

PROCEEDINGS OF THE DULUTH CITY COUNCIL FOR 2012

OFFICIAL PROCEEDINGS

Special meeting of the Duluth City Council held on Thursday, April 5, 2012, 5:15 p.m. in the Council Chamber, City Hall, Duluth, Minnesota.

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

Absent: Councilor Krause -- 1

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INTRODUCTION AND CONSIDERATION OF ORDINANCES

The following entitled ordinances were read for the first time:

INTRODUCED BY COUNCILOR JULSRUD

12-022 - AN ORDINANCE TERMINATING AGREEMENT NO. 18,829 WITH EPA AND GRANTING THEM A ROAD EASEMENT FOR ACCESS TO THE WATER LAB.

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INTRODUCED BY COUNCILOR JULSRUD

12-023 - AN ORDINANCE DEDICATING AN EASEMENT ACROSS CERTAIN PROPERTY FOR LAKEWALK.

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The meeting was adjourned at 5:16 p.m.

MARTHA A. OSWALD, Assistant City Clerk, for
JEFFREY J. COX, City Clerk

PROCEEDINGS OF THE DULUTH CITY COUNCIL FOR 2012

OFFICIAL PROCEEDINGS

Duluth City Council meeting held on Monday, April 9, 2012, 7:00 p.m. in the Council Chamber, City Hall, Duluth, Minnesota.

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

Absent: None -- 0

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The minutes of the council meeting held on February 13, 2012, were approved upon a unanimous vote.

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PRESENTATION OF PETITIONS AND OTHER COMMUNICATIONS

12-0409-29 Center for Alcohol and Drug Treatment communication regarding the proposed resolution opposing an additional methadone drug treatment clinic (12-0158R). -- Received

12-0409-30 Hongyi Chen communication regarding the proposed rezoning of 1750 Kenwood Avenue (12-019-O). -- Received

12-0409-01 Daniel Neff acceptance of terms conditions and provisions of concurrent use permit granted by Ordinance 10136 on February 13, 2012. -- Received

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REPORTS FROM THE ADMINISTRATION

Chief Administrative Officer David Montgomery reported that, relative to the resolution on the agenda for the firefighters contract, the union approved the proposed contract (12-0187R).

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REPORTS FROM OTHER OFFICERS

12-0409-31 Budget manager 2011 general fund reconciled budget report, pursuant to Ordinance No. 10130. -- Received

12-0409-02 Clerk applications to the Minnesota gambling control board for:
(a) Exempt raffle permit from Lake Superior Chapter of Muskies, Inc., on July 14, 2012;
(b) Excluded bingo from Order of Ahepa Chapter 267 on May 20, 2012, and November 18, 2012. -- Received

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REPORTS OF BOARDS AND COMMISSIONS

12-0409-28 Alcohol, gambling and tobacco commission minutes of March 7, 2012, meeting. -- Received

12-0409-03 Commission on disabilities minutes of February 1, 2012, meeting. -- Received

12-0409-04 Duluth airport authority minutes of February 21, 2012, meeting. -- Received

12-0409-05 Duluth economic development authority minutes of February 22, 2012, meeting. - Received

12-0409-06 Duluth public utilities commission: (a) Minutes of February 21, 2012, meeting; (b) Resolutions regarding: (1) Private sewer service grant program guidelines

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(12 PUC-I&I-1); (2) Expansion of natural gas service (12PUC-Pay-off); (3) Recommendation opposing adoption of Ordinance No. 12-014 (12PUC-12-014-O). -- Received

12-0409-07 Duluth transit authority: (a) Minutes of January 25, 2012, meeting;

(b) Income statement of December 2011. -- Received

12-0409-08 Entertainment and convention center authority minutes of: (a) January 16;

(b) January 31; (c) February 28, 2012, meetings. -- Received

12-0409-09 Special assessment board calculation of final assessment policy, pursuant to Section 45-75 of the Duluth City Code. -- Received

12-0409-10 Spirit Mountain recreation area authority minutes of February 16, 2012, meeting. -- Received

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REPORTS OF COUNCIL COMMITTEES

Councilor Julsrud reported that she has met with Senator Franken's staff at a tour of the water treatment and in-take plant addressing the challenges being faced.

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President Hartman noted that he has appointed to the civil service working group councilors Gardner, Boyle and Julsrud and civil service board members John Schwetman and Bob Zallar, with others to be yet be appointed. In addition, he noted that there would be appointments from the human resources department and representatives from the police, fire and AFSCME unions.

To Mr. Montgomery's inquiry about a representative from the management unions, President Hartman stated that he would consider it.

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OPPORTUNITY FOR CITIZENS TO BE HEARD

Tim Velner spoke about the Duluth East Dare Devils Robotics Team and the successes that they have had both locally and nationally.

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Loren Martel commented on the Duluth School District and that he felt: the school is not acting democratically; the reserve fund is being depleted and information on school closing savings is not there because the new schools' square footage is increasing.

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Tyler Nord stated: thank you to the council for passing the resolution supporting the foreclosure moratorium in Senate File Number 1521; that Minnesota could start the snowball of two-thirds of the state legislatures to amend the United States Constitution by sending the foreclosure moratorium to the ballot and that individuals looking to transform the space on the corner of First Street and Second Avenue into a green community space are being attacked.

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RESOLUTION TABLED

Resolution 12-0135, reappointing Robert Prusak and appointing _____, replacing Jay Fosle, to the Duluth public utilities commission, was introduced by Councilor Boyle for discussion.

Councilor Boyle moved to amend the title and body of the resolution by inserting the name of "Jim Stauber," which motion was seconded and unanimously carried.

Resolution 12-0135, as amended, was adopted as follows:

PROCEEDINGS OF THE DULUTH CITY COUNCIL FOR 2012

BY COUNCILOR BOYLE:

RESOLVED, that the city council hereby reappoints Robert Prusak (at large) to the Duluth public utilities commission for a term expiring on March 31, 2015.

FURTHER RESOLVED, that the city council hereby appoints Jim Stauber (city councilor) to the Duluth public utilities commission for a term expiring on March 31, 2015, replacing Jay Fosle.

Resolution 12-0135, as amended, was unanimously adopted.

Approved April 9, 2012

DON NESS, Mayor

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UNFINISHED BUSINESS

BY PRESIDENT HARTMAN:

RESOLVED, that Rule 7A of the Standing Rules of the Duluth City Council is hereby amended to read as follows:

Rule 7A. CONSENT AGENDA.

At the consent of all city council members present at a city council meeting, any number of resolutions may be combined on a consent agenda and approved by one city council vote provided that the written resolutions, including a statement of purpose, have been presented to each city councilor 12 hours before the meeting in the manner provided by Section 8(i) of the City Charter.

Resolution 12-0147 was unanimously adopted.

Approved April 9, 2012

DON NESS, Mayor

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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.

RESOLVED, that Resolution 11-0632 adopting license, permit and fee charges for 2012 be amended by adding the fees listed below, pursuant to sections 31-6(a) and 31-8 of the Duluth City Code, 1959, as amended, effective April 13, 2012:

| Public Administration | |
|---|-----------------|
| Fee Name | 2012 Fee |
| Administrative hearing - Subpoena issuance requested by appellant - per each | \$25.00 |
| Skywalk system | |
| Peddler/solicitor permit - nonrefundable fee | \$2.00 |
| Police service fee for opening locked skywalk doors during the minimum required skywalk hours | \$50.00 |
| Signs, displays, banners, special events, obstructions, etc. permit | \$10.00 |

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| Public Works & Utilities | |
|--|----------|
| Point of sale noncompliance surcharge - per month | \$250.00 |
| Water and gas service construction permit - Special inspection fee - minimum | \$25.00 |

Resolution 12-0143 was unanimously adopted.
Approved April 9, 2012
DON NESS, Mayor

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WHEREAS, the budget previously approved for the fiscal year May 1, 2011, to April 30, 2012, included the approval of the 2012 repair and replacement capital plan as required by the 2003 use and management agreement; and

WHEREAS, due to weather conditions operating revenues for the current fiscal year are under budget because of the shortened winter ski season; and

WHEREAS, due to planned improvements including a new ski lift and a new chalet on Grand Avenue, capital needs have changed and the 2012 repair and replacement account is needed for operations.

RESOLVED, that the \$225,000 in the restricted repair and replacement account shall be made available for general operating expenses as needed by the authority. Construction of the new chalet on Grand Avenue and acquisition of a new ski lift together with other improvements including the addition of a zip line, miniature golf course and tubing park shall fulfill the obligation of the authority to expend monies for repairs and replacements to the recreation facilities.

Resolution 12-0161 was unanimously adopted.
Approved April 9, 2012
DON NESS, Mayor

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RESOLVED, that the proper city officials are hereby authorized to allocate \$20,000 from the unreserved, undesignated fund balance in the tourism tax fund, Fund 258, to the Lake Superior and Mississippi Railroad Company to aid with capital improvements and track maintenance.

Resolution 12-0166 was unanimously adopted.
Approved April 9, 2012
DON NESS, Mayor

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RESOLVED, that the city acting through the city treasurer, shall make available to the Spirit Mountain recreation area authority (authority) a line of credit up to \$600,000, to be drawn upon as needed, to assist in the management of cash flow within the approved budget, with an interest rate of 2.50 percent per annum charged on drawn funds.

Resolution 12-0167 was unanimously adopted.
Approved April 9, 2012
DON NESS, Mayor

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WHEREAS, the governmental accounting standards board has recently issued a new accounting standard Statement #54, *Fund Balance Reporting and Governmental Fund Type Definitions*; and

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WHEREAS, one of the new requirements under Statement #54 is that amounts previously reported as fund balance designations and reserves should be reclassified into new fund balance categories created by this new pronouncement and formal action be taken to memorialize revenues committed for specific purposes; and

WHEREAS, the city has previously reported the following fund balance reserves in the general fund:

D.A.R.E. program – Crime prevention and youth related community policing efforts;

Police training services – Revolving fund for career fairs and other police training opportunities;

Fire safety education – Revolving fund for community fire safety education and child passenger safety; and

WHEREAS, as of December 31, 2011, the year end balances in these accounts were as follows:

D.A.R.E. - \$18,319.53;

Police training services - \$4,867.77;

Fire safety education - \$2,166.00; and

WHEREAS, the administration recommends these balances be carried forward to 2012 as assigned fund balance for the purposes described above; and

WHEREAS, the administration also recommends that future specific revenues for the programs identified below be committed as follows:

| Program | Specific Revenue Source | Committed For |
|--------------------------|---|---|
| D.A.R.E. | D.A.R.E. police salary reimbursements | Crime prevention and youth community policing |
| Police training services | Police law enforcement training center reimbursements and donations | Revolving fund for police career fairs, citizens police academy, and law enforcement training center activities |
| Fire safety education | Fire safety donations | Revolving fund for community fire safety education and child passenger safety activities |

THEREFORE, BE IT RESOLVED, by the Duluth City Council that the December 31, 2011, balances for the programs identified above are general fund assigned fund balances and carried forward to 2012.

FURTHER RESOLVED, the specific revenue sources identified above are committed for the purposes described above in the general fund.

Resolution 12-0184 was unanimously adopted.

Approved April 9, 2012

DON NESS, Mayor

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RESOLVED, that the proper city officials are hereby authorized to execute and implement a collective bargaining agreement with Local 101 International Association of Firefighters, containing the same terms and conditions, and being substantially the same as that on file in the office of the city clerk as Public Document No. 12-0409-11, covering the year 2011.

Resolution 12-0187 was unanimously adopted.

Approved April 9, 2012

DON NESS, Mayor

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WHEREAS, improvements estimated to cost \$432,012, including the construction of a gazebo and electrical upgrades, are planned for Enger Park; and

WHEREAS, additional funds totaling \$226,308 are necessary to complete the funding for the Enger Park project.

RESOLVED, that the appropriate city officials are authorized to transfer \$100,000 from the reserve for capital improvements fund balance in the tourism tax fund to Capital Improvement Fund 450 for Enger Park improvements.

FURTHER RESOLVED, that \$126,308 from the General Fund 2011 capital improvement budget not previously expended be assigned for Enger Park improvements and be transferred to the Enger Park improvement account in the Capital Improvement Fund 450.

Resolution 12-0190 was unanimously adopted.

Approved April 9, 2012

DON NESS, Mayor

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RESOLVED, that the proper city officials are hereby authorized to contract with Superior Glass, Inc., for Change Order No. 3 to Contract 21231 for Phase III work associated with the replacement of City Hall windows, thereby increasing the contract by \$293,035 for a contract total of \$1,587,745, payable from Capital Improvements Fund 450, Department/Agency 030 (finance), Object 5520 (buildings and structures), Project No. CP2011-1104B.

Resolution 12-0160 was unanimously adopted.

Approved April 9, 2012

DON NESS, Mayor

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BE IT RESOLVED, that the Duluth City Council approves of the Minnesota gambling control board issuing a premise permit to the following organization.

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

| Licensee | Gambling site |
|-----------------------|-------------------------------------|
| Irving Community Club | Shotz Bar, 1321 Commonwealth Avenue |

Resolution 12-0163 was unanimously adopted.

Approved April 9, 2012

DON NESS, Mayor

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BE IT RESOLVED, that the city council of the city of Duluth hereby approves the transfer of the on sale 3.2 percent malt liquor license for the period ending April 30, 2012, and approves the transfer of the on sale wine license for the period ending August 31, 2012, subject to approval by the liquor control commissioner, the payment of sales and property taxes, and further subject to departmental approvals:

JCEBAL Company (Duluth India Palace), 319 East Superior Street, with Kaochin Singh, 100 percent stockholder, transferred from TC, Inc. (Duluth India Palace), same address.

Resolution 12-0175 was unanimously adopted.

Approved April 9, 2012

DON NESS, Mayor

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RESOLVED, that the proper city officials are hereby authorized to contract with New World Systems for the proprietary purchase of Logos.Net community development software

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and related implementation services, allowing for the replacement of the legacy mainframe licensing application and integration with other critical systems, in accordance with city system specifications and the vendor's quote of \$77,946, payable as follows:

(a) \$72,090 from Capital Equipment Fund 250, Administrative Services 015, Fiscal Year 2010, Capital Equipment 5580, Project No. CE250-E1004;

(b) \$5,856 from General Fund 110, Management Information Services 117, MIS 1107, Computer Supplies/Software 5201.

Resolution 12-0178 was unanimously adopted.

Approved April 9, 2012

DON NESS, Mayor

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BE IT RESOLVED, that the Duluth City Council hereby approves of the Minnesota gambling control board issuing a lawful gambling exemption to Essentia Health Foundation (May and August raffles), Rotary Club of Duluth, and St. James Church does hereby waive the 60 day waiting period which it has to object to the issuance of said exemptions.

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

Resolution 12-0185 was unanimously adopted.

Approved April 9, 2012

DON NESS, Mayor

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RESOLVED, the proper city officials are hereby authorized to enter into a potential five-year agreement with Interstate Parking Company of Minnesota, LLC, and Duluth economic development authority (DEDA), substantially the same as that on file in the office of the city clerk as Public Document No. 12-0409-12, for parking lot management services at an annual fee not to exceed \$42,714 per contract year, payable from the following accounts: Parking Fund 505, Administrative Services Department 015, Parking Ramps Organization 1480, and Meters and Municipal Lots Organization 1481.

Resolution 12-0189 was unanimously adopted.

Approved April 9, 2012

DON NESS, Mayor

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RESOLVED, that the proper city officials are hereby authorized to enter into a contract with Hovland, Inc., for the construction of Enger Tower Gazebo in accordance with the approved specifications and the vendor's low bid of \$138,000, payable from Capital Improvement Fund 450, Department/Agency 030, Organization 5520, Project PIMISC-EngerTower.

