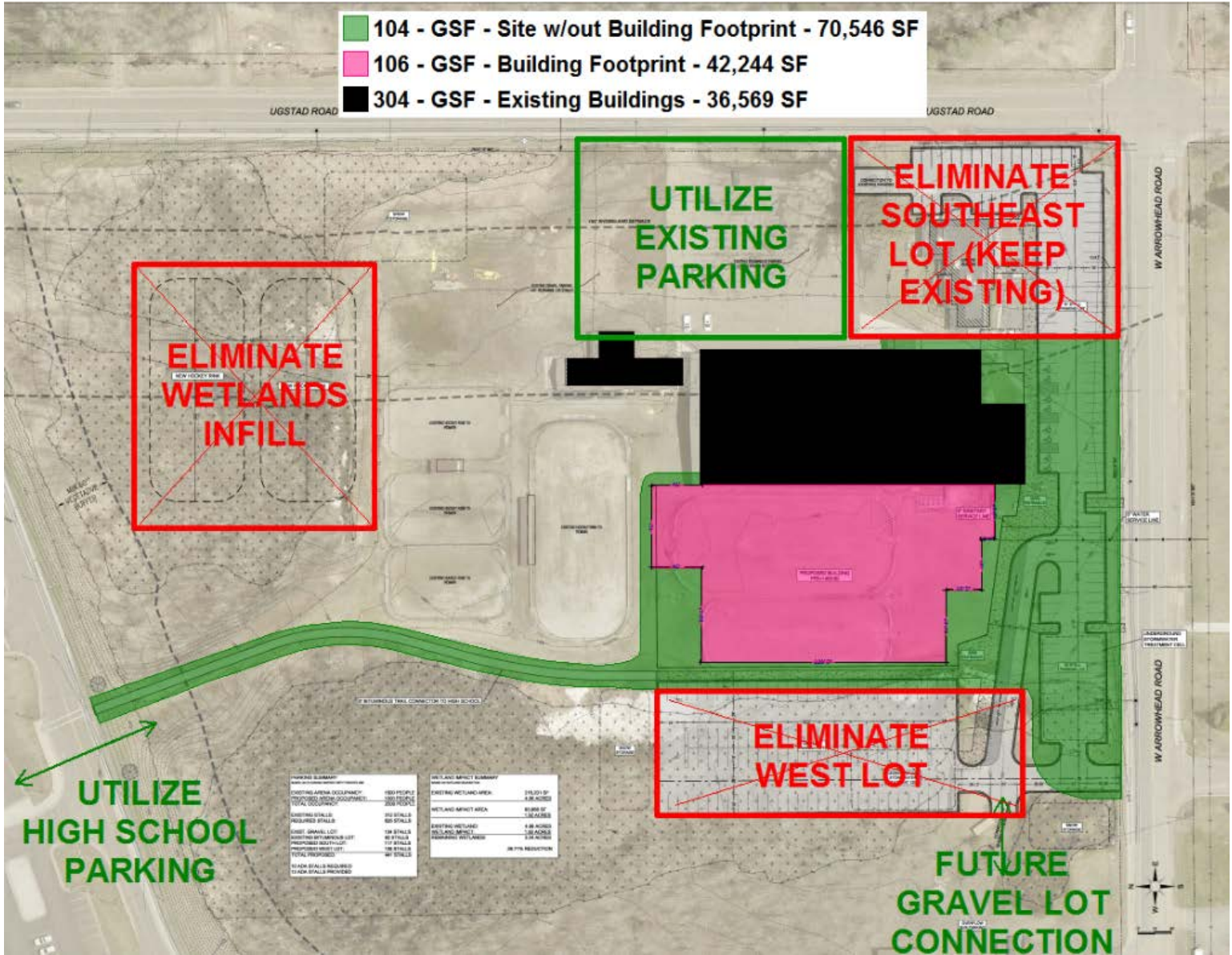


## Revisions to the Previous Design:

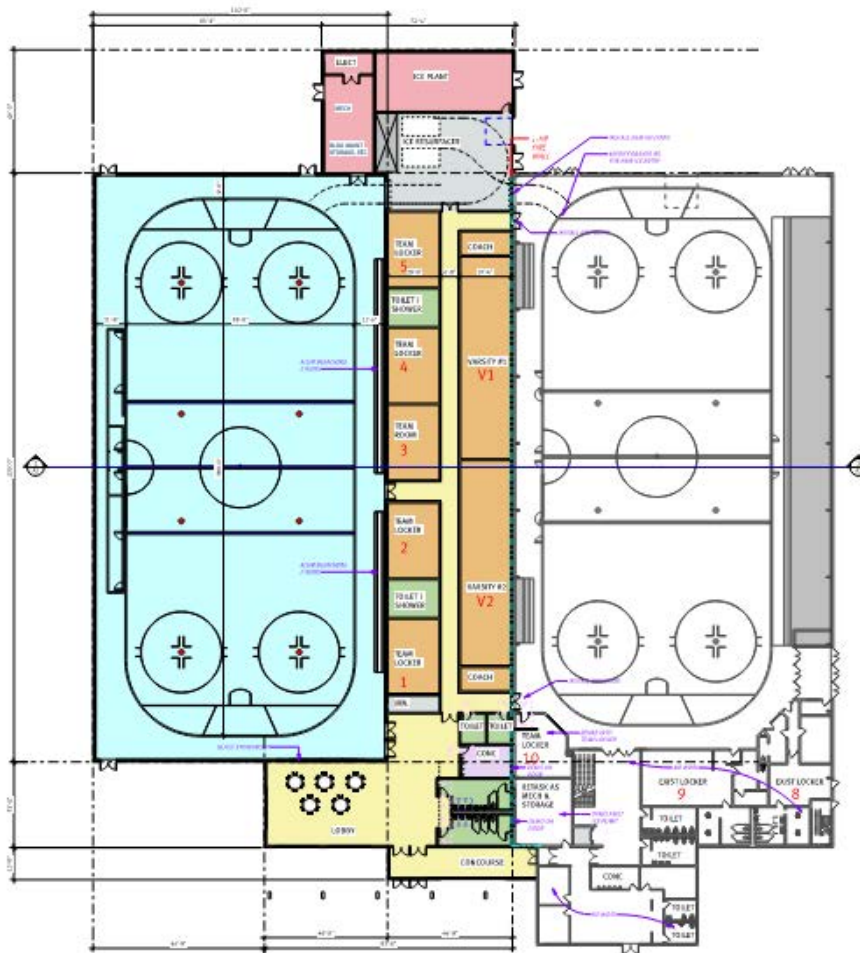
- Level 2 of the New Addition
- Pre-Cast Stadia Seating
- Renovations to the Existing Facility with the ***Exception*** of the Following spaces:
  - Future Team Room 10
  - Future Mechanical and Storage Room
- Demolition of the Existing Wood Warming Building
- Southern Viewing Deck
- Re-Skin of the Southern Façade on the Existing Building



- 104 - GSF - Site w/out Building Footprint - 70,546 SF
- 106 - GSF - Building Footprint - 42,244 SF
- 304 - GSF - Existing Buildings - 36,569 SF



PARKING SUMMARY		WETLAND IMPACT SUMMARY	
EXISTING AREAS OCCUPANCY:	1500 PEOPLE	EXISTING ACTUAL AREA:	215,000 SF
PROPOSED AREAS OCCUPANCY:	1000 PEOPLE	EXISTING ACTUAL AREA:	4,300 ACRES
TOTAL OCCUPANCY:	2500 PEOPLE	WETLAND IMPACT AREA:	80,000 SF
EXISTING STALLS:	200 STALLS	EXISTING WETLANDS:	4.00 ACRES
PROPOSED STALLS:	800 STALLS	WETLAND LOSS:	3.00 ACRES
NET STALLS:	600 STALLS	WETLANDS REMAINING:	1.00 ACRES
EXISTING GRAVEL LOT:	100 STALLS	EXISTING WETLANDS:	4.00 ACRES
PROPOSED GRAVEL LOT:	80 STALLS	WETLAND LOSS:	3.00 ACRES
TOTAL PROPOSED:	160 STALLS	WETLANDS REMAINING:	1.00 ACRES
EXCESS STALLS REQUIRED:	100 STALLS		
EXCESS STALLS PROVIDED:	100 STALLS		



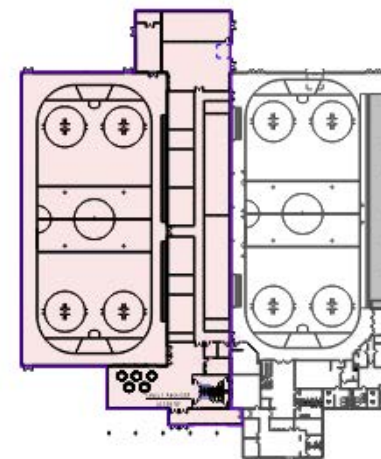
DEPARTMENT LEGEND

ICE	RESTROOM
LOCKER	STORAGE SUPPORT
MECHANICAL	TICKETS
PUBLIC CIRCULATION	CONCESSION



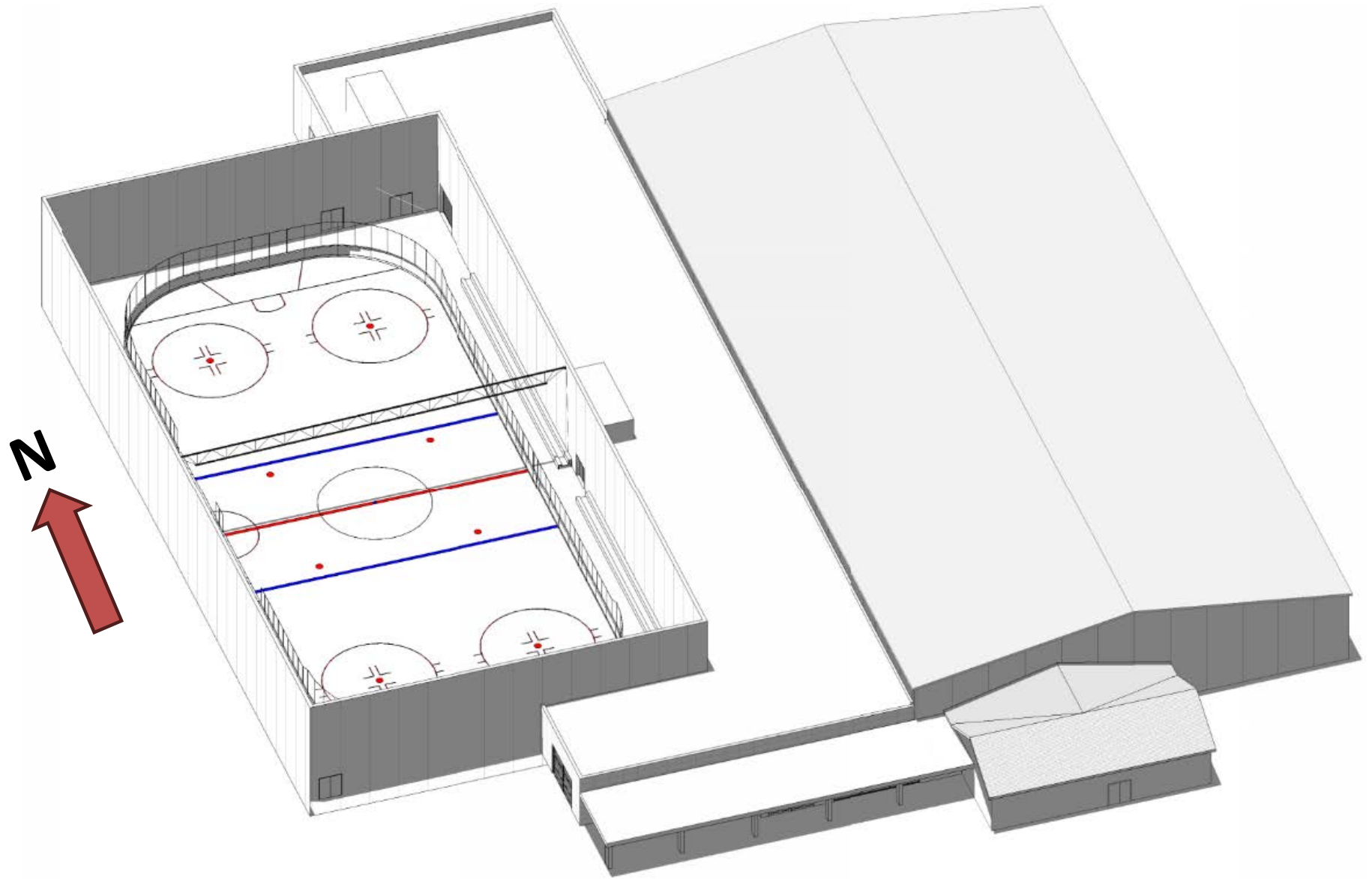
LEVEL 1 FLOOR PLAN 1/16

# Level 1



BUILDING AREA GSF
Level 1 10,000 SF
5,000 SF

LEVEL 1 NEW BLDG AREA





**Additional V.E. Items:** (Not Currently Removed From Design)

- Removal of Glue-Lam Canopy
- Pre-Engineered Building in lieu of Pre-Cast
- Fabcon Pre-Cast Panels In lieu of Architectural Panels at Exterior Precast
- Fiber Cement Siding In lieu of Metal Panels
- Removing Paving and Curbs (Class V Gravel Parking Lots and Drives) with the Exception of the Trail



Current Funding Status for Revised Schematic Design 12/6/23

\$10,840,000	City Funding
\$ 7,475,000	State Bond
<b>\$18,315,000</b>	<b>Current Funding</b>
\$ ?*	NorthStar Ford Naming Rights (Present Value)
\$ ?*	Committed Fundraising
<b>\$18,315,000</b>	<b>Project Funding</b>

\*Project Fundraising Unknown for Revised Project Scope

**\$20,115,000**      **Revised Project Estimate**

**\$20.115M** - **\$18.315M\*\*** = **\$1,800,000 SHORTFALL**

Current Project Estimate      Current Project Budget

\*\*Does Not Include Any Potential Fundraising

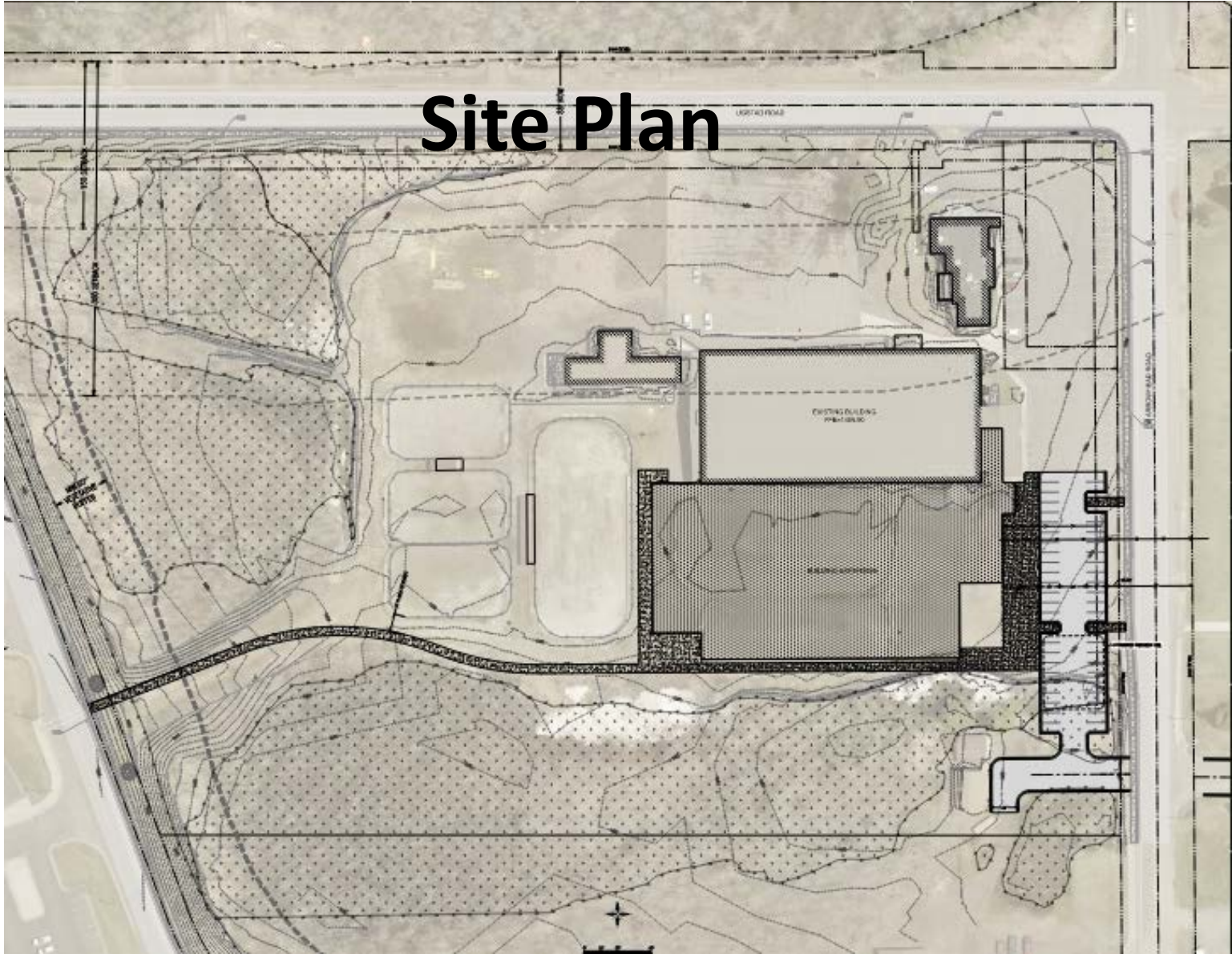
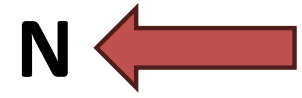


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Changes Since Last Meeting

Hermantown Ice Arena — S.D. Estimate

# Previous Schematic Design (11/20/23)

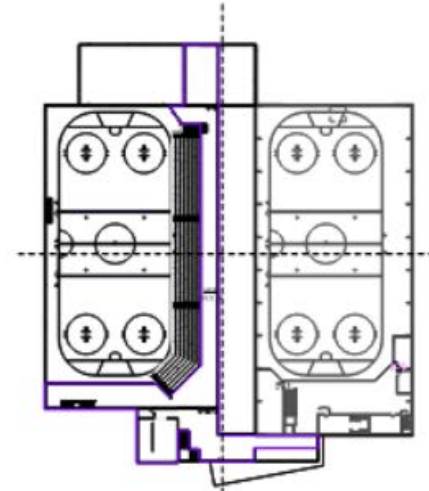
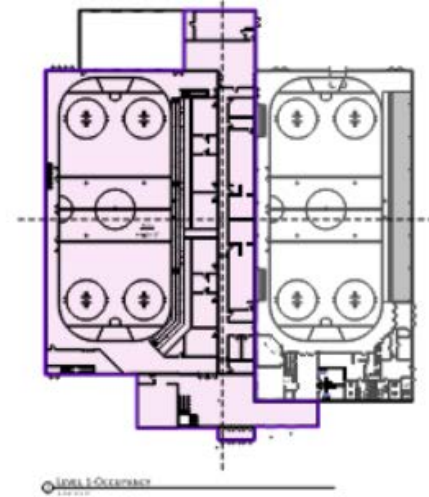






