



**Regular Meeting of the Planning Commission**

Tuesday, June 13, 2017

7 pm Regular Meeting

1307 Cloquet Ave, Cloquet, MN 55720

**AGENDA**

1. Call to Order
2. Roll Call
3. Additions/Changes to the Agenda
4. Minutes from the May 9, 2017 Planning Commission meeting
- \_\_\_\_\_
5. Zoning Case 17-10: Morning Star Woodworks, Inc. – Variance
- \_\_\_\_\_
6. Zoning Case 17-13: Thomas Montgomery – Variance
- \_\_\_\_\_
7. Commissioner’s Questions/Comments
8. Adjourn

**NEXT MEETING:**  
July 11<sup>th</sup> @ 7 pm



**Regular Meeting of the Planning Commission**

Tuesday, May 9, 2017

7:00 p.m.

1307 Cloquet Ave, Cloquet, MN 55720

**CALL TO ORDER**

Chairman Wilkinson called the meeting to order at 7:00 p.m.

**ROLL CALL**

**Attending:** Planning Commission members: Uriah Wilkinson, Jesse Berglund, John Sanders, Kelly Johnson, Terri Lyytinen and Nathaniel Wilkinson; City: Al Cottingham, Attorney Bill Helwig.

**Absent:** Commission members: Bryan Bosto.

**Others Present:** Karla Southworth, Arnelda Southworth, Barb Wyman, Dick Stevens, Nancy Stevens, Lisa Kamlad, Clarence Badger, Bert Whittington, Daniel Hammond and Bernard Karulak.

**ADDITIONS/CHANGES TO THE AGENDA**

None.

**AGENDA ITEMS**

**April 11, 2017 Meeting Minutes**

Chairman Wilkinson asked for any corrections or additions.

**Motion:** Commissioner Johnson made a motion to approve the Planning Commission meeting minutes from April 11, 2017, Commissioner Lyytinen seconded. (Motion was approved 6-0).

**Zoning Case 17-06: Zoning Ordinance Text Amendment – Special Event Definition**

Chairman Wilkinson introduced Zoning Case 17-06, Zoning Ordinance Text Amendment – Special Event Definition for the City of Cloquet. He asked Mr. Cottingham to provide an overview of the topic. Mr. Cottingham noted this was being done since in the approval of the conditional use permit for SKB Environmental/Shamrock Landfill they were allowed to operate up to 24 hours for a “Special Event”. In the conditional use permit a “Special Event” was not defined and it was felt that there should be a definition for it. The definition would not be for what the materials being brought in but only for the hours they were allowed to be open for the material. He noted that the public hearing was held on April 11, 2017 and this was a time for the Commission, staff and the city attorney to discuss the application.



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Commissioner Berglund inquired as to the impact this would have on the current special event that was approved.

Attorney Helwig noted this would only be for events that are requested from here on and there would be no impact on the one that was recently approved.

Commissioner Sanders inquired as to why this wasn't addressed with the conditional use permit like the emergency condition.

Attorney Helwig stated he believed that this was a last minute item that was added to the approval following a lot of negotiation on for the approval.

Commissioner Sanders asked if the special event clause could be removed if they were requesting other changes to the conditional use permit.

Attorney Helwig stated that may be a possibility.

Commissioner Berglund inquired what would happen if the special event were denied by the Zoning Administrator.

Attorney Helwig stated the applicant could appeal the administrative decision to the Planning Commission.

The Commission discussed the length of time the event should be for and the distance the event should be from the site of the event.

**Motion:** Commissioner Berglund made a motion to approve Resolution No. 17-06, A Resolution Recommending the City Council of Cloquet approve the Attached Ordinance Relating to a Special Event, Commissioner Lytinen seconded. (Motion was approved 6-0)

**The Ordinance reads as follows:**

**Subd. 107.2 Special Event.** Means a unique or unforeseen event of limited duration occurring within the City of Cloquet Area or within 30 miles of the primary site of the special event site which is within the City of Cloquet, and is of such significance as to allow for the relaxation of zoning requirements and the implementation of special provisions when provided in any permit, variance, or other zoning document.



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The Zoning Administrator shall make the final determination as to whether the significance of a special event 7 days or less in duration rises to the level of a Special Event. The Planning Commission shall be the approval authority of all special events in excess of 7 days. A special event may be extended by the approval authorities noted above.

**Motion:** Commissioner Sanders offered a friendly amendment to the main motion to have the length at 5 days rather than 7. Motion died for lack of second.

Mr. Cottingham noted item would be forwarded to the City council for their meeting on May 16, 2017.