Resolution 12-0192 was unanimously adopted.

Approved April 9, 2012

DON NESS, Mayor

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RESOLVED, that the job specifications for the appointed department head position of director of public administration, which is filed with the city clerk as Public Document No. 12-0409-13, are approved; that said appointed position shall be subject to the city's collective bargaining agreement with its supervisory unit employees; and that the pay range for said appointed position shall be ranges 1135-1170.

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FURTHER RESOLVED, the proper city officials are authorized to execute and implement an agreement with the supervisory association to provide for employing a unit member consistent with this resolution.

Resolution 12-0191 was unanimously adopted.

Approved April 9, 2012

DON NESS, Mayor

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RESOLVED, that:

(a) Minnesota Laws, 1973, Chapter 327, requires that prior to the construction of any building, facility or other use at the Spirit Mountain Recreation Area the Duluth City Council shall, upon recommendation of the city planning commission and the city parks and recreation commission, approve a permit and may attach appropriate conditions to ensure that the project conforms to the approved master plan and the purposes of the act;

(b) The city planning commission reviewed the proposed Spirit Mountain Phase II chalet and parking lot site plan, and replacement plan for the express lift and terminals (the plan) at its regular meeting on March 13, 2012, and recommended approval of the plan subject to the following conditions:

(1) That a pedestrian pathway be constructed on the west side of the driveway linking the chalet to Grand Avenue; and

(2) That the pathway be converted to a sidewalk within five years of project completion;

(c) The parks and recreation commission reviewed the plan at its regular meeting on March 14, 2012, and recommended approval of the plan as submitted by the applicant; and

(d) That the city council of the city of Duluth, having received the recommendations of the planning and park and recreation commissions, and after review of the plan, hereby approves a permit for the Spirit Mountain Phase II Grand Avenue Chalet and parking lot site plan, and replacement plan for the express lift including the lift terminals for the Spirit Mountain recreation area authority, a copy of which is on file in the office of the city clerk as Public Document No. 12-0409-14, subject to the following conditions:

Resolution 12-0162 was unanimously adopted.

Approved April 9, 2012

DON NESS, Mayor

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RESOLVED, that:

(a) The city council finds a sufficient petition was filed with the city requesting the vacation of the following streets and alleys at the Woodland Middle School site: the unimproved portion of Summit Street, East Griggs Place, Prospect Avenue, North 27th Avenue East, and the alley behind East Eighth Street, as well as the improved portion of the alley behind Woodland Avenue and a portion of the intersection at Clover Street and East Eighth Street (PL 12-010); and

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

(c) The city planning commission, at its Tuesday, March 27, 2012, meeting, recommended approval of the vacation petition; and

PROCEEDINGS OF THE DULUTH CITY COUNCIL FOR 2012

(d) The city council of the city of Duluth approves the vacation of the streets and alleys described below and as described and depicted on Public Document No. 12-0409-15:

All land in the county of St. Louis, state of Minnesota:

All that part of Summit Street (a.k.a. Manitoba Street), Clover Hill Division of Duluth, lying easterly of the easterly line of Woodland Avenue.

Together with:

All that part of East Griggs Place (a.k.a. Codding Street), Clover Hill Division of Duluth, and all that part of East Griggs Place (a.k.a. Codding Street), Motor Line Division of Duluth, lying easterly of the easterly line of Woodland Avenue, Clover Hill and Motor Line Divisions of Duluth.

Together with:

All those parts of Prospect Avenue, Motor Line Division to Duluth, and Prospect Avenue, Mount Royal Division of Duluth, lying southerly of the southerly line of Elizabeth Street, Motor Line and Mount Royal divisions of Duluth.

Together with:

27th Avenue East, Willard's Division to Duluth, lying northwesterly of the northwesterly line of East Eighth Street, Willard's Division to Duluth.

Together with:

All that part of the alley between Blocks 8 and 9, Clover Hill Division of Duluth, from the northerly line of Clover Street to a line 50 feet easterly of the easterly property line of Lot 3, Block 8, Clover Hill Division of Duluth.

Together with:

All of the alley in Block 19, Willard's Division to Duluth.

Together with:

All of the alley in Block 6, Mount Royal Division to Duluth.

Together with:

All those parts of Clover Street and East Eighth Street, Clover Hill Division of Duluth, adjacent to those parts of Lots 4 thru 9, Block 9, said Clover Hill Division of Duluth, lying northerly of the northerly line of Clover Street extended and northwesterly of the northwesterly line of East Eighth Street extended.

Subject to the retention of an easement for utility purposes over the following-described parts of North 27th Avenue East, Prospect Avenue and the alley behind East Eighth Street, as more particularly described below and as described and depicted on Public Document No. 12-0409-15:

All of the alley in Block 19, Willard's Division to Duluth.

Together with:

All of the alley in Block 6, Mount Royal Division to Duluth.

Together with:

The southwesterly 33 feet of 27th Avenue East, Blocks 18 and 19, Willard's Division to Duluth, and in Block 3, Clover Hill Division of Duluth.

Together with:

All that part of the northeasterly 33 feet of 27th Avenue East, Willard's Division to Duluth, lying between two lines 0 feet and 40 feet southeasterly of the northwesterly line of the alley in Block 19 extended, said Willard's Division to Duluth.

Together with:

All that part of Prospect Avenue and East Griggs Place (a.k.a. Codding Street), Clover Hill and Motor Line divisions of Duluth, lying within 55 feet of the east lines of the aforementioned Clover Hill and Motor Line divisions of Duluth. Said portion of the above-

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described Prospect Avenue being southerly of the south line of Elizabeth Street, said Motor Line Division of Duluth;

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

Resolution 12-0169 was unanimously adopted.

Approved April 9, 2012

DON NESS, Mayor

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RESOLVED, that the proper city officials are hereby authorized to enter into a Minnesota historical and cultural grant agreement with the Minnesota historical society, substantially in the form of that on file in the office of the city clerk as Public Document No. 12-0409-16(a), accepting a grant in the amount of \$168,525, related to the roof and tower restoration of the Sacred Heart Music Center, payable into Fund 262 (community development), Agency 020 (business and community development), Object 4220-02 (revenue).

FURTHER RESOLVED, that the proper city officials are hereby authorized to enter into Minnesota historical and cultural subgrant agreement with Sacred Heart Music Center, substantially in the form of that on file in the office of the city clerk as Public Document No. 12-0409-16(b), to implement the rehabilitation program of the Sacred Heart Music Center, in the amount of \$168,525 payable from Fund 262 (community development), Agency 020 (business and community development), Object 5434 (projects).

Resolution 12-0170 was unanimously adopted.

Approved April 9, 2012

DON NESS, Mayor

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RESOLVED, that:

(a) The city council finds a sufficient petition was filed with the city requesting the vacation of building line and utility easements at the Woodland Middle School site (PL 12-010); and

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

(c) The city planning commission, at its Tuesday, March 27, 2012, meeting, recommended approval of the easement vacation petition; and

(d) The city council of the city of Duluth approves the vacation of the following easements described below and as described and depicted on Public Document No. 12-0409-17:

All land in the county of St. Louis, state of Minnesota:

All those lands encumbered by building lines affecting Blocks Two (2), Five (5) and Eight (8), Clover Hill Division of Duluth.

Together with:

That part of a gas line as now located affecting the westerly one-half of Prospect Avenue, East Griggs Place (a.k.a. Coddling Street), Blocks 18 and 19, Motor Line Division of Duluth, the vacated alley between said Blocks 18 and 19, except that portion of said gas line as now located lying northerly of the southerly line of Elizabeth Street, Motor Line Division of Duluth.

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Together with:

A ten foot utility easement centering on existing storm sewer previously reserved per vacation of streets and alleys and approved by the city council of Duluth on April 2, 1956.

and

All those parts of Blocks 8, 9 and vacated alley between said Blocks 8 and 9, Clover Hill Division of Duluth, being storm sewer directly connected to and downstream of the aforementioned ten foot utility easement approved by the city council of Duluth on April 2, 1956, and lying northerly of the northerly line of Clover Street, said Clover Hill Division of Duluth;

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

Resolution 12-0172 was unanimously adopted.

Approved April 9, 2012

DON NESS, Mayor

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RESOLVED, that pursuant to Minnesota Statutes 204B.16, subdivision 3, the following locations are designated as polling places in the city of Duluth for the August 14, 2012, state primary election, the November 6, 2012, state general election, and until further notice:

POLLING PLACE LIST

| POLLING PLACE | ADDRESS |
|---|-----------------------------|
| 1. St. Michael's Catholic Church (lower level) | 4901 East Superior Street |
| 2. Lakeside Presbyterian Church (lower level) | 4430 McCulloch Street |
| 3. Lutheran Church of the Good Shepherd (lower level) | 1325 North 45th Avenue East |
| 4. Faith Lutheran Church (lower level) | 1814 North 51st Avenue East |
| 5. Lakeview Covenant Church (lower level) | 1001 Jean Duluth Road |
| 6. Woodland Community Club | 3211 Allendale Avenue |
| 7. Glen Avon Presbyterian Church (lower level) | 2105 Woodland Avenue |
| 8. Duluth Congregational Church (lower level) | 3833 East Superior Street |
| 9. Pilgrim Congregational Church (lower level) | 2310 East Fourth Street |
| 10. U.M.D. Kirby Student Center | 1120 Kirby Drive |
| *11. Vineyard Christian Fellowship (auditorium) | 1533 West Arrowhead Road |
| 12. Temple Israel | 1602 East Second Street |
| 13. Mt. Olive Lutheran Church (lower level) | 2010 East Superior Street |
| *14. First Lutheran Church (lower level) | 1100 East Superior Street |
| 15. Peace Church (Tenth Avenue entrance) | 1015 East 11th Street |
| 16. First United Methodist Church (Lakeview social hall) | 230 East Skyline Parkway |
| 17. Rainbow Senior Center (auditorium) | 211 North Third Avenue East |
| 18. Lafayette Square (upper level) | 3026 Minnesota Avenue |
| 19. Duluth Public Library (Green Room) | 520 West Superior Street |
| 20. Duluth Gospel Tabernacle Church (lower level - west entrance) | 1515 West Superior Street |
| 21. Lincoln Park Senior Center (lower level) | 2014 West Third Street |
| *22. Shepherd of the Hills Lutheran Church (fellowship hall) | 802 Maple Grove Road |
| 23. Duluth Heights Community Club | 33 West Mulberry Street |

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POLLING PLACE LIST

| | |
|--|-------------------------|
| 24. Christ Lutheran Church (rear lower level entrance) | 2415 Ensign Street |
| 25. St. Lawrence Church | 2410 Morris Thomas Road |
| 26. Holy Family Catholic Church | 2430 West Third Street |
| 27. Harrison Community Club | 3002 West Third Street |
| 28. City Center West | 5830 Grand Avenue |
| 29. Faith Haven (recreation room) | 4901 Grand Avenue |
| 30. Elim Lutheran Church (social hall) | 6101 Cody Street |
| 31. Bayview Heights School (gym) | 8702 Vinland Street |
| 32. Asbury United Methodist Church (lower level) | 6822 Grand Avenue |
| 33. Goodfellowship Community Center (warming area) | 1242-88th Avenue West |
| 34. Stowe School (Room 27) | 715-101st Avenue West |

* New polling site location

Resolution 12-0159 was unanimously adopted.

Approved April 9, 2012

DON NESS, Mayor

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RESOLVED, that the proper city officials are hereby authorized to enter into a contract with Superior Construction Company, Inc., for sliplining a two inch HDPE low pressure sanitary sewer in Columbia Street from North Central Avenue to 57th Avenue West in the amount of \$38,473, payable from Sanitary Sewer Fund 530, Department 500 (public works and utilities), Division 1905 (capital), Object 5535 (new capital improvements), City Project No. 1001SN. Of these costs, \$30,000 will be assessed to benefitting properties.

Resolution 12-0153 was unanimously adopted.

Approved April 9, 2012

DON NESS, Mayor

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RESOLVED, that the proper city officials are hereby authorized to enter into a contract with Hanco Utilities, Inc., for construction of high pressure gas mains and services at various city locations in the amount of \$626,621, payable out of Gas Fund 520, Department/Agency 500 (public works and utilities), Division 1905 (capital), Object 5533 (capital improvements - revenue), City Project No. 1075.

Resolution 12-0168 was unanimously adopted.

Approved April 9, 2012

DON NESS, Mayor

- - -

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. 12-0409-18 with the St. Louis and Lake counties regional railroad authority for the construction, operation and maintenance of the Lakewalk recreational trail in the right-of-way of the St. Louis and Lake county regional railroad authority's lakefront line between 60th Avenue East and 61st Avenue East, at substantially no cost to the city.

Resolution 12-0173 was unanimously adopted.

Approved April 9, 2012

DON NESS, Mayor

- - -

PROCEEDINGS OF THE DULUTH CITY COUNCIL FOR 2012

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. 12-0409-19 with the Minnesota department of transportation granting the city a limited use permit for the construction, operation and maintenance of the Lakewalk recreational trail in the state's right-of-way for Trunk Highway 61 east of 61st Avenue East and connecting to Brighton Beach at substantially no cost to the city.

Resolution 12-0174 was unanimously adopted.

Approved April 9, 2012

DON NESS, Mayor

- - -

RESOLVED, that the proper city officials are authorized to accept permanent trail easements and temporary construction easements substantially in the form of those on file in the office of the city clerk as Public Document No. 12-0409-20 from the United States environmental protection agency for the construction, operation and maintenance of the Lakewalk recreational trail on portions of Lot 1, Block 1, EDGESHORE PARK DIVISION OF DULUTH, at substantially no cost to city.

Resolution 12-0176 was unanimously adopted.

Approved April 9, 2012

DON NESS, Mayor

- - -

RESOLVED, that pursuant to Minnesota Statutes Section 471.342, the guidelines for the private sewer service grant program approved pursuant to Resolution 10-0600 are hereby amended by substituting therefore those guidelines on file in the office of the city clerk as Public Document No. 12-0409-21 which are hereby adopted and approved.

Resolution 12-0177 was unanimously adopted.

Approved April 9, 2012

DON NESS, Mayor

- - -

RESOLVED, that the proper city officials are hereby authorized to enter into a professional services agreement with Net Transcripts, Inc., substantially the same as that on file in the office of the city clerk as Public Document No. 12-0409-22, for one contract year and two possible one-year renewals, for transcription services for the Duluth police department at an annual amount not to exceed \$30,000, payable from General Fund 110, Department/Agency 160 (police), Division 1610 (administration and investigation), Object 5320 (data services).

Resolution 12-0120 was unanimously adopted.

Approved April 9, 2012

DON NESS, Mayor

- - -

RESOLVED, that the city council directs the public works and utilities department to physically close 61st Avenue East from the northern line of Congdon Boulevard (Minnesota Highway 61) to 125 feet northerly, the exact location and design to be determined by appropriate city personnel.

Resolution 12-0155 was unanimously adopted.

Approved April 9, 2012

DON NESS, Mayor

- - -

PROCEEDINGS OF THE DULUTH CITY COUNCIL FOR 2012

RESOLVED, that the proper city officials are hereby authorized to execute an amended and restated Lake Superior drug and violent crime task force joint powers agreement; said amended and restated joint powers agreement to be substantially in the form of that on file in the office of the city clerk as Public Document No. 12-0409-23, allowing Carlton County and the city of Cloquet to participate in the task force and also changing the name of the task force.

Resolution 12-0164 was unanimously adopted.