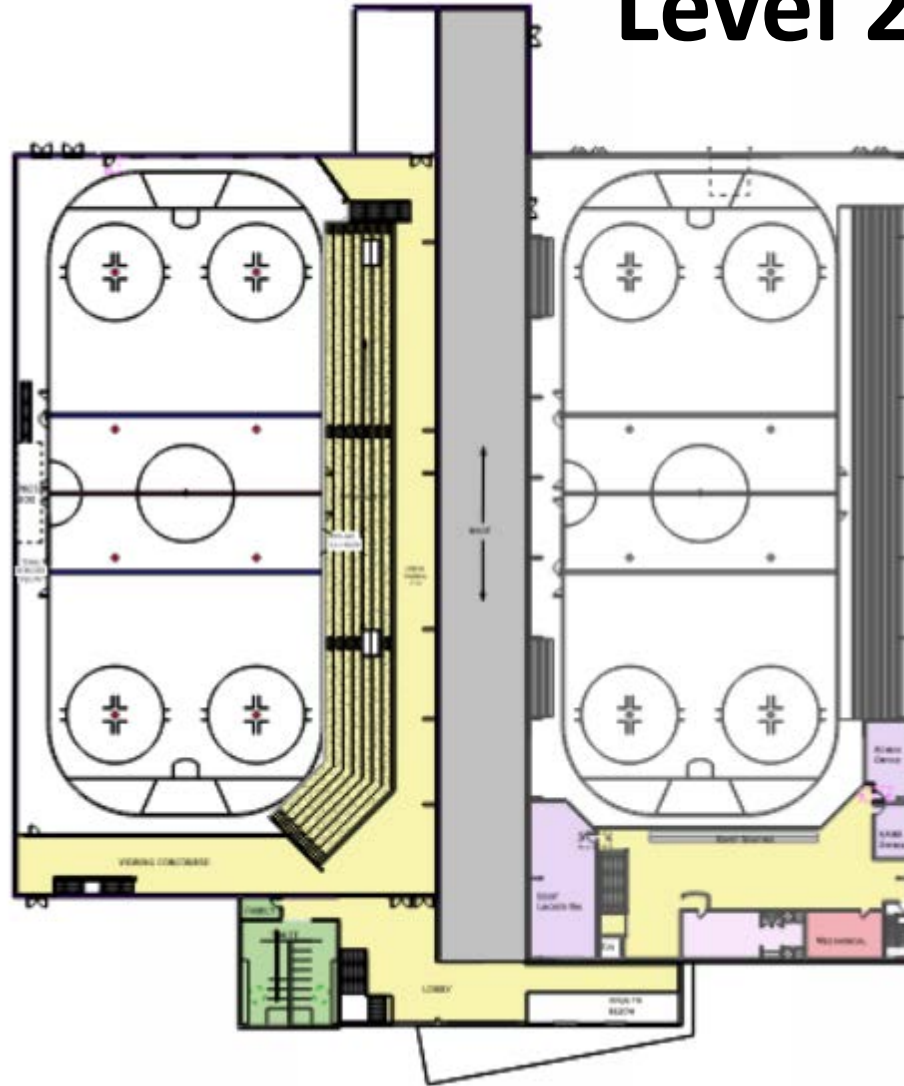


# Level 1

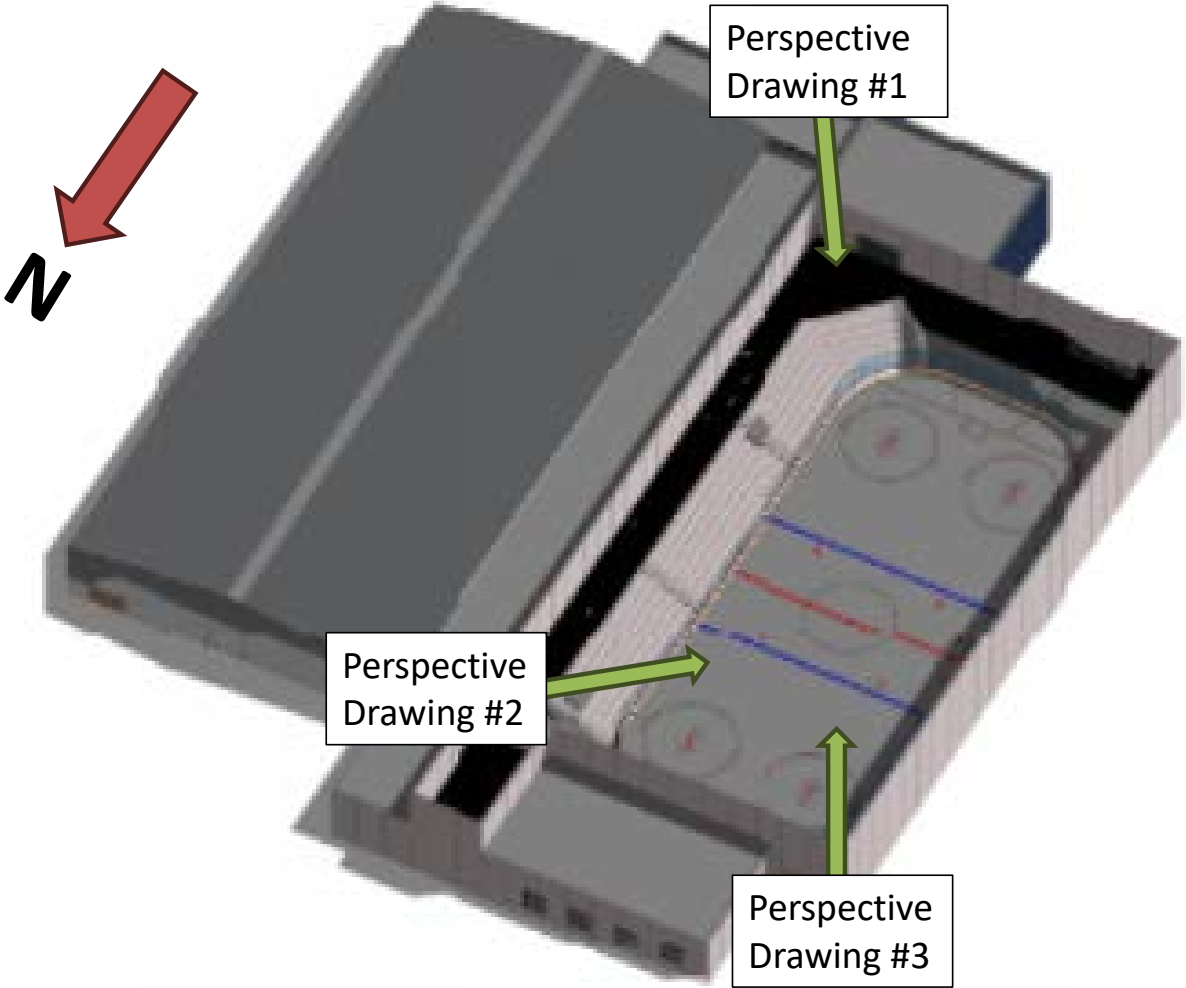




# Level 2



# Level 2



# Perspective #1



# Perspective #2



# Perspective #3





Current Funding Status for Previous Schematic Design 11/20/23

\$10,840,000	City Funding
\$ 7,475,000	State Bond
<b>\$18,315,000</b>	<b>Current Funding</b>
\$ 1,300,000*	NorthStar Ford Naming Rights (Present Value)
\$ 1,150,000*	Committed Fundraising
<b>\$20,765,000</b>	<b>Revised Funding with Potential Fundraising</b>

\*In Process – Not Yet **CONFIRMED** Fundraising

**\$24,215,000** Previous Project Estimate

**\$24.215M** - **\$20.765M** = **\$3.45M SHORTFALL**  
Current Project Estimate      Current Project Budget



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Current Budget Status

Hermantown Ice Arena — S.D. Estimate

**Current Funding Status — Fully Confirmed**



\$18,315,000 City of Hermantown

\$ 0 Hermantown Public Schools

\$ 0 Fundraising

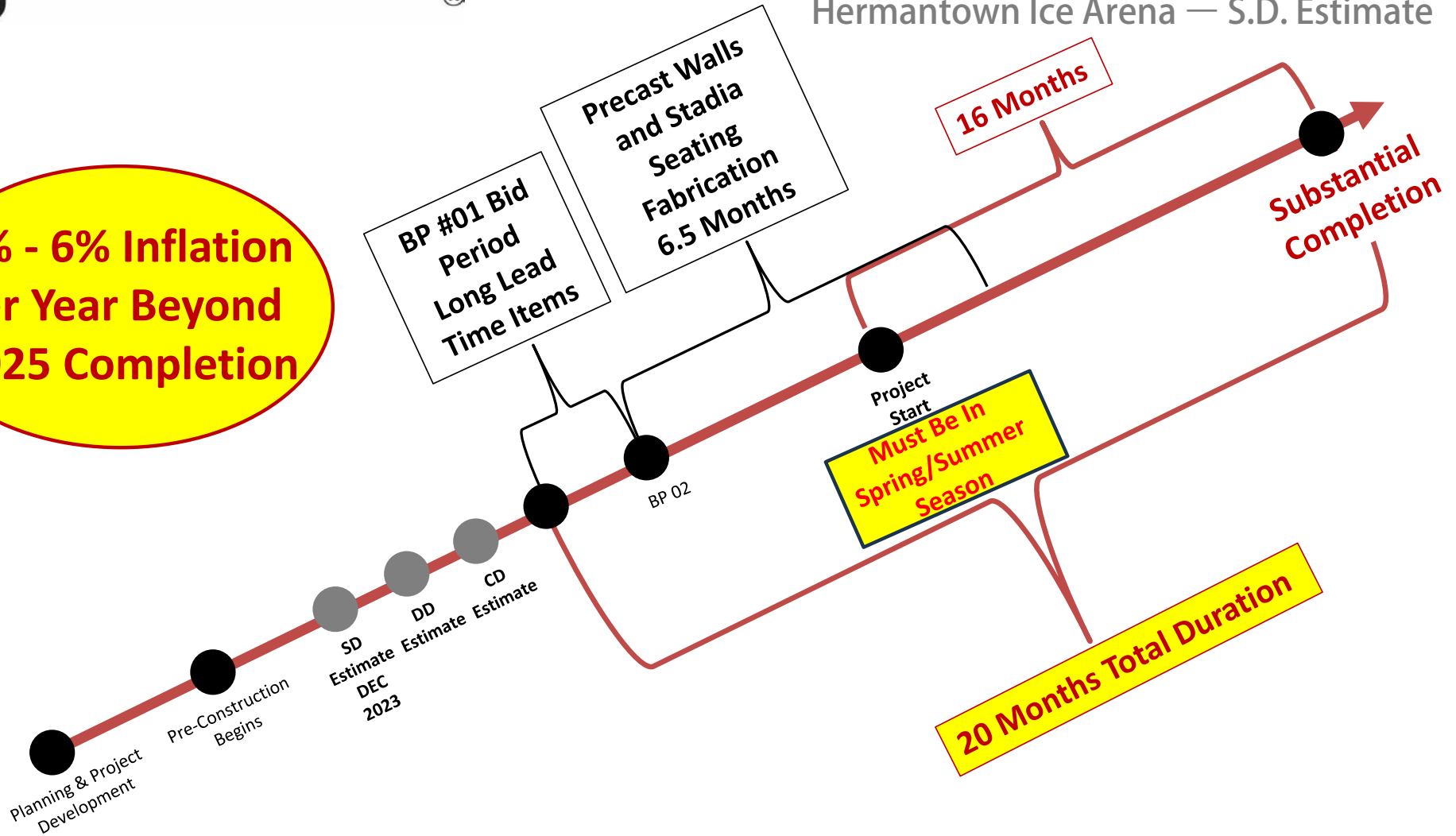
**\$18,315,000 Total CONFIRMED Funding 02 JAN 2024**

- HAHA Direct Purchase:
  - Large Sponsored Video Scoreboard (2x Small Scoreboards in Project Budget)
  - Seating: Back with Armrests





**4% - 6% Inflation  
Per Year Beyond  
2025 Completion**





KRAUS-ANDERSON®

Q & A

Hermantown Ice Arena — S.D. Estimate

# Questions (?)





Revised Schematic Design Option 12/6/23

**\$20.115M - \$18.315M\* = \$1,800,000 SHORTFALL**

\*Does NOT include any potential fundraising – Due to Revised Design

**OR**

Previous Schematic Design Option 11/20/23

**\$24.215M - \$20.765M\* = \$3.45M SHORTFALL**

\*Assumes In-Process Fundraising Commitments Will Be Confirmed



## Council Direction

1. Approve moving forward with revised Schematic Design (12/6/23) to Design Development ? **\$20,115,000 Budget**
2. Approve moving forward with previous Schematic Design (11/20/23) to Design Development? **\$24,215,000 Budget**
3. ? Other Options ?

**CITY COUNCIL  
WORK SESSION AGENDA  
Large Conference Room**

**Tuesday December 12, 2023  
at 5:00 P.M.**

- ROLL CALL:** Councilors Geissler, Hjelle, LeBlanc, Jones, Mayor Boucher
- ABSENT:** None
- CITY STAFF:** John Mulder, City Administrator; Gunnar Johnson, City Attorney, Eric Johnson, Community Development Director, Kevin Orme, Finance Director, Joe Wicklund, Communications and Community Engagement Director.
- OTHERS:** Jim Crace, Scott Wotysiak. Shawna Jokinen, Scott Hansen

**DISCUSSION ITEMS**

1. **2024 Budget 5:00 to 5:30 p.m.** Kevin Orme gave an overview of the City’s financial plan. The City’s financial advisor, Ehlers, had assisted in preparing the plan. John Mulder reviewed the budget process that has been used this year with the Capital Improvement Plan and Personnel Costs being presented to the City Council on July 5<sup>th</sup>. John stated the first biggest change in expenditures was Personnel Services which increased \$896,526 or 20% This increase included the two full time Fire Dept employees, an Economic Development Director, and the scheduled wage and benefit increase for 2024. The Council is being asked to create the Economic Development position via resolution. This position has been discussed by the Hermantown Economic Development Authority (HEDA) for a number of years, and would provide additional assistance in Community Development where there is really one staff trying to do all the community development, economic development, and parks development/planning.

The second large increase was the addition of a contingency of \$500,000. The City had previously not had a contingency budgeted, however it is a best practice for cities to have some money set aside for unforeseen expenses and is recommended by Ehlers. In 2024, contingency included money for a Human Resources (HR) Generalist and funds to implement a new compensation plan.

John Mulder recommended:

- Approve the HR Generalist and hire right away

- Approve the Economic Development Director but delay hiring to the 2<sup>nd</sup> quarter to reduce the budget by \$40,000
- Decrease the transfer to Park Dedication by \$20,000
- Decrease the transfer to Municipal Building Reserve by \$20,000
- Reduce Contingency by \$140,000. This would still provide some level of contingency within the budget.
- Totals reduction in the levy approx. \$220,000, which would mean a net 9% increase in the levy, and the effective tax rate would be reduced.

The Council discussed the positions and the levy increase at length. There was not full support for the HR position, and the Council wanted to look into the possibility of contracting out assistance in the HR area. Staff was directed to revise the budget resolutions to include the Economic Development Director but delay hiring to the 2<sup>nd</sup> quarter to reduce the budget by \$40,000, decrease the transfer to Park Dedication by \$20,000, decrease the transfer to Municipal Building Reserve by \$20,000, and reduce Contingency by \$140,000. Totals reduction in the levy approx. \$220,000, which would mean a net 9% increase in the levy, and the effective tax rate would be reduced.

2. **Ice Arena Fund Raising Approx. 5:30 p.m.** Members of the arena fund raising group presented an update on their efforts. The fundraising group has identified possible donations of \$1,152,000 (which doesn't include the naming rights, \$500,000 attached to a walking track, or fundraising for seats).

The current project estimate is \$24.215 (million)

+10.84 (sales tax)  
 +7.475 (state grant)  
+1.3 (naming rights)  
 = 19.615 (million)

This means an additional \$3.447 million would need to be raised over and above the money (\$1,152,000) that has been identified to date. Debt service of that amount over 20 years at 4.5% interest is approximately \$270,000 per year for 20 years. That amount could be reduced by additional gifts. The question to the Hockey Association and the fund raising group was if they were willing to take on the risk of raising that money over the 20 years.

The City is still waiting on schematic design for a \$18 million-dollar facility, and the estimate for including a walking track.

3. **Recess to December 18, 2023 City Council Meeting:** The meeting recessed at approximately 7:30.

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Mayor

ATTEST:

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City Clerk

**CITY OF HERMANTOWN**  
**CITY COUNCIL MEETING**  
Monday, December 18, 2023  
6:30 PM Central

**MEETING CONDUCTED IN PERSON & VIA ZOOM**

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

**CITY STAFF:** John Mulder, City Administrator; Alissa Wentzlaff, City Clerk; Eric Johnson; Community Development Director; Joe Wicklund, Communications & Community Engagement Director; Kevin Orme, Director of Finance & Administration; David Bolf, City Engineer; Gunnar Johnson, City Attorney; Trish Crego, Utility & Infrastructure Director; Zach Graves, Fire Chief

**VISITORS:** 10

1. **CALL TO ORDER**
2. **PLEDGE OF ALLEGIANCE**
3. **ROLL CALL**
4. **ANNOUNCEMENTS**

Councilor LeBlanc congratulated the Hermantown hockey players that are playing abroad.

5. **PUBLIC HEARING**
6. **COMMUNICATIONS**

A. Correspondence 23-174 through 23-176 placed on file

7. **PRESENTATIONS**
8. **PUBLIC DISCUSSION**

James Talego of 5061 Maple Grove Road spoke to Council to state that he is filing an extension to the existing PUD on his project.

9. **MOTIONS**

A. Motion to approve the following Tobacco License Renewal Applications effective January 1, 2024 through December 31, 2024, contingent upon complete applications being received, successful background checks and license fees being paid in full:

Adolph Store	3710 Midway Road
Chalet Lounge	4833 Miller Trunk Highway
Fleet Farm Fuel	4181 Loberg Avenue
Korner Store #100	4704 Hermantown Road
Kwik Trip #216	4805 Miller Trunk Highway
Kwik Trip #220	4978 Miller Trunk Highway
Kwik Trip #572	4145 Haines Road
Midway Calumet	5691 Highway 2
Stokke's Liquor Store	3706 Midway Road
Turning Leaf	4120 Richard Avenue
Walmart #1757	4740 Loberg Avenue
Holiday Stationstore #190	4795 Miller Trunk Highway
Pure Pleasure/DIMA Corp.	5193 Miller Trunk Highway

*(motion, roll call)*

Motion to approve the Tobacco License Renewal Applications effective January 1, 2024 through December 31, 2024, contingent upon complete applications being received, successful background checks and license fees being paid in full. 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:	Yea
Mayor Wayne Boucher:	Yea

Yea: 5, Nay: 0

B. Motion to approve Massage Establishment License Renewal Applications for the following effective January 1, 2024 through December 31, 2024 contingent upon complete applications being received, successful background checks and license fees paid in full:

Northern Lotus Massage Therapy, LLC	5338 Rose Road
Divine Intentions, LLC	4897 Miller Trunk Highway #222
The Well Co.	4897 Miller Trunk Highway



*(motion, roll call)*

Motion to approve Massage Establishment License Renewal Applications effective January 1, 2024 through December 31, 2024 contingent upon complete applications being received, successful background checks and license fees paid in full. This motion, made by Councilor John Geissler and seconded by Councilor Brian LeBlanc, Carried.

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

Yea: 5, Nay: 0

C. Motion to approve Massage Therapist License Renewal Applications for the following effective January 1, 2024 through December 31, 2024 contingent upon complete applications being received, successful background checks and license fees paid in full:

Northern Lotus Massage Therapy, LLC	Lind, Heather
Divine Intentions, LLC	Pecchia, Racheal
The Well Co.	Burr, Leah
The Well Co.	Eastvold, Amanda
The Well Co.	Lothert (Finifrock), Hannah
The Well Co.	Greyhawk, Chelsie
The Well Co.	Grondahl, Todd
The Well Co.	Harder, Megan
The Well Co.	Leider, Grace
The Well Co.	O'Leary, Aine
The Well Co.	Rummel, Chad
The Well Co.	Kedrowski, Abigail

*(motion, roll call)*

Motion to approve Massage Therapist License Renewal Applications effective January 1, 2024 through December 31, 2024 contingent upon complete applications being received, successful background checks and license fees paid in full. 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: Yea  
Mayor Wayne Boucher: Yea

Yea: 5, Nay: 0

10. **CONSENT AGENDA**

A. **Minutes** - Approval or correction of December 4, 2023 City Council Continuation Minutes

B. **Accounts Payable** - Approve general city warrants from December 1, 2023 through December 15, 2023 in the amount of \$1,950,507.64

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

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

Yea: 5, Nay: 0

11. **ORDINANCES**

A. **2023-10 An Ordinance Amending Section 500 Of The Hermantown Zoning Code, S-1, Suburban**

Matt LaFlamme of 5650 Rose Road appeared before Council to state that he and his siblings intend to make an application to construct an event center on inherited property on Midway Road.

*(second reading)*  
*(motion, roll call)*

Motion to approve 2023-10 An Ordinance Amending Section 500 Of The Hermantown Zoning Code, S-1, Suburban. This motion, made by Councilor Andy Hjelle and seconded by Councilor John Geissler, Carried.

Councilor Andy Hjelle: Yea  
Councilor Brian LeBlanc: Yea  
Councilor Ellie Jones: Yea

Councilor John Geissler: Yea  
Mayor Wayne Boucher: Yea

Yea: 5, Nay: 0

**B. 2023-11 An Ordinance Amending Section 700 Of The Hermantown Zoning Code, Special Use Permits**

*(second reading)*  
*(motion, roll call)*

Motion to approve 2023-11 An Ordinance Amending Section 700 Of The Hermantown Zoning Code, Special Use Permits. This motion, made by Councilor John Geissler and seconded by Councilor Andy Hjelle, Carried.

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

Yea: 5, Nay: 0

**C. 2023-12 An Ordinance Amending Hermantown Code Of Ordinances By Amending Section 850.5, Particular Speed Limits Designated**

*(first reading)*

12. **RESOLUTIONS**

**A. 2023-182 Resolution Approving Human Resources Generalist Job Description And Position**

*(motion, roll call)*

Motion to deny 2023-182 Resolution Approving Human Resources Generalist Job Description And Position. 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: Yea

Mayor Wayne Boucher: Yea

Yea: 5, Nay: 0

**B. 2023-183 Resolution Approving Economic Development Director Job Description And Position**

*(motion, roll call)*

Motion to approve 2023-183 Resolution Approving Economic Development Director Job Description And Position. This motion, made by Councilor John Geissler and seconded by Councilor Andy Hjelle, Carried.

