

# City of Duluth

411 West First Street  
Duluth, Minnesota 55802



## Unofficial Actions - Draft

Monday, September 14, 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 Fosse, Councilor Sharla Gardner, Councilor Howie Hanson, Councilor Jennifer Julsrud, Councilor Linda Krug, Councilor Barb Russ, Councilor Joel Sipress and President Emily Larson

## APPROVAL OF MINUTES

1. [15-046](#) May 11, 15 and 26, 2015.

**Attachments:** [May 11, 2015](#)  
[May 15, 2015](#)  
[May 26, 2015](#)

approved

## PUBLIC HEARING

## PRESENTATION OF PETITIONS AND OTHER COMMUNICATIONS

2. [15-053](#) Communications regarding the proposed rezoning at 2421 London Road (15-073-O).

**Attachments:** [Thomas Haas](#)  
[Ruth Kivisto](#)

received

3. [15-054](#) Communications regarding Pontliana Woods (15-0640R).

**Attachments:** [Steve Johnson and Carol Kondrath](#)  
[John Ramos](#)  
[Ellen Dunlap](#)

received

## REPORTS FROM THE ADMINISTRATION

4. [15-052](#) Mayor 2016 proposed levy and general fund budget.

**Attachments:** [Proposed 2016 Levy/Budget](#)

received

**REPORTS FROM OTHER OFFICERS**

- 5. [15-050](#) Parks and recreation division manager notice of intent to designate new closing times for Endion Park and Gary New Duluth Recreation Area, pursuant to Section 35-9.3 of the Duluth City Code.

**Attachments:** [Notice](#)  
received

**REPORTS OF BOARDS AND COMMISSIONS**

- 6. [15-047](#) Duluth economic development authority minutes of July 22, 2015, meeting.

**Attachments:** [July 22, 2015](#)

received

- 7. [15-048](#) Duluth parking commission minutes of January 9, February 6, April 10, May 1, June 12 and July 23, 2015.

**Attachments:** [January 9, 2015](#)  
[February 6, 2015](#)  
[April 10, 2015](#)  
[May 1, 2015](#)  
[June 12, 2015](#)  
[July 23, 2015](#)

received

- 8. [15-049](#) Housing and redevelopment authority of Duluth minutes of June 30, 2015, meeting.

**Attachments:** [June 30, 2015](#)

received

**REPORTS OF COUNCIL COMMITTEES**

**REPORTS OF COUNCIL OPEN ISSUES**

**OPPORTUNITY FOR CITIZENS TO BE HEARD**

**RESOLUTIONS TABLED**

**COMMITTEE 1**

**BY COUNCILOR GARDNER (PERSONNEL)**

9. [15-0577R](#) RESOLUTION CONFIRMING THE APPOINTMENT OF CRAIG CHILCOTE TO THE DULUTH ECONOMIC DEVELOPMENT AUTHORITY, REPLACING DON MONACO.

Attachments: [Application](#)

adopted

**COMMITTEE 2**

**BY COUNCILOR RUSS (PLANNING & ECONOMIC DEVELOPMENT)**

10. [15-0575R](#) RESOLUTION GRANTING AN INTERIM USE PERMIT FOR TWO VACATION DWELLING UNITS AT 718 NORTH 7TH AVENUE EAST (TERESA MCNELLY AND ROB MCCLEARY)

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

adopted as amended

**MOTIONS AND RESOLUTIONS**

**CONSENT AGENDA**

**COMMITTEE 1**

**BY COUNCILOR FILIPOVICH (FINANCE)**

11. [15-0619R](#) RESOLUTION AUTHORIZING EXECUTION OF NOTICE OF ACKNOWLEDGMENT OF ASSIGNMENT OF A MASTER LEASE/PURCHASE AGREEMENT DATED MARCH 28, 2008, FROM BANC OF AMERICA PUBLIC CAPITAL CORP TO KEY GOVERNMENT FINANCE, INC.

Attachments: [Attachment to 15-0619R - exhibit A](#)

adopted

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

12. [15-0596R](#) RESOLUTION AUTHORIZING A CONTRACT WITH KRAUS-ANDERSON CONSTRUCTION COMPANY FOR THE GARY NEW DULUTH RECREATION CENTER PROJECT IN AN AMOUNT NOT TO EXCEED \$50,000.

