



CITY OF CLOQUET
City Council Agenda
Tuesday, April 5, 2016
7:00 p.m.
City Hall Council Chambers

CITY COUNCIL WORK SESSION

5:30 p.m. Events Coordinator Overview – Alyson Leno
6:00 p.m. Trail Committee Update – Mark Roberts

1. **Roll Call**
2. **Pledge of Allegiance**
3. **Approval of Agenda**
 - a. Approval of April 5, 2016 Council Agenda
4. **Approval of Council Minutes**
 - a. Work Session minutes from the March 15, 2016 meeting
 - b. Regular Council minutes from the March 15, 2016 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. 16-30, Authorizing the Payment of Bills
6. **Public Hearings**
 - a. Now is the time and place for the Public Hearing on the proposed assessments for the 2015 8th Street utility and concrete curb and bituminous pavement construction from 8th Street to a point 450 feet north of Washington Avenue to Sahlman Avenue, and Salman Avenue from 7th Street to 9th Street.
 - Resolution No. 16-31
 - b. Now is the time and place for the Public Hearing on the proposed assessments for the 2015 West Taylor Avenue bituminous pavement construction from West Taylor Avenue to Oak Street to a point approximately 1,300 feet west.
 - Resolution No. 16-32



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Tuesday, April 5, 2016
7:00 p.m.
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7. Presentations

None.

8. Council Business

- a. Karen Obeidzinski Deferral of Special Assessment Application
- b. Family and Medical Leave Policy Amendment
- c. Kwik Trip Comprehensive Plan, Rezoning and Site Plan
 - Resolution No. 16-13, A Resolution Approving the Comprehensive Plan Amendment (Land Use Plan) from “Low Density Residential “ to “Highway Commercial”
 - Ordinance No. 453A, An Ordinance to Amend Chapter 17, By Amending the Zoning Map of the City of Cloquet from “R1 – Single Family Residential” To “RC – Regional (Highway) Commercial”
 - Resolution No. 16-14, A Resolution Approving the Site Plan in the RC – Regional (Highway) Commercial District For Kwik Trip, Inc.
 - Resolution No. 16-29, A Resolution Approving Requesting Carlton County to Post Washington Avenue for “No Parking” From 8th Street/Holmes Drive to 150 Feet East of 12th Street
- d. Cloquet Middle School Site Plan Review
 - Resolution No. 16-27, A Resolution Approving a Site Plan in the PI-Public/Institutional District for Anderson-Johnson Associates, Inc., for ISD #94
- e. Skyline Landscape Bid Authorization
- f. Lake Superior Waterline Hydraulic Study Professional Service Agreement

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

11. Adjournment

Cloquet City Council Special Work Session

Scanlon/Cloquet Merger, 4:30 p.m.

Tuesday, March 15, 2016

Present: Bjerkness, Kolodge, Langley, Maki, Rock, Wilkinson, Mayor Hallback

Absent: None.

Staff: Fritsinger, Klassen, Butcher

Scanlon Council: Marshall Johnson, Scott Boedigheimer, Mike Berthiaume, James Pratt, Al Wallin

Other: Mark Ruff, Ehlers; Jamie Lund, Pine Journal; Dennis Korman, Scanlon City Attorney; John Ruble and Dan Hinzman, SEH

Joint Meeting with the Scanlon Council

Introductions were made by everyone from the 2 Councils. Mr. Ruff gave a brief overview of who Ehlers is and what they do. Next, Ehlers reviewed the basic findings of the preliminary plan and recommendations for Council consideration and for feedback and to establish a baseline. Discussion highlights are as follows:

- Voters of the 2 communities will ultimately decide whether to merge or not. There is not a State approval process and no funding exists from the State to help offset costs associated with merging.
- Ehlers is strongly recommending the merger for the long term health of both Scanlon and Cloquet.
- The merger would be mutually beneficial for both communities by lowering utility costs for Scanlon, lower property tax rates for Cloquet, and lower operating costs and larger tax base which will allow for more projects to be accomplished. Mr. Ruff did also stress this recommendation is careful not to “overpromise savings”.
- Brief review of the current commonalities and shared services such as the Cloquet School District, WLSSD, CAFD and ARDC. Scanlon also purchases police services and wholesale water from Cloquet.
- Similar demographics of income, home value and a similar tax base diversity.
- Discussion of Knife Falls residents having a lower tax rate due to no City water or sewer. How will this influence the Scanlon tax rates? The future Cloquet facilities improvements will also have an effect on the tax rates.
- Discussion of the timing of combining councils and what the statute dictates for an interim government. All municipal facilities will remain open.
- Any existing city debt will be absorbed into the new merged entity. MN aid not expected to decrease LGA but may increase MSA. The first combined budget would be for 2018.
- The consensus is there will be a savings in General Funds of \$40-70k per year. Employment will remain constant and there will be a savings in duplicate costs. Detail of savings will be in the final report.
- The assumption is made the utility rate structure for Cloquet will be adopted by Scanlon.

- The time frame is tentative. If it is going to be approved in November, a plan needs to be published by June with an August City Council vote on whether it will go to a referendum at the General Election in November. The plan becomes operational if the majority of each Council vote to go forward.
- Mr. Johnson suggested a committee of the 2 Councils be formed to discuss ordinances, etc. Items that may have a conflict need to be identified.

Open Discussion:

- Mr. Bjerkness questioned if there is a merger, does this allow for changes to the Knife Falls agreement? If so, it could create a substantial effect on this merger. Mr. Korman replied that this is an open ended agreement until City utilities are extended to Knife Falls. Mr. Fritsinger added that this may be the opportunity to look at the Knife Falls Agreement. Knife Falls currently has 18% of tax capacity of Cloquet.
- Mr. Boedigheimer asked is there a way to look at what the tax rate would be? Mr. Ruff said the information will be provided in the final plan.
- Scanlon's infrastructure was questioned. Mr. Prusak replied that without an in depth study he feels both communities' infrastructure is the same age and will be fairly similar. Scanlon does not have a 5-10 year Capital Plan.
- Discussion of an interim Council. Both parties will have to agree on how to combine Councils. If there is not an agreement, the plan will not be approved. This is something can take several years to get into place.
- Another item there needs agreement on in order for the plan to be approved is whether there will be a Ward system or At-Large system. Cloquet currently has a Ward system.
- Mr. Boedigheimer questioned the cost of moving forward. Mr. Ruff will write a plan from this meeting's feedback. Knife Falls was again brought up as an area of concern. Mr. Hellwig answered there is a 6 year period to phase in new tax rates.
- Mr. Bjerkness voiced his concern over the time frame, feeling it is unrealistic. Mr. Fritsinger said the plan can be generic or very detailed, that needs to be decided as a group. Mr. Ruff added that much of the plan rests on the governance piece.
- Mr. Fritsinger asked what does Ehlers see as the next step in the timing of the study and presentation of plan? Mr. Ruff's recommendation is for the Scanlon Council to decide what kind of representation is important. Mr. Johnson added by saying a rough plan to be published, receive comments from both communities and refine the plan.
- Mr. Fritsinger's concern is the August deadline to be on the November ballot. Another question for Cloquet is the May deadline to file for office, will this affect those who are refiling? Mr. Ruff answered they file as usual.
- Each Council needs to take the information back and discuss, come back together and decide if there is enough interest in moving forward. It makes sense to have a working group. Financial questions can be directed to Brian and he will submit to Ehlers.
- Mr. Bjerkness questioned if any of the open meeting rules change during this process? Mr. Ruff answered that public engagement is very important in this decision.
- Ms. Wilkinson commented she does not see a real benefit to the merger if there is a risk taxes may increase. There is already public disagreement with the Cloquet School District error, this will be a hard sell. Mr. Ruff answered that the study shows it is the right thing to do for both communities. A merger will add value to Cloquet.

Regular Work Session

John Ruble and Dan Hinzman from SEH were present to review the current status of plans for the Veteran's and Fauley Parks project designs. Update on the plans, what is in, what has been excluded.

- Working with MNDOT on the landscaping along the Hwy 33 corridor within the existing right of way on what is allowable to implement. Review of what the City owns, what is private and what is owned by MNDOT. This has impacted this project is the original plaza. MNDOT has fairly tight regulations on what can be constructed, no benches, columns, etc. The master park plan's intent is to develop with consistency throughout the City parks.
- A unique difference with the parks at this point in the development is that Fauley Park is still owned by MNDOT and part of Highway 33 right of way. Mr. Peterson got mixed feedback in the discussion of the Hwy 33 corridor and closing of the right turn lane to gain additional park space. If the right turn lane is eliminated, they will not move the right of way. The existing Cloquet sign is not compliant with their standards, but they are not eager to make changes to it.
- Review of the basic design as of now. The memorial wall is the biggest element. SEH is working on identifying artists to get on board. The veterans group, City and artists will work together. Currently there is not a lot of feedback from artists and waiting on proposals. It was stressed to not rush this piece of the project as it is \$250,000 of the budget and it needs to be done correctly.
- Update of the Fauley Park design. Linking sidewalks around the train, cleaning out ruts and leveling it off. Fences will be installed to keep ATVs in designated areas.
- Mr. Kolodge questioned the planting of grass along the slope of Veterans and the maintenance of it. This is typically a high traffic area during events such as 4th of July and larger events. Also questioned by Mr. Kolodge was the usage of space for main stage views. Mr. Ruble replied that the design concept allows for multiple events going on at the same time.
- Discussion of where electrical will be provided throughout the park. Entrance lighting is considered an add-on. From a safety stand point, lighting is important as it allows for people to use the park in the evenings. It would also make a difference from a visual standpoint from the highway. Council is in agreement that lighting is a priority.

There being no further business, the meeting adjourned at 7:00 p.m.

Respectfully submitted,

Brian Fritsinger
City Administrator

Regular Meeting

Roll Call

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

Councilors Absent: None.

Pledge of Allegiance



AGENDA

MOTION: Councilor Langley moved and Councilor Maki seconded the motion to approve the March 15, 2016 agenda. The motion carried unanimously (7-0).

MINUTES

MOTION: Councilor Kolodge moved and Councilor Langley seconded the motion to approve the minutes of the Work Session and Regular Meeting of March 2, 2016. The motion carried unanimously (7-0).

CONSENT AGENDA

MOTION: Councilor Wilkinson moved and Councilor Langley seconded the motion to adopt the consent agenda of March 15, 2016 approving the necessary motions and resolutions. The motion carried unanimously (7-0).

- a. Resolution No. 16-22, Authorizing the Payment of Bills
- b. Resolution No. 16-26, Approving Off-Site Gambling for Ducks Unlimited to Conduct a Raffle at The Jack

PUBLIC HEARINGS

There were none.

PRESENTATIONS

There were none.

CHAPTER 17 ZONING ORDINANCE TEXT AMENDMENT

MOTION: Councilor Bjerkness moved and Councilor Rock seconded the motion to adopt **ORDINANCE NO. 454A, AN ORDINANCE TO REVISE CHAPTER 17 TO THE MUNICIPAL CODE PERTAINING TO ZONING REGULATIONS.** The motion carried unanimously (7-0).

PUBLICATION OF SUMMARY OF ORDINANCE NO. 454A

MOTION: Councilor Bjerkness moved and Councilor Wilkinson seconded the motion to adopt **RESOLUTION NO. 16-21, A RESOLUTION AUTHORIZING PUBLICATION OF A SUMMARY OF ORDINANCE NO. 454A, AN ORDINANCE TO REVISE CHAPTER 17 OF THE MUNICIPAL CODE PERTAINING TO ZONING REGULATIONS.** The motion carried unanimously (7-0).

WHEREAS, The City Council of the City of Cloquet has duly adopted Ordinance No. 454A, An Ordinance revising Chapter 17 of the Municipal Code Pertaining to Zoning Regulations; and

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

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

WHEREAS, Minnesota Statutes 412.191, Subd. 4, authorizes a municipality to publish only the title and a summary of lengthy ordinances or ordinances which

contain charts or maps if the City Council determines that such publications would clearly inform the public of the intent and effect of the ordinance; and

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

NOW, THEREFORE, BE IT RESOLVED, BY THE CITY COUNCIL OF THE CITY OF CLOQUET, MINNESOTA, Hereby authorizes the publication of a summary of Ordinance No. 454A; and

BE IT FURTHER RESOLVED, That a copy of Ordinance No. 454A shall be available for public viewing online at www.ci.cloquet.mn.us, at City Hall and at the Cloquet Public Library for a period of not less than thirty (30) days from the date of publication: and

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

SUMMARY DESCRIPTION

NOTICE OF SUMMARY
PUBLICATION OF ORDINANCES

On March 15, 2016, at its regular meeting, the Cloquet City Council adopted Ordinance No. 454A, a 247 page ordinance which revises Chapter 17 of the City Code effective May 1, 2016. The purposes of this Chapter is to regulate the zoning ordinance within the City of Cloquet.

The specific title of the ordinance is "AN ORDINANCE TO REVISE CHAPTER 17 OF THE MUNICIPAL CODE PERTAINING TO ZONING REGULATIONS" The full ordinance is available to the public for inspection online at www.ci.cloquet.mn.us, or during regular office hours at the Cloquet Public Library or at Cloquet City Hall.

FINAL HIGHWAY 33 CORRIDOR STUDY AND ACCESS MANAGEMENT PLAN

MOTION: Councilor Bjerkness moved and Councilor Kolodge seconded the motion to accept the final Highway 33 Corridor Study and Access Management Plan as prepared by Short, Elliott & Hendrickson, dated February 2016. The motion carried unanimously (7-0).

8TH STREET PROPOSED FINAL ASSESSMENTS PUBLIC HEARING DATE

MOTION: Councilor Rock moved and Councilor Kolodge seconded the motion to adopt **RESOLUTION NO. 16-24, A RESOLUTION TO SET HEARING DATE ON PROPOSED FINAL ASSESSMENTS FOR THE IMPROVEMENT OF 8TH STREET FROM A POINT 450 NORTH OF WASHINGTON AVENUE TO SAHLMAN AVENUE AND ALSO SAHLMAN AVENUE FROM 7TH STREET TO 9TH STREET.** The motion carried unanimously (7-0).

WHEREAS, The City made plans to reconstruct 8th Street and Sahlman Avenue as part of the City's 5-Year Capital Improvement Program (CIP) and approved budget for 2015; and

WHEREAS, The Cloquet City Council on April 7, 2015, held a Public Hearing to consider the improvement; and

WHEREAS, Said improvement was subsequently ordered and completed and the City has prepared a proposed assessment roll which is available in the office of the City Administrator for public inspection.

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

1. A Hearing shall be held on April 5, 2016 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 in the official newspaper as required by Minnesota Statutes 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 as required by Minnesota Statutes.

WEST TAYLOR AVENUE PROPOSED FINAL ASSESSMENTS PUBLIC HEARING DATE

MOTION: Councilor Kolodge moved and Councilor Rock seconded the motion to adopt **RESOLUTION NO. 16-25, A RESOLUTION TO SET HEARING DATE ON PROPOSED FINAL ASSESSMENTS FOR THE IMPROVEMENT OF WEST TAYLOR AVENUE FROM SOUTH OAK STREET, WEST APPROXIMATELY 1,300 FEET.** The motion carried unanimously (7-0).

WHEREAS, In 2013, the City Council received a petition to consider the paving of West Taylor Avenue from South Oak Street west to the dead-end; and

WHEREAS, The Cloquet City Council on March 15, 2015, held a Public Hearing to consider the improvement; and

WHEREAS, Said improvement was subsequently ordered and completed and the City has prepared a proposed assessment roll which is available in the office of the City Administrator for public inspection.

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

1. A Hearing shall be held on April 5, 2016 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 in the official newspaper as required by Minnesota Statutes 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 as required by Minnesota Statutes.

3RD STREET PARKING RESTRICTIONS

Council member Wilkinson updated the Council on a meeting that she and Council member Maki attended with 12-15 property owners for the purpose of discussing neighborhood concerns regarding this project.

MOTION: Councilor Bjerkness moved and Councilor Kolodge seconded the motion to adopt **RESOLUTION NO. 16-23, A RESOLUTION RELATING TO PARKING RESTRICTIONS ON 3RD STREET FROM 2ND STREET TO CARLTON AVENUE,** subject to the completion of construction. The motion carried unanimously (7-0).

WHEREAS, The City has planned the improvement of 3rd Street, State Aid Route No. 145, from Cloquet Avenue to Carlton Avenue; and

WHEREAS, the City will be expending Municipal State Aid Funds on the improvement of this street; and

WHEREAS, the improvement between 2nd Street and Carlton Avenue does not provide adequate width for parking on both sides of the street within these blocks; and approval of the proposed construction as a Municipal State Aid Street project must therefore be conditioned upon certain parking restrictions.

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

That the City shall restrict the parking of motor vehicles on 3rd Street from 2nd Street to Carlton Avenue, to one side only.

FOND DU LAC CASINO WATER SERVICE AGREEMENT RENEWAL

MOTION: Councilor Langley moved and Councilor Maki seconded the motion to approve a one-year extension of the Water Service Agreement between the City of Cloquet and Fond du Lac Band of Lake Superior Chippewa. The motion carried unanimously (7-0).

CRIME LAB EQUIPMENT AUTHORIZATION

MOTION: Councilor Rock moved and Councilor Wilkinson seconded the motion to authorize the purchase of crime lab and evidence processing equipment in the amount of \$11,760.00. The motion carried unanimously (7-0).

COMMUNITY VISIONING

The City Council indicated that it did not have adequate time to review the proposals to engage in discussion and for staff to look at placing this on a Work Session agenda.

PUBLIC COMMENTS

Dave Johnson, Zion Lutheran Church, addressed the Council regarding parking on Washington Avenue. The Zion Board is supportive of the elimination of parking on Washington Avenue. Mr. Prusak updated the Council on a recent meeting with MNDOT, Carlton County, City of Cloquet, and representatives of Kwik Trip.

COUNCIL COMMENTS, ANNOUNCEMENTS, AND UPDATES

Mr. Fritsinger informed the Council that he will be at the State Capitol on March 16th.

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

Brian Fritsinger, City Administrator



ADMINISTRATIVE OFFICES

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REQUEST FOR COUNCIL ACTION

To: Mayor and City Council
From: James R. Prusak, Director of Public Works
Reviewed by: Brian Fritsinger, City Administrator (B)
Date: March 30, 2016

ITEM DESCRIPTION: Approving Final Special Assessments for the 2015 Reconstruction of 8th Street

Proposed Action

Staff recommends the City Council hold the public hearing on this matter to consider any objections to the final assessment, and following the hearing move to:

- Deny the objection and appeal of Albert Parish, 707 Sahlman Avenue due to the property receiving benefit from the project and that proper prior notice of the assessments was provided to the property owner as required by Minnesota Statute; and
- Adopt **RESOLUTION NO. 16-31, ADOPTING ASSESSMENTS FOR THE IMPROVEMENT OF 8TH STREET FROM A POINT 450 FEET NORTH OF WASHINGTON AVENUE TO SAHLMAN AVENUE AND ALSO SAHLMAN AVENUE FROM 7TH STREET TO 9TH STREET**, or any changes thereto.

Background/Overview/Feasibility

A Public Hearing on the proposed improvement of 8th Street from a point 450 feet north of Washington Avenue to Sahlman Avenue and also Sahlman Avenue from 7th Street to 9th Street was held on April 7, 2015 and following the hearing, the City Council ordered the improvement. Bids for the project were awarded on May 5, 2015 and construction was completed during the summer of 2015. This project included the replacement of existing sanitary sewer and water utilities as well as the reconstruction of the two streets to include a new storm sewer system, curbs and pavement. In accordance with Chapter 12 of the City Code, a portion of the costs of these improvements are to be assessed or billed to properties along the project route.

