

PROCEEDINGS OF THE DULUTH CITY COUNCIL FOR 2013

OFFICIAL PROCEEDINGS

Duluth City Council meeting held on Monday, February 11, 2013, 7:00 p.m. in the Council Chamber, City Hall, Duluth, Minnesota.

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

Absent: None -- 0

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The minutes of council meetings held on October 4, 8, 22, November 8, 13 and 26, 2012 were approved upon a unanimous vote.

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PRESENTATION OF PETITIONS AND OTHER COMMUNICATIONS

13-0211-01 Todd Signs communication regarding proposed sign regulations (13-009-O). -- Received

13-0211-02 The following communications regarding proposed pawnbroker hours of operation (13-006-O): (a) Charles Bullock; (b) Lincoln Park Pawn. -- Received

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REPORTS FROM OTHER OFFICERS

13-0211-03 Clerk applications for exempt permits to the Minnesota gambling control board from: (a) Lincoln Park Business Group on June 22, 2013 (raffle, tipboards), (b) Minnesota Bluegrass & Old-Time Music Association on March 23, 2013 (raffle), (c) Ridgeview Country Club on April 20, 2013 (raffle); (d) United Northern Sportmen Club on April 12, 2013 (raffle). -- Received

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REPORTS OF BOARDS AND COMMISSIONS

13-0211-04 Duluth public utilities commission January 15, 2013: (a) Minutes; (b) Public hearing regarding natural gas rates. -- Received

13-0211-05 Housing and redevelopment authority minutes of: (a) November 27, (b) December 18, 2012, meetings. -- Received

13-0211-19 Library board minutes of November 27, 2012, meeting. -- Received

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OPPORTUNITY FOR CITIZENS TO BE HEARD

Loren Martel commented on the school district's policy of maintaining their public file of communications received, noting his concerns of it not being maintained properly.

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RESOLUTION TABLED

Councilor Stauber moved to remove Resolution 13-0044, amending the comprehensive plan - future land use map from North Eighth Avenue East to North Ninth Avenue between East First Street to East First Street Alley (city of Duluth), from the table, which motion was seconded and unanimously carried.

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INTRODUCTION AND CONSIDERATION OF ORDINANCE

The following entitled ordinance was read for the second time:

INTRODUCED BY COUNCILOR STAUBER

13-005 (10200) - AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF DULUTH TO PROVIDE FOR THE RECLASSIFICATION FROM MIXED USE-NEIGHBORHOOD (MU-N) AND RESIDENTIAL-URBAN (R-2) TO MIXED USE-INSTITUTIONAL (MU-I), PROPERTIES LOCATED BETWEEN NORTH NINTH AVENUE EAST AND NORTH 12TH AVENUE EAST AND BETWEEN EAST SUPERIOR STREET AND EAST THIRD STREET (ST. LUKE'S MEDICAL CAMPUS AREA).

Councilor Stauber moved to suspend the rules to consider the ordinance at this time, which motion was seconded and unanimously carried.

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

Ron Franzen, representing St. Luke's Hospital, noted that this is for the hospital expansion and he would appreciate the council's support.

Resolution 13-0044 was adopted as follows:

RESOLVED, that the city council makes the following findings:

(a) The city council adopted the Duluth 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

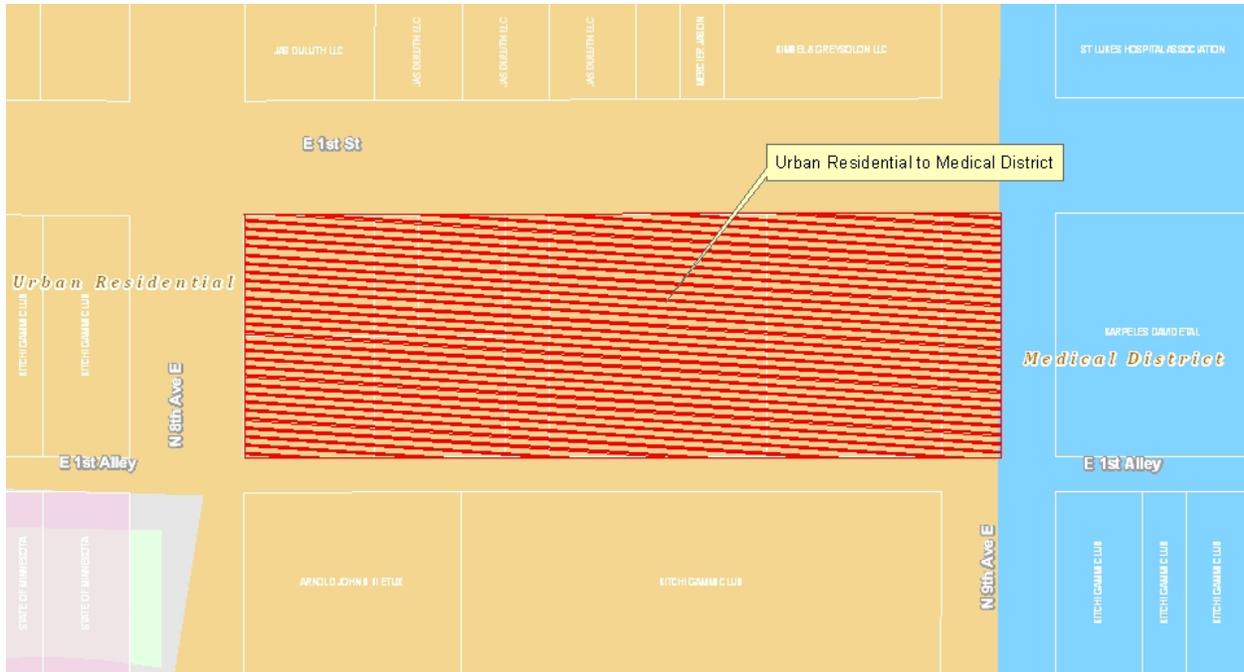
(b) The city planning division has conducted an analysis of land use in the area from North Eighth Avenue East to North Ninth Avenue between East First Street to East First Street Alley, with the findings showing the existing land use supports the medical campus and provides parking for St. Luke's Hospital; and

(c) The existing zoning is Mixed Use-Institutional (MU-I), which allows uses that support the St. Luke's Medical Campus, with related parking, commercial and office uses. However, the area zoning is inconsistent with the comprehensive land use plan. In order to bring this area into compliance with the UDC and the MU-I zoning, the comprehensive land use plan needs to be amended; and

(d) The Municipal Planning Act requires that zoning implement a city's comprehensive plan; and

(e) Based on the review conducted by the planning division and public input, the city proposes amending the comprehensive land use plan - future land use map from Urban Residential to Medical District, as described and depicted below; and

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(Ref. File. No. 12-177)

(f) The city planning commission has reviewed this future land use amendment, conducted a public hearing on January 8, 2013 at their regular planning commission meeting, and recommends adoption of the proposed future land use map amendment; and

(g) The city council action shall be by resolution, with the affirmative votes of at least two-thirds of those members constituting a quorum required to take action.

IT IS FURTHER RESOLVED, that the adopted comprehensive land use plan - future land use map is amended as described above.

Resolution 13-0044 was unanimously adopted.

Approved February 11, 2013

DON NESS, Mayor

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

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

RESOLVED, that the proper city officials are hereby authorized to enter into an agreement substantially in the form on file in the office of the city clerk as Public Document No. 13-0211-06, with the Historic Union Depot, Inc. (depot), in an amount not to exceed \$176,800, payable from Fund 258, Agency 030, Account 5436-03 (tourism taxes, finance,

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tourism tax allocation historic union depot).

Resolution 13-0071 was unanimously adopted.

Approved February 11, 2013

DON NESS, Mayor

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RESOLVED, that the proper city officials are hereby authorized to enter into an agreement, substantially in the form on file in the office of the city clerk as Public Document No. 13-0211-07, with Lake Superior and Mississippi Railroad Company in an amount not to exceed \$20,000, payable from Fund 258, Agency 030, Account 5436-06 (tourism taxes, finance, tourism tax allocation Lake Superior and Mississippi Railroad Company).

Resolution 13-0073 was unanimously adopted.

Approved February 11, 2013

DON NESS, Mayor

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RESOLVED, that the proper city officials are hereby authorized to implement a second one-year extension of the city's annual contract with Liscomb Hood Mason Company for property insurance from February 16, 2013, through February 16, 2014, covering 51 city-owned structures, miscellaneous equipment and business personal property, based on a revised quote of \$93,334.37 and substantiated in a memo from city claims adjuster Don Douglas on file in the office of the city clerk as Public Document No. 13-0211-08, and payable from the following accounts:

\$67,179.37 Self Insurance Fund 610, Department/Agency 036 (insurance accounts), Cost Center 1651 (insurance-general city), Object 5360 (insurance);

\$7,518.00 Self Insurance Fund 610, Department/Agency 036 (insurance accounts), Cost Center 1652 (insurance-water and gas), Object 5360 (insurance);

\$3,597.00 Self Insurance Fund 610, Department/Agency 036 (insurance accounts); Cost Center 1653 (insurance-sewer), Object 5360 (insurance);

\$1,547.00 Self Insurance Fund 610, Department/Agency 036 (insurance accounts), Cost Center 1654 (insurance-stormwater), Object 5360 (insurance);

\$13,493.00 Self Insurance Fund 610, Department/Agency 036 (insurance accounts), Cost Center 1656 (insurance-DEDA), Object 5360 (insurance).

