

Regular Meeting

Roll Call

Councilors Present: Bjerckness, Kolodge, Langley, Rock Wyman

Councilors Absent: Mayor Hallback, Maki

Pledge of Allegiance

### AGENDA

**MOTION:** Councilor Langley moved and Councilor Kolodge seconded the motion to approve the November 20, 2018 agenda. The motion carried unanimously (5-0).

### MINUTES

**MOTION:** Councilor Wyman moved and Councilor Langley seconded the motion to approve the minutes of the Work Session and Regular Meeting of November 8, 2018. The motion carried unanimously (5-0).

### CONSENT AGENDA

**MOTION:** Councilor Rock moved and Councilor Wyman seconded the motion to remove item 5.c., *Resolution No. 18-82, Entering into an Agreement with Carlton County for Washington Avenue Improvements* from the Consent Agenda and add to Council Business as item 8.C. The motion carried unanimously (5-0).

**MOTION:** Councilor Wyman moved and Councilor Langley seconded the motion to remove item 5.d. *Ordinance No. 475A, An Ordinance to Amend Chapter 17 of the Municipal Code Pertaining to the Highway 33 Design Standards, Irrigation Requirements and Parking in the Historic Commercial District* from the Consent Agenda and add to Council Business as item 8.d. The motion carried unanimously (5-0).

**MOTION:** Councilor Wyman moved and Councilor Rock seconded the motion to adopt the amended Consent Agenda of November 20, 2018 approving the necessary motions and resolutions. The motion carried unanimously (5-0).

- a. Resolution No. 18-80, Authorizing the Payment of Bills
- b. Resolution No. 18-79, Setting a Public Hearing Date on the Proposed 2019 Pine Tree Plaza Frontage Road Improvements
- c. 2019 Public Works Position Appointments

### PUBLIC HEARINGS

There were none.

### PRESENTATIONS

There were none.

### REMOVAL OF PUBLIC NUISANCE AND HAZARDOUS BUILDING, 316 20<sup>TH</sup> STREET

**MOTION:** Councilor Rock moved and Councilor Kolodge seconded the motion to approve **RESOLUTION NO. 18-78, RESOLUTION ORDERING THE REMOVAL OF A PUBLIC NUISANCE AD HAZARDOUS BUILDING LOCATED AT 316-20<sup>TH</sup> STREET, CLOQUET, MN** and enter into contract with Land Logic in the amount of \$5,980 to demolish 316 20<sup>th</sup> Street. The motion carried unanimously (5-0).

**WHEREAS**, pursuant to Cloquet City Code §§ 7.1.01 to 7.1.07, and Minn. Stat. §§ 463.15 to 463.261, the City Council of the City of Cloquet finds the residence on the property located at 316 20<sup>th</sup> Street to be a public nuisance and hazardous building for the following reasons:

1. The home has lacked water and sewer utility service since June 12, 2014 which is required by Cloquet City Code Section 10.3.05 Subd. 2 Subp. B. The City of Cloquet posted this building as UNFIT FOR HUMAN HABITATION on June

- 24, 2014.
2. The home has lacked electricity since August 28, 2014 which is required by City Code 10.3.05 Subd. 2 Subp. E.
3. The house has settled onto the crawl space and is no longer supported on the actual foundation on which the home was originally constructed indicating a complete foundation failure.
4. The floor system inside of the home is structurally compromised due to water infiltration from insufficient roof covering.
5. Roof, ceiling, and wall framing are structurally compromised due to rot and decay of these building elements due to water intrusion due to insufficient roof covering.

