



City Administrator's Weekly Update

Week Ending November 6, 2015

Upcoming Events

November 10, 7:00 pm
Planning Commission
City Hall

November 11
Veteran's Day
CLOSED

November 17, 5:30 pm
Council Work Session
City Hall

November 17, 7:00 pm
City Council Meeting
City Hall

November 18, 6:00 pm
CAFD
Station 1

November 24, 4:15 pm
Library Board
Cloquet Library

November 26
Thanksgiving
CLOSED

November 27
CLOSED

ADMINISTRATION

PERSONNEL

Well, it's that time of year again! That time when the world stops rotating so everyone (or what seems like everyone) heads to the woods to pursue the elusive Bambi. For those headed out, please be safe and good luck. For those staying home, enjoy the peace and quiet.

Today was the deadline for applicants for the Assistant City Administrator position. At the time of this writing, the City had received approximately 19 applications.

HEALTH INSURANCE OPEN ENROLLMENT

It is open enrollment time for the AFSCME and non-union health insurance plans. The Summary of Benefits Coverage (SBC) and renewal documents are posted on the City website and will be mailed to each employee. Enrollment will run through December 7, 2015 and paper copies will be handed out next week to staff.

BOARD VACANCIES

We will tentatively hold interviews for the CAB vacancy on December 15th at the Council Work Session. We still have a vacancy on the Shaw Memorial Library Foundation. It also looks like there will be three vacancies on the Library Board in January. Barb Ross, Rex Laaksonen and Dave Johansen will all be stepping down. I continue to ask for your help in reaching out to friends and neighbors in the community to fill these vacancies.

CAFD

Staff worked with representatives of the Fire District on changes to the legislative authority of the District that will clarify the District's legal bonding authority. This will be presented to the Board at its meeting later this month. The CAFD Board also met this week to discuss the options available relating to its building/facility needs.

CAT 7

The Cable Commission met this week and recognized Abby Mitchell for her logo submission being selected as the new logo for CAT-7.

The Commission will now start building this new logo into its various documents, equipment and programming.

2016-2020 CIP

Staff has been working on refinements to the CIP this past week. Since the preliminary adoption in September, there has been some juggling of projects as well as some adjustments of project costs. These will go to the Council in December.

Community Development

HOUSING

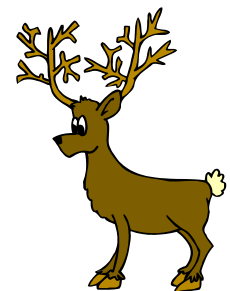
Staff met with Carlton County officials to discuss their interest in the development of a housing project adjacent to Aspen Arms. We also discussed some possible legislative actions being considered by the County as it relates to our CAP agency representation. Additional meetings will be held in November.

PLANNING

Information about the rumored KwikTrip on Washington Avenue has been trickling in. Staff has received a draft site plan and traffic study for the project but a formal application for site plan review and associated materials has not yet been received.

ECONOMIC DEVELOPMENT

Staff has spent a good part of the week working with Friends of Animals and the County on possible relocation sites for FOA. A developer is interested in acquiring their existing site. The EDA is also discussing options.



Brian Fritsinger
1307 Cloquet Ave
Cloquet MN 55720
Ph: 218-879-3347



City Administrator's Weekly Update

Week Ending November 6, 2015

Public Works/Parks

MISCELLANEOUS

Hydro-Kleen has a crew in town cleaning and televising sanitary sewers around town in preparation for the sewer lining project awarded earlier this summer.

MNDOT PROJECTS/FUNDING APPLICATIONS

Staff worked with MnDOT to submit an application for funding assistance with the possible improvements necessary along Highway 33 extending the Frontage Road from the I-35/Hwy 33 intersection north to Gillette Road.

Staff also has been working on a submittal related to possible trail/sidewalk and other improvements in the Pinehurst to Doddridge Avenue area of Highway 33.

RODEO

The Public Works crew held their annual truck rodeo last week. The winning team this season was Matt Peterson and Eric Saboe. I'm still waiting to learn which of the crew caused the most damage to my mailbox!

18TH STREET CLOSURE

In conjunction with an environmental cleanup related to Safety Kleen, 18th Street south of Washington Avenue was closed to through traffic this week. Their contractor was removing contaminated soil in front of the Wear-A-Knit building at 1306 - 18th Street. Hopefully everything went as planned.



