

PROCEEDINGS OF THE DULUTH CITY COUNCIL FOR 2012

OFFICIAL PROCEEDINGS

Duluth City Council meeting held on Monday, June 11, 2012, 7:00 p.m. in the Council Chamber, City Hall, Duluth, Minnesota.

Roll call: Present: Councilors Boyle, Fosle, Gardner, Krause, Krug, Larson, Stauber and President Hartman -- 8

Absent: Councilor Julsrud -- 1

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PRESENTATION OF PETITIONS AND OTHER COMMUNICATIONS

12-0611-12 Larry and Jan Kraemer communication regarding the proposed rezoning of 1102 Maple Grove Road (12-033-O). -- Received

12-0611-01 The following communications regarding the proposed ordinance concerning rental licensing (12-032-O): (a) Sherri Fedora; (b) John Peterson; (c) Sandra Schauer; (d) Alida and Joe Viele. -- Received

12-0611-11 The following communications regarding the proposed ordinance to establish a citizen review board (12-030-O): (a) William J. Andersen; (b) Jan Karon. -- Received

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REPORTS OF BOARDS AND COMMISSIONS

12-0611-02 Building appeal board minutes of April 11, 2012, meeting. -- Received

12-0611-03 Duluth airport authority minutes of April 17, 2012, meeting. -- Received

12-0611-04 Duluth human rights commission minutes of April 11, 2012, meeting. -- Received

12-0611-05 Special board of review minutes of May 16, 2012, meeting. -- Received

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At this time, 7:02 p.m., the public hearing on AAR Aircraft Services, Inc., Minnesota investment fund application began.

No one appeared who wished to be heard and the public hearing was closed at 7:03 p.m. and the regular order of business resumed.

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REPORTS OF COUNCIL OPEN ISSUES

Councilor Gardner commented that while this is not specifically an open issue, she felt that it was important to recognize the passing of former City Councilor Meg Bye.

At her request, President Hartman stated that there would be a moment of silence in respect for Ms. Bye.

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OPPORTUNITY FOR CITIZENS TO BE HEARD

Joseph Balach commented at length on the failures of governmental agencies to address a toxic waste issue and a prior city council resolution supporting the creation of the Lake Superior Watershed Protection Laws regarding the deposit of any toxic waste into the Lake Superior watershed. He reviewed his discussions with Mayor Ness and that nothing has been done on this issue.

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Loren Martel commented on a resolution from a prior meeting regarding the land use of the Central High School property. He reviewed at length on: the school district's debt for this property; the value that they think they will get from the sale; that there was a purchaser who had dollars on the table, but was turned down by the school district and that he is circulating a petition for a state audit on the school district.

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

BE IT RESOLVED, that the city council of the city of Duluth hereby approves the permanent expansion of the designated serving area of the following on sale intoxicating liquor license for the period ending August 31, 2012, and subject to departmental approvals:

Just Take Action, Inc. (Tycoon's Alehouse & Eatery), 132 East Superior Street, to include the front outside seating area.

Resolution 12-0254 was unanimously adopted.

Approved June 11, 2012

DON NESS, Mayor

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BE IT RESOLVED, that the city council of the city of Duluth hereby approves the issuance of the following on sale wine license for the period beginning September 1, 2012, ending August 31, 2013 and issues an on sale 3.2 percent malt liquor license for the period ending April 30, 2013, subject to departmental approvals and further subject to approval of the Liquor Control Commissioner:

The Noodle Shop Company (Noodles & Company), 1600 Miller Trunk Highway, main floor including outdoor patio area.

Resolution 12-0255 was unanimously adopted.

Approved June 11, 2012

DON NESS, Mayor

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BE IT RESOLVED, that the city council of the city of Duluth hereby approves the temporary expansion of the designated serving area of the following on sale intoxicating liquor licenses, subject to departmental approvals, with any specific restrictions:

Lemon Reef, Inc. (Reef Bar), 2002 London Road, for June 16, 2012, from 8:00 a.m. to 3:00 p.m.

Hospitality of Duluth, LLC (Aces on First), 113 West First Street for July 13, 2012, (rain date July 14) from 6:00 p.m. to midnight.

