

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 Wilkinson seconded the motion to approve the April 5, 2016 agenda. The motion carried unanimously (7-0).

### MINUTES

**MOTION:** Councilor Kolodge moved and Councilor Rock seconded the motion to approve the minutes of the Work Session and Regular Meeting of March 15, 2016. The motion carried unanimously (7-0).

### CONSENT AGENDA

**MOTION:** Councilor Bjerkness moved and Councilor Maki seconded the motion to adopt the consent agenda of April 5, 2016 approving the necessary motions and resolutions. The motion carried unanimously (7-0).

- a. Resolution No. 16-30, Authorizing the Payment of Bills and Payroll

### PUBLIC HEARINGS

#### 8<sup>TH</sup> Street Final Assessments

Mayor Hallback announced that now is the time and place for the Public Hearing on the proposed final assessments for the 2015 improvement of 8<sup>th</sup> Street from a point 450 feet north of Washington Avenue to Sahlman Avenue and also Sahlman Avenue from 7<sup>th</sup> Street to 9<sup>th</sup> Street. City Engineer Prusak reviewed the cost of the project and the proposed assessments. Jeff Schultz, 706 Sahlman Avenue, addressed the Council regarding his concerns with the assessments. With no further comments from the public, the hearing was closed.

The Council discussed the City's current interest rate being proposed at eight percent (8%). Staff provided the history of the policy using an eight percent (8%) rate. The Council debated the rate in comparison to other cities. Staff noted many other cities use an interest rate that reflects the bond rate plus something additional. The Council indicated that they would like the City's Code and policy to be amended to reflect something more comparable with other cities.

**MOTION:** Councilor Bjerkness moved and Councilor Kolodge seconded the motion 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 assessment was provided to the property owner as required by Minnesota Statute. The motion was carried unanimously (7-0).

**MOTION:** Councilor Langley moved and Councilor Maki seconded the motion to deny the objection and appeal of Jeff Schultz, 706 Sahlman Avenue, due to the property receiving benefit from the project and the assessments being levied in conformance with Minnesota Statute. The motion was carried unanimously (7-0).

**MOTION:** Councilor Kolodge moved and Councilor Wilkinson seconded the motion to adopt **RESOLUTION NO. 16-31, A RESOLUTION ADOPTING ASSESSMENTS FOR THE IMPROVEMENT OF 8<sup>TH</sup> STREET FROM A POINT 450 FEET NORTH OF WASHINGTON AVENUE TO SAHLMAN AVENUE AND ALSO SAHLMAN AVENUE FROM 7<sup>TH</sup> STREET TO 9<sup>TH</sup> STREET**, subject to the interest rate being determined at a future date as part of the review of the City's Assessment Policy. The motion carried unanimously (7-0).

**WHEREAS**, In 2015, the City Council received an engineering study to reconstruct 8<sup>th</sup> Street from a point 450 feet north of Washington Avenue to Sahlman Avenue and also Sahlman Avenue from 7<sup>th</sup> Street to 9<sup>th</sup> 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 8<sup>th</sup> 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 to be determined at a future date as part of a review of the City's Assessment Policy 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 30<sup>th</sup> 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.

**West Taylor Avenue Final Assessments**

Mayor Hallback announced that now is the time and place for the Public Hearing on the proposed final assessments for the 2015 improvement of West Taylor Avenue from South Oak Street, West approximately 1,300 Feet, or any changes thereto. City Engineer Prusak reviewed the cost of the project and the proposed assessments. With no further comments from the public, the hearing was closed.

**MOTION:** Councilor Bjerkness moved and Councilor Rock seconded the motion to adopt **RESOLUTION NO. 16-32, A RESOLUTION ADOPTING ASSESSMENTS FOR THE IMPROVEMENT OF WEST TAYLOR AVENUE FROM SOUTH OAK STREET, WEST APPROXIMATELY 1,300 FEET**, subject to the interest rate being determined at a future date as part of a review of the City's Assessment Policy. The motion carried unanimously (7-0).

**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 to be determined at a future date as part of a review of the City's Assessment Policy 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 30<sup>th</sup> 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.

**PRESENTATIONS**

There were none.

