



**CITY OF CLOQUET
City Council Agenda
Tuesday, July 18, 2017
7:00 p.m.
City Hall Council Chambers**

CITY COUNCIL WORK SESSION

- 5:30 Fond du Lac Tribal Council Meet and Greet
- 6:00 Joint Meeting with EDA for PLA Discussion
- 6:45 ATV Licensing Discussion
Preliminary Budget/CIP

The City Council will 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 July 18, 2017 Council Agenda

4. **Approval of Council Minutes.**

- a. Work Session Minutes from the July 5, 2017 meeting
- b. Regular Council Minutes from the July 5, 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. 17-64, Authorizing the Payment of Bills
- b. Resolution No. 17-67, New Lawful Gambling Premise Permit Application - R.E.A.C.H., Inc.

6. **Public Hearings.**

None.

7. **Presentations.**

None.



**CITY OF CLOQUET
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Tuesday, July 18, 2017
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8. Council Business.

- a. Resolution No. 17-65, A Resolution Authorizing City Officials and Cloquet Police Department Staff to Solicit Contributions for National Night Out
- b. Resolution No. 17-66, A Resolution Awarding Holmes Drive Sidewalk Bid
- c. Memorandum of Understanding for Building Code Inspection Services with Scanlon

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.



CLOQUET POLICE DEPARTMENT

508 CLOQUET AVENUE
CLOQUET, MINNESOTA 55720-1799
records@ci.cloquet.mn.us

Phone 218-879-1247
Fax 218-879-1190

COUNCIL WORK SESSION

To: Mayor and City Council
From: Jeff Palmer, Interim Chief of Police *JP*
Reviewed by: James Barclay, Interim City Administrator *JB*
Date: July 17, 2017

ITEM DESCRIPTION: Changes to ATV State Statute MS 169.045 in 2016

Proposed Action

Staff recommends the City Council review the City's current ordinance related to ATVs and the change to State Statute (MS 169.045) made in 2016 related to the operation of ATVs (special vehicles) on roadways within the municipality in order to decide which direction the City would like to proceed.

Background/Overview

In 2016, the Minnesota Legislature changed the law pertaining to the operation of special vehicle (including ATVs) use on roadways within a municipality (MS 169.045). The change would require a permitting process and a verification of insurance in order to allow ATVs to operate on roadways within our city. The City would be in charge of the permitting process. Our current City Code Chapter 5.6 states Regulation of Snowmobiles, ATVs, and Motorcycles defers to the state, which without a permitting process would prohibit any use of an ATV on a roadway within our city.

Policy Objectives

It is important that the City Council review both City Code Chapter 5.6, Regulation of Snowmobiles, ATVs, and Motorcycles, and Minnesota Statute 169.045, Special Vehicle Use on Roadway, to help make a decision as to whether you want to continue to allow ATVs to use the roadways with in our City.

Financial/Budget/Grant Considerations

If the city chooses to allow ATVs to operate on roadways within the City, a permitting process would have to be implemented. With that being said, the permitting process would more than likely not have an effect on the City's budget due to the city charging a fee for the permit.

Advisory Committee/Commission Action

None.

Supporting Documentation Attached

- City Code Chapter 5.6 - Regulation of Snowmobiles, ATVs, and Motorcycles
- Minnesota Statute 169.045
- Zumbrota, MN Ordinance 15-30 (related to ATV use within the city)
- City of Zumbrota ATV/UTV/Golf Cart Permit Application
- June 29, 2017 Letter from City Attorney Yetka

Section 5.6: Regulation of Snowmobiles, ATV's and Motorcycles**5.6.01 Definitions.**

Subd. 1 Snowmobiles. "Snowmobiles" as used in this Section shall mean 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. An ATV 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 Motorcycle. "Motorcycle" as used in this Section shall mean every motor vehicle having a saddle for the use of the rider, and designed to travel on not more than three wheels in contact with the ground, including motor scooters and bicycles with a motor attached, but excluding a tractor.

Subd. 4 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. Motorcycle as defined in Subdivision 2;
- C. 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,
- D. 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. Automobiles
 2. Trucks; and
 3. Vans

5.6.02 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 no person shall drive, operate or be in physical control of a snowmobile, motorcycle, ATV or other 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 snowmobile, ATV, motorcycle or other motor vehicle 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 snowmobile, ATV, or motorcycle or other motor vehicle.

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.

Nothing in this Section shall be construed to prohibit the otherwise lawful driving, operation or physical control of any snowmobile, ATV, motorcycle or other motor vehicle upon those portions of City owned, controlled or regulated lands where trails have been constructed and are regularly maintained by the City for public use and are otherwise posted with appropriate signs allowing for such use.

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, and §84.81 to §84.915 relating to the operation of snowmobiles and adopt them specifically by reference.

5.6.03 Age.

Subd. 1 Operation By Persons Under Fourteen Years. No person under the age of fourteen shall operate a snowmobile upon any street or make a crossing of any street while operating a snowmobile. No owner of a snowmobile shall permit the snowmobile to be operated contrary to provisions of this Section.

Subd. 2 Operation By Persons Over Fourteen But Under Eighteen Years. No persons between the ages of fourteen and eighteen shall operate a snowmobile upon any street or make a crossing of any street while operating a snowmobile, unless the person has in his or her immediate possession a valid snowmobile safety certificate which has been issued to him or her by the Commissioner of the Department of Natural Resources of the State of Minnesota, or a receipt signed by an authorized Snowmobile Safety Instructor showing that the person has completed the Snowmobile Safety Training Course required for issuance of the Safety Certificate by the Commissioner of the Department of Natural Resources.

Further, every resident of the State of Minnesota born after December 31, 1979 who operates a snowmobile in Minnesota and in the City must possess a valid snowmobile safety certificate or a driver's license or identification card with a valid snowmobile qualification indicator issued under Minn. Stat. Sec. 171.07, subdivision 12. Further, no person under the age of eighteen (18) shall operate or ride a snowmobile in this state or in the City without wearing protective headgear that complies with standards established by the Commissioner of Public Safety for the State of Minnesota.

5.6.04 Crossing Intersections. Notwithstanding provisions of any other Section of this Chapter, every person operating a snowmobile upon a street shall come to a complete stop before entering any intersection and shall yield right-of-way to all oncoming traffic which constitutes an immediate hazard.

5.6.05 Sidewalks. No person shall operate a snowmobile, ATV, motorcycle, or other motor vehicle upon or along any public sidewalk or make a crossing of any public sidewalk while operating a snowmobile, except at the places where a driveway or crossing has been approved according to law.

5.6.06 Towing. No person operating a snowmobile, ATV, or motorcycle upon a street shall tow any person or object except when the person or object is situated upon a conveyance which shall be properly attached by means of a rigid hitch and is designed by the manufacturer for that purpose.

5.6.07 Lights. No person shall operate a snowmobile or ATV on any designated street unless at the time of the operation the headlamp of the snowmobile or ATV is on.

