



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 7, 2015

7:00 PM

Council Chamber

ROLL CALL

Present: - Councilors Zach Filipovich, Jay Fosle, Sharla Gardner, Howie Hanson, Jennifer Julsrud, Linda Krug, Barb Russ, and Joel Sipress

Absent: 1 – President Emily Larson

PLEDGE OF ALLEGIANCE

PUBLIC HEARINGS - 7 PM - 2016 BUDGET AND LEVY.
Jerry Schlafer and Jim Halti expressed concerns about their property taxes.

PROPOSED CAPITAL IMPROVEMENT PLAN AMENDMENT. - No one appeared who wished to be heard.

PROPOSED ISSUANCE OF GENERAL OBLIGATION CAPITAL IMPROVEMENT BONDS IN AN AMOUNT NOT TO EXCEED \$1,400,000. – No one appeared who wished to be heard.

PRESENTATION OF PETITIONS AND OTHER COMMUNICATIONS

1. **15-095** COMMUNICATIONS REGARDING THE REPEAL OF THE LAKESIDE AND LESTER PARK LIQUOR BAN (15-0839R)

Attachments: [KELLY AND MICHAEL BOEDIGHEIMER COMMUNICATION](#)
[DAVE AND ANN KREAGER COMMUNICATION](#)
[ROSEMARIE MITCHELL COMMUNICATION](#)
[BEN & KATEY FORNEAR COMMUNICATION](#)
[ROSEMARIE AND DENNIS MITCHELL COMMUNICATION](#)

This Petition/Other Communication was received.

REPORTS FROM THE ADMINISTRATION**REPORTS OF BOARDS AND COMMISSIONS**

2. **15-089** Library board minutes of October 27, 2015, meeting.

Attachments: [Minutes Library Board 2015 10 27](#)

This Board or Commission Report was received.

3. **15-090** Duluth economic development authority minutes of October 28, 2015, meeting.

Attachments: [10-28-15 Mtg Minutes](#)

This Board or Commission Report was received.

4. **15-091** Duluth public library board minutes of September 22, 2015, meeting.

Attachments: [Minutes Library Board 2015 09 22](#)

This Board or Commission Report was received.

5. **15-092** Duluth public utilities commission resolutions establishing stormwater rates (15PUC-008) and clean water surcharges (15PUC-009).

Attachments: [15PUC-008 stormwater rates approved 11172015](#)
 [15PUC-009 clean water surcharge approved 11172015](#)

This Board or Commission Report was received.

6. **15-093** Duluth airport authority minutes of October 20, 2015, meeting.

Attachments: [10- October 20 2015](#)

This Board or Commission Report was received.

7. **15-094** Duluth public utilities commission minutes of October 20, 2015, meeting.

Attachments: [10202015 DPUC meeting minutes](#)

This Board or Commission Report was received.

REPORTS OF COUNCIL COMMITTEES

REPORTS OF COUNCIL OPEN ISSUES

OPPORTUNITY FOR CITIZENS TO BE HEARD

Jerry Schlafer comment about what he felt were the current raw deals from the president.

MOTIONS AND RESOLUTIONS

CONSENT AGENDA

COMMITTEE 1

BY COUNCILOR HANSON (PURCHASING & LICENSING)

8. 15-0816R RESOLUTION AUTHORIZING A 60 MONTH CONTRACT WITH WASTE MANAGEMENT FOR GARBAGE/REFUSE REMOVAL AND RECYCLING PICKUP AT AN ESTIMATED \$9,600 PER MONTH FOR AN ESTIMATED \$115,200 PER YEAR, AND A TOTAL ESTIMATED CONTRACT AMOUNT OF \$576,000.

Body: CITY PROPOSAL:

RESOLVED, that the proper city officials are hereby authorized to enter into a 60-month contract, in the form of that attached as Exhibit A, with Waste Management for garbage/refuse removal and recycling pickup services in accordance with city-approved specifications and vendor fees, beginning December 1, 2015, at an estimated \$9,600 per month, for a total 60-month contract amount of \$576,000, terms net 30, FOB job sites, and payable from various funds, agencies, organizations, and objects.

Attachments: [Exhibit A](#)
[Exhibit B](#)

This Resolution was adopted unanimously.

