



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, November 23, 2015

7:00 PM

Council Chamber

ROLL CALL

Present: 9 - Councilors Zach Filipovich, Jay Fosle, Sharla Gardner, Howie Hanson, Jennifer Julsrud, Linda Krug, Barb Russ, Joes Sipress and President Emily Larson.

PLEDGE OF ALLEGIANCE

PRESENTATION OF PETITIONS AND OTHER COMMUNICATIONS

1. **15-088** Communication regarding the proposed rezoning of the Morgan Park School site (15-092-O).

Attachments: [George A. Ruetschi Communication](#)

This Petition/Other Communication was received.

REPORTS FROM THE ADMINISTRATION

REPORTS FROM OTHER OFFICERS

2. **15-085** Clerk applications for exempt permits submitted to the Minnesota gambling control board from Minnesota Ballet on April 28, 2016, and St. John's the Evangelist Church on March 10, 2016 (raffles).

Attachments: [Minnesota Ballet Raffle Application](#)
[St John Raffle Application](#)

This Other Officers Report was received.

REPORTS OF BOARDS AND COMMISSIONS

3. **15-084** Civil service board minutes of September 15, 2015, meeting.

Attachments: [11-17-15 Agenda](#) [Minutes](#)

This Board or Commission Report was received.

4. **15-086** Duluth economic development authority minutes of September 23, 2015, meeting.

Attachments: [9-23-15 DEDA Mtg Minutes](#)

This Board or Commission Report was received.

5. **15-087** Duluth airport authority minutes of September 15, 2015, meeting.

Attachments: [Duluth Airport Authority Minutes](#)

This Board or Commission Report was received.

REPORTS OF COUNCIL COMMITTEES

REPORTS OF COUNCIL OPEN ISSUES

Councilor Sipress presented John Steffl with the Duluth City Council's November 2015 Distinguished Artists Award.

John Steffl commented and thanked the council.

OPPORTUNITY FOR CITIZENS TO BE HEARD

Tom Morgan commented about Duluth's newest sister city in Rani, Kurdistan, which is in norther Iraq and updates about other cities.

Jeremy Rubin, Bob Kunze, Paul Steen, Nancy Nelson, Doug Stevens and Bill Majewski commented about the Skyline Parkway vegetation management plan.

RESOLUTION TABLED

COMMITTEE 2

BY COUNCILOR RUSS (PLANNING & ECONOMIC DEVELOPMENT)

6. **15-0775R** RESOLUTION AMENDING RESOLUTION 14-0599, ADOPTING LICENSE, PERMIT, FINE, PENALTY AND OTHER CHARGES FOR 2015, BE AMENDED BY ADDING AN ANNUAL LICENSE FEE FOR KEEPING SMALL FARM ANIMALS.

Body: CITY PROPOSAL:

RESOLVED, that Resolution 14-0599 adopting license, permit, fine, penalty and other charges for 2015 be amended by adding an annual fee for keeping small farm animals in the amount of \$20.00 pursuant to Section 6-80.2(a) of the Duluth City Code, 1959, as amended, said new adopted fee shall be effective upon the effective date of Ordinance 15-093.

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

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

This Resolution was withdrawn.

MOTIONS AND RESOLUTIONS

BY COUNCILOR RUSS (PLANNING & ECONOMIC DEVELOPMENT)

32. **15-093-O** AN ORDINANCE AMENDING CHAPTER 6, ARTICLE VII, OF THE DULUTH CITY CODE, 1959, AS AMENDED, RELATING TO NONDOMESTIC ANIMALS.

Body: CITY PROPOSAL:

The city of Duluth does ordain:

Section 1. That Chapter 6, Section 72, of the Duluth City Code, 1959, as amended, is hereby amended to read as follows:

Sec. 6-72. Definitions.

For the purposes of this Chapter, the following words and phrases shall mean:

(a) Farm animal. A domesticated species of fowl, or hoofed mammal commonly kept for agricultural purpose such as a horse, cow, sheep, pig or llama; such hoofed mammals having a weight at maturity that typically exceeds 30 pounds;

(b) Small farm animal. A domesticated hoofed mammal commonly kept for agricultural purposes, but not necessarily being kept for those purposes by the owner, such as a sheep or pig, having a weight at maturity that does not exceeds 30 pounds;

(~~b~~c) Nondomesticated animal. Every mammal, fowl and reptile species, including those born or raised in captivity, except the following:

(1) Domestic dogs (excluding hybrids with wolves, coyotes, or jackals) properly vaccinated against rabies pursuant to law;

(2) Domestic cats (excluding hybrids with ocelots or margays) properly vaccinated against rabies pursuant to law;

(3) Farm animals, including bees, Vietnamese pot-bellied pigs and pigeons, provided that no more than three Vietnamese pot-bellied pigs and no more than ten pigeons can be kept on any one lot or premises;

(4) Rodents, including hamsters, mice, gerbils, white rats or guinea pigs capable of being maintained continuously in cages;

(5) Rabbits;

(6) Species of common cage birds;

(7) Nonpoisonous snakes of a species that commonly does not grow in excess of eight feet in length;

(8) Chinchillas, hedgehogs, nonpoisonous lizards and other similar small animals capable of being maintained continuously in cages;

(9) Fish, unless prohibited by state or federal law;

(10) Neutered male or spayed female domestic ferrets;

(~~e~~d) Veterinary hospital. Any establishment maintained or operated by a licensed veterinarian for surgery, diagnosis and treatment of diseases and injuries of animals;

(~~d~~e) Zoological park. Any facility operated by a person, partnership, corporation, or governmental agency, other than a pet shop or kennel, displaying or exhibiting one or more species of nondomesticated animals.

Section 2. That Chapter 6, Article VII of the Duluth City Code, 1959, as amended, is hereby amended to add the following title between Sec. 6-78 and Sec. 6-79:

Division I. Licensing Requirements & Processes.

Section 3. That Chapter 6, Section 80.2 and Section 80.3, of the Duluth

City Code, 1959, as amended, are hereby added to read as follows:

Sec. 6-80.2. Obtaining a license to keep small farm animals.

