



CITY OF DULUTH PROCEEDINGS OF THE CITY COUNCIL 2013

OFFICIAL PROCEEDINGS

Duluth City Council meeting held on Monday, January 14, 2013, 7:00 p.m. in the Council Chamber, City Hall, Duluth, Minnesota.

Roll call: Present: Councilors Fosle, Gardner, Hartman, Julsrud, Krause, Krug, Larson, Stauber and President Boyle -- 9

Absent: None -- 0

ELECTION OF OFFICERS

Councilor Boyle was elected as president of the Duluth City Council for the year 2013, upon a unanimous vote.

Councilors Krug and Stauber commented as to their reasons for being elected to the office of vice president of the Duluth City Council for the year 2013.

Councilor Krug was elected as vice president of the Duluth City Council upon the following vote:

Yeas: Councilors Boyle, Julsrud, Krug, Larson and President Hartman -- 5

Nays: Councilors Fosle, Gardner, Krause and Stauber -- 4

Outgoing President Hartman made his comments about his past year as president, noting his goals of: allowing for a very transparent council, being fair to all political points of view as much as possible and making the council more efficient. He also reviewed the council accomplishments of the year.

Incoming President Boyle commented on: the successful accomplishments of President Hartman; his goals of the street funding program; continuing the transparency of information and civility between councilors.

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The minutes of council meetings held on August 10 and 27 and September 10 and 24, 2012, were approved upon a unanimous vote.

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PRESENTATION OF PETITIONS AND OTHER COMMUNICATIONS

13-0114-17 U.S. Army Corps of Engineers communication regarding proposed Aerial Lift Bridge lighting policy (13-0023R). -- Received

13-0114-18 The following communications regarding proposed sign regulations (12-070-O(b)): (a) Holiday Stationstores, by Harold A. Frederick, attorney; (b) Todd Signs. -- Received

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At this time, 7:31 p.m., President Boyle opened the public hearing on the proposed University of Minnesota-Duluth (UMD) resident permit parking zone.

Dick Florey reviewed the history of this issue and requested council approval.

At this time, 7:33 p.m., President Boyle closed the public hearing and returned to the regular order of business.

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REPORTS FROM THE ADMINISTRATION

Chief Administrative Officer David Montgomery reviewed that the city and the police union have agreed to a contract, which will be coming to the city council if it is approved by union's membership.

City Attorney Gunnar Johnson reviewed the details of the decision that the city received from the eighth circuit court of appeals panel on the city's casino litigation appeal.

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REPORTS FROM OTHER OFFICERS

13-0114-01 Clerk application for exempt permit to the Minnesota gambling control board from Lake of the Woods Chapter of Whittails Unlimited on February 17, 2013 (raffle). -- Received

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REPORTS OF BOARDS & COMMISSIONS

13-0114-02 Commission on disabilities minutes of November 7, 2012, meeting. -- Received

13-0114-03 Duluth housing and redevelopment authority minutes of November 28, 2012, meeting. -- Received

13-0114-04 Duluth human rights commission minutes of October 10, 2012, meeting. -- Received

13-0114-05 Duluth public utilities commission minutes of November 20, 2012, meeting. -- Received

13-0114-06 Duluth transit authority: (a) Minutes of October 31, 2012, meeting; (b) October 2012 income statement. -- Received

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OPPORTUNITY FOR CITIZENS TO BE HEARD

Bevan Schraw expressed his opposition to the proposed natural gas rate increase, noting the reasons of: on the Comfort System bills there are many line items of additional fees

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that citizens have not voted on; it takes a super majority to overrule their decisions and rates are being continuously raised.

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Loren Martel commented on the Duluth School District, noting: he has put together a very detailed report that addresses the lack of a full story from the school district about their financial status; a former school board superintendent applicant felt that the paying of debt obligations out of the general fund is a serious problem; developing a marketing plan for a proposed operating referendum will be most difficult; a current board member noted that over \$7 million was pulled out of the general fund to pay for the red plan last year and that the red plan is hurting the district's budget.

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MOTIONS AND RESOLUTIONS

CONSENT AGENDA

(All matters listed under the consent agenda were considered routine and/or noncontroversial and were enacted by one unanimous motion.)

President Boyle moved passage of the consent agenda, which motion was seconded and unanimously carried.

