

# PROCEEDINGS OF THE DULUTH CITY COUNCIL FOR 2012

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## OFFICIAL PROCEEDINGS

Duluth City Council meeting held on Monday, January 30, 2012, 7:00 p.m. in the Council Chamber, City Hall, Duluth, Minnesota.

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

Absent: President Hartman -- 1

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

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The minutes of council meetings held on October 24 and November 14, 2011, were approved upon a unanimous vote.

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## PRESENTATION OF PETITIONS AND OTHER COMMUNICATIONS

12-0130-01 Minnesota state auditor Duluth/North Shore Sanitary District audit report for the year ended December 31, 2010. -- Received

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## REPORTS FROM OTHER OFFICERS

12-0130-02 Clerk applications for exempt permits (raffles) to the Minnesota gambling control board from: (a) Animal Allies Humane Society on April 18, 2012; (b) Lincoln Park Business Group on June 16, 2012; (c) Minnesota Bluegrass and Old Time Music Association on March 24, 2012; (d) Pheasants Forever on April 27, 2012; (e) St. John's School on March 31, 2012; (f) St. Mary Star of the Sea Church (bingo also) on: (1) March 25; (2) November 18, 2012; (g) United Northern Sportsmen Club. -- Received

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## REPORTS OF BOARDS AND COMMISSIONS

12-0130-12 Alcohol, gambling and tobacco commission minutes of: (a) September 7; (b) October 5; (c) November 2, 2011, meetings. -- Received

12-0130-03 Charter commission minutes of October 12, 2011, meeting. -- Received

12-0130-04 Duluth transit authority: (a) Minutes of November 30, 2011, meeting; (b) November 2011 income statement. -- Received

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## OPPORTUNITY FOR CITIZENS TO BE HEARD

Jerry Schlafer spoke of his concerns about the proposed high speed passenger rail train noting: the amount of subsidy that Amtrak is receiving; that all rail systems in the world require subsidies; this train will not pay for itself; with no federal and state funding, where will the funds come from and the proponents attitude is that they have to force individuals to ride on the trains.

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Loren Martell felt that a Duluth School District No. 709's prior superintendant left a divided city and a broke school district, where there was a great deal of spin and misinformation and that the reserve fund is being depleted.

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Kim Crawford, executive director of Life House Duluth thanked the city, mayor and

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councilors for their assistance this past year and reviewed their programs and the amount of youth that have been served.

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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.)*

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

RESOLVED, that Resolution 11-0632 adopting license, permit and fee charges for 2012 be amended by amending the golf fees listed below, pursuant to Section 35-15 of the Duluth City Code, effective immediately.

<b>Parks and Recreation</b>			
<b>Fee Name</b>		<b>Previous 2012 Fee</b>	<b>New 2012 Fee</b>
Golf - tax not included			
	Season Pass		
	Adult individual unlimited	\$650.00	\$660.00
	Family unlimited	\$1,040.00	\$1,050.00
	Senior family dual (ages 62+)	\$800.00	\$840.00
	Senior unlimited (ages 62+)	\$450.00	\$470.00

RESOLVED FURTHER, that the following fees are hereby eliminated:

<b>Eliminated Fee</b>		
<b>Dept./Div.</b>	<b>Fee Name</b>	<b>Current Fee</b>
Parks	Golf - Golf Cart	
	Season restricted 5 day	\$550.00
	Season unlimited	\$750.00

Resolution 12-0027 was unanimously adopted.  
 Approved January 30, 2012  
 DON NESS, Mayor

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RESOLVED, that the proper city officials are hereby authorized to execute a renewal of the terms and conditions for banking services in year 2012 as listed in Agreement 21491 with M&I Marshall & Ilsley Bank for an estimated amount of \$86,000, payable as follows:

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(a) \$22,360 from Water Fund 510, Department/Agency 500 (public works and utilities), Division 1940 (customer services), Cost Center 2400 (customer accounts), Object 5310 (contract services);

(b) \$33,540 from Gas Fund 520, Department/Agency 500 (public works and utilities), Division 1940 (customer services), Cost Center 2400 (customer accounts), Object 5310 (contract services);

(c) \$19,780 from Sewer Fund 530, Department/Agency 500 (public works and utilities), Division 1940 (customer services), Cost Center 2400 (customer accounts), Object 5310 (contract services);

(d) \$10,320 from Stormwater Fund 535, Department/Agency 500 (public works and utilities), Division 1940 (customer services), Cost Center 2400 (customer accounts), Object 5310 (contract services).

