



City of Duluth

411 West First Street
Duluth, Minnesota 55802

Minutes

City Council

MISSION STATEMENT: *The mission of the Duluth City Council is to develop effective public policy rooted in citizen involvement that results in excellent municipal services and creates a thriving community prepared for the challenges of the future.*

TOOLS OF CIVILITY: *The Duluth City Council promotes the use and adherence of the tools of civility in conducting the business of the council. The tools of civility will provide increased opportunities for civil discourse in order to find positive resolutions to the issues that face the city. These tools include: pay attention, listen, be inclusive, do not gossip, show respect, be agreeable, apologize, give constructive criticism and take responsibility. [Approved by the council on August 25, 2003]*

Monday, December 14, 2015

7:00 PM

Council Chamber

ROLL CALL

Present: 9 - Councilor Filipovich, Councilor Fosle, Councilor Gardner, Councilor Hanson, Councilor Juslrud, Councilor Krug, Councilor Russ, Councilor Sipress and President Larson.

PLEDGE OF ALLEGIANCE

PUBLIC HEARING – LIQUOR LICENSE FEES

Mike Ronning, Round Up Bar and Grill, spoke of his concerns over the same level of fees for all establishments regardless of how small ones operation is and that fees should be based on sales or seating capacity to level the playing field.

PROPERTY TAX ABATEMENT REGARDING CIRRUS DESIGN CORPORATION PROJECT

Linda Ross - Sellner spoke of her concerns for this and claimed that there are errors in some of the information presented.

CIRRUS DESIGN CORPORATION PROJECT - BUSINESS STUDY

Brian Hanson and David Ross, Executive Director Duluth Area Chamber of Commerce, spoke in support of Cirrus Design.

REPORTS FROM THE ADMINISTRATION

Deputy Police Chief Mike Tusken accepted from the Security Industry Alarm Coalition representative an award for the Duluth Police Departments false alarm program.

REPORTS FROM OTHER OFFICERS

1. **15-096** Clerk application for exempt permit submitted to the Minnesota gambling control board from Duck's Unlimited for raffle on February 26, 2015.

Attachments: [DUCK'S UNLIMITED APPLICATION](#)

This Other Officers Report was received.

REPORTS OF COUNCIL COMMITTEES

REPORTS OF COUNCIL OPEN ISSUES

City Council President Larson presented the Duluth City Council December 2015 Duluth Distinguished Artists award to Penny Perry.

Mr. Perry thanked the council for this honor.

Councilor Filipovich announced that he wished to be considered for 2016 City Council President

Councilor Sipress announced that he wished to be considered for 2016 City Council Vice President.

OPPORTUNITY FOR CITIZENS TO BE HEARD

Jude Gossens, Vice President of the Duluth Delegation of Youth in Government, described what their organization is involved in.

RESOLUTIONS TABLED

COMMITTEE 1

BY COUNCILOR FILIPOVICH (FINANCE)

2. **15-0811R** RESOLUTION APPROVING CAPITAL IMPROVEMENT PLAN AND STATING INTENT TO ISSUE GENERAL OBLIGATION CAPITAL IMPROVEMENT BONDS UNDER MINNESOTA STATUTES, SECTION 475.521.

Body: CITY PROPOSAL:

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

Section 1. Capital improvement plan.

1.01 (a) Under and pursuant to Minnesota Statutes, Section 475.521 (the "Act"), the Council has authorized preparation of a capital improvement plan for the years 2016 through 2020 which has been

presented to the Council in the section entitled "Capital Improvement Program Summary" in the document entitled "2016-2020 Capital Improvement Budget and Five-Year Plan" (the "Plan");

(b) A notice of public hearings has been published in accordance with the Act, and the Council has held on December 7, 2015, a public hearing as required by the Act, to provide an opportunity for residents to express their views on the Plan;

(c) The Council has considered the following for each project discussed in the Plan and for the overall Plan:

(1) The condition of the City's existing infrastructure, including the projected need for repair or replacement;

(2) The likely demand for the improvement;

(3) The estimated cost of the improvement;

(4) The available public resources;

(5) The level of overlapping debt in the City;

(6) The relative benefits and costs of alternative uses of the funds;

(7) Operating costs of the proposed improvements; and

(8) Alternatives for providing services more efficiently through shared facilities with other cities or local government units.

1.02 (a) Based on the considerations set forth in the Plan and Section 1.01(c) hereof, the Council finds that the Plan is desirable and beneficial to the City and its residents;

(b) The Council finds that the proposed improvements under the Plan will result in no unnecessary duplication of public facilities provided by other units of government in the region.

1.03 The Plan is approved.

Section 2. (a) Under and pursuant to the authority contained in the Act and Minnesota Statutes, Chapter 475, the City is authorized to issue capital improvement bonds to provide funds for capital improvements pursuant to the Plan.

(b) The Council also held a public hearing on December 7, 2015, after notice of public hearing required by the Act, on the City's intention to issue general obligation capital improvement bonds, in an amount not to exceed \$1,400,000 for the purposes set forth in the notice of public hearing. All persons who desired to speak at the public hearing were heard and written comments were considered.

(c) The Council hereby finds and determines that it is necessary, expedient and in the best interests of the City's residents that the City issue, sell and deliver general obligation capital improvement bonds in the maximum amount of \$1,400,000 (the "Bonds"), for the purpose of providing funds for the following capital improvements under the Plan: improvements to eligible facilities (City Hall, libraries, public safety facilities and public works facilities) under the Act throughout the City, including improvements to the main library, Mt. Royal library, police multimodal substation building, 42nd tool house, Riley Road tool house, fleet building and Firehall #8, and

for the payment of costs of issuance of the Bonds.

(d) If, within 30 days after December 7, 2015, a valid petition is filed with the City Clerk calling for a vote on the proposition of issuing the Bonds, signed by voters residing within the boundaries of the City equal to five percent of the votes cast in the City in the last general election, the Bonds shall not be issued until the question of their issuance has been authorized by a majority of the voters voting on the question at the next general or special election called to decide the question.

(e) This resolution constitutes a declaration of official intent under Treasury Regulations Section 1.150-2. The City reasonably expects to acquire or construct all or a portion of the capital improvements prior to the issuance of the capital improvement bonds and to reimburse expenditures incurred with respect to such capital improvement program with the proceeds of the capital improvement bonds.

A motion was made, seconded and unanimously carried to remove the resolution from the table.

A motion was made that this Resolution be adopted the motion carried by the following vote:

Yea: 8 - Councilors Filipovich, Gardner, Hanson, Julsrud, Russ, Sipress and President Larson.

Nay: 1 - Councilor Fosle

3. 15-0831R RESOLUTION ADOPTING LICENSE, PERMIT, FINE, PENALTY AND OTHER CHARGES FOR 2016.

Body: CITY PROPOSAL:

RESOLVED, pursuant to sections 31-6(a) and 31-8 of the Duluth City Code, 1959, as amended, and the authority otherwise granted in said Code and the Duluth City Charter, the charges for those permits, licenses, fines, penalties and other charges listed in Exhibit A are hereby established as those set forth in said exhibit, effective as of January 1, 2016.

RESOLVED FURTHER, that any fees established by any prior resolution inconsistent or conflicting with those set forth in said fee schedule are hereby superseded as of January 1, 2016, and of no future effect.

[Exhibit A](#)

Attachments:

A motion was made, seconded and unanimously carried to remove the resolution from the table.

[Memo](#)

A motion was made that this Resolution be adopted the motion carried by the following vote:

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

Nay: 2 - Councilors Fosle and Krug

4. **15-0834R** RESOLUTION APPROVING THE FISCAL YEAR JANUARY 1, 2016 TO DECEMBER 31, 2016, OPERATION BUDGET OF THE DULUTH TRANSIT AUTHORITY.

Body: CITY PROPOSAL:

RESOLVED, that the operation budget for the fiscal year January 1, 2016 to December 31, 2016, in the amount of \$15,304,686 for the Duluth Transit Authority is hereby approved.

Attachments: [Exhibit A](#)

A motion was made, seconded and unanimously carried to remove the resolution from the table.

A motion was made that this Resolution be adopted the motion carried by the following vote:

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

Nay: 1 - Councilor Fosle

Abstain: 1 - Councilor Hanson

BY COUNCILOR GARDNER (PERSONNEL)

5. **15-0832R** RESOLUTION ADOPTING CITY CHARTER COMMISSION'S RECOMMENDATION FOR APPROPRIATE FEE PAID TO CITY COUNCIL MEMBERS FOR SERVICE ON THE CITY COUNCIL AND SETTING SAID FEE.