**Zoning Case 17-07: Alley Vacation for Bert Whittington**

Chairman Wilkinson reviewed the public hearing procedures and format and opened the public hearing for Zoning Case 17-07, Alley Vacation for Bert Whittington. He asked Mr. Cottingham to provide an overview of the topic. Mr. Cottingham stated Bert Whittington is proposing to vacate the east/west alley west of Main Street, north of St. Louis Avenue. Staff has reviewed the request and determined there is not a need to keep the right of way but we would need to maintain a drainage and utility easement. He noted that a legal notice was published in the Pine Journal on April 27, 2017 and effected property owners were sent notices of the public hearing. Mr. Whittington is present to answer any questions. There is a letter from Claude and Jeanie Woodward owners of property on the north side of the alley that was received just before the meeting.

Mr. Whittington noted this is a 10 foot wide alley and if the vacation is approved property owners on both sides would receive 5 feet of the alley. He would look to then have his property surveyed so he then could construct a fence. He noted there are vehicles parked in the alley which is city property and they shouldn't be parking there.

Commissioner state it made sense to vacate the alley to the east of this since Mr. Whittington had his parking lot constructed over the alley. Currently there is nothing constructed in the alley and he didn't see a need to vacate it. The city may have a use for this in the future.

Chairman Wilkinson asked if anyone else wished to speak and since nobody wished to he closed the public hearing.

**Motion:** Commissioner Berglund made a motion to approve Resolution No. 17-07, A Resolution Recommending Approval of the Vacation of the East/West Alley lying west of Main Street, North of St. Louis Avenue subject to the condition in the draft Resolution, Commissioner Lyytinen seconded. (Motion was approved 5-1)



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Cottingham noted that this item would be forwarded to the City Council for their meeting on Tuesday, May 16<sup>th</sup>.

**Zoning Case 17-10: Variance for Daniel Hammond, Morning Star Woodworks Inc.**

Chairman Wilkinson reviewed the public hearing procedures and format and opened the public hearing for Zoning Case 17-10, Variance for Daniel Hammond, Morning Star Woodworks Inc. He asked Mr. Cottingham to provide an overview of the topic. Mr. Cottingham stated Daniel Hammond, Morning Star Woodworks Inc. is proposing a variance. The variance is to allow a pylon sign on property that does not abut Highway 33. He noted that a legal notice was published in the Pine Journal on April 27, 2017 and property owners within 350 feet were sent notices of the public hearing. Daniel Hammond is here to address the Commission on his request.

Mr. Hammond stated he understood that this may be viewed as setting a precedence but he feels that it is unique for this property and the Industrial Park. Most industries don't need the identification that he is seeking with him having a showroom and doing retail sales with the manufacturing. He is looking for the pylon sign so it would be visible to people in the Walmart parking lot and seeing the sign for a "Kitchen Store".

Chairman Wilkinson inquired if he was more concerned with visibility from Walmart and not Highway 33.

Mr. Hammond stated it would be difficult to see from Highway 33 and with the speeds he didn't think they would notice it.

The Commission discussed the height of the sign, the location and what the Ordinance allowed. They discussed the possibility of amending the Ordinance to allow pylon signs in other locations besides just lots that abutted Highway 33.

Chairman Wilkinson asked if anyone else wished to speak and since nobody wished to he closed the public hearing.

Commissioner Berglund stated he would like to see what the City council thoughts would be on allowing pylon signs in other locations rather than just along Highway 33.

**Motion:**        **Commissioner Berglund made a motion to table Resolution No. 17-10, A Resolution Denying a Variance to Allow a Pylon Sign on Property that does not abut Highway 33 for Daniel Hammond, Morning Star Woodworks, Inc., Commissioner Lyytinen seconded. (Motion was approved 6-0)**



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Mr. Cottingham stated he would see if he could get this on the City Council work session agenda for next Tuesday.

**Commissioner's Questions/Comment**

None

**Next Meeting**

June 13, 2017

Meeting adjourned 8:27 p.m.

Respectfully submitted,

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Al Cottingham, City Planner/Zoning Administrator



**Community Development Department**

1307 Cloquet Avenue • Cloquet MN 55720  
Phone: 218-879-2507 • Fax: 218-879-6555

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To: Planning Commission  
From: Al Cottingham, City Planner/Zoning Administrator  
Date: June 7, 2017

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**ITEM DESCRIPTION: ZONING CASE 17-10: VARIANCE – DANIEL HAMMOND, MORNING STAR WOODWORKS, INC., ALLOW A PYLON SIGN ON PROPERTY THAT DOES NOT ABUT HIGHWAY 33**

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**Background**

Daniel Hammond, Morning Star Woodworks, Inc. is proposing a variance to allow a pylon sign on property that does not abut Highway 33. The variance if approved would allow a pylon sign with a height of 35 feet to be constructed versus the Ordinance maximum of 10 feet. The property is located at 801 Tall Pine Lane (PIN 06-510-5996).

