

PROCEEDINGS OF THE DULUTH CITY COUNCIL FOR 2013

OFFICIAL PROCEEDINGS

Duluth City Council meeting held on Monday, April 22, 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 February 11 and 25, March 11 and 25, 2013, were approved upon a unanimous vote.

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PRESENTATION OF PETITIONS AND OTHER COMMUNICATIONS

13-0422-01 Minnesota state auditor Duluth/North Shore Sanitary District audit report for the year ended December 31, 2011. -- Received

13-0422-22 Todd Signs communication regarding the proposed ordinance regarding sign regulations (13-028-O). -- Received

13-0422-23 The following communications regarding the proposed resolution regarding the Un-Fair Campaign (13-0163R): (a) Jacky Block; (b) Warren Howe. -- Received

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REPORTS OF BOARDS AND COMMISSIONS

13-0422-02 Commission on disabilities minutes of March 6, 2013, meeting. -- Received

13-0422-03 Community development committee minutes of: (a) December 4, 2012; (b) January 29; (c) February 26, 2013, meetings. -- Received

13-0422-04 Duluth citizen review board minutes of February 26, 2013, meeting. -- Received

13-0422-05 Duluth economic development authority minutes of February 27, 2013, meeting. -- Received

13-0422-06 Duluth public utilities commission: (a) Minutes of: (1) February 19; (2) February 26, 2013, meetings; (b) Resolution establishing natural gas rates effective with meter readings after April 30, 2013; superseding all prior inconsistent or conflicting rates as of May 1, 2013 (13PUC-004). -- Received

13-0422-07 Duluth Seaway Port authority budget summary of March 2013. -- Received

13-0422-08 Housing and redevelopment authority audit report for the year ended September 30, 2012. -- Received

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OPPORTUNITY FOR CITIZENS TO BE HEARD

Cathy Schuyler reviewed the mission of the Un-Fair Campaign and the impacts of racism and its effects on citizens, and stated that they have prepared a report of their progress so far.

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Jerry Schlafer voiced concern that the high speed rail issues are coming back to the forefront and stated that Duluth does not need the train as we already have transportation from Duluth to Minneapolis via buses and airport limousines, and the airport services more places

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than the train will go. He voiced concern that the government will be subsidizing the train forever.

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Loren Martell expressed frustration that the Duluth News Tribune does not understand the financing problems with the red plan and therefore does not report the issues to the public that go with it.

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MOTIONS AND RESOLUTIONS

Resolution 13-0197, approving the transfer of the off sale intoxicating liquor license from Golden Eagle Liquors, LLC (Sportsmen's Liquor), 3904 Grand Avenue, to Broad Eaves, LLC (Piedmont Liquor), 2818 Piedmont Avenue, was introduced by Councilor Krause.

Councilor Krause stated the administration has requested this resolution be removed from the agenda.

Without any objections, President Boyle withdrew the resolution from the agenda.

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CONSENT AGENDA

(All matters listed under the consent agenda were considered routine and/or non-controversial 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 of that on file in the office of the city clerk as Public Document No. 13-0422-09, with Spirit Mountain recreation area authority in an amount not to exceed \$60,000, payable from Fund 258, Agency 030, Account 5436-07 (tourism taxes, finance, tourism tax allocation Spirit Mountain).

Resolution 13-0174 was unanimously adopted.

Approved April 22, 2013

DON NESS, Mayor

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RESOLVED, that the proper city officials are hereby authorized to enter into an agreement with Great Lakes Aquarium in an amount not to exceed \$60,000, payable from Fund 258-030-5436-08 (tourism taxes, finance, tourism tax allocation Great Lakes Aquarium).

Resolution 13-0181 was unanimously adopted.

Approved April 22, 2013

DON NESS, Mayor

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RESOLVED, that Resolution 06-0498, which amended Resolution 01-0601 modifying the membership of the city special board of review, is hereby amended to read as follows:

(a) That a special board of review for the city of Duluth is hereby created, and all the powers and duties of the city council under Minnesota Statutes 274.01, subdivision 1, are hereby delegated to said special board of review;

(b) That said board shall be comprised of five members, all of whom shall by training and experience be well versed and familiar with property values in the city of Duluth. One member shall be an appraiser by profession, one member shall be a real estate broker, one member shall be an attorney, one member shall have attended the equalization course

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required by Minnesota Statutes Section 274.014, subdivision 2, and the final member shall be a person familiar with real property valuations in Duluth;

(c) The member who has completed the equalization course shall be designated annually by the chief administrative officer of the city, or in his or her absence, the mayor. Of the other members of the board, one member shall initially be appointed for a two year term, another for a three year term, and the remaining two members for four year terms, and, thereafter, all appointments, except those made to fill an unexpired term, shall be for four year terms;

(d) The board shall meet annually on such day as the county auditor shall designate and from time to time thereafter until all duties and responsibilities imposed on said board by Minnesota Statutes 274.01 are discharged in full;

(e) All meetings of the special board of review shall be public, and it shall keep minutes of its proceedings which shall be immediately forwarded to the council, and which shall be a public record. At any meeting, three members shall constitute a quorum. Necessary staff, recording, transcription and mailing service shall be provided to the board by city administration.

Resolution 13-0205 was unanimously adopted.

Approved April 22, 2013

DON NESS, Mayor

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BE IT RESOLVED, that the city council of the city of Duluth makes the following findings of fact:

(a) On April 3, 2013, the alcohol, gambling and tobacco commission held a public hearing to consider whether disciplinary action should be taken against the 3.2 percent malt liquor license of D & C Letourneau, Ent. (D & C Lakeside Milkhouse), 5402 East Superior Street, and has submitted its report to the city council of the city of Duluth as Public Document No. 13-0422-10;

(b) Pursuant to Duluth City Code Chapter 8, Section 9, clause (a), on April 22, 2013, the city council considered the records and evidence submitted;

(c) The finding of facts as set forth in Public Document No. 13-0422-10 regarding any suspension, revocation and/or civil penalty relating to the 3.2 percent malt liquor license of D & C Letourneau, Ent. (D & C Lakeside Milkhouse), 5402 East Superior Street, are adopted.

BE IT FURTHER RESOLVED, that the decision of the city council regarding any suspension, revocation and/or civil penalty is as follows: due to the mitigating circumstance that the alcohol, gambling and tobacco commission was unable to meet for three consecutive months, the Duluth City Council reduce the presumptive \$500 penalty and fine the licensee \$100 payable within 30 days of final city action.

