



Hermantown City Council Meeting - Monday, March 18, 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, March 18, 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, March 18, 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, March 18, 2024 at 4:30 p.m.
Council Chambers, City Hall - Hermantown Governmental Services Building**

**City Council Meeting Monday, March 18, 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 24-24 through 24-31 placed on file

[5](#)

7. **PRESENTATIONS**

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**

10. **CONSENT AGENDA**

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

A. **Minutes** - Approval or correction of March 4, 2024 City Council Continuation Minutes

[6](#)

B. **Accounts Payable** - Approve general city warrants from March 1, 2024 through March 15, 2024 in the amount of \$449,541.95

[11](#)

11. **ORDINANCES**

A. 2024-04 **An Ordinance Amending Chapter 10, Housing And Buildings, Of**

[16](#)

The Hermantown City Code By Deleting The Optional Enforcement Provisions Adopted By The City Of Hermantown

*(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. **2024-31 Resolution Approving Preliminary Planned Unit Development For Stebner Road Development** [18](#)

(motion, roll call)

B. **2024-32 Resolution Approving A Special Use Permit To Increase The Lot Coverage Of A Building In The Business Light Manufacturing Zoning District** [36](#)

(motion, roll call)

C. **2024-33 Resolution Awarding Contract For A Knapheide A698 Aluminum Service Body In The Amount Of \$31,100.00** [55](#)

(motion, roll call)

D. **2024-34 Resolution Receiving Bids And Recommending The Award Of The Contract For A Microsurface Project On Various Paved Roads (CP 0004-778336 (Low) (Arrowhead Road)) Within The Hermantown Corporate Limits In The Amount Of \$248,096.47** [59](#)

(motion, roll call)

E. **2024-35 Resolution Authorizing And Directing Mayor And City Clerk To Execute And Deliver Agreement For Professional Services With Terch & Associates (Human Resources Consultant)** [68](#)

(motion, roll call)

F. **2024-36 Resolution Directing Preparation Of Preliminary Engineering Feasibility Report For The Road Improvement Of Lindahl Road In Cooperation With St. Louis County In Section 4** [83](#)

(motion, roll call)

13. **CLOSED SESSION**

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>
2/29/2024	24-24	Eric Johnson, Comm. Dev. Dir.	Park Board	Fichtner Park Improvements	2/27/2024	
2/29/2024	24-25	Eric Johnson, Comm. Dev. Dir.	Planning Commission	PUD - Jay Zierden/BMAX, 399x Stebner Rd.	2/27/2024	
2/29/2024	24-26	Eric Johnson, Comm. Dev. Dir.	Planning Commission	PUD - JP Holding Comp., LLC, 507x Maple Grove Rd.	2/27/2024	
2/29/2024	24-27	Eric Johnson, Comm. Dev. Dir.	Planning Commission	CIDP - Hage and Co., 438x Sundby Rd.	2/27/2024	
2/29/2024	24-28	Eric Johnson, Comm. Dev. Dir.	Planning Commission	SUP - Hage and Co., 438x Sundby Rd.	2/27/2024	
3/8/2024	24-29	Blaine Ballavance	Mayor & Council	Street Improvement, Hermantown & Old Midways Rds.	3/4/2024	
3/12/2024	24-30	Will Seuffert, MN Public Utilities Commission	City of Hermantown	Public Hearing Notice for a High -Voltage Transmission Line	3/11/2024	
3/12/2024	24-31	Eric Johnson, Comm. Dev. Dir.	Dante Tomassoni	Resignation from the Planning & Zoning Commission	2/26/2024	

CITY OF HERMANTOWN

City Council Meeting

Monday, March 4, 2024

6:30 PM Central

MEETING CONDUCTED IN PERSON & VIA ZOOM

Mayor Wayne Boucher: Present

Councilor John Geissler: Present

Councilor Andy Hjelle: Present

Councilor Ellie Jones: Present

Councilor Brian LeBlanc: Absent

CITY STAFF: John Mulder, City Administrator; Alissa Wentzlaff, City Clerk; Joe Wicklund, Assistant City Administrator; Brandon Holmes, Building Official; Trish Crego, Utility & Infrastructure Director; David Bolf, City Engineer; Gunnar Johnson, City Attorney

VISITORS: 17

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

Mayor Boucher gave information on the process of speaking at a City Council meeting.

5. **PUBLIC HEARING**
6. **COMMUNICATIONS**
7. **PRESENTATIONS**

A. Building Department Update

Brandon Holmes, Building Official
(Pre-Agenda Only)

B. Hermantown Volunteer Fire Department 2023 Annual Report

Zachary Graves, Fire Chief
(Pre-Agenda Only)

8. **PUBLIC DISCUSSION**

9. **MOTIONS**

10. **CONSENT AGENDA**

- A. **Minutes** - Approval or correction of February 20, 2024 City Council Continuation Minutes
- B. **Accounts Payable** - Approve general city warrants from February 16, 2024 through February 29, 2024 in the amount of \$611,689.51

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

Councilor Andy Hjelle: Yea

Councilor Brian LeBlanc: Absent

Councilor Ellie Jones: Yea

Councilor John Geissler: Yea

Mayor Wayne Boucher: Yea

Yea: 4, Nay: 0, Absent: 1

11. **ORDINANCES**

- A. **2024-04 An Ordinance Amending Chapter 10, Housing And Buildings, Of The Hermantown City Code By Deleting The Optional Enforcement Provisions Adopted By The City Of Hermantown**

(first reading)

12. **RESOLUTIONS**

- A. **2024-26 Resolution Approving Final Plans and Specifications and Ordering Advertisement For Bids For The Improvements To Hermantown Road and Bridge 7724 District No. 541 and 542**

Blaine Ballavance of 5491 Hermantown Road appeared before Council to request evidence that the reconstruction of Hermantown Road will provide a special benefit to the residents.

(motion, roll call)

Motion to approve 2024-26 Resolution Approving Final Plans and Specifications and Ordering Advertisement For Bids For The Improvements To Hermantown Road and Bridge 7724 District No. 541 and 542. This motion, made by Councilor Andy Hjelle and seconded by Councilor John Geissler, Carried.

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

Yea: 4, Nay: 0, Absent: 1

B. 2024-27 Resolution Awarding Contract To Rick's Tree And Stump Removal For Tree Removal On Hermantown Road For \$52,850

(motion, roll call)

Motion to approve 2024-27 Resolution Awarding Contract To Rick's Tree And Stump Removal For Tree Removal On Hermantown Road For \$52,850. This motion, made by Councilor Andy Hjelle and seconded by Councilor Ellie Jones, Carried.

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

Yea: 4, Nay: 0, Absent: 1

C. 2024-28 Resolution Directing Preparation Of Preliminary Engineering Feasibility Report For The Road Improvement Of Lightning Drive And Thunderchief Lane Including Sanitary Sewer Extension And Other Infrastructure Improvements In Section 14

(motion, roll call)

Motion to approve 2024-28 Resolution Directing Preparation Of Preliminary Engineering Feasibility Report For The Road Improvement Of Lightning Drive And Thunderchief Lane Including Sanitary Sewer Extension And Other Infrastructure Improvements In Section 14. This motion, made by Councilor John Geissler and seconded by Councilor Ellie Jones, Carried.

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

Yea: 4, Nay: 0, Absent: 1

D. **2024-29 Resolution Approving Sourcewell Cooperative Purchasing Program Participation Agreement**

(motion, roll call)

Motion to approve 2024-29 Resolution Approving Sourcewell Cooperative Purchasing Program Participation Agreement. This motion, made by Councilor Ellie Jones and seconded by Councilor Andy Hjelle, Carried.

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

Yea: 4, Nay: 0, Absent: 1

E. **2024-30 Resolution Approving An Adjustment To The Wage Rates For Seasonal Employees In 2024**

(motion, roll call)

Motion to approve 2024-30 Resolution Approving An Adjustment To The Wage Rates For Seasonal Employees In 2024. This motion, made by Councilor John Geissler and seconded by Councilor Ellie Jones, Carried.

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

Yea: 4, Nay: 0, Absent: 1

13. **CLOSED SESSION**

14. **RECESS**

Motion to recess at 6:51 p.m. This motion, made by Councilor Ellie Jones and seconded by Councilor Andy Hjelle, Carried.

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

Yea: 4, Nay: 0, Absent: 1

ATTEST:

Mayor

City Clerk

CITY OF HERMANTOWN

CHECKS #70748-70777
03/01/2024 - 03/15/2024

PAYROLL CHECKS

Electronic Checks - #-66616-66656 \$96,004.97

LIABILITY CHECKS

Electronic Checks - #-66657-66658 \$83,638.34

Electronic Checks - #-66610-66614 \$76,375.25

Checks - #70775-70776 \$2,485.33

PAYROLL EXPENSE TOTAL \$258,503.89

ACCOUNTS PAYABLE

Checks - #70748-70774 \$139,621.62

Checks - #70777 \$45.16

Electronic Payments #-98929-98945 \$51,371.28

ACCOUNTS PAYABLE TOTAL \$191,038.06

TOTAL \$449,541.95

Fun d	Account	Department	Vendor Name	Description	Amount	Check #
101	415300	Administration & Finance	GREATAMERICA FINANCIAL SERVICES	Copier Lease/Konica C458 Feb 2	117.87	-98945
101	431901	City Garage	MN ENERGY RESOURCES CORP	Natural Gas Comm Building - Fe	188.81	-98944
101	422901	Firehall #1 Maple Grove Road	MN ENERGY RESOURCES CORP	Natural Gas - FH #1	1,381.56	-98944
602	494900	Sewer Administration and General	MN ENERGY RESOURCES CORP	Natural Gas Lightning Dr - Jan	215.94	-98944
275	452200	Community Building	MN ENERGY RESOURCES CORP	Natural Gas EWC - Feb	7,557.70	-98944
101	419901	City Hall & Police Building Maintenance	MN ENERGY RESOURCES CORP	Natural Gas CH/PD	736.50	-98944
101	431901	City Garage	MN ENERGY RESOURCES CORP	Natural Gas Old CH	87.15	-98944
101	431901	City Garage	MN ENERGY RESOURCES CORP	Natural Gas Lightning Dr - Jan	302.32	-98944
101	452200	Community Building	MN ENERGY RESOURCES CORP	Natural Gas Old CH	784.34	-98944
601	494400	Water Administration and General	MN ENERGY RESOURCES CORP	Natural Gas Lightning Dr - Jan	345.51	-98944
101	419901	City Hall & Police Building Maintenance	MN ENERGY RESOURCES CORP	Natural Gas - CH/PD	1,130.37	-98944
602	494900	Sewer Administration and General	MN ENERGY RESOURCES CORP	Natural Gas Lightning Dr - Dec	112.94	-98943
601	494400	Water Administration and General	MN ENERGY RESOURCES CORP	Natural Gas Lightning Dr - Dec	180.70	-98943
101	431901	City Garage	MN ENERGY RESOURCES CORP	Natural Gas Lightning Dr - Dec	158.12	-98943
101	431901	City Garage	MN ENERGY RESOURCES CORP	Natural Gas Lightning Dr - Dec	209.60	-98942
602	494900	Sewer Administration and General	MN ENERGY RESOURCES CORP	Natural Gas Lightning Dr - Dec	149.71	-98942
601	494400	Water Administration and General	MN ENERGY RESOURCES CORP	Natural Gas Lightning Dr - Dec	239.54	-98942
230	465100	HEDA	BRAUN INTERTEC CORPORATION	HWY 53 Business Park Developme	10,090.00	-98941
101	422902	Firehall #2 Morris Thomas Road	DOORCO, INC.	Replace Damaged Door Panels -	1,751.58	-98940
101	421100	Police Administration	EMERGENCY AUTOMOTIVE TECHNOLOGIES INC	Replace GTT Opticom - SQD 22	74.75	-98939
101	419901	City Hall & Police Building Maintenance	HARTEL'S/DBJ DISPOSAL CO LLC	Garbage Recycling Feb 2024 -12	407.30	-98938
101	431901	City Garage	HARTEL'S/DBJ DISPOSAL CO LLC	Yard Trash Disposal Feb 2024 -	184.20	-98938
603	441100	Storm Water	LHB INC	Hermantown Rd Bridge Inspectio	571.50	-98937
603	441100	Storm Water	LHB INC	Hermantown Rocky Run Creek Bri	1,260.00	-98937
401	431100	Street Department	MIKE'S SIGNS	City Lettering - H5	325.00	-98936
401	431100	Street Department	MIKE'S SIGNS	City Letting - H27	325.00	-98936
101	422100	Fire Administration	PRO PRINT INC	CO2 Reports - FH	94.98	-98935
101	422100	Fire Administration	SYMBOLARTS	FD Patches	925.00	-98934
101	422100	Fire Administration	SYMBOLARTS	Art Charge	375.00	-98934
101	422100	Fire Administration	VC3	Email - Exchange Online - Dec	700.00	-98933
101	424100	Building Inspection	VC3	Email - Exchange Online - Dec	116.67	-98933
101	413100	Mayor	VC3	Email - Exchange Online - Nove	177.57	-98933
101	421100	Police Administration	VC3	SonicWall - QTR 4 2023	470.30	-98933
101	422100	Fire Administration	VC3	Email - Exchange Online - Nove	1,065.45	-98933
101	421100	Police Administration	VC3	Email - Exchange Online - Dec	2,216.65	-98933
101	419100	Community Development	VC3	Email - Exchange Online - Nove	532.72	-98933
101	421100	Police Administration	VC3	Email - Exchange Online - Nove	3,373.91	-98933
101	422100	Fire Administration	VC3	Internet/WIFI Issues - FD	918.75	-98933

Fun d	Account	Department	Vendor Name	Description	Amount	Check #
101	431100	Street Department	VC3	Email - Exchange Online - Nove	710.29	-98933
602	494900	Sewer Administration and General	VC3	Email - Exchange Online - Nove	532.72	-98933
101	417200	Communications	VC3	SonicWall - QTR 4 2023	67.19	-98933
101	411100	Council	VC3	Email - Exchange Online - Nove	710.29	-98933
602	494900	Sewer Administration and General	VC3	Email - Exchange Online - Dec	350.00	-98933
601	494400	Water Administration and General	VC3	Email - Exchange Online - Dec	466.67	-98933
601	494400	Water Administration and General	VC3	SonicWall - QTR 4 2023	67.19	-98933
101	411100	Council	VC3	Email - Exchange Online - Dec	466.67	-98933
601	494400	Water Administration and General	VC3	Email - Exchange Online - Nove	710.29	-98933
602	494900	Sewer Administration and General	VC3	SonicWall - QTR 4 2023	67.19	-98933
101	424100	Building Inspection	VC3	Email - Exchange Online - Nove	177.57	-98933
101	424100	Building Inspection	VC3	SonicWall - QTR 4 2023	67.19	-98933
101	415300	Administration & Finance	VC3	SonicWall - QTR 4 2023	201.56	-98933
101	419100	Community Development	VC3	Email - Exchange Online - Dec	350.00	-98933
101	431100	Street Department	VC3	SonicWall - QTR 4 2023	67.19	-98933
101	431100	Street Department	VC3	Email - Exchange Online - Dec	466.67	-98933
101	413100	Mayor	VC3	Email - Exchange Online - Dec	116.67	-98933
101	415300	Administration & Finance	VC3	Email - Exchange Online - Dec	700.00	-98933
101	415300	Administration & Finance	VC3	Email - Exchange Online - Nove	1,065.44	-98933
101	413100	Mayor	VC3	SonicWall - QTR 4 2023	67.19	-98933
101	415300	Administration & Finance	VC3	Maintenance Kit - Wilson Print	120.00	-98932
101	415300	Administration & Finance	VC3	Adapter - PT Employee	9.97	-98932
101	422100	Fire Administration	VC3	Wireless Access Point - FD	630.00	-98931
101	134000	Retiree Insurance/Telephone Reimb.	NORTHEAST SERVICE COOPERATIVE	Health Ins Feb Inactives	166.42	-98930
101	421100	Police Administration	NORTHEAST SERVICE COOPERATIVE	Health Ins Feb Inactives	1,497.74	-98930
101	421100	Police Administration	NORTHEAST SERVICE COOPERATIVE	Health Ins March Inactives	1,497.74	-98929
101	134000	Retiree Insurance/Telephone Reimb.	NORTHEAST SERVICE COOPERATIVE	Health Ins March Inactives	166.42	-98929
401	431100	Street Department	ABS AUTO SOLUTIONS INC	Step Bars/Mud Flaps/Xtreme Lin	1,719.95	70748
101	431901	City Garage	ACME TOOLS	Vlce Grip	43.99	70749
601	494300	Water Distribution	ACME TOOLS	Drill bits for water Radio ins	46.93	70749
101	424100	Building Inspection	CAPITAL ONE TRADE CREDIT	Uniforms - Building Official	116.81	70750
401	431100	Street Department	CAPITAL ONE TRADE CREDIT	Fuel Tank - H27	1,659.97	70750
101	419901	City Hall & Police Building Maintenance	CAPITAL ONE TRADE CREDIT	Adjust Sales Tax Credit	25.47	70750
101	431100	Street Department	CINTAS CORPORATION	Uniforms	7.92	70751
101	431100	Street Department	CINTAS CORPORATION	Uniforms	42.98	70751
101	419901	City Hall & Police Building Maintenance	CINTAS CORPORATION	Mats at CH	8.88	70751
101	431901	City Garage	CINTAS CORPORATION	1st Aid Cabinets	129.06	70751
101	431100	Street Department	CINTAS CORPORATION	Uniforms	23.99	70751