RESOLVED, that the proper city officials are authorized to execute a renewal of Agreement 21491 with BMO Harris Bank, N.A., formerly M&I Marshall & Ilsley Bank, with no change in banking services, for an estimated total of \$90,000 in year 2013, payable as follows:

\$23,400	Water Fund 510, Department/Agency 500 (public works and utilities), Division 1940 (customer services), Cost Center 2400 (customer accounts), Object 5310 (contract services);
\$35,100	Gas Fund 520, Department/Agency 500 (public works and utilities), Division 1940 (customer services), Cost Center 2400 (customer accounts), Object 5310 (contract services);
\$20,700	Sewer Fund 530, Department/Agency 500 (public works and utilities), Division 1940 (customer services), Cost Center 2400 (customer accounts), Object 5310 (contract services);
\$10,800	Stormwater Fund 535, Department/Agency 500 (public works and utilities), Division 1940 (customer services), Cost Center 2400 (customer accounts), Object 5310 (contract services).

Resolution 13-0005 was unanimously adopted.

Approved January 14, 2013

DON NESS, Mayor

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RESOLVED, that the city acting through the city treasurer, shall make available to the Spirit Mountain recreation area authority (authority) a revolving line of credit not to exceed \$600,000 on a calendar year basis, to be drawn as needed to assist in the management of its cash flow within the annual operating budget as approved by the city council. The revolving line of credit shall be repaid in full (to a zero balance) by December 31st of any given year. Interest at a rate of 2.5 percent per annum shall be charged on drawn funds.

Resolution 13-0024 was unanimously adopted.

Approved January 14, 2013

DON NESS, Mayor

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RESOLVED, that the proper city officials are hereby authorized to execute and implement a collective bargaining agreement with Local 101 International Association of Firefighters, containing the same terms and conditions, and being substantially the same as that on file in the office of the city clerk as Public Document No. 13-0114-07, covering the years 2012 through 2014.

Resolution 13-0025 was unanimously adopted.

Approved January 14, 2013

DON NESS, Mayor

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WHEREAS, the city council previously approved the following actions concerning its contract with Northland Constructors of Duluth, LLC, for the purchase of hot mix fines in year 2012:

\$521,500.00	File No. 12-0309 - annual	12-0251R
\$176,050.91	File No. 12-0543 - flood projects	12-0466R (increase)
\$150,000.00	File No. 12-0543 - flood projects	12-0537R (increase); and

WHEREAS, the city requires an additional \$132,946 to cover hot mix fines for pothole and permanent patching, community center parking lots and flood repair projects in year 2012.

NOW, THEREFORE, BE IT RESOLVED, that the proper city officials are authorized to execute a third increase of \$132,946 to the 2012 purchase order issued to Northland Constructors of Duluth, LLC, for hot mix fines payable as follows:

\$80,388.05 General Fund 110, Department/Agency 121 (public administration), Division 1217 (maintenance operations), Cost Center 2140 (street maintenance), Object 5222 (blacktop);

\$19,178.29 Parks Fund 205, Department/Agency 130 (community resources), Division 1221 (parks maintenance), Object 5225 (landscape materials);

\$33,379.66 Disaster Recovery Fund 225, Department/Agency 125 (finance), Division 1803 (roads and bridges), Object 5222 (blacktop), Project Flood-073.

Resolution 13-0006 was unanimously adopted.

Approved January 14, 2013

DON NESS, Mayor

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RESOLVED, that the proper city officials are authorized to contract with Como Lube & Supplies, Inc., for the purchase of oil, lubricants, and supplies as needed in year 2013 by the fleet services division for an estimated amount of \$60,000, based on past usage, the vendor's price list, and a favorable comparison with Minnesota State Contract Release L-245(5) pricing as shown in documents on file in the office of the city clerk as Public Document No. 13-0114-08, and payable from the Fleet Services Fund 660, Department/Agency 015 (administrative services), Object 5221 (equipment repair supplies).

Resolution 13-0012 was unanimously adopted.

Approved January 14, 2013

DON NESS, Mayor

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RESOLVED, that the proper city officials are authorized to renew the annual contract with Aramark Uniform Services, Inc., the fourth year of a potential five-year contract, for laundry services and the rental of uniforms and other miscellaneous items in year 2013 for

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various city of Duluth users at various locations for an estimated total of \$81,650, terms net 30, pickup and delivery service, payable from various funds.

Resolution 13-0014 was unanimously adopted.