Resolution 13-0171 was unanimously adopted.

Approved April 22, 2013

DON NESS, Mayor

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RESOLVED, that city officials are hereby authorized to contract with Arrowhead Concrete Works, Inc., for the purchase and delivery of an estimated 750 cubic yards of ready-mix concrete as needed during fiscal year 2013 by street maintenance crews in accordance with city-approved bid specifications and the vendor's bid of \$102.70 per cubic yard of type 3A32 high early concrete, for a total of \$77,025 plus \$5,295.47 sales tax, for a combined estimated total of \$82,320.47, terms net 30, FOB destination, payable from the General Fund 110, Department/Agency 121 (public administration), Division 1217 (maintenance operations),

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Cost Center 2140 (street maintenance), Object 5224 (gravel and other maintenance materials).

Resolution 13-0176 was unanimously adopted.

Approved April 22, 2013

DON NESS, Mayor

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RESOLVED, that city officials are hereby authorized to contract with Northland Constructors of Duluth, LLC, as the primary vendor for the purchase of hot mix (fine) as needed during fiscal year 2013 for street maintenance and flood repair projects in accordance with city-approved specifications and the vendor's low bid of \$46.90 per ton, for 12,750 tons, for a total of \$597,975 plus \$41,110.78 sales tax, and a combined total of \$639,085.78, payable as follows:

(a) Requisition 13-0259, \$92,730.09 (1,850 tons for flood repairs):

\$72,700.39 Disaster Recovery Fund 225, Department/Agency 125 (finance), Division 1803 (roads and bridges), Object 5222 (blacktop), Project Flood-073;

\$20,029.70 Disaster Recovery Fund 225, Department/Agency 125 (finance), Division 1803 (roads and bridges), Object 5222 (blacktop), Project Flood-472;

(b) Requisition 13-0262, \$546,355.69 (10,900 tons for street maintenance):

\$546,355.69 General Fund 110, Department/Agency 121 (public administration), Division 1217 (maintenance operations), Cost Center 2140 (street maintenance), Object 5222 (blacktop).

Resolution 13-0187 was unanimously adopted.

Approved April 22, 2013

DON NESS, Mayor

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RESOLVED, that city officials are hereby authorized to contract with Ulland Brothers, Inc., as the secondary vendor for the purchase of hot mix (fine) as needed during fiscal year 2013 for street repairs, utility repairs and street improvements in accordance with city-approved specifications and the vendor's bid of \$52 per ton, for 1,100 tons, for a total of \$57,200 plus \$3,933.07 sales tax, for a combined total of \$61,133.07, payable as follows:

Requisition 13-0311 (1,100 tons) \$61,133.07:

\$61,133.07 General Fund 110, Department/Agency 121 (public administration), Division 1217 (maintenance operations), Cost Center 2140 (street maintenance) Object 5222 (blacktop).

Resolution 13-0188 was unanimously adopted.

Approved April 22, 2013

DON NESS, Mayor

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

Marshall School (Marshall Auction), 1215 Rice Lake Road, for May 4, 2013, with Beth Tessier, manager.

Resolution 13-0194 was unanimously adopted.

Approved April 22, 2013

DON NESS, Mayor

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

Flame Nightclub, Inc. (Flame Nightclub), 28 North First Avenue West, expanding to include first floor.

Resolution 13-0195 was unanimously adopted.

Approved April 22, 2013

DON NESS, Mayor

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

Grandma's Angie's, Inc. (Little Angie's Cantina), 11 East Buchanan Street, in conjunction with Grandma's Marathon, for June 22, 2013, with the serving ceasing at 2:00 a.m.

Grandma's Angie's, Inc. (Little Angie's Cantina), 11 East Buchanan Street, in conjunction with Tall Ships, for July 25 - 28, 2013, with the serving ceasing at 2:00 a.m.

Resolution 13-0196 was unanimously adopted.

Approved April 22, 2013

DON NESS, Mayor

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BE IT RESOLVED, that the city council of the city of Duluth hereby approves the issuance of the following on sale wine license for the period beginning September 1, 2013, ending August 31, 2014 and issues an on sale 3.2 percent malt liquor license for the period ending April 30, 2014, subject to departmental approvals and further subject to approval of the liquor control commissioner:

Stewart Zaun, Inc. (Amazing Grace Bakery), 394 Lake Avenue South, main floor and front sidewalk area, with Marcie Stoyke, 100 percent owner.

Resolution 13-0198 was unanimously adopted.

Approved April 22, 2013

DON NESS, Mayor

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BE IT RESOLVED, that the city council of the city of Duluth hereby issues off sale 3.2 percent malt liquor license renewals for the period beginning May 1, 2013, and ending April 30, 2014, subject to departmental approvals and the payment of sales and property taxes, as provided for in the Duluth City Code, to the applicants listed on Public Document No. 13-0422-11.

Resolution 13-0199 was unanimously adopted.

Approved April 22, 2013

DON NESS, Mayor

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BE IT RESOLVED, that the city council of the city of Duluth hereby issues on sale 3.2 percent malt liquor license renewals for the period beginning May 1, 2013, and ending April 30, 2014, subject to departmental approvals and the payment of sales and property taxes, as

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provided for in the Duluth City Code, to the applicants listed on Public Document No. 13-0422-12.

Resolution 13-0200 was unanimously adopted.

Approved April 22, 2013

DON NESS, Mayor

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BE IT RESOLVED, that the city council of the city of Duluth hereby approves issuance of the following consumption and display licenses by the liquor control commissioner for the period beginning April 1, 2013, and ending March 31, 2014, subject to departmental approvals and the payment of sales and property taxes:

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

Duluth Woman's Club, 2400 East Superior Street.

Resolution 13-0201 was unanimously adopted.

Approved April 22, 2013

DON NESS, Mayor

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RESOLVED, that the appointment by Mayor Ness of Timothy L. Meyer to the planning commission for a term expiring on March 31, 2017, replacing Heather Rand, is confirmed.

Resolution 13-0165 was unanimously adopted.

Approved April 22, 2013

DON NESS, Mayor

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BY COUNCILOR GARDNER:

RESOLVED, that the proper city officials are hereby authorized to enter into a transfer of assets agreement, substantially in the form of that on file in the office of the city clerk as Public Document No. 13-0422-13, pursuant to which the city accepts from the Duluth Public Arts Fund, Inc., assets to be used in furtherance of the purposes of the nonprofit in the form of eight art boxes located in the new terminal at the Duluth International Airport and \$59,186.49 to be retained in the Duluth Public Art Fund 745.