(a) Any person who keeps small farm animals in the city of Duluth other than areas zoned Rural-Conservation (R-C) or Residential-Rural 1 (RR-1) under sections 50-14.2 and 50-14.3 of this Code, shall obtain an annual license prior to acquiring any small farm animal. Only one license shall be allowed per one-family dwelling or two-family dwelling as defined in Section 50-41 of this Code. A license granted to a two-family dwelling shall require written permission from the occupants of both dwelling units. The license year commences on January 1 and ends on the following December 31. Applications shall be made to the city clerk. The city clerk shall collect the license fee;

(b) Fees to be charged for the issuance of a license to keep small farm animals shall be set in accordance with Section 31-6(a) of this Code;

(c) All licenses shall be conditioned upon passing a mandatory inspection by the animal control authority;

(d) The animal control authority may refuse to grant or may revoke a license if the small farm animals become a nuisance, as evidenced by a third admitted or judicially-determined violation of the Duluth City Code within 12 months of the first of the three admitted or judicially-determined violations;

(e) The animal control authority may refuse to grant or may revoke a license to a person convicted of cruelty to animals under a code, ordinance or statute from this state, or a code, ordinance or statute from another state;

(f) All reports of such inspections and reviews shall be in writing and maintained by the animal control authority.

Sec. 6-80.3. Keeping of small farm animals.

(a) Each person holding a license to keep small farm animals within the city of Duluth shall comply with the following:

(1) The principle use of the property where the small farm animals are to be kept is a one-family dwelling on a lot greater than 2 acres as defined in Section 50-41 of this Code;

(2) No person shall keep more than three small farm animals;

(3) No person shall keep any small farm animals inside a dwelling

unit;

(4) No person shall slaughter any small farm animals within the city of Duluth;

(5) Small farm animals shall be provided a secure and well ventilated roofed structure in compliance with the current zoning and building codes;

(6) The roofed structure shall be fully enclosed, wind proof, and be of an appropriate size and design for the small farm animal to be kept according to industry best practices;

(7) The floors and walls of the roofed structure shall be kept in a clean, sanitary and healthy condition with all dropping and body excretions collected on a daily basis and placed in a fire-proof covered container until applied as fertilizer, composted or transported off the premises;

(8) Small farm animals shall be kept in the roofed structure or any attached fenced yard enclosure at all times;

(9) The fence around the yard enclosure shall be securely constructed so as to prevent the harm or escape of the small farm animal;

(10) The fenced yard enclosure shall be well drained so there is no accumulation of moisture;

(11) A floor area or combination of the floor and fenced yard area for keeping small farm animals shall not be less than the size established by industry standards;

(12) No roofed structure or fenced yard enclosure shall be located closer than 75 feet to any lot line; this requirement shall not apply to pasture or grazing areas.

Section 4. That this ordinance shall take effect 30 days after its passage and publication.

This Ordinance was withdrawn.

CONSENT AGENDA

COMMITTEE 1

BY COUNCILOR FILIPOVICH (FINANCE)

7. 15-0791R RESOLUTION DISTRIBUTING THE ESTIMATED 2016 HOTEL-MOTEL AND FOOD AND BEVERAGE TOURISM TAXES.

Body:

CITY PROPOSAL:

RESOLVED, that the 2016 hotel-motel and food and beverage tourism taxes, as estimated, be distributed in the following manner:

Promotional & Capital & Debt Service			
	Total	Operational	Support
3% Hotel/motel tax	\$ 2,512,200	\$ 960,900	\$ 1,551,300
1% Hotel/motel tax	\$ 837,400	\$ 837,400	
1% Food and beverage	\$ 2,470,900	\$ 2,470,900	
Additional 2% hotel/motel	\$ 1,561,700	\$ 780,900	\$ 780,800
Additional .75% food and beverage	\$ 1,853,200	\$ 1,853,200	
Additional .5% food/beverage and .5% hotel/motel	\$ 1,625,900	\$ 1,625,900	
Total	\$ 10,861,300	\$ 5,050,100	\$ 5,811,200
DECC- Amsoil Arena debt service	\$ 3,404,500	\$ 3,404,500	
Spirit Mountain bond - Chalet	\$ 500,000	\$ 500,000	
Spirit Mountain Adventure Park lease	\$ 145,700	\$ 145,700	
Visit Duluth	\$ 1,775,000	\$ 1,775,000	
Other advertising and publicity	\$ 200,000	\$ 200,000	
General fund tourism activities support	\$ 895,000	\$ 895,000	
General fund tourist-related park maintenance	\$ 200,000	\$ 200,000	
Lake Superior Zoo	\$ 510,000	\$ 510,000	
Great Lakes Aquarium	\$ 360,000	\$ 360,000	
Business improvement district	\$ 200,000	\$ 200,000	
Heritage & Arts Center/Depot	\$ 226,800	\$ 226,800	
Capital projects	\$ 135,100	\$ 135,100	
Public arts	\$ 40,000	\$ 40,000	
Sister cities	\$ 40,000	\$ 40,000	
Lake Superior & Mississippi Railroad	\$ 20,000	\$ 20,000	
Rail alliance	\$ 12,500	\$ 12,500	
DECC - Bayfront Park management	\$ 60,000	\$ 60,000	
DECC - Blue Bridge operations	\$ 38,000	\$ 38,000	
Glensheen matching funds	\$ 50,000	\$ 50,000	
St Louis River Corridor debt service	\$ 1,625,900	\$ 1,625,900	
Spirit Mountain operations	\$ 250,000	\$ 250,000	
Mounted patrol support	\$ 30,000	\$ 30,000	

Tourism-related grant fund	\$	50,000	\$	50,000
Undesignated fund balance	\$	92,800	\$	92,800
Total	\$	10,861,300	\$	5,050,100
			\$	5,811,200

This Resolution was adopted unanimously.

