



City of Duluth

411 West First Street
Duluth, Minnesota 55802

Meeting Agenda - Final

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, May 22, 2017

7:00 PM

Council Chamber

ROLL CALL

PLEDGE OF ALLEGIANCE

APPROVAL OF MINUTES

1. [17-087](#) May 8, 2017 City Council Meeting Minutes

Attachments: [May 8, 2017 - Council Meeting](#)

REPORTS FROM THE ADMINISTRATION

REPORTS FROM OTHER OFFICERS

2. [17-083](#) Application For Exempt Permit - Woman's Care Center

Attachments: [Application For Exempt Permit - Woman's Care Center](#)

REPORTS OF BOARDS AND COMMISSIONS

3. [17-081](#) Housing and Redevelopment Authority Meeting Minutes

Attachments: [1-31-2017 Housing and Redevelopment Authority Meeting Minutes](#)

4. [17-082](#) Duluth Economic Development Authority Meeting Minutes
Attachments: [3-22-2017 Duluth Economic Development Authority Meeting Minutes](#)
5. [17-084](#) Special Assessment Board - Brick Sidewalk Assessment Policy

December 13, 2016 - Special Assessment Board determined that property owners with brick sidewalks will be responsible for repair of sidewalks adjacent to their property.
Attachments: [Special Assessment Board - Brick Sidewalk Assessment Policy](#)
6. [17-088](#) Special Assessment Board - Developer Deposits and Credit Risk

May 9, 2017 - The Special Assessment Board determined that it would be appropriate to clarify the procedures for Developer's requesting to be special assessed for public improvements so that the city would be consistent between Developers.
Attachments: [Special Assessment Board -Developer Deposits and Credit Risk](#)
7. [17-089](#) Resolution No. 17-PUC-003: RESOLUTION OF THE DULUTH PUBLIC UTILITIES COMMISSION APPROVING THE INTENT TO ESTABLISH A 6-YEAR PLAN FOR WATER RATES TO FUND NECESSARY CAPITAL IMPROVEMENTS TO THE CITY WATER SYSTEM.
Attachments: [17PUC-003](#)
8. [17-090](#) 4-18-2017 Duluth Public Utilities Commission Meeting Minutes
Attachments: [4-18-2017 Duluth Public Utilities Commission Meeting Minutes](#)

REPORTS OF COUNCIL COMMITTEES

REPORTS OF COUNCIL OPEN ISSUES

OPPORTUNITY FOR CITIZENS TO BE HEARD

RESOLUTIONS TABLED

BY COUNCILOR WESTERLUND (RECREATION, LIBRARIES & AUTHORITIES)

9. [17-0366R](#) RESOLUTION SUPPORTING THE CITY OF DULUTH'S LOCAL AUTHORITY TO PROTECT THE HEALTH, SAFETY AND WELFARE OF OUR COMMUNITY.
Sponsors: Westerlund, Sipress and Anderson

MOTIONS AND RESOLUTIONS

CONSENT AGENDA**BY COUNCILOR HANSON (PURCHASING & LICENSING)**

10. [17-0376R](#) RESOLUTION AUTHORIZING THE SOLE SOURCE PURCHASE OF STREET LIGHTING CONTROLS FROM ARCHITECTURAL LIGHTING DESIGNS, INC. FOR A TOTAL AMOUNT OF \$66,225.00.

Attachments: [Exhibit A](#)

11. [17-0392R](#) RESOLUTION AUTHORIZING AN AMENDMENT TO AN AGREEMENT WITH LHB, INC. FOR ADDITIONAL SERVICES FOR THE WESTERN WATERFRONT PARKS AND TRAIL MASTER PLAN, FOR AN INCREASE OF \$9,877.75, AND A NEW CONTRACT TOTAL NOT TO EXCEED \$80,869.75.

Attachments: [Exhibit A](#)

12. [17-0399R](#) RESOLUTION AUTHORIZING A CONTRACT WITH CRYSTEEL TRUCK EQUIPMENT FOR THE REFURBISHMENT, PURCHASE AND INSTALLATION OF EQUIPMENT AND SUPPLIES TO FULLY OUTFIT THREE (3) PLOW/SANDER TRUCKS IN THE AMOUNT OF \$304,190.83

Attachments: [Exhibit A](#)
[Exhibit B](#)

BY COUNCILOR ANDERSON (PERSONNEL)

13. [17-0387R](#) RESOLUTION APPROVING PROPOSED SPECIFICATIONS FOR THE NEW CIVIL SERVICE CLASSIFICATION OF INSTRUMENT SPECIALIST, AND SPECIFYING CONTRACT BENEFITS FOR SAME.

