

Council Chambers, Cloquet, Minnesota
7:00 P.M. April 16, 2019

Regular Meeting

Roll Call

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

Councilors Absent: None

Pledge of Allegiance

AGENDA

MOTION: Councilor Koski moved and Councilor Kolodge seconded the motion to approve the April 16, 2019 agenda. The motion carried unanimously (7-0).

MINUTES

MOTION: Councilor Carlson moved and Councilor Langley seconded the motion to approve the amended Work Session minutes and Regular Meeting minutes of April 2, 2019. The motion carried unanimously (7-0).

CONSENT AGENDA

MOTION: Councilor Wilkinson moved and Councilor Lamb seconded the motion to adopt the Consent Agenda of April 16, 2019, approving the necessary motions and resolutions. The motion carried unanimously (7-0).

- a. Resolution No. 19-34, A Resolution Authorizing the Payment of Bills
- b. Year End Transfers for 2018
- c. Resolution No. 19-28, Awarding Stark Road Watermain Project
- d. Resolution No. 19-30, Approving Plans for Carlton County Project No. (SAP) 009-607-025 Along Big Lake Road (CSAH 7)
- e. Resolution No. 19-31, A Resolution Approving Plans for Carlton County Project No. (SAP) 009-605-027 Along University/Brevator Road (CSAH5)
- f. Resolution No. 19-32, A Resolution Relating to Parking Restrictions Along Washington Avenue (CSAH 16)
- g. Resolution No. 19-33, A Resolution Awarding the Westgate Waterline Repair Project
- h. Part-Time Administrative Police Secretary Appointment – Marlaina Moudling
- i. Blast Off to Summer 5k Walk/Run Street Closure Request

PUBLIC HEARINGS

Arch Street Area Final Assessments

Mayor Maki announced that now is the time and place for the Public Hearing on the proposed final assessments for the 2018 improvement of Arch Street from Avenue C to Park Avenue; Park Avenue from Arch Street to Market Street; Avenue D from Broadway Street to Market Street; and Avenue E from Arch Street to Market Street. Assistant City Engineer Anderson reviewed the project and proposed assessments. Jared Wehr, 124 Avenue C, addressed the Council regarding his concerns with the lack of accessibility he and his tenants had to his property during the construction from May through August. This lack of accessibility caused him to lose tenants and deny him access to his garage. Mr. Anderson will investigate Mr. Wehr's claim. With no further comments from the public, the hearing was closed.

MOTION: Councilor Koski moved and Councilor Wilkinson seconded the motion to adopt **RESOLUTION NO. 19-29, A RESOLUTION ADOPTING ASSESSMENTS FOR THE IMPROVEMENT OF ARCH STREET FROM AVENUE C TO PARK AVENUE; PARK AVENUE FROM ARCH STREET TO MARKET STREET; AVENUE D FROM BROADWAY STREET TO MARKET STREET; AVENUE E FROM ARCH STREET TO MARKET STREET, WITH THE EXCEPTION OF PARCEL NO. 06-045-5040.** The motion carried unanimously (7-0).

WHEREAS, In 2018, the City Council received an engineering study to reconstruct the Arch Street Area including the replacement of existing sanitary sewer and water mains; and

WHEREAS, The Cloquet City Council on March 20, 2018 held a hearing to consider the improvement of the Arch Street Area; and

WHEREAS, Said improvement was subsequently ordered and completed and the City has prepared a proposed assessment roll, which is available in the office of the City Administrator for public inspection; and

WHEREAS, Due notice was given that said special assessments would be considered by the City Council at its meeting to be held on April 16, 2019, and at said meeting and time all parties interested were given an opportunity to be heard; and

WHEREAS, The City Council has met, heard and passed upon all objections to the proposed assessment.

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

1. Such assessment, a copy of which is attached hereto and made a part hereof, is hereby accepted and shall constitute the special assessment against the lands named therein, and each tract of land therein is hereby found to be benefitted by the improvement in the amount of the assessment levied against it.
2. Said assessments shall be payable in equal annual installments extending over a period of ten (10) years and shall bear interest at a rate of six percent (6%) per annum from April 16, 2019. Property owners may prepay the entire assessment, or any portion of it, to the City of Cloquet without interest prior to April 16, 2019. Any principal not paid by November 30th of each year, will be certified along with accrued interest to the Carlton County Auditor for collection with the Real Estate Taxes payable over the period stated above.

PRESENTATIONS

There were none.