Body: BY COUNCILOR GARDNER:

WHEREAS, in the November 3, 2015, election, the citizens of Duluth voted to amend Chapter II, Section 5, of the Duluth City Charter concerning the fee paid to city council members for service on the city council; and

WHEREAS, Chapter II, Section 5 of the Duluth City Charter was amended to allow the Charter Commission to determine the fee paid to council members and recommend said fee to the city council for approval; and

WHEREAS, if the city council approves said fee by a two-thirds vote, the new fee will take effect the January after the next municipal election; and

WHEREAS, on November 24, 2015, the Charter commission determined that the appropriate monthly fee paid to city council members for service on the city council is \$1,150.

NOW, THEREFORE, BE IT RESOLVED that the Charter commission's recommendation for the appropriate monthly fee paid to city council members for service on the city council is adopted and the fee is set at \$1,150.

BE IT FURTHER RESOLVED that the new monthly fee will go into effect January 2018, the first January after the next municipal election.

A motion was made, seconded and unanimously carried to remove the resolution from the table.

A motion was made that this Resolution be adopted the motion carried by the following vote:

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

Nay: 2 - Councilor Fosle and Hanson

MOTIONS AND RESOLUTIONS

CONSENT AGENDA

COMMITTEE 1

BY COUNCILOR FILIPOVICH (FINANCE)

6. **15-0842R** RESOLUTION APPROVING DULUTH STEAM DISTRICT NO. 1 THERMAL ENERGY HOT WATER RATE FOR EASTERN CANAL PARK.

Body: CITY PROPOSAL:

WHEREAS, Ever-Green Energy, Inc. ("EGE"), the city's manager of Duluth Energy Systems, has recommended a modification of the district heating hot water rate for customers connected to the eastern Canal Park hot water system to a rate of \$6.99 per million Btu for thermal energy service; and

WHEREAS, the city has determined that such rate is reasonable and necessary to defray the costs of operating the subject system.

RESOLVED, that pursuant to section 2.3.7 of the energy system management services agreement between the city and EGE, the city council hereby approves the rate of \$6.99 per million Btu for thermal energy services provided to customers connected to the eastern Canal Park Hot water system, effective on and after January 1, 2016.

This Resolution was adopted unanimously.

7. **15-0849R** RESOLUTION RELATING TO A TAX ABATEMENT; GRANTING THE

ABATEMENT FOR THE CIRRUS DESIGN CORPORATION PROJECT.

Body: CITY PROPOSAL:

BE IT RESOLVED, by the City Council (the "City Council") of the city of Duluth, St. Louis County, Minnesota (the "City"), as follows:

Section 1. Purpose and Authorization.

1.01 The City, pursuant to the provisions of Minnesota Statutes, Sections 469.1812 to 469.1815, as amended (the "Act"), is authorized to grant an abatement of the property taxes imposed by the City on a parcel of property, if certain conditions are met, through the adoption of a resolution specifying the terms of the abatement.

1.02 Cirrus Development Corporation ("Cirrus") is a major manufacturer of general aviation aircraft with its main manufacturing facilities and related offices located at the Duluth International Airport (the "Airport"). Cirrus desires to expand its manufacturing and assembly facilities at the Airport to include facilities to manufacture the new Vision SF50 personal jet and to develop needed research and development facilities adjacent thereto. Cirrus desires to relocate its painting and finishing operations for its product lines to a new location so that it may repurpose its existing facilities for manufacture and assembly of the new Vision SF50 personal jet and for development of its research and design operations. Cirrus proposes to develop a new approximately 68,000 square foot facility, which is expected to be used for such painting and finishing operations, and to construct certain on-site and off-site improvements relating to such facility (the "Project").

1.03 Pursuant to the Act, on the date hereof, the City Council conducted a public hearing on the desirability of granting an abatement of property taxes on certain properties expected to be benefitted by the proposed Project, which properties are identified on the list attached hereto Exhibit A (the "Properties"). Notice of the public hearing was duly published as required by law in the *Duluth News Tribune*, the official newspaper of the City, on December 2, 2015, which date is no fewer than 10 and no more than 30 days prior to the date hereof.

Section 2. Findings. On the basis of the information compiled by the City and elicited at the public hearing referred to in Section 1.03, it is hereby found, determined and declared:

2.01 The Project is in the public interest because it will increase and preserve tax base in the City, will provide employment opportunities in the City, and will redevelop unused real property.

2.02 The City expects that the benefits of the proposed abatement are not less than the costs of the proposed abatement. The public benefits

that the City expects to result from the abatement are the increase in tax base by an estimated amount of \$4,588,700 created by the Project, the increase of 150 jobs resulting from the Project, the retention of the 689 jobs currently employed at the existing Cirrus facilities at or near the Airport, and will redevelop unused real property.

2.03 The Properties are not located in a tax increment financing district.

2.04 The granting of the proposed abatement will not cause the aggregate amount of abatements granted by the City under the Act in any year to exceed the greater of (i) 10% of the City's net tax capacity for the taxes payable in the years to which the abatement applies, or (ii) \$200,000.

2.05 It is in the best interests of the City to grant the tax abatement authorized in this Resolution.

2.06 Under Section 469.1813, subdivision 9 of the Act, it is not necessary for the City to obtain the consent of any owner of any of the Properties to grant an abatement.

Section 3. Granting of Tax Abatement.

3.01 A property tax abatement (the "Abatement") is hereby granted in respect of property taxes levied by the City on the Properties for 15 years, commencing with taxes payable in 2017 and concluding with taxes payable in 2031. The Abatement will reduce all of the City's portion of the taxes for each of the Properties, and the Abatement will not exceed \$566,667 per year and a total aggregate amount of \$8,500,000.

3.02 The City shall retain the Abatement and apply it to payment of a portion of the costs of constructing the Project and/or to the payment of bonds of the City issued to finance costs of constructing the Project.

3.03 The Abatement may be modified or terminated any time by the Council in accordance with the Act.

Attachments: [Exhibit A](#)

This Resolution was adopted unanimously.

BY COUNCILOR HANSON (PURCHASING & LICENSING)

8. 15-0840R RESOLUTION APPROVING THE EXEMPTION OF A RAFFLE LICENSE AND WAIVING THE 60 DAY WAITING PERIOD FOR THE MINNESOTA BALLET.

Body: CITY PROPOSAL:

BE IT RESOLVED, that the Duluth City Council hereby approves of the

Minnesota gambling control board issuing a lawful gambling exemption to the Minnesota Ballet and does hereby waive the 60 day waiting period which it has to object to the issuance of said exemption.

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.

This Resolution was adopted unanimously.

9. **15-0863R** RESOLUTION AWARDDING A CONTRACT TO DE LAGE LANDEN PUBLIC FINANCE LLC FOR THE FOUR-YEAR SEASONAL LEASE OF GOLF CARS AND MAINTENANCE/UTILITY VEHICLES AT AN ANNUAL TOTAL OF \$86,111.40 FOR 2016, 2017, 2018, AND 2019, AND A POTENTIAL TOTAL CONTRACT AMOUNT OF \$344,445.60.

Body: CITY PROPOSAL:

RESOLVED, that that the proper city officials are hereby authorized to enter into a lease agreement with De Lage Landen Public Finance LLC (DLL) for a four-year seasonal (May - October) lease of one hundred-forty 2016 Club Car Precedent EFI gas golf cars and ten Club Car CarryAll 100 EFI gas maintenance and utility vehicles for the Lester and Enger Park golf courses, in accordance with city-approved specifications and Club Car's low bid of \$86,111.40 for each of the years 2016, 2017, 2018, and 2019, and a total potential contract amount of \$344,445.60, sales tax collected with each rental, said \$86,111.40 for year 2016 to be paid as follows:

\$43,055.70 from Golf Fund 503, Dept 400 (Parks & Recreation), Division ENGR (Golf Course Enger), Object 5415 (Enger-Vehicle/Equip. rental-short-term);

\$43,055.70 from Golf Fund 503, Dept 400 (Parks & Recreation), Division LSTR (Golf Course Lester), Object 5415 (Lester-Vehicle/Equip. rental-short-term)

SOLVED FURTHER that this four-year lease is subject to the availability of funds.

Attachments: [Exhibit A](#)

This Resolution was adopted unanimously.

10. **15-0864R** RESOLUTION AUTHORIZING A SOLE SOURCE PURCHASE OF WATER METER PARTS FROM BADGER METER, INC., IN THE AMOUNT OF \$91,402.86.

Body: CITY PROPOSAL:

RESOLVED, that the proper city officials are hereby authorizing the sole source purchase of water meter parts from Badger Meter, Inc., in the amount of \$91,402.86, payable from Water 510, Public Works and Utilities

500, Customer Services 1940, Service 2410, Utility System Mtc Supplies 5227.

This Resolution was adopted unanimously.

- 11. 15-0875R** RESOLUTION AUTHORIZING THE PURCHASE OF TIRE REPAIR PARTS AND LABOR FROM DULUTH TIRE & OIL, INC., FOR A TOTAL AMOUNT OF \$140,000.