Approved January 14, 2013

DON NESS, Mayor

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RESOLVED, that the proper city officials are authorized to contract with MacQueen Equipment, Inc., for the purchase and delivery of OEM (original equipment manufacturer) replacement parts used by the fleet services division for Elgin and Vactor equipment in year 2013 for a total of \$68,000, terms net 30, Minnesota State Contract 16700, Release R646(5), discount of 15 percent off current price list, and payable from Fleet Services Fund 660, Department/Agency 015 (administrative services), Object 5221 (equipment repair supplies).

Resolution 13-0015 was unanimously adopted.

Approved January 14, 2013

DON NESS, Mayor

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WHEREAS, the Duluth City Council approved an annual contract with Holiday Stationstores for the purchase and delivery of service station fuels in year 2012 with passage of Resolution 12-0079 on February 13, 2012, and the city desires to exercise its option to renew said contract in year 2013.

NOW, THEREFORE, BE IT RESOLVED, that the proper city officials are authorized to renew the annual contract with Holiday Stationstores, the second year of a potential five-year contract, for the purchase and delivery of service station fuels as needed during year 2013 for an amount not to exceed \$1,200,000, payable from Fleet Services Fund 660, Department/Agency 015 (administrative services), Object 5212 (motor fuels).

Resolution 13-0016 was unanimously adopted.

Approved January 14, 2013

DON NESS, Mayor

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WHEREAS, the Duluth City Council approved an annual contract with Inter-City Oil Company, Inc., for the purchase and delivery of bulk fuels in year 2012 with passage of Resolution 12-0080 on February 13, 2012, and the city desires to exercise its option to renew said contract in year 2013.

NOW, THEREFORE, BE IT RESOLVED, that the proper city officials are hereby authorized to renew the annual contract with Inter-City Oil Company, Inc., the second year of a potential five-year contract, for the purchase and delivery of bulk fuels as needed during year 2013 for an amount not to exceed \$200,000, payable from Fleet Services Fund 660, Department/Agency 015 (administrative services), Object 5212 (motor fuels).

Resolution 13-0017 was unanimously adopted.

Approved January 14, 2013

DON NESS, Mayor

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BE IT RESOLVED, that the Duluth City Council hereby approves of the Minnesota gambling control board issuing a lawful gambling exemption to Essentia Health Foundation and does hereby waive the 60 day waiting period which it has to object to the issuance of said exemptions.

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RESOLVED FURTHER, that the city clerk is hereby authorized and directed to send a copy of this resolution to the Minnesota gambling control board immediately after its passage.

Resolution 13-0026 was unanimously adopted.

Approved January 14, 2013

DON NESS, Mayor

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RESOLVED, that the proposed specifications for the new civil service classification of street maintenance worker, which were approved by the civil service board on November 13, 2012, and which are filed with the city clerk as Public Document No. 13-0114-09, are approved. Council approval was delayed during wage negotiations with the union. Said classification shall be subject to the city's collective bargaining agreement with its basic unit employees; and that pay range for said classification shall be Range 27. The proper city officials are authorized to execute and implement an agreement with the union to provide for employing one or more unit members consistent with this resolution.

Resolution 13-0031 was unanimously adopted.

Approved January 14, 2013

DON NESS, Mayor

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RESOLVED, that the proposed specifications for the new civil service classification of building maintenance person II, which were approved by the civil service board on June 5, 2012, and which are filed with the city clerk as Public Document No. 13-0114-10, are approved. Council approval was delayed during wage negotiations with the union. Said classification shall be subject to the city's collective bargaining agreement with its basic unit employees; and that pay range for said classification shall be Range 28. The proper city officials are authorized to execute and implement an agreement with the union to provide for employing one or more unit members consistent with this resolution.

Resolution 13-0032 was unanimously adopted.

Approved January 14, 2013

DON NESS, Mayor

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RESOLVED, that the proposed specifications for the new civil service classification of finance office coordinator, which were approved by the civil service board on December 4, 2012, and which are filed with the city clerk as Public Document No. 13-0114-11, are approved; that said classification shall be subject to the city's collective bargaining agreement with its basic unit employees; and that pay range for said classification shall be Range 133. The proper city officials are authorized to execute and implement an agreement with the union to provide for employing one or more unit members consistent with this resolution.

Resolution 13-0033 was unanimously adopted.

