

PROCEEDINGS OF THE DULUTH CITY COUNCIL FOR 2012

OFFICIAL PROCEEDINGS

Special meeting of the Duluth City Council held on Thursday, October 4, 2012, 5:15 p.m. in the Council Chamber, City Hall, Duluth, Minnesota.

Roll call: Present: Councilors Gardner, Julsrud, Krug, Larson, Stauber and Vice President Boyle -- 6

Absent: Councilors Fosle, Krause and President Hartman -- 3

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Vice President Boyle presided over the meeting in the absence of President Hartman.

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MOTIONS AND RESOLUTIONS

BE IT RESOLVED, that the Duluth City Council hereby approves of the Minnesota gambling control board issuing a lawful gambling exemption to UMD Ducks Unlimited and the March of Dimes Foundation and 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 12-0513 was unanimously adopted.

Approved October 4, 2012

DON NESS, Mayor

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The meeting was adjourned at 5:19 p.m.

JEFFREY J. COX, City Clerk

PROCEEDINGS OF THE DULUTH CITY COUNCIL FOR 2012

OFFICIAL PROCEEDINGS

Duluth City Council meeting held on Monday, October 8, 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 June 11, 2012, were approved upon a unanimous vote.

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PRESENTATION OF PETITIONS AND OTHER COMMUNICATIONS

12-1008-01 Hooshang Mehralian petition for North 11th Avenue West watermain extension. -- Assessor

12-1008-07 The following communications regarding the proposed license to keep honeybees (12-064-O): (a) Karen B. Holden; (b) Sharon Szymkowiak (supported by 156 signatures). -- Received

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REPORTS FROM THE ADMINISTRATION

Chief Administrative Officer David Montgomery reviewed in detail the status of FEMA involvement with funding for the flood damages.

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REPORTS OF BOARDS AND COMMISSIONS

12-1008-02 Commission on disabilities minutes of August 1, 2012, meeting. -- Received

12-1008-03 Duluth airport authority minutes of: (a) August 28; (b) September 4, 2012, meetings. -- Received

12-1008-04 Duluth economic development authority minutes of August 22, 2012, meeting. -- Received

12-1008-05 Duluth transit authority: (a) Minutes of June 27, 2012, meeting; (b) May 2012 income statement. -- Received

12-1008-06 Library board minutes of June 26, 2012, meeting. -- Received

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At this time, 7:02 p.m., the public hearing on the Minnesota investment fund flood recovery program grant fund application was opened.

At this time, 7:03 p.m., the public hearing was closed.

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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.

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

The city council of the city has chosen, by policy, to take steps to help ensure that all tax-exempt obligations and tax-advantaged obligations will be in compliance with all applicable federal regulations. This policy may be amended, as necessary in the future.

Section 1. Background. The internal revenue service (IRS) is responsible for enforcing compliance with the Internal Revenue Code and most other regulations governing certain obligations (as example: tax-exempt obligations, build America bonds, recovery zone development bonds and various "tax credit" bonds). The IRS expects issuers and beneficiaries of these obligations to adopt and implement a post-issuance debt compliance policy to safeguard against post-issuance violations.

Section 2. Post-issuance debt compliance objectives. The city desires to monitor these obligations to ensure compliance with the IRS code and all other regulations governing such obligations. To help ensure compliance, the city has developed procedures which apply to these obligations including bonds, notes, lease purchase contracts or any other form of debt that is subject to compliance.

Section 3. Post-issuance debt compliance.

3.01. The city auditor is designated as the city's compliance officer who shall be responsible for post-issuance compliance of these obligations.

3.02. The city auditor shall assemble all relevant documentation, records and activities required to ensure post-issuance debt compliance as further detailed in the "post-issuance debt compliance policy" filed as Public Document No. 12-1008-08. At a minimum, the post-issuance debt compliance policy for each qualifying obligation will address the following:

- (a) General post-issuance compliance;
- (b) Proper and timely use of bond proceeds and bond-financed property;
- (c) Arbitrage yield restriction and rebate;
- (d) Timely filings and other general requirements;
- (e) Additional undertakings or activities that support points (a) through (d)

above;

- (f) Other requirements that become necessary in the future.

The city auditor shall apply the post-issuance debt compliance policy to each qualifying obligation and maintain a record of the results. Further, the city auditor will ensure that the post-issuance debt compliance policy is updated on a regular and as needed basis.

3.03. The city auditor, or any other individuals responsible for assisting the city auditor in maintaining records needed to ensure post-issuance compliance, are authorized to expend funds as needed to attend training or secure use of other educational resources for ensuring compliance such as consulting, publications and compliance assistance.

Resolution 12-0505 was unanimously adopted.

Approved October 8, 2012

DON NESS, Mayor

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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 its approximately \$6,945,000 general obligation street improvement refunding bonds, Series 2012D (the "bonds"), pursuant to Minnesota Statutes, Chapter 475 (the "act"), and Section 475.67, subdivisions 1 through 12 of the act, for the purpose of (i) refunding, on a current refunding basis, the 2013 through 2019 maturities of the city's general obligation street

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improvement bonds, Series 2003D, dated September 1, 2003; (ii) refunding, on a current refunding basis, the 2014 through 2020 maturities of the city's general obligation street improvement bonds, Series 2004B, dated September 1, 2004; and (iii) refunding, on an advance refunding basis, the 2015 through 2021 maturities of the city's general obligation street improvement bonds, Series 2005D, dated October 6, 2005;

(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. 12-1008-09. 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 herein to consider bids for the purchase 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 of the bonds in accordance with Minnesota Statutes, Section 475.60, subdivision 3, and in accordance with the official terms of offering;

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

Resolution 12-0506 was unanimously adopted.

Approved October 8, 2012

DON NESS, Mayor

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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 its approximately \$10,315,000 taxable general obligation tax increment refunding bonds, Series 2012F (the "bonds"), pursuant to Minnesota Statutes, Chapter 475 (the "act"), and Section 475.67, subdivisions 1 through 12, of the act for the purpose of refunding the 2015 through 2026 maturities of the city's taxable general obligation tax increment bonds, Series 2005G, dated December 16, 2005;

(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. 12-1008-10. 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 herein to consider bids for the purchase 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 of the bonds in accordance with Minnesota Statutes, Section 475.60, subdivision 3, and in accordance with the official terms of offering;

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

Resolution 12-0508 was unanimously adopted.

Approved October 8, 2012

DON NESS, Mayor

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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 its

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approximately \$5,500,000 taxable general obligation steam utility revenue refunding bonds, Series 2012G (the "bonds"), pursuant to Minnesota Statutes, Chapter 475 (the "act"), and Section 475.67, subdivisions 1 through 12, of the act for the purpose of refunding the outstanding maturities of (i) the city's general obligation steam utility revenue bonds, Series 2003E, dated September 1, 2003; (ii) the city's general obligation steam utility revenue bonds, Series 2005B, dated June 1, 2005; and (iii) the city's general obligation steam utility revenue bonds, Series 2006E, dated December 19, 2006;

(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. 12-1008-11. 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 herein to consider bids for the purchase 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 of the bonds in accordance with Minnesota Statutes, Section 475.60, subdivision 3, and in accordance with the official terms of offering;

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

Resolution 12-0509 was unanimously adopted.

Approved October 8, 2012

DON NESS, Mayor

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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 its approximately \$1,925,000 general obligation sewer utility revenue refunding bonds, Series 2012E (the "bonds"), pursuant to Minnesota Statutes, Chapter 475 (the "act"), and Section 475.67, Subdivisions 1 through 12, of the act, and the Home Rule Charter of the city for the purpose of refunding the 2015 through 2021 maturities of the city's general obligation sewer utility revenue bonds, Series 2005F, dated December 19, 2005;

(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. 12-1008-12. 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 herein to consider bids for the purchase 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 of the bonds in accordance with Minnesota Statutes, Section 475.60, subdivision 3, and in accordance with the official terms of offering;

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

Resolution 12-0526 was unanimously adopted.

Approved October 8, 2012

DON NESS, Mayor

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PROCEEDINGS OF THE DULUTH CITY COUNCIL FOR 2012

RESOLVED, that the proper city officials are hereby authorized to enter into an agreement with Architectural Resources, Inc., substantially the same as Public Document No. 12-1008-13 on file in the office of the city clerk, for professional landscape architectural and engineering design services for the new dock structure and seawall located along the baywalk in Duluth, Minnesota, for a total amount not to exceed \$39,000, payable from the Disaster Recovery Fund 225, Department/Agency 125 (finance), Division 1804 (water control facilities), Object 5310 (contract services), Project No. Flood-300.

Resolution 12-0451 was unanimously adopted.

