



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, February 22, 2016

7:00 PM

Council Chamber

ROLL CALL

PLEDGE OF ALLEGIANCE

APPROVAL OF MINUTES

1. [16-020](#) August and September 2015

Attachments: [OPS 8.10.2015 \(1\)](#)
[OPS 8.14.2015 \(1\)](#)
[OPS 8.31.2015 \(1\)](#)
[OPS 9.14.2015 \(1\)](#)
[OPS 9.17.2015 \(1\)](#)
[OPS 9.28.2015 \(1\)](#)

PRESENTATION OF PETITIONS AND OTHER COMMUNICATIONS

2. [16-021](#) Communications regarding Lake Superior Zoo/Fairmount Park Site Plan

Attachments: [Elizabeth Donley Communication \(Zoo\)](#)
[Jerry Fredrickson Communication \(Zoo\)](#)
[Richard Paulson Communication \(Zoo\)](#)

REPORTS FROM THE ADMINISTRATION

REPORTS FROM OTHER OFFICERS

3. [16-022](#) Clerk application to conduct excluded bingo by St. Elizabeth's Catholic Church on March 20, 2016
4. [16-026](#) Spirit Mountain Rec. Area Authority Audit
5. [16-027](#) Clerk application for exempt permit submitted to the Minnesota gambling control board.

Attachments: [Holy Family Church Gambling Permit](#)
 [St Luke's Foundation Gambling Permit](#)

6. [16-028](#) Vacation Dwelling Unit Moratorium

Attachments: [Public Meeting Comments 1 21 2016](#)
 [Public Meeting Comments 10 15 2015](#)
 [VDRHS PC CC Report](#)

REPORTS OF BOARDS AND COMMISSIONS

7. [16-023](#) DPUC Meeting Minutes & Recommendations

Attachments: [01192016 DPUC meeting minutes](#)
 [16PUC-002 with recommended unofficial ordinance](#)
 [16PUC-003 recommending alternative stormwater mgmt approved 02162016](#)

8. [16-024](#) DAA Meeting Minutes

Attachments: [DAA January 19, 2016 Meeting Minutes](#)

REPORTS OF COUNCIL COMMITTEES

REPORTS OF COUNCIL OPEN ISSUES

OPPORTUNITY FOR CITIZENS TO BE HEARD

MOTIONS AND RESOLUTIONS

CONSENT AGENDA

BY COUNCILOR HOBBS (PURCHASING & LICENSING)

9. [16-0104R](#) RESOLUTION AUTHORIZING THE PURCHASE OF TECHRETE, PRIMER, SEALANT, MASTIC, AND THE RENTAL OF A PATCHER TRAILER, FROM BROCK WHITE COMPANY FOR A TOTAL AMOUNT OF \$123,680.

Attachments: [Exhibit A](#)

10. [16-0119R](#) RESOLUTION AUTHORIZING THE FIRST AMENDMENT TO CONTRACT 22447 WITH CHRISTINE PENNEY FOR PROFESSIONAL SERVICES FOR ADDITIONAL GRANT RESEARCH AND WRITING SERVICES FOR AN AMENDED CONTRACT TOTAL NOT TO EXCEED \$109,400.

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

11. [16-0120R](#) RESOLUTION AUTHORIZING A CONTRACT WITH WETLAND HABITAT RESTORATIONS FOR THE REMOVAL OF INVASIVE SPECIES FROM THE WESTERN WATERFRONT TRAIL CORRIDOR IN THE AMOUNT OF \$179,501.

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

12. [16-0129R](#) RESOLUTION AUTHORIZING AN AGREEMENT WITH PRAIRIE RESTORATIONS, INC. FOR THE IMPLEMENTATION OF A PORTION OF PHASE ONE OF THE HARTLEY MINI MASTER PLAN FOR AN AMOUNT NOT TO EXCEED \$65,000.

Attachments: [Exhibit A](#)

BY COUNCILOR ANDERSON (PERSONNEL)

13. [16-0112R](#) RESOLUTION APPROVING PROPOSED AMENDMENTS TO THE SPECIFICATIONS FOR THE EXISTING CIVIL SERVICE CLASSIFICATION OF BUILDINGS & GROUNDS MAINTENANCE SUPERVISOR, INCLUDING A TITLE CHANGE TO PARKS & GROUNDS MAINTENANCE SUPERVISOR, AND SPECIFYING CONTRACT BENEFITS FOR SAME.