BY COUNCILOR HANSON (PURCHASING & LICENSING)

8. **15-0790R** RESOLUTION AUTHORIZING THE EXECUTION OF A SNOWMOBILE TRAILS ASSISTANCE PROGRAM GRANT AGREEMENT FOR FY2016 WITH THE MINNESOTA DEPARTMENT OF NATURAL RESOURCES IN AN AMOUNT NOT TO EXCEED \$13,025.

Body: CITY PROPOSAL:

RESOLVED, that the proper city officials are hereby authorized to execute the Minnesota snowmobile trails assistance program grant agreement, substantially in the form of that attached as Exhibit A, with the Minnesota department of natural resources for the maintenance of the Duluth snowmobile trails for the 2015-2016 season in the amount of \$13,025; said funds to be deposited as follows: General Fund 110, Public Administration 121, Maintenance Operations/Park Maintenance 1217-2145, Snowmobile Trail Grants 4226.

Attachments: [Exhibit A](#)

This Resolution was adopted unanimously.

9. **15-0793R** RESOLUTION AUTHORIZING THE PURCHASE OF STREET LIGHTING MATERIALS FROM ON2 SOLUTIONS IN THE AMOUNT OF \$207,360.

Body: CITY PROPOSAL:

RESOLVED, that the proper city officials are hereby authorized to purchase street lighting materials, per the bid form provided attached as Exhibit A, from On2 Solutions in the amount of \$207,360, payable from Street Lighting Utility 550, Public Administration 120, Capital Improvements 5533, Revenue 1493.

Attachments: [Exhibit A](#)

[Exhibit B](#)

This Resolution was adopted unanimously.

10. **15-0804R** RESOLUTION APPROVING DIRECT PURCHASING, SURVEILLANCE HARDWARE AND SOFTWARE MAINTENANCE AGREEMENT WITH HITACHI DATA SYSTEMS INCLUDING \$71,382.00 FOR YEAR 2015.

Body: CITY PROPOSAL:

RESOLVED, that the proper city officials are hereby authorized to enter into the attached Exhibit A, direct purchasing agreement with Hitachi Data Systems dated January 1, 2015, through December 31, 2015, in the amount of \$71,382.00 with further service to be requested through a maintenance term extension at the request of the city.

Attachments: [Exhibit A \(15-0804R\).pdf](#)

This Resolution was adopted unanimously.

BY COUNCILOR GARDNER (PERSONNEL)

11. **15-0808R** RESOLUTION CONFIRMING THE APPOINTMENT OF HEATHER RAND AS DIRECTOR OF BUSINESS AND ECONOMIC DEVELOPMENT FOR THE CITY OF DULUTH.

Body: CITY PROPOSAL:

WHEREAS, the chief administrative officer upon the direction of the mayor has recommended the appointment of Heather Rand to the position of director of business and economic development; and

WHEREAS, the City Charter requires the city council confirm this appointment.

THEREFORE, BE IT RESOLVED, that the city council hereby confirms the appointment of Heather Rand to the position of director of business and economic development for the city of Duluth.

This Resolution was adopted unanimously.

COMMITTEE 2**BY COUNCILOR RUSS (PLANNING & ECONOMIC DEVELOPMENT)**

12. **15-0780R** RESOLUTION AUTHORIZING FIRST AMENDMENTS TO SUBLEASE AGREEMENTS WITH ARROWHEAD ECONOMIC OPPORTUNITY AGENCY AND NORTHEAST MINNESOTA OFFICE OF JOB TRAINING TO PROVIDE TELECOMMUNICATION SERVICES AND NETWORK INFRASTRUCTURE AND INCREASING RENT FOR SAID SERVICES.

Body: CITY PROPOSAL:

RESOLVED, that the proper city officials are hereby authorized to enter

into a first amendment to a sublease agreement (City Contract No. 21781) with Arrowhead Economic Opportunity Agency ("AEOA"), substantially in the form of that attached hereto as Exhibit A, increasing the rent paid to the city by \$30 a month for network infrastructure services enabling internet access and \$40 a month for telecommunication services, plus \$5 per month per phone.

BE IT FURTHER RESOLVED, that the proper city officials are hereby authorized to enter into a first amendment to a sublease agreement (City Contract No. 21782) with Northeast Minnesota Office of Job Training ("NMOJT"), substantially in the form of that attached hereto as Exhibit B, increasing the rent paid to the city by \$30 a month for network infrastructure services enabling internet access.

Attachments: [Exhibit A FIRST AMENDMENT to arrowhead sublease 11.6.2015](#)
[Exhibit B First Amendment to NMOJT sublease](#)

This Resolution was adopted unanimously.

- 13. 15-0781R** RESOLUTION AUTHORIZING UTILITY EASEMENT AGREEMENT WITH PIER B HOLDING LLC OVER PROPERTY IN BAY FRONT DIVISION.

Body: CITY PROPOSAL:

RESOLVED, that the proper city officials are hereby authorized to enter into a permanent easement agreement with the Pier B Holding, LLC, a copy of which is attached hereto as Exhibit A, at no cost to the city for a utility easement affecting property located St. Louis County, Minnesota, generally described as:

Lots 7, 9, 11, 13, 15, 17, 19 and 21 and vacated 8th Avenue West, Block 9, BAY FRONT DIVISION OF DULUTH.

Attachments: [Exhibit A - 15-0781R](#)

This Resolution was adopted unanimously.

- 14. 15-0792R** RESOLUTION ACCEPTING A TRAIL EASEMENT AND A CONSERVATION EASEMENT FROM GRAND AVENUE ESTATES OF DULUTH, LLC.

Body: CITY PROPOSAL:

RESOLVED, that the proper city officials are hereby authorized to accept, on behalf of the general public and at no cost to the city, an easement from Grand Avenue Estates of Duluth, LLC, that is attached

hereto as Exhibit A, dedicating to the general public a 30 foot trail easement, and an easement attached hereto as Exhibit B, dedicating to the general public a conservation easement over Outlots A and B in the Grand Avenue Estates subdivision.

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

This Resolution was adopted unanimously.

15. 15-0794R RESOLUTION APPLYING THE PROPERTY TRANSFER RESTRICTIONS OF MINNESOTA STATE SECTION 272.162.

