

# PROCEEDINGS OF THE DULUTH CITY COUNCIL FOR 2013

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## OFFICIAL PROCEEDINGS

Special meeting of the Duluth City Council held on Thursday, November 7, 2013, 5:15 p.m. in the Council Chamber, City Hall, Duluth, Minnesota.

Roll call: Present: Councilors Fosle, Gardner, Hartman, Julsrud, Krug, Larson, Stauber and President Boyle -- 8

Absent: None -- 0

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## MOTIONS AND RESOLUTIONS

Resolution 13-0547, appointing \_\_\_\_\_ to fill the vacant fourth district city council seat, was introduced by Councilor Gardner for discussion.

Councilor Gardner moved to amend the resolution by inserting the name "Howie Hanson" in the blanks of the title and body, which motion was seconded and unanimously carried.

President Boyle clarified the process for the seating of the newly-elected fourth district councilor, Howie Hanson. He questioned if Mr. Hanson could be seated at the agenda session since there were no voting issues. Assistant City Attorney Joan Christensen replied that the proper procedure would be to wait until after Mr. Hanson was sworn in on Friday by the city clerk.

Resolution 13-0547, as amended, was adopted as follows:

BY COUNCILOR GARDNER:

BE IT RESOLVED, that the city council hereby appoints Howie Hanson to fill the vacant Fourth District city council seat for the term expiring January 6, 2014, effective immediately.

Resolution 13-0547, as amended, was unanimously adopted.

Approved November 7, 2013

DON NESS, Mayor

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The meeting was adjourned at 5:20 p.m.

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

# PROCEEDINGS OF THE DULUTH CITY COUNCIL FOR 2013

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## OFFICIAL PROCEEDINGS

Duluth City Council meeting held on Tuesday, November 12, 2013, 7:30 p.m. in the Council Chamber, City Hall, Duluth, Minnesota.

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

Absent: None -- 0

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## PRESENTATION OF PETITIONS AND OTHER COMMUNICATIONS

13-1112-08 The following communications regarding the proposed identification of sites for the future development of dog parks (13-0556R): (a) Benjamin Albert; (b) Kristin D. Anderson (McKean); (c) Hunter Cummins; (d) Ginger Johnson; (e) Denette Lynch; (f) William Lynch; (g) Megan Stanton; (h) Jeff Urbaniak; (i) Amy VanGuilder; (j) Zach Walters. -- Received

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## REPORTS OF BOARDS AND COMMISSIONS

13-1112-01 Civil service board minutes of: (a) June 4, (b) June 25, 2013, meetings. -- Received

13-1112-02 Duluth citizen review board minutes of September 24, 2013, meeting. -- Received

13-1112-03 Duluth economic development authority minutes of September 25, 2013, meeting. -- Received

13-1112-04 Duluth Seaway Port authority budget summary of October 2013. -- Received

13-1112-05 Duluth transit authority: (a) Minutes of August 28, 2013, meeting; (b) August 2013 financial statement. -- Received

13-1112-06 Housing and redevelopment authority minutes of: (a) August 27, (b) September 24, 2013, meetings. -- Received

13-1112-07 Library board minutes of September 24, 2012, 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.)

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

BE IT RESOLVED, by the city council of the city of Duluth, Minnesota, as follows:

1. Authorization of bonds. It is hereby found, determined, and declared to be necessary, and in the best interests of the city and its residents, that the city should issue taxable general obligation airport improvement bonds, Series 2013B, in the maximum amount of \$3,375,000 (the "bonds"), pursuant to Ordinance No. 10256 adopted October 28, 2013, Minnesota Statutes, Chapter 475, Minnesota Laws 1974, Chapter 130 and the home rule charter of the city, for the purpose of providing the local match for state of Minnesota grants and federal grants for the completion of the construction of a new terminal facility at the Duluth International Airport, including a new parking ramp, access road and aprons.

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2. Issuance and sale of bonds. The terms and conditions of the bonds and the sale thereof are set forth in the official terms of offering on file with the city clerk as Public Document No. 13-1112-09. Each and all of the terms and provisions set forth in the official terms of offering are adopted and confirmed as the terms and conditions of the bonds and the sale thereof, and the city council shall meet at the time and place fixed therein to consider bids for the purchase of the bonds. Due to changes in the municipal bond market, the city's chief administrative officer, with the advice of the city's financial consultant, may modify the official terms of offering regarding the maturity schedule, the minimum bid and the maximum bid prior to the sale of the bonds.

3. Competitive sale of bonds. Public Financial Management, Inc., independent financial advisor to the city, is hereby authorized to provide the notice of the sale for the bonds in accordance with Minnesota Statutes, Section 475.60, Subdivision 3, and in accordance with the official terms of offering.

4. Subsequent resolutions. The form, specifications and provisions for repayment of the bonds shall be set forth in a subsequent resolution of this city council.

Resolution 13-0551 was unanimously adopted.

