

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

May 11, 2015

Duluth City Council meeting held on Monday, May 11, 2015, 7:00 p.m. in the Council Chamber, City Hall, Duluth, Minnesota.

Roll call: Present: Councilors Filipovich, Fosle, Gardner, Hanson, Julsrud, Krug, Sipress and President Larson -- 8

Absent: Councilor Russ -- 1

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The minutes of council meetings held on April 13, 2015, were approved upon a unanimous vote.

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PRESENTATION OF PETITIONS AND OTHER COMMUNICATIONS

15-0511-01 Minnesota state auditor audit report for Duluth entertainment and convention center authority for the years ended December 31, 2014, and 2013. -- Received

15-0511-18 Mike Conlan communication regarding the proposed low income housing tax credit resolutions (15-0258R, 15-0259R and 15-0264R). -- Received

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REPORTS FROM OTHER OFFICERS

15-0511-02 Clerk application for exempt permit to the Minnesota gambling control board from Lake Superior Marine Museum Association on November 7, 2015 (raffle). -- Received

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REPORTS OF BOARDS AND COMMISSIONS

15-0511-03 Duluth airport authority minutes of March 17, 2015, meeting. -- Received

15-0511-04 Duluth economic development authority minutes of March 23, 2015, meeting. -- Received

15-0511-05 Duluth public utilities commission minutes of March 17, 2015, meeting. -- Received

15-0511-06 Housing and redevelopment authority of Duluth minutes of February 24, 2015, meeting. -- Received

15-0511-07 Library board minutes of March 24, 2015, meeting. -- Received

15-0511-08 Spirit Mountain recreation area authority minutes of March 19, 2015, meeting. -- Received

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RESOLUTION TABLED

Councilor Julsrud moved to remove Resolution 15-0244, creating a Level 2 diagnostic home energy assessment program and authorizing the director of public works and utilities to administer the program with funds previously approved for the existing advanced home energy audit program, from the table, motion was seconded and unanimously carried.

Resolution 15-0244 was adopted as follows:

BY COUNCILOR JULSRUD:

WHEREAS, there is a need for all energy consumers to work to conserve valuable

energy resources; and

WHEREAS, it is in the best interests of the citizens of the city of Duluth ("city"), both as the owners of a natural gas utility and as partners in the greater Minnesota community, to encourage such conservation; and

WHEREAS, the city and Minnesota Power (MP), a division of ALLETE, Inc., currently offer basic energy auditing services to users of natural gas and electrical services in the city at no cost; and

WHEREAS, there is a need to offer more comprehensive home audit services to those consumers; and

WHEREAS, it is in the best interests of the city to join with MP in establishing and funding a more comprehensive energy audit program to encourage the conservation of energy resources, especially natural gas resources; and

WHEREAS, customers can select an energy auditing contractor for the Level 2 audits from the list of approved contractors for Level 1 or Level 3 audits. This list of contractors is approved by the department director and MP to perform home energy check ups or advanced home energy audits, and is determined through a request for proposal on an annual basis.

THEREFORE, BE IT RESOLVED, that the city council authorizes the establishment of a Level 2 diagnostic home energy assessment program as described in the program guidelines, a copy of which is on file in the office of the city clerk as Public Document No. 15-0511-10.

FURTHER RESOLVED, that said program guidelines are hereby approved.

FURTHER RESOLVED, that the director of public works and utilities, or his or her designee, is hereby authorized to implement and administrate the Level 2 diagnostic home energy assessment program for consumers of natural gas from the city's natural gas utility by June 30, 2015, under the terms and conditions set forth in the program guidelines, using up to the amount of funding available for the advanced home energy audit program, payable from the Public Works and Utilities Fund 555, Agency 500, Account No. 5441.

Resolution 15-0244 was unanimously adopted.

Approved May 11, 2015

DON NESS, Mayor

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MOTIONS AND RESOLUTIONS

CONSENT AGENDA

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

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

BE IT RESOLVED, that the city council of the city of Duluth hereby approves issuance of a 2:00 a.m. alcohol beverage license for the following on sale intoxicating liquor license for the period ending August 31, 2015, subject to departmental approvals and the payment of sales and property taxes, and further subject to approval of the liquor control commissioner:

The Greens Duluth, Inc. (The Break Room), 501 East Fourth Street.

Resolution 15-0251 was unanimously adopted.

Approved May 11, 2015

DON NESS, Mayor

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

Jade Fountain, LLC (Jade Fountain), 305 North Central Avenue, with Amanda Kalligher, 50 percent owner and Joshua Kalligher, 50 percent owner, transferred from Lee & Tina, Inc. (Jade Fountain), same address.

Resolution 15-0253 was unanimously adopted.

Approved May 11, 2015

DON NESS, Mayor

- - -

BE IT RESOLVED, that the Duluth City Council approves the following temporary expansion of the designated serving area of the on sale malt brewery liquor license, subject to departmental approvals with any specific restrictions:

Bent Paddle Brewing Company, 1912 West Michigan Street, for May 30, 2015, from 2:00 p.m. to 8:00 p.m.

Resolution 15-0257 was unanimously adopted.

Approved May 11, 2015

DON NESS, Mayor

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RESOLVED, that the proper city officials are hereby authorized to purchase 10,100 tons of hot mix from Northland Constructors, Minnesota State Contract No. 55656, for filling street potholes and permanent patching, in an amount not to exceed \$469,650, payable from General 110, Public Administration 121, Maintenance Operations 1217, Street Maintenance 2140, Blacktop 5222.

