

Cloquet Council Chambers
5:15 P.M. May 3, 2022

Regular Meeting

Roll Call

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

Councilors Absent: None

Pledge of Allegiance

AGENDA

MOTION: Councilor Lamb moved and Councilor Swanson seconded the motion to approve the May 3, 2022 agenda. The motion carried unanimously (7-0).

MINUTES

MOTION: Councilor Carlson moved and Councilor Jaakola seconded the motion to approve the Regular Meeting minutes of April 19, 2022 as presented. The motion carried unanimously (7-0).

PUBLIC COMMENTS

There were none.

CONSENT AGENDA

MOTION: Councilor Kolodge moved and Councilor Swanson seconded the motion to adopt the amended Consent Agenda of May 5, 2022, removing item 6.f., *Approval of Transient Merchant License* and adding it to Council Business as item 9.e., approving the necessary motions and resolutions. The motion carried unanimously (7-0).

- a. Resolution No. 22-33, Authorizing the Payment of Bills and Payroll
- b. GFOA Certificate of Achievement for Excellence in Financial Reporting
- c. Minnesota Board of Peace Officer Standards and Training Certificate
- d. Washington Avenue Special Assessment Agreement
- e. Resolution No. 22-35, Entering into MNDOT Agreement with the State of Minnesota and St. Louis County (Highway 210 Detour)

PUBLIC HEARINGS

There were none.

PRESENTATIONS

There were none.

AUTHORIZING USE OF A NEW VOTING SYSTEM IN CARLTON COUNTY MUNICIPALITIES

MOTION: Councilor Lamb moved and Councilor Wilkinson seconded the motion authorize **RESOLUTION NO. 22-37, A RESOLUTION AUTHORIZING USE OF A NEW VOTING SYSTEM IN CARLTON COUNTY MUNICIPALITIES.** The motion carried unanimously (7-0).

WHEREAS, Carlton County has provided for the use of a new electronic voting system in all precincts in the county at all elections pursuant to Minnesota Election Law; and

WHEREAS, the new electronic voting system consists of the DS200 and DS450 automatic ballot tabulators manufactured by Election Systems and Software LLC; and new assistive voting equipment consisting of the OmniBallot electronic display, reader, and marker manufactured by Democracy Live Inc; in conjunction with the supporting and necessary software, programs, documentation, and systems of the electronic voting

system; and

WHEREAS, this new electronic voting system continues to rely on a human-readable paper ballot record completed by the voter; and

WHEREAS, pursuant to Minnesota Statutes chapter 206.58, each municipality within Carlton County may provide for the use of a new electronic voting system; and

WHEREAS, Minnesota Statutes chapter 206.58 also requires information be disseminated to the public about the use of a new voting system as well as be provided access to and instruction on the new system prior to the first election at which it will be used;

NOW, THEREFORE, BE IT RESOLVED, THE CITY COUNCIL OF THE CITY OF CLOQUET, hereby approves the use of the electronic voting system in all elections beginning with the August 9, 2022 Statewide Primary Election pursuant to Minnesota Election Law; and

THEREFORE, BE IT FURTHER RESOLVED THAT, adoption of this resolution shall serve as certification and authorize Carlton County to notify the Minnesota Secretary of State.

APPROVING AN ASSIGNMENT AND ASSUMPTION OF DEVELOPMENT AGREEMENT AND TIF NOTE AND COLLATERAL ASSIGNMENT OF THE TIF NOTE

MOTION: Councilor Wilkinson moved and Councilor Jaakola seconded the motion to approve **RESOLUTION NO. 22-34, A RESOLUTION APPROVING AN ASSIGNMENT AND ASSUMPTION OF DEVELOPMENT AGREEMENT AND TIF NOTE, AND A COLLATERAL ASSIGNMENT OF THE TIF NOTE**. The motion carried unanimously (7-0).

A. WHEREAS, the City of Cloquet, Minnesota (the "City"), and 14th Street Apartments, LLC (the "Assignor of Agreement") entered into that certain Second Amended and Restated Purchase and Development Agreement, dated December 18, 2012 (the "Development Agreement"); and

B. WHEREAS, pursuant to the Development Agreement, the City has heretofore issued in favor of 14th Street Borrower, LLC (the "Assignor of TIF Note", and together with the Assignor of Agreement, the "Assignors") that certain Taxable Limited Revenue Tax Increment Note (14th Street Apartments Phase II Project) in the principal amount of \$196,657.00 dated as of April 17, 2014 (the "TIF Note"); and

