



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 provide increased opportunities for civil discourse leading to positive resolutions for the issues that face our city. We know that when we have civility, we get civic engagement, and because we can't make each other civil and we can only work on ourselves, we state that today I will: pay attention, listen, be inclusive, not gossip, show respect, seek common ground, repair damaged relationships, use constructive language, and take responsibility. [Approved by the council on May 14, 2018]*

Monday, August 19, 2019

7:00 PM

Council Chamber

ROLL CALL

PLEDGE OF ALLEGIANCE

APPROVAL OF MINUTES

1. [19-161](#) Meeting Minutes of the Duluth City Council

Attachments: [July 8, 2019](#)
[July 15, 2019](#)

REPORTS FROM THE ADMINISTRATION

REPORTS FROM OTHER OFFICERS

REPORTS OF COUNCIL COMMITTEES

REPORTS OF COUNCIL OPEN ISSUES

OPPORTUNITY FOR CITIZENS TO BE HEARD

CONSENT AGENDA

BY COUNCILOR FOSLE (PURCHASING & LICENSING)

2. [19-0530R](#) RESOLUTION AUTHORIZING AN INCREASE TO THE ANNUAL CONTRACT FOR ORIGINAL EQUIPMENT MANUFACTURER (OEM) PARTS, SUPPLIES AND LABOR FOR 2019 FROM ZIEGLER, INC. IN THE AMOUNT OF \$100,000 FOR A TOTAL AMOUNT NOT TO EXCEED \$295,000.

3. [19-0531R](#) RESOLUTION AUTHORIZING THE PURCHASE OF 6,600 TONS OF ROAD SALT FROM COMPASS MINERALS AMERICA, INC. IN THE AMOUNT OF \$421,410.

4. [19-0541R](#) RESOLUTION APPROVING THE PERMANENT EXPANSION OF THE DESIGNATED SERVING AREA OF THE ON SALE INTOXICATING LIQUOR LICENSE OF BERGEY'S LLC (BERGEY'S), 2232 W. SUPERIOR STREET.

Attachments: [Attachment A](#)

5. [19-0542R](#) RESOLUTION APPROVING THE TRANSFER OF THE OFF SALE INTOXICATING LIQUOR LICENSE OF ROTO OF DULUTH, INC. (UNIVERSITY LIQUORS), 1603 WOODLAND AVENUE, TO NEW OWNER DULUTH HILLSIDE INVESTMENT, INC.

Attachments: [Attachment A](#)

6. [19-0546R](#) RESOLUTION APPROVING ISSUANCE OF AN ON SALE INTOXICATING LIQUOR LICENSE AND SUNDAY LICENSE TO THE BOREAL HOUSE, LLC (THE BOREAL HOUSE), 330 N. 57th AVE. WEST.

Attachments: [Attachment A](#)

7. [19-0548R](#) RESOLUTION APPROVING THE TRANSFER OF THE ON SALE INTOXICATING LIQUOR LICENSE AND SUNDAY LICENSE, OF NORTHRIDGE ASSETS, LLC (TRU BY HILTON) 503 CLEARWOOD DRIVE, TO NEW OWNER KINSETH HOSPITALITY COMPANY, INC.

Attachments: [Attachment A](#)

8. [19-0550R](#) RESOLUTION APPROVING THE TEMPORARY EXPANSION OF THE DESIGNATED SERVING AREA OF THE ON SALE INTOXICATING LIQUOR LICENSE TO SHOTZ BAR, INC.

Attachments: [Attachment A](#)

BY COUNCILOR FORSMAN (PERSONNEL)

9. [19-0547R](#) RESOLUTION CONFIRMING THE APPOINTMENT OF BRENT MALVICK TO THE DULUTH INTERNATIONAL AIRPORT JOINT ZONING BOARD.

BY COUNCILOR RUSS (PLANNING & ECONOMIC DEVELOPMENT)

10. [19-0518R](#) RESOLUTION VACATING A 10 FOOT WIDE PEDESTRIAN EASEMENT OVER LOT 5, KELSO'S REARRANGEMENT OF BLOCKS 1 AND 2 OF SARGENT'S REARRANGEMENT OF BLOCKS 16, 17, 18 LONDON ADDITION TO DULUTH, AND ACCEPTING DEDICATION OF A REPLACEMENT 15 FOOT WIDE PEDESTRIAN EASEMENT ALONG THE NORTH SIDE OF THE CAMBRIDGE STREET ALLEY ADJACENT TO NORTH 45TH AVENUE EAST.

