

# PROCEEDINGS OF THE DULUTH CITY COUNCIL FOR 2012

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## OFFICIAL PROCEEDINGS

Duluth City Council meeting held on Monday, February 13, 2012, 7:00 p.m. in the Council Chamber, City Hall, Duluth, Minnesota.

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

Absent: None -- 0

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The minutes of council meetings held on November 28, December 5, 15 and 19, 2011, were approved upon a unanimous vote.

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## PRESENTATION OF PETITIONS AND OTHER COMMUNICATIONS

12-0213-10 Damiano Center communication regarding the proposed 2012 community development block grant (CDBG) recommendations (12-0075R). -- Received

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## REPORTS FROM THE ADMINISTRATION

12-0213-01 Mayor order of appointment of Linda Krug as acting mayor. -- Received  
Chief Administrative Officer David Montgomery reported that the new citywide labor management committee has been established and read their mission statement.

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## REPORTS FROM OTHER OFFICERS

12-0213-02 Clerk applications for exempt permits to the Minnesota gambling control board from: (a) Holy Family Catholic Church on: (1) March 25, 2012 (bingo); (2) September 22, 2012 (raffle); (b) St. Margaret Mary Church on April 1, 2012 (raffle). -- Received

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## REPORTS OF BOARDS AND COMMISSIONS

12-0213-04 Civil service board minutes of December 6, 2011, meeting. -- Received  
12-0213-03 Duluth airport authority minutes of December 20, 2011, meeting. -- Received  
12-0213-05 Duluth human rights commission minutes of December 14, 2011, meeting. -- Received  
12-0213-06 Duluth public arts commission minutes of: (a) November 14; (b) December 12, 2011, meetings. -- Received  
12-0213-08 Entertainment and convention center authority minutes of December 14, 2011, meeting. -- Received  
12-0213-09 Housing and redevelopment authority minutes of: (a) October 25; (b) December 27, 2011, meetings. -- Received  
12-0213-07 Library board minutes of November 22, 2011, meeting. -- Received

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## REPORTS OF COUNCIL OPEN ISSUES

To Councilor Krause's prior inquiry, Mr. Montgomery reported that the user charge for excess police services is covered under Article 3, Section 40-9, of the City Code. He reviewed the type of situations where the charges would be implemented.

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**PROCEEDINGS OF THE DULUTH CITY COUNCIL FOR 2012**

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**OPPORTUNITY FOR CITIZENS TO BE HEARD**

Jerry Schlafer expressed his concerns about the national debt and how it is increasing.

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Loren Martell commented at length on how he felt that the Duluth School District No. 709's reserve fund has been not going to classroom expenditures but into debt service. He also felt that the results of a small survey supplanted a citizen vote on this issue.

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**RESOLUTION TABLED**

Councilor Boyle moved to remove Resolution 12-0060, appointing members to the Duluth parking commission, from the table, which motion was seconded and unanimously carried.

Councilor Boyle moved to amend the resolution by inserting as the council representative Councilor Krug, which motion was seconded and unanimously carried.

Councilor Boyle reviewed how Mr. Goldfine has apologized for not being available tonight for his interview, but would still appreciate to be considered.

Councilors expressed their support for Mr. Goldfine's knowledge and what he would bring to the commission and not needing to interview him.

Resolution 12-0060, as amended, was adopted as follows:

RESOLVED, that the following appointments by Mayor Ness to the Duluth parking commission are hereby confirmed:

NAME	TERM EXPIRATION DATE
Craig Chilcote (at large)	3/31/2013
Steve LaFlamme (at large)	3/31/2014
Andy Goldfine (at large)	3/31/2014
John Simpson (at large)	3/31/2015
Mary Cameron (at large)	3/31/2015

BE IT FURTHER RESOLVED, that the appointment of Linda Krug by the city council president to the Duluth parking commission for a term expiring on March 31, 2015, is hereby confirmed.

Resolution 12-0060, as amended, was unanimously adopted.

Approved February 13, 2012

DON NESS, Mayor

- - -

**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 Hartman moved passage of the consent agenda, which motion was seconded and unanimously carried.

RESOLVED, that the assessment roll levied to defray the assessable portion of the following is hereby confirmed:

**PROCEEDINGS OF THE DULUTH CITY COUNCIL FOR 2012**

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Mill and overlay at Fourth Avenue West from Second Alley to Fourth Street (Contract #7117; total assessable amount: \$18,084.80).

Resolution 12-0050 was unanimously adopted.

Approved February 13, 2012

DON NESS, Mayor

- - -

RESOLVED, that the assessment roll levied to defray the assessable portion of the following is hereby confirmed:

Mill and overlay at East First Street from Tenth to 21st avenues East (Contract #7118; total assessable amount: \$123,390.15).

Resolution 12-0051 was unanimously adopted.

Approved February 13, 2012

DON NESS, Mayor

- - -

RESOLVED, that the assessment roll levied to defray the assessable portion of the following is hereby confirmed:

Mill and overlay at Arrowhead Road to Kenwood Avenue (Contract #7120; total assessable amount: \$143,097.76).

Resolution 12-0052 was unanimously adopted.

Approved February 13, 2012

DON NESS, Mayor

- - -

RESOLVED, that the assessment roll levied to defray the assessable portion of the following is hereby confirmed:

Mill and overlay at Morgan Park, 88th Avenue West and Idaho Street (Contract #7121; total assessable amount: \$167,010.28).

Resolution 12-0053 was unanimously adopted.

Approved February 13, 2012

DON NESS, Mayor

- - -

RESOLVED, that the assessment roll levied to defray the assessable portion of the following is hereby confirmed:

Mill and overlay on Swan Lake Road from Arrowhead to Mulberry (Contract #7119; total assessable amount: \$167,021.67).

Resolution 12-0054 was unanimously adopted.

Approved February 13, 2012

DON NESS, Mayor

- - -

RESOLVED, that the assessment roll levied to defray the assessable portion of the following is hereby confirmed:

Street reconstruction on Glenwood Street from 43rd to 60th avenues East (Contract #7108; total assessable amount: \$515,215.88).

Resolution 12-0055 was unanimously adopted.

Approved February 13, 2012

DON NESS, Mayor

- - -

RESOLVED, that the assessment roll levied to defray the assessable portion of the following is hereby confirmed:

**PROCEEDINGS OF THE DULUTH CITY COUNCIL FOR 2012**

Street reconstruction on 36th Avenue East from Superior to Fourth streets (Contract #7115; total assessable amount: \$117,054.50).