Resolution 13-0078 was unanimously adopted.

Approved February 11, 2013

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 the Duluth Police Union, Local 807,

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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 13-0211-18, covering the years 2012-2014.

Resolution 13-0084 was unanimously adopted.

Approved February 11, 2013

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 Duluth Playhouse, Rotary Club of Duluth Harbortown, Animal Allies Humane Society, and Fraternal Order of Police Lodge 9 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 13-0068 was unanimously adopted.

Approved February 11, 2013

DON NESS, Mayor

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RESOLVED, that the appointments by Mayor Ness of Bjorn Braaten and Jeffrey Rosenthal to the alcohol, gambling and tobacco commission for terms expiring on March 31, 2014, replacing John W. Hammack and Heath Hickok, who resigned, are confirmed.

Resolution 13-0085 was unanimously adopted.

Approved February 11, 2013

DON NESS, Mayor

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RESOLVED, that the proper city officials are hereby authorized to enter into a grant agreement pertaining to hazard mitigation assistance, substantially in the form of the copy on file in the office of the city clerk as Public Document No. 13-0211-09, with the division of homeland security and emergency management in the Minnesota department of public safety.

State Cost Share	FEMA Cost Share	Address	Special Flood Hazard Area (Flood Map)	Year Built
25%	75%	1 131st Avenue West Duluth, 55808	Fringe	1928
25%	75%	102 131st Avenue West Duluth 55808	Fringe	1920
25%	75%	13002 West Third Street Duluth 55808	Fringe	1928
25%	75%	1126 West Second Street Duluth 55806	Floodway	1891
25%	75%	12304 State Highway 23 Duluth 55808	Floodway	1921
25%	75%	12810 Water Street Duluth 55808	Floodway	1960
25%	75%	13001 Cass Street Duluth 55808	Floodway	1958
25%	75%	13002 Water Street Duluth 55808	Floodway	1926
25%	75%	1622 Wavery Street Duluth 55803	Floodway	1959
25%	75%	32 South 59th Avenue West Duluth MN 55807	Floodway	1914

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State Cost Share	FEMA Cost Share	Address	Special Flood Hazard Area (Flood Map)	Year Built
100%	0%	13225 West Fourth Street Duluth 55808	No	2011
100%	0%	1616 East Skyline Pkwy 55805	No	1938
100%	0%	12 South 59th Avenue Duluth 55807	No	1908
100%	0%	14 South 59th Avenue West Duluth 55807	No	1899
100%	0%	18 South 59th Avenue West Duluth 55807	No	1902
100%	0%	1101 97th Avenue West Duluth 55808	No	1916
100%	0%	216 East House Street Duluth 55808	No	1913
100%	0%	306 North 63rd Avenue West Duluth 55807	No	1913
100%	0%	326 South 17th Avenue East Duluth 55812	No	1891
100%	0%	3414 West First Street Duluth 55807	No	1908
100%	0%	4441 West Grand Avenue Duluth 55807	No	1962

Resolution 13-0066 was unanimously adopted.
 Approved February 11, 2013
 DON NESS, Mayor

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RESOLVED, that the proper city officials are hereby authorized to accept a grant in the amount of \$2,400,000 and execute the agreement pertaining to hazard mitigation assistance, substantially in the form of the copy on file in the office of the city clerk as Public Document No. 13-0211-09, with the state of Minnesota department of natural resources. Funds shall be deposited in Fund 225 (disaster recovery fund), Agency 125 (finance department), Object 1808 (disaster aids), Revenue Source 4220-04 (revenues, state of Minnesota flood hazard mitigation).

BE IT FURTHER RESOLVED, that authorized city officials are hereby authorized to enter into purchase agreements for acquiring and demolishing the properties identified in the grant agreement and land acquisition expenditures shall come from Fund 225 (disaster recovery fund), Agency 125 (finance department), Object 1809 (flood hazard mitigation), Project 5510 (land) and are not to exceed \$2,400,000.

State Cost Share	FEMA Cost Share	Address	Special Flood Hazard Area (Flood Map)	Year Built
25%	75%	1 131st Avenue West Duluth, 55808	Fringe	1928
25%	75%	102 131st Avenue West Duluth 55808	Fringe	1920
25%	75%	13002 West Third Street Duluth 55808	Fringe	1928
25%	75%	1126 West Second Street Duluth 55806	Floodway	1891

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State Cost Share	FEMA Cost Share	Address	Special Flood Hazard Area (Flood Map)	Year Built
25%	75%	12304 State Highway 23 Duluth 55808	Floodway	1921
25%	75%	12810 Water Street Duluth 55808	Floodway	1960
25%	75%	13001 Cass Street Duluth 55808	Floodway	1958
25%	75%	13002 Water Street Duluth 55808	Floodway	1926
25%	75%	1622 Wavery Street Duluth 55803	Floodway	1959
25%	75%	32 South 59th Avenue West Duluth MN 55807	Floodway	1914
100%	0%	13225 West Fourth Street Duluth 55808	No	2011
100%	0%	1616 East Skyline Pkwy 55805	No	1938
100%	0%	12 South 59th Avenue Duluth 55807	No	1908
100%	0%	14 South 59th Avenue West Duluth 55807	No	1899
100%	0%	18 South 59th Avenue West Duluth 55807	No	1902
100%	0%	1101 97th Avenue West Duluth 55808	No	1916
100%	0%	216 East House Street Duluth 55808	No	1913
100%	0%	306 North 63rd Avenue West Duluth 55807	No	1913
100%	0%	326 South 17th Avenue East Duluth 55812	No	1891
100%	0%	3414 West First Street Duluth 55807	No	1908
100%	0%	4441 West Grand Avenue Duluth 55807	No	1962

Resolution 13-0067 was unanimously adopted.
 Approved February 11, 2013
 DON NESS, Mayor

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RESOLVED, that the proper city officials are hereby authorized to enter into a professional services agreement with Bay West Inc., substantially in the form of that on file in the office of the city clerk as Public Document No. 13-0211-10, for professional consulting services to perform an inventory environmental assessment project in three discrete areas along the St. Louis River corridor in an amount not to exceed \$79,000, payable from Fund 255 (economic development).

Resolution 13-0076 was unanimously adopted.
 Approved February 11, 2013
 DON NESS, Mayor

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RESOLVED, that the proper city officials are hereby authorized to execute a limited right of entry agreement (agreement) with Wisconsin Central, Ltd., substantially in the form of that on file in the office of the city clerk as Public Document No. 13-0211-11, to allow entry

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upon various parcels of land owned by the city of Duluth and specifically identified in the agreement along the current CN track near Beck's Road between I-35 and the Steelton Yard as the CN studies the feasibility of a second parallel track. All monies to be paid to the city under the agreement will be made payable into Fund 110 (general fund), Agency 135 (business and community development), Object 1310 (business and community development), Project 4644 (miscellaneous fees).

Resolution 13-0080 was unanimously adopted.

Approved February 11, 2013

DON NESS, Mayor

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RESOLVED, that the proper city officials are hereby authorized to execute and implement a contract, in substantially the form and containing substantially the terms of that contract on file in the office of the city clerk as Public Document No. 13-0211-12, with, and accept funds from, St. Louis County to provide Minnesota family investment program and diversionary work program employment and training services in an amount not less than \$895,456 for the period January 1, 2013, through December 31, 2013. Monies received under this agreement will be deposited in and paid from Fund 268 (workforce development), Agency 031 (grants division), Organization 6235 (MFIP) and 6236 (DWP).

Resolution 13-0075 was unanimously adopted.

Approved February 11, 2013

DON NESS, Mayor

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WHEREAS, Chapter 281 of the Laws of Minnesota, 1973, provides that the Duluth City Council establish the date for the municipal primary election which, in addition to municipal elections, includes school board elections; and

WHEREAS, on November 25, 1974, the Duluth City Council passed a resolution establishing the first Tuesday after the second Monday in September as the date for the municipal primary election; and

WHEREAS, the municipal and school board primary elections has been held on the first Tuesday after the second Monday in September since 1975; and

WHEREAS, in 2010, the state legislature passed a law changing the date of the primaries to the second Tuesday in August; and

WHEREAS, the 2010 legislation did not include any provision which would supersede, repeal or amend the 1973 special law, and the city of Duluth continues to be able to set its own date for the municipal and school board primary elections; and

WHEREAS, the 2013 legislature is considering changing the date of the primary election from the second Tuesday in August to sometime in June, which change may cause voter confusion and decrease voter turnout.

