

# PROCEEDINGS OF THE DULUTH CITY COUNCIL FOR 2012

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## OFFICIAL PROCEEDINGS

Duluth City Council meeting held on Monday, June 25, 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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## PRESENTATION OF PETITIONS AND OTHER COMMUNICATIONS

12-0625-04 The following communications regarding the proposed ordinance concerning rental licensing (12-032-O): (a) Colleen Allen; (b) Mary Allen; (c) David Benson; (d) Jim Gearns; (e) John M. Glendenning, Jr.; (f) Carrie Heffernan; (g) Pam Kramer; (h) Katie Krikorian; (i) Judith McKeever; (j) Mark Otto; (k) Sandy Robinson; (l) Dianne Schmitz; (m) Nancy Sivertson; (n) Greg Tiburzi; (o) Kim Wickman. -- Received

12-0625-22 The following communications regarding the proposed ordinance to establish a citizen review board (12-030-O): (a) Christine Penney; (b) Tom Stolee. -- Received

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## REPORTS FROM THE ADMINISTRATION

Chief Administrative Officer David Montgomery reviewed in detail the status of the post-flooding phases in various locations.

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## REPORTS OF BOARDS AND COMMISSIONS

12-0625-01 Duluth economic development authority minutes of May 23, 2012, meeting. -- Received

12-0625-02 Duluth parking commission resolutions: (a) Establishing event parking rates for city-owned parking facilities for 6/16/12 (2012-10); (b) Increasing parking options on East First Street and East Second Street and to prohibit parking on the entirety of Tenth Avenue East between First Street and Second Street (2012-11); (c) Increasing parking options on West Third Street from the western edge of Mesaba Avenue to the eastern edge of Seventh Avenue West (2012-12); (d) Recommending that the city council enact an ordinance creating a parking violation with a \$21 fine for failing to pay upon exiting a city-owned gated parking facility (2012-13). -- Received

12-0625-03 Duluth public utilities commission: (a) Minutes of: (1) May 15; (2) May 23, 2012, meetings; (b) Resolutions regarding water rates effective with meter readings after: (1) July 1, 2012 (12 PUC-007); (2) December 31, 2012 (12PUC-008). -- Received

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At this time, 7:02 p.m., the public hearing regarding the proposed Tax Increment Financing (TIF) District 25 plan; amendments to TIF plans for TIF districts 14, 15, 19, 20, 21, 22 and 24; and amendment to Development District 17, was opened.

No one from the public spoke on this matter and the public hearing was closed at 7:02 p.m.

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At this time, 7:03 p.m., the public hearing regarding AAR Aircraft Services, Inc., business subsidy tax abatement agreements was opened.

## PROCEEDINGS OF THE DULUTH CITY COUNCIL FOR 2012

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Mr. Martinez from AAR Aircraft Services, Inc., stated that they are looking forward to a lengthy and profitable partnership with the city.

No one else from the public spoke on this matter and the public hearing was closed at 7:04 p.m.

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At this time, 7:05 p.m., the public hearing regarding AAR Aircraft Services, Inc., Minnesota investment fund and rural rehabilitation account business subsidies loan agreements; and guarantees under the MIF loan was opened.

No one from the public spoke on this matter and the public hearing was closed at 7:05 p.m.

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At this time, 7:06 p.m., the public hearing regarding AAR Aircraft Services, Inc., job opportunity building zone (JOBZ) business subsidy was opened.

No one from the public spoke on this matter and the public hearing was closed at 7:06 p.m.

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### OPPORTUNITY FOR CITIZENS TO BE HEARD

Tom Wright reviewed the poor street access at the west entrance to Morgan Park and suggested and explained in detail how to take the bricks from the unused railroad trestle bridge to create a higher road entrance to Morgan Park.

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Karen Lewis stated that the city needs to learn from the destruction of this part storm to plan for the next storm.

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Loren Martell questioned what the real status of school district is and who is responsible for the deficit, since the school board faults the state. He stated the district responded that they would be in the same financial situation with or without the red plan and that the loss of students from ISD 709 to private schools is a national trend.

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Preston Gunderson, representing the Bridge Festival, explained they are extending the festival a second day and will have a local band playing at Bayfront Festival Park with all proceeds going to the United Way to help the community for flood relief.

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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.)*

Councilor Stauber moved to suspend the rules to hear a speaker who wished to speak on Resolution 12-0303, approving a building in Duluth 2012 conditional grant agreement between the Duluth economic development authority and TAJ Properties of Duluth, LLC (A.W. Kuettel and Sons) relating to the construction of a new building in the Duluth airpark, which motion was seconded and unanimously carried.

Linda Ross Sellner urged the council to stop building in the wetlands around the perimeter of Duluth. She noted the affect that wetlands play in the retention and slowing of water infiltration. Ms. Ross Sellner felt that this development would adversely affect the wetlands.

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

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

RESOLVED, that the 2012 fee schedule be amended by adding the following fees, fines and penalty charges, pursuant to Section 31-8 of the Duluth City Code, 1959, as amended:

<b>Citywide</b>	
<b>Fee, Fine or Penalty Name</b>	<b>2012 Fee</b>
Code and ordinance violation - maximum (§ 1-7)	\$1,000.00
<b>Clerk</b>	
<b>Fee, Fine or Penalty Name</b>	<b>2012 Fee</b>
Alcoholic beverages - violation (§ 8-9)	
First offense	\$500.00
Second offense	\$1,000.00
Third offense	\$2,000.00
Fourth offense	\$2,000.00
Maximum fine	\$2,000.00
* Garbage customer - improper articles found in solid waste containers penalty - per container (billable by and payable to garbage collector) (§ 24-17.1)	\$25.00
<b>Planning</b>	
<b>Fee, Fine or Penalty Name</b>	<b>2012 Fee</b>
Stormwater permit noncompliance deduction or violation - per calendar day (§ 50-39.3)	\$500.00
Temporary certificate of occupancy - penalty percentage for failure to construct city-required improvement within one year (§ 50-37.1.P.4)	110 percent
<b>Police</b>	
<b>Fee, Fine or Penalty Name</b>	<b>2012 Fee</b>
Feeding of pigeons or deer - minimum (§ 6-78)	\$50.00
Parking violation (§ 33-46)	
Section 33-46(b) violation	\$10.00
Section 33-46(c) violation	\$15.00
Section 33-46(d) violation	\$20.00
Section 33-46(e) violation	\$25.00
Section 33-46(f) violation	\$40.00
Pawnbroker - failure to submit transaction report - per day (§ 36-7)	\$50.00
Precious metal dealer - failure to submit transaction report - per day (§ 36-20)	\$50.00
Predatory offender - residency violation - maximum (§ 34-17)	\$1,000.00
Snowmobile regulation violation - maximum (§ 33-237)	\$1,000.00
Vehicle noise limit violation - maximum (§ 34-23)	

