

City of Duluth

411 West First Street
Duluth, Minnesota 55802



Minutes - Draft

Monday, July 20, 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:** 8 - Councilor Zack Filipovich, Councilor Jay Fosle, Councilor Sharla Gardner, Councilor Howie Hanson, Councilor Linda Krug, Councilor Barb Russ, Councilor Joel Sipress and President Emily Larson
- Absent:** 1 - Councilor Jennifer Julsrud

PUBLIC HEARING - 7:00 PM - TIF Plan for the Point of Rocks TIF District as Proposed by the HRA.

At this time, 7:02 p.m. Chief Administrative Officer Dave Montgomery stated that the Housing and Redevelopment Authority has requested that the public hearing be pulled and that additional changes require this to be rescheduled.

PRESENTATION OF PETITIONS AND OTHER COMMUNICATIONS

1. [15-001](#) Minnesota office of administrative hearings order approving annexation of property from Rice Lake Township.

Attachments: [Order](#)

This Petition/Other Communication was received.

2. [15-002](#) Minnesota state auditor management and compliance report for Duluth Economic Development Authority for the year ended December 31, 2014.

Attachments: [Report](#)

This Petition/Other Communication was received.

3. [15-005](#) Park Point Marina Inn appeal of planning commission decision to approve the land use supervisor's decision regarding the 200 foot limit in a MU-W District at 1003 Minnesota Avenue.

Attachments: [Appeal](#)

This Petition/Other Communication was received.

4. [15-006](#) William M. Burns, attorney, representing several neighbors, appeal of the planning commission approval of a special use permit for a townhome development at Mississippi Avenue and Lyons Street.

Attachments: [Appeal](#)

This Petition/Other Communication was referred to the Planning and Economic Development

- [15-017](#) Ken Zwak communication regarding the proposed reclassification of property along the east side of Rice Lake Road (15-055-O).

Attachments: [Email](#)

This Petition/Other Communication was received.

REPORTS FROM OTHER OFFICERS

- [15-018](#) Clerk report regarding Ranked Choice Voting petition.

Attachments: [Ranked Choice Voting Petition Report](#)

This Other Officers Report was received.

REPORTS OF BOARDS AND COMMISSIONS

5. [15-003](#) Planning commission minutes of May 12, 2015, meeting.

Attachments: [Minutes](#)

This Board or Commission Report was received.

6. [15-004](#) Entertainment and convention center authority minutes of January 27, February 24 and March 31, 2015, meetings.

Attachments: [January 27, 2015](#)
[February 24, 2015](#)
[March 31, 2015](#)

This Board or Commission Report was received.

7. [15-007](#) Duluth transit authority: (a) Minutes of April 23, 2015, meeting; (b) April 2015 financial statement.

Attachments: [Minutes](#)
[Financial Statement](#)

This Board or Commission Report was received.

8. [15-008](#) Duluth airport authority minutes of May 19, 2015, meeting.

Attachments: [Minutes](#)

This Board or Commission Report was received.

9. [15-009](#) Spirit Mountain recreation area authority minutes of May 21, 2015, meeting.

Attachments: [Minutes](#)

This Board or Commission Report was received.

10. [15-010](#) Duluth economic development authority minutes of May 27, 2015, meeting.

Attachments: [Minutes](#)

This Board or Commission Report was received.

11. [15-011](#) Indigenous commission minutes of May 18, 2015, meeting.

Attachments: [Minutes.pdf](#)

This Board or Commission Report was received.

12. [15-012](#) Civil service board minutes of March 3 and 23, 2015, meetings.

Attachments: [Minutes_03032015](#)
[Minutes_03232015](#)

This Board or Commission Report was received.

13. [15-013](#) Housing and redevelopment authority of Duluth audit report for the year ended September 30, 2014; and minutes of March 31, April 28, May 5 and May 26, 2015, meetings.

Attachments: [Audit Report](#)
[Minutes_03312015](#)
[Minutes_04282015](#)
[Minutes_05052015](#)
[Minutes_05262015](#)

This Board or Commission Report was received.

14. [15-015](#) Library board minutes of May 26, 2015, meeting.

Attachments: [Minutes](#)

This Board or Commission Report was received.

OPPORTUNITY FOR CITIZENS TO BE HEARD

Jay Cole commented on his support using the Central High School property for housing and multiple uses.