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

11. [19-0529R](#) RESOLUTION VACATING THE 216.75 FOOT SECTION OF UNIMPROVED GLADSTONE STREET RUNNING BETWEEN 49TH AVENUE EAST AND NORTH SHORE RAIL ROAD.

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

12. [19-0554R](#) RESOLUTION ENTERING INTO AN AGREEMENT WITH AND ACCEPTING \$225,781 IN FEDERAL FUNDING FROM SENIOR SERVICE AMERICA, INC. TO OPERATE THE SENIOR COMMUNITY SERVICE EMPLOYMENT PRORAM.

Attachments: [SCSEP Sponsor Agreement](#)

13. [19-0559R](#) RESOLUTION TO ADOPT AN UPDATED CITY FLAG.

Attachments: [Attachment 1](#)

BY PRESIDENT HOBBS (COMMITTEE OF THE WHOLE)

14. [19-0526R](#) RESOLUTION PROVIDING FOR THE IMPOSITION OF SERVICE CHARGES WITHIN THE DOWNTOWN WATERFRONT SPECIAL SERVICE DISTRICT.
15. [19-0527R](#) RESOLUTION AUTHORIZING ENTERING INTO A SERVICE CONTRACT WITH THE GREATER DOWNTOWN COUNCIL TO PROVIDE SERVICES TO IMPLEMENT THE DOWNTOWN WATERFRONT SPECIAL SERVICE DISTRICT.

Attachments: [Exhibit A - Service Contract](#)

BY COUNCILOR FILIPOVICH (PUBLIC WORKS & UTILITIES)

16. [19-0523R](#) RESOLUTION AUTHORIZING AN AMENDMENT TO A CONTRACT WITH VENTURE FUELS FOR THE PURCHASE AND DELIVERY OF APPROXIMATELY 14,500 TONS OF COAL TO DULUTH ENERGY SYSTEMS FOR AN ESTIMATED \$684,980.

17. [19-0538R](#) RESOLUTION AUTHORIZING AN AGREEMENT WITH ST. LOUIS COUNTY TO HIRE AN ENGINEERING CONSULTANT TO PROVIDE FINAL DESIGN SERVICES FOR A ROUNDABOUT AT THE INTERSECTION OF CSAH 37 (JEAN DULUTH ROAD) / CSAH 9 (SNIVELY ROAD) / GLENWOOD STREET AND PERFORM AN INTERSECTION CONTROL EVALUATION (ICE) STUDY ON WOODLAND AVENUE AT THE INTERSECTIONS OF ARROWHEAD ROAD AND SNIVELY ROAD IN DULUTH, MN.

Attachments: [Exhibit A](#)

[Map 1](#)

[Map 2](#)

18. [19-0555R](#) RESOLUTION AWARDDING A CONTRACT TO NORTHLAND CONSTRUCTORS OF DULUTH, INC. FOR THE DECKER ROAD REHABILITATION AND UTILITY RECONSTRUCTION PROJECT IN THE AMOUNT OF \$3,538,000.

Attachments: [19-0555R Map](#)

BY COUNCILOR VAN NETT (PUBLIC SAFETY)

19. [19-0522R](#) RESOLUTION AUTHORIZING THE ACCEPTANCE OF A GRANT FROM THE MINNESOTA DEPARTMENT OF COMMERCE IN THE AMOUNT OF \$209,599.28 FOR AN AUTO THEFT INVESTIGATOR AND RELATED TRAVEL, TRAINING, AND EQUIPMENT EXPENSES.

Attachments: [Exhibit B.pdf](#)

20. [19-0524R](#) RESOLUTION AUTHORIZING ACCEPTANCE OF A \$140,000 CRIME VICTIM SERVICES PROSECUTORIAL GRANT FROM THE MINNESOTA DEPARTMENT OF PUBLIC SAFETY, OFFICE OF JUSTICE PROGRAMS, TO FUND A VICTIM SERVICES POSITION IN THE CITY ATTORNEY'S OFFICE.

Attachments: [Exhibit A.](#)

21. [19-0532R](#) RESOLUTION AUTHORIZING ACCEPTANCE OF AN AMENDED AGREEMENT WITH THE STATE OF MINNESOTA TO CONTINUE THE REGIONAL EMERGENCY RESPONSE TEAM FROM STATE FISCAL YEAR 2017 THROUGH 2021 IN AN AMOUNT NOT TO EXCEED \$900,000 AND FURTHER AUTHORIZING EXECUTION OF A JOINT POWERS AGREEMENT WITH THE STATE OF MINNESOTA.