Mr. Hammond is proposing to construct a 144 square foot sign on a pole with a total height of 35 feet to replace a 64 square foot sign with a height of 25 feet located off his property at the intersection of Tall Pine Lane and Holmes Drive. The sign would be located within the unused right-of-way on the north side of his property. The Ordinance allows for ground signs not pylon signs to be located in areas that do not abut Highway 33 to a maximum height of 10 feet.

A public hearing will be held on Tuesday, May 9, 2017 to consider a variance to allow a pylon sign on property that does not abut Highway 33 (Section 17.5.13 Subd. 14). A legal notice was published in the Pine Journal on April 27, 2017 and property owners within 350 feet were sent notices of the public hearing.

This was tabled at the May 9<sup>th</sup> meeting to allow staff time to discuss the Ordinance allowing for pylon signs with the City Council. Staff discussed this with the City Council at their work session on May 16<sup>th</sup> and it was determined that with this being the only request for such a variance in over five years it did not make sense to amend the Ordinance. They felt that the request should be reviewed on its own merits and meeting the variance criteria.

**Policy Objectives**

The Zoning Ordinance states Variances may be granted when they are in harmony with the general purpose and intent of the ordinance, are consistent with the Comprehensive Plan, and when the applicant for the variances establishes that there are practical difficulties in complying with the official control. No variance may be granted unless **all** of the following conditions exist:



## **Community Development Department**

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1. The property owner proposes to use the property in a reasonable manner not permitted by an official control;
2. The plight of the landowner is due to circumstances unique to the property not created by the landowner; and
3. The variance, if granted, will not alter the essential character of the locality.

### **Financial Impacts**

The Variance fee is \$350. The applicant has paid this fee to cover the cost associated with the application process.

### **Advisory Committee Action Requested**

The Planning Commission should listen to the testimony that is presented at the public hearing for the variance. Following this testimony the Planning Commission should review the variance criteria and either approve or deny the variance as submitted. The Planning Commission may impose conditions in the granting of variances; those conditions must be directly related to and must bear a rough proportionality to the impact created by the variance.

### **Staff Recommendation**

Staff has reviewed the variance requirements and would recommend denial of a variance as submitted. Staff is concerned with the precedence that would be established by allowing pylon signs to be located outside of property abutting Highway 33.

### **Supporting Documents Attachments**

- Resolution No. 17-10
- Location Map
- Petitioners Narrative



**STATE OF MINNESOTA**

**COUNTY OF CARLTON**

**CITY OF CLOQUET**

Commissioner \_\_\_\_\_ offered the following Resolution and moved its adoption.

**RESOLUTION NO. 17-10**

**A RESOLUTION DENYING A VARIANCE TO ALLOW A PYLON SIGN ON  
PROPERTY THAT DOES NOT ABUT HIGHWAY 33 FOR DANIEL HAMMOND,  
MORNING STAR WOODWORKS, INC.**

**WHEREAS**, Daniel Hammond, Morning Star Woodworks, Inc. is proposing a Variances to allow a pylon sign on property that does not abut Highway 33; and

**WHEREAS**, As required by ordinance, notification was advertised in the Pine Journal and property owners within 350 feet have been notified. A public hearing was held to consider the application at the regular meeting of the Cloquet Planning Commission on May 9, 2017 at which time Zoning Case / Development Review No. 17-10 was heard and discussed; and

**WHEREAS**, the property of the proposed Variances is located at 801 Tall Pine Lane and is legally described as follows:

That part of the westerly 340 feet of the South One-Half of the Southeast Quarter of the Northeast Quarter, Section 26, Township 49 North, Range 17 West, Carlton County, Minnesota, lying North of the South 508 feet thereof. EXCEPT the westerly 30 feet thereof which is reserved by the City of Cloquet for public street and utility purposes. And,

**WHEREAS**, the Planning Commission reviewed the staff report and denies the Variance to allow a pylon sign on property that does not abut Highway 33.

**NOW, THEREFORE, BE IT RESOLVED, BY THE PLANNING COMMISSION OF THE CITY OF CLOQUET, MINNESOTA**, that the Planning Commission denies Zoning Case 17-10 for a variance to allow a pylon sign on property that does not abut Highway 33.

