



CITY OF CLOQUET
City Council Agenda
Tuesday, June 16, 2015
7:00 p.m.
City Hall Council Chambers

CITY COUNCIL WORK SESSION

5:30 p.m. 2014 Financial Audit Review
5:50 p.m. Waterfront Master Plan Review
6:50 p.m. Future Work Session Agenda Planning

1. **Roll Call**
2. **Approval of Agenda**
 - a. Approval of June 16, 2015 Council Agenda.
3. **Approval of Council Minutes**
 - a. Work Session minutes from the June 2, 2015 meeting.
 - b. Regular Council minutes from the June 2, 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. 15-51, Authorizing the Payment of Bills
 - b. Peddlers, Solicitors, & Transient Merchants License-Generous Jerry's Fireworks
 - c. 2015-2016 Liquor and Related Business License Renewals
5. **Public Hearings**

None.
6. **Presentations**

None.



CITY OF CLOQUET
City Council Agenda
Tuesday, June 16, 2015
7:00 p.m.
City Hall Council Chambers

7. Council Business

- a. Zoning Case No. 15-10, Zoning Ordinance Text Amendment
 - Ordinance No. 445A, An Ordinance to Amend Chapter 17 of the Municipal Code Pertaining to IP-Industrial Park
- b. Zoning Case No. 15-09, Comprehensive Plan Amendment (Land Use Plan) and Rezoning
 - Resolution No. 15-48, A Resolution Approving the Comprehensive Plan Amendment (Land Use Plan) from “Highway Commercial” to “Light Industry”
 - Ordinance No. 446A, An Ordinance to Amend Chapter 17, By Amending the Zoning Map of the City of Cloquet from “RC – Regional (Highway) Commercial” to “OM – Office/Manufacturing”
- c. Zoning Case No. 15-11, Comprehensive Plan Amendment (Land Use Plan) and Rezoning
 - Resolution No. 15-47, A Resolution Approving the Comprehensive Plan Amendment (Land Use Plan) from “Public/Semi Public/Institutional” to “Moderate-Density to High-Density Residential”
 - Ordinance No. 444A, An Ordinance to Amend Chapter 17, by Amending the Zoning Map of the City of Cloquet from “PI - Public/Institutional” to “SR - Suburban Residential”
- d. Zoning Case No. 15-12, Site Plan Review LEC Orthodontics
 - Resolution No. 15-50, A Resolution Approving the Site Plan in the RC-Regional (Highway) Commercial District for LEC Orthodontics
- e. June 6th Clean Up Day Recap
- f. Approval of the 2014 Fund Balance Policy Plan
- g. Acceptance of 2014 Financial Audit
- h. Acceptance of Waterfront Master Plan
- i. Amendment to City Code, Chapter 7, Section 7.2 Related to Long Grass Procedures
 - Ordinance No. 448A, An Ordinance Amending Section 7.2 of City Code Related to Long Grass Procedures

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**

CLOQUET CITY COUNCIL WORK SESSION
Tuesday, June 2, 2015, 5:30 p.m.
Meeting Minutes

Present: Bjerkness, Kolodge, Langley, Maki, Wilkinson and Mayor Hallback arriving at 5:45
Absent: Rock
Staff: Fritsinger, Lukkarila, Prusak and Klassen
Other: John Frederickson and Jon Herdegen - BLASD; Frank Yetka, Dani Lundeen - Pine Journal

BIG LAKE AREA SANITARY SEWER DISTRICT EXTENSION PROJECT

Mr. Fritsinger began by providing a quick overview of the direction provided to staff at its May 19, 2015 meeting. He then reviewed the resulting discussions with BLASD.

John Frederickson, BLASD representative, provided a handout that summarized a variety of talking points and then proceeded to review those points with the Council. He reviewed the history of the project and efforts to obtain funding to help cover the costs of the project. He thanked the Council for their support of the project and noted that BLASD had not necessarily considered the human/political side of the project in terms of how the improvements may impact property owners that were not expected to be connecting to the new system.

As a result, BLASD asked MSA to further investigate the concept of a direct connection to the WLSSD interceptor located near USG. While there are still some challenges with rights-of-way acquisition, this route appears to be a more cost effective and feasible approach to the new line. Jon Herdegen then reviewed the preferred routing option in more detail. They are proposing to directionally bore a force main down Balsam Street. By boring the line they do not need to tear up the street and keep disruption to the neighborhood to a minimum. This is an option only due the fact that no city utilities exist in this street.

BLASD is attempting to get things in place so that it can meet with the USDA this month to continue discussions on federal funding for the project. Mr. Herdegen then reviewed the funding partners and the need to meet with the USDA early in its review process to be as competitive as possible for available monies.

The City Council had numerous questions regarding the project, route, financing, timing and other items. The Council noted its appreciation for BLASD's attendance at a meeting to help everyone understand the situation and indicated that it would further consider the route by adding the item to the regular agenda later in the evening.

2016 BUDGET AND CAPITAL IMPROVEMENT PLAN

Mr. Fritsinger began by reviewing the budget process that is normally used by the City. He noted that the budget process usually starts in May with internal work on issues that might impact the City, and then lead to the first cut of draft budgets being presented to the Department Heads for their review and use as they develop their proposed budget.

The City continues to use a 4 year budget and over the past few years has seen the budget become more focused on the service commitments of the Council as identified as part of its goals and strategies from its goal setting process.

After the draft budget is reviewed, the focus shifts to the development of the 5 year Capital Improvement Plan. This process will typically take a few months and in most years is refined until the final budget adoption in December. The State has made some changes with the preliminary approval not needed until September 30th and the final due in December. The Council had questions and agreed that as part of the ongoing budget development process, if special meetings are required, it is willing to hold such meetings.

OTHER/FUTURE AGENDAS

No discussion for future agenda items.

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

Respectfully Submitted:

Brian Fritsinger
City Administrator

Regular Meeting.

Roll Call.

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

Councilors Absent: Rock

AGENDA

MOTION: Councilor Kolodge moved and Councilor Maki seconded the motion to approve the Amended June 2, 2015 agenda. The motion carried unanimously (6-0).

MINUTES

MOTION: Councilor Bjerkness moved and Councilor Maki seconded the motion to approve the minutes of the work session and regular meeting of May 19, 2015. The motion carried unanimously (6-0).

CONSENT AGENDA

MOTION: Councilor Langley moved and Councilor Wilkinson seconded the motion to adopt the consent agenda of June 2, 2015 approving the necessary motions and resolutions. The motion carried unanimously (6-0).

- a. Resolution No. 15-46, Authorizing the Payment of Bills
- b. Outdoor Public Fireworks Display Permit – Pyrotechnics
- c. Fond du Lac Display of Outdoor Fireworks Permit
- d. 2015-2016 Liquor and Related Business License Renewals

PUBLIC HEARINGS

There were none.

PRESENTATIONS

There were none.

WESTERN LAKE SUPERIOR SANITARY DISTRICT BOARD REAPPOINTMENT

MOTION: Councilor Bjerkness moved and Councilor Kolodge seconded the motion to approve the reappointment of Archie Chelseth to the Western Lake Superior Sanitary District Board for a term expiring 07/01/18. The motion carried unanimously (6-0).

PARKS COMMISSION APPOINTMENT

MOTION: Councilor Kolodge moved and Councilor Langley seconded the motion to appoint Michael Krick to the Parks Commission with a term expiring 12/31/15. The motion carried unanimously (6-0).

HRA BOARD REAPPOINTMENT

MOTION: Councilor Maki moved and Councilor Langley seconded the motion to discuss and consider the reappointment of Wanda Harris to the HRA for a term expiring 6/30/20. The motion carried unanimously (6-0).

BIG LAKE AREA SANITARY DISTRICT (BLASD)

MOTION: Councilor Maki moved and Councilor Langley seconded the motion to support the route as proposed by the Big Lake Area Sanitary District which would allow a direct connect to WLSSD by using Balsam Street, subject to a Joint Powers Agreement being reached between the parties and further direct the City Attorney to negotiate such Joint Powers Agreement. The motion carried unanimously (6-0).

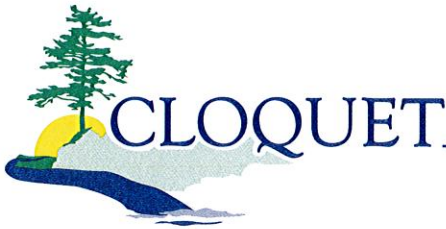
PUBLIC COMMENTS

There were none.

COUNCIL COMMENTS/UPDATES

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


Brian Fritsinger, City Administrator



ADMINISTRATIVE OFFICES

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REQUEST FOR COUNCIL ACTION

To: Mayor and City Council
From: Brian Fritsinger, City Administrator 
Date: June 3, 2015

ITEM DESCRIPTION: Transient Merchant License for Fireworks Sales

Proposed Action

Staff recommends that the City Council move to approve the Peddlers, Solicitors, & Transient Merchants License for Gerald Breyer, dba Generous Jerry's Fireworks Inc., to sell fireworks at Super One Foods, 707 Highway 33 South, from June 24 - July 5, 2015 and identify the hours of sale subject to submittal of all licensing requirements and completion of background check.

Background/Overview

The City has received an application from Gerald Breyer, dba Generous Jerry's Fireworks Inc. for a Peddlers, Solicitors, & Transient Merchants license seeking approval to sell fireworks from June 24 - July 6, 2014 at Super One Foods, 707 Hwy 33 South.

Generous Jerry's has been licensed to sell fireworks in Cloquet since State law was amended to allow for such sales in 2006. The City has received no complaints regarding the operation during this timeframe.

The applicant is seeking authority to sell until 10:00 p.m. each evening. Section 6.6.08, Subd. 1(B) of City Code restricts sales to 8:00 am to 8:00 pm. The City Council has previously authorized the applicant in past years to sell until 10:00 pm. Staff would suggest that the Council either follow Code or in the case of fireworks sales limit it to the previously established precedent of 10:00 pm.

Policy Objectives

Section 6.6 of the Municipal Code requires the regulation of peddlers, solicitors, and transient merchants. The purpose of such licensing is to regulate the potential nuisance and public safety issues which sometimes relate to such operations. The City does not have a separate licensing requirement for retail fireworks sales, though it may wish to do so in the future.

Financial/Budget/Grant Considerations

The applicant has submitted the appropriate license fee associated with this license. There is no other direct cost to the City.

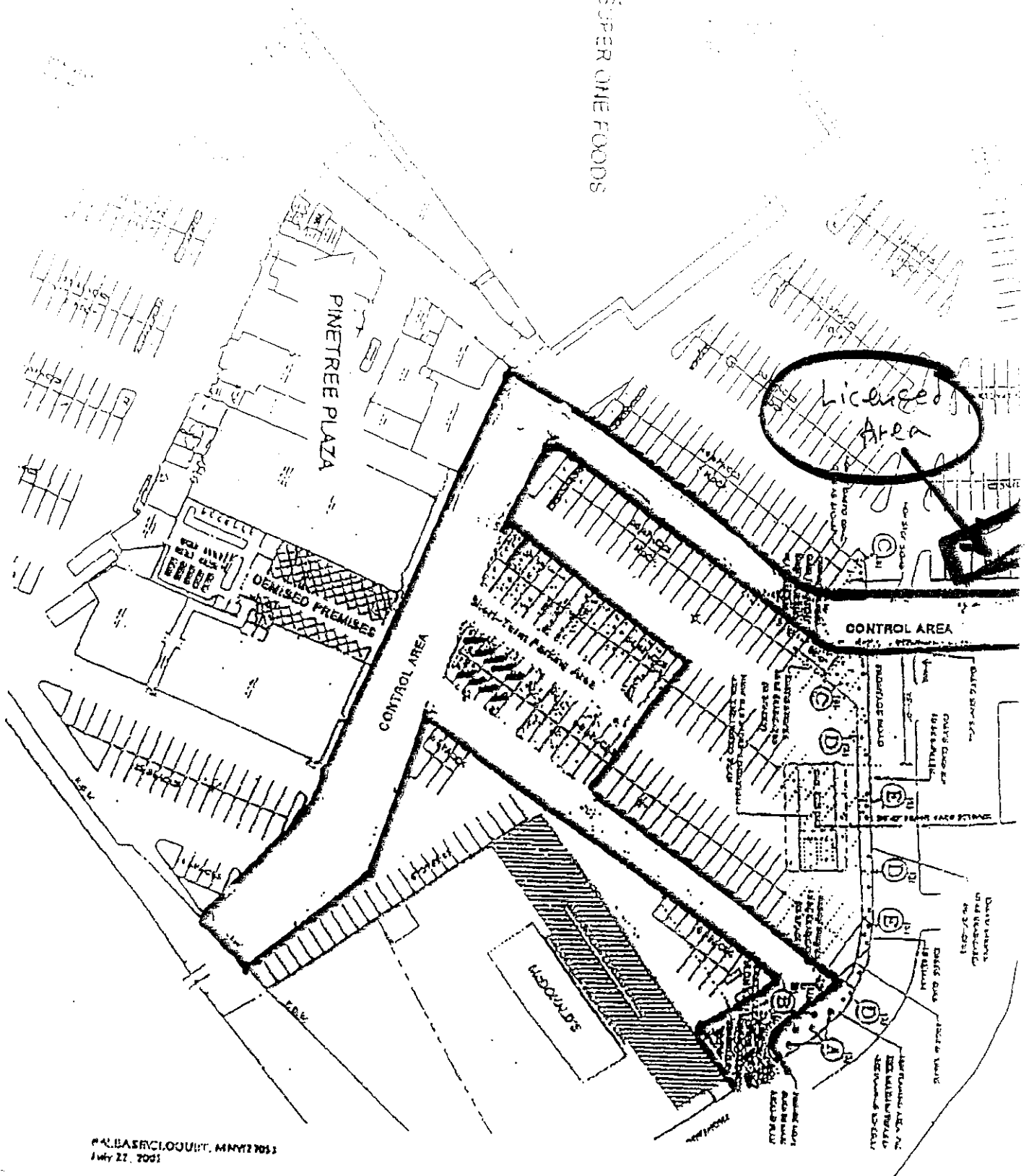
Advisory Committee/Commission Action

None.