Body: CITY PROPOSAL:

RESOLVED, that the proper city officials are hereby authorized to purchase tire repair parts and labor from Duluth Tire & Oil, Inc., Minnesota State Contract 43183, for a total amount of \$140,000, payable as follows:

Fleet Services 660, Public Administration 015, Equipment Repair Supplies 5221

Fleet Services 660, Public Administration 015, Equipment/Machinery Repair & Mtc 5404

This Resolution was adopted unanimously.

- 12. 15-0876R** RESOLUTION APPROVING AGREEMENT WITH THE LAW FIRM OF LOCKRIDGE GRINDAL NAUEN P.L.L.P. FOR LEGAL SERVICES REPRESENTING THE CITY IN REGARD TO CLASS ACTION LITIGATION INVOLVING THE SALE AND PURCHASE OF LIQUID ALUMINUM SULFATE.

Body: CITY PROPOSAL:

RESOLVED that the proper city officials are hereby authorized to execute an agreement, substantially the same as that attached hereto as Exhibit A, with Lockridge Grindal Nauen P.L.L.P., under which that firm will represent the city in regard to class action antitrust litigation involving the sale and purchase of liquid aluminum sulfate. Attorneys' fees and expenses will be paid from any funds recovered on behalf of the class and/or the city as ordered by the court or on a one-third contingency basis, payable from Fund 610-036-1652-5304 (Self Insurance Fund, Insurance Accounts, Water & Gas, Legal Services).

Attachments: [Exhibit A - 15-0876R](#)

This Resolution was adopted unanimously.

- 13. 15-0883R** RESOLUTION AUTHORIZING AN AMENDMENT TO CONTRACT 22549 WITH BURNS & MCDONNELL ENGINEERING COMPANY, INC. AND A

NEW CONTRACT TOTAL NOT TO EXCEED \$685,000.

Body: CITY PROPOSAL:

RESOLVED, that the proper city officials are authorized to execute an amendment to contract 22549 with Burns & McDonnell Engineering Company, Inc., and a new contract amount not to exceed \$685,000, payable from Fund 412-030-5520 (Cirrus building, finance department, buildings & structures).

Attachments: [EXHIBIT A](#)

This Resolution was adopted unanimously.

BY COUNCILOR GARDNER (PERSONNEL)

14. **15-0844R** RESOLUTION APPROVING SETTLEMENT IN THE MATTER OF GREEN, ET AL. v. RAMSAY, ET AL., AND ACCEPTING VOLUNTARY SURRENDER OF THE ON-SALE INTOXICATING LIQUOR LICENSE PREVIOUSLY HELD BY WESSMAN ESTATE, LLC

Attachments: [Exhibit A \(15-0844R\)](#)

This Resolution was adopted unanimously.

COMMITTEE 2

BY COUNCILOR RUSS (PLANNING & ECONOMIC DEVELOPMENT)

15. **15-0846R** RESOLUTION OF APPLICATION AND ACCEPTANCE FOR THE 2016 WORKFORCE HOUSING GRANT FROM THE MINNESOTA DEPARTMENT OF EMPLOYMENT AND ECONOMIC DEVELOPMENT.

Body: CITY PROPOSAL:

Resolved that the city of Duluth is acting as the legal sponsor for a 2016 Workforce Housing Grant from the Minnesota Department of Employment and Economic Development for a 72 rental housing development (aka Miller Hill Flats) to serve workforce income employees of businesses within the Duluth area.

Further resolved that the amount of this grant will be matched as per program requirements by the city of Duluth and St. Louis County with at least \$1 for every \$2 provided in grant funds. As per requirements of the grant, there will be no income restricted subsidies invested in this project.

Attachments: [Attachment 1](#)

This Resolution was adopted unanimously.

16. 15-0852R RESOLUTION ACCEPTING THE PRELIMINARY DESIGN FOR SUPERIOR STREET.

Body: CITY PROPOSAL:

WHEREAS, the city of Duluth started the Preliminary Design for the Superior Street Reconstruction Project in October 2013; and

WHEREAS, the project's comprehensive public involvement program included six public meetings, questionnaires and surveys to capture public opinion, stakeholder meetings, press and media presence, and a web site and email subscription list; and

WHEREAS, design options were vetted throughout the process and subsequently narrowed to the preferred design referred to as the "District Concept;" and

WHEREAS, on September 28, 2015, city council passed a resolution determining that the Superior Street preliminary design shall include designation as an on-road bike route but not include bike lanes; and

WHEREAS, the city council further determined that an on-street bike facility shall be included on Michigan Street or First Street; and

WHEREAS, the Superior Street Preliminary Design and Public Involvement Summary Document is a final memorandum documenting the preliminary design process and preferred street layout, streetscape design, and amenities; and

WHEREAS, the next stage in the design process is to embark on a final design of the proposed street;

THEREFORE, BE IT RESOLVED, that the Superior Street Preliminary Design and Public Involvement Summary Document be hereby adopted as the official preliminary design for the Superior Street Reconstruction Project; and

BE IT FURTHER RESOLVED that the Superior Street Preliminary Design be used as the design guide in the future Final Design phase.

Motion was seconded and unanimously carried to hear speakers on the resolution. Ruurd Schoolderman and Shawna Mullen Eardley expressed their safety concerns associated with angled parking and the need for bike lanes.

A motion was made that this Resolution be adopted the motion carried by the following vote:

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

Nay: 1 - Krug

17. 15-0853R RESOLUTION VACATING PLATTED RIGHT OF WAY FOR UNIMPROVED ALLEY BETWEEN 40TH AND 41ST AVENUE EAST, AND JAY AND DODGE STREET.

Body: CITY PROPOSAL:

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 a public hearing and the city planning commission found that this portion of the street easement is useless for all purposes; and

(c) The city planning commission, at its Tuesday, December 8, 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 ally easement, described below:

VACATION DESCRIPTION

The 20.00 foot wide alley lying in Block 104, LONDON ADDITION TO DULUTH, according to the recorded plat thereof, St. Louis County, Minnesota. Said Alley vacation contains 8000 sq. or 0.18 Acres.

(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 showing the platted easement to be vacated.

Attachments: [Attachment 1](#)
[Attachment 2](#)

This Resolution was adopted unanimously.

- 18. 15-0856R** RESOLUTION AUTHORIZING AN APPLICATION TO THE STATE OF MINNESOTA FOR A MINNESOTA INVESTMENT FUND GRANT IN THE AMOUNT OF \$4,000,000.

Body: CITY PROPOSAL:

BE IT RESOLVED, that the city of Duluth (city) act as the legal sponsor for the project contained in the Minnesota investment fund application to be submitted on December 15, 2015, and that the mayor and chief administrative officer of the city are hereby authorized to apply to the Minnesota department of employment and economic development (DEED) for funding of this project on behalf of the city.

FURTHER RESOLVED, that the city has the legal authority to apply for financial assistance, and the institutional, managerial, and financial capability to ensure professional administration of the grant.

FURTHER RESOLVED, that the city has not violated any federal, state, or local laws pertaining to fraud, bribery, kickbacks, collusion, conflict of interest or other unlawful or corrupt practice.

FURTHER RESOLVED, that upon approval of its application 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.

FURTHER RESOLVED, that the city has obtained credit reports and credit information from Cirrus Design Corporation, DBA Cirrus Aircraft (Cirrus). The city and its city auditor have reviewed the reports and information and found no adverse findings or concerns regarding, but not limited to, tax liens, judgments, court actions and filings with state, federal and other regulatory agencies are identified. Failure to disclose any such adverse information could result in revocation or other legal action.

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

This Resolution was adopted unanimously.

COMMITTEE 3

BY COUNCILOR JULSRUD (PUBLIC WORKS & UTILITIES)

19. **15-0814R** RESOLUTION AUTHORIZING AN AMENDMENT TO THE CONTRACT WITH TKDA FOR PROFESSIONAL SERVICES INCREASING THE AMOUNT PAYABLE THEREUNDER, AWARDING A CONTRACT TO HIBBING EXCAVATING, INC., AND ACCEPTING REIMBURSEMENT OF SAID CONTRACTS FROM DEDA SUBJECT TO DEDA AUTHORIZATION OF SUCH REIMBURSEMENT, ALL RELATED TO THE 59TH AVENUE WEST STREET AND UTILITY IMPROVEMENT PROJECT.

Body: CITY PROPOSAL:

RESOLVED, that the proper city officials are hereby authorized to enter into an amendment to contract no. 22637 with TKDA for the 59th Avenue West Street and Utility Improvement Project increasing the amount payable by \$66,167 for a total amount payable of \$92,067, payable from Fund 530-500-1905-5533 (Sanitary Sewer Fund, Public Works and Utilities, Capital, Capital Improvements - Revenue).

FURTHER RESOLVED, that the proper city officials are hereby authorized to enter into a contract with Hibbing Excavating, Inc. for the 59th Avenue West Street and Utility Improvement Project in the amount of \$866,781, payable from Fund 530-500-1905-5533 (Sanitary Sewer Fund, Public Works and Utilities, Capital, Capital Improvements - Revenue), city project no. 1487.