Resolution 12-0033 was unanimously adopted.

Approved January 30, 2012

DON NESS, Mayor

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RESOLVED, that the following penalties are hereby set for violation of the provisions of Section 48-227 of the Duluth City Code, 1959, as amended regarding damage to underground utilities, pursuant to Section 31-8 of the Code:

<b>Public Works and Utilities</b>	
<b>Fee Name</b>	<b>New 2012 Fee</b>
Damage to underground utilities	
Violation of Duluth City Code Section 48-227	
First violation within any 12 month period	\$00.00
Second violation within any 12 month period	\$750.00
Third violation within any 12 month period	\$1,500.00
Fourth and subsequent violation within any 12 month period	\$3,000.00

Resolution 12-0044 was unanimously adopted.

Approved January 30, 2012

DON NESS, Mayor

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RESOLVED, that the proper city officials from the management information services division are hereby authorized to contract with All Computer Services for proprietary consulting services (\$70,000), as well as hardware maintenance support (\$26,512.44) for mainframe operations during year 2012 for a total combined amount of \$96,512.44, payable as follows:

(a) \$70,000 from General Fund 110, Department/Agency 117 (management information services), Division 1107 (MIS), Object 5319 (other professional services);

(b) 26,512.44 from General Fund 110, Department/Agency 117 (management information services), Division 1107 (MIS), Object 5404 (equipment/machinery repair and

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maintenance).

Resolution 12-0048 was unanimously adopted.

Approved January 30, 2012

DON NESS, Mayor

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RESOLVED, that city officials are hereby authorized to implement a one-year extension of the city's annual contract with Liscomb Hood Mason Company for property insurance from February 16, 2012, through February 16, 2013, covering 51 city-owned structures, miscellaneous equipment and business personal property in accordance with its quote of \$91,260, terms due upon receipt, payable from Fund 610 - self insurance liabilities fund.

Resolution 12-0049 was unanimously adopted.

Approved January 30, 2012

DON NESS, Mayor

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RESOLVED, that the proper city officials are hereby authorized to execute the third addendum to the administrative services agreement with RTW, Inc., substantially in the form of that on file in the office of the city clerk as Public Document No. 12-0130-05, together with supporting documents, for third-party administration of the city's self-funded workers' compensation program effective February 1, 2012, through February 1, 2013, in the amount of \$52,000; payable from Fund 605, Agency 036, Organization 1651, Object 5441 (self-insurance-workers' comp, insurance accounts, insurance - general city).

Resolution 12-0061 was unanimously adopted.

Approved January 30, 2012

DON NESS, Mayor

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RESOLVED, that the proper city officials are hereby authorized to execute a contamination cleanup program grant agreement, substantially in the form of that on file in the office of the city clerk as Public Document No. 12-0130-06, with the state of Minnesota acting through the department of employment and economic development (DEED) in the amount of \$357,811 payable into Fund 255 (economic development), Agency 020 (planning), Object 4220-02 (state of Minnesota operating), related to the Rohlifing of Duluth project.

FURTHER RESOLVED, that the proper city officials are hereby authorized to execute a sub-recipient funding agreement, substantially in the form of that on file in the office of the city clerk as Public Document No. 12-0130-06, with Rohlifing of Duluth, Inc. (Rohlifing), in the amount of \$357,811, payable from Fund 255 (economic development), Agency 020 (planning), Object 5458 (payment to developer).

Resolution 12-0038 was unanimously adopted.

Approved January 30, 2012

DON NESS, Mayor

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RESOLVED, that the proper city officials are hereby authorized to amend and execute joint powers Agreement No. 20604 with the Duluth entertainment and convention center authority for the operation of the Minnesota Slip pedestrian draw bridge for year 2011 for a total amount not to exceed \$35,628.69, terms net 30, payable from General Fund 110, Department/Agency 500 (public works and utilities), Division 1930 (engineering), Cost Center 2310 (moveable bridges),

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Object 5455 (pedestrian bridge operations).

Resolution 12-0037 was unanimously adopted.

