



CITY OF CLOQUET
City Council Agenda
Tuesday, April 21, 2015
7:00 p.m.
City Hall Council Chambers

CITY COUNCIL WORK SESSION

5:30 p.m. Chapter 12 - Financing and Assessment of Public Improvements
6:50 p.m. Future Work Session Agenda Planning

1. **Roll Call.**
2. **Approval of Agenda.**
 - a. Approval of April 21, 2015 Council Agenda.
3. **Approval of Council Minutes.**
 - a. Work Session minutes from the April 7, 2015 meeting.
 - b. Regular Council minutes from the April 7, 2015 meeting.
4. **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. 15-33, Authorizing the Payment of Bills.
5. **Public Hearings.**
 - a. Now is the time and place for the public hearing on the proposed extension of sanitary sewer and water service on Sunset Drive from the Cloquet North Road, north approximately 500 feet.
 - Resolution No. 15-35.
6. **Presentations.**

None.



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7. **Council Business.**

- a. Utility Maintenance Person Appointment.
- b. Engineering Intern Appointments.
- c. Resolution No. 15-34, Resolution for Purpose of Extending the Expiration Date of the Cable Television Franchise Agreement Authorizing the Operation of a Cable Television System.
- d. 2014 Year End Transfers.

8. **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.

9. **Council Comments, Announcements, and Updates.**

10. **Adjournment.**

Effective Date: March 7, 2006
Amendments: 06-05-07 **340A** /

12.2.01. General Policy. It shall be the policy of the City to finance certain street and utility improvements by the methods prescribed in this Section. The apportionment of the cost between benefited property and the City at large and the method of levying assessments prescribed in those sections shall be followed in each case unless the Council, by resolution, finds that because of special circumstances, as provided for by Statute, a different policy shall be necessary or desirable. Any local improvement described in Minn. Stat., Chapter 429 and not specifically addressed by this Section shall be financed as the Council determines to be most feasible and equitable in each case.

12.2.02. Applicable State Statutes. All procedures for the construction and financing of local improvements, when at least part of the cost shall be defrayed by special assessments against benefited property, shall conform with the applicable regulations of this Section and Minn. Stat., Chapter 429 and the definitions as set forth in the statutes.

12.2.03. Method of Initiation.

Subd. 1. Petition. No petition for construction of sidewalks, curb and gutter, sanitary sewer and water or permanent street surfacing filed in compliance with State law shall be required to be accepted or acted upon by the Council unless it shall be filed with the City Administrator on or before August 1 of the year prior to the year of requested construction.

Subd. 2. Initiation Of Improvements Without Petitions. The City may initiate improvements covered by this Section without first receiving a petition from affected property owners; however, in order to do so, a 6/7ths vote of the City Council shall be required.

12.2.04. Establishment Of Assessment Districts For Street Improvements. For the purpose of determining special assessments associated with various street improvements covered by this Section, the City shall be divided into two separate assessment districts as specified in the following Subdivisions.

Subd. 1. Assessment District #1. Assessment District #1 for the purpose of this Section shall be the corporate limits of the City of Cloquet prior to the Knife Falls Township consolidation of 1975. It shall also include those properties of the consolidated Knife Falls area to which City sanitary sewer and water utilities have been extended to within four hundred feet.

Subd. 2. Assessment District #2. Assessment District #2 shall be that part of the Knife Falls Township which was consolidated with the City of Cloquet in 1975 and to which City sanitary sewer and water utilities have not been extended to within four hundred feet. (As a condition of the 1975 consolidation agreement, this area currently pays 1/4 of the City's property tax rate until such time that these utilities are extended to within four hundred feet). Once City sanitary sewer and water utilities are extended to properties within Assessment District #2, they shall then be reclassified into Assessment District #1 and any future special assessment made in conjunction with improvements covered by this Section shall follow the applicable regulations for Assessment District #1.

12.2.05. Classification of Street Improvement Projects. Street improvement projects shall be divided into two classifications as specified in the following subdivisions and to property specially served by the improvement. The project classification shall depend on the designation of the particular street as either part of Cloquet's Municipal State Aid (MSA) street system or part of Cloquet's local street system.

Subd. 1. Construction or Reconstruction of MSA Routes. MSA routes shall refer to those City streets, under the ownership and jurisdiction of Cloquet, which have been specifically designated, by resolution of the City Council, in accordance with the "Rules and Regulations for State Aid Operations" under Minn. Stat., Chapters 161 and 162.

Subd. 2. Construction or Reconstruction of Non-MSA Routes. Non-MSA routes shall refer to those City streets, under the ownership and jurisdiction of Cloquet, which have not been specifically designated MSA routes in accordance with Subdivision #1 above.

12.2.06. Improvement or Reconstruction of MSA Routes.

Subd. 1. In General. The regulations and requirements of this Section shall apply to the improvement or reconstruction of all MSA routes as designated by the City Council and established for public travel.

Subd. 2. Curb and Gutter. When curb and gutter shall be installed in either new construction or reconstruction, 50% of its cost shall be assessed to the adjacent property on the basis of frontage.

Subd. 3. Sidewalks. The cost of sidewalk construction or reconstruction shall be paid for by the City at the time the entire street is constructed to State Aid standards with the use of State Aid funds. The cost of any sidewalk improvements, whether construction or reconstruction, not associated with a State Aid street project, shall be assessed 100% against the adjacent property on the basis of frontage.

Subd. 4. Pavement. When a street shall be paved or repaved, the abutting property shall be assessed on the basis of frontage, for the cost of a ten foot wide strip of bituminous surface constructed to a three inch thickness. The cost of the pavement in excess of the assessed twenty foot width shall be paid for by the City. If the street shall be paved with concrete or to standards higher than those the City would use for a typical residential street, all costs in excess of the three inch bituminous design shall be paid for by the City.

Subd. 5. Grading and Base Construction. All grading and gravel base construction or reconstruction costs shall be paid for by the City.

Subd. 6. Storm Sewers. All storm sewer construction or reconstruction costs shall be paid for by the City.

Subd. 7. Project Development, Design and Administrative Fees. The City may assess the cost of applicable project development, design and administrative fees associated with any assessed improvements.

Subd. 8. Miscellaneous Construction Costs. All miscellaneous street construction costs not specifically addressed by this Section shall be paid for by the City

Subd. 9. Corner Lots. In any assessment made on the basis of frontage for curbs, sidewalks and pavement installations, where these improvements are installed on both sides of a platted corner lot, these corner lots shall be assessed for the frontage of their short side plus 1/3rd the frontage of their long side. This adjustment shall not apply to lots, who because of their size could be subdivided into two or more buildable lots.

Subd. 10. Double Frontage Lots. In the case of double frontage lots where assessable street improvements are made along both the front and backyards of a single lot, double-frontage lots shall be assessed for one side only. This adjustment shall not apply to lots who's backyards front on an alley, or to lots who because of their size and lot depth could be subdivided into two separate buildable lots.

Subd. 11. Adjusted Frontage - Irregular Shaped Lots. When the amount of an assessment shall be determined by frontage, in the case of pie-shaped or irregular shaped lots, an equivalent assessable front footage shall be determined by dividing the square footage of the lot by the general lot depth of the subdivision.

Subd. 12. Special Cases. In special cases, the City Council may, by resolution, exempt certain properties from special assessments if the property shall be considered unsuitable for residential, commercial or industrial development or would otherwise not be benefited or improved by the installation of sanitary sewer or water utilities. As an alternative to assessing the cost of certain utility extensions on the basis of frontage, the City Council may elect to assess these improvements on a per connection or on a per lot basis. Furthermore, as an alternative to assessing the cost of certain utility extensions at the time of construction, the City Council may elect to establish utility connection fees to be charged to certain properties at their time of connection.

Subd. 13. Federal, State And County Aid Use. If the City shall receive financial assistance from the federal government, the State or the County to defray a portion of the cost of a particular street improvement, the aid shall be used first to reduce the share of the project cost which would be met from general City funds according to the assessment formulas contained in this Section. If such aid shall be more than the amount of the improvement cost to be borne by the City, the remainder of the aid so received shall be credited to the City's Permanent Improvement Fund.

Subd. 14. Minimum Project Assessable Cost. If a portion of a particular improvement shall be financed through special assessments as shall be provided for by this Section, under no circumstances shall the total project assessable cost be less than twenty percent (20%) of the total improvement cost. If in the use of the formulas as established by this Section, the total assessable cost for a particular improvement shall be less than twenty percent, the front foot assessment for each benefited parcel shall be adjusted so that a minimum of twenty percent of the total project cost shall be assessed.

