

City of Duluth

411 West First Street
Duluth, Minnesota 55802



Minutes - Draft

Monday, July 27, 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 Jennifer Julsrud, Councilor Linda Krug, Councilor Barb Russ and Councilor Joel Sipress
- Absent:** 1 - President Emily Larson

PUBLIC HEARING - 7:00 PM - Proposed Confirmation of Assessment Roll for the Riverside Recontruction.

At this time, 7:03 p.m., the public hearing began.

Carole Newkumet expressed her dissatisfaction about the quality of work that was done on this project.

At this time, 7:06 p.m., the public hearing was declared closed and the regular order of business resumed.

PRESENTATION OF PETITIONS AND OTHER COMMUNICATIONS

1. [15-021](#) Colleen Baggs and Dick Swanson communication, submitted by Councilor Hanson, regarding the proposed renaming of ball fields near Wade Stadium (15-0423R and 15-0424R).

Attachments: [Communication](#)

This Petition/Other Communication was received.

2. [15-023](#) Bev Berglund communication regarding the proposed confirmation of the assessment roll for the Riverside reconstruction (15-0387R).

Attachments: [Communication](#)

This Petition/Other Communication was received.

3. [15-024](#) Barbara Hoffman communication regarding the proposed vacation of alleys southwest of Kenwood Avenue and Arrowhead Road (15-0429R).

Attachments: [Communication](#)

This Petition/Other Communication was received.

REPORTS FROM OTHER OFFICERS

4. [15-016](#) Clerk applications for exempt permits (raffles) to the Minnesota gambling control board from Circle of Hope on October 18, 2015, Essentia Health - Duluth and Essentia Health St. Mary's Medical Center on November 6, 2015.

Attachments: [Application_CircleofHope](#)
[Application_EssentiaHealthDuluth](#)
[Application_EssentiaHealthSMMC](#)

This Other Officers Report was received.

REPORTS OF BOARDS AND COMMISSIONS

5. [15-019](#) Duluth airport authority minutes of June 16, 2015, regular and special meetings.

Attachments: [Regular Meeting Minutes](#)
[Special Meeting Minutes](#)

This Board or Commission Report was received.

6. [15-020](#) Duluth public utilities commission minutes of May 19, 2015, meeting and resolution amending water customer category C/I 6 to include golf course irrigation (15PUC-005).

Attachments: [Minutes](#)
[15PUC-005](#)

This Board or Commission Report was received.

7. [15-022](#) Duluth parking commission minutes of August 15, September 19, October 3, November 7 and December 5, 2014.

Attachments: [08152014 Minutes](#)
[09192014 Minutes](#)
[10032014 Minutes](#)
[11072014 Minutes](#)
[12052014 Minutes](#)

This Board or Commission Report was received.

OPPORTUNITY FOR CITIZENS TO BE HEARD**RESOLUTIONS TABLED****COMMITTEE 1****BY COUNCILOR HANSON (PURCHASING & LICENSING)**

8. [15-0423R](#) RESOLUTION OF SUPPORT FOR NAMING THE LITTLE LEAGUE FIELDS LOCATED BEHIND WADE STADIUM THE JOHN BAGGS LITTLE LEAGUE FIELDS.

Sponsors: Hanson

Councilor Hanson moved to remove the resolution from the table, which motion was seconded and unanimously carried.

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

9. [15-0424R](#) RESOLUTION OF SUPPORT FOR NAMING THE TWO SOFTBALL FIELDS OUTSIDE WADE STADIUM THE DICK SWANSON FIELDS.

Sponsors: Hanson

Councilor Hanson moved to remove the resolution from the table, which motion was seconded and unanimously carried.

A motion was made that this Resolution be adopted. 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 Julsrud, Councilor Krug, Councilor Russ and Councilor Sipress

Absent: 1 - President Larson

COMMITTEE 2**BY COUNCILOR RUSS (PLANNING & ECONOMIC DEVELOPMENT)**

11. [15-0429R](#) RESOLUTION VACATING ALLEYS IN BLOCKS 1, 2, AND 11, MYERS AND WHIPPLES ADDITION TO DULUTH, LOCATED SOUTHWEST OF KENWOOD AVENUE AND ARROWHEAD ROAD, RETAINING A UTILITY EASEMENT OVER WESTERN PORTION OF THE ALLEY (KENWOOD VILLAGE LLC)

Attachments: [final signed exhibit](#)
[Staff Report and Attachments](#)

This Resolution was adopted.

12. [15-0436R](#) RESOLUTION AUTHORIZING A DEVELOPMENT AGREEMENT WITH ONE ROOF COMMUNITY HOUSING FOR THE JAY STREET HOUSING PROJECT.

Attachments: [Jay Street Development Agreement](#)

This Resolution was adopted.

13. [15-0462R](#) RESOLUTION AUTHORIZING A SUBORDINATION AGREEMENT RELATING TO THE REFINANCING OF THE VILLAGE AT MATTERHORN HOUSING PROJECT.

Attachments: [Exhibit A - 15-0462R](#)

This Resolution was adopted.

COMMITTEE 3

BY COUNCILOR JULSRUD (PUBLIC WORKS & UTILITIES)

14. [15-0450R](#) RESOLUTION AWARDED A CONTRACT TO UTILITY SYSTEMS OF AMERICA, INC. FOR KNOWLTON CREEK WATER MAIN RELOCATIONS AT GRAND AVENUE IN THE AMOUNT OF \$292,897.

