



CITY OF CLOQUET

**City Council Agenda
AMENDED**

Tuesday, May 18, 2021

6:00 p.m.

VIA TELECONFERENCE

Council Meeting: + 1 (872) 240-3212

Access Code: 163-158-477

1. **Roll Call**

2. **Pledge of Allegiance**

3. **Approval of Agenda**

- a. Approval of May 18, 2021 Council Agenda

4. **Approval of Council Minutes**

- a. Regular Council Minutes from the May 4, 2021 meeting

5. **Public Comments**

Please give your name, address, and your concern or comments. Visitors may share their concerns with the City Council on any issue of public business. Each person will have 3 minutes to speak. The Mayor reserves the right to limit an individual or successive individual's presentation if they become redundant, repetitive, irrelevant, or overly argumentative. All comments will be taken under advisement by the City Council. No action will be taken at this time.

6. **Consent Agenda**

Items in the Consent Agenda are considered routine and will be approved with one motion without discussion/debate. The Mayor will ask if any Council members wish to remove an item. If no items are to be removed, the Mayor will then ask for a motion to approve the Consent Agenda.

- a. Resolution No. 21-27, Authorizing the Payment of Bills
b. Approval of Peddler's, Solicitors & Transient Merchants License – Carlton Co. Farmers' Market

7. **Public Hearings**

There are none.

8. **Presentations**

There are none.



**CITY OF CLOQUET
City Council Agenda
AMENDED
Tuesday, May 18, 2021**

9. Council Business

- a. Approval to Amend Policy and Procedure for Application to the City of Cloquet for Private Activity Revenue Bond Financing
- b. Authorize Bidding of SCADA System Upgrades
- c. Authorize 2021 John Deere 310SL Rubber Tire Backhoe Purchase
- d. Accept Quote for Supply and Installation of Required Fuel System Equipment
- e. Approval of 4th of July Celebration Events
- f. Approval of Ordinance No. 497A, Providing for the Repeal of Ordinance No. 489A and Section 4.10 of City Code Requiring Face Coverings
- g. Return to In-Person City Council Meetings Discussion
- h. City Hall Summer Hours

10. Council Comments, Announcements, and Updates

11. Adjournment

Via Teleconference
6:00 P.M. May 4, 2021

Regular Meeting

DRAFT

Roll Call

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

Councilors Absent: None

Pledge of Allegiance

AGENDA

MOTION: Councilor Swanson moved and Councilor Carlson seconded the motion to approve the May 4, 2021 agenda. The motion carried unanimously (7-0).

MINUTES

MOTION: Councilor Lamb moved and Councilor Wilkinson seconded the motion to approve the Regular Meeting minutes of April 20, 2021 as presented. The motion carried (7-0).

PUBLIC COMMENTS

There were none.

CONSENT AGENDA

MOTION: Councilor Jaakola moved and Councilor Lamb seconded the motion to adopt the Consent Agenda of May 4, 2021, approving the necessary motions and resolutions. The motion carried unanimously (7-0).

- a. Resolution No. 21-25 Authorizing the Payment of Bills and Payroll
- b. Approval of New On-Sale Liquor License – Pedro's Grill & Cantina

PUBLIC HEARINGS

There were none.

PRESENTATIONS

There were none.

YEAR END TRANSFERS FOR 2020

MOTION: Councilor Kolodge moved and Councilor Carlson seconded the motion to authorize the transfers for 2020 as detailed in the April 19, 2021 staff report. The motion carried unanimously (7-0).

APPROVAL OF PINE VALLEY SINGLE TRACK MOUNTAIN BYPASS TRAIL

MOTION: Councilor Jaakola moved and Councilor seconded the motion to accept the proposal from Trail Logic to construct a winter bypass of the ski jump single track trail. The motion carried unanimously (7-0).

AWARDING 2021 SPRING LAKE RESERVOIR BID

MOTION: Councilor Wilkinson moved and Councilor Swanson seconded the motion to adopt **RESOLUTION NO. 21-26, A RESOLUTION AWARDING 2021 SPRING LAKE RESERVOIR BID**. The motion carried unanimously (7-0).

WHEREAS, The City has completed plans and specifications for the rehabilitation of the round Spring Lake Reservoir and

This Ordinance will not affect consumers' ability to obtain a dog or cat of their choice directly from an animal shelter, or breed-specific rescue organization, or from a breeder where the consumer can see directly the conditions in which the dogs or cats are bred or can confer directly with the breeder concerning those conditions.

The City Council for the City of Cloquet believes it is in the best interests of the City of Cloquet to adopt reasonable regulations to reduce costs to the City and its residents, protect the citizens of the City who may purchase dogs or cats from a pet store or other business establishment, help prevent inhumane breeding conditions, promote community awareness of animal welfare, and foster a more humane environment in the City.

8.7.02 Pet Stores

A. No pet store shall sell, deliver, offer for sale, barter, auction, give away, or otherwise transfer or dispose of cats or dogs.

B. Nothing in this section shall prohibit pet stores from collaborating with animal shelters, animal rescue organizations, and animal control authorities to offer space for such entities to showcase adoptable dogs and cats inside pet stores. Such animals shall not be younger than 8 weeks old.

C. A pet store shall post and maintain a Certificate of Source in a conspicuous place on or within three feet of each dog's or cat's kennel, cage, or enclosure.

1. A Certificate of Source shall be provided to the adopter of any dog or cat.
2. Certificate of Source records for each dog or cat shall be maintained by a pet store for at least one year from the last date that a dog or cat appeared in the store.
3. Pet stores shall make Certificates of Source immediately available for review upon the request of a peace officer or animal control authority, or a humane agent pursuant to Minnesota Statutes section 343.06 acting on behalf of the City.
4. Falsification of a Certificate of Source shall be deemed a violation of this section.

D. A violation of this section shall constitute an Administrative Offense under Chapter 15 of City Code and subject the Pet Store Operator to the to the procedures and penalties contained therein.

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

ORDINANCE NO. 496A, PROVIDING FOR THE REPEAL OF CLOQUET CITY ORDINANCE NUMBERS 465A, 472A AND SECTION 9.2 OF CITY CODE REQUIRING PROJECT LABOR AGREEMENTS – SECOND READING

City Administrator invited public comment regarding Ordinance No. 496A. Council action will be taken after hearing public comment. Statements were heard from the following individuals in favor of the PLA:

Craig Olson
 Mike Wilde
 Rachel Goodsky
 Kyle Bukovich
 Dan Olson
 Keith Musolf
 Ben Row
 Jack Carlson
 Brian Nelson
 Derek Peterson
 Andy Campeau
 Chad Tuura
 Taylor Kolb
 Eric Walburg
 Don Smith

Those that spoke against the PLAs:

Lee Anderson
 Adam Hanson

MOTION: Councilor Kolodge moved and Councilor Swanson seconded the motion to approve **ORDINANCE NO. 496A, PROVIDING FOR THE REPEAL OF CLOQUET CITY ORDINANCE NUMBERS 465A, 472A, AND SECTION 9.2 OF THE CLOQUET CITY CODE REQUIRING PROJECT LABOR AGREEMENTS.** The motion carried (4-3), Councilors Carlson Swanson, Jaakola opposed.

NOW THEREFORE, the Mayor and City Council of the City of Cloquet do hereby ordain as follow”

SECTION 1. REPEALER

That Ordinance 465A, 472A and the Section 9.2 of the City Code requiring project labor agreements on City project contracts are hereby repealed.

SECTION 2. EFFECTIVE DATE

This Ordinance shall take effect and be in force from and after its passage and publication.

LIQUOR LICENSE FEES

MOTION: Councilor Carlson moved and Councilor Lamb seconded the motion to reduce liquor license fees by 50% for the 2021-2022 license period. The motion carried unanimously (7-0).

COUNCIL COMMENTS, ANNOUNCEMENTS AND UPDATES

Councilor Wilkinson expressed appreciation for the quick response to removing recent racist vandalism throughout the City.

Councilor Swanson thanked the Mayor for taking part in Arbor Day events at the Cloquet Middle School.

Holly Hansen thanked the Parks Department for taking part in the community clean up day sponsored by Boldt Construction.

Councilor Lamb relayed event information for the May 5th National Day of Awareness for Missing and Murdered Native Women in Canal Park.

Councilor Kolodge requested more information on police calls to city parks to get a handle on vandalism, etc.

City Administrator Peterson stated that City Hall opened to the public May 3rd and staff has returned to the office full time.

ADJOURNMENT

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

Tim Peterson, City Administrator



ADMINISTRATIVE OFFICES

101 14th Street Cloquet, MN 55720-1903
Phone: 218.879.3347 Fax: 218.879.6555
www.cloquetmn.gov

REQUEST FOR COUNCIL ACTION

To: Mayor and City Council *MK*
From: Mary Kay Hohensee-Mayer, Assistant Finance Director
Reviewed by: Tim Peterson, City Administrator
Date: May 18, 2021

ITEM DESCRIPTION: Payment of Bills

Proposed Action

Staff recommends the Council move to adopt **RESOLUTION NO. 21-27, A RESOLUTION AUTHORIZING THE PAYMENT OF BILLS.**

Background/Overview

Statutory Cities are required to have most claims authorized by the city council.

Policy Objectives

MN State Statute sections 412.271, Claims and Disbursements for Statutory Cities.

Financial/Budget/Grant Considerations

See resolution for amounts charged to each individual fund.

Advisory Committee/Commission Action

Not applicable.

Supporting Documents Attached

- a. Resolution Authorizing the Payment of Bills
- b. Vendor Summary Report
- c. Department Summary Report

**CITY OF CLOQUET
COUNTY OF CARLTON
STATE OF MINNESOTA**

RESOLUTION NO. 21-27

A RESOLUTION AUTHORIZING THE PAYMENT OF BILLS

WHEREAS, The City has various bills each month that require payment.

NOW, THEREFORE, BE IT RESOLVED, BY THE CITY COUNCIL OF THE CITY OF CLOQUET, MINNESOTA, That the bills be paid and charged to the following funds:

101	General Fund	\$	86,486.58
201	LDO Project Fund (EDA)		780.00
202	Federal CDBG Loan (EDA)		10,000.00
600	Water - Lake Superior Waterline		117,577.31
601	Water - In Town System		25,118.20
602	Sewer Fund		3,793.85
605	Stormwater Fund		19,901.64
614	CAT-7		1,368.38
701	Employee Severance Benefits		247.85
	TOTAL:	\$	<u>265,273.81</u>

**PASSED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF CLOQUET
THIS 18TH DAY OF MAY, 2021.**

ATTEST:

Roger Maki, Mayor

Tim Peterson, City Administrator

INVOICES DUE ON/BEFORE 05/18/2021

VENDOR #	NAME	PAID THIS FISCAL YEAR	AMOUNT DUE
111350	LEXISNEXIS RISK DATA MNGMT INC	600.00	150.00
112050	ADVANCED SERVICES INC	2,376.00	1,089.00
112275	ADVANTAGE EMBLEM INC	48.00	16.50
116100	AMERICAN PAYMENT CENTERS	92.00	92.00
116650	AMERIGAS - 2306	725.78	272.95
116950	AMERIPRIDE SERVICES INC	3,357.77	984.59
121000	ARROWHEAD SPRINGS INC	308.00	72.00
122958	AUTO ZONE, INC.	110.57	19.50
123150	B W DISTRIBUTING	920.85	163.96
125900	BEST SERVICE	149.42	55.25
129200	BSN SPORTS LLC	0.00	1,367.88
134000	CARLTON COUNTY HIGHWAY DEPT	155,122.15	143.35
134800	CARLTON COUNTY TREASURER	64.90	123.15
135675	VORK ENTERPRISES INC	1,500.00	130.00
137340	CHAMBERLAIN OIL CO., INC.	4,022.10	310.05
139025	CINTAS	1,552.19	315.67
139030	CINTAS CORPORATION NO 2	3,967.13	668.12
139800	CLOQUET AREA CHAMBER OF COMMER	29,292.95	2,882.30
142800	CLOQUET SANITARY SERVICE	5,773.83	1,142.26
145300	COMMUNITY PRINTING	1,661.55	371.25
145500	COMPENSATION CONSULTANTS, LTD	1,053.00	207.00
147050	CONSOLIDATED TELEPHONE COMPANY	16,671.04	3,328.98
148850	CRYSTEEL TRUCK EQUIPMENT	98,948.52	171.38
150100	D A L C O	3,331.07	30.18
152775	DELTA DENTAL OF MINNESOTA	16,970.95	3,222.80
156400	CITY OF DULUTH COMFORT SYSTEMS	627.38	152.55
158000	DULUTH/SUPERIOR COMMUNICATIONS	22,032.55	113.75
162640	ENVENTIS TELECOM INC	196.44	43.38
165375	FERGUSON WATERWORKS #2516	8,199.36	112.14
166625	FIRST AID CORP	1,214.65	185.21
166750	FIRST HOSPITAL LABORATORIES IN	669.14	56.38
175200	GOPHER STATE ONE CALL INC	209.30	184.95
175700	GRAINGER	1,189.23	38.64
179340	HAGENS GLASS & PAINT	8,291.50	11.00
180425	HARRIS COMPUTER SYSTEMS	483.55	22.50
185850	IDENTISYS	0.00	419.22
192225	JOBHQ	383.38	733.22
195850	KIMINSKI PAVING INC	0.00	17,462.50
197775	KWIK TRIP INC	545.60	37.90
197800	L & M SUPPLY CO	6,814.63	1,308.68
200725	LAND LOGIC INC	0.00	5,938.00
202100	LAWSON PRODUCTS INC	2,518.22	192.55
202300	LEAGUE OF MN CITIES	3,597.83	838.86
205050	LOFFLER COMPANIES INC	175.73	45.67

