

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

February 23, 2015

Duluth City Council meeting held on Monday, February 23, 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 November 10 and 24, 2014, were approved unanimously.

- - -

PRESENTATION OF PETITIONS AND OTHER COMMUNICATIONS

15-0223-01 Joe Signorelli, et al. (24 signatures), by Daniel D. Maddy, attorney, petition for repair and completion of road, stormwater utility features and other public improvements to meet the requirements of the approved plans for Eastridge Estates and for city acceptance of the road and public improvements in Eastridge Estates. -- Acting Assessor

15-0223-08 Storage King Properties, by John Bray, attorney, withdrawal of appeal of the denial for a stormwater utility fee adjustment for 4514 Rice Lake Road (15-0089R and 15-0090R). -- Received

15-0223-09 The following communications regarding the recommendations of the council's Lakewalk task force (15-0119R): (a) Terry Clark; (b) Alison Clarke; (c) Members of Pointe Condominiums, by Craig Wilson. -- Received

- - -

REPORTS FROM OTHER OFFICERS

15-0223-02 Clerk applications for exempt permits to the Minnesota gambling control board from: (a) Churches United in Ministry (CHUM) (raffles) on: (1) March 22, 2015; (2) June 27, 2015; (b) Holy Family Catholic Church (bingo) on March 8, 2015; (c) Lake Superior Lawmen Hockey; Fraternal Order of Police Lodge 9 (MN) (raffle) on March 21, 2015; (d) Rotary Club of Duluth Hermantown Minnesota USA, Inc. (raffle) on May 13, 2015; (e) St. Louis Carlton County Pheasants Forever (raffle) on April 24, 2015. -- Received

- - -

REPORTS OF BOARDS AND COMMISSIONS

15-0223-03 Alcohol, gambling and tobacco commission minutes of January 7, 2015, meeting. -- Received

15-0223-07 Duluth airport authority minutes of January 20, 2015, meeting. -- Received

15-0223-06 Duluth public utilities commission minutes of January 20, 2015, meeting. -- Received

15-0223-04 Parks and recreation commission minutes of December 10, 2014, meeting. -- Received

15-0223-05 Planning commission minutes of January 13, 2015, meeting. -- Received

- - -

REPORTS OF COUNCIL OPEN ISSUES

President Larson thanked the Duluth Art Institute for the display of art from the member art show which will be hanging in the Council Chamber for a few weeks.

Councilor Filipovich presented the February 2015 Duluth City Council distinguished artist award to Charles Leibfried, who thanked the council and played some tunes on the trumpet.

- - -

RESOLUTIONS TABLED

Councilor Filipovich moved to remove Resolution 15-0039, confirming assessment roll levied to defray the assessable portions of the sanitary sewer extension at Lakeview Avenue, from the table, which motion was seconded and carried unanimously.

Resolution 15-0039 was adopted as follows:

RESOLVED, that the assessable roll levied to defray the assessable portions of the following is hereby confirmed:

Lakeview Avenue sanitary sewer extension for Lakeview Avenue Contract 2014015 - total assessable amount of \$50,000; to be deposited in Fund 530.

Resolution 15-0039 was unanimously adopted.

Approved February 23, 2015

DON NESS, Mayor

- - -

Councilor Julsrud moved to remove Resolutions 15-0089 and 15-0090, affirming and reversing, respectively, the decision of the public works and utilities director denying Storage King's request for a stormwater utility fee adjustment pursuant to Section 43-67 of the Duluth City Code, from the table, which motion was seconded and carried unanimously.

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

- - -

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

Councilor Sipress moved to return the resolution back to the administration, which motion was seconded and carried unanimously.

- - -

MOTIONS AND RESOLUTIONS

CONSENT AGENDA

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

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 5,000 tons of hot mix from Northland Constructors, Minnesota State Contract No. 55656, for filling street potholes and permanent patching, in an amount not to exceed \$234,500, payable from General

110, Public Administration 121, Maintenance Operations 1217, Street Maintenance 2140, Blacktop 5222.

Resolution 15-0095 was unanimously adopted.