The foregoing motion was duly seconded by Commissioner \_\_\_\_\_ and being put to vote members voted: AYE: \_\_\_\_\_ NAY: \_\_\_\_\_ ABSENT: \_\_\_\_\_

JESSE BERGLUND \_\_\_\_\_ KELLY JOHNSON \_\_\_\_\_

TERRI LYYTINEN \_\_\_\_\_ JOHN SANDERS \_\_\_\_\_

NATHANIEL WILKINSON \_\_\_\_\_ URIAH WILKINSON \_\_\_\_\_

Passed and adopted this 13<sup>th</sup> day of June 2017.

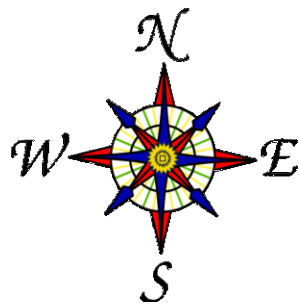
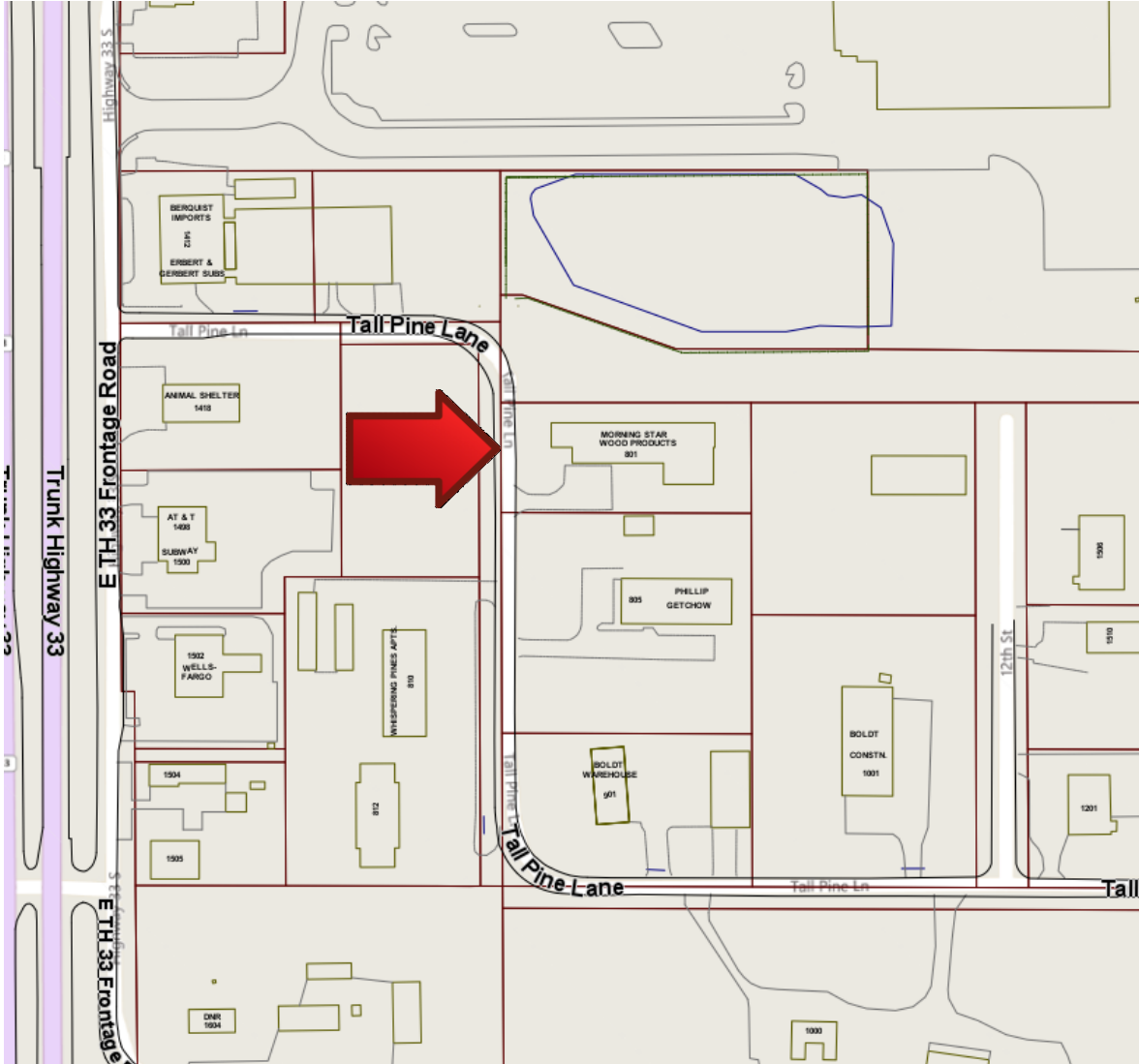
CITY OF CLOQUET

