



City of Duluth

411 West First Street
Duluth, Minnesota 55802

Meeting Agenda - Final-revised

City Council

Monday, March 11, 2019

7:00 PM

Council Chamber

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 provide increased opportunities for civil discourse leading to positive resolutions for the issues that face our city. We know that when we have civility, we get civic engagement, and because we can't make each other civil and we can only work on ourselves, we state that today I will: pay attention, listen, be inclusive, not gossip, show respect, seek common ground, repair damaged relationships, use constructive language, and take responsibility. [Approved by the council on May 14, 2018]

ROLL CALL

PLEDGE OF ALLEGIANCE

APPROVAL OF MINUTES

1. [19-048](#) Meeting Minutes of the Duluth City Council

Attachments: [February 25, 2019 - City Council Meeting](#)

REPORTS FROM THE ADMINISTRATION

REPORTS FROM OTHER OFFICERS

REPORTS OF BOARDS AND COMMISSIONS

2. [19-045](#) Duluth Parking Commission Resolutions

Attachments: [Duluth Parking Commission Resolutions](#)

3. [19-046](#) Duluth Public Utilities Commission Meeting Minutes

Attachments: [Duluth Public Utilities Commission 1-15-2019](#)

4. [19-047](#) Library Board Meeting Minutes

Attachments: [Library Board 1-22-2019](#)

5. [19-049](#) Community Development Committee: Letter to Council

Attachments: [2-27-19 Letter to City Council Signed](#)

REPORTS OF COUNCIL COMMITTEES

REPORTS OF COUNCIL OPEN ISSUES

OPPORTUNITY FOR CITIZENS TO BE HEARD

CONSENT AGENDA

BY COUNCILOR FOSLE (PURCHASING & LICENSING)

6. [19-0141R](#) RESOLUTION APPROVING THE EXEMPTION OF A RAFFLE PERMIT AND WAIVING THE 60-DAY WAITING PERIOD FOR HEAD OF THE LAKES ROCKY MOUNTAIN ELK FOUNDATION

7. [19-0145R](#) RESOLUTION APPROVING THE EXEMPTION OF A RAFFLE PERMIT AND WAIVING THE 60 DAY WAITING PERIOD FOR ROTARY CLUB OF DULUTH HARBORTOWN MN USA Inc..

8. [19-0157R](#) RESOLUTION ISSUING A 3.2 PERCENT MALT LIQUOR LICENSE AND APPROVING ISSUANCE OF AN ON SALE WINE LICENSE TO UP NORTH BEER DE CARO DULUTH, LLC (UP NORTH BEER EXCHANGE), 1905 WEST SUPERIOR STREET.

Attachments: [Up North Decaro Application](#)

9. [19-0158R](#) RESOLUTION ISSUING AN ON SALE 3.2 PERCENT MALT LIQUOR LICENSE AND APPROVING ISSUANCE OF AN ON SALE WINE LICENSE TO TROPHY CAFE, LLC (TROPHY CAFE), 1314 COMMONWEALTH AVENUE.

Attachments: [Trophy Cafe Wine and Beer License](#)

10. [19-0160R](#) RESOLUTION APPROVING THE TEMPORARY EXPANSION OF THE ON SALE INTOXICATING LIQUOR LICENSE OF AVI, LLC. (BOAT CLUB RESTAURANT) FOR TASTE OF FITGERS, 600 EAST SUPERIOR STREET.

Attachments: [Fitgers Taste](#)

11. [19-0166R](#) RESOLUTION ISSUING AN ON SALE INTOXICATING LIQUOR LICENSE, SUNDAY LICENSE TO THE OMC, LLC, (OMC SMOKEHOUSE), 1909 WEST SUPERIOR STREET.

BY COUNCILOR FORSMAN (PERSONNEL)

12. [19-0177R](#) RESOLUTION APPOINTING COUNCILOR ZACK FILIPOVICH TO THE DULUTH PUBLIC UTILITIES COMMISSION.
13. [19-0179R](#) RESOLUTION CONFIRMING THE APPOINTMENT OF ROBERTA CICH TO THE HOUSING AND REDEVELOPMENT AUTHORITY OF DULUTH.

