



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 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]*

Monday, April 11, 2016

7:00 PM

Council Chamber

ROLL CALL

PUBLIC HEARINGS

7:00 - City's Street Preservation Projects for 2015 & Rescinding 16-0145R
7:00 - Sidewalk Repairs at Eight City Locations

PLEDGE OF ALLEGIANCE

REPORTS FROM THE ADMINISTRATION

1. [16-044](#) 2016 General Fund Budget

Attachments: [General Fund Budget Adjustments 2015 Final](#)
[General Fund Reconciled Budget Memo](#)

REPORTS FROM OTHER OFFICERS

2. [16-046](#) Clerk Applications for Exempt Permit

Attachments: [CHUM Exempt Permit](#)
[GND Development Alliance Exempt Permit](#)
[Lincoln Park Business Group Exempt Permit](#)
[South St Louis County Sportsman Exempt Permit #2](#)
[South St Louis County Sportsman Exempt Permit](#)

REPORTS OF BOARDS AND COMMISSIONS

3. [16-041](#) Duluth Transit Authority - Board of Directors Meeting Minutes

Attachments: [BOD Minutes \(1-27-16\)](#)
[DTA Financial Statement](#)

4. [16-042](#) Civil Service Board Meeting Minutes

Attachments: [Civil Service Board Feb 2016 Minutes Approved](#)

5. [16-043](#) Duluth Seaway Port Authority Meeting Minutes

Attachments: [DSPA December 2015 Minutes](#)
[DSPA January 2016 Minutes](#)
[DSPA October 2015 Minutes](#)
[Duluth Seaway Port Authority Budget](#)

6. [16-045](#) Library Board Meeting Minutes

Attachments: [Minutes Library Board APPROVED 2016 01 24](#)
[Minutes Library Board APPROVED 2016 02 23](#)

REPORTS OF COUNCIL COMMITTEES**REPORTS OF COUNCIL OPEN ISSUES****OPPORTUNITY FOR CITIZENS TO BE HEARD****MOTIONS AND RESOLUTIONS****CONSENT AGENDA****BY COUNCILOR HANSEN (FINANCE)**

7. [16-0217R](#) RESOLUTION CONFIRMING ASSESSMENT ROLL LEVIED TO DEFRAID THE ASSESSABLE PORTION OF THE CITY'S STREET PRESERVATION PROJECTS FOR 2015, AND RESCINDING RESOLUTION 16-0145R.

Sponsors: Finance

Attachments: [Exhibit A](#)

8. [16-0218R](#) RESOLUTION AMENDING RESOLUTION NO. 14-0103R CONFIRMING ASSESSMENT ROLL FOR SKYLINE PARKWAY TO DELETE ONE PROPERTY AND REDUCING THE AMOUNT ASSESSED.

Attachments: [Exhibit A](#)

9. [16-0223R](#) RESOLUTION CONFIRMING ASSESSMENT ROLL LEVIED FOR SIDEWALK REPAIRS AT EIGHT CITY LOCATIONS IN 2015.

Attachments: [Exhibit A](#)

BY COUNCILOR HOBBS (PURCHASING & LICENSING)

10. [16-0202R](#) RESOLUTION AUTHORIZING A PURCHASE FROM NORTHLAND CONSTRUCTORS OF DULUTH, LLC, FOR 24,000 TONS OF HOT MIX BLACK TOP IN THE AMOUNT OF \$1,092,000.

Attachments: [Exhibit A](#)

11. [16-0233R](#) RESOLUTION AUTHORIZING A CONTRACT WITH KASKI INC FOR MOUNT ROYAL LIBRARY EXPANSION IN THE AMOUNT OF \$106,853.

12. [16-0235R](#) RESOLUTION IN THE MATTER OF THE ON SALE INTOXICATING LIQUOR LICENSE OF HOSPITALITY ASSOCIATES OF DULUTH, LLC (ACES ON FIRST) 113 WEST FIRST STREET

Attachments: [16-0235r hospitality assoc-Attachment A](#)

13. [16-0236R](#) RESOLUTION IN THE MATTER OF THE ON SALE INTOXICATING LIQUOR LICENSE OF DUKES PARTNERS, LLC (Spurs on First) 109 WEST FIRST STREET

Attachments: [16-0236R DUKES-Attachment A](#)

14. [16-0239R](#) RESOLUTION ISSUING A TEMPORARY ON SALE INTOXICATING LIQUOR LICENSE AND TEMPORARY ON SALE DANCING LICENSE FOR GRANDMA'S MARATHON-DULUTH, INC. CANAL PARK DRIVE AND BUCHANAN STREET.