Jerry Schlafer spoke of his support for fair wages and benefits, but not at the cost of adversely affecting other workers.

RESOLUTION TABLED

COMMITTEE 2

BY COUNCILOR RUSS (PLANNING & ECONOMIC DEVELOPMENT)

15. [15-0315R](#) RESOLUTION APPROVING A TAX INCREMENT FINANCING PLAN FOR THE POINT OF ROCKS TAX INCREMENT FINANCING DISTRICT AS PROPOSED BY THE HOUSING AND REDEVELOPMENT AUTHORITY OF DULUTH, MINNESOTA. (TABLED 6/1/2015)

Attachments: [Tax Increment Financing Plan](#)
[Exhibit A](#)
[Memo](#)

A motion was made that this Resolution be withdrawn. The motion carried by a unanimous vote.

MOTIONS AND RESOLUTIONS**CONSENT AGENDA****Approval of the Consent Agenda**

A motion was made to approve the Consent Agenda. The motion carried by the following vote:

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

Absent: 1 - Councilor Julsrud

COMMITTEE 1**BY COUNCILOR FILIPOVICH (FINANCE)**

16. [15-0432R](#) RESOLUTION APPROVING A COLLECTIVE BARGAINING AGREEMENT BETWEEN THE CITY OF DULUTH AND THE CONFIDENTIAL UNIT OF THE CITY OF DULUTH FOR THE YEARS 2015-2017.

Attachments: [Final Draft Confidential CBA for 2015-2017 CLEAN](#)
[Final Draft Confidential CBA redline for 2015-2017.7.16.2015](#)

This Resolution was adopted.

BY COUNCILOR HANSON (PURCHASING & LICENSING)

17. [15-0398R](#) RESOLUTION ISSUING AN OFF SALE 3.2 PERCENT MALT LIQUOR LICENSE TO SHOPKO STORES OPERATING CO, LLC (SHOPKO #114), 801 WEST CENTRAL ENTRANCE.
This Resolution was adopted.
18. [15-0400R](#) RESOLUTION APPROVING THE TEMPORARY EXPANSION OF THE ON SALE INTOXICATING LIQUOR LICENSE TO VARIOUS LICENSEES.
This Resolution was adopted.
19. [15-0401R](#) RESOLUTION APPROVING THE PERMANENT EXPANSION OF THE LICENSE PREMISES OF THE ON SALE BREWERY MALT LIQUOR LICENSE OF LAKE SUPERIOR BREWING COMPANY, LLC (LAKE SUPERIOR BREWING COMPANY), 2711 WEST SUPERIOR STREET.
This Resolution was adopted.

20. [15-0404R](#) RESOLUTION ISSUING A TEMPORARY ON SALE 3.2 PERCENT MALT LIQUOR LICENSE TO AAD SHRINERS, (DULUTH HOT AIR BALLOON FESTIVAL), BAYFRONT PARK.

This Resolution was adopted.

21. [15-0405R](#) RESOLUTION APPROVING ISSUANCE OF TEMPORARY ON SALE INTOXICATING LIQUOR LICENSE TO LAKE SUPERIOR BREWING COMPANY, LLC (TWIN PORTS BRIDGE FESTIVAL), BAYFRONT PARK.

This Resolution was adopted.

22. [15-0408R](#) RESOLUTION ISSUING AN ON SALE SUNDAY LICENSE TO BENT PADDLE BREWING COMPANY, (BENT PADDLE BREWING COMPANY), 1912 WEST MICHIGAN STREET.

This Resolution was adopted.

23. [15-0419R](#) RESOLUTION AUTHORIZING A CONTRACT WITH ROCK SOLID TRAIL CONTRACTING, LLC, FOR PHASE III CONSTRUCTION OF THE DULUTH TRAVERSE TRAIL IN THE AMOUNT OF \$103,716.

Attachments: [Exhibit A](#)

[Exhibit B](#)

This Resolution was adopted.

BY COUNCILOR GARDNER (PERSONNEL)

26. [15-0394R](#) RESOLUTION CONFIRMING THE APPOINTMENT OF ANNA TANSKI TO THE DULUTH AIRPORT AUTHORITY, REPLACING MICHAEL LUNDSTROM.

Attachments: [Application](#)

This Resolution was adopted.