Councilor Andy Hjelle: Yea

Councilor Brian LeBlanc: Nay

Councilor Ellie Jones: Nay

Councilor John Geissler: Yea

Mayor Wayne Boucher: Yea

Yea: 3, Nay: 2

**C. 2023-184 Resolution Adopting The Final 2023 Property Tax Levy Collectible In 2024 In The Amount Of \$8,323,968**

*(motion, roll call)*

Motion to approve 2023-184 Resolution Adopting The Final 2023 Property Tax Levy Collectible In 2024 In The Amount Of \$8,323,968. 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: Yea

Mayor Wayne Boucher: Yea

Yea: 5, Nay: 0

**D.2023-185 Resolution Adopting The Final 2024 City General Fund Budget In The Amount Of \$8,210,560 And The Overall Budget Of \$22,414,309**

*(motion, roll call)*

Motion to approve 2023-185 Resolution Adopting The Final 2024 City General Fund Budget In The Amount Of \$8,210,560 And The Overall Budget Of \$22,414,309. This motion, made by Councilor John Geissler and seconded by Councilor Andy Hjelle, Carried.

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

Yea: 5, Nay: 0

**E. 2023-192 Resolution Accepting A Proposal For Engineering Services With A Total Not To Exceed Contract Amount Of \$14,410.00 For Field Grading Plan Improvements From Northland Consulting Engineers**

*(motion, roll call)*

Motion to approve 2023-192 Resolution Accepting A Proposal For Engineering Services With A Total Not To Exceed Contract Amount Of \$14,410.00 For Field Grading Plan Improvements From Northland Consulting Engineers. 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: Yea  
Mayor Wayne Boucher: Yea

Yea: 5, Nay: 0

**F. 2023-193 Resolution Authorizing And Directing Mayor And City Clerk To Execute And Deliver Agreement With NASCAR Towing, LLC For Wrecker Service And Vehicle Storage For The City Of Hermantown Police Department**

*(motion, roll call)*

Motion to approve 2023-193 Resolution Authorizing And Directing Mayor And City Clerk To Execute And Deliver Agreement With NASCAR Towing, LLC For Wrecker Service And Vehicle Storage For The City Of Hermantown Police Department. This motion, made by Councilor John Geissler and seconded by

Councilor Brian LeBlanc, Carried.

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

Yea: 5, Nay: 0

**G. 2023-194 Resolution Approving Change Orders Numbers 1 Through 2 For District 538 (Richard & Lindgren Roads) To Ulland Brothers, Inc.**

*(motion, roll call)*

Motion to approve 2023-194 Resolution Approving Change Orders Numbers 1 Through 2 For District 538 (Richard & Lindgren Roads) To Ulland Brothers, Inc. This motion, made by Councilor John Geissler and seconded by Councilor Ellie Jones, Carried.

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

Yea: 5, Nay: 0

**H. 2023-195 Resolution Approving Pay Request Number 6 For Road Improvement District 538 To Ulland Brothers, Inc. In the Amount Of \$199,925.00**

*(motion, roll call)*

Motion to approve 2023-195 Resolution Approving Pay Request Number 6 For Road Improvement District 538 To Ulland Brothers, Inc. In the Amount Of \$199,925.00. 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: Yea  
Mayor Wayne Boucher: Yea

Yea: 5, Nay: 0

13. **CLOSED SESSION**

14. **RECESS**

Motion to recess at 7:04 p.m. 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: Yea  
Mayor Wayne Boucher: Yea

Yea: 5, Nay: 0

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Mayor

ATTEST:

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City Clerk





**CITY OF HERMANTOWN**

CHECKS #70522-70564  
12/16/2023 - 12/31/2023

PAYROLL CHECKS

Electronic Checks - #-66997-67044 \$92,552.58

LIABILITY CHECKS

Electronic Checks - #-66948-66953 \$65,248.83

Checks - #70563-70564 \$1,416.10

**PAYROLL EXPENSE TOTAL \$159,217.51**

ACCOUNTS PAYABLE

Checks - #70522-70562 \$136,611.11

Electronic Payments #-99041-99057 \$308,658.93

**ACCOUNTS PAYABLE TOTAL \$445,270.04**

**TOTAL \$604,487.55**

**CITY OF HERMANTOWN, MN 12/16/2023-12/31/2023**  
**Check # is between -99057 and -99041 or Check # is between 70522 and 70564**

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Fun d	Account	Department	Vendor Name	Description	Amount	Check #
601	494300	Water Distribution	CITY OF DULUTH COMFORT SYSTEMS	Nov Water Charges	70,024.97	-99057
101	415300	Administration & Finance	GREATAMERICA FINANCIAL SERVICES	Copier Lease/Konica bizhub C30	96.00	-99056
605	431160	Street Lighting	MN POWER	Street Lights	101.38	-99055
605	431160	Street Lighting	MN POWER	Street Lights	112.14	-99055
101	452100	Parks	MN POWER	Parks	37.48	-99055
601	494400	Water Administration and General	MN POWER	Water	74.81	-99055
101	422901	Firehall #1 Maple Grove Road	MN POWER	City Hall/Police/Fire	367.03	-99055
605	431160	Street Lighting	MN POWER	Overhead St Lights	104.65	-99055
101	431901	City Garage	MN POWER	5255 Maple Grove Rd Garage	6.36	-99055
605	431160	Street Lighting	MN POWER	Street Lights (Roundabout)	9.59	-99055
101	422903	Firehall #3 Midway Road	MN POWER	FH #3 Midway/Rose	22.93	-99055
101	422902	Firehall #2 Morris Thomas Road	MN POWER	FH #2 MorrisThomas & Stebner	24.69	-99055
101	431901	City Garage	MN POWER	4971 Lightning Dr	75.81	-99055
602	494900	Sewer Administration and General	MN POWER	4971 Lightning Dr	30.32	-99055
605	431160	Street Lighting	MN POWER	Street Lights	182.80	-99055
275	452200	Community Building	MN POWER	4289 Ugstad Rd/EWC	1,346.85	-99055
605	431160	Street Lighting	MN POWER	Street Lights	177.59	-99055
605	431160	Street Lighting	MN POWER	Traffic Lights	278.70	-99055
601	494400	Water Administration and General	MN POWER	4971 Lightning Dr	45.49	-99055
602	494900	Sewer Administration and General	MN POWER	Sewer	212.72	-99055
101	452200	Community Building	MN POWER	Community Bldg	84.28	-99055
101	419901	City Hall & Police Building Maintenance	MN POWER	City Hall/Police/Fire	574.06	-99055
101	415300	Administration & Finance	PITNEY BOWES PURCHASE POWER	Refill Postage Meter	398.28	-99054
602	494900	Sewer Administration and General	PITNEY BOWES PURCHASE POWER	Refill Postage Meter	37.85	-99054
601	494400	Water Administration and General	PITNEY BOWES PURCHASE POWER	Refill Postage Meter	56.77	-99054
101	419100	Community Development	PITNEY BOWES PURCHASE POWER	Refill Postage Meter	18.90	-99054
101	421100	Police Administration	PITNEY BOWES PURCHASE POWER	Refill Postage Meter	159.09	-99054
101	424100	Building Inspection	PITNEY BOWES PURCHASE POWER	Refill Postage Meter	30.48	-99054
230	465100	HEDA	PITNEY BOWES PURCHASE POWER	Refill Postage Meter	0.63	-99054
101	424100	Building Inspection	ADVANTAGE EMBLEM & SCREEN PRINTING INC	Jim Rich - Employee Recognitio	25.00	-99053
230	465100	HEDA	BRAUN INTERTEC CORPORATION	Future Business Park Site - AU	2,153.75	-99052
412	419100	Community Development	BRAUN INTERTEC CORPORATION	Environmental Site Assessment	2,700.00	-99052
416	452100	Parks	BRAUN INTERTEC CORPORATION	Fichtner Park	3,427.50	-99052
101	431100	Street Department	COMO LUBE & SUPPLIES INC.	ATF Fluid	617.25	-99051
101	421100	Police Administration	EMERGENCY AUTOMOTIVE TECHNOLOGIES INC	Equipment	6,996.53	-99050
101	424100	Building Inspection	FORUM COMMUNICATIONS	Building Official Ad	799.50	-99049
603	441100	Storm Water	GEI CONSULTANTS, INC.	Benson Rd Culvert	3,000.00	-99048
475	431150	Street Improvements	GEI CONSULTANTS, INC.	Hermantown Rd Wetland Delineat	7,000.00	-99048

CITY OF HERMANTOWN, MN 12/16/2023-12/31/2023  
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Fun d	Account	Department	Vendor Name	Description	Amount	Check #
601	494300	Water Distribution	LIFTPRO	Headache Ball for Crane Truck	354.26	-99047
101	431100	Street Department	NORTHERN ENGINE & SUPPLY INC	Jack Stand Switch - Heavy Haul	28.85	-99046
101	431100	Street Department	NORTHERN STATES SUPPLY INC	Nuts/Bolts/Cable Ties	15.57	-99045
101	452200	Community Building	NORTHLAND FIRE & SAFETY INC	Annual Fire Extinguisher Maint	85.00	-99044
101	419901	City Hall & Police Building Maintenance	NORTHLAND FIRE & SAFETY INC	Annual Fire Extinguisher Maint	1,065.10	-99044
101	431901	City Garage	NORTHLAND FIRE & SAFETY INC	Annual Fire Extinguisher Maint	274.90	-99044
101	415300	Administration & Finance	PITNEY BOWES GLOBAL FINANCIAL SVCS	Quarterly Postage Meter Lease	295.29	-99043
475	431150	Street Improvements	ULLAND BROTHERS INC	Richard Lindgren Street Improv	199,925.00	-99042
601	494400	Water Administration and General	VC3	Setup and Configure	26.38	-99041
101	422100	Fire Administration	VC3	Internet/WIFI Issues - FH	1,312.53	-99041
101	415300	Administration & Finance	VC3	Exchange Online Migration	354.38	-99041
101	419100	Community Development	VC3	Setup and Configure	26.38	-99041
601	494400	Water Administration and General	VC3	Exchange Online Migration	177.19	-99041
101	421100	Police Administration	VC3	Setup and Configure	167.09	-99041
602	494900	Sewer Administration and General	VC3	Setup and Configure	26.38	-99041
101	424100	Building Inspection	VC3	Setup and Configure	8.79	-99041
101	431100	Street Department	VC3	Exchange Online Migration	236.25	-99041
101	431100	Street Department	VC3	Setup and Configure	35.18	-99041
101	424100	Building Inspection	VC3	Exchange Online Migration	59.06	-99041
602	494900	Sewer Administration and General	VC3	Exchange Online Migration	177.19	-99041
101	413100	Mayor	VC3	Exchange Online Migration	59.06	-99041
101	421100	Police Administration	VC3	Exchange Online Migration	1,122.18	-99041
101	419100	Community Development	VC3	Exchange Online Migration	177.19	-99041
101	415300	Administration & Finance	VC3	Setup and Configure	52.76	-99041
101	422100	Fire Administration	VC3	New Desktops - Graves & S John	1,176.00	-99041
101	413100	Mayor	VC3	Setup and Configure	8.79	-99041
601	494300	Water Distribution	ACME TOOLS	Wrench for Water Main Bolts	31.99	70522
101	427100	Poundmaster	ANIMAL ALLIES HUMANE SOCIETY	Oct & Nov 2023 Boarding	1,074.00	70523
101	419100	Community Development	ARROWHEAD ABSTRACT & TITLE CO.	O&E Report O-309738	75.00	70524
602	494500	Sewer Maintenance	CENTRAL PENSION FUND	Training Per Contract	37.57	70525
101	431100	Street Department	CENTRAL PENSION FUND	Training Per Contract	37.56	70525
601	494300	Water Distribution	CENTRAL PENSION FUND	Training Per Contract	37.57	70525
101	422902	Firehall #2 Morris Thomas Road	CENTURYLINK	Internet FH2 11/28-12/27/23	79.98	70526
101	422903	Firehall #3 Midway Road	CENTURYLINK	Internet FH3 11/22-12/21/23	79.98	70526
101	431901	City Garage	CINTAS CORPORATION	Supplies	28.51	70527
101	431901	City Garage	CINTAS CORPORATION	Mats - PW	10.35	70527
101	431901	City Garage	CINTAS CORPORATION	Supplies	28.51	70527
101	431100	Street Department	CINTAS CORPORATION	Uniforms	42.37	70527

Fun d	Account	Department	Vendor Name	Description	Amount	Check #
101	431100	Street Department	CINTAS CORPORATION	Uniforms	7.92	70527
101	431100	Street Department	CINTAS CORPORATION	Uniforms	23.38	70527
101	431901	City Garage	CINTAS CORPORATION	Mats - PW	30.03	70527
101	431100	Street Department	CINTAS CORPORATION	Uniforms	7.92	70527
101	421100	Police Administration	CITY OF DULUTH	Training - PD	750.00	70528
601	494400	Water Administration and General	CUSTOMER ELATION INC	11/21 - 12/18/23 Answering	31.30	70529
602	494900	Sewer Administration and General	CUSTOMER ELATION INC	11/21 - 12/18/23 Answering	20.87	70529
101	431901	City Garage	DALCO	Rags	174.05	70530
101	419901	City Hall & Police Building Maintenance	DALCO	Ice Melter	166.80	70530
101	431100	Street Department	DIAMOND MOWERS LLC	ROW Mower Belt	109.77	70531
101	431100	Street Department	DIAMOND MOWERS LLC	ROW Mower O-Ring Kit	112.91	70531
101	421100	Police Administration	DUKE'S TOWING INC.	Towing	140.00	70532
460	431150	Street Improvements	EXPRESS INVESTORS OF DULUTH, LLC	2nd half TIF payment 2023	3,020.12	70533
460	431150	Street Improvements	EXPRESS INVESTORS OF DULUTH, LLC	2nd half TIF payment 2023	41,265.82	70533
601	494300	Water Distribution	FERGUSON WATERWORKS #2516	Hydrant Extension	1,416.00	70534
601	494300	Water Distribution	FERGUSON WATERWORKS #2516	Hydrant Extension	1,252.00	70534
101	419901	City Hall & Police Building Maintenance	HEINBUCH, GREG	Jacket/Sweatshirt/Bibs	490.07	70535
101	411300	Ordinance, Public Notice and Proceedings	HERMANTOWN STAR LLC	City Council Minutes	181.50	70536
101	411300	Ordinance, Public Notice and Proceedings	HERMANTOWN STAR LLC	Proposed Budget & Property Tax	346.50	70536
245	419100	Community Development	HOISINGTON KOEGLER GROUP INC.	Comprehensive Plan Update-Nov	1,982.50	70537
101	415300	Administration & Finance	INTEGRATED OFFICE SOLUTIONS	Copy Overage Konica C458	368.58	70538
101	415300	Administration & Finance	INTEGRATED OFFICE SOLUTIONS	Copy Overage Konica C308	82.50	70538
601	220100	Refund Payable	LONDON, PAT	Refund - Acct 3430-02	16.80	70539
601	494300	Water Distribution	MAVO CONCRETE SAWING SERVICES, INC.	Saw Cutting Various Locations	26.25	70540
101	431100	Street Department	MENARD INC	Diesel Additive	41.04	70541
101	452100	Parks	MENARD INC	PVC Repair Parts for Irrigatio	111.93	70541
101	452100	Parks	MENARD INC	Valve Box	59.98	70541
601	494300	Water Distribution	MENARD INC	Wire Nuts & Screws - Watermain	14.93	70541
601	494300	Water Distribution	MENARD INC	Pipe Bushings for Curb Stop	18.76	70541
601	494300	Water Distribution	MENARD INC	Big Buddy Heaters/Hose/Bag for	174.95	70541
461	431150	Street Improvements	MILLS PROPERTIES, INC.	2nd Half City Tax Abatement 20	52,942.80	70542
461	431150	Street Improvements	MILLS PROPERTIES, INC.	2nd Half City Tax Abatement 20	10,973.81	70542
101	431100	Street Department	MN PETROLEUM SERVICE	Filter	39.60	70543
101	431100	Street Department	NAPA AUTO PARTS	Fuel Filters - 928	35.64	70544
101	431100	Street Department	NAPA AUTO PARTS	Hydraulic Fluid	157.08	70544
101	431100	Street Department	NAPA AUTO PARTS	Battery for Heavy Haul Trailer	156.29	70544
101	431901	City Garage	O'DAY EQUIPMENT, INC.	Fuel Nozzle	66.52	70545
602	494500	Sewer Maintenance	PRO TIRE	Tires - H25	1,778.44	70546

**CITY OF HERMANTOWN, MN 12/16/2023-12/31/2023**  
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Fun d	Account	Department	Vendor Name	Description	Amount	Check #
101	431100	Street Department	RICK'S TREE & STUMP REMOVAL	Tree Removal - 3535 Park Dr	3,095.00	70547
101	431100	Street Department	SATHERS, LLC	Class 5 - Crushed Material	2,263.80	70548
101	431100	Street Department	SATHERS, LLC	Class 5 - Crushed Material	1,800.00	70548
601	220100	Refund Payable	SCHOW, GRANT OR GRETCHEN	Refund - Acct 0237-03	59.63	70549
101	431100	Street Department	SENST, PAUL	Reimburse Safety Boots	112.50	70550
601	494300	Water Distribution	SENST, PAUL	Reimburse Safety Boots	56.25	70550
602	494500	Sewer Maintenance	SENST, PAUL	Reimburse Safety Boots	56.25	70550
101	421100	Police Administration	SHEL/DON GROUP INC	Business Cards - Erika Johnson	146.01	70551
101	421100	Police Administration	SHRED-N-GO INC	Shredding Contract	126.89	70552
475	431150	Street Improvements	ST LOUIS COUNTY AUDITOR	Special Assessments	1,134.00	70553
101	431100	Street Department	ST LOUIS COUNTY AUDITOR	Brine Solution Nov 2023	65.25	70554
101	419100	Community Development	ST LOUIS COUNTY RECORDERS OFFICE	Resolution Postal, Frank	46.00	70555
101	419100	Community Development	ST LOUIS COUNTY RECORDERS OFFICE	Resolution Frick, Mark	46.00	70555
101	419100	Community Development	ST LOUIS COUNTY RECORDERS OFFICE	Resolution Hanson, Jason	46.00	70555
101	419100	Community Development	ST LOUIS COUNTY RECORDERS OFFICE	Resolution Schulze, Gregory	46.00	70555
101	419100	Community Development	ST LOUIS COUNTY RECORDERS OFFICE	Resolution Jobin, Martin	46.00	70555
101	419100	Community Development	ST LOUIS COUNTY RECORDERS OFFICE	Resolution Mercier, Scott	46.00	70555
101	419901	City Hall & Police Building Maintenance	STACK BROS MECHANICAL, INC.	Replace Pump - CH	4,713.75	70556
101	431100	Street Department	STONE RIVER WILDLIFE CONTROL	Beaver Removal - Loberg Rd (W	100.00	70557
101	421100	Police Administration	STREICHER'S	Uniform - Towner	40.00	70558
101	421100	Police Administration	TROY'S BP AMOCO INC	Oil & Filter - SQD 20	99.53	70559
601	494400	Water Administration and General	VALLI INFORMATION SYSTEMS, INC	Nov 2023 Bill Print	706.92	70560
602	494900	Sewer Administration and General	VALLI INFORMATION SYSTEMS, INC	Nov 2023 Bill Print Credit	-143.00	70560
603	441100	Storm Water	VALLI INFORMATION SYSTEMS, INC	Nov 2023 Bill Print Credit	-143.00	70560
601	494400	Water Administration and General	VALLI INFORMATION SYSTEMS, INC	Nov 2023 Bill Print Credit	-143.00	70560
603	441100	Storm Water	VALLI INFORMATION SYSTEMS, INC	Nov 2023 Bill Print	706.91	70560
602	494900	Sewer Administration and General	VALLI INFORMATION SYSTEMS, INC	Nov 2023 Bill Print	706.91	70560
101	431100	Street Department	VEIT & COMPANY INC	Debris Disposal	502.00	70561
101	417200	Communications	WICKLUND, JOE	Microphone for Remote Broadcas	113.76	70562

**Totals: 143 records printed**

**445,270.04**

**Resolution No. 2024-01**

**Resolution Appointing Council Member As The Acting Mayor**

WHEREAS, Minnesota Statute § 412.02, subd. 2b. requires a resolution to appoint and acting mayor; and

WHEREAS, the City Council for the City of Hermantown would like to appoint a City Council Member to act as Mayor when needed; and

WHEREAS, the appointed City Council member shall perform the duties of the Mayor during any disability or absence of the Mayor from the City; and

WHEREAS, the appointed City Council member shall perform these duties until the Mayor returns to office or until a successor has been appointed.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Hermantown that Councilor \_\_\_\_\_ be appointed as the Acting Mayor when the situation arises that requires him to do so.

Councilor \_\_\_\_\_ introduced the foregoing resolution and moved its adoption.

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

Councilors \_\_\_\_\_, and Mayor Boucher, aye.

and the following voted in opposition thereto:

None.

WHEREUPON, such resolution was declared duly passed and adopted January 2, 2024.

**Resolution No. 2024-02**

**Resolution Appointing Council Ex Officio Members To Various Boards, Commissions And Other Appointments For 2024**

WHEREAS, Hermantown City Code §§ 230.01.3.1 and 230.02.3.1 requires a resolution by City Council to appointment membership to the Park Board and Utility Commission; and

WHEREAS, the City of Hermantown has several Board and Commissions in addition to the Park Board and Utility Commission.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Hermantown that the following City Council members be appointed as Ex Officio Members to the following Boards, Commissions, Groups and Task Forces for 2024:

Airport Zoning Board	Councilor
Broadband Task Force	Councilor
Board of Appeals & Adjustments	Councilor
Comprehensive Planning Advisory Group	Councilor
Park Board	Councilor
Planning & Zoning Commission	Councilor
Utility Commission	Councilor

Councilor \_\_\_\_\_ introduced the foregoing resolution and moved its adoption.