OTHER INFORMATION ATTACHED

- October Permit Report
- Sanitary Sewer lining letter
- City Prosecution letter

Monthly report of October 2015

City of Cloquet

Type	Permits		
	Number Issued	Value	Amount
ADMIN COMMERCIAL/INDUSTRIAL	1	140 000.00	1 187.75
ADMINISTRATIVE PERMIT	13	61 687.00	1 372.25
BUILDING NEW RESIDENTIAL	2	445 000.00	5 435.19
BUILDING PERMIT ADDITION OR REMODEL	2	112 392.00	1 567.75
BUILDING PERMIT NEW GARAGE	2	13 400.00	365.20
GRADING PERMIT	1	0.00	25.00
MECHANICAL PERMIT	3	0.00	105.00
PLUMBING	7	0.00	695.00
REROOF OR RESIDE	10	0.00	1 010.00
ZONING - FENCE PERMIT	4	0.00	100.00
Total	45	772 479.00	11 863.14

Monthly report of October 2014

City of Cloquet

Type	Permits		
	Number Issued	Value	Amount
ADMIN COMMERCIAL/INDUSTRIAL	2	93 199.00	414.27
ADMINISTRATIVE PERMIT	28	198 311.00	3 851.82
BUILDING NEW RESIDENTIAL	2	845 000.00	9 433.57
BUILDING PERMIT ADDITION OR REMODEL	1	5 200.00	127.85
BUILDING PERMIT DECK	1	8 600.00	211.55
BUILDING PERMIT NEW COMMERCIAL	1	549 077.00	5 999.02
BUILDING PERMIT NEW GARAGE	3	35 400.00	765.45
GRADING PERMIT	2	0.00	50.00
MECHANICAL PERMIT	3	0.00	205.00
PLUMBING	2	0.00	190.00
SIGN	1	0.00	10.00
ZONING - FENCE PERMIT	3	0.00	50.00
Total	49	1 734 787.00	21 308.53



DEPARTMENT OF PUBLIC WORKS

1307 Cloquet Avenue; Cloquet, MN 55720
Phone: (218) 879-6758 Fax: (218) 879-6555
Street – Water – Sewer - Engineering
www.ci.cloquet.mn.us

October 30, 2015

Dear Cloquet Water and Sewer Customer:

As part of the City's sanitary sewer maintenance and improvement program, plans have been made to line approximately 7,000 feet of existing sanitary sewer mains throughout Cloquet. This work is being performed to reduce overall sewer maintenance problems, eliminate groundwater infiltration into these older mains and to extend the useful life of these sewers without having to dig up the street. The sewers to be lined were selected based on past maintenance records and a closed circuit television inspection. **Attached is a map of those sewers identified for lining under this contract.**

The lining method selected for this project is referred to as Cured-In-Place-Pipe or CIPP and this involves the installation of an epoxy resin tube from manhole to manhole, which is then cured in place with the use of steam or hot water. The company the City has hired to complete this work is called **Hydro Klean/Infratech** and you may have already seen their trucks in your neighborhood while they have been cleaning and preparing the sewers for relining. With the preparation work now complete, we expect lining operations to begin in the next two weeks.

While the crew is lining the sewer main on your block, sewer service to your house will be temporarily disconnected. To avoid problems and a possible sewer backup at your home, it is essential that you avoid using water during the day that the liner is being installed on your block. We would ask that you minimize your water use and for sure do not run washing machines, dish washers, tubs and showers. The crew's work day usually begins around 7 AM and ends about 7:00 PM. **You can expect your home will be without sewer service for about 8 hours** of that time unless they encounter problems.

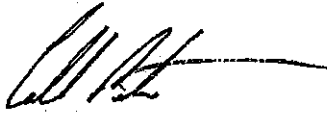
If your home has improperly installed drain tile that is connected directly to the sanitary sewer, you may experience water problems in your basement as your house sewer line will be out of service during the day.

Because the actually lining schedule must remain flexible, I cannot tell you just what day your home will be without sewer service but the day before, representatives from **Hydro Klean will attempt to notify you by hanging the enclosed notice (blue card) on your door knob stating the day and time they intend to be working in your neighborhood.** We would ask that you keep an eye out for this notice and another good sign is if you see their trucks parked on your block.

