

# PROCEEDINGS OF THE DULUTH CITY COUNCIL FOR 2013

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## OFFICIAL PROCEEDINGS

Special meeting of the Duluth City Council held on Monday, September 23, 2013, 7:00 p.m. in the Council Chamber, City Hall, Duluth, Minnesota.

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

Absent: Councilor Krug -- 1

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## MOTIONS AND RESOLUTIONS

Resolution 13-0491, by Councilor Gardner, appointing \_\_\_\_\_ to fill the prospective vacancy of the fourth district city council seat, was introduced for discussion.

Councilors Stauber and Fosle expressed concerns on the process of: that there should have been a public hearing for citizens to comment on who they preferred; that this should be not be done by resolution because it allows the decision to be vetoed by the mayor or reconsidered at the next meeting and that this appointment term should last only to the next municipal general election.

Councilor Gardner reviewed the history of how this process was used in the past.

City Attorney Gunnar Johnson reviewed that the past precedent for this has been that the appointment has been until the end of the existing term in January, but that technically after reviewing Section 4 of the City Charter, the appointment should only be until after the election in mid-November.

Councilors Gardner, Hartman, Julsrud and Larson commented on the merits and quality of appointing Gary Eckenberg.

Gary Eckenberg commented that a three month appointment makes sense, but that a two meeting appointment does not make sense for him and withdrew his name.

To Councilor Fosle's inquiry, Mr. Johnson felt that legally this appointment should only run to after the election.

Councilor Gardner stressed the aspect that the Charter states that "the council shall without delay appoint a replacement."

Councilor Julsrud moved that the resolution be removed from the agenda, which motion was seconded and carried as follows:

Yeas: Councilors Fosle, Julsrud, Stauber and President Boyle -- 4

Nays: Councilors Gardner, Hartman and Larson -- 3

Abstention: Councilor Krause -- 1

Absent: Councilor Krug -- 1

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The meeting was adjourned at 7:30 p.m.

JEFFREY J. COX, City Clerk

# PROCEEDINGS OF THE DULUTH CITY COUNCIL FOR 2013

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## OFFICIAL PROCEEDINGS

Duluth City Council meeting held on Monday, September 23, 2013, 7:30 p.m. in the Council Chamber, City Hall, Duluth, Minnesota.

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

Absent: Krug -- 1

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## PRESENTATION OF PETITIONS AND OTHER COMMUNICATIONS

13-0923-01 Robyn Christianson, et al. (four signatures) petition for watermain in Oxford, Livingston and Glenwood streets. -- Assessor

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## REPORTS FROM OTHER OFFICERS

13-0923-02 Clerk application for exempt permit to the Minnesota gambling control board from The ALS Association, MN/ND/SD Chapter on February 1, 2014 (raffle). -- Received

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## REPORTS OF BOARDS AND COMMISSIONS

13-0923-03 Civil service board minutes of: (a) June 4; (b) June 25, 2013, meetings. -- Received

13-0923-04 Duluth parking commission: (a) Minutes of July 12, 2013, meeting; (b) Resolutions, pursuant to Section 33-85 of the Duluth City Code, to: (1) Prohibit parking on the south side of Linzie Road (2013-17); (2) Prohibit parking on both sides of 12th Avenue East between First Street and Second Street (2013-18). -- Received

13-0923-05 Library board minutes of: (a) May 28; (b) June 25, 2013, meetings. -- Received

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At this time, 7:31 p.m., the public hearing on the proposed amended and restated Loan B agreement with AAR Aircraft Services, Inc., began.

At this time, 7:32 p.m. the public hearing was declared closed.

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Chief Administrative Officer David Montgomery thanked Councilor Krause for his service on the council and congratulated him on his new job. Mr. Montgomery presented a plaque to Councilor Krause on behalf of the administration and staff.

Councilor Krause thanked everyone for the gift and stated he has enjoyed working for the citizens of Duluth and working with the administration and staff.

