

City of Duluth

411 West First Street
Duluth, Minnesota 55802



Meeting Agenda - Final-revised

Monday, August 10, 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****APPROVAL OF MINUTES****PUBLIC HEARINGS - 7:00 P.M. Proposed Amendment to the City Charter Section 4 Pertaining to the Terms of an Appointed City Council or Mayor****7:00 P.M. - Proposed Amendment to City Charter Section 5 Pertaining to the Establishment of a Procedure to Set City Council Salaries****7:00 P.M. - Proposed Amendment to the City Charter Section 4 Pertaining to the Establishment of a Procedure for Deadlocked Selection Votes to Fill a City Council Vacancy.****7:00 P.M. - Proposed Amendment to City Charter Section 1 Pertaining to the Legal Description of the City of Duluth.****7:00 P.M. - Proposed Designation of Certain Streets in the Vicinity of University of Minnesota Duluth as Resident Permit Parking****PRESENTATION OF PETITIONS AND OTHER COMMUNICATIONS**

1. [15-030](#) Rosemarie Mitchell communication regarding the proposed call for an advisory referendum pertaining to the sale of intoxicating liquor in the Lakeside and Lester Park neighborhoods (15-0465R).

Attachments: [Communication](#)

2. [15-028](#) The following communications regarding the appeal of the planning commission decision to grant Green Capital, LLC, a special use permit for a townhome development (15-0518R and 15-0519R): (a) Helena Jackson and Doug Dunham; (b) Gerry Stephens and Tom Hoff; (c) Katie Krikorian; (d) David and Kathleen Anderson; (e) Greg Nisius; (f) Vi Adams; (g) Rhonda Krossner; (h) William Burns, attorney for appellants.

Attachments: [\(a\) Communication](#)
[\(b\) Communication](#)
[\(c\) Communication](#)
[\(d\) Communication](#)
[\(e\) Communication](#)
[\(f\) Communication](#)
[\(g\) Communication](#)
[\(h\) Communication](#)

3. [15-029](#) The following communications regarding the proposed purchase of property from the Westminster Presbyterian Church of West Duluth (15-0513R): (a) Marina Udd; (b) Harry Welty.
- Attachments:** [\(a\) Communication](#)
[\(b\) Communication](#)
4. [15-031](#) The following communications regarding the proposed grant to Spirit Mountain recreation area authority (15-0525R): (a) Allan Beaulier; (b) Richard Paulson; (c) Yvonne Prettner Solon.
- Attachments:** [\(a\) Communication](#)
[\(b\) Communication](#)
[\(c\) Communication](#)
5. [15-033](#) The following communications regarding the proposed City Code regulation pertaining to outdoor broadcasting of music during certain hours (15-068-O): (a) Cheryl Asperheim; (b) Marsha Erickson.
- Attachments:** [\(a\) Communication](#)
[\(b\) Communication](#)

REPORTS FROM OTHER OFFICERS

6. [15-026](#) Clerk application for exempt permit to the Minnesota gambling control board from St. Luke's Volunteer Service Guild on November 6, 2015 (raffle).
- Attachments:** [Application_StLukesVolunteerServiceGuild](#)

REPORTS OF BOARDS AND COMMISSIONS

7. [15-027](#) Civil service board minutes of June 2, 2015, meeting.
- Attachments:** [CivilServiceBoardMinutes](#)

CONSENT AGENDA

8. [15-032](#) Duluth economic development authority minutes of June 24, 2015, meeting.
- Attachments:** [Minutes](#)