Attachments: [Grandmas Marathon 2016](#)

15. [16-0241R](#) RESOLUTION APPROVING THE TEMPORARY EXPANSION OF THE ON SALE INTOXICATING LIQUOR LICENSE TO VARIOUS LICENSEES.

Attachments: [Attachment A - Bent Paddle](#)
[Attachment B - LAKE AVE RESTAURANT AND BAR](#)

16. [16-0242R](#) RESOLUTION APPROVING THE TRANSFER OF STOCK OF THE OFF SALE INTOXICATING LIQUOR LICENSE OF MALLOW ENTERPRISES INC. (BIG BOTTLE SHOP), 2401 W. SUPERIOR STREET.
- Attachments: [Attachment A - Big Bottle Shop](#)
[Attachment B - Big Bottle Shop](#)
17. [16-0244R](#) RESOLUTION APPROVING ISSUANCE OF A TEMPORARY ON-SALE INTOXICATING LIQUOR LICENSE FOR DULUTH SUPERIOR GLBTAQI PRIDE INC. (SPRING GAYLA), MINNESOTA BALLET SPACE, 301 WEST FIRST STREET, SUITE #800.
- Attachments: [Attachment A - GLBTQAI PRIDE INC. SPRING GAYLA](#)
18. [16-0250R](#) RESOLUTION APPROVING THE TRANSFER OF THE ON SALE WINE LIQUOR LICENSE OF WILLIAM AND JOSHUA KALLIGHER TO GANNUCCI'S ITALIAN MARKET AND RESTAURANT, LLC. , 301 CENTRAL AVENUE
- Attachments: [Attachment A - Gannucci's](#)
19. [16-0253R](#) RESOLUTION AUTHORIZING A CONTRACT WITH DULUTH READY MIX, INC., FOR THE PURCHASE OF 10,500 TONS OF WASHED SAND IN YEAR 2016, FOR AN ESTIMATED TOTAL OF \$105,000.
20. [16-0271R](#) RESOLUTION AUTHORIZING AN AGREEMENT WITH VISUAL COMMUNICATIONS FOR ST. LOUIS RIVER CORRIDOR GATE, WAYFINDING, AND SIGNAGE PLANNING AND DESIGN FOR A TOTAL NOT TO EXCEED \$117,800.
- Attachments: [Exhibit A](#)
[Exhibit B](#)
[Exhibit C](#)
21. [16-0279R](#) RESOLUTION APPROVING THE EXEMPTION OF A RAFFLE PERMIT AND WAIVING THE 60 DAY WAITING PERIOD FOR NORTHERN LIGHTS FOUNDATION
- Attachments: [Northern Lights Foundation](#)
22. [16-0284R](#) RESOLUTION REQUESTING THE CITY ADMINISTRATION TO REVIEW THE VACATION DWELLING AND ACCESSORY HOME SHARE PERMIT PROGRAM IN TWO YEARS AND PROVIDE A REPORT TO THE CITY COUNCIL.
- Sponsors: Hobbs

BY COUNCILOR ANDERSON (PERSONNEL)

23. [16-0259R](#) RESOLUTION CONFIRMING THE REAPPOINTMENTS OF MEMBERS TO CITY BOARDS AND COMMISSIONS BY MAYOR LARSON.

Attachments: [2016appointeelistfinal3](#)

24. [16-0285R](#) RESOLUTION CONFIRMING THE APPOINTMENT OF COUNCILOR BARB RUSS TO THE DULUTH ECONOMIC DEVELOPMENT AUTHORITY.

BY COUNCILOR RUSS (PLANNING & ECONOMIC DEVELOPMENT)

25. [16-0273R](#) RESOLUTION AUTHORIZING AN AMENDMENT TO THE AGREEMENT WITH THE DULUTH ECONOMIC DEVELOPMENT AUTHORITY FOR DEMOLITION SERVICES IN CERTAIN WESTERN NEIGHBORHOODS.

