

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

Regular Meeting.

Roll Call.

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

Councilors Absent: None.

### **AGENDA**

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

### **MINUTES**

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

### **CONSENT AGENDA**

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

- a. Resolution No. 15-22, Authorizing the Payment of Bills.
- b. On Sale Intoxicating Liquor and Sunday On Sale Intoxicating Liquor License - Pedro's Grill & Cantina.

### **PUBLIC HEARINGS**

None.

### **PRESENTATIONS**

Mayor Hallback read a proclamation proclaiming April 7 as National Service Recognition Day.

### **TOBACCO LICENSE SUSPENSION - SUNNYSIDE LIQUOR**

**MOTION:** Councilor Bjerkness moved and Councilor Kolodge seconded the motion to suspend the retail tobacco license at Sunnyside Liquor, 607 Sunnyside Drive, for ten (10) days effective upon proper notice being provided to the business owner. The motion carried (6-1) with Councilor Langley opposed.

### **FRIENDS OF ANIMALS CONTRACT FOR SERVICES**

**MOTION:** Councilor Wilkinson moved and Councilor Maki seconded the motion to adopt the revised Contract for Services between the City of Cloquet and Friends of Animals, authorize the execution of such agreement, and table action on the request for additional monies to operate the animal shelter. The motion carried unanimously (7-0).

### **NEW CINGULAR WIRELESS LEASE FOR ANTENNA TOWER**

Councilor Bjerkness noted that the use of this property as proposed as an antenna tower is not the highest and best use of the property. He had further concerns regarding safety and the impact of the tower on adjacent properties.

**MOTION:** Councilor Bjerkness moved and Councilor Rock seconded the motion to not approve the Option and Lease Agreement between the City and New Cingular Wireless PCS, LLC. The motion carried (4-3) with Councilors Maki, Kolodge and Langley opposed.

**CONDITIONAL USE PERMIT TO ALLOW A CELLULAR TOWER IN THE LIGHT INDUSTRY DISTRICT**

**MOTION:** Councilor Bjerkness moved and Councilor Wilkinson seconded the motion to adopt **RESOLUTION NO. 15-24A, A RESOLUTION DENYING THE CONDITIONAL USE PERMIT TO ALLOW A CELLULAR TOWER IN THE LIGHT INDUSTRY DISTRICT.** The motion carried (5-2) with Kolodge and Maki opposed.

**WHEREAS,** SAC Wireless (AT&T) is proposing a Conditional Use Permit for a 190 foot mono-pole cellular tower in the Light Industry District; and

**WHEREAS,** As required by ordinance, notification was advertised in the Pine Journal and property owners within 350 feet were sent notice. A public hearing was held to consider the application at the regular meeting of the Cloquet Planning Commission on March 10, 2015 at which time Zoning Case / Development Review No. 15-02 was heard and discussed; and

**WHEREAS,** the property of the proposed Conditional Use Permit is located west of Scanlon Way and north of Carlton Avenue and is legally described as follows:

That portion of the Northwest Quarter of the Northeast Quarter (NW ¼ of NE ¼ ) of Section 24, Township 49, Range 17 West, described as follows: Commencing at the Southeast corner of said forty, thence North on East forty line 170 feet to the point of beginning; thence West parallel to South forty line 600 feet; thence North parallel to East forty line 500 feet; thence East parallel to South forty line 315 feet, more or less, to a point lying 50 feet Southwest of the West State Highway 45 right of way; thence Southeasterly along a line parallel to and 50 feet Southwest of said highway right of way to a point on the East forty line; thence South on East forty line 195 feet, more or less, to the point of beginning. and

**WHEREAS,** the Planning Commission reviewed the staff report and recommended approval of the Conditional Use Permit.

**NOW, THEREFORE, BE IT RESOLVED, BY THE CITY COUNCIL OF THE CITY OF CLOQUET, MINNESOTA,** that it denies the Conditional Use Permit for a 190 foot mono-pole cellular tower in the Light Industry District for to the following reason:

1. The City did not join into a lease agreement with the applicant to allow the cell tower to be located on City property.

**KIEHN OBJECTION TO WHITE PINE TRAIL ASSESSMENT**

The City Council discussed the written objection by Richard and Annette Kiehn. The City Council reached consensus that there was benefit to the property and that the potential exists for additional development that would access White Pine Trail.

**MOTION:** Councilor Rock moved that the City Council adopt Resolution No. 15-25(B). The motion failed due to a lack of a second.

**MOTION:** Councilor Kolodge moved and Councilor Langley seconded the motion to adopt **RESOLUTION NO. 15-25, RESOLUTION ADOPTING ASSESSMENT FOR THE IMPROVEMENT OF WHITE PINE TRAIL FROM SPRING LAKE ROAD TO TRETTEL LANE AND ALSO TRETTEL LANE FROM WHITE PINE TRAIL TO AIRPORT ROAD.** The motion carried (4-3) with Councilors Maki, Rock and Wilkinson opposed.

**WHEREAS,** In 2014, the City Council received an engineering study to improve and install bituminous pavement on White Pine Trail from Spring Lake Road to Trettel Lane and also Trettel Lane from White Pine Trail to Airport Road; and

**WHEREAS**, The Cloquet City Council on April 15, 2014, held a hearing to consider the improvement of these sections of White Pine Trail and Trettel Lane; and

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

**WHEREAS**, Due notice was given that said special assessments would be considered by the City Council at its meeting to be held on March 3, 2015, and at said meeting and time all parties interested would be given an opportunity to be heard; and

**WHEREAS**, On March 3, 2015, the City Council tabled action on the proposed assessment for Richard and Annette Kiehn to allow opportunity to consider their written objection to the proposed assessment; and

**WHEREAS**, On March 17, 2015, the City Council met and found no merit to the objection to the proposed assessment due to both the current benefit received as a result of the project and in regards to the benefit received for the potential for future development of the undeveloped property along White Pine Trail owned by Richard and Annette Kiehn.

