



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 25, 2016

7:00 PM

Council Chamber

ROLL CALL

PLEDGE OF ALLEGIANCE

APPROVAL OF MINUTES

PUBLIC HEARING

REPORTS FROM THE ADMINISTRATION

REPORTS FROM OTHER OFFICERS

REPORTS OF BOARDS AND COMMISSIONS

1. [16-047](#) DECC October, November and December 2015 Meeting Minutes

Attachments:

[December 15 2015 DECC Board Meeting Minutes](#)

[November 24 2015 DECC Board Meeting Minutes](#)

[October 27 2015 DECC Board Meeting Minutes](#)

2. [16-048](#) Duluth parking commission meeting minutes.

Attachments: [Duluth Parking Commission 1-29-16 minutes](#)
 [Duluth Parking Commission 8-28-15 minutes](#)
 [Duluth Parking Commission 11-6-15 minutes](#)
 [Duluth Parking Commission 12-4-15 minutes](#)
 [Duluth Parking Commission 3-4-16 minutes](#)

3. [16-049](#) DEDA February 2016 meeting minutes

Attachments: [DEDA 2-24-16 Minutes](#)

4. [16-051](#) Duluth Parking Commission Resolutions

Attachments: [Duluth Parking Commission 3-4-16 resolutions](#)
 [Duluth Parking Commission 4-8-16 resolutions](#)
 [Duluth Parking Commission 1-29-16 resolutions](#)

REPORTS OF COUNCIL COMMITTEES

REPORTS OF COUNCIL OPEN ISSUES

OPPORTUNITY FOR CITIZENS TO BE HEARD

RESOLUTIONS TABLED

BY COUNCILOR WESTERLUND (PUBLIC WORKS & UTILITIES)

5. [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](#)

MOTIONS AND RESOLUTIONS

CONSENT AGENDA

BY COUNCILOR HANSEN (FINANCE)

6. [16-0245R](#) RESOLUTION AMENDING RESOLUTION NO. 16-0152, WHICH
 AMENDED RESOLUTION NO. 16-0055, CONFIRMING DEMOLITION
 ASSESSMENT ROLL TO DELETE A SECOND PROPERTY AND
 REDUCING THE AMOUNT ASSESSED.

7. [16-0311R](#) RESOLUTION AUTHORIZING PROPER CITY OFFICIALS TO ACCEPT A GRANT ON BEHALF OF THE HISTORIC UNION DEPOT FROM THE DULUTH LEGACY ENDOWMENT FUND IN THE AMOUNT OF \$2500 FOR DEPOT BEAUTIFICATION PROJECT.

Attachments: [Exhibit A - Depot Grant Agreement](#)

8. [16-0314R](#) RESOLUTION APPROVING THE BUDGET FOR THE FISCAL YEAR MAY 1, 2016 TO APRIL 30, 2017 IN THE AMOUNT OF \$5,546,836 FOR THE SPIRIT MOUNTAIN RECREATION AREA AUTHORITY.

Attachments: [Exhibit A](#)

9. [16-0320R](#) RESOLUTION APPROVING THE ADOPTION OF A TWO YEAR GRACE PERIOD FOR IMPLEMENTING NEW PROCUREMENT REQUIREMENTS IN COMPLIANCE WITH THE UNIFORM ADMINISTRATIVE REQUIREMENTS FOR FEDERAL AWARDS.

BY COUNCILOR HOBBS (PURCHASING & LICENSING)

10. [16-0292R](#) RESOLUTION AUTHORIZING A CONTRACT WITH TRAIL SOURCE, LLC., FOR PHASE IV CONSTRUCTION OF THE DULUTH TRAVERSE TRAIL IN THE AMOUNT OF \$361,447.56.

Attachments: [Phase IV Map](#)

11. [16-0293R](#) RESOLUTION AUTHORIZING A CONTRACT WITH ROCK SOLID TRAIL CONTRACTING, LLC., FOR THE PHASE V CONSTRUCTION OF THE DULUTH TRAVERSE TRAIL IN THE AMOUNT OF \$472,843.25.

