



Hermantown City Council Meeting - Tuesday, June 20, 2023

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

Remote access to the 6:30 p.m. City Council Meeting via Zoom:

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

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

Public comment may also be submitted in advance of the meeting. Comments, questions, or concerns can be e-mailed to Community Engagement Director, Joe Wicklund, at jwicklund@hermantownmn.com up to 3:30 p.m. the day of the meeting with the e-mail title "City Council Meeting." It is important to note that all comments regarding this meeting are public data.

A few important tips regarding the Zoom platform:

- If your computer does not support audio, you can still watch the meeting on your computer and call in on your phone to hear the meeting
- Everyone has varying levels of comfort regarding remote technology, so grace and understanding are appreciated

The 4:30 p.m. Pre-Agenda Meeting will be available in-person only at City Hall. Public comment is not a factor in the pre-agenda meeting, but the meeting is open and members of the public are invited and welcome to attend to this meeting.



AGENDA

Pre-Agenda Meeting Tuesday, June 20, 2023 at 4:30 p.m. Council Chambers, City Hall - Hermantown Governmental Services Building

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

City Council Meeting Tuesday, June 20, 2023 at 6:30 p.m. Council Chambers, City Hall - Hermantown Governmental Services Building

Invitation to participate:

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

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

Order of discussion

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

**CITY OF HERMANTOWN
AGENDA**

**Pre-Agenda Meeting Tuesday, June 20, 2023 at 4:30 p.m.
Council Chambers, City Hall - Hermantown Governmental Services Building**

**City Council Meeting Tuesday, June 20, 2023 at 6:30 p.m.
Council Chambers, City Hall - Hermantown Governmental Services Building**

1. **CALL TO ORDER**

2. **PLEDGE OF ALLEGIANCE**

3. **ROLL CALL**

4. **ANNOUNCEMENTS**

Council Members may make announcements as needed.

5. **PUBLIC HEARING**

Only when necessary. The rule adopted three minutes per person if necessary. Any action required after the public hearing will be taken immediately following the closing of the public hearing.

6. **COMMUNICATIONS**

A. Correspondence 23-95 through 23-108 are placed on file

8

7. **PRESENTATIONS**

A. **Legislative Re-Cap**

Jeff Anderson, Costin Group, Inc
Erik Simonson, Coalition of Greater MN Cities
(Pre-Agenda Only)

B. **Report on Audit for Year Ending 12/31/2022**

Lance Lauinger, CPA - CliftonLarsonAllen LLP
(report sent under separate cover - and available on City's Website)
(Pre-Agenda Only)

C. **Change Orders for Road Projects**

David Bolf, City Engineer
(Pre-Agenda Only)

D. **Legislative Re-cap**

State Senator Grant Hauschild
State Representative Natalie Zeleznikar
(Regular Meeting only)

8. **PUBLIC DISCUSSION**

This is the time for individuals to address the Council about any item not on the agenda. The time

limit is three minutes per person.

9. **MOTIONS**

9. MOTIONS

A. Motion to approve/deny the following renewal of On Sale Intoxicating Liquor Licenses:

AAD Shrine	5152 Miller Trunk Hwy	On Sale / Sunday / Dance
Beacon Sports Bar	5044 Hermantown Rd	On Sale / Sunday / Dance
Chalet Lounge	4833 Miller Trunk Hwy	On Sale / Sunday
Famous Dave's Bar-B-Que	4135 Richard Ave	On Sale / Sunday
Foster's Sports Bar & Grill	4767 W. Arrowhead Rd	On Sale / Sunday
Maya Mexican Restaurant	4702 Miller Trunk Hwy	On Sale / Sunday*
McKenzie's Bar & Grill	5094 Miller Trunk Hwy	On Sale / Sunday
Outback Steakhouse	4255 Haines Rd	On Sale / Sunday
Skyline Social & Games	4894 Miller Trunk Hwy	On Sale / Sunday
The Social House	4897 Miller Trunk Hwy	On Sale / Sunday
Valentini's	4960 Miller Trunk Hwy	On Sale / Sunday

*Contingent upon all paperwork being received

(motion, roll call)

B. Motion to approve/deny the following renewal of On Sale Wine/Strong Beer Liquor License:

China Star Restaurant	4227 Haines Rd	Wine / Strong Beer*
Do North Pizzeria	5116 Miller Trunk Hwy	Wine / Strong Beer / Sunday
Sammy's Pizza	4310 Menard Dr	Wine / Strong Beer / Sunday
The King of Creams	4140 Richard Ave	Wine / Strong Beer

*Contingent upon all paperwork being received

(motion, roll call)

C. Motion to approve/deny the following renewal of Off Sale Intoxicating Liquor Licenses:

Adolph Store	3706 Midway Rd	Off Sale
Sam's Club #6320	4743 Maple Grove Rd	Off Sale

(motion, roll call)

D. Motion to approve/deny the following renewal of Off Sale 3.2 Malt Liquor Licenses:

Holiday Stationstores #190	4795 Miller Trunk Hwy	Off Sale / 3.2
Kwik Trip #216	4805 Miller Trunk Hwy	Off Sale / 3.2
Kwik Trip #220	4978 Miller Trunk Hwy	Off Sale / 3.2
Kwik Trip #572	4145 Haines Rd	Off Sale / 3.2
Walmart #1757	4740 Loberg Ave	Off Sale / 3.2

(motion, roll call)

E. Motion to approve/deny the Temporary Service Area Expansion Application for the Beacon Sports Bar for Summerfest on July 21st & 22nd, 2023 with proposed hours of sale from 10:00 a.m. to 1:00 a.m.

(motion, roll call)

10. **CONSENT AGENDA**

All items on the Consent Agenda are items which are considered routine by the City Council and will be approved by one motion via voice vote. There will be no discussion of these items unless a Council Member or citizen requests, in which event the item will be removed from the Consent Agenda and considered at the end of the Consent Agenda.

- A. **Minutes** - Approval or correction of June 5, 2023 City Council Continuation Minutes **11**
- B. **Accounts Payable** - Approve general city warrants from June 1, 2023 through June 15, 2023 in the amount of \$703,242.21 **18**

11. **ORDINANCES**

- A. **2023-04 An Ordinance Amending And Restating Chapter 14, Signs And Ground Signs, Of The Hermantown City Code** **24**

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

- B. **2023-05 An Ordinance Amending Chapter 9, Utilities And Services, Of The Hermantown City Code By Modifying The Rules Governing The Collection On Delinquent Utility Accounts** **42**

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

12. **RESOLUTIONS**

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

- A. **2023-75 Resolution Authorizing A Summary Of An Ordinance Amending And Restating Chapter 14, Signs And Ground Signs, Of The Hermantown City Code** **45**

(motion, roll call)

- B. **2023-76 Resolution Authorizing And Directing The Mayor And City Clerk To Execute And Deliver An Agreement Between The Minnesota Department Of Revenue And The City Of Hermantown For The Collection Of A Local Sales Tax** **47**

(motion, roll call)

- C. **2023-77 Resolution Approving Change Orders Numbers 1 Through 7 For Road Improvement Project 534 (Ugstad & Arrowhead Roads)** **56**

(motion, roll call)

- D. **2023-78 Resolution Approving Pay Request Number 1 For Road Improvement District 534 To Ulland Brothers, Inc In The Amount Of \$324,420.49** **71**
(motion, roll call)
- E. **2023-79 Resolution Authorizing And Directing Mayor And City Clerk To Execute An Acceptance Of Easement Agreement To The City Of Hermantown From Jenna M. And Reid T. Lund For The Okerstrom Sewer And Road Improvement** **76**
(motion, roll call)
- F. **2023-80 Resolution Authorizing And Directing Mayor And City Clerk To Execute An Acceptance Of Easement Agreement To The City Of Hermantown From David D. and Mary Jo Miller For The Okerstrom Sewer And Road Improvement** **85**
(motion, roll call)
- G. **2023-81 Resolution Authorizing And Directing Mayor And City Clerk To Execute An Acceptance Of Easement Agreement To The City Of Hermantown From Gregory a/k/a Greg Privette and Sara Seehus-Privette The Okerstrom Sewer And Road Improvement** **94**
(motion, roll call)
- H. **2023-82 Resolution Receiving Bids And Awarding Contract To Veit & Company, Inc For Sewer Improvement Project No. 451 (Okerstrom Road And Sewer) In The Amount Of \$934,142** **96**
(motion, roll call)
- I. **2023-83 Resolution Approving Change Order Number 1 and Pay Application Number 1 for the Lindahl Road Bridge Removal** **101**
(motion, roll call)
- J. **2023-84 Resolution Adopting Performance Measures** **106**
(motion, roll call)

13. **CLOSED SESSION**

Motion to close the meeting of the Hermantown City Council pursuant to Minnesota Statutes § 13D.05, Subd. 3(c)(1) and 13D.05, Subd. 3(c)(3) to evaluate the asking price of naming rights and to consider the acquisition of property rights associated with a proposed hockey arena located on property adjacent to the existing hockey arena in the City of Hermantown and develop offers and counteroffers. Following this closed session, the council will re-convene in open session.

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14. **RECESS**

Date: June 14, 2023
To: City Council
From: John Mulder, City Administrator
RE: Correspondence

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

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

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

2023 CORRESPONDENCE

<u>DATE</u>	<u>LOG #</u>	<u>FROM</u>	<u>TO</u>	<u>REGARDING</u>	<u>FILED</u>
5/30/2023	23-95	John Mulder, City Administrator	Paul Sundquist	Waiver of Assessment	5/30/2023
5/31/2023	23-96	Marianne Bohren, WLSSD	Corey Mathisen, MN Pollution Control Agency	Sanitary Sewer Extension - Okerstrom Rd. & Utility Improvements	5/23/2023
5/31/2023	23-97	Luke Fischer, Leage of MN Cities	John Mulder, City Administrator	Dues Schedule Increase	5/22/2023
5/31/2023	23-98	Hugh Rogers, jop1048@aol.com	Wayne Boucher, Mayor	Wheel Bearings/Kolar Toyota	5/31/2023
6/1/2023	23-99	MN Pollution Control Agency	City of Hermantown	Permit for the Construction and Operation of a Disposal System	5/31/2023
6/1/2023	23-100	Hugh Rogers, jop1048@aol.com	Wayne Boucher, Mayor	Wheel Bearings/Kolar Toyota	6/1/2023
6/2/2023	23-101	Jack Smude & David Weum, MN Dept. of Health	City of Hermantown	Okerstrom Rd. & Utility Improvements	6/1/2023
6/2/2023	23-102	Standard & Poors Global	City of Hermantown	Summary: Hermantown, MN General Obligation; Non-School State Programs	6/1/2023
6/2/2023	23-103	Standard & Poors Global	City of Hermantown	General Obligation Improvement Bonds	6/1/2023
6/2/2023	23-104	Standard & Poors Global	City of Hermantown	Hermantown General Obligation	6/1/2023

2023 CORRESPONDENCE

<u>DATE</u>	<u>LOG #</u>	<u>FROM</u>	<u>TO</u>	<u>REGARDING</u>	<u>FILED</u>
6/6/2023	23-105	Susan Brower, MN State Demographic Center	John Mulder, City Administrator	April 1, 2022 Population & Household Estimates	6/1/2023
6/9/2023	23-106	Mike Marshall, Fire Chief	Wayne Boucher, Mayor & City Council	2022 Volunteer Fire Department Annual Report	2/23/2023
6/12/2023	23-107	Michael Luhrsen, MN Dept. of Health	City Clerk	Sanitary Survey Report	5/5/2023
6/12/2023	23-108	Mike Marshall, Fire Chief	Wayne Boucher, Mayor & City Council	HVFD Ending Contract	6/12/2023

**CITY OF HERMANTOWN
CITY COUNCIL MEETING**

Monday, June 5, 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; Jackie Dolentz, City Clerk; Eric Johnson; Community Development Director; Joe Wicklund, Communications & Community Engagement Director; Paul Senst, Public Works Director; Kevin Orme, Director of Finance & Administration; Adam Schminski, Building Official; Jim Crace, Chief of Police; David Bolf, City Engineer; Gunnar Johnson, City Attorney

VISITORS:

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

A. Correspondence 23-81 through 23-95 are placed on file

7. **PRESENTATIONS**

A. Hermantown Connector Trail Alignment
Eric Johnson, Community Development Director
(Pre-Agenda Only)

B. City Hall Roof Repairs
Adam Schminski, Building Official
(Pre-Agenda Only)

8. **PUBLIC DISCUSSION**
9. **MOTIONS**

A. Motion to approve/deny the Temporary Service Area Expansion Application for AAD Shriners for June 24, 2023 with proposed hours of sale from 2:00pm

to 10:00pm (Contingent upon all paperwork being received)

(motion, roll call)

Motion to approve the Temporary Service Area Expansion Application for AAD Shriners for June 24, 2023 with proposed hours of sale from 2:00pm to 10:00pm (Contingent upon all paperwork being received). 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

10. **CONSENT AGENDA**

A. **Minutes** - Approval or correction of May 15, 2023 City Council Continuation Minutes

B. **Accounts Payable** - Approve general city warrants from May 1, 2023 through May 15, 2023 in the amount of \$656,416.44

C. **Accounts Payable** - Approve general city warrants from May 16, 2023 through May 31, 2023 in the amount of \$290,964.42

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

Councilor Andy Hjelle: Yea
Councilor Brian LeBlanc: Yea
Councilor Ellie Jones: Yea
Councilor John Geissler: Yea
Mayor Wayne Boucher: Yea
Yea: 5, Nay: 0

11. **ORDINANCES**

A. **2023-04 An Ordinance Amending And Restating Chapter 14, Signs And Ground Signs, Of The Hermantown City Code**

(first reading)

B. **2023-05 An Ordinance Amending Chapter 9, Utilities And Services, Of The Hermantown City Code By Modifying The Rules Governing The Collection On Delinquent Utility Accounts**

(first reading)

12. **RESOLUTIONS**

A. 2023-66 Resolution Approving Special Use Permit For Construction Of An Accessory Structure In Excess Of 1,200 Square Feet In The R-3 Zoning District At 3990 Ugstad Road (395-0010-05973) And Imposing Conditions Thereon

(motion, roll call)

Motion to approve 2023-66 Resolution Approving Special Use Permit For Construction Of An Accessory Structure In Excess Of 1,200 Square Feet In The R-3 Zoning District At 3990 Ugstad Road (395-0010-05973) And Imposing Conditions Thereon. 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

B. 2023-67 Resolution Approving A Special Use Permit For Grading And Filling Within A Natural Shoreland Overlay Area

(motion, roll call)

Motion to approve 2023-67 Resolution Approving A Special Use Permit For Grading And Filling Within A Natural Shoreland Overlay Area. This motion, made by Councilor Ellie Jones and seconded by Councilor Andy Hjelle, Carried.

Councilor Andy Hjelle: Yea
Councilor Brian LeBlanc: Yea
Councilor Ellie Jones: Yea
Councilor John Geissler: Yea
Mayor Wayne Boucher: Yea
Yea: 5, Nay: 0

C. 2023-68 Resolution Authorizing And Directing Mayor And City Clerk To Execute And Deliver An Agreement For Consulting Services For Right Of Way Services With SRF Consulting Group, Inc.

(motion, roll call)

Motion to approve 2023-68 Resolution Authorizing And Directing Mayor And City Clerk To Execute And Deliver An Agreement For Consulting Services For Right Of Way Services With SRF Consulting Group, Inc. 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

D. 2023-69 Resolution Providing For The Issuance, Sale And Delivery Of \$1,600,000 General Obligation Improvement Bonds, Series 2023A, And Awarding The Sale Thereof

(motion, roll call)

Motion to approve Resolution 2023-69 Resolution Providing For The Issuance, Sale And Delivery Of \$1,505,000 General Obligation Improvement Bonds, Series 2023A, And Awarding The Sale Thereof. 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

E. 2023-70 Resolution Authorizing And Directing Mayor And City Clerk To Execute An Acceptance Of Easement Agreement To The City Of Hermantown From Robin E And Douglas R Johnson For The Okerstrom Sewer And Road Improvement

(motion, roll call)

Motion to approve 2023-70 Resolution Authorizing And Directing Mayor And City Clerk To Execute An Acceptance Of Easement Agreement To The City Of Hermantown From Robin E And Douglas R Johnson For The Okerstrom Sewer And Road Improvement. 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

F. 2023-71 Resolution Approving Final Plans And Specifications And Ordering Advertisement For Bids For Roof Insulation On The Government Services Building

(motion, roll call)

Motion to table 2023-71 Resolution Approving Final Plans And Specifications And Ordering Advertisement For Bids For Roof Insulation On The Government Services Building. This motion, made by Councilor Brian LeBlanc and seconded by Councilor Ellie Jones, Tabled.

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. 2023-72 Resolution Authorizing And Directing Mayor And City Clerk To Execute An Acceptance Of Easement Agreement To The City Of Hermantown From Paul M. Sundquist For The Okerstrom Sewer And Road Improvement

(motion, roll call)

Motion to approve 2023-72 Resolution Authorizing And Directing Mayor And City Clerk To Execute An Acceptance Of Easement Agreement To The City Of Hermantown From Paul M. Sundquist For The Okerstrom Sewer And Road Improvement. This motion, made by Councilor Brian LeBlanc and seconded by Councilor Andy Hjelle, Carried.

Councilor Andy Hjelle: Yea
Councilor Brian LeBlanc: Yea
Councilor Ellie Jones: Yea
Councilor John Geissler: Yea
Mayor Wayne Boucher: Yea
Yea: 5, Nay: 0

H. 2023-73 Resolution Authorizing And Directing Mayor And City Clerk To Execute An Acceptance Of Easement Agreement To The City Of Hermantown From David A. And Elizabeth F. Paulson For The Okerstrom Sewer And Road Improvement

(motion, roll call)

Motion to approve 2023-73 Resolution Authorizing And Directing Mayor And City Clerk To Execute An Acceptance Of Easement Agreement To The City Of Hermantown From David A. And Elizabeth F. Paulson For The Okerstrom Sewer And Road Improvement. 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

I. 2023-74 Resolution Authorizing And Directing Mayor And City Clerk To Execute An Acceptance Of Easement Agreement To The City Of Hermantown From McNutt Real Estate Holdings II LLC For The

Hermantown Marketplace Road Improvement Project

(motion, roll call)

Motion to approve 2023-74 Resolution Authorizing And Directing Mayor And City Clerk To Execute An Acceptance Of Easement Agreement To The City Of Hermantown From McNutt Real Estate Holdings II LLC For The Hermantown Marketplace Road Improvement Project. This motion, made by Councilor Brian LeBlanc and seconded by Councilor Andy Hjelle, Carried.

Councilor Andy Hjelle: Yea
Councilor Brian LeBlanc: Yea
Councilor Ellie Jones: Yea
Councilor John Geissler: Yea
Mayor Wayne Boucher: Yea
Yea: 5, Nay: 0

13. **CLOSED SESSION**

A. Motion to close the meeting of the Hermantown City Council pursuant to Minnesota Statutes § Section 13D.3 to consider confidential information regarding Labor Negotiation Strategy. Following this closed session, the Hermantown City Council will re-convene in an open session.

(motion, roll call)

Motion to close the meeting of the Hermantown City Council pursuant to Minnesota Statutes § Section 13D.03 Subd. 3 (b) to consider confidential information regarding Labor Negotiation Strategy. Following this closed session, the Hermantown City Council will re-convene in an open session. 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

Motion to reconvene into open session at 7:56 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

14. **RECESS**

Motion to recess at 7:56 p.m. 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

Mayor

ATTEST:

City Clerk

CITY OF HERMANTOWN

CHECKS #69964-69997
06/01/2023-06/15/2023

PAYROLL CHECKS

Electronic Checks - #-67800-67842 83,626.61

LIABILITY CHECKS

Electronic Checks - #-67843-67844 \$78,474.14

Electronic Checks - #-67795-67799 \$63,278.81

Checks - #69964 \$1,163.98

PAYROLL EXPENSE TOTAL \$226,543.54

ACCOUNTS PAYABLE

Checks - #69965-69997 \$284,484.62

Electronic Payments #-99326-99348 \$192,214.05

ACCOUNTS PAYABLE TOTAL \$476,698.67

TOTAL \$703,242.21

Fun d	Account	Department	Vendor Name	Description	Amount	Check #
101	421100	Police Administration	NORTHEAST SERVICE COOPERATIVE	Health Ins June Inactives	1,459.60	-99348
101	134000	Retiree Insurance/Telephone Reimb.	NORTHEAST SERVICE COOPERATIVE	Health Ins June Inactives	162.18	-99348
101	415300	Administration & Finance	WEX HEALTH INC	Monthly Participant /Cobra Fee	39.44	-99347
101	419100	Community Development	WEX HEALTH INC	Monthly Participant /Cobra Fee	4.93	-99347
101	419901	City Hall & Police Building Maintenance	WEX HEALTH INC	Monthly Participant /Cobra Fee	4.93	-99347
101	421100	Police Administration	WEX HEALTH INC	Monthly Participant /Cobra Fee	95.83	-99347
101	431100	Street Department	WEX HEALTH INC	Monthly Participant /Cobra Fee	14.79	-99347
601	494400	Water Administration and General	WEX HEALTH INC	Monthly Participant /Cobra Fee	14.79	-99347
602	494900	Sewer Administration and General	WEX HEALTH INC	Monthly Participant /Cobra Fee	14.79	-99347
101	217450	Employee Flexplan	WEX HEALTH INC	Claim Reimb	470.01	-99346
101	217450	Employee Flexplan	WEX HEALTH INC	Claim Reimb	65.62	-99346
101	217450	Employee Flexplan	WEX HEALTH INC	Claim Reimb	260.00	-99346
101	217450	Employee Flexplan	WEX HEALTH INC	Claim Reimb	433.93	-99346
101	415300	Administration & Finance	AT&T MOBILITY	Cell Phones/Tablets-PW/CH	149.11	-99345
101	419901	City Hall & Police Building Maintenance	AT&T MOBILITY	Cell Phones/Tablets-PW/CH	44.81	-99345
101	421100	Police Administration	AT&T MOBILITY	Cell Phones PD	1,353.11	-99345
101	431100	Street Department	AT&T MOBILITY	Cell Phones/Tablets-PW/CH	156.84	-99345
601	494400	Water Administration and General	AT&T MOBILITY	Cell Phones/Tablets-PW/CH	269.22	-99345
602	494900	Sewer Administration and General	AT&T MOBILITY	Cell Phones/Tablets-PW/CH	181.84	-99345
101	415300	Administration & Finance	GREATAMERICA FINANCIAL SERVICES	Copier Lease/Konica C458	117.87	-99344
101	421100	Police Administration	GREATAMERICA FINANCIAL SERVICES	Copier Lease/Konica C300&C3320	119.58	-99344
101	419901	City Hall & Police Building Maintenance	MN ENERGY RESOURCES CORP	Natural Gas -CH/PD	1,070.30	-99343
101	419901	City Hall & Police Building Maintenance	MN ENERGY RESOURCES CORP	Natural Gas CH/PD	1,096.50	-99343
101	422901	Firehall #1 Maple Grove Road	MN ENERGY RESOURCES CORP	Natural Gas -FH #1	1,308.14	-99343
101	431901	City Garage	MN ENERGY RESOURCES CORP	Natural Gas old CH	56.83	-99343
101	431901	City Garage	MN ENERGY RESOURCES CORP	Natural Gas Lightning Dr - May	219.32	-99343
601	494400	Water Administration and General	MN ENERGY RESOURCES CORP	Natural Gas Lightning Dr - May	250.66	-99343
602	494900	Sewer Administration and General	MN ENERGY RESOURCES CORP	Natural Gas Lightning Dr - May	156.66	-99343
101	452200	Community Building	MN ENERGY RESOURCES CORP	Natural Gas old CH	511.45	-99343
101	421100	Police Administration	BRAY & REED LTD.	Prosecution Services May 2023	4,500.00	-99342
230	465100	HEDA	CREATIVE ARCADE	Website Monthly Maintenance	250.03	-99341
101	421100	Police Administration	EMERGENCY AUTOMOTIVE TECHNOLOGIES INC	Install Light Stick - SQD 21	264.50	-99340
601	494400	Water Administration and General	GOPHER STATE ONE-CALL INC	May 23 Locates	216.27	-99339
602	494900	Sewer Administration and General	GOPHER STATE ONE-CALL INC	May 23 Locates	144.18	-99339
101	419901	City Hall & Police Building Maintenance	HARTEL'S/DBJ DISPOSAL CO LLC	Garbage Recycling May 2023 -12	598.95	-99338
101	431901	City Garage	HARTEL'S/DBJ DISPOSAL CO LLC	Yard Trash Disposal May 2023 -	206.30	-99338
230	465100	HEDA	HTB PROJECT NAVIGATION, LLC	Proposed Hermantown Business P	303.75	-99337
101	431100	Street Department	INTER CITY OIL CO INC	Fuel	958.39	-99336

