

# PROCEEDINGS OF THE DULUTH CITY COUNCIL FOR 2013

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## OFFICIAL PROCEEDINGS

Duluth City Council meeting held on Monday, June 10, 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

13-0610-01 Minnesota state auditor audit report for Duluth entertainment and convention center authority for the years ended December 31, 2012, and 2011. -- Received

13-0610-27 The following communications regarding animal control and licensing (13-0313R and 13-040-O): (a) Katie Larson; (b) Sue Swendsen. -- Received

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## REPORTS FROM THE ADMINISTRATION

13-0610-10 Chief administrative officer notice regarding conversion of two Lake Place Lot metered parking spaces to a loading zone, pursuant to Section 33-87 of the Duluth City Code. -- Received

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## REPORTS FROM OTHER OFFICERS

13-0610-02 Clerk application to conduct excluded bingo to the Minnesota gambling control board from Order of Ahepa Chapter #267 on November 17, 2013. -- Received

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## REPORTS OF BOARDS AND COMMISSIONS

13-0610-25 Alcohol, gambling and tobacco commission minutes of May 1, 2013, meeting. -- Received

13-0610-03 Civil service board minutes of March 5, 2013, meeting. -- Received

13-0610-04 Commission on disabilities minutes of April 3, 2013, meeting. -- Received

13-0610-05 Duluth economic development authority minutes of April 24, 2013, meeting. -- Received

13-0610-06 Duluth parking commission minutes of March 15, 2013, meeting. -- Received

13-0610-07 Duluth public utilities commission minutes of March 27, 2013, meeting. -- Received

13-0610-08 Duluth transit authority: (a) Minutes of March 27, 2013, meeting; (b) March 2013 financial statement. -- Received

13-0610-09 Library board minutes of April 23, 2013, meeting. -- Received

13-0610-26 Planning commission recommendation of June 6, 2013, meeting regarding the proposed licensing of synthetic drug establishments (13-039-O). -- Received

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## TABLED RESOLUTION

Councilor Gardner moved to remove Resolution 13-0282, amending Resolution 12-0608, adopting license, permit, fine, penalty and other charges for 2013, by adding a

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license fee for synthetic drug establishments, from the table, which motion was seconded and unanimously carried.

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Without objection, President Boyle stated that ordinances 13-038 and 13-039 would also be considered at this time.

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**INTRODUCTION AND CONSIDERATION OF ORDINANCES**

The following entitled ordinances were read for the second time:

BY COUNCILORS GARDNER AND KRUG

13-038 (10230) - AN ORDINANCE AMENDING THE DULUTH CITY CODE, 1959, AS AMENDED, AMENDING CHAPTER 28, ADDING A NEW ARTICLE VIII PROHIBITING CONSUMPTION OF PRODUCTS LABELED NOT FOR HUMAN CONSUMPTION.

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BY COUNCILORS GARDNER AND KRUG

13-039 (10231) - AN ORDINANCE AMENDING THE DULUTH CITY CODE, 1959, AS AMENDED, AMENDING CHAPTER 5 ADDING A NEW ARTICLE VII REGARDING SYNTHETIC DRUG ESTABLISHMENTS.

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

Jim Carlson, owner of Last Place On Earth (LPOE), stated that by licensing this product the city is admitting the legality of the product, and that the license fee is the cost of processing and regulating the license. He continued saying that if his business is going to be licensed, he should not have to continue paying the police \$40,000 a month and complained that the police officers are not writing tickets to anyone else other than the customers of LPOE. Mr. Carlson requested that the money, firearms and phones that the city took two years ago be returned to him as he has not been charged with anything.

Kristi Stokes, president of the Greater Downtown Council, urged the council to support these ordinances as synthetic drugs have had a big impact on the businesses throughout the Downtown and Medical Facility districts, and that these ordinances are another tool to control synthetic drugs in the community.

Councilor Stauber stated that he could not support Ordinance 13-039 as, by licensing the LPOE, the city is setting itself up for a lawsuit when the city revokes the license and the city will expend significant resources defending the lawsuit and nothing will be gained.

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Resolution 13-0282 was adopted as follows:

BY COUNCILORS GARDNER AND KRUG:

RESOLVED, that Resolution 12-0608 adopting license, permit, fine, penalty and other charges for 2013 be amended by adopting the following new license fee for synthetic drug establishments, pursuant to Section 31-6(a) of the Duluth City Code, 1959, as amended, said new adopted fee shall be effective upon the effective date of Ordinance No. 13-039.

<b>Clerk</b>	
<b>Fee Name</b>	<b>New 2013 Fee</b>
Synthetic drug establishment - annual	\$140

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Resolution 13-0282 was adopted upon the following vote:

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

Nays: Councilor Stauber -- 1

Approved June 10, 2013

DON NESS, Mayor

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Councilor Gardner moved passage of Ordinance 13-038 and the same was adopted upon a unanimous vote.

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Councilor Gardner moved passage of Ordinance 13-039 and the same was adopted upon the following vote:

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

Nays: Councilor Stauber -- 1

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

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

Chasers of Duluth, Inc. (Bedrock Bar), 2023 West Superior Street, for June 22, 2013, from 5:00 p.m. to 10:00 p.m.

The Lake Effect Restaurant, Inc. (Lake Avenue Café), 394 Lake Avenue South, for June 22 and 23, 2013, with music and serving ceasing at 1:00 a.m.

Canal Park Brewing Co, LLC (Canal Park Brewing Co), 300 Canal Park Drive, for June 22, 2013, with serving ceasing at 1:00 a.m.

Lemon Reef, Inc. (Reef Bar), 2002 London Road, for June 22, 2013, with serving ceasing at 4:00 p.m.

Resolution 13-0259 was unanimously adopted.

Approved June 10, 2013

DON NESS, Mayor

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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, and subject to departmental approvals:

Just Take Action, Inc. (Tycoon's Alehouse & Eatery), 132 East Superior Street, to include the side outside seating area.

Resolution 13-0285 was unanimously adopted.

Approved June 10, 2013

DON NESS, Mayor

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BE IT RESOLVED, that the city council of the city of Duluth hereby issues the following temporary on sale 3.2 percent malt liquor license, subject to departmental approvals:

Duluth Softball Players Association, Wheeler Field, with John Vaydich, manager.

Resolution 13-0286 was unanimously adopted.

Approved June 10, 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 specific restrictions:

Minnesota Craft Brewer's Guild (All Pints North), Bayfront Park, for July 13, 2013, from 3:00 p.m. to 7:00 p.m., with Amanda Buhman, manager.

Lake Superior Brewing Company, LLC (Lake Superior Brewing Company), Bayfront Park, in conjunction with Twin Ports Bridge Fest, for July 6, 2013, from 10:00 a.m. to 10:00 p.m.

Resolution 13-0287 was unanimously adopted.

Approved June 10, 2013

DON NESS, Mayor

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BE IT RESOLVED, that the city council of the city of Duluth hereby issues the following on sale intoxicating liquor license and on sale Sunday license for the period ending August 31, 2013, subject to departmental approvals and the payment of sales and property taxes:

At Sara's Table Chester Creek Café, LLC (At Sara's Table Chester Creek Café), 1902 East Eighth Street, licensed premises to include main floor, deck, and conference room, with Carla Blumberg, 70 percent owner and Barbara Neubert, 30 percent owner.

Resolution 13-0288 was unanimously adopted.