Attachments: [Phase V Map](#)

12. [16-0297R](#) RESOLUTION APPROVING THE ISSUANCE OF OFF SALE 3.2 PERCENT MALT LIQUOR LICENSE RENEWALS FOR THE PERIOD BEGINNING MAY,1 2016, AND ENDING APRIL 30, 2017

Attachments: [OFF SALE BEER ATTACHMENT A-04142016085624](#)

13. [16-0298R](#) RESOLUTION APPROVING THE ISSUANCE OF ON SALE 3.2 PERCENT MALT LIQUOR LICENSE RENEWALS FOR THE PERIOD BEGINNING MAY,1 2016, AND ENDING APRIL 30, 2017

Attachments: [ON SALE BEER RENEWALS-Attachment A](#)

14. [16-0299R](#) RESOLUTION AUTHORIZING AN AMENDMENT TO AGREEMENT 22579 WITH HOISINGTON KOEGLER GROUP, INC., FOR ADDITIONAL PROFESSIONAL SERVICES TO COMPLETE A MINI MASTER PLAN FOR VARIOUS ST. LOUIS RIVER CORRIDOR NEIGHBORHOOD PARKS, AN INCREASE OF \$4,070, AND AN AMENDED TOTAL NOT TO EXCEED \$79,070.

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

15. [16-0312R](#) RESOLUTION AUTHORIZING A CONTRACT WITH STACK BROS MECHANICAL CONTRACTORS, INC. FOR THE CONSTRUCTION OF CHAMBERS GROVE PARK IMPROVEMENTS FOR AN AMOUNT NOT TO EXCEED \$769,650.80.

BY COUNCILOR RUSS (PLANNING & ECONOMIC DEVELOPMENT)

16. [16-0287R](#) RESOLUTION AMENDING RESOLUTION 15-0831, ADOPTING LICENSE, PERMIT, FINE, PENALTY AND OTHER CHARGES FOR 2016, TO ADD AN ACCESSORY HOME SHARE PERMIT AND SETTING THE FEE FOR \$100 PER YEAR.
17. [16-0294R](#) RESOLUTION DISCHARGING \$112,018.70 IN DEBT OWED BY THE FOLLOWING BUSINESSES TO THE REVOLVING LOAN FUND FORMERLY OPERATED BY NORTH STAR COMMUNITY DEVELOPMENT CORPORATION.
18. [16-0296R](#) RESOLUTION AUTHORIZING AN AMENDMENT TO THE LICENSE AGREEMENT WITH THE DULUTH ECONOMIC DEVELOPMENT AUTHORITY FOR DEDA LOT B.

Attachments: [Exhibit A - 16-0296R](#)

19. [16-0304R](#) RESOLUTION AUTHORIZING A CONTAMINATION INVESTIGATION AND RESPONSE ACTION PLAN DEVELOPMENT GRANT APPLICATION IN THE AMOUNT OF \$28,834 TO THE MINNESOTA DEPARTMENT OF EMPLOYMENT AND ECONOMIC DEVELOPMENT RELATING TO PROPERTY LOCATED AT 42nd AVENUE WEST AND GRAND AVENUE AND COMMITTING A DEVELOPER MATCH OF \$9,611
20. [16-0305R](#) RESOLUTION AMENDING THE COMPREHENSIVE LAND USE PLAN - FUTURE LAND USE MAP FOR THE ARROWHEAD ROAD LANE USE STUDY AREA, FROM EAST OF HAINES ROAD TO ARLINGTON ROAD, AND NORTH ALONG RICE LAKE ROAD.

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

21. [16-0308R](#) RESOLUTION VACATING A PORTION OF A UTILITY EASEMENT SOUTHEAST OF GRAND AVENUE BETWEEN 75TH AVENUE WEST AND 78TH AVENUE WEST.

Attachments: [Attachment 1](#)

22. [16-0309R](#) RESOLUTION VACATING A PORTION OF THE PLATTED RIGHT OF WAY OF EAST SUPERIOR STREET, NORTH SECOND AVENUE EAST, AND THE FIRST STREET ALLEY, ADJACENT TO THE NORSHOR THEATER AT TWO NORTH SECOND AVENUE EAST (DULUTH ECONOMIC DEVELOPMENT AUTHORITY).