EXECUTION OF A PURCHASE AND DEVELOPMENT AGREEMENT WITH 14TH III, LLC

MOTION: Councilor Wilkinson moved and Councilor Kolodge seconded the motion to approve **RESOLUTION NO. 19-21, A RESOLUTION AUTHORIZING THE EXECUTION OF A PURCHASE AND DEVELOPMENT AGREEMENT BY AND BETWEEN THE CITY OF CLOQUET, MINNESOTA AND 14TH III, LLC.** The motion carried unanimously (7-0).

- A. **WHEREAS**, 14th III, LLC (the "Developer") has requested the City of Cloquet, Minnesota (the "City") to sell certain real estate, legally described in Exhibit A of the Development Agreement, defined hereafter (the "Property"), and to assist with the financing of certain costs incurred in connection with the acquisition and construction of a 36-unit multifamily rental housing facility, with 20 garages, on the Property by the Developer (the "Project").
- B. **WHEREAS**, the Developer and the City have determined to enter into a Purchase and Development Agreement providing for the sale of the Property and the City's tax increment financing assistance for the Project (the "Development Agreement").

NOW, THEREFORE, BE IT HEREBY RESOLVED BY THE CITY COUNCIL OF THE CITY OF CLOQUET AS FOLLOWS:

1. The City Council hereby approves the Development Agreement in substantially the form submitted, and the Mayor and Administrator of the City are hereby authorized and directed to execute the Development Agreement on behalf of the City.
2. The approval hereby given to the Development Agreement includes approval of such additional details therein as may be necessary and appropriate and such modifications thereof, deletions therefrom and additions thereto as may be necessary and appropriate and approved by the City officials authorized by this resolution to execute the Development Agreement. The execution of the Development Agreement by the appropriate officer or officers of the City shall be conclusive evidence of the approval of the Development Agreement in accordance with the terms hereof.

CLOSED MEETING**PRELIMINARY CONSIDERATION OF ALLEGATIONS AGAINST A CITY OF CLOQUET EMPLOYEE – J. BARCLAY**

Mayor Maki announced that the City Council would adjourn into a Closed Meeting pursuant to Minnesota Statutes, section 13.D.05, subdivision 2(b). Those present included Mayor Maki, Councilors Carlson, Koski, Lamb, Kolodge, Langley and Wilkinson, and Brandon Fitzsimmons from Flaherty & Hood, P.A.

MOTION: Councilor Langley moved and Councilor Koski seconded the motion to close the meeting. The motion carried unanimously (7-0). Mayor Maki announced the time as 7:48 p.m.

Mayor Maki announced that following a closed meeting for preliminary consideration of allegations against a City employee, the City Council meeting is now open. The time is 8:13 p.m. Those present included Mayor Maki, Councilors Carlson, Koski, Lamb, Kolodge, Langley and Wilkinson, and Brandon Fitzsimmons from Flaherty & Hood, P.A. The agenda item was discussed.

MOTION: Councilor Kolodge moved and Councilor Lamb seconded the motion to determine the disposition of allegations against James Barclay is exonerated; that the City Council determines that no further action be taken on the allegations; and that Mayor Maki consult with legal counsel to draft and provide Mr. Barclay with any appropriate notices related to this decision. The motion carried unanimously (7-0).

PRELIMINARY CONSIDERATION OF ALLEGATIONS AGAINST A CITY OF CLOQUET EMPLOYEE – A. REEVES

MOTION: Councilor Kolodge moved and Councilor Lamb seconded the motion to determine the disposition of allegations against Aaron Reeves is exonerated; that the City Council determines that no further action to be taken on the allegations; and that Mayor Maki consult with legal counsel to draft and provide Mr. Reeves with any appropriate notices related to this decision. The motion carried unanimously (7-0).

PUBLIC COMMENTS

There were none.


COUNCIL COMMENTS, ANNOUNCEMENTS, AND UPDATES

Councilor Langley questioned the whether or not the City can invoice the complainant for the investigation costs. Mr. Fitzsimmons replied there is no legal obligation for him to pay. The City Council already retained the services of the investigator and himself.

Councilor Langley next inquired if Mr. Reeves and Mr. Barclay can conduct the investigation of allegations against him instead of hiring an investigator. Mr. Fitzsimmons answered that again, the services of Michell Soldo and himself have already been retained.

Councilor Koski stated he would like the public to know the amount of money the city is spending on investigations. Mr. Reeves stated that to date, no invoice has been received.

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



 Aaron Reeves, City Administrator