

City of Duluth

411 West First Street
Duluth, Minnesota 55802



Meeting Agenda - Final-revised

Monday, September 28, 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. [15-059](#) June 1 and 15, 2015.

Attachments: [June 1, 2015](#)
[June 15, 2015](#)

PUBLIC HEARING - 7:00 PM - Proposed Modification to Development District No. 17, Approving the Establishment of TIF District No. 29 and the Adoption of a TIF Plan Therefor.

PRESENTATION OF PETITIONS AND OTHER COMMUNICATIONS

2. [15-060](#) Communications regarding the proposed Downtown bike facility plans (15-0666R, 15-0667R and 15-0668R).

Attachments: [Allete, Inc.](#)
[Bryan Crum](#)
[Bud and Ruth Darling](#)
[Duluth Bike Coalition](#)
[Duluth Coffee Company](#)
[Greg Follmer Commercial Real Estate](#)
[Ryan Franke](#)
[Alec Kadlec](#)
[Lake Superior Port Cities, Inc.](#)
[Sandi Larson](#)
[Maurices](#)
[Rosemarie Mitchell](#)
[North Shore Title](#)
[Penny Perry](#)
[Pizza Man](#)
[RT Quinlan's](#)
[Shel/Don](#)
[Rand Sola](#)

3. [15-062](#) Communication regarding the proposed acceptance of a brownfields area wide planning grant from the US environmental protection agency (15-0673R).

Attachments: [John and Trina Harris](#)

4. [15-065](#) Communication regarding the proposed rezoning of the Morgan Park School site (15-079-O).

Attachments: [Bill and Sue Majewski](#)

REPORTS FROM OTHER OFFICERS

5. [15-051](#) Clerk applications for exempt permits to the Minnesota gambling control board from Lincoln Park Business Group on November 19, 2015 (bingo, raffle) and Rotary Club of Duluth on February 25, 2016 (raffle).

Attachments: [Lincoln Park Business Group Application](#)
[Rotary Club of Duluth Application](#)

REPORTS OF BOARDS AND COMMISSIONS

6. [15-055](#) Civil service board minutes of July 7 and July 17, 2015, meetings.

Attachments: [July 7, 2015](#)
[July 17, 2015](#)

7. [15-056](#) Duluth public utilities commission minutes of July 21, 2015, meeting; and Resolution 15PUC-006 regarding the approval and recommendation of the 2016 utility budget.

Attachments: [Minutes](#)
[Resolution 15PUC-006](#)

8. [15-057](#) Duluth airport authority minutes of August 18, 2015, meeting.

Attachments: [Minutes](#)

9. [15-058](#) Library board minutes of June 23, 2015, meeting.

Attachments: [Minutes](#)

10. [15-061](#) Spirit Mountain recreation area authority minutes of August 20, 2015, meeting.

Attachments: [Minutes](#)

11. [15-063](#) Duluth economic development authority minutes of August 26, 2015, meeting.

Attachments: [Minutes](#)

REPORTS OF COUNCIL COMMITTEES**REPORTS OF COUNCIL OPEN ISSUES****OPPORTUNITY FOR CITIZENS TO BE HEARD****MOTIONS AND RESOLUTIONS****CONSENT AGENDA****COMMITTEE 1****BY COUNCILOR FILIPOVICH (FINANCE)**

12. [15-0633R](#) RESOLUTION PROPOSING THE SUM TO BE RAISED BY TAXATION FOR THE SPECIAL PARKS FUND LEVY FOR THE YEAR 2016.

13. [15-0649R](#) RESOLUTION AUTHORIZING THE ISSUANCE AND PROVIDING FOR THE SALE OF GENERAL OBLIGATION CAPITAL IMPROVEMENT BONDS, SERIES 2015A.

Attachments: [Exhibit A](#)

14. [15-0650R](#) RESOLUTION AUTHORIZING THE ISSUANCE AND PROVIDING FOR THE SALE OF GENERAL OBLIGATION CAPITAL EQUIPMENT NOTES, SERIES 2015B.

Attachments: [Exhibit A](#)

15. [15-0651R](#) RESOLUTION AUTHORIZING THE ISSUANCE AND PROVIDING FOR THE SALE OF TAXABLE GENERAL OBLIGATION AIRPORT IMPROVEMENT BONDS, SERIES 2015C.