Body: CITY PROPOSAL:

WHEREAS, Minnesota Statutes Section 272.162 imposes restrictions on transfers of property, and the statute applies only to land within municipalities which choose to be governed by its provisions; and

WHEREAS, municipalities may choose to have the state statute apply to the properties within their boundaries by filing a certified copy of a resolution making that choice with the auditor and recorder of the county in which the municipality is located.

RESOLVED, as of January 1, 2016, the restrictions of Minnesota Statute Section 272.162 shall apply to property within the city's boundaries, and city staff is directed to file certified copies of this resolution with the St. Louis county auditor and St. Louis county recorder.

Attachments: [Attachment A](#)

This Resolution was adopted unanimously.

16. 15-0799R RESOLUTION VACATING CERTAIN EASEMENTS FOR PUBLIC STREET, ROADWAY AND UTILITY PURPOSES AT THE FORMER ATLAS CEMENT PLANT SITE (DEDA).

Body: CITY PROPOSAL:

RESOLVED, that:

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

(b) Pursuant to Section 100 of the City Charter and Section 50-37.6 of

Chapter 50 of the Duluth City Code, as amended, such petition was duly referred to the city planning commission and such commission gave due notice of public hearing and did consider same in a public hearing and the city planning commission found that this portion of the street easements are useless for all purposes as it will be included in the final plat for Atlas Industrial Park; and

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

(d) The city council of the city of Duluth approves the vacation of the easements described below:

NICK GLUMAC 66 FOOT VACATION DESCRIPTION (ATTACHED EXHIBITS A AND B):

All that part of the West One-Half of the Southeast Quarter (W 1/2 of the SE 1/4) of Section Thirty-Four (34), Township Forty-Nine (49) North, Range Fifteen (15) West of the Fourth (4th) Principal Meridian, described in Document No. 851320 as recorded in the Registrar of Titles office, St. Louis County, Minnesota described as follows:

Commencing at the South Quarter Corner of said Section 34; thence North 00 degrees 17 minutes 17 seconds West, assumed bearing, along the west line of the W 1/2 of the SE 1/4 of said Section 34, a distance of 653.51 feet; thence North 89 degrees 23 minutes 03 seconds East, a distance of 224.44 feet to the easterly right-of-way line of Commonwealth Avenue (Minnesota Trunk Highway No. 23) and the point of beginning of the line to be described; thence North 89 degrees 23 minutes 03 seconds East a distance of 337.11 feet; thence northeasterly along a tangential curve concave to the northwest having a radius of 170.77 feet, central angle of 91 degrees 54 minutes 07 seconds a distance of 273.91; thence North 02 degrees 31 minutes 04 seconds West, a distance of 195.64 feet; thence northwesterly along a tangential curve concave to the southwest having a radius of 2140.85 feet, central angle of 15 degrees 05 minutes 48 seconds, a distance of 564.09 feet; thence northwesterly along a compound curve concave to the southwest having a radius of 586.50 feet, central angle of 10 degrees 22 minutes 00 seconds, a distance of 106.12 feet; thence North 27 degrees 35 minutes 16 seconds West, a distance of 86.17 feet; thence North 02 degrees 13 minutes 42 seconds East, a distance of 80.57 feet, and there terminating.

NICK GLUMAC ADDITIONAL VACATION DESCRIPTION (ATTACHED EXHIBITS C AND D):

All that part of the West One-Half of the Southeast Quarter (W

1/2 of the SE 1/4) of Section Thirty-Four (34), Township Forty-Nine (49) North, Range Fifteen (15) West of the Fourth (4th) Principal Meridian, described in Document No. 924436 as recorded in the Registrar of Titles office, St. Louis County, Minnesota lying between two lines 33.00 feet and 50.00 feet easterly of the centerline described in Document No. 851320 as recorded in the Registrar of Titles office, St. Louis County, Minnesota described as follows:

Commencing at the South Quarter Corner of said Section 34; thence North 00 degrees 17 minutes 17 seconds West, assumed bearing, along the west line of the SW 1/4 of the SE 1/4 of said Section 34, a distance of 653.51 feet; thence North 89 degrees 23 minutes 03 seconds East, a distance of 184.44 feet to the intersection of centerlines of Commonwealth Avenue (Minnesota Trunk Highway No. 23) and Nick Glumac Drive as described in Document No. 851320; thence North 89 degrees 23 minutes 03 seconds East along the centerline of said Nick Glumac Drive, a distance of 377.11 feet to the Point of Beginning of the line to be described; thence northeasterly a distance of 273.91 feet along said Nick Glumac Drive being a tangential curve concave to the northwest having a radius of 170.77 feet, and a central angle of 91 degrees 54 minutes 07 seconds; thence North 02 degrees 31 minutes 04 seconds West, a distance of 195.64 feet; thence northwesterly along a tangential curve concave to the southwest having a radius of 2140.85 feet, central angle of 15 degrees 05 minutes 48 seconds, a distance of 564.09 feet and said line there terminating.

The southerly sideline being a line 33.00 feet northeasterly of and parallel with the following described line:

Commencing at the South Quarter Corner of said Section 34; thence North 00 degrees 17 minutes 17 seconds West, assumed bearing, along the west line of the W 1/2 of the SE 1/4 of said Section 34, a distance of 653.51 feet; thence North 89 degrees 23 minutes 03 seconds East, a distance of 184.44 feet to the intersection of centerlines of Commonwealth Avenue (Minnesota Trunk Highway No. 23) and Nick Glumac Drive as described in Document No. 851320; thence North 89 degrees 23 minutes 03 seconds East along the centerline of said Nick Glumac Drive, a distance of 377.11 feet; thence northeasterly a distance of 131.00 feet along said Nick Glumac Drive being a tangential curve concave to the northwest having a radius of 170.77 feet, and a central angle of 43 degrees 57 minutes 09 seconds to the Point of Beginning of the line to be described; thence South 44 degrees 34 minutes 05 seconds East, a distance of 45 feet more or less and said southerly sideline there terminating.