Fun d	Account	Department	Vendor Name	Description	Amount	Check #
101	431901	City Garage	CINTAS CORPORATION	Supplies	28.51	70751
101	431100	Street Department	CINTAS CORPORATION	Uniforms	7.92	70751
101	419901	City Hall & Police Building Maintenance	CINTAS CORPORATION	Mats at FD/PD	29.52	70751
101	431901	City Garage	CINTAS CORPORATION	Supplies	28.51	70751
101	431901	City Garage	CINTAS CORPORATION	Mats - PW	30.03	70751
101	431901	City Garage	CINTAS CORPORATION	Mats - PW	10.35	70751
101	415300	Administration & Finance	CLIFTONLARSONALLEN LLP	2024 Government Training-Orme	140.00	70752
101	431100	Street Department	DIAMOND MOWERS LLC	ROW Mower Belt	414.84	70753
101	452100	Parks	DOG WASTE DEPOT	Dog Poo Disposal bags	234.00	70754
101	411100	Council	DULUTH AREA CHAMBER OF COMMERCE	Breakfast - SLC Days - Hjelle	35.00	70755
325	471000	Debt Service	EHLERS & ASSOCIATES INC	GO Tax Abatement Bonds, Series	2,500.00	70756
101	414100	Elections	HERMANTOWN STAR LLC	Voter Registration Ad	82.50	70757
101	414100	Elections	HERMANTOWN STAR LLC	Absentee Ballot Ad	37.13	70757
245	419100	Community Development	HOISINGTON KOEGLER GROUP INC.	Comprehensive Plan Update-Jan	5,271.81	70758
101	415300	Administration & Finance	INNOVATIVE OFFICE SOLUTIONS, LLC	Pens/Rolls-Calc	54.98	70759
101	415300	Administration & Finance	INNOVATIVE OFFICE SOLUTIONS, LLC	Labels	14.63	70759
101	415300	Administration & Finance	INNOVATIVE OFFICE SOLUTIONS, LLC	Marker/Pad	51.18	70759
101	431100	Street Department	KOLAR	Trailer Light Plug-In - H24	53.45	70760
101	422100	Fire Administration	MENARD INC	White Magnum - FD	17.96	70761
601	494300	Water Distribution	MENARD INC	Elec Connectors/Propane Torch	63.88	70761
601	494300	Water Distribution	MENARD INC	Masonry Drill Bits/Anchors - W	42.60	70761
101	419901	City Hall & Police Building Maintenance	MENARD INC	PVC Box - FD	1.86	70761
101	419901	City Hall & Police Building Maintenance	MENARD INC	Metal Halide/USB/Batteries	63.45	70761
101	422100	Fire Administration	MENARD INC	Painting Supplies - FD	80.83	70761
101	422100	Fire Administration	MENARD INC	Painting Supplies - FD	54.35	70761
101	431901	City Garage	MENARD INC	Spray Bottle & Cleaner	21.97	70761
101	422100	Fire Administration	MENARD INC	Chrome Drip Bowl	18.49	70761
601	494300	Water Distribution	MENARD INC	Wire Splicer/Tape/Nuts	42.93	70761
601	494300	Water Distribution	MN DEPARTMENT OF HEALTH	Water Supply System Operator-C	32.00	70762
401	431100	Street Department	NORTH COUNTRY CHEVROLET	2024 GMS Sierra - H5	52,721.28	70763
401	431100	Street Department	NORTH COUNTRY CHEVROLET	2024 GMS Sierra - H27	50,581.43	70763
101	421100	Police Administration	PATROLPC	Battery - RhinoTab	213.16	70764
401	431100	Street Department	PRO TIRE	Back Window Protector - H5	384.99	70765
101	431100	Street Department	PRO TIRE	Hitch - H24	249.99	70765
101	424100	Building Inspection	RICH, JAMES	Field Inspections	2,040.00	70766
603	441100	Storm Water	RSPT C/O S ST LOUIS SWCD	2023 RSPT Membership	1,100.00	70767
603	441100	Storm Water	RSPT C/O S ST LOUIS SWCD	2024 RSPT Membership	1,100.00	70767
101	431100	Street Department	SATHERS, LLC	Class 5 - Crushed Material	1,749.30	70768

Fun d	Account	Department	Vendor Name	Description	Amount	Check #
101	422100	Fire Administration	SHEL/DON GROUP INC	Business Cards - Graves & S Jo	309.87	70769
101	422901	Firehall #1 Maple Grove Road	STACK BROS MECHANICAL, INC.	Repair Air Line Leak	1,060.00	70770
101	421100	Police Administration	STREICHER'S	Uniform - Kleive	51.98	70771
101	421100	Police Administration	STREICHER'S	Cuff Holders	86.00	70771
101	421100	Police Administration	STREICHER'S	Uniform - Hedin	51.98	70771
101	421100	Police Administration	STREICHER'S	Ammo	432.00	70771
101	421100	Police Administration	STREICHER'S	Uniform - Kleive	124.99	70771
101	421100	Police Administration	STREICHER'S	Uniform - Kleive	66.99	70771
101	421100	Police Administration	STREICHER'S	Uniform - Hedin	66.99	70771
101	421100	Police Administration	TROY'S BP AMOCO INC	Oil & Filter/Brakes - SQD 14	730.64	70772
240	432510	Trunk Sewer Construction	UNIQUE PAVING MATERIALS INC	Cold Mix for Stebner Park Sani	3,004.40	70773
603	441100	Storm Water	ZIEGLER INC	Mulching Machine Rental	10,205.00	70774
101	134000	Retiree Insurance/Telephone Reimb.	MN LIFE	March Inactive - Volk	45.16	70777

Totals: 127 records printed

191,038.06



CITY COUNCIL MEETING DATE: March 18, 2024

TO: Mayor & City Council

FROM: Brandon Holmes, Building Official

SUBJECT: Ordinance – Removal of Optional Fire Protection and Grading Provisions

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

REQUESTED ACTION

Remove Chapter 1306, Option Enforcement Provisions Regarding Special Fire Protection Systems and Grading.

BACKGROUND

The City of Hermantown is removing the optional enforcement provisions of Chapter 1306, Special Fire Protection Systems and 2018 IBC Appendix Chapter J-Grading. In the opinion of the City’s Building Official and Fire Chief, these special provisions are not necessary for Hermantown.

SOURCE OF FUNDS (if applicable)

N/A

ATTACHMENTS

Ordinance No. 2024-04, Ordinance Amending Chapter 10 of the Hermantown City Code

Ordinance No. 2024-04

The City Council of the City of Hermantown does ordain:

AN ORDINANCE AMENDING CHAPTER 10, HOUSING AND BUILDINGS, OF THE HERMANTOWN CITY CODE BY DELETING THE OPTIONAL ENFORCEMENT PROVISIONS ADOPTED BY THE CITY OF HERMANTOWN

Section 1. **Purpose and Intent.** The purpose and intent of this amendment is to remove Section 1000.02, Option Enforcement Provisions Adopted, granted to the City through the removal of the Chapter 1306, Special Fire Protection Systems, of the Minnesota State Building Code as the adoption to sprinkler and grading requirements are not applicable to the City’s current existing and new building requirements.

Section 2. **Amendment to Section 1000.02.** Section 1000.02, Option Enforcement Provisions Adopted, is hereby deleted.

Section 3. **Amendment to be Reflected 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 4. **Effective Date.** The provisions of this Ordinance shall be effective after adoption and immediately upon publication once in the official newspaper of the City of Hermantown.

Dated: _____

Mayor

Attest:

City Clerk

Adopted: _____

Published: _____

Effective Date: _____



CITY COUNCIL MEETING DATE: March 18, 2024

TO: Mayor & City Council

FROM: Eric Johnson, Community Development Director

SUBJECT: Preliminary Planned Unit Development application located at 399x Stebner Road

RESOLUTION: 2024-31 **ORDINANCE:** **OTHER:**

REQUESTED ACTION

Approve a Preliminary Planned Unit Development (PUD) with conditions for construction of a 10 twinhome (20 units total) on a 10 acre parcel located at 399x Stebner Road. The property is located in an R-3 zoning district.

DESCRIPTION OF REQUEST:

The Applicant (Jay Zierden/BMAX) is proposing to construct a 10 twinhome buildings (20 units total) on an existing 10 acre lot with access to Stebner Road. The proposed development consists of a 1050’ feet of public street with a 66’ right of way; a 5’ wide sidewalk on the north side of the street; a 4,800 square foot accessory/storage building and two pickleball courts.

A public hearing for this proposed project was held on February 27, 2024. There were numerous members of the public who expressed concerns about the density of the project, its effect on wetlands and the watershed and construction/traffic concerns. The Planning and Zoning Commission unanimously recommended the application with the recommended changes of increasing the space between units from 7’ to 10’ and for relocating the proposed pickleball courts away from the units, to the City Council for their review and approval.

SITE INFORMATION:

Parcel Size: 10 acres
Legal Access: 399x Stebner Road
Wetlands: Yes, delineated in June 2019
Existing Zoning: R-3, Residential
Airport Overlay: None
Shoreland Overlay: None
Comprehensive Plan: Suburban

Development Details:

The Applicant is proposing to construct a 10 twinhome buildings (20 units total) on an existing 10 acre lot with access to Stebner Road. The proposed development consists of a 1050' feet of public street with a 66' right of way; a 5' wide sidewalk on the north side of the street; a 4,800 square foot accessory/storage building and two pickleball courts.

PUD Process:

The City's zoning regulations governing PUD's require that each PUD obtain preliminary and final approval. The City's Planned Unit Development ordinance states that PUDs over 4 units/acre and/or 5 acres in size are required to make separate Preliminary and Final PUD submissions.

The PUD review and approval process include a public hearing by the Planning Commission and a recommendation to the City Council. A PUD order will be issued by the City setting project specific development standards. Following completion of the development contract the applicant will be granted final Zoning approval and can begin construction, pending approval of the associated building permits.

Per Section 1105 of the Planned Unit Development section of the Zoning Ordinance, it requires that a PUD must provide public benefits to the surrounding neighborhood and to the city above and beyond what can be reasonably achieved by application of the zoning provisions applicable to the underlying zoning district. The nature and scale of public benefit shall be determined by the City and include, but not be limited to:

- 1.1 Preservation and enhancement of natural systems and resources, topography, vegetation, and other natural features. – This project proposes to preserve 3.4 acres of existing wetland on the property. The road design and building placement minimizes wetland impacts required for the project.
- 1.2 Provision of a variety of housing and community types. – The project proposes twinhome buildings which there is a general shortage of within the City.
- 1.3 Provision of recreational amenities including trails and parks. – The Project proposes two pickleball courts for the residents of the proposed community. There is also the ability to provide soft surface trails along the wetland areas for residents to walk on in addition to the proposed 5' foot wide sidewalk.

Zoning Analysis:

The property is zoned R-3, Residential. The applicant has applied for a Planned Unit Development (PUD) for the property. A PUD is a permitted use in an R-3 zone district. Section 11 of the zoning ordinance explains that: 'A PUD is intended to encourage a more efficient and creative use of land and development, more efficient and effective use of streets, utilities and public services; protection of natural resources; and more efficient and effective provision of recreational, public and open space than can be achieved through conventional development procedures.



The purpose of the PUD request is to allow for the creation of 10 twinhome buildings for a total of 20.

Setbacks

City Code allows a PUD to have standards that meet the City’s goals for each proposed development. These standards include building height, density, roadway widths and setbacks. The proposed project is for 10 twinhome buildings (20 units total). The applicant is proposing a minimum 7’ foot side yard setback, a 20’ foot front yard setback and a 40’ foot rear yard setback. The PUD allows for the setting of site specific setbacks.

Table 1. R-3 Residential Requirements	R-3 Requirement	Proposed Twinhome
Minimum lot area	½ acre (2 units/acre)	6,520 square feet minimum
Minimum lot width (at setback line)	100 feet	50 foot minimum
Minimum front yard	50 feet from public ROW	20’ from public ROW
Minimum side yard	10 feet, 25 feet aggregate	7 feet minimum, 14 feet aggregate
Minimum rear yard	40 feet	40’ feet minimum
Roadway ROW width	66 feet	66’ Public ROW – 28’ with curb, gutter and 5’ sidewalk

Plat

The Applicant is proposing to divide the property into 12 lots and 3 outlots. The applicant will need to submit a preliminary and final plat prepared by a registered land surveyor for the project.

Utilities

The Applicant has engaged a civil engineer to conduct this work with preliminary documents being submitted as part of the application. The work submitted include grading plans along with water and sanitary sewer plans.

The project proposes the extension of a sanitary sewer line from Stebner Road to provide sanitary sewer service to each building/lot.

The water main extension will connect from Stebner Road to provide water service to each building/lot.



Upon submittal of the Final PUD the applicant will be required to submit construction documents for review and approval by the City Engineer. Upon City acceptance, all utilities will be turned over to the City of Hermantown.

Stormwater

The Applicant is proposing a series of three ponds located throughout the site to accommodate the stormwater associated with the project. The applicant has engaged a civil engineer to conduct this work with preliminary documents being submitted as part of the application. Upon submittal of the Final PUD the applicant will be required to submit erosion and sediment control plan for construction and post-construction control of run-off. Bio-rolls, silt fencing and other Best Management Practices will be required in order to control runoff during construction.

The stormwater ponds are within the proposed outlot for the plat and will be turned over to the City upon completion and acceptance by the City Engineer.

Access

The project is proposed to be accessed from Stebner Road via a public street and right of way which terminates in a cul-de-sac. This road would be a public, 28 foot wide asphalt roadway with curb and gutter with a 5' foot width sidewalk along north side of the road.

The City is requiring a 66' right of way connection from the proposed cul-de-sac to the property to the east. The proposed site plan reflects this right of way connection.

The Applicant will be fully responsible to design and construct the proposed roads within the project to City standards. Upon completion and inspection by the City Engineer, the City will accept the road and maintain it from after time of acceptance.

Wetlands

A wetland delineation was performed in the summer of 2019 in association with the Peyton Acres development. The plan envisions wetland impacts associated with the road construction, 1 building, 1 pond and the pickleball court. The applicant will be required to submit a wetland impact plan to the Hermantown Technical Evaluation Panel for their review and approval.

Park Dedication Fees

The Applicant will be required to pay park dedication fees consistent with the requirements of the City Zoning Ordinance. A park dedication fee of \$1,100 per unit will be paid at the time of final PUD approval. Bedroom fees at the rate of \$150/bedroom will be paid at the time of building permit.

Summary

Staff recommends approval of the Preliminary PUD based on the findings of this report and the following conditions.

1. The proposed PUD meets the intent of the R-3, Residential Zoning District, Chapter 11 – Planned Unit Developments, and the overall goals and policies of the Zoning Ordinance.
2. The proposed development meets the Comprehensive Plan for residential development and standards of a Planned Unit Development by providing public benefit through enhanced and coordinated development design and a greater variety of housing types in the community.
3. The Planned Unit Development is hereby approved is hereby expressly subject to the following conditions:
 - 3.1 That the Project will be constructed as described in the plans accompanying the Application and the conditions contained herein.
 - 3.2 The Zoning Administrator of the City of Hermantown shall be notified at least five (5) days in advance of the commencement of the work authorized hereunder and shall be notified of its completion within five (5) days thereafter.
 - 3.3 No change shall be made in the Project without written permission being previously obtained from the City of Hermantown.
 - 3.4 Applicant shall grant access to the site at all reasonable times during and after construction to authorized representatives of the City of Hermantown for inspection of the Project to see that the terms of this permit are met.
 - 3.5 Applicant is initially and continually in compliance with all of the ordinances and regulations of the City of Hermantown.
 - 3.6 Trees and brush cannot be burned on the property, but may be chipped and shredded.
 - 3.7 An MPCA Stormwater Permit and erosion control measures must be in place prior to the start of operations.
 - 3.8 All utility line easements shall be observed and any encroachment into the utility right-of-way shall only be permitted with the written approval of the utility.
 - 3.9 The Applicant shall take measures to control erosion that has the potential to damage adjacent land, and control sedimentation that has the potential to leave the site.

4. Dimensional requirements of lots, setbacks, and rights-of-way shall be according to the attached site plan and table 1.

Table 1. R-3 Residential Requirements	R-3 Requirement	Proposed Twinhome
Minimum lot area	½ acre (2 units/acre)	6,520 square feet minimum
Minimum lot width (at setback line)	100 feet	50 foot minimum
Minimum front yard	50 feet from public ROW	20' from public ROW
Minimum side yard	10 feet, 25 feet aggregate	7 feet minimum, 14 feet aggregate
Minimum rear yard	40 feet	40' feet minimum
Roadway ROW width	66 feet	66' Public ROW – 28' with curb, gutter and 5' sidewalk

5. The Applicant will have one year from the date of the Preliminary PUD approval to submit a Final PUD application to the City.
6. Applicant to submit preliminary and final construction documents (water, storm sewer, sanitary sewer, roadway, etc.) according to City standards and coordinated with the City Engineer as part of the Final PUD process.
7. Applicant to submit a wetland impact plan to the Hermantown Technical Evaluation Panel for the review and approval of wetland impacts.
8. Installation of water and sanitary sewer shall require the Property Owner to enter into an agreement with the City governing the terms of such work. All utility plans shall be approved by the City Engineer. The City/Developer agreement shall specify the amount of a financial guarantee to be held by the City from the time of commencement of work until such a time as the City is prepared to accept as complete the new public infrastructure. All drainage and utility easements shall have associated easements. The Property Owner shall enter into a Development Agreement with the City for all public utilities
9. The Applicant shall sign a consent form assenting to all conditions of this approval.



10. The Applicant shall pay an administrative fine of \$750 per violation of any condition of this approval.
11. The approval made by this resolution extends only to the Project as defined in this resolution.
12. The Applicant to increase side yard setback between units from 7 feet to 10 feet.
13. The Applicant to modify the site plan to relocate the proposed pickleball courts away from the proposed twinhome structures.
14. The Applicant will be required to pay park dedication fees consistent with the requirements of the City Zoning Ordinance. The Applicant/builder will be responsible for the \$150/bedroom park dedication at the time of building permit.

SOURCE OF FUNDS (if applicable)

N/A

ATTACHMENTS

Resolution
Site Location Map
Proposed Site Plan Plan
Proposed Twinhome Building Example

Resolution No. 2024-31

Resolution Approving Preliminary Planned Unit Development For Stebner Road Development

WHEREAS, BMAX Inc; Darren and Layne Weets, a married couple; Darrell and Desiree Weets, a married couple; and Derek and Mary Weets, a married couple (Applicant) has submitted a complete application (Application) for a preliminary Planned Unit Development (PUD) in association with parcel 395-0158-00081; and

WHEREAS, the Hermantown Planning and Zoning Commission held a public hearing on the preliminary PUD on February 27, 2024 following notice as required by the City's Zoning Code; and

WHEREAS, following the public hearing on the preliminary PUD, the Hermantown Planning Commission recommend on a 4-0 vote that the City Council approve the preliminary PUD; and

WHEREAS, the City Council has duly considered this matter and believes that it is in the best interests of the City of Hermantown that the preliminary PUD be approved, subject to certain conditions being met.

NOW THEREFORE, BE IT RESOLVED after due consideration of the entire City file, the testimony at the public hearing and all other relevant matters the City Council hereby makes the following findings related to the Preliminary Planned Unit Development.