\_\_\_\_\_  
URIAH WILKINSON  
CHAIR

ATTEST: \_\_\_\_\_  
Alan Cottingham  
City Planner/Zoning Administrator

# Location Map

## Morning Star Woodworks, Inc.



No Scale



801 Tall Pine Lane  
Cloquet, MN 55720  
(218) 879-1922  
[www.MorningStarWood.com](http://www.MorningStarWood.com)

Date: April 16, 2017

Community Development Department  
1307 Cloquet Ave  
Cloquet, MN 55720

Dear Planning Commission,

For the past 27 years Morning Star Woodworks has had a sign on the Highway 33 frontage road located at 1418 Hwy 33, Cloquet, MN (the property of Friends of Animals). The sign is 8ft x 8ft and 25ft high. Due to the sale of this property my sign must be relocated. The sign has been a valuable tool in helping our customers find our showroom, since our business is not visible from any busy roadway. It would be an extreme hardship for us not to be able to have a sign visible to our customers.

I am proposing to relocate the sign on the north side of Tall Pine Lane in the city owned street right of way at the corner near my building. The attached map shows the proposed location. I also would like permission to enlarge this sign to 12ft x 12ft and 35ft high so it is visible to my customers from the frontage road.

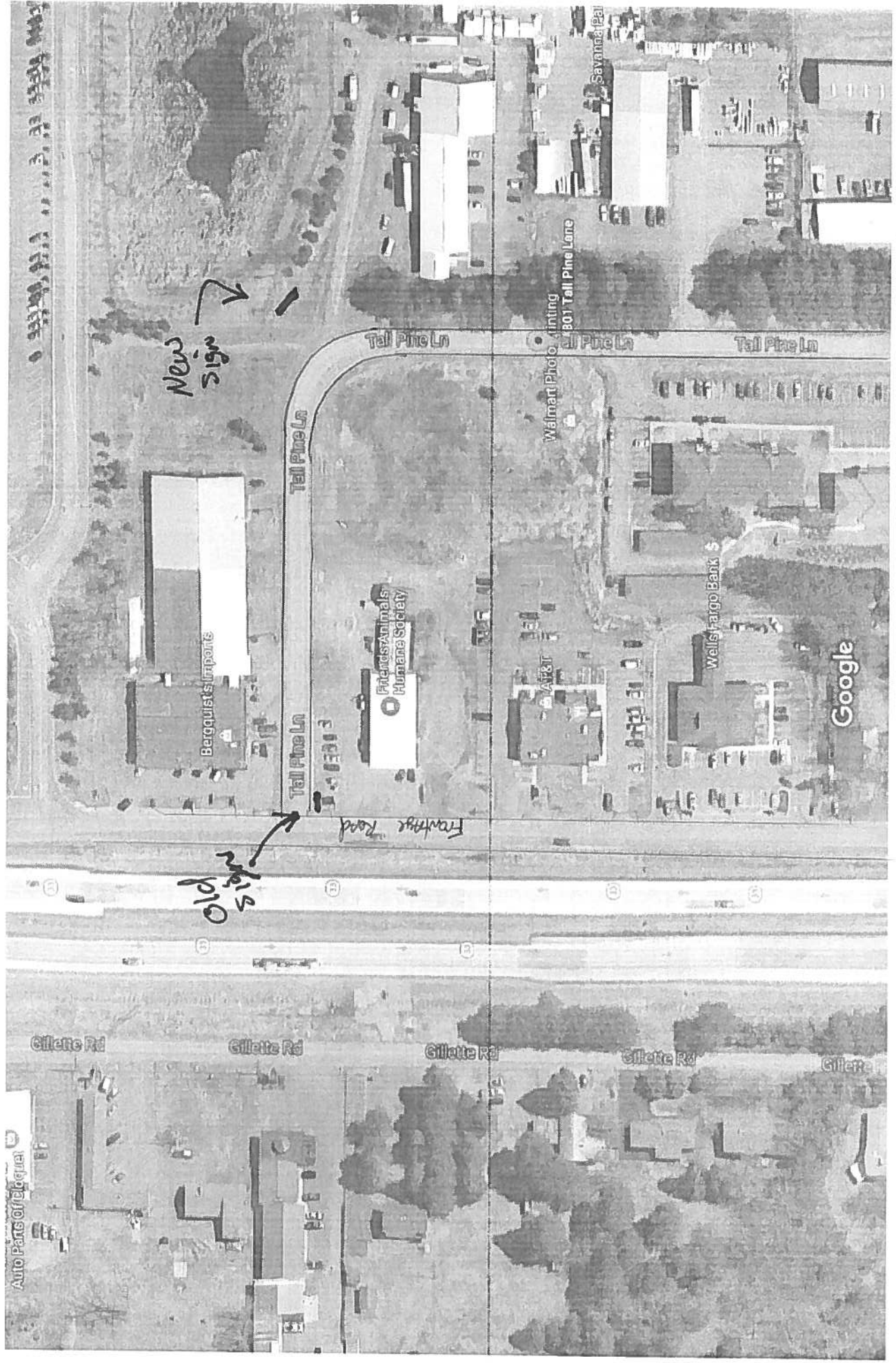
This sign will not alter the essential character of this commercial and industrial park area. Please consider approving my request for this variance, thank you.