5.6.09 Penalties. Unless otherwise provided, violation of this section shall constitute a misdemeanor. (Ordinance 136A, 102A, 35A)

State law references: Relating to the operation of ATV's, Minn. Stats §84.92 to §84.929; and relating to the operation of snowmobiles, Minn. Stats §84.81 to §84.915

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

ORDINANCE 15-03

AN ORDINANCE AMENDING ZUMBROTA CITY CODE CHAPTER 71, REGULATING THE OPERATION OF SPECIAL VEHICLES: MOTORIZED GOLF CARTS, ALL-TERRAIN VEHICLES, UTILITY TASK VEHICLES AND MINI-TRUCKS IN THE CITY OF ZUMBROTA.

The Council of the City of Zumbrota does ordain that Chapter 71 of the Zumbrota City Code is hereby amended to repeal existing Sections 71.40 through 71.45 and replacing said Sections with the following:

SPECIAL VEHICLES: MOTORIZED GOLF CARTS, ALL-TERRAIN VEHICLES, UTILITY TASK VEHICLES AND MINI-TRUCKS.

§ 71.40 DEFINITIONS.

For the purpose of this ordinance, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

ALL-TERRAIN VEHICLE. As defined in Minn. Stat. § 84.92, subd. 8, means a motorized vehicle with: (1) not less than three, but not more than six low pressure or non-pneumatic tires; (2) a total dry weight of 2,000 pounds or less; and (3) a total width from outside of tire rim to outside of tire rim that is 65 inches or less. All-terrain vehicle includes a class 1 all-terrain vehicle and class 2 all-terrain vehicle. All-terrain vehicle does not include a golf cart, mini-truck, dune buggy, or go-cart or a vehicle designed and used specifically for lawn maintenance, agriculture, logging, or mining purposes.

CLASS 1 ALL-TERRAIN VEHICLE (ATV). As defined in Minn. Stat. § 84.92, subd. 9, means an all-terrain vehicle that has a total width from outside of tire rim to outside of tire rim that is 50 inches or less.

CLASS 2 ALL-TERRAIN VEHICLE (ATV). As defined in Minn. Stat. § 84.92, subd. 10, means an all-terrain vehicle that has a total width from outside of tire rim to outside of tire rim that is greater than 50 inches but not more than 65 inches.

DESIGNATED ROADWAYS. City streets and alleys not specifically excluded in this ordinance. No motorized golf cart, all-terrain vehicle, utility task vehicle shall be allowed on Main Street between Jefferson Drive and First Street except to cross at intersections.

DRIVER. The person driving and having physical control over the motorized golf cart, all-terrain vehicle, utility task vehicle or mini-truck and being the licensee.

MOTORIZED GOLF CART. A vehicle commonly known as a golf cart, having at least three wheels and either an electric or gas powered motor.

MINI-TRUCK. As defined in Minn. Stat. § 169.01, subd. 40(a), 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.

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.

§ 71.41 AUTHORIZED USE; PERMIT.

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 Zumbrota 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 Zumbrota.

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 under Section 71.42 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 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 Zumbrota 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., ch. 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.

§ 71.42 EXEMPTIONS, NO PERMIT REQUIRED.

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. law enforcement purposes,
- C. public safety purposes including fire department and ambulance service,
- D. emergencies and exigent circumstances as determined by the Chief of Police for the City of Zumbrota,

§ 71.43 LIMITATION OF LIABILITY.

Nothing in this subchapter 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.

§ 71.44 VIOLATION AND PENALTIES.

Any person violating any provision of this ordinance shall be guilty of a petty misdemeanor and is subject to having his or her permit granted under this subchapter revoked.

Adopted this day of , 2015.

Richard R. Bauer, Mayor

Attest: _____
Neil Jensen, City Administrator



CITY OF ZUMBROTA ATV/UTV/GOLF CART 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 Zumbrota Police Department. Read below information, complete entire application, sign and date bottom, then return completed application to the Zumbrota Police Department at 50 W 2nd Street, Zumbrota, MN 55992. For questions call the Zumbrota Police Department at 507-732-5219

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 B. ATV/UTV/GOLF CART INFORMATION

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

SECTION C. INSURANCE INFORMATION

21. POLICY NUMBER	22. INSURANCE PROVIDER	23. AGENT'S NAME	24. AGENT'S PHONE
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SECTION C. APPLICANT ACKNOWLEDGMENT AND UNDERSTANDING OF ZUMBROTA CITY ORDINANCE PERTAINING TO REGULATION AND OPERATION OF MOTORIZED GOLF CARTS/ATVS/UTVS ON PUBLIC ROADWAYS

ANNUAL PERMIT AND REGISTRATION FEE: \$10

I have received, read and understand the City of Zumbrota Ordinance pertaining to Motorized Golf Carts/ATVS/UTVS. 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 Motorized Golf Cart/ATV/UTV Permit.

Applicant
Signature: _____ Date: _____

Applicant's email:

Zumbrota Police Department Office Use Only

Date Application Received:	Proof of Insurance
Applicant Driving Status:	
PERMIT ISSUED <input style="width: 20px; height: 15px; background-color: blue;" type="checkbox"/>	PERMIT DECLINED <input style="width: 20px; height: 15px; background-color: blue;" type="checkbox"/>
Permit Issue Date	Permit Expiration Date:
PERMIT NUMBER:	Method of Payment:

Applicants must provide current proof of insurance on the Golf Cart/ATV/UTV, a copy should be retained by the city along with the completed application. Law Enforcement shall inspect the Golf Cart/ATV/UTV and sign the application to indicate the Golf Cart/ATV/UTV. At minimum, the Golf Cart/ATV/UTV must have 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, ATVs or UTVs must also be currently registered with the DNR.

The permit should be affixed to the right rear of the Golf Cart/ATV/UTV so law enforcement can clearly see the cart is registered with the City . Proof of insurance must be with the Golf Cart/ATV/UTV and/or operator when in use.



FRANK YETKA
DAVID C. PRITCHETT**
WILLIAM T. HELWIG††***
BENNETT JOHNSON****
ABAGAIL M. NOUSKA

JOHN M. GASSERT†, *Of Counsel*
DENNIS KORMAN, *Of Counsel*
FLOYD D. RUDY, *Founder (1935-2015)*
LAWRENCE R. YETKA, *Retired*

**Rudy, Gassert, Yetka,
Pritchett & Helwig, P.A.**
A T T O R N E Y S • A T • L A W

June 29, 2017

Chief Jeffrey Palmer
Cloquet Police Department
508 Cloquet Avenue
Cloquet, MN 55720

Re: Cloquet City Code § 5.6: Regulation of Snowmobiles, ATVs, and Motorcycles

Dear Chief Palmer:

I am sending this letter as a follow-up to our office conference pertaining to the existing status of our City Code as it relates to the operation of ATVs on city streets. Some time ago Brian Fritsinger and I discussed this matter briefly in conjunction with how the City might modify its Code to reflect the adoption of Minnesota Statutes § 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.

Prospectively, 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 public roads as long as they provide for a permit and insurance verification process consistent with the statute. I have enclosed a copy of Minnesota Statutes § 169.045 for your reference as well as applicable provisions presently contained in our Code.