Approved January 30, 2012

DON NESS, Mayor

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RESOLVED, that the city of Duluth (city) act as the legal sponsor for the safety, shoulder and rehabilitation improvements to North Shore Scenic Drive as contained in the grant program application to be submitted prior to February 3, 2012, and that the mayor and clerk are hereby authorized to apply to the Minnesota department of transportation for a grant from the local road improvement program in the amount of \$500,000 for funding of this project.

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

FURTHER RESOLVED, that the city hereby commits to provide no less than 100 percent of the project cost contribution in excess of any grant provided by the local road improvement program.

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

FURTHER RESOLVED, that upon approval of its application by the state, the mayor and clerk may enter into a grant agreement with the state of Minnesota for the above referenced project and receive said grant payable into Permanent Improvement Fund 411, Department 035 (capital project accounts), Object 4220-01 (state of Minnesota capital), and that the city certified that it will comply with all applicable laws and regulations.

FURTHER RESOLVED, that the mayor and clerk are authorized to execute such documents as are necessary to implement the project on behalf of the city.

Resolution 12-0040 was unanimously adopted.

Approved January 30, 2012

DON NESS, Mayor

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RESOLVED, that the proper city officials are hereby authorized to enter into the third amendment to city Contract No. 21070, substantially in the form of that on file in the office of the city clerk as Public Document No. 12-0130-07, with Infor Global Solutions (Michigan), Inc., to extend the term of the agreement to December 31, 2014, increasing the amount of the contract by the amount not to exceed \$130,000, payable as follows:

(a) \$32,500 from Water Fund 510, 500 (public works and utilities), 1915 (utility general expense), 5201 (computer supplies/software);

(b) \$32,500 from Gas Fund 520, 500 (public works and utilities), 1915 (utility general expense), 5201 (computer supplies/software);

(c) \$32,500 from Sewer Fund 530, 500 (public works and utilities), 1915 (utility general expense), 5201 (computer supplies/software);

(d) \$32,500 from Stormwater Fund 535, 500 (public works and utilities), 1915 (utility general expense), 5201 (computer supplies/software).

Resolution 12-0043 was unanimously adopted.

Approved January 30, 2012

DON NESS, Mayor

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RESOLVED, city officials are hereby authorized to make quarterly payments to St. Louis County for shared access to software and services associated with NEMESIS (Northeastern Minnesota Enforcement Safety Information System) including Shield UF, eMerts Suite, Records Management Service (RMS), MDC Paasthru CJDN-Nemesis, and Port Fee connection, during year 2012, for a total annual amount of \$109,407.40, terms net 30, payable from General Fund 110, Department/Agency 160 (police), Division 1610 (administration and investigation), Object 5404 (equipment/machinery repair and miscellaneous).

Resolution 12-0011 was unanimously adopted.

Approved January 30, 2012

DON NESS, Mayor

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

In front of 1825 West First Street;

In front of 116 West Fifth Street.

Resolution 12-0035 was unanimously adopted.

Approved January 30, 2012

DON NESS, Mayor

- - -

The following resolutions were also considered:

Resolution 12-0058, approving proposed specifications for the civil service classification of volunteer coordinator and specifying contract benefits for same, was introduced by Vice President Boyle for discussion.

Councilor Fosle expressed his concerns that he felt the citizens of Duluth did not realize that the city was going to increase the number of positions with the recently approved referendum, but were going take care of library hours and parks.

Councilors Gardner and Larson spoke of the need for this position to effectively use the services of volunteers.

Mayor Ness reviewed the budget of the parks division and noted that it is comprised of full time and temporary employee positions that are funded.

Resolution 12-0058 was adopted as follows:

RESOLVED, that the proposed specifications for the new civil service classification of volunteer coordinator, which were approved by the civil service board on January 3, 2012, and which are filed with the city clerk as Public Document No. 12-0130-08, are approved; that said classification shall be subject to the city's collective bargaining agreement with its basic unit employees; and that pay range for said classification shall be Range 131. The proper city officials are authorized to execute and implement an agreement with the union to provide for employing one or more unit members consistent with this resolution.

Resolution 12-0058 was adopted upon the following vote:

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

Nays: Councilors Fosle and Stauber -- 2

Absent: President Hartman -- 1

Approved January 30, 2012

DON NESS, Mayor

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Resolution 12-0060, appointing members to the Duluth parking commission, was introduced by Vice President Boyle.