Respectfully,

A handwritten signature in black ink, appearing to read "Daniel R. Hammond". The signature is written in a cursive style with a large, sweeping initial "D".

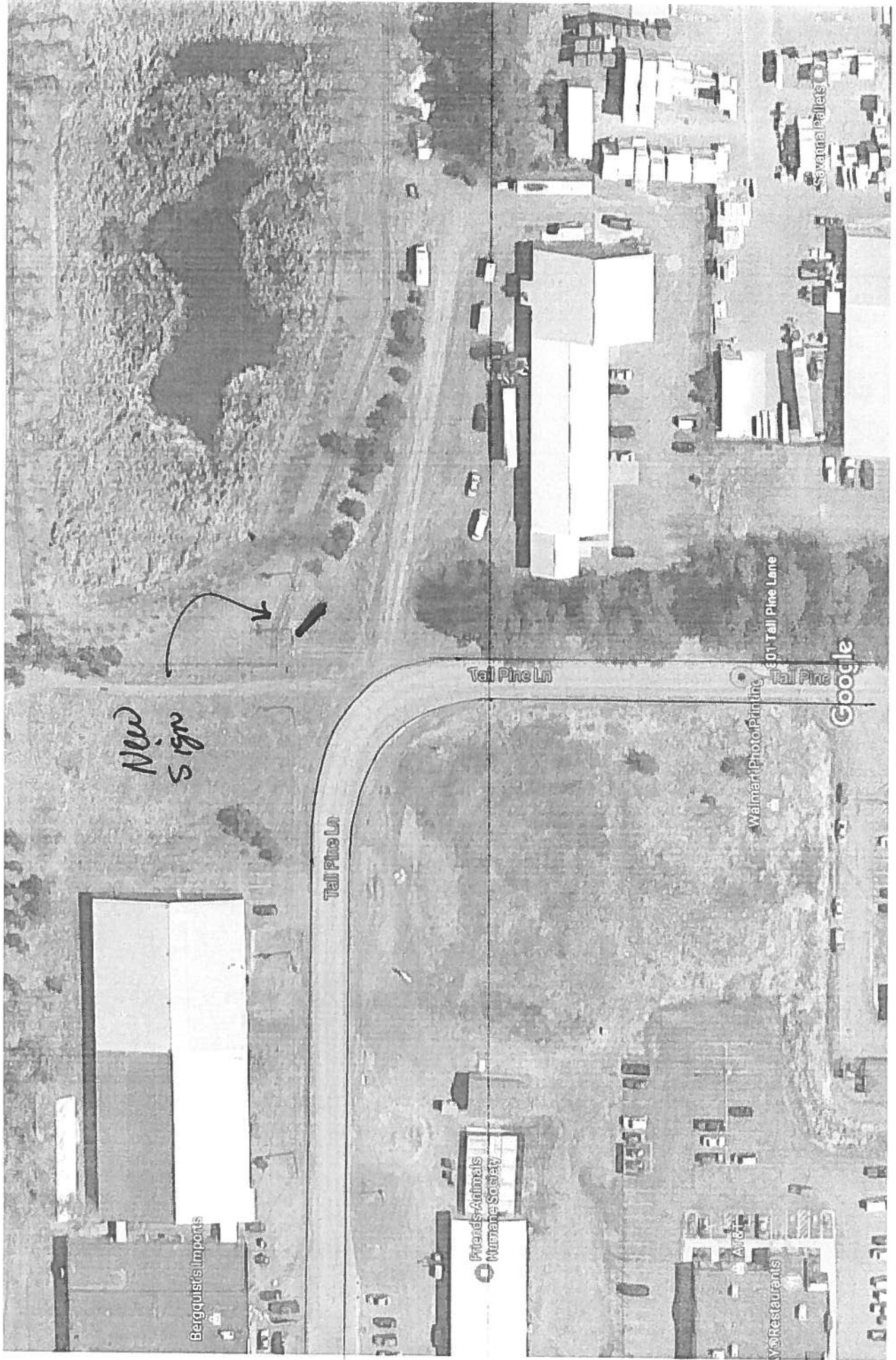
Daniel R. Hammond  
President, Morning Star Woodworks, Inc.