Resolution 15-0261 was unanimously adopted.

Approved May 11, 2015

DON NESS, Mayor

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RESOLVED, that the proper city officials are hereby authorized to enter into a lease agreement with Terry T. Miller, substantially in the form of that on file in the office of the city clerk as Public Document No. 15-0511-11, for the lease of one-half of a warehouse located at 1617 South Street, Duluth, for a total amount of \$5,600, payable from General 110, Public Administration 121, Maintenance Operations 1217, Park Maintenance 2145, Other Rentals 5419.

Resolution 15-0273 was unanimously adopted.

Approved May 11, 2015

DON NESS, Mayor

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RESOLVED, that the proper city officials are hereby authorized to enter into a rental agreement with Toshiba Business Solutions for the rental and maintenance of copiers, Minnesota State Contract No. 84342, for a three year total contract amount of \$454,243.68, payable from General Fund 110, Other Transfers and Functions 700, Citywide Communications 1403, Copier, Printer Lease and Supplies 5356.

Resolution 15-0279 was unanimously adopted.

Approved May 11, 2015

DON NESS, Mayor

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BE IT RESOLVED, that the Duluth City Council approves of the Minnesota gambling control board issuing a premise permit to the following organization.

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.

Licensee	Gambling site
Irving Community Club	Player's Sports Bar, 4024 Grand Avenue
Confidence Learning Center	Alpine Bar, 1308 Commonwealth Avenue

Resolution 15-0281 was unanimously adopted.

Approved May 11, 2015

DON NESS, Mayor

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RESOLVED, that the proper city officials are authorized to enter into an amendment to an agreement with the state of Minnesota, substantially in the form of that on file in the office of the city clerk as Public Document No. 15-0511-12, to the flood hazard mitigation project to acquire and demolish flood damaged properties from voluntary owners, extending the contract length by six months and adding two properties to the buy-out program.

BE IT FURTHER RESOLVED, that authorized city officials are hereby authorized to enter into purchase agreements for acquiring and demolishing the properties identified in the grant agreement amendment and land acquisitions shall come from Fund 225 (disaster recovery fund), Agency 125 (finance department), Object 1809 (flood hazard mitigation), Project 5510 (land).

State Cost	Address	Special Flood Hazard Area (Flood Map)	Year Built
100%	4207 Gilliat Street Duluth 55804	No	1888
100%	813 East 13th Street Duluth 55805	No	1926

Resolution 15-0260 was unanimously adopted.

Approved May 11, 2015

DON NESS, Mayor

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RESOLVED, that the proper city officials are hereby authorized to reimburse the Duluth Airport Authority for cost of services provided by RS&H, Inc., as those services are described in Public Document No. 15-0511-09 on file in the office of the city clerk, to prepare National Environmental Policy Act documentation required for the proposed expansion of Cirrus Aviation at the Duluth International Airport in the amount of not to exceed \$119,961, payable from Fund 412 Cirrus building capital project fund.

Resolution 15-0277 was unanimously adopted.

Approved May 11, 2015

DON NESS, Mayor

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RESOLVED, that the proper city officials are hereby authorized to enter into a joint powers agreement pertaining to the housing tax credit program, substantially in the form of the copy on file in the office of the city clerk as Public Document No. 15-0511-13, with the Minnesota housing finance agency (Minnesota housing) for the year 2016.

Resolution 15-0278 was unanimously adopted.

Approved May 11, 2015

DON NESS, Mayor

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RESOLVED, that the proper city officials are hereby authorized to enter into a contract with Northland Constructors of Duluth, LLC, for the Eighth Avenue East drainage improvements in the amount of \$384,141.40, with \$300,000 payable out of Disaster Recovery Fund 225, Department 125 (finance), Division 1803 (roads and bridges), Object 5403 (street repair and

maintenance), and \$84,141.40 payable from Permanent Improvement Fund 411, Department 500 (public works and utilities), Object 5530 (improvements other than buildings), City Project No. 1210, Flood Site No. 112.

Resolution 15-0246 was unanimously adopted.

Approved May 11, 2015

DON NESS, Mayor

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RESOLVED, that the proper city officials are hereby authorized to enter into a contract with Rice Lake Construction in the amount of 2,574,400, payable out of Sanitary Sewer Fund 530, Department 500 (public works and utilities), Division 1905 (capital), Object 5536 (utility infrastructure Replacement), City Project No. 1411.

Resolution 15-0254 was unanimously adopted.

Approved May 11, 2015

DON NESS, Mayor

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RESOLVED, that the proper city officials are hereby authorized to enter into a contract with Lametti & Sons, Inc., for 2015 Citywide Storm Sewer Improvements in the amount of \$370,551, payable out of Stormwater Fund 535, Department/Agency 500 (public works and utilities), Division 1905 (capital), Object 5533 (capital improvements - revenue), City Project No. 1417.

Resolution 15-0255 was unanimously adopted.

Approved May 11, 2015

DON NESS, Mayor

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RESOLVED, that the proper city officials are hereby authorized to enter into a contract with RJS Construction Group, LLC, for Coffee Creek Box culvert and stream bank stabilization at Enger Golf Course in the amount of \$562,000, payable out of Disaster Recovery Fund 225, Department/Agency 125 (finance), Division 1807 (parks, recreation and other), Object 5400 (miscellaneous repair and maintenance services), City Project No. 1287, Flood Site No. 584.

Resolution 15-0256 was unanimously adopted.