Fun d	Account	Department	Vendor Name	Description	Amount	Check #
603	441100	Storm Water	LHB INC	Design - Hermantown Rocky Run	1,755.00	-99335
603	441100	Storm Water	MACQUEEN EQUIPMENT, LLC	Transport Rented Sweeper	650.00	-99334
603	441100	Storm Water	MACQUEEN EQUIPMENT, LLC	Sweeper Rental	14,500.00	-99334
230	465100	HEDA	MAMMOTH SPORTS CONSTRUCTION, LLC	Stebner Farms	10,000.00	-99333
230	465100	HEDA	MAMMOTH SPORTS CONSTRUCTION, LLC	Stebner Farms	15,177.52	-99333
230	465100	HEDA	MAMMOTH SPORTS CONSTRUCTION, LLC	Stebner Farms	10,000.00	-99333
230	465100	HEDA	MAMMOTH SPORTS CONSTRUCTION, LLC	Stebner Farms	1,247.25	-99333
402	431150	Street Improvements	MSA PROFESSIONAL SERVICES, INC.	Ugstad Rd Reconditioning MSA P	1,676.00	-99332
101	431901	City Garage	NORTHERN STATES SUPPLY INC	Cut-Off Wheels	183.53	-99331
101	419100	Community Development	NORTHLAND CONSULTING ENGINEERS L.L.P.	Getchell - Radar Rd Developmen	320.00	-99330
101	419100	Community Development	NORTHLAND CONSULTING ENGINEERS L.L.P.	PO 2370 Titan Machinery	180.00	-99330
412	419100	Community Development	NORTHLAND CONSULTING ENGINEERS L.L.P.	Hermantown Trail Project	325.00	-99330
475	431100	Street Department	NORTHLAND CONSULTING ENGINEERS L.L.P.	5 Year RIP	985.00	-99330
101	431100	Street Department	NORTHLAND CONSULTING ENGINEERS L.L.P.	PO 2313 MSA	450.00	-99330
475	431150	Street Improvements	NORTHLAND CONSULTING ENGINEERS L.L.P.	Hermantown Rd & Old Midway Rd	5,302.00	-99330
475	431150	Street Improvements	NORTHLAND CONSULTING ENGINEERS L.L.P.	Richard Lindgren - SAP 202-080	4,967.50	-99330
415	465200	Community Development	NORTHLAND CONSULTING ENGINEERS L.L.P.	PO 2366 Hermantown School Dist	180.00	-99330
415	465200	Community Development	NORTHLAND CONSULTING ENGINEERS L.L.P.	Hermantown Ice Arena	12,232.50	-99330
603	441100	Storm Water	NORTHLAND CONSULTING ENGINEERS L.L.P.	Lindahl Rd Bridge Removal	1,380.00	-99330
101	431130	City Engineer	NORTHLAND CONSULTING ENGINEERS L.L.P.	Preagenda/City Council/Four Sq	1,260.00	-99330
101	431130	City Engineer	NORTHLAND CONSULTING ENGINEERS L.L.P.	Design Engineering Services	540.00	-99330
240	432510	Trunk Sewer Construction	NORTHLAND CONSULTING ENGINEERS L.L.P.	Oak Ridge Dr. Sanitary Sewer E	23,112.50	-99330
101	214500	Escrow Deposits Payable	NORTHLAND CONSULTING ENGINEERS L.L.P.	Peyton Property Development	1,280.00	-99330
101	416100	City Attorney	OVEROM LAW, PLLC	MERC Pole Attachment Agreement	60.00	-99329
101	416100	City Attorney	OVEROM LAW, PLLC	Annual Audit Matters	95.60	-99329
101	416100	City Attorney	OVEROM LAW, PLLC	Performance Development Group	617.85	-99329
101	416100	City Attorney	OVEROM LAW, PLLC	Legislature Lobbying	255.00	-99329
101	416100	City Attorney	OVEROM LAW, PLLC	General Matters/Retainer	2,000.00	-99329
101	416100	City Attorney	OVEROM LAW, PLLC	City Hall Roof Insulation Proj	48.00	-99329
101	419100	Community Development	OVEROM LAW, PLLC	Stebner Farms Projects	120.00	-99329
412	419100	Community Development	OVEROM LAW, PLLC	Hermantown Trail Connector Eas	72.00	-99329
412	419100	Community Development	OVEROM LAW, PLLC	Master Services Agreement for	376.25	-99329
101	419100	Community Development	OVEROM LAW, PLLC	2022 Sign Ordinance Amendments	527.00	-99329
101	419100	Community Development	OVEROM LAW, PLLC	Property Line Dispute - LeBlan	443.00	-99329
101	419100	Community Development	OVEROM LAW, PLLC	Melin's Evergreen 4th Addition	48.00	-99329
101	419100	Community Development	OVEROM LAW, PLLC	Pineview Development Addition	56.00	-99329
101	421100	Police Administration	OVEROM LAW, PLLC	Police Department Procedures	60.00	-99329
101	421100	Police Administration	OVEROM LAW, PLLC	Police Dept Personnel Matters	540.00	-99329

Fun d	Account	Department	Vendor Name	Description	Amount	Check #
101	421100	Police Administration	OVEROM LAW, PLLC	Edible Cannabinoids	336.00	-99329
101	421100	Police Administration	OVEROM LAW, PLLC	Gale Rachuy Claim	60.00	-99329
101	421100	Police Administration	OVEROM LAW, PLLC	Body Worn Camera Matters	5.50	-99329
101	421100	Police Administration	OVEROM LAW, PLLC	Personnel Issues	120.00	-99329
101	422100	Fire Administration	OVEROM LAW, PLLC	Creation of New City Fire Dept	540.00	-99329
260	456101	Cable	OVEROM LAW, PLLC	2023 Mediacom Franchise Renewa	372.00	-99329
230	465100	HEDA	OVEROM LAW, PLLC	HEDA Sale to Brett Kolquist	563.00	-99329
230	465100	HEDA	OVEROM LAW, PLLC	Hwy 53 Business Park Developme	270.00	-99329
230	465100	HEDA	OVEROM LAW, PLLC	HEDA Agenda Matters	390.00	-99329
601	494400	Water Administration and General	OVEROM LAW, PLLC	2023 Ordinance Amendment to Ch	304.50	-99329
602	494900	Sewer Administration and General	OVEROM LAW, PLLC	2023 Ordinance Amendment to Ch	304.50	-99329
475	431150	Street Improvements	OVEROM LAW, PLLC	Richard Avenue-Lindgren Rd MN	284.08	-99329
475	431150	Street Improvements	OVEROM LAW, PLLC	Richard Avenue and Lindgren Rd	1,285.75	-99329
415	465200	Community Development	OVEROM LAW, PLLC	Construction Manager at Risk M	2,456.09	-99329
415	465200	Community Development	OVEROM LAW, PLLC	Naming Rights Agreement Matter	480.00	-99329
415	465200	Community Development	OVEROM LAW, PLLC	Arena Construction	2,185.68	-99329
240	432510	Trunk Sewer Construction	OVEROM LAW, PLLC	Okerstrom Sewer & RD Project N	1,072.25	-99329
230	214500	Escrow Deposits Payable	OVEROM LAW, PLLC	P&R Properties Tax Increment M	1,523.75	-99329
601	214500	Escrow Deposits Payable	OVEROM LAW, PLLC	Verizon Water Tower Lease	420.00	-99329
603	441100	Storm Water	REDROCK PRECAST	Culvert - Lindahl Rd	2,163.00	-99328
101	419901	City Hall & Police Building Maintenance	TELCOLOGIX	June 2023 Maintenance	237.85	-99327
101	422901	Firehall #1 Maple Grove Road	TELCOLOGIX	June 2023 Maintenance	70.35	-99327
101	431100	Street Department	TELCOLOGIX	June 2023 Maintenance	16.75	-99327
101	452200	Community Building	TELCOLOGIX	June 2023 Maintenance	10.05	-99327
602	494500	Sewer Maintenance	WLSSD	Wastewater Charges	46,175.00	-99326
101	134000	Retiree Insurance/Telephone Reimb.	MN LIFE	June Inactive - Rich	21.51	69965
101	134000	Retiree Insurance/Telephone Reimb.	MN LIFE	June Inactive - Volk	44.41	69965
101	431100	Street Department	A W KUETTEL & SONS INC	Repair Plow Blade	1,475.00	69966
101	419901	City Hall & Police Building Maintenance	BATTERIES PLUS BULBS	Back-Up	122.54	69967
401	431100	Street Department	BOYER TRUCKS INC	Western Star Plow Truck Chassi	148,585.38	69968
101	419901	City Hall & Police Building Maintenance	CAPITAL ONE TRADE CREDIT	Price Adj - Vertical Tank	-42.49	69969
101	419901	City Hall & Police Building Maintenance	CAPITAL ONE TRADE CREDIT	Price Adj - Vert Tank Sales TX	-30.00	69969
101	419901	City Hall & Police Building Maintenance	CAPITAL ONE TRADE CREDIT	Fuel Transfer Pump & Vertical	659.98	69969
101	422903	Firehall #3 Midway Road	CENTURYLINK	Internet FH3 05/22/23-06/21/23	79.98	69970
101	419901	City Hall & Police Building Maintenance	CINTAS CORPORATION	Mats at CH	8.88	69971
101	419901	City Hall & Police Building Maintenance	CINTAS CORPORATION	Mats at FD/PD	30.72	69971
101	431100	Street Department	CINTAS CORPORATION	Uniforms	23.73	69971
101	431100	Street Department	CINTAS CORPORATION	Uniforms	7.92	69971

Fun d	Account	Department	Vendor Name	Description	Amount	Check #
101	431100	Street Department	CINTAS CORPORATION	Uniforms	7.92	69971
101	431100	Street Department	CINTAS CORPORATION	Uniforms	23.73	69971
101	431901	City Garage	CINTAS CORPORATION	Supplies	28.51	69971
101	431901	City Garage	CINTAS CORPORATION	Mats at PW	30.03	69971
101	431901	City Garage	CINTAS CORPORATION	Mats at PW	10.35	69971
101	431901	City Garage	CINTAS CORPORATION	1st Aid Cabinets	137.82	69971
101	431901	City Garage	CINTAS CORPORATION	Supplies	28.51	69971
101	415300	Administration & Finance	CITIES DIGITAL INC	Laserfiche AnnSub 8/13-8/12/24	1,600.00	69972
601	494400	Water Administration and General	CITIES DIGITAL INC	Laserfiche AnnSub 8/13-8/12/24	800.00	69972
602	494900	Sewer Administration and General	CITIES DIGITAL INC	Laserfiche AnnSub 8/13-8/12/24	800.00	69972
240	433500	Water Improvements	CITY OF DULUTH COMFORT SYSTEMS	Water Tap - Haines Rd	1,850.00	69973
101	415300	Administration & Finance	CLIFTONLARSONALLEN LLP	2022 Audit	6,688.50	69974
601	494400	Water Administration and General	CLIFTONLARSONALLEN LLP	2022 Audit	1,433.25	69974
602	494900	Sewer Administration and General	CLIFTONLARSONALLEN LLP	2022 Audit	1,433.25	69974
245	465100	HEDA	COSTIN GROUP MN	City Lobbyist	1,500.00	69975
601	494400	Water Administration and General	CUSTOMER ELATION INC	05/09 - 06/05/23 Answering	32.62	69976
602	494900	Sewer Administration and General	CUSTOMER ELATION INC	05/09 - 06/05/23 Answering	21.75	69976
101	411300	Ordinance, Public Notice and Proceedings	HERMANTOWN STAR LLC	City Council Minutes	66.00	69977
230	465100	HEDA	HERMANTOWN STAR LLC	Public Hearing - HEDA 5/18/23	66.00	69977
240	432510	Trunk Sewer Construction	HERMANTOWN STAR LLC	Oak Ridge & Okerstrom Bid Requ	222.75	69977
101	421100	Police Administration	HOLIDAY COMPANIES	Car Washes - May 2023	5.00	69978
101	416100	City Attorney	KENNEDY & GRAVEN, CHARTERED	HR Issue - PD - Apr 23	388.25	69979
601	220100	Refund Payable	KOETTER, GREGORY OR KRISTINE	Refund Acct #2092-03	22.96	69980
101	421100	Police Administration	KWIK TRIP EXTENDED NETWORK	Car Wash PD	309.99	69981
101	421100	Police Administration	KWIK TRIP EXTENDED NETWORK	Gas PD	5,432.03	69981
101	431100	Street Department	KWIK TRIP EXTENDED NETWORK	Gas Street	445.37	69981
101	431100	Street Department	KWIK TRIP EXTENDED NETWORK	Car Wash PW	7.00	69981
601	494300	Water Distribution	KWIK TRIP EXTENDED NETWORK	Gas Utility	730.82	69981
602	494500	Sewer Maintenance	KWIK TRIP EXTENDED NETWORK	Gas Utility	487.21	69981
101	431100	Street Department	LINDE GAS & EQUIPMENT INC.	Cutting Torch Oxygen	167.75	69982
101	431100	Street Department	MAVO CONCRETE SAWING SERVICES, INC.	Sawing Shelby, Getchell & Hain	498.75	69983
101	421100	Police Administration	MENARD INC	Small tools for Range	40.61	69984
101	431100	Street Department	MENARD INC	Temp Mailbox/Air Filters	70.05	69984
101	431901	City Garage	MENARD INC	Temp Mailbox/Air Filters	60.00	69984
101	452100	Parks	MENARD INC	Door Lock/Key Pad - Baseball	159.00	69984
101	452100	Parks	MENARD INC	Garbage Bags/Trimmer Line	49.58	69984
601	494300	Water Distribution	MENARD INC	5 Gal Bucket	3.99	69984
601	494300	Water Distribution	MENARD INC	Water Fittings for Testing	28.23	69984

Fun d	Account	Department	Vendor Name	Description	Amount	Check #
101	431100	Street Department	MINARDI LUMBER AND MILLWORK	4 x4 x 8 Treated Wood	14.01	69985
601	494300	Water Distribution	MINARDI LUMBER AND MILLWORK	OC Rigid 2" x 4 x 8	97.36	69985
101	419901	City Hall & Police Building Maintenance	MN TELECOMMUNICATIONS	June 2023 Internet	360.00	69986
101	422901	Firehall #1 Maple Grove Road	MN TELECOMMUNICATIONS	June 2023 Internet	90.00	69986
601	220100	Refund Payable	ONE ROOF COMMUNITY HOUSING	Refund ACCT #0136-02	23.07	69987
101	421100	Police Administration	SHEL/DON GROUP INC	Crime Victim Cards	102.66	69988
101	431100	Street Department	ST LOUIS COUNTY AUDITOR	2021 Striping CP-0000-369585	6,974.25	69989
402	431150	Street Improvements	ST LOUIS COUNTY AUDITOR	Chip Sealing CP 0000-655516 PR	86,274.20	69989
101	421100	Police Administration	ST LUKES CLINICS	Blood Draws - May 23	29.10	69990
101	419901	City Hall & Police Building Maintenance	STACK BROS MECHANICAL, INC.	Replace Pump	1,557.78	69991
101	321990	Other Licenses & Permits	STOKKE'S	Refund THC License Fee	600.00	69992
101	421100	Police Administration	TROY'S BP AMOCO INC	Tire Mount/Balance - SQD 14	74.00	69993
101	421100	Police Administration	TROY'S BP AMOCO INC	Tire - SQD 21	168.92	69993
101	421100	Police Administration	USA TOWING & RECOVERY	Towing - ICR# 23072944	65.00	69994
601	494300	Water Distribution	UTILITYLOGIC	Sewer Cam	5,137.50	69995
602	494500	Sewer Maintenance	UTILITYLOGIC	Sewer Cam	5,137.50	69995
601	220100	Refund Payable	VAN LOON, AMY	Refund Acct #1223-11	809.23	69996
101	134000	Retiree Insurance/Telephone Reimb.	VOLK, LISA	Refund: Life & Dental Premiums	294.90	69997

Totals: 170 records printed

476,698.67



CITY COUNCIL MEETING DATE: June 20, 2023

TO: Mayor & City Council

FROM: Eric Johnson, Community Development Director

SUBJECT: Conduct a First Reading of the Ordinance for the Chapter 14 – Signs and Ground Signs text amendments

RESOLUTION: **ORDINANCE:** 2023-04 **OTHER:**

REQUESTED ACTION

Conduct a Second Reading of the Ordinance for the Chapter 14 – Signs and Ground Signs text amendments

BACKGROUND

The Hermantown sign code is largely from Ordinance 76-01, which was passed in December of 1975. The sign code was updated in 2008. In the 47 years since the sign code was adopted and the 14 years since the chapter was updated, the City has made changes to its zoning code that impact the sign code. Namely, the city has added two new zone districts, the Hermantown Market Place (HM) and the Business/Light Manufacturing (BLM). There are also fees sprinkled throughout the sign code. The City now puts those fees in the fee resolution rather than embedding them in the code. This allows for an annual review of the fees and a more consistent fee scheme. Finally, the legal landscape for sign ordinances has changed. In 2015, the United States Supreme Court issued a decision in *Reed v. Town of Gilbert*, in which the standard of review for sign ordinances was heightened. The City wants to make sure that its sign code can withstand legal scrutiny. Ultimately, the purpose of this ordinance is to update and modernize the language of Chapter 14.

This ordinance was initially discussed at the January 2023 Planning and Zoning meeting. Commission members had questions regarding multi-tenant and multi-story buildings and how those would be permitted. At the March 2023 meeting staff discussed buildings (single tenant and multi-tenant) having the ability to have signage on all four sides of the building. Discussion involved around utilizing a building linear footage as the basis for measurement or a square footage of wall surface.

The consensus was to utilize a linear foot measurement basis with the building signs which directly abut a road classified as frontage and the remaining sides classified as secondary. Discussion further ensued regarding what a reasonable square footage per linear footage number allowance was.

Wall signage was discussed at the April 2023 Planning and Zoning meeting with the following code changes discussed:

Single Story Buildings

- Road frontage building sides: 2 square feet/1 linear foot of building



- Secondary sides (not abutting a road): 1.25 square feet/1 linear foot of building

Multi-story Buildings

- Road frontage building sides, the least restrictive of the following:
 - 1) 2 square feet/1 linear foot of buildingOR
 - 2) 6% of wall area
- Secondary sides (not abutting a road), the least restrictive of the following:
 - 1) 1.25 square feet/1 linear foot of buildingOR
 - 2) 4% of wall area

Changes to the Zoning text amendments include:

- Overall renumbering of sections;
- Updating Section 1405 – Definitions;
- Removing specific fees from Section 1415.06 and rather referencing the Fee Schedule;
- Adding language to Section 1425.03 allowing for Class C monument signs in lieu of freestanding sign(s);
- Identifying maximum square footage of Class C building signs;
- Adding language to Section 1430 – Non Conforming Signs to define violations;

A public hearing for this application was held on Tuesday, May 16, 2023. There was no public comment regarding the application. The Planning and Zoning Commission unanimously recommended the application to the City Council for approval.

SOURCE OF FUNDS (if applicable)

N/A

ATTACHMENTS

Ordinance
Draft Chapter 14 Signs and Ground Signs – Clean version

Ordinance No. 2023-04

The City Council of the City of Hermantown does ordain:

AN ORDINANCE AMENDING AND RESTATING CHAPTER 14, SIGNS AND GROUND SIGNS, OF THE HERMANTOWN CITY CODE

Section 1. Purpose and Intent. The Hermantown sign code is largely from Ordinance 76-01, which was passed in December of 1975. The sign code was updated in 2008. In the 47 years since the sign code was adopted and the 14 years since the chapter was updated, the City has made changes to its zoning code that impact the sign code. Namely, the city has added two new zone districts, the Hermantown Market Place (HM) and the Business/Light Manufacturing (BLM). There are also fees sprinkled throughout the sign code. The City now puts those fees in the fee resolution rather than embedding them in the code. This allows for an annual review of the fees and a more consistent fee scheme. Finally, the legal landscape for sign ordinances has changed. In 2015, the United States Supreme Court issued a decision in *Reed v. Town of Gilbert*, in which the standard of review for sign ordinances was heightened. The City wants to make sure that its sign code can withstand legal scrutiny. Ultimately, the purpose of this ordinance is to update and modernize the language of Chapter 14.

Section 2. Amendment to Chapter 14. Chapter 14, Signs and Ground Signs, is hereby amended and restated to read as shown on Exhibit A attached hereto.

Section 3. Amended and Inserted in the Code. After the restatement of Chapter 14 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.

Dated the _____ day of _____, 2023.

Mayor

ATTEST:

City Clerk

Adopted: _____

Published: _____

Effective Date: _____

EXHIBIT A

Section 1400 – Purpose, Findings and Severability

1400.01 Purpose. The sign ordinance is intended to establish a comprehensive and balanced system of sign regulation that accommodates the need for a well-maintained, safe, and attractive community, and the need for effective communications including business identification. It is the intent of this chapter, to promote the health, safety, general welfare, aesthetics, and image of the community by regulating signs that are intended to communicate to the public, and to use signs that meet the City of Hermantown’s goals by authorizing:

1400.01.01. Permanent signs that establish a high standard of aesthetics;

1400.01.02. Signs that are compatible with their surroundings;

1400.01.03. Signs that are designed, constructed, installed, and maintained in a manner that does not adversely impact public safety or unduly distract motorists;

1400.01.04. Signs that are large enough to convey the intended message and to help citizens find their way to intended destinations;

1400.01.05. Signs that are proportioned to the scale of, and are architecturally compatible with, principal structures;

1400.01.06. Permanent signs that give preference to the on-premise owner or occupant; and

1400.01.07. Temporary signs and advertising displays that provide an opportunity for grand openings and special events while restricting signs that create continuous visual clutter and hazards at public right-of-way intersections.

1400.02 Findings. The City of Hermantown finds it necessary for the promotion and preservation of the public health, safety, welfare, and aesthetics of the community that the construction, location, size, and maintenance of signs be controlled. Further, the City finds:

1400.02.01. Permanent and temporary signs have a direct impact on and relationship to the image of the community;

1400.02.02. The manner of installation, location, and maintenance of signs affects the public health, safety, welfare, and aesthetics of the community;

1400.02.03. An opportunity for viable identification of community businesses and institutions must be established;

1400.02.04. The safety of motorists, cyclists, pedestrians, and other users of public streets and property are affected by the number, size, location, and appearance of signs that unduly divert the attention of drivers;

1400.02.05. Installation of signs suspended from, projecting over, or placed on the tops of buildings, walks or other structures may constitute a hazard during periods of high winds and an obstacle to effective fire-fighting and other emergency services;

1400.02.06. Uncontrolled and unlimited signs adversely impact the image and aesthetic attractiveness of the community and thereby undermine economic value and growth;

1400.02.07. Uncontrolled and unlimited signs, particularly temporary signs that are commonly located within or adjacent to public right-of-way or are located at driveway/street intersections, result in roadside clutter and obstruction of views of oncoming traffic. This creates a hazard to drivers and pedestrians and also adversely impacts a logical flow of information;

1400.02.08. Commercial speech signs are generally incompatible with residential uses and should be strictly limited in residential zoning districts; and

1400.02.09. The right to express noncommercial opinions in any zoning district must be protected, subject to reasonable restrictions on size, height, location, and number.

