

Regular Meeting

Roll Call

Councilors Present: Carlson, Lamb, Kolodge, Langley, Wilkinson, Mayor Maki

Councilors Absent: Koski

Pledge of Allegiance

AGENDA

MOTION: Councilor Lamb moved and Councilor Carlson seconded the motion to approve the April 2, 2019 agenda. The motion carried unanimously (6-0).

MINUTES

MOTION: Councilor Langley moved and Councilor Wilkinson seconded the motion to approve the minutes of the Work Session and Regular Meeting of March 19, 2019. The motion carried unanimously (6-0).

CONSENT AGENDA

MOTION: Councilor Kolodge moved and Councilor Langley seconded the motion to adopt the Consent Agenda of April 2, 2019, approving the necessary motions and resolutions. The motion carried unanimously (6-0).

- a. Resolution No. 19-23, A Resolution Authorizing the Payment of Bills and Payroll
- b. Approval of City Clerk Position Transition
- c. Resolution No. 19-24, Supporting a Trail Grant Application
- d. Authorizing Public Works Pickup Truck Purchase
- e. Resolution No. 19-25, Declaring the Official Intent of Cloquet to Reimburse Certain Expenditures from the Proceeds of Bonds to be Issued by the City
- f. Resolution No. 19-26, Awarding 2019 Mill and Overlay Project

PUBLIC HEARINGS

There were none.

PRESENTATIONS

There were none.

CHAPTER 5 AMENDMENT - REGULATING WINTER PARKING

MOTION: Councilor Langley moved and Councilor Wilkinson seconded the motion to approve **ORDINANCE NO. 478A, AN ORDINANCE AMENDING AND REPLACING CLOQUET CITY CODE CHAPTER 5, SECTION 5.4.05, REGULATING WINTER PARKING WITHIN THE CITY OF CLOQUET, MINNESOTA.** The motion carried (5-1), Councilor Kolodge opposed.

The City Council of the City of Cloquet does hereby ordain as follows:

(a) **Amendment:** Chapter 5, Section 5.4.05 be amended and replaced with the following:

5.4.05. Winter Parking / Snow Emergency Regulations.

Subd. 1 Winter Parking Restrictions. During the period from November 1 to March 31 of each year, no person, persons, firm or corporation shall park any motor vehicle on the streets, alleys, boulevards, sidewalks or public grounds within the corporate limits of said City between the hours of midnight and six o'clock A.M. This subdivision does not apply to a motor vehicle parked at an open business establishment between the hours of midnight and 2:00 a.m. unless ordered to be moved at the direction of a peace officer.

Subd. 2 Winter Parking / Snow Emergency - Penalties / Impoundment.

(a) A motor vehicle found to be in violation of Subdivision 1 of this section is subject to a parking citation. (b) A motor vehicle found to be in violation of Subdivision 1 when there is snowfall accumulation requiring the plowing of city

streets (approximately 2 inches or more), as determined by the Director of Public Works or the Supervisor of Street Maintenance, is subject to a parking citation and to immediate removal, as needed for plowing, to an impound lot at the owner's expense by a towing authority authorized by the City, and only at the direction of a peace officer who has prepared, in addition to a parking citation, a written towing report describing the motor vehicle and the reasons for towing, in accordance with Minn. Stat. 168B.035. Towing and storage fees are in addition to any fine otherwise imposed for the violation of this section. Such vehicle shall not be released until the fine and the fees for towing and storage are paid.

(b) **Effective Date:** This Ordinance shall take effect and be in force from and after its passage and publication.

CHAPTER 6 CODE AMENDMENT – REGULATIONS AND LICENSES OF PAWN BROKERS

MOTION: Councilor Langley moved and Councilor Kolodge seconded the motion to approve **ORDINANCE NO. 479A, AN ORDINANCE AMENDING DESIGNATED SECTIONS OF THE CLOQUET CITY CODE REGARDING THE REGULATION AND LICENSING OF PAWNBROKERS.** The motion carried unanimously (6-0).

The City of Cloquet, by its City Council, hereby ordains:

That the following sections of Section 6.11 of the Cloquet City code are hereby adopted to replace the existing sections of the same number so that they now read as follows:

SECTION 6.11: REGULATION AND LICENSING OF PAWN BROKERS

6.11.01 Declaration of Findings and Intent

Subd. 3. Accordingly, the following provisions are intended to comply with the legislative authority given to municipalities to regulate pawn shops (Minn. Stat. 3251, et. seq., and its provisions) and to help the police department better regulate current and future pawn businesses, decrease and stabilize costs associated with the regulation of the pawn industry, and to increase identification of criminal activities in the pawn industry through the timely-collection and sharing of pawn transaction information through implementation of the required use of an automated pawn system. The format for computerized pawnbroker records shall be the "interchange file specification format" specified in Minnesota Statutes Section 3251.05 (b & c) or its successor.