Resolution 12-0056 was unanimously adopted.

Approved February 13, 2012

DON NESS, Mayor

- - -

RESOLVED, that the assessment roll levied to defray the assessable portion of the following is hereby confirmed:

Street reconstruction on Ivanhoe from 49th to 54th avenues East (Contract #7122; total assessable amount: \$209,500).

Resolution 12-0057 was unanimously adopted.

Approved February 13, 2012

DON NESS, Mayor

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RESOLVED, that Resolution 11-0632 adopting license, permit and fee charges for 2012 be amended by adding the fees listed below, pursuant to sections 10-5, 47-17.5 and 40-10 of the Duluth City Code, 1959, as amended, effective immediately.

<b>Building Safety</b>	
<b>Fee Name</b>	<b>2012 Fee</b>
Building appeal board - Appeal	\$120.00
<b>Clerk</b>	
<b>Fee Name</b>	<b>2012 Fee</b>
Taxicab - Vehicle identification medallion replacement	\$5.00
<b>Police</b>	
<b>Fee Name</b>	<b>2012 Fee</b>
Excessive consumption of police services - Police service fee	
Minimum	\$250.00
Maximum	\$1,000.00

Resolution 12-0063 was unanimously adopted.

Approved February 13, 2012

DON NESS, Mayor

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RESOLVED, that city officials are hereby authorized to enter into a contract with Ziegler, Inc., for the purchase and delivery of two Caterpillar Model 257B3 multi-terrain loaders with options for the fleet services division in accordance with Minnesota State Contract 29815, Release T-631(5), specifications and pricing in the amount of \$90,420 plus \$6,216.38 sales tax for a total amount of \$96,636.38, terms net 30, FOB destination, payable from Capital Equipment Fund 250, Department/Agency 015 (administrative services), Division 2012 (fiscal year - 2012), Object 5580 (capital equipment), Project No. CE-250-V1206.

Resolution 12-0036 was unanimously adopted.

Approved February 13, 2012

DON NESS, Mayor

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RESOLVED, that city officials are hereby authorized to contract with InfoSend, Inc., for mailing services (\$45,000) and postage (\$142,000) during year 2012 in the amount of \$187,000, payable as follows:

**PROCEEDINGS OF THE DULUTH CITY COUNCIL FOR 2012**

(a) Mailing Services - \$45,000

Amount	Fund	Dept./Agency (Public Works & Utilities)	Div./Cost Ctr. (Customer Services/ Customer Accounts)	Object (Contract Services)
\$11,700	510 Water	500	1940-2400	5310
\$17,550	520 Gas	500	1940-2400	5310
\$10,350	530 Sewer	500	1940-2400	5310
\$5,400	535 Stormwater	500	1940-2400	5310

(b) Postage - \$142,000

Amount	Fund	Dept./Agency (Public Works & Utilities)	Div./Cost Ctr. (Customer Services/ Customer Accounts)	Object (Postage)
\$36,920	510 Water	500	1940-2400	5322
\$55,380	520 Gas	500	1940-2400	5322
\$32,660	530 Sewer	500	1940-2400	5322
\$17,040	535 Stormwater	500	1940-2400	5322

Resolution 12-0046 was unanimously adopted.  
 Approved February 13, 2012  
 DON NESS, Mayor

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RESOLVED, that the Duluth City Council hereby approves of the Minnesota department of commerce issuing a 2012 currency exchange license to The Title Loan Company, Inc., dba MoneyXchange, 22 North Second Avenue West.

Resolution 12-0059 was unanimously adopted.  
 Approved February 13, 2012  
 DON NESS, Mayor

- - -

RESOLVED, that the proper city officials are hereby authorized to contract with St. Louis County for 12 months of internet service during year 2012 in the amount of \$42,000, payable from General Fund 110, Department/Agency 117 (management information services), Division 1107 (MIS), Object 5320 (data services).

Resolution 12-0067 was unanimously adopted.  
 Approved February 13, 2012  
 DON NESS, Mayor

- - -

RESOLVED, that the proper city officials are hereby authorized to contract with St. Louis County for maintenance of the city assessor's property tax system during year 2012 in the amount of \$26,887.52, payable from General Fund 110, Department/Agency 117 (management information services), Division 1107 (MIS), Object 5201 (computer supplies/software).

Resolution 12-0068 was unanimously adopted.  
 Approved February 13, 2012  
 DON NESS, Mayor

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**PROCEEDINGS OF THE DULUTH CITY COUNCIL FOR 2012**

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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 Holy Family Catholic Church and does hereby waive the 60 day waiting period which it has to object to the issuance of said exemption.

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 12-0070 was unanimously adopted.

Approved February 13, 2012

DON NESS, Mayor

- - -

BE IT RESOLVED, that the city council of the city of Duluth hereby approves issuance of the following temporary on sale intoxicating liquor licenses, subject to departmental approvals with any further restrictions and further subject to approval of the liquor control commissioner:

Marshall School (Marshall Auction), 1215 Rice Lake Road, for May 5, 2012, with Beth Tessier, manager.

Resolution 12-0071 was unanimously adopted.

Approved February 13, 2012

DON NESS, Mayor

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RESOLVED, that the proper city officials are hereby authorized to renew the contract with Aramark Uniform Services, Inc., the third year of a potential five-year contract, running March 1, 2012, through February 28, 2013, for laundry services and the rental of uniforms and other miscellaneous items during 2012 for various city of Duluth users at various locations for an estimated amount of \$80,000, terms net 30, pickup and delivery service, payable from various funds.

Resolution 12-0077 was unanimously adopted.

Approved February 13, 2012

DON NESS, Mayor

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RESOLVED, that city officials are hereby authorized to enter into a contract with Holiday Stationstores for the purchase and delivery of service station fuels as needed during year 2012, a one-year contract from April 1, 2012, through March 31, 2013, with four possible one-year renewal options, for an amount not to exceed \$1,325,000, payable from Fleet Services Fund 660, Department/Agency 015 (administrative services), Object 5212 (motor fuels).

Resolution 12-0079 was unanimously adopted.