BY COUNCILOR RUSS (PLANNING & ECONOMIC DEVELOPMENT)

14. [19-0147R](#) RESOLUTION AUTHORIZING A SECOND AMENDMENT TO THE PROFESSIONAL SERVICES AGREEMENT WITH BARR ENGINEERING COMPANY INCREASING THE CONTRACT AMOUNT BY \$15,000 FOR A TOTAL CONTRACT AMOUNT NOT TO EXCEED THE AMOUNT OF \$115,000, AND EXTENDING THE TERM OF THE AGREEMENT THROUGH DECEMBER 31, 2019.

Attachments: [Second Amendment Agreement for Barr Engineering](#)

15. [19-0152R](#) RESOLUTION APPROVING A PARKING SPACE LEASE AGREEMENT BETWEEN JUST TAKE ACTION, INC. AND INTERSTATE PARKING COMPANY OF MINNESOTA LLC RELATED TO THE LAKE PLACE LOT AND CONDITIONALLY AGREEING TO HONOR ITS TERMS THROUGH APRIL 30, 2029.

Attachments: [Exhibit A](#)

16. [19-0168R](#) RESOLUTION OF INTENT TO SELL OR CONVEY CERTAIN REAL PROPERTY IN DOWNTOWN DULUTH.

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

17. [19-0169R](#) RESOLUTION AUTHORIZING ACCEPTANCE OF A QUIT CLAIM DEED FROM THE VOYAGEUR INN, LLC, FOR CERTAIN REAL PROPERTY IN DOWNTOWN DULUTH.

Attachments: [Exhibit A](#)

BY COUNCILOR FILIPOVICH (PUBLIC WORKS & UTILITIES)

18. [19-0143R](#) RESOLUTION APPROVING A COUNTY PROJECT WITHIN MUNICIPAL CORPORATE LIMITS FOR IMPROVEMENTS TO COUNTY STATE AID HIGHWAY 91 (HAINES ROAD).

Attachments: [19-0143R Map](#)

19. [19-0144R](#) RESOLUTION AUTHORIZING AN AGREEMENT WITH ST. LOUIS COUNTY FOR CONSTRUCTION OF NATURAL GAS, STORM SEWER, SANITARY SEWER AND WATER SYSTEM IMPROVEMENTS ASSOCIATED WITH THE RECONSTRUCTION OF CSAH 9 (WOODLAND AVENUE FROM ANOKA STREET TO CALVARY ROAD AND CALVARY ROAD FROM WOODLAND AVENUE TO ARNOLD ROAD) IN THE ESTIMATED AMOUNT OF \$2,610,000.
- Attachments:** [19-0144R Exhibit 1 \(Agreement\)](#)
[19-0144 Map](#)
[19-0144 Haul Routes Map](#)
[19-0144 Detour Route Map](#)
20. [19-0148R](#) RESOLUTION AUTHORIZING AN AGREEMENT WITH ST. LOUIS COUNTY TO PAINT FIVE TRAFFIC SIGNAL SYSTEMS IN THE CITY OF DULUTH.
- Attachments:** [19-0148R Exhibit A](#)
21. [19-0150R](#) RESOLUTION AUTHORIZING THE PURCHASE OF AN ADDITIONAL 2,500 TONS OF ROAD SALT FROM MORTON SALT, INC., INCREASING THE PURCHASE ORDER BY \$88,876.00 FOR A TOTAL AMOUNT OF \$355,456.00
22. [19-0156R](#) RESOLUTION AUTHORIZING THE PURCHASE OF TWO 2020 FREIGHTLINER CABS AND CHASSIS FROM BOYER TRUCKS IN THE AMOUNT OF \$170,134.00, AND THE PURCHASE AND INSTALLATION OF PLOWING AND SANDING EQUIPMENT TO OUTFIT SAME TRUCKS FROM CRYSTEEL TRUCK EQUIPMENT IN THE AMOUNT OF \$206,608.95 FOR A TOTAL AMOUNT OF \$376,742.95.
23. [19-0161R](#) RESOLUTION AWARDED A CONTRACT TO NORTHLAND CONSTRUCTORS OF DULUTH, INC FOR BITUMINOUS (HOT MIX BLACKTOP) FOR STREET MAINTENANCE ACTIVITIES IN 2019 FOR AN AMOUNT NOT TO EXCEED \$380,000.

