

Cloquet Council Chambers  
5:15 P.M. February 7, 2023

### **5:00 Work Session**

Community Development Director Holly Hansen and EDA members addressed Council regarding concerns about current city code Section 9.2 Project Labor Agreements as it impacts private development projects. The EDA is requesting City Council amend this section of City Code to improve city policy impacts on private development projects. Councilors agreed to move forward with this issue as an agenda item at the February 21, 2023 meeting.

### **6:00 Regular Meeting**

#### **OATH OF OFFICE**

City Administrator Peterson administered the oath of office to Ward 3 Councilor Iris Keller.

Roll Call

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

Councilors Absent: None

Pledge of Allegiance

#### **AGENDA**

**MOTION:** Councilor Lamb moved and Councilor Wilkinson seconded the motion to approve the February 7, 2023 agenda. The motion carried unanimously (7-0).

#### **MINUTES**

**MOTION:** Councilor Kolodge moved and Councilor Carlson seconded the motion to approve the Work Session and Regular Meeting minutes of January 17, 2023 as presented. The motion carried unanimously (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 February 7, 2023 approving the necessary motions and resolutions. The motion carried unanimously (7-0).

- a. Resolution No. 23-06, Authorizing the Payment of Bills and Payroll
- b. Consideration of Citizens Advisory Board Reappointment – A. Korby
- c. Approval of New therapeutic Massage Licenses – J. Batista

#### **PUBLIC HEARINGS**

There were none.

#### **PRESENTATIONS**

- Amber Lewis of Northspan and Cloquet Area Inclusion Learning Cohort, along with several students, gave an overview of what the Learning Cohort is, focusing on making our community a welcoming place for everyone and making sure everyone is included. There has been a cohort of 16-26 individuals participating in the workshops, sharing their experiences in the community, having conversations on difficult topics such as racial, cultural and intergenerational differences. Some of the youth addressed Council stating how the cohort has been a positive experience for them.
- Director of Public Works Caleb Peterson gave a general review of the city's snow and ice removal policy, explaining the process and considerations that go into adopting the policy. The current policy was adopted in 2016. Mr. Peterson discussed how safety precautions for the public

as well as plow operators are considered, as well as the environmental impacts. Environmental regulations are always evolving and need to be met when permitting is renewed every 4 years. Mr. Peterson also touched on the level of service and expectations, explaining that the street department is made up of 7 employees and when there is a large snow event, full mobilization takes place, pulling from the utilities and parks departments. Plows start at 3:00 a.m. so all streets are touched by morning commute time. The big snow events this winter have resulted in the operators working 14-16 hour shifts as well as weekends.

Next, Chief Randall explained the winter parking ordinance and the process of ticketing and towing of vehicles. Mr. Peterson stated that alternate side parking is not as efficient as the city's winter parking policy and indicated that snow removal costs would increase approximately 40% and the quality would go down if the policy was alternate side parking.

### **NEW POLICE OFFICER HIRE**

**MOTION:** Councilor Lamb moved and Councilor Wilkinson seconded the motion to approve the probationary appointment of Brittany Asanovich to the position of police officer. The motion carried unanimously (7-0).

### **ADOPTING THE ICAC JOINT POWERS AGREEMENT**

**MOTION:** Councilor Jaakola moved and Councilor Lamb seconded the motion to adopt **RESOLUTION NO. 23-05, ADOPTING THE 2023-2028 ICAS JOINT POWERS AGREEMENT.** The motion carried unanimously (7-0).

**WHEREAS,** The City of Cloquet, on behalf of its Police Department, desires to enter into a Joint Powers Agreement with the State of Minnesota, Department of Public Safety, Bureau of Criminal Apprehension ICAC Task Force, to use the state forensic computer systems, tools and resources available by the task force for which the City is eligible.

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

1) That the State of Minnesota Joint Powers Agreement by and between the State of Minnesota acting through its Department of Public Safety, Bureau of Criminal Apprehension, and the City of Cloquet on behalf of its Police Department, are hereby approved. A copy of the Joint Powers Agreement is attached to this Resolution and made a part of it.