NOW, THEREFORE, IT BE RESOLVED, that the Duluth City Council hereby re-affirms that the date for the municipal and school board primary election be the first Tuesday after the second Monday in September.

Resolution 13-0079 was unanimously adopted.

Approved February 11, 2013

DON NESS, Mayor

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RESOLVED, that Contract C20859 with MSA Professional Services, Inc., for professional services for design and construction services for Lift Station No. 45 pumping and force main improvements be amended for additional engineering services associated with

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control system changes, equipment testing and start-up, SWPPP revisions, London Road interceptor manhole revisions, Minnesota Power delays and additional site inspections, in the amount of \$30,214.50 for a new total of \$191,678.50; payable from Clean Water Fund 532, Division 500 (public works and utilities), Object 5532 (capital improvements - bond), City Project No. 0892SN.

Resolution 13-0043 was unanimously adopted.

Approved February 11, 2013

DON NESS, Mayor

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THE CITY COUNCIL FINDS:

(a) That the city of Duluth is undertaking a project to construct Phase 3 of the cross city trail in 2014; and

(b) The estimated cost for design and construction of Phase 3 of the cross city trail is \$700,000. The Minnesota department of natural resources (DNR) has grant monies available through its federal recreational trail program that are intended to accelerate the acquisition and development of recreational trails; and

(c) To receive this money the city must submit the federal recreational trail grant application to the Minnesota department of natural resources.

RESOLVED, that the proper city officials are hereby authorized to submit an application to the Minnesota department of natural resources for funding of Phase 3 of the cross city trail as described in the application.

FURTHER RESOLVED, that the city of Duluth has the legal authority to apply for the money, and the financial, technical and managerial capacity to ensure proper construction, operation and maintenance of the project for no less than 20 years.

FURTHER RESOLVED, that the city of Duluth estimates the grant amount to be \$150,000 and is available on a 75 percent/25 percent local matching basis, and has local matching funds available through bonding as well as a \$500,000 FHWA transportation enhancement grant previously awarded to the project.

FURTHER RESOLVED, that if the city of Duluth is awarded a grant by the Minnesota department of natural resources, the city of Duluth agrees to accept the grant award and may enter into an agreement with the state of Minnesota for the above referenced project. The city of Duluth will comply with all applicable laws, environmental requirements and regulations stated in the grant agreement.

FURTHER RESOLVED, that the city council of the city of Duluth names the fiscal agent for the city of Duluth for this project as:

Wayne Parson, City Auditor

City of Duluth

411 West First Street

Duluth, MN 55802

Resolution 13-0063 was unanimously adopted.

Approved February 11, 2013

DON NESS, Mayor

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THE CITY COUNCIL FINDS:

(a) That the city of Duluth is undertaking a project to construct Phase 4 of the cross city trail in 2014; and

(b) The estimated cost for design and construction of Phase 4 of the cross city trail is \$700,000. The Minnesota department of natural resources (DNR) has grant monies available

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through its federal recreational trail program that are intended to accelerate the acquisition and development of recreational trails; and

(c) To receive this money the city must submit the federal recreational trail grant application to the Minnesota department of natural resources.

RESOLVED, that the proper city officials are hereby authorized to submit an application to the Minnesota department of natural resources for funding of Phase 4 of the cross city trail as described in the application.

FURTHER RESOLVED, that the city of Duluth has the legal authority to apply for the money, and the financial, technical and managerial capacity to ensure proper construction, operation and maintenance of the project for no less than 20 years.

FURTHER RESOLVED, that the city of Duluth estimates the grant amount to be \$150,000 and is available on a 75 percent/25 percent local matching basis, and has local matching funds available through bonding as well as a \$500,000 FHWA transportation enhancement grant previously awarded to the project.

FURTHER RESOLVED, that if the city of Duluth is awarded a grant by the Minnesota department of natural resources, the city of Duluth agrees to accept the grant award and may enter into an agreement with the state of Minnesota for the above referenced project. The city of Duluth will comply with all applicable laws, environmental requirements and regulations stated in the grant agreement.

FURTHER RESOLVED, that the city council of the city of Duluth names the fiscal agent for the city of Duluth for this project as:

Wayne Parson, City Auditor
City of Duluth
411 West First Street
Duluth, MN 55802

Resolution 13-0064 was unanimously adopted.

Approved February 11, 2013

DON NESS, Mayor

- - -

RESOLVED, that the proper city officials are hereby authorized to enter into an agreement with Out There Advertising, Inc., substantially the same as that on file in the office of the city clerk as Public Document No. 13-0211-13, for furnishing strategic and tactical services to develop messages to effectively promote public awareness of the Duluth public works and utilities services and product safety, and provide media purchasing services for the natural gas utility in accordance with its proposal dated January 7, 2013, with total contract funding for 2013, 2014 and 2015 not to exceed \$255,000; said annual funding for year 2013 not to exceed \$85,000, payable from Gas Fund 520, Department/Agency 500 (public works and utilities), Organization 1940-2430 (customer services-information and conservation), Object 5340 (advertising and promotion).

Resolution 13-0065 was unanimously adopted.

Approved February 11, 2013

DON NESS, Mayor

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RESOLVED, that the proper city officials are hereby authorized to enter into a three-year agreement with Energy Management Solutions, Inc., substantially the same as that on file in the office of the city clerk as Public Document No. 13-0211-14, for professional services related to a commercial and industrial conservation improvement program for Duluth public works and utilities, and achieving a state-mandated 1.5 percent energy savings goal, in

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accordance with its proposal dated January 8, 2013, for an annual amount not to exceed \$35,000 in each of years 2013, 2014, and 2015, and a total contract amount not to exceed \$105,000; said annual amount of \$35,000 for year 2013 payable from Gas Fund 520, Department/Agency 500 (public works and utilities), Organization 1940-2430 (customer services-information and conservation), Object 5487 (conservation improvement).

Resolution 13-0069 was unanimously adopted.

Approved February 11, 2013

DON NESS, Mayor

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RESOLVED, that Resolution 12-0608 adopting license, permit, fine, penalty and other charges for 2013 be amended by amending the pawnbroker transaction surcharge fee listed below, pursuant to Section 36-3(c) of the Duluth City Code, effective immediately.

Police		
Fee Name	Previous Fee	New 2013 Fee
Pawnbroker - transaction surcharge	1.60	1.90

Resolution 13-0074 was unanimously adopted.

Approved February 11, 2013

DON NESS, Mayor

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RESOLVED, that the proper city officials are hereby authorized to accept a donation of \$1,000 from the American Lung Association. The donation will be deposited into parks fund, community resources, parks operating, gifts and donations (205-130-1219-4660).

Resolution 13-0081 was unanimously adopted.

Approved February 11, 2013

DON NESS, Mayor

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The following resolutions were also considered:

Resolution 13-0060, Approving budget and cost sharing formula of Minneapolis-Duluth/Superior passenger rail alliance and authorizing payment of city's cost share of \$12,500, was introduced by Councilor Hartman.

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

Ken Buehler, chair of the technical advisory committee of the Northern Lights Alliance, reviewed: the progress the project has made so far; that Duluth as a tourist destination will benefit from this; that this expenditure is from the tourism tax; that the train going to the Twin Cities is an economic development project and other sources of transportation will not be adversely affected.

Councilors Stauber, Krause and Fosle opposed the resolution for the reasons of: this has been funded for five years with no results; other entities originally funding this are no longer funding it; even though it is projected to go through Superior, that city is not funding this; this train is not a bullet train and will take 3-4 hours to get to the Twin Cities; passengers have to have another form of transportation available when they get to their destination and the governor has not put any state funds towards the project this year.

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Councilors Krug, Gardner and Hartman supported the resolution for the reasons of: for a project of this size, working on it for five years is a very short time; this can be an economic development tool; all forms of transportation are subsidized; the train is an integral part of the new Duluth transit authority's Downtown hub; this is supported 100 percent by the St. Louis County board; this train will go a maximum speed of 100 m.p.h.; the council already approved the tourism tax distribution, which had this amount stated; Duluth should not be left out of being connected to the Twin Cities and state funding was not requested from the state at this time.

Resolution 13-0060 was adopted as follows:

RESOLVED, that the city council hereby approves the 2013 budget and cost sharing formula for the Minneapolis-Duluth/Superior passenger rail alliance, a copy of which is on file in the office of the city clerk as Public Document No. 13-0211-15, as approved for in paragraph V-E. of that certain joint powers agreement on file as City Agreement No. 20580.