Attachments: [Attachment 1](#)

[Attachment 2](#)

[Attachment 3](#)

[Attachment 4](#)

BY COUNCILOR HANSON (INTERGOVERNMENTAL RELATIONS)

23. [16-0316R](#) RESOLUTION AUTHORIZING A TEMPORARY FIVE (5) YEAR EASEMENT TO THE STATE OF MINNESOTA FOR HIGHWAY PURPOSES FOR ITS GRAND AVENUE IMPROVEMENT PROJECT.

Attachments: [Exhibit 1 \(Parcel 49\)](#)

[Exhibit 2 \(Parcel 49\)](#)

[Exhibit 3 \(Parcel 49\)](#)

24. [16-0317R](#) RESOLUTION AUTHORIZING A TEMPORARY FIVE (5) YEAR EASEMENT TO THE STATE OF MINNESOTA FOR HIGHWAY PURPOSES FOR ITS GRAND AVENUE IMPROVEMENT PROJECT.

Attachments: [Exhibit 1 \(Parcel 61\)](#)

[Exhibit 2 \(Parcel 61\)](#)

[Exhibit 3 \(Parcel 61\)](#)

25. [16-0318R](#) RESOLUTION AUTHORIZING A TEMPORARY FIVE (5) YEAR EASEMENT TO THE STATE OF MINNESOTA FOR HIGHWAY PURPOSES FOR ITS GRAND AVENUE IMPROVEMENT PROJECT.

Attachments: [Exhibit 1 \(Parcel 60\)](#)

[Exhibit 2 \(Parcel 60\)](#)

[Exhibit 3 \(Parcel 60\)](#)

BY COUNCILOR WESTERLUND (PUBLIC WORKS & UTILITIES)

26. [16-0288R](#) RESOLUTION AWARDED A CONTRACT TO PARSONS ELECTRIC LLC FOR THE REMOVAL AND REPLACEMENT OF GENERATORS AT DULUTH STEAM IN THE AMOUNT OF \$156,828.

27. [16-0289R](#) RESOLUTION AWARDING A CONTRACT TO VEIT & COMPANY, INC. FOR STREAM BANK STABILIZATION AT CHESTER CREEK IN THE AMOUNT OF \$518,187.35.
- Attachments: [16-0289R Map](#)
28. [16-0290R](#) RESOLUTION AUTHORIZING THE 2012 ROAD AND BRIDGE DISASTER RELIEF BOND GRANT AND ACCEPTING A GRANT FROM THE MINNESOTA STATE TRANSPORTATION FUND FOR THE OVERLAY OF 63rd AVENUE WEST FROM GRAND AVENUE TO CODY STREET IN THE AMOUNT OF \$62,085.48.
- Attachments: [16-0290R Map](#)
[Flood Bond Agreement 118-103-006](#)
29. [16-0291R](#) RESOLUTION AUTHORIZING THE 2012 ROAD AND BRIDGE DISASTER RELIEF BOND GRANT AND ACCEPTING A GRANT FROM THE MINNESOTA STATE TRANSPORTATION FUND FOR THE RECLAMATION OF SKYLINE PARKWAY FROM KENWOOD AVENUE TO BRIDGE NO. L6115 IN THE AMOUNT OF \$190,578.60.
- Attachments: [16-0291R Map](#)
[Flood Bond Agreement 118-179-006](#)
30. [16-0302R](#) RESOLUTION AWARDING A CONTRACT TO GEORGE BOUGALIS & SONS CO., INC. FOR THE CONGDON BOULEVARD CULVERT LINING AND REPLACEMENT IN THE AMOUNT OF \$956,358.30.
- Attachments: [16-0302R Map](#)
31. [16-0306R](#) RESOLUTION REQUESTING A VARIANCE FROM THE MINNESOTA DEPARTMENT OF TRANSPORTATION AND INDEMNIFYING THE STATE OF MINNESOTA IN CONNECTION WITH THE GRANTING OF A MINNESOTA STATE AID VARIANCE IN THE RECONSTRUCTION OF SUPERIOR STREET.
- Attachments: [16-0306R Map](#)
[Parking Layout Variance](#)
32. [16-0315R](#) RESOLUTION APPROVING SETTLEMENT IN THE AMOUNT OF \$35,000 IN THE MATTER OF MARK R. CARLSON AND LYNNE E. CARLSON VS. CITY OF DULUTH.
33. [16-0319R](#) RESOLUTION AWARDING A CONTRACT TO SHANNON'S INC. FOR THE LAKEWOOD WATER TREATMENT PLANT HEATING, VENTILATION AND COOLING SYSTEM IMPROVEMENTS IN THE AMOUNT OF \$940,850.