Approved May 11, 2015

DON NESS, Mayor

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RESOLVED, that the proper city officials are hereby authorized to enter into a contract with Home Menders, Inc. for the Congdon Boulevard Slope Repairs from 7801 Congdon Boulevard to 90th Avenue East in the amount of \$1,288,582.23, payable out of Permanent Improvement Fund 411, Department 035 (Capital Projects Accounts), Object 5530 (Improvements Other than Buildings), and also Disaster Recovery Fund 225, Department 1803 (Roads and Bridges), Object 5403 (Street Repair and Maintenance), city project no. 1324.

Resolution 15-0266 was unanimously adopted.

Approved May 11, 2015

DON NESS, Mayor

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RESOLVED, that in fulfillment of a condition placed on the city's prior approval of a front-yard-setback variance for new construction in Planning File 12-097, the proper city officials are hereby authorized to enter into a snow removal agreement with St. Michael's Catholic Church substantially in the form as that on file in the office of the city clerk as Public Document No. 15-0511-14.

Resolution 15-0268 was unanimously adopted.

Approved May 11, 2015

DON NESS, Mayor

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RESOLVED, that the proper city officials are hereby authorized to amend city Agreement C21702 with Tenaska Marketing Ventures for professional services relating to asset management, to be extended through October 31, 2016.

Resolution 15-0269 was unanimously adopted.

Approved May 11, 2015

DON NESS, Mayor

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RESOLVED, that the proper city officials are hereby authorized to accept Minnesota department of natural resources grant for stabilization of stream banks, hill slopes and drainages as a result of the June 2012 flooding from the board of water and soil resources in the estimated amount of \$515,000, payable to and from Disaster Recovery Fund 225, Department 125 (finance), Division 1808 (disaster aid and revenues), Source 4220-07 (state of Minnesota DNR).

Resolution 15-0272 was unanimously adopted.

Approved May 11, 2015

DON NESS, Mayor

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RESOLVED, that the proper city officials are hereby authorized to enter into an agreement, a copy of which is on file with the office of the city clerk as Public Document No. 15-0511-15, with the city of Hermantown for the conveyance of a section of sewer main described therein to Hermantown and to correct the allocation of sewer revenues to re-allocate revenues to the entities actually providing the services.

Resolution 15-0275 was unanimously adopted.

Approved May 11, 2015

DON NESS, Mayor

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RESOLVED, that the proper city officials are authorized to accept a grant from the Northeast Minnesota regional radio board (state of Minnesota homeland security grant pass through), in the amount of \$13,611, said funds to be deposited in Fund 210-030-3189-4210-01 (special projects, finance, 800 mhz grant, pass-through federal grants - capital), for the purchase and installation of equipment required to add an additional 800 mhz channel to the Woodland Orphanage site, and committing \$13,611 as the city's local share cost of said grant, \$6805.50 of said sum to be paid from the city's Fund 110-150-1501-5440 (general fund, fire department, administration division, emergency management education account) and \$6,805.50 of said sum to be paid from the city's Fund 110-160-1640-2231-5441 (general fund, police department, police special accounts, forfeited funds, other services and charges).

Resolution 15-0247 was unanimously adopted.

Approved May 11, 2015

DON NESS, Mayor

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RESOLVED, that the city of Duluth does hereby accept 22 streamlight high lumen rail mounted tactical LED lights as an unconditional gift from Acme Tools.

FURTHER RESOLVED, that the city hereby expresses its appreciation for this gift on behalf of the city's police department and its citizens.

Resolution 15-0276 was unanimously adopted.

Approved May 11, 2015

DON NESS, Mayor

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RESOLVED, that the proper city officials are hereby authorized to enter into a 25 year agreement with the state of Minnesota, department of natural resources for the construction of

improvements and the management of the 93rd Avenue West trail connection to the Willard Munger Trail.

Resolution 15-0263 was unanimously adopted.

Approved May 11, 2015

DON NESS, Mayor

- - -

RESOLVED, that the proper city officials are hereby authorized to enter into a real estate purchase and sale agreement with BNSF Railway Company, a copy of which is on file in the office of the city clerk as Public Document No. 15-0511-16, authorizing the purchase of that property described and shown on Exhibit A attached to said agreement for the purchase price of \$15,000, plus \$2,000 administrative fees for a total of \$17,000, payable from 437-030-5510 (Spirit Mountain capital improvement fund, finance department, land).

Resolution 15-0270 was unanimously adopted.

Approved May 11, 2015

DON NESS, Mayor

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RESOLVED, that the proper city officials are hereby authorized to enter into a disbursing agreement substantially in the form of that on file in the office of the city clerk a Public Document No. 15-0511-17 with the Spirit Mountain recreation area authority to authorize disbursement of city-held funds for the Spirit Mountain water line project.

Resolution 15-0271 was unanimously adopted.

Approved May 11, 2015

DON NESS, Mayor

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The following resolutions were also considered:

RESOLVED, that the proper city officials are hereby authorized to enter into a professional services agreement with Premium Plant Services for the sponge blast cleaning of the travertine stone walls in city hall, for a total amount not to exceed \$106,975, payable from Capital Improvements 450; Finance 030; Buildings and Structures 5520; Project:CP2015-1502b - 2015 capital projects, city-wide CIP eligible building improvements.

Resolution 15-0262 was adopted upon the following vote:

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

Nays: Councilor Fosle -- 1

Absent: Councilor Russ -- 1

Approved May 11, 2015

DON NESS, Mayor

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Resolution 15-0258, of intent to support the request by one Roof Community Housing and Center City Housing Corporation to the state of Minnesota for the award of low-income housing tax credits for the Gateway Tower redevelopment project, was introduced by Councilor Russ.