Eric Saboe from the Cloquet Utility Department will be overseeing the work on this project. If you have any questions or experience sewer backup problems, feel free to call Public Works Office at **879-6758** during normal office hours from 8:00 AM to 4:30 PM. After hours, the Public Works emergency dispatcher may be reached at **624-0391**.

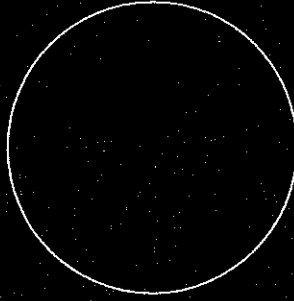
We apologize for the inconvenience related to this work but it is a necessary thing that will provide for better sewer service in the future.

Sincerely,

A handwritten signature in black ink, appearing to read 'C. Peterson', with a long horizontal flourish extending to the right.

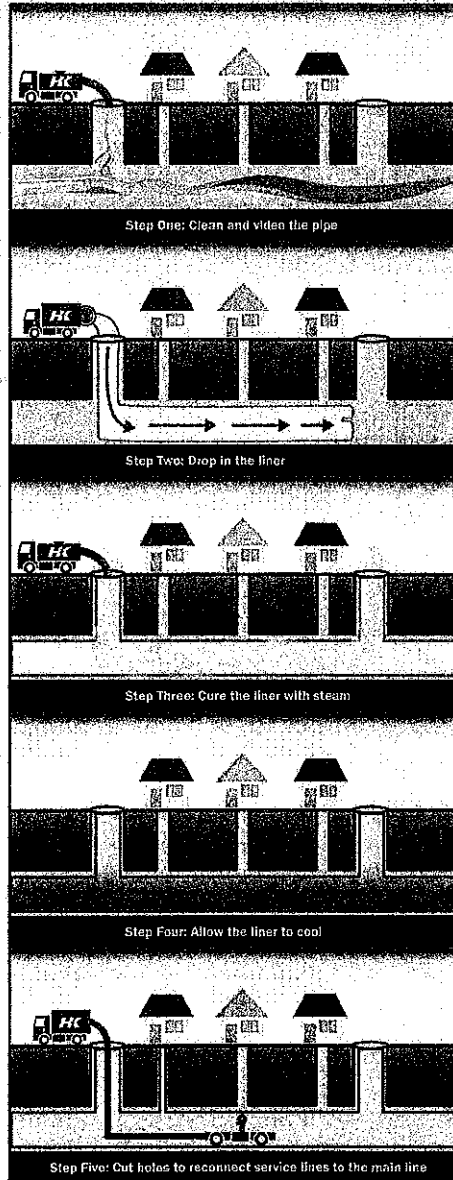
Caleb Peterson, PE
Assistant City Engineer

PLEASE READ



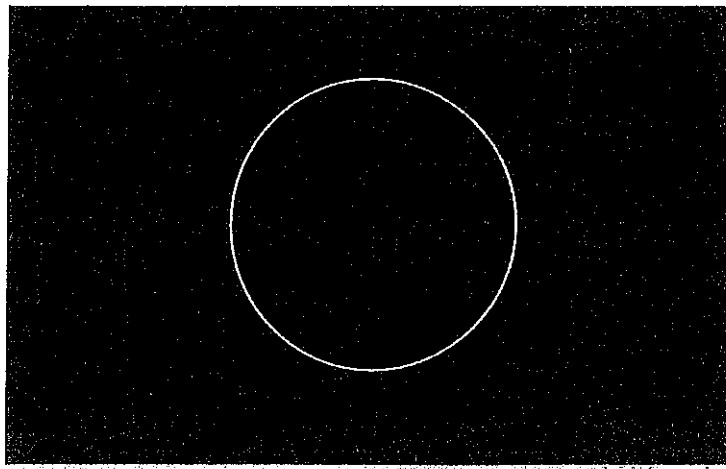
Advanced Notice of Sewer Work

Sewer Rehabilitation: A Simplified Overview



SEE REVERSE

www.hydro-klean.com | 1.855.84KLEAN



As part of the on-going program to improve the sewer infrastructure, we have been contracted by your local government to rehabilitate the existing mainline sewers. The method of repair we intend to employ is called Trenchless Sewer Rehabilitation. This methodology eliminates the need for and the inconvenience associated with conventional open trench excavation. We ask for your cooperation in advance to ensure this work is completed in a timely manner and within budget.

