

City of Duluth

411 West First Street
Duluth, Minnesota 55802



Meeting Agenda - Final-revised

Monday, August 31, 2015

7:00 PM

Council Chamber

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]*

ROLL CALL**PLEDGE OF ALLEGIANCE****APPROVAL OF MINUTES**

1. [15-040](#) Minutes of April 27, 2015, council meeting.

Attachments: [Minutes](#)

PUBLIC HEARING

7:00 p.m. - TIF Plan Amendment for TIF District No. 7 (Redevelopment District in West Duluth).

PRESENTATION OF PETITIONS AND OTHER COMMUNICATIONS

2. [15-037](#) Communications regarding the proposed East Duluth dog park site (15-0579R): (a) Shannon Borgeson; (b) Vicky Carper; (c) Michelle and Reuben Fischer; (d) Lindsay Helwig; (e) Don Jackson; (f) Ginger Johnson; (g) Suzan Johnson; (h) Kristen Kelly; (i) Rachel Kuntz; (j) Jackie LaGesse; (k) Katie Lassi; (l) Danielle Norkunas; (m) Tammy Olsen; (n) Lynette Olson; (o) Anne M. Seppo; (p) Jana Studelska.

Attachments: [\(a\) Borgeson](#)
[\(b\) Carper](#)
[\(c\) Fischer](#)
[\(d\) Helwig](#)
[\(e\) Jackson](#)
[\(f\) Ginger Johnson](#)
[\(g\) Suzan Johnson](#)
[\(h\) Kelly](#)
[\(i\) Kuntz](#)
[\(j\) LaGesse](#)
[\(k\) Lassi](#)
[\(l\) Norkunas](#)
[\(m\) Olsen](#)
[\(n\) Olson](#)
[\(o\) Seppo](#)
[\(p\) Studelska](#)

3. [15-038](#) Communications regarding the proposed City Code regulation pertaining to outdoor broadcasting of music during certain hours (15-068-O): (a) Dean Korach; (b) Bernadine Martin.

Attachments: [\(a\) Korach](#)
[\(b\) Martin](#)

REPORTS FROM THE ADMINISTRATION

REPORTS OF BOARDS AND COMMISSIONS

4. [15-035](#) Spirit Mountain recreation area authority minutes of June 18, 2015, meeting.

Attachments: [Minutes](#)

5. [15-036](#) Duluth airport authority minutes of July 21, 2015, meeting.

Attachments: [Minutes](#)

6. [15-039](#) Duluth transit authority minutes of May 27, 2015, meeting.

Attachments: [Minutes](#)

REPORTS OF COUNCIL COMMITTEES

REPORTS OF COUNCIL OPEN ISSUES

OPPORTUNITY FOR CITIZENS TO BE HEARD

RESOLUTION TABLED

COMMITTEE 2

BY COUNCILOR RUSS (PLANNING & ECONOMIC DEVELOPMENT)

7. [15-0506R](#) RESOLUTION AUTHORIZING PROPER CITY OFFICIALS TO ACCEPT MONEY FROM THE GREATER DOWNTOWN COUNCIL FOR THE MICHIGAN STREET BIKEWAY FEASIBILITY ANALYSIS IN THE AMOUNT OF \$10,000

(TABLED 8/10)

MOTIONS AND RESOLUTIONS

CONSENT AGENDA

COMMITTEE 1**BY COUNCILOR HANSON (PURCHASING & LICENSING)**

8. [15-0553R](#) RESOLUTION AUTHORIZING A PURCHASE FROM NORTH AMERICAN SALT COMPANY FOR 5,100 TONS OF ROAD SALT FOR FALL 2015 IN THE AMOUNT OF \$316,914.
9. [15-0558R](#) RESOLUTION APPROVING THE TEMPORARY EXPANSION OF THE ON SALE WINE AND 3.2 PERCENT MALT LIQUOR LICENSE TO KENRITE, INC. (BULLDOG PIZZA & GRILL), 101 MT ROYAL CENTER.
10. [15-0565R](#) RESOLUTION AUTHORIZING AN AGREEMENT WITH SHORT ELLIOT HENDRICKSON, INC. (SEH) FOR PROFESSIONAL DESIGN SERVICES FOR BAYFRONT PARK IMPROVEMENTS FOR A TOTAL NOT TO EXCEED \$44,200.