Approved January 14, 2013

DON NESS, Mayor

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RESOLVED, that the proper city officials are authorized to enter into an agreement, substantially in the form of that on file in the office of the city clerk as Public Document No. 13-0114-12, with the housing and redevelopment authority of Duluth (HRA), pursuant to which the HRA will administer a CDBG program to assist income-eligible homeowners to repair or replace lateral sewer lines and provide housing rehabilitation; payable from Fund 261

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(housing revolving loan fund), Agency 020 (community development), Object 5434.
Resolution 13-0029 was unanimously adopted.
Approved January 14, 2013
DON NESS, Mayor

- - -

WHEREAS, several local organizations have expressed interest in altering the lighting of the Aerial Lift Bridge to recognize and support charitable causes; and

WHEREAS, while the city recognizes that the bridge is a visible symbol that can help raise the profile of worthy causes, the bridge is foremost a piece of working equipment that is vital to the local shipping industry and the lighting of the bridge is both aesthetic and necessary for the safety of pedestrians, vehicles and vessels.

THEREFORE, BE IT RESOLVED, that the council hereby requests city administration establish a policy for the review and implementation of requests by organizations to alter the lighting of the Aerial Lift Bridge.

FURTHER RESOLVED, that such policy should include the following:

- (a) Requests should be made to the department of public works at least 30 days prior to the proposed date and shall be subject to city council approval;
- (b) Any lighting work and alterations should be done by qualified lighting professionals with limited assistance from city employees;
- (c) Any sponsoring organization and company doing lighting alteration work shall enter into a written agreement accepting city indemnification, insurance and site access requirements.

Resolution 13-0023 was unanimously adopted.
Approved January 14, 2013
DON NESS, Mayor

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WHEREAS, the Duluth City Council previously approved Resolution 09-0061 on January 26, 2009, authorizing Contract 20814 with Northern Energetics for energy consulting services and audits; and

WHEREAS, the city desires to continue its relationship with Northern Energetics by extending the contract for three years, beginning January 1, 2013, and ending December 31, 2015.

RESOLVED, that the proper city officials are authorized to execute a three-year extension of Contract 20814 with Northern Energetics, said extension to be substantially in the form of Public Document No. 13-0114-13 on file in the office of the city clerk, to provide energy consulting services and audits for \$50,100 in year 2013, \$51,300 in year 2014, and \$52,500 in year 2015; with \$50,100 in year 2013 to be paid from Home Energy Fund 555, Department/Agency 500 (public works and utilities), Object 5441 (other services and charges).

Resolution 13-0001 was unanimously adopted.
Approved January 14, 2013
DON NESS, Mayor

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THE CITY COUNCIL FINDS:

- 1) That the city of Duluth is under consent decree orders to eliminate sanitary sewer overflows; and

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2) Flow from sanitary sewer basins no. 23, 19 and 18 contributes to one of the overflow points that the city is mandated to eliminate; and

3) The estimated cost to rehabilitate sanitary sewers in basins 23, 19 and a portion of 18 by CIPP lining is estimated to be \$4,100,000, and the public facilities authority (PFA) may have loan and grant monies available to finance the project costs; and

4) To receive this money, the city must submit required information to enter into a loan/grant agreement with the Minnesota public facilities authority.

RESOLVED, that the proper city officials are hereby authorized to submit an application to enter into a loan/grant agreement with the Minnesota public facilities authority for funding to rehabilitate sanitary sewers in basins 23, 19 and a portion of 18 as described in the application.

FURTHER RESOLVED, that the city of Duluth has the legal authority to apply for the money and the financial, technical and managerial capacity to ensure proper construction, operation and maintenance of the project for its design life.

FURTHER RESOLVED, that the city of Duluth estimates the loan/grant amount to be \$4,100,000 or the as-bid costs of the project, payable from Clean Water Fund 532, Department 500 (public works and utilities), Object 5532 (capital improvements - bond), City Project No. 1072.

FURTHER RESOLVED, that the city hereby expresses its official intent to use the proceeds of this loan to reimburse engineering and construction expenditures made prior to the issuance of its general obligation bond to the public facilities authority.

Resolution 13-0007 was unanimously adopted.

Approved January 14, 2013

DON NESS, Mayor

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THE CITY COUNCIL FINDS:

1) That Emergency Purchase Order 2012-00532 was issued to Billman Construction, Inc., for Coleman Street flood repairs in the amount of \$31,509.50;

2) That the project was amended to include debris removal for an additional \$10,826.20 for a new total of \$42,335.70;

3) That a second amendment to incorporate additional work in the amount of \$15,556.45, for a new total of \$57,892.15, is necessary;

4) That the new total reflects an increase of greater than 25 percent and a total beyond the \$50,000 threshold, necessitating council approval.