Attachments: [15-0450R Map](#)

This Resolution was adopted.

BY COUNCILOR FOSLE (PUBLIC SAFETY)

15. [15-0467R](#) RESOLUTION SCHEDULING A PUBLIC HEARING ON THE PROPOSED DESIGNATION OF CERTAIN STREETS IN THE VICINITY OF UNIVERSITY OF MINNESOTA DULUTH AS RESIDENT PERMIT PARKING.

Attachments: [Attachment for 15-0467R](#)

This Resolution was adopted.

BY COUNCILOR SIPRESS (RECREATION, LIBRARIES & AUTHORITIES)

16. [15-0451R](#) RESOLUTION AUTHORIZING ACCEPTANCE OF A QUIT CLAIM DEED FROM BRADLEY E. LINDER FOR PROPERTY TO BE USED AS PART OF THE AMITY CREEK GRANT-IN-AID CONNECTOR SNOWMOBILE TRAIL TO THE C.J. RAMSTAD/NORTH SHORE STATE TRAIL.

Attachments: [Exhibit A](#)
[Linder Parcel Map](#)

This Resolution was adopted.

17. [15-0464R](#) RESOLUTION AUTHORIZING CITY OFFICIALS TO APPLY FOR, ACCEPT, AND EXECUTE AN AGREEMENT FROM THE NATIONAL PARKS SERVICE RIVERS, TRAILS AND CONSERVATION ASSISTANCE PROGRAM FOR NON-MONETARY TECHNICAL ASSISTANCE IN PREPARING A MASTER PLAN AROUND THE INVESTMENTS IN A FUTURE NATIONAL WATER TRAIL ON THE ST. LOUIS RIVER.

Attachments: [15-0464R EXHIBIT A -DRAFT APP.pdf](#)

This Resolution was adopted.

18. [15-0466R](#) RESOLUTION AUTHORIZING A LEASE AGREEMENT WITH COMMUNITY ACTION DULUTH FOR USE OF A CITY-OWNED GARAGE IN THE LINCOLN PARK NEIGHBORHOOD.

Attachments: [Attachment to 15-0466R](#)

This Resolution was adopted.

19. [15-0468R](#) RESOLUTION AUTHORIZING PROPER CITY OFFICIALS TO ACCEPT A GRANT FROM THE STATE OF MINNESOTA IN THE AMOUNT OF \$320,000.00 FOR THE LAKE SUPERIOR ZOO.

Attachments: [Exhibit A -Duluth Zoo Contract FY16 with City signature page.pdf](#)

This Resolution was adopted.

END OF CONSENT AGENDA

The following entitled resolution was also considered:

COMMITTEE 1

BY COUNCILOR FILIPOVICH (FINANCE)

10. [15-0387R](#) RESOLUTION CONFIRMING ASSESSMENT ROLL LEVIED TO DEFRAY THE ASSESSABLE PORTIONS OF THE RIVERSIDE RECONSTRUCT.

Attachments: [Riverside Resolution Attachment](#)

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 Julsrud, Councilor Krug, Councilor Russ and Councilor Sipress

Absent: 1 - President Larson

The following entitled ordinances were read for the first time:

COMMITTEE 1

BY COUNCILOR FILIPOVICH (FINANCE)

20. [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.

This Ordinance was read for the first time.

BY COUNCILOR GARDNER (PERSONNEL)

21. [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

This Ordinance was read for the first time.

22. [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

This Ordinance was read for the first time.

23. [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

This Ordinance was read for the first time.

COMMITTEE 2**BY PRESIDENT LARSON (COMMITTEE OF THE WHOLE)**

24. [15-064-O](#) AN ORDINANCE AMENDING CHAPTER I, SECTION 1, OF THE CITY CHARTER AMENDING THE LEGAL DESCRIPTION FOR THE CITY OF DULUTH.

This Ordinance was read for the first time.

The following entitled ordinances were read for the second time:

COMMITTEE 1

BY COUNCILOR FILIPOVICH (FINANCE)

25. [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

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 Julsrud, Councilor Krug, Councilor Russ and Councilor Sipress

Absent: 1 - President Larson

COMMITTEE 2**BY COUNCILOR RUSS (PLANNING & ECONOMIC DEVELOPMENT)**

26. [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](#)

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 Julsrud, Councilor Krug, Councilor Russ and Councilor Sipress

Absent: 1 - President Larson

27. [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](#)

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 Julsrud, Councilor Krug, Councilor Russ and Councilor Sipress

Absent: 1 - President Larson

28. [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](#)

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 Julsrud, Councilor Krug, Councilor Russ and Councilor Sipress

Absent: 1 - President Larson

COMMITTEE 3

BY COUNCILOR FOSLE (PUBLIC SAFETY)

29. [15-057-O](#) AN ORDINANCE AMENDING CHAPTER 33, SECTION 91, OF THE DULUTH CITY CODE, 1959, AS AMENDED, RELATING TO UNATTENDED MOTOR VEHICLES.

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 Julsrud, Councilor Krug, Councilor Russ and Councilor Sipress

Absent: 1 - President Larson

The meeting was adjourned at 7:24 p.m.