



**CITY OF CLOQUET
City Council Agenda
AMENDED
Wednesday, August 2, 2017
7:00 p.m.
City Hall Council Chambers**

CITY COUNCIL WORK SESSION

- 5:30 SKB, Extending Hours of Operation and Increasing Pulp Paper Sludge Limits
6:15 Preliminary Budget/CIP

The City Council may reconvene the Work Session at the conclusion of its Regular Meeting for the purpose of discussion on the 2018 budget

Roll Call.

2. **Pledge of Allegiance.**

3. **Approval of Agenda.**

- a. Approval of August 2, 2017 Council Agenda

4. **Approval of Council Minutes.**

- a. Work Session Minutes from the July 18, 2017 meeting
b. Regular Council Minutes from the July 18, 2017 meeting

5. **Consent Agenda.**

Items in the Consent Agenda are considered routine and will be approved with one motion without discussion/debate. The Mayor will ask if any Council members wish to remove an item. If no items are to be removed, the Mayor will then ask for a motion to approve the Consent Agenda.

- a. Resolution No. 17-68, Authorizing the Payment of Bills and Payroll
b. Storm Water Management Agreement – Country Club Patio Homes
c. Storm Water Management Agreement – Cloquet Middle School

6. **Public Hearings.**

None.

7. **Presentations.**

None.



**CITY OF CLOQUET
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Wednesday, August 2, 2017
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8. Council Business.

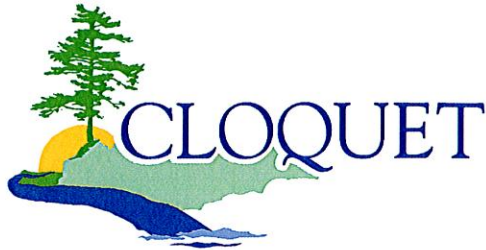
- a. Ordinance 468A, An Ordinance Amending and Replacing Cloquet City Code Chapter 5.6, Regulating the Operation of Special Vehicles Including Motorized Golf Carts, All-Terrain Vehicles, Utility Task Vehicles and Mini-Trucks within the City of Cloquet
 - Resolution No. 17-70, A Resolution Authorizing Publication of a Summary of Ordinance No. 468A, An Ordinance Amending and Replacing City Code Chapter 5.6, Regulating the Operation of Special Vehicles Including Motorized Golf Carts, All-Terrain Vehicles, Utility Task Vehicles and Mini-Trucks within the City of Cloquet

9. Public Comments.

Please give your name, address, and your concern or comments. Visitors may share their concerns with the City Council on any issue, which is not already on the agenda. Each person will have 3 minutes to speak. The Mayor reserves the right to limit an individual's presentation if it becomes redundant, repetitive, irrelevant, or overly argumentative. All comments will be taken under advisement by the Council. No action will be taken at this time.

10. Council Comments, Announcements, and Updates.

12. Adjournment.



COMMUNITY DEVELOPMENT DEPARTMENT

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COUNCIL WORK SESSION

To: Mayor and City Council
From: Al Cottingham, City Planner/Zoning Administrator
Reviewed By: James Barclay, Interim City Administrator
Date: July 27, 2017

ITEM DESCRIPTION: Zoning Case 16-20: Conditional Use Permit Amendment– SKB
Environmental/Shamrock Landfill in the HI – Heavy Industry District

Background/Overview

A public hearing was held on Tuesday, December 13, 2016 to consider a Conditional Use Permit amendment. The Conditional Use Permit amendment is to amend the hours of Shamrock Landfill to be open 7:00 am to 7:00 pm; seven (7) days per week while still maintaining the flexibility to expand hours beyond proposed for specific projects with approval from the City in the HI – Heavy Industry District. Also to remove the 20% cap of the total annual volume of paper sludge waste and allow the acceptance of this material on a 24 hour basis. The heavy equipment on site would not be used after 7:00 pm or on Sundays to help with possible noise issues. A legal notice was published in the Pine Journal on December 1, 2016 and property owners within 1,320 feet were sent notices of the public hearing.

1. Hours of Operation - On February 15, 2011, the City Council approved a Conditional Use Permit for Shamrock Environmental, LLC for an Industrial Waste Landfill at 761 Highway 45 subject to a number of conditions. On November 5, 2014, one of the conditions that limited the hours of operation was amended to allow hours of 7:00 AM to 5:00 PM Monday through Saturday and Noon to 4:00 PM on Sunday. The Sunday hours were allowed on a trial basis only for the winter months of 2014 – 2015 and were specifically to allow SKB to dump paper sludge waste only with a maximum of 5 truckloads per day.

With the approved amended hours in 2014, the applicant was required to do a noise monitoring study in order to determine the amount of noise that is generated from the site and the possible impact on homes in the Hilltop (Antus) neighborhood. The study showed that the noise from the train whistle and some vehicles on Interstate 35 were louder than the noise volume coming from the landfill operations.

The proposed extended hours would not open the landfill for use by the general public, but instead only open the landfill for extended use by SKB or specific other companies with a preapproved contract. The applicant states this would eliminate the competitive disadvantage that they currently face with other Industrial Solid Waste Landfills in the region.

2. Paper Sludge - One of the conditions with the approval in 2011 was to limit the amount of paper sludge waste to a maximum of 20% of the total annual volume of waste material. The applicant is requesting that this limit be removed and that there be no limit on the volume of paper sludge waste.

With the 2011 approval, evidence was presented that pulp and paper sludge degradation may generate landfill gas that contains both methane and hydrogen sulfide. Under certain conditions, methane can contribute to a landfill fire; landfill gas emissions that contain hydrogen sulfide can result in odor impacts to adjacent properties. As a result of these concerns brought forward by the City and City residents, the applicant had agreed to limit their intake of such waste, held to no more than 20% of overall receipts, and to conduct quarterly landfill gas monitoring for methane and hydrogen sulfide in leachate collection cleanouts.

One of the concerns with the removal of limit is the generation of methane gas and other gases (ie. hydrogen sulfide, carbon dioxide and others). With the application, SKB submitted a "Gas Management and Monitoring Plan". This plan was forwarded to the City's landfill consultant, Fred Doran, Burns & McDonnell for their review and comments. SKB has revised their plan to address all of the comments raised by our consultant to his satisfaction. This monitoring plan would also need to have the approval of the MPCA prior to SKB's permit being amended by the State. Within the Zoning Ordinance, the section that is relevant is 17.4.02 which addresses performance standards.

One item pointed out by our consultant was that the amount of gas production for an Industrial landfill was significantly less than that produced by a MSW (Municipal Solid Waste) landfill. The volume generated by the Industrial landfill is approximately one third of that produced by a MSW landfill based on the same cubic yards of materials (not type).

Our consultant notes that other closed landfills with landfill gas control have been used for green space, parks/trails, golf courses, wildlife habitats and remote control (RC) model aircraft fields.

3. Other Items of Interest - The City has received questions as to the applicants legal ability to make application and request additional changes to its CUP. Under Section 17.2.06, Subd. 5, (D) of the Zoning Ordinance, no reapplication of any case denied by the City Council may be made within one (1) year of the date of such denial. In other words, a property owner has the legal authority under City Ordinance and State law to make application for changes as often as they wish with the sole exception being if they have been previously denied. The City can not limit such applications other than as described above.

The City has also received questions in regards to public notice of such applications. Under Section 17.2.01, Subd. 5 the City is required to provide notice to properties located within 350 feet of a planning & zoning application. The City is also required to publish notice in the local newspaper. Both of these actions are again consistent with State law. As noted above, the City arbitrarily increased the notification distance to try and get into the adjacent residential neighborhood so that members of the community would be aware of the application.

Policy Objectives

The Conditional Use Permit is for the Industrial Landfill in the HI – Heavy Industry District. The landfill was preexisting to the zoning ordinance amendment in 2011 which prohibited new landfills in the Heavy Industry District. The existing landfill is therefore grandfathered in as a legal non-conforming use under a Conditional Use Permit with those conditions identified at that time being applicable. Section 17.4.04 addresses non-conformities. Further amendment of the CUP could include additional conditions to be

placed on the Conditional Use Permit to ensure adequate conditions and thresholds are in place to provide protections from the approved land use.

Under 17.6.15, Subd 3, as noted above, the current Zoning Ordinance now states that Industrial Solid Waste landfills and C & D landfills are prohibited. Further, under this same section the Ordinance states that there shall be no expansions to existing landfills of any type within the City. In reviewing the previous discussions of the Planning Commission and City Council, it is not clear if the expansion of a landfill was limited only to the landfill's borders or if it also included the intensification of the use. The Council may wish to discuss this further as part of its deliberations.

This operation was approved as a Conditional Use in 2011 with conditions placed upon it.

Advisory Committee/Commission Action

The Planning Commission has recommended approval of the Conditional Use Permit Amendment to expand the hours of operation subject to the conditions in the attached resolution on a 4-1 vote. This would allow the hours of operation to be from 7:00 am to 7:00 pm, seven days a week.

During the early operations of the landfill, staff received anonymous complaints regarding the operations and upon investigation determined that they were unfounded. The landfill has been in operation for over five years and has to date not been found in violation of any of the conditions of its existing CUP. The City has received complaints regarding the gravel mining operations in the same area which is why some people may have thought it was the landfill. With the extended hours that were approved in 2014, the applicant was required to monitor the noise levels to determine what if any were the impacts on the Hilltop neighborhood. The noise monitoring equipment showed that there was more noise coming from Interstate 35 and the railroad whistle than the trucks dumping loads at the landfill. There were no complaints filed with the city during this time frame.

There are currently four other users in this general area; two gravel operations, a wood storage yard and a woodchip operation. The Ulland Gravel Pit is approved to operate 12 hour days Monday through Saturday while the KGM Gravel Pit is approved to operate from 7:00 am to 8:00 pm Monday through Saturday. The woodchip operation typically operates from 6:00 am to 5:30 pm every day. The wood storage yard has no hours of operation. Both the woodchip operation and the wood storage yard are permitted uses in the HI – Heavy Industry District and thus the city does not regulate their hours of operation.

The Planning Commission discussed the hours of operation and the fact that there are no regulations for other businesses within the area, other than the Sand & Gravel Overlay regulations which apply to Ulland Brothers gravel pit operation, which restricts hours to 7:00 a.m. to 7:00 p.m. or daylight hours whichever is less, Monday through Friday unless otherwise stipulated in an approved Conditional Use Permit. They also discussed the noise monitoring that was done on a few occasions noting that the noise generated from the operations did not register on the monitoring devices that were placed approximately 1,000 feet away.

The Planning Commission has recommended approval of the Conditional Use Permit Amendment to remove the limits of paper sludge waste and the hours in which it can be delivered subject to the conditions in the attached resolution on a 3 – 2 vote.

The second part of the applicant's request is to remove the 20 percent limit on paper sludge waste also referred to as SRFI waste. As the applicant did not propose a comprehensive gas management plan, this limit was placed in the original permit on advice of the MPCA due to the fact that above 20% SRFI waste is known to produce methane gas in landfills. As part of this request the applicant has now submitted a "Gas Management and Monitoring Plan". This plan was given to the City's landfill consultant, Fred

To the Mayor and City Council
CUP SKB Environmental/Shamrock Landfill
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Doran, Burns & McDonnell for their review and comments. The comments have all been addressed to the satisfaction of our consultant; this includes the flow charts on landfill gas build up inside confined spaces and odor control.