A final assessment roll for the improvement has been prepared and in accordance with MN Statutes Chapter 429, the City Council gave notice of a Public Hearing to be held on April 5, 2016 on the Proposed Assessment, at which time property owners affected by the improvement will be given an opportunity to express concerns with reference to the final assessment.

The final assessment roll includes 23 individual property parcels and the total proposed assessment is approximately \$145,347.

The City has received one written appeal to the proposed assessment from Albert Parish, 707 Sahlman Avenue. The objection is materially based upon the argument that he believes he should not be assessed and that he was told homeowners would not be charged for the work. The Council needs to take formal action regarding the assessment by either denying the objection or accepting the objection. If the objection is accepted, the Council will need to amend the assessment roll.

A review of the project file shows that the objector did receive a letter dated in March, 2015 as notice of the hearing on the project including the preliminary assessment roll and the City's intention to levy assessments for the proposed improvements. Further, Minnesota State law allows for the assessment of property for improvements that benefit such property. The City has historically levied assessments against property for road and infrastructure improvements.

Policy Objectives

To adopt a final assessment roll for the completed improvement in accordance with current City policy (Chapter 12) and in accordance with State Statutes (429).

A property owner is allowed, under Chapter 429.061 of State Statute, to formally object in writing to a proposed assessment. With a written objection, the City is required to take formal action noting why it agrees or disagrees with such assessment. A property owner then has thirty (30) days, under M.S. 429.081, after the adoption of the assessment roll to appeal the assessment to the District Court.

Financial Impacts

The total cost of the final construction contract for this project was \$1,313,725. The proposed assessment roll totals \$145,347 which amounts to approximately 11% of the total contract amount.

Section 12.2.06 and 12.2.10 of the City Code are those sections of the Code which directly address the City's assessment methodology. Specifically, 8th Street is considered a MSA route and even though no MSA monies were used to finance the improvements, the assessments are calculated based upon the designation. Following the formulas and specific rules identified under these Sections of the Code results in the proposed assessment amount.

One aspect which is problematic in this case is that Section 12.2.06, Subd. 14 of the Code requires that if a portion of a particular improvement is to be financed through special assessments, at least 20% of the total improvement cost shall be assessed. In this case that amount would be \$262,745. As noted above, staff has recommended that affected property owners instead be assessed 11% of the total project cost. With the 8th Street project, however, the scope of work completed under this contract and the resulting final project cost was significantly greater than what we experience with most projects.

Shortly after the 2012 flood, the Engineering Department began an investigation of the sanitary sewer and storm sewer systems in the area lying east of Highway 33 between Doddridge and Washington Avenues because of reoccurring flooding and sewer backup problems extending as far east as 10th Street. The ultimate results of the study recommended the construction of a

larger and deeper truck sanitary sewer, which extends back to an existing sewer pump station located behind Walgreens. This new outfall sewer would allow other connecting sewers from the area to likewise be deepened and laid at steeper grades, when they are all ultimately replaced in the future. As a first phase to accomplishing this, during 2014 the main outfall sewer running along Highway 33 was replaced and deepened in conjunction with the Highway reconstruction project. During 2015 the second phase to this new outfall sewer was extended east from the Highway to the intersection of 8th Street and Sahlman Avenue under the 8th Street contract at an additional cost of \$253,000. In addition, the contract included the construction of a new 36-inch diameter storm sewer system along 8th Street and Sahlman Avenues at a cost of over \$275,000. Both of these sewer improvements ultimately service an area that vastly extend beyond the 8th Street and Sahlman assessment district associated with this improvement.

A review of other reconstruction projects completed in recent years using the formulas found in Section 12.2.06 show that the final assessable amounts are usually extremely uniform and range between 18 to 20%. However, unique circumstances similar to those found on this project have resulted in the City deviating from the 20% requirement. Recent projects of a similar nature include the Skyline Boulevard reconstruction which resulted in assessments totaling approximately 5% being assessed due to the large amount of publicly owned property along this road and 18th Street where approximately 10% of the project were assessed due to the financial impact of large trunk infrastructure being constructed serving a much larger area of the community.

For these reasons staff has proposed assessments totaling 11%.

Advisory Committee/Commission Action

None.

Supporting Documents Attached

- Resolution No. 16-31
- Final Project Assessment Roll
- Correspondence

**CITY OF CLOQUET
COUNTY OF CARLTON
STATE OF MINNESOTA
RESOLUTION NO. 16-31**

**RESOLUTION ADOPTING ASSESSMENTS FOR THE IMPROVEMENT OF 8TH
STREET FROM A POINT 450 FEET NORTH OF WASHINGTON AVENUE TO
SAHLMAN AVENUE AND ALSO SAHLMAN AVENUE FROM 7TH STREET TO 9TH
STREET**

WHEREAS, In 2015, the City Council received an engineering study to reconstruct 8th Street from a point 450 feet north of Washington Avenue to Sahlman Avenue and also Sahlman Avenue from 7th Street to 9th Street, including the replacement of existing sanitary sewer and water mains; and

WHEREAS, The Cloquet City Council on April 7, 2015, held a hearing to consider the improvement of these sections of 8th Street and Sahlman Avenue; and

WHEREAS, Said improvement was subsequently ordered and completed and the City has prepared a proposed assessment roll, which is available in the office of the City Administrator for public inspection; and

WHEREAS, Due notice was given that said special assessments would be considered by the City Council at its meeting to be held on April 5, 2016, and at said meeting and time all parties interested were given an opportunity to be heard; and

WHEREAS, The City Council has met and heard and passed upon all objections to the proposed assessment.

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

1. Such assessment, a copy of which is attached hereto and made a part hereof, is hereby accepted and shall constitute the special assessment against the lands named therein, and each tract of land therein is hereby found to be benefitted by the improvement in the amount of the assessment levied against it.
2. Said assessments shall be payable in equal annual installments extending over a period of ten (10) years and shall bear interest at a rate of eight percent (8%) per annum from May 5, 2016. Property owners may prepay the entire assessment, or any portion of it, to the City of Cloquet without interest prior to May 5, 2016. Any principal not paid by November 30th of each year, will be certified along with accrued interest to the Carlton County Auditor for collection with the Real Estate Taxes payable over the period stated above.

**PASSED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF CLOQUET
THIS 5TH DAY OF APRIL, 2016.**

ATTEST:

Dave Hallback, Mayor

Brian Fritsinger, City Administrator

2015 8th Street / Sahlman Avenue Reconstruction Bituminous Pavement and Utility Reconstruction City Contract No. 1050
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Final Project Assessment Roll

Final Assessment

<u>Property Owner</u>	<u>Description</u>	<u>Parcel No.</u>	<u>Assessed Frontage</u>	<u>Street</u>	<u>Utilities</u>	<u>Total Assessment</u>
<u>Junnti's Addition (Plat 190)</u>						
Dennis Wold 820 Sahlman Ave Cloquet, MN 55720	Lot 1, Block 4 Corner Lot - Long Side Only	06-190-0600	33.33	\$788.67	\$4,950.00	\$5,738.67
Jacqueline M. Ford Robert F & Charlotte A Anderson 920 8th St. Cloquet, MN 55720	Lot 7, Block 4 Corner Lot - Long Side Only	06-190-0720	35.56	\$841.43	\$4,950.00	\$5,791.43
Richard A & Linda R Lawson 916 8th St. Cloquet, MN 55720	Lot 8 Block 4	06-190-0740	106.50	\$2,519.79	\$4,950.00	\$7,469.79
Patrick Began 914 8th St. Cloquet, MN 55720	Lot 9 block 4	06-190-0760	99.00	\$2,342.34	\$4,950.00	\$7,292.34
Kenneth J & Linda L Johnson 912 8th St. Cloquet, MN 55720	Lot 10 Block 4	06-190-0780	99.00	\$2,342.34	\$4,950.00	\$7,292.34
Gary A & Amy L Johnson 908 8th St. Cloquet, MN 55720	Lot 11 Block 4	06-190-0880	99.00	\$2,342.34	\$4,950.00	\$7,292.34
Bruce J & Patricia J Lahti 900 8th St. Cloquet, MN 55720	Lot 1 Block 5 Corner Lot - Both Sides Includes extra \$1,056.15 for additional concrete and sidewalk work per signed agreement.	06-190-0840	132.33	\$4,187.16	\$4,950.00	\$9,137.16
Ted J & Donna Youker 907 8th St. Cloquet, MN 55720	Lot 1 Block 5	06-190-0840	120.00	\$2,839.20	\$4,950.00	\$7,789.20

2015 8th Street / Sahlman Avenue Reconstruction Bituminous Pavement and Utility Reconstruction City Contract No. 1050
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Final Project Assessment Roll
Final Assessment

<u>Property Owner</u>	<u>Description</u>	<u>Parcel No.</u>	<u>Assessed Frontage</u>	<u>Street</u>	<u>Utilities</u>	<u>Assessment</u>
<u>Junnti's Addition (Plat 190) Continued</u>						
James E. Wolf 911 8th St. Cloquet, MN 55720	Lot 1 Block 6	06-190-0960	93.00	\$2,200.38	\$4,950.00	\$7,150.38
Rhonda Johnson 915 8th St. Cloquet, MN 55720	Lot 2 Block 6	06-190-0980	93.00	\$2,200.38	\$4,950.00	\$7,150.38
Larry G. Bakka 919 8th St. Cloquet, MN 55720	Lot 3 Block 6	06-190-1000	118.21	\$2,796.85	\$4,950.00	\$7,746.85
		Includes 25' of vacated Taylor Ave.				
<u>Unplatted (Plat 230)</u>						
Allen, Kenneth & Gladys Beise 702 Sahlman Ave. Cloquet, MN 55720	E 93 ft of N 175 ft of W 185 ft of NE 1/4 of SW1/4 of SE1/4	06-230-2720	93.00	\$2,200.38	\$4,950.00	\$7,150.38
Leslie A & Bonnie L Peterson 700 Sahlman Ave. Cloquet, MN 55720	N 175 ft of W 92 ft of NE 1/4 of SW1/4 of SE1/4	06-230-2725	92.00	\$2,176.72	\$4,950.00	\$7,126.72
Karen I Obeidzinski 708 Sahlman Ave. Cloquet, MN 55720	E 93 ft of W 371.5 ft of S 150 ft of N 175 ft of NE 1/4 SW 1/4 SE 1/4	06-230-2740	143.00	\$3,383.38	\$4,950.00	\$8,333.38
		Corner Lot - Both Sides				
Jeffrey S Schultz 706 Sahlman Ave Cloquet, MN 55720	W 93 ft of E 186 ft of W 371.52 ft of N 175 ft of NE 1/4 of SW 1/4 of SE 1/4 Subj to ease over N 25 Ft for street	06-230-2760	93.00	\$2,200.38	\$4,950.00	\$7,150.38

2015 8th Street / Sahlman Avenue Reconstruction Bituminous Pavement and Utility Reconstruction City Contract No. 1050
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Final Project Assessment Roll

Final Assessment

<u>Property Owner</u>	<u>Description</u>	<u>Parcel No.</u>	<u>Assessed Frontage</u>	<u>Street</u>	<u>Utilities</u>	<u>Assessment</u>
<u>Tillman's Addition (Plat 370)</u>						
Dan Roen 807 8th St Cloquet, MN 55720	Lot 3 Block 1	06-370-0060	90.00	\$2,129.40	\$0.00 No Utilities	\$2,129.40
Albert G Parrish 707 Sahlman Ave Cloquet, Mn 55720	Lot 4 Block1	06-370-0080	85.00	\$2,011.10	\$4,950.00	\$6,961.10
Kris L Bong 703 Sahlman Ave Cloquet, MN 55720	Lot 5 Block 1	06-370-0100	85.00	\$2,011.10	\$4,950.00	\$6,961.10
Larry Hemmila Revocable Trust Amy Sue Peluso, Trustee 812 7th St Cloquet, MN 55720 (800 West Amerige Ave, Fullerton CA 92832)	Lot 7 Block 1	06-370-0120 Corner Lot - Both Sides	132.32	\$3,130.61	\$4,950.00	\$8,080.61
Michael J & Brenda L Felton 807 9th St Cloquet, MN 55720	Lot 6 Block 3	06-370-0500 Corner Lot - Long Side Only	34.83	\$824.16	\$0.00 No Utilities	\$824.16
Mary C Chartier 810 8th St Cloquet, MN 55720	Lot 7 Block 3	06-370-0520 Corner Lot - Long Side Only	34.83	\$824.16	\$0.00 No Utilities	\$824.16

2015 8th Street / Sahlman Avenue Reconstruction
 Bituminous Pavement and Utility Reconstruction
 City Contract No. 1050

Final Project Assessment Roll

Final Assessment

<u>Property Owner</u>	<u>Description</u>	<u>Parcel No.</u>	<u>Assessed Frontage</u>	<u>Street</u>	<u>Utilities</u>	<u>Assessment</u>
<u>Luomala's Addition (Plat 240)</u>						
Roger F & Shirley Davis 1100 8th St Cloquet, MN 55720	Lot 1 Block 2	06-240-0180 Corner Lot - Long Side Only	44.67	\$1,056.81	\$0.00 No Utilities	\$1,056.81
<u>Southgate Subdivision (Plat 347)</u>						
G&R Development LLC 904 Highway 33 S Cloquet, MN 55720	Lot 1 Block 1 (Premiere Theatres)	06-347 0020	166.88	\$3,948.38	\$4,950.00	\$8,898.38
Total Assessed Frontage ----- 2123.47						
				<u>Street</u>	<u>Utilities</u>	<u>Total Assessment</u>
Total Assessed Amount -----				\$51,297.45	\$94,050.00	\$145,347.45

Assessment Payment Breakdown:			
	Curb	\$ 6.44	Per FF
	Bituminous	<u>17.22</u>	
	Total Street Assessment	\$ 23.66	Per FF
	Water & Sewer Utility Reconstruction	\$ 4,950	Per Connection
Based on an average lot size of 96.02 @\$51.60/FF.			

The above numbers are based on Utility system's Contract Bid.



To whom it may concern,

This is in response to the concrete curb and bituminous pavement construction, together with the reconstruction of existing city sanitary sewer and water utilities completed during 2015. This work was done to 8th Street from a point 450 feet North of Washington Avenue to Sahlman Avenue, and Sahlman Avenue from 7th Street to 9th Street.

Name: Albert Parrish
707 Sahlman Ave
Cloquet, MN 55720

Parcel Code: 06-370-0080

Description: Lot 4, Block 1

Assessment: \$6961.10

I was told when the work started that the home owners would not be charged for any of the work. I was not consulted about the work done to my yard or my driveway. I would have done things a lot different if I had been consulted. I am sure the cost would have been less. I have lived in many cities and states around the U.S. I have had the city do work to the city sewers and water lines in front of my house. They had to tear up part of my yard and driveway also. I was never expected to pay for the work, other than paying my taxes.

I thought this type of work is the reason I pay Taxes.

This would be like someone coming to your house, not consulting you about the work they were going to do to it, doing it anyway and the work not being done to your satisfaction. Then wanting to charge you for it.

This does not sound fare to me. It does not even sound legal.

This is my appeal to the charges of \$6961.10.

Thank you,

Albert Parrish

A handwritten signature in black ink that reads "Albert Parrish". The signature is written in a cursive style with a large initial "A".



ADMINISTRATIVE OFFICES

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REQUEST FOR COUNCIL ACTION

To: Mayor and City Council
From: James R. Prusak, Director of Public Works
Reviewed by: Brian Fritsinger, City Administrator
Date: March 30, 2016

ITEM DESCRIPTION: Approving Final Special Assessments for the 2015 Paving Improvement of West Taylor Avenue

Proposed Action

Staff recommends the City Council hold the Public Hearing to consider any objections to the final assessment, and following the hearing move to adopt **RESOLUTION NO. 16-32, ADOPTING ASSESSMENTS FOR THE IMPROVEMENT OF WEST TAYLOR AVENUE FROM SOUTH OAK STREET, WEST APPROXIMATELY 1,300 FEET**, or any changes thereto.

Background

A Public Hearing on the proposed paving improvement to West Taylor Avenue from South Oak Street, west approximately 1,300 feet was held on May 5, 2015 and following the hearing, the City Council ordered the improvement. Bids for the project were accepted on September 15, 2015 and construction was completed during the fall of 2015. This project included the improvement of the roadway with a bituminous pavement and gravel shoulders. In accordance with Chapter 12 of the City Code, a portion of the costs of these improvements are to be assessed or billed to properties along the project route.

A final assessment role for the improvement has been prepared and in accordance with MN Statutes Chapter 429 the City Council gave notice of a Public Hearing to be held on April 5, 2016 on the Proposed Assessment, at which time property owners affected by the improvement will be given an opportunity to express concerns with reference to the final assessment.

The final assessment role includes 13 individual property parcels and the total proposed assessment is approximately \$54,398.

Policy Objectives

To adopt a final assessment role for the completed improvement in accordance with current City policy and in accordance with State Statutes.

Financial Impacts

The total cost of the final improvement was \$62,678. The proposed assessment role totals \$54,398 and as assessment payments are made by individual property owners, these dollars will revert back to the City's General Fund where the expense occurred from.

Advisory Committee/Commission Action

None.

Supporting Documents Attached

- Resolution No. 16-32
- Final Project Assessment Role

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

RESOLUTION NO. 16-32

RESOLUTION ADOPTING ASSESSMENTS FOR THE IMPROVEMENT OF WEST TAYLOR AVENUE FROM SOUTH OAK STREET, WEST APPROXIMATELY 1,300 FEET.

WHEREAS, In April of 2013, the City Council received a petition signed by 10 individuals requesting the paving of West Taylor Avenue, from South Oak Street, west approximately 1,300 feet; and

WHEREAS, The Cloquet City Council on May 5, 2015, held a hearing to consider the improvement of this section of West Taylor Avenue; and

WHEREAS, Said improvement was subsequently ordered and completed and the City has prepared a proposed assessment roll, which is available in the office of the City Administrator for public inspection; and

WHEREAS, Due notice was given that said special assessments would be considered by the City Council at its meeting to be held on April 5, 2016, and at said meeting and time all parties interested would be given an opportunity to be heard; and

WHEREAS, The City Council has met and heard and passed upon all objections to the proposed assessment.

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

1. Such assessment, a copy of which is attached hereto and made a part hereof, is hereby accepted and shall constitute the special assessment against the lands named therein, and each tract of land therein is hereby found to be benefitted by the improvement in the amount of the assessment levied against it.
2. Said assessments shall be payable in equal annual installments extending over a period of ten (10) years and shall bear interest at a rate of 8 percent (8%) per annum from May 5, 2016. Property owners may prepay the entire assessment, or any portion of it, to the City of Cloquet without interest prior to May 5, 2016. Any principal not paid by November 30th of each year, will be certified along with accrued interest to the Carlton County Auditor for collection with the Real Estate Taxes payable over the period stated above.

PASSED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF CLOQUET THIS 5TH DAY OF APRIL, 2016.

