



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 4, 2017

7:00 PM

Council Chamber

ROLL CALL

PLEDGE OF ALLEGIANCE

APPROVAL OF MINUTES

1. [17-186](#) November 20 2017 City Council Meeting Minutes

Attachments: [November 20 - Council Meeting](#)

PUBLIC HEARING - 2018 Budget - Truth in Taxation, CIP & Bonding

REPORTS FROM THE ADMINISTRATION

REPORTS FROM OTHER OFFICERS

2. [17-187](#) Application For Exempt Permit - Northern Lights Foundation

Attachments: [NORTHERN LIGHTS](#)

REPORTS OF COUNCIL COMMITTEES

REPORTS OF COUNCIL OPEN ISSUES

Distinguished Artist Award - Margi Preus

OPPORTUNITY FOR CITIZENS TO BE HEARD**RESOLUTIONS TABLED****BY COUNCILOR RUSS (PLANNING & ECONOMIC DEVELOPMENT)**

3. [17-0757R](#) RESOLUTION AFFIRMING THE DECISION OF THE PLANNING COMMISSION TO DENY A VARIANCE TO CONSTRUCT A STAIRWAY WITHIN THE FIFTY-FOOT GENERAL DEVELOPMENT WATERS SHORELAND SETBACK AT 4814 LONDON ROAD.

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

4. [17-0758R](#) RESOLUTION REVERSING THE DECISION OF THE PLANNING COMMISSION TO DENY A VARIANCE TO CONSTRUCT A STAIRWAY WITHIN THE FIFTY-FOOT GENERAL DEVELOPMENT WATERS SHORELAND SETBACK BY DAVID LARSEN.

Attachments: [Attachment 1](#)

CONSENT AGENDA**BY COUNCILOR HANSEN (FINANCE)**

5. [17-0845R](#) RESOLUTION APPROVING THE FISCAL YEAR JANUARY 1, 2018 TO DECEMBER 31, 2018, OPERATION BUDGET OF THE DULUTH AIRPORT AUTHORITY.

Attachments: [Exhibit A](#)

6. [17-0846R](#) RESOLUTION APPROVING THE FISCAL YEAR JANUARY 1, 2018 TO DECEMBER 31, 2018 BUDGETS OF THE DULUTH ECONOMIC DEVELOPMENT AUTHORITY.

Attachments: [Exhibit A](#)

7. [17-0847R](#) RESOLUTION APPROVING THE FISCAL YEAR JANUARY 1, 2018 TO DECEMBER 31, 2018, OPERATION BUDGET OF THE DULUTH TRANSIT AUTHORITY.

Attachments: [Exhibit A](#)

BY COUNCILOR ANDERSON (PERSONNEL)

8. [17-0844R](#) RESOLUTION CONFIRMING THE APPOINTMENT OF DAVID S. CIZMAS TO THE SPIRIT MOUNTAIN RECREATION AREA AUTHORITY, REPLACING CORY SALMELA.

Attachments: [Cizmas Application Redacted](#)

9. [17-0853R](#) RESOLUTION CONFIRMING THE APPOINTMENT OF JOHN BEYER TO THE DULUTH CITIZEN REVIEW BOARD.

Attachments: [John Beyer](#)

BY COUNCILOR RUSS (PLANNING & ECONOMIC DEVELOPMENT)

10. [17-0827R](#) RESOLUTION AUTHORIZING AN AGREEMENT WITH THE DULUTH ECONOMIC DEVELOPMENT AUTHORITY (DEDA) RELATING TO PARTICIPATION BY DEDA IN THE CITY OF DULUTH SELF-INSURANCE FUND PROGRAM FOR 2018.

Attachments: [17-0827R Exhibit A](#)

11. [17-0829R](#) RESOLUTION AUTHORIZING A SECOND AMENDMENT TO THE LICENSE AGREEMENT WITH THE DULUTH ECONOMIC DEVELOPMENT AUTHORITY (DEDA) FOR DEDA'S LOT B

Attachments: [17-0829R Exhibit A](#)

12. [17-0838R](#) RESOLUTION AMENDING THE AREA FOR THE CONCURRENT USE PERMIT AUTHORIZED UNDER ORDINANCE 17-039.

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

13. [17-0841R](#) RESOLUTION VACATING THE PLATTED ALLEY BETWEEN PINEVIEW AVENUE AND THE UNIMPROVED PORTION OF NANTICOKE STREET, RETAINING A UTILITY EASEMENT OVER THE ENTIRE ALLEY.

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

BY COUNCILOR HOBBS (PUBLIC WORKS & UTILITIES)

14. [17-0816R](#) RESOLUTION AUTHORIZING ANNUAL BANKING SERVICES FOR 2018 WITH BMO HARRIS BANK, N.A. FOR AN ESTIMATED TOTAL OF \$118,000.

