

**MINUTES OF THE REGULAR MEETING
OF THE DULUTH CITY COUNCIL**

February 9, 2015

Duluth City Council meeting held on Monday, February 9, 2015, 7:00 p.m. in the Council Chamber, City Hall, Duluth, Minnesota.

Roll call: Present: Councilors Filipovich, Fosle, Gardner, Hanson, Julsrud, Krug, Russ, Sipress and President Larson -- 9

Absent: None -- 0

The minutes of council meetings held on September 8 and 22, October 9, 13 and 27, 2014, were approved upon a unanimous vote.

PRESENTATION OF PETITIONS AND OTHER COMMUNICATIONS

15-0209-12 Richard Paulson communication regarding the proposed Lester Park and Enger Park golf courses management agreement (15-0077R). -- Received

REPORTS FROM OTHER OFFICERS

15-0209-01 Clerk applications for exempt permits (raffles) to the Minnesota gambling control board from: (a) Ridgeview Country Club on April 18, 2015; (b) United Northern Sportsmen Club on April 10, 2015. -- Received

REPORTS OF BOARDS AND COMMISSIONS

15-0209-02 Civil service board minutes of December 9, 2014, meeting. -- Received

15-0209-03 Duluth Seaway Port authority budget summary of December 2014. -- Received

15-0209-04 Duluth transit authority: (a) October 2014 financial statement; (b) Minutes of October 29, 2014, meeting. -- Received

15-0209-05 Library board minutes of: (a) October 28; (b) November 25, 2014, meetings. -- Received

OPPORTUNITY FOR CITIZENS TO BE HEARD

Mary Jane Peterson stated that the League of Women Voters will have observers attending council meetings to report on current issues for league membership.

Tom Morgan, president of Duluth Sister Cities International, spoke regarding the organization and thanked the council for its ongoing support.

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

RESOLVED, that the proper city officials are hereby authorized to purchase two new cameras with two fixed installations for the citywide video surveillance system known as West Fourth Street, from AVRIO RMS Group for a total amount not to exceed \$39,535, payable as follows:

\$33,535 - General 110, Police 160, Administration and Investigation 1610, Other Services and Charges 5441;

\$619 - General 110, Police 160, Police Special Accounts 1640, Auction Proceeds 2232, other services and charges;

\$5,381 - Duluth Police Grant Programs 215, Police 200, 2012 JAG 2299, Capital Equipment 5580.

Resolution 15-0072 was unanimously adopted.

Approved February 9, 2015

DON NESS, Mayor

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RESOLVED, that the proper city officials are hereby authorized to enter into a five-year management agreement, substantially the same as that on file in the office of the city clerk as Public Document No. 15-0209-06, with Billy Casper Golf for the operation, maintenance and improvement of Enger Park and Lester Park golf courses with a base monthly management fee of \$14,167 (\$9,167 for Enger and \$5,000 for Lester), including a two percent annual increase each year; in addition, Billy Casper Golf shall receive an annual incentive calculated as 22 percent of the positive net operating income (as defined in the agreement) in excess of \$1; payable from Fund 503-400-ENGR and LSTR-5310 (golf fund, parks and recreation department, Enger and Lester park golf courses, contract services).

Resolution 15-0077 was unanimously adopted.

Approved February 9, 2015

DON NESS, Mayor

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BY COUNCILOR HANSON:

WHEREAS, some business owners in Lincoln Park question the benefits of having parking meters in the area from 19th Avenue West to 22nd Avenue West and from Michigan Street to First Street, commonly known as the Lincoln Park Business District; and

WHEREAS, the council would like the Duluth parking commission to review the burdens and benefits of having parking meters in the Lincoln Park Business District and report its recommendations to the council.

THEREFORE, BE IT RESOLVED, that the city council hereby requests that the Duluth parking commission review the burdens and benefits of having parking meters in the Lincoln Park Business District and report its recommendations back to the council.

Resolution 15-0091 was unanimously adopted.

Approved February 9, 2015

DON NESS, Mayor

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BE IT RESOLVED, that the Duluth City Council hereby approves of the Minnesota gambling control board issuing a lawful gambling exemption to Ducks Unlimited at UMD and Fraternal Order of Police Lodge 9 and does hereby waive the 60 day waiting period which it has to object to the issuance of said exemptions.

RESOLVED FURTHER, that the city clerk is hereby authorized and directed to send a copy of this resolution to the Minnesota gambling control board immediately after its passage.

Resolution 15-0097 was unanimously adopted.

Approved February 9, 2015

DON NESS, Mayor

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BE IT RESOLVED, that the city council of the city of Duluth hereby approves the transfer of the following on sale intoxicating liquor license and on sale Sunday license for the period ending August 31, 2015, subject to departmental approvals, and the payment of sales and property taxes:

Sir Benedict's IV, Inc. (Sir Benedict's Tavern on the Lake), 805 East Superior Street, with Joshua Stotts, 50 percent owner, and Kaila Stotts, 50 percent owner, transferred from Sir Benedict's III, Inc. (Sir Benedict's Tavern on the Lake), same address.

Resolution 15-0098 was unanimously adopted.

Approved February 9, 2015

DON NESS, Mayor

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BE IT RESOLVED, that the Duluth City Council approves issuance of the following on sale club liquor license and on sale Sunday license for the period ending August 31, 2015, subject to departmental approvals and the payment of sales and property taxes:

Fraternal Building Assn. (Duluth Owls Club), 118 East Second Street, with Benjamin Marsen, manager.

Resolution 15-0099 was unanimously adopted.

Approved February 9, 2015

DON NESS, Mayor

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RESOLVED, that the appointment by Mayor Ness of Rachel Johnson to the housing and redevelopment authority of Duluth for a term expiring on January 7, 2019, replacing Nancy Bratrud who resigned, is confirmed.

Resolution 15-0096 was unanimously adopted.

Approved February 9, 2015

DON NESS, Mayor

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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. 15-0209-07, pursuant to which certain DEDA property will be insured under the city's property and boiler insurance policies for the period from February 16, 2015, to February 16, 2016, and for which DEDA shall reimburse the city in an amount not to exceed \$16,480, to be deposited in Fund 610 (self insurance liabilities), Agency 036 (insurance accounts), Organization 1656 (insurance DEDA), Object 4904 (liability insurance charges).

Resolution 15-0048 was unanimously adopted.