Approved November 12, 2013

DON NESS, Mayor

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RESOLVED, that the proper city officials are hereby authorized to contract with Crysteel Truck Equipment, Inc., for the complete outfitting of three 2014 International Model 7500 4x2 single axle cab and chassis units for fleet services/street maintenance in accordance with Minnesota State Contract 61340, Release S-863(5) specifications and pricing for a total of \$231,815.41 plus \$15,937.31 sales tax, for total of \$247,752.72, payable from Capital Equipment Fund 250, Department/Agency 015 (public administration), Division 2013 (fiscal year-2013), Object 5580 (capital equipment), Project CE250-V1304.

Resolution 13-0544 was unanimously adopted.

Approved November 12, 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 license by the liquor control commissioner, subject to departmental approvals and any specific restrictions:

Duluth Library Foundation (Libations at the Library), 520 West Superior Street, for December 3, 2013, with Patra Sevastiades, manager.

Resolution 13-0565 was unanimously adopted.

Approved November 12, 2013

DON NESS, Mayor

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BE IT RESOLVED, that the Duluth City Council hereby approves of the Minnesota gambling control board issuing a lawful gambling exemption to Duluth Playhouse, Inc., and does hereby waive the 60 day waiting period which it has to object to the issuance of said exemption.

RESOLVED FURTHER, that the city clerk is hereby authorized and directed to send a copy of this resolution to the Minnesota gambling control board immediately after its passage.

Resolution 13-0566 was unanimously adopted.

Approved November 12, 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: 1315 Commonwealth Avenue, Tax Parcel Number 010-1800-06080. Notification of order for condemnation for demolition to St. Louis County land office by certified mail on October 18, 2013; and

Parcel 2: 1318 Commonwealth Avenue, Tax Parcel Number 010-1800-06280. Notification of order of condemnation for demolition to St. Louis County land office by certified mail on October 18, 2013;

(b) All such orders will be final on November 18, 2013;

(c) Hazardous materials abatement for the structures will be paid by St. Louis County;

(d) Resolution 13-0487 authorizes contracting with Vonco V to perform demolition, transportation, disposal and site restoration services.

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

(a) Contract to have the demolition work done by Vonco V.

Resolution 13-0545 was unanimously adopted.

Approved November 12, 2013

DON NESS, Mayor

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RESOLVED, that the proper city officers are hereby authorized to enter into an agreement with Summit Envirosolutions, Inc., substantially in the form of that on file in the office of the city clerk as Public Document No. 13-1112-10, to implement the historic resources survey of the east end residential area – Phase V, in the amount of \$12,000 payable from Fund 210 (special projects), Agency 030 (finance), Organization 3150 (miscellaneous), Object 5441 (other services and charges) and \$5,000 payable from Fund 265 (community development), Agency 020 (planning), Object 5441 (other services and charges).

Resolution 13-0561 was unanimously adopted.

Approved November 12, 2013

DON NESS, Mayor

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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. 13-1112-11, with St. Luke's Hospital of Duluth for the restoration of St. Luke's records damaged as a result of the June 2012 flood event, in an amount not to exceed \$289,899.43, payable from Fund 235 (Duluth recovery loan program fund), Agency 020 (planning), Object 5434 (grants and awards), contingent upon receipt by the city of a Minnesota investment fund grant – 2012 disaster recovery program from the Minnesota department of employment and economic development (DEED) pursuant to grant #DRLF-12-0002-V-FY13 (the "MIF grant").

Resolution 13-0562 was unanimously adopted.

Approved November 12, 2013

DON NESS, Mayor

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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. 13-1112-12, with BNSF Railway Company (BNSF) and Tate & Lyle Ingredients Americas LLC (Tate & Lyle) as co-borrowers for replacement of a BNSF rail and bridge tracks located over Kingsbury Creek in Duluth damaged as a result of the June 2012 flood event, in an amount not to exceed \$688,642.59, payable from Fund 235 (Duluth recovery loan program fund), Agency 020 (planning), Object 5434 (grants and awards), contingent upon receipt by the city of a Minnesota investment fund grant – 2012 disaster recovery program from the Minnesota department of employment and economic development (DEED) pursuant to grant #DRLF-12-0002-V-FY13 (the “MIF grant”).

Resolution 13-0564 was unanimously adopted.

Approved November 12, 2013

DON NESS, Mayor

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WHEREAS, on November 5, 2013, there was held in the city of Duluth, pursuant to the provisions of Laws of Minnesota, 1973, Chapter 281, a general municipal election for the purpose of electing certain city officers; and

WHEREAS, the judges of the election precincts in the city have made their returns of said election, and the city council, acting as a canvassing board, has duly canvassed said returns (Public Document No. 13-1112-13) at 7:00 p.m., November 12, 2013, and ascertained the number of ballots cast at said election and thereby declared that at said election there were 17,718 cast ballots;

(a) That for the offices of councilor at large, Zack Filipovich received 9,658 votes, Barb Russ received 9,364 votes, Ray (Skip) Sandman received 2,490 votes, Ryan Stauber received 7,884 votes and 115 write-in votes;

(b) That for the office of councilor, second district, Patrick Boyle received 2,195 votes and 61 write-in votes;

(c) That for the office of councilor, fourth district, Howie Hanson received 1,853 votes, Garry Krause received 1,153 votes and 44 write-in votes.