Approved October 8, 2012

DON NESS, Mayor

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RESOLVED, that the proper city officials are authorized to contract with H&L Mesabi Company for the purchase and delivery of various grader blade and wing edges as requested during the 2012/2013 winter season in accordance with city-approved specifications and the recommendation from the fleet services division as outlined in a memo, dated September 14, 2012, and bid tabulation on file with the city clerk as Public Document No. 12-1008-14, and the vendor's low bid of \$52,525 plus \$3,611.09 sales tax for a combined total of \$56,136.09, payable from Fleet Services Fund 660, Department/Agency 015 (administrative services), Object 5221 (equipment repair services).

Resolution 12-0497 was unanimously adopted.

Approved October 8, 2012

DON NESS, Mayor

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RESOLVED, that the proper city officials are authorized to contract with H&L Mesabi Company for the purchase and delivery of various flat plow blades as requested during the 2012/2013 winter season in accordance with city-approved specifications and the recommendation from the fleet services division as outlined in a memo, dated September 18, 2012, and bid tabulation on file with the city clerk as Public Document No. 12-1008-15, and the vendor's low bid of \$53,985 plus \$3,711.47 sales tax for a combined total of \$57,696.47, payable from Fleet Services Fund 660, Department/Agency 015 (administrative services), Object 5221 (equipment repair services).

Resolution 12-0498 was unanimously adopted.

Approved October 8, 2012

DON NESS, Mayor

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RESOLVED, that the proper city officials are authorized to contract with Duluth Ready Mix, Inc., the second year of a three-year contract, for the purchase and delivery of 6,000 tons of washed sand during year 2012, to 1123 Mesaba Avenue for use by the street maintenance division in accordance with in the vendor's original bid of \$10 per ton for a total of \$60,000 plus \$4,125 sales tax, for a total amount of \$64,125, terms net 30, FOB destination, payable from General Fund 110, Department/Agency 121 (public administration), Division 1217 (maintenance operations), Cost Center 2140 (street maintenance), Object 5224 (gravel and other maintenance materials).

Resolution 12-0510 was unanimously adopted.

Approved October 8, 2012

DON NESS, Mayor

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PROCEEDINGS OF THE DULUTH CITY COUNCIL FOR 2012

RESOLVED, that the proper city officials are authorized to enter into a construction contract with Hunt Electric Corporation for electrical service upgrades at Enger Park tower, gazebo and pavilion in accordance with plans and specifications prepared by Gausman & Moore Associates, Inc., the city's project engineer, and the vendor's revised bid of \$124,101 (down from original low bid of \$167,414), payable from Parks Fund 205, Department/Agency 130 (community resources), Division 1220 (parks capital), Object 5520 (buildings and structures), Project No. CM205-Eng tr.

Resolution 12-0511 was unanimously adopted.
Approved October 8, 2012
DON NESS, Mayor

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RESOLVED, that city officials are authorized to contract with North American Salt Company for the purchase and delivery of 11,400 tons of road salt for the 2012-2013 winter season in accordance with Minnesota State Contract 46763, Release S-803(5), specifications and pricing at \$59.16 per ton for a total of \$674,424 plus \$46,366.65 sales tax for a combined total of \$720,790.65, payable as follows:

(a) For year 2012 (October-December): \$220,030.83 from General Fund 110, Department/Agency 121 (public administration), Division 1217 (maintenance operations), Cost Center 2140 (street maintenance), Object 5223-01 (salt and sand salt);

(b) For year 2013 (January-April): \$500,759.82 from General Fund 110, Department/Agency 121 (public administration), Division 1217 (maintenance operations), Cost Center 2140 (street maintenance), Object 5223-01 (salt and sand salt).

Resolution 12-0512 was unanimously adopted.
Approved October 8, 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
American Indian Community Housing Organization	Hanabi Japanese Cuisine, 110 North First Avenue South

Resolution 12-0514 was unanimously adopted.
Approved October 8, 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 (bingo) to Holy Family Catholic Church and an excluded bingo license to Kenwood Lutheran Church and 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 12-0524 was unanimously adopted.
Approved October 8, 2012
DON NESS, Mayor

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BY COUNCILOR BOYLE:

RESOLVED, that the Duluth City Council hereby reappoints Rick Revoir to the Seaway Port authority of Duluth for a term expiring on October 10, 2018.

Resolution 12-0491 was unanimously adopted.

Approved October 8, 2012

DON NESS, Mayor

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RESOLVED, that the proposed amendments to the specifications for the civil service classification of heating, ventilation, air conditioning and refrigeration inspector, which were approved by the civil service board on October 2, 2012, and which are filed with the city clerk as Public Document No. 12-1008-16, are approved. This classification shall remain subject to the city's collective bargaining agreement with its basic unit employees and compensated at Pay Range 31.

Resolution 12-0516 was unanimously adopted.

Approved October 8, 2012

DON NESS, Mayor

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RESOLVED, that the proposed amendments to the specifications for the civil service classification of storekeeper, which were approved by the civil service board on October 2, 2012, and which are filed with the city clerk as Public Document No. 12-1008-17, are approved. This classification shall remain subject to the city's collective bargaining agreement with its basic unit employees and compensated at Pay Range 27.

Resolution 12-0517 was unanimously adopted.

Approved October 8, 2012

DON NESS, Mayor

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RESOLVED, that the proposed amendments to the specifications for the civil service classification of water plant operator A, which were approved by the civil service board on October 2, 2012, and which are filed with the city clerk as Public Document No. 12-1008-18, are approved. This classification shall remain subject to the city's collective bargaining agreement with its basic unit employees and compensated at Pay Range 31.

Resolution 12-0519 was unanimously adopted.

Approved October 8, 2012

DON NESS, Mayor

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RESOLVED, that the proposed amendments to the specifications for the civil service classification of water plant operator B, which were approved by the civil service board on October 2, 2012, and which are filed with the city clerk as Public Document No. 12-1008-19, are approved. This classification shall remain subject to the city's collective bargaining agreement with its basic unit employees and compensated at Pay Range 28.

Resolution 12-0520 was unanimously adopted.

Approved October 8, 2012

DON NESS, Mayor

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RESOLVED, that the proposed amendments to the specifications for the civil service classification of water plant operator C, which were approved by the civil service board on October 2, 2012, and which are filed with the city clerk as Public Document No. 12-1008-20,

PROCEEDINGS OF THE DULUTH CITY COUNCIL FOR 2012

are approved. This classification shall remain subject to the city's collective bargaining agreement with its basic unit employees and compensated at Pay Range 26.

Resolution 12-0521 was unanimously adopted.

Approved October 8, 2012

DON NESS, Mayor

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RESOLVED, that the proposed amendments to the specifications for the civil service classification of water plant operator D, which were approved by the civil service board on October 2, 2012, and which are filed with the city clerk as Public Document No. 12-1008-21, are approved. This classification shall remain subject to the city's collective bargaining agreement with its basic unit employees and compensated at Pay Range 24.

Resolution 12-0522 was unanimously adopted.

Approved October 8, 2012

DON NESS, Mayor

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RESOLVED, that the proposed amendments to the specifications for the civil service classification of water quality specialist, which were approved by the civil service board on October 2, 2012, and which are filed with the city clerk as Public Document No. 12-1008-22, are approved. This classification shall remain subject to the city's collective bargaining agreement with its basic unit employees and compensated at Pay Range 31.

Resolution 12-0523 was unanimously adopted.

Approved October 8, 2012

DON NESS, Mayor

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RESOLVED, that the city council hereby expresses its intent to use the Northwest Passage for appropriate program purposes as described in the federal grant therefore in substantial conformance with the continuing use document on file in the office of the city clerk as Public Document No. 12-1008-23 for the useful life of the improvements in the event that the city and the Duluth Transit Authority accept a grant of federal funds from the U.S. department of transportation for the reconstruction of said facility.

Resolution 12-0489 was unanimously adopted.

Approved October 8, 2012

DON NESS, Mayor

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BE IT RESOLVED, that the city of Duluth act as the legal sponsor for project(s) contained in the Minnesota investment fund disaster recovery application to be submitted on or about October 9, 2012, and that the mayor of the city of Duluth is hereby authorized to apply to the department of employment and economic development for funding of this project on behalf of the city of Duluth.

BE IT FURTHER RESOLVED, that the city of Duluth has the legal authority to apply for financial assistance, and the institutional, managerial, and financial capability to ensure adequate administration of the project(s).

BE IT FURTHER RESOLVED, that the city of Duluth has not violated any Federal, State, or local laws pertaining to fraud, bribery, kickbacks, collusion, conflict of interest or other unlawful or corrupt practice.

BE IT FURTHER RESOLVED, that upon approval of its application by the state, the city of Duluth may enter into an agreement with the state of Minnesota for the above-referenced

PROCEEDINGS OF THE DULUTH CITY COUNCIL FOR 2012

project(s), and that the city of Duluth certifies that it will comply with all applicable laws and regulations as stated in all contract agreements.