Resolution 13-0193 was unanimously adopted.

Approved April 22, 2013

DON NESS, Mayor

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RESOLVED, that the appointment of Jaron A. Smallwood by Mayor Ness to the American Indian commission for a term expiring on March 31, 2016, replacing Priscilla Fairbanks who resigned, is confirmed.

Resolution 13-0209 was unanimously adopted.

Approved April 22, 2013

DON NESS, Mayor

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RESOLVED, that:

(a) The city council hereby grants Heather Pitschka and Steven Pitschka an interim use permit to operate a vacation dwelling unit located at 1210 South Lake Avenue and as described by the following:

Lot 135, Upper Duluth, Lake Avenue (PID 010-4380-00680); and

(b) Minnesota Statutes Section 462.3597 authorizes the city to issue an interim use permit that allows a use to exist until a specified date or until an amendment to this chapter authorizes or prohibits that use; and

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(c) The city council finds that a time limit is needed to protect the public health, safety and welfare from potential longer term impacts of the requested use at this location; and

(d) The interim use permit shall remain in effect for up to six years following the effective date of this resolution, or until there is a change in ownership of the property, whichever occurs first; and

(e) Pursuant to Section 50-20.3.V and Section 50-37.10 of the Duluth City Code, 1959, as amended, the applicant applied for an interim use permit and the application was duly referred to the city planning commission (PL13-031); the commission gave due notice of public hearing and considered the application during a public hearing occurring on March 26, 2013; and

(f) The city planning commission, at their regular meeting on March 26, 2013, considered the application's consistency with the use specific standards for vacation dwelling units and the criteria for granting interim use permits and voted to recommend approval of an interim use permit for a vacation dwelling unit subject to the conditions listed below; and

FURTHER RESOLVED, that an interim use permit for the subject property is approved subject to the following conditions:

(a) The applicant must disclose to all guests in writing the location of the nearest legal access to the Lake Superior beach; and

(b) The applicant must disclose to all guests in writing that quiet hours shall be observed between the hours of 10:00 p.m. and 8:00 a.m.; and

(c) The applicant adhere to the terms and conditions listed in the interim use permit document and any modifications to the document that may be deemed necessary by the land use supervisor provided that no such administrative approval shall constitute a variance from the provisions of Chapter 50.

Resolution 13-0164 was unanimously adopted.

Approved April 22, 2013

DON NESS, Mayor

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RESOLVED, that:

(a) The city council hereby grants Heather Pitschka and Steven Pitschka an interim use permit to operate a vacation dwelling unit located at 1535 South Lake Avenue and as described by the following:

Lot 62, Upper Duluth, Lake Avenue (PID 010-4380-01530); and

(b) Minnesota Statutes Section 462.3597 authorizes the city to issue an interim use permit that allows a use to exist until a specified date or until an amendment to this chapter authorizes or prohibits that use; and

(c) The city council finds that a time limit is needed to protect the public health, safety and welfare from potential longer term impacts of the requested use at this location; and

(d) The interim use permit shall remain in effect for up to six years following the effective date of this resolution, or until there is a change in ownership of the property, whichever occurs first; and

(e) Pursuant to Section 50-20.3.V and Section 50-37.10 of the Duluth City Code, 1959, as amended, the applicant applied for an interim use permit and the application was duly referred to the city planning commission (PL13-029); the commission gave due notice of public hearing and considered the application during a public hearing occurring on March 26, 2013; and

(f) The city planning commission, at their regular meeting on March 26, 2013, considered the application's consistency with the use specific standards for vacation dwelling

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units and the criteria for granting interim use permits and voted to recommend approval of an interim use permit for a vacation dwelling unit subject to the conditions listed below; and

FURTHER RESOLVED, that an interim use permit for the subject property is approved subject to the following conditions:

(a) The applicant must disclose to all guests in writing the location of the nearest legal access to the Lake Superior beach; and

(b) The applicant must disclose to all guests in writing that quiet hours shall be observed between the hours of 10:00 p.m. and 8:00 a.m.; and

(c) The applicant adhere to the terms and conditions listed in the interim use permit document and any modifications to the document that may be deemed necessary by the land use supervisor provided that no such administrative approval shall constitute a variance from the provisions of Chapter 50.

Resolution 13-0166 was unanimously adopted.

Approved April 22, 2013

DON NESS, Mayor

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RESOLVED, that:

(a) The city council hereby grants Heather Pitschka and Steven Pitschka an interim use permit to operate a vacation dwelling unit located at 1302 Minnesota Avenue and as described by the following:

Lot 119, Upper Duluth, Minnesota Avenue (PID 010-4390-00650); and

(b) Minnesota Statutes Section 462.3597 authorizes the city to issue an interim use permit that allows a use to exist until a specified date or until an amendment to this chapter authorizes or prohibits that use; and

(c) The city council finds that a time limit is needed to protect the public health, safety and welfare from potential longer term impacts of the requested use at this location; and

(d) The interim use permit shall remain in effect for up to six years following the effective date of this resolution, or until there is a change in ownership of the property, whichever occurs first; and

(e) Pursuant to Section 50-20.3.V and Section 50-37.10 of the Duluth City Code, 1959, as amended, the applicant applied for an interim use permit and the application was duly referred to the city planning commission (PL13-030); the commission gave due notice of public hearing and considered the application during a public hearing occurring on March 26, 2013; and

(f) The city planning commission, at their regular meeting on March 26, 2013, considered the application's consistency with the use specific standards for vacation dwelling units and the criteria for granting interim use permits and voted to recommend approval of an interim use permit for a vacation dwelling unit subject to the conditions listed below; and

FURTHER RESOLVED, that an interim use permit for the subject property is approved subject to the following conditions:

(a) The applicant must disclose to all guests in writing the location of the nearest legal access to the Lake Superior beach; and

(b) The applicant must disclose to all guests in writing that quiet hours shall be observed between the hours of 10:00 p.m. and 8:00 a.m.; and

(c) The applicant adhere to the terms and conditions listed in the interim use permit document and any modifications to the document that may be deemed necessary by the land use supervisor provided that no such administrative approval shall constitute a variance from the provisions of Chapter 50; and

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(d) The interim use permit shall be revoked on November 1, 2013, if the required off-street parking spaces have not been constructed on the applicant's property.

Resolution 13-0167 was unanimously adopted.

