



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, November 21, 2016

7:00 PM

Council Chamber

ROLL CALL

PLEDGE OF ALLEGIANCE

PRESENTATION OF PETITIONS AND OTHER COMMUNICATIONS

1. [16-158](#) Application for Exempt Permit
Application to Conduct Excluded Bingo

Attachments: [Application for Exempt Permit - Rotary Club of Duluth Harbortown MN USA](#)
[Application to Conduct Excluded Bingo - St. Elizabeth's Catholic Church](#)

REPORTS FROM THE ADMINISTRATION

REPORTS FROM OTHER OFFICERS

REPORTS OF BOARDS AND COMMISSIONS

2. [16-156](#) DEDA Meeting Minutes

Attachments: [10-05-2016 DEDA Meeting Minutes](#)
3. [16-157](#) Library Board Meeting Minutes

Attachments: [09-27-2016 Library Board Meeting Minutes](#)

4. [16-159](#) 16PUC - 009
 DPUC resolution establishing 2017 fees

Attachments: [16PUC-009](#)

REPORTS OF COUNCIL COMMITTEES

REPORTS OF COUNCIL OPEN ISSUES

OPPORTUNITY FOR CITIZENS TO BE HEARD

CONSENT AGENDA

BY COUNCILOR HANSEN (FINANCE)

5. [16-0798R](#) RESOLUTION CALLING FOR THE PREPAYMENT AND
 REDEMPTION OF GENERAL OBLIGATION STREET IMPROVEMENT
 BONDS, SERIES 2008C OF THE CITY OF DULUTH, MINNESOTA.

Attachments: [Exhibit A](#)

BY COUNCILOR RUSS (PLANNING & ECONOMIC DEVELOPMENT)

6. [16-0788R](#) RESOLUTION VACATING ALL OF THE 10 FOOT WIDE EASEMENT
 THAT CROSSES OVER, UNDER, AND ACROSS LOT 1 AND LOT 2
 OF BLOCK 1, TKO ADDITION OF THE RECORDED PLAT "MAPLE
 GROVE ACRE TRACTS"

Attachments: [attached exhibits](#)

7. [16-0810R](#) RESOLUTION AUTHORIZING THE PROPER CITY OFFICIALS TO
 ENTER INTO A SUB-RECIPIENT FUNDING AGREEMENT WITH THE
 BOARD OF TRUSTEES OF THE MINNESOTA STATE COLLEGES
 AND UNIVERSITIES ON BEHALF OF LAKE SUPERIOR COLLEGE
 FOR EMPLOYMENT AND TRAINING SERVICES FUNDED THROUGH
 THE STATE OF MINNESOTA'S PATHWAYS TO PROSPERITY
 GRANT PROGRAM.

Attachments: [Exhibit A - LSC Agreement](#)

BY COUNCILOR HANSON (INTERGOVERNMENTAL RELATIONS)

8. [16-0789R](#) RESOLUTION AUTHORIZING PROPER CITY OFFICIALS TO ENTER INTO A COOPERATIVE AGREEMENT WITH THE U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT FOR FAIR HOUSING ENFORCEMENT AND ACCEPTING \$19,800 IN COOPERATIVE AGREEMENT FUNDING.

Attachments: [FY 2016 FHAP Funding](#)

9. [16-0826R](#) RESOLUTION AUTHORIZING THE PROPER CITY OFFICIALS TO APPROVE AN AMENDED JOINT POWERS AGREEMENT ESTABLISHING THE MINNEAPOLIS-DULUTH/SUPERIOR PASSENGER RAIL ALLIANCE WHICH INCLUDES THE CITY OF SUPERIOR, WISCONSIN, AND SIMPLIFIES THE PROCESS FOR ADDING NEW MEMBERS TO THE ALLIANCE.

Attachments: [Exhibit A](#)

BY COUNCILOR WESTERLUND (PUBLIC WORKS & UTILITIES)

10. [16-0777R](#) RESOLUTION ORDERING THE IMPROVEMENT OF CONGDON BOULEVARD FROM BRIGHTON BEACH/HIGHWAY 61 TO MCQUADE ROAD.

Attachments: [Dave Hamilton Letter](#)
[Public Hearing Sign In Sheet](#)
[Public Hearing Minutes](#)
[16-0777R Map](#)

11. [16-0799R](#) RESOLUTION AUTHORIZING CONSENT TO MINNESOTA POWER EASEMENTS WITHIN THE BLUESTONE DEVELOPMENT.

Attachments: [16-0799R Exhibit 1](#)
[16-0799R Exhibit 2](#)
[16-0799R Exhibit 3](#)

12. [16-0800R](#) RESOLUTION AUTHORIZING AGREEMENT WITH DEDA FOR SNOW STORAGE ON LOT D.

Attachments: [Exhibit A](#)

13. [16-0801R](#) RESOLUTION AUTHORIZING AMENDMENT NO. 1 TO MNDOT AGREEMENT NO. 04716 FOR REPAIR OF DAMAGE ON WEST FIRST STREET CAUSED BY THE JUNE 2012 RAIN EVENT.

Attachments: [16-0801R Amendment](#)

14. [16-0803R](#) RESOLUTION AWARDING A CONTRACT TO OVERTON CHICAGO GEAR FOR THE PURCHASE OF TWO PARALLEL SHAFT REDUCERS FOR THE MINNESOTA SLIP PEDESTRIAN BRIDGE REHABILITATION PROJECT IN THE AMOUNT OF \$131,040

Attachments: [16-0803R Map](#)

15. [16-0807R](#) RESOLUTION ACCEPTING THE CONVEYANCE OF AN EASEMENT FROM HAINES PROPERTIES, LLP FOR PUBLIC UTILITY PURPOSES.