AND

All that part of the West One-Half of the Southeast Quarter (W 1/2 of the SE 1/4) of Section Thirty-Four (34), Township Forty-Nine (49) North, Range Fifteen (15) West of the Fourth (4th) Principal Meridian, described in Document No. 924436 as recorded in the Registrar of Titles office, St. Louis County, Minnesota; lying 40.00 feet northwesterly of and 50.00 feet southeasterly of the following described line:

Commencing at the South Quarter Corner of said Section 34; thence North 00 degrees 17 minutes 17 seconds West, assumed bearing, along the west line of the W 1/2 of the SE 1/4 of said Section 34, a distance of 653.51 feet; thence North 89 degrees 23 minutes 03 seconds East, a distance of 184.44 feet to the intersection of centerlines of Commonwealth Avenue (Minnesota Trunk Highway No. 23) and Nick Glumac Drive as described in Document No. 851320; thence North 89 degrees 23 minutes 03 seconds East along the centerline of said Nick Glumac Drive, a distance of 377.11 feet; thence northeasterly a distance of 273.91 feet along said Nick Glumac Drive being a tangential curve concave to the northwest having a radius of 170.77 feet, and a central angle of 91 degrees 54 minutes 07 seconds; thence North 02 degrees 31 minutes 04 seconds West along the centerline said Nick Glumac Drive, a distance of 195.64 feet; thence northwesterly along said Nick Glumac Drive and being a tangential curve concave to the southwest having a radius of 2140.85 feet, central angle of 15 degrees 05 minutes 48 seconds, a distance of 564.09 feet to the Point of Beginning of the line to be described; thence North 17 degrees 36 minutes 52 seconds West, a distance of 93.50 feet; thence northerly a distance of 184.70 feet along a tangential curve concave to the east having a radius of 330.00 feet, and a central angle of 31 degrees 46 minutes 46 seconds to a point hereinafter referred to as Point "A" and said line there terminating.

TOGETHER WITH

All that part of the West One-Half of the Southeast Quarter (W 1/2 of the SE 1/4) of Section Thirty-Four (34), Township Forty-Nine (49) North, Range Fifteen (15) West of the Fourth (4th) Principal Meridian, St. Louis County, Minnesota not included in the above described easement which lies within the circumference of a circle having a radius of 90.00 feet. The center point of said circle being the aforementioned Point "A."

EAST SPUR ROAD VACATION DESCRIPTION (ATTACHED EXHIBITS E AND F):

All that part of the Southwest Quarter of the Southeast Quarter (SW 1/4 of the SE 1/4) of Section Thirty-Four (34), Township Forty-Nine (49) North, Range Fifteen (15) West of the Fourth (4th) Principal Meridian,

described in Document No. 924469 as recorded in the Registrar of Titles office, St. Louis County, Minnesota; the centerline of said easement being more particularly described as follows:

Commencing at the South Quarter Corner of said Section 34; thence North 00 degrees 17 minutes 17 seconds West, assumed bearing, along the west line of the SW 1/4 of the SE 1/4 of said Section 34, a distance of 653.51 feet; thence North 89 degrees 23 minutes 03 seconds East, a distance of 184.44 feet to the intersection of centerlines of Commonwealth Avenue (Minnesota Trunk Highway No. 23) and Nick Glumac Drive as described in Document No. 851320; thence North 89 degrees 23 minutes 03 seconds East along the centerline said Nick Glumac Drive, a distance of 377.11 feet; thence northeasterly a distance of 131.00 feet along said Nick Glumac Drive being a tangential curve concave to the northwest having a radius of 170.77 feet, and a central angle of 43 degrees 57 minutes 09 seconds to the Point of Beginning of the centerline to be described; thence South 44 degrees 34 minutes 05 seconds East, a distance of 83.00 feet; thence southeasterly a distance of 79.00 feet along a tangential curve concave to the northeast having a radius of 100.00 feet and a central angle of 45 degrees 15 minutes 49 seconds; thence South 89 degrees 49 minutes 54 seconds East, a distance of 163.00 feet to a point hereinafter referred to as Point "A"; thence continuing South 89 degrees 49 minutes 54 seconds East, a distance of 350.32 feet to the east line of said SW 1/4 of the SE 1/4 and said centerline there terminating.

The sidelines of said easement are prolonged or shortened to terminate on the easterly line of Nick Glumac Drive and the east line of the SW 1/4 of the SE 1/4 of said Section 34.

TOGETHER WITH

That part of the Southwest Quarter of the Southeast Quarter (SW 1/4 of the SE 1/4) of Section Thirty-Four (34), Township Forty-Nine (49) North, Range Fifteen (15) West of the Fourth (4th) Principal Meridian, St. Louis County, Minnesota not included in the above described easement which lies within the circumference of a circle having a radius of 75.00 feet. The center point of said circle being the aforementioned Point "A," and

(e) That the city clerk is, pursuant to Section 100(b)(7) of the Home Rule Charter of the city of Duluth, 1912, as amended, authorized to record, with the register of deeds and/or the registrar of titles of Saint Louis County, Minnesota, a certified copy of this resolution showing the platted easement to be vacated.

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

This Resolution was adopted unanimously.

COMMITTEE 3

BY COUNCILOR JULSRUD (PUBLIC WORKS & UTILITIES)

17. **15-0779R** RESOLUTION APPROVING A COUNTY PROJECT WITHIN MUNICIPAL CORPORATE LIMITS FOR IMPROVEMENTS TO COUNTY STATE AID HIGHWAY NO. 9 (FOURTH STREET AND WALLACE AVENUE).

Body: CITY PROPOSAL:

RESOLVED, that plans for Project No. 069-609-040 showing proposed alignments, profiles, grades and cross sections for the construction, reconstruction or improvement of County State Aid Highway No. 9 (Fourth Street and Wallace Avenue) within the limits of the city of Duluth as a state aid project, have been prepared and presented to the city, and that said plans be in all things approved.