Councilor Gardner moved to table the resolution to the June 1 council meeting, which motion was seconded and carried as follows:

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

Nays: Councilors Fosle and Julsrud -- 2

Absent: Councilor Russ -- 1

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Resolution 15-0259, of intent to support the request by Pastoret LLC to the state of Minnesota for the award of low-income housing tax credits and intent to support tax increment financing for the Pastoret Terrace project, was introduced by Councilor Russ.

Councilor Gardner moved to table the resolution to the June 1 council meeting, which motion was seconded and carried as follows:

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

Nays: Councilors Fosle and Julsrud -- 2

Absent: Councilor Russ -- 1

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Resolution 15-0264, of intent to support the request by Lutheran Social Services of Minnesota (LSS) for the award of low-income housing tax credit for the center of changing lives project, was introduced by Councilor Russ.

Councilor Julsrud noted that she will be abstaining from voting on the resolution because she has conflict.

Councilor Gardner moved to table the resolution to the June 1 council meeting, which motion was seconded and carried as follows:

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

Nays: Councilor Fosle -- 1

Abstention: Councilor Julsrud -- 1

Absent: Councilor Russ -- 1

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BY COUNCILOR JULSRUD:

RESOLVED, that City Council Resolution No. 11-0153 authorizing advanced home energy audits under the advanced home energy audit program is hereby amended by increasing the cumulative number of audits authorized under the program since its inception from 800 to 1,200 and by increasing the authorized cost thereof from \$120,000 to \$200,000, the increased amount to be payable from Fund 555-500-5441 (home energy conservation, public works and utilities).

Resolution 15-0248 was unanimously adopted.

Approved May 11, 2015

DON NESS, Mayor

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RESOLVED, that contract 22033 with LHB, Inc. for professional planning and preliminary design services for the Superior Street reconstruction project from Sixth Avenue West to Fourth Avenue East be amended (second amendment) to increase the amount by \$205,326 for a new total of \$566,894, payable from Permanent Improvement Fund 411, Department/Agency 035 (finance), Object 5530 (improvements other than buildings), City Project No. 0923TR.

Resolution 15-0265 was adopted upon the following vote:

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

Nays: Councilor Fosle -- 1

Absent: Councilor Russ -- 1

Approved May 11, 2015

DON NESS, Mayor

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INTRODUCTION AND CONSIDERATION OF ORDINANCES

The following entitled ordinances were read for the first time:

INTRODUCED BY COUNCILOR HANSON

15-033 - AN ORDINANCE AMENDING CHAPTER 8 OF DULUTH CITY CODE, 1959, AS AMENDED, TO ADDING A NEW SECTION 8-72 RELATING TO ON SALE INTOXICATING LIQUOR AT LESTER PARK GOLF COURSE.

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INTRODUCED BY COUNCILOR RUSS

15-030 - AN ORDINANCE GRANTING TO SAINT LOUIS COUNTY HERITAGE AND ARTS CENTER A CONCURRENT USE PERMIT FOR A 115 FOOT LONG COVERED WALKWAY AND CANOPY LOCATED IN THE SOUTH FIFTH AVENUE WEST PUBLIC RIGHT-OF-WAY (SAINT LOUIS COUNTY AND ONEIDA REALTY COMPANY).

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BY PRESIDENT LARSON

15-032 - AN ORDINANCE AMENDING SECTION 8-41 OF DULUTH CITY CODE, 1959, AS AMENDED, TO AUTHORIZE THE SALE OF MALT LIQUOR OFF SALE IN 64-OUNCE CONTAINERS COMMONLY KNOWN AS GROWLERS ON SUNDAYS.

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The following entitled ordinances were read for the second time:

BY COUNCILOR GARDNER

15-023 (10369) - AN ORDINANCE AMENDING SECTIONS 47-16, 47-17.1, 47-18, 47-20, 47-22, 47-27, AND 47-33 AND DELETING SECTION 47-37 OF THE DULUTH CITY CODE, 1959, AS AMENDED, RELATED TO TAXICABS.

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

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INTRODUCED BY COUNCILOR RUSS

15-024 (10370) - 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 AND RR-1 TO P-1 FOR COBB PARK, DOWNER PARK, JANETTE POLLAY PARK, MORNINGSIDE PARK AND PLEASANT VIEW PARK (CITY OF DULUTH).

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

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INTRODUCED BY COUNCILOR RUSS

15-025 (10371) - AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF DULUTH TO PROVIDE FOR THE RECLASSIFICATION FROM R-1 TO MU-C THE PROPERTY LOCATED 213 NORTH ARLINGTON AVENUE (JOSEPH KLEIMAN).

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

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INTRODUCED BY COUNCILOR RUSS

15-026 (10372) - AN ORDINANCE AUTHORIZING THE CONVEYANCE OF PROPERTY IN LAKESIDE TO ONE ROOF COMMUNITY HOUSING FOR RESIDENTIAL REDEVELOPMENT.

Councilor Fosle moved to suspend the rules to hear a speaker on the ordinance, which motion was seconded and unanimously carried.

Allan Kehr expressed his concerns about this land conveyance and the manner in which it is being done.