INVOICES DUE ON/BEFORE 05/18/2021

VENDOR #	NAME	PAID THIS FISCAL YEAR	AMOUNT DUE
211700	METRO SALES, INC.	3,543.78	563.04
212700	MID-STATE TRUCK SERVICE INC	4,311.17	142.40
218400	MN CHIEFS OF POLICE ASSOC	386.00	172.00
222275	MN PEIP	358,930.02	5,177.68
225975	MATHY CONSTRUCTION COMPANY	2,055.66	712.13
229500	NAPA AUTO PARTS	2,736.54	508.17
233850	NORTH STATES CRANE & HOIST	0.00	1,950.00
234600	NORTHERN BUSINESS PRODUCTS	2,445.61	164.41
236450	THE NORTHSPAN GROUP, INC.	3,150.00	780.00
242850	PARSONS ELECTRIC LLC	5,764.16	213.38
244300	BRENT BELICH	2,650.50	319.00
244975	PINE KNOT LLC	35,771.50	80.00
247300	POWER TRANSMISSION INC	0.00	2,160.63
247400	396-PRAXAIR DISTRIBUTION, INC.	4,523.78	273.79
248125	PROCTOR BUILDERS	768.00	105.00
251475	RAILROAD MANAGEMENT	569.70	284.85
253100	REINDERS INC	0.00	4,270.60
261800	SEH	25,693.60	5,326.20
262875	SHAMROCK LANDFILL INC	402.33	1,028.22
264820	THE SMITH COMPANY INC	0.00	2,238.50
267000	ST LOUIS COUNTY SHERIFF	0.00	531.92
268800	STOCK TIRE COMPANY	3,878.76	59.00
270300	SWAGIT PRODUCTIONS, LLC	5,300.00	1,325.00
271325	NANCY GETCHELL	4,408.87	76.00
271975	TEAMSTERS JOINT COUNCIL 32	165,896.01	42,326.00
272600	TERMINAL SUPPLY INC	492.13	116.32
278600	TWIN PORT MAILING	18,178.44	454.33
279100	U S BANK EQUIPMENT FINANCE	3,271.21	259.48
283700	USA BLUEBOOK	1,874.97	125.98
285500	VIKING INDUSTRIAL CENTER	976.12	447.46
289015	WELLS FARGO CREDIT CARD	28,417.19	4,346.79
R0001227	LAKES GAS COMPANY	171.00	171.00
R0001284	OFFICE OF MN IT SERVICES	137.60	34.40
R0001548	MINIT MART 557	304.00	56.00
R0001601	PECAN PIE PRODUCTIONS	995.00	1,650.00
R0001603	BRETT COLLIER	0.00	800.00
R0001732	MCFOA REGION II	0.00	45.00
R0002043	CALIBRE PRESS	0.00	259.00
R0002044	ENTREPRENEUR FUND	0.00	10,000.00
R0002045	DEB DEPRATT	0.00	2,200.00
R0002046	LOUIS LARSON	0.00	2,200.00
R0002047	GEORGE MEGER	0.00	750.00
R0002048	TOTALCONTROL SYSTEMS INC	0.00	7,713.97
TOTAL ALL VENDORS:			147,644.87

City of Cloquet
Vendor Summary Report Reconciliation
Invoices Due On/Before 5/18/2021

Total	147,644.87
Less:	
Library	(619.85)
Cloquet Area Fire District	0.00
Total City Bills	<u>147,025.02</u>
Less:	
Payroll benefits	(41,658.63)
Plus:	
Building Permit Surcharge	1,015.21
Credit card/PSN fees	2,640.24
MN Energy Auto Pay	3,804.81
MN Power Auto Pay	151,602.42
MN Sales Tax	844.74
Total Bills	<u><u>265,273.81</u></u>

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CITY OF CLOQUET
DEPARTMENT SUMMARY REPORT

PAGE: 1

INVOICES DUE ON/BEFORE 05/18/2021

VENDOR #	NAME	PAID THIS FISCAL YEAR	AMOUNT DUE

GENERAL FUND			
00			
152775	DELTA DENTAL OF MINNESOTA	16,970.95	2,974.95
222275	MN PEIP	358,930.02	5,177.68
271975	TEAMSTERS JOINT COUNCIL 32	165,896.01	33,506.00
			41,658.63
34	CHARGES FOR SERVICES		
R0002045	DEB DEPRATT		2,200.00
R0002046	LOUIS LARSON		2,200.00
R0002047	GEORGE MEGER		750.00
			5,150.00
41	GENERAL GOVERNMENT		
129200	BSN SPORTS LLC		1,300.00
139025	CINTAS	1,552.19	54.55
139030	CINTAS CORPORATION NO 2	3,967.13	73.88
142800	CLOQUET SANITARY SERVICE	5,773.83	69.29
145500	COMPENSATION CONSULTANTS, LTD	1,053.00	207.00
147050	CONSOLIDATED TELEPHONE COMPANY	16,671.04	412.46
150100	D A L C O	3,331.07	30.18
175700	GRAINGER	1,189.23	19.32
200725	LAND LOGIC INC		5,938.00
211700	METRO SALES, INC.	3,543.78	289.09
234600	NORTHERN BUSINESS PRODUCTS	2,445.61	43.53
242850	PARSONS ELECTRIC LLC	5,764.16	106.69
244975	PINE KNOT LLC	35,771.50	80.00
278600	TWIN PORT MAILING	18,178.44	176.68
289015	WELLS FARGO CREDIT CARD	28,417.19	72.92
R0001732	MCFOA REGION II		45.00
			8,918.59
42	PUBLIC SAFETY		
111350	LEXISNEXIS RISK DATA MNGMT INC	600.00	150.00
112275	ADVANTAGE EMBLEM INC	48.00	16.50
135675	VORK ENTERPRISES INC	1,500.00	130.00
139025	CINTAS	1,552.19	111.55

INVOICES DUE ON/BEFORE 05/18/2021

VENDOR #	NAME	PAID THIS FISCAL YEAR	AMOUNT DUE

GENERAL FUND			
42	PUBLIC SAFETY		
139030	CINTAS CORPORATION NO 2	3,967.13	120.24
142800	CLOQUET SANITARY SERVICE	5,773.83	69.29
145300	COMMUNITY PRINTING	1,661.55	240.00
147050	CONSOLIDATED TELEPHONE COMPANY	16,671.04	791.31
158000	DULUTH/SUPERIOR COMMUNICATIONS	22,032.55	113.75
175700	GRAINGER	1,189.23	19.32
185850	IDENTISYS		419.22
197775	KWIK TRIP INC	545.60	37.90
211700	METRO SALES, INC.	3,543.78	122.00
218400	MN CHIEFS OF POLICE ASSOC	386.00	172.00
242850	PARSONS ELECTRIC LLC	5,764.16	106.69
267000	ST LOUIS COUNTY SHERIFF		531.92
268800	STOCK TIRE COMPANY	3,878.76	24.00
271325	NANCY GETCHELL	4,408.87	76.00
271975	TEAMSTERS JOINT COUNCIL 32	165,896.01	8,820.00
278600	TWIN PORT MAILING	18,178.44	50.48
289015	WELLS FARGO CREDIT CARD	28,417.19	3,118.35
R0001284	OFFICE OF MN IT SERVICES	137.60	34.40
R0001548	MINIT MART 557	304.00	56.00
	PUBLIC SAFETY		15,330.92
43	PUBLIC WORKS		
121000	ARROWHEAD SPRINGS INC	308.00	48.00
122958	AUTO ZONE, INC.	110.57	19.50
123150	B W DISTRIBUTING	920.85	81.98
125900	BEST SERVICE	149.42	55.25
134000	CARLTON COUNTY HIGHWAY DEPT	155,122.15	143.35
134800	CARLTON COUNTY TREASURER	64.90	123.15
137340	CHAMBERLAIN OIL CO., INC.	4,022.10	310.05
139025	CINTAS	1,552.19	43.06
139030	CINTAS CORPORATION NO 2	3,967.13	213.90
142800	CLOQUET SANITARY SERVICE	5,773.83	99.40
145300	COMMUNITY PRINTING	1,661.55	60.38
147050	CONSOLIDATED TELEPHONE COMPANY	16,671.04	266.44
148850	CRYTEEL TRUCK EQUIPMENT	98,948.52	171.38
166625	FIRST AID CORP	1,214.65	102.36
166750	FIRST HOSPITAL LABORATORIES IN	669.14	56.38
175200	GOPHER STATE ONE CALL INC	209.30	92.48
192225	JOBSHQ	383.38	339.52
197800	L & M SUPPLY CO	6,814.63	557.83
202100	LAWSON PRODUCTS INC	2,518.22	96.27

INVOICES DUE ON/BEFORE 05/18/2021

VENDOR #	NAME	PAID THIS FISCAL YEAR	AMOUNT DUE

GENERAL FUND			
43	PUBLIC WORKS		
205050	LOFFLER COMPANIES INC	175.73	9.13
212700	MID-STATE TRUCK SERVICE INC	4,311.17	142.40
225975	MATHY CONSTRUCTION COMPANY	2,055.66	712.13
229500	NAPA AUTO PARTS	2,736.54	508.17
244300	BRENT BELICH	2,650.50	319.00
247300	POWER TRANSMISSION INC		2,160.63
247400	396-PRAXAIR DISTRIBUTION, INC.	4,523.78	136.90
264820	THE SMITH COMPANY INC		2,238.50
268800	STOCK TIRE COMPANY	3,878.76	35.00
272600	TERMINAL SUPPLY INC	492.13	116.32
278600	TWIN PORT MAILING	18,178.44	50.48
279100	U S BANK EQUIPMENT FINANCE	3,271.21	86.49
289015	WELLS FARGO CREDIT CARD	28,417.19	826.17
R0001227	LAKES GAS COMPANY	171.00	171.00
R0002043	CALIBRE PRESS		259.00
	PUBLIC WORKS		10,652.00
45	CULTURE AND RECREATION		
112050	ADVANCED SERVICES INC	2,376.00	1,089.00
116650	AMERIGAS - 2306	725.78	272.95
116950	AMERIPRIDE SERVICES INC	3,357.77	984.59
129200	BSN SPORTS LLC		67.88
139030	CINTAS CORPORATION NO 2	3,967.13	73.32
142800	CLOQUET SANITARY SERVICE	5,773.83	838.03
145300	COMMUNITY PRINTING	1,661.55	13.13
147050	CONSOLIDATED TELEPHONE COMPANY	16,671.04	615.33
166625	FIRST AID CORP	1,214.65	82.85
179340	HAGENS GLASS & PAINT	8,291.50	11.00
192225	JOBSHQ	383.38	393.70
197800	L & M SUPPLY CO	6,814.63	607.72
248125	PROCTOR BUILDERS	768.00	105.00
253100	REINDERS INC		4,270.60
262875	SHAMROCK LANDFILL INC	402.33	1,028.22
R0001603	BRETT COLLIER		800.00
	CULTURE AND RECREATION		11,253.32
46	COMMUNITY DEVELOPMENT		
139800	CLOQUET AREA CHAMBER OF COMMER	29,292.95	2,882.30

INVOICES DUE ON/BEFORE 05/18/2021

VENDOR #	NAME	PAID THIS FISCAL YEAR	AMOUNT DUE
GENERAL FUND			
46	COMMUNITY DEVELOPMENT		
147050	CONSOLIDATED TELEPHONE COMPANY	16,671.04	58.92
211700	METRO SALES, INC.	3,543.78	68.57
278600	TWIN PORT MAILING	18,178.44	25.24
	COMMUNITY DEVELOPMENT		3,035.03
DO PROJECT FUND (EDA)			
46	COMMUNITY DEVELOPMENT		
236450	THE NORTHSPAN GROUP, INC.	3,150.00	780.00
	COMMUNITY DEVELOPMENT		780.00
FEDERAL CDBG LOAN (EDA)			
46	COMMUNITY DEVELOPMENT		
R0002044	ENTREPRENEUR FUND		10,000.00
	COMMUNITY DEVELOPMENT		10,000.00
LIBRARY FUND			
45	CULTURE AND RECREATION		
139030	CINTAS CORPORATION NO 2	3,967.13	24.00
147050	CONSOLIDATED TELEPHONE COMPANY	16,671.04	595.85
	CULTURE AND RECREATION		619.85
WATER - LAKE SUPERIOR WATERLIN			
51	STATION 2		
121000	ARROWHEAD SPRINGS INC	308.00	24.00
139025	CINTAS	1,552.19	63.46
139030	CINTAS CORPORATION NO 2	3,967.13	19.44
233850	NORTH STATES CRANE & HOIST		1,950.00
261800	SEH	25,693.60	476.64
R0002048	TOTALCONTROL SYSTEMS INC		1,020.40
	STATION 2		3,553.94

