

Cloquet Council Chambers  
6:00 P.M. February 21, 2023

## **Regular Meeting**

Roll Call

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

Councilors Absent: None

Pledge of Allegiance

## **AGENDA**

**MOTION:** Councilor Carlson moved and Councilor Lamb seconded the motion to approve the February 21, 2023 agenda. The motion carried unanimously (7-0).

## **MINUTES**

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

## **PUBLIC COMMENTS**

There were none.

## **CONSENT AGENDA**

**MOTION:** Councilor Lamb moved and Councilor Wilkinson seconded the motion to adopt the Consent Agenda of February 21, 2023 approving the necessary motions and resolutions. The motion carried unanimously (7-0).

- a. Resolution No. 23-08, Authorizing the Payment of Bills
- b. Resolution No. 23-10, Approving Application for Exempt Permit to Conduct a Raffle Event at Queen of Peace Parish
- c. Approve Peddlers, Solicitors & Transient Merchants License for Marksman Trading Post

## **PUBLIC HEARINGS**

There were none.

## **PRESENTATIONS**

There were none.

## **ADOPTING POLICIES FOR ADMINISTRATION OF MN DEED SMALL CITIES DEVELOPMENT PROGRAM**

**MOTION:** Councilor Wilkinson moved and Councilor Lamb seconded the motion to approve **RESOLUTION NO. 23-09, A RESOLUTION ADOPTING POLICIES FOR ADMINISTRATION OF MN DEPARTMENT OF EMPLOYMENT & ECONOMIC DEVELOPMENT SMALL CITIES DEVELOPMENT PROGRAM.** The motion carried unanimously (7-0).

**WHEREAS**, the City of Cloquet has entered into an agreement with the State of Minnesota, Department of Employment and Economic Development for the allocation of grant funding by the United States Department of Housing and Urban Development under the Community Development Block Grant Program with the City of Cloquet acting as the legal sponsor for this public infrastructure project; and

**WHEREAS**, certain guidelines, policies, and procedures are required to enable the City of Cloquet to achieve the goals of the Small Cities Development Program; and

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

Cloquet adopts the attached policies and plans, as listed herein, for the Small Cities Development Program:

Residential Anti-Displacement and Relocation Assistance Plan  
 Conflict of Interest  
 Procedures to ensure No Excluded or Debarred Contractors  
 Drug-Free Workplace  
 Fair Housing Plan  
 Prohibition of Excessive Force  
 Section 3 and Women / Minority Business Compliance Plan

**AMENDING CHAPTER 5 OF CITY CODE, ATV PERMIT REQUIREMENTS – FIRST READING**

City Council is asked to review the proposed **ORDINANCE NO. 506A, AN ORDINANCE TO AMEND CHAPTER 5 OF THE CITY CODE TO REMOVE THE ATV PERMIT REQUIREMENTS**. Action will be taken at the March 7<sup>th</sup> City Council meeting.

The Mayor and City Council of the City of Cloquet does hereby ordain that Chapter 5.6 of the Cloquet City Code is hereby amended and replaced with the following:

**Section 5.6: Regulation of Snowmobiles, Off-Highway Motorcycles, and Special Vehicles Including All-Terrain Vehicles (ATVs), Motorized Golf Carts, Utility Task Vehicles and Mini-Trucks within City Limits**

**5.6.01 Intent.** It is the intent of this Section to supplement Minnesota Statutes chapters 84 and 169, as they may be amended from time to time, concerning the operation of snowmobiles, all-terrain vehicles (ATVs), off-highway motorcycles, and special vehicles as defined in Minn. Stat. 169.045. This section is not intended to allow otherwise what Minnesota State Statutes prohibit, nor prohibit what Minnesota State Statutes allow.

**5.6.02 Definitions.**

**Subd. 1 Snowmobiles.** “Snowmobiles” as used in this Section shall have the meaning as defined in Minn. Stat. Section 84.81 as it may be amended from time to time and presently means any self-propelled vehicle or any vehicle propelled or drawn by a self-propelled vehicle designed to travel across ice or snow steered by skis or runners, but not operated exclusively upon railroad or trolley tracks.

**Subd. 2 All-terrain Vehicles/ATV.** “All-terrain vehicle or ATV” as used in this Section shall have the meaning as defined in Minn. Stat. Section 84.92 as it may be amended from time to time and presently means a motorized flotation-tired vehicle of not less than three low-pressure tires, but not more than six tires that are limited in engine displacement of less than 800 cubic centimeters and total dry weight of fewer than 900 pounds.

**Subd. 3 Off-Highway Motorcycle.** “Off-highway motorcycle” as used in this Section shall have the meaning as defined in Minn. Stat. Section 84.787 as it may be amended from time to time and presently means a motorized, off-highway vehicle traveling on two wheels and having a seat or saddle designed to be straddled by the operator and handlebars for steering control, including a vehicle that is registered under chapter 168 for highway use if it is also used for off-highway operation on trails or unimproved terrain.