FURTHER RESOLVED, that the proper city officials are hereby authorized to pay the city's share of sail alliance's 2013 budget in the amount of \$12,500 in conformance with Section VI-A. of City Agreement No. 20580, said sum to be payable from Fund 258-030-5436-09.

Resolution 13-0060 was adopted upon the following vote:

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

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

Approved February 11, 2013

DON NESS, Mayor

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Resolution 13-0070, authorizing an agreement with Duluth Sister Cities International, Inc., in the amount of \$30,000, was introduced by Councilor Hartman for discussion.

Councilors Fosle, Stauber and Krause opposed the resolution for the reasons of: this is an increase of \$10,000 from last year and they stated that their goal was to reduce the subsidy from the city down to zero.

Councilors discussed this resolution at length.

Resolution 13-0070 was adopted as follows:

RESOLVED, that the proper city officials are hereby authorized to enter into an agreement, substantially in the form on file in the office of the city clerk as Public Document No. 13-0211-16, with Duluth Sister Cities International, Inc. (DSCI), in an amount not to exceed \$30,000, payable from Fund 258, Agency 030, Account 5436-05 (tourism taxes, finance, tourism tax allocation sister cities).

Resolution 13-0070 was adopted upon the following vote:

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

Nays: Councilors Fosle, Krause and Stauber -- 3

Approved February 11, 2013

DON NESS, Mayor

- - -

Resolution 13-0072, authorizing an agreement with Great Lakes Aquarium in the amount of \$350,000, was introduced by Councilor Hartman.

Councilor Krause noted that the aquarium was told some years ago that this organization would move to total self-sufficiency, which has not happened and anything aquatic is high maintenance.

Resolution 13-0072 was adopted as follows:

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RESOLVED, that the proper city officials are hereby authorized to enter into an agreement substantially in the form on file in the office of the city clerk as Public Document No. 13-0211-17, with the Lake Superior Center, dba Great Lakes Aquarium, in an amount not to exceed \$350,000, payable from Fund 258, Agency 030, Account 5436-08 (tourism taxes, finance, tourism tax allocation Great Lakes Aquarium).

Resolution 13-0072 was adopted upon the following vote:

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

Nays: Councilor Krause -- 1

Approved February 11, 2013

DON NESS, Mayor

- - -

RESOLVED, that the proper city officials are hereby authorized to enter into an agreement with LHB, Inc., for professional engineering services related to the design of flood repair of Bridge No. 88547, Armory at Chester Creek, in an amount not to exceed \$82,901, payable from Disaster Recovery Fund 225, Department/Agency 125 (finance), Organization 1803 (roads and bridges), Object 5303 (engineering services), City Project No. 1226, S.P. 118-193-002, Requisition No. 13-0135.

Resolution 13-0077 was unanimously adopted.

Approved February 11, 2013

DON NESS, Mayor

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INTRODUCTION AND CONSIDERATION OF ORDINANCES

The following entitled ordinances were read for the first time:

BY COUNCILOR KRAUSE

13-006 - AN ORDINANCE AMENDING SECTION 36-10 OF THE DULUTH CITY CODE, 1959, AS AMENDED, REGARDING PAWNBROKER HOURS OF OPERATION.

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

Chuck Armstrong, Pawn America chief legislative officer, noted that Duluth is the only city left where they have locations that restrict Sunday sales. He reviewed how under the current restriction they are not allowed to do any financial pawn loans, nor can customers get back an item that they have pawned. Mr. Armstrong noted that they are open for outright purchases and sales, but this restriction prohibits their full services.

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BY COUNCILOR STAUBER

13-007 - AN ORDINANCE REPEALING ORDINANCE NO. 10172 RESCINDING THE INTERIM MORATORIUM ON POLE SIGNS AND MONUMENT SIGNS.

- - -

INTRODUCED BY COUNCILOR STAUBER

13-009 - AN ORDINANCE CREATING SECTIONS 50-27, 50-38.6, 50-38.7 AND 50-41 OF THE DULUTH CITY CODE, 1959, AS AMENDED, REGARDING SIGN REGULATIONS, NONCONFORMING SIGNS AND DEFINITIONS.

- - -

The following entitled ordinance was read for the second time:

PROCEEDINGS OF THE DULUTH CITY COUNCIL FOR 2013

INTRODUCED BY COUNCILOR STAUBER

13-004 (10201) - AN ORDINANCE AUTHORIZING DEDICATION OF A STREET AND UTILITY EASEMENT OVER CERTAIN CITY PROPERTY IN THE CANAL PARK AREA TO THE GENERAL PUBLIC.

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

- - -

The meeting was adjourned at 8:22 p.m.

JEFFREY J. COX, City Clerk

- - -

ORDINANCE NO. 10200

AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF DULUTH TO PROVIDE FOR THE RECLASSIFICATION FROM MIXED USE-NEIGHBORHOOD (MU-N) AND RESIDENTIAL-URBAN (R-2) TO MIXED USE-INSTITUTIONAL (MU-I), PROPERTIES LOCATED BETWEEN NORTH NINTH AVENUE EAST AND NORTH 12TH AVENUE EAST AND BETWEEN EAST SUPERIOR STREET AND EAST THIRD STREET (ST. LUKE'S MEDICAL CAMPUS AREA).

The city of Duluth does ordain:

Section 1. That the 3.1 acres of the subject properties located between East Third Street and East Second Street, and between East Superior Street and North Ninth Avenue East and North Tenth Avenue East, and as more particularly described in Exhibit A and by the following:

The below parcels, extending to the centerline of East Third Street, East Second Street, North Ninth Avenue East and North Tenth Avenue East, where these parcels abut roadways:

010-3830-07700	010-3830-09320
010-3830-07701	010-3830-09340
010-3830-07710	010-3830-09350
010-3830-07692	010-3830-09370
010-3830-07680	010-3830-09471
010-3830-07730	010-3830-09450
010-3830-09330	

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

PROCEEDINGS OF THE DULUTH CITY COUNCIL FOR 2013

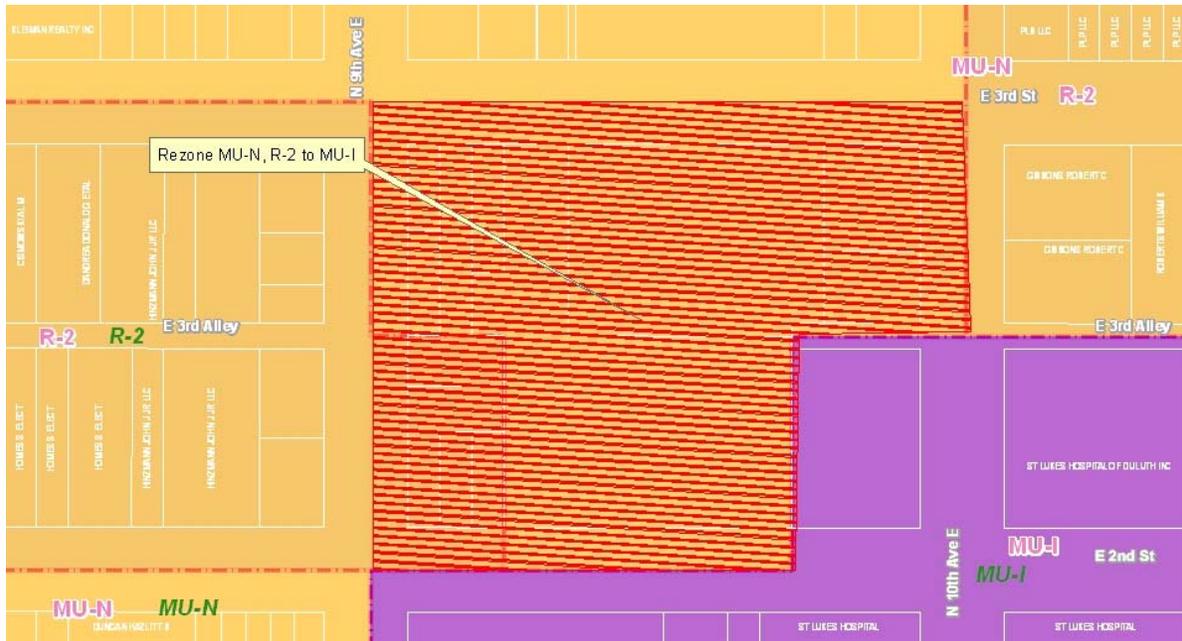


Exhibit A
(Ref. File No. 12-178)

Section 2. That the .42 acres of the subject properties located on the northwest corner of East Second Street and North 11th Avenue East, and as more particularly described in Exhibit B and by the following:

Parcels 010-3830-08040 and 010-3830-08060, extended to the centerline of East Second Street, East Third Alley and to the centerline of North 11th Avenue East; be reclassified from R-2, to MU-I, 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:

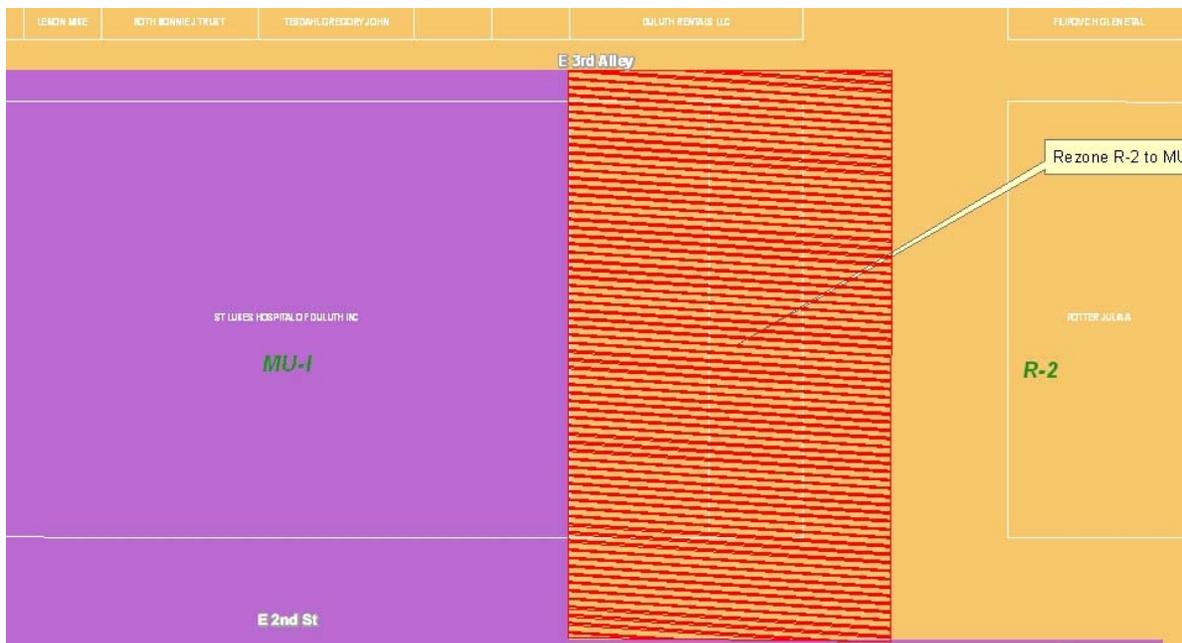


Exhibit B
(Ref. File No. 12-178)

PROCEEDINGS OF THE DULUTH CITY COUNCIL FOR 2013

Section 3. That the 1.7 acres of the subject properties located at the southwest corner of East Second Street and North 12th Avenue East, and as more particularly described in Exhibit C and by the following:

The below parcels, extending to the centerline of East Second Street and North 12th Avenue East, where these parcels abut roadways:

- | | |
|----------------|----------------|
| 010-3830-04830 | 010-3830-04740 |
| 010-3830-04840 | 010-3830-04780 |
| 010-3830-04900 | 010-3830-04790 |
| 010-3830-04870 | 010-3830-04820 |
| 010-3830-04700 | 010-3830-04810 |
| 010-3830-04730 | 010-3830-04825 |
| 010-3830-04725 | |
| 010-3830-04735 | |

be reclassified from R-2 to MU-1, and that the official zoning map of the city of Duluth as referenced in Chapter 50 of the Duluth City Code, 1959, is amended to read as follows :

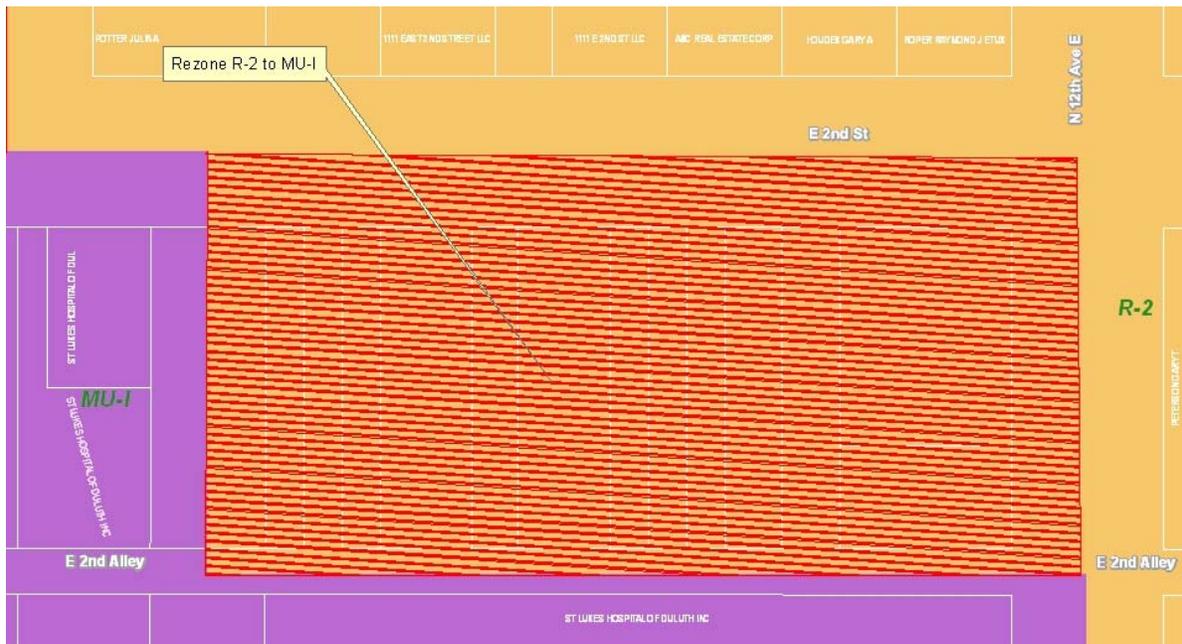


Exhibit C
(Ref. File No. 12-178)

Section 4. That the 5.8 acres of the subject properties located between North Ninth Avenue East and North 12th Avenue East and along the north side of East Superior Street to the East First Street Alley, and as more particularly described in Exhibit D and by the following:

The below parcels, extending to the centerline of North Ninth Avenue East and North 12th Avenue East and along the north side of East Superior Street to the East First Street Alley, where these parcels abut roadways:

- | | | |
|----------------|----------------|----------------|
| 010-0190-00790 | 010-3830-01190 | 010-3830-01660 |
| 010-0190-00770 | 010-3830-01220 | 010-3830-01680 |
| 010-0190-00750 | 010-3830-01230 | 010-3830-01675 |
| 010-3830-01110 | 010-3830-01240 | 010-3830-01670 |
| 010-3830-01120 | 010-3830-01250 | 010-3830-01645 |

PROCEEDINGS OF THE DULUTH CITY COUNCIL FOR 2013

010-3830-01140	010-3830-01530
010-3830-01150	010-3830-01540
010-3830-01160	010-3830-01560
010-3830-01170	010-3830-01600
010-3830-01180	010-3830-01620

be reclassified from MU-N to MU-I, 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:



Exhibit D
(Ref. File No. 12-178)

Section 5. That this ordinance shall take effect and be in force 30 days from and after its passage and publication. (Effective date: March 15, 2013)

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

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

Nays: None -- 0

ATTEST:
JEFFREY J. COX, City Clerk

Passed February 11, 2013
Approved February 11, 2013
DON NESS, Mayor

ORDINANCE NO. 10201

AN ORDINANCE AUTHORIZING DEDICATION OF A STREET
AND UTILITY EASEMENT OVER CERTAIN CITY PROPERTY IN
THE CANAL PARK AREA TO THE GENERAL PUBLIC.

The city of Duluth does ordain:

PROCEEDINGS OF THE DULUTH CITY COUNCIL FOR 2013

Section 1. That the proper city officials hereby dedicates and conveys to the general public an easement for street and utility purposes in, under, over, upon, across and along the following described property in St. Louis County, Minnesota:

Commencing at the Southwest corner of said Lot 30; thence on an assumed bearing of North 15 degrees 55 minutes 39 seconds West, along the Southwest line of said Block 1, a distance of 25.63 feet to the point of beginning of the easement to be described; thence North 15 degrees 55 minutes 39 seconds West, along said Southwest line of Block 1, a distance of 50.00 feet; thence North 75 degrees 01 minutes 17 seconds East, a distance of 42.65 feet; thence South 24 degrees 50 minutes 11 seconds West, a distance of 32.92 feet; thence South 10 degrees 58 minutes 48 seconds East, a distance of 24.77 feet; thence South 75 degrees 01 minutes 17 seconds West, a distance of 19.01 feet to the point of beginning and there terminating.