NOW, THEREFORE, BE IT RESOLVED, that the proper city officials are hereby authorized to execute such agreements, and amendments thereto, as are necessary to implement the project(s) on behalf of the applicant.

Resolution 12-0494 was unanimously adopted.

Approved October 8, 2012

DON NESS, Mayor

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RESOLVED, that the proper city officials are hereby authorized to enter into a professional services agreement, substantially in the form of that on file with the city clerk as Public Document No. 12-1008-24, with the Northspan Group, Inc., to administer a Minnesota department of employment and economic development ("DEED") Minnesota investment fund ("MIF") disaster recovery program grant in an amount not to exceed three percent of the total business loan disbursement as approved by DEED or \$60,000, whichever is less, payable from Fund 235 (Duluth recovery loan program), Agency 020 (planning), Object 5319 (other professional services).

Resolution 12-0499 was unanimously adopted.

Approved October 8, 2012

DON NESS, Mayor

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RESOLVED, that the city of Duluth hereby adopts the guidelines for administering business recovery funds awarded through the Minnesota investment fund ("MIF") in the form of those on file in the office of the city clerk as Public Document No. 12-1008-25.

Resolution 12-0501 was unanimously adopted.

Approved October 8, 2012

DON NESS, Mayor

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RESOLVED, that proper city officials are hereby authorized to enter into an agreement, substantially in the form of that on file with the office of the city clerk as Public Document No. 12-1008-26, with Senior Service America, Inc., (SSAI) to serve Duluth residents age 55 and older with work experience training and services in the amount of \$179,455 for the period of October 1, 2012, through June 30, 2013; monies received shall be deposited into Senior Programs Fund 270, Grants Division Agency 031, SCSEP SSAI Federal Organization 6330.

Resolution 12-0502 was unanimously adopted.

Approved October 8, 2012

DON NESS, Mayor

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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. 12-1008-27, with PLB, LLC, a/k/a PLB, a Minnesota limited liability company, accepting the grant of an underground utility easement for gas line purposes at no cost to the city over certain property in the vicinity of Woodland Avenue and St. Marie Street as more particularly described therein.

Resolution 12-0490 was unanimously adopted.

Approved October 8, 2012

DON NESS, Mayor

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PROCEEDINGS OF THE DULUTH CITY COUNCIL FOR 2012

RESOLVED, that Resolution 11-0332 authorizing Bridge Bond Grant Agreement No. 98420 for the rehabilitation of Bridge No. 93402 on Second Street at Chester Creek be amended to increase the amount by \$115,000 for a new total of \$674,945.50, payable from Permanent Improvement Fund 411, Department/Agency 035 (capital projects accounts), City Project No. 0068TR, S.A.P. 118-130-005.

Resolution 12-0500 was unanimously adopted.
Approved October 8, 2012
DON NESS, Mayor

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RESOLVED, that the proper city officials are hereby authorized to enter into a contract with Northland Constructors of Duluth, LLC, for the rehabilitation of Bridge No. L6007 in the amount of \$897,579, payable out of Permanent Improvement Fund 411, Department/Agency 035 (capital projects accounts), Object 5530 (improvements other than buildings), City Project No. S.P. 118-060-010.

Resolution 12-0503 was unanimously adopted.
Approved October 8, 2012
DON NESS, Mayor

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RESOLVED, that the proper city officials are hereby authorized to enter into an agreement, a copy of which is on file in the office of the city clerk as Public Document No. 12-1008-29, with the state of Minnesota through its commissioner of public safety, division of homeland security and emergency management, for providing services as a hazardous materials chemical assessment through September 30, 2014, in the amount of \$90,000 plus certain reimbursable costs as set forth therein, said sum to be payable to Fund No. 110-150-1505-4210-02 (general fund, fire, hazardous materials, pass through grant).

Resolution 12-0495 was unanimously adopted.
Approved October 8, 2012
DON NESS, Mayor

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

In front of 2310 Butte Avenue;
In front of 4613 West Sixth Street.

Resolution 12-0496 was unanimously adopted.
Approved October 8, 2012
DON NESS, Mayor

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RESOLVED, that the proper city officers are hereby authorized to execute the Minnesota snowmobile trails assistance program grant agreement, a copy of which is on file in the office of the city clerk as Public Document No. 12-1008-30, with the Minnesota department of natural resources for the maintenance of the Duluth snowmobile trails for the 2012-2013 season in the amount of \$13,925; said funds to be deposited in the General Fund-110, Public Administration-121, Maintenance Operations/Building and Grounds-1217-2150, Snowmobile Trail Grants-4226.

Resolution 12-0518 was unanimously adopted.
Approved October 8, 2012
DON NESS, Mayor

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PROCEEDINGS OF THE DULUTH CITY COUNCIL FOR 2012

RESOLVED, that the proper city officials are hereby authorized to enter into a master services agreement with the International Mountain Bicycling Association, substantially in the form of that on file in the office of the city clerk as Public Document No. 12-1008-31, for professional consulting services for trail design, building, repair and maintenance in an amount not to exceed \$50,000, payable from either Fund 225-125-1807 (disaster recovery, finance, parks, recreation and other) for flood related projects or Fund 205-130-1220-5530 (parks, community resources, parks capital, improvements other than buildings) for general trail work.

Resolution 12-0527 was unanimously adopted.

Approved October 8, 2012

DON NESS, Mayor

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The following resolutions were also considered:

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

(a) Authorization of notes. The city council adopted Resolution No. 11-0640 on December 5, 2011, declaring its intent to issue general obligation capital equipment notes in 2012 in an amount up to \$4,750,000 plus costs of issuance and discount. 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 general obligation capital equipment notes, Series 2012C, in the approximate amount of \$3,300,000 (the "notes"), pursuant to Minnesota Statutes, Sections 410.32 and 412.301 (the "act"), and Minnesota Statutes, Chapter 475, and the City Charter, for the purpose of providing approximately \$3,468,000 to purchase capital equipment, as permitted by the act, having an expected useful life at least as long as the term of the notes. The city's financial advisor is anticipating receipt of bids with original issue premium;

(b) Issuance and sale of notes. The terms and conditions of the notes and the sale thereof are set forth in the official terms of offering on file with the city clerk as Public Document No. 12-1008-32. 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 notes and the sale thereof, and the city council shall meet at the time and place fixed herein to consider bids for the purchase of the notes. Due to changes in the municipal bond market, the city administrator, 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 notes;

(c) Competitive sale of notes. Public Financial Management, Inc., independent financial advisor to the city, is hereby authorized to provide the notice of the sale for the notes 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 notes shall be set forth in a subsequent resolution of this city council.

Resolution 12-0525 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 October 8, 2012

DON NESS, Mayor

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Resolution 12-0515, confirming and approving members to the Duluth citizen review board, was introduced by Councilor Boyle for discussion.

PROCEEDINGS OF THE DULUTH CITY COUNCIL FOR 2012

Councilors Krause, Fosle and Stauber expressed concerns of a need to meet with the applicants because: some of them did not present very much information about themselves; issues that they will be dealing with will likely be controversial; there were about 30 applicants and we should have a better understanding why these individuals would be a good selection.

Councilors Larson and Krug opposed any tabling of the resolution for reasons of: the mayor has reviewed in detail these applications and is comfortable with these individuals and our past interviewing procedure of using preset questions is not conducive to meet and to get to know the appointees in this case.

Councilor Boyle moved to table the resolution to meet with the applicants, which motion was seconded and carried upon the following vote:

Yeas: Councilors Boyle, Fosle, Gardner, Julsrud, Krause, Stauber and President Hartman -- 7

Nays: Councilors Krug and Larson -- 2

- - -

RESOLVED, that city officials are hereby authorized to contract with Nelson Dodge GMC (Nelson Auto Center) for the tax-exempt purchase and delivery of nine 2013 Ford police interceptor utility V6 AWD vehicles for use by the Duluth police department as marked patrol squad units in accordance with Minnesota State Contract 37669, Release A-174(5), specifications and pricing for a total of \$247,090.38 plus \$450 in vehicle license, title and registration fees for a combined total of \$247,540.38, payable as follows:

(a) \$206,040.39 - Capital Equipment Fund 250, Department/Agency 015 (administrative services), Division 2012 (fiscal year), Object 5580 (capital equipment), Project No. CE250-V1202; and

(b) \$41,499.99 - Capital Equipment Fund 250, Department/Agency 015 (administrative services), Division 2011 (fiscal year), Object 5580 (capital equipment), Project No. CD250-V1102.

Resolution 12-0475 was unanimously adopted.

Approved October 8, 2012

DON NESS, Mayor

- - -

RESOLVED, that the proper city officials are hereby authorized to execute an agreement substantially the same as that on file in the office of the city clerk as Public Document No. 12-1008-28 between the city of Duluth and Bentleyville Tour of Lights, Inc., a Minnesota nonprofit corporation, providing for the production, promotion and management of the 2012 Bentleyville Tour of Lights, fees to be deposited into the city's Fund No. 237-015-4623 (Bayfront Festival Park, administrative services).