2) That the Chief of Police, Derek Randall, or his or her successor, is designated the Authorized Representative for the Police Department. The Authorized Representative is also authorized to sign any subsequent amendment or agreement that may be required by the State of Minnesota to maintain the City's participation in the ICAC Task Force, and the resources offered by the State.

To assist the Authorized Representative with the administration of the agreement, Chief Randall is appointed as the Authorized Representative's designee.

3) That the Chief of Police, Derek Randall, or his or her successor, is designated the Authorized Representative for the Cloquet Police Department. The Authorized Representative is also authorized to sign any subsequent amendment or agreement that may be required by the State of Minnesota to maintain the City's agreement to the BCA and the ICAC Task Force.

To assist the Authorized Representative with the administration of the agreement, Chief Randall is appointed as the Authorized Representative's designee.

4) That Roger Maki, the Mayor for the City of Cloquet, Tim Peterson, the City Administrator, or Kris St. Arnold, the City Clerk, are authorized to sign the State of Minnesota Joint Powers Agreement.

### **ORDINANCE NO. 504A AMENDING CHAPTER 2 OF THE MUNICIPAL CODE – SECOND READING**

**MOTION:** Councilor Carlson moved and Councilor Wilkinson seconded the motion to adopt **ORDINANCE NO. 504A, AN ORDINANCE TO AMEND CHAPTER 2 OF THE MUNICIPAL CODE TO CHANGE THE COMPOSITION OF THE PLANNING COMMISSION.** The motion carried unanimously (7-0).

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

**Section 1. Section 2.2.01 Subd. 2 Composition** is amended to read:

The planning commission shall consist of five members appointed by the Mayor with the approval of the Council. Commission members shall be appointed for terms of three years each. Each appointed member shall serve until his or her successor shall be appointed and qualified. Interim vacancies shall be filled by appointment of the Mayor upon approval of the Council for unexpired terms. The terms of the ex-officio members shall correspond to their respective official tenures. Every appointed member shall, before assuming the office, take an oath that he or she shall faithfully discharge the duties of his or her office. All members shall serve without compensation.

**Section 2.** **Section 2.2.01 Subd. 6 Procedure for Adoption of Plan** is amended to read:

Before adopting the City plan or any section of it or any substantial amendment thereof, the commission shall hold at least one public hearing thereon. Notice of the time and place of that meeting shall be given by publication in the official newspaper at least ten days before the day of the hearing. The adoption of the City plan or any section or amendment thereof shall be by resolution of the commission and approved by the City Council by the affirmative votes of not less than five/sevenths (5/7) of its total membership. The Commission may from time to time amend or add to the City plan or any section thereof as provided in this Section for the adoption of the original plan whenever changed conditions or further studies by the commission indicate that an amendment or addition shall be necessary. An attested copy of the plan or any section, amendment, or addition to the City plan adopted by the planning commission shall be certified to the City Council subject to final approval.

#### **APPROVING CONDITIONAL USE PERMIT AMENDMENT FOR SKB – EXPANDED HOURS**

**MOTION:** Councilor Kolodge moved and Councilor Jaakola seconded the motion to adopt **RESOLUTION NO. 23-07, A RESOLUTION APPROVING THE CONDITIONAL USE PERMIT AMENDMENT FOR SKB ENVIRONMENTAL CLOQUET LANDFILL FOR EXPANDED HOURS IN THE HI-HEAVY INDUSTRY DISTRICT.** The motion carried unanimously (7-0).

**WHEREAS**, an Application has been submitted by Shamrock Landfill to amend their existing Conditional Use Permit which was approved on February 15, 2011, and amended on November 5, 2014. The amendment request is pursuant to 17.2.06 of the City Code, for the 59-acre Industrial Landfill to modify their hours of operation to allow 24 hours a day, seven days a week solely for the SRFI material transported with SKB trucks and direct employees, with the hours between 7am – 5pm, Monday – Saturday open to anyone; and

**WHEREAS**, As required by ordinance, notification was advertised in the Pine Journal and all neighbors within 1320 feet were notified. A public hearing was held to consider the Application at the regular meeting of the Cloquet Planning Commission on October 11, 2022, at which time Zoning Case / Development Review No. 22-13 was heard and discussed; and

**WHEREAS**, the property of the proposed Conditional Use Permit Amendment is located at 761 Highway 45 and is legally described as follows:

That part of the West 390.00 feet of the Northwest Quarter of the Southeast Quarter, Section 25, Township 49, Range 17, Carlton County, Minnesota, which lies southerly of Interstate Highway 35 and northerly of the South 100.00 feet of said Northwest Quarter of the Southeast Quarter.