Section 2. That this ordinance shall take effect 30 days after its passage and publication. (Effective date: March 15, 2013)

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

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

Nays: None -- 0

ATTEST:
JEFFREY J. COX, City Clerk

Passed February 11, 2013
Approved February 11, 2013
DON NESS, Mayor

- - -

PROCEEDINGS OF THE DULUTH CITY COUNCIL FOR 2013

OFFICIAL PROCEEDINGS

Duluth City Council meeting held on Monday, February 25, 2013, 7:00 p.m. in the Council Chamber, City Hall, Duluth, Minnesota.

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

Absent: None -- 0

--

The minutes of the council meeting held on December 3, 2012, were approved upon a unanimous vote.

--

PRESENTATION OF PETITIONS AND OTHER COMMUNICATIONS

13-0225-07 Duluth Area Chamber of Commerce communications regarding the proposed sign regulations (13-009-O). -- Received

13-0225-08 Lincoln Park Pawn and Pawn Duluth communication regarding the proposed pawnbroker hours of operation (13-006-O). -- Received

--

REPORTS FROM OTHER OFFICERS

13-0225-01 Clerk application for exempt permit to the Minnesota gambling control board from Holy Family Catholic Church on September 21, 2013 (raffle). -- Received

--

REPORTS OF BOARDS AND COMMISSIONS

13-0225-02 Civil service board minutes of December 4, 2012, meeting. -- Received

13-0225-03 Duluth public arts commission minutes of: (a) September 17; (b) October 22; (c) November 17; (d) December 17, 2012, meetings. -- Received

--

OPPORTUNITY FOR CITIZENS TO BE HEARD

Loren Martel commented on: his submission to the *Duluth News Tribune* (DNT) about letters sent to the Duluth School Board that were found missing; the DNT initial reluctance to publish the letter and the subsequent, mysterious re-filing of the letters in the school district's public file.

--

Tim Velner and Kirsi Kuutti commented on the growth of the high school robotics competition, how well the Duluth East High School team has done in competition and the large number participants who are coming to Duluth for two regional competitions.

--

MOTIONS AND RESOLUTIONS

CONSENT AGENDA

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

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

PROCEEDINGS OF THE DULUTH CITY COUNCIL FOR 2013

RESOLVED, that the assessment roll levied to defray the assessable portion of Anderson Road from Haines Road to Chambersburg Avenue (Contract #7123 - assessable amount - \$351,425.13), to be deposited into Fund 440, is hereby confirmed.

Resolution 13-0095 was unanimously adopted.

Approved February 25, 2013

DON NESS, Mayor

- - -

BE IT RESOLVED, that the city council of the city of Duluth hereby issues the following on sale intoxicating theater liquor licenses for the period ending August 31, 2013, subject to departmental approvals and the payment of sales and property taxes:

Duluth Playhouse, Inc. (Duluth Playhouse), 506 West Michigan Street, with Christine Seitz, executive director.

Duluth Playhouse, Inc. (Underground Theater), 506 West Michigan Street, with Christine Seitz, executive director.

Resolution 13-0083 was unanimously adopted.

Approved February 25, 2013

DON NESS, Mayor

- - -

RESOLVED, that the proper city officials are hereby authorized to renew the annual contract with Enventis Telecom, Inc., for continued maintenance of the CISCO core network equipment and software providing voice, data and wireless communication to all network-connected city facilities and departments during fiscal year 2013 in the amount of \$69,049.79 plus \$949.43 sales tax for a combined total amount of \$69,999.22, payable from General Fund 110, Department/Agency 121 (public administration), Division 1107 (management information systems), Object 5404 (equipment machinery repair and maintenance).

Resolution 13-0087 was unanimously adopted.

Approved February 25, 2013

DON NESS, Mayor

- - -

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

One Roof Community Housing, (Raise the Roof Fundraiser), 21 North Lake Avenue, for March 15, 2013, with Kris Eide, manager.

Resolution 13-0093 was unanimously adopted.

Approved February 25, 2013

DON NESS, Mayor

- - -

BE IT RESOLVED, that the city council of the city of Duluth hereby issues the following on and off sale brewery malt liquor licenses for the period ending August 31, 2013, subject to departmental approvals and the payment of sales and property taxes:

Bent Paddle Brewing Company (Bent Paddle Brewing Co.), 1912 West Michigan Street, with Bryon Tonnis, CEO and 25 percent stockholder, Karen Tonnis, CFO and 25

PROCEEDINGS OF THE DULUTH CITY COUNCIL FOR 2013

percent stockholder, Laura Mullen, treasurer and 25 percent stockholder, and Colin Mullen, president and 25 percent stockholder.

Resolution 13-0094 was unanimously adopted.

Approved February 25, 2013

DON NESS, Mayor

- - -

RESOLVED, that city officials are hereby authorized to contract with Ziegler, Inc., for the purchase and delivery of a Caterpillar Model 924H articulating wheel loader for the fleet services division in accordance with Minnesota State Contract 53885, Release L-331(5), specifications and pricing in the amount of \$118,770, less \$5,700 (300-hour discount), less \$30,000 (trade-in value for Unit 3390), for a total of \$83,070, plus \$5,711.06 sales tax (6.0875%), plus \$5,760 (seven year 5,000-hour premier warranty), for a combined total of \$94,541.06, terms net 30, FOB destination, payable from Capital Equipment Fund 250, Department/Agency 015 (public administration), Division 2012 (fiscal year - 2013), Object 5580 (capital equipment), Project No. CE-250-V1304.

Resolution 13-0105 was unanimously adopted.

Approved February 25, 2013

DON NESS, Mayor

- - -

RESOLVED, that the proposed amendments to the specifications for the existing civil service classification of manager, fiscal and management analysis, including a title change to budget manager, which were approved by the civil service board on February 12, 2013, and which are filed with the city clerk as Public Document No. 13-0225-04, are approved. This classification shall be subject to the city's collective bargaining agreement with its supervisory unit employees; and that pay range for said classification shall be Range 1105-1115, \$5,417 to \$6,897 per month. 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 13-0102 was unanimously adopted.

Approved February 25, 2013

DON NESS, Mayor

- - -

RESOLVED, that:

(a) The city council finds a sufficient petition was filed with the city requesting the vacation described in (d) below; 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 easement is useless for all purposes; and

(c) The city planning commission, at its Tuesday, February 12, 2013, regular meeting, recommended approval of the vacation petition; and

(d) The city council of the city of Duluth approves the vacation of the following described platted road easement described below and as described and depicted on Public Document No. 13-0225-05:

The "road" in the recorded subdivision of Heritage's Rearrangement of Outlots 41 and 42 of Norton's Acre Outlots, Saint Louis County, Minnesota, more particularly described as follows:

PROCEEDINGS OF THE DULUTH CITY COUNCIL FOR 2013

Beginning at the southeast corner of Lot 1 of said Heritage's Rearrangement of Outlots 41 and 42 of Norton's Acre Outlots; thence North 89 degrees 46 minutes 53 seconds West, along the south line of said Lot 1 a distance of 207.44 feet to the east line of the platted Street Easement along the east side of the Howard Gnesen Road; thence South 13 degrees 54 minutes 07 seconds West, along said east line a distance of 30.88 feet to the south line of said Heritage's Rearrangement; thence South 89 degrees 46 minutes 53 seconds East, along said south line a distance of 214.81 feet to the southeast corner of said Heritage's Rearrangement; thence North 00 degrees 06 minutes 30 Seconds East, along the east line of said Heritage's Rearrangement a distance of 30.00 feet to the point of beginning; and

(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 No. 13-0225-05 showing the platted easement to be vacated.

Resolution 13-0097 was unanimously adopted.

Approved February 25, 2013

DON NESS, Mayor

- - -

RESOLVED, that the proper city officials are hereby authorized to enter into Cooperative Construction Agreement No. 02299, a copy of which is on file in the office of the city clerk as Public Document No. 13-0225-06, with the Duluth transit authority and the Minnesota department of transportation to provide for state oversight engineering, operation and maintenance for the reconstruction of the Northwest Passage Skywalk (Bridge No. 69509) over Interstate Trunk Highway No. 35 at Third Avenue West within the corporate limits of the city of Duluth, State Project No. 6982-312 and City Project No. 1204.

Resolution 13-0086 was unanimously adopted.

Approved February 25, 2013

DON NESS, Mayor

- - -

RESOLVED, that the proper city officials are hereby authorized to award a contract to Altec Industries, Inc., for the purchase and delivery of one complete aerial bucket truck, an Altec Model AT40M articulating telescopic aerial device with fiberglass body and cab and chassis, for public works and utilities, in accordance with city-approved specifications, the vendor's proposal, and vendor's official bid of \$159,288 plus \$10,951.05 sales tax for a combined total amount of \$170,239.05, terms net 30, FOB destination, payable from Street Lighting Utility 550, Department/Agency 120 (public administration), Object 5580 (capital equipment).

