



Hermantown City Council Meeting - Monday, February 5, 2024

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

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

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

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

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

A few important tips regarding the Zoom platform:

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

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



AGENDA

Pre-Agenda Meeting Monday, February 5, 2024 at 4:30 p.m. Council Chambers, City Hall - Hermantown Governmental Services Building

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

City Council Meeting Monday, February 5, 2024 at 6:30 p.m. Council Chambers, City Hall - Hermantown Governmental Services Building

Invitation to participate:

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

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

Order of discussion

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

**CITY OF HERMANTOWN
AGENDA**

**Pre-Agenda Meeting Monday, February 5, 2024 at 4:30 p.m.
Council Chambers, City Hall - Hermantown Governmental Services Building**

**City Council Meeting Monday, February 5, 2024 at 6:30 p.m.
Council Chambers, City Hall - Hermantown Governmental Services Building**

1. **CALL TO ORDER**

2. **PLEDGE OF ALLEGIANCE**

3. **ROLL CALL**

4. **ANNOUNCEMENTS**

Council Members may make announcements as needed.

5. **PUBLIC HEARING**

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

6. **COMMUNICATIONS**

A. Correspondence 24-05 through 24-12 placed on file

[6](#)

7. **PRESENTATIONS**

A. **Community Development Annual Report**

Eric Johnson, Community Development Director
(Pre-Agenda Only)

[7](#)

B. **Stormwater 2022-2024 Review**

Trish Crego, Utility & Infrastructure Director
(Pre-Agenda Only)

8. **PUBLIC DISCUSSION**

This is the time for individuals to address the Council about any item not on the agenda. The time limit is three minutes per person.

9. **MOTIONS**

A. Motion to approve/deny Massage Therapist License Applications for the following effective February 6, 2024 through December 31, 2024 contingent upon complete applications being received, successful background checks and license fees paid in full:

Alexia Washington The Well Co.
Joshua Weston The Well Co.

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 January 16, 2024 City Council Continuation Minutes [13](#)
- B. **Accounts Payable** - Approve general city warrants from January 16, 2024 through January 31, 2024 in the amount of \$439,072.31 [21](#)

11. **ORDINANCES**

- A. **2024-03 An Ordinance Amending The Regulations Under Hermantown City Code Chapters 3 And 6 Pertaining To The Restraint Of Animals In Parks** [26](#)
(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. **2024-16 Resolution Appointing Election Judges For The Presidential Nomination Primary Election Of March 5, 2024** [33](#)
(motion, roll call)
- B. **2024-17 Resolution Creating A Temporary Part Time Administrative Support Position** [35](#)
(motion, roll call)
- C. **2024-18 Resolution Approving A Request For Proposals For Human Resources Consulting Services** [39](#)
(motion, roll call)
- D. **2024-19 Resolution Approving An Amendment To The City Handbook Regarding A Water Availability Policy** [52](#)
(motion, roll call)
- E. **2024-20 Resolution Authorizing The City Of Hermantown To Sponsor the Active Transportation Program Grant Funding Request Associated With The Construction Of Hermantown Community Connector Trail From Hermantown Road To Morris Thomas Road and Keene Creek Park to Stebner Road** [61](#)
(motion, roll call)

- F. **2024-21 Resolution Creating A Bridge Replacement Priority List And Requesting State Bridge Bonding Funding For BR-7724 On Hermantown Road** [66](#)

(motion, roll call)

- G. **2024-22 Resolution Approving Pay Request Number 2 For Road Improvement District 534 To Ulland Brothers, Inc In the Amount Of \$184,300.84** [69](#)

(motion, roll call)

13. **CLOSED SESSION**

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

(motion, roll call)

14. **RECESS**

2024 CORRESPONDENCE

<u>DATE</u>	<u>LOG #</u>	<u>FROM</u>	<u>TO</u>	<u>REGARDING</u>	<u>FILED</u>	<u>FILE</u>	<u>To City Council</u>
1/2/2024	24-01	Jim Rich, Building Official	City Officials	2023 Building Permits	1/2/2024		
1/2/2024	24-02	Jim Rich, Building Official	City Officials	2023 Building Permit Comparison, 2021-2023	1/2/2024		
1/5/2024	24-03	Gunner Johnson, Overom Law	John Mulder, City Administrator	HVFD Closing Documents	1/4/2024		
1/9/2024	24-04	Derek Strom, 5853 Highway 194	City of Hermantown	Utility Acct. No. 2622	1/8/2024		
1/11/2024	24-05	The Pillars of Hermantown	City Council & City Staff	Ribbon Cutting Ceremony, 2/22/2024	1/11/2024		
1/18/2024	24-06	Eric Johnson, Comm. Dev. Dir.	Park Board	Hermantown Comprehensive Plan Update	1/17/2024		
1/18/2024	24-07	Eric Johnson, Comm. Dev. Dir.	Park Board	Fichtner Park Skatepark Layout	1/17/2024		
1/18/2024	24-08	Eric Johnson, Comm. Dev. Dir.	Planning Commission	CIDP - Arola Achitecture Studio, 48xx W Arrowhead Rd.	1/17/2024		
1/18/2024	24-09	Eric Johnson, Comm. Dev. Dir.	Planning Commission	Hermantown Comprehensive Plan Update	1/17/2024		
1/18/2024	24-10	Eric Johnson, Comm. Dev. Dir.	Planning Commission	Accessory Dwelling Units	1/17/2024		
1/23/2024	24-11	Jeff Andrews, Business of Child Care	John Mulder, City Administrator	Child Care	1/22/2024		
1/23/2024	23-12	Dan Manick, International Union of Operating Engineers	John Mulder, City Administrator	Seniority List of IUOE, Local No. 49	1/19/2024		



Planning & Zoning Commission
and Community Development
Department

2023 Hermantown Planning & Zoning Commission

Joseph Peterson, *Chair*

Corey Kolquist *Vice Chair*

Samuel Clark

Beth Wentzlaff

Valerie Ouellette

Buckley Simmons

Dante Tomassoni

John Geissler, *Council Liaison*

Summary of Applications

In 2023 the Planning Commission held public hearings on numerous applications. The applications are listed by type, and the projects are described in the paragraphs to follow.

Applications Processed:	33
Planned Unit Development Amendment	1
Preliminary and Final Plat	3
Ordinance/Zoning Text Amendment	4
Special Use Permits	9
Variance	3
Flag Lot Subdivision	3
Rezoning	2
Commercial Industrial Development Permit	8

DEVELOPMENT PROJECTS

Projects that came before the Planning & Zoning Commission in 2023 are briefly summarized below:

PRELIMINARY AND FINAL PLAT

Peyton Acres – JLG Enterprises of Hermantown, LLP

An application for phase 2 consisting of 13 lots on 13 acres and 2 outlots – a 1 acre outlot for the stormwater pond and a 21 acre outlot containing the future phases. All of the phases are within the R-3 zoning district with the lots being ½ acre minimum in size.

Action Taken:

Planning & Zoning Commission recommended approval of the plat contingent on 13 conditions.

Result of Planning & Zoning Commission recommendation:

This plat phase was approved by the City Council in July 2023. The developer has been working on the overall project since September 2020 and is currently selling these lots from the earlier phases. The developer has submitted mylars for the City's sign-off of the Phase 2 development which will allow the developer to sell these lots.

Stebner Woods – Titan Premier, LLC

An application for a Preliminary and Final Plat to create 8 single family lots on an 8 acre parcel along Stebner Road, south of Hermantown Road. The development is located in the R-3 zoning district with all of the lots being ½ acre minimum in size.

Action Taken:

Planning & Zoning Commission recommended approval contingent on 13 conditions.

Result of Planning & Zoning Commission recommendation:

The application for the Preliminary and Final Plat received approval at the City Council in March 2023. One of the lots is currently under construction.

REZONING

Union Cemetery – Union Cemetery Association

An application for a property rezoning from P, Public to R-3, residential in order to facilitate the sale of the property for residential development. The Cemetery Association did not foresee the need for the northern portion of land to be used for future cemetery needs so they sought rezoning of a 6.4 acre parcel fronting Getchell Road to be rezoned.

Action Taken:

Planning & Zoning Commission recommended approval based on 2 findings.

Result of Planning & Zoning Commission recommendation:

The application for the Rezoning received approval at the City Council in October 2023. The Cemetery Association has been marketing the property for development with multiple parties contacting the City about potential development scenarios.

ZONING TEXT

Sign Ordinance Update – City of Hermantown

City staff had discussed changes to the City's sign ordinance for the past few years. In January 2023, City staff discussed potential updates to the ordinance. Over a four month period, City staff worked with the Planning and Zoning Commission to craft update language. Significant ordinance amendments included the definition and allowance of monument signs as well as the ability to have signage on all four sides of buildings and how single tenant, multi-tenant and multi-story building signage is allowed and computed.

Action Taken:

Planning & Zoning Commission recommended approval of the text amendments in May 2023.

Result of Planning & Zoning Commission recommendation:

The City Council approved the amendments to the sign ordinance in June 2023. The new ordinance has been in place for approximately 7 months and has been for new development projects.

Hermantown Business Park Zoning District – City of Hermantown

Starting in the fall of 2022, City staff worked with the property owner along Highway 53, Lavaque Bypass and Abrahamson Road on the creation of a 120 acre business park.

The Hermantown Business Park zoning district functions as a transition between more industrial uses and business uses. This district allows for manufacturing, warehousing, and similar industrial uses because of access to thoroughfares, the full complement of urban services such as sewer and water, and distance from residential districts. The district encourages the development of industrial uses which are clean, quiet, and free of hazardous or objectionable elements such as noise, odor, dust, smoke, glare, or other pollutants.

Action Taken:

Planning & Zoning Commission recommended approval of the creation of Section 590 – Hermantown Business Park in December 2023. City staff has had initial conversations with property owners on the extent of the land area associated with this new zoning district.

Result of Planning & Zoning Commission recommendation:

The City Council approved the creation of Section 590 in January 2024. The new zoning section will guide development of land within the future business park area.

COMMERCIAL AND INDUSTRIAL DEVELOPMENT PERMITS

- A CIDP to Coffee Holdings, Inc. for the construction of the 625 square foot Caribou Coffee Cabin at 5112 Miller Trunk Highway was approved in April 2023. The property is located in a C, Commercial zoning district and is on 1.17 acres of land. The project was completed in the fall of 2023 with landscape and driveway improvements being part of the project.
- A CIDP to Kolar Hyundai for the construction of a 18,565 square foot automotive sales and service facility at 5014 Miller Trunk Highway was approved in December 2023. The property is located in a C, Commercial zoning district and is on 3.25 acres of land. The project is anticipated to start in the spring/summer of 2024.
- A CIDP to Brett Kolquist/Kolquist Trucking for the construction of a 5,000 square foot shop building at 4970 Lightning Drive was approved in July 2023. The property is located in a BLM, Business and Light Manufacturing zoning district and is on 4.0 acres of land. The was part of a business subsidy agreement with HEDA and the business is now open.

Community Development Department

In 2023 the Community Development Department processed 84 varying applications as well as spoke to multiple developers regarding housing and commercial development opportunities within the City. There have been discussions from developers looking to construct twinhomes and apartments with potential projects in 2024. 2023 was a strong year for commercial development with 8 CIDP applications.

Applications Processed:	84
Planned Unit Development Amendment	1
Preliminary and Final Plat	2
Property Splits/Subdivisions	11
Wetland Replacement Plan	1
Wetland Delineations	19
Wetland Exemptions	4
Zoning Certificates	14
Erosion Control Permits	6
Ordinance/Zoning Text Amendments	4
Special Use Permits	9
Commercial Industrial Development Permit	8
Variance	3
Rezoning	2

CITY OF HERMANTOWN
CITY COUNCIL MEETING
Tuesday, January 16, 2024
6:30 PM Central

MEETING CONDUCTED IN PERSON & VIA ZOOM

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

VISITORS: 0

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

Mayor Boucher congratulated AJ Francisco for being named to Team USA at the World Junior Olympics in Seoul, South Korea. Mayor Boucher also congratulated Abe Souris for being named to the 2023-24 Mr. Basketball of Minnesota watch list.

5. **PUBLIC HEARING**
6. **COMMUNICATIONS**
 - A. Correspondence 24-01 through 24-04 placed on file
7. **PRESENTATIONS**

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

Motion to close the meeting of the Hermantown City Council pursuant to Minnesota Statutes § Section 13D.05 Subd. 3 (b) to consider confidential information related to labor negotiations strategy. Following this closed session, the Hermantown City Council will re-convene in an open session. This motion, made by Councilor Ellie Jones and seconded by Councilor Brian LeBlanc, Carried.

Councilor Andy Hjelle: Yea

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

Yea: 5, Nay: 0

Motion to reconvene into open sessions at 5:30 p.m. This motion, made by Councilor Ellie Jones and seconded by Councilor John Geissler, Carried.

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

Yea: 5, Nay: 0

B. 2023 Archery Deer Season - Report

Jim Crace, Director of Public Safety
(Pre-Agenda Only)

8. **PUBLIC DISCUSSION**

9. **MOTIONS**

A. Motion to approve/deny Massage Establishment License Renewal Applications for the following effective January 17, 2024 through December 31, 2024 contingent upon complete applications being received, successful background checks and license fees paid in full:

Cookie Killian Manual Therapy & Massage, LLC 4891 Miller Trunk Hwy #106

Motion to approve Massage Establishment License Renewal Applications for the following effective January 17, 2024 through December 31, 2024. This motion, made by Councilor Andy Hjelle and seconded by Councilor John Geissler, Carried.

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

Yea: 5, Nay: 0

B. Motion to approve/deny Massage Therapist License Renewal Applications for the following effective January 17, 2024 through December 31, 2024 contingent upon complete applications being received, successful background checks and license fees paid in full:

Cookie Killian	Cookie Killian Manual Therapy and Massage, LLC
Carly Twinning	The Well Co.
Kieona Wilford	The Well Co.

Motion to approve Massage Therapist License Renewal Applications for the following effective January 17, 2024 through December 31, 2024. 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

C. Motion to approve/deny the following Tobacco License Renewal Applications effective January 17, 2024 through December 31, 2024, contingent upon complete applications being received, successful background checks and license fees being paid in full:

Northern Tier Retail, LLC dba Speedway #4602 5601 Miller Trunk Hwy

Motion to approve the following Tobacco License Renewal Applications effective January 17, 2024 through December 31, 2024. 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

10. **CONSENT AGENDA**

A. **Minutes** - Approval or correction of January 2, 2024 City Council Continuation Minutes

B. **Accounts Payable** - Approve general city warrants from January 1, 2024 through January 15, 2024 in the amount of \$1,176,992.19

C. **Motions**

I. Appointment of the following for a three-year term:

Planning & Zoning Commission

- Beth Wentzlaff

Utility Commission

- Rob McLachlan

HEDA

- Karen Pionk

Motion to the approve the Consent Agenda. 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

11. **ORDINANCES**

A. **2024-01 An Ordinance Amending Title 2 Of The Hermantown City Code By Amending The Official Zoning Map Of Parcels 395-0133-00020 And 395-0133-00040**

(second reading)

(motion, roll call)

Motion to approve 2024-01 An Ordinance Amending Title 2 Of The Hermantown City Code By Amending The Official Zoning Map Of Parcels 395-0133-00020 And 395-0133-00040. This motion, made by Councilor Andy Hjelle and seconded by Councilor Ellie Jones, Carried.