FURTHER RESOLVED, that the authorization to enter into the TKDA

contract and the Hibbing Excavating, Inc. contract is subject to the Duluth Economic Development Authority ("DEDA") authorizing reimbursement by resolution of actual city costs under these contracts up to the amount of \$1,170,000.

FURTHER RESOLVED, that pursuant to the requirements of Resolution 10-0229, DEDA's authorization by resolution to reimburse the city for the actual costs of the TKDA contract and the Hibbing Excavating, Inc. contract, is hereby approved.

FURTHER RESOLVED, that the city hereby accepts reimbursement from DEDA for the actual costs of the TKDA contract and the Hibbing Excavating, Inc. contract payable into Fund 530-500-1900-4670 (Sanitary Sewer Fund, Public Works and Utilities, Public Works Director's Office, Share of Improvements) subject to DEDA authorizing reimbursement of the same by resolution.

FURTHER RESOLVED, that pursuant to the requirements of Resolution 09-0324, DEDA's authorization to reimburse the city of the actual costs of the TKDA contract and the Hibbing Excavating, Inc. contract, when approved by DEDA, is hereby approved.

Attachments: [15-0814R Map](#)
[15-0814R Agreement Amendment](#)
[15-0814R Original Signed Contract](#)
[15-0814R TKDA Proposal](#)

This Resolution was adopted unanimously.

- 20. 15-0823R** RESOLUTION ORDERING THE CLOSURE OF COMMONWEALTH AVENUE FROM IDAHO STREET TO GRAND AVENUE.

Body: CITY PROPOSAL:

RESOLVED, that the city council of the city of Duluth directs the public works and utilities department to physically close Commonwealth Avenue from Idaho Street to a point 300 feet south of the Grand Avenue intersection.

Attachments: [15-0823R Maps](#)

This Resolution was adopted unanimously.

- 21. 15-0847R** RESOLUTION AMENDING A CONTRACT WITH LHB, INC. TO PROVIDE PROFESSIONAL ENGINEERING SERVICES FOR CONGDON BOULEVARD SLOPE REPAIR, TO INCREASE THE AMOUNT BY \$9,580

FOR A NEW TOTAL OF \$117,140.

Body: CITY PROPOSAL:

RESOLVED, that contract 22217 with LHB, Inc. for professional engineering services for design of the Congdon Boulevard Slope Repair to be constructed from 7801 Congdon Boulevard to 89th Avenue East be amended to include the construction phase and to increase the amount by the estimated amount of \$9,580 for a new total of \$117,140, payable from Disaster Recovery Fund 225, Department 125 (Finance), Division 1808 (Disaster Aid Revenues), Object 5530 (Improvements Other than Buildings), city project no. 1324.

Attachments: [15-0847R Map](#)
[15-0847R Change Order](#)

This Resolution was adopted unanimously.

- 22. 15-0855R** RESOLUTION AMENDING A CONTRACT WITH LHB, INC. TO PROVIDE PROFESSIONAL ENGINEERING SERVICES FOR LOWELL TO LAKEWALK TRAIL PHASE 1 TO INCREASE THE AMOUNT BY \$33,410 FOR A NEW TOTAL OF \$155,677.

Body: CITY PROPOSAL:

RESOLVED, that contract 22292 with LHB, Inc. for professional engineering services for design of the Lowell to Lakewalk Trail Phase 1 be amended to increase the amount by the estimated amount of \$33,410 for a new total of \$155,677, payable from Capital Improvement Fund 450, Department 030 (Finance), Object 5530 (Improvements Other than Buildings), city project no. 1327.

Attachments: [15-0855R Change Order](#)

This Resolution was adopted unanimously.

- 23. 15-0857R** RESOLUTION AMENDING A CONTRACT WITH A PLUS LANDSCAPING, LLC FOR WATER AND GAS MAIN REPLACEMENTS WITH NEW POLYETHYLENE PIPE AT 26TH AVENUE WEST FROM COURTLAND STREET TO HELM STREET IN THE AMOUNT OF \$62,933.99 FOR A NEW TOTAL OF \$238,568.99.

Body: CITY PROPOSAL:

RESOLVED, that contract no. 22527 with A Plus Landscaping, LLC for water and gas main replacements at 26th Avenue West from Helm Street to Courtland Street be amended in the amount of \$62,933.99 for a new total of \$238,568.99, payable out of Gas Fund 520, Department 500 (Public Works & Utilities), Division 1905 (Capital), Object 5533 (Capital Improvements - Revenue), city project no. 1309.

Attachments: [15-0857R Map](#)

This Resolution was adopted unanimously.

BY COUNCILOR FOSLE (PUBLIC SAFETY)

24. **15-0845R** RESOLUTION AUTHORIZING PROPER CITY OFFICIALS TO ACCEPT A DONATION FROM THE NORTHLAND LAW ENFORCEMENT K-9 FOUNDATION IN THE AMOUNT OF \$5,000.

Body: CITY PROPOSAL:

RESOLVED, that the proper city officials are hereby authorized to accept a donation from the Northland Law Enforcement K-9 Foundation in the amount of \$5,000 for the Duluth police department's purchase and training of an explosive detection canine, to be deposited in Fund No. 210-030-3123-4660 (Police Special Project, Finance, K-9 Account, Gifts & Donations).

This Resolution was adopted unanimously.

25. **15-0854R** RESOLUTION ADOPTING THE 2012 EDITION OF THE INTERNATIONAL PROPERTY MAINTENANCE CODE AS THE HOUSING AND PROPERTY MAINTENANCE CODE OF THE CITY OF DULUTH.

Body: CITY PROPOSAL:

RESOLVED, that pursuant to Duluth City Code Sec. 29A-1, the city of Duluth does hereby adopt by reference the year 2012 edition of the International Property Maintenance Code as the Housing and Property Maintenance Code for the city of Duluth.

This Resolution was adopted unanimously.

26. **15-0865R** RESOLUTION CREATING A VACANT BUILDING REGISTRATION FUND WITHIN THE CITY'S SPECIAL PROJECTS SPECIAL REVENUE FUND AND COMMITTING CERTAIN RESOURCES FOR COST ASSOCIATED WITH THE REMOVAL OF BLIGHT FROM ABANDONED AND/OR DILAPIDATED PROPERTIES, AND THE ABATEMENT OF NUISANCE BUILDINGS.

Body: CITY PROPOSAL: WHEREAS, the City receives vacant building registration fees from owners of residential property which meet the registration criteria listed in Article II, Section 10-3 of the Legislative Code. WHEREAS, the City desires to establish a dedicated fund within the Special Projects Fund to pay for costs associated with enforcement of

codes related to solid waste compliance and minimum standards for residential properties.

WHEREAS, Governmental Accounting Standards Board Statement #54 requires the City Council to take action to commit resources for a designated purpose.

THEREFORE, be it resolved by the Duluth City Council that a Vacant Building Registration Fund be created within the City's Special Projects Special Revenue Fund 210-030-3137 (Special Projects Fund, Finance, Vacant Building Registration) to pay for costs associated with vacant buildings including removal of blight from exterior yard areas, securing property to trespass, facilitating remediation for homeowners struggling with hoarding issues or other maintenance issues and collaborating with the building official on the demolition of condemned structures.

BE IT FURTHER RESOLVED by the Duluth City Council that revenues from vacant building registration fees be committed as the funding source for the newly created vacant building registration fund.

This Resolution was adopted unanimously.

BY COUNCILOR SIPRESS (RECREATION, LIBRARIES & AUTHORITIES)

- 27. 15-0841R** RESOLUTION AUTHORIZING THREE YEAR LEASE AGREEMENT WITH THE DULUTH AMATEUR YOUTH BASKETBALL ASSOCIATION FOR USE OF SPACE IN THE WASHINGTON RECREATION CENTER.

Body: CITY PROPOSAL:

RESOLVED, that the proper city officials are hereby authorized to enter into a three year lease agreement, substantially in the form as the lease agreement attached as Exhibit 1, with the Duluth Amateur Youth Basketball Association (DAYBA) for the exclusive use of a certain space at the Washington Recreation Center and non-exclusive use of the gymnasium for DAYBA's basketball program. Rent payments for the exclusive space shall be payable to Fund 110, Public Administration 121, Property and Facilities Management 1222, Rent for Buildings 4622. Rent payments for the non-exclusive space shall be payable to Special Projects Fund 210, Finance 030, Special League 3190, Rent of Athletic Fields Washington Center Gym 4625-07.

Attachments: [Lease Agreement 11-2015](#)

This Resolution was adopted unanimously.

- 28. 15-0862R** RESOLUTION AUTHORIZING A SECOND AMENDMENT TO THE AGREEMENT BETWEEN THE CITY OF DULUTH AND THE ARROWHEAD ZOOLOGICAL SOCIETY, INC.