BY COUNCILOR GARDNER (PERSONNEL)

9. 15-0805R RESOLUTION APPROVING PROPOSED AMENDMENTS TO THE SPECIFICATIONS FOR THE EXISTING CIVIL SERVICE CLASSIFICATION OF DEPUTY FIRE MARSHAL.

Body: CITY PROPOSAL:

RESOLVED, that the proposed amendments to the specifications for the existing civil service classification of deputy fire marshal, which were

approved by the civil service board on November 17, 2015, are approved. This classification shall remain subject to the city's collective bargaining agreement with its fire unit employees and compensated at Pay Range 230, \$5,707 per month.

Attachments: [Deputy Fire Marshal strikeout.pdf](#)
[Deputy Fire Marshal](#)

This Resolution was adopted unanimously.

10. 15-0806R RESOLUTION APPROVING PROPOSED AMENDMENTS TO THE SPECIFICATIONS FOR THE EXISTING CIVIL SERVICE CLASSIFICATION OF LIBRARIAN II.

Body: CITY PROPOSAL:
RESOLVED, that the proposed amendments to the specifications for the existing civil service classification of librarian II, which were approved by the civil service board on November 17, 2015, are approved. This classification shall remain subject to the city's collective bargaining agreement with its basic unit employees and compensated at Pay Range 133, \$4,143 to \$4,883 per month.

Attachments: [Librarian II strikeout.pdf](#)
[Librarian II Final Draft.pdf](#)

This Resolution was adopted unanimously.

11. 15-0819R RESOLUTION APPROVING PROPOSED AMENDMENTS TO THE SPECIFICATIONS FOR THE EXISTING CIVIL SERVICE CLASSIFICATION OF STREET MAINTENANCE SUPERVISOR.

Body: CITY PROPOSAL:
RESOLVED, that the proposed amendments to the specifications for the existing civil service classification of street maintenance supervisor, which were approved by the civil service board on September 15, 2015, are approved; that said classification shall remain subject to the city's collective bargaining agreement with its supervisory unit employees, that the pay range will change from Pay Range 1080, \$5,114 to \$6,265, to Pay Range 1075-1090, \$4,985 to \$6,546 per month. The proper city officials are authorized to execute and implement an agreement with the union to provide for employing one or more unit members consistent with this resolution.

Attachments: [Street Maintenance Supervisor strikeout](#)
[Street Maintenance Supervisor.pdf](#)

This Resolution was adopted unanimously.

12. **15-0835R** RESOLUTION ELECTING MEMBER TO THE BOARD OF MANAGERS OF THE DULUTH/NORTH SHORE SANITARY DISTRICT PURSUANT TO MINNESOTA STATUTES, SECTION 442A.14, SUBDIVISION 7.

Body: CITY PROPOSAL:

BE IT RESOLVED by the governing body of the city of Duluth, St. Louis County, Minnesota, as follows:

Section 1. Recitals.

1.01 The city of Duluth, the town of Duluth and the town of Lakewood, all in St. Louis County, Minnesota, in 1999 submitted a petition to the Minnesota pollution control agency (the "MPCA") requesting creation of the Duluth/North Shore Sanitary District (the "sanitary district") pursuant to Minnesota Statutes, Sections 115.18 through 115.37, as amended and recodified under Minnesota Statutes, Sections 442A.01 through 442A.29 (the "Act"). (The city of Duluth, the town of Duluth and the town of Lakewood are herein referred to collectively as the "municipalities.")

1.02 On January 25, 2000, the MPCA issued an order approving creation of the sanitary district (the "order"). The order was published in the *State Register* on January 31, 2000.

1.03 On March 1, 2000, the time for appeal of the order having expired, a certified copy of the order was duly filed with the Minnesota secretary of state, and creation of the sanitary district was thereupon deemed complete under the act.

1.04 The act requires that the municipalities elect a board of managers for the sanitary district (the "board of managers") as soon as practicable after creation of the sanitary district.

1.05 Pursuant to Section 442A.14, subdivision 7 of the act, the municipalities may elect a board member or members by resolutions adopted by all of them separately, concurring in the election of the same person or persons.

