



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 9, 2016

7:00 PM

Council Chamber

ROLL CALL

PLEDGE OF ALLEGIANCE

PRESENTATION OF PETITIONS AND OTHER COMMUNICATIONS

1. [16-061](#) Hartley Nature Center Communication

Attachments: [Dan Mundt Communication](#)

REPORTS FROM THE ADMINISTRATION

REPORTS FROM OTHER OFFICERS

2. [16-052](#) Clerk Applications for Exempt Permit for Womens Care Center (Raffle and Bingo), Welch Center (Bingo), Lake Superior Marine Museum Association (Raffle)

Attachments: [WOMENS CARE CENTER](#)
[WELCH CENTER](#)
[MARINE MUSEUM](#)

3. [16-053](#) Clerk applications for Exempt Permits to the Minnesota Gambling Control Board from Gary-New Duluth Community Club (excluded bingo) and Order of Ahepa Chapter #267 of Duluth (excluded bingo).

Attachments: [GARY COMMUNITY CLUB](#)
 [ORDER OF AHEPA CHAPTER 267 BINGO](#)

REPORTS OF BOARDS AND COMMISSIONS

4. [16-054](#) HRA Minutes

Attachments: [HRA Minutes 1.26.16](#)
 [HRA Minutes 3.1.16](#)
 [HRA Minutes 3.30.16](#)
 [HRA Minutes 11.24.15](#)

5. [16-055](#) Civil Service Board Minutes

Attachments: [Civil Service Board Minutes 3.1.16](#)

6. [16-056](#) DPUC Minutes

Attachments: [DPUC Minutes 3.15.16](#)
 [DPUC Water Rate Public Hearing Minutes 3.15.16](#)

7. [16-057](#) DTA Minutes

Attachments: [DTA Board of Directors Minutes 2.14.16](#)
 [DTA Financial Statement Feb 2016](#)

8. [16-058](#) Spirit Mountain FY17 Budget

Attachments: [FY17 Spirit Mt Council Presentation April 2016](#)

9. [16-059](#) Library Board Minutes

Attachments: [Library Board Minutes 3.22.16](#)

10. [16-060](#) Planning Commission Minutes

Attachments: [PC Minutes 4.1.16 \(not approved yet\)](#)

REPORTS OF COUNCIL COMMITTEES

REPORTS OF COUNCIL OPEN ISSUES

OPPORTUNITY FOR CITIZENS TO BE HEARD

MOTIONS AND RESOLUTIONS**CONSENT AGENDA****BY COUNCILOR HOBBS (PURCHASING & LICENSING)**

11. [16-0347R](#) RESOLUTION APPROVING THE TEMPORARY EXPANSION OF THE ON SALE INTOXICATING LIQUOR LICENSE TO VARIOUS LICENSEES.

Attachments: [ATTACHMENT C GRANDMAS INC](#)
[ATTACHMENT D ANGIES](#)
[ATTACHMENT E TAP HOUSE](#)
[ATTACHMENT A SPORTS GARDEN](#)
[ATTACHMENT B CLUB SARATOGA AMENDED](#)

12. [16-0351R](#) RESOLUTION AUTHORIZING AN AMENDMENT TO AGREEMENT 22364 WITH CARDNO, INC., FOR ADDITIONAL PROFESSIONAL SERVICES IN THE STREAM RESTORATION OF MILLER CREEK, AN INCREASE OF \$6,000, AND AN AMENDED TOTAL NOT TO EXCEED \$82,600.

Attachments: [Amendment No. 1](#)

13. [16-0352R](#) RESOLUTION AUTHORIZING A CONTRACT WITH TRAIL SOURCE, LLC., FOR THE TRAIL REPAIR AND IMPROVEMENTS AT CHESTER PARK, CONGDON PARK AND HARTLEY PARK IN THE AMOUNT OF \$343,224.36.