Approved April 9, 2012

DON NESS, Mayor

- - -

RESOLVED, that in accordance with the provisions of Section 33-97 of the Duluth City Code, 1959, as amended, the following no parking zone is hereby established:

on the east side of Livingston Avenue between Oxford Street and Glenwood Street.

Resolution 12-0179 was unanimously adopted.

Approved April 9, 2012

DON NESS, Mayor

- - -

RESOLVED, that in accordance with the provisions of Section 33-97 of the Duluth City Code, 1959, as amended, the following no parking zone is hereby established:

on the south side of Oxford Street between Woodland Avenue and Livingston Avenue.

Resolution 12-0180 was unanimously adopted.

Approved April 9, 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 Document No. 12-0409-24, with the College of St. Scholastica for the nonexclusive use of Wade Stadium for their baseball program with rent payments payable to Fund 210 (special projects), Agency 030 (finance), Object 3190 (special league), Revenue Source 4625-04 (rent of athletic fields baseball fields).

Resolution 12-0171 was unanimously adopted.

Approved April 9, 2012

DON NESS, Mayor

- - -

The following resolutions were also considered:

Resolution 12-0165, adopting the higher education small area plan and amending the comprehensive plan - future land use map in three locations (higher education small area plan and higher education future land use), was introduced by Councilor Stauber for discussion.

Councilor Stauber moved to amend the resolution by inserting a subparagraph (e) to read as follows:

"(e) The city council in careful review of the comprehensive plan (pp. 21), regulations (pp. 79-80) and policies (pp. 60) recognizes the need for a Higher Education Overlay (HEO) District. By formalizing the HEO district the city could address special opportunities and risks associated with the overlay area not otherwise permitted. The HEO district will be generally established as a district as found on page 34 (Figure 13) of the small area plan including all areas of study area but excluding the segment designated and targeted

PROCEEDINGS OF THE DULUTH CITY COUNCIL FOR 2012

for neighborhood stabilization. The planning commission's recommendations that the council fund the small area plan on June 22, 2010, included numerous requests to include an overlay district. On June 26, 2010, the council approved funding for this study with several councilors understanding an overlay district for the university area would be established. By city ordinance, the HEO district can then be applied to the Unified Development Chapter (UDC)," which motion was seconded and discussed.

Councilor Stauber reviewed that the need for this amendment is to make part of the plan a higher education overlay district, then, at some point it, would become part of the Unified Development Chapter.

Councilor Stauber clarified at length his intent and answered councilor questions.

Councilor Fosle moved to table the resolution and the amendment, which motion was seconded and carried by the following vote:

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

Nays: Councilor Julsrud -- 1

- - -

Resolution 12-0156, approving a St. Louis County project providing for the construction, reconstruction or improvement of 40th Avenue West and Haines Road from 190 feet north of Ninth Street to Morris Thomas Road within the corporate limits of the city of Duluth, was introduced by Councilor Julsrud.

Councilor Julsrud moved to return the resolution to the administration as requested, which motion was seconded and unanimously carried.

- - -

Resolution 12-0181, authorizing the purchase and delivery of four 2012 Chevrolet 3500 RWD cargo vans and one 2012 Chevrolet Tahoe UV33 from Thane Hawkins Polar Chevrolet in the amount of \$125,844.31, was introduced by Councilor Julsrud for discussion.

Councilor Fosle expressed concerns regarding: the details of the history of the vehicle maintenance costs of the vehicles being replaced. He felt that those costs were astronomical and until those costs are reviewed, he would not support any vehicle purchases.

Resolution 12-0181 was adopted as follows:

RESOLVED, that the proper city officials are hereby authorized to contract with Thane Hawkins Polar Chevrolet for the purchase and delivery of four 2012 Chevrolet Express 3500 RWD cargo vans and one 2012 Chevrolet Tahoe in accordance with Minnesota State Contract 35472, Release A-175(5), specifications and pricing for a total of \$117,768.83 plus \$7,654.98 (6-1/2%) state vehicle sales tax plus \$420.50 license, registration, and tax-exempt plates and fees (6-1/2%), for a combined total of \$125,844.31, terms net 30, FOB destination, and payable as follows:

(a) \$101,711.42 from Water Fund 510, Public Works and Utilities 500, Capital 1905, Capital Equipment 5580;

(b) \$24,132.89 from Gas Fund 520, Public Works and Utilities 500, Capital 1905, Capital Equipment 5580.

Resolution 12-0181 was adopted upon the following vote:

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

Nays: Councilors Fosle and Stauber -- 2

Approved April 9, 2012

DON NESS, Mayor

PROCEEDINGS OF THE DULUTH CITY COUNCIL FOR 2012

- - -

Resolution 12-0182, authorizing the purchase and delivery of one 2110 Vactor Classic combination sewer machine from Macqueen Equipment, Inc., in the amount of \$417,652.53, was introduced by Councilor Julsrud for discussion.

Councilors Fosle and Stauber commented on the details of this vehicle's maintenance costs.

Resolution 12-0182 was adopted as follows:

RESOLVED, city officials are hereby authorized to contract with MacQueen Equipment, Inc., for the purchase and delivery of one 2110 Vactor Classic combination sewer machine with positive displacement blower with options in accordance with Minnesota State Contract 42798, Release W-196(5), specifications and pricing in the amount of \$392,162 plus \$25,490.53 state vehicle sales tax (6-1/2%) for a total amount of \$417,652.53, terms net 30, FOB destination, and payable as follows:

(a) \$208,826.27 from Sewer Fund 530, Public Works and Utilities 500, Capital 1905, Capital Equipment 5580;

(b) \$208,826.26 from Stormwater Fund 535, Public Works and Utilities 500, Capital 1905, Capital Equipment 5580.

Resolution 12-0182 was adopted upon the following vote:

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

Nays: Councilors Fosle and Stauber -- 2

Approved April 9, 2012

DON NESS, Mayor

- - -

RESOLVED, that the rate structure for the "northern expansion area" approved as Public Document No. 11-0627-23 pursuant to Resolution 11-0325 and for the "Fond du Lac expansion area" approved as Public Document No. 11-0627-24 pursuant to Resolution 11-0326 be amended by amending Paragraph 1. E. of both said structures as follows:

Fair share pay-off amount: shall mean \$4,000 whenever paid.

Resolution 12-0186 was unanimously adopted.

Approved April 9, 2012

DON NESS, Mayor

- - -

Resolution 12-0158, by councilors Fosle, Krause and Boyle, in opposition to proposed additional methadone drug treatment clinic, was introduced for discussion.

Councilors Gardner and Krug opposed the resolution for reasons of: there are 450 people waiting to get into the existing clinic; while there have been complaints with the existing clinic, people are "painting" a broad brush to any new clinics; there are now new drugs available to treat individuals that a new clinic might use; there is a lack of cooperation between the medical and treatment communities that needs to be improved; there needs to be more information before voting on this; this resolution should have addressed that the city was not involved in the process versus saying "no" to a clinic; addictions need to be addressed because addictions lead to higher crime rates and there is an addiction problem here in Duluth.

Councilors Krause, Boyle, Larson and Fosle supported the resolution for reasons of: there are a lot of individuals coming into our community from elsewhere who have a need for this service; these clinics are a problem nationwide; there needs to be a dialogue that these services can be done better; this resolution is not against treatment, but a particular clinic that

PROCEEDINGS OF THE DULUTH CITY COUNCIL FOR 2012

is not in compliance; with the information of all these individuals coming to Duluth for this service, it should be noted where they are coming from and a center being built there.

Councilor Julsrud stated that because this is a complex issue, there is so much more that she needed to ask and therefore would be abstaining.

Resolution 12-0158 was adopted as follows:

BY COUNCILORS FOSLE, KRAUSE AND BOYLE:

RESOLVED, that the city council hereby expresses its strong opposition to the proposed opening of a second methadone drug treatment center within the city of Duluth.

Resolution 12-0158 was adopted upon the following vote:

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

Nays: Councilors Gardner and Krug -- 2

Abstention: Councilor Julsrud -- 1

Approved April 9, 2012

DON NESS, Mayor

- - -

Resolution 12-0183, authorizing a three-year lease and management agreement with One Roof Community Housing for the Central Hillside Community Center, was introduced by Councilor Larson for discussion.

Councilor Krause felt that the reduced rental rate for this entity should not include the utilities.

Resolution 12-0183 was adopted follows:

RESOLVED, that the proper city officials are hereby authorized to enter into a three-year agreement with One Roof Community Housing, substantially in the form of that on file in the office of the city clerk as Public Document No. 12-0409-26, for the lease and management of the Central Hillside Community Center with monthly rent of \$855 deposited into Fund 110-121-1217-2120-4622 (general, public administration, maintenance operations, architecture and facilities, rent of buildings).

Resolution 12-0183 was adopted upon the following vote:

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

Nays: Councilor Krause -- 1

Approved April 9, 2012

DON NESS, Mayor

- - -

RESOLVED, that the proper city officials are hereby authorized to accept a donation of three Loll designed park benches donated from Loll Designs of Duluth and other anonymous donors, two benches to be installed at the Park Point Beach House and one bench to be placed at Longview Tennis Courts.

FURTHER RESOLVED, that the city administration and city council hereby express their gratitude for these donations.

Resolution 12-0188 was unanimously adopted.

Approved April 9, 2012

DON NESS, Mayor

- - -

INTRODUCTION AND CONSIDERATION OF ORDINANCES

The following entitled ordinances were read for the first time:

PROCEEDINGS OF THE DULUTH CITY COUNCIL FOR 2012

INTRODUCED BY COUNCILOR STAUBER

12-018 - AN ORDINANCE REPEALING ARTICLE X OF CHAPTER 45 OF THE DULUTH CITY CODE, 1959, AS AMENDED, RELATING TO PERMITS FOR THE CONCURRENT USE OF STREETS.

- - -

INTRODUCED BY COUNCILOR STAUBER

12-019 - AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF DULUTH AS REFERENCED IN CHAPTER 50, OF THE DULUTH CITY CODE, 1959, AS AMENDED, TO PROVIDE FOR THE RECLASSIFICATION FROM R-1, RESIDENTIAL-TRADITIONAL, TO R-2, URBAN-RESIDENTIAL, ON THE WEST PORTION OF THE PROPERTY LOCATED AT 1750 KENWOOD AVENUE (CARLSON).

- - -

INTRODUCED BY COUNCILOR STAUBER

12-020 - AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF DULUTH AS REFERENCED IN CHAPTER 50, OF THE DULUTH CITY CODE, 1959, AS AMENDED, TO PROVIDE FOR THE RECLASSIFICATION FROM R-1, RESIDENTIAL-TRADITIONAL, TO R-P, RESIDENTIAL-PLANNED, APPROXIMATELY 20 ACRES LAND LYING SOUTH OF HULETT AVENUE, EAST OF 93RD AVENUE WEST, AND NORTHWEST OF SPIRIT LAKE TRANSFER RAILWAY (RAPID RIVER DEVELOPMENT, LLC).

- - -

INTRODUCED BY COUNCILOR STAUBER

12-021 - AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF DULUTH AS REFERENCED IN CHAPTER 50, OF THE DULUTH CITY CODE, 1959, AS AMENDED, TO PROVIDE FOR THE RECLASSIFICATION FROM R-1, RESIDENTIAL-TRADITIONAL, AND R-2, RESIDENTIAL-URBAN, TO R-P, RESIDENTIAL-PLANNED, AT THE WOODLAND MIDDLE SCHOOL SITE AT 201 CLOVER STREET (VILLAGE CENTER AND BLUESTONE COMMONS DEVELOPMENT).

- - -

The following entitled ordinances were read for the second time:

BY COUNCILOR KRAUSE

12-014 - AN ORDINANCE ALLOWING A MAJORITY OF THE CITY COUNCIL TO VETO UTILITY RATES APPROVED BY THE DULUTH PUBLIC UTILITIES COMMISSION AMENDING SECTION 2-187 OF THE DULUTH CITY CODE, 1959, AS AMENDED.

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

Robert Prusak and Patrick Huston opposed the ordinance for reasons of: allowing the Duluth public utilities commission (DPUC) to set rates is similar to the Western Lake Superior Sanitary District's authority; with three city councilors on the commission, the council will not be blindsided; the city council has to focus on many issues, but the DPUC only focuses on utilities; the former council put together the DPUC to depoliticize the utilities and get them back on track; today good money is being spent to fix old watermains; changing this to a simple majority will undermine the commission's focus and the DPUC is a very diverse group consisting of three city councilors, two registered engineers, an environmental advocate, a former mayor of a small town and a water treatment operator.

Councilors Krause, Fosle and Stauber supported the ordinance for reasons of: a super majority is really hard to accomplish and by design it is intended not to change the DPUC's decision; in other states and cities, PUC's are elected bodies, so if the public does not like their

PROCEEDINGS OF THE DULUTH CITY COUNCIL FOR 2012

decisions, members are replaced; citizens want councilors to address their concerns of higher rates; this commission will continue to raise the rates, because the only way other than raising rates is to dedicate funding to the infrastructure by the council raising taxes or bonding for it; when the rates are raised, citizens call councilors, not the commissioners; with the DPUC needing five for a quorum, theoretically you could have three appointed citizens making rate decisions for the whole city and councilors should take the responsibility for raising fees or taxes and understanding the big picture that affects citizens.

Councilors Gardner, Larson, Boyle, Krug, Julsrud and President Hartman opposed the ordinance for reasons of: originally when this was established, this issue was debated heavily; it was decided that this commission needed to have some authority, because they were expected to do the heavy research; a simple majority politicizes the issue; because there are three councilors on the commission, the council is constantly updated; if the council feels strongly enough to overturn a decision, then it has the authority to do so; by opposing the ordinance, the council would be showing respect to the DPUC; the commission was set up to develop plans and strategies; this commission is new and needs time to evolve; councilors in the past have failed miserably on helping out on the infrastructure; this problem cannot be passed on to the next generation; to the argument of taxation without representation, the council does have representation on the DPUC and an agreement to its function; repairing watermain breaks of over 150 a year is a waste of taxpayer dollars; cities that have had these types of commissions have been proactive; the DPUC is under the complete control of the council because it appoints its members; state-mandated rate structures have become more complex and look what has happened when the council has been left to make the hard decision.

Councilor Krause moved passage of the ordinance and the same failed upon the following vote (Public Document No. 12-0409-25):

Yeas: Councilors Fosle, Krause and Stauber -- 3

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

- - -

INTRODUCED BY COUNCILOR STAUBER

12-017 (10143) - 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 I-W, INDUSTRIAL WATERFRONT, TO MU-W, MIXED USE WATERFRONT, PROPERTY AT 1003 MINNESOTA AVENUE (GLOBE ENTERPRISES, INC.).

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

- - -

INTRODUCED BY COUNCILOR JULSRUD

12-022 (10144) - AN ORDINANCE TERMINATING AGREEMENT NO. 18,829 WITH EPA AND GRANTING THEM A ROAD EASEMENT FOR ACCESS TO THE WATER LAB.

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

- - -

INTRODUCED BY COUNCILOR JULSRUD

12-023 (10145) - AN ORDINANCE DEDICATING AN EASEMENT ACROSS CERTAIN PROPERTY FOR LAKEWALK.

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

PROCEEDINGS OF THE DULUTH CITY COUNCIL FOR 2012

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INTRODUCED BY COUNCILOR FOSLE

12-016 (10146) - AN ORDINANCE AMENDING SECTIONS 36-1, 36-2, 36-6, 36-7, 36-8, 36-9, 36-12, 36-13, 36-16, 36-17, 36-19, 36-20, 36-21 AND 36-23 OF THE DULUTH CITY CODE, 1959, AS AMENDED, PERTAINING TO PAWNBROKERS AND PRECIOUS METALS.