Staff has also discussed the request to increase paper sludge waste with the Minnesota Pollution Control Agency (MPCA) and has the following to offer. A change to SW-399 MPCA Permit will need to be submitted which will then be reviewed by staff to determine if this is a minor or major change to their permit. If it is a minor change then staff will review the proposal to be sure all requirements of the MPCA are met before approving the amendment. If it is a major change then it will require a public notification and hearing process prior to any change taking place. The MPCA staff was contacted by the City indicated this change was not something that would be denied by MPCA as it met their minimum requirements.

The Planning Commission had considerable discussions on removing the limits of the paper sludge waste. They discussed the current limit of 20 percent (thin spread) and that the limit was set to avoid the possibility of methane gas production and the requirement of needing to install a gas monitoring system. They discussed the possible odors, methane gas, the monitoring and management of these with the increased amount of paper sludge waste. They have recommended that the amount of increased paper sludge waste be limited to 40 percent.

July 24, 2017

VIA ELECTRONIC AND U.S. MAIL

Mr. William T. Helwig
Cloquet City Attorney
Rudy Gassert Yetka Pritchett & Helwig, P.A.
813 Cloquet Ave.
Cloquet, MN 55720



Re: Cloquet City Ordinance 466A and the SKB Environmental Cloquet Landfill, Inc.

Dear Mr. Helwig:

I write in follow-up to our telephone conversation on June 12, 2017. With the upcoming work session between the SKB Environmental Cloquet Landfill, Inc. ("SKB") and the Cloquet City Commission, I thought it would be useful to articulate in writing SKB's concerns regarding Ordinance 466A ("Ordinance"), defining the term "Special Event," as used in SKB's Conditional Use Permit.

As you know, the Ordinance arose exclusively from (unfounded) complaints raised by neighbors of the SKB Landfill. In addition, SKB is unaware of any other facility in the City that contains a "Special Event" clause in its permit. This poses a number of concerns under Minnesota law.

First, SKB received no specific notice that the Ordinance was being presented to the City Council. As we understand it, this was because the City viewed the Ordinance as one of general application rather than a measure specifically directed at SKB. As noted, the problem with this rationale is that Ordinance was drafted solely to target SKB, and presently applies to no other facility. Consequently, it is doubtful that the Ordinance can be considered a measure of general application, such that individual notice to affected persons could be waived. This calls into question the procedural validity of the Ordinance's enactment.

Second, for the same reasons that the Ordinance is a targeted rather than general piece of legislation, it is likely that the Ordinance would be interpreted to be an improper unilateral attempt to modify SKB's CUP, infringing on SKB's vested rights.

Third, the terms of the Ordinance are arbitrary. There is no difference between the effects of the disposal of wastes that originate on either side of a 30 mile radius boundary. There is also no discernible basis to distinguish between seven-day events and longer-than seven-day events. These terms appear to be pulled out of thin air. In addition, they are doubly problematic in that SKB has operated with extended hours under the existing Special Event clause on several occasions, and has conducted two detailed 24-hour-a-day noise studies, and no meaningful effects on the neighbors have been identified. The Ordinance thus appears to

the result of naked public agitation and pressure, which is an unlawful basis to restrict a valid land use.

Apart from these problems under Minnesota state law, the Ordinance is likely invalid under federal constitutional law. As we discussed, the dormant Commerce Clause of the United States Constitution, Article 1, Section 8, Clause 3, limits the ability of the States or subdivisions of the States to interfere with the free flow of commerce. A classic form of impermissible discrimination against interstate commerce is local favoritism, in which local interests receive more beneficial regulation than those engaging in interstate commerce. As we discussed during our call, an instructive case in Minnesota involved a decision by Wright County, Minnesota to refuse a rezoning request to the then-Superior FCR Landfill. *Superior FCR Landfill, Inc. v. Wright County, Minnesota*, Civ. No. 98-1911 (D. Minn.). The record demonstrated that the County was not concerned about an expansion to handle local waste, but the County was unhappy about the disposal of waste generated outside the County. Because there is no difference in the environmental consequences of in-county and out-of-county waste, a federal jury determined that the other reasons given for denial of the rezoning request were pre-textual. As in *Superior*, Cloquet has engaged in discriminatory regulation of local and distant waste, without the compelling state interest necessary to justify such discrimination. *Philadelphia v. New Jersey*, 437 U. S. 617, 624 (1978).

You correctly pointed out that the Ordinance does not formally preclude the receipt of wastes from beyond the 30 mile favored circle, but that merely changes the degree, not the fact, of discrimination. In the *Superior* litigation, Wright County also did not place any restrictions the landfill's receipt of out-of-county waste. But it was willing to offer valuable terms – in that case additional landfill space – for the disposal of local waste but not distant waste. Here the Ordinance also offers valuable terms – extended hours – for the disposal wastes generated within 30 miles of the City, which it does not offer to more distant generators. That violates the dormant Commerce Clause.

The discriminatory treatment is also motivated by discriminatory intent. The geographic limitation only arose in response to SKB's successful attainment of a contract to dispose of waste from the Xcel Energy/Lake Superior, Chequamegon Bay Remediation and Restoration Project in Wisconsin. It was quite clear that opposition and the City Council were spurred to action by SKB's receipt of this "foreign" waste.

There are certain contracts that SKB cannot effectively compete for without some relaxation of its hours of operation, which are more stringent than similar facilities in Cloquet and those with which SKB competes. Now that the Ordinance has been enacted, SKB would need to seriously consider challenging the Ordinance. In addition to state law claims, the commerce clause claims would be brought in federal court pursuant to 42 U.S.C. §§ 1983 and 1988, which if SKB were to prevail would entitle SKB to damages and attorneys' fees.

Fortunately, although the timing is sensitive, SKB is not yet in a position where it needs to bring a legal claim. As we have discussed, an acceptable timely result on SKB's pending petitions could potentially moot potential challenges to the Ordinance. Consequently, SKB will devote every effort to reaching a successful outcome during the work session and any

July 24, 2017
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subsequent proceedings before City Council. A claim against the City is not SKB's preferred solution. We simply wanted to clearly articulate our concerns in advance of these proceedings, to ensure there was no confusion about the range of potential outcomes.

Thank you for your consideration, and I would be happy to further discuss these issues at any time.

Sincerely,

A handwritten signature in blue ink that reads "Michael Drysdale". The signature is written in a cursive style with a large initial "M".

Michael Drysdale
Of Counsel



ADMINISTRATIVE OFFICES

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MEMORANDUM

To: Mayor and City Council
From: James Barclay, Interim City Administrator
Date: July 24, 2017

ITEM DESCRIPTION: 2018 Preliminary CIP and Budget Discussion

The City Council last met on July 17, 2017 for the purpose of discussing the 2018-2022 Capital Improvement Plan (CIP). Specifically, the Council focused its discussion on the City's sales tax projects and public facilities plan.

As a result of the feedback provided at the meeting, staff has updated the CIP, report attached, to reflect changes made to date. Further discussion/decisions will be needed to finalize the CIP. Staff would also refer the City Council to the City's website to review both the Parks Master Plan and Water front improvement Plan.

The following is a bullet point overview of changes per Council discussion, its direction and other items.

2018 Information/Projects

- In 2011, when the City's .5% sales tax was approved, the legislation identified specific use of revenues. \$5,800,000 was allocated for extension of utilities and construction of all improvements associated with the development of property adjacent to Hwy 33 and Interstate Hwy 35...
 - Council has provided staff direction to approach the Legislature to reallocate these funds to "Infrastructure." Without this reallocation, we will not have sales tax revenue for projects identified beyond 2018.
- Pinehurst Park Warming House (\$100,000) was moved from 2018 to 2019
- I35/Hwy 33 Frontage Road Project (\$635,000) was deleted

2019 Information/Projects

- PD Building Renovation project moved from 2019 to 2020 as CAFD is not scheduled to vacate building until December 2019.
 - Staff has determined that it will be minimal expense to patch current roof to help it last a couple more years

2020 Information/Projects

- 14th Street Utility Infrastructure project was discussed to capitalize on County Street project.
 - Funding source discussion is still open

2021 Information/Projects

- No Change

2022 Information/Projects

- PW Building Renovation project moved from 2022 to 2023
- Multiple projects were added to this year's list based on input from Council, citizens and staff research. Will need to be discussed and prioritized for future years development

Bonding Considerations

Based upon pending projects, the projected need for bonds is tentatively identified as follows:

2018

- Water Revenue Bond/PFA \$5.2m (Filter Plant)

2019

- Water Revenue Bond/PFA \$1.7m (Filter Plant)
- Water Revenue Bond \$1.5m (Reservoir Painting)

2020

- Police Department Facility G.O. Bond \$6.4m

2021

- Water Revenue Bond/PFA \$2.0m (Water Tower)

2022

Police Department Equipment Inventory

- PD request they retain vehicle #1020 and 1013 which are scheduled to be replaced in 2017. Vehicles would be used as follows:
 - #1013 – SRO Use
 - #1020 – Kept at department to be used as backup/spare

City of Cloquet, Minnesota

Capital Plan

2018 thru 2022

PROJECTS BY YEAR

Project Name	Department	Project #	Priority	Project Cost
2018				
Cable TV Equipment Replacement	Administration	A-004	3	5,000
City Hall Network Server Replacement	Administration	A-007	2	20,000
City Hall Technology and Laserfish Project	Administration	A-014	3	10,000
Blank	Administration	Blank - 01	n/a	0
(New) - Engineering Survey Equipment	Engineering	EE-004	3	25,000
Replacement of 2003 Toro Workman Groomer	Parks	PE-611	3	20,000
Pine Valley Park Improvements	Parks	PP-010	5	550,000
General Park Development Design	Parks	PP-018	2	20,000
Pine Valley Facility Improvements	Parks	PP-019	2	600,000
Squad Car Replacement	Police	PD-002	2	90,000
Records Management/Computer Aided Dispatch Systems	Police	PD-011	3	46,500
Replacement of John Deere Loader	Street	SE-202	3	150,000
Replacement of Air Compressor	Street	SE-218	4	30,000
Miscellaneous Street Repair and Overlays	Street	STP-010	3	660,000
Public Works Garage Roof Replacement	Street	STP-021	2	20,000
Pine Tree Plaza Frontage Road	Street	STP-032	1	470,000
Cloquet Avenue Streetscape	Street	STP-040	2	2,000,000
West End Arch Street/Park Avenue Reconstruction	Street & Utilities	STUP-006	3	1,895,000
Replacement of 1998 John Deere 1445 Tractor/Mower	Water	WE-306	3	42,000
Filter Plant - Spring Lake	Water	WP-021	3	5,200,000
Total for 2018				11,853,500
2019				
Cable TV Equipment Replacement	Administration	A-004	3	2,500
Blank	Administration	Blank - 01	n/a	0
Pinehurst Park Equipment Improvements	Parks	PP-013	1	100,000
Regional Trail Development	Parks	PP-017	2	100,000
General Park Development Design	Parks	PP-018	2	20,000
Pinehurst Park Warming House	Parks	PP-037	3	100,000
Squad Car Replacement	Police	PD-002	2	90,000
Sanitary Sewer CIPP Lining	Sewer	SWP-005	1	150,000
Replacement of 2000 Grader	Street	SE-203	3	350,000
Replacement of 2007 GMC K2500 Pick-up Truck	Street	SE-231	3	25,000
Replace 1997 Chevrolet K1500 Pick-up Truck	Street	SE-233	3	25,000
Miscellaneous Street Repair and Overlays	Street	STP-010	3	622,000
(New) - Trunk Hwy 33/Cloquet Ave Ped Crossing	Street	STP-041	3	15,000
Antus Addition/14th Street Utility Extension	Street & Utilities	STUP-008	n/a	1,250,000
Painting of 2MG Station 2 Reservoir	Water	WP-019	2	570,000
Painting of 5MG Harris Reservoir	Water	WP-020	3	945,000
Filter Plant - Well 11	Water	WP-022	3	1,700,000
Total for 2019				6,064,500
2020				

