

# PROCEEDINGS OF THE DULUTH CITY COUNCIL FOR 2013

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## OFFICIAL PROCEEDINGS

Duluth City Council meeting held on Monday, November 25, 2013, 7:30 p.m. in the Council Chamber, City Hall, Duluth, Minnesota.

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

Absent: Councilor Fosle -- 1

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## PRESENTATION OF PETITIONS AND OTHER COMMUNICATIONS

13-1125-08 The following communications regarding the proposed resolution establishing salary for the mayor and establishment of a salary review committee (13-0580R): (a) Yvonne Anderson; (b) J. Mark Borak; (c) Pat Castellano; (d) Karen B. Holden; (e) Garner Moffat; (f) C. Roger and Lydia S. Pellet. -- Received

13-1125-09 Carolyn Sundquist communication regarding the proposed designation of local historic landmarks by the heritage preservation commission (13-073-O). -- Received

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## REPORTS FROM OTHER OFFICERS

13-1125-01 Assessor amended assessment roll of delinquent garbage assessments for 2013. -- Received

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## REPORTS OF BOARDS AND COMMISSIONS

13-1125-02 Duluth human rights commission minutes of August 14, 2013, meeting. -- Received

13-1125-03 Parks and recreation commission minutes of: (a) June 12; (b) July 10; (c) August 14; (d) September 11, 2013, meetings -- Received

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At this time, 7:01 p.m., the public hearing on the corporate tower tax increment financing plan began.

St. Louis County Commissioner Keith Nelson expressed concerns that: the large double digit amount of tax increment financing districts in Duluth is a greater tax burden on ordinary people; the property on this site should be considered blighted and a ten year abatement should be considered instead of a 25 year tax increment financing district and 8.3 percent of the city's net tax capacity lies within tax increment financing districts.

At this time, 7:05 p.m., the public hearing was declared closed and the regular order of business resumed.

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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.

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RESOLVED, that the Duluth City Council hereby approves of the Minnesota department of commerce issuing a 2014 currency exchange license to Pawn America Minnesota, LLC, 22 North Second Avenue West.

Resolution 13-0568 was unanimously adopted.

Approved November 25, 2013

DON NESS, Mayor

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RESOLVED, that the appointment by Mayor Ness of Bryn Pollard to the alcohol, gambling and tobacco commission for a term expiring on March 31, 2014, replacing Jon Donahue, who resigned, is confirmed.

Resolution 13-0549 was unanimously adopted.

Approved November 25, 2013

DON NESS, Mayor

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RESOLVED, Section 2-176 of the Duluth City Code, 1959, as amended requires that prior to any city-owned property being offered for sale or conveyance the city council shall, by resolution, state its intention to sell or convey such property.

FURTHER RESOLVED, that the Duluth City Council hereby states its intention to offer for sale or conveyance property in the Gary New Duluth neighborhood shown on Public Document No. 13-1125-04, legally described as Lots 1 and 2, Block 26, New Duluth First Division, St. Louis County, Minnesota.

Resolution 13-0571 was unanimously adopted.

Approved November 25, 2013

DON NESS, Mayor

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

Section 1. Recitals.

1.01 The council desires to promote redevelopment, specifically the area located in the city's central business district generally bounded by Superior Street, Fourth Avenue West, Fifth Avenue West and First Alley, plus the Duluth News Tribune warehouse parcel located on First Street (the "project site"). Maurices, Incorporated, has proposed to acquire the project site, demolish the existing structures and construct a 185,000 square foot office building with an additional 15,000 square feet of retail space, and the city will cause to be constructed a public parking facility and skywalks in and adjacent to such development project (the "project").

1.02 In order to promote redevelopment, the city has previously established Development District No. 17 pursuant to Minnesota Statutes, Sections 469.124 through 469.133 (the "Development District Act"), and adopted a development program for such district. The city proposes to modify the development program for Development District No. 17, but not the boundaries, and to establish Tax Financing District No. 26 (the "TIF district") within Development District No. 17 and adopt a tax increment financing plan (the "TIF plan") therefor, pursuant to Minnesota Statutes, Sections 469.174 through 469.1794 (the "TIF Act"), to provide assistance in developing the project and encouraging investment in Development District No. 17. The proposed project lies within Development District No. 17 and the TIF district. The city has prepared the TIF plan in accordance with the TIF Act.