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

	First offense	\$50.00
	Second offense	\$100.00
<b>Public Administration</b>		
<b>Fee, Fine or Penalty Name</b>		<b>2012 Fee</b>
Administrative fines		
	Late payment charge (§ 12-14)	25 percent
	Tobacco - selling to minors (§ 11-5)	
	Individual penalty	\$50.00
	Licensee/employee penalty	
	First offense	\$75.00
	Second offense within 24 months	\$200.00
	Third offense within 24 months	\$250.00
<b>Public Works and Utilities</b>		
<b>Fee, Fine or Penalty Name</b>		<b>2012 Fee</b>
FOG program (§ 43-50.7)		
	Failure to maintain records - per day	\$100.00
	Noncompliance - maximum penalty - per month	\$1,000.00
Water and gas		
	Delinquent interest charge - per month (§ 48-15)	1.33 percent
	Shut off or turn on - minimum charge (§ 48-210)	\$1.00
<b>Treasurer</b>		
<b>Fee, Fine or Penalty Name</b>		<b>2012 Fee</b>
Gambling (§ 10A-7)		
	Gross receipt tax	3 percent
	Interest rate on unpaid tax - per annum	18 percent
	Late payment penalty	10 percent
Sales and use tax (§ 42A-48)		
	Interest rate - per annum	18 percent
	Failure to make and file a return	
	Less than 30 days late	10 percent
	More than 30 days late - each 30 days or fraction thereof	5 percent
	Maximum	25 percent
	For penalty not exceeding...	\$10.00
	Minimum penalty charge	\$10.00
	Late fee	10 percent
	Willful failure to file return or make payment	

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

	Abatement requiring city attorney approval - minimum	\$100.00
	Misdemeanor fine - maximum	\$500.00
	Penalty	50 percent
<b>Special assessment</b>		
	Interest rates - per annum	
	Administrative property violation (§ 12-16)	10 percent
	Alarm system violation (§ 29B-7)	10 percent
	Demolition (§ 10-3)	8 percent
	Local improvement	
	Delinquent penalty (§ 45-82.1)	10 percent
	Non-installment payment (§ 45-82)	10 percent
	Point of sale - inspection fee - delinquent penalty (§ 43-33.4)	10 percent
	Property violation abatement or removal (§ 50-39.2.C.5)	8 percent
	Solid waste account (§ 24-26)	10 percent
	Stormwater utility account - delinquent penalty (§ 43-66)	10 percent
	Street lighting system utility - delinquent penalty (§ 45-108)	10 percent
	Tree/shrub/plant trimming, removal or treatment (§ 35-30)	10 percent
	Local improvements	
	Installment payment (§ 45-82(c))	\$100.00
	Non-installment assessment limit - maximum (§ 45-82(b))	\$500.00
* Fee change		

Resolution 12-0220 was unanimously adopted.  
 Approved June 25, 2012  
 DON NESS, Mayor

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RESOLVED, that the reappointment by Mayor Ness of Michael Lundstrom to the Duluth airport authority for a term expiring on July 1, 2015, is confirmed.  
 Resolution 12-0297 was unanimously adopted.  
 Approved June 25, 2012  
 DON NESS, Mayor

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RESOLVED, that the reappointment by Mayor Ness of Nick Patronas to the entertainment and convention center authority for a term expiring on June 30, 2015, is confirmed.  
 Resolution 12-0299 was unanimously adopted.  
 Approved June 25, 2012  
 DON NESS, Mayor

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## PROCEEDINGS OF THE DULUTH CITY COUNCIL FOR 2012

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RESOLVED, that the reappointments by Mayor Ness of Jane Gilbert-Howard and Neale Roth to the Spirit Mountain recreation area authority for terms expiring on June 30, 2015, are confirmed.

Resolution 12-0300 was unanimously adopted.

Approved June 25, 2012

DON NESS, Mayor

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RESOLVED, that the appointment by Mayor Ness of Paul Thomsen to the sanitary sewer board of the Western Lake Superior Sanitary District for a term expiring on July 1, 2015, replacing Paul Heller, is confirmed.

Resolution 12-0301 was unanimously adopted.

Approved June 25, 2012

DON NESS, Mayor

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RESOLVED, that the proposed amendments to the specifications for the civil service classification of water lab chemist, which were approved by the civil service board on June 5, 2012, and which are filed with the city clerk as Public Document No. 12-0625-05, are approved. This classification shall remain subject to the city's collective bargaining agreement with its basic unit employees and compensated at Pay Range 32.

Resolution 12-0316 was unanimously adopted.

Approved June 25, 2012

DON NESS, Mayor

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RESOLVED, that the city council of the city of Duluth does hereby approve the development agreement on file in the office of the city clerk as Public Document No. 12-0625-06, between the Duluth economic development authority (DEDA) and BlueStone Commons, LLC, related to the development of the BlueStone Commons project in the area of the former Woodland Middle School.

Resolution 12-0289 was unanimously adopted.

