



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, July 18, 2016

7:00 PM

Council Chamber

ROLL CALL

PLEDGE OF ALLEGIANCE

REPORTS FROM THE ADMINISTRATION

REPORTS FROM OTHER OFFICERS

REPORTS OF COUNCIL COMMITTEES

REPORTS OF COUNCIL OPEN ISSUES

OPPORTUNITY FOR CITIZENS TO BE HEARD

RESOLUTIONS TABLED

BY COUNCILOR HOBBS (PURCHASING & LICENSING)

1. [16-0485R](#) RESOLUTION AUTHORIZING A PROFESSIONAL SERVICES AGREEMENT WITH LHB, INC. FOR MASTER PLANNING SERVICES FOR THE WESTERN WATERFRONT PARKS AND TRAIL FOR A TOTAL NOT TO EXCEED OF \$70,992.

Attachments: [Exhibit A 7.12.16](#)

BY COUNCILOR ANDERSON (PERSONNEL)

2. [16-0493R](#) RESOLUTION CONFIRMING THE APPOINTMENT OF TODD FEDORA TO THE DULUTH AIRPORT AUTHORITY, REPLACING KENNETH J STROMQUIST.

Attachments: [T. Fedora Application](#)

BY COUNCILOR SIPRESS (RECREATION, LIBRARIES & AUTHORITIES)

3. [16-0440R](#) RESOLUTION ADOPTING AN EMERALD ASH BORER (EAB) MANAGEMENT PLAN

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

MOTIONS AND RESOLUTIONS**CONSENT AGENDA****BY COUNCILOR HOBBS (PURCHASING & LICENSING)**

4. [16-0559R](#) RESOLUTION AUTHORIZING A MASTER SERVICES AGREEMENT WITH TWIN PORTS TESTING, INC. FOR PROFESSIONAL GEOTECHNICAL AND MATERIAL TESTING SERVICES FOR A TOTAL ANNUAL AMOUNT NOT TO EXCEED \$50,000 AND A TOTAL CONTRACT AMOUNT NOT TO EXCEED \$100,000.

Attachments: [Exhibit A](#)

5. [16-0567R](#) RESOLUTION APPROVING ISSUANCE OF A CONSUMPTION AND DISPLAY LICENSE AND APPROVING THE PERMANENT EXPANSION OF THE ON SALE 3.2 PERCENT MALT LIQUOR LICENSE OF PARK POINT MARINE INN & SUITES, LLC.

BY COUNCILOR ANDERSON (PERSONNEL)

6. [16-0562R](#) RESOLUTION CONFIRMING THE APPOINTMENT OF DARIS NORDBY TO THE HEADING HOME ST. LOUIS COUNTY'S GOVERNANCE BOARD, FILLING THE FORMERLY HOMELESS REPRESENTATIVE VACANCY.

Attachments: [D.Norby Application](#)

7. [16-0565R](#) RESOLUTION CONFIRMING THE APPOINTMENT OF JESSICA STERLE TO THE DULUTH PARKING COMMISSION

Attachments: [J. Sterle](#)

8. [16-0566R](#) RESOLUTION CONFIRMING THE APPOINTMENT OF MARK OSTHUS TO THE COMMUNITY DEVELOPMENT COMMITTEE

Attachments: [M. Osthus](#)

BY COUNCILOR RUSS (PLANNING & ECONOMIC DEVELOPMENT)

9. [16-0553R](#) RESOLUTION AWARDED A PROFESSIONAL SERVICES CONTRACT TO ECOSIGN MOUNTAIN RESORT PLANNERS LTD FOR THE COMPLETION OF A MASTER PLAN UPDATE FOR THE SPIRIT MOUNTAIN RECREATION AREA FOR AN AMOUNT NOT TO EXCEED \$66,000.

Attachments: [Attachment 1](#)

10. [16-0554R](#) RESOLUTION REPROGRAMMING FUNDS FROM THE 2011 PROGRAM YEAR IN THE AMOUNT OF \$51,944 AND \$4,787 FROM HOUSING REHABILITATION REVOLVING FUND.

11. [16-0556R](#) RESOLUTION AUTHORIZING A TEN YEAR USE AND OPERATIONS AGREEMENT WITH DULUTH COMMUNITY GARDEN PROGRAM FOR THE CITY'S DENFELD VICTORY GARDEN AND EDIBLE FOREST.

Attachments: [Attachment 1](#)
[2015 10 02 EDIBLE FOREST AND CAD GARDENS COMBINED](#)

BY PRESIDENT FILIPOVICH (COMMITTEE OF THE WHOLE)

12. [16-0530R](#) RESOLUTION AMENDING RESOLUTION 16-0488 CHANGING THE 2016 ELECTION JUDGE COMPENSATION.

BY COUNCILOR WESTERLUND (PUBLIC WORKS & UTILITIES)

13. [16-0546R](#) RESOLUTION AUTHORIZING A PERMANENT EASEMENT AGREEMENT WITH 725 IRVING, LLC REGARDING THE KENWOOD AND ARROWHEAD INTERSECTION.

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

14. [16-0547R](#) RESOLUTION AUTHORIZING A SURRENDER OF ACCESS AND TEMPORARY CONSTRUCTION EASEMENT AGREEMENT WITH U.S. BANK NATIONAL ASSOCIATION AND WELLS FARGO BANK (NA) REGARDING THE KENWOOD AND ARROWHEAD INTERSECTION.

