



# 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]*

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Monday, August 15, 2016

7:00 PM

Council Chamber

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#### ROLL CALL

#### PLEDGE OF ALLEGIANCE

#### PUBLIC HEARING - Miller Hill Tax Abatement

#### REPORTS FROM THE ADMINISTRATION

#### REPORTS FROM OTHER OFFICERS

#### REPORTS OF BOARDS AND COMMISSIONS

1. [16-099](#) HRA Meeting Minutes  
**Attachments:** [4-26-16 HRA Minutes](#)  
[5-31-16 HRA Minutes](#)  
[6-28-16 HRA Minutes](#)
2. [16-100](#) Civil Service Board Meeting Minutes  
**Attachments:** [05-03-16 Civil Service Board Minutes](#)

#### REPORTS OF COUNCIL COMMITTEES

**REPORTS OF COUNCIL OPEN ISSUES****OPPORTUNITY FOR CITIZENS TO BE HEARD****RESOLUTIONS TABLED****BY COUNCILOR RUSS (PLANNING & ECONOMIC DEVELOPMENT)**

3. [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](#)

Legislative History

7/18/16	City Council	tabled
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**BY COUNCILOR SIPRESS (RECREATION, LIBRARIES & AUTHORITIES)**

4. [16-0440R](#) RESOLUTION ADOPTING AN EMERALD ASH BORER (EAB) MANAGEMENT PLAN

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

Legislative History

6/13/16	City Council	tabled
	Speaker Louise Levy	
	Mr. Filby Williams	
6/27/16	City Council	tabled
	Resolution remains on the table.	
7/11/16	City Council	tabled
7/18/16	City Council	tabled

**MOTIONS AND RESOLUTIONS****CONSENT AGENDA****BY COUNCILOR HANSEN (FINANCE)**

5. [16-0593R](#) RESOLUTION AMENDING RESOLUTION NO. 16-0245R, WHICH AMENDED RESOLUTION NO. 16-0152, WHICH AMENDED RESOLUTION NO. 16-0055, CONFIRMING DEMOLITION ASSESSMENT ROLL TO DELETE A THIRD PROPERTY AND REDUCING THE AMOUNT ASSESSED.

**BY COUNCILOR HOBBS (PURCHASING & LICENSING)**

6. [16-0576R](#) RESOLUTION APPROVING RENEWAL AND ISSUANCE OF ON SALE INTOXICATING LIQUOR, ON SALE THEATER LICENSES, ON SALE SUNDAY INTOXICATING LIQUOR, ADDITIONAL BAR, ON SALE DANCING, 2:00 A.M. BEVERAGE LICENSE AND LATE HOUR ENTERTAINMENT LICENSES FOR THE PERIOD BEGINNING SEPTEMBER 1, 2016, AND ENDING AUGUST 31, 2017.

Attachments: [Attachment A - RENEWALS ON SALE 2016](#)

7. [16-0577R](#) RESOLUTION ISSUING A 3.2 PERCENT MALT LIQUOR LICENSE AND APPROVING ISSUANCE OF AN ON SALE WINE LICENSE TO AMITY COFFEE, LLC (AMITY COFFEE), 4429 EAST SUPERIOR STREET.
8. [16-0578R](#) RESOLUTION APPROVING THE ISSUANCE OF ON SALE WINE RENEWAL LICENSES FOR THE PERIOD BEGINNING SEPTEMBER 1, 2016, AND ENDING AUGUST 31, 2017.

Attachments: [attachment A - Wine License Renewals](#)

9. [16-0579R](#) RESOLUTION APPROVING THE ISSUANCE OF OFF SALE INTOXICATING LIQUOR RENEWAL LICENSES FOR THE PERIOD BEGINNING SEPTEMBER 1, 2016, AND ENDING AUGUST 31, 2017.

Attachments: [attachment A - Off Sale Liquor Renewal](#)

10. [16-0580R](#) RESOLUTION APPROVING THE ISSUANCE OF ON SALE CLUB LIQUOR RENEWAL LICENSES FOR THE PERIOD BEGINNING SEPTEMBER 1, 2016, AND ENDING AUGUST 31, 2017.