Vice President Boyle moved to table the resolution, which motion was seconded and unanimously carried.

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RESOLVED, that the proper city officials are hereby authorized to execute an agreement with the Duluth economic development authority (DEDA), substantially in the form of that on file in the office of the city clerk as Public Document No. 12-0130-09, pursuant to which certain DEDA property will be insured under the city's property and boiler insurance policies for the period from February 16, 2012, to February 16, 2013, and for which DEDA shall reimburse the city in an amount not to exceed \$15,254, to be deposited in Fund 610 (self insurance liabilities fund), Agency 036 (insurance accounts), Organization 1656 (insurance DEDA), Object 4904 (liability insurance charges).

Resolution 12-0039 was unanimously adopted.

Approved January 30, 2012

DON NESS, Mayor

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RESOLVED, that the proper city officials are hereby authorized to execute a three-year license agreement, substantially in the form of that on file in the office of the city clerk as Public Document No. 12-0130-10, with the Duluth economic development authority (DEDA), to allow the city to operate DEDA Lots B, C and D in Bayfront for vehicular parking and to allow the city use of DEDA-owned property adjacent to Lot B for Bayfront Festival Park-related purposes, the annual license fee for 2013 and 2014 in the amount of \$62,000 and the annual license fee for 2012 in the amount of the difference between \$62,000 and the sum DEDA receives under its agreement with Bentleyville Tour of Lights, Inc. ("Bentleyville"), all payable from Fund 505 (parking fund), Agency 015 (administrative services), Organization 1481 (meters and municipal lots), Object 5447 (payments to other government agencies), with any amounts to be paid by DEDA to the city relating to amounts over \$62,000 paid to DEDA by Bentleyville 2012 for the event, payable into Fund 505 (parking fund), Agency 015 (administrative services), Organization 1481 (meters and municipal lots), Object 4654 (other reimbursements).

Resolution 12-0047 was unanimously adopted.

Approved January 30, 2012

DON NESS, Mayor

- - -

RESOLVED, that the St. Louis County board desires to turn back a portion of CSAH 1, a portion of which that road hereinafter described should be designated a municipal state aid highway under the provisions of Minnesota law.

FURTHER RESOLVED, by the city of Duluth, that the road described as follows, to wit:

Cirrus Drive from Airport Road to the Duluth city limits, approximately .06 miles be, and here is established, located and designated a municipal state aid highway of said city, subject to the approval of the commissioner of transportation of the state of Minnesota.

FURTHER RESOLVED, that the city clerk is hereby authorized and directed to forward two certified copies of this resolution to the commissioner of transportation for his consideration, and that upon his approval the designation of said road or portion thereof, that same be constructed, improved and maintained as a municipal state aid highway of the city of Duluth, to be numbered

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and known as Municipal State Aid Highway 199.

Resolution 12-0034 was unanimously adopted.

Approved January 30, 2012

DON NESS, Mayor

- - -

Resolution 12-0045, authorizing the acceptance of a grant in the amount of \$250,000 for the Duluth Traverse Trail Phase I project, was introduced by Councilor Larson for discussion.

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

Jim Shoberg, membership coordinator with Cyclists of Gitchee Gumees Shores (COGGS), reviewed the history of their organization and the role that the organization would serve on the trails.

Resolution 12-0045 was adopted as follows:

WHEREAS, the city of Duluth has been awarded a grant from the Minnesota department of natural resources for the legacy trail grant program. The Duluth Traverse Trail Phase I project will construct approximately 15 miles of single track trails in the Duluth Traverse Trail system throughout the city of Duluth; and

WHEREAS, the city of Duluth recognizes the ten percent match requirement for the project cost for the legacy trail grant program and has secured matching funds.

RESOLVED, that the city of Duluth agrees to accept the grant award and 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 as 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

FURTHER RESOLVED, that the city of Duluth hereby assures that the Duluth Traverse Trail will be maintained for a period of no less than 20 years.

Resolution 12-0045 was unanimously adopted.

Approved January 30, 2012

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 KRUG

12-007 - AN ORDINANCE TO AMEND THE BUDGET OF THE CITY OF DULUTH FOR THE YEAR 2012; ADDING THE PARKS FUND CREATED THROUGH THE APPROVAL OF DULUTH VOTERS ON A REFERENDUM BALLOT IN NOVEMBER OF 2011.