The long and the short of our options is that we can either prohibit the use of such vehicles on city streets and avoid the necessity of setting up a permitting system, or the alternative is to permit the operation on certain designated public streets, set up a permitting and insurance verification process at City Hall, and require compliance. I will send a copy of this letter over to Administrator Barclay as well so we can get some guidance from the council as to whether or not they want to proceed with the regulation process or strictly prohibit operation on public roadways.

* Also Licensed to Practice in Wisconsin

† Real Property Specialist, Certified by the Minnesota State Bar Association

** Also Admitted in Texas

†† Patent Attorney, Registered to Practice before the U.S. Patent & Trademark Office

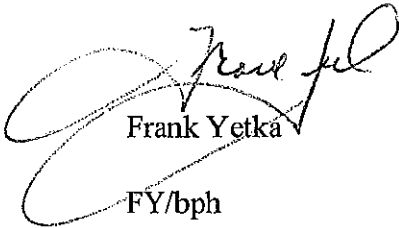
*** Also Admitted in Virginia

**** Admitted in Nebraska

Chief Palmer Letter
June 29, 2017
Page 2

Once we have received some guidance, I would be more than happy to attempt to propose language changes in the City Code to accommodate the intentions of the mayor and city council.

Very truly yours,



Frank Yetka

FY/bph

Enclosures

cc: James Barclay

V:\USERS\FRANK\WPFILES\CLOQUET\Chief Palmer ltr 6-29-17.wpd

Cloquet City Council Work Session
Wednesday, July 5, 2017

 **DRAFT**

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

Absent: S. Langley

Staff: J. Barclay, H. Hansen, C. Peterson, J. Anderson

Other: J. Peterson, Pine Journal

Downtown Revitalization Discussion

- City Engineer Caleb Peterson and Assistant City Engineer John Anderson gave an overview of the Cloquet Avenue Revitalization project slated for 2018. They are asking for feedback from the Council as to what they would like to see as the outcome before.
- Discussion of the number of items to be considered with this project. Items include the poor pavement condition, ADA required pedestrian ramps (60 ramps), possible traffic signal upgrades (3 signals), landscape features including trees, pocket parks, concrete pavers, and street lighting.
- The current CIP has a budget of \$2,000,000 for this project which is sales tax funds. Mr. Peterson stated that there are certain infrastructure needs that should be completed with this project such as the ADA compliance, utility and concrete repairs. Other upgrades such as signal EVP, LED, paint and loop controller should possibly be done at this same time.
- The upgrade in streetscapes has not been discussed previously.
- The prior reconstruction in 1996 had an extensive public involvement process related to plan development. How much public input does the Council want at this point? Council agreed that the proposals should be put together from input already gathered and then open it up for public comment.
- Mr. Peterson questioned the Council on what level of infrastructure, repair and replacement/upgraded is desired? The vision was for pavement repair but we are at the point where an investment needs to be made going from overlay to replacement.
- Discussion on the lack of pedestrian accommodations along Cloquet Avenue. Conversation was had in regards to bump-outs and parking.
- What level of streetscape repair and upgrades is desired? These would include replacing missing trees, updating lighting to match Broadway Street, bump outs, etc.
- Councilor Bjerkness commented on the number of trees that were previously planted and did not survive. Mr. Peterson replied that the planting process has improved since that time and that it is not a fair expectation that there will be mature trees in this area. There are other visual elements that can be used.
- Much discussion on lighting upgrades. The current lighting is an economy level of lights and there is inconsistency in the style of lighting throughout the corridor and Broadway Street. To have the same lighting along the entire corridor would be approximately \$1 million. Funding sources were discussed.
- The Council discussed the issue with semi-trucks going to Sappi via 18th Street residential area and the abuse on the pavement. Mr. Peterson recommends focusing on the mill and overlaying investment on the downtown corridor.

- The revitalization of downtown ties into the EDA as one of their top goals.

Other Discussion Items

- Mr. Barclay has received the Teamsters Local 346 contract opening notification. Councilor Bjerkness has agreed to represent the Council if negotiation meetings can be arranged for evenings. The Council agrees that he has the most history and experience with negotiations.
- July 17th will be the in-house City Administrator interviews.
- Reminder of the tentative 5:00 start time for the July 18th Work Session for the meet and greet with the FDL Business Council.

There being no further business, the meeting adjourned at 6:50 p.m.

Respectfully submitted,

James Barclay
Interim City Administrator

Regular Meeting

 **DRAFT**

Roll Call

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

Councilors Absent: Langley

Pledge of Allegiance

AGENDA**MOTION:** Councilor Bailey moved and Councilor Kolodge seconded the motion to approve the July 5, 2017 agenda. The motion carried unanimously (6-0).**MINUTES****MOTION:** Councilor Bailey moved and Councilor Maki seconded the motion to approve the minutes of the Regular Meeting of June 20, 2017 and the minutes of the Special Meeting of June 26, 2017. There are no Work Session Minutes from June 20, 2017 to approve. The motion carried unanimously (6-0).**CONSENT AGENDA****MOTION:** Councilor Bjerkness moved and Councilor Rock seconded the motion to adopt the consent agenda of July 5, 2017 approving the necessary motions and resolutions. The motion carried unanimously (6-0).

- a. Resolution No. 17-62, Authorizing the Payment of Bills and Payroll
- b. Resolution No. 17-61, Approval of Raffle and Bingo Permit – Queen of Peace Parish
- c. Approval of New Liquor License – Cloquet Labor Temple

PUBLIC HEARINGS

There were none.

PRESENTATIONS

There were none.

CITY CODE CHAPTER 6.2.24 AMENDMENT**MOTION:** Councilor Kolodge moved and Councilor Rock seconded the motion to adopt **ORDINANCE NO. 467A, AN ORDINANCE TO AMEND CHAPTER 6 OF THE MUNICIPAL CODE PERTAINING TO LIQUOR LICENSE APPLICATION.** Also, to allow for the outdoor seating area for Avenue C Restaurant and the “Sidewalk Use Permit Agreement” for the outdoor seating area to occupy the public sidewalk. The motion carried unanimously (5-0), Councilor Bjerkness opposed.

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

Section 1. Section 6.2.24, Subd. 2 Description of Premises. Is deleted in its entirety and replaced with the following:**Subd. 2. Description of Premises.** An application for an On-Sale Intoxicating Liquor License shall specifically describe the compact and contiguous premises within which liquor may be dispensed and consumed. No license issued under the Chapter shall be effective beyond the building space and attached courtyards, patios or gardens as approved by the Council and as shown on the license application for such license.

The description may not include any parking lot or sidewalk unless a “Sidewalk Use Permit Agreement” has been executed and the appropriate insurance has been submitted. If the seating area is on the public sidewalk a minimum of a four foot walking path must be available for the public. The barrier required between the seating area and the walking path must be approved by the city prior to the seating area being established.

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

MNDOT MASTER PARTNERSHIP CONTRACT

MOTION: Councilor Bailey moved and Councilor Bjerkness seconded the motion to adopt **RESOLUTION NO. 17-63, APPROVING MASTER PARTNERSHIP CONTRACT 1028599 WITH THE STATE OF MINNESOTA.** The motion carried unanimously (6-0).