# Google Maps 801 Tall Pine Ln



Imagery ©2017 Google, Map data ©2017 Google 100 ft

# Google Maps 801 Tall Pine Ln





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Phone: 218-879-2507 • Fax: 218-879-6555

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To: Planning Commission  
From: Al Cottingham, City Planner/Zoning Administrator  
Date: June 7, 2017

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**ITEM DESCRIPTION: ZONING CASE 17-13: VARIANCE – MINIMUM LOT SIZE AND SUBDIVISION BY MEANS OTHER THAN PLATTING**

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**Background**

Thomas Montgomery is proposing two variances, one from the Zoning Ordinance and one from the Subdivision Code. The Zoning Ordinance variance is from the minimum lot size requirements in the FR – Farm Residential District while the Subdivision Code variance is to allow the creation of three lots by metes and bounds rather than by a plat. The property is located at 1520 Airport Road.. Mr. Montgomery is proposing to subdivide his 10 acre parcel into 3 – 3 1/3 acre parcels with approximately 204 feet of frontage on Airport Road.

Property to the east and west of this property are a minimum of 5 acres in size while the property to the north range from 0.83 acres up to 2.83 acres in size. With the exception of the Pinewood addition located to the northeast of this property all other property in the area has been subdivided by metes and bounds rather than a plat. These parcels were all created when this area was part of Knife Falls Township.

The Subdivision Code allows a simple lot split resulting in no more than two (2) lots. A subdivision qualifies as a “Minor Subdivision” if it has a maximum of eight (8) lots and all lots will have frontage on an existing public road.

A public hearing will be held on Tuesday, June 13, 2017 to consider a variance from the minimum lot size and subdivision by metes and bounds. A legal notice was published in the Pine Journal on June 1, 2017 and property owners within 350 feet were sent notices of the public hearing.

**Policy Objectives**

The Zoning Ordinance states Variances may be granted when they are in harmony with the general purpose and intent of the ordinance, are consistent with the Comprehensive Plan, and when the applicant for the variances establishes that there are practical difficulties in complying with the official control. No variance may be granted unless **all** of the following conditions exist:



## Community Development Department

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1. The property owner proposes to use the property in a reasonable manner not permitted by an official control;
2. The plight of the landowner is due to circumstances unique to the property not created by the landowner; and
3. The variance, if granted, will not alter the essential character of the locality.

The Subdivision Code states the City council may grant a variance from these regulations following a finding that all of the following conditions exist:

1. There are special circumstances or conditions affecting said property which were not created by the landowner.
2. The variance is necessary for the preservation and enjoyment of a substantial property right of the petitioner.
3. The granting of the variance will not be detrimental to the public welfare or injurious to other property in the territory in which said property is situated.

In making this finding the Council shall consider the nature of the proposed use of land and the existing use of land in the vicinity, the number of persons to reside or work in the proposed subdivision and the probable effect of the proposed subdivision upon traffic conditions in the vicinity. In granting a variance as herein provided the Council shall prescribe only conditions that it deems desirable or necessary to the public interest.

### **Financial Impacts**

The Variance fee is \$350. The applicant has paid this fee to cover the cost associated with the application process.

### **Advisory Committee Action Requested**

The Planning Commission should listen to the testimony that is presented at the public hearing for the variances. Following this testimony the Planning Commission should review the variance criteria and either approve or deny the variance from the Zoning Ordinance and make a recommendation for the variance from the Subdivision Code as submitted. The Planning Commission may impose conditions in the granting of variances; those conditions must be directly related to and must bear a rough proportionality to the impact created by the variance.

### **Staff Recommendation**

Staff has reviewed the variance requirements and would recommend denial of the variances. In following the strict letter of the ordinances the property does have reasonable use of his property. What makes this request a little more difficult is the proposed lot sizes would be larger than lots directly across Airport Road but would be smaller than the lots adjacent to the east and west. If the lot size variance is denied then the subdivision code variance would be a mute issue in that they can create one addition parcel without the need to plat the property.





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**Supporting Documents Attachments**

- Resolution No. 17-13 Lot Size
- Resolution No. 17-13 Plat
- Location Map
- Lot Drawing

**STATE OF MINNESOTA**

**COUNTY OF CARLTON**

**CITY OF CLOQUET**

Commissioner \_\_\_\_\_ offered the following Resolution and moved its adoption.