1400.03. Severability. In the event any section, subsection, sentence, or word of this chapter is declared and adjudged to be invalidated or unconstitutional, such declaration or adjudication shall not affect the remaining portions of this chapter, which shall remain in full force and effect as if such portion so declared or adjudged unconstitutional were not originally part of this chapter.

Section 1405 – Definitions

1405.01 Definitions. Unless the context clearly indicates otherwise, the following terms shall have the meaning set forth herein in connection with the application of this chapter and as used elsewhere in these Zoning Regulations:

1405.01.1. “Abandoned sign” means a sign which becomes vacant or unoccupied for a period of six (6) months or more, or a sign which pertains to an event, time or purpose which no longer applies, or a sign which no longer correctly directs a person or advertises a product or activity. A sign which applies to a business suspended because of a change of ownership or management of such business shall not be deemed to be an “abandoned sign” unless the property on which the sign is located remains vacant for a period of more than six (6) months. A sign remaining after demolition of a principal structure shall be deemed to be abandoned.

1405.01.2. “Address sign” means a sign identifying street address only, either written or numerical.

1405.01.3. “Area identification sign” means a freestanding sign that identifies a residential subdivision, a multiple residential complex, a shopping center, an industrial area, an office complex, or any combination thereof.

1405.01.4. “Banners and pennants” means advertising or attention getting devices which resemble flags, or streamers and similar devices and are made of lightweight materials and mounted to be moved by atmospheric conditions.

1405.01.5. “Business sign” means a sign which identifies a business, product, service or commodity sold or conducted on the premises where such sign is located.

1405.01.6. “Changing sign (automatic)” means a sign, including an electrically controlled public service information sign, message center or reader board, where different automatic messages of an informative or commercial nature of interest to the public are shown.

1405.01.7. “Construction sign” means a sign used at a construction site for identification purposes.

1405.01.8. “Electronic Sign (ES)” Means a sign, display or device that changes the message copy on the sign by means of light emitting diodes (LED’S), video display, fiber optics, light bulbs or other illumination devices within the display area.

1405.01.9. “Flashing sign” means any illuminated sign which, when operated, does not maintain a uniform light intensity or color at all times.

1405.01.10. “Freestanding sign” means a sign not affixed to any other structure. A sign that is either attached directly to the ground or is on pylons, posts or uprights, not attached to or forming part of a building.

1405.01.11. “Governmental sign” means a sign erected by a local or other unit of government which is used to identify a public building or area, or to direct traffic or to otherwise inform the public.

1405.01.12. “Illuminated sign” means any sign which depends upon any artificial light source either directed at the sign or as an integral component of the sign.

1405.01.13. “Informational/directional sign” means a sign which has the purpose of informing or directing visitors, employees or delivery vehicles on the premises of a business. Such signs shall not contain any advertising messages.

1405.01.14. “Monument sign” means a freestanding sign that contains a solid or enclosed base no less than two thirds the width of the sign face and where the sign support post is not visible.

1405.01.15. “Non-conforming sign” means any advertising device or sign which was lawfully erected and maintained and which fails to conform to all the applicable regulations and restrictions.

1405.01.16. “On-premises sign” means any sign used to direct the attention to a business, service or commodity conducted upon the premises on which the sign is located and/or which refers to goods or services produced, offered for sale or obtained on such premises.

1405.01.17. “Off-premises sign” means a sign, including all supporting structures, poles and supports which directs the attention of the general public to a business, product, service or commodity which is conducted, sold or offered other than on the premises on which the sign is located.

1405.01.18. “Political campaign sign” means signs, posters or banners which pertain to an upcoming election of a candidate and/or political issue.

1405.01.19. “Portable sign” means a sign which is not affixed permanently to the premises on which it is located and is moveable on the premises or from one location to another.

1405.01.20. “Real estate sign” means a sign affixed to a business or lot which advertises the premises on which it is located for sale, lease or rental.

1405.01.21. “Roof sign” means any sign which is permanently attached to the roof of a building that extends above the roof of the building to which it is attached.

1405.01.222. “Sign” means the use of any letter, symbol, art, device or reading matter, either non-illuminated or illuminated, which is visible by the public, is located upon public or private property and is used to direct the public attention to any business, product, service, commodity or profession located either on or off the premises on which the sign is located. This definition does not include official notices issued by any court or public office or officer in the performance of a public duty and traffic control signs.

1405.01.23. “Sign area” means the area within a single continuous perimeter enclosing the extreme limits of the actual sign surface or, in the case of letters, numerals or symbols attached to a building, the area is included in the smallest continuous perimeter enclosing the letters, numerals or symbols, but does not include supports or bracing unless they are part of the message or sign face. Window signs affixed to a windowpane are calculated as individual letters or logos as long as the film around the perimeter of the letters or logos is transparent.

Section 1410 – General Provisions

1410.01 Construction and Maintenance.

1410.01.1. All signs shall be constructed in a safe manner so that no sign shall endanger persons or property.

1410.01.2. All signs shall be maintained and repaired as necessary to prevent the sign from endangering persons or property. All parts and supports shall be properly painted. Any sign or sign structure that is rotted or unsafe, deteriorated, defaced or otherwise altered, shall be repainted, or repaired or replaced by the licensee, owner or agent of the owner of the property from which the sign stands.

1410.01.3. The City shall allow for replacement of structural members or footing(s) that have deteriorated to a point of affecting the safety and/or general appearance of a conforming sign.

1410.01.4. Such repairs shall not alter the size or height of the existing sign and shall use similar materials whenever possible; provided, however, that the sign owner may request to improve the appearance of a sign or reduce its required maintenance by submitting a sign permit application to replace specific components with other materials. An example of such improvement would be the replacement of a multi-pole sign base with a single column. Such repairs are subject to design and architectural review by the Building Official.

1410.01.5. Any such improvements would be limited by the height and size restrictions of this chapter.

1410.02 Construction Codes. All signs shall be constructed in accordance with all applicable building and electrical codes.

1410.03 Application of Regulations and Substitution Clause. This section shall apply to the location, erection, and maintenance of signs in all zoning districts within the City of Hermantown. The owner of any sign that is otherwise allowed by this chapter may substitute non-commercial sign copy or message without any additional approval or permitting subject to the operational standards set forth herein. The purpose of this provision is to prevent any inadvertent favoring of commercial speech or message over non-commercial speech or message. This provision prevails over any more specific provision to the contrary.

1410.04 Abandoned Signs. Abandoned signs are prohibited. In addition to all other remedies, the City shall have the remedies and shall follow the procedures set forth in Minnesota Statute § 463.15 et seq., as it may be amended from time to time, with respect to any signs deemed abandoned under this chapter.

Section 1415 – Permits

1415.01 Required. No sign shall be located, erected, moved, reconstructed, extended, enlarged or structurally altered within the City until a sign permit has been issued by the City of Hermantown, unless specifically waived within this chapter. No sign permit shall be issued for a sign not in conformity with the regulations applicable to such sign. The content of the sign shall not be reviewed or considered in determining whether to approve or deny a sign permit.

1415.02 Exceptions. A sign permit shall not be required for the following classes of signs:

1415.02.1. Class A signs;

1415.02.2. Class B signs;

1415.02.3. One Class C sign that is not larger than six square feet and is not freestanding;

1415.02.4. Class E signs; and

1415.02.5. Class F signs.

1415.03 Application. Application for a sign permit shall be made to the Building Official. The application shall contain the following information: the proposed location of the sign to be erected; its size expressed in terms of square feet of display area, using vertical and horizontal dimensions; the type of construction; the name and address of the owner of the sign and the person, firm or corporation that shall be responsible for the erection and maintenance thereof; a complete set of plans showing the necessary elevations, distances, size and details to fully and clearly represent the construction and place of the sign, and the name and address of the property owner of the land upon which it is to be erected. The Building Official may prescribe such suitable regulations, consistent with the provisions of this code, concerning the form and contents of all applications as he or she may deem necessary or advisable. All applications for permits shall be accompanied by design and engineering information, as may be requested by the Building Official.

1415.04 Issuance of Permits by Building Official.

1415.04.1. The Building Official shall consider all applications for sign permits in accordance with the provisions of this chapter.

1415.04.2. Prior to issuing a sign permit for any sign, the Building Official shall determine that the applicant shall have fully complied with the regulations of this chapter.

1415.05 Duration of Permit. Any sign permit issued by the Building Official under this chapter shall be valid for a period of 12 months from the date of issuance. If the construction of the sign is not completed within 12 months from the date of its issuance, the sign permit shall be void and the site for which the permit was sought shall be returned to the conditions it was in prior to the issuance of such sign permit.

1415.06 Fees. An application for a sign permit shall be accompanied by the fee specified in the following schedule:

Class A:	No fee required	
Class B:	No fee required	
Class C (freestanding):	Up to 50 sq. ft.	See fee schedule
	Over 50 sq. ft.	See fee schedule
Other Class C:	Up to 25 sq. ft.	See fee schedule
	Over 25 sq. ft.	See fee schedule
Class D:	Up to 100 sq. ft.	See fee schedule
	Over 100 sq. ft.	See fee schedule
Class E:	No fee required	
Class F:	No fee required	
Class G (temporary):		See fee schedule

1415.06.1. No application will be considered unless and until the required fee set forth in the fee schedule has been paid by the applicant to the City Clerk.

1415.07 Building Permit. In addition to the sign permit required by this chapter, a building permit must be obtained from the Building Official of the City of Hermantown prior to the construction of any sign when the construction activity is of such a nature that a building permit is required under the Hermantown Building Code.

Section 1420 – Prohibited Sign Characteristics

1420.01 Imitation of Other Devices. No sign shall resemble, imitate or approximate the shape, size, form or color of railroad or traffic signs, signals or devices.

1420.02 Visibility of Official Signs. No sign shall be so located so as to interfere with the visibility or effectiveness of any official traffic sign or signal, or with driver vision at any access point or intersection.

1420.03 Obstruction of Exit Routes. No sign shall be erected, relocated or maintained so as to prevent free ingress or egress from any door, window or fire escape, and no sign shall be attached to a standpipe or fire escape.

1420.04 Other Prohibited Sign Characteristics. No animated signs and signs in the right-of-way except as provided by law. No signs on trees, shrubs, or public utility poles. No signs that are structurally unsafe or abandoned. No signs that contain or consist of pennants, ribbons, streamers, strings of lights, spinners or similar devices. No sidewalk decals, search lights and signs not otherwise listed as permitted.

1420.05 Morality of Material. No sign shall display any obscene, indecent or immoral matter as further defined by Minnesota Statute § 617.241.

1420.06 Danger to Traffic. No sign shall display any material which may cause danger to traffic. Included are signs which contain the words “stop,” “go slow,” “caution,” “danger,” “warning” or similar words.

1420.07 Flashing Lights. No flashing sign shall be erected which contains, includes or is illuminated by any flashing light or lights, except those giving public service information.

1420.08 Shielding Required. No sign shall be erected or maintained which is not effectively shielded so as to prevent beams or rays of light from being directed at any portion of the traveled way of any highway or street of such intensity or brilliance so as to cause glare or impair the vision of the operator of any motor vehicle. Further, all signs shall be constructed so as to prevent beams or rays of light from being directed at any portion of a building or residence.

1420.09 Height Limitations. No sign shall exceed the lesser of (1) maximum height limitation for the zone district in which it is located; or (2) the maximum height limitation set forth in Section

1425 of this chapter. The measurement for either height limitation shall be made from the site of the support structure or at the nearest roadway, whichever is higher.

1420.10 Rotation and movement. No sign shall be erected which involves rapid rotation of the structure or any part thereof, with the exception of Class C and Class D signs that are electronic signs.

1420.11 Prohibitions for Class C and Class D signs. The following prohibitions are applicable to Class C and Class D signs that are electronic signs:

1420.11.1. The sign must be separated from other electronic signs by at least 200 feet;

1420.11.2. Orientation. In all districts, the sign must be oriented so that no portion of the sign face is visible from a park that is over one acre in area and contains improvements for recreational use, which park is within 150 feet of the sign, or no portion of the sign face is visible from a school which is within 150 feet of the sign;

1420.11.3. All electronic signs must have an automatic dimmer control which produces a distinct illumination change from a higher allowed illumination level to a lower allowed level for the time period between one half hour before sunset and one-half hour after sunset. Luminance is limited to a maximum of 5,000 nits during the day and 300 nits during nighttime hours.

1420.11.4. Duration. Any image or message or portion thereof displayed on a Class C or D sign shall have a minimum duration of ten seconds and shall be static display. Transition time must be no longer than two seconds.

1420.11.5. Default mechanism. Electronic signs shall contain a default design that will freeze the design in one position if a malfunction occurs;

1420.11.6. Audio or pyrotechnics. Audio speakers or any form of pyrotechnics are prohibited.

Section 1425 – Classification of Signs

1425.01 Class A Signs. Class A signs are subject to the following conditions.

1425.01.1. Location. Class A signs shall be allowed in any zone district in the City of Hermantown as required by the governing body having jurisdiction, including but not limited to the City of Hermantown, St. Louis County Highway Department, and State of Minnesota Highway Department.

1425.01.2. Type. Class A signs shall be limited to governmental signs.

1425.01.3. Size. As required.

1425.01.4. Height. As required.

1425.01.5. Spacing. As required.

1425.01.6. Specifications. None.

1425.01.7. Lighting. No requirements.

1425.01.8. Setback. No requirements.

1425.02 Class B Signs. Class B signs are signs which are used to inform the general public in a non-advertising message, except for real estate signs advertising the sale or lease of property and sponsorship signs for parks, ballfields, and trails. Class B signs are subject to the following conditions:

1425.02.1. Location. Class B signs shall be allowed in all zone districts of the City of Hermantown.

1425.02.2. Type. Class B signs shall be limited to informational/directional signs, address signs, house of worship signs, warning signs and similar signs.

1425.02.3. Size. All Class B signs shall be not greater than six square feet in sign area.

1425.02.4. Height. Not greater than ten feet.

1425.02.5. Spacing. No requirement.

1425.02.6. Specifications. None.

1425.02.7. Lighting. No requirements.

1425.02.8. Setback. No requirement.

1425.02.9. Hiring Signs. Signs indicating that opportunities are available for employment at the property upon which the signs are located are Class B signs. Hiring signs are subject to the following limitations and requirements:

1425.02.9.1. Size. Hiring signs shall not be larger than 64 square feet.

1425.02.9.2. Height. Hiring signs shall not be more than ten feet in height.

1425.02.9.3. Time Limitation. Hiring signs shall not be placed on the property for more than 90 days during any consecutive 180 calendar days.

1425.02.9.4. Other Class B Restrictions Apply. Except as modified by this 1425.02.9, all of the requirements for Class B signs shall be applicable to hiring signs.

1425.03 Class C Signs. Class C signs are on-premises signs that advertise a business, product, service, commodity or profession located on the same premises as the sign. Class C signs are subject to the following conditions:

1425.03.1. Location. Class C signs shall be allowed only on property that is zoned Commercial (C), Office/Light Industrial (C-1), Adult Use (C-1A), Business/Light Industrial (BLM), Hermantown Marketplace (HM) and Industrial (M-1) or (M-2). Class C signs advertising the business, product, service, commodity or profession shall be located only on the frontage of the project site. No Class C sign shall be allowed within 50 feet of a Class D sign.

1425.03.2. Type. Class C signs shall be limited to area identification signs, business signs, changing signs (automatic), freestanding signs, monument signs, illuminated signs, informational/directional signs, on-premises signs and roof signs.

1425.03.3. Size.

1425.03.3.1. One Class C freestanding sign with a maximum square footage sign area of 100 square feet shall be allowed on all project sites having 200 feet of road frontage or less.

1425.03.3.2. One Class C freestanding sign with a maximum square footage sign area of 200 square feet or two Class C freestanding signs with a maximum square footage sign area of 100 square feet shall be allowed on all project sites having frontage of greater than 200 feet and less than 500 feet of road frontage.

1425.03.3.3. One Class C freestanding sign with a maximum square footage sign area of 300 square feet or three Class C freestanding signs with a maximum square footage sign area of 100 square feet shall be allowed on all project sites having 500 feet of road frontage or more.

1425.03.3.4. One Class C monument sign with a maximum square footage sign area of 140 square feet and less than 14 feet high in lieu of the one Class C freestanding sign allowed above.

1425.03.3.5. All square footage surface area requirements shall include border and exclude structural supports. All other on-premises signs on the frontage of the site upon which the business, product, service, commodity or profession is located, shall be limited to signs attached to the walls, fascia or painted on the surface of the building.

1425.03.3.6. Single-story buildings. Wall signage to be allowed on all four sides of a building. Building sides abutting a road shall have a maximum sign area of two square feet for every one lineal front foot of building. Building sides not abutting a road shall have a maximum of 1.25 square feet for every one lineal foot of building. No attached sign shall project more than three feet beyond a building when attached thereto or be higher than the top roofline. For purposes of calculating the area of a freestanding sign, back-to-back or “V” type construction sign, only one face of such sign shall be considered.

1425.03.3.7. The road frontage shall be determined by the roadway immediately bordering the project site. Where the project site is bordered by two or more roadways each building side

abutting the roadway shall have a maximum of two square feet for every one lineal front foot of building.

1425.03.3.8. Multi-story buildings. Buildings greater than one story in height are allowed wall signage on all four sides of the building. Building sides abutting a road shall have the least restrictive of the following: sign area of two square feet for every one lineal front foot of building or 6% of total wall area. Building sides not abutting a road shall have the least restrictive of the following: 1.25 square feet for every one lineal foot of building or 4% of wall area.

1425.03.4. Height. The maximum height of any Class C freestanding sign shall not exceed 35 feet.

1425.03.5. Spacing. No Class C freestanding sign shall be closer than 50 feet to any other Class C freestanding sign.

1425.03.6. Lighting. Class C signs may be illuminated. Illumination of signs shall not be of a flashing, moving or intermittent type. Changing signs (automatic) are permitted.

1425.03.7. Specifications. None.

1425.03.8. Setback. Class C freestanding signs shall maintain a side yard setback equal to the height of the sign structure.

1425.03.9. Tenant Signs.

1425.03.9.1. A sign plan shall be required for all new commercial, office and industrial centers consisting of three or more tenant spaces. The sign plan shall be filed with the project application to construct the center and shall be processed concurrently with the project zoning application.

1425.03.9.2. This shall be achieved by:

1425.03.9.2.1. Using the same type of cabinet supports or method of mounting for signs and the same type of construction material for components, such as sign copy, cabinets, returns and supports;

1425.03.9.2.2. Using the same form of illumination of the signs; and/or

1425.03.9.2.3. For wall signs, specifying uniform sign positioning for both anchor tenants and minor tenants.

1425.04 Class D Signs.

1425.04.1. Class D signs are off-premises signs which direct the attention of the general public to a business, product, service or commodity which is conducted, sold or offered other than on the premises on which the sign is located.

1425.04.2. Class D signs are subject to the following conditions:

1425.04.2.1. Location. Class D signs shall be allowed only on property which is zoned Commercial (C), Office/Light Industrial (C-1), Adult Use (C-1A), Business/Light Manufacturing (BLM) or Industrial (M-1) and (M-2).

1425.04.2.2. Type. Class D signs shall be limited to off-premises signs.

1425.04.2.3. Size. The maximum sign area for any one face of a Class D sign shall not exceed 390 square feet, excluding border, trim, structural supports and extensions. Such maximum size limitation shall apply to each face of a sign structure. Class D signs may be placed back-to-back or in a “V” type construction (not to exceed 45 degrees) but not more than one display is allowed on each face of a sign structure. For purposes of calculating the area of a back-to-back or “V” type construction sign, however, only one face of such sign shall be considered.

1425.04.2.4. Height. The maximum height of any Class D sign shall not exceed 35 feet.

1425.04.2.5. Spacing. No Class D sign may be closer than 500 feet to any other Class D sign. This provision does not prohibit back-to-back or “V” type construction of Class D signs. The actual distance between Class D signs, measured in a straight line, shall be utilized in determining compliance with this requirement.

1425.04.2.6. Specifications. The Class D sign structure shall be metal only. Display panels and borders may, however, be constructed or finished in wood. All Class D signs shall be constructed on a single freestanding, self-supporting pole.

1425.04.2.7. Lighting. Class D signs may be illuminated. Illumination of signs shall not be of a flashing, moving or intermittent type.

1425.04.2.8. Setback. All Class D signs must be set back from the edge of the right-of-way bordering the front of the parcel of property upon which such sign is proposed to be located at least a distance equal to the height of such Class D sign. All Class D signs must be set back from the property lines other than the property line bordering the right-of-way described in the preceding sentence (sides and rear) of the parcel of property upon which such sign is proposed to be located at least a distance of 100 feet.

1425.04.2.9. Prohibited on Property with Other Uses. No Class D sign shall be allowed on a parcel of property on which there is an existing use (vacant lots only). If new construction takes place on the previously vacant parcel of property, the sign shall become non-conforming.

1425.05 Class E Signs.

1425.05.1. Class E signs are signs which are erected by a business or individual which are not intended to be permanent.

1425.05.2. Class E signs are subject to the following conditions:

1425.05.2.1. Location. Class E signs shall be allowed in all zone districts of the City of Hermantown.

1425.05.2.2. Type. Class E signs shall be limited to construction signs and real estate signs.

1425.05.2.3. Size. The maximum square footage for Class E signs shall be limited to 100 square feet of sign area.

1425.05.2.4. Height. The maximum height for all Class E signs not attached to buildings shall not exceed 10 feet.

1425.05.2.5. Time Limitation. Class E signs shall be permitted for the following time periods:

1425.05.2.5.1. Construction signs – until substantial completion of building; and

1425.05.2.5.2. Real estate signs – until the sale or lease or rental of the property.

1425.05.2.6. Specifications. None.

1425.05.2.7. Spacing. No requirements.

1425.05.2.8. Lighting. No requirements.

1425.05.2.9. Setback. No requirement.

1425.06 Class F Signs.

1425.06.1. Class F signs are political campaign signs, posters or banners which pertain to an upcoming election of a candidate and/or political issue. Class F signs shall not include off-premises signs rented by political candidates or in connection with a political issue.

1425.06.2. Class F signs are subject to the following conditions:

1425.06.3. Location. Class F signs shall be allowed in all zone districts within the City of Hermantown.

1425.06.4. Type. Class F signs shall be limited to political campaign signs.

1425.06.5. Size. The maximum square footage of Class F signs shall be as follows:

<i>Zone</i>	<i>Area</i>
Residential and Suburban Zones	10 square feet
All other zones	25 square feet

1425.06.6. Height. The maximum height of a Class F sign shall be 10 feet.

1425.06.7. Setback. None required.

1425.06.8. Special Regulations.

1425.06.8.1. Class F signs may not be placed upon any right-of-way or on any publicly owned property, any public utility pole or on any private property without the consent of the owner or occupant of such property.

1425.06.8.2. Class F signs may not be placed so as to constitute a hazard to any person or property.

1425.06.8.3. Class F signs may not be placed in any location earlier than 60 days prior to an election and they shall not be allowed to remain in location more than ten days after the election at which the political issue advertised is decided or candidacy advertised is determined.

1425.06.9. Specifications. None.

1425.06.10. Spacing. No requirements.

1425.06.11. Lighting. No requirements.

1425.07 Class G Signs.

1425.07.1. Class G signs are signs which are erected and maintained by a business or individual and not permanently affixed to the premises which it is located.

1425.07.2. Class G signs are subject to the following performance standards:

1425.07.2.1. Location. Class G signs shall be allowed in all districts which are zoned Commercial (C), Office/Light Industrial (C-1), Adult Use (C-1A), Business/Light Manufacturing (BLM), Hermantown Marketplace (HM) and Industrial (M-1) or (M2).

1425.07.2.2. Type. Class G signs shall be limited to banners and pennants and portable signs. Temporary signs may not be any fluorescent color on a black background.

1425.07.2.3. Size. The maximum total square footage for Class G signs shall be 150 square feet.

1425.07.2.4. Height. The maximum height for all Class G signs not attached to buildings shall not exceed 15 feet.

1425.07.2.5. Time Limitation. Class G signs shall be allowed by permit for a period of time not to exceed 30 consecutive days in any 180-day period.