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## MOTIONS AND RESOLUTIONS

### CONSENT AGENDA

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

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

RESOLVED, that the city council hereby authorizes a line of credit in the amount of \$300,000 for the Arrowhead Zoological Society subject to a fully executed promissory note,

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substantially the same as that on file in the office of the city clerk as Public Document No. 13-0923-06, requiring loan repayment at 2.5 percent interest with the entire outstanding principal amount due and payable on October 1, 2016, funds to be paid from the zoo fund, loans receivable (Fund 200-1330).

Resolution 13-0481 was unanimously adopted.

Approved September 23, 2013

DON NESS, Mayor

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RESOLVED, that the proper city officers are hereby authorized to accept a Minnesota cross country trail assistance program grant, a copy of which is on file in the office of the city clerk as Public Document No. 13-0923-07, with the Minnesota department of natural resources for the maintenance of the Duluth cross country trails for the 2013-2014 season in the amount of \$11,000; said funds to be deposited in the General Fund-110, Public Administration-121, Maintenance Operations/Buildings and Grounds-1217-2150, Ski Trail Reimbursement-4225.

Resolution 13-0483 was unanimously adopted.

Approved September 23, 2013

DON NESS, Mayor

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RESOLVED, that the proper city officials are authorized to transfer \$50,000 from Fund 258, the tourism tax fund balance restricted for capital improvements, to the Great Lakes Aquarium to provide a local match to the \$200,000 allocation of arts and cultural heritage funding authorized by the Minnesota legislature, 2013 Minnesota Session Laws, Chapter 137, Article 4, Section 2, Subdivision 6(e), for the development of an exhibit to examine the effect that aquatic environments have on shipwrecks and to preserve Minnesota's history and cultural heritage.

Resolution 13-0493 was unanimously adopted.

Approved September 23, 2013

DON NESS, Mayor

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WHEREAS, the city purchasing division issued the original purchase order to Titan Machinery, Inc., on January 15, 2013, in the amount of \$48,000, an amount not requiring city council approval; and the fleet services division finds now that it must increase the purchase order due to increased usage and the need for repairs and maintenance during year 2013.

RESOLVED, that the proper city officials are hereby authorized to increase the purchase order to Titan Machinery, Inc., for OEM (original equipment manufacturer) replacement parts and labor for Case backhoes and loaders by \$20,000 for a new contract total of \$68,000, terms net 30, Minnesota state discount of ten percent on current pricing list, payable as follows:

(a) \$15,000 from Fleet Services Fund 660, Department/Agency 015 (public administration), Object 5221 (equipment repair supplies);

(b) \$5,000 from Fleet Services Fund 660, Department/Agency 015 (public administration), Object 5404 (equipment/machinery repair and maintenance).

Resolution 13-0480 was unanimously adopted.

Approved September 23, 2013

DON NESS, Mayor

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RESOLVED, that the proper city officials are hereby authorized to enter into an amended and restated Loan B agreement, substantially in the form of that on file in the office

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of the city clerk as Public Document No. 13-0923-08(a), with AAR Aircraft Services, Inc. ("AAR") in an amount not to exceed \$500,000, payable from Fund 255 (economic development), Agency 020 (planning), Object 5434 (grants and awards).

FURTHER RESOLVED, that the proper city officials are hereby authorized to enter into a first amendment to the Minnesota investment fund ("MIF") grant agreement (#CDAP-12-0010-H-FY12), substantially in the form of that on file in the office of the city clerk as Public Document No. 13-0923-08(b), with the Minnesota department of employment and economic development ("DEED") in an amount not to exceed \$1,000,000 relating to both the Loan A and Loan B agreements with AAR, payable into Fund 255 (economic development), Agency 020 (planning), Object 4220-02 (state of Minnesota operating).

Resolution 13-0478 was unanimously adopted.

