



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 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, October 14, 2019

7:00 PM

Council Chamber

ROLL CALL

PLEDGE OF ALLEGIANCE

APPROVAL OF MINUTES

1. [19-182](#) Meeting Minutes of the Duluth City Council

Attachments: [City Council Meeting - September 23, 2019](#)

REPORTS FROM THE ADMINISTRATION

REPORTS FROM OTHER OFFICERS

REPORTS OF BOARDS AND COMMISSIONS

2. [19-178](#) Duluth Transit Authority Meeting Minutes

Attachments: [DTA Meeting Minutes](#)

3. [19-179](#) Duluth Public Utilities Commission Meeting Minutes & Resolutions

Attachments: [19PUC-001](#)
[19PUC-002](#)
[DPUC Meeting Minutes](#)

4. [19-180](#) Alcohol, Gambling & Tobacco Commission Meeting Minutes

Attachments: [AGT Meeting Minutes](#)

5. [19-181](#) Library Board Meeting Minutes

Attachments: [Library Board Meeting Minutes](#)

REPORTS OF COUNCIL COMMITTEES

REPORTS OF COUNCIL OPEN ISSUES

OPPORTUNITY FOR CITIZENS TO BE HEARD

CONSENT AGENDA

BY COUNCILOR ANDERSON (FINANCE)

6. [19-0681R](#) RESOLUTION AUTHORIZING \$100,000 PAYMENT TO SPIRIT MOUNTAIN FOR THE FINAL SNOW GUN LEASE PAYMENT AND BUYOUT.

BY COUNCILOR FOSLE (PURCHASING & LICENSING)

7. [19-0692R](#) RESOLUTION APPROVING THE ISSUANCE OF A LAWFUL GAMBLING PREMISE PERMIT TO IRVING COMMUNITY ASSOCIATION

Attachments: [Exhibit A - Premise Permit](#)

8. [19-0694R](#) RESOLUTION APPROVING ISSUANCE OF A TEMPORARY ON SALE INTOXICATING LIQUOR LICENSE TO DULUTH CROSS COUNTRY SKI CLUB.

Attachments: [Exhibit A - Bent Paddle](#)

9. [19-0698R](#) RESOLUTION APPROVING AN EXCLUDED BINGO PERMIT TO SAINT LAWRENCE KNIGHTS OF COLUMBUS COUNCIL #6783

Attachments: [Attachment A](#)

BY COUNCILOR FORSMAN (PERSONNEL)

10. [19-0678R](#) RESOLUTION ELECTING MEMBERS TO THE BOARD OF MANAGERS OF THE DULUTH/NORTH SHORE SANITARY DISTRICT PURSUANT TO MINNESOTA STATUTES, SECTION 442A.14, SUBDIVISION 7.
11. [19-0684R](#) RESOLUTION APPROVING PROPOSED SPECIFICATIONS FOR THE NEW CIVIL SERVICE CLASSIFICATION OF WORKFORCE DEVELOPMENT TECHNICIAN I, AND SPECIFYING CONTRACT BENEFITS FOR SAME.
- Attachments:* [Exhibit A](#)
12. [19-0685R](#) RESOLUTION APPROVING PROPOSED SPECIFICATIONS FOR THE NEW CIVIL SERVICE CLASSIFICATION OF WORKFORCE DEVELOPMENT TECHNICIAN II, AND SPECIFYING CONTRACT BENEFITS FOR SAME.
- Attachments:* [Exhibit A](#)
13. [19-0686R](#) RESOLUTION APPROVING PROPOSED SPECIFICATIONS FOR THE NEW CIVIL SERVICE CLASSIFICATION OF BUDGET & GRANT ANALYST, AND SPECIFYING CONTRACT BENEFITS FOR SAME.
- Attachments:* [Exhibit A](#)
14. [19-0700R](#) RESOLUTION CONFIRMING THE REAPPOINTMENT OF MIKE PENNINGTON TO THE NATURAL RESOURCES COMMISSION.