Supporting Documentation Attached

- Application.

SUPER ONE FOODS



PALEASER/CLOUETT, MN#27051
July 27, 2001


Cloquet Super Inc



ADMINISTRATIVE OFFICES

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REQUEST FOR COUNCIL ACTION

To: Mayor and City Council
From: Brian Fritsinger, City Administrator 
Date: June 8, 2015

ITEM DESCRIPTION: Approval of Liquor and Related Business License Renewals

Proposed Action

Staff recommends the City Council move to renew the various liquor and business licenses identified on the attached 2015-2016 license renewal list subject to submittal of all licensing requirements.

Background/Overview

The State of Minnesota requires that businesses licensed to sell liquor renew their various licenses each year. In Cloquet, such licenses expire on June 30th of each year. These renewals are required to be submitted to the State 30 days prior to their expiration for review and final approval.

Are there any significant license change requests?

There are no significant license changes requested with any of our renewals this year.

Policy Objectives

Approval of license renewals are required in Chapter 6 of Municipal Code and State law.

Financial Impacts

The City's fee schedule requires each license holder to pay set fees for each renewal. The total fees received by the City for alcohol licenses are required to be consistent with the level of service to administer and enforce local liquor laws.

Advisory Committee/Commission Action

None.

Supporting Documentation Attached

- 2015-2016 License Renewal List



COMMUNITY DEVELOPMENT DEPARTMENT
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REQUEST FOR COUNCIL ACTION

To: Mayor and City Council
From: Al Cottingham, City Planner/Zoning Administrator
Reviewed/Approved By: Brian Fritsinger, City Administrator
Date: June 10, 2015

ITEM DESCRIPTION: ZONING CASE 15-10: ZONING ORDINANCE TEXT AMENDMENT – IP-INDUSTRIAL PARK

Proposed Action

Staff recommends the City Council move to adopt **ORDINANCE NO. 445A, AN ORDINANCE TO AMEND CHAPTER 17 OF THE MUNICIPAL CODE PERTAINING TO IP-INDUSTRIAL PARK.**

Background/Overview

The City of Cloquet Economic Development Authority (EDA) is proposing to amend Section 17.6.16, IP – Industrial Park of the City Code (Zoning Ordinance).

The proposed amendment is to change the name of the section from IP – Industrial Park to OM – Office/Manufacturing. Also to delete Subd. 4 Prohibited Uses, D. Commercial. The rest of the section would remain unchanged.

The EDA believes that from a marketing and sales perspective the term “Light Manufacturing” may be confusing to interested parties. They feel that a name change to “Office/Manufacturing” is more helpful in terms of the general types of uses that would be allowed in the park. The uses that are allowed in the park will not change with the name change. The deletion of the “Prohibited Uses, Commercial” is in conflict with the allowed uses in the district and needed to be removed.

A public hearing was held on Tuesday, June 9, 2015 to consider a possible amendment to Section 17.6.16. A legal notice was published in the Pine Journal on May 28, 2015, property owners were not sent a notice of the hearing since this is a textual amendment.

Policy Objectives

As times change amendments to the Ordinance are made to try to stay current with things.

Financial/Budget/Grant Considerations

The Comprehensive Plan Amendment fee is \$300 and Rezoning fee is \$400. The fees were waived since the City/EDA is the applicant.

Advisory Committee/Commission Action

The Planning Commission has recommended approval of the Zoning Ordinance Text Amendment on a 4–0 vote.

Supporting Documentation Attached

- Ordinance No. 445A
- Industrial Park Pages

ORDINANCE NO. 445A

**AN ORDINANCE TO AMEND CHAPTER 17 OF THE MUNICIPAL CODE
PERTAINING TO IP – INDUSTRIAL PARK**

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

- Section 1.** **Section 17.6.16 IP – Industrial Park is renamed to OM – Office/Manufacturing.**
- Section 2.** All reference to the IP District throughout Section 17.6.16 be amended to read OM District.
- Section 3.** **Section 17.6.16 Subd. 4, D. Commercial** is deleted in its entirety.
- Section 4.** **Effective Date.** This ordinance shall take effect and be in force from and after its passage and publication in accordance with law.

Passed this 16th day of June, 2015.

CITY OF CLOQUET

By: _____
Its Mayor

ATTEST:

By: _____
Its City Administrator

Published this _____ day of _____, 2015.

17.6.16 ~~IP – Industrial Park~~OM – Office/Manufacturing.

Subd. 1 Intent. The intent of the ~~IP-OM~~ District is to establish a suitable area or areas within the City in which light industrial and limited commercial uses can co-exist in an attractive environment and be compatible with each other and with adjacent business or residential neighborhoods. Such uses should be relatively free from objectionable influences, or have those influences obviated by design or other appropriate devices. In the interest of general health and welfare, residential and certain institutional uses are not permitted within this district.

Subd. 2 Permitted Uses. The following uses are permitted as regulated herein, without special application requirements or conditions attached except that where any use listed herein is proposed to be developed abutting an urban primary arterial street as designated on the approved City thoroughfares plan, and no frontage or service road is provided, such use shall only be permitted by Conditional Use Permit, as specified in *Section 17.2.10*.

- A. Office parks and complexes.
- B. Nurseries, landscape, and garden stores.
- C. Building materials retail outlets.
- D. Retail sales outlets when associated with and when located on the same lot as, a permitted manufacturing or warehousing use as specified in this section.
- E. Manufacturing: Any light manufacturing use or process including repairs, assembling, fabricating, altering, converting, finishing, processing, treating, testing, packaging or bottling; except any use or process hereinafter specifically excluded or which would not be in keeping with the purpose of the District as stated above.
- F. Warehousing, storage, and wholesaling: The storage, handling, assembly and distribution of goods and materials for retail, wholesale, or on-site use, except for the handling, in quantity, of packaged or bulk hazardous combustible materials and / or flammable liquids or gases. The determination of ‘hazardous’ materials shall be made by reference to the latest edition of the International Building Code as adopted by reference by the Minnesota State Building Code.

Subd. 3 Conditional Uses. The following uses are permitted only subject to the issuance of a Conditional Use Permit as stipulated in *Section 17.2.10*. Additional uses itemized in that Section may situate in the IP District in the same manner as if they were listed hereunder:

- A. General. Any use first listed as permitted in the HI, Heavy Industrial District, provided that any objectionable features normally associated with these uses, such as those deemed to be hazardous, offensive, or objectionable by reason of odor, dust, cinders, gas fumes, noise, vibration, radiation, refuse matter, or water-carried waste, shall be ameliorated, controlled or eliminated through design, mechanical devices, screen plantings and / or walls, or other measures as specified by the Planning Commission, and provided that the use and its day to day activity will not be hazardous, noxious, or offensive.

- B. Commercial. Any use first listed as a permitted use in the NC, Neighborhood Commercial, and RC, Regional (Highway) Commercial Districts provided such use is in keeping with the intent of the District as stated in *Subd. 1* of this *Section*.

Subd. 4 Prohibited Uses. No building, structure or land shall be used, and no building or structure shall be erected, altered or enlarged, which is arranged, intended, or designed for any of the following uses:

- A. Residential. Dwellings, dwelling units, and residences of any kind, including hotels, motels, rooming houses, and tourist homes.
- B. Institutional. Schools, orphanages, child care centers, homes for the aged, and similar institutions for human care.
- C. Industrial. Any use first listed as a conditional use in the HI-Heavy Industrial District.
- ~~D. Commercial. Any commercial use which is not in keeping with the purpose of the District as stated in *Subd. 1* of this *Section*, and includes such uses as shopping centers, malls or plazas, restaurants of any kind, drive-in theaters, recreation or entertainment centers, commercial parking garages, ramps or lots, and small, neighborhood-oriented, shops or stores.~~

Subd. 5 Accessory Uses. The following uses are permitted only when auxiliary to a principal use permitted above; they may not exist as principal uses in their own stead:

- A. Any accessory use, building, or structure customarily incidental to a principal use permitted above, and located on the same lot therewith.
- B. Specialized freight and yard equipment, private utility structures, secondary processing structures, and similar specialized structures.
- C. Enclosed equipment and vehicle storage areas for non-residential uses.
- D. Parking and loading facilities as regulated in *Section 17.5.11*.
- E. Signs as regulated in *Section 17.5.13*.

Subd. 6 Dimensional Regulations.

- A. Parcel Requirements. The minimum parcel requirements in the ~~IP-Industrial~~ ParkOM District shall be as follows, except as may be modified pursuant to *Section 17.2.11: Variance*.
 - (1) Minimum parcel area. Twenty thousand (20,000) square feet.
 - (2) Minimum parcel width. One hundred-twenty (120) feet.
 - (3) Minimum parcel depth. One hundred-twenty (120) feet.
 - (4) Exceptions to parcel requirements. Public parks, public open space, and utility and communication uses shall be exempt from the parcel requirements of this section.
- B. Setback requirements for principal building. The minimum setback requirements for principal buildings from parcel lines shall be as follows, except as may be modified pursuant to *17.2.11: Variance*.

- (1) Minimum principal building setback from front parcel line. Primary arterials – One hundred (100) feet; all other streets – Thirty-five (35) feet.
 - (2) Minimum principal building setback from corner street side parcel line. Primary arterials – One hundred (100) feet; all other streets – Thirty-five (35) feet.
 - (3) Minimum principal building setback from interior side parcel line. Twenty (20) feet.
 - (4) Minimum principal building setback from rear parcel line. Thirty (30) feet.
 - (5) Setback from ‘R’ District boundary – Fifty (50) feet, or Thirty (30) feet plus screening as specified in *Subd. 7, A* of this Section.
- C. Maximum Height of Principal Building. Four (4) stories with maximum height of sixty (60) feet.
- D. Setback and Height Requirements for Accessory Buildings.
- (1) Minimum accessory building setback from interior side parcel line. Ten (10) feet.
 - (2) Minimum accessory building setback from rear parcel line. Fifteen (15) feet.
 - (3) Maximum height of accessory building. Twenty-five (25) feet.
- E. Maximum Building Coverage of the Parcel. Forty percent (40%).
- F. Maximum Impervious Coverage. Seventy percent (70%).
- G. Performance Standards: Yes – *Section 17.4.02*.
- H. Special Provisions – Signs – *Section 17.5.13*; Parking – *Section 17.5.11*; Street access standards and designs – *Section 17.5.11, Sud. 4*.

Subd. 7 Special District Provisions.

- A. Landscaping. All open areas of any site, lot, tract, or parcel shall be graded to provide proper drainage, and ,except for areas used for parking, drives, sidewalks, patios, storage, or other such uses, shall be landscaped with trees, shrubs, or planted ground cover. Such landscaping shall conform to the planting plan approved at the time the building permit is issued. It shall be the owner’s responsibility to see that this landscaping is maintained in an attractive and well-kept condition. All adjacent vacant lots, tracts, or parcels under the same ownership shall also be properly maintained. No landscaped area shall be used for the parking of vehicles or the storage or display of materials, supplies, or merchandise.
- B. Storage – Displays. All materials, supplies, merchandise, finished or semi-finished products not on display for the direct sale, rental, or lease to the ultimate consumer or user shall be stored within a completely enclosed building or within the confines of a one-hundred (100) percent opaque wall or fence not less than five (5) feet high. Provided, however, that motor vehicles necessary to the operation of the principal use and not of more than one and one-half ton capacity

may be stored within the permitted parking lot areas. Merchandise which is offered for sale as described heretofore may be displayed beyond the confines of a building, but the area occupied by such outdoor display shall not constitute a greater number of square feet than ten (10) percent of the ground floor area of the building housing the principal use, unless such merchandise is of the type customarily displayed outdoors such as garden supplies.

C. Building Design and Construction. Any building or structure within the ~~HP-OM~~ District shall meet the following design standards:

(1) All exterior wall finishes on any building shall be any single or combination of the following:

- a. Face Brick.
- b. Natural Stone.
- c. Concrete block with surfaces painted or treated with decorative material or texture.
- d. Specially designed concrete units if the surfaces have been integrally treated with an applied decorative material or texture.
- e. Factory fabricated and finished metal framed panel construction, with the panel materials to include any of those named above, glass, prefinished metal (other than unpainted galvanized iron), or plastic, and which materials meet or exceed the minimum standards of the Minnesota State Building Code.
- f. Other materials as may be recommended by the Planning Commission.

(2) Accessory buildings may be of materials other than those specified heretofore, provided, however, that the design and material used shall be architecturally harmonious with that of a principal building.

(3) All subsequent additions to any building constructed after the erection of an original building or buildings shall be constructed of the same materials as the original construction and shall be designed in a manner conforming to the original architectural design and general appearance.

D. Traffic and Circulation. Traffic and circulation requirements for any and all development in the ~~HP-OM~~ District shall be in accordance with *Section 17.5.11, Subd. 4* of this Chapter.

E. Screening. All principal, accessory, and conditional uses, except business signs, which are situated within fifty (50) feet of a residential districts, shall be screened and buffered from such district by a separation of open space which shall have minimum depth of thirty (30) feet and shall include a required fence or vegetative screening of not less than ninety (90) percent opacity and not less than five (5) feet nor more than seven (7) feet in height above the level of the Residential District property at the district boundary. Walls or fences of lessor heights may be permitted by the Planning Commission if there is a finding that the nature or

extent of the use being screened is such that a lesser degree of screening will as adequately promote and protect the use and enjoyment of the properties within the adjacent residential district, or there is a finding that a screening of the type required by this Chapter would interfere with the provision of adequate amounts of light, air to same said properties. Loading docks which are visible from any public street right-of-way within a Residential District shall be screened as specified above. All required screening devices shall be designed to be architecturally harmonious with the principal structures on the site and they shall be properly maintained so as not to become unsightly, hazardous, or less opaque than when originally constructed.