RESOLVED, that Billman Construction, Inc., be and hereby is awarded an amended contract for Coleman Street flood repairs in the amount of \$57,892.15, payable from Disaster Recovery Fund 225, Department 125 (finance), Division 1803 (roads and bridges), Object 5403 (street repair and maintenance), City Project No. 1157.

Resolution 13-0008 was unanimously adopted.

Approved January 14, 2013

DON NESS, Mayor

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RESOLVED, that Resolution 12-0479 awarding a contract to Billman Construction, Inc., for construction of ditching and storm sewer improvements to Gogebic Street and Lanigan Boulevard be amended to increase the amounts as follows:

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Increase attributable to storm sewer construction is \$39,898.78, payable out of Disaster Recovery Fund 225, Department 125 (finance), Division 1803 (roads and bridges), Object 5403 (street maintenance), for a new total of \$99,897.78.

Resolution 13-0009 was unanimously adopted.

Approved January 14, 2013

DON NESS, Mayor

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RESOLVED, that the proper city officials are authorized to renew the annual contract with InfoSend, Inc., the second year of a potential four-year contract, for mailing services (\$48,000) and postage (\$141,000) during year 2013 in the amount of \$189,000, payable as follows:

	Dept./Agency (Public Works & Utilities)	Div./Cost Ctr. (Customer Services/ Customer Accounts)	Object (Contract Services)	
Mailing Services - \$48,000				
\$12,480	510 Water	500	1940-2400	5310
\$18,720	520 Gas	500	1940-2400	5310
\$11,040	530 Sewer	500	1940-2400	5310
\$5,760	535 Stormwater	500	1940-2400	5310
Postage - \$141,000				
\$36,660	510 Water	500	1940-2400	5322
\$54,990	520 Gas	500	1940-2400	5322
\$32,430	530 Sewer	500	1940-2400	5322
\$16,920	535 Stormwater	500	1940-2400	5322

Resolution 13-0013 was unanimously adopted.

Approved January 14, 2013

DON NESS, Mayor

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RESOLVED, that Contract C20859 with MSA Professional Services, Inc. for professional services for design and construction services for east interceptor sanitary sewer overflow storage facility phases I, II and III be and hereby is amended for additional construction services associated with water, sewer and gas reroutes in Michigan Street, geotechnical testing, rock removal and vibration monitoring, property exhibits for Endion Depot, concrete beam design, and architectural modifications for the Sister Cities Park. The estimated amount of increase is \$39,206.55, for a new total of \$2,230,988.78, payable from Clean Water Fund 532, Division 500 (public works and utilities), Object 5532 (capital improvements - bond), city project numbers 0802SN, 0519SN and 0819SN.

Resolution 13-0019 was unanimously adopted.

Approved January 14, 2013

DON NESS, Mayor

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THE CITY COUNCIL FINDS:

- 1) That under the provisions contained in Minnesota Laws 2012, First Special Session, Chapter 1, Article 1, Section 6, the 2012 legislature appropriated the funds for Northeast Minnesota 2012 flood relief; and

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2) To receive this money, the city must submit required information and enter into a grant agreement with the Minnesota public facilities authority.

RESOLVED, that the proper city officials are hereby authorized to enter into a grant agreement with the Minnesota public facilities authority for an estimated grant of \$299,050 for the funding of Lift Station No. 39 improvements.

FURTHER RESOLVED, that the city of Duluth has the legal authority to apply for the money and the financial, technical and managerial capacity to ensure proper construction, operation and maintenance of the project for its design life.

FURTHER RESOLVED, that the working fund for this project will be Disaster Recovery Fund 225, Department 125 (finance), Division 1806 (utilities), Object 5401 (building/structure repair and maintenance), City Project No. 1167, Flood Site No. 429.

Resolution 13-0022 was unanimously adopted.

Approved January 14, 2013

DON NESS, Mayor

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RESOLVED, that the proper city officials are hereby authorized to contract with Kovatch Mobile Equipment Corporation for the tax-exempt purchase and delivery of a fire truck with aerial apparatus (quint) in accordance with city-approved specifications and the option to buy a second one, and the vendor's bid of \$907,944, payable as follows:

(a) \$462,056 - Capital Equipment Fund 250, Department/Agency 015 (administrative services), Division 2012 (fiscal year), Object 5580 (capital equipment), Project No. CE250-V1201;

(b) \$445,888 - Capital Equipment Fund 250, Department/Agency 015 (administrative services), Division 2013 (fiscal year), Object 5580 (capital equipment), Project No. CE2501-V1301.