BY COUNCILOR FOSLE (PUBLIC SAFETY)

15. [17-0825R](#) RESOLUTION AUTHORIZING ACCEPTANCE OF AN AGREEMENT WITH THE STATE OF MINNESOTA TO CONTINUE THE REGIONAL EMERGENCY RESPONSE TEAM DURING THE STATE FISCAL YEARS 2018 AND 2019 IN AN AMOUNT NOT TO EXCEED \$450,000 AND FURTHER AUTHORIZING EXECUTION OF A JOINT POWERS AGREEMENT WITH THE STATE OF MINNESOTA.

Attachments: [Joint Powers Agreement Swift Contract 134779](#)

16. [17-0842R](#) RESOLUTION AUTHORIZING THE EXECUTION OF A JOINT POWERS AGREEMENT WITH THE STATE OF MINNESOTA FOR THE DULUTH POLICE DEPARTMENT TO PARTICIPATE IN THE MINNESOTA FINANCIAL CRIMES TASK FORCE AND TO ACCEPT REIMBURSEMENT MONIES IN AN AMOUNT NOT TO EXCEED \$50,000.

Attachments: [17-0842R Exhibit A](#)

BY COUNCILOR WESTERLUND (RECREATION, LIBRARIES & AUTHORITIES)

17. [17-0764R](#) RESOLUTION AUTHORIZING LEASE AGREEMENT WITH BENJAMIN KIMMES FOR RESIDENTIAL DWELLING UNIT LOCATED WITHIN THE CHESTER BOWL PARK CHALET.

Attachments: [Exhibit 1](#)

18. [17-0851R](#) RESOLUTION AUTHORIZING A THREE-YEAR AGREEMENT WITH THE CHESTER BOWL IMPROVEMENT CLUB FOR THE OPERATION AND MANAGEMENT OF CHESTER BOWL PARK AND CHALET FOR \$23,615 IN 2018.

Attachments: [Exhibit 1](#)

19. [17-0852R](#) RESOLUTION AUTHORIZING A SECOND AMENDMENT TO THE AGREEMENT BETWEEN THE CITY OF DULUTH AND THE LAKE SUPERIOR AND MISSISSIPPI RAILROAD.

Attachments: [Exhibit 1](#)

END OF CONSENT AGENDA

BY COUNCILOR HANSEN (FINANCE)

20. [17-0788R](#) RESOLUTION ADOPTING THE 2018 FEE SCHEDULE FOR LICENSE, PERMIT, FINE, PENALTY AND OTHER CHARGES.

Attachments: [Exhibit A 2018 Fee Schedule](#)
[Exhibit B 2018 Fees Memo](#)

21. [17-0835R](#) RESOLUTION APPROVING CAPITAL IMPROVEMENT PLAN AND STATING INTENT TO ISSUE GENERAL OBLIGATION CAPITAL IMPROVEMENT BONDS UNDER MINNESOTA STATUTES, SECTION 475.521.
22. [17-0837R](#) RESOLUTION OF THE CITY OF DULUTH, MINNESOTA, STATING THE INTENT TO ISSUE GENERAL OBLIGATION CAPITAL EQUIPMENT NOTES, SERIES 2018, AND APPROVING THE CAPITAL EQUIPMENT LIST ASSOCIATED WITH THE NOTES IN THE APPROXIMATE AMOUNT OF \$4,150,000.

Attachments: [Exhibit A](#)

23. [17-0855R](#) RESOLUTION ESTABLISHING ANNUAL BONDING PLAN FOR 2018.

Attachments: [Exhibit A](#)

BY COUNCILOR HANSON (PURCHASING & LICENSING)

24. [17-0850R](#) RESOLUTION AUTHORIZING AN AGREEMENT WITH TRC ENVIRONMENTAL CORPORATION (TRC), TO PROVIDE DAMAGE ASSESSMENT AND RECONSTRUCTION RECOMMENDATIONS FOR AREAS DAMAGED BY THE HIGH WINDS AND STORM SURGE THAT AFFECTED DULUTH ON OCTOBER 26TH AND 27TH FOR AN AMOUNT NOT TO EXCEED \$44,378.

Attachments: [Exhibit A](#)

BY COUNCILOR HOBBS (PUBLIC WORKS & UTILITIES)

25. [17-0721R](#) RESOLUTION OF INTENT TO RECONSTRUCT SUPERIOR STREET BEGINNING APPROXIMATELY 350 FEET WEST OF SIXTH AVENUE WEST AND ENDING APPROXIMATELY 100 FEET EAST OF FOURTH AVENUE EAST AND TO PARTIALLY ASSESS THE COSTS THEREOF.

Attachments: [17-0721R Map](#)

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

BY COUNCILOR HANSEN (FINANCE)

26. [17-073-O](#) AN ORDINANCE DETERMINING THE SUM TO BE RAISED BY TAXATION FOR THE SPECIAL TAXING DISTRICT, DULUTH TRANSIT AUTHORITY, FOR THE YEAR 2018.
27. [17-074-O](#) AN ORDINANCE DETERMINING THE SUM TO BE RAISED BY TAXATION FOR THE SPECIAL PARKS FUND LEVY FOR THE YEAR 2018.