Attachments: [attachment A - On Sale Club](#)

11. [16-0581R](#) RESOLUTION APPROVING THE ISSUANCE OF THE ON AND OFF SALE BREWERY MALT LIQUOR (GROWLER) LICENSES AND SUNDAY (TAPROOM ONLY) LICENSE AND A 2:00 A.M. CLOSING LICENSE TO BLACKLIST BEER, LLC. (BLACKLIST ARTISAN ALES LLC) 120 EAST SUPERIOR STREET, WITH JON LOSS, 25% OWNER, TJ ESTABROOK 50% OWNER, AND BRIAN SCHANZENBACH 25% OWNER, FOR THE PERIOD BEGINNING SEPTEMBER 1, 2016, AND ENDING AUGUST 31, 2017.

Attachments: [attachment A - Blacklist Beer](#)

12. [16-0582R](#) RESOLUTION APPROVING ISSUANCE OF TEMPORARY ON SALE INTOXICATING LIQUOR LICENSE TO DULUTH SUPERIOR GLBTAQI PRIDE (DULUTH SUPERIOR PRIDE FESTIVAL), BAYFRONT PARK.

13. [16-0583R](#) RESOLUTION APPROVING THE PERMANENT EXPANSION OF THE ON SALE INTOXICATING LIQUOR LICENSE OF GRANDMA'S SPORTS BAR & GRILL, INC (BELLISIO'S ITALIAN RESTAURANT), 405 LAKE AVE. SOUTH, 55802.

Attachments: [attachment A - Grandmas - Bellisio's](#)

14. [16-0601R](#) RESOLUTION AUTHORIZING A CONTRACT WITH DIRT INC., FOR RESTORATION OF THE WESTERN WATERFRONT TRAIL IN THE AMOUNT OF \$163,410.75.

Attachments: [Exhibit A](#)  
[Project Map](#)

15. [16-0621R](#) RESOLUTION APPROVING ISSUANCE OF AN ON SALE INTOXICATING LIQUOR LICENSE TO CAMPANTES, LLC (AZTECA'S MEXICAN GRILL), 2224 MOUNTAIN SHADOW DRIVE

Attachments: [Attachment A - AZTECA's-08022016125300](#)

16. [16-0631R](#) RESOLUTION AUTHORIZING A CONTRACT WITH SYLVESTER CUSTOM GRINDING FOR TUB GRINDING AND TRANSPORT OF STORM DEBRIS FOR AN ESTIMATED AMOUNT OF \$71,676.

Attachments: [Exhibit A](#)

#### **BY COUNCILOR ANDERSON (PERSONNEL)**

17. [16-0595R](#) RESOLUTION APPROVING PROPOSED SPECIFICATIONS FOR THE NEW CIVIL SERVICE CLASSIFICATION OF GEOGRAPHIC INFORMATION SYSTEMS (GIS) TECHNICIAN, AND SPECIFYING CONTRACT BENEFITS FOR SAME.

Attachments: [GIS Technician Job Description](#)

18. [16-0596R](#) RESOLUTION APPROVING PROPOSED AMENDMENTS TO THE SPECIFICATIONS FOR THE EXISTING CIVIL SERVICE CLASSIFICATION OF CITY ENGINEER.

Attachments: [City Engineer Job Description](#)  
[City Engineer job description \(strikeout\)](#)

19. [16-0597R](#) RESOLUTION APPROVING PROPOSED AMENDMENTS TO THE SPECIFICATIONS FOR THE EXISTING CIVIL SERVICE CLASSIFICATION OF CHIEF ENGINEER, UTILITIES.

Attachments: [Chief Engineer, Utilities Job Description](#)  
[Chief Engineer, Utilities JD \(strikeout\)](#)