Approved February 13, 2012

DON NESS, Mayor

- - -

RESOLVED, that city officials are hereby authorized to enter into a contract with Inter-City Oil Company, Inc., for the purchase and delivery of bulk fuels as needed during year 2012, a one-year contract from March 1, 2012, through February 28, 2013, with four possible one-year renewal options, for an amount not to exceed \$200,000, payable from Fleet Services Fund 660, Department/Agency 015 (administrative services), Object 5212 (motor fuels).

Resolution 12-0080 was unanimously adopted.

Approved February 13, 2012

DON NESS, Mayor

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**PROCEEDINGS OF THE DULUTH CITY COUNCIL FOR 2012**

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RESOLVED, that city officials are hereby authorized to extend the current contract with Inter-City Oil Company, Inc., for the purchase and delivery of service station fuels through March 31, 2012, for an amount not to exceed \$175,000, payable from Fleet Services Fund 660, Department/Agency 015 (administrative services), Object 5212 (motor fuels).

Resolution 12-0081 was unanimously adopted.

Approved February 13, 2012

DON NESS, Mayor

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RESOLVED, that the reappointment of Mary Rennie by Mayor Ness to the housing and redevelopment authority of Duluth for a term expiring on January 2, 2017, is confirmed.

Resolution 12-0064 was unanimously adopted.

Approved February 13, 2012

DON NESS, Mayor

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RESOLVED, that:

(a) The city council finds a sufficient petition was filed with the city planning division requesting the partial vacation of an unimproved portion of Wren Avenue between Terrace Street and Swan Lake Road; and

(b) Pursuant to Section 100 of the City Charter and Section 50-37.6 of Chapter 50 of the Duluth City Code, 1959, as amended, such petition was duly referred to the city planning commission (PL 11-126) and such commission gave due notice of public hearing and did consider same in public hearing and the city planning commission found that the petitioned partial vacation of Wren Avenue is useless for vehicular, utility and pedestrian purposes; and

(c) The city planning commission, at its January 10, 2012, regular meeting, recommended approval of the partial vacation petition; and

(d) The city council of the city of Duluth approves the vacation of the following-described street and depicted on Public Document No. 12-0213-11:

(1) Street right-of-way to be vacated which lies adjacent to Lot 1, Block 2, Highland Gardens Second Division.

That part of the west half of Wren Avenue adjacent to Lot 1, Block 2, Highland Gardens Second Division, which lies northerly of the westerly extension of the south line of the north 140.00 feet of Lot 6, Block 1, Highland Gardens Second Division, and south of the south right-of-way of Terrace Street;

(2) Street right-of-way to be vacated which lies adjacent to the northerly 140.00 feet of Lot 6, Block 1, Highland Gardens Second Division.

That part of the east half of Wren Avenue adjacent to the northerly 140.00 feet of Lot 6, Block 1, Highland Gardens Second Division, which lies northerly of the westerly extension of the south line of the north 140.00 feet of Lot 6, Block 1, Highland Gardens Second Division, and south of the south right-of-way of Terrace Street.

RESOLVED FURTHER, that the city clerk is, pursuant to Section 100(b)(7) of the Home Rule Charter of the city of Duluth, 1912, as amended, authorized to record with the register of deeds and/or the registrar of titles of Saint Louis County, Minnesota, a certified copy of this resolution and public document showing the rights-of-way to be vacated.

Resolution 12-0042 was unanimously adopted.

Approved February 13, 2012

DON NESS, Mayor

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## PROCEEDINGS OF THE DULUTH CITY COUNCIL FOR 2012

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RESOLVED, that the proper city officials are hereby authorized to accept a new Lidar hand-held laser speed detector, manufactured by Kustom Signals, Inc., model Pro Laser 3, Serial #P132522, which laser speed detector was awarded to the Duluth police department through the 2011 Toward Zero Deaths program, in which program the Duluth police department participates.

Resolution 12-0069 was unanimously adopted.

Approved February 13, 2012

DON NESS, Mayor

- - -

RESOLVED, that the proper city officials are hereby authorized to accept a renewal grant from the state of Minnesota, commissioner of public safety, office of justice programs in the amount of \$310,813 and to execute a grant agreement, substantially the same as that on file in the office of the city clerk as Public Document No. 12-0213-12, for the purpose of supporting the operations of the Lake Superior drug and gang task force for the period beginning January 1, 2012, and ending December 31, 2012, funds to be deposited in Fund 215-200-2263-4210-02 (Duluth police grant programs, police, narcotic/gang task force-state), and authorizing said officials to execute all documents necessary thereto.

Resolution 12-0082 was unanimously adopted.

Approved February 13, 2012

DON NESS, Mayor

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The following resolutions were also considered:

Resolution 12-0076, authorizing the purchase and delivery of three Chevrolet Colorado pickup trucks from Thane Hawkins Polar Chevrolet for a total amount of \$65,679.19, was introduced by Councilor Krause for discussion.

Councilor Fosle commented on the information of the vehicles being replaced and the reported high maintenance costs to other divisions. He questioned how the city could have calculated that they incurred those high costs.

Mr. Montgomery reviewed the age and "wear and tear" for these vehicles. He further noted that the city's labor rate that is used for costing is below the public sector rates.

Resolution 12-0076 was adopted as follows:

RESOLVED, that the proper city officials are hereby authorized to contract with Thane Hawkins Polar Chevrolet for the purchase and delivery of two Chevrolet Colorado 4x4 crew cab pickup trucks and one Chevrolet 4x4 extended cab pickup truck in accordance with Minnesota State Contract 37909, Release T-642(5), specifications and pricing, for a total of 61,433.70 plus \$3,993.19 sales tax plus \$252.30 license, registration, and tax exempt plates and fees, for a combined total amount of \$65,679.19 payable from the following accounts:

(a) \$45,542.74 - Capital Equipment Fund 250, Department/Agency 015 (administrative services), Division 2012 (fiscal year), Object 5580 (capital equipment), Project No. CE250-V1250;

(b) \$20,136.45 - Gas Fund 520, Department/Agency 520 (public works and utilities), Division 1905 (capital), Object 5580 (capital equipment).

Resolution 12-0076 was adopted upon the following vote:

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

## PROCEEDINGS OF THE DULUTH CITY COUNCIL FOR 2012

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Nays: Councilor Fosle -- 1  
Approved February 13, 2012  
DON NESS, Mayor

- - -

Resolution 12-0083, authorizing pay plans for the communications and policy officer and community relations officer appointed positions pursuant to Chapter IV, Section 18, of the Duluth Home Rule Charter, was introduced by Councilor Boyle for discussion.