6.11.09 Records Required. At the time of any reportable transaction other than renewals, extensions or redemptions, every licensee must immediately record in English on a pawn ticket the following information by using ink or other indelible medium on forms or in a computerized record approved by the Chief of Police including all information prescribed in Minnesota Statutes Section 3251.04:

- (1) A complete and accurate description of each item including, but not limited to, any trade-mark, identification number, serial number, model number, brand name, or other identifying mark on such an item.
- (2) The purchase price, amount of money loaned upon, or pledged therefor.
- (3) The maturity date of the transaction and the amount due, including monthly and annual interest rates and all pawn fees and charges.
- (4) Date, time and place the item of property was received by the licensee, and the unique alpha and/or numeric transaction identifier that distinguishes it from all other transactions in the licensee's records.
- (5) Full name, residence address, residence telephone number, date of birth and accurate description of the person from whom the item of the property was received, including: sex, height, weight, race, color of eyes and color of hair.
- (6) The identification number and state of issue from any of the following forms of identification of the seller:
 - a. Current valid Minnesota driver's license.
 - b. Current valid Minnesota identification card.
 - c. Current valid photo identification card issued by another state, Indian Tribe or tribal government or another recognized federal or state governmental entity.

- (7) The signature of the person identified in the transaction.
- (8) The monthly annual interest rates, including all pawn fees and charges.
- (9) Effective sixty (60) days from the date of notification by the chief of police of acceptable video standards, but no sooner than January 1, 2005, the licensee must also take a color photograph or color video recording of:
 - a. Each customer involved in a billable transaction.
 - b. Every item pawned or sold that does not have a unique serial or identification number permanently engraved or affixed.

If a photograph is taken, it must be at least two (2) inches in length by two (2) inches in width and must be maintained in such a manner that the photograph can be readily matched and correlated with all other records of the transaction to which they relate. Such photographs must be available to the Chief of Police, or the Chief's designee, upon request. The major portion of the photograph must include an identifiable front facial close-up of the person who pawned or sold the item. Items photographed must be accurately depicted. The licensee must inform the person that he or she is being photographed by displaying a sign of sufficient size in a conspicuous place in the premises. If a video photograph is taken, the video camera must zoom in on the person pawning or selling the item to include an identifiable close-up of that person's face. Items photographed by video must be accurately depicted.

Video photographs must be electronically referenced by time and date so they can be readily matched and correlated with all other records of the transaction to which they relate. The licensee must inform the person that he or she is being videotaped orally and by displaying a sign of sufficient size in a conspicuous place on the premises. The licensee must keep the exposed videotape for three (3) months.

A passive video system may be used in place of a digital photograph. All passive video surveillance must be kept for a minimum of ninety (90) days.

- (10) Digitized photographs. Effective sixty (60) days from the date of notification by the police license inspector, but no sooner than January 1, 2005, licensees must meet the photograph requirement above by submitting them as digital images, in a format specified by the issuing authority, electronically cross-referenced to the reportable transaction they are associated with. Notwithstanding the digital images may be captured from required video recordings, this provision does not alter or amend the requirements in subdivision (8).
- (11) Renewals, extensions and redemptions. For renewals, extensions and redemptions, the licensee shall provide the original transaction identifier, the date of the current transaction, and the type of transaction.
- (12) Inspection of records. The records must at all reasonable times be open to inspection by the police department or department of licenses and consumer services. Data entries shall be retained for at least three (3) years from the date of transaction. Entries of required digital images shall be retained a minimum of ninety (90) days.

6.11.10 PRINTED PAWN TICKET REQUIREMENTS.

Subd. 1. The following information including all information required by Minnesota Statutes Section 3251.04 Subd. 2 shall be printed on all pawn tickets:

- (1) the statement that "Any personal property pledged to a pawnbroker within this state is subject to sale or disposal when there has been no payment made on the account for a period of not less than sixty (60) days past the date of the pawn transaction, renewal, or extension; no further notice is necessary. There is no obligation for the pledgor to redeem pledged goods.'
- (2) the statement that "The pledgor of this item attests that it is not stolen, it has no liens or encumbrances against it, and the pledgor has the right to sell or pawn the item."
- (3) the statement that "This item is redeemable only by the pledgor to whom the receipt was issued, or any person identified in a written and notarized authorization to redeem the property identified in the receipt, or a person identified

in writing by the pledgor at the time of the initial transaction and signed by the pledgor. Written authorization for release of property to persons other than the original pledgor must be maintained along with the original transaction record."

- (4) a blank line for the pledgor's signature. Signed pawn tickets conforming with the requirements of M.S. Section 325J.04 (2), as it may be amended from time to time, shall be issued to the pledger and a copy retained by the pawn broker.

6.11.11 DAILY REPORTS TO POLICE.

Subd. 1. Effective no later than ninety (90) days after the police department provides licensees with the current version of the automated pawn system interchange file specification format or similar automated record system as may be specified by the City, licensees must submit every reportable transaction to the police department daily in the following manner:

- (1) Licensees must provide to the police department all reportable transaction information by transferring it from their computer to the automated pawn system interchange file specification format or similar automated record system as specified by the City via modem using the current version. All required records must be transmitted completely and accurately after the close of business each day in accordance with standards and procedures established by the issuing authority. Any transaction that does not meet the proper automated pawn system interchange file specification format must be corrected and resubmitted the next business day. The licensee must display a sign of sufficient size, in a conspicuous place in the premises, which informs patrons that all transactions are reported to the police department daily.