Approved June 10, 2013

DON NESS, Mayor

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RESOLVED, that the proper city officers are hereby authorized to enter into a Minnesota historical and cultural grant agreement amendment with the Minnesota historical society, substantially in the form of that on file in the office of the city clerk as Public Document No. 13-0610-11, accepting a grant in the amount of \$12,000 related to a historical resources survey of the Central Hillside Residential Area - Phase V, payable into special projects fund, Finance Department 210-030-3150-4210-02 (miscellaneous federal grants).

Resolution 13-0290 was unanimously adopted.

Approved June 10, 2013

DON NESS, Mayor

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RESOLVED, that the proper city officials are hereby authorized to enter into an agreement with LaSalle Development Group, Ltd. and Walker Parking Consultants, a joint venture, substantially in the form of that on file in the office of the city clerk as Public Document No. 13-0610-12, to provide owner's agent services pertaining to the development, design and construction of the 425 Building project in the amount not to exceed \$497,500, payable from Fund 450-030-5441 CP2013-1316b (capital improvement fund, finance department, other

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services and charges, corporate tower project public improvements).

Resolution 13-0308 was unanimously adopted.

Approved June 10, 2013

DON NESS, Mayor

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RESOLVED, that proper city officials are hereby authorized to execute and implement a contract, in substantially the form and containing substantially the terms of the contract on file of the city clerk as Public Document No. 13-0610-13, with, and accept funds from, the Minnesota department of employment and economic development to provide services under Title I of the Workforce Investment Act, the Minnesota youth program services, Minnesota state dislocated worker program services and older American program as defined in the local workforce investment plan, for the term beginning April 1, 2013, and ending March 31, 2018. Program funds will be accepted upon receipt of notices of funds available. For Title I Workforce Investment Act, Minnesota youth program services, and Minnesota state dislocated worker program services funds will be deposited into and paid from Fund 268. For older American program, funds will be deposited into and paid from Fund 270. City officials authorized to execute the contracts are the mayor, city clerk, city attorney, city auditor and manager of workforce development.

Resolution 13-0300 was unanimously adopted.

Approved June 10, 2013

DON NESS, Mayor

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RESOLVED, that the proper city officials are hereby authorized to enter into a contract with Ulland Brothers, Inc., for the 2012 flood repairs to Hawthorne Road, Vermilion Road, St. Marie Street and Bridge L8517 in the amount of \$1,188,679.50, payable out of Disaster Recovery Fund 225, Department/Agency 125 (finance), Division 1803 (roads and bridges), Object 5403 (street repair and maintenance), City Project Number 1172.

Resolution 13-0294 was unanimously adopted.

Approved June 10, 2013

DON NESS, Mayor

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RESOLVED, that the proper city officials are hereby authorized to enter into a contract with Ulland Brothers, Inc., for the 2012 flood repairs to Second Street, First Avenue West, First Avenue East, Second Avenue East, Third Avenue East, Tenth Avenue East, and Central Entrance in the amount of \$353,512.37, payable out of Disaster Recovery Fund 225, Department/Agency 125 (finance), Division 1803 (roads and bridges), Object 5403 (street repair and maintenance), City Project Number 1183.

Resolution 13-0295 was unanimously adopted.

Approved June 10, 2013

DON NESS, Mayor

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RESOLVED, that the proper city officials are hereby authorized to enter into a contract with RJS Construction Group, LLC for Lift Station No. 39 improvements in the amount of \$298,200, payable from Disaster Recovery Fund 225, Department 125 (finance), Division 1806 (utilities), Object 5401 (building/structure repair and maintenance), City Project No. 1167,

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Flood Site No. 429, Requisition No. 13-0192.

Resolution 13-0297 was unanimously adopted.

Approved June 10, 2013

DON NESS, Mayor

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RESOLVED, that the proper city officials are hereby authorized to enter into a contract with Watters & Sons Excavating, LLC for replacement of the 20th Avenue East sanitary sewer in the amount of \$56,655.50, payable from Sanitary Sewer Fund 530, Department 500 (public works and utilities), Division 1905 (capital), Object 5555 (non-capital improvements), City Project No. 1243, Requisition No. 13-0331.

Resolution 13-0298 was unanimously adopted.

Approved June 10, 2013

DON NESS, Mayor

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RESOLVED, that the proper city officials are authorized to enter into an agreement with the Minnesota department of public safety - fire marshal division, a copy of which amendment is on file in the office of the city clerk as Public Document No. 13-0610-14, pursuant to which the city's fire department would conduct inspections of hotels located within the city for compliance with Minnesota State Fire Code and the Minnesota State Fire Code interpretations of the state fire marshal.

Resolution 13-0291 was unanimously adopted.

Approved June 10, 2013

DON NESS, Mayor

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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 on the sidewalk in front of Little Angie's Cantina, 11 East Buchanan Street, starting approximately at 4:00 p.m. until 2:00 a.m. in conjunction with Grandma's Marathon on June 22, 2013, to coincide with the Greater Downtown Council's special events license, 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 13-0314 was unanimously adopted.

Approved June 10, 2013

DON NESS, Mayor

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RESOLVED, that the proper city officials are hereby authorized to execute a first amendment to the agreement between the city of Duluth and the Duluth Softball Players Association for the operation of the Wheeler Field softball complex concessions building whereby the Duluth Softball Players Association is allowed to apply for an annual 3.2 malt liquor license for use by the association in conjunction with its concession operation; said first amendment substantially in the form of that on file in the office of the city clerk as Public Document No. 13-0610-15.

Resolution 13-0284 was unanimously adopted.

Approved June 10, 2013

DON NESS, Mayor

PROCEEDINGS OF THE DULUTH CITY COUNCIL FOR 2013

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BY COUNCILOR LARSON:

RESOLVED, that the park area located above the newly constructed east interceptor sanitary sewer overflow facility as delineated on the map on file in the office of the city clerk as Public Document No. 13-0610-16, shall hereafter be referred to as Sister Cities Park.

Resolution 13-0293 was unanimously adopted.

Approved June 10, 2013

DON NESS, Mayor

- - -

RESOLVED, that the proper city officials are hereby authorized to enter into an agreement, a copy of which is on file in the office of the city clerk as Public Document No. 13-0610-17, with the Park Point Community Club allowing them to use Park Point property to stage the Park Point Art Fair through 2017 in an amount not to exceed \$1,500 per year, payable to 205 (parks), 130 (community resources), 1219 (parks operating), 4170-01 (miscellaneous permits and licenses).

Resolution 13-0299 was unanimously adopted.

Approved June 10, 2013

DON NESS, Mayor

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The following resolutions were also considered:

Resolution 13-0312, authorizing city officials to allocate \$37,000 from the tourism tax fund balance to the general fund for park rangers, was introduced by Councilor Hartman for discussion.

Robin Roeser, deputy police chief, urged councilors to support this resolution as the park rangers will: bring an increased presence to the Lakewalk and Downtown during the summer; be ambassadors to residents and visitors; provide safety and security for the public; report inappropriate behavior to police officers and to park officials; be identified as park rangers and have no police power.

Resolution 13-0312 was adopted as follows:

RESOLVED, that the proper city officials are hereby authorized to allocate \$37,000 from restricted fund balance in the tourism tax fund, Fund 258, to General Fund 110 to support park rangers along the Lakewalk and Superior Street from mid-June through Labor Day.

Resolution 13-0312 was unanimously adopted.

Approved June 10, 2013

DON NESS, Mayor

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Resolution 13-0301, authorizing a contract with Election Systems and Software, LLC, for the purchase and delivery of optical scan voting system equipment, software and related services for a total estimated amount of \$269,249.57, was introduced by Councilor Krause.

At the request of the administration, Councilor Krause moved to withdraw the resolution from the agenda, which motion was seconded and unanimously carried.