Attachments: [Exhibit A](#)

22. [19-0534R](#) RESOLUTION AUTHORIZING THE CITY TO ENTER INTO A MEMORANDUM OF AGREEMENT WITH THE U.S. DEPARTMENT OF JUSTICE, BUREAU OF ALCOHOL, TOBACCO, FIREARMS, AND EXPLOSIVES (ATF) FOR CITY OF DULUTH POLICE DEPARTMENT PARTICIPATION IN THE ATF TASK FORCE AND FURTHER AUTHORIZING THE ACCEPTANCE OF REIMBURSEMENT MONIES FROM ATF FOR OVERTIME SALARY AND OTHER COSTS INCURRED IN PROVIDING RESOURCES TO ASSIST ATF IN LAW ENFORCEMENT OPERATIONS.

Attachments: [Exhibit A.pdf](#)

23. [19-0535R](#) RESOLUTION AUTHORIZING PROPER CITY OFFICIALS TO ACCEPT A \$132,451.71 GRANT AWARD FROM THE MINNESOTA DEPARTMENT OF PUBLIC SAFETY TO FUND A DWI POLICE OFFICER FOR ONE YEAR AND AUTHORIZING EXECUTION OF GRANT AGREEMENT.

Attachments: [Exhibit B.pdf](#)

24. [19-0536R](#) RESOLUTION AUTHORIZING THE EXECUTION OF A MEMORANDUM OF UNDERSTANDING BETWEEN CENTER FOR ALCOHOL & DRUG TREATMENT AND THE CITY OF DULUTH FOR AN EMBEDDED LICENSED SOCIAL WORKER TO WORK COLLABORATIVELY WITH THE DULUTH POLICE DEPARTMENT AND THE CRISIS RESPONSE TEAM TO BETTER RESPOND TO INDIVIDUALS WITH MENTAL ILLNESS, ADDICTION AND HOMELESSNESS.

Attachments: [Document A to 19-0536R](#)
[Exhibit A](#)

BY COUNCILOR WESTERLUND (RECREATION, LIBRARIES & AUTHORITIES)

25. [19-0533R](#) RESOLUTION AUTHORIZING A CONTRACT WITH FOUR STAR CONSTRUCTION, INC. FOR THE CONSTRUCTION OF NEW BATHROOMS AT THE MAIN LIBRARY FOR AN AMOUNT NOT TO EXCEED \$220,552.00.

26. [19-0537R](#) RESOLUTION AUTHORIZING AN AMENDMENT TO AGREEMENT L30102 WITH AMI CONSULTING ENGINEERS FOR COORDINATION OF THE TEMPORARY RELOCATION OF THE WILLIAM A. IRVIN FOR AN AMOUNT NOT TO EXCEED \$14,000.00.

Attachments: [Exhibit A](#)

27. [19-0539R](#) RESOLUTION AUTHORIZING AN AMENDMENT TO AN AGREEMENT WITH AAA VENTURES, INC. DBA A.P.S. APPLIED PROFESSIONAL SERVICES, FOR UNARMED UNIFORMED SECURITY SERVICES FOR THE MAIN BRANCH OF THE DULUTH PUBLIC LIBRARY FOR AN AMOUNT NOT TO EXCEED \$88,850.

Attachments: [Exhibit A](#)

28. [19-0543R](#) RESOLUTION AUTHORIZING A CONTRIBUTION OF UP TO \$5,000 FROM MINNESOTA TRAIL RIDERS ASSOCIATION ON BEHALF OF THE DULUTH AREA HORSE TRAIL ALLIANCE FOR EQUESTRIAN TRAIL IMPROVEMENTS IN MAGNEY-SNIVELY NATURAL AREA.

Attachments: [exhibit a location map](#)

29. [19-0549R](#) RESOLUTION AUTHORIZING APPROVAL AND IMPLEMENTATION OF THE BRIGHTON BEACH MINI MASTER PLAN.

Attachments: [Exhibit A Brighton MMP Draft](#)

30. [19-0551R](#) RESOLUTION AUTHORIZING PROPER CITY OFFICIALS TO ACCEPT A REIMBURSEMENT GRANT FOR EMERALD ASH BORER TREATMENT FROM THE MINNESOTA DEPARTMENT OF AGRICULTURE NOT TO EXCEED \$65,000.

Attachments: [Exhibit A JPA Agreement](#)

31. [19-0556R](#) RESOLUTION AUTHORIZING ACCEPTANCE OF A \$50,000 GRANT FROM THE MINNESOTA DEPARTMENT OF NATURAL RESOURCES AND MINNESOTA LAKE SUPERIOR COASTAL PROGRAM FOR DEVELOPMENT OF A ST. LOUIS RIVER HERITAGE TRAIL INTERPRETIVE PLAN.

