



City of Duluth

411 West First Street
Duluth, Minnesota 55802

Meeting Agenda - Final-revised

City Council

MISSION STATEMENT: *The mission of the Duluth City Council is to develop effective public policy rooted in citizen involvement that results in excellent municipal services and creates a thriving community prepared for the challenges of the future.*

TOOLS OF CIVILITY: *The Duluth City Council promotes the use and adherence of the tools of civility in conducting the business of the council. The tools of civility will provide increased opportunities for civil discourse in order to find positive resolutions to the issues that face the city. These tools include: pay attention, listen, be inclusive, do not gossip, show respect, be agreeable, apologize, give constructive criticism and take responsibility. [Approved by the council on August 25, 2003]*

Monday, December 14, 2015

7:00 PM

Council Chamber

ROLL CALL

PLEDGE OF ALLEGIANCE

PUBLIC HEARING - 7PM - LIQUOR LICENSE FEES

7PM - PROPERTY TAX ABATEMENT REGARDING CIRRUS DESIGN CORPORATION PROJECT.

7PM - CIRRUS DESIGN CORPORATION PROJECT - BUSINESS SUBSIDY

REPORTS FROM THE ADMINISTRATION

REPORTS FROM OTHER OFFICERS

1. [15-096](#) Clerk application for exempt permit submitted to the Minnesota gambling control board from Duck's Unlimited for raffle on February 26, 2015.

Attachments: [DUCK'S UNLIMITED APPLICATION](#)

REPORTS OF COUNCIL COMMITTEES

REPORTS OF COUNCIL OPEN ISSUES

OPPORTUNITY FOR CITIZENS TO BE HEARD

RESOLUTIONS TABLED**COMMITTEE 1****BY COUNCILOR FILIPOVICH (FINANCE)**

2. [15-0811R](#) RESOLUTION APPROVING CAPITAL IMPROVEMENT PLAN AND STATING INTENT TO ISSUE GENERAL OBLIGATION CAPITAL IMPROVEMENT BONDS UNDER MINNESOTA STATUTES, SECTION 475.521.

Legislative History

12/7/15 City Council tabled

3. [15-0831R](#) RESOLUTION ADOPTING LICENSE, PERMIT, FINE, PENALTY AND OTHER CHARGES FOR 2016.

Attachments: [Exhibit A](#)[Memo](#)**Legislative History**

12/7/15 City Council tabled

4. [15-0834R](#) RESOLUTION APPROVING THE FISCAL YEAR JANUARY 1, 2016 TO DECEMBER 31, 2016, OPERATION BUDGET OF THE DULUTH TRANSIT AUTHORITY.

Attachments: [Exhibit A](#)**Legislative History**

12/7/15 City Council tabled

BY COUNCILOR GARDNER (PERSONNEL)

5. [15-0832R](#) RESOLUTION ADOPTING CITY CHARTER COMMISSION'S RECOMMENDATION FOR APPROPRIATE FEE PAID TO CITY COUNCIL MEMBERS FOR SERVICE ON THE CITY COUNCIL AND SETTING SAID FEE.

Sponsors: Gardner**Legislative History**

12/7/15 City Council tabled

MOTIONS AND RESOLUTIONS**CONSENT AGENDA**

COMMITTEE 1**BY COUNCILOR FILIPOVICH (FINANCE)**

6. [15-0842R](#) RESOLUTION APPROVING DULUTH STEAM DISTRICT NO. 1 THERMAL ENERGY HOT WATER RATE FOR EASTERN CANAL PARK.
7. [15-0849R](#) RESOLUTION RELATING TO A TAX ABATEMENT; GRANTING THE ABATEMENT FOR THE CIRRUS DESIGN CORPORATION PROJECT.