C. WHEREAS, the Assignors wish to convey and sell to Cloquet Acquisitions, LLC (the "Assignee"), and the Assignee wishes to purchase, Parcel I and Parcel II as defined in and subject to the Development Agreement (the "Development Property"); and

D. WHEREAS, in connection with the conveyance of the Development Property, (i) Assignors desire to assign to Assignee, and Assignee desires to assume, the Assignors' interest in the Development Agreement insofar as it relates to Parcel I and Parcel II, and (ii) Assignor of TIF Note desires to assign to Assignee, and Assignee desires to assume, the Assignor of TIF Note's interest in the TIF Note, all pursuant to an Assignment and Assumption of Development Agreement and TIF Note (the "Assignment"); and

E. WHEREAS, the Assignee is seeking to finance the acquisition of the Development Property with MidCountry Bank (the "Lender"), and the Lender is requiring the execution of a Collateral Assignment of TIF Note (the "Collateral Assignment"); and

F. WHEREAS, a draft of the Assignment and Collateral Assignment have been submitted to the City Council for approval.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Cloquet, Minnesota, as follows:

1. The City Council hereby approves the Assignment and the Collateral Assignment in substantially the forms submitted, and the Mayor and the City Administrator are hereby authorized and directed to execute the Assignment and the Collateral Assignment on behalf of the City. In the absence of the Mayor or the City Administrator, any

document authorized by this resolution to be executed may be executed by an acting or duly designated official.

2. The approval hereby given to the Assignment and to the Collateral Assignment includes approval of such additional details therein as may be necessary and appropriate and such modifications thereof, deletions therefrom and additions thereto as may be necessary and appropriate and approved by the City officials authorized by this resolution to execute the Assignment and the Collateral Assignment. The execution of the Assignment and the Collateral Assignment by the appropriate officer or officers of the City shall be conclusive evidence of the approval of the Assignment and the Collateral Assignment in accordance with the terms hereof.

REPEALING RESOLUTION NO. 21-45, RESTRICTING NONESSENTIAL WATER USAGE

MOTION: Councilor Kolodge moved and Councilor Lamb seconded the motion to approve **RESOLUTION NO. 22-36, A RESOLUTION REPEALING RESOLUTION NO. 21-45, RESTRICTING NONESSENTIAL WATER USAGE UPON DROUGHT CONDITIONS AS AUTHORIZED BY MINNESOTA STATUTE 103G.291 AND CITY CLOQUET CITY CODE 11.3.01.** The motion carried unanimously (7-0).

WHEREAS, on August 12, 2021, the Minnesota Department of Natural Resources declared a state-wide draught warning phase under the State Draught Plan; and

WHEREAS, a draught warning requires the City to implement water use restrictions as contained in City's approved Water Supply Plan; and

WHEREAS, on September 7, 2021 the City Council adopted Resolution No. 21-45 to limit times and hours during which City water may be used for sprinkling and irrigation; and

WHEREAS, draught conditions have improved over the winter months to a point where the Minnesota Department of Natural Resources has moved our watershed out of the draught warning phase relaxing restrictions on public water suppliers.

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

That **RESOLUTION NO. 21-45, A RESOLUTION RESTRICTING NONESSENTIAL WATER USE UPON DROUGHT CONDITIONS PENDING FURTHER COUNCIL ACTION** is hereby repealed.

AUTHORIZATION TO ACCEPT THE FEDERAL BODY-WORN CAMERA GRANT

Mayor Maki invited public comment regarding the Federal Body Worn Camera Grant at this time. Chief Randall read an email from County Attorney Ketola expressing her support for the Cloquet Police Department's request for funding for body worn cameras. No other comments were made or received.

MOTION: Councilor Lamb moved and Councilor Carlson seconded the motion to accept the federal body-worn camera grant of \$38,000. The motion carried unanimously (7-0).

TRANSIENT MERCHANT LICENSE APPROVAL – MARKSMAN TRADING POST

MOTION: Councilor Lamb moved and Councilor Jaakola seconded the motion to table the approval of a Transient Merchant License for Marksman Trading Post until further vendor information is received. The motion carried unanimously (7-0).

COUNCIL COMMENTS, ANNOUNCEMENTS, AND UPDATES

Councilor Lamb reminded citizens to clean up trash and animal waste now that the snow is melting and ground thawing.

Mayor Maki expressed his appreciation to the City Clerk during Municipal Clerk's week.

Councilor Kolodge thanked the Young Life Group for their time cleaning up Pinehurst Park.

Councilor Jaakola reminded that FDLTCC graduation is May 12th.

City Administrator Peterson stated that filings for Mayor and Wards 1, 2, and 3 are May 17-31st. Information is posted on the city's website.

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