



City of Duluth

411 West First Street
Duluth, Minnesota 55802

Meeting Agenda - Final-revised

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]*

Monday, February 12, 2018

7:00 PM

Council Chamber

ROLL CALL

PLEDGE OF ALLEGIANCE

APPROVAL OF MINUTES

1. [18-035](#) January 22, 2018 - Duluth City Council Meeting Minutes

Attachments: [January 22, 2018 - City Council Meeting](#)

PUBLIC HEARING: 18-0010R RESOLUTION CONFIRMING ASSESSMENT ROLL FOR SIDEWALK REPAIRS AT FIVE CITY LOCATIONS IN 2017.

PUBLIC HEARING: 18-0072R RESOLUTION CONFIRMING ASSESSMENT ROLL LEVIED TO DEFRAY THE ASSESSABLE PORTION OF DEMOLITION AT 318 S BASSWOOD AVE.

REPORTS FROM THE ADMINISTRATION

REPORTS FROM OTHER OFFICERS

2. [18-032](#) Application For Exempt Permit:
 Minnesota Chiefs of Police Association
 One Roof Community Housing
- Attachments: [Application For Exempt Permit - Minnesota Chiefs of Police Association](#)
 [Application For Exempt Permit - One Roof Community Housing](#)

REPORTS OF BOARDS AND COMMISSIONS

3. [18-029](#) Civil Service Board Meeting Minutes
- Attachments: [9.05.2017 Civil Service Board Meeting Minutes](#)
4. [18-030](#) Duluth Public Utilities Commission Meeting Minutes
- Attachments: [10.17.2017 Duluth Public Utilities Commission Meeting Minutes](#)
5. [18-031](#) Duluth Transit Authority Meeting Minutes
- Attachments: [11.29.2017 Duluth Transit Authority Meeting Minutes](#)
6. [18-033](#) Housing and Redevelopment Authority Meeting Minutes
- Attachments: [10.31.2017 Housing and Redevelopment Authority Meeting Minutes](#)
7. [18-034](#) Alcohol, Gambling and Tobacco Commission Meeting Minutes
- Attachments: [January 2018 Minutes pdf](#)

REPORTS OF COUNCIL COMMITTEES

REPORTS OF COUNCIL OPEN ISSUES

OPPORTUNITY FOR CITIZENS TO BE HEARD

CONSENT AGENDA

BY COUNCILOR FILIPOVICH (FINANCE)

8. [18-0010R](#) RESOLUTION CONFIRMING ASSESSMENT ROLL FOR SIDEWALK
 REPAIRS AT FIVE CITY LOCATIONS IN 2017.
- Attachments: [Exhibit A](#)
9. [18-0072R](#) RESOLUTION CONFIRMING ASSESSMENT ROLL LEVIED TO DEFRAID
 THE ASSESSABLE PORTION OF DEMOLITION AT 318 S BASSWOOD
 AVE.

10. [18-0067R](#) RESOLUTION AUTHORIZING AN AGREEMENT WITH THE DULUTH AIRPORT AUTHORITY TO INSURE CERTAIN DAA PROPERTY AND EQUIPMENT UNDER THE CITY'S PROPERTY INSURANCE POLICY.
- Attachments:* [Exhibit A](#)
11. [18-0117R](#) RESOLUTION ASKING FOR A PILOT PROGRAM FOR HISTORIC HOME RENOVATION.
12. [18-0138R](#) RESOLUTION AUTHORIZING PROPER CITY OFFICIALS TO ACCEPT FUNDS FROM HEALTHPARTNERS FOR THE IMPLEMENTATION OF THE "MAKEITOK CAMPAIGN".
- Attachments:* [Exhibit A](#)

BY COUNCILOR FOSLE (PURCHASING & LICENSING)

