

Regular Meeting

Roll Call

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

Councilors Absent: None

Pledge of Allegiance

### AGENDA

**MOTION:** Councilor Rock moved and Councilor Bjerkness seconded the motion to approve the April 18, 2017 agenda. The motion carried unanimously (7-0).

### MINUTES

**MOTION:** Councilor Kolodge moved and Councilor Maki seconded the motion to approve the minutes of the Work Session and Regular Meeting of April 4, 2017. The motion carried unanimously (7-0).

### CONSENT AGENDA

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

- a. Resolution No. 17-34, Authorizing the Payment of Bills
- b. Approval of Transient Merchant License – TNT Fireworks

### PUBLIC HEARING

There were none.

### PRESENTATIONS

There were none.

### WESTERN LAKE SUPERIOR SANITARY DISTRICT BOARD APPOINTMENT

**MOTION:** Councilor Bailey moved and Councilor Langley seconded the motion to appoint Loren Lilly to serve on the Western Lake Superior Sanitary District Board for the current term expiring July 1, 2017 and for the following entire 3 year term expiring July 1, 2020. The motion carried unanimously (7-0).

### ZONING CASE 17-03, SITE PLAN FOR COMMONWEALTH – WHITE PINE APARTMENTS

**MOTION:** Councilor Bjerkness moved and Councilor Rock seconded the motion to adopt **RESOLUTION NO. 17-32, A RESOLUTION APPROVING THE SITE PLAN IN THE R-3 MULTIPLE FAMILY RESIDENCE DISTRICT FOR COMMONWEALTH FOR WHITE PINE APARTMENTS** with the addition of privacy fencing between the playground the property to the north. The motion carried unanimously (7-0).

**WHEREAS**, Commonwealth is proposing a Site Plan in the R3 – Multiple-Family Residence District for White Pine Apartments; and

**WHEREAS**, the property of the proposed Site Plan is located north of 950 14<sup>th</sup> Street and is legally described as follows:

Lots 1 and 2, Block 1, except the north 21 feet of the west 135 feet of said Lots 1 and 2; and Lot 3, Block 1; and Lot 4, Block 1, except the east 50 feet of said Lot 4; and That part of the north half of vacated Dewey Avenue adjoining said Lot 1 through 4, Block 1, and lying between the easterly right of way line for 14<sup>th</sup> Street, as dedicated in the plat of A.J. White's Addition to the City of Cloquet, and the westerly right of way line for 15<sup>th</sup> Street, as dedicated in said plat; and Lot 3, Block 4; and the Northerly 32.68 feet of Lots 1 and 2, Block 4; and That part

of the south half of vacated Dewey Avenue adjoining said Lot 1 through 4, Block 1, and lying between the easterly right of way line for 14<sup>th</sup> Street, as dedicated in the plat of A.J. White's Addition to the City of Cloquet, and the westerly right of way line for 15<sup>th</sup> Street, as dedicated in said plat; All in A.J. White's Addition to the City of Cloquet, Carlton County, Minnesota. And,

**WHEREAS**, the Planning Commission reviewed the staff report and recommends approval of the Site Plan.

**NOW, THEREFORE, BE IT RESOLVED, BY THE CITY COUNCIL OF THE CITY OF CLOQUET, MINNESOTA**, that the Planning Commission recommends approval of Zoning Case 17-04 for a site plan for Commonwealth for White Pine Apartments subject to the following conditions:

1. The required easements, inspection and maintenance agreements, inspection and maintenance plan, financial guarantee and other items as required for the stormwater BMPs must be submitted before a building permit is issued.
2. Compliance with the Assistant City Engineer's Memo dated April 3, 2017.
3. Cross Easements documents for the parking and drives must be filed and recorded prior to the issuance of a building permit.
4. Provide privacy fencing between the playground and the property to the north.

**CHAPTER 17 TEXT AMENDMENT PERTAINING TO BREWERIES, TAPROOMS, BREW PUBS AND MICRODISTILLERIES**

**MOTION:** Councilor Bailey moved and Councilor Rock seconded the motion to adopt **ORDINANCE NO. 464A, AN ORDINANCE TO AMEND CHAPTER 17 OF THE MUNICIPAL CODE PERTAINING TO BREWERIES, TAPROOMS, BREW PUBS AND MICRODISTILLERIES**. The motion carried unanimously (7-0).

