



Regular Meeting of the Planning Commission

Tuesday, December 10, 2019

7 pm Regular Meeting

101 14th St, Cloquet, MN 55720

AGENDA

1. Call to Order
2. Roll Call
3. Additions/Changes to the Agenda
4. Minutes from the November 12, 2019 Planning Commission meeting
- _____
5. Zoning Case 19-16; SKB Environmental Cloquet Landfill, Conditional Use Permit Amendment
- _____
6. Zoning Case 19-18: SKB Environmental Cloquet Landfill, Special Event
- _____
7. Zoning Case 19-15: City of Cloquet, Zoning Ordinance Amendment
- _____
8. Commissioner's Questions/Comments
9. Adjourn

NEXT MEETING:

January 14th @ 7 pm



Regular Meeting of the Planning Commission

Tuesday, November 12, 2019

7:00 p.m.

101 14th Street, Cloquet, MN 55720

CALL TO ORDER

Acting Chairman Sanders called the meeting to order at 7:00 p.m.

ROLL CALL

Attending: Planning Commission members: Terri Lyytinen, Rob Zappia, John Sanders, Mark Cline and Philip Demers; City: Al Cottingham.

Absent: Uriah Wilkinson and Elizabeth Polling.

Others Present: Tim Grahek, JinYeene Neumann and Leonard Conklin.

ADDITIONS/CHANGES TO THE AGENDA

None.

AGENDA ITEMS

October 8, 2019 Meeting Minutes

Acting Chairman Sanders asked for any corrections or additions.

Motion: Commissioner Lyytinen made a motion to approve the Planning Commission meeting minutes from October 8, 2019, Commissioner Zappia seconded. (Motion was approved 5-0).

Zoning Case 19-11: Variance for Annette Kiehn

Acting Chairman Sanders introduced Zoning Case 19-11, Variance for Annette Kiehn and asked Mr. Cottingham to provide an overview. Mr. Cottingham stated Annette Kiehn is proposing two Variances one to the minimum lot size requirement and one to the minimum lot width on a public road in the Farm Residential District. The property is located at 1014 Pinewood Drive. This item has had tie votes at the last two meetings and it needs to be taken care of.

The Commission discussed the possibility of rezoning the area since city water is in White Pine Trail. They would like to revisit this during the winter months.

There being no further discussion Acting Chairman Sanders looked for a motion.

Motion: Commissioner Cline made a motion to approve Resolution No. 19-11, A Resolution Denying a Variance to the Minimum Lot Size Requirement and the Minimum Lot Width on a Public Road in the FR- Farm Residential District for Annette Kiehn, Commissioner Zappia seconded. (Motion passed 4-1 Lyytinen)



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Zoning Case 19-13: Annual Gravel Pit Renewals

Acting Chairman Sanders introduced Zoning Case 19-13, Annual Gravel Pit Renewals and asked Mr. Cottingham to provide an overview. Mr. Cottingham noted this was the annual review for the four existing gravel mining operations within the city. The Jeff Zack pit is located west of the Business Park and is a small operation. There have been no complaints on this operation over the past year. The Carlton County pit is located south of Airport Road and east of Trettel Lane. This pit serves primarily as a stockpile area for recycled asphalt and other materials. There have been no complaints on this operation over the past year. The Ulland and KGM pits are located south of Interstate 35, east of 14th Street and west of Highway 45. Both of these pits have had a large amount of materials taken out this season with asphalt plants set up at various times. We have received a few complaints about the odors from the asphalt plants. He noted there were representatives from the County and Ulland's present.

Acting Chairman Sanders had a concern with the Carlton County pit and the pile of material that some removed and the steep slope and possible shifting of the materials onto somebody. Ms. Neumann stated that they would have this taken care of.

There being no further discussion Acting Chairman Sanders looked for a motion.

Motion: **Commissioner Lyytinen made a motion to approve Resolution No. 19-13, A Resolution Recommending the City Council of Cloquet Approve the Annual Excavation Permits for 2020, Commissioner Demers seconded. (Motion passed 5-0)**

Mr. Cottingham noted this recommendation would be forwarded to the City Council for their November 19th meeting.

Zoning Case 19-14: Variances for Leonard Conklin

Acting Chairman Sanders introduced Zoning Case 19-14, Variances for Leonard Conklin and opened the public hearing. He asked Mr. Cottingham to provide an overview. Mr. Cottingham stated Leonard Conklin is proposing three Variances one to the minimum front yard setback for parking, one for the requirement for curb and gutter and one to the Highway 33 Design Standards in the Regional Commercial District. Mr. Conklin is proposing a 3,264 square foot building with associated parking on the property. He is proposing to have pavement right up to the building and the front property line, concrete curb and gutter only along the front property line and the exterior being similar to the building at 907 Stanley Avenue with masonry on the bottom and metal above that. He has wrestled with this application since on one hand the Ordinance standards should be adhered to with a new building but there are no other sites along this road that meet those requirements. Mr. Conklin is not requesting anything different than what other properties along Stanley Avenue have. He noted this is a public hearing with a legal notice published in the Pine Journal on October 31st and property owners within 350 feet were notified.



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Acting Chairman Sanders inquired about the shared parking and access with the property to the west.

Mr. Cottingham stated that cross easement documents would need to be recorded and that would be addressed with the site plan submittal.

Acting Chairman Sanders also had concern with drainage from the site possible flowing across neighboring properties.

Mr. Conklin stated that they were looking at this with the civil drawings.

Mr. Cottingham noted that staff would be reviewing this as part of the site plan submittal.

There being no further discussion Acting Chairman Sanders closed the public hearing and looked for a motion.

Motion: **Commissioner Cline made a motion to approve Resolution No. 19-14, A Resolution Approving a Variance to the Minimum Front Yard Setback for Parking, the Requirement for Curb and Gutter and the Highway 33 Design Standards in the RC – Regional Commercial District for Leonard Conklin, Commissioner Zappia seconded. (Motion passed 5-0)**

Discussion- Multiple-family Structures in the Historic Commercial District

Mr. Cottingham stated that he had drafted an Ordinance Amendment changing the language for Residential Uses within the Historic District based on discussion from the last meeting. He had discussed this with the City Attorney and the only concern from him was the minimum setback to the side and rear property lines.

The Commission discussed the setbacks and possible concerns with fire access to the rear of the building. They also discussed the language on the amount of the ground floor that could be occupied by residential unit(s). They felt using a percentage would be better than the language in the draft.

Mr. Cottingham stated he would make some changes and come back at the next meeting with a scheduled public hearing on the proposed change. There can be further amendments made at that time if necessary.

Commissioner's Questions/Comment

None.



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7:00 p.m.

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Next Meeting

December 10, 2019

Meeting adjourned 7:44 p.m.

Respectfully submitted,

Al Cottingham, City Planner/Zoning Administrator

DRAFT



Community Development Department
101 14th Street • Cloquet MN 55720
Phone: 218-879-2507 • Fax: 218-879-6555

To: Planning Commission
From: Al Cottingham, City Planner/Zoning Administrator
Date: December 4, 2019

**ITEM DESCRIPTION: ZONING CASE 19-16: CONDITIONAL USE PERMIT
AMENDMENT FOR SKB ENVIRONMENTAL CLOQUET
LANDFILL**

Background

On February 15, 2011 the City Council approved a conditional use permit for Shamrock Environmental, LLC for an Industrial Waste Landfill at 761 Highway 45 subject to a number of conditions. On November 5, 2014 the condition that limited the hours of operation was amended to allow hours of 7:00 AM to 5:00 PM Monday through Saturday and Noon to 4:00 PM on Sunday. The Sunday hours were allowed on a trial basis only for the winter months of 2014 – 2015 and were specifically to allow SKB to dump paper sludge waste only with a maximum of 5 truckloads. The applicant is proposing to amend the condition pertaining to hours of operation. The conditional use permit amendment is to amend the hours of SKB Environmental Cloquet Landfill to be open 24 hours per day, seven (7) days per week solely for SRFI material being transported with SKB trucks and direct employees in the HI – Heavy Industry District. The heavy equipment on site would not be used during those hours.

A public hearing will be held on Tuesday, December 10, 2019 to consider a conditional use permit amendment. A legal notice was published in the Pine Journal on November 28, 2019 and property owners within 1320 feet were sent notices of the public hearing.

Policy Objectives

The Conditional Use Permit is for the Industrial Landfill in the HI – Heavy Industry District. The landfill is a permitted use that conditions can be placed on to ensure adequate conditions and thresholds are in place to provide protections from the approved land use.



Staff Review

During the early operations of the landfill staff received anonymous complaints regarding the operations and upon investigation determined that they were unfounded. The landfill has been in operation for over eight years and has been a good neighbor when it pertains to noise. We have received complaints regarding the gravel mining operations in the same area which is why some people may have thought it was the landfill. With the extended hours that were approved in 2014 they were required to monitor the noise levels to determine what if any were the impacts on the Hilltop (to the southwest) neighborhood which is over 1,600 feet away from the site. The noise monitoring equipment showed that there was more noise coming from Interstate 35 and the railroad whistle than the trucks dumping loads at the landfill. There were no complaints filed with the city during this time frame.

Conditional Use Permit

This operation was approved as a Conditional Use in 2011 with conditions placed upon it. The Zoning Ordinance states Conditional Use Permits may be granted when they comply with the following approval criteria: *(Staff comments in italic)*

1. Consistency with the Comprehensive Plan. The relationship of the proposed use to the goals, objectives, and policies of the City of Cloquet Comprehensive Plan. *The Plan identifies the area as interim mining with commercial-industrial reserve following that.*
2. Compatibility. The compatibility of the proposed use with existing development within three hundred (300) feet of the proposed use and within five hundred (500) feet along the same street and development anticipated in the foreseeable future within the neighborhood and conditions that would make the use more compatible. *The proposed use is compatible with the former use of this site as a gravel mining operation. Access to the site is via Highway 45 to the east along with two gravel operations, the Sappi wood lot and Carlson Timber. The closest residence is over 1,400 feet from the property boundaries.*
3. Importance of services to the community. The importance of the services provided by the proposed facility to the community, if any, and the requirements of the facility for certain locations, if any, and without undue inconvenience to the developer, and the availability of alternative locations equally suitable. *The landfill provides a location for industrial and demolition materials to be brought for business in Cloquet and the surrounding area.*



4. Neighborhood protections. The sufficiency of terms and conditions proposed to protect and maintain the uses in the surrounding neighborhood. *With the approval in 2011 there were a number of conditions to protect the residents some 1400 feet away. This included a berm and plantings.*

5. Conformance with other requirements of this Chapter. The conformance of the proposed development with all provisions of this Chapter. *The proposed new hours of operation will be in compliance with all requirements of the Zoning Ordinance and the approved conditional use permit.*

6. Other factor. Other factors pertinent to the proposed use, site conditions, or surrounding area considerations that the Planning Commission or the City Council feels are necessary for review in order to make an informed and just decision.

Financial Impacts

The applicant has paid the conditional use permit fee.

Staff Recommendation

Staff recommends that the Planning Commission move to adopt Resolution 19-16, A Resolution recommending approval of the conditional use permit amendment for property located at 761 Highway 45 for Shamrock Landfill subject to the conditions in the attached resolution.

Attachments

- Resolution 19-16
- Location Map
- Petitioner's Narrative
- Resolution 11-11 Approving the CUP

STATE OF MINNESOTA

COUNTY OF CARLTON

CITY OF CLOQUET

Commissioner _____ offered the following Resolution and moved its adoption.

RESOLUTION NO. 19-16

A RESOLUTION RECOMMENDING APPROVAL OF A CONDITIONAL USE PERMIT AMENDMENT TO ALLOW FOR THE EXPANDED HOURS OF OPERATION FOR SHAMROCK LANDFILL

WHEREAS, an Application has been submitted by Shamrock Landfill to amend their existing conditional use permit which was approved on February 15, 2011 and amended on November 5, 2014. The amendment request is pursuant to 17.2.06 of the City Code, for the 59-acre Industrial Landfill to modify their hours of operation to allow 24 hours a day, seven days a week solely for the SRFI material transported with SKB trucks and direct employees; and

WHEREAS, As required by ordinance, notification was advertised in the Pine Journal and all property owners within 1320 feet were notified. A public hearing was held to consider the Application at the regular meeting of the Cloquet Planning Commission on December 10, 2019 at which time Zoning Case / Development Review No. 19-16 was heard and discussed; and

WHEREAS, the property of the proposed Conditional Use Permit Amendment is located at 761 Highway 45 and is legally described as follows:

That part of the West 390.00 feet of the Northwest Quarter of the Southeast Quarter, Section 25, Township 49, Range 17, Carlton County, Minnesota, which lies southerly of Interstate Highway 35 and northerly of the South 100.00 feet of said Northwest Quarter of the Southeast Quarter.

AND ALSO

That part of the South 100.00 feet of the North Half of the Southeast Quarter, Section 25, Township 49, Range 17, Carlton County, Minnesota, which lies westerly of the right-of-way of the Great Northern Railway (now known as Burlington Northern Santa Fe Railroad).

AND ALSO

That part of the East 600.00 feet of the Northeast Quarter of the Southwest Quarter, Section 25, Township 49, Range 17, Carlton County, Minnesota, which lies southerly of Interstate Highway 35.

AND ALSO

The east 600.00 feet of the Southeast Quarter of the Southwest Quarter, Section 25, Township 49, Range 17, Carlton County, Minnesota.

AND ALSO

The South Half of Southeast Quarter lying West of Great Northern Railway Company's right-of-way (now known as Burlington Northern Santa Fe Railroad), Section 25, Township 49, Range 17, according to the United States Government Survey thereof.