BY COUNCILOR RUSS (PLANNING & ECONOMIC DEVELOPMENT)

15. [19-0699R](#) RESOLUTION DISCHARGING \$20,731.18 IN DEBT OWED BY CERTAIN PROPERTIES TO CDBG LOAN FUNDS BY NEIGHBORHOOD HOUSING SERVICES.
16. [19-0708R](#) RESOLUTION OF INTENT TO SELL OR CONVEY CERTAIN REAL PROPERTY IN THE GARY-NEW DULUTH NEIGHBORHOOD.
- Attachments:* [Exhibit A](#)
[Exhibit B](#)
17. [19-0709R](#) RESOLUTION OF INTENT TO SELL OR CONVEY CERTAIN REAL PROPERTY IN THE CENTRAL HILLSIDE NEIGHBORHOOD.
- Attachments:* [Exhibit A.pdf](#)
[Exhibit B.pdf](#)

BY COUNCILOR FILIPOVICH (PUBLIC WORKS & UTILITIES)

18. [19-0658R](#) RESOLUTION AWARDING A CONTRACT TO UNITED PIPING, INC. FOR THE LOWER MICHIGAN STREET GAS MAIN RELOCATION PROJECT IN THE AMOUNT OF \$886,749.50.

Attachments: [19-0658R Map](#)

19. [19-0675R](#) RESOLUTION AUTHORIZING MNDOT AGREEMENT NO. 1035321 FOR THE BRIGHTON BEACH TRAIL EXTENSION PROJECT UNDER STATE PROJECT NO. 118-090-024 WITH THE CITY MATCHING CONTRIBUTION LIMITED TO \$8,156.40.

Attachments: [19-0675R Attachment 1](#)

[19-0675R Map](#)

20. [19-0683R](#) RESOLUTION AUTHORIZING AN AGREEMENT WITH LHB, INC. FOR PROFESSIONAL ENGINEERING SERVICES FOR THE REPLACEMENT OF BRIDGE L8514 ON ST. ANDREWS STREET OVER TISCHER CREEK IN THE AMOUNT OF \$46,620.

Attachments: [19-0683R Map](#)

[19-0683R Exhibit A](#)

[19-0683R LHB Proposal](#)

21. [19-0687R](#) RESOLUTION AMENDING MNDOT AGREEMENT NO. 1034938 FOR GAS MAIN RELOCATIONS ALONG LOWER MICHIGAN STREET IN THE CITY OF DULUTH, TO INCREASE THE AMOUNT BY \$490,906.50 FOR A NEW TOTAL OF \$1,075,346.50.

Attachments: [19-0687R Amendment](#)

[19-0687R Map](#)

22. [19-0688R](#) RESOLUTION AUTHORIZING AN AGREEMENT WITH TKDA FOR PROFESSIONAL ENGINEERING DESIGN AND CONSTRUCTION SERVICES FOR THE 2020 STREET PRESERVATION PROJECT IN THE AMOUNT OF \$206,200.

Attachments: [19-0688R Map - Central](#)

[19-0688R Map - East](#)

[19-0688R Map - West](#)

[19-0688R Exhibit A](#)