Your private sewer lateral connection will be **OUT OF SERVICE** for the time listed on the date(s) below. To reduce any inconvenience, we ask that you minimize your water use during these hours. In doing so, we can eliminate the possibility of sewage backing up into your basement and / or plumbing.

Please DO NOT shower, bathe, use dishwashers or washing machines during the hours noted below. As well, keep toilet flushing to an absolute minimum.

Date and Time of Sewer Work

Street: _____

Date: _____

From: _____ **Until:** _____

Please note: Prior to the crews arriving on your street, we ask each resident to pour 1 gallon of water into every floor drain, laundry tub, bath tub and shower drain in your basement to fill any dried out traps. This should prevent any odor from entering your home.

Please bear with us while we repair your sewers. Although we intend on making every effort to be mindful of your needs, we apologize for any equipment noise or inconvenience that may occur as a result of our work.

If any problems occur with your sewer service during this rehabilitation process, please visit one of our on-site representatives. If you have questions after completion of this project, please call **1.855.84KLEAN**

THANK YOU FOR YOUR COOPERATION



CITY OF CLOQUET, MINNESOTA

CONSTRUCTION PLAN FOR 2015 SANITARY SEWER LINING
CITY PROJECT NO. 1051

GOVERNING SPECIFICATIONS

THE 2014 EDITION OF THE MINNESOTA DEPARTMENT OF TRANSPORTATION
"STANDARD SPECIFICATIONS FOR CONSTRUCTION" AND
THE LATEST REVISION OF THE MINNESOTA CITY ENGINEERS ASSOCIATION
"STANDARD UTILITY SPECIFICATIONS FOR WATER AND SEWER INSTALLATION"
CEAM-SUS, SHALL APPLY.

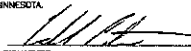
THE SUBSURFACE UTILITY INFORMATION IN THIS PLAN IS QUALITY LEVEL D. THIS
QUALITY LEVEL WAS DETERMINED ACCORDING TO THE GUIDELINES OF D/ASCE 38--2,
ENTITLED "STANDARD GUIDELINES FOR THE COLLECTION AND DEPICTION OF EXISTING
SUBSURFACE UTILITY DATA."

INDEX

- 1 TITLE SHEET
- 2 ESTIMATED QUANTITIES
- 3 SUMMIT AVENUE
- 4 HIGHLAND AVENUE
- 5 ELMWOOD STREET
- 6 WALNUT STREET
- 7 OAK STREET
- 8 9TH & 12TH STREETS
- 9 TAYLOR AVENUE
- 10 WILSON AVENUE
- 11 WASHINGTON AVENUE
- 12 6TH STREET

THIS PLAN CONTAINS 12 SHEETS

I HEREBY CERTIFY THAT THIS PLAN WAS MADE BY ME OR UNDER MY DIRECT SUPERVISION AND
THAT I AM A DAILY LICENSED PROFESSIONAL ENGINEER UNDER THE LAWS OF THE STATE OF
MINNESOTA.






	CALEB PETERSON
SIGNATURE	TYPED OR PRINTED NAME
6/5/15	47900
DATE	LIC. NO.

CITY PROJ. NO. 1051

SHEET 1 OF 12 SHEETS

PLAN SYMBOLS

STATE LINE	---
COUNTY LINE	---
TOWNSHIP OR RANGE LINE	---
SECTION LINE	---
QUARTER SECTION LINE	---
SIXTEENTH SECTION LINE	---
RIGHT OF WAY LINE	---
PRESENT RIGHT OF WAY LINE	---
PROPERTY LINE (VACATED PROPERTY LINE)	---
CORPORATE OR CITY LIMITS	---
RETAINING WALL	---
RAILROAD RIGHT OF WAY LINE	---

