

Cloquet Council Chambers
5:15 P.M. April 19, 2022

5:15 Work Session

Chief Randall and Commander O'Connor presented information on police body cameras and tasers.

6:00 Regular Meeting

Roll Call

Councilors Present: Carlson, Swanson, Kolodge, Jaakola, Acting Mayor Wilkinson

Councilors Absent: Lamb, Mayor Maki

Pledge of Allegiance

AGENDA

MOTION: Councilor Swanson moved and Councilor Carlson seconded the motion to approve the April 19, 2022 agenda. The motion carried unanimously (5-0).

MINUTES

MOTION: Councilor Kolodge moved and Councilor Carlson seconded the motion to approve the Regular Meeting minutes of April 5, 2022 as presented. The motion carried unanimously (5-0).

PUBLIC COMMENTS

There were none.

CONSENT AGENDA

MOTION: Councilor Jaakola moved and Councilor Swanson seconded the motion to adopt the Consent Agenda of April 19, 2022, approving the necessary motions and resolutions. The motion carried unanimously (5-0).

- a. Resolution No. 22-31, Authorizing the Payment of Bills
- b. Year End Transfers for 2021
- c. Approval of New Therapeutic Massage License – K. Hamsher

PUBLIC HEARINGS

There were none.

PRESENTATIONS

There were none.

PUBLIC WORKS POSITION APPOINTMENT

MOTION: Councilor Kolodge moved and Councilor Carlson seconded the motion to appoint Isaac Pfeffer to the position of Parks Maintenance Person effective April 20, 2022. The motion carried unanimously (5-0).

LANDFILL HOST COMMITTEE APPOINTMENTS

MOTION: Councilor Swanson moved and Councilor Jaakola seconded the motion to consider the appointments of Al Cottingham, John Sanders, Kyle Backstrom, Geoff Strack and Bun Carlson to the Landfill Host Committee. The motion carried unanimously (5-0).

APPROVING CONDEMNATION OF 915 CLOQUET AVENUE

MOTION: Councilor Swanson moved and Councilor Kolodge seconded the motion to approve **RESOLUTION NO. 22-29, A RESOLUTION APPROVING CONDEMNATION OF 915 CLOQUET AVENUE.** The motion carried unanimously (5-0).

WHEREAS, in accordance with Resolution No. 21-79 passed on December 21, 2021, the City approved the acquisition of 915 Cloquet Avenue, legally described as follows:

Lots 15 and 16, Block 5, NELSON’S SUB-DIVISION OF OUTLOTS 35, 36 & 40 OF THE VILLAGE, NOW CITY, OF CLOQUET, according to the plat thereof on file and of record in the office of the County Recorder in and for Carlton County, Minnesota.

Parcel ID Nos.: 06-275-1460 and 06-275-1480

Hereinafter the “Property,”

by direct purchase through good faith negotiation (pursuant to Minn. Stat. § 117.036) for no more than the appraised value of \$8,000 (plus costs pursuant to Minn. Stat. § 117.232) unless further approved by this Council, or if an agreement cannot be reached, by condemnation through the exercise of the City’s power of Eminent Domain subject to further approval following a public hearing on March 15, 2022 at 6:00 p.m.

WHEREAS, the City’s first good faith offer of the appraised value of \$8,000 was sent to Felipe A. Mata and the Estate of Carlos G. Villarreal by Offer Letter dated February 9, 2022, to which Felipe A. Mata responded rejecting the offer and to which the Estate of Carlos G. Villarreal did not respond.

WHEREAS, in accordance with Resolution No. 22-16 passed on March 1, 2022, the City authorized the EDA to determine further good faith offers for negotiations with Felipe A. Mata and the Estate of Carlos G. Villarreal without requiring further approval from the City Council.

WHEREAS, the City did respond to Felipe A. Mata requesting that he make a counteroffer to the City, giving consideration to the City’s appraisal of \$8,000, to which Mr. Mata responded with a counteroffer of \$192,800, being the estimated value listed on the 2022 County property tax statement for the Property building parcel.

WHEREAS, a public hearing on the proposed condemnation of 915 Cloquet Avenue was held on March 15, 2022 at 6:00 p.m. in the City Council chambers following published, posted and mailed notice as required by statute, at which time the City Council adopted Resolution No. 22-22 declining Felipe A. Mata’s counteroffer of \$192,800 and authorizing the EDA to proceed to determine an appropriate counteroffer to continue good faith negotiations.

WHEREAS, the City next offered to Felipe A. Mata and the Estate of Carlos G. Villarreal \$50,000 as determined by the EDA, wherein no response was received from the Villarreal Estate, and Mr. Mata maintained his position with respect to subsequent counteroffers by the City, and will only accept \$192,800, which is equal to the tax assessed value as determined by the County.

WHEREAS, EDA staff, following a discussion by the EDA Board, agreed to offer Felipe A. Mata and the Estate of Carlos G. Villarreal a final offer of \$75,000 to purchase the property by Final Offer letter signed by the City Attorney on April 5, 2022.

