



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, August 28, 2017

7:00 PM

Council Chamber

ROLL CALL

PLEDGE OF ALLEGIANCE

PUBLIC HEARING - DULUTH EAST HIGH SCHOOL PERMIT PARKING ZONE

APPROVAL OF MINUTES

1. [17-130](#) August 14, 2017 Duluth City Council Meeting Minutes

Attachments: [August 14 - Council Meeting Minutes](#)

REPORTS FROM THE ADMINISTRATION

REPORTS FROM OTHER OFFICERS

2. [17-124](#) Exempt Permits: Lake Superior Zoological Society, SMDC Medical Center & St.Mary's Medical Center

Attachments: [Exempt Permit - Lake Superior Zoological Society](#)
[Exempt Permit - SMDC Medical Center](#)
[Exempt Permit - St. Mary's Medical Center](#)

3. [17-129](#) US Department of Housing & Urban Development - Annual Review

Attachments: [US Department of Housing and Urban Development - Annual Review](#)

REPORTS OF BOARDS AND COMMISSIONS

4. [17-125](#) Library Board Meeting Minutes
Attachments: [05-23-2017 - Library Board Meeting Minutes](#)
5. [17-126](#) Civil Service Board Meeting Minutes
Attachments: [06-06-17 Civil Service Board Meeting Minutes](#)
6. [17-127](#) Duluth Public Utilities Commission Meeting Minutes
Attachments: [06-20-2017 - Duluth Public Utilities Commission Meeting Minutes](#)
7. [17-128](#) Duluth Parking Commission Resolutions
Attachments: [Duluth Parking Commission July & August Resolutions](#)
[Duluth Parking Commission March & June Resolutions](#)

DISTINGUISHED ARTIST AWARD - Ceclia Lieder

REPORTS OF COUNCIL COMMITTEES**REPORTS OF COUNCIL OPEN ISSUES****OPPORTUNITY FOR CITIZENS TO BE HEARD****RESOLUTIONS TABLED****BY COUNCILOR HANSON (PURCHASING & LICENSING)**

8. [17-0374R](#) RESOLUTION AMENDING RESOLUTION 16-0846, ADOPTING LICENSE, PERMIT, FINE, PENALTY, AND OTHER CHARGES FOR 2017, TO REVISE VACANT BUILDING REGISTRATION FEES.

CONSENT AGENDA**BY COUNCILOR HANSON (PURCHASING & LICENSING)**

9. [17-0636R](#) RESOLUTION APPROVING THE EXEMPTION OF A RAFFLE LICENSE AND WAIVING THE 60 DAY WAITING PERIOD FOR LAKE SUPERIOR ZOOLOGICAL SOCIETY, AND DUCKS UNLIMITED-ST. LOUIS BAY.
Attachments: [ZOO-08112017112923](#)
[DUCKS UNLIMITED-08222017145709](#)

BY COUNCILOR ANDERSON (PERSONNEL)

10. [17-0578R](#) RESOLUTION ELECTING MEMBER TO THE BOARD OF MANAGERS OF THE DULUTH/NORTH SHORE SANITARY DISTRICT PURSUANT TO MINNESOTA STATUTES, SECTION 442A.14, SUBDIVISION 7.
11. [17-0592R](#) RESOLUTION CONFIRMING THE APPOINTMENT OF KENNETH KIMBER AND SARA VACCARELLA TO THE DULUTH CITIZEN REVIEW BOARD.

Attachments: [Sara Vaccarella](#)
[Redacted Kimber App](#)

BY COUNCILOR RUSS (PLANNING & ECONOMIC DEVELOPMENT)

12. [17-0582R](#) RESOLUTION AUTHORIZING THE SAINT LOUIS COUNTY HOUSING AND REVELOPMENT AUTHORITY (HRA) TO INVEST FUNDS IN THE CITY OF DULUTH FOR THE GIMAAJII PERMANENT SUPPORTIVE HOUSING UNITS OPERATED BY THE AMERICAN INDIAN COMMUNITY HOUSING ORGANIZATION (AICHO).
13. [17-0596R](#) RESOLUTION ENTERING INTO AN AGREEMENT WITH AND ACCEPTING \$225,773 IN FEDERAL FUNDING FROM SENIOR SERVICE AMERICA, INC. TO OPERATE THE SENIOR COMMUNITY SERVICE EMPLOYMENT PROGRAM.