Approved February 23, 2015

DON NESS, Mayor

- - -

RESOLVED, that the appointment by Mayor Ness of Ann M. Glumac to the housing and redevelopment authority of Duluth for a term expiring on January 6, 2020, replacing Lorenda Ingersoll, is confirmed.

Resolution 15-0100 was unanimously adopted.

Approved February 23, 2015

DON NESS, Mayor

- - -

RESOLVED, that the proposed specifications for the new civil service classification of utility operations paralegal, which were approved by the civil service board on February 3, 2015, and which are filed with the city clerk as Public Document No. 15-0223-10, are approved; that said classification shall be subject to the city's collective bargaining agreement with its basic unit employees; and that pay range for said classification shall be Range 133, \$4,143 to \$4,883 per month. The proper city officials are authorized to execute and implement an agreement with the union to provide for employing one or more unit members consistent with this resolution.

Resolution 15-0101 was unanimously adopted.

Approved February 23, 2015

DON NESS, Mayor

- - -

RESOLVED, that:

(a) The city council finds a sufficient petition was filed with the city requesting the vacation described in (d) below; and

(b) Pursuant to Section 100 of the City Charter and Section 50-37.6 of Chapter 50 of the Duluth City Code, as amended, such petition was duly referred to the city planning commission and such commission gave due notice of public hearing and did consider same in public hearing and the city planning commission found that the undeveloped right-of-way is useless for all purposes; and

(c) The city planning commission, at its Tuesday, February 10, 2015, regular meeting, recommended approval of the vacation petition; and

(d) The city council of the city of Duluth approves the vacation of the platted road easement described below and as described and depicted on Public Document No. 15-0223-11:

VACATION LEGAL DESCRIPTION:

That portion of Worth Street in the plat of Oakland Park Addition which lies between Lots 1-5, Block 19 and Lots 1-5, Block 22, Oakland Park Addition; and

(e) That the city clerk is, pursuant to Section 100(b)(7) of the Home Rule Charter of the city of Duluth, 1912, as amended, authorized to record, with the register of deeds and/or the registrar of titles of Saint Louis County, Minnesota, a certified copy of this resolution and Public Document No. 15-0223-11 showing the platted easement to be vacated.

Resolution 15-0108 was unanimously adopted.

Approved February 23, 2015

DON NESS, Mayor

- - -

RESOLVED, that:

(a) The city council finds a sufficient petition was filed with the city requesting the vacation described in (d) below; and

(b) Pursuant to Section 100 of the City Charter and Section 50-37.6 of Chapter 50 of the Duluth City Code, as amended, such petition was duly referred to the city planning commission and such commission gave due notice of public hearing and did consider same in public hearing and the city planning commission found that the undeveloped right-of-way is useless for all purposes; and

(c) The city planning commission, at its Tuesday, February 10, 2015, regular meeting, recommended approval of the vacation petition; and

(d) The city council of the city of Duluth approves the vacation of the platted road easement described below and as described and depicted on Public Document No. 15-0223-12:

VACATION LEGAL DESCRIPTION:

That portion of Bayview Avenue in the plat of Oakland Park Addition which lies between the north line of Worth Street and the extension of the southern line of Block 22 Oakland Park Addition.

LEGAL DESCRIPTION OF UTILITY EASEMENT TO BE VACATED:

The utility easement as described in 12-0444R as a 20 foot portion of Bayview Avenue beginning at the southeast corner of Lot 1, Block 19, Oakland Park Addition extending north (assumed bearing) 100 feet.

LEGAL DESCRIPTION OF UTILITY EASEMENT TO BE RETAINED:

A 20 foot wide portion of Bayview Avenue in the plat of Oakland Park Addition whose centerline begins 16 feet west (assumed bearings) of the southwest corner of Lot 12, Block 18, thence 33 feet south, thence east 16 feet to the extension of the west line of Lot 12, Block 18; and

(e) That the city clerk is, pursuant to Section 100(b)(7) of the Home Rule Charter of the city of Duluth, 1912, as amended, authorized to record, with the register of deeds and/or the registrar of titles of Saint Louis County, Minnesota, a certified copy of this resolution and Public Document No. 15-0223-12 showing the platted easement to be vacated.

Resolution 15-0109 was unanimously adopted.