INVOICES DUE ON/BEFORE 05/18/2021

VENDOR #	NAME	PAID THIS FISCAL YEAR	AMOUNT DUE

ATER - LAKE SUPERIOR WATERLIN			
52	LAKE SUPERIOR WATERLINE		
139030	CINTAS CORPORATION NO 2	3,967.13	77.24
197800	L & M SUPPLY CO	6,814.63	35.78
251475	RAILROAD MANAGEMENT	569.70	284.85
	LAKE SUPERIOR WATERLINE		397.87
57 ADMINISTRATION			
145300	COMMUNITY PRINTING	1,661.55	26.24
156400	CITY OF DULUTH COMFORT SYSTEMS	627.38	152.55
205050	LOFFLER COMPANIES INC	175.73	9.13
	ADMINISTRATION		187.92
ATER - IN TOWN SYSTEM			
49	CLOQUET		
123150	B W DISTRIBUTING	920.85	49.19
139025	CINTAS	1,552.19	25.83
139030	CINTAS CORPORATION NO 2	3,967.13	35.79
165375	FERGUSON WATERWORKS #2516	8,199.36	112.14
197800	L & M SUPPLY CO	6,814.63	71.57
202100	LAWSON PRODUCTS INC	2,518.22	57.77
247400	396-PRAXAIR DISTRIBUTION, INC.	4,523.78	82.14
261800	SEH	25,693.60	4,134.60
283700	USA BLUEBOOK	1,874.97	125.98
285500	VIKING INDUSTRIAL CENTER	976.12	447.46
R0002048	TOTALCONTROL SYSTEMS INC		5,162.97
	CLOQUET		10,305.44
54 BILLING & COLLECTION			
116100	AMERICAN PAYMENT CENTERS	92.00	92.00
180425	HARRIS COMPUTER SYSTEMS	483.55	22.50
211700	METRO SALES, INC.	3,543.78	83.38
234600	NORTHERN BUSINESS PRODUCTS	2,445.61	120.88
278600	TWIN PORT MAILING	18,178.44	50.48
	BILLING & COLLECTION		369.24

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CITY OF CLOQUET
DEPARTMENT SUMMARY REPORT

PAGE: 6

INVOICES DUE ON/BEFORE 05/18/2021

VENDOR #	NAME	PAID THIS FISCAL YEAR	AMOUNT DUE
ATER - IN TOWN SYSTEM			
57	ADMINISTRATION & GENERAL		
142800	CLOQUET SANITARY SERVICE	5,773.83	33.13
145300	COMMUNITY PRINTING	1,661.55	21.00
147050	CONSOLIDATED TELEPHONE COMPANY	16,671.04	411.38
175200	GOPHER STATE ONE CALL INC	209.30	55.49
202300	LEAGUE OF MN CITIES	3,597.83	58.86
205050	LOFFLER COMPANIES INC	175.73	9.13
278600	TWIN PORT MAILING	18,178.44	50.48
279100	U S BANK EQUIPMENT FINANCE	3,271.21	86.49
289015	WELLS FARGO CREDIT CARD	28,417.19	164.68
	ADMINISTRATION & GENERAL		890.64
ENTERPRISE FUND - SEWER			
55	SANITARY SEWER		
123150	B W DISTRIBUTING	920.85	32.79
139025	CINTAS	1,552.19	17.22
139030	CINTAS CORPORATION NO 2	3,967.13	30.31
197800	L & M SUPPLY CO	6,814.63	35.78
202100	LAWSON PRODUCTS INC	2,518.22	38.51
247400	396-PRAXAIR DISTRIBUTION, INC.	4,523.78	54.75
261800	SEH	25,693.60	714.96
R0002048	TOTALCONTROL SYSTEMS INC		1,530.60
	SANITARY SEWER		2,454.92
57	ADMINISTRATION & GENERAL		
142800	CLOQUET SANITARY SERVICE	5,773.83	33.12
145300	COMMUNITY PRINTING	1,661.55	10.50
147050	CONSOLIDATED TELEPHONE COMPANY	16,671.04	177.29
175200	GOPHER STATE ONE CALL INC	209.30	36.98
205050	LOFFLER COMPANIES INC	175.73	9.14
278600	TWIN PORT MAILING	18,178.44	50.49
279100	U S BANK EQUIPMENT FINANCE	3,271.21	86.50
289015	WELLS FARGO CREDIT CARD	28,417.19	164.67
	ADMINISTRATION & GENERAL		568.69
STORM WATER UTILITY			
57	ADMINISTRATION & GENERAL		

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CITY OF CLOQUET
DEPARTMENT SUMMARY REPORT

PAGE: 7

INVOICES DUE ON/BEFORE 05/18/2021

VENDOR #	NAME	PAID THIS FISCAL YEAR	AMOUNT DUE

FORM WATER UTILITY			
57	ADMINISTRATION & GENERAL		
202300	LEAGUE OF MN CITIES	3,597.83	780.00
205050	LOFFLER COMPANIES INC	175.73	9.14
R0001601	PECAN PIE PRODUCTIONS	995.00	1,650.00
	ADMINISTRATION & GENERAL		2,439.14
59	OPERATIONS		
195850	KIMINSKI PAVING INC		17,462.50
	OPERATIONS		17,462.50
ABLE TELEVISION			
45	CULTURE AND RECREATION		
162640	ENVENTIS TELECOM INC	196.44	43.38
270300	SWAGIT PRODUCTIONS, LLC	5,300.00	1,325.00
	CULTURE AND RECREATION		1,368.38
MPLOYEE SEVERANCE			
45	EMPLOYEE VACATION & SICK		
152775	DELTA DENTAL OF MINNESOTA	16,970.95	247.85
	EMPLOYEE VACATION & SICK		247.85
	TOTAL ALL DEPARTMENTS		147,644.87



ADMINISTRATIVE OFFICES

101 14th Street Cloquet, MN 55720-1903
Phone: 218.879.3347 Fax: 218.879.6555
www.cloquetmn.gov

REQUEST FOR COUNCIL ACTION

To: Mayor and City Council
From: Tim Peterson, City Administrator *TP*
Date: May 18, 2021

ITEM DESCRIPTION: Transient Merchant License for Carlton County Farmers Market

Proposed Action

Staff recommends that the City Council move to approve the Peddlers, Solicitors & Transient Merchants license for the Carlton County Farmers Market to hold their annual Farmers Market on the private parking lot owned by G & R Development at 904 Highway 33 South from June 5 - October 16, 2021.

Background/Overview

The City has received the annual application from the Carlton County Farmers Market for a Peddlers, Solicitors & Transient Merchants License seeking approval to hold the market on Saturdays, beginning June 5th and going through October 16, 2021. The market will once again be in the parking lot adjacent to Premiere Theaters. Also included with the application is the 2021 COVID-19 Precautions for Minnesota Farmers' Markets.

Policy Objectives

Section 6.6.02, Subd. 7, 6.6.04, Subd. 2(A) and 6.6.08, Subd. 2 apply to farmers markets and require an annual license for such purposes.

Financial/Budget/Grant Considerations

Section 6.6.04, Subd. 1, exempts a Farmers Market from the annual license fee. There is no direct cost to the City.

Advisory Committee/Commission Action

None.

Supporting Documentation Attached

- Application



CITY ADMINISTRATOR'S OFFICE
 101 14th Street, Cloquet MN 55720
 Phone: 218-879-3347 Fax: 218-879-6555
 www.cloquetmn.gov
 email: kstarnold@cloquetmn.gov

Application for License Regulating Peddlers, Solicitors, & Transient Merchants

This application, all required documentation and fees must be submitted by any person desiring to obtain a Peddlers, Solicitors & Transient Merchant license within the City of Cloquet, MN.

APPLICANT'S FULL LEGAL NAME:

Name: Michael Steven Little
First Full Middle Name Last

Residence Address: _____

City, State, Zip: Esko MN 55733

Home Phone _____ Work Phone _____ Cell Phone _____

E-Mail Address _____

Date of Birth: _____ Place of Birth: Minneapolis MN

Social Security #: _____ Drivers License #: _____ State: MN

Eye Color: Blue Hair Color: Blonde Height: 5' 7" Weight: 165

BUSINESS/ORGANIZATION INFORMATION:

Business or Organization Name: Carlton County Farmers' Market Association

Address: 1160 Olson Rd Esko MN 55733

Mailing Address (if different from above): _____

Phone: 218 879-4142 Alternate Number: 218 879 8294

LOCATION OF PROPOSED SALES:

Business/Organization Name: G: R Development

Address: 904 Hwy 33 S. Cloquet MN 55720

Local Phone Number: 218 879 7985 Permanent Phone Number: Same

Any and all addresses and telephone numbers where the applicant can be reached while conducting business within the city, including the location where a transient merchant intends to set up business:

Address: See above Phone: See above

Address: _____ Phone: _____

THE LENGTH OF TIME FOR SALES OR SOLICITING AND HOURS DURING WHICH BUSINESS WILL BE CONDUCTED:
(Not to exceed 30 days)

Beginning Date: 6/5/2021 Ending Date: 10/16/2021

Hours during which business will be conducted: 8 a.m. - 12:30 p.m.
(City Code states hours of business are to be conducted between 8:00 a.m. and 8:00 p.m.)

Brief description of the nature of the business or solicitation and the goods to be sold or given away:

Vendor sales of fresh produce, baked goods and other Cottage Foods including preserves, pickles, honey, maple syrup, meat and eggs, transplants, body care products, crafts.

Do you have written consent of the landowner upon whose premises this activity is to be conducted? Yes No (If yes, please attach written consent.)

Do you use a Sales Contract? Yes No (If yes, please attach a copy.)

Name and Address of the Source of Supply of the goods or property proposed to be sold, or orders taken for the sale thereof; location of such goods or products at the time of this application; and proposed method of delivery:

Vendors produce all the items they sell and transport them to the Market

List the names of the last three (3) cities where you have registered and conducted business for your activities:

City and Address	State
<u>Clouquet: 904 Hwy 33 S (G's R Development)</u>	<u>MN</u>
<u>Clouquet: Municipal Lot @ 11th St.</u>	<u>MN</u>
<u>Clouquet: Scanlon: Grandma Polo's Bottle Shop</u>	<u>MN</u>

Describe all vehicles that you will be using in your activities: N/A

Make:	Year:
Model:	License #:
Color:	State:

Make:	Year:
Model:	License #:
Color:	State:

Make:	Year:
Model:	License #:
Color:	State:

Make:	Year:
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Model:	License #:
Color:	State:

List the Full (last, first, full middle) Name, Date of Birth, Permanent Address, Social Security #, Drivers License #, and description of ALL persons proposed to be employed in this municipality during the period for which this application is made: (Attach additional sheets if necessary.)

No employees: Board (Association) President Mike Little - Volunteer

Name (Last, First, Full Middle)	Michael Steven Little	
Date of Birth		
Permanent Address		
Social Security #		
Driver's License #		State:
Physical Description	Eyes: Blue; Hair: Blonde 5'7" 165 lb	

Name (Last, First, Full Middle)		
Date of Birth		
Permanent Address		
Social Security #		
Driver's License #		State:
Physical Description		

Name (Last, First, Full Middle)		
Date of Birth		
Permanent Address		
Social Security #		
Driver's License #		State:
Physical Description		

Name (Last, First, Full Middle)		
Date of Birth		
Permanent Address		
Social Security #		
Driver's License #		State:
Physical Description		



CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)

12/30/2020

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must have ADDITIONAL INSURED provisions or be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

PRODUCER Advantage 1 Insurance 3801 N 3rd Street SAINT CLOUD, MN 56303	CONTACT NAME: Beth Fiedler PHONE (A/C, No, Ext): (320)252-6650 E-MAIL ADDRESS: Bethf@advantageoneins.com FAX (A/C, No): (320)252-7536
	INSURER(S) AFFORDING COVERAGE NAIC # INSURER A: West Bend Mutual 15350 INSURER B: INSURER C: INSURER D: INSURER E: INSURER F:
INSURED MINNESOTA FARMERS' MARKET ASSOCIATION Carlton County Farmers Market Association PO Box 204 Meadowlands, MN 55765	

COVERAGES CERTIFICATE NUMBER: 90007830-11054087 REVISION NUMBER: 427

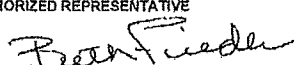
THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDL INSD	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
A	<input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY <input type="checkbox"/> CLAIMS-MADE <input checked="" type="checkbox"/> OCCUR GEN'L AGGREGATE LIMIT APPLIES PER: <input checked="" type="checkbox"/> POLICY <input type="checkbox"/> PRO-JECT <input type="checkbox"/> LOC OTHER:			A091325	01/01/2021	01/01/2022	EACH OCCURRENCE \$ 1,000,000 DAMAGE TO RENTED PREMISES (Ea occurrence) \$ 100,000 MED EXP (Any one person) \$ PERSONAL & ADV INJURY \$ 1,000,000 GENERAL AGGREGATE \$ 3,000,000 PRODUCTS - COM/OP AGG \$ 3,000,000 \$
	AUTOMOBILE LIABILITY <input type="checkbox"/> ANY AUTO <input type="checkbox"/> OWNED AUTOS ONLY <input type="checkbox"/> SCHEDULED AUTOS NON-OWNED AUTOS ONLY <input type="checkbox"/> HIRED AUTOS ONLY						COMBINED SINGLE LIMIT (Ea accident) \$ BODILY INJURY (Per person) \$ BODILY INJURY (Per accident) \$ PROPERTY DAMAGE (Per accident) \$ \$
A	<input checked="" type="checkbox"/> UMBRELLA LIAB <input checked="" type="checkbox"/> OCCUR <input type="checkbox"/> EXCESS LIAB <input type="checkbox"/> CLAIMS-MADE <input type="checkbox"/> DED <input type="checkbox"/> RETENTION \$			A091325	01/01/2021	01/01/2022	EACH OCCURRENCE \$ 2,000,000 AGGREGATE \$ 2,000,000 \$
	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH) If yes, describe under DESCRIPTION OF OPERATIONS below	Y/N	N/A				<input type="checkbox"/> PER STATUTE <input type="checkbox"/> OTHER E.L. EACH ACCIDENT \$ E.L. DISEASE - EA EMPLOYEE \$ E.L. DISEASE - POLICY LIMIT \$

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)

Listed as Additional Insured in regards to General Liability -
 2nd location - 4 seasons Sports Complex & Event Center 90 Chestnut Ave Carlton MN 55718

CERTIFICATE HOLDER**CANCELLATION**

Carlton County Farmers Market Association 904 Hwy 33 S CLOQUET, MN 55720	SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS. AUTHORIZED REPRESENTATIVE  (BJF)
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COVID-19 Precautions at Minnesota Farmers' Markets as of May 7, 2021

Guidance summarized from Executive Order 21-11, as amended by Executive Order 21-21 for farmers' markets that operate indoor or outdoor settings from Friday, May 7, 2021 at 12:00 p.m. (noon) through May 27, 2021.