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

Councilors \_\_\_\_\_, and Mayor Boucher, aye.

and the following voted in opposition thereto:

None.

WHEREUPON, such resolution was declared duly passed and adopted January 2, 2024.

**Resolution No. 2024-03**

**Resolution Authorizing And Directing Mayor Wayne Boucher And City Administrator John Mulder To Sign Checks And Drafts For The City Of Hermantown With Alternates Acting Mayor And Director Of Finance & Administration Kevin Orme**

WHEREAS, the City Council for the City of Hermantown authorizes individuals to sign checks and draft for the City of Hermantown.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Hermantown that the following individuals are authorized to sign checks and drafts for the City of Hermantown:

Main:

- Wayne Boucher, Mayor
- John Mulder, City Administrator

Alternates when needed:

- \_\_\_\_\_, Acting Mayor
- Kevin Orme, Director of Finance & Administration

Councilor \_\_\_\_\_ introduced the foregoing resolution and moved its adoption.

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

Councilors \_\_\_\_\_, and Mayor Boucher, aye.

and the following voted in opposition thereto:

None.

WHEREUPON, such resolution was declared duly passed and adopted January 2, 2024.



**Ordinance No. 2023-12**

The City Council of the City of Hermantown does ordain:

**AN ORDINANCE AMENDING HERMANTOWN  
CODE OF ORDINANCES BY AMENDING SECTION 850.5,  
PARTICULAR SPEED LIMITS DESIGNATED**

**Section 1.** Purpose and Intent. The City of Hermantown (“City”) is granted the authority under Minnesota Statutes § 169.14 to establish and amend speed limits on the City’s streets in its jurisdiction. The purpose and intent of this Ordinance is to amend the City Code by extending the 30-mph speed limit on Ugstad Road, a City street, to Falcon Drive, as shown on Exhibit A attached hereto, to improve the safety and mobility for all users and all modes of transportation utilizing this road segment.

**Section 2.** Addition to Chapter 8. Chapter 8, Traffic Regulations, of the City of Hermantown Code of Ordinances is hereby amended by amending Section 850.5, Particular Speed Limits Designated, to read as shown on Exhibit B attached hereto.

**Section 3.** Amendment to be Inserted in Code. After the amendment made by this ordinance becomes effective, it shall be inserted in the appropriate place in the Hermantown City Code.

**Section 4.** Effective Date. The provisions of this Ordinance shall be effective after adoption and immediately upon publication once in the official newspaper of the City of Hermantown and when appropriate signs giving notice thereof are erected on such street pursuant to Section 850.04 of the City Code.

Dated: \_\_\_\_\_ Mayor: \_\_\_\_\_

Attest:

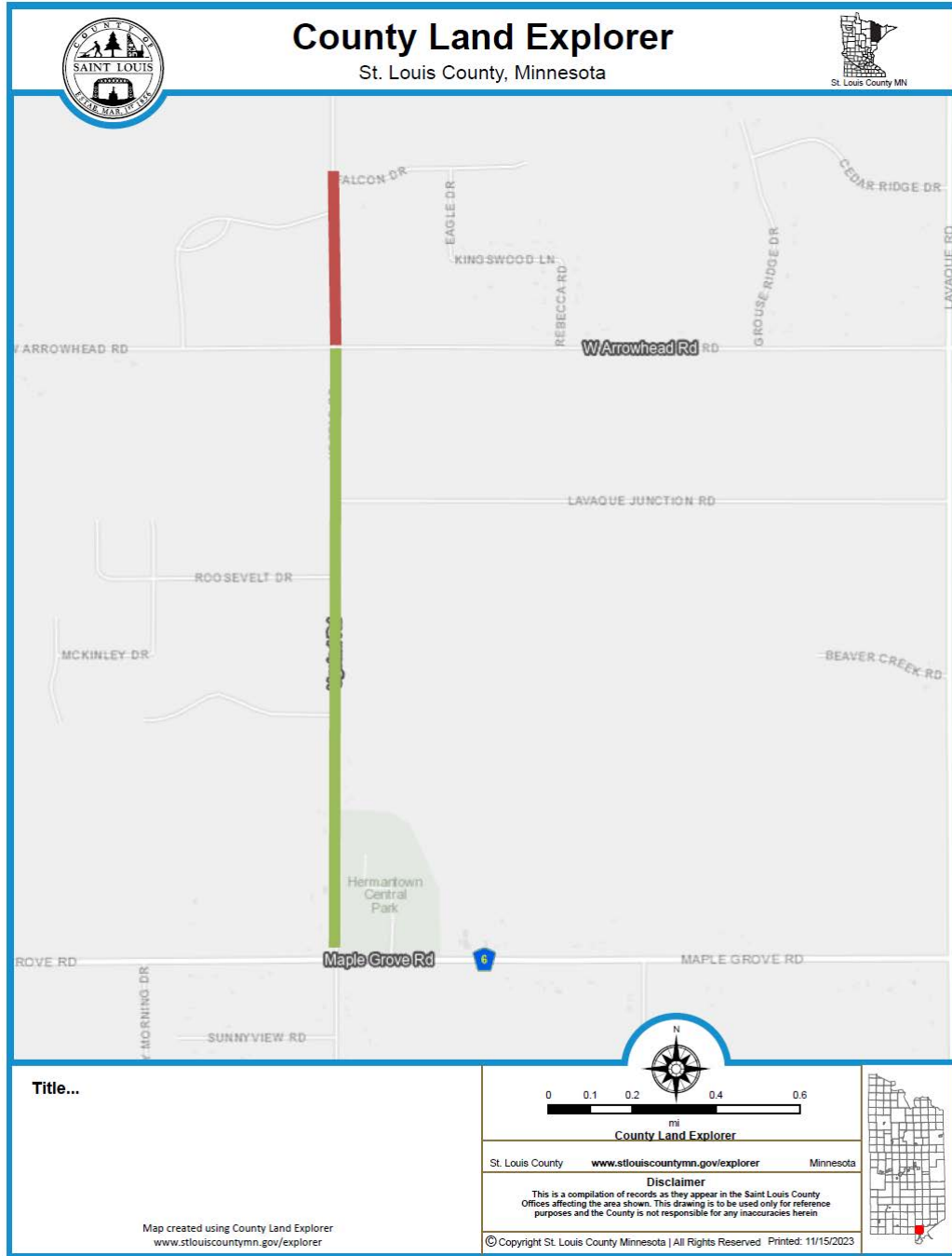
\_\_\_\_\_  
City Clerk

Adopted: \_\_\_\_\_

Published: \_\_\_\_\_

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

# EXHIBIT A



**EXHIBIT B**

**850.05 Particular Speed Limits Designated.** No person shall operate any motor vehicle at speeds in excess on the following speed limits on the roads in the City of Hermantown, to wit:

**850.05.1** Twenty-five (25) miles per hour speed zone:

**850.05.1.1** Lavaque Junction Road beginning at Lavaque Road intersection and ending at Ugstad Road intersection.

**850.05.2** Thirty (30) miles per hour speed zone:

**850.05.2.1** Sundby Road from Swan Lake Road to Airbase Road.

**850.05.2.2** Ugstad Road from Maple Grove Road to Falcon Drive.

**850.05.3** Forty (40) miles per hour speed zone:

**850.05.3.1** Swan Lake Road from Sundby Road to Haines Road

*Deleted language is struck out and added language is underlined.*



**CITY COUNCIL MEETING DATE:** January 2, 2024

**TO:** Mayor & City Council

**FROM:** Eric Johnson, Community Development Director

**SUBJECT:** Zoning Map Amendment from C, Commercial to C-1 Office/Light Industrial

**RESOLUTION:**                       **ORDINANCE:** 2024-01                       **OTHER:**

**REQUESTED ACTION**

Conduct a first reading on the proposed amendment to the Hermantown Zoning Map by rezoning the 8.0 acres associated with parcels 395-0133-00020 and 395-0133-00040 from C, Commercial to C-1, Office/Light Industrial.

**DESCRIPTION OF REQUEST:**

The applicant (Vermillion Homes) is requesting a rezoning of Parcels of 395-0133-00020 and 395-0133-0040 from C, Commercial to C-1, Office/Light Industrial.

**SITE INFORMATION:**

- Parcel Size:** 8 acres
- Legal Access:** Norway Pines Place
- Wetlands:** None per the National Wetland Inventory. Will need to be verified prior to development
- Existing Zoning:** C, Commercial
- Airport Overlay:** Zone 3
- Shoreland Overlay:** N/A
- Comprehensive Plan:** Commercial

**BACKGROUND:**

The applicant, who owns the property, has been marketing parcel 395-0133-00040 for a number of years. Parcel 395-0133-00020 is currently developed with an office use that is leased by the applicant to Benedictine Health System. The applicant is currently in negotiations with a landscape contracting company who is interested in parcel 395-0133-0040 in order to locate a landscape contracting business on the parcel. Contractor yards are not allowed in the C, Commercial zoning district but are in the C-1. The existing office building associated with parcel 395-0133-00020 is an allowed use in the C-1 zoning district.

In 2019, the City rezoned parcels 395-0091-00140 and 395-0091-00030 from C, Commercial to C-1 in order for ATK Storage to be able to build a mini storage facility on the property. At that time, it was envisioned that additional adjoining parcels would also be rezoned from C, Commercial to C-1 at a future date. The proposed rezoning of parcels 395-0133-00020 and 395-0133-00040 is in keeping with that vision from 2019.



A public hearing for this proposed text change was held on December 19, 2023. There were no members of the public present. The Planning and Zoning Commission unanimously recommended the text change to the City Council for their review and approval.

**C-1, Office and Light Industrial Zoning Analysis**

The lots’ meet the dimensional standards of the C-1 zone. C-1 zoning would allow some of the same uses that are also allowed in the C zoning district (offices, auto sales, and limited specialty retail) as well as industrial uses including warehouses, manufacturing, and mini-storage units. Table 1 shows allowed uses in the C-1 zone.

<p><b>Permitted Uses.</b></p> <p>Business, sales and professional offices.          Public buildings and public service facilities.          Research and development laboratories.          Gasoline service stations with convenience store.          Automobile and truck sales, service and repair.          Equipment sales, service and repair.          Customary accessory uses and structures.</p>
<p><b>Special Use Permit.</b></p> <p>Agritainment (A minimum lot size of 10 acres is required.)          Each proposed use and location shall be depicted on a site plan.          Contractor’s shop and storage yard.          Mini storage warehouse.          Manufacturing, assembly, packaging or fabrication.          Warehouse, distribution center, fulfillment center.          Restaurant.          Adult Use, Accessory.          Veterinary Clinics.          Wholesale businesses.          Building material supplies.          Lawn and garden material supplies.          Pawnbrokers.          Massage Establishment          Medical Cannabis Dispensary.</p>

**Airport Overlay C Zone**

The properties are located in the Duluth International Airport Overlay Zone 3. Additional regulations on the height of structures, lighting, and communication equipment are in effect in Zone 3. Structures in Zone 3 cannot exceed 1580 feet above sea level. Ground level elevation on the site ranges from 1450 feet to 1490 feet above sea level. Development can take place on the property and remain in compliance with the Zone 3 standards. Current City zoning regulations impose a maximum building height of 45 feet mitigating the likelihood of approaching the Zone 3 elevation limit.

**Comprehensive Plan**

The 2001 Comprehensive Plan and the Western Miller Trunk Highway Study support commercial and light industrial use of this property which is allowed in the requested C-1 Zone District.

The property is located in Comprehensive Plan Concept Area 3 which calls for Development of New Compatible Commercial with Adequate Public Utilities and Facilities, Development of Frontage/Backage Road System, Preserve Wetlands and Natural Features.



The Western Miller Trunk Highway Study identified preferred uses for the area as Office, Industry, or Multi-residential. Redevelopment criteria included:

Access should be off Norway Pines.

Possibility to be combined with redevelopment of parcels fronting Miller Trunk Highway.

Land use should not require highway visibility.

The land is currently zoned C, Commercial. The Commercial Zone District is intended to provide suitable areas within the community for the grouping and establishment of general retail sales, offices, professional buildings and service businesses. It is intended to provide convenient retail facilities for the residents of Hermantown and the surrounding area.

The C-1, Office/Light Industrial Zone District is intended for low-density office, light industrial, limited commercial services, and public service developments.

The property does not have frontage or visibility from Miller Trunk Highway so it is not a primary site for retail or high traffic service businesses. The site had been considered for a multi-residential development in the past but the noise generated by proximity to the airport runway limits its potential for residential or high value office space.

#### **Development Permitting**

The applicant is currently in negotiations with a landscape contracting company who is interested in parcel 395-0133-0040 in order to locate a landscape contracting business on the parcel. Contractor yards are not allowed in the C, Commercial zoning district but are in the C-1.

A decision on rezoning property is independent of any decision on permitting development of a property. Rezoning does not imply approval of future development. Any future development will have to meet all City regulations including zoning, stormwater management, wetland processes, and others and is required to have an approved Commercial Industrial Development Permit.

#### **RECOMMENDATIONS AND FINDINGS:**

A review of the existing and potential land uses of the property, and of the surrounding area, support rezoning the property to C-1, Office/Light Industrial. Staff recommends approval of the rezoning based on the following findings:

1. The proposed rezoning meets the criteria of the Comprehensive Plan and the overall goals and policies of the Zoning Ordinance, is suitable for the proposed zoning, and is compatible with surrounding zoning and land uses.

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

N/A

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#### **ATTACHMENTS**

- Ordinance
- Existing Zoning Map
- Proposed Zoning Map

**Ordinance No. 2024-01**

The City Council of the City of Hermantown does ordain:

**AN ORDINANCE AMENDING TITLE 2 OF THE HERMANTOWN CITY CODE  
BY AMENDING THE OFFICIAL ZONING MAP OF PARCELS 395-0133-00020 and  
395-0133-00040**

Section 1. Amendment to Official Zoning Map. The Official Zoning Map of the City of Hermantown is hereby amended so that Parcels 395-0133-00020 and 395-0133-00040 is zoned C-1, Office/Light Industrial. See Exhibit A for Legal Description.

Section 2. Purpose and Intent. The purpose of this amendment is to rezone Parcels 395-0133-00020 and 395-0133-00040 to C-1, Office/Light Industrial with the following Findings of Fact:

**Findings of Fact.**

1. The Planning Commission of the City of Hermantown (“Planning Commission”) held a public hearing on the rezoning request on December 19, 2023 at which time all parties desiring to be heard were afforded the opportunity to be heard.

2. A rezoning to C-1, Office/Light Industrial is compatible with the surrounding uses as it mirrors the existing development patterns of the surrounding/abutting parcels.

3. A rezoning to C-1, Office/Light Industrial allows for the maximization of existing water and sanitary sewer infrastructure thus allowing for development opportunities that cannot be conducted under the C, Commercial zoning district.

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

5. The property is included in development concept area (Area 3) of the Comprehensive Plan within which is the goal to develop New Compatible Commercial with Adequate Public Utilities and Facilities, Develop Frontage/Backage Road System, Preserve Wetlands and Natural Features.

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

Dated: \_\_\_\_\_ Mayor \_\_\_\_\_

Attest:

\_\_\_\_\_  
City Clerk

Adopted: \_\_\_\_\_

Published: \_\_\_\_\_

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

**Exhibit A – Legal Descriptions**

Lot 1, Block 2, EXCEPT that part of Lot 1, Block 2, described as follows: Beginning at the Southwest corner of Outlot A of the recorded plat of MAPLE HILL; thence Westerly, along the Westerly extension of the south line of said Outlot A, a distance of 41.37 feet to the southwesterly line of said Lot 1; thence Southeasterly, along last described southwesterly line, a distance of 135.37 feet to the Southeasterly corner of said Lot 1; thence Northerly, along the east line of said Lot 1, a distance of 127.27 feet to said Point of Beginning. Section 3 Township 50 Range 15

Parcel 395-0133-00020

Outlot B Matthew Addition, Section 3 Township 50 Range 15

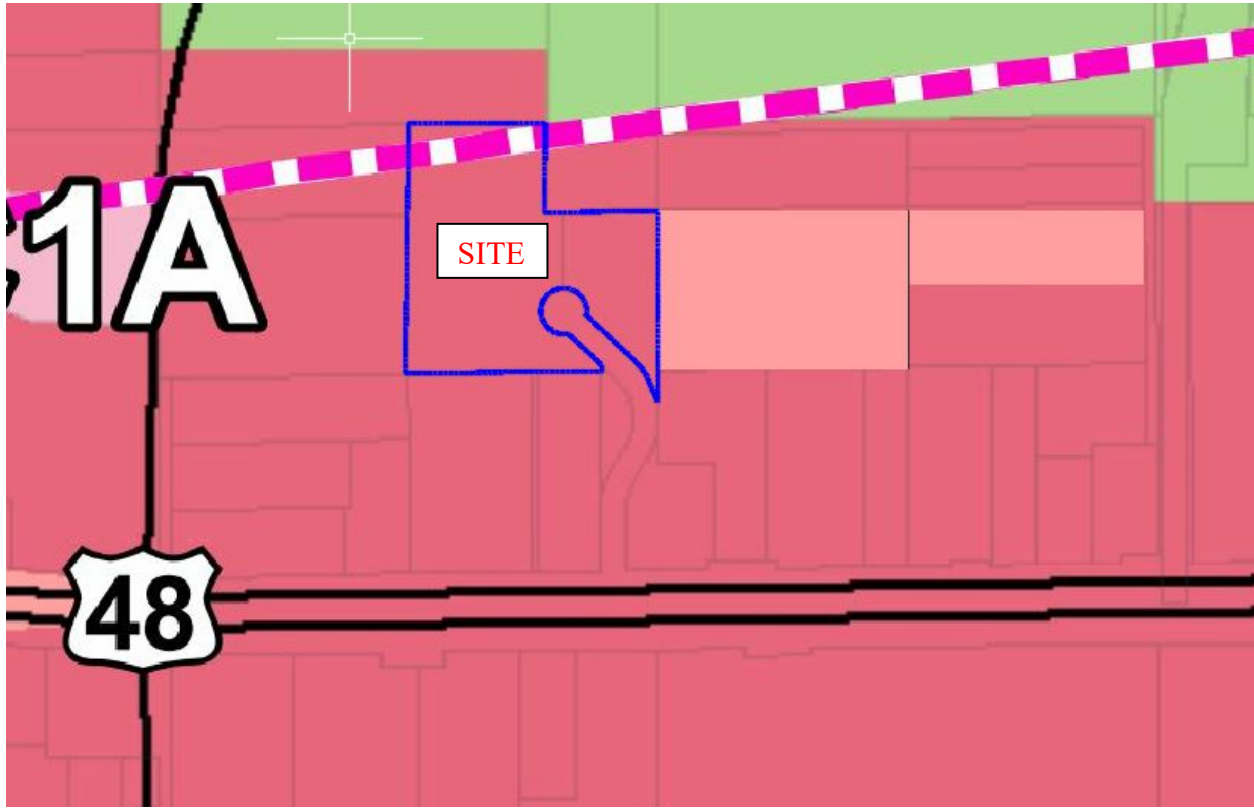
Parcel 395-0133-00040



Location Map



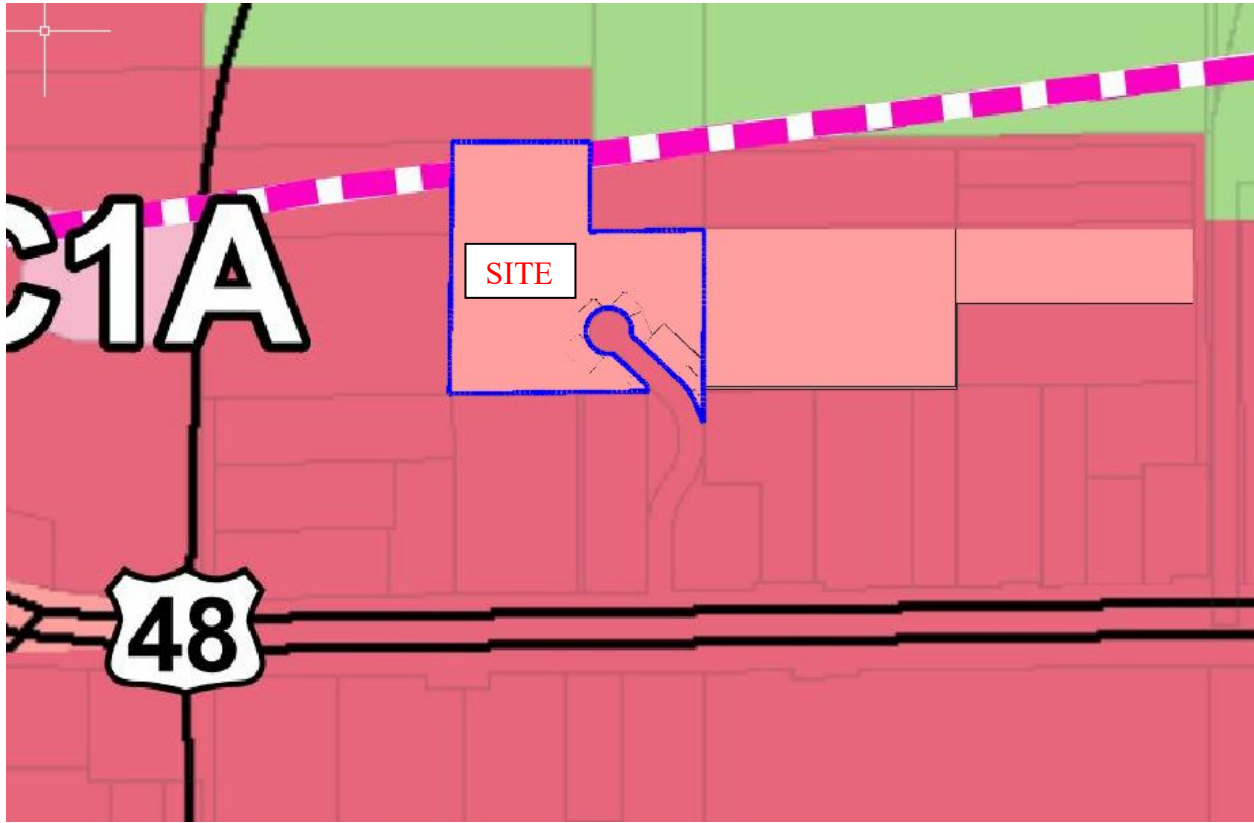
# Existing Zoning Map



## Hermantown Zoning Districts

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

# Proposed Zoning Map



## Hermantown Zoning Districts

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



**CITY COUNCIL MEETING DATE:** January 2, 2024

**TO:** Mayor & City Council

**FROM:** Eric Johnson, Community Development Director

**SUBJECT:** Zoning Map Amendment from C, Commercial to C-1 Office/Light Industrial

**RESOLUTION:**                       **ORDINANCE:** 2024-02                       **OTHER:**

**REQUESTED ACTION**

Conduct a first reading on the proposed zoning ordinance text amendments to Chapter 5, Section 590 – HBP - Hermantown Business Park.