NOW, THEREFORE, BE IT RESOLVED, that Zack Filipovich and Barb Russ, having received the majority of all votes cast at said election for the offices of councilor at large are hereby declared duly elected for terms of four years.

FURTHER RESOLVED, that Patrick Boyle, having received the majority of all votes cast at said election for the office of councilor, second district, is hereby duly elected for a term of four years.

FURTHER RESOLVED, that Howie Hanson, having received the majority of all votes cast at said election for the office of councilor, fourth district, is hereby duly elected for a term of four years.

Resolution 13-0548 was unanimously adopted.

Approved November 12, 2013

DON NESS, Mayor

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RESOLVED, that Contract No. 21800 with Barr Engineering for professional services for assistance in evaluating, assessing and preparing applications to the Minnesota Recovers Task Force (MRTF) and other granting agencies for stream restoration work as a result of the June 2012 flooding to repair and restore city-owned property along streams that were damaged and/or are in need of flood protection in the estimated amount of \$25,000 for a new total of \$200,000, payable from Disaster Recovery Fund 225, Department 125 (finance),

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Division 1807 (parks, recreation and other), Object 5303 (engineering services), City Project No. 1186.

Resolution 13-0540 was unanimously adopted.  
Approved November 12, 2013  
DON NESS, Mayor

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RESOLVED, that the proper city officials are hereby authorized to enter into a contract with Veit & Company, Inc. for the 2012 flood repair project, Amity Creek bridges, in the amount of \$286,900, payable out of Disaster Recovery Fund 225, Department/Agency 125 (finance), Division 1803 (roads and bridges), Object 5403 (street repair and maintenance), City Project 1226, S.A.P. 118-080-048.

Resolution 13-0542 was unanimously adopted.  
Approved November 12, 2013  
DON NESS, Mayor

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RESOLVED, that the proper city officials are hereby authorized to enter into an agreement with LHB, Inc. for professional engineering services related to the design and construction of flood repair of Bridge No. L8496, Toledo Street at Chester Creek, in an amount not to exceed \$37,274, payable from Disaster Recovery Fund 225, Department/Agency 125 (finance), Organization 1803 (roads and bridges), Object 5303 (engineering services), City Project No. 1233, S.A.P. 118-080-046, Requisition No. 13-0621.

Resolution 13-0555 was unanimously adopted.  
Approved November 12, 2013  
DON NESS, Mayor

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RESOLVED, that the proper city officials are hereby authorized to enter into an agreement with LHB, Inc. for professional engineering services related to the design of flood repair of multiple bridges in an amount not to exceed \$196,998, payable from Disaster Recovery Fund 225, Department/Agency 125 (finance), Organization 1803 (roads and bridges), Object 5303 (engineering services), Requisition No. 13-0625.

<b>BRIDGE NO.</b>	<b>PROJECT NO.</b>	<b>S.A.P./S.P. NO.</b>	<b>AMOUNT</b>
88552	1178	S.P. 118-126-021	\$18,867
91143	1175	S.P. 118-126-020	\$40,741
66113	1176	S.P. 118-133-007	\$64,729
92277 A-G, I, K	1235	S.A.P. 118-080-050 through 118-080-057 and 118-173-010	\$49,991
92277 H & J	1304	S.P. 118-109-019 and 118-194-007	\$22,670

Resolution 13-0558 was unanimously adopted.  
Approved November 12, 2013  
DON NESS, Mayor

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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 Vinland Street between Irwin Avenue and Boundary Avenue, City Project No. 1155.

FURTHER RESOLVED, that the grant has been approved and that the amount of the grant is \$214,093.15.

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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. 13-1112-14, concerning the above referenced grant. Grant monies shall be deposited into Disaster Recovery Fund 225, Department 125 (finance), Organization 1808 (disaster aid and revenues), Source 4220-05 (state of Minnesota flood bonds), City Project 1155, S.P. 118-102-004.

Resolution 13-0559 was unanimously adopted.

Approved November 12, 2013

DON NESS, Mayor

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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 27th Avenue West between Third Street and 11th Street, City Project No. 1156.

FURTHER RESOLVED, that the grant has been approved and that the amount of the grant is \$138,180.37.

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. 13-1112-15, concerning the above referenced grant. Grant monies shall be deposited into Disaster Recovery Fund 225, Department 125 (finance), Organization 1808 (disaster aid and revenues), Source 4220-05 (state of Minnesota flood bonds), City Project No. 1156, S.P. 118-115-008.

Resolution 13-0560 was unanimously adopted.

Approved November 12, 2013

DON NESS, Mayor

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RESOLVED, that by resolution of intent numbered 13-0488 the council did request the administration to prepare plans and specifications for the construction of approximately 266 feet of water main in Livingston Avenue (City Project No. 0439TR). It is hereby ordered that said water main be improved.

FURTHER RESOLVED, that said work be done by contract and that the estimated cost of said project as estimated by the city engineer is \$19,040, assessable to benefitting properties and payable from Water Fund 510, Department 500 (public works and utilities), Organization 1900 (public works) Source 4854 (utility assessments), City Project No. 0439TR.