Section 2. Findings. It is in the best interests of the municipalities and of the sanitary district that the following person, who is a voter residing in the area of the sanitary district, be nominated for election to the board of managers for the term indicated:

- a. Kevin J. Bovee, of the town of Lakewood, Minnesota, whose term shall commence on January 1, 2016, and shall expire on January 1,

2019.

Section 3. Election of board of managers. Election of the above-named person to the board of managers of the sanitary district is approved and such person is elected for the terms indicated.

Section 4. Authorization and direction to clerk. Upon receipt of concurring resolutions from the town of Duluth and the town of Lakewood, the clerk is directed to certify the results of this election to the secretary of the MPCA and to the auditor of St. Louis County and make and transmit to the board member elected a certificate of the board member's election.

This Resolution was adopted unanimously.

COMMITTEE 2

BY COUNCILOR RUSS (PLANNING & ECONOMIC DEVELOPMENT)

13. **15-0836R** RESOLUTION AUTHORIZING CITY OFFICIALS TO CONTRACT WITH THE STATE OF MINNESOTA FOR PROFESSIONAL STAFFING SERVICES PROVIDING ASSISTANCE TO JOB SEEKERS AND EMPLOYERS AS PART OF THE MINNESOTA ADVANCED MANUFACTURING PARTNERSHIP LEARN, WORK, EARN PROJECT.

Body: CITY PROPOSAL:

RESOLVED, that the proper city officials are hereby authorized to execute a contract with the state of Minnesota, substantially in the form attached hereto, for professional staffing services in connection with the Minnesota Advanced Manufacturing Partnership, Learn, Work, Earn Project, the city's total financial obligation under the contract is \$35,740 payable from fund 268-031-6228-5441 (workforce development fund, grants division, miscellaneous workforce development grants, other services and charges).

Attachments: [Attachment - 15-0836R](#)

This Resolution was adopted unanimously.

BY COUNCILOR KRUG (INTERGOVERNMENTAL RELATIONS)

14. **15-0828R** RESOLUTION AUTHORIZING PROPER CITY OFFICIALS TO ENTER INTO A COOPERATIVE AGREEMENT WITH THE U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT FOR FAIR HOUSING ENFORCEMENT AND ACCEPTING \$24,000 IN COOPERATIVE AGREEMENT FUNDING.

Body: CITY PROPOSAL:

RESOLVED, that proper city officials are authorized to accept \$24,000 in cooperative agreement funding from the U.S. department of housing and urban development, under the authority of City Contract No. 20095, in award funds providing for enforcement of federal fair housing laws and processing of related complaints by the city of Duluth human rights office and other related matters, funds to be deposited in Fund 110-121-1106-4209-02 (general, public administration, human resources).

Attachments: [FY2015 FHAP Funding Guidance.pdf](#)

This Resolution was adopted unanimously.

BY PRESIDENT LARSON (COMMITTEE OF THE WHOLE)

15. **15-0838R** RESOLUTION AUTHORIZING THE CITY TO ENTER INTO AN AGREEMENT WITH DULUTH-SUPERIOR PUBLIC ACCESS COMMUNITY TELEVISION, INC., FOR COMMUNITY ACCESS CABLECASTING, TRAINING, PRODUCTION AND ADMINISTRATION SERVICES IN 2016 IN THE NET AMOUNT OF \$182,000.

Body: CITY PROPOSAL:

RESOLVED, that the proper city officials are authorized to enter into an agreement substantially in the form of that attached hereto, with Duluth-Superior Public Access Community Television, Inc. (PACT) for providing cablecasting, training and production and administrative services in 2016 relating to public access television in the net amount of \$182,000, to be paid from 110-700-1414-5441 (General, Transfers and Other Functions, Public Access Television).

Attachments: [Attachment - 15-0838R](#)

This Resolution was adopted unanimously.

COMMITTEE 3

BY COUNCILOR JULSRUD (PUBLIC WORKS & UTILITIES)

16. **15-0809R** RESOLUTION EXTENDING THE CONTRACT WITH THE STATE OF MINNESOTA BOARD OF WATER AND SOIL RESOURCES (BWSR) FOR ONE YEAR FOR FLOOD DISASTER RECOVERY FUNDING FOR STREAM RESTORATION .