Project Name	Department	Project #	Priority	Project Cost
Cable TV Equipment Replacement	Administration	A-004	3	2,500
City Building Energy & Renovation Projects	Administration	A-012	2	6,400,000
Blank	Administration	Blank - 01	n/a	0
Replacement of 2010 Single Axle Ford Dump Truck	Parks	PE-601	3	40,000
Braun Park Field Irrigation	Parks	PP-011	1	200,000
Squad Car Replacement	Police	PD-002	2	90,000
(Chg) Replacement of 1996 Single Axel Dump Truck	Street	SE-208	4	200,000
Replacement of 1969 John Deer Dozer	Street	SE-219	5	0
Replacement of 2005 Chevrolet K1500 Pick-Up	Street	SE-504	2	20,000
Miscellaneous Street Repair and Overlays	Street	STP-010	3	665,000
Public Works Garage Roof Replacement	Street	STP-021	2	20,000
17th Street Reconstruction	Street & Utilities	STUP-002	5	725,000
(New) 14th Street Utility Infrastructure	Street & Utilities	STUP-012	2	2,000,000
Replacement of 2005 One-Ton Pickup	Water	WE-301	3	50,000
Replacement of 2000 ABU Trailer	Water	WE-304	3	10,000

Total for 2020

10,422,500

2021

Cable TV Equipment Replacement	Administration	A-004	3	8,000
City Hall Network Server Replacement	Administration	A-007	2	25,000
Blank	Administration	Blank - 01	n/a	0
(New) - Engineering Survey Equipment	Engineering	EE-004	3	35,000
(Chg) Replace 2011 John Deere Front Mower	Parks	PE-602	3	41,000
Athletic Park Re-design and Development	Parks	PP-015	3	1,000,000
Squad Car Replacement	Police	PD-002	2	90,000
Sanitary Sewer CIPP Lining	Sewer	SWP-005	1	150,000
Replacement of 2008 Loader	Street	SE-201	3	160,000
(Chg) Replacement of 2004 Single Axle Dump Truck	Street	SE-211	3	60,000
(Chg) 2006 Towmaster Light Equipment Trailer	Street	SE-217	3	12,000
Replacement of 2006 Case Rubber Tired Backhoe	Street	SE-227	3	150,000
Miscellaneous Street Repair and Overlays	Street	STP-010	3	665,000
20th Street Reconstruction	Street & Utilities	STUP-005	2	945,000
Water Tower	Water	WP-023	3	2,000,000

Total for 2021

5,341,000

2022

Blank	Administration	Blank - 01	n/a	0
Replacement of 2012 Ford Dump Truck	Parks	PE-604	3	54,000
Veterans Park Improvements	Parks	PP-024	2	250,000
Squad Car Replacement	Police	PD-002	2	90,000
(Chg) 2011 Towmaster Equipment Trailer	Street	SE-216	2	30,000
Replacement of 2007 Ford F-250 Pickup Truck	Street	SE-220	4	28,000
Replacement of 2012 Ford F-350 One-Ton Dump Truck	Street	SE-226	3	65,000
(New) - 12th Street (Two way traffic)	Street	STP-042	3	107,500
(New) - Armory Road Area	Street	STP-043	3	2,400,000
(New) - Tall Pine Lane Area	Street & Utilities	STUP-009	3	940,000
(New) - Watermain Replacement - Maplewood Ave	Street & Utilities	STUP-010	3	1,650,000
(New) - Watermain Replacement - Granit Street	Street & Utilities	STUP-011	3	2,000,000
(New) - Selmser Ave Reconstruct	Street & Utilities	STUP-013	3	1,275,000
Replacement of 2012 Ford Pickup	Water	WE-303	4	33,000
(Chg) Replace 2011 Hyundai Tracked Excavator	Water	WE-305	2	300,000

Total for 2022

9,222,500

Project Name	Department	Project #	Priority	Project Cost
GRAND TOTAL				42,904,000

City of Cloquet, Minnesota

Capital Plan

2018 thru 2022

PROJECTS & FUNDING SOURCES BY DEPARTMENT

Department	Project #	Priority	2018	2019	2020	2021	2022	Total
Administration								
Cable TV Equipment Replacement	A-004	3	5,000	2,500	2,500	8,000		18,000
City Hall Network Server Replacement	A-007	2	20,000			25,000		45,000
City Building Energy & Renovation Projects	A-012	2			6,400,000			6,400,000
City Hall Technology and Laserfiche Project	A-014	3	10,000					10,000
Blank	Blank - 01	n/a	0	0	0	0	0	0
Administration Total			35,000	2,500	6,402,500	33,000	0	6,473,000

<i>Bond Proceeds</i>					6,400,000			6,400,000
<i>Cable TV Fund</i>			5,000	2,500	2,500	8,000		18,000
<i>General Fund</i>			10,000					10,000
<i>Public Works Reserve</i>			20,000			25,000		45,000
<i>Unknown</i>			0	0	0	0	0	0
Administration Total			35,000	2,500	6,402,500	33,000	0	6,473,000

Engineering								
(New) - Engineering Survey Equipment	EE-004	3	25,000			35,000		60,000
Engineering Total			25,000			35,000		60,000

<i>Public Works Reserve</i>			25,000			35,000		60,000
Engineering Total			25,000			35,000		60,000

Parks								
Replacement of 2010 Single Axle Ford Dump Truck	PE-601	3			40,000			40,000
(Chg) Replace 2011 John Deere Front Mower	PE-602	3				41,000		41,000
Replacement of 2012 Ford Dump Truck	PE-604	3					54,000	54,000
Replacement of 2003 Toro Workman Groomer	PE-611	3	20,000					20,000
Pine Valley Park Improvements	PP-010	5	550,000					550,000
Braun Park Field Irrigation	PP-011	1			200,000			200,000
Pinehurst Park Equipment Improvements	PP-013	1		100,000				100,000
Athletic Park Re-design and Development	PP-015	3				1,000,000		1,000,000
Regional Trail Development	PP-017	2		100,000				100,000
General Park Development Design	PP-018	2	20,000	20,000				40,000
Pine Valley Facility Improvements	PP-019	2	600,000					600,000
Veterans Park Improvements	PP-024	2					250,000	250,000
Pinehurst Park Warming House	PP-037	3		100,000				100,000

Department	Project #	Priority	2018	2019	2020	2021	2022	Total
Parks Total			1,190,000	320,000	240,000	1,041,000	304,000	3,095,000
<i>Park Fund</i>			20,000	20,000				40,000
<i>Permanent Improvement</i>				100,000				100,000
<i>Public Works Reserve</i>			20,000		40,000	41,000	54,000	155,000
<i>Sales Tax</i>			1,150,000	200,000	200,000	1,000,000	250,000	2,800,000
Parks Total			1,190,000	320,000	240,000	1,041,000	304,000	3,095,000
Police								
Squad Car Replacement	PD-002	2	90,000	90,000	90,000	90,000	90,000	450,000
Records Management/Computer Aided Dispatch Systems	PD-011	3	46,500					46,500
Police Total			136,500	90,000	90,000	90,000	90,000	496,500
<i>Public Works Reserve</i>			136,500	90,000	90,000	90,000	90,000	496,500
Police Total			136,500	90,000	90,000	90,000	90,000	496,500
Sewer								
Sanitary Sewer CIPP Lining	SWP-005	1		150,000		150,000		300,000
Sewer Total				150,000		150,000		300,000
<i>Sewer Fund</i>				150,000		150,000		300,000
Sewer Total				150,000		150,000		300,000
Street								
Replacement of 2008 Loader	SE-201	3				160,000		160,000
Replacement of John Deere Loader	SE-202	3	150,000					150,000
Replacement of 2000 Grader	SE-203	3		350,000				350,000
(Chg) Replacement of 1996 Single Axel Dump Truck	SE-208	4			200,000			200,000
(Chg) Replacement of 2004 Single Axle Dump Truck	SE-211	3				60,000		60,000
(Chg) 2011 Towmaster Equipment Trailer	SE-216	2					30,000	30,000
(Chg) 2006 Towmaster Light Equipment Trailer	SE-217	3				12,000		12,000
Replacement of Air Compressor	SE-218	4	30,000					30,000
Replacement of 1969 John Deer Dozer	SE-219	5			0			0
Replacement of 2007 Ford F-250 Pickup Truck	SE-220	4					28,000	28,000
Replacement of 2012 Ford F-350 One-Ton Dump Truck	SE-226	3					65,000	65,000
Replacement of 2006 Case Rubber Tired Backhoe	SE-227	3				150,000		150,000
Replacement of 2007 GMC K2500 Pick-up Truck	SE-231	3		25,000				25,000
Replace 1997 Chevrolet K1500 Pick-up Truck	SE-233	3		25,000				25,000
Replacement of 2005 Chevrolet K1500 Pick-Up	SE-504	2			20,000			20,000
Miscellaneous Street Repair and Overlays	STP-010	3	660,000	622,000	665,000	665,000		2,612,000
Public Works Garage Roof Replacement	STP-021	2	20,000		20,000			40,000
Pine Tree Plaza Frontage Road	STP-032	1	470,000					470,000
Cloquet Avenue Streetscape	STP-040	2	2,000,000					2,000,000

Department	Project #	Priority	2018	2019	2020	2021	2022	Total
(New) - Trunk Hwy 33/Cloquet Ave Ped Crossing	STP-041	3		15,000				15,000
(New) - 12th Street (Two way traffic)	STP-042	3					107,500	107,500
(New) - Armory Road Area	STP-043	3					2,400,000	2,400,000
Street Total			3,330,000	1,037,000	905,000	1,047,000	2,630,500	8,949,500

Building Fund			20,000		20,000			40,000
MnDOT Transportation Funding			170,000					170,000
Park Fund			5,000			15,000	7,000	27,000
Permanent Improvement				15,000	665,000	665,000	1,932,500	3,277,500
Public Works Reserve			85,000	400,000	220,000	273,500	64,500	1,043,000
Sales Tax			2,000,000					2,000,000
Sewer Fund			100,000			16,000	110,000	226,000
State Aid			660,000	622,000				1,282,000
Storm Water Fund			80,000				350,000	430,000
Water Fund			210,000			77,500	166,500	454,000
Street Total			3,330,000	1,037,000	905,000	1,047,000	2,630,500	8,949,500

Street & Utilities

17th Street Reconstruction	STUP-002	5			725,000			725,000
20th Street Reconstruction	STUP-005	2				945,000		945,000
West End Arch Street/Park Avenue Reconstruction	STUP-006	3	1,895,000					1,895,000
Antus Addition/14th Street Utility Extension	STUP-008	n/a		1,250,000				1,250,000
(New) - Tall Pine Lane Area	STUP-009	3					940,000	940,000
(New) - Watermain Replacement - Maplewood Ave	STUP-010	3					1,650,000	1,650,000
(New) - Watermain Replacement - Granit Street	STUP-011	3					2,000,000	2,000,000
(New) 14th Street Utility Infrastructure	STUP-012	2			2,000,000			2,000,000
(New) - Selmser Ave Reconstruct	STUP-013	3					1,275,000	1,275,000
Street & Utilities Total			1,895,000	1,250,000	2,725,000	945,000	5,865,000	12,680,000