Body: CITY PROPOSAL:

WHEREAS, the city of Duluth ("City") and the Arrowhead Zoological Society ("Society") entered into a three year agreement (2012-2014) on or about December 20, 2011 (City Contract No. 21527), for the operation and management of the City's Lake Superior Zoological Gardens.

AND WHEREAS, the parties entered into an amendment to the agreement on or about December 9, 2014 (City Contract No. 21527-1), to: (i) extend the term of the agreement for a period of one year through December 31, 2015, (ii) modify the reimbursement procedures, and (iii) provide a dollar amount for working capital to assist the society with cash flow between the society's submission of reimbursement paperwork and the release of reimbursement funds by the city.

AND WHEREAS, the parties desire to further amend the agreement to extend its term for an additional six months through June 30, 2016.

NOW, THEREFORE, BE IT RESOLVED, that the proper city officials are hereby authorized to execute a second amendment to the agreement, substantially in the form attached hereto as Exhibit A, to extend the term of the agreement and amendment until June 30, 2016.

Attachments: [Exhibit A--Second Amendment to Agreement](#)

This Resolution was adopted unanimously.

END OF CONSENT AGENDA

The following entitled resolutions are also to be considered:

COMMITTEE 1**BY COUNCILOR FILIPOVICH (FINANCE)**

29. **15-0848R** RESOLUTION APPROVING THE FISCAL YEAR JANUARY 1, 2016 TO DECEMBER 31, 2016 BUDGETS OF THE DULUTH ECONOMIC DEVELOPMENT AUTHORITY.

Body: CITY PROPOSAL:

RESOLVED, that the DEDA operating fund, debt service fund, capital projects fund, MRO maintenance fund, and storefront loan fund budgets, attached in Exhibit A are hereby approved.

Attachments: [Exhibit A](#)

A motion was made that this Resolution be adopted the motion carried by the following vote:

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

Nay: 1 - Councilor Fosle

- 30. 15-0867R** RESOLUTION APPROPRIATING \$200,000 TO THE GREAT LAKES AQUARIUM TOWARDS THE CONSTRUCTION OF A NEW EXHIBIT - THE AMAZING WORLD OF THE UNSALTED SEAS.

Body: CITY PROPOSAL:

WHEREAS; the city council approved \$360,000 as an operating subsidy to Great Lakes Aquarium in resolution 15-0791R passed on November 23, 2015 that appropriated the estimated 2016 hotel-motel and food and beverage tourism taxes.

WHEREAS; tourism tax collections for the year 2015 have significantly exceeded budget estimates and are available to assist with the construction costs of the proposed exhibit.

RESOLVED, that the proper city officials are authorized to increase the appropriation to Great Lakes Aquarium by \$200,000 from tourism tax fund balance to provide a match towards the funding for the construction of The Amazing World of the Unsalted Seas exhibit.

FURTHER RESOLVED, that the proper city officials are hereby authorized to enter into an agreement substantially in the form of Exhibit A in an amount not to exceed \$560,000 comprised of \$360,000 for operating assistance and \$200,000 for the construction of the amazing world of the unsalted seas exhibit.

Attachments: [Exhibit A](#)
[Funding Request](#)

A motion was made that this Resolution be adopted the motion carried by the following vote:

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

Nay: 1 - Councilor Fosle

BY COUNCILOR HANSON (PURCHASING & LICENSING)

- 31. 15-0866R** RESOLUTION AWARDDING A CONTRACT TO COLLECTIVE DATA INC FOR THE PURCHASE AND IMPLEMENTATION OF A FLEET INFORMATION MANAGEMENT SOFTWARE SYSTEM, INCLUDING ONE YEAR OF FREE PREMIUM SOFTWARE MAINTENANCE AND SUPPORT SERVICES, FOR A TOTAL CONTRACT AMOUNT NOT TO EXCEED \$65,450.00.

Body: CITY PROPOSAL:

RESOLVED, that the proper city officials are hereby authorized to enter into an agreement with Collective Data Inc. for the purchase of a Fleet Information Management System, implementation services, training, and one year of premium software support services, for a total amount not to exceed \$ 65,450.00, payable from Fund 660 (Fleet Services); Department 015 (Public Administration); Capital Equipment 5580.

Attachments: [Exhibit A](#)

A motion was made that this Resolution be adopted the motion carried by the following vote:

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

Nay: 1 - Councilor Fosle

- 32. 15-0877R** RESOLUTION AWARDDING A CONTRACT TO CITIES DIGITAL INC. FOR THE PURCHASE AND IMPLEMENTATION OF AN ENTERPRISE LEVEL LASERFICHE DOCUMENT MANAGEMENT SYSTEM, INCLUDING FIVE YEARS OF SOFTWARE MAINTENANCE AND SUPPORT SERVICES, FOR A TOTAL CONTRACT AMOUNT NOT TO EXCEED \$356,760.00.

Body: CITY PROPOSAL:

RESOLVED, that the proper city officials are hereby authorized to enter into an agreement with Cities Digital Inc. for the purchase of an Enterprise Level Laserfiche Document Management System, implementation services, training, and five years of maintenance and software support services, for a total amount not to exceed \$ 356,760.00, payable as follows:

\$250,000.00 from Capital Fund 250 (Capital Equipment); Department 015 (Public Administration); Division 2014 (Year 2014); Capital Equipment 5580 Project Code E1404

\$106,760.00 from Capital Fund 250 (Capital Equipment); Department 015 (Public Administration); Division 2015 (Year 2015); Capital Equipment 5580 Project Code E1505.

Attachments: [Exhibit A](#)

A motion was made that this Resolution be adopted the motion carried by the following vote:

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

Nay: 1 - Councilor Fosle

COMMITTEE 2

BY COUNCILOR RUSS (PLANNING & ECONOMIC DEVELOPMENT)

33. **15-0858R** RESOLUTION APPROVING THE 2016 ANNUAL ACTION PLAN AND AUTHORIZING A REQUEST FOR HUD FEDERAL COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG), HOME PROGRAM AND EMERGENCY SOLUTIONS GRANT PROGRAM (ESGP) PROGRAM FUNDS.

Body: CITY PROPOSAL:

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 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 2016 action plan portion of FY 2015-2019 city of Duluth consolidated plan for housing and community development 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 15-0859R 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 15-0861R and 15-0860R 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.

A motion was made that this Resolution be adopted The motion carried by the following vote:

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

Abstain: 2 - Councilor Julsrud and President Larson

- 34. 15-0859R** RESOLUTION AUTHORIZING A REQUEST FOR HUD FEDERAL COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) FUNDS FOR

THE 2016 PROGRAM YEAR AND AUTHORIZING AGREEMENTS WITH
APPROPRIATE AGENCIES.

Body: CITY PROPOSAL:

WHEREAS, City Council Resolution No. 15-0858R, adopted December 14, 2015, approved FY 2016 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:

2016 CITY OF DULUTH COMMUNITY DEVELOPMENT BLOCK
GRANT (CDBG) PROGRAM-FUND 262, AGENCY 020, OBJECT 5434
PROJECT CD16CD

SUB

<u>PROJECTACTIVITY</u>	<u>AMOUNT</u>	<u>PROJECTS</u>
------------------------	---------------	-----------------

HOUSING PROJECTS

1734	\$ 614,500	Housing Resource Connection -
------	------------	-------------------------------

6915 \$ 200,000 Gateway Multi-family
Development - One Roof
6787 \$ 30,000 Energy Services & Vol
Coord - Ecolibrium3

ECONOMIC DEVELOPMENT PROJECTS

ECDV 2412 \$ 272,000 SOAR Duluth At Work
Collaborative - SOAR

Career Solutions

2264 \$ 64,000 Growing Neighborhood Businesses - Northeast
Entrepreneur Fund, Inc.

PUBLIC FACILITY IMPROVEMENT PROJECTS

1974 \$ 153,000 Homeless Youth Building Rehab- Life House
1050 \$ 150,500 Trepanier Hall/Gimaajii Improve- AICHO

PUBLIC SERVICE PROJECTS

PSVC 1244 \$ 70,000 Duluth Hunger Project - CHUM
1929 \$ 30,000 Access to Dental Health Services - Lake Superior
Community Health Center
2805 \$ 20,000 JET Food Program- Neighborhood

1974	\$ 28,000	Basic Needs Center for Homeless Youth - Life House
1226	\$ 19,550	Supportive Housing Programs - Center City
2509	\$ 7,800	Battered Women's Shelter Program - Safe Haven Shelter
2511	\$ 5,250	Family Transitional Housing Program - Salvation Army
2109	\$ 9,150	Homeless and At-Risk Vets Stabilization/Outreach - MACV
1050	\$ 18,250	Transitional and Permanent Housing Services - AICHO
1244	\$ 36,800	Duluth Shelter Project - CHUM
HO07	\$ 12,000	Coordinated Assessment*
6915	\$ 27,368	Tenant Landlord Connection - One Roof

PLANNING/PROGRAM ADMINISTRATION

AD01	\$ 422,042	CDBG Program Administration
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 2016	CDBG Grant - city	<u>\$2,210,210</u>
	Total	<u>\$2,210,210</u>

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.

