

Via Teleconference
7:00 P.M. July 21, 2020

Regular Meeting

Roll Call

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

Councilors Absent: None

Pledge of Allegiance

AGENDA

MOTION: Councilor Lamb moved and Councilor Wilkinson seconded the motion to approve the July 21, 2020 agenda. The motion carried unanimously (7-0).

MINUTES

MOTION: Councilor Carlson moved and Councilor Swanson seconded the motion to approve the Regular Meeting minutes of July 7, 2020 as presented. The motion carried unanimously (7-0).

PUBLIC COMMENTS

There were none.

CONSENT AGENDA

MOTION: Councilor Lamb moved and Councilor Carlson seconded the motion to adopt the Consent Agenda of July 21, 2020, approving the necessary motions and resolutions. The motion carried unanimously (7-0).

- a. Resolution No. 20-44, Authorizing the Payment of Bills
- b. Disposal of Surplus Equipment
- c. Approval of New Massage Therapist License – A. O’Leary

PUBLIC HEARINGS

There were none.

PRESENTATIONS

Christian Lawien of MNDOT gave a brief overview of proposed reduced conflict intersection improvements design for State Highway 33 in the vicinity of Gillette Road using Transportation Economic Development (TED) Program grant funding.

MOTION: Councilor Kolodge moved and Councilor Lamb seconded the motion to approve the preliminary design for the reduced conflict intersection improvements to State Highway 33 in the vicinity of Gillette Road. The motion carried unanimously (7-0).

EMERGENCY ORDINANCE REQUIRING FACE COVERINGS

MOTION: Councilor Wilkinson moved and Councilor Lamb seconded the motion to approve **ORDINANCE NO. 489A, AN EMERGENCY ORDINANCE TO CREATE SECTION 4.10 OF THE MUNICIPAL CODE REQUIRING FACE COVERINGS WITHIN INDOOR SPACES OF PUBLIC ACCOMMODATION EFFECTIVE AUGUST 1, 2020; and RESOLUTION NO. 20-46, A RESOLUTION AUTHORIZING THE PUBLICATION OF A SUMMARY OF ORDINANCE NO. 489A.** The motions passed (5-2), Councilors Kolodge and Langley opposed.

Ordinance No. 489A

Section 1. That Section 4.10 of the Municipal Code be created and read as follows:

4.10.01 Face Covering Requirement - Purpose

(a) Face coverings are a simple barrier to help prevent respiratory droplets from traveling into the air and onto other people when the person wearing the face covering coughs, sneezes, talks, or raises their voice. This is called source control.

(b) Respiratory droplets spread the virus that causes COVID-19 and recent evidence from clinical and laboratory studies show face coverings reduce the spray of droplets when worn over the nose and mouth.

(c) COVID-19 spreads mainly among people who are in close contact with one another (within about 6 feet), so the use of face coverings is particularly important in settings where people are close to each other or where social distancing is difficult to maintain.

(d) Social distancing is difficult to maintain while indoors at business establishments.

4.10.02 Definitions.

For the purposes of this Section, the following words and phrases shall mean:

(a) A Space of Public Accommodation means a business, or an educational, refreshment, entertainment, or recreation facility, or public transportation, or an institution of any kind, whether licensed or not, whose goods, services, facilities, privileges, advantages, or accommodations are extended, offered, sold, or otherwise made available to the public. Examples include retail stores, rental establishments, public transportation, facilities, and bus shelters, government buildings, places of worship, and service establishments as well as educational institutions, recreational facilities, and service centers.

(b) Face Covering means wearing a face mask, face shield, N95 respirator, neck gaiter, or fitted piece of material that:

- (1) Covers the mouth and nose;
- (2) Fits snugly against the side of the face; and
- (3) Is secured on the face.

4.10.03 Face Covering Required Indoors.

(a) A Space of Public Accommodation Shall Require Face Coverings Indoors. It shall be unlawful for a Space of Public Accommodation to allow a person to enter or remain indoors their Space of Public Accommodation without wearing a Face Covering.

(b) Face Covering Required Indoors a Space of Public Accommodation. It shall be unlawful for a person to enter or remain indoors a Space of Public Accommodation without wearing a Face Covering.

(c) Required Notices. Spaces of Public Accommodation shall post notice of this Face Covering requirement in conspicuous locations inside and outside entrances to their Space of Public Accommodation.