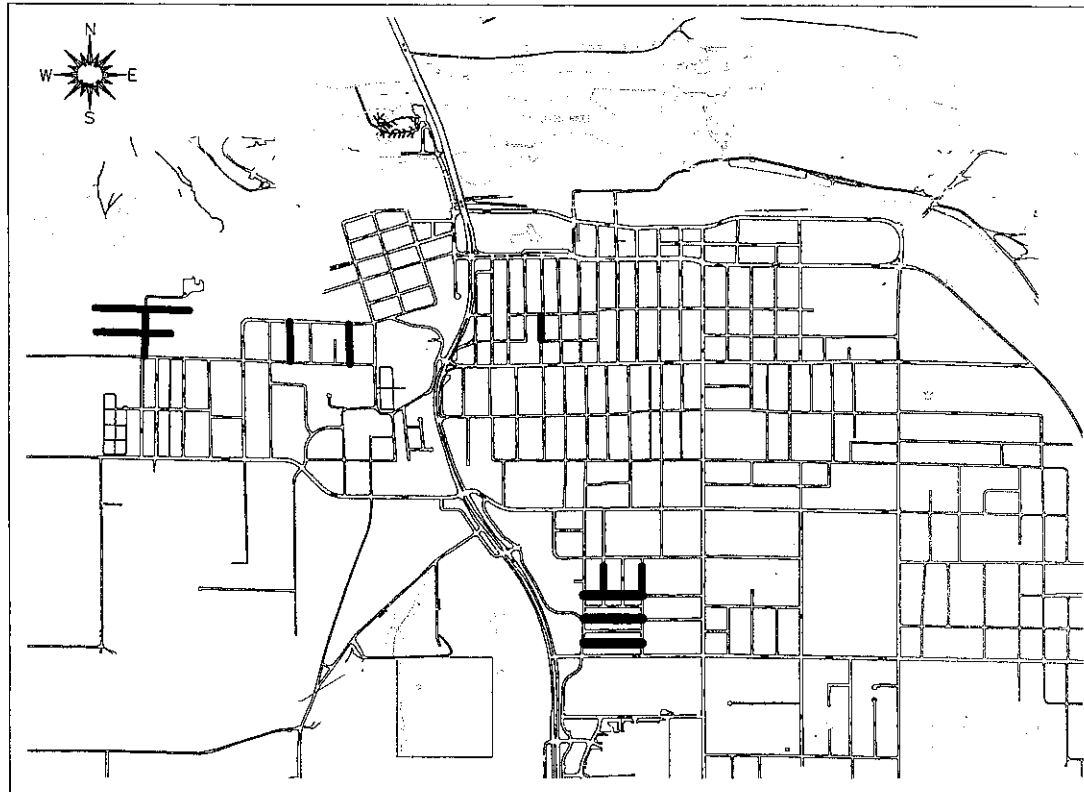
TIMBER ORCHARD BRUSH NURSERY	
CATCH BASIN	
FIRE HYDRANT	
BRIDGE	
BUILDING <small>(One Way Street) C-PAVE E-PAVE B-BACK C-FLUCCO</small>	
IRON PIPE OR ROD	•
MONUMENT (Stone, Concrete, or Metal)	□
WOODEN HUB	■

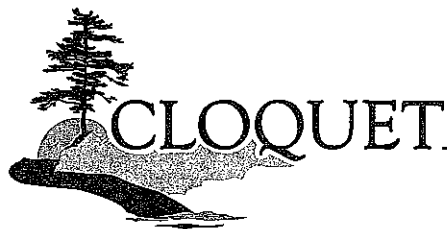
UTILITIES SYMBOLS

OVERHEAD POWER	---
STREET SIGN	⊙
ANCHOR	+
STEEL TOWER	△
POWER POLE	⊙
PEDESTAL (Telephone Cable Terminal)	⊙
GAS MAIN	---
WATER MAIN	---
TELEPHONE CABLE IN CONDUIT	---
ELECTRIC CABLE IN CONDUIT	---
TELEPHONE MANHOLE	⊙
ELECTRIC MANHOLE	⊙
BURIED TELEPHONE CABLE	---
BURIED ELECTRIC CABLE	---
SANITARY SEWER	---
STORM SEWER	---

SCALES

PLAN	50	
PROFILE	50	5
	HORIZ.	VERT.





ADMINISTRATIVE OFFICES

1307 Cloquet Avenue • Cloquet, MN 55720
Phone: 218-879-3347 • Fax: 218-879-6555
email: admin@ci.cloquet.mn.us
www.ci.cloquet.mn.us

October 27, 2015

Ms. Nichole Carter
113 Avenue C
Cloquet, MN 55720

RE: CITY PROSECUTION

Dear Ms. Carter:

The City is in receipt of your September 21, 2015 letter inquiring as to the status of our Criminal Prosecution Contract. I will attempt to respond to your questions.

The City currently receives prosecution services from the Rudy, Gassert, Yetka, Pritchett, Helwig Law Firm. The City has been working with the firm in this capacity for approximately 15 years, since former County Attorney Ketola opted to eliminate the provision of such services by the County. The firm also acts as our City Attorney for other relevant matters.