Resolution 13-0011 was unanimously adopted.

Approved January 14, 2013

DON NESS, Mayor

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RESOLVED, that in accordance with the provisions of Section 33-88.2 of the Duluth City Code, 1959, as amended, the following accessible parking zones are established:

in front of 2206 West Fourth Street;

in front of 1312 East Fourth Street;

in front of 1918 Jefferson Street.

Resolution 13-0018 was unanimously adopted.

Approved January 14, 2013

DON NESS, Mayor

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RESOLVED, that the proper city officials are hereby authorized to enter into an agreement with St. Louis County, by and through its sheriff's office, to share the cost of providing a public safety grant coordinator, said agreement to be substantially in the form of Public Document No. 13-0114-14 on file in the office of the city clerk, reimbursement funds payable from Fund No. 110-160-1610-4260 (general, police, administration and investigation - St. Louis County).

Resolution 13-0020 was unanimously adopted.

Approved January 14, 2013

DON NESS, Mayor

PROCEEDINGS OF THE DULUTH CITY COUNCIL FOR 2013

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The following resolutions were also considered:

Resolution 13-0028, a joint resolution of township of Midway and city of Duluth designating township in need of annexation and approving an orderly annexation agreement, was introduced by Councilor Gardner for discussion.

Councilor Gardner moved to suspend the rules to hear a speaker on the resolution, which motion was seconded and unanimously carried.

Jake Benson, Proctor city councilor, felt that: the city of Duluth should take a step back and consider a mediated resolution, or at least discuss this issue; Duluth could have the various properties that the city owns in Midway and Proctor and the city of Proctor is concerned about Duluth City Council knowledge about Proctor. He continued at length to talk about the history of Duluth, Proctor and Midway working together.

Mr. Johnson reviewed how this action was the result of Midway Township coming to the city of Duluth requesting this and the process that would happen if this resolution passes.

Councilors commented at length about: the processes that are stated in this agreement; the three long term stages of implementation and what the intent of Proctor is.

Councilor Fosle expressed the concern that Duluth does not have the financial resources to take care of itself right now as it is, with streets, police and fire resources.

Resolution 13-0028 was adopted as follows:

RESOLVED, that pursuant to the provisions of Minnesota Statutes Section 414.0325, the board of supervisors of the township of Midway (the "Township") and the city council of the city of Duluth hereby designate the township of Midway, as the same is described in the Orderly Annexation Agreement between said Township and said city, a copy of which is on file in the office of the City Clerk as Public Document No. 13-0114-15, to be in need of orderly annexation; and

RESOLVED, that the proper Township and the proper city officials are hereby authorized to enter into the said Orderly Annexation Agreement governing the conditions for and the timing of the annexation of property in the township by the city and governing other issues pertaining to property in the township during the interim; and

RESOLVED, that the Township clerk and the city clerk are hereby requested and directed to send copies of this resolution and of the executed Orderly Annexation Agreement to the chief administrative judge of the Minnesota state office of administrative hearings as provided for in Minnesota Statutes Chapter 414; and

RESOLVED, that this resolution shall go into effect only after its approval by both the Township and the city council of the city of Duluth.

Resolution 13-0028 was adopted upon the following vote:

Yeas: Councilors Gardner, Hartman, Julsrud, Krause, Krug, Larson, Stauber and President Boyle -- 8

Nays: Councilor Fosle -- 1

Approved January 14, 2013

DON NESS, Mayor

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Resolution 13-0037, approving city membership in the Coalition of Greater Minnesota Cities for 2013 in the amount of \$42,370, was introduced by Councilor Gardner for discussion.

Councilor Gardner moved to suspend the rules to hear a speaker on the resolution, which motion was seconded and carried unanimously.

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Bruce Ahlgren, mayor of Cloquet and president of the coalition, encouraged support for the resolution for the reasons of: Duluth, like many other cities, is highly dependent upon local government aid (LGA); without this coalition, there might not be LGA; non-metro cities from all across the state are members of the coalition and this is a bipartisan entity.