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

11. [15-0594R](#) RESOLUTION APPROVING RENEWAL AND ISSUANCE OF THE ON SALE INTOXICATING LIQUOR LICENSES OF THE DUKE PARTNERS, LLC (SPURS ON FIRST), 109 WEST FIRST STREET AND HOSPITALITY ASSOCIATES OF DULUTH, LLC, (ACES ON FIRST), 113 WEST FIRST STREET.

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

12. [15-0524R](#) RESOLUTION ADOPTING THE LINCOLN PARK SMALL AREA PLAN AND HEALTH IMPACT ASSESSMENT (LINCOLN PARK SMALL AREA PLAN AND HEALTH IMPACT ASSESSMENT)

Attachments: [Attachment 1](#)

13. [15-0559R](#) RESOLUTION VACATING A PORTION OF STREET RIGHT OF WAY AND ACCEPTING STREET AND UTILITY EASEMENTS FOR WEST SECOND STREET EAST OF 40TH AVENUE WEST (RMN LLLP).

Attachments: [Utility Easement Agreement](#)
[Quit Claim Deed](#)
[Exhibits](#)

BY COUNCILOR KRUG (INTERGOVERNMENTAL RELATIONS)

14. [15-0508R](#) RESOLUTION ENTERING INTO AN AGREEMENT ACCEPTING A GRANT OF \$186,590 FROM THE STATE OF MINNESOTA - MINNESOTA STATE COLLEGES AND UNIVERSITIES (MNSCU) ON BEHALF OF LAKE SUPERIOR COLLEGE TO PROVIDE CAREER SERVICES FOR THE MINNESOTA ADVANCED MANUFACTURING PARTNERSHIP (MNAMP) LEARN, WORK, EARN GRANT. THE GRANT PERIOD IS SEPTEMBER 1, 2015 THROUGH SEPTEMBER 30, 2018.

Attachments: [MNAMP professional technical contract 8-2015](#)

BY PRESIDENT LARSON (COMMITTEE OF THE WHOLE)

15. [15-0573R](#) RESOLUTION APPROVING FUNDING AGREEMENT WITH MONACO AIR FOUNDATION, INC., ALLOCATING \$30,000 TOWARDS THE COST OF INTERIOR AND EXTERIOR SIGNAGE RELATED TO NAMING THE NEW AIRPORT PASSENGER TERMINAL IN HONOR OF LATE U.S. REPRESENTATIVE JAMES L. OBERSTAR.

Attachments: [Exhibit A - Monaco Foundation Agreement](#)

COMMITTEE 3

BY COUNCILOR JULSRUD (PUBLIC WORKS & UTILITIES)

16. [15-0563R](#) RESOLUTION AWARDED A CONTRACT TO A PLUS LANDSCAPING, LLC FOR THE 2015 TRAIL AND CULVERT FLOOD REPAIRS ON CLYDE CONNECTOR, DWP, KINGSBURY AND WESTERN TRAILS IN THE AMOUNT OF \$516,150.

Attachments: [15-0563 Maps](#)

BY COUNCILOR SIPRESS (RECREATION, LIBRARIES & AUTHORITIES)

17. [15-0471R](#) RESOLUTION AUTHORIZING ACCEPTANCE OF THE DULUTH CHILDREN'S OUTDOOR CHARTER AS A DOCUMENT TO FOSTER ACCESS TO OUTDOOR EXPERIENCES.