WHEREAS, The Minnesota Department of Transportation (MnDOT) wishes to cooperate closely with local units of government to coordinate the delivery of transportation services; and

WHEREAS, both MnDOT and the City are authorized to enter into this agreement pursuant to Minnesota Statutes 15.061, 471.59 and 174.02; and

WHEREAS, both parties wish to be able to respond quickly and efficiently to such opportunities for collaboration and have determined that having the ability to write "work orders" against a master contract would provide the greatest speed and flexibility in responding to identified needs.

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

That Master Partnership Contract 1028599 with the State of Minnesota, is hereby approved and the Mayor and City Administrator are directed to execute said Contract on behalf of the City.

AUTHORIZATION TO BID SKATEPARK IMPROVEMENTS

MOTION: Councilor Bjerkness moved and Councilor Rock seconded the motion to authorize the solicitation of bids for planned skatepark improvements at Athletic Park. The motion carried unanimously (6-0).

ZURCHER TECHNOLOGIES SUITE SOFTWARE

MOTION: Councilor Rock moved and Councilor Maki seconded the motion to authorize the initial installment of \$9,135.60 to Zuercher Technologies, LLC which supports the Police Department's computer aided records management needs. The motion carried unanimously (6-0).

POLICE OFFICER APPOINTMENT

MOTION: Councilor Bailey moved and Councilor Rock seconded the motion to approve the probationary appointments of Brett Reinsch effective July 6, 2017 and Pierce Risdon effective July 7, 2017 to the position of Police Officer. The motion carried unanimously (6-0).

PUBLIC COMMENTS

Jana Peterson, Pine Journal, asked the Council if there has been any movement towards the hiring process of a new Police Chief. Mayor Hallback answered there has not been any further developments.

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



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: James Barclay, Interim City Administrator
Date: July 13, 2017

ITEM DESCRIPTION: New Lawful Gambling Premise Permit Application for R.E.A.C.H., Inc. at Pedro's Grill & Cantina

Propose Action

Staff recommends that the City Council move to adopt **RESOLUTION NO. 17-67, A RESOLUTION APPROVING NEW LAWFUL GAMBLING PREMISE PERMIT APPLICATION FOR R.E.A.C.H., INC.**

Background

The City has received a request from R.E.A.C.H., Inc. for a new premise permit for gambling at Pedros Grill & Cantina, 915 Cloquet Avenue.

No organization is permitted under City Code 6.7.03, Subd. 3(c) to have more than three (3) permitted establishments. This is the second location that R.E.A.C.H. is permitted to operate charitable gambling in the community. This is the first permit for R.E.A.C.H. at this location.

Policy Objectives

Approval of application by local community is required under MN Statutes.

Financial Impacts

The City does not charge a fee for the permit. Per Section 6.7.03, Subd. 1(b) of the Municipal Code, ten percent (10%) of the net profits from the operation of gambling equipment in the City by charitable organizations shall be donated to the City.

Advisory Committee/Commission Action

None.

Supporting Documents Attached

- Resolution No. 17-67
- LG214 & LG215 Lease for Lawful Gambling Activity Forms

**CITY OF CLOQUET
COUNTY OF CARLTON
STATE OF MINNESOTA**

RESOLUTION NO. 17-67

**A RESOLUTION APPROVING NEW LAWFUL GAMBLING
PREMISE PERMIT APPLICATION FOR
R.E.A.C.H., INC.**

WHEREAS, The City of Cloquet has received a request from the R.E.A.C.H., Inc. for a new premise permit for gambling at Pedros Grill & Cantina, 915 Cloquet Avenue.

NOW, THEREFORE, BE IT RESOLVED, BY THE CITY COUNCIL OF THE CITY OF CLOQUET, MINNESOTA, That the City Council has reviewed the application of R.E.A.C.H., Inc. seeking approval of a new Lawful Gambling Premise Permit at Pedros Grill & Cantina, 915 Cloquet Avenue, and has no objection to the Minnesota Gambling Control Board's issuance of such permit.

**PASSED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF CLOQUET
THIS 18TH DAY OF JULY, 2017.**

Dave Hallback, Mayor

ATTEST:

James Barclay, Interim City Administrator

REQUIRED ATTACHMENTS TO LG214

- 1. If the premises is leased, attach a copy of your lease. Use **LG215 Lease for Lawful Gambling Activity**.
- 2. \$150 annual premises permit fee, for each permit (non-refundable). Make check payable to "**State of Minnesota**."

Mail the application and required attachments to:

Minnesota Gambling Control Board
1711 West County Road B, Suite 300 South
Roseville, MN 55113

Questions? Call 651-539-1900 and ask for Licensing.

ORGANIZATION INFORMATION

Organization Name: R.E.A.C.H., INC License Number: 36413
Chief Executive Officer (CEO) DAKOTA KOSKI Daytime Phone: 218-499-4293
Gambling Manager: JENNIFER GRAHAM Daytime Phone: 218-451-0668

GAMBLING PREMISES INFORMATION

Current name of site where gambling will be conducted: PEDRO'S GRILL & CANTINA

List any previous names for this location:

MEXICO LINDO

Street address where premises is located: 915 CLOQUET AVENUE
(Do not use a P.O. box number or mailing address.)

City: OR Township:	County:	Zip Code:
CLOQUET	CARLTON	55720

Does your organization own the building where the gambling will be conducted?
 Yes No **If no, attach LG215 Lease for Lawful Gambling Activity.**

A lease is not required if only a raffle will be conducted.

Is any other organization conducting gambling at this site? Yes No Don't know

Note: Bar bingo can only be conducted at a site where another form of lawful gambling is being conducted by the applying organization or another permitted organization. Electronic games can only be conducted at a site where paper pull-tabs are played.

Has your organization previously conducted gambling at this site? Yes No Don't know

GAMBLING BANK ACCOUNT INFORMATION; MUST BE IN MINNESOTA

Bank Name: NORTHWOODS CREDIT UNION Bank Account Number: 13756
Bank Street Address: 1702 AVE B City: CLOQUET State: **MN** Zip Code: 55720

ALL TEMPORARY AND PERMANENT OFF-SITE STORAGE SPACES

Address (Do not use a P.O. box number):	City:	State:	Zip Code:
		MN	
		MN	
		MN	

ACKNOWLEDGMENT BY LOCAL UNIT OF GOVERNMENT: APPROVAL BY RESOLUTION

**CITY APPROVAL
for a gambling premises
located within city limits**

City Name: _____

Date Approved by City Council: _____

Resolution Number: _____
(If none, attach meeting minutes.)

Signature of City Personnel:

Title: _____ Date Signed: _____

**Local unit of government
must sign.**

**COUNTY APPROVAL
for a gambling premises
located in a township**

County Name: _____

Date Approved by County Board: _____

Resolution Number: _____
(If none, attach meeting minutes.)