ATTEST:

Dave Hallback, Mayor

Brian Fritsinger, City Administrator

2015 West Taylor Ave.

Bituminous Pavement and Utility Reconstruction

City Contract No. 1030

Final Project Assessment Roll**Final Assessment**

<u>Property Owner</u>	<u>Description</u>	<u>Parcel No.</u>	<u>Assessed Frontage</u>	<u>Street</u>	<u>Utilities</u>	<u>Total Assessment</u>
<u>Carson Micheal Addition</u>						
Tom and Taina Rosen 1109 W Taylor Ave. Cloquet, MN 55720	Lot 1, Block 1 Corner Lot	06-613-0020	190.75	\$4,600.89	\$0.00	\$4,600.89
Dale and Janet Schul 1385 W Roland Rd. Cloquet, MN 55720	Lot 2, Block 1	16-613-0041	190.75	\$4,600.89	\$0.00	\$4,600.89
Gerry and Diane Cavanaugh 1101 W Taylor Ave. Cloquet, MN 55720	Lot 3, Block 1	06-613-0060	194.40	\$4,688.93	\$0.00	\$4,688.93
Curtis and Kathleen Nelson 1009 W Taylor Ave. Cloquet, MN 55720	Lot 1, Block 2	06-613-0080	187.63	\$4,525.64	\$0.00	\$4,525.64
Ron and Susan Stahl 1005 W Taylor Ave. Cloquet, MN 55720	Lot 2, Block 2	06-613-0100	187.63	\$4,525.64	\$0.00	\$4,525.64
Jason and Katy Chartier 1001 W Taylor Ave. Cloquet, MN 55720	Lot 3, Block 2 Corner Lot	06-613-0120	183.61	\$4,428.67	\$0.00	\$4,428.67
Kurt and Kimberly Schul 1110 W Taylor Ave. Cloquet, MN 55720	Lot 1, Block 3 Corner Lot	06-613-0140	200.00	\$4,824.00	\$0.00	\$4,824.00
Jesse and Sarah Buhs 1106 W Taylor Ave. Cloquet, MN 55720	Lot 2, Block 3	06-613-0160	200.00	\$4,824.00	\$0.00	\$4,824.00

2015 West Taylor Ave.
 Bituminous Pavement and Utility Reconstruction
 City Contract No. 1030

Final Project Assessment Roll

Final Assessment

<u>Property Owner</u>	<u>Description</u>	<u>Parcel No.</u>	<u>Assessed Frontage</u>	<u>Street</u>	<u>Utilities</u>	<u>Total Assessment</u>
<u>Carson Micheal Addition (Continued)</u>						
Tim and Heather Larson 1102 W Taylor Ave. Cloquet, MN 55720	Lot 3, Block 3	06-613-0180	200.00	\$4,824.00	\$0.00	\$4,824.00
Nate and Courtney Jutila 1010 W Taylor Ave. Cloquet, MN 55720	Lot 4, Block 3	06-613-0200	200.00	\$4,824.00	\$0.00	\$4,824.00
Amy and Donald McCarthy 2604 W Taylor Ave. Cloquet, MN 55720	Lot 5, Block 3	06-613-0220	197.27	\$4,758.15	\$0.00	\$4,758.15
Pat and Michelle Walsh 1119 S Oak St. Cloquet, MN 55720	Lot 6, Block 3 Corner Lot	06-613-0240	65.76	\$1,586.05	\$0.00	\$1,586.05
				Owners selling home and pre-paid \$1,600 to Nancy on 12/08/15.		

Pinewood Addition

Brian Hammit 1199 W Taylor Ave Cloquet, MN 55720	East 426' of Outlot A	06-735-0385	194.12	\$5,988.11	\$0.00	\$5,988.11
				Includes additional 13.48 tons bituminous for driveway @ \$96.88/Ton..		

Total Assessment----	<u>Street</u>	<u>Utilities</u>	<u>Total</u>
	\$54,398.08	\$0.00	\$54,398.08


Final Assessment \$24.12 per front foot
 Based on Sinnot Paving Bid



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REQUEST FOR COUNCIL ACTION

To: Mayor and City Council
From: Brian Fritsinger, City Administrator 
Date: March 31, 2016

ITEM DESCRIPTION: Obeidzinski Application for Deferment of Special Assessment

Proposed Action

Staff recommends the City Council move to approve the deferment of special assessments for Karen Obeidzinski, 708 Sahlman Avenue.

Background/Overview

Attached the Council will find an application for the deferment of special assessments from Karen Obeidzinski, 708 Sahlman Avenue. This property is being proposed to be assessed as part of the 8th Street reconstruction project.

The amount of the proposed assessment is \$8,333.38. Under Section 12.2.11 of City Code, the City Council may defer special assessments levied against the property of a senior citizen or retired, disabled homeowner for whom it would be a hardship to make the annual payment.

An applicant must meet the following critical conditions to qualify for the deferment of assessments:

- a. The property has to be homestead. This property is homestead.
- b. Annual gross income shall not exceed 110% of the federal poverty line as defined by Carlton County. The applicant meets this condition.
- c. The average annual payment exceeds 3% of the applicant's annual income. The applicant meets this condition.
- d. The special assessments to be deferred exceed \$5,000. The assessment exceeds this amount.
- e. Total assets of the applicant do not exceed \$30,000. This applicant meets this condition.
- f. The assessed market value of the homestead shall not exceed \$100,000. The taxable market is \$89,200.

There are four other conditions identified under Code of which also have been met or are not applicable.

Policy Objectives

Minnesota Statutes Section 435.193 and City Code Section 12.2.11 address the deferral of special assessments for seniors and retired, disabled homeowners.

Financial/Budget/Grant Considerations

Assuming that the City Council has adopted the assessment role as recommended, by taking this action the City Council will be collecting the full amount of the assessment plus interest. Interest shall continue to accrue over the life of the assessment (10 years). No interest shall accrue past the date at which the assessment would have been fully paid if not deferred.

The special assessment deferred shall terminate and become payable, together with accumulated interest, upon the occurrence of any one of the following events:

- a. Transfer of ownership
- b. Death of owner
- c. Loss of homestead status
- d. No hardship

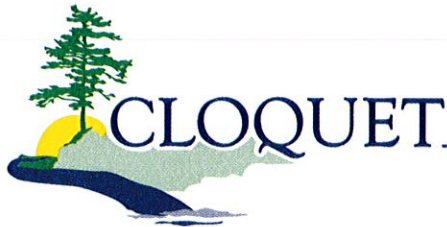
The applicant must file annually for the deferral to continue and to verify compliance with the four (4) conditions stated above.

Advisory Committee/Commission Action

None.

Supporting Documentation Attached


- Application (available in accordance with state data privacy regulations)



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REQUEST FOR COUNCIL ACTION

To: Mayor and City Council
From: Brian Fritsinger, City Administrator 
Date: March 29, 2016

ITEM DESCRIPTION: Family and Medical Leave Policy Amendment

Proposed Action

Staff recommends the City Council move to approve the attached amended FMLA policy which allows the flexibility for an employee to use up to 2 weeks of accumulated sick leave for an otherwise approved FMLA condition.

Background/Overview

The Family and Medical Leave Act (FMLA) is a Federal regulation that became effective in 1993. It entitles eligible employees of covered employers to take unpaid, job-protected leave for specified family and medical reasons with continuation of group health insurance coverage under the same terms and conditions as if the employee had not taken leave. Eligible employees are entitled to twelve workweeks of leave in a 12-month period for the birth of a child and to care for the newborn child within one year of birth; the placement with the employee of a child for adoption or foster care and to care for the newly placed child within one year of placement; to care for the employee's spouse, child, or parent who has a serious health condition; a serious health condition that makes the employee unable to perform the essential functions of his or her job; any qualifying exigency arising out of the fact that the employee's spouse, son, daughter, or parent is a covered military member on "covered active duty;" or Twenty-six workweeks of leave during a single 12-month period to care for a covered servicemember with a serious injury or illness if the eligible employee is the servicemember's spouse, son, daughter, parent, or next of kin (military caregiver leave). FMLA time may be taken all at once, intermittently or on a reduced leave schedule.

The City of Cloquet adopted its current FMLA policy in 2010 and there have been no amendments since its adoption.

Policy Objectives

The amended policy updates the requirement for the employee to obtain medical certification to use accrued sick leave for leave under the Minnesota Parental Leave Act or FMLA for the birth, adoption, or placement of a child for foster care.

Financial/Budget/Grant Considerations

There is no direct cost to the City related to the adoption of the amended policy. Indirect costs do result with usage in areas such as overtime or provision of service to the public.

Advisory Committee/Commission Action

None.

Supporting Documentation Attached

- Amended FMLA policy

CITY OF CLOQUET
FAMILY AND MEDICAL LEAVE POLICY
(Amended 03/29/2016)

A family and/or medical leave of absence is a leave of absence available to eligible employees for up to twelve (12) workweeks of unpaid leave in any twelve (12) month period. **The City of Cloquet utilizes a twelve (12) month “rolling” period measured forward from the date the employee’s first FMLA leave begins.**

Leave may be taken for one or more of the following reasons consistent with applicable law:

- a. Because of the birth of a child and to care for the newborn child.
- b. Because of the placement of a child with the employee for adoption or foster care.
- c. When the employee has a “serious health condition” that makes him/her unable to perform the functions of his/her employment position;
- d. The employee is needed to provide care for the employee's spouse, child, or parent with a serious health condition; and,
- e. For serviceman’s qualifying exigency leave.
- f. To care for a covered servicemember with a serious injury or illness if the employee is the spouse, son, daughter, parent, or next of kin of the servicemember.

For purposes of this policy, when the reason for the leave is covered by both state and federal regulations, or is covered under the City’s workers’ compensation insurance provisions, the leave periods under the state, federal and workers’ compensation laws will run concurrently. If there are state laws and federal laws which govern a particular situation, the more generous provisions of either law will be deemed to apply. Regardless of the foregoing, an employee who exercises their right to a leave under this policy has no greater right of reinstatement or to other benefits and conditions of employment than if the employee had been continuously employed during the FMLA leave period.

Serious Health Condition

For purposes of qualifying for a leave pursuant to the above typically requires either inpatient care in a hospital, hospice, or residential medical care facility or continuing treatment by or under the supervision of a health care provider as defined by applicable law. Family and medical leave generally is not intended to cover short term conditions in which treatment and recovery are very brief.

Employees Eligible for Family or Medical Leaves of Absence

Regular full-time and part-time employees who have been employed by the City of Cloquet for at least twelve (12) months and have worked at least 1,250 hours during the twelve (12) month period immediately preceding the commencement of the leave properly requested are eligible for leave under this policy.

For Spouses Who Are Both Employed By The City:

If both you and your spouse are employed by the City and are eligible for FMLA leave, you are permitted to take only a combined total of twelve (12) weeks during the applicable twelve (12) month period if the leave is taken for:

- a. Birth of a child, adoption or placement of a child for foster care;
- b. To care for a parent (but not parent-in-law) with a serious health condition.

You may divide the twelve (12) weeks between the two of you in any combination you desire. However, prior notice must be given to the City before the leave commences as to division of time proposed.

In connection with the birth or adoption of a child, each of you may be entitled to up to six (6) weeks of unpaid leave under applicable state law. However, any leave taken in connection with the birth or adoption of a child will count against your entitlement to such leave under applicable law.

With respect to a serious health condition in your family, each of you may use up to twelve (12) workweeks of unpaid leave in the applicable twelve (12) month period to care for your child or spouse who is suffering from a serious health condition, or if the leave is due to your own serious health condition.

Definitions:

The following definitions will apply for purposes of implementing this policy:

Parent - The term "parent" means the biological parent of an employee or an individual who stood in loco parentis to an employee when the employee was a son or daughter.

Serious Health Condition - means an illness, injury, impairment, or physical or mental condition that involves:

- (a) inpatient care in a hospital, hospice, or residential medical care facility; or
- (b) continuing treatment by a health care provider

Son or Daughter - means a biological, adopted, or foster child, a stepchild, a legal ward, or a child or a person standing in loco parentis, who is:

- (a) under 18 years of age; or
- (b) 18 years of age or older and incapable of self-care because of a mental or physical disability.

Spouse - means the husband or wife of the employee.

Amount of Leave

An employee found to be eligible for FMLA is entitled to a total of twelve (12) workweeks of unpaid family or medical leave during the applicable twelve (12) month period as determined by the City of Cloquet.

Consistent with the Minnesota Parental Leave Act, an employee that has worked 1,040 hours in the preceding twelve (12) month period may take up to six (6) weeks of unpaid leave for the birth or adoption of a child, if the employee is the natural or adoptive parent of the child, Minn. Stat. § 181.941, Subd. 1. However, to be entitled to the full twelve (12) week unpaid leave allowed pursuant to the FMLA, an employee must have worked 1,250 hours in the preceding twelve (12) month period as

provided in the text of the FMLA policy. It is the stated intent and policy of the City that any leave so exercised pursuant to the Minnesota Parental Leave Act would apply towards the twelve (12) week period allowed by the FMLA to the extent an employee qualifies for both.

The City FMLA policy also provides qualifying employees a total of twenty-six (26) unpaid workweeks of job-protected leave in a single twelve (12) month period to care for an injured service member. In such an instance, the twelve (12) month period will be counted from the first day of use. During that twelve (12) month period, an eligible employee is entitled only to a combined total of twenty-six (26) workweeks of FMLA leave for all purposes provided herein.

Procedure for Requesting Leave

If you know in advance that you will be taking a family or medical leave because of the birth, adoption or placement of a child in your home, or because of a planned medical treatment, you must notify your supervisor at least 30 days in advance. If circumstances beyond your control require that the leave begin in less than 30 days, you must notify your supervisor as soon as practicable. A "Request for Leave of Absence" form must be completed by the employee and returned to their supervisor.

If your request for leave is due to the birth, adoption or placement of a child for foster care, leave must be taken within the twelve (12) month period which starts on the date of such birth or placement for adoption or foster care.

The City reserves the right to delay the start date of the leave request absent timely advance notice. The employee must attempt to schedule foreseeable FMLA leave so as not to unduly disrupt the City's operations.

Intermittent or Reduced Schedule Leave

Leave requested because of a serious health condition of either a family member or the employee might be taken intermittently or on a reduced schedule if such leave is deemed to be medically necessary. All requests for intermittent leave will be evaluated on a case by case basis. The City will normally require medical certification to support a FMLA leave request either to care for an employee's seriously ill family member or because of the employee's own serious health condition.

Leave to care for a newborn or newly placed child (a.k.a. bonding leave) will only be granted in solid blocks of time.

Part-time employees that worked a minimum of 1,250 hours during the preceding twelve (12) month period, are only eligible for a pro-rata portion of leave to be used on an intermittent or reduced schedule basis, based on their average hours worked per week.

Irrespective of the type and length of leave, it is required that while you are on FMLA leave you must report to the City Administrator's Office every four (4) weeks regarding your status and your intent to return to work upon the conclusion of your leave. You may also be directed to remain in contact with the supervisor or department head at least once a month regarding the status of your leave and your intent to return for purposes of personnel planning.

Where an intermittent or reduced scheduled leave is foreseeable, based on planned medical treatment, the City may transfer the employee temporarily to an available alternative position for which the employee is qualified and which better accommodates recurring periods of leave than does the employee's regular position. The alternative position to which the employee is transferred must have equivalent pay and benefits.

Certification Required for Medical Leave

If an employee requests a leave for the serious health condition of the employee or the employee's spouse, child or parent, the employee will be required to submit sufficient medical certification of that condition. In such a case, the employee must submit the medical certification within fifteen (15) days from the date of the request, or as soon as is practical under the circumstances, to the City Administrator's Office for consideration.

If the City has reason to doubt the validity of the health care provider's certification, the City may require a second opinion at the City's expense. If the opinions of the first and second health care providers differ, the City may require a certification from a third health care provider, again, at the City's expense.

Use of Accrued Sick Leave, Compensatory Time and Vacation During FMLA

You may use your accumulated sick leave during your Family or Medical Leave provided that the circumstances of the leave make you eligible for the use of sick leave under the City's existing sick leave policy.

It is the policy of the City that an employee is **required** to substitute any accrued paid vacation and/or accrued compensatory time for all or part of the unpaid leave requested under this policy. An employee's election to utilize accrued sick pay takes precedence over the requirement that accrued paid vacation and/or accrued compensatory time be used for unpaid family and medical leave. Accordingly, an employee will be required to substitute accrued vacation and/or accrued compensatory time for unpaid leave only after the employee has used as much accrued sick pay as the employee is entitled to use and actually uses.

The use of accrued sick leave by an employee for leave under the Minnesota Parental Leave Act or FMLA for the birth, adoption, or placement of a child for foster care is permitted for the first two weeks of absence. If an employee wishes to continue the use of accumulated sick leave for this absence the submittal of a "Certification of Health Care Provider" form signed by a Health Care Provider indicating that care for the spouse or child is necessary or due to a serious health condition. If no certification can be provided, an employee must use accrued vacation leave and/or accrued compensatory time before taking unpaid leave as allowed under these rules.

Benefit Continuation

During the period of leave permitted under this policy, *which does not exceed a total of twelve (12) workweeks in the applicable twelve (12) month period except in instances of caring for an injured service member which is up to twenty-six (26) weeks*, health and dental insurance coverage will be maintained at the same level and under the same terms as if the employee continued working. Likewise, an employee on FMLA leave is required to pay their portion of health care premiums as if he/she had remained at work. In cases when an employee on FMLA leave is not receiving a paycheck, the employee must make arrangement with the City for the employee's share of the premium. Employees will be given a thirty (30) day "grace period" after payment of their share of insurance premiums is due. If an employee fails to make their premium payment, the employee will lose coverage and will not be covered for any claims which may have occurred while on FMLA leave. However, an employee may voluntarily choose not to pay the premiums and thus not retain these coverages. The coverages will be reinstated upon the employee's return to work.

The City's obligation to maintain health and dental insurance benefits ceases if and when the employee informs the City of the employee's intent not to return from leave; if the employee fails to return from

leave, thereby terminating employment; or if the employee exhausts the employee's FMLA leave entitlement. In most, if not all of these situations, employees will be entitled by law to continue their health care coverage at their own expense under COBRA.

Obligations Upon A Return to Work

Upon return to work after leave for a serious health condition, the employee may be required to present a certification from a health care provider indicating that the employee is able to return to the employee's work activities.

Employees returning from a leave permitted pursuant to this policy (*a leave which does not exceed a total of twelve (12) workweeks in the applicable twelve (12) month period except in instances of an injured service member leave which is up to twenty-six (26) workweeks*) are eligible for reinstatement in the same or in an equivalent position as provided by applicable law. However, the employee has no greater right to reinstatement or to other benefits and conditions of employment than if the employee had been continuously employed during the leave. In addition, reinstatement may not be guaranteed to "key employees" which are salaried employees who are among the highest paid ten (10) percent of all employees employed by the organization within seventy-five (75) miles of the employee's work site.

Employee's Failure to Return to Work

If an employee on FMLA leave decides not to return to work, the employee shall notify the City as soon as it is foreseeable that the employee will not be returning to work.

An employee who chooses not to return to work or is unable to return to work shall be considered to have voluntarily resigned.

Savings Language

The provisions of this Family and Medical Leave Policy are intended to comply with applicable law, including the Family and Medical Leave Act of 1993 (FMLA) and the Minnesota Parental Leave Act and/or applicable regulations. To the extent that this policy is ambiguous or conflicts with applicable law or existing negotiated collective bargain agreements, it is intended that the language of the applicable law or collective bargain agreement will prevail as to the effected employee.