EXCEPT those two parcels lying within the following described tracts;

1. Beginning at a point on the south line of said Section 25, distant 100 feet west of the southeast corner of SW $\frac{1}{4}$ of SE $\frac{1}{4}$ thereof; thence run northeasterly at an angle of 68 degrees 00 minutes with said south line for 475 feet; thence deflect to the left at an angle of 112 degrees 00 minutes for 500 feet; thence deflect to the left at an angle of 68 degrees 00 minutes for 475 feet; thence deflect to the left at an angle of 112 degrees 00 minutes for 500 feet to the beginning.

2. From a point on the south line of said Section 25 distant of 100 feet west of the southeast corner of SW $\frac{1}{4}$ of SE $\frac{1}{4}$, thereof, run northeasterly at an angle of 68 degrees 00 minutes with said south section line for 475 feet to the point of beginning; thence continue northeasterly along the above described course to its intersection with a line run parallel with and distant 660 feet north of the south line of said Section 25; thence run west along said 660 foot parallel line to its intersection with a line run parallel with and distant 992 feet west of the east line of the SW $\frac{1}{4}$ of SE $\frac{1}{4}$ of said Section 25; thence run south along said 992 foot parallel line to the south line of said Section 25; thence run east along said section line for 392 feet; thence deflect to the left 68 degrees 00 minutes for 475 feet; thence deflect to the right 68 degrees for 500 feet to the point of beginning.

WHEREAS, the Cloquet Planning Commission reviewed the Application to Amend the Conditional Use Permit for SKB Environmental Cloquet Landfill to modify their hours of operation to allow 24 hours a day, seven days a week solely for the SRFI material transported with SKB trucks and direct employees per Section 17.2.06 Subdivisions 3 and 4 of the Cloquet Zoning Ordinance and made a finding of fact as follows:

1. The landfill as previously determined had a legal right to establish their business in this location as a land use. After a moratorium on landfills in 2011, landfills are no longer allowed to be established or expanded in the City of Cloquet.
2. The proposed use is compatible with existing development within 300' of the proposed use and within 500' along the same street and development anticipated in the foreseeable future within the neighborhood and conditions would make the use more compatible.
3. The service provided by the landfill is important to the community.
4. The Amended Conditional Use Permit will continue to protect and maintain neighborhood protections for the surrounding neighborhood with these modified hours of operation.
5. This application is in conformance with other requirements of the Cloquet Zoning Ordinance.
6. There are no other factors or additional conditions impacting this application.

NOW THEREFORE BE IT RESOLVED, BY THE PLANNING COMMISSION OF THE CITY OF CLOQUET, MINNESOTA, that the Planning Commission recommends approval of Zoning Case 19-16 for an amendment to the Conditional Use Permit for SKB Environmental Cloquet Landfill subject to the following conditions:

1. The hours of operation shall be amended to allow 24 hours a day, seven days a week solely for the SRFI material transported with SKB trucks and direct employees.
2. No heavy equipment shall be operated on site during these extended hours.

The foregoing motion was duly seconded by Commissioner _____ and being put to vote members voted: AYE: ____ NAY: ____ ABSENT: ____

MARK CLINE	_____	PHILIP DEMERS	_____
TERRI LYYTINEN	_____	ELIZABETH POLLING	_____
JOHN SANDERS	_____	URIAH WILKINSON	_____
ROBERT ZAPPIA	_____		

Passed and adopted this 10th day of December 2019.

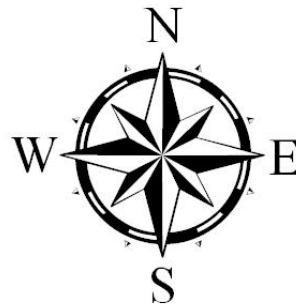
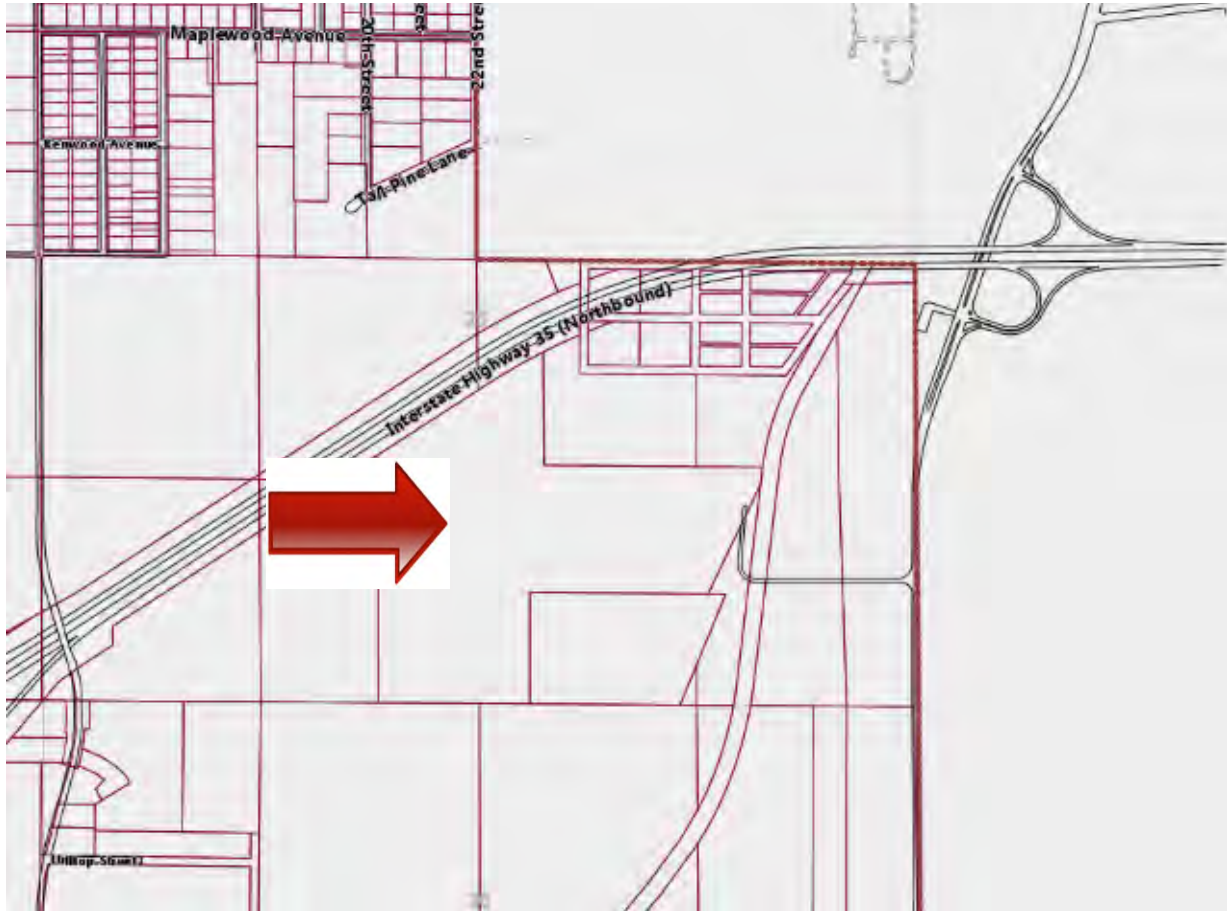
CITY OF CLOQUET

URIAH WILKINSON
CHAIR

ATTEST: _____
Alan Cottingham
City Planner/Zoning Administrator

LOCATION MAP

SKB Environmental Cloquet Landfill



NO SCALE



City of Cloquet
101 14th Street
Cloquet, MN 55720
Attn. Al Cottingham

RE: CUP Amendment

Mr. Cottingham,

Our CUP Application request is in two (2) parts. The following is a brief description of each request.

1 – We are requesting to have the ability to dispose of the SRFI Paper Residue Waste on a 24 hour basis. The Verso facility is expected to increase production in 2020 and as a result, generating material on a 24/7 basis. Our current gate hours are 7am – 5pm Monday – Saturday. The loads received between the hours of 5pm & 7am and on Sundays will be solely the SRFI material transported with SKB trucks and direct employees. We will not be operating heavy equipment within those hours.

2 – The upcoming Twin Ports Interchange (TPI) or “Can of Worms” project is set to kick off in spring of 2020. The project is seeking quotes for material disposal. As part of the bid package there is a need for extended hours of disposal operations. In order to meet the project scope we are requesting our normal operational hours to be 7am – 8pm 7 days per week. The project is expected to last for 3 years.

We appreciate the consideration and look forward to further dialog through the approval process. Please let me know if you have any questions or need further clarification.

Respectfully Submitted,

Kyle Backstrom
SKB Environmental
(218) 451-1386

**Final Conditional Use Permit (CUP) for the Shamrock
Environmental, LLC Industrial Waste Landfill
(Landfill), City of Cloquet (City), Minnesota,
Approved on 2-15-11 by the Cloquet City Council
(Resolution No. 11-11)**

This Conditional Use Permit (CUP) supersedes the prior 1971 Carlton County CUP (71-39) and the 1975 City of Cloquet CUP (75-5) for this property as described per the attached **legal description**.

CUP Approval Conditions

Host Fee: The Owner/Operator will adhere to the attached Host Fee Agreement titled “**Host Fee Agreement Between the City of Cloquet and Shamrock Environmental, LLC.**”

Visual Screening: Within one year of CUP approval, or within the first growing season, whichever occurs first, Owner/Operator along with the property owner, shall construct a six-foot high visual screening berm topped with dense coniferous tree species (e.g., spruce) adjacent to the soccer fields located along the east side of Hilltop Park in accordance with the plan submitted and approved as part of the CUP (**see attached diagrams**). The Owner/Operator will maintain the visual screening berm and trees. The Owner/Operator shall obtain an easement from Ulland Brothers to maintain this screening berm. The Owner/Operator shall also maintain and shall not remove the 20 foot wide visual screening berm or trees within that berm on their property along Interstate 35.

St. Louis River Trail Safety Improvements: Prior to Landfill waste acceptance, the Owner/Operator will work with Carlton County to install appropriate intersection safety controls on both the trail and the access road from County HWY 45 pursuant to Carlton County and Minnesota Department of Transportation recommendations. These recommendations should be consistent with other trail crossings for similar intersections on this trail and other recreational trails throughout the state. All such necessary and appropriate intersection safety controls shall be installed prior to the commencement of waste acceptance if the Carlton County Highway Department can complete the improvements by such time. The Owner/Operator has agreed to pay Carlton County for the cost of the intersection safety controls. A plan has been submitted to the City (**see attached**) and approved by the City as part of the CUP.

Operational CUP Conditions

Permit compliance: The Owner/Operator shall secure the appropriate Local, County, State, and Federal permits prior to Landfill waste acceptance and comply with all applicable provisions, conditions, ordinances, and requirements. City shall be provided copies of all permits secured by the Owner/Operator for Landfill permitting, construction, operation, and closure.

Development Approved: The area of the Landfill property shall be limited to 59 acres, more or

less, as described in the legal description submitted to the City with the CUP application. Only 42 of these 59 acres shall be used as a landfill, to the extent that landfill means area of waste placement. The height of the Landfill shall be limited to Elevation 1228 feet as indicated by the final cover grading plan (Drawing C-1 05) in the 2010 MPCA permit application. If Owner/Operator applies to the MPCA to modify the lateral or vertical extent which results in an increase of the disposal airspace, or to change the waste type, of this Landfill, the Owner/Operator will be required to make a new CUP application to the City. Recyclable material, soil, alternate cover, process material stockpiles, and any other material stockpiles shall not exceed a maximum of Elevation 1240 feet. Any recyclable material stockpile between elevation 1228' and 1240' shall be relocated within one week unless longer storage periods are approved by the City.

Acceptable/Unacceptable Waste: The Landfill can only accept for disposal construction, demolition debris, and industrial wastes as described in its MPCA solid waste permit. The Landfill will not accept municipal solid waste (MSW) or hazardous waste as defined by Minnesota Rules and Statutes. Unacceptable material that is incidental within acceptable waste loads shall be separated and disposed at an offsite location approved to accept the material.

Operating Hours: The normal operating hours for waste acceptance at the Landfill will be from 7:00 AM to 5:00 PM Monday through Friday and 7:00 AM through 1:00 PM on Saturday, except during periods of construction (e.g. during landfill liner construction, subgrade construction, or other construction related to cell expansion for the landfill, or construction related to installation of final cover when a cell is being capped) when hours are 7:00 AM to 7:00 PM Monday through Friday and 7:00 AM to 3:00 PM on Saturdays. The Landfill may operate on a 24-hour basis as needed for special events, leachate hauling, and emergency conditions (as defined below). When possible, the Owner/Operator will provide written notice to the City and receive City approval when accepting waste outside of normal operating hours. In the event of an emergency where written request for approval is not possible, the Owner/Operator must notify the City verbally and follow up in writing within 72 hours after the request providing justification for the changed hours and the estimated time when normal operating hours will resume. An "emergency condition" is defined as a catastrophic event in the region requiring immediate removal of waste to restore order.

Landfill Access: Landfill customers, vendors, and contractors shall access the Landfill property only from the east, off of County HWY 45. Landfill access is not allowed via 14th Street, whether by private or public roadways, except for emergency management purposes (e.g., police and fire protection).

Landfill access is not allowed via the anticipated frontage road referenced below, running along I-35 unless all other access to the landfill has been eliminated by the City, County, State or other entity. No landfill access is allowed via the southern end of the pit off of the "Old Carlton Road" (see attached map) unless all other access to the Landfill has been eliminated by the City, County, State, or other entity. The Owner/Operator shall maintain a sign at the entrance which defines the hours of operation, Owner/Operator contact information, and description of waste accepted for disposal.

Access Controls: The Owner/Operator shall control the Landfill property to prevent unauthorized waste dumping (see attached site plan). Controls shall include a locked entrance gate on the access road and property boundary no trespassing signs. Scavenging or removal of

the waste from the disposal area is prohibited unless as part of recycling or reuse program by the Owner/Operator.