Approved February 9, 2015

DON NESS, Mayor

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RESOLVED, that pursuant to Ordinance 8713, the city of Duluth consents to and authorizes the assignment of a concurrent use of an aerial easement to maintain existing guy wires attached to the KBJR Broadcasting Tower granted to RJR Communications, Inc., by said

ordinance to Quincy Newspapers, Inc., and a wholly owned subsidiary thereof. The city's consent and authorization is contingent on Quincy Newspapers, Inc., and a wholly owned subsidiary thereof, providing proof of liability insurance in form and amount approved by the city attorney.

Resolution 15-0070 was unanimously adopted.

Approved February 9, 2015

DON NESS, Mayor

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WHEREAS, Regulation 24 CFR Part 91 issued by the U.S. department of housing and urban development (HUD) requires the city to submit and receive HUD approval of a five-year consolidated plan and an annual action plan as part of a HUD-approved five-year consolidated plan for the city of Duluth; and

WHEREAS, Title 1 of the Housing and Community Development Act of 1974, as amended, establishes a community development block grant (CDBG) program for the purpose of developing viable urban communities by providing decent housing and suitable living environment and expanding economic opportunities and preventing and/or eliminating conditions of slum and blight, principally for persons of low and moderate income; and

WHEREAS, the city of Duluth desires to continue to carry out HUD-funded programs.

NOW, THEREFORE, BE IT RESOLVED, that the FY 2015-2019 city of Duluth consolidated plan for housing and community development and the FY 2015 annual action plan required by HUD federal legislation are hereby adopted and approved.

BE IT FURTHER RESOLVED, that the city of Duluth hereby makes a finding that expenditures as set forth in Resolution 15-0074 are necessary and appropriate and, further, that said expenditures for the CDBG program will serve to assist low- and moderate-income individuals/families (no less than 70 percent as described in federal regulations) and/or serve to prevent or eliminate conditions of slum or blight in the community.

BE IT FURTHER RESOLVED, that the city of Duluth hereby makes a finding that expenditures as set forth in resolutions 15-0075 and 15-0076 are necessary and appropriate and, further, that said expenditures for the HOME and ESG programs will serve to assist low- and moderate-income people.

BE IT FURTHER RESOLVED, that the city of Duluth and its officials are authorized and directed to assume full responsibility for assuring that its community development program is carried out in full compliance with the provisions of the acts implementing the programs and all regulations of HUD issued pursuant thereto and authorizing appropriate city officials to execute any documents with HUD to implement the program. This authorization shall also apply to existing programs with the city and HUD under the HUD CDBG, HOME and emergency shelter grant programs.

Resolution 15-0073 was unanimously adopted.

Approved February 9, 2015

DON NESS, Mayor

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WHEREAS, City Council Resolution No. 15-0073, adopted February 9, 2015, approved FY 2015 annual action plan portion of the 2015-2019 consolidated plan; and

WHEREAS, the secretary of HUD is authorized to make grants to cities and/or counties to finance local community development programs, approved in accordance with the provisions of Title I of said act, as well as grants under the Cranston-Gonzales National Affordable Housing Act of 1990, as amended, (the HOME program) and the Stewart B. McKinney Homeless Assistance Act of 1987, as amended (the emergency solutions grant - ESG - program).

NOW, THEREFORE, BE IT RESOLVED, that the proper city officials are hereby authorized to make and submit appropriate documentation to HUD for those projects and corresponding funding levels as set forth below:

2015 HOME PROGRAM - FUND 260, AGENCY 020, OBJECT 5434, PROJECT CD15HM

SUB PROJECT	ACTIVITY	PROJECTS	AMOUNT
GN14	1736	Homeless rental asst. program (TBRA) - HRA	\$130,000
GN14	1737	TBRA admin - HRA	\$ 8,500
GN14	1738	Housing rehab - Housing Resource Connection - HRA	\$333,034
CH14	1226	Housing predevelopment - Center City Housing	\$ 27,000
GN14	AD03	Program administration (city)	\$ 45,948
Total			\$ 544,482

BE IT FURTHER RESOLVED, the following are hereby designated as the financial sources for the above program:

Year 2015	HOME grant	\$ 544,482
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BE IT FURTHER RESOLVED, that the city of Duluth and its officials are authorized and directed to assume full responsibility for assuring that its community development program is carried out in full compliance with the provisions of the acts implementing the programs and all regulations of HUD issued pursuant thereto. This authorization shall also apply to existing programs with the city and HUD under the HUD CDBG, HOME and ESG programs.

BE IT FURTHER RESOLVED, that the appropriate city officials are authorized to execute the appropriate agreements with these agencies upon receipt of approval of HUD funds.

Resolution 15-0075 was unanimously adopted.

Approved February 9, 2015

DON NESS, Mayor

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WHEREAS, City Council Resolution No. 15-0073, adopted February 9, 2015, approved FY 2015 annual action plan portion of the 2015-2019 consolidated plan; and

WHEREAS, the secretary of HUD is authorized to make grants to cities and/or counties to finance local community development programs, approved in accordance with the provisions of Title I of said act, as well as grants under the Cranston-Gonzales National Affordable Housing Act of 1990, as amended, (the HOME program) and the Stewart B. McKinney Homeless Assistance Act of 1987, as amended (the emergency solutions grant - ESG - program).

NOW, THEREFORE, BE IT RESOLVED, that the proper city officials are hereby authorized to make and submit appropriate documentation to HUD for those projects and corresponding funding levels as set forth below:

2015 ESG PROGRAM - FUND 262, AGENCY 020, OBJECT 5434, PROJECT CD15ES

SUBPROJECT	PROJECTS	AMOUNT
1244	CHUM Emergency Shelter	\$ 14,800
2109	MACV - Duluth	\$ 3,150

2511	Transitional Housing-Salvation Army	\$ 5,250
2509	Safe Haven D.V. Shelter	\$ 7,800
1226	Supportive Housing - Center City Housing Corp	\$ 11,550
1050	Transitional Housing & Shelter - AICHO	\$ 3,750
6092	HMIS data administration - Wilder Foundation	\$ 4,000
AD-05	Prevention & rapid re-housing assistance - HRA	\$ 67,963
AD-04	Program administration - city	\$ 13,789
HS-08	Housing stabilization benchmarks	\$ 51,800
	Total	\$183,852

BE IT FURTHER RESOLVED, that the following is hereby designated as the financial resource for the above program:

Source of Funding	
2015 ESGP grant	\$183,852
Total	\$183,852

BE IT FURTHER RESOLVED, that the city of Duluth and its officials are authorized and directed to assume full responsibility for assuring that its community development program is carried out in full compliance with the provisions of the acts implementing the programs and all regulations of HUD issued pursuant thereto. This authorization shall also apply to existing programs with the city and HUD under the HUD CDBG, HOME and ESG programs.

