



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, November 9, 2015

7:00 PM

Council Chamber

ROLL CALL

PLEDGE OF ALLEGIANCE

PRESENTATION OF PETITIONS AND OTHER COMMUNICATIONS

1. [15-083](#) Bruce Snyder, et al. (276 signatures), communication opposing the rezoning of Morgan Park High School and the mass building of rental projects (15-092-O).

Attachments: [MorganParkCommunication](#)

REPORTS FROM THE ADMINISTRATION

REPORTS OF BOARDS AND COMMISSIONS

2. [15-079](#) Heritage preservation commission minutes of May 26, July 28 and August 25, 2015, meetings.

Attachments: [May 5, 2015](#)
[July 28, 2015](#)
[August 25, 2015](#)

3. [15-080](#) Planning commission minutes of June 9, July 14 and August 11, 2015, meetings.

Attachments: [June 9, 2015](#)
[July 14, 2015](#)
[August 11, 2015](#)

4. [15-081](#) Duluth transit authority minutes of August 26, 2015, meeting.

Attachments: [Minutes](#)

5. [15-082](#) Duluth public utilities commission resolution establishing 2016 fees (15PUC-007).

Attachments: [15PUC-007](#)

REPORTS OF COUNCIL COMMITTEES

REPORTS OF COUNCIL OPEN ISSUES

OPPORTUNITY FOR CITIZENS TO BE HEARD

MOTIONS AND RESOLUTIONS

CONSENT AGENDA

COMMITTEE 1

BY COUNCILOR HANSON (PURCHASING & LICENSING)

6. [15-0769R](#) RESOLUTION APPROVING ISSUANCE OF A ONE DAY OFF SITE GAMBLING PERMIT TO PIEDMONT HEIGHTS HOCKEY ASSOCIATION.

COMMITTEE 2

BY COUNCILOR RUSS (PLANNING & ECONOMIC DEVELOPMENT)

7. [15-0768R](#) RESOLUTION APPROVING A PROFESSIONAL SERVICES AGREEMENT BETWEEN THE DULUTH ECONOMIC DEVELOPMENT AUTHORITY AND THE HOUSING AND REDEVELOPMENT AUTHORITY OF DULUTH, MINNESOTA.

Attachments: [Exhibit A](#)

8. [15-0774R](#) RESOLUTION APPROVING A PROPERTY DEMOLITION AGREEMENT BETWEEN THE DULUTH ECONOMIC DEVELOPMENT AUTHORITY AND THE CITY OF DULUTH.

Attachments: [Property Demolition Agreement](#)

9. [15-0776R](#) RESOLUTION AUTHORIZING PROPER CITY OFFICIALS TO ACCEPT A DONATION OF REAL PROPERTY FROM RONALD KROLL AND JENNIFER KROLL

Attachments: [Exhibit A](#)

BY PRESIDENT LARSON (COMMITTEE OF THE WHOLE)

10. [15-0764R](#) RESOLUTION DECLARING THE RESULTS OF THE GENERAL MUNICIPAL ELECTION HELD NOVEMBER 3, 2015.

Attachments: [ElectionSummaryDocument](#)

COMMITTEE 3

BY COUNCILOR JULSRUD (PUBLIC WORKS & UTILITIES)

11. [15-0754R](#) RESOLUTION AMENDING AGREEMENT 22084 WITH LHB, INC. TO PROVIDE PROFESSIONAL ENGINEERING SERVICES FOR GRAND AVENUE CIMS ENHANCEMENTS BY \$9,836.

Attachments: [15-0754R Fee Estimate](#)

[15-0754R Letter](#)

[15-0754R Change Order](#)

12. [15-0757R](#) RESOLUTION AUTHORIZING AMENDMENT TO AGREEMENT BETWEEN THE CITY OF DULUTH AND EVER-GREEN ENERGY DULUTH, LLC MODIFYING THE TERMS FOR OPERATING AND MANAGING DULUTH STEAM DISTRICT NO. 1.

Attachments: [Exhibit A - 15-0757R](#)

(REPLACEMENT)

BY COUNCILOR FOSLE (PUBLIC SAFETY)

13. [15-0660R](#) RESOLUTION AUTHORIZING PROPER CITY OFFICIALS TO ACCEPT A \$176,006 GRANT AWARD FROM THE MINNESOTA DEPARTMENT OF PUBLIC SAFETY TO FUND A DWI POLICE OFFICER, VEHICLE, AND EQUIPMENT FOR ONE YEAR AND AUTHORIZING EXECUTION OF GRANT AGREEMENT.

