

Council Chambers, Cloquet, Minnesota
7:00 o'clock P.M. February 17, 2015

Regular Meeting.

Roll Call.

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

Councilors Absent: None.

AGENDA

MOTION: Councilor Langley moved and Councilor Wilkinson seconded the motion to approve the February 17, 2015 agenda. The motion carried unanimously (7-0).

MINUTES

MOTION: Councilor Langley moved and Councilor Maki seconded the motion to approve the minutes of the work session and regular meeting of February 3, 2015. The motion carried unanimously (7-0).

CONSENT AGENDA

MOTION: Councilor Bjerkness moved and Councilor Rock seconded the motion to adopt the consent agenda of February 17, 2015 approving the necessary motions and resolutions. The motion carried unanimously (7-0).

- a. Resolution No. 15-09, Authorizing the Payment of Bills.
- b. New Therapeutic Massage Business License - Cloquet Natural Foods.
- c. New Therapeutic Massage Therapist License - Robert Gabres.
- d. Consumption & Display Permit Renewal - The Tap on 33 Inc.
- e. Resolution No. 15-11, Adopting and Confirming Special Assessments for Delinquent Utilities.

PUBLIC HEARINGS

Mayor Hallback announced that now is the time and place for the public hearing to consider the City's application to the Minnesota Department of Employment and Economic Development for Small Cities Development Program funding. Community Development Director Butcher provided a quick overview of the City's application to the State. With no comments from the public, the hearing was closed.

MOTION: Councilor Bjerkness moved and Councilor Wilkinson seconded the motion to adopt **RESOLUTION NO. 15-12, RESOLUTION OF SUPPORT FOR CLOQUET SMALL CITIES DEVELOPMENT PROGRAM APPLICATION.** The motion carried unanimously (7-0).

WHEREAS, the City of Cloquet is pursuing a final application for Small Cities Development Program (SCDP) funding being submitted to the State of Minnesota Department of Employment and Economic Development (DEED) for monies to improve owner-occupied, rental housing, and commercial properties located within the attached Cloquet Target Zone; and

BE IT RESOLVED, the City of Cloquet, MN act as the legal sponsor for the SCDP Cloquet Project as contained in the application to be submitted to DEED by February 26, 2015 and that the City Administrator and Community Development Director are hereby authorized to apply to the Department of Employment and Economic Development for funding of this project on behalf of the City of Cloquet; and

BE IT FURTHER RESOLVED, that the City of Cloquet has the legal authority to apply for financial assistance, and the institutional, managerial and financial capability to ensure adequate construction, operation, maintenance and replacement of the proposed project for its design life; and

BE IT FURTHER RESOLVED, that the City of Cloquet has not violated any Federal, State or local laws pertaining to fraud, bribery, graft, kickbacks, collusion, conflict of interest or other unlawful or corrupt practice; and

BE IT FURTHER RESOLVED, that upon approval of its application by the State, the City of Cloquet may enter into an agreement with the State of Minnesota for the approved project, and that the City of Cloquet certifies that it will comply with all applicable laws and regulations as stated in all contract agreements; and

NOW, THEREFORE, BE IT RESOLVED, BY THE CITY COUNCIL OF THE CITY OF CLOQUET, MINNESOTA, that the City Administrator and Community Development Director, or their successors in office, are hereby authorized to execute such agreements, and amendments thereto, as are necessary to implement the project on behalf of the City of Cloquet.

MOTION: Councilor Bjerkness moved and Councilor Kolodge seconded the motion to adopt **RESOLUTION NO. 15-13, A RESOLUTION DESIGNATING THE CLOQUET SMALL CITIES DEVELOPMENT PROGRAM COMMERCIAL TARGET AREA AS A BLIGHTED AREA**. The motion carried unanimously (7-0).