12.2.07. Improvement or Reconstruction of Non-MSA Routes.

Subd. 1. In General. The regulations and requirements of this Section shall apply to the improvement or reconstruction of all Non-MSA routes as designated by the City Council and established for public travel.

Subd. 2. Curb and Gutter. When curb and gutter shall be installed in either new construction or reconstruction, in Assessment District #1, 50% of its cost shall be assessed to the adjacent property on the basis of frontage. In Assessment District #2, 100% of its cost shall be assessed to the adjacent property on the basis of frontage.

Subd. 3. Sidewalks. The cost of sidewalk construction or reconstruction shall be assessed 100% against the adjacent property on the basis of frontage.

Subd. 4. Pavement. When a street shall be paved or repaved, the abutting property shall be assessed on the basis of frontage. In Assessment District #1, the abutting property shall be assessed for the cost of a ten foot wide strip of bituminous surface constructed to a three inch thickness. In Assessment District #2, the abutting property shall be assessed for the cost of a twelve foot wide strip of bituminous surface constructed to a three inch thickness. The cost of the pavement in excess of the assessed widths shall be paid for by the City. If the street shall be paved with concrete or to standards higher than those the City would use for a typical residential street, all costs in excess of the three inch bituminous design shall be paid for by the City.

Subd. 5. Grading and Base Construction. All grading and gravel base construction or reconstruction costs shall be paid for by the City.

Subd. 6. Storm Sewers. All storm sewer construction or reconstruction costs shall be paid for by the City.

Subd. 7. Driveway Culverts. All required driveway culverts for newly constructed driveways or new homes shall be furnished, installed and paid for by either the developer or property owner.

Subd. 8. Alleys. In the case of alley construction or reconstruction, the cost of all grading and gravel base construction shall be paid for by the City. When an alley shall be paved, the abutting property shall be assessed, on the basis of frontage, for the full width of a bituminous surface constructed to a three inch thickness.

Subd. 9. Bituminous Overlays In Assessment District #1. In Assessment District #1, the cost of all bituminous pavement overlays on existing paved streets shall be paid for by the City.

Subd. 10. Bituminous Overlays In Assessment District #2. In Assessment District #2, the cost of all bituminous overlays on existing paved streets shall be assessed, on the basis of frontage, for a twelve foot wide strip of bituminous surface constructed to a one and one-half inch thickness. The cost of the pavement overlay in excess of the assessed twenty-four foot width shall be paid for by the City. For the purpose of determining the assessable cost of the twelve foot wide strip, the cost of any tack coat material, if applicable, shall be included. For the purpose of the assessment of bituminous overlays within Assessment District #2, the City shall establish a maximum assessed frontage of 200 feet for large unplatted property owned by a single owner. However, if the property has been subdivided or platted into smaller individual lots conforming to applicable zoning requirements and all of the lots exist under single ownership, the 200 foot maximum assessment shall not apply and the full frontage shall be assessed.

Subd. 11. Project Development, Design and Administrative Fees. The City may assess the cost of applicable project development, design and administrative fees associated with any assessed improvements.

Subd. 12. Miscellaneous Construction Costs. All miscellaneous street construction costs not specifically addressed by this Section shall be paid for by the City.

Subd. 13. Corner Lots. In any assessment made on the basis of frontage for curbs, sidewalks and pavement installations, where these improvements are installed on both sides of a platted corner lot, these corner lots shall be assessed for the frontage of their short side plus $1/3^{\text{rd}}$ the frontage of their long side. This adjustment shall not apply to lots, who because of their size could be subdivided into two or more buildable lots.

Subd. 14. Double Frontage Lots. In the case of double frontage lots where assessable street improvements are made along both the front and backyards of a single lot, double-frontage lots shall be assessed for one side only. This adjustment shall not apply to lots whose backyards front on an alley, or to lots who because of their size and lot depth could be subdivided into two separate buildable lots.

Subd. 15. Adjusted Frontage - Irregular Shaped Lots. When the amount of an assessment shall be determined by frontage, in the case of pie-shaped or irregular shaped lots, an equivalent assessable front footage shall be determined by dividing the square footage of the lot by the general lot depth of the subdivision.

Subd. 16. Special Cases. In special cases, the City Council may, by resolution, exempt certain properties from special assessments if the property shall be considered unsuitable for residential, commercial or industrial development or would otherwise not be benefited or improved by the installation of sanitary sewer or water utilities. As an alternative to assessing the cost of certain utility extensions on the basis of frontage, the City Council may elect to assess these improvements on a per connection or on a per lot basis. Furthermore, as an alternative to assessing the cost of certain utility extensions at the time of construction, the City Council may elect to establish utility connection fees to be charged to certain properties at their time of connection.

Subd. 17. Federal, State And County Aid Use. If the City shall receive financial assistance from the federal government, the State or the County to defray a portion of the cost of a particular street improvement, the aid shall be used first to reduce the share of the project cost which would be met from general City funds according to the assessment formulas contained in this Section. If such aid shall be more than the amount of the improvement cost to be borne by the City, the remainder of the aid so received shall be credited to the City's Permanent Improvement Fund.

Subd. 18. Minimum Project Assessable Cost. If a portion of a particular improvement shall be financed through special assessments as shall be provided for by this Section, under no circumstances shall the total project assessable cost be less than twenty percent (20%) of the total improvement cost. If in the use of the formulas as established by this Section, the total assessable cost for a particular improvement shall be less than twenty percent, the front foot assessment for each benefited parcel shall be adjusted so that a minimum of twenty percent of the total project cost shall be assessed.

12.2.08. Establishment and Construction of Streets Within Newly Established Subdivisions.

Subd. 1. In General. The regulations and requirements of this Section shall apply to all street and infrastructure improvements within new subdivisions, which shall be platted and formally accepted by the City after the effective date of this ordinance and shall require that developers finance and complete certain minimum improvements prior to acceptance by the City.

Subd. 2. Developer's Agreement Required. As part of the subdivision approval process, the owner's and developers of all new subdivisions shall enter into a written Developer's Agreement with the City, which will outline the conditions of approval of the proposed subdivision and minimum improvements to be completed prior to final acceptance of any and all infrastructure improvements related to the new development. Prior to the execution of the Developer's Agreement, the final subdivision plat cannot be recorded with the County Records Office.

Subd. 3. Storm Water Drainage and Erosion Control Plans. Prior to the acceptance of any newly dedicated streets within a new subdivision, the developers shall complete and pay for the cost of all required grading to provide for necessary storm water runoff in accordance with a written plan approved by the City. This shall include the furnishing and installation of any storm water treatment or detention ponds, necessary culverts and storm sewer related systems. Prior to the commencement of any site construction that would disturb more than one acre of land, the owner and contractor shall apply for and obtain the appropriate NPDES permits from the Minnesota Pollution Control Agency and provide a copy of the approved permits to the City. All storm water drainage systems and erosion control plans shall be developed and constructed in accordance with all other State and City rules.

Subd. 4. Street Grading and Base Construction. Prior to the acceptance of any newly dedicated streets, the developer shall complete and pay for the cost of all required street grading and gravel base construction in accordance with a written grading plan approved by the City.

Subd. 5. Street Signage. Prior to the acceptance of any newly dedicated streets, the developer shall complete and pay for the cost of all required street signage in accordance with a written sign plan approved by the City.

Subd. 6. Curb, Sidewalks and Pavement. In accordance with the Developer's Agreement, if curbs, sidewalks, pavement and other infrastructure improvements are not initially installed by the development, these improvements may take place at a later date upon the filing of a valid petition by the property owners residing within the subdivision. Upon approval of the City Council, the City will arrange for the completion of these improvements and the assessment of benefited properties in accordance with this Section and all other applicable State and City rules.

Subd. 7. Other Applicable Rules, Regulations and Ordinances. All development within new subdivisions shall be in conformance with the requirements of all other applicable State and City statutes, codes, rules regulations and/or ordinances, which are in effect at the time of development.

12.2.09. New Sanitary Sewer and Water Main Extensions.

Subd. 1. When new sanitary sewer and water mains are constructed or extended to properties previously unserved by these utilities, the cost of water mains not exceeding eight inches in diameter and of sanitary sewer mains not exceeding eight inches in diameter shall be assessed 100% against abutting property on the basis of frontage. The cost of water mains to be assessed shall include building water service lines if furnished, hydrants, valves and other related construction expenses. The cost of the sanitary sewer main to be assessed shall include all manholes, building sewer service lines and other related construction expenses. Assessments for both water and sanitary sewer extensions may also include related engineering design and construction costs.