Approved June 25, 2012

DON NESS, Mayor

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RESOLVED, that the city council of the city of Duluth does hereby approve the conditional grant agreement on file in the office of the city clerk as Public Document No. 12-0625-07, between the Duluth economic development authority (DEDA) and TAJ Properties of Duluth, LLC (A.W. Kuettel & Sons), related to the construction of a new building in the Duluth Airpark in an amount not to exceed \$350,000.

Resolution 12-0303 was unanimously adopted.

Approved June 25, 2012

DON NESS, Mayor

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RESOLVED, that the city council of the city of Duluth does hereby approve the lease agreement on file in the office of the city clerk as Public Document No. 12-0625-08, between the Duluth economic development authority (DEDA) and AAR Aircraft Services, Inc. (AAR).

Resolution 12-0307 was unanimously adopted.

Approved June 25, 2012

DON NESS, Mayor

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

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RESOLVED, that the city council of the city of Duluth does hereby approve the conditional grant agreement on file in the office of the city clerk as Public Document No. 12-0625-09, between the Duluth economic development authority (DEDA) and AAR Aircraft Services, Inc. (AAR), related to the substantial rehabilitation of the MRO facility at the Duluth International Airport in an amount not to exceed \$350,000.

Resolution 12-0304 was unanimously adopted.

Approved June 25, 2012

DON NESS, Mayor

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RESOLVED, that the proper city officials are hereby 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. 12-0625-10(a), with AAR Aircraft Services, Inc., in an amount not to exceed \$500,000, payable from Economic Development Fund 255-020-5434, contingent upon receipt by the city of a Minnesota investment fund grant from the Minnesota department of employment and economic development (DEED) pursuant to Grant #CDAP-12-0010-H-FY12 (the "MIF grant").

FURTHER RESOLVED, that the city hereby accepts a guaranty provided by the Duluth economic development authority (DEDA), the Duluth airport authority, the county of St. Louis, Upper Minnesota Properties, Inc. (an Allete subsidiary), and the Northland Foundation ("guarantors"), in an amount not to exceed \$50,000 each, pursuant to which the city's repayment obligation to DEED under the MIF grant is being guaranteed in the amount of \$250,000, said guaranty substantially in the form of that on file in the office of the city clerk as Public Document No. 12-0625-10(b).

Resolution 12-0310 was unanimously adopted.

Approved June 25, 2012

DON NESS, Mayor

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RESOLVED, that the proper city officials are hereby 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. 12-0625-11, with AAR Aircraft Services, Inc., in an amount not to exceed \$500,000, payable from Duluth Recovery Loan Fund 235-1330, contingent upon receipt by the city of a Minnesota investment fund grant and a rural rehabilitation grant from the Minnesota department of employment and economic development (DEED) pursuant to Grant #CDAP-12-0010-H-FY12 (the "MIF grant") and Grant #RUDB-12-0001-N-FY-12 (the "RR grant").

Resolution 12-0311 was unanimously adopted.

Approved June 25, 2012

DON NESS, Mayor

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RESOLVED, that the proper city officials are authorized to enter into a JOBZ business subsidy agreement substantially in the form of that on file in the office of the city clerk as Public Document No. 12-0625-12 with AAR Aircraft Services, Inc., (qualified business) related to property located at the former NWA MRO facility.

Resolution 12-0308 was unanimously adopted.

Approved June 25, 2012

DON NESS, Mayor

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## PROCEEDINGS OF THE DULUTH CITY COUNCIL FOR 2012

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BE IT RESOLVED, by the city council (the "council") of the city of Duluth, Minnesota (the "city"), as follows:

Section 1. Authorization and recitals.

1.01 The city, pursuant to Minnesota Statutes, Section 469.1812 to 469.1815, as amended ("act"), is authorized to grant an abatement of property taxes or personal property taxes in lieu of real property taxes imposed by the city on a parcel of property ("tax abatement"), if certain conditions are met, through the adoption of a resolution, specifying the terms of the abatement.

1.02 AAR Aircraft Services, Inc., ("AAR") will be leasing approximately 152,300 square feet of a building (the "facility") owned by the Duluth economic development authority ("DEDA") located at 4600 Stebner Road, Duluth, St. Louis County, MN for operation of commercial aviation services including maintenance, repair and overhaul ("MRO") services (the "project").

1.03 The city has determined a need to grant a property tax abatement to property upon which the project is located (the "property") in order to assist the project, pursuant to the act.

1.04 On June 25, 2012, the council conducted a public hearing on the tax abatement at which time the views of all interested persons were heard.

Section 2. Findings. On the basis of the information compiled by the city and elicited at the public hearing referred to in Section 1.04, it is hereby found, determined and declared:

2.01 That the benefits to the city from the tax abatement will exceed the costs to the city of the tax abatement since the project will infuse private investment of approximately \$4 million which will result in an annual payroll estimated at \$8 million. Additionally, DEDA will no longer need to expend approximately \$150,000 per year in holding costs for the facility.

2.02 The project is in the public interest because it will provide employment opportunities in the city, expand the tax base of the city, and reestablish an MRO presence in the city.

2.03 The project would not occur solely through private investment within the reasonably foreseeable future and, therefore, granting of a tax abatement is deemed necessary to encourage the project.

2.04 Tax abatement will not occur while the property is located in a tax increment financing district.

2.05 The granting of the proposed tax abatement will not cause the aggregate amount of tax abatements granted by the city under the act in any year to exceed the greater of (i) ten percent of the city's net tax capacity for the taxes payable in the year to which the abatement applies, or (ii) \$200,000.

2.06 It is in the best interest of the city to grant the tax abatement authorized in this resolution.

Section 3. RESOLVED, that:

3.01 The tax abatement is hereby approved and the tax abatement will be paid in accordance with the terms set forth in Section 3.02 hereof and in the tax abatement agreement between the city and AAR described in Section 3.05 hereof.