Body: CITY PROPOSAL:

RESOLVED, that the proper city officials are hereby authorized to amend Contract No. 59776 with the Minnesota BWSR for stabilization of stream banks and hillsides as a result of the June 2012 flooding, extending the contract for one year to December 31, 2016. There is no change in the

grant amount or the scope of work. Payable from Disaster Recovery Fund 225, Department 125 (Finance), Division 1807 (Parks, Recreation and Other), Object 5303 (Engineering Services), city project no. 1186.

This Resolution was adopted unanimously.

- 17. 15-0815R** RESOLUTION AUTHORIZING AMENDMENT NO. 1 TO MNDOT AGREEMENT NO. 03376 TO INCREASE THE AMOUNT OF LOCAL ROAD AND BRIDGE DISASTER RELIEF BY \$112,541.33 FOR A NEW TOTAL OF \$424,775.73.

Body: CITY PROPOSAL:

THE CITY COUNCIL FINDS:

That in 2013 the city of Duluth applied to the commissioner of transportation for a grant from the Minnesota state transportation fund for the reconstruction of 45th Avenue East from Superior Street to Glenwood Street, city project no. 1250; and

That the grant was approved and the amount of the grant was \$312,234.40; and

That FEMA funding for this project has been reduced; and

That state bond funds will be used to replace the amount that FEMA was to contribute.

RESOLVED, that Amendment No. 1 to MnDOT Agreement No. 03376, increasing the amount of the grant by \$112,541.33 for a new total of \$424,775.73 is hereby authorized. To be deposited into Disaster Recovery Fund 225, Department/Agency 125 (Finance), Division 1808 (Disaster Aids and Revenues), Source 4220-05 (State of Minnesota Flood Bonds), city project no. 1250, S.A.P. 118-170-003.

Attachments: [15-0815R Amendment](#)

This Resolution was adopted unanimously.

- 18. 15-0837R** RESOLUTION AUTHORIZING THE 2012 ROAD AND BRIDGE DISASTER RELIEF BOND GRANT 1002126 AND ACCEPTING A GRANT FROM THE MINNESOTA STATE TRANSPORTATION FUND FOR THE MILL AND OVERLAY OF 52ND AVENUE EAST FROM SUPERIOR STREET TO OAKLEY STREET IN THE AMOUNT OF \$221,502.53.

Body: CITY PROPOSAL:

RESOLVED, that the city of Duluth has applied to the commissioner of transportation for a grant from the Minnesota state transportation fund for the mill and overlay of 52nd Avenue East from Superior Street to Oakley Street, city project no. 1037.

FURTHER RESOLVED, that the grant has been approved and that the amount of the grant is \$221,502.53.

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 additional 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 1808 (Disaster Aids and Revenues), Source 4220-03 (State of Minnesota Disaster Aid), city project no. 1037, S.A.P. 118-167-007, flood site no. 443.

Attachments: [15-0837R Map](#)
[15-0837R Agreement](#)

This Resolution was adopted unanimously.

BY COUNCILOR FOSLE (PUBLIC SAFETY)

19. **15-0777R** RESOLUTION AUTHORIZING PROPER CITY OFFICIALS TO ACCEPT A GRANT FROM THE UNITED STATES DEPARTMENT OF JUSTICE IN THE AMOUNT OF \$37,210 AND FURTHER AUTHORIZING EXECUTION OF GRANT AGREEMENT WITH ST. LOUIS COUNTY.

Body: CITY PROPOSAL:

RESOLVED, that the proper city officials are hereby authorized to accept a FY15 Justice Assistance Grant Program award from the United States department of justice, bureau of justice assistance, office of justice programs, in the amount of \$37,210 to be used for state and local initiatives including First Witness Child Advocacy Center, Safe Haven Resource Center, Life House, and Duluth police department equipment; and further are authorized to execute a grant agreement substantially the same as the attached exhibit A and to accept said grant, funds to be deposited in Revenue Fund 215-200-2303-4209-02 (Duluth Police Grant Programs, Police, 2015 JAG, Direct Federal Grants Operating) and other expenses to be paid from Expense Funds #215-200-2303-5447 (Duluth Police Grant Programs, Police, 2015 JAG, Payment to Other Govt. Agencies; #215-200-2303-5241 (Duluth Police Grant Programs, Police, 2015 JAG, Small Equip-Office/Operating; #215-200-2303-5580 (Duluth Police Grant Programs, Police, 2015 JAG, Capital Equipment).