The ordinance was adopted upon the following vote:
Yeas: Councilors Filipovich, Gardner, Hanson, Julsrud, Krug, Sipress and President Larson -- 7

Nays: Councilor Fosle -- 1

Absent: Councilor Russ -- 1

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INTRODUCED BY COUNCILOR SIPRESS

15-027 (10373) - AN ORDINANCE APPROVING THE CONVEYANCE BY THE DULUTH AIRPORT AUTHORITY OF ALERT HANGAR 11/12 AND RATIFYING AND APPROVING THE CONVEYANCE OF ALERT HANGAR 13/14 TO MONACO AIR DULUTH, LLC.

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

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The meeting was adjourned at 7:40 p.m.

JEFFREY J. COX, City Clerk

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ORDINANCE NO. 10369

BY COUNCILOR GARDNER

AN ORDINANCE AMENDING SECTIONS 47-16, 47-17.1, 47-18, 47-20, 47-22, 47-27, AND 47-33 AND DELETING SECTION 47-37 OF THE DULUTH CITY CODE, 1959, AS AMENDED, RELATED TO TAXICABS.

The city of Duluth does ordain:

Section 1. That Section 47-16 of the Duluth City Code, 1959, as amended, is hereby amended as follows:

Sec. 47-16. Definitions.

For the purpose of this Article, the following words shall have the meanings respectively ascribed to them by this Section:

Ambulance. A motor vehicle which is designed and intended to be used for providing transportation of a wounded, injured, sick, invalid or incapacitated human being, or an expectant mother.

Ambulance service. The transportation by ambulance for a wounded, injured, sick, invalid, or incapacitated human being, or an expectant mother, which is regularly offered or provided to the public by any person.

For hire. For hire means for remuneration, compensation or consideration of any kind promised, paid, or given to or received by a person for the transportation of persons.

Limousine service. The transportation of passengers for hire in a luxury passenger automobile that is not a van or station wagon and has a seating capacity of not more than 15 persons, excluding the driver, that is not provided on a regular route, that provides only prearranged pickup, and that charges more than a taxicab fare for a comparable trip.

Motor vehicle and street or highway. As defined in Section 33-1 of this Code.

Taxicab. Any motor vehicle, having a seating capacity of no more than seven persons, including the driver, used for the purpose of transporting any passengers for hire over and upon any street or highway in the city, except any of the following:

(a) Any motor carrier of passengers which is operated under a permit from the department of transportation of the state or special transportation service provider certified by the department of transportation of the state pursuant to Minnesota Statute 174.29 et. seq., and using a driver who is qualified pursuant to Minnesota Rules Chapter 8840, when transporting a person requiring an accessible vehicle for any purpose;

(b) Any ambulance, used for providing ambulance service and which is operated under authority of a license issued by the state board of health;

(c) Any motor vehicle operated by the Duluth transit authority under authority of Laws of Minnesota 1969, Chapter 720;

(d) Any limousine service as defined herein;

(e) A transportation vehicle operated by a federal, state, county, municipal or school district governmental unit in conjunction with a program sponsored or run by such governmental unit;

(f) Any motor vehicle providing transportation services to a federal, state, county, municipal or school district governmental unit pursuant to a written, extended term, contract between said transportation provider and the governmental unit;

(g) Any motor vehicle used for recreational or sightseeing rides under a license issued pursuant to Article II of this Chapter.

Section 2. That Section 47-17.1 of the Duluth City Code, 1959, as amended, is hereby amended as follows:

Sec. 47-17.1. Same--Application.

An application for a taxicab license or licenses shall be filed with the city clerk upon forms provided by the city. Such application shall be verified by the applicant under oath and shall include the following information:

(a) The name and business address of the applicant;

(b) The experience of the applicant in the transportation of passengers for hire;

(c) The description, including but not limited to year, make, model, license plate number, vehicle registration, and vehicle identification (VIN) number, of the vehicle or vehicles to be operated or controlled by the applicant;

(d) An accurate and detailed description of the trade name, company color scheme and design of the taxicab, including inscriptions, logos or monograms thereon, which must be distinctly different from that of the taxicabs of any other taxicab licensee so that taxi ownership and identity may be readily ascertained. The logo, or monogram shall be prominently displayed on the trunk or rear of the vehicle. All taxicabs included within a licensee's application shall be of the same color scheme and design, including inscriptions, logos and monograms. However, any vehicle which was licensed as a taxicab on the effective date of this Section may continue to be licensed and operated until June 1, 2020, despite its noncompliance with the company color scheme requirement provided the vehicle is in compliance with all other requirements;

(e) Such further information as the police department may reasonably require;

(f) The name, address and date of birth of each taxicab driver employed or expected to be employed by applicant, and the name, address and date of birth of any other person who will be driving such taxicab including independent contractors and their employees.

Section 3. That Section 47-18 of the Duluth City Code, 1959, as amended, is hereby amended as follows:

Sec. 47-18. Insurance required.

No taxicab vehicle license shall be issued until the applicant has filed with the city clerk an insurance policy, a certificate of insurance or an insurance binder, approved as to form by the city attorney, which evidences that the owner of such taxicab is insured against claims, demands or losses resulting from the negligent operation or use or defective condition of such taxicab in the minimum amounts of \$250,000 for injury to or death of any person in any one accident, \$500,000 for injury to or death of any number of persons in any one accident, and \$100,000 for property damage in any one accident. Such insurance policy shall cover at least a six month period.

Any such policy, certificate or binder shall contain a clause obligating the insurer to give ten days' written notice of cancellation or termination to the city clerk and the insured, before any cancellation or termination of such policy which is earlier than its expiration date.