27. [15-0395R](#) RESOLUTION CONFIRMING THE APPOINTMENT OF HEATHER RAND TO THE PLANNING COMMISSION, REPLACING DREW DIGBY.

Attachments: [Application](#)

This Resolution was adopted.

28. [15-0396R](#) RESOLUTION CONFIRMING THE APPOINTMENT OF YVONNE M. SOLON TO THE SANITARY SEWER BOARD OF THE WESTERN LAKE SUPERIOR SANITARY DISTRICT, REPLACING ALBERT KATZ.

Attachments: [Application](#)

This Resolution was adopted.

29. [15-0397R](#) RESOLUTION CONFIRMING THE APPOINTMENT OF ERIK S. VIKEN TO THE SPIRIT MOUNTAIN RECREATION AREA AUTHORITY, REPLACING GREGORY BENSON.

Attachments: [Application](#)

This Resolution was adopted.

30. [15-0437R](#) RESOLUTION APPROVING PROPOSED AMENDMENTS TO THE SPECIFICATIONS FOR THE EXISTING CIVIL SERVICE CLASSIFICATION OF PROSECUTION ASSISTANT, INCLUDING A TITLE CHANGE TO PROSECUTION & TECHNOLOGY ASSISTANT, AND SPECIFYING CONTRACT BENEFITS FOR SAME.

Attachments: [Revised Strikeout Job Description.pdf](#)
[Draft Job Description \(clean version\).pdf](#)

This Resolution was adopted.

COMMITTEE 2

BY COUNCILOR RUSS (PLANNING & ECONOMIC DEVELOPMENT)

31. [15-0427R](#) RESOLUTION VACATING A PORTION OF STREET RIGHT-OF-WAY FOR VERMILION ROAD AT THE SOUTHEAST CORNER OF VERMILION ROAD AND ELK STREET (JOHN AND BONNIE GIBSON).

Attachments: [Signed Exhibit](#)
[Staff Report and Attachments](#)

This Resolution was adopted.

BY COUNCILOR KRUG (INTERGOVERNMENTAL RELATIONS)

32. [15-0412R](#) RESOLUTION ENTERING INTO AN AGREEMENT ACCEPTING A GRANT OF \$233,287 FROM SENIOR SERVICE AMERICA, INC. TO OPERATE THE SENIOR COMMUNITY SERVICE EMPLOYMENT PROGRAM FROM JULY 1, 2015 THROUGH JUNE 30, 2016.

Attachments: [SCSEP Contract](#)

This Resolution was adopted.

COMMITTEE 3

BY COUNCILOR JULSRUD (PUBLIC WORKS & UTILITIES)

33. [15-0416R](#) RESOLUTION ACCEPTING CONVEYANCE OF AN EASEMENT FROM THE WESTERN LAKE SUPERIOR SANITARY DISTRICT FOR RIDGEVIEW ROAD.

Attachments: [Attachment to 15-0416R](#)

This Resolution was adopted.

34. [15-0418R](#) RESOLUTION ACCEPTING CONVEYANCE OF AN EASEMENT FROM THE STATE OF MINNESOTA FOR RIDGEVIEW ROAD.

Attachments: [Attachment to 15-0418R](#)

This Resolution was adopted.

35. [15-0434R](#) RESOLUTION AUTHORIZING APPLICATION TO THE MINNESOTA DEPARTMENT OF TRANSPORTATION FOR THE SCENIC BYWAY PROGRAM FOR RETAINING WALL RESTORATION AT VARIOUS SCENIC OVERLOOK FACILITIES ON SKYLINE PARKWAY SCENIC BYWAY IN THE AMOUNT OF \$800,000.

Attachments: [HistoricRetainingWall_LocationMap](#)
[HistoricRetainingWall_wExhibit_BardonsPeak_v2](#)
[HistoricRetainingWall_wExhibit_Oneota_v2](#)
[HistoricRetainingWall_wExhibit_Section3TurnOut_v2](#)
[Scenic Byway Application \(15-0434R\)](#)

This Resolution was adopted.

BY COUNCILOR FOSLE (PUBLIC SAFETY)

36. [15-0399R](#) RESOLUTION AUTHORIZING THE ACCEPTANCE OF A GRANT FROM THE MINNESOTA DEPARTMENT OF COMMERCE IN THE AMOUNT OF \$193,942 FOR AN AUTO THEFT INVESTIGATOR.