Certified Operation: The Owner/Operator shall have a Minnesota Pollution Control Agency (MPCA) certified landfill operator present at the facility during all operating hours while waste is being accepted. In the absence of an MPCA certified landfill operator (as long as there continues to be a certification by the MPCA), no waste may be accepted.

Litter/Debris Clean-Up: The Owner/Operator is responsible for the clean-up of all litter and debris from adjacent property, ditches, and access roads resulting from the Landfill operation and/or from vehicles using the Landfill to assure it does not become a public nuisance. Methods to control litter and debris shall be described in a **Litter, Dust, Noise, and Odor Management Plan** approved by the City.

Dust Control: Dust from the landfill operation shall be kept to a minimum such that it does not become a public nuisance to adjacent properties. Owner/Operator shall control dust as described in the **Litter, Dust, Noise, and Odor Management Plan** approved by the City.

Noise Control: Noise from the landfill operation shall be kept to a minimum such that it does not become a public nuisance to adjacent properties. Owner/Operator shall control noise as described in the **Litter, Dust, Noise, and Odor Management Plan** approved by the City.

Odor Control: Odor from the landfill operation shall be kept to a minimum such that it does not become a public nuisance to adjacent properties. Owner/Operator shall control odor as described in the **Litter, Dust, Noise, and Odor Management Plan** approved by the City.

Aesthetic Control: Waste areas shall be covered as outlined in the MPCA permit and in this CUP. Disposal areas not receiving waste for a period of 120 days shall be covered with 12-inches of compacted soil cover. Waste slopes reaching final grades shall receive 12-inches of compacted intermediate cover and be vegetated within 120 days unless final cover is being placed. If delayed by winter conditions, soil cover and vegetation shall be placed during the following growing season

Vector Control: The Owner/Operator shall take proper measures, including hiring a contracted service, as necessary to mitigate vector issues.

Fire Protection: The Owner/Operator shall operate the Landfill in accordance to the **Fire Protection Plan** submitted and approved as part of the CUP. Burning of materials at the Landfill is prohibited.

City Inspection: The City or its agents has the right to inspect the Landfill as necessary to verify compliance with the conditions of the CUP. All City personnel or its agents must be accompanied by a landfill employee while on site.

Records: The City shall receive copies of regulatory correspondence to or from other Local, County, State, and Federal agencies. The Landfill's operating record of daily operations shall be made available for review if requested by the City.

Notifications: The City shall be notified of any change in ownership or contract operation of the Landfill, with new contact information provided.

Annual Reporting: The Owner/Operator shall submit to the City, by January 31 of each year, a report summarizing CUP compliance for the preceding year. The Owner/Operator shall identify that each condition has been achieved. If Landfill operation was out of compliance with certain conditions during the previous year, the Owner/Operator shall indicate what steps were taken to bring the landfill operation back into compliance with the condition, or how the non-compliance was otherwise resolved

CUP Condition Enforcement

The Owner/Operator has five (5) business days from receipt of notification from the City to remedy any non-compliance with the CUP as determined by the City or its agents. The City must notify the Owner/Operator in writing sent to the company's headquarters at 13020 Dem-Con Drive, Shakopee, MN 55379 or personally speak with specifically designated management agent(s) of the Owner/Operator to notify them of any issue of non-compliance. If compliance cannot be achieved in five (5) business days, the Owner/Operator must provide written justification as to why compliance cannot be achieved along with a proposed schedule for compliance. The owner/operator and City shall then agree to a reasonable timeframe to resolve the non-compliance. The City shall be notified in writing by the Owner/Operator when an outstanding condition is brought back into compliance.

Supplemental Conditions

In addition to all of the above conditions, as modified herein, the following supplemental conditions will be added to the Conditional Use Permit.

End Use Planning: During the life of the Landfill, the Owner/Operator agrees to participate in ongoing land use planning initiatives surrounding the landfill property. An **End Use Plan** for the Landfill shall be agreed upon between the City and the Owner/Operator no less than 5 years prior to the closure of the Landfill, as determined by historical annual volumes.

Interstate 35 Frontage Road Easement: Upon approval of Resolution No. 11-11, the site Owner/Operator agrees to enter into an agreement for a term of 30 years to sell to the City for \$1, a 66-foot right-of-way easement for a frontage road along Interstate 35. The City can only act on purchase of this easement if the remainder of the frontage road from 14th Street to County Highway 45 is constructed within 2 years of the purchase of said easement (**diagram of the frontage road easement attached**).

Leachate Management: Leachate from the landfill operation shall be kept to a minimum such that it does not become a public nuisance to adjacent properties. Owner/Operator shall manage leachate as described in the **Supplemental Operational Plan** approved by the City. At no time shall leachate overflow the lined area onto unlined areas.

Authorized Wells for Non-Landfilling Purposes: Owner/Operator is authorized to construct a

single well for the purpose of supplying water for normal household uses (drinking water, restroom facility, etc.), for Owner/Operator's employees, vendors, and customers.

Storage of MSW: All putrescible incidental MSW at the landfill must be stored in a container no larger than 10 cubic yards and must be removed from the site and properly disposed of when full, or weekly, whichever comes first. All non-putrescible MSW must be stored in a container no larger than 30 yards and must be removed from the site and properly disposed of when full, or monthly, whichever comes first.

Recycling Storage: All recyclable material stockpiles that will remain on the site for greater than 30 days shall be located on the northern portion of the site and shall not accumulate in stockpiles greater than the amount of material that can be recycled within one year. All material that is picked out of the landfill working face shall be moved to the stockpile area within 30 days of being recovered from the landfill.

Crushing Activities: Crushing operations on the landfill shall not occur simultaneously with crushing activities at the nearby gravel mining operation. Owner/Operator shall coordinate all crushing operations with the gravel mining operation to ensure compliance with this condition.

Organizational Disclosure: Prior to the commencement of landfill operations, Shamrock Environmental, LLC shall disclose all of its owners, members, and/or investors to the City, to the extent it is non-proprietary information.

The conditions of this CUP may be amended from time to time as necessary if mutually agreed upon in writing between the City and the Owner/Operator.

Attachments

- Legal Description
- Host Fee Agreement Between the City of Cloquet and Shamrock Environmental, LLC
- Visual Screening Improvements – Hilltop Park
- St. Louis River Trail Improvements
- Landfill Road Access Map
- Site Plan
- Litter, Dust, Noise, and Odor Management Plan
- Fire Protection Plan
- Proposed Frontage Road Alignment
- Supplemental Operational Plan

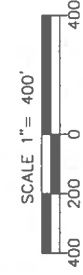
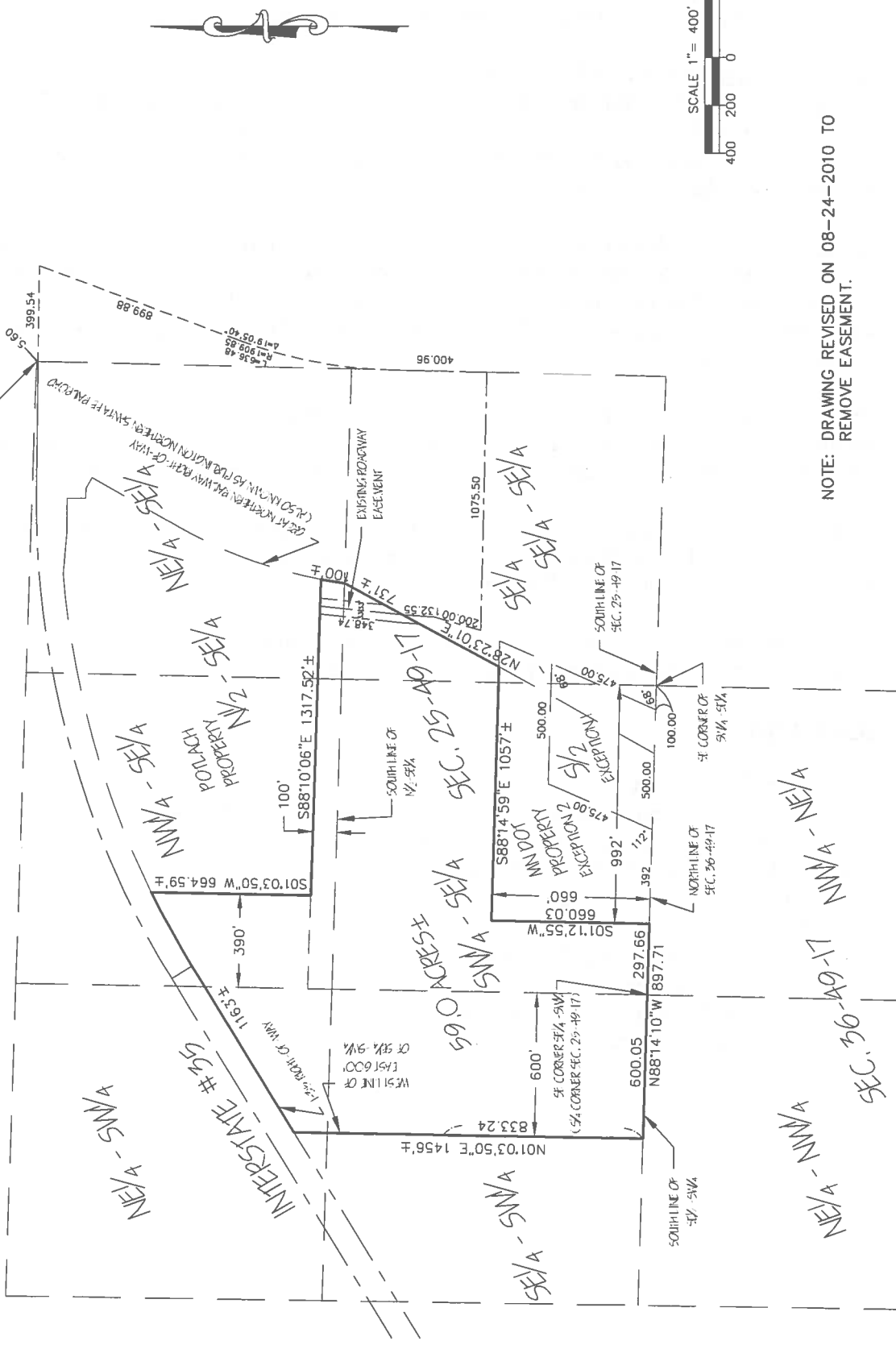
BILL HAYDEN LAND SURVEYING, INC
P.O. Box 510, 500 Fald Blvd
Moose Lake, MN 55767
Telephone (218)-485-4811
Fax (218)-485-4811

SURVEY FOR: ULLAND BROTHERS INC
P.O. BOX 340
CLOQUET, MINNESOTA 55720

SURVEY OF: BOUNDARY OF 59.08 ACRE± TRACT
IN THE SE¼ AND THE SW¼ ALL IN
SECTION 25, TOWNSHIP 49, RANGE 17,
CARLTON COUNTY, MN.

17517 11-05-2009 2009-193 49-"G"pg.6
License No. Date Job No. Book No.

I hereby certify that this survey, plan, plat, preliminary plat or report was prepared by me or under my
direct supervision and that I am a duly licensed Land Surveyor under the laws of the State of Minnesota.



NOTE: DRAWING REVISED ON 08-24-2010 TO
REMOVE EASEMENT.

New Legal Description 59.0 Acres, more or less, Tract

That part of the West 390.00 feet of the Northwest Quarter of the Southeast Quarter, Section 25, Township 49, Range 17, Carlton County, Minnesota, which lies southerly of Interstate Highway 35 and northerly of the South 100.00 feet of said Northwest Quarter of the Southeast Quarter.

AND ALSO

That part of the South 100.00 feet of the North Half of the Southeast Quarter, Section 25, Township 49, Range 17, Carlton County, Minnesota, which lies westerly of the right-of-way of the Great Northern Railway (now known as Burlington Northern Santa Fe Railroad).

AND ALSO

That part of the East 600.00 feet of the Northeast Quarter of the Southwest Quarter, Section 25, Township 49, Range 17, Carlton County, Minnesota, which lies southerly of Interstate Highway 35.

AND ALSO

The East 600.00 feet of the Southeast Quarter of the Southwest Quarter, Section 25, Township 49, Range 17, Carlton County, Minnesota.

AND ALSO

The South Half of Southeast Quarter (S½ of SE¼) lying West of Great Northern Railway Company's right-of-way (now known as Burlington Northern Santa Fe Railroad), Section Twenty-five (25), Township Forty-nine (49) North, Range Seventeen (17) West, according to the United States Government Survey thereof. EXCEPT those two parcels lying within the following described tracts;

1. Beginning at a point on the south line of said Section 25, distant 100 feet west of the southeast corner of SW¼ of SE¼ thereof; thence run northeasterly at an angle of 68°00' with said south section line for 475 feet; thence deflect to the left at an angle of 112°00' for 500 feet; thence deflect to the left at an angle of 68°00' for 475 feet; thence deflect to the left at an angle of 112°00' for 500 feet to the beginning.
2. From a point on the south line of said Section 25 distant 100 feet west of the southeast corner of SW¼ of SE¼, thereof, run northeasterly at an angle of 68° 00' with said south section line for 475 feet to the point of beginning; thence continue northeasterly along the above described course to its intersection with a line run parallel with and distant 660 feet north of the south line of said Section 25; thence run west along said 660 foot parallel

line to its intersection with a line run parallel with and distant 992 feet west of the east line of the SW¼ of SE¼ of said Section 25; thence run south along said 992 foot parallel line to the south line of said Section 25; thence run east along said south section line for 392 feet; thence deflect to the left 68°00' for 475 feet; thence deflect to the right 68° for 500 feet to the point of beginning.

Subject to a 66.00 foot wide easement for ingress and egress across the following described property:

That part of the Southeast Quarter of the Southeast Quarter (SE1/4-SE1/4), Section Twenty-five (25), Township Forty-nine (49) North, Range Seventeen (17) West of the Fourth Principal Meridian, lying westerly of the Burlington Northern Sante Fe railroad.