Approved April 22, 2013

DON NESS, Mayor

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RESOLVED, that:

(a) The city council hereby grants Theresa Hanson and David J. Hanson an interim use permit to operate a vacation dwelling unit located at 124 North Hawthorne Road and as described by the following:

Lots 30 and 31, Congdon Park Division, First Rearrangement (PID 010-0690-00020); and

(b) Minnesota Statutes Section 462.3597 authorizes the city to issue an interim use permit that allows a use to exist until a specified date or until an amendment to this chapter authorizes or prohibits that use; and

(c) The city council finds that a time limit is needed to protect the public health, safety and welfare from potential longer term impacts of the requested use at this location; and

(d) The interim use permit shall remain in effect for up to six years following the effective date of this resolution, or until there is a change in ownership of the property, whichever occurs first; and

(e) Pursuant to Section 50-20.3.V and Section 50-37.10 of the Duluth City Code, 1959, as amended, the applicant applied for an interim use permit and the application was duly referred to the city planning commission (PL13-034); the commission gave due notice of public hearing and considered the application during a public hearing occurring on March 26, 2013; and

(f) The city planning commission, at their regular meeting on March 26, 2013, considered the application's consistency with the use specific standards for vacation dwelling units and the criteria for granting interim use permits and voted to recommend approval of an interim use permit for a vacation dwelling unit subject to the conditions listed below; and

FURTHER RESOLVED, that an interim use permit for the subject property is approved subject to the following conditions:

(a) The interim use permit shall not be effective until an operational permit has been granted by the fire department and a lodging license has been granted by the state of Minnesota; and

(b) The interim use permit is issued allowing up to 14 guests; and

(c) The applicant adhere to the terms and conditions listed in the interim use permit document and any modifications to the document that may be deemed necessary by the land use supervisor provided that no such administrative approval shall constitute a variance from the provisions of Chapter 50; and

(d) There shall be no more than seven vehicles parked at the site at any time, excluding any vehicles parked inside the garage.

Resolution 13-0168 was unanimously adopted.

Approved April 22, 2013

DON NESS, Mayor

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PROCEEDINGS OF THE DULUTH CITY COUNCIL FOR 2013

RESOLVED, that:

(a) The city council hereby grants Cottage on the Point, LLC/Patricia Burns and William M. Burns an interim use permit to operate a vacation dwelling unit located at 3330 Minnesota Avenue and as described by the following:

ALL THAT PART OF SOUTH 1/2 OF LOT 294 AND ALL OF LOTS 296 & 298, MINNESOTA AVENUE, LOWER DULUTH AND SOUTHERLY 1/2 OF LOT 293 AND ALL OF LOTS 295 & 297, LAKE AVENUE, LOWER DULUTH DESCRIBED AS FOLLOWS; BEGINNING AT NORTHWEST CORNER OF THE ABOVE DESCRIBED PARCEL; THENCE SOUTHERLY ALONG WEST LINE 50 FEET THENCE 19 DEGREES 21' 57" TO THE LEFT 25.10 FEET THENCE 60 DEGREES 52' 47" TO THE LEFT 72.73 FEET THENCE ON A LINE PARALLEL WITH AND 14 FEET DISTANT FROM SOUTH LINE OF LOTS 297 & 298 43.91 FEET THENCE 90 DEGREES LEFT 86 FEET TO NORTH LINE OF PARCEL THENCE 90 DEGREES LEFT 123.82 FEET TO POINT OF BEGINNING (PID 010-3110-03585); and

(b) Minnesota Statutes Section 462.3597 authorizes the city to issue an interim use permit that allows a use to exist until a specified date or until an amendment to this chapter authorizes or prohibits that use; and

(c) The city council finds that a time limit is needed to protect the public health, safety and welfare from potential longer term impacts of the requested use at this location; and

(d) The interim use permit shall remain in effect for up to six years following the effective date of this resolution, or until there is a change in ownership of the property, whichever occurs first; and

(e) Pursuant to Section 50-20.3.V and Section 50-37.10 of the Duluth City Code, 1959, as amended, the applicant applied for an interim use permit and the application was duly referred to the city planning commission (PL13-019); the commission gave due notice of public hearing and considered the application during a public hearing occurring on April 9, 2013; and

(f) The city planning commission, at their regular meeting on April 9, 2013, considered the application's consistency with the use specific standards for vacation dwelling units and the criteria for granting interim use permits and voted to recommend approval of an interim use permit for a vacation dwelling unit subject to the conditions listed below; and

FURTHER RESOLVED, that an interim use permit for the subject property is approved subject to the following conditions:

(a) The applicant must disclose to all guests in writing the location of the nearest legal access to the Lake Superior beach; and

(b) The applicant must disclose to all guests in writing that quiet hours shall be observed between the hours of 10:00 p.m. and 8:00 a.m.; and

(c) The applicant adhere to the terms and conditions listed in the interim use permit document and any modifications to the document that may be deemed necessary by the land use supervisor provided that no such administrative approval shall constitute a variance from the provisions of Chapter 50; and

(d) The interim use permit shall not be effective until an operational permit is granted by the fire department and a lodging license is granted by the state of Minnesota.

Resolution 13-0178 was unanimously adopted.

Approved April 22, 2013

DON NESS, Mayor

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RESOLVED, that:

(a) The city council hereby grants Ted W. Stein and Carelle Stein an interim use permit to operate a vacation dwelling unit located at 206 North 11th Avenue West and as described by the following:

Lot 173, except easterly 25 feet of southerly 78 feet, Block 100, Duluth Proper Second Division (PID 010-1160-00760, 00710, 00720, 00740, 00770); and

(b) Minnesota Statutes Section 462.3597 authorizes the city to issue an interim use permit that allows a use to exist until a specified date or until an amendment to this chapter authorizes or prohibits that use; and

(c) The city council finds that a time limit is needed to protect the public health, safety and welfare from potential longer term impacts of the requested use at this location; and

(d) The interim use permit shall remain in effect for up to six years following the effective date of this resolution, or until there is a change in ownership of the property, whichever occurs first; and

(e) Pursuant to Section 50-20.3.V and Section 50-37.10 of the Duluth City Code, 1959, as amended, the applicant applied for an interim use permit and the application was duly referred to the city planning commission (PL13-038); the commission gave due notice of public hearing and considered the application during a public hearing occurring on April 9, 2013; and

(f) The city planning commission, at their regular meeting on April 9, 2013, considered the application's consistency with the use specific standards for vacation dwelling units and the criteria for granting interim use permits and voted to recommend approval of an interim use permit for a vacation dwelling unit subject to the conditions listed below; and

FURTHER RESOLVED, that an interim use permit for the subject property is approved subject to the following conditions:

(a) The interim use permit shall not be effective until the applicant has provided evidence that the required notice has been sent to property owners within 100 feet; and

(b) The applicant adhere to the terms and conditions listed in the interim use permit document and any modifications to the document that may be deemed necessary by the land use supervisor provided that no such administrative approval shall constitute a variance from the provisions of Chapter 50.