Attachments: [Buildings & Grounds Maintenance Supervisor Strikeout](#)
 [Parks & Grounds Maintenance Supervisor](#)

BY COUNCILOR RUSS (PLANNING & ECONOMIC DEVELOPMENT)

14. [16-0095R](#) RESOLUTION AUTHORIZING AN AGREEMENT WITH PERKINS+WILL FOR THE WESTERN PORT AREA NEIGHBORHOOD PLAN FOR AN AMOUNT NOT TO EXCEED \$185,075.

Attachments: [Exhibit A](#)

[Exhibit B](#)

15. [16-0098R](#) RESOLUTION AUTHORIZING EXECUTION OF AN AGREEMENT WITH THE DULUTH ECONOMIC DEVELOPMENT AUTHORITY (DEDA) RELATING TO PARTICIPATION BY DEDA IN THE CITY OF DULUTH SELF INSURANCE FUND PROGRAM FOR 2016.

Attachments: [DEDA-City Self Insurance Program](#)

16. [16-0099R](#) RESOLUTION AUTHORIZING AN AGREEMENT WITH THE DULUTH ECONOMIC DEVELOPMENT AUTHORITY (DEDA) TO INSURE CERTAIN DEDA PROPERTY UNDER THE CITY'S PROPERTY AND BOILER INSURANCE POLICIES.

Attachments: [DEDA-City Property & Boiler Insurance Agreement \(2\)](#)

17. [16-0121R](#) RESOLUTION VACATING THE 30 FOOT WIDE RIGHT OF WAY LYING SOUTHERLY AND ADJACENT TO BLOCK 3, HYDE PARK (JOHN F. AND KRISTINE CURTIS).

Attachments: [Attachment](#)

[Attachment 2](#)

BY COUNCILOR WESTERLUND (PUBLIC WORKS & UTILITIES)

18. [16-0116R](#) RESOLUTION AUTHORIZING AN AGREEMENT WITH LHB, INC. FOR PROFESSIONAL ENGINEERING SERVICES TO PROVIDE DESIGN SERVICES FOR A DECK GRATING ASSESSMENT, SIDEWALK ASSESSMENT AND REPAINTING DESIGN AND PLANS FOR THE DULUTH AERIAL LIFT BRIDGE IN AN AMOUNT NOT TO EXCEED \$78,578.

Attachments: [16-0116R Map](#)

[16-0116R PESA](#)

19. [16-0118R](#) RESOLUTION AWARDED A CONTRACT TO MINNESOTA PIPE & EQUIPMENT, INC. FOR THE PURCHASE OF DUCTILE IRON WATER MAIN PIPE FOR ST. LOUIS COUNTY'S CSAH 9 STREET RECONSTRUCTION PROJECT IN THE AMOUNT OF \$300,609.

20. [16-0130R](#) RESOLUTION AUTHORIZING LICENSE AGREEMENT WITH BNSFRR TO AUTHORIZE CONSTRUCTION OF WATER MAIN AND CASING UNDER RAILROAD RIGHT-OF-WAY AT 59TH AVE. W.

Attachments: [Exhibit A - 16-0130R](#)

BY COUNCILOR FOSLE (PUBLIC SAFETY)

21. [16-0122R](#) RESOLUTION RENEWING CODERED SERVICE AGREEMENT (AGREEMENT NO. 22025) AND RENEWING THE WEATHER WARNING SERVICE ADDENDUM (AGREEMENT NO. 22026) WITH EMERGENCY COMMUNICATIONS NETWORK LLC, FOR A TOTAL COST OF \$29,500.

BY COUNCILOR SIPRESS (RECREATION, LIBRARIES & AUTHORITIES)

22. [16-0080R](#) RESOLUTION AUTHORIZING THE TWO YEAR RENEWAL OF AGREEMENT 22326 WITH DULUTH AREA FAMILY YMCA TO PROVIDE AFTER SCHOOL PROGRAMMING AND SUMMER YOUTH PROGRAMMING AT VARIOUS LOCATIONS FOR A MAXIMUM ANNUAL FEE NOT TO EXCEED \$150,000, AND A TOTAL AGREEMENT AMOUNT NOT TO EXCEED \$412,500.

Attachments: [Exhibit A](#)

23. [16-0114R](#) RESOLUTION AUTHORIZING APPLICATION TO THE MINNESOTA DEPARTMENT OF NATURAL RESOURCES (MN DNR) FEDERAL RECREATIONAL TRAIL PROGRAM TO CONSTRUCT A MULTI-USE TRAIL ALONG THE PROPOSED DWP RAIL BED TRAIL FROM SPIRIT MOUNTAIN TO STEWART CREEK.