(d) Exceptions. Sections (a)-(c) shall not apply to:

- (1) Persons under the age of ten years old;
- (2) Persons unable to wear Face Coverings for medical reasons;
- (3) Persons in a private room of a multi-tenant residence, such as an apartment building, or lodging establishment, such as a hotel, motel, or vacation rental. Face Coverings must be worn in all indoor common areas of said establishments;
- (4) Business patrons who are actively eating and/or drinking provided that all individuals wear a Face Covering when walking to or from their seat and while standing in or walking through public areas such as lobbies and restrooms;
- (5) Business owners, managers, and employees who are in an area of a business establishment that is not open to customers, patrons, or the public, provided that six feet of distance exist between persons;
- (6) Education and childcare facilities with written plans in compliance with state guidelines;
- (7) Fitness facilities with written plans in compliance with state guidelines;
- (8) In settings where it is not feasible to wear a Face Covering, including when obtaining or rendering goods or services such as the receipt of medical or dental services, swimming, or while actively participating in organized athletic competitions or practices; and
- (9) Police officers, fire fighters and other first responders when not practical or engaged in a public safety matter.

4.10.04 Violations- Penalties

(a) Violations of this Section 4.10 by Spaces of Public Accommodation are punishable by one or more of the following:

- (1) Issuance of warning letter(s);
- (2) Fines not to exceed those set in accordance with Section 7.1.02 of this Code and a fine as provided in Section 15.1 of this Code for first and second offenses; and/or
- (3) Misdemeanor criminal prosecution pursuant to Minnesota Statutes Section 12.45.

(b) Violations of this Section 4.10 by persons are punishable by one or more of the following:

- (1) Civil trespass from the Space of Public Accommodation;
- (2) Fines not to exceed those set in accordance with Section 7.1.02 of this Code and a fine as provided in Section 15.1 of this Code for first and second offenses; and/or
- (3) Criminal prosecution, if applicable, for criminal trespass in violation of Minnesota Statutes Section 609.605.

4.10.05 Duration and Severability

(a) In the event that the State of Minnesota Governor Tim Walz ends his Declaration of Local Emergency related to COVID-19 pursuant to Minnesota Statutes Section 12.29, this entire Section 4.10 shall become null and void.

(b) In the event any provision of this Section 4.10 is preempted by executive order of State of Minnesota Governor Timothy Walz, those provisions of Section 4.10 shall become null and void.

Section 2. Effective Date. This Ordinance shall take effect and be in force immediately upon adoption and passage by the City Council due to the current health emergency.

Resolution No. 20-46

On July 21, 2020, at its regular City Council meeting, the City of Cloquet adopted Ordinance 489A. The purpose of the Ordinance is to create Section 4.10 requiring face coverings within indoor spaces of public accommodation.

The specific title of the Ordinance adopted is “An Emergency Ordinance to Create Section 4.10 of the Municipal Code Requiring Face Coverings Within Indoor Spaces of Public Accommodation”.

The purpose of the new Ordinance is to require face coverings in spaces of public accommodation where social distancing is difficult to maintain, to prevent respiratory droplets from traveling into the air and onto other people when the person wearing the face covering coughs, sneezes, talks or raises their voice, helping to prevent the spread of COVID-19.

The full Ordinance is available to the public at the City Clerk’s Office during regular office hours.

RESCHEDULE AUGUST 5TH CITY COUNCIL MEETING

MOTION: Councilor Kolodge moved and Councilor Swanson seconded the motion to reschedule the August 5, 2020 City Council meeting to the original date of August 4, 2020, due to National Night Out being cancelled because of the COVID-19 pandemic. Motion carried unanimously (7-0).

APPOINTMENT OF INVESTIGATIONS COMMANDER

MOTION: Councilor Swanson moved and Councilor Lamb seconded the motion to approve the appointment of Interim Investigations Commander Adam Reed effective July 21, 2020 to the permanent position of Commander, Investigations and Administration. The motion passed unanimously (7-0).

ORDERING REMOVAL OF PUBLIC NUISANCE AND HAZARDOUS BUILDING

MOTION: Councilor Lamb moved and Councilor Carlson seconded the motion to approve **RESOLUTION NO. 20-42, ORDERING THE REMOVAL OF A PUBLIC NUISANCE AND HAZARDOUS BUILDING/HAZARDOUS EXCAVATION**

LOCATED AT 1360 ROLAND ROAD, CLOQUET MN. The motion carried unanimously (7-0).

WHEREAS, pursuant to Cloquet City Code §§ 10.3.07 subd. 1 and 7.1.01 to 7.1.07 and Minn. Stat. §§ 463.15 to 463.25, the City Council of the City of Cloquet finds the residence on the property located at 1360 Roland Road, Cloquet, MN (PIN 06-570-0400) to be a public nuisance and hazardous building/excavation for the following reasons:

1. The home was damaged by a fire on April 12, 2019. The fire damaged structure was removed on July 2, 2019 and it is unknown whether demolition included proper disconnection between the street and home by the demolition contractor of gas and electric utility connections. The former home's foundation was left open onsite and the former home's rear entry addition that is tied in with the former home's foundation system was left standing with the stated intent to rebuild.

2. An inspection was conducted on this building April 8, 2020 by the Cloquet Building Official; the inspection concluded the foundation remains open which constitutes a hazardous excavation; the fencing around the open foundation hole is no longer secure, and the former home's rear entry still stands as it is tied into the former home's foundation system which constitutes a hazardous structure.