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INTRODUCED BY COUNCILOR STAUBER

12-005 - AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF DULUTH

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AS REFERENCED IN CHAPTER 50 OF THE DULUTH CITY CODE, 1959, AS AMENDED, TO PROVIDE FOR THE RECLASSIFICATION FROM R-2, URBAN-RESIDENTIAL, TO MU-N, MIXED USE-NEIGHBORHOOD, ON THE PROPERTY LOCATED AT 1400 WOODLAND AVENUE (ST. LUKE'S).

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INTRODUCED BY COUNCILOR STAUBER

12-006 - AN ORDINANCE GRANTING TO DANIEL NEFF A CONCURRENT USE PERMIT FOR THE INSTALLATION OF THE EXTERIOR STORAGE OF PROPANE TANKS IN A LOCKABLE METAL STORAGE CONTAINER TO PROJECT INTO THE MICHIGAN STREET RIGHT-OF-WAY.

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The following entitled ordinances were read for the second time:

INTRODUCED BY COUNCILOR KRUG

12-001 (10132) - AN ORDINANCE AUTHORIZING ESTABLISHMENT OF FEES AND FINES BY RESOLUTION, AMENDING SECTIONS 31-1 AND 31-6 AND ADDING A NEW SECTION 31-8 OF THE DULUTH CITY CODE, 1959, AS AMENDED.

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

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INTRODUCED BY COUNCILOR STAUBER

12-003 (10133) - AN ORDINANCE AUTHORIZING THE GRANT OF AN EASEMENT ALONG WITH THE DULUTH AIRPORT AUTHORITY, AS GRANTORS, IN FAVOR OF MINNESOTA POWER (LEGALLY INCORPORATED AS ALLETE) FOR UNDERGROUND ELECTRICAL UTILITY PURPOSES.

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

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The meeting was adjourned at 7:56 p.m.

JEFFREY J. COX, City Clerk

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**ORDINANCE NO. 10132**

AN ORDINANCE AUTHORIZING ESTABLISHMENT OF FEES AND FINES BY RESOLUTION, AMENDING SECTIONS 31-1 AND 31-6 AND ADDING A NEW SECTION 31-8 OF THE DULUTH CITY CODE, 1959, AS AMENDED.

The city of Duluth does ordain:

Section 1. That Section 31-1 of the Duluth City Code, 1959, as amended, is hereby amended to read as follows:

Sec. 31-1. Applicability of chapter.

(a) All licenses and permits required by the provisions of this Code and all fees, fines and penalties authorized by the provisions of this Code except where otherwise specifically set out in this Code, shall be issued in accordance with the provisions of this Chapter;

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(b) This Chapter shall be deemed to be administrative in effect and shall not be construed to increase, decrease or modify any power of the city found in any other Chapter of this Code with respect to the issuance, suspension or revocation of licenses and permits.

Section 2. That Section 31-6 of the Duluth City Code, 1959, as amended, is hereby amended to read as follows:

Sec. 31-6. Fees for issuance of license.

(a) The fees for all licenses and permits issued pursuant to this Code shall be set by city council resolution and shall be based on the city's cost of regulating the activity for which the license or permit is issued. At least annually, on or before December 20, the city council shall consider the adjustment of all license fees to reflect changes in administrative and enforcement costs in accordance with appropriate economic indicators as determined by the city council. Changed fees shall be calculated by changing the existing fee in the same proportion as the proportional change in the implicit price deflator for gross domestic product, government consumption expenditures and gross investment, state and local, during the 12 months prior to August 1 of the previous year. The implicit price deflators for gross domestic product, government expenditures, state and local, is produced and published by the U.S. department of commerce, bureau of economic analysis, or its successor. The following are excepted from the application of the implicit price deflator:

- (1) A rate increase that would amount to less than \$1;
- (2) Fees that are tied to another index, such as uniform building codes, a state index or federal law;
- (3) Fees for events, attractions or recreation opportunities (for example, golf rates are adjusted annually based on business goals, rates of surrounding courses or other factors. Additionally, these rates are reviewed and approved by boards and commissions before they go to the city council);
- (4) Fees and charges associated with the public utilities;
- (5) Any other fee that the council elects to determine by a different method.

The fee amount for the excepted fees shall be determined by the council by ordinance or resolution as provided for.