Approved February 23, 2015

DON NESS, Mayor

- - -

RESOLVED, that:

(a) The city council finds a sufficient petition was filed with the city requesting the vacation described in (d) below; and

(b) Pursuant to Section 100 of the City Charter and Section 50-37.6 of Chapter 50 of the Duluth City Code, as amended, such petition was duly referred to the city planning commission and such commission gave due notice of public hearing and did consider same in public hearing and the city planning commission found that the right-of-way is necessary for the safe and efficient circulation of automobiles, trucks, bicycles or pedestrians and the efficient supply of utilities or public services in the city; and

(c) The city planning commission, at its Tuesday, February 10, 2015, regular meeting, recommended denial of the vacation petition; and

(d) The city council of the city of Duluth hereby denies the vacation of the platted road easement described below and as described and depicted on Public Document No. 15-0223-13:

VACATION LEGAL DESCRIPTION:

That portion of Oakland Avenue (fka Grand Avenue) in the plat of Oakland Park Addition which lies between the south line of Maryland Street (fka James Street) and the extension of the southern line of Block 22 Oakland Park Addition.

LEGAL DESCRIPTION OF UTILITY EASEMENT TO BE RETAINED:

The western most 20 foot strip of said vacated Oakland Avenue (fka Grand Avenue) which lies between the extension of the northern line of Block 20 and the extension of the southern line of Block 21 Oakland Park Addition; and

- (e) The reasons for denying this petition are as follows:
- (1) The vacation will result in a dead-end street;
 - (2) The right-of-way is or may be needed for pedestrian or bicycle purposes;
 - (3) The right-of-way is needed for utility purposes.

Resolution 15-0110 was unanimously adopted.

Approved February 23, 2015

DON NESS, Mayor

- - -

RESOLVED, that:

(a) The city council finds a sufficient petition was filed with the city requesting the vacation described in (d) below; and

(b) Pursuant to Section 100 of the City Charter and Section 50-37.6 of Chapter 50 of the Duluth City Code, as amended, such petition was duly referred to the city planning commission and such commission gave due notice of public hearing and did consider same in public hearing and the city planning commission found that the undeveloped right-of-way is useless for all purposes; and

(c) The city planning commission, at its Tuesday, February 10, 2015, regular meeting, recommended approval of the vacation petition; and

(d) The city council of the city of Duluth approves the vacation of the platted road easement described below and as described and depicted on Public Document No. 15-0223-14:

VACATION LEGAL DESCRIPTION:

The entire alley adjacent to Lot 9 Block 7 Clover Hill Division; and

(e) That the city clerk is, pursuant to Section 100(b)(7) of the Home Rule Charter of the city of Duluth, 1912, as amended, authorized to record, with the register of deeds and/or the registrar of titles of Saint Louis County, Minnesota, a certified copy of this resolution and Public Document No. 15-0223-14 showing the platted easement to be vacated.

Resolution 15-0111 was unanimously adopted.

Approved February 23, 2015

DON NESS, Mayor

- - -

RESOLVED, that:

(a) The city council finds a sufficient petition was filed with the city requesting the vacation described in (d) below; and

(b) Pursuant to Section 100 of the City Charter and Section 50-37.6 of Chapter 50 of the Duluth City Code, as amended, such petition was duly referred to the city planning commission and such commission gave due notice of public hearing and did consider same in

public hearing and the city planning commission found that the easement is useless for all purposes; and

(c) The city planning commission, at its Tuesday, February 10, 2015, regular meeting, recommended approval of the vacation petition; and

(d) The city council of the city of Duluth approves the vacation of the platted road easement described below and as described and depicted on Public Document No. 15-0223-15:

VACATION LEGAL DESCRIPTION:

The northwesterly 8.20 feet of Lots 2, 4, 6, 8, 10, 12 and 14 and the Northwesterly 4.50 feet of Lot 16, DULUTH PROPER FIRST DIVISION WEST SECOND STREET, according to the recorded plat thereof, St. Louis County, Minnesota; and

(e) That the city clerk is, pursuant to Section 100(b)(7) of the Home Rule Charter of the city of Duluth, 1912, as amended, authorized to record with the register of deeds and/or the registrar of titles of Saint Louis County, Minnesota, a certified copy of this resolution and Public Document No. 15-0223-15 showing the platted easement to be vacated.