Approved September 23, 2013

DON NESS, Mayor

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RESOLVED, that the council finds as follows:

(a) That the building official for the city of Duluth duly issued condemnation orders for structures located upon the parcels of land described below within the city of Duluth after determining that criteria of Section 10-3 of the city of Duluth Legislative Code was met in each case:

Parcel 1: 7445 East Superior Street, Tax Parcel Number 010-0280-00590. Notification of order for condemnation for demolition to owner, Matthew Todd Christensen, publication in Duluth News Tribune August 6, 2010, and August 13, 2010; and

Parcel 2: 1624 Sundby Road, Tax Parcel Number 010-2710-04555. Notification of order for condemnation for demolition to owner, Arrowhead Commercial Partners, delivered by registered mail on February 3, 2012; and

Parcel 3: 30 East Ninth Street, Tax Parcel Number 010-1350-06290. Notification of order for condemnation for demolition to owner, Jason Lindelof, delivered by registered mail on June 28, 2012; and

Parcel 4: 614 North Seventh Avenue East, Tax Parcel Number 010-3490-00110. Notification of order for condemnation for demolition to owner, Matthew E. Russell, delivered by registered mail on March 7, 2012; and

Parcel 5: 225 East Fourth Street, Tax Parcel Number 010-0990-00290. Notification of order for condemnation for demolition to owner, Bellagrace Properties, LLC, delivered by registered mail on March 25, 2011; and

Parcel 6: 1117 West Second Street, Tax Parcel Number 010-1160-00430. Notification of order for condemnation for demolition to owner, James R. Wilton, delivered by registered mail on September 10, 2010; and

Parcel 7: 6303 Nashua Street, Tax Parcel Number 010-2660-02180. Notification of order for condemnation for demolition to owner, James Olcott C., et al., delivered by registered mail on March 25, 2011; and

Parcel 8: 641 North 59th Avenue West, Tax Parcel Number 010-4520-09510. Notification of order for condemnation for demolition to owner, state of Minnesota for Adam D. Adams, delivered by personal service to Adam D. Adams in City Hall on May 2, 2012; and

Parcel 9: 17 South 63rd Avenue West, Tax Parcel Number 010-4540-02030. Notification of order for condemnation for demolition to owner, Michael T. Priola, publication in Duluth News Tribune February 10, 2012, and February 17, 2012; and

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Parcel 10: 21 East Ninth Street, Tax Parcel Number 010-1350-09230. Notification of order for condemnation for demolition to owner, Harold Gooler A., et al., publication in Duluth News Tribune February 10, 2012, and February 17, 2012; and

Parcel 11: 118 Fir Avenue, Tax Parcel Number 010-1130-00280. Notification of order for condemnation for demolition to owner, James D. McCauley, delivered by registered mail on February 2, 2012; and

Parcel 12: 3607 Piedmont Avenue, Tax Parcel Number 010-0265-00020. Notification of order for condemnation for demolition to owner, state of Minnesota C278 L35, delivered by registered mail to Saint Louis County land department on June 20, 2013;

Parcel 13: 1724 East Fifth Street, Tax Parcel Number 010-1480-07450. Notification of order for condemnation for demolition to owners, Colin R. Kistner and Jeanni Bolte, delivered by registered mail on June 22, 2013;

(b) All such orders are now final; and

(c) The cost for demolition of the structures has been estimated to not exceed \$260,000, and there is a current unobligated balance in Fund 110-132-1304-5453 in the amount of \$39,090.

BE IT RESOLVED, that pursuant to Section 10-3(b) of the city of Duluth Legislative Code the building official is authorized to:

(a) Proceed with the work ordered or to contract to have the work done, payable from Fund 110-132-1304-5453; and

(b) Should the sale of the salvage from such work exceed the cost of the demolition, the balance in excess of the cost shall be paid to the owner of said building or to such other persons as may by law be entitled thereto; and

(c) Submit to the city council a statement of the cost of such work for its further determination of the manner by which such costs shall be recouped as provided by Section 10-3(b) of the city of Duluth Legislative Code.

Resolution 13-0486 was unanimously adopted.

Approved September 23, 2013

DON NESS, Mayor

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RESOLVED, that the proper city officials are hereby authorized to contract with VONCO V Duluth, LLC, for certain demolition, transportation, disposal and site restoration services to be provided in accordance with a special environmental project set forth in a stipulation agreement to be executed by VONCO V Duluth, LLC, and the Minnesota pollution control agency, a copy of which is on file in the office of the city clerk as Public Document No. 13-0923-09.

Resolution 13-0487 was unanimously adopted.