Resolution 12-0493 was unanimously adopted.

Approved October 8, 2012

DON NESS, Mayor

- - -

INTRODUCTION AND CONSIDERATION OF ORDINANCES

The following entitled ordinances were read for the first time:

INTRODUCED BY COUNCILOR KRUG

12-058 - AN ORDINANCE EXEMPTING GO AIRPORT IMPROVEMENT BONDS FROM THE PROVISIONS OF SECTION 20-19 OF THE DULUTH CITY CODE, 1959, AS AMENDED, RELATED TO THE COMMUNITY ARTS SET-ASIDE.

PROCEEDINGS OF THE DULUTH CITY COUNCIL FOR 2012

- - -

INTRODUCED BY COUNCILOR KRUG

12-062 - AN ORDINANCE AUTHORIZING THE ISSUANCE, SALE AND DELIVERY OF GENERAL OBLIGATION LAKEWALK EXTENSION BONDS IN THE MAXIMUM AMOUNT OF \$700,000 OF THE CITY OF DULUTH UPON TERMS AND CONDITIONS TO BE PROVIDED BY RESOLUTIONS OF THE CITY COUNCIL AND LEVYING TAXES FOR THE PAYMENT THEREOF.

- - -

INTRODUCED BY COUNCILOR STAUBER

12-060 - AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF DULUTH TO PROVIDE FOR THE RECLASSIFICATION, FROM MU-N TO F-1 AND F-2, OF PROPERTIES LOCATED ON THE NORTH SIDE OF EAST SUPERIOR STREET IN THE LAKESIDE AND LESTER PARK NEIGHBORHOODS (CITY OF DULUTH).

- - -

INTRODUCED BY COUNCILOR STAUBER

12-061 - AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF DULUTH TO PROVIDE FOR THE RECLASSIFICATION, FROM R-1 TO MU-N, OF THE PROPERTIES LOCATED AT 4131, 4201 AND 4219 GRAND AVENUE (KHAH KING, MURPHY OIL USA, INC., AND CHRIST THE KING LUTHERAN CHURCH).

- - -

INTRODUCED BY COUNCILOR STAUBER

12-063 - AN ORDINANCE AUTHORIZING CONVEYANCE OF PROPERTY TO THE DULUTH ECONOMIC DEVELOPMENT AUTHORITY FOR \$50,000.

- - -

BY COUNCILOR LARSON

12-064 - AN ORDINANCE AMENDING THE DULUTH CITY CODE, 1959, AS AMENDED, ADDING NEW SECTIONS 6-80 AND 6-80.1, REGARDING THE KEEPING OF HONEYBEES.

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

Catherine Winter, Shannon Szymkowiak, Jonathan Otis and Ray Lopel expressed support for the ordinance for the reasons of: honeybees are essential to the food supply because they pollenate 1/3 of all nutritional food that we eat; honeybees in urban areas have far less pesticides on them; 30-40 percent of honeybees are lost each year; approximately 156 residents and businesses signed a petition supporting this ordinance (Public Document No. 12-1008-07(b)); neighbors who taste this honey take pride in it being produced in their neighborhood; by legalizing this 4-H students can become involved with this and there are only five types of bees that are kept by beekeepers, with one version being named after Minnesota.

- - -

The following entitled ordinance was read for the second time:

INTRODUCED BY COUNCILOR STAUBER

12-059 (10179) - AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF DULUTH TO PROVIDE FOR THE RECLASSIFICATION, FROM I-W TO MU-W, OF THE PROPERTIES LOCATED AT 1119, 1123 AND 1127 MINNESOTA AVENUE (RAY ROBBINS).

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

- - -

PROCEEDINGS OF THE DULUTH CITY COUNCIL FOR 2012

The meeting was adjourned at 7:45 p.m.

JEFFREY J. COX, City Clerk

- - -

ORDINANCE NO. 10179

AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF DULUTH TO PROVIDE FOR THE RECLASSIFICATION FROM I-W, TO MU-W, THE PROPERTIES LOCATED AT 1119, 1123 AND 1127 MINNESOTA AVENUE (RAY ROBBINS).

The city of Duluth does ordain:

Section 1. That the .46 acres of the subject properties located at 1119, 1123 and 1127 Minnesota Avenue and as more particularly described as follows:

Upper Duluth; Lots 145, 146, 148, 150 and 152;

be reclassified from Industrial-Waterfront (I-W), to Mixed Use-Waterfront (MU-W), and that the official zoning map of the city of Duluth as referenced in Chapter 50 of the Duluth City Code, 1959, as amended, is amended to read as follows:



(Ref. File No. 12-119)

Section 2. That this ordinance shall take effect and be in force 30 days from and after its passage and publication. (Effective date: November 9, 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 October 8, 2012
Approved October 8, 2012
DON NESS, Mayor

- - -

PROCEEDINGS OF THE DULUTH CITY COUNCIL FOR 2012

OFFICIAL PROCEEDINGS

Duluth City Council meeting held on Monday, October 22, 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

- - -

PRESENTATION OF PETITIONS AND OTHER COMMUNICATIONS

12-1022-08 The following communications regarding the proposed design request for a permanent street in and around Joshua Avenue (12-0546R): (a) Linda Booker; (b) Andy Brunette; (c) Marla Halvorson; (d) Pat Huston; (e) Frank and Kristy Stokes. -- Received

- - -

REPORTS FROM OTHER OFFICERS

12-1022-01 Assessor letter of insufficiency regarding petition for North 11th Avenue West watermain extension. -- Received

12-1022-02 Clerk application for exempt permit (raffle) to the Minnesota gambling control board from Western Lake Superior Habitat for Humanity on January 26, 2013. -- Received

12-1022-03 Purchasing agent emergency purchase reports, pursuant to Section 41-27 of the Duluth City Code, for: (a) Permanent repairs to flood-damaged Hutchinson Road awarded to Northland Constructors of Duluth, LLC, for \$121,809; (b) Temporary and permanent repairs to five flood-damaged streets awarded to Veit Companies. -- Received

- - -

REPORTS OF BOARDS AND COMMISSIONS

12-1022-04 American Indian commission minutes of June 18, 2012, meeting. -- Received

12-1022-05 Commission on disabilities minutes of September 5, 2012, meeting. -- Received

12-1022-06 Community development committee minutes of June 26, 2012, meeting. -- Received

12-1022-07 Parks and recreation commission minutes of September 12, 2012, meeting. -- Received

- - -

OPPORTUNITY FOR CITIZENS TO BE HEARD

Loren Martel commented that the Duluth School District: has been misrepresenting facts in the local paper, stating that the lack of state funding and inflation are the cause of its fiscal problems; the district has wasted nearly all of its \$30 million nest egg in the reserve fund and the big elephant in the room is how bad the red plan debt obligation is hurting them.

- - -

Gerry Schlafer felt that: voter identification is irrelevant; big corporations can give as much money to candidates as they want and lobbyists run the country.

- - -

PROCEEDINGS OF THE DULUTH CITY COUNCIL FOR 2012

RESOLUTION TABLED

Councilor Boyle moved to remove Resolution 12-0515, confirming and approving members to the Duluth citizen review board, from the table, which motion was seconded and unanimously carried.

Resolution 12-0515 was adopted as follows:

RESOLVED, that the following appointments by Mayor Ness to the Duluth citizen review board are hereby confirmed and approved:

NAME	TERM EXPIRATION DATE
Gabriel Green	3/31/2013
Renee K. Van Nett	3/31/2013
David R. Baker	3/31/2014
Katherine Eagle	3/31/2014
Patricia Behning Oakes	3/31/2015
Doug Bowen-Bailey	3/31/2015
Blair G. Powless	3/31/2015

Resolution 12-0515 was unanimously adopted.

Approved October 22, 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.)

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

RESOLVED, that the Duluth City Council hereby approves of the Minnesota department of commerce issuing a 2013 currency exchange license to Pawn America Minnesota, LLC, 339 East Central Entrance.

Resolution 12-0529 was unanimously adopted.

Approved October 22, 2012

DON NESS, Mayor

- - -

BE IT RESOLVED, that the city council of the city of Duluth hereby approves the application for permanent expansion of the designated serving area of the following on sale intoxicating liquor license and Sunday license for the period ending August 31, 2013, subject to departmental approval:

PROCEEDINGS OF THE DULUTH CITY COUNCIL FOR 2012

Coffee Cabin, LLC (Afterburner Lounge), 4701 Grinden Drive.
Resolution 12-0531 was unanimously adopted.
Approved October 22, 2012
DON NESS, Mayor

- - -

WHEREAS, the Duluth City Council previously approved Resolution 12-0251 on May 29, 2012, authorizing an annual contract with Northland Constructors of Duluth, LLC, for the purchase of hot mix fines for street improvement projects in year 2012; thereafter, the city issued the following purchasing orders:

\$521,500.00	File No. 12-0309 - annual	12-0251
\$176,050.91	File No. 12-0543 - flood projects	12-0466; and

WHEREAS, the city street maintenance division requires additional hot mix fines in the amount of \$150,000 for flood-related projects.