Attachments: [Exhibit A](#)

16. [15-0652R](#) RESOLUTION AUTHORIZING THE ISSUANCE AND PROVIDING FOR THE SALE OF TAXABLE GENERAL OBLIGATION STEAM UTILITY REVENUE BONDS, SERIES 2015D.

Attachments: [Exhibit A](#)

17. [15-0653R](#) RESOLUTION AUTHORIZING THE ISSUANCE AND PROVIDING FOR THE SALE OF TAXABLE GENERAL OBLIGATION TOURISM TAX REVENUE BONDS, SERIES 2015E.

Attachments: [Exhibit A](#)

18. [15-0654R](#) RESOLUTION AUTHORIZING THE ISSUANCE AND PROVIDING FOR THE SALE OF GENERAL OBLIGATION STREET IMPROVEMENT REFUNDING BONDS, SERIES 2015F.

Attachments: [Exhibit A](#)

19. [15-0655R](#) RESOLUTION AUTHORIZING THE ISSUANCE AND PROVIDING FOR THE SALE OF GENERAL OBLIGATION UTILITIES REVENUE REFUNDING BONDS, SERIES 2015G.

Attachments: [Exhibit A](#)

20. [15-0680R](#) RESOLUTION APPROVING A COLLECTIVE BARGAINING AGREEMENT BETWEEN THE CITY OF DULUTH AND LAW ENFORCEMENT LABOR SERVICES LOCAL 363, DULUTH POLICE LIEUTENANTS, FOR THE YEARS 2015-2017.

Attachments: [Final 2015-2017 LELS Agreement \(clean\)](#)
[Final 2015-2017 LELS Agreement \(Changes Marked\)](#)

BY COUNCILOR HANSON (PURCHASING & LICENSING)

21. [15-0605R](#) RESOLUTION AUTHORIZING AN AMENDMENT TO C22370 WITH ACCRUENT, LLC, FOR ADDITIONAL IMPLEMENTATION OF THE WORK ORDER SYSTEM IN THE AMOUNT OF \$4,000, FOR A TOTAL 5-YEAR CONTRACT AMOUNT OF \$90,708.

Attachments: [Exhibit A](#)

22. [15-0681R](#) RESOLUTION AUTHORIZING A SINGLE SOURCE PURCHASE FROM EVOLVING SOLUTIONS FOR SUPPORT AND MAINTENANCE OF A NETAPP SYSTEM IN THE AMOUNT OF \$47,507.32.

COMMITTEE 2

BY COUNCILOR RUSS (PLANNING & ECONOMIC DEVELOPMENT)

23. [15-0673R](#) RESOLUTION AUTHORIZING ACCEPTANCE OF A BROWNFIELDS AREA-WIDE PLANNING GRANT FROM THE U.S. ENVIRONMENTAL PROTECTION AGENCY AND EXECUTION OF THE AGREEMENT RELATED THERETO

Attachments: [Agreement No. 00E01495](#)

24. [15-0678R](#) RESOLUTION AUTHORIZING A PROFESSIONAL SERVICES CONTRACT WITH THE CENTER FOR MUNICIPAL SERVICES (CMS) TO PROVIDE TECHNICAL ASSISTANCE FOR WIRELESS TELECOMMUNICATIONS PLANNING AND ZONING APPLICATIONS IN AN AMOUNT NOT TO EXCEED \$200,000.

Attachments: [Attachment 1](#)

25. [15-0684R](#) RESOLUTION APPROVING A DEVELOPMENT AGREEMENT BETWEEN THE DULUTH ECONOMIC DEVELOPMENT AUTHORITY AND KENWOOD VILLAGE LLC RELATED TO THE MIXED USE DEVELOPMENT AT THE SOUTHWEST CORNER OF ARROWHEAD ROAD AND KENWOOD AVENUE.

Attachments: [Exhibit A - Resolution 15-0684R](#)

BY COUNCILOR KRUG (INTERGOVERNMENTAL RELATIONS)

26. [15-0679R](#) RESOLUTION AUTHORIZING AN AMENDMENT TO THE LEASE AGREEMENT (CONTRACT NO. 21469) WITH THE STATE AUDITOR FOR OFFICE SPACE IN CITY HALL EXTENDING THE TERM AND INCREASING THE RENT.

