

City of Duluth

411 West First Street
Duluth, Minnesota 55802



Unofficial Actions - Draft

Monday, October 26, 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:** 8 - Councilor Zack Filipovich, Councilor Jay Fosle, Councilor Sharla Gardner, Councilor Howie Hanson, Councilor Jennifer Julsrud, Councilor Barb Russ, Councilor Joel Sipress and President Emily Larson
- Absent:** 1 - Councilor Linda Krug

APPROVAL OF MINUTES

1. [15-078](#) July 20 and 27, 2015.

Attachments: [July 20, 2015, Minutes](#)
[July 27, 2015, Minutes](#)

This Minutes was approved.

REPORTS FROM OTHER OFFICERS

2. [15-071](#) Clerk applications for exempt permits submitted to the Minnesota gambling control board from A Race Worth Winning-ALS on February 6, 2016, and Minnesota Bluegrass & Old-Time Music Association on April 16, 2016 (raffles).

Attachments: [A Race Worth Winning-ALS Application](#)
[Minnesota Bluegrass & Old-Time Association Application](#)

This Other Officers Report was received.

REPORTS FROM THE ADMINISTRATION

3. [15-077](#) Chief administrative officer report on proposed transfer of control of the Charter Communications cable television franchise.

Attachments: [Report](#)

This Reports from the Administration was received.

REPORTS OF BOARDS AND COMMISSIONS

4. [15-073](#) Duluth Seaway Port authority minutes of March 31, May 29, June 25, July 6 and August 20, 2015, meetings.

Attachments: [March 31, 2015](#)
[May 29, 2015](#)
[June 25, 2015](#)
[July 6, 2015](#)
[August 20, 2015](#)

This Board or Commission Report was received.

5. [15-075](#) Charter commission minutes of April 8 and July 8, 2015, meetings.

Attachments: [April 8, 2015](#)
[July 8, 2015](#)

This Board or Commission Report was received.

6. [15-076](#) Duluth public utilities commission minutes of September 15, 2015, meeting.

Attachments: [Minutes](#)

This Board or Commission Report was received.

REPORTS OF COUNCIL COMMITTEES

REPORTS OF COUNCIL OPEN ISSUES

OPPORTUNITY FOR CITIZENS TO BE HEARD

MOTIONS AND RESOLUTIONS

CONSENT AGENDA

This was Approved the Consent Agenda.

COMMITTEE 1

BY COUNCILOR FILIPOVICH (FINANCE)

7. [15-0727R](#) RESOLUTION AUTHORIZING ACCEPTANCE OF A CROSS COUNTRY SKI TRAIL ASSISTANCE PROGRAM GRANT AGREEMENT FOR YEAR 2015-2016 WITH THE MINNESOTA DEPARTMENT OF NATURAL RESOURCES IN AN AMOUNT NOT TO EXCEED \$11,000.

Attachments: [Exhibit A](#)

A motion was made that this Resolution be adopted The motion carried by the following vote:

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

Absent: 1 - Councilor Krug

8. [15-0741R](#) RESOLUTION APPROVING A COLLECTIVE BARGAINING AGREEMENT BETWEEN THE CITY OF DULUTH AND INTERNATIONAL ASSOCIATION OF FIREFIGHTERS LOCAL 101 FOR YEARS 2015-2017.

Attachments: [Exhibit A - Fire 2015-2017 Final CBA \(Clean version\)](#)

A motion was made that this Resolution be adopted The motion carried by the following vote:

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

Absent: 1 - Councilor Krug

BY COUNCILOR HANSON (PURCHASING & LICENSING)

9. [15-0734R](#) RESOLUTION APPROVING THE ISSUANCE OF A 2016 MINNESOTA CURRENCY EXCHANGE LICENSE TO THE TITLE LOAN COMPANY, INC.

Attachments: [Notification Letter](#)

A motion was made that this Resolution be adopted The motion carried by the following vote:

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

Absent: 1 - Councilor Krug

10. [15-0735R](#) RESOLUTION APPROVING THE EXEMPTION OF A BINGO LICENSE AND WAIVING THE 60 DAY WAITING PERIOD FOR HOLY FAMILY CATHOLIC CHURCH.

A motion was made that this Resolution be adopted The motion carried by the following vote:

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

Absent: 1 - Councilor Krug

11. [15-0742R](#) RESOLUTION AMENDING RESOLUTION 15-0209, AUTHORIZING A LEASE CONTRACT FOR A 54 MONTH LEASE OF 20 MOTOR GRADERS, TO AMEND THE NAME OF THE LESSOR.

Attachments: [Exhibit A](#)

[Exhibit B](#)

A motion was made that this Resolution be adopted The motion carried by the following vote:

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

Absent: 1 - Councilor Krug

COMMITTEE 2

BY COUNCILOR RUSS (PLANNING & ECONOMIC DEVELOPMENT)

12. [15-0738R](#) RESOLUTION ADOPTING THE RIVERSIDE SMALL AREA PLAN.

Attachments: [Attachment 1](#)

[Attachment 2](#)

[Attachment 3](#)

A motion was made that this Resolution be adopted The motion carried by the following vote:

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

Absent: 1 - Councilor Krug

13. [15-0744R](#) RESOLUTION AUTHORIZING THE BUILDING OFFICIAL TO ABATE CERTAIN NUISANCES BY REMOVAL OF STRUCTURALLY UNSOUND BUILDINGS IN THE CITY OF DULUTH IN AN AMOUNT NOT TO EXCEED \$340,000.