BY COUNCILOR FOSLE (PUBLIC SAFETY)

34. [16-0303R](#) RESOLUTION AUTHORIZING LICENSE AGREEMENT WITH THE CITY OF HERMANTOWN TO ALLOW THE HERMANTOWN POLICE DEPARTMENT LIMITED ACCESS TO THE CITY'S FILE SERVER TO ACCESS THE BCA MINNESOTA LICENSE PLATE DATA FILE.

Attachments: [Exhibit A - Hermantown license agreement](#)
[Exhibit B - BCA agreement](#)

BY COUNCILOR SIPRESS (RECREATION, LIBRARIES & AUTHORITIES)

35. [16-0300R](#) RESOLUTION AUTHORIZING PROPER CITY OFFICIALS TO ACCEPT A GRANT FROM THE DULUTH LEGACY FUND IN THE AMOUNT OF \$2,500 FOR TODDLER BOOK BINS AND BOOKS FOR THE MT. ROYAL BRANCH LIBRARY.

Attachments: [Exhibit A - 16-0300R](#)

36. [16-0301R](#) RESOLUTION AUTHORIZING PROPER CITY OFFICIALS TO ACCEPT A \$2,500 GRANT FROM THE DULUTH LEGACY ENDOWMENT FUND FOR THE GARY NEW DULUTH COMMUNITY CENTER AND RECREATION AREA MINI-MASTER PLAN PROJECT.

Attachments: [EXHIBIT A - 16-0301R](#)

37. [16-0307R](#) RESOLUTION AUTHORIZING ACCEPTANCE AND EXECUTION OF A HOST SITE AGREEMENT WITH THE MINNESOTA POLLUTION CONTROL AGENCY FOR THE 2016-2017 PROGRAM YEAR GREENCORPS MEMBERS.

Attachments: [EXHIBIT A - 16-0307R](#)

38. [16-0313R](#) RESOLUTION AUTHORIZING A FIVE (5) YEAR LEASE AGREEMENT WITH RPK BASEBALL, LLC AND NORTHWOODS LEAGUE, INC. FOR THE USE OF WADE STADIUM THROUGH 2020.

Attachments: [Exhibit 1](#)

END OF CONSENT AGENDA

BY COUNCILOR ANDERSON (PERSONNEL)

39. [16-0295R](#) RESOLUTION CONFIRMING THE APPOINTMENT OF _____ TO THE CIVIL SERVICE BOARD

Attachments: [Lon Hanson CSB Application](#)
[LonHansonResume-CityofDuluth](#)
[Strongitharm CSB Application](#)
[John Strongitharm Resume](#)
[NEWQUIST APP](#)

INTRODUCTION AND CONSIDERATION OF ORDINANCES

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

BY COUNCILOR FOSLE (PUBLIC SAFETY)

40. [16-024-O](#) AN ORDINANCE AMENDING CHAPTER 29A OF THE DULUTH CITY CODE, 1959, AS AMENDED, TO CLARIFY APPLICATION OF THE INTERNATIONAL PROPERTY MAINTENANCE CODE FOR THE HOUSING AND MAINTENANCE CODE FOR THE CITY, PROVIDE A MECHANISM FOR RESOLVING CONFLICTS BETWEEN THE PROVISIONS OF CHAPTER 29A AND THE HOUSING AND PROPERTY MAINTENANCE CODE, AND STRIKE OBSOLETE CODE LANGUAGE.

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

BY COUNCILOR HANSEN (FINANCE)

41. [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 RUSS (PLANNING & ECONOMIC DEVELOPMENT)

42. [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. (AS AMENDED)

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

BY COUNCILOR WESTERLUND (PUBLIC WORKS & UTILITIES)

43. [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](#)

COUNCILOR QUESTIONS AND COMMENTS

COUNCILOR PREVIEW OF UPCOMING BUSINESS