COMMUNITY DEVELOPMENT DEPARTMENT

1307 Cloquet Avenue • Cloquet MN 55720

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www.ci.cloquet.mn.us

REQUEST FOR COUNCIL ACTION

To: Mayor and City Council
From: Al Cottingham, City Planner/Zoning Administrator
Reviewed/Approved By: Brian Fritsinger, City Administrator 
Date: March 30, 2016

ITEM DESCRIPTION: ZONING CASE 16-01: COMPREHENSIVE PLAN AMENDMENT (LAND USE PLAN), REZONING AND SITE PLAN FOR KWIK TRIP AT 900 WASHINGTON AVENUE

Proposed Action

Staff recommends the City Council move to adopt:

- **RESOLUTION NO. 16-13(A), A RESOLUTION APPROVING THE COMPREHENSIVE PLAN AMENDMENT (LAND USE PLAN) FROM “LOW DENSITY RESIDENTIAL” TO “HIGHWAY COMMERCIAL”**

And

- **ORDINANCE NO. 453A, AN ORDINANCE TO AMEND CHAPTER 17, BY AMENDING THE ZONING MAP OF THE CITY OF CLOQUET FROM “R1 – SINGLE FAMILY RESIDENTIAL” TO “RC – REGIONAL (HIGHWAY) COMMERCIAL”**

And

- **RESOLUTION NO. 16-14(A), A RESOLUTION APPROVING THE SITE PLAN IN THE RC – REGIONAL (HIGHWAY) COMMERCIAL DISTRICT FOR KWIK TRIP, INC.**

And

- **RESOLUTION NO. 16-29, A RESOLUTION REQUESTING CARLTON COUNTY TO POST WASHINGTON AVENUE FOR “NO PARKING” FROM 8TH STREET/HOLMES DRIVE TO 150 FEET EAST OF 12TH STREET**

Background/Overview

The City Council tabled this application on March 2, 2016 because of safety concerns and directed staff to meet with the Minnesota Department of Transportation and Carlton County to discuss this and bring back the item for further consideration. See the last portion of the Background/Overview Section.

Kwik Trip has three purchase agreements for property to the southeast of Washington Avenue and Holmes Drive. This involves a parcel from Taco Johns on the east side of Holmes Drive, the Handevitd Funeral Home and a 35 foot strip on the east side of Handevitd Funeral Home that is owned by Zion Lutheran Evangelical Church. The property is zoned RC – Regional (Highway) Commercial with the exception of the church parcel. The proposed gas station, convenience store and carwash are permitted/allowed uses within the RC – Regional (Highway) Commercial District.

To the Mayor and City Council
Comp Plan, Rezone and Site Plan Review Kwik Trip
March 30, 2016
Page 2

A public hearing was held on Tuesday, February 9, 2016 to consider a possible amendment to the Comprehensive Plan (Land Use Plan) and Rezoning. A legal notice was published in the Pine Journal on January 28, 2016 and property owners within 350 feet were sent notice of the public hearing.

Staff requested Kwik Trip to Amend the Comprehensive Plan and to Rezone the 35 foot strip of property being purchased from the church so that their entire site would be the same. The site plan being proposed can stand on its own without this change.

Kwik Trip is proposing to amend the Land Use Plan portion of the Comprehensive Plan by changing the current classification from "Low Density Residential" to "Highway Commercial" for a 35 foot strip of property located east of 900 Washington Avenue and currently owned by Zion Lutheran Evangelical Church. Kwik Trip is also proposing a Rezoning of this 35 foot strip from the current classification of R1 – Single Family Residential to RC – Regional (Highway) Commercial. The amendment and rezoning, if approved, would amend the Land Use Plan Map of the Comprehensive Plan and the Zoning Map for this 35 foot strip of land, this would match the Land Use Plan and Zoning for the rest of the site.

The Site Plan is for a gas station, convenience store and carwash. The gas station will have two gas islands, one for automobiles and one for large vehicles/semi-trucks. The convenience store and carwash are approximately 9,000 square feet in size and located to the south side of the lot with the gas islands located closer to Washington Avenue and Holmes Drive. Refer to the attached site plan for illustration.

On March 15, 2015 staff met with representatives of the Minnesota Department of Transportation (MNDOT), Carlton County Transportation Department, Kwik Trip and SEH (Kwik Trip Traffic Consultant). SEH went over the traffic study that was prepared for the site noting that the Level of Service for PM Peak Hour was at a Level F under the "No Build" Scenario for West Bound Washington Avenue at Highway 33. With a "Build" Scenario the AM Peak Hour moves from a Level E to a Level F and the PM Peak Hour remains a Level F for West Bound Washington Avenue at Highway 33. The 2036 "No Build" Scenario has both the AM and PM Peak Hours at a Level F for West Bound Washington

Avenue at Highway 33; it also shows a Level F for PM Peak Hour at South Bound Frontage Road at Washington Avenue. The 2036 "Build" Scenario has both the AM and PM Peak Hours at a Level F for West Bound Washington Avenue at Highway 33; it also shows a Level F for PM Peak Hour for both South Bound and North Bound Frontage Road at Washington Avenue. The last Scenario, 2036 "Build Mitigation" shows that all intersections are at either a Level A or B for AM and PM Peak Hour traffic.

The group then discussed the intersection of Highway 33 and Washington Avenue and the installation of a signal at that intersection. MNDOT noted that if warrants were met at the intersection then the cost of constructing the signalized system would be split between the different jurisdictions, currently 2/3 MNDOT and 1/3 Carlton County. The following is an excerpt from an email received from James A. Miles, P.E., PTOE, District Traffic Engineer, MNDOT District One – Duluth.

In order for a traffic signal to be installed it needs to meet warrants established in the Minnesota Manual of Uniform Traffic Control. These warrants ensure that signals meet a set threshold of criteria and are not installed in an arbitrary fashion based on perceptions of need. Traffic signals are intended to separate conflicting traffic movements and allocate delay. Satisfaction of a signal

warrant does not require the installation of a traffic signal. A signal should only be installed after an engineering study indicates that the installation of a traffic signal will *improve* the overall safety and/or operation of the intersection. An unwarranted signal will not be permitted to be installed.

Kwik Trip provided a traffic impact study to document the traffic impacts of the proposed development. The study concluded that “The traffic volumes from the proposed Kwik Trip site do not create unacceptable traffic operations. All proposed driveway locations operate acceptably in the 2016 year of opening conditions and in 2036 with the addition of a traffic signal.” The study shows the overall level of service of the TH 33/Washington Avenue intersection will operate at level of service “A” in 2016 with the addition of the Kwik Trip traffic. The only movement with a poor level of service is the westbound left turn, however this only accounts for 4% of the intersection traffic during the AM and PM peak hours.

Statistically the current TH 33/Washington Avenue intersection is among the safest intersections on TH 33 in Cloquet. The intersection currently has a 5 year crash rate (2010-2014) of 0.03 crashes per million vehicles entering the intersection. This is significantly less than the statewide average for a similar intersection of 0.18 crashes per million vehicles entering the intersection. In contrast the nearest adjacent signalized intersections have crash rates of 0.39 (Gillette) and 0.58 (Big Lake Road).

The concerns about safety with additional traffic are always a valid concern and should be considered when considering new developments. The suggestion of a signal as mitigation for the increased traffic sometimes is a solution that should be implemented when the new traffic volumes do not allow for the efficient movement of traffic. However traffic signals are not a safety device and in almost all cases will increase the number and severity of crashes at an intersection. This is well documented in the MnDOT Traffic Safety Fundamentals handbook as well as many other available resources. The crash rate in Minnesota at a signalized intersection is typically 60+% higher than at non-signalized intersections.

I discussed the above information with the District Management. The Management Team agreed that a signal at this location be counter to the goal of increasing safety at this intersection. A signal will increase crashes at this location rather than decrease them. They are not supportive of the installation of a traffic signal at the intersection of TH 33 and Washington Avenue.

Discussion then moved to Carlton County and Washington Avenue concerns. The County noted they had received calls regarding parking on Washington Avenue and the need to have it posted as “No Parking”. This could be done but the County would require a resolution from the Cloquet City Council asking that it be done.

On March 23, 2016 staff met with Carlton County to further discuss the Washington Avenue corridor. Specifically, the questions regarding the restriping of the road and frontage road intersection were discussed. The County determined that it would be feasible to put a 4-way stop in at the intersection of 8th Street/Holmes Drive and Washington Avenue. The County proposed the use of a left turn lane for

west bound traffic into the easterly access shared between Kwik Trip and Zion Lutheran Church. In order to put this left turn lane in, the County would require both sides of Washington Avenue to be posted for "No Parking". As noted above, prior to posting this area for no parking, the City Council will need to pass a resolution in support of this. Staff has sent a letter to the effected property owners inviting them to the Council meeting to share their thoughts about the concept of no parking.

On March 24, 2016 the city received a petition signed by 200 individuals regarding this application. Attached is a copy of the narrative of the petition but not the signatures. If you would like to see a copy of the complete petition, please contact staff.

The Zoning Ordinance identifies criteria the City Council should follow in order to approve a site plan. The following are the five criteria with staff comments following:

1. Consistency with the City's adopted Comprehensive Plan;

The Comprehensive Plan has this property as a "Highway Commercial", it allows for large discount department stores, grocery stores, shopping centers, restaurants, retail shops, motels, automobile dealerships, movie theaters and other retail uses.

2. Compliance with all applicable Ordinances including, but not limited to provisions for parking, landscaping and screening;

The site plan section of the report found on the following pages identifies that all of the Ordinance requirements pertaining to parking, landscaping, screening, lighting storm water runoff and other items have or will be met prior to the issuance of the building permit.

3. Reasonable accommodation of unique geologic, geographic or historically significant characteristics;

To our knowledge there are no unique geologic, geographic or historically significant characteristics with this site.

4. Consideration of adjacent and neighboring properties through adequate design and provisions for such matters as surface water drainage, building location and orientation, parking and access drives, lighting, and trash storage;

As noted in the site plan section of the report the surface water drainage, parking, lighting and trash storage meet or exceed the Ordinance minimum requirements. The building location and orientation is facing Washington Avenue for visibility purposes and easy circulation for customers. They have eliminated one existing access drive onto Washington Avenue and added an access drive onto Holmes Drive.

5. Reasonable consideration for the safety and convenience of both vehicular and pedestrian traffic both within the site and in relation to access streets.

The applicant has met with staff, the MNDOT and Carlton County to discuss access to the site and safety for both vehicular and pedestrian traffic. As noted above Carlton County is proposing to make the intersection with 8th Street/Holmes Drive and Washington Avenue a 4-way stop, in addition, they would restripe Washington Avenue

to provide a left turn lane for west bound traffic to enter the easterly driveway to the site and the westerly driveway will be a right in/out only. If the project is not approved the County indicated these improvements may not happen at this time. The MNDOT will not be making improvements to the intersection of Highway 33 and Washington Avenue until such time as it meets warrants as noted earlier in this report. The developer will be installing sidewalks along the west side of Holmes Drive and on the south side of Washington Avenue to accommodate pedestrians.

Land Use Plan and Rezoning

In August 2007 the City Council adopted the 2007 – 2027 Comprehensive Plan for the City of Cloquet. Chapter 3 of the Plan, Land Use discusses Inventory and Analysis; Goals, Objectives, and Policies; and, Land Use Plan. As part of that adoption the church property was guided on the Land Use Plan as Low Density Residential. Subsequently the property was zoned R1 – Single Family Residential. In both of these cases legal notices were published in the official newspaper but notices were not sent to individual property owners or owners within 350 feet of property being changed since this was being done for the entire city and not specific parcels.

Staff has reviewed the language in the Comprehensive Plan pertaining to both the “Low Density Residential” and “Highway Commercial”. While the vast majority of the proposed project site is guided and zoned commercially the 35 foot strip of the church property is zoned residential. As such the City’s Land Use Plan in the Comprehensive Plan and the Zoning of this 35 foot strip of land should be changed so the entire parcel is the same. In reviewing the write ups the moving of the boundary between the two districts 35 feet is not a substantial distance and would be in keeping the district lines following property lines.

Site Plan

Attached, the Commission will find the following plans for this development:

- Site Development Plan
- Site Grading Plan
- Site Landscape Plan
- Site Lighting Plan
- Color Building Elevations

Stormwater Management: (Section 18.6)

The developer has also run a hydraulic model for storm water which has been reviewed by the City Engineer and meets requirements. There is a proposed storm water outlet in the southeast corner of the site; easements will be needed from the property owner to the east for this water to flow onto their property.

The Planning Commission was concerned with storm water runoff from the driveway onto Holmes Drive. This involved approximately 120 feet of the driveway. The Engineering Department did not have a major concern with this but with the addition of two catch basins, one on each side of the driveway, will resolve the concerns of the Planning Commission.

The Code requires private stormwater areas to meet the following requirements:

1. A permanent public easement shall be provided to the city for access for inspection and/or maintenance purposes. Cost incurred by the city for any maintenance of private systems will be billed and/or assessed to the owner/operator.
2. Recorded inspection and maintenance agreements that define inspection and maintenance responsibilities are required. A minimum annual inspection for private systems shall be required. These requirements are transferrable to any party that becomes the owner/operator of the site.
3. An inspection and maintenance plan shall be developed, approved and included as an attachment to the maintenance agreement. At a minimum, maintenance plans must include the following:

- a. Responsible person(s) for completing inspections and conducting maintenance.
 - b. Frequency of inspections and maintenance.
 - c. Inspection checklist and type of maintenance anticipated.
4. If site configurations or structural stormwater BMPs change, causing decreased BMP effectiveness, new or improved structural stormwater BMPs must be implemented to meet the requirements of this section.
 5. The property owner shall keep on file all structural stormwater BMP annual inspection and maintenance records for 5 years and submit to the City as requested.
 6. The City shall require the submittal of a letter of credit or other financial security in a form acceptable to the city in the amount of \$5,000 to ensure the stormwater treatment systems are installed correctly and in accordance with this ordinance.

Impervious Surface: (Section 17.6.11, Subd. 5. F)

The proposed development would be 73% impervious and 27% greenspace in a zoning district which allows 70% impervious and 30% greenspace. The site plan will need to be revised to decrease the amount of impervious surface.

Building Setbacks: (Section 17.5.15, Subd. 4. A)

The Highway 33 Design Standards require that the front of the building be placed within 35 to 100 feet of the Highway 33 property line. The canopy over the gas pumps is within that distance but the building is over 200 feet away from Highway 33. All other building and parking setbacks have been met. Staff feels the design standard setbacks were mainly for structures adjacent to Highway 33 and trying to have the buildings close to the highway and the parking behind the building. In the case of a gas station it would be difficult to have the gas pumps behind the store without having the back of the store facing the road. Staff supports the layout as proposed.

Landscaping: (Section 17.5.04 Subd. 5.)

The landscape plan shows 25 overstory plantings with 30 shrubs and 4 ornamental trees, the site is required to have 38 overstory plantings in addition to understory trees and shrubs. There is not an irrigation plan for the site but the plan states that irrigation will be provided to all sod and landscape areas. An irrigation plan and revised landscape plan will need to be submitted prior to the issuance of the building permit.

Traffic Flow:

The Council will note that access to the site is from both Washington Avenue; two access points (one shared with the church), and Holmes Drive. Appropriate permits will be needed from Carlton County for the access points on Washington Avenue. Appropriate cross easements with the church will be needed to be filed for the shared driveway. The Site Plan has been forwarded to Carlton County Transportation for their comments. Carlton County is requiring the westerly access onto Washington Avenue be a right in right out with a center island. See their comments in the background section.

Secondly, a traffic study was conducted by the applicant (SEH) at the request of the City; the same consultant that is performing the Highway 33 Corridor study prepared the traffic study. A copy of the traffic study is attached. The study determined peak hourly flows and turning movements for both am and pm hours for the intersections at Highway 33 and Washington Avenue and Washington Avenue and Holmes Drive. They did not look at the Washington Avenue and 14th Street intersection as part of the study. They then worked on the following six study scenarios to determine future impacts on these intersections:

- S1. 2016 No Development (No Kwik Trip)
- S2. 2016 Development (Kwik Trip)
- S3. 2036 No Development
- S4. 2036 Development

S5. 2036 No Development with Mitigations
S6. 2036 Development with Mitigations

While the study shows that there will be additional traffic generated with the development the intersections "Level of Service" will not change dramatically in 2016/2017 when the store opens. By 2036 with no improvements made to any of the roads there are some times that certain parts of the intersections will operate below acceptable standards. With mitigations made (a future traffic signal at Highway 33 and Washington Avenue) all of the intersections will operate at or above acceptable standards.

Parking: (Section 17.5.11 Subd. 6.)

The site is required to have 36 parking spaces based on 1 parking stall per 200 sq. ft. of floor area. The proposed building would be 7,156 sq. ft. The proposal for parking is for 43 regular parking spaces 9' x 20' and 2 ADA accessible parking spaces designed to code standards, seven more than required.

The carwash located on the back of the building allows for stacking of eight vehicles before they will be blocking the driveway between the pump islands. The ordinance requires a minimum of 6 stacking spaces per lane. As a comparable the carwash at PJ's Minit Mart (former Little Store) on Highway 33 and Doddridge Avenue has stacking for maybe five vehicles.

Trash Storage: (Section 17.5.15 Subd. 7. A (7))

Proposed trash storage will be located along the southwest side of the building on a concrete pad. This trash storage will be screened by a masonry structure with a 6' board gate.

Signage: (Section 17.5.13 Subd. 14.)

The applicant is proposing a ground/monument sign near the corner of Washington Avenue and Holmes Drive; the ground/monument sign meets the ordinance requirements. The plan shows signs on two sides of the canopy with each sign being approximately 14 square feet in size. The Ordinance allows for signage on two sides of the canopy not to exceed 20 square feet and 10 feet in length. Building signage is on the plan and complies with City sign standards.

Lighting: (Section 17.5.12 Subd. 5. B)

The applicant has provided a photometric plan along with detail sheets which display downward facing fixtures that emit footcandle readings that are compliant with City lighting standards.

Highway 33 Design Standards: (Section 17.5.15 Subd. 6.)

All Highway 33 Design Standards topic areas are addressed above except for a discussion on the "Architectural Standards." The primary exterior finish material proposed is red brick which complies with design standards. The colors proposed are earth tones (browns,) and large windows will be incorporated into the building facing the front, Washington Avenue.

Other Site Plan Items:

The property currently exist as three separate tax parcels that will need to be consolidated prior to the issuance of the building permit.

The sewer and water lines serving the property come from the northwest, these lines will need to be removed with the demolition of the existing building. The utility plans show both the sewer and water lines for the new building coming from the west. These services cross private property and thus easements will need to be drawn up covering these utility corridors.

Kwik Trip is proposing a new sidewalk along Holmes Drive along with a sidewalk extending east into the parking lot. There is a bike rack and picnic tables located to the northeast of the building. Staff recommends that a sidewalk should also be installed adjacent to the site along to Washington Avenue as well as leading to the site.

At the Planning Commission meeting the developer offered to work with the property owners on the north side of Washington Avenue to provide screening of headlights while leaving the site on their property. This is not a required element of the City Code.

Feedback

Staff has received a few calls from area residents with concerns of noise, lighting and traffic. We have also received the attached email and there was one letter to the editor that is attached.

Policy Objectives

The Land Use Plan portion of the Comprehensive Plan discusses the “Low Density Residential” on page 3-13 and 3-14 and the “Highway Commercial” on page 3-20. The plan does not have any specific locational criteria for where certain districts should be located or rational as to why districts are located where they are. The Rezoning of the property is to be consistent with the Comprehensive Plan. This particular change is for a 35 foot strip of property that will be joined with the property to the west. The purpose of this Site Plan Review application is to ensure that this development project is aligned with city development standards and Highway 33 Design Standards.

State Statute requires that all Comprehensive Plan changes be approved by a super majority vote and that all Rezoning from residential to commercial or industrial also be approved by a super majority vote. A super majority vote of the City Council is 5 out of 7.

In the case that the City Council considers the denial of the various applications, alternate resolutions have been drafted and attached for that situation. In that case, the Council should identify the specific reasons for denial that can be incorporated into the resolutions.

Financial/Budget/Grant Considerations

The Comprehensive Plan Amendment, Rezoning and Site Plan fees were paid.

Advisory Committee/Commission Action

The Planning Commission has recommended approval of the Comprehensive Plan Amendment (Land Use Plan) on a 6 – 0 vote. The also recommended approval of the Rezoning on a 6 – 0 vote. Following considerable discussion and some failed motions they finally recommended approval of the Site Plan on a 5 – 1 vote.