Attachments: [Exhibit A](#)

adopted

13. [15-0609R](#) RESOLUTION AWARDED A CONTRACT TO KRAUS-ANDERSON CONSTRUCTION COMPANY FOR THE CITY CENTER WEST RESTROOM RENOVATION IN THE AMOUNT OF \$111,700.

adopted

14. [15-0616R](#) RESOLUTION APPROVING THE EXEMPTION OF A RAFFLE LICENSE AND WAIVING THE 60 DAY WAITING PERIOD FOR MARCH OF DIMES FOUNDATION - MINNESOTA CHAPTER, ST. LOUIS RIVER CITIZENS ACTION COMMITTEE, AND THE REGENTS OF THE UNIVERSITY OF MINNESOTA.

adopted

15. [15-0617R](#) RESOLUTION ISSUING AN OFF SALE 3.2 PERCENT MALT LIQUOR LICENSE TO KWIK TRIP, INC. (KWIK TRIP #273), 6516 GRAND AVENUE AND KWIK TRIP, INC. (KWIK TRIP #274), 6 WEST CENTRAL ENTRANCE.

adopted

16. [15-0618R](#) RESOLUTION ISSUING A 3.2 PERCENT MALT LIQUOR LICENSE AND APPROVING ISSUANCE OF AN ON SALE WINE LICENSE TO TOASTY'S SANDWICH SHOP, LLC (TOASTY'S SANDWICH SHOP), 220 WEST SUPERIOR STREET.

adopted

**BY COUNCILOR GARDNER (PERSONNEL)**

17. [15-0598R](#) RESOLUTION APPROVING PROPOSED SPECIFICATIONS FOR THE NEW CIVIL SERVICE CLASSIFICATION OF TECHNICAL SERVICES COORDINATOR, AND SPECIFYING CONTRACT BENEFITS FOR SAME.

Attachments: [Technical Services Coordinator Job Description.pdf](#)

adopted

18. [15-0599R](#) RESOLUTION APPROVING PROPOSED SPECIFICATIONS FOR THE NEW CIVIL SERVICE CLASSIFICATION OF MANAGER, PLANNING & COMMUNITY DEVELOPMENT, AND SPECIFYING CONTRACT BENEFITS FOR SAME.

Attachments: [Manager, Planning & Community Development Job Description.pdf](#)

adopted

19. [15-0637R](#) RESOLUTION CONFIRMING THE APPOINTMENT OF MEGAN HASERODT TO THE DULUTH ECONOMIC DEVELOPMENT AUTHORITY, REPLACING JOHN HEINO.

Attachments: [Application](#)

adopted

## COMMITTEE 2

### BY COUNCILOR RUSS (PLANNING & ECONOMIC DEVELOPMENT)

20. [15-0595R](#) RESOLUTION ACCEPTING A CERTIFIED LOCAL GOVERNMENT GRANT OF \$551 FROM THE MINNESOTA STATE HISTORICAL SOCIETY AND A LOCAL MATCH OF \$521 WORTH OF IN-KIND SERVICES FROM THE HERITAGE PRESERVATION COMMISSION (HPC) FOR HPC MEMBER TO ATTEND THE 2015 ANNUAL STATEWIDE HISTORIC PRESERVATION CONFERENCE

adopted

21. [15-0608R](#) RESOLUTION AUTHORIZING AN AGREEMENT FOR PROFESSIONAL SERVICES WITH BARR ENGINEERING COMPANY RELATED TO THE ENVIRONMENTAL SITE INVESTIGATION OF AND CLEANUP PLANNING FOR THE GARFIELD AND ELM SITE IN AN AMOUNT NOT TO EXCEED \$21,500.

**Attachments:** [Agreement](#)

adopted

22. [15-0626R](#) RESOLUTION APPROVING SETTLEMENT IN THE MATTER OF DULUTH ECONOMIC DEVELOPMENT AUTHORITY V. JOHN E. HOVLAND, ET. AL. AND ACCEPTING AT NO COST TO THE CITY FEE CONVEYANCE OF LAND FROM THOMAS J. BERGUM AND LADONNA E. BERGUM.