23. [19-0689R](#) RESOLUTION ACCEPTING A PERMANENT UTILITY EASEMENT FOR UTILITY PURPOSES FROM LAKEVIEW COVENANT CHURCH OVER, UNDER AND ACROSS PROPERTY LOCATED ON THE CORNER OF JEAN DULUTH ROAD AND GLENWOOD STREET, AT NO COST TO THE CITY.
- Attachments:** [19-0689R Attachment 1](#)
[19-0689R Map](#)
24. [19-0693R](#) RESOLUTION ACCEPTING PERMANENT EASEMENT FOR STREET AND UTILITY PURPOSES FROM CITYVIEW FLATS, LLC OVER, UNDER, AND ACROSS PROPERTY LOCATED IN THE CENTRAL HILLSIDE NEIGHBORHOOD, AT NO COST TO THE CITY.
- Attachments:** [Exhibit 1_City View Flats.pdf](#)
25. [19-0695R](#) RESOLUTION ACCEPTING PERMANENT EASEMENT FOR STREET AND UTILITY PURPOSES FROM J&T KOLAR AHW PROPERTIES, LLC OVER, UNDER, AND ACROSS PROPERTY LOCATED IN THE CENTRAL HILLSIDE NEIGHBORHOOD, AT NO COST TO THE CITY.
- Attachments:** [Exhibit 1_J T Kolar AHW.pdf](#)
26. [19-0696R](#) RESOLUTION ACCEPTING PERMANENT EASEMENT FOR STREET AND UTILITY PURPOSES FROM CASCADE SPRINGS, LLC OVER, UNDER, AND ACROSS PROPERTY LOCATED IN THE CENTRAL HILLSIDE NEIGHBORHOOD, AT NO COST TO THE CITY.
- Attachments:** [Exhibit 1_Cascade Springs.pdf](#)
27. [19-0697R](#) RESOLUTION ACCEPTING PERMANENT EASEMENT FOR STREET AND UTILITY PURPOSES FROM HILLSIDE RENTALS, LLC OVER, UNDER, AND ACROSS PROPERTY LOCATED IN THE CENTRAL HILLSIDE NEIGHBORHOOD, AT NO COST TO THE CITY.
- Attachments:** [Exhibit 1_Hillside Rentals.pdf](#)
28. [19-0710R](#) RESOLUTION AUTHORIZING AGREEMENT WITH SMDC MEDICAL CENTER FOR THE DEMOLITION AND RECONSTRUCTION OF THE MEDICAL DISTRICT PARKING RAMP SKYWALK.
- Attachments:** [Exhibit A](#)

BY COUNCILOR VAN NETT (PUBLIC SAFETY)

29. [19-0676R](#) RESOLUTION AUTHORIZING PROPER CITY OFFICIALS TO ACCEPT A GRANT FROM THE UNITED STATES DEPARTMENT OF HOMELAND SECURITY IN THE AMOUNT OF \$325,956 FOR SECURITY SURVEILLANCE ENHANCEMENTS AND FURTHER AUTHORIZING EXECUTION OF GRANT AGREEMENT.

Attachments: [Exhibit A](#)

30. [19-0682R](#) RESOLUTION AUTHORIZING AN AGREEMENT WITH THE LAKE SUPERIOR TRAFFIC ENFORCEMENT TEAM PARTNER AGENCIES FOR SERVICES UNDER A GRANT FROM THE MINNESOTA DEPARTMENT OF PUBLIC SAFETY FOR THE 2020 TOWARD ZERO DEATHS PROJECT.

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

BY COUNCILOR WESTERLUND (RECREATION, LIBRARIES & AUTHORITIES)

31. [19-0703R](#) RESOLUTION AUTHORIZING THE PURCHASE OF REAL PROPERTY ADJACENT TO SKYLINE PARKWAY FROM THE RICHARD A. PETERSON REVOCABLE TRUST UNDER AGREEMENT DATED DECEMBER 30, 2008 IN THE AMOUNT OF \$400,000, PLUS RELATED COSTS IN AN AMOUNT UP TO \$20,000, FOR A TOTAL AMOUNT NOT TO EXCEED \$420,000.

Attachments: [Exhibit 1.pdf](#)
[Exhibit 2.pdf](#)

32. [19-0704R](#) RESOLUTION AUTHORIZING A TWENTY-FIVE YEAR LEASE AGREEMENT WITH ECOLIBRIUM3 FOR USE OF VACANT LAND IN LINCOLN PARK FOR A SOLAR ARRAY.

Attachments: [Exhibit 1](#)

33. [19-0705R](#) RESOLUTION AUTHORIZING PROPER CITY OFFICIALS TO ACCEPT A DONATION FROM HARTLEY NATURE CENTER CORPORATION OF REAL PROPERTY ADJACENT TO HARTLEY PARK.