- |
- F. Performance Standards. All operations and activities within the ~~IP-OM~~ District shall conform to the performance standards established in *Section 17.4.02* of this Chapter.




COMMUNITY DEVELOPMENT DEPARTMENT

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REQUEST FOR COUNCIL ACTION

To: Mayor and City Council
From: Al Cottingham, City Planner/Zoning Administrator
Reviewed/Approved By: Brian Fritsinger, City Administrator 
Date: June 10, 2015

**ITEM DESCRIPTION: ZONING CASE 15-09: COMPREHENSIVE PLAN
AMENDMENT (LAND USE PLAN) AND REZONING**

Proposed Action

Staff recommends the City Council move to adopt:

- **RESOLUTION NO. 15-48, A RESOLUTION APPROVING THE COMPREHENSIVE PLAN AMENDMENT (LAND USE PLAN) FROM “HIGHWAY COMMERCIAL” TO “LIGHT INDUSTRY”**
- and
- **ORDINANCE NO. 446A, AN ORDINANCE TO AMEND CHAPTER 17, BY AMENDING THE ZONING MAP OF THE CITY OF CLOQUET FROM “RC – REGIONAL (HIGHWAY) COMMERCIAL” TO “OM – OFFICE/MANUFACTURING”**

Background/Overview

The City of Cloquet Economic Development Authority (EDA) is proposing to amend the Land Use Plan portion of the Comprehensive Plan by changing the current classification from “Highway Commercial” to “Light Industry” for property located west of Highway 33 and north of Stark Road. The EDA is also proposing a Rezoning of the property from the current classification of RC – Regional (Highway) Commercial to OM – Office/Manufacturing. The amendment and rezoning, if approved, would amend the Land Use Plan Map of the Comprehensive Plan and the Zoning Map.

In August 2007 the City Council adopted the 2007 – 2027 Comprehensive Plan for the City of Cloquet. Chapter 3 of the Plan, Land Use discusses Inventory and Analysis; Goals, Objectives, and Policies; and, Land Use Plan. As part of that adoption this property was guided on the Land Use Plan as Highway Commercial. Subsequently the property was rezoned RC – Regional (Highway) Commercial. In both of these cases legal notices were published in the official newspaper but notices were not sent to individual property owners or owners within 350 feet of property being changed.

Staff has reviewed the language in the Comprehensive Plan pertaining to both the “Public/Semi-Public/Institutional” and “Moderate-Density to High-Density Residential”. In reviewing these write ups the Public – Semi Public classification made sense at the time for an expansion of the college located to the south of this property for possible student housing. Since that time the college has determined that they are not in the position to provide student housing anymore. The property surrounding this property is “Moderate-Density to High-Density Residential” and “Highway Commercial/Residential Mix”. The City Council recently approved these same changes on the property to the south of this property at the request of the property owner.

A public hearing will be held on Tuesday, June 9, 2015 to consider a possible amendment to the Comprehensive Plan (Land Use Plan) and Rezoning. A legal notice was published in the Pine Journal on May 28, 2015 and property owners within 350 feet and the property that is effected was sent notice of the public hearing.

Policy Objectives

The Land Use Plan portion of the Comprehensive Plan discusses the “Public/Semi-Public/Institutional” on page 3-23 and the “Moderate-Density to High-Density Residential” on page 3-14. The plan does not have any specific locational criteria for where certain districts should be located or rational as to why districts are located where they are. The Rezoning of the property is to be consistent with the Comprehensive Plan.

Financial/Budget/Grant Considerations

The Comprehensive Plan Amendment fee is \$300 and Rezoning fee is \$400. The fees were waived since the City is the applicant.

Advisory Committee/Commission Action

The Planning Commission has recommended approval of the Comprehensive Plan Amendment on a 5 – 0 vote. They have also recommended approval of the Rezoning on a 4–0 vote.

Supporting Documentation Attached

- Resolution No. 15-48
- Ordinance No. 446A
- Location Map
- Comprehensive Plan Pages
- Land Use Plan
- Zoning Map

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

RESOLUTION NO. 15-48

**A RESOLUTION APPROVING THE COMPREHENSIVE PLAN AMENDMENT
(LAND USE PLAN) FROM “HIGHWAY COMMERCIAL”
TO “LIGHT INDUSTRY”**

WHEREAS, The City of Cloquet Economic Development Authority is proposing a Comprehensive Plan Amendment (Land Use Plan) from “Highway Commercial” to “Light Industry”; 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 June 9, 2015 at which time Zoning Case / Development Review No. 15-09 was heard and discussed; and

WHEREAS, the property of the proposed Comprehensive Plan Amendment (Land Use Plan) is located West of Highway 33 and north of Stark Road and is legally described as follows:

All of Block 4 and 5 and the Open Space, Cloquet Business Park.

WHEREAS, the Planning Commission reviewed the staff report and recommended approval of the Comprehensive Plan Amendment (Land Use Plan) from “Highway Commercial” to “Light Industry”.

NOW, THEREFORE, BE IT RESOLVED, BY THE CITY COUNCIL OF THE CITY OF CLOQUET, MINNESOTA, that it approves the Comprehensive Plan Amendment (Land Use Plan) from “Highway Commercial” to “Light Industry”.

**PASSED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF CLOQUET
THIS 16TH DAY OF JUNE, 2015.**

Dave Hallback, Mayor

ATTEST:

Brian Fritsinger, City Administrator

ORDINANCE NO. 446A

AN ORDINANCE TO AMEND CHAPTER 17 OF THE CITY CODE, BY AMENDING THE ZONING MAP OF THE CITY OF CLOQUET FROM “RC - REGIONAL (HIGHWAY) COMMERCIAL” TO “OM - OFFICE/MANUFACTURING”

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 RC – Regional (Highway) Commercial to OM – Office/Manufacturing:

All of Block 4 and 5 and the Open Space, Cloquet Business Park.

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

Passed this 16th day of June, 2015.

CITY OF CLOQUET

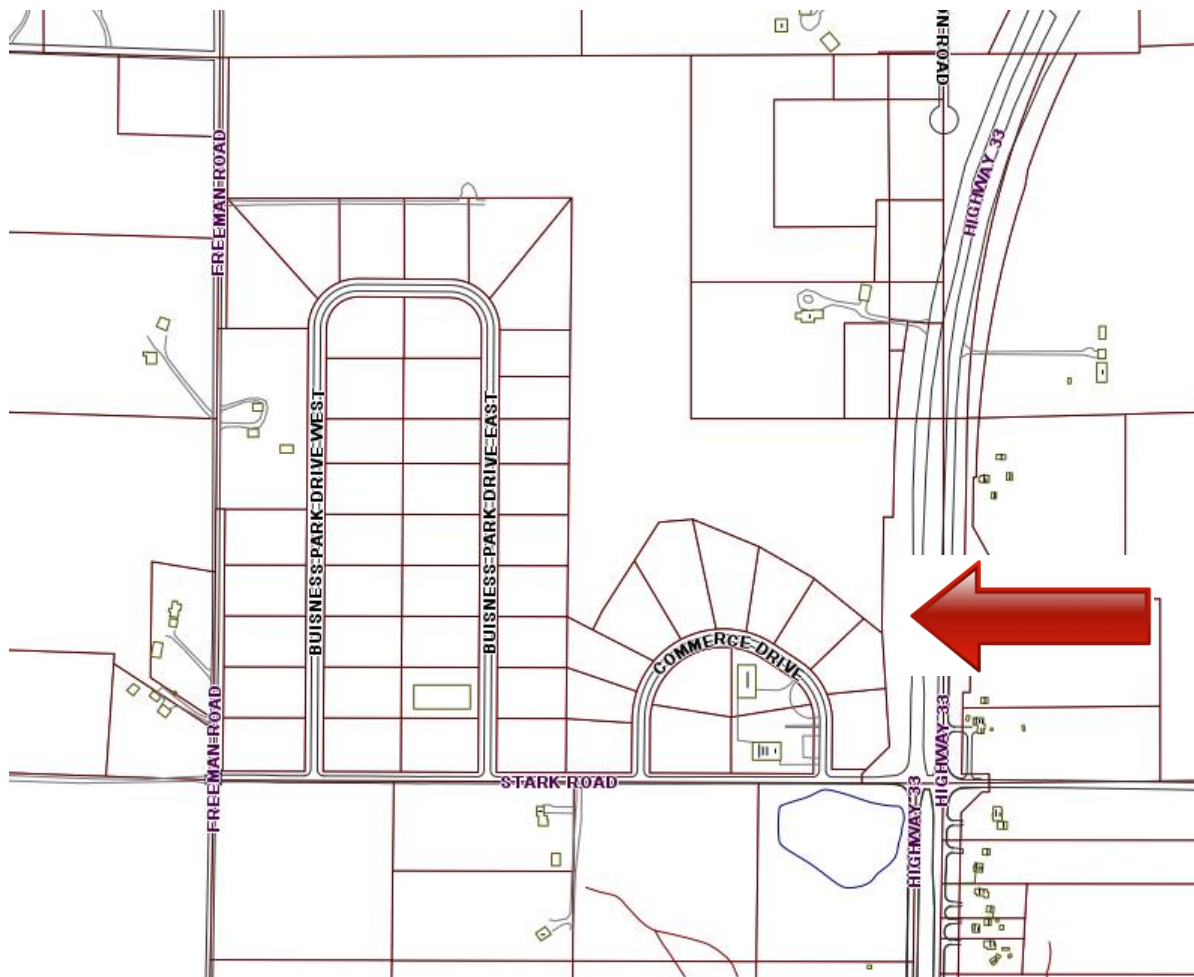
By: _____
Its Mayor

ATTEST:

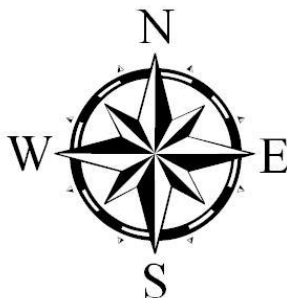
By: _____
Its City Administrator

Published this _____ day of _____, 2015.

LOCATION MAP



NO SCALE



The commercial/residential mix on the east side of the highway is intended to allow a mixture of residential uses and complimentary commercial uses. Possible land uses in this area could include moderate to high-density residential uses, convenience stores, restaurants, motels, and other limited commercial uses that may serve surrounding residences and/or highway travelers.

The City, in coordination with the Minnesota Department of Transportation, affected property owners, and other interested parties, should consider developing a conceptual master plan for this area that addresses access issues, future roads (that may include a “backage” road that would run parallel to Highway 33), and a market analysis to determine viable uses for the area.

Highway Commercial

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

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

Specific recommendations for this area include the following:

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

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

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

specialty shops that would be an extension of the West End area. If preliminary discussions between the City and Sappi yield reasonable possibilities for relocating the repair facilities, then the City should revisit or update the 1986 Redevelopment Study as needed or desired.

Commercial-Industrial Reserve

The Comprehensive Plan identifies three commercial-industrial reserves in the city. The reserve status indicates that these areas may be suitable for future commercial and/or industrial development should conditions warrant. In the meantime, these areas would continue to be used for interim mining, open space, or rural residential use.

Commercial-Industrial Reserve South of Interstate Highway 35. The Comprehensive Plan shows a commercial-industrial reserve south of Interstate Highway 35. This area is currently being mined, but at the completion of mining activities, it may provide an excellent opportunity to develop a commercial and/or industrial park that would have convenient access to the railroad and Interstate Highway 35. Some future uses could potentially have a synergistic relationship with the Fond du Lac Tribal and Community College. Consequently, it would be helpful to prepare a conceptual master plan for the area before allowing significant development in the vicinity.

Commercial-Industrial Reserve North of Interstate Highway 35. The Comprehensive Plan identifies a commercial-industrial reserve on the north side of Interstate Highway 35. Although wetlands may cover much of this area, the proximity of this area to Highway 35 makes it attractive to potential commercial and industrial development. In guiding this area as a commercial-industrial reserve, the City acknowledges that if conditions warrant (and if wetland, access, and other issues can be adequately addressed) then this area may be suitable for certain commercial or industrial development in the future.

Airport Commercial-Industrial Reserve. The Comprehensive Plan identifies an area west of the airport as a commercial-industrial reserve. Pending a market analysis and detailed studies, the Plan suggests this area could be suitable for industrial and/or commercial uses that would benefit by their relationship to the airport and/or Fond du Lac Tribal Center.