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

Vicky Syders and Linda Ness supported the ordinance for reasons of: their homes were burglarized and it takes time for inventories to be conducted so a change from 14 to 31 days before items can be resold would prove beneficial; posting of photos of items and the seller's driver license requirement in the ordinance will greatly assist police; these requirements preserve the integrity of transactions; honest individuals will not have any problems with the new requirements of the ordinance and photo requirements will insure there are no different impressions, which could be in written descriptions.

Chuck Armstrong, community affairs director for Pawn America, expressed support for the ordinance and reviewed their already existing procedures. He inquired about the intention of Section 36-6(f) and stated that there could be clarity in referencing precious metals specifically.

Police Officer Negorski commented that the police department intends that this section only apply to precious metals.

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

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The meeting was adjourned at 9:20 p.m.

JEFFREY J. COX, City Clerk

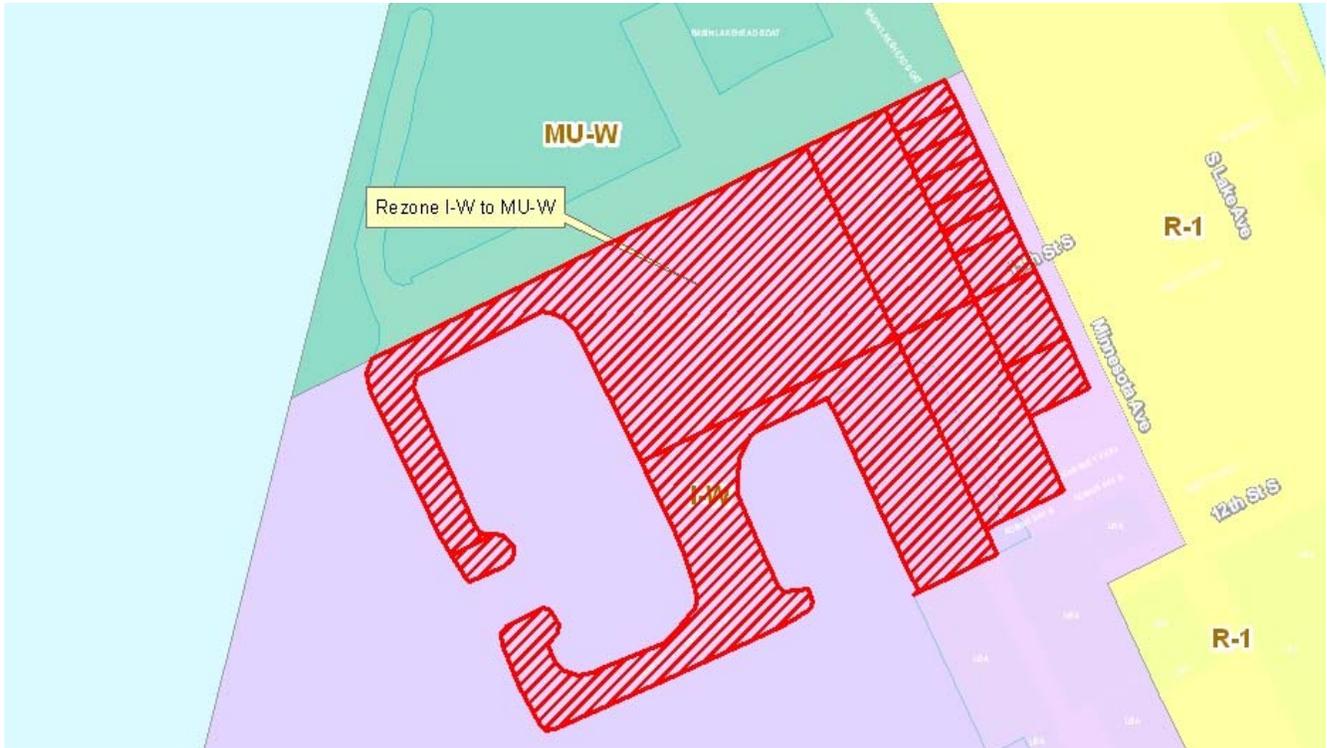
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ORDINANCE NO. 10143

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 I-W, INDUSTRIAL WATERFRONT, TO MU-W, MIXED USE WATERFRONT, PROPERTY AT 1003 MINNESOTA AVENUE (GLOBE ENTERPRISES, INC.).

The city of Duluth does ordain:

Section 1. That the subject property, being Lots 146-174 adjacent to St. Louis Avenue and Lots 154-174 (EVEN) adjacent to Minnesota Avenue, UPPER DULUTH, MINNESOTA AVENUE, including vacated 11th Street adjoining said lots, vacated St. Louis Avenue adjoining said lots and including riparian rights adjoining said lots out to Harbor Line according to the recorded plat thereof, St. Louis County, Minnesota, located at 1003 Minnesota Avenue, be reclassified from I-W, Industrial Waterfront, to MU-W, Mixed Use Waterfront, 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:



(Ref. File No. PL 12-017)

Section 2. That this ordinance shall take effect and be in force 30 days from and after its passage and publication. (Effective date: May 12, 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 April 9, 2012
Approved April 9, 2012
DON NESS, Mayor

ORDINANCE NO. 10144

AN ORDINANCE TERMINATING AGREEMENT NO. 18,829 WITH EPA AND GRANTING THEM A ROAD EASEMENT FOR ACCESS TO THE WATER LAB.

The city of Duluth does ordain:

Section 1. That City Contract No. 18,829 leasing certain property in Outlot D, EDGESHORE PARK DIVISION OF DULUTH, to the U.S. environmental protection agency ("EPA") is hereby terminated.

Section 2. The EPA is hereby granted an easement for roadway purposes over the following-described property:

PROCEEDINGS OF THE DULUTH CITY COUNCIL FOR 2012

The northerly 66 feet of that portion of Outlot D, EDGESHORE PARK DIVISION OF DULUTH, which lies westerly of the northerly extension of the west line of Lot 1, Block 1, and easterly of the right-of-way line of 61st Avenue East, according to the recorded plat thereof.

Section 3. This ordinance shall take effect 30 days from and after its passage and publication. (Effective date: May 12, 2012)

Councilor Julsrud 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 April 9, 2012
Approved April 9, 2012
DON NESS, Mayor

- - -

ORDINANCE NO. 10145

AN ORDINANCE DEDICATING AN EASEMENT ACROSS CERTAIN PROPERTY FOR LAKEWALK.

The city of Duluth does ordain:

Section 1. That city hereby dedicates to the general public for recreational trail purposes an easement 40 feet either side of that line described in Public Document No. 12-0409-27 over the following-described property:

Outlots A, D and E, EDGESHORE DIVISION OF DULUTH, according to the recorded plat thereof.

Section 2. This ordinance shall take effect 30 days from and after its passage and publication. (Effective date: May 12, 2012)

Councilor Julsrud 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 April 9, 2012
Approved April 9, 2012
DON NESS, Mayor

- - -

ORDINANCE NO. 10146

AN ORDINANCE AMENDING SECTIONS 36-1, 36-2, 36-6, 36-7, 36-8, 36-9, 36-12, 36-13, 36-16, 36-17, 36-19, 36-20, 36-21 AND 36-23 OF THE DULUTH CITY CODE, 1959, AS AMENDED, PERTAINING TO PAWNBROKERS AND PRECIOUS METALS.

The city of Duluth does ordain:

Section 1. That Section 36-1 of the Duluth City Code, 1959, as amended, is hereby amended to read as follows:

PROCEEDINGS OF THE DULUTH CITY COUNCIL FOR 2012

Sec. 36-1. Definitions.

For the purposes of this Chapter, the following words and phrases shall have the meanings respectively ascribed to them by this Section:

Billable transaction. Every reportable transaction conducted by a pawnbroker is a billable transaction, except renewals, redemptions or extensions of existing pawns on items previously reported and continuously in the licensee's possession, voided transactions and confiscations.

Item containing precious metal. An item made in whole or in part of metal and containing more than one percent by weight of silver, gold or platinum.

Pawnbroker. Any natural person, partnership, corporation, limited liability company, joint venture, trust, association or any other legal entity, either as principal, or agent or employee thereof, who loans money on deposit or pledge of personal property, or other valuable thing, including an item containing precious metal, or who deals in the purchasing of personal property, or other valuable thing, including an item containing precious metal, on condition of selling the same back again at a stipulated price, or who loans money secured by chattel mortgage on personal property, taking possession of the property or any part thereof so mortgaged. To the extent that a pawnbroker's business includes buying personal property, including an item containing precious metal, previously used, rented or leased, or selling it on consignment, the provisions of this Chapter shall be applicable.

A pawnbroker licensed under this Chapter shall have the authority to receive or purchase precious metals or items containing precious metal without obtaining a separate precious metal dealer license under this Chapter.

Precious metals. Precious metals means silver, gold and platinum.

Reportable transaction. Every transaction conducted by a pawnbroker in which merchandise is received through a pawn, purchase, consignment or trade, or in which a pawn is renewed, extended or redeemed, or for which a unique transaction number or identifier is generated by their point-of-sale software, or an item is confiscated by law enforcement, is reportable except:

(a) The bulk purchase or consignment of new or used merchandise from a merchant, manufacturer or wholesaler having an established permanent place of business, and the retail sale of said merchandise, provided the pawnbroker must maintain a record of such purchase or consignment which describes each item, and must mark each item in a manner which relates it to that transaction record;

(b) Retail and wholesale sales of merchandise originally received by pawn or purchase, and for which all applicable hold and/or redemption periods have expired.

Section 2. That Section 36-2 of the Duluth City Code, 1959, as amended, is hereby amended to read as follows:

Sec. 36-2. License—required.

No person shall exercise, carry on, or be engaged in the trade or business of a pawnbroker or act as a pawnbroker within the city unless the person is currently licensed pursuant to the provisions of this Article. A pawn transaction made without the benefit of a license is void. Such license shall authorize the licensee to engage in the pawnbroking business at the premises named on the license. Each premises shall require a separate license. No person shall be

PROCEEDINGS OF THE DULUTH CITY COUNCIL FOR 2012

eligible for a license unless such person meets the eligibility standards set forth in Minnesota Statutes Section 325J.03(a) or its successor. Licenses shall be nontransferable. Any change in the direct or beneficial ownership of a pawnbroking business, including pawnbroking businesses lawfully operating pursuant to Minnesota Statutes Section 325J.10, shall be reported by the licensee to the clerk and shall require a new license.

Section 3. That Section 36-6 of the Duluth City Code, 1959, as amended, is hereby amended to read as follows:

Sec. 36-6. Records to be kept; right of inspection; pawn tickets.

(a) Each person licensed hereunder shall keep a record of each reportable transaction made in the course of his or her business. Such records shall be in a form prescribed by the chief of police and shall, in all instances, be legibly made in ink and be in the English language. The record so kept shall include the following information about each transaction:

(1) A complete and accurate description of each item including, but not limited to, any trademark, identification number, serial number, model number, brand name or other identifying mark on such an item;

(2) The purchase price, amount of money loaned upon or pledged therefor;

(3) The maturity date of the transaction and the amount due, including monthly and annual interest rates and all pawn fees and charges;

(4) Date, time and place the item of property was received by the licensee and the unique alpha and/or numeric transaction identifier that distinguishes it from all other transactions in the licensee's records;

(5) Full name, current residence address, current residence telephone number, date of birth and accurate description of the person from whom the item of the property was received, including: sex, height, weight, race, color of eyes and color of hair;

(6) The identification number and state of issue from any of the following forms of identification of the seller:

(A) Current valid Minnesota driver's license;

(B) Current valid Minnesota identification card;

(C) Current valid photo identification card issued by another state or province of Canada;

(D) Current valid tribal identification card as defined in Minnesota Statutes Section 171.072;

(E) Current valid military identification card issued by the United States department of defense;

(7) The signature of the person identified in the transaction;

(b) The records required herein shall be kept available for police inspection at any reasonable time at the licensee's place of business and shall be kept for at least three years after any transaction;

(c) The chief of police may require that all records and information required to be kept by this Section be kept by computer or other electronic format, or that video or photographic records be kept. The chief of police may also require that the computerized or electronic records of the pawnbrokers be electronically transmitted to police headquarters on a periodic basis. The format for computerized pawnbroker records shall be the "interchange file specification

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format” specified in Minnesota Statutes Section 325J.05(b) and (c) or its successor;

(d) The pledgor or seller shall sign a pawn ticket and receive an exact copy of the pawn ticket. The following shall be printed on all pawn tickets:

(1) The statement that “Any personal property pledged to a pawnbroker within this state is subject to sale or disposal when there has been no payment made on the account for the period of not less than 60 days past the date of the pawn transaction, renewal, or extension; no further notice is necessary. There is no obligation for the pledgor to redeem pledged goods.”;

(2) The statement that “The pledgor of this item attests that it is not stolen, it has no liens or encumbrances against it, and the pledgor has the right to sell or pawn the item.”;

(3) The statement that “This item is redeemable only by the pledgor to whom the receipt was issued, or any person identified in a written and notarized authorization to redeem the property identified in the receipt, or a person identified in writing by the pledgor at the time of the initial transaction and signed by the pledgor. Written authorization for release of property to persons other than the original pledgor must be maintained along with the original transaction record.”; and

(4) A blank line for the pledgor’s signature;

(e) All licensees shall take a color photograph of every item pawned or sold in accordance with the following:

(1) Photographic requirements. If a photograph is taken, it must be at least two inches in length by two inches in width and must be maintained in such a manner that the photograph can be readily matched and correlated with all other records of the transaction to which they relate. Such photographs must be available to the chief of police, or the chief’s designee, upon request. Items photographed must be accurately depicted. A high quality color scan of every item pawned or sold may be taken in lieu of a photograph provided the items scanned are accurately depicted;

(f) All licensees shall take a color photograph of each customer involved in a reportable transaction. In the alternative, all licensees shall make a high quality color photocopy of the current valid photo identification presented by each customer. If a photograph is taken, it must be at least two inches in length by two inches in width and must be maintained in such a manner that the photograph can be readily matched and correlated with all other records of the transaction to which they relate. The major portion of the photograph must include an identifiable front facial close-up of the person. The licensee must inform the person that he or she is being photographed by displaying a sign of sufficient size in a conspicuous place in the premises;

(g) All photographs, photocopies of valid photo identifications, and color scans of items pawned or sold, are reportable transaction information that must be submitted to the Automated Pawn System as set forth in Section 36-7 of this Chapter;

(h) The licensee shall, at all times during the term of the license, allow the Duluth police department, or designee, to enter the premises where the licensee’s business is located, during normal business hours and at all other reasonable times, for the purpose of inspecting such premises and inspecting the

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items, ware and merchandise therein for the purpose of locating items suspected or alleged to have been stolen or otherwise improperly disposed of and to verify compliance with this Chapter and applicable state laws.

Section 4. That Section 36-7 of the Duluth City Code, 1959, as amended, is hereby amended to read as follows:

Sec. 36-7. Daily reports to chief of police.

Every pawnbroker shall make available to the chief of police every day, before the hour of 12:00 noon, a complete, legible and correct copy of the records required by Section 36-6 and Minnesota Statutes Chapter 325J or its successor, for all transactions occurring on the previous day. If the chief of police requires computerized recordkeeping for pawnbroker records, the chief shall also set and enforce specifications for each licensee's transmittal of those records to local and statewide authorities or data systems.