Councilors Fosle and Stauber expressed their concerns of: the city already has a lobbyist who works in the city's behalf; that one governmental entity needs to lobby another governmental entity, when we have elected representatives to be sure we are heard; this expenditure is for a second city lobbyist; this expenditure is not specifically listed in the budget; our roads need attention and today the city received bad news on the casino litigation.

Councilors supporting the resolution noted: other large outstate cities participate and Duluth should; this is a wise expenditure; LGA is 37 percent of the budget and is critical to the city; this group brings the impact from a large number of cities; this entity also addresses other important issues that affect the greater Minnesota cities and this entity has the technical knowledge on LGA that is needed.

Resolution 13-0037 was adopted as follows:

WHEREAS, the Coalition of Greater Minnesota Cities (CGMC) unites greater Minnesota cities with similar concerns and provides tools to give cities an effective voice at the state capitol; and

WHEREAS, there are several policy and funding issues being addressed in the coming legislative session that have direct implications for the city of Duluth, including changes in the local government aid formula and general tax reform; and

WHEREAS, the CGMC provides needed tools for the city to effectively participate in the coming legislative debate including, policy research and positions, fiscal analysis and lobbying services.

THEREFORE, BE IT RESOLVED, that the city council hereby approves city membership in the Coalition of Greater Minnesota Cities for 2013 and authorizes payment of the membership fee in the amount of \$42,370, funds to be paid from Fund 110-700-1401-5433 (general, transfers and other functions, citywide dues and lobbying).

Resolution 13-0037 was adopted upon the following vote:

Yeas: Councilors Gardner, Hartman, Julsrud, Krug, Larson and President Boyle -- 6

Nays: Councilors Fosle, Krause and Stauber -- 3

Approved January 14, 2013

DON NESS, Mayor

- - -

Resolution 13-0002, awarding a contract to Hawkins, Inc., for the purchase and delivery of 110 tons of hydrofluorosilicic acid in year 2013 for \$70,537.50, was introduced by Councilor Julsrud for discussion.

Councilor Fosle expressed concerns regarding the safety sheets provided since they show that if there is a spill it could be hazardous and there are other, safer ways to treat water.

Resolution 13-0002 was adopted as follows:

RESOLVED, that city officials are hereby authorized to contract with Hawkins, Inc., for the purchase and delivery of 110 tons of hydrofluorisilicic acid in year 2013 in accordance with specifications and the vendor's low bid of \$600.00 per ton, for a total of \$66,000 plus 6.875 percent sales tax of \$4,537.50, for a combined total of \$70,537.50, terms net 30, FOB destination, payable from the Water Fund 510, Department/Agency 500 (public works and utilities), Organization 1955 (water treatment and pumping), Object 5216-03 (chemicals

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hydrofluorosilicic acid).

Resolution 13-0002 was adopted upon the following vote:

Yeas: Councilors Gardner, Hartman, Julsrud, Krause, Krug, Larson, Stauber and President Boyle -- 8

Nays: Councilor Fosle -- 1

Approved January 14, 2013

DON NESS, Mayor

- - -

RESOLVED, that the proper city officials are authorized to contract with Thunder Bay Chemicals, Ltd., for the purchase and delivery of 125,000 gallons of liquid aluminum sulfate in year 2013 in accordance with specifications and the vendor's low bid of \$1.2376 per gallon, for a total of \$154,700 plus 6.875 percent sales tax of \$10,635.63 for a combined total amount of \$165,335.63, terms net 30, FOB destination, payable from the Water Fund 510, Department/Agency 500 (public works and utilities), Organization 1955 (water treatment and pumping), Object 5216-04 (chemicals liquid aluminum sulfate).

Resolution 13-0003 was adopted upon the following vote:

Yeas: Councilors Gardner, Hartman, Julsrud, Krause, Krug, Larson, Stauber and President Boyle -- 8

Nays: Councilor Fosle -- 1

Approved January 14, 2013

DON NESS, Mayor

- - -

RESOLVED, that city officials are hereby authorized to contract with K.A. Steel Chemicals, Inc., for the purchase and delivery of 85,000 gallons of caustic soda in year 2013 in accordance with specifications and the vendor's low bid of \$1.98 per gallon, for a total of \$168,300 plus 6.875 percent sales tax of \$11,570.63 for a combined total amount of \$179,870.63, terms net 30, FOB destination, payable from the Water Fund 510, Department/Agency 500 (public works and utilities), Organization 1955 (water treatment and pumping), Object 5216-05 (chemicals - liquid caustic soda).