**Attachments:** [Exhibit A-Mediated Statement](#)

[Exhibit B-Quit Claim Deed](#)

adopted

### BY COUNCILOR KRUG (INTERGOVERNMENTAL RELATIONS)

24. [15-0621R](#) RESOLUTION OF INTENT TO TRANSFER EASEMENT TO THE STATE OF MINNESOTA FOR PROPERTY ADJOINING RIDGEVIEW ROAD.

**Attachments:** [Attachment - 15-0621R - Exhibit A](#)

[Attachment to 15-0621R - Exhibit B](#)

adopted

### COMMITTEE 3

### BY COUNCILOR JULSRUD (PUBLIC WORKS & UTILITIES)

25. [15-0552R](#) RESOLUTION AWARDDING AN AGREEMENT TO DNV GL NOBLE DENTON, INC., TO CONDUCT A WATER SYSTEM MODEL FOR THE CITY OF DULUTH WATERMAIN DISTRIBUTION SYSTEM FOR AN AMOUNT NOT TO EXCEED \$78,000.

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

[Exhibit B](#)

adopted

26. [15-0556R](#) RESOLUTION AUTHORIZING THE RELEASE OF A FINAL CERTIFICATE OF CONDEMNATION AFFECTING TITLE TO THE CENTRAL HIGH SCHOOL PROPERTY LOCATED ON CENTRAL ENTRANCE CURRENTLY OWNED BY I.S.D. 709.

Attachments: [Attachment to 15-0556R](#)

adopted

27. [15-0597R](#) RESOLUTION AUTHORIZING ACCEPTANCE OF A GRANT IN THE AMOUNT OF \$12,000 FROM THE STATEWIDE EMERGENCY COMMUNICATIONS BOARD (SECB) ON RECOMMENDATION OF THE NORTHEAST RADIO ADVISORY COMMITTEE (NE RAC) FOR THE PURCHASE OF TWELVE ARMER RADIOS FOR CITY OF DULUTH PUBLIC WORKS AND UTILITIES.

Attachments: [2014 SECB Grant Recommendations for NE](#)

adopted

29. [15-0607R](#) RESOLUTION AUTHORIZING AN AGREEMENT BETWEEN THE CITY OF DULUTH AND THE MINNESOTA DEPARTMENT OF TRANSPORTATION FOR LIGHTING MAINTENANCE ON BRIDGE 6313 ON TRUNK HIGHWAY 23 WITHIN THE CORPORATE CITY LIMITS UNDER STATE PROJECT NO. 6910-98.

Attachments: [15-0607 Agreement](#)

[15-0607 Map](#)

adopted

30. [15-0615R](#) RESOLUTION AWARDED A CONTRACT TO LAMETTI & SONS, INC. FOR WOODLAND AVENUE STORM SEWER CIPP LINING IN THE AMOUNT OF \$256,351.

Attachments: [15-0615R Map](#)

adopted

**BY COUNCILOR FOSLE (PUBLIC SAFETY)**



31. [15-0567R](#) RESOLUTION AUTHORIZING ACCEPTANCE OF A GRANT FROM THE MINNESOTA BOARD OF FIREFIGHTER TRAINING AND EDUCATION IN THE AMOUNT OF \$10,538.76 FOR THE PURPOSE OF SUPPORTING FIRE DEPARTMENT PERSONNEL TRAINING AND ESTABLISHING A DEDICATED ACCOUNT FOR THE GRANT.

**Attachments:** [MBFTE Grant Award 8-12-15](#)

adopted

32. [15-0569R](#) RESOLUTION AUTHORIZING ACCEPTANCE OF GRANT FROM MINNESOTA DEPARTMENT OF PUBLIC SAFETY HOMELAND SECURITY AND EMERGENCY MANAGEMENT DIVISION IN THE AMOUNT OF \$20,000 FOR THE PURPOSE OF MAINTAINING LOCAL EMERGENCY MANAGEMENT PROGRAM.