**DESCRIPTION OF REQUEST:**

The City has been working with the property owners along Highway 53, Lavaque Bypass and Abrahamson Road on the creation of a 120-acre business park. To date, the City has engaged Braun Intertec to facilitate a concept master plan and environment scoping documents. The next stage for this is the creation of a Hermantown Business Park zoning district.

The Hermantown Business Park zoning district is intended as a transition between more industrial uses and business uses. This district is appropriate for manufacturing, warehousing, and similar industrial uses because of access to thoroughfares, the full complement of urban services such as sewer and water, and distance from residential districts. These areas are intended to encourage the development of industrial uses which are clean, quiet, and free of hazardous or objectionable elements such as noise, odor, dust, smoke, glare, or other pollutants. These industries shall be compatible with each other and with surrounding land uses.

The 120-acre land area is currently comprised of three different zoning districts: C, Commercial; C-1, Office/Light Industrial and C-1A, Office/Light Industrial/Adult Uses. In addition, there are the Airport Safety Zones 2 and 3 associated with this 120-acre area.

Once specific zoning code language is adopted, City staff will continue work with the property owners to determine the extent of the 120 acres that the new zone district will encompass.

The Hermantown Planning and Zoning Commission discussed this proposed zoning district at multiple meetings and on December 19, 2023 recommended that the City Council approve the ordinance.

**SOURCE OF FUNDS (if applicable)**

N/A

**ATTACHMENTS**

- Ordinance
- Section 590 Hermantown Business Park draft ordinance

**Ordinance No. 2024-02**

The City Council of the City of Hermantown does ordain:

**AN ORDINANCE AMENDING CHAPTER 5 OF THE HERMANTOWN ZONING REGULATIONS BY  
ADDING SECTION 590 – HBP, HERMANTOWN BUSINESS PARK**

Section 1. Amendment of Chapter 5. Land Use Regulations. Chapter 5 of the Hermantown Zoning regulations is hereby amended to read as follows on Exhibit A attached hereto.

Section 2. Amendments to be inserted in Zoning Regulations. After the amendments made by this ordinance become effective they shall be inserted in the appropriate place in the Hermantown Zoning Regulations.

Section 3. Effective Date. The provisions of this Ordinance shall be effective after adoption and immediately upon publication once in the official newspaper of the City of Hermantown.

Dated: \_\_\_\_\_ Mayor \_\_\_\_\_

Attest:

\_\_\_\_\_  
City Clerk

Adopted: \_\_\_\_\_

Published: \_\_\_\_\_

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

**Exhibit A – Legal Descriptions**

## **Section 590 – BP – Hermantown Business Park**

**590.01 Purpose.** The Hermantown Business Park zone district is intended as a transition between more industrial uses and business uses. This district is appropriate for manufacturing, warehousing, and similar industrial uses because of access to thoroughfares, the full complement of urban services such as sewer and water, and distance from residential districts. These areas are intended to encourage the development of industrial uses which are clean, quiet, and free of hazardous or objectionable elements such as noise, odor, dust, smoke, glare, or other pollutants. These industries shall be compatible with each other and with surrounding land uses.

**590.02 Permitted Uses.** The following uses shall be permitted after the issuance of a Commercial Industrial Development Permit.

**590.02.1.** Office warehouse, office showroom;

**590.02.2.** Warehouses;

**590.02.3.** Distribution centers;

**590.02.4.** Light manufacturing;

**590.02.5.** Laboratories for research and development;

**590.02.6.** Manufacturing, assembly, packaging or fabrication;

**590.02.7.** Uses not explicitly enumerated in this section as permitted uses, but closely similar thereto as determined by the Zoning Administrator, provided these uses are not explicitly mentioned as permitted or special uses elsewhere in the ordinance.

**590.03 Permitted With Conditions.** The following uses shall be permitted upon issuance of a Zoning Certificate finding that the use is in compliance with the applicable development guidelines and performance standards identified in this Section, as well as any specific conditions included for each particular use.

**590.03.1. Gasoline service station.**

**590.03.1.1.** All on-site utility service installations shall be placed underground.

**590.03.1.2.** Canopy and canopy support systems shall be compatible with the design of the principal structure.

**590.03.1.3.** All portions of the site designed for vehicle travel or storage shall be paved.

**590.03.1.4.** Outdoor storage may only take place in locations so designated and screened on the site plan approved as part of the Zoning Certificate.

**590.03.2. Industrial equipment sales, service, storage and repair.**

**590.03.2.1.** Any elements of the business operated outside a building, including storage of items for sale, long-term storage, and sales/display areas shall be located on an improved, paved surface. Screening may be required as part of the Zoning Certificate.

**590.03.3. Retail sales.**

**590.03.3.1.** Parking areas shall be paved.

**590.03.3.2.** Site access must be from a paved street.

**590.03.4. Restaurants.**

**590.03.4.1.** The gross floor area shall not exceed 4,000 square feet in size.

**590.03.4.2.** Parking areas shall be paved.

**590.03.4.3.** Site access must be from a paved street.

**590.03.4.4.** Restaurants may operate as an accessory use.

**535.03.5. Contractor's Shop and Storage Yard.**

**590.03.5.1.** Outdoor storage areas shall be permitted only in areas depicted on an officially approved site plan as part of a Zoning Certificate approval.

**590.03.5.2.** Designated outdoor storage areas shall be fully screened from off-site views.

**590.03.5.3.** Outdoor storage areas shall be maintained in a neat and orderly manner.

**590.04 Special Use Permit Required.** The following uses shall be permitted upon issuance of a Special Use Permit. These uses must meet all requirements required under Chapter 7 of this Code, as well as any additional requirements listed below.

**590.04.1. More than one principal building.**

**590.04.1.1.** The site circulation and traffic patterns shall be reviewed to determine adequacy.

**590.04.1.2.** The specific use for each principal building on the site shall be identified and found to be compatible.

**535.04.2. Well drilling equipment; storage and repair.**



**590.04.2.1.** Outdoor storage areas shall be maintained in a neat and orderly manner.

**590.05 Accessory Uses.**

**590.05.1. Outdoor storage.**

**535.05.1.1.** Outdoor storage areas shall be permitted only in areas depicted on an officially approved site plan as part of a Zoning Certificate approval.

**535.05.1.2.** Designated outdoor storage areas shall be fully screened from off-site views.

**590.05.2. Refuse and recycling.**

**590.05.3. Uses incidental to primary use.**

**590.06 Dimensional Standards**

**535.06.1.**

Dimension Type	Requirement
1. Minimum lot area	1 acre – within Airport Safety Zone 3 2.5 acres – within Airport Safety Zone 2
2. Minimum lot width	100 feet
3. Minimum depth of front yard (from R.O.W.)	20 feet
4. Minimum depth of corner yard (from R.O.W.)	20 feet
5. Minimum side yard setbacks	20 feet
6. Minimum rear yard setbacks	20 feet
7. Maximum lot coverage	65%
8. Maximum building height	60 feet

**590.07 Performance Standards.** No structure or premises within the HBP district shall be used for one or more of the uses allowed under this Section unless its use complies with the following regulations.

**590.07.1.** Processes and equipment employed in production of goods or any other use of the land shall conform to the following standards:

**590.07.1.1.** Vibration. Any vibration discernable beyond the property line to the human sense of feeling for five minutes or more duration (cumulative) in any one hour and any vibration producing a particle velocity of more than 0.035 inch per second are prohibited.

**590.07.1.2.** Glare and heat. Any operation producing intense glare or heat shall be performed within an enclosure so as not to be perceptible at the property line.

**590.07.1.3.** Industrial Waste Material. All liquid and solid wastes shall be identified in all processes and operations and approved disposal methods identified, and all governmental standards met.

**590.07.1.4.** Noise. Noise levels inside and outside of all buildings must meet federal, state, and local requirements as may be amended from time to time.

**590.07.1.5.** Air pollution. All emissions shall meet federal, state, and local requirements as may be amended from time to time, and all governmental standards met.

**590.07.2.** Manufacture of a product which decomposes by detonation or produces dioxin will not be permitted.

**590.07.3.** All trash, garbage, waste materials, trash containers, and recycling containers shall be kept in a minimally visible location on the site. Whenever possible, such containers shall be located in a location behind buildings and out of view from the public right-of-way. If such containers cannot be sited behind the buildings on the site, they shall be fully screened by a fence.

**590.07.4.** There shall be no access to a property which is within 50 feet of the intersection of the nearest curb cut of any public streets unless it can be demonstrated that adherence to this standard will cause undue hardship to the property owner.

**590.07.5.** Areas to be paved. Prior to issuance of a Zoning Certificate for any uses where a paved parking area is required, a cash escrow or other financial instrument in a form acceptable to the City shall be provided, to be fully refundable upon completion of the paved area. The cash escrow or financial guarantee shall be in the amount of 25% of the cost of the paving improvements, or \$10,000, whichever is more.

**590.08. Design Guidelines.** All buildings erected shall be a type of construction as defined in the Minnesota Building Code

**590.08.01. Building Design (Architecture).**

**590.08.01.1 Materials.** The following standards shall apply to all sides of any building and all sides of a building shall be finished with the same materials.

**590.08.01.1.1** Exterior wall surfaces of all buildings shall be primarily faced with brick, stone, pre-cast panel, cast-in-place panel, architectural concrete in combination with glass or other permitted materials

**590.08.01.1.2** Prohibited primary building materials include, Masonite, asphaltic exterior wall or roof material, aluminum or steel siding, non-architectural sheet metal, non-textured concrete block, and vinyl.

**590.09.01. Site Planning.**

**590.09.01.1 Parking and circulation.**

**590.09.01.1.1 Automobile spaces.** The number, size, and design of parking spaces and aisles shall conform to the standards for uses set in the C – Commercial zone district.

**590.09.01.1.2 Pedestrian circulation.** Clearly defined pedestrian walkways or paths shall be provided from parking areas to primary building entrances. Walkways and parking lots shall be designed so that pedestrians do not have to cross parking aisles and landscape islands to reach building entries. All internal walkways shall be distinguished from driving surfaces through the use of durable, low maintenance surface materials such as pavers, bricks, or scored concrete to enhance pedestrian safety and comfort, as well as the attractiveness of the walkways.

**590.09.01.1.3 Screening.**

**590.09.01.1.3.1** Landscape plans shall be developed with an emphasis upon the boundary or perimeter of the proposed site, to the immediate perimeter of the structure, parking areas, and along areas to be screened

**590.09.01.1.3.2** All parking lots shall be screened from the adjacent properties. The height and depth of the screening shall be consistent with the height and size of the area for which screening is required. All walls and fences shall be architecturally harmonious with the principal structure.

**590.09.01.1.4 Parking lot lighting.**

**590.09.01.1.4.1** The type and location of parking lot lighting shall prevent direct glare onto adjoining property, streets, or skyward.

**590.09.01.1.4.2** Parking lot lighting shall be consistent with pedestrian scale and shall be between 18 and 30 feet high.

**590.09.01.2 Loading and delivery areas.**

**590.09.02.2.1** Loading and delivery facilities shall generally be located at the rear of the site. When this portion of the site is adjacent to residential uses, loading and delivery facilities shall be screened from view by appropriate setbacks and screening.

**590.09.01.3 Utilities and mechanical equipment.**

**590.09.02.3.1** Utilities, electrical boxes and mechanical equipment shall be screened from the view of public streets and neighboring properties and located away from the primary site and building entrances.

**590.09.02.3.2** Mechanical equipment shall be concealed by building elements that are designed as an integral part of the building or site design, unless prohibited by local utility practices.

**590.09.02.3.3** Utilities shall be buried when feasible.

**590.09.01.4 Trash and storage areas.**

**590.09.02.4.1** Whenever possible, trash enclosures shall be architecturally integrated into the design of the structure, at the rear of the building.

**590.09.02.4.2** Trash enclosures shall be architecturally and aesthetically compatible with the building and site design.

**590.09.02.4.3** All trash enclosures shall be screened from public view to the greatest extent possible.

**590.09.02. Landscaping.**

**590.09.02.1** Landscaping is encouraged to play an integral, functional part in on-site stormwater management and traffic circulation. Stormwater ponds, rain gardens and other appropriate stormwater management methods will count as landscaping.

**590.09.02.2** Plants used in landscape plans shall be resistant to drought, disease, and insects and shall be hardy to the area.

**590.09.02.3** Landscape plans shall be developed with an emphasis upon the boundary or perimeter of the proposed site, to the immediate perimeter of the structure, parking areas, and along areas to be screened

**590.09.03. Specific Use Standards.** In addition to the standards presented elsewhere in this ordinance additional standards shall apply to the following special uses:

**590.09.03.1 Fueling stations.**

**590.09.03.1.1** All structures shall be architecturally and aesthetically consistent to an overall architectural theme.

**590.09.03.1.2** The roof design of all structures, including roof canopies and car washes, shall be architecturally and aesthetically consistent to an overall architectural theme.

**590.09.03.1.3** A traffic circulation plan shall be developed and approved. The plan shall, at a minimum, minimize potentially dangerous traffic movements, provide adequate and safe access to the site, separate pedestrian and auto circulations where practical, and minimize curb cuts.

**590.09.04. Signage.**

**590.09.04.1** Sign size and placement shall be regulated the same as signage in the C-Commercial Zoning District as established by Chapter 14 in the Hermantown Zoning Regulations.

**590.10. Off-Street Parking & Loading.** The following minimum requirements shall apply to all uses within the HBP District.

**590.10.1.** Upon a determination by the City Council based on verifiable information pertaining to parking demand, the off-street parking requirements of this Section may be revised upward or downward as part of a Special Use Permit application.

**590.10.2.** For unlisted uses, off-street parking requirements shall be set by the Zoning Administrator based on the closest comparable listed use.

**590.10.3.** Table 590.10.1, Off-Street Parking Requirements:

<b>Table 590.10.1</b>	
<i>Use</i>	Minimum number of parking spaces required
Gas station and automotive repair	Three spaces, plus four spaces per each service bay.
Manufacturing facilities	Five spaces plus one per each 500 square feet floor area.
Medical office or veterinary clinic	1 space per 200 square feet of floor space.
Office or laboratory	1 space per 250 square feet of floor space.
Restaurant	1 space per 100 square feet of floor space.
Retail	1 space per 250 square feet of floor space.

Warehouse or distribution	The lesser of 1 space per 1,500 square feet of floor space, or 1 for each employee on the maximum working shift.
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**590.10.4.** All off-street parking areas shall be maintained in good repair.

**590.10.5.** Loading docks, berths and facilities.

**590.10.5.1. Loading dock.** A minimum of one loading dock shall be provided for nonresidential buildings with 20,000 square feet or more in floor area

**535.10.5.2. Loading facility.** A loading facility includes the dock, the berth for the vehicle, maneuvering areas, and the necessary screening walls.

**535.10.5.3. Location.** All loading berth curb cuts shall be located 25 feet or more from the intersection of two street rights-of-way. No loading berth shall be located less than 50 feet from any parcel that is zoned residential and used or subdivided for residential use, or has an occupied institutional building. Loading facilities shall not occupy the required front yard.

**535.10.5.4. Size.** A loading dock shall have a berth area at least 12 feet wide and 55 feet long.

**535.10.5.5. Access.** Each loading berth location shall permit vehicular access to a street or public alley in a manner which will least interfere with traffic.

**535.10.5.6. Surfacing.** All loading facilities and access ways shall be paved with bituminous or concrete paving to control the dust and drainage.



**CITY COUNCIL MEETING DATE:** January 2, 2024

**TO:** Mayor & City Council

**FROM:** Kevin Orme, Director of Finance & Administration

**SUBJECT:** Bond Reimbursement Compliance

---

**RESOLUTION:** 2024-04       **ORDINANCE:**                       **OTHER:**

---

**REQUESTED ACTION**

Approve Procedure Relating to Compliance with Reimbursement Bond Regulations under the Internal Revenue Service Code

---

**BACKGROUND**

The City currently plans on issuing several new bonds in 2024. There is a blanket resolution that allows us to reimburse ourselves prior expenditures out of the proceeds of subsequently issued bonds. Hermantown previously passed this resolution (Resolution 2010-115, Resolution 2018-35, Resolution 2020-34, Resolution 2021-27, and Resolution 2023-05). Our municipal bond advisors, Ehlers, recommend we pass this resolution again for any 2024 new bond issues.

---

**SOURCE OF FUNDS (if applicable)**

N/A

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**ATTACHMENTS**

Resolution

**Resolution No. 2024-04**

**Resolution Establishing Procedures Relating To Compliance With Reimbursement Bond Regulations Under The Internal Revenue Code**

BE IT RESOLVED by the City Council (the "Council") of the City of Hermantown, Minnesota (the "City"), as follows:

1. Recitals.

(a) The Internal Revenue Service has issued Treasury Regulations, Section 1.150-2 (as the same may be amended or supplemented, the "Regulations"), dealing with "reimbursement bond" proceeds, being proceeds of the City's bonds used to reimburse the City for any project expenditure paid by the City prior to the time of the issuance of those bonds.

(b) The Regulations generally require that the City make a declaration of intent to reimburse itself for such prior expenditures out of the proceeds of subsequently issued bonds, that such declaration be made not later than 60 days after the expenditure is actually paid, and that the bonding occur and the written reimbursement allocation be made from the proceeds of such bonds within 18 months after the later of (1) the date of payment of the expenditure or (2) the date the project is placed in service (but in no event more than 3 years after actual payment).

(c) The City heretofore implemented procedures for compliance with the predecessor versions of the Regulations and desires to amend and supplement those procedures to ensure compliance with the Regulations.

(d) The City's bond counsel has advised the City that the Regulations do not apply, and hence the provisions of this Resolution are intended to have no application to payments of City project costs first made by the City out of the proceeds of bonds issued prior to the date of such payments.

2. Official Intent Declaration. The Regulations, in the situations in which they apply, require the City to have declared an official intent (the "Declaration") to reimburse itself for previously paid project expenditures out of the proceeds of subsequently issued bonds. The Council hereby authorizes the City Finance Director to make the City's Declarations or to delegate from time to time that responsibility to other appropriate City employees. Each Declaration shall comply with the requirements of the Regulations, including without limitation the following:

(a) Each Declaration shall be made not later than 60 days after payment of the applicable project cost and shall state that the City reasonably expects to reimburse itself for the expenditure out of the proceeds of a bond issue or similar borrowing. Each Declaration may be made substantially in the form of the Exhibit A which is attached to and made a part of this Resolution, or in any other format which may at the time comply with the Regulations.



(b) Each Declaration shall (1) contain a reasonably accurate description of the "project," as defined in the Regulations (which may include the property or program to be financed, as applicable), to which the expenditure relates and (2) state the maximum principal amount of bonding expected to be issued for that project.

(c) Care shall be taken so that the City, or its authorized representatives under this Resolution, not make Declarations in cases where the City does not reasonably expect to issue reimbursement bonds to finance the subject project costs, and the City officials are hereby authorized to consult with bond counsel to the City concerning the requirements of the Regulations and their application in particular circumstances.

(d) The Council shall be advised from time to time on the desirability and timing of the issuance of reimbursement bonds relating to project expenditures for which the City has made Declarations.

3. Reimbursement Allocations. The designated City officials shall also be responsible for making the "reimbursement allocations" described in the Regulations, being generally written allocations that evidence the City's use of the applicable bond proceeds to reimburse the original expenditures.