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

1. Such assessment, a copy of which is attached hereto and made a part hereof, is hereby accepted and shall constitute the special assessment against the lands named therein, and each tract of land therein is hereby found to be benefitted by the improvement in the amount of the assessment levied against it.
2. Said assessment shall be payable in equal annual installments extending over a period of ten (10) years and shall bear interest at a rate of eight percent (8%) per annum from April 3, 2015. Property owners may prepay the entire assessment, or any portion of it, to the City of Cloquet without interest prior to April 3, 2015. Any principal not paid by November 30th of each year, will be certified along with accrued interest to the Carlton County Auditor for collection with the Real Estate Taxes payable over the period stated above. Such assessment, a copy of which is attached hereto and made a part hereof, is hereby accepted and shall constitute the special assessment against the lands named therein, and each tract of land therein is hereby found to be benefitted by the improvement in the amount of the assessment levied against it.

**LEBRASSEUR OBJECTION TO 22ND STREET ASSESSMENT**

The City Council discussed the written objection by Corey LeBrasseur. The City Council discussed the City's current assessment policy as it relates to the assessment of corner lots and double frontage lots. The City Council reached consensus that there was benefit to the property.

**MOTION:** Councilor Maki moved and Councilor Kolodge seconded the motion to adopt **RESOLUTION NO. 15-26, ADOPTING THE FINAL ASSESSMENT FOR 321 – 22ND STREET ASSOCIATED WITH THE 2014 IMPROVEMENT OF 22ND STREET AS ORIGINALLY PROPOSED AT THE MARCH 3, 2015 ASSESSMENT PUBLIC HEARING.** The motion carried (6-1) with Councilor Rock opposed.

**WHEREAS**, The Cloquet City Council on March 18, 2014, held a hearing to consider the improvement of these sections of 22<sup>nd</sup> Street and Selmsner Avenue; and

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

**WHEREAS**, Due notice was given that said special assessments would be considered by the City Council at its meeting to be held on March 3, 2015, and at said meeting and time all parties interested would be given an opportunity to be heard; and

**WHEREAS**, an objection was received from Corey B. LeBrasseur, the owner of 321 – 22<sup>nd</sup> Street (Parcel 06-075-0340); and

**WHEREAS**, the City Council has reviewed the objections raised by Mr. LeBrasseur and finds no merit to the objections.

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

1. Such assessment, for Parcel 06-075-0340 shall remain as originally proposed at the March 3, 2015 public hearing in the amount of \$7,266.43 and shall constitute the special assessment against the lands named therein, and each tract of land therein is hereby found to be benefitted by the improvement in the amount of the assessment levied against it.
2. Said assessments shall be payable in equal annual installments extending over a period of ten (10) years and shall bear interest at a rate of eight percent (8%) per annum from April 3, 2015. Property owners may prepay the entire assessment, or any portion of it, to the City of Cloquet without interest prior to April 3, 2015. Any principal not paid by November 30<sup>th</sup> of each year, will be certified along with accrued interest to the Carlton County Auditor for collection with the Real Estate Taxes payable over the period stated above.

**CALVERLY 22ND STREET ASSESSMENT DEFERRAL**

The City has not yet received any of the required property and income information from Ms. Calverly. The Council took no action and will consider this application at its next meeting.

**WATERFRONT COMMITTEE APPOINTMENT**

**MOTION:** Councilor Bjerkness moved and Councilor Rock seconded the motion to appoint Clarence Badger to the Waterfront Committee with the purpose of developing plan design for the various riverfront parks. The motion carried unanimously (7-0).

**2015 EMPLOYEE PAY PLAN**

**MOTION:** Councilor Langley moved and Councilor Wilkinson seconded the motion to approve the 2015 Pay Plan effective retroactive to 01/01/15. The motion carried unanimously (7-0).

**SUPPORTING INCREASE IN CITY LGA APPROPRIATION**

**MOTION:** Councilor Wilkinson moved and Councilor Maki seconded the motion to adopt **RESOLUTION NO. 15-23, A RESOLUTION SUPPORTING LOCAL GOVERNMENT AID APPROPRIATION**. The motion carried unanimously (7-0).

**WHEREAS**, LGA is a vital state-funded property tax aid and equalization program that restrains the growth of local property taxes through the distribution of state funding to cities based on an objective formula of needs; and

**WHEREAS**, LGA seeks to equalize the vastly different tax bases of property-poor and property-wealthy cities ensuring Minnesotans have the required city services necessary for a good quality of life and public safety; and

**WHEREAS**, LGA has positively assisted recovery from the Great Recession by allowing critical reinvestments in infrastructure necessary to economic growth and the hiring and maintaining of essential staff positions to ensure effective and efficient administration of local government; and

**WHEREAS**, LGA has favorably affected communities, including the City of Cloquet, by allowing the City to pursue a variety of capital equipment and infrastructure improvements.

**WHEREAS**, H.F. 685 and S.F. 874 have been introduced with bipartisan authorship and support to increase LGA funding by \$45.5 million by 2017, restoring it to its 2002 level.

**NOW, THEREFORE, BE IT RESOLVED, BY THE CITY COUNCIL OF THE CITY OF CLOQUET, MINNESOTA**, That the City of Cloquet urges the Legislature to pass H.F. 685 and S.F. 874 and include the funding for these Bills in the state's budget.

**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