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

**Section 1. Section 17.1.05, Definitions** is amended to add:

**Subd. 18.2 Brew Pub.** Means a brewer who also holds one or more retail on-sale license(s) and who manufactures fewer than 3,500 barrels of malt liquor in a year, at any one licensed premises, the entire production of which is solely for consumption on tap on any licensed premises owned by the brewer, or for off-sale from those licensed premises as permitted in Minn. Stat. 340A.24.

**Subd. 18.4 Brewer.** Means a person who manufactures malt liquor for sale and who holds a Brewers License issued by the State of Minnesota.

**Subd. 18.6 Brewery Taproom (also known as a microbrewery).** Means a facility on the premises of or adjacent to the premises owned by a brewer, licensed under Minn. Stat. 340A.301, intended for the on-sale consumption and limited off-sale of beer produced on site by the brewer as authorized by Minn. Stat. 340A.26.

**Subd. 22.2 Cocktail Room.** Means a facility on or adjacent to the premises of a micro distillery licensed under Minn. Stat. 340A.22, which has been issued a cocktail room license for the on-sale of distilled liquor by the distiller for consumption on the premises of or adjacent to one distillery location by the distiller.

**Subd. 82.2 Micro Distillery.** Means a distillery operated within the State producing premium, distilled spirits in total quantity not to exceed 40,000 proof gallons in a calendar year and licensed under Minn. Stat.340.A.22.

**Section 2. Section 17.6.11 RC – Regional Commercial District, Subd. 2 Permitted Uses** is amended to add:

P. Brew Pub, Brewery Taproom, Cocktail Room and Micro-Distillery.

**Section 3. Section 17.6.12 HC – Historic Commercial District, Subd. 2 Permitted Uses** is amended to add:

I. Brew Pub, Brewery Taproom, Cocktail Room and Micro-Distillery.

**Section 4. Section 17.6.13 CC – City Center District, Subd. 2 Permitted Uses** is amended to add:

T. Brew Pub, Brewery Taproom, Cocktail Room and Micro-Distillery.

**Section 5. Section 17.6.14 LI – Light Industry District, Subd. 2 Permitted Uses** is amended to add:

D. Brew Pub, Brewery Taproom, Cocktail Room and Micro-Distillery.

**Section 6. Section 17.6.15 HI – Heavy Industry District, Subd 2 Permitted Uses** is amended to add:

B. Brew Pub, Brewery Taproom, Cocktail Room and Micro-Distillery.

**Section 7. Section 17.6.16 OM – Office/Manufacturing District, Subd. 2 Permitted Uses** is amended to add:

G. Brew Pub, Brewery Taproom, Cocktail Room and Micro-Distillery.

**Section 8. Effective Date.** This ordinance shall take effect and be in force from and after its passage and publication in accordance with law.

**PUBLICATION OF SUMMARY OF ORDINANCE NO. 464A**

**MOTION:** Councilor Langley moved and Councilor Bailey seconded the motion to adopt **RESOLUTION NO. 17-33, A RESOLUTION AUTHORIZING PUBLICATION OF A SUMMARY OF ORDINANCE NO. 464A, AN ORDINANCE TO AMEND CHAPTER 17 OF THE MUNICIPAL CODE PERTAINING TO BREWERIES, TAPROOMS, BREW PUBS AND MICRODISTILLERIES.** The motion carried unanimously (7-0).

**WHEREAS,** The City Council of the City of Cloquet has duly adopted Ordinance No.464A, An Ordinance to amend Chapter 17 of the Municipal Code pertaining to Breweries, Taprooms, Brew Pub and Micro-Distilleries; 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 changes of the code as proposed to be adopted by the City Council would be extremely expensive given the size 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 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 Ordinance No. 464A; and

**BE IT FURTHER RESOLVED,** That a copy of Ordinance No. 464A shall be available for public viewing online at [www.ci.cloquet.mn.us](http://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 April 18, 2017, at its regular meeting, the Cloquet City Council adopted Ordinance No. 464A, a two page ordinance which defines Breweries, Taprooms, Brew Pubs and Micro-Distilleries and where they can be located within the City of Cloquet. That a copy of Ordinance No. 464A shall be available for public viewing online at [www.ci.cloquet.mn.us](http://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. The full ordinance is available to

the public for inspection online at [www.ci.cloquet.mn.us](http://www.ci.cloquet.mn.us), or during regular office hours at the Cloquet Public Library or at Cloquet City Hall.