Permanent Improvement			800,000		400,000	485,000	2,760,000	4,445,000
Sales Tax				550,000	2,000,000			2,550,000
Sewer Fund			255,000	325,000	70,000	125,000	145,000	920,000
State Aid			500,000					500,000
Storm Water Fund			50,000		125,000	175,000	425,000	775,000
Water Fund			290,000	375,000	130,000	160,000	2,535,000	3,490,000
Street & Utilities Total			1,895,000	1,250,000	2,725,000	945,000	5,865,000	12,680,000

Water

Replacement of 2005 One-Ton Pickup	WE-301	3			50,000			50,000
Replacement of 2012 Ford Pickup	WE-303	4					33,000	33,000
Replacement of 2000 ABU Trailer	WE-304	3			10,000			10,000
(Chg) Replace 2011 Hyundai Tracked Excavator	WE-305	2					300,000	300,000
Replacement of 1998 John Deere 1445 Tractor/Mower	WE-306	3	42,000					42,000
Painting of 2MG Station 2 Reservoir	WP-019	2		570,000				570,000
Painting of 5MG Harris Reservoir	WP-020	3		945,000				945,000

Department	Project #	Priority	2018	2019	2020	2021	2022	Total
Filter Plant - Spring Lake	WP-021	3	5,200,000					5,200,000
Filter Plant - Well 11	WP-022	3		1,700,000				1,700,000
Water Tower	WP-023	3				2,000,000		2,000,000
Water Total			5,242,000	3,215,000	60,000	2,000,000	333,000	10,850,000
Bond Proceeds			5,200,000	1,700,000		2,000,000		8,900,000
Sewer Fund					25,000			25,000
Water Fund			42,000	1,515,000	35,000		333,000	1,925,000
Water Total			5,242,000	3,215,000	60,000	2,000,000	333,000	10,850,000
Grand Total			11,853,500	6,064,500	10,422,500	5,341,000	9,222,500	42,904,000

Cloquet City Council Work Session
Tuesday, July 18, 2017

 **DRAFT**

Present: A. Bailey, D. Bjerkness, K. Kolodge, S. Langley, R. Maki, J. Rock, Mayor Hallback

Absent: None

Staff: J. Barclay, H. Hansen, C. Peterson, J. Palmer, M. Lukkarila

Other: V. Northrup, K. Dupuis, R. Smith, B. Helwig, J. Peterson

FDL Tribal Council Meet and Greet

- This is the first time there has been a joint meeting between the Fond du Lac Tribal Council and Cloquet City Council. Both groups agree it's a very positive step forward in relationship building and would like to continue meeting on a regular basis.
- There is already collaboration between the FDL and Cloquet Police Departments with drug enforcement.
- Ms. Northrup asked for feedback from the Council on displaying the FDL Tribal flag in the Council Chambers. This would be a very significant gesture from the City to show the willingness to build a stronger relationship with our neighbor. All are in agreement of the importance for the two communities to work and grow together.
- Ms. Northrup stated there are several employment opportunities at the casino and would like the opportunity to the displaced workers from Jarden Brands. Ms. Hansen will assist her in reaching out to those workers. Other employment opportunities with FDL are the propane company, the radio station, sand/gravel, and the convenience store, all of which are owned by the reservation.
- The reservation is seeing much growth in health and human services. There are locations in Duluth, Twin Cities, and Cloquet. An invitation was extended to the Council to tour the new care building in Duluth.
- Mayor Hallback and Mr. Dupuis will be in contact to establish meeting dates and agendas for future meetings.

PLA Discussion with EDA

- The EDA recommended a discussion with Council to discuss City assisted, privately financed projects in regards to the recently passed Ordinance on PLAs.
- Mr. Helwig stated that the City is stepping outside of their authority when extending the PLA requirements to privately funded projects. This is based on law from the Supreme Court and the Attorney General's opinion. PLAs are allowed to be required for City owned projects but cannot be required solely based on City regulation to extend to private projects. No other cities in the state have a PLA that extends to private projects. The risk to the City is a civil lawsuit.
- Discussion about TIFF money and whether it is considered City money. Explanation followed of the different financing options for a potential developer and the requirements to receive City financing. Mr. Helwig explained that there is no economic benefit for the City when using a PLA on a privately funded project.

- Councilor Bailey stated he feels there's a problem with issuing TIFF to a developer who then hires contractors from outside our area.
- Councilor Bjerkness said that by requiring private developers to have a PLA is hurting the growth of the community because developers see this as a roadblock.
- Mr. Micke feels that development is already stagnate with being close to Duluth and Hermantown, this PLA does not help.
- Mr. Peterson's concern is whether this requirement is legal or not. The EDA's goal is to bring development to the community and any roadblock to a developer does the City a disfavor. The goal of the EDA is to encourage developers to come to Cloquet. Developers are going elsewhere if the City does not provide economic development tools. It makes economic sense to help.
- Ms. Hansen highlighted projects that have pulled out or are now undecided due to the PLA requirement.
- Tim Andrew, Attorney with the Duluth Building and Trades, followed up on Mr. Helwig's comments by stating the City is a purchaser of the project by acting as a reasonable investor and has interest in the outcome of the success of the project. Therefore, it is appropriate City to require the PLA. Mr. Helwig this is in cases where the city is a financier, not a purchaser.
- Councilor Bjerkness commented on the projects that have pulled since the PLA ordinance was passed is not good for the City. The Council has a responsibility, the EDA advises and the Council needs to listen and respond. 4 projects have been lost in 2 months. EDA's recommendation is to not have the ordinance apply to private projects.
- Mr. Peterson read an email from Shelley Peterson stating her support for PLAs.
- Mr. Micke suggested sending the current ordinance to the Minnesota Attorney General for an opinion and all agreed. Mr. Helwig will follow up and report back with the opinion.

The meeting was adjourned at 6:55 p.m. and reconvened at 7:40 p.m. at the conclusion of the Regular meeting.

ATV Licensing Discussion

- Discussion of establishing a permitting process for ATVs to be driven on City streets due to the 2016 Minnesota Legislature change in law pertaining to the operation of special vehicle use on roadways within a municipality. This change requires a permitting process and a verification of insurance in order to operate on roadways within the City.
- Conversation followed on establishing a permitting procedure, who enforces, and street designation.
- With no opposition from Council, Mr. Palmer will further research a process and bring a recommendation back to Council.

Budget/CIP

- Mr. Barclay reviewed the existing budget and scheduled projects. Items discussed are as follows:
 - Current budget is over by \$200,000 if the \$5.8 million I-35/Hwy 33 project moves forward. Recommending going back to legislature to re-designate the money to infrastructure for the project. If approved, other projects scheduled through 2022 can be completed.
 - The Pinehurst Warming House project will be moved to 2019. Discussion on whether the pool's dressing/shower rooms can be used as the warming house if rubber mats are put down between the rink and warming house. This

approach will be tried this next winter before a decision on moving forward with the warming house is made.

- 14th Street improvement by the County. Mr. Peterson feels it is smart for the City to implement the water and sewer replacement project at the same time using sales tax dollars.
- Discussion on the development of a dog park. Council would like to see a community committee comprised those in favor of a dog park approach the Council before any decisions are made.
- Conversation of moving the facilities projects back one more year based on the CAFD moving into their new building 12/2019. This would put the police department at 2020 and Public Works to 2023. Current maintenance needs such as roof patching at the police department will need to be addressed if this is the timeline.
- The I-35/Frontage Road project was deleted due to nothing being developed at the DNR location.

There being no further business, the meeting adjourned at 9:05 p.m.

Respectfully submitted,

James Barclay
Interim City Administrator

Regular Meeting

Roll Call

Councilors Present: Bailey, Bjerkness, Kolodge, Langley, Maki, Rock, Mayor Hallback

Councilors Absent:

Pledge of Allegiance



AGENDA

MOTION: Councilor Bailey moved and Councilor Kolodge seconded the motion to approve the July 18, 2017 agenda. The motion carried unanimously (7-0).

MINUTES

MOTION: Councilor Langley moved and Councilor Maki seconded the motion to approve the minutes of the Work Session and Regular Meeting of July 5, 2017. The motion carried unanimously (7-0).

CONSENT AGENDA

MOTION: Councilor Bjerkness moved and Councilor Rock seconded the motion to adopt the consent agenda of July 18, 2017 approving the necessary motions and resolutions. The motion carried unanimously (7-0).

- a. Resolution No. 17-64, Authorizing the Payment of Bills
- b. Resolution No. 17-67, New Lawful Gambling Premise Permit Application – R.E.A.C.H., Inc.

PUBLIC HEARINGS

There were none.

PRESENTATIONS

There were none.

NATIONAL NIGHT OUT CONTRIBUTION SOLICITATION

MOTION: Councilor Rock moved and Councilor Kolodge seconded the motion to approve **RESOLUTION NO. 17-65, A RESOLUTION AUTHORIZING CITY OFFICIALS AND CLOQUET POLICE DEPARTMENT STAFF TO SOLICIT CONTRIBUTIONS FOR NATIONAL NIGHT OUT.** The motion carried unanimously (7-0).

WHEREAS, The National Night Out Event is an annual community-building campaign promoting police-community partnership and neighborhood camaraderie to make neighborhoods safer and more connected. Furthermore, it provides an opportunity to bring police and neighbors together under positive circumstances; and

WHEREAS, The Cloquet Police Department has been a participating in National Night Out since 2015; and

WHEREAS, In order for City Officials and Police Department staff to solicit funds for this event, a Resolution is required; and

NOW, THEREFORE, BE IT RESOLVED, BY THE CITY COUNCIL OF THE CITY OF CLOQUET, MINNESOTA, That the City officials and Cloquet Police Department Staff be authorized to solicit funds to hold and sponsor the event.

BE IT FURTHER RESOLVED, that City officials and Cloquet Police Department Staff, are hereby authorized to solicit contributions or fundraise for the purpose of funding National Night Out.

HOLMES DRIVE SIDEWALK

MOTION: Councilor Rock moved and Councilor Bjerkness seconded the motion to adopt **RESOLUTION NO. 17-66, A RESOLUTION AWARDED HOLMES DRIVE SIDEWALK BID.** The motion carried unanimously (7-0).

WHEREAS, The City previously identified the completion of the sidewalk network along Holmes Drive as a priority; and

WHEREAS, The City has completed an engineering study to complete a missing link in the existing system; and

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

<u>Bidder</u>	<u>Bid Amount</u>
JMF Construction, Inc.	\$44,280.00
Kiminski Paving	\$49,215.00
Northland Constructors, LLC	\$70,299.00
Sinnott Contracting, LLC	\$78,420.50

AND WHEREAS, The apparent low bid from JMF Construction, 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 JMF Construction, Inc. in the amount of \$44,280.00 is hereby accepted.

MEMORANDUM OF AGREEMENT FOR BUILDING CODE INSPECTION SERVICES

MOTION: Councilor Langley moved and Councilor Maki seconded the motion to approve the Memorandum of Agreement for Building Inspection Services between Cloquet and Scanlon. The motion carried unanimously (6-0).