FURTHER RESOLVED, that assessments shall be levied upon lands benefitting per the preliminary assessment roll and may be paid in 15 annual installments at municipal bond index fund rate plus 1.50 percent interest.

Resolution 13-0563 was unanimously adopted.

Approved November 12, 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 zones are established:

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in front of 2324 West Tenth Street  
in front of 2904 Exeter Street  
Resolution 13-0527 was unanimously adopted.  
Approved November 12, 2013  
DON NESS, Mayor

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RESOLVED, that the proper city officials are hereby authorized to contract with Motorola, Inc., for the purchase and delivery of 27 portable KTS 2500 Model II portable radios, five mobile XTL2500 MantaRey radios, and two desktop MCD 5000 control station systems, all items of 800 MHz, for use by the Duluth police department in accordance with Minnesota SWIFT Contract 40071, Release R651(5) specifications and pricing, and revised vendor quote, dated October 17, 2013, in the amount of \$104,723.31 plus \$7,199.73 sales tax, for a total of \$111,923.04, terms net 30, FOB destination, and payable from Capital Equipment Fund 250, Department/Agency 015 (public administration), Division 2012 (fiscal year 2012), Object 5580 (capital equipment), Project CE250-E1211.

Resolution 13-0543 was unanimously adopted.  
Approved November 12, 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 in the amount of \$320,000, such funds to be used to support the operation of the Lake Superior Zoo, and to execute a grant agreement, substantially the same as that on file in the office of the city clerk as Public Document No. 13-1112-16, funds to be deposited in Fund 200-130-4220-02 (zoo, community resources).

Resolution 13-0541 was unanimously adopted.  
Approved November 12, 2013  
DON NESS, Mayor

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RESOLVED, that the proper city officials are hereby authorized to accept a grant from the Lloyd K. Johnson Foundation in the amount of \$1,500, payable into 205 - parks, 130 - community resources, 1219 - parks operation, 4207 - other grants. Payments will be made from 205 - parks, 130 - community resources, 1219 - parks operation, 5103 - other grants.

Resolution 13-0546 was unanimously adopted.  
Approved November 12, 2013  
DON NESS, Mayor

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The following resolutions were also considered:

BE IT RESOLVED, by the city council of the city of Duluth, Minnesota, as follows:

1. Authorization of notes. The city council adopted Resolution No. 12-0594 on December 3, 2012, declaring its intent to issue general obligation capital equipment notes in 2013 in an amount up to \$4,419,300 plus costs of issuance and discount. It is hereby found, determined, and declared to be necessary, and in the best interests of the city and its residents, that the city should issue general obligation capital equipment notes, Series 2013A, in the approximate amount of \$3,775,000 (the "notes"), pursuant to Minnesota Statutes, Sections 410.32 and 412.301 (the "act"), and Minnesota Statutes, Chapter 475, and the City Charter, for the purpose of providing approximately \$3,902,300 to purchase capital equipment,

## PROCEEDINGS OF THE DULUTH CITY COUNCIL FOR 2013

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as permitted by the act, having an expected useful life at least as long as the term of the notes. The city's financial advisor is anticipating receipt of bids with original issue premium.

2. Issuance and sale of notes. The terms and conditions of the notes and the sale thereof are set forth in the official terms of offering on file with the city clerk as Public Document No. 13-1112-17. Each and all of the terms and provisions set forth in the official terms of offering are adopted and confirmed as the terms and conditions of the notes and the sale thereof, and the city council shall meet at the time and place fixed herein to consider bids for the purchase of the notes. Due to changes in the municipal bond market, the city's chief administrative officer, with the advice of the city's financial consultant, may modify the official terms of offering regarding the maturity schedule, the minimum bid and the maximum bid prior to the sale of the notes.

3. Competitive sale of notes. Public Financial Management, Inc., independent financial advisor to the city, is hereby authorized to provide the notice of the sale for the notes in accordance with Minnesota Statutes, Section 475.60, Subdivision 3, and in accordance with the official terms of offering.

4. Subsequent resolutions. The form, specifications and provisions for repayment of the notes shall be set forth in a subsequent resolution of this city council.

Resolution 13-0550 was adopted upon the following vote:

Yeas: Councilors Gardner, Hanson, Hartman, Julsrud, Krug, Larson and President Boyle -- 7

Nays: Councilors Fosle and Stauber -- 2

Approved November 12, 2013

DON NESS, Mayor

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BE IT RESOLVED, by the city council of the city of Duluth, Minnesota, as follows:

1. Authorization of bonds. The city council adopted Resolution No. 12-0603 on December 3, 2012, declaring its intent to issue capital improvement bonds in 2013 in an amount not to exceed \$1,900,000. It is hereby found, determined, and declared to be necessary, and in the best interests of the city and its residents, that the city should issue general obligation capital improvement bonds, Series 2013C, in the approximate amount of \$1,765,000 (the "bonds"), pursuant to Minnesota Statutes, Section 475.521 and Chapter 475, and the City Charter, for the purpose providing approximately \$1,825,000 for capital improvements projects pursuant to an approved capital improvement plan. The city's financial advisor is anticipating receipt of bids with original issue premium.