The specific title of the ordinance is “**AN ORDINANCE TO AMEND CHAPTER 17 OF THE MUNICIPAL CODE PERTAINING TO BREWERIES, TAPROOMS, BREW PUBS AND MICRO-DISTILLERIES**”.

**CHARGE OFF OF A LOAN WITH THE CLOQUET HOME CENTER**

**MOTION:** Councilor Kolodge moved and Councilor Bjerkness seconded the motion to adopt **RESOLUTION NO. 17-21, RESOLUTION AUTHORIZING THE CHARGE OFF OF A LOAN WITH THE CLOQUET HOME CENTER** in the amount of \$31,273.25. The motion carried unanimously (7-0).

**WHEREAS**, the City of Cloquet (“City”) has previously provided a loan the Cloquet Home center in the amount of **\$50,000** (10-24-08) from its Economic Development Loan Fund #203; and

**WHEREAS**, the Cloquet Home Center has subsequently closed operations and was able to reimburse the City only **\$7,952.60** (1-25-17 loan closing on building, check received by City in February) and is unable to repay the outstanding unpaid principal balance of **\$31,273.25**; and

**WHEREAS**, City staff with the council of the City Attorney Office has determined through a rigorous collection effort that this loan is uncollectable, and

**WHEREAS**, City staff recommends that the loan be charged-off in the amount listed above together with interest.

**NOW, THEREFORE, BE IT RESOLVED, BY THE CITY COUNCIL OF THE CITY OF CLOQUET, MINNESOTA:** the City Council hereby takes the following action:

That the write off of the Loan as being uncollectible is in the public's interest, does not constitute gifts, and is in conformity with generally accepted accounting procedures for the maintenance of accounts concerned with defaulted, uncollectible and foreclosed loans.

The City staff is authorized and directed to effect the charge off of the Loan.

**SET HEARING DATE ON PROPOSED FINAL ASSESSMENT FOR CARL STREET**

**MOTION:** Councilor Rock moved and Councilor Bailey seconded the motion to adopt **RESOLUTION NO. 17-35, A RESOLUTION TO SET HEARING DATE ON PROPOSED FINAL ASSESSMENTS FOR THE IMPROVEMENT OF CARL STREET FROM SOUTH HIGHWAY 33 FRONTAGE TO WALTER AVENUE.** The motion carried unanimously (7-0).

**WHEREAS**, The City received a petition signed by four of seven property owners along Carl Street requesting a bituminous overlay of their block between the South Highway 33 Frontage Road and Walter Avenue; and

**WHEREAS**, The Cloquet City Council on March 2, 2016, held a public hearing to consider the improvement; and

**WHEREAS**, A contract has been let for Improvement No. 1052, the improvement of Carl Street between South Highway 33 Frontage Road and Walter Avenue by Northland Constructors and the contract price for such improvement was \$13,430.56.

**WHEREAS**, Said improvement was subsequently ordered and completed.

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

1. A hearing shall be held on May 16, 2017 in the City Council Chambers at 7:00 p.m. to pass upon such proposed assessments and at such time and place all persons owning property affected by such improvement will be given an opportunity to be heard with reference to such assessment.
2. The City Administrator is hereby directed to cause a notice of the hearing on the proposed assessment to be published once in the official newspaper at least two weeks prior to the hearing, and he shall state in the notice the total cost of the improvement. He shall also cause mailed notice to be given to the owner of each

parcel described in the assessment roll not less than three weeks prior to the hearing.