The city clerk shall maintain copies of a schedule of current city license fees for distribution to the general public and shall, if feasible, maintain a schedule of city license fees on the internet for public inspection;

(b) If the license is not issued for any reason, the clerk shall refund license fees collected except the police investigation fee authorized in Subsection (c) below;

(c) The police department shall charge a fee, which shall be set in accordance with Section 31-6(a) of this Code, for performing a background investigation of any applicant for a license authorized by this Code or a state statute, except where such a fee is prohibited by law. The fee may be collected by either the police department or the city clerk.

Section 3. That Chapter 31 of the Duluth City Code, 1959, as amended, is hereby amended by the addition of a new Section 31-8 which reads as follows:

Sec. 31-8. Other fees, fines and penalties.

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(a) The amount of all other fees and of all fines and penalties authorized under the Charter or this Code, except as otherwise specifically provided for, shall also be set by city council resolution. At least annually, on or before December 20, the city council shall consider the adjustment of all such fees, fines and penalties to reflect changes in the city's administrative and enforcement costs in accordance with appropriate economic indicators and to promote compliance with the requirements of the Code, all as deemed most appropriate by the city council. Unless other changes to any fees, fines or penalties are determined by the council to be appropriate to a specific fee, fine or penalty amount, changes to such fees, fines and penalties shall be calculated by changing the existing fee, fine or penalty in the same proportion as the proportional change in the implicit price deflator as described in Section 31-6 above. The following are excepted from the application of the implicit price deflator:

- (1) A rate increase that would amount to less than \$1;
- (2) Fees that are tied to another state index or federal law;
- (3) Fees and charges associated with the public utilities;
- (4) Any other fee, fine or penalty that the council elects to determine by a different method;

(b) The fee amount for the excepted fees, fine and penalties shall be determined by the council by ordinance or resolution as provided for;

(c) The city clerk shall maintain copies of a schedule of current city fees, fines and penalties for distribution to the general public and shall, if feasible, maintain a schedule of such fees, fines and penalties on the internet for public inspection.

Section 4. This ordinance shall take effect 30 days from and after its passage and publication. (Effective date: March 1, 2012)

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

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

Nays: None -- 0

Absent: President Hartman -- 1

Passed January 30, 2012  
Approved January 30, 2012  
DON NESS, Mayor

ATTEST:  
JEFFREY J. COX, City Clerk

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**ORDINANCE NO. 10133**

AN ORDINANCE AUTHORIZING THE GRANT OF AN EASEMENT ALONG WITH THE DULUTH AIRPORT AUTHORITY, AS GRANTORS, IN FAVOR OF MINNESOTA POWER (LEGALLY INCORPORATED AS ALLETE) FOR UNDERGROUND ELECTRICAL UTILITY PURPOSES.

The city of Duluth does ordain:

Section 1. That the proper city officials are hereby authorized to grant, along with the Duluth Airport Authority, as grantors, an easement substantially in the form of that on file in the

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office of the city clerk as Public Document No. 12-0130-11, across, under or through the following described property in St. Louis County, Minnesota, for underground electrical utility purposes, the grant of said easement being subject to receipt of a release of easement substantially in the form of that on file in the office of the city clerk as Public Document No. 12-0130-11:

A 10.00 foot easement across, under or through part of Section 1, Township 50 North, Range 15 West of the Fourth Principal Meridian, St. Louis County, Minnesota. The centerline of said easement is described as follows:

commencing at the southeast corner of said Section 1; thence north 00 degrees 49 minutes 10 seconds west, bearing based on Minnesota North State Plane, along the east line of said Section 1, a distance of 772.10 feet; thence south 89 degrees 10 minutes 50 seconds west, at a right angle, a distance of 33.00 feet to the intersection with the west right-of-way line of County Road No.966, said intersection being the beginning of the centerline to be described; thence north 31 degrees 46 minutes 39 seconds west a distance of 46.90 feet; thence north 01 degrees 11 minutes 45 seconds east a distance of 53.60 feet; thence north 65 degrees 44 minutes 12 seconds east a distance of 24.20 feet to the intersection with the west right-of-way line of said County Road No. 966, and said centerline there terminating.