Councilor Andy Hjelle: Yea

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

Yea: 5, Nay: 0

B. 2024-02 An Ordinance Amending Chapter 5 Of The Hermantown Zoning Regulations By Adding Section 590 - HBP, Hermantown Business Park

(second reading)
(motion, roll call)

Motion to approve 2024-02 An Ordinance Amending Chapter 5 Of The Hermantown Zoning Regulations By Adding Section 590 - HBP, Hermantown Business Park. This motion, made by Councilor Brian LeBlanc 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

C. 2024-03 An Ordinance Amending The Regulations Under Hermantown City Code Chapters 3 And 6 Pertaining To The Restraint Of Animals In Parks

(first reading)

12. **RESOLUTIONS**

A. 2024-10 Resolution Authorizing And Directing Mayor And City Clerk To Execute And Deliver Agreement For Professional Services With Northland Consulting Engineers, LLP (City Engineering Services)

(motion, roll call)

2024-10 Resolution Authorizing And Directing Mayor And City Clerk To Execute And Deliver Agreement For Professional Services With Northland Consulting Engineers, LLP (City Engineering Services). This motion, made by Councilor Andy Hjelle and seconded by Councilor Ellie Jones, Carried.

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

Yea: 5, Nay: 0

B. 2024-11 Resolution Approving Wage Rates For Part Time Employees In 2024

(motion, roll call)

Motion to approve 2024-11 Resolution Approving Wage Rates For Part Time Employees In 2024. This motion, made by Councilor Ellie Jones and seconded by Councilor Brian LeBlanc, Carried.

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

Yea: 5, Nay: 0

C. 2024-12 Resolution Authorizing The City Of Hermantown To Sponsor A Grant Funding Request Associated With The Construction Of Hermantown Community Connector Trail From Stebner Road To Ugstad Road Trail Segments

(motion, roll call)

Motion to approve 2024-12 Resolution Authorizing The City Of Hermantown To Sponsor A Grant Funding Request Associated With The Construction Of Hermantown Community Connector Trail From Stebner Road To Ugstad Road Trail Segments. 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. 2024-13 Resolution Approving Final Pay Request For Sewer Improvement District 451 To Veit In The Amount Of \$51,698.97

(motion, roll call)

Motion to approve 2024-13 Resolution Approving Final Pay Request For Sewer Improvement District 451 To Veit In The Amount Of \$51,698.97. 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

E. 2024-14 Resolution Establishing An Absentee Ballot Board For 2024

(motion, roll call)

Motion to approve 2024-14 Resolution Establishing An Absentee Ballot Board For 2024. 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

F. 2024-15 Resolution Approving Application For New License For Charitable Gambling By Hermantown Amateur Hockey Association For Hermantown Arena

(motion, roll call)

Motion to approve 2024-15 Resolution Approving Application For New License For Charitable Gambling By Hermantown Amateur Hockey Association For Hermantown Arena. This motion, made by Councilor Brian LeBlanc and seconded by Councilor Ellie Jones, Carried.

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

Yea: 5, Nay: 0

13. **CLOSED SESSION**

14. **RECESS**

Motion to recess at 6:44 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

Mayor

ATTEST:

City Clerk

CITY OF HERMANTOWN

CHECKS #70615-70655
01/16/2024 - 01/31/2024

PAYROLL CHECKS

Electronic Checks - #-66787-66852 \$90,926.93

LIABILITY CHECKS

Electronic Checks - #-66781-66786 \$61,835.08

Checks - #70650-70655 \$3,963.60

PAYROLL EXPENSE TOTAL \$156,725.61

ACCOUNTS PAYABLE

Checks - #70615-70649 \$91,028.99

Electronic Payments #-98995-99015 \$191,317.71

ACCOUNTS PAYABLE TOTAL \$282,346.70

TOTAL \$439,072.31

CITY OF HERMANTOWN, MN 01/16/2024-01/31/2024
Check # is between -99015 and -98995 or Check # is between 70615 and 70649

1/25/2024

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Fun d	Account	Department	Vendor Name	Description	Amount	Check #
101	217450	Employee Flexplan	WEX HEALTH INC	Claim Reimb	769.24	-99015
101	217450	Employee Flexplan	WEX HEALTH INC	Claim Reimb	4,622.75	-99015
101	419901	City Hall & Police Building Maintenance	WEX HEALTH INC	Participant/Cobra Fee - Nov	5.05	-99014
101	415300	Administration & Finance	WEX HEALTH INC	Participant/Cobra Fee - Nov	45.43	-99014
101	419100	Community Development	WEX HEALTH INC	Participant/Cobra Fee - Nov	5.05	-99014
101	422100	Fire Administration	WEX HEALTH INC	Participant/Cobra Fee - Nov	5.05	-99014
601	494400	Water Administration and General	WEX HEALTH INC	Participant/Cobra Fee - Nov	13.45	-99014
101	431100	Street Department	WEX HEALTH INC	Participant/Cobra Fee - Nov	13.47	-99014
101	421100	Police Administration	WEX HEALTH INC	Participant/Cobra Fee - Nov	85.80	-99014
602	494900	Sewer Administration and General	WEX HEALTH INC	Participant/Cobra Fee - Nov	13.45	-99014
601	494300	Water Distribution	CITY OF DULUTH COMFORT SYSTEMS	Dec Water Charges	75,398.17	-99013
101	415300	Administration & Finance	GREATAMERICA FINANCIAL SERVICES	Copier Lease-Bizhub C308 Jan	96.00	-99012
602	494500	Sewer Maintenance	GREAT LAKES PIPE SERVICE INC	Sanitary Plug - Ugstad Rd	2,650.00	-99011
101	431100	Street Department	MCCOY CONSTRUCTION & FORESTRY, INC	Fuel Filter Element/Water Sepa	133.90	-99010
101	422100	Fire Administration	VC3	Recycling for 1 SonicWall - FD	15.00	-99009
401	415300	Administration & Finance	VC3	Replacement Server	17,587.00	-99009
101	422100	Fire Administration	VC3	Setup and Configure Replacemen	393.75	-99009
101	419901	City Hall & Police Building Maintenance	ACP CREATIVIT, LLC	Jan 2024 Maintenance	237.85	-99008
101	431100	Street Department	ACP CREATIVIT, LLC	Jan 2024 Maintenance	16.75	-99008
101	422901	Firehall #1 Maple Grove Road	ACP CREATIVIT, LLC	Jan 2024 Maintenance	70.35	-99008
101	452200	Community Building	ACP CREATIVIT, LLC	Jan 2024 Maintenance	10.05	-99008
601	494400	Water Administration and General	BLACK MOUNTAIN SOFTWARE INC	Annual Service & Support 2024	7,722.22	-99007
603	441100	Storm Water	BLACK MOUNTAIN SOFTWARE INC	Annual Service & Support 2024	3,861.11	-99007
602	494900	Sewer Administration and General	BLACK MOUNTAIN SOFTWARE INC	Annual Service & Support 2024	7,722.22	-99007
101	415300	Administration & Finance	BLACK MOUNTAIN SOFTWARE INC	Annual Service & Support 2024	15,444.45	-99007
602	494500	Sewer Maintenance	BRAUN INTERTEC CORPORATION	Sanitary Sewer System Inspecti	1,694.00	-99006
101	419901	City Hall & Police Building Maintenance	DOORCO, INC.	Replace Sectional Door	3,183.73	-99005
101	421100	Police Administration	FAUL PSYCHOLOGICAL PLLC	Evaluation - Kleive	650.00	-99004
101	431100	Street Department	FORCE AMERICA DISTRIBUTING LLC	Hyd Sensor - H1	280.46	-99003
230	465100	HEDA	HTB PROJECT NAVIGATION, LLC	Proposed Hermantown Business P	540.00	-99002
101	414100	Elections	INTECH SOFTWARE SOLUTIONS, INC.	2024 Election Software Subscri	3,027.00	-99001
415	465200	Community Development	KRAUS-ANDERSON CONSTRUCTION COMPANY	Hermantown Hockey Arena	30,000.00	-99000
601	494300	Water Distribution	MN MUNICIPAL UTILITIES ASSN	2024 Water Utility Member Dues	547.00	-98999
101	431100	Street Department	M-R SIGN CO INC	Street Signs	2,245.20	-98998
260	456101	Cable	OVEROM LAW, PLLC	2023 Mediacom Franchise Renewa	48.00	-98997
415	465200	Community Development	OVEROM LAW, PLLC	Arena Construction	465.00	-98997
402	431150	Street Improvements	OVEROM LAW, PLLC	Ugstad & Arrowhead Rd Improv D	36.00	-98997
415	465200	Community Development	OVEROM LAW, PLLC	Schematic Design Development -	78.00	-98997

CITY OF HERMANTOWN, MN 01/16/2024-01/31/2024
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Fun d	Account	Department	Vendor Name	Description	Amount	Check #
412	419100	Community Development	OVEROM LAW, PLLC	Zierden/BMAX Property Purchase	1,722.63	-98997
101	416100	City Attorney	OVEROM LAW, PLLC	Dog Leash Ordinance Amendment	317.75	-98997
101	416100	City Attorney	OVEROM LAW, PLLC	5547 Highway 2 Zoning Violatio	60.00	-98997
475	431150	Street Improvements	OVEROM LAW, PLLC	Richard Avenue and Lindgren Rd	84.00	-98997
101	416100	City Attorney	OVEROM LAW, PLLC	Open Meeting Law Issues & Rese	60.00	-98997
415	465200	Community Development	OVEROM LAW, PLLC	Construction Manager at Risk M	675.00	-98997
101	416100	City Attorney	OVEROM LAW, PLLC	General Matters/Retainer	2,000.00	-98997
603	441100	Storm Water	OVEROM LAW, PLLC	Halvorson Lindahl Rd Easement	136.50	-98997
101	422100	Fire Administration	OVEROM LAW, PLLC	Creation of New City Fire Dept	252.00	-98997
415	465200	Community Development	OVEROM LAW, PLLC	State Grant - Bond Financed Pr	240.00	-98997
101	421100	Police Administration	OVEROM LAW, PLLC	Police Prosecution Procedure	252.00	-98997
230	465100	HEDA	OVEROM LAW, PLLC	Hwy 53 Business Park Developme	165.00	-98997
101	419100	Community Development	OVEROM LAW, PLLC	Stebner Farms Projects	285.00	-98997
101	419100	Community Development	OVEROM LAW, PLLC	Community Development Matters	72.00	-98997
101	416100	City Attorney	OVEROM LAW, PLLC	Deferrals of Assessments	223.75	-98997
475	431150	Street Improvements	OVEROM LAW, PLLC	Richard Avenue and Lindgren Rd	36.00	-98997
416	452100	Parks	OVEROM LAW, PLLC	Fichtner Field Park Improvemen	596.50	-98997
101	419901	City Hall & Police Building Maintenance	STATE CHEMICAL SOLUTIONS	Cleaning Supplies/Grease	764.50	-98996
101	421100	Police Administration	EMPOWER RETIREMENT	Cops 10hr Comp to HCSP	3,643.13	-98995
101	427100	Poundmaster	ANIMAL ALLIES HUMANE SOCIETY	Nov & Dec 2023 Boarding	120.00	70615
101	431100	Street Department	BORDER STATES INDUSTRIES INC.	Connection plates - Temp Signs	260.77	70616
101	422902	Firehall #2 Morris Thomas Road	CENTURYLINK	Internet FH2 12/28/23-01/27/24	79.98	70617
101	431100	Street Department	CINTAS CORPORATION	Uniforms	23.38	70618
101	431100	Street Department	CINTAS CORPORATION	Uniforms	7.92	70618
101	431100	Street Department	CINTAS CORPORATION	Uniforms	23.38	70618
101	431901	City Garage	CINTAS CORPORATION	Mats - PW	10.35	70618
101	431901	City Garage	CINTAS CORPORATION	Supplies	28.51	70618
101	431901	City Garage	CINTAS CORPORATION	Mats - PW	30.03	70618
101	431100	Street Department	CINTAS CORPORATION	Uniforms	7.92	70618
101	431901	City Garage	CINTAS CORPORATION	Supplies	28.51	70618
603	441100	Storm Water	CLIFTONLARSONALLEN LLP	GASB 96 Implementation	210.00	70619
101	415300	Administration & Finance	CLIFTONLARSONALLEN LLP	GASB 96 Implementation	1,260.00	70619
601	494400	Water Administration and General	CLIFTONLARSONALLEN LLP	GASB 96 Implementation	315.00	70619
602	494900	Sewer Administration and General	CLIFTONLARSONALLEN LLP	GASB 96 Implementation	315.00	70619
101	421100	Police Administration	CNA SURETY	Notary Errors/2024	33.75	70620
101	415300	Administration & Finance	CNA SURETY	Notary Errors/2024	22.50	70620
101	431100	Street Department	CONDON, DRAKE	Boot Reimbursement	145.53	70621
602	494500	Sewer Maintenance	CONDON, DRAKE	Boot Reimbursement	72.76	70621

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Fun d	Account	Department	Vendor Name	Description	Amount	Check #
601	494300	Water Distribution	CONDON, DRAKE	Boot Reimbursement	72.76	70621
601	494400	Water Administration and General	CUSTOMER ELATION INC	12/19 - 01/15/24 Answering	35.85	70622
602	494900	Sewer Administration and General	CUSTOMER ELATION INC	12/19 - 01/15/24 Answering	23.90	70622
101	431100	Street Department	DVS RENEWAL	2020 WSTR Con	20.25	70623
101	431100	Street Department	DVS RENEWAL	2017 WSTR CNV	20.25	70623
101	419901	City Hall & Police Building Maintenance	DVS RENEWAL	2002 Chev 4C Sil	20.25	70623
101	431100	Street Department	DVS RENEWAL	2018 Ford F550	20.25	70623
601	494300	Water Distribution	DVS RENEWAL	2020 Ford F350	20.25	70623
101	431100	Street Department	DVS RENEWAL	2016 GMC SIE	20.25	70623
601	494300	Water Distribution	DVS RENEWAL	2021 Ford F550	20.25	70623
101	431100	Street Department	DVS RENEWAL	24 Western Star 47X Truck	20.25	70623
101	431100	Street Department	DVS RENEWAL	2001 Freightliner	20.25	70623
101	431100	Street Department	DVS RENEWAL	2001 Freightliner	20.25	70623
101	431100	Street Department	DVS RENEWAL	2015 GMC SIE	20.25	70623
101	431100	Street Department	DVS RENEWAL	2021 GMC Sierra	20.25	70623
601	494400	Water Administration and General	DVS RENEWAL	07 Chev Silv	20.25	70623
101	431100	Street Department	HERMANTOWN HYDRAULICS	Hose - H4	66.92	70624
101	421100	Police Administration	HERMANTOWN SERVICE CENTER INC	Replace Battery - SQD 16	239.99	70625
101	431100	Street Department	HERMANTOWN SERVICE CENTER INC	Windshield Waster Pump	227.40	70625
101	421100	Police Administration	HERMANTOWN SERVICE CENTER INC	Replace Battery	271.99	70625
101	411300	Ordinance, Public Notice and Proceedings	HERMANTOWN STAR LLC	City Council Minutes	90.75	70626
245	419100	Community Development	HOISINGTON KOEGLER GROUP INC.	Comprehensive Plan Update-Dec	645.00	70627
101	421100	Police Administration	IACP	Dues Crace 01595858 - 2024	190.00	70628
101	419901	City Hall & Police Building Maintenance	JOHNSTONE SUPPLY	AHU 1&2 Pleated Filters	218.64	70629
101	422903	Firehall #3 Midway Road	JOHNSTONE SUPPLY	Pilot Relay - FH 3	18.45	70629
101	431100	Street Department	KRIS ENGINEERING, INC.	Plow Edges	4,007.10	70630
101	431100	Street Department	KRIS ENGINEERING, INC.	Plow Edges	1,335.70	70630
601	494300	Water Distribution	KWIK TRIP EXTENDED NETWORK	Gas Utility	186.62	70631
101	421100	Police Administration	KWIK TRIP EXTENDED NETWORK	Gas PD	3,025.04	70631
101	421100	Police Administration	KWIK TRIP EXTENDED NETWORK	Car Wash PD	158.00	70631
101	431100	Street Department	KWIK TRIP EXTENDED NETWORK	Gas Street	182.57	70631
101	419901	City Hall & Police Building Maintenance	KWIK TRIP EXTENDED NETWORK	Gas Building	50.37	70631
602	494500	Sewer Maintenance	KWIK TRIP EXTENDED NETWORK	Gas Utility	124.41	70631
101	421100	Police Administration	LEADS ONLINE	Software fee 01/15/24-01/14/25	3,016.00	70632
603	441100	Storm Water	LEAGUE OF MINNESOTA CITIES	Stormwater Coalition Contribut	1,070.00	70633
101	421100	Police Administration	LSFT & ICAC TF	Phone Dump	550.00	70634
101	422100	Fire Administration	MENARD INC	Snowbrush	53.34	70635
101	431100	Street Department	MENARD INC	Cable Ties/Hangers	37.27	70635