FURTHER RESOLVED, that the proper city officials are hereby authorized to execute an agreement, substantially the same as the

attached exhibit B, with the St. Louis County sheriff's office, who is a partner of the city under this grant.

Attachments: [Exhibit A](#)
[Exhibit B](#)

This Resolution was adopted unanimously.

BY COUNCILOR SIPRESS (RECREATION, LIBRARIES & AUTHORITIES)

20. **15-0802R** RESOLUTION AUTHORIZING A CONTRACT WITH HAMMEL, GREEN, AND ABRAHAMSON, INC. FOR PROFESSIONAL DESIGN SERVICES FOR THE LAKE SUPERIOR ZOO AND FAIRMOUNT PARK REDESIGN IN AN AMOUNT NOT TO EXCEED \$128,400.

Body: CITY PROPOSAL:

RESOLVED, that the proper city officials are hereby authorized to contract with Hammel, Green, and Abrahamson, Inc. (HGA), substantially in the format attached as Exhibit C, for professional design services in the amount of \$128,400, payable from Tourism & Recreational Projects 452; Finance 030; Improvements Other than Buildings 5530; Project: HANDHTAX-1502 - Half & Half Tax Projects, Fairmount Park/Zoo.

Attachments: [Exhibit A](#)
[Exhibit B](#)
[Exhibit C](#)
[Exhibit D](#)

This Resolution was adopted unanimously.

21. **15-0803R** RESOLUTION ACCEPTING THE CONVEYANCE OF REAL PROPERTY FROM THE STATE OF MINNESOTA FOR PUBLIC PARK, BOULEVARD AND MUNICIPAL FOREST PURPOSES.

Body: CITY PROPOSAL:

RESOLVED, that the proper city officials are hereby authorized to accept the conveyance of that certain real property legally described in Tract Nos. 1 and 3 on the attached Exhibit A, from the state of Minnesota, for public park, boulevard and municipal forest purposes, at no cost to the city. The state deed conveying the property is attached hereto as Exhibit B.

Attachments: [Elys Peak Exhibit A](#)
[Elys Peak Exhibit B](#)

This Resolution was adopted unanimously.

- 22. 15-0825R** RESOLUTION AUTHORIZING TWO PERMITS FROM MINNESOTA POWER FOR THE CONSTRUCTION, MAINTENANCE, AND USE OF A PUBLIC SNOWMOBILE TRAIL.

Body: CITY PROPOSAL:

WHEREAS, the state of Minnesota, through its department of natural resources, provides a snowmobile trails assistance program;

WHEREAS, the snowmobile trails assistance program provides grants to local units of government for the maintenance of the trails pursuant to Minn. Stat. § 84.83;

WHEREAS, the city of Duluth is designated as the local unit of government to act as a sponsor for Over the Hill Night Riders Snowmobile Club, a local snowmobile club;

WHEREAS, under the terms of the grant agreement, the city of Duluth is required to acquire the necessary real property interests for the development and maintenance of trails from the owners of land that the trail crosses;

WHEREAS, the city of Duluth does not hold all of the required real property interests for existing snowmobile trails that presently cross Minnesota Power property; and

WHEREAS, Minnesota Power is willing to permit the construction, maintenance, and use of the trails on its property.

RESOLVED, that the proper city officials are hereby authorized to execute and accept a permit, substantially in the same form attached as Exhibit A, with Minnesota Power, for the construction, maintenance, and use of a public snowmobile trail.

FURTHER RESOLVED, that the proper city officials are hereby authorized to accept the permit issued on January 29, 2015 and attached as Exhibit B, with Minnesota Power, for the construction, maintenance, and use of a public snowmobile trail.

Attachments: [Exhibit A](#)
[Exhibit B](#)
[Exhibit C](#)

This Resolution was adopted unanimously.

END OF CONSENT AGENDA

The following entitled resolutions are also to be considered:

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

23. **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.

This Resolution was tabled unanimously.