Approved September 23, 2013

DON NESS, Mayor

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

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2315 Livingston Avenue;  
2319 Livingston Avenue;  
2331 Livingston Avenue.

Resolution 13-0488 was unanimously adopted.

Approved September 23, 2013

DON NESS, Mayor

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RESOLVED, that two out of four property owners signed a petition to pave Plum Street from Ninth Avenue East to Skywood Lane, with 72 percent of frontage signed.

FURTHER RESOLVED, that construction documents were prepared and advertised for public bid. No bids were received.

FURTHER RESOLVED, that continuous erosion of gravel surfaces necessitates excessive maintenance by homeowners and city maintenance operations, cleaning eroded material and road bed restoration.

FURTHER RESOLVED, that city maintenance operations purchase materials to pave Plum Street by employment of day labor. A detailed account of materials, labor and equipment will be filed with the city clerk.

FURTHER RESOLVED, that assessments shall be levied upon lands benefitting per the preliminary assessment roll and may be paid in five annual installments at municipal bond index plus 1.5 percent interest.

Resolution 13-0489 was unanimously adopted.

Approved September 23, 2013

DON NESS, Mayor

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RESOLVED, that the city council hereby authorizes the proper city officials to execute a first amendment to the orphanage water tower site lease agreement between New Cingular Wireless, PCS, LLC, and the city of Duluth, substantially the same as that on file in the office of the city clerk as Public Document No. 13-0923-10, which lease agreement is for the location and operation by New Cingular of wireless communication equipment on the Orphanage Water Tower, payments to be paid to the Water Fund 510, Agency 500, Revenue Source 4809.

Resolution 13-0490 was unanimously adopted.

Approved September 23, 2013

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 zones are established:

in front of 5302 Ramsey Street;  
in front of 1517 Jefferson Street.

Resolution 13-0482 was unanimously adopted.

Approved September 23, 2013

DON NESS, Mayor

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The following resolutions were also considered.

Resolution 13-0479, resolution authorizing an agreement with St. Louis County for lighting and maintenance of the CSAH 91 (Haines Road) pedestrian underpass, was introduced by Councilor Julsrud.

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Councilor Fosle questioned why the county puts in a road and then asks the city to pay for it when the city does not have the money to pay for the bills it has now.

Resolution 13-0497 was adopted as follows:

RESOLVED, that the proper city officials are hereby authorized to enter into an agreement with St. Louis County, a copy of which is on file in the office of the city clerk as Public Document No. 13-0923-11, to maintain the lighting improvements to the CSAH 91 (Haines Road) underpass to serve the Superior Hiking Trail, payable from General Fund 110, Department/Agency 121 (public administration), Division 1217 (maintenance operations), Cost Center 2120 (architecture and facilities management), Object 5381 (electricity), S.P. 69-691-020, City Project No. 0927TR.

Resolution 13-0479 was adopted upon the following vote:

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

Nays: Councilors Fosle and Krause -- 2

Absent: Councilor Krug -- 1

Approved September 23, 2013

DON NESS, Mayor

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Resolution 13-0485, awarding a contract to Northland Constructors of Duluth, LLC, for construction of the cross city trail Phase I in the amount of \$1,367,452.19, was introduced by Councilor Julsrud for discussion.

Councilor Stauber expressed concern that the city is bonding for a trail when the condition of our streets deteriorate every day.

Councilor Fosle questioned if the city has the authority to bond for trails as it is not authorized in the City Charter.

Mr. Montgomery stated the trails around the city are economic generators for the city as they are an investment with a proven economic impact.

Councilor Krause moved to table the resolution until Ordinance 13-048 is considered, which motion was seconded and unanimously carried.

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### INTRODUCTION AND CONSIDERATION OF ORDINANCES

#### ORDINANCE TABLED

INTRODUCED BY COUNCILOR HARTMAN

13-048 (10251) - AN ORDINANCE AUTHORIZING THE ISSUANCE, SALE AND DELIVERY OF GENERAL OBLIGATION BONDS IN THE MAXIMUM AMOUNT OF \$875,000 OF THE CITY OF DULUTH TO FINANCE CROSS CITY TRAIL PHASE I UPON TERMS AND CONDITIONS TO BE PROVIDED BY RESOLUTIONS OF THE CITY COUNCIL AND LEVYING TAXES FOR THE PAYMENT THEREOF.

