



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 provide increased opportunities for civil discourse leading to positive resolutions for the issues that face our city. We know that when we have civility, we get civic engagement, and because we can't make each other civil and we can only work on ourselves, we state that today I will: pay attention, listen, be inclusive, not gossip, show respect, seek common ground, repair damaged relationships, use constructive language, and take responsibility. [Approved by the council on May 14, 2018]*

Monday, June 24, 2019

7:00 PM

Council Chamber

ROLL CALL

PLEDGE OF ALLEGIANCE

APPROVAL OF MINUTES

1. [19-153](#) Meeting Minutes of the Duluth City Council

Attachments: [June 10, 2019](#)

REPORTS FROM THE ADMINISTRATION

REPORTS FROM OTHER OFFICERS

REPORTS OF BOARDS AND COMMISSIONS

REPORTS OF COUNCIL COMMITTEES

REPORTS OF COUNCIL OPEN ISSUES

Distinguished Artist Award: Tom Livingston

OPPORTUNITY FOR CITIZENS TO BE HEARD**RESOLUTIONS TABLED****CONSENT AGENDA****BY COUNCILOR ANDERSON (FINANCE)**

2. [19-0396R](#) RESOLUTION CONFIRMING THE ASSESSMENT ROLL FOR ASSESSMENTS LEVIED AGAINST PROPERTY WITH REGARD TO PROPERTY VIOLATIONS DURING PERIOD OF APRIL 1, 2018, TO APRIL 1, 2019.

Attachments: [Exhibit A](#)
3. [19-0397R](#) RESOLUTION CONFIRMING THE ASSESSMENT ROLL OF DELINQUENT UTILITY FEES DURING THE PERIOD OF JANUARY 1, 2018, TO DECEMBER 31, 2018.

Attachments: [Exhibit A](#)
4. [19-0398R](#) RESOLUTION CONFIRMING THE ASSESSMENT ROLL OF DELINQUENT SOLID WASTE COLLECTION FEES DURING PERIOD OF MARCH 1, 2018, TO JUNE 1, 2019.

Attachments: [Exhibit A](#)
5. [19-0447R](#) RESOLUTION APPROVING SETTLEMENT IN THE MATTER OF CHRISTINE SHERAN VS CITY OF DULUTH IN AMOUNT OF \$75,000 AND PURSUANT TO TERMS OF SETTLEMENT AGREEMENT.

Attachments: [20190612 Settlement Agreement - Sheran v City of Duluth](#)

BY COUNCILOR FORSMAN (PERSONNEL)

6. [19-0392R](#) RESOLUTION CONFIRMING THE APPOINTMENT OF ANDREA WEDUL TO THE PLANNING COMMISSION.
7. [19-0449R](#) RESOLUTION CONFIRMING THE APPOINTMENT OF JEFF ANDERSON TO THE DULUTH AIRPORT AUTHORITY.
8. [19-0451R](#) RESOLUTION CONFIRMING THE APPOINTMENTS OF BETTINA KEPPEERS AND RI PREAP TO THE DULUTH HUMAN RIGHTS COMMISSION.

BY COUNCILOR RUSS (PLANNING & ECONOMIC DEVELOPMENT)

9. [19-0410R](#) RESOLUTION RESCINDING NO. 19-0063R AND AUTHORIZING A REQUEST FOR HUD FEDERAL COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) FUNDS FOR THE 2019 PROGRAM YEAR, AUTHORIZING AGREEMENTS WITH APPROPRIATE AGENCIES.
10. [19-0411R](#) RESOLUTION AUTHORIZING AN INCREASE OF \$12,694 FY 2019 EMERGENCY SOLUTION GRANT (ESG) PROGRAM.
11. [19-0412R](#) RESOLUTION APPROVING THE REVISED 2019 ANNUAL ACTION PLAN AND AUTHORIZING A REQUEST FOR HUD FEDERAL COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG), HOME PROGRAM (HOME), AND EMERGENCY SOLUTIONS GRANT PROGRAM (ESG) PROGRAM FUNDS.
- Attachments:** [Attachment 1](#)
12. [19-0414R](#) RESOLUTION AUTHORIZING ADOPTION OF THE AMENDED COMMUNITY DEVELOPMENT PROGRAM CITIZEN PARTICIPATION PLAN.
- Attachments:** [Attachment 1](#)
13. [19-0415R](#) RESOLUTION RESCINDING NO. 19-0064R AND AUTHORIZING A REQUEST FOR HUD HOME FUNDS FOR THE 2019 PROGRAM YEAR, AUTHORIZING AGREEMENTS WITH APPROPRIATE AGENCIES.
14. [19-0444R](#) RESOLUTION VACATING A 56.41 FOOT LONG SECTION OF THE PLATTED RIGHT OF WAY OF 4TH STREET, N/K/A RECYCLE WAY BETWEEN ONEOTA STREET AND TRUNK HIGHWAY NO. 35.
- Attachments:** [Attachment 1](#)
[Attachment 2](#)
15. [19-0457R](#) RESOLUTION AUTHORIZING PROPER CITY OFFICIALS TO ACCEPT A GRANT FROM THE DULUTH LEGACY ENDOWMENT FUND IN THE AMOUNT OF \$16,734.
- Attachments:** [Attachment 1](#)
[Attachment 2](#)
[Attachment 3](#)
16. [19-0460R](#) RESOLUTION AUTHORIZING A FIRST AMENDMENT TO THE SUB-RECIPIENT FUNDING AGREEMENT WITH ISD 709 ADULT BASIC EDUCATION INCREASING THE CONTRACT AMOUNT BY \$4,450 FOR A CONTRACT AMOUNT NOT TO EXCEED \$11,029, EXTENDING THE TERM OF THE AGREEMENT AND AMENDING THE WORK PLAN AND BUDGET.
- Attachments:** [Exhibit A](#)