**Subd. 4 Motorcycle.** “Motorcycle” as used in the Section shall mean every motor vehicle not otherwise defined above having a saddle for the use of the rider and designated for travel on not more than three vehicles in contact with the ground, including motor scooters and bicycles with a motor attached, but excluding a tractor.

**Subd. 5 Motorized Golf Cart.** A vehicle commonly known as a golf cart has at least three wheels and either an electric or gas-powered motor.

**Subd. 6 Mini-Truck.** As defined in Minn. Stat. § 169.01, subd. 40(a), which presently is a motor vehicle that has four wheels; is propelled by an electric motor with a rated power of 7,500 watts or less or an internal combustion engine with a piston displacement capacity of 660 cubic centimeters or less; has a total dry weight of 900 to 2,200 pounds; contains an enclosed cabin and a seat for the vehicle operator; commonly resembles a pickup truck or van, including a cargo area or bed located at the rear of the vehicle; and was not originally manufactured to meet federal motor vehicle safety standards required of motor vehicles in the Code of Federal Regulations, title 49, sections 571.101 to 571.404, and successor requirements. A mini-truck does not include: a neighborhood

electric vehicle or a medium-speed electric vehicle as defined by § 73.11; or a motor vehicle that meets or exceeds the regulations in the Code of Federal Regulations, title 49 section 571.500, as it may be amended from time to time.

**Subd. 7 Utility Task Vehicle (UTV).** A utility task vehicle is a side-by-side, four-wheel drive, off-road vehicle with four wheels, propelled by an internal combustion engine with a piston displacement capacity of 1,200 cubic centimeters or less, and has a total dry weight of 1,800 but less than 2,600 pounds.

**Subd. 8 Motor Vehicle.** “Motor Vehicle” as used in this Section shall mean every self-propelled device in, upon, or by which any person or property is or may be transported or drawn within the City, regardless of whether the motor vehicle is required by law to be registered with the State of Minnesota and regardless of whether the driver, operator or person in physical control of the vehicle is required by law to have obtained a license, permit or endorsement to a license to operate the motor vehicle within the State of Minnesota lawfully. A Motor vehicle shall not include a vehicle moved solely by human power but shall include without limitation the following:

- A. Snowmobile as defined in Subdivision 1.
- B. Recreational vehicles and ATVs, including but not limited to the following:
  - (1) Motorized dirt bike having two or more wheels; and
  - (2) Motorized all-terrain vehicle having three or more wheels, such as a three-wheeler or four-wheeler; and,
- C. Off-highway motorcycle as defined in Subdivision 3;
- D. Motorcycle as defined in Subdivision 4.
- E. Any other motor vehicle as shall be defined in this Section regardless of the vehicle's number of wheels or mode of self-propulsion if other than solely by human power, including but not limited to the following types of commonly understood vehicles:
  - (1) Automobile;
  - (2) Truck; and
  - (3) Van
  - (4) Motorized Golf Cart as defined in Subdivision 5
  - (5) Mini truck as defined in Subdivision 6
  - (6) Utility Task Vehicle as defined in Subdivision 7

**5.6.03 Snowmobile and Off-Highway Motorcycle Operation.** Unless otherwise specifically modified herein, the City hereby adopts (as they are amended from time to time) Minn. Stat. §84.81 to §84.915 relating to the operation of snowmobiles and §84.787 to §84.796 relating to the operation of off-highway motorcycles within the city limits. In addition, a snowmobile may operate on city roadways and road shoulders. The inside bank or slope of those city streets, county roads, and state highways as are designated on a City Snowmobile Map, which the City shall maintain provided that operation occurs on the farthest right-hand side of the street, road, or highway and whenever possible and legal the operation occurs within the ditch and always in the same direction as traffic.

**Subd. 1. Snowmobile Restrictions.** However, it shall be unlawful to operate a snowmobile within city limits as follows:

- a. On a public sidewalk used for pedestrian travel;
- b. On boulevards located within the public right-of-way;
- c. On private property except where permission has been obtained from its owner;
- d. On public property, playgrounds, parks, and recreation areas except as designated on the City Snowmobile Map;
- e. On any school grounds, except as permission has been expressly obtained from school authorities;
- f. At a rate of speed over 30 miles per hour but in no event at a rate of speed greater than reasonable and proper under existing conditions;
- g. To operate a snowmobile in a careless, reckless, or negligent manner to endanger person or property; and,
- h. In a manner that disturbs, annoys, or interferes with the peace and quiet of the public.

**5.6.04 Authorized Use of ATVs (all-terrain vehicles), motorized golf carts, utility task vehicles, and mini trucks within city limits.** Consistent with Minn. Stat. 169.045, ATVs, motorized golf carts, utility task vehicles, and mini-trucks, as defined in this

Section, will only be allowed on designated streets or roadways within the City as designated by the City on a City ATV Route Map which the City shall maintain. It will otherwise comply with the provisions of Minn. Stat. 169.045 as amended from time to time. However, from and after the adoption of this Code section, no person shall drive, operate or be in physical control of any motor vehicle as shall be defined in this Section on the private property of another within the City without the express permission of the owner of the property, nor shall any person drive, operate or be in physical control of a motorized golf cart, all-terrain vehicle, utility task vehicle or mini-truck as shall be defined in this Section upon any lands owned, controlled or regulated by the City and used as a City Park, or otherwise owned by the City, except where specifically permitted by the City as shall be provided for below in this Section.