- 24. 15-0812R** RESOLUTION OF THE CITY OF DULUTH, MINNESOTA, STATING THE INTENT TO ISSUE GENERAL OBLIGATION CAPITAL EQUIPMENT NOTES, SERIES 2016, AND APPROVING THE CAPITAL EQUIPMENT LIST ASSOCIATED WITH THE NOTES IN THE APPROXIMATE AMOUNT OF \$4,900,000.

Body: CITY PROPOSAL:

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

Section 1. Under and pursuant to the provisions of Minnesota Statutes, sections 410.32 and 412.301 (the "Act"), and Minnesota Statutes, Chapter 475, and the City Charter, the City is authorized to issue its

general obligation capital equipment notes to provide funds to purchase capital equipment having an expected useful life at least as long as the term of the capital equipment notes.

Section 2. The Council declares the intent of the City to issue capital equipment notes in 2016 in an amount up to \$4,743,910 to finance the purchase of capital equipment authorized by the Act, together with an additional amount to pay costs of issuance of the capital equipment notes and discount in an amount estimated to be not more than \$156,090.

Section 3. The capital equipment to be financed includes those items of equipment set forth on the list attached hereto as Exhibit A, which list of equipment is hereby approved for purchase in 2016.

Section 4. The terms and conditions of the capital equipment notes and the sale thereof shall be established by further resolution of the Council.

Section 5. This resolution constitutes a declaration of official intent under Treasury Regulations Section 1.150-2. The City reasonably expects to acquire all or a portion of the capital equipment prior to the issuance of the capital equipment notes and to reimburse expenditures incurred with respect to such capital equipment purchase program with the proceeds of the capital equipment notes.

Attachments: [Exhibit A](#)

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

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

Nay: 1 - Councilor Fosle

Absent: 1 - President Larson

- 25. 15-0813R** RESOLUTION OF THE CITY OF DULUTH, MINNESOTA, TO REINSTATE A LOCAL BOARD OF APPEAL AND EQUALIZATION PURSUANT TO MINNESOTA STATUTE 274.014, SUBD. 3, PARAGRAPH C.

Body: CITY PROPOSAL:

Whereas, the City of Duluth has an established special board of review for acting as the local board of appeal and equalization pursuant to Minnesota Statute 274.01, Subd.2; and

Whereas, the City of Duluth's powers to act as the local board of appeal and equalization were transferred to the County of St. Louis pursuant to Minnesota Statute 274.014, Subd. 3, paragraph a; and

Whereas, said statute provides for the reinstatement of the local board of appeal and equalization by resolution of said city council and upon proof of compliance with Minnesota Statute 274.014, Subd. 2.

BE IT RESOLVED, by the City Council of the City of Duluth, Minnesota, to reinstate the City of Duluth Special Board of Review as the local board of appeal and equalization pursuant to the above-referenced statutes.

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

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

Nay: 1 - Councilor Fosle

Absent: 1 - President Larson

26. 15-0830R RESOLUTION ESTABLISHING ANNUAL BONDING PLAN FOR 2016.

Body: CITY PROPOSAL:

RESOLVED, that, pursuant to Section 20-33 of the Duluth City Code, 1959, as amended, the following is hereby established as the annual, ordinary course general obligation bonding plan for the city of Duluth for the year 2016.

General obligation bonds and notes to be issued in 2016
\$14,450,000

General obligation bonds and notes scheduled to be retired in 2016
\$16,116,000

Net anticipated decrease in general obligation bonding for 2016
(\$1,666,000)

Attachments: [Exhibit A](#)

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

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

Nay: 1 - Councilor Fosle

Absent: 1 - President Larson

27. 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.

RESERVED 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.

Attachments: [Exhibit A](#)
[Memo](#)

This Resolution was tabled unanimously.

- 28. 15-0833R** RESOLUTION APPROVING THE FISCAL YEAR JANUARY 1, 2016 TO DECEMBER 31, 2016, OPERATION BUDGET OF THE DULUTH AIRPORT AUTHORITY.

Body: CITY PROPOSAL:

RESOLVED, that the operations budget for the fiscal year January 1, 2016 to December 31, 2016, in the amount of \$25,618,660 for the Duluth Airport Authority is hereby approved.

