

PROCEEDINGS OF THE DULUTH CITY COUNCIL FOR 2013

OFFICIAL PROCEEDINGS

Duluth City Council meeting held on Monday, July 1, 2013, 7:00 p.m. in the Council Chamber, City Hall, Duluth, Minnesota.

Roll call: Present: Councilors Fosle, Gardner, Hartman, Julsrud, Krause, Krug, Larson, Stauber and President Boyle -- 9

Absent: None -- 0

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PRESENTATION OF PETITIONS AND OTHER COMMUNICATIONS

13-0701-13 Sandy Robinson communication regarding proposed resolution authorizing removal of structurally unsound buildings (13-0355R). -- Received

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REPORTS OF BOARDS AND COMMISSIONS

13-0701-01 Duluth airport authority minutes of May 14, 2013, meeting. -- Received

13-0701-02 Duluth parking commission resolutions, pursuant to Section 33-85 of the Duluth City Code:

(a) Converting 46th Avenue East between Gladstone Street and McCulloch Street to a new configuration of parking only on the east side (2013-9);

(b) Establishing event parking rates for city-owned parking facilities for June 22, 2013, and July 4, 2013 (2013-10);

(c) Offering a monthly contract parking option on Lot A and accepting donations on the Water Street Lot (2013-11). -- Received

13-0701-03 Duluth transit authority: (a) Minutes of April 24, 2013, meeting; (b) April 2013 financial statement. -- Received

13-0701-04 Entertainment and convention center authority minutes of: (a) January 29; (b) February 26; (c) March 26, 2013, meetings. -- Received

13-0701-05 Spirit Mountain recreation area authority minutes of May 16, 2013, meeting. -- Received

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

RESOLVED, that city officials are hereby authorized to contract with Astleford International Trucks for the purchase of two 2014 International Model 7600 6x4 tandem axle cab and chassis units for street maintenance in accordance with Minnesota State Contract 61013, Release T-647(5), specifications and pricing for a total of \$213,976.42, plus \$13,908.47 for vehicle sales tax (6-1/2 percent), plus \$250 for license, registration, and tax-exempt plates, for a combined total amount of \$228,134.89, terms net 30, payable from Capital Equipment Fund 250, Department/Agency 015 (public administration), Division 2013 (fiscal year-2013), Object 5580 (capital equipment), Project CE250-V1304.

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RESOLVED FURTHER, that the two International units will be drop-shipped to an outfitter at no expense to the city.

Resolution 13-0358 was unanimously adopted.

Approved July 1, 2013

DON NESS, Mayor

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RESOLVED, that city officials are hereby authorized to contract with Crysteel Manufacturing, Inc., dba TBEI, Inc., and J-Craft, Inc., for the complete outfitting of two 2014 International Model 7600 6x4 tandem axle cab and chassis units for street maintenance to include the installation of dump bodies, hoist, and power take-off in accordance with Minnesota State Contract 61343, Release S-863(5) specifications and pricing for a total of \$55,418 plus \$3,809.99 sales tax for a combined total of \$59,227.99, payable from Capital Equipment Fund 250, Department/Agency 015 (public administration), Division 2013 (fiscal year-2013), Object 5580 (capital equipment), Project CE250-V1304.

Resolution 13-0359 was unanimously adopted.

Approved July 1, 2013

DON NESS, Mayor

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RESOLVED, that the reappointment by Mayor Ness of Kenneth J. Stromquist to the Duluth airport authority for a term expiring on July 1, 2016, is confirmed.

FURTHER RESOLVED, that the appointment by Mayor Ness of Heather Rand to the Duluth airport authority for a term expiring on July 1, 2016, replacing John Eagleton, is confirmed.

Resolution 13-0330 was unanimously adopted.

Approved July 1, 2013

DON NESS, Mayor

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RESOLVED, that the appointment by Mayor Ness of Tim McShane to the Duluth economic development authority (at large) for a term expiring on May 26, 2019, replacing Christine Townsend, is confirmed.

Resolution 13-0331 was unanimously adopted.

Approved July 1, 2013

DON NESS, Mayor

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RESOLVED, that the reappointment by Mayor Ness of David M. Ross to the entertainment and convention center authority for a term expiring on June 30, 2016, is confirmed.

FURTHER RESOLVED, that the appointments by Mayor Ness of Crystal Pelkey and Karen Pionk to the entertainment and convention center authority for terms expiring on June 30, 2016, replacing James Laumeyer and Darlene Marshall, are confirmed.

Resolution 13-0332 was unanimously adopted.

Approved July 1, 2013

DON NESS, Mayor

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PROCEEDINGS OF THE DULUTH CITY COUNCIL FOR 2013

RESOLVED, that the appointment by Mayor Ness of Lindsay Bartholomew-Kolu to the alcohol, gambling and tobacco commission for a term expiring on March 31, 2015, replacing George Hanson, is confirmed.

Resolution 13-0360 was unanimously adopted.

Approved July 1, 2013

DON NESS, Mayor

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RESOLVED, that the appointment by Mayor Ness of Julene Boe to the sanitary sewer board of the Western Lake Superior Sanitary District for a term expiring on July 1, 2016, replacing William Majewski, is confirmed.

Resolution 13-0362 was unanimously adopted.

Approved July 1, 2013

DON NESS, Mayor

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RESOLVED, that the appointments by Mayor Ness of Randy Brody and Harrison Dudley to the community development committee for terms expiring on March 31, 2016 and 2015, respectively, replacing Bill Kimbler and Michael Ramsey who resigned, are confirmed.

Resolution 13-0366 was unanimously adopted.

Approved July 1, 2013

DON NESS, Mayor

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RESOLVED, that the council finds as follows:

(a) That the building official of the city of Duluth duly issued condemnation orders for structures located upon the parcels of land described below within the city of Duluth after determining that criteria of Section 10-3 of the city of Duluth Legislative Code was met in each case:

Parcel 1: 1114 East Tenth Street, legally described as Westerly 28 feet, Lot 7, Block 9, Chester Park Division of Duluth. Notification of order for condemnation for demolition to owner, Gregg Schmaedeke, delivered by registered mail on February 2, 2012; and

Parcel 2: 117 West Central Entrance, legally described as Lot 16, Block 31, Duluth Heights Sixth Division. Notification of order for condemnation for demolition to owner, DJN Properties, delivered by registered mail on March 3, 2012; and

Parcel 3: 3221 Chestnut Street, legally described as Easterly 40 feet, Lot 9, Block 5, Bryant Addition to Duluth First Division. Notification of order for condemnation for demolition to owner, Steven R. Hutchinson, publication in Duluth News Tribune February 10, 2012, and February 17, 2012; and

Parcel 4: 822 and 824 East Second Street, legally described as Lots Nine through 12, Block 42, Portland Division of Duluth. Notification of order for condemnation for demolition to owner, Duncan Hazlitt, publication in Duluth News Tribune April 28, 2011 and May 2, 2011; and