4. Effect. This Resolution shall amend and supplement all prior resolutions and/or procedures adopted by the City for compliance with the Regulations (or their predecessor versions), and, henceforth, in the event of any inconsistency, the provisions of this Resolution shall apply and govern.

ADOPTED on January 2, 2024, by the City Council of the City of Hermantown, Minnesota.

## EXHIBIT A

### Declaration of Official Intent

The undersigned, being the duly appointed and acting City Finance Director of the City of Hermantown, Minnesota (the "City"), pursuant to and for purposes of compliance with Treasury Regulations, Section 1.150-2 (the "Regulations"), under the Internal Revenue Code of 1986, as amended, hereby states and certifies on behalf of the City as follows:

1. The undersigned has been and is on the date hereof duly authorized by the City Council to make and execute this Declaration of Official Intent (the "Declaration") for and on behalf of the City.

2. This Declaration relates to the following project(s), property(s) or programs (the "Projects") and the costs thereof to be financed:

Hermantown Road Bridge and Richard / Lindgren Improvements

3. The City reasonably expects to reimburse itself for the payment of certain costs of the Project out of the proceeds of a bond issue or similar borrowing (the "Bonds") to be issued by the City after the date of payment of such costs. As of the date hereof, the City reasonably expects that \$2,500,000.00 is the maximum principal amount of the Bonds which will be issued to finance these Projects.

4. Each expenditure to be reimbursed from the Bonds is or will be a capital expenditure or a cost of issuance, or any of the other types of expenditures described in Section 1.150-2(d)(3) of the Regulations.

5. As of the date hereof, the statements and expectations contained in this Declaration are believed to be reasonable and accurate.

Date: January 2, 2024

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City Director of Finance & Administration  
City of Hermantown, Minnesota

**CERTIFICATION**

The undersigned, being the duly qualified and acting City Clerk of the City of Hermantown, Minnesota, hereby certifies the following:

The foregoing is a true and correct copy of a Resolution on file and of official, publicly available record in the offices of the City, which Resolution relates to procedures of the City for compliance with certain IRS Regulations on reimbursement bonds. Said Resolution was duly adopted by the governing body of the City (the "Council") at a regular or special meeting of the Council held on January 2, 2024. Said meeting was duly called, regularly held, open to the public, and held at the place at which meetings of the Council are regularly held. Councilor \_\_\_\_\_ moved the adoption of the Resolution, which motion was seconded by Councilor \_\_\_\_\_. A vote being taken on the motion, the following members of the Council voted in favor of the motion to adopt the Resolution:

Councilors Geissler, Hjelle, LeBlanc and Mayor Boucher, aye.

and the following voted against the same:

None.

Whereupon said Resolution was declared duly passed and adopted. The Resolution is in full force and effect and no action has been taken by the Council which would in any way alter or amend the Resolution.

WITNESS MY HAND officially as the City Clerk of the City of Hermantown, Minnesota, this 2nd day of January, 2024.

\_\_\_\_\_  
City Clerk  
City of Hermantown, Minnesota



**CITY COUNCIL MEETING DATE:** January 2, 2024

**TO:** Mayor & City Council

**FROM:** John Mulder, City Administrator

**SUBJECT:** Ice Arena – Design Development

---

**RESOLUTION:** 2024-05       **ORDINANCE:**                       **OTHER:**

---

**REQUESTED ACTION**

Approve resolution authorizing the design development stage of a \$24.215 million design of the expansion of the existing ice arena.

---

**BACKGROUND**

For the past several meetings, the City Council has reviewed the schematic design of the expansion of the ice arena. On Monday, the design team of Kraus Anderson (KA) and Damberg Scott Gerzina Wagner Architects, Inc. d/b/a DSGW Architects (“DSGW”) will present an option intended to be funded with just public dollars (sales tax and the state grant).

The fund-raising committee has been discussing options on how to raise funds for the \$24,215 design. Approving the attached resolution would allow the process to move forward, with the understanding that the current gap in financing would come from sources other than the City.

---

**SOURCE OF FUNDS (if applicable)**

Design development costs covered by Community Recreation Sales tax

---

**ATTACHMENTS**

Resolution

**Resolution No. 2024-05**

**Resolution Authorizing DSGW To Provide Design Development Based On Funding For  
The Arena Project**

WHEREAS, on December 4, 2023, the City of Hermantown (“City”) received a schematic design from its architect, Damberg Scott Gerzina Wagner Architects, Inc. d/b/a DSGW Architects (“DSGW”) and its Construction Manager, Kraus-Anderson Construction Company (“Kraus”), for an addition to the existing Hermantown Hockey Arena (“Arena”) with an estimated project costs of \$24.215 million (“Design”), and

WHEREAS, the City has been authorized to spend \$10.84 million in sales tax for an addition to the Arena; and

WHEREAS, the City of Hermantown has secured \$7.475 million in a state capital appropriation for an addition to the Arena; and

WHEREAS, an Agreement for Naming Rights between NorthStar Ford and Independent School District No. 700 (“School”), whereby NorthStar Ford would contribute \$1.6 million to the City in connection with development of the Arena and which has a present value dollar amount of \$1.3 million, is before the School Board for its consideration; and

WHEREAS, the current funding gap for the Design is \$4.6 million; and

WHEREAS, Hermantown Arena Legacy Fund has tentative agreements for an additional \$1.152 million in funds and is committed to working with the Arena project partners to raise the remaining balance needed to fund the Design.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Hermantown directs DSGW to provide the design development for the Design based on the funding plan described above.

Councilor \_\_\_\_\_ introduced the foregoing resolution and moved its adoption.

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

Councilors \_\_\_\_\_, and Mayor Boucher, aye.

and the following voted in opposition thereto:

None.

WHEREUPON, such resolution was declared duly passed and adopted on January 2, 2024.



**CITY COUNCIL MEETING DATE:** January 2, 2024

**TO:** Mayor & City Council

**FROM:** John Mulder, City Administrator

**SUBJECT:** Certified Building Official

---

**RESOLUTION:** 2024-06       **ORDINANCE:**                       **OTHER:**

---

**REQUESTED ACTION**

Approve the employment of Brandon Holmes as the Certified Building Official.

---

**BACKGROUND**

Jim Rich and I interviewed two candidates for the Certified Building Official position. Following the interviews, we agreed to offer the position to Brandon Holmes.

Brandon Holmes has accepted the attached offer.

---

**SOURCE OF FUNDS (if applicable)**

101-424100-101

---

**ATTACHMENTS**

Summary Job Offer



**Summary Job Offer to  
Brandon Holmes from the City of Hermantown  
For the Certified Building Official  
January 2, 2024**

**Proposed Start Date:** February 1, 2024

**Starting Salary:** The Certified Building Official is a salaried position.

The starting salary is \$76,240 (\$36.65/hour) and will be paid in the same fashion as all other employees.

**Vacation:** On the start date, the City will credit the vacation balance with 80 hours. For purposes of employment benefits such as vacation and the like, he will be credited with having 3 years of employment with the City on his first day of employment.

**Sick Leave:** On the start date, the City will credit the sick leave balance with 80 hours of sick leave.

**Car Allowance:** The Building Official will be provided a car allowance of \$600 per month.

**All Other Terms:** As provided in the Management Compensation Plan.

**Resolution No. 2024-06**

**Resolution Approving The Employment Of Brandon Holmes As The Certified Building Official**

WHEREAS, a search has been conducted for a person with experience and education for a Certified Building Official for the City of Hermantown; and

WHEREAS, interviews were conducted with candidates for the position; and

WHEREAS, the City Council has duly considered this matter and believes it is in the best interests of the City of Hermantown to accept the recommendations of the City Administrator set forth in the attached memo.

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

1. The employment of Brandon Holmes as the Certified Building Official pursuant to the terms set forth in the summary job offer attached hereto is approved.

Councilor \_\_\_\_\_ introduced the foregoing resolution and moved its adoption.

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


Councilors \_\_\_\_\_, and Mayor Boucher, aye.

and the following voted in opposition thereto:

None.

WHEREUPON, such resolution was declared duly passed and adopted on January 2, 2024.



	<b>APPLICATION FOR EMPLOYMENT</b> <b>An Equal Opportunity Employer</b>	For office use only: Date Received:
		Interview: ( ) Yes ( ) No Date:

**Important Instructions:** This application must be received in the City of Hermantown Governmental Services Building by 4:30 p.m. on the deadline to be considered. E-mailed and faxed versions of the application will be accepted to meet the deadline, but a signed original must also be submitted. Failure to provide a signed original may result in disqualification. Please print in ink and answer each question as completely and accurately as possible. You may choose to attach a resume as a supplement. However, please do not enter "See Resume" when completing this document. Thank you for your interest in the City of Hermantown.

Name (Last) Holmes (First) Brandon (Middle) James		Home Phone: ( ) 94
Address (Street) (Apt #)		Cell Phone: ( ) 8 (Work) Business Phone: (651) 982-2488
(City) (State) MN (Zip Code) 5		May we contact you at this #? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
POSITION APPLIED FOR/TYPE OF WORK		E-mail address: .om
<input checked="" type="checkbox"/> Full-time <input type="checkbox"/> Part-time <input type="checkbox"/> Seasonal <input type="checkbox"/> Temporary		Building Official

<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Have you worked for the City of Hermantown previously? If so, list position, department and beginning and ending dates.
<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Are you a direct relative of any employee(s) of the City of Hermantown?
<input checked="" type="checkbox"/> Yes State: MN	Do you have a current valid driver's license?
<input type="checkbox"/> Yes State:	Do you have a current valid Commercial Driver's License? If Yes, list CDL endorsements:
<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Are you under 18 years of age?
<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Are you a U.S. citizen?
<input type="checkbox"/> Yes <input type="checkbox"/> No	If not, do you have a legal right to work in the U.S.?

**Education:**  
 Did you graduate from High School  Yes  No Name/Location of School: New Discoveries  
 If "No", have you passed a High School Equivalency or GED Test?  Yes  No  
 Location and date of test: \_\_\_\_\_

TRAINING BEYOND HIGH SCHOOL: College or University, Nursing, Business College or Technical School

College, University or School – Name and Location	Years Attended	Major Field	Type of Degree (if received)	GPA
North Memorial EMS Education	2008w	EMS	EMT-B	

Describe any education or training you have had which is not covered above (e.g. vocational school, in-service training) which may be applicable to the position you are applying for. Please include dates. If you wish to list relevant course work please do so as an attachment.

I have extensive continuing education in both the building and code enforcement fields. I am a continuing education course author and Instructor. I am a current University of MN Annual Institute of Building Officials board member, instructor and curriculum developer.

Check office machine skills acquired through training or experience.

Applications Used: Please check all that apply:

Computer \_\_\_\_\_ WPM

MS Word  MS Excel  Outlook  Power Point

Other:

Copy/Fax Machine  Other: Explain  
 Permit Worx  
 Bluebeam Revu

**Certifications:** Please list any certifications that may be applicable: (include any license or registration)

MN Certified Building Official CBO#770894  
 ICC Building Technology Certification  
 U of M Storm-water and Erosion Control Installer and Inspector

**Work Experience:** Starting with PRESENT or MOST RECENT, list all previous employers. Include self-employment, military service, summer or part-time jobs, or volunteer positions if related to the job for which you are applying. Use a separate sheet to continue with additional qualifying employment data, using the same format as below.

Title of Position Held: Combination Inspector/ Commercial Plan Reviewer	From (Month/Year) 5/2022	<b>PRIMARY DUTIES:</b> I was initially hired as a combination field inspector for building, mechanical, plumbing, rental, municipal code enforcement and zoning permits. In October of 2022, because of my strong plan review background, I was also tapped to take over the role of commercial plan review. This has since expanded to include a shared role with review of zoning and residential permits as well. My week now consists of a combination of all the above duties.
Employer's Name City of Lino Lakes	To: (Month/Year) Current	
Street Address 600 Town Center Parkway	Hours Per Week 40	
City, State, Zip code Lino Lakes, MN 55014	Ending Salary: \$36 phr	
Name and Title of Supervisor: Patrick Moonen - Building Official		
May we contact your present employer? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No If you respond "No" and it becomes necessary for us to contact your present employer, we will first contact you to get your authorization.		Reason for leaving or considering change:  Professional Advancement

Title of Position Held: Code Official	From (Month/Year) 11/2018	<b>PRIMARY DUTIES:</b> MNSPECT provides contract based building department services. I am their senior commercial plans examiner for approximately 25 municipalities and counties. I was formerly a residential examiner and still am as needed for backup. In addition I function as a resource mentor to the junior reviewers and provide back-up inspections as needed.
Employer's Name MNSPECT, a SAFEbuilt Company	To: (Month/Year) 5/2022	
Street Address 235 West 1st St	Hours Per Week 40+	
City, State, Zip code Waconia, MN 55387	Ending Salary: \$36 phr	
Name and Title of Supervisor: Scott Qualle - Building Official		
		Reason of leaving: Accepted Current Position

Title of Position Held: Co-Owner	From (Month/Year) 2/2022	<b>PRIMARY DUTIES:</b> I am the co-owner of a contract based plan review service. We provide expedited technical/structural plan reviews to municipalities.
Employer's Name Advanced Code Review Services	To: (Month/Year) Current	
Street Address 701 Jenks St	Hours Per Week Freelance	
City, State, Zip code Rockford Mn 55373	Ending Salary:	
Name and Title of Supervisor: Self		Reason of leaving: This is ongoing part time

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MAY WE OBTAIN REFERENCES FROM THE EMPLOYERS LISTED ABOVE?  Yes  No  
 If No, explain:

**References:** Please list three people who are not related to you, who have known you for at least one year, can comment on your job performance, and that we may contact:

Name	Address	Phone Number
1. Scott Qualle MNSPECT BO	235 West 1st St Waconia, MN	(552) 112-1320
2. Barry Brainard Municipal BO (Retired)	1330 16th Ave S.E Forest Lake, MN 55025	(763) 233-1370
3. Lenny Rutledge City of Big Lake BO	160 Lake St North Big Lake, MN 55309	(763) 231-2303

**Please Read Carefully Before Signing.**

We welcome you as an applicant for employment with the City of Hermantown. It is the city’s policy to provide equal opportunity in employment. The City will not discriminate on the basis of race, age, religion, national origin, marital status, disability, sex, sexual orientation, status with regard to public assistance, or any other basis protected by law.

Some information contained and requested in this application is considered public data under the Minnesota Government Data Practices Act, including veteran status, relevant test scores, rank on eligibility list, job history, education, training, and work availability. As an applicant for employment, your name is considered private until you become a finalist for employment with the City. You are considered a finalist if and when you are selected for an interview by the hiring authority. Typically, the other information contained and requested in this application is considered private data under the Minnesota Government Data Practices Act, and will be used only in conjunction with your possible employment. Please furnish complete information so we may accurately and completely assess your qualifications. Your application will be evaluated in comparison to the requirements of the position for which you are applying. If the City of Hermantown hires you, some of the information contained on this application form (such as previous employment experience and education background) will become public data.

I certify that all information I have provided in this application for employment is true and complete to the best of my knowledge. I agree and understand that any false statements or omission of information contained in this application or any supplemental materials I submit may disqualify me from further consideration for employment or result in immediate dismissal if discovered at a later date.

I authorize investigation of any information contained in the application for employment and/or supplemental materials I have submitted in consideration for employment, as may be needed to arrive at an employment decision. I authorize any or all education institutions and prior employers listed in the application for employment to provide information they may have concerning me as it may relate to consideration of my application for employment. I release those parties from any and all liability or claims for damage that may result from such.

**I HEREBY ACKNOWLEDGE THAT I have read the above statements and understand them.**

Brandon J. Holmes  
Signature of Applicant

11/28/2023  
Date signed



**CITY COUNCIL MEETING DATE:** January 2, 2024

**TO:** Mayor & City Council

**FROM:** Eric Johnson, Community Development Director

**SUBJECT:** Extend a Planned Unit Development Approval – The Arbors of Maple Grove

**RESOLUTION:** 2024-07       **ORDINANCE:**                       **OTHER:**

**REQUESTED ACTION**

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

**DESCRIPTION OF REQUEST:**

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

The Hermantown Zoning code allows for the extension of a PUD approval by the City Council for such time as it shall be determined and for good cause shown, without further hearing. The applicant has requested a one-year extension as they have had recent interest from a potential buyer.

The City Council previously approved a one-year extension for this project in December 2022.

**SOURCE OF FUNDS (if applicable)**

N/A

**ATTACHMENTS**

- Location Map
- Approved PUD Design
- Resolution

**Resolution No. 2024-07**

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

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

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

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

WHEREAS, the Applicant requested a 365 day extension to the preliminary PUD on December 5, 2022 and was approved by the City Council by Resolution 2022-141; and

WHEREAS, the Applicant has asked the City Council for an additional extension to the preliminary PUD for 365 days as there has been recent inquiries to the development; and

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

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

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

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

1. The preliminary PUD is hereby extended to January 2, 2025.
2. The City Clerk is hereby directed to notify the Applicant, the Planning and Zoning Administrator and the Planning and Zoning Commission of the extension of the preliminary PUD.

Councilor \_\_\_\_\_ introduced the foregoing resolution and moved its adoption.

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

Councilors \_\_\_\_\_, Mayor Boucher, aye.

and the following voted in opposition thereto:

None.

WHEREUPON, such resolution was declared duly passed and adopted January 2, 2024.

**Location Map**







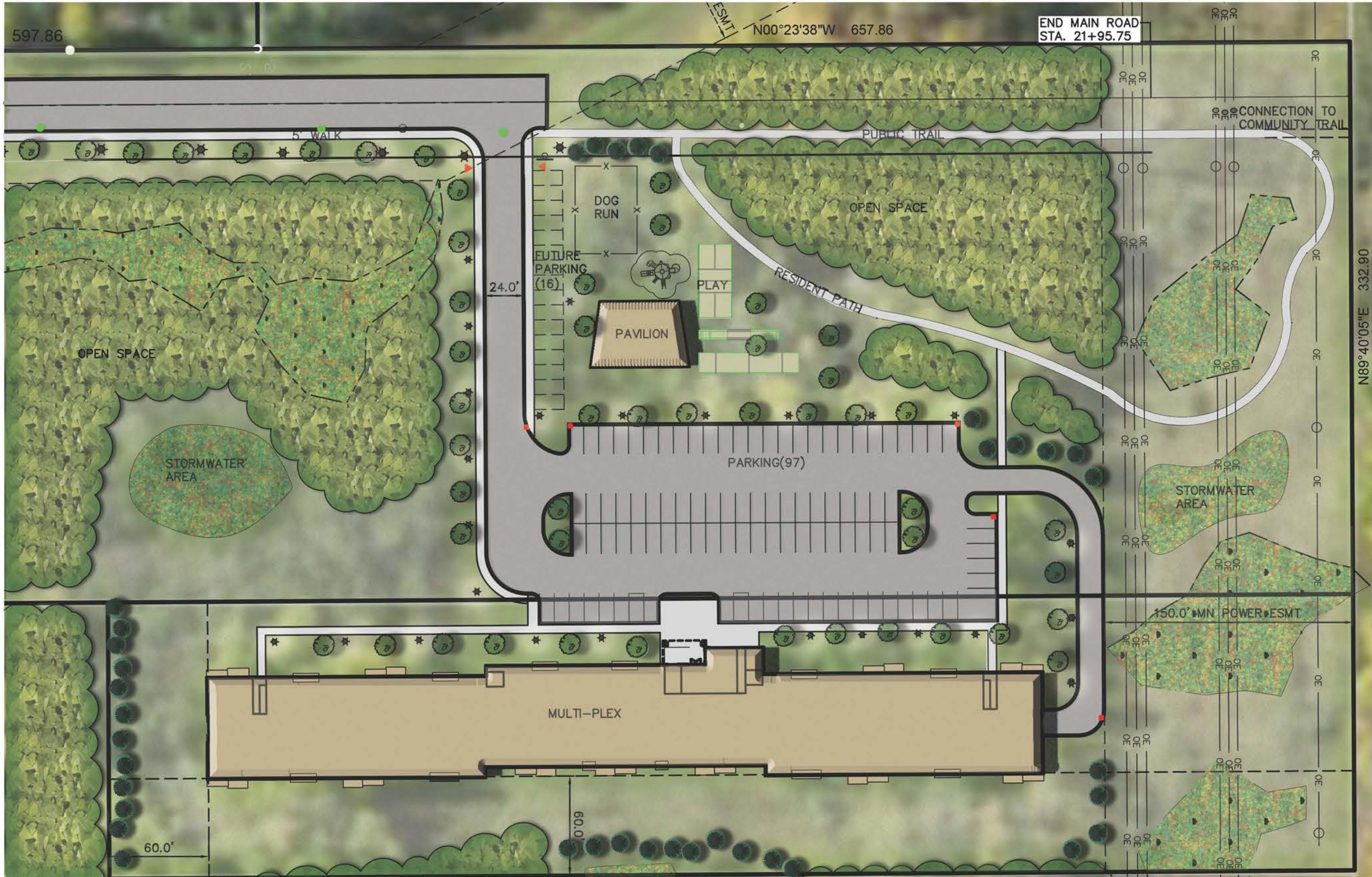
**Hermantown Arbors on Maple Grove**  
11/02/21

