

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

March 9, 2015

Duluth City Council meeting held on Monday, March 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 the council meetings held on December 8 and 15, 2014, were approved upon a unanimous vote.

- - -

**PRESENTATION OF PETITIONS AND OTHER COMMUNICATIONS**

15-0309-06 Duluth Preservation Alliance communication regarding the current library building (15-0107R). -- Received

- - -

**REPORTS FROM OTHER OFFICERS**

15-0309-01 Acting assessor letter of sufficiency regarding 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. -- Received

15-0309-02 Clerk applications to the Minnesota gambling control board for: (a) Excluded bingo from St. Elizabeth's Catholic Church on March 22, 2015; (b) Exempt permit from St. Luke's Foundation on July 13, 2015. -- Received

- - -

**REPORTS OF BOARDS AND COMMISSIONS**

15-0309-03 Civil service board minutes of January 6, 2015, meeting. -- Received

15-0309-04 Duluth transit authority: (a) Minutes of December 3, 2014, meeting; (b) December 2014 financial statement. -- Received

15-0309-05 Library board minutes of January 27, 2015, meeting. -- Received

- - -

**OPPORTUNITY FOR CITIZENS TO BE HEARD**

Rebecca Haavik presented a report on the services of AmeriCorps in Duluth (Public Document No. 15-0309-09).

- - -

Myrna Matheson, Ann Redelfs, Marge Wolters and Lucius Oliver commented on their displeasure with the issue of removing the trees for the upcoming Fourth Street reconstruction and that an alternative is available (Public Document No. 15-0309-10).

- - -

**RESOLUTIONS TABLED**

Councilor Hanson moved to remove Resolution 15-0071, authorizing the purchase of equipment from Boyer Trucks in the amount of \$114,475.52, from the table, which motion was seconded and carried unanimously.

Resolution 15-0071 was adopted as follows:

RESOLVED, that the proper city officials are hereby authorized to purchase a 2015 Western Star 4700SF 6x4 chassis, State Contract No. 77960, for a total amount of \$114,475.52, payable as follows:

\$11,447.56 - Water 510, Public Works and Utilities 500, Capital (including depreciation/debt service) 1905, Capital Equipment 5580;

\$11,447.56 - Gas 520, Public Works and Utilities 500, Capital (including depreciation/debt service) 1905, Capital Equipment 5580;

\$45,790.20 - Sewer 530, Public Works and Utilities 500, Capital (including depreciation/debt service) 1905, Capital Equipment 5580;

\$45,790.20 - Stormwater 535, Public Works and Utilities 500, Capital (including depreciation/debt service) 1905, Capital Equipment 5580.

Resolution 15-0071 was adopted upon the following vote:

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

Nays: Councilor Fosle -- 1

Approved March 9, 2015

DON NESS, Mayor

- - -

Councilor Hanson moved to remove Resolution 15-0078, authorizing the purchase of equipment from Macqueen Equipment, Inc., in the amount of \$212,227.88, from the table, which motion was seconded and carried unanimously.

Resolution 15-0078 was adopted as follows:

RESOLVED, that the proper city officials are hereby authorized to purchase a Vactor Jetter Rodder, State Contract No. 74590, for a total amount of \$212,227.88, payable as follows:

\$21,222.78 - Water 510, Public Works and Utilities 500, Capital (including depreciation/debt service) 1905, Capital Equipment 5580;

\$21,222.78 - Gas 520, Public Works and Utilities 500, Capital (including depreciation/debt service) 1905, Capital Equipment 5580;

\$84,891.16 - Sewer 530, Public Works and Utilities 500, Capital (including depreciation/debt service) 1905, Capital Equipment 5580;

\$84,891.16 - Stormwater 535, Public Works and Utilities 500, Capital (including depreciation/debt service) 1905, Capital Equipment 5580.

Resolution 15-0078 was adopted upon the following vote:

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

Nays: Councilor Fosle -- 1

Approved March 9, 2015

DON NESS, Mayor

- - -

## **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 execute an agreement with the Spirit Mountain recreation area authority ("authority") which allows the authority to participate in the city's self insurance fund for a one-year term, effective January 1, 2015, for purposes of liability arising from the authority's amusement ride operations. The agreement shall be substantially in the form of Public Document No. 15-0309-07, on file in the office of the city clerk. The authority shall pay an annual administrative fee of \$2,000 to be deposited into the city's Self Insurance Fund 610-036-1658.

Resolution 15-0125 was unanimously adopted.  
 Approved March 9, 2015  
 DON NESS, Mayor

- - -

RESOLVED, that the proper city officials are hereby authorized to purchase access and revenue control equipment from Harstad Controls to be installed by the vendor. This resolution covers the purchase of the equipment for an amount of \$524,690 and labor charges not to exceed \$96,409, for a total amount not to exceed \$621,099; payable from Capital Equipment 250; Public Administration 015; Fiscal Year 2015; Capital Equipment 5580; Project: CE250-E1511 - Capital Equipment Fund 250, parking payment technology.

