

# City of Duluth

411 West First Street  
Duluth, Minnesota 55802



## Meeting Agenda - Final-revised

Monday, October 12, 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****PLEDGE OF ALLEGIANCE****PUBLIC HEARING - 7 PM - Proposed Assessment Roll for the Extension of the Watermain on North 85th Avenue West.****PRESENTATION OF PETITIONS AND OTHER COMMUNICATIONS**

1. [15-066](#) Communications regarding the proposed rezoning of the Morgan Park School site (15-079-O).

Attachments: [Dixon R. and Tammera A. Bastie](#)  
[Lucille Kolberg](#)

**REPORTS FROM THE ADMINISTRATION****REPORTS FROM OTHER OFFICERS**

2. [15-064](#) Clerk application for exempt permit to the Minnesota gambling control board from Holy Family Catholic Church on November 8, 2015 (bingo).

Attachments: [Application](#)

**REPORTS OF BOARDS AND COMMISSIONS**

3. [15-068](#) Duluth transit authority minutes of June 25, 2015, meeting and June 2015 financial statement.

Attachments: [Minutes](#)  
[Financial Statement](#)

4. [15-069](#) Library board minutes of August 25, 2015, meeting.

Attachments: [Minutes](#)

5. [15-070](#) Entertainment and convention center authority minutes of April 28, May 26 and June 30, 2015, meetings.

Attachments: [April 28, 2015](#)  
[May 26, 2015](#)  
[June 30, 2015](#)

**REPORTS OF COUNCIL COMMITTEES****REPORTS OF COUNCIL OPEN ISSUES**

**OPPORTUNITY FOR CITIZENS TO BE HEARD****MOTIONS AND RESOLUTIONS****CONSENT AGENDA****COMMITTEE 1****BY COUNCILOR FILIPOVICH (FINANCE)**

6. [15-0693R](#) RESOLUTION CONFIRMING ASSESSMENT ROLL LEVIED TO DEFRAID THE ASSESSABLE PORTION OF THE EXTENSION OF THE WATER MAIN ON NORTH 85TH AVENUE WEST.

Attachments: [Exhibit A](#)

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

7. [15-0694R](#) RESOLUTION AUTHORIZING A CONTRACT WITH BEDROCK FLINT, INC., FOR TUCKPOINTING THE FACILITY MAINTENANCE BUILDING IN THE AMOUNT OF \$102,718.
8. [15-0696R](#) RESOLUTION AUTHORIZING AN AMENDMENT TO AGREEMENT 22491 WITH HOISINGTON KOEGLER GROUP, INC., FOR ADDITIONAL SERVICES FOR A CROSS CITY TRAIL MASTER PLAN, AN INCREASE OF \$14,000, FOR A TOTAL AMOUNT NOT TO EXCEED \$51,800.

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

9. [15-0704R](#) RESOLUTION AUTHORIZING A SINGLE SOURCE PURCHASE FROM NOVASPECT, INC., FOR REGULATOR AND RELIEF PRODUCTS IN THE AMOUNT OF \$40,617.35.
10. [15-0716R](#) RESOLUTION AUTHORIZING A PURCHASE FROM SHI, INC. FOR DESKTOP AND LAPTOP PERSONAL COMPUTER REPLACEMENTS UNDER THE CITY'S FOUR YEAR REPLACEMENT PLAN IN THE TOTAL AMOUNT OF \$255,000.
11. [15-0731R](#) RESOLUTION ISSUING A 3.2 PERCENT MALT LIQUOR LICENSE AND APPROVING ISSUANCE OF AN ON SALE WINE LICENSE TO LARK O' THE LAKE, LLC (LARK O' THE LAKE CAFÉ), 231 EAST SUPERIOR STREET.
12. [15-0732R](#) RESOLUTION APPROVING ISSUANCE OF A TEMPORARY ON SALE INTOXICATING LIQUOR LICENSE TO CHURCHES UNITED IN MINISTRY.