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Fun d	Account	Department	Vendor Name	Description	Amount	Check #
101	419901	City Hall & Police Building Maintenance	MENARD INC	Wedge Anchor	29.98	70635
101	431901	City Garage	MENARD INC	Impact Socket	13.96	70635
601	494300	Water Distribution	MENARD INC	Screw Drivers - H5	15.88	70635
101	421100	Police Administration	MN BOARD OF PEACE OFFICER STANDARDS & TR	Peace Officer License - Kleive	90.00	70636
101	422100	Fire Administration	MN OXYGEN COMPANY	Oxygen Cylinders	345.11	70637
101	431100	Street Department	NAPA AUTO PARTS	Windshield Wash	71.10	70638
101	421100	Police Administration	NORTH RISK PARTNERS	Workers Comp-Policy Change FD	5,008.00	70639
101	424100	Building Inspection	RICH, JAMES	Field Inspections	6,060.00	70640
602	494900	Sewer Administration and General	SAFEGUARD QBS	W2's	3.70	70641
601	494400	Water Administration and General	SAFEGUARD QBS	W2's	3.70	70641
101	415300	Administration & Finance	SAFEGUARD QBS	W2's	29.63	70641
101	431100	Street Department	SATHERS, LLC	Class 5 - Crushed Material - H	1,800.00	70642
101	431100	Street Department	SENST, PAUL	Reimburse Safety Boots	125.00	70643
601	494300	Water Distribution	SENST, PAUL	Reimburse Safety Boots	62.50	70643
602	494500	Sewer Maintenance	SENST, PAUL	Reimburse Safety Boots	62.50	70643
101	422100	Fire Administration	SHEL/DON GROUP INC	Hydrant/Street Maps	138.90	70644
101	431100	Street Department	SHEL/DON GROUP INC	Hydrant/Street Maps	56.26	70644
101	431100	Street Department	ST LOUIS COUNTY AUDITOR	Brine Solution Dec 2023	467.40	70645
101	421100	Police Administration	STREICHER'S	Uniform - Kleive	818.83	70646
101	421100	Police Administration	STREICHER'S	Uniform - Hedin	818.83	70646
101	421100	Police Administration	TROY'S BP AMOCO INC	Brakes - SQD 18	1,067.18	70647
101	421100	Police Administration	TROY'S BP AMOCO INC	Vehicle Repair - SQD 14	819.40	70647
603	441100	Storm Water	VALLI INFORMATION SYSTEMS, INC	Dec 2023 Bill Print	755.19	70648
601	494400	Water Administration and General	VALLI INFORMATION SYSTEMS, INC	Dec 2023 Bill Print	755.18	70648
602	494900	Sewer Administration and General	VALLI INFORMATION SYSTEMS, INC	Dec 2023 Bill Print	755.18	70648
240	432510	Trunk Sewer Construction	VEIT & COMPANY INC	Okerstrom Rd Sewer Improvement	9,231.96	70649
240	432510	Trunk Sewer Construction	VEIT & COMPANY INC	Okerstrom Rd Sewer Improvement	42,467.01	70649

Totals: 141 records printed

282,346.70



CITY COUNCIL MEETING DATE: February 5, 2024

TO: Mayor & City Council

FROM: John Mulder, City Administrator

SUBJECT: Restraint of animals in parks and trails. - **2nd Reading**

RESOLUTION: **ORDINANCE:** 2024-03 **OTHER:**

REQUESTED ACTION

Hold the second reading of a “leash law”

BACKGROUND

There has been some discussion about requiring leashes in City Parks and along the Hermantown Connector Trail. The attached proposed ordinance would require animals to be on leashes in City Parks and on the trails, and based on the discussion on the first reading **it does include road right of ways.**

SOURCE OF FUNDS (if applicable)

N/A

ATTACHMENTS

Ordinance

The City Council of the City of Hermantown does ordain:

**AN ORDINANCE AMENDING THE REGULATIONS UNDER
HERMANTOWN CITY CODE CHAPTERS 3 AND 6
PERTAINING TO THE RESTRAINT OF ANIMALS IN PARKS**

Section 1. **Purpose and Intent.** The purpose and intent of this amendment is to modify the regulations pertaining to the use of leashes on animals in public spaces in an effort to keep spaces used by residents and visitors alike with their pets in the City of Hermantown safe and welcoming for everyone.

Section 2. **Amendment to Section 330.07.2.** Section 330.07.2, Horseback Riding and Domestic Animals, is hereby amended and restated to read as follows:

“**330.07.2 Horseback Riding.** No person shall ride a horse or other animal except on designated trails or paths in a public park.

330.07.3 Domestic Animals.

330.07.3.1 Restraint of Animals. No person shall allow any animal unattended or without physical restraint in a public park, unless otherwise designated as an off leash dog area pursuant to Section 330.10 hereof. No domestic animals of any description shall be allowed within a recreational area unless on an adequate leash of suitable strength and not exceeding six feet in length. If a leash is greater than six feet shall retract the leash length so it shall not exceed six feet in length when being approached or approaching within ten feet of other persons and/or other animals. The reliance on an e-collar or remote collar is expressly prohibited when used as the sole device to control an animal.

330.07.3.2 Right-of-way of Other Users. Any person using a pathway with an animal shall at all times yield the right-of-way to other pathway users and shall not interfere or allow the animal to interfere with other pathway users.

330.07.3.3 Animal Litter. Animal litter in a park or other public area must be removed from the ground or surface of any park and any park facilities and disposed of in a sanitary manner, which may include depositing in a designated waste receptacle in the park, and further in accordance with Section 630.08 of this Code. Any park user with an animal is required to have the tools or equipment in their possession suitable for the removal of animal litter and

promptly and effectively remove all fecal material deposited by the domestic animal under their control or care.

330.07.4 Right to Prohibit Certain Animals. The City may prohibit any animal and its owner from a park for violating the rules and regulations of this Section or state law and such owner may be subject to further enforcement pursuant to Section 330.11 hereof.”

Section 3. **Addition to Code.** A new Section 330.10, Off Leash Dog Areas, is hereby added to read as follows and the remaining numbers of such Section renumbered.

“330.10. Off Leash Dog Areas.

330.10.1 Dogs may be unrestrained by chain or leash in areas designated for off leash activities by the City of Hermantown. No person shall use a designated off leash area without first having obtained a license under Section 610 of this Code for each dog using such an area from the City of Hermantown.

330.10.2 Any dog declared potentially dangerous or dangerous pursuant to this Section or pursuant to Minn. Statute § 347.50 shall not be permitted to use off leash areas. A license may be revoked for failure of the applicant, or any person who takes the dog into an off leash recreation area, to abide by these rules, or for violation of any of the provisions of this Code that occurs within an off leash area. The owner or custodian of the dog must have such animal restrained when entering or leaving an off leash area. If directed by a law enforcement officer or animal control officer, persons using an off leash area must immediately restrain their dogs and remove them from the off leash area.”

Section 4. **Amendment to Section 640.04.2.** Section 640.04.2, Leashes, is hereby amended to read as follows:

“640.04.2. Leashes. Leashes must not exceed six feet in length, unless the leash is of the kind that can be easily retracted to six feet in length and may not exceed four pounds in total weight. The reliance on an e-collar or remote collar is expressly prohibited when used as the sole device to control an animal.”

Deleted language is struck out and added language is underlined.

Section 5. **Amendment to Section 630.06.** Section 630.06, Running at Large Prohibited, is hereby amended to read as follows:

“630.06.1 No person shall suffer or permit any animal owned or controlled by that person to run at large within the city. An animal shall be considered to be

running at large if the animal departs from the private property of the owner or other person caring for that animal and is not under physical control of the owner, a member of the immediate family or other responsible person caring for that animal. Any animal in a park, including any space designated or intended for active or passive recreation, as defined in Section 330.02.1 and other than those designated as an off-leash dog park under Section 330.10 of this Code or in the public right-of-way, must be controlled by a leash pursuant to Section 330.07.3 of this Code. If the animal is under control by a leash, the leash must be of suitable strength not exceeding six feet in length. Persons controlling animals with leash devices capable of extending leash lengths greater than six feet shall retract the leash length so it shall not exceed six feet in length when being approached or approaching within ten feet of other persons and/or other animals. The reliance on an e-collar or remote collar is expressly prohibited when used as the sole device to control an animal.”

Deleted language is struck out and added language is underlined.

Section 6. **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 7. **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: _____

The City Council of the City of Hermantown does ordain:

**AN ORDINANCE AMENDING THE REGULATIONS UNDER
HERMANTOWN CITY CODE CHAPTERS 3 AND 6
PERTAINING TO THE RESTRAINT OF ANIMALS IN PARKS**

Section 1. **Purpose and Intent.** The purpose and intent of this amendment is to modify the regulations pertaining to the use of leashes on animals in public spaces in an effort to keep spaces used by residents and visitors alike with their pets in the City of Hermantown safe and welcoming for everyone.

Section 2. **Amendment to Section 330.07.2.** Section 330.07.2, Horseback Riding and Domestic Animals, is hereby amended and restated to read as follows:

“**330.07.2 Horseback Riding.** No person shall ride a horse or other animal except on designated trails or paths in a public park.

330.07.3 Domestic Animals.

330.07.3.1 Restraint of Animals. No person shall allow any animal unattended or without physical restraint in a public park, unless otherwise designated as an off leash dog area pursuant to Section 330.10 hereof. No domestic animals of any description shall be allowed within a recreational area unless on an adequate leash of suitable strength and not exceeding six feet in length. If a leash is greater than six feet shall retract the leash length so it shall not exceed six feet in length when being approached or approaching within ten feet of other persons and/or other animals. The reliance on an e-collar or remote collar is expressly prohibited when used as the sole device to control an animal.

330.07.3.2 Right-of-way of Other Users. Any person using a pathway with an animal shall at all times yield the right-of-way to other pathway users and shall not interfere or allow the animal to interfere with other pathway users.

330.07.3.3 Animal Litter. Animal litter in a park or other public area must be removed from the ground or surface of any park and any park facilities and disposed of in a sanitary manner, which may include depositing in a designated waste receptacle in the park, and further in accordance with Section 630.08 of this Code. Any park user with an animal is required to have the tools or equipment in their possession suitable for the removal of animal litter and promptly and effectively remove all fecal material

deposited by the domestic animal under their control or care.

330.07.4 Right to Prohibit Certain Animals. The City may prohibit any animal and its owner from a park for violating the rules and regulations of this Section or state law and such owner may be subject to further enforcement pursuant to Section 330.11 hereof.”

Section 3. **Addition to Code.** A new Section 330.10, Off Leash Dog Areas, is hereby added to read as follows and the remaining numbers of such Section renumbered.

“330.10. Off Leash Dog Areas.

330.10.1 Dogs may be unrestrained by chain or leash in areas designated for off leash activities by the City of Hermantown. No person shall use a designated off leash area without first having obtained a license under Section 610 of this Code for each dog using such an area from the City of Hermantown.

330.10.2 Any dog declared potentially dangerous or dangerous pursuant to this Section or pursuant to Minn. Statute § 347.50 shall not be permitted to use off leash areas. A license may be revoked for failure of the applicant, or any person who takes the dog into an off leash recreation area, to abide by these rules, or for violation of any of the provisions of this Code that occurs within an off leash area. The owner or custodian of the dog must have such animal restrained when entering or leaving an off leash area. If directed by a law enforcement officer or animal control officer, persons using an off leash area must immediately restrain their dogs and remove them from the off leash area.”

Section 4. **Amendment to Section 640.04.2.** Section 640.04.2, Leashes, is hereby amended to read as follows:

“640.04.2. Leashes. Leashes must not exceed six feet in length, unless the leash is of the kind that can be easily retracted to six feet in length and may not exceed four pounds in total weight. The reliance on an e-collar or remote collar is expressly prohibited when used as the sole device to control an animal.”

Deleted language is struck out and added language is underlined.

Section 5. **Amendment to Section 630.06.** Section 630.06, Running at Large Prohibited, is hereby amended to read as follows:

“630.06.1 No person shall suffer or permit any animal owned or controlled by that person to run at large within the city. An animal shall be considered to be running at large if the animal departs from the private property of the

owner or other person caring for that animal and is not under physical control of the owner, a member of the immediate family or other responsible person caring for that animal. Any animal in a park, including any space designated or intended for active or passive recreation, as defined in Section 330.02.1 and other than those designated as an off-leash dog park under Section 330.10 of this Code or in the public right-of-way, must be controlled by a leash pursuant to Section 330.07.3 of this Code. If the animal is under control by a leash, the leash must be of suitable strength not exceeding six feet in length. Persons controlling animals with leash devices capable of extending leash lengths greater than six feet shall retract the leash length so it shall not exceed six feet in length when being approached or approaching within ten feet of other persons and/or other animals. The reliance on an e-collar or remote collar is expressly prohibited when used as the sole device to control an animal.”

Deleted language is struck out and added language is underlined.

Section 6. **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 7. **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: _____



CITY COUNCIL MEETING DATE: February 5, 2024

TO: Mayor & City Council

FROM: Alissa Wentzlaff, City Clerk

SUBJECT: Appointment of Election Judges for the Presidential Nomination Primary Election

RESOLUTION: 2024-16 **ORDINANCE:** **OTHER:**

REQUESTED ACTION

Approve the appointment of election judges for the Presidential Nomination Primary election.

BACKGROUND

The City of Hermantown is required by Minnesota Statute 204B.21, Subd. 2 to appoint election judges for an election.

SOURCE OF FUNDS (if applicable)

101-414100-105

ATTACHMENTS

Resolution

Resolution No. 2024-16

**Resolution Appointing Election Judges For The Presidential Nomination Primary Election
Of March 5, 2024**

BE IT RESOLVED by the City Council of the City of Hermantown as follows:

The persons named below are hereby appointed judges for the Presidential Nomination Primary to be held in the City of Hermantown, County of St. Louis, State of Minnesota, on Tuesday, March 5, 2024.

The following judges are appointed with substitutions as necessary:

Beverly Allison	Alexandra Kaufman
Amanda Atiemo	Vicki Klein
David Bosley	Patricia Merrier
Marie Chapinski	Judy Ness
Carol Christenson	Pamela Pagano
Eric Enberg	Jeanette Sandstrom
Lori Fichtner	Elizabeth Shannon
David Flemming	Patricia Shogren
Kandise Garrison	Joanie Tanski
Donald Harriss	Joseph Wicklund
Jolynn Hill	Kammi Wietman
Sandra Jennisch	Ellie Jones

Councilor _____ introduced the foregoing resolution and moved its adoption.