Attachments: [16-0807R Attachment 1](#)

16. [16-0808R](#) RESOLUTION ACCEPTING THE CONVEYANCE OF AN EASEMENT FROM ADVANTAGE EMBLEMS, INC. FOR PUBLIC UTILITY PURPOSES.

Attachments: [16-0808R Attachment 1](#)

17. [16-0809R](#) RESOLUTION ACCEPTING THE CONVEYANCE OF AN EASEMENT FROM BILL & ELLEN, LLC FOR PUBLIC UTILITY PURPOSES.

Attachments: [16-0809R Attachment 1](#)

18. [16-0815R](#) RESOLUTION AUTHORIZING A TEMPORARY CONSTRUCTION EASEMENT AGREEMENT WITH U.S. BANK NATIONAL ASSOCIATION RELATED TO A FOUNDATION DRAIN.

Attachments: [16-0815R 150746_Draintile-xx](#)

[16-0815R EXHIBIT A](#)

[16-0815R Exhibit B](#)

[16-0815R Exhibit E](#)

[16-0815R Agreement](#)

BY COUNCILOR FOSLE (PUBLIC SAFETY)

19. [16-0785R](#) RESOLUTION AUTHORIZING THE ACCEPTANCE OF REIMBURSEMENT FROM THE UNITED STATES DEPARTMENT OF JUSTICE, BUREAU OF JUSTICE ASSISTANCE, OFFICE OF JUSTICE PROGRAMS, IN AN AMOUNT NOT TO EXCEED \$14,320 AND REIMBURSEMENT FROM THE MINNESOTA DEPARTMENT OF PUBLIC SAFETY IN AN AMOUNT NOT TO EXCEED \$23,833 FOR THE PURCHASE OF BALLISTIC VESTS.

Attachments: [Exhibit A](#)

20. [16-0804R](#) RESOLUTION AUTHORIZING THE CITY TO ENTER INTO A JOINT POWERS AGREEMENT WITH THE STATE OF MINNESOTA, DEPARTMENT OF PUBLIC SAFETY, BUREAU OF CRIMINAL APPREHENSION, ALLOWING THE CITY OF DULUTH POLICE DEPARTMENT TO ACCESS THE MINNESOTA CRIMINAL JUSTICE DATA COMMUNICATIONS NETWORK SYSTEM FOR A PERIOD OF FIVE YEARS AT A COST OF \$46,200, AND FURTHER AUTHORIZING EXECUTION OF THE COURT DATA SERVICES SUBSCRIBER AMMENDMENT TO CJDN SUBSCRIBER AGREEMENT..

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

BY COUNCILOR SIPRESS (RECREATION, LIBRARIES & AUTHORITIES)

21. [16-0774R](#) RESOLUTION AUTHORIZING DISBURSEMENT OF GRANT FUNDS IN THE AMOUNT OF \$39,100 FROM THE PARKS FUND NEIGHBORHOOD GRANT PROGRAM.

Attachments: [Exhibit A Grant Agreement_Fall2016](#)

END OF CONSENT AGENDA

BY COUNCILOR ANDERSON (PERSONNEL)

22. [16-0827R](#) RESOLUTION ENDORSING THE CITY OF DULUTH ARTS AND CULTURE PLAN.

Sponsors: Anderson

Attachments: [Exhibit A](#)

BY PRESIDENT FILIPOVICH (COMMITTEE OF THE WHOLE)

23. [16-0813R](#) RESOLUTION APPROVING AGREEMENT WITH FRYBERGER, BUCHANAN, SMITH AND FREDERICK, P.A., FOR LEGISLATIVE SERVICES NOT TO EXCEED \$54,000.

Attachments: [Exhibit A - Fryberger Agreement 2016](#)

INTRODUCTION AND CONSIDERATION OF ORDINANCES

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

BY COUNCILOR ANDERSON (PERSONNEL)

24. [16-069-O](#) AN ORDINANCE AMENDING CHAPTER 29C OF DULUTH CITY CODE UPDATING THE CITY'S HUMAN RIGHTS ORDINANCE BY CLARIFYING THE POWERS AND DUTIES OF THE COMMISSION AND HUMAN RIGHTS OFFICER, DECREASING THE SIZE OF THE HUMAN RIGHTS COMMISSION FROM 15 TO NINE MEMBERS, AND CORRECTING REFERENCES TO STATE STATUTES.
- Sponsors: Anderson
25. [16-070-O](#) AN ORDINANCE REPEALING ARTICLE XXIV OF CHAPTER 2 OF THE CITY CODE RELATING TO THE HUMAN RIGHTS COMMISSION.

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

BY COUNCILOR HANSEN (FINANCE)

26. [16-068-O](#) AN ORDINANCE TO AMEND THE BUDGET OF THE CITY OF DULUTH FOR YEAR 2016 BY INCREASING THE BUDGET BY \$700,000 FOR CALLING STREET IMPROVEMENT BONDS SERIES 2008C.

BY PRESIDENT FILIPOVICH (COMMITTEE OF THE WHOLE)

27. [16-067-O](#) AN ORDINANCE AMENDING THE DEFINITION OF SIGNATURE IN THE DULUTH CITY CODE, 1959, TO ALLOW FOR ELECTRONIC SIGNATURES

COUNCILOR QUESTIONS AND COMMENTS

COUNCILOR PREVIEW OF UPCOMING BUSINESS