**Attachments:** [Grant A-EMPG-2015-DULUTCI-00022](#)

adopted

#### **BY COUNCILOR SIPRESS (RECREATION, LIBRARIES & AUTHORITIES)**

33. [15-0630R](#) RESOLUTION AUTHORIZING THE CITY TO ENTER INTO A PROFESSIONAL SERVICES AGREEMENT WITH HOISINGTON KOEGLER GROUP, INC., FOR THE DEVELOPMENT OF A ST. LOUIS RIVER ESTUARY NATIONAL WATER TRAIL MASTER PLAN AND NATIONAL PARKS SERVICE APPLICATION FOR AN AMOUNT NOT TO EXCEED \$55,820.

**Attachments:** [Exhibit A-HKGI Consultant-PSA Agreement.pdf](#)  
[EXHIBIT B - St. Louis River Estuary Master Plan + NPS Application Proposal.pdf](#)

adopted

34. [15-0634R](#) RESOLUTION AUTHORIZING SHARED USE PERMIT AGREEMENT WITH PIEDMONT HEIGHTS HOCKEY ASSOCIATION, INC., A MINNESOTA NON-PROFIT CORPORATION, GLEN AVON HOCKEY CLUB, A MINNESOTA NON-PROFIT CORPORATION, AND BENTLEYVILLE TOUR OF LIGHTS, INC., A MINNESOTA NON-PROFIT CORPORATION, FOR THE PRODUCTION, PROMOTION, AND MANAGEMENT OF THE HOCKEY DAY MINNESOTA EVENT TO BE HELD AT BAYFRONT FESTIVAL PARK JANUARY 25, 2016 THROUGH FEBRUARY 6, 2016.

Attachments: [2015-2016 Hockey Day Agreement](#)

adopted

## END OF CONSENT AGENDA

The following entitled resolutions were also considered:

### COMMITTEE 2

#### BY COUNCILOR RUSS (PLANNING & ECONOMIC DEVELOPMENT)

23. [15-0629R](#) RESOLUTION ADOPTING AN AMENDMENT TO THE TAX INCREMENT FINANCING PLAN FOR TAX INCREMENT FINANCING DISTRICT NO. 7 (COUNTY NO. 32).

Attachments: [Attachment to 15-0629R- Map of Development District 17](#)

adopted

### COMMITTEE 3

#### BY COUNCILOR JULSRUD (PUBLIC WORKS & UTILITIES)

28. [15-0606R](#) RESOLUTION AUTHORIZING AMENDMENT #3 TO RESOLUTION 09-0502 AUTHORIZING A CONTRACT WITH SEH, INC. TO PROVIDE PROFESSIONAL ENGINEERING SERVICES FOR THE MUNGER TRAIL EXTENSION, TO INCREASE THE AMOUNT BY \$233,000 FOR A NEW TOTAL OF \$939,000.

Attachments: [15-0606 Attachment 1](#)

[15-0606 Attachment 2](#)

[15-0606 Attachment 3](#)

[15-0606 Map](#)

adopted

**COMMITTEE 1**

**BY COUNCILOR GARDNER (PERSONNEL)**

35. [15-0635R](#) RESOLUTION DESIGNATING A HISTORIC ARTS AND THEATER DISTRICT IN DOWNTOWN DULUTH.

**Sponsors:** Gardner

**Attachments:** [Exhibit A - Map of Proposed Historic Arts and Theater District](#)

**adopted**

**Yea:** 8 - Councilor Filipovich, Councilor Fosle, Councilor Gardner, Councilor Julsrud, Councilor Krug, Councilor Russ, Councilor Sipress and President Larson

**Nay:** 1 - Councilor Hanson

36. [15-0640R](#) RESOLUTION REQUESTING ST. LOUIS COUNTY WORK WITH THE CITY TO PRESERVE THE PONTLIANA WOODS ON MINNESOTA POINT.