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

Councilors _____, and Mayor Boucher, aye. Councilor Jones, abstain.

and the following voted in opposition thereto:

None

WHEREUPON, such resolution was declared duly passed and adopted February 5, 2024.



CITY COUNCIL MEETING DATE: February 5, 2024

TO: Mayor & City Council

FROM: Kevin Orme, Director of Finance & Administration

SUBJECT: Administration Temporary Part-Time Hire

RESOLUTION: 2024-17 **ORDINANCE:** **OTHER:**

REQUESTED ACTION

Approve temporary part-time position to support the Administration in 2024.

BACKGROUND

The City needs additional assistance in various crucial administrative areas in 2024 as we seek to effectively administer an election and add a Fire Department to the City.

2024 is a Presidential election year, which requires meticulous planning and execution. With absentee voting, early voting, a third election, and an increase in the complexity of administering an election, the City needs assistance in this area. The last election was extremely taxing to City staff and has been the reason for the departure of at least one City employee in the past. We are anticipating future elections to become increasingly more demanding. An additional individual to work in this area will be significantly valuable.

With the addition of the Fire Department as a City Department in January 2024 and an array of heightened duties, the Account Clerk has assumed a substantial increase in tasks. This temporary part-time hire would help to alleviate the burden placed on our Account Clerk.

The City needs additional staff to fill in for the Administrative Assistant during breaks, lunches, sick leave, and vacations. Previous makeshift arrangements involving the Account Clerk, City Clerk, and Utility Billing Clerk are no longer sustainable as the demands on these roles have grown exponentially. In addition, per the auditors' recommendations on segregation of duties, the Utility Billing Clerk should not cover the front desk and accept payments. This part-time temporary hire would provide coverage for our Administrative Assistant.

Even with the addition of a temporary part-time hire, we anticipate the work load to be such that some overtime will be needed to be paid to our union employees in order to accomplish the work that must be done.



We would envision this position being a 15-20 hour per week position, possibly more right before the election. We would re-evaluate this position later this year in regards to continuing after 2024 as part of our 2025 staffing budget process. This proposed staff member would report directly to the Director of Finance and Administration.

SOURCE OF FUNDS (if applicable)

2024 General Fund Budget – Elections and Contingency

ATTACHMENTS

Resolution
Costing Sheet

Resolution No. 2024-17

Resolution Creating A Temporary Part Time Administrative Support Position

WHEREAS, 2024 is an election year which requires additional time and effort by City staff, and the city has taken on additional payroll and accounts payable work due to the addition of the Fire Department in the Public Safety Department; and

WHEREAS, an additional temporary part time position could assist in these functions and provide coverage for the front desk as needed; and

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Hermantown, Minnesota, hereby approves a temporary part time administrative support position for 2024 for up to 20 hours per week.

Councilor _____, introduced the foregoing Resolution and moved its adoption.

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

Councilors, _____,

and the following voted in opposition thereto:

WHEREUPON, such resolution was declared duly passed and adopted on February 5, 2024.

City of Hermantown

Budget Form - Personnel Costs

Department 101 121 128 129 131 151
Admin

Name	Position	Hourly Rate	Annual Hours	Annual Wages	PERA 7.25%	FICA 6.20%	Medicare 1.45%	Health Insurance F S		Cost	VEBA Cont	Work Comp 0.16%	Misc	Total Cost
Vacant	2023 Temporary	25.05	867	21,710.00	0.00	1,346.02	314.80	0		-		34.74	0	23,405.55

Date: 1/18/2024
Prepared by: Kevin Orme



CITY COUNCIL MEETING DATE: February 5, 2024

TO: Mayor & City Council

FROM: John Mulder, City Administrator

SUBJECT: Request for Proposal – Human Resources Consultant

RESOLUTION: 2024-18 **ORDINANCE:** **OTHER:**

REQUESTED ACTION

Approve a Request for Proposal for a Human Resources consultant

BACKGROUND

During the budget process, the City Council directed staff to seek a out sourced human resources consultant to provide additional Human Resources assistance for the City. Staff has prepared the attached RFP. If approved, the City would advertise and mail out the RFP to possible vendors. Staff would interview possible vendors/individuals and make a recommendation back to the City Council in March.

SOURCE OF FUNDS (if applicable)

General Fund Contingency

ATTACHMENTS

Request for Proposals

Resolution No. 2024-18

Resolution Approving A Request For Proposals For Human Resources Consulting Services

WHEREAS, the City of Hermantown (“City”) desires to obtain consulting services in the area of human resources (“Project”); and

WHEREAS, City staff have prepared a Request for Proposals (RFP) for consulting services for the “Project” and

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

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

1. The Request for Proposals is approved, and
2. The City Administrator is hereby authorized and directed to advertise and seek proposals for human resources consulting services substantially in the form attached hereto as Exhibit A.

Councilor _____ introduced the foregoing resolution and moved its adoption.

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

Councilors _____, and Mayor Boucher, aye.

and the following voted in opposition thereto:

None.

WHEREUPON, such resolution was declared duly passed and adopted February 5, 2024.



City of Hermantown, Minnesota
Request-For-Proposal (RFP)
Human Resources Services

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218-729-3600 hermantownmn.com



Request-For-Proposal Human Resources Services

I. INTRODUCTION

The City of Hermantown, Minnesota is currently seeking proposals from qualified consultant interested in providing Human Resources services. The City of Hermantown has 40 full time employees and 6 part-time/seasonal employees. The employees are represented by 3 different unions and a management contract

II. PROPOSAL PROCEDURES

A. SCHEDULE OF PROPOSAL

Issue RFP	February 5, 2024
Proposals Due	February 26, 2024
Possible Interviews	February 27 or 28, 2024
Contract award by City Council	March 4, 2024
Target Implementation	April 1, 2024

B. PREPARATION OF PROPOSAL

Proposal should include the background and experience of the primary person who will be providing the service. The cost portion of the proposal should be in the form of the hourly rate to be charged by primary person and rates of any other person providing support services if applicable.

C. SUBMISSION OF PROPOSALS

Two copies of the proposal should be sent to:

Kevin Orme, CPA
Director of Finance & Administration
City of Hermantown
5105 Maple Grove Road

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218-729-3600 hermantownmn.com



Hermantown, MN 55811

All proposals must be delivered to the above office on or before February 26, 2024 at 4:00 P.M. (Proposals received after the above date and time will not be considered). The sealed envelope containing the proposals should clearly be marked on the outside with “Request For Proposal-Human Resources Consultant – Kevin Orme, CPA, Director of Finance & Administration” In addition, please email one electronic copy of the proposal to korme@hermantownmn.com

D. ADDITIONAL INFORMATION

The City reserves the right to request additional information, if necessary, for the evaluation of the proposals.

E. DISPOSITION OF PROPOSALS

All proposals shall become the property of the City and shall not be returned to the proposer.

F. SIGNATURES

The proposal and any clarifications to it shall be signed by an individual empowered to bind the organization in a Human Resources services contract.

III. AWARD OF CONTRACT

A. RIGHT OF REJECTION

Notwithstanding any other provisions of this RFP, the City reserves the right to award this contract to the consultant that best meets the requirements of the RFP, and not necessarily to the lowest bidder. Further, the City reserves the right to reject any or all proposals prior to execution of the contract, with no penalty to the City.

B. CONTRACT TERM

It is the intent of the City to award a contract for an initial one (1) year period with the option to renew it for two (2) additional one (1) year periods for a possible total of three (3) years. The decision to renew the contract will be at the sole discretion of the City. Renewal terms require that sixty (60) days prior to the end of the contract term or renewal period, the institution must provide written notice of the proposed pricing schedule for the next option period. If such renewal pricing schedule is acceptable to the City, the

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City will provide written acceptance notice thirty (30) days prior to the expiration of contract term or renewal option period.

Consultant will be expected to enter into a standard Consultant Agreement (example attached as Exhibit A) As part of the proposal, the consultant should identify any areas in the contract which they may want to amend.

C. TERMINATION OF CONTRACT

The contract may be terminated by either party by giving the other party written notice of such intent not less than one hundred twenty (120) days prior to the effective date of termination. If, at any time, funds are not appropriated to continue to fulfill the terms of the resulting contract, the City shall have the right to terminate the contract without penalty by giving thirty (30) days' written notice to the successful servicing consultant. In the event of termination, claims for compensation will be governed by the method of remuneration option agreed upon and, if applicable, shall be limited to verifiable services rendered.

IV. **PROPOSER'S QUALIFICATIONS**

A. MINIMUM ELIGIBILITY REQUIREMENTS

To be eligible to submit a proposal, the consultant must have at least 5 years of experience in the field of Human Resources at a management level. .

B. BUSINESS ORGANIZATION

The successful consultant proposal must provide information with regards to:

1. An overview of the services to be provided
2. The physical locations and hours of availability of the office that would serve as the primary facility of the consultant .
3. Provide pertinent information regarding your past experience with government entities.
4. The names of the individuals and brief summary of their qualifications who will perform the services described in the proposal .
5. Describe how you will manage the relationship with our staff.

C. REFERENCES

References of at least two (2) other comparable organizations.

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V. SCOPE OF SERVICES

A. GENERAL INFORMATION

While the exact range and extent of services to be provided will be subject to contract negotiation, the City anticipates that the selected consultant shall provide, at a minimum, professional services and dedicated personnel necessary to perform the following services. The proposal shall describe in detail how the proposer intends to accomplish each of the services below.

B. SERVICES

- 1. Implement & Manage processes and procedures relating to Public Safety Duty Disability Bill**
- 2. Evaluate our current Employee Sick and Safe Time (ESST) processes and procedures**
- 3. Implement & Manage processes and procedures relating to Paid Family Medical Leave (PFML) bill passed by State of Minnesota**
- 4. Benefits Administration, including communication to employees of their options.**
- 5. City Policies updating and communication to employees.**
- 6. Safety Program including updating required policies and creating a training program**
- 7. Employee Onboarding**
- 8. Employee Hotline**
- 9. Advises on labor relations and labor laws**
- 10. Manage the insurance enrollment, renewal, and change processes**
- 11. Leaves of absences:** Oversees employee leaves of absences (FMLA, Parenting Leave, Military Leave, etc.) and advises employees on eligibility for continued benefits during the leaves and administers COBRA



EXHIBIT A
AGREEMENT FOR CONSULTING SERVICES
FOR THE CITY OF HERMANTOWN

THIS AGREEMENT FOR CONSULTING SERVICES (“Agreement”) is made effective as of the ____ day of _____, 2024 by and between the **City of Hermantown**, hereinafter referred to as “City”, and (*name of firm*), hereinafter referred to as “Consultant”, in response to the following situation:

- A. City desires to obtain consulting services for the *Definition of services* (“Project”).
- B. Consultant submitted a submitted a response to the City’s request for consulting services solicited by the City; and
- C. Consultant is willing to provide consulting services to City pursuant to the terms of this Agreement.

NOW, THEREFORE, City and the Consultant do mutually agree as follows:

- 1. Services to be Performed.
 - 1.1 The scope of services to be provided to City by Consultant is as set forth in the Proposal.
 - 1.2 The principal contact person for Consultant is _____.
- 2. Personnel. Consultant will secure, at its own expense, all personnel required to perform the services under this Agreement, and such personnel shall not be the employee(s) of, nor have a contractual relationship with, City.
- 3. Assignability. Consultant shall not assign any interest in this Agreement, shall not contract with others to perform Consultant’s services and shall not transfer any interest in this Agreement without the prior written approval of City. The subcontractors identified in the Proposal are hereby approved.
- 4. Agreement Period. This Agreement shall be effective as of the date hereof and shall continue until terminated as provided in paragraph 5 hereof.

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5. Termination of Agreement. Either Consultant or City may, by giving written notice specifying the effective date which shall not be less than thirty (30) days from the date such notice is given, terminate this Agreement in whole or in part. In the event of termination, all property and finished or unfinished documents and other writings prepared by the Consultant under this Agreement shall be delivered to City and Consultant shall be entitled to compensation for time expended and expenses incurred to the date of termination.

6. Independent Contractor. The relationship between the Consultant and City shall be that of an independent contractor. Nothing herein shall in any way make or create any employer employee relationship between City and Consultant.

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

7.1 Comprehensive general liability insurance that covers the consultant services performed by Consultant for City with a combined single limit of liability of at least One Million Dollars (\$2,000,000.00).

7.2 Errors and omissions or equivalent insurance that covers the consultant services performed by Consultant for City with a combined single limit of liability of at least One Million Dollars (\$2,000,000.00).

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

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

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

Consultant shall deliver to City, concurrent with the execution of this Agreement, one or more certificate(s) of insurance evidencing that Consultant has the insurance required by this Agreement in full force and effect. City shall be named as additional insured under such

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

The Consultant shall require any subcontractor permitted by City under Section 3 hereof to perform work for Consultant on the Project to have in full force and effect the insurance coverage required of the Consultant under this Agreement before any subcontractor(s) begin(s) work on the Project. Consultant shall require any such subcontractor to provide to Consultant and City a Certificate of Insurance evidencing that such subcontractor has the insurance required by this Agreement in full force and effect. The Consultant and City shall be named as additional insureds under such policies. The insurer will provide thirty (30) day written notice to City and Consultant, without fail, of any cancellation, non-renewal, or modification of the policy(ies) or coverage evidenced by said certificate(s) for any cause, except for nonpayment of premium. The insurer will provide at least ten (10) days prior written notice to City and Consultant, without fail, of any cancellation of any of the policy(ies) or coverage evidenced by said certificate(s) for nonpayment of premium. City and Consultant shall also be provided with appropriate endorsements to its policy(ies) reflecting the status of City and Consultant as an additional insured and requiring that the foregoing required notice of cancellation, material alteration or non-renewal be provided City and Consultant by the insurance company providing such insurance policy(ies).

8. Compensation. Consultant shall be compensated for the services to be performed hereunder as set forth in the Proposal. Consultant shall submit to City itemized statements of services rendered during each month setting forth the date such services were rendered, a description of the services rendered, the person performing such services and the amount of time expended in performing such services. The Consultant's compensation shall not exceed \$7,866.00 and shall be based on actual hours spent in the performance of Consultant's services.

9. Recordkeeping. Consultant hereby agrees:

9.1 To maintain all books, documents, papers, accounting records and other evidence pertaining to the fees and expenses for which it seeks payment or reimbursement hereunder and appropriate records with respect to the services performed by it under this Agreement.



9.2 To make such materials available at its office at all reasonable times during the Agreement Term and for three (3) years from the date of final payment under this Agreement for inspection by City and copies thereof shall be furnished to City upon request by City.

10. No Prohibited Interest. Consultant represents and warrants to City that no employee, officer or agent of City, any member of the family of any such person, any partner of any such person or any organization which employs or is about to employ any of the above has a financial or other interest in the business of Consultant.

11. Confidentiality. Consultant agrees that, at all times, both during the term of this Agreement and after the termination of this Agreement, it will be faithful to City by not divulging, disclosing or communicating to any person, firm or corporation, in any manner whatsoever, except in furtherance of the business of City or as required by any applicable law, rule, regulation or ordinance of City or any other governmental authority, any information of any kind, nature or description concerning any matters affecting or relating to the business, employees, agents, customers of City, or parties contracting with City.

12 Intellectual Property Rights. For the purposes of this Agreement, Project Materials means copyrights and all works developed in the performance of this Agreement, including, but not limited to, the finished product and any deliverables, including any software or data.

Project Materials do not include any materials that Consultant developed, acquired or otherwise owned or had a license to use prior to the date of this Agreement.