3. On April 14, 2020 the Building Official issued an Order to Secure Fencing immediately around the hazardous excavation and to repair or remove the hazardous excavation and hazardous building/structure within 60 days pursuant to City Code § 10.3.07 Subd. 1, City Code §§ 7.1.01 to 7.1.07, and Minn. Stat. §§ 463.15 to 463.25.

4. On May 4, 2020 the Building Official re-inspected the property and found no change in the condition of the fence or in the hazardous building/excavation. The Building Official then directed city crews to install secured fencing around the hazardous excavation which was accomplished on May 5, 2020 and work was invoiced at the expense of \$90 to the property owners of 1360 Roland Road, an invoice which remains unpaid.

5. The Building Official re-inspected the property on June 15, 2020 and found no action by the property owners with regard to the hazardous building or excavation.

WHEREAS, the conditions listed above, which are more fully documented in the Building Inspection photos and Report prepared by Building Official Matt Munter on June 15, 2020, a copy of which is attached hereto as Exhibit A, which conditions have further deteriorated to date, make clear that due to partial demolition, neglect and deterioration, the residence located on the property at 1360 Roland Road endangers and constitutes a hazard to public health and safety, and is therefore declared to be a Public Nuisance and Hazardous Building/Excavation; and

WHEREAS, the legal description for 1360 Roland Road is as follows:

Lot 20, Block 1, ANTUS SECOND ADDITION TO THE CITY OF CLOQUET, according to the Plat thereof on file and of record in the office of the County Recorder, in and for Carlton County, Minnesota,

WHEREAS, the owners of record of said property are Heather and Adam Culbert, (herein OWNERS).

WHEREAS, OWNERS have failed to comply with the April 14, 2020 Order to Repair or Remove Hazardous Conditions; and

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

WHEREAS, the property is vacant and has been secured by THE CITY, with corrective fencing installed on May 5, 2020 and invoiced \$90 to the owners which remains unpaid; and

WHEREAS, pursuant to a search of the records of the Carlton County Recorder's Office, the City does not find and is not aware of any lienholder of record of said parcel other than Carlton County for delinquent 2019 property taxes in the amount of \$1,769.16 as of June 23, 2020 and no payment to date on 2020 property taxes or special assessments; and

WHEREAS, bids for complete demolition and cleanup of the residence which constitutes a Public Nuisance and Hazardous Building/Excavation at 1360 Roland Road have been received in amounts ranging from \$6,989 to \$16,800; and

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

1. That pursuant to the foregoing findings and in accordance with Cloquet City Code § 7.1.07, and Minn. Stat. § 463.151 or § 463.16 (as appropriate), the Council orders the demolition and cleanup of the residence at 1360 Roland Road, which constitutes a Public Nuisance and Hazardous Building/Excavation, which cleanup shall be commenced by OWNER within 20 days from the date of service of this Resolution/Order upon OWNER.
2. OWNER has 20 days from the date of service of this Resolution/Order to serve an answer in the manner provided for the service of an answer in a civil action, specifically denying such facts in the Resolution/Order as are in dispute; or to provide to City a signed Consent to Enter Property for Removal of Public Nuisance and Vacant Hazardous Building/Excavation; or to commence with demolition and cleanup.
3. The City Attorney shall file a copy of this Resolution/Order, with proof of service attached, with the Carlton County District Court within 14 days of service upon the OWNER, and shall at the same time file for record with the County Recorder a Notice of Pendency of the proceeding, and shall file a motion for summary enforcement of this Resolution/Order one week thereafter unless OWNER has taken corrective action, or has provided the City with a signed Consent to Enter Property for Removal of Public Nuisance and Vacant Hazardous Building/Excavation, or unless an answer has been filed.
4. Upon receipt by City of a signed Consent to Enter Property for Removal of Public Nuisance and Vacant Hazardous Building/Excavation, or upon entry of judgment by the Carlton County District Court allowing enforcement of the Resolution/Order, demolition and cleanup of the Public Nuisance and Hazardous Building/Excavation shall be commenced by the City or any of its designated agents as soon thereafter as is reasonably possible.
5. That in accordance with Minn. Stat. § 463.21 & § 463.24, when said Public Nuisance and Hazardous Building/Excavation is cleaned up and removed by the City, the City may sell personal property, fixtures, and/or salvage materials at public auction after three days posted notice, or if without appreciable value, the City may destroy the same.
6. That the Council approves payment of up to \$6,989.00 in demolition and cleanup costs by the City which will be specially assessed against the property and collected in accordance with Minn. Stat. §§ 463.151, and 463.21, and shall be payable in a single installment.
7. That the City Attorney is authorized to proceed with the preparation of all documents and the taking of all actions necessary for enforcement of this Resolution/Order, including the filing of an action in the District Court for any appropriate Order needed.