Rosberg, Inc. (Roscoe's Pioneer Bar), 323 West First Street, for July 13, 2012, from 6:00 p.m. to midnight.

Clyde Industrial Park, Inc. (Clyde Iron Works Restaurant & Bar), 2920 West Michigan Street, for June 28, 2012, from 5:00 p.m. to 10:15 p.m.

Resolution 12-0282 was unanimously adopted.

Approved June 11, 2012

DON NESS, Mayor

PROCEEDINGS OF THE DULUTH CITY COUNCIL FOR 2012

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BE IT RESOLVED, that the city of Duluth (city) act as the legal sponsor for the project contained in the business and community development application to be submitted on June 12, 2012, and that the mayor of the city is hereby authorized to apply to the Minnesota department of employment and economic development for funding of this project on behalf of the city.

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

FURTHER RESOLVED, that the city has not incurred any costs and has not entered into any written agreements to purchase property.

FURTHER RESOLVED, that the city has not violated any federal, state, or local laws pertaining to fraud, bribery, kickbacks, collusion, conflict of interest or other unlawful or corrupt practice.

FURTHER RESOLVED, that upon approval of its application by the state, the city may enter into an agreement with the state of Minnesota for the above-referenced project and that the city certifies that it will comply with all applicable laws and regulations as stated in all contract agreements and described on the compliance section (S-7) of the business and community development application.

FURTHER RESOLVED, that the city has obtained credit reports and credit information from AAR Aircraft Services, Inc (AAR). The city and its city attorney will review the reports and information to ensure that no adverse findings or concerns regarding, but not limited to, tax liens, judgments, court actions and filings with state, federal and other regulatory agencies are identified. Failure to disclose any such adverse information could result in revocation or other legal action.

FURTHER RESOLVED, that the proper city officials are hereby authorized to execute such agreements, and amendments thereto, as are necessary to implement the project on behalf of the city.

Resolution 12-0286 was unanimously adopted.

Approved June 11, 2012

DON NESS, Mayor

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The city council of the city of Duluth hereby finds the following:

(a) The Duluth City Council adopted Resolution No. 03-0731 which authorized the Arrowhead Regional Development Commission to act as job opportunity building zone (JOBZ) zone sponsor and administrator to make program commitments on behalf of the city of Duluth;

(b) The Minnesota department of employment and economic development (DEED) approved the Northeast Minnesota regional JOBZ application for 4,031 acres including 351.12 acres within the city of Duluth;

(c) The Duluth City Council adopted Resolution No. 04-0236 designating those 351.12 acres within the city of Duluth into 11 subzones, including 62 acres in the Atlas Subzone #101 and 40 acres in the Canadian National Railroad Subzone #100, of which 14.4 acres was removed from Subzone #100 to create the Duluth Technology Park Subzone #100.1;

(d) The AAR maintenance, repair and overhaul facility project has been identified which requires creation of a new JOBZ subzone;

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(e) The JOBZ program created in Minnesota Session Laws 2003, First Special Session, Chapter 21, Article 1, allows for the formation of tax free zones and for subzone boundaries to be amended with the approval of all taxing authorities.

NOW, THEREFORE, BE IT RESOLVED, that the city of Duluth approves a modification to the Atlas Subzone #101 by removing a total of 1.5 acres (Parcel #010-2746-01260) and to the Canadian National Railroad Subzone #100 by removing a total of 25.6 acres from said subzone having the following parcel identification numbers: 010-2746-01330 and -01440.

BE IT FURTHER RESOLVED, that the city of Duluth does hereby approve the creation of a new subzone of 27.1 acres called the Maintenance Facility Subzone #100.2 (parcel identification numbers: 010-2747-00050, -00080, and -00020) and approves the use of tax exemptions and tax credits within said subzone subject to proper review and approval by the Minnesota department of employment and economic development (DEED) and other appropriate taxing authorities with the zones and agrees to provide all of the local tax exemptions and credits required and provided for under the JOBZ legislation and agrees to forgo the tax benefits resulting from the same.

Resolution 12-0287 was unanimously adopted.