BY COUNCILOR HANSON (PURCHASING & LICENSING)

8. [15-0840R](#) RESOLUTION APPROVING THE EXEMPTION OF A RAFFLE LICENSE AND WAIVING THE 60 DAY WAITING PERIOD FOR THE MINNESOTA BALLET.
9. [15-0863R](#) RESOLUTION AWARDED A CONTRACT TO DE LAGE LANDEN PUBLIC FINANCE LLC FOR THE FOUR-YEAR SEASONAL LEASE OF GOLF CARS AND MAINTENANCE/UTILITY VEHICLES AT AN ANNUAL TOTAL OF \$86,111.40 FOR 2016, 2017, 2018, AND 2019, AND A POTENTIAL TOTAL CONTRACT AMOUNT OF \$344,445.60.

Attachments: [Exhibit A](#)

10. [15-0864R](#) RESOLUTION AUTHORIZING A SOLE SOURCE PURCHASE OF WATER METER PARTS FROM BADGER METER, INC., IN THE AMOUNT OF \$91,402.86.
11. [15-0875R](#) RESOLUTION AUTHORIZING THE PURCHASE OF TIRE REPAIR PARTS AND LABOR FROM DULUTH TIRE & OIL, INC., FOR A TOTAL AMOUNT OF \$140,000.
12. [15-0876R](#) RESOLUTION APPROVING AGREEMENT WITH THE LAW FIRM OF LOCKRIDGE GRINDAL NAUEN P.L.L.P. FOR LEGAL SERVICES REPRESENTING THE CITY IN REGARD TO CLASS ACTION LITIGATION INVOLVING THE SALE AND PURCHASE OF LIQUID ALUMINUM SULFATE.

Attachments: [Exhibit A - 15-0876R](#)

13. [15-0883R](#) RESOLUTION AUTHORIZING AN AMENDMENT TO CONTRACT 22549 WITH BURNS & MCDONNELL ENGINEERING COMPANY, INC. AND A NEW CONTRACT TOTAL NOT TO EXCEED \$685,000.

Attachments: [EXHIBIT A](#)

BY COUNCILOR GARDNER (PERSONNEL)

14. [15-0844R](#) RESOLUTION APPROVING SETTLEMENT IN THE MATTER OF GREEN, ET AL. v. RAMSAY, ET AL., AND ACCEPTING VOLUNTARY SURRENDER OF THE ON-SALE INTOXICATING LIQUOR LICENSE PREVIOUSLY HELD BY WESSMAN ESTATE, LLC

Attachments: [Exhibit A \(15-0844R\)](#)

COMMITTEE 2

BY COUNCILOR RUSS (PLANNING & ECONOMIC DEVELOPMENT)

15. [15-0846R](#) RESOLUTION OF APPLICATION AND ACCEPTANCE FOR THE 2016 WORKFORCE HOUSING GRANT FROM THE MINNESOTA DEPARTMENT OF EMPLOYMENT AND ECONOMIC DEVELOPMENT.

Attachments: [Attachment 1](#)

16. [15-0852R](#) RESOLUTION ACCEPTING THE PRELIMINARY DESIGN FOR SUPERIOR STREET.

17. [15-0853R](#) RESOLUTION VACATING PLATTED RIGHT OF WAY FOR UNIMPROVED ALLEY BETWEEN 40TH AND 41ST AVENUE EAST, AND JAY AND DODGE STREET.

Attachments: [Attachment 1](#)

[Attachment 2](#)

18. [15-0856R](#) RESOLUTION AUTHORIZING AN APPLICATION TO THE STATE OF MINNESOTA FOR A MINNESOTA INVESTMENT FUND GRANT IN THE AMOUNT OF \$4,000,000.

COMMITTEE 3

BY COUNCILOR JULSRUD (PUBLIC WORKS & UTILITIES)

19. [15-0814R](#) RESOLUTION AUTHORIZING AN AMENDMENT TO THE CONTRACT WITH TKDA FOR PROFESSIONAL SERVICES INCREASING THE AMOUNT PAYABLE THEREUNDER, AWARDING A CONTRACT TO HIBBING EXCAVATING, INC., AND ACCEPTING REIMBURSEMENT OF SAID CONTRACTS FROM DEDA SUBJECT TO DEDA AUTHORIZATION OF SUCH REIMBURSEMENT, ALL RELATED TO THE 59TH AVENUE WEST STREET AND UTILITY IMPROVEMENT PROJECT.