1425.07.2.6. Specifications. None.

1425.07.2.7. Spacing. No requirements.

1425.07.2.8. Lighting. No requirements.

1425.07.2.9. Setback. No requirements.

1425.07.2.10. Setback. No requirements.

1425.07.2.11. Fee. No fee required

1425.07.2.12. Special Regulations.

1425.07.2.12.1 Signs shall not be painted on fences, rocks or similar structures or features, nor shall paper or similar signs be attached directly to a building wall or utility pole by an adhesive or mechanical fastener or otherwise.

1425.07.2.12.2. Garage sale signs, family event signs, open house signs and auction signs are permitted, provided such signs are placed no more than one day prior to and one day after said event. Such signs must comply with all other applicable rules, ordinances and regulations.

Section 1430 – Non-Conforming Signs and Violations

1430.01 Non-Conforming Signs. The provision of Chapter 9 hereof shall be applicable to nonconforming signs, subject to applicable state law.

1430.02 Violations. Violation of this chapter is a misdemeanor. Each day that the violation continues is a separate offense. The Building Official is empowered to enforce the provisions of this chapter. The Building Official shall cause the removal of any sign that endangers the public safety such as abandoned, dangerous, or electronically or structurally defective or a sign for which no permit has been issued or a sign which obstructs or interferes with the public right-of-way. A notice of violation shall be mailed to the sign holder or property owner citing the violation. If the violation is not corrected within ten (10) days, the City may remove the sign. No notice is required to be provided to the holder of a temporary sign not meeting the requirements of this chapter. The cost of sign removal may be charged or assessed against the property which the sign was displayed.

Section 1435 – Setbacks

1435.01 Setbacks. The setback requirements for structures established by Chapter 5 of this code shall not be applicable to signs. The setbacks set forth in this chapter shall be applicable to signs.

Section 1440 – Floodplain, Wetland and Shoreland Regulations

1440.01 Floodplain, Wetland and Shoreland Regulations. Notwithstanding anything to the contrary contained in this Chapter 14, the regulations established by Chapter 15 hereof for Shoreland, Wetland and Floodplain Districts shall be applicable to signs.



CITY COUNCIL MEETING DATE: June 20, 2023

TO: Mayor & City Council

FROM: Kevin Orme, Director of Finance & Administration

SUBJECT: Water & Sewer Ordinance change

RESOLUTION: **ORDINANCE:** 2023-05 **OTHER:**

REQUESTED ACTION

Approve change in ordinance whereby certifying delinquent utilities is an option instead of a requirement for water customers. (Second Reading)

BACKGROUND

Currently certifying delinquent utilities to St. Louis County each November/December is a requirement of our ordinance. We recommend making it an City option to certify or an option to continue to use our past due process which currently works very well. This would be a benefit to our residents and to our staff. (This change would apply to water customers, not stormwater or sewer only customers.)

Following are some benefits:

- Removes the confusion of partial payments applied during the timeframe between when the cut off (Sept. 30) and the deadline to pay date. Our customers continue to accrue charges during this time while sometimes making partial payments resulting in confusion and sometimes frustration during this process for our residents.
- Saves citizens the City certification fee (currently \$100)
- Saves the City substantial staff time and other costs of initiating, recording, and ongoing monitoring of the certified amounts.
- Gives the City flexibility in the certification process
- City will receive money in a more timely fashion if we follow the past due process

SOURCE OF FUNDS (if applicable)

N/A

ATTACHMENTS

Ordinance

The City Council of the City of Hermantown does ordain:

AN ORDINANCE AMENDING CHAPTER 9, UTILITIES AND SERVICES, OF THE HERMANTOWN CITY CODE BY MODIFYING THE RULES GOVERNING THE COLLECTION ON DELINQUENT UTILITY ACCOUNTS

Section 1. **Purpose and Intent.** The purpose and intent of this amendment is to modify the rules and procedures the City of Hermantown follows related to the collection on delinquent utility accounts.

Section 2. **Amendment to Section 910.11.** Section 910.11, Delinquent Accounts, is hereby amended to read as follows and inserted into the Hermantown City Code to read:

“Section 910.11 Delinquent Accounts. Delinquent and unpaid Stormwater Utility Fees may be certified to the St. Louis County Auditor for collection with real estate taxes during the following year or any year thereafter ~~in the manner prescribed in City of Hermantown’s Policy adopted October 6, 2014, titled: Delinquent Utility Bills—Certification on Property Taxes, as it may be amended from time to time,~~ pursuant to Minnesota Statute 444.075.”

Deleted language is struck out and added language is underlined.

Section 3. **Amendment to Section 930.09.6.** Section 930.09.6, Delinquent Sewer Accounts, is hereby amended to read as follows and inserted into the Hermantown City Code to read:

“Section 930.09.6 Delinquent Sewer Accounts. All charges for sewer service shall be paid on or before the bill due date and shall be delinquent 30 days thereafter. Once delinquent, the City will follow its past due procedure, which includes notification, opportunity to discuss, and timing on possible disconnection. It shall be the duty of the City to promptly collect delinquent accounts, and in all cases where satisfactory arrangements for payment have not been made, the past due procedure will be followed. ~~All~~ Delinquent accounts ~~shall~~ may be certified to St. Louis County to be paid on the following year’s property taxes. The Clerk shall prepare an assessment roll each year providing for assessment of the delinquent accounts against the respective properties served.”

Deleted language is struck out and added language is underlined.

Section 4. **Amendment to Section 940.10.** Section 940.10, Delinquent Water Accounts, is hereby amended to read as follows and inserted into the Hermantown City Code to read:

“940.10 Delinquent Water Accounts. All charges for water service shall be paid on or before the bill due date and shall be delinquent 30 days thereafter. Once delinquent, the City will follow its past due procedure, which includes notification, opportunity to discuss, and timing on possible disconnection. It shall be the duty of the City to promptly collect delinquent accounts, and in all cases where satisfactory arrangements for payment have not been made, the past due procedure will be followed, which may result in shutting off the water at the stop box. ~~All~~Delinquent accounts ~~shall~~may be certified to St. Louis County to be paid on the following year’s property taxes. The Clerk shall prepare an assessment roll each year providing for assessment of the delinquent accounts against the respective properties served.”

Deleted language is struck out and added language is underlined.

Section 5. **Amendment to be Inserted in Code.** After this ordinance becomes effective, the changes made by this ordinance shall be made in the appropriate place in the Hermantown City Code. This ordinance shall be published in the official newspaper of the City.

Section 6. **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: _____

Resolution No. 2023-75

Resolution Authorizing A Summary Of An Ordinance Amending And Restating Chapter 14, Signs And Ground Signs, Of The Hermantown City Code

WHEREAS, the City Council has adopted Ordinance No. 2023-04, an Ordinance Amending and Restating Chapter 14, Signs and Ground Signs, of the Hermantown City Code; and

WHEREAS, Minnesota Statutes Section 412.191, Subd. 4 (2022) authorizes the City Council to publish a summary of lengthy ordinances upon a four-fifths vote of its members; and

WHEREAS, the Ordinance is quite lengthy and detailed; and

WHEREAS, the City Council desires to publish a summary of the Ordinance; and

WHEREAS, a summary of the Ordinance has been prepared and attached hereto as Exhibit A; and

WHEREAS, a copy of the full text of the Ordinance is available for review at the Hermantown City Offices, 5105 Maple Grove Road, Hermantown, MN 55811 during regular business hours.

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

1. That a summary attached hereto as Exhibit A of the Ordinance be published in lieu of the publication of the entire Ordinance; and

2. The City Council hereby authorizes and directs the City Administrator to publish the summary attached hereto as Exhibit A once in the Hermantown Star.

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 June 20, 2023.

EXHIBIT A

**SUMMARY OF ORDINANCE NO. 2023-04, AN ORDINANCE AMENDING
AND RESTATING CHAPTER 14, SIGNS AND GROUND SIGNS,
OF THE HERMANTOWN CITY CODE**

The following is the official summary of Ordinance No. 2023-04, an Ordinance Amending and Restating Chapter 14, Signs and Ground Signs, of the Hermantown City Code was approved by the City Council of the City of Hermantown on June 20, 2023.

The primary purpose of Chapter 14, Sign and Ground Signs, of the Hermantown City Code (“Sign Code”) is to provide regulation and structure for the installation and maintenance of signs in the City of Hermantown to maintain an aesthetic community and to provide effective communications and identifications for businesses and individuals.

The purpose and intent to amend and restate the Sign Code by Ordinance No. 2023-xx was to reflect the standard review for sign ordinances established by the United States Supreme Court’s 2015 decision in *Reed v. Town of Gilbert* and to make the rules and regulations consistent with modifications to the Hermantown Zoning Code which have occurred since the Sign Code’s last update in 2008.

Further, the Sign Code was amended and restated to create a consistent method for citizens and businesses by moving any referenced fees within the Sign Code to the City’s fee resolution that is regularly updated by the City.

This amendment and restatement to the Sign Code will continue to promote the uniformity of construction, installation and maintenance standards of signs and ground signs within the City which will ensure the continued promotion of the health, safety, general welfare, aesthetics, and image of the community by regulating signs that are intended to communicate to the public all while meeting the City’s goals by authorizing.

The foregoing is a summary of a lengthy and detailed Ordinance. The full text of the Ordinance is on file in the office of the City Clerk of the City of Hermantown, 5105 Maple Grove Road, Hermantown, MN 55811, during regular business hours.

If there are any inconsistencies between this summary and the full text of the Ordinance, the terms of the full Ordinance shall govern.

The Ordinance is effective upon publication of this summary.

Resolution No. 2023- 76

**Resolution Authorizing And Directing The Mayor And City Clerk To Execute And Deliver
An Agreement Between The Minnesota Department Of Revenue And The City Of
Hermantown For The Collection Of A Local Sales Tax**

WHEREAS, the Minnesota Legislature has, by Laws of Minnesota for 1996, Chapter 471, Article 2, Section 29, as amended by Laws 2006, Chapter 259, Article 3, Section 3; by Laws 2011, Chapter 7, Article 4, Section 4, and by Laws 2021, First Special Session, Chapter 14, Article 8, Section 8 (“State Laws”) authorized the City of Hermantown (“City”) to impose a one and five tenths percent (1.5%) sales and use tax within the City to provide revenues to pay certain costs related to the funding of extending a sewer interceptor line, construction of a booster pump station, reservoirs, and related improvements to the water system, construction of a building containing a police and fire station, an administrative services facility and the Community Recreation Initiative (“Local Sales Tax”);

WHEREAS, the City approved the State Laws in accordance with applicable law; and

WHEREAS, in order to administer, collect and enforce the collection of the Local Sales Tax, the City is required to enter into an agreement (“Agreement”) with the Minnesota Department of Revenue for such assistance; and

WHEREAS, the form of Agreement between the Minnesota Department of Revenue and Hermantown for collection of a Local Sales Tax is attached hereto as Exhibit A; and

WHEREAS, the Hermantown City Council has duly considered this matter and finds that entering into the Agreement as shown on Exhibit A is in the best interests of the City.

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

1. The Agreement, substantially in the form of the one attached hereto as Exhibit A, is hereby approved.
2. The Mayor and City Clerk are hereby authorized and directed to execute and deliver the Agreement on behalf of the City of Hermantown.
3. The City administration is hereby authorized and directed to take such further steps as are necessary to implement the Agreement.

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 June 20, 2023.

EXHIBIT A



Agreement Between the Minnesota Department of Revenue and Hermantown for Collection of a Local Sales and Use Tax

Introduction

This agreement concerns administration of local taxes identified below:

- Hermantown sales tax
- Hermantown use tax

Laws of Minnesota 1996, Chapter 471, Article 2, Section 29 and Minnesota 2021 First Session, Chapter 14, Article 8, Section 8 authorize the above taxes. The taxes are imposed by Hermantown Resolution number 99-52, and amended by Resolution No. 2022-143.

Administration, collection and enforcement

The Department of Revenue (department) will administer, collect, and enforce the Hermantown taxes identified in the introduction, as authorized under:

- Minnesota Statutes, section(s) 297A.99, and
- any other governing laws or statutes identified in the introduction

The administration, collection, and enforcement process will follow:

- Minnesota Statutes, Chapters 297A, 289A, and 270C
- Minnesota rules Chapter 8130, and
- Administrative procedures

Local tax administration also includes processing refunds, litigation, and authority to enter into settlement agreements on behalf of Hermantown. If the local tax revenues collected are not sufficient to cover actions taken, Hermantown must provide the department with sufficient funding to process all adjustments.

Hermantown agrees to update the resolutions listed above as needed to remain consistent with current language and definitions used in the governing Minnesota Statutes. Hermantown further agrees to take corrective action within 90 days if notified by the department of required resolution language changes. The department will not enforce or engage in compliance activities for local taxes administered by the department if any portion of Hermantown's resolution is not consistent with the governing Minnesota statutes. Local special taxes imposed before 2010 are not subject to this limitation.

Registration of vendors

The department is responsible for notifying vendors that are registered for state sales and use tax of their obligations to collect and remit Hermantown taxes covered by this agreement. The department is also responsible for informing newly registered businesses of their obligations to collect and remit Hermantown sales and use taxes covered by this agreement.

Accounts registered for state sales and use tax who have a ZIP Code in the Hermantown tax jurisdiction will be registered for the Hermantown taxes by the department. We will mail an informational notice of registration to these businesses.

Outreach and education

The department will register and notify all vendors that are currently registered for state sales and use tax and the general public about the Hermantown taxes by posting a notice on the department's website (www.revenue.state.mn.us). Other notifications will be made at the time of registration, through the department's website.

Hermantown acknowledges that there is no cost-effective way to identify specific vendors located outside the Hermantown taxing jurisdiction who are required to be registered for Hermantown taxes. Identification of these vendors will be voluntary by vendor response to general notifications by the department and through other contacts that the vendor has with the department or the Streamlined Sales Tax Governing Board's (SSTGB) central registration system.

Publicity

If Hermantown maintains an official website, it will display (on its main web page) a link to a notice that residents and businesses may reference for more information about the local taxes. Hermantown will briefly describe the taxes and provide a link to the department's website (www.revenue.state.mn.us). Also state in the description that local use taxes on purchases of goods and services made outside of the political subdivision that are used in the political subdivision, are subject to local use taxes.

Local governments that bill residents and businesses for utilities must include a notice of the local taxes at least once per year. The notice must include a brief description of both the local sales and use taxes, and reference the department's website link.

Returns and remittance

Vendors will collect and remit Hermantown taxes covered by this agreement as part of their Minnesota sales and use tax returns, which include simplified electronic returns (SER's) authorized by the SSTGB. Revenues collected by the department are deposited in the State Treasury and credited to a special account. The department will draw from this account to recover department costs as provided in this agreement, and to transmit collections to Hermantown. Hermantown will accrue no interest on this amount.

Transmittal of tax

The department will transmit the taxes reported on returns monthly through the automatic clearinghouse system.

For each month of collection related to July through December 2023, the department will continue to make two transmittals. The first will be transmitted approximately five business days after month end. The second transmittal will be sent approximately 40 days after month end. The second transmission will reflect any adjustments made for refunds issued by the department for tax reported in error. The department retains, from the second monthly payment, a fee for administering, collecting, and enforcing the Hermantown taxes as provided in this agreement. The department sends notification each month to the contact person showing the breakdown of the month's collections and administrative fees deducted.

For each month of collection beginning January 1, 2024, the department will transmit taxes reported for that month in one monthly payment. The transmittal will be sent approximately 40 days after month end. The department retains a fee for administering, collecting, and enforcing the Hermantown taxes as provided in this agreement. The department sends notification each month to Hermantown with the month's sales and use tax collections and the administrative fees deducted. See the calendar examples below.

Reports

Upon request, the department will provide Hermantown with a report showing information about taxpayers and the amount of taxes remitted. This report can be requested once per year at no additional cost. Hermantown must submit a written request via email or US mail. The department will consider requests for more frequent reports for an additional administrative fee.

Disclosure

Hermantown understands that any local sales and use tax account information given to it by the department is subject to the classification and disclosure provisions in Minnesota Statutes, chapters 13 and 270B. Pursuant to Minnesota Statutes, section 270B.12, subdivision 2, such information can only be used to the extent necessary to administer the local sales or use tax.

The department will provide disclosure training materials to Hermantown's designated representative. Hermantown must train any employees with a business need to access not public Minnesota sales and use tax information provided by the department. All employees who have a business reason to access not public tax information must complete the required training annually. New employees and other users who did not previously have a business reason to access not public tax information must complete the training before they may be granted access it.

Hermantown must update its disclosure authorization form by December 31 of each year, providing a list of all personnel who are trained and authorized to view not public Minnesota sales and use tax information. If an authorized employee or official no longer needs access to tax information due to a change of duties, separation from employment, or any other reason, it is Hermantown's obligation to instruct the department's local tax liaison to terminate access rights for that individual by the start of the next calendar quarter.

Failure to conduct the required disclosure trainings or update the user access list as described above will result in the department suspending Hermantown's access to not public Minnesota sales and use tax information until such training is completed.

Inspection of records and audit information

The department will allow Hermantown to inspect and audit all data, records, and other information relating to its local sales or use tax, the cost of collecting the tax, and the performance by the department under this agreement. Hermantown will submit any requests to inspect the sales or use tax data to the department in writing, as prescribed by the department.

Reimbursement of costs

The department will review its own direct and indirect costs for administering, collecting, and enforcing local taxes as needed and adjust costs accordingly. If changes are required, the department will notify Hermantown of the estimated cost for administering, collecting, and auditing the local taxes at least 180 days prior to when the change will be implemented.

For each month of collection related to July through December 2023, the following calculation of reimbursement for administrative costs will continue to apply.

All local jurisdictions share in the cost of local tax administration. The calculations are based on the share of total revenues and total tax lines reported on Minnesota sales and use tax returns for each local area. The department weights each jurisdiction's percentage of revenue by one third and their percentage of tax lines by two thirds to compute their monthly percentage of total administrative costs.

Example:

Assume monthly totals for all Local Sales Taxes:

Total Tax revenues	\$20,000,000.00
Total Tax lines on returns	90,000.00
Total Administrative costs	\$200,000.00

If Local Tax A has revenues of \$1,600,000.00 (8% of the total) and 9,000 tax lines (10% of the total) their share of monthly expenses would be 9.34% or \$18,680.00, which represents approximately 1.17% of their monthly revenues. The following is how the 9.34% was calculated:

$$\begin{aligned} 8\% \times 1/3 &= 2.67\% \\ 10\% \times 2/3 &= 6.67\% \\ &9.34\% \end{aligned}$$

For each month of collection beginning January 1, 2024, the following calculation of reimbursement for administrative costs will apply.

Minnesota Statutes, section 297A.99, subdivision 11 states the Department shall deduct the direct and indirect costs to administer local taxes. Hermantown will pay a flat rate of 1.35% of sales taxes collected to cover the administration, collection, and auditing of local sales taxes.

Any changes required to balance costs and fees will be communicated according to the notification schedule noted above. Any shortfalls or reserves will be managed across years to the extent possible.

Termination of a local tax

The department will provide a report to Hermantown after the last month that the tax is in effect. The report will indicate the total amount of Hermantown taxes, corresponding adjustments made, prior month corrections, and administrative fees retained. In addition, when a tax ends, the department will work with Hermantown to determine a reserve amount the department will retain which will be used as a fund to make adjustments or refunds. Please see the Responsibilities section below for more details. The portion of this fund not used for refunds or adjustments will be transmitted to Hermantown at the close of the period of limitations. The account remains open for a period equal to the statute of limitations provided in Minnesota Statutes, section 289A.40, for sales and use tax returns. The account will be reconciled and Hermantown will be notified of the final settlement.

Responsibilities

When the boundary limits for Hermantown change, it is the responsibility of Hermantown to notify and provide the department with the updated boundary information. The department will only update the rate calculator and ZIP Code guide upon receiving this information. Minnesota Statute requires that the department notify vendors of their tax obligations when boundaries change. Vendors not notified will be relieved of liability until notification occurs. The department will not engage in compliance activities for vendors in the new boundary area who have not been formally notified of the change.

If Hermantown updates or amends the city resolution relating to the Hermantown tax covered by this agreement, Hermantown must provide a draft of the changes to the department for review before it is made final. The department will review the changes to ensure compliance with governing statutes. Hermantown will then provide the department with a signed copy of the revised or amended resolution.

Hermantown must provide the department with current contact information annually and advise when any changes occur. This includes, but is not limited to, the contact person, phone number, address, and email.

Hermantown will notify the department prior to the 90-day notification requirement for when the tax will end. The department will work with Hermantown to project an estimated amount to retain for the reserve fund. This amount retained will allow for adjustments and refunds as mentioned in the "Termination of local tax" section. In the event the Department does not retain enough revenues to cover any adjustments once the tax ends, a bill will be sent for the outstanding amount. See Minnesota Statutes, section 297A.99, subdivision 9.

Effective date

This agreement is effective the day following imposition of the tax and supersedes any previous agreement.

Modifications

Any portion of this agreement may be modified. Modifications must be in writing and signed by the Commissioner of Revenue and an authorized representative of Hermantown.

Minnesota Department of Revenue

Signature: _____

Paul Marquart
Commissioner of Revenue

Date: _____

Hermantown Representative

Signature: _____

Signature: _____

Print Name: _____

Print Name: _____

Print Title: _____

Print Title: _____

Date: _____

Date: _____

2024

Local Government Payment Schedule

January						
S	M	T	W	T	F	S
	1	2	3	4	5	6
7	8	9	10	11	12	13
14	15	16	17	18	19	20
21	22	23	24	25	26	27
28	29	30	31			

February						
S	M	T	W	T	F	S
				1	2	3
4	5	6	7	8	9	10
11	12	13	14	15	16	17
18	19	20	21	22	23	24
25	26	27	28	29		

March						
S	M	T	W	T	F	S
					1	2
3	4	5	6	7	8	9
10	11	12	13	14	15	16
17	18	19	20	21	22	23
24	25	26	27	28	29	30
31						

April						
S	M	T	W	T	F	S
	1	2	3	4	5	6
7	8	9	10	11	12	13
14	15	16	17	18	19	20
21	22	23	24	25	26	27
28	29	30				

May						
S	M	T	W	T	F	S
			1	2	3	4
5	6	7	8	9	10	11
12	13	14	15	16	17	18
19	20	21	22	23	24	25
26	27	28	29	30	31	

June						
S	M	T	W	T	F	S
						1
2	3	4	5	6	7	8
9	10	11	12	13	14	15
16	17	18	19	20	21	22
23	24	25	26	27	28	29
30						

July						
S	M	T	W	T	F	S
	1	2	3	4	5	6
7	8	9	10	11	12	13
14	15	16	17	18	19	20
21	22	23	24	25	26	27
28	29	30	31			

August						
S	M	T	W	T	F	S
				1	2	3
4	5	6	7	8	9	10
11	12	13	14	15	16	17
18	19	20	21	22	23	24
25	26	27	28	29	30	31

September						
S	M	T	W	T	F	S
1	2	3	4	5	6	7
8	9	10	11	12	13	14
15	16	17	18	19	20	21
22	23	24	25	26	27	28
29	30					

October						
S	M	T	W	T	F	S
	1	2	3	4	5	
6	7	8	9	10	11	12
13	14	15	16	17	18	19
20	21	22	23	24	25	26
27	28	29	30	31		

November						
S	M	T	W	T	F	S
				1	2	
3	4	5	6	7	8	9
10	11	12	13	14	15	16
17	18	19	20	21	22	23
24	25	26	27	28	29	30

December						
S	M	T	W	T	F	S
1	2	3	4	5	6	7
8	9	10	11	12	13	14
15	16	17	18	19	20	21
22	23	24	25	26	27	28
29	30	31				

- Estimated Payment for December 2023
- Final Payment for December 2023
- Final Payment for November 2023
- Estimated Payment for January 2024
- Final Payment for January 2024

The payment dates are the approximate days the payments will be made. The payments will be made as close to the date listed as possible.

Business returns are due on the 20th of the month. If the 20th falls on a holiday or weekend, the returns are due the next business day.