Together with a 10.00 foot easement for utility purposes across, under or through the above described property. The centerline of said easement is described as follows:

commencing at the terminus of the above described line; thence north 00 degrees 49 minutes 10 seconds west along the west right-of-way line of said County Road No. 966 a distance of 1121.02 feet to the point of beginning of the centerline to be described hereon; thence north 05 degrees 30 minutes 32 seconds west a distance of 60.66 feet; thence north 70 degrees 59 minutes 09 seconds west a distance of 21.49 feet; thence south 87 degrees 43 minutes 44 seconds west a distance of 50.97 feet; thence north 82 degrees 20 minutes 46 seconds west a distance of 188.80 feet; thence south 85 degrees 30 minutes 31 seconds west a distance of 247.71 feet; thence north 57 degrees 35 minutes 09 seconds west a distance of 149.81 feet; thence north 85 degrees 27 minutes 51 seconds west a distance of 303.59 feet; thence north 74 degrees 23 minutes 55 seconds west a distance of 113.03 feet; thence north 77 degrees 51 minutes 01 seconds west a distance of 328.66 feet; thence north 64 degrees 29 minutes 25 seconds west a distance of 405.54 feet; thence north 58 degrees 24 minutes 57 seconds west a distance of 171.89 feet; thence north 53 degrees 59 minutes 51 seconds west a distance of 200.69 feet; thence north 80 degrees 53 minutes 55 seconds west a distance of 468.59 feet; thence north 78 degrees 08 minutes 36 seconds west a distance of 276.13 feet; thence north 87 degrees 35 minutes 10 seconds west a distance of 356.70 feet; thence north 89 degrees 45 minutes 26 seconds west a distance of 131.17 feet; thence north 84 degrees 34 minutes 46 seconds west a distance of 212.13 feet; thence north 20 degrees 25 minutes 52 seconds west a distance of 210.64 feet; thence south 70 degrees 59 minutes 27 seconds west a distance of 333.80 feet; thence north 26 degrees 26 minutes 23 seconds west a distance of 71.77 feet; thence south 61 degrees 32 minutes 04 seconds west a distance of 117.30 feet; thence north 87 degrees 09 minutes 57 seconds west a distance of 38.81 feet; thence north 68 degrees 18 minutes 03 seconds west 19.44 feet; thence north 26 degrees 44 minutes 54 seconds west a distance of 43.91 feet; thence north 79 degrees 50 minutes 39 seconds east a distance of 18.55 feet; thence north 01 degrees 49 minutes 08 seconds west a distance of 33.19 feet; thence north 21 degrees 13 minutes 59 seconds west a distance of 211.72 feet; thence North 18 degrees 43 minutes 32 seconds west a distance of 288.13 feet; thence north 20 degrees 58 minutes 03 seconds west a distance of 32.35 feet; thence northerly a distance of 214.00 feet, along a tangential curve concave to the east, having a radius of 186.00 feet and a central angle of 65

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degrees 55 minutes 20 seconds; thence north 44 degrees 57 minutes 17 seconds east a distance of 161.49 feet; thence northeasterly a distance of 234.63 feet, along a tangential curve concave to the northwest, having a radius of 993.79 feet and a central angle of 13 degrees 31 minutes 39 seconds; thence north 31 degrees 25 minutes 37 seconds east a distance of 277.07 feet; thence north 18 degrees 16 minutes 37 seconds east a distance of 51.70 feet; thence north 70 degrees 50 minutes 55 seconds east a distance of 54.95 feet; thence south 39 degrees 01 minutes 35 seconds east a distance of 6.01 feet; thence north 32 degrees 16 minutes 19 seconds east a distance of 79.87 feet; thence north 48 degrees 52 minutes 56 seconds east a distance of 102.00 feet; thence south 89 degrees 25 minutes 21 seconds east a distance of 69.44 feet; thence north 74 degrees 57 minutes 18 seconds east a distance of 31.02 feet; thence north 85 degrees 23 minutes 16 seconds east a distance of 81.68 feet; thence north 71 degrees 05 minutes 13 seconds east a distance of 225.43 feet; thence south 22 degrees 07 minutes 08 seconds east a distance of 271.99 feet, and said centerline there terminating.

Section 2. That this ordinance shall take effect 30 days after its passage and publication.

(Effective date: March 1, 2012)

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

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

Nays: None -- 0

Absent: President Hartman -- 1

ATTEST:  
JEFFREY J. COX, City Clerk

Passed January 30, 2012  
Approved January 30, 2012  
DON NESS, Mayor

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