(a) Effective no later than 60 days after the police department provides licensees with the current version of the Automated Pawn System Interchange File Specification or similar automated record system as may be specified by the city, licensees must submit every reportable transaction to the police department daily in the following manner:

(1) Licensees must provide to the police department all reportable transaction information by transferring it from their computer to the Automated Pawn System via modem using the current version of the Automated Pawn System Interchange File Specification. All required records must be transmitted completely and accurately after the close of business each day in accordance with standards and procedures established by the issuing authority. Any transaction that does not meet the Automated Pawn System Interchange File Specification must be corrected and resubmitted the next business day. The licensee must display a sign of sufficient size, in a conspicuous place in the premises, which informs patrons that all transactions are reported to the police department daily;

(b) Billable transaction fees. Licensees will be charged for each billable transaction reported to the police department;

(1) If a licensee is unable to successfully transfer the required reports by modem, the licensee must provide the police department, upon request, printed copies of all reportable transactions along with the video tape(s) for that date, by noon the next business day;

(2) If the problem is determined to be in the licensee's system and is not corrected by the close of the first business day following the failure, the licensee must continue to provide the required reports as detailed in Section 36-6(a) of this Code, and must be charged a \$50 reporting failure penalty, daily, until the error is corrected;

(3) If the problem is determined to be outside the licensee's system, the licensee must continue to provide the required reports in Section 36-6(a) of this Code, and resubmit all such transactions via modem when the error is corrected;

(4) Regardless of the cause or origin of the technical problems that prevented the licensee from uploading their reportable transactions, upon correction of the problem, the licensee shall upload every reportable transaction from every business day the problem had existed;

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(5) Section 36-7(b)(1) through (3) notwithstanding, the police department may, upon presentation of extenuating circumstances, delay the implementation of the daily reporting penalty.

Section 5. That Section 36-8 of the Duluth City Code, 1959, as amended, is hereby amended to read as follows:

Sec. 36-8. Pledge or pawn not forfeited for 60 days.

Any person pledging or pawning any article with any pawnbroker shall have at least 60 days from the date of the pawn transaction, renewal or extension, to redeem the same before the pledge or pawn becomes forfeited.

Section 6. That Section 36-9 of the Duluth City Code, 1959, as amended, is hereby amended to read as follows:

Sec. 36-9. Holding periods; labels required.

(a) Pawned items. Any person pledging, pawning or depositing an item for security must have a minimum of 60 days from the date of that transaction to redeem the item before it may be forfeited and sold. During the 60 day redemption period or any extensions of the pawn transaction, items may not be removed from the premises or sold. However, licensees are permitted to return pledged goods to the borrower at any time during the redemption period. Licensees are prohibited from redeeming any item to anyone other than the person to whom the receipt was issued or, to any person identified in a written and notarized authorization to redeem the property identified in the receipt, or to a person identified in writing by the pledgor at the time of the initial transaction and signed by the pledgor. Written authorization for release of property to persons other than the original pledgor must be maintained along with the original transaction record in accordance with this Chapter;

(b) Purchased items. Any item, including an item containing precious metal, sold to a pawnbroker shall not be sold or otherwise removed from the premises for at least 30 days from the date of the purchase transaction. Such items may not be altered, modified or changed in any way during this holding period;

(c) Label required. Licensees must attach a label to every item at the time it is pawned, purchased, or received in inventory from any reportable transaction. Permanently recorded on this label must be the number or name that identifies the transaction in the shop's records, the transaction date, the name of the item and the description or the model and serial number of the item as reported to the police department, whichever is applicable, and the date the item is out of pawn or can be sold, if applicable. Labels shall not be re-used.

Section 7. That Section 36-12 of the Duluth City Code, 1959, as amended, is hereby amended to read as follows:

Sec. 36-12. Prohibited conduct.

A pawnbroker, and any clerk, agent or employee of a pawnbroker, shall not:

- (a) Make any false entry in the records of pawn transactions;
- (b) Falsify, obliterate, destroy or remove from the place of business the records, books or accounts relating to the licensee's pawn transactions;
- (c) Refuse to allow the Duluth police, the attorney general or any other duly authorized state or federal law enforcement officer to inspect the pawn

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records or any pawn goods in the person's actual or constructive possession during the ordinary hours of business or at other reasonable times;

- (d) Fail to maintain a record of each pawn transaction for three years;
- (e) Accept a pledge, or purchase property from, a person under the age of 18 years, nor from an intoxicated person;
- (f) Make any agreement requiring the personal liability of a pledgor or seller, or waiving any provision of this Chapter;
- (g) Fail to return pledged goods to a pledgor or seller, or provide compensation as set forth in Minnesota Statutes Section 325J.09, or its successor, upon payment of the full amount due the pawnbroker unless either the date of redemption is more than 60 days past the date of the pawn transaction, renewal or extension and the pawnbroker has sold the pledged goods pursuant to Minnesota Statutes Section 325J.06, or its successor, or the pledged goods have been taken into custody by a court or a law enforcement officer or agency;
- (h) Sell or lease, or agree to sell or lease, pledged or purchased goods back to the pledgor or seller in the same, or in a related, transaction;
- (i) Remove pledged goods from the pawnshop premises or other storage place approved by the chief of police at any time before the expiration of the redemption period pursuant to Minnesota Statutes Section 325J.06 or its successor. However:

(1) A pawnbroker is permitted to return pledged goods to the borrower at any time during the redemption period;

(2) A pawnbroker is permitted to sell the pledged goods or remove the pledged goods from the pawnshop premises or other storage at any time after the expiration of the redemption period set forth in Minnesota Statutes Section 325J.06 or its successor, and;

(3) A pawnbroker who purchases goods not involving a pawn transaction is permitted to sell or remove the purchased goods from the pawnshop premises 31 days or later from the purchase transaction date.

Section 8. That Section 36-13 of the Duluth City Code, 1959, as amended, is hereby amended to read as follows:

Sec. 36-13. Identification requirements.

(a) Each person pawning, pledging or selling items in an establishment licensed pursuant to this Chapter shall identify himself or herself, as provided herein, to the licensee or licensee's agent accepting such pawn, pledge or sale and shall present himself or herself for taking of a photo or video picture, and, if requested, a fingerprint. Neither the licensee nor any of his or her agents shall transact any business with any person who fails to identify himself or herself as provided herein. Identification shall be made as follows:

(1) By a showing of one of the forms of photo identification as set forth in Section 36-6 of this Chapter. The licensee or agent shall record the information contained on face of said photo identification on the record required by Section 36-6 of this Chapter;

or, if the person has none of these forms of photo identification, then:

(2) By a showing of a form of identification sufficient to establish proof of age as set out in Minnesota Statutes Section 340A.503, subd. 6, as it may be amended or succeeded. The licensee or agent shall record the type of

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identification, any identifying number on the identification, and the name and physical description on the identification in the record required by Section 36-6 of this Chapter;

(b) The licensee or licensee's agent transacting the pawn, pledge or sale shall have the affirmative duty to compare all pictures, physical descriptions and signatures on the identification presented with the physical features and signature of the person presenting such identification and shall not transact any business with any person who appears to be presenting false identification.

Section 9. That Section 36-16 of the Duluth City Code, 1959, as amended, is hereby amended to read as follows:

Sec. 36-16. Definitions.

For the purposes of this Article, the following words and phrases shall have the meanings respectively ascribed to them by this Section:

Antique. Any secondhand good the value of which, in whole or substantial part, is derived from its age or its historical association.

Antique dealer. Any dealer whose regular business includes selling or receiving secondhand goods where at least 90 percent of the goods on hand at all times, measured according to value, consists of antiques.

Auction house dealer. Any dealer whose regular business includes selling or receiving secondhand goods some or all of which are offered for sale for the highest bid or offer tendered.

Billable transaction. Every reportable transaction conducted by a licensee.

Consignment house dealer. A dealer in secondhand goods acquired by a consignment agreement.

Dealer. Any person whose regular business includes the purchase of goods, wares or merchandise for the purpose of selling them at wholesale or retail to any qualified purchaser.

Item containing precious metal. An item made in whole or in part of metal and containing more than one percent by weight of silver, gold or platinum.

Person. An individual, corporation, limited liability company, partnership or any other type of incorporated or unincorporated business association, either as principal, agent or employee thereof.

Precious metal. Gold, silver or platinum.

Precious metal dealer. Any person except banks or financial corporations regulated under Title 12, U.S. Code or chapters 47, 48 or 80A of Minnesota Statutes who engages in the business of buying or selling secondhand items containing precious metal, including, but not limited to, jewelry, coins, watches, eating utensils and tableware, candlesticks, religious and decorative objects, ingots and other objects. Dealers in these items shall include, without limitation, antique dealers, consignment house dealers, secondhand dealers and auction house dealers.

Reportable transaction. Every transaction conducted by a licensee involving the purchase, receipt, consignment or trade of secondhand items containing precious metal except those transactions with another dealer licensed hereunder.

Secondhand dealer. Any dealer whose regular business includes the purchase, sale or trade of secondhand goods, wares or merchandise.

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Section 10. That Section 36-17 of the Duluth City Code, 1959, as amended, is hereby amended to read as follows:

Sec. 36-17. License required.

(a) No person shall exercise, carry on, or be engaged in the activity, business or trade of a precious metal dealer or advertise or hold himself or herself out to be a precious metal dealer within the city unless the person is currently licensed pursuant to the provisions of this Article. Such license shall authorize the licensee to operate as a precious metal dealer only at the premises named on the license. Each premises shall require a separate license;

(b) The following transactions shall be exempt from the provisions of this Article:

(1) Investment metal contracts as defined by Minnesota Statutes, Section 80A.14(k);

(2) Transactions regulated by the Federal Commodity Futures Commission Act;

(c) A pawnbroker licensed under this Chapter shall have the authority to receive or purchase precious metals or items containing precious metal without obtaining a separate precious metal license under this Article.

Section 11. That Section 36-19 of the Duluth City Code, 1959, as amended, is hereby amended to read as follows:

Sec. 36-19. Records to be kept; right of inspection.

(a) Each person licensed hereunder shall keep a record of each reportable transaction except those transactions with another dealer licensed hereunder. Such records shall be in a form prescribed by the chief of police and shall, in all instances, be legibly made in ink and be in the English language. The record so kept shall include the following information about each transaction:

(1) The name, address and date of birth of the person from whom he received the item;

(2) The time and date of the transaction;

(3) A complete description of the item purchased or received, including all identifying numbers, identifying marks, type of metal, gems attached and size of the item, except that in the case of coins only denomination, metal type and total number of each denomination need be recorded;

(4) The identification presented as required by Section 36-23 of this Chapter;

(5) A description of the person selling the item;

(6) The amount of money paid for the item;

(7) The signature of the person selling the item;

(8) Any other information the police chief shall require;

(b) The records required herein shall be kept available for police inspection at any reasonable time at the licensee's place of business;

(c) The chief of police may require that all records and information required to be kept by this Section be kept by computer or other electronic format. The chief of police may also require that the computerized or electronic records be electronically transmitted to police headquarters;

(d) All licensees shall take a color photograph of every item purchased, except coins, in accordance with the following:

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(1) Photographic requirements. If a photograph is taken, it must be at least two inches in length by two inches in width and must be maintained in such a manner that the photograph can be readily matched and correlated with all other records of the transaction to which they relate. Such photographs must be available to the chief of police, or the chief's designee, upon request. Items photographed must be accurately depicted. A high quality color scan of every item purchased may be taken in lieu of a photograph provided the items scanned are accurately depicted;

(e) All licensees shall take a color photograph of each customer involved in a reportable transaction. In the alternative, all licensees shall make a high quality color photocopy of the current valid photo identification presented by each customer. If a photograph is taken, it must be at least two inches in length by two inches in width and must be maintained in such a manner that the photograph can be readily matched and correlated with all other records of the transaction to which they relate. The major portion of the photograph must include an identifiable front facial close-up of the person. The licensee must inform the person that he or she is being photographed by displaying a sign of sufficient size in a conspicuous place in the premises;

(f) All photographs, photocopies of valid photo identifications, and color scans of items purchased, are reportable transaction information that must be submitted to the Automated Pawn System as set forth in Section 36-20 of this Article.

Section 12. That Section 36-20 of the Duluth City Code, 1959, as amended, is hereby amended to read as follows:

Sec. 36-20. Daily reports to chief of police.

Every precious metal dealer shall make available to the chief of police every day, before the hour of 12:00 noon, a complete, legible and correct copy of the records required by Section 36-19 and Minnesota Statutes Chapter 325F or its successor, for all transactions occurring on the previous day. If the chief of police requires computerized recordkeeping for these records, the chief shall also set and enforce specifications for each licensee's transmittal of those records to local and statewide authorities or data systems.

(a) Effective no later than 60 days after the police department provides licensees with the current version of the Automated Pawn System Interchange File Specification or similar automated record system as may be specified by the city, licensees must submit every reportable transaction, except transactions involving coins exclusively, to the police department daily in the following manner:

(1) Licensees must provide to the police department all reportable transaction information by transferring it from their computer to the Automated Pawn System via modem using the current version of the Automated Pawn System Interchange File Specification. All required records must be transmitted completely and accurately after the close of business each day in accordance with standards and procedures established by the issuing authority. Any transaction that does not meet the Automated Pawn System Interchange File Specification must be corrected and resubmitted the next business day. The licensee must display a sign of sufficient size, in a conspicuous place in the

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premises, which informs patrons that all transactions are reported to the police department daily;

(b) Billable transaction fees. Licensees will be charged for each billable transaction reported to the police department;

(1) If a licensee is unable to successfully transfer the required reports by modem, the licensee must provide the police department, upon request, printed copies of all reportable transactions along with the video tape(s) for that date, by noon the next business day;

(2) If the problem is determined to be in the licensee's system and is not corrected by the close of the first business day following the failure, the licensee must continue to provide the required reports as detailed in Section 36-19(a) of this Code, and must be charged a \$50 reporting failure penalty, daily, until the error is corrected;

(3) If the problem is determined to be outside the licensee's system, the licensee must continue to provide the required reports in Section 36-19(a) of this Code, and resubmit all such transactions via modem when the error is corrected;

(4) Regardless of the cause or origin of the technical problems that prevented the licensee from uploading their reportable transactions, upon correction of the problem, the licensee shall upload every reportable transaction from every business day the problem had existed;

(5) Section 36-20(b)(1) through (3) notwithstanding, the police department may, upon presentation of extenuating circumstances, delay the implementation of the daily reporting penalty.

Section 13. That Section 36-21 of the Duluth City Code, 1959, as amended, is hereby amended to read as follows:

Sec. 36-21. Holding period.

(a) No precious metal dealer or agent or employee of such dealer shall sell, melt, alter, divest himself or herself of possession of, or move to a place outside the corporate limits of the city of Duluth any secondhand item containing precious metal purchased or received by him or her, except coins, until 31 days from the date of the transaction;

(b) The chief of police may order that any item be held beyond the time authorized in Subsection (a) above under the same conditions set forth therein. No person shall disobey such order. The chief of police shall grant a hearing to any person aggrieved by such order to contest the reasonableness of such order.

Section 14. That Section 36-23 of the Duluth City Code, 1959, as amended, is hereby amended to read as follows:

Sec. 36-23. Identification requirements.