Resolution 15-0126 was unanimously adopted.  
 Approved March 9, 2015  
 DON NESS, Mayor

- - -

BE IT RESOLVED, that the Duluth City Council hereby approves of the Minnesota gambling control board issuing lawful gambling exemptions to Churches United in Ministry (CHUM) and St. Louis/Carlton County Pheasants Forever 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 15-0142 was unanimously adopted.  
 Approved March 9, 2015  
 DON NESS, Mayor

- - -

RESOLVED, that the city council hereby change the total expenditure of the 2015 CDBG program by an amount of \$14,524 due to a decrease in the allocation to the city by HUD, and authorizes changes to contracts as set forth below:

2015 CDBG PROGRAM - FUND 262, AGENCY 020, OBJECT 5434, PROJECT CD15CD

<u>SUBPROJECT</u>	<u>ACTIVITY</u>	<u>PROJECT</u>	<u>AMOUNT</u>	<u>NEW GRANT</u>	<u>DIFFERENCE</u>
PSVC	H007	Coordinated assessment	\$ 42,000	\$ 37,000	(\$5,000)
PSVC	H008	Housing & stabilization services fund	\$ 55,987	\$ 49,368	(\$6,619)
ADMC	AD01	CDBG program administration	\$424,947	\$422,042	(\$2,905)

Resolution 15-0127 was unanimously adopted.  
 Approved March 9, 2015  
 DON NESS, Mayor

- - -

RESOLVED, that the city council hereby change the total expenditure of the 2015 HOME program by an amount of \$63,586 due to a decrease in the allocation to the city by HUD, and authorizes changes to contracts as set forth below:

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

<u>SUBPROJECT</u>	<u>ACTIVITY</u>	<u>PROJECT</u>	<u>AMOUNT</u>	<u>NEW GRANT</u>	<u>DIFFERENCE</u>
GN15	1736	Homeless Rental Asst. Program (TBRA) - HRA	\$130,000	\$115,000	(\$15,000)
GN15	1737	TBRA Admin - HRA	\$ 8,500	\$ 6,500	(\$ 2,000)
GN15	1738	Housing Rehab-Housing Resource Connection - HRA	\$333,034	\$300,806	(\$32,228)
CH15	1226	Housing Predevelopment - Center	\$ 27,000	\$ 17,000	(\$10,000)
GN15	AD03	City Housing Program Admin - city	\$ 45,948	\$ 41,590	(\$ 4,358)

Resolution 15-0128 was unanimously adopted.  
 Approved March 9, 2015  
 DON NESS, Mayor

- - -

RESOLVED, that the city council hereby change the total expenditure of the 2015 ESGP program by an amount of \$14,453 due to an increase in the allocation to the city by HUD, and authorizes changes to contracts as set forth below:

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

<u>SUBPROJECT</u>	<u>PROJECT</u>	<u>AMOUNT</u>	<u>NEW GRANT</u>	<u>DIFFERENCE</u>
HS-08	Housing stabilization benchmarks	\$51,800	\$63,132	\$11,332
AD-05	Prevention & rapid re-housing assistance - HRA	\$67,963	\$70,000	\$ 2,037
AD-04	Program administration - city	\$13,789	\$14,873	\$ 1,084

Resolution 15-0129 was unanimously adopted.  
 Approved March 9, 2015  
 DON NESS, Mayor

- - -

RESOLVED, that plans for Project No. 069-690-013 showing proposed alignments, profiles, grades and cross sections for the construction, reconstruction or improvement of County State Aid Highway No. 90 (Arlington Avenue) within the limits of the city of Duluth as a state aid project, have been prepared and presented to the city, and that said plans be in all things approved.

Resolution 15-0121 was unanimously adopted.  
 Approved March 9, 2015  
 DON NESS, Mayor

- - -

RESOLVED, that the city of Duluth has applied to the commissioner of transportation for a grant from the Minnesota state transportation fund for the rehabilitation of Bridge No. 91143 located on Third Street at Chester Creek, City Project No. 1175.

FURTHER RESOLVED, that the grant has been approved and that the amount of the grant is \$834,602.90.

FURTHER RESOLVED, that the city of Duluth agrees to the terms and conditions of the grant consistent with Minnesota Statutes, Section 174.50, subdivision 5, clause (3), and will pay any added amount by which the cost exceeds the estimate, and will return to the Minnesota state transportation fund any amount appropriated for the project but not required. The proper city officials are hereby authorized to execute a grant agreement concerning the above referenced grant. Grant monies shall be deposited into Disaster Recovery Fund 225, Department/Agency 125 (finance), Division 1803 (roads and bridges) Object 5403 (street repair and maintenance), City Project No. 1175, S.A.P. 118-126-020, Flood Site No. 537.

Resolution 15-0131 was unanimously adopted.

Approved March 9, 2015

DON NESS, Mayor

- - -

RESOLVED, that the proper city officials are hereby authorized to renew the CodeRED service agreement (Agreement No. 22025) and renewing the CodeRED weather warning service addendum (Agreement No. 22026) with Emergency Communications Network, LLC for the provision of simultaneous notification to specified data bases which will include city staff and members of the public of information or directives needing high-speed and targeted capability in the amount of \$29,500, payable in the following amounts from the following funds:

210-030-3164-5441 (special projects, finance, homeland security, emergency management)	\$19,750.00
510-500-1915-5441 (water, public works and utilities utility general expenses, other services and charges)	\$2,437.50
520-500-1915-5441 (gas, public works and utilities utility general expenses, other services and charges)	\$ 2,437.50
530-500-1915-5441 (sewer, public works and utilities utility general expenses, other services and charges)	\$ 2,437.50
535-500-1915-5441 (stormwater, public works and utilities utility general expenses, other services and charges)	\$ 2,437.50

Resolution 15-0124 was unanimously adopted.