BY PRESIDENT HOBBS (COMMITTEE OF THE WHOLE)

17. [19-0443R](#) RESOLUTION APPROVING LAWS OF MINNESOTA 2019, 1ST SPECIAL SESSION, CHAPTER 6, ARTICLE 7, SECTION 7, AUTHORIZING A REDEVELOPMENT TAX INCREMENT FINANCING DISTRICT FOR DEDA LOT D IN BAYFRONT.
18. [19-0458R](#) RESOLUTION APPROVING LAWS OF MINNESOTA 2019, 1ST SPECIAL SESSION CHAPTER 6, ARTICLE 10, SECTIONS 2-6 ESTABLISHING A REGIONAL EXCHANGE DISTRICT IN THE CITY OF DULUTH PURSUANT TO MINNESOTA STATUTES SECTION 645.021, SUBDS 2 AND 3.
19. [19-0459R](#) RESOLUTION APPROVING PUBLIC INFRASTRUCTURE PROJECTS FOR THE DULUTH REGIONAL EXCHANGE DISTRICT IN ACCORDANCE WITH LAWS OF MINNESOTA 2019, 1ST SPECIAL SESSION CHAPTER 6, ARTICLE 10, SECTION 5(A).

BY COUNCILOR FILIPOVICH (PUBLIC WORKS & UTILITIES)

20. [19-0437R](#) RESOLUTION AUTHORIZING A PERMANENT SEWER EASEMENT AGREEMENT WITH THE HOUSING AND REDEVELOPMENT AUTHORITY OF DULUTH FOR PROPERTY IN SACKETTE ADDITION IN THE PIEDMONT HEIGHTS NEIGHBORHOOD.

Attachments: [19-0437R Attachment 1](#)
[19-0437R Map](#)

21. [19-0450R](#) RESOLUTION AWARDED A CONTRACT TO PCI ROADS, LLC FOR THE 2019 STREET PRESERVATION PROJECT IN THE AMOUNT OF \$1,734,561.45.

Attachments: [19-0450R Map](#)

BY COUNCILOR VAN NETT (PUBLIC SAFETY)

22. [19-0438R](#) RESOLUTION APPROVING AGREEMENT WITH THE DULUTH TRANSIT AUTHORITY FOR SERVICES AND FUNDING OF ONE COMMUNITY BASED K-9 OFFICER FOR FIVE YEARS AND ACCEPTING \$112,801.50 ANNUALLY PLUS A THREE PERCENT ANNUAL INCREASE THEREAFTER TO FUND SAID POSITION.

Attachments: [19-0438 DTA Agreement Doc A](#)
[19-0438 Job Specifications Ex A](#)

23. [19-0439R](#) RESOLUTION AUTHORIZING THE EXECUTION OF AN AMENDMENT TO THE SERVICE AGREEMENT WITH THE ARROWHEAD HEALTH ALLIANCE EXTENDING THE TERM OF THE AGREEMENT THROUGH JUNE 30, 2019.

Attachments: [19-0439 Amendment Agreement Ex. A](#)

BY COUNCILOR WESTERLUND (RECREATION, LIBRARIES & AUTHORITIES)

24. [19-0440R](#) RESOLUTION AUTHORIZING A CONTRACT WITH A PLUS CONTRACTORS & GARDEN CENTER FOR RESTORATION OF SARGENT CREEK BRIDGE IN THE AMOUNT NOT TO EXCEED \$415,920.
25. [19-0441R](#) RESOLUTION AUTHORIZING THREE YEAR LEASE AGREEMENT WITH THE NAACP DULUTH BRANCH, FOR USE OF SPACE IN THE WASHINGTON RECREATION CENTER.

Attachments: [Exhibit 1.pdf](#)

26. [19-0442R](#) RESOLUTION AUTHORIZING AN EXCLUSIVE USE PERMIT AGREEMENT WITH BENTLEYVILLE TOUR OF LIGHTS, INC., FOR THE PRODUCTION, PROMOTION, AND MANAGEMENT OF THE BENTLEYVILLE TOUR OF LIGHTS IN BAYFRONT FESTIVAL PARK FOR THE 2019 HOLIDAY SEASON.