Attachments: [15-0814R Map](#)
[15-0814R Agreement Amendment](#)
[15-0814R Original Signed Contract](#)
[15-0814R TKDA Proposal](#)

20. [15-0823R](#) RESOLUTION ORDERING THE CLOSURE OF COMMONWEALTH AVENUE FROM IDAHO STREET TO GRAND AVENUE.

Attachments: [15-0823R Maps](#)

21. [15-0847R](#) RESOLUTION AMENDING A CONTRACT WITH LHB, INC. TO PROVIDE PROFESSIONAL ENGINEERING SERVICES FOR CONGDON BOULEVARD SLOPE REPAIR, TO INCREASE THE AMOUNT BY \$9,580 FOR A NEW TOTAL OF \$117,140.

Attachments: [15-0847R Map](#)
[15-0847R Change Order](#)

22. [15-0855R](#) RESOLUTION AMENDING A CONTRACT WITH LHB, INC. TO PROVIDE PROFESSIONAL ENGINEERING SERVICES FOR LOWELL TO LAKEWALK TRAIL PHASE 1 TO INCREASE THE AMOUNT BY \$33,410 FOR A NEW TOTAL OF \$155,677.

Attachments: [15-0855R Change Order](#)

23. [15-0857R](#) RESOLUTION AMENDING A CONTRACT WITH A PLUS LANDSCAPING, LLC FOR WATER AND GAS MAIN REPLACEMENTS WITH NEW POLYETHYLENE PIPE AT 26TH AVENUE WEST FROM COURTLAND STREET TO HELM STREET IN THE AMOUNT OF \$62,933.99 FOR A NEW TOTAL OF \$238,568.99.

Attachments: [15-0857R Map](#)

BY COUNCILOR FOSLE (PUBLIC SAFETY)

24. [15-0845R](#) RESOLUTION AUTHORIZING PROPER CITY OFFICIALS TO ACCEPT A DONATION FROM THE NORTHLAND LAW ENFORCEMENT K-9 FOUNDATION IN THE AMOUNT OF \$5,000.

25. [15-0854R](#) RESOLUTION ADOPTING THE 2012 EDITION OF THE INTERNATIONAL PROPERTY MAINTENANCE CODE AS THE HOUSING AND PROPERTY MAINTENANCE CODE OF THE CITY OF DULUTH.
26. [15-0865R](#) RESOLUTION CREATING A VACANT BUILDING REGISTRATION FUND WITHIN THE CITY'S SPECIAL PROJECTS SPECIAL REVENUE FUND AND COMMITTING CERTAIN RESOURCES FOR COST ASSOCIATED WITH THE REMOVAL OF BLIGHT FROM ABANDONED AND/OR DILAPIDATED PROPERTIES, AND THE ABATEMENT OF NUISANCE BUILDINGS.

Sponsors: Public Safety and Bushey

BY COUNCILOR SIPRESS (RECREATION, LIBRARIES & AUTHORITIES)

27. [15-0841R](#) RESOLUTION AUTHORIZING THREE YEAR LEASE AGREEMENT WITH THE DULUTH AMATEUR YOUTH BASKETBALL ASSOCIATION FOR USE OF SPACE IN THE WASHINGTON RECREATION CENTER.

Attachments: [Lease Agreement 11-2015](#)

28. [15-0862R](#) RESOLUTION AUTHORIZING A SECOND AMENDMENT TO THE AGREEMENT BETWEEN THE CITY OF DULUTH AND THE ARROWHEAD ZOOLOGICAL SOCIETY, INC.