Approved March 9, 2015

DON NESS, Mayor

- - -

RESOLVED, that Resolution 14-0599 adopting license, permit, fine, penalty and other charges for 2015, be amended by amending the fee schedule for Bayfront Festival Park.

<b>Parks and Recreation</b>	
<b>Fee Name</b>	<b>2015 Fee</b>
Bayfront Festival Park- use of Bayfront Family Center- Usage fee per day	\$150

**Parks and Recreation**

Bayfront Festival Park- use of Bayfront Park Plaza- Usage fee per day	\$500
---	-------

Resolution 15-0132 was unanimously adopted.  
Approved March 9, 2015  
DON NESS, Mayor

- - -

The following resolutions were also considered:

RESOLVED, that proper city officials are hereby authorized to accept a donation from the Spirit Valley Land Company in the amount of \$20,000 for the preparation of the Kayak Bay small area plan with funds to be deposited in Fund 110-132-1301-4654-02 (general fund, planning and construction services, planning and development, other reimbursements).

Resolution 15-0123 was adopted upon the following vote:

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

Nays: Councilors Gardner and Sipress -- 2

Approved March 9, 2015

DON NESS, Mayor

- - -

Resolution 15-0130, amending Resolution 14-0599, adopting license, permit, fine, penalty and other charges for 2015, to amend the 2015 fee schedule to adopt a filing fee for appeals to the city council of stormwater utility fee adjustment denials, was introduced by Councilor Julsrud.

Councilor Julsrud moved to table the resolution so that it could be considered with Ordinance 15-016 at the next council meeting, which motion was seconded and carried unanimously.

- - -

BY COUNCILOR JULSRUD:

WHEREAS, the city of Duluth has an extensive street system with roughly 450 miles of streets; and

WHEREAS, nearly 85 percent of municipal streets are ineligible for dedicated highway user tax distribution fund dollars; and

WHEREAS, reconstructing city streets can cost up to \$2 million per mile; and

WHEREAS, since the city of Duluth's primary source of street funding was abruptly cut off in 2009, the city has struggled to finance the repair and improvement of its streets; and

WHEREAS, existing funding mechanisms, such as municipal state aid (MSA), property taxes and special assessments, have limited applications, leaving all Minnesota cities straining to address growing street maintenance and construction needs; and

WHEREAS, maintenance costs increase as road systems age, and no city - large or small - is spending enough on roadway capital improvements to maintain a 50 year life cycle; and

WHEREAS, city cost participation in state and county highway projects diverts resources from city-owned streets; and

WHEREAS, Duluth and all Minnesota cities need greater resources, including an additional dedicated state funding source for transportation and flexible policies in order to meet growing demands for street capital improvements.

THEREFORE, BE IT RESOLVED, that the city of Duluth supports the League of Minnesota Cities' efforts to promote an omnibus transportation funding bill that provides additional

dedicated state funding for city streets, including funding that can be used for non-MSA city street maintenance, construction and reconstruction.

Resolution 15-0148 was unanimously adopted.

Approved March 9, 2015

DON NESS, Mayor

- - -

RESOLVED, that the proper city officials are hereby authorized to enter into an agreement with TKDA, substantially in the form of that on file in the office of the city clerk as Public Document No. 15-0309-08, for professional services in the Duluth public library facilities conceptual pre-design study, for an amount not to exceed \$80,000, payable from Orlich Estate Library Trust 242, Library 300, Other Professional Services 5319.

Resolution 15-0107 was adopted upon the following vote:

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

Nays: Councilor Fosle -- 1

Approved March 9, 2015

DON NESS, Mayor

- - -

### **INTRODUCTION AND CONSIDERATION OF ORDINANCES**

The following entitled ordinances were read for the first time:

INTRODUCED BY COUNCILOR RUSS

15-014 - AN ORDINANCE AUTHORIZING THE CONVEYANCE OF PROPERTY IN LAKESIDE TO KNUTSON CUSTOM CONSTRUCTION, LLC, FOR RESIDENTIAL REDEVELOPMENT.

- - -

INTRODUCED BY COUNCILOR JULSRUD

15-015 - AN ORDINANCE REDEDICATING A STREET EASEMENT OVER A PORTION OF VACATED EIGHTH AVENUE WEST.

- - -

INTRODUCED BY COUNCILOR JULSRUD

15-016 - AN ORDINANCE AMENDING SECTION 43-67 OF THE DULUTH CITY CODE, 1959, AS AMENDED, TO REQUIRE THE PAYMENT OF A FILING FEE WHEN APPEALING THE DENIAL OF A STORMWATER UTILITY FEE ADJUSTMENT BY THE DIRECTOR OF PUBLIC WORKS AND UTILITIES.

- - -

INTRODUCED BY COUNCILOR JULSRUD

15-017 - AN ORDINANCE AMENDING SECTION 43-65 OF THE DULUTH CITY CODE, 1959, AS AMENDED, TO INCORPORATE THE DEFINITION OF IMPERVIOUS SURFACE PROVIDED FOR IN SECTION 50-41.9 OF THE DULUTH CITY CODE, 1959, AS AMENDED.

- - -

At this time, Councilor Gardner left the meeting.

- - -

The following entitled ordinances were read for the second time:

INTRODUCED BY COUNCILOR RUSS

15-009 (10355) - 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).

