



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, June 27, 2016

7:00 PM

Council Chamber

ROLL CALL

PLEDGE OF ALLEGIANCE

PRESENTATION OF PETITIONS AND OTHER COMMUNICATIONS

1. [16-082](#) State of Minnesota Office of the State Auditor - Management and Compliance Report

Attachments: [Management & Compliance Report - Office of the State Auditor \(1\)](#)
[Management & Compliance Report - Office of the State Auditor](#)

REPORTS FROM THE ADMINISTRATION

REPORTS FROM OTHER OFFICERS

REPORTS OF BOARDS AND COMMISSIONS

2. [16-085](#) DPUC Resolution 16PUC-005
Gas reconnect penalty

Attachments: [16PUC-005 gas reconnect penalty approved 06212016](#)

3. [16-086](#) DPUC Resolution 16PUC-006
 Water reconnect pentaly

 Attachments: [16PUC-006 water reconnect penalty approved 06212016](#)
4. [16-087](#) DPUC Resolution 16PUC-007
 Credit card processing fee

 Attachments: [16PUC-007 credit card processing fee request approved 06212016](#)

REPORTS OF COUNCIL COMMITTEES

REPORTS OF COUNCIL OPEN ISSUES

OPPORTUNITY FOR CITIZENS TO BE HEARD

RESOLUTIONS TABLED

BY COUNCILOR SIPRESS (RECREATION, LIBRARIES & AUTHORITIES)

5. [16-0440R](#) RESOLUTION ADOPTING AN EMERALD ASH BORER (EAB)
 MANAGEMENT PLAN

 Attachments: [EXHIBIT A - 16-0440R](#)

MOTIONS AND RESOLUTIONS

CONSENT AGENDA

BY COUNCILOR HANSEN (FINANCE)

6. [16-0443R](#) RESOLUTION CONFIRMING THE ASSESSMENT ROLL OF
 DELINQUENT SOLID WASTE COLLECTION FEES DURING PERIOD
 OF MARCH 1, 2015, TO JUNE 1, 2016.

 Attachments: [Exhibit A](#)
7. [16-0447R](#) RESOLUTION CONFIRMING THE ASSESSMENT ROLL FOR
 ASSESSMENTS LEVIED AGAINST PROPERTY WITH REGARD TO
 PROPERTY VIOLATIONS DURING PERIOD OF APRIL 1, 2015, TO
 APRIL 1, 2016.

 Attachments: [Exhibit A](#)
8. [16-0448R](#) RESOLUTION CONFIRMING THE ASSESSMENT ROLL OF
 DELINQUENT UTILITY FEES DURING THE PERIOD OF JANUARY 1,
 2015, TO DECEMBER 31, 2015.

 Attachments: [Exhibit A](#)

BY COUNCILOR HOBBS (PURCHASING & LICENSING)

9. [16-0479R](#) RESOLUTION AUTHORIZING A CONTRACT WITH RW FERN ASSOCIATES, INC. - AIA ARCHITECTS FOR ARCHITECTURAL SERVICES FOR THE DESIGN OF CITY HALL INTERIOR RENOVATIONS AND DEPARTMENTAL SPACE PLANNING FOR AN AMOUNT NOT TO EXCEED \$156,650.

Attachments: [Architectural Agreement 6.20.16](#)

10. [16-0483R](#) RESOLUTION AUTHORIZING THE PURCHASE OF 5,100 TONS OF ROAD SALT FROM COMPASS MINERALS AMERICA INC. IN THE AMOUNT OF \$301,053.

11. [16-0485R](#) RESOLUTION AUTHORIZING A PROFESSIONAL SERVICES AGREEMENT WITH LHB, INC. FOR MASTER PLANNING SERVICES FOR THE WESTERN WATERFRONT TRAIL AND ASSOCIATED PARKS FOR A TOTAL NOT TO EXCEED OF \$68,062.