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RESOLVED, that the proposed specifications for the new civil service classification of senior project engineer, which were approved by the civil service board on June 4, 2013, and which are filed with the city clerk as Public Document No. 13-0610-18, are approved; that said

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classification shall be subject to the city's collective bargaining agreement with its basic unit employees; and that pay range for said classification shall be Range 39, \$5,445 to \$6,495 per month. The proper city officials are authorized to execute and implement an agreement with the union to provide for employing one or more unit members consistent with this resolution.

Resolution 13-0302 was adopted upon the following vote:

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

Nays: Councilor Fosle -- 1

Approved June 10, 2013

DON NESS, Mayor

- - -

RESOLVED, that the proposed amendments to the specifications for the civil service classification of project engineer, which were approved by the civil service board on June 4, 2013, and which are filed with the city clerk as Public Document No. 13-0610-19, are approved; that said classification shall remain subject to the city's collective bargaining agreement with its basic unit employees; and that pay range for said classification shall remain Pay Range 36, \$4,785 to \$5,691 per month. The proper city officials are authorized to execute and implement an agreement with the union to provide for employing one or more unit members consistent with this resolution.

Resolution 13-0303 was adopted upon the following vote:

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

Nays: Councilor Fosle -- 1

Approved June 10, 2013

DON NESS, Mayor

- - -

RESOLVED, that the proposed amendments to the specifications for the civil service classification of safety and training officer, which were approved by the civil service board on June 4, 2013, and which are filed with the city clerk as Public Document No. 13-0610-20, are approved; that said classification shall remain subject to the city's collective bargaining agreement with its supervisory unit employees; and that pay ranges for said classification shall remain pay ranges 1100-1110, \$5,373 to \$6,851 per month. The proper city officials are authorized to execute and implement an agreement with the union to provide for employing one or more unit members consistent with this resolution.

Resolution 13-0304 was adopted upon the following vote:

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

Nays: Councilor Fosle -- 1

Approved June 10, 2013

DON NESS, Mayor

- - -

RESOLVED, that the proposed specifications for the new civil service classification of database administrator, which were approved by the civil service board on January 16, 2013, and which are filed with the city clerk as Public Document No. 13-0610-21, are approved; that said classification shall be subject to the city's collective bargaining agreement with its basic unit employees; and that pay range for said classification shall be Range 136, \$4,412 to

## PROCEEDINGS OF THE DULUTH CITY COUNCIL FOR 2013

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\$5,221 per month. The proper city officials are authorized to execute and implement an agreement with the union to provide for hiring one or more unit members consistent with this resolution.

Resolution 13-0305 was adopted upon the following vote:

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

Nays: Councilor Fosle -- 1

Approved June 10, 2013

DON NESS, Mayor

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RESOLVED, that the proposed specifications for the new civil service classification of applications administrator, which were approved by the civil service board on January 16, 2013, and which are filed with the city clerk as Public Document No. 13-0610-22, are approved; that said classification shall be subject to the city's collective bargaining agreement with its basic unit employees; and that pay range for said classification shall be Range 137, \$4,595 to \$5,455 per month. The proper city officials are authorized to execute and implement an agreement with the union to provide for employing one or more unit members consistent with this resolution.

Resolution 13-0306 was adopted upon the following vote:

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

Nays: Councilor Fosle -- 1

Approved June 10, 2013

DON NESS, Mayor

- - -

RESOLVED, that the proposed amendments to the specifications for the civil service classification of property and facilities manager, which were approved by the civil service board on June 4, 2013 and which are filed with the city clerk as Public Document No. 13-0610-23, are approved; that said classification shall remain subject to the city's collective bargaining agreement with its supervisory unit employees; and that pay range for said classification shall remain pay ranges 1115-1130, \$5,739 to \$7,404 per month. The proper city officials are authorized to execute and implement an agreement with the union to provide for employing one or more unit members consistent with this resolution.

Resolution 13-0307 was adopted upon the following vote:

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

Nays: Councilor Fosle -- 1

Approved June 10, 2013

DON NESS, Mayor

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Resolution 13-0311, by councilors Gardner and Hartman, of intent to support the RC Limited Liability Corporation's request to the Minnesota housing finance agency for funding for the Pastoret Terrace project, was introduced for discussion.

Councilor Stauber stated his support for this project as that corner is a blight on the Downtown area. He continued saying there is a sense of urgency for this building as it is in major disrepair after a fire and if this developer does not move forward soon, this building may not survive the next winter. Councilor Stauber stated this project should be on a par with the Lincoln Park School project so the project can get started.

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Councilor Hartman expressed his support for this project as: it would save an historically significant building in the community; the building is an eyesore to the Downtown; this plan uses tax credits and historical tax credits and easily could become a reality; the homeless problem has not gotten better and the city needs more housing for those who people who have been displaced and cannot afford their own housing. He continued saying this project is an opportunity to provide for housing now as there are no other short term or long term options that the city is pursuing for housing in that area.

Councilor Gardner reviewed that: the developer is committed to on-site mental health supportive services for those who need it; it is a very good and complete plan; the developer is talking to and negotiating with statewide management firm, Common Bond, and this is state money and the city is making a recommendation to the state. She continued saying that there is a legitimate concern if the housing is only for all low income people who have issues with independent living and there needs to be ongoing discussion for workforce housing so it is not one group of people in a concentrated area.

Chief Administrative Officer David Montgomery stated that the administration agrees with the importance of the building and desires to preserve the building and restore it, but this project is more than just restoring a building. He continued saying this is also about taking steps to restoring Downtown and bring a revitalized connection between First and Superior streets, and that this project sits on a key intersection of those two streets. Mr. Montgomery stated that the administration agrees there is an ongoing need for supportive housing in the community but disagrees that this is the place to put the same population that has been there and that this is not the answer to revitalizing Downtown.

Resolution 13-0311 failed upon the following vote (Public Document No. 13 0610 28):

Yeas: Councilors Gardner, Hartman and Stauber -- 3

Nays: Councilors Fosle, Julsrud, Krause, Krug, Larson and President Boyle -- 6

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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, was introduced by Councilor Stauber.

Councilor Krause stated that this resolution is supporting a project that does not have a finalized plan and the council should vote no on this resolution.

Councilor Hartman moved to table the resolution for more discussion on the project, which motion was seconded and carried upon the following vote:

Yeas: Councilors Gardner, Hartman, Julsrud, Larson, Stauber and President Boyle -- 6

Nays: Councilors Fosle, Krause and Krug -- 3

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Resolution 13-0313, by Councilor Stauber, amending Resolution 12-0608, adopting license, permit, fine, penalty and other charges for 2013, amending and adding fees related to animal control, was introduced.

Councilor Stauber moved to table the resolution to be considered with companion Ordinance 13-040 at the next council meeting, which motion was seconded and carried upon the following vote:

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

Nays: Councilor Krause -- 1

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Resolution 13-0292, authorizing disbursement of grant funds in the amount of \$79,880 from parks fund neighborhood grants program, was introduced by Councilor Larson for

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

discussion.

Councilors Krause and Gardner moved to amend the resolution by:

(a) Deleting the following line item:

<b>Organization</b>	<b>Program Name</b>	<b>Rec Amt</b>
Friends of the Lakewalk	Informational kiosks along the Lakewalk	\$5,000

(b) Reducing the total amount of the grants by \$5,000, which motion was seconded.

Councilor Krause explained that tourism tax dollars would be a better source of funding for the informational kiosks along the Lakewalk, which would be used mostly by tourists, and instead put that \$5,000 towards community neighborhood needs within the parks such as club houses or youth activities.