AND

That part of the south 100.00 feet of the Northeast Quarter of the Southeast Quarter (NE1/4-SE1/4), Section Twenty-five (25), Township Forty-nine (49) North, Range Seventeen (17) West of the Fourth Principal Meridian, lying westerly of the Burlington Northern Sante Fe railroad.

The centerline of said easement is described as follows:

From a point on the east line of said Section Twenty-five (25), distant 5.6 feet south of the east quarter corner thereof, run easterly at an angle of 89 degrees 20 minutes 40 seconds with said east section line (when measured from north to east) for 399.54 feet; thence deflect to the right at an angle of 109 degrees 45 minutes for 899.88 feet; thence deflect to the left on a 3 degree 0 minute curve (delta angle 19 degrees 05 minutes 40 seconds) for 636.48 feet; thence on tangent to said curve for 400.96 feet; thence deflect to the right at an angle of 90 degrees 00 minutes for 1075.5 feet; thence deflect to the right at an angle of 104 degrees 37 minutes for 200 feet; thence deflect to the left at an angle of 12 degrees 00 minutes for 132.55 feet to the northwesterly right of way line of the Burlington Northern Sante Fe railroad, (said right of way line described in Document Number 172015 and on file at the Carlton County Recorder's Office) and the point of beginning of the centerline to be described; thence deflect to the right at an angle of 2 degrees 06 minutes 46 seconds for 348.74 feet to the north line of the south 100.00 feet of said Northeast Quarter of the Southeast Quarter (NE1/4-SE1/4) and said centerline there terminating.

The sidelines of said easement are to be prolonged or shortened to terminate on said northwesterly right of way line of the Burlington Northern Sante Fe railroad and the north line of the south 100.00 feet of said Northeast Quarter of the Southeast Quarter (NE1/4-SE1/4)

**HOST FEE AGREEMENT BETWEEN
THE CITY OF CLOQUET
AND SHAMROCK ENVIRONMENTAL, LLC**

This Agreement is entered into this 15th day of February, 2011, by and between Shamrock Environmental, LLC (hereinafter referred to as the “Owner/Operator” or “Shamrock”) and the City of Cloquet (hereinafter the “City”).

WHEREAS, the City Council for the City, at a meeting held on February 15, 2011, conditionally approved a Conditional Use Permit (“CUP”) for the operation of a merchant industrial landfill within the City (the “Landfill”), for the co-disposal of industrial waste and construction/demolition debris only, which CUP is also subject to the approval of a permit by the Minnesota Pollution Control Agency (“MPCA”); and,

WHEREAS, the Operator has applied to MPCA to modify MPCA Solid Waste Management Facility Permit SW-399 to operate the Landfill on lands located within the City as indicated above, on a parcel of land legally described on Attachment A attached hereto; and,

WHEREAS, the Landfill will provide a resource for disposal services to businesses and residents in northeastern Minnesota and upper Wisconsin; and,

WHEREAS, the parties wish to enter into a mutual agreement that will resolve all issues regarding the City’s approval of a CUP to operate a Landfill on the site proposed; and,

WHEREAS, the parties have mutually agreed to enter into this Host Fee Agreement in lieu of the imposition of a statutory fee which is permitted consistent with Minn. Stat. §115A.919 and in further consideration of the promises and agreements set forth herein:

NOW, THEREFORE, and in consideration of the mutual benefits and promises contained herein, Owner/Operator and the City hereby agree as follows:

1. **Lands Covered.**

This Agreement and the proposed CUP cover the property which is the subject of MPCA Solid Waste Management Facility Permit SW-399 and any further renewals of that permit which, at the present time, covers the property legally described on Attachment A. The parties further agree that the continued operation of the Landfill is subject to the terms and conditions of MPCA Permit SW-399 and any further renewals or revisions of that permit.

2. **Host Fees.**

A. **Host Fee Rate.** In consideration for the City's serving as the host community for the Landfill, and in consideration and acknowledgment of the ongoing direct and indirect costs associated with the presence and operation of the Landfill in the City, and the need for emergency preparedness planning, and in consideration of all other matters related to any future environmental issues and problems that may result from the existence and operation of the Landfill, the Owner/Operator agrees to pay to the City fees (the "**Host Fees**"), as set forth and adjusted herein, in the amount of \$0.50 per ton of waste and recycle materials accepted for placement into the Landfill for as long as the CUP remains in effect, or upon final closure of the Landfill as determined by MPCA, whichever is longer. The Host Fees payments will be made monthly by the Owner/Operator (or its successor owner of the Landfill) to the City based upon the actual scaled amount of each load of waste material placed in the Landfill. All incoming waste material for placement into the Landfill will be weighed at the gate and will be reported by the Owner/Operator or its successor to the City monthly. Weighing and reporting based on weight will continue even if the Owner/Operator charges its customer by volume rather than by weight unless otherwise modified by the parties and mutually agreed to by the City and Owner/Operator. No Host Fees will be imposed upon materials accepted at the Landfill but which are not placed into the Landfill for disposal.

No Host Fees will be imposed on existing waste that is already located onsite and which is re-located into the lined area of the Landfill. In addition, no Host Fees will be imposed on alternate cover materials approved per the Industrial Solid Waste Management Plan as approved by the MPCA as part of the permit application for the Landfill or on clean soils used as cover material in the lined area of the Landfill, subject to the following condition: the alternate cover materials and clean soils for which there will be no Host Fees payable will not in the aggregate exceed 20% of the annual tonnage of waste accepted into the Landfill.

B. **Host Fee Rate Adjustment.** The rate at which Host Fees are imposed as provided herein will be adjusted annually, in January of each calendar year, based upon the change in the CPI – All Urban Consumers – Minneapolis/St. Paul MSA ("**CPI**") occurring over the previous 12-month period. However, it is agreed that any increase in the annual rate of the Host Fees provided herein shall not exceed 3% annually, and that in no event will the Host Fees imposed hereunder ever exceed \$1.00 per ton. (i.e., for example, if the CPI increases by 3.5% after the first year the Host Fees for the second year would be calculated by multiplying the initial Host Fees rate of \$0.500 per ton, by 1.030 (the maximum permitted increase), which equals \$0.515 per ton. Similarly, if the CPI increases by 2% the following year, the Host Fees rate for the third year would be \$0.525 per ton (calculated by multiplying \$0.515 per ton by 1.02).

C. Minimum Amount of Host Fees. The parties further agree that Owner/Operator will pay a total aggregate minimum amount of \$1,200,000 in Host Fees ("Minimum Facility Host Fees") to the City over the expected life of the Landfill based upon the permitted capacity of 3,544,000 cubic yards, subject to possible increase to an aggregate minimum amount of not more than \$1,400,000 as provided below. The total Minimum Facility Host Fees shall be allocated at various milestones, as described below, throughout the life of the Landfill, in proportion to the Landfill capacity used at each of the milestones set forth herein. The first milestone will occur when fifty percent (50%) of the Landfill has been filled (i.e., 1,772,000 cubic yards) as determined by the annual survey submitted with the MPCA annual report ("Annual Survey") at which time the Owner/Operator shall have paid the City an amount equal to at least fifty percent of the aggregate Minimum Facility Host Fees (before adjustment), or \$600,000 in aggregate Host Fees. Thereafter, there will be a subsequent milestone calculation every five (5) years after the first milestone which will require the Owner/Operator to have paid the City a minimum percentage of the Minimum Facility Host Fees equal to the percentage of the Landfill that has been filled at the time of such milestone based on the Annual Survey. For example, five years after the first milestone, if the Annual Survey shows that 60% of the Landfill has been filled (i.e., 2,126,400 cubic yards) the Owner/Operator shall have paid the City a minimum of 60% of the Minimum Facility Host Fees in aggregate (as the same may have been adjusted at the first milestone as provided hereafter). If the aggregate Host Fees paid to the City at any milestone is less than the minimum aggregate amount of Host Fees required to have been paid at such milestone, the shortfall will be due to the City within sixty (60) days of the determination based on the applicable Annual Survey. In the event that the City has not been paid the Minimum Facility Host Fees at such time as the sooner of the following occurs (a) the Landfill reaches the anticipated capacity or (b) the MPCA issues a "closure document" within the meaning of Minnesota Rules 7035.0300, for closure of the Landfill prior to reaching capacity, the Owner/Operator agrees that it will pay to the City within sixty (60) days (i) the difference between the actual amount of Host Fees paid to that date and the Minimum Facility Host Fees provided for herein, in the case of reaching capacity, and (ii) the difference between the actual amount of Host Fees paid to that date and a percentage of the Minimum Facility Host Fees provided for herein equal to the percentage of the permitted capacity of the Landfill which has been used at the time of such closure, in the case of closure prior to reaching capacity.

D. Adjustment of Minimum Facility Host Fees. The amount of the Minimum Facility Host Fees to be paid is subject to a one-time adjustment upward from \$1,200,000 to no more than \$1,400,000 based on the quantity of existing onsite waste which must be relocated onto the liner. At the first milestone (i.e., when fifty percent of the Landfill has been filled and all on-site waste is anticipated to have been relocated onto the liner), the parties shall re-calculate the Minimum Facility Host Fees for future milestones to

determine if an upward adjustment is required (but in no event shall the Minimum Facility Host Fees be adjusted to a figure which exceeds \$1,400,000).

The calculation shall be made as follows: [total facility capacity in cubic yards] less [the volume of relocated waste in cubic yards] less [a percentage of the foregoing net amount, not to exceed 20%, equal to the average percentage of annual tonnage of waste accepted into the Landfill which is alternate cover materials or clean soils used as cover material in the lined area of the Landfill] multiplied by [the agreed cubic yard minimum rate of \$0.50 – NOTE: this rate is not subject to adjustment under Section B above].

An example of how this calculation will be made (using an example figure only for relocated waste) follows:

Facility capacity (cy):	3,544,000
Less actual waste relocation (cy):	<u>230,000</u>
	3,314,000
Applicable historical percentage of exempt cover materials (cy) (example uses maximum figure of 20%):	<u>662,800</u>
	2,651,200
Per Cubic Yard Minimum Rate (\$0.50/cy):	<u>\$0.50</u>
Adjusted Minimum Facility Host Fees:	\$1,325,600

E. Host Fees Credit. The Owner/Operator will be credited back Host Fees paid for all materials for which Host Fees were paid that were accepted at the Landfill for placement into the Landfill, but that at a later date are removed from the Landfill and recycled, processed, or beneficially reused. The materials removed from the Landfill will be weighed on the scale and summarized in the monthly report submitted to the City. Host Fees payable will be reduced by the amount of any such credits, as summarized in the monthly reports. However, the amounts credited back will not reduce the total Minimum Facility Host Fees due to be paid to the City, or the amounts due the City at each milestone, and cannot be claimed back after the passage of the preceding milestone or after the Landfill has been closed or ceases to operate, provided that credits for materials removed from the Landfill and recycled, processed, or beneficially reused within the ninety (90) days prior to the applicable milestone may be credited against amounts payable after the milestone payment is made.

F. Timing of Payments. Monthly Host Fees payments to be made to the City will be due on the last day of the month following the month in which the waste was accepted for placement into the Landfill. The monthly Host Fees payment will be based upon all materials accepted at the Landfill, except as provided above, and shall be accompanied by scale records that show the following: 1) all waste tonnage in; 2) all recycled tonnage out; and 3) a summary of transactions and a breakdown of all alternative cover materials

accepted and used each month. The City, upon request, shall have the right to audit and/or examine the scale tickets at its expense for the two (2) years prior to such request, to verify the amount of the monthly Host Fees payments. The Owner/Operator shall agree to provide within 10 business days of such request to the City any other supporting documents required to verify the payments.

3. **Uses of Host Fees Paid.**

The parties agree that the City's access and use of the funds generated by the Host Fees imposed and paid pursuant to this Agreement will be limited as provided herein. The parties agree and understand that, at the sole discretion of the City, up to 25% of all amounts collected from Host Fees will be deposited in the City's General Fund upon receipt and will be used by the City as it deems necessary for any purpose, including, but not limited to ongoing administrative costs and expenses incurred by the City including, but not limited to, planning and zoning issues as they arise within the City.

The parties agree that the remaining seventy five percent (75%) of all Host Fees collected, and all accrued interest, shall be set aside in a dedicated fund which will be maintained as security for any future problems or costs that may arise with regard to the existence and operation of the Landfill. It is agreed by the parties that those funds will only be accessed as further provided herein until the Landfill is closed and any remaining balance in the dedicated fund is turned over to the City as provided in the last paragraph of this section.

- It is agreed that all accrued interest from the fund balances must be placed within the fund and shall remain a part of the fund unless it is paid out as otherwise provided herein.
- The parties further agree that ten (10) years prior to the anticipated closure of the Landfill, as determined by a ten (10) year average based upon historical annual volumes, a Host Community Fees Trust Fund Committee (Committee) shall be established by the City to determine if any additional distributions will be made from the Trust Fund for other City projects. The distributions authorized by this Committee (which decisions shall be made by majority vote) may be withdrawn from the dedicated fund to the extent authorized by the Committee. These distributions may include, but are not limited to, costs and expenses related to planning, infrastructure improvements and end use development plans for the Antus Addition/Hilltop area, properties adjacent to the Landfill, or areas east or south of the Landfill.
- This Committee shall consist of three (3) members of the community which are chosen by the City Council and (2) members chosen by the Owner/Operator of the Landfill. Upon its formation, the Committee shall adopt reasonable bylaws.