1.03 Pursuant to the Development District Act and Section 469.175, Subdivision 3 of the TIF Act, the city held a public hearing on the modification of the development program and the TIF plan on November 25, 2013, at which the views of all interested parties were heard.

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1.04 Pursuant to Section 469.175, Subdivision 2a of the TIF Act, the city has delivered written notice of the TIF district to the county commissioner who represents the area proposed to be included within the TIF district. The notice contained a general description of the TIF district, the proposed activities to be financed by the TIF district, and an offer to meet and discuss the TIF district along with a solicitation of such commissioner's comments with respect to the TIF district.

1.05 Pursuant to Section 469.175, Subdivision 2 of the TIF Act, the city has provided the St. Louis County auditor and the clerk of the school board of Independent School District No. 709 with a copy of the proposed TIF plan, which includes the city's estimate of the fiscal and economic implications of the proposed TIF district.

1.06 Certain written reports (the "reports") relating to the modification of the development program and the TIF plan (the "plans") and to the activities contemplated therein have heretofore been prepared by staff and consultants and submitted to the council and/or made a part of the city files and proceedings on the plans. The reports, including the redevelopment qualifications reports and planning documents, include data, information and/or substantiation constituting or relating to the basis for the other findings and determinations made in the resolution. The council hereby confirms, ratifies and adopts the reports, which are hereby incorporated into and made as fully a part of this resolution to the same extent as if set forth in full herein.

1.07 After investigation of the facts, the council is of the opinion that: it is necessary for the sound and orderly development of Development District No. 17 and of the city as a whole and for the protection and preservation of the public health, safety and general welfare, that the powers authorized by the Development District Act and the TIF Act (the "acts") be exercised by the city to provide public financial assistance to the project; proper development of Development District No. 17 in accordance with the city's long range plans is essential to the economic viability of the project, the economic well-being of the city and its residents and the orderly development of the city; it is necessary for the orderly and beneficial development of Development District No. 17 to provide for the cost of certain improvements within the TIF district, including acquiring properties containing structurally substandard buildings or improvements, acquiring adjacent parcels necessary to provide a site of sufficient size to permit development, demolition, clearing of land, installation of utilities, streets and sidewalks and parking facilities; there is a need for redevelopment within Development District No. 17 to provide retention of and creation of employment opportunities for residents of the city, the surrounding communities and the state of Minnesota (the "state"), to improve the tax base of the city and the state, to improve the general economy of the city and the state, and to provide other facilities as identified in the plans; creation of the TIF district is in the public interest and will result in increased employment in the city and in the preservation and enhancement of the tax base of the city; that the TIF district is intended and, in the judgment of the council, its effect will be to promote the public purposes and accomplish the objectives specified in the TIF plan, which are all consistent with the efforts already made for the development within Development District No. 17.

1.08 The council has fully reviewed the contents of the modification to the development program of Development District No. 17 and the TIF plan, which are incorporated herein.

Section 2. Intent. It is declared to be the intent of the city that the city use the powers of the acts to achieve the objectives thereof.

Section 3. Approval of the modification of the development plan. The council approves the modification of the development plan for Development District No. 17 and hereby

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finds that such modification is consistent with and will further the goals and objectives of the development program for Development District No. 17.

Section 4. Findings for the establishment of tax increment financing District No. 26.

4.01 The council hereby finds that the TIF district is in the public interest and is a "redevelopment district" under Minnesota Statutes, Section 469.174, Subd. 10(a)(1).

4.02 The council further finds that the proposed redevelopment would not occur solely through private investment within the reasonably foreseeable future and that the increased market value of the project site that could reasonably be expected to occur without the use of tax increment financing would be less than the increase in the market value estimated to result from the proposed development after subtracting the present value of the projected tax increments for the maximum duration of the TIF district permitted by the TIF plan, that the plans conform to the general plan for the development or redevelopment of the city as a whole; and that the plans will afford maximum opportunity consistent with the sound needs of the city as a whole, for the development or redevelopment of the TIF district by private enterprise.