Supporting Documents Attachments

- Resolution No. 16-13(A)
- Resolution No. 16-13(B)
- Ordinance No. 453A
- Resolution No. 16-28
- Resolution No. 16-14(A)
- Resolution No. 16-14(B)
- Resolution No. 16-29
- Location Map

To the Mayor and City Council
Comp Plan, Rezone and Site Plan Review Kwik Trip
March 30, 2016
Page 9

- Planning Commission Minutes
- Comprehensive Plan Pages
- Land Use Plan
- Zoning Map
- Site Plan Maps
- Traffic Study (can be found on the City website at www.ci.cloquet.mn.us)
- Correspondence

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

RESOLUTION NO. 16-13(A)

**A RESOLUTION APPROVING THE COMPREHENSIVE PLAN AMENDMENT (LAND
USE PLAN) FROM “LOW DENSITY RESIDENTIAL” TO “HIGHWAY
COMMERCIAL”**

WHEREAS, Kwik Trip is proposing a Comprehensive Plan Amendment (Land Use Plan) from “Low Density Residential” to “Highway Commercial”; and

WHEREAS, As required by ordinance, notification was advertised in the Pine Journal. A public hearing was held to consider the application at the regular meeting of the Cloquet Planning Commission on February 9, 2016 at which time Zoning Case / Development Review No. 16-01 was heard and discussed; and

WHEREAS, the property of the proposed Comprehensive Plan Amendment (Land Use Plan) is located east of 900 Washington Avenue and is legally described as follows:

The Westerly 35 feet of the North 343.70 feet of the Northwest Quarter of the Northeast Quarter of the Northeast Quarter (NW ¼ of NE ¼ of NE ¼) of Section Twenty-six (26), Township Forty-nine (49), North of Range Seventeen (17), West of the Fourth Principal Meridian, Carlton County, Minnesota.

WHEREAS, the Planning Commission reviewed the staff report and recommends approval of the Comprehensive Plan Amendment (Land Use Plan).

NOW, THEREFORE, BE IT RESOLVED, BY THE CITY COUNCIL OF THE CITY OF CLOQUET, MINNESOTA, that it approves Zoning Case 16-01 for a comprehensive plan amendment (land use plan) from “Low Density Residential” to “Highway Commercial” Subject to the sale and development of the property.

PASSED BY THE CITY COUNCIL OF THE CITY OF CLOQUET THIS 5TH DAY OF APRIL 2016.

Dave Hallback, Mayor

ATTEST:

Brian Fritsinger, City Administrator

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

RESOLUTION NO. 16-13(B)

**A RESOLUTION DENYING THE COMPREHENSIVE PLAN AMENDMENT (LAND
USE PLAN) FROM “LOW DENSITY RESIDENTIAL” TO “HIGHWAY
COMMERCIAL”**

WHEREAS, Kwik Trip is proposing a Comprehensive Plan Amendment (Land Use Plan) from “Low Density Residential” to “Highway Commercial”; and

WHEREAS, As required by ordinance, notification was advertised in the Pine Journal. A public hearing was held to consider the application at the regular meeting of the Cloquet Planning Commission on February 9, 2016 at which time Zoning Case / Development Review No. 16-01 was heard and discussed; and

WHEREAS, the property of the proposed Comprehensive Plan Amendment (Land Use Plan) is located east of 900 Washington Avenue and is legally described as follows:

The Westerly 35 feet of the North 343.70 feet of the Northwest Quarter of the Northeast Quarter of the Northeast Quarter (NW ¼ of NE ¼ of NE ¼) of Section Twenty-six (26), Township Forty-nine (49), North of Range Seventeen (17), West of the Fourth Principal Meridian, Carlton County, Minnesota.

WHEREAS, the Planning Commission reviewed the staff report and recommends approval of the Comprehensive Plan Amendment (Land Use Plan).

NOW, THEREFORE, BE IT RESOLVED, BY THE CITY COUNCIL OF THE CITY OF CLOQUET, MINNESOTA, that it denies Zoning Case 16-01 for a comprehensive plan amendment (land use plan) from “Low Density Residential” to “Highway Commercial” for the following reason:

- 1.

**PASSED BY THE CITY COUNCIL OF THE CITY OF CLOQUET THIS 5TH DAY OF
APRIL 2016.**

Dave Hallback, Mayor

ATTEST:

Brian Fritsinger, City Administrator

ORDINANCE NO. 453(A)

AN ORDINANCE TO AMEND CHAPTER 17 OF THE CITY CODE, BY AMENDING THE ZONING MAP OF THE CITY OF CLOQUET FROM “R1 – SINGLE FAMILY RESIDENTIAL” TO “RC – REGIONAL (HIGHWAY) COMMERCIAL”

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

Section 1. The Zoning Map of the City of Cloquet is hereby amended to change the zoning designation of the following described property from R1 – Single Family Residential to RC – Regional (Highway) Commercial:

The Westerly 35 feet of the North 343.70 feet of the Northwest Quarter of the Northeast Quarter of the Northeast Quarter (NW ¼ of NE ¼ of NE ¼) of Section Twenty-six (26), Township Forty-nine (49), North of Range Seventeen (17), West of the Fourth Principal Meridian, Carlton County, Minnesota.

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

Passed this 5th day of April, 2016.

CITY OF CLOQUET

By: _____
Its Mayor

ATTEST:

By: _____
Its City Administrator

Published this _____ day of _____, 2016.

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

RESOLUTION NO. 16-28

**A RESOLUTION DENYING THE REZONING FROM “R1 – SINGLE FAMILY
RESIDENTIAL” TO “RC – REGIONAL (HIGHWAY) COMMERCIAL”**

WHEREAS, Kwik Trip is proposing a Rezoning from “R1 – Single Family Residential” to “RC – Regional (Highway) Commercial”; and

WHEREAS, As required by ordinance, notification was advertised in the Pine Journal. A public hearing was held to consider the application at the regular meeting of the Cloquet Planning Commission on February 9, 2016 at which time Zoning Case / Development Review No. 16-01 was heard and discussed; and

WHEREAS, the property of the proposed Rezoning is located east of 900 Washington Avenue and is legally described as follows:

The Westerly 35 feet of the North 343.70 feet of the Northwest Quarter of the Northeast Quarter of the Northeast Quarter (NW ¼ of NE ¼ of NE ¼) of Section Twenty-six (26), Township Forty-nine (49), North of Range Seventeen (17), West of the Fourth Principal Meridian, Carlton County, Minnesota.

WHEREAS, the Planning Commission reviewed the staff report and recommends approval of the Rezoning.

NOW, THEREFORE, BE IT RESOLVED, BY THE CITY COUNCIL OF THE CITY OF CLOQUET, MINNESOTA, that the City Council denies Zoning Case 16-01 for the following reason:

- 1.

**PASSED BY THE CITY COUNCIL OF THE CITY OF CLOQUET THIS 5TH DAY OF
APRIL 2016.**

Dave Hallback, Mayor

ATTEST:

Brian Fritsinger, City Administrator

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

RESOLUTION NO. 16-14(A)

**A RESOLUTION APPROVING OF A SITE PLAN IN THE RC – REGIONAL (HIGHWAY)
COMMERCIAL DISTRICT FOR KWIK TRIP, INC.**

WHEREAS, Kwik Trip, Inc. is proposing a Site Plan in the RC – Regional (Highway) Commercial District; and

WHEREAS, the property of the proposed Site Plan is located at 900 Washington Avenue and is legally described as follows:

That part of the Northeast Quarter of the Northwest quarter of the Northeast Quarter of Section 26, Township 49 North, Range 17 West, Carlton County, Minnesota, described as follows: Commencing at the northeast corner of said Section 26; thence on an assumed bearing of South 89 degrees 11 minutes 41 seconds West, along the north line of the Northeast Quarter of said Section 26 for a distance of 1333.77 feet to the northeast corner of the Northeast Quarter of the Northwest Quarter of the Northeast Quarter of said Section 26, said point being the Point of Beginning of the parcel herein described; thence continue South 89 degrees 11 minutes 41 seconds West, along the north line of said Northeast Quarter of the Northwest Quarter of the Northeast Quarter for a distance of 270.56 feet to the intersection with a line which bears North 04 degrees 49 minutes 55 seconds East from a point designated as B12 on the Minnesota Department of Transportation Right of Way Plat No. 09-5; according to the recorded plat thereof, Carlton County, Minnesota; thence South 04 degrees 49 minutes 55 seconds West 33.16 feet to said point B12, said point also being on the southerly right of way line of County State Aid Highway 16, also known as Washington Avenue; thence continue South 04 degrees 49 minutes 55 seconds West, along easterly line of said Minnesota Department of Transportation Right of Way Plat No. 09-5 for a distance of 69.31 feet to a point designated as B13 on said Minnesota Department of Transportation Right of Way Plat No. 09-5; thence southwesterly for a distance of 164.71 feet, along said easterly line of Minnesota Department of Transportation Right of Way Plat No. 09-5, along a tangential curve, concave to the northwest, having a radius of 175.00 feet and a central angle of 53 degrees 55 minutes 42 seconds to a point designated as B14 on said Minnesota Department of Transportation Right of Way Plat No. 09-5; thence South 58 degrees 45 minutes 37 seconds West, along said easterly line of Minnesota Department of Transportation Right of Way Plat No. 09-5, a distance of 79.94 feet to a point designated as B15 on said Minnesota Department of Transportation Right of Way Plat No. 09-5; thence southwesterly for a distance of 68.09 feet, along said easterly line of Minnesota Department of Transportation Right of Way Plat No. 09-5, along a non-tangential curve, concave to the southeast, having a radius of 175.00 feet, the chord of which bears South 47 degrees 33 minutes 52 seconds West and a chord length of 67.91 feet; thence North 89 degrees 21 minutes 46 seconds East 200.14 feet; thence continue North 89 degrees 21 minutes 46 seconds East 16.16 feet; thence South 02 degrees 06 minutes 14 seconds East 21.01 feet to the north line of the south 315.00 feet of said Northeast Quarter of the Northwest Quarter of the Northeast Quarter; thence North 89 degrees 21 minutes 46 seconds East, along the north line of the south 315.00 feet of the Northeast Quarter of the Northwest Quarter of the Northeast Quarter for a distance of 266.96 feet to the east line of said Northeast Quarter of the Northwest Quarter of the Northeast Quarter; thence North 00 degrees 27 minutes 10 seconds West, along said east line of the Northeast Quarter of the Northwest Quarter

of the Northwest Quarter for a distance of 343.71 feet to the Point of Beginning. EXCEPT the northerly 33.00 feet thereof for right of way purposes.

AND

That part of the Northwest Quarter of the Northeast Quarter of the Northeast Quarter of Section 26, Township 49 North, Range 17 West of the Fourth Principal Meridian, Carlton County, Minnesota, described as follows: The West 35.00 feet of the North 343.70 feet of the Northwest Quarter of the Northeast Quarter of the Northeast Quarter of said Section 26, EXCEPT the North 33.00 feet thereof for right of way purposes.

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 City Council approves Zoning Case 16-01 for a site plan for Kwik Trip, Inc. subject to the following conditions:

1. The site plan shall be revised so the impervious surface does not exceed 70%.
2. An irrigation plan will need to be submitted prior to the building permit being issued.
3. A new landscape plan must be submitted prior to the building permit being issued.
4. The site plan shall be revised to show a sidewalk along Washington Avenue and constructed as part of this project.
5. Easements from the property to the southeast must be submitted for the storm water runoff before a building permit is issued.
6. 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
7. The administrative adjustment of the three parcels shall be filed with Carlton County prior to the building permit being issued.
8. Utility easements shall be provided over the water and sewer lines that extend across the Taco Johns parcel.
9. Copies of the access permit from Carlton County must be submitted prior to the issuance of the building permit.
10. Cross easement documents must be filed for the shared driveway with Zion Lutheran Evangelical Church.
11. The P.A. system must be shut off between the hours of 10 pm and 7 am.
12. The drainage from the driveway onto Holmes Drive must be collected prior to it reaching Holmes Drive.
13. The traffic improvements (4-way stop and left turn lane) to Washington Avenue must be completed prior to the Certificate of Occupancy being issued for the building.

PASSED BY THE CITY COUNCIL OF THE CITY OF CLOQUET THIS 5TH DAY OF APRIL 2016.

Dave Hallback, Mayor

ATTEST:

Brian Fritsinger, City Administrator

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

RESOLUTION NO. 16-14(B)

**A RESOLUTION DENYING A SITE PLAN IN THE RC – REGIONAL (HIGHWAY)
COMMERCIAL DISTRICT FOR KWIK TRIP, INC.**

WHEREAS, Kwik Trip, Inc. is proposing a Site Plan in the RC – Regional (Highway) Commercial District; and

WHEREAS, the property of the proposed Site Plan is located at 900 Washington Avenue and is legally described as follows:

That part of the Northeast Quarter of the Northwest quarter of the Northeast Quarter of Section 26, Township 49 North, Range 17 West, Carlton County, Minnesota, described as follows: Commencing at the northeast corner of said Section 26; thence on an assumed bearing of South 89 degrees 11 minutes 41 seconds West, along the north line of the Northeast Quarter of said Section 26 for a distance of 1333.77 feet to the northeast corner of the Northeast Quarter of the Northwest Quarter of the Northeast Quarter of said Section 26, said point being the Point of Beginning of the parcel herein described; thence continue South 89 degrees 11 minutes 41 seconds West, along the north line of said Northeast Quarter of the Northwest Quarter of the Northeast Quarter for a distance of 270.56 feet to the intersection with a line which bears North 04 degrees 49 minutes 55 seconds East from a point designated as B12 on the Minnesota Department of Transportation Right of Way Plat No. 09-5; according to the recorded plat thereof, Carlton County, Minnesota; thence South 04 degrees 49 minutes 55 seconds West 33.16 feet to said point B12, said point also being on the southerly right of way line of County State Aid Highway 16, also known as Washington Avenue; thence continue South 04 degrees 49 minutes 55 seconds West, along easterly line of said Minnesota Department of Transportation Right of Way Plat No. 09-5 for a distance of 69.31 feet to a point designated as B13 on said Minnesota Department of Transportation Right of Way Plat No. 09-5; thence southwesterly for a distance of 164.71 feet, along said easterly line of Minnesota Department of Transportation Right of Way Plat No. 09-5, along a tangential curve, concave to the northwest, having a radius of 175.00 feet and a central angle of 53 degrees 55 minutes 42 seconds to a point designated as B14 on said Minnesota Department of Transportation Right of Way Plat No. 09-5; thence South 58 degrees 45 minutes 37 seconds West, along said easterly line of Minnesota Department of Transportation Right of Way Plat No. 09-5, a distance of 79.94 feet to a point designated as B15 on said Minnesota Department of Transportation Right of Way Plat No. 09-5; thence southwesterly for a distance of 68.09 feet, along said easterly line of Minnesota Department of Transportation Right of Way Plat No. 09-5, along a non-tangential curve, concave to the southeast, having a radius of 175.00 feet, the chord of which bears South 47 degrees 33 minutes 52 seconds West and a chord length of 67.91 feet; thence North 89 degrees 21 minutes 46 seconds East 200.14 feet; thence continue North 89 degrees 21 minutes 46 seconds East 16.16 feet; thence South 02 degrees 06 minutes 14 seconds East 21.01 feet to the north line of the south 315.00 feet of said Northeast Quarter of the Northwest Quarter of the Northeast Quarter; thence North 89 degrees 21 minutes 46 seconds East, along the north line of the south 315.00 feet of the Northeast Quarter of the Northwest Quarter of the Northeast Quarter for a distance of 266.96 feet to the east line of said

Northeast Quarter of the Northwest Quarter of the Northeast Quarter; thence North 00 degrees 27 minutes 10 seconds West, along said east line of the Northeast Quarter of the Northwest Quarter of the Northwest Quarter for a distance of 343.71 feet to the Point of Beginning. EXCEPT the northerly 33.00 feet thereof for right of way purposes.

AND

That part of the Northwest Quarter of the Northeast Quarter of the Northeast Quarter of Section 26, Township 49 North, Range 17 West of the Fourth Principal Meridian, Carlton County, Minnesota, described as follows: The West 35.00 feet of the North 343.70 feet of the Northwest Quarter of the Northeast Quarter of the Northeast Quarter of said Section 26, EXCEPT the North 33.00 feet thereof for right of way purposes.

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 City Council denies Zoning Case 16-01 for a site plan for Kwik Trip, Inc. for the following reason:

- 1.

PASSED BY THE CITY COUNCIL OF THE CITY OF CLOQUET THIS 5TH DAY OF APRIL 2016.

Dave Hallback, Mayor

ATTEST:

Brian Fritsinger, City Administrator

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

RESOLUTION NO. 16-29

**RESOLUTION NO. 16-29, A RESOLUTION REQUESTING CARLTON
COUNTY TO POST WASHINGTON AVENUE FOR "NO PARKING" FROM 8TH
STREET/HOLMES DRIVE TO 150 FEET EAST OF 12TH STREET**

WHEREAS, Kwik Trip is proposing a gas station and convenience store in the southeast corner of 8th Street/Holmes Drive and Washington Avenue (CSAH 16); and

WHEREAS, At the request of the City Council, do to safety concerns, Carlton County has reviewed a traffic study for the proposal and has agreed to install a left turn lane for west bound traffic into the site; and

WHEREAS, A requirement of being able to add the left turn lane is the removal of parking on both the north and south sides of the street from 8th Street/Holmes Drive to 150 feet east of 12th Street.

NOW, THEREFORE, BE IT RESOLVED, BY THE CITY COUNCIL OF THE CITY OF CLOQUET, MINNESOTA, that it request Carlton County to post Washington Avenue (CSAH 16) as "No Parking" from 8th Street/Holmes Drive to 150 feet east of 12th Street.

PASSED BY THE CITY COUNCIL OF THE CITY OF CLOQUET THIS 5TH DAY OF APRIL 2016.