Councilor Julsrud moved to remove the ordinance from the table, which motion was seconded and unanimously carried.

Councilors Krause, Stauber and Fosle expressed concerns of: the existing bonding debt; on what bonds could be issued for and how the community club and youth activities are in need of maintenance and care.

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

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

Nays: Councilors Fosle, Krause and Stauber -- 3

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Absent: Councilor Krug -- 1

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At this time, Councilor Gardner moved to remove Resolution 13-0485 from the table, which motion was seconded and passes as follows:

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

Nays: Councilors Fosle, Krause and Stauber -- 3

Absent: Councilor Krug -- 1

To Councilor Hartman's inquiry, Mr. Montgomery explained how this expenditure will be paid for.

Councilors Fosle, Krause and Stauber expressed concerns of: where the actual trail will go; the amount of money previously spent on trails; how limited funds should not be spent just because dollars can be leveraged.

Resolution 13-0485 was adopted as follows:

RESOLVED, that the proper city officials are hereby authorized to award a contract to Northland Constructors of Duluth, LLC, for construction of the Cross City Trail Phase I in the amount of \$1,367,452.19, payable from Capital Improvement Fund 450, Department 030 (finance), Object 5530 (improvements other than buildings), City Project No. 0568TR.

Resolution 13-0485 was adopted upon the following vote:

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

Nays: Councilors Fosle, Krause and Stauber -- 3

Absent: Councilor Krug -- 1

Approved September 23, 2013

DON NESS, Mayor

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The following entitled ordinances were read for the first time:

INTRODUCED BY COUNCILOR HARTMAN

13-064 - AN ORDINANCE AMENDING SECTION 1-2 OF THE DULUTH CITY CODE, 1959, AS AMENDED, ADDING CITY ASSESSOR DEFINITION.

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INTRODUCED BY COUNCILOR GARDNER

13-053 - AN ORDINANCE AMENDING ARTICLE XXVIII OF CHAPTER 2 OF THE DULUTH CITY CODE, 1959, AS AMENDED, RELATING TO THE AMERICAN INDIAN COMMISSION.

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INTRODUCED BY COUNCILOR STAUBER

13-065 - AN ORDINANCE GRANTING TO WHOLE FOODS CO-OP A CONCURRENT USE PERMIT FOR THE INSTALLATION OF AN ELECTRICAL CONNECTION UNDER EAST FOURTH ALLEY.

- - -

The following entitled ordinance was read for the second time:

INTRODUCED BY COUNCILOR STAUBER

13-062 (10252) - AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF DULUTH TO PROVIDE FOR THE RECLASSIFICATION FROM RESIDENTIAL-URBAN (R-2) TO MIXED USE-NEIGHBORHOOD (MU-N) FOR PROPERTIES BETWEEN NORTH 24TH AVENUE WEST AND NORTH 28TH AVENUE WEST FROM THE WEST FOURTH STREET ALLEY TO THE WEST THIRD STREET ALLEY (CITY OF DULUTH).

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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 8:00 p.m.

JEFFREY J. COX, City Clerk

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### ORDINANCE NO. 10251

AN ORDINANCE AUTHORIZING THE ISSUANCE, SALE AND DELIVERY OF GENERAL OBLIGATION BONDS IN THE MAXIMUM AMOUNT OF \$875,000 OF THE CITY OF DULUTH TO FINANCE CROSS CITY TRAIL PHASE I UPON TERMS AND CONDITIONS TO BE PROVIDED BY RESOLUTIONS OF THE CITY COUNCIL AND LEVYING TAXES FOR THE PAYMENT THEREOF.

The city of Duluth does ordain:

#### Section 1. BOND PURPOSE AND AUTHORIZATION.

1.01 The City Council has determined it to be necessary and expedient and in the public interest that the City construct a cross city trail and to begin such construction of Phase I from Sister Cities Park to 30th Avenue West (the "Project").