PUBLIC COMMENTS

- Bill Hoffman, 113 10th Street, addressed the Council on behalf of Cloquet Pickleball enthusiasts with a proposal to build a Pickleball complex at Wentworth Park. They currently are playing at the Cloquet National Guard Armory during the winter months and at the Churchill tennis courts during the summer. The group has approached the Parks Commission and as it was recommended they also address the Council. Caleb Peterson will research the cost of the request.
- Sheila Lamb, 1912 Selmser Avenue, requested the Council pass a resolution denying support of the DEIS Enbridge pipeline project. She asked the Council to support the FDL Reservation in supporting their efforts to block the project stating the health risks and well water contamination with the removal of the old pipeline. Ms. Lamb also requested to be put on a future Work Session agenda to give a more formal presentation.
- Jana Peterson, Pine Journal, asked the Council if there has been any further discussion on the hiring of a Police Chief. Mayor Hallback answered there has not been.

COUNCIL COMMENTS, ANNOUNCEMENTS, AND UPDATES

There were none.

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

James Barclay, Interim City Administrator



DEPARTMENT OF PUBLIC WORKS

1307 Cloquet Avenue; Cloquet, MN 55720
Phone: (218) 879-6758 Fax: (218) 879-6555
Street - Water - Sewer – Engineering - Park
www.ci.cloquet.mn.us

REQUEST FOR COUNCIL ACTION

To: City Council
From: John Anderson, Assistant City Engineer
Reviewed By: James Barclay, Assistant City Administrator
Date: August 02, 2017

A handwritten signature in blue ink, appearing to read "James Barclay", is written over the name in the "Reviewed By" line.

ITEM DESCRIPTION: Storm Water Facilities Maintenance Agreement
High School and Middle School - ISD 94

Proposed Action

Staff recommends that the City Council **MOVE TO APPROVE THE STORM WATER FACILITIES MAINTENANCE AGREEMENT, HIGH SCHOOL AND MIDDLE SCHOOL**

Background

As part of the site development and plan review of the High school and Middle School sites located at 1000 – 18th Street staff has identified that city code requires a private maintenance agreement be executed that outlines the property owner’s responsibilities related to the private stormwater improvements. The School Board has submitted a signed agreement detailing the owner’s responsibilities. Staff has reviewed this agreement and recommends approval.

Policy Objectives

City Code Chapter 18.6 Subd 6, b & c

Financial/Budget/Grant Considerations

N/A

Advisory Committee/Commission Action

N/A.

Supporting Documents Attached

Storm Water Facilities Maintenance Agreement

MAINTENANCE AGREEMENT
Stormwater Management Facilities
Between the City of Cloquet and Cloquet ISD #94

This Maintenance Agreement ("Agreement") is made by and between the City of Cloquet, a municipal corporation, and CLOQUET INDEPENDENT SCHOOL DISTRICT 0094 ("Permittee").

Recitals and Statement of Purpose

WHEREAS pursuant to Minnesota Statutes § 103D.345, the City of Cloquet has adopted and implements Chapter 18 Stormwater Management;

WHEREAS Chapter 18 imposes certain requirements, which the Permittee will meet in this case by constructing and maintaining stormwater management facilities as identified on the site plan incorporated into this Agreement as Exhibit A;

WHEREAS in accordance with Chapter 18 and as a condition of Permit # 2017-268, the Permittee's obligation to maintain these stormwater facilities must be memorialized by a recorded maintenance declaration or, alternatively, a maintenance agreement establishing the Permittee's perpetual maintenance obligation;

WHEREAS the Permittee and the City of Cloquet execute this Agreement to fulfill the condition of Permit # 2017-268, and concur that it is binding and rests on mutual valuable consideration;

THEREFORE:

1. The Permittee, at its cost, will inspect and maintain the stormwater management facilities delineated and labeled on Exhibit A as follows: [SEE ATTACHED – UTILITY AND SEDIMENT CONTROL PLAN, BASE BID AND UTILITY PLAN SOUTH]. The Permittee will:
 - a. Obtain certified as-built contours for all ponds and inspect the ponds, and associated outlet structures, culverts and outfall structures one year and two years after the completion of as-builts, including measuring sediment accumulation by a method accurate to within one vertical foot. Thereafter, the Permittee will perform inspections in the fifth year after pond completion and every five years thereafter. If inspections show that sediment may accumulate to 50 percent of wet storage volume, or 25 percent of dry detention volume, within less than five years, the Permittee will inspect more frequently. Pond function will be considered inadequate if sediment accumulation has decreased the wet storage volume by 50 percent or dry detention volume by 25 percent, and the Permittee will restore the basin to its original design elevations and dimensions and restore vegetation in disturbed areas within one year of the inspection date.
 - b. Inspect stormwater infiltration and filtration basins, including rain gardens, annually, to preserve live storage capacity at or above the design volume. Remove vegetation, maintain healthy plant growth and remove excess sediment and debris to ensure that the facilities continue to perform per design.
 - c. Inspect grit chambers, sump catch basins and sump manholes annually. Accumulated sediment and debris will be removed so that each facility continues to operate as designed and erosion or structural problems are corrected.
 - d. Inspect conveyances and other structures annually. Ensure preservation of designed hydraulic capacity.

2. If the Permittee conveys into private ownership a fee interest in all or any portion of the public property that is subject to this Agreement, it must require as a condition of sale, and enforce: (a) that the purchaser record a declaration on the property incorporating the stormwater management facility maintenance requirements of this Agreement; and (b) that recordation occur either before any encumbrance is recorded on the property or, if after, only as accompanied by a subordination and consent executed by the encumbrance holder ensuring that the declaration will run with the land in perpetuity. If the Permittee conveys into public ownership a fee interest in all or any portion of the property that is subject to this Agreement, it must require as a condition of the purchase and sale agreement that the purchaser accept an assignment of all obligations vested under this Agreement.

3. This Agreement is in force for five years from the date on which it is fully executed and will renew automatically for five-year terms unless terminated by the parties. This Agreement may be amended only in a writing signed by the parties.

4. The recitals are incorporated as a part of this Agreement.


IN WITNESS WHEREOF, the parties hereto have executed this Agreement.

CITY OF CLOQUET

By _____
Interim City Administrator, James Barclay

Date:

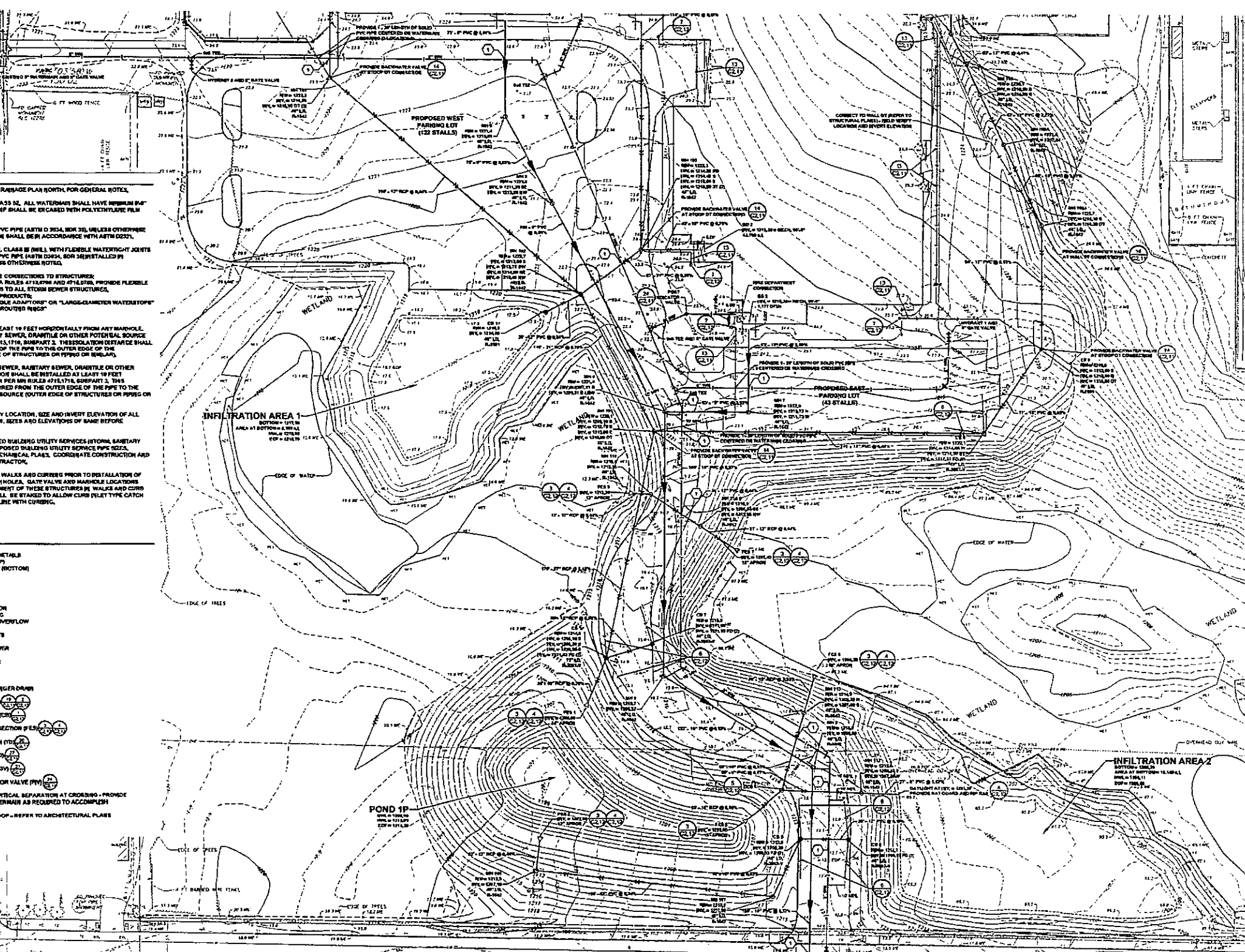
CLOQUET ISD #0094

By: 
Ken Scarbrough, Cloquet School Supt.

Date: 7-18-2017

Exhibit A

- Utility Plan South
- Utility and Sediment Control Plan – Base Bid



IRREGULAR PLAN NORTH FOR GENERAL NOTES

ALL WATERWAYS SHALL HAVE MINIMUM 8" PVC PIPE (ASTM D 3034, SDR 35, UNLESS OTHERWISE NOTED) SHALL BE ENCASED WITH POLYETHYLENE FLM

1. CLASS B (MILL) WITH FLEXIBLE WATER-TIGHT JOINTS PVC PIPE (ASTM D3034, SDR 35) SHALL BE INSTALLED BY 26 OTHERS NOTES

2. CONNECTIONS TO STRUCTURES:
A. RIGID EXTERIOR AND INTERIOR, PROVIDE FLEXIBLE (B) TO ALL, EXCEPT SEWER STRUCTURES.
PRODUCTS: "KOLADAPRO" OR "LARGE-DIAMETER WATER-TIGHT" POLYURETHANE

EAST 10 FEET HORIZONTALLY FROM ANY MANHOLE, SEWER, DRAINPILE OR OTHER POTENTIAL SOURCE (1.116, SUBPART 2. THIS ISOLATION DISTANCE SHALL OF THE PIPE TO THE OUTER EDGE OF THE LOW STRUCTURES OR PIPING OR BELLWALL)

SEWER, SANITARY SEWER, DRAINPILE OR OTHER JOBS SHALL BE INSTALLED AT LEAST 10 FEET PER MIN RULED APPLICABLE SUBPART 3. THIS FIELD FROM THE OUTER EDGE OF THE PIPE TO THE SOURCE OUTER EDGE OF STRUCTURES OR PIPING OR ON