Attachments: [Exhibit A](#)

18. [15-0472R](#) RESOLUTION TO ACCEPT STATE TAX FORFEIT LAND FROM ST. LOUIS COUNTY FOR THE PURPOSE OF WESTERN WATERFRONT TRAIL EXTENSION, QUARRY PARK ESTABLISHMENT, AND CROSS CITY TRAIL EXTENSION

Attachments: [County Resolutions 15-435, 15-436, 15-437.pdf](#)
[QuarryPark_Convey.pdf](#)
[CCTParcelConveyance](#)
[WWFTTrailParcelConveyance_Map1 \(2\)](#)
[WWFTTrailParcelConveyance_Map2 \(2\)](#)
[WWFTTrailParcelConveyance_Map3 \(2\)](#)

19. [15-0584R](#) RESOLUTION RATIFYING EXECUTION OF VARIOUS AGREEMENTS WITH BNSF RAILWAY COMPANY PERTAINING TO THE WESTERN WATERFRONT TRAIL.

Attachments: [DOC082115-08212015152853](#)

20. [15-0586R](#) RESOLUTION ACCEPTING CONVEYANCE OF PROPERTY FROM THE DWP RAILWAY COMPANY.

Attachments: [DWP attachment](#)
[DWPCartoon](#)

END OF CONSENT AGENDA

The following entitled resolutions are also to be considered:

COMMITTEE 1

BY COUNCILOR FILIPOVICH (FINANCE)

21. [15-0580R](#) RESOLUTION PROPOSING THE SUM TO BE RAISED BY TAXATION FOR THE SPECIAL TAXING DISTRICT, HOUSING AND REDEVELOPMENT AUTHORITY, FOR THE YEAR 2016.

Attachments: [Exhibit A](#)
[AMENDMENT \(SIPRESS\)](#)
[AMENDMENT \(FOSLE\)](#)

22. [15-0581R](#) RESOLUTION PROPOSING THE SUM TO BE RAISED BY TAXATION FOR THE SPECIAL TAXING DISTRICT, DULUTH TRANSIT AUTHORITY, FOR THE YEAR 2016.

Attachments: [Exhibit A](#)

BY COUNCILOR HANSON (PURCHASING & LICENSING)

23. [15-0582R](#) RESOLUTION AUTHORIZING AN AMENDMENT TO C22275 WITH ROCK SOLID TRAIL CONTRACTING FOR THE TRAVERSE TRAIL PHASE II CONSTRUCTION FOR THE ADDITION OF \$132,737.50.
- Attachments: [Exhibit A](#)
- NEW
24. [15-0583R](#) RESOLUTION AUTHORIZING AN AGREEMENT WITH MCGOUGH CONSTRUCTION FOR PRE-CONSTRUCTION SERVICES RELATED TO THE CIRRUS BUILDING PROJECT FOR AN AMOUNT NOT TO EXCEED \$45,000.
- Attachments: [Exhibit A](#)
[Exhibit B](#)
[Exhibit C](#)
25. [15-0593R](#) RESOLUTION AUTHORIZING A CONTRACT WITH VEIT & COMPANY FOR THE GARY NEW DULUTH RECREATION CENTER PROJECT IN THE AMOUNT OF \$455,750.
- Attachments: [Exhibit A](#)
- NEW

BY COUNCILOR GARDNER (PERSONNEL)

26. [15-0577R](#) RESOLUTION CONFIRMING THE APPOINTMENT OF CRAIG CHILCOTE TO THE DULUTH ECONOMIC DEVELOPMENT AUTHORITY, REPLACING DON MONACO.
- Attachments: [Application](#)
27. [15-0590R](#) RESOLUTION ADOPTING THE VEGETATION MANAGEMENT STRATEGIES IN THE SKYLINE PARKWAY CORRIDOR MANAGEMENT PLAN AS THE FRAMEWORK FOR CITY POLICIES AND ACTIONS.
- Sponsors: Gardner
- Attachments: [SkylineCMP2015](#)

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

28. [15-0572R](#) RESOLUTION GRANTING AN INTERIM USE PERMIT FOR A VACATION DWELLING UNIT AT 728 LAKE AVENUE SOUTH (DOUGLAS AND KATHLEEN BAKER)
- Attachments: [Attachment 1](#)

