

City of Duluth

411 West First Street
Duluth, Minnesota 55802



Unofficial Actions - Draft

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

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

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).

received

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).

received

REPORTS OF BOARDS AND COMMISSIONS

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

received

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

received

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

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 FILIPOVICH (FINANCE)**

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

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.
 adopted
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.

 adopted
9. [15-0704R](#) RESOLUTION AUTHORIZING A SINGLE SOURCE PURCHASE FROM NOVASPECT, INC., FOR REGULATOR AND RELIEF PRODUCTS IN THE AMOUNT OF \$40,617.35.

 adopted
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.

 adopted

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.

adopted

12. [15-0732R](#) RESOLUTION APPROVING ISSUANCE OF A TEMPORARY ON SALE INTOXICATING LIQUOR LICENSE TO CHURCHES UNITED IN MINISTRY.

adopted

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.

adopted

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.

adopted

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

adopted

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.

adopted

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.

adopted

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

adopted

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.

adopted

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

adopted

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.

adopted

END OF CONSENT AGENDA

The following entitled resolutions were also to be considered:

COMMITTEE 3

BY COUNCILOR SIPRESS (RECREATION, LIBRARIES & AUTHORITIES)

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

adopted

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.

adopted

Yea: 8 - Councilor Filipovich, Councilor Fosle, Councilor Gardner, Councilor Hanson, Councilor Julsrud, Councilor Krug, Councilor Russ and Councilor Sipress

Abstain: 1 - President Larson

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.

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. [15-079-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)

withdrawn

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)

adopted

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

Enactment No: 10410

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)

adopted

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

Abstain: 1 - Councilor Hanson

Enactment No: 10411

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)

adopted

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

Abstain: 1 - Councilor Hanson

Enactment No: 10412

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

adopted

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

Enactment No: 10413

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.

adopted

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

Enactment No: 10414

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.

Tabled 8-1 (Fosle)

tabled

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

adopted

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

Enactment No: 10415

COUNCILOR QUESTIONS AND COMMENTS