Attachments: [Exhibit 1.pdf](#)
[Exhibit 2.pdf](#)
[Exhibit 3.pdf](#)

34. [19-0706R](#) RESOLUTION AUTHORIZING A LICENSE AGREEMENT WITH STATE OF MINNESOTA, ACTING BY AND THROUGH THE COMMISSIONER OF THE DEPARTMENT OF NATURAL RESOURCES, TO PERFORM A COASTAL MARSH RESTORATION PROJECT IN KINGSBURY BAY.

Attachments: [Exhibit 1](#)

END OF CONSENT AGENDA

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

BY COUNCILOR RUSS (PLANNING & ECONOMIC DEVELOPMENT)

35. [19-049-O](#) AN ORDINANCE AMENDING SECTION 50-25.9, TREE PRESERVATION.

Attachments: [Attachment 1](#)

36. [19-050-O](#) AN ORDINANCE AMENDING SECTION 50-14, RESIDENTIAL DISTRICTS, 50-19, PERMITTED USE TABLE, 50-20, USE SPECIFIC STANDARDS, SECTION 50-21, DEVELOPMENT STANDARDS, SECTION 50-41, DEFINITIONS, RELATED TO DWELLINGS AND TINY HOUSES.

Attachments: [Attachment 1](#)
[Attachment 2](#)
[Attachment 3](#)
[Attachment 4](#)
[Attachment 5](#)

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

BY COUNCILOR RUSS (PLANNING & ECONOMIC DEVELOPMENT)

37. [19-042-O](#) AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF DULUTH TO RECLASSIFY PROPERTY AT 4250 HAINES ROAD FROM RURAL-RESIDENTIAL (RR-1) TO MIXED USE COMMERCIAL (MU-C).

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

38. [19-043-O](#) AN ORDINANCE GRANTING ESSENTIA HEALTH A CONCURRENT USE PERMIT FOR PRIVATE ELECTRICAL CONDUITS IN THE PLATTED STREET RIGHT OF WAY OF NORTH FOURTH AVENUE EAST AND EAST FIRST STREET.
- Attachments:** [Attachment 1](#)
[Attachment 2](#)
39. [19-044-O](#) AN ORDINANCE GRANTING A CONCURRENT USE PERMIT FOR PARKING IN THE PLATTED STREET RIGHT OF WAY OF 54TH AVENUE EAST.
- Attachments:** [Attachment 1](#)
[Attachment 2](#)
40. [19-045-O](#) AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF DULUTH TO RECLASSIFY APPROXIMATELY TEN ACRES OF PROPERTY ON THE NORTH SIDE OF MARBLE STREET NEAR ROBIN AVENUE FROM RESIDENTIAL-TRADITIONAL (R-1) TO RESIDENTIAL-PLANNED (R-P).
- Attachments:** [Attachment 1](#)
[Attachment 2](#)
41. [19-047-O](#) AN ORDINANCE GRANTING ESSENTIA HEALTH A CONCURRENT USE PERMIT FOR A PRIVATE ELECTRICAL DUCT BANK IN THE PLATTED STREET RIGHT OF WAY OF NORTH FIFTH AVENUE EAST.
- Attachments:** [Attachment 1](#)
[Attachment 2](#)
[Attachment 3](#)

BY COUNCILOR WESTERLUND (RECREATION, LIBRARIES & AUTHORITIES)

42. [19-046-O](#) AN ORDINANCE AMENDING CHAPTER 24 OF THE DULUTH CITY CODE BY ADDING A NEW ARTICLE VII REQUIRING A FIVE CENTS CHARGE FOR CARRYOUT BAGS.
- Sponsors:** Westerlund

COUNCILOR QUESTIONS AND COMMENTS**COUNCILOR PREVIEW OF UPCOMING BUSINESS**