Attachments: [EXHIBIT A](#)

BY COUNCILOR ANDERSON (PERSONNEL)

12. [16-0456R](#) RESOLUTION APPROVING PROPOSED SPECIFICATIONS FOR THE NEW CIVIL SERVICE CLASSIFICATION OF CONSTRUCTION PROJECT SUPERVISOR, AND SPECIFYING CONTRACT BENEFITS FOR SAME.

Attachments: [Construction Project Supervisor](#)

13. [16-0458R](#) RESOLUTION APPROVING PROPOSED SPECIFICATIONS FOR THE NEW CIVIL SERVICE CLASSIFICATION OF SENIOR NETWORK ADMINISTRATOR, AND SPECIFYING CONTRACT BENEFITS FOR SAME.

Attachments: [Senior Network Administrator](#)

14. [16-0459R](#) RESOLUTION APPROVING PROPOSED SPECIFICATIONS FOR THE NEW CIVIL SERVICE CLASSIFICATION OF SENIOR SYSTEMS ADMINISTRATOR, AND SPECIFYING CONTRACT BENEFITS FOR SAME.

Attachments: [Senior Systems Administrator](#)

BY COUNCILOR RUSS (PLANNING & ECONOMIC DEVELOPMENT)

15. [16-0465R](#) RESOLUTION AUTHORIZING PROPER CITY OFFICIALS TO ENTER INTO AN AGREEMENT WITH AND ACCEPT FUNDS FROM THE MINNESOTA DEPARTMENT OF EMPLOYMENT AND ECONOMIC DEVELOPMENT FOR PROVISION OF WORKFORCE INVESTMENT ACT TITLE I SERVICES, MINNESOTA YOUTH PROGRAM SERVICES AND OLDER AMERICAN PRORAM SERVICES FOR THE PERIOD JULY 1, 2016 - JUNE 30, 2021.

Attachments: [Attachment A - Master Grant Contract DULUTH2016M](#)

16. [16-0476R](#) RESOLUTION ACCEPTING A CERTIFIED LOCAL GOVERNMENT GRANT OF \$15,000 FROM THE MINNESOTA STATE HISTORICAL SOCIETY AND APPROVING LOCAL MATCH OF \$5,000 AND \$5,400 OF IN-KIND SERVICES TO CONDUCT AN INTENSIVE SURVEY OF HISTORIC RESOURCES IN A PORTION OF THE LINCOLN PARK NEIGHBORHOOD.

Attachments: [Attachment 1](#)

17. [16-0477R](#) RESOLUTION DISCLOSING A POTENTIAL CONFLICT OF INTEREST BETWEEN A COMMUNITY PLANNING DIVISION STAFF MEMBER AND CHURCHES UNITED IN MINISTRY, SUB-GRANTEE OF THE CITY.

18. [16-0478R](#) RESOLUTION GRANTING AN INTERIM USE PERMIT FOR A VACATION DWELLING UNIT AT 1329 MINNESOTA AVENUE (DAVID WADE).

Attachments: [Attachment 1](#)

19. [16-0486R](#) RESOLUTION AUTHORIZING ASSESSMENT AGREEMENT WITH CIRRUS DESIGN CORPORATION FOR AGREEING TO BE ASSESSED FOR THE COST OF DESIGNING AND CONSTRUCTING A NEW GAS MAIN IN CONNECTION WITH THE COMPLETION CENTER.

Attachments: [Attachment A - Cirrus Gas Main Dev & Assessment Agmt](#)

20. [16-0489R](#) RESOLUTION AUTHORIZING APPLICATION FOR AND ACCEPTANCE OF A GRANT FROM MINNESOTA DEPARTMENT OF EMPLOYMENT AND ECONOMIC DEVELOPMENT FOR UP TO \$200,000 FOR A NEW GAS MAIN CONNECTION TO THE CIRRUS COMPLETION CENTER.

BY PRESIDENT FILIPOVICH (COMMITTEE OF THE WHOLE)

21. [16-0470R](#) RESOLUTION AUTHORIZING AN AGREEMENT WITH CLAYTON JACKSON MCGHIE MEMORIAL, INC. FOR THE OPERATION OF THE CLAYTON JACKSON MCGHIE MEMORIAL.