Resolution 15-0112 was unanimously adopted.

Approved February 23, 2015

DON NESS, Mayor

- - -

RESOLVED, that:

(a) The city council finds a sufficient petition was filed with the city requesting the vacation described in (d) below; and

(b) Pursuant to Section 100 of the City Charter and Section 50-37.6 of Chapter 50 of the Duluth City Code, as amended, such petition was duly referred to the city planning commission and such commission gave due notice of public hearing and did consider same in public hearing and the city planning commission found that the undeveloped alley is useless for all purposes; and

(c) The city planning commission, at its Tuesday, February 10, 2015, regular meeting, recommended approval of the vacation petition; and

(d) The city council of the city of Duluth approves the vacation of the platted road easement described below and as described and depicted on Public Document No. 15-0223-16:

VACATION LEGAL DESCRIPTION:

All that part of the 16 foot wide alley lying Northwesterly and adjacent to Lot 27, Block 5 of NORTONS FAIRMOUNT PARK DIVISION OF DULUTH, according to the recorded plat thereof, St. Louis County, Minnesota. Said portion to be vacated is bounded as follows:

On the Northwest - By the Southeasterly right of way line of the Duluth Winnipeg & Pacific Railway;

On the Southwest - By the Northwesterly extension of the Southwesterly line of said Lot 27;

On the Southeast - By the Northwesterly line of said Lot 27;

On the Northeast - By the Northwesterly extension of the Northeast line of said Lot 27; and

(e) That the city clerk is, pursuant to Section 100(b)(7) of the Home Rule Charter of the city of Duluth, 1912, as amended, authorized to record, with the register of deeds and/or the registrar of titles of Saint Louis County, Minnesota, a certified copy of this resolution and Public Document No. 15-0223-16 showing the platted alley to be vacated.

Resolution 15-0114 was unanimously adopted.

Approved February 23, 2015

DON NESS, Mayor

- - -

RESOLVED, that the proper city officials are hereby authorized to execute and implement a contract, in substantially the form and containing substantially the terms of that contract on file in the office of the city clerk as Public Document No. 15-0223-17, with, and accept funds from, St. Louis County to provide Minnesota family investment program and diversionary work program employment and training services in an amount not less than \$914,358 for the period January 1, 2015, through December 31, 2015. Monies received under this agreement will be deposited in and paid from Fund 268 (workforce development), Agency 031 (grants division), Organization 6235 (MFIP) and 6236 (DWP).

Resolution 15-0088 was unanimously adopted.

Approved February 23, 2015

DON NESS, Mayor

- - -

WHEREAS, on February 11, 2015, notice was published in the Duluth News Tribune, a newspaper of general circulation in both the township of Rice Lake ("township") and city of Duluth ("city"), of the intent to include 240 acres within the township of Rice Lake, legally described as the southeast quarter and south half of the northeast quarter of Section 25, Township 51 North, Range 14 West, St. Louis County, Minnesota, in the orderly annexation area at issue in the Orderly Annexation agreement between said township and the city, a copy of which is on file in the office of the city clerk as Public Document No. 15-0223-18; and

WHEREAS, at least ten days have passed since the notice was published in the Duluth News Tribune.

THEREFORE BE IT RESOLVED, that pursuant to the provisions of Minnesota Statutes, Section 414.0325, the board of supervisors of the township and the city council hereby designate 240 acres within the township of Rice Lake, the same as is described in the orderly annexation agreement between said township and said city, as in need of orderly annexation.

FURTHER RESOLVED, that the proper township and the proper city officials are hereby authorized to enter into the said orderly annexation agreement governing the conditions for the annexation of the 240 acres in the township by the city.

FURTHER RESOLVED, that the township clerk and the city clerk are hereby requested and directed to send copies of this resolution and the executed orderly annexation agreement to the chief administrative judge of the Minnesota state office of administrative hearings as provided for in Minnesota Statutes, Chapter 414.

FURTHER RESOLVED, that this resolution shall go into effect only after its approval by both the township and the city council of the city of Duluth.

Resolution 15-0118 was unanimously adopted.