All Project Materials are agreed by Consultant to be “works made for hire” as defined under 17 U.S.C. §101, for which City has the sole and exclusive right, title and interest, including all rights to ownership and copyright and/or patent. In addition, Consultant hereby assigns all right, title and interest, including rights of ownership and copyright in the Project Materials to the City no matter what their status might be under federal law.

Consultant shall provide City with copies of all Project Materials

Upon request by Consultant, City may authorize Consultant to use specified Project Materials to evidence Consultant’s progress and capability. In all such uses of Project Materials by Consultant, reference shall be made to City and the Project and that the Project Materials are owned by City.

Consultant also acknowledges and agrees that all names and logos provided to Consultant by City for use in connection with the Project are and shall remain the sole and exclusive property of City.

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13. Notices. Any notice required to be given under this Agreement shall be deemed sufficient if in writing, sent by mail to the last known office address of Consultant, or to City at 5105 Maple Grove Road, Hermantown, Minnesota 55811 to the attention of John Mulder, City Administrator.

14. Miscellaneous. This Agreement constitutes the sole and complete agreement relating to the subject matter of this Agreement between the parties, superseding any and all other agreements between the parties and no verbal or other statements, inducements or representations have been made or relied upon by either party. No modifications hereof shall be binding upon either party unless in writing and properly executed.

15. No Contractual Authority. Consultant shall have no authority to enter into any contracts or agreements binding upon City or to create any obligations on the part of City.

16. Data Practices Act. Consultant acknowledges that City is subject to the provisions of the Minnesota Government Data Practices Act.

Consultant must comply with the Minnesota Government Data Practices Act, Minnesota Statutes, Chapter 13, as it applies to all data provided by City in accordance with this Agreement and as it applies to all data created, collected, received, stored, used, maintained, or disseminated by Consultant in accordance with this Agreement. The civil remedies of Minnesota Statutes § 13.08, apply to Consultant and City.

Minnesota Statutes, Chapter 13, provides that all government data are public unless otherwise classified. If Consultant receives a request to release the data referred to in this Section, Consultant must immediately notify City and consult with City as to how Consultant should respond to the request. Consultant's response shall comply with applicable law, including that the response is timely and, if Consultant denies access to the data, that Consultant's response references the statutory basis upon which Consultant relied. Consultant does not have a duty to provide public data to the public if the public data is available from City.

17. Choice of Law and Venue. All matters relating to the validity, construction, performance, or enforcement of this Agreement shall be determined in accordance with the laws of the State of Minnesota. All legal actions initiated with respect to or arising from any provision contained in this Agreement shall be initiated, filed and venued in the State of Minnesota District Court located in the City of Duluth, County of St. Louis, State of Minnesota.

18. Counterparts. This Agreement may be executed in any number of counterparts, each of which when so executed and delivered shall be an original, but such counterparts shall together constitute one and the same instrument.

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IN WITNESS WHEREOF, City and Consultant have executed this Agreement for Consulting Services as of the date first above written.

CITY:
City of Hermantown

By _____
Its Mayor

And By _____
Its City Clerk

CONSULTANT:

By _____
Its _____

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218-729-3600 hermantownmn.com



CITY COUNCIL MEETING DATE: February 5, 2024

TO: Mayor & City Council

FROM: John Mulder, City Administrator

SUBJECT: Water Availability Charge

RESOLUTION: 2024-19 **ORDINANCE:** **OTHER:**

REQUESTED ACTION

Approve a handbook section to establish a Water Availability charge

BACKGROUND

In 2022, the City Council adopted a new Sewer Availability Policy and charge following the completion of the Section 24 Sewer Trunk line. The purpose of the policy and charge was to update the process and the fee for connecting to the City’s infrastructure due to the costs of portions of the water and sewer infrastructure and the benefit that affected property owners receive because of the City’s efforts. This led us to review the value and benefit of the system to individuals who might wish to connect, but have not previously paid an assessment.

The attached policy addresses the individual benefit of the City’s infrastructure to property owners, creating a greater level of equity between those who might have paid for the water mains through an assessment or through the purchase price of the lot in a subdivision and those who were not assessed but now want to connect to the system.

Just like the sewer availability policy, it is recommended that the City now adopt a water availability policy similar to the Sewer Availability policy.

Specific Highlights:

- Creates \$2,500 availability charge to lots that are created after an assessment was set in cases where the City built the main through an assessment/petition process.
- Creates \$2,500 availability charge for lots that were not part of an original plat

Attached is marked version of the Sewer Availability Policy showing how the Water Availability Policy would look. The policy would look very similar to the sewer policy, and would reflect value of water to landowners. This recommendation was approved by the Utility Commission in July of 2023.

In 2022, the City Council adopted a new Sewer Availability Policy and charge following the completion of the Section 24 Sewer Trunk line. It is recommended that the City now adopt a water availability policy similar to the Sewer Availability policy.



Attached is marked version of the Sewer Availability Policy showing how the Water Availability Policy would look. The policy would look very similar to the sewer policy, and would reflect value of water to landowners.

SOURCE OF FUNDS (if applicable)

N/A

ATTACHMENTS

Red lined Sewer Availability Charge Handbook section
Water Availability Charge Handbook section

Resolution No. 2024-19

Resolution Approving An Amendment To The City Handbook Regarding A Water Availability Policy

WHEREAS, the City of Hermantown owns a water distribution system and allows connections to that system under certain circumstances; and

WHEREAS, the goal of the water availability charges policy is to provide revenue to care for the overall system, recognizing the value of the water service to the affected property owners, and

WHEREAS, the attached policy will clarify and communicate the cost to connect to the City's water distribution system, and

WHEREAS, the City Council has considered this matter and believes that it is in the best interests of the City of Hermantown to approve the attached water availability charges policy and authorize the use by Hermantown Administrative staff.

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

1. The City Council approves the "Water Availability Charges Policy" as shown on Exhibit A.

Councilor _____ introduced the foregoing resolution and moved its adoption.

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

Councilors _____, and Mayor Boucher, aye.

and the following voted in opposition thereto:

None.

WHEREUPON, such resolution was declared duly passed and adopted February 5, 2024.

Handbook for the City of Hermantown		
X Policy – Resolution 2022-30		Procedure
Date Adopted 3/21/2022	Title: <u>Water Sewer</u> Availability Charges	Section: Public Works
Revision Dates:		Page: 1 of 4

Purpose: The purpose of this policy is to establish availability charges to the City Water Sewer. Availability charges are intended to provide revenue to the City to care for the overall Water sanitary sewer system by recognizing the value of the Water sewer to the affected property owner.

Definitions

~~**Trunk Sewer:** A major sewer line built by the City with the intent of opening up an area for sewer, but not intended for individual service connections that receive wastewater flows from collector sewers (mains). A trunk sewer carries wastewater via a direct connection to the Bayview metering station. The trunk sewer line is built by the City using a competitive bid process to provide sewer to an unsewered area funded by City Sales Tax Revenue.~~

~~———**Trunk Sewer Spurs:** Sewer mains connected to a segment of a trunk line built by the City with the intention of serving as a sewer main in the future. Usually built at the same time as a segment of trunk line. Trunk sewer spurs are built by the City off of the trunk sewer to provide future sewer to an unsewered area.~~

~~**Water Sewer Mains:** Collector Water Main pipes built with the specific intent of allowing individual service lines to be connected to them. Water Sewer mains are typically built by developers to provide Water sewer to newly created lots and are meant to have individual service lines connected to it from the homes on those lots. A Water sewer main could also be built by the City through a competitive bid process in response to a petition from existing homeowners.~~

~~**Service lines:** Lines connecting a residence or business to a Water sewer main. The pipe is meant only to serve one building.~~

Connections to Trunk Sewer

- ~~1. **Individual residential connections** to the trunk sewer are discouraged. However, in certain circumstances they may be the best alternative as determined solely by the City. In those cases, the availability charge will be \$5,000 for single family, twin homes, or triplexes.~~
- ~~2. **Commercial or multifamily connections.** For commercial or multifamily housing units (greater than triplexes), the availability charge will be one half (1/2) of the WLSSD Capacity Allocation Fee (CAF).~~

Handbook for the City of Hermantown		
X Policy – Resolution 2022-30		Procedure
Date Adopted 3/21/2022	Title: Water Sewer Availability Charges	Section: Public Works
Revision Dates:		Page: 2 of 4

DRAFT

Handbook for the City of Hermantown		
X Policy – Resolution 2022-30		Procedure
Date Adopted 3/21/2022	Title: <u>Water Sewer</u> Availability Charges	Section: Public Works
Revision Dates:		Page: 3 of 4

Connections to Trunk Sewer Spurs

In cases where the City builds a trunk sewer spur off the trunk sewer, the City will calculate the availability charge using a formula based on the total project's costs and linear feet of the trunk sewer spur connected during that construction (total project costs / total linear feet = cost per foot). The cost per foot times the linear feet of the city-built trunk sewer spur will be the availability charge to connect to that trunk sewer spur.

Each time the City constructs a sewer main off the trunk sewer, it will calculate the availability charge for that sewer main. The City may charge the entire availability charge to the developer or may determine a prorated share if it is anticipated that several users will benefit from the trunk sewer spur. The City Council will set the availability charge for that trunk sewer spur by resolution based on Resolution 2013-06.

Connection of the system

The City Water sewer mains have generally been funded by either developers or assessments.

Developer Built: In the case where a developer has built a Water sewer-main and then turned it over to the City, the costs of those Water sewer mains were born by the developer and passed on to the individuals buying the platted lots as part of the purchase of the lots. Developers will not be charged an availability charge when they build a new Water sewer main or extend an existing Water sewer main for multiple lots provided they turnover ownership of the Water sewer-main upon completion and passed an inspection by the City Engineer. If the City incurred costs to provide a stub to the end of a right of way for a future Water sewer main, the developer will have to pay the costs of that stub.

The original lots in a platted subdivision will be not be assessed or charged an availability charge. However, if any lot is further subdivided, the new lot(s) will be charged an availability charge of \$5,000.

Assessed Properties: In cases, where the City builds a Water sewer-main through the assessment process, the City will establish availabilities at the time of the assessment hearing.

Future Connections: Every connection to the system will have an availability charge of \$5,000 \$2,500 except in the following conditions:

- a. Each original lot in a subdivision: Original lots created through the subdivision process will not have an availability charge.

Handbook for the City of Hermantown		
X Policy – Resolution 2022-30		Procedure
Date Adopted 3/21/2022	Title: <u>Water</u> Sewer Availability Charges	Section: Public Works
Revision Dates:		Page: 4 of 4

- b. Each assessed lot: In cases where a lot has been assessed for the cost of a Water sewer main but has not yet connected; the initial connection will have no additional availability charge.
- c. Lots with specific availabilities listed in the resolution at the time of creating the original assessment or availability.

DRAFT

Handbook for the City of Hermantown		
X Policy – Resolution 2024-xx		Procedure
Date Adopted	Title: Water Availability Charges	Section: Public Works
Revision Dates:		Page: 1 of 2

Purpose: The purpose of this policy is to establish availability charges to the City Water. Availability charges are intended to provide revenue to the City to care for the overall Water system by recognizing the value of the Water to the affected property owner.

Definitions

Water Mains: Water Main pipes built with the specific intent of allowing individual service lines to be connected to them. Water mains are typically built by developers to provide Water to newly created lots and are meant to have individual service lines connected to it from the homes on those lots. A Water main could also be built by the City through a competitive bid process in response to a petition from existing homeowners.

Service lines: Lines connecting a residence or business to a Water main. The pipe is meant only to serve one building.

Connection of the system

The City Water mains have generally been funded by either developers or assessments.

Developer Built: In the case where a developer has built a Water main and then turned it over to the City, the costs of those Water mains were born by the developer and passed on to the individuals buying the platted lots as part of the purchase of the lots. Developers will not be charged an availability charge when they build a new Water main or extend an existing Water main for multiple lots provided they turnover ownership of the Water main upon completion and passed an inspection by the City Engineer. If the City incurred costs to provide a stub to the end of a right of way for a future Water main, the developer will have to pay the costs of that stub.

The original lots in a platted subdivision will be not be assessed or charged an availability charge. However, if any lot is further subdivided, the new lot(s) will be charged an availability charge of \$2,500.

Assessed Properties: In cases, where the City builds a Water main through the assessment process, the City will establish availabilities at the time of the assessment hearing.

Future Connections: Every connection to the system will have an availability charge of \$2,500 except in the following conditions:

- a. Each original lot in a subdivision: Original lots created through the subdivision process will not have an availability charge.

Handbook for the City of Hermantown		
X Policy – Resolution 2024-xx		Procedure
Date Adopted	Title: Water Availability Charges	Section: Public Works
Revision Dates:		Page: 2 of 2

- b. Each assessed lot: In cases where a lot has been assessed for the cost of a Water main but has not yet connected; the initial connection will have no additional availability charge.
- c. Lots with specific availabilities listed in the resolution at the time of creating the original assessment or availability.

DRAFT



CITY COUNCIL MEETING DATE: February 5, 2024

TO: Mayor & City Council

FROM: Trish Crego, Utility and Infrastructure Director

SUBJECT: Active Transportation Solicitation Grant from MNDOT

RESOLUTION: 2024-20 **ORDINANCE:** **OTHER:**

REQUESTED ACTION

Approve a grant application for City of Hermantown Commuter Trail Segments 3 and 4.

BACKGROUND

The City applying for the AT funding available through MNDOT. This solicitation is for project construction in fiscal year 2025. Maximum funding awards are set by each Area Transportation Partnership. These trail segments are for planned 2025 work on segments 3 and 4 will be .8-miles each of the City of Hermantown Commuter Trail and connect our two largest parks together as well as bring the trail to the City's southern edge near the intersection Stebner and Getchell Road.

SOURCE OF FUNDS (if applicable)

N/A

ATTACHMENTS

Resolution
Grant Overview
Segment Maps

Resolution No. 2024-20

Resolution Authorizing The City Of Hermantown To Sponsor the Active Transportation Program Grant Funding Request Associated With The Construction Of Hermantown Community Connector Trail From Hermantown Road To Morris Thomas Road and Keene Creek Park to Stebner Road

BE IT RESOLVED by the city council of the City of Hermantown, Minnesota, as follows:

WHEREAS, the City of Hermantown has the legal authority to sponsor a grant funding request to Minnesota Department of Transportation for the Active Transportation (AT) Infrastructure Grant (STATE) for the Accessible Trail Project (PROJECT), in order to provide an accessible trail surface from Hermantown Road to Morris Thomas Road and Keene Creek Park to Stebner Road, known as trail Segments 3 and 4 as Part of The Hermantown Community Connector Trail System; and

WHEREAS, the City is fully aware of the information provided in the funding request, including any non-state match and any other long-term commitments as defined in the funding request including the funding of engineering, right of way acquisition, inspection, and other non-AT eligible costs, as well as AT-eligible items in excess of the AT Infrastructure grant amount. The applicant understands this eligibility requirement; and

WHEREAS, that, if selected for funding by the STATE, the City shall act as a legal sponsor for the PROJECT as funded by the MN Department of Transportation and that the Community Development Director is hereby authorized to apply to the STATE for funding of this project on behalf of the City; and

WHEREAS, the City of Hermantown has not incurred any development costs; and

WHEREAS, that upon approval of its application by the STATE, the City may enter into an agreement with the STATE for the above referenced project, and that the City certifies that it will comply with all applicable laws and regulations as stated in the grant contract

NOW, THEREFORE BE IT RESOLVED that the City Administrator is hereby authorized to execute such agreements as are necessary to implement the project on behalf of the City of Hermantown.

Councilor _____ introduced the foregoing resolution and moved its adoption.