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

- - -

At this time, Councilor Gardner returned to the meeting.

- - -

INTRODUCED BY COUNCILOR RUSS

15-010 (10356) - 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).

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

- - -

INTRODUCED BY COUNCILOR RUSS

15-011 (10357) - 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).

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

- - -

INTRODUCED BY COUNCILOR RUSS

15-012 (10358) - 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).

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

- - -

INTRODUCED BY COUNCILOR SIPRESS

15-013 (10359) - AN ORDINANCE DEDICATING RIGHT-OF-WAY FOR TRAIL PURPOSES FOR CERTAIN PROPERTY IN WEST DULUTH.

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

- - -

The meeting was adjourned at 8:23 p.m.

JEFFREY J. COX, City Clerk

- - -

**ORDINANCE NO. 10355**

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).

The city of Duluth does ordain:

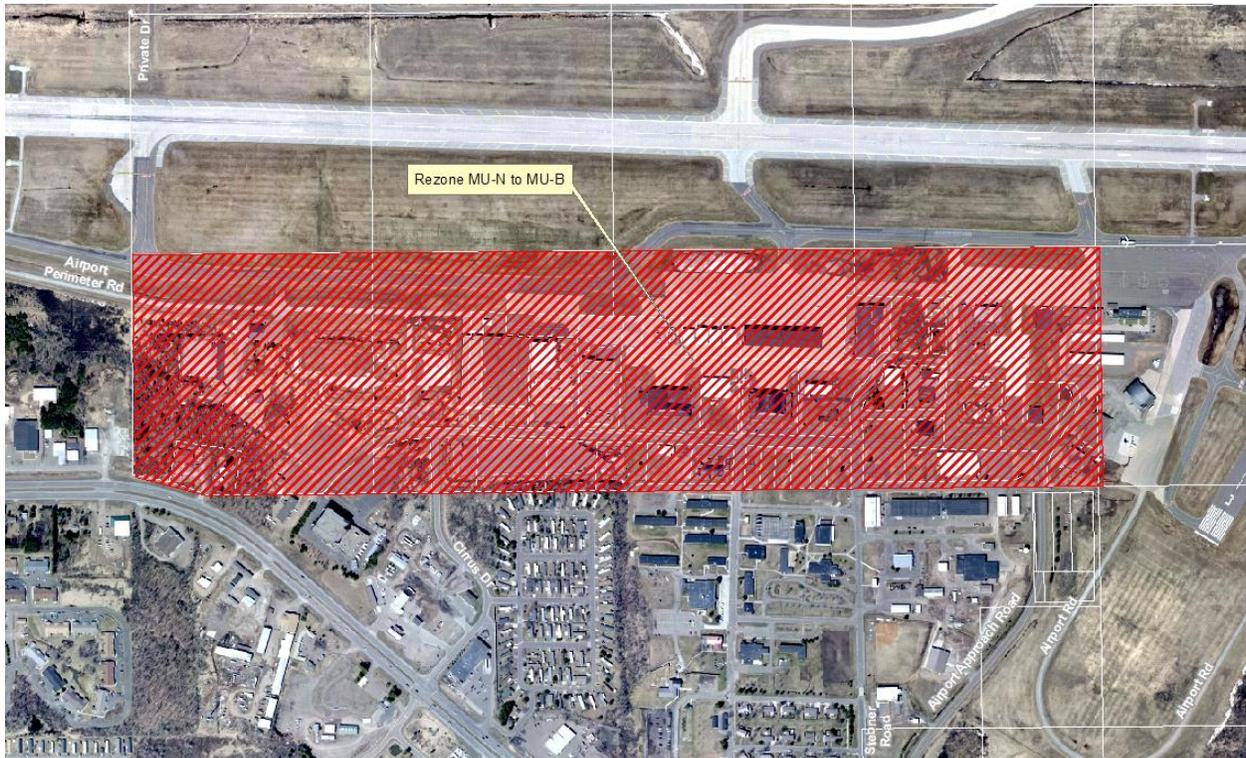
Section 1. That 197 acres of land located on the north and south side of Airport Road and as more particularly described as follows:

That part of Township 50 North, Range 15 West of the 4th Principle Meridian, described as follows:

- Southeast Quarter of Southwest Quarter of Section 1;
- Southwest Quarter of Southwest Quarter of Section 1;
- Southeast Quarter of Southeast Quarter of Section 2;
- Southwest Quarter of Southeast Quarter of Section 2;
- Southeast Quarter of Southwest Quarter of Section 2, except for US Trunk

Highway 53 right-of-way;

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



(Ref. File No. 15-004)

Section 2. That this ordinance shall take effect 30 days after its passage and publication. (Effective date: April 10, 2015)

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

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

Nays: None -- 0

Absent: Councilor Gardner -- 1

Passed March 9, 2015

Approved March 9, 2015

DON NESS, Mayor

ATTEST:

JEFFREY J. COX, City Clerk

- - -

### ORDINANCE NO. 10356

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).