BE IT FURTHER RESOLVED, that the appropriate city officials are authorized to execute the appropriate agreements with these agencies upon receipt of approval of HUD funds.

Resolution 15-0076 was unanimously adopted.

Approved February 9, 2015

DON NESS, Mayor

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RESOLVED, that, pursuant to Section 2-176(a) of the Duluth City Code, 1959, as amended, the city council hereby states its intention to convey to the Duluth economic development authority that property generally outlined in red and depicted on Public Document No. 15-0209-08 in exchange for that property generally outlined in yellow and depicted on said public document.

Resolution 15-0082 was unanimously adopted.

Approved February 9, 2015

DON NESS, Mayor

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RESOLVED, that pursuant to Section 2-176(a) of the Duluth City Code, 1959, as amended, the city council hereby states its intention to convey to the Duluth economic development authority certain property depicted on Public Document No. 15-0209-09 subject to conveyance of the same to the city from the Minnesota department of transportation (MnDOT) in connection with the construction of a mixed used development on the southeast corner of 21st Avenue East and London Road.

Resolution 15-0092 was unanimously adopted.

Approved February 9, 2015

DON NESS, Mayor

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RESOLVED, that Contract 22084 with LHB, Inc., for professional engineering services for preliminary engineering of the Grand Avenue CIMS enhancements to be constructed from Becks

Road to I-35 be amended to include increased and revised design phase and to increase the amount by an estimated, \$79,556 for a new total of \$240,624, payable from Permanent Improvement Fund 411, Department/Agency 035 (capital projects accounts), Object 5530 (improvements other than buildings), City Project No. 1251.

Resolution 15-0079 was unanimously adopted.

Approved February 9, 2015

DON NESS, Mayor

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RESOLVED, that Contract 21000 with SEH, Inc., for professional engineering services for the Munger Trail extension from Lake Avenue to the Munger Trail be amended (second amendment) to increase the amount by \$97,000 for a new total of \$706,000, payable from Capital Improvement Fund 450, Department/Agency 030 (finance), Object 5530 (improvements other than buildings), City Project No. 0568TR, Capital Project No. CP2009-0568TR, S.P. 118-090-014 and Minnesota Project No. HPPH H146(001).

Resolution 15-0084 was unanimously adopted.

Approved February 9, 2015

DON NESS, Mayor

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RESOLVED, that the proper city officials are hereby authorized to accept monies and/or property from the United States department of justice and the United States department of the treasury under the federal equitable sharing program, and to execute an equitable sharing agreement, substantially the same as that on file in the office of the city clerk as Public Document No. 15-0209-10 for the purpose of supporting the operations of the Lake Superior drug and violent crime task force, funds to be deposited in Fund Number 215-200-2261-4471 (Duluth police grant programs, police, LSD/VCTF-federal forfeitures, police felony forfeitures).

Resolution 15-0066 was unanimously adopted.

Approved February 9, 2015

DON NESS, Mayor

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RESOLVED, that the city of Duluth ("city") act as the legal sponsor for project contained in Laws of Minnesota Chapter 295, Section 10, Subdivision 5, entitled Duluth-Wade Stadium.

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

RESOLVED, that the sources and amounts of the local match identified in the development proposal are committed to the project identified.

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 practice.

RESOLVED, that upon approval of its development proposal by the state, the city may enter into an agreement with the state of Minnesota for the above-referenced project, and that the city certifies that it will comply with all applicable laws and regulations as stated in all contract agreements.

RESOLVED, that the proper city officials are hereby authorized to execute such agreements as are necessary to implement the project on behalf of the city.

Resolution 15-0083 was unanimously adopted.

Approved February 9, 2015

DON NESS, Mayor

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WHEREAS, the golf enterprise fund has an accumulated cash deficit of \$1,600,000; and
 WHEREAS, the city of Duluth desires, as part of its reorganization of golf course operations, to formalize a loan repayment schedule that will allow golf operations to become self-sufficient.

NOW, THEREFORE, BE IT RESOLVED, that the current interfund loan balance of \$1,600,000 from the general fund be considered a long-term loan to be repaid in annual installments of \$50,000 without interest.

FURTHER RESOLVED, that in any year that golf operations do not generate \$50,000 in net income before loan repayment that such year's loan repayment be decreased to annual net income greater than \$1.

Resolution 15-0085 was unanimously adopted.

Approved February 9, 2015

DON NESS, Mayor

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The following resolutions were also considered:

WHEREAS, City Council Resolution No. 15-0073, adopted February 9, 2015, approved FY 2015 annual action plan portion of the 2015-2019 consolidated plan; and

WHEREAS, the secretary of HUD is authorized to make grants to cities and/or counties to finance local community development programs, approved in accordance with the provisions of Title I of said act, as well as grants under the Cranston-Gonzales National Affordable Housing Act of 1990, as amended, (the HOME program) and the Stewart B. McKinney Homeless Assistance Act of 1987, as amended (the emergency solutions grant - ESG - program).

NOW, THEREFORE, BE IT RESOLVED, that the proper city officials are hereby authorized to make and submit appropriate documentation to HUD for those projects and corresponding funding levels as set forth below:

2015 CITY OF DULUTH COMMUNITY DEVELOPMENT BLOCK

GRANT (CDBG) PROGRAM-FUND 262, AGENCY 020, OBJECT 5434 PROJECT CD15CD
 SUB

PROJECT	ACTIVITY	AMOUNT	PROJECTS
HOUSING PROJECTS			
HOUS	1734	\$515,000	Housing Resource Connection - One Roof/HRA
HOUS	2001	\$200,000	Center for Changing Lives - Lutheran Social Services
ECONOMIC DEVELOPMENT PROJECTS			
ECDV	2412	\$128,000	SOAR Duluth At Work - SOAR Career Solutions
ECDV	1244	\$ 64,000	CHUM Support Services for Employment - Churches United in Ministry
ECDV	2264	\$ 64,000	Growing Neighborhood Businesses - Northeast Entrepreneur Fund, Inc.
ECDV	1974	\$ 32,000	Futures Program - Life House
ECDV	1291	\$ 48,000	Duluth @ Work - Community Action Duluth
PUBLIC FACILITY IMPROVEMENT PROJECTS			
PFAC	PF01	\$175,000	New Kitchen - Washington Center - city of Duluth