4.03 The council further finds, declares and determines that the findings stated in this section are based on the reasons and supporting facts for each determination, as follows:

A. The TIF district consists of three parcels, each occupied with buildings and/or parking areas, with plans to redevelop the project site with a building containing approximately 185,000 square feet of office space, approximately 15,000 square feet of retail space, a public parking facility with approximately 500 parking spaces and public skywalks. At least 70 percent of the area of the parcels in the TIF district is occupied by buildings, streets, utilities, paved or gravel parking lots or other similar structures, and more than 50 percent of the buildings in the district, not including outbuildings, are structurally substandard to a degree requiring substantial renovation or clearance. (See Appendix F of the TIF plan.)

B. The proposed development, in the opinion of the council, would not reasonably be expected to occur solely through private investment within the reasonably foreseeable future. The project site is occupied by three buildings. The proposed development will require (i) acquisition of the project site, (ii) demolition and clearance of the project site, and (iii) construction of the public parking facility and skywalk system in and adjacent to the project site. The development of the office and retail space would not occur without an \$8,500,000 grant from the state of Minnesota and the tax increment generated from the proposed development. It is noted that redevelopment of property within the city does not generally occur without public assistance, as development costs are significantly less on green field sites.

C. The increased market value of the site to be included in the TIF district that could reasonably be expected to occur without the use of tax increment financing would be less than the increase in the market value estimated to result from redevelopment in the TIF district after subtracting the present value of the projected tax increments for the maximum duration of the TIF district permitted by the TIF plan:

(i) The city and the council estimate that the amount by which the market value of the entire TIF district would increase without the use of tax increment financing is in an amount from \$0 to some modest amount of land value appreciation.

(ii) If the project is constructed in the TIF district, the total increase in market value is estimated to be \$15,817,400 from its current market value of \$2,512,600 to an estimated market value of \$18,330,000 upon completion of the project.

(iii) The present value of the tax increments from the TIF district for the maximum duration of the TIF district permitted by the TIF plan is estimated to be \$9,622,986.

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(iv) Even if some development other than the proposed project were to occur, the council finds that no alternative would occur that would produce a market value increase greater than \$6,194,414 (the amount of subparagraph (ii) less the amount of subparagraph (iii) above) without tax increment assistance.

D. Based on information contained in the TIF plan, the TIF plan conforms to the general plan for the redevelopment of the city as a whole. The council finds that adoption of the TIF plan would encourage redevelopment in the city, provide economic opportunities, improve the tax base and improve the general economy of the city and the state.

E. Based on information contained in the plans, the plans will afford maximum opportunity, consistent with the sound needs of the city as a whole, for the redevelopment of Development District No. 17 by private enterprise.

4.04 Pursuant to Section 469.175, Subd. 1(b) of the TIF Act, the council elects to receive the first tax increment from the TIF district in 2017, which is no later than four years following the year of approval of the TIF district.

Section 5. Public purpose. The adoption of the plans conforms in all respects to the requirements of the Development District Act and the TIF Act and will help fulfill a need to develop an area of the city which is already built up, to provide employment opportunities, to improve the tax base and to improve the general economy of the state and thereby serves a public purpose. For the reasons described in Section 4, the city believes these benefits directly derive from the tax increment assistance provided under the TIF plan. A private developer will receive only the assistance needed to make this development financially feasible. As such, any private benefits received by a developer are incidental and do not outweigh the primary public benefits.

Section 6. Approval and adoption of the plans.

6.01 The plans, as presented to the council on this date, including without limitation the findings and statements of objectives contained therein, are hereby approved, ratified, established and adopted and shall be placed on file in the office of the city clerk as Public Document No. 13-1125-10.

6.02 The staff of the city, the city's advisors and legal counsel are authorized and directed to proceed with the implementation of the plans and to negotiate, draft, prepare and present to this council for its consideration all further plans, resolutions, documents and contracts necessary for this purpose.

6.03 The auditor of St. Louis County is requested to certify the original net tax capacity of the TIF district, as described in the plans, and to certify in each year thereafter the amount by which the original net tax capacity has increased or decreased; and the city clerk is authorized and directed to forthwith transmit this request to the county auditor in such form and content as the auditor may specify, together with a list of all properties within the TIF district, for which building permits have been issued during the 18 months immediately preceding the adoption of this resolution.