3.02 The tax abatement will be for the city's share of real estate taxes or personal property taxes in lieu of real property taxes generated by the project. The tax abatement will begin after the statutory sunset of the JOBZ program pursuant to Minnesota Statutes Sections 469.310 through 469.3201 which sunset is anticipated to occur in 2015. The tax abatement will continue for a period not to exceed ten years from the date that AAR first receives tax benefits under the JOBZ program. Therefore, unless the JOBZ program is extended and AAR is eligible for extended JOBZ benefits under that program, it is anticipated that the tax

## PROCEEDINGS OF THE DULUTH CITY COUNCIL FOR 2012

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abatement shall be for a period of seven years applying to taxes beginning in 2016 and payable in years 2017 through 2023.

3.03 The tax abatement shall be subject to all terms and limitations of the act.

3.04 The proper city officials are hereby authorized to enter into a tax abatement agreement, substantially in the form of that on file in the office of the city clerk as Public Document No. 12-0625-13, with AAR Aircraft Services, Inc., all such tax abatements payable from Debt Service 310.

3.05 In accordance with Section 469.1813, subdivision 8 of the act, in no case shall the abatement, together with all other abatements approved by the city under the act and paid in any one year, exceed the greater of ten percent of the city's net tax capacity for taxes payable in the year to which the abatement applies or \$200,000, whichever is greater.

3.06 In accordance with Section 469.1815 of the act, the city will add to its levy in each year during the term of the tax abatement the total estimated amount of current year abatements granted.

Resolution 12-0309 was unanimously adopted.

Approved June 25, 2012

DON NESS, Mayor

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RESOLVED, by the city council of the city of Duluth, as follows:

Section 1. Recitals.

1.01 The council has established the Duluth economic development authority (DEDA) to promote development and redevelopment of property located in the city of Duluth (the "city").

1.02 In order to promote such development, DEDA has established Development District No. 17 (the "development district") in the city and adopted a development program (the "development program") therefor pursuant to Minnesota Statutes, Sections 469.124 through 469.134 (the "act"). DEDA has prepared the development program in accordance with Sections 469.125 and 469.126 of the act.

1.03 DEDA proposed and approved the establishment of Tax Increment Financing District No. 25 (the "TIF district") within the development district, the adoption of a tax increment financing plan (the "TIF plan") therefor pursuant to Minnesota Statutes, Sections 469.174 through 469.1799 (the "TIF act") for the purpose of financing public improvements and encouraging investment in the development district, and the amendment of the tax increment financing plans (the "combined plans") for tax increment financing district Nos. 14, 15, 19, 20, 21, 22 and 24 (the "combined districts"). DEDA has prepared the TIF plan and the amendment to the combined plans in accordance with the TIF act.

1.04 Pursuant to Minnesota Statutes, Section 469.175, Subdivision 4(b)(1), the enlargement of the development district is deemed to be a modification of the tax increment financing plans of all the tax increment districts located within the development district. All of the combined districts are located within the development district. Since the development district is being enlarged, the combined plans are deemed to be amended pursuant to the TIF act. There is no other modification with respect to the combined plans.

1.05 DEDA has transmitted a copy of the TIF plan and the combined plans to the council in a document entitled "Fifth Amendment to Development Program for Development District No. 17 and Tax Increment Financing Plan for Tax Increment Financing District No. 25 (BlueStone Commons) and Amendment to Tax Increment Financing Plans for Tax Increment

## PROCEEDINGS OF THE DULUTH CITY COUNCIL FOR 2012

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Financing District Nos. 14, 15, 19, 20, 21, 22 and 24,” which is now on file in the office of the city clerk as Public Document No. 12-0625-14.

1.06 DEDA and the council have performed all actions required by law to be performed prior to the approval and adoption of the TIF plan and the combined plans.

1.07 Pursuant to Section 469.175, Subdivision 3 of the TIF act, the city held a public hearing on the TIF plan and amendment to the combined plans which hearing was held this day at which the views of all interested parties were heard.

1.08 Certain written reports (the reports) relating to the TIF plan and to the activities contemplated therein have been prepared and submitted to the council and/or made a part of the city files and proceedings on the TIF plan including an inspection of the buildings and site by Short Elliott Hendrickson, Inc., (SEH) resulting in a TIF eligibility assessment report dated March 2, 2012, on file in the DEDA office.

1.09 After investigation of the facts, the council is of the opinion that:

(a) It is necessary for the sound and orderly development of the Development district and of the city as a whole and for the protection and preservation of the public health, safety and general welfare, that the powers authorized by the act and the TIF act be exercised by the city to provide public financial assistance to the development district;

(b) Proper development of the development district and implementation of the development program in accordance with the city's long range plans is essential to (i) the economic viability of the development district, (ii) the economic well-being of the city and its residents, (iii) the orderly development of the city, and (iv) the orderly and beneficial development of the development district to ensure the construction of and provide moneys for the payment of the cost of certain public improvements within the development district, including site improvements, in order to provide and finance development of suitable and necessary sites for development;

(c) There is a need for new development within the development district (i) to provide employment opportunities for residents of the city, the surrounding communities and the state of Minnesota (the “state”), (ii) to improve the tax base of the city and the state, (iii) to improve the general economy of the city and the state, and (iv) to provide other facilities identified in the development program and TIF plan;

(d) Creation of the TIF district and amendment to the combined plans is in the public interest and will result in increased employment in the city and in the preservation and enhancement of the tax base of the city; and

(e) The TIF district is intended and, in the judgment of city, its effect will be to promote the public purposes and accomplish the objectives specified in the development program, which are all consistent with the efforts already made for the development of the development district.

1.10 The council has fully reviewed the contents of the TIF plan.

Section 2. Statutory findings.

2.01 There is a need for new development in the development district, in order to provide employment opportunities, to improve the tax base, and to improve the general economy of the state.

2.02 DEDA hereby reaffirms the findings required for the establishment of the combined districts. The combined plans for the combined districts require an amendment to provide for the enlargement of the development district. DEDA is not modifying the boundaries or extending the terms of the combined districts.

2.03 Establishment of the TIF district will provide impetus for residential and commercial development; increase employment; enhance and diversify the city's tax base, and

## PROCEEDINGS OF THE DULUTH CITY COUNCIL FOR 2012

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provide off-street parking to serve residents and employees of the development district and the TIF district.