Subd. 2. Billable transaction fees. Licensees will be charged a fee by the City which will be set by the City from time to time for each billable transaction reported to the police department. This fee will be imposed to offset the costs of implementation and the ongoing operation of the pawnbroker reporting system.

- (1) If a licensee is unable to successfully transfer the required reports by modem, the licensee must provide the police department, upon request, printed copies of all reportable transactions along with the video tape(s) for that date, by noon the next business day;
- (2) If the problem is determined to be in the licensee's system and is not corrected by the close of the first business day following the failure, the licensee must continue to provide the required reports as detailed in section 9 (b)(1), and must be charged a fifty dollar (\$50.00) reporting failure penalty, daily, until the error is corrected; or
- (3) If the problem is determined to be outside the licensee's system, the licensee must continue to provide the required reports in section 11 (b)(1), and resubmit all such transactions via modem when the error is corrected.
- (4) If a licensee is unable to capture, digitize or transmit the photographs required in Section 9, the licensee must immediately take all required photographs with a still camera, cross-reference the photographs to the correct transaction, and make the pictures available to the police department upon request.
- (5) Regardless of the cause or origin of the technical problems that prevented the licensee from uploading their reportable transactions, upon correction of the problem, the licensee shall upload every reportable transaction from every business day the problem had existed.
- (6) Section 11 (b) (1) through (3) notwithstanding, the police department may, upon presentation of extenuating circumstances, delay the implementation of the daily reporting penalty.

It is further intended that all existing provisions in Section 6.11 of the City Code not replaced by this Ordinance will remain in full force and effect.

Effective date. These provisions shall take effect thirty (30) days after passage and publication.

SUMMARY OF ORDINANCE NO. 479A

MOTION: Councilor Lamb moved and Councilor Carlson seconded the motion to adopt **RESOLUTION NO 19-23, A RESOLUTION AUTHORIZING PUBLICATION OF A SUMMARY OF ORDINANCE NO 479A, AN ORDINANCE AMENDING**

DESIGNATED SECTIONS OF THE CITY CODE REGARDING THE REGULATION AND LICENSING OF PAWBROKERS. The motion carried unanimously (6-0).

WHEREAS, The City Council of the City of Cloquet has duly adopted Ordinance No. 479A, An Ordinance Amending Designated Sections of the City Code Regarding the Regulation and Licensing of Pawnbrokers.

WHEREAS, Minnesota Statutes 412.191 requires that ordinances shall be published at least once in the official newspaper; and

WHEREAS, The City Council has determined that the cost of publishing an entire section of the code as proposed to be adopted by the City Council would be extremely expensive given the number of pages to be published; and

WHEREAS, Minnesota Statutes 412.191, Subd. 4, authorizes a municipality to publish only the title and a summary of lengthy ordinances or ordinances which contain charts or maps if the City Council determines that such publications would clearly inform the public of the intent and effect of the ordinance; and

WHEREAS, It is the intent of the City Council to act in accordance with all local, state, and federal laws, to inform the public of changes in municipal laws, and to remain responsible financially with public funds.

NOW, THEREFORE, BE IT RESOLVED, THAT THE CITY COUNCIL OF THE CITY OF CLOQUET, MINNESOTA, Hereby authorizes the publication of a summary of Ordinance No. 479A; and

BE IT FURTHER RESOLVED, That a copy of Ordinance No. 479A shall be available for public viewing online at www.cloquetmn.gov, City Hall and at the Cloquet Public Library for a period of not less than thirty (30) days from the date of publication; and

BE IT FINALLY RESOLVED, That the summary published in the official newspaper shall be in the following form:

SUMMARY DESCRIPTION

NOTICE OF SUMMARY PUBLICATION OF ORDINANCE

On April 2, 2019, at its regular meeting, the Cloquet City Council adopted Ordinance No. 479A, a 4 page ordinance which authorizes the Cloquet Police Department to implement LeadsOnline with the local pawn shop to regulate pawn transactions by tracking, locating and recovering stolen items and investigate suspects using the LeadsOnline database. The amendment also includes changes to redirect the transaction fees currently going to Minneapolis APS (Automated Property System) to the City of Cloquet to help offset the cost of the LeadsOnline service. The specific title of the ordinance is “**AN ORDINANCE AMENDING DESIGNATED SECTIONS OF THE CLOQUET CITY CODE REGARDING THE REGULATION AND LICENSING OF PAWBROKERS.** The full ordinance is available to the public for inspection online at www.cloquetmn.gov, or during regular office hours at the Cloquet Public Library or at Cloquet City Hall.

PUBLIC COMMENTS

Tim Krohn gave the Council on update on the bike trail extension grant. They still need to raise funds in the amount of \$48,000 to match the grant received.

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.

Aaron Reeves, City Administrator