Parcel 5: 121 East Seventh Street, legally described as Ex Easterly 29 feet of Northerly 70 feet and Easterly 21 feet of Southerly 70 feet, Lot 27, Block 87, Duluth Proper Third Division. Notification of order for condemnation for demolition to owner, Dianne C. Stone, delivered by registered mail on May 25, 2012; and

Parcel 6: 43 Piedmont Avenue, legally described as Easterly 1/2, Lot 278, Block 56, Duluth Proper Second Division. Notification of order for condemnation for demolition to owner, RWR, LLC., delivered by registered mail on May 23, 2013; and

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Parcel 7: 2732 Woodland Avenue, legally described as all Block Ten Ex Northerly 345 feet of Easterly 75 feet, Woodland Park Sixth Division Duluth. Notification of order for condemnation for demolition to owners, Joel and Kristine Zamzow. No record in file of method or confirmation of delivery. Written letter responding to demolition order from Joel and Kristine Zamzow is dated April 26, 2008; and

Parcel 8: 2006 Hutchinson Road, legally described as Lot 16, Hutchinson Division Duluth. Notification of order for condemnation for demolition to owner, Brenton Netz, hand delivered on March 31, 2011; and

Parcel 9: 3406 West First Street, legally described as Lots Four, Five and Six, Block Four, Wheelers Addition to Duluth First Division. Notification of order for condemnation for demolition to owners, John V. Jablonski and Vincent Jablonski, delivered by registered mail on October 2, 2012; and

Parcel 10: 4109 Grand Avenue, legally described as Lot 21, Block Three, Chandler Park Addition to Duluth. Notification of order for condemnation for demolition to owner, Margaret Campbell, publication in Duluth News Tribune October 14, 2012 and October 15, 2012.

(b) All such orders are now final; and

(c) The cost for demolition of the structures has been estimated to not exceed \$200,000, and there is a current unobligated balance in Fund 110-132-1504-5453 in the amount of \$49,235.80; and

(d) Fire escrow monies are being held for the removal of structures on Parcel One in the amount of \$29,250 and Parcel Seven in the amount of \$40,000.

BE IT RESOLVED, that pursuant to Section 10-3(b) of the city of Duluth Legislative Code the building official is authorized to:

(a) Proceed with the work ordered or to contract to have the work done, payable from Fund 110-132-1504-1543; and

(b) Should the sale of the salvage from such work exceed the cost of the demolition, the balance in excess of the cost shall be paid to the owner of said building or to such other persons as may by law be entitled thereto; and

(c) Submit to the city council a statement of the cost of such work for its further determination of the manner by which such costs shall be recouped as provided by Section 10-3(b) of the city of Duluth Legislative Code.

Resolution 13-0355 was unanimously adopted.

Approved July 1, 2013

DON NESS, Mayor

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RESOLVED, that the proper city officials are authorized to enter into a second amendment to an agreement, substantially in the form of that on file in the office of the city clerk as Public Document No. 13-0701-09, to the HOME program to assist low- to moderate-income homeowners to rehabilitate their homes, extending the term of the agreement to December 31, 2013.

Resolution 13-0357 was unanimously adopted.

Approved July 1, 2013

DON NESS, Mayor

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RESOLVED, that the proper city officials are hereby authorized to execute an amended and restated Lake Superior drug and violent crime task force joint powers agreement; said amended and restated joint powers agreement to be substantially in the form of that on file in

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the office of the city clerk as Public Document No. 13-0701-08, allowing the U.S. Immigration and Customs Enforcement to participate on the task force.

Resolution 13-0325 was unanimously adopted.

Approved July 1, 2013

DON NESS, Mayor

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RESOLVED, that the proper city officials are hereby authorized to accept a grant from the state of Minnesota department of commerce, in the amount of \$171,790, such funds to be used to employ an auto theft investigator within the Duluth police department, and to execute a grant agreement, substantially the same as that on file in the office of the city clerk as Public Document No. 13-0701-09, funds to be deposited in fund number 215-200-2266-4220-02 (Duluth police grant fund, police department, Minnesota auto theft grant, state of MN operating).

Resolution 13-0328 was unanimously adopted.

Approved July 1, 2013

DON NESS, Mayor

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RESOLVED, that in accordance with the provisions of section 33-88.2 of the Duluth City Code, 1959, as amended, the following accessible parking zone is established: in front of 513 Spear Avenue.

Resolution 13-0351 was unanimously adopted.

Approved July 1, 2013

DON NESS, Mayor

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RESOLVED, that the proper city officials are authorized to accept a grant from the city of Minneapolis, Minnesota, in an amount of up to \$5,325.46, said funds to be deposited in the General Fund 110, Agency, 150 (fire department), Organization 1505 (hazardous materials team budget), for the purpose of reimbursing the city for the costs of participation by members of the city's HAZ-MAT team in training focusing on clandestine labs, fixed facility haz-mat response, transportation haz-mat response and haz-mat planning.

Resolution 13-0353 was unanimously adopted.

Approved July 1, 2013

DON NESS, Mayor

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RESOLVED, that the proper city officials are hereby authorized to enter into a license agreement substantially in the form of that on file in the office of the city clerk as Public Document No. 13-0701-10 with the Duluth airport authority for the display of local artists' work in the city's wooden display cases at the new airport terminal at no cost to the city.

Resolution 13-0354 was unanimously adopted.

Approved July 1, 2013

DON NESS, Mayor

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The following resolutions were also considered:

Resolution 13-0365, approving a collective bargaining agreement between the city of Duluth and Local 66 of AFSCME Council 5 for the years 2013-2015, was introduced by Councilor Hartman.

The rules were suspended upon a unanimous vote to hear from a speaker on the resolution.

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William Goode questioned if the issue of overtime was addressed in the proposed AFSCME contract as overtime costs the city a lot of money and is not always necessary.

Resolution 13-0365 was adopted as follows:

RESOLVED, that the proper city officials are hereby authorized to execute and implement a collective bargaining agreement with Local 66 of AFSCME Council 5, containing the same terms and conditions, and being substantially the same as that on file in the office of the city clerk as Public Document No. 13-0701-06, covering the years 2013-2015.

Resolution 13-0365 was unanimously adopted.

Approved July 1, 2013

DON NESS, Mayor

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RESOLVED, that the proper city officials are authorized to enter into an agreement, substantially the same as that on file in the office of the city clerk as Public Document No. 13-0701-11 and subject to further legal review and approvals, with CVS 6686 MN, L.L.C., accepting the grant of a utility easement, in trust for the general public, over certain property in the vicinity of 46th Avenue West and Grand Avenue.

Resolution 13-0367 was unanimously adopted.