Mr. Montgomery reviewed that this position was authorized by the voters in 2009 and has been budgeted for, but not filled for the last two years. He further noted that at this time the administration is only looking at filling only one position, which is the lower paid position.

Councilors Stauber, Fosle and Gardner expressed concerns of: there are not financial resources for these positions; personal appointments should be reviewed by the civil service board to insure they have the necessary experience; a couple years ago the mayor stressed what dire straits the city was in and questioned how this has since changed and voters supported the rationale for these positions, without fully understanding what the financial repercussions would be.

Resolution 12-0083 was adopted as follows:

RESOLVED, that pursuant to passage by citizen referendum vote held during the city general election on November 9, 2009, Chapter IV, Section 18 of the Duluth Home Rule Charter was amended to provide the mayor the ability to appoint a communications and policy officer and a community relations officer.

FURTHER RESOLVED, that until the mayor's term of office ends on January 4, 2016, the proper city officials are hereby authorized to execute employment documents necessary to compensate the appointed communications and policy officer monthly salary at Pay Range Number 1105-1110 for job title communications and policy officer, Job Title Number 1324, and benefits not to exceed those found in articles 7, 9, 11, 12, 13, 14, 15, 17, 18, 20, 21, 22, 23, 24, 25 and 28, inclusive, of the 2011 collective bargaining agreement between the city and City of Duluth Supervisory Association, which is on file in the office of the city clerk as Public Document No. 11-0718-02.

FURTHER RESOLVED, that until the mayor's term of office ends on January 4, 2016, the proper city officials are hereby authorized to execute employment documents necessary to compensate the appointed community relations officer monthly salary at Pay Range Number 1045 and benefits not to exceed those found in Articles 7, 9, 11, 12, 13, 14, 15, 17, 18, 20, 21, 22, 23, 24, 25 and 28, inclusive, of the 2011 collective bargaining agreement between the city and City of Duluth Supervisory Association, which is on file in the office of the city clerk as Public Document No. 11-0718-02.

FURTHER RESOLVED, that all above-described compensation to the communications and policy officer and community relations officer, if the positions are filled, is payable from Fund No. 110-110-1102-5100 (general, legislative and executive, mayor's office).

Resolution 12-0083 was adopted upon the following vote:

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

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

Approved February 13, 2012

DON NESS, Mayor

- - -

## PROCEEDINGS OF THE DULUTH CITY COUNCIL FOR 2012

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WHEREAS, Regulation 24 CFR Part 91 issued by the U.S. department of housing and urban development (HUD) requires the city to submit and receive HUD approval of an annual action plan as part of a HUD-approved five-year consolidated plan for the city of Duluth; and

WHEREAS, Title 1 of the Housing and Community Development Act of 1974, as amended, establishes a community development block grant (CDBG) program for the purpose of developing viable urban communities by providing decent housing and suitable living environment and expanding economic opportunities and preventing and/or eliminating conditions of slum and blight, principally for persons of low and moderate income; and

WHEREAS, the city of Duluth desires to continue to carry out HUD-funded programs;

NOW, THEREFORE, BE IT RESOLVED, that the FY 2012 action plan portion of the FY 2010-2014 city of Duluth consolidated plan for housing and community development required by HUD federal legislation is hereby adopted and approved.

BE IT FURTHER RESOLVED, that the city of Duluth hereby makes a finding that expenditures as set forth in Resolution 12-0075 are necessary and appropriate and, further, that said expenditures for the CDBG program will serve to assist low- and moderate-income individuals/families (no less than 70 percent as described in federal regulations) and/or serve to prevent or eliminate conditions of slum or blight in the community.

BE IT FURTHER RESOLVED, that the city of Duluth hereby makes a finding that expenditures as set forth in resolutions 12-0074 and 12-0073 are necessary and appropriate and, further, that said expenditures for the HOME and ESG programs will serve to assist low- and moderate-income people.

BE IT FURTHER RESOLVED, that the city of Duluth and its officials are authorized and directed to assume full responsibility for assuring that its community development program is carried out in full compliance with the provisions of the acts implementing the programs and all regulations of HUD issued pursuant thereto and authorizing appropriate city officials to execute any documents with HUD to implement the program. This authorization shall also apply to existing programs with the city and HUD under the HUD CDBG, HOME and emergency shelter grant programs.

Resolution 12-0072 was unanimously adopted.

Approved February 13, 2012

DON NESS, Mayor

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WHEREAS, City Council Resolution No. 12-0072, adopted February 13, 2012, approved FY 2012 annual action plan portion of the 2010-2014 consolidated plan; and

WHEREAS, the secretary of HUD is authorized to make grants to cities and/or counties to finance local community development programs, approved in accordance with the provisions of Title I of said act, as well as grants under the Cranston-Gonzales National Affordable Housing Act of 1990, as amended, (the HOME program) and the Stewart B. McKinney Homeless Assistance Act of 1987, as amended (the emergency solutions grant - ESG - program);

NOW, THEREFORE, BE IT RESOLVED, that the proper city officials are hereby authorized to make and submit appropriate documentation to HUD for those projects and corresponding funding levels as set forth below:

**PROCEEDINGS OF THE DULUTH CITY COUNCIL FOR 2012**

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2012 ESG PROGRAM - FUND 262, AGENCY 020, OBJECT 5434, PROJECT CD12ES

<u>SUB</u>		
<u>PROJECT</u>	<u>PROJECTS</u>	<u>AMOUNT</u>
1244	CHUM stabilization services for homeless	\$ 31,124
2109	MACV - Duluth	\$ 4,540
2509	Battered Women's Shelter programs-Safe Haven	\$ 19,578
2511	Transitional housing-Salvation Army and/or CCHC	\$ 26,606
1974	Transitional housing - Life House	\$ 7,530
1226	Transitional housing - Center City Housing Corporation	\$ 30,622
AD-04	Program administration - city	\$ 4,465
	Total	\$124,465

BE IT FURTHER RESOLVED, that the following is hereby designated as the financial resource for the above program:

<u>Source of Funding</u>	
2012 ESGP grant	\$124,465
Total	\$124,465

BE IT FURTHER RESOLVED, that the city of Duluth and its officials are authorized and directed to assume full responsibility for assuring that its community development program is carried out in full compliance with the provisions of the acts implementing the programs and all regulations of HUD issued pursuant thereto. This authorization shall also apply to existing programs with the city and HUD under the HUD CDBG, HOME and ESG programs.