CONDEMNATION OF 611 ADAMS STREET

MOTION: Councilor Lamb moved and Councilor Wilkinson seconded the motion to approve **RESOLUTION NO. 20-43, APPROVING CONDEMNATION OF 611 ADAMS STREET AND APPROVING CLOQUET ECONOMIC DEVELOPMENT AUTHORITY OVERSIGHT OF PROPERTY REDEVELOPMENT FOLLOWING THE PROPERTY TAKING UTILIZING EDA FUNDS.** The motion carried unanimously (7-0).

WHEREAS, pursuant to Cloquet City Code §§ 10.3.07 subd. 1 and 7.1.01 to 7.1.07 and Minn. Stat. §§ 463.152, the City Council of the City of Cloquet finds the residence on the property located at 611 Adams Street (PIN 06-065-0220) to be a vacant hazardous building and a public nuisance for the following reasons:

1. The home has been disconnected from water and sewer utility service since October 2016. Water and sewer service are required by Cloquet City Code § 10.3.05 subd. 2 subp. B.
2. An inspection was conducted on August 27, 2019 by the Cloquet Building Official which concluded the structure was in disrepair due to years of neglect causing the collapse of the roof above the front porch, collapse of the northwest overhang, and collapse of the south side dormer causing the supporting wall to be pushed out and supported by a tree. The collapse of parts of the structure resulted in a portion of the wall to detach and open allowing for potential trespass. The report concludes that the property is a vacant hazardous building and a public nuisance and should be demolished.

3. On November 21, 2019, the Building Official issued an Order to Remove Vacant Hazardous Building pursuant to City Code §§ 10.3.07 subd. 1 and 7.1.01 to 7.1.07 and Minn. Stat. §§ 463.152 providing 120 days to comply. There has been no response or attempt to remove the vacant hazardous building.

WHEREAS, the conditions listed above, which are more fully documented in the Building Inspection photos and Report prepared by Building Official Matt Munter on November 21, 2019, a copy of which is attached hereto as Exhibit A, which conditions have further deteriorated to date, make clear that due to years of neglect causing areas of the structure to collapse, the residence located on the property at 611 Adams Street constitutes a hazard to public health and safety, and is therefore declared to be a Vacant Hazardous Building and a Public Nuisance that should be demolished; and

WHEREAS, the complete legal description for the property at 611 Adams Street is as follows:

Lot 7, COUNTY AUDITOR'S SUBDIVISION NO. 4, EXCEPT a parcel of land located in Lot 7, County Auditor's Subdivision No. 4, described as follows: COMMENCING at the Northwest corner of said Lot 7 for a place of beginning, thence southerly along the West line of said Lot 7 for a distance of 183 feet, thence at right angles easterly along a line parallel to the north line of said Lot 7, a distance of 115 feet; thence at right angles northerly along a line parallel to the West line of said Lot 7, a distance of 183 feet to the north line of said Lot 7; thence westerly along the North line of said Lot 7 a distance of 115 feet to the place of beginning, and EXCEPT a tract of land in Lot 7, County Auditor's Subdivision No. 4, more particularly described as follows, to-wit; COMMENCING at the Southeast corner of said Lot 7; thence West on the South line thereof a distance of 115 feet to a point; thence at right angles North a distance of 61 feet to a point; thence at right angles East a distance of 115 feet to the East boundary line of said Lot; thence South along said boundary line a distance of 61 feet to point of beginning. EXCEPT East 115 feet of North 61 feet of Lot 7, Auditor's Subdivision No. 4.

Parcel ID No.: 06-065-0220

WHEREAS, the owner of record of said property is Alice R. Siam who is deceased (DOD: 01/30/1996), (herein OWNER); and

WHEREAS, the City is authorized to acquire the property by direct purchase or by condemnation pursuant to Minn. Stat. § 412.211 and Chapter 117 of the Minnesota Statutes; and

WHEREAS, OWNER and their successors and assigns have failed to comply with the November 21, 2019 Order to Remove Vacant Hazardous Building; and

WHEREAS, the City may proceed with demolition of the Vacant Hazardous Building by Judgment of the District Court through condemnation proceedings, allowing City to take the property and thereafter perform any demolition and cleanup that is necessary to remove the Vacant Hazardous Building and Public Nuisance; and

WHEREAS, the Economic Development Authority has funds available to pay for the acquisition of the property and to aid in redevelopment of the property after demolition including but not limited to working with the City Attorney (as needed) to prepare and file appropriate lot line adjustments/subdivisions or obtaining exchange deeds with adjoining property owners, zoning changes, obtain property survey(s), and collecting bids from contractors for stick built construction in the new development; and

WHEREAS, pursuant to a search of the records of the Carlton County Recorder's Office, the City does not find and is not aware of any lienholder of record of said parcel other than Carlton County for delinquent 2019 property taxes in the amount of \$344.98 as of July 14, 2020 and no payment to date on 2020 property taxes or special assessments;

WHEREAS, the City Council of the City of Cloquet has considered this matter and believes that it is in the best interests of the City to acquire the property by direct purchase through good faith negotiation, or if an agreement cannot be reached, through the exercise of the City's power of Eminent Domain under the quick-take provisions.