Attachments: [Exhibit A - 16-0273R](#)

BY COUNCILOR WESTERLUND (PUBLIC WORKS & UTILITIES)

26. [16-0230R](#) RESOLUTION AUTHORIZING AMENDMENT NO. 1 TO MNDOT AGREEMENT NO. 4716 TO INCREASE THE AMOUNT OF FEDERAL FUNDS BY \$74,777.65 FOR A NEW TOTAL OF \$305,417.65.

Attachments: [16-0230R Map](#)

27. [16-0234R](#) RESOLUTION AWARDED A CONTRACT TO EBI DRILLING, INC. FOR CONSTRUCTION OF THE 2016 HIGH PRESSURE GAS MAINS AND SERVICES AT VARIOUS LOCATIONS IN THE AMOUNT OF \$875,175.

28. [16-0237R](#) RESOLUTION ORDERING THE IMPROVEMENT OF THE 2016 STREET PRESERVATION PROJECTS AT AN ESTIMATED COST OF \$443,501.11

Attachments: [16-0237R Aerial Photo](#)
[16-0237R Map](#)
[16-0237R Public Hearing Minutes](#)
[Lori Prudhomme Letter](#)
[16-0237R Memo to Council](#)
[16-0237R Properties](#)

29. [16-0252R](#) RESOLUTION AUTHORIZING AN AGREEMENT BETWEEN THE CITY OF DULUTH AND THE MINNESOTA DEPARTMENT OF TRANSPORTATION FOR SIGNALS AND EVP SYSTEMS (S.A.P. 118-101-006), UTILITIES, AND CONSTRUCTION TO BE PERFORMED UPON, ALONG AND ADJACENT TO TRUNK HIGHWAY 23 FROM BECKS ROAD (CSAH 3) TO 83RD AVENUE WEST WITHIN THE CORPORATE CITY LIMITS UNDER STATE PROJECT 6910-96 AT AN ESTIMATED COST OF \$468,007.13.

Attachments: [16-0252R Agreement](#)
[16-0252R Map](#)

30. [16-0254R](#) RESOLUTION AMENDING CONTRACT NO. C21121 WITH MSA PROFESSIONAL SERVICES, INC. FOR ENGINEERING SERVICES FOR DESIGN AND CONSTRUCTION OF FIVE SANITARY SEWER LIFT STATIONS IN THE ESTIMATED AMOUNT OF \$29,500 FOR A NEW TOTAL OF \$556,788.

Attachments: [16-0254R Amendment](#)

31. [16-0258R](#) RESOLUTION AMENDING AGREEMENT NO. 22798 WITH ST. LOUIS COUNTY FOR THE ARROWHEAD ROAD/KENWOOD AVENUE AND WEST CLEVELAND STREET IMPROVEMENTS IN THE ESTIMATED AMOUNT OF \$60,000 FOR A NEW TOTAL OF \$135,000.

Attachments: [16-0258R Map](#)
[16-0258R Amendment Letter](#)

BY COUNCILOR FOSLE (PUBLIC SAFETY)

32. [16-0220R](#) RESOLUTION AUTHORIZING PROPER CITY OFFICIALS TO ACCEPT A GRANT FROM THE STATE OF MINNESOTA IN THE AMOUNT OF \$4,611.20 AND FURTHER AUTHORIZING EXECUTION OF A GRANT AGREEMENT WITH THE STATE OF MINNESOTA.

Attachments: [Grant Agreement A-HMEP-2015-DULUTHFD-012](#)

33. [16-0263R](#) RESOLUTION AUTHORIZING PROPER CITY OFFICIALS TO EXECUTE AN AGREEMENT WITH INDEPENDENT SCHOOL DISTRICT NO. 709 TO PROVIDE FOR LAW ENFORCEMENT OFFICERS IN THE PUBLIC SCHOOLS.

Attachments: [Attachment 1 - School Resource Officer Program Agreement \(16-0263R\)](#)

BY COUNCILOR SIPRESS (RECREATION, LIBRARIES & AUTHORITIES)

34. [16-0204R](#) RESOLUTION AUTHORIZING THREE YEAR USE AND OPERATIONS AGREEMENT WITH ARROWHEAD YOUTH SOCCER ASSOCIATION OF NORTHEASTERN MINNESOTA FOR THE CITY'S JEAN DULUTH AND ARLINGTON SOCCER FIELDS.