- The parties further agree that three (3) years prior to the anticipated closure of the Landfill, as determined by a ten (10) year average of historical annual volumes, the City, in its sole discretion, may use up to ten (10%) of any of the remaining dedicated trust fund balance (principal and accumulated interest) for purposes of addressing planning and re-development costs in its sole discretion
- Five (5) years after the Landfill reaches the anticipated capacity, it is understood that any remaining monies in the dedicated trust fund will be turned over to the City and may be used by the City for any projects deemed beneficial to the community as determined by the City Council. Notwithstanding the foregoing, in the case of the issuance by the MPCA of a “closure document” within the meaning of Minnesota Rules 7035.0300, for closure of the Landfill prior to reaching capacity, the above waiting periods are waived, and the remaining monies will be turned over to the City from the Trust Fund for unrestricted use.

The City agrees that the funds provided pursuant to this Agreement will not be used in any manner directly competitive to the business operations of the Landfill.

4. **City Waiver of the Imposition of Statutory Fees and Credit for Additional Fees Imposed by Law.**

The Host Fees the parties have agreed upon in this Agreement are intended to be imposed in lieu of a statutory fee on solid waste disposal operations as permitted and authorized under Minn. Stat. §115A.919 as it may be amended or modified in the future.

It is the express intent of the parties that only one disposal fee be imposed for the operations anticipated at the Landfill. Except as otherwise provided in this Agreement, the City hereby waives its right to impose any additional statutory fee on solid waste disposal operations at the Landfill unless otherwise mutually agreed upon by the parties for the term of this Agreement.

Irrespective of the foregoing agreement, if the City is subsequently required by law or by a Court of competent jurisdiction to collect an additional fee from the Owner/Operator of the Landfill on solid waste disposal operations, which is in addition to the Host Fees provided herein, it is agreed by the parties that the Host Fees due and owing to the City pursuant to this Agreement shall be reduced by an amount equal to the amount of such required abatement fee or other fee required to be collected by the City. The parties acknowledge that if an abatement fee or other fee is imposed by law after the Host Fees anticipated herein has been paid in full, no offset will be available as long as the abatement fee or other fee is not retroactive, in which case a credit will be issued to the Owner/Operator up to the amount of the Host Fees already paid.

In the event that the State of Minnesota or any Court of competent jurisdiction should subsequently determine that the City and the Owner/Operator did not have the authority to agree upon and impose this negotiated Host Fees, the City shall not be obligated to

reimburse the Owner/Operator for any Host Fees paid prior to such determination and the City shall then have the option to implement any statutory fees permitted pursuant to Minnesota Statute ("Other Impositions").

In the event that the Other Impositions anticipated herein allow for increases above the originally negotiated Host Fees amount as set forth above, nothing herein limits the City's ability to impose Other Impositions in lieu of the negotiated Host Fees as set forth above and in which event the Owner/Operator does not waive any rights it may have to contest the validity of such Other Impositions.

5. **Assignment.**

The parties mutually agree that the terms and conditions of this Agreement are recordable interests and will run with the Landfill as long as it is operated as a Landfill and shall be binding upon the parties hereto and any successors or assigns. It is further agreed that no benefit or burden of this Agreement may be assigned by either party without the prior written consent of the other, provided that the City agrees that it will not unreasonably withhold, delay or condition, its consent to an assignment by Owner/Operator of this Agreement. It is understood that this Agreement is intended to inure to the benefit of the City regardless of whether or not the present Owner/Operator subsequently transfers, assigns or sells its interest in the Landfill to a third party.

6. **Trade Secret Information.**

The City agrees that any records made available to the City for audit purposes are intended to be proprietary property of the Owner/Operator and to the extent permitted by law will be considered confidential "trade secrets" as that term is used in Minn. Stat. 13.37 Subd. 1(b) and that the City will not disclose such information to any third party without the express written consent of the Owner/Operator unless the information is deemed public information or is required by law or Court Order.

7. **No Liability Assumed by City for Operation of Landfill.**

The parties expressly understand and agree that by accepting Host Fees as provided herein, that the City does not undertake any liability with regard to the ownership and operation of the Landfill merely as a consequence of its participation in this Agreement and that the Owner/Operator will make no such claim with regard to the City. It is further understood and agreed that the security being provided to the City consistent with this Agreement is not intended to serve a dual purpose as security for any other entity including, but not limited to, the MPCA and the State of Minnesota with regard to the operation of this Landfill.

8. **Cooperation.**

Upon execution of this Agreement, the Owner/Operator and the City agree to work cooperatively to see that the Landfill is operated as proposed consistent with the terms of the City's Conditional Use Permit (CUP) and subject to all MPCA permits.

9. **Termination.**

This Agreement shall terminate upon the certification of final closure of the Landfill by the Minnesota Pollution Control Agency (MPCA) and upon final performance consistent with the terms herein unless earlier agreed upon in writing by the City and the Owner/Operator.

10. **Notice.**

Any notice required by this Agreement may be mailed by certified United States mail, postage prepaid, or hand delivered to the following representative of the party at the address listed below:

If to Operator: Shamrock Environmental, LLC
 13020 Dem-Con Drive
 Shakopee, MN 55379

If to City: City Administrator
 City of Cloquet
 1307 Cloquet Avenue
 Cloquet, MN 55720

11. **Interpretation.**

This Agreement shall be construed and interpreted in accordance with the laws of the State of Minnesota.

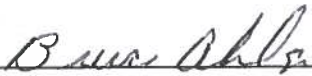
12. **Integration.**

This Agreement contains the full and final agreement between the parties and no matter, whether written or oral, not herein contained, shall be understood to be part of the agreement unless properly executed, in writing, by a duly authorized representative of each of the parties hereto and expressly acknowledged to be part of this Agreement.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement as of the day and year first above written.

City of Cloquet

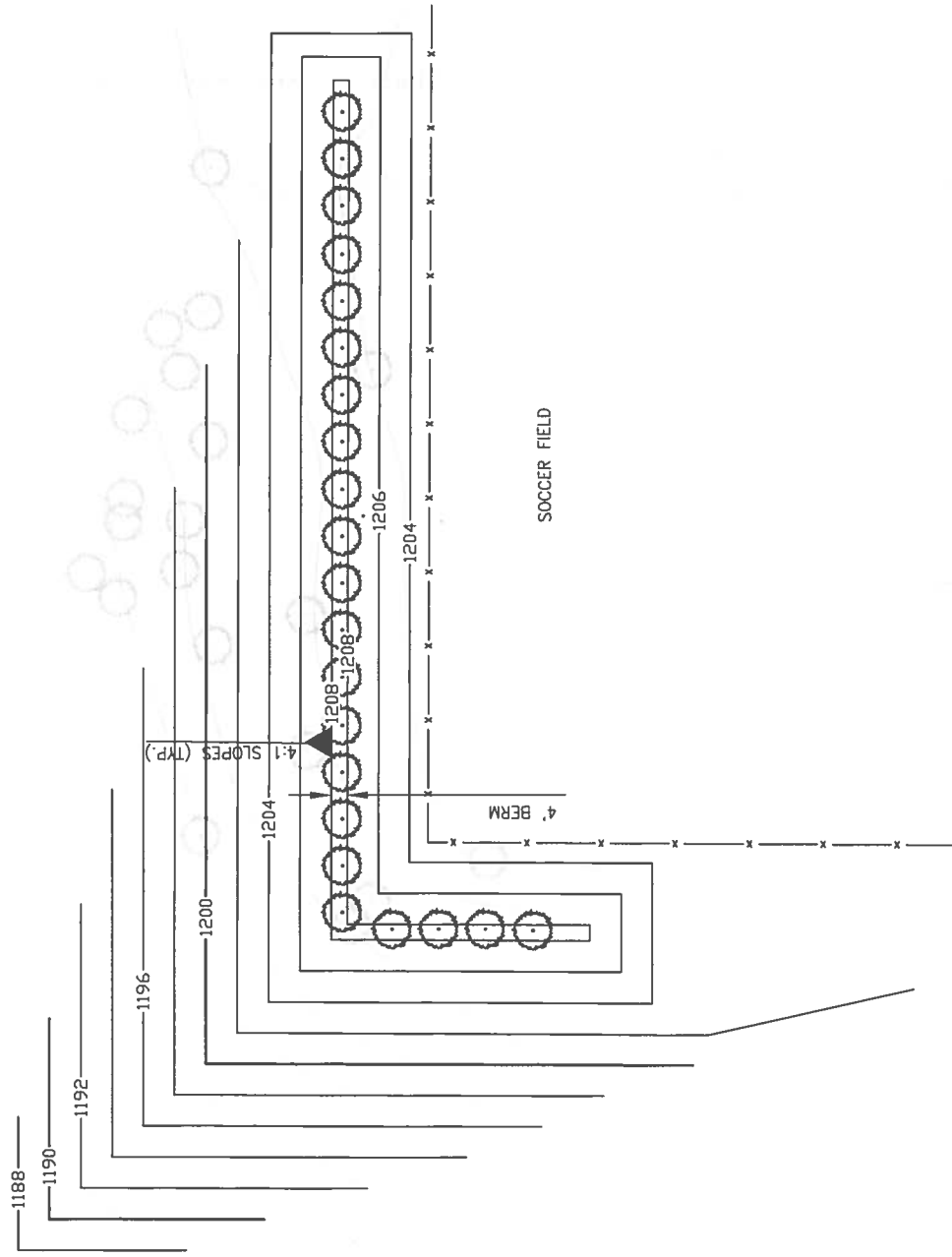
Shamrock Environmental, LLC


By: Its Mayor



By: Its Vice President

Attest:


City Administrator



REV	REVISION DESCRIPTION	DWN	APP	REV DATE
0				

 Wenck Associates, Inc. Consulting Engineers 4001 West 10th Street Suite 100 Minneapolis, MN 55425 Tel: 612.339.3333 Fax: 612.339.3334 www.wenck.com		DWN BY JVB	CHK'D JVB	APP'D JVB	PROJECT SHAMROCK ENVIRONMENTAL, LLC SW-399	SHEET TITLE SOCCER FIELD VISUAL SCREENING BERM
		DWG DATE 08-17-2010	SCALE AS NOTED	CLIENT SHAMROCK ENVIRONMENTAL, LLC	PROJECT NO. 1101-03	SHEET NO. 0



February 25, 2011

Holly Butcher
Community Development Director
City of Cloquet
1307 Cloquet Avenue
Cloquet, MN 55720

**RE: Visual Screening Berm for the Shamrock Environmental Landfill
Cloquet, MN**

Dear Ms Butcher:

This letter is in response to your request for clarification on the size and type of trees to be planted on the visual screening berm to be constructed east of the soccer fields at Hilltop Park. Shamrock Environmental, LLC will work cooperatively with Ulland Brothers to construct the berm. The berm will be six-feet tall with evergreen trees planted approximately twelve feet apart as shown in the plan submitted to the City of Cloquet with the CUP Application. The evergreen trees will be a minimum of four (4) feet tall and will be a species that provides visual screening near the ground (i.e. Spruce, White Pine, Red Pine, etc.).

If you have any additional questions regarding the berm construction or if you need any additional information please feel free to contact me via email or at 612-845-5075.

Sincerely,

William P. Keegan, P. E.
Vice President
Dem-Con Companies





View Location Map



Existing View



Initial Evergreen Planting with 6' Berm



10 Years after Initial Evergreen Planting

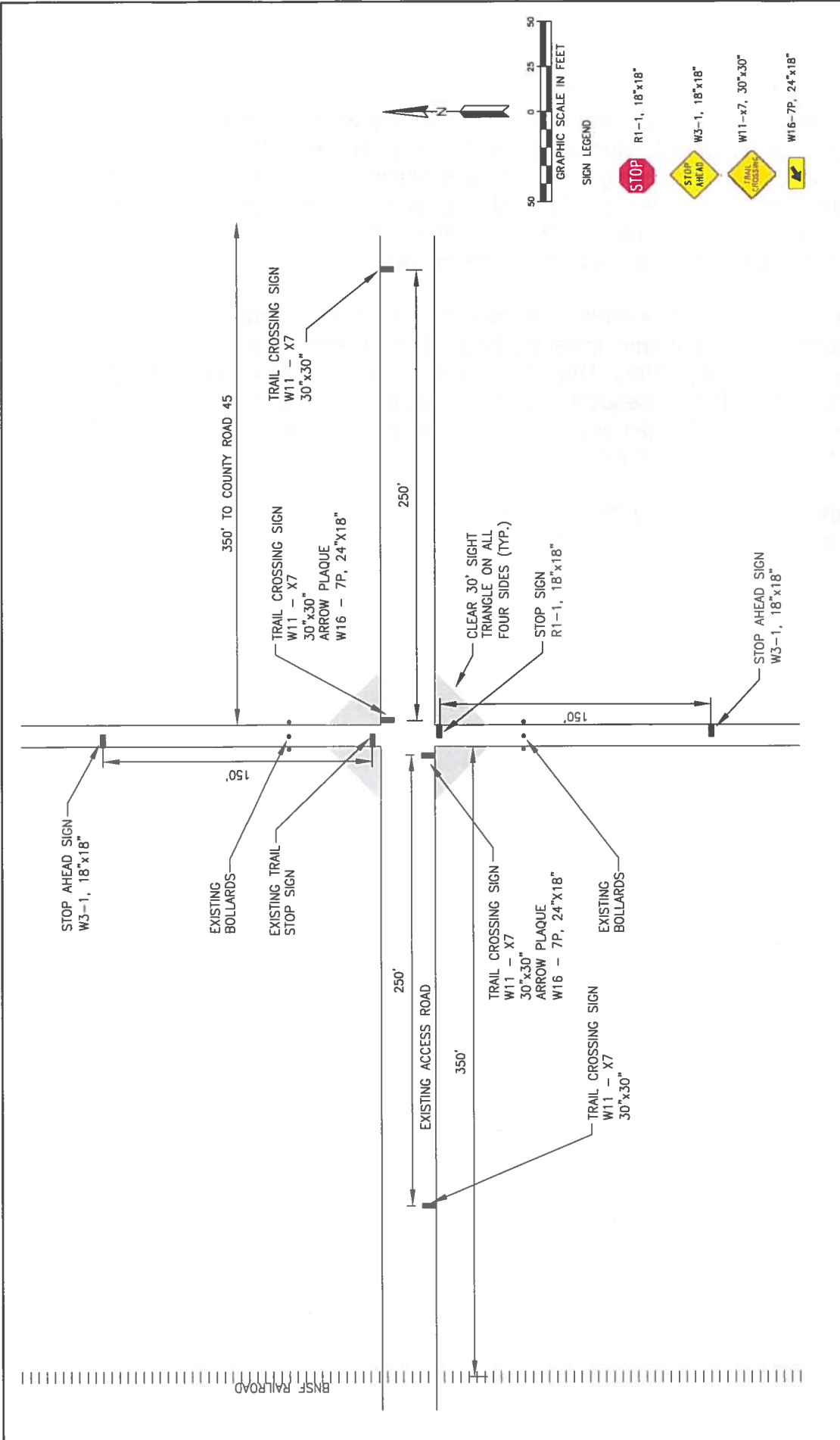


20 Years after Initial Evergreen Planting

The view shed analysis was created to depict the screening of the proposed landfill using a 6' high berm planted with evergreen trees. The view of the proposed landfill screening shown in the renderings was taken from the park overlooking the landfill site. The renderings were created using the combination of a photograph and Adobe Photoshop. Adobe Photoshop was used to overlay the proposed screening treatments over the photograph.