Attachments: [Grant Contract \(Exhibit A\)](#)

This Resolution was adopted.

37. [15-0402R](#) RESOLUTION AUTHORIZING CONSUMPTION OF ALCOHOLIC BEVERAGES IN PUBLIC PLACES IN WEST DULUTH IN CONJUNCTION WITH SPIRIT VALLEY DAYS AND SUBJECT TO CERTAIN CONDITIONS.

This Resolution was adopted.

38. [15-0403R](#) RESOLUTION AUTHORIZING CONSUMPTION OF ALCOHOLIC BEVERAGES IN PUBLIC PLACES ON THE 100 BLOCK OF WEST FIRST STREET IN CONJUNCTION WITH THE TWELVE HOLY APOSTLES FIRST STREET DANCE AND SUBJECT TO CERTAIN CONDITIONS.
- This Resolution was adopted.
39. [15-0417R](#) RESOLUTION AUTHORIZING CONSUMPTION OF ALCOHOLIC BEVERAGES IN PUBLIC PLACES ON EAST FIRST STREET IN CONJUNCTION WITH THE CHAPERONE RECORDS ANNIVERSARY BLOCK PARTY AND SUBJECT TO CERTAIN CONDITIONS.
- This Resolution was adopted.
40. [15-0431R](#) RESOLUTION APPROVING AGREEMENT WITH HOUSING AND REDEVELOPMENT AUTHORITY OF DULUTH FOR SERVICES AND FUNDING OF ONE PUBLIC HOUSING COMMUNITY BASED POLICE OFFICER FOR FIVE YEARS AND ACCEPTING A TOTAL OF \$338,510.94 TO FUND SAID POSITION.

Attachments: [Agreement for Services-Community Based Police Officer HRA](#)

This Resolution was adopted.

BY COUNCILOR SIPRESS (RECREATION, LIBRARIES & AUTHORITIES)

41. [15-0421R](#) RESOLUTION AUTHORIZING AN AGREEMENT WITH HOISINGTON KOEGLER GROUP INC., FOR PROFESSIONAL SERVICES TO COMPLETE A MINI MASTER PLAN FOR VARIOUS CITY PARKS FOR AN AMOUNT NOT TO EXCEED \$75,000.

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

This Resolution was adopted.

42. [15-0438R](#) RESOLUTION AUTHORIZING AN AGREEMENT WITH THE DULUTH AIRPORT AUTHORITY (DAA) TO INSURE CERTAIN DAA PROPERTY AND EQUIPMENT UNDER THE CITY'S PROPERTY INSURANCE POLICY.

Attachments: [2015 Agreement with City 7-10-15](#)

This Resolution was adopted.

43. [15-0439R](#) RESOLUTION AUTHORIZING ACCEPTANCE AND EXECUTION OF A HOST SITE AGREEMENT WITH THE MINNESOTA POLLUTION CONTROL AGENCY FOR A 2015-2016 PROGRAM YEAR GREENCORPS MEMBER.

Attachments: [Agreement](#)

This Resolution was adopted.

44. [15-0440R](#) RESOLUTION CONVEYING OWNERSHIP OF THE JOE GOMER MONUMENT TO THE ST. LOUIS COUNTY HISTORICAL SOCIETY.

This Resolution was adopted.

END OF CONSENT AGENDA

The following entitled resolutions were also considered:

COMMITTEE 1

BY COUNCILOR HANSON (PURCHASING & LICENSING)

24. [15-0423R](#) RESOLUTION OF SUPPORT FOR NAMING THE LITTLE LEAGUE FIELDS LOCATED BEHIND WADE STADIUM THE JOHN BAGGS LITTLE LEAGUE FIELDS.

Sponsors: Hanson

Councilor Sipress moved to table the resolution for response from the naming committee, community and the families involved.

The motion carried by the following vote:

Yea: 6 - Councilor Filipovich, Councilor Gardner, Councilor Hanson, Councilor Russ, Councilor Sipress and President Larson

Nay: 2 - Councilor Fosle and Councilor Krug

Absent: 1 - Councilor Julsrud

25. [15-0424R](#) RESOLUTION OF SUPPORT FOR NAMING THE TWO SOFTBALL FIELDS OUTSIDE WADE STADIUM THE DICK SWANSON FIELDS.