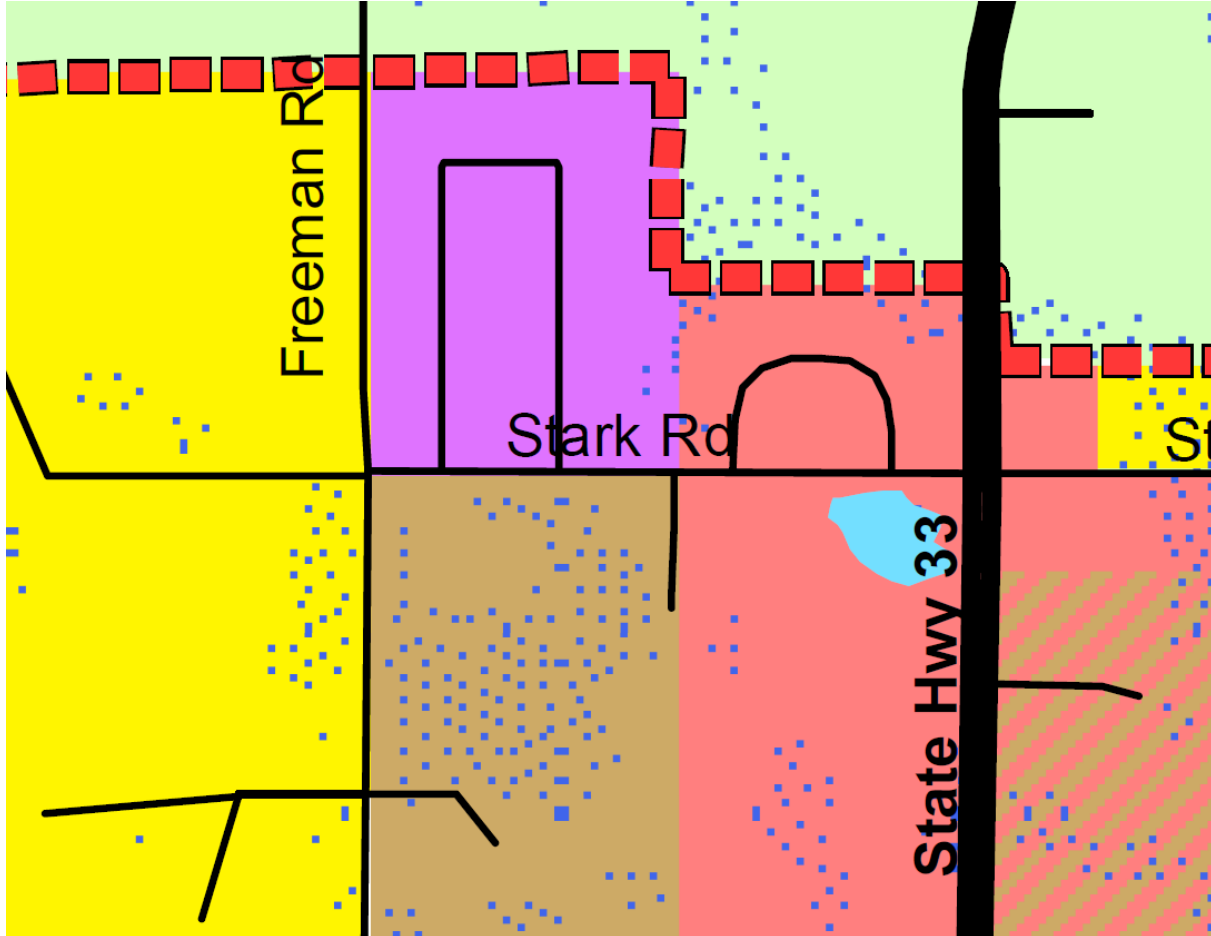
Light Industry

The Comprehensive Plan guides several areas in the city for light industrial use. For the purpose of this Comprehensive Plan, light industries differ from heavy industries in that they are smaller operations that generally do not create excessive noise, smells, or traffic concerns.

Existing Light Industry. There are several areas of existing light industrial uses in Cloquet, including the Tall Pine Industrial Park, and scattered industrial uses along Cloquet Avenue, Avenue B, Avenue C, and Washington Avenue. With the exception of the existing industrial uses south of Avenue B and adjacent to the city center, the Comprehensive Plan continues to guide existing light industrial use for future light industrial use. The Plan promotes working cooperatively with existing industrial uses south of Avenue B to relocate to the Cloquet Industrial Park on Stark Road as may be desirable.

Cloquet Industrial Park on Stark Road. The Cloquet Industrial Park on Stark Road was constructed in 2006-2007 and provides roughly 55 acres of land for industrial development. The City will continue to promote this area for future industrial development. Before the industrial park nears capacity, the City will consider other opportunities for additional industrial development in the city, including potential future industrial parks south of Interstate Highway 35, north of Interstate Highway 35, and adjacent to the airport industrial park as described earlier.

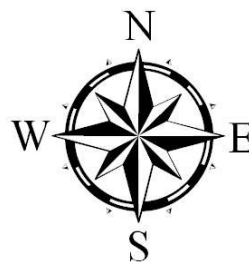
LAND USE PLAN



LAND USE PLAN

- Rural Residential (1 DU/5 Ac) (or Open Space)
- Suburban Residential (1 DU/Ac Max)
- Low Density Residential (1-5 DU/Ac)
- Mod. to High Density Residential (5-32 DU Ac)
- Planned Mixed Residential (Variable Density)
- Neighborhood Commercial
- Highway Commercial
- City Center
- Highway Commercial/Residential Mix
- Commercial-Industrial Reserve
- Light Industry
- Heavy Industry
- Public - Semi Public
- Park or Recreation
- Cloquet Forestry Research Center

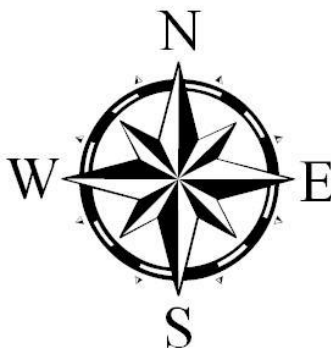
NO SCALE



ZONING MAP



NO SCALE





COMMUNITY DEVELOPMENT DEPARTMENT

1307 Cloquet Avenue • Cloquet MN 55720

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

www.ci.cloquet.mn.us

REQUEST FOR COUNCIL ACTION

To: Mayor and City Council
From: Al Cottingham, City Planner/Zoning Administrator
Reviewed/Approved By: Brian Fritsinger, City Administrator
Date: June 10, 2015

ITEM DESCRIPTION: ZONING CASE 15-11: COMPREHENSIVE PLAN AMENDMENT (LAND USE PLAN) AND REZONING

Proposed Action

Staff recommends the City Council move to adopt:

- **RESOLUTION NO. 15-47, A RESOLUTION APPROVING THE COMPREHENSIVE PLAN AMENDMENT (LAND USE PLAN) FROM “PUBLIC/SEMI-PUBLIC/INSTITUTIONAL” TO “MODERATE-DENSITY TO HIGH-DENSITY RESIDENTIAL”**

and

- **ORDINANCE NO. 444A, AN ORDINANCE TO AMEND CHAPTER 17, BY AMENDING THE ZONING MAP OF THE CITY OF CLOQUET FROM “PI – PUBLIC/INSTITUTIONAL” TO “SR – SUBURBAN RESIDENTIAL”**

Background/Overview

The City of Cloquet is proposing to amend the Land Use Plan portion of the Comprehensive Plan by changing the current classification from “Public/Semi-Public/Institutional” to “Moderate-Density to High-Density Residential” for property located south of I-35 and west of 14th Street. The City is also proposing a Rezoning of the property from the current classification of PI - Public/Institutional to SR – Suburban Residential. The amendment and rezoning, if approved, would amend the Land Use Plan Map of the Comprehensive Plan and the Zoning Map. This request is being proposed because of the recent change of the property to the south.

In August 2007 the City Council adopted the 2007 – 2027 Comprehensive Plan for the City of Cloquet. Chapter 3 of the Plan, Land Use discusses Inventory and Analysis; Goals, Objectives, and Policies; and, Land Use Plan. As part of that adoption the applicants property was guided on the Land Use Plan as Public – Semi Public. Subsequently the property was rezoned PI – Public/Institutional. In both of these cases legal notices were published in the official newspaper but notices were not sent to individual property owners or owners within 350 feet of property

To the Mayor and City Council
Amending Land Use Plan
June 10, 2015
Page 2

being changed. State Statute allows for changes like this to occur with just a legal notice since it is being done as a city wide change and not just one specific area.

The zoning of property needs to be consistent with the Comprehensive Plan; therefore if the plan is amended to “Moderate-Density to High-Density Residential” then the zoning should also be amended. In this case the SR – Suburban Residential would be appropriate since utilities are currently not available to the property.

The Comprehensive Plan Amendment is the first step in a two-step process that the City needs to go through prior to rezoning the property. If this step is approved, then the rezoning of the property should also be approved so the two are consistent.

A public hearing was held on Tuesday, June 9, 2015 to consider a possible amendment to the Comprehensive Plan (Land Use Plan) and Rezoning. A legal notice was published in the Pine Journal on April 30, 2015 and property owners within 350 feet and those whose property is effected were sent notices of the public hearing.

Policy Objectives

The Land Use Plan portion of the Comprehensive Plan discusses the “Public/Semi-Public/Institutional” on page 3-23 and the “Moderate-Density to High-Density Residential” on page 3-14. The plan does not have any specific locational criteria for where certain districts should be located or rational as to why districts are located where they are. The Rezoning of the property is to be consistent with the Comprehensive Plan.

Financial/Budget/Grant Considerations

The Comprehensive Plan Amendment fee is \$300 and Rezoning fee is \$400. The fees were waived since the City is the applicant.

Advisory Committee/Commission Action

The Planning Commission has recommended approval of the Comprehensive Plan Amendment on a 5–0 vote. They have also recommended approval of the Rezoning on a 4–0 vote.

Supporting Documentation Attached

- Resolution No. 15-47
- Ordinance No. 444A
- Location Map
- Comprehensive Plan Pages
- Land Use Plan
- Zoning Map

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

RESOLUTION NO. 15-47

**A RESOLUTION APPROVING THE COMPREHENSIVE PLAN AMENDMENT
(LAND USE PLAN) FROM “PUBLIC/SEMI-PUBLIC/INSTITUTIONAL”
TO “MODERATE-DENSITY TO HIGH-DENSITY RESIDENTIAL”**

WHEREAS, The City of Cloquet is proposing a Comprehensive Plan Amendment (Land Use Plan) from “Public/Semi-Public/Institutional” to “Moderate-Density to High-Density Residential”; 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 June 9, 2015 at which time Zoning Case / Development Review No. 15-11 was heard and discussed; and

WHEREAS, the property of the proposed Comprehensive Plan Amendment (Land Use Plan) is located south of I-35 and west of 14th Street and is legally described as follows:

All that part of the Southwest Quarter of the Southwest Quarter, Section 25, Township 49, Range 17, Carlton County, Minnesota lying South of the center line of Interstate Highway 35 and West of the center line of County Highway 3 EXCEPT Parcel 325 on Right-of-Way Plat No. 09-4.

WHEREAS, the Planning Commission reviewed the staff report and recommended approval of the Comprehensive Plan Amendment (Land Use Plan) from “Public/Semi-Public/Institutional” to “Moderate-Density to High-Density Residential”.

NOW, THEREFORE, BE IT RESOLVED, BY THE CITY COUNCIL OF THE CITY OF CLOQUET, MINNESOTA, that it approves the Comprehensive Plan Amendment (Land Use Plan) from “Public/Semi-Public/Institutional” to “Moderate-Density to High-Density Residential”.

PASSED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF CLOQUET THIS 16TH DAY OF JUNE, 2015.

Dave Hallback, Mayor

ATTEST:

Brian Fritsinger, City Administrator

ORDINANCE NO. 444A

AN ORDINANCE TO AMEND CHAPTER 17 OF THE CITY CODE, BY AMENDING THE ZONING MAP OF THE CITY OF CLOQUET FROM “PI – PUBLIC/INSTITUTIONAL” TO “SR - SUBURBAN RESIDENTIAL”

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 PI, Public/Institutional to SR, Suburban Residential:

All that part of the Southwest Quarter of the Southwest Quarter, Section 25, Township 49, Range 17, Carlton County, Minnesota lying South of the center line of Interstate Highway 35 and West of the center line of County Highway 3 EXCEPT Parcel 325 on Right-of-Way Plat No. 09-4.

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

Passed this 16th day of June, 2015.

CITY OF CLOQUET

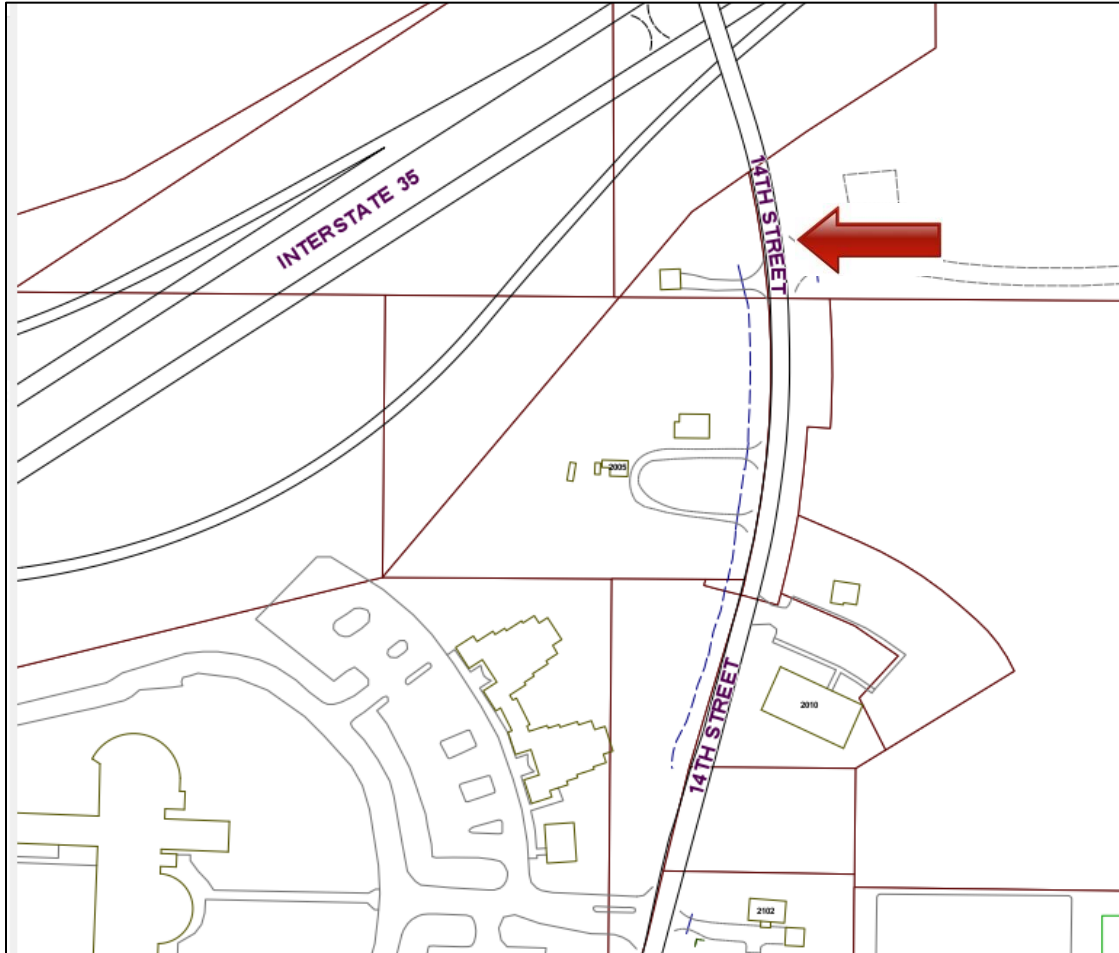
By: _____
Its Mayor

ATTEST:

By: _____
Its City Administrator

Published this _____ day of _____, 2015.