6.04 The city clerk is further authorized and directed to file a copy of the plans with the commissioner of the Minnesota department of revenue and the office of the state auditor pursuant to Minnesota Statutes 469.175, Subd. 4a.

Resolution 13-0575 was unanimously adopted.

Approved November 25, 2013

DON NESS, Mayor

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RESOLVED, that the proper city officials are hereby authorized to enter into a contract with RJS Construction Group, LLC for removal of a flood-damaged bridge and construction of

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a box culvert at Bristol Street over Keene Creek in the amount of \$539,700, payable from Disaster Recovery Fund 225, Department 125 (finance), Division 1803 (roads and bridges) Object 5403 (street repair and maintenance), City Project No. 1127, S.A.P. 118-080-047, Flood Site No. 29, Requisition No. 13-0592.

Resolution 13-0567 was unanimously adopted.

Approved November 25, 2013

DON NESS, Mayor

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RESOLVED, that the proper city officials are hereby authorized to accept from Hartley Nature Center Corporation, a Minnesota non-profit corporation, the donation of an easement for street and utility purposes as described on Public Document No. 13-1125-05, said document being on file in the office of the city clerk, over property in the Hartley Nature Center at no cost to the city.

Resolution 13-0570 was unanimously adopted.

Approved November 25, 2013

DON NESS, Mayor

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**THE CITY COUNCIL FINDS:**

(a) That it is deemed necessary for the public conveyance and safety that Tenth Avenue East between Superior Street and Fifth Street (City Project No. 0753TR) be reconstructed; and

(b) That this project will not be eligible for municipal state aid funds unless it is constructed to state aid standards for arterial roadways of urban (new or reconstruction) projects, or unless a variance is granted; and

(c) Practical limitations require that tighter vertical curves than dictated by standards be used. The cross streets at intersections cause a 30 mph design speed, which requires a variance from the commissioner of transportation in accordance with Minnesota Rules Chapter 8820.3300.

RESOLVED, that the city of Duluth requests the commissioner of transportation for a variance from Minnesota Rules for State Aid Operations 8820.9936, whereby the minimum design standards for urban (new or reconstruction) projects be reduced for this project, allowing for a 30' vertical curve length instead of the required standard of 90' vertical curve length at the Tenth Avenue East approaches to intersections with Superior Street, First Street, Second Street, Third Street, Fourth Street and Fifth Street, and further agrees to indemnify, save, and hold harmless the causes of actions arising out of or by reason of the reconstruction of Tenth Avenue East in any manner other than in accordance with Minnesota Rule 8820.9936, and further agrees to defend at its sole cost and expense any action or proceeding commenced for the purpose of asserting any claim whatsoever arising as a result of the granting of this variance.

Resolution 13-0573 was unanimously adopted.

Approved November 25, 2013

DON NESS, Mayor

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RESOLVED, that the city of Duluth established the initial municipal state aid system of streets by a resolution approved October 28, 1957, under provision of Minnesota Laws 1957, Chapter 943.

RESOLVED, that it now appears that revisions in the municipal state aid system are necessary.

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FURTHER RESOLVED, that the following existing municipal state aid road in the city of Duluth, described as follows, to-wit:

Truck Center Drive from 30-1/2 Avenue West to Carlton Street  
be, and hereby is, revoked as a municipal state aid route subject to the approval of the commissioner of transportation of the state of Minnesota.

Resolution 13-0574 was unanimously adopted.

Approved November 25, 2013

DON NESS, Mayor

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RESOLVED, that the city council authorizes settlement in the matter of W.W. Goetsch, Inc. v. city of Duluth, filed in Minnesota district court, sixth judicial district, File No. 69DU-CV-13-1227, pursuant to the terms and conditions of the mediated settlement agreement, a copy of which is on file with the city clerk as Public Document No. 13-1125-06. The settlement terms require payment by the city in the amount of \$95,580, payable to W.W. Goetsch Associates, Inc., from Fund 530-500-1945-5227 (sanitary sewer fund 530), in exchange for delivery to the city of the 40 control panels produced by plaintiff following the June, 2012 flood.

FURTHER RESOLVED, that proper city officials shall take all actions necessary to conclude this matter on a full, final and complete basis.