A. FINDINGS OF FACT

1. The proposed development plan meets the intent of the R-3, Residential Zoning District and the overall goals and policies of the Zoning Ordinance.
2. The proposed development meets the Comprehensive Plan for residential development and standards of a Planned Unit Development by providing public benefit through siting of the buildings in order to protect wetlands.
3. A PUD may be allowed in any zoning district in the City of Hermantown. In addition, all permitted and conditional uses listed in the underlying specific district are allowed in a PUD.
4. The tract of land ("Land") affected by the Plan is legally described on **Exhibit A** attached hereto.
5. The Plan includes provisions for the preservation of natural amenities.
6. The Plan appears to harmonize with both existing and proposed development in the area surrounding the project site.

7. The Plan is comprised of at least two and one half (2 ½) acres of contiguous land.
8. The Plan includes residential uses.
9. Maps were provided with the Plan and contained the following:
 - 9.1 The existing topographic character of the land.
 - 9.2 A composite of all natural amenities of the site including steep slopes, drainage ways plus wetlands.
 - 9.3 The size of the site and proposed uses of the land to be developed.
 - 9.4 The density of land use to be allocated to the overall development.
10. The Plan includes the following:
 - 10.1 A statement of the ownership of all land involved in the Planned Unit Development.
 - 10.2 An explanation of the general character of the planned development.
 - 10.3 A general indication of the expected time schedule of development.
11. The approval of the Final Development Plan is subject to the following modifications/conditions:
 - 12.1 The Applicant will cause all buildings within the development to be constructed in accordance with all applicable building and fire codes.
 - 12.2 In order to ensure that the spirit and intent of the Hermantown Zoning Code is met modifications must be made to the Plan and conditions imposed on the development proposed by the Plan.
 - 12.3 Erosion control measures shall be utilized and remain in place throughout the construction period, and shall not be removed until vegetation is established on the site.
 - 12.4 Prior to issuance of a building permit, all necessary permits shall be obtained, including, without limitation, any stormwater permits required by the Minnesota Pollution Control Agency.
 - 12.5 The Applicant will be required to finalize the wetland delineation and identify any proposed wetland impacts associated with the development.

12.6 The Applicant shall describe best management methods that will be used to demarcate and protect wetlands that are located on site, including physically signing boundaries and providing electronic and GIS information to City documenting the wetland boundaries.

12.7 The applicant shall comply with the following conditions during construction:

- a. Development activity shall comply with all City noise ordinances. There shall be no construction activity between the hours of 10 p.m. and 7 a.m.
- b. Loud equipment shall be kept as far as possible from adjacent residences.
- c. The site shall be kept free of dust and debris that could blow onto neighboring properties.
- d. Public streets shall be maintained free of dirt and shall be cleaned as necessary.
- e. The City shall be contacted a minimum of 72 hours prior to any work in a public street or right-of-way. Work in a public street shall take place only upon the determination by the Public Works Director that appropriate safety measures have been taken to ensure motorist and pedestrian safety.
- f. The Zoning Administrator may impose additional conditions if it becomes necessary in order to mitigate the impact of construction on surrounding properties.

12.8 The Applicant shall sign a consent form assenting to all conditions of this approval.

12.9 The Applicant shall pay an administrative fine of \$750 per violation of any condition of this approval.

13. To accomplish the complex review process for approval of the Plan, the dates and deadlines of Chapter 11, "Planned Unit Developments" were reviewed and requirements met by the Applicant.

14. The approval given by this Resolution is not effective until Applicant executes and delivers an acceptance of the terms and provisions of this Resolution.

15. The Applicant will be required to pay park dedication fees consistent with the requirements of the City Zoning Ordinance. The Applicant/builder will be responsible for the \$150/bedroom park dedication at the time of building permit.

16. Applicant must pay all costs and expenses incurred by the City, including attorney's fees, planner fees and out of pocket costs incurred by the City.

CONCLUSION

On the basis of the foregoing Findings of Fact, the City Council of the City of Hermantown is hereby resolved as follows:

1. The preliminary PUD meets the intent of the R-3, Residential Zoning District, Chapter 11 – Planned Unit Developments, and the overall goals and policies of the Zoning Ordinance.
2. The preliminary PUD meets the Comprehensive Plan for residential development and standards of a Planned Unit Development by providing public benefit through enhanced and coordinated development design and a greater variety of housing variety in the community.
3. A PUD may be allowed in any zoning district in the City of Hermantown. In addition, all permitted and conditional uses listed in the underlying specific district are allowed in a PUD.
4. The project will be served by public water and sewer which will be constructed by the Applicant. The Applicant/builder will be responsible for any connection of availability fees.
5. The preliminary PUD hereby approved is hereby expressly subject to the following conditions:
 - a. Applicant is initially and continually in compliance with all of the ordinances and regulations of the City of Hermantown.
 - b. That the Project will be constructed as described in the plans accompanying the Application and the conditions contained herein.
 - c. The Zoning Administrator of the City of Hermantown shall be notified at least five (5) days in advance of the commencement of the work authorized hereunder and shall be notified of its completion within five (5) days thereafter.
 - d. No change shall be made in the Project without written permission being previously obtained from the City of Hermantown.
 - e. Applicant shall grant access to the site at all reasonable times during and after construction to authorized representatives of the City of Hermantown for inspection of the Project to see that the terms of this permit are met.
 - f. Applicant is initially and continually in compliance with all of the ordinances and regulations of the City of Hermantown.

- g. All utility line easements shall be observed and any encroachment into the utility right-of-way shall only be permitted with the written approval of the utility.
 - h. Trees and brush cannot be burned on the Land, but may be chipped and shredded.
 - i. Erosion control measures must be in place prior to any construction on the Final PUD.
 - j. An MPCA Stormwater Permit and erosion control measures must be in place prior to the start of operations.
 - k. The Applicant shall take measures to control erosion that has the potential to damage adjacent land, and control sedimentation that has the potential to leave the site.
6. The Applicant will be required to pay park dedication fees consistent with the requirements of the City Zoning Ordinance. The Applicant/builder will be responsible for the \$150/bedroom park dedication at the time of building permit.
 7. Applicant to submit preliminary and final construction documents (water, storm sewer, sanitary sewer, roadway, etc.) according to City standards and coordinated with the City Engineer prior to construction.
 8. Installation of water and sanitary sewer shall require the Applicant to enter into an agreement with the City governing the terms of such work. All utility plans shall be approved by the City Engineer. The Development agreement shall specify the amount of a financial guarantee to be held by the City from the time of commencement of work until such a time as the City is prepared to accept as complete the new public infrastructure. All drainage and utility easements shall have associated easements. The Applicant shall enter into a Development Agreement with the City for all public utilities.
 9. The Applicant is responsible for all City and WLSSD availability, hook-up and CAF fees associated with the PUD.
 10. The Applicant will have one year from the date of the Preliminary PUD approval to submit a Final PUD application to the City.
 11. The Applicant is responsible for all City Engineer and Attorney fees related to the review and approval of the PUD.
 12. The Applicant shall sign a consent form assenting to all conditions of this approval.
 13. The Applicant shall pay an administrative fine of \$750 per violation of any condition of this approval.

Councilor _____ introduced the foregoing resolution and moved its adoption.

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

Councilors _____, and Mayor Boucher aye.

and the following voted in opposition thereto:

None

WHEREUPON, such resolution was declared duly passed and adopted March 18, 2024.

LEGAL DESCRIPTION

That part of Outlot B, lying Westerly of the west line of the NE1/4 of SW1/4 of Section 24, Township 50, Range 15 AND lying North of the north line of the Southerly 965.00 feet of NW1/4 of SW1/4 of Section 24, Township 50, Range 15.

Parcel: 395-0158-00081

ACCEPTANCE OF RESOLUTION

BMAX Inc; Darren and Layne Weets, a married couple; Darrell and Desiree Weets, a married couple; and Derek and Mary Weets, a married couple (“Applicant”) hereby acknowledges and accepts the conditions specified on the foregoing Resolution and covenants and agrees to comply with each and every such condition.

Applicant acknowledges that the failure to comply with all of the modifications and conditions shall constitute a violation of the Hermantown Zoning Ordinance and that the City of Hermantown may, in such event, exercise and enforce its rights against the undersigned by instituting any appropriate action or proceeding to prevent, restrain, correct or abate the violation including, without limitation, exercising and enforcing its rights against any security that the undersigned may provide to the City to insure its compliance with the conditions contained in the foregoing Resolution.

Applicant acknowledges that this Resolution shall be recorded with the title to the property described in the text of the Resolution.

IN WITNESS WHEREAS, BMAX Inc; Darren and Layne Weets, a married couple; Darrell and Desiree Weets, a married couple; and Derek and Mary Weets, a married couple has executed this acceptance this ____ day of _____, 2024.

BMAX Inc

Darren Weets

Layne Weets

Darrell Weets

Desiree Weets

Derek Weets

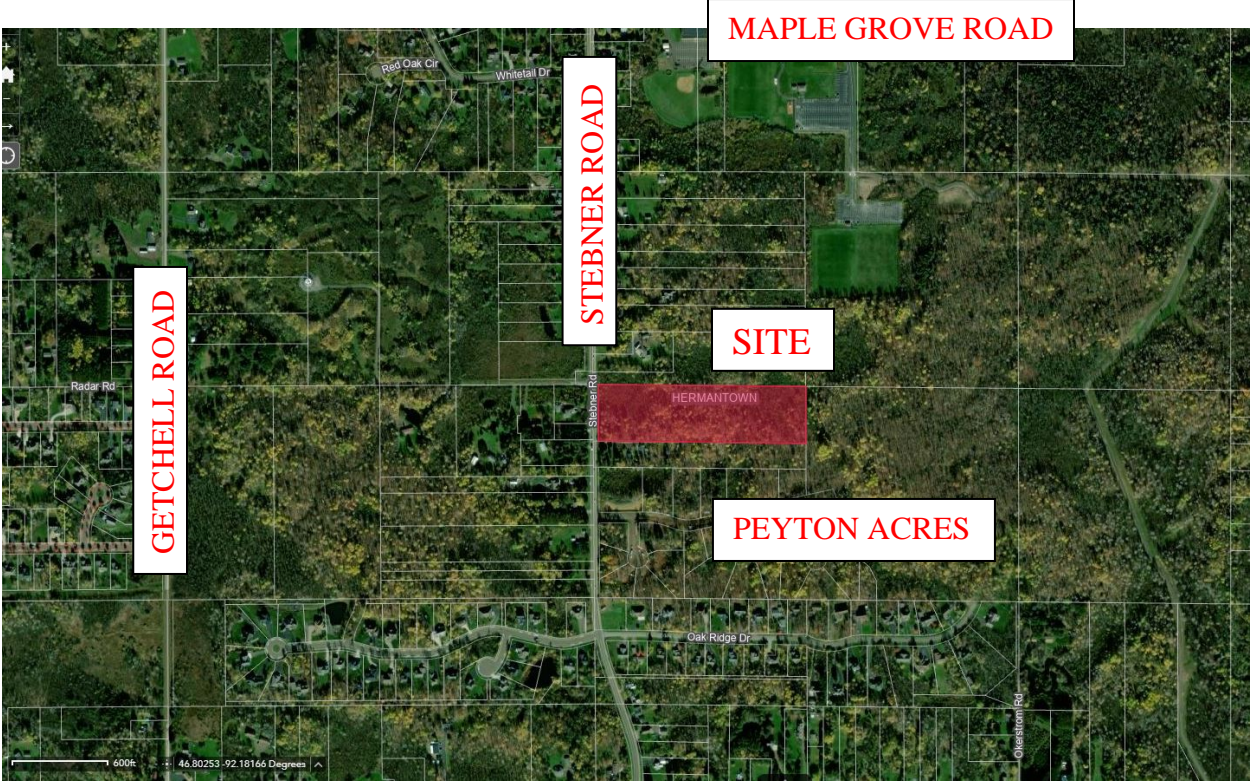
Mary Weets

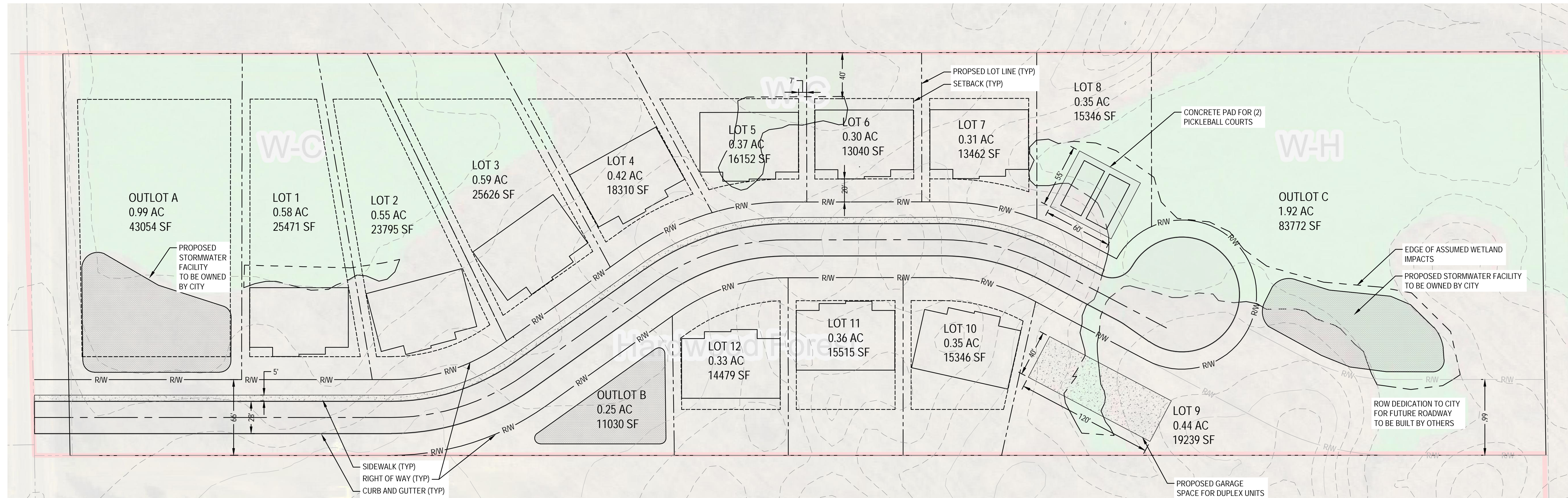
STATE OF MINNESOTA)
)ss.
COUNTY OF ST. LOUIS)

The foregoing instrument was acknowledged before me this ____ day of _____, 2024, by BMAX Inc; Darren and Layne Weets, a married couple; Darrell and Desiree Weets, a married couple; and Derek and Mary Weets, a married couple.

Notary Public

Location Map





PLAN
SCALE: 1" = 50'



Know what's below.
Call before you dig.

CALL 2 BUSINESS DAYS BEFORE YOU DIG.
CAUTION: UTILITY INFORMATION IS APPROXIMATE.
VERIFY ALL UTILITIES PRIOR TO CONSTRUCTION.

Revisions:

No.	Description	Date

LINE IS 1" ON FULL SCALE DRAWING

Ridgefield, WA
Duluth + Minneapolis, MN
www.windsorengineers.com

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STEBNER MULTI-FAMILY
TBD
HERMANTOWN, MN
PRELIMINARY SITE PLAN
Project No: 23050
Issue Date: 1/9/2024

Project Manager: EAS
Drawn by: JAW
Checked by: JED

SITE PLAN
C100

ISSUED FOR PRELIMINARY SITE PLAN

Twinhome Example





CITY COUNCIL MEETING DATE: March 18, 2024

TO: Mayor & City Council

FROM: Eric Johnson, Community Development Director

SUBJECT: Special Use Permit with conditions for a two story, 72,000 square foot footprint warehouse development with associated site improvements.

RESOLUTION: 2024-32 **ORDINANCE:** **OTHER:**

REQUESTED ACTION

Approve a Special Use Permit with conditions for a two – story, 72,000 square foot footprint warehouse development with associated site improvements for Hage and Co. (Applicant). The property is located at 438x Sundby Road and is located in a BLM, Business and Light Manufacturing zoning district.

DESCRIPTION OF REQUEST:

The Applicant (Sundby Road Storage, LLC) is proposing to construct a a two – story, 72,000 square foot footprint building for the purpose of providing indoor storage in an area of close proximity to the Duluth International Airport. The proposed building is a 2 story building, 30 feet in height with a footprint of 120’ x 600’ (72,000 SF).

The BLM, Business and Light Manufacturing zoning district identifies maximum lot coverage (generally) of 35%. The code does allow for an increase in lot coverage up to 65% if there is a landscape plan provided with the proposal and approval by the City Council of a Special Use Permit (SUP).

The Applicant’s engineer has provided a landscape plan which provides a mixture of deciduous and evergreen trees along the north and south facades of the proposed buildings. In addition, there are ornamental grasses proposed along the east and west facades of the buildings. And six large deciduous trees proposed in various locations on the property. The plant material along the building facades are planted within a rock maintenance strip along all sides of the buildings.

A public hearing for this proposed project was held on February 27, 2024. There were three members of the public who expressed concerns with the proximity of the proposed warehouse to their single family homes. The Planning and Zoning Commission unanimously recommended the application to the City Council for their review and approval.

SITE INFORMATION:

Parcel Size: 3.24 acres
Legal Access: 438x Sundby Road
Wetlands: Yes, delineated in June 2023



Existing Zoning: BLM, Business and Light Manufacturing
 Airport Overlay: Zone 3
 Shoreland Overlay: N/A
 Comprehensive Plan: Commercial

ZONING ANALYSIS:

Zoning District: BLM, Business and Light Manufacturing		
Type	Required	Proposed
Min Lot Area	None	3.24 acres
Lot Width	100 feet	164 feet along Sundby Road ROW
Front Yard	20 feet ROW	Minimum 60 feet
Rear Yard	20 feet	40 feet
Side Yard	20 feet	Minimum 20 feet
Lot coverage	35%	51%
Maximum Building Height	80 feet	30 feet
Parking	1 space/employee per shift	11 parking spaces

Special Use Permit

The Special Use Permit is for increasing the maximum lot coverage associated with the construction of a two-story, 72,000 square foot footprint warehouse building with 51% lot coverage. There are general conditions for all SUPs. Staff finds the following in regard to the criteria for Special Use Permits in the Zoning Ordinance:

No special use permit shall be approved unless positive findings are made with respect to each and every one of the following criteria:

- 1. The proposed development is likely to be compatible with development permitted under the general provisions of this chapter on substantially all land in the vicinity of the proposed development;**

The construction of warehouse buildings is a permitted use within the BLM, Business and Light Manufacturing zoning district.