Attachments: [Exhibit A--Second Amendment to Agreement](#)

END OF CONSENT AGENDA

The following entitled resolutions are also to be considered:

COMMITTEE 1

BY COUNCILOR FILIPOVICH (FINANCE)

29. [15-0848R](#) RESOLUTION APPROVING THE FISCAL YEAR JANUARY 1, 2016 TO DECEMBER 31, 2016 BUDGETS OF THE DULUTH ECONOMIC DEVELOPMENT AUTHORITY.

Attachments: [Exhibit A](#)

30. [15-0867R](#) RESOLUTION APPROPRIATING \$200,000 TO THE GREAT LAKES AQUARIUM TOWARDS THE CONSTRUCTION OF A NEW EXHIBIT - THE AMAZING WORLD OF THE UNSALTED SEAS.

Sponsors: Filipovich and Russ

Attachments: [Exhibit A](#)
[Funding Request](#)

BY COUNCILOR HANSON (PURCHASING & LICENSING)

31. [15-0866R](#) RESOLUTION AWARDING A CONTRACT TO COLLECTIVE DATA INC FOR THE PURCHASE AND IMPLEMENTATION OF A FLEET INFORMATION MANAGEMENT SOFTWARE SYSTEM, INCLUDING ONE YEAR OF FREE PREMIUM SOFTWARE MAINTENANCE AND SUPPORT SERVICES, FOR A TOTAL CONTRACT AMOUNT NOT TO EXCEED \$65,450.00.

Attachments: [Exhibit A](#)

32. [15-0877R](#) RESOLUTION AWARDING A CONTRACT TO CITIES DIGITAL INC. FOR THE PURCHASE AND IMPLEMENTATION OF AN ENTERPRISE LEVEL LASERFICHE DOCUMENT MANAGEMENT SYSTEM, INCLUDING FIVE YEARS OF SOFTWARE MAINTENANCE AND SUPPORT SERVICES, FOR A TOTAL CONTRACT AMOUNT NOT TO EXCEED \$356,760.00.

Attachments: [Exhibit A](#)

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

33. [15-0858R](#) RESOLUTION APPROVING THE 2016 ANNUAL ACTION PLAN AND AUTHORIZING A REQUEST FOR HUD FEDERAL COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG), HOME PROGRAM AND EMERGENCY SOLUTIONS GRANT PROGRAM (ESGP) PROGRAM FUNDS.

34. [15-0859R](#) RESOLUTION AUTHORIZING A REQUEST FOR HUD FEDERAL COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) FUNDS FOR THE 2016 PROGRAM YEAR AND AUTH-ORIZING AGREEMENTS WITH APPROPRIATE AGENCIES.

Attachments: [Attachment 1](#)
[Attachment 2](#)
[Attachment 3](#)
[Attachment 4](#)

35. [15-0860R](#) RESOLUTION AUTHORIZING A REQUEST FOR HUD EMERGENCY SOLUTIONS GRANT PROGRAM (ESGP) FUNDS FOR THE 2016 PROGRAM YEAR AND AUTHORIZING CONTRACTS.

Attachments: [Attachment 1](#)

36. [15-0861R](#) RESOLUTION AUTHORIZING A REQUEST FOR HUD HOME FUNDS FOR THE 2016 PROGRAM YEAR AND AUTHORIZING CONTRACTS.

Attachments: [Attachment 1](#)
[Attachment 2](#)
[Attachment 3](#)
[Attachment 4](#)

37. [15-0874R](#) RESOLUTION AUTHORIZING A DEVELOPMENT AGREEMENT WITH CIRRUS DESIGN CORPORATION RELATED TO THE CIRRUS COMPLETION CENTER EXPANSION.

Attachments: [Motion to Amend 15-0874R JS](#)
[141201505-development agreement](#)

COMMITTEE 3

BY COUNCILOR JULSRUD (PUBLIC WORKS & UTILITIES)

38. [15-0850R](#) RESOLUTION AUTHORIZING A ONE-YEAR EXTENSION TO CONTRACT 21844 WITH OUT THERE ADVERTISING INC., IN THE AMOUNT OF \$51,600, AND A NEW CONTRACT TOTAL NOT TO EXCEED \$340,000.