PFAC	PF03	\$165,000	West Duluth Food Access & Education - city of Duluth
PFAC	PF04	\$ 68,000	Central Hillside Building Improvements - One Roof
PUBLIC SERVICE PROJECTS			
PSVC	1244	\$ 70,000	Duluth Hunger Project - CHUM
PSVC	1929	\$ 30,000	Primary Health Care Services - Lake Superior Community Health Center
PSVC	1974	\$ 28,000	Basic Needs Center for Homeless Youth - Life House
PSVC	1226	\$ 19,550	Supportive Housing Programs - Center City
PSVC	2509	\$ 7,800	Battered Women's Shelter Program - Safe Haven Shelter/CHUM
PSVC	2511	\$ 5,250	Family Transitional Housing Program - Salvation Army
PSVC	2805	\$ 20,000	JET Food Program - NYS
PSVC	2109	\$ 9,150	Homeless and At-Risk Vets Stabilization/ Outreach - MACV/CHUM
PSVC	1050	\$ 18,250	Transitional and Permanent Housing Services - AICHO
PSVC	1244	\$ 14,800	Duluth Shelter Project - CHUM
PSVC	HO07	\$ 42,000	Coordinated Assessment*
PSVC	HO08	\$ 55,987	Housing and Stabilization Services Fund*

* Grantees to receive funds under the joint agreement include Churches United in Ministry, American Indian Community Housing Organization, Minnesota Assistance Council for Veterans, The Salvation Army, Center City Housing Corporation, Safe Haven Shelter for Battered Women and Life House Incorporated.

PLANNING/PROGRAM ADMINISTRATION

ADMC	AD01	\$424,947	CDBG Program Administration
ADMC	AD02	\$ 20,000	Neighborhood Revitalization Planning

BE IT FURTHER RESOLVED, that the following are hereby designated as the financial resources for the above program:

SOURCE OF FUNDING

Year 2015	CDBG Grant - city	\$2,224,734
Total		\$2,224,734

BE IT FURTHER RESOLVED, that the city of Duluth and its officials are authorized and directed to assume full responsibility for assuring that its community development program is carried out in full compliance with the provisions of the acts implementing the programs and all regulations of HUD issued pursuant thereto. This authorization shall also apply to existing programs with the city and HUD under the HUD CDBG, HOME and ESG programs.

BE IT FURTHER RESOLVED, that the appropriate city officials are authorized to execute the appropriate agreements with these agencies upon receipt of HUD funds.

Resolution 15-0074 was adopted upon the following vote:

Yeas: Councilors Filipovich, Fosle, Gardner, Hanson, Krug, Russ and Sipress -- 7

Nays: None -- 0

Abstention: Councilor Julsrud and President Larson -- 2

Approved February 9, 2015

DON NESS, Mayor

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Resolution 15-0080, amending Resolution 14-0599, adopting license, permit, fine, penalty and other charges for 2015, to amend the 2015 fee schedule for Bayfront Festival Park, was introduced by Councilor Sipress.

Councilor Sipress moved to table the resolution, which motion was seconded and carried as follows:

Yeas: Councilors Filipovich, Fosle, Gardner, Hanson, Julsrud, Russ, Sipress and President Larson -- 8

Nays: Councilor Krug -- 1

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Resolution 15-0067, authorizing city officials to allocate \$100,000 from the tourism tax fund balance to UMD for improvements to Glensheen Mansion, was introduced by Councilor Filipovich for discussion.

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

Dan Hartman spoke in support of the resolution.

Resolution 15-0067 was adopted as follows:

RESOLVED, that the proper city officials are authorized to allocate \$100,000 from Fund 258, the tourism tax fund balance, to UMD to restore certain historic brick walls located on Glensheen Mansion property.

Resolution 15-0067 was adopted upon the following vote:

Yeas: Councilors Filipovich, Gardner, Julsrud, Krug, Russ, Sipress and President Larson -- 7

Nays: Councilor Fosle -- 1

Abstention: Councilor Hanson -- 1

Approved February 9, 2015

DON NESS, Mayor

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RESOLVED, that the proper city officials are hereby authorized to enter into an agreement, substantially in the form on file in the office of the city clerk as Public Document No. 15-0209-11, with UMD; \$50,000 for the continued promotion of programs, exhibits and events at Glensheen Mansion; \$100,000 for repairs to historic brick walls near the visitor entrance to the mansion; for a total amount not to exceed \$150,000, payable as follows:

\$50,000 - Tourism Taxes 258, Finance 030, tourism tax allocation - Miscellaneous 5436-12;

\$100,000 - Tourism Taxes 258, Finance 030, tourism tax allocation - Advertising and Publicity 5436-11.

Resolution 15-0069 was adopted upon the following vote:

Yeas: Councilors Filipovich, Gardner, Julsrud, Russ, Sipress and President Larson -- 7

Nays: Councilor Fosle -- 1

Abstention: Councilor Hanson -- 1

Approved February 9, 2015

DON NESS, Mayor

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Resolution 15-0071, authorizing the purchase of equipment from Boyer Trucks in the amount of \$114,475.52, was introduced by Councilor Hanson.

Councilor Hanson moved to table the resolution, which motion was seconded and carried upon the following vote:

Yeas: Councilors Filipovich, Gardner, Hanson, Julsrud, Russ, Sipress and President Larson -- 7

Nays: Councilors Fosle and Krug -- 2

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Resolution 15-0078, authorizing the purchase of equipment from MacQueen Equipment, Inc., in the amount of \$212,227.88, was introduced by Councilor Hanson.

Councilor Hanson moved to table the resolution, which motion was seconded and carried upon the following vote:

Yeas: Councilors Filipovich, Gardner, Hanson, Julsrud, Russ, Sipress and President Larson -- 7

Nays: Councilors Fosle and Krug -- 2

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Resolution 15-0093, by President Larson, establishing a 2015 Duluth distinguished artist award to be bestowed on Duluth artists by members of the city council, was introduced for discussion.

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

Anne Dugan and Crystal Pelkey spoke in support of the resolution.