**WHEREAS**, the conditions listed above, which are more fully documented in the Building Inspection photos and Report prepared by Building Official Matt Munter on May 18, 2015, a copy of which is attached hereto as Exhibit A, which conditions have further deteriorated to date, make clear that due to neglect and deterioration, the residence located on the property at 316 20<sup>th</sup> Street endangers and constitutes a hazard to public health and safety, and also presents a danger as a fire hazard, and is therefore declared to be a Public Nuisance and Hazardous Building; and

**WHEREAS**, the legal description for 316 20<sup>th</sup> Street is as follows:

**Lot 4, Block 1, LALONDE'S SECOND ADDITION to Cloquet,  
according to the plat thereof on file and of record in the office  
of the County Recorder, Carlton County, Minnesota.  
(PID No. 06-210-0080, ABSTRACT).**

**WHEREAS**, the owner of record of said property is High Mark Management, LLC, a Minnesota limited liability company (Herein OWNER), which took possession under a Warranty Deed dated August 30, 2016, recorded January 12, 2017 as Document No. A000472471 in the Carlton County Recorder's Office, executed pursuant to a Purchase Agreement dated August 30, 2016 in which OWNER agreed to comply with a prior Order to Remove Vacant Hazardous Building issued by the City Building Official against the previous owner dated May 28, 2015; and

**WHEREAS**, OWNER has failed to comply with the prior Order, and has also failed to respond to City attempts at contact with Owner by letter dated September 18, 2017 and by letter from the City Attorney dated May 8, 2018; and

**WHEREAS**, the City may proceed with demolition of the Hazardous Building by signed Consent from OWNER or by Judgment of the District Court, allowing City to perform any demolition and cleanup that is necessary, to remove the Public Nuisance and Hazardous Building, and to charge any costs thereby incurred by the City as a special assessment against the property, payable in a single installment; and

**WHEREAS**, the property is vacant and has been secured by OWNER, and there are no occupying tenants; and

**WHEREAS**, pursuant to a search of the records of the Carlton County Recorder's Office, the City does not find and is not aware of any lienholder of record of said parcel other than Carlton County for delinquent property taxes in the amount of \$995.03 as of November 12, 2018; and

**WHEREAS**, bids for complete demolition and cleanup of the residence which constitutes a Public Nuisance and Hazardous Building at 316 20<sup>th</sup> Street have been received in amounts ranging from \$5,980.00 to \$8,900.00;

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF CLOQUET, MINNESOTA**, as follows:

1. That pursuant to the foregoing findings and in accordance with Cloquet City Code § 7.1.07, and Minn. Stat. § 463.151 or § 463.16 (as appropriate), the Council orders the demolition and cleanup of the residence at 316 20<sup>th</sup> Street, which constitutes a Public Nuisance and Hazardous Building, which cleanup shall be commenced by OWNER within 20 days from the date of service of this Resolution/Order upon OWNER.
2. OWNER has 20 days from the date of service of this Resolution/Order to serve an answer in the manner provided for the service of an answer in a civil action, specifically denying such facts in the Resolution/Order as are in dispute; or to provide to City a signed Consent to Enter Property for Removal of Public Nuisance and Vacant Hazardous Building; or to commence with demolition and cleanup.

3. The City Attorney shall file a copy of this Resolution/Order, with proof of service attached, with the Carlton County District Court within 14 days of service upon the OWNER, and shall at the same time file for record with the County Recorder a Notice of Pendency of the proceeding, and shall file a motion for summary enforcement of this Resolution/Order one week thereafter unless OWNER has taken corrective action, or has provided the City with a signed Consent to Enter Property for Removal of Public Nuisance and Vacant Hazardous Building, or unless an answer has been filed.
4. Upon receipt by City of a signed Consent to Enter Property for Removal of Public Nuisance and Vacant Hazardous Building, or upon entry of judgment by the Carlton County District Court allowing enforcement of the Resolution/Order, demolition and cleanup of the Public Nuisance and Hazardous Building shall be commenced by the City or any of its designated agents as soon thereafter as is reasonably possible.
5. That in accordance with Minn. Stat. § 463.21 & § 463.24, when said Public Nuisance and Hazardous Building is cleaned up and removed by the City, the City may sell personal property, fixtures, and/or salvage materials at public auction after three days posted notice, or if without appreciable value, the City may destroy the same.
6. That the Council approves payment of up to \$5,980.00 in demolition and cleanup costs by the City which will be specially assessed against the property and collected in accordance with Minn. Stat. §§ 463.151, and 463.21, and shall be payable in a single installment.
7. That the City Attorney is authorized to proceed with the preparation of all documents and the taking of all actions necessary for enforcement of this Resolution/Order, including the filing of an action in the District Court for any appropriate Order needed.