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

1. The City finds that the condemnation, demolition and cleanup will remove a danger and hazard to public safety and redevelopment will result in a significant public benefit to the City's housing market and to the City as a whole providing additional needed opportunities for housing.
2. That the property be acquired by the City by direct purchase through good faith negotiation (pursuant to Minn. Stat. § 117.036) for no more than the appraised value (plus costs pursuant to Minn. Stat. § 117.232) unless further approved by this Council, or if an agreement cannot be reached, by condemnation through the exercise of the City's power of Eminent Domain.
3. That pursuant to the foregoing findings and in accordance with Cloquet City Code § 7.1.07, and Minn. Stat. § 463.152 (as appropriate), the Council orders the condemnation, demolition, cleanup, and redevelopment of the residence at 611 Adams Street, which constitutes a Vacant Hazardous Building and a Public Nuisance, which demolition and cleanup shall be commenced by the City at the conclusion of a condemnation proceeding commenced in Carlton County District Court if City is unable to first acquire the property by direct purchase in lieu of condemnation proceedings.
4. OWNER and their successors and assigns have 20 days from the date of service of this Resolution/Order to serve an answer in the manner provided for the service of an answer in a civil action, specifically denying such facts in the Resolution/Order as are in dispute; or to provide an acceptance of an offer to purchase by the City for the estimated market value of the property valued at \$10,000.00.
5. That the Council endorses the Cloquet EDA's use of their funds to purchase the property (anticipated \$10,000) in lieu of condemnation or as damages in any condemnation proceeding; pay delinquent taxes (\$344.98), special assessments (\$200.00), and taxes currently due and owing (\$558.00); initiation of demolition and cleanup (anticipated \$15,000); hiring of property surveying (anticipated \$3,500); and estimated legal expenses of \$5,000.00 if the condemnation action is unopposed.
6. That the City Attorney working with the City Administrator and Community Development Director are authorized to proceed with the preparation of all documents and the taking of all actions necessary for enforcement of this Resolution/Order, including negotiating with the OWNER and their successors and assigns for direct purchase in lieu of condemnation, the filing of an action in the District Court including a condemnation action if required, for any appropriate Order needed, preparation and filing of appropriate lot line adjustments, subdivisions, legal descriptions, exchange deeds, and review of surveys.

AMENDING SECTIONS 11.3 AND 11.4 OF THE CITY CODE TO ADDRESS THE NEED FOR THE REDUCTION OF I&I INTO THE MUNICIPAL SEWER SYSTEM

MOTION: Councilor Swanson moved and Councilor Carlson seconded the motion to adopt **ORDINANCE NO. 490A, AMENDING SECTIONS 11.3 AND 11.4 OF THE CITY CODE TO ADDRESS THE NEED FOR THE REDUCTIN OF INFLOW AND INFILTRATION INTO THE MUNICIPAL SEWER SYSTEM TO MEET COMPLIANCE STANDARDS OF THE WLSSD; RESOLUTION NO. 20-45, AUTHORIZING THE PUBLICATIN OF A SUMMARY OF ORDINANCE NO. 490A;** and the amendment of the 2020 Fee Schedule associate with I&I code revision. The motion carried unanimously (7-0).

ORDINANCE NO. 490A

Purpose. In accordance with the inherent powers of the City Council, all changes to the City Code can and must be made by Ordinance.

WHEREAS, the City Council has been advised by the Western Lake Superior Sanitary District (hereinafter referred to as WLSSD), that to protect the health, welfare and safety of the public and the environment there is a need to minimize infiltration and overflows into the wastewater conveyance and treatment system; and,

WHEREAS, the recommendation has been duly made to the City Council by its City Engineer that the City adopt new standards and modify its City Code to better meet the goals of limiting infiltration into the sanitary sewer system such that clean water does not enter the treatment system unnecessarily causing an increase in the amount of wastewater originating in the City that has to be treated by the WLSSD; and,

WHEREAS, the City Council has concluded that the changes being proposed are in the best interests of the City:

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF CLOQUET, MINNESOTA, HEREBY ORDAINS THE FOLLOWING EFFECTIVE SEPTEMBER 1, 2020:

SECTION 1: The following code provisions in **Section 11.3. Water System** of the City Code will be changed or replaced as follows:

1. The last paragraph of **Section 11.3.03 Plumbing Regulations** of the City Code regarding the Water System will be replaced with the following paragraph:

All non-metallic water and sewer pipes shall be installed with a locating (tracer) wire and shall meet requirements set forth in City of Cloquet Engineering Standards and as directed by the City Engineer, to facilitate the locating of these underground utilities.