Attachments: [Bid Tabulation](#)
[Chester Map](#)
[Congdon Map](#)
[Hartley Map](#)

BY COUNCILOR RUSS (PLANNING & ECONOMIC DEVELOPMENT)

14. [16-0265R](#) RESOLUTION AUTHORIZING CITY OFFICIALS TO DONATE A DISPLAY CASE TO THE LAKE SUPERIOR CENTER DBA GREAT LAKES AQUARIUM TO SHOWCASE A SCALE MODEL OF THE AERIAL LIFT BRIDGE BUILT BY RALPH W. ANDRES.

Attachments: [Exhibit A - Model Aerial Lift Bridge](#)

BY COUNCILOR WESTERLUND (PUBLIC WORKS & UTILITIES)

15. [16-0338R](#) RESOLUTION ACCEPTING TEMPORARY AND PERMANENT EASEMENTS FOR STREET AND UTILITY PURPOSES NEAR KENWOOD AVE. AND ARROWHEAD ROAD FROM KENWOOD VILLAGE LLC.
- Attachments: [Exhibit A \(16-0338R\)](#)
 [Exhibit B \(16-0338R\)](#)
16. [16-0346R](#) RESOLUTION REQUESTING A VARIANCE FROM THE MINNESOTA DEPARTMENT OF TRANSPORTATION AND INDEMNIFYING THE STATE OF MINNESOTA IN CONNECTION WITH THE GRANTING OF A MINNESOTA STATE AID VARIANCE IN THE REDUCTION IN ROADWAY WIDTH FROM 38 FEET TO 36 FEET ON PORTIONS OF THIRD AVENUE WEST AND SECOND AVENUE WEST.
- Attachments: [16-0364R Map](#)

BY COUNCILOR FOSLE (PUBLIC SAFETY)

17. [16-0336R](#) RESOLUTION APPOINTING THE TECHNICAL SERVICES COORDINATOR OF THE DULUTH FIRE DEPARTMENT TO SERVE ON THE USER COMMITTEE OF THE NORTHEAST MINNESOTA REGIONAL RADIO BOARD.
18. [16-0344R](#) RESOLUTION AUTHORIZING MUTUAL AID AGREEMENT WITH THE CITY OF MINNEAPOLIS, MINNESOTA.
- Attachments: [Document A](#)

BY COUNCILOR SIPRESS (RECREATION, LIBRARIES & AUTHORITIES)

19. [16-0328R](#) RESOLUTION GRANTING APPROVAL AND IMPLEMENTATION OF THE QUARRY PARK MINI-MASTER PLAN; DEDICATING THE PROPERTY AS A PARK AND NAMING THE SITE QUARRY PARK.
- Attachments: [EXHIBIT A - 16-0328R](#)
20. [16-0332R](#) RESOLUTION AUTHORIZING APPLICATION TO THE GREATER MINNESOTA REGIONAL PARKS AND TRAILS COMMISSION TO REQUEST REGIONAL DESIGNATION FOR HARTLEY PARK.
- Attachments: [EXHIBIT A - 16-0332R](#)
 [EXHIBIT B - 16-0332R](#)

21. [16-0333R](#) RESOLUTION AUTHORIZING APPLICATION TO THE GREATER MINNESOTA REGIONAL PARKS AND TRAILS COMMISSION TO REQUEST REGIONAL DESIGNATION FOR THE ST. LOUIS RIVER CORRIDOR RECREATION AREA.

Attachments: [EXHIBIT A - 16-0333R](#)
[EXHIBIT B - 16-0333R](#)

22. [16-0334R](#) RESOLUTION AUTHORIZING APPLICATION TO THE GREATER MINNESOTA REGIONAL PARKS AND TRAILS COMMISSION TO REQUEST REGIONAL DESIGNATION FOR THE LAKEWALK CORRIDOR RECREATION AREA.

Attachments: [EXHIBIT A - 16-0334R](#)
[EXHIBIT B - 16-0334R](#)

23. [16-0335R](#) RESOLUTION AUTHORIZING APPLICATION TO, AND ACCEPTANCE OF, IF OFFERED, THE NATIONAL PARK SERVICE LAND AND WATER CONSERVATION FUND STATE AND LOCAL ASSISTANCE PROGRAM OUTDOOR RECREATION LEGACY PARTNERSHIP PROGRAM (LWCF ORLP) FOR \$750,000 IN GRANT FUNDS TO IMPLEMENT THE LINCON PARK MINI-MASTER PLAN.