Attachments: [EXHIBIT A - 16-0114R](#)
 [EXHIBIT B - 16-0114R](#)

24. [16-0115R](#) RESOLUTION AUTHORIZING APPLICATION TO A MINNESOTA DEPARTMENT OF NATURAL RESOURCES FEDERAL RECREATIONAL TRAIL PROGRAM GRANT TO CONSTRUCT A MULTI-USE TRAIL (THE CLYDE CONNECTOR TRAIL) CONNECTING SMITHVILLE, THE MUNGER TRAIL, THE DWP TRAIL AND WEST SKYLINE PARKWAY.

Attachments: [EXHIBIT B - 16-0115R](#)
 [EXHIBIT A - 16-0115R](#)

25. [16-0125R](#) RESOLUTION GRANTING APPROVAL AND IMPLEMENTATION OF THE LINCOLN PARK MINI-MASTER PLAN.

Attachments: [EXHIBIT A - 16-0125R](#)

26. [16-0133R](#) RESOLUTION AUTHORIZING THREE YEAR LEASE AGREEMENT WITH THE NATIONAL ASSOCIATION FOR THE ADVANCEMENT OF COLORED PEOPLE, DULUTH BRANCH, FOR USE OF SPACE IN THE WASHINGTON RECREATION CENTER.

Attachments: [NAACP lease 2016-02-16 \(council copy\)](#)

END OF CONSENT AGENDA**BY COUNCILOR RUSS (PLANNING & ECONOMIC DEVELOPMENT)**

27. [16-0124R](#) RESOLUTION GRANTING AN INTERIM USE PERMIT FOR AN ART SCHOOL AT 810 WEST THIRD STREET, FORMER ST. PETER'S CHURCH (JEFFREY T. LARSON).

Attachments: [Attachment 1](#)

BY COUNCILOR WESTERLUND (PUBLIC WORKS & UTILITIES)

28. [16-0117R](#) RESOLUTION AWARDED A CONTRACT TO NORTHLAND CONSTRUCTORS OF DULUTH, LLC FOR CONSTRUCTION OF THE LOWELL TO LAKEWALK TRAIL PHASE 1 (NOW KNOWN AS CAMPUS CONNECTOR) IN THE AMOUNT OF \$777,773.75.

Attachments: [16-0117R Map](#)
 [16-0117R Cross Section](#)

INTRODUCTION AND CONSIDERATION OF ORDINANCES**ORDINANCES TABLED****BY COUNCILOR RUSS (PLANNING & ECONOMIC DEVELOPMENT)**

29. [16-002-O](#) AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF DULUTH TO PROVIDE FOR THE RECLASSIFICATION FROM R-1 TO MU-N, AND MU-N AND MU-B TO MU-C FOR PROPERTY ALONG THE NORTH AND SOUTH SIDES OF LONDON ROAD.

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

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

BY COUNCILOR RUSS (PLANNING & ECONOMIC DEVELOPMENT)

30. [16-011-O](#) ORDINANCE DESIGNATING THE FORMER ST. PETER'S CHURCH, 810 WEST THIRD STREET, AS A DULUTH HISTORIC LANDMARK (JEFFREY T. LARSON).

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

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

BY COUNCILOR RUSS (PLANNING & ECONOMIC DEVELOPMENT)

31. [16-006-O](#) AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF DULUTH TO PROVIDE FOR THE RECLASSIFICATION OF THE CURRENT ZONE DISTRICT; RESIDENTIAL-TRADITIONAL (R-1) TO RESIDENTIAL-URBAN (R-2), AND MIXED USE-NEIGHBORHOOD (MU-N) AND INDUSTRIAL-GENERAL (I-G) TO MIXED USE-NEIGHBORHOOD (MU-N).

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

32. [16-009-O](#) AN ORDINANCE AMENDING CHAPTER 6, ARTICLE VII, OF THE DULUTH CITY CODE, 1959, AS AMENDED, RELATING TO NONDOMESTIC ANIMALS.

BY COUNCILOR WESTERLUND (PUBLIC WORKS & UTILITIES)

33. [16-007-O](#) AN ORDINANCE ADOPTING SPECIAL PROCEDURES PERTAINING TO TERMINATION OF NATURAL GAS SERVICE DURING THE COLD WEATHER RULE PERIOD, AMENDING ARTICLE XV OF CHAPTER 48 OF THE DULUTH CITY CODE, 1959, AS AMENDED TO ADD A NEW SECTION 48-239.1.
34. [16-008-O](#) AN ORDINANCE MODIFYING THE TERMS OF PUBLIC UTILITY COMMISSIONERS TO EXCLUDE PARTIAL TERMS FROM TERM LIMITATIONS, AMENDING SECTION 2-184 OF THE DULUTH CITY CODE, 1959, AS AMENDED.

COUNCILOR QUESTIONS AND COMMENTS

COUNCILOR PREVIEW OF UPCOMING BUSINESS