SECTION 2: The following code provisions in **Section 11.4. Sanitary Sewer System** of the City Code will be changed or replaced as follows:

1. **Section 11.4.07. Use of Public Sewers Subd. 1 Unpolluted Water** will be replaced with the following Subd. 1:

Subd. 1. Unpolluted Water Prohibited.

- (a) No leak, break, or failure to function of a building sewer, or connection of area way drains, perimeter foundation drains, rain leaders, down spouts or rain connector, or any condition of the building sewer that allows other sources of unpolluted waters, such as storm water, ground water, roof run-off, sub-surface drainage, unpolluted industrial water or cooling water, to enter a building sewer or building drain which is connected directly or indirectly to a public sanitary sewer shall be made or allowed to exist. From time to time, the City may offer programs, grants or incentives in an effort to improve the sanitary collection system. Regardless of these measures, it is the policy of the City to inspect, enforce and attain compliance with the provisions of the City Code for all buildings and sewers. Enforcement actions separate from any program or incentive are proper.
- (b) Upon completion of any construction, reconstruction or repair which includes excavation of any kind or replacement of any building sewer, said building sewer shall be capable of passing an air test in accordance with the plumbing code. Any such building sewer not capable of passing such air test shall either be further repaired or replaced in its entirety until it passes such air test.
- (c) No person owning or controlling, in whole or in part, any building shall allow any condition or connection prohibited in subsection (a) above to be made or to exist, or shall fail to cause discovery of the defect or of being ordered to make such disconnection or repair by the director. Any homeowners with a redirected sump pump that deliberately discharges into the sanitary sewer system will be fined up to \$500 upon conviction of each offense.
- (d) No person shall tamper with, modify or make any change to any plumbing materials or equipment necessary to prevent non-compliance with the requirements of Section (a) above; nor, shall any owner or person owning or controlling any building allow any person to so tamper with, modify or make any changes to such materials or equipment in such building or fail to maintain in fully functional condition such materials and equipment.

2. **Section 11.4.07. Use of Public Sewers Subd. 2 Septage** will be replaced with the following:

Subd. 2 Septage. Septage will only be discharged or deposited into the Sanitary Sewer at locations specifically designated by WLSSD.

3. The entire **Section 11.4.09 Powers and Authority of Inspectors** shall be replaced with the following Section 11.4.09:

11.4.09. Designation of Sewer Basin for Inspection; inflow and infiltration reduction (I & I) program notice of disconnect requirement

Subd. 1. Sewer Basin Designation for I & I program; Notice; Extensions.

Upon the recommendation of the Public Works Director, the Council shall designate by written resolution the basin or basins in the City wherein the City can best utilize its available resources to reduce the amount of unpolluted water entering or

infiltrating the City's wastewater collection system, which shall constitute the authorization of the I&I program in the sewer basin for the inspection of all buildings located herein for compliance with the requirements of Section 11.4.07(a). The Council resolution shall require the televised inspection of a specified minimum number of building services located within the designated basin or basins annually. Such resolution shall direct the director to notify, in writing, the owners and persons in control of premises connected with the sanitary sewer within such basin to disconnect any prohibited drain or device and to remedy any circumstance of the building sewer that allows unpolluted water into the wastewater collection system, all within one (1) year after the date of such notice. The property owner may apply to the Public Works Director for an extension to the correction period. Application for extension to the Director shall include documentation of attempts to resolve the conditions that make the connection non-compliant as well as provide a schedule to implement corrections to the non-compliant installation. Such notice shall be directed by the director to the owner or person in control of the affected property at the post office address of the person applying for or paying for sewer service for such premises. When so deposited in the post office of the United States, or an adjunct thereof, such deposit shall constitute due service of the notice upon the owner or controlling person therein named.

Subd. 2. Entry for Inspections; Building Sewer Improvement, I&I Program and Private Sewer.