Y LOCATION, SIZE AND INVERT ELEVATION OF ALL S, SEVES AND ELEVATIONS OF SAME BEFORE

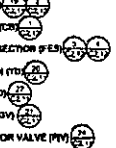
DO BUILDING UTILITY SERVICES (STORM, SANITARY, POWER, TELEPHONE, CABLE, GAS, WATER, RADIATION, CHEMICAL, PLUMBING, COORDINATE CONSTRUCTION AND TRAFFIC)

WALKS AND CURBS PRIOR TO INSTALLATION OF MANHOLE, GATE VALVE AND MANHOLE LOCATIONS RIGHT OF THESE STRUCTURES IN WALKS AND CURBS SHALL BE STANDED TO ALLOW CURBS TO LIE TYPE CATCH LINE WITH CURBING

DETAILS

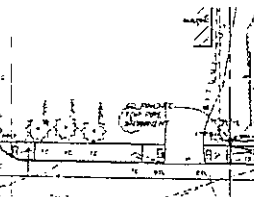
- ON
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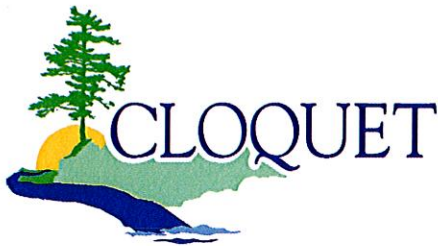
SEWER DRAWN



VERTICAL SEPARATIONS AT CROSSING - PROVIDE TRENCH AS REQUIRED TO ACCOMPLISH

DOF - REFER TO ARCHITECTURAL PLANS





DEPARTMENT OF PUBLIC WORKS

1307 Cloquet Avenue; Cloquet, MN 55720
Phone: (218) 879-6758 Fax: (218) 879-6555
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REQUEST FOR COUNCIL ACTION

To: City Council
From: John Anderson, Assistant City Engineer
Reviewed By: James Barclay, Assistant City Administrator
Date: August 02, 2017

ITEM DESCRIPTION: Storm Water Facilities Maintenance Agreement
Country Club Patio Homes

Proposed Action

Staff recommends that the City Council **MOVE TO APPROVE THE STORM WATER FACILITIES MAINTENACE AGREEMENT, COUNTRY CLUB PATIO HOMES**

Background

As part of the site development and plan review of the Country Club Patio Home site located at Carlton Avenue and Reservation Road staff has identified that city code requires a private maintenance agreement be executed that outlines the home owners association’s responsibilities related to the private stormwater improvements. The Developer has submitted a signed agreement detailing the owner’s responsibilities. Staff has reviewed this agreement and recommends approval.

After approval by the City Council and executed with the administrators signature, city staff will bring this to Carlton County to be recorded.

Policy Objectives

City Code Chapter 18.6 Subd 6, b & c

Financial/Budget/Grant Considerations

N/A

Advisory Committee/Commission Action

N/A.

Supporting Documents Attached

Storm Water Facilities Maintenance Agreement

MAINTENANCE AGREEMENT
Stormwater Management Facilities
Between the City of Cloquet and
COUNTRY CLUB PATIO HOMES OWNERS' ASSOCIATION, INC.

This Maintenance Agreement ("Agreement") is made by and between the City of Cloquet, a municipal corporation, and COUNTRY CLUB PATIO HOMES OWNERS' ASSOCIATION, INC., a Minnesota non-profit Corporation ("Permittee"), as of July 18, 2017.

Recitals and Statement of Purpose

WHEREAS pursuant to Minnesota Statutes § 103D.345, the City of Cloquet has adopted and implements Chapter 18 Stormwater Management;

WHEREAS Chapter 18 imposes certain requirements, which the Permittee will meet in this case by constructing and maintaining stormwater management facilities as identified on the site plan incorporated into this Agreement as Exhibit A;

WHEREAS in accordance with Chapter 18 and as a condition of Permit 2017-277, the Permittee's obligation to maintain these stormwater facilities must be memorialized by a recorded maintenance declaration or, alternatively, a maintenance agreement establishing the Permittee's perpetual maintenance obligation;

WHEREAS the Permittee and the City of Cloquet execute this Agreement to fulfill the condition of Permit 2017-277, and concur that it is binding and rests on mutual valuable consideration;

THEREFORE:

1. The Permittee, at its cost, will inspect and maintain the stormwater management facilities delineated and labeled on Exhibit A as follows: Filtration Pond, drainage swales and storm conveyance system as described in GRADING AND DRAINAGE PLAN REVISED 07-11-17. The Permittee will:

a. Obtain certified as-built contours for all ponds and inspect the ponds, and associated outlet structures, culverts and outfall structures one year and two years after the completion of as-builts, including measuring sediment accumulation by a method accurate to within one vertical foot. Thereafter, the Permittee will perform inspections in the fifth year after pond completion and every five years thereafter. If inspections show that sediment may accumulate to 50 percent of wet storage volume, or 25 percent of dry detention volume, within less than five years, the Permittee will inspect more frequently. Pond function will be considered inadequate if sediment accumulation has decreased the wet storage volume by 50 percent or dry detention volume by 25 percent, and the Permittee will restore the basin to its original design elevations and dimensions and restore vegetation in disturbed areas within one year of the inspection date.

b. Inspect stormwater infiltration and filtration basins, including rain gardens, annually, to preserve live storage capacity at or above the design volume. Remove vegetation, maintain healthy plant growth and remove excess sediment and debris to ensure that the facilities continue to perform per design.

c. Inspect grit chambers, sump catch basins and sump manholes annually. Accumulated sediment and debris will be removed so that the each facility continues to operate as designed and erosion or structural problems are corrected.

d. Inspect conveyances and other structures annually. Ensure preservation of designed hydraulic capacity.

2. If the Permittee conveys into private ownership a fee interest in all or any portion of the private property common areas assigned with a drainage and utility easement that is subject to this Agreement, it must require as a condition of sale, and enforce: (a) that the purchaser record a declaration on the property incorporating the stormwater management facility maintenance requirements of this Agreement; and (b) that recordation occur either before any encumbrance is recorded on the property or, if after, only as accompanied by a subordination and consent executed by the encumbrance holder ensuring that the declaration will run with the land in perpetuity. If the Permittee conveys into public ownership a fee interest in all or any portion of the property that is subject to this Agreement, it must require as a condition of the purchase and sale agreement that the purchaser accept an assignment of all obligations vested under this Agreement.

3. This Agreement is in force for five years from the date on which it is fully executed and will renew automatically for five-year terms unless terminated by the parties. This Agreement may be amended only in a writing signed by the parties.

4. The recitals are incorporated as a part of this Agreement.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement.

CITY OF CLOQUET

By _____
Interim City Administrator, James Barclay

State of Minnesota, County of Carlton

This instrument was acknowledged before me on _____, 2017,
by James Barclay as Interim City Administrator of the City of Cloquet, Minnesota,
a municipal corporation.

(stamp)

(signature of notarial officer)

Country Club Patio Homes Owners' Association, Inc.

By _____
Its Interim President

State of Minnesota, County of Carlton

This instrument was acknowledged before me on _____, 2017,
by David Chmielewski, as Interim President of Country Club Patio Homes
Owners' Association, Inc., a Minnesota corporation.

(stamp)

(signature of notarial officer)

APPROVED AS TO FORM and EXECUTION

By: Dehlia C.J. Seim
Its Attorney

State of Minnesota, County of St. Louis

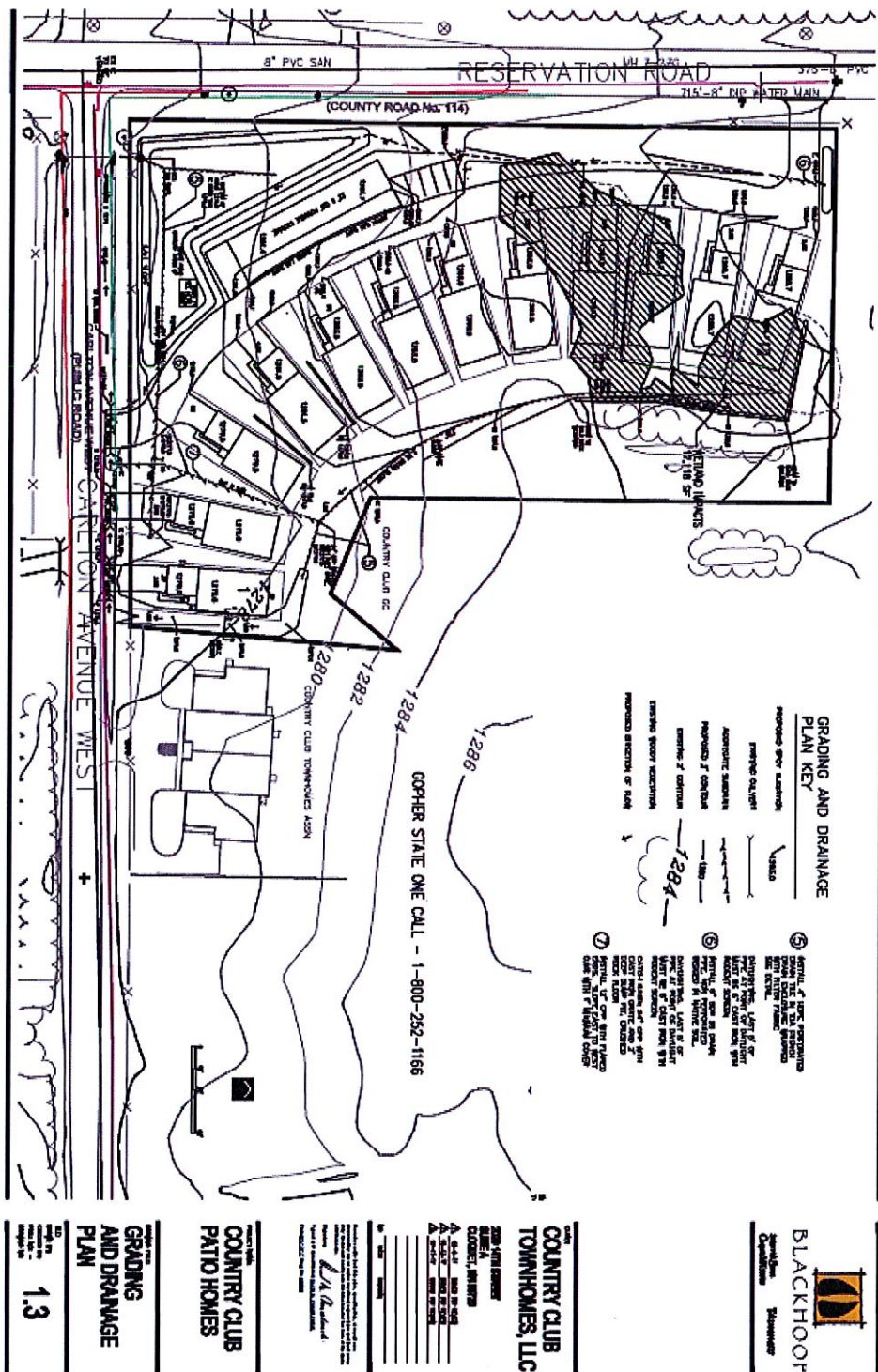
This instrument was acknowledged before me on July 19, 2017,
by Dehlia C.J. Seim, as Attorney for Country Club Patio Homes Owners'
Association, Inc., a Minnesota non-profit corporation.