- 2. The proposed use will not be injurious to the use and enjoyment of the environment, or detrimental to the rightful use and enjoyment of other property in the immediate vicinity of the proposed development;**

The existing development surrounding this site is mixture of non-conforming single family residential, mini-storage and landscape based businesses. Warehouse buildings are a permitted use within the BLM, Business and Light Manufacturing zoning district.

3. The proposed use is consistent with the overall Hermantown Comprehensive Plan and with the spirit and intent of the provisions of this chapter;

The property is within an area marked for Development of New Compatible Light Industrial with Adequate Public Facilities, Preserve Wetlands and Rural Uses in the Hermantown Comprehensive Plan. The proposed warehouse buildings are consistent with Comprehensive Plan recommendations for commercial areas of the City. The Zoning Ordinance allows for up to 35% lot coverage for structures with an increase up to 65% with the submission of a landscape plan and approval of a Special Use Permit by the City Council. The proposed property is at 51% coverage after the construction of the proposed warehouse buildings.

4. The proposed use will not result in a random pattern of development with little contiguity to existing programmed development and will not cause negative fiscal and environmental effects upon the community.

The existing development surrounding this site is mixture of non-conforming single family residential, mini-storage and landscape based businesses. Warehouse buildings are a permitted use within the BLM, Business and Light Manufacturing zoning district.

5. Other criteria required to be considered under the provisions of this code for any special use permit.

The applicant is required to plant and maintain the proposed landscape materials associated with the Special Use Permit application.

SUMMARY AND RECOMMENDATION:

Staff recommends approval of the Special Permit based on the findings set forth in the Staff report, subject to the following conditions:

1. The applicant is seeking to construct a two-story, 72,000 square foot footprint of warehouse space with associated site improvements. The lot coverage associated with these buildings is 51% and requires a Special Use Permit. Upon City staff approval of the final site engineering and architectural plans, staff will then issue a Special Use Permit (SUP).
2. The proposal meets the requirements of Section 535, “BLM, Business and Light Manufacturing” of the Hermantown Zoning Ordinance.
3. The proposal meets the requirements of Chapter 8, “Commercial-Industrial Development Permits” of the Hermantown Zoning Ordinance.
4. A wetland delineation has been performed with wetland impacts requiring approval by the Hermantown Technical Evaluation Panel.

5. The applicant is required to plant and maintain the proposed landscape materials associated with the Special Use Permit application.
6. The applicant shall sign a consent form assenting to all conditions of this approval.
7. The applicant shall pay an administrative fine of \$750 per violation of any condition of this approval.

SOURCE OF FUNDS (if applicable)

N/A

ATTACHMENTS

Resolution
Site Location Map
Proposed Site Plan
Proposed Grading Plan
Proposed Landscape Plan
Proposed Floor Plans
Proposed Building Elevations

Resolution No. 2024-32

**Resolution Approving A Special Use Permit To Increase The Lot Coverage Of A Building
In The Business Light Manufacturing Zoning District**

WHEREAS, Sundby Road Storage, LLC, (“Applicant”), owner of the property at 395-0020-00190 submitted an application for a Special Use Permit to increase the lot coverage of a building in a Business Light Manufacturing District (the “Project”), with a legal description as follows:

Property ID: 395-0020-00190

LOT NINETEEN (19) ARROWHEAD ACRES, ST. LOUIS COUNTY, MINNESOTA

WHEREAS, The Hermantown Planning and Zoning Commission held a public hearing on the Special Use Permit application at its meeting on February 27, 2024 and recommended approval of the Special Use Permit at such meeting; and

WHEREAS, after due consideration of the entire City file, the testimony at the public hearing and all other relevant matters the City Council hereby makes the following findings related to the Special Use Permit.

FINDINGS OF FACT

- 1. The proposed development is likely to be compatible with development permitted under the general provisions of this chapter on substantially all land in the vicinity of the proposed development;**

The construction of warehouse buildings is a permitted use within the BLM, Business and Light Manufacturing zoning district.

- 2. The proposed use will not be injurious to the use and enjoyment of the environment, or detrimental to the rightful use and enjoyment of other property in the immediate vicinity of the proposed development;**

The existing development surrounding this site is mixture of non-conforming single family residential, mini-storage and landscape based businesses. Warehouse buildings are a permitted use within the BLM, Business and Light Manufacturing zoning district.

- 3. The proposed use is consistent with the overall Hermantown Comprehensive Plan and with the spirit and intent of the provisions of this chapter;**

The property is within an area marked for Development of New Compatible Light Industrial with Adequate Public Facilities, Preserve Wetlands and Rural Uses in the Hermantown Comprehensive Plan. The proposed warehouse building is consistent with Comprehensive Plan recommendations for commercial areas of the City. The Zoning

Ordinance allows for up to 35% lot coverage for structures with an increase up to 65% with the submission of a landscape plan and approval of a Special Use Permit by the City Council. The proposed property is at 51% coverage after the construction of the proposed warehouse building.

- 4. The proposed use will not result in a random pattern of development with little contiguity to existing programmed development and will not cause negative fiscal and environmental effects upon the community.**

The existing development surrounding this site is mixture of non-conforming single family residential, mini-storage and landscape based businesses. Warehouse buildings are a permitted use within the BLM, Business and Light Manufacturing zoning district.

- 5. Other criteria required to be considered under the provisions of this code for any special use permit.**

The applicant is required to plant and maintain the proposed landscape materials associated with the Special Use Permit application.

CONCLUSION

On the basis of the foregoing Findings of Fact, the City Council of the City of Hermantown is hereby resolved as follows:

1. The applicant is seeking to construct a 72,000 square feet of warehouse space with associated site improvements. The lot coverage associated with these buildings is 51% and requires a Special Use Permit. Upon City staff approval of the final site engineering and architectural plans, staff will then issue a Special Use Permit (SUP).
2. The proposal meets the requirements of Section 535, "BLM, Business and Light Manufacturing" of the Hermantown Zoning Ordinance.
3. The proposal meets the requirements of Chapter 8, "Commercial-Industrial Development Permits" of the Hermantown Zoning Ordinance.
4. A wetland delineation has been performed with wetland impacts requiring approval by the Hermantown Technical Evaluation Panel.
5. The applicant is required to plant and maintain the proposed landscape materials associated with the Special Use Permit application.
6. The applicant shall sign a consent form assenting to all conditions of this approval.
7. The applicant shall pay an administrative fine of \$750 per violation of any condition of this approval.

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 March 18, 2024.

(TOP THREE INCHES RESERVED FOR RECORDING DATA)

SPECIAL USE PERMIT

Permission is hereby granted to Sundby Road Storage, LLC, (“Applicant”), owners of the property at 395-0020-00190, submitted an application to increase the lot coverage of a building in the Business Light Manufacturing zoning district at 395-0020-00190 (“Project”), and legally described in Attachment A.

The permission hereby granted is expressly conditioned as follows:

- a. That the Project will be constructed as described in the plans accompanying the application and the conditions contained herein.
- b. The Zoning Officer of the City of Hermantown shall be notified at least five (5) days in advance of the commencement of the work authorized hereunder and shall be notified of its completion within (5) days thereafter.
- c. No change shall be made in the Project without written permission being previously obtained from the City of Hermantown.
- d. Applicant shall grant access to the site at all reasonable times during and after construction to authorized representatives of the City of Hermantown for inspection of the Project to see the terms of this permit are met.
- e. The permit is permissive only. No liability shall be imposed upon or incurred by the City of Hermantown or any of its officers, agents or employees, officially or personally, on account of the granting hereof or on account of any damage to any person or property resulting from any act or omission of Applicant or any of Applicant’s agents, employees or contractors relating to any matter hereunder. This permit shall not be construed as estopping or limiting any legal claims or right of action of any person against Applicant, its agents, employees of contractors, for any damage or injury resulting from any such act or omission, or as estopping or limiting any legal claim or right of action of the City of Hermantown against Applicant, its agents, employees or contractors for violation of or failure to comply with the permit or applicable provisions of law.
- f. This permit may be terminated by the City of Hermantown at any time it deems necessary for the conservation of water resources, or in the interest of public health and welfare, or for violation of any of the provisions of this permit.

- g. Applicant is initially and continually in compliance with all of the ordinances and regulations of the City of Hermantown Building Code and the Hermantown Fire Code.
- h. All state licenses and other permits required for the Project have been obtained by the Applicant and copies are provided to the City of Hermantown.
- i. That Applicant pay all direct costs incurred by the City of Hermantown in connection with the enforcement and administration of this permit within fifteen (15) days of Applicant being invoiced by the City for such costs.
- j. Erosion control measures shall be utilized and remain in place throughout the construction period, and shall not be removed until vegetation is established on the site.
- k. Prior to issuance of a building permit, all necessary permits shall be obtained.
- l. The approval is for a Special Use Permit to increase the lot coverage of a building in a Business Light Manufacturing District. The Community Development Director may approve minor variations to the Project if they do not result in any wetland impacts.
- m. The applicant is required to plant and maintain the proposed landscape materials associated with the Special Use Permit application.
- n. The applicant shall sign a consent form assenting to all conditions of this approval.
- o. The applicant shall pay an administrative fine of \$750 per violation of any condition of this approval.

IN WITNESS WHEREOF, the Mayor and City Clerk have hereunto set their hands on behalf of the City of Hermantown on the ____ day of _____, 2024.

CITY OF HERMANTOWN

By _____

Its Mayor

By _____

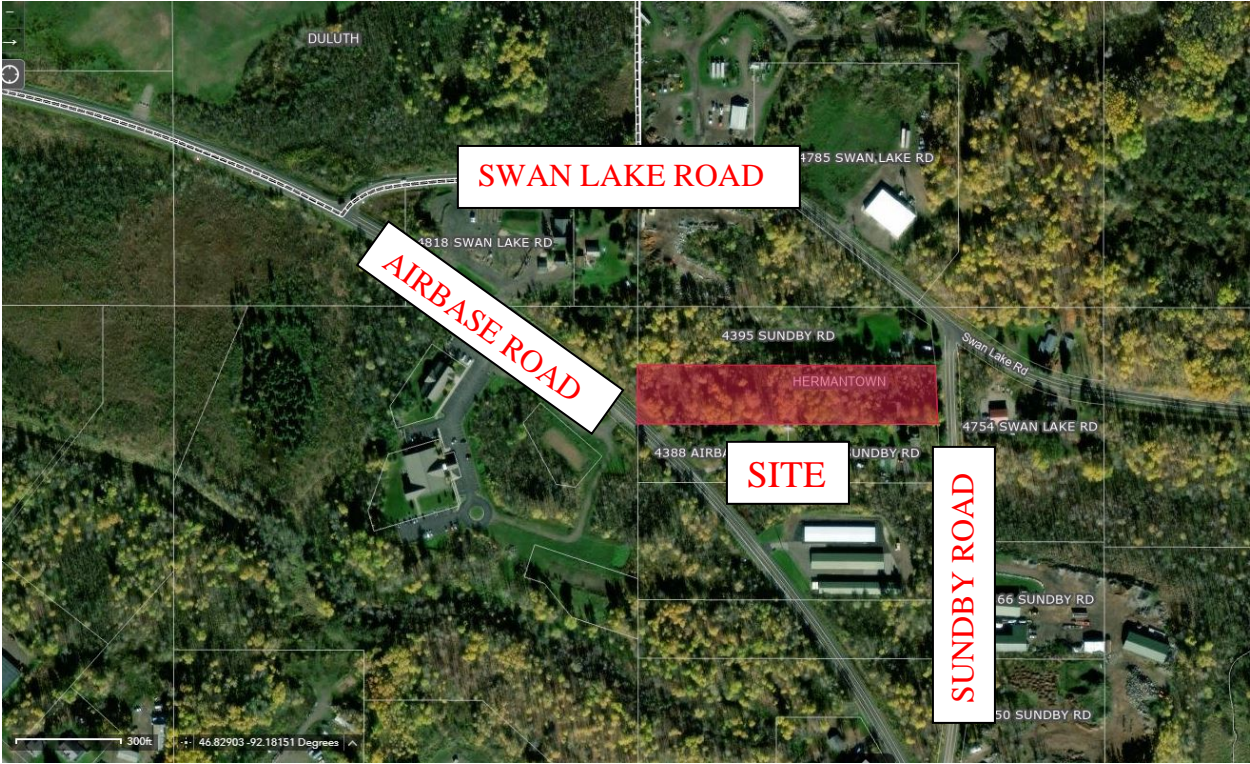
Its Clerk

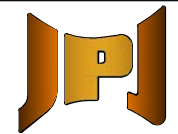
ATTACHMENT A

LOT NINETEEN (19) ARROWHEAD ACRES, ST. LOUIS COUNTY, MINNESOTA

Property ID: 395-0020-00190

Location Map





Engineering
Land Surveying
Site Development

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

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

www.jpjeng.com

HAGE & CO
4389 SUNDBY ROAD
HERMANTOWN, MINNESOTA

SITE PLAN

REVISION DATE:	DESCRIPTION:

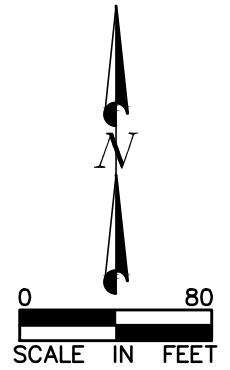
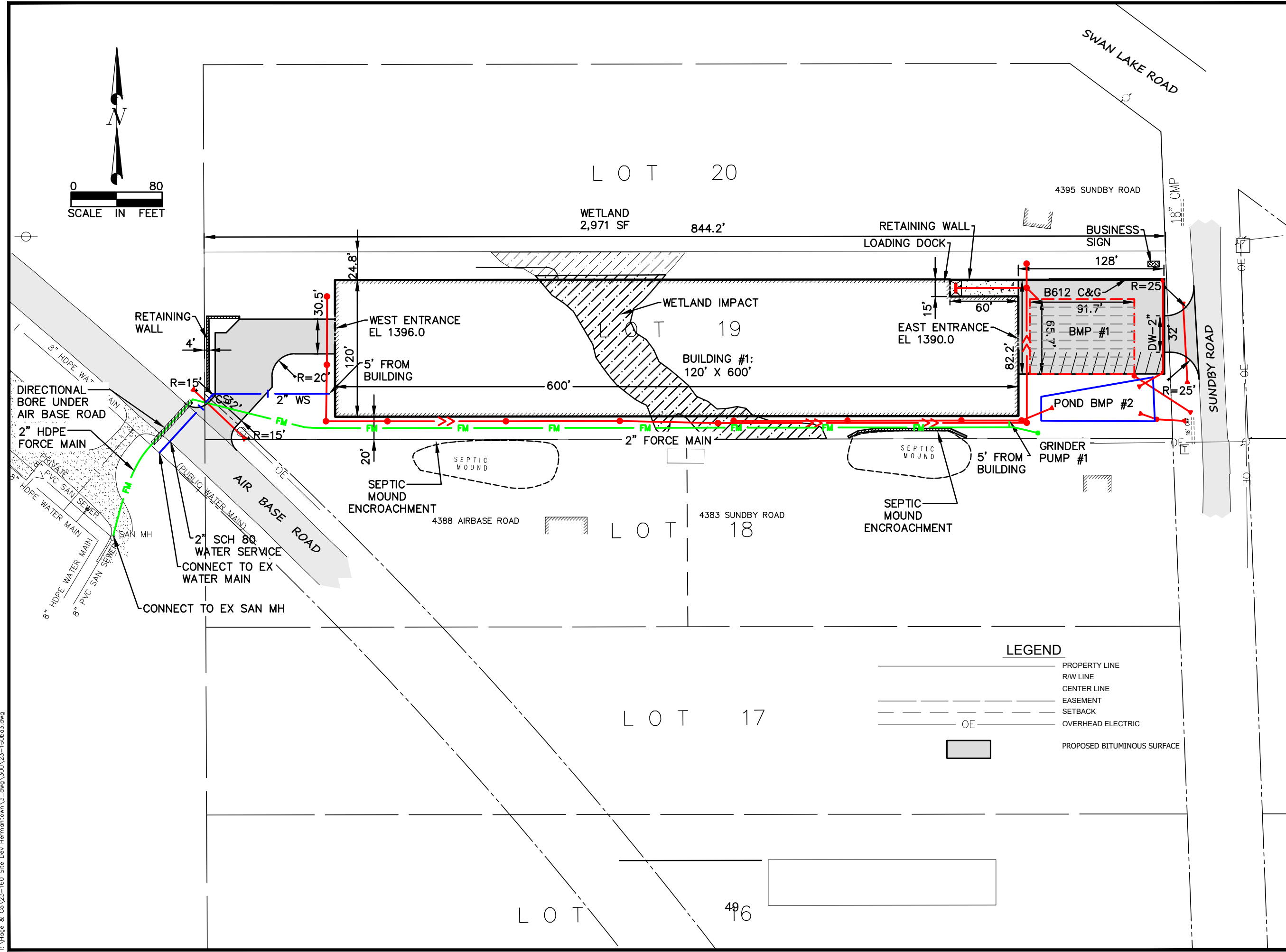
SURVEYED	
DESIGNED	JPJ
DRAWN	BSM
CHECKED	

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

PRELIMINARY

JOHN P. JAMNICK, P.E.
DATE _____ LIC. NO. 19907

23-160 PROJECT NO. C1.00





LEGEND

- PROPERTY LINE
- R/W LINE
- CENTER LINE
- EASEMENT
- SETBACK
- OE ----- OVERHEAD ELECTRIC
- █ PROPOSED BITUMINOUS SURFACE