Attachments: [Attachment 1](#)
[Attachment 2](#)
[Attachment 3](#)
[Attachement 4](#)
[Amendment to 15-0859](#)

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

Yeas: 6 - Councilors Filipovich, Gardner, Hanson, Krug, Russ and Sipress

Nays: 1 - Councilor Fosle

Abstentions: 2 - Councilor Julsrud and President Larson

A motion was made that this Resolution be adopted as amended and the motion carried by the following vote:

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

Abstain: 2 - Councilors Julsrud and Larson

35. 15-0861R RESOLUTION AUTHORIZING A REQUEST FOR HUD HOME FUNDS FOR THE 2016 PROGRAM YEAR AND AUTHORIZING CONTRACTS.

Body: CITY PROPOSAL:

WHEREAS, City Council Resolution No. 15-0858R, adopted December 14, 2015, approved FY 2016 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:

2016 HOME PROGRAM - FUND 260, AGENCY 020, OBJECT 5434,
PROJECT CD16HM

SUB

ACTIVITY PROJECTS

AMOUNT

GN14	1736	Homeless Rental Asst. Program (TBRA)- HRA	\$
		115,000	
GN14	1737	TBRA Admin - HRA	\$ 7,500
	1738	Housing Rehab - Housing Resource	
		Connection - HRA	\$ 45,306
CH14	6915	CHDO CLT Acquisition/Rehabilitation -	
		One Roof	\$ 72,500
GN14	2001	Center for Changing Lives- LSS	\$ 200,000
GN14	AD01	Program Administration (City)	<u>\$ 40,590</u>
	Total		<u>\$ 480,896</u>

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

Year 2016	HOME Grant	<u>\$ 480,896</u>
-----------	------------	-------------------

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.

Attachments: [Attachment 1](#)
[Attachment 2](#)
[Attachment 3](#)
[Attachment 4](#)

This resolution was adopted unanimously.

- 36. 15-0874R** RESOLUTION AUTHORIZING A DEVELOPMENT AGREEMENT WITH CIRRUS DESIGN CORPORATION RELATED TO THE CIRRUS COMPLETION CENTER EXPANSION.

Body: CITY PROPOSAL:

WHEREAS, Cirrus Design Corporation ("Cirrus") wishes to expand its manufacturing and assembly capacity at the Duluth International Airport ("Airport") to add manufacturing and painting capacity for its Vision SF50 personal jet and to expand and reconfigure its research and development facilities into its existing building facilities; and

WHEREAS, Cirrus will lease land at the Airport from the Duluth Airport Authority ("DAA") upon which Cirrus has proposed constructing an approximately 68,000 square foot Cirrus Completion Center Expansion Project ("Project") which is expected to be used for painting and finishing operations for Cirrus's airplane product lines, including the new Vision SF50 personal jet; and

WHEREAS, Cirrus has requested financial assistance from the City consisting of a loan in a maximum amount of \$8,150,000 which will be funded through the City's issuance of its taxable General Obligation ("GO") backed tax abatement bonds; and

WHEREAS, the City has determined that the interests of the citizens of the City of Duluth and the well-being and quality of life in the City of Duluth would be enhanced by nurturing and encouraging the Project.

NOW, THEREFORE, BE IT RESOLVED, that the proper City officials are hereby authorized to enter in a Development Agreement with Cirrus, substantially in the form of that attached hereto as Exhibit A hereto together with the City's documents attached to the Development Agreement,

pursuant to which the City agrees to loan Cirrus a maximum amount of \$8,150,000 which will be funded through the City's issuance of GO Tax Abatement Bonds, payable from Fund 412-030-5458 (Cirrus Building Fund, Finance, Payments to Developers).

Attachments: [Motion to Amend 15-0874R JS - Failed](#)
[141201505-development agreement](#)

This resolution was adopted unanimously.

COMMITTEE 3

- 37. 15-0860R** RESOLUTION AUTHORIZING A REQUEST FOR HUD EMERGENCY SOLUTIONS GRANT PROGRAM (ESGP) FUNDS FOR THE 2016 PROGRAM YEAR AND AUTHORIZING CONTRACTS.

Body: CITY PROPOSAL:

WHEREAS, City Council Resolution No. 15-0858R, adopted December 14, 2015, approved FY 2016 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:

2016 ESG PROGRAM - FUND 262, AGENCY 020, OBJECT 5434,
PROJECT CD16ES

<u>SUBPROJECT</u>	<u>PROJECTS</u>	<u>AMOUNT</u>
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	\$ 70,000
AD-01	Program Administration - City	\$ 14,873
HS-08	Housing Stabilization Benchmarks	<u>\$ 63,132</u>
	Total	<u>\$198,305</u>

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

Source of Funding

2016 ESGP Grant	<u>\$198,305</u>
Total	<u>\$198,305</u>

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.

Attachments: [Attachment 1](#)

This resolution was adopted unanimously.

BY COUNCILOR JULSRUD (PUBLIC WORKS & UTILITIES)

- 38. 15-0850R** RESOLUTION AUTHORIZING A ONE-YEAR EXTENSION TO CONTRACT 21844 WITH OUT THERE ADVERTISING INC., IN THE AMOUNT OF \$51,600, AND A NEW CONTRACT TOTAL NOT TO EXCEED \$340,000.

Body: CITY PROPOSAL:

WHEREAS, the Duluth city council previously approved Resolution 13-0065R on February 11, 2013, authorizing Contract 21844 with Out There Advertising, Inc. for public awareness services for the City's Public Works and Utilities Department;

WHEREAS, the city desires to continue its relationship with Out There Advertising, Inc. by extending the contract for one year, beginning January 1, 2016, and ending December 31, 2016.

RESOLVED, that the proper city officials are authorized to execute a one-year extension of Contract 21844 with Out There Advertising, Inc. to provide marketing and public awareness services in the amount of \$51,600 in year 2016 to be paid from Gas Fund 520, Dept./Agency 500 (Public Works and Utilities), Object 5340 (Advertising & Promotion).

Attachments: [Exhibit A](#)

This resolution was adopted unanimously.

BY COUNCILOR SIPRESS (RECREATION, LIBRARIES & AUTHORITIES)

- 39. 15-0817R** RESOLUTION AUTHORIZING APPLICATION TO, AND ACCEPTANCE OF IF OFFERED, THE MINNESOTA DEPARTMENT OF TRANSPORTATION - TRANSPORTATION ALTERNATIVES PROGRAM TO PROVIDE A MULTI-USE PATH THROUGH BRIGHTON BEACH PARK.

Body: CITY PROPOSAL:

THE CITY COUNCIL FINDS:

(a) That the city of Duluth is undertaking a project to provide a multi-use path through Brighton Beach Park to connect the Lakewalk with designated bike lanes along the North Shore Scenic Byway creating a continuous commuter trail the length of Duluth; and

(b) The estimated cash cost for design and construction of this project is \$557,743. Federal transportation alternative funds are currently programmed for construction in 2020. The Minnesota department of transportation has grant monies available through its transportation alternative program that are intended for on- and off-road pedestrian and bicycle facilities and other alternative transportation projects; and

(c) To receive this money, the city must submit the transportation alternative application to the Arrowhead Regional Development Commission (Exhibit A).

RESOLVED, that the proper city officials are hereby authorized to submit an application to the Minnesota department of transportation for funding of the multi-use path 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 \$387,995 and available on an 80/20 percent local matching basis, and has the required \$169,748 cash match funds available.

FURTHER RESOLVED, that if the city of Duluth is awarded a grant by

the Minnesota Department of Transportation, the city of Duluth agrees to accept the grant award and 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.

Attachments: [EXHIBIT A - 15-0817R.pdf](#)
[EXHIBIT B - 15-0817R.pdf](#)

A motion was made that this Resolution be adopted and the motion carried by the following vote:

Yea: 8 - Councilors Filipovich, Gardner, Hanson, Julsrud, Russ, Sipress and President Larson.

Nay: 1 - Councilor Fosle

INTRODUCTION AND CONSIDERATION OF ORDINANCES

The following entitled ordinances are to be read for the second time:

COMMITTEE 1

BY COUNCILOR FILIPOVICH (FINANCE)

- 40. 15-096-O** AN ORDINANCE DETERMING THE SUM TO BE RAISED BY TAXATION FOR THE SPECIAL PARKS FUND LEVY FOR THE YEAR 2016.