Signature of County Personnel:

Title: _____ Date Signed: _____

TOWNSHIP NAME: _____

Complete below only if required by the county.
On behalf of the township, I acknowledge that the organization is applying to conduct gambling activity within the township limits. (A township has no statutory authority to approve or deny an application, per Minnesota Statutes 349.213, Subd. 2.)

Print Township Name: _____


Signature of Township Officer: _____

Title: _____ Date Signed: _____

ACKNOWLEDGMENT AND OATH

1. I hereby consent that local law enforcement officers, the Board or its agents, and the commissioners of revenue or public safety and their agents may enter and inspect the premises.
2. The Board and its agents, and the commissioners of revenue and public safety and their agents, are authorized to inspect the bank records of the gambling account whenever necessary to fulfill requirements of current gambling rules and law.
3. I have read this application and all information submitted to the Board is true, accurate, and complete.
4. All required information has been fully disclosed.
5. I am the chief executive officer of the organization.

6. I assume full responsibility for the fair and lawful operation of all activities to be conducted.
7. I will familiarize myself with the laws of Minnesota governing lawful gambling and rules of the Board and agree, if licensed, to abide by those laws and rules, including amendments to them.
8. Any changes in application information will be submitted to the Board no later than ten days after the change has taken effect.
9. I understand that failure to provide required information or providing false or misleading information may result in the denial or revocation of the license.
10. I understand the fee is non-refundable regardless of license approval/denial.



Signature of Chief Executive Officer (designee may not sign)

7-10-17

Date

<p>Data privacy notice: The information requested on this form (and any attachments) will be used by the Gambling Control Board (Board) to determine your organization's qualifications to be involved in lawful gambling activities in Minnesota. Your organization has the right to refuse to supply the information; however, if your organization refuses to supply this information, the Board may not be able to determine your organization's qualifications and, as a consequence, may refuse to issue a permit. If your organization supplies the information requested, the Board will be able to process your organization's application. Your organization's name and address will be public</p>	<p>information when received by the Board. All other information provided will be private data about your organization until the Board issues the permit. When the Board issues the permit, all information provided will become public. If the Board does not issue a permit, all information provided remains private, with the exception of your organization's name and address which will remain public. Private data about your organization are available to: Board members, Board staff whose work requires access to the information;</p>	<p>Minnesota's Department of Public Safety, Attorney General, Commissioners of Administration, Minnesota Management & Budget, and Revenue; Legislative Auditor, national and international gambling regulatory agencies; anyone pursuant to court order; other individuals and agencies specifically authorized by state or federal law to have access to the information; individuals and agencies for which law or legal order authorizes a new use or sharing of information after this notice was given; and anyone with your written consent.</p>
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LG215 Lease for Lawful Gambling Activity

LEASE INFORMATION

Organization: R.E.A.C.H., INC.	License/Site Number: 36413	Daytime Phone: 218-499-4293
Address: 1214 1/2 CLOQUET AVE	City: CLOQUET	State: Zip: MN 55720
Name of Leased Premises: PEDRO'S GRILL & CANTINA	Street Address: 915 CLOQUET AVE	
City: CLOQUET	State: Zip: MN 55720	Daytime Phone: 218-879-7171
Name of Legal Owner: ERICA ARANDA	Business/Street Address: 915 CLOQUET AVE	
City: CLOQUET	State: Zip: MN 55720	Daytime Phone: 218-879-7171
Name of Lessor (if same as legal owner, write "SAME"): SAME	Address:	
City:	State: Zip:	Daytime Phone:

Check applicable item:

New or amended lease. Effective date: _____. Submit changes at least ten days **before** the effective date of the change.

New owner. Effective date: _____. Submit new lease **within** ten days after new lessor assumes ownership.

CHECK ALL ACTIVITY THAT WILL BE CONDUCTED (no lease required for raffles)

<input checked="" type="checkbox"/> Pull-Tabs (paper)	<input checked="" type="checkbox"/> Electronic Pull-Tabs
<input checked="" type="checkbox"/> Pull-Tabs (paper) with dispensing device	<input checked="" type="checkbox"/> Electronic Linked Bingo
<input type="checkbox"/> Bar Bingo <input type="checkbox"/> Bingo	Electronic games may only be conducted:
<input checked="" type="checkbox"/> Tipboards	1. at a premises licensed for the on-sale of intoxicating liquor or the on-sale of 3.2% malt beverages; or
<input checked="" type="checkbox"/> Paddlewheel <input type="checkbox"/> Paddlewheel with table	2. at a premises where bingo is conducted as the primary business and has a seating capacity of at least 100.

PULL-TAB, TIPBOARD, AND PADDLEWHEEL RENT (separate rent for booth and bar ops)

BOOTH OPERATION: Some or all sales of gambling equipment are conducted by an employee/volunteer of a licensed organization at the leased premises.

ALL GAMES, including electronic games: Monthly rent to be paid: ____%, not to exceed **10%** of gross profits for that month.

- Total rent paid from all organizations for only booth operations at the leased premises **may not exceed \$1,750.**
- The rent cap does not include BAR OPERATION rent for electronic games conducted by the lessor.

BAR OPERATION: All sales of gambling equipment conducted by the lessor or lessor's employee.

ELECTRONIC GAMES: Monthly rent to be paid: 15%, not to exceed **15%** of the gross profits for that month from electronic pull-tab games and electronic linked bingo games.

ALL OTHER GAMES: Monthly rent to be paid: 15%, not to exceed **20%** of gross profits from all other forms of lawful gambling.

- If any booth sales conducted by a licensed organization at the premises, rent may not exceed **10%** of gross profits for that month and is subject to booth operation **\$1,750** cap.

BINGO RENT (for leased premises where bingo is the primary business conducted, such as bingo hall)

Bingo rent is limited to one of the following:

- Rent to be paid: _____%, not to exceed **10%** of the monthly gross profit from all lawful gambling activities held during bingo occasions, excluding bar bingo.
- OR -
- Rate to be paid: \$ _____ per square foot, not to exceed 110% of a comparable cost per square foot for leased space, as approved by the director of the Gambling Control Board. The lessor must attach documentation, verified by the organization, to confirm the comparable rate and all applicable costs to be paid by the organization to the lessor.
 - ⇒ **Rent may not be paid for bar bingo.**
 - ⇒ Bar bingo does not include bingo games linked to other permitted premises.

LEASE TERMINATION CLAUSE (must be completed)

The lease may be terminated by either party with a written 30 day notice. Other terms:

LG215 Lease for Lawful Gambling Activity

Lease Term: The term of this agreement will be concurrent with the premises permit issued by the Gambling Control Board (Board).

Management: The owner of the premises or the lessor will not manage the conduct of lawful gambling at the premises. The organization may not conduct any activity on behalf of the lessor on the leased premises.

Participation as Players Prohibited: The lessor will not participate directly or indirectly as a player in any lawful gambling conducted on the premises. The lessor's immediate family and any agents or gambling employees of the lessor will not participate as players in the conduct of lawful gambling on the premises, except as authorized by Minnesota Statutes, Section 349.181.