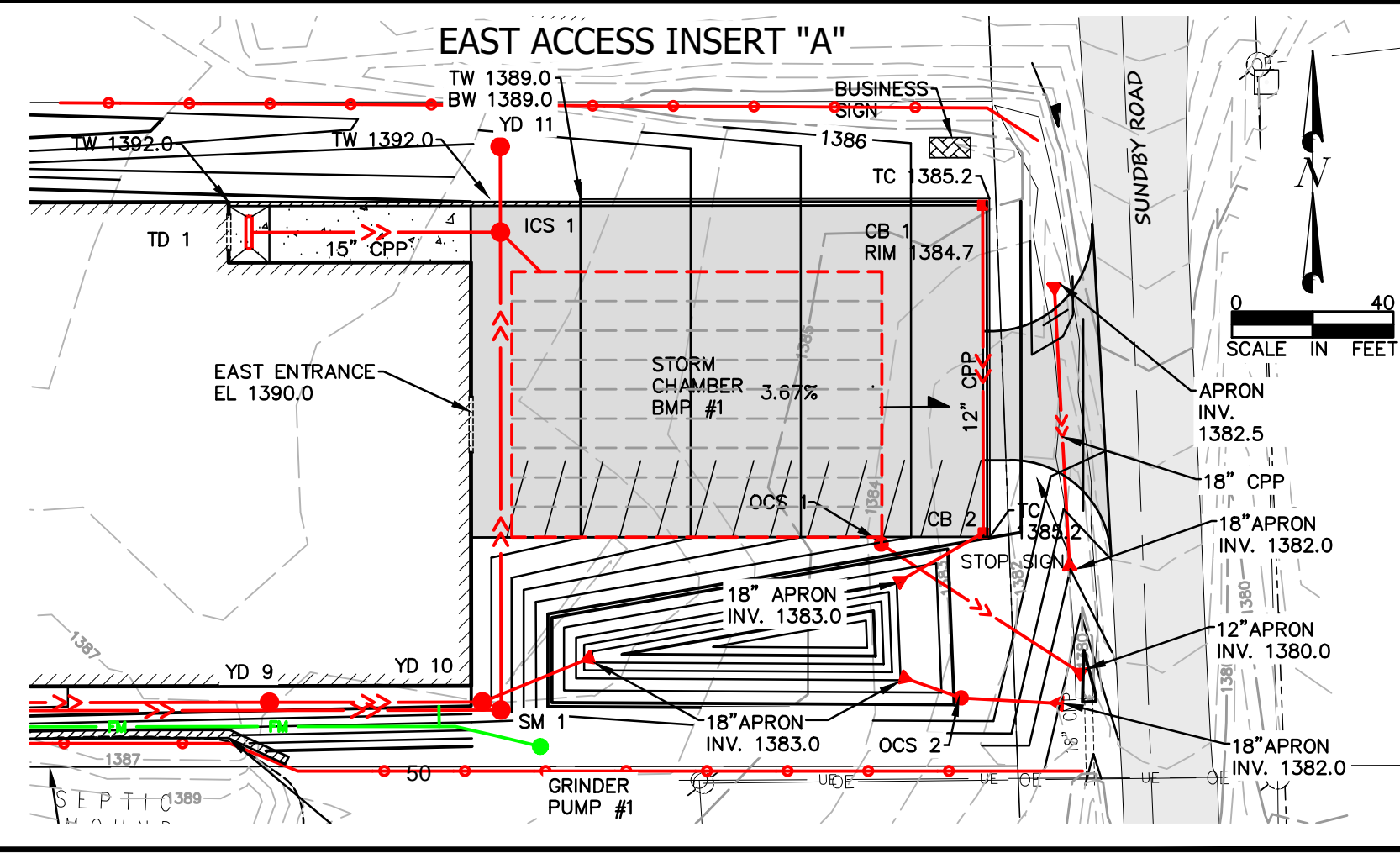
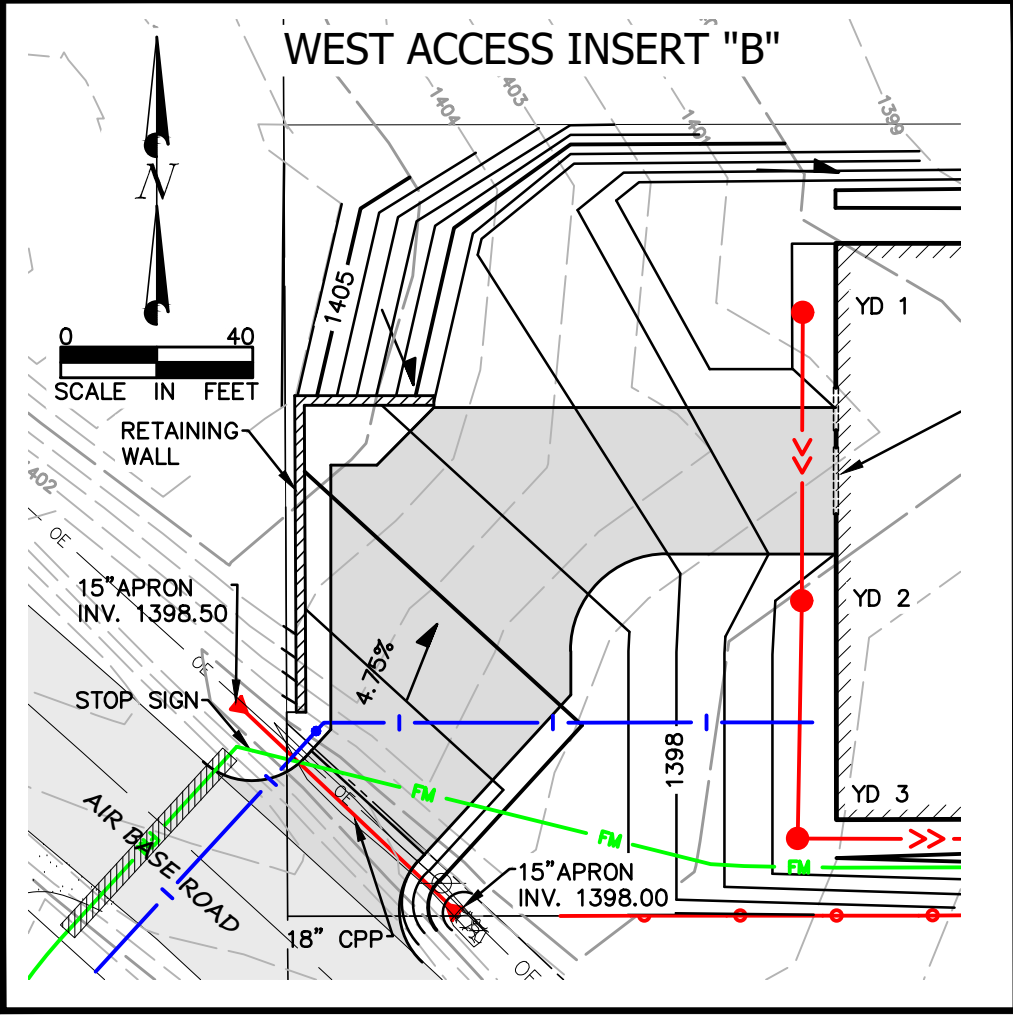
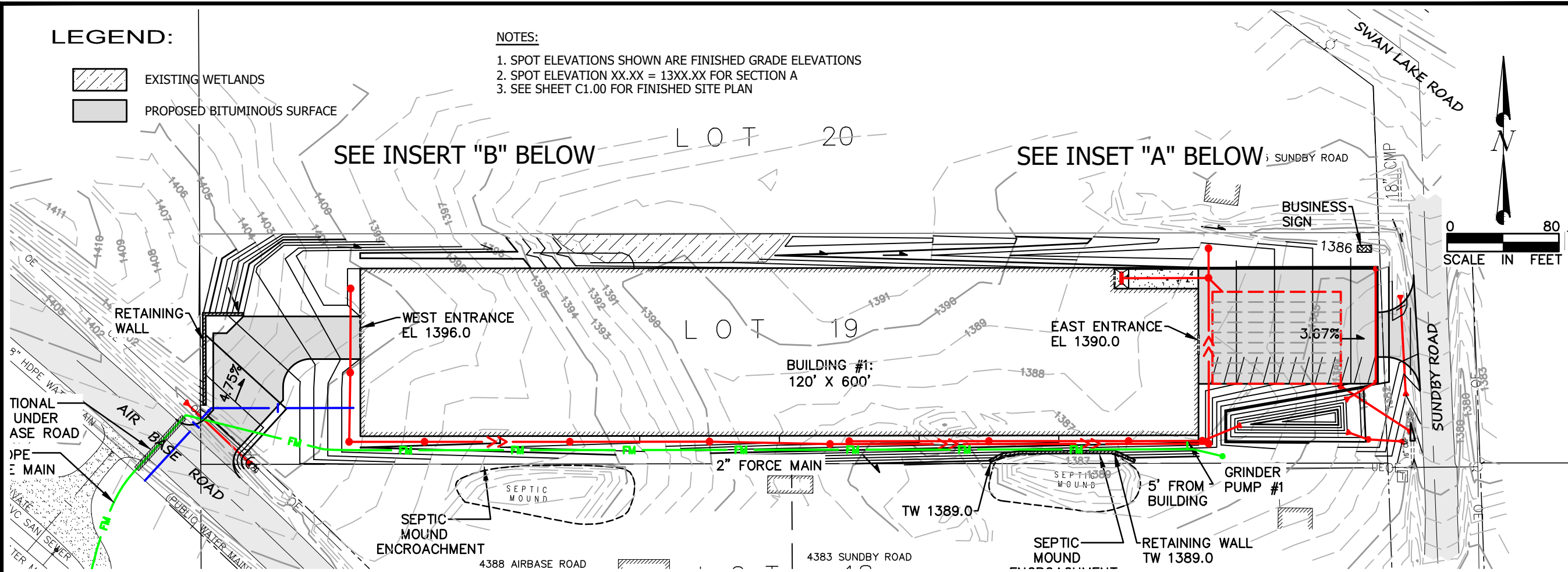
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LEGEND:

-  EXISTING WETLANDS
-  PROPOSED BITUMINOUS SURFACE

NOTES:

1. SPOT ELEVATIONS SHOWN ARE FINISHED GRADE ELEVATIONS
2. SPOT ELEVATION XX.XX = 13XX.XX FOR SECTION A
3. SEE SHEET C1.00 FOR FINISHED SITE PLAN



Engineering
Land Surveying
Site Development

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

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

www.jpjeng.com

HAGE & CO
4389 SUNDBY ROAD
HERMANTOWN, MINNESOTA

GRADING PLAN

REVISION DATE:	DESCRIPTION:

SURVEYED
DESIGNED JPJ
DRAWN BSM
CHECKED

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

PRELIMINARY

JOHN P. JAMNICK, P.E.

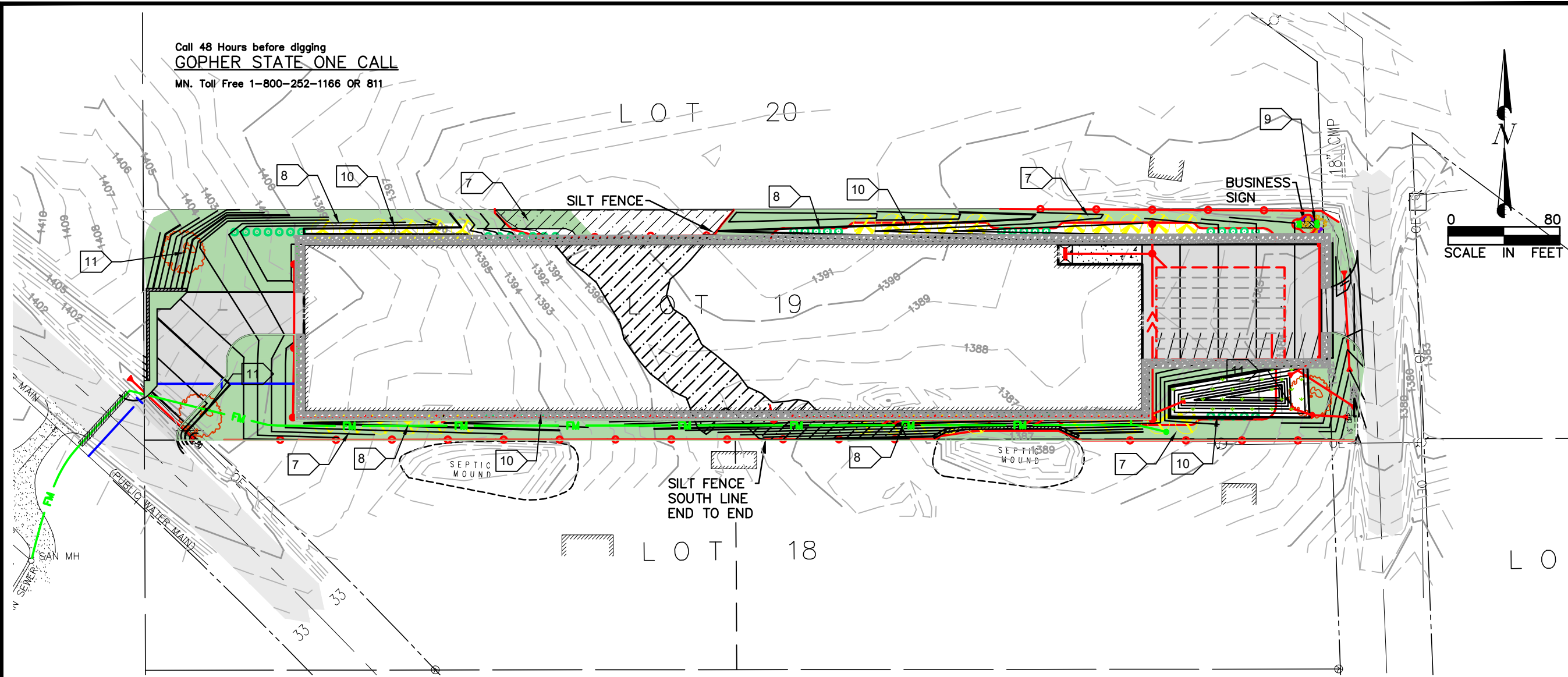
DATE _____ LIC. NO. 19907

23-160
PROJECT NO.

C2.00

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Call 48 Hours before digging
GOPHER STATE ONE CALL
 MN. Toll Free 1-800-252-1166 OR 811



Engineering
 Land Surveying
 Site Development

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

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

www.jpjeng.com

HAGE & CO
 SUNDBY ROAD STORAGE LLC
 HERMANTOWN, MINNESOTA

SWPPP
 EROSION CONTROL
 LANDSCAPE PLAN

REVISION DATE:	DESCRIPTION:

SURVEYED
 DESIGNED
 DRAWN AAP
 CHECKED

I hereby certify that this plan was prepared by me or under my direct supervision and that I am a duly licensed Landscape Architect under the laws of the State of Minnesota.

PRELIMINARY

DATE _____ LIC. NO. 48524

23-160
 PROJECT #

C6.00

LANDSCAPE NOTES

- COORDINATE INSTALLATION WITH CONTRACTORS PERFORMING RELATED WORK.
- SEED MIXTURES SHALL BE AS DEFINED IN CURRENT MNDOT SEEDING MANUAL. NATIVE SEEDS SHALL BE OF MINNESOTA (OR AS SPECIFIED) ORIGIN AND CERTIFIED BY THE MINNESOTA CROP IMPROVEMENT ASSOCIATION (MCIA). PROVIDE VERIFYING DOCUMENTATION TO THE OWNER 30 DAYS MINIMUM PRIOR TO INSTALLATION.
- FOLLOW MNDOT SEEDING MANUAL FOR PLANTING INSTRUCTIONS FOR ESTABLISHMENT OF NATIVE SEED AND PROVIDE COORDINATION FOR REQUIRED EROSION PREVENTION AND SEDIMENT CONTROL.
- PLANT MATERIAL SHALL CONFORM TO THE AMERICAN ASSOCIATION OF NURSERYMEN STANDARDS AND BE OF HARDY STOCK, FREE FROM DISEASE, INFESTATION, DAMAGE, AND DISFIGURATION. FOR DISCREPANCY BETWEEN THE NUMBER OF PLANTS ON THE SCHEDULE AND THE NUMBER SHOWN ON THE DRAWING, THE DRAWING SHALL GOVERN.
- PLANTING SOIL SHALL CONSIST OF 4 PARTS TOPSOIL TO 1 PART PEAT HUMUS, WITH 3 POUNDS OF COMMERCIAL FERTILIZER ADDED PER CUBIC YARD. SEE DETAILS FOR DEPTH OF PLANTING SOIL.
- PLACE PLANTS ACCORDING TO LAYOUT WITH PROPER NOMINAL SPACING.
- SPREAD A MINIMUM OF 6 INCHES OF TOPSOIL AND SEED/SOD ALL TURF AREAS DISTURBED BY CONSTRUCTION.
- EDGE SHRUB BEDS WITH 6-INCH METAL EDGING (BLACK DIAMOND OR APPROVED EQUAL) EXCEPT WHERE ADJACENT TO CURBING, WALKS OR BUILDINGS.
- INSTALL 4 INCH DEPTH OF SHREDDED HARDWOOD BARK MULCH IN SHRUB BED AREAS.
- INSTALL 4 INCH DEPTH OF DECORATIVE ROCK 2"-5" DIA ROCK MULCH IN PERENNIAL AND PLANTING AREAS.
- INSTALL A 4-FOOT DIAMETER SHREDDED HARDWOOD BARK MULCH DISH AROUND TREES NOT PLACED WITHIN A SHRUB OR PERENNIAL PLANTING BED. VINYL EDGING IS NOT REQUIRED, UNLESS NOTED OTHERWISE.

