

Cloquet Council Chambers  
6:00 P.M. August 16, 2022

## **Regular Meeting**

Roll Call

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

Councilors Absent: Wilkinson

Pledge of Allegiance

## **AGENDA**

**MOTION:** Councilor Lamb moved and Councilor Kolodge seconded the motion to approve the August 16, 2022 agenda. The motion carried unanimously (6-0).

## **MINUTES**

**MOTION:** Councilor Swanson moved and Councilor Carlson seconded the motion to approve the Regular Meeting minutes of August 2, 2022 as presented. The motion carried unanimously (6-0).

## **PUBLIC COMMENTS**

There were none.

## **CONSENT AGENDA**

**MOTION:** Councilor Jaakola moved and Councilor Lamb seconded the motion to adopt the Consent Agenda of August 16, 2022, approving the necessary motions and resolutions. The motion carried unanimously (6-0).

- a. Resolution No. 22-58, Authorizing the Payment of Bills
- b. Resolution No. 22-61, Approving the Site Plan in the RC-Regional Commercial District, Miners, Inc.
- c. Approval of Optional 2AM Liquor License – Lumberjack Lounge
- d. Approval of New On Sale Wine and 3.2% Malt Liquor License – Ride or Die Pizzeria
- e. Approval of On-Sale Liquor Sales at Northwoods Arena

## **PUBLIC HEARINGS**

There were none.

## **PRESENTATIONS**

- a. Positive Community Norms  
PCN Grant Coordinator Cara Keinan presented information about the Positive Community Norms program. The program focuses on the prevention and reduction of drug and alcohol use among youth in the Carlton and Cloquet school districts. They also work with the REACH Mentoring program.
- b. 2023 Draft Budget  
City Administrator Peterson gave a summary of the 2023 draft budget. Peterson explained the most notable increase is workers compensation. The levy increase will be proposed at 5.97%. Peterson encouraged Council members to call with any questions.

## **PROVIDING FOR THE ISSUANCE AND SALE OF GO SALES TAX AND WATER REVENUE BONDS, SERIES 2022A**

**MOTION:** Councilor Kolodge moved and Councilor Lamb seconded the motion to adopt **RESOLUTION NO. 22-63, A RESOLUTION PROVIDING FOR THE ISSUANCE AND SALE OF \$2,790,000 GENERAL OBLIGATION SALES TAX AND WATER REVENUE BONDS, SERIES 2022A**. The motion carried unanimously (6-0).

## **CONSIDERATION OF PLANNING COMMISSION APPOINTMENT**

**MOTION:** Councilor Swanson moved and Councilor Lamb seconded the motion to appoint Michelle Wick to the Planning Commission effective September 1, 2022 with a term expiring December 31, 2024. The motion carried unanimously (6-0).

## **SPECIAL ASSESSMENT ORDINANCE REVISION AND POLICY ADOPTION – 2<sup>ND</sup> READING**

**MOTION:** Councilor Kolodge moved and Councilor Carlson seconded the motion to adopt **ORDINANCE NO. 500A, AN ORDINANCE TO AMEND CHAPTER 12 OF THE MUNICIPAL CODE PERTAINING TO FINANCING AND ASSESSMENT OF PUBLIC IMPROVEMENTS.** The motion carried unanimously (6-0).

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

**Section 1. Sections 12.2.01 thru 12.2.11 are deleted in their entirety.**

**Section 2. Sections 12.201, 12.2.02 and 12.2.03 are adopted as follows:**

**12.2.01. General Policy.** It shall be the policy of the City to finance certain street and utility improvements by the methods prescribed in the Policy for Financing and Assessment of Public Improvements as adopted and periodically updated by City Council. The apportionment of the cost between benefited property and the City at large and the method of levying assessments prescribed in the Assessment Policy shall be followed in each case unless the Council, by resolution, finds that because of special circumstances, as provided for by Statute, a different policy shall be necessary or desirable. Any local improvement described in Minn. Stat., Chapter 429 and not specifically addressed by the Assessment Policy shall be financed as the Council determines to be most feasible and equitable in each case.

**12.2.02. Applicable State Statutes.** All procedures for the construction and financing of local improvements, when at least part of the cost shall be defrayed by special assessments against benefited property, shall conform with the applicable city policy and Minn. Stat., Chapter 429 and the definitions as set forth in the statutes.

**12.2.03. Deferral of Special Assessments for Seniors and Retired, Disabled Homeowners.**

**Subd. 1. Legislative Authority.** Pursuant to Minnesota Statutes Section 435.193, the City Council may defer special assessments levied against the homestead property of a senior citizen or retired, disabled homeowner for whom it would be a hardship to make the annual payments. The City Council will act on all deferral requests once an application, as adopted by the City, has been completed.