Resolution No. 2023-77

Resolution Approving Change Orders Numbers 1 Through 7 For Road Improvement Project 534 (Ugstad & Arrowhead Roads)

WHEREAS, the City of Hermantown has contracted with Ulland Brothers Inc, for Road Improvement Project 534 (Ugstad & Arrowhead Roads) (“Project:”); and

WHEREAS, Ulland Brothers, Inc, have submitted Change Orders No. 1 through 7 for:

Change Order #	Descriptions	Cost
1	Substitution of silt fence for bioroll	NO COST
2	Sawcut along removed curb and gutter	\$6,225.00
3	School District Office Entrance	\$45,123.20
4	Sidewalk compaction from DCP to Ordinary	NO COST
5	Sidewalk Excavation	\$11,068.20
6	Tribal Work Force Compliance	NO COST
7	Additional Driveway Culverts	\$9,308.06
	TOTAL	\$72,125.06

WHEREAS, Ulland Brothers Inc, has recommended such Change Orders No. 1 through 7, and;

WHEREAS, the project engineer, (MSA Professional Services, Inc.), and the City Engineer, (Northland Consulting Engineers LLP) have approved such Change Orders No. 1 through 7, and;

WHEREAS, the City Administrator has reviewed the change orders and recommends their approval.

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

1. Change Orders No. 1 through 7 are hereby approved.

Councilor _____ introduced the foregoing resolution and moved its adoption.

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

Councilors, aye.

and the following voted in opposition thereto:

WHEREUPON, such resolution has been duly passed and adopted June 20, 2023.



STATE AID FOR LOCAL TRANSPORTATION
CHANGE ORDER

Rev. February 2018

SP	202-101-014, 202-104-012	MN Project No.:	6922(198)	Change Order No.	1
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Project Location	UGSTAD RD FROM MAPLE GROVE RD TO MILLER TRUNK HIGHWAY 194 (US 53) AND ARROWHEAD RD FROM 1300 FT WEST OF UGSTAD RD TO 800 FT EAST OF UGSTAD RD.				
Local Agency	CITY OF HERMANTOWN	Local Project No.	NA		
Contractor	ULLAND BROTHERS, INC.	Contract No.	NA		
Address/City/State/Zip	1634 Hwy. 210 Carlton, MN 55718				
Total Change Order Amount \$	0				

The Contractor has requested to substitute Sediment Control Log Type Wood Fiber in place of Contract Item No 2573.503 Silt Fence, Type MS.

The Engineer has determined that this substitution exceeds the requirements of the item being replaced. To facilitate this work the Contractor must maintain the Sediment Control Log Type Wood Fiber in accordance with the MPCA Storm Water Permit on file for the project and project Storm Water Pollution Prevention Plan.

In accordance with Standard Specification 1605, the Contractor may proceed with the substitution at no additional cost to the Department.

Estimate Of Cost: (Include any increases or decreases in contract items, any negotiated or force account items.)						
**Group/ funding Category	Item No.	Description	Unit	Unit Price	+ or - Quantity	+ or - Amount \$
Net Change this Change Order						NA

Due to this change, the contract time: (check one)	
<input checked="" type="checkbox"/> (X) Is NOT changed	<input type="checkbox"/> () May be revised as provided in MnDOT Specification 1806
<input type="checkbox"/> () Is Increased by _____ Working Days	<input type="checkbox"/> () Is Increased by _____ Calendar Days
<input type="checkbox"/> () Is Decreased by _____ Working Days	<input type="checkbox"/> () Is Decreased by _____ Calendar Days

Approved by Project Engineer: James D. Watters Date: 5/22/23
 Print Name: James Watters, PE Phone: 612-548-3152

Approved by Contractor: Ryan Swanson Date: 5-23-23
 Print Name: Ryan Swanson Phone: 218-966-9822

DSAE Portion: The State of Minnesota is not a participant in this contract. Signature by the District State Aid Engineer is for FUNDING PURPOSES ONLY and for compliance with State and Federal Aid Rules/Policy. Eligibility does not guarantee funds will be available.

This work is eligible for: ___ Federal Funding 57 State Aid Funding ___ Local funds

District State Aid Engineer: _____ Date: _____

Silt Sock

EROSION CONTROL PRODUCTS

150' SILT SOCK

1 pc x 150 ft

150 feet/pallet

DOT Approved

Our sediment log is an alternative to silt fence and can be used as a perimeter control solution, slope interruption, and erosion control device.

This filler material is weed free, seed free, and disease free.



STATE AID FOR LOCAL TRANSPORTATION
CHANGE ORDER

Rev. February 2018

SP	202-101-014, 202-104-012	MN Project No.:	6922(198)	Change Order No.	2
----	--------------------------	-----------------	-----------	------------------	---


Project Location	UGSTAD RD FROM MAPLE GROVE RD TO MILLER TRUNK HIGHWAY 194 (US 53) AND ARROWHEAD RD FROM 1300 FT WEST OF UGSTAD RD TO 800 FT EAST OF UGSTAD RD.				
Local Agency	CITY OF HERMANTOWN	Local Project No.	NA		
Contractor	ULLAND BROTHERS, INC.	Contract No.	NA		
Address/City/State/Zip	1634 Hwy. 210 Carlton, MN 55718				
Total Change Order Amount \$	6,625.00				


Due to the deteriorated condition of the existing bituminous pavement, jagged and broken removal line limits were a result during curb and gutter removal. The City and Contractor agree that additional saw cutting is needed to provide clean straight edge to facilitate proper bituminous patching and overlay activities. Additional saw cutting is anticipated in areas of the project requiring spot curb removal and replacement prior to mill and overlay activities.

Example of areas needing additional saw cutting are highlighted in green on the attached sheet from removals plan.

Estimate Of Cost: <i>(Include any increases or decreases in contract items, any negotiated or force account items.)</i>						
** Group/ funding Category	Item No.	Description	Unit	Unit Price	+ or - Quantity	+ or - Amount \$
	2104.503	SAWING BIT PAVEMENT (FULL DEPTH)	LF	\$1.25	5,300	\$6,625.00
Net Change this Change Order						\$6,625.00

Due to this change, the contract time: <i>(check one)</i>	
<input checked="" type="checkbox"/> (X) Is NOT changed	<input type="checkbox"/> () May be revised as provided in MnDOT Specification 1806
<input type="checkbox"/> () Is Increased by _____ Working Days	<input type="checkbox"/> () Is Increased by _____ Calendar Days
<input type="checkbox"/> () Is Decreased by _____ Working Days	<input type="checkbox"/> () Is Decreased by _____ Calendar Days

Approved by Project Engineer:  Date: 5/25/23
 Print Name: James Watters, PE Phone: 612-548-3152

Approved by City Engineer:  Date: 6/7/23
 Print Name: David Bolf, PE – Hermantown City Engineer Phone: 218-727-5995

Approved by Contractor:  Date: 6-9-23
 Print Name: Ryan Swanson, PE – Ulland Brothers, Inc Phone: 218-966-9822



STATE AID FOR LOCAL TRANSPORTATION
CHANGE ORDER

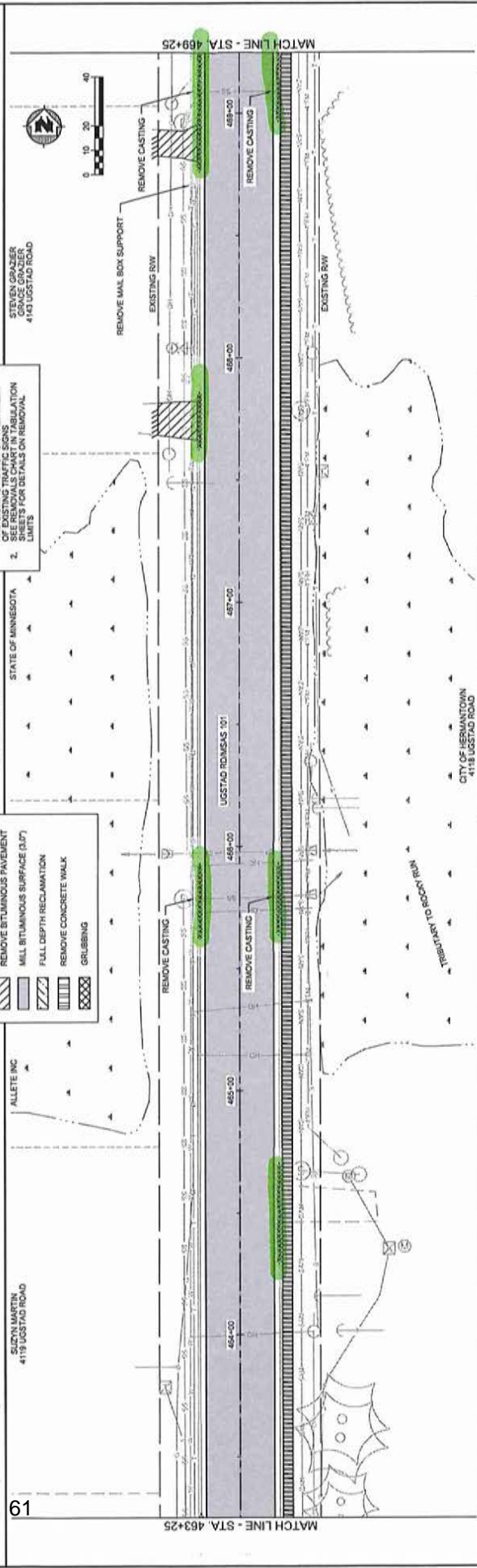
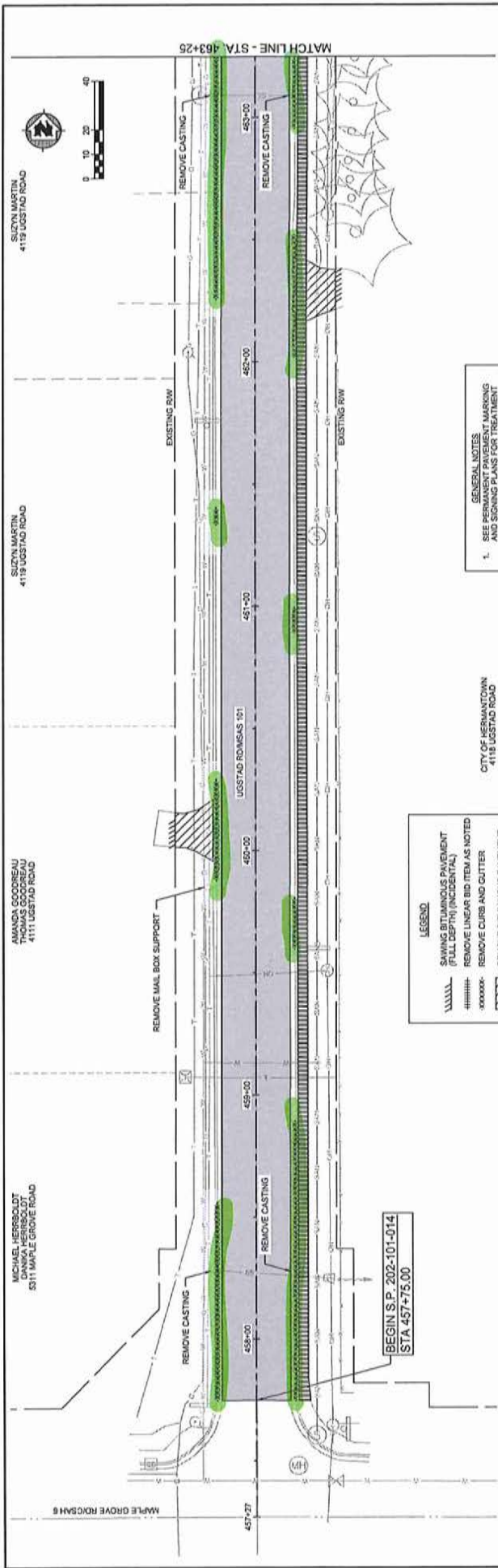
Rev. February 2018

SP	202-101-014, 202-104-012	MN Project No.:	6922(198)	Change Order No.	2
----	--------------------------	-----------------	-----------	------------------	---

DSAE Portion: The State of Minnesota is not a participant in this contract. Signature by the District State Aid Engineer is for FUNDING PURPOSES ONLY and for compliance with State and Federal Aid Rules/Policy. Eligibility does not guarantee funds will be available.

This work is eligible for: ___ Federal Funding ___ State Aid Funding ___ Local funds

District State Aid Engineer: _____ Date: _____



LEGEND

	REMOVE BITUMINOUS PAVEMENT
	REMOVE CURB AND GUTTER
	REMOVE MAIL BOX SUPPORT
	REMOVE BITUMINOUS PAVEMENT (2.07)
	FULL DEPTH RECLAMATION
	REMOVE CONCRETE WALK
	GRUBBING

GENERAL NOTES

- SEE PERMANENT PAVEMENT MARKING OF EXISTING TRAFFIC SIGN LIMITS FOR DETAILS ON REMOVAL
- SEE REMOVALS CHART IN TABULATION FOR DETAILS ON REMOVAL LIMITS

<p>REVISIONS</p> <table border="1"> <tr> <th>NO.</th> <th>DATE</th> <th>DESCRIPTION</th> </tr> <tr> <td> </td> <td> </td> <td> </td> </tr> </table>	NO.	DATE	DESCRIPTION				<p>DESIGNED BY: J. J. [Signature]</p> <p>CHECKED BY: [Signature]</p> <p>DATE: [Date]</p>	<p>PROJECT: UGSTAD RD & ARROWHEAD RD IMPROVEMENTS</p> <p>CITY OF HERMANTOWN</p> <p>ST. LOUIS COUNTY</p>	<p>REVISIONS PLAN</p> <p>MSA 07994009</p> <p>S.P. 202-101-014, S.P. 202-104-012</p>
NO.	DATE	DESCRIPTION							
<p>CLIENT: CITY OF HERMANTOWN</p> <p>PROJECT: UGSTAD RD & ARROWHEAD RD IMPROVEMENTS</p> <p>LOCATION: UGSTAD ROAD</p> <p>SCALE: AS SHOWN</p>	<p>DESIGNED BY: J. J. [Signature]</p> <p>CHECKED BY: [Signature]</p> <p>DATE: [Date]</p>	<p>PROJECT: UGSTAD RD & ARROWHEAD RD IMPROVEMENTS</p> <p>CITY OF HERMANTOWN</p> <p>ST. LOUIS COUNTY</p>	<p>REVISIONS PLAN</p> <p>MSA 07994009</p> <p>S.P. 202-101-014, S.P. 202-104-012</p>						



SP	202-101-014, 202-104-012	MN Project No.:	6922(198)	Change Order No.	3
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Project Location	UGSTAD RD FROM MAPLE GROVE RD TO MILLER TRUNK HIGHWAY 194 (US 53) AND ARROWHEAD RD FROM 1300 FT WEST OF UGSTAD RD TO 800 FT EAST OF UGSTAD RD.		
Local Agency	CITY OF HERMANTOWN	Local Project No.	NA
Contractor	ULLAND BROTHERS, INC.	Contract No.	NA
Address/City/State/Zip	1634 Hwy. 210 Carlton, MN 55718		
Total Change Order Amount \$	45,123.20		


City of Hermantown would like to add a new entrance off Arrowhead Rd for the future School District Office. An extension of existing sidewalk to the proposed entrance and associated underground utilities is also proposed.

Location of proposed entrance is shown in the attached exhibit

Estimate Of Cost: (Include any increases or decreases in contract items, any negotiated or force account items.)						
**Group/ funding Category	Item No.	Description	Unit	Unit Price	+ or - Quantity	+ or - Amount \$
	2104.503	REMOVE CURB & GUTTER	LF	\$2.70	60	\$162.00
	2104.504	REMOVE BITUMINOUS PAVEMENT	SY	\$13.10	22	\$288.20
	2106.507	EXCAVATION – COMMON (P)	CY	\$19.80	94	\$1,861.20
	2211.507	AGGREGATE BASE (CV) CLASS 5	CY	\$58.10	48	\$2,788.80
	2306.509	TYPE SP 9.5 BITUMINOUS MIXTURE FOR PATCHING	TON	\$360.00	6	\$2,160.00
	2504.602	WET TAP WITH 6" VALVE	EA	\$8,300.00	1	\$8,300.00
	2504.602	WET TAP WITH HYDRANT	EA	\$16,100.00	1	\$16,100.00
	2521.518	4" CONCRETE WALK	SF	\$5.20	1,040	\$5,408.00
	2531.503	CONCRETE CURB & GUTTER DESIGN S524	LF	\$22.00	60	\$1,320.00
	2531.504	6" CONCRETE DRIVEWAY PAVEMENT	SY	\$102.00	55	\$5,610.00
	2575.504	SODDING TYPE LAWN	SY	\$12.50	90	\$1,125.00
Net Change this Change Order						\$45,123.20

Due to this change, the contract time: (check one)	
<input type="checkbox"/> Is NOT changed	<input checked="" type="checkbox"/> May be revised as provided in MnDOT Specification 1806
<input type="checkbox"/> Is Increased by _____ Working Days	<input type="checkbox"/> Is Increased by _____ Calendar Days
<input type="checkbox"/> Is Decreased by _____ Working Days	<input type="checkbox"/> Is Decreased by _____ Calendar Days

Approved by Project Engineer:  Date: 5/31/23
 Print Name: James Watters, PE Phone: 612-548-3152

Approved by City Engineer:  Date: 6/7/23
 Print Name: David Bolf, PE – Hermantown City Engineer Phone: 218-727-5995



STATE AID FOR LOCAL TRANSPORTATION
CHANGE ORDER

Rev. February 2018

SP	202-101-014, 202-104-012	MN Project No.:	6922(198)	Change Order No.	3
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Approved by Contractor:  Date: 6-9-23
 Print Name: Ryan Swanson, PE – Ulland Brothers, Inc Phone: 218-966-9822

DSAE Portion: The State of Minnesota is not a participant in this contract. Signature by the District State Aid Engineer is for FUNDING PURPOSES ONLY and for compliance with State and Federal Aid Rules/Policy. Eligibility does not guarantee funds will be available.

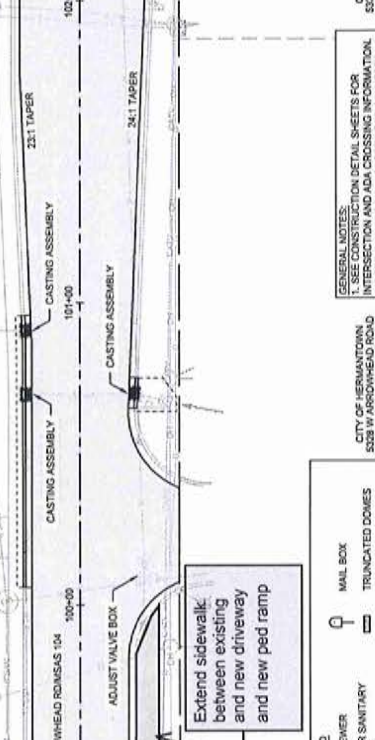
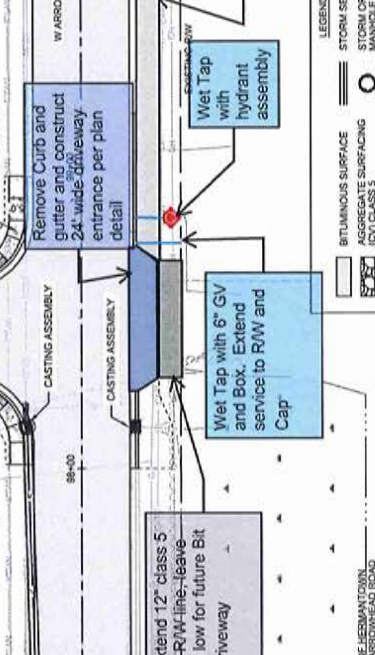
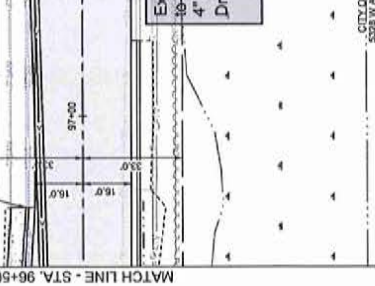
This work is eligible for: Federal Funding State Aid Funding Local funds

District State Aid Engineer: _____ Date: _____

INDEPENDENT SCHOOL DISTRICT #700
4335 HAWK CIRCLE DRIVE
5323 W ARROWHEAD ROAD

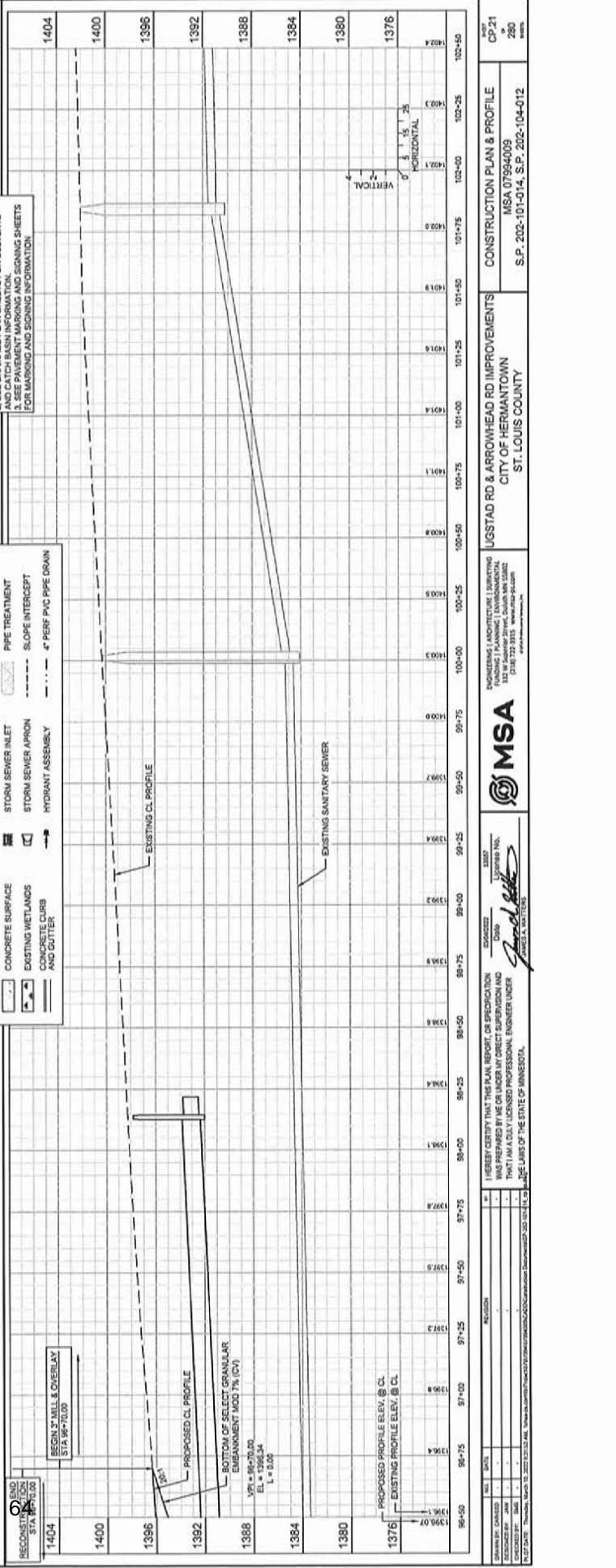
INDEPENDENT SCHOOL DISTRICT #700
4335 HAWK CIRCLE DRIVE
5323 W ARROWHEAD ROAD

INDEPENDENT SCHOOL DISTRICT #700
5323 W ARROWHEAD ROAD



MATCH LINE - STA. 96+50

MATCH LINE - STA. 102+50



LEGEND

BITUMINOUS SURFACE	STORM SEWER	MAIL BOX
AGGREGATE SURFACING (CV CLASS 5)	STORM OR SANITARY MANHOLE	TRUNCATED DOMES
CONCRETE SURFACE	STORM SEWER INLET	PIPE TREATMENT
EXISTING WETLANDS	STORM SEWER APRON	SLOPE INTERCEPT
CONCRETE CURB AND GUTTER	HYDRANT ASSEMBLY	4" PERFORATED PIPE DRAIN

GENERAL NOTES:

- SEE CONSTRUCTION DETAIL SHEETS FOR INTERSECTION AND ADA CROSSING INFORMATION.
- SEE DRAINAGE PLAN SHEETS FOR CULVERTS FOR PAVEMENT MARKING AND SIGNING SHEETS FOR MARKING AND SIGNING INFORMATION.