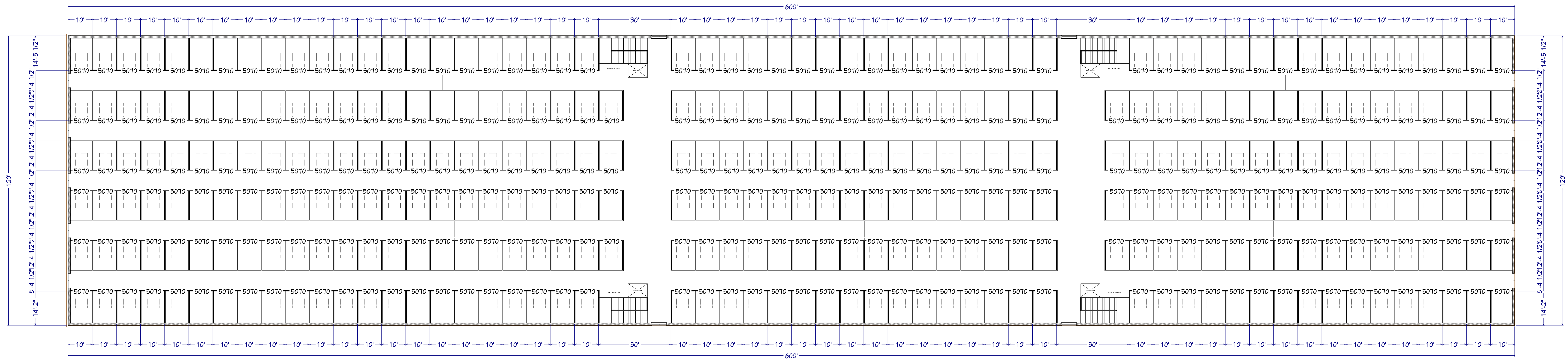
PLANT TABLE

NAME	COUNT	KEY	COMMON NAME	SCIENTIFIC NAME	MATURE SIZE	PLANTING SIZE	ROOT COND.
CONIFEROUS TREES	58	JSWO	WOODWARD COLUMNAR JUNIPER	JUNIPERUS SCOPULORUM 'WOODWARD'	20'H x 4'W	6'	B&B
DECIDUOUS TREES	6	ASFF	FALL FIESTA SUGAR MAPLE	ACER SACCHARUM 'BAILSTA' FALL FIESTA	50'H x 35'W	2.5' CAL.	B&B
DECIDUOUS TREES	32	BEPA	PRAIRIE DREAM PAPER BIRCH	BETULA PAPPYRIFERA 'VAREN'	60'H x 35'W	2.5' CAL.	B&B
GRASSES	43	KFG	FEATHER REED GRASS	CALAMAGROSTIS ACUTIFLORA 'KARL FOERSTER'	5'H x 2'W	18"	CONTAINER
PERENNIALS	6	BES	BLACK EYED SUSAN	RUDBECKIA 'GOLDSTURM'	1.5'H x 1.5'W	12"	CONTAINER
PERENNIALS	8	FVL	GAYFEATHER	LIATRIS SPICATA 'FLORISTAN VIOLET'	3'H x 2'W	12"	CONTAINER

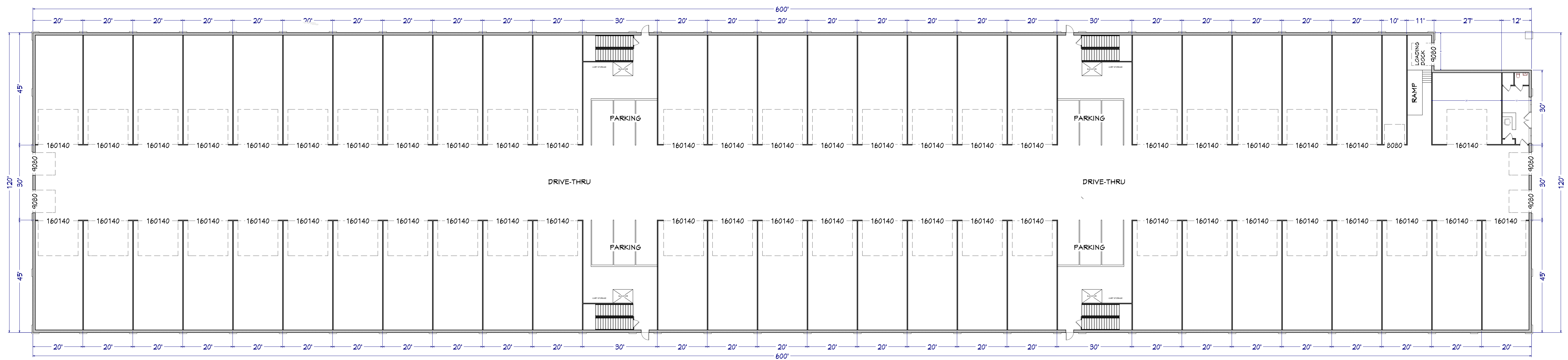
EROSION CONTROL AND LANDSCAPE LEGEND

	COMMERCIAL SEED MIXTURE AREA (MNDOT NUMBER 25-131)		CLASS III RIPRAP - SEE DETAIL (AT ALL CULVERT OUTLETS)
	EROSION CONTROL BLANKET - SLOPE AREAS		SILT FENCE
	SEDIMENT BASIN SEED MIXTURE AREA (MNDOT NUMBER 33-361)		STORM INLET PROTECTION OR CULVERT END PROTECTION
	DECORATIVE ROCK		SEDIMENT CONTROL LOG
	SHREDDED BARK MULCH		18"-36" LANDSCAPE BOULDER

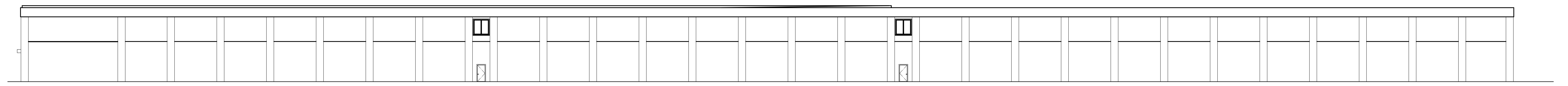
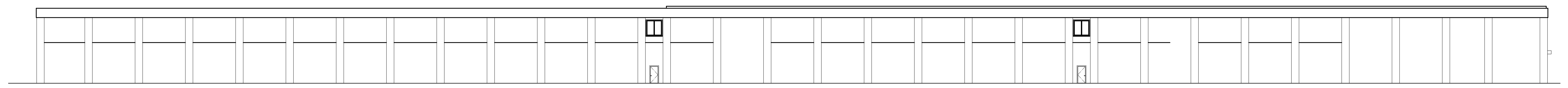
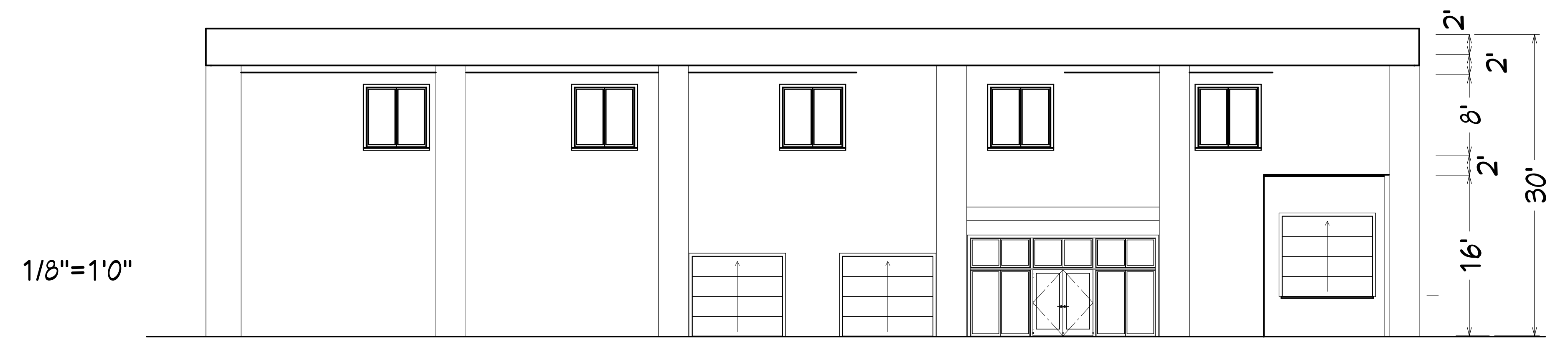
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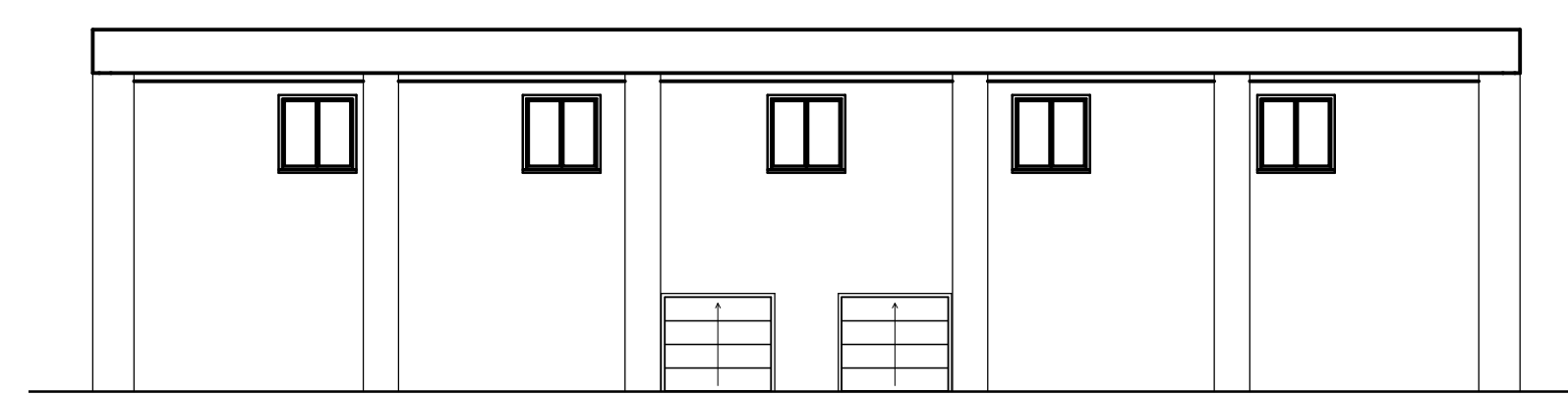
SECOND FLOOR PLAN
1/16"=1'0"

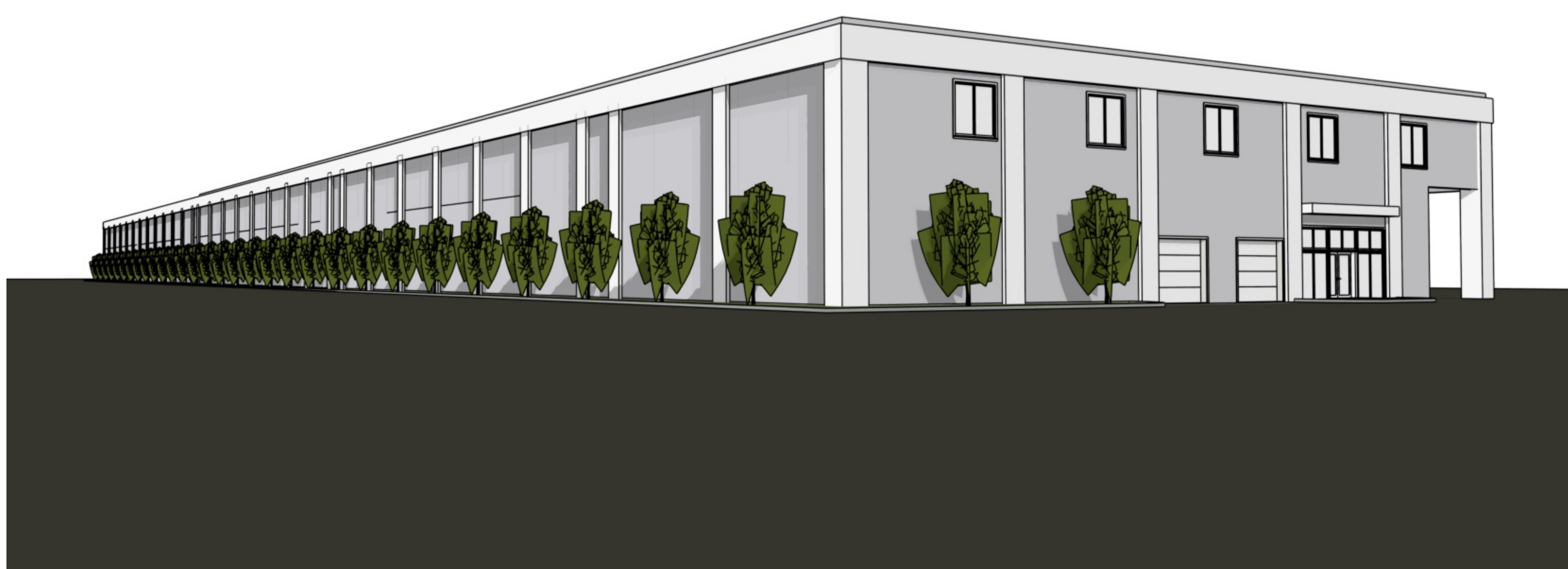
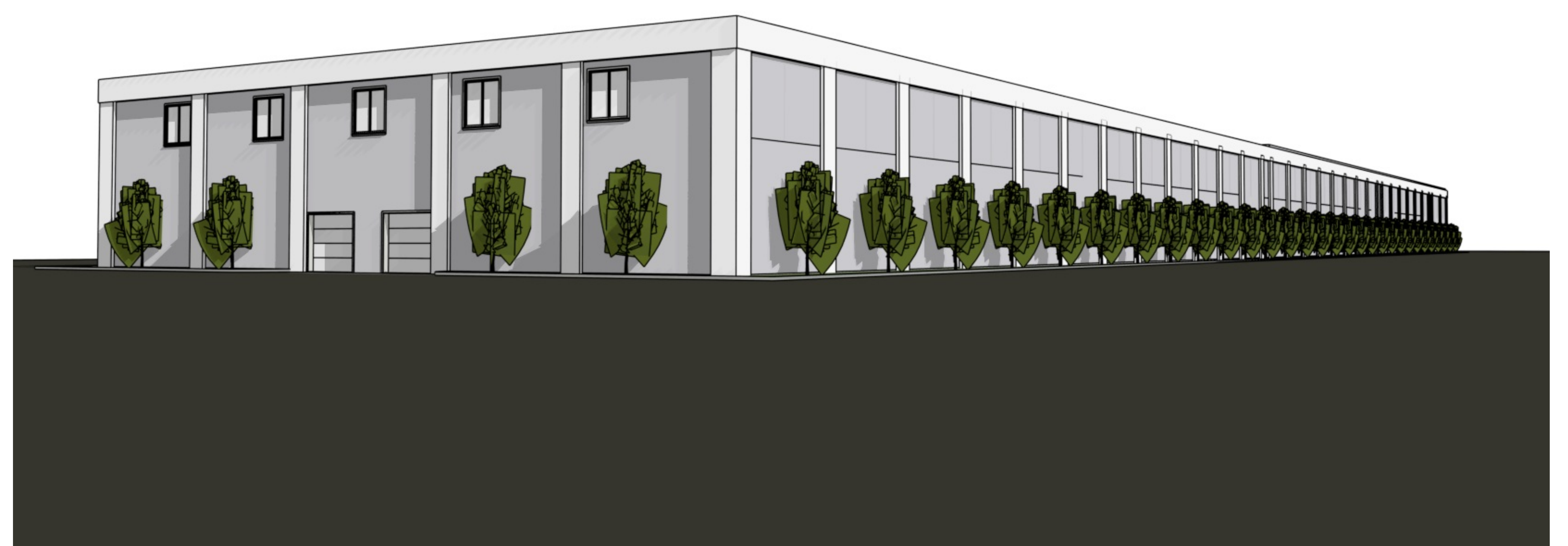
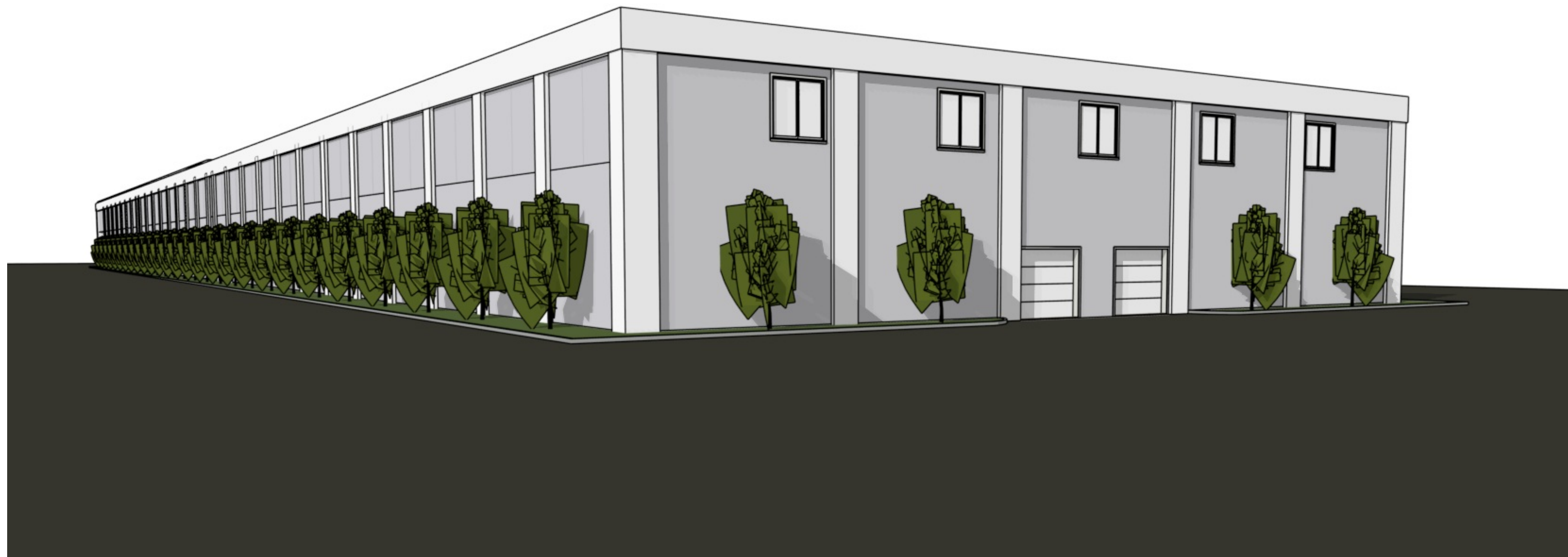


MAIN FLOOR PLAN
1/16"=1'0"



ELEVATIONS
1/16"=1'0"







CITY COUNCIL MEETING DATE: March 18, 2024

TO: Mayor & City Council

FROM: Paul Senst, Director of Public Works

SUBJECT: Dirt Service Truck Build

RESOLUTION: 2024-33 **ORDINANCE:** **OTHER:**

REQUESTED ACTION

Approve Service Truck Build

BACKGROUND

The Hermantown PW/Utilities has asked to purchase a Service truck box and upfitting. The truck chassis was ordered under resolution 2023-13.

The box and upfitting of this truck will be from BERT's Truck Equipment Inc. - \$ 31,100.00.

The purchase of this Truck chassis and Build are part of the 2023 Capital Improvement Plan under the 2023 1 TON Dirt Service Truck.

This equipment is purchased thru the State of Minnesota State Bid process.

SOURCE OF FUNDS (if applicable)

401-431100-544

ATTACHMENTS

Resolution
Quotes From: Bert's Truck Equipment – Box Build/Install

Resolution No. 2024-33

Resolution Awarding Contract For A Knapheide A698 Aluminum Service Body In The Amount Of \$31,100.00

WHEREAS, the City of Hermantown purchased a 2023 GMC Sierra 3500HD truck chassis in 2023; and

WHEREAS, the service body of the truck was scheduled to be purchased at a later date from an as of yet determined vendor; and

WHEREAS, after fully considering this matter, the City Council of the City of Hermantown believes that it is in the best interest of the City of Hermantown to award the contract for Proposal for a Knapheide A698 Aluminum Service Body to Bert's Truck Equipment, Inc, and

WHEREAS, the purchase of the truck bod is part of the 2023 Capital Improvement Plan.