**Subd. 2. Termination of Deferral Status:** It shall be the duty of the applicant, his/her heirs or legal representative to notify the City Administrator of any changes in status which affect the eligibility for the deferral. Special assessments deferred pursuant to the eligibility requirements set forth herein shall terminate and become payable, together with accumulated interest, upon the occurrence of any one of the following events:

- a. **Transfer of Ownership:** The property is sold, transferred, subdivided or in any way conveyed to another by the individual for whom the deferral was granted.
- b. **Death of Owner:** The death of the owner qualified for the deferral, unless a surviving joint tenant or tenant in common is eligible for the deferral benefit provided herein.
- c. **Loss of Homestead Status:** The property loses its homestead status for any reason.
- d. **No Hardship:** The City Council determines that there would be no hardship to require an immediate or partial payment.

**Subd. 3. Disability:** Retirement by reason of permanent and total disability shall be deemed prima facie to exist when the applicant presents a sworn affidavit by a licensed medical doctor attesting that the applicant is unable to be gainfully employed because of a permanent and total disability in any occupation for which he/she may be qualified.

**Section 3. Effective Date.** This ordinance shall take effect and be in force from and after its passage and publication in accordance with law.

**MOTION:** Councilor Jaakola moved and Councilor Lamb seconded the motion to adopt **RESOLUTION NO. 22-54, A RESOLUTION ADOPTING THE CITY OF CLOQUET POLICY FOR FINANCING AND ASSESSMENT OF PUBLIC IMPROVEMENTS.** The motion carried unanimously (6-0).

**WHEREAS**, the City Council of the City of Cloquet, Minnesota (the "City") proposes to issue its General Obligation Sales Tax and Water Revenue Bonds (the "Bonds"), the proceeds of which will be used to finance the costs of construction, improvement or rehabilitation of water, sanitary sewer, and storm sewer facilities; and

**WHEREAS**, the City Council hereby determines it is in the best interests of the City to apply to the Minnesota Public Facilities Authority (the "Authority") for credit enhancement of the Bonds;

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

1. Approval of the Authority's Credit Enhancement Program Agreement. The Authority's Credit Enhancement Program Agreement (the "Agreement") is hereby approved, the same being before the City Council and made a part of this resolution by reference.

2. Authorization to Sign Agreement and Related Forms. The Mayor and the City Administrator are authorized to sign the Agreement on the City's behalf and to execute any other related forms prescribed by the Authority with respect to the Agreement.

3. Agreement to Comply with Minnesota Statutes, Section 446A.086. The City is entering into the Agreement with the Authority pursuant to Minnesota Statutes, Section 446A.086 (the "Act") and the City hereby agrees to comply with and be bound by the provisions of the Act.

Submission of the Agreement. The Mayor and the City Administrator are hereby authorized to submit, on the City's behalf, the Agreement to the Authority, together with the nonrefundable application fee in the amount of \$500.

#### **APPROVING VARIANCE FROM THE SIDEWALK REQUIREMENT IN A RESIDENTIAL SUBDIVISION**

**MOTION:** Councilor Swanson moved and Councilor Lamb seconded the motion to deny **RESOLUTION NO. 22-59, A RESOLUTION DENYING A VARIANCE FROM THE SIDEWALK REQUIREMENT IN A RESIDENTIAL SUBDIVISION FOR JAMES KUKLIS.** The motion carried unanimously (6-0).

**WHEREAS**, James Kuklis is proposing a Variance to the Subdivision Code requirement for a sidewalk to be installed; and

**WHEREAS**, As required by ordinance, notification was advertised in the Pine Knot and property owners within 350 feet have been notified. A public hearing was held to consider the application at the regular meeting of the Cloquet Planning Commission on August 10, 2022, at which time Zoning Case / Development Review No. 19-17 was heard and discussed; and

**WHEREAS**, the property of the proposed Variance is located southwest of Trail Drive and 18<sup>th</sup> Street and is legally described as follows:

Outlot "B", Trails Edge, Carlton County, Minnesota. And,

**WHEREAS**, the Planning Commission reviewed the staff report and recommends denial the Variance.

**NOW, THEREFORE, BE IT RESOLVED, BY THE CITY COUNCIL OF THE CITY OF CLOQUET, MINNESOTA**, that it denies Zoning Case 19-17 for a Variance for James Kuklis not to install a sidewalk within the Trails Edge Second.

#### **APPROVING A PRELIMINARY PLAT FOR J. KUKLIS**

**MOTION:** Councilor Swanson moved and Councilor Kolodge seconded the motion to approve **RESOLUTION NO. 22-60, A RESOLUTION APPROVING A PRELIMINARY PLAT IN THE R2-ONE AND TWO-FAMILY RESIDENCE DISTRICT FOR JAMES KUKLIS.** The motion carried unanimously (6-0).