Approved February 23, 2015

DON NESS, Mayor

- - -

THE CITY COUNCIL FINDS:

(a) That city officials were previously authorized by the city council of the city of Duluth to enter into an agreement with the Judson Hatfield Trust to acquire an easement over the following-described property in St. Louis County, Minnesota:

Portions of Lots 14, 15 and 16, Block 38, Rearrangement of Part of East Duluth and of First Addition to East Duluth;

for the sum of \$40,000, and Resolution 06-0719 was unanimously adopted and approved October 23, 2006, regarding the same; and

(b) Pursuant to said authorization, the sum of \$40,000 was paid from Fund 450, Agency 030, Object 5520, Project No. CP-2005-C0502, to First Capital Surety and Trust Company as trustee by check dated March 2, 2007; and

(c) An easement dated February 13, 2007, was granted by First Capital Surety and Trust Company, as trustee, to the city of Duluth pursuant to the approved agreement, but the grantor was identified as trustee of the "Judson Hatfield Trust" and the land described in the easement as the encumbered property was at that time and remains owned by the "Judson Hatfield Special Needs Trust Dated December 1, 2003"; and

(d) First Capital Surety and Trust Company has executed an easement, easement agreement and restrictive covenant, copies of which are on file in the office of the city clerk as Public Document No. 15-0223-19, as trustee for the Judson Hatfield Special Needs Trust Dated December 1, 2003, on behalf of the trust; and

(e) The city council of the city of Duluth does hereby find and determine that it is in the best interests of the city of Duluth to accept the referenced easement, easement agreement and restrictive covenant.

RESOLVED, that the proper city officials are authorized to enter into and accept the easement, easement agreement and restrictive covenant affecting property legally described therein, copies of which are on file in the office of the city clerk as Public Document No. 15-0223-19.

FURTHER RESOLVED, that the proper city officials are authorized to execute all documents necessary to effectuate the authorization and acceptance of the easement, easement agreement and restrictive covenant.

Resolution 15-0113 was unanimously adopted.

Approved February 23, 2015

DON NESS, Mayor

- - -

RESOLVED, that the proper city officials are hereby authorized to enter into an agreement with St. Louis County, substantially in the form of that on file in the office of the city clerk as Public Document No. 15-0223-20, with St. Louis County to chip seal Oxford Street, Livingston Avenue and Glenwood Street from Woodland Avenue to Jean Duluth Road; payable from Street Improvement Fund 440, Department/Agency 038 (special assessment contracts), Object 5530 (improvements other than buildings), City Project No. SIP2015-1436, Requisition No. 15-0226.

Resolution 15-0115 was unanimously adopted.

Approved February 23, 2015

DON NESS, Mayor

- - -

RESOLVED, city officials are hereby authorized to pay St. Louis County for shared access to software and services associated with NEMESIS (Northeastern Minnesota Enforcement Safety Information System) including Shield UF, eMerts Suite, Records Management Service (RMS), MDC Paasthu CJDN-Nemesis and Port Fee connection, during year 2015, for a total amount of \$112,602.30, terms net 30 payable from General 110, Police 160, Administration and Investigation 1610, Software Licenses and Maintenance Agreements 5414.

Resolution 15-0094 was unanimously adopted.

Approved February 23, 2015
DON NESS, Mayor

- - -

WHEREAS, the city, Spirit Mountain recreation area authority (Spirit Mountain) and the Duluth Cross Country Ski Club (DXC) entered into an agreement on or about August 7, 2012 (City Contract No. 21686), for the operation and management of the Spirit Mountain's Nordic Center; and

WHEREAS, the parties desire to amend the agreement to (i) allow for the storage of a snowmobile trailer, and (ii) to clarify the collection of and use of fees by DXC.

NOW, THEREFORE, BE IT RESOLVED, that the proper city officials are hereby authorized to execute an amendment to the agreement, substantially in the form of that on file in the office of the city clerk as Public Document No. 15-0223-21.

Resolution 15-0103 was unanimously adopted.

Approved February 23, 2015
DON NESS, Mayor

- - -

RESOLVED, that the proper city officials are authorized to enter into an agreement with Lake Superior Girls Fastpitch, said agreement to be substantially in the form of Public Document No. 15-0223-22 on file in the office of the city clerk; payment to be deposited in 210-030-3190-4625-02 special projects-finance-special leagues-field rental).