**RESOLUTION NO. 17-13 LOT SIZE**

**A RESOLUTION DENYING A VARIANCE FROM THE MINIMUM LOT SIZE IN THE  
FR – FARM RESIDENTIAL DISTRICT FOR THOMAS MONTGOMERY**

**WHEREAS**, Thomas Montgomery is proposing a Variance from the minimum lot size in the FR – Farm Residential District; and

**WHEREAS**, As required by ordinance, notification was advertised in the Pine Journal and property owners within 350 feet have been notified. A public hearing was held to consider the application at the regular meeting of the Cloquet Planning Commission on June 13, 2017 at which time Zoning Case / Development Review No. 17-13 was heard and discussed; and

**WHEREAS**, the property of the proposed Variances is located at 1520 Airport Road and is legally described as follows:

The Northeast Quarter of the Northeast Quarter of the Northwest Quarter, Section 27,  
Township 49 North, Range 17 West, Carlton County, Minnesota, subject to MPL easement  
on Docket 243894. And,

**WHEREAS**, the Planning Commission reviewed the staff report and denies the Variance from the minimum lot size in the FR – Farm Residential District..

**NOW, THEREFORE, BE IT RESOLVED, BY THE PLANNING COMMISSION OF THE  
CITY OF CLOQUET, MINNESOTA**, that the Planning Commission denies Zoning Case 17-13  
for a variance from the minimum lot size in the FR – Farm Residential District for property located  
at 1520 Airport Road.

The foregoing motion was duly seconded by Commissioner \_\_\_\_\_ and being put to vote members voted: AYE: \_\_\_\_\_ NAY: \_\_\_\_\_ ABSENT: \_\_\_\_\_

JESSE BERGLUND	_____	KELLY JOHNSON	_____
TERRI LYYTINEN	_____	JOHN SANDERS	_____
NATHANIEL WILKINSON	_____	URIAH WILKINSON	_____

Passed and adopted this 13<sup>th</sup> day of June 2017.

CITY OF CLOQUET

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URIAH WILKINSON  
CHAIR

ATTEST: \_\_\_\_\_  
Alan Cottingham  
City Planner/Zoning Administrator

**STATE OF MINNESOTA**

**COUNTY OF CARLTON**

**CITY OF CLOQUET**

Commissioner \_\_\_\_\_ offered the following Resolution and moved its adoption.

**RESOLUTION NO. 17-13 PLAT**

**A RESOLUTION RECOMMENDING DENIAL A VARIANCE FROM THE  
SUBDIVISION CODE TO SUBDIVIDE PROPERTY BY MEANS OTHER THAN  
PLATTING FOR THOMAS MONTGOMERY**

**WHEREAS**, Thomas Montgomery is proposing a Variance from the Subdivision Code to subdivide property by means other than platting; and

**WHEREAS**, As required by ordinance, notification was advertised in the Pine Journal and property owners within 350 feet have been notified. A public hearing was held to consider the application at the regular meeting of the Cloquet Planning Commission on June 13, 2017 at which time Zoning Case / Development Review No. 17-13 was heard and discussed; and

**WHEREAS**, the property of the proposed Variances is located at 1520 Airport Road and is legally described as follows:

The Northeast Quarter of the Northeast Quarter of the Northwest Quarter, Section 27,  
Township 49 North, Range 17 West, Carlton County, Minnesota, subject to MPL easement  
on Docket 243894. And,

**WHEREAS**, the Planning Commission reviewed the staff report and recommends denial of the Variance from the Subdivision Code to subdivide property by means other than platting.

**NOW, THEREFORE, BE IT RESOLVED, BY THE PLANNING COMMISSION OF THE  
CITY OF CLOQUET, MINNESOTA**, that the Planning Commission recommends denial of  
Zoning Case 17-13 for a variance from the Subdivision Code to subdivide property by means other  
than platting for property located at 1520 Airport Road.

The foregoing motion was duly seconded by Commissioner \_\_\_\_\_ and being put to vote members voted: AYE: \_\_\_\_\_ NAY: \_\_\_\_\_ ABSENT: \_\_\_\_\_

JESSE BERGLUND \_\_\_\_\_ KELLY JOHNSON \_\_\_\_\_

TERRI LYYTINEN \_\_\_\_\_ JOHN SANDERS \_\_\_\_\_

NATHANIEL WILKINSON \_\_\_\_\_ URIAH WILKINSON \_\_\_\_\_

Passed and adopted this 13<sup>th</sup> day of June 2017.

CITY OF CLOQUET

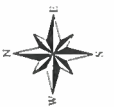
\_\_\_\_\_  
URIAH WILKINSON  
CHAIR

ATTEST: \_\_\_\_\_  
Alan Cottingham  
City Planner/Zoning Administrator





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**Carlton County, MN**

Date: 6/6/2017

Carlton County GIS