Attachments: [Lease 11877 Amendment 1_Redacted_InitialedOSA](#)

COMMITTEE 3

BY COUNCILOR JULSRUD (PUBLIC WORKS & UTILITIES)

27. [15-0646R](#) RESOLUTION AWARDED A CONTRACT TO NORTHLAND CONSTRUCTORS OF DULUTH, LLC FOR THE RECONDITIONING/RECONSTRUCTION OF RIDGEVIEW ROAD FROM RICE LAKE ROAD (CSAH 4) TO THE MNANG BASE IN THE AMOUNT OF \$562,083.78.

Attachments: [15-0646R Map](#)

28. [15-0648R](#) RESOLUTION AUTHORIZING ACCEPTANCE OF EASEMENTS FROM J & S PARTNERSHIP, LLP, J & S V, LLC, AND GLENN AND SALLY PRATT FOR J & S/ONEOTA REDEVELOPMENT PROJECT AT A COST OF \$50,000, AND RESCINDING RESOLUTION 11-0034R.

Attachments: [Agreement Exhibit A](#)

[15-0648R Map](#)

29. [15-0661R](#) RESOLUTION ESTABLISHING A PROCEDURE FOR ISSUING CITY HELD OFF-SALE LIQUOR LICENSES.

Sponsors: Julsrud

Attachments: [Exhibit A - 15-0661R](#)

30. [15-0665R](#) RESOLUTION ACCEPTING CONDITIONS OF CONSENT AND AUTHORIZATION OF THE MINNESOTA POLLUTION CONTROL AGENCY FOR RIDGEVIEW ROAD PROJECT.

Attachments: [Attachment to 15-0665R](#)

BY COUNCILOR FOSLE (PUBLIC SAFETY)

31. [15-0659R](#) RESOLUTION AUTHORIZING PROPER CITY OFFICIALS TO ACCEPT A GRANT FROM THE UNITED STATES DEPARTMENT OF HOMELAND SECURITY IN THE AMOUNT OF \$125,411 FOR UPGRADES TO THE SURVEILLANCE CAMERA SYSTEM AND PURCHASE OF AN EXPLOSIVE DETECTION CANINE AND FURTHER AUTHORIZING EXECUTION OF THE GRANT AGREEMENT.

Attachments: [Exhibit A](#)

BY COUNCILOR SIPRESS (RECREATION, LIBRARIES & AUTHORITIES)

32. [15-0657R](#) RESOLUTION GRANTING APPROVAL AND IMPLEMENTATION OF THE WEST DULUTH SPORTS CORRIDOR MINI-MASTER PLAN.

Attachments: [WDSCMMP FINAL.PDF](#)

END OF CONSENT AGENDA

The following entitled resolutions are also to be considered:

COMMITTEE 1

BY COUNCILOR FILIPOVICH (FINANCE)

33. [15-0632R](#) RESOLUTION PROPOSING THE SUM TO BE RAISED BY TAXATION FOR GENERAL PURPOSES FOR THE YEAR 2016.

Attachments: [mta 15-0632r Julsrud 1](#)
[mta 15-0632r Julsrud 2](#)
[mta 15-0632r Filipovich/Sipress](#)

AMENDMENTS

COMMITTEE 2

BY COUNCILOR RUSS (PLANNING & ECONOMIC DEVELOPMENT)

34. [15-0666R](#) RESOLUTION CALLING FOR A DOWNTOWN BIKE FACILITY ON MICHIGAN STREET OR FIRST STREET

Attachments: [mta 15-0666r Larson, Julsrud, Sipress](#)

AMENDMENT

35. [15-0667R](#) RESOLUTION CALLING FOR A DOWNTOWN BIKE FACILITY ON MICHIGAN STREET FROM SIXTH AVENUE WEST TO FIRST AVENUE EAST, AND ON SUPERIOR STREET FROM FIRST AVENUE EAST TO FOURTH AVENUE EAST

36. [15-0668R](#) RESOLUTION CALLING FOR A DOWNTOWN BIKE FACILITY ON SUPERIOR STREET
37. [15-0683R](#) RESOLUTION APPROVING THE ADOPTION OF A MODIFICATION TO THE DEVELOPMENT PROGRAM FOR DEVELOPMENT DISTRICT NO. 17; THE ESTABLISHMENT OF TAX INCREMENT FINANCING DISTRICT NO. 29 THEREIN AND THE ADOPTION OF A TAX INCREMENT FINANCING PLAN THEREFOR.