No such policy shall include or contain any limitation, condition or clause excluding coverage of any vehicle otherwise covered by such policy or releasing the insurer from liability under such policy when such vehicle is driven, used, operated or maintained while the driver of any occupant thereof is intoxicated or engaged in the illicit transportation of liquor.

It shall be unlawful for any person to operate or permit the operation of any taxicab unless at the time of such operation there is on file with the city clerk an insurance policy, a certificate of insurance or an insurance binder, in full force and effect, which manifests insurance coverage of the owner of such taxicab as provided in this Section; provided, however, that for the purpose of satisfying the filing requirements of this paragraph an insurance binder shall not be effective for more than 60 days after such binder is filed with the city clerk.

Section 4. That Section 47-20 of the Duluth City Code, 1959, as amended, is hereby amended as follows:

Sec. 47-20. Vehicle standards and inspection.

(a) Original inspection. No person shall operate or permit the operation of a vehicle as a taxicab and the city clerk shall not issue a taxicab vehicle license for any vehicle until such vehicle has been inspected by an ASE (National Institute for Automotive Service Excellence) certified mechanic of an authorized service station or garage. The chief of police shall designate and authorize two service stations or garages within the city of Duluth to conduct the inspections. The authorized service stations or garages shall meet minimum standards for equipment and personnel. Only qualified and ASE certified mechanics employed by an authorized service station may conduct the inspections. A taxicab vehicle license shall not be issued unless the vehicle has been properly inspected and found to be in compliance with all laws respecting motor vehicles which are in force in the city of Duluth and with all rules and regulations prescribed by the chief of police (hereinafter "be found in compliance"). All vehicles shall comply with the following:

(1) Be in a thoroughly safe condition for the transportation of passengers. Every vehicle shall comply with all local, state and federal regulations relating to vehicle equipment, maintenance and safety. Further, all vehicles shall have a model year of 15 years or less;

(2) Be well painted in uniform company colors utilizing the color scheme described by the applicant in the license application;

(3) Be equipped with an identifying top light on the roof of the vehicle. Such top light shall be illuminated with a steady beam of light when the

vehicle is in service and available to receive passengers. Such light shall be visible from all directions;

(4) Be equipped with at least five doors including the trunk;

(5) Be maintained in a clean and sanitary condition with regard to both the interior and exterior of the vehicle;

(6) Be substantially free from damage, dents, defects or unpainted or rusted metal. Any vehicle that is damaged, whether due to negligence, intentional conduct or other event, shall within thirty (30) days of such damaging event, be repaired and restored to the standards set forth herein;

(7) Be equipped with windows in the rear and side of the vehicle sufficient in number and of such size, dimensions and clarity that all occupants may be readily seen and identified through the windows;

(8) Be equipped with seat belts for all seating positions, which seat belts shall be openly displayed and readily available for use by occupants; and

(9) Be equipped with a taximeter as required by section 47-31 of this Article;

(b) Rules. The chief of police is hereby authorized to adopt such reasonable rules and regulations regarding safety equipment, regulatory devices and sanitary conditions as he shall deem necessary in order to ensure that only safe and sanitary taxicabs are in operation in the city of Duluth. Further, the chief of police may adopt a taxicab inspection report to be used in the inspection of the taxicabs and may designate a category of equipment and body defects as "out of service" defects. Taxicabs with "out of service" defects shall be ordered out of service and shall remain out of service until the defects have been corrected. In addition, the inspection report shall include a rating for the seating capacity of each taxicab and such rating shall be included in the report;

(c) Annual and periodic inspections. Every taxicab shall be annually inspected by an ASE certified mechanic in order to determine continued compliance of such taxicab with all laws and rules and regulations respecting taxicabs. Such annual inspections shall be completed prior to the issuance of a renewal taxicab license. In addition, the chief of police may require, as often as may be necessary, the inspection of any vehicle upon the complaint of any citizen. All persons holding taxicab licenses shall comply with all requests of the chief of police regarding the time and place of such inspections. If at any time a taxicab does not comply with the required laws and rules and regulations including but not limited to regulations regarding the posting of rates, shall be ordered out of service, and shall remain out of service until such time as the vehicle has been inspected by an ASE certified mechanic and found to be in compliance. The purpose of the inspections is to enforce a public policy and the city shall not be liable to any individual as a result of conducting or failing to conduct the inspection;

(d) Cost of inspections. The taxicab licensee shall be responsible for the cost of all inspection required hereunder.

Section 5. That Section 47-22 of the Duluth City Code, 1959, as amended, is hereby amended as follows:

Sec. 47-22. Maximum passenger load.

No person operating a taxicab shall carry a greater number of passengers than the rated seating capacity of such vehicle as stated in the inspection report issued for such vehicle pursuant to Section 47-20 of this Article. Two passengers shall be permitted to ride on the front seat with the driver of such

taxicab only if the license inspector determines such seating does not affect the operation of the taxicab or passenger safety.

Section 6. That Section 47-27 of the Duluth City Code, 1959, as amended, is hereby amended as follows:

Sec. 47-27. Smoking, sale of liquor and use of taxicab for prostitution prohibited.

No person operating a taxicab vehicle shall:

(a) Smoke, or permit the smoking of, a pipe, cigar or cigarette in a taxicab vehicle at any time, whether or not passengers are present. "Smoking" means inhaling or exhaling smoke from any lighted cigar, electronic cigarette, cigarette, pipe or any other lighted tobacco or plant product. Smoking also includes carrying a lighted cigar, cigarette, pipe or any other lighted tobacco or plant product intended for inhalation. For purposes of this section, taxicab vehicles shall be considered places of employment and taxicab drivers shall not smoke within ten feet of the taxicab vehicle;

(b) Sell or offer to sell any alcoholic beverages to any person;

(c) Solicit business for any house of ill repute or permit any person to occupy or use his vehicle for the purpose of prostitution, or direct or transport or offer to direct or transport any person with knowledge or having reasonable cause to know that such directing or transporting is for purpose of prostitution.