Sponsors: Filipovich

Attachments: [Resolution 17-0596R](#)

14. [17-0599R](#) RESOLUTION VACATING THE PLATTED ALLEY BETWEEN MYRTLE STREET AND TEAK STREET, RETAINING A UTILITY EASEMENT OVER THE PART OF ALLEY LYING EASTERLY OF THE EAST LINE OF LOT 25.

Attachments: [Attachment 1](#)

[Attachment 2](#)

15. [17-0600R](#) RESOLUTION VACATING A PLATTED UTILITY EASEMENT LOCATED WITHIN MAPLE GROVE ACRE TRACTS OF DULUTH.

Attachments: [Attachment 1](#)

[Attachment 2](#)

16. [17-0602R](#) RESOLUTION VACATING A PORTION OF A PLATTED SEWER EASEMENT AT 21 RIVERSIDE DRIVE.

Attachments: [Attachment 1](#)

[Attachment 2](#)

17. [17-0605R](#) RESOLUTION GRANTING AN INTERIM USE PERMIT FOR A VACATION DWELLING UNIT AT 1108 WEST 8TH STREET (TWIN CITY DEVELOPMENT COMPANY LLC).
- Attachments:** [Attachment 1](#)
18. [17-0606R](#) RESOLUTION GRANTING AN INTERIM USE PERMIT FOR A VACATION DWELLING UNIT AT 139 HOWARD GNESEN ROAD (DOUG MCCORISON).
- Attachments:** [Attachment 1](#)
19. [17-0607R](#) RESOLUTION GRANTING AN INTERIM USE PERMIT FOR A VACATION DWELLING UNIT AT 5802 LONDON ROAD (KIRK AND MARIANNE BERNADINO).
- Attachments:** [Attachment 1](#)
20. [17-0608R](#) RESOLUTION GRANTING AN INTERIM USE PERMIT FOR A VACATION DWELLING UNIT AT 8721 WEST SKYLINE PARKWAY (LISA DUPUIS).
- Attachments:** [Attachment 1](#)
21. [17-0609R](#) RESOLUTION GRANTING AN INTERIM USE PERMIT FOR A VACATION DWELLING UNIT AT 420 WEST 9TH STREET (BEN GASNER).
- Attachments:** [Attachment 1](#)
22. [17-0610R](#) RESOLUTION AUTHORIZING REPROGRAMMING OF \$68,645.53 IN FY 2015 AND 2016 U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT (“HUD”) COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) FUNDS AND TRANSFERRING TO FY 2015 AND FY 2016 PROJECTS.
23. [17-0611R](#) RESOLUTION VACATING PRINGLE AVENUE, LOWNDES AVENUE, BLODGETT AVENUE, AND GADSDEN AVENUE IN CONJUNCTION WITH THE REPLATTING OF THE LAND INTO THE HARBOR LIGHT PLAT BY THE DULUTH GOSPEL TABERNACLE.
- Attachments:** [Attachment 1](#)
[Attachment 2](#)
24. [17-0614R](#) RESOLUTION OF INTENT TO SELL OR CONVEY CERTAIN REAL PROPERTY IN THE LINCOLN PARK NEIGHBORHOOD.
- Attachments:** [Exhibit A](#)