Councilor Krause's amendment failed upon the following vote:

Yeas: Councilors Gardner and Krause -- 2

Nays: Councilors Fosle, Hartman, Julsrud, Krug, Larson, Stauber and President Boyle -- 7

Resolution 13-0292 was adopted as follows:

RESOLVED, that the city council hereby authorizes the disbursement of grant funds from the parks fund neighborhood grants program to the following organizations in the following amounts, and further authorizes the proper city officials to execute a grant agreement, substantially the same as that on file in the office of the city clerk as Public Document No. 13-0610-24, with each organization receiving funds, amounts to be payable from Fund 205-130-1219-5439 (parks, community resources, parks operating, special projects and events):

<b>Organization</b>	<b>Program Name</b>	<b>Rec Amt</b>
Arrowhead Youth Soccer Association	Western Duluth Soccer Program	\$5,000
Cyclists of Gitchee Gumees Shores	Mountain Bike Trail System Sustainability Upgrades	\$5,000
Cyclists of Gitchee Gumees Shores	Trail signage for existing COGGS multi-use trail systems	\$5,000
Duluth Community Sailing Association	Purchase replacement 13 foot laser class sailboat	\$4,500
Duluth Cross-Country Ski Club	Spirit/Magney XC ski trails rock removal and grading	\$5,000
Duluth Cross-Country Ski Club	Grooming equipment for XC ski trails	\$2,450
Duluth Eastern Little League Baseball	Eastern Little League Park repair and maintenance	\$2,500
East Hillside Patch	Summer parks sampler	\$3,925
Friends of Keene Creek Dog Park	Dog park improvement	\$5,000
Friends of the Lakewalk	Informational kiosks along the Lakewalk	\$5,000
Lincoln Park Citizen Patrol	Safer Harrison Community Center	\$2,500
Men as Peacemakers	Champions Building Champions: Athletes Helping Youth Succeed	\$5,000
Piedmont Hockey Association	Building, grounds, accessibility and rink improvement project	\$5,000

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<b>Organization</b>	<b>Program Name</b>	<b>Rec Amt</b>
The Salvation Army - Duluth	Rookie Basketball Association 3-On-3 Tournament	\$5,000
Valley Youth Center	Outdoor youth garden	\$5,000
Wise Fool Shakespeare	Lake Place Players	\$5,000
Woodland Hockey Association	Woodland outdoor public rink refurbishment	\$5,000
Neighborhood Youth Services	Beach sweeps and field trips	\$4,005
	<b>Totals</b>	<b>\$79,880</b>

Resolution 13-0292 was unanimously adopted.  
Approved June 10, 2013  
DON NESS, Mayor

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**INTRODUCTION AND CONSIDERATION OF ORDINANCES**

The following entitled ordinances were read for the first time:

BY COUNCILOR STAUBER

13-040 - AN ORDINANCE AMENDING CHAPTER 6 OF THE DULUTH CITY CODE, 1959, AS AMENDED, RELATED TO ANIMAL CONTROL AND LICENSING.

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BY COUNCILOR FOSLE

13-041 - AN ORDINANCE AMENDING SECTION 29A-27 OF THE DULUTH CITY CODE, 1959, AS AMENDED, REGARDING RENTAL LICENSING.

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The following entitled ordinances were read for the second time:

INTRODUCED BY COUNCILOR STAUBER

13-029(b) (10232) - AN ORDINANCE AMENDING CHAPTER 50 OF THE DULUTH CITY CODE, 1959, AS AMENDED, REGARDING DIMENSIONAL STANDARDS IN THE MU-N, MU-C, MU-B AND MU-W DISTRICTS.

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

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INTRODUCED BY COUNCILOR STAUBER

13-037 (10233) - AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF DULUTH TO PROVIDE FOR THE RECLASSIFICATION FROM MIXED USE BUSINESS (MU-B) TO MIXED USE NEIGHBORHOOD (MU-N) FOR PROPERTIES LOCATED AT 4502 EAST SUPERIOR STREET (GREG KLEIN).

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

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The meeting was adjourned at 9:05 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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**ORDINANCE NO. 10230**

BY COUNCILORS GARDNER AND KRUG:

AN ORDINANCE AMENDING THE DULUTH CITY CODE, 1959, AS AMENDED, AMENDING CHAPTER 28, ADDING A NEW ARTICLE VIII PROHIBITING CONSUMPTION OF PRODUCTS LABELED NOT FOR HUMAN CONSUMPTION.

The city of Duluth does ordain:

Section 1. That Chapter 28 of the Duluth City Code, 1959, as amended, is hereby amended by adding a new Article VIII as follows:

Article VIII. Consumption of Products Labeled  
Not For Human Consumption.

Sec. 28-73. Findings of fact and statement of purpose.

(a) The Duluth City Council finds the following facts to exist:

(1) The consumption of products labeled not for human consumption is a public health hazard, creates public nuisances and results in an increased need for public safety services; and

(2) Health hazards associated with the consumption of these products include addiction, psychosis, strokes, anxiety, stimulation, and other physical and mental disorders; and

(3) Prohibiting the consumption of products labeled not for human consumption will provide for better public health and safety.

Sec. 28-74. Other applicable laws.

This Article is intended to complement state and federal laws regulating products labeled not for human consumption including synthetic drugs.

Sec. 28-75. Violation and definition.

(a) It is a violation of this Article for any person to intentionally consume any product labeled not for human consumption;

(b) It is a violation of this Article to intentionally aid another in violation of this Article;

(c) For the purpose of this Article, consume or consumption shall include eating, drinking, smoking, injecting and inhalation;

(d) It is not a violation of this Article if a person is acting under the written direction and supervision of a medical doctor.

Sec. 28-76. Severability.

If any portion of this Article, or its application to any circumstances, is held invalid, the remaining provisions shall be considered severable, and shall be given effect to the maximum extent possible.

Section 2. That this ordinance shall take effect 30 days after its passage and publication. (Effective date: July 11, 2013)

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

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Councilor Gardner 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 June 10, 2013  
Approved June 10, 2013  
DON NESS, Mayor

- - -

**ORDINANCE NO. 10231**

BY COUNCILORS GARDNER AND KRUG:

AN ORDINANCE AMENDING THE DULUTH CITY CODE, 1959, AS AMENDED, AMENDING CHAPTER 5 ADDING A NEW ARTICLE VII REGARDING SYNTHETIC DRUG ESTABLISHMENTS.

The city of Duluth does ordain:

Section 1. That Chapter 5 of the Duluth City Code, 1959, as amended, is hereby amended by adding a new Article VII as follows:

Article VII. Synthetic Drug Establishments.

Sec. 5-43. Findings of fact and statement of purpose.

(a) The Duluth City Council finds the following facts to exist:

(1) Synthetic drugs are commonly marketed as a safe and legal alternative to marijuana or other controlled substances;

(2) Ingestion of synthetic drugs has been shown to produce dangerous side effects such as headaches, agitation, nausea, vomiting, hallucinations, loss of consciousness, elevated blood pressure, tremors, seizures, addiction, paranoid behavior, anxiety, increased heart rate, and even death;

(3) The Duluth police department has advised the city council of a significant increase in the use of synthetic drugs within the city and the manufacture and sale of synthetic drugs is negatively affecting the health, safety and welfare of the citizens of Duluth;

(4) Due to the manner in which these substances are marketed, the manufacture and sale of synthetic drugs is, purportedly, not currently regulated by the federal drug administration;

(5) Due to the ease of making slight molecular alterations to chemical compounds, law enforcement agencies have found it difficult to bring criminal charges against manufacturers and sellers of synthetic drug products;

(6) The purpose of this Article is not to condone illegal activity nor is it to legitimize activity that may now or in the future be considered illegal activity under state or federal laws;

(7) Synthetic drugs are currently being sold as legal products without even the basic regulation and licensing requirements that many other businesses have within the city.