REPORTS OF COUNCIL COMMITTEES

REPORTS OF COUNCIL OPEN ISSUES

OPPORTUNITY FOR CITIZENS TO BE HEARD

MOTIONS AND RESOLUTIONS**COMMITTEE 1****BY COUNCILOR HANSON (PURCHASING & LICENSING)**

9. [15-0489R](#) RESOLUTION APPROVING RENEWAL AND ISSUANCE OF ON SALE INTOXICATING LIQUOR, ON SALE THEATER LICENSES, ON SALE SUNDAY INTOXICATING LIQUOR, ADDITIONAL BAR, ON SALE DANCING, 2:00 A.M. BEVERAGE LICENSE AND LATE HOUR ENTERTAINMENT LICENSES FOR THE PERIOD BEGINNING SEPTEMBER 1, 2015, AND ENDING AUGUST 31, 2016.
- Attachments:* [Attachment A - On sale.pdf](#)
10. [15-0490R](#) RESOLUTION APPROVING THE ISSUANCE OF ON SALE WINE LIQUOR RENEWAL LICENSES FOR THE PERIOD BEGINNING SEPTEMBER 1, 2015, AND ENDING AUGUST 31, 2016.
- Attachments:* [Attachment A - Wine.pdf](#)
11. [15-0491R](#) RESOLUTION APPROVING THE ISSUANCE OF ON SALE CLUB LIQUOR RENEWAL LICENSES FOR THE PERIOD BEGINNING SEPTEMBER 1, 2015, AND ENDING AUGUST 31, 2016.
- Attachments:* [Attachment A - Club.pdf](#)
12. [15-0492R](#) RESOLUTION APPROVING THE ISSUANCE OF OFF SALE INTOXICATING LIQUOR RENEWAL LICENSES FOR THE PERIOD BEGINNING SEPTEMBER 1, 2015, AND ENDING AUGUST 31, 2016.
- Attachments:* [Attachment A - Off Sale.pdf](#)
13. [15-0493R](#) RESOLUTION APPROVING THE ISSUANCE OF ON AND OFF SALE BREWERY MALT LIQUOR RENEWAL LICENSES FOR THE PERIOD BEGINNING SEPTEMBER 1, 2015, AND ENDING AUGUST 31, 2016.
- Attachments:* [Attachment A - Brewery.pdf](#)
14. [15-0494R](#) RESOLUTION APPROVING THE ISSUANCE OF ON AND OFF SALE MICRODISTILLERY RENEWAL LICENSES FOR THE PERIOD BEGINNING SEPTEMBER 1, 2015, AND ENDING AUGUST 31, 2016.
- Attachments:* [Attachment A - Distillery.pdf](#)
15. [15-0495R](#) RESOLUTION APPROVING ISSUANCE OF TEMPORARY ON SALE INTOXICATING LIQUOR LICENSE TO DULUTH SUPERIOR GLBTAQI PRIDE (DULUTH SUPERIOR PRIDE FESTIVAL), BAYFRONT PARK.
16. [15-0517R](#) RESOLUTION APPROVING THE EXEMPTION OF A RAFFLE LICENSE AND WAIVING THE 60 DAY WAITING PERIOD FOR THE ALS ASSOCIATION.

17. [15-0521R](#) RESOLUTION AUTHORIZING THE PURCHASE OF AN ADDITIONAL 6,270 TONS OF HOT MIX FROM NORTHLAND CONSTRUCTORS IN THE AMOUNT OF \$291,555.
- Attachments:* [Exhibit A](#)
18. [15-0522R](#) RESOLUTION APPROVING THE TRANSFER OF THE ON SALE INTOXICATING LIQUOR LICENSE AND ON SALE SUNDAY LICENSE FROM LAKE AIRE SERVICE COMPANY DULUTH, (EDGEWATER RESORT & WATERPARK), 2330 & 2440 LONDON ROAD TO ZENITH ASSET COMPANY, LLC (EDGEWATER RESORT & WATERPARK), SAME ADDRESS.
19. [15-0523R](#) RESOLUTION APPROVING THE TRANSFER OF THE ON SALE INTOXICATING LIQUOR LICENSE AND ON SALE SUNDAY LICENSE FROM ZENITH DULUTH, INC (INN ON LAKE SUPERIOR), 350 CANAL PARK DRIVE TO ZENITH ASSET COMPANY, LLC (INN ON LAKE SUPERIOR), SAME ADDRESS.

BY COUNCILOR GARDNER (PERSONNEL)