Subd. 2. Intersections. In the case of new sanitary sewer and water main extensions, as covered under Subdivision 1 above, the cost of water and sewer improvements in street intersections shall be included as part of the total project cost in determining the assessable costs.

Subd. 3. New Sanitary Sewer Lift Station Installations. When a new sanitary sewer lift station shall be constructed to service an area previously unserved by sanitary sewer the cost of the lift station shall be assessed against the property actually benefited by the lift station.

Subd. 4. Corner Lots. In any assessment made on the basis of frontage for sanitary sewer and water extensions, where these improvements are installed on both sides of a platted corner lot, these corner lots shall be assessed for the frontage of their short side only or an equivalent front footage determined by dividing the square footage of the lot by the general lot depth of the subdivision where other rules do not apply. In no case shall the assessed frontage for corner lots be less than the average assessed frontage for other properties within the project.

Subd. 5. Double Frontage Lots. In the case of double frontage lots where assessable utility extension improvements are made along both the front and backyards of a single lot, double-frontage lots shall be assessed for one side only. This adjustment shall not apply to lots whose backyards front on an alley, or to lots who because of their size and lot depth could be subdivided into two separate buildable lots.

Subd. 6. Adjusted Frontage - Irregular Shaped Lots. When the amount of an assessment shall be determined by frontage, in the case of pie-shaped or irregular shaped lots, an equivalent assessable front footage shall be determined by dividing the square footage of the lot by the general lot depth of the subdivision.

Subd. 7. Project Development, Design and Administrative Fees. The City may assess the cost of applicable project development, design and administrative fees associated with any assessed improvements.

Subd. 8. Special Cases. In special cases, the City Council may, by resolution, exempt certain properties from special assessments if the property shall be considered unsuitable for residential, commercial or industrial development or would otherwise not be benefited or improved by the installation of sanitary sewer or water utilities. As an alternative to assessing the cost of certain utility extensions on the basis of frontage, the City Council may elect to assess these improvements on a per connection or on a per lot basis. Furthermore, as an alternative to assessing the cost of certain utility extensions at the time of construction, the City Council may elect to establish utility connection fees to be charged to certain properties at their time of connection.

Subd. 9. Federal, State And County Aid Use. If the City shall receive financial assistance from the federal government, the State or the County to defray a portion of the cost of a particular utility improvement, the aid shall be used first to reduce the share of the project cost which would be met from general City funds according to the assessment formulas contained in this Section. If such aid shall be more than the amount of the improvement cost to be borne by the City, the remainder of the aid so received shall be credited to the City's Sewer and or Water Enterprise funds.

Subd. 10. Minimum Project Assessable Cost. If a portion of a particular improvement shall be financed through special assessments as provided for by this Section, under no circumstances shall the total project assessable cost be less than twenty percent (20%) of the total improvement cost. If in the use of the formulas as established by this Section, the total assessable cost for a particular improvement shall be less than twenty percent, the front foot assessment for each benefited parcel shall be adjusted so that a minimum of twenty percent of the total project cost shall be assessed.

12.2.10. Sanitary Sewer and Water Main Reconstruction Projects.

Subd. 1. When existing City owned sanitary sewer and water mains are reconstructed, replaced or rehabilitated as a result of system age or deterioration, in areas that have already been previously serviced, a portion of the reconstruction cost shall be assessed against benefited abutting property on the basis of frontage. After completion of the project, the City Engineer shall recommend, and the City Council shall adopt by resolution, a Front Foot Assessable Cost which shall apply to that project. This Front Foot Assessable Cost shall be calculated and established in accordance with the following "Typical Design Assessment Formula" utilizing current unit construction prices as experienced during that year. If numerous reconstruction contracts are let during that year, average unit prices shall be calculated. In calculating the Front Foot Assessment, 50% of the Total Construction Cost, as established by the Typical Design Assessment Formula, shall be assessed against an Assessable Frontage of 864 feet. The Front Foot Assessment shall then be applied to all benefited properties in accordance with other applicable rules.

Typical Design Assessment Formula

Quantity	Item	Current Unit Price	Total
575 LF	8" PVC Sewer	@ \$ =	\$
660 LF	6" DIP Water	@ \$ =	\$
27 LF	4' Manhole	@ \$ =	\$
2 EA	6" Valves	@ \$ =	\$
1 EA	Hydrant	@ \$ =	\$
3 EA	MH Castings	@ \$ =	\$
75 CY	Rock Exc.	@ \$ =	\$
200 CY	Gr. Bedding	@ \$ =	\$
1 EA	Misc. Fittings	@ \$2,500	= \$ 2,500

TOTAL CONSTRUCTION COST ----- = \$
(Summation of Above)

FRONT FOOT ASSESSMENT = (TOTAL CONSTRUCTION COST x 50%) ÷ 864'

Subd. 2. Trunk Sanitary Sewer and Water Mains in Excess of Eight Inches. When trunk sanitary sewer mains shall be constructed or replaced in excess of eight inches in diameter, or trunk water mains shall be constructed or replaced in excess of eight inches in diameter, the abutting property shall be assessed for only the cost of the eight-inch mains. All costs in excess of an eight-inch installation shall be paid for by the City.

Subd. 3. Corner Lots. In any assessment made on the basis of frontage for sanitary sewer and water reconstruction, where these improvements are installed on both sides of a platted corner lot, these corner lots shall be assessed for the frontage of their short side only or an equivalent front footage determined by dividing the square footage of the lot by the general lot depth of the subdivision where other rules do not apply. In no case shall the assessed frontage for corner lots be less than the average assessed frontage for other properties within the project.

Subd. 4. Double Frontage Lots. In the case of double frontage lots where assessable utility reconstruction improvements are made along both the front and backyards of a single lot, double-frontage lots shall be assessed for one side only. This adjustment shall not apply to lots who's backyards front on an alley, or to lots who because of their size and lot depth could be subdivided into two separate buildable lots.

Subd. 5. Sewer and Water Service Line Replacement. In the case of sewer and water main reconstruction projects, the cost of individual water and sewer building service line replacement from the mains to the property line shall be paid for by the City up to a maximum footage of sixty feet and all other building service line replacement costs shall be borne by the property owner.

Subd. 6. Sanitary Sewer Lift Station Replacement Or Reconstruction. When an existing sanitary sewer lift station shall be constructed or replaced as a result of system age, deterioration, or overload, the cost of the lift station replacement shall be paid for by the City.

Subd. 7. Adjusted Frontage - Irregular Shaped Lots. When the amount of an assessment shall be determined by frontage, in the case of pie-shaped or irregular shaped lots, an equivalent assessable front footage shall be determined by dividing the square footage of the lot by the general lot depth of the subdivision.

Subd. 8. Project Development, Design and Administrative Fees. The City may assess the cost of applicable project development, design and administrative fees associated with any assessed improvements.

Subd. 9. Special Cases. In special cases, the City Council may, by resolution, exempt certain properties from special assessments if the property shall be considered unsuitable for residential, commercial or industrial development or would otherwise not be benefited or improved by the reconstruction of sanitary sewer or water utilities. As an alternative to assessing the cost of certain utility reconstruction projects extensions on the basis of frontage, the City Council may elect to assess these improvements on a per connection or on a per lot basis.

12.2.11. Deferral of Special Assessments for Seniors and Retired, Disabled Homeowners.

Subd. 1. Legislative Authority. Pursuant to Minnesota Statutes Section 435.193, the City Council may defer special assessments levied against the homestead property of a senior citizen or retired, disabled homeowner for whom it would be a hardship to make the annual payments. The City Council will act on all deferral requests once an application, as adopted by the City, has been completed.

Subd. 2. Eligibility For Deferral; Application: Any person sixty-five (65) years of age or older or retired due to total or permanent disability may apply for a deferral of special assessments, provided the following conditions are met:

- a. Homestead: The property being assessed must be the applicant's principal place of domicile. The Classification of the property as homestead on the County's tax rolls combined with the applicant's name being shown as owner shall be considered adequate proof that the property is the applicant's homestead.
- b. Annual Gross Income: The annual gross income of the applicant and spouse, according to their previous year's federal income tax return, plus their tax exempt income, does not exceed 110% of the federal poverty line as defined for Carlton County. If no such return was made, the City Administrator shall require the applicant to submit other pertinent information to show that this qualification is met.
- c. The average annual payment due, principal and interest for the assessments levied against the property exceeds three percent (3%) of the applicant's annual income as thus calculated. (i.e. \$10,000 income x 0.03 = \$300).
- d. The special assessments to be deferred exceed five thousand dollars (\$5,000).
- e. The total assets of the applicant and spouse, exclusive of the homestead, do not exceed thirty thousand dollars (\$30,000).
- f. The County Assessors market value of the applicant's homestead parcel shall not exceed one hundred thousand dollars (\$100,000)
- g. Parcels located within the F-R, Farm Residential, Zoning District must be five (5) acres or less in size. Parcels located within all other zoning districts must be less than one (1) acre in size.