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

Councilors _____, and Mayor Boucher, aye.

and the following voted in opposition thereto:

None.

WHEREUPON, such resolution was declared duly passed and adopted February 5, 2024.

Program Overview

The Minnesota Active Transportation (AT) Program was established by the Minnesota Legislature in 2017 and is defined in [Minnesota Statute 174.38](#). MnDOT Office of State Aid for Local Transportation (SALT) and the Office of Transit and Active Transportation (OTAT) share responsibilities for the administration and oversight of the AT program. SALT administers solicitations for the AT infrastructure funds to local agencies (city, county, township), federally recognized Indian tribes, and tax-exempt organizations. OTAT administers solicitations for non-infrastructure AT funds under separate solicitations. For this 2023 AT Infrastructure Solicitation, a total of \$13.2 million in grant funds are available.

Program Goal

SALT administers the state AT infrastructure program with guidance from the 2023 AT & Safe Routes to School (SRTS) Infrastructure Advisory Committee. The process, criteria, and prioritization for the solicitation are required by statute to establish a geographic equity-based project evaluation and selection process that is competitive, criteria-based, and objective. Projects are selected and approved by the 2023 AT & SRTS Infrastructure Advisory Committee to provide financial assistance to eligible recipients to construct pedestrian and bicycle infrastructure improvements.

Solicitation Timeline

The solicitation schedule for funding is provided below.

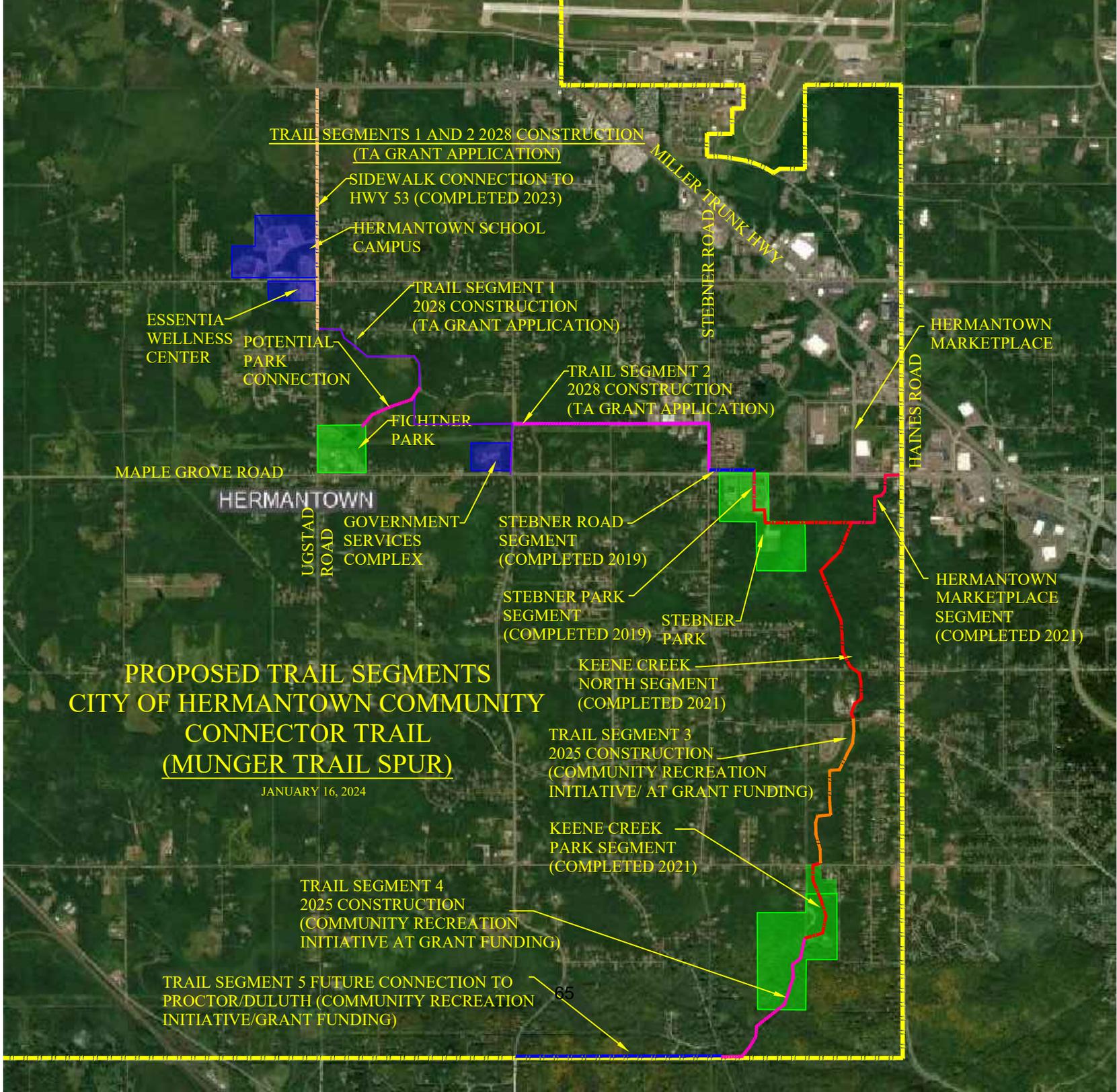
- **Monday, October 9th, 2023** – AT Infrastructure Program solicitation kick-off. Open letter of intent period
- **Thursday, November 9th, 2023** – Deadline for applicants to submit letters of intent
- **Wednesday, November 22nd, 2023** – Deadline for MnDOT to review letters of intent. Recommendation to proceed with full application sent to applicants.
- **Monday, November 27th, 2023** – Opening date for full application submittals
- **Friday, February 2nd, 2024** – Deadline for applicants to submit full applications
- **April or May, 2024** – Project selection finalized and award letters distributed to selected projects pending volume of applications received

Funding Availability

AT infrastructure funding does not require any match by the grant recipient, and grants are paid on a reimbursable basis (the grantee finances 100% of the project cost up front and submits pay requests for reimbursement). Grant requests must be between \$50,000 and \$1,000,000. The grant funds are intended to fund standalone AT projects or provide the required match for a federally funded project that includes active transportation components. Applicants may also submit multiple applications for different AT projects in and around their community but only one funding type for each project location. Regardless of which project type is chosen, construction cannot begin until a grant agreement is executed between MnDOT and the applicant agency.

**PROPOSED TRAIL SEGMENTS
CITY OF HERMANTOWN COMMUNITY
CONNECTOR TRAIL
(MUNGER TRAIL SPUR)**

JANUARY 16, 2024



TRAIL SEGMENTS 1 AND 2 2028 CONSTRUCTION
(TA GRANT APPLICATION)

SIDEWALK CONNECTION TO
HWY 53 (COMPLETED 2023)

HERMANTOWN SCHOOL
CAMPUS

ESSENTIA
WELLNESS
CENTER

POTENTIAL
PARK
CONNECTION

TRAIL SEGMENT 1
2028 CONSTRUCTION
(TA GRANT APPLICATION)

FICHTNER
PARK

TRAIL SEGMENT 2
2028 CONSTRUCTION
(TA GRANT APPLICATION)

MAPLE GROVE ROAD

HERMANTOWN

UGSTAD
ROAD

GOVERNMENT
SERVICES
COMPLEX

STEBNER ROAD
SEGMENT
(COMPLETED 2019)

STEBNER PARK
SEGMENT
(COMPLETED 2019)

STEBNER
PARK

HERMANTOWN
MARKETPLACE

HAINES ROAD

HERMANTOWN
MARKETPLACE
SEGMENT
(COMPLETED 2021)

KEENE CREEK
NORTH SEGMENT
(COMPLETED 2021)

TRAIL SEGMENT 3
2025 CONSTRUCTION
(COMMUNITY RECREATION
INITIATIVE/ AT GRANT FUNDING)

KEENE CREEK
PARK SEGMENT
(COMPLETED 2021)

TRAIL SEGMENT 4
2025 CONSTRUCTION
(COMMUNITY RECREATION
INITIATIVE AT GRANT FUNDING)

TRAIL SEGMENT 5 FUTURE CONNECTION TO
PROCTOR/DULUTH (COMMUNITY RECREATION
INITIATIVE/GRANT FUNDING)

65



CITY COUNCIL MEETING DATE: February 5, 2024

TO: Mayor & City Council

FROM: Trish Crego, Infrastructure and Utility Director

SUBJECT: Request for Bridge Bonding – Hermantown Road

RESOLUTION: 2024-21 **ORDINANCE:** **OTHER:**

REQUESTED ACTION

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

BACKGROUND

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

SOURCE OF FUNDS (if applicable)

N/A

ATTACHMENTS

Resolution
Funding Application

Resolution No. 2024-21

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

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

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

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

Old Bridge Number	Road Number and Name	Crossing	LPI	Total Project Cost	Township or State Bridge Funds Requested	Federal Funds	Local Funds	Proposed Construction Year
BR-7724	Hermantown Road	Rocky Run		\$655,000 \$1,235,973	\$505,000 \$899,154	\$0	\$150,000 \$336,819	2024

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

Councilor _____ introduced the foregoing resolution and moved its adoption as amended above.

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 _____, Mayor Boucher, aye.

and the following voted in opposition thereto:

None.

WHEREUPON, such resolution was declared duly passed and adopted February 5, 2024.



APPLICATION FOR BRIDGE FUNDS

State of Minnesota - Department of Transportation
State Aid for Local Transportation

Identification	Project Number _____	Old Bridge Number _____	
	New Bridge No. _____	Over _____	
	County of _____	Road or Street No. _____	
	Township of _____	Road or Street Name _____	
	Municipality of _____	Proposed Const Year _____	
	Does the municipality have a population of 5,000 or less? <input type="checkbox"/> Yes <input type="checkbox"/> No		
Eligibility	Local Bridge Planning Index (LPI) _____		
	NBI Appraisal Ratings: Deck Geometry _____ Approach Roadway _____ Waterway Adequacy _____		
	Date of Council/Board action prioritizing this bridge _____		
	Is this a road-in-lieu of bridge project? <input type="checkbox"/> Yes <input type="checkbox"/> No		
Prioritization	How many people are affected by this deficiency? _____ What is the ADT on this bridge? _____		
	Describe the economic importance of replacing this bridge.		
	Is the road designated or planned to be designated as a Minimum Maintenance road? <input type="checkbox"/> Yes <input type="checkbox"/> No		
	(Attach additional sheets for explanation if necessary)		
	Is the township net tax capacity less than \$300,000? <input type="checkbox"/> Yes <input type="checkbox"/> No		
Cost Estimate	Is the bridge listed on the National Register of Historic Places or been determined to be eligible? <input type="checkbox"/> Yes <input type="checkbox"/> No		
	National Register of Historic Places link here: http://www.nps.gov/history/nr/research/		
		Eligible Amount	Ineligible Amount
	Structure Costs	\$ _____	\$ _____
	Approach Costs	\$ _____	\$ _____
	Engineering Costs	\$ _____	\$ _____
Total Costs	\$ _____	\$ _____	
Total Project Cost	\$ _____	\$ _____	
County/City Engineer _____ Date _____			
DSAE	DISTRICT STATE AID ENGINEER RECOMMENDATION		
	Replace _____	Defer _____	
Approval	District State Aid Engineer Signature _____ Date _____		
	STATE AID USE ONLY	Federal-Aid	\$ _____
		State-Aid	\$ _____
		Local/Other	\$ _____
		Town Bridge	\$ _____
		Unallocated Town Bridge	\$ _____
		State Bridge Funds	\$ _____
	Total 68	\$ _____	



332 West Superior Street
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Duluth, MN 55803

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www.msa-ps.com

January 30, 2024

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

Re: Pay Application #7
SP 202-101-014, SP 202-104-012
Ugstad Rd & Arrowhead Rd Improvements

Dear Mr. Mulder,

Enclosed is the following document recommended for approval at the next council meeting.

1. Pay Application #7 in the amount of \$184,300.84 to Ulland Brothers, Inc, the project prime contractor. This amount is for:
 - a. Final quantities of bituminous pavement, mailbox supports, traffic control, and clearing and grubbing.
 - b. Reduction in the retainage amount from 5% to 2.5%. The project is substantially complete with a few remaining punchlist items to be completed in the spring. Value of retainage withheld still exceeds value of work left to complete.

Sincerely,

MSA Professional Services, Inc.

A handwritten signature in black ink that reads "James A. Watters". The signature is fluid and cursive, with a long horizontal stroke at the end.

James Watters, PE
Project Manager

Resolution No. 2024-22

Resolution Approving Pay Request Number 2 For Road Improvement District 534 To Ulland Brothers, Inc In the Amount Of \$184,300.84

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. 7 in the amount of \$184,300.84; 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. 7 provided that \$113,834.59 as retainage of 2.5% of total work completed 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. 7 is hereby approved.
2. The City is hereby authorized and directed to pay to Ulland Brothers, Inc. the sum of \$184,300.84 which is the amount represented on Pay Request No. 7.

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 _____, Mayor Boucher, aye.

and the following voted in opposition thereto:

None.

WHEREUPON, such resolution has been duly passed and adopted February 5, 2024.



Contractor's Application for Payment No. 7

To (Owner): City of Hermantown	Application Period: 11/10/2023 to 1/29/2024	Application Date: 1/29/2024
Project: UGSTAD RD & W ARROWHEAD RD IMPROVEMENTS S.P. 202-101-014 & S.P. 202-104-012	From (Contractor): Ulland Brothers Inc.	Via (Engineer): MSA Professional Services, Inc.
Owner's Contract No.:	Contract: SP 202-101-014, 202-104-012	Engineer's Project No.: 7994015

Application For Payment
Change Order Summary

Approved Change Orders	Number	Additions	Deductions
	1	\$0.00	
	2	\$6,625.00	
	3	\$45,123.20	
	4	\$0.00	
	5	\$11,068.20	
	6	\$0.00	
	7	\$9,308.60	
	8	\$74,550.00	
	9	\$3,312.00	
	10	\$60,085.20	
	11	\$4,650.00	
	12	\$18,070.08	
	13	\$3,723.20	
	14	\$21,556.00	
	15	\$2,574.00	
	16	\$1,258.00	
	17	\$16,416.00	
TOTALS	\$	278,319.48	\$ -
NET CHANGE BY CHANGE ORDERS	\$		278,319.48

1. ORIGINAL CONTRACT PRICE.....	\$	\$4,198,170.00
2. Net change by Change Orders.....	\$	\$278,319.48
3. Current Contract Price (Line 1 ± 2).....	\$	\$4,476,489.48
4. TOTAL COMPLETED AND STORED TO DATE (Column F or I total on Progress Estimates).....	\$	\$4,553,383.66
5. RETAINAGE:		
a. 2.5% X \$4,553,383.66 Work Completed.....	\$	\$113,834.59
b. 0% X \$0.00 Stored Material.....	\$	\$0.00
c. Total Retainage (Line 5.a + Line 5.b).....	\$	\$113,834.59
6. AMOUNT ELIGIBLE TO DATE (Line 4 - Line 5.c).....	\$	\$4,439,549.06
7. LESS PREVIOUS PAYMENTS (Line 6 from prior Application).....	\$	\$4,255,248.22
8. AMOUNT DUE THIS APPLICATION.....	\$	\$184,300.84
9. BALANCE TO FINISH, PLUS RETAINAGE (Column [G for LS] or [J for UP] total on Progress Estimates + Line 5.c above).....	\$	\$36,940.42

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: Date: 1-30-24

Payment of: \$ 184,300.84
(Line 8 or other - attach explanation of the other amount)

is recommended by: 01/30/2024
James Watters, PE (Engineer) (Date)