20. [16-0598R](#) RESOLUTION APPROVING PROPOSED AMENDMENTS TO THE SPECIFICATIONS FOR THE EXISTING CIVIL SERVICE CLASSIFICATION OF CHIEF ENGINEER, TRANSPORTATION.
- Attachments: [Chief Engineer, Transportation Final Draft.pdf](#)  
[Chief Engineer, Transportation \(strikeout\)](#)
21. [16-0599R](#) RESOLUTION APPROVING PROPOSED AMENDMENTS TO THE SPECIFICATIONS FOR THE EXISTING CIVIL SERVICE CLASSIFICATION OF PROJECT ENGINEER.
- Attachments: [Project Engineer Final Draft.pdf](#)  
[Project Engineer \(strikeout\)](#)
22. [16-0600R](#) RESOLUTION APPROVING PROPOSED SPECIFICATIONS FOR THE NEW CIVIL SERVICE CLASSIFICATION OF SENIOR ENGINEER, AND SPECIFYING CONTRACT BENEFITS FOR SAME.
- Attachments: [Senior Engineer Job Description Final Draft.pdf](#)

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

23. [16-0591R](#) RESOLUTION AUTHORIZING AN AMENDED AND RESTATED DEVELOPMENT AGREEMENT WITH ONE ROOF COMMUNITY HOUSING REALTED TO THE JAY STREET HOUSING PROJECT.
- Attachments: [Attachment A](#)
24. [16-0592R](#) RESOLUTION AUTHORIZING AN INCREASE OF \$447 IN THE ALLOCATION OF HUD FUNDING FOR THE HOME PROGRAM FOR THE 2016 PROGRAM YEAR, WHICH WILL INCREASE THE HOUSING RESOURCE CONNECTION PROJECT FROM \$42,071 TO \$42,518. THIS INCREASE IS DUE TO AN INCREASE IN ALLOCATION FROM HUD.
25. [16-0594R](#) RESOLUTION OF INTENT TO SUPPORT THE REQUEST BY ONE ROOF COMMUNITY HOUSING, ON BEHALF OF THE HOUSING RESOURCE CONNECTION, TO THE STATE OF MINNESOTA FOR THE AWARD OF FUNDS FROM THE RENTAL REHABILITATION DEFERRED LOAN PROGRAM (RRDL).
26. [16-0602R](#) RESOLUTION GRANTING AN INTERIM USE PERMIT FOR A VACATION DWELLING UNIT AT 1002 MARTHA STREET (JOSEPH AND SUSAN BYERS).
- Attachments: [Attachment 1](#)

27. [16-0603R](#) RESOLUTION VACATING PORTIONS OF PEABODY STREET AND SOUTH 54TH AVENUE EAST, RETAINING A PUBLIC UTILITY EASEMENT OVER THE ENTIRE AREA TO BE VACATED (LUKE SCHMITZ).
- Attachments:** [Attachment 1](#)  
[Attachment 2](#)
28. [16-0605R](#) RESOLUTION VACATING PLATTED UTILITY RIGHT OF WAY OF UTILITY EASEMENT ON THE PROPERTY OF 9512 CONGDON BOULEVARD.
- Attachments:** [Attachment 1](#)  
[Attachment 2](#)
29. [16-0607R](#) RESOLUTION GRANTING AN INTERIM USE PERMIT FOR A VACATION DWELLING UNIT AT 551 BOULDER DRIVE (BRD1, LLC).
- Attachments:** [Attachment 1](#)
30. [16-0608R](#) RESOLUTION GRANTING AN INTERIM USE PERMIT FOR A VACATION DWELLING UNIT AT 601 BOULDER DRIVE (BRD1, LLC).
- Attachments:** [Attachment 1](#)
31. [16-0614R](#) RESOLUTION OF INTENT TO SELL OR CONVEY CERTAIN REAL PROPERTY IN THE DULUTH HEIGHTS NEIGHBORHOOD TO THE DULUTH ECONOMIC DEVELOPMENT AUTHORITY FOR DEVELOPMENT PURPOSES.
- Attachments:** [Exhibit A-Resolution](#)
32. [16-0627R](#) RESOLUTION OF INTENT TO BRING FORWARD AN ORDINANCE AMENDING THE DULUTH CITY CODE TO UPDATE CITY REGULATIONS WITH REGARD TO LABOR AND WAGE POLICIES AND BUSINESS SUBSIDIES BY DECEMBER 31, 2016.