- h. The applicant shall not have signed a petition for the improvement for which the assessment is proposed.
- i. The application, in a form prescribed by the City, shall be completed and filed annually with the City Administrator not later than August 31 of each year. The City Administrator will verify that the applicant meets the above conditions. Any additional forms required by the County for recording the deferral shall also be completed.
- j. Exceptional and Unusual Circumstances. Notwithstanding the foregoing provisions of this subsection, the City Council may consider exceptional and unusual circumstances pertaining to an applicant not covered by the above standards; but any determination shall be made in a nondiscriminatory manner and shall not give the applicant an unreasonable preference or advantage over other applicants.

Subd. 3. Interest on Deferred Assessments: All deferred assessments shall be subject to and charged simple interest at the rate established by the City Council in the resolution adopting the assessment roll. This interest shall accrue over the life of the assessment. No interest shall accrue past the date at which the assessment would have been fully paid if not deferred.

Subd. 4. Termination of Deferral Status: It shall be the duty of the applicant, his/her heirs or legal representative to notify the City Administrator of any changes in status which affect the eligibility for the deferral. Special assessments deferred pursuant to the eligibility requirements set forth herein shall terminate and become payable, together with accumulated interest, upon the occurrence of any one of the following events:

- a. Transfer of Ownership: The property is sold, transferred, subdivided or in any way conveyed to another by the individual for whom the deferral was granted.
- b. Death of Owner: The death of the owner qualified for the deferral, unless a surviving joint tenant or tenant in common is eligible for the deferral benefit provided herein.
- c. Loss of Homestead Status: The property loses its homestead status for any reason.
- d. No Hardship: The City Council determines that there would be no hardship to require an immediate or partial payment.

Subd. 5. Disability: Retirement by reason of permanent and total disability shall be deemed prima facie to exist when the applicant presents a sworn affidavit by a licensed medical doctor attesting that the applicant is unable to be gainfully employed because of a permanent and total disability in any occupation for which he/she may be qualified.



ADMINISTRATIVE OFFICES

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REQUEST FOR COUNCIL ACTION

To: Mayor and City Council
From: Brian Fritsinger, City Administrator (B)
Date: April 13, 2015

ITEM DESCRIPTION: Future Work Session Agenda Planning

Proposed Action

The City Council is asked to provide input for the upcoming City Council work session meeting agenda.

Background/Overview

The City Council typically meets in a work session format prior to each regular City Council meeting to discuss items not otherwise on the regular meeting. To ensure that the City Council is provided opportunity to give input regarding future work session agenda items, staff is suggesting the Council be given an opportunity at each meeting.

Approximately 5 minutes will be set aside at the start of each work session to discuss the next work session meeting. For this purpose, attached the Council will find the tentative agenda and proposed discussion items for the upcoming work session meeting.

Policy Objectives

Does the City Council agree with the agendas as proposed?

Financial/Budget/Grant Considerations

None.

Advisory Committee/Commission Action

None.

Supporting Documentation Attached

- Upcoming agenda item list.

2015
TENTATIVE UPCOMING COUNCIL WORK SESSION
AGENDA ITEMS

MAY 5

Work Session:

PK/PW Waterfront Park Plan Overview
ADM City Council Retreat Follow Up
ADM Final Facilities Study Q & A

MAY 19

Work Session:

PD/PW 18th Street Truck Route/Ordinance Review
ADM/FIN..... 2016 CIP/Budget Process

JUNE 2

Work Session:

ADM/FIN..... 2016 CIP/Budget Process

CLOQUET CITY COUNCIL WORK SESSION
Tuesday, April 7, 2015, 5:30 p.m.
Meeting Minutes

Present: Bjerkness, Kolodge, Langley, Maki, Rock, Wilkinson and Mayor Hallback.
Absent: None.
Staff: Fritsinger, Butcher, Klassen and C. Peterson.
Other: Tom Urbanski, Mike Kraemer, and Gregg Calpino.

RIVERFRONT PARKS CONCEPT PRESENTATION

Gregg Calpino, SEH, presented the outcomes from the three day Riverfront Planning Charrette held this past week. He reviewed a variety of subjects discussed and identified by the Committee and the final concept plans for Veterans Park, Dunlap Island, Spafford Park, North Riverfront and points in between.

The City Council had a few questions related to pedestrian bridge crossings, railroad crossings, ownership of property adjacent to Veterans Park, kayaking and other items.

The next step in the process is prioritization of projects and project elements. SEH is looking to meet one last time with the Riverfront Committee to prioritize the various components of the plans. It is their intention to meet with the Committee on May 5 and then present those priorities to the City Council at its meeting later on that same date. The City will then need to look at its larger prioritization process for other sales tax related projects.

LOCAL OPTION SALES TAX UPDATE

Mr. Fritsinger provided a brief review of the current status of the local option sales tax program and the total funds raised to date. All funds have been tracked into a separate fund and, with the Pinehurst and Sunnyside projects being let later this evening, those will be the first projects to use sales tax monies. With the completion of the parks planning process, the City Council will next need to look at the broader prioritization as noted during the Riverfront parks discussion.

OTHER/FUTURE AGENDAS

There appears to be some conflict on May 5 and staff will need to look at the items to be included on that agenda. The Council had no further suggestions for future agenda items.

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

Respectfully Submitted:



Brian Fritsinger
City Administrator

Council Chambers, Cloquet, Minnesota
7:00 o'clock P.M. April 7, 2015

Regular Meeting.

Roll Call.

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

Councilors Absent: None.

AGENDA

MOTION: Councilor Kolodge moved and Councilor Maki seconded the motion to approve the April 7, 2015 agenda. The motion carried unanimously (7-0).

MINUTES

MOTION: Councilor Bjerkness moved and Councilor Wilkinson seconded the motion to approve the minutes of the work session and regular meeting of March 17, 2015. The motion carried unanimously (7-0).

CONSENT AGENDA

MOTION: Councilor Bjerkness moved and Councilor Rock seconded the motion to adopt the consent agenda of April 7, 2015 approving the necessary motions and resolutions. The motion carried unanimously (7-0).

- a. Resolution No. 15-27, Authorizing the Payment of Bills and Payroll.

PUBLIC HEARINGS

8th Street and Sahlman Avenue Proposed Improvement

Mayor Hallback announced that now is the time and place for the public hearing on the proposed 2015 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. City Engineer Prusak provided an overview of the project and issues identified as part of the feasibility study for the proposed project.

The City Council had a variety of questions related to the proposed sidewalk including location, cost, Comprehensive Plan requirements and maintenance. Jana Peterson, Active Transportation Coalition, applauded the idea of the sidewalk and addressed why she felt it was of value to all residents of the City. Rhonda Johnson, 915-8th Street, addressed the fact that the neighborhood is not opposed to sidewalks but does not feel the sidewalk is necessary and provides no connections to broader area sidewalk systems. Les Peterson, 700 Sahlman Avenue, expressed concerns about traffic exiting the Premier Theaters property onto the road. Mr. Prusak indicated he would speak with the property owner regarding stop signs or other design alternatives for the driveway. With no further comments from the public, the hearing was closed.

MOTION: Councilor Kolodge moved and Councilor Rock seconded the motion to adopt **RESOLUTION NO. 15-28, RESOLUTION ORDERING THE IMPROVEMENT AND PREPARATION OF PLANS AND SPECIFICATIONS FOR THE RECONSTRUCTION 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** with the amendment to the plan eliminating the sidewalks from the project. The motion carried unanimously (7-0).

WHEREAS, The City has completed 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; and

WHEREAS, As part of the project the City Engineer has identified a need to replace aging and deteriorated roadway, sanitary sewers and water utilities; and

WHEREAS, A resolution of the Council adopted March 3, 2015, set a date for a Council hearing on the proposed improvement; and

WHEREAS, Ten days mailed notice and two weeks published notice of the hearing was given and the hearing was held thereon on the 7th day of April 2015, at which time all persons desiring to be heard were given an opportunity to be heard.