Attachments: [Instrument Specialist](#)

14. [17-0388R](#) RESOLUTION APPROVING PROPOSED SPECIFICATIONS FOR THE NEW CIVIL SERVICE CLASSIFICATION OF OPIOID PROGRAM TECHNICIAN, AND SPECIFYING CONTRACT BENEFITS FOR SAME.

Attachments: [Opioid Program Technician](#)

15. [17-0401R](#) RESOLUTION CONFIRMING THE APPOINTMENT OF DENNIS ISERNHAGEN TO THE PARKS AND RECREATION COMMISSION DISTRICT 2 VACANCY.

Attachments: [Isernhagen](#)

BY COUNCILOR RUSS (PLANNING & ECONOMIC DEVELOPMENT)

16. [17-0273R](#) RESOLUTION AUTHORIZING REPROGRAMMING OF \$290,094.92 IN 2016 CDBG FUNDS AND TRANSFERRING IT TO THE HRA HOUSING REHAB PROGRAM, ONE ROOF HOUSING SERVICES PROGRAM, AND DULUTH HOUSING SERVICES PROGRAM.

Attachments: [16-HS-05 - One Roof Housing Services Contract](#)
[16-HS-06 - HRA Housing Rehab Project Contract](#)

17. [17-0362R](#) RESOLUTION APPROVING A PRE-COMMITMENT OF \$200,000 FISCAL YEAR 2018 FUNDING ALLOCATION TO THE CITY OF DULUTH FROM THE FEDERAL DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT (HUD) FOR CONSTRUCTION OF GARFIELD SQUARE APARTMENTS.

18. [17-0377R](#) RESOLUTION OF INTENT TO SUPPORT THE REQUEST BY ONE ROOF COMMUNITY HOUSING, TO THE STATE OF MINNESOTA FOR THE AWARD OF LOW-INCOME HOUSING TAX CREDITS FOR THE DECKER DWELLINGS DEVELOPMENT PROJECT.

19. [17-0378R](#) RESOLUTION OF INTENT TO SUPPORT THE REQUEST BY CENTER CITY HOUSING CORPORATION FOR THE AWARD OF LOW-INCOME HOUSING TAX CREDITS FOR GARFIELD SQUARE APARTMENTS.

20. [17-0381R](#) RESOLUTION VACATING A PLATTED STREET EASEMENT FOR FURNACE AVENUE AND BOULEVARD AVENUE NORTH, AND A PLATTED ALLEY EASEMENT EAST OF BOUNDARY AVENUE, IN STEEL PLANT TERMINAL ADDITION, AND RETENTION OF A STREET AND UTILITY EASEMENT FOR TERMINAL AVENUE.

Attachments: [Attachment 1](#)

21. [17-0383R](#) RESOLUTION GRANTING AN INTERIM USE PERMIT FOR A PRIVATE CLUB IN AN R-2 ZONE DISTRICT.

Attachments: [Attachment 1](#)

22. [17-0384R](#) RESOLUTION VACATING THE ENTIRE WIDTH OF ATLANTIC AVENUE BETWEEN WEST 6TH STREET AND WELLINGTON STREET, MAINTAINING A PEDESTRIAN AND UTILITY EASEMENT OVER THE WESTERN 50 FEET.

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

23. [17-0390R](#) RESOLUTION AUTHORIZING A TEN-YEAR LEASE AGREEMENT WITH COMMUNITY ACTION DULUTH FOR USE OF REAL PROPERTY ADJACENT TO NORTH 45TH AVENUE WEST IN THE DENFELD NEIGHBORHOOD FOR YEAR-ROUND FOOD PRODUCTION THROUGH ITS SEEDS OF SUCCESS PROGRAM.

Attachments: [Attachment 1](#)

BY PRESIDENT SIPRESS (COMMITTEE OF THE WHOLE)

24. [17-0333R](#) RESOLUTION DESIGNATING POLLING PLACE FOR THE SEPTEMBER 12, 2017 MUNICIPAL AND SCHOOL BOARD PRIMARY ELECTION, AND THE NOVEMBER 7, 2017, MUNICIPAL AND SCHOOL BOARD GENERAL ELECTION.