Approved June 11, 2012

DON NESS, Mayor

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RESOLVED, that the proper city officers are hereby authorized to enter into a Minnesota historical and cultural grant agreement amendment with the Minnesota historical society, substantially in the form of that on file in the office of the city clerk as Public Document No. 12-0611-06, accepting a grant in the amount of \$11,415, related to a historic resources survey of the East End residential area - Phase IVa, payable into Fund 210 (special projects), Agency 030 (finance), Organization 3150 (miscellaneous), Object 4210-02 (pass through federal grants).

FURTHER RESOLVED, that the proper city officials are hereby authorized to enter into a Minnesota historical and cultural subgrant agreement with Summit Envirosolutions, Inc., substantially in the form of that on file in the office the city clerk as Public Document No. 12-0611-06, to implement the historic resources survey of the East End residential area – Phase IVa, in the amount of \$16,415. The sum of \$11,415 payable from Fund 210 (special projects), Agency 030 (finance), Organization 3150 (miscellaneous), Object 5441 (other services and charges) and \$5,000 payable from Fund 265 (community development), Agency 020 (planning), Object 5441 (other services and charges).

Resolution 12-0288 was unanimously adopted.

Approved June 11, 2012

DON NESS, Mayor

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RESOLVED, that the proper city officials are hereby authorized to enter into Amendment No. One to Grant Agreement No. A-PSGP-2009-DULUTHCI-00010 from the Minnesota department of public safety, homeland security and emergency management division, a copy of which grant agreement amendment is on file in the office of the city clerk as Public Document No. 12-0611-07, extending the term of said grant through November 30, 2012.

Resolution 12-0275 was unanimously adopted.

Approved June 11, 2012

DON NESS, Mayor

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WHEREAS, the Duluth City Council awarded a contract to Avrio Group Surveillance Solutions, LLC, Avrio RMS Group, for a port security system with wireless communication (Phase I), following the approval of Resolution 10-0496 on September 27, 2010; and

WHEREAS, the city desires to expand the citywide video surveillance system (Phase II) in accordance with the vendor's proposal dated January 18, 2012, and funding from a port security grant, and included with Change Order One.

RESOLVED, that the proper city officials are hereby authorized to execute Change Order One to Contract 21242 with Avrio Group Surveillance Solutions, LLC, Avrio RMS Group, substantially the same as that on file in the office of the city clerk as Public Document No. 12-0611-08, for an increase of \$313,109, payable as follows:

(a) \$234,831.75, Special Projects Fund 210, Department/Agency 030 (finance), Organization 3177 (2008 port security grant program), Object 5580 (capital equipment);

(b) \$78,277.25, Capital Equipment Fund 250, Department/Agency 015 (administrative services), Division 2010 (fiscal year), Object 5580 (capital equipment), Project No. CE250-E1002.

Resolution 12-0285 was unanimously adopted.

Approved June 11, 2012

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 in accordance with city-approved specifications and the vendor's bid of \$907,944, payable as follows:

(a) \$370,000, from Capital Equipment Fund 250, Department/Agency 015 (administrative services), Division 2011 (fiscal year), Object 5580 (capital equipment), Project No. CE250-V1101;

(b) \$480,000, from Special Projects Fund 210, Department/Agency 030 (finance), Division 3169 (FEMA assistance to firefighters), Object 5580 (capital equipment);

(c) \$57,944, from Capital Equipment Fund 250, Department/Agency 015 (administrative services), Division 2012 (fiscal year), Object 5580 (capital equipment), Project No. CE2501-V1201.

Resolution 12-0290 was unanimously adopted.

Approved June 11, 2012

DON NESS, Mayor

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RESOLVED, that the proper city officials are authorized to apply for and accept a grant from the National Recreation and Park Association on behalf of Coca-Cola Company in the amount of \$7,000 and to execute a memorandum of understanding, substantially the same as that on file in the office of the city clerk as Public Document No. 12-0611-09, for the purpose of refurbishing the basketball courts at the city's Central Hillside Park, funds to be deposited in Fund 205-130-1220-4270 (parks fund, community resources, capital, other grants).

Resolution 12-0284 was unanimously adopted.