Attachments: [Exhibit A to Resolution 15-0683R](#)
[Exhibit B to Resolution 15-0683R](#)

COMMITTEE 3

BY COUNCILOR SIPRESS (RECREATION, LIBRARIES & AUTHORITIES)

38. [15-0692R](#) RESOLUTION RECOGNIZING KATHY BERGEN FOR HER YEARS OF SERVICE WITH THE CITY OF DULUTH.

Sponsors: Sipress

INTRODUCTION AND CONSIDERATION OF ORDINANCES

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

COMMITTEE 2

BY COUNCILOR RUSS (PLANNING & ECONOMIC DEVELOPMENT)

39. [15-079-O](#) AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF DULUTH TO PROVIDE FOR THE RECLASSIFICATION FROM R-1 TO R-2 AND MU-N, PROPERTY AT 1243 88th AVENUE WEST (SDH&M, LLC)

Attachments: [Map](#)
[Staff Report](#)
[Comments received after staff report](#)

40. [15-080-O](#) AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF DULUTH TO PROVIDE FOR THE RECLASSIFICATION FROM RR-1 TO MU-C, PROPERTY AT 4258 HAINES ROAD (HAINES ROAD, LLC)

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

41. [15-081-O](#) AN ORDINANCE GRANTING A CONCURRENT USE PERMIT FOR A PARKING LOT DRIVE AISLE IN THE RIGHT OF WAY OF ELIZABETH STREET (MARK LAMBERT)

Attachments: [Attachment 1](#)

42. [15-082-O](#) AN ORDINANCE GRANTING A CONCURRENT USE PERMIT FOR A PARKING RAMP CANOPY IN THE RIGHT OF WAY OF THE 400 BLOCK OF EAST SECOND STREET (ESSENTIA HEALTH)

Attachments: [Attachment 1](#)

43. [15-083-O](#) AN ORDINANCE AMENDING SECTION 50-37.12 TEMPORARY OR SIDEWALK USE PERMIT, AND 50-37.13 ZONING PERMIT, RELATED TO SIDEWALK CAFES AND ENSURING ADEQUATE PEDESTRIAN ACCESS ON PUBLIC SIDEWALKS

Attachments: [Attachment 1](#)

[Attachment 2](#)

44. [15-084-O](#) AN ORDINANCE AMENDING SECTIONS 50-19.8 USE TABLE, 50-20.3 COMMERCIAL USES, 50-20.4 INDUSTRIAL USES, 50-20.5 ACCESSORY USES, 50-20.6 TEMPORARY USES, 50-26.4 FENCES AND WALLS, AND 50-41 DEFINITIONS, TO ALLOW FOR CRAFT MANUFACTURING AND URBAN AGRICULTURE LAND USES

Attachments: [Attachment A](#)

[Ordinance Cover Letter](#)

[Motion to Split Ordinance 15-084 Larson](#)

AMENDMENT

45. [15-085-O](#) AN ORDINANCE AMENDING SECTIONS 50-19.8 USE TABLE, AND 50-20.3 COMMERCIAL USES, RELATED TO DRIVE-THROUGHS FOR BANKS, RESTAURANTS AND RETAIL STORES, AND PRIMARY USE PARKING LOTS, IN THE MU-N ZONE DISTRICT

Attachments: [Attachment 1](#)

[Attachment 2](#)

The following entitled ordinance is to be read for the second time:

COMMITTEE 2

BY COUNCILOR KRUG (INTERGOVERNMENTAL RELATIONS)

46. [15-077-O](#) AN ORDINANCE AUTHORIZING THE GRANTING OF AN EASEMENT TO THE STATE OF MINNESOTA OVER PROPERTY ADJACENT TO RIDGEVIEW ROAD.

Attachments: [Attachment to 15-077-O Exhibit A](#)

COUNCILOR QUESTIONS AND COMMENTS

COUNCILOR PREVIEW OF UPCOMING BUSINESS