Attachments: [Exhibit A](#)

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

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

Nay: 1 - Councilor Fosle

Absent: 1 - President Larson

- 29. 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](#)

This Resolution was tabled unanimously.

BY COUNCILOR GARDNER (PERSONNEL)

- 30. 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.

This Resolution was tabled as follows:

Yea: Councilors Filipovich, Gardner, Hanson, Julsrud, Krug, and Sipress.

Nay: Councilor Fosle

Absent: President Larson

- 31. 15-0843R** RESOLUTION AUTHORIZING PAY AND BENEFIT PLAN FOR THE MAYOR-APPOINTED COMMUNICATIONS AND POLICY OFFICER AND COMMUNITY RELATIONS OFFICER POSITIONS PURSUANT TO CHAPTER IV, SECTION 18, OF THE DULUTH HOME RULE CHARTER.

Body: CITY PROPOSAL:

RESOLVED, that pursuant to passage by citizen referendum vote held during the city general election on November 9, 2009, Chapter IV, Section 18 of the Duluth Home Rule Charter was amended to provide the mayor the ability to appoint a communications and policy officer and a community relations officer.

FURTHER RESOLVED, Section 22 of the Duluth Home Rule Charter provides that the pay plan for the positions must be adopted by city council resolution.

FURTHER RESOLVED, that council Resolution 12-0083 authorizing the current pay and benefits plan for the communications and policy officer and a community relations officer expires at the end of the current mayor's term on January 4, 2016.

FURTHER RESOLVED, the proper city official are hereby authorized to execute employment documents necessary to compensate the appointed communications and policy officer with monthly salary at Pay Range 1105-1110 for the job title communications and policy officer, Job Title Number 1324, and benefits not to exceed those found in the 2015-2017 collective bargaining agreement between the city and City of Duluth Supervisory Association, which is on file in the office of the city clerk as Public Document No. 15-0413-10.

FURTHER RESOLVED, the proper city official are hereby authorized to execute employment documents necessary to compensate the appointed community relations officer with monthly salary at Pay Range 1055-1085 for the customer relations supervisor, Job Title Number 1359, and benefits not to exceed those found in the 2015-2017 collective bargaining agreement between the city and City of Duluth Supervisory Association, which is on file in the office of the city clerk as Public Document No. 15-0413-10.

FURTHER RESOLVED, that said compensation shall remain in effect until further modified by council resolution.

RESOLVED FURTHER, that the provisions of Resolution 12-0083 are superseded by this resolution.

RESOLVED FURTHER, that all above-described compensation to the appointed communications and policy officer and community relations officer, if those positions are filled by the mayor, is payable from Fund No. 110-110-1102-5100 (general, legislative and executive, mayor's office).

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

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

Nay: 1 - Councilor Fosle

Absent: 1 - President Larson

32. 15-0851R RESOLUTION APPOINTING THE MAYORAL SALARY REVIEW COMMITTEE.

Body: BY COUNCILOR GARDNER:

WHEREAS, on November 25, 2013, the Duluth City Council passed Resolution 13-0580 establishing a mayor salary review committee ("committee") to be comprised of the city council personnel committee and three community leaders who are selected and approved by the city council; and

WHEREAS, the committee is to meet annually and is charged with reviewing and establishing, by majority vote, recommendations regarding changes to the mayor's salary, and then to present those recommendations to the city council; and

WHEREAS, it is important to have citizens with different economic backgrounds and expertise on the committee; and

WHEREAS, David Ross is a Duluth business leader and the president of the Duluth Area Chamber of Commerce; Dan O'Neill is the president of the Duluth Central Labor Council and serves on the Spirit Mountain recreation area authority board; and Dennis Lamkin is on the board of directors for Glensheen Mansion, Duluth Superior Symphony Orchestra, Depot Advisory Board, Great Lakes Aquarium and the city of Duluth Charter commission.

THEREFORE BE IT RESOLVED, that the city council hereby appoints David Ross and Dennis Lamkin to the mayor salary review committee for a term expiring on December 31, 2019, and appoints Dan O'Neill to the mayor salary review committee for a term expiring December 31, 2016.