Per your request, I have attached a copy of the agreement that is in place with the Rudy Law Firm. As you will note, it is pretty simple and limited to discussing the hourly rate.

As you are probably well aware, the City has not historically opened the City Attorney/Prosecution consulting service for bids on any type of regular basis. Nor is it statutorily required to do so. I will forward your letter of interest to the City Council and should the Council opt to pursue proposals in the future, I'll be sure to include your firm with the notice.

I appreciate your interest in working with the City of Cloquet.

Sincerely,

Brian Fritsinger
City Administrator

BF/ks

Cc: S. Stracek

Enclosure



113 Avenue C
Cloquet, MN 55720

Tel: 218•878•9344
Fax: 218•878•9260

September 21, 2015

Brian Fritsinger
City Administrator, City of Cloquet
1307 Cloquet Avenue
Cloquet, MN 55720

RE: City of Cloquet Criminal Prosecution Contract

Dear Mr. Fritsinger:

My name is Nichole Carter and I am the owner of the Carter Law Office, a law firm located on Avenue C. My current practice is a general law practice, however, for most of my career, I have practiced as a prosecutor. I have enclosed my curriculum vitae for your review so that you can get a better sense of my background and experience.

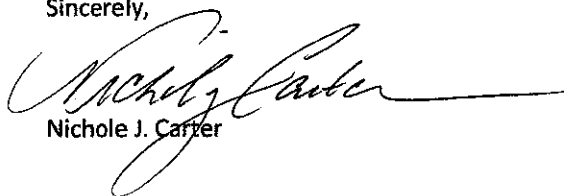
The reason I am writing to you is to inquire about the status of the City's contract for criminal prosecution services. Specifically, I would like to know when the current contract expires, and how I could go about placing a competitive bid for this contract. I also would like to obtain a copy of the City's current contract.

My intention is to propose a competitive bid to the City for criminal prosecution services. I feel that my thirteen years as a prosecutor, as well as my experience in the courtroom, and my knowledge of criminal law and procedure would provide the City a cost effective and efficient service. I would also offer the City a prosecution service that would work in close cooperation with the City Police Department to further the public safety goals that the Department has set out to achieve.

As I have not yet seen the current contract, I cannot speak to what services are currently required of the prosecuting attorney. However, I would propose that perhaps the City would be interested in a prosecution service that would encompass more than seeing a case through the court system. I would like to include other services in my bid such as offering regular training to the Department on changes to Minnesota laws, or any other topic the Department would like covered, coordinating with the Department to ensure that identified problem areas are prosecuted aggressively, and providing the Police Department regular reports regarding the outcome of cases as they progress through the court system. I think that my bid, even including these additional services, would be cost effective for the City, and I would welcome the opportunity to compete for this contract.

I appreciate your time in responding to my request. Should you have any questions or concerns, or if you would like to speak with me further regarding my letter, please do not hesitate to contact me. Thank you.

Sincerely,



Nichole J. Carter

Enc.: Curriculum Vitae

Nichole@carterlawmn.com • www.carterlawmn.com



Dedicated to a Strong Greater Minnesota

MEMORANDUM

To: CGMC Mayors and Managers

From: Timothy P. Flaherty

Date: October 23, 2015

Re: CGMC Board authorizes legal actions to challenge MPCA's new river and streams water quality standards

Cc: CGMC Board, MESERB members

Attachment: Chris Hood memo on legal basis for challenge

The CGMC Board voted today to authorize Flaherty and Hood and Hall and Associates to initiate and prosecute the following two legal actions:

1. A state rulemaking petition to amend or repeal the state's new water quality rules related to rivers and streams, and
2. A federal lawsuit against the U.S. Environmental Protection Agency challenging its approval of the MPCA's riverine standards

The Board took this action because parts of the new MPCA riverine standards are not based on sound science and evidence of this was not considered in the state's original rulemaking. The basis for both legal actions are contained in the attached memo from Chris Hood dated October 23, 2015.

The Minnesota Science and Economic Review Board (MESERB) took a similar action authorizing both legal challenges on October 21, 2015.

Feel free to share this email and the attached memo with your city council and others that may have an interest in it.