Body: CITY PROPOSAL:

The city of Duluth does ordain:

Section 1. That the sum to be raised by taxation for the year 2016 for the special parks fund levy is hereby determined to be the sum of \$2,600,000 which sum is levied against the taxable property of the city of Duluth and appropriated to the various accounts as set forth in the following section.

Section 2. That pursuant to Ordinance 10134, approved by voter referendum on November 9, 2011, pursuant to the authority contained in Laws of Minnesota, 1983, Chapter 560, Section 1, there will be levied for the parks fund the sum of \$2,600,000.

Section 3. That this ordinance shall take effect January 1, 2016.

A motion was made that this Ordinance be adopted and the motion carried by the following vote:

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

Nay: 1 - Councilor Fosle

41. 15-099-O AN ORDINANCE DETERMINING THE SUM TO BE RAISED BY TAXATION FOR GENERAL PURPOSES FOR THE YEAR 2016.

Body: CITY PROPOSAL:

The city of Duluth does ordain:

Section 1. That the sum to be raised by taxation for the year 2016 for general operations is hereby determined to be the sum of \$21,630,792 which sum is levied against the taxable property of the City of Duluth and appropriated to the various accounts of the city, as set forth in the following sections.

Section 2. That there will be levied for the support of the general fund the sum of \$14,128,900.

Section 3. That there will be levied for the support of the street lighting fund the sum of \$647,592.

Section 4. That for the payment of debt, there will be levied for the general obligation debt fund the sum of \$6,574,300.

Section 5. That pursuant to Laws of Minnesota 1971, Chapter 824, to pay for the portion of the cost of local improvements which will not sustain a special assessment, there will be levied for the permanent improvement fund the sum of \$280,000.

Section 6. That this ordinance shall take effect January 1, 2016.

A motion was made that this Ordinance be adopted and the motion carried by the following vote:

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

Nay: 2 - Councilor Fosle and Krug

42. 15-100-O AN ORDINANCE DETERMINING THE SUM TO BE RAISED BY TAXATION FOR THE SPECIAL TAXING DISTRICT, DULUTH TRANSIT

AUTHORITY, FOR THE YEAR 2016.

Body: CITY PROPOSAL:

The city of Duluth does ordain:

Section 1. That the sum to be raised by taxation for the year 2016 for Duluth Transit Authority taxing district's operations is hereby determined to be the sum of \$1,491,900 which sum is levied against the taxable property of the city of Duluth and appropriated to the various accounts as set forth in the following sections, viz:

Section 2. That pursuant to Minnesota Statutes, Section 458A.31, Subd.1, there will be levied for transit operations the sum of \$1,491,900.

Section 3. That this ordinance shall take effect January 1, 2016.

A motion was made that this Ordinance be adopted and the motion carried by the following vote:

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

Nay: 1 - Councilor Fosle

Abstain: 1 - Councilor Hanson

- 43. 15-101-O** AN ORDINANCE SETTING THE BUDGET FOR THE FISCAL YEAR 2016 APPROPRIATING MONIES FOR THE SUPPORT OF THE CITY GOVERNMENT, PUBLIC UTILITIES, AND PUBLIC ENTERPRISE FUNDS AND FOR OTHER PURPOSES.

Body: CITY PROPOSAL:

The city of Duluth does ordain:

Section 1. That in accordance with Section 58 of the 1912 Home Rule Charter of the City of Duluth, and all amendments thereof and law supplementary thereto, and for the fiscal year beginning January 1 and ending December 31, 2016, the city council hereby budgets, determines and states the amount of money required to meet the principal and interest of maturing obligations comprising the outstanding indebtedness of such city; the amounts of money necessary to be provided for each such fund and each department of such city; and estimates the amount of income from all other sources and revenues, exclusive of taxes upon property, together with the probably amount required to be levied and raised by taxation to defray all expenses and obligations of such city during such fiscal year.

That the monies as so budgeted and hereafter set forth shall be paid upon the presentation of properly verified vouchers bearing thereon the budget distribution for which such expenditures are to be charged in accordance with the detailed classification of accounts and the explanatory information of such as set forth in ordinance in effect governing same, excepting, however, payments for interest and sinking funds, which shall be paid in the manner set forth in Section 53 of the City Charter.

That any monies received by the several city departments as reimbursement for damages or repairs to city property or work done for others and not anticipated in the original budget may be credited to and added to the appropriate budget item upon approval of the chief administrative officer or their designee.

That use of general fund balance that has been assigned for a specific purpose in a prior year, must be approved by the city council if used for a purpose other than what has been specified.

That grants which have been approved by the appropriate state or federal agency and accepted by resolution of the city council may be added to the respective budget items upon approval of the city auditor.

That the parks fund prior year unexpended budget appropriation not anticipated in the original budget shall be added to the current year budget appropriation as approved by the chief administrative officer or designee.

Section 2. That the city auditor be authorized to approve the payments of \$3,011,200 from the gas and steam public utility funds to the general fund for administrative services; comprised of \$2,876,000 or seven percent of the gross revenues of the gas utility fund to the general fund; and \$135,200 from public utilities steam fund to the general fund.

Section 3. That the mayor or the chief administrative officer or their designees may make transfers from budget item to budget item as may be considered necessary for the proper administration of the city government for the year. However, the total of any transfers to or from any budget item in excess of ten percent of the appropriation therefore as herein made shall be made only upon approval of the city council. For the purpose of the Section, the term budget item shall mean the amount appropriated to the various funds delineated as fixed charges in the budget summary, the accounts numbers 110 through the 700 series shall each be considered budget items within the general fund, as defined in Chapter 8, Section 54 of the City Charter, the account numbered 205 in the parks fund, and 290 in the Street system Maintenance Utility, the accounts numbered 510 in the water division, 520 in the gas division, 530 and 532 in the sewer division, 535 in the stormwater division, 540 in the steam division, 550 in the street light division, 503 in the golf division, 505 and 506 in the parking division.

Section 4. That the salaries shall be in accordance with the pay plan in effect as provided by Section 22 of the City Charter, as amended.

Section 5. That the city auditor may create or abolish an accounting fund when required by law or proper accounting procedures.

Section 6. That the city auditor be authorized to make temporary loans to and from the city's various funds as needed in the conduction of the day-to-day operations of the city.

Section 7. That the appropriations as set forth in this section constitutes the budget of the City of Duluth for the calendar year of 2016.

GENERAL FUND

10 Legislative and executive - total \$ 3,048,700
21 Public administration - total \$23,796,600
25 Finance - total \$ 2,659,400
32 Planning and construction services - total \$ 2,385,500
35 Business and economic development - total \$ 596,500
50 Fire - total \$15,546,600
60 Police - total \$20,328,700
00 Public works - total \$ 1,816,500
00 Transfers and other functions - total \$ 9,827,700
Total General Fund \$80,006,200

PARKS FUND

05 Community Resources \$ 2,721,000

PUBLIC ENTERPRISE

03 Golf fund - total \$ 2,234,889
05 Parking fund - total \$ 4,932,780
06 W Superior St Parking Facility \$ 1,711,104

PUBLIC UTILITIES

10 Water fund - total \$15,175,800
20 Gas fund - total \$43,443,400
30 & 532 Sewer and clean water fund - total \$19,222,700
35 Stormwater fund - total \$ 6,291,700
40 Steam fund - total \$ 7,777,100
50 Street lighting - total \$ 2,753,900
90 Street System Maintenance Utility \$ 2,774,500

Section 8. That the chief administrative officer or their designee shall provide the council with a final budget report within three months of the end of the budget year setting forth the original approved and the modified budgets for each line item included in this ordinance and explaining in

narrative form the reasons for any significant differences between the original approved and the modified budgets.

Section 9. That the city will review all state and federal grants prior to acceptance and determine the program's funding status. A statement should be included on each grant resolution outlining items such as whether the grant represents a one-time revenue, an ongoing funding source, or a partial funding source with a local match required. The future fiscal impact of the program on the budget will be discussed prior to acceptance of the grant.

The programs funded by state and federal grants shall be reduced or eliminated accordingly if state or federal revenue are reduced or eliminated and another funding source is not secure. Local funding will be available after a full review to determine whether the program should be continued.

Section 10. That this ordinance shall take effect January 1, 2016.

A motion was made that this Ordinance be adopted and the motion carried by the following vote:

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

Nay: 1 - Councilor Fosle

COMMITTEE 2

BY COUNCILOR RUSS (PLANNING & ECONOMIC DEVELOPMENT)

- 44. 15-095-O** AN ORDINANCE CONFIRMING THE LEGAL DESCRIPTION FOR THE AREA SURROUNDING LOWER CONGDON PARK.