BE IT FURTHER RESOLVED, that the chair of the city council personnel committee schedule the first committee meeting by May 1, 2016. At its first meeting, the committee shall appoint, by majority vote, a chairperson to preside over meetings, call future meetings and coordinate with the city council.

Sponsors: Gardner

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

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

Nay: 1 - Councilor Fosle

Absent: 1 - President Larson

BY COUNCILOR KRUG (INTERGOVERNMENTAL RELATIONS)

- 33. 15-0839R** RESOLUTION RECOMMENDING THAT THE CITY ADMINISTRATION INCLUDE THE REPEAL OF THE LAKESIDE AND LESTER PARK LIQUOR BAN IN THE CITY'S LEGISLATIVE AGENDA.

Body: CITY PROPOSAL:

WHEREAS, under Special Laws 1891, Chapter 57, Chapter XII, Section 5, the issuance of licenses for the sale of intoxicating liquor in what was formerly known as the city of Lakeside neighborhood of Duluth has been prohibited;

WHEREAS, on August 10, 2015, the Duluth city council passed Resolution 15-0465 approving an advisory referendum on the sale of intoxicating liquor in the Lakeside and Lester Park neighborhoods to be placed on the ballot for the November 3, 2015, municipal election; and

WHEREAS, according to election results attached hereto as Exhibit A, all Duluth precincts had a majority of voters vote in favor of allowing the sale of intoxicating liquor in the Lakeside and Lester Park neighborhoods, including the precincts in the effected neighborhoods.

NOW, THEREFORE BE IT RESOLVED, that the city council recommends that the city administration include repealing Special law 1891, Chapter 57, Chapter XII, Section 5, to allow the sale of intoxicating liquor in the Lakeside and Lester Park neighborhoods, on the 2016 legislative agenda for the city of Duluth.

Attachments: [Exhibit A](#)

Motion was made, seconded and unanimously carried to suspend the rules to hear speakers on the resolution.

Nathan Windschill and Tim Allen spoke in opposition of the resolution.

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

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

Nay: 1 - Councilor Fosle

Absent: 1 - President Larson

INTRODUCTION AND CONSIDERATION OF ORDINANCES

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

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

34. **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.

This Ordinance was read for the first time.

35. **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.

This Ordinance was read for the first time.

- 36. 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.

This Ordinance was read for the first time.

- 37. 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.

This Ordinance was read for the first time.

COMMITTEE 2

BY COUNCILOR RUSS (PLANNING & ECONOMIC DEVELOPMENT)

38. **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 read for the first time.

- 39. 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 read for the first time.

- 40. 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 read for the first time.

The following entitled ordinance is to be read for the second time:

COMMITTEE 2

BY COUNCILOR RUSS (PLANNING & ECONOMIC DEVELOPMENT)

41. **15-0885R** AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF DULUTH TO PROVIDE FOR THE RECLASSIFICATION FROM R-1 TO MU-B, PROPERTY AT 3125 WEST ARROWHEAD ROAD (MINNESOTA POWER).

Body: CITY PROPOSAL:

The city of Duluth does ordain:

Section 1. That approximately 4.2 acres of land located at the northeast corner of Rice Lake Road and Arrowhead Road, at 3125 West Arrowhead Road, and as more particularly described as follows:

All that part of Blocks 29 and 30, including those vacated streets and alleys lying within and adjacent to said blocks, CLIFTON HEIGHTS SECOND DIVISION, St. Louis County, Minnesota, lying southwesterly of Chester Creek, more specifically described as follows:

Beginning at the southwest corner of said plat of CLIFTON HEIGHTS SECOND DIVISION, said point also being known as the Southwest Corner of Section 9, T 50 N, R 14 W; thence South 89 degrees 59 minutes 52 seconds East, assigned bearing, along the south line of

said section 9, a distance of 541 feet to the centerline of Chester Creek; thence northerly and northwesterly along the said Chester Creek centerline to the west line of said Section 9; thence South 00 degrees 39 minutes 28 seconds East a distance of 490 feet to the point of beginning and there terminating.

be reclassified from Residential-Traditional (R-1) 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, 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 A](#)

[Attachment B](#)

This ordinance was adopted unanimously.

Meeting adjourned at 7:52 p.m.