- (a) Upon designation of any sewer basin pursuant to Subd. 1 above, the Public Works Director shall cause all buildings within said sewer basin to be inspected for compliance with Section 11-4-07 above. Upon determination that any building does not comply with Section 11-4-07 above and does not qualify for a certificate of non-contribution, the Director shall issue an order to disconnect any portion of the plumbing of such building in violation of said Section 11-4-07, or do any act required to attain compliance;
- (b) No person shall fail or refuse to allow the Public Works Director to inspect any building to determine whether the plumbing of such building complies with the requirements of Section 11-4-07 above after having been given reasonable advance notice of the Public Works Director's intent to do so; such notice may be given by mail as provided for in subd. 1 above or in person or by posting notice thereof on the premises to be inspected. In the event that the owner or person in control of any building deny or refuse to allow the director to inspect any such building after notice has been given, the Public Works Director may allow the inspection to be made by a qualified person who is not a city employee, in a manner acceptable to the director, having results reported and supported by evidence acceptable to the Director, all at the owner's expense. If the owner or person in control refuses to allow any sufficient inspection, the director shall use such other means as are authorized by law, including but not limited to securing a search warrant for such building or a court order requiring that access be granted in order to gain access to conduct such inspection.
- (c) (1) The Public Works Director, using uniform criteria, shall determine which properties and/or building sewers in the district shall be included in the I&I program. For each building sewer included in the I&I program, sewer inspections required by the Director for purposes of the program will be performed by city employees or agents without charge. (2) Pursuant to the authority of Minnesota Statutes Section 471.342 and any successor thereto, the City hereby establishes the Cloquet private sewer service grant/loan program hereinafter referred to as the "private sewer service program," as part of the City's inflow and infiltration program. Said program shall be available for use on properties located within basins designated pursuant to paragraph (a) above which have been specifically designated or those properties that voluntarily choose to participate and prove to the Public Works Director's satisfaction that their existing sanitary service is experiencing inflow or infiltration shall be designated as eligible therefor in writing by the director. The City Council is hereby authorized to approve, by resolution, program guidelines establishing criteria for program eligibility and standards for compliance with the program. Pursuant to said guidelines the City may provide grants or loans or both to private property owners for the repair, reconstruction or lining of private sanitary sewer laterals which are eligible therefore pursuant to the private sewer service program guidelines;
- (d) A property remains subject to all applicable standards, requirements, and penalties of this Chapter regardless of whether or not it is selected for the I&I program.

Subd. 3. Certificate of Non-Contribution

- (a) Upon inspection of any building by the Public Works Director for compliance with the requirements of Section 11-4-07 above, and based on that inspection, the Director is authorized to issue a certificate of non-contribution if he or she determines either that:
- (1) The sump pump and footing drain disconnect, are in compliance with Section 11-4-07 above; or
 - (2) The plumbing materials and equipment as installed and operating in that building are in compliance with the requirements of Section 11-4-07 above; or
 - (3) The plumbing and equipment in said building is not in compliance with the requirements of Section 11-4-07 above but the Public Works Director determines that the building is not contributing any material or observable amounts of unpolluted water to the public wastewater collection system and is not likely to do so in the future.
- (b) Certificates of non-contribution shall only be issued by the Public Works Director and persons designated by him or her to issue such certificates. The Public Works Director shall establish standards and procedures for certifying persons authorized to issue certificates of non-contribution on his or her behalf.
- (c) In the event that the Director determines after reasonable investigation that any building for which a certificate of non-contribution has been issued is now contributing a material or observable amount of unpolluted water to the public wastewater collection system, the Public Works Director may give notice in the matter provided for in Subd. 2 above of his or her intention to revoke such certificate of non-contribution and that such revocation shall become final 15 days from the date of giving such notice unless the affected owner or person in control of the affected building files a written appeal of that decision with the City Clerk prior to the revocation of the certificate. Any such appeal shall be heard by the Cloquet City Council in accordance with the procedures established by the Council. When the revocation of any certificate of non-contribution has become final, the Public Works Director shall cause notice to be provided to the property owner stating the revocation has been finalized.

Subd. 4. Repairs Required at Time of Sale.

- (a) This Subd. 4 applies to transfers of ownership of or possessory rights in property which is required to be served by the city's public sanitary sewer.
- (b) Unless there is then in effect a valid Point of Sale (POS) certificate pertaining to such property, upon the signing and acceptance of a legally binding offer to purchase or at least 15 days before a transfer of title to, or the entering into of a contract for deed for, real estate, which sale, transfer or contract gives a party other than the seller or transferor a right of possession, whichever occurs first, the seller or transferor shall notify the director of the date of the proposed sale or transfer closing and arrange for a building sewer inspection to determine whether the property requires a sump pump and footing drain disconnect in order to be in compliance with this Chapter. The seller or transferor shall pay an inspection fee as set in the City's Fee Schedule, to the City in advance of the inspection to defray the City's costs of such inspection in an amount established from time to time by resolution of the City Council. No person shall sell, transfer or enter in a contract for deed for or contract for sale of real estate, which sale, transfer or contract gives a party other than the seller or transferor a right of possession in any property, nor shall any person purchase, accept transfer of or enter into any contract for deed or contract for sale of real property as transferee which sale, transfer or contract results in such person acquiring a right of possession in any property unless the Public Works Director has been notified and the property so inspected, except as provided in subsection (e) below.

A POS certificate valid only for the proposed sale shall be issued where such property inspection finds there is a footing drain contribution only and determines there is no sump pump or the sump pump is not in use or is malfunctioning, and the buyer agrees to make required repairs within 120 days following the sale, but such POS certificate shall not evidence total compliance with all of the requirements of Section 11-4-07 above.