The view shed analysis renderings show the proposed screening at three different intervals in time, initial planting, 10 years after initial planting and 20 years after initial planting. The initial planting rendering shows trees 8' high on a 6' high berm. The subsequent renderings assume a growth rate for the evergreens at 8"-12" per year. In year 10 the trees will be 15'-18' tall, year 20 the trees will be 21'-28' tall.

As the renderings show the proposed landfill will be completely screened from the park view.



SIGN LEGEND

- R1-1, 18"x18"
- W3-1, 18"x18"
- W11-X7, 30"x30"
- W16-7P, 24"x18"

REV	REVISION DESCRIPTION	DWN	APP	REV DATE
0				

DWN BY	CHK'D	APP'D	SCALE AS NOTED	
JVB	JCL	TS		
DWG DATE	D1-04-2010			

PROJECT	SHAMROCK ENVIRONMENTAL, LLC	SHEET TITLE	ST. LOUIS RIVER TRAIL CROSSING
CLIENT	SHAMROCK ENVIRONMENTAL, LLC	PROJECT NO	1101-03
		SHEET NO	0
		REV NO	0

Memorandum

1800 Pioneer Creek Center, Maple Plain, MN 55359
Phone: 763-479-4200 Fax: 763-479-4242



To: Bill Keegan, P.E., Dem-Con Companies
From: Edward F. Terhaar, P.E. *EFT*
Date: August 4, 2010
Subject: Traffic Engineering Review of Trail Crossing in Cloquet, MN
Wenck Project Number: 1101-04

PURPOSE AND BACKGROUND

As requested, we have completed a traffic engineering review for a trail crossing in Cloquet, MN. The trail crosses an east/west access road which is located west of T.H. 45 south of I-35. The road is used as access to an existing landfill and gravel pit by employees and truck operators. The access road is primarily gravel in composition with some asphalt.

The purpose of our review is to determine the recommended signing and control for both the trail and the access road at the point of the trail crossing. We have reviewed the Mn/DOT Bicycle Facility Design Manual as a source for trail design standards. Information on sign types, sizes, and locations was obtained from the Minnesota Manual on Uniform Traffic Control Devices (MMUTCD). In addition, we have field verified signing and control provided along the Luce Line State Trail in western Hennepin County.

EXISTING CONDITIONS

The existing multi-use trail crosses the access road approximately 350 feet west of T.H. 45. An existing rail line is located approximately 350 west of the trail crossing. The trail is asphalt paved with no striping.

Northbound trail traffic is not controlled. Southbound trail traffic is controlled with a stop sign located at the access road crossing. No trail crossing warning signs are present on the access road approaching the trail crossing. A single bollard is present on the trail both north and south of the access road to discourage motor vehicle usage of the trail.

The trail is lined with tress and brush on both sides up to the access road. The location of this vegetation limits the sight lines for bicycles on the trail and vehicles on the access road.

RECOMMENDED SIGNING AND CONTROL

Based on information in the Mn/DOT Bicycle Facility Design Manual, the MMUTCD, and field observations along the Luce Line State Trail, we recommend the following signing and control:

Access Road

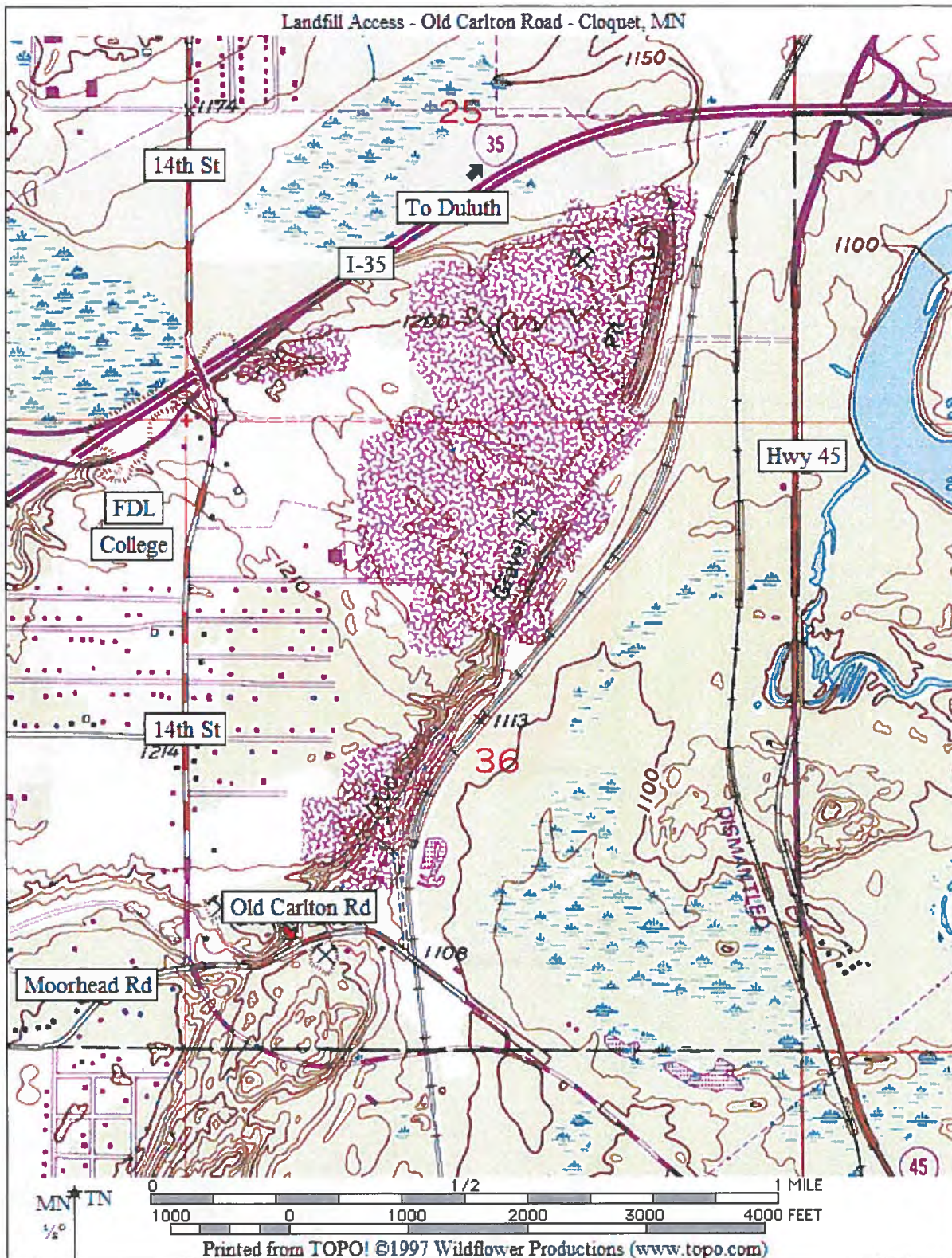
- Install Trail Crossing signs (sign number W11-X7, 30"x 30") on the access road in advance of the trail crossing. These signs should be located approximately 250 feet in advance of the trail crossing
- Install Trail Crossing signs (W11-X7, 30"x 30") and Supplemental Arrow Plaque (W16-7p 24"x 18") on the access road at the trail crossing.

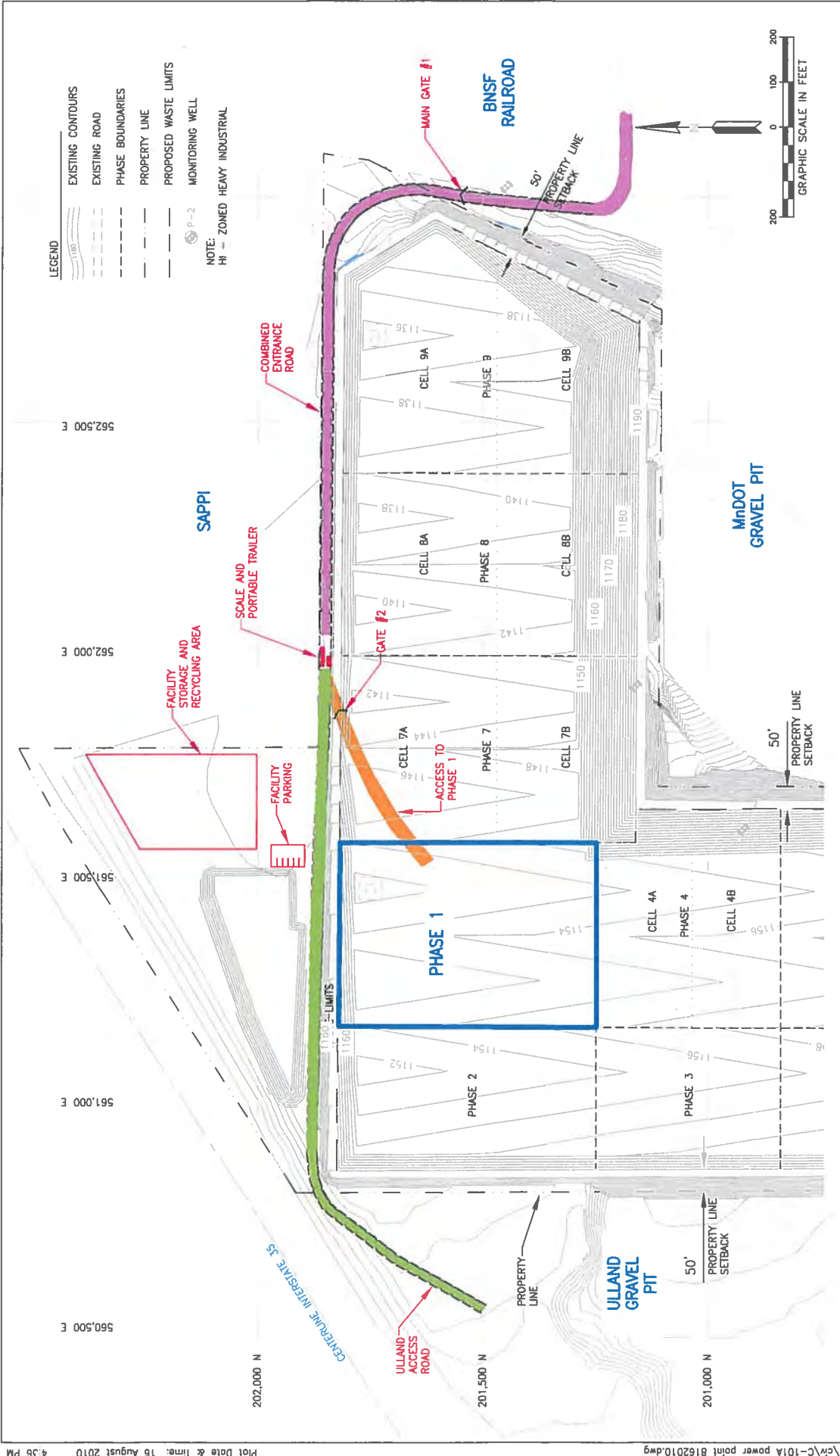
Trail

- Install a stop sign (R1-1, 18"x 18") on the northbound trail approach at the access road.
- Install stop ahead signs (W3-1, 18"x 18") on the northbound and southbound trail approaches. These signs should be located approximately 150 feet from the access road.
- Trim trees, brush, and plants within 30 feet of the roadway to create a clear sight triangle for both bicycles on the trail and vehicles on the road. This sight triangle must be regularly maintained to keep the sight lines clear.

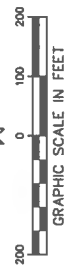
Installation of the recommended signs will improve the visibility of the trail to motorists and require trail users to stop prior to crossing the roadway. These safety improvements will result in better operations for both the trail users and motorists using the access road.