29. [15-0574R](#) RESOLUTION GRANTING AN INTERIM USE PERMIT FOR A VACATION DWELLING UNIT AT 416 88TH AVENUE WEST (LAWRENCE TELEGA)
- Attachments: [Attachment 1](#)
30. [15-0575R](#) RESOLUTION GRANTING AN INTERIM USE PERMIT FOR TWO VACATION DWELLING UNITS AT 718 NORTH 7TH AVENUE EAST (TERESA MCNELLY AND ROB MCCLEARY)
- Attachments: [Attachment 1](#)
[Attachment 2](#)

COMMITTEE 3

BY COUNCILOR SIPRESS (RECREATION, LIBRARIES & AUTHORITIES)

31. [15-0592R](#) RESOLUTION AUTHORIZING PROPER CITY OFFICIALS TO ACCEPT A CONTINGENCY DONATION FROM GARY NEW DULUTH DEVELOPMENT ALLIANCE IF NECESSARY TO COMPLETE THE GARY NEW DULUTH REC. CENTER PROJECT, FOR AN AMOUNT NOT TO EXCEED \$50,000.
- Attachments: [Exhibit A](#)
- NEW

BY COUNCILORS SIPRESS AND JULSRUD

32. [15-0579R](#) RESOLUTION IDENTIFYING RILEY ROAD PROPERTY AS A SITE FOR THE DEVELOPMENT OF AN EAST DULUTH DOG PARK.
- Sponsors: Sipress and Julsrud
- Attachments: [Attachment A Proposed Riley Rd Dog Park](#)

INTRODUCTION AND CONSIDERATION OF ORDINANCES

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

COMMITTEE 1

BY COUNCILOR FILIPOVICH (FINANCE)

33. [15-072-O](#) AN ORDINANCE AMENDING CHAPTER 34, SECTION 23, OF THE DULUTH CITY CODE, 1959, AS AMENDED, ADDING A NEW SECTION PROHIBITING EXCESSIVE ENGINE DISCHARGE OR BRAKING NOISE.
- Sponsors: Filipovich

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

34. [15-073-O](#) AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF DULUTH TO PROVIDE FOR THE RECLASSIFICATION FROM R-1 TO MU-N, PROPERTY AT 2421 LONDON ROAD (MICHAEL TEGETHOFF)

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

35. [15-074-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, R-2 AND F-6 TO P-1, FOR BASKETBALL COURT, CHESTER BOWL, CHESTER PARK, LOWER CHESTER COMMUNITY RECREATION CENTER, ENDION COMMUNITY RECREATION CENTER, HILLSIDE SPORT COURT COMMUNITY RECREATION CENTER, LAKEVIEW PARK, MUNGER PARK, AND PORTLAND SQUARE (CITY OF DULUTH)

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

COMMITTEE 3**BY COUNCILOR FOSLE (PUBLIC SAFETY)**

36. [15-070-O](#) ORDINANCE AMENDING CHAPTER 26 OF THE DULUTH CITY CODE, 1959, AS AMENDED, RELATING TO AERIAL LIFT BRIDGE OPERATIONS, ADDING PROHIBITION ON INTERFERENCE WITH SAFE BRIDGE OPERATIONS.
37. [15-075-O](#) AN ORDINANCE AMENDING SECTION 10-3 OF THE DULUTH CITY CODE, 1959, AS AMENDED, RELATED TO THE PROCEDURE FOR VACANT BUILDING REGISTRATION.

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

COMMITTEE 3**BY COUNCILOR JULSRUD (PUBLIC WORKS & UTILITIES)**

38. [15-054-O](#) AN ORDINANCE PROSCRIBING ILLICIT DISCHARGES TO THE CITY STORM SEWER SYSTEM, ADDING CHAPTER 43A TO THE DULUTH CITY CODE, 1959, AS AMENDED.

39. [15-068-O](#) AN ORDINANCE AMENDING THE DULUTH CITY CODE, 1959, AS AMENDED, AMENDING CHAPTER 25 ADDING A NEW SECTION 12 REGARDING OUTDOOR BROADCASTING OF MUSIC DURING CERTAIN HOURS.

Sponsors: Julsrud

COUNCILOR QUESTIONS AND COMMENTS

COUNCILOR PREVIEW OF UPCOMING BUSINESS