## PROCEEDINGS OF THE DULUTH CITY COUNCIL FOR 2013

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### Sec. 5-44. Definitions.

For the purposes of this Article, the following words and phrases shall have the meaning hereinafter ascribed to them:

(a) Synthetic drug. The term synthetic drug means one or more of the following:

(1) A substance that a reasonable person would believe is a synthetic drug;

(2) A substance that a reasonable person would believe is being purchased or sold as a synthetic drug; or

(3) A substance that a person knows or should have known was intended to be consumed by injection, inhalation, ingestion, or any other immediate means, and consumption was intended to cause or simulate a stimulant, depressant, or hallucinogenic effect on the central nervous system that is substantially similar to or greater than the stimulant, depressant, or hallucinogenic effect on the central nervous system of a controlled substance on Schedule 1. Synthetic drug does not mean food and drug ingredients, alcohol, legend drugs, tobacco or dietary supplements;

(b) Synthetic drug establishment. Synthetic drug establishment means any business establishment where any person engages in the sale of synthetic drugs.

### Sec. 5-45. License required.

No person shall engage in the business of operating a synthetic drug establishment either exclusively or in connection with any other business enterprise without first obtaining a license for each synthetic drug establishment.

### Sec. 5-46. Application for license.

Application for a synthetic drug establishment license shall be made to the city clerk on forms supplied by the city containing the following information:

(a) A description of the business;

(b) A description of the location of the premises to be licensed;

(c) The full names and addresses of the property owner, business owner, lessee and manager, operator and the date of birth of each;

(d) If applicant is a partnership, the names and residence addresses of each of the partners including limited partners, and the address of the partnership itself, if different from the address of the synthetic drug establishment; and

(e) Whether any of the aforementioned individuals have ever been convicted of any crime or offense other than a traffic offense, and if so, a description of the offense as to time, place, date and disposition.

The annual license fee shall be set in accordance with Section 31-6(a) of this Code. A separate license shall be obtained for each place of business. The licensee shall display the license in a prominent place on the licensed premises at all times. A license, unless revoked, shall be effective August 1 through July 31 annually.

## PROCEEDINGS OF THE DULUTH CITY COUNCIL FOR 2013

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### Sec. 5-47. Issuance.

(a) No license under this Article shall be issued unless it is approved by the chief administrative officer upon advice from the police department and unless the establishment has passed fire and health inspections. The chief administrative officer shall not approve any license if he or she has reasonable grounds to believe:

- (1) That the granting of said license would result in violations of the law;
- (2) That the license application contains false and misleading statements; or
- (3) That other good cause exists for denying the license;

(b) If the chief of police or the chief administrative officer finds that they do not have adequate information to evaluate the license application, they may direct the applicant, manager or agent to appear at any reasonable time and place to give under oath information concerning the application. No license shall be granted to any applicant who refuses to appear and cooperate with the investigation.

### Sec. 5-48. Prohibited acts.

(a) No synthetic drug establishment shall:

- (1) Remain open between 8:00 p.m. and 8:00 a.m. on any day;
- (2) Sell synthetic drug products that do not include the name, phone number and address of the manufacturer, packer and distributor of the product;
- (3) Sell synthetic drug products that do not identify all commodities within the package, including organic and non-organic, chemically synthesized substances and compounds;
- (4) Sell synthetic drug products to any individual under the age of 21;
- (5) Sell synthetic drug products that do not comply with all state and federal laws and regulations, including those related to packaging, labeling and weights and measures; and
- (6) Be located within 500 feet of any park, school, day care facility or area zoned residential or mixed-use neighborhood. This restriction shall not apply to a synthetic drug establishment that was conducting business at the location indicated in the application and making sales of synthetic drugs at that location on or before May 24, 2013.

### Sec. 5-49. Suspension and revocation of licenses.

The chief administrative officer may revoke or suspend any license issued pursuant to this Article, if, after giving the licensee an opportunity to be heard on the matter, such officer finds:

- (a) The licensee has violated a provision of this Article or any other law relating to the conduct of its operation including, but not limited to state, federal or local laws; or
- (b) The licensee secured the license through misrepresentation or fraud or misstated any material fact in the application; or

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(c) Failure of the licensee to cooperate with the police, fire or health officers in any investigation relating to their operations or failure to admit police officers into the establishment at any time when people are present in the establishment; or

(d) The establishment is operated in such a way as to endanger public health or safety; or

(e) The establishment is operated in such a way as to constitute a public nuisance as defined in Minnesota Statutes Section 609.74 or successor statute.

**Sec. 5-50. Appeals.**

Any person aggrieved by a licensing decision of the chief administrative officer under this Article may appeal such decision to the city council by filing a written notice of appeal with the city clerk within 15 days after such decision is rendered. The decision of the city council is the final administrative decision of the city.

**Sec. 5-51. Other applicable laws.**

This Article is intended to complement state and federal laws regulating synthetic drugs.

**Sec. 5-52. Severability.**

If any portion of this Article, or its application to any circumstances, is held invalid, the remaining provisions shall be considered severable, and shall be given effect to the maximum extent possible.

Section 2. That this ordinance shall take effect 30 days after its passage and publication. (Effective date: July 11, 2013)

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

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

Nays: Councilor Stauber -- 1

ATTEST:  
JEFFREY J. COX, City Clerk

Passed June 10, 2013  
Approved June 10, 2013  
DON NESS, Mayor

- - -

**ORDINANCE NO. 10232**

AN ORDINANCE AMENDING CHAPTER 50 OF THE DULUTH CITY CODE, 1959, AS AMENDED, REGARDING DIMENSIONAL STANDARDS IN THE MU N, MU C, MU B AND MU W DISTRICTS.

The city of Duluth does ordain:

Section 1. That Section 50-15.2 of Chapter 50 be amended as follows:

**50-15.2 Mixed Use-Neighborhood (MU-N).**

**A. Purpose.**

The MU-N district is established to accommodate a mix of neighborhood-scale, neighborhood serving non-residential uses and a range of residential uses located in close proximity. This district accommodates both horizontal (uses located in separate structures) and vertical (uses located in the same building) types of mixed use. Nonresidential uses may include small-scale retail, service and professional offices that provide goods and services to the residents of the surrounding neighborhood, as shown in Table 50-19.8;