12

Minnesota farmers' markets are considered "essential" and thus have our own 'exclusion' in the Governor's executive orders. Markets should update your COVID-19 Preparedness Plans accordingly.

Recommendations to prevent the spread of COVID-19

COVID-19 is primarily spread through respiratory droplets, so the risk of COVID-19 transmission increases when people gather together. Several key strategies can reduce the risk of getting sick or transmitting COVID-19:

- Wear a well-fitting face covering. See Frequently Asked Questions About the Requirement to Wear Face Coverings (www.health.state.mn.us/diseases/coronavirus/facecoverfaq.html).
- Keep at least 6 feet of physical distance from other households and wash hands often.
- Get tested. See COVID-19 Testing (www.health.state.mn.us/diseases/coronavirus/testsites/index.html) for information about who should get tested and how to get a test.
- Stay home if you are sick or were exposed to COVID-19. See If You Are Sick: COVID-19 (www.health.state.mn.us/diseases/coronavirus/sick.html) and Quarantine Guidance for COVID-19 (<https://www.health.state.mn.us/diseases/coronavirus/quarguide.pdf>).
- Get vaccinated. See the MDH COVID-19 Vaccine webpage (www.health.state.mn.us/diseases/coronavirus/vaccine/index.html).

Basic Requirements for All Farmers' Markets

Face covering

- Customers and visitors must wear a face covering:
 - In any *indoor* business or public indoor space.
 - In any *outdoor* venue with *more than 500 people* in attendance.
 - So in *outdoor* venues with *fewer than 500 people* in attendance, *no masks are required* for customers or visitors
- Workers (vendors, market staff, etc.) must wear face coverings in any indoor space; and must wear face coverings outdoors in any situation where social distancing of at least 6 feet from others cannot be maintained. Face shields are an option for people who cannot wear a mask for medical or disability reasons

Changes at a Glance

Good work, folks! Things are getting somewhat back to pre-pandemic activities.

- If indoors; OR outdoors with more than 500 total people in attendance, masks required by all.
- If your outdoor farmers' market isn't offering onsite food consumption AND you have fewer than 500 people attending, then you can offer all the activities you did before; no masks required, no need to count people and calculate square footage for distancing.
- If your farmers' market IS offering onsite food consumption, follow [Restaurant & Bar guidance](#). Indoor and outdoor requirements differ.

Hand hygiene practices

Provide instruction, signage, facilities, and supplies to encourage regular handwashing and sanitizing. See Hand Hygiene (www.health.state.mn.us/people/handhygiene/index.html).

Cleaning and disinfecting

Establish a regular schedule and checklist for cleaning and disinfecting commonly touched surfaces (workstations, keyboards, telephones, handrails, doorknobs, etc.), shared items, shared equipment, and high traffic areas. Continue to perform other routine environmental cleaning according to established schedules and procedures.

- See Cleaning Your Facility (www.cdc.gov/coronavirus/2019-ncov/community/disinfecting-building-facility.html) for information about when to clean, when to disinfect, and general guidance for routine cleaning.
- Use the U.S. Environmental Protection Agency's (EPA) List N for products that meet EPA's criteria for use against SARS-CoV-2. See EPA's List N: Disinfectants for Use Against SARS-CoV-2 (www.epa.gov/pesticide-registration/list-n-disinfectants-coronavirus-covid-19). Use as instructed to ensure effective disinfection.

**FARMERS' MARKET With No Onsite Food Consumption or Activities
(including no food sampling)**

Indoor Farmers' Market	Outdoor Farmers' Market
<ul style="list-style-type: none"> • Capacity limits remain in place according to state guidelines and local maximum occupancy limits <ul style="list-style-type: none"> ◦ Continue to limit shopper numbers and calculate square footage so 6' social distancing can be maintained • Shoppers have to wear masks • Workers (vendors, market staff / volunteers / etc.) have to wear masks • 6' social distancing must be maintained • Handwashing stations and sanitizers required • Market Info Booth (SNAP machine, etc.) is allowed 	<ul style="list-style-type: none"> • No capacity limits - so, no need to count people and calculate square footage for distancing • Shoppers do not have to wear masks or socially distance if there are fewer than 500 people present • Shoppers have to wear masks but are not required to socially distance if there are more than 500 people present • Workers (vendors, market staff / volunteers / etc.) have to either maintain 6' social distancing OR wear a mask at all times • Handwashing stations and sanitizers required • Market Info Booth (SNAP machine, etc.) is allowed

Maintaining Vendor-to-Vendor and Vendor-to-Customer Precautions

Workers in indoor farmers' markets are still required to be BOTH masked and socially distanced at least 6' from others. Workers in outdoor farmers' markets are still required to be EITHER masked or socially distanced at least 6' from others. These provisions remain in place because of worker protection and safe workplace requirements mandated by OSHA and Minnesota's Department of Labor and Industry.

Review worker protection obligations:

https://www.dli.mn.gov/sites/default/files/pdf/MN_worker_protections_related_to_COVID_19.pdf

An option to achieve distancing is to keep 6' separation between vendor stalls and only allow shoppers to shop from the front; or wider spacing between stalls if you allow customers to shop from both front and sides. Use extra tables or other barriers to keep customers 6' away from vendors.

Power of Produce, PoP+, etc.

All retail shopping activities like this are allowed, as long as they do not encourage the shoppers to gather and linger.

Craft Vendors, etc.

As long as your location can physically handle non-food vendors, these vendors can sell at your market.

Hybrid Farmers' Market and Venue

If your market wants to add back in activities that cause people to gather, then your market will be considered a "Venue," and will need to follow the Guidance for Entertainment and Meeting Venues in addition to other farmers' market requirements:

<https://staysafe.mn.gov/industry-guidance/entertainment.jsp>

Examples of activities: music, food demonstrations, clowns making balloon shapes, Extension Master Gardeners' information booth, kid activities where they gather/ linger, etc.

Indoor Venue Requirements

Face masks AND 6' social distancing are required for all visitors and workers

- Groups of up to 10 people are allowed. Distancing of 6' is required between groups
- Capacity limits must be calculated and occupancy limited to ensure 6' distancing can be maintained
- Live entertainment is only permitted by performers who are designated by the venue
- Music performers, including karaoke, must stay in a designated performance area, remain masked, and maintain distancing of at least 12' while they are performing
- No dancing allowed

Outdoor Venue Requirements

- Face masks OR 6' social distancing are required for all workers in outdoor venues.
- For venues of fewer than 500 people, face masks and social distancing are NOT required for visitors.
- For venues of more than 500 people, face masks are required but social distancing is not required.
- There are no capacity limits; you do not need to calculate square footage or limit entry.

Onsite Food Consumption (including food sampling)

If a farmers' market, either indoor or outdoor, wants to allow food consumption on the premises, then the market is required to follow the Restaurant & Bar guidance in addition to other farmers' market requirements:

<https://staysafe.mn.gov/industry-guidance/restaurants-bars.jsp>

Indoor food consumption requirements

- Markets could designate a specific food consumption area, or have seating for food consumption throughout the market
- Face masks AND 6' social distancing are required for all visitors and workers in the food consumption area. If the market chooses to offer seating for food consumption throughout the market, then all vendors and staff must wear a mask at all times, regardless of 6' distancing, and regardless of what type of product the vendor is selling

- Capacity limits must be calculated according to the Restaurant and Bar guidance, and occupancy must be limited to ensure 6' distancing can be maintained
- Groups of up to 10 people are allowed. Distancing of 6' is required between groups
- Customers must remain seated while consuming food or beverages

Outdoor Food Consumption Requirements

- Markets can designate a food consumption area, or can allow food consumption throughout the market
- All workers in the food consumption area must wear a mask. That means if food consumption is allowed throughout the entire market space, all vendors and staff at the market must wear a mask at all times, regardless of 6' distancing, and regardless of what type of products the vendor is selling
- No capacity limits on customers unless there are local restrictions in place
- No group size restrictions
- No distancing requirement for customers
- Customers can stand or walk around while eating or drinking
- If fewer than 500 people in the space, customers are not required to wear a face mask
- If more than 500 people in the space, customers are required to wear a face mask

Personal care services

Personal care services include massage, manicures, hair care, etc. These can be allowed at farmers' markets if the personal care service provider follows the Personal Care and Salon Businesses guidance, in addition to other farmers' market requirements.

<https://staysafe.mn.gov/industry-guidance/personal-care-and-salons.jsp>

Indoor personal care services

- Social distancing of the worker and customer of at least 6' from all other persons
- Face coverings are required. Either both the worker and customer wear face masks; or the worker wears both a face mask and face shield if the customer does not wear a mask

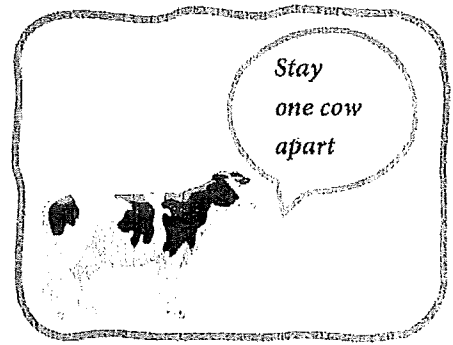
Outdoor personal care services

- Follow general farmers' market guidance that requires all workers to either wear a face mask OR maintain 6' distancing

Carlton County Farmers Market 2021

COVID safety procedures:

based on MN Executive Order requirements.



1. 6-foot physical distancing is required.



2. If 6-ft physical distancing cannot be achieved in an outdoor space, masks *must* be worn by vendors.

3. "Buffer" tables are not required if physical distancing and/or masking is practiced.

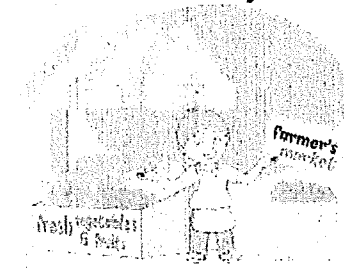


4. One parking space is required between vendor stands.

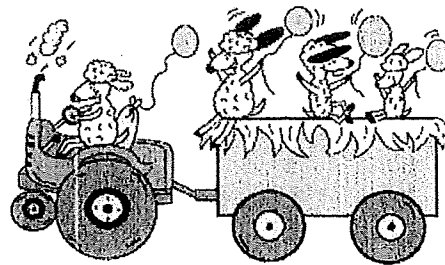
5. Two wash stations with hand sanitizer will be provided by the market for customers and vendors. Vendors must sanitize their spaces regularly.

6. If a market offers games, events, or other activities where people gather, it is considered a **venue** rather than a **grocery** site. Then masks are required for all. ("Ambient" music is allowed.) The CCFM will operate as a **grocery** site.

Grocery



Venue



7. Samples are permitted if they are offered in covered "grab and go" containers and consumed outside of the market space.

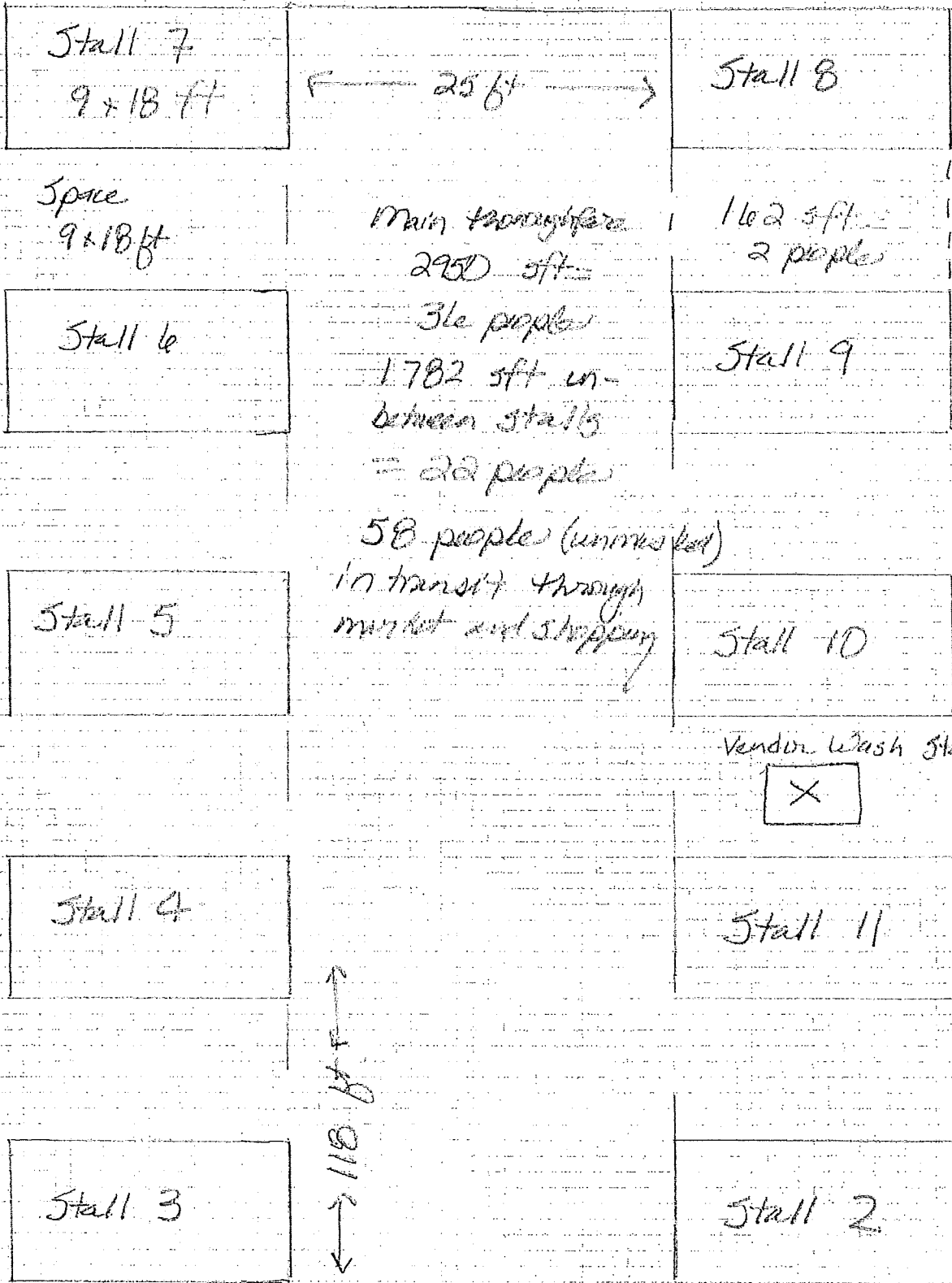
8. As in 2020, Vendors are required to have a COVID plan for their business. These are kept by the vendor and not turned in to the Market.

