

City of Duluth

411 West First Street
Duluth, Minnesota 55802



Unofficial Actions - Draft

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

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

APPROVAL OF MINUTES

approved

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](#)
[Dan Little](#)
[Maurices](#)
[Rosemarie Mitchell](#)
[North Shore Title](#)
[Penny Perry](#)
[Pizza Man](#)
[RT Quinlan's](#)
[Jim Rogers](#)
[Shel/Don](#)
[Rand Sola](#)

received

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](#)

received

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

Attachments: [Brenda Blasey](#)
[Bill and Sue Majewski](#)

received

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](#)

received

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](#)

received

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](#)

received

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

Attachments: [Minutes](#)

received

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

Attachments: [Minutes](#)

received

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

Attachments: [Minutes](#)

received

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

Attachments: [Minutes](#)

received

REPORTS OF COUNCIL COMMITTEES

REPORTS OF COUNCIL OPEN ISSUES

OPPORTUNITY FOR CITIZENS TO BE HEARD

MOTIONS AND RESOLUTIONS

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

adopted

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.

adopted

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](#)

adopted

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

Attachments: [Exhibit A](#)

adopted

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

Attachments: [Exhibit A](#)

adopted

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 \(Changes Marked\)](#)

adopted

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](#)

adopted

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.

adopted

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](#)

adopted

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](#)

adopted

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](#)

adopted

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](#)

adopted

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](#)

adopted

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](#)

adopted

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

Sponsors: Julsrud

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

adopted

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](#)

adopted

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](#)

adopted

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](#)

adopted

END OF CONSENT AGENDA

The following entitled resolutions were also 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](#)

adopted as amended

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

Attachments: [Exhibit A](#)

adopted

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

Nay: 1 - Councilor Fosle

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

Attachments: [Exhibit A](#)

adopted

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

Nay: 1 - Councilor Fosle

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

Attachments: [Exhibit A](#)

adopted

Yea: 7 - Councilor Filipovich, Councilor Gardner, Councilor Julsrud, Councilor Krug, Councilor Russ, Councilor Sipress and President Larson

Nay: 2 - Councilor Fosle and Councilor Hanson

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](#)

adopted

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

Nay: 1 - Councilor Fosle

At this time, 9:34 p.m., Councilor Fosle left the meeting.

Present: 8 - Councilor Zack Filipovich, Councilor Sharla Gardner, Councilor Howie Hanson, Councilor Jennifer Julsrud, Councilor Linda Krug, Councilor Barb Russ, Councilor Joel Sipress and President Emily Larson

Absent: 1 - Councilor Jay Fosle

COMMITTEE 2

BY COUNCILOR RUSS (PLANNING & ECONOMIC DEVELOPMENT)

36. [15-0668R](#) RESOLUTION CALLING FOR A DOWNTOWN BIKE FACILITY ON SUPERIOR STREET

denied

Yea: 2 - Councilor Krug and President Larson

Nay: 6 - Councilor Filipovich, Councilor Gardner, Councilor Hanson, Councilor Julsrud, Councilor Russ and Councilor Sipress

Absent: 1 - Councilor Fosle

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

denied

Yea: 1 - Councilor Krug

Nay: 7 - Councilor Filipovich, Councilor Gardner, Councilor Hanson, Councilor Julsrud, Councilor Russ, Councilor Sipress and President Larson

Absent: 1 - Councilor Fosle

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

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

approved as amended

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](#)

approved

INTRODUCTION AND CONSIDERATION OF ORDINANCES

The following entitled ordinances were 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](#)

read for the first time

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](#)

read for the first time

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](#)

read for the first time

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](#)

read for the first time

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](#)

read for the first time

44. [15-084-O](#) AN ORDINANCE AMENDING SECTION 50-20.4 INDUSTRIAL USES, 50-20.6 TEMPORARY USES, 50-26.4 FENCES AND WALLS, AND 50-41 DEFINITIONS, TO ALLOW FOR CRAFT MANUFACTURING.

Attachments: [Attachment A](#)
[Ordinance Cover Letter](#)
[Motion to Split Ordinance 15-084 Larson](#)

Ordinance was split into 15-084-O and 15-086-O
read for the first time

- 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.

read for the first time

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](#)

read for the first time

The following entitled ordinance was 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](#)

adopted

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

Absent: 1 - Councilor Fosle

Enactment No: 10409

COUNCILOR QUESTIONS AND COMMENTS

COUNCILOR PREVIEW OF UPCOMING BUSINESS