**OBEIDZINSKI DEFERRAL OF SPECIAL ASSESSMENT APPLICATION**

**MOTION:** Councilor Bjerkness moved and Councilor Rock seconded the motion to approve the deferment of special assessments for Karen Obeidzinski, 708 Sahlman Avenue, as part of the 2015 8<sup>th</sup> Street reconstruction project. The motion carried unanimously (7-0).

**FAMILY MEDICAL LEAVE POLICY AMENDMENT**

**MOTION:** Councilor Maki moved and Councilor Wilkinson seconded the motion to approve the Family Medical Leave Act (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. The motion carried unanimously (7-0).

**COMPREHENSIVE PLAN AMENDMENT (LAND USE PLAN) REZONING AND SITE PLAN FOR KWIK TRIP**

**MOTION:** Councilor Bjerkness moved and Councilor Wilkinson seconded the motion to approve **RESOLUTION NO. 16-13(A), A RESOLUTION APPROVING THE COMPREHENSIVE PLAN AMENDMENT (LAND USE PLAN) FROM "LOW DENSITY RESIDENTIAL" TO "HIGHWAY COMMERCIAL"**. The motion carried unanimously (7-0).

**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.

And

**MOTION:** Councilor Kolodge moved and Councilor Bjerkness seconded the motion to adopt **ORDINANCE NO. 453A, 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 motion carried (6-1), Councilor Rock opposed.

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.

**MOTION:** Councilor Langley moved and Councilor Kolodge seconded the motion to approve **RESOLUTION NO. 16-14(A), A RESOLUTION APPROVING OF A SITE PLAN IN THE RC-REGIONAL (HIGHWAY) COMMERCIAL DISTRICT FOR KWIK TRIP, INC.** The motion carried (4-3), Councilor Rock, Councilor Maki and Mayor Hallback opposed.

**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 Tight 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) to Washington Avenue must be completed prior to the Certificate of Occupancy being issued for the building.
14. Elimination of the diesel canopy and associated pumps from the site plan.
15. The “pork chop” right-in/right-out design at the western entrance off of Washington Avenue is constructed.

**MOTION:** Councilor Langley moved and Councilor Bjerckness seconded the motion to table **RESOLUTION NO. 16-29, A RESOLUTION REQUESTING CARLTON COUNTY TO POST WASHINGTON AVENUE FOR “NO PARKING” FROM 8<sup>TH</sup> STREET/HOLMES DRIVE TO 150 FEET EAST OF 12<sup>TH</sup> STREET**, to a future date to be determined, to discuss if changes to parking are necessary. The motion carried unanimously (7-0).

#### **CLOQUET MIDDLE SCHOOL SITE PLAN REVIEW**

**MOTION:** Councilor Bjerckness moved and Councilor Wilkinson seconded the motion to adopt **RESOLUTION NO. 16-27, A RESOLUTION APPROVING A SITE PLAN IN THE PI – PUBLIC/INSTITUTIONAL DISTRICT FOR ANDERSON-JOHNSON ASSOCIATES, INC. FOR ISD #94**, subject to the condition of a traffic and access study to be completed and findings of the study are implemented as necessary. The motion carried (5-2). Councilor Rock and Councilor Maki opposed.

**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 18<sup>th</sup> Street and west of 22<sup>nd</sup> 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 18<sup>th</sup> and 22<sup>nd</sup> 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.
10. Completion of traffic and access study and findings of the study are implemented as necessary.

#### **SKYLINE BOULEVARD LANDSCAPE BID**

**MOTION:** Councilor Kolodge moved and Councilor Langley seconded the motion to authorize the advertisement of bids to complete the Skyline Boulevard Landscape Improvement Project. The motion carried unanimously (7-0).

#### **LAKE SUPERIOR WATERLINE HYDRAULIC STUDY PROFESSIONAL SERVICE AGREEMENT**

**MOTION:** Councilor Rock moved and Councilor Kolodge seconded the motion 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. The motion carried unanimously (7-0).

#### **PUBLIC COMMENTS**

Roland Bromberg, 819 Washington Avenue, addressed the Council regarding the Kwik Trip project.

**COUNCIL COMMENTS, ANNOUNCEMENTS, AND UPDATES**

There were none.

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

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Brian Fritsinger, City Administrator