Attachments: [Exhibit 1.pdf](#)

END OF CONSENT AGENDA

The following entitled resolutions are also to be considered:

BY COUNCILOR RUSS (PLANNING & ECONOMIC DEVELOPMENT)

27. [19-0424R](#) RESOLUTION VACATING EXISTING PUBLIC PLAZA AGREEMENTS FOR LAKE SUPERIOR PLAZA TO BE REPLACED WITH UPDATED AGREEMENTS THAT ALLOW PUBLIC ACCESS.

Attachments: [Attachment 1](#)

[Attachment 2](#)

[Attachment 3](#)

[Attachment 4](#)

ORDINANCES TABLED

BY COUNCILOR WESTERLUND (RECREATION, LIBRARIES & AUTHORITIES)

28. [19-018-O](#) AN ORDINANCE DEDICATING A PERPETUAL TWENTY-FOOT CORRIDOR ACROSS CITY-OWNED PROPERTY FOR THE CROSS CITY TRAIL PEDESTRIAN AND BIKE PATH.

Attachments: [Exhibit A-final](#)
[Exhibit B-Final](#)

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

BY COUNCILOR RUSS (PLANNING & ECONOMIC DEVELOPMENT)

29. [19-031-O](#) AN ORDINANCE GRANTING ESSENTIA HEALTH A CONCURRENT USE PERMIT FOR A PRIVATE STRUCTURE CONSISTING OF AN INPATIENT TOWER AND MEDICAL CLINIC OVER THE PLATTED STREET RIGHT OF WAY OF EAST FIRST STREET ALLEY.

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

30. [19-032-O](#) AN ORDINANCE GRANTING ESSENTIA HEALTH A CONCURRENT USE PERMIT FOR A PRIVATE STRUCTURE CONSISTING OF AN INPATIENT TOWER AND MEDICAL CLINIC OVER THE PLATTED STREET RIGHT OF WAY AND FOOTINGS AND FOUNDATIONS IN THE PLATTED STREET RIGHT OF WAY OF EAST FIRST STREET.

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

31. [19-033-O](#) AN ORDINANCE GRANTING ESSENTIA HEALTH A CONCURRENT USE PERMIT FOR A PRIVATE ELECTRICAL DUCT BANK IN THE PLATTED STREET RIGHT OF WAY OF NORTH FIFTH AVENUE EAST.

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

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

BY COUNCILOR ANDERSON (FINANCE)

32. [19-027-O](#) ORDINANCE AMENDING THE BUDGET OF THE CITY OF DULUTH FOR 2019 BY INCREASING THE BUDGET BY \$700,000 TO COMPLETE THE MINNESOTA SLIP PROJECT INCLUDING THE RETURN OF THE WILLIAM A IRVIN.

BY COUNCILOR RUSS (PLANNING & ECONOMIC DEVELOPMENT)

33. [19-024-O](#) AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF DULUTH TO RECLASSIFY PROPERTY BETWEEN EAST SUPERIOR STREET AND EAST SECOND STREET, AND BETWEEN THIRD AVENUE EAST AND EIGHTH AVENUE EAST, TO MIXED USE-NEIGHBORHOOD (MU-N) AND MIXED USE-INSTITUTIONAL (MU-I).
- Attachments:** [Attachment 1](#)
[Attachment 2](#)
34. [19-025-O](#) AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF DULUTH TO RECLASSIFY PROPERTIES BETWEEN EAST SECOND STREET AND EAST THIRD STREET, AND BETWEEN SIXTH AVENUE EAST AND NINTH AVENUE EAST, FROM RESIDENTIAL-URBAN (R-2) TO MIXED USE NEIGHBORHOOD (MU-N).
- Attachments:** [Attachment 1](#)
[Attachment 2](#)
35. [19-026-O](#) AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF DULUTH TO RECLASSIFY PROPERTIES BETWEEN EAST NINTH STREET ALLEY AND EAST SKYLINE PARKWAY, AND BETWEEN FOURTH AVENUE EAST AND SEVENTH AVENUE EAST, FROM RESIDENTIAL-TRADITIONAL (R-1), TO PARK AND OPEN SPACE (P-1) AND MIXED USE NEIGHBORHOOD (MU-N).
- Attachments:** [Attachment 1](#)
[Attachment 2](#)

BY PRESIDENT HOBBS (COMMITTEE OF THE WHOLE)

36. [19-028-O](#) ORDINANCE IMPOSING AN ADDITIONAL SALES TAX OF ONE-HALF OF ONE PERCENT TO FUND PROJECTS LISTED IN THE STREET IMPROVEMENT PLAN APPROVED AUGUST 8, 2017.

COUNCILOR QUESTIONS AND COMMENTS

COUNCILOR PREVIEW OF UPCOMING BUSINESS