NOW, THEREFORE, BE IT RESOLVED, that the proper city officials are authorized to execute a second increase to the purchase order issued to Northland Constructors by \$150,000 for a new annual contract total of \$847,550.91.

(a) \$150,000.00 - Disaster Recovery Fund 225, Department/Agency 125 (finance), Division 1803 (roads and bridges), Object 5222 (blacktop), Project Flood-990;

(b) \$176,050.91 - Disaster Recovery Fund 225, Department/Agency 125 (finance), Division 1803 (roads and bridges), Object 5222 (blacktop), Project Flood-990;

(c) \$521,500.00 - General Fund 110, Department/Agency 121 (public administration), Division 1217 (maintenance operations), Cost Center 2140 (street maintenance), Object 5222 (blacktop).

Resolution 12-0537 was unanimously adopted.
Approved October 22, 2012
DON NESS, Mayor

- - -

BE IT RESOLVED, that the city council of the city of Duluth hereby issues an on sale non intoxicating malt liquor license for the period ending April 30, 2013, and approves issuance of an on sale wine license for the period ending August 31, 2013, subject to departmental approval, payment of sales and property taxes, and further subject to approval of the liquor control commissioner:

Pak's Green Corner, LLC (Pak's Green Corner), 4131 Grand Avenue, with Kamolpak Williams, owner.

Resolution 12-0541 was unanimously adopted.
Approved October 22, 2012
DON NESS, Mayor

- - -

RESOLVED, that the proper city officials are hereby authorized to increase Agreement No. 21708 with Adjusters International, for professional disaster management consulting services, by \$150,000 for a new contract total not to exceed \$350,000, payable from Disaster Recovery Fund 225, Department/Agency 125 (finance), Division 1800 (force labor), Object 5310 (contract services), Project Flood 990.

Resolution 12-0545 was unanimously adopted.
Approved October 22, 2012
DON NESS, Mayor

- - -

PROCEEDINGS OF THE DULUTH CITY COUNCIL FOR 2012

RESOLVED, that:

(a) On August 27, 2012, the city council approved Resolution 12-0430 vacating this portion of Niagara Street; per the county recorder's office, the legal description needs to be amended; and

(b) The city council found a sufficient petition was filed with the city requesting the vacation described below in (e) below; and

(c) 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 platted street is useless for all purposes; and

(d) The city planning commission, at its Tuesday, August 14, 2012, regular meeting, recommended approval of the vacation petition; and

(e) The city council of the city of Duluth approves the vacation of the platted street described below and as described and depicted on Public Document No. 12-1022-09:

Rochester Street (Niagara Street) from the eastern line of Junction Avenue to the eastern line of Superior View Addition to Duluth and Superior View Addition to Duluth Second Division;

(f) The city council of the city of Duluth approves the dedication of the utility easement described below and as described and depicted on Public Document No. 12-1022-09:

A 20 foot portion along the easterly line of Junction Avenue, a 20 foot portion along the northerly edge of Lot 1, Block 10, Superior View Addition to Duluth, extended to the eastern line of Superior View Addition to Duluth, and a 20 foot portion along the southerly edge of Lot 47, Block 11, Superior View Addition to Duluth Second Division, extended to the eastern line of Superior View Addition to Duluth Second Division;

(g) 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 No. 12-1022-09 showing the platted street to be vacated.

Resolution 12-0540 was unanimously adopted.

Approved October 22, 2012

DON NESS, Mayor

- - -

RESOLVED, that the proper city officials are hereby authorized to execute an agreement with the Salvation Army, under which the Salvation Army would administer an emergency energy assistance program using \$16,086 in funds that the city has received from the Ordean Foundation for such purpose, which agreement is on file in the office of the city clerk as Public Document No. 12-1022-10; payment by the city will be made from the General Fund 110, Agency 700 (transfers and other functions), Organization 1407 (miscellaneous), Object 5407 (energy assistance program).

Resolution 12-0533 was unanimously adopted.

Approved October 22, 2012

DON NESS, Mayor

- - -

RESOLVED, that the proper city officials are hereby authorized to enter into an agreement with Lake Superior Consulting, LLC, substantially the same as Public Document No. 12-1022-11 on file in the office of the city clerk, to perform professional engineering

PROCEEDINGS OF THE DULUTH CITY COUNCIL FOR 2012

services to conduct a full confirmatory, direct assessment of the city's natural gas transmission pipeline in the amount of \$25,823, payable from Gas Fund 520, Department/Agency 500 (public works and utilities), Division 1930 (engineering), Cost Center 2330 (utility engineering), Object 5303 (engineering services), Project No. 1193.

Resolution 12-0542 was unanimously adopted.

Approved October 22, 2012

DON NESS, Mayor

- - -

RESOLVED, that the proper city officials are hereby authorized to enter into an agreement with LimnoTech to perform professional engineering services for the Duluth stream restoration flood 2012 project (scope of work to include only designated trout streams in Duluth) in the amount of \$100,000, payable from Disaster Recovery Fund 225, Department 125 (finance), Agency 1807 (parks, recreation and other), Object 5303 (engineering services), City Project No. 1186.

Resolution 12-0543 was unanimously adopted.

Approved October 22, 2012

DON NESS, Mayor

- - -

RESOLVED, that the proper city officials are hereby authorized to enter into an agreement with Barr Engineering Company to perform professional engineering services for the Duluth stream restoration flood 2012 project (scope of work to include only designated trout streams in Duluth) in the amount of \$100,000, payable from Disaster Recovery Fund 225, Department 125 (finance), Agency 1807 (parks, recreation and other), Object 5303 (engineering services), City Project No. 1186.

Resolution 12-0544 was unanimously adopted.

Approved October 22, 2012

DON NESS, Mayor

- - -

THE CITY COUNCIL FINDS:

(a) That the city of Duluth intends to act as legal sponsor for a portion of a project contained in the federal emergency management agency FY2011 national dam safety program award; and

(b) That the city is aware of requirements imposed by federal statute and regulations, and that the department of public works and utilities is hereby authorized to apply to the Minnesota department of natural resources for funding of the development of an emergency action plan for the Hartley Dam on Tischer Creek; and

(c) That the city has the legal authority to apply for financial assistance and the institutional, managerial and financial capability to carry out the project; and

(d) That the city has not violated any federal, state or local laws pertaining to fraud, bribery, graft, kickbacks, collusion, conflict of interest or other unlawful or corrupt practices; and

(e) That upon approval of its application by the state of Minnesota, the city may enter into an agreement with the state for the above-referenced project, and that the city certifies that it will comply with all applicable laws and regulations as stated in the contract agreement.

RESOLVED, that the director of public works and utilities is hereby authorized to execute such agreements as are necessary to implement the project on behalf of the city of Duluth; funds to be deposited in Stormwater Fund 535, Department 500 (public works and

PROCEEDINGS OF THE DULUTH CITY COUNCIL FOR 2012

utilities), Agency 1900 (public works director's office), Source 4210-02 (pass-through federal grants operating).

Resolution 12-0548 was unanimously adopted.

Approved October 22, 2012

DON NESS, Mayor

- - -

RESOLVED, that the proper city officials are hereby authorized to execute an agreement with St. Louis County for an amount not to exceed \$46,268, the University of Minnesota-Duluth police department for an amount not to exceed \$15,600, the city of Hermantown for an amount not to exceed \$23,550, the city of Proctor for an amount not to exceed \$19,450 and the city of Floodwood for an amount not to exceed \$13,000, substantially the same as that on file in the office of the city clerk as Public Document No. 12-1022-12, for services provided under the 2013 toward zero deaths law enforcement grant from the Minnesota department of public safety, all reimbursement payments made to other agencies under the agreement shall be paid from Fund No. 215-200-2206-5447 (Duluth police grant programs, police, 2013 TZD grant, payments to other government agencies) and reimbursement payments for the Duluth police department shall be paid from Fund No. 215-200-2206-5700-10 (Duluth police grant programs, police, 2013 TZD grant, interfund transfers out to general fund).

Resolution 12-0528 was unanimously adopted.

Approved October 22, 2012

DON NESS, Mayor

- - -

RESOLVED, that the proper city officials are hereby authorized to execute an agreement, substantially the same as that on file in the office of the city clerk as Public Document No. 12-1022-13, with St. Louis County pursuant to a FY 2011 operation stone garden grant from the Minnesota department of public safety, homeland security and emergency management division, under which grant agreement the city shall perform services to protect and secure the international border and port of entry between St. Louis County and Canada from July 1, 2012, through August 31, 2014.