2.04 The actions required to assist the implementation of the development program are a public purpose and the execution and financing of the development program are a public purpose.

2.05 It is the opinion of the council, based on discussions with the developer of the project proposed to be constructed in the TIF District and information contained in the development program and the TIF plan that:

(a) Development and redevelopment within the TIF district would not reasonably be expected to occur solely through private investment within the reasonably foreseeable future;

(b) The increased market value of the site to be included in the TIF district that could reasonably be expected to occur without the use of tax increment financing would be less than the increase in the market value estimated to result from development in the TIF district after subtracting the present value of the projected tax increments for the maximum duration of the TIF district permitted by the TIF plan; and

(c) The use of tax increment financing is necessary.

2.06 Based on information contained in the development program, the TIF plan and the amendment to the combined plans, the TIF plan and the amendment to the combined plans conforms to the general plan for the development and redevelopment of the city as a whole.

2.07 Based on information contained in the development program, the TIF plan and the amendment to the combined plans, the TIF plan and the amendment on the combined plans will afford maximum opportunity, consistent with the sound needs of the city as a whole, for the development and redevelopment of the development district by private enterprise.

2.08 the council further finds, declares and determinates that the city made the above findings stated in this Section and has set forth the reasons and supporting facts for each determination in writing, which findings are on file in the office of the city clerk as Public Document No. 12-0625-15.

Section 3. Approval.

3.01 The TIF district is established and TIF plan is approved.

3.02 The amendment to the combined plans is approved.

3.03 The geographic boundaries of the development district and TIF district are as described in the development program and TIF plan, which documents are incorporated herein by reference and which, together with this resolution, contain the requirements set forth in Section 469.175 of the TIF act.

Section 4. Designation of TIF district.

4.01 The proposed TIF district is a "redevelopment district" as defined in Section 469.174, Subdivision 10 of the TIF act because it consists of a portion of the development district within which the following conditions, reasonably distributed throughout the TIF district, exist:

Parcels consisting of 70 percent of the area of the TIF district are occupied by buildings, streets, utilities, paved or gravel parking lots, or other similar structures and more than 50 percent of the buildings, not including outbuildings, are structurally substandard to a degree requiring substantial renovation or clearance.

4.02 The reasons and supporting facts for the determination that the TIF district meets the criteria set forth in Section 4.01 hereof will be retained and made available to the public by DEDA until the TIF district has been terminated.

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

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4.03 At least 90 percent of the revenues derived from tax increments from the TIF district will be used to finance the cost of correcting conditions that allowed designation of the TIF District under Section 469.174 of the TIF act.

Resolution 12-0314 was unanimously adopted.

Approved June 25, 2012

DON NESS, Mayor

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RESOLVED, that the proper city officials are authorized to enter into a sublease agreement substantially in the form of that on file in the office of the city clerk as Public Document No. 12-0625-16, with the state of Minnesota, department of administration, acting on behalf of the Minnesota department of employment and economic development for the subleasing of space in the Duluth Athletic Club building at 402 West First Street in Duluth, Minnesota, for the joint workforce center, sublease payment to be deposited in Fund 268-031-6251-4622 (workforce development fund, grants division, office support, rent of building).

Resolution 12-0315 was unanimously adopted.

Approved June 25, 2012

DON NESS, Mayor

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RESOLVED, that the proper city officials are authorized to enter into a first amendment to an agreement, substantially in the form of that on file in the office of the city clerk as Public Document No. 12-0625-17, to the HOME Program to assist low- to moderate-income homeowners to rehabilitate their homes, increasing the amount payable under the agreement to \$290,000, an increase from \$180,000 from Fund 260 (HOME investment partnership program), Agency 020 (planning department), Object 5434 (grants and awards), Project CD11HM, Sub-project CH11, Activity 1226.

Resolution 12-0318 was unanimously adopted.

Approved June 25, 2012

DON NESS, Mayor

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RESOLVED, that the following is the revised list of high priority bridges in the city of Duluth, and that the city intends to replace, rehabilitate or remove these bridges as soon as possible when funds become available.

Old Bridge Number	Road or Street	Total Project Cost	State Bridge Funds	Federal Funds	Local or State Aid Funds	Proposed Const. Year
L8516	Fairmont Street	\$500,000	\$375,000		\$125,000	2012
N/A	Blackman Avenue	\$225,000	\$135,000		\$90,000	2012
L5931	Niagara Street	\$150,000	\$90,000		\$60,000	2012
L8491	38th Avenue West	\$135,000	\$81,000		\$54,000	2012
L6007	Skyline Parkway	\$1,150,000		\$800,000	\$350,000	2014
L6116	Lake Avenue	\$5,000,000	\$3,750,000		\$1,250,000	2013

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

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L8486	Greene Street	\$100,000	\$60,000		\$40,000	2014
L6129	Woodland Avenue	\$150,000	\$90,000		\$60,000	2015
L8515	Lewis Street	\$250,000	\$150,000		\$100,000	2016

Resolution 12-0296 was unanimously adopted.  
Approved June 25, 2012  
DON NESS, Mayor

- - -

RESOLVED, that it is necessary to improve a permanent gravel street on Plum Street from Eighth Avenue East to Skywood Lane with ledge rock removal, regrading gravel base and placing a bituminous surface.

FURTHER RESOLVED, that it is the intent of the city council to cause this improvement to be made, provided that further information demonstrated that the improvement should be made.

FURTHER RESOLVED, that to aid the council in determining whether or not to finally order in said project, the mayor shall cause to be prepared plans and specifications for said project and will further direct procedures prescribed by Section 62 of the Charter.