Attachments: [Attachment CJMM Agreement 16-0470](#)

22. [16-0488R](#) RESOLUTION APPOINTING ELECTION JUDGES FOR THE AUGUST 9, 2016, STATE PRIMARY, AND THE NOVEMBER 8, 2016, GENERAL ELECTION.

Attachments: [ATTACHMENT A - ElectionJudgeList06202016](#)

BY COUNCILOR WESTERLUND (PUBLIC WORKS & UTILITIES)

23. [16-0369R](#) RESOLUTION CONCURRING WITH COUNTY AWARD OF FOURTH STREET RECONSTRUCTION CONTRACT.

Attachments: [16-0369R Map](#)

24. [16-0398R](#) RESOLUTION OF INTENT FOR CONSTRUCTION OF A SANITARY SEWER EXTENSION IN MINNESOTA AVENUE BEGINNING ON THE SOUTHEAST CORNER OF 18TH STREET AND EXTENDING 34 FEET NORTHERLY AND TO ASSESS THE COSTS THEREOF.

Attachments: [16-0398R Map](#)

25. [16-0399R](#) RESOLUTION AMENDING AGREEMENT NO. 22707 WITH ST. LOUIS COUNTY AND THE CITY OF HERMANTOWN FOR A TRAFFIC SIGNAL TIMING PLAN UPDATE PROJECT IN THE ESTIMATED AMOUNT OF \$3,958.68 FOR A NEW TOTAL OF \$22,676.82.

Attachments: [16-0399R Agreement](#)

26. [16-0449R](#) RESOLUTION AWARDED A CONTRACT TO KTM PAVING, INC. FOR RETAINING WALL REPLACEMENT AND BRIDGE L5930 AT TISCHER CREEK IN THE AMOUNT OF \$195,977.13.

Attachments: [16-0449R Map](#)

27. [16-0481R](#) RESOLUTION AUTHORIZING AMENDMENT NO. 1 TO MNDOT AGREEMENT NO. 1003172 TO INCREASE THE AMOUNT OF LOCAL ROAD AND BRIDGE DISASTER RELIEF BY \$41,275.93 FOR A NEW TOTAL OF \$103,361.41.

Attachments: [Attachment B - Location Map](#)
[Attachment A - Amendment No. 1](#)

28. [16-0482R](#) RESOLUTION AMENDING CONTRACT NO. C22459 WITH MSA PROFESSIONAL SERVICE, INC. FOR ENGINEERING AND DESIGN OF THE PHASE 2 LAKEWOOD WATER TREATMENT PLANT HVAC SYSTEM FOR VENTILATION AND DEHUMIDIFICATION IMPROVEMENTS IN THE ESTIMATED AMOUNT OF \$111,000, FOR A NEW TOTAL OF \$236,000.

Attachments: [Amendment No. 1 to C22459](#)

29. [16-0484R](#) RESOLUTION ORDERING THE CONSTRUCTION OF APPROXIMATELY 7,150 FEET OF GAS MAIN FROM HAINES ROAD TO 250 FEET WEST OF CENTERLINE OF STEBNER ROAD, AT AN ESTIMATED COST NOT TO EXCEED \$400,000.

Attachments: [Location Map](#)
[06-14-2015 Public Hearing Minutes](#)
[Preliminary Assessment Roll](#)

30. [16-0487R](#) RESOLUTION AWARDED A CONTRACT TO MICHELS CORPORATION FOR THE CONSTRUCTION AND CIPP REHABILITATION OF SANITARY SEWER UNDER SUPERIOR STREET IN THE AMOUNT OF \$996,858.00.

BY COUNCILOR SIPRESS (RECREATION, LIBRARIES & AUTHORITIES)

31. [16-0452R](#) RESOLUTION AUTHORIZING ACCEPTANCE OF A \$91,000 GRANT FROM THE MINNESOTA DEPARTMENT OF NATURAL RESOURCES AND MINNESOTA LAKE SUPERIOR COASTAL PROGRAM TO CONTROL STORMWATER AND SNOW MELT RUNOFF AT GARY NEW DULUTH RECREATION AREA.