Attachments: [Exhibit A](#)

35. [16-0246R](#) RESOLUTION AUTHORIZING THREE YEAR LEASE AGREEMENT WITH ARROWHEAD ECONOMIC OPPORTUNITY AGENCY FOR USE OF SPACE IN THE CENTRAL HILLSIDE CENTER.

Attachments: [Exhibit A](#)

36. [16-0247R](#) RESOLUTION AUTHORIZING A GRANT AND BRIDGE FUNDING AGREEMENT BETWEEN THE CITY OF DULUTH AND THE ARROWHEAD ZOOLOGICAL SOCIETY, INC.

Attachments: [Exhibit 1](#)

37. [16-0255R](#) RESOLUTION AUTHORIZING ONE YEAR LEASE AGREEMENT WITH FUN TIME, LLC FOR USE OF THE GEORGE HINDMAND PILOT HOUSE IN CANAL PARK.

Attachments: [Exhibit 1](#)

38. [16-0266R](#) RESOLUTION ACCEPTING REIMBURSEMENT MONEY IN THE AMOUNT OF \$42,002 FROM THE ARROWHEAD LIBRARY SYSTEM FOR THE PURCHASE OF LIBRARY MATERIALS.

39. [16-0267R](#) RESOLUTION AUTHORIZING DONATION OF FOUNTAIN OF THE WIND CONCEPT MODEL TO ITS CREATOR ARTIST DOUGLAS FREEMAN.

END OF CONSENT AGENDA

The following entitled resolutions are also to be considered:

BY COUNCILOR HOBBS (PURCHASING & LICENSING)

40. [16-0056R](#) RESOLUTION AUTHORIZING THE PURCHASE OF TWO FIRE PUMPER TRUCKS FROM CUSTOM FIRE APPARATUS, INC., FOR A TOTAL AMOUNT OF \$1,070,045.

Attachments: [Exhibit A](#)

41. [16-0286R](#) RESOLUTION REQUESTING THAT THE ST. LOUIS COUNTY BOARD OF COMMISSIONERS HOLD AN ADDITIONAL PUBLIC HEARING IN THE CITY OF DULUTH ON ALLOWING ALL-TERRAIN VEHICLES ON PUBLIC RIGHT-OF-WAYS OF ROADS UNDER COUNTY JURISDICTION.

Sponsors: Hobbs

BY COUNCILOR ANDERSON (PERSONNEL)

42. [16-0222R](#) RESOLUTION APPROVING PROPOSED SPECIFICATIONS FOR THE NEW CIVIL SERVICE CLASSIFICATION OF WORKFORCE DEVELOPMENT OPERATIONS ADMINISTRATOR, AND SPECIFYING CONTRACT BENEFITS FOR SAME.

Attachments: [Workforce Development Operations Administrator](#)

43. [16-0257R](#) RESOLUTION APPROVING PROPOSED SPECIFICATIONS FOR THE NEW CIVIL SERVICE CLASSIFICATION OF PARKS PERMIT COORDINATOR, AND SPECIFYING CONTRACT BENEFITS FOR SAME.

Attachments: [Parks Permit Coordinator](#)

44. [16-0268R](#) RESOLUTION APPROVING 2016-2017 EMPLOYMENT CONTRACT WITH THE APPOINTED CITY CHIEF ADMINISTRATIVE OFFICER PURSUANT TO CHAPTER IV, SECTION 19 OF THE DULUTH HOME RULE CHARTER.

Attachments: [Exhibit A \(16-0268R\)](#)

45. [16-0270R](#) RESOLUTION APPROVING PAY AND BENEFITS PLAN FOR THE APPOINTED POSITION OF CITY ATTORNEY PURSUANT TO CHAPTER IV, SECTION 26 OF THE DULUTH HOME RULE CHARTER.

46. [16-0281R](#) RESOLUTION CONFIRMING THE APPOINTMENT OF MR. JAMES LEWIS TO THE DULUTH PUBLIC UTILITIES COMMISSION.

47. [16-0282R](#) RESOLUTION CONFIRMING THE APPOINTMENT OF _____ TO THE DULUTH PUBLIC UTILITIES COMMISSION.