Resolution 13-0004 was adopted upon the following vote:

Yeas: Councilors Gardner, Hartman, Julsrud, Krause, Krug, Larson, Stauber and President Boyle -- 8

Nays: Councilor Fosle -- 1

Approved January 14, 2013

DON NESS, Mayor

- - -

WHEREAS, Resolution 89-0885, adopted by the city council on October 30, 1989, designated portions of certain streets in the vicinity of the University of Minnesota-Duluth as a resident permit parking zone pursuant to Section 33-125 of the Duluth City Code, 1959, as amended; and

WHEREAS, the residents of East Clover Street between East Eighth Street and East Seventh Street submitted a petition requesting to be included in this zone; and

WHEREAS, a public hearing was held on January 14, 2013, and after review of this matter, the city council has determined that the addition of such street to the resident permit parking zone is appropriate.

THEREFORE, BE IT RESOLVED, that Resolution 89-0885 is hereby amended by designating the parking areas on both sides of East Clover Street between East Eighth Street

PROCEEDINGS OF THE DULUTH CITY COUNCIL FOR 2013

and East Seventh Street as resident permit parking, as manifested by the map on file in the office of the city clerk as Public Document No. 13-0114-16.

Resolution 13-0027 was unanimously adopted.

Approved January 14, 2013

DON NESS, Mayor

- - -

INTRODUCTION AND CONSIDERATION OF ORDINANCES

ORDINANCE TABLED

INTRODUCED BY COUNCILOR STAUBER

12-070(b) - AN ORDINANCE CREATING SECTIONS 50-27, 50-38.6, 50-38.7, AND 50-41 OF THE DULUTH CITY CODE, 1959, AS AMENDED, REGARDING SIGN REGULATIONS, NONCONFORMING SIGNS AND DEFINITIONS.

Councilor Stauber moved to remove the ordinance from the table, which motion was seconded and unanimously carried.

Councilor Stauber moved to suspend the rules to hear form a speaker on the ordinance which motion was seconded and unanimously carried.

Todd Johnson, Todd Signs, expressed concerns: that there have been changes, almost weekly; that the consultants the city hired give a “dog and pony show,” without getting input and that the definitions contradict what is in the ordinance.

Councilor Krause moved to amend Table 50-27-1: *Exempt Permanent Sign Regulations*, of the ordinance to add a “Day Care Facility” exemption as follows:

TABLE 50-27-1: EXEMPT PERMANENT SIGN REGULATIONS						
SIGN	PERMITTED DISTRICT OR USE	PERMITTED SIGN TYPE	MAXIMUM SIZE	MAXIMUM HEIGHT (FREE-STANDING SIGNS)	REQUIRED SETBACK OR LOCATION (FREESTANDING SIGNS)	NUMBER PER LOT
Day Care Facility	Residential Zone Districts	Freestanding or wall	6 sf	7'	5' from any lot line	1 per lot

which motion was seconded, discussed and carried as follows:

Yeas: Councilors Gardner, Hartman, Julsrud, Krause, Krug, Larson, Stauber and President Boyle -- 8

Nays: Councilor Fosle -- 1

Councilor Stauber moved to retable the ordinance, as amended, which motion was seconded and carried as follows:

Yeas: Councilors Gardner, Hartman, Julsrud, Krause, Krug, Larson, Stauber and President Boyle -- 8

Nays: Councilor Fosle -- 1

- - -

The following entitled ordinances were read for the first time:

INTRODUCED BY COUNCILOR KRAUSE

13-001 - AN ORDINANCE AMENDING THE CHARITABLE GAMBLING REQUIREMENTS AT ESTABLISHMENTS LICENSED FOR ALCOHOL SALES.

- - -

PROCEEDINGS OF THE DULUTH CITY COUNCIL FOR 2013

INTRODUCED BY COUNCILOR STAUBER

13-002 - AN ORDINANCE AUTHORIZING THE SALE OF CERTAIN PROPERTY IN CANAL PARK TO OLD CITY HALL, LLC FOR \$300,000.

- - -

INTRODUCED BY COUNCILOR STAUBER

13-003 - AN ORDINANCE AUTHORIZING THE SALE OF CERTAIN PROPERTY ON PARK POINT TO ROBERT A. AND LAURA A. GOEWEY FOR \$235,000.

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The meeting was adjourned at 9:05 p.m.

JEFFREY J. COX, City Clerk