Resolution 13-0184 was unanimously adopted.

Approved April 22, 2013

DON NESS, Mayor

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RESOLVED, that:

(a) The city council hereby grants Jerry Paulson and Betsy Snow of Park Point Carriage House/Carriage House Charters, LLC, an interim use permit to operate a vacation dwelling unit located at 1202 South Lake Avenue and as described by the following:

Lot 139, Upper Duluth, Lake Avenue (PID 010-4380-00700); and

(b) Minnesota Statutes Section 462.3597 authorizes the city to issue an interim use permit that allows a use to exist until a specified date or until an amendment to this chapter authorizes or prohibits that use; and

(c) The city council finds that a time limit is needed to protect the public health, safety and welfare from potential longer term impacts of the requested use at this location; and

(d) The interim use permit shall remain in effect for up to six years following the effective date of this resolution, or until there is a change in ownership of the property, whichever occurs first; and

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(e) Pursuant to Section 50-20.3.V and Section 50-37.10 of the Duluth City Code, 1959, as amended, the applicant applied for an interim use permit and the application was duly referred to the city planning commission (PL13-039); the commission gave due notice of public hearing and considered the application during a public hearing occurring on April 9, 2013; and

(f) The city planning commission, at their regular meeting on April 9, 2013, considered the application's consistency with the use specific standards for vacation dwelling units and the criteria for granting interim use permits and voted to recommend approval of an interim use permit for a vacation dwelling unit subject to the conditions listed below; and

FURTHER RESOLVED, that an interim use permit for the subject property is approved subject to the following conditions:

(a) The applicant must disclose to all guests in writing the location of the nearest legal access to the Lake Superior beach; and

(b) The applicant must disclose to all guests in writing that quiet hours shall be observed between the hours of 10:00 p.m. and 8:00 a.m.; and

(c) The applicant adhere to the terms and conditions listed in the interim use permit document and any modifications to the document that may be deemed necessary by the land use supervisor provided that no such administrative approval shall constitute a variance from the provisions of Chapter 50.

Resolution 13-0185 was unanimously adopted.

Approved April 22, 2013

DON NESS, Mayor

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RESOLVED, that:

(a) The city council hereby grants Deborah Medlin and Wallace Medlin an interim use permit to operate a vacation dwelling unit located at 1018 South Lake Avenue and as described by the following:

Northerly 20 feet of Lot 169 and all of Lot 171, Upper Duluth, Lake Avenue (PID 010-4380-00855); and

(b) Minnesota Statutes Section 462.3597 authorizes the city to issue an interim use permit that allows a use to exist until a specified date or until an amendment to this chapter authorizes or prohibits that use; and

(c) The city council finds that a time limit is needed to protect the public health, safety and welfare from potential longer term impacts of the requested use at this location; and

(d) The interim use permit shall remain in effect for up to six years following the effective date of this resolution, or until there is a change in ownership of the property, whichever occurs first; and

(e) Pursuant to Section 50-20.3.V and Section 50-37.10 of the Duluth City Code, 1959, as amended, the applicant applied for an interim use permit and the application was duly referred to the city planning commission (PL13-040); the commission gave due notice of public hearing and considered the application during a public hearing occurring on April 9, 2013; and

(f) The city planning commission, at their regular meeting on April 9, 2013, considered the application's consistency with the use specific standards for vacation dwelling units and the criteria for granting interim use permits and voted to recommend approval of an interim use permit for a vacation dwelling unit subject to the conditions listed below; and

FURTHER RESOLVED, that an interim use permit for the subject property is approved subject to the following conditions:

PROCEEDINGS OF THE DULUTH CITY COUNCIL FOR 2013

(a) The applicant must disclose to all guests in writing the location of the nearest legal access to the Lake Superior beach; and

(b) The applicant must disclose to all guests in writing that quiet hours shall be observed between the hours of 10:00 p.m. and 8:00 a.m.; and

(c) The applicant adhere to the terms and conditions listed in the interim use permit document and any modifications to the document that may be deemed necessary by the land use supervisor provided that no such administrative approval shall constitute a variance from the provisions of Chapter 50.

Resolution 13-0186 was unanimously adopted.

Approved April 22, 2013

DON NESS, Mayor

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BY COUNCILOR STAUBER:

WHEREAS, Tax Increment Finance District (TIF) #3 was decertified in 2007 and today has an uncommitted balance of \$2 million; and

WHEREAS, the city has worked diligently to spend excess and remaining TIF dollars from this district on economic development in the district but still has a balance of unused dollars that may need to be returned; and

WHEREAS, historic Frank Wade Stadium, home of the minor league baseball team the Duluth-Superior Huskies is in dire need of repairs and lies just outside of the district; and

WHEREAS, a large section of the stadium wall collapsed on March 18, 2013, and there is concern that more damage may follow; and

WHEREAS, full reconstruction of the stadium would employ approximately 30 full-time employees and three additional full-time employees following construction; and

WHEREAS, the city has unsuccessfully sought both bonding from the 2012 legislature and a grant from DEED for rehabilitation; and

WHEREAS, recent private and public fiscal improvements in the immediate area, such as Clyde Park, Heritage Hockey, Wheeler Field and many new businesses, are making the district more economically viable.

THEREFORE, BE IT RESOLVED, that the Duluth City Council hereby requests special legislation by the 2013 legislature of the state of Minnesota to allow for any remaining monies in Tax Increment Financing District (TIF) #3 of Duluth to be spent on the engineering and rehabilitation of Frank Wade Stadium.

FURTHER RESOLVED, that the proper city officials are hereby requested to begin promoting and lobbying as needed to garner legislative approval this session and that the city clerk's office distribute a copy of this request to all local legislators.

Resolution 13-0202 was unanimously adopted.