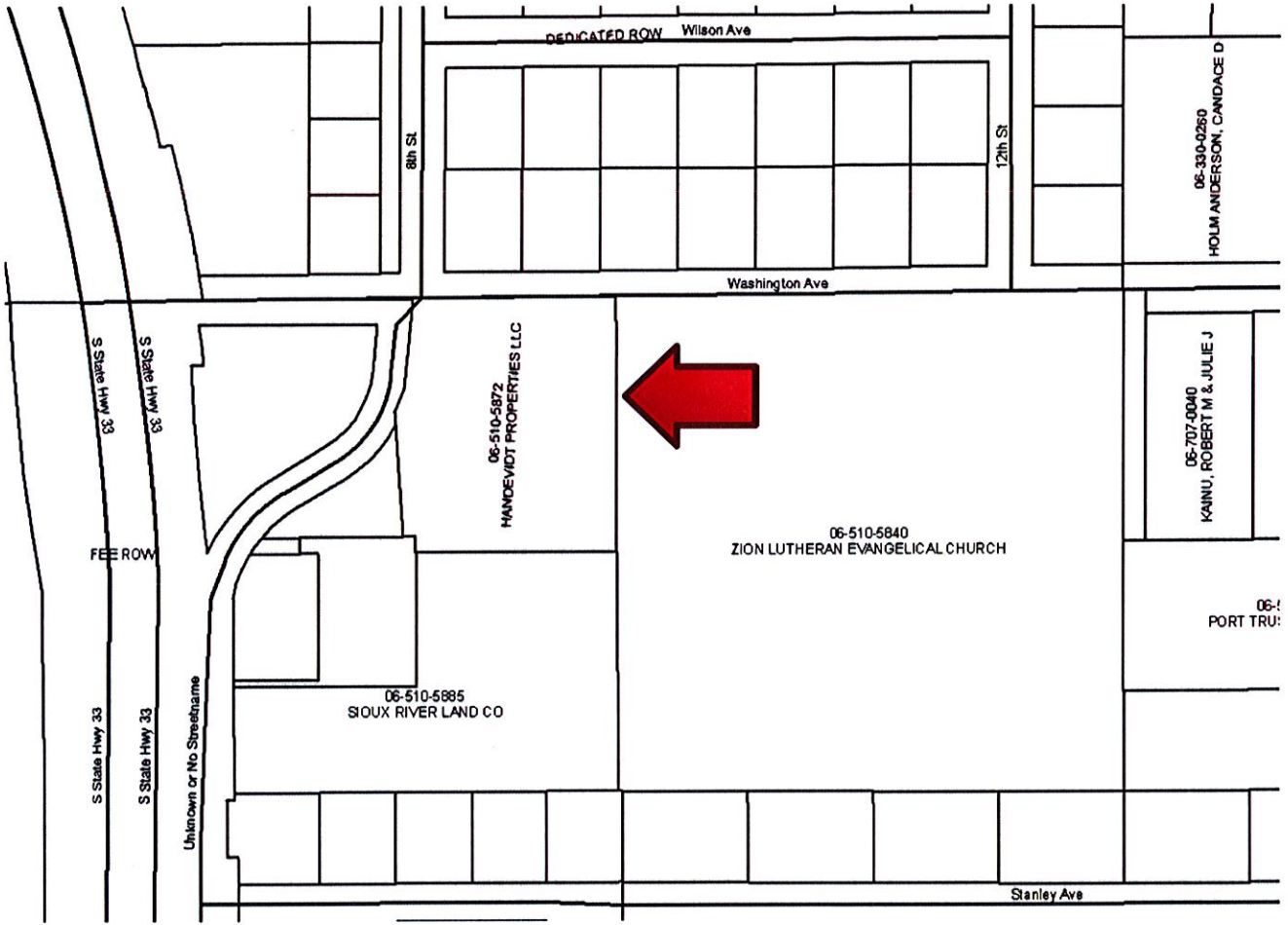
Dave Hallback, Mayor

ATTEST:

Brian Fritsinger, City Administrator

LOCATION MAP

KWIK TRIP



No Scale

Planning Commission Minutes

Zoning Case 16-01: Land Use Guide Plan Amendment, Rezoning and Site Plan

Chairperson Berglund reviewed the public hearing procedures and format and opened the public hearing for Zoning Case 16-01, Land Use Guide Plan Amendment, Rezoning and Site Plan. He asked Mr. Cottingham to provide an overview of the application. Mr. Cottingham noted that this is a public hearing with a legal notice published in the Pine Journal on January 28, 2016 and property owners within 350 feet were sent notice of the meeting. Kwik Trip is proposing a land use guide plan amendment and rezoning for a 35 foot strip of land on the east side of their site from Single Family Residential to Regional (Highway) Commercial and also a site plan for a gas station, convenience store and car wash on the entire site. The convenience store and car wash are located in the center rear portion of the lot with the gas pump island located between the store and Washington Avenue and a diesel island located between the store and Holmes Drive. He noted that Mr. Scott Teigen, CFO for Kwik Trip was present to answer any questions that the Commission or public may have.

Chairman Berglund opened the public hearing and asked Mr. Teigen if he would like to address the Commission.

Mr. Scott Teigen, Kwik Trip noted the city had requested them to do a traffic study to see what impacts the proposed change might have on the surrounding roads. The study did show there would be an increase in traffic but not a large enough increase that changes to the intersection were warranted when they would open their business. He did note according the traffic study the intersection with Hwy 33 would reach a level of service of F by 2036 if a signal was not installed. His company would be willing to put \$100,000 towards the signal if it were to be installed prior to the intersection meeting warrants for the signal. He reference this store is setup for groceries with gas and it isn't a truck stop, there might be some semi traffic but should not be a lot.

Dan Unulock, 1001 15th Street, wondered if Kwik Trip was aware of the changes to Highway 33. With the relocation of Tall Pine Lane intersecting with Highway 33 that could be a great location if they were willing to wait for this to happen.

Eugene Preiner, 1001 Washington Avenue, was concerned with the increased traffic from Kwik Trip. He also noted that the church parks on the shoulder of the road and that makes it difficult with the traffic.

Bob Grossman, 910 Wilson Avenue, had concerns with the noise from the PA system at the pump islands. He felt that additional traffic control should be installed on Washington Avenue at both the Frontage Road and Highway 33.

Jeff Rock, 1312 Washington Avenue, he wondered where safety is involved, he has reports of traffic accidents, the intersections are dangerous, and the city has no control over the road speed. He is concerned with the noise impacts on the neighborhood. He also thinks the future Tall Pine Lane intersection might be a better location.

Alan Birman, 701 Washington Avenue, he too is concerned with the safety at the intersection with Highway 33 but this is currently there. This would definitely be a nice addition to the community and the area. He did not believe that noise was an issue with the store on North Road with homes closer to that site than this one.

Judd Selland, Taco John's, agreed with Mr. Birman and signals at Highway 33 are a good idea.

Dick Singpiel, 505 12th Street, felt safety is an important issue regardless of Kwik Trip. He felt things should be weighed as positives and negatives. In the case of Kwik Trip he felt there were more negatives for the area than positives. This will create additional traffic on Washington Avenue and does Cloquet really need another gas station.

Mary Soyring 820 Taylor Avenue, she lives two blocks north of the site and is concerned with sewer from the new store and the backups the area has had in the past. She is concerned with the Lemon Tree, the congestion on 8th Street and the area. She does like having them in the community. She is also concerned with the lights from cars as they are leaving the site.

Patrick Began, 914 8th Street, he crosses Washington Avenue every day and is concerned with the additional traffic this will add to the area and the safety of the roads with the additional traffic.

Chairman Berglund asked if anyone else wished to speak and since nobody wished to he closed the public hearing.

Mr. Teigen addressed the Commission regarding the different questions that were raised. The lighting of the site meet the city standards with the lumens from the lights being kept on the site, the P.A. system would be turned off between 10 pm. and 7 am. and would not be on during church. They would be more than happy to work with the neighbors across Washington Avenue to provide screening on their side of the street. Fuel tankers would typically come every day to the site with groceries being delivered three to four times each week.

Commissioner Bosto inquired about the area around Tall Pine Lane and Highway 33.

Mr. Teigen stated they had looked at the Lund property when they were first looking for sites and it was determined to be too small for their needs.

Commissioner Haubner inquired where the parking stalls for the store were located.

Mr. Teigen noted there were 20 stalls around the store and 22 under the gasoline canopies.

Commissioner Sanders was concerned with the truck movement around the site and didn't believe they could enter and exit the site without encroaching on other lanes of traffic. He was also concerned with the storm water runoff onto Holmes Drive from the new entrance and wondered if additional catch basins should be added to handle the runoff.

Commissioner Wilkinson noted that the things planned for the Highway 33 corridor might not happen for a number of years. This makes it difficult to ask someone to wait until other areas open up for development.

Mr. Teigen noted that they are a permitted use in this district. They would like to see the intersection with Highway 33 signalized sooner than later and are willing to pay up to half of the cost of the signals with a cap at \$125,000.

Mr. Birman noted that there are semi-trucks in the area daily making deliveries to the automobile dealer and Cloquet Motor Sports.

Commissioner Sanders felt the site plan did not meet the requirements of the site plan review as spelled out in Section 17.2.14, Subd. 4. He believed the site drainage and the truck circulation did not meet the minimum standards.

There being no further discussion Chairman Berglund called for a motion noting there were three different actions the Commission was asked to deal with for this application.

Motion: Commissioner Johnson made a motion to adopt Resolution No. 16-01 Comp Recommending Approval of the Comprehensive Plan Amendment (Land Use Plan) from “Low Density Residential” to “Highway Commercial”, Commissioner Bosto seconded. (Roll Call, Motion was approved 6-0).

Motion: Commissioner Johnson made a motion to adopt Resolution No. 16-01 Rezone Recommending Approval of the Rezoning from “R1 – Single Family Residential” to “RC – Regional (Highway) Commercial”, Commissioner Wilkinson seconded. (Roll Call, Motion was approved 6-0).

Motion: Commissioner Sanders made a motion to deny Resolution No. 16-01 Site Plan Recommending Approval of a Site Plan in the RC – Regional (Highway) Commercial District for Kwik Trip, Motion failed for lack of second.

Motion: Commissioner Wilkinson made a motion to adopt Resolution No. 16-01 Site Plan Recommending Approval of a Site Plan in the RC – Regional (Highway) Commercial District for Kwik Trip, Commissioner Bosto seconded. (Roll Call, Motion failed 3-3 Haubner, Johnson and Sanders opposed).

Mr. Cottingham noted that if the Commission is going to deny a request they need to provide reasons for the denial. He believed that Commissioner Sanders had stated his reasons but had not heard anything from the other two members.

Commissioners Johnson and Haubner stated they were concerned with the drainage onto Holmes Drive.

Mr. Cottingham stated that this could be handled as a condition of approval without the need to deny the application.

Motion: Commissioner Johnson made a motion to reconsider Resolution No. 16-01 Site Plan Recommending Approval of a Site Plan in the RC – Regional (Highway) Commercial District for Kwik Trip, Commissioner Bosto seconded. (Roll Call, Motion was approved 6-0)

Motion: Commissioner Johnson made a motion to reconsider Resolution No. 16-01 Site Plan Recommending Approval of a Site Plan in the RC – Regional (Highway) Commercial District for Kwik Trip adding Condition No. 13 “Drainage from the Driveway onto Holmes Drive needed to be collected before reaching Holmes Drive, Commissioner Bosto seconded. (Roll Call, Motion was approved 5-1 Sanders opposed).

Commissioner Sanders stated he had concerns with safety and the semi’s not staying in their lanes while making turning movements.

Mr. Cottingham noted these recommendations would be forwarded to the City Council at their meeting on Wednesday, March 2, 2016 at 7:00 pm.

Comprehensive Plan

Low Density Residential

Township. Unlike the rural residential development to the north, the Otter Creek subdivision is outside Cloquet's Drinking Water Supply Management Area (refer to Chapter 5: Utilities and Community Facilities for additional information). Therefore, the Otter Creek Subdivision is a unique subdivision that the City does not anticipate serving with sewer and water before 2027.

Low-Density Residential

The Comprehensive Plan guides most of the area within the anticipated 2027 public sewer and water service boundary for low-density residential use. Acceptable land uses in this area include single-family detached residences, duplexes, twinhomes, religious institutions, parks, essential services, and

Adopted by the City Council: August 21, 2007

3-13

other public and semi-public uses that can be sensitively integrated into a low-density residential neighborhood. Low-density residential uses should have a density of one to five dwelling units per acre.

The Comprehensive Plan guides a significant amount of existing agricultural or rural residential land for future low-density residential use. However, as the City prepares detailed plans to provide public sewer and water to these existing rural areas of the city, the City may find that it is not feasible to serve certain existing rural development with public sewer and water. In those cases, the City could possibly amend this Comprehensive Plan and guide those areas for suburban residential use rather than for future low-density residential use.

Moderate-Density to High-Density Residential

The Comprehensive Plan continues to guide existing townhomes, mobile home parks, condominiums, and apartments for moderate-density to high-density residential use. The Plan does not specifically guide additional parcels for moderate to high-density residential use. Rather, it promotes sensitive integration of these uses into the city center, planned mixed residential, and the

Comprehensive Plan

Highway Commercial

Highway 33), and a market analysis to determine viable uses for the area.

Highway Commercial

The Comprehensive Plan guides two primary areas for highway commercial use: 1) an area along State Highway 33 south of the St. Louis River, and 2) an area along Highway 33 north of the St. Louis River. The Comprehensive Plan also guides existing scattered highway commercial use on Cloquet Avenue, Washington Avenue, and Big Lake Road for continued highway commercial use. The following provides an overview of the two primary areas for highway commercial use.

Highway Commercial South of the St. Louis River. Most existing highway commercial use in Cloquet is along Highway 33 south of the St. Louis River. This area includes a large discount department store, a grocery store/shopping center, a variety of restaurants and retail shops, motels, a car dealership, and a movie theater. The Comprehensive Plan supports and integrates the recommendations of Cloquet's 1998 Community Revitalization Plan to improve the existing highway commercial uses in this area. Those recommendations include improving vehicular and pedestrian circulation, integrating the natural landscape into the built environment, redeveloping distressed areas and areas with conflicting uses, and applying design guidelines or standards to existing and proposed development.

Specific recommendations for this area include the following:

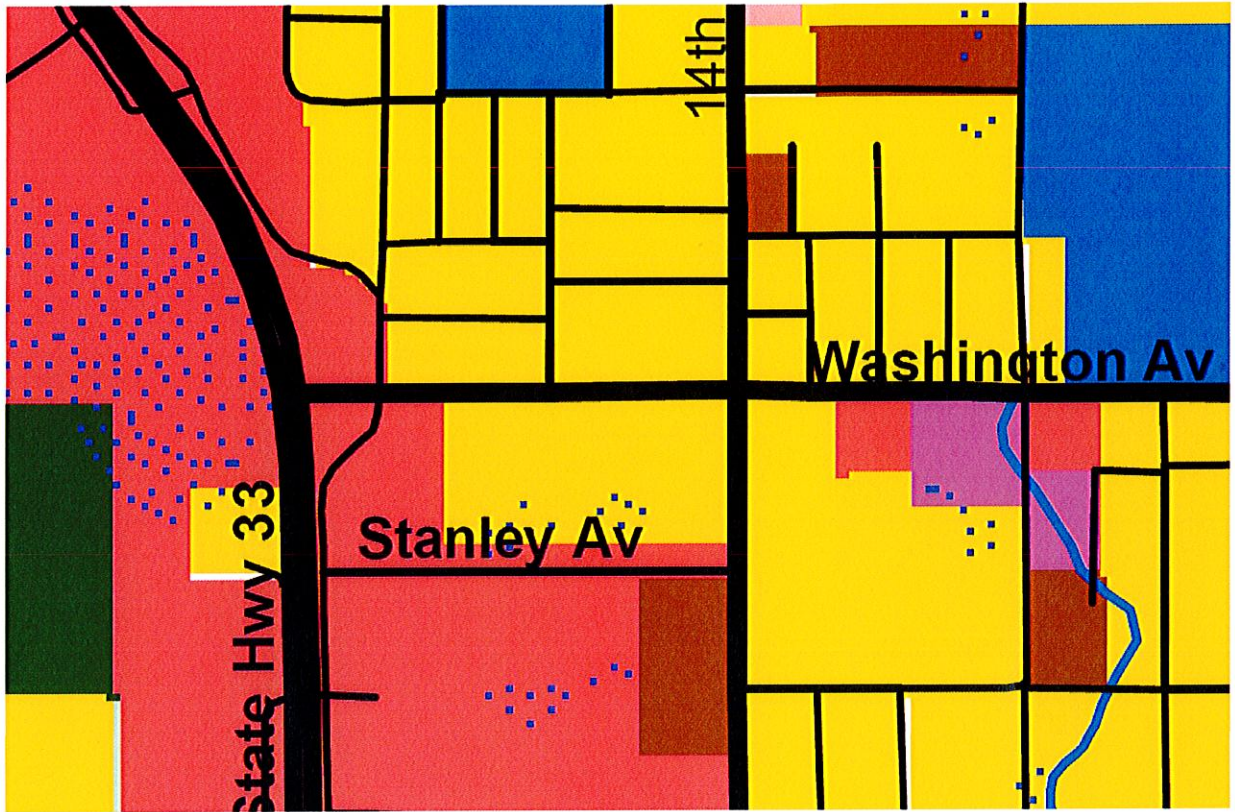
- Work with developers and landowners to study the feasibility of relocating the existing concrete block plant and Minnesota Department of Natural Resources facility to more suitable locations in the city. Explore opportunities for commercial redevelopment of the sites.
- Work with the Minnesota Department of Transportation to improve vehicular and pedestrian circulation in the area, particularly at the intersection of Doddridge Avenue and State Highway 33.

Highway Commercial North of the St. Louis River. The Sunnyside area near the intersection of State Highway 33 and North Road (North Cloquet Road) contains several existing highway commercial uses. The Comprehensive Plan supports and integrates the recommendations of Cloquet's 1998 Community Revitalization Plan to improve the existing highway commercial uses in this area. In addition, the Comprehensive Plan guides a largely undeveloped area on the west side of State Highway 33 north of the existing Sunnyside development for future highway commercial use. The City, in coordination with the Minnesota Department of Transportation, affected property owners, and other interested parties, should consider developing a conceptual master plan for this area that addresses access issues, future roads (that may include a "backage" road that would run parallel to Highway 33), and a market analysis to determine viable uses for the area.

The Comprehensive Plan guides a roughly 1,200-foot deep area on the west side of Highway 33 for future highway commercial use that could accommodate "big box" highway commercial use if desired and feasible. Other smaller highway commercial uses could be integrated around a big box anchor.

Comprehensive Plan

Land Use Plan



No Scale

COMMUNITY DEVELOPMENT DEPARTMENT

WE RECEIVED A LETTER WITH THE COUNCIL'S RECOMMENDATION TO CONTACT IF WE HAD CONCERNS OR OPINIONS ABOUT THE PARKING ON WASHINGTON AVE

ACCORDING TO THE LETTER, THERE WILL BE POSTINGS ON BOTH SIDES OF THE AVE FROM 8TH ST TO EAST OF 12TH ST AS NO PARKING.

WHEN I ADDRESSED AT THE COUNCIL MEETING IN FEBRUARY, I VOICED A CONCERN OF NO PARKING ONLY ON THE NORTH SIDE OF THE AVE BECAUSE OF THE DRIVEWAYS AND LACK OF VISIBILITY TO GET OUT OF THE RESIDENCE.

WHAT WE WOULD LIKE TO SEE IS NO PARKING ON WASHINGTON AVE THAT REACHES OR EXCEEDS THE PROPERTY OF ZION LUTHERAN CHURCH ON THE NORTH SIDE OF WASHINGTON AVE. BETWEEN 12TH ST AND 14TH ST THERE ARE THREE (3) RESIDENCE WITH DRIVEWAY ACCESS. TWO (2) OF WHICH HAVE DRIVE THROUGH DRIVEWAYS IN ORDER TO GET OUT OF THERE DRIVEWAYS EASIER HOWEVER WE DO NOT. SO IF THERE IS STILL PARKING IN FRONT OF OUR HOUSE WE WILL HAVE PROBLEMS GETTING OUT OF OUR DRIVEWAY

PLEASE TAKE IN CONSIDERATION OF EXTENDING THE NO PARKING ON WASHINGTON AVE

THANK YOU
BOB AND DENISE NIKKO



COMMUNITY DEVELOPMENT DEPARTMENT

1307 Cloquet Avenue • Cloquet MN 55720

Phone: 218-879-2507 • Fax: 218-879-6555

www.ci.cloquet.mn.us

REQUEST FOR COUNCIL ACTION

To: Mayor and City Council
From: Al Cottingham, City Planner/Zoning Administrator
Reviewed/Approved By: Brian Fritsinger, City Administrator
Date: March 30, 2016

ITEM DESCRIPTION: ZONING CASE 16-3: SITE PLAN FOR CLOQUET MIDDLE SCHOOL, NORTH OF WASHINGTON AVENUE, EAST OF 18TH STREET AND WEST OF 22ND STREET

Proposed Action

Staff recommends the City Council move to adopt **RESOLUTION NO. 16-27, A RESOLUTION APPROVING THE SITE PLAN IN THE PI – PUBLIC/INSTITUTIONAL DISTRICT FOR ANDERSON-JOHNSON ASSOCIATES, INC. ON BEHALF OF ISD #94.**

Background/Overview

Anderson-Johnson Associates, Inc. on behalf of Cloquet Public Schools has submitted a Site Plan application for the new Cloquet Middle School. The site is located north of Washington Avenue, east of 18th Street and west of 22nd Street.