If the required repairs are not satisfactorily completed within said 120-day period, the owner or customer shall be charged a monthly surcharge each month until the repairs are satisfactorily completed, which surcharge shall be set in the City's fee schedule.

- (c) If, upon the inspection provided for in subparagraph (b) above, the Public Works Director determines that the property qualifies, the Public Works Director shall issue or cause to be issued a POS certificate which shall be valid for the proposed sale or transfer related to that inspection and for any other such sale or transfer occurring within ten (10) years of said proposed sale or transfer unless the Public Works Director determines in the exercise of his or her discretion that there is sufficient reason to believe that said POS certificate does not accurately represent the existing condition of the property in question. Provided, however, if the Public Works Director has issued a POS certificate because the building served by sanitary sewer on the subject property does not have a basement or cellar, said certificate shall continue to be valid unless and until revoked by the Director or at the Director's determination in the exercise of his or her discretion that there is sufficient reason to believe that the POS certificate does not accurately represent the existing condition of the property in question.
- (d) In the event that the Director receives notice of a proposed sale or transfer and request for city inspection which complies with the requirements of subsection (b) above, but the department fails to complete the inspection required by this Section prior to the date of the proposed closing contained in the notice or date of the actual closing, whichever is later, the Director shall provide a temporary waiver of the inspection requirement contained in subsection (b) above which shall be effective until the department shall offer to perform the required inspection on the property during ordinary business hours. The department shall attempt to make reasonable accommodation to the schedule of the acquiring party. Such waiver shall be subject to the acquiring party agreeing in writing to allow representatives of the department to enter upon the property for the purposes of making the inspection and shall be effective only until the date the department proposes to make such inspection. Upon the inspection being made under this subsection, the property inspected and the acquiring party shall be subject to the requirements of this Article as if the inspection had been made prior to closing.
- (e) The requirements for a POS certificate do not apply in the following cases:
1. Conveyance by court order for wills, probates, divorce, estate settlements;
 2. Transfers that do not require the filing of a Certificate of Real Estate Value;
 3. Transfers of vacant land or land with buildings without plumbing fixtures;
 4. The conveyance is a deed in fulfillment of a contract for deed.
- (f) In the event that neither the seller or transferor nor the acquiring party shall have paid for the inspection provided in paragraph (b) above within 30 days of the date of closing on the sale or transfer of the subject property, and such inspection was made and POS certificate issued, the City shall have the right to assess the amount owed against the property.

Subd. 5. Indemnification. While performing the necessary work on private properties referred to in Section 11.4.09, Subd. 1, above, the City Engineer or duly authorized employees of the City and the WLSSD shall observe all safety rules applicable to the premises established by the owner, and the owner shall be held harmless for injury or death to such employees, and the City and the WLSSD respectively shall indemnify the owner against loss or damage to its property by City and WLSSD employees and against liability claims and demands for personal injury or property damage asserted against the owner and growing out of the gauging and sampling operation, except as such may be caused by the negligence of the owner or the failure of the owner to maintain safe conditions as required under this ordinance.

Subd. 6. Easements. The City Engineer and other duly authorized employees of the City and WLSSD bearing proper credentials and identification shall be permitted to enter all private properties through which the City holds an easement for the purposes of, but not limited to, inspection, observation, measurement, sampling, repair, and maintenance of any portion of the Wastewater facilities lying within said easement. All entry and subsequent work, if any, on said easement, shall be done in full accordance with the terms of the easement pertaining to the private property involved.

RESOLUTION NO. 20-45

On July 21, 2020, at its regular City Council meeting, the City of Cloquet adopted Ordinance 490A. The purpose of the Ordinance was to bring the City Code into

compliance with inflow and infiltration standards and guidelines provided by the Western Lake Superior Sanitary District regarding the operation of the city sanitary sewer system.

The specific title of the Ordinance adopted is “An Ordinance Amending Sections 11.3 and 11.4 of the City Code to Address the Need for the Reduction of Inflow and Infiltration into the Municipal Sewer System to Meet Compliance Standards of the WLSSD.”

The purpose of the new Ordinance is to modify the existing City Code provisions to minimize and address sources of clean water inflow and infiltration into the city sanitary sewer system in an attempt to reduce such volumes and the need for sewage treatment by the WLSSD.

The full Ordinance is available to the public at the City Clerk’s Office during regular office hours.

COVID-19 UPDATE

City Administrator Peterson stated staff continues to follow CDC COVID-19 guidelines and will also begin to wear masks in common areas of City Hall on August 1st unless the Governor puts a statewide mandate in place with a different start date.

COUNCIL COMMENTS, ANNOUNCEMENTS, AND UPDATES

City Administrator Peterson encouraged absentee voting for the August 11th Primary and November 3rd General Elections. There is also a need for election judges.

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



Tim Peterson, City Administrator