25. [17-0615R](#) RESOLUTION AUTHORIZING AN AMENDED AND RESTATED FUNDING AGREEMENT WITH ST. LOUIS COUNTY HOUSING AND REDEVELOPMENT AUTHORITY, THE HOUSING AND REDEVELOPMENT AUTHORITY OF DULUTH, MINNESOTA, CENTER CITY HOUSING CORP. AND ONE ROOF COMMUNITY HOUSING WHEREBY THE CITY WILL PROVIDE \$200,000 IN REPLACEMENT FUNDING FOR THE GATEWAY PROJECT. (REPLACEMENT)
- Attachments:** [17-0615R Replacement Exhibit](#)
[17-0615 \(Original\)](#)
26. [17-0620R](#) RESOLUTION AUTHORIZING THE EXECUTION OF A PURCHASE AGREEMENT WITH JOURNEY HOME MINNESOTA FOR THE SALE OF CITY-OWNED PROPERTY IN THE CODY NEIGHBORHOOD FOR \$3,310.
- Attachments:** [Exhibit 1](#)
[Exhibit 2](#)
27. [17-0625R](#) RESOLUTION AUTHORIZING THE EXECUTION OF A PURCHASE AGREEMENT WITH LAUNCH PROPERTIES, LLC FOR THE SALE OF CITY-OWNED PROPERTY IN THE DULUTH HEIGHTS NEIGHBORHOOD FOR \$25,270.
- Attachments:** [Exhibit 1-Resolution](#)
[Exhibit 3-Resolution](#)
[Exhibit 2-Resolution](#)

BY PRESIDENT SIPRESS (COMMITTEE OF THE WHOLE)

28. [17-0587R](#) RESOLUTION APPOINTING ELECTION JUDGES FOR THE SEPTEMBER 12, 2017, MUNICIPAL AND SCHOOL BOARD PRIMARY ELECTION, AND THE NOVEMBER 7, 2017, MUNICIPAL AND SCHOOL BOARD GENERAL ELECTION.
- Attachments:** [ElectionJudgeList 2017 RESOLUTION](#)

BY COUNCILOR HOBBS (PUBLIC WORKS & UTILITIES)

29. [17-0580R](#) RESOLUTION AMENDING A CONTRACT WITH MSA PROFESSIONAL SERVICES, INC. TO PROVIDE PROFESSIONAL ENGINEERING SERVICES FOR STREAM DESIGN AND CONSTRUCTION, AN INCREASE OF \$140,313.25 FOR A TOTAL AMOUNT NOT TO EXCEED \$410,708.25.
- Attachments:** [Exhibit A for Resolution](#)

30. [17-0581R](#) RESOLUTION OF INTENT FOR CONSTRUCTION OF SANITARY SEWER IN WEST NINTH STREET ALLEY BEGINNING 280 FEET NORTHEAST OF 11TH AVENUE WEST AND EXTENDING TO NORTH TENTH AVENUE WEST, THEN EXTENDING NORTHWEST ON NORTH TENTH AVENUE WEST TO WEST NINTH STREET.

Attachments: [17-0581R Map](#)

31. [17-0591R](#) RESOLUTION AUTHORIZING JOINT APPLICATION WITH THE MINNESOTA DEPARTMENT OF TRANSPORTATION FOR FISCAL YEAR 2019 - 2020 HIGHWAY FREIGHT PROGRAM GRANT IN THE AMOUNT OF \$20,000,000 FOR ROAD IMPROVEMENTS TO EXTEND COURTLAND STREET AND RECONSTRUCT THE 27TH AVENUE WEST BRIDGE OVER I-35.

Attachments: [17-0591R Map](#)

32. [17-0594R](#) RESOLUTION AUTHORIZING APPLICATION TO THE MINNESOTA DEPARTMENT OF TRANSPORTATION FOR FY 2019 - 2020 HIGHWAY FREIGHT PROGRAM GRANT IN THE AMOUNT OF \$525,565 FOR ROAD IMPROVEMENTS TO GARFIELD AND PIEDMONT AVENUES.