Approved June 11, 2012

DON NESS, Mayor

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The following resolutions were also considered:

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Resolution 12-0295, of intent to support tax increment financing assistance to Lincoln Park School Limited Partnership for the Lincoln Park School project, was introduced by Councilor Stauber for discussion.

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

George Sherman, purchaser of the Lincoln Park School building, reviewed in detail the plans and financing for this building, including neighborhood input meetings and community space.

Councilor Larson stated that she would be abstaining on any discussion or voting on this resolution because her husband and partner are involved in a competing project.

Councilors who supported the resolution also expressed concerns on: the need for parking; that the One Roof project could be affected by this and that a resolution of intent has never come to the council first.

Councilor Gardner expressed her concerns that: this has not followed the normal process; this has not gone through either the Duluth economic development authority (DEDA) or the housing and redevelopment authority (HRA); this conceivably hurt another project and this should be tabled.

Councilor Gardner moved to table the resolution, which motion was seconded and failed upon the following vote:

Yeas: Councilors Boyle, Gardner and President Hartman -- 3

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

Abstention: Councilor Larson -- 1

Absent: Councilor Julsrud -- 1

Councilors discussed the concerns previously mentioned.

President Hartman moved to table the resolution, which motion was seconded and failed upon the following vote:

Yeas: Councilors Boyle, Gardner and President Hartman -- 3

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

Abstention: Councilor Larson -- 1

Absent: Councilor Julsrud -- 1

Resolution 12-0295 was adopted as follows:

RESOLVED, that the city council hereby expresses its intent to provide tax increment financing support to Lincoln Park School Limited Partnership, an affiliate of Sherman Associates, for the Lincoln Park School project subject to the approval by the council of a tax increment financing district and plan for said project and to the negotiation and approval of an acceptable development agreement therefore.

Resolution 12-0295 was adopted upon the following vote:

Yeas: Councilors Boyle, Fosle, Krause, Krug, Stauber and President Hartman -- 6

Nays: Councilor Gardner -- 1

Abstention: Councilor Larson -- 1

Absent: Councilor Julsrud -- 1

Approved June 11, 2012

DON NESS, Mayor

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Resolution 12-0291, authorizing agreement with Ever-Green Energy Duluth LLC to operate and manage Duluth Steam District No. 1, was introduced by Councilor Larson for discussion.

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Councilor Fosle moved to suspend the rules to hear from speakers on the resolution, which motion was seconded and unanimously carried.

Tom Karas and Bill Mittlefelt, Northeast energy coordinator for the state of Minnesota, commented that: this issue is much larger than many think it is; the leadership of this company is far and above everyone else; this company has a great educational component in addition to the service they provide and this energy enterprise is the wave of the future.

Councilor Fosle expressed concern over how much money this will cost taxpayers to convert the existing system to hot water pipes.

Chief Administrative Officer David Montgomery commented on the process that Ever-Green will use to study the issue of changing over to hot water heat to determine what will be best in this case.

Resolution 12-0291 was adopted as follows:

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. 12-0611-10 with Ever-Green Energy Duluth, LLC, for the operation of Duluth Steam District No. One through December 31, 2017, for a management fee of \$20,000 per month through December 31, 2013, \$20,600 per month between January 1, 2014, and December 31, 2016, and \$21,218 thereafter plus a one-time fee for development of a five-year strategic plan for the long-term development and operation of Duluth Steam District No. One for a cost not to exceed \$130,000, all payable from Fund No. 540-920-1495-5307 (steam, steam department, steam general and administrative).

Resolution 12-0291 was adopted upon the following vote:

Yeas: Councilors Boyle, Gardner, Krause, Krug, Larson, Stauber and President Hartman -- 7

Nays: Councilor Fosle -- 1

Absent: Councilor Julsrud -- 1

Approved June 11, 2012

DON NESS, Mayor

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INTRODUCTION AND CONSIDERATION OF ORDINANCES

ORDINANCE TABLED

BY COUNCILORS GARDNER AND LARSON

12-030 - AN ORDINANCE CREATING ARTICLE XII OF CHAPTER 2 OF THE DULUTH CITY CODE, 1959, AS AMENDED, TO PROVIDE FOR THE ESTABLISHMENT OF A CITIZEN REVIEW BOARD.