AND ALSO

That part of the South 100.00 feet of the North Half of the Southeast Quarter, Section 25, Township 49, Range 17, Carlton County, Minnesota, which lies westerly of the right-of-way of the Great Northern Railway (now known as Burlington Northern Santa Fe Railroad).

AND ALSO

That part of the East 600.00 feet of the Northeast Quarter of the Southwest Quarter, Section 25, Township 49, Range 17, Carlton County, Minnesota, which lies southerly of Interstate Highway 35.

AND ALSO

The east 600.00 feet of the Southeast Quarter of the Southwest Quarter, Section 25, Township 49, Range 17, Carlton County, Minnesota.

AND ALSO

The South Half of Southeast Quarter lying West of Great Northern Railway Company's right-of-way (now known as Burlington Northern Santa Fe Railroad), Section 25, Township 49, Range 17, according to the United States Government Survey thereof. EXCEPT those two parcels lying within the following described tracts;

1. Beginning at a point on the south line of said Section 25, distant 100 feet west of the southeast corner of SW ¼ of SE ¼ thereof; thence run northeasterly at an angle of 68 degrees 00 minutes with said south line for 475 feet; thence deflect to the left at an angle of 112 degrees 00 minutes for 500 feet; thence deflect to the left at an angle of 68 degrees 00 minutes for 475 feet; thence deflect to the left at an angle of 112 degrees 00 minutes for 500 feet to the beginning.

2. From a point on the south line of said Section 25 distant of 100 feet west of the southeast corner of SW ¼ of SE ¼, thereof, run northeasterly at an angle of 68 degrees 00 minutes with said south section line for 475 feet to the point of beginning; thence continue northeasterly along the above described course to its intersection with a line run parallel with and distant 660 feet north of the south line of said Section 25; thence run west along said 660 foot parallel line to its intersection with a line run parallel with and distant 992 feet west of the east line of the SW ¼ of SE ¼ of said Section 25; thence run south along said 992 foot parallel line to the south line of said Section 25; thence run east along said section line for 392 feet; thence deflect to the left 68 degrees 00 minutes for 475 feet; thence deflect to the right 68 degrees for 500 feet to the point of beginning.

**WHEREAS**, the Cloquet Planning Commission reviewed the Application to Amend the Conditional Use Permit for SKB Environmental Cloquet Landfill to modify their hours of operation to allow 24 hours a day, seven days a week solely for the SRFI material and coal ash being transported by individuals trained as a MPCA Licensed Landfill Operator, with the hours between 7am – 5pm, Monday – Saturday open to anyone per Section 17.2.06 Subdivisions 3 and 4 of the Cloquet Zoning Ordinance.

**NOW, THEREFORE, BE IT RESOLVED, BY THE CITY COUNCIL OF THE CITY OF CLOQUET, MINNESOTA:** that the City Council approves Zoning Case 22-13 for an amendment to the Conditional Use Permit to modify their hours of operation to allow 24 hours a day, seven days a week solely for the SRFI material and coal ash being transported by individuals trained as a MPCA Licensed Landfill Operator, with the hours between 7am – 5pm, Monday – Saturday open to anyone for SKB Environmental/Shamrock Landfill subject to the following conditions:

1. The hours of operation shall be amended to allow 24 hours a day, seven days a week solely for the SRFI material and coal ash being transported by individuals trained as a MPCA Licensed Landfill Operator, with the hours between 7am – 5pm, Monday – Saturday open to anyone.
2. No heavy equipment (bulldozer, front end loader and that type of equipment) shall be operated on site between the hours of 5:00 PM and 7:00 AM. and on Sunday.
3. The request shall be reviewed in one year to see how the amendment is working.

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

There were none.

#### **ADJOURNMENT**

**MOTION:** Councilor Keller moved and Councilor Lamb seconded the motion to for Council to adjourn. The motion carried unanimously (7-0).

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Tim Peterson, City Administrator