13. [18-0052R](#) RESOLUTION AMENDING RESOLUTION 17-0788, ADOPTING LICENSE, PERMIT, FINE, PENALTY, AND OTHER CHARGES FOR 2018, TO ADD DATA COPY COST.
14. [18-0092R](#) RESOLUTION AUTHORIZING THE PURCHASE OF A 2018 JOHN DEERE WHEEL LOADER FROM NORTRAX EQUIPMENT COMPANY IN THE AMOUNT OF \$159,365.
15. [18-0112R](#) RESOLUTION APPROVING THE ISSUANCE OF LAWFUL GAMBLING PREMISE PERMIT TO IRVING COMMUNITY ASSOCIATION - 310 PUB (GRIZZLY'S)
16. [18-0115R](#) RESOLUTION APPROVING THE EXEMPTION OF A RAFFLE LICENSE AND WAIVING THE 60 DAY WAITING PERIOD FOR DUCKS UNLIMITED INC.
17. [18-0131R](#) RESOLUTION APPROVING ISSUANCE OF A CONSUMPTION AND DISPLAY LICENSE TO BOARD & BRUSH / KRISTEN SAWYER, SUPERIOR STUDIOS, INC.
- Attachments:* [BOARD AND BRUSH-02012018125711](#)
18. [18-0147R](#) RESOLUTION AUTHORIZING A THREE-YEAR EXTENSION AND AMENDMENT OF AN AGREEMENT WITH SFM RISK SOLUTIONS, INC., FOR PROFESSIONAL SERVICES IN THE THIRD PARTY ADMINISTRATION OF WORKERS' COMPENSATION FOR A TOTAL AMOUNT OF \$177,418.
- Attachments:* [Exhibit A](#)

BY COUNCILOR ANDERSON (PERSONNEL)

19. [18-0098R](#) RESOLUTION CONFIRMING THE APPOINTMENT OF BONNIE DOMINQUEZ AND JORDAN MOSES TO THE DULUTH CITIZEN REVIEW BOARD.
- Attachments:* [Dominquez Application](#)
[Moses Application](#)
20. [18-0110R](#) RESOLUTION CONFIRMING THE APPOINTMENT OF JOEL SIPRESS TO THE DULUTH HOUSING AND REDEVELOPMENT AUTHORITY.
21. [18-0136R](#) RESOLUTION CONFIRMING THE APPOINTMENT OF JAMES LEWIS TO THE DULUTH LEGACY ENDOWMENT FUND ADVISORY BOARD.
- Attachments:* [James Lewis Redacted app](#)
22. [18-0137R](#) RESOLUTION CONFIRMING THE APPOINTMENT OF MILDRED RICHARD TO THE INDIGENOUS COMMISSION.
- Attachments:* [Mildred Richard Redacted Application](#)

BY COUNCILOR RUSS (PLANNING & ECONOMIC DEVELOPMENT)

23. [18-0123R](#) RESOLUTION AUTHORIZING REPROGRAMMING OF \$34,230 OF CDBG FUNDS (\$17,997.86 FROM 2011 PROGRAM YEAR AND \$16,232.14 FROM 2015 CDBG PROGRAM) FOR THE WEST DULUTH FOOD ACCESS AND EDUCATION PROJECT.
24. [18-0134R](#) RESOLUTION AUTHORIZING PROPER CITY OFFICIALS TO ACCEPT FUNDS FROM THE JUNIOR LEAGUE OF DULUTH FOR AN OUTDOOR CLASSROOM AT THE SITE OF THE DEEP WINTER GREENHOUSE.

BY PRESIDENT HANSEN (COMMITTEE OF THE WHOLE)

25. [18-0113R](#) RESOLUTION SETTING THE CITY OF DULUTH'S PRIORITIES FOR THE 2018 LEGISLATIVE SESSION.
26. [18-0114R](#) RESOLUTION SUPPORTING ADDITIONAL LEGISLATIVE PRIORITIES FOR 2018.

BY COUNCILOR HOBBS (PUBLIC WORKS & UTILITIES)

27. [18-0100R](#) RESOLUTION APPROVING SETTLEMENT OF CLAIM OF JAMES AND CINDY UTICK IN THE AMOUNT OF \$12,482.44.
28. [18-0101R](#) RESOLUTION APPROVING SETTLEMENT OF CLAIM OF TENDER LOVING CARE NORTH, LLC, IN THE AMOUNT OF \$12,293.75.
29. [18-0102R](#) RESOLUTION APPROVING SETTLEMENT OF CLAIM OF TENDER LOVING CARE NORTH, LLC, IN THE AMOUNT OF \$18,516.21.