**LOCATION MAP
SOUTH OF I-35, WEST OF 14TH STREET**



NO SCALE



Heavy Industry

Consistent with the City's Zoning Map, the Comprehensive Plan guides existing heavy industries for continued heavy industrial use. These areas include the Sappi plant and the USG plant.

Public / Semi-Public

The Comprehensive Plan guides existing government facilities, schools, cemeteries, and medical facilities for continued public and semi-public use. Religious institutions may also be considered a public or semi-public use, but the Land Use Plan does not specifically show these uses. In general, public and semi-public uses can be developed anywhere in the city where they can be sensitively integrated into their surroundings.

Parks

The Comprehensive Plan guides existing parks for continued park use. The Land Use Plan does not identify specific parcels for future parks in the City. However, Chapter 5: Utilities and Community Facilities describes general areas where the City may consider developing additional parks in the future. In general, parks can be developed anywhere in the city where they can be sensitively integrated into their surroundings.

Private Golf Course

The Comprehensive Plan guides the Cloquet Country Club for continued use as a private golf course. Low to moderate-density housing associated with the golf course is also an acceptable use for this land use designation.

Cloquet Forestry Research Center

The Comprehensive Plan continues to guide the Cloquet Forestry Research Center for continued use as a research center.

Interim Mining

The Land Use Plan identifies (with a hatch overlay) several areas in the city where existing mining activities are occurring. These areas are acceptable for interim mining use. At the completion of the mining activities, the Land Use Plan guides the area for a long-term future use such as planned mixed residential or industrial use.

Fond du Lac Tribal or Allotment Land

The Fond du Lac Reservation is responsible for land use decisions relating to Fond du Lac tribal or allotment land. Cloquet's Land Use Plan (see Figure 3-3) identifies (with a hatch overlay) the existing tribal or allotment land present in early 2007. As a general reference, the Land Use Plan also shows general land uses for the tribal land. While the land uses shown are intended to be consistent with the Reservation's Land Use Plan, it is important to contact the Reservation for detailed and accurate information regarding tribal or allotment land within the corporate boundaries of Cloquet.

PHASED PUBLIC SEWER AND WATER EXTENSION AND STAGED URBAN GROWTH

The Comprehensive Plan encourages development and redevelopment in areas of the city currently served by public sewer and water, but the Plan also recognizes the need for staged growth outside the current public sewer and water service boundary. Figure 3-4: Phased Sewer and Water Extension and Staged Urban Growth identifies general areas and target dates for public sewer and

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

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

Moderate-Density to High-Density Residential

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

Consistent with the City's current Zoning Ordinance, moderate to high-density residential use allows for a density of 5 to 32 dwelling units per acre. However, the City's Zoning Ordinance and Zoning Map will identify the maximum allowable density for specific parcels in the City.

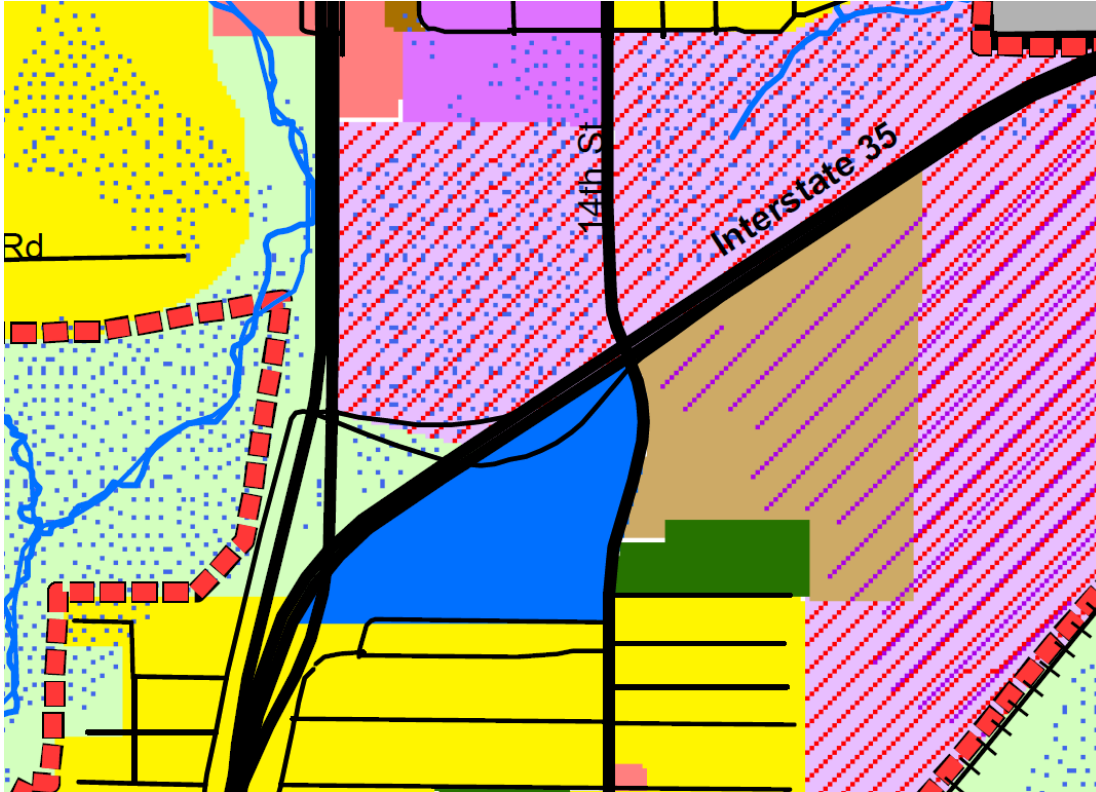
Planned Mix Residential

The Comprehensive Plan guides several areas in the city for planned mixed residential uses. This land use designation provides opportunities to develop a mixture of housing types and densities within a planned development. Planned mixed residential uses may include single-family detached housing, moderate-density single-family attached housing, and high-density apartments or condominiums carefully integrated into a planned residential development. Within this planned setting, parks, religious institutions, essential services, public and semi-public uses, and a limited amount of neighborhood commercial use, may also be acceptable complimentary uses.
















Before allowing any significant development in an area guided for planned mixed residential use, the City should prepare a master plan for the area (or alternatively the City should coordinate with a developer to review the developer's master plan for the area). In general, proposed moderate to high-density residential uses (as well as neighborhood commercial uses) should be considered in the context of a planned unit development that involves at least several acres of land. The City should not permit uncoordinated or spot development in this area that may preclude logical development of the whole area. The following provides a general description of the planned mixed residential areas in the city.

Planned Mixed Residential South of Stark Road. The Comprehensive Plan guides an area south of Stark Road and east of Freeman Road for planned mixed residential use. This area is mostly undeveloped with a mixture of scattered wetlands and upland. Public sewer and water currently serve the Cloquet Business Park to the north and they could reasonably serve this planned mixed residential area as well. The Comprehensive Plan guides the area to the east for highway commercial use and the area to the west for low-density residential use. Consequently, this planned mixed residential area could serve as a transition between the highway commercial use and the low-density residential use. The existing wetlands in this area may provide an attractive amenity and a functional buffer between the various uses in the area.

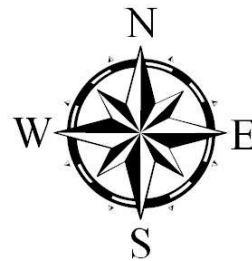
LAND USE PLAN



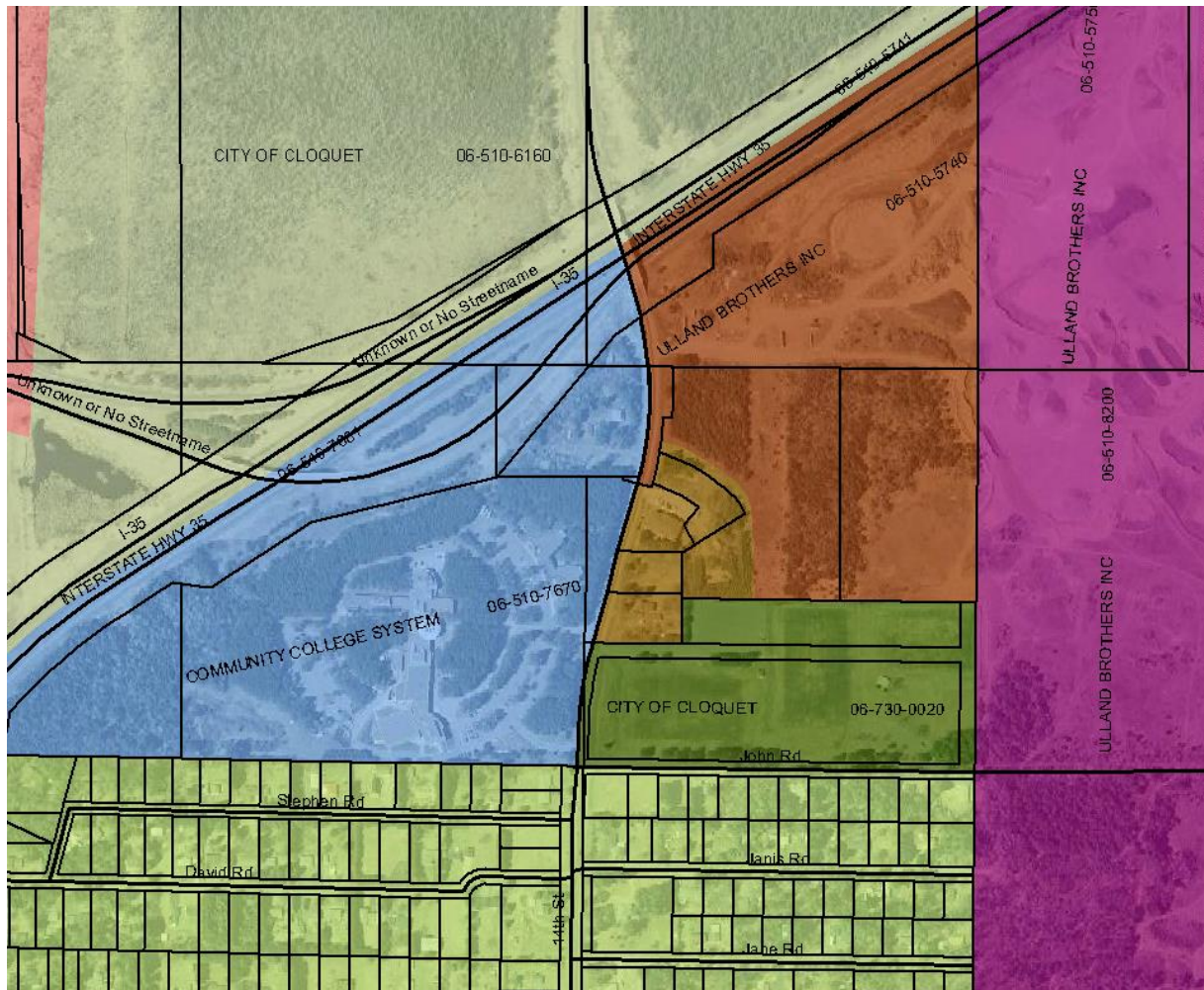
LAND USE PLAN

-  Rural Residential (1 DU/5 Ac) (or Open Space)
-  Suburban Residential (1 DU/Ac Max)
-  Low Density Residential (1-5 DU/Ac)
-  Mod. to High Density Residential (5-32 DU Ac)
-  Planned Mixed Residential (Variable Density)
-  Neighborhood Commercial
-  Highway Commercial
-  City Center
-  Highway Commercial/Residential Mix
-  Commercial-Industrial Reserve
-  Light Industry
-  Heavy Industry
-  Public - Semi Public
-  Park or Recreation
-  Cloquet Forestry Research Center

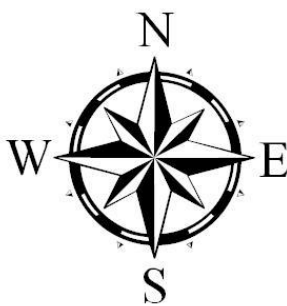
NO SCALE



ZONING MAP



NO SCALE





COMMUNITY DEVELOPMENT DEPARTMENT

1307 Cloquet Avenue • Cloquet MN 55720

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

www.ci.cloquet.mn.us

REQUEST FOR COUNCIL ACTION

To: Mayor and City Council
From: Al Cottingham, City Planner/Zoning Administrator
Reviewed/Approved By: Brian Fritsinger, City Administrator
Date: June 10, 2015

**ITEM DESCRIPTION: ZONING CASE 15-12: SITE PLAN REVIEW
LEC ORTHODONTICS**

Proposed Action

Staff recommends the City Council move to adopt **RESOLUTION NO. 15-50, A RESOLUTION APPROVING THE SITE PLAN IN THE RC – REGIONAL (HIGHWAY) COMMERCIAL DISTRICT FOR LEC ORTHODONTICS.**

Background/Overview

LEC Orthodontics has applied for Site Plan approval in order to construct a 1,400 square foot addition onto the existing building. The property is located at 708 Stanley Avenue. The property is zoned RC, Regional (Highway) Commercial. The Planning Commission reviewed the request on June 9, 2015.