2. The City Administrator, with the assistance of the City Engineer, shall forthwith calculate the proper amount to be specially assessed for such improvement against every assessable lot, piece or parcel of land within the district affected, without regard to cash valuation, as provided by law, and he shall file a copy of such proposed assessment in his office for public inspection

**AWARD CITY-WIDE LAWN MOWING CONTRACT**

**MOTION:** Councilor Rock moved and Councilor Bailey seconded the motion to adopt **RESOLUTION NO. 17-36, A RESOLUTION AWARDDING CITY-WIDE MOWING CONTRACT TO BLOTTI CONTRACTING.** The motion carried unanimously (7-0).

**WHEREAS,** The City is responsible for maintenance on certain road within the City of Cloquet; and

**WHEREAS,** The City Council wishes to project a good image to the traveling public of a neat and well-kept city along Trunk Highway 33; and

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

<b>Bidder</b>	<b>Base Annual Cost</b>	<b>Alternate A Annual Cost</b>	<b>Total Annual Cost</b>
Blotti Contracting	\$ 11,634.50	\$ 1,881.00	\$ 13,515.50
The Smith Company	\$ 17,064.71	\$ 4,000.04	\$ 21,064.75

**AND WHEREAS,** The apparent low bid from Blotti Contracting, 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 Blotti Contracting in the amount of \$13,515.50 is hereby accepted.

**PURCHASE OF HOCKEY BOARDS FOR SUNNYSIDE PARK**

**MOTION:** Councilor Langley moved and Councilor Kolodge seconded the motion to authorize the purchase of a ProWall Ice Rink System from Sport Resource Group in the amount of \$28,830.00. The motion carried unanimously (7-0).

**STORM WATER FACILITY EASEMENT AND MAINTENANCE AGREEMENT – TACO BELL**

**MOTION:** Councilor Bjerkness moved and Councilor Maki seconded the motion to approve the Storm Water Facilities Easement and Maintenance Agreement with Marvin Development IV, LLC. The motion carried unanimously (7-0).

**PUBLIC COMMENTS**

Representative Mike Sundin asked for support for the Project Labor Agreement being proposed and encouraged support for the Helmets to Hard Hats program for returning veterans to enter the workforce into the trades.

Jenny Radcliff, 844 Mission Road, explained to the Council the purpose of the prayer and worship gathering prior to the City Council meeting and expressed support for Chief Stracek and stressed that the community needs to come together.

Brian Smith, 237 Prevost Road, looking for honesty and integrity from the Council and Police Department. Also thanked the Council for their hard work.

Randy Roberts, 1213 Highland Avenue, questioned the leadership qualities of Chief Stracek and ability to lead his department.

Bill Clifton, 902 Carlton Avenue, expressed his confidence in Jeff Palmer’s ability to be the interim Police Chief; doubted Chief Stracek’s leadership abilities and the hiring process of Chief Stracek in 2014; and also commented for the Pine Journal to stop attacking Mr. Palmer.

Kelly Harms, Cromwell, addressed the Council voicing her concern on what is being heard in the community and neighboring communities regarding corruption of the Police Department. Also commented on her support of Chief Stracek and his strong character to do what is right.

Paul Nordvall, Cloquet, worked with Chief Stracek for ten years and spoke positively of Chief Stracek's character. He asked the Council how they could question his leadership with only two years serving as Cloquet's Police Chief. Mr. Nordvall then asked what kind of influence the union had on those speaking in opposition of Chief Stracek tonight.

Diane Lambert, Cloquet, spoke for the citizens of Cloquet who want their voices heard, law abiding citizens should have law abiding leaders.

Andrew Genereau, 3901 Crosby Road, expressed concern on how the entire process of putting Chief Stracek on leave occurred; passing over two commanders and appointing Mr. Palmer as Interim Chief; concern of the City being sued; do what's best for the City and find the solution both sides can agree on .

Judy Haeberle, Cloquet, stated she knows Chief Stracek personally and spoke of his high integrity and her confidence that the results of the investigation will validate him. Citizens want changes made and the City deserves a good Police Chief.

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

Mayor Hallback asked for a moment of silence in respect for the recent deaths of former police department employees Howard Vargeson and Stacia Heaton and requested people to keep their loved ones in their thoughts.

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

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James Barclay, Interim City Administrator