

# City of Duluth

411 West First Street  
Duluth, Minnesota 55802



## Unofficial Actions - Draft

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

**Present:** 9 - Councilor Zack Filipovich, Councilor Jay Fosle, Councilor Sharla Gardner, Councilor Howie Hanson, Councilor Jennifer Julsrud, Councilor Linda Krug, Councilor Barb Russ, Councilor Joel Sipress and President Emily Larson

## PLEDGE OF ALLEGIANCE

## APPROVAL OF MINUTES

1. [15-040](#) April 27, 2015.

Attachments: [Minutes](#)

approved

## PUBLIC HEARING

Continued to September 14 Council Meeting.

## PRESENTATION OF PETITIONS AND OTHER COMMUNICATIONS

2. [15-037](#) Communications regarding the proposed East Duluth dog park site (15-0579R).

**Attachments:** [Shannon Borgeson](#)

[Vicky Carper](#)

[Nicholas Cleary](#)

[Michelle and Reuben Fischer](#)

[Artyce Fredlund](#)

[Ian Fritz](#)

[Heidi Harrison](#)

[Lindsay Helwig](#)

[Don Jackson](#)

[Jennifer Jackson](#)

[Judy Jambois](#)

[Ginger Johnson](#)

[Suzan Johnson](#)

[Kristen Kelly](#)

[Rachel Kuntz](#)

[Jackie LaGesse](#)

[Katie Lassi](#)

[Denette Lynch](#)

[Denette Lynch \(petition supported by 499 signatures\)](#)

[William Lynch](#)

[Mary Millard](#)

[Danielle Norkunas](#)

[Tammy Olsen](#)

[Lynette Olson](#)

[Jamie Parent](#)

[Rachel Rahn](#)

[Anne M. Seppo](#)

[Carrie Skoglund](#)

[Jana Studelska](#)

received

3. [15-038](#) Communications regarding the proposed City Code regulation pertaining to outdoor broadcasting of music during certain hours (15-068-O).

**Attachments:** [Marsha Erickson](#)  
[Dean Korach](#)  
[Bernadine Martin](#)

received

- [15-041](#) Communications regarding the proposed Michigan Street bikeway feasibility analysis (15-0506R).

**Attachments:** [Jacky Block](#)  
[Business Owners and Managers Association](#)  
[Penny Clark](#)  
[Duluth Bike Coalition](#)  
[Mark Emmel](#)  
[Greater Downtown Council](#)  
[Rick Heimbach](#)  
[Steven LaFlamme](#)  
[Rob Link](#)  
[Brad Little](#)  
[Mike Maxim](#)  
[Rosemarie and Dennis Mitchell](#)  
[Linda Olson](#)  
[Jim Rogers](#)

received

- [15-042](#) Duluth Climbers Coalition communication regarding the proposed Chilodren's Outdoor Charter (15-0471R).

**Attachments:** [Duluth Climbers Coalition](#)

received

- [15-043](#) Ruth Kivisto communication regarding the proposed rezoning of property at 2421 London Road (15-073-O).

**Attachments:** [Ruth Kivisto](#)

received

- [15-044](#) Communications regarding the proposed adoption of the vegetation management strategies in the Skylkine Parkway corridor management plan as framework for city policies and actions (15-0590R).

**Attachments:** [Nancy Nelson](#)  
[Doug Stevens](#)

received

- [15-045](#) Jim Rogers communication regarding interim use permits for vacation dwellings (15-0572R, 15-0574R, 15-0575R).

**Attachments:** [Jim Rogers](#)

received

## REPORTS OF BOARDS AND COMMISSIONS

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

**Attachments:** [Minutes](#)

received

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

**Attachments:** [Minutes](#)

received

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

**Attachments:** [Minutes](#)

received

## 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

adopted

Yea:    8 -    Councilor Filipovich, Councilor Fosle, Councilor Gardner, Councilor Julsrud, Councilor Krug, Councilor Russ, Councilor Sipress and President Larson

Abstain: 1 -    Councilor Hanson

**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.

adopted

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.

adopted

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](#)

adopted

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.

adopted

## 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](#)

adopted

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](#)

adopted

### 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](#)

adopted

**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](#)

adopted

**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](#)

adopted

**BY COUNCILOR SIPRESS (RECREATION, LIBRARIES & AUTHORITIES)**



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 \(2\)](#)

adopted

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

Attachments: [DOC082115-08212015152853](#)

adopted

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

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

adopted

## END OF CONSENT AGENDA

The following entitled resolutions were also considered:

## COMMITTEE 3

### 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](#)

adopted

**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 \(FOSLE\) - WITHDRAWN](#)

adopted as amended

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](#)

adopted

**Yea:** 8 - Councilor Filipovich, Councilor Fosle, Councilor Gardner, Councilor Julsrud, Councilor Krug, Councilor Russ, Councilor Sipress and President Larson

**Abstain:** 1 - Councilor Hanson

**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](#)

adopted

24. [15-0583R](#) RESOLUTION AUTHORIZING AN AGREEMENT WITH MCGOUGH CONSTRUCTION FOR PRE-CONSTRUCTION SERVICES RELATED TO THE CIRRU BUILDING PROJECT FOR AN AMOUNT NOT TO EXCEED \$45,000.

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

adopted

**Yea:** 7 - Councilor Filipovich, Councilor Fosle, Councilor Hanson, Councilor Julsrud, Councilor Krug, Councilor Russ and President Larson

**Nay:** 2 - Councilor Gardner and Councilor Sipress

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](#)

adopted

**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](#)

tabled

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](#)

adopted

**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](#)

adopted as amended

29. [15-0574R](#) RESOLUTION GRANTING AN INTERIM USE PERMIT FOR A VACATION DWELLING UNIT AT 416 88TH AVENUE WEST (LAWRENCE TELEGA)

Attachments: [Attachment 1](#)

adopted as amended

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](#)

AS AMENDED

tabled

### 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](#)

adopted

#### 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](#)

adopted

### INTRODUCTION AND CONSIDERATION OF ORDINANCES

The following entitled ordinances were 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

read for the first time

**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](#)

read for the first time

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](#)

read for the first time

**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.

read for the first time

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.

read for the first time

The following entitled ordinances were 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.

adopted

Yea: 9 - Councilor Filipovich, Councilor Fosle, Councilor Gardner, Councilor Hanson, Councilor Julsrud, Councilor Krug, Councilor Russ, Councilor Sipress and President Larson

Enactment No: 10401

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

withdrawn

### COUNCILOR QUESTIONS AND COMMENTS

### COUNCILOR PREVIEW OF UPCOMING BUSINESS