BY COUNCILOR HOBBS (PUBLIC WORKS & UTILITIES)

25. [17-0367R](#) RESOLUTION AWARDING A CONTRACT TO HANCO UTILITIES, INC. FOR THE 2017 CITY WIDE GAS METER RELOCATION PROJECT IN THE AMOUNT OF \$344,375.
26. [17-0370R](#) RESOLUTION AMENDING AN AGREEMENT WITH LHB, INC. TO PROVIDE DESIGN AND CONSTRUCTION ENGINEERING SERVICES FOR THE SKYLINE PARKWAY RETAINING WALL RESTORATION PROJECT, TO INCREASE THE AMOUNT BY \$107,683 FOR A NEW TOTAL OF \$211,179.

Attachments: [17-0370R Estimate](#)
[17-0370R Map](#)

27. [17-0372R](#) RESOLUTION ACCEPTING A STREET AND UTILITY EASEMENT FROM DARYL AND TERRI BLAZIER.

Attachments: [Exhibit A - Blazier Easement](#)

28. [17-0386R](#) RESOLUTION AMENDING CONTRACT 22878 WITH STACK BROS. MECHANICAL CONTRACTORS, INC., FOR ADDITIONAL WORK TO MODIFY THE GAS BURNER CONTROL SYSTEM FOR TWO BOILERS AT DULUTH ENERGY SYSTEMS, FOR AN ADDITIONAL AMOUNT OF \$77,244.47, AND A NEW AMENDED CONTRACT TOTAL OF \$249,934.47.

Attachments: [Exhibit A](#)

29. [17-0391R](#) RESOLUTION AUTHORIZING THE CITY OF DULUTH TO ENTER INTO AN AGREEMENT AND RELEASE WITH HOVLAND, INC., AND LON HOVLAND TO ACCEPT IMPROVEMENTS MADE TO CITY PROPERTY IN FULL SETTLEMENT OF A DISPUTED CLAIM.

Attachments: [Attachment A](#)

BY COUNCILOR WESTERLUND (RECREATION, LIBRARIES & AUTHORITIES)

30. [17-0364R](#) RESOLUTION AUTHORIZING ACCEPTANCE AND EXECUTION OF A HOST SITE AGREEMENT WITH THE MINNESOTA POLLUTION CONTROL AGENCY FOR THE 2017-2018 PROGRAM YEAR GREENCORPS MEMBER.

Attachments: [Exhibit A sample agreement](#)
 [Exhibit B application](#)

31. [17-0365R](#) RESOLUTION AUTHORIZING DISBURSEMENT OF GRANT FUNDS IN THE AMOUNT OF \$55,500 FROM THE PARKS FUND NEIGHBORHOOD GRANT PROGRAM.

Attachments: [Exhibit A grant agreement](#)

32. [17-0380R](#) RESOLUTION AUTHORIZING A RELEASE AND RIGHT OF REMOVAL AGREEMENT WITH DULUTH SEAWAY PORT AUTHORITY FOR THE REMOVAL OF DREDGED MATERIAL FROM ERIE PIER.

Attachments: [Exhibit A agreement](#)

33. [17-0393R](#) RESOLUTION AUTHORIZING A THREE-YEAR AGREEMENT WITH THE DULUTH AREA FAMILY Y.M.C.A. FOR THE OPERATION AND MANAGEMENT OF THE PARK POINT BEACH HOUSE AND RECREATION AREA DURING THE 2017, 2018, AND 2019 SUMMER SEASONS.

Attachments: [Exhibit 1](#)

34. [17-0394R](#) RESOLUTION AUTHORIZING A THREE-YEAR NON-EXCLUSIVE USE AGREEMENT WITH THE DULUTH AREA FAMILY Y.M.C.A. FOR THE USE OF CHESTER PARK FOR CAMP KITCHIGAMI.

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

35. [17-0395R](#) RESOLUTION AUTHORIZING A THREE-YEAR AGREEMENT WITH JUNGLE BOY BOXING GYM FOR THE LEASE AND OPERATION OF THE OBSERVATION COMMUNITY CENTER FOR ITS YOUTH BOXING PROGRAM.

Attachments: [Exhibit 1](#)

36. [17-0396R](#) RESOLUTION AUTHORIZING A THREE-YEAR NON-EXCLUSIVE USE AGREEMENT WITH THE DULUTH SOFTBALL PLAYERS ASSOCIATION. FOR THE USE OF TONY EMANUEL FIELD AT WOODLAND COMMUNITY CENTER.