Approved April 22, 2013

DON NESS, Mayor

- - -

RESOLVED, that the proper city officials are hereby authorized and directed to execute an agreement between the city of Duluth and the Minnesota department of transportation (Mn/DOT), a copy of which is on file in the office of the city clerk as Public Document No. 13-0422-14, for grading, bituminous mill and overlay, and construction of Bridge No. 69X12 on TH23 from Polk Street to I-35, at an estimated cost of \$101,357.66. Of the city's costs for this project, \$41,405.79 is payable from Water Fund 510, Agency 500 (public works and utilities), Organization 1905 (capital), Object 5533 (capital improvements - revenue), \$20,227.03 from

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Sanitary Sewer Fund 530, Agency 500, Object 1905, Organization 5533, and \$39,724.84 from Street Lighting Fund 550, Agency 120 (public administration), Object 5533, S.P. 6910-82, City Project No. 1231.

Resolution 13-0161 was unanimously adopted.

Approved April 22, 2013

DON NESS, Mayor

- - -

RESOLVED, that city officials are hereby authorized to contract with ON2 Solutions for the purchase and delivery of 120 AEL (American Electric Lighting) ATB2 LED (light emitting diode) roadway luminaries in accordance with city-approved specifications and the vendor's quote of \$555 per unit, for a total amount of \$66,600 plus \$4,578.75 sales tax, for a combined total of \$71,178.75, terms net 30, FOB destination, payable from Street Lighting Utility Fund 550, Department/Agency 120 (public administration), Object 5580 (capital equipment).

Resolution 13-0177 was unanimously adopted.

Approved April 22, 2013

DON NESS, Mayor

- - -

RESOLVED, that the proper city officials are hereby authorized to enter into a contract with Northland Constructors of Duluth, LLC for construction of the Lakewalk East Extension Phase IV in the amount of \$524,345.37, payable from Capital Improvement Fund 450, Department 030 (finance), Object 5530 (improvements other than buildings), City Project No. 0687TR.

Resolution 13-0179 was unanimously adopted.

Approved April 22, 2013

DON NESS, Mayor

- - -

CITY PROPOSAL:

RESOLVED, that the proper city officials are hereby authorized to enter into a contract with Veit & Company, Inc., for construction of the West Duluth reservoir surge tank in the amount of \$498,925, payable from Water Fund 510, Department 500 (public works and utilities), Object 5533 (capital improvements - revenue), City Project No. 1199.

Resolution 13-0180 was unanimously adopted.

Approved April 22, 2013

DON NESS, Mayor

- - -

RESOLVED, that the proper city officials are hereby authorized to enter into a contract with Hovland, Inc., for the Cascade Park permanent flood repairs in the amount of \$74,570, payable from Disaster Recovery Fund 225, Department 125 (finance), Division 1803 (roads and bridges), Object 5403 (street repair and maintenance), City Project No. 1187.

Resolution 13-0182 was unanimously adopted.

Approved April 22, 2013

DON NESS, Mayor

- - -

RESOLVED, that the proper city officials are hereby authorized to award a contract to Hanco Utilities, Inc., for construction of high pressure gas mains and services and related work

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in various locations in the city of Duluth in the amount of \$647,621, payable from Gas Utility Fund 520, Department 500 (public works and utilities), Division 1905 (capital), Object 5533 (capital improvements - revenue), City Project No. 1208.

Resolution 13-0183 was unanimously adopted.

Approved April 22, 2013

DON NESS, Mayor

- - -

RESOLVED, that the proper city officials are hereby authorized to execute an agreement, substantially in the form of that on file in the office of the city clerk as Public Document No. 13-0422-15, with Minnesota Power for emergency repair services, payable from the fund of the department in which the service is needed.

Resolution 13-0189 was unanimously adopted.

Approved April 22, 2013

DON NESS, Mayor

- - -

RESOLVED, that the proper city officials are hereby authorized to enter into an agreement with the Western Lake Superior Sanitary District ("WLSSD"), a copy of which is on file in the office of the city clerk as Public Document No. 13-0422-16, for the transfer of ownership of and responsibility of certain sewer or wastewater lines or pipes and associated manholes and other appurtenances from the city to WLSSD and the transfer of ownership of and responsibility of certain sewer or wastewater lines or pipes and associated manholes and other appurtenances from WLSSD to the city to reflect present practices and the best allocation of responsibility between the parties for the subject facilities.

Resolution 13-0206 was unanimously adopted.

Approved April 22, 2013

DON NESS, Mayor

- - -

RESOLVED, that the city of Duluth has applied to the commissioner of transportation for a grant from the Minnesota state transportation fund for the rehabilitation of Bridge No. L6007 at Skyline Parkway over Stewart Creek, City Project No. 1016.

FURTHER RESOLVED, that the grant has been approved and increased by \$12,526.80 for a new total of \$85,669.80.

FURTHER RESOLVED, that the city of Duluth agrees to the terms and conditions of the grant consistent with Minnesota Statutes, Section 175.40, subdivision 5, clause (30), and will pay any additional amount by which the cost exceeds the estimate, and will return to the Minnesota state transportation fund any amount appropriated for the bridge but not required. The proper city officials are hereby authorized to execute a grant agreement concerning the above referenced grant. Grant monies received hereunder shall be deposited into Permanent Improvement Fund 411, Department/Agency 035 (capital projects accounts), Object 5530 (improvements other than buildings), City Project No. 1016, S.P. 118-060-010.

Resolution 13-0208 was unanimously adopted.

Approved April 22, 2013

DON NESS, Mayor

- - -

RESOLVED, that the proper city officials are hereby authorized to enter into an agreement with the Duluth airport authority providing for the lease of approximately 140 square feet of space on the second floor of the terminal, also referred to as Room Number 212, to be used by the police department as a sub-station in District 29; said agreement to be

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substantially in the form of Public Document No. 13-0422-17 on file in the office of the city clerk.

Resolution 13-0170 was unanimously adopted.

Approved April 22, 2013

DON NESS, Mayor

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RESOLVED, that the proper city officials are hereby authorized to enter into a first amendment to Agreement Number 21736 regarding FY 2012 justice assistance grant between St. Louis County sheriff's office and the city of Duluth, which grant is from the U.S. department of justice and to be used for state and local initiatives with the city of Duluth as the designated recipient and fiscal agent; said first amendment to be substantially in the form of that on file in the office of the city clerk as Public Document No. 13-0422-18, and reallocates \$7,000 in funding from St. Louis County to the Duluth police department for crime scene investigations equipment, funds to be deposited in Fund No. 215-200-2299-4209-02 (Duluth police grant programs, police, 2012 JAG grant, direct federal grants operating), and expenses to be paid from Fund No. 215-220-2299-5580 (Duluth police grant programs, police, 2012 JAG grant, capital equipment).