Approved July 1, 2013

DON NESS, Mayor

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INTRODUCTION AND CONSIDERATION OF ORDINANCES

The following entitled ordinance was read for the first time:

INTRODUCED BY COUNCILOR JULSRUD

13-046 - AN ORDINANCE DEDICATING AN EASEMENT FOR STREET RIGHT-OF-WAY PURPOSES FOR WEST FIRST STREET BETWEEN 14TH AVENUE WEST AND 17TH AVENUE WEST.

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The following entitled ordinances were read for the second time:

INTRODUCED BY COUNCILOR STAUBER

13-044 (10235) - AN ORDINANCE GRANTING TO DANIEL NEFF A CONCURRENT USE PERMIT FOR THE INSTALLATION OF AN EXHAUST FAN TO PROJECT THREE FEET ONTO THE SOUTH SECOND AVENUE EAST RIGHT-OF-WAY.

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

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INTRODUCED BY COUNCILOR STAUBER

13-045 (10236) - AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF DULUTH TO PROVIDE FOR THE RECLASSIFICATION FROM RESIDENTIAL-TRADITIONAL (R-1) TO PARK AND OPEN SPACE (P-1), THE WHEELER ATHLETIC COMPLEX LOCATED AT 3501 GRAND, AND THE RECLASSIFICATION FROM MIXED USE-BUSINESS (MU-B) TO PARK AND OPEN SPACE (P-1) THE WADE SPORTS COMPLEX LOCATED AT 101 NORTH 35TH AVENUE WEST (CITY OF DULUTH PLANNING DIVISION).

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

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INTRODUCED BY COUNCILOR JULSRUD

13-043 - AN ORDINANCE REPEALING SECTION 48-26 OF THE DULUTH CITY CODE, 1959, AS AMENDED, REGARDING PLUMBING CONNECTIONS MADE BY AUTHORIZED PERSONS.

Without objection, President Boyle removed the ordinance from the agenda at the request of the administration.

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The meeting was adjourned at 7:20 p.m.

MARTHA A. OSWALD, Assistant City Clerk, for
JEFFREY J. COX, City Clerk

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ORDINANCE NO. 10235

AN ORDINANCE GRANTING TO DANIEL NEFF A CONCURRENT USE PERMIT FOR THE INSTALLATION OF AN EXHAUST FAN TO PROJECT THREE FEET ONTO THE SOUTH SECOND AVENUE EAST RIGHT-OF-WAY.

The city of Duluth does ordain:

Section 1. Under the authority of Section 100 of the 1912 Home Rule Charter of the city of Duluth, as amended, and subject to the conditions, limitations and restrictions hereinafter set forth, permission is granted to Daniel Neff and its successor(s) in interests, referred to herein as the permittee, to construct and maintain the following:

(a) An externally mounted exhaust fan to the existing building at 202 East Superior Street and extending outward three and a half feet from at a height of 16 feet over the sidewalk, on the described property as shown in Public Document No. 13-0701-12.

Section 2. Before this ordinance shall be effective for any purpose whatsoever, the permittee shall file with the planning division a certification of insurance approved as to form by the city attorney evidencing that the permittee has in force a policy of insurance meeting the following requirements:

(a) Comprehensive general liability insurance in an amount not less than \$1,500,000 for bodily injuries and in an amount not less than \$500,000 for property damage or \$1,500,000 single limit coverage; and

(b) Insurance coverage shall include all permittee's activities occurring upon or within public easement occupied pursuant to this ordinance whether said activities are performed by the permittee or its agents or representatives; and

(c) The insurance policy shall be approved by the city attorney; and

(d) The policy shall contain a condition that it may not be cancelled without 30 days written notice to the city of Duluth and directed to the attention of the city attorney; and

(e) The city of Duluth shall be named as an additional insured; and

(f) The certificate shall also reference this ordinance by its ordinance number.

Section 3. The permit granted by this ordinance may be terminated at any time by the city official exercising departmental authority of the public easement if the city of Duluth determines to use the area occupied by the permittee for any public purpose in accordance with the duly dedicated public easement or other lawful use.

Unless a shorter notice period is necessitated by emergency circumstances, or the violation of the conditions set forth in this ordinance, giving the permittee 30 days written notice

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delivered to the last known electronic address, facsimile number, or mailing address of the permittee shall be sufficient notice of termination.

Upon termination permittee shall cause all private improvements to be removed by the deadline provided in termination notice. Permittee shall be responsible for all costs incurred to remove the private improvements, including any costs associated with repairing damage caused to the public easement by the removal and without right to claim from the city of Duluth, or any of its officers, agents or servants, any compensation or reimbursement for damages of any kind whatsoever.

Section 4. By accepting the terms of this ordinance, the permittee agrees to save harmless and defend and indemnify the city of Duluth against claims or demand which may arise against the city of Duluth by reason of the existence of private improvements, or any act or omission of the permittee, its employees, agents, and assigns. The permittee agrees that the city of Duluth shall not be liable for damage caused to the private improvements while the city engages in the repair and maintenance to, or replacement of, the public improvements or public utilities, including any snow removal operations. The permittee agrees to pay to the city of Duluth all extra costs of installation of any public improvements or public utilities made necessary by the presence of the private improvements.

Section 5. The permittee shall, at its expense, protect, support, temporarily disconnect, or remove from the public easement, the private improvements when required by city officials by reason of snow removal, traffic conditions, public safety, street vacation, freeway and street construction, change or establishment of street grade, installation of sewers, drains, water pipes, power lines, signal lines and tracks, the installation or repair of any type of structures or improvements by governmental agencies, when acting in a governmental or proprietary capacity.

Section 6. Upon the sale or transfer of permittee's interest in the permit granted by this ordinance, the permittee shall provide written notice to the planning division within five days of such transfer. The permittee's successor in interest shall file with the planning division within ten days of such transfer a duly executed and acknowledged written acceptance of the terms of this ordinance and the certificate of insurance required in Section 2 above.

Section 7. The permit granted by this ordinance is subject to termination by the city of Duluth upon permittee's failure to comply with any of the terms and conditions of this permit. Ten days written notice, delivered as provided in Section 3 above shall be sufficient notice of termination. Upon termination, permittee shall remove the private improvements as provided in Section 3.

Section 8. The permittee shall observe the following conditions:

(a) Permittee's use of the public easement shall be limited to the designated area described in Section 1 above and further shown on Public Document No. 13-0701-12; and

(b) Permittee agrees that the private improvements shall be constructed and maintained in such a manner so as in no way interfere with or damage any portion of any public improvement, or other public utilities now or to hereinafter located in any part of said public easement.

Section 9. The following events shall automatically cause the termination of the term of this ordinance:

(a) The failure by the permittee to file the required insurance certificate as specified in Section 2 30 days after this ordinance takes effect; or

(b) The failure of the permittee to commence the improvements authorized by this ordinance within 120 days after this ordinance takes effect.