20. [15-0441R](#) RESOLUTION APPROVING PROPOSED SPECIFICATIONS FOR THE NEW CIVIL SERVICE CLASSIFICATION OF MEASUREMENT SERVICES SPECIALIST, AND SPECIFYING CONTRACT BENEFITS FOR SAME.
- Attachments:* [Measurement Services Specialist Job Description](#)
21. [15-0442R](#) RESOLUTION APPROVING PROPOSED AMENDMENTS TO THE SPECIFICATIONS FOR THE EXISTING CIVIL SERVICE CLASSIFICATION OF APPLIANCE MECHANIC APPRENTICE, INCLUDING A TITLE CHANGE TO UTILITY SERVICES SPECIALIST APPRENTICE, AND SPECIFYING CONTRACT BENEFITS FOR SAME.
- Attachments:* [Utility Services Specialist Apprentice Job Description](#)
[Appliance Mechanic Apprentice Job Description redline](#)
22. [15-0443R](#) RESOLUTION APPROVING PROPOSED AMENDMENTS TO THE SPECIFICATIONS FOR THE EXISTING CIVIL SERVICE CLASSIFICATION OF APPLIANCE MECHANIC JOURNEYPERSON, INCLUDING A TITLE CHANGE TO UTILITY SERVICES SPECIALIST JOURNEYPERSON, AND SPECIFYING CONTRACT BENEFITS FOR SAME.
- Attachments:* [Utility Services Specialist Journeyperson Job Description](#)
[Appliance Mechanic Journeyperson Job Description Redline.pdf](#)

COMMITTEE 2

BY PRESIDENT LARSON (COMMITTEE OF THE WHOLE)

23. [15-0488R](#) RESOLUTION APPOINTING ELECTION JUDGES FOR THE SEPTEMBER 15, 2015, MUNICIPAL AND SCHOOL BOARD PRIMARY ELECTION, AND THE NOVEMBER 3, 2015, MUNICIPAL AND SCHOOL BOARD GENERAL ELECTION.

Attachments: [Attachment A.pdf](#)

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

24. [15-0460R](#) RESOLUTION AUTHORIZING AN AGREEMENT WITH ST. LOUIS COUNTY FOR CONSTRUCTION OF NATURAL GAS, STORM SEWER, SANITARY SEWER, WATER SYSTEM IMPROVMENTS AND TREE PLANTING ASSOCIATED WITH THE RECONSTRUCTION OF CSAH 9 (FOURTH STREET) FROM SIXTH AVENUE EAST TO WALLACE AVENUE.

Attachments: [15-0460R Exhibit A](#)
[15-0460R Exhibit B](#)
[15-0460R Map](#)
[15-0460R Agreement](#)

25. [15-0461R](#) RESOLUTION AUTHORIZING AN AGREEMENT WITH ST. LOUIS COUNTY FOR TRAFFIC SIGNAL MODIFICATIONS, ROADWAY LIGHTING AND TRAFFIC CONTROL INTERCONNECTION IMPROVEMENTS TO CSAH 9 (EAST FOURTH STREET) BETWEEN SIXTH AVENUE EAST AND WALLACE AVENUE.

Attachments: [15-0461R Map](#)
[15-0461 Agreement](#)

26. [15-0509R](#) RESOLUTION AWARDED A CONTRACT TO UTILITY SYSTEMS OF AMERICA, INC. FOR HAWTHORNE ROAD STORM SEWER IMPROVEMENTS AND STREET REPAIRS IN THE AMOUNT OF \$258,243.30.

Attachments: [15-0509R Map](#)

27. [15-0514R](#) RESOLUTION AWARDED A CONTRACT TO HANCO UTILITIES, INC. FOR THE 12" GAS MAIN REPLACEMENT AT KNOWLTON CREEK AND GRAND AVENUE IN THE AMOUNT OF \$74,621.

Attachments: [15-0514R Map](#)

28. [15-0515R](#) RESOLUTION AWARDING A CONTRACT TO UTILITY SYSTEMS OF AMERICA, INC. FOR WATER MAIN REPLACEMENT UNDER TISCHER CREEK AT FAIRMONT STREET IN THE AMOUNT OF \$90,150.

Attachments: [15-0515 Map](#)

BY COUNCILOR FOSLE (PUBLIC SAFETY)

29. [15-0470R](#) RESOLUTION AMENDING RESOLUTION 89-0885 AND DESIGNATING PORTIONS OF LYONS STREET, EAST NIAGARA STREET AND MISSOURI AVENUE IN THE VICINITY OF THE UNIVERSITY OF MINNESOTA DULUTH AS RESIDENT PERMIT PARKING.

Attachments: [Attachment for 15-0470R](#)

30. [15-0497R](#) RESOLUTION AUTHORIZING CONSUMPTION OF ALCOHOLIC BEVERAGES IN PUBLIC PLACES ON MICHIGAN STREET ON SEPTEMBER 3, 2015, IN CONJUNCTION WITH THE DULUTH SUPERIOR GLBT PRIDE FESTIVAL AND SUBJECT TO CERTAIN CONDITIONS.