Attachments: [15-0779R Map](#)

Councilor Julsrud moved to suspend the rules to hear speakers on the resolutions, which motion was seconded and unanimously carried.

Myrna Matheson and Ann Redefs spoke in opposition of this resolution and the removal of the trees.

Steve Krasaway, St Louis County resident engineer spoke of the need to remove the trees and what will replace them.

This Resolution was adopted unanimously.

18. **15-0782R** RESOLUTION AUTHORIZING A ONE-YEAR EXTENSION TO CONTRACT 20814 WITH NORTHERN ENERGETICS IN THE AMOUNT OF \$57,200, AND A NEW CONTRACT TOTAL AMOUNT NOT TO EXCEED \$483,100.

Body: CITY PROPOSAL:

WHEREAS, the Duluth City Council previously approved Resolution 09-0061 on January 26, 2009, authorizing Contract 20184 with Northern Energetics for energy consulting services and audits; and

WHEREAS, the Duluth City Council previously approved Resolution 13-0001 on January 14, 2013, amending the contract to extend the services for an additional three years; and

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

RESOLVED, that the proper city officials are authorized to execute a one-year extension of Contract 20814 with Northern Energetics to provide energy consulting services and audits for \$57,200 in year 2016 payable from Home Energy Fund 555, Public Works and Utilities 500, Other Services and Charges 5441.

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

This Resolution was adopted unanimously.

19. **15-0783R** RESOLUTION AUTHORIZING AN AGREEMENT BETWEEN ST. LOUIS COUNTY, THE CITY OF DULUTH AND THE CITY OF HERMANTOWN TO COMPLETE A TRAFFIC SIGNAL TIMING PLAN UPDATE PROJECT WITHIN THE CITIES OF DULUTH AND HERMANTOWN.

Body: CITY PROPOSAL:

RESOLVED, that the proper city officials are hereby authorized and directed to execute an agreement between St. Louis County, the city of Duluth and the city of Hermantown to provide for payment by the city to the county of the city's share of costs of the traffic signal timing plan update under State Aid Project No. 069-030-041, at an estimated cost to the city of Duluth of \$18,900, payable from Street Lighting Fund 550, City Project No. 1457.

Attachments: [15-0783R Agreement & Appendices](#)

This Resolution was adopted unanimously.

20. **15-0786R** RESOLUTION AUTHORIZING THE EXTENSION OF A MINNESOTA DEPARTMENT OF NATURAL RESOURCES GRANT AGREEMENT FOR REMOVAL OF DEBRIS AND SEDIMENT.

Body: CITY PROPOSAL:

RESOLVED, that the city of Duluth will extend the deadline of the Minnesota department of natural resources Grant Agreement Number

3000034888 for removal of debris and sediment resulting from the 2012 flood to June 30, 2016.

Attachments: [15-0786R Appendix 1](#)
[15-0786R Appendix 2](#)

This Resolution was adopted unanimously.

- 21. 15-0789R** RESOLUTION AMENDING CONTRACT NO. 22547 WITH FOUR STAR CONSTRUCTION, INC. FOR RETAINING WALL REPAIRS AT 1720 NEW STREET AND 2305 WEST FIFTH STREET IN THE AMOUNT OF \$47,094.88 FOR A NEW TOTAL OF \$143,265.88.

Body: CITY PROPOSAL:

RESOLVED, that Contract No. 22547 with Four Star Construction, Inc., for retaining wall repairs at 1720 New Street and 2305 West Fifth Street be amended to include additional work at 2305 West Fifth Street for additional height of wall, regrading and paving the alley, and unexpected rock excavation, in the amount of \$47,094.88 for a new total of \$143,265.88, payable out of Permanent Improvement Fund 411, Department 035 (capital projects account), Object 5530 (improvements other than buildings), City Project Nos. 1303 and 1308.

Attachments: [15-0789R Map](#)

This Resolution was adopted unanimously.

- 22. 15-0795R** RESOLUTION AUTHORIZING AN AGREEMENT WITH LHB, INC. FOR PROFESSIONAL ENGINEERING SERVICES TO PROVIDE DESIGN AND CONSTRUCTION ENGINEERING SERVICES FOR THE AERIAL LIFT BRIDGE OPERATING ROPE REPLACEMENT PROJECT IN THE AMOUNT OF \$67,407.

Body: CITY PROPOSAL:

RESOLVED, that the proper city officials are hereby authorized to enter into an agreement with LHB, Inc., for professional engineering services to provide design and construction engineering services for the Aerial Lift Bridge operating rope replacement project in the amount of \$67,407, payable from Permanent Improvement Fund 411, Department 035 (capital projects accounts), Object 5530 (improvements other than buildings), City Project No. 1504, Requisition No. 15-0685.

Attachments: [15-0795R PESA](#)

This Resolution was adopted unanimously.

23. **15-0800R** RESOLUTION AWARDDING A CONTRACT TO PARSONS ELECTRIC, INC. FOR THE INSTALLATION OF CITYWIDE STREET LIGHTING UPGRADES IN THE AMOUNT OF \$124,096.50.

Body: CITY PROPOSAL:

RESOLVED, that the proper city officials are hereby authorized to enter into a contract with Parsons Electric, Inc., for the installation of citywide street lighting upgrades in the amount of \$124,096.50, payable from Street Lighting Utility Fund 550, Department 120 (public administration), Object 5533 (capital improvements - revenue), City Project No. 1493, Requisition No. 15-0641.

This Resolution was adopted unanimously.

BY COUNCILOR FOSLE (PUBLIC SAFETY)

24. **15-0784R** RESOLUTION AUTHORIZING AGREEMENT WITH ST. LOUIS COUNTY TO PERFORM POLICE SERVICES PURSUANT TO 2014 OPERATION STONEGARDEN AND ACCEPTING REIMBURSEMENT FROM THE MINNESOTA DEPARTMENT OF PUBLIC SAFETY, HOMELAND SECURITY AND EMERGENCY MANAGEMENT DIVISION THROUGH ST. LOUIS COUNTY IN AN AMOUNT NOT TO EXCEED \$24,157

Body: CITY PROPOSAL:

RESOLVED, that the proper city officials are hereby authorized to execute an agreement, substantially the same as the attached exhibit B, with St. Louis County pursuant to a 2014 Operation Stonegarden grant, substantially the same as the attached Exhibit A from the Minnesota department of public safety, homeland security and emergency management division, under which grant agreement the city shall perform services to protect and secure the international border and port of entry between St. Louis County and Canada from September 1, 2014, through August 31, 2016.