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

1. Bert's Truck Equipment, Inc. is hereby determined to be able to provide the Knapheide A698 Aluminum Service Body to the City pursuant to the State Contract.
2. The price of \$31,100 plus applicable fees and sales tax for the truck chassis in accordance with the State Contract is hereby accepted.
3. Per the CIP the funds for the payment of the truck chassis will be paid from Fund No. 401 and expensed to 401-431100-544.

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 March 18, 2024.



TRUCK EQUIPMENT

March 5th, 2024

Paul Senst
Public Works Director
City of Hermantown
218-729-3640

Proposal for Knapheide A698 Aliminum Service Body

Item	Description		
2.3-7	Knapheide A698 Knapheide Aluminum Service body with all Standard Equipment (fits 56" CA Single Wheel GM Chassis)	\$	7,092.00
2.3-101	GM Mounting kit	\$	432.00
2.3-103	LED Flush Mount Light kit	\$	400.00
2.3-	Warning light harness for OEM Switch	\$	165.00
NCI	Delete tailgate for Liftgate application	N/C	
	Fenderettes (required)	\$	475.00
2.3-135	Knapheide Facatory Blended white	\$	1,470.00
2.3-151	Installation of body	\$	1,675.00
2.3-107	Aluminum fuel cup	\$	125.00
108.00	GM Fuel Fill Kit required for GM Chassis 56" CA with box removal	\$	475.00
1.56	Full height Rock Guards	\$	195.00
1.86	Class V Reciever Hitch Rated at 16000LB 2.5 " Reciver Tube	\$	745.00
1.94	7-way RV electrical	\$	90.00
1.55-2	Install OEM compatable back up camera if chassis is equiped	\$	190.00
NCI	Knapheide Aluminum Rear Window/cab Guard,	\$	1,175.00
169.00	LED Compartment Lights (1-strip) per Compartment	\$	900.00
nci	E-track installed in cargo area	\$	1,015.00
77013660 NCI	CTECH 5 Drawer Unit (4-3",1-5"), 23.75"W x 18.8"H x 11.0"D - L1V - Installed	\$	2,900.00
77013780 NCI	CTECH 5 Drawer Unit (4-3",1-5"), 23.75"W x 18.8"H x 11.0"D - R1V - Installed	\$	2,900.00
77001720 NCI	Adjustable Divider Shelf Street Side Horizontal Compartment - Installed	\$	160.00
NCI	Two 4" PVC Pipes with Aluinium Covers installed on ladder Rack	\$	350.00
NCI	10 2" PVC Tubes intalled Vertically on left cargo area	\$	900.00
	Hella H27997521 Warning light installed on cab guard and wired to upfitter switch (Amber/blue)	\$	595.00
106.00	Ecco Front Strobe Kit With wiring kit, Installed	\$	460.00
77013520 NCI	Swivel Hooks Curb Side Rear Vertical Compartment (5 hooks) - Installed	\$	335.00
	Dealer Reprograming OEM system if needed	\$	500.00
1.52	Line-X Cargo Area and Compartment Tops	\$	995.00
	Total	\$	26,714.00

Maxon Liftgate

	C2 series service body lift, 1600 lbs capacity, 55" frame width, C2-54-1642 EA3 38" extruded aluminum platform (includes Galvanized Frame)	\$	3,351.00
20031350	Knapheide Liftgate Mounting brackets for aluminum (optional)	\$	420.00
	Installation of Maxon, Pick-up, Service Bodies Models on		
Labor	Appropriate Chassis	\$	1,035.00
	Total for Liftgate	\$	4,386.00
	Total	\$	31,100.00

Estimated Delivery May to June

X Jim McLaughlin

Commercial, Fleet, and Government Sales

YOUR TRUCK EQUIPMENT HEADQUARTERS

1-800-232-3787

(218) 233-8681
Fax 218-233-9548

3804 Hwy 75 North
Moorhead, MN 56560

email:jimmc@bertsonline.com



CITY COUNCIL MEETING DATE: March 18, 2024

TO: Mayor & City Council

FROM: Paul Senst, Director of Public Works

SUBJECT: Cooperative Agreement – St. Louis County – Micro-surfacing

RESOLUTION: 2024-34 **ORDINANCE:** **OTHER:**

REQUESTED ACTION

Approve a cooperative agreement with St. Louis County for Micro-Surfacing Arrowhead Road from Hwy 53 to Thielke Circle.

BACKGROUND

St. Louis County (SLC) will be micro-surfacing other roads in SLC. We will be working with SLC in a Co-Op agreement. Through this cooperative agreement, SLC sought out the bids and will manage the contract for Micro-surfacing the City of Hermantown’s Arrowhead Road from Hwy 53 to Thielke Circle. This project is over budget compared to the original planning estimate we were given by \$83,000. However, this will ensure the Arrowhead Road will stay viable until it is able to be FULLY repaired as part of our Road Improvement plan in the future.

We recommend the Co-Op agreement with SLC and Asphalt Surface Technologies Corp. in the amount of **\$248,096.47**.

SOURCE OF FUNDS (if applicable)

475-431150-530

ATTACHMENTS

Resolution
Bid Abstract

Resolution No. 2024-34

Resolution Receiving Bids And Recommending The Award Of The Contract For A Microsurface Project On Various Paved Roads (CP 0004-778336 (Low) (Arrowhead Road)) Within The City Of Hermantown Corporate Limits In The Amount Of \$248,096.47

WHEREAS, St. Louis County, the Project Engineer hired by the City through a Cooperative Agreement approved by Resolution 2023-155 duly advertised for bids for a Microsurface project on: Arrowhead Road from Thielke Circle to TH 53 (CP 0000-823811) hereinafter referred to as the “City of Hermantown Project”; and

WHEREAS, bids on such Project were publicly opened and tabulated by St. Louis County on March 7, 2024; and

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

WHEREAS, St. Louis County reviewed the bid of the lowest bidder to confirm its accuracy; and

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

WHEREAS, on the basis of such review, St. Louis County has recommended that the lowest bidder, Asphalt Service Technologies Corp. (“Contractor”) be awarded the contract for the “City of Hermantown Project” (“Project”); and

WHEREAS, the Cooperative Agreement states that “the County must obtain the concurrence of the City prior to awarding the contract” and after fully considering this matter, the City Council believes that it is in the best interests of the City of Hermantown to award the contract for such improvement to Contractor.

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

1. Contractor is hereby found, determined and declared to be the lowest responsible bidder for the Project.
2. The bid of Contractor is in the amount of \$248,096.47 for the Project for such bid option in accordance with the plans and specifications and advertisements for bids shall be and hereby is accepted.
3. St. Louis County is hereby requested to prepare a contract between the St. Louis County and Contractor as soon as possible and submit it to Contractor for execution by it.

4. Upon execution of such contract by Contractor and St. Louis County and its submission of a performance bond, payment bond and certificate of insurance acceptable to the County Attorney and the City Attorney, the work pursuant to the contract may proceed.

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

Councilor _____ introduced the foregoing resolution and moved its adoption.

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

Councilors _____, Mayor Boucher, aye.

and the following voted in opposition thereto:

None.

WHEREUPON, such resolution was declared duly passed and adopted March 18, 2024.

Contract CP 0004-778336, SAP 069-604-088 (Low); CP 0008-788475, SAP 069-608-007 (Tied); CP 0133-788474, SAP 069-733-032 (Tied); CP 0000-823811 (Tied) - Bid Abstract

Report Date	Contract Name	Contract Number	Local	State	Release Date	Bid opening
3/7/2024	CP 0004-778336, SAP 069-604-088 (Low); CP 0008-788475, SAP 069-608-007 (Tied); CP 0133-788474, SAP 069-733-032 (Tied); CP 0000-823811 (Tied)	CP 0004-778336	CP 0004-778336 (Low)	SAP 069-604-088	2/9/2024	3/7/2024, 10:00 AM

CP 0000-823811 CP 0000-823811 (Tied) Micro Surface - CP 0000-823811

Asphalt Surface Technologies Corp.

Line	Number	Description	Unit	Quantity	Estimated Price	Estimated Total	Price	Total	% Over/Under
1	2021.501	MOBILIZATION	LUMP SUM	1	\$10,000.00	\$10,000.00	\$22,000.00	\$22,000.00	120.00% OVER
2	2354.506/00010	BITUMINOUS MATERIAL FOR MICRO-SURFACING	GALLON	21,146	\$3.00	\$63,438.00	\$3.10	\$65,552.60	3.33% OVER
3	2354.509/00020	MICRO-SURFACING SCRATCH COURSE	TON	330	\$135.00	\$44,550.00	\$138.00	\$45,540.00	2.22% OVER
4	2354.509/00030	MICRO-SURFACING SURFACE COURSE	TON	330	\$135.00	\$44,550.00	\$138.00	\$45,540.00	2.22% OVER
5	2355.506/00010	BITUMINOUS MATERIAL FOR FOG SEAL	GALLON	2,629	\$2.20	\$5,783.80	\$3.00	\$7,887.00	36.36% OVER
6	2504.602/69009	PROTECT VALVE COVER	EACH	8	\$25.00	\$200.00	\$50.00	\$400.00	100.00% OVER
7	2506.602/69011	PROTECT CASTING COVER	EACH	3	\$75.00	\$225.00	\$50.00	\$150.00	33.33% UNDER
8	2563.601/00010	TRAFFIC CONTROL	LUMP SUM	1	\$4,000.00	\$4,000.00	\$15,000.00	\$15,000.00	275.00% OVER
9	2573.502/00110	STORM DRAIN INLET PROTECTION	EACH	73	\$175.00	\$12,775.00	\$200.00	\$14,600.00	14.29% OVER

Asphalt Surface Technologies Corp.

Line	Number	Description	Unit	Quantity	Estimated Price	Estimated Total	Price	Total	% Over/Under
10	2580.503/00010	INTERIM PAVEMENT MARKING	LIN FT	24,488	\$0.20	\$4,897.60	\$0.20	\$4,897.60	0.00% UNDER
11	2582.503/30104	4" SOLID LINE MULTI-COMPONENT	LIN FT	350	\$0.45	\$157.50	\$0.45	\$157.50	0.00% UNDER
12	2582.503/30106	6" SOLID LINE MULTI-COMPONENT	LIN FT	21,822	\$0.60	\$13,093.20	\$0.59	\$12,874.98	1.67% UNDER
13	2582.503/30112	12" SOLID LINE MULTI-COMPONENT	LIN FT	66	\$15.00	\$990.00	\$21.00	\$1,386.00	40.00% OVER
14	2582.503/30124	24" SOLID LINE MULTI-COMPONENT	LIN FT	48	\$18.00	\$864.00	\$23.50	\$1,128.00	30.56% OVER
15	2582.503/30404	4" DOUBLE SOLID LINE MULTI-COMPONENT	LIN FT	12,069	\$0.90	\$10,862.10	\$0.91	\$10,982.79	1.11% OVER
Total CP 0000-823811 CP 0000-823811 (Tied) Micro Surface - CP 0000-823811						\$216,386.20		\$248,096.47 14.65% OVER	

CP 0004-778336 CP 0004-778336, SAP 069-604-088 (Low) Micro Surface - CP 0004-778336

Asphalt Surface Technologies Corp.

Line	Number	Description	Unit	Quantity	Estimated Price	Estimated Total	Price	Total	% Over/Under
1	2021.501	MOBILIZATION	LUMP SUM	1	\$20,000.00	\$20,000.00	\$24,000.00	\$24,000.00	20.00% OVER
2	2354.506/00010	BITUMINOUS MATERIAL FOR MICRO-SURFACING	GALLON	25,963	\$3.00	\$77,889.00	\$3.10	\$80,485.30	3.33% OVER
3	2354.509/00030	MICRO-SURFACING SURFACE COURSE	TON	812	\$135.00	\$109,620.00	\$138.00	\$112,056.00	2.22% OVER
4	2355.506/00010	BITUMINOUS MATERIAL FOR FOG SEAL	GALLON	192	\$2.20	\$422.40	\$3.00	\$576.00	36.36% OVER
5	2563.601/00010	TRAFFIC CONTROL	LUMP SUM	1	\$5,000.00	\$5,000.00	\$10,000.00	\$10,000.00	100.00% OVER
6	2580.503/00010	INTERIM PAVEMENT MARKING	LIN FT	38,113	\$0.20	\$7,622.60	\$0.20	\$7,622.60	0.00% UNDER

Asphalt Surface Technologies Corp.

Line	Number	Description	Unit	Quantity	Estimated Price	Estimated Total	Price	Total	% Over/Under
7	2582.503/30104	4" SOLID LINE MULTI-COMPONENT	LIN FT	12,583	\$0.45	\$5,662.35	\$0.45	\$5,662.35	0.00% UNDER
8	2582.503/30204	4" BROKEN LINE MULTI-COMPONENT	LIN FT	6,260	\$0.45	\$2,817.00	\$0.45	\$2,817.00	0.00% UNDER
9	2582.503/30404	4" DOUBLE SOLID LINE MULTI-COMPONENT	LIN FT	9,635	\$0.90	\$8,671.50	\$0.91	\$8,767.85	1.11% OVER
					Total CP 0004-778336 CP 0004-778336, SAP 069-604-088 (Low) Micro Surface - CP 0004-778336	\$237,704.85		\$251,987.10	6.01% OVER

CP 0008-788475 CP 0008-788475; SAP 069-608-007 (Tied) Micro Surface - CP 0008-788475

Asphalt Surface Technologies Corp.

Line	Number	Description	Unit	Quantity	Estimated Price	Estimated Total	Price	Total	% Over/Under
1	2021.501	MOBILIZATION	LUMP SUM	1	\$20,000.00	\$20,000.00	\$24,000.00	\$24,000.00	20.00% OVER
2	2354.506/00010	BITUMINOUS MATERIAL FOR MICRO-SURFACING	GALLON	23,206	\$3.00	\$69,618.00	\$3.10	\$71,938.60	3.33% OVER
3	2354.509/00020	MICRO-SURFACING SCRATCH COURSE	TON	364	\$135.00	\$49,140.00	\$138.00	\$50,232.00	2.22% OVER
4	2354.509/00030	MICRO-SURFACING SURFACE COURSE	TON	364	\$135.00	\$49,140.00	\$138.00	\$50,232.00	2.22% OVER
5	2355.506/00010	BITUMINOUS MATERIAL FOR FOG SEAL	GALLON	2,905	\$2.20	\$6,391.00	\$3.00	\$8,715.00	36.36% OVER
6	2504.602/69009	PROTECT VALVE COVER	EACH	3	\$25.00	\$75.00	\$50.00	\$150.00	100.00% OVER
7	2506.602/69011	PROTECT CASTING COVER	EACH	1	\$75.00	\$75.00	\$50.00	\$50.00	33.33% UNDER
8	2563.601/00010	TRAFFIC CONTROL	LUMP SUM	1	\$5,000.00	\$5,000.00	\$10,000.00	\$10,000.00	100.00% OVER
9	2580.503/00010	INTERIM PAVEMENT MARKING	LIN FT	12,330	\$0.20	\$2,466.00	\$0.20	\$2,466.00	0.00% UNDER

Asphalt Surface Technologies Corp.

Line	Number	Description	Unit	Quantity	Estimated Price	Estimated Total	Price	Total	% Over/Under
10	2582.503/30104	4" SOLID LINE MULTI-COMPONENT	LIN FT	5,815	\$0.45	\$2,616.75	\$0.45	\$2,616.75	0.00% UNDER
11	2582.503/30106	6" SOLID LINE MULTI-COMPONENT	LIN FT	34,280	\$0.60	\$20,568.00	\$0.59	\$20,225.20	1.67% UNDER
12	2582.503/30124	24" SOLID LINE MULTI-COMPONENT	LIN FT	12	\$18.00	\$216.00	\$23.50	\$282.00	30.56% OVER
13	2582.503/30204	4" BROKEN LINE MULTI-COMPONENT	LIN FT	3,105	\$0.45	\$1,397.25	\$0.45	\$1,397.25	0.00% UNDER
14	2582.503/30404	4" DOUBLE SOLID LINE MULTI-COMPONENT	LIN FT	1,705	\$0.90	\$1,534.50	\$0.91	\$1,551.55	1.11% OVER
					Total CP 0008-788475 CP 0008-788475; SAP 069-608-007 (Tied) Micro Surface - CP 0008-788475	\$228,237.50		\$243,856.35	6.84% OVER

CP 0133-788474 CP 0133-788474; SAP 069-733-032 (Tied) Micro Surface - CP 0133-788474

Asphalt Surface Technologies Corp.