Resolution 13-0581 was unanimously adopted.

Approved November 25, 2013

DON NESS, Mayor

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RESOLVED, that the proper city officials are hereby authorized to enter into a contract substantially in the form of that on file in the office of the city clerk as Public Document No. 13-1125-07(a), in conjunction with the Duluth transit authority ("DTA") for the purchase and installation of transit signal priority ("TSP"), emergency vehicle priority ("EVP") and signal control system with Hunt Electric Corp. of Duluth in the amount of \$815,039, payable from DTA funds.

FURTHER RESOLVED, that the proper city officials are hereby authorized to enter in to an agreement substantially in the form of that on file in the office of the city clerk as Public Document No. 13-1125-07(b) with the DTA to operate and maintain the TSP/EVP and signal control system for its useful life.

Resolution 13-0582 was unanimously adopted.

Approved November 25, 2013

DON NESS, Mayor

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RESOLVED, that the proper city officials are hereby authorized to contract with Emergency Automotive Technologies, Inc., for the tax-exempt purchase and delivery of police equipment for nine marked squads in accordance with Minnesota Swift State Contract 65679, Release V30(5) specifications and pricing and vendor quotes AW1007 13-43 and AW1017 13-42 in the amount of \$58,187.02, terms net 30, FOB destination, and payable from Capital Equipment Fund 250, Department/Agency 015 (public administration), Division 2013 (fiscal year), Object 5580 (capital equipment), Project No. CE250-V1302.

Resolution 13-0569 was unanimously adopted.

Approved November 25, 2013

DON NESS, Mayor

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RESOLVED, that the proper city officials are hereby authorized to accept a ballistic vest reimbursement grant from the United States department of justice, bureau of justice assistance, office of justice programs, in an amount not to exceed \$5,843.85 to be deposited in Fund 110-160-1610-4209-02 (general fund, police department, administration and investigation, federal operating grants), and to execute any documents required to be executed to accept such grant.

FURTHER RESOLVED, that the proper city officials are authorized to accept a ballistic vest reimbursement grant from the Minnesota department of public safety in an amount not to exceed \$7,875 to be deposited in Fund 110-160-1610-4220-02 (general fund, police department, administration and investigation, Minnesota operating grants), and to execute any documents required to be executed to accept such grant.

Resolution 13-0577 was unanimously adopted.

Approved November 25, 2013

DON NESS, Mayor

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RESOLVED, that the proper city officials are hereby authorized to accept a grant from the Duluth legacy endowment fund in the amount of \$2,500 for the Hawk Ridge Bird Observatory stewardship management plan; said sum to be deposited in Fund 205-130-1219-4270 (parks fund, community resources, parks operating, miscellaneous grants), and to execute all documents necessary thereto.

Resolution 13-0579 was unanimously adopted.

Approved November 25, 2013

DON NESS, Mayor

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The following resolutions were also considered:

Resolution 13-0580, establishing salary for the mayor pursuant to Chapter II, Section 5 of the Duluth Home Rule Charter and establishing salary review committee, was introduced for discussion.

Councilor Gardner reviewed and commented at length on: the history of past changes to the mayor's salary; other similar-sized cities and forms of government comparisons and the establishment of a mayor's salary review committee.

Councilor Larson moved to amend the fifth paragraph of the resolution by deleting "January" and inserting "December," which motion was seconded.

Chief Administrative Officer David Montgomery stated the mayor did not support the resolution as initially drafted, but that he would not oppose the resolution if amended.

Councilors Larson's amendment carried unanimously.

Councilor Stauber and President Boyle expressed concerns of: that in the past there has been extensive internal studies and deliberations by the council and professional analysis of the mayor's salary, which should be done here, but now it is just a resolution introduced last week; that a small modest raise might be appropriate; comparison should be based on Minnesota cities on per population basis and this city has a professional chief administrative officer who should rightfully get paid for directing all the city operations.

Councilors supporting the resolution noted at length: that the mayor is accountable to all the citizens; that good individuals do not consider this office because the salary is not enough for them do this full time; most of the cities in Minnesota only have a ceremonial mayor, so comparison is difficult; the major direction and policy come from the mayor; the council has the legal responsibility to review the mayor's salary; it has been 14 years since the

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mayor's position had a pay raise; this is about respect for the job we expect from the mayor; the consumer price index would make this position at a higher amount than what is being proposed and elected officials from St. Louis County give themselves the same percentage raise that was approved for the county's employees of AFSCME.