FURTHER RESOLVED, that the proper city officials are hereby authorized to accept reimbursement from St. Louis County for stated services in an amount not to exceed \$40,438.14, funds to be deposited in Fund No. 215-200-2297-4210-02 (Duluth police grant programs, police, 2009 operation stone garden).

Resolution 12-0532 was unanimously adopted.

Approved October 22, 2012

DON NESS, Mayor

- - -

RESOLVED, that the proper city officials are hereby authorized to execute a joint powers agreement, substantially the same as that on file with the city clerk as Public Document No. 12-1022-14, with the state of Minnesota, department of public safety, bureau of criminal apprehension providing for the continued participation by the city of Duluth police department in the Minnesota internet crimes against children task force program through May 31, 2013.

Resolution 12-0536 was unanimously adopted.

Approved October 22, 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 \$16,650 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 \$31,894.65, 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 12-0539 was unanimously adopted.

Approved October 22, 2012

DON NESS, Mayor

- - -

BY COUNCILOR LARSON:

RESOLVED, that Resolution 11-0632 adopting license, permit and fee charges for 2012 be amended by adding the license fee listed below, pursuant to Section 6-80 of the Duluth City Code, 1959, as amended, effective upon the effective date of Ordinance 12-064.

Clerks	
Fee Name	2012 Fee
Bees, keeping of - annual	\$10.00

Resolution 12-0530 was unanimously adopted.

Approved October 22, 2012

DON NESS, Mayor

- - -

RESOLVED, that the proper city officials are authorized to apply for and accept a grant from the Minnesota pollution control agency (MPCA) in the amount of \$38,000 and to execute a grant contract, substantially the same as that on file in the office of the city clerk as Public Document No. 12-1022-15, for the purpose of building Duluth's community resiliency through urban trees program, funds to be deposited in Fund 205-130-1220-4210-01 (parks, community resources, parks capital, pass through federal grants capital).

Resolution 12-0547 was unanimously adopted.

Approved October 22, 2012

DON NESS, Mayor

- - -

The following resolutions were also considered:

Resolution 12-0538, authorizing the purchase of Microsoft software licenses through SHI International Corporation for year 2012 in the amount of \$124,427.08, was introduced by Councilor Krause for discussion.

President Hartman felt that: this particular selection of licenses is outdated already; the city should be going ahead with a better selection and the city should never tie itself to a six year contract.

Resolution 12-0538 was adopted as follows:

PROCEEDINGS OF THE DULUTH CITY COUNCIL FOR 2012

WHEREAS, the Duluth City Council authorized a six-year agreement with Microsoft Licensing GP and SHI International Corporation for the use of specified Microsoft software products with approval of Resolution 11-0450 on August 29, 2011. At that time, the council approved the full amount of the six annual payments.

RESOLVED, that the proper city officials are hereby authorized to execute the required license additions for the current enterprise agreement with Microsoft via the reseller SHI International Corporation. These licenses will serve core city systems and accommodate migrations for a total of \$116,423 plus \$8,004.08 sales tax for a combined total of \$124,427.08, payable from Capital Equipment 250, Department/Agency 015 (administrative services), Division 2010 (fiscal year-2010), Object 5580 (capital equipment), Project No. CE250-E1004.

Resolution 12-0538 was adopted upon the following vote:

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

Nays: Councilor Stauber and President Hartman -- 2

Approved October 22, 2012

DON NESS, Mayor

- - -

RESOLVED, that, pursuant to the requirements of Minnesota Statutes Section 469.074, Subd. 2, the city council of the city of Duluth hereby approves of St. Louis County offering for sale the following-referenced, tax forfeited properties on Minnesota Point in St. Louis County, Minnesota:

(a) Lots 32 through 44, even numbered lots, UPPER DULUTH, St. Louis Avenue, Parcel 101-4400-01330;

(b) Lots 377 through 399, odd numbered lots, LOWER DULUTH, Minnesota Avenue, Parcel 010-3110-01950;

(c) Lots 124 and 130, LOWER DULUTH, St. Louis Avenue, Parcel 101-312-02750.

Resolution 12-0428 was unanimously adopted.

Approved October 22, 2012

DON NESS, Mayor

- - -

Resolution 12-0546, requesting design for a permanent street in and around Joshua Avenue from Maple Grove Road to Arrowhead Road, was introduced by Councilor Krause for discussion.

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

Andy Brunette, Frank Stokes, Linda Booker and Tom Spehar opposed the resolution for the reasons of: there is still a great deal of concern that this connector not be built; over 185 individuals signed a petition expressing their concerns and have presented an alternative; not all on the Duluth Heights task force are convinced of the plan; this will change the whole dynamic of the area; the best option at this time would be to do nothing; the connector only benefits a small percentage of residents; property values will be adversely affected; this affects more than just three homes; 7,000 cars per day will affect how you live; without a funding plan it is irresponsible to have an "on the shelf" plan; residents on Arrowhead Road have been forgotten as to how it will affect them; with this plan there will be a 87 foot opening through the woods and curbs, gutters and sidewalk issues have not be determined yet.

Ron DeGrio, Pat Huston, Keith Haglin and Martin Tahja supported the resolution for the reasons of: 32 years ago this issue was being discussed and now the time has come to make a plan work; compensation to homeowners affected by this proposed road needs to be included; if this plan is not approved all the rezoning previously approved will be affected;

PROCEEDINGS OF THE DULUTH CITY COUNCIL FOR 2012

federal dollars are paying for designing this road; there currently are a lot of residents being impacted with the situation with all the traffic that goes through this area, so there needs to be a good comprehensive plan; the proposed route is the least disruptive to the fewest amount of residents and this plan will alleviate traffic in the other residential areas in Duluth Heights.

Councilor Stauber opposed tabling the resolution and supported voting against the resolution for reasons of: approving this keeps the neighbors in limbo as to when or if it will be done and if there will be any compensation; the city should not be spending state and federal dollars for a plan that will be put on the shelf and if three years pass a new environmental assessment would need to be done.

Councilor Gardner moved to table the resolution so that councilors can study this issue further, which motion was seconded and carried upon the following vote:

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

Nays: Councilor Stauber and President Hartman -- 2

- - -

INTRODUCTION AND CONSIDERATION OF ORDINANCES

The following entitled ordinances were read for the second time:

INTRODUCED BY COUNCILOR KRUG

12-058 (10180) - AN ORDINANCE EXEMPTING GO AIRPORT IMPROVEMENT BONDS FROM THE PROVISIONS OF SECTION 20-19 OF THE DULUTH CITY CODE, 1959, AS AMENDED, RELATED TO THE COMMUNITY ARTS SET-ASIDE.

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

- - -

INTRODUCED BY COUNCILOR KRUG

12-062 (10181) - AN ORDINANCE AUTHORIZING THE ISSUANCE, SALE AND DELIVERY OF GENERAL OBLIGATION LAKEWALK EXTENSION BONDS IN THE MAXIMUM AMOUNT OF \$700,000 OF THE CITY OF DULUTH UPON TERMS AND CONDITIONS TO BE PROVIDED BY RESOLUTIONS OF THE CITY COUNCIL AND LEVYING TAXES FOR THE PAYMENT THEREOF.

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

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

Nays: Councilor Stauber -- 1

- - -

INTRODUCED BY COUNCILOR STAUBER

12-060 (10182) - AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF DULUTH TO PROVIDE FOR THE RECLASSIFICATION, FROM MU-N TO F-1 AND F-2, OF PROPERTIES LOCATED ON THE NORTH SIDE OF EAST SUPERIOR STREET IN THE LAKESIDE AND LESTER PARK NEIGHBORHOODS (CITY OF DULUTH).

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

- - -

INTRODUCED BY COUNCILOR STAUBER

12-061 (10183) - AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF DULUTH TO PROVIDE FOR THE RECLASSIFICATION, FROM R-1 TO MU-N, OF THE

PROCEEDINGS OF THE DULUTH CITY COUNCIL FOR 2012

PROPERTIES LOCATED AT 4131, 4201 AND 4219 GRAND AVENUE (KHAI KING, MURPHY OIL USA, INC., AND CHRIST THE KING LUTHERAN CHURCH).

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

- - -

INTRODUCED BY COUNCILOR STAUBER

12-063 (10184) - AN ORDINANCE AUTHORIZING CONVEYANCE OF PROPERTY TO THE DULUTH ECONOMIC DEVELOPMENT AUTHORITY FOR \$50,000.

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

- - -

BY COUNCILOR LARSON

12-064 (10185) - AN ORDINANCE AMENDING THE DULUTH CITY CODE, 1959, AS AMENDED, ADDING NEW SECTIONS 6-80 AND 6-80.1, REGARDING THE KEEPING OF HONEYBEES.