**MAIN ENTRY**  
**OPTION 'A'**



**Hermantown Arbors on Maple Grove**  
11/02/21

**ENTRY VIEW**  
**OPTION 'A'**



Engineering  
Land Surveying  
Site Development

JPJ ENGINEERING, INC  
425 Grant Street  
Hibbing, MN 55746  
(218) 262-5528

5670 Miller Trunk Hwy  
Duluth, MN 55811  
(218) 720-6219

www.jpjeng.com



**JAMES PATRICK**  
DEVELOPMENT

PRELIMINARY PUD  
GROVES OF HERMANTOWN  
HERMANTOWN, MN

PUD EXHIBIT

REVISION DATE:	DESCRIPTION:

SURVEYED  
DESIGNED TC  
DRAWN TC  
CHECKED

I hereby certify that this plan 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**

PATRICIA JEAN S. CREGO

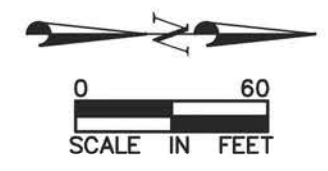
DATE \_\_\_\_\_ LIC. NO. 48524

**LOT AREAS**

TOTAL	562,738 SF sq.ft.	12.92 ac
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**BUILDING INFORMATION**

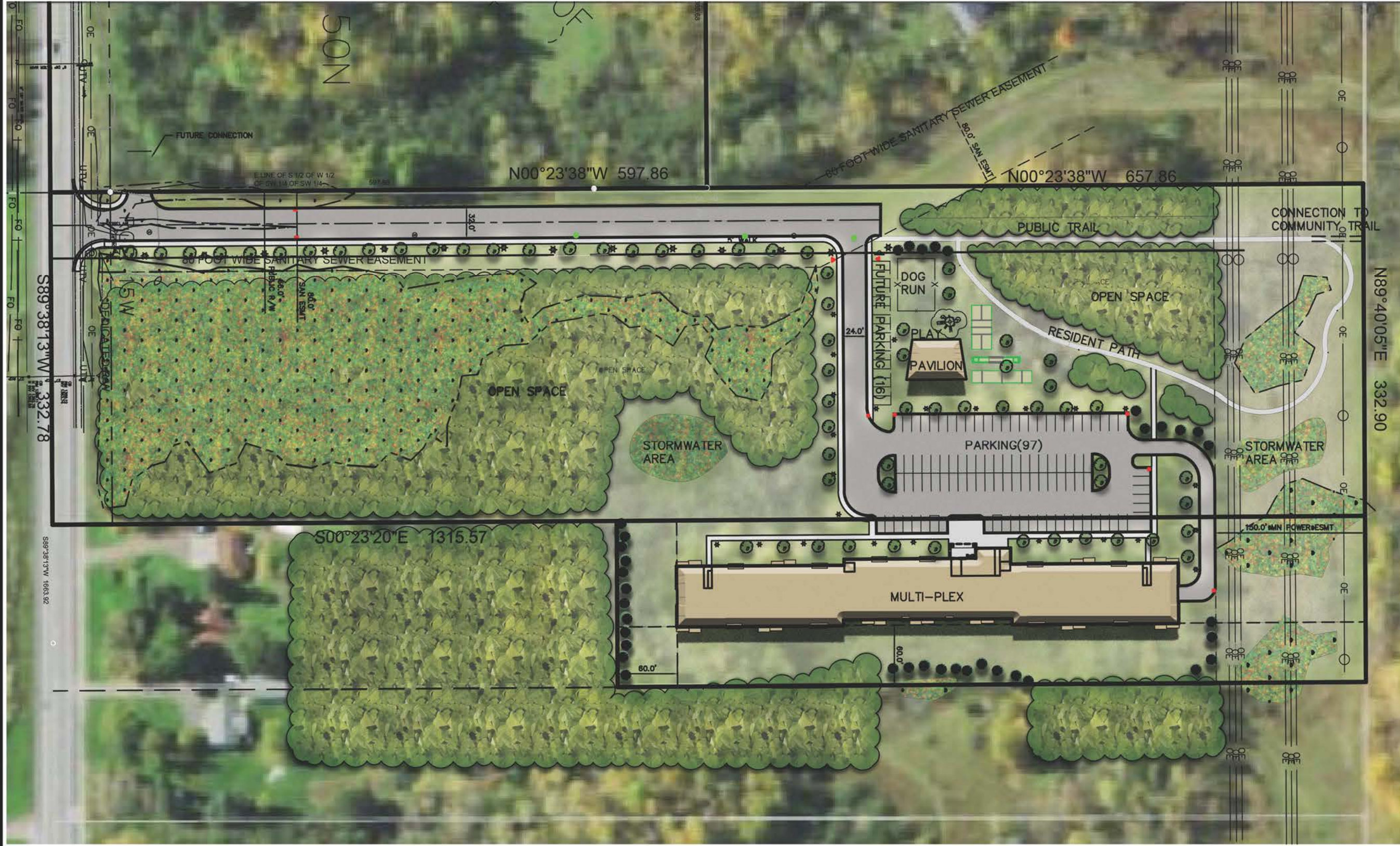
BUILDING TYPE	DIMENSIONS	SQUARE FEET	PARKING
MULTI-PLEX BLDG	62 x 504	31,248	92 SPACES INTERNAL 97 SPACES EXTERNAL
	99		



J:\Projects\2019\19-636\19-636.dwg

19-636  
PROJECT #

EX-1



Engineering  
Land Surveying  
Site Development

JPJ ENGINEERING, INC  
425 Grant Street  
Hibbing, MN 55746  
(218) 262-5528

5670 Miller Trunk Hwy  
Duluth, MN 55811  
(218) 720-6219

www.jpjeng.com



JAMES PATRICK  
DEVELOPMENT

PRELIMINARY PUD  
GROVES OF HERMANTOWN  
HERMANTOWN, MN

PUD EXHIBIT

REVISION DATE:	DESCRIPTION:

SURVEYED	
DESIGNED	TC
DRAWN	TC
CHECKED	

I hereby certify that this plan 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**

PATRICIA JEAN S. CREGO

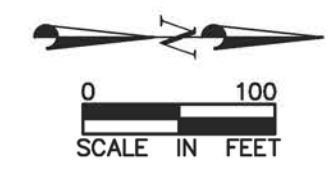
DATE \_\_\_\_\_ LIC. NO. 48524

**LOT AREAS**

TOTAL 562,738 SF sq.ft. 12.92 ac

**BUILDING INFORMATION**

BUILDING TYPE	DIMENSIONS	SQUARE FEET	PARKING
MULTI-PLEX BLDG	62 x 504 100	31,248	92 SPACES INTERNAL 97 SPACES EXTERNAL



Nov 02, 2021 10:51am T:\James Patrick\21-955 The Groves of Hermantown.dwg\300\955 BA.dwg

19-636  
PROJECT #

EX-2

December 27<sup>th</sup>, 2023

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

Re: Stebner Park - Utility Improvement District No. 544  
Pay Estimate #2

Dear John:

Attached is Pay Application #2 for the work associated with the Stebner Park Project – Utility Improvement District No. 544 from November 26, 2023 through December 15, 2023. NCE and Northern Interstate Construction, Inc. have reviewed the project progress thus far and agreed upon quantities of work completed. The amount of Pay Application #2 is **\$127,368.83**. The City will hold a 2.5% retainage of the completed construction through the duration of the project. This retainage amount for pay application #2 is **\$9,369.73**.

NCE has reviewed the quantities through construction inspection and discussions with Northern Interstate Construction, Inc. representatives. I recommend payment in the amount of **\$127,368.83** be authorized at the January 2, 2024 City Council Meeting.

Please contact me with any questions you may have.

Thank you,



David Bolf, P.E. – City Engineer  
Northland Consulting Engineers  
218-727-5995  
[david@nce-duluth.com](mailto:david@nce-duluth.com)

CC: Kellen McCoshen, Northern Interstate Construction, Inc.  
Trygve Lodin, Northland Consulting Engineers  
Trish Crego, City of Hermantown

**Resolution No. 2024-08**

**Resolution Approving Pay Request No. 2 For Stebner Park Utility Improvement District 544 To Northern Interstate Construction, Inc In The Amount Of \$127,368.83**

WHEREAS, the City of Hermantown has contracted with Northern Interstate Construction, Inc for Utility Improvement District 544 (“Project”); and

WHEREAS, Northern Interstate Construction, Inc has performed a portion of the agreed upon work in said Project; and

WHEREAS, Northern Interstate Construction, Inc has submitted Pay Request No. 2 in the amount of \$127,368.83; and

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

WHEREAS, Northland Consulting Engineers LLP has approved such Pay Request No. 2 provided that \$9,369.73 as retainage of 5% be withheld pending final acceptance of the Project by the City of Hermantown.

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

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

1. Pay Request No. 2 is hereby approved.

2. The City is hereby authorized and directed to pay to Northern Interstate Construction, Inc the sum of \$127,368.83 which is the amount represented on Pay Request No. 2.

Councilor \_\_\_\_\_ introduced the foregoing resolution and moved its adoption.

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

Councilors \_\_\_\_\_, and Mayor Boucher, aye.

and the following voted in opposition thereto:

None.

WHEREUPON, such resolution has been duly passed and adopted January 2, 2024.

**Contractor's Application for Payment**

No. 2

Application Period:	November 26, 2023 through December 15, 2023	Application Date:	12/27/2023
To (Owner):	City of Hermantown	From (Contractor):	Northern Interstate Construction, Inc.
Owner's Contract Number:	Utility Improvement District #544	Contractor's Project Number:	230412
Project:	Stebner Park Utility Impr. District #544	Engineer Project Number:	23-8013
		Via (Engineer):	Northland Consulting Engineers, LLP

Application For Payment Change Order Summary		
Approved Change Orders		
Number	Additions	Deductions
1	\$ 43,576.60	
2		
3		
4		
<b>TOTAL</b>		
NET CHANGE BY CHANGE ORDER:		<b>\$43,576.60</b>

Application For Payment Previous Pay Application Summary		
Approved Pay Applications		
Number	Date	Amount
1	11/28/2023	\$ 238,050.69
2		
3		
4		
<b>8. TOTALS</b>		<b>\$238,050.69</b>


1. ORIGINAL CONTRACT PRICE.....	\$	<u>344,170.00</u>
2. Net change by Change Orders.....	\$	<u>43,576.60</u>
3. Current Contract Price (Line 1 ± 2).....	\$	<u>387,746.60</u>
4. TOTAL COMPLETED AND STORED TO DATE		
a. See attached Pay Application Summary.....	\$	<u>374,789.25</u>
b. Materials on Hand (See Attached Invoice).....	\$	
c. (4a+4b).....	\$	<u>374,789.25</u>
5. RETAINAGE:		
a. 2.5% <input checked="" type="checkbox"/> \$374,789.25 Work Completed.....	\$	<u>9,369.73</u>
b. 0% <input checked="" type="checkbox"/> Stored Material.....	\$	
c. Total Retainage (Line 5.a + Line 5.b).....	\$	<u>9,369.73</u>
6. AMOUNT ELIGIBLE TO DATE (Line 4 - Line 5.c).....	\$	<u>365,419.52</u>
7. LESS PREVIOUS PAYMENTS (Line 8 ).....	\$	<u>238,050.69</u>
9. AMOUNT DUE THIS APPLICATION.....	\$	<u>127,368.83</u>
10. BALANCE TO FINISH, PLUS RETAINAGE (Line 3 - 4 + Line 5.c above).....	\$	<u>22,327.08</u>

**Payment of:** \$ 127,368.83

(Line 9 or other - attach explanation of the other amount)

Contractor's Certification	
<p>The undersigned Contractor certifies, to the best of its knowledge, the following:</p> <p>(1) All previous progress payments received from Owner on account of Work done under the Contract have been applied on account to discharge Contractor's legitimate obligations incurred in connection with the Work covered by prior Applications for Payment;</p> <p>(2) Title to all Work, materials and equipment incorporated in said Work, or otherwise listed in or covered by this Application for Payment, will pass to Owner at time of payment free and clear of all Liens, security interests, and encumbrances (except such as are covered by a bond acceptable to Owner indemnifying Owner against any such Liens, security interest, or</p>	
Contractor Signature - Northern Interstate Construction, Inc.	
By:	Date: 12/27/2023

Recommended by:

 12/27/2023  
David Bolf, P.E. - City Engineer (Date)

Approved by:

\_\_\_\_\_  
John Mulder, City Administrator (Date)

Date of Issuance: 12/27/23	Effective Date:
Owner: City of Hermantown	Owner's Contract No.: 23-8013
Contractor: Northern Interstate Construction, Inc.	Contractor's Project No.:
Engineer: Northland Consulting Engineers	Engineer's Project No.: 23-8013
Project: Stebner Park	SID: 544

The Contract is modified as follows upon execution of this Compensating Change Order:

Description: This change order covers (7) items of work.

1. Increase line item 2 Clearing, from 0.02 to 0.125 AC.  
*Additional Cost to owner = (0.125-0.02)\*\$60,000.00= \$6,300*
2. Increase line item 3 Grubbing, from 0.02 to 0.125 AC.  
*Additional Cost to owner = (0.125-0.02)\*\$60,000.00= \$6,300*
3. Increase line item 10 Removing Bituminous Pavement, from 369 to 505 SY.  
*Additional Cost to owner = (505-369)\*\$11.25= \$1,530*
4. Increase line item 26 Construct Drainage Structure Design 4007, from 50 to 52 LF.  
*Additional Cost to owner = (52-50)\*\$640= \$1,280*
5. Increase line item 33 Rolled Erosion Prevention Category 20, from 3030 to 8768 SY.  
*Additional Cost to owner = (8768-3030)\*\$2.00= \$11,476.00*
6. Increase line item 34 Seed Mixture 25-131, from 138 to 398 Pounds.  
*Additional Cost to owner = (398-138)\*\$12.00= \$3,120.00*
7. The city requested an additional 6" and 8" gate valve for the water main. This total is shown in line item 35 Change Order #1.  
*The lump sum cost of the time, materials, & labor for this effort is = \$13,570.60*

**Total = \$43,576.60**

<u>CHANGE IN CONTRACT PRICE</u>	<u>CHANGE IN CONTRACT TIMES</u>
Original Contract Price: \$ 344,170.00	
Increase from previously approved Change Orders:  \$ 0	
Contract Price prior to this Change Order: \$ 344,170.00	
Increase of this Change Order: \$ 43,576.60	
Contract Price incorporating this Change Order: \$ 387,746.60	

RECOMMENDED:	ACCEPTED:	ACCEPTED:
By: <u>Dave Bolf</u> Engineer	By: _____ Owner	By: _____ Contractor
Title: <u>City Engineer</u>	Title: _____	Title: <u>Project Manager</u>
Date: <u>12/27/23</u>	Date: _____	Date: <u>12/27/2023</u>





**Pay Application #2 - December 27, 2023**  
**City of Hermantown**  
**Stebner Park**  
**Utility Improvement District #544**

Item No.	Spec. Number	Item Description	Unit of Measure	Contract Total Quantities	Northern Interstate Unit Price	Total Project	
						Completed Quantities	Completed Cost
<b>BASE BID</b>							
1	2021.501	MOBILIZATION	LS	1	\$ 31,247.03	1	\$31,247.03
2	2101.505	CLEARING	ACRE	0.02	\$ 60,000.00	0.125	\$7,500.00
3	2101.505	GRUBBING	ACRE	0.02	\$ 60,000.00	0.125	\$7,500.00
4	2104.502	REMOVE LIFT STATION	EACH	1	\$ 2,000.00	1	\$2,000.00
5	2104.502	SALVAGE AND REINSTALL SIGN & POST	EACH	3	\$ 800.00	0	\$0.00
6	2104.502	SALVAGE HYDRANT	EACH	1	\$ 1,100.00	1	\$1,100.00
7	2104.503	SALVAGE AND REINSTALL METAL CULVERTS	LF	25	\$ 106.40	25	\$2,660.00
8	2104.503	REMOVE FENCE	LF	99	\$ 14.00	75	\$1,050.00
9	2104.503	SAWING BITUMINOUS PAVEMENT (FULL DEPTH)	LF	317	\$ 6.00	315	\$1,890.00
10	2104.504	REMOVE BITUMINOUS PAVEMENT	SY	369	\$ 11.25	505	\$5,681.25
11	2104.518	REMOVE CONCRETE SIDEWALK	SF	98	\$ 6.00	0	\$0.00
12	2211.507	AGGREGATE BASE (CV) CLASS 5	CY	200	\$ 47.60	169	\$8,044.40
13	2503.503	8" PVC PIPE SEWER (SDR 35)	LF	1600	\$ 61.50	1600	\$98,400.00
14	2503.602	CONNECT TO EXISTING SANITARY SEWER	EACH	2	\$ 2,240.00	2	\$4,480.00
15	2503.602	8"X4" PVC WYE	EACH	1	\$ 350.00	1	\$350.00
16	2503.602	SEWER TRACER BOX	EACH	1	\$ 250.00	0	\$0.00
17	2503.603	4" PVC SANITARY SERVICE PIPE (SCHD 40)	LF	58	\$ 94.60	58	\$5,486.80
18	2504.602	8"X8" WET TAP	EACH	1	\$ 3,500.00	0	\$0.00
19	2504.602	HYDRANT ASSEMBLY	EACH	1	\$ 11,565.03	1	\$11,565.03
20	2504.602	6" GATE VALVE AND BOX	EACH	2	\$ 4,134.00	2	\$8,268.00
21	2504.602	8" GATE VALVE AND BOX	EACH	1	\$ 4,932.82	1	\$4,932.82
22	2504.602	WATER TRACER BOX	EACH	2	\$ 150.00	2	\$300.00
23	2504.603	6" WATERMAIN HDPE	LF	4	\$ 100.00	4	\$400.00
24	2504.603	8" DIPS HDPE WATER MAIN SDR 11	LF	1138	\$ 81.64	1138	\$92,906.32
25	2506.502	CASTING ASSEMBLY	EACH	4	\$ 700.00	4	\$2,800.00
26	2506.503	CONSTRUCT DRAINAGE STRUCTURE DESIGN 4007	LF	50	\$ 640.00	52	\$33,280.00
27	2506.602	SEAL MANHOLE	EACH	4	\$ 460.00	4	\$1,840.00
28	2563.601	TRAFFIC CONTROL	LS	1	\$ 1,100.00	1	\$1,100.00
29	2573.502	STABILIZED CONSTRUCTION EXIT	LS	1	\$ 2,500.00	0	\$0.00
30	2573.503	SILT FENCE; TYPE HI	LF	1553	\$ 2.75	1500	\$4,125.00
31	2573.502	STORM DRAIN INLET PROTECTION	EACH	2	\$ 250.00	0	\$0.00
32	2574.508	FERTILIZER TYPE 1	POUNDS	125	\$ 10.00	0	\$0.00
33	2575.504	ROLLED EROSION PREVENTION CATEGORY 20	SY	3030	\$ 2.00	8768	\$17,536.00
34	2575.508	SEED MIXTURE 25-131	POUNDS	138	\$ 12.00	398	\$4,776.00
35	-	CHANGE ORDER #1	LS	1	\$ 13,570.60	1	\$13,570.60
<b>TOTAL AMOUNT EARNED</b>						<b>\$374,789.25</b>	

# CHANGE ORDER



7835 E Bayfield Road - PO Box 57 - South Range, WI 54874  
 Phone # 715-398-7561 Fax # 715-398-7585

Proposal Submitted To:

Date: November 27, 2023

**City of Hermantown**  
 5105 Maple Grove Road  
 Hermantown, MN 55811

Phone #

PO/Contract:

NIC JOB #: 230412

Project Information: Stebner Park Utility Extension

Item #	Description	Quantity	Unit	Rate	Extension
<b><u>CHANGE ORDER #1 WORK</u></b>					
CCO 01	<b>6" Gate Valve on Existing Line at Sta 6+30</b> - 6" Gate Valve with Couplings for Connection	1	EA	\$7,223.60	\$ 7,223.60
	<b>8" Gate Valve on Existing Line at Sta 6+30</b> - 8" Gate Valve	1	EA	\$6,347.00	\$ 6,347.00

<b>ORIGINAL CONTRACT TOTAL</b>	<b>\$ 344,170.00</b>
<b>MODIFICATION FROM PREVIOUS CHANGE ORDERS</b>	<b>\$ 0.00</b>
<b>CONTRACT SUM PRIOR TO THIS CHANGE ORDER</b>	<b>\$ 344,170.00</b>
<b>ADD (DEDUCT) FROM THIS CHANGE ORDER</b>	<b>\$ 13,570.60</b>
<b>NEW CONTRACT TOTAL</b>	<b>\$ 357,740.60</b>

# CHANGE ORDER



- 1.) NIC reserves the right to withdraw this quote if not accepted within 60 days.
- 2.) Invoice shall indicate installed quantities. Payment shall reflect invoice.
- 3.) Supplied material is to be approved by Owner/Contractor prior to delivery to jobsite. NIC reserves the right to re-negotiate pricing for specification changes and/or disapproval of quoted material (if different from specifications).
- 4.) All work to be completed in a workmanlike manner according to industry standard practices.
- 5.) Items not quoted shall require a change order prior to commencement of work.
- 6.) Owner to carry fire, tornado, and other necessary insurance.
- 7.) All agreements contingent upon strikes, accidents, pandemics or delays beyond NIC's control.
- 8.) Quote excludes contaminated soils handling, remediation, and removal. Testing by other.
- 9.) Excludes adverse winter work conditions (road restrictions, frost ripping, etc.)
- 10.) Excludes asphalt pavement and concrete repairs along haul routes and points of egress.
- 11.) Excludes site gates, site fencing (temporary and permanent), and site perimeter control.
- 12.) Job trailer and portable toilet provided by other.
- 13.) Excludes testing, settlement monitoring, surveying, staking, and inspections. Production testing included for delivered materials.
- 14.) Excludes permits.
- 15.) Excludes final/permanent vines, plantings, shrubs trees and landscaping.
- 16.) Excludes ground thaw heating.
- 17.) Excludes removal of existing footings or structures not shown on drawings or not quoted above.
- 18.) Excludes rock excavation, blasting, ripping, and removal of boulders in excess of 36" in diameter (measured at largest point)
- 19.) Excludes stormwater inspections while not on site.
- 20.) Excludes soil correction, soil stabilization requiring mixing, etc.
- 21.) Excludes wetland delineation, permitting, and SAMP replacement
- 22.) Excludes snow plowing (after demobilization) and gravel road maintenance (after demobilization)
- 23.) Stebnar Park Drive to be patched with Aggregate Base Class V, paid separately at the contract unit price.