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

Councilor Krause moved to amend Subsection 2-70(b) of the ordinance to read as follows:

"(b) In selecting persons for appointment, the mayor and city council shall endeavor to achieve a membership that is representative of the racial, cultural and geographic diversity of the city. The following criteria should be considered, but do not represent the exclusive criteria for appointment..."

which motion was seconded and discussed.

Councilor Boyle also moved to amend subsections 2-70(b) and 2-70(c) of the ordinance to read as follows:

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"(b) In selecting persons for appointment, the mayor and city council shall endeavor to achieve a membership that is representative of the racial, cultural and geographic diversity of the city. To the extent possible, the mayor and council shall seek to appoint at least three people of color two women, and one person with law enforcement background to the board. The following criteria should be considered, but do not represent the exclusive criteria for appointment...;"

"(c) The members of the board shall be residents of, or employed within, the city. Current employees of the city are ineligible to serve on the board," which motion was seconded and discussed.

Councilor Gardner moved to suspend the rules to hear speakers on the ordinance, which motion was seconded and unanimously carried.

Scott Yeazle, chair of the Duluth human rights commission, Scott Bol, Bob Powless, Ellen O'Neill, executive director of the YWCA; Bob Grytdahl, city of Duluth human rights officer, Ricky DeFoe, co-chair of the American Indian commission, Doug Bown-Bailey, Xavier Bell, Robert Boone, Blair Powless and Michael Mancini supported the ordinance for the reasons of: the human rights commission reviewed this ordinance and recommended its approval; the citizens review board would be an opportunity for citizens to come forth and comment; this board should represent under-represented groups; the police union was not willing to sit down and talk through issues and now hopefully it will be possible; this issue originally started with the American Indian commission; Police Chief Gordon Ramsay supports the ordinance; the intent of the ordinance is to strengthen trust and accountability between the police and the community; for the ordinance to be effective, the ordinance should be adopted without the proposed amendments because it represents a strong community perspective; this board is an opportunity to build trusting relations; racial injustice or bias is still in our society today and it needs to be addressed; the citizen review boards in Minneapolis and St. Paul, with police officers represented have been mentioned, but those boards are "pre-disciplinarian" situations, where here it is to be used for "post disciplinarian" situations; besides representing constituency groups, this ordinance develops a relationship with the police department; many police officers are completely honest in doing their job, which is incredibly complicated when people lie to them, but this ordinance is needed because some officers choose to "do as they please"; if individuals know that there are citizens to hear issues, they would come forth; the amendments weaken the ordinance and officers treated witnesses to the David Crowley beating by the police department as criminals.

Councilor Krause reviewed the rationale for his amendment to keep the appointments to the board's composition neutral.

Councilor Boyle moved to table both amendments and the ordinance so that Councilor Julsrud could vote on this issue, which motion was seconded and carried upon the following vote:

Yeas: Councilors Boyle, Gardner, Krause, Krug and President Hartman -- 5

Nays: Councilors Fosle, Larson and Stauber -- 3

Absent: Councilor Julsrud -- 1

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The following entitled ordinance was read for the first time:

INTRODUCED BY COUNCILOR STAUBER

12-037 - AN ORDINANCE AMENDING SECTION 50-25.1 OF CHAPTER 50 OF THE DULUTH CITY CODE, 1959, AS AMENDED, RELATING TO LANDSCAPING AND TREE PRESERVATION.

PROCEEDINGS OF THE DULUTH CITY COUNCIL FOR 2012

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The following entitled ordinances were read for the second time:

BY COUNCILOR BOYLE

12-032 - AN ORDINANCE AMENDING CHAPTER 29A-32 OF THE DULUTH CITY CODE, 1959, AS AMENDED, PERTAINING TO THE CITY HOUSING, PROPERTY MAINTENANCE AND RENTAL CODE.

Councilor Boyle moved to suspend the rules to hear speakers on the ordinance, which motion was seconded and unanimously carried.