2021 Carlton County Farmers' Market Layout (COVID plan)

↑ Premiere Theatres ↑

Driving Lane

To scale 1 box = 1 ft



Stall 7
9x18 ft

← 25 ft →

Stall 8

Space
9x18 ft

Main Thoroughfare
2950 ft

162 ft =
2 people

Stall 6

36 people

Stall 9

1782 ft in-between stalls

= 22 people

58 people (unmasked)

in transit through market and shopping

Stall 5

Stall 10

Vendor Wash Station



Stall 4

Stall 11

Stall 3

← 118 ft →

Stall 2

Stall 2

Stall 13

Stall 1
Market Manager

Customers



Wash Station

Not to scale

Driving Lane

Porta John

Nowak's Produce Stand →

Stall 16

Stall 15

Stall 14



Driving lane and stall/spaces 14 are not counted in overall capacity



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

REQUEST FOR COUNCIL ACTION

To: Mayor and Cloquet City Council
From: Tim Peterson, City Administrator *TP*
Date: May 11, 2021

ITEM DESCRIPTION: Amend Policy and Procedure for Application to the City of Cloquet for Private Activity Revenue Bond Financing

Proposed Action

Staff recommends that the City Council amend the Policy and Procedure for Application to the City of Cloquet for Private Revenue Bond Financing to clarify that under all circumstances, including any refunding bonds, that the City's bond counsel be utilized.

Background/Overview

The City's Development Attorney and Bond Counsel identified vague language on page 3 of the application under number 6, Part II Guidelines of the Policy and Procedure for Application to the City of Cloquet for Private Revenue Bond Financing. While this portion of the application is clear related to original bond issuance, it is not clear related to any refunding bonds. As such, staff has added language to amend and clarify that City Bond Counsel is required to examine any refunding bonds for Private Activity Revenue Bonds, as highlighted in red in the attached application.

Policy Objectives

Use of the City's Bond Counsel ensures examination of the City's solvent position and issuance of debt impacts.

Financial/Budget/Grant Considerations

Applicants/Developers who choose to apply for City of Cloquet for Private Activity Revenue Bond Financing will be required to pay their own financial advisor services, cover City Bond Counsel fees, and pay other fees as identified in the attached application, including in some circumstances annual administrative or lump sum origination fees.

Advisory Committee/Commission Action

Staff recommends approval.

Supporting Documentation

- Policy and Procedure for Application to the City of Cloquet for Private Revenue Bond Financing



POLICY AND PROCEDURE

FOR

APPLICATION TO THE
CITY OF CLOQUET, MINNESOTA

FOR

PRIVATE ACTIVITY REVENUE BOND FINANCING

Effective as of March 15, 2011

Amended May 18, 2021



**POLICY AND PROCEDURE FOR APPLICATION
TO THE CITY OF CLOQUET FOR
PRIVATE ACTIVITY REVENUE BOND FINANCING**

Table of Contents

Part I	General.....	1
Part II	Guidelines	2
Part III	Miscellaneous Matters	5
Part IV	Application for Private Activity Revenue Bond Financing..... (Commercial, Industrial or Health Care)	7
Part V	Application for Tax-Exempt Financing..... (Multi-Family Housing)	13
Part VI	Addendum to Application.....	16
Part VII	Indemnification Letter of Agreement	17

**Policy and Procedure for Application to the City of Cloquet
for Private Activity Revenue Bond Financing**

Effective 3/15/11
Amended 5/18/21

PART I

GENERAL

Under the Minnesota Municipal Industrial Development Act, Minnesota Statutes, Sections 469.152 to 469.1651 (the “Industrial Development Act), the City of Cloquet has authority to issue industrial, commercial, and health care revenue bonds or notes to attract or promote economically sound industry and commerce to the City.

Under Minnesota Statutes, Chapter 462C (the “Housing Act”), the City is authorized to issue housing revenue bonds to finance multi-family residential housing projects for low and moderate income persons and elderly persons. Projects must be embodied in a Housing Program as these terms are defined in the Housing Act.

The Council is aware that such financing for certain private activities may be of benefit to the City and will consider requests for tax exempt financing subject to these guidelines. The Council considers tax exempt financing to be a privilege, not a right.

It is the judgment of the Council that tax exempt financing is to be used on a selective basis to encourage certain development that offers a benefit to the City as a whole, including significant employment and housing opportunities. It is the applicant’s responsibility to demonstrate the benefit to the City, both in writing and at the required public hearing. The applicant should understand that although approval may have been granted by the City for the issuance of financing for a similar project or a similar debt structure, that is not a basis upon which approval will be granted. Each application will be judged on the merits of the project as it relates to the public purposes of the Housing Act or the Industrial Development Act and the benefit to the City at the time the request for financing is being considered.

The policy is intended as a general guide to be followed by the City Council in considering applications for private activity revenue bond financing. It is not binding on the Council and may be modified by the Council in the case of any projects in which, in the sole discretion of the Council, such modification is deemed necessary or appropriate in the interest of the City.

The City staff shall have the option of amending or waiving sections of this policy when determined necessary or appropriate and when such changes do not affect the overall impact of this policy.

**Policy and Procedure for Application to the City of Cloquet
for Private Activity Revenue Bond Financing**

Effective 3/15/11

Amended 5/18/21

PART II

GUIDELINES

1. The Council will consider tax exempt financing for commercial, industrial and health care projects under the Industrial Development Act and housing projects under the Housing Act. An applicant for tax exempt financing pursuant to the Industrial Development Act must submit to the City the application contained in Part IV of these Guidelines. An applicant for tax exempt financing, pursuant to the Housing Act, must submit to the City the application contained in Part V of these Guidelines.
2. Projects must be compatible with the overall development plans and objectives of the City and comply with the zoning and land use regulations of the City.
3. An application will not be considered by the Council until tentative City Code findings and requirements have been made with respect to planning, zoning, building plans, platting, streets and utility services. The application must be accompanied by the addendum contained in Part VI of these Guidelines and must provide information as to the project's need for municipal services including, but not limited to, street improvements, water and sewer services, and police and fire protection.
4. The project must be a positive benefit to the City. The project must be of a nature that the City wishes to attract, or an existing business which the City wishes to have expand within the City, considering employment opportunities, incentive for further development, impact on City services and support for the industrial, commercial or health care operations currently located in the City.

A housing project must provide significant housing opportunities for low and moderate income persons or the elderly. The developer must certify to the City and trustee, compliance with the federal low-to-moderate income requirement. The frequency of certification shall be determined on a case-by-case basis. Further, the project must be financially feasible, as determined in accordance with paragraph 6 of this Part II.

A written opinion, with supporting justification, from an expert acceptable to the City Administrator, to document that the development will not adversely affect similar, existing developments. This requirement may be waived if there are no similar developments in the area of the project, or if it is an existing development.

The trustee is to inform the City of non-compliance trends with federal low-to-moderate income requirements. Developer must stipulate the federal law requirements for the set-aside of low-to-moderate income units and any other set-aside provisions agreed to by the developer.

Policy and Procedure for Application to the City of Cloquet for Private Activity Revenue Bond Financing

Effective 3/15/11
Amended 5/18/21

5. The Council will, if requested, grant an applicant a pre-application review. The purpose of the pre-application review is to inform applicants of the possibility of rejection or the possible bases for such rejection. The fact that the project is not rejected at the pre-application stage is not to be construed as approval of the project or as an indication that the project will be approved upon formal request to the Council. Requests for tax exempt financing may be rejected by the City whether or not the project was submitted to a pre-application review and regardless of the outcome or recommendation of the pre-application review.

A request for pre-application review must be in writing, addressed to the City Administrator, and set forth the name of the project, the type of project intended and the name, address and telephone number of the person who will be representing the applicant at the pre-application review, together with such additional information as the applicant desires to submit.

6. The applicant must select a qualified financial advisor or underwriter to assist the applicant in preparing all necessary application documents and materials. The financial advisor or underwriter will submit a letter that establishes the financial feasibility of the project. Applications may, in the alternative, include a signed letter from a responsible financial institution indicating that the project is economically feasible and viable and stating that bonds can be successfully sold for the project or that an individual or institution intends to purchase all of the bonds. Submissions from the applicant's advisor are subject to review by the City's regular financial advisor.

The applicant must receive approval from the appropriate state agencies, secure financing and commence construction within one year of the date of the resolution giving preliminary approval to the project or the housing program. Upon application, the Council may approve an extension of the preliminary approval.

The City will appoint bond counsel for the bond issue **and any refunding bonds, which will be** the City's regularly retained bond counsel.

7. Pursuant to the Industrial Development Act and the Housing Act, consideration of an application for tax exempt financing must be done at a public hearing held by the Council. Modifications to the project after the public hearing and preliminary approval must be consistent with the scope of the project as proposed at the time of preliminary approval.
8. The City is to be reimbursed and held harmless for and from any out-of-pocket expenses related to the tax exempt financing including, but not limited to, legal fees, financial analyst fees, bond counsel fees, the City staff's expenses in connection with the application, and any deposits or application fees required under state law in order to secure allocation of bonding authority. The applicant must execute a letter to the City

**Policy and Procedure for Application to the City of Cloquet
for Private Activity Revenue Bond Financing**

Effective 3/15/11

Amended 5/18/21

undertaking to pay all such expenses. A form of the required letter is set forth as Part VII of these Guidelines.

A non-refundable application fee in the amount of \$5,000 must be included with the submission of the application. This fee is separate from the out-of-pocket expenses identified above.

9. Prior to closing and delivery of the bonds for the project, the applicant must pay, or commit to pay an annual administrative fee in the amount of 1/8th of 1% (.125%) of the outstanding principal balance of the bonds. The administrative fee may be paid semiannually while the bonds are outstanding at the times specified in the bond documents. The administrative fees required by this paragraph will be adjusted at or paid prior to delivery of the bonds if necessary to ensure compliance with the Internal Revenue Code and regulations.

In lieu of an annual fee, the City at its sole election, may require the applicant to pay 1/2 of 1% (.50%) of the total principal of the bonds being issued. Such fee shall be paid in a lump sum at the closing on the bonds.

10. Applications for financing must be made on the forms attached to these Guidelines. In addition, the applicant must furnish a description of the project, a plot plan, elevation of proposed buildings, landscape, lighting, and site preparation, together with a brief description of applicant and the proposed financing in such form as required at the time of application.
11. The Council may, in its sole discretion, impose conditions exceeding those required under the City building code in respect to exterior building materials, landscaping, signage lighting, and such other aspects as the Council may consider appropriate on a case-by-case basis.
12. The Council may, in its sole discretion, withdraw its preliminary approval of a project any time if in its judgment the purposes of the Act will not be served by going forward with the project and its financing.
13. Contractors doing work on projects funded in whole or in part by taxable/tax-exempt financing:
- shall not discriminate in the hiring and firing of employees on the basis of race, color, creed, religion, national origin, sex, marital status, age, disability or the need for public assistance.

**Policy and Procedure for Application to the City of Cloquet
for Private Activity Revenue Bond Financing**

Effective 3/15/11

Amended 5/18/21

PART III

MISCELLANEOUS MATTERS

1. Ratings. The City will give its most favorable consideration to proposed tax exempt bond issues that have the same rating as the City's obligations by Moody's Investment Service or Standard & Poor's Corporation. Issues carrying lower ratings or non-rated issues may be sold only to institutional or other investors on a private placement basis and must be in denominations of at least \$100,000. The Council may depart from this guideline when in its judgment the project is of a level of merit and public purpose to justify the departure; and in case of such a departure the Council must state its reasons therefor in the resolution awarding the sale of the bonds.

2. Refundings. The Council will normally approve the refunding of a tax-exempt issue but only upon a showing by the applicant of (i) substantial debt service savings, (ii) the removal of bond covenants significantly impairing the financial feasibility of the project, or (iii) both (i) and (ii). In the case of refunding of bonds for which the administrative fee listed in paragraph 9 of Part II have been paid in full, no new administrative fees are required; but the non-refundable application fee must be paid together with all City expenses in excess of that fee. If the administrative fees for the refunded bonds are not paid in full upon closing on the refunding bonds, such fees must continue to be paid for the refunding bonds.

In the case of refunding of bonds where no administrative fee has been paid, the administrative fees listed in paragraph 9 of Part II must be paid. The application form is to be appropriately modified.