Resolution 12-0305 was unanimously adopted.  
Approved June 25, 2012  
DON NESS, Mayor

- - -

RESOLVED, that the proper city officials are authorized to accept Grant Agreement No. A-HMEP-2011-DULUTHFD-00041 from the Minnesota department of public safety, homeland security and emergency management division, a copy of which agreement is on file in the office of the city clerk as Public Document No. 12-0625-18, in the amount of \$4,760, said funds to be deposited in Fund 210-030-3181-4210-02 (special projects, finance, haz mat emergency preparedness, pass through federal grant) for the purpose of hazardous material response training and committing \$1,190 from Fund 110-150-1505 (general fund, fire, hazardous materials [haz mat]) as the city's local matching cost.

Resolution 12-0302 was unanimously adopted.  
Approved June 25, 2012  
DON NESS, Mayor

- - -

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. 12-0625-19 on file in the office of the city clerk, reimbursement funds payable to Fund No. 110-160-1610-4260 (general, police, administration and investigation - St. Louis County).

Resolution 12-0306 was unanimously adopted.  
Approved June 25, 2012  
DON NESS, Mayor

- - -

RESOLVED, that the proper city officials are hereby authorized to enter into a three year agreement substantially in the form of that on file in the office of the city clerk as Public

## PROCEEDINGS OF THE DULUTH CITY COUNCIL FOR 2012

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Document No. 12-0625-20, with the Duluth Amateur Youth Basketball Association (DAYBA) for the non-exclusive use of the Washington Recreation Center for DAYBA's basketball program with rent payments payable to Fund 210 (special projects), Agency 030 (finance), Object 3190 (special league), Revenue Source 4625-07 (rent of athletic fields Washington Center).

Resolution 12-0320 was unanimously adopted.

Approved June 25, 2012

DON NESS, Mayor

- - -

The following resolutions were also considered:

Resolution 12-0298, confirming the reappointments of Walter Kramer and Leslie Evans and the appointments of John Bostrom, Wayne D. Nelson and Anthony R. Orman, replacing Richard Towey, John Bostrom and Melanie Hendrickson, to the Duluth transit authority, was introduced by Councilor Boyle for discussion.

Councilor Krause stated that he could not support this resolution as one reappointment is serving more than the usual policy of two terms and that others should be given an opportunity to serve.

Resolution 12-0298 was adopted as follows:

RESOLVED, that the reappointments by Mayor Ness to the Duluth transit authority of Walter Kramer (at large) and Leslie Evans (Superior, Wisconsin) for terms expiring on June 30, 2015, are confirmed.

FURTHER RESOLVED, that the appointment by Mayor Ness to the Duluth transit authority of John Brostrom (District 3) for a term expiring on June 30, 2013, replacing Richard Towey, is confirmed.

FURTHER RESOLVED, that the appointments by Mayor Ness to the Duluth transit authority of Wayne D. Nelson (at large) and Anthony R. Orman (District 1) for terms expiring on June 30, 2015, replacing John Brostrom and Melanie Hendrickson, are confirmed.

Resolution 12-0298 was adopted upon the following vote:

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

Nays: Councilor Krause -- 1

Approved June 25, 2012

DON NESS, Mayor

- - -

Resolution 12-0293, vetoing Duluth public utilities commission Resolution 12PUC-007 establishing water rates effective after July 1, 2012; and Resolution 12-0294, vetoing Duluth public utilities commission Resolution 12PUC-008 establishing water rates effective after December 31, 2012, by councilors Stauber and Krause, were introduced for discussion.

Councilors Stauber, Fosle and Krause stated: disappointment that a request was not approved to have a committee meeting so councilors would have background information on these two resolutions; that the water rate structure would change significantly on July 1, which, along with the other increases, would be three increases in a year; that there is a need for a capital budget before consideration of these increases; that while the commission only considers utility rates, the council has to consider other budget priorities and other tax and fee increases for other projects that might be just as important as the infrastructure; many repairs face the city; many families are struggling; the commissioners should be accessible to the

PROCEEDINGS OF THE DULUTH CITY COUNCIL FOR 2012

public; these problems have been there for years and these huge improvement costs should be done by bonding.

Councilors opposing the resolutions noted that: the city’s infrastructure needs to be fixed; many mains and sewers have not been replaced for 80-100 years; raising rates is a hard decision for the council; these rates have been structured in an educated way not to hurt those who use very little water; repairing watermain breaks is not an efficient way to address the real problem; the council always has complete control over the commission’s decisions; it has been mandated by the state that the rate structure be based on a conservation structure; the plan is a slow, bare bones, thought out improvement approach; fixing the infrastructure was voted on as a priority earlier this year and this issue needs to be addressed now.

Resolution 12-0293 failed upon the following vote (Public Document No. 12-0625-23):

Yeas: Councilors Fosle, Krause and Stauber -- 3

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

- - -

Resolution 12-0294 failed upon the following vote (Public Document No. 12-0625-24):

Yeas: Councilors Fosle, Krause and Stauber -- 3

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

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RESOLVED, that the city council hereby authorizes the disbursement of grant funds from the parks fund neighborhood grants program to the following organizations in the following amounts, and further authorizes the proper city officials to execute a grant agreement, substantially the same as that on file in the office of the city clerk as Public Document No. 12-0625-21, with each organization receiving funds, amounts to be payable from Fund 205-130-1219-5439 (parks, community resources, parks operating, special projects and events):

<u>Grant Organization</u>	<u>Program Name</u>	<u>Grant Amount</u>
Arrowhead Youth Soccer Assoc.	Grant Nettleton soccer program	\$5,000
Boys & Girls Club of Duluth	Bringing programming to Lincoln Park	\$4,800
Courage Center Duluth	Community adaptive sailing	\$3,000
Cyclists of Gitchee Gummee Shores (COGGS)	Hartley mountain bike trail system signage and sustainability upgrades	\$3,000
Duluth Heights Amateur Hockey Assoc.	Rink upgrade	\$5,000
East Hillside PATCH, Inc.	Summer parks sampler	\$2,000
Hartley Nature Center, Inc.	Hartley Pond dock installation	\$5,000
Piedmont Hockey Association	Piedmont rink restoration	\$5,000
Zenith City Flyers	Duluth disc golf park improvement	\$5,000
Duluth Cross-Country Ski Club	Ski trail grooming equipment	\$5,000

Resolution 12-0319 was unanimously adopted.