Resolution 13-0192 was unanimously adopted.

Approved April 22, 2013

DON NESS, Mayor

- - -

RESOLVED, that the proper city officials are authorized to accept \$47,002 from the Arrowhead Library System for use in 2013 by the Duluth public library to purchase library materials, said sum to be deposited in Fund No. 110-121-1218-4654-02 (general, public administration, library services).

Resolution 13-0162 was unanimously adopted.

Approved April 22, 2013

DON NESS, Mayor

- - -

RESOLVED, that the proper city officers are authorized to enter into a rental agreement with David Joseph Conley providing for the rental of the residential dwelling unit located within the upper level of the Chester Bowl Chalet, said agreement to be substantially in the form of Public Document No. 13-0422-19, on file in the office of the city clerk; monthly rental payments shall be deposited into Parks Fund 205, Community Resources 130, Parks Operating 1219, Rent for Buildings 4622.

Resolution 13-0190 was unanimously adopted.

Approved April 22, 2013

DON NESS, Mayor

- - -

RESOLVED, that the proper city officers are authorized to enter into a rental agreement with Donald Roderick Kuchenbecker providing for the rental of the residential dwelling unit located within the upper level of the Chester Bowl Chalet, said agreement to be substantially in the form of Public Document No. 13-0422-19, on file in the office of the city clerk; monthly rental payments shall be deposited into Parks Fund 205, Community Resources 130, Parks Operating 1219, Rent for Buildings 4622.

Resolution 13-0191 was unanimously adopted.

Approved April 22, 2013

DON NESS, Mayor

PROCEEDINGS OF THE DULUTH CITY COUNCIL FOR 2013

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The following resolutions were also considered:

RESOLVED, that the city treasurer is hereby authorized to accept, on behalf of the city, gifts in the amount of \$10,000 or less made to the city, except where the donor specifies the use of the gift for a particular project or activity and city funds are required as a match to complete the project or the activity.

FURTHER RESOLVED, that such gifts shall be deposited in appropriate accounts and used only in accordance with the expressed wishes of the donor.

FURTHER RESOLVED, that this resolution replaces Resolution 97-0594 relating to acceptance of gifts of \$5,000 or less.

FURTHER RESOLVED, that this resolution shall be in effect until December 31, 2016.

Resolution 13-0109 was unanimously adopted.

Approved April 22, 2013

DON NESS, Mayor

- - -

Resolution 13-0163, by Councilor Stauber, requesting the Un-Fair Campaign organization remove the city of Duluth as a listed sponsor on their web page and literature, was introduced.

Councilor Stauber stated that the organization had changed their web page so he wished to withdraw the resolution from the agenda.

Without any objections, President Boyle withdrew the resolution from the agenda.

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Resolution 13-0207, authorizing an agreement with Bench Strength Partners, Inc., for professional services in the negotiation of contracts for rental of space by communication carriers on designated communication and water tower infrastructure, to be provided at no cost to the city until a specific economic result is achieved, was introduced by Councilor Julsrud for discussion.

Councilor Stauber expressed concern that the company has only been in the business for two years and stated that it would be better to put a request for proposals (RFP) out on this issue instead of contracting with a company with so little experience.

Resolution 13-0207 was adopted as follows:

RESOLVED, that the proper city officials are hereby authorized to enter into an agreement with Bench Strength Partners, Inc., (BSP), substantially in the form of that on file in the office of the city clerk as Public Document No. 13-0422-20, for professional services in the negotiation of contracts for all carriers on the city's communication and water tower infrastructure to be provided at no cost to the city until BSP earns specific economic results in accordance with the "BSP Success-Based Fee Structure" specified in Exhibit B of the contract; said compensation payable from revenues deposited in Water Fund 510 and payable from Department/Agency 500 (public works and utilities), Division 1900 (public works director's office), Object 5441 (other services and charges).

Resolution 13-0207 was adopted upon the following vote:

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

Nays: Councilors Fosle and Stauber -- 2

Approved April 22, 2013

DON NESS, Mayor

PROCEEDINGS OF THE DULUTH CITY COUNCIL FOR 2013

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Resolution 13-0169, authorizing lease agreement with North Shore Sup, LLC, for operation of a seasonal business offering paddleboard rentals, guided tours and a variety of instructional classes at a city owned property located at 45th Street and Minnesota Avenue, was introduced by Councilor Larson for discussion.

The rules were suspended upon a unanimous vote to hear from speakers on the resolution.

Garrett Russell and Heather Holmes explained their intent is to introduce and grow the sport of paddleboards in Duluth and this business will focus on outdoor recreational opportunities for the citizens and tourists.

Resolution 13-0169 was adopted as follows:

RESOLVED, that the proper city officials are hereby authorized to enter into a lease agreement, substantially in the form of that agreement on file in the office of the city clerk as Public Document No. 13-0422-21, with North Shore SUP, LLC, for the lease and operation of a seasonal business offering paddleboard rentals, guided tours and a variety of instructional classes at a city owned property located at 45th Street and Minnesota Avenue. This is a one year agreement requiring written confirmation to continue the automatic renewal option of two additional years (ending August 31, 2015). All payments to the city will be deposited into 205 (parks fund), 130 (community resources), 1219 (parks operating), 4644 (miscellaneous fees, sales and services).

Resolution 13-0169 was unanimously adopted.

Approved April 22, 2013

DON NESS, Mayor

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INTRODUCTION AND CONSIDERATION OF ORDINANCES

The following entitled ordinances were read for the first time:

INTRODUCED BY COUNCILOR GARDNER

13-026 - AN ORDINANCE AMENDING SECTION 2-90 OF THE DULUTH CITY CODE, 1959, AS AMENDED, ADDING ONE ADDITIONAL MEMBER TO DULUTH DEFERRED COMPENSATION PLAN COMMISSION.

- - -

INTRODUCED BY COUNCILOR STAUBER

13-027 - AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF DULUTH TO PROVIDE FOR THE RECLASSIFICATION FROM MIXED USE-BUSINESS (MU-B) AND MIXED USE-NEIGHBORHOOD (MU-N) TO MIXED USE-COMMERCIAL (MU-C), FOR PROPERTIES LOCATED AT THE 2100 BLOCK OF LONDON ROAD (LONDON ACQUISITION, LLC).