Attachments: [EXHIBIT A - 16-0335R](#)
[EXHIBIT B - 16-0335R](#)
[Exhibit C - Project Agreement](#)

END OF CONSENT AGENDA

BY COUNCILOR HOBBS (PURCHASING & LICENSING)

24. [16-0343R](#) RESOLUTION AUTHORIZING THE PURCHASE OF A FIRE RESCUE VEHICLE FROM CUSTOM FIRE APPARATUS, INC. IN THE AMOUNT OF \$632,632 AND STATING THE INTENT TO ISSUE GENERAL OBLIGATION NOTES

Attachments: [Bid Tabulation](#)

BY COUNCILOR ANDERSON (PERSONNEL)

25. [16-0372R](#) RESOLUTION CONFIRMING THE APPOINTMENT OF MICHAEL TUSKEN AS POLICE CHIEF FOR THE CITY OF DULUTH.
26. [16-0373R](#) RESOLUTION CONFIRMING THE APPOINTMENT OF DENNIS EDWARDS AS FIRE CHIEF FOR THE CITY OF DULUTH.

BY COUNCILOR WESTERLUND (PUBLIC WORKS & UTILITIES)

27. [16-0345R](#) RESOLUTION APPROVING SETTLEMENT IN THE MATTER OF MARK TUCKER VS CITY OF DULUTH IN THE AMOUNT OF \$25,000 AND PURSUANT TO THE TERMS OF THE MEDIATED SETTLEMENT AGREEMENT.

Attachments: [Exhibit A Mediated Settlement Agreement](#)

INTRODUCTION AND CONSIDERATION OF ORDINANCES

ORDINANCES TABLED

BY COUNCILOR RUSS (PLANNING & ECONOMIC DEVELOPMENT)

28. [16-022-O](#) AN ORDINANCE AMENDING SECTIONS 50-20.3 COMMERCIAL USES AND 50-20.5 ACCESSORY USES, TO AMEND EXISTING STANDARDS FOR VACATION DWELLING UNITS AND ACCESSORY VACATION DWELLING UNITS. (AS AMENDED)

Attachments: [Motion to Amend 16-022-O Hobbs.Filipovich - Passed](#)
[Motion to Amend 16-022-O Sipress \(200ft\)](#)
[Motion to Amend 16-022-O Sipress \(parking\)](#)
[Motion to Amend 16-022-O Filipovich.Hansen 5.3.16](#)
[Motion to Amend 16-022-O Sipress \(Permit Adjustment\)](#)

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

BY COUNCILOR HOBBS (PURCHASING & LICENSING)

29. [16-025-O](#) AN ORDINANCE AMENDING SECTION 41-29 OF DULUTH CITY CODE, 1959, AS AMENDED, TO ALLOW ELECTRONIC BID POSTINGS, BIDS, AND SECURE BONDS FOR CITY CONTRACTS EXCEEDING \$100,000.

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

BY COUNCILOR FOSLE (PUBLIC SAFETY)

30. [16-024-O](#) AN ORDINANCE AMENDING CHAPTER 29A OF THE DULUTH CITY CODE, 1959, AS AMENDED, TO CLARIFY APPLICATION OF THE INTERNATIONAL PROPERTY MAINTENANCE CODE FOR THE HOUSING AND MAINTENANCE CODE FOR THE CITY, PROVIDE A MECHANISM FOR RESOLVING CONFLICTS BETWEEN THE PROVISIONS OF CHAPTER 29A AND THE HOUSING AND PROPERTY MAINTENANCE CODE, AND STRIKE OBSOLETE CODE LANGUAGE.

COUNCILOR QUESTIONS AND COMMENTS

COUNCILOR PREVIEW OF UPCOMING BUSINESS