**COMMITTEE 2****BY COUNCILOR RUSS (PLANNING & ECONOMIC DEVELOPMENT)**

13.     [15-0711R](#)     RESOLUTION AUTHORIZING A SUBLEASE AGREEMENT WITH THE STATE OF MINNESOTA, DEPARTMENT OF ADMINISTRATION, ACTING FOR THE BENEFIT OF THE COUNCIL FOR MINNESOTANS OF AFRICAN HERITAGE, FOR SUBLEASE OF SPACE IN THE DULUTH ATHLETIC CLUB BUILDING.

Attachments:     [Exhibit A - Resolution 15-0711](#)

**COMMITTEE 3****BY COUNCILOR JULSRUD (PUBLIC WORKS & UTILITIES)**

14.     [15-0625R](#)     RESOLUTION AWARDED A CONTRACT TO NORTHLAND CONSTRUCTORS OF DULUTH, LLC FOR AIRPORT ROAD SANITARY SEWER RELOCATION BETWEEN RALSTON DRIVE AND VANDENBERG DRIVE IN THE AMOUNT OF \$103,652.50.

Attachments:     [15-0625R Map](#)

15.     [15-0645R](#)     RESOLUTION ACCEPTING THE CONVEYANCE OF A GAS UTILITY EASEMENT FROM PLB MILLER HILL, LLC FOR PUBLIC PURPOSES.

Attachments:     [15-0645R Exhibit 1](#)  
                          [15-0645 Exhibit A](#)

16.     [15-0713R](#)     RESOLUTION AUTHORIZING AN AGREEMENT WITH INFOR, INC. FOR PROFESSIONAL SERVICES PERTAINING TO THE MODIFICATION AND ENHANCEMENT OF THE CITY'S ENTERPRISE ASSET MANAGEMENT SYSTEM FOR AN AMOUNT NOT TO EXCEED \$160,000.

Attachments:     [Exhibit A](#)

**BY COUNCILOR FOSLE (PUBLIC SAFETY)**

17.     [15-0700R](#)     RESOLUTION AUTHORIZING THE ACCEPTANCE OF A GRANT FROM THE MINNESOTA DEPARTMENT OF PUBLIC SAFETY IN THE AMOUNT OF \$281,800 FOR THE 2016 TOWARDS ZERO DEATHS PROJECT.

Attachments:     [Exhibit A](#)

18.     [15-0714R](#)     RESOLUTION AUTHORIZING AN AGREEMENT WITH PUBLIC SAFETY CORPORATION TO ASSIST IN THE ENFORCEMENT OF THE FALSE ALARM ORDINANCE.

Attachments:     [Exhibit A - 15-0714r](#)

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

19.     [15-0715R](#)     RESOLUTION AUTHORIZING AN AMENDMENT TO AGREEMENT 22490 WITH BARR ENGINEERING, FOR ADDITIONAL SERVICES FOR THE SPIRIT MOUNTAIN ENVIRONMENTAL ASSESSMENT WORKSHEET (EAW), AN INCREASE OF \$17,352, FOR A TOTAL AMOUNT NOT TO EXCEED \$49,670.

Attachments:     [EXHIBIT A - BARR C22490.pdf](#)  
                          [EXHIBIT B - BARR PROJECT PROPOSAL INCREASE.pdf](#)

20.     [15-0717R](#)     RESOLUTION OF SUPPORT FOR THE INSTALLATION OF A TRAFFIC SIGNAL FOR THE KENWOOD VILLAGE PROJECT, CITY PROJECT NO. 1468, AT THE INTERSECTION OF KENWOOD AVENUE AND CLEVELAND STREET, AND SIGNAL AND INTERSECTION IMPROVEMENTS TO ARROWHEAD ROAD AND KENWOOD AVENUE.