WHEREAS, Felipe A. Mata responded on April 8, 2022 and rejected the City’s \$75,000 offer and did not make a further counteroffer. To date, the Estate of Carlos G. Villarreal has not responded to any offer letters or requests for confirmation of receipt of such letters.

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

1. The City’s good faith negotiations with Felipe A. Mata and the Estate of Carlos G. Villarreal have been unsuccessful.

2. That after further consideration by the City Council following the public hearing held on March 15, 2022 at 6:00 p.m., the City finds that condemnation, repair, and redevelopment of the property will remove a danger and hazard to public safety at minimal cost to the City due to the low appraised value of the Property being taken, which associated damages and acquisition costs will be passed on to a developer, and further finds that redevelopment will result in a significant public benefit to the City's business base and provide new opportunities for economic growth.

3. The acquisition of buildings found to be hazardous under Minn. Stat. § 463.15 and the acquisition of the real estate upon which they are located is declared to be a public purpose pursuant to § 463.152. This acquisition is necessary as the owners have failed to comply with or respond to multiple orders to repair identified hazardous conditions to the Property.

4. That pursuant to the foregoing findings and resolutions, and in accordance with Minn. Stat. § 463.152 and Cloquet City Code § 10.5 (as appropriate), the Council orders that the Property be acquired by the City by condemnation through the exercise of the City's power of Eminent Domain according to the City's appraised value of \$8,000.

5. That title and possession of the Property is required as soon as possible so that the danger and hazard to public safety can be corrected, necessitating that the Property be acquired prior to the filing of an award by the Court pursuant to the quick-take provisions of Minnesota Statutes §117.042.

6. That the City Attorney is hereby authorized and directed to prepare all documents and take whatever actions are necessary to file the necessary petition for condemnation and other pleadings with the District Court for the acquisition of the Property through the exercise of the City's power of Eminent Domain, and to prosecute said action(s) to a successful conclusion or until it is obtained, dismissed, or terminated by the City or the Court.

AWARDING 2022 PAVEMENT MANAGEMENT PROJECT

MOTION: Councilor Jaakola moved and Councilor Carlson seconded the motion to adopt **RESOLUTION NO. 22-30, A RESOLUTION AWARDING 2022 PAVEMENT MANAGEMENT PROJECT**. The motion carried unanimously (5-0).

WHEREAS, A resolution of the Council adopted on January 18, 2022, authorized advertising the project for bid.

WHEREAS, The City of Cloquet advertised and received the following bids for the project:

No.	Bidder	Total Bid
1	KGM Contractors, Inc.	\$ 511,301.94
2	Ulland Brothers, Inc.	\$ 519,650.00
3	Northland Constructors of Duluth, Inc.	\$ 589,500.00
4	KTM Paving	\$ 600,900.00
	Engineer's Estimate	\$ 525,124

AND WHEREAS, The apparent low bid from KGM Contractors Inc. was found to meet the minimum bid requirements.

NOW, THEREFORE, BE IT RESOLVED, BY THE CITY COUNCIL OF THE CITY OF CLOQUET, MINNESOTA, That the bid from KGM Contractors Inc. in the amount of \$511,301.94 is hereby accepted.

AWARDING 2022 MATERIAL TESTING CONTRACT

MOTION: Councilor Swanson moved and Councilor Kolodge seconded the motion to adopt **RESOLUTION NO. 22-32, A RESOLUTION AWARDING 2022 MATERIAL TESTING CONTRACT**. The motion carried unanimously (6-0).

WHEREAS, The City is responsible to provide Construction oversight on projects constructed for the City;

WHEREAS, The City of Cloquet requested and received the following proposals for the testing services:

Firm	Pavement Management Project	14th Street (phase 2)	total
WSB	\$ 9,542.50	\$ 4,356.25	\$ 13,898.75
Braun	\$ 10,777.50	\$ 4,530.00	\$ 15,307.50
EPC	\$ 12,604.00	\$ 4,729.00	\$ 17,333.00

AND WHEREAS, WSB provided the low proposal, and is capable and qualified to complete the work;

NOW, THEREFORE, BE IT RESOLVED, BY THE CITY COUNCIL OF THE CITY OF CLOQUET, MINNESOTA, That the Proposal from WSB in the amount of \$13,898.75 is hereby accepted.

TREE CITY USA

Public Works Director Caleb Peterson acknowledged that Cloquet has been recognized as a 2021 Tree City USA. As a Tree City, our community is provided a framework to maintain and grow tree coverage throughout the city. It is also an opportunity to expand environmental commitment through urban forest master plans and other Arbor Foundation programs that are available.

COUNCIL COMMENTS, ANNOUNCEMENTS, AND UPDATES

Councilor Jaakola commented that it is Earth Day on Friday the 22nd.

ADJOURNMENT

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

Tim Peterson, City Administrator