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INTRODUCED BY COUNCILOR STAUBER

13-028 - AN ORDINANCE AMENDING CHAPTER 50 OF THE DULUTH CITY CODE, 1959, AS AMENDED, REGARDING SIGN REGULATIONS.

- - -

INTRODUCED BY COUNCILOR STAUBER

13-029 - AN ORDINANCE AMENDING CHAPTER 50 OF THE DULUTH CITY CODE, 1959, AS AMENDED, REGARDING DIMENSIONAL STANDARDS, PERMITTED AND SPECIAL

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USES, USE SPECIFIC STANDARDS, THE HISTORIC PRESERVATION COMMISSION AND DEFINITIONS.

- - -

BY COUNCILOR LARSON

13-030 - AN ORDINANCE AMENDING CHAPTER 27 OF THE DULUTH CITY CODE, 1959, AS AMENDED, ADDING A NEW ARTICLE RELATED TO MOBILE FOOD CARTS AND VEHICLES.

- - -

The following entitled ordinance was read for the second time:

BY COUNCILOR GARDNER

13-025 (10220) - AN ORDINANCE AMENDING CHAPTER 2, ARTICLE XIX, OF THE DULUTH CITY CODE, 1959, AS AMENDED, REGARDING THE DULUTH PUBLIC ARTS COMMISSION.

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

- - -

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

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

- - -

ORDINANCE NO. 10220

BY COUNCILOR GARDNER:

AN ORDINANCE AMENDING CHAPTER 2, ARTICLE XIX, OF THE DULUTH CITY CODE, 1959, AS AMENDED, REGARDING THE DULUTH PUBLIC ARTS COMMISSION.

The city of Duluth does ordain:

Section 1. That Chapter 2, Article XIX, of the Duluth City Code, 1959, as amended, is hereby amended as follows:

Sec. 2-104. Statement of purpose.

It is the purpose of this ordinance *[Article]* to promote the public welfare and to serve the public interest, convenience and necessity through the promotion of the arts in the city of Duluth, particularly by fostering public arts events in the city and establishing physical works of art in public places throughout the city; the city council of the city of Duluth further finds that the promotion of public art can help to build the economy of the city through promotion of tourism and can improve the lives of its citizens through the humanization and individualization of public spaces and structures, while preserving historic sites which contribute to the unique character of the city; in furtherance of these goals, said council finds the need to form a public arts commission to advocate for, promote and participate in the selection and interpretation of public artwork and public arts events in the city of Duluth.

Sec. 2-105. Definitions.

For the purposes of this ordinance *[Article]*, the following words and phrases shall have the meanings hereinafter ascribed to them:

(a) Commission. The Duluth public arts commission;

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(b) Commissioner or commissioners. The person or those persons serving as members of the commission as appointed pursuant to Section 2-107 hereof;

(c) Council or city council. The city council of the city of Duluth.
Sec. 2-106. Commission created.

For the purposes herein provided, there shall be created in and for the city of Duluth a Duluth public arts commission.

Sec. 2-107. Commissioners.

(a) The membership of the commission shall consist of nine commissioners who shall be appointed to the membership of said commission and who shall perform their duties as herein after set forth in this ordinance *[Article]*;

(b) Commissioners shall serve without compensation. Terms of commissioners shall be for three years and all terms shall expire on March 31 of the appropriate year or until their respective successors are appointed and qualified. When a vacancy occurs in said commission, by means of resignation, death, removal from the city or removal for failure or neglect to perform the duties of a commissioner, such vacancy shall be filled for the unexpired term;

(c) All appointments and removals of commissioners shall be made by the mayor, with the approval of the city council evidenced by resolution;

(d) Within 20 days after all of the commissioners have been appointed, the commission shall meet and organize and adopt, and thereafter may amend, such rules and regulations for the conduct of the commission as the commission shall deem to be in the public interest and most likely to advance, enhance, foster and promote the purposes of this ordinance *[Article]*. At such meeting and at all subsequent meetings of the commission, 50 percent or more of the commissioners then holding office shall constitute a quorum for the transaction of business;

(e) The commissioners shall elect from among their membership a president and vice president and shall also elect a secretary who, may or may not be a member of said commission. No two of such offices shall be held by one commissioner. The officers shall have their duties and powers usually attendant upon such offices and such other duties and powers not inconsistent therewith as may be provided by the commission.

Sec. 2-108. Staff support; consultants.

(a) Staff support shall, whenever practical, be provided by such city staff personnel as may be directed by the chief administrative officer;

(b) In the event that certain services, such as consulting services, are desirable to promote and foster public art, the commission may request that the city hire consultants to provide such services and may recommend that a particular person or firm be hired to provide such services.

Sec. 2-109. Commission authority.

In furtherance of the purposes set forth in Section 2-104, the commission shall have the following authority:

(a) To establish such internal rules and regulations as the commission shall deem advantageous for its internal operations;

(b) To foster the development of the arts in the city of Duluth;

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- (c) To advise city administration and the city council with respect to arts-related matters;
- (d) To stimulate participation in and appreciation of the arts by city residents;
- (e) To act as an advocate for the arts before private and public agencies;
- (f) To assist the city in the establishment and maintenance of a municipal arts plan for the city as set forth in Section 2-110 below;
- (g) To determine methods of selection of artists and works of art;
- (h) To evaluate and recommend artists eligible for funding by the city;
- (i) To evaluate and recommend works of art for approved locations for funding by the city;
- (j) To recommend for funding artists and locations for the performing arts;
- (k) To establish criteria for the selection of consultants on the arts;
- (l) To assist the city in raising funds from public and private sources for the funding of arts projects in the city;
- (m) To report to the council at least annually on the activities of the commission and the projects that it has recommended.

Sec. 2-110. Municipal arts plan.

The commission will work with the city to develop and promulgate a municipal arts plan for the entire city. Thereafter, this plan shall be periodically updated. The plan will list long term objectives of the commission in carrying out its purpose as stated above; establish criteria for the selection of artists and works of art; create a list of potential locations throughout the city for the placement of works of art; develop a list of priorities for the funding of various art projects throughout the city; identify the existing inventory of public art work in the city; establish a collection policy; and create guidelines for public accessibility and safety.

Section 2. That this ordinance shall take effect 30 days after its passage and publication. (Effective date: May 24, 2013)

Councilor Gardner 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 April 22, 2013
Approved April 22, 2013
DON NESS, Mayor

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