Resolution 15-0093 was adopted as follows:

BY PRESIDENT LARSON:

WHEREAS, creative expression and the literary, visual and performing arts are a critical component and reflection of community life allowing for histories, perspectives, ideas, stories and lives to be shared; and

WHEREAS, art may be defined by a variety of different methods and spans mediums which include visual art, sculpture, dance, spoken word, film, storytelling, literature, fabric art, music, theater and other forms of creative expression; and

WHEREAS, Duluth has an abundance and diversity of artistic voices and a rich arts community that is supported by institutional and individual partners which operate through the dedication of employees, volunteers and boards; and

WHEREAS, in 2013 and 2014, the Creative Community Leadership Institute brought together 24 cross-sector community leaders in the Twin Ports to learn about, and build relationships to support, arts based community development; and

WHEREAS, public recognition of the arts is an opportunity to acknowledge the important role the arts and artists play in the social, physical, cultural and economic development of Duluth.

THEREFORE, BE IT RESOLVED, that the Duluth City Council establishes the 2015 Duluth distinguished artists award.

FURTHER RESOLVED, each member of the city council may bestow one Duluth distinguished artist award during 2015.

Resolution 15-0093 was unanimously adopted.

Approved February 9, 2015

DON NESS, Mayor

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Resolutions 15-0089 and 15-0090, by Councilor Julsrud, affirming and reversing, respectively, the decision of the public works and utilities director denying Storage Kings's request for a stormwater utility fee adjustment pursuant to Section 43-67 of the Duluth City Code, were introduced.

Councilors Filipovich and Julsrud moved to table the resolutions, which motions were seconded and carried upon the following vote:

Yeas: Councilors Filipovich, Hanson, Julsrud, Krug, Russ, Sipress and President Larson -- 7

Nays: Councilors Fosle and Gardner -- 2

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INTRODUCTION AND CONSIDERATION OF ORDINANCES

The following entitled ordinances were read for the second time:

BY COUNCILOR GARDNER

15-007 (10353) - AN ORDINANCE AMENDING SECTION 29A-32.1 OF DULUTH CITY CODE, 1959, AS AMENDED, TO ALLOW OWNER OCCUPIED ONE-FAMILY DWELLINGS TO BE LICENCED AS SINGLE TENANT RENTAL UNITS WITHOUT PAYMENT OF A CONVERSION FEE IF THE OWNER-OCCUPANT RENTS ONLY TO ONE PERSON.

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

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INTRODUCED BY COUNCILOR JULSRUD

15-008 (10354) - AN ORDINANCE AMENDING CHAPTER 48 OF THE DULUTH CITY CODE, 1959, AS AMENDED, UPDATING LANGUAGE RELATED TO UTILITY SERVICE BILLING AND COLLECTION, DEPARTMENT SERVICES AND AUTHORIZED RESIDENTIAL GAS CONNECTIONS.

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

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The meeting was adjourned at 8:20 p.m.

CHELSEA J. HELMER, Assistant City Clerk, for
JEFFREY J. COX, City Clerk

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ORDINANCE NO. 10353

BY COUNCILOR GARDNER:

AN ORDINANCE AMENDING SECTION 29A-32.1 OF DULUTH CITY CODE, 1959, AS AMENDED, TO ALLOW OWNER OCCUPIED ONE-FAMILY DWELLINGS TO BE LICENCED AS SINGLE TENANT RENTAL UNITS WITHOUT PAYMENT OF A CONVERSION FEE IF THE OWNER-OCCUPANT RENTS ONLY TO ONE PERSON.

The city of Duluth does ordain:

Section 1. That Section 29A-32.1 of the Duluth City Code, 1959, as amended, is hereby amended to read as follows:

Sec. 29A-32.1. Conversion fee.

Any one-family dwelling, not currently licensed pursuant to this Article on March 13, 2011, shall be subject to a rental conversion fee at the time it is initially licensed as a rental unit. The conversion fee shall not apply if:

- (a) License is being renewed; or
- (b) Single tenant rental unit will be owner occupied and have only one renter. If the owner-occupant ceases to live in the dwelling, the one-time conversion fee will be required for dwelling to remain licensed.

Section 2. That this ordinance shall take effect 30 days after its passage and publication. (Effective date: March 12, 2015)

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

Yeas: Councilors Filipovich, Fosle, Gardner, Hanson, Julsrud, Krug, Russ, Sipress and President Larson -- 9
Nays: None -- 0

Passed February 9, 2015
Approved February 9, 2015
DON NESS, Mayor

ATTEST:
JEFFREY J. COX, City Clerk

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ORDINANCE NO. 10354

AN ORDINANCE AMENDING CHAPTER 48 OF THE DULUTH CITY CODE, 1959, AS AMENDED, UPDATING LANGUAGE RELATED TO UTILITY SERVICE BILLING AND COLLECTION, DEPARTMENT SERVICES AND AUTHORIZED RESIDENTIAL GAS CONNECTIONS.

The city of Duluth does ordain:

Section 1. That Section 48-6 of the Duluth City Code, 1959, as amended, be amended to read as follows:

Sec. 48-6. Application required; applicants to answer all questions of department.

- (a) All applicants for water, gas, gas transportation or sewer service shall sign an application form for said service furnished by the department;
- (b) No person or persons shall be provided service until they have presented sufficient information to the department to clearly and accurately establish, to the satisfaction of the department, their identity and their utility credit history.

Section 2. That Section 48-11 of the Duluth City Code, 1959, as amended, be amended to read as follows:

Sec. 48-11. Security from applicants--when it may be required by department.

The department, at any time and at its discretion, may require from an applicant reasonable security to safeguard itself against the loss of or damage to equipment and to insure prompt payment of all bills, subject to the following conditions:

(a) The department may, at its discretion, accept security in the form of a contract executed by a third party guaranteeing payment by the applicant. Such guarantee contract shall be in a form acceptable to the department and be given by a person or entity acceptable to the department;

(b) A security deposit shall not be required of:

(1) A residential heating or domestic applicant who has been an applicant of the department within the last one year at other premises within the city, or who has had like utility services outside the city within the last one year, and has promptly paid all service charges for the last 12 months at such other premises; or

(2) An applicant, other than a residential heating or domestic applicant, who has been an applicant of the department within the last two years at other premises within the city, or who has had like utility services outside the city within the last two years, and has promptly paid all service charges for the last 24 months at such other premises;

(c) The department shall not require a deposit or a guarantee of payment based upon source of income, residential location, employment tenure, nature of occupation, race, color, creed, sex, marital status, age, national origin or any other criteria which does not bear a reasonable relationship to the assurance of payment.