Attachments: [EXHIBIT A - 16-0452R](#)

32. [16-0453R](#) RESOLUTION ACCEPTING A \$25,000 CONTRIBUTION FROM ESSENTIA HEALTH FOR THE IMPLEMENTATION OF THE LINCOLN PARK MINI-MASTER PLAN.

Attachments: [EXHIBIT A - 16-0453R](#)

33. [16-0454R](#) RESOLUTION AUTHORIZING A TWO-YEAR AGREEMENT WITH DULUTH AREA FAMILY YMCA TO PROVIDE OUTSIDE OF SCHOOL TIME PROGRAMMING AT THE CITY'S GARY NEW DULUTH COMMUNITY CENTER AT AN ANNUAL COST OF \$20,000.

Attachments: [EXHIBIT A - 16-0454R](#)

34. [16-0455R](#) RESOLUTION GRANTING APPROVAL AND IMPLEMENTATION OF THE ST. LOUIS RIVER CORRIDOR NEIGHBORHOOD PARKS MINI-MASTER PLANS

Attachments: [FINAL River Corridor Neighborhood Parks Master Plans](#)

35. [16-0475R](#) RESOLUTION AUTHORIZING A BRIDGE FUNDING AGREEMENT BETWEEN THE CITY OF DULUTH AND THE ARROWHEAD ZOOLOGICAL SOCIETY, INC. FOR PHASE ONE OF THE BEAR COUNTRY PROJECT.

Attachments: [Exhibit 1](#)

END OF CONSENT AGENDA

BY COUNCILOR HOBBS (PURCHASING & LICENSING)

36. [16-0491R](#) RESOLUTION AUTHORIZING A CONTRACT WITH AMI CONSULTING ENGINEERS P. A. FOR THE DESIGN OF REPAIRS AND REPLACEMENTS FOR THE SEAWALL SURROUNDING THE DULUTH ENTERTAINMENT CONVENTION CENTER FOR AN AMOUNT NOT TO EXCEED \$434,495.

Attachments: [Exhibit A](#)

BY COUNCILOR ANDERSON (PERSONNEL)

37. [16-0450R](#) RESOLUTION ACCEPTING A SPECIAL LAW REPEALING THE PROHIBITION ON GRANTING INTOXICATING LIQUOR LICENSES WITHIN THE LAKESIDE AND LESTER PARK NEIGHBORHOODS IN THE CITY OF DULUTH.
38. [16-0457R](#) RESOLUTION APPROVING PROPOSED SPECIFICATIONS FOR THE NEW CIVIL SERVICE CLASSIFICATION OF TECHNOLOGY SECURITY ADMINISTRATOR, AND SPECIFYING CONTRACT BENEFITS FOR SAME.

Attachments: [Technology Security Administrator](#)

BY COUNCILOR WESTERLUND (PUBLIC WORKS & UTILITIES)

39. [16-0474R](#) RESOLUTION HONORING THE VICTIMS OF THE SHOOTING IN ORLANDO, FLORIDA.

Sponsors: Westerlund

INTRODUCTION AND CONSIDERATION OF ORDINANCES**ORDINANCES TABLED**

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

BY COUNCILOR ANDERSON (PERSONNEL)

40. [16-044-O](#) ORDINANCE AMENDING CHAPTER 2, ARTICLE XIX, SECTION 2-107, OF THE DULUTH CITY CODE TO INCREASE THE NUMBER OF COMMISSIONERS ON THE DULUTH PUBLIC ARTS COMMISSION TO THIRTEEN MEMBERS.