The city of Duluth does ordain:

Section 1. That the 13.37 acres of the Campus Park low density planned development property located on the east side of Rice Lake Road and north of Barnes Road and as more particularly described as follows:

Parcel ID: 010-2710-03947

PART OF SE1/4 OF NW1/4 DESCRIBED AS FOLLOWS COMM AT N 1/4 COR OF SEC 16 THENCE S00DEG02' 06"W ALONG E LINE OF FORTY 1314.79 FT TO NE COR OF SE1/4 OF NW1/4 THENCE CONT ALONG E LINE 501.76 FT THENCE S89DEG30'52"W 36 FT THENCE S00DEG02'06"W 764.03 FT THENCE S89DEG 30'52"W 189.49 FT TO PT OF BEG THENCE CONT S89DEG30'52"W 267.69 FT THENCE N06DEG26'59"W 27.06 FT ALONG ELY R.O.W. OF RICE LAKE RD THENCE S83DEG33'01"W 48.01 FT ALONG R.O.W. THENCE N58DEG18'58"W 78.66 FT ALONG R.O.W. THENCE N20DEG10'59"W 239.07 FT ALONG R.O.W. THENCE N69DEG40'21"E 129.13 FT THENCE N90DEG 00'00"E 346.84 FT THENCE S00DEG00'45"W 329.80 FT TO PT OF BEG

Parcel ID: 010-2710-03946

PART OF SE1/4 OF NW1/4 DESCRIBED AS FOLLOWS COMM AT N 1/4 OF SEC 16 THENCE S00DEG02'06"W ALONG E LINE OF NW COR 1314.79 FT TO NE COR OF FORTY BEING PT OF BEG THENCE S00DEG02'06"W ALONG E LINE 1314.79 FT TO SE COR OF NW1/4 THENCE S89DEG30'52"W ALONG S LINE OF NW COR 487.62 FT THENCE N06DEG26'59"W ALONG ELY R.O.W. OF RICE LAKE RD 76.33 FT THENCE S83DEG 33'01"W ALONG R.O.W. 48.01 FT THENCE N58DEG 18'58"W ALONG R.O.W. 78.66 FT THENCE N20DEG10'59"W ALONG ELY R.O.W. OF RICE LAKE RD 419.90 FT THENCE N42DEG56'14"E 1110.54 FT TO NE COR OF SE1/4 OF NW1/4 BEING PT OF BEG EX S 49 FT LYING E OF ELY R.O.W. OF RICE LAKE RD & EX E 36 FT OF N 764 FT OF S 813 FT & EX COMM AT N1/4 OF SEC 16 THENCE S00DEG02'06"W ALONG E LINE OF NW1/4 1314.79 FT TO NE COR OF SE1/4 OF NW1/4 THENCE CONT ALONG E LINE 501.76 FT THENCE S89DEG30'52"W 36 FT THENCE S00DEG02'06"W 764.03 FT THENCE S89DEG30'52"W 189.49 FT TO PT OF BEG THENCE CONT S89DEG30' 52"W 267.69 FT THENCE N06DEG26'59"W 27.06 FT ALONG ELY R O W OF RICE LAKE RD THENCE S83DEG33'01"W 48.01 FT ALONG R O W THENCE N58DEG18'58"W 78.66 FT ALONG R O W THENCE N20DEG10'59"W 239.07 FT ALONG R O W THENCE N69DEG40'21"E 129.13 FT THENCE N90DEG00'00"E 346.84 FT THENCE S00DEG00'45"W 329.80 FT TO PT OF BEG;

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



(Ref. File No. 14-180)

Section 2. That this ordinance shall take effect 30 days after its passage and publication. (Effective date: April 10, 2015)

Councilor Russ 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 March 9, 2015  
Approved March 9, 2015  
DON NESS, Mayor

- - -

### **ORDINANCE NO. 10357**

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).

The city of Duluth does ordain:

Section 1. That the 9.75 acres of the Fountain Gate (formerly Autumn Leaves) low density planned development property located north and east of Anderson Road and as more particularly described as follows:

Northwest Quarter of Southwest Quarter of Southwest Quarter of Section 20, Township 50 North, Range 14 West, St. Louis County; be reclassified from Residential-Traditional (R-1) to Residential-Planned (R-P) and that the official zoning map of the city of Duluth as referenced in Chapter 50 of the Duluth City Code, 1959, as amended, is amended to read as follows:



(Ref. File No. 15-003)

Section 2. That this ordinance shall take effect 30 days after its passage and publication. (Effective date: April 10, 2015)

Councilor Russ 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 March 9, 2015  
Approved March 9, 2015  
DON NESS, Mayor