Section 3. That Section 48-12 of the Duluth City Code, 1959, as amended, be amended to read as follows:

Sec. 48-12. Security from applicant--amount.

The department, at any time and at its discretion, may require from an applicant reasonable security to safeguard itself against the loss of or damage to equipment and to insure prompt payment of all bills subject to the following conditions:

(a) The security deposit shall be in an amount of 1/6 the estimated total annual cost of services to be provided at the premises for which the applicant contracts for service, except as provided herein. If the department requires a greater deposit, it shall give written reasons for its requirement. A person aggrieved by the requirement of a deposit may have a hearing before the director of public works and utilities by requesting one in writing. If the applicant is a recipient for low income home energy assistance according to the criteria of the current Minnesota state plan for low income energy assistance, and also that the applicant's utility credit history shows that there is little risk of nonpayment to the department, then the director may reduce the deposit to any reasonable amount in excess of \$49;

(b) The security deposit shall be in the form of a cash deposit;

(c) Any security deposit shall bear interest at a rate determined by state statute. The interest shall be credited to the customer's security deposit account;

(d) The department shall keep records of persons from whom deposits are collected, and the amounts, interest paid and the distribution, if any, of such deposits. Receipts shall be issued to applicants for the deposits.

Section 4. That Section 48-13 of the Duluth City Code, 1959, as amended, be amended to read as follows:

Sec. 48-13. Use of security deposit.

(a) If, at any time, an applicant does not promptly pay any charges owing to the department, and the applicant has a security deposit with the department, then the department, at its option, may use said security to satisfy the charges owing on any account of applicant. Whenever the department applies the security deposit to the payment of charges, it shall send written notice of its action to the applicant within 35 days. If the security deposit is used to pay charges owed to the department, then the department, at its option, may require the deposit with it of additional security, under the same conditions set out in sections 48-11 and 48-12 of this Code. If the applicant fails to make the required security deposit within 30 days of a request to do so, the department may terminate service to the customer as provided in Section 48-208(a) below;

(b) Subject to paragraph (a) above, any security deposit shall be refunded to a residential heating or domestic applicant when such applicant has promptly paid his or her bills for a period of 12 consecutive months after such applicant has deposited the full amount of the required security with the department, and to an applicant other than a residential heating or domestic applicant when said applicant has promptly paid his or her bills for a period of 24 consecutive months after such applicant has deposited the full amount of the required security with the department. Said deposit shall be paid directly to applicant;

(c) Whenever an applicant terminates all business with the department, the amount of such security deposit shall be applied against applicant's final bill for service, and the applicant shall be given, within 45 days, a written accounting of the disposition of any security deposit given by that applicant and any remaining amounts due to him or her;

(d) If an applicant has more than one account or is receiving service at more than one property, security for any account or property may be applied and used for any other account or property of the applicant.

Section 5. That Section 48-15 of the Duluth City Code, 1959, as amended, be amended to read as follows:

Sec. 48-15. Same--To be paid monthly--meter reading requirements.

(a) Payment for the supply of water, gas, sewage and all other charges and fees shall be made monthly, on or before time for payment stated on the bill, but in no case shall such time be less than 20 days after the date of mailing of the bill. The department shall charge interest on delinquent bills, including all charges, fees and budget plan payments, at the rate of the amount set in accordance with Section 31-8 of this Code per month. Interest on such delinquent bills shall be charged from the date of the mailing of the delinquent bill, but interest of less than \$1 accruing during a billing period shall be waived;

(b) Except in unusual cases or when approval is obtained from the applicant, readings of all meters used for determining charges to applicants shall be made at least every other month unless otherwise authorized by resolution of the city council; provided, however, that in the case of premises not served by gas, the department shall not be required to read water meters more frequently than once every four months. The term, month, for meter reading and billing purposes is the period between successive meter reading dates which shall be as nearly as practicable to a 30 day interval.

The department shall read the meter when there is a change in applicants;

(c) When access to a meter cannot be gained an estimated bill may be rendered; provided that in cases of emergency, the department may render

estimated bills without reading meters. Estimated bills shall be based on the applicant's normal consumption for a corresponding period during the preceding year or any other reasonable and accurate method;

(d) The department may render no more than two consecutive estimated bills to any applicant. When two consecutive bills have been issued, the department will send a letter to the applicant with the second bill, giving that applicant ten days to make arrangements with the department for reading the meter, either by making an appointment to grant the meter reader access to the meter or delivering a key to the department for access to the meter. The letter shall also state that if no such arrangements are made within ten days, the department will disconnect service.

Section 6. That Section 48-15.4 of the Duluth City Code, 1959, as amended, be amended to read as follows:

Sec. 48-15.4. Same--Uncollectible debts.

If it comes to the attention of the department director that because of death, insolvency or other cause, the debt of an applicant or customer is presently uncollectible and that there appears to be no chance that such debt will become collectible in the future, the director may present evidence of such uncollectibility to the director of finance and to the city attorney. If both the director of finance and the city attorney agree in writing that the debt appears to be uncollectible presently and in the future, the director may delete such debt from the list of delinquent accounts receivable. Debts discharged pursuant to bankruptcy and debts of less than \$5 may be recommended to the director of public works and utilities for deletion from the list of delinquent accounts receivable by the department office manager.

Section 7. That Section 48-15.5 of the Duluth City Code, 1959, as amended, be amended to read as follows:

Sec. 48-15.5. Assessment of unpaid sewer charges generally and assessment of unpaid water charges in certain cases.