Illegal Gambling: The lessor is aware of the prohibition against illegal gambling in Minnesota Statutes 609.75, and the penalties for illegal gambling violations in Minnesota Rules 7865.0220, Subpart 3. In addition, the Board may authorize the organization to withhold rent for a period of up to 90 days if the Board determines that illegal gambling occurred on the premises or that the lessor or its employees participated in the illegal gambling or knew of the gambling and did not take prompt action to stop the gambling. Continued tenancy of the organization is authorized without payment of rent during the time period determined by the Board for violations of this provision, as authorized by Minnesota Statutes, Section 349.18, Subd. 1(a).

To the best of the lessor's knowledge, the lessor affirms that any and all games or devices located on the premises are not being used, and are not capable of being used, in a manner that violates the prohibitions against illegal gambling in Minnesota Statutes, Section 609.75.

Notwithstanding Minnesota Rules 7865.0220, Subpart 3, an organization must continue making rent payments under the terms of this lease, if the organization or its agents are found to be solely responsible for any illegal gambling, conducted at this site, that is prohibited by Minnesota Rules 7861.0260, Subpart 1, item H, or Minnesota Statutes, Section 609.75, unless the organization's agents responsible for the illegal gambling activity are also agents or employees of the lessor.

The lessor must not modify or terminate the lease in whole or in part because the organization reported, to a state or local law enforcement authority or to the Board, the conduct of illegal gambling activity at this site in which the organization did not participate.

Other Prohibitions: The lessor will not impose restrictions on the organization with respect to providers (distributor or linked bingo game provider) of gambling-related equipment and services or in the use of net profits for lawful purposes.

The lessor, the lessor's immediate family, any person residing in the same residence as the lessor, and any agents or employees of the lessor will not require the organization to perform any action that would violate statute or rule. The lessor must not modify or terminate this lease in whole or in part due to the lessor's violation of this provision. If there is a dispute as to whether a violation occurred, the lease will remain in effect pending a final determination by the Compliance Review Group (CRG) of the Board. The lessor agrees to arbitration when a violation of this provision is alleged. The arbitrator shall be the CRG.

Access to Permitted Premises: Consent is given to the Board and its agents, the commissioners of revenue and public safety and their agents, and law enforcement personnel to enter and inspect the permitted premises at any reasonable time during the business hours of the lessor. The organization has access to the premises during any time reasonable and when necessary for the conduct of lawful gambling.

Lessor Records: The lessor must maintain a record of all money received from the organization, and make the record available to the Board and its agents, and the commissioners of revenue and public safety and their agents upon demand. The record must be maintained for 3-1/2 years.

Rent All-Inclusive: Amounts paid as rent by the organization to the lessor are all-inclusive. No other services or expenses provided or contracted by the lessor may be paid by the organization, including but not limited to:

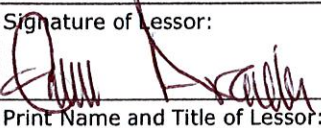
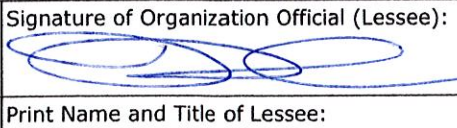
- trash removal
- electricity, heat
- snow removal
- storage
- janitorial and cleaning services
- other utilities or services
- lawn services
- security, security monitoring
- cost of any communication network or service required to conduct electronic pull-tabs games or electronic bingo
- in the case of bar operations, cash shortages.

Any other expenditures made by an organization that is related to a leased premises must be approved by the director of the Board. Rent payments may not be made to an individual.

ACKNOWLEDGMENT OF LEASE TERMS

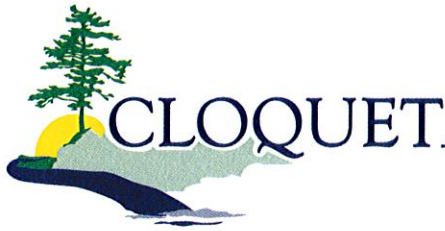
I affirm that this lease is the total and only agreement between the lessor and the organization, and that all obligations and agreements are contained in or attached to this lease and are subject to the approval of the director of the Gambling Control Board.

Other terms of the lease:

Signature of Lessor: 	Date: 07/10/17	Signature of Organization Official (Lessee): 	Date: 7-10-17
Print Name and Title of Lessor: Erica Aranda, owner		Print Name and Title of Lessee: Dakota Kopski, CEO	

Questions? Contact the Licensing Section, Gambling Control Board, at 651-539-1900. This publication will be made available in alternative format (i.e. large print, braille) upon request. **Data privacy notice:** The information requested on this form and any attachments will become public information when received by the Board, and will be used to determine your compliance with Minnesota statutes and rules governing lawful gambling activities.

Mail or fax lease to:
Minnesota Gambling Control Board
1711 W. County Road B, Suite 300 South
Roseville, MN 55113
Fax: 651-639-4032



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: James Barclay, Interim City Administrator
Date: July 11, 2017

ITEM DESCRIPTION: Resolution to Authorize Solicitation of Contributions for National Night Out

Proposed Action

Staff recommends that the City Council move to approve **RESOLUTION NO. 17-65, A RESOLUTION AUTHORIZING CITY OFFICIALS AND CLOQUET POLICE DEPARTMENT STAFF TO SOLICIT CONTRIBUTIONS FOR NATIONAL NIGHT OUT.**

Background/Overview

National Night Out is an annual community building campaign, promoting police-community partnerships and neighborhood camaraderie to make neighborhoods safer and more connected. The City of Cloquet has participated in this event since 2015.

Historically, Minnesota cities have not had explicit authority to fundraise for National Night Out and similar events. During the 2017 legislative session, the House and Senate overwhelmingly passed a bill making it legal for cities to solicit donations for the specific purpose of funding an event within city limits meant to foster positive relationships between police departments and the community.

This new law, codified as Minnesota Statutes, section 471.198, allows cities to solicit funds for these events as long as Council clearly gives that direction by resolution and the events would foster positive relationships between law enforcement and the community.

Policy Objectives

To give authorization to solicit contributions for the purpose of funding National Night Out.

Financial/Budget/Grant Considerations

N/A.

Advisory Committee/Commission Action

None.

Supporting Documentation Attached

- Resolution No. 17-65

**CITY OF CLOQUET
COUNTY OF CARLTON
STATE OF MINNESOTA**

RESOLUTION NO. 17-65

**A RESOLUTION AUTHORIZING CITY OFFICIALS AND
CLOQUET POLICE DEPARTMENT STAFF
TO SOLICIT CONTRIBUTIONS FOR NATIONAL NIGHT OUT**

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.

PASSED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF CLOQUET THIS 18th DAY OF JULY, 2017.