2. Issuance and sale of bonds. The terms and conditions of the bonds and the sale thereof are set forth in the official terms of offering on file with the city clerk as Public Document No. 13-1112-18. Each and all of the terms and provisions set forth in the official terms of offering are adopted and confirmed as the terms and conditions of the bonds and the sale thereof, and the city council shall meet at the time and place fixed herein to consider bids for the purchase of the bonds. Due to changes in the municipal bond market, the city's chief administrative officer, with the advice of the city's financial consultant, may modify the official terms of offering regarding the maturity schedule, the minimum bid and the maximum bid prior to the sale of the bonds.

3. Competitive sale of bonds. Public Financial Management, Inc., independent financial advisor to the city, is hereby authorized to provide the notice of the sale for the bonds in accordance with Minnesota Statutes, Section 475.60, Subdivision 3, and in accordance with the official terms of offering.

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4. Subsequent resolutions. The form, specifications and provisions for repayment of the bonds shall be set forth in a subsequent resolution of this city council.

Resolution 13-0552 was adopted upon the following vote:

Yeas: Councilors Gardner, Hanson, Hartman, Julsrud, Krug, Larson and President Boyle -- 7

Nays: Councilors Fosle and Stauber -- 2

Approved November 12, 2013

DON NESS, Mayor

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BE IT RESOLVED, by the city council of the city of Duluth, Minnesota, as follows:

1. Authorization of bonds. It is hereby found, determined, and declared to be necessary, and in the best interests of the city and its residents, that the city should issue general obligation bonds (Lakewalk extension and cross city trail), Series 2013D, in the maximum amount of \$1,445,000 (the "bonds"), pursuant to Ordinance No. 10238 adopted August 26, 2013 (authorizing general obligation bonds in an amount not to exceed \$850,000 for the Lakewalk extension), Ordinance No. 10251 adopted September 23, 2013 (authorizing general obligation bonds in an amount not to exceed \$875,000 for the cross city trail), Minnesota Statutes, Chapter 475, and the City Charter, for the purpose of providing funds for the local match for state of Minnesota grants and federal grants in the approximate amount of \$750,000 for the construction of Phase I of a cross city trail from Sister Cities Park to 30th Avenue West, and in the approximate amount of \$725,000 to extend the Lakewalk pursuant to the Lakewalk east extension phase V plan. The city's financial advisor is anticipating receipt of bids with original issue premium.

2. Issuance and sale of bonds. The terms and conditions of the bonds and the sale thereof are set forth in the official terms of offering on file with the city clerk as Public Document No. 13-1112-19. Each and all of the terms and provisions set forth in the official terms of offering are adopted and confirmed as the terms and conditions of the bonds and the sale thereof, and the city council shall meet at the time and place fixed herein to consider bids for the purchase of the bonds. Due to changes in the municipal bond market, the city's chief administrative officer, with the advice of the city's financial consultant, may modify the official terms of offering regarding the maturity schedule, the minimum bid and the maximum bid prior to the sale of the bonds.

3. Competitive sale of bonds. Public Financial Management, Inc., independent financial advisor to the city, is hereby authorized to provide the notice of the sale for the bonds in accordance with Minnesota Statutes, Section 475.60, Subdivision 3, and in accordance with the official terms of offering.

4. Subsequent resolutions. The form, specifications and provisions for repayment of the bonds shall be set forth in a subsequent resolution of this city council.

Resolution 13-0553 was adopted upon the following vote:

Yeas: Councilors Gardner, Hanson, Hartman, Julsrud, Krug, Larson and President Boyle -- 7

Nays: Councilors Fosle and Stauber -- 2

Approved November 12, 2013

DON NESS, Mayor

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Resolution 13-0556, by Councilor Hartman, identifying Russell Square and Observation Park as sites for the future development of dog parks, was introduced for discussion.

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

Denette Lynch, William Lynch and Annie Ingualdson spoke in favor of the resolution for the following reasons: although there already is one dog park, it does not mean there cannot be more; Keene Creek dog park is always busy so there is a need for more parks; the cost for a dog park is not much, as a fence is all that is needed; two more parks would make the parks evenly spaced in Duluth; more dog parks would make it easier for people to access one; the current dog park does not disturb the surrounding neighborhood and a dog park is a place to have dogs off leash legally and safely.

Denise Valure Foro stated she was not in favor of the proposed Lakeside dog park as it would be in her front yard, the street is only three blocks long, and there should be a better place in Lakeside to have a dog park.

Zach Walters and Al Sands expressed opposition to the proposed dog park at Observation Park as they are using the building and field for the training of their athletes.

Councilor Hartman reviewed the yearlong process of how these two potential dog locations were chosen. He explained that the parks and recreation commission wants to get the support of the council for the projects before city staff spends time and money on creating a plan for both dog parks.

Councilor Fosle voiced concern that if the council approves this resolution of intent, staff will expect the council to approve the final dog park plans. He also stated that he has a problem with the process that has already taken a year and that more people should have known about this project.