WHEREAS, the City of Cloquet is undertaking a program of downtown revitalization and redevelopment; and

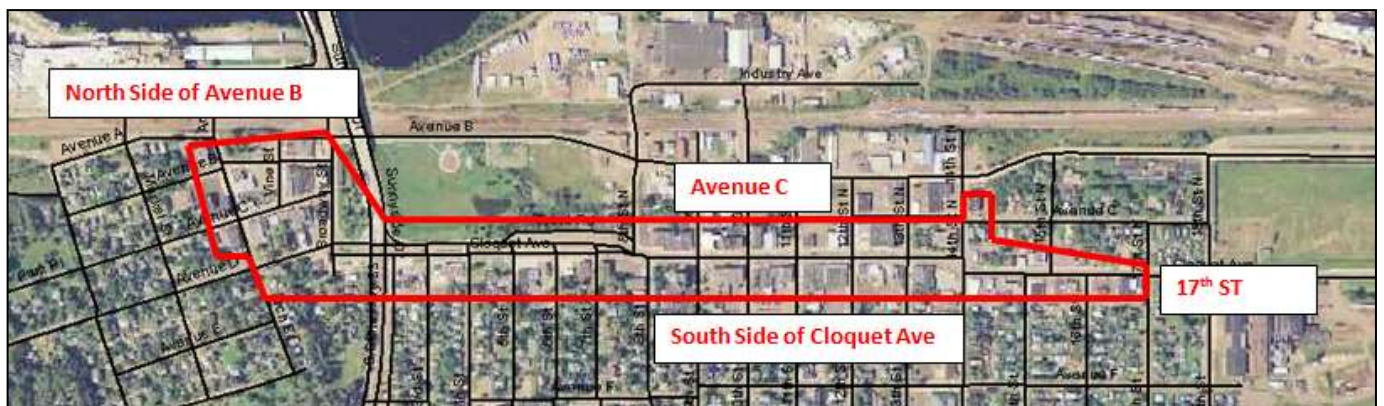
WHEREAS, the City of Cloquet has identified a specific area hereafter referred to as a “blighted area” in which revitalization activities will occur; and

WHEREAS, the Cloquet City Council has assessed the condition of the buildings and the other characteristics of the blighted area and has determined that the area can be characterized as blighted by reason of dilapidation, obsolescence, overcrowding, faulty arrangement or design, lack of ventilation, light, and sanitary facilities, excessive land coverage, deleterious land use, or obsolete layout, or any combination of these or other factors, are detrimental to the safety, health, morals, or welfare of the community, in accordance with Mn. Stat. 469.002 Subd. 11; and

WHEREAS, the Cloquet City Council has identified deteriorating conditions which are contributed to by the existence of substandard residential units, the inability of commercial structures to meet codes, the general condition of deteriorating storefronts on the commercial buildings in the area as contributing to the slum and blight conditions of the blighted area.

NOW, THEREFORE, BE IT RESOLVED, BY THE CITY COUNCIL OF THE CITY OF CLOQUET, That the area identified on the Commercial Target Area is characterized by conditions meeting the definition of slum and blight and is designated as a “blighted area.”

COMMERCIAL Cloquet Target Area



PRESENTATIONS

There were none.

WATERFRONT COMMITTEE APPOINTMENTS

MOTION: Councilor Bjerkness moved and Councilor Kolodge seconded the motion to appoint Rick Breuer, Gary Dahl, Fred Little, Dan Lundquist, Marty O’Leary, Jana Peterson, David Pritchett, Allen Raushel, Ruth Reeves, Karen Smith, Troy Smith, Linda Vuicich, Bert Whittington, and Kelly Zink to the Waterfront Committee. The motion carried unanimously (7-0).

NEW CINGULAR WIRELESS PCS LEASE AGREEMENT

MOTION: Councilor Bjerkness moved and Councilor Wilkinson seconded the motion to require the company to reapply for a conditional use permit due to the expiration of the previous permit. The motion carried (6-1) with Councilor Langley opposed.

COMPREHENSIVE PLAN AMENDMENT AND REZONING

MOTION: Councilor Langley moved and Councilor Maki seconded the motion to adopt **RESOLUTION NO. 15-10, APPROVING THE COMPREHENSIVE PLAN AMENDMENT (LAND USE PLAN) FROM “MODERATE TO HIGH DENSITY RESIDENTIAL” TO “LOW DENSITY RESIDENTIAL.”** The motion carried unanimously (7-0).