Resolution 15-0106 was unanimously adopted.

Approved February 23, 2015
DON NESS, Mayor

- - -

RESOLVED, that the proper city officials are hereby authorized to submit an application to the Minnesota department of natural resources (DNR) for funding for extension of the Western Waterfront Trail from the Riverside neighborhood to Smithville Park through the federal recreation trail program.

FURTHER RESOLVED, that the city of Duluth has the legal authority to apply for the money, and the financial, technical and managerial capacity to ensure proper construction, operation and maintenance of the project for no less than 20 years.

FURTHER RESOLVED, that the city of Duluth estimates the grant amount to be \$150,000 and has local matching funds available through city of Duluth half and half tax of \$150,000.

FURTHER RESOLVED, that if the city of Duluth is awarded a grant by the Minnesota department of natural resources, the city of Duluth agrees to accept the grant award and may enter into an agreement with the state of Minnesota for the above referenced project. The city of Duluth will comply with all applicable laws, environmental requirements and regulations stated in the grant agreement.

FURTHER RESOLVED, that the city council of the city of Duluth names the fiscal agent for the city of Duluth for this project as: Wayne Parson, City Auditor, City of Duluth, 411 West First Street, Duluth, MN 55802.

Resolution 15-0117 was unanimously adopted.

Approved February 23, 2015
DON NESS, Mayor

- - -

The following resolutions were also considered:

Resolution 15-0081, authorizing an agreement with Forecast Public Art for professional services in preparing a long-term strategic plan for creative and cultural development of the city for an amount not to exceed \$50,000, was introduced by Councilor Russ.

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

Mary Matthews spoke in support of the resolution.

Resolution 15-0081 was adopted as follows:

RESOLVED, that the proper city officials are hereby authorized to enter into a professional service agreement with Forecast Public Art, substantially in the form of that on file in the office of the city clerk as Public Document No. 15-0223-23, for the preparation of a long-term strategic plan for public art in the city of Duluth with a three to five year actionable plan for an amount not to exceed \$50,000, payable from Duluth Public Arts 745, Public Administration 015, Other Professional Services 5319.

Resolution 15-0081 was unanimously adopted.

Approved February 23, 2015

DON NESS, Mayor

- - -

RESOLVED, that the proper city officials are authorized to enter into an agreement substantially in the form of that on file in the office of the city clerk as Document No. 6982-0044 with the Minnesota department of transportation granting the city a limited use permit for the construction, operation and maintenance of a section of Phase IV of the Cross City Trail in the state's right-of-way for Trunk Highway 35 (I-35).

Resolution 15-0102 was unanimously adopted.

Approved February 23, 2015

DON NESS, Mayor

- - -

BY COUNCILOR JULSRUD:

WHEREAS, The Great Lakes Restoration Initiative ("GLRI") was launched to accelerate efforts to restore and protect the largest system of fresh water in the world - the Great Lakes; and

WHEREAS, the GLRI was first funded by the United States Congress in fiscal year 2010. In addition, congress has historically recognized the need for restoration funding by approving the Great Lakes water quality agreement with Canada in 1972; and

WHEREAS, support for the GLRI is an acknowledgment that the protection and restoration of the Great Lakes is inextricably linked to the economic vitality and public health of the Great Lakes region; and

WHEREAS, GLRI funding supports efforts to restore the Great Lakes by investing in projects to clean up toxic pollution, restore habitat and wetlands, combat invasive species, and prevent harmful runoff from farms and cities; and

WHEREAS, although the GLRI has created a clear pathway to de-listing the St. Louis River area of concern by the year 2025, the citizens of the city of Duluth realize that work remains to be done for full restoration and complete de-listing of the St. Louis River area of concern; and

WHEREAS, the restoration of the environmental quality of the Great Lakes, and in particular, Lake Superior, is a direct benefit to the city of Duluth, which utilizes Lake Superior as its source of potable water, and bases a substantial part of its tourism efforts on the recreational

opportunities provided by the city's location on the shore of Lake Superior and the St. Louis River estuary.