Amy Jo Olsen
(signature of notarial officer)

This instrument was draft by:
John Anderson
City of Cloquet
1307 Cloquet Avenue
Cloquet, MN 55720

Exhibit A
(page 1 of 2)



GRADING AND DRAINAGE PLAN KEY

PROPOSED SPOT ELEVATION

PROPOSED DRAINAGE

EXISTING SPOT ELEVATION

EXISTING DRAINAGE

PROPOSED SECTION OF ROAD

- ① SETBACK OF 10' FROM PROPERTY LINE TO BE MAINTAINED AT ALL TIMES.
- ② SETBACK OF 10' FROM PROPERTY LINE TO BE MAINTAINED AT ALL TIMES.
- ③ SETBACK OF 10' FROM PROPERTY LINE TO BE MAINTAINED AT ALL TIMES.
- ④ SETBACK OF 10' FROM PROPERTY LINE TO BE MAINTAINED AT ALL TIMES.
- ⑤ SETBACK OF 10' FROM PROPERTY LINE TO BE MAINTAINED AT ALL TIMES.
- ⑥ SETBACK OF 10' FROM PROPERTY LINE TO BE MAINTAINED AT ALL TIMES.
- ⑦ SETBACK OF 10' FROM PROPERTY LINE TO BE MAINTAINED AT ALL TIMES.



BLACKHOOP
Construction Services

COUNTRY CLUB TOWNHOMES, LLC

200 VINTAGE
SUNSET
CLOSET, INTERIOR
A. 3/4" x 6" x 12"
B. 3/4" x 6" x 12"
C. 3/4" x 6" x 12"

COUNTRY CLUB PATIO HOMES

GRADING AND DRAINAGE PLAN

1.3

Exhibit A
(page 2 of 2)

All of the property platted as Country Club Patio Homes, including, without limitation:

Lots 1-12, inclusive, Country Club Patio Homes,
Lot 13, Country Club Patio Homes,
Outlot A, Country Club Patio Homes,
and the Proposed Private Driveway.



ADMINISTRATIVE OFFICES

1307 Cloquet Avenue • Cloquet, MN 55720
Phone: 218-879-3347 • Fax: 218-879-6555
email: admin@ci.cloquet.mn.us
www.ci.cloquet.mn.us

REQUEST FOR COUNCIL ACTION

To: Mayor and City Council
From: Jeff Palmer, Interim Chief of Police
Reviewed By: James Barclay, Interim City Administrator *JB*
Date: July 27, 2017

ITEM DESCRIPTION: Ordinance 468A; An ordinance Amending and Replacing Cloquet City Code Chapter 5.6, Regulating the Operation of Special Vehicles

Proposed Action

Staff recommends Council approve Ordinance 468A; **AN ORDINANCE AMENDING AND REPLACING CLOQUET CITY CODE CHAPTER 5.6, REGULATING THE OPERATION OF SPECIAL VEHICLES INCLUDING MOTORIZED GOLF CARTS, ALL-TERRAIN VEHICLES, UTILITY TASK VEHICLES AND MINI-TRUCKS WITHIN THE CITY OF CLOQUET**, and to adopt **RESOLUTION NO. 17-70, A RESOLUTION AUTHORIZING PUBLICATION OF A SUMMARY OF ORDINANCE NO. 468A, AN ORDINANCE AMENDING AND REPLACING CLOQUET CITY CODE CHAPTER 5.6, REGULATING THE OPERATION OF SPECIAL VEHICLES INCLUDING MOTORIZED GOLF CARTS, ALL-TERRAIN VEHICLES, UTILITY TASK VEHICLES AND MINI-TRUCKS WITHIN THE CITY OF CLOQUET.**

Background/Overview

In 2016 The State of Minnesota adopted Minnesota Statute 169.045 pertaining to the special vehicles use on roadways within a municipality. Presently, our Code defers to the State statutes in that regard to clearly prohibit the use of such vehicles upon public roadways located within the City, our Code goes on to indicate that use of certain vehicles is permitted where designated as permitted by the Mayor with the consent of the City Council.

On July 18, 2017, Council was asked to consider the use of special vehicles on City streets, specifically whether to allow their use. Council overwhelming agreed that the City's past practice of allowing the use was what they wish to continue into the future and directed staff to amend our ordinance and to develop a process by which this practice could continue.

Working with the City Attorney's office, it was determined that if we are going to permit the operation of such vehicles on public roadways, we will have to bring our Code into compliance with State statutes and setup a permitting process. By statute, a city can permit the operation of such vehicles on the public roads as long as they provide for a permit and insurance verification process consistent with the statute.

Policy Objectives

Continue the long-standing practice of allowing operation of special vehicles to include motorized golf carts, all-terrain vehicles, utility task vehicles and mini-trucks within the City of Cloquet.

To the Mayor and Council
Ord. No. 468A, Regulating the Operation
of Special Vehicles
July 27, 2017
Page 2

Financial/Budget/Grant Considerations

The City will receive \$10.00 per license which will off-set the cost of administering this program.

Advisory Committee/Commission Action

None.

Supporting Documentation Attached

- Ordinance No. 468A
- Resolution No. 17-70
- Minnesota Statute 169.045 Special Vehicle Use on Roadway
- City of Cloquet Permit Application

ORDINANCE 468A

AN ORDINANCE AMENDING AND REPLACING CLOQUET CITY CODE CHAPTER 5.6, REGULATING THE OPERATION OF SPECIAL VEHICLES INCLUDING MOTORIZED GOLF CARTS, ALL-TERRAIN VEHICLES, UTILITY TASK VEHICLES AND MINI-TRUCKS WITHIN THE CITY OF CLOQUET

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 Special Vehicles, Snowmobiles, ATV's and Off-Highway Motorcycles 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, with respect to the operation of snowmobiles, all-terrain vehicles (ATV's), off-highway motorcycles and special vehicles as defined in Minn. Stat. 169.045. This section is not intended to otherwise allow 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 is limited in engine displacement of less than 800 cubic centimeters and total dry weight of less 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 3 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, having 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 means a side-by-side, four-wheel drive, off-road vehicle that has four wheels, is 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 so as to lawfully operate the motor vehicle within the State of Minnesota. 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 ATV’s, 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 Restrictions on Use. This Section shall not unreasonably restrict the use of snowmobiles, ATV’s, motorcycles or other motor vehicles as shall be defined in this Section, upon any street, road, highway or other place within the City in the manner and place permitted by the laws of the State of Minnesota. 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, and in areas so designated 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. For purposes of designating permitted areas, the City shall post signs of the type normally used in highway traffic regulation by the City designating the areas in which such use will be permitted.

Unless otherwise specifically modified herein, the City hereby adopts the provisions of Minn. Stat. §84.92 to §84.929 relating to the operation of ATV's, §84.787 to §84.796 relating to off-highway motorcycles and §84.81 to §84.915 relating to the operation of snowmobiles, as they are amended from time to time and adopt them by reference.

5.6.04 Authorized Use of motorized golf carts, all-terrain vehicles, utility task vehicles and mini-trucks by permit only.

Subd 1. Motorized golf carts, all-terrain vehicles, utility task vehicles and mini-trucks, are permitted on public roads, streets and alleys in the City of Cloquet only as provided in this ordinance.

Subd 2. It is prohibited for a person under age 16 to operate a motorized golf cart, all-terrain vehicle, utility task vehicle or mini-truck on streets, alleys, sidewalks or other public property in the City of Cloquet.

Subd 3. No person shall operate a motorized golf cart, all-terrain vehicle, utility task vehicle or mini-truck on streets, alleys, sidewalks or other public property without obtaining a permit as provided herein.

- A. Every application for a permit shall be made on a form supplied by the city and shall contain all of the following information:
 - (1) The name and address of the applicant.
 - (2) Model name, make and year and number of the motorized golf cart, all-terrain vehicle, utility task vehicle, or mini-truck.
 - (3) Current driver's license or reason for not having a current license.
 - (4) Other information as the city may require.
- B. The operator of an all-terrain vehicle or utility task vehicle shall either have a valid driver's license and/or a valid ATV safety certificate issued by the Commissioner of the Department of Natural Resources. Proof of the same must be in the possession of the operator at all times.

- C. The annual permit fee shall be as set forth in the annual fee schedule promulgated by the City Council, as may be amended from time to time.
- D. Permits shall be granted for a period of one year and may be renewed annually Jan. 1 to Dec. 31.
- E. No permit shall be granted or renewed unless the following conditions are met:
 - (1) The applicant must demonstrate that he or she currently holds or has held a valid Minnesota driver's license to operate a mini-truck.
 - (2) The applicant may be required to submit a certificate signed by a physician that the applicant is able to safely operate a motorized golf cart, all-terrain vehicle or utility task vehicle on designated roadways.
 - (3) The applicant must provide evidence of insurance in compliance with the provisions of Minnesota Statutes concerning insurance coverage for the golf cart, all-terrain vehicle, utility task vehicle or mini-truck.
 - (4) The applicant has not had his or her driver's license revoked as the result of criminal proceedings.
 - (5) The applicant for a permit to operate an all-terrain vehicle or utility task vehicle shall either have a valid driver's license and/or a valid ATV safety certificate issued by the Commissioner of the Department of Natural Resources.

Subd 4. Motorized golf carts, all-terrain vehicles, utility task vehicles, and mini-trucks are permitted to operate only on city streets, not state or federal highways, except to cross at designated intersections.

Subd 5. Motorized golf carts, all-terrain vehicles, utility task vehicles, and mini-trucks are prohibited from city sidewalks except for purposes of snow removal or unless otherwise exempt as provided herein.

Subd 6. Except for purposes of snow removal, motorized golf carts, all-terrain vehicles, and utility task vehicles may only be operated on designated roadways from sunrise to sunset, unless equipped with original equipment headlights, taillights, rear-facing brake lights as well as front and rear turn-signal lamps. Except for purposes of snow removal, they shall not be operated in inclement weather or when visibility is impaired by weather, smoke, fog or other conditions, or at any time when there is insufficient visibility to clearly see persons and vehicles on the roadway at a distance of 500 (Five Hundred) feet.

Subd 7. 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 8. 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 adequate vision from behind as required by Minn. Stat. §169.70.

Subd 9. 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 10. When operating a motorized golf cart, all-terrain vehicle, utility task vehicle or mini-truck, the operator must have a copy of the permit in his or her possession, provide proof of insurance and properly display permit in plain sight as designated by permit.

Subd 11. Every person operating a motorized golf cart, an all-terrain vehicle, a utility task vehicle or a mini-truck under permit 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 12. Mini-truck equipment requirements:

- A. A mini-truck may be operated under permit 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 of the vehicle or an interior mirror.
 - (5) A windshield.
 - (6) A seat belt for the driver and front passenger.
 - (7) A parking brake.

Subd 13. The Cloquet Police Department may suspend or revoke a permit granted hereunder upon a finding that the holder thereof has violated any of the provisions of this section or Minn. Stat., Chapter 169, as it may be amended from time to time, or if there is evidence that the permit holder cannot safely operate the motorized golf cart, all-terrain vehicle, utility task vehicle or mini-truck on the designated roadways.

Subd 14. The number of occupants on the golf cart, all-terrain vehicle, utility task vehicle or mini-truck may not exceed the design occupant load.

5.6.05 Exemptions, No permit required.

Subd. 1. Nothing in this subchapter shall prohibit a person from operating a motorized golf cart, all-terrain vehicle, utility task vehicle or mini-truck for the following purposes:

- A. Authorized city staff may operate city owned motorized golf carts, mini-trucks, all-terrain vehicles or utility task vehicles without obtaining a permit within the City on city streets, sidewalks, trails, rights-of-way, and public property when conducting city business;
- B. For law enforcement purposes;
- C. For public safety purposes including fire department and ambulance service;

- D. For emergencies and exigent circumstances as determined by the Chief of Police for the City of Cloquet.