Attachments: [Julsrud Application](#)
[Julsrud Resume Apr2016](#)

BY COUNCILOR RUSS (PLANNING & ECONOMIC DEVELOPMENT)

48. [16-0272R](#) RESOLUTION AUTHORIZING AGREEMENTS WITH VARIOUS PARTIES AND APPROVING VARIOUS AGREEMENTS PERTAINING TO THE DEVELOPMENT OF THE NORSHOR THEATRE PROJECT.

Attachments: [DOC040716-04072016145447](#)
[DOC040716-04072016145629](#)
[DOC040716-04072016145913](#)
[DOC040716-04072016145937](#)
[DOC040716-04072016150009](#)
[DOC040716-04072016150033](#)
[DOC040716-04072016150105](#)
[DOC040716-04072016150130](#)
[DOC040716-04072016150213](#)
[DOC040716-04072016150253](#)
[DOC040716-04072016150325](#)
[DOC040716-04072016150346](#)
[DOC040716-04072016150406](#)
[DOC040716-04072016150439](#)

BY COUNCILOR WESTERLUND (PUBLIC WORKS & UTILITIES)

49. [16-0248R](#) RESOLUTION OF INTENT TO CONVEY CERTAIN REAL PROPERTY WITHIN THE CITY OF DULUTH ABUTTING RIDGEVIEW ROAD TO THE STATE OF MINNESOTA FOR AN ENTRANCE TO THE AIR NATIONAL GUARD FACILITY.

Attachments: [Exhibit A-Legal Description](#)

INTRODUCTION AND CONSIDERATION OF ORDINANCES

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

BY COUNCILOR HANSEN (FINANCE)

50. [16-023-O](#) AN ORDINANCE TO AMEND THE BUDGET OF THE CITY OF DULUTH FOR YEAR 2016 BY INCREASING THE BUDGET BY \$500,000 FOR FUNDING AN ENERGY PLAN.

BY COUNCILOR WESTERLUND (PUBLIC WORKS & UTILITIES)

51. [16-021-O](#) AN ORDINANCE AUTHORIZING THE CONVEYANCE OF CERTAIN REAL PROPERTY ABUTTING RIDGEVIEW ROAD TO THE STATE OF MINNESOTA FOR AN ENTRANCE TO THE AIR NATIONAL GUARD FACILITY.

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

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

BY COUNCILOR HANSEN (FINANCE)

52. [16-018-O](#) AN ORDINANCE TO AMEND THE BUDGET OF THE CITY OF DULUTH FOR YEAR 2016 BY INCREASING THE BUDGET \$800,000 FOR ADDITIONAL STREET WORK.

BY COUNCILOR RUSS (PLANNING & ECONOMIC DEVELOPMENT)

53. [16-017-O](#) AN ORDINANCE AMENDING SECTIONS 50-19.8 USE TABLE, 50-20.5 ACCESSORY USES, 50-39 ENFORCEMENT AND PENALTIES, AND 50-41 DEFINITIONS, TO ALLOW FOR ACCESSORY HOME SHARE.

Attachments: [Attachment A - 16-017-O](#)
 [Attachment B - 16-017-O](#)
 [Motion to Split 16-017](#)
 [Hansen Motion to amend 16-017 - Passed](#)
 [Filipovich Motion to amend 16-017 - Failed](#)
 [16-017-O as voted on 3.14.16](#)

54. [16-022-O](#) AN ORDINANCE AMENDING SECTIONS 50-20.3 COMMERCIAL USES AND 50-20.5 ACCESSORY USES, TO AMEND EXISTING STANDARDS FOR VACATION DWELLING UNITS AND ACCESSORY VACATION DWELLING UNITS.

Attachments: [Motion to Amend 16-022-O Sipress](#)
 [Motion to Amend 16-022-O \(2\) Sipress 4.8.16](#)
 [Motion to Amend 16-022-O Hobbs.Filipovich](#)

BY COUNCILOR FOSLE (PUBLIC SAFETY)

55. [16-016-O](#) AN ORDINANCE REPEALING ARTICLE IV, CHAPTER 10A, OF THE DULUTH CITY CODE, 1959, AS AMENDED, PERTAINING TO PADDLEWHEELS.

COUNCILOR QUESTIONS AND COMMENTS

COUNCILOR PREVIEW OF UPCOMING BUSINESS