(a) Each person trading or selling items in an establishment licensed pursuant to this Article shall identify himself or herself as provided herein to the licensee or licensee's agent accepting such trade or sale. Neither the licensee nor any of his or her agents shall transact any business with any person who fails to identify himself or herself as provided herein. Identification shall be made as follows:

(1) By a showing of one of the forms of photo identification as set forth in Section 36-6 of this Chapter. The licensee or agent shall record the information contained on face of said photo identification on the record required

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by Section 36-6 of this Chapter; or, if the person has none of the forms of photo identification as set forth in Section 36-6 of this Chapter, then;

(2) By a showing of some other form of identification sufficient to establish proof of age as set out in Minnesota Statutes Section 340A.503, subd. 6, as it may be amended or succeeded. The licensee or agent shall record the type of identification, any identifying number on the identification, and the name and physical description on the identification in the record required by Section 36-19 of this Article;

(b) The licensee or licensee's agent transacting the transaction shall have the affirmative duty to compare all pictures, physical descriptions and signatures on the identification presented with the physical features and signature of the person presenting such identification and shall not transact any business with any person who appears to be presenting false identification.

Section 15. That this ordinance shall take effect 30 days after its passage and publication. (Effective date: May 12, 2012)

Councilor Fosle 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 April 9, 2012
Approved April 9, 2012
DON NESS, Mayor

- - -

PROCEEDINGS OF THE DULUTH CITY COUNCIL FOR 2012

OFFICIAL PROCEEDINGS

Duluth City Council meeting held on Monday, April 23, 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

- - -

The minutes of the council meeting held on February 27, 2012, were approved upon a unanimous vote.

- - -

PRESENTATION OF PETITIONS AND OTHER COMMUNICATIONS

12-0423-01 The following communications regarding the proposed rezoning of 1750 Kenwood Avenue (12-019-O): (a) Patrick Alexander; (b) Mary Alvar; (c) Tucker Hanlon; (d) Katie Kaylor; (e) Patrick Krause; (f) Andy McDonald; (g) Trista Miner; (h) Anna Pulles; (i) Brenda Reinartz. -- Received

12-0423-07 The following communications regarding the proposed higher education small area plan (12-0165R): (a) Sandy Robinson; (b) John Vigen. -- Received

- - -

REPORTS FROM OTHER OFFICERS

12-0423-02 Clerk application for exempt permit (raffle) to the Minnesota gambling control board from Duluth Amateur Hockey Association on January 11, 2013. -- Received

- - -

REPORTS OF BOARDS AND COMMISSIONS

12-0423-03 Commission on disabilities minutes of March 7, 2012, meeting. -- Received

12-0423-04 Duluth public arts commission minutes of February 27, 2012, meeting. -- Received

12-0423-05 Duluth transit authority income statement of January 2012. -- Received

12-0423-06 Special assessment board gravel streets and alley assessment policy, pursuant to Section 45-75 of the Duluth City Code. -- Received

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OPPORTUNITY FOR CITIZENS TO BE HEARD

Kelly Erb, intern for the Institute for Sustainable Future, the organization responsible for developing the Western Lake Superior Good Food Network, reviewed the good food initiatives, food charter and goals.

- - -

Loren Martel commented on School District No. 709, noting: that the district's problems are mostly not attributable to the state's financial problems; that the district has used up their reserve fund; interest earnings have declined and more attention needs to be on the district.

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RESOLUTION TABLED

Councilor Stauber moved to remove Resolution 12-0165, adopting the higher education small area plan and amending the comprehensive plan - future land use map in three locations (higher education small area plan and higher education future land use), from the table, which motion was seconded and unanimously carried.

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

Sandy Robinson expressed concerns about weaknesses in the plan regarding Goal #1 and that in Section 29A-32(h) the way it is worded versus the intent is different. Regarding the amendment, she expressed a concern about the boundaries for the overlay district map as to not having any street names listed and no definition as to what is going to happen there.

Councilor Stauber reviewed at length the content, intent and reasons why he wished to have his amendment pass this evening.

Councilors and Chief Administrative Officer David Montgomery discussed at length: past actions on this issue; the process and the merits of the amendment at this time versus in the future; the involvement of the planning commission; a desire to expand the overlay area to the area above Fourth Street and the legalities of meeting the rental licensing criteria.

Councilor Fosle opposed the ordinance for the reason that he feels that the protection zone is still in place.

Keith Hamre, manager of the community development division, explained why he favored separating the amendment from the plan and move the plan forward at this time versus if the amendment passes, then there will be confusion at the planning commission as to what the council wants.

Councilor Stauber's amendment passed upon the following vote:

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

Nays: Councilors Fosle, Julsrud, Krug and Larson -- 4

Resolution 12-0165, as amended, was adopted as follows:

RESOLVED, that:

(a) The city council adopted the comprehensive land use plan on June 26, 2006, via Resolution 06-0491, which outlined the desired arrangement of land uses for the next 20 years and identified sub-areas of the city to be studied in more detail; and

(b) The city planning division has prepared and recommends approval of the higher education small area plan, a land use plan for one of the sub-areas identified in the comprehensive land use plan; and

(c) The city planning division, in the higher education small area plan, proposes three amendments to the comprehensive land use plan - future land use map, as described and depicted on Public Document No. 12-0423-09; and

(d) The city planning commission has reviewed the small area plan and the proposed three future land use map amendments, conducted public hearings on March 13, 2012 (for the small area plan), and March 27, 2012 (for the future land use amendments), at their planning commission meeting, and recommends adoption of the small area plan and the proposed future land use map amendments; and

(e) The city council in careful review of the comprehensive plan (pp. 21), regulations (pp. 79-80) and policies (pp. 60) recognizes the need for a Higher Education Overlay (HEO) District. By formalizing the HEO district the city could address special opportunities and risks associated with the overlay area not otherwise permitted. The HEO district will be generally established as a district as found on page 34 (Figure 13) of the small area plan including all

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areas of study area but excluding the segment designated and targeted for neighborhood stabilization. The planning commission's recommendations that the council fund the small area plan on June 22, 2010, included numerous requests to include an overlay district. On June 26, 2010, the council approved funding for this study with several councilors understanding an overlay district for the university area would be established. By city ordinance, the HEO district can then be applied to the Unified Development Chapter (UDC).

Resolution 12-0165, as amended, was adopted upon the following vote:

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

Nays: Councilor Fosle -- 1

Approved April 23, 2012

DON NESS, Mayor

- - -

MOTIONS AND RESOLUTIONS

CONSENT AGENDA

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

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

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

(a) Authorization of bonds. It is hereby found, determined, and declared to be necessary, and in the best interests of the city and its residents, that the city should issue taxable general obligation airport improvement bonds, Series 2012B, in the maximum amount of \$7,650,000 (the "bonds"), pursuant to Ordinance No. 10112 adopted October 10, 2011, Minnesota Statutes, Chapter 475, Minnesota Laws 1974, Chapter 130 and the Home Rule Charter of the city, for the purpose of providing the local match for state of Minnesota grants and federal grants for the construction of a new terminal facility at the Duluth International Airport, including a new parking ramp, access road and aprons;

(b) Issuance and sale of bonds. The terms and conditions of the bonds and the sale thereof are set forth in the official terms of offering on file with the city clerk as Public Document No. 12-0423-10. Each and all of the terms and provisions set forth in the official terms of offering are adopted and confirmed as the terms and conditions of the bonds and the sale thereof, and the city council shall meet at the time and place fixed therein to consider bids for the purchase of the bonds. Due to changes in the municipal bond market, the city's chief administrative officer, with the advice of the city's financial consultant, may modify the official terms of offering regarding the maturity schedule, the minimum bid and the maximum bid prior to the sale of the bonds;

(c) Competitive sale of bonds. Public Financial Management, Inc., independent financial advisor to the city, is hereby authorized to provide the notice of the sale for the bonds in accordance with Minnesota Statutes, Section 475.60, subdivision 3, and in accordance with the official terms of offering;

(d) Subsequent resolutions. The form, specifications and provisions for repayment of the bonds shall be set forth in a subsequent resolution of this city council.

Resolution 12-0209 was unanimously adopted.

Approved April 23, 2012

DON NESS, Mayor

PROCEEDINGS OF THE DULUTH CITY COUNCIL FOR 2012

- - -

RESOLVED, that the budget for the fiscal year May 1, 2012, to April 30, 2013, in the amount of \$5,454,720 as set out in the budget on file with the city clerk as Public Document No. 12-0423-11, for the Spirit Mountain recreation area authority is hereby approved.

Resolution 12-0212 was unanimously adopted.

Approved April 23, 2012

DON NESS, Mayor

- - -

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 and dance license, subject to departmental approvals, with any specific restrictions:

PDL of Duluth, Inc. (Club Saratoga), 331 Canal Park Drive, for June 16, 2012, from 10:00 a.m. until 3:00 p.m.

Grandma's, Inc. (Grandma's Saloon & Deli), 522 Lake Avenue South, with the music, dancing and serving ceasing at 1:00 a.m.

Resolution 12-0194 was unanimously adopted.

Approved April 23, 2012

DON NESS, Mayor

- - -

BE IT RESOLVED, that the Duluth City Council hereby approves the permanent expansion of the designated serving area of the on sale intoxicating liquor license as shown on Public Document No. 12-0423-12 for the period ending August 31, 2012, subject to departmental approvals:

Duluth Entertainment Convention Center, 350 Harbor Drive, locations to include the front drop zone and small park west of building.

Resolution 12-0195 was unanimously adopted.

Approved April 23, 2012

DON NESS, Mayor

- - -

BE IT RESOLVED, that the city council of the city of Duluth hereby issues on sale 3.2 percent malt liquor license renewals for the period beginning May 1, 2012, and ending April 30, 2013, subject to departmental approvals and the payment of sales and property taxes, as provided for in the Duluth City Code, to the applicants listed on Public Document No. 12-0423-13.

Resolution 12-0196 was unanimously adopted.

Approved April 23, 2012

DON NESS, Mayor

- - -

RESOLVED, that the city council of the city of Duluth hereby issues off sale 3.2 percent malt liquor license renewals for the period beginning May 1, 2012, and ending April 30, 2013, subject to departmental approvals and the payment of sales and property taxes, as provided for in the Duluth City Code, to the applicants listed on Public Document No. 12-0423-14.

Resolution 12-0197 was unanimously adopted.

Approved April 23, 2012

DON NESS, Mayor

- - -

BE IT RESOLVED, that the city council of the city of Duluth hereby approves issuance of the following consumption and display licenses by the liquor control commissioner for the

PROCEEDINGS OF THE DULUTH CITY COUNCIL FOR 2012

period beginning April 1, 2012, and ending March 31, 2013, subject to departmental approvals and the payment of sales and property taxes:

Order of Owls, Nest #1200, 118 East Second Street.

Duluth Woman's Club, 2400 East Superior Street.

Resolution 12-0198 was unanimously adopted.

Approved April 23, 2012

DON NESS, Mayor

- - -

RESOLVED, that city officials are hereby authorized to enter into a proprietary contract with Enventis Telecom, Inc., for software and hardware maintenance on the CISCO SmartNet system during fiscal year 2012 in the amount of \$39,920.76 plus \$548.91 sales tax for a total amount of \$40,469.67, term net 30, payable from General Fund 110, Department/Agency 117 (management information systems), Division (MIS), Object 5404 (equipment/machinery repair and maintenance).

Resolution 12-0207 was unanimously adopted.

Approved April 23, 2012

DON NESS, Mayor

- - -

RESOLVED, that the appointment by Mayor Ness to the sanitary sewer board of the Western Lake Superior Sanitary District of Marcia A. Podratz, replacing Robert Prusak, for a term expiring on July 1, 2014, is confirmed.

Resolution 12-0199 was unanimously adopted.

Approved April 23, 2012

DON NESS, Mayor

- - -

RESOLVED, that the proposed specifications for the new civil service classification of police records technician I, which were approved by the civil service board on February 7, 2012, and which are filed with the city clerk as Public Document No. 12-0423-15, are approved; that said classification shall be subject to the city's collective bargaining agreement with its basic unit employees; and that pay range for said classification shall be Range 124. The proper city officials are authorized to execute and implement an agreement with the union to provide for employing one or more unit members consistent with this resolution.

Resolution 12-0202 was unanimously adopted.

Approved April 23, 2012

DON NESS, Mayor

- - -

RESOLVED, that the proposed specifications for the new civil service classification of police records technician II, which were approved by the civil service board on February 7, 2012, and which are filed with the city clerk as Public Document No. 12-0423-16, are approved; that said classification shall be subject to the city's collective bargaining agreement with its basic unit employees; and that pay range for said classification shall be Range 128. The proper city officials are authorized to execute and implement an agreement with the union to provide for employing one or more unit members consistent with this resolution.

Resolution 12-0203 was unanimously adopted.

Approved April 23, 2012

DON NESS, Mayor

- - -

PROCEEDINGS OF THE DULUTH CITY COUNCIL FOR 2012

RESOLVED, that the proposed specifications for the new civil service classification of utility operations program coordinator, which were approved by the civil service board on February 7, 2012, and which are filed with the city clerk as Public Document No. 12-0423-17, are approved; that said classification shall be subject to the city's collective bargaining agreement with its basic unit employees; and that pay range for said classification shall be Range 33. The proper city officials are authorized to execute and implement an agreement with the union to provide for employing one or more unit members consistent with this resolution.

Resolution 12-0205 was unanimously adopted.
Approved April 23, 2012
DON NESS, Mayor

- - -

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. 12-0423-18, to the CDBG program to assist income-eligible homeowners to complete home energy audits, weatherize and make other energy improvements to their homes with Equilibrium3, extending the term of the agreement to September 30, 2012.

Resolution 12-0200 was unanimously adopted.
Approved April 23, 2012
DON NESS, Mayor

- - -

WHEREAS, The Nature Conservancy has acquired land on the city's behalf for inclusion into the Duluth natural areas program; and

WHEREAS, The Nature Conservancy has successfully taken all steps necessary and has now acquired the final 5.49 acres of land for inclusion in said natural areas program.

NOW, THEREFORE, BE IT RESOLVED, that the proper city officials are authorized to enter into a donation agreement substantially in the form of that on file in the office of the city clerk as Public Document No. 12-0423-19 with The Nature Conservancy accepting land in the upper Smithville area at no cost and further expressing appreciation to said Nature Conservancy for said land donation.

Resolution 12-0215 was unanimously adopted.
Approved April 23, 2012
DON NESS, Mayor

- - -

RESOLVED, that the city of Duluth (city) act as the legal sponsor for the Blumberg-1831, LLC, project as contained in the contamination cleanup grant program application to be submitted on May 1, 2012, and that the mayor and city clerk are hereby authorized to apply to the department of employment and economic development (DEED) for a grant in the amount of \$217,500 for funding of this project.

FURTHER RESOLVED, that the city has the legal authority to apply for financial assistance, and the institutional, managerial and financial capability to ensure adequate project administration.

FURTHER RESOLVED, that the city hereby commits to provide 25 percent of the project costs, up to \$72,500 in a qualified match contribution, said match to be provided by Blumberg-1831, LLC.

PROCEEDINGS OF THE DULUTH CITY COUNCIL FOR 2012

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

Resolution 12-0218 was unanimously adopted.

Approved April 23, 2012

DON NESS, Mayor

- - -

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 |
| L6116 | Lake Avenue | \$5,000,000 | \$3,750,000 | | \$1,250,000 | 2013 |
| 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 12-0206 was unanimously adopted.

Approved April 23, 2012

DON NESS, Mayor

- - -

RESOLVED, that the proper city officials are authorized to enter into an agreement, a copy of which is on file in the office of the city clerk as Public Document No. 12-0423-20 with WDIO-TV, LLC for said party to join in a petition to improve portions of Winter Street, Buena Vista Street, Green Avenue and platted Highland Avenue, known as Orange Street, upon the city's determination to improve them and to accept an assessment related thereto.

Resolution 12-0213 was unanimously adopted.