BE IT FURTHER RESOLVED, that the appropriate city officials are authorized to execute the appropriate agreements with these agencies upon receipt of approval of HUD funds.

Resolution 12-0073 was unanimously adopted.

Approved February 13, 2012

DON NESS, Mayor

- - -

WHEREAS, City Council Resolution No. 12-0072, adopted February 13, 2012, approved FY 2012 annual action plan portion of the 2010-2014 consolidated plan; and

WHEREAS, the secretary of HUD is authorized to make grants to cities and/or counties to finance local community development programs, approved in accordance with the provisions of Title I of said act, as well as grants under the Cranston-Gonzales National Affordable Housing Act of 1990, as amended, (the HOME program) and the Stewart B. McKinney Homeless Assistance Act of 1987, as amended (the emergency solutions grant - ESG - program);

NOW, THEREFORE, BE IT RESOLVED, that the proper city officials are hereby authorized to make and submit appropriate documentation to HUD for those projects and corresponding funding levels as set forth below:

2012 HOME PROGRAM - FUND 260, AGENCY 020, OBJECT 5434, PROJECT CD12HM

<u>SUB</u>			
<u>PROJECT</u>	<u>ACTIVITY</u>	<u>PROJECTS</u>	<u>AMOUNT</u>
GN12	1736	Homeless rental assistance program (TBRA) - HRA	\$125,000
GN12	1737	TBRA administration - HRA	\$ 11,450

**PROCEEDINGS OF THE DULUTH CITY COUNCIL FOR 2012**

CH12	2270	Housing predevelopment - NCLT	\$ 12,890
CH12	1226	Housing redevelopment - Center City Housing	\$ 12,890
CH12	2271	Rehabilitation - resale - NCLT	\$316,839
GN12	AD03	Program administration (city)	\$ 40,500

Total \$519,569

BE IT FURTHER RESOLVED, the following are hereby designated as the financial sources for the above program:

Year 2012 HOME grant \$519,569

BE IT FURTHER RESOLVED, that the city of Duluth and its officials are authorized and directed to assume full responsibility for assuring that its community development program is carried out in full compliance with the provisions of the acts implementing the programs and all regulations of HUD issued pursuant thereto. This authorization shall also apply to existing programs with the city and HUD under the HUD CDBG, HOME and ESG programs.

BE IT FURTHER RESOLVED, that the appropriate city officials are authorized to execute the appropriate agreements with these agencies upon receipt of approval of HUD funds.

Resolution 12-0074 was unanimously adopted.  
 Approved February 13, 2012  
 DON NESS, Mayor

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Resolution 12-0075, authorizing a request for HUD federal community development block grant (CDBG) funds for the 2012 program year as well as approving the reallocation of certain prior CDBG funds and authorizing agreements with appropriate agencies, was introduced by Councilor Stauber for discussion.

Councilor Stauber moved to amend the monetary amounts of the public service projects portion of the resolution as follows, which motion was seconded and unanimously carried:

Project Name	Delete	Insert
Duluth hunger project - CHUM	\$64,855	\$64,703
Primary health care services - Lake Superior Community Health Center	\$66,632	\$66,480
Clothes That Work and social services - Damiano Center	\$17,769	\$17,617
Homeless stabilization services - CHUM	\$30,207	\$30,055
LIFELINE Expressway of Youth Services - Life House	\$31,095	\$30,943
Permanent supportive housing - Center City	\$15,992	\$15,840
Battered Women's Shelter program - Safe Haven Shelter	\$17,769	\$17,617
Transitional housing program - Salvation Army	\$17,769	\$17,616
Feeding Kids Through Youth programs - YMCA	\$21,322	\$21,170
Services for Homeless Veterans - MACV	\$13,327	\$15,000
Transitional housing program - Center City	\$19,546	\$19,394
Oshki transitional housing - AICHO	\$ 4,442	\$ 4,290

Councilor Larson noted that she would be abstaining on voting on this resolution because there is a category within the funding that interacts with a couple of grants that she works with and is funded by.

Resolution 12-0075, as amended, was adopted as follows:

**PROCEEDINGS OF THE DULUTH CITY COUNCIL FOR 2012**

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WHEREAS, City Council Resolution No. 12-0072, adopted February 13, 2012, approved FY 2012 annual action plan portion of the 2010-2014 consolidated plan; and

WHEREAS, the secretary of HUD is authorized to make grants to cities and/or counties to finance local community development programs, approved in accordance with the provisions of Title I of said act, as well as grants under the Cranston-Gonzales National Affordable Housing Act of 1990, as amended, (the HOME program) and the Stewart B. McKinney Homeless Assistance Act of 1987, as amended (the emergency solutions grant - ESG - program);

NOW, THEREFORE, BE IT RESOLVED, that the proper city officials are hereby authorized to make and submit appropriate documentation to HUD for those projects and corresponding funding levels as set forth below:

2012 CITY OF DULUTH COMMUNITY DEVELOPMENT BLOCK

GRANT (CDBG) PROGRAM-FUND 262, AGENCY 020, OBJECT 5434 PROJECT CD12CD

SUB

<u>PROJECT</u>	<u>ACTIVITY</u>	<u>AMOUNT</u>	<u>PROJECTS</u>
<u>HOUSING PROJECTS</u>			
HOUS	1734	\$750,659	Duluth property rehabilitation program - HRA
HOUS	1291	\$ 55,000	IDA housing counseling/downpayment assistance - Community Action Duluth
HOUS	1091	\$171,320	Duluth weatherization program - AEOA
<u>ECONOMIC DEVELOPMENT PROJECTS</u>			
ECDV	2412	\$112,000	SOAR Duluth At Work - SOAR Career Solutions
ECDV	1244	\$ 72,000	CHUM Support Services for Employment - Churches United in Ministry
ECDV	2805	\$ 16,000	NYS JET (jobs, education and training) - Neighborhood Youth Services
ECDV	2264	\$ 64,000	Growing Neighborhood Businesses - Northeast Entrepreneur Fund, Inc.
ECDV	1974	\$ 24,000	Futures program - Life House
ECDV	1291	\$ 56,000	Circles of Support -Community Action Duluth
<u>PUBLIC FACILITY IMPROVEMENT PROJECTS</u>			
PFAC	PF01	\$313,790	Soup kitchen renovation - Damiano Center
PFAC	PF02	\$ 50,000	Lincoln Park School redevelopment - Boys & Girls Club
<u>PUBLIC SERVICE PROJECTS</u>			
PSVC	1244	\$ 64,703	Duluth hunger project - CHUM
PSVC	1929	\$ 66,480	Primary health care services - Lake Superior Community Health Center
PSVC	1348	\$ 17,617	Clothes That Work and social services - Damiano Center
PSVC	124A	\$ 30,055	Homeless stabilization services - CHUM
PSVC	1974	\$ 30,943	LIFELINE Expressway of Youth Services - Life House
PSVC	1226	\$ 15,840	Permanent supportive housing - Center City
PSVC	2509	\$ 17,617	Battered Women's Shelter program - Safe Haven Shelter
PSVC	2511	\$ 17,616	Transitional housing program - Salvation Army