Attachments: [Attachment 1](#)

15. [16-0549R](#) RESOLUTION ACCEPTING A PERMANENT EASEMENT FOR UTILITY PURPOSES WITHIN THE BLUESTONE DEVELOPMENT AT NO COST TO THE CITY.

Attachments: [16-0549R Exhibit 1](#)
[16-0549R Exhibit A](#)
[16-0549R Exhibit B](#)

16. [16-0550R](#) RESOLUTION ACCEPTING A PERMANENT EASEMENT FOR UTILITY PURPOSES WITHIN THE BLUESTONE DEVELOPMENT AT NO COST TO THE CITY.

Attachments: [16-0550R Exhibit 1](#)
[16-0550R Exhibit A](#)
[16-0550R Exhibit B](#)

17. [16-0551R](#) RESOLUTION ACCEPTING A PERMANENT EASEMENT FOR UTILITY PURPOSES WITHIN THE BLUESTONE DEVELOPMENT AT NO COST TO THE CITY.

Attachments: [16-0551R Exhibit 1](#)
[16-0551R Exhibit A](#)
[16-0551R Exhibit B](#)

18. [16-0552R](#) RESOLUTION AUTHORIZING A PERMANENT EASEMENT AGREEMENT WITH BARRINGTON WALDORF, LLC REGARDING THE KENWOOD AND ARROWHEAD INTERSECTION.

Attachments: [16-0552R Exhibit A](#)

19. [16-0557R](#) RESOLUTION AUTHORIZING TEMPORARY CONSTRUCTION EASEMENT AGREEMENT WITH BARRINGTON WALDORF, LLC REGARDING THE KENWOOD AND ARROWHEAD INTERSECTION.

Attachments: [16-0557R Exhibit A](#)

BY COUNCILOR FOSLE (PUBLIC SAFETY)

20. [16-0548R](#) 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 1](#)

BY COUNCILOR SIPRESS (RECREATION, LIBRARIES & AUTHORITIES)

21. [16-0560R](#) RESOLUTION AUTHORIZING A FIRST AMENDMENT TO THE FIVE (5) YEAR LEASE AGREEMENT WITH RPK BASEBALL, LLC AND NORTHWOODS LEAGUE, INC. FOR THE USE OF WADE STADIUM THROUGH 2020.

Attachments: [Exhibit A](#)

END OF CONSENT AGENDA

BY COUNCILOR ANDERSON (PERSONNEL)

22. [16-0563R](#) RESOLUTION CONFIRMING THE APPOINTMENT OF HEATHER WRIGHT WENDEL TO THE PLANNING COMMISSION.

Attachments: [H. Wright Wendel](#)

BY COUNCILOR RUSS (PLANNING & ECONOMIC DEVELOPMENT)

23. [16-0558R](#) RESOLUTION AUTHORIZING DEVELOPMENT AGREEMENT WITH MH II APARTMENTS, INC. FOR DEVELOPMENT OF 72 RENTAL UNITS OF WORKFORCE HOUSING IN THE MILLER HILL AREA.

Attachments: [Attachment 1](#)

BY PRESIDENT FILIPOVICH (COMMITTEE OF THE WHOLE)

24. [16-0533R](#) RESOLUTION ESTABLISHING EARNED SICK AND SAFE TIME TASK FORCE.

Sponsors: Filipovich and Hansen

Attachments: [Sipress.Westerlund mta 16-0533R](#)
[Hobbs mta 16-0533R](#)

INTRODUCTION AND CONSIDERATION OF ORDINANCES

ORDINANCES TABLED

BY COUNCILOR RUSS (PLANNING & ECONOMIC DEVELOPMENT)

25. [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](#)
[Sipress.Russ mta 16-030-O](#)
[Filipovich mta 16-030-O](#)

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

BY COUNCILOR RUSS (PLANNING & ECONOMIC DEVELOPMENT)

26. [16-048-O](#) AN ORDINANCE GRANTING TO WASTE MANAGEMENT A CONCURRENT USE PERMIT FOR 50 FEET OF PLATTED UTILITY RIGHT OF WAY LOCATED IN THE PARCEL OF LOT 2, BLOCK 3 OF THE TWIN PORTS TRUCK CENTER DIVISION.

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

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

BY COUNCILOR ANDERSON (PERSONNEL)

27. [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 ELEVEN MEMBERS.

BY COUNCILOR FOSLE (PUBLIC SAFETY)

28. [16-047-O](#) ORDINANCE AMENDING CHAPTER 21, SECTIONS 21-1, 21-35 AND 21-38 OF THE DULUTH CITY CODE TO ADOPT AND INCORPORATE THE 2015 AMENDMENTS TO THE MINNESOTA STATE FIRE CODE, WHICH IS BASED ON THE 2012 INTERNATIONAL FIRE CODE, TO AMEND THE DEFINITION OF FIRE PROTECTION SYSTEM IN ACCORDANCE WITH THE STATE AND INTERNATIONAL FIRE CODES, AND TO REQUIRE THAT LICENSED FIRE PROTECTION CONTRACTORS, BUILDING OWNERS OR THEIR AGENTS SUBMIT ANNUAL FIRE PROTECTION SYSTEM INSPECTION AND TESTING REPORTS TO THE FIRE DEPARTMENT ELECTRONICALLY VIA A METHOD APPROVED BY THE FIRE MARSHAL.

COUNCILOR QUESTIONS AND COMMENTS

COUNCILOR PREVIEW OF UPCOMING BUSINESS