Sponsors: Anderson

BY COUNCILOR RUSS (PLANNING & ECONOMIC DEVELOPMENT)

41. [16-030-O](#) AN ORDINANCE AMENDING SECTIONS 50-15.2 MIXED USE NEIGHBORHOOD (MU-N), 50-15.3 MIXED USE COMMERCIAL (MU-C), AND 50-15.5 MIXED USE BUSINESS PARK (MU-B).
Attachments: [Attachment 1](#)
42. [16-031-O](#) AN ORDINANCE AMENDING SECTION 50-18.1.D SHORELANDS.
Attachments: [Attachment 1](#)
43. [16-032-O](#) AN ORDINANCE AMENDING SECTIONS 50-21.3 EXCEPTIONS AND ENCROACHMENTS AND 50-22.4 CAP TYPES.
Attachments: [Attachment 1](#)
44. [16-033-O](#) AN ORDINANCE AMENDING SECTIONS 50-23.2 GENERAL CIRCULATION REQUIREMENTS AND 50-24.2 REQUIRED PARKING SPACES.
Attachments: [Attachment 1](#)
45. [16-034-O](#) AN ORDINANCE AMENDING SECTIONS 50-25.2 GENERAL LANDSCAPING STANDARDS, 50-29 SUSTAINABILITY, AND 50-32 INTERNATIONAL PROPERTY MAINTENANCE.
Attachments: [Attachment 1](#)
46. [16-036-O](#) AN ORDINANCE AMENDING SECTION 50-27.2 ENFORCEMENT, 50-27.3 DESIGN AND CONSTRUCTION STANDARDS, AND 50-27.7 SIGN TYPES.
Attachments: [Attachment 1](#)
[Attachment 2 -Ordinance 16-036 with photos](#)
47. [16-037-O](#) AN ORDINANCE AMENDING SECTION 50-37.9 VARIANCE.
Attachments: [Attachment 1](#)
48. [16-043-O](#) AN ORDINANCE AMENDING SECTIONS 50-19.8 USE TABLE, 50-20.3.L COMMERCIAL USES, 50-20.7 ADAPTIVE REUSE OF A LOCAL HISTORIC LANDMARK, AND 50-40.13 DEFINITIONS.
Attachments: [Attachment 1](#)
[Attachment 2](#)

BY COUNCILOR WESTERLUND (PUBLIC WORKS & UTILITIES)

49. [16-040-O](#) AN ORDINANCE AMENDING SECTION 12-2 OF DULUTH CITY CODE, 1959, AS AMENDED, TO ADD CHAPTER 43A, ILLICIT DISCHARGES TO THE CITY STORM SEWER SYSTEM, TO THE LIST OF CODE CHAPTERS UNDER WHICH A VIOLATION CAN BE ESTABLISHED.

50. [16-041-O](#) AN ORDINANCE AMENDING CHAPTER 43 OF DULUTH CITY CODE, 1959, AS AMENDED, TO PROVIDE THAT THE DULUTH PUBLIC UTILITIES COMMISSION HEAR AND DECIDE APPEALS ARISING UNDER CHAPTER 43 OF THE CITY CODE, AMENDING TIMELINES FOR FILING APPEALS, AND INCLUDING THE PUBLIC UTILITIES COMMISSION IN THE CHAPTER DEFINITIONS.
51. [16-042-O](#) AN ORDINANCE AMENDING CHAPTER 2, ARTICLE XXXV, SECTION 2-186 OF DULUTH CITY CODE, 1959, AS AMENDED, TO AUTHORIZE THE DULUTH PUBLIC UTILITIES COMMISSION TO HEAR AND DECIDE APPEALS ARISING UNDER CHAPTERS 43, 43A, AND 48 OF THE CITY CODE.

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

BY COUNCILOR RUSS (PLANNING & ECONOMIC DEVELOPMENT)

52. [16-027-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 RR-1 AND I-G TO P-1, FOR QUARRY PARK .

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

53. [16-028-O](#) AN ORDINANCE TO OPT-OUT OF THE REQUIREMENTS OF MINN. STAT. 462.3593 (2016), THE TEMPORARY FAMILY HEALTHCARE DWELLINGS STATUTE.

54. [16-029-O](#) AN ORDINANCE AUTHORIZING THE CONVEYANCE OF CERTAIN REAL PROPERTY IN THE KENWOOD NEIGHBORHOOD TO THE STATE OF MINNESOTA.

Attachments: [Exhibit A](#)

COUNCILOR QUESTIONS AND COMMENTS

COUNCILOR PREVIEW OF UPCOMING BUSINESS