BY COUNCILOR VAN NETT (PUBLIC SAFETY)

24. [19-0138R](#) RESOLUTION AUTHORIZING PROPER CITY OFFICIALS TO EXECUTE A TELEPRESENCE NETWORK USER AGREEMENT WITH THE ARROWHEAD HEALTH ALLIANCE, TO PROVIDE THE DULUTH POLICE DEPARTMENT WITH TWO IPADS AND ACCESS TO THE VIDYO PLATFORM AT NO COST TO THE CITY OF DULUTH.
- Attachments:** [19-0138 Document A](#)

25. [19-0146R](#) RESOLUTION AUTHORIZING THE CITY TO ENTER INTO A JOINT POWERS AGREEMENT WITH THE STATE OF MINNESOTA, COMMISSION OF PUBLIC SAFETY, BUREAU OF CRIMINAL APPREHENSION, PROVIDING FOR THE CITY OF DULUTH POLICE DEPARTMENT TO CONTINUE PARTICIPATION IN THE MINNESOTA INTERNET CRIMES AGAINST CHILDREN TASK FORCE PROGRAM.
- Attachments:** [Exhibit A.pdf](#)
26. [19-0149R](#) RESOLUTION AUTHORIZING A FIRST AMENDMENT TO THE GRANT FROM THE STATE OF MINNESOTA, DEPARTMENT OF NATURAL RESOURCES TO ACCEPT AN ADDITIONAL \$4,999, INCREASING THE AWARD AMOUNT FROM \$17,110 TO \$22,109 AND TO EXTEND THE AWARD PERIOD FROM DECEMBER 31, 2019 TO JUNE 30, 2020.
- Attachments:** [Amendment # 1.pdf](#)
27. [19-0162R](#) RESOLUTION AUTHORIZING PROPER CITY OFFICIALS TO ACCEPT A GRANT FROM THE UNITED STATES DEPARTMENT OF JUSTICE IN THE AMOUNT OF \$38,548 AND FURTHER AUTHORIZING EXECUTION OF GRANT AGREEMENT WITH ST. LOUIS COUNTY.
- Attachments:** [Exhibit A.pdf](#)
[Exhibit B.pdf](#)
28. [19-0163R](#) RESOLUTION AUTHORIZING AGREEMENT WITH STATE OF MINNESOTA FOR LEASE OF THE FIREARMS TRAINING FACILITY AT THE EMERGENCY RESPONSE TRAINING CENTER AT NO COST TO CITY.
- Attachments:** [19-0163 Exhibit A](#)

BY COUNCILOR WESTERLUND (RECREATION, LIBRARIES & AUTHORITIES)

29. [19-0118R](#) RESOLUTION AUTHORIZING AN AMENDMENT TO AGREEMENT L30063 WITH DIRT INC. FOR ADDITIONAL REHABILITATION OF THE DWP TRAIL FOR AN INCREASE OF \$49,466 AND A NEW TOTAL AMOUNT NOT TO EXCEED \$323, 205.75.
- Attachments:** [DWP Estimate 2.6.19](#)
30. [19-0151R](#) RESOLUTION IN SUPPORT OF AN EQUAL RIGHTS AMENDMENT TO THE MINNESOTA CONSTITUTION.
- Sponsors:** Westerlund

31. [19-0155R](#) RESOLUTION AUTHORIZING PROPER CITY OFFICIALS TO ACCEPT A \$10,000 GRANT FROM THE NATIONAL OCEANOGRAPHIC AND ATMOSPHERIC ADMINISTRATION, ADMINISTERED BY THE MINNESOTA DEPARTMENT OF NATURAL RESOURCES, FOR DEVELOPMENT OF A NATURAL RESOURCE MANAGEMENT PLAN FOR THE PROPOSED HARTLEY NATURAL AREA.