THEREFORE, BE IT RESOLVED, that the city of Duluth urges the United States Congress and President Obama to continue fully funding the GLRI at the current level of \$300 million.

Resolution 15-0120 was unanimously adopted.

Approved February 23, 2015

DON NESS, Mayor

- - -

THE CITY COUNCIL FINDS:

(a) That the city of Duluth is undertaking a project to develop 6.5 additional miles of the Duluth Traverse Trail; and

(b) The Minnesota department of natural resources (DNR) has grant monies available through its federal recreational trail program that are intended to accelerate the acquisition and development of recreational trails; and

(c) To receive this money the city must submit the federal recreational trail grant application to the Minnesota department of natural resources.

RESOLVED, that the proper city officials are hereby authorized to submit an application to the Minnesota department of natural resources for funding to develop additional sections of the Duluth Traverse Trail as described in the application.

FURTHER RESOLVED, that the city of Duluth has the legal authority to apply for the money, and the financial, technical and managerial capacity to ensure proper construction, operation and maintenance of the project for no less than 20 years.

FURTHER RESOLVED, that the city of Duluth estimates the grant amount to be \$150,000 and has local matching funds available through city of Duluth half and half tax of \$150,000.

FURTHER RESOLVED, that if the city of Duluth is awarded a grant by the Minnesota department of natural resources, the city of Duluth agrees to accept the grant award and may enter into an agreement with the state of Minnesota for the above referenced project. The city of Duluth will comply with all applicable laws, environmental requirements and regulations stated in the grant agreement.

FURTHER RESOLVED, that the city council of the city of Duluth names the fiscal agent for the city of Duluth for this project as: Wayne Parson, City Auditor, City of Duluth, 411 West First Street, Duluth, Minnesota 55802.

Resolution 15-0105 was adopted upon the following vote:

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

Nays: Councilor Fosle -- 1

Approved February 23, 2015

DON NESS, Mayor

- - -

WHEREAS, the city is creating a cross city trail system (Cross City Trail) as a combination pedestrian and bicycle trail from the Lakewalk on the east side of the city to the Munger Trail on the west side of the city to promote an active lifestyle for the citizens and visitors of the city; and

WHEREAS, the city is also creating the Duluth Traverse trail system (Duluth Traverse) which is a multi-use single-track trail that is purpose-built for mountain biking and traverses the entire 26 mile length of the city of Duluth; and

WHEREAS, the city entered into a grant agreement with the United States department of agriculture, forest service, northeastern area, state and private forestry, to fund invasive species removal, fill placement and plantings in the amount of \$400,000 for property located at the Duluth, Winnipeg, Pacific Railway property (DWP site) in West Duluth; and

WHEREAS, the property to be acquired from the state of Minnesota, department of transportation (MnDOT), is a critical acquisition for implementation of Cross City Trail, the Duluth Traverse and the invasive species removal project.

NOW, THEREFORE, BE IT RESOLVED, that the proper city officials are hereby authorized to accept from MnDOT a quitclaim deed for property legally described therein, substantially in the form of that on file in the office of the clerk as Public Document No. 15-0223-24, at no cost to the city.

FURTHER RESOLVED, that the proper city officials are authorized to execute all documents necessary to effectuate the acquisition of the property from MnDOT.

Resolution 15-0116 was unanimously adopted.

Approved February 23, 2015

DON NESS, Mayor

- - -

Resolution 15-0119, by Councilor Sipress and President Larson, endorsing the recommendations of the Lakewalk task force and requesting that the city administration conduct a feasibility study and implement the short-term recommendations made by the Lakewalk task force, was introduced for discussion.

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

Craig Wilson, Carol Burns, Judy Gordon, Lezlie Oakes, Eric Viken, Pete and Angela Olson, Robert Ryan, Henry Roberts, Alison Clarke and Jackie Falk spoke of their concerns or support for the resolution.