5.6.06 Limitation of Liability. Nothing in this sub-chapter shall be construed as an assumption of liability by the City of any injuries to persons or damage to property which may result from the operation of a motorized golf cart, all-terrain vehicle, utility task vehicle or mini-truck by a permit holder, other authorized user, the grant of such permit, or the failure by the City to revoke such permit.

5.6.07 Violations and Penalties. Any person violating any provision of this code section shall be guilty of a misdemeanor and is subject to having any permit previously granted under this sub-chapter revoked.

EFFECTIVE DATE.

Subd. 1 This Ordinance shall be in full force and in effect from and after its passage, approval, recording and publication as provided by law.

Passed and adopted by the City Council of the City of Cloquet on the ___ day of _____, 2017.

Dave Hallback, Mayor

Attest: _____
James Barclay, Interim City Administrator

STATE OF MINNESOTA
COUNTY OF CARLTON
CITY OF CLOQUET

RESOLUTION NO. 17-70

**A RESOLUTION AUTHORIZING PUBLICATION OF A SUMMARY OF ORDINANCE NO. 468A,
AN ORDINANCE AMENDING AND REPLACING CLOQUET CITY CODE CHAPTER 5.6,
REGULATING THE OPERATION OF SPECIAL VEHICLES INCLUDING
MOTORIZED GOLF CARTS, ALL-TERRAIN VEHICLES, UTILITY TASK VEHICLES
AND MINI-TRUCKS WITHIN THE CITY OF CLOQUET**

WHEREAS, The City Council of the City of Cloquet has duly adopted Ordinance No. 468A, An Ordinance revising Chapter 5.6 of the Municipal Code pertaining to regulating the operation of special vehicles; and

WHEREAS, Minnesota Statutes 412.191 requires that ordinances shall be published at least once in the official newspaper; and

WHEREAS, The City Council has determined that the cost of publishing an entire chapter of the code as proposed by the City Council would be extremely expensive given the number of pages to be published; and,

WHEREAS, Minnesota Statutes 412.191, Subd. 4, authorizes a municipality to publish only the title and a summary of lengthy ordinances or ordinances which contain charts or maps if the City Council determines that such publications would clearly inform the public of the intent and effect of the ordinance; and

WHEREAS, It is the intent of the City Council to act in accordance with all local, state, and federal laws, to inform the public of changes in municipal laws, and to remain responsible financially with public funds.

NOW, THEREFORE, BE IT RESOLVED, BY THE CITY COUNCIL OF THE CITY OF CLOQUET, MINNESOTA, Hereby authorizes the publication of a summary of Ordinance No. 468A; and

BE IT FURTHER RESOLVED, That a copy of Ordinance No. 468A shall be available for public viewing online at www.ci.cloquet.mn.us, at City Hall and at the Cloquet Public Library for a period of not less than thirty (30) days from the date of publication: and

BE IT FINALLY RESOLVED, That the summary published in the official newspaper shall be in the following form:

SUMMARY DESCRIPTION

NOTICE OF SUMMARY
PUBLICATION OF ORDINANCES

On August 2, 2017, at its Regular Meeting, the Cloquet City Council adopted Ordinance No. 468A, a 6 page ordinance which revises Chapter 5.6 of the City Code effective August 2, 2017. The purpose of this Chapter is to regulate the operation of special vehicles within the City of Cloquet.

The specific title of the ordinance is “**AN ORDINANCE AMENDING AND REPLACING CLOQUET CITY CODE CHAPTER 5.6, REGULATING THE OPERATION OF SPECIAL VEHICLES INCLUDING MOTORIZED GOLF CARTS, ALL-TERRAIN VEHICLES, UTILITY TASK VEHICLES AND MINI-TRUCKS WITHIN THE CITY OF CLOQUET**”. The full ordinance is available to the public for inspection online at www.ci.cloquet.mn.us, or during regular office hours at the Cloquet Public Library or at Cloquet City Hall.

PASSED BY THE CLOQUET CITY COUNCIL OF THE CITY OF CLOQUET THIS 2ND DAY OF AUGUST, 2017.

Dave Hallback, Mayor

ATTEST:

James Barclay, Interim City Administrator

169.045 SPECIAL VEHICLE USE ON ROADWAY.

Subdivision 1. **Designation of roadway, permit.** The governing body of any county, home rule charter or statutory city, or town may by ordinance authorize the operation of motorized golf carts, all-terrain vehicles, utility task vehicles, or mini trucks, on designated roadways or portions thereof under its jurisdiction. Authorization to operate a motorized golf cart, all-terrain vehicle, utility task vehicle, or mini truck is by permit only. For purposes of this section:

- (1) an all-terrain vehicle has the meaning given in section 84.92;
- (2) a mini truck has the meaning given in section 169.011, subdivision 40a; and

(3) a utility task vehicle means a side-by-side, four-wheel drive, off-road vehicle that has four wheels, is 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. 2. **Ordinance.** The ordinance shall designate the roadways, prescribe the form of the application for the permit, require evidence of insurance complying with the provisions of section 65B.48, subdivision 5 and may prescribe conditions, not inconsistent with the provisions of this section, under which a permit may be granted. Permits may be granted for a period not to exceed three years, and may be renewed. A permit may be revoked at any time if there is evidence that the permittee cannot safely operate the motorized golf cart, all-terrain vehicle, utility task vehicle, or mini truck on the designated roadways. The ordinance may require, as a condition to obtaining a permit, that the applicant submit a certificate signed by a physician that the applicant is able to safely operate a motorized golf cart, all-terrain vehicle, utility task vehicle, or mini truck on the roadways designated.

Subd. 3. **Times of operation.** Motorized golf carts, all-terrain vehicles, and utility task vehicles may only be operated on designated roadways from sunrise to sunset, unless equipped with original equipment headlights, taillights, and rear-facing brake lights. They shall not be operated in inclement weather, except during emergency conditions as provided in the ordinance, or when visibility is impaired by weather, smoke, fog or other conditions, or at any time when there is insufficient visibility to clearly see persons and vehicles on the roadway at a distance of 500 feet.

Subd. 4. **Slow-moving vehicle emblem.** Motorized golf carts shall display the slow-moving vehicle emblem provided for in section 169.522, when operated on designated roadways.

Subd. 5. **Crossing intersecting highways.** The operator, under permit, 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. 6. **Application of traffic laws.** Every person operating a motorized golf cart, all-terrain vehicle, utility task vehicle, or mini truck under permit on designated roadways has all the rights and duties applicable to the driver of any other vehicle under the provisions of this chapter, except when those provisions cannot reasonably be applied to motorized golf carts, all-terrain vehicles, utility task vehicles, or mini trucks and except as otherwise specifically provided in subdivision 7.

Subd. 7. **Nonapplication of certain laws.** The provisions of chapter 171 are applicable to persons operating mini trucks, but are not applicable to persons operating motorized golf carts, utility task vehicles, or all-terrain vehicles under permit on designated roadways pursuant to this section. Except for the requirements of section 169.70, the provisions of this chapter relating to equipment on vehicles are not applicable to motorized golf carts, utility task vehicles, or all-terrain vehicles operating, under permit, on designated roadways.

Subd. 7a. **Required equipment on mini trucks.** Notwithstanding sections 169.48 to 169.68, or any other law, a mini truck may be operated under permit on designated roadways if it is equipped with:

- (1) at least two headlamps;
- (2) at least two taillamps;
- (3) front and rear turn-signal lamps;
- (4) an exterior mirror mounted on the driver's side of the vehicle and either (i) an exterior mirror mounted on the passenger's side of the vehicle or (ii) an interior mirror;
- (5) a windshield;
- (6) a seat belt for the driver and front passenger; and
- (7) a parking brake.

Subd. 8. **Insurance.** In the event persons operating a motorized golf cart, utility task vehicle, all-terrain vehicle, or mini truck under this section cannot obtain liability insurance in the private market, that person may purchase automobile insurance, including no-fault coverage, from the Minnesota Automobile Insurance Plan under sections 65B.01 to 65B.12, at a rate to be determined by the commissioner of commerce.

History: 1982 c 549 s 2; 1986 c 452 s 19; 1Sp1986 c 3 art 2 s 12; 1987 c 337 s 121,122; 1997 c 159 art 2 s 18; 2009 c 158 s 3,10; 2011 c 107 s 89-95; 2012 c 287 art 3 s 56; 2014 c 255 s 20



CITY OF CLOQUET SNOWMOBILE/ATV/OFF HWY MOTORCYCLE AND SPECIAL VEHICLE PERMIT APPLICATION

NOTICE TO APPLICANT: Application needs to be filled out completely. Incomplete applications or falsified application may be denied at the discretion of the Cloquet Police Department. Read below information, complete entire application, sign and date bottom, then return completed application to the Cloquet Police Department at 508 Cloquet Avenue, Cloquet, MN 55720. For questions call the Cloquet Police Department at 218-879-1247.

SECTION 1. APPLICANT INFORMATION

1. APPLICATION DATE	2. LAST NAME	3. FIRST NAME	4. MIDDLE NAME	5. DATE OF BIRTH
6. APPLICANT STREET ADDRESS			7. CITY	8. STATE
10. CELL PHONE		11. HOME PHONE	12. DRIVER'S LICENSE NUMBER	13. DL STATE

SECTION 2. VEHICLE INFORMATION

14. MAKE	15. MODEL	16. SERIAL NUMBER	17. COLOR
18. OCCUPANCY (# OF SEATS)	19. DESCRIPTION	20. DNR REGISTRATION (IF APPLICABLE)	

SECTION 3. INSURANCE INFORMATION

21. POLICY NUMBER	22. INSURANCE PROVIDER	23. AGENT'S/COMPANY NAME	24. AGENT'S/COMPANY'S PHONE
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SECTION 4. APPLICANT ACKNOWLEDGEMENT AND UNDERSTANDING OF CLOQUET CITY ORDINANCE PERTAINING TO REGULATION AND OPERATION OF SNOWMOBILES/ATVS/OFF HWY MOTORCYCLES AND SPECIAL VEHICLES ON PUBLIC ROADWAYS

PERMIT AND REGISTRATION FEE: \$10

I have received, read and understand the City of Cloquet's Ordinance pertaining to Snowmobiles, ATVs, Off Hwy Motorcycles and other Special Vehicles. By signing below, I agree to operate my Motorized Golf Cart/ATV/UTV in compliance with said City Ordinance and Minnesota Statutes. I also understand that violation of City Ordinance and/or Minnesota Statutes may be grounds for revocation of my Permit.

Applicant
Signature: _____ Date: _____

Applicant's email:

Cloquet Police Department Office Use Only

Date Application Received:	Proof of Insurance
Applicant Driving Status:	
PERMIT ISSUED <input type="checkbox"/>	PERMIT DECLINED <input type="checkbox"/>
Permit Issue Date:	Permit Expiration Date (1Yr from Issue Date):
PERMIT NUMBER:	Method of Payment:

Applicants must provide current proof of insurance on the vehicle, a copy will be retained by the city along with the completed application. At minimum, the operator of the vehicle must have in their possession, proof of insurance and a rear view mirror affixed; golf carts must also have a slow moving sign affixed to the rear per state statute, ATV's or UTV's must also be currently registered with DNR.