1.02 Under the provisions of Minnesota Laws 1974, Chapter 130, the City Council may by ordinance provide for the issuance of general obligation bonds to provide the funds necessary to match state, private or federal grant funds for projects within the City's boundaries, which bonds are to be supported by the full faith and credit of the City and are to be issued subject to the provisions of Minnesota Statutes, Section 475, except that they may exceed the limitations in Minnesota Statutes, Section 475.53, by an amount not to exceed \$2,000,000, and they may not be issued if the City's contribution to the project, including the proceeds of the bonds, exceeds 60% of the total project cost where such contribution is used to match state or federal grants, or 70% where it is used to match government and private grants, or 80% where it is used to match private grants alone. The Project is of the nature contemplated by said law. The City has been awarded grants of state and federal funds for the Project, and it is estimated that such funds, together with the proceeds of bonds issued by the City in an amount not to exceed \$875,000 plus other City funds, will be sufficient to pay the total project costs of \$2,196,813.87, and that the amount of the City's contribution, from the proceeds of the bonds or otherwise, will not exceed the limitations set forth in said law.

1.03 Pursuant to the authority herein recited, the City Council hereby authorizes and directs the issuance and sale of General Obligation Bonds of the City in an amount not to exceed \$875,000 to finance the Project, and pledges the full faith and credit and taxing powers of the City irrevocably for the payment of the principal and interest when due on such bonds.

#### Section 2. TERMS OF BONDS.

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

#### Section 3. REVENUES AND ACCOUNTS.

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

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

### Section 4. TAX LEVY.

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

### Section 5. CERTIFICATE OF PROCEEDINGS.

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

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

### Section 6. EFFECTIVE DATE.

6.01 This ordinance shall take effect and be in force 30 days from and after its passage and publication. This ordinance shall be published one time on the City's official

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website and remain on such website for a period of at least 30 days. (Effective date: October 24, 2013)

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

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

Nays: Councilors Fosle, Krause and Stauber -- 3

Absent: Councilor Krug -- 1

Passed September 23, 2013

Approved September 23, 2013

DON NESS, Mayor

ATTEST:

JEFFREY J. COX, City Clerk

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**ORDINANCE NO. 10252**

AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF DULUTH TO PROVIDE FOR THE RECLASSIFICATION FROM RESIDENTIAL-URBAN (R-2) TO MIXED USE-NEIGHBORHOOD (MU-N), FOR PROPERTIES BETWEEN NORTH 24TH AVENUE WEST AND NORTH 28TH AVENUE WEST FROM THE WEST FOURTH STREET ALLEY TO THE WEST THIRD STREET ALLEY (CITY OF DULUTH).

The city of Duluth does ordain:

Section 1. That portions of the subject property located in the Upper Lincoln Park neighborhood area bordered by 24th Avenue West to North 28th Avenue West and West Fourth Street Alley and the West Third Street Alley; and as more particularly described in Exhibit A and by the following:

010-1180-01560	010-1180-02080	010-1140-03700
010-1180-01570	010-1180-02090	010-1140-03690
010-1180-01580	010-1180-02120	010-1140-03685
010-1180-01630	010-1180-02110	010-1140-03680
010-1180-01620	010-1180-02180	010-1140-03670
010-1180-01610	010-1180-02160	010-1140-04120
010-1180-01585	010-1180-02190	010-1140-04110
010-1180-01650	010-1140-04260	010-1140-04090
010-1180-01670	010-1140-04250	010-1140-04070
010-1180-01700	010-1140-04240	010-1140-04060
010-1180-01710	010-1140-04270	010-1140-04050
010-1180-01690	010-1140-04310	010-1140-04040
010-1180-01730	010-1140-04290	010-1140-04030
010-1180-01740	010-1140-04280	010-1140-04020
010-1180-01720	010-1140-04330	010-1140-04010
010-1180-01760	010-1140-04520	010-1140-04000
010-1180-01750	010-1140-04360	010-1140-03990
010-1180-01840	010-1140-03790	010-1140-03980
010-1180-01800	010-1140-03780	010-1180-02430
010-1180-01820	010-1140-03770	010-1180-02435
010-1180-01780	010-1140-03760	010-1180-02440
010-1180-01770	010-1140-03750	010-1180-02450