WHEREAS, The City of Cloquet is proposing a Comprehensive Plan Amendment (Land Use Plan) from “Moderate to High Density Residential” to “Low 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 February 10, 2015 at which time Zoning Case / Development Review No. 15-01 was heard and discussed; and

WHEREAS, the property of the proposed Comprehensive Plan Amendment (Land Use Plan) is located southwest of Spruce Street and Prospect Avenue West and is legally described as follows:

All of Spruce Street Hollow.

And

That part of “Block A” County Auditor’s Subdivision Number 31 described as follows: Commencing at the northeast corner of “Block A’ thence south on the east line 220 feet, thence west 10.4 feet to the west line of Spruce Street (point of beginning), thence continue west 245 feet, thence south 135 feet to the north right-of-way of CSAH # 7, thence east along the right-of-way 270 feet to the west line of said street, thence north 225 feet to the point of beginning. Carlton County, Minnesota.

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

MOTION: Councilor Kolodge moved and Councilor Langley seconded the motion to adopt **ORDINANCE NO. 440A, AN ORDINANCE TO AMEND ORDINANCE 6A, BY AMENDING THE ZONING MAP OF THE CITY OF CLOQUET FROM “R3 – MULTIPLE FAMILY RESIDENTIAL” TO “R2 – ONE AND TWO FAMILY RESIDENTIAL.”** The motion carried unanimously (7-0).

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 R3, Multiple Family Residential to R2, One and Two Family Residential:

All of Spruce Street Hollow.

And

That part of “Block A” County Auditor’s Subdivision Number 31 described as follows: Commencing at the northeast corner of “Block A” thence south on the east line 220 feet, thence west 10.4 feet to the west line of Spruce Street (point of beginning), thence continue west 245 feet, thence south 135 feet to the north right-of-way of CSAH # 7, thence east along the right-of-way 270 feet to the west line of said street, thence north 225 feet to the point of beginning. Carlton County, Minnesota.

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

PURCHASE DUMP TRUCK FOR PUBLIC WORKS DEPARTMENT

MOTION: Councilor Maki moved and Councilor Wilkinson seconded the motion to authorize the purchase of a tandem axle dump truck chassis for the Public Works Department from Boyer Trucks in the amount of \$71,012.86, including trade, and the purchase of a dump box, plows, a sander and the installation of all related equipment on the truck chassis from Towmaster, Inc. in the amount of \$118,127.50. The motion carried unanimously (7-0).

VACATING SECOND STREET SOUTH OF SELMSER AVENUE

MOTION: Councilor Bjerckness moved and Councilor Rock seconded the motion to adopt **RESOLUTION NO. 15-14, A RESOLUTION VACATING A PORTION OF SECOND STREET, SOUTH OF SELMSER AVENUE, AND AMENDING COUNCIL RESOLUTION NO. 14-38.** The motion carried unanimously (7-0).

WHEREAS, on the 20th day of May, 2014, the City Council previously passed Resolution No.14-38 approving Zoning Case 14-05 for a vacation of a portion of 2nd Street for the City of Cloquet legally described as follows:

A tract of land in the Northeast Quarter of the Northeast Quarter of the Southwest Quarter (NE1/4-NE1/4-SW1/4) of Section Twenty-three (23), Township Forty-nine North (49N), Range Seventeen West (17W) of the Fourth Principal Meridian, Carlton County, Minnesota, described as follows:

Commencing at the center of said Section 23; thence on a bearing of South 89 degrees 51 minutes 02 seconds West going along the East and West quarter section line a distance of 515.00 feet to the West right-of-way line of Second Street; thence bearing South 05 degrees 35 minutes 58 seconds East a distance of 115.53 feet; thence bearing South 89 degrees 51 minutes 02 seconds West a distance of 67.17 feet to the easterly right-of-way line of Minnesota Trunk Highway 33; thence southeasterly along the easterly right-of-way line of Minnesota Trunk Highway 33 a distance of 41.65 feet; thence bearing North 89 degrees 50 minutes 56 seconds East a distance of 56.81 feet to the

point of beginning of the tract of land to be described; thence continued Easterly on the last described bearing a distance of 100 feet; thence bearing North 05 degrees 35 minutes 58 seconds West a distance of 25 feet; thence bearing South 89 degrees 50 minutes 56 seconds West a distance of 99.71 feet; thence bearing South 05 degrees 36 minutes 19 seconds East a distance of 25.00 feet more or less to the point of beginning EXCEPT the easterly 15 feet thereof.

And,

WHEREAS, the portion of 2nd street intended to be vacated by Resolution No. 14-38 was incorrectly described for which the Planning Commission and the City Council intended such vacation; and

WHEREAS, the correct legal description of the portion of 2nd Street intended to be vacated by Resolution No. 14-38 is described as two parcels as follows:

See attached Exhibit A and Exhibit B, said property being depicted as Parcels A and C on the attached Exhibit C.

And,

WHEREAS, the City Council intends this resolution to vacate all property which was intended to be vacated by Resolution No. 14-38.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF CLOQUET, COUNTY OF CARLTON, MINNESOTA, that such vacation is hereby granted and the portion of Second Street described as follows is hereby vacated:

See attached Exhibit A and Exhibit B, said property being depicted as Parcels A and C on the attached Exhibit C.

BE IT FURTHER RESOLVED, that this resolution and the vacation hereby granted shall rescind and supersede Resolution No. 14-38 in its entirety.

BE IT FURTHER RESOLVED, that the Mayor and City Administrator are hereby authorized to sign all documents necessary to effectuate the intent of this resolution.

Parcel A

A tract of land in the Northeast Quarter of the Northeast Quarter of the Southwest Quarter (NE1/4-NE1/4-SW1/4) of Section Twenty-three (23), Township, Forty-nine North (49N), Range Seventeen West (17W) of the Fourth Principal Meridian, Carlton County, Minnesota, described as follows:

Commencing at the Center Quarter corner of said Section 23; thence on an assumed bearing of North 89 degrees 57 minutes 46 seconds West, along the East and West Quarter section line of said Section 23 for a distance of 515.00 feet to the point of intersection with the Southerly extension of the West right-of-way line of Second Street; thence South 05 degrees 24 minutes 46 seconds East for a distance of 154.89 feet to the point of intersection with a line parallel with and distant 154.19 feet South of the North line of the Southwest Quarter of said Section 23, said point being the Point of Beginning of the tract of land herein described; thence South 89 degrees 57 minutes 46 seconds East, along said line parallel with and distant 154.19 feet south of the North line of the Southwest Quarter for a distance of 100.00 feet; thence North 05 degrees 24 minutes 46 seconds West for a distance of 25.00 feet; thence North 89 degrees 57 minutes 46 seconds West, along a line parallel with the North line of the Southwest Quarter of said Section 23 for a distance of 100.00 feet; thence South 05 degrees 24 minutes 46 seconds East for a distance of 25.00 feet to the Point of Beginning.

EXCEPT
The easterly 15.00 feet thereof.

Said parcel contains 2,114 square feet, more or less.

I hereby verify that this plan, specification, or report was prepared by me or under my direct supervision and that I am a duly Licensed Land Surveyor under the laws of the State of Minnesota.