**TABLE 50-15.2-1  
MU-N DISTRICT DIMENSIONAL STANDARDS**

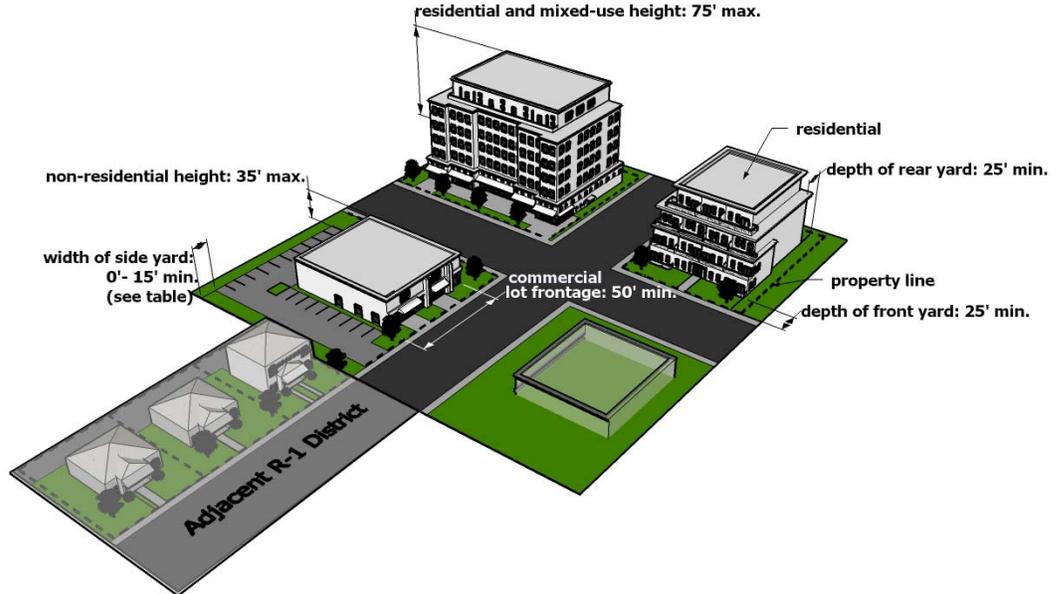
		LOT STANDARDS
Minimum lot area per family	One-family	4,000 sq. ft.
	Two-family	2,500 sq. ft.
	Multi-family	500 sq. ft.
	Efficiency unit	380 sq. ft.
	Townhouse or live-work dwelling	2,200 sq. ft.
No lot of record containing 5,000 sq. ft. or less shall be used except for a one-family dwelling or a permitted non-dwelling use		
Minimum lot frontage	One-family, two-family or townhouse dwelling	30 ft.
	Multi-family or non-residential	50 ft.
STRUCTURE SETBACKS		
Minimum depth of front yard	One-family, nonresidential and mixed use	The smaller of 25 ft. or average of adjacent developed lots facing the same street
Minimum width of side yard	<u>General, unless listed below</u>	<u>5 ft.</u>
	Non-residential use adjacent to residential district or use	15 ft.
	Nonresidential use adjacent to nonresidential district or use	0 ft.
	Multi-family adjacent to single-family district or use	10 ft.
	Multi-family adjacent to multi-family district or use	0 ft.
Minimum depth of rear yard		25 ft.
STRUCTURE HEIGHT		
Maximum height of building	Non-residential use	35 ft.
	Residential or mixed use (general)	75 ft.
	Residential or mixed use (within <u>500</u> ft. of R-1)	35 ft.
	Residential or mixed use (within <u>500</u> ft. of R-2)	50 ft.
Section 50.21 <i>Dimensional standards</i> contains additional regulations applicable to this district.		

**B. Example.**

*MU-N Example Building Form*



C. Illustration.



Section 2. That Section 50-15.3 of Chapter 50 be amended as follows:

**50-15.3 Mixed Use-Commercial (MU-C).**

A. Purpose.

The MU-C district is established to provide for community and regional commercial development along commercial corridors and nodal centers. Intended non-residential uses include retail, lodging, service, and recreational facilities needed to support the community and region, as shown in Table 50-19.8. Development should facilitate pedestrian connections between residential and nonresidential uses;

**TABLE 50-15.3-1  
MU-C DISTRICT DIMENSIONAL STANDARDS**

LOT STANDARDS		
Minimum lot area per family	Live-work dwelling	2,200 sq. ft.
	Multi-family	500 sq. ft.
	Efficiency unit	380 sq. ft.
Minimum lot frontage	Nonresidential or mixed use	0 ft.
	Multi-family	50 ft.
STRUCTURE SETBACKS		
Minimum depth of front yard		0 ft.
Minimum width of side yard and rear yard	Nonresidential district or use adjacent to residential or mixed use district or use	15 ft.
	Multi-family residential district or use adjacent to one-family residential district or use	10 ft.
	Nonresidential use adjacent to commercial use or multi-family use adjacent to multi-family use	0 ft.
STRUCTURE HEIGHT		
Maximum height of building	Nonresidential use	45 ft.
	Residential or mixed use	90 ft.
	Residential or mixed use within 500 ft. of R-1	35 ft.
	Residential or mixed use within 500 ft. of R-2	50 ft.

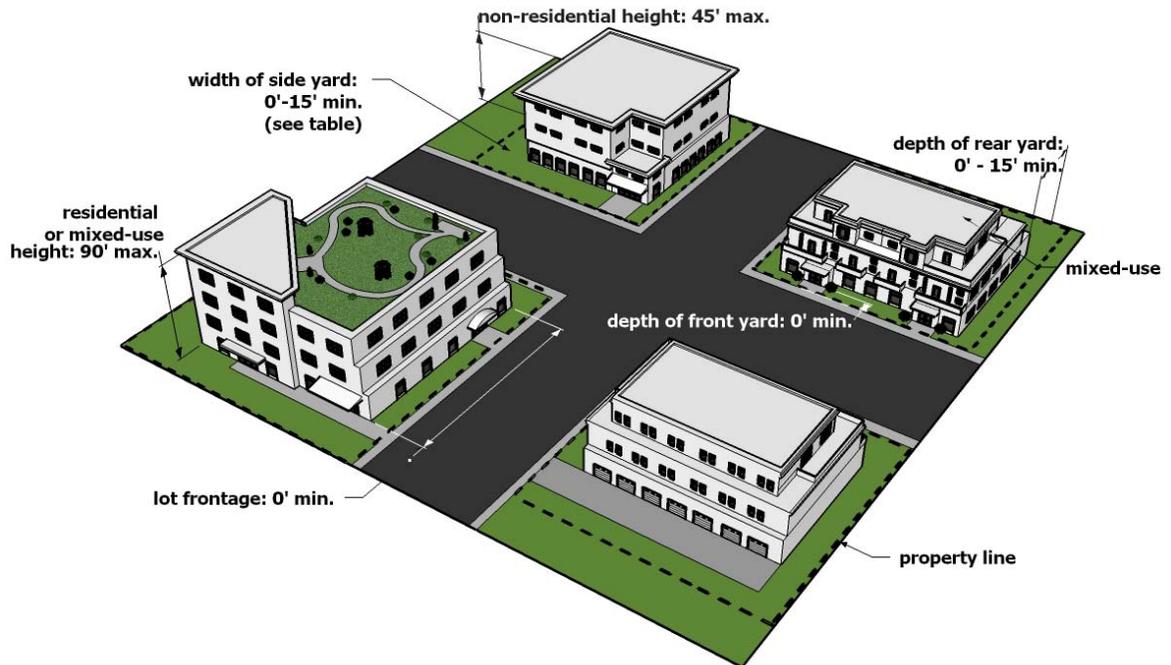
Section 50.21 *Dimensional standards* contains additional regulations applicable to this district.

B. Example.

*MU-C Example Building Forms*



C. Illustration.



D. Planning commission approval required.

A planning review by the planning commission, pursuant to the procedures in Article V, shall be required for all new development, redevelopment and expansions in the MU-C district, including but not limited to construction of driveways or other access from public streets, and construction of off-premises signs, but excluding the following:

1. Building construction or expansion of less than 500 square feet in area;

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2. Building renovations that affect the exterior of structures that do not result in an increase in building square footage;
  3. Grading and construction of parking areas less than 3,000 square feet.
- Development may not proceed until the planning commission has approved the project through planning review;

**E. Development standards.**

1. The location, size and number of curb cuts shall be designed to minimize traffic congestion or hazard in the area. Any traffic control improvements required as a result of the proposal such as traffic signals, turning lanes, medians, signage and other types of improvements necessary to accommodate traffic flow to and from the proposed project shall be paid for by the property owner. Any additional right-of-way or easements needed shall be provided by the property owner at no cost to the city;
2. Any necessary public easements over the subject property shall be dedicated, and any necessary improvements within such easements or other easements adjacent to the subject property shall be made.