Section 7. That Section 47-33 of the Duluth City Code, 1959, as amended, is hereby amended as follows:

Sec. 47-33. Rates--notice of rates change.

(a) Display of rates. There shall be prominently displayed in all taxicabs a rate statement card no smaller than 8.5"x11" setting out in large size print the maximum rates charged to passengers for all the various services offered. Unless otherwise specifically stated on the rate statement card, the rates charged shall not apply individually to each person riding in the taxicab, but instead shall apply to the ride, whether one or more individuals are in the taxicab at a time. This card shall also contain a sentence informing passengers that the driver has printed copies of the entire text of the rate statement card which will be supplied to them upon request. All the information on the rate statement card shall be prominently displayed on each side of the outside of the vehicle in text all of which shall be at least 1.5 inches high. It is a violation of this Code to charge a rate higher than that stated on the rate statement card;

(b) Rates. Rates of fare shall be based upon mileage and designated according to each one-tenth mile increment or fraction thereof. If the licensee charges a minimum fare for any service other than waiting time, such minimum fare shall be designated as a flat rate. Waiting time shall be designated as a charge per minute;

(c) Change of rates. In order to change the maximum rates, the licensee shall do the following:

(1) Register the new maximum rates with the city clerk at least seven days before they are implemented. The clerk shall post the changed rates on the city website for an appropriate period of time;

(2) Pay to the clerk a rate change registration fee in an amount determined as set out in Section 2-16;

(3) Change the rate statement card required by this Article;

(d) Receipt. The driver of any taxicab shall upon demand give any passenger a receipt for the fare charged, which receipt shall include the name of

the driver, the identification of the vehicle, the amount charged and the date of the transaction.

Section 8. That Section 47-37 of the Duluth City Code, 1959, as amended, is hereby repealed in its entirety.

Section 9. That this ordinance shall take effect 30 days after its passage and publication. (Effective date: June 20, 2015)

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

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

Nays: None -- 0

Absent: Councilor Russ – 1

ATTEST:
JEFFREY J. COX, City Clerk

Passed May 11, 2015
Approved May 11, 2015
DON NESS, Mayor

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ORDINANCE NO. 10370

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 AND RR-1 TO P-1, FOR COBB PARK, DOWNER PARK, JANETTE POLLAY PARK, MORNINGSIDE PARK AND PLEASANT VIEW PARK.

The city of Duluth does ordain:

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

010-2690-01050	010-2690-01020	010-2690-00720
010-2690-01040	010-2690-00750	010-2010-04850
010-2690-01030	010-2710-00130	010-4670-00780
010-0100-00610	010-0100-00600	

be reclassified from Residential-Traditional (R-1) and Rural-Residential 1 (RR-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:



(Ref. File No. 15-039)

Section 2. That this ordinance shall take effect 30 days after its passage and publication. (Effective date: June 20, 2015)

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

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

Nays: None -- 0

Absent: Councilor Russ – 1

ATTEST:

JEFFREY J. COX, City Clerk

Passed May 11, 2015

Approved May 11, 2015

DON NESS, Mayor

ORDINANCE NO. 10371

AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF DULUTH TO PROVIDE FOR THE RECLASSIFICATION FROM R-1 TO MU-C, THE PROPERTY LOCATED 213 NORTH ARLINGTON AVENUE (JOSEPH KLEIMAN).

The city of Duluth does ordain:

Section 1. That .55 acres of land located at 213 North Arlington Avenue and as more particularly described as follows:

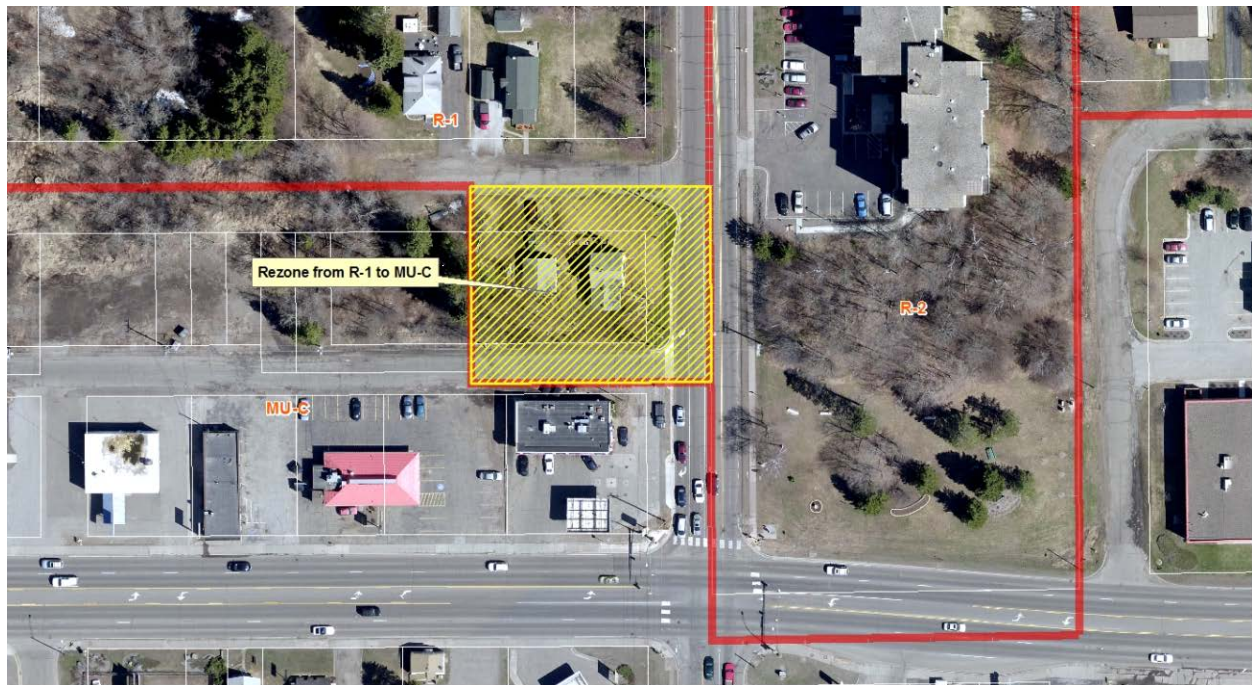
Lots 12, 13, 14, 15 and 16, Block 33, DULUTH HEIGHTS SIXTH DIVISION;