Barbara Montee, Gary Kalligher, Gene Hansmeyer and Peggy Marvin commented on the ordinance, noting: the more people who come to the table and discuss this, the better the result will be; that supply and demand will affect this in the future and that should be considered; that flexibility for these larger houses is appreciated; with rental reform some bedrooms have been lost in rental properties; with the 3,000 square foot threshold, there are some houses that could support five to six bedrooms; with the 300 foot rule, there are individuals who have a very difficult time in selling their houses and there needs to be a mechanism to help them out; the real core issue is neighborhood respectability which landlords also want; there are a lot of properties that are presently licensed, but not well taken care of or managed and some landlords have been carving up space to add additional bedrooms and increase the parking problems.

Councilor Fosle moved to amend the ordinance by adding the following sentence to Section 29A-32(h)(3):

"Further, the four bedroom limitation shall apply only to that area of the city depicted on the map on file in the office of the city clerk as Public Document No. 12-0514-18 and referenced by city council Resolution 12-0252," which motion was seconded and discussed.

Councilors Larson, Krug and Mr. Montgomery expressed concerns of: citywide equity between landlords; that this sends mixed messages and that this is a rental issue, not a neighborhood issue.

The amendment failed upon the following vote:

Yeas: Councilors Fosle and Stauber -- 2

Nays: Councilors Boyle, Gardner, Krause, Krug, Larson and President Hartman -- 6

Absent: Councilor Julsrud -- 1

Councilor Gardner moved to amend her replacement amendment to Subsection 29A-32(h)(3) of the ordinance by changing the second date reference from "January 1, 2012," to "June 9, 2012," which motion was seconded and carried unanimously.

Councilor Gardner's amended amendment carried unanimously.

With this amendment to the ordinance, this was considered a first reading.

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INTRODUCED BY COUNCILOR STAUBER

12-033 - 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 RESIDENTIAL-TRADITIONAL (R-1) TO MIXED USE-NEIGHBORHOOD (MU-N) THE PROPERTY LOCATED AT 1102 MAPLE GROVE ROAD (ZMC HOTELS).

Councilor Stauber moved to remove the ordinance from the agenda and refer it back to the administration, which motion was seconded and unanimously carried.

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PROCEEDINGS OF THE DULUTH CITY COUNCIL FOR 2012

INTRODUCED BY COUNCILOR STAUBER

12-034 (10156) - AN ORDINANCE AUTHORIZING THE SALE OF THE SOUTHERLY TEN FEET OF LOTS 31-34, NEW YORK PIER, ONEOTA, TO ZENITH INVESTMENT AND MANAGEMENT CORPORATION FOR \$2,000.

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

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INTRODUCED BY COUNCILOR STAUBER

12-035 (10157) - AN ORDINANCE AUTHORIZING THE SALE OF CERTAIN PROPERTY IN THE WEST DULUTH AREA TO ROBERT M. AND LEANNE E. LIND FOR \$7,500.

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

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INTRODUCED BY COUNCILOR STAUBER

12-036 (10158) - 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 RESIDENTIAL-TRADITIONAL (R-1) TO RESIDENTIAL-RURAL 1 (RR-1) THE PROPERTY LOCATED AT 415 WEST NINTH STREET (KBJR, INC., AND STATE OF WISCONSIN EDUCATIONAL COMMUNICATIONS BOARD).

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

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The meeting was adjourned at 9:17 p.m.

JEFFERY J. COX, City Clerk

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ORDINANCE NO. 10156

AN ORDINANCE AUTHORIZING THE SALE OF THE SOUTHERLY TEN FEET OF LOTS 31-34, NEW YORK PIER, ONEOTA, TO ZENITH INVESTMENT AND MANAGEMENT CORPORATION FOR \$2,000.

The city of Duluth does ordain:

Section 1.

(a) As per Section 2-176(a), of the Duluth City Code, 1959, as amended (the Code), the manager of the city's physical planning division has reviewed this proposed conveyance for conformity with the city's comprehensive land use plan and determined that the conveyance is not in conflict with the plan;

(b) As per Section 2-176(b) of the Code, the city assessor has provided a written estimate of the fair market value of the subject property, which estimate is between \$1,750 - \$3,500;

(c) The property described in Section 2 below is hereby determined to be surplus to the city's future needs and is therefore appropriate for sale pursuant to Article XXXIII of Chapter two of the Code;

(d) The city council finds that the subject property is undeveloped pursuant to Section 2-178 of the Code because it consists of an approximately 10-foot wide strip of land bounded on the north by property owned by Zenith Investment and Management Corporation,

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on the east and west by other private property owners, and on the south by the main line of the Burlington Northern Santa Fe Railroad.