Resolution 13-0088 was unanimously adopted.

Approved February 25, 2013

DON NESS, Mayor

- - -

RESOLVED, that the proper city officials are hereby authorized to continue a proprietary annual contract with Dakota Supply Group, Inc., the state's certified distributor and sole supplier of Badger water meters, for the purchase and delivery of Badger water meter parts during fiscal year 2013 for an estimated total of \$40,000 plus sales tax of \$2,750, for a combined estimated total of \$42,750, terms net 30, FOB destination, payable from Water Fund

PROCEEDINGS OF THE DULUTH CITY COUNCIL FOR 2013

510, Department/Agency 500 (public works and utilities), Division 1940 (customer services), Cost Center 2410 (service), Object 5220 (repair and maintenance supplies).

Resolution 13-0090 was unanimously adopted.

Approved February 25, 2013

DON NESS, Mayor

- - -

RESOLVED, that Resolution 13-0042 stating the city's intent to construct approximately 250 feet of sanitary sewer in Lawn Street beginning at North Boundary Avenue and extending easterly, and to assess the costs thereof against the benefitted properties, is hereby amended by adding to the list of the properties benefitted thereby the properties referenced as:

9237 Lawn Street;

9239 Lawn Street.

Resolution 13-0092 was unanimously adopted.

Approved February 25, 2013

DON NESS, Mayor

- - -

RESOLVED, that the proper city officials are hereby authorized to enter into a contract with Minnesota Pipe and Equipment for the purchase and delivery of Waterous WB67 Pacer fire hydrants during fiscal year 2013 in accordance with city-approved specifications and the vendor's low bid of \$50,135.96 plus \$3,446.84 sales tax for a total amount of \$53,582.81, payable from the Water Fund 510, Department/Agency 500 (public works and utilities), Organization 1945 (utility operations), Object 5227 (utility system maintenance supplies).

Resolution 13-0096 was unanimously adopted.

Approved February 25, 2013

DON NESS, Mayor

- - -

RESOLVED, that the proper city officials are hereby authorized to contract with Hunt Electric Corporation for the purchase, delivery and installation of four traffic signal warning gates (Model B&B Roadway by Evergreen Supply Company) to replace the existing gates on Lake Avenue for Aerial Lift Bridge approaches in Canal Park in accordance with city-approved specifications, the vendor's low bid of \$61,592, terms net 30, FOB destination, and payable from the Permanent Improvement Fund 411, Department/Agency 035 (capital projects accounts), Object 5530 (improvements other than buildings).

Resolution 13-0099 was unanimously adopted.

Approved February 25, 2013

DON NESS, Mayor

- - -

RESOLVED, that the proper city officials are hereby authorized to enter into an agreement with LHB, Inc., for professional engineering services related to the design of flood repair of Bridge No. L6115 and its adjacent retaining walls, Skyline Parkway at Chester Creek, in an amount not to exceed \$88,240, payable from Disaster Recovery Fund 225, Department/Agency 125 (finance), Organization 1803 (roads and bridges), Object 5303 (engineering services), City Project No. 1177, S.P. 118-179-004, Requisition No. 13-0183.

Resolution 13-0100 was unanimously adopted.

Approved February 25, 2013

DON NESS, Mayor

- - -

PROCEEDINGS OF THE DULUTH CITY COUNCIL FOR 2013

RESOLVED, that plans for Project 69-610-006 showing proposed alignments, profiles, grades and cross sections for the construction, reconstruction or improvement of County State Aid Highway No. 10 (Martin Road) within the limits of the city as a state aid project have been prepared and presented to the city, and that said plans be in all things approved.

Resolution 13-0104 was unanimously adopted.

Approved February 25, 2013

DON NESS, Mayor

- - -

The following resolutions were also considered:

RESOLVED, that the proper city officials are hereby authorized to execute employment documents necessary to compensate the appointed equal opportunity representative a general wage increase of one percent retroactive to January 1, 2012, 1.5 percent retroactive to January 1, 2013, and two percent effective January 1, 2014, said increases applicable to the salary provided for in the employment contract of Robert Grytdahl, which was approved by the city council on February 26, 2007, by Resolution 07-0203 and which contract is on file in the office of the city clerk as Public Document Number 07-0312-17.

FURTHER RESOLVED, that said increased compensation shall remain in effect until further modified by council resolution.

RESOLVED FURTHER, that all above-described compensation to the equal opportunity representative is payable from Fund No. 110-121-1106-5100 (general, public administration: human resources division.)

Resolution 13-0038 was adopted upon the following vote:

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

Nays: Councilor Fosle -- 1

Approved February 25, 2013

DON NESS, Mayor

- - -

Resolution 13-0101, by Councilor Hartman, requesting the parks and recreation commission review possible locations for additional dog parks in Central and Eastern Duluth, was introduced for discussion.

Councilors Krause and Fosle expressed concerns about the level of costs associated with a dog park at a time when the youth and community club aspects of the parks need attention.

Councilors commented on various components of the resolution at great length.

Resolution 13-0101 was adopted as follows:

BY COUNCILOR HARTMAN:

WHEREAS, the city of Duluth currently has only one dog park which is located in the western portion of the city; and

WHEREAS, the dog park is widely used and has received praise since its opening, including from many immediate neighbors; and

WHEREAS, the city of Duluth has many dog owners and there is a desire to create additional dog parks throughout the city.

THEREFORE, BE IT RESOLVED, that the city council hereby requests the Duluth parks and recreation commission review possible locations for additional dog parks in both the

PROCEEDINGS OF THE DULUTH CITY COUNCIL FOR 2013

central and eastern portions of the community.

Resolution 13-0101 was adopted upon the following vote:

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

Nays: Councilors Fosle and Krause -- 2

Approved February 25, 2013

DON NESS, Mayor

- - -

RESOLVED, that city officials are hereby authorized to contract with Thane Hawkins Polar Chevrolet for the purchase and delivery of three vehicles, including two 2013 Chevrolet Silverado 2500 4x4 extended cab pickup trucks for the street maintenance division and one 2013 Chevrolet Silverado 2500 4x4 crew cab pickup truck for the park maintenance division in accordance with Minnesota State Contract 37909, Release T-642(5), specifications and pricing for a total of \$79,132.63, plus \$5,143.62 vehicle sales tax (six and one-half percent), plus \$250.05 registration fees and tax-exempt license plates for a combined total amount of \$84,526.30, terms net 30, FOB destination, payable as follows:

(a) Requisition 13-0146 - street maintenance:

\$55,365.67 Capital Equipment Fund 250, Department/Agency 015 (public administration), Division 2013 (fiscal year-2013), Object 5580 (capital equipment), Project CE250-V1304;

(b) Requisition 13-0174 - park maintenance:

\$29,160.63 Capital Equipment Fund 250, Department/Agency 015 (public administration), Division 2013 (fiscal year-2013), Object 5580 (capital equipment), Project CE250-V1304.

Resolution 13-0089 was unanimously adopted.

Approved February 25, 2013

DON NESS, Mayor

- - -

BY COUNCILORS STAUBER, GARDNER, KRAUSE AND PRESIDENT BOYLE:

WHEREAS, the city of Duluth greatly appreciates and recognizes the importance of citizen volunteers that serve on city boards and commissions; and

WHEREAS, the council recognizes the value and need for the public to be able to contact their representatives on boards and commissions and to have open access to any business being conducted; and

WHEREAS, the council seeks to ensure that volunteers receive a thorough orientation for each position.

THEREFORE, BE IT RESOLVED, that the city council hereby requests that city administration establish and implement the following guiding principles and general practices for citizens appointed and approved to serve on city boards and commissions as well as general standards for the conduct of business as set forth below:

(1) Contact information for each board or commission should be made available on the city website and may include an email address, phone numbers, and a list of staff that support the board or commission; meeting dates, times and brief description of the board or commission function should be listed;

(2) Board and commission members should be listed to include appointment dates and term length, photos and a short bio may also be listed; contact information for each board

PROCEEDINGS OF THE DULUTH CITY COUNCIL FOR 2013

member should additionally be listed and city email addresses should be assigned for serving board members;

(3) Board and commission members should receive an orientation on the conduct of business to include information on open meeting law, Robert's Rules of Order, agenda process(es), meeting rules, duration of meetings, training regarding conflicts of interest and any additional relevant information;

(4) If elected as chair of a board or commission, the member should receive additional training on how to properly conduct a meeting using Robert's Rules of Order and reviewing Minnesota open meeting law requirements; such training could be held annually in a group session;

(5) Board and commission meeting agendas should be posted on the city website prior to any meeting; the agenda should include the time and location of the meeting and any supporting documents;

(6) Board and commission meeting minutes should be posted on the city website within one week of official approval and any voting record should be included;

(7) Board and commission by-laws should include provisions regarding attendance, specifically that if any member misses three consecutive meetings they shall be removed or released from serving on the board or commission.