And: The Southerly 33.00 feet of Myrtle Street, lying Easterly of the Northerly extension of the West line of Lot 12, Block 33, DULUTH HEIGHTS SIXTH DIVISION;

And: The Northerly 8.00 feet of the platted alley in Block 33, lying Easterly of the Southerly extension of the West line of Lot 12, Block 33, DULUTH HEIGHTS SIXTH DIVISION;

And: That part of Arlington Avenue (platted as Cedar Street), lying between the Easterly extension of the centerline of the platted alley in Block 33 and the Easterly extension of the centerline of Myrtle Street;

be reclassified from Residential-Traditional (R-1) to Mixed Use-Commercial (MU-C), 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:



(Ref. File No. 15-042)

Section 2. That this ordinance shall take effect 30 days after its passage and publication. (Effective date: June 21, 2015)

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

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

Nays: None -- 0

Absent: Councilor Russ – 1

ATTEST:
JEFFREY J. COX, City Clerk

Passed May 11, 2015
Approved May 11, 2015
DON NESS, Mayor

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ORDINANCE NO. 10372

AN ORDINANCE AUTHORIZING THE CONVEYANCE OF PROPERTY IN LAKESIDE TO ONE ROOF COMMUNITY HOUSING FOR RESIDENTIAL REDEVELOPMENT.

The city of Duluth does ordain:

Section 1. The Duluth city council finds that:

(a) That pursuant to Section 2-176 of the Duluth City Code, 1959, as amended (the "Code"), the city's director of planning and construction services has reviewed the proposed conveyance of the property owned by the city described below (the "property") to One Roof Community Housing (the "developer") and found conveyance thereof to be in conformity with the city's comprehensive land use plan;

(b) Pursuant to Section 2-177.4 of the Code, the conveyance of the property to the developer at no cost is necessary to facilitate the redevelopment of the property for residential purposes including development of moderate income housing in the Lakeside neighborhood (the "project") which in turn will further city objectives of promoting development of additional workforce housing in the city;

(c) The property described in Section 2 below is hereby determined to be surplus to the city's future needs and is therefore appropriate for sale;

(d) The financing of the project will require public financial assistance and will not support payment of fair market value for the property.

Section 2. That as provided for in Section 2-177.4 of the Code, the council finds that the need for such a development in the neighborhood and the city is greater in importance than the need of the city to retain said property and that the best interests of the citizens of the city will be best served by accomplishing such conveyance.

Section 3. That the proper city officials are hereby authorized to convey the property in St. Louis County, Minnesota, legally described below, by quit claim deed, to One Roof Community Housing and further to execute all documents necessary with regard to said conveyance:

Lots 1 through 16 inclusive, Block 104, LONDON ADDITION.

Section 4. That this ordinance shall take effect 30 days after its passage and publication. (Effective date: June 21, 2015)

The ordinance was adopted upon the following vote:

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

Nays: Councilor Fosle -- 1

Absent: Councilor Russ -- 1

ATTEST:
JEFFREY J. COX, City Clerk

Passed May 11, 2015
Approved May 11, 2015
DON NESS, Mayor

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ORDINANCE NO. 10373

AN ORDINANCE APPROVING THE CONVEYANCE BY THE
DULUTH AIRPORT AUTHORITY OF ALERT HANGAR 11/12
AND RATIFYING AND APPROVING THE CONVEYANCE OF
ALERT HANGAR 13/14 TO MONACO AIR DULUTH, LLC.

The city of Duluth does ordain:

Section 1. That the city council of the city of Duluth (the "city council") does hereby approve the conveyance by the Duluth Airport Authority of Alert Hangar 11/12 at the Duluth International Airport to Monaco Air Duluth, LLC.

Section 2. That the city council does hereby ratify and approve the conveyance by the Duluth Airport Authority of Alert Hangar 13/14 at the Duluth International Airport to Monaco Air Duluth, LLC.

Section 3. That this ordinance shall take effect 30 days after its passage and publication. (Effective date: June 19, 2015)

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

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

Nays: None -- 0

Absent: Councilor Russ - 1

ATTEST:
JEFFREY J. COX, City Clerk

Passed May 11, 2015
Approved May 11, 2015
DON NESS, Mayor

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