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

1. Such improvement is necessary, cost effective, and feasible as detailed in the City's feasibility study.
2. The City Engineer is hereby designated as the engineer for this improvement and shall prepare plans and specifications for the making of such improvement.
3. Such improvement is hereby ordered and the City Engineer is hereby authorized to solicit bids for construction.

PRESENTATIONS

There were none.

CLEAN UP DAY OVERVIEW

Community Development Director Butcher provided an overview of the plans for the 2015 Clean Up Day. She identified a variety of changes being implemented for this year. The event is scheduled to be held on June 6 at the Shamrock Landfill. The Council had no identifiable concerns regarding the plans as presented.

APPOINTMENT OF POLICE OFFICERS

MOTION: Councilor Wilkinson moved and Councilor Rock seconded the motion to authorize the probationary appointments of Erika Johnson effective April 13, 2015; Kyle Voltzke effective April 14, 2015; and Laci Silgjord effective April 15, 2015 to the position of Police Officer. All appointments are contingent on the successful completion of a psychological and physical assessment. Appointment dates are staggered in order to establish seniority rankings within the department. The motion carried unanimously (7-0).

VIDEO PRODUCTION TECHNICIAN APPOINTMENT

MOTION: Councilor Kolodge moved and Councilor Maki seconded the motion to authorize the one year probationary appointment of Tristan Louhela to the part-time Video Production Technician position effective 4/8/15. The motion carried unanimously (7-0).

EVENT COORDINATOR SERVICES AGREEMENT

MOTION: Councilor Maki moved and Councilor Kolodge seconded the motion to authorize staff to enter into an agreement with the Cloquet Chamber of Commerce related to Event Coordinator services. The motion carried unanimously (7-0).

CHAPTER 8 CODE AMENDMENT - DOGS RUNNING AT LARGE

MOTION: Councilor Bjerkness moved and Councilor Wilkinson seconded the motion to adopt **ORDINANCE NO. 441A, AN ORDINANCE TO AMEND CHAPTER 8 OF THE CITY CODE AS IT RELATES TO DOGS RUNNING AT LARGE.** The motion carried unanimously (7-0).

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

Section 1. That Section 8.2.06, Running at Large Prohibited, be amended to delete the first sentence and add the following:

8.2.06 Running at Large Prohibited. ~~No owner or keeper of any dog or cat shall permit the animal to run at large within the urban corporate limits of the City.~~ No owner or keeper of any

dog shall negligently or intentionally permit the animal to run at large, as that term is defined in Subd. 10 of Section 8.1.01, within the urban corporate limits of the City of Cloquet, as set forth below. Given the potentially serious public health and safety concerns, it is the City's intent that with respect to the application of this section that the standard of negligence to be applied in considering a violation will be that of ordinary negligence as is required in a civil action.

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

CITY CODE AMENDMENT SECTION 6.5 - TOBACCO COMPLIANCE CHECKS

MOTION: Councilor Bjerkness moved and Councilor Kolodge seconded the motion to adopt **ORDINANCE NO. 442A, AN ORDINANCE AMENDING SECTION 6.5 OF THE CITY CODE RELATED TO TOBACCO COMPLIANCE CHECKS.** The motion carried unanimously (7-0).

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

Section 1. That Sections 6.5.09 through 6.5.14 of the City Code be deleted in its entirety and replaced with the following:

6.5.09. Compliance Checks and Inspections. All licensed premises shall be open to inspection by City Police or other authorized city officials during regular business hours. From time to time, but at least twice per year, the City shall conduct compliance checks by engaging minors to enter the licensed premises to attempt to purchase tobacco, tobacco products, or tobacco related devices. No minor used in compliance checks shall attempt to use a false identification or theatrical makeup which misrepresents the minor's age. All minors lawfully engaged in a compliance check shall answer all questions about the minor's age truthfully when asked by the licensee and shall produce any identification which he or she is asked to produce. The minor or minors shall be accompanied by City Police or authorized city officials to the location of the compliance check.

6.5.10. Responsibility. All licensees under this section shall be responsible for the actions of their employees in regard to the sale of tobacco, tobacco products or tobacco related devices on the licensed premise, and the sale of such an item by an employee shall be considered a sale by the license holder. Nothing in this section shall be construed as prohibiting the City from also subjecting the clerk to whatever penalties are appropriate under this section, state or federal law, or other applicable law or regulation.

6.5.11. Violations and Penalties.

Subd. 1. Citations for Violations. Upon discovery of a violation of this section or pursuant to a compliance check, the clerk or employee shall be issued a citation by City Police and the licensee shall be notified of the citation. Each violation, and every day in which a violation occurs or continues, shall constitute a separate offense.

Subd. 2. Administrative Penalty by Licensee.

A. Upon determination of a violation of a compliance check or an illegal sale hereunder, the licensee will be liable for an administrative penalty as follows:

Violation	Administrative Fee	License Suspension
First Violation	\$100	none
Second Violation within a 24 month period	\$200 and	10 day
Third Violation within a 24 month period	\$500 and	90 day
Fourth Violation within a 24 month period	\$1000 and	up to 1 year
Fifth and Subsequent Violation within a 24 month period	\$1000 and	permanent revocation

B. No administrative penalty may be imposed until the licensee has been sent written notice by certified mail of the violation to the address listed on the license. Any administrative penalty suffered by licensee is in addition and separate from any administrative penalty imposed upon employee.

Subd. 3. Administrative Penalty by Clerk/Employee.

A. The clerk or employee specifically involved in a compliance check violation or determined to have violated this section will be personally liable to pay an administrative fee. Upon determination of a violation of a compliance check or an illegal sale hereunder, the clerk/employee will be liable for an administrative penalty as follows:

Violation	Administrative Fee
First Violation	\$50.00
Second Violation within a 24 month period	\$100.00
Third and Subsequent Violation within a 24 month period	\$200.00

- B. No administrative penalty may be imposed until the clerk or employee has been sent written notice by certified mail of the violation. Any administrative penalty imposed upon employee is separate from and in addition to any administrative penalty imposed upon licensee.

Subd. 4. Payment of Administrative Fees.

- A. All administrative fees imposed by this section are deemed payable within sixty (60) days of the date of mailing of the written notice of violation or no later than thirty (30) days after the mailing of the written decision of an appeal determining that a violation has occurred.
- B. All such administrative fees imposed pursuant to this section will be payable to the City Administrator, City Hall, 1307 Cloquet Avenue, Cloquet MN 55720. The administrative penalties may be modified from time to time by the City Council.
- C. Failure by the licensee to pay any administrative fee imposed against the licensee within the time limit set herein will result in a license suspension until the date of payment.
- D. Failure by clerk/employee to pay any administrative fee imposed within the time limit set herein shall, at the option of the City Administrator, be either through a collection agency or legal proceedings in accordance with the City's Collection Policy.

Subd. 5. Right to a Hearing.

- A. No administrative penalty may be imposed until the violator has been afforded an opportunity for a hearing before a hearing officer to contest the fact that a violation has occurred. Requests for a hearing must be submitted in writing to the Chief of Police, 508 Cloquet Avenue, Cloquet MN 55720, within twenty (20) days of the date of mailing of the written notice of violation.
- B. Upon receipt of written notice, the City shall have ten (10) business days to set the time and place for the hearing. Written notice of the hearing time and place shall be mailed or delivered to the accused violator at least ten (10) business days prior to the hearing.
- C. The hearing officer shall have authority to dismiss the violation or reduce or waive the penalty.
- D. A decision shall be issued by the hearing officer within ten (10) business days. If the hearing officer determines that a violation of this section did occur, that decision, along with the hearing officer's reasons for finding a violation and the penalty to be imposed under 6.5.11 of this section, shall be recorded in writing, a copy of which shall be provided to the City and the accused violator by in person delivery or mail as soon as practicable. Likewise, if the hearing officer finds that no violation occurred or finds grounds for reducing or not imposing any penalty, those findings shall be recorded and a copy provided to the City and the acquitted accused violator by in person delivery or mail as soon as practicable.
- E. Suspension or revocation shall not occur until written notice by the hearing officer has been served on the licensee by certified mail to the address listed on the license and a copy of such notice provided to the City.

Subd. 6. Hearing Officer. For purposes of this section, the hearing officer shall be designated in writing by the City Administrator. The hearing officer is authorized to hear and determine any controversy relating to the violation. This process is intended to replace any existing administrative procedures previously established by ordinance with regard to violations enumerated herein.