Attachments: [17-0594R Map](#)

33. [17-0598R](#) RESOLUTION AWARDDING A CONTRACT TO NORTHLAND CONSTRUCTORS OF DULUTH, LLC FOR THE WEST SKYLINE PARKWAY RETAINING WALL RESTORATION PROJECT IN THE AMOUNT OF \$1,060,174.

Attachments: [17-0598R Map](#)

34. [17-0613R](#) RESOLUTION AUTHORIZING A CONTRACT WITH NORTHLAND CONSTRUCTORS OF DULUTH, LLC, FOR THE MICHIGAN STREET HOT WATER PIPE INSTALLATION FOR AN AMOUNT NOT TO EXCEED \$292,500.

BY COUNCILOR FOSLE (PUBLIC SAFETY)

35. [17-0612R](#) RESOLUTION AUTHORIZING THE CITY TO ENTER INTO A JOINT POWERS AGREEMENT WITH THE STATE OF MINNESOTA, DEPARTMENT OF PUBLIC SAFETY, BUREAU OF CRIMINAL APPREHENSION, FOR CITY ATTORNEY ACCESS TO THE CRIMINAL JUSTICE DATA COMMUNICATION NETWORK FOR A PERIOD OF FIVE YEARS AND AT NO COST TO THE CITY, AND FURTHER AUTHORIZING EXECUTION OF THE COURT DATA SERVICES SUBSCRIBER AMENDMENT TO CJDN SUBSCRIBER AGREEMENT.

Attachments: [Exhibit A](#)
[Exhibit B](#)

BY COUNCILOR WESTERLUND (RECREATION, LIBRARIES & AUTHORITIES)

36. [17-0619R](#) RESOLUTION AUTHORIZING A DONATION AGREEMENT WITH CAPTAIN LAURENCE H. GRIMES, JR. RELATED TO A SCALE MODEL OF THE AMPHIBIOUS TRANSPORT DOCK SHIP USS DULUTH AND ITS DISPLAY CASE AND FURTHER AUTHORIZING AN AGREEMENT WITH ST. LOUIS COUNTY HISTORICAL SOCIETY TO DISPLAY THE USS DULUTH

Attachments: [Exhibit A](#)
[Exhibit B](#)

37. [17-0626R](#) RESOLUTION AUTHORIZING AN AGREEMENT WITH THE MINNESOTA LAND TRUST FOR PROFESSIONAL SERVICES TO SUPPORT THE DEVELOPMENT AND MARKETING OF THE CITY'S OUTDOOR EXPERIENCES IN AN AMOUNT NOT TO EXCEED \$135,000.

Attachments: [Exhibit 1](#)

END OF CONSENT AGENDA**BY COUNCILOR ANDERSON (PERSONNEL)**

38. [17-0627R](#) RESOLUTION ENCOURAGING ALL-GENDER, SINGLE-USER, ACCESSIBLE RESTROOMS ON CITY PROPERTY.

Sponsors: Anderson and Westerlund

BY COUNCILOR RUSS (PLANNING & ECONOMIC DEVELOPMENT)

39. [17-0616R](#) RESOLUTION AFFIRMING THE DECISION OF THE PLANNING COMMISSION TO DENY A VARIANCE TO REDUCE THE REQUIRED MINIMUM LOT FRONTAGE FROM 250 FT TO 0 FT TO CONSTRUCT A DWELLING IN THE RR-1 ZONE DISTRICT BY EDWARD BARBO JR AND CANDACE BARBO

Sponsors: Hamre

Attachments: [Attachment 1 - PL 17-082 Staff Report and Attachments](#)
[Attachment 2 - Planning Commission 07-11-17 signed minutes](#)

40. [17-0617R](#) RESOLUTION REVERSING THE DECISION OF THE PLANNING COMMISSION TO DENY A VARIANCE TO REDUCE THE REQUIRED MINIMUM LOT FRONTAGE FROM 250 FT TO 0 FT TO CONSTRUCT A DWELLING IN THE RR-1 ZONE DISTRICT BY EDWARD BARBO JR AND CANDACE BARBO

Sponsors: Hamre

Attachments: [Attachment 1 - PL 17-082 Staff Report and Attachments](#)
[Attachment 2 - Planning Commission 07-11-17 signed minutes](#)

BY COUNCILOR FOSLE (PUBLIC SAFETY)

41. [17-0628R](#) RESOLUTION REDUCING THE SIZE OF THE RESIDENTIAL PERMIT PARKING ZONE AROUND DULUTH EAST HIGH SCHOOL.