FURTHER RESOLVED, that the proper city officials are hereby authorized to accept reimbursement from St. Louis county for stated services in an amount not to exceed \$24,157, funds to be deposited in fund number 215-200-2297-4210-02 (Duluth police grant programs, Police, 2014 Operation Stonegarden).

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

This Resolution was adopted unanimously.

- 25. 15-0785R** RESOLUTION AUTHORIZING PROPER CITY OFFICIALS TO ACCEPT A GRANT FROM THE ST. LUKE'S FOUNDATION FOR THE DULUTH POLICE DEPARTMENT SPONSORED CRISIS INTERVENTION TRAINING PROJECT IN THE AMOUNT OF \$6,000.

Body: CITY PROPOSAL:

RESOLVED, that the proper city officials are hereby authorized to accept a grant from the St. Luke's Foundation in the amount of \$6,000 for the Duluth police department sponsored crisis intervention training project, funds to be deposited in Fund No. 215-200-2255-4270 (Duluth police grants programs, police miscellaneous police grants, other grants) expenses to be paid from Fund No. 215-200-2255-5441 (Duluth police grant programs, police, miscellaneous police grants, and other services and charges).

This Resolution was adopted unanimously.

- 26. 15-0788R** RESOLUTION AUTHORIZING THE PROPER CITY OFFICIALS TO ACCEPT A GRANT FROM THE DEPARTMENT OF JUSTICE OFFICE OF VIOLENCE AGAINST WOMEN IN THE AMOUNT OF \$150,000 TO SUPPORT THE CREATION OF A CUSTOMIZED VERSION OF THE BLUEPRINT FOR SAFETY.

Body: CITY PROPOSAL:

RESOLVED, that the proper city officials are hereby authorized to accept a grant in the amount of \$150,000 from the U.S. department of justice office of violence against women to be used to support the creation of a customized version of the Blueprint for Safety: an Interagency Response to Domestic Violence Crimes, and to execute the grant agreements, substantially the same as that attached hereto as Attachment A, funds to be deposited in Fund 210-030-3180-4209-02 (special projects fund, finance department, Blueprint for Safety grant, direct federal grants - operating).

FURTHER RESOLVED, that the proper city officials are authorized to enter into agreements with the Domestic Abuse Intervention Programs and the American Indian Community Housing Organization, substantially in the form as attached hereto as Attachments B and C, for services to be conducted in accordance with the terms of and conditions of the grant application and grant agreement, funds to be paid from 210-030-3180-5319 (special projects fund, finance department, Blueprint for Safety grant, other professional service).

Attachments: [Attachment A - Blueprint for Safety](#)
[Attachment B - Blueprint for Safety](#)
[Attachment C - Blueprint for Safety](#)

This Resolution was adopted unanimously.

- 27. 15-0797R** RESOLUTION AUTHORIZING AGREEMENT WITH THE MINNESOTA NATIONAL GUARD FOR COUNTERDRUG SUPPORT FOR THE DULUTH POLICE DEPARTMENT.

Body: CITY PROPOSAL:

RESOLVED, that the proper city officers are hereby authorized to execute an agreement, substantially the same as that attached as Exhibit A, with the Minnesota National Guard which establishes the policies and procedures by which the Minnesota National Guard will provide counterdrug support to the Duluth police department as authorized by applicable state and federal law and regulations.

Attachments: [Exhibit A 15-0797R.pdf](#)

This Resolution was adopted unanimously.

BY COUNCILOR SIPRESS (RECREATION, LIBRARIES & AUTHORITIES)

- 28. 15-0787** RESOLUTION AUTHORIZING DISBURSEMENT OF GRANT FUNDS IN THE AMOUNT OF \$52,000 FROM THE PARKS FUND NEIGHBORHOOD GRANT PROGRAM.

Body: CITY PROPOSAL:

RESOLVED, that the city council hereby authorizes the disbursement of grant funds from the parks fund neighborhood grants program to the following organizations in the following amounts, and further authorizes the proper city officials to execute a grant agreement, substantially the same as EXHIBIT A, with each organization receiving funds, amounts to be payable from Fund 205-130-1219-5439 (parks, community resources, parks operating, special projects and events):

Organization Project Award

Chester Bowl Improvement Club (CBIC) Ski Jumping Commemoration
\$4,000

COGGS (Cyclists of Gitchee Gumme Shores) Duluth Traverse Trail
Maintenance \$5,000

Duluth Community Garden Program Fond du Lac Fencing Project -

Edible Duluth \$2,823
Duluth Cross-Country Ski Club (DXC) Lester-Amity Chalet Accessibility and Repair \$5,000
Friends of Dog Parks Eastern Dog Park \$4,000
JND Development Alliance Rain Garden Plantings \$4,000
Jartley Nature Center Outdoor Pavilion \$4,000
Lake Superior Zoological Society Restore Barn Solar Hot Water System \$3,800
Lincoln Park Children & Families Collaborative Music in Lincoln Park Summer Concert Series \$5,000
Neighbors of Lower Chester Park Facility Maintenance Supplies \$ 577
Velch Center Inc., The Outdoor Winter Activities at Memorial Park \$5,000
Wheels on Trails Organization (ARC) Grassy Point Trail - Phase III \$4,800
Woodland Amateur Hockey Association Public Rink Resurface Project \$4,000

Total \$52,000

Attachments: [EXHIBIT A - 15-0787R.pdf](#)

This Resolution was adopted unanimously.