Sponsors: Hanson

Councilor Sipress moved to table the resolution for response from the naming committee, community and the families involved.

The motion carried by the following vote:

Yea: 7 - Councilor Filipovich, Councilor Fosle, Councilor Gardner, Councilor Hanson, Councilor Russ, Councilor Sipress and President Larson

Nay: 1 - Councilor Krug

Absent: 1 - Councilor Julsrud

COMMITTEE 3

BY COUNCILOR JULSRUD (PUBLIC WORKS & UTILITIES)

45. [15-0430R](#) RESOLUTION AWARDING A CONTRACT TO NORTHLAND CONSTRUCTORS OF DULUTH, LLC FOR CONSTRUCTION OF THE CROSS CITY TRAIL PHASE IV IN THE AMOUNT OF \$953,254.43.

Attachments: [15-0430 Map](#)

A motion was made that this Resolution be adopted. The motion carried by the following vote:

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

Absent: 1 - Councilor Julsrud

INTRODUCTION AND CONSIDERATION OF ORDINANCES

The following entitled ordinances were read for the first time:

COMMITTEE 1

BY COUNCILOR FILIPOVICH (FINANCE)

46. [15-059-O](#) AN ORDINANCE AMENDING CHAPTER 8, SECTION 41, OF THE DULUTH CITY CODE, 1959, AS AMENDED, ELIMINATING THE PROHIBITION AGAINST GRANTING ALCOHOLIC BEVERAGE LICENSES TO CITY OFFICIALS NOT EMPLOYED IN THE POLICE OR FIRE DEPARTMENTS.

Sponsors: Filipovich

This Ordinance was read for the first time.

COMMITTEE 2

BY COUNCILOR RUSS (PLANNING & ECONOMIC DEVELOPMENT)

47. [15-055-O](#) AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF DULUTH TO PROVIDE FOR THE RECLASSIFICATION FROM RR-1 TO MU-B 160 ACRES ALONG THE EAST SIDE OF RICE LAKE ROAD SOUTH OF RIDGEVIEW ROAD (JLH PROPERTIES OF DULUTH LLC).

Attachments: [Map Attachment](#)
[Staff Report and Attachments](#)

This Ordinance was read for the first time.

48. [15-056-O](#) AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF DULUTH AS REFERENCED IN CHAPTER 50 OF THE DULUTH CITY CODE, 1959, AS AMENDED, TO PROVIDE FOR THE RECLASSIFICATION FROM R-1 TO P-1, FOR CONGDON PARK, LONGVIEW TENNIS COURTS, MORLEY PARK, OLD MAIN PARK AND WAVERLY PARK (CITY OF DULUTH).

Attachments: [Zoning Map Attachment](#)
[Staff Report and Attachments](#)

This Ordinance was read for the first time.

49. [15-058-O](#) AN ORDINANCE GRANTING A CONCURRENT USE PERMIT FOR UNDERGROUND UTILITIES IN THE RIGHT OF WAY OF 5TH AVENUE EAST BETWEEN 2ND STREET AND 4TH STREET (ESSENTIA HEALTH)

Attachments: [Legal Description](#)
[Exhibit](#)
[Staff Report and Attachments](#)

This Ordinance was read for the first time.

COMMITTEE 3

BY COUNCILOR FOSLE (PUBLIC SAFETY)

50. [15-057-O](#) AN ORDINANCE AMENDING CHAPTER 33, SECTION 91, OF THE DULUTH CITY CODE, 1959, AS AMENDED, RELATING TO UNATTENDED MOTOR VEHICLES.

This Ordinance was read for the first time.

The following entitled ordinance was read for the second time:

COMMITTEE 3

BY COUNCILOR JULSRUD (PUBLIC WORKS & UTILITIES)

51. [15-048-O](#) AN ORDINANCE DEDICATING AN EASEMENT FOR PUBLIC ROADWAY AND UTILITY PURPOSES ON CITY-OWNED PROPERTY RELATED TO RECONDITIONING AND RECONSTRUCTION OF RIDGEVIEW ROAD.

Attachments: [Exhibit](#)

A motion was made that this Ordinance be adopted. The motion carried by the following vote:

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

Absent: 1 - Councilor Julsrud

The meeting was adjourned at 7:27 p.m.