Section 3. That Section 50-15.5 of Chapter 50 be amended as follows:

**50-15.5 Mixed Use-Business Park (MU-B).**

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**A. Purpose.**

The MU-B district is intended to accommodate modern light industrial and technology-based developments of attractive integrated design and function. The development standards for this district are intended to ensure that projects minimize adverse impacts on surrounding uses and neighborhoods, reduce impacts on the natural environment, enhance the visual quality of development and ensure the provision of adequate and cost-efficient public facilities. Intended uses include wholesaling, industrial services, research laboratories, and light manufacturing needed to support the community and region at large, as shown in Table 50-19.8;

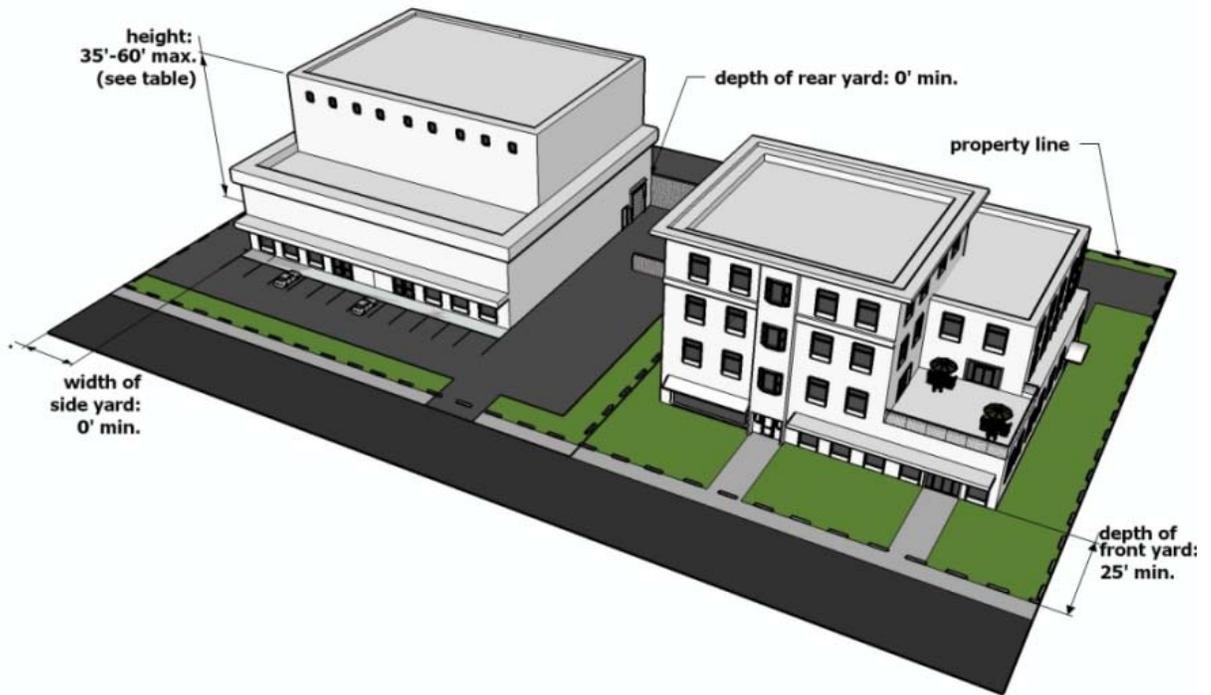
<b>TABLE 50-15.5-1 MU-B DISTRICT DIMENSIONAL STANDARDS</b>		
<b>STRUCTURE SETBACKS</b>		
Minimum depth of front yard	General	25 ft.
	Lots with less than 250 ft. average depth	Larger of 10 ft. or 10% of lot depth
Minimum width of side yard	Adjacent to residential use or district	6 ft.
	General	0 ft.
Minimum depth of rear yard	Adjacent to residential use or district	10 ft.
	General	0 ft.
<b>STRUCTURE HEIGHT</b>		
Maximum height of building	General	60 ft.
	Within <u>500</u> ft. of R-1 district	35 ft.
	Within <u>500</u> ft. of R-2 district	50 ft.
Section 50.21 <i>Dimensional standards</i> contains additional regulations applicable to this district.		

B. Example.

*MU-B Example Building Forms*



C. Illustration.



D. Development standard.

In portions of the MU-B zone district developed after May 7, 1979, (a) all truck loading, unloading, and maneuvering areas shall be constructed in side or rear yard areas with a durable dust free material having a smooth hard surface, and shall be defined on all sides by raised cast-in-place concrete curbs, and (b) all truck loading, unloading, and maneuvering operations shall be conducted so that no truck movement interferes with ingress or egress of traffic on a street and no truck shall be required to back into loading areas from a street.

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Section 4. That Section 50-15.6 of Chapter 50 be amended as follows:

**50-15.6 Mixed Use-Waterfront (MU-W).**

**A. Purpose.**

The MU-W district is intended to provide for waterfront-dependent commercial uses and medium to high density residential development. Intended non-residential uses include visitor-related retail and services, lodging, recreational facilities and maritime uses, as well retail and service uses that take advantage of the waterfront setting, as shown in Table 50-19.8. Development may include horizontal or vertical mixed use, and should facilitate transit and pedestrian connections between developments and the surrounding areas and community;

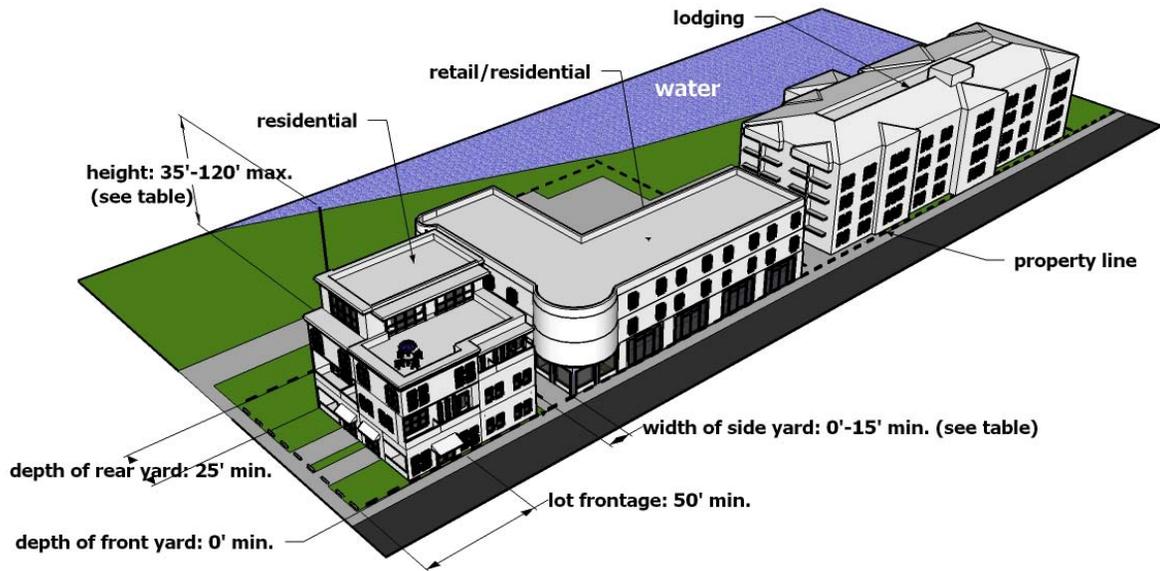
<b>TABLE 50-15.6-1 MU-W DISTRICT DIMENSIONAL STANDARDS</b>		
<b>LOT STANDARDS</b>		
Minimum lot area per family	Townhouse or live-work dwelling	2,200 sq. ft.
	Multi-family	500 sq. ft.
	Efficiency unit	380 sq. ft.
Minimum lot frontage		50 ft.
<b>STRUCTURE SETBACKS</b>		
Minimum depth of front yard		0 ft.
Minimum width of side yard	Nonresidential use adjacent to residential district or use	15 ft.
	Nonresidential use adjacent to nonresidential district or use	0 ft.
	Multi-family adjacent to single-family district or use	10 ft.
	Multi-family adjacent to multi-family district or use	0 ft.
Minimum depth of rear yard		25 ft.
<b>STRUCTURE HEIGHT</b>		
Maximum height of building	Residential or mixed use	120 ft.
	Nonresidential	45 ft.
	Within 500 ft. of R-1 district	35 ft.
	Within 500 ft. of R-2 district	50 ft.
Section 50.21 <i>Dimensional standards</i> contains additional regulations applicable to this district.		