Body: CITY PROPOSAL:

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:

That part of the Re-Arrangement of Part of East Duluth and of First Addition to East Duluth according to the recorded plat thereof in St. Louis County, bounded by the following:

Beginning at the intersection of the west line of the Northeast Quarter of Section 13, Township 50 North, Range 50 West and the southeasterly extension of the southwest right of way line of the North 33rd Avenue East as platted in Third Re-Arrangement of Congdon Park Division of the

recorded plat thereof;

Thence southeasterly along said southeasterly extension of the southwest right of way line of the North 33rd Avenue East to the southwesterly extension of the center line of East 1st Street, as platted in said Re-Arrangement of Part of East Duluth and of First Addition to East Duluth; Thence easterly deflecting to the left 38 degrees to a line that is parallel and offset 66.00 feet southwest of the southwest lines of Lots 7 and 8, Block 6 of said Re-Arrangement of Part of East Duluth and of First Addition to East Duluth;

Thence southeasterly along said line parallel with southwest lines of Lots 7 and 8 to the northwest right of way of Superior Street as platted in said Re-Arrangement of Part of East Duluth and of First Addition to East Duluth; Thence southeast on a line perpendicular to said northwest right of way of Superior Street to the southeast right of way of Superior Street;

Thence northeasterly along said southeast right of way of Superior Street to a line that is parallel and 130.00 feet southwest of the northeast line of Lot 8, Block 10, Re-Arrangement of Part of East Duluth and of First Addition to East Duluth;

Thence southeasterly along said parallel line 130.00 feet southwest of the northeast line of Lot 8 to a line that is parallel and 150.00 feet southeast of the southeast right of way of Superior Street;

Thence northeasterly along said parallel line 150.00 feet southeast of the southeast right of way of Superior Street 130.00 feet to the west corner of lot 11 of said Block 10;

Thence southeasterly along southwest line of said Lot 11 to the south corner of said Lot 11;

Thence southeasterly to the corner of Lot 7, Block 16 of said Re-Arrangement of Part of East Duluth and of First Addition to East Duluth that is the intersection of the southeast right of way of Greysolon Place and the west line of said Lot 7;

Thence southerly along the west lines of Lots 7-11, Block 16 and southeasterly around the radius of Lot 10 to the northwest right of way of Greysolon Road, Re-Arrangement of Part of East Duluth and of First Addition to East Duluth;

Thence southwesterly along said northwest right of way of Greysolon Road to the intersection with the northwesterly extension of the northeast right of way of 33rd Avenue East;

Thence southeast along said northwesterly extension of the northeast right of way of 33rd Avenue East to the southeast right of way of Greysolon Road;

Thence southwesterly along southeast right of way of Greysolon Road to the northeast right of way of 32nd Avenue East;
Thence northwesterly to the south corner of Lot 9, Block 17, Re-Arrangement of Part of East Duluth and of First Addition to East Duluth;
Thence northerly to the south corner of Lot 3 of said Block 17;
Thence northerly along the east line of said Lot 3 to a line that is a southeasterly extension of the northeast line of Lot 27, Block 9, Re-Arrangement of Part of East Duluth and of First Addition to East Duluth;
Thence northwesterly along said northeast line of Lot 27 and its extension to the east corner of Lot 1 of said Block 9;
Thence northwesterly along the northeast line of said Lot 1 to the north corner of said Lot 1;
Thence northwest to the east corner of Lot 13, Block 7, Re-Arrangement of Part of East Duluth and of First Addition to East Duluth;
Thence northwesterly along northeast line of said Lot 13 to the east corner of Lot 1 of said Block 7;
Thence westerly along the northerly lines of Lots 1 and 2, said Block 7, to said west line of the Northeast Quarter of Section 13;
Thence north along said west line of the Northeast Quarter of Section 13 to the point of beginning.
Be reclassified from Residential-Traditional (R-1) 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, is amended to read as follows: (See Attachment 1)
Section 2. That this ordinance shall take effect and be in force 30 days from and after its passage and publication.

Attachments: [Attachment 1](#)
[Attachment 2](#)

This ordinance was adopted unanimously.

- 45. 15-097-O** AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF DULUTH AS REFERENCED IN CHAPTER 50 OF THE DULUTH CITY CODE, 1959, AS AMENDED, TO PROVIDE FOR THE RECLASSIFICATION FROM R-1, RR-1, R-2 AND F-6 TO P-1, FOR ARLINGTON ATHLETIC COMPLEX, CASCADE PARK, DULUTH HEIGHTS COMMUNITY RECREATION CENTER, HILL TOP PARK, JOLLYSTONE PARK, LILLIPUT PARK, AND STRICKLAND PARK

Body: CITY PROPOSAL:

The city of Duluth does ordain:

Section 1. That the subject properties located in the central portion of the city and as more particularly described as follows:

010-0890-00710 010-2710-06540 010-0890-06170
010-0890-00810 010-2710-05930 010-0890-06520
010-0890-02070 010-2710-05940 010-0890-06180
010-0890-02080 010-2710-05920 010-0890-06510
010-0890-02340 010-2710-06540 010-1270-04100
010-0890-02350 010-2710-06545 010-1010-00610
010-0890-02230 010-3170-00050 010-1040-00120
010-0890-01900 010-3170-00500 010-3740-00380
010-0890-01720 010-3170-00420 010-1350-04780
010-0890-02260 010-3170-00250 010-1290-01150
010-0890-01560 010-3170-00190 010-0890-06170
010-0890-01550 010-3170-00210 010-0710-00015
010-0890-01520 010-3170-00260 010-0710-00025
010-0890-01500 010-3170-00220 010-0710-00035
010-0890-05680 010-3170-00070 010-1370-01775
010-0890-05840 010-3170-00060 010-1370-03170
010-0890-06160 010-1010-00630 010-2710-03641
010-0890-06530 010-1010-00620 010-4120-00510

Be reclassified from Residential-Traditional (R-1), Residential-Rural 1(RR-1), Residential-Urban (R-2) and Form District 6 (F-6) Mid-Rise Neighborhood Shopping 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, is amended to read as follows:
(See Attachment 1)

Section 2. That this ordinance shall take effect and be in force 30 days from and after its passage and publication.

Attachments: [Attachment 1](#)
[Attachment 2](#)

This ordinance was adopted unanimously.

- 46. 15-098-O** AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF DULUTH TO PROVIDE FOR THE RECLASSIFICATION FROM RR-1 TO RI, PROPERTY AT THE WEST END OF DEVONSHIRE STREET PARCEL ID# 010-2700-00050 (ST. LOUIS COUNTY TAX FORFEIT PROPERTY).

Body: CITY PROPOSAL:

The city of Duluth does ordain:

Section 1. That approximately 4.6 acres of land located at the west end of Devonshire Street, Parcel ID# 010-2700-00050, and as more particularly described as follows:

S1/2 OF SW1/4 OF NE1/4 OF NW1/4 EX ELY 25 FT OF SLY 141 FT & EX PART N OF & ADJACENT TO LOT 6 BLK 1 BRYANT ADDN 3RD DIV LYING BETWEEN THE EXTENDED E & W LOT LINES OF LOT 6 AND WITHIN 80 FT OF THE N LINE OF LOT 6 AND EX PART N OF & ADJACENT TO LOT 7 BLK 1 BRYANT ADDN 3RD DIV LYING BETWEEN THE EXTENDED E & W LOT LINES OF LOT 7 & WITHIN 80 FT OF THE N LINE OF LOT 7 & EX PART N OF & ADJACENT TO LOT 8 BLK 1 BRYANT ADDN 3RD DIV LYING BETWEEN THE EXTENDED E & W LINES OF LOT 8 & WITHIN 80 FT OF THE N LINE OF LOT 8 & EX PART N OF AND ADJACENT TO LOT 9 BLK 1 BRYANT ADDN 3RD DIV LYING BETWEEN THE EXTENDED E & W LINES OF LOT 9 & WITHIN 80 FT OF THE N LINE OF LOT 9 & EX THAT PART OF S1/2 OF SW1/4 OF NE1/4 OF NW1/4 BEG AT NW COR OF S1/2 OF SW1/4 OF NE1/4 OF NW1/4 THENCE N89DEG06'03"E ALONG THE N LINE OF SAID S1/2 OF SW1/4 OF NE1/4 OF NW1/4 A DISTANCE OF 63.67 FT

THENCE S39DEG01'38"W A DISTANCE OF 99.5 FT TO A PT ON W LINE OF SAID S1/2 OF SW1/4 OF NE1/4 OF NW1/4 THENCE N0DEG45'17"W ALONG SAID W LINE 76.31 FT TO PT OF BEG

Sec 5 Twp 49 Rge 14

be reclassified from Residential-Rural 1 (RR-1) to Residential-Traditional (R-1), and that the official zoning map of the city of Duluth as referenced in Chapter 50 of the Duluth City Code, 1959, is amended to read as shown in the attached document.

Section 2. That this ordinance shall take effect and be in force 30 days from and after its passage and publication.

Attachments: [Attachment 1](#)

[Attachment 2](#)

This ordinance was adopted unanimously.

Meeting adjourned at 9:39 p.m.