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Section 10. That this ordinance shall take effect and be in force 30 days from and after its passage and publication. (Effective date: August 1, 2013)

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

Yeas: Councilors Fosle, Gardner, Hartman, Julsrud, Krause, Krug, Larson, Stauber and President Boyle -- 9

Nays: None -- 0

ATTEST:
JEFFREY J. COX, City Clerk

Passed July 1, 2013
Approved July 1, 2013
DON NESS, Mayor

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ORDINANCE NO. 10236

AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF DULUTH TO PROVIDE FOR THE RECLASSIFICATION FROM RESIDENTIAL-TRADITIONAL (R-1) TO PARK AND OPEN SPACE (P-1) THE WHEELER ATHLETIC COMPLEX LOCATED AT 3501 GRAND AVENUE, AND THE RECLASSIFICATION FROM MIXED USE-BUSINESS (MU-B) TO PARK AND OPEN SPACE (P-1) THE WADE SPORTS COMPLEX LOCATED AT 101 NORTH 35TH AVENUE WEST (CITY OF DULUTH PLANNING DIVISION).

The city of Duluth does ordain:

Section 1. That the 11 Parcels of the subject property located at Wheeler Athletic Complex located at 3501 Grand and as more particularly described in Exhibit A and by the following:

010-4010-01650	010-3230-00040
010-4010-01940	010-3230-00070
010-4010-00100	010-3230-00080
010-4010-00110	010-3230-00090
010-4010-00460	010-3230-00230
010-3230-00010	

be reclassified from R-1 to P-1.

Section 2. That the six Parcels of the subject property located at Wade Sports Complex located at 101 North 35th Avenue West and as more particularly described in Exhibit A and by the following:

010-3590-00760	010-3590-00100
010-3590-00870	010-3590-00150
010-3590-01490	010-2700-00130

be reclassified from MU-B to 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:

PROCEEDINGS OF THE DULUTH CITY COUNCIL FOR 2013



Exhibit A
(Ref. File No. 13-079)

Section 3. That this ordinance shall take effect 30 days after its passage and publication. (Effective date: August 1, 2013)

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

Yeas: Councilors Fosle, Gardner, Hartman, Julsrud, Krause, Krug, Larson, Stauber and President Boyle -- 9

Nays: None -- 0

ATTEST:
JEFFREY J. COX, City Clerk

Passed July 1, 2013
Approved July 1, 2013
DON NESS, Mayor

PROCEEDINGS OF THE DULUTH CITY COUNCIL FOR 2013

OFFICIAL PROCEEDINGS

Duluth City Council meeting held on Monday, July 15, 2013, 7:00 p.m. in the Council Chamber, City Hall, Duluth, Minnesota.

Roll call: Present: Councilors Fosle, Gardner, Hartman, Julsrud, Krug, Stauber and President Boyle -- 7

Absent: Krause and Larson -- 2

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PRESENTATION OF PETITIONS AND OTHER COMMUNICATIONS

13-0715-01 Franklin Johnson, et al. (two signatures) petition for sanitary sewer extension in Swan Lake Place from Swan Lake Road to 270 feet westerly. -- Assessor

13-0715-02 Minnesota state auditor management and compliance report for the year ended December 31, 2012, of the Duluth economic development authority. -- Received

13-0715-15 Cynthia Ruce communication regarding proposed resolution prohibiting truck traffic on Piedmont Avenue from Third Street to Trunk Highway 53 (13-0364R). -- Received

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REPORTS FROM OTHER OFFICERS

13-0715-03 Acting assessor letter of sufficiency regarding petition for sanitary sewer extension in Swan Lake Place from Swan Lake Road to 270 feet westerly. -- Received

13-0715-04 Clerk applications for exempt permits to the Minnesota gambling control board from: (a) Circle of Hope on October 20, 2013 (raffle); (b) March of Dimes Foundation - Minnesota Chapter on November 7, 2013 (raffle); (c) Women's Care Center Duluth on November 3, 2013 (bingo, raffle, paddlewheels, pull-tabs, tipboards). -- Received

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REPORTS OF BOARDS AND COMMISSIONS

13-0715-05 Civil service board minutes of May 7, 2013, meeting. -- Received

13-0715-06 Duluth citizen review board minutes of May 28, 2013, meeting. -- Received

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At this time, 7:01 p.m., the public hearing on the Northstar Aerospace loan and promissory note agreement amendments began.

None appeared who wished to be heard.

At this time, 7:02 p.m. the public hearing was declared closed and the regular order of business resumed.

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OPPORTUNITY FOR CITIZENS TO BE HEARD

Ricky DeFoe, chairperson of the American Indian commission, also known as the Indigenous commission, expressed his concerns regarding: how things are seen at the community level by people of color, such as the special temporal iconic metaphor establishment in Duluth of systemic racism, oppression, repression and resistance and the commission has not been able to have a committee meeting of the whole with the council and a meeting with the community regarding the removal of the eagle staff by the city.

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Gabriel Peltier, Rebecca Domagla and Allen Richardson expressed their concerns about the removal of the eagle staff, feeling that: it is a civil rights violation; the eagle staff should be respected as much the American flag and this land was originally owned by the Native American community.

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Loren Martell expressed concerns about the Duluth School District.

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Joan Linski spoke of her concern about the fireworks ordinance being enforced. She noted that fireworks in her Lincoln Park neighborhood go off from after Memorial Day to long after the Fourth of July.

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Derrick Passe addressed his concern of having his view from the former water and gas building across from City Hall being blocked with a new proposed parking ramp structure 30 feet from his window. He questioned: how a parking structure could be built in an area that is not zoned for it; that all access would come from off the alley, which would produce a large amount of fumes and noise just below his windows and that the visibility westerly would not be safe for exiting.

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David Gaskell expressed his concerns about his safety with a house that has been vacant for five years within ten feet of his house.

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Robert Owens, representing the Hawk Ridge Observatory, stated that his organization has not gotten involved with the former Rockridge school issue, other than if a new structure is put on that site it should not be over three stories high.

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RESOLUTION TABLED

Councilor Gardner moved to remove Resolution 13-0309, of intent to support the RC Limited Liability Corporation's request to the Minnesota housing finance agency for funding for the Pastoret Terrace project, introduced by Councilor Stauber, from the table, which motion was seconded and unanimously carried.

Councilor Gardner moved to return the resolution to the administration because the developer is pursuing other financial fund sources, which motion was seconded and unanimously carried.

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

RESOLVED, that the assessment roll levied to defray the assessable portion of demolitions at the following locations be confirmed.