BY COUNCILOR RUSS (PLANNING & ECONOMIC DEVELOPMENT)

28. [17-063-O](#) AN ORDINANCE GRANTING A CONCURRENT USE PERMIT FOR PARKING IN THE PLATTED STREET RIGHT OF WAY OF 10TH AVENUE EAST.
- Attachments:** [Attachment 1](#)
[Attachment 2](#)
29. [17-064-O](#) AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF DULUTH TO RECLASSIFY PROPERTY IN THE GENERAL AREA OF THE UNIVERSITY OF MINNESOTA (UMD) CAMPUS AT 1049 UNIVERSITY DRIVE, FROM R-1 AND R-2 TO MU-I AND R-C.
- Attachments:** [Attachment 1](#)
[Attachment 2](#)
[Attachment 3](#)
30. [17-065-O](#) AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF DULUTH TO RECLASSIFY PROPERTY IN THE GENERAL AREA OF THE ONEOTA BUSINESS PARK, NEAR WEST MICHIGAN STREET AND SOUTH 40TH AVENUE WEST, FROM I-G AND MU-N TO MU-B.
- Attachments:** [Attachment 1](#)
[Attachment 2](#)
31. [17-066-O](#) AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF DULUTH TO RECLASSIFY PROPERTY AT THE END OF MINNESOTA AVENUE, FROM R-1 TO AP, P-1, AND R-C.
- Attachments:** [Attachment 1](#)
[Attachment 2](#)
32. [17-067-O](#) AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF DULUTH TO RECLASSIFY PROPERTY in the general area of Indian point campground, and areas between 63rd and 73rd avenue WEST, and milford and FREMONT street, from I-W and R-1 to R-1, P-1, and R-C.
- Attachments:** [Attachment 1](#)
[Attachment 2](#)

33. [17-068-O](#) AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF DULUTH TO RECLASSIFY PROPERTY AT THE END OF SPRING STREET, FROM I-G TO MU-W.
- Attachments:** [Attachment 1](#)
[Attachment 2](#)
[Attachment 3](#)
34. [17-069-O](#) AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF DULUTH TO RECLASSIFY PROPERTY IN THE GENERAL AREA OF BOUNDARY AVENUE AND US HIGHWAY 2, FROM RR-1, R-1, AND MU-C, TO RR-1, R-1, AND MU-N.
- Attachments:** [Attachment 1](#)
[Attachment 2](#)
[Attachment 3](#)
[Attachment 4](#)
35. [17-070-O](#) AN ORDINANCE GRANTING A CONCURRENT USE PERMIT FOR A FENCE IN THE PLATTED STREET RIGHT OF WAY OF NORTH 48TH AVENUE EAST.
- Attachments:** [Attachment 1](#)
[Attachment 2](#)
36. [17-071-O](#) AN ORDINANCE GRANTING A CONCURRENT USE PERMIT FOR A HISTORIC MARQUEE SIGN IN THE PLATTED STREET RIGHT OF WAY OF NORTH CENTRAL AVENUE.
- Attachments:** [Attachment 1](#)
[Attachment 2](#)

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

BY COUNCILOR HANSEN (FINANCE)

37. [17-061-O](#) AN ORDINANCE DETERMINING THE SUM TO BE RAISED BY TAXATION FOR GENERAL PURPOSES FOR THE YEAR 2018.
- Attachments:** [Property Tax Levy](#)
[MTA 17-061-O Sipress.Westerlund.](#)
[MTA 17-061-O Filipovich](#)

38. [17-062-O](#) AN ORDINANCE SETTING THE BUDGET FOR THE FISCAL YEAR 2018 APPROPRIATING MONIES FOR THE SUPPORT OF THE CITY GOVERNMENT, PUBLIC UTILITIES, AND PUBLIC ENTERPRISE FUNDS AND FOR OTHER PURPOSES.

Attachments: [MTA 17-062-O Sipress. Westerlund](#)
[MTA 17-062-O Filipovich](#)

BY COUNCILOR RUSS (PLANNING & ECONOMIC DEVELOPMENT)

39. [17-060-O](#) AN ORDINANCE GRANTING VERIZON WIRELESS A CONCURRENT USE PERMIT FOR THREE SMALL WIRELESS FACILITIES ON MINNESOTA POWER POLES IN THE PLATTED STREET RIGHT OF WAY NEAR 4405 WEST 4TH STREET, 2500 LONDON ROAD, AND 3860 EAST SUPERIOR STREET.

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

COUNCILOR QUESTIONS AND COMMENTS

COUNCILOR PREVIEW OF UPCOMING BUSINESS