CITY OF HERMANTOWN
5328 W ARROWHEAD ROAD

CITY OF HERMANTOWN
5328 W ARROWHEAD ROAD

CITY OF HERMANTOWN
5328 W ARROWHEAD ROAD

CITY OF HERMANTOWN
5328 W ARROWHEAD ROAD

PROJECT NO. CP.21	DATE 02/20/2024	DESIGNED BY JAM	DATE 02/20/2024	CONSTRUCTION PLAN & PROFILE
REVISION NO. 280	PROJECT NAME USSTAD RD & ARROWHEAD RD IMPROVEMENTS	DRAWN BY JAM	DATE 02/20/2024	CITY OF HERMANTOWN
PROJECT LOCATION	PROJECT NO. 07994009	DESIGNED BY JAM	DATE 02/20/2024	ST. LOUIS COUNTY
PROJECT LOCATION	PROJECT NO. 07994009	DESIGNED BY JAM	DATE 02/20/2024	S.P. 202-101-014, S.P. 202-104-012

DESIGNED BY: JAM
DATE: 02/20/2024
PROJECT NO: 07994009
PROJECT NAME: USSTAD RD & ARROWHEAD RD IMPROVEMENTS
PROJECT LOCATION: ST. LOUIS COUNTY
S.P. 202-101-014, S.P. 202-104-012

MSA
MISSOURI SURVEYING & ENGINEERING
PLANNING & LANDSCAPE ARCHITECTURE
INCORPORATED
3127 W. ARROWHEAD DRIVE, SUITE 100, HERMANTOWN, MO 64511
PH: (417) 241-4400 FAX: (417) 241-4401
WWW.MSAENGINEERING.COM

BY: JAM
DATE: 02/20/2024
PROJECT NO: 07994009
PROJECT NAME: USSTAD RD & ARROWHEAD RD IMPROVEMENTS
PROJECT LOCATION: ST. LOUIS COUNTY
S.P. 202-101-014, S.P. 202-104-012



SP	202-101-014, 202-104-012	MN Project No.:	6922(198)	Change Order No.	4
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Project Location	UGSTAD RD FROM MAPLE GROVE RD TO MILLER TRUNK HIGHWAY 194 (US 53) AND ARROWHEAD RD FROM 1300 FT WEST OF UGSTAD RD TO 800 FT EAST OF UGSTAD RD.				
Local Agency	CITY OF HERMANTOWN	Local Project No.	NA		
Contractor	ULLAND BROTHERS, INC.	Contract No.	NA		
Address/City/State/Zip	1634 Hwy. 210 Carlton, MN 55718				
Total Change Order Amount \$	0				


The compaction method for subgrade and Aggregate Base (CV) Class 5 material used for sidewalk construction is hereby revised from specified density to Quality Compaction as defined in MnDOT Spec 2106.3G.2 in the following areas of the project only.

Ugstad Rd – STA 457+75 to 510+00
Arrowhead Rd – STA 85+00 to 110+00

Estimate Of Cost: <i>(Include any increases or decreases in contract items, any negotiated or force account items.)</i>						
**Group/ funding Category	Item No.	Description	Unit	Unit Price	+ or – Quantity	+ or – Amount \$
Net Change this Change Order						\$0

Due to this change, the contract time: <i>(check one)</i>	
<input checked="" type="checkbox"/> (x) Is NOT changed	<input type="checkbox"/> () May be revised as provided in MnDOT Specification 1806
<input type="checkbox"/> () Is Increased by _____ Working Days	<input type="checkbox"/> () Is Increased by _____ Calendar Days
<input type="checkbox"/> () Is Decreased by _____ Working Days	<input type="checkbox"/> () Is Decreased by _____ Calendar Days

Approved by Project Engineer:  Date: 5/31/23
Print Name: James Watters, PE Phone: 612-548-3152

Approved by City Engineer:  Date: 6/7/23
Print Name: David Bolf, PE – Hermantown City Engineer Phone: 218-727-5995

Approved by Contractor:  Date: 6-9-23
Print Name: Ryan Swanson, PE – Ulland Brothers, Inc Phone: 218-966-9822



STATE AID FOR LOCAL TRANSPORTATION
CHANGE ORDER

Rev. February 2018

SP	202-101-014, 202-104-012	MN Project No.:	6922(198)	Change Order No.	4
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DSAE Portion: The State of Minnesota is not a participant in this contract. Signature by the District State Aid Engineer is for FUNDING PURPOSES ONLY and for compliance with State and Federal Aid Rules/Policy. Eligibility does not guarantee funds will be available.

This work is eligible for: ___ Federal Funding ___ State Aid Funding ___ Local funds

District State Aid Engineer: _____ Date: _____



SP	202-101-014, 202-104-012	MN Project No.:	6922(198)	Change Order No.	5
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Project Location	UGSTAD RD FROM MAPLE GROVE RD TO MILLER TRUNK HIGHWAY 194 (US 53) AND ARROWHEAD RD FROM 1300 FT WEST OF UGSTAD RD TO 800 FT EAST OF UGSTAD RD.		
Local Agency	CITY OF HERMANTOWN	Local Project No.	NA
Contractor	ULLAND BROTHERS, INC.	Contract No.	NA
Address/City/State/Zip	1634 Hwy. 210 Carlton, MN 55718		
Total Change Order Amount \$	11,068.20		

The Statement of Estimated Quantities designates 2106.507 EXCAVATION - COMMON as a (P) Plan Quantity Item of 16,540 CU YD.


The City & Engineer has determined that the excavation for sidewalk construction along Ugstad Rd from STA 457+75 to 504+00 should be added to this quantity.


As per Standard Specification 1901, the Engineer has computed the addition to 2106.507 EXCAVATION - COMMON required for sidewalk construction along Ugstad Rd from STA 457+75 to 504+00 to be 559 CU YD, arriving at a New (P) Plan Quantity of 17,099 CU YD

Computations supporting this change will remain in the Project Engineer's files.

Estimate Of Cost: (Include any increases or decreases in contract items, any negotiated or force account items.)						
**Group/ funding Category	Item No.	Description	Unit	Unit Price	+ or - Quantity	+ or - Amount \$
	2106.507	EXCAVATION - COMMON	CY	\$19.80	559	11,068.20
Net Change this Change Order						\$11,068.20

Due to this change, the contract time: (check one)	
<input checked="" type="checkbox"/> (x) Is NOT changed	<input type="checkbox"/> () May be revised as provided in MnDOT Specification 1806
<input type="checkbox"/> () Is Increased by _____ Working Days	<input type="checkbox"/> () Is Increased by _____ Calendar Days
<input type="checkbox"/> () Is Decreased by _____ Working Days	<input type="checkbox"/> () Is Decreased by _____ Calendar Days

Approved by Project Engineer:  Date: 5/31/23
 Print Name: James Watters, PE Phone: 612-548-3152

Approved by City Engineer:  Date: 6/7/23
 Print Name: David Bolf, PE - Hermantown City Engineer Phone: 218-727-5995

Approved by Contractor:  Date: 6-9-23
 Print Name: Ryan Swanson, PE - Ulland Brothers, Inc Phone: 218-966-9822



STATE AID FOR LOCAL TRANSPORTATION
CHANGE ORDER

Rev. February 2018

SP	202-101-014, 202-104-012	MN Project No.:	6922(198)	Change Order No.	5
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DSAE Portion: The State of Minnesota is not a participant in this contract. Signature by the District State Aid Engineer is for FUNDING PURPOSES ONLY and for compliance with State and Federal Aid Rules/Policy. Eligibility does not guarantee funds will be available.

This work is eligible for: ___ Federal Funding ___ State Aid Funding ___ Local funds

District State Aid Engineer: _____ Date: _____



SP	202-101-014, 202-104-012	MN Project No.:	6922(198)	Change Order No.	6
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Project Location	UGSTAD RD FROM MAPLE GROVE RD TO MILLER TRUNK HIGHWAY 194 (US 53) AND ARROWHEAD RD FROM 1300 FT WEST OF UGSTAD RD TO 800 FT EAST OF UGSTAD RD.				
Local Agency	CITY OF HERMANTOWN	Local Project No.	NA		
Contractor	ULLAND BROTHERS, INC.	Contract No.	NA		
Address/City/State/Zip	1634 Hwy. 210 Carlton, MN 55718				
Total Change Order Amount \$	0				

The following special provision is added to Division S and made a part of the contract documents to comply with State and Federal requirements.

S-1 SPECIAL PROVISIONS RELATING TO TRIBAL EMPLOYMENT

REVISED 06/30/22

SP2020-4

The Department promotes and encourages Indian employment on transportation Projects on or near reservations, consistent with 23 USC §140 (d).

S-1.1 This Project is on or near a reservation. The Contractor must work with the tribal government to use Indian labor in performing Contract Work. The Contractor must contact the Tribal employment rights officer, (Lonny Susienka), from the (Fond Du Lac Band of Lake Superior Chippewa), at (218-878-7527) and (Lori Trail), from the (Mille Lacs Band of Ojibwe), at (320-532-4778) to identify Indian employment opportunities.

S-1.2 If the Contractor or Subcontractor is not in compliance with these Special Provisions, the Department will address the noncompliance with the Contractor or Subcontractor and the Tribal employment rights officer. The Contractor must meet with the Tribal employment rights officer to discuss Indian employment issues if requested by the tribe.

The Contractor must submit the Indian Employment Tracking Form, <http://www.dot.state.mn.us/civilrights/indian-employment.html>, to the Department's Office of Civil Rights no later than 90 Calendar Days after receipt of the semi-final estimate as defined in MnDOT 1908.2 and as per 1516.3(7) Completion of Work. If the Contractor fails to submit the form, the Engineer may assess a Monetary Deduction, in accordance with the Contract. The form must list all Indians who were hired for the Project, by the Contractor or a Subcontractor, after being referred by one of the federally-recognized tribal TERO offices in Minnesota.

S-1.3 If the Contractor is considering suspending or terminating an employee referred by the Tribal employment rights officer, the Contractor must notify the Tribal employment rights officer to seek assistance in resolving the problem prior to releasing the employee. Nothing in these Special Provisions is intended to interfere with the Contractor's ability to dismiss any employee for cause including, but not limited to, lack of adequate skills or training, inability to perform because of State or Federal law, or breach of the Contractor's safety standards or other standards of conduct.

S-1.4 Indian employment requirements supplement, but do not replace, other equal opportunity requirements




STATE AID FOR LOCAL TRANSPORTATION
CHANGE ORDER


Rev. February 2018

SP	202-101-014, 202-104-012	MN Project No.:	6922(198)	Change Order No.	6
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Estimate Of Cost: <i>(Include any increases or decreases in contract items, any negotiated or force account items.)</i>						
**Group/ funding Category	Item No.	Description	Unit	Unit Price	+ or - Quantity	+ or - Amount \$
Net Change this Change Order						\$0

Due to this change, the contract time: <i>(check one)</i>	
<input checked="" type="checkbox"/> (x) Is NOT changed	<input type="checkbox"/> () May be revised as provided in MnDOT Specification 1806
<input type="checkbox"/> () Is Increased by _____ Working Days	<input type="checkbox"/> () Is Increased by _____ Calendar Days
<input type="checkbox"/> () Is Decreased by _____ Working Days	<input type="checkbox"/> () Is Decreased by _____ Calendar Days

Approved by Project Engineer:  Date: 5/31/23
 Print Name: James Watters, PE Phone: 612-548-3152

Approved by City Engineer:  Date: 6/7/23
 Print Name: David Bolf, PE – Hermantown City Engineer Phone: 218-727-5995

Approved by Contractor:  Date: 6-1-23
 Print Name: Ryan Swanson, PE – Ulland Brothers, Inc Phone: 218-966-9822

DSAE Portion: The State of Minnesota is not a participant in this contract. Signature by the District State Aid Engineer is for FUNDING PURPOSES ONLY and for compliance with State and Federal Aid Rules/Policy. Eligibility does not guarantee funds will be available.

This work is eligible for: ___ Federal Funding ___ State Aid Funding ___ Local funds

District State Aid Engineer: _____ Date: _____

Resolution No. 2023-78

Resolution Approving Pay Request Number 1 For Road Improvement District 534 To Ulland Brothers, Inc In The Amount Of \$324,420.49

WHEREAS, the City of Hermantown has contracted with Ulland Brothers, Inc for Road Improvement District 534 (“Project”); and

WHEREAS, Ulland Brothers Inc. has performed a portion of the agreed upon work in said Project; and

WHEREAS, Ulland Brothers Inc has submitted Pay Request No. 1 in the amount of \$333,935.85; 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. 1 provided that \$9,515.36 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. 1 is hereby approved.
2. The City is hereby authorized and directed to pay to Ulland Brothers Inc the sum of \$324,420.49 which is the amount represented on Pay Request No. 1.

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 _____, aye.

and the following voted in opposition thereto:

WHEREUPON, such resolution has been duly passed and adopted June 20, 2023.

Contractor's Application for Payment No. 1

	Application Period: 5/1/2023 to 6/9/2023	Application Date: 6/9/2023
To (Owner): City of Hermantown	From (Contractor): Ulland Brothers Inc.	Via (Engineer): MSA Professional Services, Inc.
Project: UGSTAD RD & W ARROWHEAD RD IMPROVEMENTS S.P. 202-101-014 & S.P. 202-104-012	Contract: SP 202-101-014, 202-104-012	
Owner's Contract No.:	Contractor's Project No.:	Engineer's Project No.: 7994015

Application For Payment Change Order Summary

Approved Change Orders	Number	Additions	Deductions
	1	\$0.00	\$0.00
	2	\$6,625.00	
	3	\$45,123.20	
	4	\$0.00	\$0.00
	5	\$11,068.20	
	6	\$0.00	\$0.00
	7	\$9,308.60	
TOTALS		\$ 72,125.00	\$ -
NET CHANGE BY CHANGE ORDERS			\$ 72,125.00

1. ORIGINAL CONTRACT PRICE.....	\$ 4,198,170.00
2. Net change by Change Orders.....	\$ 72,125.00
3. Current Contract Price (Line 1 ± 2).....	\$ 4,270,295.00
4. TOTAL COMPLETED AND STORED TO DATE (Column F or I total on Progress Estimates).....	\$ 333,935.85
5. RETAINAGE:	
a. 5% X \$190,307.25 Work Completed.....	\$ 9,515.36
b. 0% X \$143,628.60 Stored Material.....	\$ 0.00
c. Total Retainage (Line 5.a + Line 5.b).....	\$ 9,515.36
6. AMOUNT ELIGIBLE TO DATE (Line 4 - Line 5.c).....	\$ 324,420.49
7. LESS PREVIOUS PAYMENTS (Line 6 from prior Application).....	\$
8. AMOUNT DUE THIS APPLICATION.....	\$ 324,420.49
9. BALANCE TO FINISH, PLUS RETAINAGE (Column [G for LS] or [J for UP] total on Progress Estimates + Line 5.c above).....	\$ 3,945,874.51

Contractor's Certification

The undersigned Contractor certifies, to the best of its knowledge, the following:

- (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;
- (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 encumbrances); and
- (3) All the Work covered by this Application for Payment is in accordance with the Contract Documents and is not defective.

Contractor Signature

By: , P.E. Date: 6/13/2023

Payment of: \$ 324,420.49
(Line 8 or other - attach explanation of the other amount)

is recommended by: 06/13/2023
James Watters, PE (Engineer) (Date)

Payment of: \$ 324,420.49
(Line 8 or other - attach explanation of the other amount)

is approved by: 6/14/23
David Bolf, PE (City of Hermantown) (Date)

Approved by: _____
Funding or Financing Entity (if applicable) (Date)

Progress Estimate - Unit Price Work

Contractor's Application

For (Contract): SP 202-101-014, 202-104-012											Application Number: 1				
Application Period: 5/1/2023 to 6/9/2023											Application Date: 6/9/2023				
A				B		C	D	E	F	G	H	I		J	
Bid Item No.	Spec. Item No.	Item Description	Contract Information			Work Completed to Date					Materials Presently Stored (not in F)	Total Completed and Stored to Date (G + H)	% (I / B)	Balance to Finish (B - I)	
			Item Quantity	Units	Unit Price	Total Value of Item (\$)	Quantities from Previous Pay Applications	Estimated Quantities Installed this Pay Period	Value of Work Installed this Pay Period	Total Estimated Quantity Installed					Value of Work Installed to Date
1		MOBILIZATION	1	LUMP SUM	\$24,996.80	\$24,996.80		0.5	\$12,498.40	1	\$12,498.40	\$0.00	\$12,498.40	50.0%	\$12,498.40
2		CLEARING AND GRUBBING	1	LUMP SUM	\$1,600.00	\$1,600.00			\$0.00		\$0.00	\$0.00	\$0.00	0.0%	\$1,600.00
3		REMOVE CASTING	50	EACH	\$100.00	\$5,000.00		14	\$1,400.00	14	\$1,400.00	\$0.00	\$1,400.00	28.0%	\$3,600.00
4		REMOVE DRAINAGE STRUCTURE	19	EACH	\$400.00	\$7,600.00		3	\$1,200.00	3	\$1,200.00	\$0.00	\$1,200.00	15.8%	\$6,400.00
5		REMOVE MAIL BOX SUPPORT	58	EACH	\$130.00	\$7,540.00			\$0.00		\$0.00	\$0.00	\$0.00	0.0%	\$7,540.00
6		REMOVE SIGN TYPE C	113	EACH	\$50.00	\$5,650.00			\$0.00		\$0.00	\$0.00	\$0.00	0.0%	\$5,650.00
7		SALVAGE PIPE APRON	2	EACH	\$600.00	\$1,200.00			\$0.00		\$0.00	\$0.00	\$0.00	0.0%	\$1,200.00
8		SALVAGE SIGN TYPE C	20	EACH	\$50.00	\$1,000.00			\$0.00		\$0.00	\$0.00	\$0.00	0.0%	\$1,000.00
9		REMOVE BITUMINOUS CURB	605	LIN FT	\$3.00	\$1,815.00			\$0.00		\$0.00	\$0.00	\$0.00	0.0%	\$1,815.00
10		REMOVE CURB AND GUTTER	11,676	LIN FT	\$2.70	\$31,525.20		4408	\$11,901.60	4408	\$11,901.60	\$0.00	\$11,901.60	37.8%	\$19,623.60
11		REMOVE PIPE CULVERTS	70	LIN FT	\$14.00	\$980.00			\$0.00		\$0.00	\$0.00	\$0.00	0.0%	\$980.00
12		REMOVE SEWER PIPE (STORM)	1,224	LIN FT	\$15.00	\$18,360.00		65	\$975.00	65	\$975.00	\$0.00	\$975.00	5.3%	\$17,385.00
13		REMOVE BITUMINOUS PAVEMENT	19,064	SQ YD	\$3.75	\$71,490.00		853	\$3,198.75	853	\$3,198.75	\$0.00	\$3,198.75	4.5%	\$68,291.25
14		REMOVE CONCRETE WALK	3,725	SQ YD	\$11.00	\$40,975.00		1736	\$19,096.00	1736	\$19,096.00	\$0.00	\$19,096.00	46.6%	\$21,879.00
15		GRANULAR EMBANKMENT (CV) (P)	670	CU YD	\$29.00	\$19,430.00		190	\$5,510.00	190	\$5,510.00	\$0.00	\$5,510.00	28.4%	\$13,920.00
16		COMMON EMBANKMENT (CV) (P)	4,075	CU YD	\$5.20	\$21,190.00			\$0.00		\$0.00	\$0.00	\$0.00	0.0%	\$21,190.00
17		EXCAVATION - COMMON (P)	16,540	CU YD	\$12.00	\$198,480.00		480	\$5,760.00	480	\$5,760.00	\$0.00	\$5,760.00	2.9%	\$192,720.00
18		SELECT GRANULAR EMBANKMENT MOD 7% (CV) (P)	7,165	CU YD	\$24.00	\$171,960.00			\$0.00		\$0.00	\$0.00	\$0.00	0.0%	\$171,960.00
19		HAUL & DISPOSE OF CONTAMINATED SOIL	25	CU YD	\$105.00	\$2,625.00			\$0.00		\$0.00	\$0.00	\$0.00	0.0%	\$2,625.00
20		GEOTEXTILE FABRIC TYPE 5	17,405	SQ YD	\$3.20	\$55,696.00		400	\$1,280.00	400	\$1,280.00	\$20,000.00	\$21,280.00	38.2%	\$34,416.00
21		STREET SWEEPER (WITH PICKUP BROOM)	150	HOUR	\$205.00	\$30,750.00		4	\$820.00	4	\$820.00	\$0.00	\$820.00	2.7%	\$29,930.00
22		AGGREGATE BASE (CV) CLASS 5 (P)	7,545	CU YD	\$41.00	\$309,345.00		193	\$7,913.00	193	\$7,913.00	\$0.00	\$7,913.00	2.6%	\$301,432.00
23		AGGREGATE SURFACING (CV) CLASS 5 (P)	265	CU YD	\$95.00	\$25,175.00			\$0.00		\$0.00	\$0.00	\$0.00	0.0%	\$25,175.00
24		FULL DEPTH RECLAMATION	10,445	SQ YD	\$1.20	\$12,534.00			\$0.00		\$0.00	\$0.00	\$0.00	0.0%	\$12,534.00
25		HAUL FULL DEPTH RECLAMATION (LV)	430	CU YD	\$17.00	\$7,310.00			\$0.00		\$0.00	\$0.00	\$0.00	0.0%	\$7,310.00
26		MILL BITUMINOUS SURFACE (3.0")	23,670	SQ YD	\$2.50	\$59,175.00			\$0.00		\$0.00	\$0.00	\$0.00	0.0%	\$59,175.00
27		TYPE 12.5 BIT MIXTURE FOR PATCHING	900	SQ YD	\$29.50	\$26,550.00			\$0.00		\$0.00	\$0.00	\$0.00	0.0%	\$26,550.00
28		TYPE SP 9.5 BITUMINOUS MIXTURE FOR PATCHING	306	TON	\$355.00	\$108,630.00			\$0.00		\$0.00	\$0.00	\$0.00	0.0%	\$108,630.00
29		TYPE SP 9.5 WEARING COURSE MIXTURE (3,B)	4,220	TON	\$88.00	\$371,360.00			\$0.00		\$0.00	\$0.00	\$0.00	0.0%	\$371,360.00
30		TYPE SP 9.5 WEARING COURSE MIXTURE (3,C)	5,185	TON	\$94.00	\$487,390.00			\$0.00		\$0.00	\$0.00	\$0.00	0.0%	\$487,390.00
31		TYPE SP 12.5 NON WEARING COURSE MIXTURE (3,C)	1,885	TON	\$96.00	\$180,960.00			\$0.00		\$0.00	\$0.00	\$0.00	0.0%	\$180,960.00
32		12" RC PIPE APRON	4	EACH	\$1,400.00	\$5,600.00			\$0.00		\$0.00	\$0.00	\$0.00	0.0%	\$5,600.00
33		15" RC PIPE APRON	7	EACH	\$1,500.00	\$10,500.00			\$0.00		\$0.00	\$0.00	\$0.00	0.0%	\$10,500.00
34		24" RC PIPE APRON	4	EACH	\$1,800.00	\$7,200.00			\$0.00		\$0.00	\$0.00	\$0.00	0.0%	\$7,200.00
35		30" RC PIPE APRON	2	EACH	\$2,300.00	\$4,600.00			\$0.00		\$0.00	\$0.00	\$0.00	0.0%	\$4,600.00
36		28" SPAN RC PIPE-ARCH APRON	7	EACH	\$2,000.00	\$14,000.00			\$0.00		\$0.00	\$0.00	\$0.00	0.0%	\$14,000.00
37		36" SPAN RC PIPE-ARCH APRON	4	EACH	\$2,800.00	\$11,200.00		2	\$5,600.00	2	\$5,600.00	\$0.00	\$5,600.00	50.0%	\$5,600.00
38		4" PERF PVC PIPE DRAIN	8,594	LIN FT	\$11.00	\$94,534.00			\$0.00		\$0.00	\$28,307.36	\$28,307.36	29.9%	\$66,226.64
39		12" RC PIPE SEWER DESIGN 3006	110	LIN FT	\$96.00	\$10,560.00		10	\$960.00	10	\$960.00	\$0.00	\$960.00	9.1%	\$9,600.00
40		15" RC PIPE SEWER DESIGN 3006	366	LIN FT	\$100.00	\$36,600.00			\$0.00		\$0.00	\$0.00	\$0.00	0.0%	\$36,600.00
41		18" RC PIPE SEWER DESIGN 3006	79	LIN FT	\$105.00	\$8,295.00		52	\$5,460.00	52	\$5,460.00	\$0.00	\$5,460.00	65.8%	\$2,835.00
42		24" RC PIPE SEWER DESIGN 3006	109	LIN FT	\$130.00	\$14,170.00			\$0.00		\$0.00	\$0.00	\$0.00	0.0%	\$14,170.00
43		30" RC PIPE SEWER DESIGN 3006	16	LIN FT	\$190.00	\$3,040.00			\$0.00		\$0.00	\$0.00	\$0.00	0.0%	\$3,040.00
44		28" SPAN RC PIPE-ARCH SEWER CLASS IIA	575	LIN FT	\$170.00	\$97,750.00			\$0.00		\$0.00	\$0.00	\$0.00	0.0%	\$97,750.00
45		36" SPAN RC PIPE-ARCH SEWER CLASS IIA	187	LIN FT	\$220.00	\$41,140.00		48	\$10,560.00	48	\$10,560.00	\$0.00	\$10,560.00	25.7%	\$30,580.00
46		CONNECT TO EXISTING STORM SEWER	6	EACH	\$2,300.00	\$13,800.00		2	\$4,600.00	2	\$4,600.00	\$0.00	\$4,600.00	33.3%	\$9,200.00
47		3" POLYSTYRENE INSULATION	100	SQ YD	\$36.00	\$3,600.00			\$0.00		\$0.00	\$0.00	\$0.00	0.0%	\$3,600.00
48		ADJUST VALVE BOX	21	EACH	\$500.00	\$10,500.00			\$0.00		\$0.00	\$0.00	\$0.00	0.0%	\$10,500.00
49		ADJUST CURB STOP	2	EACH	\$250.00	\$500.00			\$0.00		\$0.00	\$0.00	\$0.00	0.0%	\$500.00
50		CONNECT TO EXISTING WATER MAIN	2	EACH	\$6,000.00	\$12,000.00			\$0.00		\$0.00	\$5,309.58	\$5,309.58	44.2%	\$6,690.42
51		HYDRANT	5	EACH	\$11,000.00	\$55,000.00			\$0.00		\$0.00	\$37,714.66	\$37,714.66	68.6%	\$17,285.34
52		CASTING ASSEMBLY	51	EACH	\$830.00	\$42,330.00		3	\$2,490.00	3	\$2,490.00	\$29,635.86	\$32,125.86	75.9%	\$10,204.14
53		CONSTRUCT DRAINAGE STRUCTURE DESIGN 48-4020	8	EACH	\$5,300.00	\$42,400.00			\$0.00		\$0.00	\$4,784.82	\$4,784.82	11.3%	\$37,615.18
54		CONSTRUCT DRAINAGE STRUCTURE DESIGN 60-4020	11	EACH	\$7,100.00	\$78,100.00		1	\$7,100.00	1	\$7,100.00	\$5,903.78	\$13,003.78	16.7%	\$65,096.22
55		CONSTRUCT DRAINAGE STRUCTURE DESIGN 72-4020	4	EACH	\$9,100.00	\$36,400.00		1	\$9,100.00	1	\$9,100.00	\$1,280.94	\$10,380.94	28.5%	\$26,019.06