315 East First Street	3830-03300	\$37,990.64
820 Lake Avenue North	1350-06050	\$19,588.92

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The total assessable amount of this project (Contract 9902920 - Fund 110) is \$57,579.56.
Resolution 13-0375 was unanimously adopted.
Approved July 15, 2013
DON NESS, Mayor

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BE IT RESOLVED, that the city council of the city of Duluth hereby approves the temporary expansion of the designated serving area of the following on sale intoxicating liquor licenses, subject to departmental approvals, with any specific restrictions:

D & D Enterprises of Cloquet, Inc. (Mr. D's Bar and Grill), 5622 Grand Avenue, in conjunction with Spirit Valley Days, for July 31 and August 1, 2013, from 6:00 p.m. to 11:00 p.m., and on August 2, 2013, from 6:00 p.m. to 1:00 a.m. with the music and serving ceasing at 1:00 a.m.

Rustic Bar, Inc. (Rustic Bar), 401 North Central Avenue, in conjunction with Spirit Valley Days, for July 31 and August 1, 2013, from 6:00 p.m. to 11:00 p.m., and on August 2, 2013, from 6:00 p.m. to 1:00 a.m. with the music and serving ceasing at 1:00 a.m.

JMMP Enterprises, LLC (Kom on Inn), 332 North 57th Avenue West, in conjunction with Spirit Valley Days, for July 31 and August 1, 2013, from 6:00 p.m. to 11:00 p.m., and on August 2, 2013, from 6:00 p.m. to 1:00 a.m. with the music and serving ceasing at 1:00 a.m.

Sir Benedicts III, Inc. (Sir Benedict's Tavern), 805 East Superior Street, for July 27, 2013, from 10:00 a.m. to 6:00 p.m.

Resolution 13-0384 was unanimously adopted.
Approved July 15, 2013
DON NESS, Mayor

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BE IT RESOLVED, that the city council of the city of Duluth hereby approves issuance of the following temporary on sale intoxicating liquor licenses, subject to departmental approvals with any further restrictions and further subject to approval of the liquor control commissioner:

Duluth-Superior GLBT Pride, Inc, (Duluth-Superior GLBT Pride Festival), Bayfront Park, for August 31, 2013, from 11:00 a.m. to 7:00 p.m. with Carolyn Reisberg, manager.

Northland Country Club, 3901 East Superior Street, for July 31, 2013, with Joe O'Connor, manager.

Ridgeview Country Club, 700 West Redwing Street, for July 25-28, 2013, with Clint Johnson, manager.

Resolution 13-0386 was unanimously adopted.
Approved July, 2013
DON NESS, Mayor

- - -

BE IT RESOLVED, that the city council of the city of Duluth hereby approves the permanent expansion of the designated serving area of the following on sale intoxicating liquor license for the period ending August 31, 2013, subject to departmental approvals, with any specific restrictions:

PDL of Duluth, Inc. (Club Saratoga), 331 Canal Park Drive, to include an outside seating area on the front sidewalk, with the following conditions:

The sidewalk area closes at 10:00 p.m.

All fencing, tables and chairs must be removed from the sidewalk after closing.

PROCEEDINGS OF THE DULUTH CITY COUNCIL FOR 2013

Two servers are required to be in expanded area when the area is in use.
Resolution 13-0387 was unanimously adopted.
Approved July 15, 2013
DON NESS, Mayor

- - -

RESOLVED, that the proposed amendments to the specifications for the existing civil service classification of janitor I, which were approved by the civil service board on July 9, 2013, and which are filed with the city clerk as Public Document No. 13-0715-07, are approved. This classification shall remain subject to the city's collective bargaining agreement with its basic unit employees and compensated at Pay Range 121, \$2,427 to \$2,829 per month.

Resolution 13-0377 was unanimously adopted.
Approved July 15, 2013
DON NESS, Mayor

- - -

RESOLVED, that the reappointments by Mayor Ness to the Duluth transit authority of John Brostrom (District 3) and David Schaeffer (District 2) for terms expiring on June 30, 2016, are confirmed.

FURTHER RESOLVED, that the appointment by Mayor Ness to the Duluth transit authority of Anna Marie Friesen (District 4) for a term expiring on June 30, 2014, replacing Brandon Maurisak, who resigned, is confirmed.

FURTHER RESOLVED, that the appointment by Mayor Ness to the Duluth transit authority of Tom Griffin (at large) for a term expiring on June 30, 2016, replacing Alexis Livadaros, is confirmed.

Resolution 13-0390 was unanimously adopted.
Approved July 15, 2013
DON NESS, Mayor

- - -

RESOLVED, that the reappointment by Mayor Ness to the Duluth public arts commission of Pete Dingels for a term expiring on March 31, 2016, is confirmed.

FURTHER RESOLVED, that the appointments by Mayor Ness to the Duluth public arts commission of Jodi Broadwell, Sophie Gray and Joan Henrik for terms expiring on March 31, 2014, replacing Katheryn Krikorian, Edgewood Smith and Magdalena Wallhoff, who resigned, are confirmed.

FURTHER RESOLVED, that the appointments by Mayor Ness to the Duluth public arts commission of Mary Mathews and Laurel Sanders for terms expiring on March 31, 2015, replacing Jonathan Lee and Megan Swap, who resigned, are confirmed.

Resolution 13-0391 was unanimously adopted.
Approved July 15, 2013
DON NESS, Mayor

- - -

WHEREAS, pursuant to Chapter IV, Section 22 of the Duluth Home Rule Charter, the city council shall approve the pay and benefits plan for the appointed city attorney upon recommendation by the mayor; and

WHEREAS, Gunnar B. Johnson was appointed as city attorney and duly confirmed by the city council on June 19, 2008, Resolution No. 08-0411; and

WHEREAS, the employment contract establishing the pay and benefits plan for the city attorney expired prior to January 1, 2012.

PROCEEDINGS OF THE DULUTH CITY COUNCIL FOR 2013

THEREFORE, BE IT RESOLVED, that the proper city officials are hereby authorized to execute employment documents necessary to compensate the appointed city attorney with base monthly salary at Job Range Number 1170, Step E (\$9,415 in 2012, \$9,556 in 2013, and \$9,748 in 2014), as a department head pursuant to Article 8.4, including all other benefits as established further-described in the 2012-2014 collective bargaining agreement between the city and City of Duluth Supervisory Association, which is on file as City Contract No. 21731.

FURTHER RESOLVED, that the appointed city attorney shall earn and accrue benefits at the higher rate further-described in the 2012-2014 collective bargaining agreement.

FURTHER RESOLVED, that the appointed city attorney Gunnar B. Johnson shall not be deemed eligible for extra duty pay pursuant to Article 8.6, and for employer-paid retiree hospital-medical insurance pursuant to Article 14.1(a), 14.1(b), 14.1(c) and 14.1(e) of the 2012-2014 collective bargaining agreement.

RESOLVED FURTHER, that the provisions of council resolutions 07-0041 and 08-0315, to the extent that provisions in those resolutions relate to compensation and benefits for the appointed city attorney, are superseded by this resolution.

Resolution 13-0394 was unanimously adopted.