Attachments: [exhibit a grant agreement](#)

32. [19-0557R](#) RESOLUTION ACCEPTING PERMANENT EASEMENT FOR PUBLIC RECREATIONAL, WALKWAY AND TRAIL PURPOSES FROM THE DULUTH ECONOMIC DEVELOPMENT AUTHORITY OVER, UNDER, AND ACROSS PROPERTY LOCATED IN THE ONEOTA NEIGHBORHOOD, AT NO COST TO THE CITY.

Attachments: [Exhibit 1 for Resolution](#)

33. [19-0558R](#) RESOLUTION AUTHORIZING A MONTH-TO-MONTH LEASE AGREEMENT WITH ARROWHEAD ECONOMIC OPPORTUNITY AGENCY FOR USE OF SPACE IN THE CENTRAL HILLSIDE COMMUNITY CENTER.

Attachments: [Exhibit 1](#)

END OF CONSENT AGENDA

The following entitled resolutions are also to be considered:

BY COUNCILOR RUSS (PLANNING & ECONOMIC DEVELOPMENT)

34. [19-0480R](#) RESOLUTION TO PROCEED WITH A PROCESS FOR THE SALE OF PARK PROPERTY WITHIN THE LESTER PARK AND ENGER PARK GOLF COURSES AND REQUIRING THE DEVELOPMENT OF HOUSING UNITS ON SAID PROPERTY. (REPLACEMENT)

Attachments: [Exhibit A](#)
[Motion to Amend 19-0480R. Anderson. 2019.08.19](#)

35. [19-0544R](#) RESOLUTION AFFIRMING THE PLANNING COMMISSION'S DECISION TO APPROVE LAUNCH PROPERTIES, LLC FOR A VARIANCE TO THE HEIGHT REQUIREMENTS IN A MU-C ZONE DISTRICT AT 2215 SOUTH STREET.

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

36. [19-0545R](#) RESOLUTION REVERSING THE PLANNING COMMISSION'S DECISION TO APPROVE LAUNCH PROPERTIES, LLC FOR A VARIANCE TO THE HEIGHT REQUIREMENTS IN A MU-C ZONE DISTRICT AT 2215 SOUTH STREET.

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

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

BY COUNCILOR RUSS (PLANNING & ECONOMIC DEVELOPMENT)

37. [19-029-O](#) AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF DULUTH TO RECLASSIFY PROPERTIES AT LESTER PARK GOLF COURSE FROM RURAL-RESIDENTIAL (RR-1) AND RESIDENTIAL-TRADITIONAL (R-1), TO MIXED USE NEIGHBORHOOD (MU-N) AND PARK AND OPEN SPACE (P-1).

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

38. [19-030-O](#) AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF DULUTH TO RECLASSIFY PROPERTIES AT ENGER PARK GOLF COURSE ADJACENT TO WEST SKYLINE BOULEVARD FROM RESIDENTIAL-TRADITIONAL (R-1) TO RESIDENTIAL-URBAN (R-2).

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

BY PRESIDENT HOBBS (COMMITTEE OF THE WHOLE)

39. [19-037-O](#) AN ORDINANCE REESTABLISHING THE DOWNTOWN WATERFRONT SPECIAL SERVICE DISTRICT WITH EXPANDED BOUNDARIES.

Attachments: [Exhibit A. Operating Plan 2020-2024](#)

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

BY COUNCILOR RUSS (PLANNING & ECONOMIC DEVELOPMENT)

40. [19-035-O](#) AN ORDINANCE GRANTING A CONCURRENT USE PERMIT FOR PARKING IN THE PLATTED STREET RIGHT OF WAY OF SOUTH STREET.

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

BY PRESIDENT HOBBS (COMMITTEE OF THE WHOLE)

41. [19-036-O](#) AN ORDINANCE AUTHORIZING THE CONVEYANCE OF A NON-EXCLUSIVE EASEMENT TO MARINE IRON & SHIP BUILDING COMPANY FOR AUTOMOBILE PARKING AND SIGNAGE PURPOSES OVER REAL PROPERTY IN CANAL PARK.

Attachments: [Exhibit 2-Parking Easement Ordinance](#)
[Exhibit 1-Parking Easement 7-12-19](#)

COUNCILOR QUESTIONS AND COMMENTS

COUNCILOR PREVIEW OF UPCOMING BUSINESS