Subd. 7. Right to Obtain a Transcript. If a hearing is requested, the hearing will not be recorded and will only be transcribed if all financial arrangements are made in advance with a certified court reporter by the person requesting the hearing. Furthermore, any person requesting that the hearing be transcribed agrees to provide the City with a copy of the transcript at no cost to the City.

Subd. 8. License Suspension or Revocation Without a Hearing. Any license issued pursuant to this Section may be suspended or revoked for violation of any provision of this Section or as detailed in 6.5.11 Subd. 2. Suspension or revocation shall not occur until written notice has been served on the licensee by certified mail to the address listed on the license.

Subd. 9. Other Penalties. The administrative fees and license suspension consequences set forth in this section are not intended to replace or limit any other juvenile, criminal, administrative or civil sanctions or consequences that may be imposed by state or federal law for the same activity.

6.5.12. Other Illegal Acts. Unless otherwise provided, the following acts shall be a violation of this section.

Subd. 1. Illegal Possession. It shall be a violation of this section for any minor to have in his or her possession any tobacco, tobacco product, or tobacco related device. This subdivision shall not apply to minors lawfully involved in a compliance check on behalf of the City.

Subd. 2. Illegal Use. It shall be a violation of this section of any minor to smoke, chew, sniff, or otherwise use any tobacco, tobacco product, or tobacco related device. All minors suspected of violating this provision of this section, will be referred to juvenile court for prosecution by the Carlton County Attorney consistent with existing agreements and then existing juvenile court rules and procedures.

Subd. 3. Illegal Procurement. It shall be a violation of this section for any minor to purchase or attempt to purchase or otherwise obtain any tobacco, tobacco product, or tobacco related device from any person or merchant, and it shall be a violation of this section for any person to purchase or otherwise obtain such items on behalf of a minor. It shall also be a violation of this section for any person to sell or otherwise provide any tobacco, tobacco product, or tobacco related device to any minor. It shall further be a violation for any person to coerce or attempt to coerce a minor to illegally purchase or otherwise obtain or use any tobacco, tobacco product, or tobacco related device. This subdivision shall not apply to minors who purchase or attempt to purchase tobacco, tobacco product, or tobacco related devices while under the direct supervision of a responsible adult for enforcement purposes or for training and education for enforcement purposes.

Subd. 4. Use of False Identification. It shall be a violation of this section for any minor to attempt to disguise their true age by the use of a false form of identification, whether the identification is that of another person or one in which the age of the person has been modified or tampered with to represent an age older than the actual age of the person.

6.5.13. Exceptions and Defenses. Nothing in this section shall prevent the providing of tobacco, tobacco product, or tobacco related devices to a minor as part of a lawfully recognized religious, spiritual, or cultural ceremony. It shall be an affirmative defense to the violation of this section for a person to have reasonably relied on proof of age as described by state law.

6.5.14. Judicial Review. Any person who maintains he is aggrieved by a decision pursuant to 6.5.03, 6.5.11 or 6.5.12 herein may have the decision reviewed in the district court consistent with Minn. Stat. §462.361.

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 Kolodge moved and Councilor Wilkinson seconded the motion to adopt **RESOLUTION NO. 15-29, RESOLUTION AUTHORIZING PUBLICATION OF A SUMMARY OF ORDINANCE NO. 442A, AN ORDINANCE AMENDING SECTION 6.5 OF THE CITY CODE RELATED TO TOBACCO COMPLIANCE CHECKS.** The motion carried unanimously (7-0).

WHEREAS, The City Council of the City of Cloquet has duly adopted Ordinance No. 442A, An Ordinance Amending Section 6.5 of the City Code Related to Tobacco Compliance Checks; 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 section of the code as proposed to be adopted 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, THAT THE CITY COUNCIL OF THE CITY OF CLOQUET, MINNESOTA, Hereby authorizes the publication of a summary of Ordinance No. 442A; and

BE IT FURTHER RESOLVED, That a copy of Ordinance No. 442A 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 April 7, 2015, at its regular meeting, the Cloquet City Council adopted Ordinance No. 442A, a three page ordinance which amends Section 6.5 of the City Code. The purpose of this Section is to regulate the distribution of tobacco products in a manner which will help to prevent young people from starting to smoke. The specific amendments clarify the City's process and requirements to conduct compliance checks of all tobacco license holders.

The specific title of the ordinance is "**AN ORDINANCE AMENDING SECTION 6.5 OF THE CITY CODE RELATED TO TOBACCO COMPLIANCE CHECKS.**" 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.

CITY OF CLOQUET

By: Dave Hallback
Its Mayor

ATTEST:

Brian Fritsinger
Its City Administrator

**HIGHWAY 33 CORRIDOR STUDY AND ACCESS MANAGEMENT PLAN
CONSULTANT SERVICES**

MOTION: Councilor Maki moved and Councilor Wilkinson seconded the motion to accept the proposal by Short Elliott & Hendrickson, Inc., dated March 31, 2015 to provide professional transportation planning services to assist with the completion of the South Trunk Highway 33 Corridor Study and Access Management Plan. The motion carried unanimously (7-0).

**SET PUBLIC HEARING DATE ON PROPOSED IMPROVEMENT OF WEST
TAYLOR AVENUE**

MOTION: Councilor Kolodge moved and Councilor Rock seconded the motion to adopt **RESOLUTION NO. 15-30, RESOLUTION SETTING PUBLIC HEARING DATE ON THE PROPOSED IMPROVEMENT OF WEST TAYLOR AVENUE FROM SOUTH OAK STREET, WEST APPROXIMATELY 1,300 FEET AND THE CONNECTION OF SOUTH LAUREL STREET TO WEST TAYLOR AVENUE.** The motion carried unanimously (7-0).

WHEREAS, A petition has been received requesting the paving of West Taylor Avenue running west of South Oak Street; and

WHEREAS, A City Engineer has prepared a preliminary report on the proposed improvement as well as the connection of other existing dead end streets and utilities in the area; and

WHEREAS, It is anticipated that benefitted properties will be assessed for a portion of the project costs, pursuant to Minnesota Statutes, Chapter 429.

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

1. That the Council will consider the improvement of West Taylor Avenue from South Oak Street, continued west approximately 1,300 feet, as well as the connection of other dead end streets and utilities in the area and the assessment of abutting properties for a portion of the cost, pursuant to Minnesota Statutes, Chapter 429. The total improvement is estimated to cost \$130,000.
2. A hearing shall be held on May 5, 2015, in the City Council Chambers at 7:00 p.m.
3. The City Administrator shall give mailed and published notice of such hearing and improvement as required by law.

ADOPTING FINAL ASSESSMENT FOR 429 - 22ND STREET

MOTION: Councilor Maki moved and Councilor Langley seconded the motion to adopt **RESOLUTION NO. 15-31, ADOPTING THE FINAL ASSESSMENT FOR 429 – 22ND STREET ASSOCIATED WITH THE 2014 IMPROVEMENT OF 22ND STREET AS ORIGINALLY PROPOSED AT THE MARCH 3, 2015 ASSESSMENT PUBLIC HEARING.** The motion carried unanimously (7-0).

WHEREAS, The Cloquet City Council on March 18, 2014, held a hearing to consider the improvement of these sections of 22nd Street and Selmsner 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 March 3, 2015, and at said meeting and time all parties interested would be given an opportunity to be heard; and

WHEREAS, The deferral of special assessments are allowed for certain seniors and disabled homeowners, in accordance with MN Statutes Section 435.193 and Chapter 12 of the City Code; and

WHEREAS, A partial Application For Deferment of Special Assessment was presented by Delores Calverly, the owner of 429 – 22nd Street; and

WHEREAS, To date the applicant has not provided all documents required for her deferment application to be considered.

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

1. Such assessment, for Parcel 06-265-0260 shall remain as originally proposed at the March 3, 2015 public hearing in the amount of \$4,484.48 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 April 3, 2015. Property owners may prepay the entire assessment, or any portion of it, to the City of Cloquet without interest prior to April 3, 2015. 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.
3. If at some time in the future the owner of the property provides the required documents, the Application For Deferment of said Special Assessment can be considered at that time.

AUTHORIZE SOLICITATION OF BIDS FOR 2015 PARK IMPROVEMENTS

MOTION: Councilor Wilkinson moved and Councilor Bjerkness seconded the motion to adopt **RESOLUTION NO. 15-32, RESOLUTION APPROVING THE SOLICITATION OF BIDS FOR 2015 PARK IMPROVEMENTS AT PINEHURST AND SUNNYSIDE PARKS.** The motion carried unanimously (7-0).