Attachments: [Exhibit A](#)

14. [15-0760R](#) RESOLUTION AUTHORIZING THE ACCEPTANCE OF REIMBURSEMENT FROM THE UNITED STATES DEPARTMENT OF JUSTICE, BUREAU OF JUSTICE ASSISTANCE, OFFICE OF JUSTICE PROGRAMS, IN AN AMOUNT NOT TO EXCEED \$30,147 AND REIMBURSEMENT FROM THE MINNESOTA DEPARTMENT OF PUBLIC SAFETY IN AN AMOUNT NOT TO EXCEED \$47,932 FOR THE PURCHASE OF BALLISTIC VESTS.

Attachments: [Exhibit A](#)

BY COUNCILOR SIPRESS (RECREATION, LIBRARIES & AUTHORITIES)

15. [15-0624R](#) RESOLUTION AUTHORIZING PROPER CITY OFFICIALS TO ACCEPT A GRANT FROM THE ACCESS FUND IN THE AMOUNT OF \$4,000 ON BEHALF OF THE DULUTH CLIMBERS COALITION FOR LAND ACQUISITION FOR MULTI-USE PARK IN ABANDONED QUARRY.

Attachments: [EXHIBIT A-APPLICATION](#)
[EXHIBIT B-AWARD LETTER & AGREEMENT](#)

16. [15-0763R](#) RESOLUTION OF SUPPORT TO COMMENCE DESIGN AND FUNDRAISING TO IMPROVE THE ELY PEAK SKI TRAIL LOOP IN MAGNEY SNIVELY PARK TO SUPPORT ENVIRONMENTALLY SUSTAINABLE EQUESTRIAN USE ON A SEASONAL BASIS.

Attachments: [EXHIBIT A - 15-0763R.pdf](#)

17. [15-0765R](#) RESOLUTION AUTHORIZING THE PURCHASE OF REAL PROPERTY FROM ONEOTA CEMETERY ASSOCIATION FOR MULTI-USE PARK IN ABANDONED QUARRY.

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

18. [15-0767R](#) RESOLUTION AUTHORIZING A LICENSE AGREEMENT WITH PARK HILL CEMETERY ASSOCIATION FOR THE USE OF PARK HILL PROPERTY FOR RECREATIONAL TRAIL PURPOSES.

Attachments: [Park Hill License Agreement \(signed by Park Hill\)](#)

19. [15-0770R](#) RESOLUTION ACCEPTING GIFTS FROM INDIVIDUALS, CIVIC GROUPS, CORPORATIONS AND OTHER GROUPS FOR IMPROVEMENTS TO THE CITY PARK KNOWN AS LINCOLN PARK AND ESTABLISHING A DEDICATED ACCOUNT TO RECEIVE THOSE GIFTS.

20. [15-0778R](#) RESOLUTION AUTHORIZING THE PROPER CITY OFFICIALS TO ENTER INTO AN AGREEMENT WITH THE DULUTH ECONOMIC DEVELOPMENT AUTHORITY ("DEDA") TO STORE CITY PLANTING CONTAINERS ON DEDA PROPERTY.

Attachments: [Attachment to 15-0778R](#)

END OF CONSENT AGENDA

The following entitled resolution is also to be considered:

COMMITTEE 2

BY COUNCILOR RUSS (PLANNING & ECONOMIC DEVELOPMENT)

21. [15-0775R](#) RESOLUTION AMENDING RESOLUTION 14-0599, ADOPTING LICENSE, PERMIT, FINE, PENALTY AND OTHER CHARGES FOR 2015, BE AMENDED BY ADDING AN ANNUAL LICENSE FEE FOR KEEPING SMALL FARM ANIMALS.

INTRODUCTION AND CONSIDERATION OF ORDINANCES

ORDINANCE TABLED

COMMITTEE 2

BY COUNCILOR RUSS (PLANNING & ECONOMIC DEVELOPMENT)

22. [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.

(Tabled 10/12)

Legislative History

9/28/15	City Council	read for the first time
10/12/15	City Council	tabled
	Tabled 8-1 (Fosle)	

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

COMMITTEE 2

BY COUNCILOR RUSS (PLANNING & ECONOMIC DEVELOPMENT)

23. [15-092-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](#)

24. [15-093-O](#) AN ORDINANCE AMENDING CHAPTER 6, ARTICLE VII, OF THE DULUTH CITY CODE, 1959, AS AMENDED, RELATING TO NONDOMESTIC ANIMALS.

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

COMMITTEE 2

BY COUNCILOR RUSS (PLANNING & ECONOMIC DEVELOPMENT)

25. [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](#)

Legislative History

10/26/15 City Council read for the first time

26. [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](#)

Legislative History

10/26/15 City Council read for the first time

27. [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](#)

Legislative History

10/26/15 City Council read for the first time

28. [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](#)

(REPLACEMENT)

Legislative History

10/26/15 City Council read for the first time

COUNCILOR QUESTIONS AND COMMENTS

COUNCILOR PREVIEW OF UPCOMING BUSINESS