30. [18-0105R](#) RESOLUTION AUTHORIZING A FIVE-YEAR MASTER SERVICES AGREEMENT WITH AMERICAN ENGINEERING TESTING, INC., FOR PROFESSIONAL GEOTECHNICAL AND MATERIAL TESTING SERVICES FOR AN ANNUAL AMOUNT NOT TO EXCEED \$50,000 AND A TOTAL CONTRACT AMOUNT NOT TO EXCEED \$250,000.
- Attachments:** [Exhibit A](#)
31. [18-0106R](#) RESOLUTION AUTHORIZING A FIVE-YEAR MASTER SERVICES AGREEMENT WITH EPC ENGINEERING & TESTING, FOR PROFESSIONAL GEOTECHNICAL AND MATERIAL TESTING SERVICES FOR AN ANNUAL AMOUNT NOT TO EXCEED \$50,000 AND A TOTAL CONTRACT AMOUNT NOT TO EXCEED \$250,000.
- Attachments:** [Exhibit A](#)
32. [18-0107R](#) RESOLUTION AUTHORIZING A FIVE-YEAR MASTER SERVICES AGREEMENT WITH TWIN PORTS TESTING II, INC. d/b/a TWIN PORTS TESTING, FOR PROFESSIONAL GEOTECHNICAL AND MATERIAL TESTING SERVICES FOR AN ANNUAL AMOUNT NOT TO EXCEED \$50,000 AND A TOTAL CONTRACT AMOUNT NOT TO EXCEED \$250,000.
- Attachments:** [Exhibit A](#)
33. [18-0116R](#) RESOLUTION AWARDED CONTRACTS TO ULLAND BROTHERS, INC., AND NORTHLAND CONSTRUCTORS OF DULUTH, LLC, FOR BITUMINOUS (HOT MIX BLACKTOP) FOR STREET MAINTENANCE ACTIVITIES IN 2018.
34. [18-0127R](#) RESOLUTION AUTHORIZING A FIVE-YEAR MASTER SERVICES AGREEMENT WITH LHB, INC., FOR PROFESSIONAL SURVEY AND FIELD DATA COLLECTION SERVICES FOR AN ANNUAL AMOUNT NOT TO EXCEED \$20,000 AND A TOTAL CONTRACT AMOUNT NOT TO EXCEED \$100,000.
- Attachments:** [Exhibit A](#)
35. [18-0128R](#) RESOLUTION AUTHORIZING A FIVE-YEAR MASTER SERVICES AGREEMENT WITH SHORT ELLIOTT HENDRICKSON, INC., FOR PROFESSIONAL SURVEY AND FIELD DATA COLLECTION SERVICES FOR AN ANNUAL AMOUNT NOT TO EXCEED \$20,000 AND A TOTAL CONTRACT AMOUNT NOT TO EXCEED \$100,000.
- Attachments:** [Exhibit A](#)

36. [18-0129R](#) RESOLUTION AUTHORIZING A FIVE-YEAR MASTER SERVICES AGREEMENT WITH TKDA FOR PROFESSIONAL SURVEY AND FIELD DATA COLLECTION SERVICES FOR AN ANNUAL AMOUNT NOT TO EXCEED \$20,000 AND A TOTAL CONTRACT AMOUNT NOT TO EXCEED \$100,000.
- Attachments:* [Exhibit A](#)
37. [18-0132R](#) RESOLUTION AUTHORIZING AN AMENDMENT TO PURCHASE ORDER 2017-00000593 TO ELLIOTT COMPANY FOR THE PURCHASE OF AN INTEGRAL LUBRICATION SYSTEM, AN INCREASE OF \$10,712, FOR A TOTAL AMOUNT NOT TO EXCEED \$110,311.
38. [18-0135R](#) RESOLUTION ADOPTING A TRANSITION PLAN FOR PUBLIC RIGHT-OF-WAY.
- Attachments:* [Exhibit A](#)
39. [18-0139R](#) RESOLUTION AUTHORIZING AN AGREEMENT WITH ALLIANT ENGINEERING FOR PROFESSIONAL ENGINEERING SERVICES TO INCLUDE AN INTERSECTION CONTROL EVALUATION (ICE) STUDY FOR THE INTERSECTION OF GLENWOOD STREET AND JEAN DULUTH ROAD/SNIVELY ROAD AND A TRAFFIC SAFETY STUDY OF GLENWOOD STREET FOR AN AMOUNT NOT TO EXCEED \$40,345.
40. [18-0140R](#) RESOLUTION AUTHORIZING A FIVE-YEAR MASTER SERVICES AGREEMENT WITH BRAUN INTERTEC CORPORATION, FOR PROFESSIONAL GEOTECHNICAL AND MATERIAL TESTING SERVICES FOR AN ANNUAL AMOUNT NOT TO EXCEED \$50,000 AND A TOTAL CONTRACT AMOUNT NOT TO EXCEED \$250,000.
- Attachments:* [Exhibit A](#)