To Councilor Fosle's questioning if there is a liability issue for the city with a dog park, City Attorney Gunnar Johnson replied that the liability would be between individual dog owners and not the city.

Councilor Julsrud stated neighborhoods should be more involved in the designation of an area for a dog park and urged the councilors to vote against the resolution.

Resolution 13-0556 was adopted as follows:

BY COUNCILOR HARTMAN:

WHEREAS, the city council, by Resolution 13-0101 adopted February 13, 2013, requested the parks and recreation commission review possible locations for additional dog parks in central and eastern Duluth; and

WHEREAS, the commission, through a task force and public meeting held on September 25, 2013, has recommended that Russell Square and a portion of Observation Park be considered as locations for additional dog parks.

THEREFORE, BE IT RESOLVED, that the city council hereby identifies Russell Square and Observation Park as two locations for the development of city dog parks and further requests that city administration begin the necessary planning, budgetary and public hearing processes for the development of said parks.

Resolution 13-0556 was adopted upon the following vote:

Yeas: Councilors Gardner, Hanson, Hartman, Julsrud, Krug, Larson and President Boyle -- 7

Nays: Councilors Fosle and Stauber -- 2

Approved November 12, 2013

DON NESS, Mayor

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## PROCEEDINGS OF THE DULUTH CITY COUNCIL FOR 2013

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Resolution 13-0557, authorizing the city of Duluth to discharge the housing investment fund loan made to Neighborhood Housing Services of Duluth related to the Lake Superior View Condominiums, was introduced by Councilor Stauber.

Councilor Stauber reviewed the process of funding this project and other projects out of the community investment trust fund and expressed frustration that this project never came to fruition.

Resolution 13-0557 was adopted as follows:

RESOLVED, that the city of Duluth hereby discharges the Housing Investment Fund (HIF) forgivable loan, Fund 266, made to Neighborhood Housing Services of Duluth in the amount of \$120,000, subject to receiving payment in the amount of \$46,000, payable into Community Investment Trust Fund 256, and authorizes the city's manager of community development to execute a release substantially in the form of that on file in the office of the city clerk as Public Document No. 13-112-20.

Resolution 13-0557 was unanimously adopted.

Approved November 12, 2013

DON NESS, Mayor

- - -

Resolution 13-0554, awarding a contract to Utility Systems of America, Inc. for the 2012 flood repair project on Bridge 88547 in the Duluth Armory Building in the amount of \$797,686, was introduced by Councilor Julsrud.

Councilor Julsrud stated that while she understands the culvert is the city's responsibility, she is concerned about spending this much public money on a project that seems to have stalled and the building condemned.

Resolution 13-0554 was adopted as follows:

RESOLVED, that the proper city officials are hereby authorized to enter into a contract with Utility Systems of America, Inc. for the 2012 Flood Repair Project on Bridge 88547 in the Duluth Armory Building in the amount of \$797,686, payable out of Disaster Recovery Fund 225, Department/Agency 125 (finance), Division 1803 (roads and bridges), Object 5403 (street repair and maintenance), City Project 1226, S.P. 118-193-002.

Resolution 13-0554 was unanimously adopted.

Approved November 12, 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 STAUBER

13-069 - AN ORDINANCE AUTHORIZING THE SALE OF CERTAIN PROPERTY IN THE IRVING NEIGHBORHOOD TO NORMAN M. OPACK AND VIANN M. RASK FOR \$17,724.

- - -

The following entitled ordinance was read for the second time:

INTRODUCED BY COUNCILOR STAUBER

13-068 (10259) - AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF DULUTH TO PROVIDE FOR THE RECLASSIFICATION FROM R-1 AND R-P TO R-2

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AND MU-B THE PROPERTY LOCATED AT 800 EAST CENTRAL ENTRANCE (INDEPENDENT SCHOOL DISTRICT 709).

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

Yeas: Councilors Fosle, Gardner, Hartman, Julsrud, Krug, Larson, Stauber and President Boyle -- 8

Nays: None -- 0

Abstention: Councilor Hanson -- 1

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The meeting was adjourned at 8:07 p.m.

JEFFREY J. COX, City Clerk

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**ORDINANCE NO. 10259**

AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF DULUTH TO PROVIDE FOR THE RECLASSIFICATION FROM R-1 AND R-P TO R-2 AND MU-B THE PROPERTY LOCATED AT 800 EAST CENTRAL ENTRANCE (INDEPENDENT SCHOOL DISTRICT 709).