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

- Site/Landscape Plan
- Building Elevations

Impervious Surface:

The expansion to the building will be over a portion of the existing parking lot and thus will not be expanding the impervious surface coverage of the lot.

Building Setbacks:

The building addition exceeds the Ordinance minimum required setbacks to all property lines.

Landscaping:

The landscape plan shows 9 new deciduous and ornamental trees to be planted on the site. This meets the minimum requirements for landscaping.

There is no irrigation shown with the plans. They are not creating any additional green space and the trees will be planted within the existing green space. Staff does not believe that irrigation should be required to be installed.

To the Mayor and City Council
Site Plan Review LEC Orthodontics
June 10, 2015
Page 2

Parking:

The site is required to have 17 parking spaces based on 1 parking stall per 200 sq. ft. of floor area. The proposed expansion and existing building would be 3,400 sq. ft. The proposal shows 20 parking stalls

Signage:

The applicant is proposing wall signage on the north and west sides of the building. There is no freestanding signage proposed at this time.

Lighting:

The applicant is not proposing any exterior parking lot lighting at this time.

Highway 33 Design Standards:

All Highway 33 Design Standards topic areas are addressed above except for a discussion on the “Architectural Standards.” The primary exterior finish material proposed is stucco which complies with design standards. The colors proposed are earth tones.

Policy Objectives

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

Financial/Budget/Grant Considerations

The applicant has paid the required fees.

Advisory Committee/Commission Action

The Planning Commission has recommended approval of the Site Plan on a 4–0 vote.

Supporting Documentation Attached

- Resolution 15-50
- Location Map
- Site Plan Sheets

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

RESOLUTION NO. 15-50

**A RESOLUTION APPROVING THE SITE PLAN IN THE RC – REGIONAL
(HIGHWAY) COMMERCIAL DISTRICT FOR LEC ORTHODONTICS**

WHEREAS, LEC Orthodontics is proposing a Site Plan in the RC – Regional (Highway) Commercial District; and

WHEREAS, the property of the proposed Site Plan is located at 708 Stanley Avenue and is legally described as follows:

Lot 3 and 4, Block 2, Demenge Acres

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 it approves of Zoning Case 15-12 for a site plan for LEC Orthodontics.

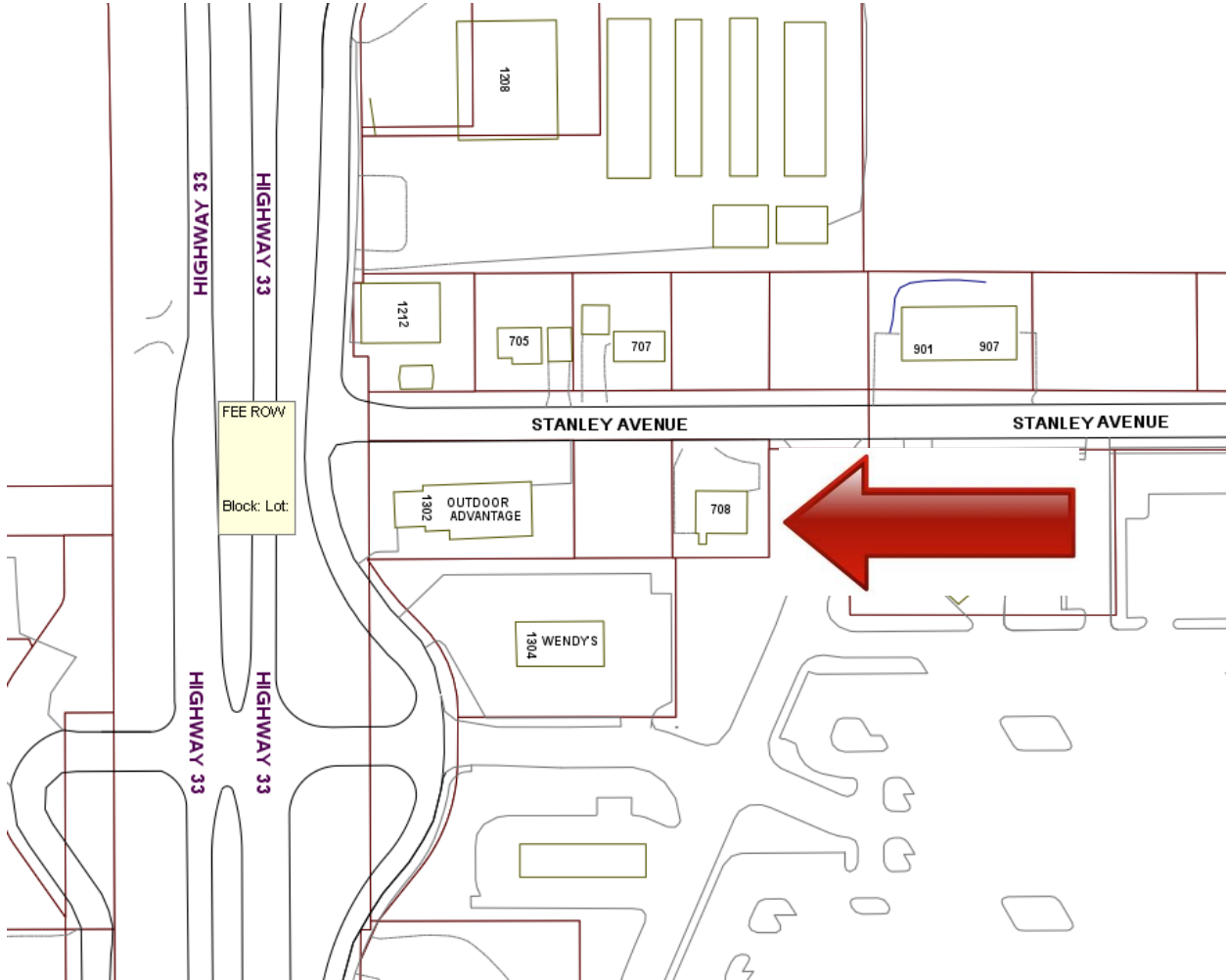
PASSED BY THE CITY COUNCIL OF THE CITY OF CLOQUET THIS 16TH DAY OF JUNE 2015.

Dave Hallback, Mayor

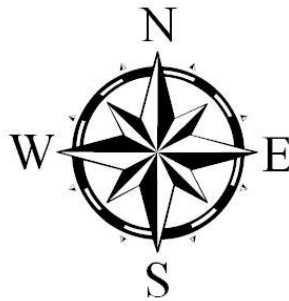
ATTEST:

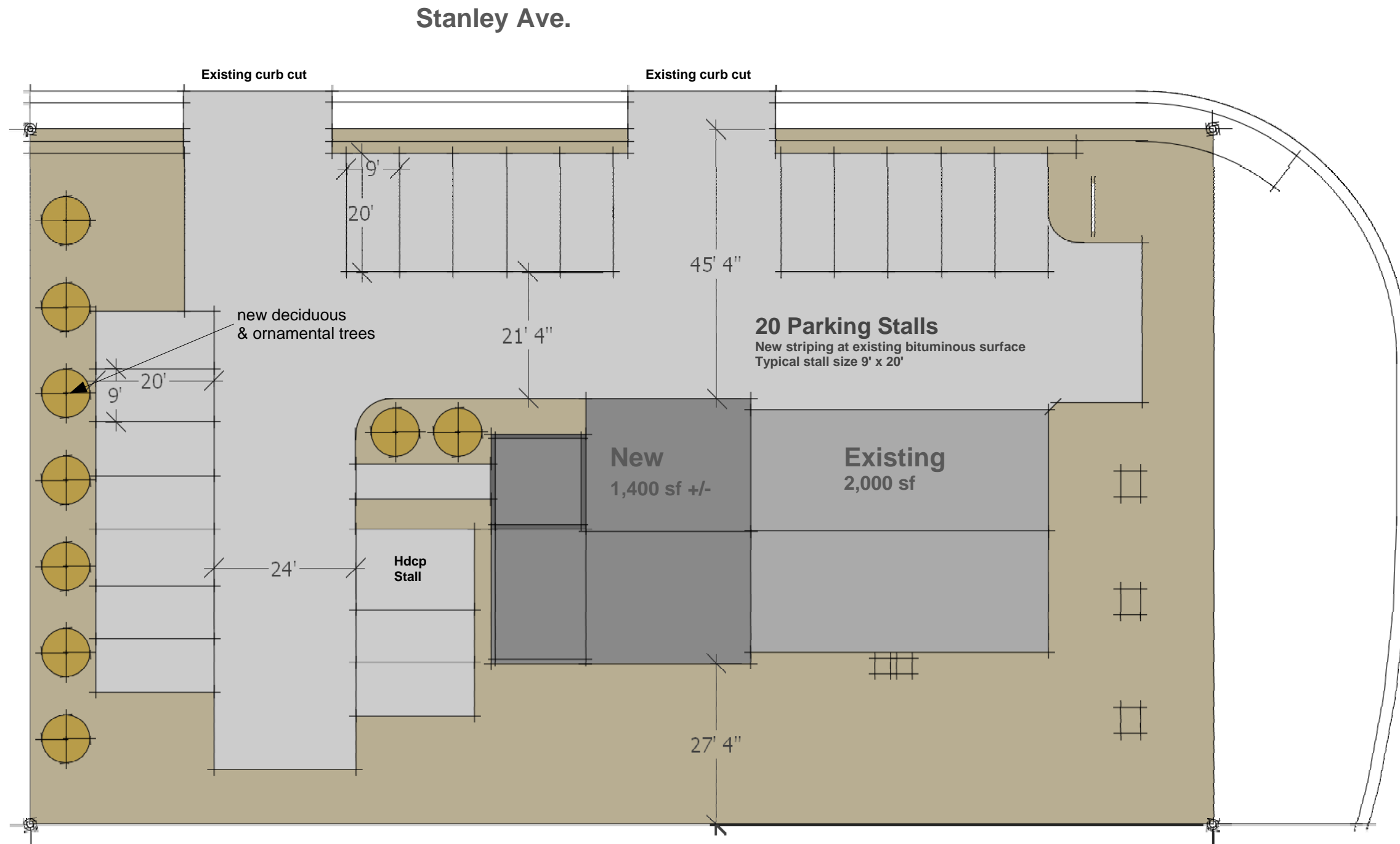
Brian Fritsinger, City Administrator

LOCATION MAP



NO SCALE





Proposed Site Plan



17 N. Lake Ave.
Duluth, MN 55802

218 733-0690
wagnerzaun.com

**CARLSON
ORTHO**
Cloquet MN

DESIGN

Perspective View

Apr 23 2015



17 N. Lake Ave.
Duluth, MN 55802

218 733-0690
wagnerzaun.com

**CARLSON
ORTHO**
Cloquet MN

DESIGN

Apr 23 2015



West Elevation



17 N. Lake Ave.
Duluth, MN 55802

218 733-0690
wagnerzaun.com

**CARLSON
ORTHO**
Cloquet MN

DESIGN

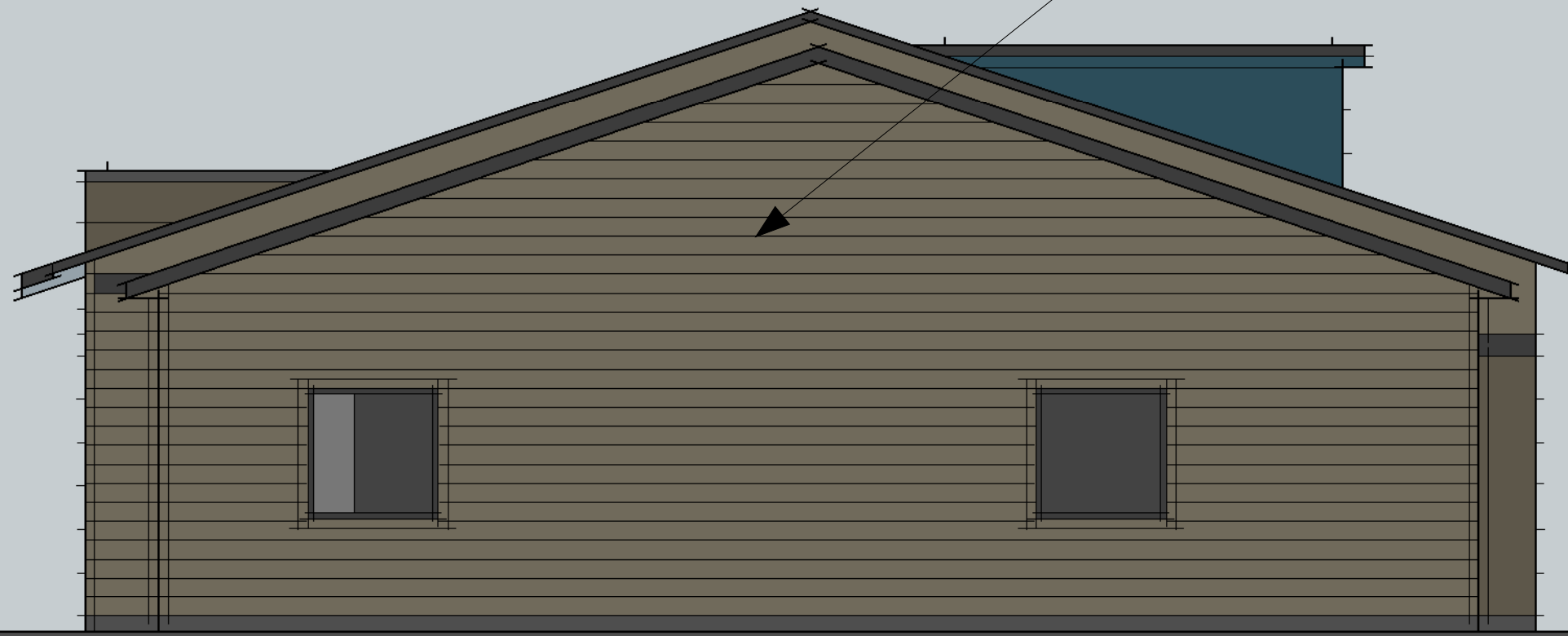
Apr 23 2015



North Elevation



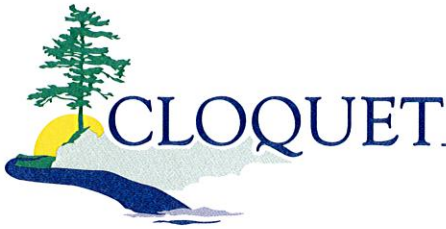
LP smartside
horizontal lap siding
at existing building



East Elevation



South Elevation



ADMINISTRATIVE OFFICES

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REQUEST FOR COUNCIL ACTION

To: Mayor and City Council
From: Nancy Klassen, Finance Director *NK*
Reviewed by: Brian Fritsinger, City Administrator *B*
Date: May 18, 2015

ITEM DESCRIPTION: Approval of the 2014 Fund Balance Policy Plan

Proposed Action

Staff recommends the Council to approve the 2014 Fund Balance Policy Plan.