Attachments: [Exhibit A](#)

BY COUNCILOR SIPRESS (RECREATION, LIBRARIES & AUTHORITIES)

39. [15-0817R](#) RESOLUTION AUTHORIZING APPLICATION TO, AND ACCEPTANCE OF IF OFFERED, THE MINNESOTA DEPARTMENT OF TRANSPORTATION - TRANSPORTATION ALTERNATIVES PROGRAM TO PROVIDE A MULTI-USE PATH THROUGH BRIGHTON BEACH PARK.

Attachments: [EXHIBIT A - 15-0817R.pdf](#)
[EXHIBIT B - 15-0817R.pdf](#)

INTRODUCTION AND CONSIDERATION OF ORDINANCES

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

COMMITTEE 1

BY COUNCILOR FILIPOVICH (FINANCE)

40. [15-096-O](#) AN ORDINANCE DETERMINING THE SUM TO BE RAISED BY TAXATION FOR THE SPECIAL PARKS FUND LEVY FOR THE YEAR 2016.

Legislative History

12/7/15 City Council read for the first time

41. [15-099-O](#) AN ORDINANCE DETERMINING THE SUM TO BE RAISED BY TAXATION FOR GENERAL PURPOSES FOR THE YEAR 2016.

Legislative History

12/7/15 City Council read for the first time

42. [15-100-O](#) AN ORDINANCE DETERMINING THE SUM TO BE RAISED BY TAXATION FOR THE SPECIAL TAXING DISTRICT, DULUTH TRANSIT AUTHORITY, FOR THE YEAR 2016.

Legislative History

12/7/15 City Council read for the first time

43. [15-101-O](#) AN ORDINANCE SETTING THE BUDGET FOR THE FISCAL YEAR 2016 APPROPRIATING MONIES FOR THE SUPPORT OF THE CITY GOVERNMENT, PUBLIC UTILITIES, AND PUBLIC ENTERPRISE FUNDS AND FOR OTHER PURPOSES.

Legislative History

12/7/15 City Council read for the first time

COMMITTEE 2

BY COUNCILOR RUSS (PLANNING & ECONOMIC DEVELOPMENT)

44. [15-095-O](#) AN ORDINANCE CONFIRMING THE LEGAL DESCRIPTION FOR THE AREA SURROUNDING LOWER CONGDON PARK.

Attachments:

[Attachment 1](#)

[Attachment 2](#)

Legislative History

12/7/15 City Council read for the first time

45. [15-097-O](#) AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF DULUTH AS REFERENCED IN CHAPTER 50 OF THE DULUTH CITY CODE, 1959, AS AMENDED, TO PROVIDE FOR THE RECLASSIFICATION FROM R-1, RR-1, R-2 AND F-6 TO P-1, FOR ARLINGTON ATHLETIC COMPLEX, CASCADE PARK, DULUTH HEIGHTS COMMUNITY RECREATION CENTER, HILL TOP PARK, JOLLYSTONE PARK, LILLIPUT PARK, AND STRICKLAND PARK

Attachments: [Attachment 1](#)
[Attachment 2](#)

Legislative History

12/7/15 City Council read for the first time

46. [15-098-O](#) AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF DULUTH TO PROVIDE FOR THE RECLASSIFICATION FROM RR-1 TO RI, PROPERTY AT THE WEST END OF DEVONSHIRE STREET PARCEL ID# 010-2700-00050 (ST. LOUIS COUNTY TAX FORFEIT PROPERTY).

Attachments: [Attachment 1](#)
[Attachment 2](#)

Legislative History

12/7/15 City Council read for the first time

COUNCILOR QUESTIONS AND COMMENTS

COUNCILOR PREVIEW OF UPCOMING BUSINESS