WHEREAS, The City has identified the completion of Pinehurst Park improvements as a priority following the recent swimming pond reconstruction; and

WHEREAS, The existing athletic courts in Pinehurst and Sunnyside Parks are in poor condition and warrant complete replacement; and

WHEREAS, A public input process was previously undertaken by the Park Commission in order to best determine the scope of said improvements; and

WHEREAS, On May 20, 2014, the City Council awarded a contract to SEH Inc. to complete design plans and specifications for identified improvements at Pinehurst Park and Sunnyside Parks; and

WHEREAS, The City now wishes to proceed with these improvements.

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

1. Such plans and specifications are hereby approved.
2. The City Engineer is hereby authorized to advertise and solicit bids for such improvements.

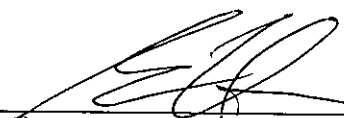
PUBLIC COMMENTS

There were none.

COUNCIL COMMENTS/UPDATES

There were none.

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



 Brian Fritsinger, City Administrator



DEPARTMENT OF PUBLIC WORKS

1307 Cloquet Avenue • Cloquet MN 55720
Phone: 218-879-6758 • Fax: 218-879-6555
Street - Water - Sewer - Engineering
www.ci.cloquet.mn.us

REQUEST FOR COUNCIL ACTION

To: Mayor and City Council
From: Caleb Peterson, Assistant City Engineer
Reviewed by: Brian Fritsinger, City Administrator (B)
Date: April 15, 2015

ITEM DESCRIPTION: Resolution Ordering Improvement and Preparation of Plans and Specifications for the Proposed Utility Extensions along Sunset Drive.

Proposed Action

Staff recommends the City Council hold the hearing on this matter to consider any public comments regarding the proposed improvement. Following the hearing, staff recommends the Council move to adopt **RESOLUTION 15-35, ORDERING IMPROVEMENT AND PREPARATION OF PLANS AND SPECIFICATIONS FOR THE PROPOSED UTILITY EXTENSIONS ALONG SUNSET DRIVE.**

Background/Overview

In the fall of 2014 Public Works was contacted by an area contractor interested in constructing two new single family homes between Sunset Drive and Prevost Road. Unfortunately, the nearest city owned sewer and water mains were located in North Road and are not readily available for connection. While long private service lines are not unprecedented, they are costly and problematic for both residents and the city over time. With multiple properties in the area which will benefit from the extension of utilities, the city is proposing to extend sewer and water mains from North Road approximately 500 feet north up Sunset Drive in early summer 2015.

Currently, sanitary sewer runs along the north side of North Road while the nearest watermain is located in the southern boulevard. In order to minimize traffic impacts and save costs, engineering is proposing to bid the proposed extensions as directional drill installation. If all goes well, this will result in approximately six excavation sites with minimal impact to North Road traffic.

In February our department sent out letters to area landowners explaining the proposed project and requesting they contact us with any interest of connection in the short term. To date, three of the seven properties have indicated interest in immediate connection. Under Chapter 11 of City Code, other properties along the route would be required to connect as they are developed or as their current septic systems fail.

Policy Objectives

To advance proposed capital improvement projects but prior to approval formal public comments will be taken in reference to the proposed improvement.

Financial/Budget/Grant Considerations

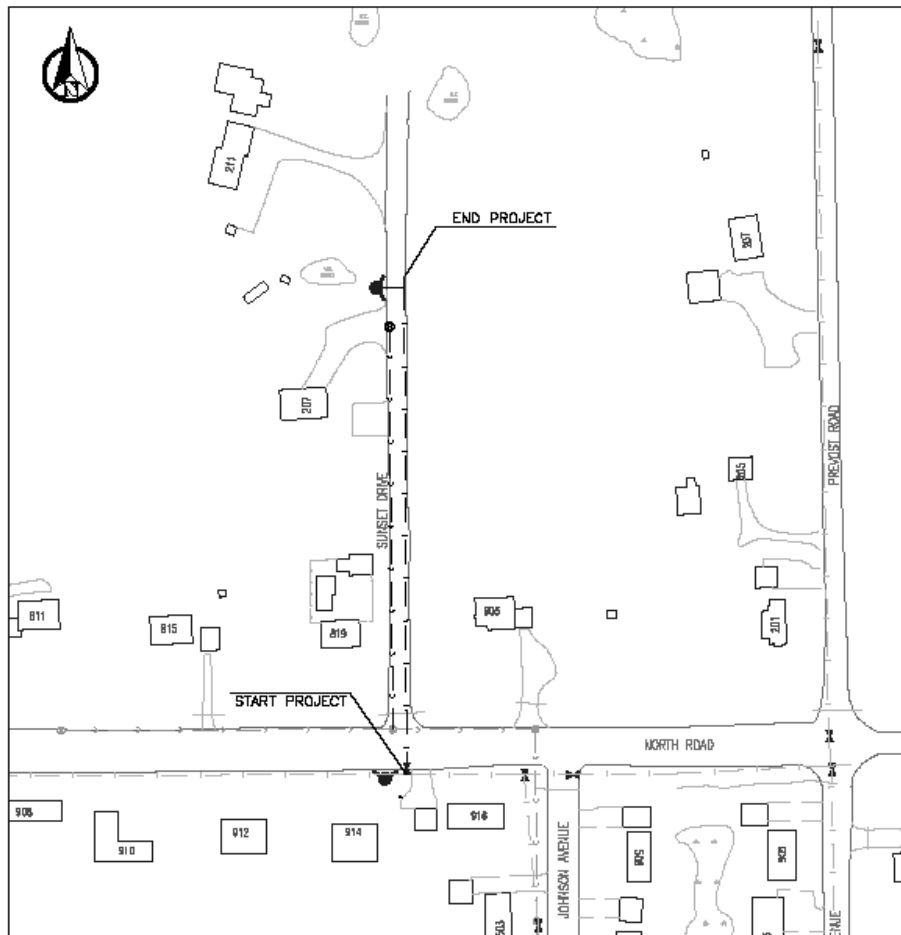
The estimated cost for this project is \$60,000. Chapter 12 of City Code requires 100% of the project cost be assessed or billed back to benefiting properties via a special connection fee to be established at a future hearing. Engineering estimates the total lump sum cost to each property will amount to approximately \$10-12,000. In the interim, all project costs would be funded by the Sanitary Sewer and Water Utilities.

Advisory Committee/Commission Action

N/A

Supporting Documentation Attached

- Resolution 15-35.



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

RESOLUTION NO. 15-35

**RESOLUTION ORDERING IMPROVEMENT AND PREPARATION OF PLANS
AND SPECIFICATIONS FOR THE PROPOSED UTILITY EXTENSIONS
ALONG SUNSET DRIVE**

WHEREAS, The City has been asked to consider the extension of publicly owned water and sewer utilities north up Sunset Drive; and

WHEREAS, City Code requires connection to the sanitary sewer system for all properties within 400 feet of an existing sewer line; and

WHEREAS, Long private service lines result in problems for private landowners and the City over time; and

WHEREAS, A resolution of the Council adopted March 3, 2015, set a date for a Council hearing on the proposed improvement; and

WHEREAS, Ten days mailed notice and two weeks published notice of the hearing was given and the hearing was held thereon on the 21st day of April 2015, at which time all persons desiring to be heard were given an opportunity to be heard.

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

1. Such improvement is necessary, cost effective, and feasible.
2. The City Engineer is hereby designated as the engineer for this improvement and shall prepare plans and specifications for the making of such improvement.
3. Such improvement is hereby ordered and the City Engineer is hereby authorized to solicit bids for construction.

**PASSED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF CLOQUET
THIS 21ST DAY OF APRIL, 2015.**

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: Brian Fritsinger, City Administrator 
Date: March 26, 2015

ITEM DESCRIPTION: Utility Maintenance Person Appointment

Proposed Action

Staff recommends that the City Council move to approve the one year probationary appointment of Mike Austin to the position of Utility Maintenance Person in the Public Works Department effective upon a start date yet to be determined.

Background/Overview

Late in 2014, the City received the retirement of our Lead Pumpouse Operator at the Lake Superior Waterline Station 2. As a result of this retirement, the City has had a series of internal position appointments which led to the current vacancy in the utility department.

The City recently posted the vacant Utility Maintenance Person position as required under the AFSCME labor agreement. Two internal candidates have expressed interest in this position. All things being equal, Mike Austin would be the senior internal candidate most qualified for the position.