(a) Application. The authorization to assess for unpaid water charges in this Section shall apply only in cases meeting the following criteria; said criteria shall not limit the authority of the city to assess for unpaid sewer charges under Section 43-6 of the Code:

(1) Where more than one building is served by a single water service;

(2) Where at least one of the buildings so served is under separate ownership from one or more of the other buildings served by said service;

(3) Where there are at least two months of unpaid charges for water service provided to any such separately-owned property;

(4) Where the director certifies that reasonable efforts to collect such unpaid charges have been unsuccessful and the applicant for such services does not have a valid agreement with the department to pay such charges;

(5) Where there is not a water shut-off valve located within a public street easement which will allow water service to be shut off to the property to which the unpaid charges pertain without turning off water service to a property where payments received for water service are current;

(b) List of delinquent accounts. On or before June 1 of each year, the department may transmit to the city's chief financial officer a list of properties described in Subsection (a) above and any other properties having unpaid sewer charges certified by the director for assessment against the property pursuant to Section 43-6 of the Code, together with the amount due with respect to each such

property. For each account transmitted, a collection fee in the amount set by city council resolution pursuant to Section 31-8 of the City Code shall be added to reimburse the department for its administrative costs;

(c) Preparation of assessment roll. Upon the receipt of such lists, the chief financial officer shall make an assessment roll containing, in columns, the name of the owner of each lot or parcel of land separately assessed, if known to him, together with a description of each such lot or parcel of land and the amount of such assessment. The assessment roll shall include the collection fee set forth in Subsection (b) above;

(d) Notice. On or before July 1 of each year, the chief financial officer shall certify the assessment roll to the city council. The chief financial officer shall give 20 days' notice by first class mail to the apparent owner of each lot or parcel of land and any other party known to have a legal interest in said land. The notice shall state the amount of the assessment, including the collection fee, the description of the property, that the assessment roll is on file in the chief financial officer's office and that any party aggrieved by the assessment may appeal by filing a written notice of appeal with the office of the chief financial officer within 20 days after receiving notice of assessment. Such notice shall indicate that the assessment, including the collection fee, is due and payable on or before October 1 of the current year. Failure to make payment by such date shall render the assessment delinquent;

(e) Form of appeal to the chief financial officer. Any party aggrieved by an assessment made pursuant to this Section may appeal such assessment by filing a written notice of appeal with the chief financial officer within 20 days of receipt of the notice of assessment. The notice shall state the precise grounds upon which the appeal is taken. The chief financial officer shall notify the appellant of the time and place of the hearing. At the hearing, the chief financial officer shall hear and determine all objections made to the regularity of the proceedings or to the correctness of the amount of such assessment or of the amount levied upon a particular lot or parcel of land. If the proceedings are found to be regular and the amounts claimed had been properly billed with regard to the benefitted property, the chief financial officer shall correct any errors which may have been found in the assessment and shall thereupon recommend that the city council by resolution confirm such assessment. To each assessment a collection fee shall be added in an amount set by council resolution pursuant to Section 31-8 of the City Code to reimburse the city its administrative assessment costs. Immediately thereafter notice of the confirmed assessment and its amount, including the collection fees, shall be sent by the city treasurer by mail to the apparent owner of each lot or parcel of land assessed. Such notice shall indicate that the assessment is due and payable on or before October 1 of the year when confirmed and that failure to make payment by such date shall render the assessment delinquent. After all appeals are heard and determined, the city council shall confirm the entire assessment roll by resolution;

(f) Certification of delinquent assessments. After the city council confirms the assessment roll, the city treasurer shall file with the county auditor, during the time set by law for such filings, a certified statement of all assessments delinquent under this Chapter, describing the land affected and giving the amount of the assessment, with ten percent penalty added, after which the assessment shall follow the provisions of Chapter IX of the City Charter including but not limited to Sections 67 and 68 thereof.

Section 8. That Section 48-26 of the Duluth City Code, 1959, as amended, be amended to read as follows:

Sec. 48-26. Connections, etc., to be made by authorized persons only.

Any person making any attachment or connection to, or doing any work with or on any water house service and any appurtenances thereto, must be authorized by the laws of the state of Minnesota to do such work. All persons performing gas-fitting work from the outside meter stop valve to any appliance or outlet, including all gas house piping, shall be a plumber or pipefitter licensed by the state of Minnesota working for a licensed and bonded plumbing contractor. Residential gas piping in owner-occupied units in one and two family dwellings may also be performed by an employee of a mechanical contractor bonded in accordance with Minnesota law if the employee is qualified to do gas piping through an education and training program approved by the building official. The provisions of this Section shall not apply to city employees doing work for the city and to any property owner doing work on their single family, owner occupied dwelling.

Section 9. That Section 48-120 of the Duluth City Code, 1959, as amended, be amended to read as follows:

Sec. 48-120. Same--Services to be maintained by department to curb stop only.

All street services shall be maintained and repaired by the department at department cost. Privately owned water services downstream from the curb stop or master box shall be repaired and maintained by the owners at their expense.

Section 10. That Section 48-128 of the Duluth City Code, 1959, as amended, is repealed.

Section 11. That Section 48-157 of the Duluth City Code, 1959, as amended, be amended to read as follows:

Sec. 48-157. Transportation services.

The department is authorized to provide by contract interruptible natural gas transportation services to high volume gas service users. The provisions of this Chapter shall not apply to such services except as provided for and incorporated in such a contract.

Section 12. That Section 48-207 of the Duluth City Code, 1959, as amended, be amended to read as follows:

Sec. 48-207. Same--Fees.

A fee based on current service charges shall be collected for each permit to take water from a fire hydrant and for establishing supply thereunder. This fee shall not be part of any charge for water used from the hydrant.

Section 13. That Section 48-208 of the Duluth City Code, 1959, as amended, be amended to read as follows:

Sec. 48-208. Right of department to shut off supply of gas or water.

(a) For violation of or noncompliance with the provisions of this Chapter or the rules of the department, other than for nonpayment of any charges, the right is reserved to the department to shut off the supply of water or gas, or both, after the giving of such notice and opportunity to be heard as is reasonable under the circumstances. Whenever possible, such notice shall be mailed or otherwise given to the owner of record of affected premises or his agent, to any lessee of such premises known to the department and to residents of such premises, such notice to residents being in the form of letter addressed to "resident" at such premises or in another reasonable manner;

(b) For nonpayment of any charges the department may terminate water or gas service, or both, to the premises where the service was received and

to any other premises owned or occupied by the applicant, provided that:

(1) Notice of termination has been given at least 15 calendar days prior to such action by mail to the applicant at the billing address. A record of all notices must be kept on file by the department for a period of not less than one year. Such notice shall specify:

- (A) The reason for the termination;
- (B) The date on which termination of service is scheduled to occur;
- (C) The amount delinquent;
- (D) That the department will accept payment at any time during business hours prior to termination;
- (E) The right of an applicant to establish inability to pay the charges and work out a payment plan during the cold weather months, as provided in subparagraph (3) of this paragraph;
- (F) The availability of low-income energy assistance or other resources for energy expense; and
- (G) That the applicant has a right to a hearing if the applicant disputes the bill;

(2) Such charges are undisputed or, if disputed, the dispute resolution procedure provided for in sections 48-15.3, 48-237 and 48-238 of this Code has been complied with by the department;

(3) Termination is conducted in accordance with Minnesota's "Cold Weather Rule" (Minn. Stat. § 216B.097, as may be amended);

(c) If the department has received no response from an applicant to whom a notice of service termination has been sent pursuant to this Section, the department must make one attempt, within ten days prior to the date of termination, to contact the applicant ascertain the reason for nonpayment and provide information on financial resources available to pay for energy expenses, if appropriate. This attempt shall be in addition to the regular monthly bill and the notice of termination required by this Section.