**WHEREAS**, James Kuklis is proposing a Preliminary Plat in the R2 – One- and Two-Family Residence District for 13 lots for 26 units; and

**WHEREAS**, As required by ordinance, notification was advertised in the Pine Knot and property owners within 350 feet have been notified. A public hearing was held to consider the application at the regular meeting of the Cloquet Planning Commission on August 10, 2022, at which time Zoning Case / Development Review No. 19-17 was heard and discussed; and

**WHEREAS**, the property of the proposed Preliminary Plat is located southwest of Trail Drive and 18<sup>th</sup> Street and is legally described as follows:

Outlot “B”, Trails Edge, Carlton County, Minnesota. And,

**WHEREAS**, the Planning Commission reviewed the staff report and recommends approval of a Preliminary Plat for 13 lots for 26 units in the R2 – One- and Two-Family Residence District.

**NOW, THEREFORE, BE IT RESOLVED, BY THE CITY COUNCIL OF THE CITY OF CLOQUET, MINNESOTA**, that it approves Zoning Case 19-17 for a Preliminary Plat in the R2 – One- and Two-Family Residence District subject to the following conditions:

1. Compliance with the Engineer’s Memo Dated August 2, 2022.
2. Park Dedication requirements will be cash in lieu of land dedication.
3. A Development Agreement along with the appropriate financial guarantee shall be signed in conjunction with the Final Plat.

#### **CHAPTER 17 ZONING MAP AMENDMENT ORDINANCE 501A – FIRST READING**

City Planner Al Cottingham presented **RESOLUTION NO. 22-62, A RESOLUTION APPROVING THE COMPREHENSIVE PLAN AMENDMENT (LAND USE PLAN) FROM “LOW DENSITY RESIDENTIAL” TO “HIGHWAY COMMERCIAL”**. Council action will be taken at the September 6, 2022 meeting.

**WHEREAS**, Pru Properties LLC is proposing a Comprehensive Plan Amendment (Land Use Plan) from “Low Density Residential” to “Highway Commercial”; and

**WHEREAS**, As required by ordinance, notification was advertised in the Pine Knot. A public hearing was held to consider the application at the regular meeting of the Cloquet Planning Commission on August 10, 2022, at which time Zoning Case / Development Review No. 22-09 was heard and discussed; and

**WHEREAS**, the property of the proposed Comprehensive Plan Amendment (Land Use Plan) is located northwest of Holmes Drive and 8<sup>th</sup> Street and is legally described as follows:

Lots 4 – 6, Block 5, and that part of the adjacent vacated 7<sup>th</sup> Street and Taylor Avenue, City of Cloquet Junttis Addition, and that portion of Taylor Avenue lying west of the centerline of 7<sup>th</sup> Street, Luomalas Addition, Carlton County, Minnesota.

**WHEREAS**, the Planning Commission reviewed the staff report and recommends approval of the Comprehensive Plan Amendment (Land Use Plan).

**NOW, THEREFORE, BE IT RESOLVED, BY THE CITY COUNCIL OF THE CITY OF CLOQUET, MINNESOTA**, that it approves of Zoning Case 22-09 for a comprehensive plan amendment (land use plan) from “Low Density Residential” to “Highway Commercial”.

Mr. Cottingham next presented the first reading of **ORDINANCE NO. 501A, AN ORDINANCE TO AMEND CHAPTER 17 BY AMENDING THE ZONING MAP OF THE CITY OF CLOQUET FROM “R1 - SINGLE-FAMILY RESIDENCE” TO “RC – REGIONAL COMMERCIAL”**. The second reading and Council action will take place at the September 6, 2022.

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

**Section 1.** The Zoning Map of the City of Cloquet is hereby amended to change the zoning designation of the following described property from R1 – Single-Family Residence to RC – Regional Commercial:

Lots 4 – 6, Block 5, and that part of the adjacent vacated 7<sup>th</sup> Street and Taylor Avenue, City of Cloquet Junttis Addition, and that portion of Taylor Avenue lying west of the centerline of 7<sup>th</sup> Street, Luomalas Addition, Carlton County, Minnesota.

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

### **COUNCIL COMMENTS, ANNOUNCEMENTS, AND UPDATES**

Administrator Peterson once again encouraged citizens to follow the City of Cloquet's Sales Tax Facebook page for information on the referendum that will be on the November ballot. Questions and answers will be posted.

Administrator Peterson acknowledged tonight as Councilor Swanson's last meeting serving as Ward 3 Councilor, thanking him for his service and dedication to the community.

### **ADJOURNMENT**

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

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Tim Peterson, City Administrator