Progress Estimate - Unit Price Work

Contractor's Application

For (Contract): SP 202-101-014, 202-104-012											Application Number: 1				
Application Period: 5/1/2023 to 6/9/2023											Application Date: 6/9/2023				
A			B			C	D	E	F	G	H	I		J	
Item			Contract Information			Work Completed to Date					Materials Presently Stored (not in F)	Total Completed and Stored to Date (G + H)	% (I / B)	Balance to Finish (B - I)	
Bid Item No.	Spec. Item No.	Description	Item Quantity	Units	Unit Price	Total Value of Item (\$)	Quantities from Previous Pay Applications	Estimated Quantities Installed this Pay Period	Value of Work Installed this Pay Period	Total Estimated Quantity Installed					Value of Work Installed to Date
56		CONSTRUCT DRAINAGE STRUCTURE DESIGN 84-4020	1	EACH	\$11,900.00	\$11,900.00			\$0.00		\$0.00	\$1,216.96	\$1,216.96	10.2%	\$10,683.04
57		CONSTRUCT DRAINAGE STRUCTURE DESIGN G	20	EACH	\$4,000.00	\$80,000.00		4	\$16,000.00	4	\$16,000.00	\$8,913.66	\$24,913.66	31.1%	\$55,086.34
58		CONSTRUCT DRAINAGE STRUCTURE DESIGN H	1	EACH	\$3,400.00	\$3,400.00			\$0.00		\$0.00	\$560.98	\$560.98	16.5%	\$2,839.02
59		RANDOM RIPRAP CLASS II	61	CU YD	\$69.00	\$4,209.00			\$0.00		\$0.00	\$0.00	\$0.00	0.0%	\$4,209.00
60		4" CONCRETE WALK	57,662	SQ FT	\$4.90	\$282,543.80			\$0.00		\$0.00	\$0.00	\$0.00	0.0%	\$282,543.80
61		6" CONCRETE WALK	7,742	SQ FT	\$9.50	\$73,549.00			\$0.00		\$0.00	\$0.00	\$0.00	0.0%	\$73,549.00
62		DRILL AND GROU REIN BAR (EPOXY COATED)	556	EACH	\$8.50	\$4,726.00		46	\$391.00	46	\$391.00	\$0.00	\$391.00	8.3%	\$4,335.00
63		CONCRETE CURB AND GUTTER DESIGN S524	16,169	LIN FT	\$20.90	\$337,932.10		1249	\$26,104.10	1249	\$26,104.10	\$0.00	\$26,104.10	7.7%	\$311,828.00
64		6" CONCRETE DRIVEWAY PAVEMENT	747	SQ YD	\$95.00	\$70,965.00			\$0.00		\$0.00	\$0.00	\$0.00	0.0%	\$70,965.00
65		8" CONCRETE DRIVEWAY PAVEMENT	120	SQ YD	\$109.00	\$13,080.00			\$0.00		\$0.00	\$0.00	\$0.00	0.0%	\$13,080.00
66		TRUNCATED DOMES	379	SQ FT	\$50.00	\$18,950.00			\$0.00		\$0.00	\$0.00	\$0.00	0.0%	\$18,950.00
67		CONSTRUCT SURVEY MONUMENT	3	EACH	\$860.00	\$2,580.00			\$0.00		\$0.00	\$0.00	\$0.00	0.0%	\$2,580.00
68		MAIL BOX SUPPORT	58	EACH	\$205.00	\$11,890.00			\$0.00		\$0.00	\$0.00	\$0.00	0.0%	\$11,890.00
69		TRAFFIC CONTROL	1	LUMP SUM	\$28,900.00	\$28,900.00		0.25	\$7,225.00	0.25	\$7,225.00	\$0.00	\$7,225.00	25.0%	\$21,675.00
70		INSTALL SIGN TYPE C	16	EACH	\$250.00	\$4,000.00			\$0.00		\$0.00	\$0.00	\$0.00	0.0%	\$4,000.00
71		SIGN PANELS TYPE C	260	SQ FT	\$96.00	\$24,960.00			\$0.00		\$0.00	\$0.00	\$0.00	0.0%	\$24,960.00
72		FLASHING BEACON SYSTEM	4	SYS	\$8,750.00	\$35,000.00			\$0.00		\$0.00	\$0.00	\$0.00	0.0%	\$35,000.00
73		PEDESTRIAN CROSSWALK FLASHER SYSTEM	4	SYS	\$9,100.00	\$36,400.00			\$0.00		\$0.00	\$0.00	\$0.00	0.0%	\$36,400.00
74		STABILIZED CONSTRUCTION EXIT	1	LUMP SUM	\$7,000.00	\$7,000.00			\$0.00		\$0.00	\$0.00	\$0.00	0.0%	\$7,000.00
75		STORM DRAIN INLET PROTECTION	68	EACH	\$190.00	\$12,920.00		25	\$4,750.00	25	\$4,750.00	\$0.00	\$4,750.00	36.8%	\$8,170.00
76		SILT FENCE, TYPE MS	8,305	LIN FT	\$2.50	\$20,762.50		1970	\$4,925.00	1970	\$4,925.00	\$0.00	\$4,925.00	23.7%	\$15,837.50
77		COMMON TOPSOIL BORROW	1,214	CU YD	\$39.00	\$47,346.00			\$0.00		\$0.00	\$0.00	\$0.00	0.0%	\$47,346.00
78		FERTILIZER TYPE 3	802	LBS	\$1.00	\$802.00			\$0.00		\$0.00	\$0.00	\$0.00	0.0%	\$802.00
79		SODDING TYPE LAWN	1,915	SQ YD	\$12.20	\$23,363.00			\$0.00		\$0.00	\$0.00	\$0.00	0.0%	\$23,363.00
80		ROLLED EROSION PREVENTION CATEGORY 25	10,610	SQ YD	\$2.05	\$21,750.50			\$0.00		\$0.00	\$0.00	\$0.00	0.0%	\$21,750.50
81		SEEDING	2	ACRE	\$550.00	\$1,320.00			\$0.00		\$0.00	\$0.00	\$0.00	0.0%	\$1,320.00
82		SEED MIXTURE 25-141	173	LBS	\$10.00	\$1,730.00			\$0.00		\$0.00	\$0.00	\$0.00	0.0%	\$1,730.00
83		INTERIM PAVEMENT MARKING	27,210	LIN FT	\$0.30	\$8,163.00			\$0.00		\$0.00	\$0.00	\$0.00	0.0%	\$8,163.00
84		4" DOUBLE SOLID LINE MULTI-COMPONENT GROUND IN	13,005	LIN FT	\$1.05	\$13,655.25			\$0.00		\$0.00	\$0.00	\$0.00	0.0%	\$13,655.25
85		4" SOLID LINE MULTI-COMPONENT GROUND IN	26,159	LIN FT	\$0.55	\$14,387.45			\$0.00		\$0.00	\$0.00	\$0.00	0.0%	\$14,387.45
86		12" SOLID LINE MULTI-COMPONENT GROUND IN	210	LIN FT	\$12.30	\$2,583.00			\$0.00		\$0.00	\$0.00	\$0.00	0.0%	\$2,583.00
87		24" SOLID LINE MULTI-COMPONENT GROUND IN	110	LIN FT	\$13.20	\$1,452.00			\$0.00		\$0.00	\$0.00	\$0.00	0.0%	\$1,452.00
88		4" BROKEN LINE MULTI-COMPONENT GROUND IN	160	LIN FT	\$0.55	\$88.00			\$0.00		\$0.00	\$0.00	\$0.00	0.0%	\$88.00
89		CROSSWALK MULTI-COMPONENT GROUND IN	462	SQ FT	\$12.30	\$5,682.60			\$0.00		\$0.00	\$0.00	\$0.00	0.0%	\$5,682.60
90		PAVEMENT MESSAGE MULTI-COMPONENT GROUND IN	656	SQ FT	\$12.30	\$8,068.80			\$0.00		\$0.00	\$0.00	\$0.00	0.0%	\$8,068.80
Contract Totals						\$4,198,170.00			\$176,817.85		\$176,817.85	\$143,628.60	\$320,446.45	7.6%	\$3,877,723.55

CHANGE ORDERS

1		SEDIMENT CONTROL LOG TYPE WOOD FIBER				\$ -			\$0.00						\$0.00
2		SAWING BIT PAVEMENT	5,300	LIN FT	\$1.25	\$ 6,625.00		4408	\$5,510.00	4408	\$5,510.00	\$0.00	\$5,510.00	83.2%	\$1,115.00
3		ENTRANCE & UTILITIES FOR SCHOOL DISTRICT BUILDING				\$ -			\$0.00						\$0.00
		REMOVE CURB & GUTTER	60	LIN FT	\$2.70	\$ 162.00			\$0.00		\$0.00	\$0.00	\$0.00	0.0%	\$162.00
		REMOVE BITUMINOUS PAVEMENT	22	SQ YD	\$13.10	\$ 288.20			\$0.00		\$0.00	\$0.00	\$0.00	0.0%	\$288.20
		EXCAVATION - COMMON (P)	94	CU YD	\$19.80	\$ 1,861.20			\$0.00		\$0.00	\$0.00	\$0.00	0.0%	\$1,861.20
		AGGREGATE BASE (CV) CLASS 5	48	CU YD	\$58.10	\$ 2,788.80			\$0.00		\$0.00	\$0.00	\$0.00	0.0%	\$2,788.80
		TYPE SP 9.5 BITUMINOUS MIXTURE FOR PATCHING	6	TON	\$360.00	\$ 2,160.00			\$0.00		\$0.00	\$0.00	\$0.00	0.0%	\$2,160.00
		WET TAP WITH 6" VALVE	1	EACH	\$8,300.00	\$ 8,300.00			\$0.00		\$0.00	\$0.00	\$0.00	0.0%	\$8,300.00
		WET TAP WITH HYDRANT	1	EACH	\$16,100.00	\$ 16,100.00			\$0.00		\$0.00	\$0.00	\$0.00	0.0%	\$16,100.00
		4" CONCRETE WALK	1,040	SQ FT	\$5.20	\$ 5,408.00			\$0.00		\$0.00	\$0.00	\$0.00	0.0%	\$5,408.00
		CONCRETE CURB & GUTTER DESIGN S524	60	LIN FT	\$22.00	\$ 1,320.00			\$0.00		\$0.00	\$0.00	\$0.00	0.0%	\$1,320.00
		6" CONCRETE DRIVEWAY PAVEMENT	55	SQ YD	\$102.00	\$ 5,610.00			\$0.00		\$0.00	\$0.00	\$0.00	0.0%	\$5,610.00
		SODDING TYPE LAWN	90	SQ YD	\$12.50	\$ 1,125.00			\$0.00		\$0.00	\$0.00	\$0.00	0.0%	\$1,125.00
4		COMPACTION METHOD				\$ -			\$0.00						\$0.00
5		EXCAVATION - COMMON (P) FOR UGSTAD RD SIDEWALK	559	CU YD	\$19.80	\$ 11,068.20		403	\$7,979.40	403	\$7,979.40	\$0.00	\$7,979.40	72.1%	\$3,088.80
6		SPECIAL PROVISION FOR TRIBAL EMPLOYMENT				\$ -			\$0.00						\$0.00
7		DRIVEWAY CULVERTS				\$ -			\$0.00						\$0.00
		REMOVE PIPE APRON	1	CU YD	\$420.00	\$ 420.00			\$0.00		\$0.00	\$0.00	\$0.00	0.0%	\$420.00
		REMOVE PIPE CULVERT	108	CU YD	\$19.40	\$ 2,095.20			\$0.00		\$0.00	\$0.00	\$0.00	0.0%	\$2,095.20

Progress Estimate - Unit Price Work

Contractor's Application

For (Contract): SP 202-101-014, 202-104-012											Application Number: 1						
Application Period: 5/1/2023 to 6/9/2023											Application Date: 6/9/2023						
A				B		C	D	E	F	G	H	I		J			
Item				Contract Information			Work Completed to Date					Materials Presently Stored (not in F)	Total Completed and Stored to Date (G + H)	% (I / B)	Balance to Finish (B - I)		
Bid Item No.	Spec. Item No.	Description		Item Quantity	Units	Unit Price	Total Value of Item (\$)	Quantities from Previous Pay Applications	Estimated Quantities Installed this Pay Period	Value of Work Installed this Pay Period	Total Estimated Quantity Installed					Value of Work Installed to Date	
		15" GS PIPE APRON		1	CU YD	\$875.00	\$ 875.00			\$0.00		\$0.00	\$0.00	\$0.00	0.0%	\$875.00	
		12" CP PIPE CULVERT		108	CU YD	\$54.80	\$ 5,918.40			\$0.00		\$0.00	\$0.00	\$0.00	0.0%	\$5,918.40	
							\$ -			\$0.00		\$0.00	\$0.00	\$0.00	#DIV/0!	\$0.00	
Change Order Totals							\$72,125.00					\$13,489.40	\$13,489.40	\$0.00	\$13,489.40	18.7%	\$58,635.60
TOTALS							\$4,270,295.00					\$190,307.25	\$190,307.25	\$143,628.60	\$333,935.85	7.8%	\$3,936,359.15

Resolution No. 2023-79

Resolution Authorizing And Directing Mayor And City Clerk To Execute An Acceptance Of Easement Agreement To The City Of Hermantown From Jenna M. And Reid T. Lund For The Okerstrom Sewer And Road Improvement

WHEREAS, the City of Hermantown (“City”) desires to construct sewer and road improvements to a portion of Okerstrom Road in the City of Hermantown (“Project”); and

WHEREAS, the City needs to obtain an easement (“Easements”) from Jenna M. And Reid T. Lund to construct the Project and Jenna M. And Reid T. Lund have executed and delivered the required Easement to the City; and

WHEREAS, the City desires to accept the Easements as described in and granted by the Easement Agreement attached hereto as Exhibit A.

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

1. The Mayor and City Clerk are hereby authorized and directed to execute and deliver the Acceptance of the Easements.

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, aye

And the following voted in opposition thereto:

WHEREUPON, such resolution was declared duly passed and adopted June 20, 2023.

EXHIBIT A

(Top 3 inches reserved for recording data)

UTILITY EASEMENT

THIS INDENTURE, made and entered into this 13 day of JUNE, 2023, between **Jenna M. Lund** and **Reid T. Lund**, married to each other, (collectively referred to as "Grantor") and the **City of Hermantown**, a Minnesota statutory city ("Grantee") in response to the following situation:

A. Grantor is the owner of real property located in St. Louis County, Minnesota, and legally on Exhibit A attached hereto (the "Property").

B. Grantee desires to construct improvements to the utilities ("Project").

C. Grantor has agreed to provide a permanent easement ("Easement") for public utilities on the Property, within the Easement area legally described on Exhibit B attached hereto and depicted on Exhibit C ("Easement Area") attached hereto.

NOW, THEREFORE, in consideration of mutual covenants contained herein and for other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the parties agree as follows:

1. The Recitals are included as a part hereof.

2. For and in consideration of the sum of Seven Thousand Five Hundred and No/100 Dollars (\$7,500.00) and other good and valuable consideration, the receipt and sufficiency whereof is acknowledged by the Grantor, the Grantor grants to the Grantee An easement for public utility purposes, including, but not limited to, the construction and maintenance of a water service line over, under, and across the property owned by Grantor together with the right to enter upon and occupy so much of such property as may be necessary in constructing, repairing, or otherwise maintaining any water service line, including any required slope and fill or any other public improvement built thereon, and including the right to remove any and all trees, shrubs and herbage therein.

2.3. It is understood that the right, privilege and easement herein granted and the provisions hereof shall extend to and bind the heirs, personal representatives, successors and assigns of the respective parties hereto.

3.4. By creating this Easement, Grantee does not agree to nor obligate itself in any way to expend any public funds on any public improvement in the Easement Area or to perform any work whatsoever in and on the Easement Area.

IN WITNESS WHEREOF, the said Grantors have caused this instrument to be executed on the day and year first above written.

GRANTOR:

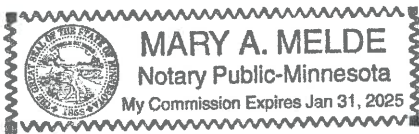



Jenna M. Lund

State of Minnesota, County of St. Louis

This instrument was acknowledged before me on this 13 day of June, 2023 by Jenna M. Lund, married to Reid T. Lund.

(Stamp)




(signature of notarial officer)
Title (and Rank): Notary Public
My commission expires: 1/31/25
(month/day/year)

[SIGNATURES CONTINUE ON NEXT PAGE]

GRANTOR:



Reid T. Lund

State of Minnesota, County of St. Louis

This instrument was acknowledged before me on this 13 day of JUNE, 2023 by Reid T. Lund, married to Jenna M. Lund.

(Stamp)



Mary A Melde
(signature of notarial officer)

Title (and Rank): Notary Public

My commission expires: 1/31/2025
(month/day/year)

[ACCEPTANCE APPEARS ON NEXT PAGE]

ACCEPTANCE

The City of Hermantown hereby accepts the foregoing easement.

Dated: _____

GRANTEE:

City of Hermantown

By _____
Wayne Boucher, Its Mayor

And by _____
_____, Its City Clerk

State of Minnesota, County of St. Louis

The foregoing instrument was acknowledged before me this ____ day of _____, 2023, by Wayne Boucher and _____, the Mayor and City Clerk, respectively, of the City of Hermantown and on behalf of the City of Hermantown.

(Stamp)

(signature of notarial officer)

Title (and Rank): _____

My commission expires: _____
(month/day/year)

[END OF SIGNATURES]

THIS INSTRUMENT WAS DRAFTED BY:
Gunnar B. Johnson
Overom Law, PLLC
802 Garfield Avenue
Suite 101
Duluth, MN 55802,¹

EXHIBIT A
Legal Description

Lot Two (2), Block Two (2), BISHOP WOODS FIRST ADDITION, St. Louis County, Minnesota.

Abstract Property.

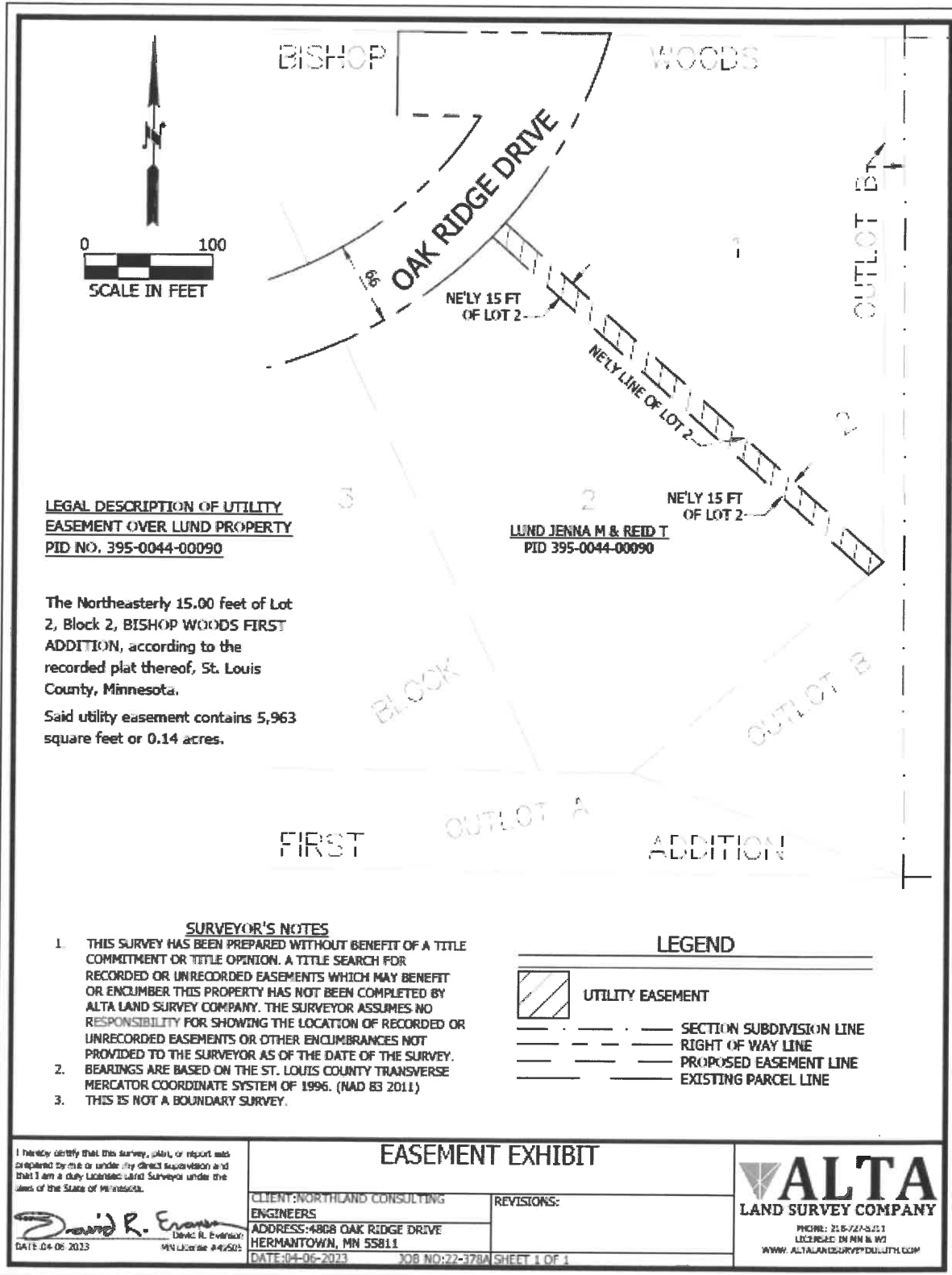
PID NO. 395-0044-00090

EXHIBIT B
Easement Description

The Northeasterly 15.00 feet of Lot 2, Block 2, BISHOP WOODS FIRST ADDITION, according to the recorded plat thereof, St. Louis County, Minnesota.