#### **CERTIFICATION OF UTILITY BILLS AND MISCELLANEOUS PROPERTY CHARGES**

**MOTION:** Councilor Rock moved and Councilor Wyman seconded the motion to approve **RESOLUTION NO. 18-78, RESOLUTION ADOPTING AND CONFIRMING SPECIAL ASSESSMENTS FOR DELINQUENT UTILITIES AND MISCELLANEOUS BILLS.** The motion carried unanimously (5-0).

#### **ENTERING INTO AN AGREEMENT WITH CARLTON COUNTY FOR WASHINGTON AVE IMPROVEMENTS**

**MOTION:** Councilor Langley moved and Councilor Wyman seconded the motion to adopt **RESOLUTION NO. 18-82, A RESOLUTION ENTERING INTO AN AGREEMENT WITH CARLTON COUNTY FOR WASHINGTON AVENUE IMPROVEMENTS.** The motion carried (4-0), Councilor Rock abstained.

**WHEREAS,** Carlton County will perform bituminous paving, storm sewer rehabilitation, ADA improvements, and other associated construction upon and along Washington Avenue (CSAH 16) from Trunk Highway 33 to CSAH 45 according to County-prepared plans, specifications, and special provisions designated by the County as SAP 009-616-004 during the summer of 2019; and

**WHEREAS,** the City of Cloquet has requested that Carlton County include in its project improvements to municipal owned sewer and water facilities between Trunk Highway 33 and 22<sup>nd</sup> Street along Washington Avenue (CSAH 16).

**NOW, THEREFORE, BE IT RESOLVED, BY THE CITY COUNCIL OF THE CITY OF CLOQUET, MINNESOTA:**

The City of Cloquet enter into the Washington Avenue Reconstruction Agreement with Carlton County to provide for payment by the City to the County of the City's share of the costs of construction to be performed upon, along and adjacent to Washington Avenue from T.H. 33 to 22<sup>nd</sup> Street, within the corporate City limits under State Aid Project No. 009-616-004.

**BE IT FURTHER RESOLVED** that the City Engineer is authorized and directed to execute the Agreement and administer the Agreement on behalf of the City.

**ZONING ORDINANCE TEXT AMENDMENT**

**MOTION:** Councilor Wyman moved and Councilor Rock seconded the motion to table the adoption of **ORDINANCE NO. 475A, AN ORDINANCE TO AMEND CHAPTER 17 OF THE MUNICIPAL CODE PERTAINING TO THE HIGHWAY 33 DESIGN STANDARDS, IRRIGATION REQUIREMENTS AND PARKING IN THE HISTORIC COMMERCIAL DISTRICT**, requesting the three items be separated into individual ordinance amendments. The motion carried unanimously (5-0).

**Section 1.** **Section 17.5.15, Design Standards for the Highway 33 Corridor, Subd. 3 General Provisions** is amended to add:

- A. Exceptions will be allowed for high quality synthetic material that mimics brick, masonry or other appearance as approved by the City Planner/Zoning Administrator. Materials must be durable and properly maintained at all times.

**Section 2.** **Effective Date.** This ordinance shall take effect and be in force from and after its passage and publication in accordance with law.

**PUBLIC COMMENTS**

A Cloquet resident addressed the Council voicing his concern of the proposed reduction of hours of the CAT-7 Station Coordinator.

**COUNCIL COMMENTS, ANNOUNCEMENTS, AND UPDATES**

There were none.

On a motion duly carried by a unanimous yea vote of all members present on roll call, the Council adjourned.

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Aaron Reeves, City Administrator