Attachments: [Exhibit 1](#)

37. [17-0398R](#) RESOLUTION AUTHORIZING A THREE-YEAR LEASE AGREEMENT WITH THE STEWARDSHIP NETWORK FOR THE USE OF SPACE AT CITY HALL.

Attachments: [Exhibit 1](#)

END OF CONSENT AGENDA

INTRODUCTION AND CONSIDERATION OF ORDINANCES

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

BY COUNCILOR HANSON (PURCHASING & LICENSING)

38. [17-020-O](#) AN ORDINANCE AMENDING SECTIONS 29A-27, 29A-29, 29A-32, AND 29A.34 RELATED TO RENTAL PROPERTY LICENSING AND OFF-STREET PARKING

BY COUNCILOR RUSS (PLANNING & ECONOMIC DEVELOPMENT)

39. [17-021-O](#) AN ORDINANCE AMENDING SECTIONS 50-24, PARKING AND LOADING; 50-35, PROCEDURES SUMMARY TABLE; AND 50-37, REVIEW AND APPROVAL PROCESS

Attachments: [Attachment A - Sec 50-24-3 Permitted Parking Areas](#)
 [Attachment B - Sec 50-24-4 Parking Design Standards](#)
 [Attachment C - Sec 50-35-1 Summary table](#)
 [Attachment 1](#)
 [MTA 17-021-O Fosle](#)
 [MTA 17-021-O \(1\) Filipovich](#)
 [MTA 17-021-O \(2\) Filipovich](#)

40. [17-027-O](#) AN ORDINANCE AMENDING THE APPROVED REGULATING PLAN FOR RAMSEY VILLAGE TO ALLOW A MIXED USE RESIDENTIAL AND COMMERCIAL BUILDING AT NORTH 53RD AND 54TH AVENUES WEST AND RAMSEY STREET.

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

41. [17-028-O](#) AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF DULUTH TO PROVIDE FOR THE RECLASSIFICATION OF PROPERTY BETWEEN ANCHOR STREET AND PARK PLACE AND BETWEEN SOUTH BOUNDARY AVENUE AND TERMINAL AVENUE FROM R-1 TO MU-N.

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

42. [17-029-O](#) AN ORDINANCE GRANTING A CONCURRENT USE PERMIT FOR PRIVATE DETACHED GARAGE IN THE PLATTED STREET RIGHT OF WAY OF 58TH AVENUE EAST.

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

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

BY COUNCILOR RUSS (PLANNING & ECONOMIC DEVELOPMENT)

43. [17-022-O](#) AN ORDINANCE AMENDING SECTIONS 50-19.8, PERMITTED USE TABLE; 50-20.3.O, PARKING LOT OR PARKING STRUCTURE; 50-20.3.T, VETERINARIAN OR ANIMAL HOSPITAL; 50-20.3.U, VACATION DWELLING UNIT; AND 50-20.5.M, ACCESSORY VACATION DWELLING UNIT.

Attachments: [Attachment 1](#)
[Motion to Split 17-022-O Hobbs](#)

BY PRESIDENT SIPRESS (COMMITTEE OF THE WHOLE)

44. [17-025-O](#) ORDINANCE INCORPORATING PREVIOUSLY APPROVED CHANGES INTO THE BOUNDARY DESCRIPTION OF THE CITY IN THE CHARTER, AMENDING CHAPTER I, SECTION 1, OF THE CITY CHARTER.

Attachments: [CityofDuluth_B2 Map](#)

45. [17-026-O](#) ORDINANCE AMENDING CHAPTER III, SECTION 17, OF THE CITY OF DULUTH HOME RULE CHARTER, 1912, AS AMENDED, PERTAINING TO AMENDING OR REPEALING ORDINANCES.

BY COUNCILOR FOSLE (PUBLIC SAFETY)

46. [17-019-O](#) ORDINANCE AMENDING CHAPTER 28, ARTICLE VII, SECTIONS 28-63 AND 28-64 OF THE DULUTH CITY CODE TO PROHIBIT SMOKING AT THE CLAYTON JACKSON MCGHIE MEMORIAL.

47. [17-023-O](#) ORDINANCE AMENDING CHAPTER 36 OF THE DULUTH CITY CODE, PROHIBITING THE SALE OR PAWN OF STOLEN PROPERTY, AMENDING SECTIONS 36-12, 36-14, 36-15, 36-21, 36-22, 36-24, AND 36-25.

COUNCILOR QUESTIONS AND COMMENTS

COUNCILOR PREVIEW OF UPCOMING BUSINESS