Approved June 25, 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 and amendments from the table, which motion was seconded and unanimously carried.

Councilor Krause moved to amend subsection 2-70(b) of the ordinance by deleting the second sentence of (b) and all of subparagraph (b)(1), which motion was seconded and discussed.

Councilor Boyle reviewed his amendment that was previously introduced.

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

John Beyer, Henry Banks, Ricky DeFoe, Tyler Rud, Jay Benson and Robert Powless urged support of this ordinance for the following reasons: the task force has worked with Police Chief Gordon Ramsay for five years exploring the best way to have a solid community partnership with the police innovation surrounding community policing; this will benefit the city and police department; citizen involvement is a key component to the complaint process with trust, transparencies and accountability; this is the time for a citizen review board (CRB) in Duluth; this translates to crime prevention, crime reduction and cases solved; Duluth has been a role model for the nation for its diversity programs and Clayton Jackson McGhee Memorial; citizen involvement with the police department is to be a dialogue and trust; inclusion, diversity and equity of individuals of color are great tools of Duluth; investigation of police incidents by police personnel are not always conducted with sufficient thoroughness, fairness, competence and diligence; 19 meetings have been held with stakeholders on this issue; there has been overwhelming support from the public for this; this is supported by the police chief and there has been less than mature behavior and questionable sarcasm by some officers.

Tom Maida, president of the Duluth Police Union, stated that: the CRB is not needed in Duluth; there are already many levels of citizen involvement; officers already have a high level of trust in the community; not having officers on the board does not build trust; there is already a high level of oversight to hold officers accountable; it is a flawed ordinance and he requested the council to support the Duluth police officers by voting no.

Councilors Gardner and Krug commented on why they did not support Councilor Krause's amendment.

Councilor Krause's amendment failed upon the following vote:

Yeas: Councilors Fosle, Krause and Stauber -- 3

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

Councilors discussed at length the merits of Councilor Boyle's amendment.

Councilor Boyle's amendment failed upon the following vote:

Yeas: Councilors Boyle, Fosle, Julsrud and Stauber -- 4

Nays: Councilors Gardner, Krause, Krug, Larson and President Hartman -- 5

Councilor Krause moved to reconsider the vote on Councilor Boyle's amendment, which motion was seconded and carried.

Councilor Boyle's amendment carried upon the following vote:

Yeas: Councilors Boyle, Fosle, Julsrud, Krause and Stauber -- 5

Nays: Councilors Gardner, Krug, Larson and President Hartman -- 4

## PROCEEDINGS OF THE DULUTH CITY COUNCIL FOR 2012

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To councilor's inquiry, City Attorney Gunnar Johnson responded that due to the recently passed amendment, the ordinance would have to be considered a first reading.

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The following entitled ordinances were read for the first time:

INTRODUCED BY COUNCILOR STAUBER

12-040 - 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-URBAN (R-2) AND MIXED -USE NEIGHBORHOOD (MU-N) AT THE PROPERTIES LOCATED BETWEEN ST. MARIE STREET, WOODLAND AVENUE AND THE UMD CAMPUS (CITY OF DULUTH).

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INTRODUCED BY COUNCILOR STAUBER

12-042 - 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 PROPERTIES LOCATED ALONG CENTRAL ENTRANCE WEST OF BASSWOOD AVENUE TO WEST OF ANDERSON ROAD (CITY OF DULUTH).

- - -

INTRODUCED BY COUNCILOR STAUBER

12-044 - 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 MIXED USE-NEIGHBORHOOD (MUN), TO FORM DISTRICT SIX, MID-RISE NEIGHBORHOOD SHOPPING (F-6) FOURTH STREET FROM MESABA TO FOURTH AVENUE EAST, FROM THE ALLEY ABOVE AND BELOW FOURTH STREET (CITY OF DULUTH).

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INTRODUCED BY COUNCILOR STAUBER

12-045 - 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-URBAN (R-2), TO MIXED-USE NEIGHBORHOOD (MU-N), THE PROPERTY LOCATED AT 2424 WEST FIFTH STREET (SHERMAN AND ASSOCIATES, INC.).

- - -

INTRODUCED BY COUNCILOR GARDNER

12-041 - AN ORDINANCE AUTHORIZING AN AGREEMENT AUTHORIZING SALE OF SKYWALK EASEMENTS IN THE HOLIDAY MALL TO JMM LIMITED PARTNERSHIP.

- - -

The following entitled ordinances were read of the second time:

BY COUNCILOR BOYLE

12-032 (10159) - AN ORDINANCE AMENDING CHAPTER 29A-32 OF THE DULUTH CITY CODE, 1959, AS AMENDED, PERTAINING TO THE CITY HOUSING, PROPERTY MAINTENANCE AND RENTAL CODE.

The rules were suspended upon a unanimous vote to hear from a speaker on the ordinance.

John Glendenning spoke of his support for the ordinance.

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

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Councilor Boyle moved passage of the ordinance, as amended, and the same was adopted upon the following vote:

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

Nays: Councilor Fosle -- 1

- - -

INTRODUCED BY COUNCILOR STAUBER

12-037 (10160) - AN ORDINANCE AMENDING SECTION 50-25.1 OF CHAPTER 50 OF THE DULUTH CITY CODE, 1959, AS AMENDED, RELATING TO LANDSCAPING AND TREE PRESERVATION.

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 9:18 p.m.

JEFFREY J. COX, City Clerk

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**ORDINANCE NO. 10159**

BY COUNCILOR BOYLE:

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

The city of Duluth does ordain:

Section 1. That Section 29A-32 of the Duluth City Code, 1959, as amended, is hereby amended to read as follows:

Sec. 29A-32. License conditions.