In that regard, the Mayor, subject to the consent of the Council, shall be instructed to determine what areas of the City-owned, controlled, or regulated lands, if any, will be allowed for this use. For the purpose of designating permitted areas, the City shall post signs of the type typically used in highway traffic regulation by the City designating the areas in which such use will be permitted. In designated areas, it shall be lawful to drive, operate or be in physical control of a motorized golf cart, all-terrain vehicle, utility task vehicle, or mini-truck.

Unless otherwise specifically modified herein, the City hereby adopts the provisions of Minn. Stat. §84.92 to §84.929 relating to the operation of ATVs as they are amended from time to time and adopted by reference.

**Subd 1.** Motorized golf carts, all-terrain vehicles, utility task vehicles, and mini-trucks are permitted to operate only on designated city streets, not state or federal highways, except to cross at designated intersections.

**Subd 2.** Motorized golf carts, all-terrain vehicles, utility task vehicles, and mini trucks are prohibited from city sidewalks except for snow removal or, unless otherwise exempt, as provided herein.

**Subd 3.** Except for snow removal, motorized golf carts, all-terrain vehicles, utility task vehicles, and mini-trucks may only be operated on designated roadways from sunrise to sunset unless equipped with original equipment headlights, tail lights, and rear-facing brake lights. Except for purposes of snow removal, they shall not be operated in inclement weather or when visibility is impaired by weather, smoke, or other conditions, or at any time when there is insufficient visibility to see persons and vehicles on the roadway at a distance of 500 (Five Hundred) feet.

**Subd 4.** Motorized golf carts shall display the slow-moving vehicle emblem provided for in Minn. Stat. §169.045, as it may be amended from time to time when operated on designated roadways.

**Subd 5.** Motorized golf carts, all-terrain vehicles, utility task vehicles, and mini-trucks shall be equipped with a rear-view mirror to provide the driver with an adequate vision from behind as required by Minn. Stat. §169.70.

**Subd 6.** The operator of a motorized golf cart, all-terrain vehicle, utility task vehicle, or mini-truck may cross any street or highway intersecting a designated roadway.

**Subd 7.** When operating a motorized golf cart, all-terrain vehicle, utility task vehicle, or mini truck, the operator must have proof of insurance.

**Subd 8.** Every person operating a motorized golf cart, an all-terrain vehicle, a utility task vehicle, or a mini-truck on designated roadways has all the rights and duties applicable to the driver of any other vehicle under the provisions of Minn. Stat., Ch. 169, as it may be amended from time to time, except when these provisions cannot reasonably be applied to motorized golf carts or mini-trucks and except as otherwise specifically provided in Minn. Stat. §169.045(7), as it may be amended from time to time.

**Subd 10.** Additional Mini-truck equipment requirements:

A. A mini truck may be operated on designated roadways if it is equipped with all of the following:

- (1) At least two headlamps.
- (2) At least two tail lamps.
- (3) Front and rear turn-signal lamps.
- (4) An exterior mirror mounted on the driver's side of the vehicle and either an exterior mirror mounted on the passenger's side or an interior mirror.

- (5) A windshield.
- (6) A seat belt for the driver and front passenger.
- (7) A parking brake.

**Subd 11.** The number of occupants on the golf cart, all-terrain vehicle, utility task vehicle, or mini-truck may be, at most, the design occupant load.

**5.6.05 Limitation of Liability.** Nothing in this subchapter shall be construed as an assumption of liability by the City for any injuries to persons or damage to property that may result from the operation of a motorized golf cart, all-terrain vehicle, utility task vehicle, or mini truck.

**5.6.06 Violations and Penalties.** Any person violating any provision of this code section shall be guilty of a misdemeanor.

**AMENDING CITY CODE SECTION 9.2 PROJECT LABOR AGREEMENTS TO AMEND THE DEFINITION OF “COVERED PROJECT” – FIRST READING**

City Councilors are asked to review proposed **ORDINANCE NO. 505A, AN ORDINANCE AMENDING CITY CODE SECTION 9.2 PROJECT LABOR AGREEMENTS TO AMEND THE DEFINITION OF “COVERED PROJECT”**. Action will be taken at the March 7<sup>th</sup> City Council meeting.

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

**Section 1. City Code Amendment.** That the Cloquet City Code be amended by replacing in its entirety the definition of “Covered Project” found in the paragraph titled “Covered Project Defined.”, found in Section 9.2.02 of Section 9.2: Project Labor Agreements, of Chapter 9 - Public Works, to read as follows:

**Covered Project Defined.** “Covered Project” means that the City has a contract for construction services on a Project owned by the City with a total Project cost of \$175,000 or more.

**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**

City Administrator Peterson gave a reminder that winter parking is still in effect and with the upcoming snowstorm, cars that are in violation of the ordinance will be ticketed and towed.

**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