BY COUNCILOR VAN NETT (PUBLIC SAFETY)

41. [18-0091R](#) RESOLUTION AUTHORIZING PROPER CITY OFFICIALS TO ACCEPT AN AMENDED GRANT FROM THE STATE OF MINNESOTA, COMMISSIONER OF PUBLIC SAFETY, OFFICE OF JUSTICE PROGRAMS, IN THE TOTAL AMOUNT OF \$410,000 FOR THE PURPOSE OF SUPPORTING THE OPERATIONS OF THE LAKE SUPERIOR DRUG AND VIOLENT CRIME TASK FORCE THROUGH DECEMBER 31, 2018.
- Attachments:* [Revised Exhibit A](#)

42. [18-0108R](#) RESOLUTION DESIGNATING RENEE VAN NETT AS THE NORTHEAST MINNESOTA EMERGENCY COMMUNICATION BOARD (ECB) REPRESENTATIVE WITH DENNIS EDWARDS, FIRE CHIEF AS ALTERNATE REPRESENTATIVE AND APPOINTING SHAWN KRIZAJ, DEPUTY FIRE CHIEF AS THE REPRESENTATIVE TO THE REGIONAL ADVISORY COMMITTEE AND ROB MOREHOUSE, TECHNICAL SERVICES COORDINATOR TO SERVE ON THE USER COMMITTEE OF SAID BOARD.

43. [18-0111R](#) RESOLUTION AUTHORIZING THE EXECUTION OF AN AGREEMENT WITH ANIMAL ALLIES HUMANE SOCIETY FOR THE OPERATION OF AN ADOPTION PROGRAM WITHIN THE CITY OF DULUTH.

Attachments: [18-0111R Exhibit A](#)

44. [18-0148R](#) RESOLUTION REQUESTING THAT THE DULUTH PARKING COMMISSION REVIEW THE PARKING POLICY IN THE LINCOLN PARK BUSINESS DISTRICT AND CONSIDER TWO-HOUR FREE PARKING.

Sponsors: Hobbs and Van Nett

BY COUNCILOR WESTERLUND (RECREATION, LIBRARIES & AUTHORITIES)

45. [18-0103R](#) RESOLUTION ACCEPTING UNCONDITIONAL GIFTS FROM THE DULUTH LIBRARY FOUNDATION FOR THE BENEFIT OF THE LIBRARY FOR 2018.

46. [18-0104R](#) RESOLUTION ACCEPTING UNCONDITIONAL GIFTS FROM THE FRIENDS OF THE DULUTH PUBLIC LIBRARY FOR THE BENEFIT OF THE LIBRARY IN 2018.

47. [18-0109R](#) RESOLUTION AUTHORIZING AN AMENDMENT TO AGREEMENT C22416 WITH FOSTER JACOBS AND JOHNSON, INC. FOR PROFESSIONAL DESIGN AND BIDDING SUPPORT SERVICES FOR A NORDIC SKI TRAIL SYSTEM FOR AN ADDITIONAL \$27,480 AND A NEW TOTAL NOT TO EXCEED OF \$60,605.

Attachments: [Exhibit A](#)

48. [18-0118R](#) RESOLUTION AUTHORIZING A TWO-YEAR AGREEMENT WITH DULUTH AREA FAMILY YMCA TO PROVIDE OUTSIDE OF SCHOOL TIME PROGRAMMING AT THE CITY'S GARY NEW DULUTH COMMUNITY CENTER AT AN ANNUAL COST OF \$20,000.