Approved April 23, 2012

DON NESS, Mayor

- - -

RESOLVED, that the proper city officials are hereby authorized to accept a grant from the state of Minnesota, department of public safety, homeland security and emergency management in the amount of \$126,414, and to execute a grant agreement substantially the same as that on file in the office of the city clerk as Public Document No. 12-0423-21, for the national incident management system training and overtime backfill salary/fringe for police officers and firefighters to attend the training, funds to be deposited in Fund No. 215-200-2204-4210-01 (police grants fund, police department, 2011 port security grant program, pass-through federal grants operating).

Resolution 12-0201 was unanimously adopted.

Approved April 23, 2012

DON NESS, Mayor

PROCEEDINGS OF THE DULUTH CITY COUNCIL FOR 2012

- - -

RESOLVED, that the proper city officials are hereby authorized to accept a ballistic vest reimbursement grant from the United States department of justice, bureau of justice assistance, office of justice programs, in an amount not to exceed \$21,249.75 to be deposited in Fund No. 110-160-1610-4209-02 (general fund, police department, administration and investigation, federal operating grants), and to execute any documents required to be executed to accept such grant.

FURTHER RESOLVED, that the proper city officials are authorized to accept a ballistic vest reimbursement grant from the Minnesota department of public safety in an amount not to exceed \$34,846.00, to be deposited in Fund No. 110-160-1610-4220-02 (general fund, police department, administration and investigation, Minnesota operating grants), and to execute any documents required to be executed to accept such grant.

Resolution 12-0208 was unanimously adopted.

Approved April 23, 2012

DON NESS, Mayor

- - -

RESOLVED, that the proper city officials are hereby authorized to contract with Motorola Solutions, Inc., for the purchase and delivery of 100 1250 XTL2500 mobile radios with encryption, 25 tax-exempt XTL 2500 mobile radios without encryption for fire apparatus, 171 XTS 2500 Model II portable radios and accessories with encryption, and ten APX7500 single band control stations and accessories for the Duluth fire and police departments in accordance with Minnesota SWIFT Contract 40071, Release R-651(5) specifications and pricing in the amount of \$959,432.88 plus \$61,159.26 sales tax on the taxable portion of the purchase, for a total combined amount of \$1,020,592.14, terms net 30, FOB destination payable as follows:

(a) \$260,092.14 from Capital Equipment Fund 250, Department/Agency 015 (administrative services), Division 2012 (fiscal year 2012), Object 5580 (capital equipment), Project No. CE250-E1211;

(b) \$760,500 from Duluth Police Grant Programs Fund 215, Department/Agency 200 (police), Division 2204 (2009 port security grant program), Object 5580 (capital equipment).

Resolution 12-0211 was unanimously adopted.

Approved April 23, 2012

DON NESS, Mayor

- - -

RESOLVED, that the proper city officials are hereby authorized to contract with Microwave Networks, Inc., for the purchase and delivery of two Proteus AMT microwave radio terminals with related equipment for the Duluth fire department in accordance with Minnesota State Contract 37417, Release M518(5) specifications and pricing in the amount of \$182,138, plus \$12,522 sales tax, for a total combined amount of \$194,660, terms and delivery per contract, and payable as follows:

(a) \$89,222.46 from Capital Equipment Fund 250, Department/Agency 015 (administrative services), Division 2012 (fiscal year), Object 5580 (capital equipment) CE250-214;

(b) \$52,157 from Special Projects Fund 210, Department/Agency 030 (finance), Division 3179 (ARMER infrastructure grant), Object 5540 (non-capital equipment); and

PROCEEDINGS OF THE DULUTH CITY COUNCIL FOR 2012

(c) \$53,280.54 from Capital Improvements Fund 450, Department/Agency 030 (finance), Division 2011 (fiscal year), Object 5520 (buildings and structures), CP2011-1116b.

Resolution 12-0214 was unanimously adopted.

Approved April 23, 2012

DON NESS, Mayor

- - -

RESOLVED, that the city and DEDA have entered into an agreement with Interstate for the management of city-owned and DEDA-owned and managed parking facilities (Interstate agreement).

FURTHER RESOLVED, that the city and DEDA desire to enter into an agreement to clarify the respective rights and obligations of DEDA and city under the Interstate agreement, the term of which will be coterminous with the term of the Interstate agreement.

NOW THEREFORE, BE IT RESOLVED, that the proper city officials are hereby authorized to execute an agreement, substantially in the form of that on file in the office of the city clerk as Public Document No. 12-0423-22, with DEDA; monies payable to or from DEDA payable into and out of the following accounts: Parking Fund 505, Administrative Services Department 015, Parking Ramps Organization 1480, and Meters and Municipals Lots Organization 1481.

Resolution 12-0216 was unanimously adopted.

Approved April 23, 2012

DON NESS, Mayor

- - -

The following resolutions were also considered:

Resolution 12-0221, by councilors Krug, Julsrud and Krause, establishing civil service reform working group to modify former civil service reform working group created by Resolution No. 12-0130, was introduced for discussion.

Councilors Julsrud, Krug and Krause explained: the history and intent of this resolution is to have other voices heard with the recent civil service reform; the council's wishes to have to have good process; a better balance of viewpoints on the changes; others who attend the meetings can contribute, but not vote on recommendations; this group is not a balanced group; the system needs time to develop, work and stabilize before changes are made.

Councilors Gardner and Larson opposed the resolution for reasons of: it was felt the existing working group is balanced; unions and human resource staff will attend and contribute; all councilors supported the actual need for the working group; there are other ways to incorporate the intent of this resolution in a different format.

Mr. Montgomery reviewed in great detail: that the council had received a task force presentation in August 2011 and it recommended changes to the Civil Service Code; the administration supports a working group to see, after a period of time, where any modifications might be needed, not total wholesale changes; there has been time for input from all those interested during the consideration of the ordinance and at this point the working group is four to one against the ordinance.

A motion was made to call the question, which motion was seconded and carried.

Resolution 12-0221 failed upon the following vote (Public Document No. 12-0423-23):

Yeas: Councilors Julsrud, Krause and Krug -- 3

Nays: Councilors Boyle, Fosle, Gardner, Larson, Stauber and President Hartman -- 6

PROCEEDINGS OF THE DULUTH CITY COUNCIL FOR 2012

- - -

Resolution 12-0204, approving proposed specifications for the civil service classification of senior police records technician and specifying contract benefits for same, was introduced by Councilor Boyle for discussion.

Councilor Krause opposed the resolution for the reason of the proposed salary being nowhere close to that in the private sector.

Resolution 12-0204 was adopted as follows:

RESOLVED, that the proposed specifications for the new civil service classification of senior police records technician, which were approved by the civil service board on February 7, 2012, and which are filed with the city clerk as Public Document No. 12-0423-24, are approved; that said classification shall be subject to the city's collective bargaining agreement with its basic unit employees; and that pay range for said classification shall be Range 133. The proper city officials are authorized to execute and implement an agreement with the union to provide for employing one or more unit members consistent with this resolution.

Resolution 12-0204 was adopted upon the following vote:

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

Nays: Councilor Krause -- 1

Approved April 23, 2012

DON NESS, Mayor

- - -

Resoluion 12-0210, authorizing a service agreement with the Duluth Superior Area Community Foundation related to the community parks and recreation program, was introduced by Councilor Stauber for discussion.

Councilors Stauber and Fosle opposed the resolution for the reasons: the parks budget has been reduced by \$50,000 and there was no explanation why it was reduced; governmental entities cannot fundraise, where this resolution encourages contributions to the endowment fund; when the levy referendum was approved, the citizens did not approve it for fundraising; it should go for the purpose of parks and recreation; this resolution creates a new committee called the parks and recreation review committee and is being solely selected by the mayor with no council confirmation; there has never been a contract like this before and questioned if the state auditor approved this.

Councilor Larson expressed her support for the resolution for the reasons of: all funding received will be given out from grants or legacy funding; the city holds all the funds at all times with no interest or funds benefiting another organization and the role of this committee has been clearly defined with their recommendation going to the parks and recreation commission and then to the city council.

Mr. Montgomery explained in detail how funding comes in, gets comingled then dispersed and how this entity will assist in that process.

Resolution 12-0210 was adopted as follows:

RESOLVED, that the proper city officials are hereby authorized to enter into a three year service agreement, substantially in the form of that on file in the office of the city clerk as Document No. 12-0423-08, with the Duluth Superior Area Community Foundation related implementation of the community parks and recreation program, in the amount of 2.5 percent of the total grant distributed in any contract year but not to exceed \$2,500 in an contract year,

PROCEEDINGS OF THE DULUTH CITY COUNCIL FOR 2012

payable from Fund No. 205-130-1219-5310 (parks fund, community resources department, parks operating division, contract services).

Resolution 12-0210 was adopted upon the following vote:

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

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

Approved April 23, 2012

DON NESS, Mayor

- - -

RESOLVED, that pursuant to Section 61 of the City Charter, the council hereby expresses its intent to cause the following properties named below to be improved with public sanitary sewer and services as part of the city's 2012 municipal state aid project and hereby requests that the mayor prepare or cause to have prepared plans, specifications and estimates therefor, and file such plans and estimates with the special assessment board together with a recommendation as to what portion of the cost shall be paid by special assessment and what part, if any, shall be a general obligation of the city, the number of installments in which assessments may be paid, and the lands which should include the special assessments:

2315, 2319 and 2331 Livingston Avenue.

Resolution 12-0217 was unanimously adopted.

Approved April 23, 2012

DON NESS, Mayor

- - -

BY COUNCILOR FOSLE:

RESOLVED, that the city council hereby requests that city administration list the names and contact information for all members of the Duluth public utilities commission on the city's website and also include commissioners' contact information in utility bill mailings at least twice annually.

Resolution 12-0219 was unanimously adopted.

Approved April 23, 2012

DON NESS, Mayor

- - -

INTRODUCTION AND CONSIDERATION OF ORDINANCES

The following entitled ordinances were read for the first time:

BY COUNCILOR STAUBER

12-024 - 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-BUSINESS PARK (MU-B) TO RESIDENTIAL-TRADITIONAL (R-1) THE PROPERTY LOCATED AT 4526 AND 4528 REGENT STREET (DAWN STRUMBEL AND DANIEL ROMSA).

- - -

BY COUNCILOR STAUBER

12-025 - 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 1819 AND 1831 EAST EIGHTH STREET (CARLA BLUMBERG-1831 LLC).

- - -

PROCEEDINGS OF THE DULUTH CITY COUNCIL FOR 2012

BY COUNCILOR STAUBER

12-026 - AN ORDINANCE AMENDING SECTIONS 50-19.8, 50-20.3, 50-22.1, 50-24.4, 50-24.6, 50-25.1, 50-25.2, 50-25.8, 50-26.1, 50-26.4, 50-30.5, 50-31.3, 50-37.1, 50-37.6 AND 50-37.9, AND ADDING SECTION 50-26.5, OF CHAPTER 50 OF THE DULUTH CITY CODE, 1959, AS AMENDED, RELATING TO REVISIONS OF THE UNIFIED DEVELOPMENT CHAPTER.

- - -

BY COUNCILOR STAUBER

12-027 - 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 MU-C, MIXED USE-COMMERCIAL, TO FORM DISTRICTS, MID-RISE COMMUNITY SHOPPING/OFFICE (F-5), DOWNTOWN SHOPPING (F-7) AND DOWNTOWN MIX (F-8), THE DOWNTOWN BUSINESS DISTRICT, THE PROPERTY LOCATED FROM MESABA AVENUE TO NORTH NINTH AVENUE EAST AND FROM MICHIGAN STREET TO THE ALLEY ABOVE SECOND STREET (CITY OF DULUTH).

- - -

The following entitled ordinances were read for the second time:

BY COUNCILOR STAUBER

12-018 (10147) - AN ORDINANCE REPEALING ARTICLE X OF CHAPTER 45 OF THE DULUTH CITY CODE, 1959, AS AMENDED, RELATING TO PERMITS FOR THE CONCURRENT USE OF STREETS.

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

- - -

BY COUNCILOR STAUBER

12-019 (10148) - ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF DULUTH AS REFERENCED IN CHAPTER 50, OF THE DULUTH CITY CODE, 1959, AS AMENDED, TO PROVIDE FOR THE RECLASSIFICATION FROM R-1, RESIDENTIAL-TRADITIONAL, TO R-2, URBAN-RESIDENTIAL, ON THE WEST PORTION OF THE PROPERTY LOCATED AT 1750 KENWOOD AVENUE (CARLSON).

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

Debbie Isabel Nelson commented on how impressed she was with Mr. Carlson and his concerns about the neighborhood and potential residents of his development.

Councilor Stauber expressed his concern that this is spot zoning, where all the surrounding is R-1.

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

Yeas: Councilors Boyle, Fosle, Gardner, Julsrud, Krug, Larson and President Hartman -- 7

Nays: Councilors Krause and Stauber -- 2

- - -

BY COUNCILOR STAUBER

12-020 (10149) - AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF DULUTH AS REFERENCED IN CHAPTER 50, OF THE DULUTH CITY CODE, 1959, AS AMENDED, TO PROVIDE FOR THE RECLASSIFICATION FROM R-1, RESIDENTIAL-

PROCEEDINGS OF THE DULUTH CITY COUNCIL FOR 2012

TRADITIONAL, TO R-P, RESIDENTIAL-PLANNED, APPROXIMATELY 20 ACRES LAND LYING SOUTH OF HULETT AVENUE, EAST OF 93RD AVENUE WEST AND NORTHWEST OF SPIRIT LAKE TRANSFER RAILWAY (RAPID RIVER DEVELOPMENT, LLC).

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

Debbie Isabel Nelson commented on how this is the third time that this has come forward and how she felt that this time the developer has worked to meet the needs of the community.

Mike Casey, Jr., noted that while he supports this project, he expressed concerns that: this development is in Smithville, not Morgan Park; that the special use permit designated low density housing, which shall be compatible with the texture, scale and massing of the existing development; he reviewed in detail the comments and information of the staff report and the site plan review under zoning R-P and that there is only one building in Smithville similar to this stature and this should not be compared to Morgan Park.

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

- - -

BY COUNCILOR STAUBER

12-021 (10150) - AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF DULUTH AS REFERENCED IN CHAPTER 50, OF THE DULUTH CITY CODE, 1959, AS AMENDED, TO PROVIDE FOR THE RECLASSIFICATION FROM R-1, RESIDENTIAL-TRADITIONAL, AND R-2, RESIDENTIAL-URBAN, TO R-P, RESIDENTIAL-PLANNED, AT THE WOODLAND MIDDLE SCHOOL SITE AT 201 CLOVER STREET (VILLAGE CENTER AND BLUESTONE COMMONS DEVELOPMENT).

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

- - -

COUNCILOR QUESTIONS AND COMMENTS

To President Hartman's questions about certain houses being converted to rental properties, Mr. Montgomery reviewed that the life safety staff have denied rental permits because they were not qualified bedrooms under the building code and that some locations have been advertizing for expanded bedrooms before they have been granted licenses and those signs have been taken down. Providing adequate parking is the one major issue for denying new rental permits.

- - -

The meeting was adjourned at 9:30 p.m.

JEFFREY J. COX, City Clerk

- - -

ORDINANCE NO. 10147

AN ORDINANCE REPEALING ARTICLE X OF CHAPTER 45 OF THE DULUTH CITY CODE, 1959, AS AMENDED, RELATING TO PERMITS FOR THE CONCURRENT USE OF STREETS.

The city of Duluth does ordain:

Section 1. That Article X of Chapter 45 of the Duluth City Code, 1959, as amended, relating to permits for the concurrent use of streets is hereby repealed in its entirety.

