

Regular Meeting

Roll Call

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

Councilors Absent: Mayor Hallback

Pledge of Allegiance

AGENDA

MOTION: Councilor Langley moved and Councilor Kolodge seconded the motion to approve the December 19, 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 Work Session and Regular Meeting of December 5, 2017. The motion carried unanimously (6-0).

CONSENT AGENDA

MOTION: Councilor Bjerkness moved and Councilor Bailey seconded the motion to adopt the consent agenda of December 19, 2017. The motion carried unanimously (6-0).

- a. Resolution No. 17-101, Resolution Authorizing the Payment of Bills
- b. 2018 Business License Renewals
- c. 2018 Employee Pay Plan
- d. 2018 Community Education Agreement
- e. Resolution No. 17-102, A Resolution Entering into an Agreement with the Minnesota Department of Transportation (MNDOT) for MNDOT to Act as the City's Agent in Accepting Federal Aid

PUBLIC HEARINGS

There were none.

PRESENTATIONS

There were none.

WATER TREATMENT PLANT ENGINEERING

MOTION: Councilor Kolodge moved and Councilor Bjerkness seconded the motion to award a professional services contract to Short Elliot Hendrickson, Inc. for preliminary design, final design, and bidding services related to construction of a new water treatment plant and associated improvements. The motion carried unanimously (6-0).

CLOQUET MCPP 2018 APPLICATION

MOTION: Councilor Bailey moved and Councilor Bjerkness seconded the motion to renew the application for 2018 for the Minnesota City Participation Program (MCPP) which provides designated funding for first time homebuyer loans within the City. The motion carried unanimously (6-0).

AMENDING AND REPLACING CLOQUET CITY CODE CHAPTER 5.6

MOTION: Councilor Bailey moved and Councilor Maki seconded the motion to approve **ORDINANCE 469A, AN ORDINANCE AMENDING AND REPLACING CLOQUET CITY CODE CHAPTER 5.6, REGULATING THE OPERATION OF SNOWMOBILES, OFF-HIGHWAY MOTORCYCLES AND SPECIAL VEHICLES INCLUDING ALL-TERRAIN VEHICLES, MOTORIZED GOLF CARTS, UTILITY TASK VEHICLES AND MINI-TRUCKS WITHIN THE CITY OF CLOQUET.** The motion carried unanimously (6-0).

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

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

5.6.02 Definitions.

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

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

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

Subd. 4 Motorcycle. "Motorcycle" as used in the Section shall mean every motor vehicle not otherwise defined above having a saddle for the use of the rider, and designated for travel on not more than 3 vehicles in contact with the ground, including motor scooters and bicycles with a motor attached, but excluding a tractor.

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

Subd. 6 Mini-Truck. As defined in Minn. Stat. § 169.01, subd. 40(a), which presently is a motor vehicle that has four wheels; is propelled by an electric motor with a rated power of 7,500 watts or less or an internal combustion engine with a piston displacement capacity of 660 cubic centimeters or less; has a total dry weight of 900 to 2,200 pounds; contains an enclosed cabin and a seat for the vehicle operator; commonly resembles a pickup truck or van, including a cargo area or bed located at the rear of the vehicle; and was not originally manufactured to meet federal motor vehicle safety standards required of motor vehicles in the Code of Federal Regulations, title 49, sections 571.101 to 571.404, and successor requirements. A mini-truck does not include: a neighborhood electric vehicle or a medium-speed electric vehicle as defined by § 73.11; or a motor vehicle that meets or exceeds the regulations in the Code of Federal Regulations, title 49 section 571.500, as it may be amended from time to time.

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

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

- A. Snowmobile as defined in Subdivision 1;
- B. Recreational vehicles and ATV's, including but not limited to the following:
 - (1) Motorized dirt bike having two or more wheels; and
 - (2) Motorized all-terrain vehicle having three or more wheels, such as a three-wheeler or four-wheeler; and,
- C. Off-highway motorcycle as defined in Subdivision 3;

- D. Motorcycle as defined in Subdivision 4.
- E. Any other motor vehicle as shall be defined in this Section regardless of the vehicle's number of wheels or mode of self-propulsion if other than solely by human power, including but not limited to the following types of commonly understood vehicles:
 - (1) Automobile;
 - (2) Truck; and
 - (3) Van
 - (4) Motorized Golf Cart as defined in Subdivision 5
 - (5) Mini-truck as defined in Subdivision 6
 - (6) Utility Task Vehicle as defined in Subdivision 7

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

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

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

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

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

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

Subd. 1. Restrictions on the permitted use of ATV's, motorized golf carts, utility task vehicles and mini-trucks. 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 2. Motorized golf carts, all-terrain vehicles, utility task vehicles, and mini-trucks are permitted to operate only on designated city streets, not state or federal highways, except to cross at designated intersections.

Subd 3. Motorized golf carts, all-terrain vehicles, utility task vehicles, and mini-trucks are prohibited from city sidewalks except for purposes of snow removal or unless otherwise exempt as provided herein.

Subd 4. Except for purposes of snow removal, motorized golf carts, all-terrain vehicles, and utility task vehicles and mini-trucks may only be operated on designated roadways from sunrise to sunset, unless equipped with original equipment headlights, tail lights, and rear-facing brake lights. Except for purposes of snow removal, they shall not be operated in inclement weather or when visibility is impaired by weather, smoke, fog or other conditions, or at any time when there is insufficient visibility to clearly see persons and vehicles on the roadway at a distance of 500 (Five Hundred) feet.

Subd 5. 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 6. 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 7. 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 8. 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 9. 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 10. Additional 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 11. The Cloquet Police Department is authorized to suspend or revoke a permit granted hereunder upon a finding that the holder thereof has violated any of the provisions of this section or Minn. Stat., Chapter 169, as it may be amended from time to time, or if there is evidence that the permit holder cannot safely operate the motorized golf cart, all-terrain vehicle, utility task vehicle or mini-truck on the designated roadways.

Subd 12. The number of occupants on the golf cart, all-terrain vehicle, utility task vehicle or mini-truck may not exceed the design occupant load.

5.6.05 Exemptions, No permit required.

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

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

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

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

EFFECTIVE DATE.

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

PUBLIC COMMENTS

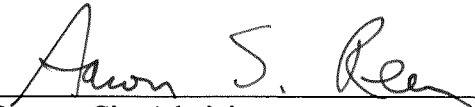
There were none.

COUNCIL COMMENTS, ANNOUNCEMENTS, AND UPDATES

- Councilor Bailey expressed condolences on behalf of the City Council to Mayor Hallback and his family on the recent passing of his mother.
- Councilor Bailey extended holiday wishes from Mayor Hallback to City staff and to the citizens of Cloquet.

- Councilor Rock announced the Dunlap Island warming house will open on December 22nd. He also commended the Police Department on the success of “Stuff the Squad” and “Shop with a Cop” this holiday season.

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



Aaron Reeves, City Administrator