**PROCEEDINGS OF THE DULUTH CITY COUNCIL FOR 2012**

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PSVC 1168 \$ 21,170 Feeding Kids Through Youth programs - YMCA  
PSVC 2109 \$ 15,000 Services for Homeless Veterans - MACV  
PSVC 122A \$ 19,394 Transitional housing program - Center City  
PSVC 1050 \$ 4,290 Oshki transitional housing - AICHO

PLANNING/PROGRAM ADMINISTRATION

ADMC AD01 \$476,330 CDBG program administration  
ADMC AD02 \$ 20,000 Neighborhood revitalization planning

BE IT FURTHER RESOLVED, that the following are hereby designated as the financial resources for the above program:

SOURCE OF FUNDING

Year 2012	CDBG grant - city	\$2,138,165
Resolution 11-0679		\$ 343,659

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Total		\$2,481,824
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BE IT FURTHER RESOLVED, that the city of Duluth and its officials are authorized and directed to assume full responsibility for assuring that its community development program is carried out in full compliance with the provisions of the acts implementing the programs and all regulations of HUD issued pursuant thereto. This authorization shall also apply to existing programs with the city and HUD under the HUD CDBG, HOME and ESG programs.

BE IT FURTHER RESOLVED, that the appropriate city officials are authorized to execute the appropriate agreements with these agencies upon receipt of HUD funds.

Resolution 12-0075, as amended, was adopted upon the following vote:

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

Nays: None -- 0

Abstention: Councilor Larson -- 1

Approved February 13, 2012

DON NESS, Mayor

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**INTRODUCTION AND CONSIDERATION OF ORDINANCES**

The following entitled ordinances were read for the first time:

BY COUNCILOR BOYLE

12-010 - AN ORDINANCE AMENDING SECTIONS 13-1, 13-2, 13-3, 13-5.5, 13-6, 13-11, 13-19, 13-22, 13-24.1, 13-28, 13-29, 13-30, 13-36, 13-38, 13-39, 13-41, 13-42, 13-43, 13-45, 13-47, 13-48, 13-53, 13-54, 13-57.5, 13-60, 13-64.5, 13-65, 13-66, 13-69, 13-80, 13-85, 13-106 AND 13-125, ADDING A NEW SECTION 13-42.1, AND REPEALING SECTIONS 13-4, 13-7, 13-8, 13-9, 13-10, 13-12, 13-16, 13-18, 13-21, 13-27, 13-34, 13-37, 13-37.5, 13-39.1, 13-46, 13-49, 13-50, 13-51, 13-52, 13-55, 13-56, 13-58, 13-59, 13-60.5, 13-61, 13-61.5, 13-62, 13-63, 13-64, 13-67, 13-114, 13-115, 13-116 AND 13-124 OF THE DULUTH CITY CODE, 1959, AS AMENDED, RELATING TO CIVIL SERVICE.

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**PROCEEDINGS OF THE DULUTH CITY COUNCIL FOR 2012**

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INTRODUCED BY COUNCILOR JULSRUD

12-009 - AN ORDINANCE AUTHORIZING CHARGING FOR UTILITY TURN-ON AND SHUT-OFFS RELATED TO MAINTENANCE AND REPAIR AMENDING SECTION 48-210 OF THE DULUTH CITY CODE, 1959, AS AMENDED.

- - -

The following entitled ordinances were read for the second time:

INTRODUCED BY COUNCILOR KRUG

12-007 (10134) - AN ORDINANCE TO AMEND THE BUDGET OF THE CITY OF DULUTH FOR THE YEAR 2012; ADDING THE PARKS FUND CREATED THROUGH THE APPROVAL OF DULUTH VOTERS ON A REFERENDUM BALLOT IN NOVEMBER OF 2011.

Councilor Krug moved passage of the ordinance and the same was adopted upon a unanimous vote.

- - -

INTRODUCED BY COUNCILOR STAUBER

12-005 (10135) - AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF DULUTH AS REFERENCED IN CHAPTER 50 OF THE DULUTH CITY CODE, 1959, AS AMENDED, TO PROVIDE FOR THE RECLASSIFICATION FROM R-2, URBAN-RESIDENTIAL, TO MU-N, MIXED USE-NEIGHBORHOOD, ON THE PROPERTY LOCATED AT 1400 WOODLAND AVENUE (ST. LUKE'S).

Councilor Stauber moved passage of the ordinance and the same was adopted upon a unanimous vote.

- - -

INTRODUCED BY COUNCILOR STAUBER

12-006 (10136) - AN ORDINANCE GRANTING TO DANIEL NEFF A CONCURRENT USE PERMIT FOR THE INSTALLATION OF THE EXTERIOR STORAGE OF PROPANE TANKS IN A LOCKABLE METAL STORAGE CONTAINER TO PROJECT INTO THE MICHIGAN STREET RIGHT-OF-WAY.

Councilor Stauber moved passage of the ordinance and the same was adopted upon a unanimous vote.

- - -

The meeting was adjourned at 8:08 p.m.

JEFFREY J. COX, City Clerk

- - -

**ORDINANCE NO. 10134**

AN ORDINANCE TO AMEND THE BUDGET OF THE CITY OF DULUTH FOR THE YEAR 2012; ADDING THE PARKS FUND CREATED THROUGH THE APPROVAL OF DULUTH VOTERS ON A REFERENDUM BALLOT IN NOVEMBER OF 2011.

The city of Duluth does ordain:

Section 1. That Ordinance 10130 passed and approved December 19, 2011, is hereby amended as follows:

Fund 205-  
Parks.....\$2,600,000

Section 2. That the budget changes in this ordinance are retroactive to the beginning of the 2012 budget year.