31. [15-0520R](#) RESOLUTION AUTHORIZING ACCEPTANCE OF A GRANT IN THE AMOUNT OF \$4,000 FROM THE NORTHEAST MINNESOTA REGIONAL RADIO BOARD FOR THE PURCHASE OF A DUAL BAND RADIO CONSOLE FOR CITY OF DULUTH EMERGENCY OPERATION CENTER.

Attachments: [2015 01-21 Duluth PD APX 7500 W MCD Consolette quote](#)
[NERRB-00003 SHSP grant 2014](#)
[RRB Minutes 02 26 2015](#)

BY COUNCILOR SIPRESS (RECREATION, LIBRARIES & AUTHORITIES)

32. [15-0487R](#) RESOLUTION AWARDING A CONTRACT TO BIG BELLY SOLAR, INC., FOR THE PURCHASE AND DELIVERY OF TWELVE (12) TWO-UNIT SOLAR POWERED TRASH/RECYCLING KIOSKS AND TWENTY (20) BOXES OF LINERS IN THE AMOUNT OF \$73,065.

33. [15-0501R](#) RESOLUTION AUTHORIZING LICENSE AGREEMENT WITH MNDNR FOR CONSTRUCTION WORK IN CHAMBERS GROVE.

Attachments: [Chambers Grove DNR Agreement 7-30-2015.pdf](#)

34. [15-0507R](#) RESOLUTION AUTHORIZING AN AGREEMENT WITH TKDA FOR PROFESSIONAL SERVICES FOR THE WESTERN WATERFRONT TRAIL CORRIDOR RESTORATION PROJECT FOR A TOTAL AMOUNT NOT TO EXCEED \$70,000.

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

END OF CONSENT AGENDA

The following entitled resolutions were also considered:

COMMITTEE 2

BY COUNCILOR RUSS (PLANNING & ECONOMIC DEVELOPMENT)

35. [15-0506R](#) RESOLUTION AUTHORIZING PROPER CITY OFFICIALS TO ACCEPT MONEY FROM THE GREATER DOWNTOWN COUNCIL FOR THE MICHIGAN STREET BIKEWAY FEASIBILITY ANALYSIS IN THE AMOUNT OF \$10,000
36. [15-0511R](#) RESOLUTION AFFIRMING THE PLANNING COMMISSION DECISION REGARDING A LAND USE SUPERVISOR INTERPRETATION OF SECTION 50-15.6.E.2 AS IT APPLIES TO A POTENTIAL EXPANSION OF EXISTING HOTEL AT 1003 MINNESOTA AVENUE (TERRY ANDERSON)

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

37. [15-0512R](#) RESOLUTION REVERSING THE PLANNING COMMISSION DECISION REGARDING A LAND USE SUPERVISOR INTERPRETATION OF SECTION 50-15.6.E.2 AS IT APPLIES TO A POTENTIAL EXPANSION OF EXISTING HOTEL AT 1003 MINNESOTA AVENUE (TERRY ANDERSON)

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

38. [15-0513R](#) RESOLUTION RATIFYING THE PURCHASE OF FLOOD DAMAGED PROPERTY FROM THE WESTMINSTER PRESBYTERIAN CHURCH OF WEST DULUTH FOR \$30,000.

Attachments: [Exhibit A](#)

39. [15-0518R](#) RESOLUTION AFFIRMING THE PLANNING COMMISSION'S DECISION TO GRANT GREEN CAPITAL, LLC, A SPECIAL USE PERMIT FOR AN EIGHT UNIT TOWNHOME DEVELOPMENT AT THE SOUTHEAST CORNER OF MISSISSIPPI AVENUE AND LYONS STREET

40. [15-0519R](#) RESOLUTION REVERSING THE PLANNING COMMISSION'S DECISION TO GRANT GREEN CAPITAL, LLC, A SPECIAL USE PERMIT FOR AN EIGHT UNIT TOWNHOME DEVELOPMENT AT THE SOUTHEAST CORNER OF MISSISSIPPI AVENUE AND LYONS STREET

Attachments: [Attachment A](#)
[Attachment B](#)
[Attachment C](#)

BY COUNCILOR KRUG (INTERGOVERNMENTAL RELATIONS)

41. [15-0516R](#) RESOLUTION FIXING THE BALLOT QUESTION TO BE SUBMITTED TO THE ELECTORATE AS TO RANKED CHOICE VOTING.