All rental units are subject to the following conditions:

- (a) No license shall be transferred to another rental unit;
- (b) At the principal exterior entrance to a rental unit an informational notice shall be posted that complies with the following requirements:
  - (1) The notice shall be displayed in a conspicuous place;
  - (2) The notice shall indicate the name, e-mail address and telephone number of the owner or managing agent;
- (c) If there is a change in ownership of a rental unit, the new owner shall apply for a transfer of the license within 30 days of the change and pay the license transfer fee. If the rental unit is sold pursuant to a contract for deed, the purchaser shall be responsible for applying for the license transfer and providing a recorded copy of said contract for deed from the St. Louis County recorder's office. A new license shall be issued for the remainder of the license period;
- (d) If there is a change in managing agent, the new managing agent shall notify the code official in writing within ten days of the change;
- (e) If there is a change in type of license, an application for change of license type is required. The application shall be filed with the code official as required by Section 29A-29.
- (f) Except as otherwise provided in this Section, all rental units licensed on March 13, 2011, and subsequently relicensed as a multi-tenant

## PROCEEDINGS OF THE DULUTH CITY COUNCIL FOR 2012

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licensed one family or two family dwelling shall provide a minimum of two off-street parking spaces. In addition, for each additional bedroom in excess of three, there shall be provided one additional off-street parking space. Failure to comply with these requirements will result in an additional nonconformance fee per parking space. All one family or two family dwellings that were unlicensed on March 14, 2011, and subsequently converted to a multi-tenant licensed rental unit shall provide the off-street parking spaces required in this Section, and the licensee shall not be entitled to tender payment of the nonconformance fee in lieu of providing the required off-street parking;

(1) The city council shall establish a parking nonconformance variance application fee pursuant to Section 29A-30;

(g) All off-street parking spaces shall comply with the standards for off-street parking provided for in Chapter 50 of this Code. The number of required off-street parking spaces shall be determined by the code official at the time of licensure. Failure to comply with these requirements will result in an additional nonconformance fee per parking space. The owner shall ensure that all required off street parking spaces are cleared of snow to at least the required dimension of off-street parking spaces within 72 hours after the end of every snowfall;

(1) All one-family or two-family dwellings, licensed on September 1, 2007, may continue to be licensed even though the property does not conform to the off-street parking provisions of this Section. The rental unit shall be treated as a lawful nonconforming use; however, the nonconformance parking fees provided for in this Section shall apply. If the number of bedrooms, or number of rooms occupied as bedrooms, is increased, the off-street parking requirements of this Section shall apply to the entire licensed property. If the license for the nonconforming use is revoked or lapses for any period of time, all nonconforming use rights related to off-street parking requirements shall terminate;

(2) The off-street parking requirements shall not apply to a short-term single-tenant license;

(h) Except as provided in this Section 29A-32(h) The maximum number of bedrooms in a multi-tenant rental unit that can be occupied by any tenant under new rental licenses, short-term licenses, and rental license renewals shall be based on the number of bedrooms on record in the city assessor's office on the date of rental application;

(1) The number of tenants cannot exceed the number of bedrooms applied for and paid for in the license application;

(2) In no case shall a bedroom be allowed that does not comply with all applicable state and city building and housing codes;

(3) If the multi-tenant rental unit is a one-family or two-family dwelling, the maximum number of bedrooms that can be occupied by any tenant shall be based on the lesser of the number of bedrooms on record in the city assessor's office and verified or corrected by the life safety division on the date of the rental application or four bedrooms. The four bedroom limitation shall not apply to multi-tenant one-family or two-family dwellings licensed on July 26, 2012, or those properties that have a valid purchase agreement as of June 9, 2012; instead, the number of bedrooms that may be occupied shall be the greater of the number of bedrooms authorized by the license in effect on July 26,

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

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2012, or four bedrooms, except those properties which are larger than 3,000 square feet as of June 9, 2012, may be allowed up to the maximum of six legal bedrooms.

Section 2. That this ordinance shall take effect 30 days after its passage and publication. (Effective date: July 26, 2012)

Councilor Boyle moved passage of the ordinance, as amended, and the same was adopted upon the following vote:

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

Nays: Councilor Fosle -- 1

Passed June 25, 2012

Approved June 25, 2012

DON NESS, Mayor

ATTEST:

JEFFREY J. COX, City Clerk

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**ORDINANCE NO. 10160**

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

The city of Duluth does ordain:

Section 1. That Section 50-25.1 of Chapter 50 be amended as follows:

Sec. 50-25.1.Applicability.

A. The landscaping provisions of Sections 50-25.2 through 25.4 and 25.7 shall apply to lots and parcels in any zone district that contain (i) more than 10,000 square feet of lot area, and (ii) a primary structure with a multi-family, mixed use, commercial, institutional, industrial, or parking principal use, when any of the following conditions occur:

1. A new primary structure is constructed;
2. The floor area in an existing primary structure(s), taken collectively, is increased by more than 25 percent;
3. An existing primary structure is relocated on the lot or parcel;
4. The primary structure is renovated or redeveloped (including but not limited to reconstruction after fire, flood or other damage), and the value of that renovation or redevelopment, as indicated by building permits, is 75 percent or more of the pre-application assessor's market value of the primary structure, as shown in the records of the city assessor;
5. A new parking lot containing 25 or more spaces is constructed or an existing parking lot containing 25 or more spaces is reconstructed;

B. In any form district, landscaping shall not be required on the portion of a lot occupied by a principle structure;

C. The tree preservation provisions of Section 50-25.9 apply to all development or redevelopment on lots and parcels in any zone district that contain (i) more than 10,000 square feet of lot area, and (ii) a primary structure with a multi-family, mixed use, commercial, institutional, industrial, or parking principal use, as well as to any new lot of record created after November 19, 2010, regardless of the primary use of the property, in any zone district;

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

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D. The landscaping between differing land uses provisions of Section 50-25.5 apply to all development or redevelopment on lots and parcels when there is a change of use.

Section 2. That this ordinance shall take effect 30 days after its passage and publication. (Effective date: July 26, 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 June 25, 2012  
Approved June 25, 2012  
DON NESS, Mayor

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