Dave Hallback, Mayor

ATTEST:

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

REQUEST FOR COUNCIL ACTION

To: Mayor and City Council
From: Caleb Peterson, Director of Public Works
Reviewed by: James Barclay, Interim City Administrator
Date: July 18, 2017

ITEM DESCRIPTION: Holmes Drive Sidewalk

Proposed Action

Staff recommends that the City Council move to adopt **RESOLUTION NO. 17-66, A RESOLUTION AWARDED HOLMES DRIVE SIDEWALK BID.**

Background/Overview

As part of the City's 5-Year Capital Improvement Program (CIP), a mill and overlay of the Trunk Highway 33 Frontage Road, otherwise known as Holmes Drive, from Doddridge Avenue south to the DNR building at Hwy 33, was completed in 2016. Currently, sidewalk exists along most of the route. As the only north/south pedestrian way with access to the business district along the Highway, completing this network was identified as a priority route in the Cloquet Community Trail Plan. As part of this project, most of the sidewalk "gaps" between Arby's and McDonald Rental were filled, however one problem area still exists between Arby's and the L&M Entrance. The area along Frandsen Bank and the adjacent vacant lot have a number of obstructions directly behind the curb that include one power pole, a private parking lot light, a pylon sign and an abandoned street light foundation. Steep grades and a landscaping bed located directly behind the curb also provide an additional challenge. Given the scope of excavation and retaining wall work which would have been required, that portion of the project was excluded from the 2016 project and Council gave direction to bring it back for completion at a later date.



To Mayor and Council
Holmes Drive Sidewalk Extension
July 18, 2017
Page 2

Staff has completed design for these improvements and solicited quotes per past Council direction. Four bids were received as follows:

<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
Engineer's Estimate	\$48,300.00

During the course of design, staff met with Frandsen Bank to discuss the scope of the proposed improvements. The Bank has expressed support for the project however a final easement agreement will need to be executed prior to construction.

Policy Objectives

To advance proposed capital improvement projects.

Financial/Budget/Grant Considerations

No Budget amount was set aside for this work in 2017 however it was intended to be funded using the Permanent Improvement (PI) fund balance from savings on our multiple overlay projects the past two years.

The 2016 PI funded pavement project came in approximately \$150,000 under budget while the 2017 overlay is currently about \$100,000 under budget.

Advisory Committee/Commission Action

N/A

Supporting Documentation Attached

- Resolution 17-66
- Site Plan

**CITY OF CLOQUET
COUNTY OF CARLTON
STATE OF MINNESOTA**

RESOLUTION NO. 17-66

**A RESOLUTION AWARDED HOLMES DRIVE
SIDEWALK BID**

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.

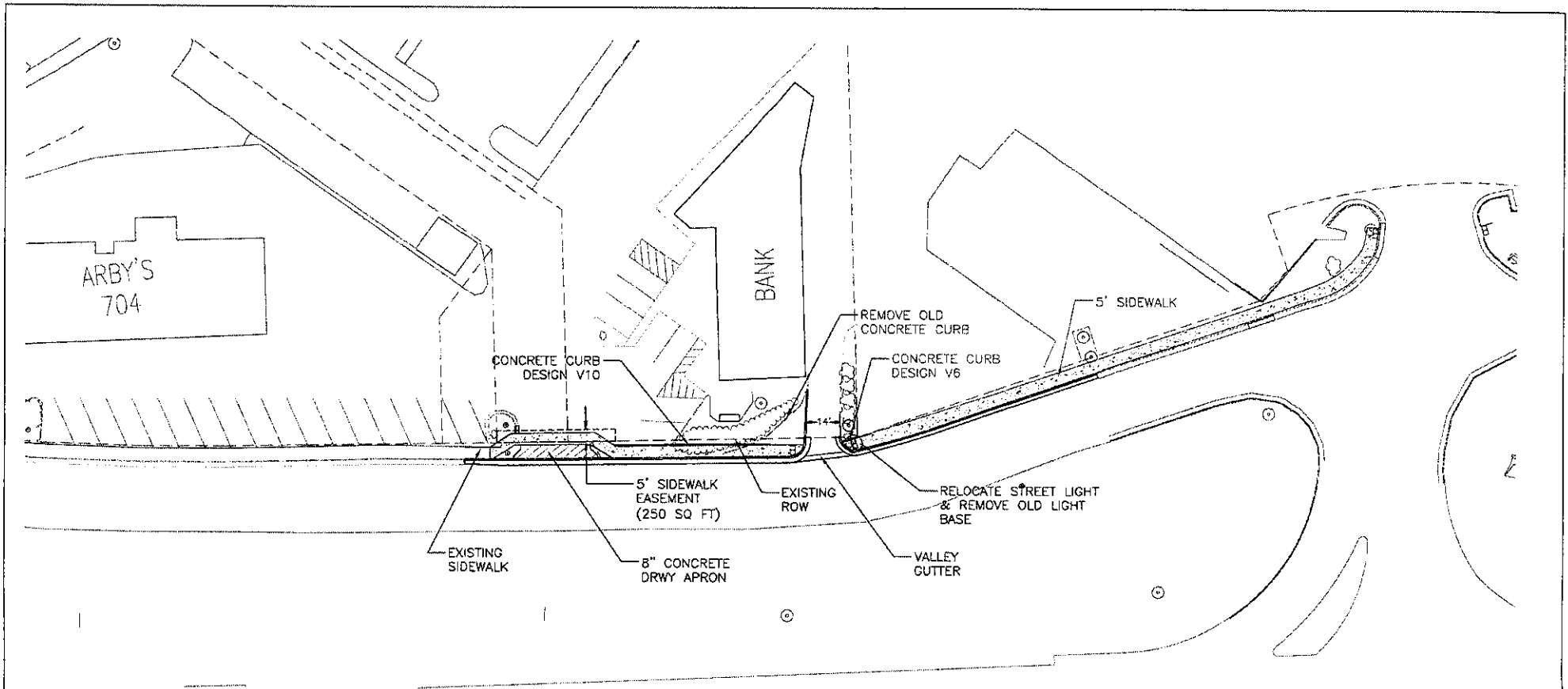
NOW, THEREFORE, BE IT RESOLVED, BY THE CITY COUNCIL OF THE CITY OF CLOQUET, MINNESOTA, That the bid from JMF Construction, Inc. in the amount of \$44,280.00 is hereby accepted.





PASSED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF CLOQUET THIS 18th DAY OF JULY, 2017.

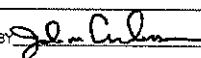
Dave Hallback, Mayor

ATTEST:

James Barclay, Interim City Administrator



LEGEND	
	PROPOSED SIDEWALK
	PROPOSED CONCRETE DRIVEWAY
	PROPOSED CURB & GUTTER
	EXISTING CURB & GUTTER

CERTIFIED BY  REG. NO. 25889 MARCH 2017
 PRINTED NAME JOHN M ANDERSON PROFESSIONAL ENGINEER
 CITY PROJECT XXXXX

BANK SIDEWALK
 SHEET 1 of 1 SHEETS



Community Development Department
1307 Cloquet Avenue • Cloquet MN 55720
Phone: 218-879-2507 • Fax: 218-879-6555
www.ci.cloquet.mn.us

To: Mayor and Cloquet City Council
From: Holly Hansen, Community Development Director
Reviewed By: James Barclay, Interim City Administrator
Date: July 7, 2017

ITEM DESCRIPTION: Scanlon Memorandum of Agreement for Building Code Inspection Services

Proposed Action

The City Council is asked to approve the Memorandum of Agreement for Building Inspection Services between Cloquet and Scanlon.