Attachments: [FILIPOVICH AMENDMENT \(REPLACEMENT 2\)](#)
[SIPRESS AMENDMENT](#)

COMMITTEE 3

BY COUNCILOR JULSRUD (PUBLIC WORKS & UTILITIES)

42. [15-0465R](#) RESOLUTION CALLING FOR AN ADVISORY REFERENDUM PERTAINING TO THE SALE OF INTOXICATING LIQUOR IN THE LAKESIDE AND LESTER PARK NEIGHBORHOODS OF DULUTH.

Sponsors: Julsrud

BY COUNCILOR SIPRESS (RECREATION, LIBRARIES & AUTHORITIES)

43. [15-0525R](#) RESOLUTION AUTHORIZING GRANT TO SPIRIT MOUNTAIN RECREATION AREA AUTHORITY FOR OPERATIONS.

INTRODUCTION AND CONSIDERATION OF ORDINANCES

The following entitled ordinances were read for the first time:

COMMITTEE 3

BY COUNCILOR JULSRUD (PUBLIC WORKS & UTILITIES)

44. [15-054-O](#) AN ORDINANCE PROSCRIBING ILLICIT DISCHARGES TO THE CITY STORM SEWER SYSTEM, ADDING CHAPTER 43A TO THE DULUTH CITY CODE, 1959, AS AMENDED.
45. [15-068-O](#) AN ORDINANCE AMENDING THE DULUTH CITY CODE, 1959, AS AMENDED, AMENDING CHAPTER 25 ADDING A NEW SECTION 12 REGARDING OUTDOOR BROADCASTING OF MUSIC DURING CERTAIN HOURS.

Sponsors: Julsrud

The following entitled ordinances were read for the second time:

COMMITTEE 1

BY COUNCILOR FILIPOVICH (FINANCE)

46. [15-063-O](#) AN ORDINANCE AUTHORIZING THE ISSUANCE, SALE AND DELIVERY OF TAXABLE GENERAL OBLIGATION STEAM UTILITY REVENUE BONDS OF THE CITY OF DULUTH IN AN AMOUNT NOT TO EXCEED \$4,150,000 UPON TERMS AND CONDITIONS TO BE PROVIDED BY RESOLUTION OF THE CITY COUNCIL AND PLEDGING REVENUES FOR THE PAYMENT THEREOF.

Legislative History

7/27/15 City Council read for the first time

BY COUNCILOR GARDNER (PERSONNEL)

47. [15-060-O](#) AN ORDINANCE AMENDING CHAPTER II, SECTION 4, OF THE CITY CHARTER TO ALLOW AN ELIGIBLE PERSON TO FILL A VACANCY UNTIL THE FIRST MONDAY IN JANUARY AFTER THE NEXT MUNICIPAL ELECTION.

Sponsors: Gardner

Legislative History

7/27/15 City Council read for the first time

48. [15-061-O](#) AN ORDINANCE AMENDING CHAPTER II, SECTION 5, OF THE CITY CHARTER TO ESTABLISH A PROCEDURE TO SET THE FEE PAID TO CITY COUNCIL MEMBERS FOR SERVING AS MEMBERS OF THE CITY COUNCIL.

Sponsors: Gardner

Legislative History

7/27/15 City Council read for the first time

49. [15-062-O](#) AN ORDINANCE AMENDING CHAPTER II, SECTION 4, OF THE CITY CHARTER TO ALLOW THE CITY COUNCIL TO CHOOSE AN ELIGIBLE PERSON BY COIN TOSS TO FILL A VACANCY IF THE COUNCIL IS DEADLOCKED.

Sponsors:

Gardner

Legislative History

7/27/15

City Council

read for the first time

COMMITTEE 2

BY PRESIDENT LARSON (COMMITTEE OF THE WHOLE)

50. [15-064-O](#) AN ORDINANCE AMENDING CHAPTER I, SECTION 1, OF THE CITY CHARTER AMENDING THE LEGAL DESCRIPTION FOR THE CITY OF DULUTH.

Legislative History

7/27/15

City Council

read for the first time

COUNCILOR QUESTIONS AND COMMENTS

COUNCILOR PREVIEW OF UPCOMING BUSINESS