The Site Plan is for a new Middle School with associated parking, landscaping, grading and drainage and building location.

Site Plan

Attached, the City Council will find the following plans for this development:

- Site Development Plan
- Site Grading Plan
- Site Utility Plan
- Site Landscape Plan
- Building Elevations

Stormwater Management: (Section 18.6)

The developer has also run a hydraulic model for storm water which has been reviewed by the City Engineer and meets requirements. There is an existing storm water outlet in the southeast corner of the site that will continue to be used for the drainage of the site.

The Code requires private stormwater areas to meet the following requirements:

1. A permanent public easement shall be provided to the city for access for inspection and/or maintenance purposes. Cost incurred by the city for any maintenance of private systems will be billed and/or assessed to the owner/operator.

2. Recorded inspection and maintenance agreements that define inspection and maintenance responsibilities are required. A minimum annual inspection for private systems shall be required. These requirements are transferrable to any party that becomes the owner/operator of the site.
3. An inspection and maintenance plan shall be developed, approved and included as an attachment to the maintenance agreement. At a minimum, maintenance plans must include the following:
 - a. Responsible person(s) for completing inspections and conducting maintenance.
 - b. Frequency of inspections and maintenance.
 - c. Inspection checklist and type of maintenance anticipated.
4. If site configurations or structural stormwater Best Management Practice (BMP) change, causing decreased BMP effectiveness, new or improved structural stormwater BMPs must be implemented to meet the requirements of this section.
5. The property owner shall keep on file all structural stormwater BMP annual inspection and maintenance records for 5 years and submit to the City as requested.
6. The City shall require the submittal of a letter of credit or other financial security in a form acceptable to the city in the amount of \$5,000 to ensure the stormwater treatment systems are installed correctly and in accordance with this ordinance.

Impervious Surface: (Section 17.6.17, Subd. 5. F and G)

The zoning district allows the maximum building coverage to be 50% with a maximum impervious surface coverage of 70%. The impervious surface coverage is approximately 41% which is below what the minimum is allowed for the building by itself.

Building Setbacks: (Section 17.6.18, Subd. 5. B)

The ordinance requires that the minimum front setback be 25 feet, the minimum side yard setback be 15 feet and the minimum rear yard setback be 25 feet. It has been determined that the site actually has three front yards when it comes to setbacks and a rear yard. All of these setbacks are 25 feet; the building at its closest point to any of these setbacks is approximately 260 feet from the 18th Street property line.

Landscaping: (Section 17.5.04 Subd. 5.)

The landscape plan shows 52 overstory plantings, the site is required to have 109 overstory plantings in addition to understory trees and shrubs. There is not an irrigation plan for the site. The ordinance does allow for credit to be given for existing trees that will remain on the site. An irrigation plan and revised landscape plan will need to be submitted prior to the issuance of the building permit. The revised landscape plan should provide an inventory of existing trees if they wish to receive credit for them plus some plantings should be added/relocated to the west side of the westerly parking lot.

On March 29, 2016 staff received a request from the applicant to not install an irrigation system with the project. They note the high school adjacent to this site does not have an irrigation system. Also the only landscaping that is sod and seed is adjacent to the building while the rest of the site is natural vegetation. If the City Council agrees with this request then condition #1 in the resolution should be removed.

Traffic Flow:

The City Council will note the primary access to the site is from Washington Avenue; the bus drop off for the building will be off of 22nd Street. Appropriate permits will be needed from Carlton County for the access on Washington Avenue. The Site Plan has been forwarded to Carlton County Transportation for their comments. Staff believes the existing access onto 22nd Street needs to be widened to 39 feet to better accommodate circulation in and out of the site. Carlton County is looking at the traffic patterns on Washington Avenue to determine what changes if any need to be done to Washington Avenue. Carlton County is looking into providing a left turn lane into this site which will require no parking on Washington Avenue.

Parking: (Section 17.5.11 Subd. 6.)

The site is required to have 438 parking spaces based on 1 parking stall per 2 employees plus 1 per 5 seats in the auditorium, stadium, etc. whichever is larger. The proposed building along with the High School will have 534 parking stalls, 165 of those spaces will be built with the new school.

Trash Storage: (Section 17.5.15 Subd. 7. A (7))

Staff could not locate a trash storage area either inside the building or an exterior enclosure. Prior to the issuance of the building permit the specific location and details must be provided.

Signage: (Section 17.5.13 Subd. 14.)

The plan does not show any identification signage for the new school. Any signage proposed will need to meet the Ordinance requirements and a sign permit must be issued prior to installation.

Lighting: (Section 17.5.12 Subd. 5. B)

The applicant has provided a photometric plan along with detail sheets which display downward facing fixtures that emit footcandle readings that are compliant with City lighting standards.

Other Site Plan Items:

Pedestrian access to the site will be via a new sidewalk extending east from 18th Street near Wilson Avenue. They will also have a new sidewalk on the north side of Washington Avenue between 18th and 22nd Streets and then extending north on the east side of the entrance drive to the school.

There are some wetlands on the site that the Wetland Conservation Act applies to. The Technical Evaluation Panel has meet and discussed the filling of approximately 23,942 square feet of wetlands. The School District is proposing to purchase wetland banking credits to cover the wetlands being filled.

The property currently exist of 22 separate tax parcels that need to be consolidated into two parcels being the platted parcels and the unplatted parcels. This needs to be done prior to the issuance of the building permit.

To the Mayor and City Council
Site Plan Review Anderson-Johnson
March 30, 2016
Page 4

Policy Objectives

The purpose of this Site Plan Review application is to ensure that this development project is aligned with city development standards.

Financial Impacts

The Site Plan fees were paid.

Advisory Committee/Commission Action

The Planning Commission has recommended approval of the Site Plan on a 6 – 0 vote.

Supporting Documents Attachments

- Resolution No. 16-27
- Location Map
- Site Plan Maps

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

RESOLUTION NO. 16-27

**A RESOLUTION APPROVING A SITE PLAN IN THE PI – PUBLIC/INSTITUTIONAL
DISTRICT FOR ANDERSON-JOHNSON ASSOCIATES, INC. FOR ISD #94**

WHEREAS, Anderson-Johnson Associates, Inc. is proposing a Site Plan in the Pi – Public/Institutional District for ISD # 94; and

WHEREAS, the property of the proposed Site Plan is located north of Washington Avenue, east of 18th Street and west of 22nd Street (PIN's 06-230-3520, 06-230-3530, 06-230-3560, 06-230-3580, 06-090-0780, 06-090-0820, 06-090-0841, 06-090-0861, 06-090-0881, 06-090-0901, 06-090-0920, 06-090-0961, 06-090-0981, 06-090-1001, 06-090-1021, 06-090-1041, 06-090-1061, 06-090-1081, 06-090-1101, 06-090-1141, 06-090-1220 and 06-090-1240) and is legally described as follows:

The Southeast Quarter of the Southwest Quarter (SE ¼ of SW ¼) of Section Twenty-four (24), Township Forty-nine (49), Range Seventeen (17), Carlton County, Minnesota, except that part platted as Wallace Addition to the City of Cloquet.

AND

The South One-half of Lots 21 and 22 Auditor's Subdivision Number 26, Carlton County, Minnesota.

AND

The South 330 feet of Lots 23 through 36 Auditor's Subdivision Number 26, Carlton County, Minnesota.

AND

Lots 39 and 40 Auditor's Subdivision Number 26, 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 City Council approves Zoning Case 16-03 for a site plan for Anderson-Johnson Associates, Inc. for ISD # 94 subject to the following conditions:

1. An irrigation plan will need to be submitted prior to the building permit being issued.
2. A new landscape plan must be submitted prior to the building permit being issued.
3. 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

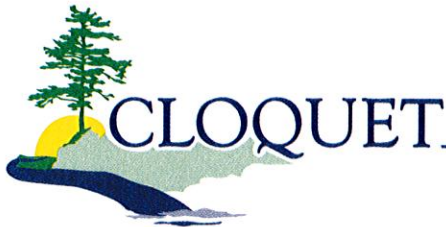
4. The 22 parcels shall be consolidated into two parcels with Carlton County prior to the building permit being issued.
5. Copies of the access permit from Carlton County must be submitted prior to the issuance of the building permit.
6. A sign permit will be needed prior to the installation of any signage on the site.
7. The School District will pay for the relocation of the fire hydrants on Washington Avenue at 18th and 22nd Streets.
8. The Wetland Conservation Act requirements for filling the wetlands must be finalized prior to the building permit being issued.
9. Copies of the permits from the US Army Corp of Engineers must be submitted prior to issuance of the building permit.

PASSED BY THE CITY COUNCIL OF THE CITY OF CLOQUET THIS 5TH DAY OF APRIL 2016.

Dave Hallback, Mayor

ATTEST:

Brian Fritsinger, 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 R. Prusak, Director of Public Works
Reviewed by: Brian Fritsinger, City Administrator (signature)
Date: March 25, 2016

ITEM DESCRIPTION: Authorize Bid Advertisement for Skyline Boulevard Landscape Improvements

Proposed Action

Staff recommends the City Council move to authorize the advertisement of bids to complete the Skyline Boulevard Landscape Improvement Project.

Background/Overview

Over the past two years, the City Council and staff have been discussing a number of landscape and park improvements, particularly along Highway 33 in Cloquet. As part of the City's 5-Year Capital Improvement Program (CIP) and approved budget, plans were prepared to complete one such improvement along Skyline Boulevard from the Highway up to the Cloquet Hospital. Formal landscape planting plans for this stretch of roadway have been prepared and the Public Works Department is now ready to solicit bids.

This improvement involves the planting of approximately 75 deciduous and ornamental trees within the existing center median and along both sides of Skyline. Approximately 15 older existing trees would be removed to accommodate the new ones. Three shrub and perennial planting beds are also proposed in the center median down near Highway 33 and Adams Street.

In addition to the proposed landscape improvements along Skyline, discussions have taken place regarding the existing roadway lighting system and whether or not the City should consider adding pedestrian lighting along the existing sidewalks. Due to the extensive cost associated with such an improvement, additional pedestrian lighting is not being proposed at this time. Plans, however, are being made to add one new 20 foot high concrete light pole near the intersection of Skyline and Adams Street. At the same time, the Public Works Department is investigating potential cost savings associated with converting the eight existing 150 watt high pressure sodium street lights to LED fixtures. If deemed feasible, this work would be completed by Public Works personnel and its electrical contractor.

Policy Objectives

To advance proposed improvement projects as identified in the City's approved Capital Improvement Plan (CIP) and budget.

To the Mayor and Council
Skyline Boulevard Landscape Bid
March 25, 2016
Page 2

Financial Impacts/Budget/Grant Considerations

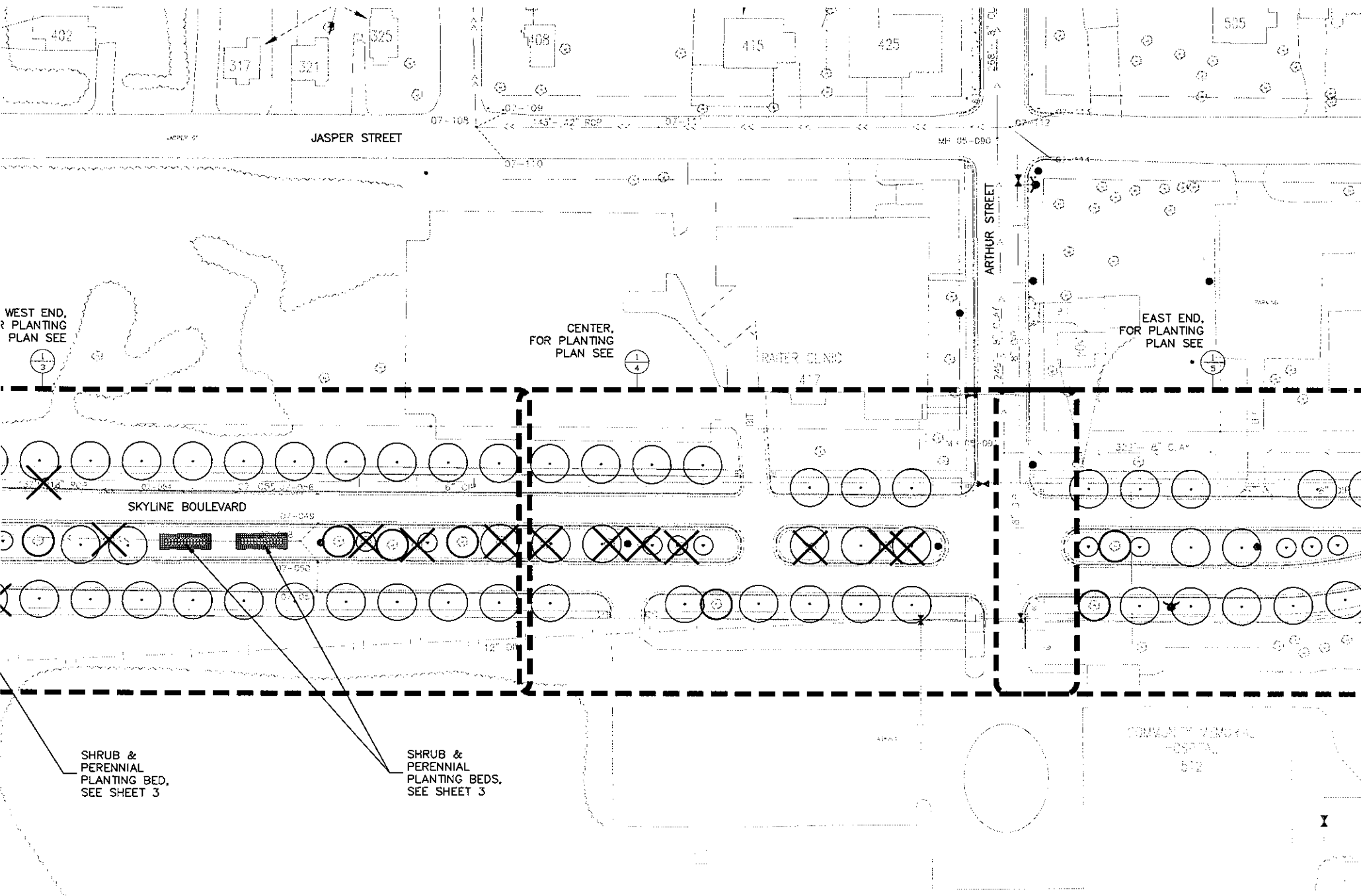
The approved 2016 budget includes an estimated cost for this project of \$100,000 with the funding coming from the ½% Sales Tax Improvement Fund. The estimated cost of the new plantings is \$80,000.

Advisory Committee/Commission Action

None.

Supporting Documentation Attached

- Sheets 2-5 of Landscape Planting Plan



WEST END,
PLANTING
PLAN SEE

CENTER,
FOR PLANTING
PLAN SEE

EAST END,
FOR PLANTING
PLAN SEE

SHRUB &
PERENNIAL
PLANTING BED,
SEE SHEET 3

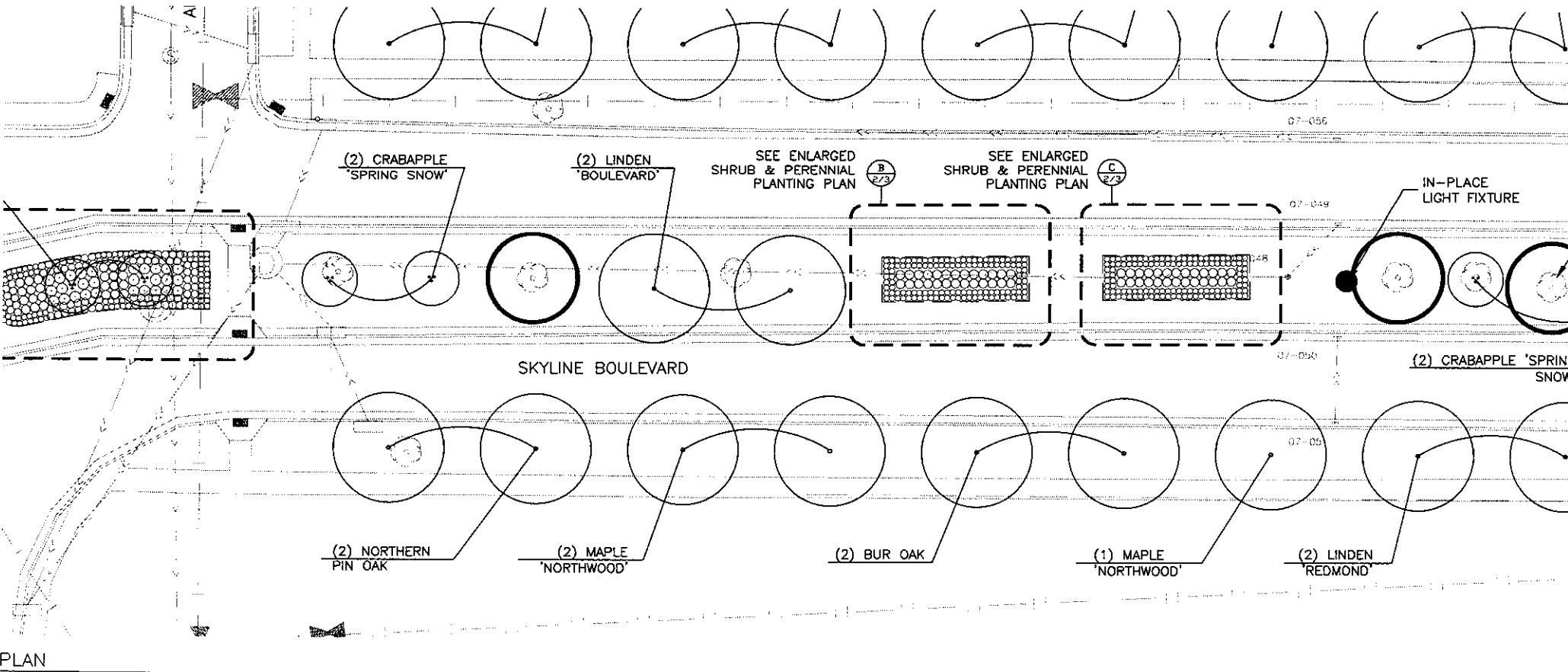
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PLANTING BEDS,
SEE SHEET 3