3. Subsequent Proceedings. Where changes to the underlying documents or credit facilities of outstanding bond issues are to be made and require Council action (including changes that are a "deemed reissuance" under Internal Revenue Service regulations), no administrative fee is charged but a non-refundable fee of \$1,500 must be deposited with the City to cover administrative costs. No formal application form is required.

4. Issue by Another Political Subdivision. The City will consider requests for tax exempt financing of projects in the City by other political subdivisions. In these cases the non-refundable application fee must be paid and all procedures through the approval of the preliminary resolution followed. No administrative fee is charged.

5. City Contact. Initial contacts about tax-exempt financing are made by contacting:

City Administrator
City of Cloquet
101 14th ST

**Policy and Procedure for Application to the City of Cloquet
for Private Activity Revenue Bond Financing**

Effective 3/15/11
Amended 5/18/21

Cloquet MN 55720

6. Deadlines. The Council conducts all tax exempt financing matters at regularly scheduled Council meetings held on the first and third Tuesday of each month. Documents for Council consideration must be at the City office on the Monday preceding the Council meeting at which the matter is to be considered. In the case of a publicly offered bond, issue the documents, when submitted, may specify a maximum price and maximum effective interest rate if prices and rates have not yet been established.

**Policy and Procedure for Application to the City of Cloquet
for Private Activity Revenue Bond Financing**

Effective 3/15/11
Amended 5/18/21

**PART IV
CITY OF CLOQUET
APPLICATION FOR PRIVATE ACTIVITY REVENUE BOND FINANCING
(Commercial, Industrial or Health Care)**

CITY OF CLOQUET
101 14th ST
Cloquet MN 55720

OFFICE USE ONLY:

Date Received: _____

Received by: _____

Type of Request: (check one)

- Taxable Bond Issue
- Tax-Exempt Bond Issue
- Refunding of Previous Bond Issue

GENERAL APPLICANT INFORMATION

1. Applicant/business name: _____

Contact person (incl. telephone number): _____

Address: _____

City: _____ State: _____ Zip: _____

Telephone: Work: _____ Home: _____

Cell: _____ Fax: _____

E-mail: _____

2. Applicant's legal counsel: _____

Contact person (incl. telephone number): _____

Address: _____

City: _____ State: _____ Zip: _____

Telephone: Work: _____ Home: _____

Cell: _____ Fax: _____

**Policy and Procedure for Application to the City of Cloquet
for Private Activity Revenue Bond Financing**

Effective 3/15/11
Amended 5/18/21

3. E-mail: _____
Property owner(s) of record: _____

Address: _____

City: _____ State: _____ Zip: _____

Telephone: Work: _____ Home: _____

Cell: _____ Fax: _____

E-mail: _____

4. Applicant's business form (corporation, partnership, sole proprietor-ship, etc.) and state of corporation or organization:

5. If the applicant is a corporation, list the officers, directors and stockholders holding more than 5% of the stock of the corporation. State their name, address, telephone number and relationship to the applicant. (If a corporation is not formed, list the potential officers, directors and stockholders):

**Policy and Procedure for Application to the City of Cloquet
for Private Activity Revenue Bond Financing**

Effective 3/15/11
Amended 5/18/21

6. If the applicant is a partnership, list the general partners and any limited partners with more than 5% interest. (If the partnership is not formed, give as much data as possible concerning the potential partners):

7. List any cities to which the applicant has applied for taxable/tax exempt bond financing within the last five years:

8. Has the applicant ever been in bankruptcy? If yes, please explain:

9. Has the applicant ever defaulted on any bond or mortgage commitment? If yes, please explain:

**Policy and Procedure for Application to the City of Cloquet
for Private Activity Revenue Bond Financing**

Effective 3/15/11
Amended 5/18/21

PROJECT INFORMATION

1. Project name: _____
2. Project address: _____
3. Applicant's interest in property if not owner: _____

4. Purpose of requested financing:
 - a. New facility (describe): _____

 - b. Expansion (describe): _____

 - c. Refunding (attach explanatory letter) _____
5. Brief description of the nature of the business, such as principal services or products, etc.:

6. Estimated project costs: (not required for refunding)

Land	\$	_____
Building	\$	_____
Equipment	\$	_____
Architectural, Engineering	\$	_____
Costs of issuance	\$	_____
Capitalized Interests (including discount)	\$	_____
Other	\$	_____
Total Financing Requested:	\$	=====
7. Amount of bond issue requested: \$ _____ (_____ % of project costs)
8. Total project costs: \$ _____

**Policy and Procedure for Application to the City of Cloquet
for Private Activity Revenue Bond Financing**

Effective 3/15/11
Amended 5/18/21

9. Type of financing proposed: _____ Bonds
_____ Tax-exempt mortgage
- Expected term: _____ years
- Security:
- _____ Mortgage
 - _____ Letter of Credit
 - _____ Guaranty (third party)
 - _____ Guaranty (personal)
 - _____ Unsecured
 - _____ Other (specify)
10. Estimated date of construction: _____ Completion: _____
11. a. Project architect: _____
Address: _____
- b. General contractor: _____
Address: _____
- c. Underwriter (name and contact person): _____

- d. Corporate Counsel: _____
- e. Underwriters Counsel: _____

BUSINESS INFORMATION

1. Number of employees in Cloquet?
- | | Full Time | Part Time |
|-------------------------|-----------|-----------|
| A. Before this project: | _____ | _____ |
| B. After this project: | _____ | _____ |
2. Is the project associated with an existing Cloquet business? _____ Yes _____ No
3. Length of time in business: _____

**Policy and Procedure for Application to the City of Cloquet
for Private Activity Revenue Bond Financing**

Effective 3/15/11
Amended 5/18/21

I certify that the information provided above contains no misrepresentations, omissions or concealments of material facts and that the information given is true and complete to the best of my knowledge. I have been furnished a copy of the Policy and Procedure for Application to the City of Cloquet for Private Activity Revenue Bond Financing and am aware of its content and agree to be bound by its terms and the terms of the indemnification letter.

Signature

Date

Title

**Policy and Procedure for Application to the City of Cloquet
for Private Activity Revenue Bond Financing**

Effective 3/15/11
Amended 5/18/21

PART V

APPLICATION FOR TAX-EXEMPT FINANCING
(Multi-Family Housing)

Date of Application: _____

Applicant: _____

Contact person: _____

Title: _____

Address: _____

City: _____ State: _____ Zip: _____

Telephone: Work: _____ Home: _____

 Cell: _____ Fax: _____

E-mail: _____

Project Name: _____

Project Location: _____

<u>Project Information</u>	<u>Rent</u>	<u>Units</u>
Efficiency	\$ _____	_____
One Bedroom	\$ _____	_____
Two Bedroom	\$ _____	_____
Three Bedroom	\$ _____	_____
Parking (included in rent/ not included in rent)	\$ _____	_____
Laundry	\$ _____	_____

Utilities included in monthly rent: _____

**Policy and Procedure for Application to the City of Cloquet
for Private Activity Revenue Bond Financing**

Effective 3/15/11

Amended 5/18/21

Operating Expenses

_____ % of Gross (Annual)

Total Project Cost: \$ _____ Developer Equity: \$ _____

Debt Service: \$ _____ *Hard Costs: \$ _____

Land Value: \$ _____ Soft Costs: \$ _____

*(Hard Costs are all project costs the IRS has determined to be eligible items for depreciation.)

Anticipated Interest Rates:

Amortization Schedule:

_____ %

_____ Year Amortization Schedule

If the project were conventionally
financed, what interest rate would
you expect to pay? _____ %

Sales Assumption:

Depreciation Method:

How many years do you plan to
hold the property before you
sell? _____ years

Years: _____

At what percent to you feel the
value of the project will
appreciate? _____

Type: _____

Amount of Total Basis: \$ _____

Equipment:

\$ _____ of project cost is for equipment (e.g., washers/dryers)

Anticipated Increases:

Anticipated Vacancy Rate:

Revenue: _____ % per year

First Year: _____ %

Expenses: _____ % per year

After First Year: _____ %

Construction Schedule:

Anticipated construction commencement date: _____

Anticipated construction completion date: _____

**Policy and Procedure for Application to the City of Cloquet
for Private Activity Revenue Bond Financing**

Effective 3/15/11

Amended 5/18/21

Additional Information:

I certify that the information provided above contains no misrepresentations, omissions or concealments of material facts and that the information given is true and complete to the best of my knowledge. I have been furnished a copy of the Policy and Procedure for Application to the City of Cloquet for Private Activity Revenue Bond Financing and am aware of its content and agree to be bound by its terms and the terms of the indemnification letter.

Signature

Date

Title

**Policy and Procedure for Application to the City of Cloquet
for Private Activity Revenue Bond Financing**

Effective 3/15/11
Amended 5/18/21

PART VI

ADDENDUM TO APPLICATION

The following items must be attached to each application:

APPENDIX A

A brief description of the organization structure of applicant, including parent subsidiary and affiliate organizations (if applicant is other than an individual).

APPENDIX B

Statement of applicant's business history, including any multi-family rental projects.

APPENDIX C

The name, address, and telephone number of:

1. The applicant's legal counsel.
2. The applicant's accountant.
3. The architect of the proposed project.
4. The engineer of the proposed project.
5. The general contractor of the proposed project.

APPENDIX D

1. Present ownership of the proposed project site and applicant's interest therein.
2. Present zoning of the project site and a description of what city land use approvals are needed for this project.
3. The projected number of new employees to be added to the applicant's permanent work force because of the project (for commercial, industrial or health care only.)
4. Other financing attempted or available to the project including any interim financing.
5. Statement regarding whether or not this project has all required city approvals. If the project does not have all of the required approvals, list the approvals still needed and a tentative time schedule.

APPENDIX E

Indemnification Letter of Agreement.

APPENDIX F

Proforma analysis of the project.

**Policy and Procedure for Application to the City of Cloquet
for Private Activity Revenue Bond Financing**

Effective 3/15/11

Amended 5/18/21

PART VII

INDEMNIFICATION LETTER OF AGREEMENT

To: The Mayor of the City of Cloquet and members of the City Council
101 14th ST, Cloquet MN 55720

RE: Application of _____ for
Tax-Exempt Revenue Bond Financing by the City of Cloquet

Dear Mayor and members of the City Council:

This letter of agreement is given by _____, a _____
under the laws of Minnesota ("Applicant") as required by the City of Cloquet, Minnesota, in connection
with its consideration of an application for tax exempt revenue bond financing for the project described as
follows:

Applicant agrees as follows:

1. Applicant agrees to pay or reimburse the City for any and all costs and expenses which the City may incur in connection with its consideration of the project and the granting of tax exempt revenue bond financing therefore, whether or not the project is preliminarily approved by the City, whether or not the project is approved by the State of Minnesota, whether or not revenue bond financing is finally approved by the City, whether or not the bonds are issued and sold, and whether or not the project is carried to completion.
2. Applicant agrees to indemnify and hold the City, its officers, employees and agents harmless against any and all losses, claims, damages, expenses or liabilities, including attorney's fees incurred in their defense, to which the City, its officers, employees and agents may become subject in connection with the City's consideration, issuance or sale of the bonds for Applicant's project and the carrying out of the transactions contemplated by this agreement and any resolutions adopted, or agreements executed by the City in connection with the issuance of its bonds for this project.
3. Applicant hereby releases the City, its officers, agents and employees from any claims, causes of action, losses, damages, or liabilities which it may have against the City, its officers, agents, and employees or which it may incur in connection with the City's consideration of the application for industrial development revenue bond financing for Applicant's project; the failure of the City, in its discretion, to issue tax-exempt revenue bonds for Applicant's project; the issuance and sale of the bonds; the construction of the project; or any other matter or thing of any type or nature whatsoever which may arise in connection with the foregoing.

**Policy and Procedure for Application to the City of Cloquet
for Private Activity Revenue Bond Financing**

Effective 3/15/11

Amended 5/18/21

-
4. Applicant is aware of the City's application and administrative fee structure for tax exempt financing and agrees and covenants that all such fees will be paid in the amount and at the times required.
 5. I certify that the information provided in the application contains no misrepresentations, omissions or concealments of material facts and that the information given is true and complete to the best of my knowledge.

Dated: _____

By: _____
Applicant

Its _____



DEPARTMENT OF PUBLIC WORKS

101 14th Street; Cloquet, MN 55720
Phone: (218) 879-6758 Fax: (218) 879-6555
Street - Water - Sewer – Engineering - Park
www.cloquetmn.gov

REQUEST FOR COUNCIL ACTION

To: Mayor and City Council
From: Caleb Peterson, Public Works Director
Reviewed By: Tim Peterson, City Administrator *TP*
Date: May 18, 2021

ITEM DESCRIPTION: SCADA System Upgrades

Proposed Action

Staff recommends that the City Council move to authorize bidding of SCADA system upgrades.

Background/Overview

The operation of Cloquet's municipal utilities is continuously monitored and controlled by a Computerized Supervisory Control and Data Acquisition (SCADA) system, which starts and stops pumps based on system demands. In addition, this control system monitors various real time operating parameters such as tank levels, pumping rates, total gallons pumped, hourly and daily demand or usage. In the event something occurs out of the ordinary, the system will generate and log an alarm to utility staff which respond and address most issues before any impacts are realized by our customers.

The current City of Cloquet SCADA system has a mix of Bristol Babcock PLCs (Programmable Logic Controllers) and Allen-Bradley Controllers. There are also five lift station sites that are not on the SCADA network. The 2021 budget and CIP include funding to update the older Bristol Babcock PLC's and bring some of smaller uncontrolled lift station sites into the network.