Said utility easement contains 5,963 square feet or 0.14 acres.

EXHIBIT C Easement Depiction



Resolution No. 2023-80

Resolution Authorizing And Directing Mayor And City Clerk To Execute An Acceptance Of Easement Agreement To The City Of Hermantown From David D. and Mary Jo Miller For The Okerstrom Sewer And Road Improvement

WHEREAS, the City of Hermantown (“City”) desires to construct sewer and road improvements to a portion of Okerstrom Road in the City of Hermantown (“Project”); and

WHEREAS, the City needs to obtain an easement (“Easements”) from David D. and Mary Jo Miller to construct the Project and David D. and Mary Jo Miller have executed and delivered the required Easement to the City; and

WHEREAS, the City desires to accept the Easements as described in and granted by the Easement Agreement attached hereto as Exhibit A.

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

1. The Mayor and City Clerk are hereby authorized and directed to execute and deliver the Acceptance of the Easements.

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, aye

And the following voted in opposition thereto:

WHEREUPON, such resolution was declared duly passed and adopted June 20, 2023.

EXHIBIT A

(Top 3 inches reserved for recording data)

EASEMENT AGREEMENT

THIS INDENTURE, made and entered into this ____ day of _____, 2023, between David D. Miller and Mary Jo Miller, married to each other, (collectively referred to as "Grantor") and the City of Hermantown, a Minnesota statutory city ("Grantee") in response to the following situation:

- A. Grantor is the owner of real property located in St. Louis County, Minnesota, and legally on Exhibit A attached hereto (the "Property").
- B. Grantee desires to construct improvements to the roadbed and utilities ("Project").
- C. Grantor has agreed to provide a permanent easement ("Easement") for public purposes on the Property, within the Easement area legally described on Exhibit B attached hereto and depicted on Exhibit C attached hereto.

NOW, THEREFORE, in consideration of mutual covenants contained herein and for other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the parties agree as follows:

1. The Recitals are included as a part hereof.
2. Grantor grants Grantee the Easement for public purposes, including, but not limited to, a public roadway and public utilities, under, and across the property owned by Grantor, with said Easement being generally shown on the drawing attached hereto as Exhibit C together with the right to enter upon and occupy so much of such property as may be necessary in constructing, repairing or otherwise maintaining any public roadway and public utilities located thereon.
3. Grantee shall have the right to assign or encumber the Easement in whole or in part and as to all or any portion of the rights accruing hereunder, subject always to the terms of this Agreement.
4. It is understood that the right, privilege and easement herein granted and the provisions hereof shall extend to and bind the heirs, personal representatives, successors and assigns of the respective parties hereto.

IN WITNESS WHEREOF, the said Grantors have caused this instrument to be executed on the day and year first above written.

GRANTOR:

David D. Miller

State of Minnesota, County of St. Louis

This instrument was acknowledged before me on this _____ day of _____, 2023 by David D. Miller, married to Mary Jo Miller.

(Stamp)

(signature of notarial officer)

Title (and Rank): _____

My commission expires: _____
(month/day/year)

[SIGNATURES CONTINUE ON NEXT PAGE]

GRANTOR:

Mary Jo Miller

State of Minnesota, County of St. Louis

This instrument was acknowledged before me on this _____ day of _____, 2023 by Mary Jo Miller, married to David D. Miller.

(Stamp)

(signature of notarial officer)

Title (and Rank): _____

My commission expires: _____
(month/day/year)

[ACCEPTANCE APPEARS ON NEXT PAGE]

ACCEPTANCE

The City of Hermantown hereby accepts the foregoing easement.

Dated: _____

GRANTEE:

City of Hermantown

By _____
Wayne Boucher, Its Mayor

And by _____
_____, Its City Clerk

State of Minnesota, County of St. Louis

The foregoing instrument was acknowledged before me this ____ day of _____, 2023, by Wayne Boucher and _____, the Mayor and City Clerk, respectively, of the City of Hermantown and on behalf of the City of Hermantown.

(Stamp)

(signature of notarial officer)

Title (and Rank): _____

My commission expires: _____
(month/day/year)

[END OF SIGNATURES]

THIS INSTRUMENT WAS DRAFTED BY:
Gunnar B. Johnson
Overom Law, PLLC
802 Garfield Avenue
Suite 101
Duluth, MN 55802

EXHIBIT A
Legal Description

The Southerly Six-Hundred Fifty Feet (650') of the West Half of the West Half of the Southwest Quarter of the Southeast Quarter (W 1/2 of W 1/2 of SW 1/4 of SE 1/4) lying Westerly of the Easterly One-Hundred Thirty-four Feet (134') thereof, in Section Twenty-four (24) Township Fifty (50) North, Range Fifteen (15) West, according to the United States Government Survey thereof, St. Louis County, Minnesota.

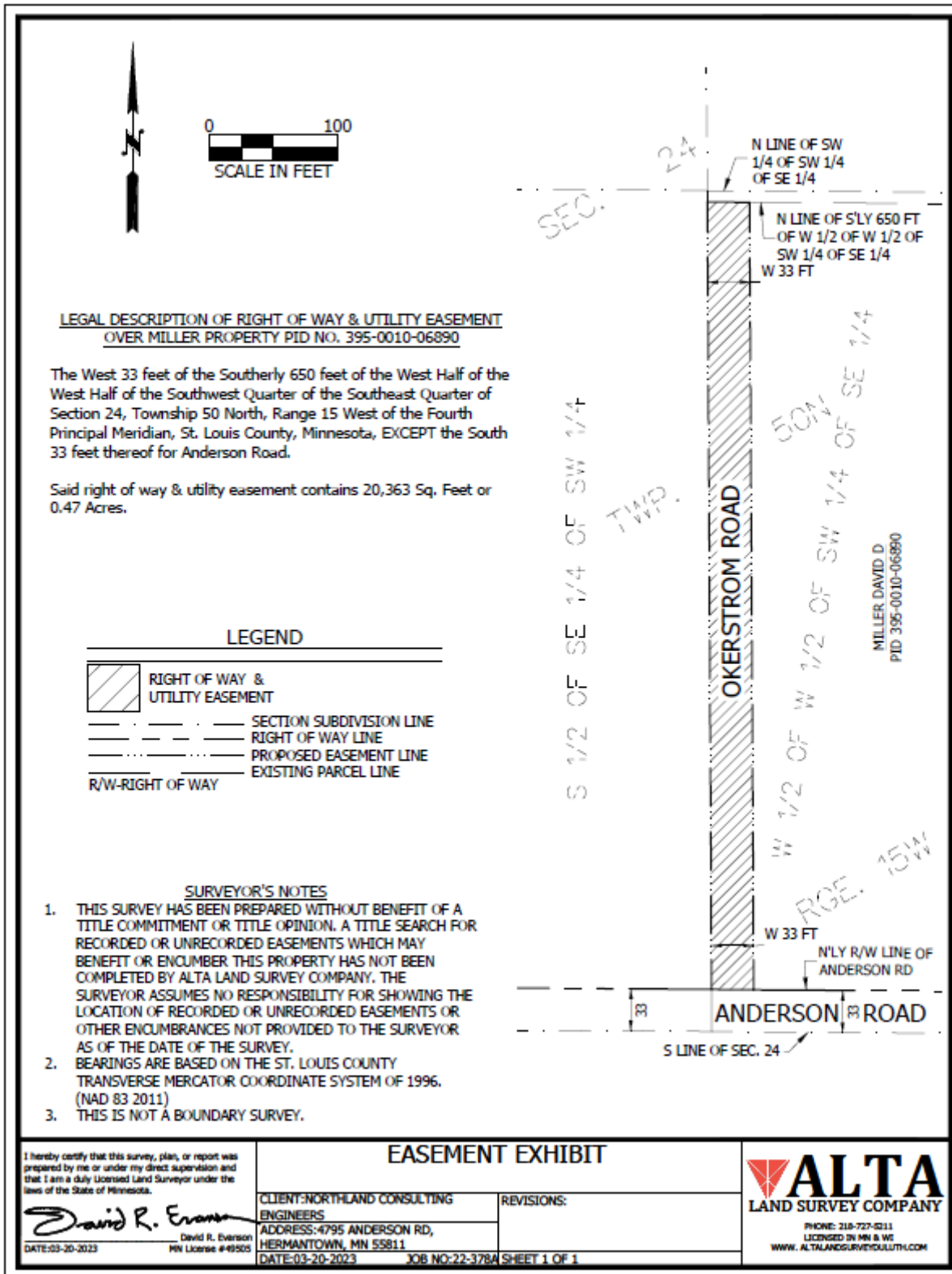
PID NO. 395-0010-06890

EXHIBIT B
Easement Description

The West 33 feet of the Southerly 650 feet of the West Half of the West Half of the Southwest Quarter of the Southeast Quarter of Section 24, Township 50 North, Range 15 West of the Fourth Principal Meridian, St. Louis County, Minnesota, EXCEPT the South 33 feet thereof for Anderson Road.

Said right of way & utility easement contains 20,363 Sq. Feet or 0.47 Acres.

EXHIBIT C Easement Depiction



Resolution No. 2023-81

Resolution Authorizing And Directing Mayor And City Clerk To Execute An Acceptance Of Easement Agreement To The City Of Hermantown From Gregory a/k/a Greg Privette and Sara Seehus-Privette The Okerstrom Sewer And Road Improvement

WHEREAS, the City of Hermantown (“City”) desires to construct sewer and road improvements to a portion of Okerstrom Road in the City of Hermantown (“Project”); and

WHEREAS, the City needs to obtain an easement (“Easements”) from Gregory a/k/a Greg Privette and Sara Seehus-Privette to construct the Project and Gregory a/k/a Greg Privette and Sara Seehus-Privette have executed and delivered the required Easement to the City; and

WHEREAS, the City desires to accept the Easements as described in and granted by the Easement Agreement attached hereto as Exhibit A.

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

1. The Mayor and City Clerk are hereby authorized and directed to execute and deliver the Acceptance of the Easements.

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, aye

And the following voted in opposition thereto:

WHEREUPON, such resolution was declared duly passed and adopted June 20, 2023.

EXHIBIT A

Resolution No. 2023-82

Resolution Receiving Bids And Awarding Contract To Veit & Company, Inc For Sewer Improvement Project No. 451 (Okerstrom Road And Sewer) In The Amount Of \$934,142

WHEREAS, the City of Hermantown duly advertised for bids for Sewer Improvement Project No. 451 (Okerstrom Road And Sewer) (“Project”) within the City of Hermantown; and

WHEREAS, the City will finance the Project from Sales Tax funds; and

WHEREAS, bids on such Project were publicly opened and tabulated by the Consulting Engineer and City Clerk on June 8, 2023; and

WHEREAS, a transcript of such bids is attached hereto as Exhibit A; and

WHEREAS, the Consulting Engineer reviewed the bid of the lowest bidder to confirm its accuracy; and

WHEREAS, the Consulting Engineer reviewed the bid of the lowest bidder and found it to be technically responsive to the specifications and also investigated the experience, past record of performance and capacity of the low bidder to perform the work contracted to be performed within the stated time period; and

WHEREAS, on the basis of such review, the Consulting Engineer has recommended that the lowest bidder, Ulland Brothers, Inc. (“Contractor”) be awarded the contract for Sewer Improvement Project No. 451 (Okerstrom Road And Sewer) (“Project”); and

WHEREAS, after fully considering this matter, the City Council believes that it is in the best interests of the City of Hermantown to award the contract for such improvement to Contractor.

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

1. Contractor is hereby found, determined and declared to be the lowest responsible bidder for Sewer Improvement Project No. 451 (Okerstrom Road And Sewer)

2. The bid of Contractor is in the amount of \$934,142.00 for Sewer Improvement Project No. 451 (Okerstrom Road And Sewer) for such bid option in accordance with the plans and specifications and advertisements for bids shall be and hereby is accepted.

3. The Consulting Engineer is hereby directed to prepare a contract between the City of Hermantown and Contractor as soon as possible and submit it to Contractor for execution by it.

4. Upon execution of such contract by Contractor and its submission of a performance bond, payment bond and certificate of insurance acceptable to the City Attorney, Mayor and City Clerk are hereby authorized and directed to execute such contract for and on behalf of the City of Hermantown.

5. The City Clerk is hereby authorized and directed to return forthwith to all bidders, the deposits (bid bonds) made with their bids, except that deposit (bid bond) of the successful bidder and the next lowest bidder shall not be returned until a contract has been executed.

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, aye.

and the following voted in opposition thereto:

WHEREUPON, such resolution was declared duly passed and adopted June 20, 2023.

EXHIBIT A

Okerstrom Road Reconstruction Bid Opening - 6/8/23 10:00 AM

	Bidder	Bid Bond	Non-Collusion Affidavit	Responsible Contractor Verification Certificate	Total Bid Price
1	Northland Constructors	X	X	X	\$ 1,258,300.00
2	Veit & Company, Inc.	X	X	X	\$ 934,142.00
3	Geislinger & Sons	X	X	X	\$ 1,303,834.00
4	Utility Systems of America, Inc.	X	X	X	\$ 1,142,465.50

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

June 12, 2023

**Re: Bid Recommendation for Okerstrom Road Reconstruction
Sewer Improvement District 451**

Dear John,

This letter is regarding the bid opening for Okerstrom Road Reconstruction.

We have reviewed all the bids that were received on 6/8/2023 at the bid opening. Veit & Company, Inc. is the lowest responsible bidder for the project with a bid of \$934,142.90. We recommend awarding the contract for Okerstrom Road Reconstruction to Veit & Company.

Included as attachments to this letter are the bid abstract and the bid form received from Veit & Company, Inc.

Sincerely,



David Bolf, P.E.
Northland Consulting Engineers
102 South 21st Avenue West, Suite 1
Duluth, MN 55806

Resolution No. 2023-83

Resolution Approving Change Order Number 1 and Pay Application Number 1 for the Lindahl Road Bridge Removal

WHEREAS, the City of Hermantown has contracted with KTM Paving, Inc. for Lindahl Road Bridge Removal (“Project:”); and

WHEREAS, KTM Paving, Inc, have submitted Change Order No. 1 for the addition of the us of a silt curtain for \$890.00

WHEREAS, KTM Paving, Inc has performed a portion of the agreed upon work in said Project; and

WHEREAS, KTM Paving, Inc has submitted Pay Request No. 1 in the amount of \$76,890.00; and

WHEREAS, the City Engineer, (Northland Consulting Engineers LLP) has approved such Change Order No. 1, and;

WHEREAS, the City Engineer has approved such Pay Request No. 1 provided that \$3,844.50 as retainage of 5% be withheld pending final acceptance of the Project by the City of Hermantown.

WHEREAS, the City Administrator has reviewed the change order and pay request and recommends their approval.

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

1. Change Order No. 1 is hereby approved.
2. Pay Request No. 1 is hereby approved.
3. The City is hereby authorized and directed to pay to KTM Paving, Inc. the sum of \$73,045.5 which is the amount represented on Pay Request No. 1.

Councilor _____ introduced the foregoing resolution and moved its adoption.

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

Councilors, aye.

and the following voted in opposition thereto:

WHEREUPON, such resolution has been duly passed and adopted June 20, 2023.

June 13, 2023

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

Re: Lindahl Road Bridge Removal and Hammerheads

Dear John:

Attached is Pay Application #1 for the work associated with the Lindahl Road Bridge Removal project from May 22, 2023, through June 13, 2023. NCE and KTM Paving agree that all major work under the contract has been completed. The amount of Pay Application #1 is **\$73,045.50**. The City will hold 5% retainage of the completed construction until final stabilization is established. This retainage amount for pay application #1 is **\$3,844.50**.

NCE has reviewed the project with KTM paving throughout the duration of construction. Major work scope items have all been completed with the exception that final stabilization is currently being established. I recommend payment in the amount of **\$73,045.50** be authorized at the June 20, 2023 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

CC: Trent Prigge, P.E., Northland Consulting Engineers
Alaina Dodaro, P.E., KTM Paving Inc.

Contractor's Application for Payment

Owner: <u>City of Hermantown</u>	Owner's Project No.: _____
Engineer: <u>Northland Consulting Engineers LLP</u>	Engineer's Project No.: <u>22-8010</u>
Contractor: <u>KTM Paving Inc.</u>	Contractor's Project No.: _____
Project: <u>Lindahl Road Bridge Removal</u>	
Contract: <u>Remove bridge and construct two gravel hammerhead turn arounds.</u>	
Application No.: <u>1</u>	Application Date: <u>6/13/2023</u>
Application Period: From <u>5/22/2023</u> to <u>6/13/2023</u>	

1. Original Contract Price	\$ 76,000.00
2. Net change by Change Orders	\$ 890.00
3. Current Contract Price (Line 1 + Line 2)	\$ 76,890.00
4. Total Work completed and materials stored to date (Sum of Column G Lump Sum Total and Column J Unit Price Total)	\$ 76,890.00
5. Retainage	
a. <u>5%</u> X \$ 76,890.00 Work Completed	\$ 3,844.50
b. <u>0%</u> X \$ - Stored Materials	\$ -
c. Total Retainage (Line 5.a + Line 5.b)	\$ 3,844.50
6. Amount eligible to date (Line 4 - Line 5.c)	\$ 73,045.50
7. Less previous payments (Line 6 from prior application)	
8. Amount due this application	\$ 73,045.50
9. Balance to finish, including retainage (Line 3 - Line 4)	\$ 3,844.50

Contractor's Certification

The undersigned Contractor certifies, to the best of its knowledge, the following:

(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;

(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 encumbrances); and

(3) All the Work covered by this Application for Payment is in accordance with the Contract Documents and is not defective.

Contractor: KTM Paving, Inc.

Signature: _____ **Date:** 6/13/23

<p>Recommended by Engineer</p> <p>By: _____</p> <p>Title: <u>David Bolf, PE</u></p> <p>Date: <u>06/13/23</u></p>	<p>Approved by Owner</p> <p>By: _____</p> <p>Title: _____</p> <p>Date: _____</p>
<p>Approved by Funding Agency</p> <p>By: _____</p> <p>Title: _____</p> <p>Date: _____</p>	<p>By: _____</p> <p>Title: _____</p> <p>Date: _____</p>

CHANGE ORDER NO.: [1]

Owner:	City of Hermantown	Owner's Project No.:	
Engineer:	Northland Consulting Engineers LLP	Engineer's Project No.:	22-8010
Contractor:	KTM Paving Inc.	Contractor's Project No.:	
Project:	Lindahl Road Bridge		
Contract Name:	Remove bridge and construct gravel hammerhead turn arounds.		
Date Issued:	6-13-23	Effective Date of Change Order:	6-19-23

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


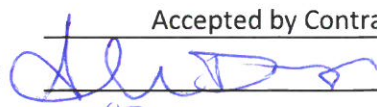
Description:

Additional erosion control measures. Placement of silt curtains within the stream.

Attachments:

Quote from KTM Paving.

Change in Contract Price	Change in Contract Times
Original Contract Price: \$ <u>76,000.00</u>	Original Contract Times: Substantial Completion: <u>NA</u> Ready for final payment: <u>NA</u>
Change from previously approved Change Orders [NA]: \$ <u>0.00</u>	[Increase] [Decrease] from previously approved Change Orders No.1 to No. Substantial Completion: <u>NA</u> Ready for final payment: <u>NA</u>
Contract Price prior to this Change Order: \$ <u>76,000.00</u>	Contract Times prior to this Change Order: Substantial Completion: <u>NA</u> Ready for final payment: <u>NA</u>
[Increase] this Change Order: \$ <u>890.00</u>	[Increase] [Decrease] this Change Order: Substantial Completion: <u>NA</u> Ready for final payment: <u>NA</u>
Contract Price incorporating this Change Order: \$ <u>76,890.00</u>	Contract Times with all approved Change Orders: Substantial Completion: <u>NA</u> Ready for final payment: <u>NA</u>

Recommended by Engineer	Authorized by Owner
By: <u></u>	_____
Title: <u>David Bolf, PE</u>	_____
Date: <u>06-13-23</u>	_____
Accepted by Contractor	Approved by Funding Agency (if applicable)
By: <u></u>	_____
Title: <u>VP</u>	_____
Date: <u>6/13/23</u>	_____



CHANGE ORDER FORM

5513 Highway 2
 Hermantown, MN 55810 (218) 729-1446 / fax (218) 729-9125

CHANGE ORDER #01 Silt Curtain Second Row		
Submitted to: Trent Prigge	Phone:	Date: 5/23/23
Billing Address	Job Details	
NCE/COH	Change Order 01	
	Revision #0	
	Lindahl Rd Bridge Removal	
	223-105	

Spec #	Contract Items	Unit	Qty	Unit Price	Amount
1					
2	Silt Curtain	LS	1.00	\$890.00	\$890.00
3					
4					
5					
6					
7					
8					
9					
10					
11					
12					
13					
14					
15					
16					
17					
Total:					\$890.00

Change Order Description:

Attachments:

Authorized Signature: _____ **Date:** _____
Title: _____

Resolution No. 2023-84

Resolution Adopting Performance Measures

WHEREAS, in 2010, the Minnesota Legislature created the Council on Local Results and Innovation; and

WHEREAS, the Council on Local Results and Innovation developed a standard set of performance measures that will aid residents, taxpayers, and state and local elected officials in determining the efficacy of counties in providing services and measure residents' opinion of those services; and

WHEREAS, benefits to the City of Hermantown are outlined in MS 6.91 and include eligibility for a reimbursement as set by State statute; and

WHEREAS, any city/county participating in the comprehensive performance measurement program is also exempt from levy limits for taxes, if levy limits are in effect; and

WHEREAS, the City of Hermantown has adopted and implemented at least ten of the performance measures, as developed by the Council on Local Results and Innovation, and a system to use this information to help plan, budget, manage and evaluate programs and processes for optimal future outcomes; and

NOW, THEREFORE, BE RESOLVED that the City of Hermantown will report the results of the performance measures to its citizenry by the end of the year through publication, direct mailing, posting on the city's website, or through a public hearing at which the budget and levy will be discussed and public input allowed.

BE IT FURTHER RESOLVED, the City of Hermantown will submit to the Office of the State Auditor the actual results of the performance measures adopted by the city.

Councilor introduced the foregoing resolution and moved its adoption.

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

Councilors,

and the following voted in opposition thereto:

WEREUPON, such resolution was declared duly passed and adopted June 20, 2023.