PROCEEDINGS OF THE DULUTH CITY COUNCIL FOR 2012

Section 2. That this ordinance shall take effect and be in force 30 days from and after its passage and publication. (Effective date: May 25, 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 April 23, 2012

Approved April 23, 2012

DON NESS, Mayor

- - -

ORDINANCE NO. 10148

AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF DULUTH AS REFERENCED IN CHAPTER 50, OF THE DULUTH CITY CODE, 1959, AS AMENDED, TO PROVIDE FOR THE RECLASSIFICATION FROM R-1, RESIDENTIAL-TRADITIONAL, TO R-2, URBAN-RESIDENTIAL, ON THE WEST PORTION OF THE PROPERTY LOCATED AT 1750 KENWOOD AVENUE (CARLSON).

The city of Duluth does ordain:

Section 1. That the west portion of the subject property located at 1750 Kenwood Avenue and as described as: westerly 300'-0" of: N1/2 of NW1/4 of SW1/4 of the SE1/4 of Section 10, Township 50, Range 14 West; be reclassified from R-1, Traditional Neighborhood, to R-2, Urban-Residential, 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:



(Ref. File No. 12-008)

Section 2. That this ordinance shall take effect and be in force 30 days from and after its passage and publication. (Effective date: May 25, 2012)

PROCEEDINGS OF THE DULUTH CITY COUNCIL FOR 2012

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

Yeas: Councilors Boyle, Fosle, Gardner, Julsrud, Krug, Larson and President Hartman -- 7

Nays: Councilors Krause and Stauber -- 2

ATTEST:
JEFFREY J. COX, City Clerk

Passed April 23, 2012
Approved April 23, 2012
DON NESS, Mayor

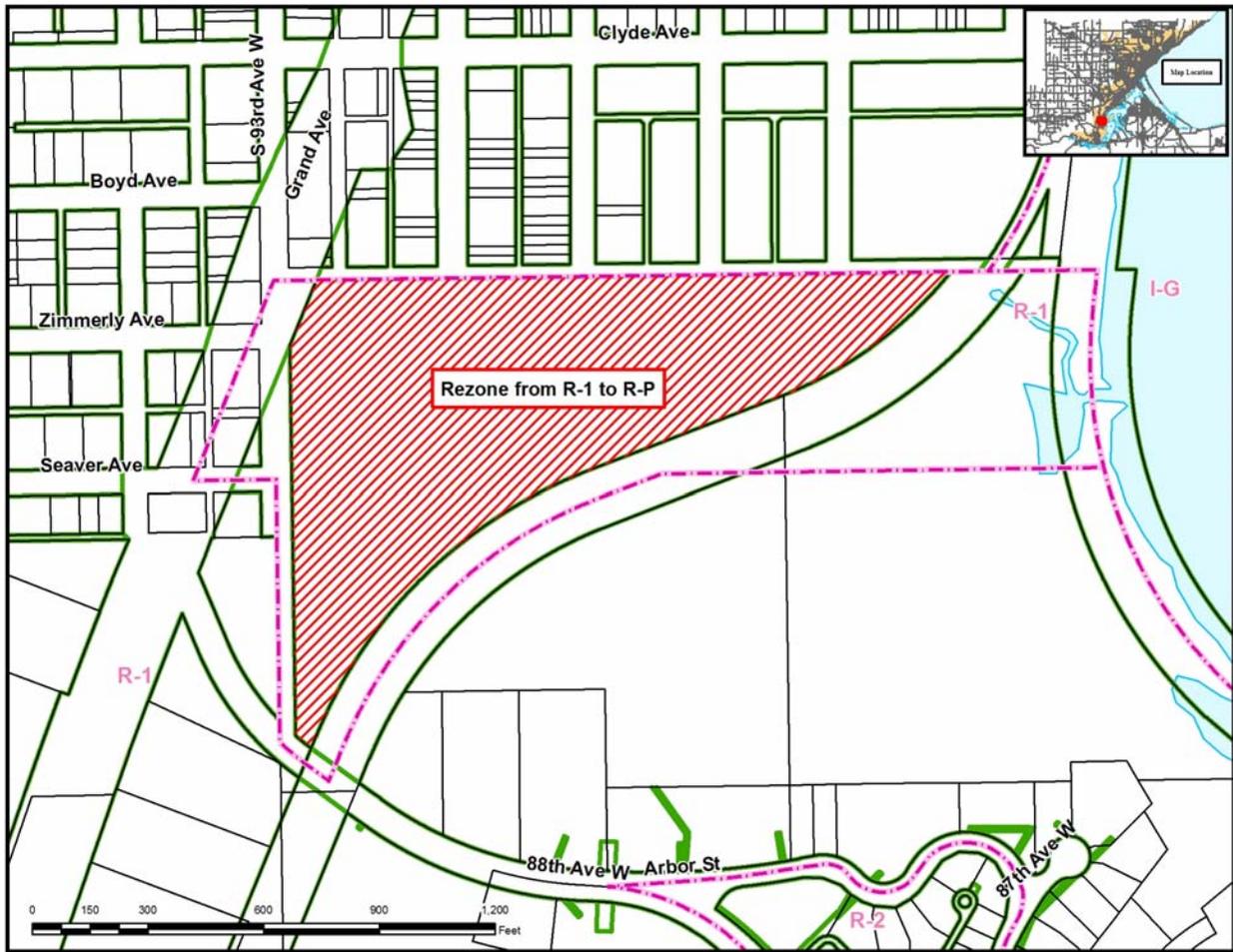
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ORDINANCE NO. 10149

AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF DULUTH AS REFERENCED IN CHAPTER 50, OF THE DULUTH CITY CODE, 1959, AS AMENDED, TO PROVIDE FOR THE RECLASSIFICATION FROM R-1, RESIDENTIAL-TRADITIONAL, TO R-P, RESIDENTIAL-PLANNED, APPROXIMATELY 20 ACRES LAND LYING SOUTH OF HULETT AVENUE, EAST OF 93RD AVENUE WEST, AND NORTHWEST OF SPIRIT LAKE TRANSFER RAILWAY (RAPID RIVER DEVELOPMENT, LLC).

The city of Duluth does ordain:

Section 1. That the west portion of the subject property located south of Hulett Avenue, east of 93rd Avenue West, and northwest of Spirit Lake Transfer Railway and as described as: all that part of the NW1/4 of SW1/4 and all that part of Government Lot 4, in Section 26, in Township 49 North, Range 15 West of the Fourth Principal Meridian, lying north and west of the right-of-way of the Duluth, Missabe and Iron Range Railway Company, successor to the Spirit Lake Transfer Railway Company, as said right-of-way is now surveyed, laid out, constructed and in use over and across and NW1/4 of SW1/4 and said Government Lot 4, and lying north and east of the center lines of 93rd Avenue West and Arbor Street in said city of Duluth as now laid out, constructed and in use; be reclassified from R-1, Traditional Neighborhood, to R-P, Residential-Planned, 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:



(PL 12-014)

Section 2. That this ordinance shall take effect and be in force 30 days from and after its passage and publication. (Effective date: May 25, 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 April 23, 2012
Approved April 23, 2012
DON NESS, Mayor

ORDINANCE NO. 10150

AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF DULUTH AS REFERENCED IN CHAPTER 50, OF THE DULUTH CITY CODE, 1959, AS AMENDED, TO PROVIDE FOR THE RECLASSIFICATION FROM R-1, RESIDENTIAL-TRADITIONAL, AND R-2, RESIDENTIAL-URBAN, TO R-P, RESIDENTIAL-PLANNED, AT THE WOODLAND MIDDLE

PROCEEDINGS OF THE DULUTH CITY COUNCIL FOR 2012

SCHOOL SITE AT 201 CLOVER STREET (VILLAGE CENTER AND BLUESTONE COMMONS DEVELOPMENT).

The city of Duluth does ordain:

Section 1. That the subject property described as:

Lot 1, Block 6, Mount Royal Division of Duluth, and Lot 8, Block 19, Willard's Addition to Duluth;

Lots 2 and 3, Block 6, Mount Royal Division of Duluth;

Lots 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25 and 26, Block 2, and Lots 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13 and 14, Block 3, and Lots 7, 8, 9, 10, 11 and 12, Block 8, Clover Hill Division of Duluth;

Lots 4, 5, 6, 7, 8 and 9, Block 9, Clover Hill Division of Duluth;

Lots 1, 14, 15, 16 and easterly half of Lot 13, Block 18, Willard's Addition to Duluth, and Lots 15, 16 and easterly half of Lot 14, Block 4, Clover Hill Division of Duluth;

Lots 11 and 12, Block 9, Clover Hill Division of Duluth;

Lot 3, Block 9, Clover Hill Division of Duluth;

All of Block 5, Clover Hill Division of Duluth;

Lots 1 and 2, Block 4, Clover Hill Division of Duluth;

Lots 1 thru 5, Block 8, Clover Hill Division of Duluth;

Lot 5, Block 2, Clover Hill Division of Duluth;

Lots 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13 and west half of Lot 14, Block 4, Clover Hill Division of Duluth, and Lot 12 and west half of Lot 13, Block 18, Willard's Addition to Duluth;

Lot 6, Block 8, Clover Hill Division of Duluth;

Lots 1 and 2, Block 9, Clover Hills Division of Duluth;

Lot 10, Block 9, Clover Hill Division of Duluth;

Lots 1, 2, 3 and 4, Block 2, Clover Hill Division of Duluth;

Vacated Jackson Street, Summit Place and alleys in Clover Hills Division of Duluth;

Blocks 18 and 19, Motor Line Division of Duluth, except that part described as follows: commencing at the northeast corner of Lot 11, Block 18 of said Motor Line Division of Duluth; thence north 89° 52' 08" west, along the north line of said Block 18 a distance of 8.22 feet to the point of beginning; thence south 00° 08' 28" west, along a line parallel with the east line of said Lot 11 and its southerly extension a distance of 133.04 feet to the centerline of the alley lying between said Blocks 18 and 19; thence south 00° 07' 55" west, along a line parallel with the east line of said Lot 11, Block 19, and its northerly extension a distance of 87.00 feet; thence north 89° 52' 08" west; along a line parallel with the north line of said Block 18 a distance of 451.64 feet to the northwesterly line of said Block 18; thence northeasterly and easterly, along said northwesterly and northerly lines of said Block 18 a distance of 557.03 feet to the point of beginning;

All that part of Summit Street (a.k.a. Manitoba Street), Clover Hill Division of Duluth, lying easterly of the easterly line of Woodland Avenue;

All that part of East Griggs Place (a.k.a. Codding Street), Clover Hill Division of Duluth, and all that part of East Griggs Place (a.k.a. Codding Street), Motor Line Division of Duluth, lying easterly of the easterly line of Woodland Avenue, Clover Hill and Motor Line Divisions of Duluth;

All those parts of Prospect Avenue, Motor Line Division to Duluth, and Prospect Avenue, Mount Royal Division of Duluth, lying southerly of the southerly line of Elizabeth Street, Motor Line and Mount Royal Divisions of Duluth;

PROCEEDINGS OF THE DULUTH CITY COUNCIL FOR 2012

27th Avenue East, Willard's Division to Duluth, lying northwesterly of the northwesterly line of East Eighth Street, Willard's Division to Duluth;

All that part of the alley between Blocks 8 and 9, Clover Hill Division of Duluth, from the northerly line of Clover Street to a line 50 easterly of the easterly property line of Lot 3, Block 8, Clover Hill Division of Duluth;

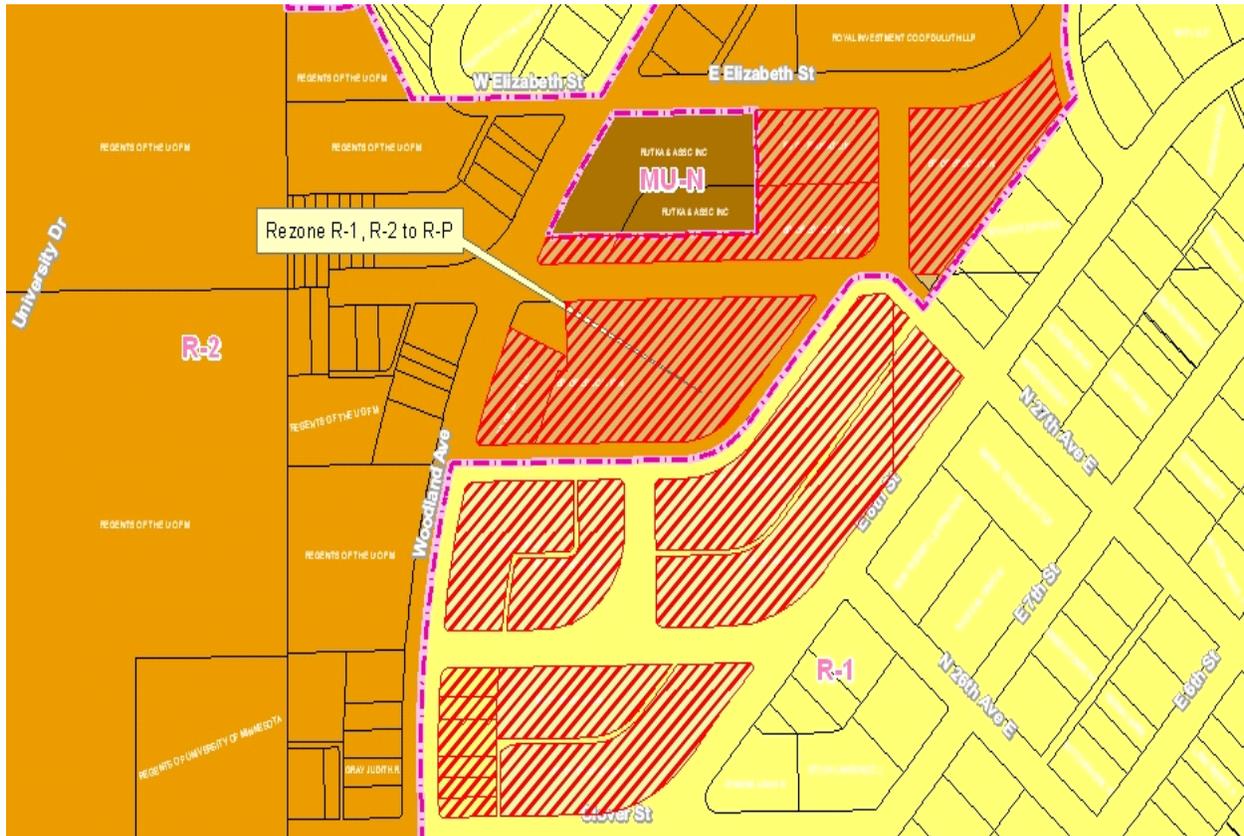
All those lands encumbered by building lines affecting Blocks two (2), five (5) and eight (8), Clover Hill Division of Duluth;

The northwesterly one-half of the alley in Block 19, Willard's Division to Duluth;

The northwesterly one-half of the alley in Block 6, Mount Royal Division to Duluth;

All those parts of Clover Street and East Eighth Street, Clover Hill Division of Duluth, adjacent to those parts of Lots 4 thru 9, Block 9, said Clover Hill Division of Duluth, lying northerly of the northerly line of Clover Street extended and northwesterly of the northwesterly line of East Eighth Street extended;

be reclassified from R-1, Residential-Traditional, and R-2, Residential-Urban, to R-P, Residential-Planned, 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:



(Ref. File No. PL 12-012)

PROCEEDINGS OF THE DULUTH CITY COUNCIL FOR 2012

Section 2. That this ordinance shall take effect and be in force 30 days from and after its passage and publication. (Effective date: May 25, 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 April 23, 2012

Approved April 23, 2012

DON NESS, Mayor

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