Resolution 13-0580 was adopted as follows:

BY COUNCILOR GARDNER:

WHEREAS, pursuant to Chapter II, Section 5 of the Duluth Home Rule Charter, the city council shall set the salary for the mayor; and

WHEREAS, the mayor's current salary was set on January 3, 2000, by the city council pursuant to Resolution No. 99-0570; and

WHEREAS, the former city council recommended that changes to the mayor's salary be considered by the city council no less than once every four years pursuant to Resolution No. 94-0055, approved on January 18, 1994; and

WHEREAS, the city council has not considered changes to the mayor's salary since January 3, 2000.

THEREFORE, BE IT RESOLVED, that the proper city officials are hereby authorized to compensate, and execute all employment documents necessary to compensate, the mayor a base annual salary of \$97,500, effective December 1, 2013.

FURTHER RESOLVED, that the city council hereby establishes a mayor salary review committee, which shall be a group comprised of the city council personnel committee and three community leaders who are selected, appointed and approved by city council resolution.

FURTHER RESOLVED, that going forward, the mayor salary review committee shall meet as necessary to annually review and establish, by majority vote, its recommendations regarding changes to the mayor's salary, and then present those recommendations to the city council during an open city council meeting.

RESOLVED FURTHER, that the provisions of Resolution No. 94-0055 are superceded by this resolution.

Resolution 13-0580, as amended, was adopted upon the following vote:

Yeas: Councilors Gardner, Hanson, Julsrud, Krug and Larson -- 5

Nays: Councilors Hanson, Stauber and President Boyle -- 3

Absent: Councilor Fosle -- 1

Adopted November 25, 2013, pursuant to Section 12 of the Duluth City Charter.

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Resolution 13-0578, authorizing disbursement of grant funds in the amount of \$56,000 from parks fund neighborhood grants program, was introduced.

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

Liz McKay and Kathy Hogan thanked the council for the past grants and reviewed the activities that were funded on Park Point and in the Hillside.

Resolution 13-0578 was adopted as follows:

RESOLVED, that the city council hereby authorizes the disbursement of grant funds from the Parks fund neighborhood grants program to the following organizations in the following amounts, and further authorizes the proper city officials to execute a grant agreement with each organization receiving funds, amounts to be payable from Fund 205-130-1219-5439 (parks, community resources, parks operating, special projects and events):

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<b>Organization</b>	<b>Program Name</b>	<b>Rec Amt</b>
Chester Bowl Improvement Club (CBIC)	Chester Bowl youth programming improvements	\$4,500
COGGS	Duluth multi-use trail improvements and construction	\$5,000
Courage Kenny Northland	Courage Kenny Northland "mobility mat" project	\$3,000
Duluth Area Horse Trail Alliance	Master equestrian trail plan for western Duluth	\$5,000
Duluth YMCA	Tot-time upgrades	\$5,000
Hartley Nature Center	Year-round environmental education classroom	\$5,000
Healthy Duluth Area Coalition	Cycle aid station project	\$5,000
Lincoln Park Business Group	Cross city trail	\$5,000
Park Point Community Club	Lafayette summer youth program	\$3,500
Valley Youth Center	Memorial Park ice rink	\$5,000
Woodland Hills - neighborhood youth	Winter Warmth	\$5,000
Youth of Duluth	Youth of Duluth study ball program	\$5,000
	<b>TOTAL</b>	<b>\$56,000</b>

Resolution 13-0578 was unanimously adopted.  
 Approved November 25, 2013  
 DON NESS, Mayor

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**INTRODUCTION AND CONSIDERATION OF ORDINANCES**

The following entitled ordinances were read for the first time:

BY COUNCILORS GARDNER AND HARTMAN

13-073 - AN ORDINANCE AMENDING CHAPTER 50 OF THE DULUTH CITY CODE, 1959, AS AMENDED, REGARDING DESIGNATION OF LOCAL HISTORIC LANDMARKS BY THE HERITAGE PRESERVATION COMMISSION.