The City has an existing SCADA System Integrator and equipment supplier which provides professional services for programming and troubleshooting of existing equipment. Staff recommends this professional service relationship stay in place as they have knowledge of current programming put in place on newer portions of the system which are not proposed to be upgraded.

To comply with public bidding requirements, SEH was contracted to develop bidding documents for the supply and installation of the required equipment by a licensed electrician. Bidding documents have been prepared for this project and City is ready to seek quotations from qualified contractors upon City Council approval.

Policy Objectives

To comply with State Statute and City Policy regarding purchasing and contract procurement.

To Mayor and Council
SCADA Bid Authorization
May 18, 2021
Page 2

Financial/Budget/Grant Considerations

The 2021 budget includes \$250,000 for this project split between the water, sanitary sewer, and Lake Superior water funds. The preliminary estimate to complete programming and installation is \$220,000. The project is set up with bid alternates for some of the lift station work to allow for flexibility in award if needed to stay in budget.

Advisory Committee/Commission Action

N/A.

Supporting Documents Attached

None.



DEPARTMENT OF PUBLIC WORKS

101 14th Street • Cloquet MN 55720
Phone: 218-879-6758 • Fax: 218-879-6555
Street - Water - Sewer - Engineering

REQUEST FOR COUNCIL ACTION

To: Mayor and City Council
From: Caleb Peterson, Public Works Director
Reviewed by: Tim Peterson, City Administrator *TP*
Date: May 18, 2021

ITEM DESCRIPTION: Rubber Tire Backhoe Purchase

Proposed Action

Staff recommends the City Council move to authorize the order of a 2021 John Deere 310SL Rubber Tire Backhoe from McCoy Equipment in the total amount of \$79,735.00 with trade.

Background/Overview

As part of the 2021 Capital Improvement Program (CIP), one of the Street Department’s two backhoes is scheduled to be replaced at a budgeted cost of \$90,000. The existing backhoe (Unit 227) is 15 years old and is a critical piece of equipment for repairing water breaks and street right-of-way maintenance.

Along with the backhoe purchase, the City will be replacing the Kent hydraulic breaker. This piece of equipment is mounted on the backhoe and is used primarily during the winter to hammer out frost and concrete pavement to complete watermain repairs. It is also used in the summer months by the Street Department to break and remove deteriorated concrete sidewalk and curb.

Under the Cooperative Purchase Agreement with the State of Minnesota, local governments can purchase this equipment directly from a previously awarded state contract. This process provides greatly discounted prices and eliminates the need for the City to advertise for bids.

Staff proposes the purchase of the John Deere 310 SL in the amount of \$79,735.00. Public Works staff has reviewed specifications on the proposed John Deere 310SL model and are satisfied the unit will meet our needs.

<u>Dealer</u>	<u>Rubber Tire Backhoe</u>
Titan Machinery (State Bid)	\$81,503.00
McCoy Equipment (State Bid)	\$79,735.00

Policy Objectives

To replace necessary equipment in accordance with the approved Capital Improvement Plan.

Financial Impacts/Budget/Grant Considerations

The net purchase price for this piece of equipment will be \$10,265 under the proposed Public Works Reserve Fund budget.

Supporting Documentation Attached

None.



DEPARTMENT OF PUBLIC WORKS

101 14th Street • Cloquet MN 55720
Phone: 218-879-6758 • Fax: 218-879-6555
Street - Water - Sewer - Engineering

REQUEST FOR COUNCIL ACTION

To: Mayor and City Council
From: Caleb Peterson, Public Works Director
Reviewed by: Tim Peterson, City Administrator *TP*
Date: May 18, 2021

ITEM DESCRIPTION: Public Works Garage Fuel System

Proposed Action

Staff recommends the City Council move to accept the quote from Minnesota Petroleum of \$40,878.50 for supply and installation of required fuel system equipment.

Background/Overview

Minnesota Pollution Control Agency (MPCA) code mandates fuel dispensing systems be installed with watertight containment under the pump dispensers. The current fuel system at Public Works does not meet these requirements and was flagged during a required annual inspection by the MPCA. Staff has solicited two quotes for supply and installation of the required equipment as shown below:

<u>Contractor</u>	<u>Bid Price</u>
Minnesota Petroleum	\$35,201.14
O'Day Equipment	\$35,930.08

Additionally, upgrades to the fuel monitoring system are also proposed at this time. The current system does not interface with Windows 10 and has been identified as a network security risk by IT. This software/hardware is a critical piece of the system generating fuel use reports by department budget code and ensuring compliance with leak monitoring requirements.

<u>Contractor</u>	<u>Bid Price</u>
Minnesota Petroleum	\$5,677.34
O'Day Equipment	Unable to bid

Policy Objectives

N/A

To Mayor and Council
Fuel System Replacement
May 18, 2021
Page 2

Financial Impacts/Budget/Grant Considerations

The 2021 CIP and budget includes \$40,000.00 from the Permanent Improvement Fund and CAFD to complete this work. Note, some minor electrical work will be required (estimated at \$3,000) to complete this project. Staff will solicit this work independent of the mechanical contact to avoid general contractor mark-up.

Supporting Documentation Attached

None.



ADMINISTRATIVE OFFICES

101 14th Street Cloquet, MN 55720-1903
Phone: 218.879.3347 Fax: 218.879.6555
www.cloquetmn.gov

REQUEST FOR COUNCIL ACTION

To: Mayor and City Council
From: Tim Peterson, City Administrator *TCP*
Date: May 18, 2021

ITEM DESCRIPTION: 4th of July Celebration Activities

Proposed Action

Staff recommends that the City Council move to approve the following 4th of July Celebration items: recognize the 4th of July Event Committee as a City Committee coordinating the 2021 4th of July Celebration; closure of Avenue B from 9:30 a.m. to noon for parade line-up and Sawdust 1-mile route; Cloquet Avenue from 11:00 a.m. to noon for the parade; use of Veterans Park (tentative); use of Pinehurst Park for the Sawdust 5K; and pyrotechnics display permit.

Background/Overview

Enclosed the City Council will find a request from Alyson Leno, representing the Cloquet 4th of July Celebration Committee, seeking approval to hold the 4th of July parade and related activities again this year in Veterans and Pinehurst Parks. Ms. Leno has also included information regarding COVID-19 safeguards.

In addition, the 4th of July Event Committee should once again be authorized as a City Committee acting on behalf of the City for this sponsored event. Thus, the event and volunteers working on the event would fall under the City's event coverage. This is common in certain cities and is legal per our insurance carrier. Staff supports this for the 4th of July Celebration.

Policy Objectives

The support of this type of community event is not directly addressed in any City policy or ordinance.

Financial/Budget/Grant Considerations

Some staff time is required for clean-up and barricading of streets which would be charged against the General Fund. The insurance costs will fall under the City's existing liability insurance coverage. There is some direct cost to the City as it relates to the port-a-pottys and garbage removal.

Advisory Committee/Commission Action

The Parks Commission annually approves the use of the parks for this event.

Supporting Documentation Attached

- Request from Alyson Leno, 4th of July Committee
- Application for Outdoor Public Fireworks Display

May 12, 2021

Cloquet City Council
101 – 14th Street
Cloquet, MN 55720

City Council:

Below, you will find a list regarding approvals needed for the July 4th Celebration.

1. Street Closures
 - a. July 4th: Avenue B, 9:30am-12:00pm (parade line-up and Sawdust 1-mile route)
 - b. July 4th: Cloquet Avenue, 11am-12:00pm (parade)
 - c. July 4th: Old Main Street, 7am-3:00pm (car show)
2. Use of Parks
 - a. July 3 - July 5th: Veterans Park, all day (set-up and clean-up, included). This may not actually be utilized, but would like to reserve just in case.
 - b. July 4: Pinehurst Park, 4am-10:30am (Sawdust 5k)
3. Fireworks permit
 - a. See attached Pyrotechnic Display, Inc display contract (already approved)

Thank you for your consideration regarding the July 4th Celebration approvals.

Alyson Leno
879.1551
aleno@cloquet.com

City of Cloquet – 4th of July Celebration, 2021

The 4th of July Celebration committee continues to work closely with local health officials to determine the safety of our community and whether it is wise to host our community's largest event. On May 6, 2021, the MN Governor spoke on opening up the state in regards to events. It was also verbalized that we are NOT over this pandemic, but are taking strides to get us back to 'normal.'

With that, our committee doesn't feel comfortable rushing into a huge community event that brings in between 5,000-8,000 people. Our event focuses on children and families – who congregate amongst bouncy houses/digging in sand for \$/pony rides/face painting etc. These young children are also the ones who will NOT be vaccinated and could continue the spread in our community. We also anticipate MORE people coming out since it would be the first event back after over a year! Instead of offering our event as we typically do – we'd like to bring it back in pieces! These are still major events that families hope for in the celebration, so we feel our community will be happy!

Below is the list of what the 4th festivities would look like:

July 3rd

LIVE MUSIC @ Northeastern

July 4th

Sawdust 5k – 8am

Sawdust 1- Miler (Cloquet Avenue) – 10:45am

Aerial Flyover – 11am

Parade – 11am

Car Show – 10am-3pm

3 on 3 Basketball – Noon

Fireworks – 10:10pm or dusk

Along with only focusing on these above events – we've struggled this year with business donations. Two of our major sponsors who typically donate \$2,000 per year EACH, have given \$500 between the two of them. That's a \$3500 loss just between two businesses. We continue to reach out to businesses and have asked the community to step in to help support the event. Because of our funding loss as businesses are still not comfortable with large donations – we need to cut back on some of our events, anyway. As we get closer and if we have more funds come in, the committee feels comfortable with increasing the \$ amount of fireworks to have a bigger and better display!

Below you'll see some correspondence we've had with our local health officials:

1. David Lee, Carlton County Public Health: David has agreed that it probably is not wise to host the celebration down in the park with the amount of people congregating. Hopefully, since the parade is for a shorter time period, and with people being vaccinated, this potentially could be ok?
2. Jenny Barta, Carlton County Public Health Nurse: Currently the vaccine is not available to the ages of 15 and younger. We do know that the spread doesn't occur, easily, at outdoor events.

However, we would need to enforce distancing and safety procedures. She currently recommends to limit the events where congregating would happen. We could try a drive-in parade (people stay in vehicles).

<https://www.health.state.mn.us/diseases/coronavirus/vehiclegather.pdf>

3. Erin Louks–Smith, CMH COVID task force team: 'Formal recommendation is that we shouldn't host these types of events until the vaccine is available to all age groups. You can also call the Minnesota Department of Health to see what their recommendation is.' They also feel the parade is too risky with all the people gathering on the sidewalks. UPDATE 5/12/2021 – Does not recommend anything where people are congregating or in small spaces (bouncy houses/digging for sand/etc). We just need to be following the MDH guidelines.
 - a. <https://www.cdc.gov/coronavirus/2019-ncov/community/large-events/considerations-for-events-gatherings.html>
 - b. <https://www.cdc.gov/coronavirus/2019-ncov/your-health/large-gatherings.html>
4. Sarah Ellena, Cloquet School District Nurse: At this point, because so much pre planning must take place well in advance for these events to occur, I feel it is fairly risky. As of right now, with the variant spreading and cases increasing among our families and youth, I really don't see COVID being gone by the 4th to the point that we would be able to return to opening up ourselves to large community wide congregating events such as parades, carnival type or rides where lines of people are crossing paths and closely congregating for longer stretches of time.
5. Variants are affecting more children. <https://www.bloomberg.com/news/articles/2021-04-19/covid-once-spared-the-young-now-more-are-going-to-the-hospital>
6. With 280,000 square feet of Veterans Park (per Caleb Peterson), the reduced number of people to host in the park is 2,478. We typically bring in 5,000+ for our event. Unfortunately, we do not have the manpower to monitor the amount of people coming in and out of the park or to ensure they're safely distancing. <https://staysafe.mn.gov/capacity-calculator/>



CITY ADMINISTRATOR'S OFFICE

1307 Cloquet Avenue, Cloquet MN 55720
Phone: 218-879-3347 Fax: 218-879-6555
www.ci.cloquet.mn.us

APPLICATION FOR OUTDOOR PUBLIC FIREWORKS DISPLAY

- 1. This application is for an outdoor public fireworks display only and is not valid for an indoor fireworks display.
2. This application must be completed and returned at least 15 days prior to date of display.

Name of Applicant (Sponsoring Organization): City of Cloquet

Address of Applicant: 1307 Cloquet Avenue, Cloquet, MN 55720

Names of Applicant's Authorized Agent: Pyrotechnic Display, Inc.

Address of Agent: 9405 River Road SE, Clear Lake, MN 55319

Telephone Number of Agent: 320-300-4823 Date of Display: 7/4/2021 Time of Display: about 10pm

Location of Display: on service road SE of Hospital, E of Hwy 33 along St. Louis River, Cloquet, MN - see map

Manner and place of storage of fireworks prior to display:

Deliver and storage in truck on day of display

Type and number of fireworks to be discharged:

1.3G product - up to 6" shells and Multi-Shot Box items and large special effect candles

MINNESOTA STATE LAW REQUIRES THAT THIS DISPLAY BE CONDUCTED UNDER THE DIRECT SUPERVISION OF A PYROTECHNIC OPERATOR CERTIFIED BY THE STATE FIRE MARSHAL.