Landfill Access - Old Carlton Road - Cloquet, MN





- LEGEND**
- EXISTING CONTOURS
 - EXISTING ROAD
 - PHASE BOUNDARIES
 - PROPERTY LINE
 - PROPOSED WASTE LIMITS
 - MONITORING WELL
- NOTE:**
 HI - ZONED HEAVY INDUSTRIAL



REV	REVISION DESCRIPTION	DWN	APP	REV DATE
0				

		PROJECT SHAMROCK ENVIRONMENTAL, LLC SW-399		SHEET TITLE SITE PLAN	
WENCK CONSULTING, INC. Consulting Engineers		CLIENT SHAMROCK ENVIRONMENTAL, LLC		PROJECT NO. 1101-03 SHEET NO. C-101A REV. NO. 0	
DWN BY: JVB CHK'D: JCL APP'D: TS		DWG DATE: 01-04-2010		SCALE: AS NOTED	

I, **THOMAS J. ENRIGHT**,
 PROFESSIONAL ENGINEER LICENSE NO. 11562 IN THE STATE OF MINNESOTA,
 DO HEREBY CERTIFY THAT I AM THE DESIGNER OF THE PROJECT SHOWN ON THIS PLAN.
 DATE: **JUNE 16, 2010** PROJECT NO. **1101-03**

Litter, Dust, Noise, & Odor Management Plan

Shamrock Environmental Facility

MPCA Permit #SW-399

Cloquet, MN

Litter:

Due to the nature of the waste being accepted at the facility and operational procedures such as litter fences, regular picking of blown litter, and cover practices, litter is not anticipated to be problematic at the facility. Specific litter management techniques may include the following:

- Permanent fencing
- Portable fencing
- Active picking of blown litter
- Placement of cover materials
 - o Disposal areas not receiving waste for 30 days will be covered with six inches of cover material;
 - o Disposal areas not receiving waste for a period of 120 days will be covered with a total of 12-inches of compacted soil cover;
 - o Waste slopes reaching final grades will be seeded and maintained within 120 days after final cover is placed.
- Control of working face operations
 - o Specific placement of loads that may be susceptible to wind dispersion;
 - o If wind dispersion of waste becomes problematic, the facility will cover materials to prevent windblown litter;
 - o Sequencing of the filling operations to minimize exposure to prevailing winds;
 - o Staging of waste materials that are not susceptible to wind dispersion in the landfill cell that can be placed over other loads which may be susceptible to wind dispersion.

In the event litter leaves the site, facility personnel will clean-up all debris from the adjacent properties, ditches, and access roads resulting from the landfill operations and/or from vehicles using the facility.

Dust:

Although small amounts of dust will be generated locally on the site from normal facility operations, due to the nature of the waste being accepted at the facility and operational procedures implemented, dust is not expected to become a public nuisance issue. Specific dust management techniques may include the following:

- Watering of the gravel roads;
- Application of dust suppressant products;
- Road maintenance (i.e. placement of millings etc.)
- Traffic management (i.e. routes of travel, speed controls, etc.);
- Placement of cover materials
 - o Disposal areas not receiving waste for 30 days will be covered with six inches of cover material;

- Disposal areas not receiving waste for a period of 120 days will be covered with a total of 12-inches of compacted soil cover;
- Waste slopes reaching final grades will be vegetated within 120 days after final cover is placed.
- Control of the working face operations
 - Specific placement of loads that may be susceptible to wind dispersion;
 - Sequencing of the filling operations to minimize exposure to prevailing winds;
 - Staging of waste materials that are not susceptible to wind dispersion in the landfill cell that can be placed over other loads which may be susceptible to wind dispersion.

Noise:

Given the present and historical uses of the property, noise is not expected to be a public nuisance for the surrounding properties. The current use of the property includes those activities related to the Ulland gravel pit operations which consist of heavy truck traffic, excavation, crushing, grinding, screening, etc. Additionally, the adjacent properties include other gravel operations and the storage of logs for the local paper mill, both of which involve heavy truck traffic and equipment. The landfill operations will consist of some heavy equipment use and truck traffic similar to the current uses.

Noise generated from the landfill operations will be managed such that it does not become a public nuisance. Noise controls will include maintaining and operating equipment to minimize noise generation and limiting operations to the normal operating hours of the facility from 7:00am to 5:00pm Monday through Friday and 7:00am to 1:00pm Saturday, except during periods of construction (i.e. during landfill liner construction, subgrade construction, or other construction related to cell expansion for the landfill, or construction related to installation of final cover when a cell is being capped) when hours are 7:00am to 7:00pm Monday through Friday and 7:00am to 3:00pm on Saturdays. The Landfill may operate on a 24-hour basis as needed for special events, leachate hauling, and emergency conditions.

Odor & Vector Control:

Based on the type of waste being accepted and our operational experience at other landfills throughout the state, odor and vector control are not anticipated to be an issue (see MPCA Permit #SW-399 Section 1.8 of the Operations Plan). Odor and vector problems are more commonly associated with a Municipal Solid Waste landfill.

In the event odors become problematic, the facility operator will cover odor causing materials with cover soils or other waste to eliminate the odor.

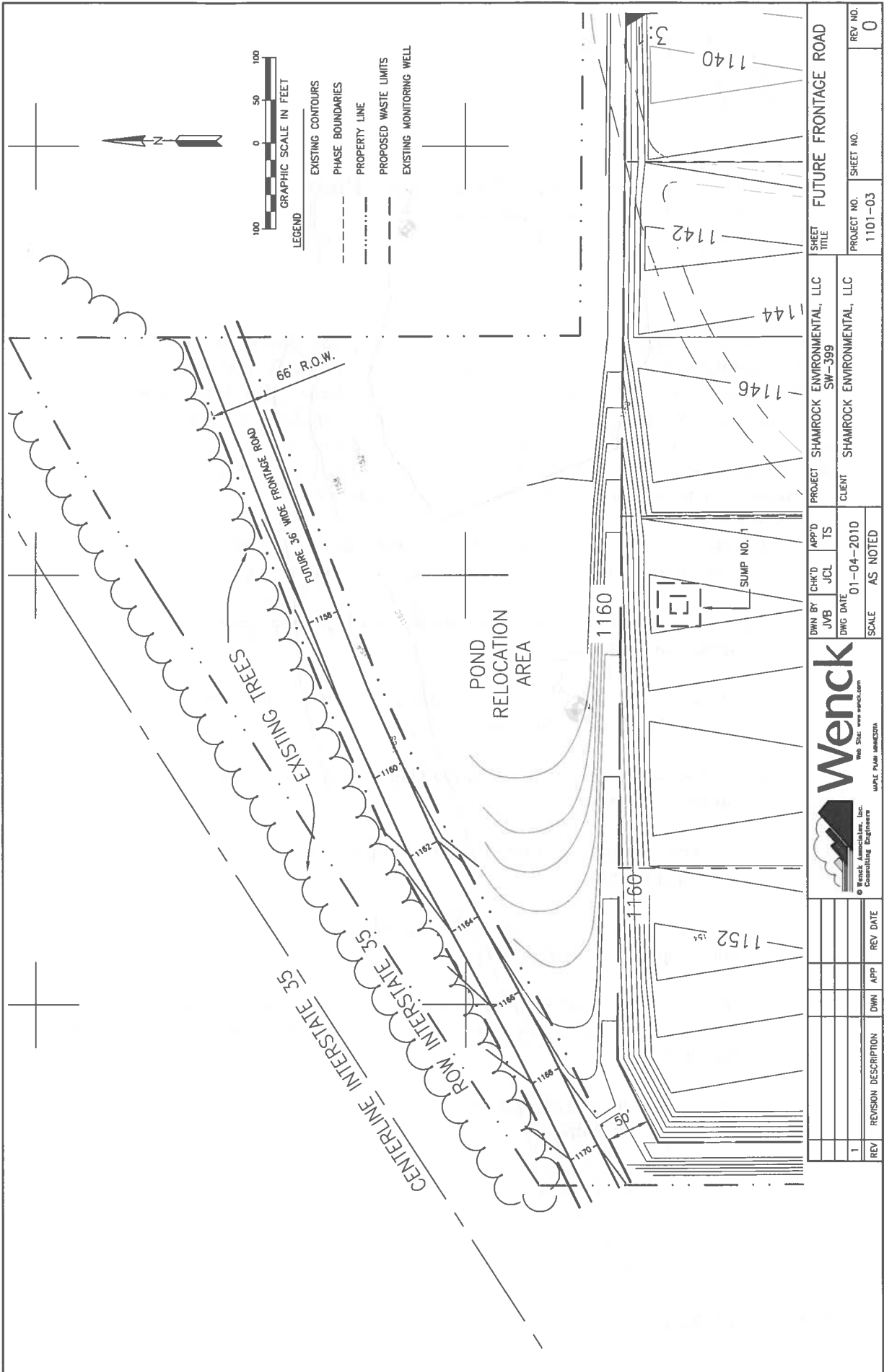
In the event vectors become problematic, active management techniques such as trapping, poisoning, and hiring a professional service may be implemented as needed.

Fire Protection Plan
Shamrock Environmental Facility
MPCA Permit #SW-399
Cloquet, MN

Shamrock Environmental, LLC, (Shamrock) agrees operate the landfill in a safe and responsible manner to minimize any potential fire risks at the facility. Shamrock will work closely with the Cloquet Area Fire District to implement their recommended operational controls throughout the life of the facility. Some of these recommendations may change over time as the location of the filling and recycling activities move throughout the site. Based on our meeting with the Fire Chief on August 17, 2010, the following recommendations will be implemented at the site:

- 1.) Shamrock will work with Ulland Brothers to maintain the access road to the fire hydrant on 14th street for year-round access in the event of a fire;
- 2.) Shamrock will provide Knox Boxes on each entrance gate with keys for access to the facility;
- 3.) Access and keys to the on-site water tanker truck will be provided to the Fire District in the event of a fire;
- 4.) Access will be provided to the high capacity leachate pump located in the sump of the landfill;
- 5.) Material storage and quantities will be maintained as outlined in our MPCA permit application;
- 6.) Wood stockpiles will be positioned on-site to maximize the separation from the Sappi wood storage yard.
- 7.) The use of leachate for fire management will be at the discretion of the Fire Department. If leachate is used, it will only be used on the lined footprint of the facility.
- 8.) Water used for fire controls off the lined footprint will be water taken from the city water hydrant.

September 17, 2010



REV	REVISION DESCRIPTION	DWN	APP	REV DATE
1				

 Wenck Associates, Inc. Consulting Engineers 1000 Park Avenue Maple Park, Minnesota Web Site: www.wenck.com		DWN BY: CHK'D: APP'D: JVB JCL TS DWG DATE: 01-04-2010 SCALE: AS NOTED	PROJECT: SHAMROCK ENVIRONMENTAL, LLC CLIENT: SHAMROCK ENVIRONMENTAL, LLC PROJECT NO.: 1101-03 SHEET NO.: 0	SHEET TITLE: FUTURE FRONTAGE ROAD REV NO.: 0
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Supplemental Operational Plan
Shamrock Environmental Facility (MPCA Permit #SW-399)
City of Cloquet, Minnesota

Leachate Management: The Owner/Operator shall manage leachate at the Landfill so leachate levels remain in compliance with conditions in the MPCA permit. An autocall system shall be installed to notify site operators when leachate levels exceed the depth of the sump, plus one foot (or exceed one foot in depth on the liner floor of the cell). If the depth of the leachate exceeds this requirement for more than a week period the Owner/Operator must investigate other options for managing and controlling leachate (i.e. installation of a storage tank, direct connection to sanitary line on Hwy 45, or other best management practices as agreed upon between the Owner/Operator and the City). The City shall be notified by the Owner/Operator when the leachate head exceeds the depth of the sump, plus one foot for three consecutive days and then shall be notified by the Owner/Operator when the leachate head level returns to less than the depth of the sump, plus one foot. The Owner/Operator shall obtain a primary industrial waste discharge permit for leachate disposal with the Western Lake Superior Sanitary District (WLSSD) and a backup industrial waste discharge permit from another sanitary disposal site (i.e. Metropolitan Council Environmental Services or MCES). The Owner/Operator shall obtain a contract with a backup truck hauling company to serve in the event that WLSSD is shut down or leachate head cannot be maintained. These permits and contracts must be in place prior to operation with copies provided to the City.

Alternative Cover Material: Alternate cover materials, approved per the Industrial Solid Waste Management Plan for the Landfill will not exceed 20% of the facility's annual tonnage. The cover material must be applied within six months of acceptance. Waste materials used as cover shall be contained within the lined area of the landfill. Surface water runoff from waste material stockpiles shall be contained within the lined landfill. The Owner/Operator shall implement dust and odor control plans as necessary to prevent nuisance conditions to adjacent property.

Paper Sludge and Waste Water Sludge: Paper Sludge and Waste Water Sludge, whether or not it is accepted as alternate cover per the Industrial Solid Waste Management Plan for the Landfill, shall be thin spread and/or mixed with other waste as soon as practical, avoiding bulk disposal of this waste type. The Owner/Operator shall implement the odor control plan as necessary to prevent nuisance conditions to adjacent property.



Community Development Department
101 14th Street • Cloquet MN 55720
Phone: 218-879-2507 • Fax: 218-879-6555

To: Planning Commission
From: Al Cottingham, City Planner/Zoning Administrator
Date: December 4, 2019

ITEM DESCRIPTION: ZONING CASE 19-18: SPECIAL EVENT FOR SKB ENVIRONMENTAL CLOQUET LANDFILL

Background

On February 15, 2011 the City Council approved a conditional use permit for Shamrock Environmental, LLC for an Industrial Waste Landfill at 761 Highway 45 subject to a number of conditions. As part of the operating hours condition there was a provision that allowed “The Landfill may operate on a 24-hour basis as needed for special events, leachate hauling, and emergency conditions (as defined below). When possible, the Owner/Operator will provide written notice to the City and receive City approval when accepting waste outside of normal operating hours. In the event of an emergency where written request for approval is not possible, the Owner/Operator must notify the City verbally and follow up in writing within 72 hours after the request providing justification for the changed hours and the estimated time when normal operating hours will resume. An “emergency condition” is defined as a catastrophic event in the region requiring immediate removal of waste to restore order.”

In 2017 there was an issue when staff allowed a “Special Event” to occur that extended the allowed hours by two hours, 7 am to 7 pm Monday – Saturday. Because of the issue the Zoning Ordinance was amended by adding a definition for “Special Event”. The definition is as follows:

Special Event. Means a unique or unforeseen event of limited duration occurring within the City of Cloquet or within 30 miles of the primary site of the special event site which is within the City of Cloquet, and is of such significance as to allow for the relaxation of zoning requirements and the implementation of special provisions when provided in any permit, variance, or other zoning document.