Section 2. That the proper city officials are hereby authorized to sell and convey the following described property in St. Louis County, Minnesota, by quit claim deed, to Zenith Investment and Management Corporation for the amount of \$2,000 to be deposited into Fund No. 110-700-1420-4640 (general, transfers and other functions, capital programs, sale of land), and further to execute all documents necessary with regard to said conveyance:

All those parts of Lots 31 through 34, inclusive, lying southeasterly of a line parallel with and distant 630 feet southeasterly from the southeasterly line of Oneota Street, New York Pier, Oneota, according to the recorded plat thereof.

Section 3. That this ordinance shall take effect 30 days after its passage and publication. (Effective date: July 13, 2012)

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

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

Nays: None -- 0

Absent: Councilor Julsrud -- 1

Passed June 11, 2012

Approved June 11, 2012

DON NESS, Mayor

ATTEST:

JEFFREY J. COX, City Clerk

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ORDINANCE NO. 10157

AN ORDINANCE AUTHORIZING THE SALE OF CERTAIN PROPERTY IN THE WEST DULUTH AREA TO ROBERT M. AND LEANNE E. LIND FOR \$7,500.

The city of Duluth does ordain:

Section 1.

(a) As per Section 2-176(a), of the Duluth City Code, 1959, as amended (the Code), the manager of the city's physical planning division has reviewed this proposed conveyance and found conveyance thereof to be in conformity with the city's comprehensive land use plan;

(b) As per Section 2-176(b) of the Code, the city assessor has provided an estimate of the market value to be \$7,500 which estimated market value is hereby established as the minimum acceptable bid or reserve;

(c) The property described in Section 2 below is hereby determined to be surplus to the city's future needs and is therefore appropriate for sale pursuant to Article XXXIII of Chapter two of the Code;

(d) As per sections 2-177.1 and 2-177.2 of the Code, the property described in Section 2 below was advertised three times in the Duluth News Tribune during the 30 days prior to being offered at public auction on July 9, 2011, at the minimum bid price or reserve of \$7,500. No bids were received at auction. The purchaser named in Section 2 below subsequently came forward and submitted the minimum acceptable bid or reserve of \$7,500 for the property proposed to be sold.

Section 2. That the proper city officials are hereby authorized to sell and convey the following described property, by quit claim deed, to Robert M. Lind and Leanne E. Lind, husband and wife, for the amount of \$7,500 to be deposited into Fund 110 (general), Agency

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700 (transfers and other functions), Organization 1420 (capital programs), Object 4640 (sale of land), and further to execute all documents necessary with regard to said conveyance:

Lot 3 except northerly 15 feet and all of Lots 4-6, Block 151, WEST DULUTH FIFTH DIVISION.

Section 3. That this ordinance shall take effect 30 days after its passage and publication. (Effective date: July 13, 2012)

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

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

Nays: None -- 0

Absent: Councilor Julsrud -- 1

Passed June 11, 2012

Approved June 11, 2012

DON NESS, Mayor

ATTEST:

JEFFREY J. COX, City Clerk

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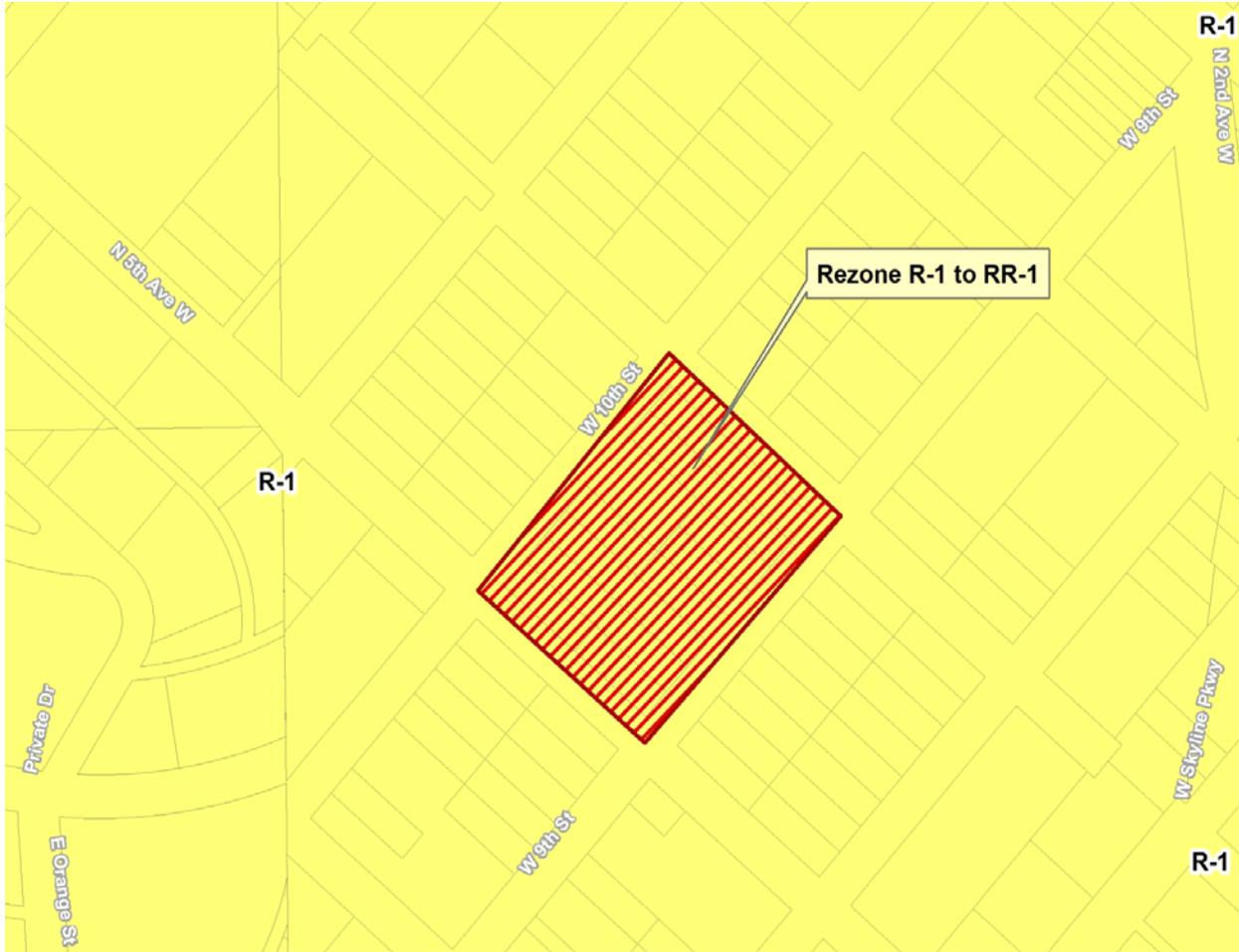
ORDINANCE NO. 10158

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 RESIDENTIAL-TRADITIONAL (R-1) TO RESIDENTIAL-RURAL 1 (RR-1) THE PROPERTY LOCATED AT 415 WEST NINTH STREET (KBJR, INC., AND STATE OF WISCONSIN EDUCATIONAL COMMUNICATIONS BOARD).

The city of Duluth does ordain:

Section 1. That the subject property located at 415 West Ninth Street (approximately 2.75 acres) and as more particularly described as Lots 65 to 80, Block 135, Duluth Proper Third Division, be reclassified from R-1 to RR-1 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. 12-077)

Section 2. That this ordinance shall take effect and be in force 30 days from and after its passage and publication. (Effective date: July 13, 2012)

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

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

Nays: None -- 0

Absent: Councilor Julsrud -- 1

ATTEST:
JEFFREY J. COX, City Clerk

Passed June 11, 2012
Approved June 11, 2012
DON NESS, Mayor