Attachments: [Exhibit A agreement](#)

49. [18-0119R](#) RESOLUTION AUTHORIZING A TWO-YEAR AGREEMENT WITH THE HILLS YOUTH AND FAMILY SERVICES TO PROVIDE OUTSIDE OF SCHOOL TIME PROGRAMMING IN THE CENTRAL HILLSIDE NEIGHBORHOOD AT AN ANNUAL COST OF \$20,000.
- Attachments:** [Exhibit A agreement](#)
50. [18-0120R](#) RESOLUTION AUTHORIZING A TWO-YEAR AGREEMENT WITH VALLEY YOUTH CENTER TO PROVIDE OUTSIDE OF SCHOOL TIME PROGRAMMING IN THE WEST DULUTH NEIGHBORHOOD AT AN ANNUAL COST OF \$20,000.
- Attachments:** [Exhibit A VYC agreement](#)
51. [18-0121R](#) RESOLUTION AUTHORIZING A TWO-YEAR AGREEMENT WITH BOYS AND GIRLS CLUB OF THE NORTHLAND TO PROVIDE OUTSIDE OF SCHOOL TIME PROGRAMMING IN THE LINCOLN PARK NEIGHBORHOOD AT AN ANNUAL COST OF \$20,000.
- Attachments:** [Exhibit A agreement B&G](#)
52. [18-0122R](#) RESOLUTION AUTHORIZING A TWO-YEAR AGREEMENT WITH DULUTH COMMUNITY SCHOOL COLLABORATIVE TO PROVIDE OUTSIDE OF SCHOOL TIME PROGRAMMING IN THE EAST HILLSIDE NEIGHBORHOOD AT AN ANNUAL COST OF \$20,000.
- Attachments:** [Exhibit A agreement](#)
53. [18-0125R](#) RESOLUTION AMENDING RESOLUTION 17-0788, ADOPTING LICENSE, PERMIT, FINE, PENALTY AND OTHER CHARGES FOR 2018, BY ADDING A FEE FOR A CITY PARKS ULTIMATE FRISBEE LEAGUE.
54. [18-0126R](#) RESOLUTION AUTHORIZING ACCEPTANCE OF A CONSERVATION PARTNERS LEGACY GRANT FROM THE MINNESOTA DEPARTMENT OF NATURAL RESOURCES IN AN AMOUNT OF \$300,450 FOR THE PURPOSE OF HARTLEY PARK LAND ACQUISITION AND RESTORATION.
- Attachments:** [Exhibit A grant agreement](#)
[Exhibit B area map](#)

END OF CONSENT AGENDA

BY COUNCILOR FILIPOVICH (FINANCE)

55. [18-0151R](#) RESOLUTION AUTHORIZING A CONTRACT WITH HARTFORD FIRE INSURANCE COMPANY FOR PROPERTY INSURANCE AT THE COST NOT TO EXCEED \$169,895 TO BE PAID TO MARSH & McLENNAN AGENCY LLC, AGENT FOR HARTFORD FIRE INSURANCE COMPANY.

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

BY COUNCILOR RUSS (PLANNING & ECONOMIC DEVELOPMENT)

56. [18-006-O](#) AN ORDINANCE DESIGNATING THE LEIF ERIKSON STAGE IN LEIF ERIKSON PARK AS A DULUTH HERITAGE PRESERVATION LANDMARK.

Attachments: [Attachment 1](#)

BY PRESIDENT HANSEN (COMMITTEE OF THE WHOLE)

57. [18-007-O](#) ORDINANCE AMENDING THE BUDGET OF THE CITY OF DULUTH FOR 2018 BY INCREASING THE BUDGET BY \$40,000 TO FINANCE THE TENANT LANDLORD CONNECTION PROGRAM.

Sponsors: Hansen

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

BY COUNCILOR RUSS (PLANNING & ECONOMIC DEVELOPMENT)

58. [18-001-O](#) ORDINANCE AMENDING CHAPTER 11 OF THE DULUTH CITY CODE TO RESTRICT THE SALE OF FLAVORED TOBACCO PRODUCTS TO ADULT ONLY SMOKE SHOPS.

Sponsors: Russ and Filipovich

BY COUNCILOR HOBBS (PUBLIC WORKS & UTILITIES)

59. [18-004-O](#) AN ORDINANCE AMENDING SECTION 47-20 OF THE DULUTH CITY CODE TO AUTHORIZE TAXI VEHICLE INSPECTION BY ANY NATIONAL INSTITUTE FOR AUTOMOTIVE SERVICE EXCELLENCE (ASE) -CERTIFIED MECHANIC.

Sponsors: Hobbs and Sipress

60. [18-005-O](#) AN ORDINANCE ELIMINATING TERM LIMITS FOR PUBLIC UTILITY COMMISSIONERS, AMENDING SECTION 2-184 OF THE DULUTH CITY CODE.

COUNCILOR QUESTIONS AND COMMENTS

COUNCILOR PREVIEW OF UPCOMING BUSINESS