MEMORANDUM

To: CGMC Mayors and Managers

From: Christopher M. Hood, Shareholder Attorney

Date: October 23, 2015

Re: Legal basis for challenging MPCA's new river and streams water quality standards

Cc: CGMC Board

The purpose of this memorandum is to briefly summarize the legal basis for challenging MPCA's riverine standards. The Coalition of Greater Minnesota Cities (CGMC) and the Minnesota Environmental Science and Economic Review Board (MESERB) have both authorized moving forward with the following two legal proceedings:

1. Federal lawsuit against the EPA challenging its approval of the MPCA's riverine standards

This legal action involves a lawsuit against the United States Environmental Protection Agency (EPA) for acting contrary to the requirements of section 303(c) of the federal Clean Water Act and regulations promulgated thereunder when it approved MPCA's riverine standards. Under the section 303(c) of the Clean Water Act, the EPA is required to review and to approve or disapprove state-adopted water quality standards, such as MPCA's riverine standards. State standards are required to be based on a "sound scientific rationale" and "sound scientific information" (40 C.F.R. 131.11(a) and (b)), and "appropriate technical and scientific data and analyses" (40 C.F.R. 131.5(a)(4)).

The EPA approved Minnesota's riverine standards on January 23, 2015. However, just four months earlier, the EPA responded to Freedom of Information Act requests (EPA FOIA responses) indicating that it had no documents or records in its possession demonstrating either that dissolved oxygen (DO) flux, *per se*, should be considered indicative of use impairment in a river or stream, or that using the five-day biochemical oxygen demand (BOD₅) test as a nutrient response criterion was scientifically defensible, both of which are features of the MPCA's riverine standards that were challenged by MESERB throughout the MPCA's rulemaking and then in the declaratory judgment action in the Court of Appeals.

A federal lawsuit against the EPA would be premised on the fact that the EPA acted arbitrarily and unreasonably in approving Minnesota's riverine standards after admitting that it did not possess any information showing (1) the BOD₅ test is a valid nutrient impairment indicator, or (2) that DO flux causes aquatic life impairments just four months earlier. This argument is

bolstered by the publication of a memorandum from Andrew Eaton, of the Joint Editorial Board of the *Standard Methods for the Examination of Water and Wastewater*, the creator of the BOD₅ test, dated November 19, 2014 (the Standard Methods memorandum), which confirmed that the BOD₅ test, relied upon by the MPCA as a response criterion for its new riverine standards, is not “an appropriate measure of nutrient pollution nor is it a valid predictor of nutrient impacts.”

The existence of the EPA’s FOIA responses and the Standard Methods memorandum make a federal case against the EPA strong and easy for a federal judge to understand. In short, how could the EPA have approved Minnesota’s riverine standards when it admitted that it had no information demonstrating that key aspects of these standards were scientifically defensible, and when the creator of one of the tests utilized by MPCA to detect nutrient impairments had indicated that it should not be used in such a manner?

2. State administrative petition to amend or repeal MPCA’s riverine standards

This legal action involves filing a petition the MPCA to amend or repeal its riverine standards on the basis of new evidence, which would likely allow for an appeal of a denial of such petition to proceed to the Minnesota Court of Appeals as a matter of right under a writ of certiorari. *See* Minn. Stat. § 606.06 (“(a) writ of certiorari for review of an administrative decision pursuant to chapter 14 is a matter of right.”)

Minn. Stat. § 14.091 authorizes a city or sanitary district to petition for the amendment or repeal of a rule or specific portion of a rule (such as MPCA’s riverine standards) if it can demonstrate that “one of the following has become available since the adoption of the rule in question:

- (1) significant new evidence relating to the need for or reasonableness of the rule; or
- (2) less costly or intrusive methods of achieving the purpose of the rule.”

In this case, significant new evidence exists relating to the reasonableness of the MPCA’s riverine standards in the form of both the EPA FOIA responses and the Standard Methods memorandum referenced above. The fact that the Minnesota Court of Appeals previously refused to allow either of these documents into the appellate record in the prior declaratory judgment action would also help a filing city or sanitary district to demonstrate that these documents constitute new evidence and present a distinct legal issue separate from the previous declaratory judgment action. As would be the case in a federal lawsuit against the EPA, a petition to amend or repeal the MPCA’s riverine standards under Minn. Stat. § 14.091 would present a clean, easy to understand case that would be focused on the compelling post-rulemaking evidence that the BOD₅ test is not a valid nutrient impairment indicator and that DO flux does not cause aquatic life impairments.