Background/Overview

The council approved a Fund Balance Policy on November 20, 2007. The Policy has been revised a few times to comply with new GASB rules. The purpose of the policy is to establish guidelines for the City of Cloquet's components of fund balances and net positions.

The policy requires the City Administrator and Finance Director to review the City's fund balances and net positions and prepare a plan for any shortages or overages annually. The plan is to be approved by the council.

Policy Objectives

Address the 2014 requirements of the Fund Balance Policy.

Financial Impacts/Budget/Grant Considerations

Maintenance of sufficient fund balances and net positions for each of the City's funds as determined in the Fund Balance Policy.

Advisory Committee/Commission Action

Not applicable.

Supporting Documents Attached

- a. Fund Balance Policy
- b. Fund balance policy plan
- c. Fund balance worksheet

City of Cloquet

Fund Balance Policy

Purpose

The purpose of this policy is to establish the specific guidelines for the level of fund balances available for current and future spending in the governmental funds. The fund balance policy addresses a minimum level of unrestricted fund balance to be maintained, how the unrestricted fund balance can be used or spent down and how that fund balance will be replenished if it falls below the minimum level. The policy also addresses when fund balances will be restricted to specific purposes.

Background

Government Accounting Standards Board (GASB) Statement No. 54 was enacted to enhance the usefulness of fund balance information by providing clearer fund balance classifications that can be more consistently applied and by clarifying the existing governmental fund type definitions. In governmental funds, a City should identify fund balance separately between non-spendable, restricted, committed, assigned or unassigned based on the relative strength of the constraints that control how specific amounts can be spent.

Proprietary funds' equity will be managed as a separate business-like enterprise as allowed by U.S. Generally Accepted Accounting Principals (GAAP). The funds will be monitored through operations and their rate structures. Examples of Proprietary funds include water, sewer, and storm water. Proprietary net position will be classified as either net investment in capital assets, restricted or unrestricted.

Governmental Fund Balance Classifications

In accordance with GAAP, the City will classify the fund balance in the following five categories:

1. Nonspendable Fund Balance

- a. Items not expected to be converted to cash such as prepaid items and inventory.
- b. Amounts that are legally or contractually required to be maintained intact such as endowments or permanent funds.
- c. Amounts are not available for future spending.
 - i. Examples may include:
 1. Prepaid items
 2. Inventory
 3. Long-term receivables (except if offset by deferred revenue)
 4. Land held for resale

2. Restricted Fund Balance

- a. Amounts subject to externally enforceable legal restrictions as established by creditors, grantors or contributors, or constraints imposed by state statutes.
- b. The constraint is for a specific purpose and legally enforceable.
- c. Examples may include:
 - i. Unspent bond or grant proceeds
 - ii. Tax increments
 - iii. Park dedication fees
 - iv. Franchise fees
 - v. Accumulated funds in debt service funds

City of Cloquet *Fund Balance Policy*

3. *Committed Fund Balance*

- a. Amounts constrained for a specific purpose by City Council resolution.
- b. Constraint is self-imposed (not externally constrained).
- c. Only the City Council can change the constraint by a majority vote.
- d. The decision to commit fund balance must be made prior to December 31st (the final amount can be determined after year-end once year-end entries have been made).
- e. Examples may include:
 - i. Contractual commitments that will be satisfied with existing fund balance.
 - ii. Amounts transferred to a Capital Project fund for a specific purpose.
 - iii. Internal "Savings" to fund the five year Capital Improvement Plan.
 - iv. Excess amounts in the Debt Service Funds until transferred or spent.
 - v. Cash Flows in Funds supported predominately by property tax levies or State Aids (50% of the next year's budgeted levy and LGA).

4. *Assigned Fund Balance*

- a. For all funds other than the General fund, any remaining positive balances not already classified as nonspendable, restricted or committed.
- b. Constraint is self-imposed (not externally constrained).
- c. Assigned fund balances demonstrate the City's intended use.
- d. Constraints may be imposed by the City Council, City Administrator or Finance Director. Constraints must have a specific purpose.
- e. No constraints will be assigned resulting in a residual deficit in the fund.
- f. Examples may include:
 - i. Appropriation of existing fund balance (amounts used to balance the subsequent year's budget).
 - ii. Budget carry-overs for specific items such as election funding, facility studies, capital improvement funding.

5. *Unassigned Fund Balance*

- a. For the General fund, amounts not classified in any other category.
- b. For all other governmental funds, amounts of a residual deficit in the funds.
- c. The General fund is the only fund that can report a positive unassigned fund balance.
- d. Amounts are available for any purpose.

Fund Balance Flow Assumptions

The City normally intends to spend resources from fund balances in the following order as resources are available:

- Restricted
- Committed
- Assigned
- Unassigned

A different order of spending for a specific resource can be determined by the Council, City Administrator, or Finance Director. If a different order is used, it will be documented in the audit workpapers.

City of Cloquet

Fund Balance Policy

Governmental Fund Definitions

GASB Statement 54 provides clarification of the governmental funds definitions. The definitions are added to the fund balance policy to clearly define their reporting requirements. It is also important to understand the fund classification when determining the classification of their fund balances.

1. General Fund – Used to account for all financial resources not accounted for in another fund.
2. Special Revenue Funds – Used to account for report the proceeds of specific revenue sources that are restricted or committed to expenditures for specific purposes (other than debt service or capital projects).
 - a. One or more specified restricted or committed revenues are foundation for the fund (comprise a substantial portion of fund's inflows).
 - b. Other inflows (i.e. interest and transfers) may be reported in fund, if restricted, committed or assigned to the specified purpose of the fund.
 - c. Restricted or committed proceeds of specific revenue sources should be expected to continue to comprise substantial portion of inflows of the fund.
 - d. Exception for specific revenue rules – General fund of Blended Component Unit (EDA).
3. Debt Service Funds – Used to account for and report financial resources that are restricted, committed, or assigned to expenditure for principal and interest payments.
4. Capital Projects Funds – Used to account for and report financial resources that are restricted, committed, or assigned to expenditures for capital outlays, including the acquisition or construction of capital facilities and other capital assets. Capital project funds exclude those types of capital related outflows financed by proprietary funds or for assets that will be held in trust for individuals, private organizations, or other governments.

Enterprise Fund Equity

Enterprise funds are used to account for operations financed and operated in a manner similar to private business enterprises, where the City intends the cost of providing goods or services to the public be financed or recovered primarily through user charges. The City's enterprise funds include the Water, Sewer and Storm Water funds.

It is the City's intent to cover all operating, including depreciation, and non-operating expenses through user charges to eliminate the impact on taxpayers. User charges will be reviewed annually by the Finance Director to ensure adequate rates are charged for the services provided.

Enterprise funds' equity will be classified in one of the following categories:

- *Net Investment in Capital Assets.* The component of net position which is the difference between assets and liabilities of proprietary funds that consists of capital assets less both accumulated depreciation and the outstanding balance of debt that is directly attributable to the acquisition, construction or improvement of the capital assets.
- *Restricted.* The component of net position which is the difference in assets and liabilities of proprietary funds that consist of assets with constraints placed on their use by either external parties (i.e. creditors or grantors) or through constitutional provisions or enabling legislation.

City of Cloquet *Fund Balance Policy*

- *Unrestricted.* The difference between the assets and liabilities of proprietary funds that is not reported as Net Investment in Capital Assets or Restricted net assets.

Minimum Unrestricted Fund Balances

General Fund – To provide for emergencies or contingencies, such as revenue shortfalls, that the City may encounter as part of its operations the unrestricted fund balance should be at a minimum of 35% to 50% of fund operating revenues or no less than five months of operating expenditures according to the Office of the State Auditor (this includes the committed for cash flows). The City's goal will be to follow this recommendation.

Special Revenue Funds – The City has several special revenue funds that vary greatly in the type of activity. The unrestricted fund balances of special revenue funds funded with property tax levy should be at a minimum of 35% to 50% of fund operating revenues or no less than five months of operating expenditures according to the Office of the State Auditor (this includes the committed for cash flows). The City's goal will be to follow this recommendation if determined appropriate for the individual fund's type of activities.

Debt Service Funds – The balances at year end should be sufficient to meet the February 1st debt payments. Most of these funds will be restricted or committed for debt service and the assigned fund balance should be near zero.

Capital Projects Funds – The balances should be sufficient to fund the five year Capital Improvement Plan cash flow assumptions. Most of these funds will be committed for the capital improvement plan or committed for a specific project and the assigned fund balance should be near zero. Specific capital improvement funds may be negative because they are waiting on funding but should zero out at the end of the project.

Internal Service Fund – The balance should be sufficient to fund the liability. Accrued compensated absences and severances are recognized as a liability and net position should be near zero.

Enterprise Funds – It is expected that unrestricted net position will be large. These funds have large investments in infrastructure that need to be maintained. The City will complete a rate study for these funds every five to ten years or as otherwise determined by the City Administrator or Finance Director to ensure rates and unrestricted net position are sufficient to operate and maintain these activities long term.

Fund Balance Plan

The City will use all *budgetary and financial accounting options* available to maintain the minimum level of fund balance available for appropriation in the all City Funds. Some options available include the following items:

1. A specific budgeted revenue increase (i.e. ad valorem property tax increase).
2. Increase fees for services.

City of Cloquet *Fund Balance Policy*

3. Reduction of expenditures in the budget.
4. Transfers from other available funds.
5. Sale of capital assets.

It is the intent of the City to minimize significant fluctuations in ad valorem property tax rates. The City is strongly dependent upon Minnesota state aids to subsidize the City's expenditure budget. State legislature may approve appropriation changes that would cause the City to adjust the property tax level by a large amount to maintain an appropriate level of fund balance and to provide the services needed by the community. The Administrator and Finance Director will monitor state legislation to be aware of possible cuts or increases in State appropriations. The Administrator will report significant changes to the City Council once realized. Further, the Council may commit a portion of the budget for possible cuts to state aids.

The Finance Director will report shortfalls or surpluses in the projected fund balance levels to the City Council yearly with the Fund Balance Plan to meet fund balance policy, or as soon as found to be a significant impact, whichever is sooner. The City Council is responsible for reviewing and approving the Fund Balance Plan.

If a *fund deficit* occurs, the plan should address the how deficits will be eliminated. The Finance Director will report the plan's effectiveness to the Administrator and City Council on a yearly basis. The fund balance must be restored to the targeted level within a reasonable amount of time.

A *fund surplus* above all internal and external constraints may also occur. In this case, the Finance Director will notify the City Council yearly in the Fund Balance Plan to discuss the circumstances of the surplus and determine whether or not the established threshold is effective. Some appropriate plans for using fund surpluses include the following items (but are not limited to):

1. Move budgeted expenditure into a future year due to unforeseen circumstances.
2. Fund a one-time project or project planning that would not normally be budgeted in the on-going operations of the City.
3. Return unused dollars to donors.
4. Transfer excess funds to another City fund to finance a project or cover a shortfall.

Other Policy Considerations

The City's *credit rating* for debt financing and investing will also be considered in the level of required General fund balance. The City Council may further restrict the required fund balance level to meet a higher credit rating need if possible. The City's credit rating is reviewed by the Administrator, Finance Director, and bond counsel when necessary. The City Administrator or Finance Director shall be responsible for conducting rating reviews.

City of Cloquet
Fund Balance Policy Plan
Based on 2014 Audited Balances

In accordance with the Fund Balance Policy adopted in 2007 and revised in 2011 and 2012 (due to GASB changes) any shortages or overages in fund balances are to be addressed by the Finance Director and City Administrator, and approved by the City Council. The following notes the funds with shortages or overages and the recommended plans:

Shortages

Senior Center Special Revenue Fund – The fund balance is at negative \$2,530 due to building repairs in 2012. The plan is to watch the fund and make a transfer from Parks Fund in the future if necessary.

Tax Increment Financing – 14th Street Apartments – The fund balance is at a negative \$1,185. The project has been finalized and TIF will be received starting in 2015 to cover this shortage.

Overages

Business Park Bonds Debt Service Fund – The \$1.855 million is a planned increase of fund balance since the bonds are interest only until 2013 and it is unknown when land sales and assessments will be available to support bond payments. It is recommended the amount be retained in the fund and the City has estimated that the transfer in 2014 along with future special assessment and interest revenues will be enough to pay the interest and principal of the bonds as they become due.