Attachments: [Exhibit A](#)
[Exhibit A-1](#)
[Exhibit A-2](#)
[Exhibit A-3](#)
[Exhibit A-4](#)
[Exhibit A-5](#)
[MTA - 17-0628R Anderson](#)

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

BY COUNCILOR ANDERSON (PERSONNEL)

42. [17-038-O](#) AN ORDINANCE AMENDING SECTION 13-28 OF THE DULUTH CITY CODE REGARDING DURATION OF SUBSTITUTE APPOINTMENTS WITHIN THE FIRE DEPARTMENT.

BY COUNCILOR RUSS (PLANNING & ECONOMIC DEVELOPMENT)

43. [17-039-O](#) AN ORDINANCE GRANTING A CONCURRENT USE PERMIT FOR A DECK IN THE PLATTED STREET RIGHT OF WAY OF 19TH AVENUE WEST.

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

44. [17-040-O](#) AN ORDINANCE AMENDING THE APPROVED CONCEPT PLAN FOR ROCKRIDGE SCHOOL TO ALLOW SPECIALIZED EDUCATION OF UP TO 175 EDUCATIONAL STUDENTS.

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

45. [17-041-O](#) AN ORDINANCE AMENDING SECTIONS 50-16.7 AND 50-22.7 TO 50-22.17 OF THE DULUTH CITY CODE TO ALLOW ADDITIONAL BUILDING TYPES IN FORM DISTRICT F-6 AND TO CLARIFY MAXIMUM BUILDING HEIGHTS IN ALL FORM DISTRICTS.

Attachments: [Attachment 1](#)
[Attachment 2](#)
[Attachment 3](#)
[Attachment 4](#)

46. [17-042-O](#) AN ORDINANCE AUTHORIZING THE CONVEYANCE OF CERTAIN REAL PROPERTY IN THE CODY NEIGHBORHOOD TO JOURNEY HOME MINNESOTA FOR \$3,310.

47. [17-043-O](#) AN ORDINANCE AUTHORIZING THE CONVEYANCE OF CERTAIN REAL PROPERTY IN THE DULUTH HEIGHTS NEIGHBORHOOD TO LAUNCH PROPERTIES, LLC OR ITS ASSIGNS FOR \$25,270.

Attachments: [Exhibit A-Ordinance](#)
[Exhibit B-Ordinance](#)
[Exhibit C-Ordinance](#)
[Exhibit D-Ordinance](#)

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

BY COUNCILOR RUSS (PLANNING & ECONOMIC DEVELOPMENT)

48. [17-037-O](#) AN ORDINANCE DESIGNATING THE DULUTH WOMAN'S CLUB AT 2400 EAST SUPERIOR STREET AS A DULUTH HERITAGE PRESERVATION LANDMARK.

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

BY COUNCILOR FOSLE (PUBLIC SAFETY)

49. [17-034-O](#) AN ORDINANCE AMENDING SECTION 10-3 RELATED TO VACANT BUILDING REGISTRATION REQUIREMENTS

Attachments: [Motion To Amend: Filipovich - Passed \(6-1\)](#)
[Motion To Amend: Sipress - Passed \(8-1\)](#)
[17-034-O \(Original\)](#)
[17-034-O \(Original #2\)](#)

COUNCILOR QUESTIONS AND COMMENTS

COUNCILOR PREVIEW OF UPCOMING BUSINESS