- - -

**ORDINANCE NO. 10358**

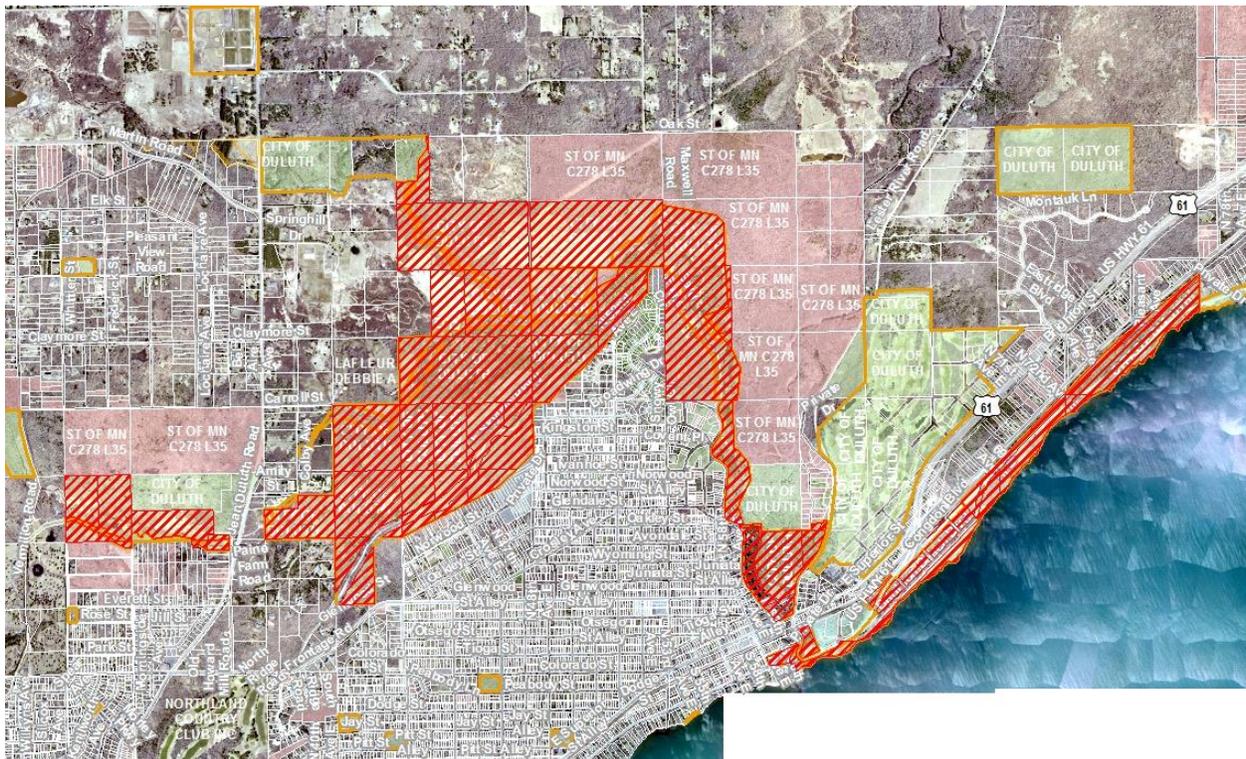
AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF DULUTH TO PROVIDE FOR THE RECLASSIFICATION FROM R-1, RR-1 AND RR-2 TO P-1 FOR AMITY, AMITY CREEK, LESTER/AMITY, KITCHI GAMMI AND UNIVERSITY PARKS (CITY OF DULUTH).

The city of Duluth does ordain:

Section 1. That the subject properties located on located on the eastern and northeast portions of the city and as more particularly described as follows:

010-2690-01580	010-1410-00060	010-2690-00997
010-2690-01590	010-1410-00080	010-2690-00990
010-2680-00010	010-3790-00130	010-2690-01000
010-2680-00030	010-3790-00310	010-2680-00085
010-2680-00040	010-1390-02130	010-2680-00080
010-2680-00050	010-2690-01180	010-2680-00120
010-1400-00370	010-2690-01165	010-2680-00090
010-1400-00460	010-2690-01155	010-2680-00130
010-1400-00300	010-2690-01090	010-2680-00280
010-1400-00230	010-2690-01110	010-2680-00310
010-1400-00160	010-2690-01000	010-2680-00105
010-1400-00460	010-2119-00690	010-2680-00100
010-1400-00430	010-2690-01130	010-2680-00110
010-1400-00410	010-2690-01140	010-2680-00340
010-1400-00420	010-2690-00730	010-2710-00020
010-2680-00075	010-2690-00740	010-2710-00040
010-2710-00090	010-3450-00600	010-2710-00160
010-2710-00080	010-0100-01105	010-3450-00640

be reclassified from Residential-Traditional (R-1), Residential-Rural 1 (RR-1) and Residential-Rural 2 (RR-2) to Park and Open Space (P-1) and that the official zoning map of the city of Duluth as referenced in Chapter 50 of the Duluth City Code, 1959, as amended, is amended to read as follows:



(Ref. File No. 15-002)

Section 2. That this ordinance shall take effect 30 days after its passage and publication. (Effective date: April 10, 2015)

Councilor Russ 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 March 9, 2015

Approved March 9, 2015

DON NESS, Mayor

ATTEST:

JEFFREY J. COX, City Clerk

- - -

### **ORDINANCE NO. 10359**

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

The city of Duluth does ordain:

Section 1. That the city of Duluth does hereby dedicate to the general public a perpetual easement for trail right-of-way purposes over, under and upon the following described property in St. Louis County, Minnesota:

Area 1. Plat of Replat of Wilmington Addition to West Duluth.

A 100 foot wide strip of land for trail purposes over, under, and across that part of the recorded plat of REPLAT OF WILMINGTON ADDITION TO WEST DULUTH, Section 13, Township 49 North, Range 15 West, Duluth, MN, more specifically described as follows:

Commencing at the North Quarter Corner of said Section 13, thence running southerly along the westerly line of the NW  $\frac{1}{4}$  of the NE  $\frac{1}{4}$  of Section 13, T 49 N, R 15 W a distance of 164.6 feet; thence deflect 44 degrees 9 minutes right in a southwesterly direction for a distance of 1477.3 feet to the beginning of a 2 degree tangential curve concave to the southeast having a central angle of 14 degrees 22 minutes; thence southwesterly along said curve for a distance of 126.96 feet to the southerly line of said NE  $\frac{1}{4}$  of the NW  $\frac{1}{4}$ ; thence continuing along said curve for a distance of 352.30 feet to the westerly line of the SE  $\frac{1}{4}$  of the NW  $\frac{1}{4}$  of Section 13 and the point of beginning of the centerline of the easement; thence continuing southwesterly on said 2 degree curve a distance of 239.07 feet to the beginning of a line tangent to said curve; thence southwesterly on said tangent for a distance of 799.62 feet to a point, thence deflect 5 degrees 21 minutes 46 seconds left for a distance of 173.40 feet to the southerly line of the SW  $\frac{1}{4}$  of the NW  $\frac{1}{4}$  and there terminating. Excepting therefrom lots 6,7,17, and 18, Block 9, said plat of replat of Wilmington Addition of West Duluth.