David R. Erwin

David R. Erwin ND License No. 49052

EXHIBIT A

VALTA
LAND SURVEY COMPANY

• LAND SURVEYING PUBLIC UTILITIES
• LAND DEVELOPMENT PLS, EIR, PDR, PDR
• EASements LICENSED IN MN & WI
• LEGAL CONSULTING CERTIFIED FEDERAL SURVEYOR
• PROFESSIONAL STAMPS WWW.VALTA-SURVEYING.COM

Parcel C

A tract of land in the Northeast Quarter of the Northeast Quarter of the Southwest Quarter (NE1/4-NE1/4-SW1/4) of Section Twenty-three (23), Township Forty-nine North (49N), Range Seventeen West (17W) of the Fourth Principal Meridian, Carlton County, Minnesota, described as follows:

Commencing at the Center Quarter corner of said Section 23; thence on an assumed bearing of North 89 degrees 57 minutes 46 seconds West, along the East and West quarter section line of said Section 23 for a distance of 515.00 feet to the point of intersection with the Southerly extension of the West right-of-way line of Second Street; thence South 05 degrees 24 minutes 46 seconds East for a distance of 154.89 feet to the point of intersection with a line parallel with and distant 154.19 feet South of the North line of the Southwest Quarter of said Section 23, said point being the Point of Beginning of the tract of land herein described; thence North 89 degrees 57 minutes 46 seconds West, parallel with said North line of the Southwest Quarter for a distance of 56.81 feet to the easterly right-of-way line of Minnesota Trunk Highway 33; thence North 19 degrees 44 minutes 54 seconds West, along said easterly right-of-way line of Minnesota Trunk Highway 33 for a distance of 41.65 feet to the point of intersection with a line parallel with and distant 115.00 feet south of the North line of the Southwest Quarter of said Section 23; thence South 89 degrees 57 minutes 46 seconds East, along said line parallel with and distant 115.00 feet south of the North line of the Southwest Quarter for a distance of 36.20 feet; thence South 00 degrees 02 minutes 14 seconds West for a distance of 14.30 feet; thence South 89 degrees 57 minutes 46 seconds East, along a line parallel with said North line of the Southwest Quarter for a distance of 32.34 feet; thence South 05 degrees 24 minutes 46 seconds East for a distance of 25.00 feet to the Point of Beginning.

Said parcel contains 1,977 square feet, more or less.

I hereby certify that this plan, specification, or report was prepared by me or under my direct supervision and that I am a duly Licensed Land Surveyor under the laws of the State of Minnesota.

Date: 10-1-18

David R. Evans

David R. Evans 191 License No. 49828

EXHIBIT B

VALTA
LAND SURVEY COMPANY

* LAND SURVEYING PHONE: 218-724-8211
* LAND DEVELOPMENT FAX: 218-724-8188
* PLATTING LICENSED IN MN & WI
* LAND ENGINEERING CERTIFIED FEDERAL SURVEYOR
* CONSTRUCTION STAKING WWW.VALTA-SURVEY.COM

EXHIBIT C

I hereby certify that this plan, specification, or report was prepared by me or under my direct supervision and that I am a duly Licensed Land Surveyor under the laws of the State of Minnesota.

Date: 10-1-18

David R. Evans

David R. Evans 191 License No. 49828

EXHIBIT C

VALTA
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DONATION OF CEILING TILES FROM USG INTERIORS, LLC

MOTION: Councilor Langley moved and Councilor Rock seconded the motion to adopt **RESOLUTION NO. 15-15, RESOLUTION ACCEPTING THE DONATION OF CEILING TILES FROM USG INTERIORS, LLC.** The motion carried unanimously (7-0).

WHEREAS, The City of Cloquet is generally authorized to accept donations of real and personal property pursuant to Minnesota Statutes, Section 465.03, for the benefit of its citizens; and

WHEREAS, The City has received an offer from USG Interiors, LLC to donate ceiling tiles to the Public Safety building; and

WHEREAS, Such donation is being contributed to assist the City in its provision of City services as allowed by law; and

WHEREAS, The City Council finds it is appropriate to accept the donation offered.

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

1. The donation described above is accepted and shall be used for the provision of City services, as allowed by law.
2. The City Administrator is hereby directed to issue “receipt to the donor” acknowledging the City’s receipt of USG Interiors donation and to acknowledge its gratitude for the donation.

PUBLIC COMMENTS

There were none.

COUNCIL COMMENTS/UPDATES

There were none.

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

Brian Fritsinger, City Administrator