Payment of: \$ 184,300.84
(Line 8 or other - attach explanation of the other amount)

is approved by: 1/30/24
David Bolf, PE (City Engineer) (Date)

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

Progress Estimate - Unit Price Work

Contractor's Application

For (Contract): SP 202-101-014, 202-104-012												Application Number: 7			
Application Period: 11/10/2023 to 1/29/2024												Application Date: 1/29/2024			
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				
1		MOBILIZATION	1	LUMP SUM	\$24,996.80	\$24,996.80	1.0		\$0.00	1.0	\$24,996.80	\$0.00	\$24,996.80	100.0%	\$0.00
2		CLEARING AND GRUBBING	1	LUMP SUM	\$1,600.00	\$1,600.00	0	1	\$1,600.00	1	\$1,600.00	\$0.00	\$1,600.00	100.0%	\$0.00
3		REMOVE CASTING	50	EACH	\$100.00	\$5,000.00	50		\$0.00	50	\$5,000.00	\$0.00	\$5,000.00	100.0%	\$0.00
4		REMOVE DRAINAGE STRUCTURE	19	EACH	\$400.00	\$7,600.00	21		\$0.00	21	\$8,400.00	\$0.00	\$8,400.00	110.5%	-\$800.00
5		REMOVE MAIL BOX SUPPORT	58	EACH	\$130.00	\$7,540.00	58	9	\$1,170.00	67	\$8,710.00	\$0.00	\$8,710.00	115.5%	-\$1,170.00
6		REMOVE SIGN TYPE C	113	EACH	\$50.00	\$5,650.00	113		\$0.00	113	\$5,650.00	\$0.00	\$5,650.00	100.0%	\$0.00
7		SALVAGE PIPE APRON	2	EACH	\$600.00	\$1,200.00	1		\$0.00	1	\$600.00	\$0.00	\$600.00	50.0%	\$600.00
8		SALVAGE SIGN TYPE C	20	EACH	\$50.00	\$1,000.00	20		\$0.00	20	\$1,000.00	\$0.00	\$1,000.00	100.0%	\$0.00
9		REMOVE BITUMINOUS CURB	605	LIN FT	\$3.00	\$1,815.00	419		\$0.00	419	\$1,257.00	\$0.00	\$1,257.00	69.3%	\$558.00
10		REMOVE CURB AND GUTTER	11,676	LIN FT	\$2.70	\$31,525.20	11898		\$0.00	11898	\$32,124.60	\$0.00	\$32,124.60	101.9%	-\$599.40
11		REMOVE PIPE CULVERTS	70	LIN FT	\$14.00	\$980.00	70		\$0.00	70	\$980.00	\$0.00	\$980.00	100.0%	\$0.00
12		REMOVE SEWER PIPE (STORM)	1,224	LIN FT	\$15.00	\$18,360.00	1140		\$0.00	1140	\$17,100.00	\$0.00	\$17,100.00	93.1%	\$1,260.00
13		REMOVE BITUMINOUS PAVEMENT	19,064	SQ YD	\$3.75	\$71,490.00	19555		\$0.00	19555	\$73,331.25	\$0.00	\$73,331.25	102.6%	-\$1,841.25
14		REMOVE CONCRETE WALK	3,725	SQ YD	\$11.00	\$40,975.00	4398		\$0.00	4398	\$48,378.00	\$0.00	\$48,378.00	118.1%	-\$7,403.00
15		GRANULAR EMBANKMENT (CV) (P)	670	CU YD	\$29.00	\$19,430.00	670		\$0.00	670	\$19,430.00	\$0.00	\$19,430.00	100.0%	\$0.00
16		COMMON EMBANKMENT (CV) (P)	4,075	CU YD	\$5.20	\$21,190.00	4075		\$0.00	4075	\$21,190.00	\$0.00	\$21,190.00	100.0%	\$0.00
17		EXCAVATION - COMMON (P)	16,540	CU YD	\$12.00	\$198,480.00	16540		\$0.00	16540	\$198,480.00	\$0.00	\$198,480.00	100.0%	\$0.00
18		SELECT GRANULAR EMBANKMENT MOD 7% (CV) (P)	7,165	CU YD	\$24.00	\$171,960.00	6091		\$0.00	6091	\$146,184.00	\$0.00	\$146,184.00	85.0%	\$25,776.00
19		HAUL & DISPOSE OF CONTAMINATED SOIL	25	CU YD	\$105.00	\$2,625.00	0		\$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	17343		\$0.00	17343	\$55,497.60	\$0.00	\$55,497.60	99.6%	\$198.40
21		STREET SWEEPER (WITH PICKUP BROOM)	150	HOURL	\$205.00	\$30,750.00	92		\$0.00	92	\$18,860.00	\$0.00	\$18,860.00	61.3%	\$11,890.00
22		AGGREGATE BASE (CV) CLASS 5 (P)	7,545	CU YD	\$41.00	\$309,345.00	7545		\$0.00	7545	\$309,345.00	\$0.00	\$309,345.00	100.0%	\$0.00
23		AGGREGATE SURFACING (CV) CLASS 5 (P)	265	CU YD	\$95.00	\$25,175.00	268		\$0.00	268	\$25,412.50	\$0.00	\$25,412.50	100.9%	-\$237.50
24		FULL DEPTH RECLAMATION	10,445	SQ YD	\$1.20	\$12,534.00	10445		\$0.00	10445	\$12,534.00	\$0.00	\$12,534.00	100.0%	\$0.00
25		HAUL FULL DEPTH RECLAMATION (LV)	430	CU YD	\$17.00	\$7,310.00	430		\$0.00	430	\$7,310.00	\$0.00	\$7,310.00	100.0%	\$0.00
26		MILL BITUMINOUS SURFACE (3.0")	23,670	SQ YD	\$2.50	\$59,175.00	23258		\$0.00	23258	\$58,145.00	\$0.00	\$58,145.00	98.3%	\$1,030.00
27		TYPE 12.5 BIT MIXTURE FOR PATCHING	900	SQ YD	\$29.50	\$26,550.00	557		\$0.00	557	\$16,431.50	\$0.00	\$16,431.50	61.9%	\$10,118.50
28		TYPE SP 9.5 BITUMINOUS MIXTURE FOR PATCHING	306	TON	\$355.00	\$108,630.00	305		\$0.00	305	\$108,275.00	\$0.00	\$108,275.00	99.7%	\$355.00
29		TYPE SP 9.5 WEARING COURSE MIXTURE (3,B)	4,220	TON	\$88.00	\$371,360.00	1348		\$0.00	1348	\$118,624.00	\$0.00	\$118,624.00	31.9%	\$252,736.00
30		TYPE SP 9.5 WEARING COURSE MIXTURE (3,C)	5,185	TON	\$94.00	\$487,390.00	6810		\$0.00	6810	\$640,140.00	\$0.00	\$640,140.00	131.3%	-\$152,750.00
31		TYPE SP 12.5 NON WEARING COURSE MIXTURE (3,C)	1,885	TON	\$96.00	\$180,960.00	3320	660	\$63,360.00	3980	\$382,080.00	\$0.00	\$382,080.00	211.1%	-\$201,120.00
32		12" RC PIPE APRON	4	EACH	\$1,400.00	\$5,600.00	3		\$0.00	3	\$4,200.00	\$0.00	\$4,200.00	75.0%	\$1,400.00
33		15" RC PIPE APRON	7	EACH	\$1,500.00	\$10,500.00	7		\$0.00	7	\$10,500.00	\$0.00	\$10,500.00	100.0%	\$0.00
34		24" RC PIPE APRON	4	EACH	\$1,800.00	\$7,200.00	4		\$0.00	4	\$7,200.00	\$0.00	\$7,200.00	100.0%	\$0.00
35		30" RC PIPE APRON	2	EACH	\$2,300.00	\$4,600.00	2		\$0.00	2	\$4,600.00	\$0.00	\$4,600.00	100.0%	\$0.00
36		28" SPAN RC PIPE-ARCH APRON	7	EACH	\$2,000.00	\$14,000.00	7		\$0.00	7	\$14,000.00	\$0.00	\$14,000.00	100.0%	\$0.00
37		36" SPAN RC PIPE-ARCH APRON	4	EACH	\$2,800.00	\$11,200.00	4		\$0.00	4	\$11,200.00	\$0.00	\$11,200.00	100.0%	\$0.00
38		4" PERF PVC PIPE DRAIN	8,594	LIN FT	\$11.00	\$94,534.00	8176		\$0.00	8176	\$89,936.00	\$0.00	\$89,936.00	95.1%	\$4,598.00
39		12" RC PIPE SEWER DESIGN 3006	110	LIN FT	\$96.00	\$10,560.00	107		\$0.00	107	\$10,272.00	\$0.00	\$10,272.00	97.3%	\$288.00
40		15" RC PIPE SEWER DESIGN 3006	366	LIN FT	\$100.00	\$36,600.00	360		\$0.00	360	\$36,000.00	\$0.00	\$36,000.00	98.4%	\$600.00
41		18" RC PIPE SEWER DESIGN 3006	79	LIN FT	\$105.00	\$8,295.00	79		\$0.00	79	\$8,295.00	\$0.00	\$8,295.00	100.0%	\$0.00
42		24" RC PIPE SEWER DESIGN 3006	109	LIN FT	\$130.00	\$14,170.00	110		\$0.00	110	\$14,300.00	\$0.00	\$14,300.00	100.9%	-\$130.00
43		30" RC PIPE SEWER DESIGN 3006	16	LIN FT	\$190.00	\$3,040.00	16		\$0.00	16	\$3,040.00	\$0.00	\$3,040.00	100.0%	\$0.00
44		28" SPAN RC PIPE-ARCH SEWER CLASS IIA	575	LIN FT	\$170.00	\$97,750.00	564		\$0.00	564	\$95,880.00	\$0.00	\$95,880.00	98.1%	\$1,870.00
45		36" SPAN RC PIPE-ARCH SEWER CLASS IIA	187	LIN FT	\$220.00	\$41,140.00	191		\$0.00	191	\$42,020.00	\$0.00	\$42,020.00	102.1%	-\$880.00
46		CONNECT TO EXISTING STORM SEWER	6	EACH	\$2,300.00	\$13,800.00	6		\$0.00	6	\$13,800.00	\$0.00	\$13,800.00	100.0%	\$0.00
47		3" POLYSTYRENE INSULATION	100	SQ YD	\$36.00	\$3,600.00	22		\$0.00	22	\$792.00	\$0.00	\$792.00	22.0%	\$2,808.00
48		ADJUST VALVE BOX	21	EACH	\$500.00	\$10,500.00	19		\$0.00	19	\$9,500.00	\$0.00	\$9,500.00	90.5%	\$1,000.00
49		ADJUST CURB STOP	2	EACH	\$250.00	\$500.00	2		\$0.00	2	\$500.00	\$0.00	\$500.00	100.0%	\$0.00

Progress Estimate - Unit Price Work

Contractor's Application

For (Contract): SP 202-101-014, 202-104-012											Application Number: 7						
Application Period: 11/10/2023 to 1/29/2024											Application Date: 1/29/2024						
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
50		CONNECT TO EXISTING WATER MAIN			2	EACH	\$6,000.00	\$12,000.00	1		\$0.00	1	\$6,000.00	\$0.00	\$6,000.00	50.0%	\$6,000.00
51		HYDRANT			5	EACH	\$11,000.00	\$55,000.00	5		\$0.00	5	\$55,000.00	\$0.00	\$55,000.00	100.0%	\$0.00
52		CASTING ASSEMBLY			51	EACH	\$830.00	\$42,330.00	50		\$0.00	50	\$41,500.00	\$0.00	\$41,500.00	98.0%	\$830.00
53		CONSTRUCT DRAINAGE STRUCTURE DESIGN 48-4020			8	EACH	\$5,300.00	\$42,400.00	8		\$0.00	8	\$42,400.00	\$0.00	\$42,400.00	100.0%	\$0.00
54		CONSTRUCT DRAINAGE STRUCTURE DESIGN 60-4020			11	EACH	\$7,100.00	\$78,100.00	10		\$0.00	10	\$71,000.00	\$0.00	\$71,000.00	90.9%	\$7,100.00
55		CONSTRUCT DRAINAGE STRUCTURE DESIGN 72-4020			4	EACH	\$9,100.00	\$36,400.00	3		\$0.00	3	\$27,300.00	\$0.00	\$27,300.00	75.0%	\$9,100.00
56		CONSTRUCT DRAINAGE STRUCTURE DESIGN 84-4020			1	EACH	\$11,900.00	\$11,900.00	2		\$0.00	2	\$23,800.00	\$0.00	\$23,800.00	200.0%	-\$11,900.00
57		CONSTRUCT DRAINAGE STRUCTURE DESIGN G			20	EACH	\$4,000.00	\$80,000.00	20		\$0.00	20	\$80,000.00	\$0.00	\$80,000.00	100.0%	\$0.00
58		CONSTRUCT DRAINAGE STRUCTURE DESIGN H			1	EACH	\$3,400.00	\$3,400.00	1		\$0.00	1	\$3,400.00	\$0.00	\$3,400.00	100.0%	\$0.00
59		RANDOM RIPRAP CLASS II			61	CU YD	\$69.00	\$4,209.00	39		\$0.00	39	\$2,656.50	\$0.00	\$2,656.50	63.1%	\$1,552.50
60		4" CONCRETE WALK			57,662	SQ FT	\$4.90	\$282,543.80	60732		\$0.00	60732	\$297,586.80	\$0.00	\$297,586.80	105.3%	-\$15,043.00
61		6" CONCRETE WALK			7,742	SQ FT	\$9.50	\$73,549.00	5554		\$0.00	5554	\$52,763.00	\$0.00	\$52,763.00	71.7%	\$20,786.00
62		DRILL AND GROUT REINF BAR (EPOXY COATED)			556	EACH	\$8.50	\$4,726.00	592		\$0.00	592	\$5,032.00	\$0.00	\$5,032.00	106.5%	-\$306.00
63		CONCRETE CURB AND GUTTER DESIGN S524			16,169	LIN FT	\$20.90	\$337,932.10	16594		\$0.00	16594	\$346,804.15	\$0.00	\$346,804.15	102.6%	-\$8,872.05
64		6" CONCRETE DRIVEWAY PAVEMENT			747	SQ YD	\$95.00	\$70,965.00	836		\$0.00	836	\$79,420.00	\$0.00	\$79,420.00	111.9%	-\$8,455.00
65		8" CONCRETE DRIVEWAY PAVEMENT			120	SQ YD	\$109.00	\$13,080.00	130		\$0.00	130	\$14,170.00	\$0.00	\$14,170.00	108.3%	-\$1,090.00
66		TRUNCATED DOMES			379	SQ FT	\$50.00	\$18,950.00	426		\$0.00	426	\$21,300.00	\$0.00	\$21,300.00	112.4%	-\$2,350.00
67		CONSTRUCT SURVEY MONUMENT			3	EACH	\$860.00	\$2,580.00	0		\$0.00		\$0.00	\$0.00	\$0.00	0.0%	\$2,580.00
68		MAIL BOX SUPPORT			58	EACH	\$205.00	\$11,890.00	63	4	\$820.00	67	\$13,735.00	\$0.00	\$13,735.00	115.5%	-\$1,845.00
69		TRAFFIC CONTROL			1	LUMP SUM	\$28,900.00	\$28,900.00	0.75	0.25	\$7,225.00	1.00	\$28,900.00	\$0.00	\$28,900.00	100.0%	\$0.00
70		INSTALL SIGN TYPE C			16	EACH	\$250.00	\$4,000.00	16		\$0.00	16	\$4,000.00	\$0.00	\$4,000.00	100.0%	\$0.00
71		SIGN PANELS TYPE C			260	SQ FT	\$96.00	\$24,960.00	279		\$0.00	279	\$26,736.00	\$0.00	\$26,736.00	107.1%	-\$1,776.00
72		FLASHING BEACON SYSTEM			4	SYS	\$8,750.00	\$35,000.00	4		\$0.00	4	\$35,000.00	\$0.00	\$35,000.00	100.0%	\$0.00
73		PEDESTRIAN CROSSWALK FLASHER SYSTEM			4	SYS	\$9,100.00	\$36,400.00	6		\$0.00	6	\$54,600.00	\$0.00	\$54,600.00	150.0%	-\$18,200.00
74		STABILIZED CONSTRUCTION EXIT			1	LUMP SUM	\$7,000.00	\$7,000.00	0		\$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	73		\$0.00	73	\$13,870.00	\$0.00	\$13,870.00	107.4%	-\$950.00
76		SILT FENCE, TYPE MS			8,305	LIN FT	\$2.50	\$20,762.50	8993		\$0.00	8993	\$22,482.50	\$0.00	\$22,482.50	108.3%	-\$1,720.00
77		COMMON TOPSOIL BORROW			1,214	CU YD	\$39.00	\$47,346.00	1346		\$0.00	1346	\$52,494.00	\$0.00	\$52,494.00	110.9%	-\$5,148.00
78		FERTILIZER TYPE 3			802	LBS	\$1.00	\$802.00	509		\$0.00	509	\$509.00	\$0.00	\$509.00	63.5%	\$293.00
79		SODDING TYPE LAWN			1,915	SQ YD	\$12.20	\$23,363.00	2445		\$0.00	2445	\$29,829.00	\$0.00	\$29,829.00	127.7%	-\$6,466.00
80		ROLLED EROSION PREVENTION CATEGORY 25			10,610	SQ YD	\$2.05	\$21,750.50	12275		\$0.00	12275	\$25,163.75	\$0.00	\$25,163.75	115.7%	-\$3,413.25
81		SEEDING			2	ACRE	\$550.00	\$1,320.00	2.54		\$0.00	2.54	\$1,397.00	\$0.00	\$1,397.00	105.8%	-\$77.00
82		SEED MIXTURE 25-141			173	LBS	\$10.00	\$1,730.00	151		\$0.00	151	\$1,505.00	\$0.00	\$1,505.00	87.0%	\$225.00
83		INTERIM PAVEMENT MARKING			27,210	LIN FT	\$0.30	\$8,163.00	14403		\$0.00	14403	\$4,320.90	\$0.00	\$4,320.90	52.9%	\$3,842.10
84		4" DOUBLE SOLID LINE MULTI-COMPONENT GROUND IN			13,005	LIN FT	\$1.05	\$13,655.25	12265		\$0.00	12265	\$12,878.25	\$0.00	\$12,878.25	94.3%	\$777.00
85		4" SOLID LINE MULTI-COMPONENT GROUND IN			26,159	LIN FT	\$0.55	\$14,387.45	24420		\$0.00	24420	\$13,430.73	\$0.00	\$13,430.73	93.4%	\$956.73
86		12" SOLID LINE MULTI-COMPONENT GROUND IN			210	LIN FT	\$12.30	\$2,583.00	251		\$0.00	251	\$3,087.30	\$0.00	\$3,087.30	119.5%	-\$504.30
87		24" SOLID LINE MULTI-COMPONENT GROUND IN			110	LIN FT	\$13.20	\$1,452.00	148		\$0.00	148	\$1,953.60	\$0.00	\$1,953.60	134.5%	-\$501.60
88		4" BROKEN LINE MULTI-COMPONENT GROUND IN			160	LIN FT	\$0.55	\$88.00	834		\$0.00	834	\$458.70	\$0.00	\$458.70	521.3%	-\$370.70
89		CROSSWALK MULTI-COMPONENT GROUND IN			462	SQ FT	\$12.30	\$5,682.60	630		\$0.00	630	\$7,749.00	\$0.00	\$7,749.00	136.4%	-\$2,066.40
90		PAVEMENT MESSAGE MULTI-COMPONENT GROUND IN			656	SQ FT	\$12.30	\$8,068.80	656		\$0.00	656	\$8,068.80	\$0.00	\$8,068.80	100.0%	\$0.00
Contract Totals								\$4,198,170.00			\$74,175.00		\$4,272,345.00	\$0.00	\$4,272,345.00	101.8%	-\$77,232.22