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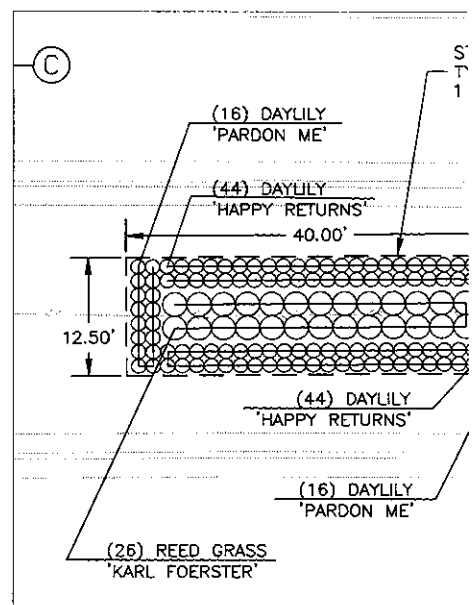
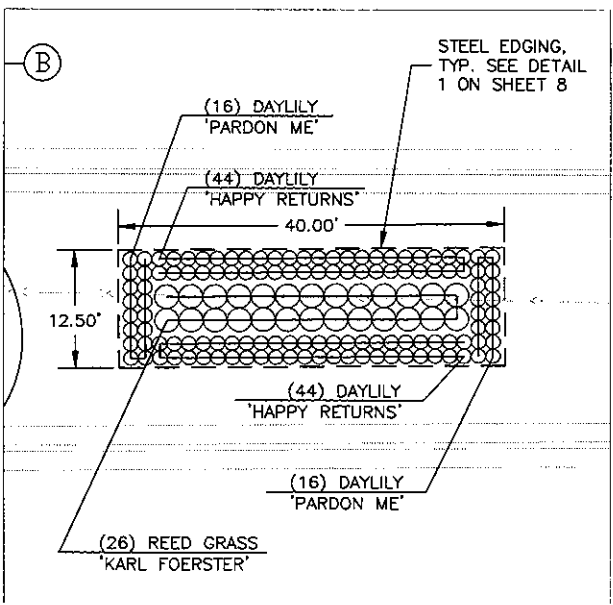
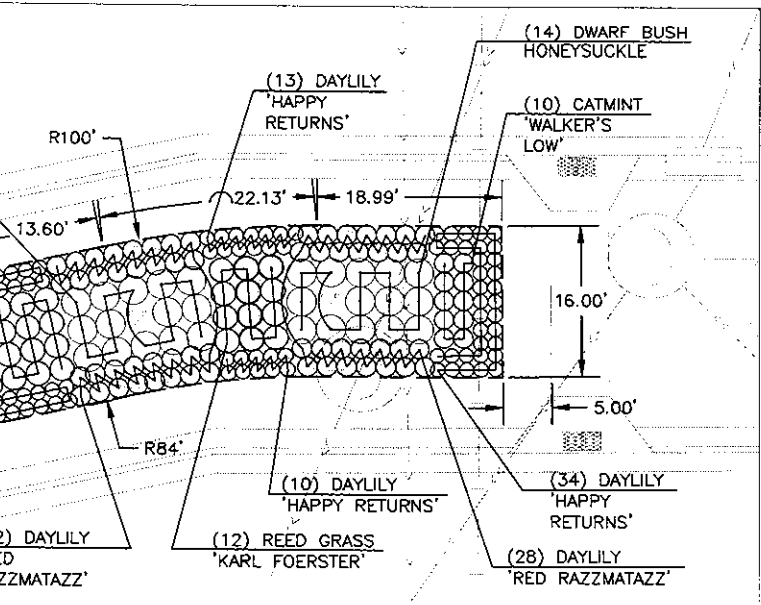


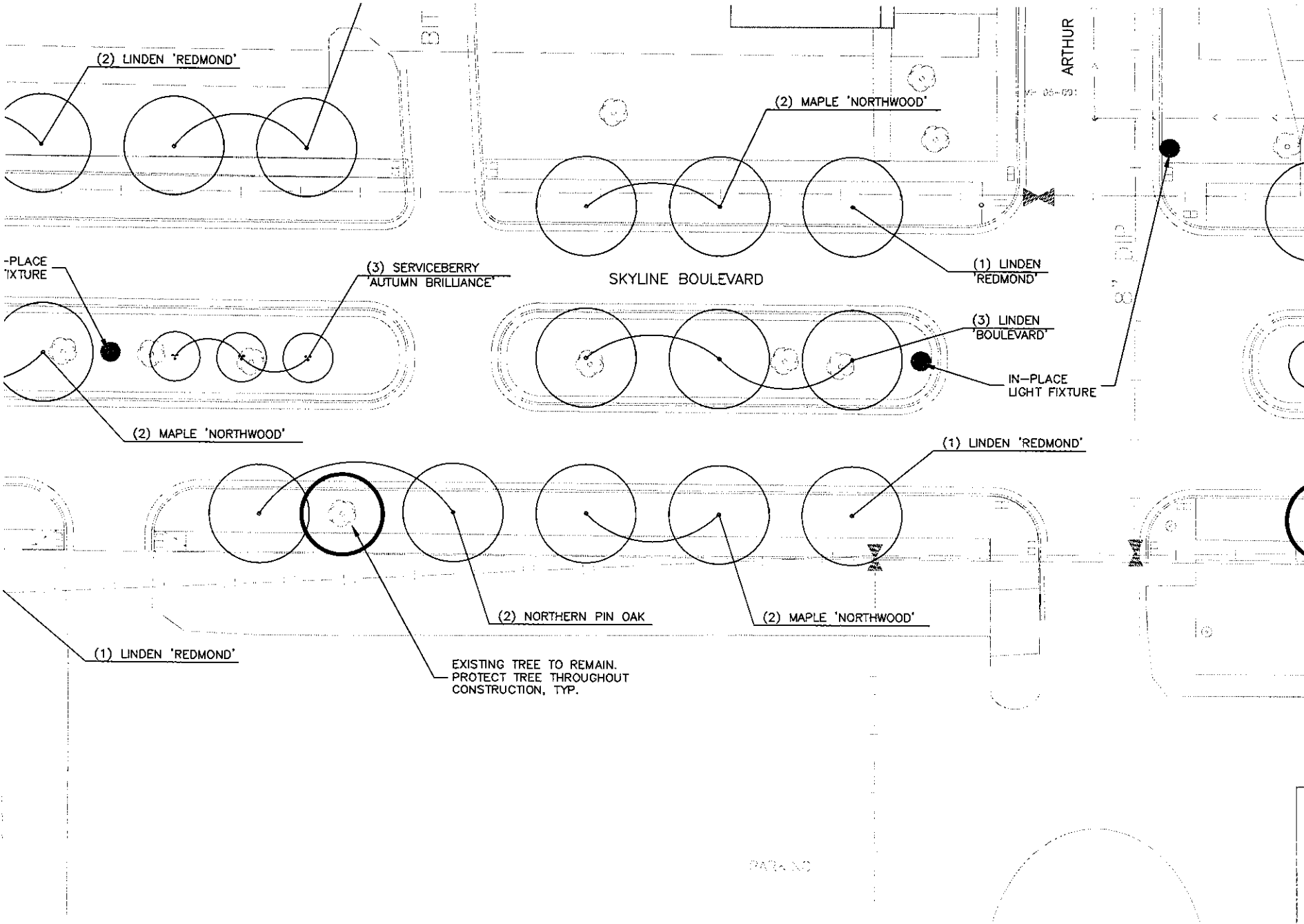
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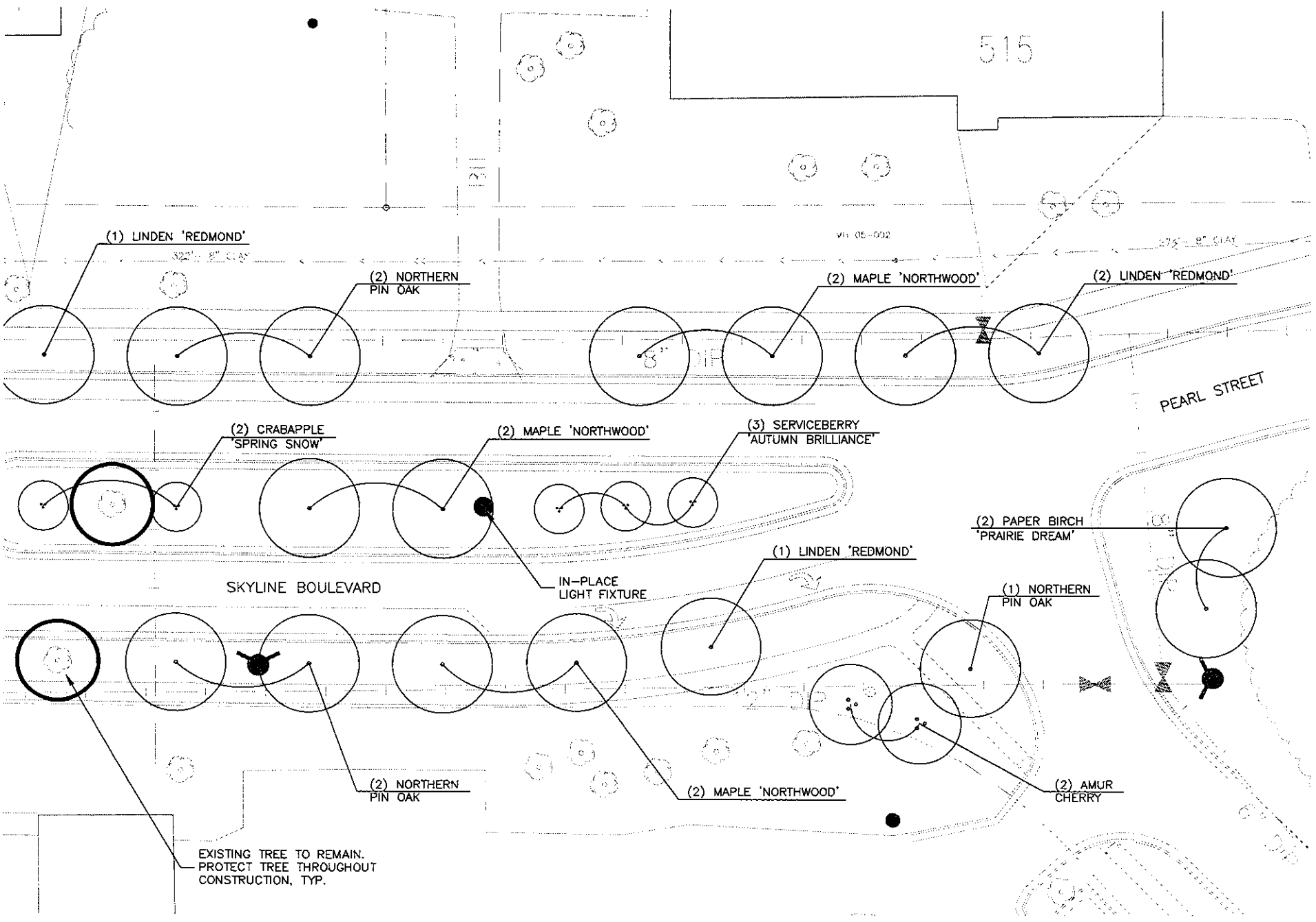


PLAN





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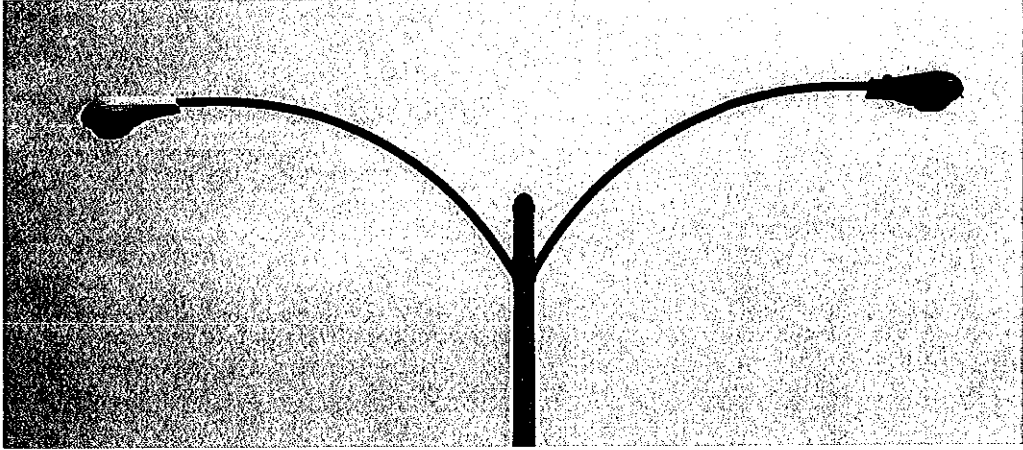


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 CONSTRUCTION, TYP.

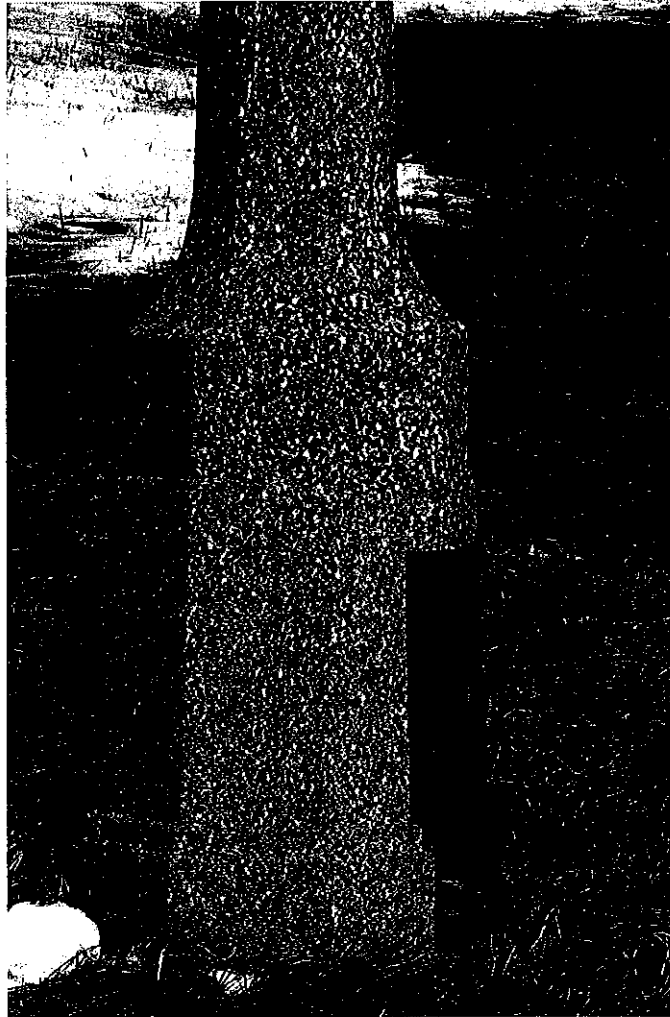
Skyline Boulevard Street Lights – March 2016
Cloquet, Minnesota



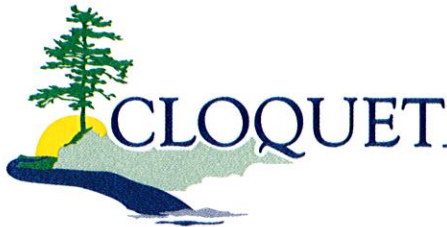
Concrete Poles – Approximate 20' Height – Approximate 10' Arms



Approximate 10' Double Arms




Concrete Base with Anchor Bolts



ADMINISTRATIVE OFFICES

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REQUEST FOR COUNCIL ACTION

To: Mayor and City Council
From: James R. Prusak, Director of Public Works
Reviewed by: Brian Fritsinger, City Administrator 
Date: March 21, 2016

ITEM DESCRIPTION: Hiring of MSA Professional Services to complete an updated hydraulic study for the Lake Superior Waterline from Pump Station #2 to Cloquet

Proposed Action

Staff recommends the City Council move to authorize the hiring of MSA Professional Services to complete an updated hydraulic study for the Lake Superior Waterline from Pump Station #2 to Cloquet in the amount of \$15,000.

Background/Overview

The Cloquet/Lake Superior Waterline is a 24-mile long water transmission system, which pumps water from Lake Superior to Cloquet, Minnesota. Originally constructed by the City of Cloquet at a cost of \$8.4 million, the system began operations in 1969 and its primary purpose has been to provide approximately 11 million gallons per day (MGD) of raw industrial process water to the Sappi Pulp and Paper Mill. As part of its daily operations, the mill also draws water from the St. Louis River to supplement the Lake Superior flows. Over the past three years, the City and Sappi have been discussing required improvements to the Lake system that would increase its pumping capacity to as much as 17.7 MGD. At the same time, almost all of the existing major pump, motor and electrical equipment is reaching the end of its service life and needs to be replaced or upgraded.

Currently the most limiting factor with the existing Lake system is the pumping capacity at Cloquet's Pump Station #2, which is located in west Duluth. At this Station there are three 900 horsepower (HP) turbine pumps with an approximately pumping capacity of 4,500 gallons per minute (GPM) each and one 1,000 HP centrifugal pump with a capacity of 5,400 GPM. Currently, two pumps are required to run around the clock to meet the mill's lake water needs and to start a third pump to increase capacity will require certain electrical improvements, which are currently being considered.

Another issue related to increased pumping capacity at Station #2 is just how the 36-inch diameter pipeline, running upstream to Cloquet, will react to resulting increased flow velocities and pressures. To help answer this question, it is proposed to complete a hydraulic study of this section of the pipeline, with the use of a computer model to evaluate the pipeline's performance as a result of a proposed three pump operation.

To the Mayor and Council
Lake Superior Waterline Hydraulic Study
March 21, 2016
Page 2

In 2000, MSA Professional Services completed a similar hydraulic study of the entire Lake Superior Waterline, which recommended a number of improvements to help protect the physical integrity of the pipeline itself. Enclosed for consideration by the Council is a proposal by MSA to complete an update to this previous study.

Policy Objectives

To work with primary customers to help meet their present and future water needs and to maintain and replace necessary equipment to sustain reliable utility operations.

Financial/Budget/Grant Considerations

The proposal for engineering services provided by MSA Professional Services involves an estimated cost of \$15,000. This would be paid for under the Lake Superior Waterline's operating budget, which is recaptured through water rates paid by Sappi.

As future operating capacity and improvement projects are identified, discussion with the City's administration will be required to further clarify project priorities, timing and how these costs will be financed through Sappi's future water rates.

Advisory Committee/Commission Action

N/A

Supporting Documentation Attached

- December 7, 2015 Proposal by MSA Professional Services



December 7, 2015

Donald Gross
Sappi North America
2201 Avenue B
P.O. Box 511
Cloquet, MN 55720

Re: City of Cloquet Pump Station No.2 Water Main System Surge and Transient Analysis

Dear Mr. Gross:

Per our discussion, I understand Sappi and the City of Cloquet are considering operating three pumps at Pump Station No. 2. Before starting the third pump, Sappi and the City are interested in identifying the risks related to running three pumps. As you know, MSA conducted an evaluation of the water system and pipeline between about 1995 to approximately 2002. The reports and memos developed at that time include recommendation for pump and pipeline upgrades to increase the capacity of the system. In 2000, MSA published a Surge and Transient analysis. This evaluation includes the predicted system performance of the three pumps operating at Pump Station No. 2. Most importantly the report included the predicted result of an emergency shut-down of three pumps.

I would not expect different results from a new model for this system, unless the system configuration has changed, or the system is different than the basis of the existing model. The precision of any engineering model is reliant on the accuracy of the information derived from the calculations. Models are not absolute predictions of actual field conditions. Unknown variables a model may not predict accurately may include, but not be limited to the following: varying material condition of buried water main, the operational effectiveness of mechanical equipment along the pipeline, etc.

Per your request for a cost to develop a new Transient Model, I estimate the effort will cost approximately \$15,000. The following is the proposed scope:

- System research and verification of system configuration
- Develop new model of Pump Station No. 2 and discharge water main
- Develop summary memo and recommendations
- Meeting to present results

To avoid potential conflicts of interest, MSA requests to contract for this work with the City of Cloquet. Based on the unknowns and variable factors of modeling, MSA limited our liability to the value of the contract for our services.

Offices in Illinois, Iowa, Minnesota, and Wisconsin

1230 SOUTH BOULEVARD • BARABOO, WI 53913
(608) 356-2771 • (800) 362-4505 • FAX: (608) 356-2770
www.msa-ps.com

Page 2

Donald Gross
Sappi North America
December 7, 2015

I do appreciate the opportunity, please contact me if you have any additional questions.

Sincerely,

MSA Professional Services, Inc.

A handwritten signature in black ink, appearing to read "Scott R. Chilson". The signature is fluid and cursive, with a long horizontal stroke at the end.

Scott R. Chilson, P.E.
Senior Project Engineer

SRC:dp

cc. Jim Prusak, City of Cloquet
Brian Miller, MSA