Sponsors:       Sipress

Attachments:     [15-0717 Map](#)

21.     [15-0725R](#)     RESOLUTION AGREEING TO MAKE IMPROVEMENTS TO THE DEDA PORTION OF THE SLIP 2 DOCK FACE AND TO IMPOSE DECLARATION RESTRICTIONS

22.     [15-0726R](#)     RESOLUTION AUTHORIZING CITY OFFICIALS TO EXECUTE LEASE AND SERVICE AGREEMENT WITH CASSIE HAMLIN AND BRIAN ENGBRETSON FOR RESIDENTIAL DWELLING UNIT LOCATED WITHIN THE WHEELER FIELDHOUSE BUILDING.

Attachments:     [Wheeler Rental Agreement](#)

**END OF CONSENT AGENDA**

The following entitled resolution is also to be considered:

**COMMITTEE 1**

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

23.     [15-0730R](#)     RESOLUTION ISSUING A 3.2 PERCENT MALT LIQUOR LICENSE AND APPROVING ISSUANCE OF AN ON SALE WINE LICENSE TO NORTHERN WATERS SMOKEHAUS, (NORTHERN WATERS), 1608 WOODLAND AVENUE.

## INTRODUCTION AND CONSIDERATION OF ORDINANCES

The following entitled ordinance is to be read for the first time:

### COMMITTEE 3

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

24.     [15-087-O](#)     AN ORDINANCE GRANTING ST. LOUIS COUNTY TEMPORARY EASEMENTS OVER VACATED 20TH AVE. E AND HERITAGE PARK.

Attachments:     [Exhibit A](#)

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

### COMMITTEE 2

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

25.     [15-079-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](#)

26.     [15-080-O](#)     AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF DULUTH TO PROVIDE FOR THE RECLASSIFICATION FROM RR-1 TO MU-C, PROPERTY AT 4258 HAINES ROAD (HAINES ROAD, LLC)

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

27.     [15-081-O](#)     AN ORDINANCE GRANTING A CONCURRENT USE PERMIT FOR A PARKING LOT DRIVE AISLE IN THE RIGHT OF WAY OF ELIZABETH STREET (MARK LAMBERT)

Attachments:     [Attachment 1](#)

28. [15-082-O](#) AN ORDINANCE GRANTING A CONCURRENT USE PERMIT FOR A PARKING RAMP CANOPY IN THE RIGHT OF WAY OF THE 400 BLOCK OF EAST SECOND STREET (ESSENTIA HEALTH)
- Attachments: [Attachment 1](#)
29. [15-083-O](#) AN ORDINANCE AMENDING SECTION 50-37.12 TEMPORARY OR SIDEWALK USE PERMIT, AND 50-37.13 ZONING PERMIT, RELATED TO SIDEWALK CAFES AND ENSURING ADEQUATE PEDESTRIAN ACCESS ON PUBLIC SIDEWALKS
- Attachments: [Attachment 1](#)  
[Attachment 2](#)
30. [15-084-O](#) AN ORDINANCE AMENDING SECTION 50-20.4 INDUSTRIAL USES, 50-20.6 TEMPORARY USES, 50-26.4 FENCES AND WALLS, AND 50-41 DEFINITIONS, TO ALLOW FOR CRAFT MANUFACTURING.
- Attachments: [Attachment A](#)  
[Ordinance Cover Letter](#)  
[Motion to Split Ordinance 15-084 Larson](#)
- The original ordinance was split at the September 28, 2015, council meeting. See 15-086-O below.*
- Ordinance was split into 15-084-O and 15-086-O
31. [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.
- The original ordinance was split at the September 28, 2015, council meeting. See 15-084-O above.*
32. [15-085-O](#) AN ORDINANCE AMENDING SECTIONS 50-19.8 USE TABLE, AND 50-20.3 COMMERCIAL USES, RELATED TO DRIVE-THROUGHS FOR BANKS, RESTAURANTS AND RETAIL STORES, AND PRIMARY USE PARKING LOTS, IN THE MU-N ZONE DISTRICT
- Attachments: [Attachment 1](#)  
[Cover Letter](#)

## COUNCILOR QUESTIONS AND COMMENTS

## COUNCILOR PREVIEW OF UPCOMING BUSINESS