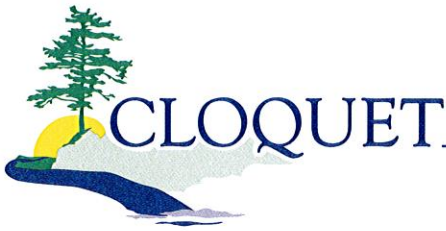
Water and Sewer Enterprise Funds – These funds have a large amount of capital infrastructure to maintain services. The balances are deemed not to be excessive. The reserves give the City more flexibility in determining future rates increases to be charged to customers. The City reviews rates each year and had a rate study conducted by Progressive Consulting Engineers in 2009. The operating revenues vs operating expenses will be reviewed in 2015 to determine if rate increases are needed in the near future.

City of Cloquet
Fund Balance Plan
2014

Fund#	Fund	Fund Balance	2014 Revenues		2014 Expend/Expenses		2014 Levy
Government Services							
Provide governmental services to public							
101	General	4,303,324	4,824,209	89%	4,437,062	97%	1,400,000
207	Community Development Operating (City)	211,368	109,729	193%	179,331	118%	100,000
211	Library	204,419	431,951	47%	483,425	42%	400,000
226	Park	381,416	434,039	88%	396,050	96%	250,000
228	Senior Center	(2,530)	11,740	-22%	10,427	-24%	-
614	Cable TV	282,861	114,375	247%	106,956	264%	-
Loans							
Economic development loans							
201	LDO Loan (EDA)	794,623	66,830	1189%	-	-	-
202	Federal CDBG Loan (EDA)	823,050	13,300	6188%	-	-	-
203	Economic Development Loan (City)	244,158	3,510	-	-	-	-
204	State SCDG/MIF (EDA)	126,658	2,100	6031%	-	-	-
206	Revolving SCGP - 2005 (EDA)	5,000	5,803	86%	16,803	30%	-
Debt							
Make required debt payments							
220	TIF - Daqota/Woodward	14,670	29,804	49%	26,099	56%	-
221	TIF - 14th Street Apartment	(1,185)	-	-	1,083	-109%	-
222	TIF - Oak Street Apartments	53,672	52,945	101%	44,521	121%	-
368	Business Park Bonds	1,855,008	158,328	1172%	262,445	707%	125,000
370	Swimming Pond Bonds	103,519	115,173	90%	107,010	97%	115,000
Capital Project							
Support the CIP & other capital acquisitions and projects							
224	Building Facilities Planning	1,165,000	7,500	15533%	-	-	-
225	Permanent Improvement	411,849	318,389	129%	39,838	1034%	100,000
231	Public Works Reserve	666,804	167,368	398%	219,967	303%	130,000
403	Capital Projects - Revolving	-	441,626	-	1,156,610	-	-
405	City Sales Taxes	1,759,840	1,024,519	100%	42,507	-	-
Enterprise							
Provide utilities and storm water management							
600	Water - LSW - Unrestricted	1,784,382	2,897,219	62%	2,200,475	81% *	-
601	Water - In Town - Unrestricted	2,610,140	1,049,486	249%	1,169,471	223% *	-
602	Sewer - Unrestricted	1,862,732	1,506,044	124%	1,570,277	119% *	30,000
605	Storm Water - Unrestricted	97,977	331,586	30%	171,616	57% *	-
Other Funds							
260	Landfill Host Fee	261,978	106,362	246%	-	-	-
701	Employee severance	74,090	40,477	183%	48,203	154%	-

- Fund Balance Policy shortages to be addressed.
 - Fund Balance Policy overages to be addressed.

* - Includes transfer to General Fund.



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REQUEST FOR COUNCIL ACTION

To: Mayor and City Council
From: Nancy Klassen, Finance Director *NK*
Reviewed by: Brian Fritsinger, City Administrator *(R)*
Date: May 18, 2015

ITEM DESCRIPTION: Acceptance of 2014 Audit Results

Proposed Action

Staff recommends the Council move to accept the 2014 audit results as prepared by Wipfli LLP.

Background/Overview

Minnesota Statute section 471.697 requires the City to be audited by June 30th and the audit presented to the council by July 31st each year. The 2014 CAFR is also required to be submitted to the State Auditor and certain sections to be published in the City's official newspaper.

This will be the ninth year the City's CAFR will be submitted for the GFOA Certificate of Achievement for Excellence in Financial Reporting.

Policy Objectives

Compliance with state statute.

Financial/Budget/Grant Considerations

Several negative impacts if the requirements were not met such as: withholding of State Aids, not qualifying for certain grants, increased bond cost or not able to issue certain types of bonds, etc.

Advisory Committee/Commission Action

Not applicable.

Supporting Documents Attached

None – presentation and distribution of certain reports in the 2014 CAFR at the work session. The full 2014 CAFR will be available on the City website after council accepts the results.



Community Development Department
1307 Cloquet Avenue • Cloquet MN 55720
Phone: 218-879-2507 • Fax: 218-879-6555

To: Mayor and Cloquet City Council
From: Holly Butcher, Community Development Director
Reviewed By: Brian Fritsinger, City Administrator
Date: June 9, 2015

ITEM DESCRIPTION: Amendment to Cloquet City Code, Chapter 7 Section 7.2.01 – 7.2.06

Proposed Action

Staff recommends that the City Council move to adopt **ORDINANCE NO. 448A, AN ORDINANCE AMENDING SECTION 7.2 OF CITY CODE RELATED TO LONG GRASS PROCEDURES.**

Background/Overview

Chapter 7 of City Code addresses a variety of public nuisances within the community. Section 7.2 specifically addresses the public health and safety concerns involving grass, trees and weeds.

Long grass monitoring is done by the Street Supervisor who identifies violators of this Section of the Code and manages the process for complying with these requirements. Years ago the City would utilize its summer seasonal staff to mow problem properties but it now contracts out that service to private vendors.

In order to enforce the Code the City is required to provide certain legal notices to the property owner. The property owner is given seven days to remove the nuisance and if such nuisance is not removed the City will use its contractor to do so and then later assess the property owner for the costs associated with the abatement. This process worked fine for many years until the recession hit and properties were foreclosed and taken back by the banks. In many cases because the properties were empty the banks or City had no easy way to abate the nuisance in a timely manner. If it was a problem property, as described above, Code procedures require multiple notices to the same properties throughout a growing season. This resulted in significant delays before the City could abate the problem due to the notification requirements.

City staff has been working with the City Attorney to develop a more streamlined notification process that would legally allow the City to only provide one notice and then retain the right to abate the nuisance multiple times over the summer if the problem persists. The City Attorney has reviewed Section 7.2.01 – 7.2.06 and proposes the following modifications to address not only the notification process but some other procedural items as well:



1. **Vegetation has been defined as a public nuisance, weeds or grass in excess of 6 inches or that have gone or are about to go to seed.**
2. **Grass and weeds on private property that are maintained at a height at or above 6 inches are a public nuisance.**
3. The City's notification regarding abatement of this public nuisance has **decreased from 7 days to 5 days** (meaning if staff were to provide abatement notice on a Friday, these are straight day counts – day 1 would begin Saturday and city staff would be able to address the situation by Thursday morning the following week).
4. Additional abatement notices to the same property throughout the identified growing season **(through October 31st) require no additional notice to the property owner** as the property has already been flagged by the City during this growing season as being a vegetation public nuisance property.
5. Notice is **NOT required to be sent certified mail, it is to be sent by REGULAR mail**, as many people refuse to sign for certified mail.
6. **The City must POST the property as being in violation of vegetation public nuisance.** The premise behind this is if the owner has not seen the posting, they have not been closely caretaking the property or perhaps it is vacant.
7. **The City must provide property owners the proper information on the Notice of Assessment Hearing that will take place by the City each November** so that they are provided the opportunity to object to these costs.

Policy Objectives

City Code needs to effectively be poised to address long grass situations as public nuisance cases in the City in the most streamlined manner. Minnesota Statute 18.75-18.91 addresses grass as a nuisance. The Minnesota Noxious Weed Law requires anyone who owns and occupies land to control or eradicate all noxious weeds on the property. Excessive weeds, grass and other vegetation (often intermixed with trash and other decaying property) are not only physical blight conditions, but can create fire and other safety hazards.

Financial/Budget/Grant Considerations

There are no financial impacts at this time. The City will save certain operational costs related to staff time for the notice and certification process.

Supporting Documentation Attached

- Ordinance No. 448A
- Red lined copy of proposed Amendment to City Code Section 7.2.01 -7.2.06.

ORDINANCE NO. 448A

**AN ORDINANCE AMENDING SECTION 7.2 OF CITY CODE
RELATED TO LONG GRASS PROCEDURES**

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

Section 1. That Section 7.2.01 be amended to add the following definition:

H. Vegetation Public Nuisance. Any weeds or grass growing to a height greater than six (6) inches or which have gone or are about to go to seed, all accumulations of noxious weeds, other rank growths of vegetation, fallen trees, dead tree limbs or invasive brush that is injurious to managed landscapes, lawns and the natural flora of the City, are declared to be a nuisance condition and a hazard to the public health, safety and good order of the City, whether found upon public or private property.

Section 2. That Subsections A, B, C and D of Section 7.2.06 be deleted and replaced with the following:

7.2.06 Grass and Weeds on Private Property.

A. It shall be unlawful for any owner, occupant, or agent of the owner of any lot or parcel of land in the City to allow noxious weeds to grow on any such lot or parcel or to allow grass and weeds upon any such lot or parcel to grow to a height in excess of six (6) inches or to allow such weeds or grass to go to seed, or to otherwise maintain a vegetation public nuisance. Grass or weeds can be grown to a height in excess of six (6) inches or allowed to go to seed without being deemed a vegetation public nuisance in the following circumstances:

The area of the lot or parcel constitutes wetlands or a wetland buffer area;

The area in question is a storm water pond;

The area in question is heavily forested;

The area in question is a park or nature preserve;

The area in question is a natural area not to exceed a quarter of the lot;

The area in question is deemed agricultural land and is used as such;

The area in question is on a slope in excess of a slope ratio of 3 to 1.

B. If any such owner, occupant or agent fails to comply with this height limitation or otherwise maintains a vegetation public nuisance, and after an abatement notice given by the City Administrator or his designee, has not within five (5) days following service of such notice complied, the City shall cause such grass or weeds to be cut or otherwise abate such vegetation public nuisance and the expenses thus incurred shall be billed to the property owner, and any outstanding charges unpaid on the fifteenth (15th) of November following said abatement shall be made a special assessment and become a lien upon

such real estate. The notice shall contain a description of the nuisance condition to be abated and a general notice that the City may abate future violations of Section 7.2.06(A) throughout the rest of the growing season without providing additional specific notice for the same type of vegetation public nuisance violation. This notice shall remain in effect through October 31st of the year in which it is sent. The City Administrator shall be authorized to certify to the Carlton County Auditor a statement of the amount of the cost incurred by the City. Such amount together with interest shall be entered as a special assessment against such lot or parcel of land and shall be collected in the same manner as real estate taxes.

- C. All individual notices provided for herein may be served personally or may be served by mail. Service by mail shall be complete upon mailing to the property owner at the address listed on the current property tax statement for that parcel, as found in the records of the County Auditor or Treasurer's office, and following posting of the notice upon the premises.

- D. The bill to the property owner for the abatement of a vegetation public nuisance shall state the amount and basis for the costs, and shall include the same general notice as contained within the abatement notice, that the City may abate future violations of Section 7.2.06(A) throughout the rest of the growing season without providing additional specific notice for the same type of vegetation public nuisance violation. The bill shall further provide notice that any outstanding charges unpaid on the fifteenth (15th) of November following said abatement shall be made a special assessment against such lot or parcel of land and shall be collected in the same manner as real estate taxes, and that any objection to such assessment must be made in writing to the City Administrator prior to that date. The notice shall also provide the time, place and date of a hearing before the City Council to determine the validity and the amount of the proposed assessments, and shall state that no objections thereto shall be heard unless properly made in writing to the City Administrator as provided above.

Section 3. Effective Date. This ordinance shall take effect and be in force from and after its passage and publication in accordance with law.

Passed this 16th day of June, 2015.

CITY OF CLOQUET

By: _____
Its Mayor

ATTEST:

By: _____
Its City Administrator

Published this _____ day of _____, 2015.

such real estate. The notice shall contain a description of the nuisance condition to be abated and a general notice that the City may abate future violations of Section 7.2.06(A) throughout the rest of the growing season without providing additional specific notice for the same type of vegetation public nuisance violation. This notice shall remain in effect through October 31st of the year in which it is sent. The City Administrator shall be authorized to certify to the Carlton County Auditor a statement of the amount of the cost incurred by the City. Such amount together with interest shall be entered as a special assessment against such lot or parcel of land and shall be collected in the same manner as real estate taxes.

- C. All individual notices provided for herein may be served personally or may be served by mail. Service by mail shall be complete upon mailing to the property owner at the address listed on the current property tax statement for that parcel, as found in the records of the County Auditor or Treasurer’s office, and following posting of the notice upon the premises.

- D. The bill to the property owner for the abatement of a vegetation public nuisance shall state the amount and basis for the costs, and shall include the same general notice as contained within the abatement notice, that the City may abate future violations of Section 7.2.06(A) throughout the rest of the growing season without providing additional specific notice for the same type of vegetation public nuisance violation. The bill shall further provide notice that any outstanding charges unpaid on the fifteenth (15th) of November following said abatement shall be made a special assessment against such lot or parcel of land and shall be collected in the same manner as real estate taxes, and that any objection to such assessment must be made in writing to the City Administrator prior to that date. The notice shall also provide the time, place and date of a hearing before the City Council to determine the validity and the amount of the proposed assessments, and shall state that no objections thereto shall be heard unless properly made in writing to the City Administrator as provided above.

Section 3. Effective Date. This ordinance shall take effect and be in force from and after its passage and publication in accordance with law.

Passed this 16th day of June, 2015.

CITY OF CLOQUET

By: _____
Its Mayor

ATTEST:

By: _____
Its City Administrator

Published this _____ day of _____, 2015.