**B. Example.**

*MU-W Example Building Forms*



**C. Illustration.**



**D. Planning commission approval required.**

A planning review by the planning commission, pursuant to the procedures in Article V, shall be required for all development, redevelopment and expansions in the MU-W district, including but not limited to construction of driveways or other access from public streets and construction of off-premises signs, but excluding the following:

1. Building construction or expansion of less than 500 square feet in area;
2. Building renovations that affect the exterior of structures that do not result in an increase in building square footage;
3. Grading and construction of parking areas less than 3,000 square feet.

Development may not proceed until the planning commission has approved the project through planning review;

**E. Development standards.**

All permitted development in the MU-W shall comply with the following development standards:

1. Proposed development shall be visually and functionally oriented toward the waterfront of Lake Superior, the harbor and the St. Louis River to the maximum extent possible so that users of buildings and associated outdoor areas have direct views and physical access to the waterfront;
2. To protect public views to the waterfront from the closest landward public street running approximately parallel to the water, all primary structures shall have a maximum width of 200 feet measured along the shoreline and shall be separated from other primary structures by a minimum of 50 feet. These requirements shall not apply to portions of buildings that do not block public views of Lake Superior, the harbor and the St. Louis River from the closest landward public street running approximately parallel to the water due to topography or the location;
3. Buildings shall have a primary façade, with a functioning entrance for residents, employees or patrons facing the waterfront, and a second primary façade with a similar functioning entrance facing at least one of the adjacent streets, to the maximum extent feasible;

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4. The quality of façade design and materials and the level of detail on the building façade facing the water shall be comparable to that on any other building façade containing a functioning entrance. The building façade facing the water shall have at least 40 percent transparency, measured as set forth in Section 50-22.5D.1; no rectangular area greater than 30 percent of each story of the façade facing the water may be windowless, as measured from floor to floor, and no horizontal distance greater than 15 feet of each story of a facade facing the water may be windowless;
5. The parking requirements in Section 50-24 shall be met, except that where a property is not adjacent to an R zone district, the required parking may be reduced by 30 percent if the applicant can demonstrate that nearby properties provide supplemental on-street or off-street parking.

Section 5. That this ordinance shall take effect 30 days after its passage and publication. (Effective date: July 11, 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 June 10, 2013  
Approved June 10, 2013  
DON NESS, Mayor

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**ORDINANCE NO. 10233**

AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF DULUTH TO PROVIDE FOR THE RECLASSIFICATION FROM MIXED USE BUSINESS (MU-B) TO MIXED USE NEIGHBORHOOD (MU-N) FOR PROPERTIES LOCATED AT 4502 EAST SUPERIOR STREET (GREG KLEIN).

The city of Duluth does ordain:

Section 1. That the 22,000 square feet of the subject property located at 4502 East Superior Street and as more particularly described in Exhibit A and by the following:

010-3010-00050

be reclassified from MU-B to MU-N, and that the official zoning map of the city of Duluth as referenced in Chapter 50 of the Duluth City Code, 1959, as amended, is amended to read as follows:

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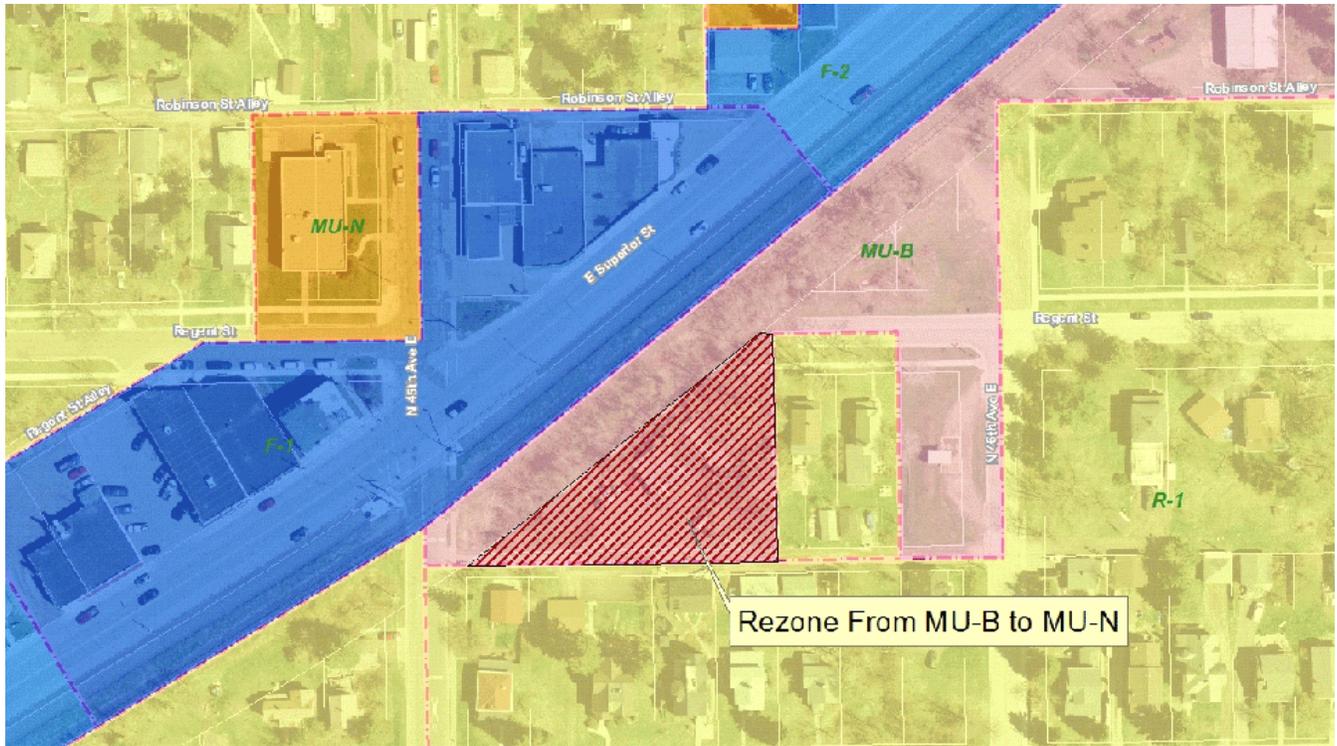


Exhibit A  
(Ref. File No. 13-057)

Section 2. That this ordinance shall take effect 30 days after its passage and publication. (Effective date: July 11, 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 June 10, 2013  
Approved June 10, 2013  
DON NESS, Mayor

- - -