Name of Supervising Operator: Josh Flavin Certificate No. 01044

Required attachments. The following attachments must be included with this application:

- 1. Proof of a bond or certificate of insurance in amount of at least \$1.5 million.
2. A diagram of the grounds at which the display will be held. This diagram (drawn to scale or with dimensions included) must show the point at which the fireworks are to be discharged; the location of ground pieces; the location of all buildings, highways, streets, communication lines and other possible overhead obstructions; and the lines behind which the audience will be restrained.
3. Names and ages of all assistants that will be participating in the display. Ryan Hansen, 29

The discharge of the listed fireworks on the date and at the location shown on this application is hereby approved, subject to the following conditions, if any:

I understand and agree to comply with all provisions of this application, MN Statute 624.20 through 624.25, MN State Fire Code, National Fire Protection Association Standard 1123 (2006 edition), applicable federal law(s) and the requirements of the issuing authority, and will ensure that the fireworks are discharged in a manner that will not endanger persons or property or constitute a nuisance.

Signature of Applicant (or Agent): Becky Hanson Date: April 14, 2021

Signature of Fire Chief: Date:

Signature of Issuing Authority: Date:



CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)
4/14/2021

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

PRODUCER Britton Gallagher One Cleveland Center, Floor 30 1375 East 9th Street Cleveland OH 44114	CONTACT NAME:		FAX (A/C, No):	
	PHONE (A/C, No, Ext): 216-658-7100			
INSURED Pyrotechnic Display Inc. 8450 W. St. Francis Road Frankfort IL 60423	E-MAIL ADDRESS:			
	INSURER(S) AFFORDING COVERAGE		NAIC #	
	INSURER A : Axis Surplus Ins Company			
	INSURER B : Everest Indemnity Insurance Co			
	INSURER C : Everest Denali Insurance Company			16044
	INSURER D : MN WC Assigned Risk Plan			
INSURER E :				
INSURER F :				

COVERAGES CERTIFICATE NUMBER: 2117801024 REVISION NUMBER:

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDL INSR	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS	
B	GENERAL LIABILITY <input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY <input type="checkbox"/> CLAIMS-MADE <input checked="" type="checkbox"/> OCCUR			SI8ML00006-201	9/30/2020	9/30/2021	EACH OCCURRENCE	\$ 1,000,000
	GEN'L AGGREGATE LIMIT APPLIES PER: <input type="checkbox"/> POLICY <input checked="" type="checkbox"/> PRO-JECT <input type="checkbox"/> LOC						DAMAGE TO RENTED PREMISES (Ea occurrence)	\$ 500,000
							MED EXP (Any one person)	\$
							PERSONAL & ADV INJURY	\$ 1,000,000
							GENERAL AGGREGATE	\$ 2,000,000
							PRODUCTS - COMP/OP AGG	\$ 2,000,000
								\$
C	AUTOMOBILE LIABILITY <input checked="" type="checkbox"/> ANY AUTO <input type="checkbox"/> ALL OWNED AUTOS <input checked="" type="checkbox"/> HIRED AUTOS			SI8CA00006-201	9/30/2020	9/30/2021	COMBINED SINGLE LIMIT (Ea accident)	\$ 1,000,000
	<input type="checkbox"/> SCHEDULED AUTOS <input checked="" type="checkbox"/> NON-OWNED AUTOS						BODILY INJURY (Per person)	\$
							BODILY INJURY (Per accident)	\$
							PROPERTY DAMAGE (Per accident)	\$
								\$
A	UMBRELLA LIAB <input checked="" type="checkbox"/> OCCUR EXCESS LIAB <input checked="" type="checkbox"/> CLAIMS-MADE			P-001-000209498-02	9/30/2020	9/30/2021	EACH OCCURRENCE	\$ 4,000,000
	DED RETENTIONS						AGGREGATE	\$ 4,000,000
								\$
D	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/ MEMBER EXCLUDED? (Mandatory in NH) If yes, describe under DESCRIPTION OF OPERATIONS below		Y/N <input type="checkbox"/> N/A	WCMN00370300 (MN)	9/30/2020	9/30/2021	<input checked="" type="checkbox"/> WC STATUTORY LIMITS	OTH-ER
							E.L. EACH ACCIDENT	\$ 1,000,000
							E.L. DISEASE - EA EMPLOYEE	\$ 1,000,000
							E.L. DISEASE - POLICY LIMIT	\$ 1,000,000

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (Attach ACORD 101, Additional Remarks Schedule, if more space is required)
 Additional Insured extension of coverage is provided by above referenced General Liability policy where required by written agreement.
 DISPLAY DATE: July 4, 2021
 LOCATION: Cloquet, Minnesota
 ADDITIONAL INSURED: City of Cloquet, Minnesota

CERTIFICATE HOLDER	CANCELLATION
City of Cloquet Mr. Tim Peterson 1307 Cloquet Avenue Cloquet MN 55720	SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.
	AUTHORIZED REPRESENTATIVE

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Cloquet, MN
420' radius - 6" shell

Google earth

Imagery Date: 4/14/2015 46°43'45.28" N - 92°27'42.35" W elev 1188 ft eye alt 2758 ft

W 92nd St 44.64'

Shoot Site

Stimysta Dr

39

365 ft

1991



ADMINISTRATIVE OFFICES

101 14th Street Cloquet, MN 55720-1903
Phone: 218.879.3347 Fax: 218.879.6555
www.cloquetmn.gov

REQUEST FOR COUNCIL ACTION

To: Mayor and City Council
Reviewed/Approved By: Tim Peterson, City Administrator *TP*
Date: May 18, 2021

ITEM DESCRIPTION: Ordinance Repealing City Code Requiring Face Coverings within Indoor Spaces of Public Accommodation

Proposed Action

Staff recommends the City Council move to approve **ORDINANCE NO. 497A PROVIDING FOR THE REPEAL OF CLOQUET CITY ORDINANCE NUMBERS 489A AND SECTION 4.10 OF THE CLOQUET CITY CODE REQUIRING FACE COVERINGS WITHIN INDOOR SPACES OF PUBLIC ACCOMMODATION.**

Background/Overview

Staff believe it is in the best interest of the community to follow the most recent executive order by the Governor of Minnesota. This order outlines new CDC recommendations advising that vaccinated people are not required to wear face coverings in most places. Following the CDC, MN Department of Health, and Minnesota Governors executive order, staff recommends that we repeal our ordinance requiring face coverings.

Individual establishments will still have the right to require face coverings within their buildings and can require a customer to leave if they are not following that decision.

Supporting Documentation Attached

- Gov. Walz Emergency Executive Order 21-23
- Ordinance No. 497A
- Ordinance No. 489A
- City Code Section 4.10

STATE OF MINNESOTA

Executive Department



Governor Tim Walz

Emergency Executive Order 21-23

Amending Emergency Executive Orders 20-51, 20-81, 21-11, and 21-21

I, Tim Walz, Governor of the State of Minnesota, by the authority vested in me by the Constitution and applicable statutes, issue the following Executive Order:

On May 6, 2021, I issued Executive Order 21-21 detailing a series of measured steps to safely end COVID-19 restrictions on social gatherings and businesses and set a timeline to safely rescind numerous other executive orders that will no longer be necessary. Since I issued Executive Order 21-21, the Centers for Disease Control and Prevention (“CDC”) released new recommendations advising that vaccinated people are not required to wear face coverings in most places. Throughout our COVID-19 response, we have followed the science and adhered to public health guidance. Consistent with that approach, we continue to urge individuals who have not been vaccinated to wear face coverings in indoor public spaces in accordance with CDC and Minnesota Department of Health (“MDH”) recommendations. Given the CDC’s new guidance, our progress on vaccine administration, and encouraging trends in our key public health risk metrics, this Executive Order lifts face-covering requirements in most settings.

For these reasons, I order as follows:

1. All people who have not been vaccinated are strongly encouraged to wear a face covering in accordance with MDH and CDC recommendations until they are fully vaccinated.
2. Notwithstanding paragraph 3 of Executive Order 21-21, paragraphs 2, 9, 10, 11, 12.c, 13, 14, and 15 of Executive Order 20-81 are rescinded immediately.
3. Individuals must continue to comply with relevant CDC Orders, as long as those orders remain in effect. This includes the CDC’s January 29, 2021 Order requiring face coverings on public transportation, available at <https://www.cdc.gov/quarantine/masks/mask-travel-guidance.html>.
4. Paragraphs 12.a and 12.b of Executive Order 20-81, relating to child care, preschool, pre-kindergarten, and K-12 schools, remain in effect. Schools and school districts must continue to follow the face-covering requirements in the Safe Learning Plan

through the end of the 2020-21 school year, or through June 13, 2021 in the case of year-round schools.

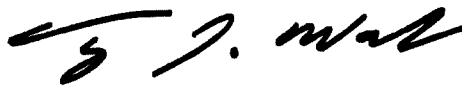
5. Paragraphs 7.c.viii.D, 7.c.ix.B, 7.g.v, 7.h.v, 7.i.ii.A.3, and 13.vi of Executive Order 21-11, as amended by Executive Order 21-21, are rescinded immediately.
6. Paragraph 6.f of Executive Order 21-11, as amended by Executive Order 21-21, is amended by the following deletion (indicated by strikethrough):
 - f. Guidelines. Individuals engaging in activities outside of the home must follow the requirements of this Executive Order, ~~Executive Order 20-81 (face coverings)~~, and MDH and CDC Guidelines. Individuals engaging in outdoor recreational activities must follow the Outdoor Recreation Guidelines available at DNR's COVID-19 website (<https://www.dnr.state.mn.us/covid19.html>).
7. Paragraph 7.c.v of Executive Order 21-11, as amended by Executive Order 21-21, is amended by the following deletion (indicated by strikethrough):
 - v. Barbershops, salons, and other Establishments Providing Personal Care Services must limit occupancy to the number of individuals at any one time for whom physical distancing of six feet can be maintained. Workers, customers, and clients must follow all requirements, ~~including face covering requirements~~, as set forth in the applicable guidance available on the Stay Safe Minnesota website (<https://staysafe.mn.gov>).
8. Paragraph 6.a.vi of Executive Order 20-51 is amended by the following addition (indicated by underlined text) and deletion (indicated by strikethrough):
 - vi. **Social distancing and other infection prevention measures.** As detailed in the Plan Guidance, the facility must implement protocols and physical measures to provide for social distancing; separate and minimize crossover between COVID-19 and non-COVID-19 areas and units to the extent possible; reduce unnecessary contact and interactions between staff, patients, and visitors; and clean and disinfect spaces; ~~and require facility patients and visitors to wear source-control facemasks, which the facility must be prepared to provide when necessary.~~ The protocols and measures must include evidence-based standards for the control and prevention of infection, and the facility must train staff on the protocols and measures and conduct regular audits to ensure compliance.
9. **Enhanced measures permitted.** Nothing in this Executive Order or previous executive orders should be construed to prohibit or prevent political subdivisions from implementing, within their jurisdictions and pursuant to applicable law and authority, restrictions beyond the restrictions contained in this Executive Order, as long as those additional restrictions have a real or substantial relation to the public health crisis caused by COVID-19. Pursuant to Minnesota Statutes 2020, section 12.32, political subdivisions may not relax or reduce this Executive Order's

restrictions. In other words, to the extent that they have authority to do so, cities and other political subdivisions may take actions that are more protective of the public health but may not take actions that are less protective of the public health. Likewise, and consistent with paragraph 16 of Executive Order 20-81, which remains in effect, nothing in this Executive Order or previous executive orders should be construed to prohibit or prevent businesses and other private entities, such as residential apartment buildings or places of worship, from implementing otherwise lawful policies or rules related to the conduct of their employees, tenants, congregants, or customers—including lawful face-covering requirements.

Pursuant to Minnesota Statutes 2020, section 4.035, subdivision 2, and section 12.32, this Executive Order is effective immediately upon approval by the Executive Council. It remains in effect until the peacetime emergency declared in Executive Order 20-01 is terminated or until it is rescinded by proper authority.

A determination that any provision of this Executive Order is invalid will not affect the enforceability of any other provision of this Executive Order. Rather, the invalid provision will be modified to the extent necessary so that it is enforceable.

Signed on May 14, 2021.



Tim Walz
Governor

Filed According to Law:



Steve Simon
Secretary of State

Approved by the Executive Council on May 14, 2021:



Alice Roberts-Davis
Secretary, Executive Council

Filed on May 14, 2021
Office of the Minnesota
Secretary of State,
Steve Simon

CITY OF CLOQUET, MINNESOTA

ORDINANCE NO. 497A

**AN ORDINANCE PROVIDING FOR THE REPEAL OF
CLOQUET CITY ORDINANCE NUMBERS 489A AND SECTION 4.10
OF THE CLOQUET CITY CODE REQUIRING FACE COVERINGS WITHIN INDOOR
SPACES OF PUBLIC ACCOMMODATION**

**NOW THEREFORE, the Mayor and City Council of the City of Cloquet do hereby ordain
as follow”**

SECTION 1. REPEALER

That Ordinance 489A and the Section 4.10 of the City Code requiring face coverings within indoor spaces of public accommodation are hereby repealed.

SECTION 2. EFFECTIVE DATE

This Ordinance shall take effect and be in force from and after its passage.

Passed by the City Council of Cloquet, Minnesota, this 18th day of May 2021.

APPROVED:

Mayor

ATTEST:

City Administrator

ORDINANCE NO. 489A

AN EMERGENCY ORDINANCE TO CREATE SECTION 4.10 OF THE MUNICIPAL CODE
REQUIRING FACE COVERINGS WITHIN INDOOR SPACES
OF PUBLIC ACCOMMODATION

THE CITY COUNCIL OF THE CITY OF CLOQUET HEREBY ORDAINS:

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

Section 4.10: Requirement of Face Coverings Within Indoor Spaces of Public Accommodation

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 child care 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 August 1, 2020 upon adoption and passage by the City Council due to the current health emergency.

Passed this 21st day of July 2020.

CITY OF CLOQUET

By: _____
Its Mayor

ATTEST:

Its City Administrator

Published this _____ day of _____, 2020.