END OF CONSENT AGENDA

The following entitled resolution is also to be considered:

COMMITTEE 1

BY COUNCILOR GARDNER (PERSONNEL)

29. 15-0810R RESOLUTION OPPOSING THE TRANS-PACIFIC PARTNERSHIP FREE TRADE AGREEMENT.

Body: CITY PROPOSAL:

WHEREAS, U.S. trade deals for the past 25 years have been corporate driven, which has seriously impacted working families; and

WHEREAS, the growing trade deficits, driven by the North American Free Trade Agreement ("NAFTA"), China's accession to the World Trade Organization, and the U.S.-Korea Free Trade Agreement, have displaced millions of jobs; and

WHEREAS, U.S. employment in manufacturing dropped by 5 million jobs from 2000 to 2015; and

WHEREAS, the city of Duluth unemployment rate is 4.4 percent; and

WHEREAS, the poverty rate in Duluth is 22.1 percent which requires the expenditure of public funds to assist families in crisis; and

WHEREAS, the offshoring of manufacturing and service jobs deprives local and state governments of needed revenues, jeopardizing the livelihoods of millions of workers whose jobs depend upon infrastructure building, repair and maintenance; and

WHEREAS, the disproportionate voice of powerful global corporations in the formation of U.S. "free trade" agreements has advanced an agenda that undermines the public interest and threatens democracy; and

WHEREAS, NAFTA and all but two of the U.S. trade deals that followed it include special legal rights for foreign investors, known as investor-to-state dispute settlements ("ISDS"), that allow foreign firms to bypass state and federal courts to challenge state and local laws, regulations, and administrative and judicial decisions in international tribunals; and

WHEREAS, the Trans-Pacific Partnership free trade agreement ("TPP") has been negotiated in secret, effectively shutting state and local governments out of the process, limiting our ability to influence its rules to ensure the people of Duluth can participate in the benefits of trade; and

WHEREAS, promoting economic growth with equity in Duluth requires an approach that reforms the trade negotiation process to ensure that voices of workers, farmers, small businesses, families and communities are heard and their interests addressed.

THEREFORE, BE IT RESOLVED, that the Duluth City Council calls upon our elected officials in the United States Senate and United States House of Representatives to oppose the TPP and any similar trade deals.

BE IT FURTHER RESOLVED, that the Duluth City Council calls upon our elected officials in the U.S. Senate and U.S. House of Representatives to support new trade deals such as the TPP only if they will:

- Exclude investor-to-state dispute settlement (ISDS) and other provisions that favor foreign companies over domestic ones and undermine public choices;
- Include strong rule of origin to promote economic growth and job

creation in the U.S.;

- Promote high standards of protection for workplaces, products, and natural resources rather than promoting a race to the bottom; and
- Put the interests of people and the planet over the interests of private profit.

Councilor Gardner moved to suspend the rules to hear speakers on the resolution, which motion was seconded and unanimously carried.

Mary Theure, Dan O'Neil, Tamara Jones and Zach Sias spoke in support of the resolution.

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

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

Nay: 1 - Krug

INTRODUCTION AND CONSIDERATION OF ORDINANCES

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

COMMITTEE 2

BY COUNCILOR RUSS (PLANNING & ECONOMIC DEVELOPMENT)

- 30. 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 read for the first time.

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

COMMITTEE 2

31. **15-092-O** AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF DULUTH TO PROVIDE FOR THE RECLASSIFICATION FROM R-1 TO R-2 AND MU-N, PROPERTY AT 1243 88TH AVENUE WEST.

Body: CITY PROPOSAL:

The city of Duluth does ordain:

Section 1. That approximately 6.44 acres of land located on the eastern portion of 1243 88th Avenue West and as more particularly described as follows:

That part of Block 13, MORGAN PARK OF DULUTH, according to the recorded plat thereof, St. Louis County, Minnesota, bounded as follows:

On the South by the center line of Hilton Street as dedicated on said MORGAN PARK OF DULUTH.

On the West by the center line of 90th Avenue West as dedicated on said MORGAN PARK OF DULUTH.

On the North by the center line of Falcon Street as dedicated on said MORGAN PARK OF DULUTH.

On the East by a line 295.91 feet Easterly and parallel with the West line of Block 13, said MORGAN PARK OF DULUTH;

be reclassified from Residential-Traditional (R-1) to Residential-Urban (R-2), 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 approximately 5.58 acres of land located on the western portion of 1243 88th Avenue West and as more particularly described as follows:

That part of Block 13, MORGAN PARK OF DULUTH, according to the recorded plat thereof, St. Louis County, Minnesota, bounded as follows:

On the South by the center line of Hilton Street as dedicated on said MORGAN PARK OF DULUTH.

On the West by a line 295.91 feet Easterly and parallel with the West line of Block 13, said MORGAN PARK OF DULUTH.

On the North by the center line of Falcon Street as dedicated on said MORGAN PARK OF DULUTH.

On the East by the center line of 88th Avenue West as dedicated on said MORGAN PARK OF DULUTH;

be reclassified from Residential-Traditional (R-1) to Mixed Use-Neighborhood (MU-N), 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 3. That this ordinance shall take effect and be in force 30 days from and after its passage and publication.

Attachments: [Map Attachment](#)
[Staff Report](#)
[Comments Received After Staff Report](#)

Councilor Russ moved to suspend the rules to hear speakers on this ordinance, which motion was seconded and unanimously carried.

Bruce Snyder, Rich Borich, Yvonne Baer, Lloyed Ethier, George Ruetschi and Susan Borich voiced opposition or concerns about the ordinance.

Sue Majewski, Bill Majewski and Andrew Schweiger, project developer expressed support for the ordinance.

Councilor Fosle moved to table the ordinance, which motion was seconded and failed upon the following vote: Yeas: 2 - Councilors Fosle and Julsrud. Nays: 8 - Councilors Filipovich, Gardner, Hanson, Krug, Russ, Sipress and President Larson.

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

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

Nay: 1 - Councilor Fosle

COUNCILOR QUESTIONS AND COMMENTS

COUNCILOR PREVIEW OF UPCOMING BUSINESS

The meeting was adjourned at 9:47 p.m.