



City Administrator's Weekly Update

WEEK ENDING APRIL 21, 2017

Upcoming Events:

April 25, 4:15 pm
Library Board
Library

May 1, 4:30 pm
Parks Commission
City Hall

May 2, 5:30 pm
Council Work Session
City Hall

May 2, 7:00 pm
City Council Meeting
City Hall

May 3, 8:00 am
EDA
City Hall

May 9, 7:00 pm
Planning Commission
City Hall

May 16, 5:30 pm
Council Work Session
City Hall

May 16, 7:00 pm
Council Meeting
City Hall

Administration/Finance

A group of veterans representing the Legion stopped in last week and announced their tentative plan to sell their building at the end of May. The veteran group provided staff a copy of Mn. Stat. 197.55-57 (attached) requesting the City provide group meeting space (Senior Center was suggested) and potential storage space on City property. Staff solicited and received the attached opinion from our City Attorney outlining City responsibilities to Veterans Organizations. After additional research is conducted, staff will bring its recommendation to Council for action.

Public Works/Parks

Staff received a corrective action notice from MPCA for potential discharge of chlorinated water into a designated trout stream near our pump stations. This week staff notified the MPCA that required revisions to our cooling water systems at the two Lake Superior waterline pump stations are now complete. The MPCA will issue a closure order for the previous corrective action notice.

Staff has been working with two pump suppliers on options for repair of Pump #6 on our Lake Superior system. Removal of the existing pump to diagnose a vibration issue resulted in the discovery that the pump has been experiencing cavitation resulting in damage to some of the pumps internal parts. We are currently researching costs for retrofit of the existing assembly versus purchase of a new pump.

Staff attended training on load limit laws in Minnesota. Currently, the City does not post load limits on our local streets resulting in a default 10-ton statutory limit regardless of the roadways design. As we move forward with discussion on pavement management, the City may want to revisit this policy in order to protect our investment on certain routes.

Community Development

This week during the Council Work Session meeting, Ady Advantage reviewed the Cloquet Marketing Plan recommendations. Later in the meeting, the Council approved the charge off of \$31,273.25 in uncollectable City loan funds related to the Cloquet Home Center project.

Carlton County hosted the Cloquet Economic Development Partnership met this week. New to the group is NE Minnesota Office of Job Training which brought a strong discussion related to workforce development and job fair needs. The Chamber Business Enhancements meeting was also held this week and focused on devising curriculum for the upcoming Cloquet Leadership program.

Staff has been busy working with Roers Investments to prepare staff report materials for our EDA meeting in May concerning the adaptive reuse proposal for the Cloquet Middle School. The developer will be scheduling an open house for Monday, May 1st, from 5:30 – 7:00 pm.

Dave Hallback, Mayor

City Council Members:

Jeff Rock, Ward 1
David Bjerkness, Ward 2
Roger Maki, Ward 3
Kerry Kolodge, Ward 4
Steve Langley, Ward 5
Adam Bailey, At Large

James Barclay,
Interim City
Administrator
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Staff has been finalizing development agreements and plans in preparation for the Public Hearing scheduled for May 2nd on the Cloquet Patio homes project.

This week Jacob Osvold closed on the Ed's Bakery building and will be moving his Farmers Insurance agency into the building during May. For more information, visit the following link: <https://www.facebook.com/cloquetcommunitydevelopment/>.

Planning/Zoning

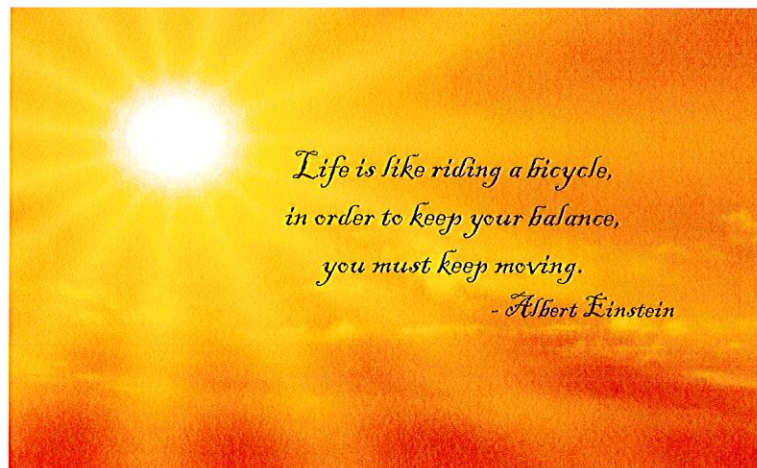
This week the Council approved the site plan for White Pine Apartments from Commonwealth Development and the Cloquet HRA, and a zoning code amendment allowing brew pubs, breweries, taprooms, and micro-distilleries in several zoning districts.

Staff provided counter services and prepared a legal notice/property owner notice in preparation for the May 9th Planning Commission meeting which will hear an application on an alleyway vacation. Staff also received an administrative site plan review application from Cloquet ISD #94 related to a Washington School parking lot expansion proposal.

Building Inspections

With spring now here, building services continue to ramp up and staff remain very busy with general questions about permits, requirements, costs, zoning, setbacks, etc. Matt had a significant amount of inspections related to construction, rehabilitation, and liquor inspections this week, along with plan reviews.