The Zoning Administrator shall make the final determination as to whether the significance of a special event 7 days or less in duration rises to the level of a Special Event. The Planning Commission shall be the approval authority of all special events in excess of 7 days. A special event may be extended by the approval authorities noted above.



SKB Environmental Cloquet Landfill is proposing the following:

The upcoming Twin Ports Interchange (TPI) or “Can of Worms” project is set to kick off in spring 2020. The project is seeking quotes for material disposal. As part of the bid package there is a need for extended hours of disposal operations. In order to meet the project scope we are requesting our normal operational hours to be 7am – 8pm, 7 days per week. The project is expected to last for 3 years.

This request is not a public hearing and only requires approval or denial from the Planning Commission. This will allow 3 additional hours of operation Monday – Saturday and all of Sunday hours just for this request.

Policy Objectives

The Special Event is for the Industrial Landfill in the HI – Heavy Industry District. The landfill is a permitted use that conditions can be placed on to ensure adequate conditions and thresholds are in place to provide protections from the approved land use.

Staff Review

A determination needs to be made if this request is a unique or unforeseen event of limited duration within the City of Cloquet or within 30 miles of the site. The Twin Ports Interchange site is less than 16 miles away as the crow flies and approximately 17 miles by road. The next question is whether or not this is a unique or unforeseen event of limited duration. Staff believes this is a unique event with the reconstruction of the interchange and the soils that need to be removed and placed in a landfill.

Financial Impacts

There is no fee associated with a Special Event.

Staff Recommendation

Staff recommends that the Planning Commission move to adopt Resolution 19-18, A Resolution approving the special event amendment for property located at 761 Highway 45 for SKB Environmental Cloquet Landfill fill subject to the conditions in the attached resolution.

Attachments

- Resolution 19-18
- Location Map
- Petitioner’s Narrative

STATE OF MINNESOTA

COUNTY OF CARLTON

CITY OF CLOQUET

Commissioner _____ offered the following Resolution and moved its adoption.

RESOLUTION NO. 19-18

**A RESOLUTION APPROVING A SPECIAL EVENT FOR SKB ENVIRONMENTAL
CLOQUET LANDFILL**

WHEREAS, an Application has been submitted by SKB Environmental Cloquet Landfill for a Special Event; and

WHEREAS, the property of the proposed Special Event is located at 761 Highway 45 and is legally described as follows:

That part of the West 390.00 feet of the Northwest Quarter of the Southeast Quarter, Section 25, Township 49, Range 17, Carlton County, Minnesota, which lies southerly of Interstate Highway 35 and northerly of the South 100.00 feet of said Northwest Quarter of the Southeast Quarter.

AND ALSO

That part of the South 100.00 feet of the North Half of the Southeast Quarter, Section 25, Township 49, Range 17, Carlton County, Minnesota, which lies westerly of the right-of-way of the Great Northern Railway (now known as Burlington Northern Santa Fe Railroad).

AND ALSO

That part of the East 600.00 feet of the Northeast Quarter of the Southwest Quarter, Section 25, Township 49, Range 17, Carlton County, Minnesota, which lies southerly of Interstate Highway 35.

AND ALSO

The east 600.00 feet of the Southeast Quarter of the Southwest Quarter, Section 25, Township 49, Range 17, Carlton County, Minnesota.

AND ALSO

The South Half of Southeast Quarter lying West of Great Northern Railway Company's right-of-way (now known as Burlington Northern Santa Fe Railroad), Section 25, Township 49, Range 17, according to the United States Government Survey thereof.

EXCEPT those two parcels lying within the following described tracts;

1. Beginning at a point on the south line of said Section 25, distant 100 feet west of the southeast corner of SW ¼ of SE ¼ thereof; thence run northeasterly at an angle of 68 degrees 00 minutes with said south line for 475 feet; thence deflect to the left at an angle of 112 degrees 00 minutes for 500 feet; thence deflect to the left at an angle of 68 degrees 00 minutes for 475 feet; thence deflect to the left at an angle of 112 degrees 00 minutes for 500 feet to the beginning.

2. From a point on the south line of said Section 25 distant of 100 feet west of the southeast corner of SW ¼ of SE 1/4 , thereof, run northeasterly at an angle of 68 degrees 00 minutes with said south section line for 475 feet to the point of beginning; thence continue northeasterly along the above described course to its intersection with a line run parallel with and distant 660 feet north of the south line of said Section 25; thence run west along said 660 foot parallel line to its intersection with a line run parallel with and distant 992 feet west of the east line of the SW ¼ of SE ¼ of said Section 25; thence run south along said 992 foot parallel line to the south line of said Section 25; thence run east along said section line for 392 feet; thence deflect to the left 68 degrees 00 minutes for 475 feet; thence deflect to the right 68 degrees for 500 feet to the point of beginning.

WHEREAS, the Cloquet Planning Commission reviewed the Application for a Special Event for SKB Environmental Cloquet Landfill to allow the hours of operation to be 7am – 8pm, 7 days a week to receive material from the Twin Ports Interchange project; and,

NOW THEREFORE BE IT RESOLVED, BY THE PLANNING COMMISSION OF THE CITY OF CLOQUET, MINNESOTA, that the Planning Commission approves Zoning Case 19-18 for a Special Event for SKB Environmental Cloquet Landfill subject to the following conditions:

1. The hours of operation shall be 7am – 8pm, seven days a week, this is three additional hours Monday – Saturday and all day on Sunday solely for the Twin Ports Interchange project.

The foregoing motion was duly seconded by Commissioner _____ and being put to vote members voted: AYE: ____ NAY: ____ ABSENT: ____

MARK CLINE	_____	PHILIP DEMERS	_____
TERRI LYYTINEN	_____	ELIZABETH POLLING	_____
JOHN SANDERS	_____	URIAH WILKINSON	_____
ROBERT ZAPPIA	_____		

Passed and adopted this 10th day of December 2019.

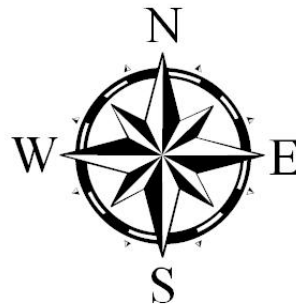
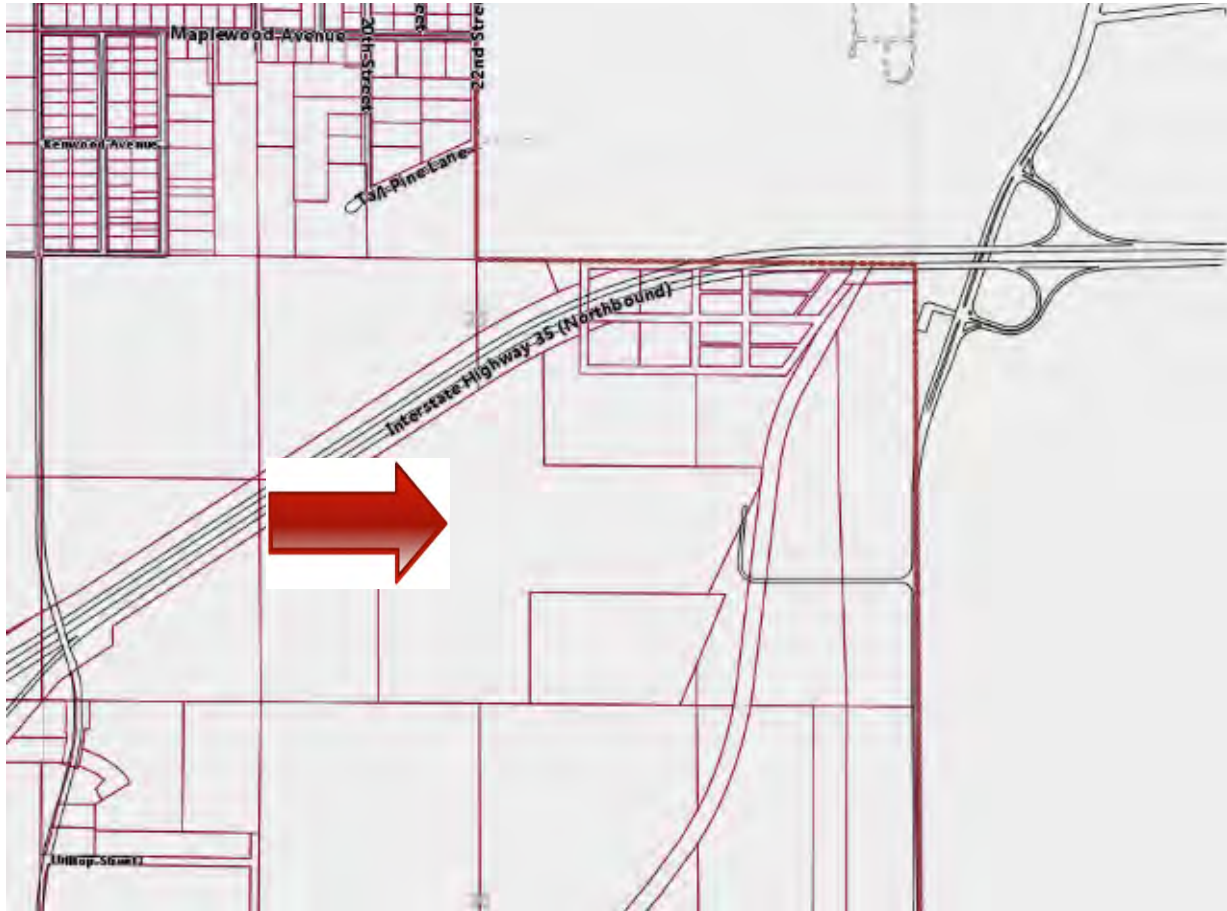
CITY OF CLOQUET

 URIAH WILKINSON
 CHAIR

ATTEST: _____
 Alan Cottingham
 City Planner/Zoning Administrator

LOCATION MAP

SKB Environmental Cloquet Landfill



NO SCALE



City of Cloquet
101 14th Street
Cloquet, MN 55720
Attn. Al Cottingham

RE: CUP Amendment

Mr. Cottingham,

Our CUP Application request is in two (2) parts. The following is a brief description of each request.

1 – We are requesting to have the ability to dispose of the SRFI Paper Residue Waste on a 24 hour basis. The Verso facility is expected to increase production in 2020 and as a result, generating material on a 24/7 basis. Our current gate hours are 7am – 5pm Monday – Saturday. The loads received between the hours of 5pm & 7am and on Sundays will be solely the SRFI material transported with SKB trucks and direct employees. We will not be operating heavy equipment within those hours.

2 – The upcoming Twin Ports Interchange (TPI) or “Can of Worms” project is set to kick off in spring of 2020. The project is seeking quotes for material disposal. As part of the bid package there is a need for extended hours of disposal operations. In order to meet the project scope we are requesting our normal operational hours to be 7am – 8pm 7 days per week. The project is expected to last for 3 years.

We appreciate the consideration and look forward to further dialog through the approval process. Please let me know if you have any questions or need further clarification.

Respectfully Submitted,

Kyle Backstrom
SKB Environmental
(218) 451-1386



Community Development Department

1307 Cloquet Avenue • Cloquet MN 55720
Phone: 218-879-2507 • Fax: 218-879-6555

To: Planning Commission
From: Al Cottingham, City Planner/Zoning Administrator
Date: December 4, 2019

**ITEM DESCRIPTION: ZONING CASE 19-15: ZONING ORDINANCE TEXT
AMENDMENT –HC – HISTORIC COMMERCIAL
DISTRICT RESIDENTIAL USES**

Background

The City of Cloquet is proposing to amend Section 17.6.12 HC – Historic Commercial of the City Code (Zoning Ordinance).

The change to the Historic Commercial District is to more clearly define the residential uses within the district. This issue came up earlier this year with the approval of apartments on the ground floor of a building. See the attached Draft Ordinance Amendment for the changes.

A public hearing will be held on Tuesday, December 10, 2019 to consider a possible amendment to Section 17. A legal notice was published in the Pine Journal on November 28, 2019, Property owners were **not** sent a notice of the hearing since this is a textual amendment.

Policy Objectives

As times change amendments to the Ordinance are made to try to stay current with things.

Financial Impacts

The Zoning Ordinance Text Amendment fee is \$300. These fees have been waived since the city is the applicant.

Advisory Committee Action Requested

The Planning Commission should listen to the testimony that is presented at the public hearing and review the proposed language changes. Following this review the Planning Commission can recommend approval of the request, recommend denial of the request or table the request for some additional information.

Staff Recommendation

Staff would recommend approval of the Zoning Ordinance Text Amendment as identified in the attached pages.

Supporting Documents Attachments

- Resolution No. 19-15



Community Development Department

1307 Cloquet Avenue • Cloquet MN 55720
Phone: 218-879-2507 • Fax: 218-879-6555

To: Planning Commission
From: Al Cottingham, City Planner/Zoning Administrator
Date: December 4, 2019

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Staff Recommendation

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Supporting Documents Attachments

- Resolution No. 19-15

ORDINANCE NO. XXXA

**AN ORDINANCE TO AMEND CHAPTER 17 OF THE MUNICIPAL CODE
PERTAINING TO RESIDENTIAL USES IN THE HISTORIC COMMERCIAL
DISTRICT**

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

Section 1. **Section 17.6.12, Historic Commercial District, Subd. 3 Conditional Uses** is amended to read as follows:

- A. Residential Uses: Apartments, Multiple-family structures existing independently with a minimum side and rear setback of 3 feet or up to 50 percent of the rear of the ground floor of a commercial building and the floors above provided the density does not exceed 20 units per acre.

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

Passed this ____ day of _____ 2019.

CITY OF CLOQUET

By: _____
Its Mayor

ATTEST:

By: _____
Its City Administrator

Published this _____ day of _____, 2019.