**CITY COUNCIL MEETING DATE:** January 2, 2024

**TO:** Mayor & City Council

**FROM:** John Mulder, City Administrator

**SUBJECT:** Deferrals of Assessments

---

**RESOLUTION:** 2024-09       **ORDINANCE:**                       **OTHER:**

---

**REQUESTED ACTION**

Approve an amended procedure on the deferral of assessments.

---

**BACKGROUND**

Following the Ugstad Road Assessment Hearings, there was a request to review the current deferral policy and procedures that would allow people with special exceptions to be eligible to defer their assessments. Under the current policy to be eligible for a deferral, an applicant must be over the age of 65, retired by virtue of a permanent and total disability, or called to active military service. Further, all applicants must be the owner of the property, occupy it as their principal place of residence, and claim it as their homestead. If the applicant meets those requirements and meets an income test, they are eligible for a deferral.

The income test is that the proposed annual payment of the assessment must exceed 2% of their adjusted gross income as evidenced on the most recent federal income tax return.

Under the proposed policy, applicants could apply for a special exception, (other than be over the age of 65, retired by virtue of a permanent and total disability, or called to active military service) but would still have to meet the other requirements (owner of the property, occupy it as their principal place of residence, and claim it as their homestead) and the income test.

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**SOURCE OF FUNDS (if applicable)**

N/A

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**ATTACHMENTS**

Resolution  
Handbook Section

**Resolution No. 2024-09**

**Resolution Approving Modifications To Section 621 Of The Handbook For The City Of Hermantown Policy And Procedures Regarding Deferral Of Assessments**

WHEREAS, the City Council of the City of Hermantown (“City”) adopted the Deferral of Assessment Procedures on September 20, 2010 (“2010 Deferral Procedures”) by Resolution No. 2010-99; and

WHEREAS, the 2010 Deferral Procedures provides direction for the general public to follow to apply for a deferral of an assessment; and

WHEREAS, the 2010 Deferral Procedures outlines the criteria for employees of the City to follow when considering a request for a deferral of a special assessment and the necessary steps to follow to approve or deny such request; and

WHEREAS, the City would like to update and expand the eligibility for citizens owning and residing on property in the city limits of the City of Hermantown to include circumstances which include exceptional and unusual circumstances by which a citizen may be afflicted by pursuant to Minnesota Statutes § 435.193(b) as shown on Exhibit A attached hereto; and

WHEREAS, the City Council has duly considered the amendments to the Deferral of Assessment Procedures and believes it is in the best interest of the City of Hermantown to approve the amended Deferral of Assessment Procedures.

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

1. The amendments to Section 621 of the Handbook for the City of Hermantown, Deferral of Assessments Procedures, substantially in the form attached hereto as Exhibit A, is hereby approved effective immediately.

2. The City Clerk is hereby authorized and directed to insert the amended Deferral of Assessments Procedures in the appropriate location of the City’s Public Works 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:

Councilors \_\_\_\_\_, and Mayor Boucher, aye.

And the following voted in opposition thereto:

None.

WHEREUPON, such resolution was declared duly passed and adopted on January 2, 2024.

**EXHIBIT A**  
**Deferral of Assessments Procedures**

<b>Handbook for the City of Hermantown</b>		
✓ <b>Policy – Resolution 2010-99; Amended by Resolution 2024-XX</b>		<b>Procedure</b>
<b>Dated Adopted: 09/20/2010</b>	<b>Title: Deferral of Assessment Procedures</b>	<b>Section: Public Works</b>
<b>Revision Dates: --/--/2024</b>		<b>Page: 1 of 21</b>

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<b>Handbook for the City of Hermantown</b>		
✓ <b>Policy – Resolution 2010-99; Amended by Resolution 2024-XX</b>		<b>Procedure</b>
<b>Dated Adopted: 09/20/2010</b>	<b>Title: Deferral of Assessment Procedures</b>	<b>Section: Public Works</b>
<b>Revision Dates: --/--/2024</b>		<b>Page: 2 of 21</b>

**PART I  
DESCRIPTION**



**Resolution No. 20xx-\_\_\_**

**RESOLUTION ESTABLISHING PROCEDURES FOR  
DEFERRAL OF ASSESSMENTS**

WHEREAS, the City of Hermantown has financed the construction of certain improvements in the City by specially assessing the property benefitted by such improvements following the procedures set forth in Chapter 429 of the Minnesota Statutes; and

WHEREAS, on occasion, assessments are levied against the homesteads of persons sixty-five (65) years of age or older or persons who are retired by virtue of a permanent and total disability, or members of the military ordered into active military service; and

WHEREAS, on occasion, assessments are levied against the homesteads of persons that have a hardship based on exceptional and unusual circumstances; and

WHEREAS, for some of these persons the payment of such assessment may cause a hardship; and

WHEREAS, Minnesota Statutes Sections § 435.193 authorize the City Council to defer the payment of such assessments under procedures that shall be established by them; and

WHEREAS, the City Council of the City of Hermantown believes it to be in the best interests of the City of Hermantown to allow the deferral of payments of special assessments under the procedures set forth in this Resolution.

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

1. The City Council of the City of Hermantown may defer the payment of the principal any special assessment when the following conditions are met:

1.1. The applicant must apply for the deferment no later than September 1<sup>st</sup> for the assessment to be paid in the subsequent year.

1.2. The applicant is either over the age of 65, retired by virtue of a permanent and total disability, a member of the military service called to active military service or have exceptional and unusual circumstances.

1.3. The applicant must be the owner of the property.

1.4. The applicant must occupy the property as such individual's principal place of residence.

1.5. The applicant must claim the property as their homestead property.

1.6. The average annual payment for all assessments levied against the subject property exceeds two percent (2%) of the adjusted gross income of the applicant as evidenced by the applicant's most recent federal income tax return or equivalent documentation as determined by the City. The average annual payment of an assessment shall be the total cost of the assessment divided by the number of years over which it is spread.

2. For purposes of this Resolution, a person is deemed to be retired by virtue of a permanent and total disability if such person is determined to be permanently and totally disabled by the Social Security Administration.

3. Any person desiring to defer the payment of any assessment against such person's property shall make an application for such deferral on a form prescribed by the City Clerk of the City of Hermantown.

4. For the purposes of this Resolution the burden of proving the existence of a hardship shall be the responsibility of the applicant for such deferral of any payment of a special assessment.

5. The application for deferral of any payment of an assessment shall be considered by the City Council at its first regular meeting following receipt of it and a decision shall be made on such application at such meeting unless additional information is required by the City Council. In such event, the City Council shall make its decision at its first regular meeting following receipt of all information it requires to make its decision. Written notification of the decision of the City Council shall be provided to the applicant.

6. Any payments of special assessments under the terms of this Resolution shall bear interest at the rate set forth in Resolution adopting the assessment roll until such payment is made in full. If the payment of the interest on special assessment exceeds 1% of the applicant's adjusted gross income, then the interest on the assessment will be averaged over the term of the assessment. That average interest shall be the amount due during the term of the deferral.

7. The deferment shall be granted for as long a period of time as the hardship exists and the conditions aforementioned have been met. However, it shall be the duty of the applicant to notify the City Clerk of any change in such person's status that would affect eligibility for deferment. The City shall annually review each deferment in relation to the criteria established in Section 1 of this Resolution.

8. The deferral of the payment of a special assessment granted under this Resolution shall terminate and all payments that were deferred plus accrued interest shall be due and payable upon the occurrence of any of the following events:

9. The death of the owner, unless the surviving spouse is eligible for a deferral under the terms of this Resolution.

10. The sale, transfer or subdivision of the property or any part thereof.
11. The loss of homestead status of the property for any reason.
12. If for any reason the City Council determines that there would be no hardship to require immediate or partial payments of any deferral payments.
13. Following the termination of the deferral all payments of assessments that were not deferred shall be paid in the manner set forth in the Resolution adopting the Assessment Roll.
14. Upon the granting of any application for the deferral of payment of any assessment, the City Clerk shall forthwith notify the County Auditor of the deferral and shall further record a certified copy of the Resolution granting such deferral with the County Recorder or Registrar of Titles of St. Louis County.
15. This Resolution supersedes and replaces Resolution No. 82-51.

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.

<b>Handbook for the City of Hermantown</b>		
✓ <b>Policy – Resolution 2010-99; Amended by Resolution 2024-XX</b>		<b>Procedure</b>
<b>Dated Adopted: 09/20/2010</b>	<b>Title: Deferral of Assessment Procedures</b>	<b>Section: Public Works</b>
<b>Revision Dates: --/--/2024</b>		<b>Page: 6 of 21</b>

**PART II  
APPLICATION**



**CITY OF HERMANTOWN  
APPLICATION FOR DEFERRAL OF SPECIAL ASSESSMENT**

**PROPERTY INFORMATION**

**Name of Owner(s):** \_\_\_\_\_  
\_\_\_\_\_

**Date of Application:** \_\_\_\_ / \_\_\_\_ /20\_\_\_\_ **Parcel Number(s):** \_\_\_\_\_  
\_\_\_\_\_

**Homestead:**  Yes  No **Principal Place of Residence:**  Yes  No

*Must attach proof in the form of most recent St. Louis County Tax Statement*

**DEFERRAL INFORMATION**

- over age 65       Total Disability       Military Service  
(Active Duty)       Exceptional and  
Unusual  
Circumstances  
(please describe)

**Detail of Exceptional and Unusual Circumstances:** *(attach additional sheets if necessary)*

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**Adjusted Gross Income:** \_\_\_\_\_

*Please attach most recent Federal Tax Form:  
Alternate form would be the most recent Social Security  
Benefit statement*



**ASSESSMENT INFORMATION**

*(to be completed by City staff)*

Project Number: \_\_\_\_\_

Project Description: \_\_\_\_\_  
\_\_\_\_\_

Year Assessed: \_\_\_\_\_ Annual Assessment: \_\_\_\_\_

I (we) hereby certify that all of the information set forth in this application and in the documents attached to this application is true and correct.

I (we) also acknowledge that the burden of proving that I (we) am (are) entitled to the deferral of these payments in on me (us) and that there is no right to such deferral unless the City Council determines that the payment of such assessment will be a hardship for me (us).

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
Printed Name of Applicant

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Printed Name of Applicant

\_\_\_\_\_  
Signature

<b>Handbook for the City of Hermantown</b>		
✓ <b>Policy – Resolution 2010-99; Amended by Resolution 2024-XX</b>		<b>Procedure</b>
<b>Dated Adopted: 09/20/2010</b>	<b>Title: Deferral of Assessment Procedures</b>	<b>Section: Public Works</b>
<b>Revision Dates: --/--/2024</b>		<b>Page: 9 of 21</b>

**PART III  
LETTER OF APPROVAL**



\_\_\_\_\_, 20\_\_

NAME  
ADDRESS  
CITY/STATE/ZIP

RE: Application for Deferral of Special Assessment

Dear Applicant:

On \_\_\_\_\_, 20\_\_ the City Council approved your application for a deferral of the special assessment against your property at *ADDRESS* (Parcel ID No. XXX-XXXX-XXXXX). A copy of the resolution is attached for your records. This resolution will be recorded against your land with the County Recorder's office. You will be required to pay the average interest on the assessment of \$\_\_\_\_\_. This amount will be certified as the assessment due along with your property taxes.

Please be aware this deferral shall terminate upon the occurrence of any of the following events (4-1 through 4-5 of Resolution No. 20\_\_-XX as follows:

- “4. The deferral of the payment of the portion of the assessment that is deferred by operation of this Resolution shall terminate and all payments that were deferred on such property shall be due and payable immediately upon the occurrence of any of the following events:
  - 4.1 The death of Owner(s).
  - 4.2 The sale, transfer or subdivision of such parcel of property or any part thereof.
  - 4.3 The loss of the homestead status of such parcel of property for any reason.
  - 4.4 If, for any reason, the City Council determines that there would be no hardship on Owner to require immediate or partial payments of the Deferred Assessment against such parcel of property.
  - 4.5 December 31, 20\_\_.”





Please contact me at (218) 729-3601 if you have any questions.

Sincerely,

John Mulder  
City Administrator

Enclosure

<b>Handbook for the City of Hermantown</b>		
✓ <b>Policy – Resolution 2010-99; Amended by Resolution 2024-XX</b>		<b>Procedure</b>
<b>Dated Adopted: 09/20/2010</b>	<b>Title: Deferral of Assessment Procedures</b>	<b>Section: Public Works</b>
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**PART IV  
LETTER OF DENIAL**



\_\_\_\_\_, 20\_\_

NAME  
ADDRESS  
CITY/STATE/ZIP

RE: Application for Deferral of Special Assessment

Dear Applicant:

I am writing to inform you that your application for deferral of the special assessment on your parcel (Parcel ID No. xxx-xxxxx-xxxxx) has been denied.

The City of Hermantown Deferral Policy requires that \_\_\_\_\_ [insert reason for denial. Example: *the parcel must be the taxpayer's principal place of residence. Because these parcels are not your principal place of residence they do not qualify for a deferral.*]

Sincerely,

John Mulder  
City Administrator

<b>Handbook for the City of Hermantown</b>		
✓ <b>Policy – Resolution 2010-99; Amended by Resolution 2024-XX</b>		<b>Procedure</b>
<b>Dated Adopted: 09/20/2010</b>	<b>Title: Deferral of Assessment Procedures</b>	<b>Section: Public Works</b>
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**PART V  
CERTIFICATE**

(Top 3 inches reserved for recording data)

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**CERTIFICATE WITH RESPECT TO DEFERRED ASSESSMENT**

TO: \_\_\_\_\_:

The City of Hermantown, by and through its Mayor and City Clerk, hereby certifies and declares that a special assessment has been levied but the payment deferred in the amount indicated against the parcel of property located in St. Louis County, Minnesota, as follows:

**Original Principal Amount Deferred:** \$\_\_\_\_\_. This amount will increase by any interest accrues on the assessment that is not paid during the period of deferral.

**Real Estate Identification Number:** CVT: \_\_\_\_\_ PLAT: \_\_\_\_\_ PARCEL: \_\_\_\_\_

**Legal Description:**

Such deferred assessment shall become payable upon the happening of certain events as set forth in City of Hermantown Resolution No. 2010-99. For further information with respect to this deferred assessment, contact the City Clerk of the City of Hermantown.

[SIGNATURES APPEAR ON NEXT PAGE]

Dated this \_\_\_\_ day of \_\_\_\_\_ 20 \_\_\_\_\_.

**CITY OF HERMANTOWN:**

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

And By \_\_\_\_\_  
Its City Clerk

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

The foregoing instrument was acknowledged before me this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, by \_\_\_\_\_ and \_\_\_\_\_, the Mayor and Acting City Clerk, respectively, of the City of Hermantown, on behalf of the City of Hermantown.

(Stamp)

\_\_\_\_\_  
*(signature of notarial officer)*

Title (and Rank): \_\_\_\_\_ Notary Public

My commission expires: \_\_\_\_\_  
*(month/day/year)*

**[ACKNOWLEDGMENT AND CONSENT APPEARS ON NEXT PAGE]**

# ACKNOWLEDGEMENT AND CONSENT

\_\_\_\_\_, as owner of the property described in the foregoing Certificate with respect to Deferred Assessment, hereby acknowledge and consent to the deferral of the special assessment referenced in such Certificate.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

\_\_\_\_\_  
**Signature of of Property Owner**

\_\_\_\_\_  
**Signature of Property Owner**

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

The foregoing instrument was acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_ by \_\_\_\_\_, a single individual/a married individual/husband and wife.

(Stamp)

\_\_\_\_\_  
*(signature of notarial officer)*

Title (and Rank): \_\_\_\_\_ Notary Public

My commission expires: \_\_\_\_\_  
*(month/day/year)*

This Instrument was drafted by:  
Gunnar B. Johnson  
Overom Law, PLLC  
802 Garfield Avenue  
Suite 101  
Duluth, MN 55802

<b>Handbook for the City of Hermantown</b>		
✓ <b>Policy – Resolution 2010-99; Amended by Resolution 2024-XX</b>		<b>Procedure</b>
<b>Dated Adopted: 09/20/2010</b>	<b>Title: Deferral of Assessment Procedures</b>	<b>Section: Public Works</b>
<b>Revision Dates: --/--/2024</b>		<b>Page: 18 of 21</b>

**PART VI  
RESOLUTION**



**Resolution No. 20xx-\_\_**

**RESOLUTION APPROVING APPLICATION OF ASSESSMENT ROLL  
NUMBER \_\_\_\_\_ FOR DEFERRAL OF ASSESSMENT AGAINST  
PROPERTY FOR THE CONSTRUCTION OF SEWER IMPROVEMENT  
DISTRICT NO. \_\_\_\_\_ (“HARDSHIP DEFERRAL”)**

WHEREAS, the owner of Assessment Roll Number \_\_\_\_\_ (hereinafter “Owner” whether one or more) owns property in the City of Hermantown at \_\_\_\_\_ (“Owner’s Property”), which property has been assigned CVT-Plat-Parcel Number \_\_\_\_\_; and

WHEREAS, the Owner’s Property has been assessed the sum of \$ \_\_\_\_\_ for the construction of Sewer Improvement District No. \_\_\_\_\_; and

WHEREAS, Owner, pursuant to Hermantown Resolution No. 2010-99 with reference to Minnesota Statutes Section 435.193, et. seq. and Sections 2 and 3 of Chapter 585 of the Laws of 1984, applied for the deferral of the payments on such assessment; and

WHEREAS, the City Council has fully considered this matter and hereby makes the following:

**FINDINGS OF FACT**

1. Owner properly applied for a deferral of the payments on the assessment in accordance with Hermantown Resolution No. 2010-99 and Minnesota Statutes Section 435.193 et. seq.
2. The Owner’s Property is the homestead of Owner.
3. Owner is:
  - over the age of sixty-five (65);
  - retired by the virtue of a permanent or total disability;
  - a member of the military service in active duty; or
  - Exceptional and unusual circumstances.
4. Owner occupies the property as Owner’s principal residence.
5. The average annual payment from all assessments levied against Owner’s Property exceeds (i) two percent (2%) of the adjusted gross income of Owner.

NOW, THEREFORE, on the basis of the foregoing Findings of Fact, which are hereby adopted and the authority granted by Minnesota Statutes Section 435.193 and Hermantown Resolution No. 2010-99, the City Council of the City of Hermantown is hereby resolved as follows:

1. The annual payment of the assessment against the Owner's Property in excess of \_\_\_\_\_ --/100 (\$ \_\_\_\_\_) is hereby deferred. That portion of the annual assessment in the amount of \_\_\_\_\_ --/100 Dollars (\$ \_\_\_\_\_) remains payable with the real estate taxes against the property beginning with the taxes due and payable in 20 \_\_\_\_\_. This is the amount that will be applied to interest as specified in Resolution 2010-99.

2. The assessment levied against the Owner's Property, shall bear interest at the rate set forth in Resolution No. 20\_\_-XX, "Resolution Adopting Assessment Roll For The Construction Of Sewer Improvement District No. \_\_\_\_\_" ("Assessment Resolution") during the term of the deferral.

3. The interest on the assessment will be averaged over the term of the assessment as specified in Resolution No. 2010-99.

4. The deferral of the payment of the portion of the assessment that is deferred by operation of this Resolution shall terminate and all payments that were deferred on such property shall be due and payable immediately upon the occurrence of any of the following events:

4.1. The death of Owner(s).

4.2. The sale, transfer or subdivision of such parcel of property or any part thereof.

4.3. The loss of the homestead status of such parcel of property for any reason.

4.4. If, for any reason, the City Council determines that there would be no hardship on Owner to require immediate or partial payments of the Deferred Assessment against such parcel of property.

4.5. December 31, 20 \_\_\_\_\_.

5. Following the termination of the deferral, all payments on the assessment that were not deferred by this resolution shall be paid in the manner set forth in the Assessment Resolution.

6. The City Clerk shall file with the County Recorder and/or Registrar of Titles and County Auditor an appropriate Certificate with respect to the deferral of the payment on such assessment and shall provide written notice to Owner of the action of the City Council on his application and the terms and provisions applicable to the approved deferral.

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.