Attachments: [Exhibit A grant agreement](#)

32. [19-0159R](#) RESOLUTION ACCEPTING PERMANENT EASEMENT FOR RECREATIONAL TRAIL PURPOSES FROM WESTERN LAKE SUPERIOR SANITARY DISTRICT OVER PROPERTY ADJACENT TO SOUTH CENTRAL AVENUE AND MAIN STREET.

Attachments: [Exhibit 1.pdf](#)

33. [19-0164R](#) RESOLUTION AUTHORIZING AN AMENDMENT TO AGREEMENT L30107 WITH LHB, INC. FOR ADDITIONAL ENGINEERING SERVICES FOR FINAL DESIGN AND CONSTRUCTION ADMINISTRATION FOR LINCOLN PARK RESTORATION FOR AN INCREASE OF \$97,778 AND A NEW TOTAL AMOUNT NOT TO EXCEED \$131,391.

Attachments: [Exhibit A Proposal](#)

34. [19-0165R](#) RESOLUTION AUTHORIZING PROPER CITY OFFICIALS TO ACCEPT A \$13,600 GRANT FROM THE STATE OF MINNESOTA DEPARTMENT OF AGRICULTURE FOR CONTROL OF INVASIVE KNOTWEED AND WILD PARSNIP ON CITY LANDS.

Attachments: [Exhibit A grant agreement](#)

35. [19-0174R](#) RESOLUTION APPROVING A POLICY FOR SETTING RECREATION PROGRAM FEES AND AMENDING RESOLUTION 18-0788, ADOPTING LICENSE, PERMIT, FINE, PENALTY AND OTHER CHARGES FOR 2019, BY ADDING RECREATION PROGRAM FEES.

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

END OF CONSENT AGENDA

The following entitled resolutions are also to be considered:

BY COUNCILOR WESTERLUND (RECREATION, LIBRARIES & AUTHORITIES)

36. [19-0153R](#) RESOLUTION ACCEPTING UNCONDITIONAL GIFTS FROM THE FRIENDS OF THE DULUTH PUBLIC LIBRARY FOR THE BENEFIT OF THE LIBRARY IN 2019.

37. [19-0154R](#) RESOLUTION ACCEPTING UNCONDITIONAL GIFTS FROM THE DULUTH LIBRARY FOUNDATION FOR THE BENEFIT OF THE LIBRARY FOR 2019.

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

BY COUNCILOR FORSMAN (PERSONNEL)

38. [19-006-O](#) AN ORDINANCE AMENDING SECTIONS 50-19.8 USE TABLE AND 50-20.3 COMMERCIAL USES TO ALLOW DAYCARE FACILITIES AND PRESCHOOLS IN THE MIXED USE BUSINESS (MU-B) ZONE DISTRICT.

Sponsors: Forsman

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

BY COUNCILOR RUSS (PLANNING & ECONOMIC DEVELOPMENT)

39. [19-010-O](#) AN ORDINANCE AUTHORIZING THE CONVEYANCE OF CERTAIN REAL PROPERTY IN DOWNTOWN DULUTH AT NO COST.

Attachments: [Attachment 1](#)
[Exhibit A](#)

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

BY COUNCILOR RUSS (PLANNING & ECONOMIC DEVELOPMENT)

40. [19-007-O](#) AN ORDINANCE GRANTING A CONCURRENT USE PERMIT FOR AN EXISTING STRUCTURE IN THE PLATTED STREET RIGHT OF WAY OF 48TH AVENUE EAST.

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

BY PRESIDENT HOBBS (COMMITTEE OF THE WHOLE)

41. [19-008-O](#) ORDINANCE AMENDING CHAPTER 2, ARTICLE XXV, OF THE DULUTH CITY CODE BY DELETING IT IN ITS ENTIRETY AND SUBSTITUTING A NEW CHAPTER 2, ARTICLE XXV ESTABLISHING AN ENERGY PLAN COMMISSION.

COUNCILOR QUESTIONS AND COMMENTS

COUNCILOR PREVIEW OF UPCOMING BUSINESS