PROCEEDINGS OF THE DULUTH CITY COUNCIL FOR 2013

010-1180-01775  
010-1180-02150  
010-1180-02140

010-1140-03740  
010-1140-03730  
010-1140-03710

010-1180-02460  
010-1180-02480  
010-1180-02490

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

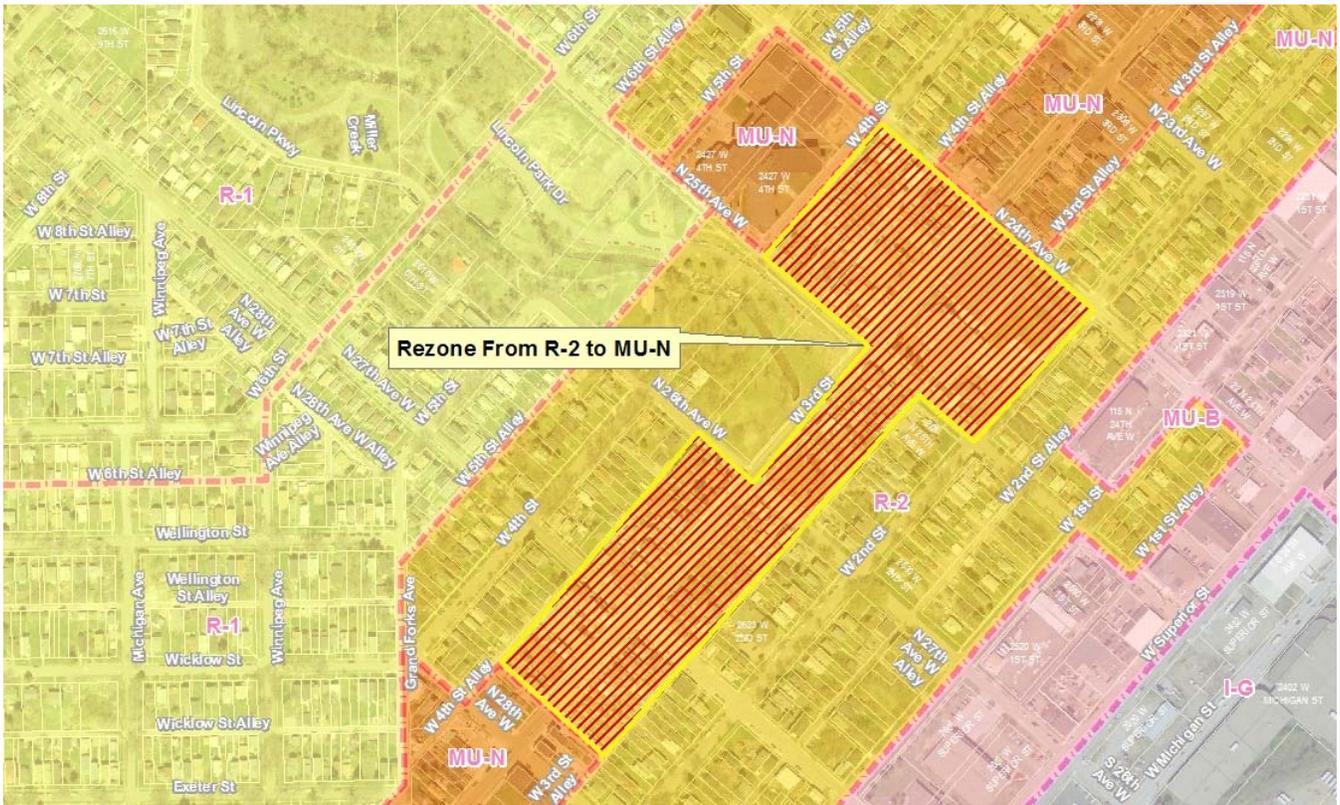


Exhibit A  
(Ref. File No. 13-108)

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

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

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

Nays: None -- 0

Absent: Councilor Krug -- 1

ATTEST:  
JEFFREY J. COX, City Clerk

Passed September 23, 2013  
Approved September 23, 2013  
DON NESS, Mayor

- - -