The sidelines of said easement shall be shortened or prolonged so as to terminate on the southerly and easterly lines of said SW  $\frac{1}{4}$  of the NW  $\frac{1}{4}$ . Subject to restrictions and easements of record. Containing approximately 2.84 acres.

Area 2. Plat of Carlton Place Addition to Duluth.

A 100 foot wide strip of land for trail purposes over, under, and across that part of the recorded plat of CARLTON PLACE ADDITION TO DULUTH, Section 13, Township 49 North, Range 15 West, Duluth, MN, more specifically described as follows:

Commencing at the North Quarter Corner of said Section 13, thence running southerly along the westerly line of the NW  $\frac{1}{4}$  of the NE  $\frac{1}{4}$  of Section 13, T 49 N, R 15 W a distance of 164.6 feet; thence deflect 44 degrees 9 minutes right in a southwesterly direction for a distance of 1477.3 feet to the beginning of a 2 degree tangential curve concave to the southeast having a central angle of 14 degrees 22 minutes; thence southwesterly along said curve for a distance of 126.96 feet to the southerly line of said NE  $\frac{1}{4}$  of the NW  $\frac{1}{4}$  and the point of beginning of the centerline of the easement; thence continuing southwesterly along said curve for a distance of 352.30 feet to the westerly line of the SE  $\frac{1}{4}$  of the NW  $\frac{1}{4}$  of Section 13 and there

terminating. Said point of termination being 278.57 feet southerly of the NW corner of said SE  $\frac{1}{4}$  of NW  $\frac{1}{4}$  as measured along the westerly line of said SE  $\frac{1}{4}$  of NW  $\frac{1}{4}$ .

The sidelines of said easement shall be shortened or prolonged so as to terminate on the northerly and westerly lines of said SE  $\frac{1}{4}$  of the NW  $\frac{1}{4}$ . Subject to restrictions and easements of record. Containing approximately 0.81 acres.

NE  $\frac{1}{4}$  of NW  $\frac{1}{4}$  of Section 13, T 49 N, R 15 W

A 100 foot wide strip of land for trail purposes over, under, and across that part of the NE  $\frac{1}{4}$  of the NW  $\frac{1}{4}$  of Section 13, Township 49 North, Range 15 West, Duluth, MN, more specifically described as follows:

Commencing at the North Quarter Corner of said Section 13, thence running southerly along the westerly line of the NW  $\frac{1}{4}$  of the NE  $\frac{1}{4}$  of Section 13, T 49 N, R 15 W a distance of 164.6 feet to the point of beginning of the centerline of the easement; thence deflect 44 degrees 9 minutes right in a southwesterly direction for a distance of 1477.3 feet to the beginning of a 2 degree tangential curve concave to the southeast having a central angle of 14 degrees 22 minutes; thence southwesterly along said curve for a distance of 126.96 feet to the southerly line of said NE  $\frac{1}{4}$  of the NW  $\frac{1}{4}$  and there terminating.

The sidelines of said easement shall be shortened or prolonged so as to terminate on the southerly and easterly lines of said NE  $\frac{1}{4}$  of the NW  $\frac{1}{4}$ . Subject to restrictions and easements of record. Containing approximately 3.68 acres.

Plat of Clinton Place Addition to Duluth.

A 100 foot wide strip of land for trail purposes over, under, and across that part of the recorded plat of CLINTON PLACE ADDITION TO DULUTH, Section 13, Township 49 North, Range 15 West, Duluth, MN, more specifically described as follows:

Commencing at the North Quarter Corner of said Section 13, thence running southerly along the westerly line of the NW  $\frac{1}{4}$  of the NE  $\frac{1}{4}$  thereof a distance of 164.6 feet to the point of beginning of the centerline of the easement; thence deflect 135 degrees 51 minutes left in a northeasterly direction for a distance of 228.69 feet to the northerly line of said NW  $\frac{1}{4}$  of the NE  $\frac{1}{4}$  and there terminating.

The sidelines of said easement shall be shortened or prolonged so as to terminate on the northerly and westerly lines of said NW  $\frac{1}{4}$  of the NE  $\frac{1}{4}$ . Subject to restrictions and easements of record. Containing approximately 0.53 acres.

Plat of Stowells Addition to West Duluth.