Approved July 15, 2013

DON NESS, Mayor

- - -

WHEREAS, pursuant to Chapter IV, Section 19 of the Duluth Home Rule Charter, the city council shall approve the pay and benefits plan for the appointed chief administrative officer upon recommendation by the mayor; and

WHEREAS, David W. Montgomery was appointed as city chief administrative officer and duly confirmed by the city council effective July 21, 2009; and

WHEREAS, the employment contract establishing the pay and benefits plan for the city chief administrative officer has expired.

THEREFORE, BE IT RESOLVED, that the proper city officials are hereby authorized to execute the employment contract on file in the office of the city clerk as Public Document No.13-0715-08 necessary to compensate city chief administrative officer David W. Montgomery with base monthly salary of \$10,416.66, including benefits further-described in said employment contract.

RESOLVED FURTHER, that said employment contract shall remain in effect until further modified by a successor contract or pay and benefits plan recommended by the mayor and approved council resolution.

Resolution 13-0395 was unanimously adopted.

Approved July 15, 2013

DON NESS, Mayor

- - -

RESOLVED, that the proper city officials are hereby authorized to enter into an eighth amendment to the MIF loan agreement and an eighth promissory note modification agreement substantially in the form of those on file in the office of the city clerk as Public Document No. 13-0715-09 with Northstar Machine and Tool, Inc., d.b.a Northstar Aerospace ("Northstar"), allowing Northstar to make payments of interest plus an amount equal to one-fourth of the principal payment provided for under the note for a six-month period, from July 1, 2013, through December 31, 2013.

FURTHER RESOLVED, that the proper city officials are hereby authorized to execute an eighth amendment to the grant agreement with the state of Minnesota, such amendment to

PROCEEDINGS OF THE DULUTH CITY COUNCIL FOR 2013

reflect the eighth amendment to the MIF loan agreement and eighth promissory modification agreement with Northstar.

Resolution 13-0342 was unanimously adopted.

Approved July 15, 2013

DON NESS, Mayor

- - -

RESOLVED, that the division of homeland security and emergency management in the Minnesota department of public safety requires the city of Duluth and Saint Louis County to adopt the hazard mitigation plan in order to receive hazard mitigation assistance, approved by the city on February 11, 2013.

Resolution 13-0369 was unanimously adopted.

Approved July 15, 2013

DON NESS, Mayor

- - -

RESOLVED, that the proper city officials are authorized to make the following fund transfers within the 2010 and 2013 CDBG programs thereby decreasing the 2010 HUD-funded community development account by \$42,020 and increasing the 2013 community development account by \$42,020 from accounts as set forth below:

2010 CDBG Program – Fund 262 - Agency 020 - Object 5434 - Project CD10CD

<u>Sub-project</u>	<u>Activity</u>	<u>Project</u>	<u>Amount</u>	<u>New Grant</u>	<u>Difference</u>
PFAC	PF01	curb and sidewalk improvements	\$42,020	\$0	(\$42,020)

2013 CDBG Program – Fund 262 – Agency 020 – Object 5434 – Project CD13CD

<u>Sub-project</u>	<u>Activity</u>	<u>Project</u>	<u>Amount</u>	<u>New Grant</u>	<u>Difference</u>
HOUS	1291	FAIM-individual development accounts-community action	\$0	\$42,020	\$42,020

Resolution 13-0378 was unanimously adopted.

Approved July 15, 2013

DON NESS, Mayor

- - -

RESOLVED, that:

(a) The city council finds a sufficient petition was filed with the city requesting the vacation of the easement 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 public hearing and the city planning commission found that the utility easement is useless for all purposes; and

(c) The city planning commission, at its Tuesday, April 9, 2013, regular meeting, recommended approval of the vacation petition; and

(d) The city council of the city of Duluth approves the vacation of the following described utility easement described below and as described and depicted on Public Document No. 13-0715-10:

PROCEEDINGS OF THE DULUTH CITY COUNCIL FOR 2013

The West 25 feet of the East 35 feet of the utility and storm drain easement described in Document Number 433793 lying South of the Southerly right-of-way line of Maple Grove Road and North of the North line of the South 10 feet of the North 22 feet of Lot 2, Block 2, VILLAGE MALL, according to the recorded plat thereof, St. Louis County, Minnesota;

And:

The West 25 feet of the East 35 feet of the utility and storm drain easement described in Document Number 433793 lying North of the Northerly right-of-way line of Mountain Shadow Drive and South of the South line of the North 22 feet of Lot 2, Block 2, VILLAGE MALL, according to the recorded plat thereof, St. Louis County, Minnesota;

(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 and Public Document No. 13-0715-10 showing the utility easement to be vacated.

Resolution 13-0388 was unanimously adopted.

Approved July 15, 2013

DON NESS, Mayor

- - -

RESOLVED, that the proper city officials are hereby authorized to enter into an agreement, substantially in the form of that on file in the office of the city clerk as Public Document No. 13-0715-11 with Bluestone Commons, LLC, pursuant to which the city will reimburse Bluestone Commons, LLC for the cost of intersection and signalization improvements to be constructed by them at the intersection of Woodland Avenue and Summit Street in an amount of not to exceed \$400,000, payable from Fund 0410, Department 038, Object 5530 (special assessment fund, special assessment contracts, improvements other than buildings) and assess the cost thereof against the benefitted property as defined therein.

Resolution 13-0356 was unanimously adopted.

Approved July 15, 2013

DON NESS, Mayor

- - -

RESOLVED, that the proper city officials are hereby authorized to contract with Utility Systems of America, Inc., for the demolition of the old Westminster Presbyterian Church building and related storm sewer repair work at 4441 Grand Avenue in accordance with city-approved Specifications #968-32C2, dated May 20, 2013, and the contractor's low bid of \$97,500, payable as follows:

(a) \$84,000 from Disaster Recovery Fund 225, Department/Agency 125 (finance), Division 1809 (flood hazard mitigation), Object 5510 (land);

(b) \$13,500 from Stormwater Fund 535, Department/Agency 500 (public works and utilities), Division 1905 (capital), Object 5535 (non-capital improvements).

Resolution 13-0368 was unanimously adopted.

Approved July 15, 2013

DON NESS, Mayor

- - -

RESOLVED, that the city of Duluth has applied to the commissioner of transportation for a grant from the Minnesota state transportation fund for the reconstruction of 45th Avenue East between Superior Street and Glenwood Street, City Project No. 1250.

FURTHER RESOLVED, that the grant has been approved and that the amount of the grant is \$312,234.40.

PROCEEDINGS OF THE DULUTH CITY COUNCIL FOR 2013

FURTHER RESOLVED, that the city of Duluth agrees to the terms and conditions of the grant consistent with Minnesota Statutes, Section 174.50, Subdivision 5, Clause (3), and will pay any additional amount by which the cost exceeds the estimate, and will return to the Minnesota state transportation fund any amount appropriated for the project but not required. The proper city officials are hereby authorized to execute a grant agreement, on file in the office of the city clerk as Public Document No. 13-0715-12, concerning the above referenced grant. Grant monies shall be deposited into Disaster Recovery Fund 225, Department/Agency 125 (finance), Division 1803 (roads and bridges) Object 5403 (street repair and maintenance), City Project No. 1250, S.A.P. 118-170-003.