**PROCEEDINGS OF THE DULUTH CITY COUNCIL FOR 2012**

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Councilor Krug moved passage of the ordinance and the same was adopted upon the following vote:

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

Nays: None -- 0

Passed February 13, 2012  
Approved February 13, 2012  
DON NESS, Mayor

ATTEST:  
JEFFREY J. COX, City Clerk

- - -

**ORDINANCE NO. 10135**

AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF DULUTH AS REFERENCED IN CHAPTER 50 OF THE DULUTH CITY CODE, 1959, AS AMENDED, TO PROVIDE FOR THE RECLASSIFICATION FROM R-2, URBAN-RESIDENTIAL, TO MU-N, MIXED USE-NEIGHBORHOOD, ON THE PROPERTY LOCATED AT 1400 WOODLAND AVENUE (ST. LUKE'S).

The city of Duluth does ordain:

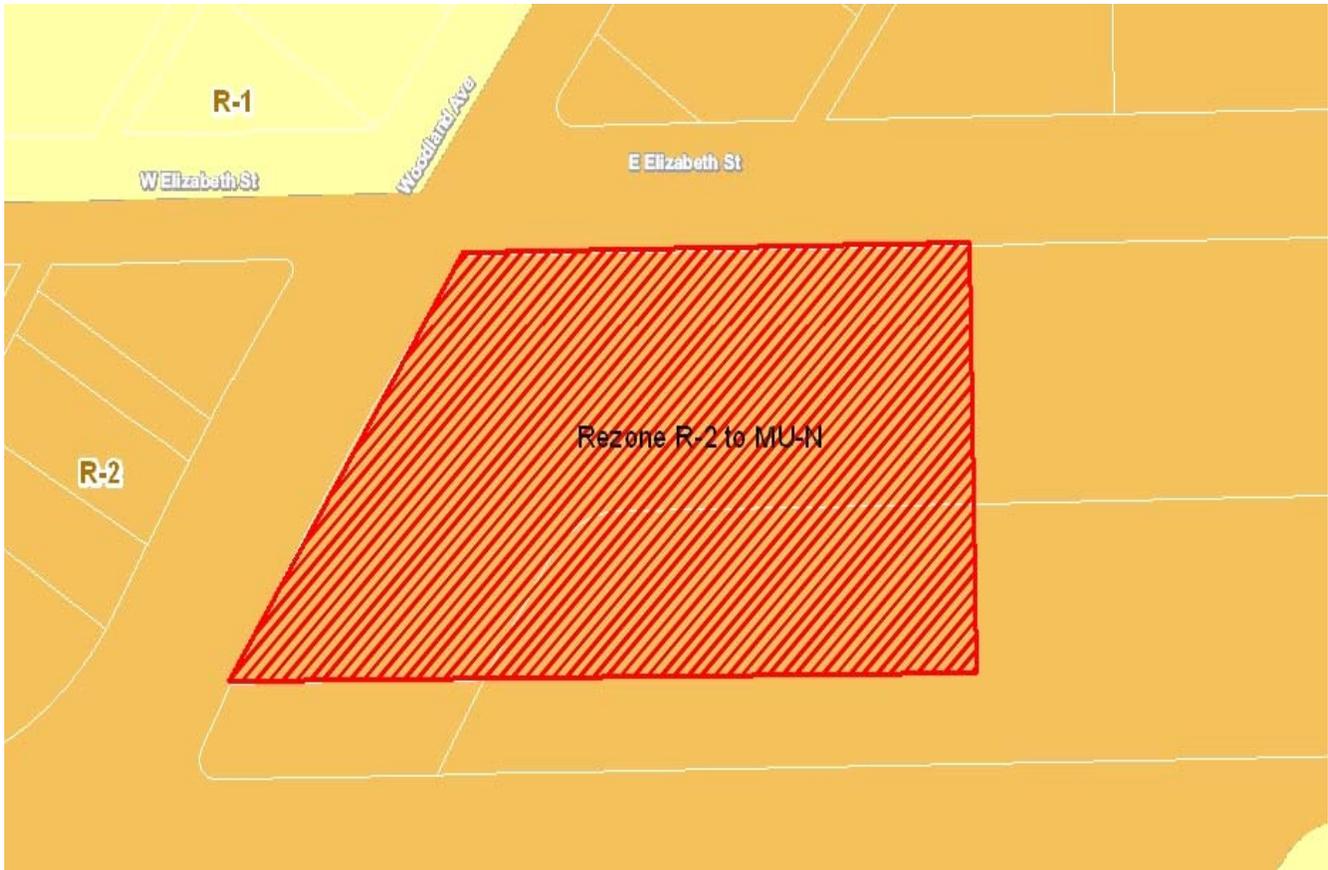
Section 1. That the 1.99 acres of the subject property located at 1400 Woodland Avenue and as described as:

Lots 12 through 29 and that part of Lots 11, 30, 31, 32 and 33, Block 18, and that part of Lots 11 through 22, Block 19, of the recorded subdivision of MOTOR LINE DIVISION OF DULUTH, St. Louis County, Minnesota, described jointly as follows:

Commencing at the northeast corner of Lot 11, Block 18, of said MOTOR LINE DIVISION OF DULUTH; thence north 89°52'08" west along the north line of said Block 18 a distance of 8.22 feet to the point of beginning; thence south 0°08'28" west along a line parallel with the east line of said Lot 11 and its southerly extension of distance of 133.04 feet to the centerline of the alley lying between said Blocks 18 and 19; thence south 0°07'55" west along a line parallel with the east line of said Lot 11, Block 19, and its northerly extension of distance of 87.00 feet; thence north 89°52'08" west along a line parallel with the north line of said Block 18 a distance of 451.64 feet to the northwesterly line of said Block 18; thence northeasterly and easterly along said northwesterly and northerly lines of said Block 18 a distance of 557.03 feet to the point of beginning;

be reclassified from R-2, Urban-Residential, to MU-N, Mixed Use-Neighborhood, and that the official zoning map of the city of Duluth as referenced in Chapter 50 of the Duluth City Code, 1959, is amended to read as follows:

PROCEEDINGS OF THE DULUTH CITY COUNCIL FOR 2012



(Ref. File No. 11-136)

Section 2. That this ordinance shall take effect and be in force 30 days from and after its passage and publication. (Effective date: March 16, 2012)

Councilor Stauber moved passage of the ordinance and the same was adopted upon the following vote:

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

Nays: None -- 0

ATTEST:  
JEFFREY J. COX, City Clerk

Passed February 13, 2012  
Approved February 13, 2012  
DON NESS, Mayor

- - -

**ORDINANCE NO. 10136**

AN ORDINANCE GRANTING TO DANIEL NEFF A CONCURRENT USE PERMIT FOR THE INSTALLATION OF THE EXTERIOR STORAGE OF PROPANE TANKS IN A LOCKABLE METAL STORAGE CONTAINER TO PROJECT INTO THE MICHIGAN STREET RIGHT-OF-WAY.