A motion was made that this Resolution be adopted The motion carried by the following vote:

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

Absent: 1 - Councilor Krug

14. [15-0748R](#) RESOLUTION VACATING A PORTION OF PLATTED STREET RIGHT-OF-WAY OF WEST NINTH STREET, AT THE NORTHEAST CORNER OF THE INTERSECTION SEVENTH AVENUE WEST AND WEST NINTH STREET (LEE AND KYLE ERICKSON).

Attachments: [Attachment 1](#)

[Attachment 2](#)

A motion was made that this Resolution be adopted The motion carried by the following vote:

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

Absent: 1 - Councilor Krug

15. [15-0750R](#) RESOLUTION AUTHORIZING TRANSFER OF \$52,510.42 IN 2010, 2011 AND 2012 CDBG FUNDS AND AMENDMENTS TO THE 2014 CDBG PROGRAM UDAC BUILDING REFORMATION GRANT AGREEMENT; INCREASING THE FUNDING OF THE AGREEMENT.

A motion was made that this Resolution be adopted The motion carried by the following vote:

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

Absent: 1 - Councilor Krug

COMMITTEE 3

BY COUNCILOR JULSRUD (PUBLIC WORKS & UTILITIES)

16. [15-0737R](#) RESOLUTION AUTHORIZING TEMPORARY CONSTRUCTION AND PERMANENT STREET EASEMENT AGREEMENTS WITH SPIRIT VALLEY LAND COMPANY, LLC AND DALE MAYNARD JOHNSON.

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

A motion was made that this Resolution be adopted The motion carried by the following vote:

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

Absent: 1 - Councilor Krug

BY COUNCILOR SIPRESS (RECREATION, LIBRARIES & AUTHORITIES)

17. [15-0746R](#) RESOLUTION AUTHORIZING THE CITY TO ENTER INTO A PROFESSIONAL SERVICES AGREEMENT WITH LHB, INC., FOR THE DEVELOPMENT OF ARCHITECTURAL AND ENGINEERING DESIGNS FOR THE CHAMBERS GROVE PARK FLOOD RECOVERY AND IMPROVEMENTS PROJECT FOR AN AMOUNT NOT TO EXCEED \$94,920.

Attachments: [EXHIBIT A - LHB PROPOSAL.pdf](#)
[EXHIBIT B - CHAMBERS GROVE AGREEMENT.pdf](#)

A motion was made that this Resolution be adopted The motion carried by the following vote:

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

Absent: 1 - Councilor Krug

END OF CONSENT AGENDA

INTRODUCTION AND CONSIDERATION OF ORDINANCES

ORDINANCE TABLED

COMMITTEE 2

BY COUNCILOR RUSS (PLANNING & ECONOMIC DEVELOPMENT)

18. [15-086-O](#) AN ORDINANCE AMENDING SECTIONS 50-20.3 COMMERCIAL USES, 50-20.5 ACCESSORY USES, AND 50-41 DEFINITIONS TO ALLOW FOR URBAN AGRICULTURE LAND USES.

The ordinance remained on the table.

The following entitled ordinances were read for the first time:

COMMITTEE 2

BY COUNCILOR RUSS (PLANNING & ECONOMIC DEVELOPMENT)

19. [15-088-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, MU-B AND I-G TO R-2, PROPERTY AT VINTAGE ACRES MANUFACTURED HOUSING COMMUNITY AND ABUTTING PARCEL 010-2730-00267 (CITY OF DULUTH).

Attachments: [Attachment 1](#)

[Attachment 2](#)

This Ordinance was read for the first time.

20. [15-089-O](#) AN ORDINANCE GRANTING A CONCURRENT USE PERMIT FOR A FENCE AND PRIVATE PARKING SPACES IN THE PLATTED STREET RIGHT-OF-WAY OF MYGATT AVENUE AND A FENCE IN THE PLATTED STREET RIGHT-OF-WAY OF SILCOX AVENUE (MONTESSORI SCHOOL OF DULUTH, INC.).

Attachments: [Attachment 1](#)

[Attachment 2](#)

This Ordinance was read for the first time.

21. [15-090-O](#) AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF DULUTH TO PROVIDE FOR THE RECLASSIFICATION FROM R-1 TO MU-I, PROPERTY AT 1215 RICE LAKE ROAD (THE MARSHALL SCHOOL).

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

This Ordinance was read for the first time.

22. [15-091-O](#) AN ORDINANCE AMENDING SECTION 50-14.5 RESIDENTIAL-TRADITIONAL (R-1), AND 50-20.1 RESIDENTIAL USES, RELATED TO DESIGN STANDARDS FOR TOWNHOMES AND DUPLEXES.

Attachments: [Attachment 1](#)
[Attachment 2](#)
[Attachment 3](#)
[Attachment 4](#)

This Ordinance was read for the first time.

The following entitled ordinance was read for the second time:

COMMITTEE 3

BY COUNCILOR JULSRUD (PUBLIC WORKS & UTILITIES)

23. [15-087-O](#) AN ORDINANCE GRANTING ST. LOUIS COUNTY TEMPORARY EASEMENTS OVER VACATED 20TH AVE. E AND HERITAGE PARK.

Attachments: [Exhibit A](#)

A motion was made that this Ordinance be approved The motion carried by the following vote:

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

Absent: 1 - Councilor Krug

COUNCILOR QUESTIONS AND COMMENTS

COUNCILOR PREVIEW OF UPCOMING BUSINESS

The meeting was adjourned at 7:28 p.m.