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

- - -

The meeting was adjourned at 8:21 p.m.

JEFFREY J. COX, City Clerk

- - -

ORDINANCE NO. 10180

AN ORDINANCE EXEMPTING GO AIRPORT IMPROVEMENT BONDS FROM THE PROVISIONS OF SECTION 20-19 OF THE DULUTH CITY CODE, 1959, AS AMENDED, RELATED TO THE COMMUNITY ARTS SET-ASIDE.

The city of Duluth does ordain:

Section 1. Notwithstanding the provisions of Section 20-19 of the Duluth City Code, 1959, as amended, the proceeds of the general obligation airport improvement bonds being issued to construct a new parking ramp, aprons and access road at the Duluth International Airport shall not be deemed to be "city funds" as that term is defined in Section 20-19(b) of the Duluth City Code, 1959, as amended, related to the community arts set-aside.

Section 2. That this ordinance shall take effect 30 days from and after its passage and publication. (Effective date: November 22, 2012)

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

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

Nays: None -- 0

ATTEST:

JEFFREY J. COX, City Clerk

Passed October 22, 2012
Approved October 22, 2012
DON NESS, Mayor

- - -

ORDINANCE NO. 10181

AN ORDINANCE AUTHORIZING THE ISSUANCE, SALE AND DELIVERY OF GENERAL OBLIGATION LAKEWALK EXTENSION BONDS IN THE MAXIMUM AMOUNT OF \$700,000 OF THE CITY OF DULUTH UPON TERMS AND CONDITIONS TO BE PROVIDED BY RESOLUTIONS OF THE CITY COUNCIL AND LEVYING TAXES FOR THE PAYMENT THEREOF.

The city of Duluth does ordain:

Section 1. BOND PURPOSE AND AUTHORIZATION.

1.01 The city council has determined it to be necessary and expedient and in the public interest that the city extend the Lakewalk pursuant to the Lakewalk East Extension Phase V plan.

1.02 Under the provisions of Minnesota Laws 1974, Chapter 130, the city council may by ordinance provide for the issuance of general obligation bonds to provide the funds necessary to match state, private or federal grant funds for projects within the city's boundaries, which bonds are to be supported by the full faith and credit of the city and are to be issued subject to the provisions of Minnesota Statutes, Section 475, except that they may exceed the limitations in Minnesota Statutes, Section 475.53, by an amount not to exceed \$2,000,000, and they may not be issued if the city's contribution to the project, including the proceeds of the bonds, exceeds 60 percent of the total project cost where such contribution is used to match state or federal grants, or 70 percent where it is used to match government and private grants, or 80 percent where it is used to match private grants alone. The project is of the nature contemplated by said law. The city has been awarded grants of state and federal funds for the project, and it is estimated that such funds, together with the proceeds of bonds issued by the city in an amount not to exceed \$700,000 plus other city funds, will be sufficient to pay the total project costs of \$2,354,518.66, and that the amount of the city's contribution, from the proceeds of the bonds or otherwise, will not exceed the limitations set forth in said law.

1.03 Pursuant to the authority herein recited, the city council hereby authorizes and directs the issuance and sale of general obligation Lakewalk extension bonds of the city in an amount not to exceed \$700,000, and pledges the full faith and credit and taxing powers of the city irrevocably for the payment of the principal and interest when due on such bonds.

Section 2. TERMS OF BONDS.

2.01 The city council shall, by resolution or resolutions, provide for the issuance and sale of such bonds in one or more series and shall fix the precise maturities, interest rates, redemption provisions and other terms and conditions of such bonds, and prescribe the form thereof, and offer to sell such bonds in such a manner and at such time or times as shall be deemed in the public interest, all in accordance with the provisions of Minnesota Statutes, Chapter 475 and of Minnesota Laws 1974, Chapter 130, and of other applicable laws.

Section 3. REVENUES AND ACCOUNTS.

3.01 The city has created and maintains the Lakewalk construction account in the capital improvement fund to which there shall be credited all or a portion of the proceeds of the bonds, as provided by council resolution, together with any additional funds which may be available and are appropriated for the project or which may be advanced to such fund on condition that such amounts be reimbursed from bond proceeds.

PROCEEDINGS OF THE DULUTH CITY COUNCIL FOR 2012

3.02 The city council may, by resolution or resolutions, establish such further accounts and credit monies from the proceeds of the bonds herein authorized to accounts, all in accordance with Section 54 of the City Charter and Chapter 475 of Minnesota Statutes.

Section 4. TAX LEVY.

4.01 There shall be and is hereby levied a direct, annual, ad valorem tax upon all taxable property within the city, which shall be extended upon the tax rolls for the years and in amounts sufficient to produce sums not less than five percent in excess of the amounts of principal and interest on such bonds as such principal and interest respectively become due. Until the bonds to be issued hereunder are fully paid or duly called for redemption, the city will also maintain a separate 2013 Lakewalk extension bonds debt service account within the debt service fund created by Section 54 of the City Charter, to be used solely for the payment of the interest and the principal, respectively, as such principal and interest become due and payable, on the bonds issued hereunder and on any other bonds which have been or may be issued and made payable from said account. If the balance is ever insufficient to pay all principal and interest then due on the bonds issued hereunder, the treasurer shall nevertheless provide sufficient money from any other funds of the city which are available for that purpose, and such other funds shall be reimbursed from such debt service account when the balance therein is sufficient. All proceeds of said taxes are hereby appropriated and shall be paid when collected into such account. Said taxes shall be irrevocable until the bonds and interest are fully paid, except that if the city council in any year shall make an irrevocable appropriation to said account of monies actually on hand, the city clerk shall certify to the county auditor of St. Louis County the fact and amount thereof, and the county auditor shall reduce by the amount so certified the amount otherwise to be included in the rolls next thereafter prepared. After this ordinance has been published and becomes effective, the city council shall by resolution fix the precise amounts of such tax levies to be placed upon the tax rolls for each of the respective years required to comply with the provisions of this ordinance.

Section 5. CERTIFICATE OF PROCEEDINGS.

5.01 The city clerk is directed to file with the county auditor of St. Louis County a certified copy of this ordinance, and such other information as the county may require, and to obtain from the county auditor a certificate stating that the bonds herein authorized have been duly entered on his register.

5.02 The officers of the city and the county auditor are authorized and directed to prepare and furnish to the purchasers of the bonds, and to bond counsel, certified copies of all proceedings and records of the city relating to the authorization and issuance of the bonds and such other affidavits and certificates as may reasonably be required to show the facts relating to the legality and marketability of the bonds as such facts appear from the official books and records in the officers' custody or are otherwise known to them. All such certified copies, certificates and affidavits, including any heretofore furnished, constitute representations of the city as to the correctness of the facts recited therein and the action stated therein to have been taken.

Section 6. EFFECTIVE DATE.

6.01 This ordinance shall take effect and be in force 30 days from and after its passage and publication. This ordinance shall be published one time on the city's official website and remain on such website for a period of at least 30 days. (Effective date: November 22, 2012)

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

PROCEEDINGS OF THE DULUTH CITY COUNCIL FOR 2012

Section 2. That the 13.08 acres of the subject properties located along the north side of East Superior Street and as more particularly described in Exhibit B and by the following:

010-2850-02080	010-2840-00060	010-3040-00100	010-3010-02890
010-2850-02090	010-2840-00070	010-3030-00040	010-3010-02920
010-2840-00900	010-2840-00080	010-3030-00100	010-3010-02930
010-2840-00920	010-2840-00090	010-3030-00120	010-3010-03015
010-2840-00940	010-2840-00150	010-3020-00010	010-3010-03016
010-2840-00950	010-2840-00160	010-3020-00030	010-3010-03025
010-2840-00960	010-2840-00330	010-3020-00040	010-3010-03000
010-2840-00980	010-2840-00340	010-3020-00050	010-3010-03500
010-2840-00990	010-3060-00030	010-3020-00060	010-3010-03510
010-2850-01960	010-3060-00080	010-3020-00070	010-3010-03560
010-2850-02000	010-3060-00120	010-3020-00080	010-3010-03590
010-2850-02010	010-3060-00180	010-3020-00090	010-3010-00750
010-2850-02110	010-3060-00140	010-3020-00100	010-3010-00760
010-2840-00010	010-3040-00080	010-3000-00030	
010-2840-00030	010-3040-00030	010-3000-00040	
010-2840-00050	010-3040-00090	010-3010-02880	

be reclassified from Mixed Use-Neighborhood (MU-N), to Form District (F-2) Low-Rise Neighborhood Mix, and that the official zoning map of the city of Duluth as referenced in Chapter 50 of the Duluth City Code, 1959, as amended, is amended to read as follows:

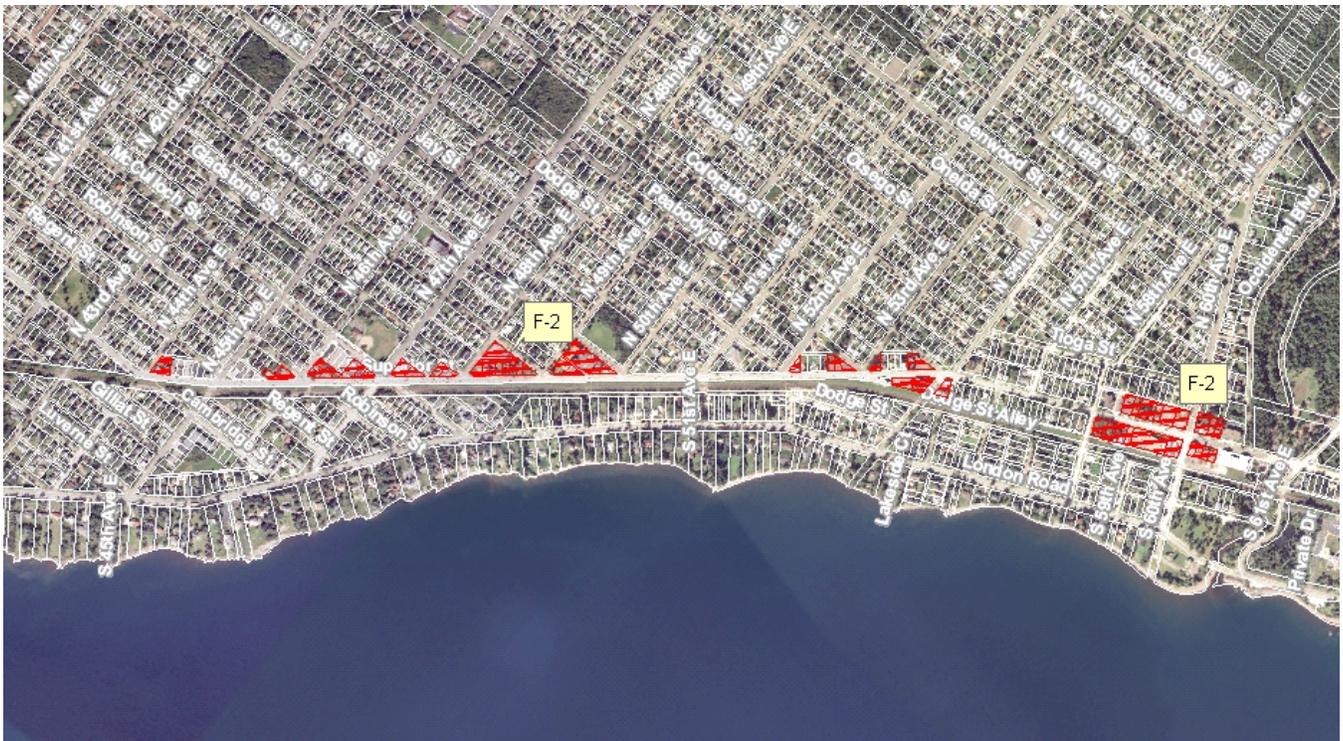


Exhibit B
(Ref. File No. 12-120)

PROCEEDINGS OF THE DULUTH CITY COUNCIL FOR 2012

Section 3. That this ordinance shall take effect and be in force 30 days from and after its passage and publication. (Effective date: November 22, 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

Passed October 22, 2012
Approved October 22, 2012
DON NESS, Mayor

ATTEST:
JEFFREY J. COX, City Clerk

- - -

ORDINANCE NO. 10183

AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF DULUTH TO PROVIDE FOR THE RECLASSIFICATION, FROM R-1 TO MU-N, OF THE PROPERTIES LOCATED AT 4131, 4201 AND 4219 GRAND AVENUE (KHAI KING, MURPHY OIL USA, INC., AND CHRIST THE KING LUTHERAN CHURCH).

The city of Duluth does ordain:

Section 1. That the 1.37 acres of the subject properties located at 4131, 4201 and 4219 Grand Avenue and as more particularly described as follows:

010-0480-00460 010-3610-09550 010-3610-09530
010-3610-09520 010-3610-09470

be reclassified from Residential-Traditional (R-1), to Mixed Use-Neighborhood (MU-N), and that the official zoning map of the city of Duluth as referenced in Chapter 50 of the Duluth City Code, 1959, as amended, is amended to read as follows:



(Ref. File No. 12-125)

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: November 22, 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

Passed October 22, 2012
Approved October 22, 2012
DON NESS, Mayor

ATTEST:

JEFFREY J. COX, City Clerk

- - -

ORDINANCE NO. 10184

**AN ORDINANCE AUTHORIZING CONVEYANCE OF PROPERTY
TO THE DULUTH ECONOMIC DEVELOPMENT AUTHORITY
FOR \$50,000.**

The city of Duluth does ordain:

Section 1. The Duluth economic development authority ("DEDA") desires to acquire the below described property for the purpose of reconveying the same to Novos Development, LLC, for the construction of a general store, which is a commercial business, at the site.

Section 2. The city's planning agency has reviewed the proposed conveyance and finds it to be in conformity with the city's comprehensive plan.

Section 3. The city has no need for below described property and therefor, the city council finds that the need of DEDA is greater in importance than the need of the city to retain said property and the best interests of the neighborhood and of the citizens of the city will be best served by accomplishing such conveyance.

Section 4. That the proper city officials are hereby authorized to convey to DEDA by quitclaim deed the below-described property in St. Louis County, Minnesota, for the sum of \$50,000; payable into the General Fund, Fund 110 (general fund), Agency 700 (other functions), Object 1420 (capital programs), Revenue Source 4640 (sale of land):

Lots 6 through 21, Block 41, NEW DULUTH FIRST DIVISION.

Section 5. That the city council finds, upon advice from the city assessor, that the sale is for fair market value.

Section 6. That this ordinance shall take effect 30 days after its passage and publication. (Effective date: November 22, 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

Passed October 22, 2012
Approved October 22, 2012
DON NESS, Mayor

ATTEST:

JEFFREY J. COX, City Clerk

- - -

PROCEEDINGS OF THE DULUTH CITY COUNCIL FOR 2012

ORDINANCE NO. 10185

BY COUNCILOR LARSON:

AN ORDINANCE AMENDING THE DULUTH CITY CODE, 1959,
AS AMENDED, ADDING NEW SECTIONS 6-80 AND 6-80.1,
REGARDING THE KEEPING OF HONEYBEES.

The city of Duluth does ordain:

Section 1. The Duluth City Code, 1959, as amended, is hereby amended by adding a new Section 6-80 as follows:

Sec. 6-80. Obtaining a license to keep honeybees.

(a) Any person who keeps honeybees in the city of Duluth other than areas zoned Rural-Conservation (R-C) or Residential-Rural 1 (RR-1) under Sections 50-14.2 and 50-14.3 of this Code, shall obtain an annual license prior to acquiring the honeybees. The license year commences on January 1 and ends on the following December 31. Applications shall be made to the city clerk. The city clerk shall collect the license fee;

(b) Fees to be charged for the issuance of a license to keep honeybees shall be set in accordance with Section 31-6(a) of this Code;

(c) Only one license shall be allowed per lot;

(d) The applicant for the license must notify all residents of the property if the applicant is not the owner or operator and the owner or operator must be an additional signatory on the license application. Notification is not required for renewal of a license;

(e) The animal control authority may refuse to grant or may revoke a license if the honeybees become a nuisance as determined by the animal control authority.

Section 2. That the Duluth City Code, 1959, as amended, is hereby amended by adding a new Section 6-80.1 as follows:

Sec. 6-80.1. Keeping of honeybees.

(a) Each person holding a license to keep honeybees within the city of Duluth shall comply with the following:

(1) No more than five hives may be located on a lot;

(2) No hive shall exceed 20 cubic feet in volume;

(3) A constant supply of water shall be provided for all hives, except during the dormant period.

(4) No ground hive shall be located closer than five feet from any property line;

(5) No ground hive shall be located closer than 15 feet from a public sidewalk or 30 feet from a principal building on an abutting lot;

(6) A flyway barrier at least six feet in height shall shield any part of a property line that is within 30 feet of a ground hive. The flyway barrier shall consist of a wall, fence, dense vegetation or a combination thereof and it shall be positioned to transect both legs of a triangle extending from an apex at the hive to each end point of the part of the property line to be shielded;

(7) Rooftop apiaries are allowed but shall not be located closer than 15 feet from a principal building on an abutting lot.

PROCEEDINGS OF THE DULUTH CITY COUNCIL FOR 2012

Section 3. That this ordinance shall take effect 30 days after its passage and publication. (Effective date: November 22, 2012)

Councilor Larson 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 October 22, 2012

Approved October 22, 2012

DON NESS, Mayor

- - -