The city of Duluth does ordain:

Section 1. Under the authority of Section 100 of the 1912 Home Rule Charter of the city of Duluth, as amended, and subject to the conditions, limitations and restrictions

## PROCEEDINGS OF THE DULUTH CITY COUNCIL FOR 2012

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hereinafter set forth, permission is granted to Daniel Neff and its successor(s) in interests, referred to herein as the permittee, to construct and maintain the following:

(a) A lockable metal storage cabinet 18 inches deep and containing two 100 pound, 14 inches in diameter, propane tanks and resting on a concrete pad, and lying within five feet to 12 feet of the southwest corner of said Lot 34, Block 1, Central Division of Duluth; and

(b) A protective metal barrier attached to the existing building and extending outward two feet from the building and a width of three feet, on the described property as shown in Public Document No. 12-0213-13.

Section 2. Before this ordinance shall be effective for any purpose whatsoever, the permittee shall file with the city clerk a duly executed and acknowledged written acceptance of the terms of this ordinance and a certification of insurance approved as to form by the city attorney evidencing that the permittee has in force a policy of insurance meeting the following requirements:

(a) Public liability insurance in an amount not less than \$3,000,000 on the release of a hazardous substance and single limits of \$1,500,000 for any number of claims arising from a single occurrence and in the amount not less than \$500,000 for property damage; and

(b) Insurance coverage shall include all permittee's activities occurring upon or within public easement occupied pursuant to this ordinance whether said activities are performed by the permittee or its employees, agents or contractors; and

(c) The policy shall contain a condition that may not be cancelled without 30 days written notice to the city of Duluth and directed to the attention of the city attorney; and

(d) The city of Duluth shall be named as an additional insured; and

(e) The certificate shall also reference this ordinance by its ordinance number. Current ISO additional insured endorsement CG 20 10 is not acceptable. If the ISO 20 10 is used, it must be pre-2004 edition. Permittee shall cause a current version of the required insurance certificate to be filed with the city clerk while permission granted by this ordinance is exercised.

Section 3. The permit granted by this ordinance may be terminated at any time by the city official exercising departmental authority of the public easement if the city of Duluth determines to use the area occupied by the permittee for any public purpose in accordance with the duly dedicated public easement or other lawful use.

Unless a shorter notice period is necessitated by emergency circumstances, or the violation of the conditions set forth in this ordinance, giving the permittee 30 days written notice delivered to the last known electronic address, facsimile number, or mailing address of the permittee shall be sufficient notice of termination.

Upon termination permittee shall cause all private improvements to be removed by the deadline provided in termination notice. Permittee shall be responsible for all costs incurred to remove the private improvements, including any costs associated with repairing damage caused to the public easement by the removal and without right to claim from the city of Duluth, or any of its officers, agents or servants, any compensation or reimbursement for damages of any kind whatsoever.

Section 4. By accepting the terms of this ordinance, the permittee agrees to save harmless and defend and indemnify the city of Duluth against claims or demand which may arise against the city of Duluth by reason of the existence of private improvements, or any act or omission of the permittee, its employees, agents, and assigns. The permittee agrees that the city of Duluth shall not be liable for damage caused to the private improvements while the city engages in the repair and maintenance to, or replacement of, the public improvements or public utilities, including any snow removal operations. The permittee agrees to pay to the city

## PROCEEDINGS OF THE DULUTH CITY COUNCIL FOR 2012

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of Duluth all extra costs of instillation of any public improvements or public utilities made necessary by the presence of the private improvements.

Section 5. The permittee shall, at its expense, protect, support, temporarily disconnect, or remove from the public easement, the private improvements when required by city officials by reason of snow removal, traffic conditions, public safety, street vacation, freeway and street construction, change or establishment of street grade, installation of sewers, drains, water pipes, power lines, signal lines and tracks, the installation or repair of any type of structures or improvements by governmental agencies, when acting in a governmental or proprietary capacity.

Section 6. Upon the sale or transfer of permittee's interest in the permit granted by this ordinance, the permittee shall provide written notice to the city clerk within five days of such transfer. The permittee's successor in interest shall file with the city clerk within ten days of such transfer a duly executed and acknowledged written acceptance of the terms of this ordinance and the certificate of insurance required in Section 2 above.

Section 7. The permit granted by this ordinance is subject to termination by the city of Duluth upon permittee's failure to comply with any of the terms and conditions of this permit. Ten days written notice, delivered as provided in Section 3 above shall be sufficient notice of termination. Upon termination, permittee shall remove the private improvements as provided in Section 3.

Section 8. The permittee shall observe the following conditions:

(a) Permittee's use of the public easement shall be limited to the designated area described in Section 1 above and further shown on (Public Document No. 12-0213-13); and

(b) Permittee agrees that the private improvements shall be constructed and maintained in such a manner so as in no way interfere with or damage any portion of any public improvement, or other public utilities now or to hereinafter located in any part of said public easement.

Section 9. The following events shall automatically cause the termination of the term of this ordinance:

(a) The failure by the permittee to file acceptance of this ordinance as specified in Section 2 within 30 days after this ordinance takes effect; or

(b) The failure by the permittee to file the required insurance certificate as specified in Section 2 30 days after this ordinance takes effect; or

(c) The failure of the permittee to commence the improvements authorized by this ordinance within 120 days after this ordinance takes effect.

Section 10. That this ordinance shall take effect and be in force 30 days from and after its passage and publication. (Effective date: March 16, 2012)

Councilor Stauber moved passage of the ordinance and the same was adopted upon the following vote:

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

Nays: None -- 0

ATTEST:  
JEFFREY J. COX, City Clerk

Passed February 13, 2012  
Approved February 13, 2012  
DON NESS, Mayor

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