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INTRODUCED BY COUNCILOR STAUBER

13-071 - AN ORDINANCE GRANTING TO SCALZO PROPERTIES, LLC, A CONCURRENT USE PERMIT FOR TWO OFF STREET PARKING SPACES LOCATED IN THE EAST FIFTH STREET PUBLIC RIGHT-OF-WAY.

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INTRODUCED BY COUNCILOR STAUBER

13-072 - AN ORDINANCE AMENDING CHAPTER 50 OF THE DULUTH CITY CODE, 1959, AS AMENDED, REGARDING ADAPTIVE REUSE OF LOCAL HISTORIC LANDMARKS.

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INTRODUCED BY COUNCILOR JULSRUD

13-070 - AN ORDINANCE AUTHORIZING DULUTH PUBLIC UTILITIES COMMISSION TO APPROVE PROGRAMS TO FUND GAS MAIN EXTENSIONS, AMENDING SECTION 48-214 OF THE DULUTH CITY CODE, 1959, AS AMENDED.

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BY COUNCILOR LARSON

13-074 - AN ORDINANCE AMENDING SECTIONS 27-6, 27-17, 27-18, 27-21 AND 27-23 OF THE DULUTH CITY CODE, 1959, AS AMENDED, RELATED TO PEDDLERS AND MOBILE FOOD CARTS AND VEHICLES.

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The following entitled ordinance was read for the second time:

INTRODUCED BY COUNCILOR STAUBER

13-069 (10260) - AN ORDINANCE AUTHORIZING THE SALE OF CERTAIN PROPERTY IN THE IRVING NEIGHBORHOOD TO NORMAN M. OPACK AND VIANN M. RASK FOR \$17,724.

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 8:01 p.m.

JEFFREY J. COX, City Clerk

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**ORDINANCE NO. 10260**

AN ORDINANCE AUTHORIZING THE SALE OF CERTAIN PROPERTY IN THE IRVING NEIGHBORHOOD TO NORMAN M. OPACK AND VIANN M. RASK FOR \$17,724.

The city of Duluth does ordain:

Section 1. That pursuant to Section 2-176 of the Duluth City Code, 1959, as amended (the Code), the city council finds that:

(a) City Resolution 13-5146 approved the sale or conveyance of certain property in the Irving neighborhood;

(b) As per Section 2-178, of the Duluth City Code, 1959, as amended (the Code), if, due to existing laws or regulations, no building can legally be constructed on a parcel, the city may directly sell such parcel by ordinance to an adjacent owner or adjacent owners without competitively bidding but at a price at least equal to its market value as determined by the city assessor;

(c) The manager of the city's physical planning division has reviewed the parcels in question and determined that due to existing conditions, no building can be legally constructed on it;

(d) As per Section 2-176(c) of the Code, the county assessor has provided an estimate of the market value to be \$17,724;

(e) The property described in Section 2 below is hereby determined to be surplus to the city's future needs and is therefore appropriate for sale and pursuant to Article XXXIII of Chapter 2 of the Code.

Section 2. That the proper city officials are hereby authorized to sell and convey the following described property in St. Louis County, Minnesota, by quit claim deed, to Norman M. Opack and ViAnn M. Rask, husband and wife, as joint tenants, for the amount of \$17,724 to be deposited into Fund 110 (general), Agency 700 (transfers and other functions), Organization 1420 (capital programs), Object 4640 (sale of land), and further to execute all documents necessary with regard to said conveyance:

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Block 21, Lots 1, 2, 31 and 32 and Block 20, Lots 1 and 2 of Hunter and Markell's Grassy Point Addition to Duluth, including those portions of vacated 69th Avenue West, 69th Avenue West Alley adjoining said lots and the east half of vacated 70th Avenue West adjoining Block 21, Lots 31 and 32 of Hunter and Markell's Grassy Point Addition to Duluth, St. Louis County, Minnesota.

Section 3. That this ordinance shall take effect 30 days after its passage and publication. (Effective date: January 2, 2014)

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

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

Nays: None -- 0

Absent: Councilor Fosle -- 1

ATTEST:  
JEFFREY J. COX, City Clerk

Passed November 25, 2013  
Approved November 25, 2013  
DON NESS, Mayor

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