The city of Duluth does ordain:

Section 1. That the approximately six acres of the subject property located at 800 East Central Entrance (former Central High School site) and as more particularly described in Exhibit A and by the following:

Part of the East Half of the Southeast Quarter of Section Twenty-One (21), Township Fifty (50) North, Range Fourteen (14) West of the Fourth (4th) Principal Meridian, City of Duluth, St. Louis County, Minnesota; excepting therefrom REGISTERED LAND SURVEY No. 82 (R.L.S. 82), and lying south of the following described line:

Commencing at the Southeast Corner of Section 21, Township 50 North, Range 14 West; thence North 5 degrees 00 minutes 00 seconds West along the east line of said Section 21, a distance of 410.24 feet; thence North 89 degrees 57 minutes 00 seconds West, a distance of 451.75; thence North 5 degrees 00 minutes 00 seconds West, a distance of 275.00 feet; thence South 5 degrees 00 minutes 00 seconds East, a distance of 72.73 feet to the northern most corner of REGISTERED LAND SURVEY No. 65 (R.L.S. 65) and the POINT OF BEGINNING of the line to be described; thence South 51 degrees 34 minutes 29 seconds West, a distance of 1038.35 feet more or less to a point on the west line of said East Half of the Southeast Quarter being 100.00 feet northerly of the Southwest Corner of said East Half of the Southeast Quarter, as measured along said west line, and said line there terminating;

be reclassified from R-1 to R-2.

Section 2. That the approximately 65 acres of the subject property located at 800 East Central Entrance (former Central High School site) and as more particularly described in Exhibit A and by the following:

Block Two (2), CLEARVIEW PARK, according to the recorded plat thereof on file and of record in the office of the Register of Deeds, St. Louis County, Minnesota, together with those portions of streets and alleys appurtenant thereto;

AND

Lots One (1) and Seventeen (17) and the east one-half of Lots Two (2) and Sixteen (16), Block Three (3), CLEARVIEW PARK, according to the recorded plat thereof on

## PROCEEDINGS OF THE DULUTH CITY COUNCIL FOR 2013

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file and of record in the office of the Register of Deeds, St. Louis County, Minnesota, together with those portions of streets and alleys appurtenant thereto;

AND

GREAT VIEW ADDITION TO DULUTH, according to the recorded plat thereof on file and of record in the office of the Register of Deeds, St. Louis County, Minnesota, together with those portions of streets and alleys appurtenant thereto;

AND

The East Half (E1/2) of the Southeast Quarter (SE1/4) of Section Twenty One (21), Township Fifty (50) North, Range Fourteen (14) West of the Fourth (4th) Principal Meridian, EXCEPT those parts described as follows:

1. That part of REGISTERED LAND SURVEY No. 82 (R.L.S. 82), being more particularly described as follows:

That part of the SE1/4 of the SE1/4 of Section 21 Township 50 North of Range 14 described as follows:

Commencing at a Granite Monument at the Southeast corner of said Section 21, thence North 5 degrees 00 minutes West (magnetic bearing) along the common section line of said Section 21 and Section 22 a distance of 410.24 feet to a concrete monument, said monument being the point of beginning, thence North 89 degrees 57 minutes West a distance of 451.75 feet to a concrete monument; thence North 5 degrees 00 minutes West a distance of 275.00 feet to a concrete monument, thence North 19 degrees 24 minutes East, a distance of 649.90 feet to a concrete monument on the North line of said SE1/4 of SE 1/4, thence North 83 degrees 59 minutes East along said North line, a distance of 80.00 feet to a concrete monument, thence South 53 degrees 55 minutes East, a distance of 134.61 feet to a point on the common section line of Section 21 and Section 22, thence South 5 degrees 00 minutes East along said Section line, a distance of 819.50 feet to the point of beginning;

2. That part of the Easterly 1/2 of the SE1/4 of Section 21 in Township 50 North of Range 14 West of the Fourth Principal Meridian lying Northerly of the Central Entrance, a public highway, as the same is laid out and constructed over and across said SE1/4;

3. That portion thereof bounded as follows:

On the Northwest by the Southeasterly line of Fourteenth Street, produced Southwesterly in the same straight line until it intersects the Northeasterly line of First Avenue East produced Northwesterly in the same straight line; on the Southwest by the Northeasterly line of First Avenue East produced Northwesterly in the same straight line until it intersects the Southeasterly line of Fourteenth Street produced Southwesterly in the same straight line; and on the East by the Westerly line of Block 193, Duluth Proper, Third Division according to the recorded plat thereof on file and of record in the office of the Register of Deeds;

4. That portion of the above described premises bounded by the following described lines:

The Westerly line of the E1/2 of SE1/4 of Section 21 Township 50 North, Range 14 West of the Fourth Principal Meridian; the Southerly line of Swan Lake Road (also known as Sundby Road) and The center line of Highway 194;

5. Part of the East Half of the Southeast Quarter of Section Twenty-One (21), Township Fifty (50) North, Range Fourteen (14) West of the Fourth (4th) Principal Meridian, City of Duluth, St. Louis County, Minnesota; excepting therefrom REGISTERED LAND SURVEY No. 82 (R.L.S. 82), and lying south of the following described line:

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Commencing at the Southeast Corner of Section 21, Township 50 North, Range 14 West; thence North 5 degrees 00 minutes 00 seconds West along the east line of said Section 21, a distance of 410.24 feet; thence North 89 degrees 57 minutes 00 seconds West, a distance of 451.75; thence North 5 degrees 00 minutes 00 seconds West, a distance of 275.00 feet; thence South 5 degrees 00 minutes 00 seconds East, a distance of 72.73 feet to the northern most corner of REGISTERED LAND SURVEY No. 65 (R.L.S. 65) and the POINT OF BEGINNING of the line to be described; thence South 51 degrees 34 minutes 29 seconds West, a distance of 1038.35 feet more or less to a point on the west line of said East Half of the Southeast Quarter being 100.00 feet northerly of the Southwest Corner of said East Half of the Southeast Quarter, as measured along said west line, and said line there terminating;

be reclassified from R-1 and R-P to MU-B.