Laurie has been busy contacting local HVAC companies and reminding them that Mechanical Permits are needed for furnace replacements as well as new construction. The number of utility locates continue to increase with spring construction and she has contacted MnPower with a copy of the excavation permit for the new gas lines, providing a blanket permit that will cover all of 2017.



Other Information Attached:

* April 20, 2017 Attorney Opinion Regarding Veterans Organizations
MN Statute 197.55-57

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WILLIAM T. HELWIG*††***
BENNETT JOHNSON****
ABAGAIL M. NOUSKA

JOHN M. GASSERT, *Of Counsel*
DENNIS KORMAN, *Of Counsel*

FLOYD D. RUDY, *Founder (1935-2015)*
LAWRENCE R. YETKA, *Retired*



**Rudy, Gassert, Yetka,
Pritchett & Helwig, P.A.**
A T T O R N E Y S • A T • L A W

April 20, 2017

James Barclay
Assistant City Administrator
City of Cloquet
1307 Cloquet Avenue
Cloquet, MN 55720

Re: Veterans Organizations

Dear James:

You have asked me for an opinion regarding the rights of Veterans Organizations under Minnesota Statutes Sections 197.55-197.57. I have examined the provisions of those statutory sections and have found the following,

1. Section 197.55, while appearing to require that the legal custodian of public buildings within the state (including city, town or county buildings) set aside space within any such building for the use and occupation for holding meetings or assemblies to any veterans organization organized within such jurisdiction, that action is made discretionary to the custodian on a determination of whether it is consistent with the public interest. The statute further requires that upon 20 days written notice that any such space being so used by a veterans organization be promptly and quietly vacated when required for public use.
2. Section 197.56, provides that such space shall be freely and equally shared by all such veterans organizations within such jurisdiction, and that said use shall be under such rules and upon such conditions as may be prescribed by the custodian, and shall be furnished by any local organization occupying the same for any state or national gathering of war veterans.
3. Section 197.57, provides that such space shall be furnished and maintained at the expense of such veterans organizations using and occupying said space, except that if the building is heated and lighted at public expense then there would be no charge to such organizations for heat and light.

* Also Licensed to Practice in Wisconsin

** Also Admitted in Texas

†† Patent Attorney, Registered to Practice before the U.S. Patent & Trademark Office

*** Also Admitted in Virginia

**** Also Admitted in Nebraska

Re: Veterans Organizations

April 20, 2017

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DISCUSSION

These sections do not require that a city make space available for veterans organizations, but if a city does have extra space available and believes it is in the public interest it can make that space available to veterans organizations, on a first come first serve basis. However, if the city determines later on that it now requires that space for other public use by the city, then the veterans organization must vacate such space promptly and quietly.

When a veterans organization is allowed to use space in a city building it must abide by rules and conditions set by the city. For example, if a veterans organization holds a liquor license, it does not automatically have the right to serve liquor at meetings held in such space unless it is allowed under the rules and conditions set by the city for the use of such space. The city may set the hours and days of use and place restrictions on the type of activities that may take place in such space, and may establish such rules and conditions by a non-perpetual lease of said space with such veterans organization if the city finds it to be in the public interest.

The city may not profit from any lease of such space with a veterans organization but it appears that a city can charge an amount necessary to cover overhead and maintenance expenses of such space, except for heat and light if the same is already being provided at public expense.

Please let me know if you have any further questions regarding the above. Thank you.

Sincerely,



William T. Helwig
Cloquet City Attorney's Office
Rudy, Gassert, Yetka, Pritchett & Helwig, P.A.

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197.55 QUARTERS FOR MEETINGS OF VETERANS ORGANIZATIONS.

The governor of this state, or any other legal custodian of public buildings within the state, shall, when not inconsistent with the public interests, set aside any portion of the public buildings for the use and occupation as quarters and places for holding their stated or special meetings or assemblies, to any post, commandery, camp or association, local or state, of veterans of any war in which the United States has been engaged, which may be organized in the city, town, or county in which the building or buildings may be situated. Upon 20 days' written notice, duly served upon the proper officer or officers of any said organizations, by the governor or any other legal custodian, that the public buildings, rooms, or quarters are required for public use, the same shall be promptly and quietly vacated.

History: (4382) 1905 c 37 s 1; 1911 c 107 s 1; 1990 c 426 art 1 s 24

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197.56 USE OF QUARTERS.

Such organization shall have the equal and free use of all such quarters, under such rules and upon such conditions as may be prescribed by the governor or by such custodian. All reasonable and proper facilities, so far as possible, shall at all times be furnished therein by any local post, commandery, camp, or association, which may occupy the same, for any state or national gathering of war veterans.

History: *(1383) 1905 c 37 s 2; 1985 c 248 s 70*

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197.57 QUARTERS, HOW MAINTAINED.

Such quarters shall be furnished and maintained at the expense of such organizations as may occupy them under the provisions of section 197.55; provided, that if the building in which such quarters are assigned is heated and lighted at public expense, these quarters shall be so heated and lighted without cost to the organizations.

History: (1384) 1905 c. 37 s. 3

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