Line	Number	Description	Unit	Quantity	Estimated Price	Estimated Total	Price	Total	% Over/Under
1	2021.501	MOBILIZATION	LUMP SUM	1	\$39,000.00	\$39,000.00	\$75,000.00	\$75,000.00	92.31% OVER
2	2102.518/00010	PAVEMENT MARKING REMOVAL	SQ FT	1,039	\$4.00	\$4,156.00	\$1.83	\$1,901.37	54.25% UNDER
3	2354.506/00010	BITUMINOUS MATERIAL FOR MICRO-SURFACING	GALLON	90,220	\$3.00	\$270,660.00	\$3.10	\$279,682.00	3.33% OVER
4	2354.509/00020	MICRO-SURFACING SCRATCH COURSE	TON	1,398	\$135.00	\$188,730.00	\$138.00	\$192,924.00	2.22% OVER
5	2354.509/00030	MICRO-SURFACING SURFACE COURSE	TON	1,394	\$135.00	\$188,190.00	\$138.00	\$192,372.00	2.22% OVER
6	2355.506/00010	BITUMINOUS MATERIAL FOR FOG SEAL	GALLON	11,294	\$2.20	\$24,846.80	\$3.00	\$33,882.00	36.36% OVER
7	2563.601/00010	TRAFFIC CONTROL	LUMP SUM	1	\$15,500.00	\$15,500.00	\$15,000.00	\$15,000.00	3.23% UNDER

Line	Number	Description	Unit	Quantity	Estimated Price	Estimated Total	Price	Total	% Over/Under
8	2580.503/00010	INTERIM PAVEMENT MARKING	LIN FT	20,750	\$0.20	\$4,150.00	\$0.20	\$4,150.00	0.00% UNDER
9	2582.503/30104	4" SOLID LINE MULTI-COMPONENT	LIN FT	5,365	\$0.45	\$2,414.25	\$0.46	\$2,467.90	2.22% OVER
10	2582.503/30106	6" SOLID LINE MULTI-COMPONENT	LIN FT	130,477	\$0.60	\$78,286.20	\$0.59	\$76,981.43	1.67% UNDER
11	2582.503/30204	4" BROKEN LINE MULTI-COMPONENT	LIN FT	12,765	\$0.45	\$5,744.25	\$0.45	\$5,744.25	0.00% UNDER
12	2582.503/30404	4" DOUBLE SOLID LINE MULTI-COMPONENT	LIN FT	1,310	\$0.90	\$1,179.00	\$0.91	\$1,192.10	1.11% OVER
13	2582.503/30124	24" SOLID LINE MULTI-COMPONENT	LIN FT	157	\$18.00	\$2,826.00	\$23.50	\$3,689.50	30.56% OVER
14	2582.518/02000	PAVEMENT MESSAGE MULTI-COMPONENT	SQ FT	298	\$10.00	\$2,980.00	\$27.00	\$8,046.00	170.00% OVER
Total CP 0133-788474 CP 0133-788474; SAP 069-733-032 (Tied) Micro Surface - CP 0133-788474						\$828,662.50		\$893,032.55	7.77% OVER

Base Bid Totals

	Est Total	Asphalt Surface Technologies Corp
CP 0000-823811 CP 0000-823811 (Tied) Micro Surface - CP 0000-823811	\$216,386.20	\$248,096.47 14.65% OVER
CP 0004-778336 CP 0004-778336, SAP 069-604-088 (Low) Micro Surface - CP 0004-778336	\$237,704.85	\$251,987.10 6.01% OVER
CP 0008-788475 CP 0008-788475; SAP 069-608-007 (Tied) Micro Surface - CP 0008-788475	\$228,237.50	\$243,856.35 6.84% OVER
CP 0133-788474 CP 0133-788474; SAP 069-733-032 (Tied) Micro Surface - CP 0133-788474	\$828,662.50	\$893,032.55 7.77% OVER
	\$1,510,991.05	\$1,636,972.47 8.34% OVER

I hereby certify that this is an exact reproduction of bids received.

License Number:

Signature:

Date:



CITY COUNCIL MEETING DATE: March 18, 2024

TO: Mayor & City Council

FROM: John Mulder, City Administrator

SUBJECT: HR Consultant

RESOLUTION: 2024-35 **ORDINANCE:** **OTHER:**

REQUESTED ACTION

Approve a contract with Terch & Associates for Human Resources consulting.

BACKGROUND

In February, the City Council approved a Request for Proposals for a Human Resources Consultant. The City is facing a number of new requirements related to employment including Post-Traumatic Stress training for emergency responders and employee assistance programming for all employees. In addition, the all of the City’s employment related policies need to be reviewed and, in many cases, updated. Given the current labor market, the City wants to ensure that not only do we check the boxes regarding compliance, but also to communicate to employees that they are valued. Hiring a consultant will provide the necessary expertise and someone who can dedicate the necessary time to accomplish these tasks.

SOURCE OF FUNDS (if applicable)

General Fund - 101-490000-599 (use of contingency)

ATTACHMENTS

Resolution
Contract
Proposal date February 2, 2024

Resolution No. 2024-35

Resolution Authorizing And Directing Mayor And City Clerk To Execute And Deliver Agreement For Professional Services With Terch & Associates (Human Resources Consultant)

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 approved the RFP via Resolution 2024-18 on February 5, 2024; and

WHEREAS, the City received a Proposal for a Human Resources Consultant from Terch & Associates dated February 22, 2024,

WHEREAS, an Agreement for Professional Services between the City of Hermantown and Terch & Associates with respect to such services is attached hereto; and

WHEREAS, the City Council has duly considered the attached Agreement for Professional Services and believes that it is in the best interests of the City of Hermantown for it to enter into such Agreement with Terch & Associates

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Hermantown that the Mayor and City Clerk are hereby authorized and directed to execute and deliver on behalf of the City of Hermantown the Agreement for Professional Services attached hereto between the City of Hermantown and Terch & Associates.

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 March 18, 2024.

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 **Terch & Associates**, hereinafter referred to as “Consultant”, in response to the following situation:

- A. City desires to obtain consulting services for the Human Resources Consultant (“Project”).
- B. Consultant submitted a submitted a response to the City’s request for consulting services solicited by the City as attached to this agreement; 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 Justin Terch.
- 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.

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 Two 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 Two 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 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 \$36,500 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.

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.

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 _____

Exhibit A
Terch & Associates Proposal
Dated February 22, 2024



TERCH &
ASSOCIATES

HUMAN RESOURCES EXPERTS

11 East Superior St, Suite 531
Duluth, Minnesota 55802

www.terchandassociates.com
info@terchandassociates.com

Request for Proposal – Human Resources Consultant

Kevin Orme, CPA

Director of Finance & Administration

February 22, 2024

About Terch & Associates

Terch & Associates is a Minnesota based, single member Limited Liability Company with our offices located in downtown Duluth Minnesota. We are a full-service human resources consulting firm with a broad base of client engagements throughout Northeastern Minnesota. We are fully insured with both general commercial liability and professional liability insurance.

We provide (1) executive search services, (2) general employment compliance assistance, (3) labor negotiations and contract administration, (4) internal investigations, and (5) pre-employment background checks. In addition to general human resources services, we are well known for our internal investigations work and we are fully licensed by the Minnesota Department of Public Safety, Board of Private Detectives & Protective Agents and the Wisconsin Department of Safety & Professional Services as investigators.

Terch & Associates has dedicated consultants and support staff to meet the needs of our clients. Our unique insight into Northeastern Minnesota is unmatched.

Team Profiles



Justin L. Terch will be the Principal Contact Person for the City of Hermantown. He is an experienced human resources consultant. He holds the highest domestic certification in his field, the Senior Professional in Human Resources (SPHR) from the HR Certification Institute. He earned his MBA and his MA in Management from the College of St. Scholastica and an undergraduate degree in Legal Studies from the University of Wisconsin in Superior and completed his Certificate in Human Resources Compliance from Mitchell-Hamline School of Law in St. Paul Minnesota. He is individually licensed as an investigator in both Minnesota and Wisconsin.

Justin has been the HR Director in a variety of industries including industrial construction, public education, and healthcare. From 2011-2021, he was Senior Lecturer in the Legal Studies and Business Departments at the University of Wisconsin in Superior and is a frequent speaker at local and state human resources associations. He currently serves as the Director-Elect of Minnesota State Council of the Society of Human Resources.

Justin is familiar with the specific laws and regulations of public employers in Minnesota including the Data Practices Act and is a member of the Public Employers Labor Relations Association (PELRA). He has worked with union and non-union employers.



David G. Huntley is an industrial and organizational psychologist and senior human resources consultant at Terch & Associates. He holds a Master of Arts in I/O Psychology from the University of Minnesota and has an undergraduate degree from the University of Maine in Psychology.

David presents at conferences on topics related to recruiting and retention of staff and has become our firm's resident expert in DAWTA, leave administration, and executive recruiting. David excels as providing immediate response to client's unexpected issues and is known for being extremely responsive.

He currently serves as a member of the Board of Directors of the West Duluth Business Club and sits on the Emerging Workforce Committee of the City of Duluth's Workforce Council.

Recent Clients

City of Duluth
Clearwater Composites
Anderson, Kuiti & Asuma
Upper Lakes Foods
Duluth Edison Charter Schools
Community Action Duluth
Duluth Entertainment Convention Center

Community of Peace Academy
Duluth Airport Authority
Arrowhead Economic Opportunity Agency
Range Mental Health
Swim Creative
Laurentian Chamber of Commerce
Entrepreneur Fund

References

1. Shawn Wellnitz
President
Entrepreneur Fund
218-343-2476
2. Theresa Severance
Human Resources Director
Duluth Public Schools
218-213-1937
3. Arik Forsman (former)
President
Laurentian Chamber of Commerce
aforsman@mnpower.com
4. Cathy Pazzelli
Assistant ED/Director of Human Resources

Arrowhead Economic Opportunity Agency
218-748-7250

Scope of Services

This summary of services outlines our expertise in the area the City of Hermantown proposes in their RFP:

- Implement & Manage process and procedures related to the Public Safety Duty Disability Bill.

Our firm is aware of the PSDDDB that was passed in the summer of 2023 and the requirements for wellness training and programming. Terch & Associates would provide coordination of these services and trainings. We would work with City administration to determine the best plan for achieving the requirements which may include connecting the City with a qualified mental health team to create an Employee Assistance Program. As a result, depending on the path taken by the City, the costs associated with retaining qualified mental health professionals would be separate from those provided by Terch & Associates.

- Evaluate our current Employee Sick & Safe Time processes.

Our team has been presenting on the ESST law throughout the summer/fall of 2023 and have assisted dozens of employers develop systems to comply with its requirements.

- Implement and Manage processes and procedures relating to the Paid Family Medical Leave bill passed by the State of Minnesota.

PFMLA is scheduled to go into effect on 1/1/2026 and our team is prepared to assist the City with its implementation.

- Benefits Administration, including communication to employees.

We currently work with many of our client's insurance brokers to ensure smooth enrollment and timely notification of the employee's eligibility and enrollment in applicable insurance plans. We have also hosted information sessions for staff and their spouses/families to ensure the employee is best equipped to enroll in the plan options appropriate for him/her.

- City Policies updating and communication to employees.

We commonly and routinely provide this assistance to employers in both public and private settings. We understand the requirements of complying with labor laws as well as contract provisions. We have worked with legal counsel when necessary to ensure proper language and follow-through.

- Safety Program including updating required policies and creating a training program.

While our team has experience with providing support for filing of the required OSHA documentation, we do not have expertise in designing or providing training with safety programming. If selected, we would coordinate with a safety professional but costs would be billed directly to the City from the appropriate service provider.

- Employee Onboarding.

We expect the City to hire between 2-5 employees in 2024. We provide this service to numerous clients on a regular basis.

- Employee Hotline.

Your employees would be free to contact our staff at our main number in the event that they need HR assistance. Examples have included but are not limited to: reporting illegal or unethical conduct, harassment, or other violations. Additionally, we are the only HR firm in the area licensed by the Board of Private Detectives to conduct third-party independent investigations of criminal, civil, or administrative violations and have conducted numerous such investigations for public sector entities in the past.

- Advises on labor relations and labor laws.

Our staff routinely attend continuing education related to legal and legislative changes in employment and labor law. We have participated in programming with the MN Public Employer Labor Relations Association and the Society of Human Resource Management.

- Managing the insurance enrollment, renewal, and change processes.

As stated earlier, we work closely with our client's insurance providers to ensure a smooth process for employee benefits. Justin oversaw a self-insured work comp plan for over 1200 employees and 22 unions at one employer and oversaw a fully self-insured health plan for a public entity with 300 enrolled employees.

Our firm does not manage or provide services under the Consolidated Omnibus Budget & Reconciliation Act (COBRA).

- Other services, not otherwise specified.

Our firm will provide sexual harassment training and sexual harassment training for supervisors upon request. Additionally, we will consult on issues related to reasonable accommodation requests, employee discipline and grievance, internal investigations of alleged misconduct, and other areas which may arise from time to time and which lay within our expertise.

- Excluded Services

Excluded are any services which are not within our professional training or expertise or for which we are not properly licensed or insured, including: direct training or development of safety programs (as opposed to coordinating the same) and direct EAP services (which are usually provided by a mental health professional).

Further, Terch & Associates will not perform executive search work under this contract.

Insurance

Terch & Associates LLC maintains workman's compensation insurance. Additionally, we maintain General Commercial Liability and Professional Liability insurance with coverage limits of \$1M/\$2M.

Cost

Our firm charges \$175 per hour, billed in ¼ hour increments, for all time spent working on this project. This includes travel and waiting time. Additionally, mileage and other expenses are billed as incurred.

We anticipate the above project (based upon the assumptions outlined) will require an estimate of 175-190 hours per year. This includes time needed to acquaint ourselves with the City of Hermantown's current policies, needs, and staff.

We will agree to a "not to exceed" amount of \$36,500.00

Closing

In closing, I hope that this proposal meets with your acceptance. If you have any questions or concerns, please let me know.

Sincerely,



Justin L. Terch SPHR
Principal HR Consultant
Terch & Associates LLC



CITY COUNCIL MEETING DATE: March 18, 2024

TO: Mayor & City Council

FROM: Trish Crego, Utility and Infrastructure Director

SUBJECT: Section 4 Feasibility Study-Lindhahl Road

RESOLUTION: 2024-36 **ORDINANCE:** **OTHER:**

REQUESTED ACTION

Order the preparation of a feasibility study for road improvements in Lindahl Road Section 4 of the City.

BACKGROUND

St. Louis County contacted Hermantown as they plan to reclaim Lindahl Road from Martin Road to Highway 53 in 2024/2025. The County is replacing all the centerline culverts with new concrete pipes in 2024. The county stated they would reclaim & overlay pavement in 2025. If approved all work in Hermantown would occur in 2025. The council is asked to approve a feasibility study for the reclaiming of the Hermantown portion of Lindahl Road in 2025.

SOURCE OF FUNDS (if applicable)

ATTACHMENTS

Resolution
Proposal
Map

Resolution No. 2024-36

Resolution Directing Preparation Of Preliminary Engineering Feasibility Report For The Road Improvement Of Lindahl Road In Cooperation With St. Louis County In Section 4

WHEREAS, the City Council desires a feasibility report for the 2025 road improvements Cooperation with St. Louis Count to Lindahl Road from Highway 53 north to the boundary of Hermantown in Section 4

WHEREAS, the City Council desires and intends to assess the benefited property for all or a portion of the cost of the Project pursuant to Minnesota Statutes, Chapter 429; and

WHEREAS, Section 429.031 of the Minnesota Statutes requires that the City Council obtain a preliminary report from the City’s consulting engineer before it establishes a date for a public hearing on the Project.

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

1. The Project is hereby referred to the City Engineer for study and the City Engineer is instructed to report to the Council with all convenient speed advising the Council in a preliminary way as to whether the proposed Project within the City of Hermantown is necessary, cost-effective and feasible and as to whether it should best be made as proposed or in connection with some other improvement and the estimated cost of the Project as recommended.

Councilor ___ introduced the foregoing resolution and moved its adoption.

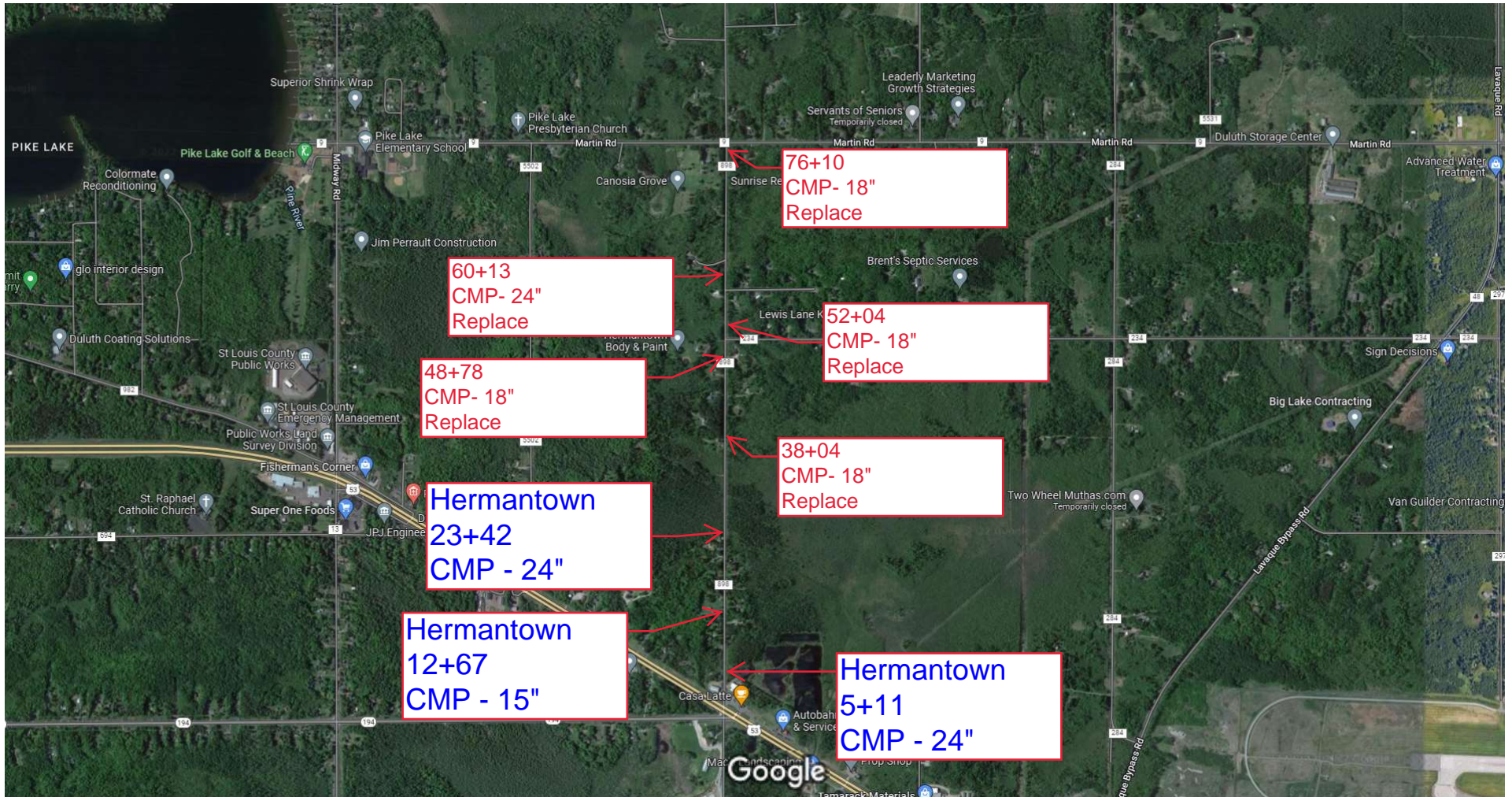
The motion for the adoption of such resolution was seconded by Councilor ____, and upon a vote being taken thereon the following voted in favor thereof:

Councilors _____, and Mayor Boucher, aye.

and the following voted in opposition thereto:

None.

WHEREUPON, such resolution was declared duly passed and adopted on March 18, 2024.



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