Section 3. 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:

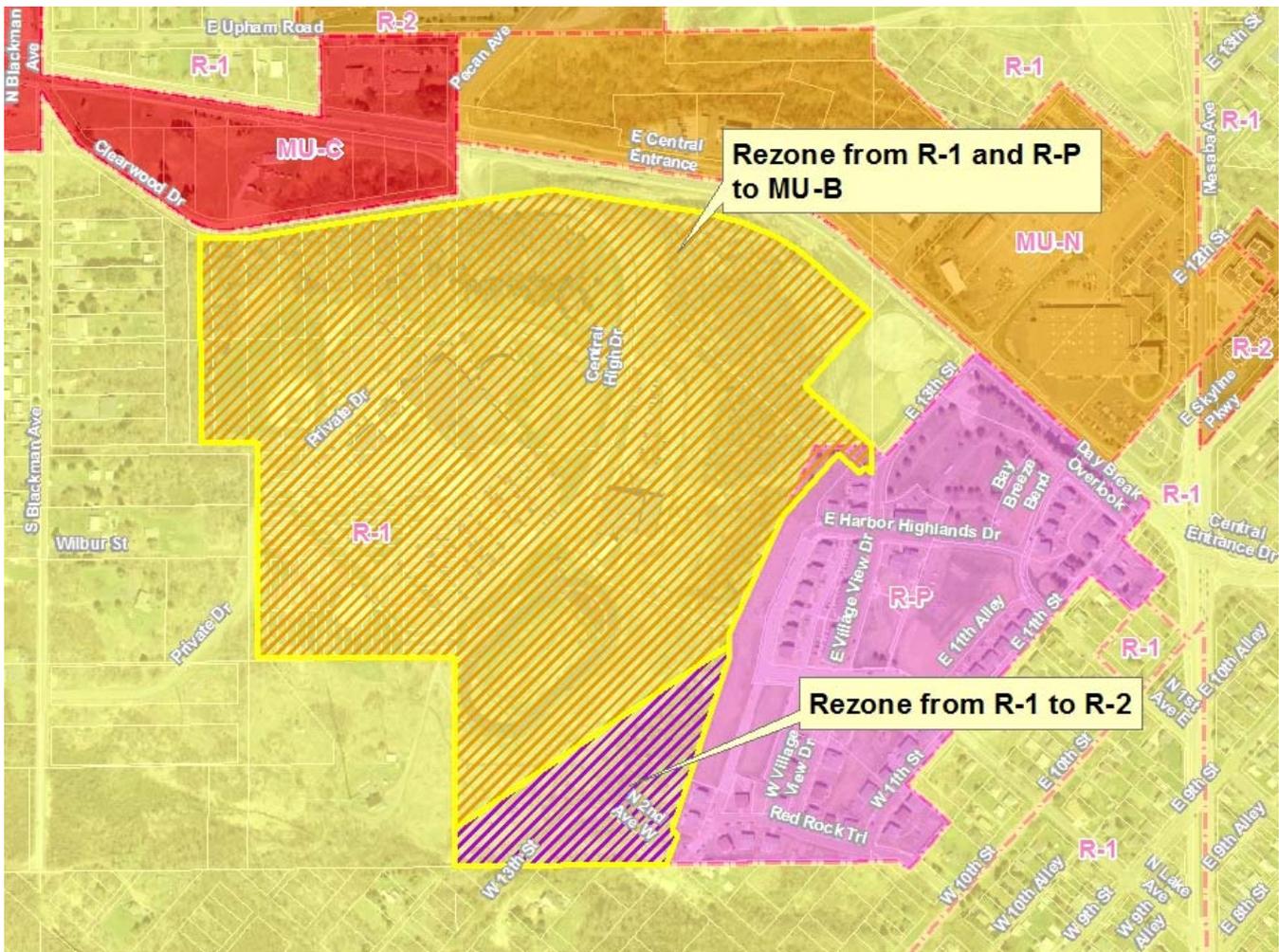


Exhibit A  
(Ref. File No. 13-117)

Section 4. That this ordinance shall take effect 30 days after its passage and publication. (Effective date: December 13, 2013)

**PROCEEDINGS OF THE DULUTH CITY COUNCIL FOR 2013**

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

Yeas: Councilors Fosle, Gardner, Hartman, Julsrud, Krug, Larson, Stauber and President Boyle -- 8

Nays: None -- 0

Abstention: Councilor Hanson -- 1

ATTEST:

JEFFREY J. COX, City Clerk

Passed November 12, 2013

Approved November 12, 2013

DON NESS, Mayor

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