Resolution 13-0372 was unanimously adopted.

Approved July 15, 2013

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 2012 flood repair project on 47th Avenue East and 52nd Avenue East in the amount of \$581,198.90, payable out of Disaster Recovery Fund 225, Department/Agency 125 (finance), Division 1803 (roads and bridges), Object 5403 (street repair and maintenance), City Project No. 1173, S.P 118-169-008 and 118-167-006.

Resolution 13-0373 was unanimously adopted.

Approved July 15, 2013

DON NESS, Mayor

- - -

RESOLVED, that the proper city officials are hereby authorized to enter into a contract with Urban Companies, LLC, for the Merritt Creek flood repairs project in the amount of \$57,278, payable out of Disaster Recovery Fund 225, Department/Agency 125 (finance), Division 1803 (roads and bridges), Object 5403 (street repair and maintenance), City Project No. 1202.

Resolution 13-0374 was unanimously adopted.

Approved July 15, 2013

DON NESS, Mayor

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RESOLVED, that city officials are hereby authorized to contract with Thermacor Process Inc. for the purchase and delivery of 500 feet of six-inch pipe for the Duluth steam plant in accordance with city-approved specifications and conforming bid from Thermacor's representative Fluid Technology Corporation, in the amount of \$50,456.29, terms net 30, FOB job site, and payable from the Steam Fund 540, Department/Agency 920 (steam department), Organization 1499 (steam non-operating), Object 5530 (improvements other than buildings).

Resolution 13-0376 was unanimously adopted.

Approved July 15, 2013

DON NESS, Mayor

- - -

RESOLVED, that the city of Duluth has applied to the commissioner of transportation for grants from the Minnesota state transportation fund for reconstruction at various locations, City Project No. 1183.

FURTHER RESOLVED, that the grants have been approved.

FURTHER RESOLVED, that the city of Duluth agrees to the terms and conditions of the grant consistent with Minnesota Statutes, Section 174.50, Subdivision 5, Clause (3), and will pay any additional amount by which the cost exceeds the estimate, and will return to the

PROCEEDINGS OF THE DULUTH CITY COUNCIL FOR 2013

Minnesota state transportation fund any amount appropriated for the project but not required. The proper city officials are hereby authorized to execute these grant agreements concerning the above-referenced grants. Grant monies shall be deposited into Disaster Recovery Fund 225, Department/Agency 125 (finance), Object 5403 (street repair and maintenance), City Project No. 1183, S.P. Nos. 118-130-006, 118-139-008, 118-141-014, 118-143-008, 118-144-009, 118-148-010, and 118-192-003.

LOCATION	S.P. NO.	FLOOD BOND AGREEMENT NO.	AMOUNT
Second Street	118-130-006	03656	\$11,606.74
First Avenue West	118-139-008	03657	\$11,911.83
First Avenue East	118-141-014	03658	\$59,931.60
Second Avenue East	118-143-008	03659	\$56,115.63
Third Avenue East	118-144-009	03660	\$12,499.32
Tenth Avenue East	118-148-010	03661	\$ 8,032.36
Central Entrance	118-192-003	03662	\$10,564.99

Resolution 13-0379 was unanimously adopted.
 Approved July 15, 2013
 DON NESS, Mayor

- - -

RESOLVED, that Billman Construction Inc., be and hereby is awarded a contract to construct sanitary sewer in Lakeside Court Easement for the engineering division in accordance with its low specification bid of \$34,485 payable from Fund 530, Department 500, Cost Center 1905, Object 5535, (sanitary sewer, public works and utilities, capital, non-capital improvements); Project Number 1150.

Resolution 13-0380 was unanimously adopted.
 Approved July 15, 2013
 DON NESS, Mayor

- - -

RESOLVED, that Watters & Sons Excavating LLC, be and hereby is awarded a contract to construct sanitary sewer in Lawn Street for the engineering division in accordance with its specification bid of \$50,569 with \$34,843 payable from Fund 530, Department 500, Cost Center 1905, Object 5535, (sanitary sewer, public works and utilities, capital, non-capital improvements). The remaining \$15,726 will be payable from Fund 510, Department 500, Division 1905, Object 5535 (water fund, public works and utilities, capital, non-capital improvements); Project Number 1151.

Resolution 13-0381 was unanimously adopted.
 Approved July 15, 2013
 DON NESS, Mayor

- - -

RESOLVED, that Watters & Sons Excavating LLC, be and hereby is awarded a contract to construct storm sewer in Penton Boulevard for the engineering division in accordance with its low specification bid of \$296,155 payable from Fund 535, Department 500, Division 1905,

PROCEEDINGS OF THE DULUTH CITY COUNCIL FOR 2013

Object 5533 (storm sewer, public works and utilities, capital, capital improvements - revenue);
Project Number 1228.

Resolution 13-0382 was unanimously adopted.
Approved July 15, 2013
DON NESS, Mayor

- - -

RESOLVED, that the city council hereby approves settlement with Wagner Construction, Inc., related to the reconstruction of Glenwood Street under city of Duluth Project No. 0647TR, S.P. No. 118-162-13, and Minn. Project No. STPX 6910(212) and further authorizes the proper city officials to execute a settlement agreement and mutual release, substantially the same as that on file in the office of the city clerk as Public Document No. 13-0715-13, and to take all actions necessary to conclude this matter on a full, final and complete basis.

Resolution 13-0389 was unanimously adopted.
Approved July 15, 2013
DON NESS, Mayor

- - -

RESOLVED, that the city of Duluth has applied to the commissioner of transportation for grants from the Minnesota state transportation fund for reconstruction at various locations, City Project No. 1172.

FURTHER RESOLVED, that the grants have been approved.

FURTHER RESOLVED, that the city of Duluth agrees to the terms and conditions of the grants consistent with Minnesota Statutes, Section 174.50, Subdivision 5, Clause (3), and will pay any additional amount by which the cost exceeds the estimate, and will return to the Minnesota state transportation fund any amount appropriated for the project but not required. The proper city officials are hereby authorized to execute these grant agreements concerning the above-referenced grants. Grant monies shall be deposited into Disaster Recovery Fund 225, Department/Agency 125 (finance), Object 5403 (street repair and maintenance), City Project No. 1172, S.P. Nos. 118-134-016 and 118-156-011, and S.A.P. No. 118-080-049.