The effective date of this appointment is yet to be determined. Certain workload issues and work schedule conditions at Station 2 allow the City to delay for a bit the actual start date. This will be identified over the coming weeks in collaboration with supervisory staff.

This appointment will create a vacancy in the street department. Staff will proceed with the posting process for the Street Maintenance Person position once the start date is solidified.

Policy Objectives

The department currently is responsible for the maintenance of all City water and sanitary sewer functions with a total of five staff. Keeping a fully staffed department is consistent with the service level directives of the City Council.

The City Council is the hiring authority for the City as determined by City Code and State law. The City Council must act to appoint this individual to complete the hiring process.

Financial/Budget/Grant Considerations

This position is currently fully funded as part of the adopted 2015 operating budget.

Advisory Committee/Commission Action

- None.

Supporting Documentation Attached

- None.



ADMINISTRATIVE OFFICES

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Phone: 218-879-3347 • Fax: 218-879-6555
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www.ci.cloquet.mn.us

REQUEST FOR COUNCIL ACTION

To: Mayor and City Council
From: Brian Fritsinger, City Administrator (B)
Date: April 15, 2015

ITEM DESCRIPTION: Engineering Intern Appointments

Proposed Action

Staff recommends that the City Council move to approve the appointments of Jeffrey Dyer and Aaron Gustafson as temporary summer engineering interns.

Background/Overview

Each year the City hires summer seasonal interns to work in the Engineering Department. These employees assist with a variety of work related to Civil Engineering.

The City has advertised for these positions through its website, Pine Journal ads, and local colleges. The department has interviewed several college students and recommended the two candidates identified above.

Policy Objectives

The City Council is the hiring authority for the City as determined by City Code and State law. The City Council must act to appoint these individuals to complete the hiring process.

Financial/Budget/Grant Considerations

All of the temporary summer seasonal and intern positions were included in the 2015 budget. The two engineering intern positions will be funded through the utility enterprise funds.

Advisory Committee/Commission Action

None.

Supporting Documentation Attached


- None.



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REQUEST FOR CITY COUNCIL ACTION

To: Mayor and City Council
From: Brian Fritsinger, City Administrator 
Date: April 15, 2015

ITEM DESCRIPTION: Mediacom Franchise Agreement Extension

Proposed Action

Staff recommends that the City Council move to adopt **RESOLUTION NO. 15-34, RESOLUTION FOR PURPOSE OF EXTENDING THE EXPIRATION DATE OF THE CABLE TELEVISION FRANCHISE AGREEMENT AUTHORIZING THE OPERATION OF A CABLE TELEVISION SYSTEM.**

Background/Overview

In 1995, the City of Cloquet entered into a fifteen year franchise agreement with Northland Cable Vision for the development and operation of a local cable company. Subsequently, this franchise was sold to Mediacom who continues to operate under the terms of the original agreement.

The City of Cloquet, City of Scanlon, and Township of Thomson are all collectively part of the Cloquet Franchise Agreement. The City utilizes a Cable Commission made up of representatives of each of these communities to oversee the terms of the agreement. The City of Carlton has also historically been a partner in this agreement.

The current franchise originally expired on August 4, 2010 and a five year extension was agreed upon extending the agreement until May 31, 2015. The Cable Commission, City Attorney, and City staff has been working with Mediacom for the past few months on the renewal. At this point, the renewal will not be completed prior to the agreement's expiration. As a result, staff is proposing a 90 day extension. Attached, the City Council will find the agreement extending the terms of the agreement for 90 days.

None of the terms of the agreement will change during this extension.

Policy Objectives

The City and Mediacom are required to follow a variety of local, state, and federal rules. The most critical for Cloquet is compliance with M.S. 238. Under M.S. 238.08, a municipality shall require a franchise of any cable communications system providing service within the municipality. So with the current franchise term expired, an extension or renewal of the current agreement is required.

Financial/Budget/Grant Considerations

There will be no substantial change to the franchise fees paid to the City under the terms of this agreement.

Advisory Committee/Commission Action

The Cable Commission has verbalized its support for the extension.

Supporting Documentation Attached

- Resolution No. 15-34.

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

RESOLUTION NO. 15-34

**RESOLUTION FOR PURPOSE OF EXTENDING THE EXPIRATION DATE OF
THE CABLE TELEVISION FRANCHISE AGREEMENT
AUTHORIZING THE OPERATION OF A CABLE TELEVISION SYSTEM**

WHEREAS, the City of Cloquet, Minnesota (“Grantor”) has an agreement with Mediacom Minnesota LLC (“Mediacom”), for the operation and construction of a cable television system within the City of Cloquet (the “Agreement”); and

WHEREAS, in accordance with the Cable Act, the Grantor responded to Mediacom’s request and commenced the process for renewal of the Agreement known as an informal process; and

WHEREAS, Grantor and Mediacom are involved in the informal franchise renewal process to renew the Agreement for another term; and

WHEREAS, it is understood by the Grantor and Mediacom that the franchise renewal process is not complete and it is in the interest of the Grantor and Mediacom to have a written acknowledgment of the extension of the term of the Agreement and to allow sufficient time to complete negotiations with the understanding that neither the Grantor nor Mediacom prejudice or waive any of their rights afforded them under the Cable Act to either an informal renewal process or formal renewal process should negotiations fail; and

WHEREAS, Mediacom and Grantor agree on execution of an extension of the expiration date of the Agreement to August 31, 2015:

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

1. That the Agreement between the Grantor and Mediacom remains in full force and effect notwithstanding the current expiration date.
2. That the term of the Agreement is hereby extended to expire August 31, 2015 unless Grantor and Mediacom execute and adopt a new cable television franchise agreement prior to that date, in which case the present Agreement shall expire and terminate upon the effective date of such new franchise agreement.
3. Except as modified by Paragraph 2, all other terms, conditions, provisions and requirements of the Agreement shall remain in force and effect. Neither party waives any right it may have pursuant to the Agreement or pursuant to state or federal law.
4. Mediacom shall acknowledge its acceptance by signing a copy of this Resolution once adopted where indicated below.
5. This Resolution shall be effective upon its passage and written approval by Mediacom in accordance with law.

PASSED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF CLOQUET THIS 21ST DAY OF APRIL, 2015.

Dave Hallback, Mayor

ATTEST:

Brian Fritsinger, City Administrator

ACCEPTED BY:

Mediacom Minnesota LLC



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REQUEST FOR COUNCIL ACTION

To: Mayor and City Council
From: Nancy Klassen, Finance Director
Reviewed/Approved by: Brian Fritsinger, City Administrator (B)
Date: April 3, 2015

ITEM DESCRIPTION: Year End Transfers for 2014

Proposed Action

Staff recommends the Council move to authorize the transfers for 2014 as detailed in the April 3, 2015 staff report.

Background/Overview

The council reviews and approves transfers for projects and other transactions yearly after the financial statements are finalized.

2014 Capital Improvements – Expenditures are made in certain funds then reimbursed by other funds.

Transfer to the Revolving Capital Projects \$714,984.13 (street projects & brick sales)
from Permanent Improvement \$703,188.92 (street projects)
from Park \$1,100 (brick sales for Vet's Park)
from Water \$400 (permit expense)
from Sewer \$6,400.02 (supplies expense)
from Stormwater \$3,895.19 (supplies expense)

Debt Service – The Business Park Bonds were to be funded through development. The business park hasn't generated sufficient revenues to pay the bonds debt service. The transfer is estimated to be the final amount needed to fund debt service payments without more development.

Transfer to Business Park Bonds \$250,000
from General Fund \$250,000

Fund balance & future capital outlay – The General Fund is fully funded in accordance with the Fund Balance Policy. The Fund Balance Policy allows the Council to transfer amounts to a capital projects fund for a specific purpose or internal "savings" for the CIP. The City Administrator and Finance Director would like to direct the positive 2014 General Fund operating results to the following funds for budgeted fund balance purposes and to fund future building facilities planning.

Transfer to Building Facilities Plan Fund \$350,000
Transfer to Library Fund \$50,000
Transfer to Public Works Reserve \$50,000
from General Fund \$450,000

Policy Objectives

Proper approval for financing transfers for the year ended 12/31/2014.

Financial Impacts/Budget/Grant Considerations

Approval of transfers so various funds are properly reimbursed for 2014 activities and to increase reserve for future capital outlay and debt service. The construction transfers are budgeted at the beginning of the year but actual numbers are not available until the audit is complete.

Advisory Committee/Commission Action

Not applicable.

Supporting Documents Attached

None.