

City of Duluth

411 West First Street
Duluth, Minnesota 55802



Unofficial Actions - Draft

Monday, November 9, 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

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).

received

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.

received

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

received

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

received

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

received

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.
 adopted

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.

adopted

Yea: 9 - Councilor Filipovich, Councilor Fosle, Councilor Gardner, Councilor Hanson, Councilor Julsrud, Councilor Krug, Councilor Russ, Councilor Sipress and President Larson

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

adopted

Yea: 9 - Councilor Filipovich, Councilor Fosle, Councilor Gardner, Councilor Hanson, Councilor Julsrud, Councilor Krug, Councilor Russ, Councilor Sipress and President Larson

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

adopted

Yea: 9 - Councilor Filipovich, Councilor Fosle, Councilor Gardner, Councilor Hanson, Councilor Julsrud, Councilor Krug, Councilor Russ, Councilor Sipress and President Larson

BY PRESIDENT LARSON (COMMITTEE OF THE WHOLE)

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

adopted

Yea: 9 - Councilor Filipovich, Councilor Fosle, Councilor Gardner, Councilor Hanson, Councilor Julsrud, Councilor Krug, Councilor Russ, Councilor Sipress and President Larson

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.

adopted

Yea: 9 - Councilor Filipovich, Councilor Fosle, Councilor Gardner, Councilor Hanson, Councilor Julsrud, Councilor Krug, Councilor Russ, Councilor Sipress and President Larson

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.

adopted

Yea: 9 - Councilor Filipovich, Councilor Fosle, Councilor Gardner, Councilor Hanson, Councilor Julsrud, Councilor Krug, Councilor Russ, Councilor Sipress and President Larson

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.

adopted

Yea: 9 - Councilor Filipovich, Councilor Fosle, Councilor Gardner, Councilor Hanson, Councilor Julsrud, Councilor Krug, Councilor Russ, Councilor Sipress and President Larson

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.

adopted

Yea: 9 - Councilor Filipovich, Councilor Fosle, Councilor Gardner, Councilor Hanson, Councilor Julsrud, Councilor Krug, Councilor Russ, Councilor Sipress and President Larson

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.

adopted

Yea: 9 - Councilor Filipovich, Councilor Fosle, Councilor Gardner, Councilor Hanson, Councilor Julsrud, Councilor Krug, Councilor Russ, Councilor Sipress and President Larson

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.

adopted

Yea: 9 - Councilor Filipovich, Councilor Fosle, Councilor Gardner, Councilor Hanson, Councilor Julsrud, Councilor Krug, Councilor Russ, Councilor Sipress and President Larson

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

adopted

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

adopted

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.

adopted

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.

adopted

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.

tabled

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.

adopted

Yea: 9 - Councilor Filipovich, Councilor Fosle, Councilor Gardner, Councilor Hanson, Councilor Julsrud, Councilor Krug, Councilor Russ, Councilor Sipress and President Larson

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)

read for the first time

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

read for the first time

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).

adopted

Yea: 9 - Councilor Filipovich, Councilor Fosle, Councilor Gardner, Councilor Hanson, Councilor Julsrud, Councilor Krug, Councilor Russ, Councilor Sipress and President Larson

- 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.).

adopted

Yea: 9 - Councilor Filipovich, Councilor Fosle, Councilor Gardner, Councilor Hanson, Councilor Julsrud, Councilor Krug, Councilor Russ, Councilor Sipress and President Larson

- 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).

adopted

Yea: 9 - Councilor Filipovich, Councilor Fosle, Councilor Gardner, Councilor Hanson, Councilor Julsrud, Councilor Krug, Councilor Russ, Councilor Sipress and President Larson

- 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.

adopted

Yea: 9 - Councilor Filipovich, Councilor Fosle, Councilor Gardner, Councilor Hanson, Councilor Julsrud, Councilor Krug, Councilor Russ, Councilor Sipress and President Larson

COUNCILOR QUESTIONS AND COMMENTS

COUNCILOR PREVIEW OF UPCOMING BUSINESS