Section 14. That Section 48-208.2 of the Duluth City Code, 1959, as amended, be amended to read as follows:

Sec. 48-208.2. Misdemeanor to rent premises where water or gas disconnected.

(a) No person shall let to another for occupancy any dwelling or dwelling unit covered by the city of Duluth Housing Code (Chapter 29A of the City Code), for the purpose of living therein, to which water, gas or sewer service has been discontinued by the department for the failure of the owner or any other person to pay outstanding charges on his or her account, unless one of the following conditions is met:

(1) The landlord provides the prospective tenant with written confirmation from the department that arrangements have been made to reconnect utility service; or

(2) The landlord and prospective tenant enter into a written agreement approved by the department providing for payment of current and continuing utility charges, whether through allocation of rent toward satisfaction of utility charges or otherwise, in consideration for reconnection of utility service; or

(3) The prospective tenant applies for service pursuant to Section 48-6 of this Chapter;

(b) No landlord, agent of the landlord or person acting under a landlord's direction or control may disconnect or cause the disconnection of water, gas or sewer services to the tenant, without the tenant's consent, unless such

interruption is for the purpose of repairing or correcting faulty or defective equipment or protecting the health and safety of the occupants of the premises involved. If such disconnection occurs, the landlord shall be obligated to reinstate the service as soon as possible;

(c) If residential premises are rented in violation of paragraph (a) of this Section, the tenant may temporarily reinstate service by paying to the department an amount equal to the estimated utility charges for the remainder of the period for which the tenant has paid rent, not to exceed 31 days. At the end of said period, the department may immediately disconnect service to said premises unless other arrangements are made by the landlord or by the tenant under Section 48-208.3 below. The department shall bill the landlord for the reconnection charges.

Section 15. That Section 48-208.3 of the Duluth City Code, 1959, as amended, be amended to read as follows:

Sec. 48-208.3. Tenant's right to pay bill and deduct charges from rent.

(a) Where the department has given notice that it will terminate utility service because of the failure of a landlord applicant to pay outstanding charges on his or her account, a tenant may notify the landlord in writing of his or her intent to follow the procedures set forth in this Section. During the time period from October 15 to April 15, if utility service has been disconnected, or is threatened with disconnection within 48 hours, the tenant may notify the landlord, either orally or in writing, of the situation and of his or her intent to pay the bill within such period as is reasonable under the circumstances. If the situation is not remedied, the tenant may pay the charges for the current billing period and, upon submitting to the landlord receipts, deduct the cost from the rent;

(b) If the department receives payment from a tenant under this Section equivalent to the current bill, it shall not terminate service for the following month;

(c) If the tenant desires to continue paying service charges for the landlord beyond the one month period authorized in paragraph (b) of this Section, the department may require the tenant or tenants to agree to make payments to the department in an amount equal to the current charges not to exceed tenant's monthly rent to the landlord applicant. Payments shall be due monthly on the date tenant's rent is due under tenant's lease with the landlord. Tenant may, at his or her option, terminate the obligation under this agreement, continue to pay current charges under the terms and conditions of this Section or apply for service as provided for in Section 48-6 above. The department may require the tenant to furnish rent receipts, a written lease or other proof in writing of the amount of the tenant's monthly rent. All agreements to make payments to the department in lieu of rent shall be in writing, and signed by the tenant and a representative of the department. A copy of such agreement shall be furnished to the tenant;

(d) When a tenant elects to pay for water and gas service in accordance with this Section, the department shall notify the tenant's landlord of the election. This notice shall advise the landlord that the tenants have the right to deduct utility charges actually paid from future rental payments, and that no landlord can retaliate against tenants (i.e., eviction or rent increase without other good cause) for exercise of their rights under this Section;

(e) For purposes of this Section, "current bill" means the bill for utility consumption at the premises during the previous billing period and "average bill" means the bill for a year's consumption at the premises divided by the number of billing periods in a year;

(f) If the tenant fails to make payments under this Section, the department shall give the tenant five days' notice by first class mail of its intent to

terminate utility service before terminating such service;

(g) Notwithstanding a tenant's election to pay for current water and gas service in accordance with this Section, the landlord shall remain responsible for any and all arrearages on the account along with any and all accrued penalties on said arrearages. The landlord may choose to execute an assignment of rents with the department providing for the assignment of the landlord's right to receive tenant's remaining monthly rents until all arrearages on the account have been paid in full;

(h) If there are multiple tenants in an affected multifamily building, the department is not required to offer the right to become the responsible bill payer or customer of record to more than one tenant in a 12-month period;

(i) This Section is intended to comply with all applicable provision of Minnesota Statutes chapters 325E and 504B, as may be amended, and shall be interpreted to comply with those provision wherever possible.

Section 16. That Section 48-234 of the Duluth City Code, 1959, as amended, be amended to read as follows:

Sec. 48-234. Appropriated funds for use by director in advertising, etc.

Subject to the approval of the city's chief administrative officer, the director of the public works and utilities department is hereby authorized and directed during any calendar year, if funds shall be appropriated by the city council to purchase and contract for such services, materials and supplies and to pay for such selling expense items as the director may from time to time deem necessary in carrying on any advertising or publicity campaign designed to make effective the intent and purpose of this Article.

Section 17. That this ordinance shall take effect 30 days after its passage and publication. (Effective date: March 12, 2015)

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

Yeas: Councilors Filipovich, Fosle, Gardner, Hanson, Julsrud, Krug, Russ, Sipress and President Larson -- 9

Nays: None -- 0

ATTEST:
JEFFREY J. COX, City Clerk

Passed February 9, 2015
Approved February 9, 2015
DON NESS, Mayor

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