Resolution 15-0119 was adopted as follows:

BY COUNCILOR SIPRESS AND PRESIDENT LARSON:

WHEREAS, the Duluth City Council via Resolution 14-0451 established the Lakewalk task force for the purpose of reviewing and making recommendations regarding the Lakewalk in the vicinity of 19th Avenue East and 25th Avenue East with a focus on 1) safety issues at the intersection of the Lakewalk, 23rd Avenue East, and Water Street; 2) pedestrian access to the lakefront; 3) Americans with Disabilities Act (ADA) issues; and 4) the cost, benefits and funding sources of potential options; and

WHEREAS, the Duluth City Council has received the final report of the Lakewalk task force; and

WHEREAS, the recommendations of the task force offer a thoughtful balance among public access, respect for the concerns of immediate neighbors, safety and accessibility for all users; and

WHEREAS, the recommendations offer a positive resolution to an issue of longstanding controversy.

THEREFORE, BE IT RESOLVED, that the Duluth City Council endorses the recommendations of the Lakewalk task force.

FURTHER RESOLVED, that the Duluth City Council asks the city administration to conduct a feasibility study of the Lakefront Pedestrian Trail recommendation as described in the task force report with a focus both on cost and technical feasibility.

FURTHER RESOLVED, that the Duluth City Council asks the city administration to implement low-cost short-term measures, as called for in the task force report, to improve bicycle and pedestrian safety at the intersection of Water Street, 23rd Avenue East and the Lakewalk.

FURTHER RESOLVED, that the Duluth City Council asks the city administration to pursue a redesign of the intersection of Water Street, 23rd Avenue East and the Lakewalk, along with the segment of the Lakewalk to the immediate east of the intersection, as described in the task force report, in the context of the forthcoming Water Street project.

FURTHER RESOLVED, that upon final implementation of the recommendations of the Lakewalk task force, the Duluth City Council shall consider the issues regarding the Lakewalk in the area between 19th Avenue East and 25th Avenue East to be fully resolved.

FURTHER RESOLVED, that if at a future date the Duluth City Council determines that the Lakefront Pedestrian Trail recommendation, as described in the task force report, cannot be constructed, the council finds that the easement currently held by the city of Duluth in the front of the Point Condominiums, Beacon Pointe Resort and Lighthouse Condominiums should be vacated by the city subject to the requirements of the Charter.

Resolution 15-0119 was adopted upon the following vote:

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

Nays: Councilors Fosle and Hanson -- 2

Approved February 23, 2015

DON NESS, Mayor

- - -

INTRODUCTION AND CONSIDERATION OF ORDINANCES

The following entitled ordinances were read for the first time:

INTRODUCED BY COUNCILOR RUSS

15-009 - AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF DULUTH TO PROVIDE FOR THE RECLASSIFICATION FROM MU-N TO MU-B THE PROPERTY LOCATED ALONG THE NORTH AND SOUTH SIDES OF AIRPORT ROAD BETWEEN AIRPORT APPROACH ROAD AND US TRUNK HIGHWAY 53 (CITY OF DULUTH).

- - -

INTRODUCED BY COUNCILOR RUSS

15-010 - AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF DULUTH TO PROVIDE FOR THE RECLASSIFICATION FROM R-2 TO R-P THE PROPERTY LOCATED AT THE CAMPUS PARK LOW DENSITY PLANNED DEVELOPMENT (CITY OF DULUTH).

- - -

INTRODUCED BY COUNCILOR RUSS

15-011 - AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF DULUTH TO PROVIDE FOR THE RECLASSIFICATION FROM R-1 TO R-P THE PROPERTY LOCATED AT THE FOUNTAIN GATE (FORMERLY AUTUMN LEAVES) LOW DENSITY PLANNED DEVELOPMENT (CITY OF DULUTH).

- - -

INTRODUCED BY COUNCILOR RUSS

15-012 - AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF DULUTH TO PROVIDE FOR THE RECLASSIFICATION FROM R-1, RR-1 AND RR 2 TO P-1 FOR AMITY, AMITY CREEK, LESTER/AMITY, KITCHI GAMMI AND UNIVERSITY PARKS (CITY OF DULUTH).

- - -

INTRODUCED BY COUNCILOR SIPRESS

15-013 - AN ORDINANCE DEDICATING RIGHT-OF-WAY FOR TRAIL PURPOSES FOR CERTAIN PROPERTY IN WEST DULUTH.

- - -

The meeting was adjourned at 8:50 p.m.

JEFFREY J. COX, City Clerk