LOCATION	S.P./S.A.P NO.	FLOOD BOND AGREEMENT NO.	AMOUNT
Hawthorne Road	S.P. 118-134-016	03654	\$258,798.54
Vermilion Road/St. Marie Street	S.P. 118-156-011	03653	\$127,780.09
Bridge L8517	S.A.P. 118-080-049	03565	\$ 54,986.52

Resolution 13-0393 was unanimously adopted.
Approved July 15, 2013
DON NESS, Mayor

- - -

RESOLVED, that the proper city officials are hereby authorized to execute a joint powers agreement, substantially the same as that on file with the city clerk as Public Document No. 13-0715-14, with the St. Paul police department, providing for the participation by the city of Duluth police department on the Gerald D. Vick human trafficking task force and providing for the reimbursement of overtime salary costs and other pre-approved expenses

PROCEEDINGS OF THE DULUTH CITY COUNCIL FOR 2013

incurred by the Duluth police department, funds to be deposited in Fund 110-160-1610-4209-02 (general, police, administration and investigation, direct federal grants operating).

Resolution 13-0296 was unanimously adopted.

Approved July 15, 2013

DON NESS, Mayor

- - -

RESOLVED, that the proper city officials are authorized to accept Grant Agreement No. EMW-2012-FP-00272 from the U.S. department of homeland security, federal emergency management agency, assistance to firefighters grant program, fire prevention and safety grant in the amount of \$9,244, said funds to be deposited in Fund 210-030-3186-4209-02 (special projects, finance, 2012 assistance to firefighters, direct federal grants - operating), for the purpose of purchasing a fire extinguisher simulator, and committing \$2,310 as the city's local share cost of said grant, said sum to be paid from Fund 110-150-1503-5459 (general fund, fire department, life safety division, fire safety education account).

Resolution 13-0370 was unanimously adopted.

Approved July 15, 2013

DON NESS, Mayor

- - -

BE IT RESOLVED, that pursuant to Section 8-22(b) of the Duluth City Code, the Duluth City Council hereby authorizes consumption of alcoholic beverages in public places on portions of Ramsey Street, Bristol Street and 57th Avenue West between Grand Avenue and Central Avenue from July 31 and August 1-2, 2013, in conjunction with Spirit Valley Days, provided that all alcoholic beverages consumed outside of the designated serving areas of licensed establishments be consumed only from paper or plastic cups.

BE IT FURTHER RESOLVED, that the dates of this authority may be amended, in the case of inclement weather, if requested in writing by the licensee and approved by the administration.

Resolution 13-0383 was unanimously adopted.

Approved July 15, 2013

DON NESS, Mayor

- - -

The following resolutions were also considered:

Resolution 13-0371, of intent to construct 270 feet of sanitary sewer in Swan Lake Place beginning at Swan Lake Road and extending westerly and to assess the costs thereof, was introduced by Councilor Julsrud.

Councilor Julsrud moved to return the resolution to the administration because the property owner is now going with a private septic tank instead, which motion was seconded and unanimously carried.

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Resolution 13-0363, adding Piedmont Avenue from Third Street to Trunk Highway 53 to the municipal state aid (MSA) system; and Resolution 13-0364, prohibiting truck traffic on Piedmont Avenue from Third Street to Trunk Highway 53, were introduced by councilors Julsrud and Fosle, respectively, for discussion.

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

Caroline Pelzel, Joan Linski, Dan Williams and Jefferson Campbell supported Resolution 13-0364 because: of the loud noises from trucks shifting gears coming up

PROCEEDINGS OF THE DULUTH CITY COUNCIL FOR 2013

Piedmont Avenue; there already is a designated truck route for trucks to use; that trucks are disruptive to the quality of life in this neighborhood; more than 60 trucks go by in an hour and houses vibrate with these trucks going by from 5:00 a.m. to 11:00 p.m.

Resolution 13-0363 failed upon a unanimous vote (Public Document No. 13-0715-17).

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Resolution 13-0364 was adopted as follows:

RESOLVED, that Section 33-49 of the city of Duluth Legislative Code establishes truck routes in the city of Duluth.

FURTHER RESOLVED, that the portion of the street described as follows be designated as "No Trucks":

Piedmont Avenue from Third Street to Trunk Highway 53 (+ 0.45 miles).

Resolution 13-0364 was unanimously adopted.

Approved July 15, 2013

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 HARTMAN

13-047 - AN ORDINANCE REPEALING AND REPLACING ORDINANCE NO. 10181, ADOPTED ON OCTOBER 22, 2012, AUTHORIZING THE ISSUANCE, SALE AND DELIVERY OF GENERAL OBLIGATION LAKEWALK EXTENSION BONDS OF THE CITY OF DULUTH UPON TERMS AND CONDITIONS TO BE PROVIDED BY RESOLUTIONS OF THE CITY COUNCIL AND LEVYING TAXES FOR THE PAYMENT THEREOF.

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INTRODUCED BY COUNCILOR HARTMAN

13-048 - AN ORDINANCE AUTHORIZING THE ISSUANCE, SALE AND DELIVERY OF GENERAL OBLIGATION BONDS IN THE MAXIMUM AMOUNT OF \$875,000 OF THE CITY OF DULUTH TO FINANCE CROSS CITY TRAIL PHASE I UPON TERMS AND CONDITIONS TO BE PROVIDED BY RESOLUTIONS OF THE CITY COUNCIL AND LEVYING TAXES FOR THE PAYMENT THEREOF.

- - -

The following entitled ordinance was read for the second time:

INTRODUCED BY COUNCILOR JULSRUD

13-046 (10237) - AN ORDINANCE DEDICATING AN EASEMENT FOR STREET RIGHT-OF-WAY PURPOSES FOR WEST FIRST STREET BETWEEN 14TH AVENUE WEST AND 17TH AVENUE WEST.

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

The meeting was adjourned at 8:00 p.m.

JEFFREY J. COX, City Clerk

- - -

PROCEEDINGS OF THE DULUTH CITY COUNCIL FOR 2013

ORDINANCE NO. 10237

**AN ORDINANCE DEDICATING AN EASEMENT FOR STREET
RIGHT-OF-WAY PURPOSES FOR WEST FIRST STREET
BETWEEN 14TH AVENUE WEST AND 17TH AVENUE WEST.**

The city of Duluth does ordain:

Section 1. That the city of Duluth does hereby dedicate to the general public a perpetual easement for street and utility right-of-way purposes for West First Street between 14th and 17th avenues West over, under and upon the property in St. Louis County, Minnesota described on Public Document No. 13-0715-16 on file in the office of the city clerk.

Section 2. That this ordinance shall take effect 30 days after its passage and publication. (Effective date: August 19, 2013)

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

Yeas: Councilors Fosle, Gardner, Hartman, Julsrud, Krug, Stauber and President Boyle -- 7

Nays: None -- 0

Absent: Councilors Krause and Larson -- 2

ATTEST:
JEFFREY J. COX, City Clerk

Passed July 15, 2013
Approved July 15, 2013
DON NESS, Mayor

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