**Sponsors:** Gardner

**Attachments:** [Attachment to 15-0640R- Map of Pontliana Woods](#)

**adopted**

**Yea:** 8 - Councilor Filipovich, Councilor Gardner, Councilor Hanson, Councilor Julsrud, Councilor Krug, Councilor Russ, Councilor Sipress and President Larson

**Nay:** 1 - Councilor Fosle

**INTRODUCTION AND CONSIDERATION OF ORDINANCES**

**The following entitled ordinances were read for the first time:**

**COMMITTEE 2**

**BY COUNCILOR KRUG (INTERGOVERNMENTAL RELATIONS)**

37. [15-077-O](#) AN ORDINANCE AUTHORIZING THE GRANTING OF AN EASEMENT TO THE STATE OF MINNESOTA OVER PROPERTY ADJACENT TO RIDGEVIEW ROAD.

**Attachments:** [Attachment - 15-077-O - Exhibit A](#)

**read for the first time**

**COMMITTEE 3**

**BY COUNCILOR JULSRUD (PUBLIC WORKS & UTILITIES)**

- 38. [15-076-O](#) AN ORDINANCE DEDICATING AN EASEMENT FOR STREET AND UTILITY PURPOSES ON CITY-OWNED PROPERTY ADJACENT TO WOODLAND AVENUE.

**Attachments:** [090215-Exhibit for 20th ave-Exh 20th park to slc exh A](#)

read for the first time

- 39. [15-078-O](#) AN ORDINANCE REDEDICATING AN EASEMENT FOR STREET AND UTILITY PURPOSES ON CITY-OWNED PROPERTY ADJACENT TO WOODLAND AVENUE AND GRANT ST. LOUIS COUNTY A TEMPORARY EASEMENT OVER VACATED 20TH AVE. E.

**Attachments:** [Exhibit A-Easement Agreement](#)  
[Exhibit B-City Easement](#)  
[Exhibit C-Temp Easement Agreement](#)

read for the first time

**The following entitled ordinances were read for the second time:**

**COMMITTEE 1**

**BY COUNCILOR FILIPOVICH (FINANCE)**

- 40. [15-072-O](#) AN ORDINANCE AMENDING CHAPTER 34, SECTION 23, OF THE DULUTH CITY CODE, 1959, AS AMENDED, ADDING A NEW SECTION PROHIBITING EXCESSIVE ENGINE DISCHARGE OR BRAKING NOISE.

**Sponsors:** Filipovich

adopted

Enactment No: 10402

**COMMITTEE 2**

**BY COUNCILOR RUSS (PLANNING & ECONOMIC DEVELOPMENT)**

41. [15-073-O](#) AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF DULUTH TO PROVIDE FOR THE RECLASSIFICATION FROM R-1 TO MU-N, PROPERTY AT 2421 LONDON ROAD (MICHAEL TEGETHOFF)

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

**adopted**

**Yea:** 8 - Councilor Filipovich, Councilor Fosle, Councilor Gardner, Councilor Julsrud, Councilor Krug, Councilor Russ, Councilor Sipress and President Larson  
**Nay:** 1 - Councilor Hanson

Enactment No: 10403

42. [15-074-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, R-2 AND F-6 TO P-1, FOR BASKETBALL COURT, CHESTER BOWL, CHESTER PARK, LOWER CHESTER COMMUNITY RECREATION CENTER, ENDION COMMUNITY RECREATION CENTER, HILLSIDE SPORT COURT COMMUNITY RECREATION CENTER, LAKEVIEW PARK, MUNGER PARK, AND PORTLAND SQUARE (CITY OF DULUTH)

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

**adopted**

Enactment No: 10404

### COMMITTEE 3

#### BY COUNCILOR FOSLE (PUBLIC SAFETY)

43. [15-070-O](#) ORDINANCE AMENDING CHAPTER 26 OF THE DULUTH CITY CODE, 1959, AS AMENDED, RELATING TO AERIAL LIFT BRIDGE OPERATIONS, ADDING PROHIBITION ON INTERFERENCE WITH SAFE BRIDGE OPERATIONS.

**adopted**

Enactment No: 10405

44. [15-075-O](#) AN ORDINANCE AMENDING SECTION 10-3 OF THE DULUTH CITY CODE, 1959, AS AMENDED, RELATED TO THE PROCEDURE FOR VACANT BUILDING REGISTRATION.

adopted

Enactment No: 10406

**COUNCILOR QUESTIONS AND COMMENTS**

**COUNCILOR PREVIEW OF UPCOMING BUSINESS**