Background/Overview

In the past, Cloquet has conducted building inspections for Esko (who currently does their own) and FDL Reservation (on a project by project basis). Currently, Cloquet has a project specific inspection agreement with FDL Reservation for the expansion of the Min No Aya Win Human Services Center. Since the fall of 2016, Cloquet and Scanlon staff have discussed various concepts for the City of Cloquet to provide building counter services and inspections for Scanlon residents in a way that is mutually beneficial to both government units.

The proposal for consideration requires City of Scanlon residents to pay the City of Cloquet directly for building services at the building counter in Cloquet City Hall where they would apply for a building permit. The attached MOU is a Building Services Agreement that would be reviewed annually to analyze if revenues are covering expenditures, in theory, building permit fees are structured to cover inspection expenses.

Proposal

- City of Scanlon building permits will be charged to City of Scanlon residents and would be issued directly at the Cloquet Building counter which is open 5 days a week from 8:00 a.m. to 4:30 p.m.
- Plan reviews charged to City of Scanlon applicants and conducted by Cloquet staff/consultants.
- The City will retain all building permit fees, which includes plan review fees, for projects in Scanlon.
- Permits for Scanlon will be done via paper/manual electronic entry, copies of permits then scanned and emailed to the City Clerk and paper copies retained at City Hall until a project is completed, after which they will be provided to Scanlon for retention. In the future, Cloquet will continue to investigate upgrading Cloquet's electronic building permit software.
- Scanlon has aligned their fee schedule with Cloquet's.
- If Cloquet staff observes work being done without appropriate permits, staff will post a Stop Work Order, note the work being done without a permit and require a permit be purchased. Any and all legal enforcement work related to work performed in Scanlon without a permit will be handled by Scanlon staff.

- Scanlon will retain administration of zoning permits which include site plans, conditional use permits, variances etc. Cloquet is only responsible to check setbacks as it relates to building permit projects in Scanlon.
- Fences and accessory dwellings under 200 square feet will be permitted by at the Cloquet building counter and fees retained by Cloquet.
- Scanlon will handle all housing code enforcement.
- The Cloquet-Scanlon building services agreement will be reviewed annually to ensure the arrangement is fiscally sound.

Policy Objectives

The Memorandum of Agreement establishes the scope of services and terms provided by the City for building inspections.

Financial/Budget/Grant Considerations

The proposed MOU structures fees be paid by Scanlon residents to the City of Cloquet and retained for building inspection services.

Advisory Committee/Commission Action

The City of Scanlon reviewed this MOU with their City Council and it has been signed by Mayor Johnson.

Supporting Documentation

- Memorandum of Agreement for Building Inspection Services

MEMORANDUM OF AGREEMENT FOR BUILDING INSPECTION SERVICES

This Memorandum of Agreement, entered into this _____ day of _____, 2017 by and between the City of Scanlon, Minnesota, 2801 Dewey Ave # 1, Cloquet, MN 55720 ("Scanlon"), and the City of Cloquet, Minnesota, 1307 Cloquet Avenue, Cloquet, MN 55720 ("Cloquet"), concerning the performance by Cloquet of building inspection services on behalf of Scanlon, shall be governed by the terms and conditions contained herein.

WHEREAS, Cloquet's Community Development Department maintains a certified Building Official to conduct building inspections, which Department operates in accordance with state and municipal laws; and

WHEREAS, Scanlon has requested the development of a direct resident fee-for service arrangement with Cloquet whereby Cloquet would perform building inspection services for Scanlon and Cloquet will directly bill Scanlon residents (which includes building permit fees and plan review fees) for such services at the City of Cloquet Community Development Department permitting counter and will retain these fees for performing these services ("Agreement"); and

NOW, THEREFORE, the parties agree as follows:

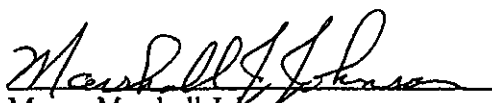
1. **Performance of Inspection Services.** Scanlon residents will request building permits from Cloquet in City Hall which is open 5 days a week 8:00 a.m. – 4:30 p.m., and subject to the City Building Official's availability, Cloquet's City Building Official shall perform building code inspections on construction projects which are being undertaken within the jurisdictional boundary of the city of Scanlon. Such inspections shall be performed in accordance with the substantive standards established under Minnesota law and Scanlon ordinances, and shall be documented by the City Building Official in the same manner as other similar inspections ("Inspection Reports"). Electronic or hard copies of building plans, plan check/plan review analysis, and all project correspondence will be forwarded to the City Building Official by Scanlon applicants/Scanlon to ensure knowledge for proper field inspections. Scanlon will modify their City Code to align with Cloquet's building permit fees, plan review fees, and building permit application forms. All building permit and plan review fees will be retained by Cloquet as compensation for providing such services. Cloquet will verify Scanlon zoning setbacks based on zoning information provided to Cloquet by Scanlon. If Cloquet observes, or it is reported to Cloquet by Scanlon, building work in Scanlon being done without a building permit, staff will post a stop work order and will require a building permit be obtained for the work and will do inspections to ensure building code compliance. However, Cloquet will not be involved in issuing zoning permits, housing code enforcement or any legal actions involving building, zoning, or housing code compliance within the city of Scanlon.
2. **Workers Compensation.** The City Building Official is an employee of Cloquet and Cloquet will maintain workers compensation insurance covering the City Building Official at all times while the City Building Official is providing services pursuant to this Agreement.

3. **Compliance with Inspection Reports.** Upon the receipt of the Inspection Reports, Scanlon shall assume full responsibility for any and all compliance and enforcement required under such Reports.
4. **Indemnification.** Scanlon shall indemnify, hold harmless and defend Cloquet, its Building Official, officers, employees and agents against any and all liability, loss, costs, damages, expenses, claims, or actions Cloquet hereafter may sustain, incur or be required to pay, arising out of or by reason of any act or omission in the execution or performance of Cloquet's obligation pursuant to this Agreement, consistent with the liability provisions of Minn. Stat. 471.59.
5. **Confidentiality.** All parties providing services hereafter agree to abide by the provisions of the Minnesota Government Data Practices Act.
6. **Severability.** If any provision of this Agreement shall be held by any Court of competent jurisdiction to be illegal, invalid or unenforceable, such provision shall be construed and enforced as if it had been more narrowly drawn so as to be legal, valid or enforceable. Such illegality, invalidity or unenforceability shall not have any effect upon or impact the enforceability of any other provision of this Agreement.
7. **Term.** This Agreement shall commence on this _____ day of _____, 2017, and will be ongoing as requested, financially reviewed annually at the beginning of each year, and shall terminate upon 30 days written notice by either party.
8. **Retention of Immunity.** Nothing in this Agreement shall be construed as waiving any governmental immunity vested in either party under existing law.

CITY OF CLOQUET

CITY OF SCANLON

Mayor David Hallback



Mayor Marshall Johnson

ATTEST:

Interim City Administrator James Barclay