A 100 foot wide strip of land for trail purposes over, under, and across that part of the recorded plat of STOWELLS ADDITION TO WEST DULUTH, Section 12, Township 49 North, Range 15 West, Duluth, MN, more specifically described as follows:

Commencing at the South Quarter Corner of said Section 12, thence running southerly along the westerly line of the NW  $\frac{1}{4}$  of the NE  $\frac{1}{4}$  of Section 13, T 49 N, R 15 W a distance of 164.6 feet; thence deflect 135 degrees 51 minutes left in a northeasterly direction for a distance of 228.69 feet to the northerly line of said NW  $\frac{1}{4}$  of the NE  $\frac{1}{4}$  and the point of beginning of the centerline of the easement; thence continuing northeasterly for a distance of 1374.01 feet to the beginning of a 1 degree 30 minute tangential curve concave to the southeast having a central angle of 2 degrees 42 minutes; thence northeasterly along said curve a distance of 152.02 feet to the southwesterly line of Interstate 35, and there terminating. Excepting therefrom all portions of the above described strip lying within Lot 8, Block 7 of said plat of STOWELLS ADDITION TO WEST DULUTH.

The sidelines of said easement shall be shortened or prolonged so as to terminate on the southerly line of said SW  $\frac{1}{4}$  of the SE  $\frac{1}{4}$  of Section 12 and the southwesterly line of Interstate 35. Subject to restrictions and easements of record. Containing approximately 3.48 acres.

Area 3. Plat of MacFarlanes Grassy Point Addition to Duluth.

A 100 foot wide strip of land for trail purposes over, under, and across that part of the recorded plat of MACFARLANES GRASSY POINT ADDITION TO DULUTH, Section 12, Township 49 North, Range 15 West, Duluth, MN, more specifically described as follows:

Commencing at the South Quarter Corner of said Section 12, thence running southerly along the westerly line of the NW  $\frac{1}{4}$  of the NE  $\frac{1}{4}$  of Section 13, T 49 N, R 15 W a distance of 164.6 feet; thence deflect 135 degrees 51 minutes left in a northeasterly direction for a distance of 228.69 feet to the northerly line of said NW  $\frac{1}{4}$  of the NE  $\frac{1}{4}$ ; thence continuing northeasterly for a distance of 1374.01 feet to the beginning of a 1 degree 30 minute tangential curve concave to the southeast having a central angle of 2 degrees 42 minutes; thence northeasterly along said curve a distance of 152.02 feet to the southwesterly line of Interstate 35; thence northeasterly along said curve 27.98 feet to the beginning of a 3 degree curve concave to the southeast with a central angle of 19 degrees 44 minutes; thence along said curve a distance of 116.07 feet to the easterly line of the SW  $\frac{1}{4}$  of the SE  $\frac{1}{4}$  of Section 12, thence continuing northeasterly along said curve 124.89 feet to the northeasterly line of Interstate 35 and the point of beginning of the centerline of the easement; thence northeasterly along said curve 99.84 feet to the northerly line of the SE  $\frac{1}{4}$  of the SE  $\frac{1}{4}$  of Section 12 and there terminating. Said point of termination being easterly along said northerly line 179.36 feet from the NW corner of the SE  $\frac{1}{4}$  of the SE  $\frac{1}{4}$ .

The sidelines of said easement shall be shortened or prolonged so as to terminate on the northeasterly line of Interstate 35 and the northerly line of said SE  $\frac{1}{4}$  of the SE  $\frac{1}{4}$ . Subject to restrictions and easements of record. Containing approximately 0.23 acres.

Plat of Dodges Addition to Duluth.

A 100 foot wide strip of land for trail purposes over, under, and across that part of the recorded plat of DODGES ADDITION TO DULUTH, Section 12, Township 49 North, Range 15 West, Duluth, MN, more specifically described as follows:

Commencing at the South Quarter Corner of said Section 12, thence running southerly along the westerly line of the NW  $\frac{1}{4}$  of the NE  $\frac{1}{4}$  of Section 13, T 49 N, R 15 W a distance of 164.6 feet; thence deflect 135 degrees 51 minutes left in a northeasterly direction for a distance of 228.69 feet to the northerly line of said NW  $\frac{1}{4}$  of the NE  $\frac{1}{4}$ ; thence continuing northeasterly for a distance of 1374.01 feet to the beginning of a 1 degree 30 minute tangential curve concave to the southeast having a central angle of 2 degrees 42 minutes; thence northeasterly along said curve a distance of 152.02 feet to the southwesterly line of Interstate 35; thence northeasterly along said curve 27.98 feet to the beginning of a 3 degree curve concave to the southeast with a central angle of 19 degrees 44 minutes; thence along said curve a distance of 116.07 feet to the easterly line of the SW  $\frac{1}{4}$  of the SE  $\frac{1}{4}$  of Section 12, thence northeasterly along said curve 124.89 feet to the northeasterly line of Interstate 35; thence northeasterly along said curve 99.84 feet to the northerly line of the SE  $\frac{1}{4}$  of the SE  $\frac{1}{4}$  of Section 12 and the point of beginning of the centerline of the easement; thence continuing northeasterly along said 3 degree curve a distance of 294.39 feet to the southerly line of Green Street and there terminating.

The sidelines of said easement shall be shortened or prolonged so as to terminate on the southerly line of said NE  $\frac{1}{4}$  of the SE  $\frac{1}{4}$ , the southerly line of Green Street, and the westerly line of 63rd Avenue West. Subject to restrictions and easements of record. Containing approximately 0.68 acres.

Section 2. That this ordinance shall take effect 30 days after its passage and publication or upon the city acquiring fee title in the underlying property, whichever is later.

Councilor Sipress 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 March 9, 2015  
Approved March 9, 2015  
DON NESS, Mayor

- - -