Resolution 13-0106 was unanimously adopted.

Approved February 25, 2013

DON NESS, Mayor

- - -

Resolution 13-0098, authorizing application to (and, if offered, acceptance of) a Minnesota department of natural resources construction grant for completion of ten miles of mountain bike trail, which effectuates the Duluth Traverse Mission Creek Mountain Bike Trail Center, was introduced by Councilor Larson for discussion.

Councilor Fosle expressed concern that the city administration determines where the funds from the parks referendum are expended, such as, trails versus repairs due to the flooding or towards implementation of master plan projects.

Resolution 13-0098 was adopted as follows:

WHEREAS, the city of Duluth supports the grant application made to the Minnesota department of natural resources for the federal recreational trail program. The application is to construct ten miles of mountain bike trail for the Duluth Traverse Mission Creek trail center; and

WHEREAS, the federal recreational trail program requires a 25 percent monetary match. The city of Duluth has secured the match through the parks fund (205), community resources (130), parks capital (1220), improvements other than buildings (5530).

NOW, THEREFORE, BE IT RESOLVED, if the city is awarded a grant by the Minnesota department of natural resources, the city of Duluth agrees to accept the grant award and may enter into an agreement with the state of Minnesota for the Duluth Traverse Mission Creek trail center project. The city will comply with all applicable laws, environmental requirements and regulations as stated in the grant agreement. Additionally, the city hereby assures that Duluth Traverse Mission Creek trail center will be maintained for a period of no less than 20 years.

BE IT FURTHER RESOLVED, the Duluth City Council does name the city auditor as fiscal agent for this project:

PROCEEDINGS OF THE DULUTH CITY COUNCIL FOR 2013

Wayne Parson, City of Duluth Auditor
411 W 1 St, Rm 107
Duluth, MN

Resolution 13-0098 was adopted upon the following vote:

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

Nays: Councilors Fosle and Krause -- 2

Approved February 25, 2013

DON NESS, Mayor

- - -

Resolution 13-0103, accepting unconditional gifts from individuals, civic groups, corporations and other public entities for the 2013 and 2014 construction of a tennis court at Washington Square Park, was introduced by Councilor Larson.

Councilor Krause felt that the need for a tennis court is questionable.

Resolution 13-0103 was adopted as follows:

RESOLVED, that the proper city officials are hereby authorized to accept the donation of unconditional monetary gifts from individuals, civic groups, corporations and other public and private entities and thank the contributors for their gifts; said gifts to be deposited into parks fund (205), agency (130), capital (1220), gifts/donations (4660), Project CM7205-WASHSP.

Resolution 13-0103 was adopted upon the following vote:

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

Nays: Councilor Krause -- 1

Approved February 25, 2013

DON NESS, Mayor

- - -

INTRODUCTION AND CONSIDERATION OF ORDINANCES

The following entitled ordinances were read for the first time:

INTRODUCED BY COUNCILOR KRAUSE

13-013 - AN ORDINANCE AMENDING CHAPTER 13 OF THE DULUTH CITY CODE, 1959, AS AMENDED, RELATING TO CIVIL SERVICE.

- - -

BY COUNCILORS GARDNER, HARTMAN AND STAUBER

13-008 - AN ORDINANCE AMENDING CHAPTER 13 OF THE DULUTH CITY CODE, 1959, AS AMENDED, RELATING TO CIVIL SERVICE.

- - -

INTRODUCED BY COUNCILOR STAUBER

13-010 - AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF DULUTH AS REFERENCED IN CHAPTER 50 OF THE DULUTH CITY CODE, 1959, AS AMENDED, TO PROVIDE FOR THE RECLASSIFICATION FROM MIXED USE-NEIGHBORHOOD (MU-N) AND RESIDENTIAL-URBAN (R-2), TO FORM DISTRICT SIX, MID-RISE NEIGHBORHOOD SHOPPING (F-6) FOURTH STREET FROM NORTH SIXTH AVENUE EAST TO NORTH 14TH AVENUE EAST, FROM THE ALLEY ABOVE AND BELOW FOURTH STREET (CITY OF DULUTH).

- - -

PROCEEDINGS OF THE DULUTH CITY COUNCIL FOR 2013

The following entitled ordinances were read for the second time:

BY COUNCILOR KRAUSE

13-006 (10202) - AN ORDINANCE AMENDING SECTION 36-10 OF THE DULUTH CITY CODE, 1959, AS AMENDED, REGARDING PAWNBROKER HOURS OF OPERATION.

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

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

Nays: Councilor Gardner -- 1

- - -

INTRODUCED BY COUNCILOR STAUBER

13-009 - AN ORDINANCE CREATING SECTIONS 50-27, 50-38.6, 50-38.7 AND 50-41 OF THE DULUTH CITY CODE, 1959, AS AMENDED, REGARDING SIGN REGULATIONS, NONCONFORMING SIGNS AND DEFINITIONS.

Councilor Hartman moved to amend the ordinance by:

(a) Deleting subsection 50-27.3.F. dealing with freestanding sign landscaping;

(b) In Table 50-27-1: *EXEMPT PERMANENT SIGN REGULATIONS*:

(1) Deleting the maximum flagpole height limitation in the Flags - Federal, State or Local category;

(2) Deleting the maximum size and height limitations and number per lot in the Memorial Plaque category;

(3) Deleting the temporary references in the maximum size in the Permanent Window Sign category;

(c) Deleting the maximum size limitation in the Temporary Window Sign category in Table 50-27-3: *EXEMPT TEMPORARY SIGN REGULATIONS*;

(d) Deleting the A-frame sign category from Table 50-27-4: *SIGN TYPES - PERMIT REQUIRED: DISTRICTS AND USE PERMISSIONS*;

(e) Deleting subsection 50-27.7.B. relating to A-frame signs;

(f) Deleting sub subsection 50-27.7.D.3. relating to exhibition banner maximum size limitations;

(g) Deleting subsection 50-27.7.J relating to menuboards;

(h) Deleting subsection 50-27.7.L. relating to scoreboard and outfield signs;

(i) Deleting the last two sentences of sub subsection 50-27-7.M.9. relating to ghost signs;

which motion was seconded.

Councilor Hartman explained his rational for all the aspects of the amendment.

Councilors commented at length on their feelings on the different aspects of the amendment and whether the ordinance should be passed as it is now and then come back with amendments or amend it now.

Councilor Hartman's amendment carried as follows:

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

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

Because of the amendment, the ordinance was considered as a first reading.

- - -

BY COUNCILOR STAUBER

13-007 (10203) - AN ORDINANCE REPEALING ORDINANCE NO. 10172 RESCINDING THE INTERIM MORATORIUM ON POLE SIGNS AND MONUMENT SIGNS.

PROCEEDINGS OF THE DULUTH CITY COUNCIL FOR 2013

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

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

Nays: Councilors Julsrud and Krug -- 2

The meeting was adjourned at 8:30 p.m.

JEFFREY J. COX, City Clerk

ORDINANCE NO. 10202

BY COUNCILOR KRAUSE:

AN ORDINANCE AMENDING SECTION 36-10 OF THE DULUTH CITY CODE, 1959, AS AMENDED, REGARDING PAWNBROKER HOURS OF OPERATION.

The city of Duluth does ordain:

Section 1. That Section 36-10 of the Duluth City Code, 1959, as amended, is hereby amended as follows:

Sec. 36-10. Hours of operation.

No pawnbroker shall receive a pledge or pawn or purchase any goods between the hours of 12:00 Midnight on Saturdays and 10:00 a.m. on Sundays, the hours of 6:00 p.m. Sunday and 6:00 a.m. Monday, or between the hours of 11:00 p.m. and 6:00 a.m. on any other day of the week.

Section 2. That this ordinance shall take effect 30 days after its passage and publication. (Effective date: March 28, 2013)

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

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

Nays: Councilor Gardner -- 1

Passed February 25, 2013

Approved February 25, 2013

DON NESS, Mayor

ATTEST:

JEFFREY J. COX, City Clerk

ORDINANCE NO. 10203

BY COUNCILOR STAUBER:

AN ORDINANCE REPEALING ORDINANCE NO. 10172 RESCINDING THE INTERIM MORATORIUM ON POLE SIGNS AND MONUMENT SIGNS.

The city of Duluth does ordain:

Section 1. That Ordinance No. 10172 which established a moratorium on pole signs and monument signs and was adopted on August 27, 2012, is hereby repealed in its entirety.

Section 2. That this ordinance shall take effect 30 days after its passage and publication. (Effective date: April 10, 2013)

PROCEEDINGS OF THE DULUTH CITY COUNCIL FOR 2013

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

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

Nays: Councilors Julsrud and Krug -- 2

Passed February 25, 2013

Approved February 25, 2013, pursuant to Section 12 of the Duluth City Charter.

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