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	6114		\$0.00	6114	\$7,642.50	\$0.00	\$7,642.50	115.4%	-\$1,017.50
3		ENTRANCE & UTILITIES FOR SCHOOL DISTRICT BUILDING					\$	-			\$0.00						\$0.00
		REMOVE CURB & GUTTER			60	LIN FT	\$2.70	\$ 162.00	60		\$0.00	60	\$162.00	\$0.00	\$162.00	100.0%	\$0.00
		REMOVE BITUMINOUS PAVEMENT			22	SQ YD	\$13.10	\$ 288.20	22		\$0.00	22	\$288.20	\$0.00	\$288.20	100.0%	\$0.00

Progress Estimate - Unit Price Work

Contractor's Application

For (Contract): SP 202-101-014, 202-104-012										Application Number: 7					
Application Period: 11/10/2023 to 1/29/2024										Application Date: 1/29/2024					
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
		EXCAVATION - COMMON (P)	94	CU YD	\$19.80	\$ 1,861.20	94		\$0.00	94	\$1,861.20	\$0.00	\$1,861.20	100.0%	\$0.00
		AGGREGATE BASE (CV) CLASS 5	48	CU YD	\$58.10	\$ 2,788.80	48		\$0.00	48	\$2,788.80	\$0.00	\$2,788.80	100.0%	\$0.00
		TYPE SP 9.5 BITUMINOUS MIXTURE FOR PATCHING	6	TON	\$360.00	\$ 2,160.00	6		\$0.00	6	\$2,160.00	\$0.00	\$2,160.00	100.0%	\$0.00
		WET TAP WITH 6" VALVE	1	EACH	\$8,300.00	\$ 8,300.00	1		\$0.00	0.54	\$4,482.00	\$0.00	\$4,482.00	54.0%	\$3,818.00
		WET TAP WITH HYDRANT	1	EACH	\$16,100.00	\$ 16,100.00	1		\$0.00	1	\$16,100.00	\$0.00	\$16,100.00	100.0%	\$0.00
		4" CONCRETE WALK	1,040	SQ FT	\$5.20	\$ 5,408.00	708		\$0.00	708	\$3,681.60	\$0.00	\$3,681.60	68.1%	\$1,726.40
		CONCRETE CURB & GUTTER DESIGN S524	60	LIN FT	\$22.00	\$ 1,320.00	60		\$0.00	60	\$1,320.00	\$0.00	\$1,320.00	100.0%	\$0.00
		6" CONCRETE DRIVEWAY PAVEMENT	55	SQ YD	\$102.00	\$ 5,610.00	37		\$0.00	37	\$3,753.60	\$0.00	\$3,753.60	66.9%	\$1,856.40
		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	559		\$0.00	559	\$11,068.20	\$0.00	\$11,068.20	100.0%	\$0.00
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	1		\$0.00	1	\$420.00	\$0.00	\$420.00	100.0%	\$0.00
		REMOVE PIPE CULVERT	108	CU YD	\$19.40	\$ 2,095.20	108		\$0.00	108	\$2,095.20	\$0.00	\$2,095.20	100.0%	\$0.00
		15" GS PIPE APRON	1	CU YD	\$875.00	\$ 875.00	1		\$0.00	1	\$875.00	\$0.00	\$875.00	100.0%	\$0.00
		12" CP PIPE CULVERT	108	CU YD	\$54.80	\$ 5,918.40	108		\$0.00	108	\$5,918.40	\$0.00	\$5,918.40	100.0%	\$0.00
8		UGSTAD RD PATCHING				\$ 0			\$0.00						\$0.00
		MILL BITUMINOUS SURFACE (2.0")	5,200	SQ YD	\$2.65	\$ 13,780.00	5185		\$0.00	5185	\$13,740.25	\$0.00	\$13,740.25	99.7%	\$39.75
		TYPE SP 12.5 WEARING COURSE MIXTURE (2.C)	590	TON	\$103.00	\$ 60,770.00	660		\$0.00	660	\$67,980.00	\$0.00	\$67,980.00	111.9%	-\$7,210.00
9		CALCIUM CHLORIDE	2,300	GAL	\$1.44	\$ 3,312.00	2300		\$0.00	2300	\$3,312.00	\$0.00	\$3,312.00	100.0%	\$0.00
10		UGSTAD RD ADDITIONAL MILLING & PAVING				\$ -			\$0.00						\$0.00
		MILL BITUMINOUS SURFACE (2.0")	4,010	SY	\$2.52	\$ 10,105.20	4010		\$0.00	4010	\$10,105.20	\$0.00	\$10,105.20	100.0%	\$0.00
		TYPE SP 12.5 WEARING COURSE MIXTURE (3.C)	510	TON	\$98.00	\$ 49,980.00	510		\$0.00	510	\$49,980.00	\$0.00	\$49,980.00	100.0%	\$0.00
11		HYDRANT REMOVALS				\$ -			\$0.00						\$0.00
		REMOVE HYDRANT (IN LOCATION OF NEW HYDRANT)	4	EACH	\$420.00	\$ 1,680.00	4		\$0.00	4	\$1,680.00	\$0.00	\$1,680.00	100.0%	\$0.00
		REMOVE HYDRANT (IN LOCATION WITH NO PROPOSED HYDRANT)	1	EACH	\$2,970.00	\$ 2,970.00	1		\$0.00	1	\$2,970.00	\$0.00	\$2,970.00	100.0%	\$0.00
12		ARROWHEAD RD RESIDENTIAL SERVICES & DRIVEWAY				\$ -			\$0.00						\$0.00
		SANITARY SEWER SERVICE	1	EACH	\$10,360.00	\$ 10,360.00	1		\$0.00	1	\$10,360.00	\$0.00	\$10,360.00	100.0%	\$0.00
		WATER SERVICE SYSTEM	1	EACH	\$6,420.00	\$ 6,420.00	1		\$0.00	1	\$6,420.00	\$0.00	\$6,420.00	100.0%	\$0.00
		6" CONCRETE DRIVEWAY PAVEMENT	11	SY	\$117.28	\$ 1,290.08	11		\$0.00	11	\$1,290.08	\$0.00	\$1,290.08	100.0%	\$0.00
13		30" RC PIPE CULVERT EXTENSION				\$ 0			\$0.00						\$0.00
		TRACTOR MOUNTED BACKHOE(245)	5	HOURL	\$187.00	\$ 935.00	5		\$0.00	5	\$935.00	\$0.00	\$935.00	100.0%	\$0.00
		COMMON LABORERS	8	HOURL	\$93.00	\$ 744.00	8		\$0.00	8	\$744.00	\$0.00	\$744.00	100.0%	\$0.00
		MACHINE TIME (DELIVERY OF PIPE)	2	HOURL	\$234.00	\$ 468.00	2		\$0.00	2	\$468.00	\$0.00	\$468.00	100.0%	\$0.00
		TRACTOR MOUNTED BACKHOE(345)	3	HOURL	\$226.00	\$ 678.00	3		\$0.00	3	\$678.00	\$0.00	\$678.00	100.0%	\$0.00
		3.0 CU YD FRONT END LOADER	1	HOURL	\$151.00	\$ 151.00	1		\$0.00	1	\$151.00	\$0.00	\$151.00	100.0%	\$0.00
		30" RC PIPE CULVERT	8	LIN FT	\$93.40	\$ 747.20	8		\$0.00	8	\$747.20	\$0.00	\$747.20	100.0%	\$0.00
14		UGSTAD RD - ICE ARENA WATER SERVICE, HYDRANT, PAVEMENT				\$ -			\$0.00						\$0.00
		REMOVE BITUMINOUS PAVEMENT	90	SQ YD	\$7.80	\$ 702.00	90		\$0.00	90	\$702.00	\$0.00	\$702.00	100.0%	\$0.00
		REMOVE CURB & GUTTER	50	LIN FT	\$2.70	\$ 135.00	50		\$0.00	50	\$135.00	\$0.00	\$135.00	100.0%	\$0.00
		WET TAP	1	EACH	\$3,790.00	\$ 3,790.00	1		\$0.00	1	\$3,790.00	\$0.00	\$3,790.00	100.0%	\$0.00
		6" WATERMAIN DUCTILE IRON (SERVICE)	40	LIN FT	\$118.00	\$ 4,720.00	40		\$0.00	40	\$4,720.00	\$0.00	\$4,720.00	100.0%	\$0.00
		INSTALL HYDRANT	1	EACH	\$1,830.00	\$ 1,830.00	1		\$0.00	1	\$1,830.00	\$0.00	\$1,830.00	100.0%	\$0.00
		GEOTEXTILE FABRIC TYPE 5	90	SQ YD	\$3.10	\$ 279.00	90		\$0.00	90	\$279.00	\$0.00	\$279.00	100.0%	\$0.00
		SELECT GRANULAR EMBANKMENT MOD 7% (CV)	30	CU YD	\$43.50	\$ 1,305.00	30		\$0.00	30	\$1,305.00	\$0.00	\$1,305.00	100.0%	\$0.00
		AGGREGATE BASE (CV) CLASS 5	25	CU YD	\$59.00	\$ 1,475.00	25		\$0.00	25	\$1,475.00	\$0.00	\$1,475.00	100.0%	\$0.00
		TYPE SP 12.5 WEARING COURSE MIXTURE	10	TON	\$108.00	\$ 1,080.00	10		\$0.00	10	\$1,080.00	\$0.00	\$1,080.00	100.0%	\$0.00
		ICE ARENA FRONTAGE ROAD	1	LUMP SUM	\$6,240.00	\$ 6,240.00	1		\$0.00	1	\$6,240.00	\$0.00	\$6,240.00	100.0%	\$0.00
15		WATER MAIN AND HYDRANT VALVE BOX REPAIRS				\$ -			\$0.00						\$0.00
		COMMON LABORERS	22	HOURL	\$87.00	\$ 1,914.00	22		\$0.00	22	\$1,914.00	\$0.00	\$1,914.00	100.0%	\$0.00
		TRACTOR MOUNTED BACKHOE	4	HOURL	\$165.00	\$ 660.00	4		\$0.00	4	\$660.00	\$0.00	\$660.00	100.0%	\$0.00
16		CENTURYLINK/LUMEN UTILITY RELOCATION				\$ -			\$0.00						\$0.00
		TRACTOR MOUNTED BACKHOE	8.5	HOURL	\$148.00	\$ 1,258.00	9		\$0.00	9	\$1,258.00	\$0.00	\$1,258.00	100.0%	\$0.00
17		BITUMINOUS PAVEMENT DENSITY INCENTIVES				\$ -			\$0.00						\$0.00
		SP 202-101-014 - UGSTAD RD	1	LUMP SUM	\$13,101.74	\$ 13,101.74	1		\$0.00	1	\$13,101.74	\$0.00	\$13,101.74	100.0%	\$0.00
		SP 202-104-012 - ARROWHEAD RD	1	LUMP SUM	\$3,314.26	\$ 3,314.26	1		\$0.00	1	\$3,314.26	\$0.00	\$3,314.26	100.0%	\$0.00
Change Order Totals						\$278,319.48			\$0.00		\$277,981.43	\$0.00	\$277,981.43	99.9%	\$338.05
TOTALS						\$4,476,489.48	74		\$74,175.00		\$4,553,383.66	\$0.00	\$4,553,383.66	101.7%	-\$76,894.17