**BY COUNCILOR WESTERLUND (PUBLIC WORKS & UTILITIES)**

33. [16-0564R](#) RESOLUTION OF INTENT FOR CONSTRUCTION OF A WATER MAIN EXTENSION IN MAXWELL AVENUE FROM WEST WABASHA STREET TO 210 FEET NORTHERLY AND TO ASSESS THE COSTS THEREOF.
- Attachments:** [16-0564 Map](#)
34. [16-0574R](#) RESOLUTION AUTHORIZING EXTENSION OF CURRENT CABLE FRANCHISE AGREEMENT WITH CHARTER COMMUNICATIONS THROUGH DECEMBER 31, 2016.

35. [16-0575R](#) RESOLUTION AWARDED A CONTRACT TO AEI CONSTRUCTION, INC. FOR THE GAS MAIN INSTALLATION FOR THE CIRRU AIRCRAFT EXPANSION IN THE AMOUNT OF \$250,662.07.
- Attachments: [16-0575R Map](#)
36. [16-0587R](#) RESOLUTION AUTHORIZING THE EXECUTION OF AMENDMENT NO. 1 TO MNDOT AGREEMENT 1003172.
- Attachments: [Attachment A - Location Map](#)
37. [16-0589R](#) RESOLUTION AUTHORIZING AMENDMENT #2 TO A CONTRACT WITH TKDA TO PROVIDE PROFESSIONAL ENGINEERING SERVICES FOR THE 59TH AVENUE WEST STREET AND UTILITY IMPROVEMENT PROJECT TO INCREASE THE AMOUNT BY \$40,018 FOR A NEW TOTAL OF \$132,085.
- Attachments: [16-0589R Attachment](#)
38. [16-0616R](#) RESOLUTION AUTHORIZING ACCEPTANCE OF A PERMANENT EASEMENT FROM BARRINGTON WALDORF, LLC REGARDING THE KENWOOD AND ARROWHEAD INTERSECTION, AND RESCINDING RESOLUTION NO. 16-0552R.
- Attachments: [16-0616R Exhibit A](#)
39. [16-0617R](#) RESOLUTION ORDERING IN THE CONSTRUCTION OF APPROXIMATELY 34 FEET OF SANITARY SEWER IN MINNESOTA AVENUE FROM THE SOUTHEAST CORNER OF 18TH STREET AND EXTENDING NORTHERLY AT AN ESTIMATED COST NOT TO EXCEED \$7,000.
- Attachments: [16-0317R Map](#)  
[July 27 Public Hearing Minutes](#)  
[Preliminary Assessment Role - Sanitary Sewer Extension on Minnesota Ave.pdf](#)

#### **BY COUNCILOR FOSLE (PUBLIC SAFETY)**

40. [16-0538R](#) RESOLUTION AUTHORIZING AGREEMENT WITH BRYCER, LLC, SECURING USE OF BRYCER'S INTERNET-BASED COMPLIANCE ENGINE ENHANCING CITY FIRE CODE ENFORCEMENT AND RECORD-KEEPING RELATING TO FIRE PROTECTION SYSTEMS AT NO COST TO THE CITY.
- Attachments: [Exhibit A](#)

41. [16-0561R](#) RESOLUTION AUTHORIZING PROPER CITY OFFICIALS TO ACCEPT A GRANT FROM THE STATE OF MINNESOTA IN THE AMOUNT OF \$7,467.50 AND FURTHER AUTHORIZING EXECUTION OF A GRANT AGREEMENT WITH THE STATE OF MINNESOTA.

Attachments: [EMPG Grant Agreement A-EMPG-2015-DULUTHCI-106](#)

42. [16-0572R](#) RESOLUTION AUTHORIZING ACCEPTANCE OF A GRANT FROM THE MINNESOTA DEPARTMENT OF PUBLIC SAFETY HOMELAND SECURITY AND EMERGENCY MANAGEMENT DIVISION IN THE AMOUNT OF \$20,000 FOR THE PURPOSE OF MAINTAINING A LOCAL EMERGENCY MANAGEMENT PROGRAM.

Attachments: [Grant Agreement A-EMPG-2016-DULUTHCI-00023](#)

#### **BY COUNCILOR SIPRESS (RECREATION, LIBRARIES & AUTHORITIES)**

43. [16-0588R](#) RESOLUTION APPROVING SETTLEMENT OF THE CLAIM OF KIMBERLY AND DAVID MEYERS, AND KIMBERLY AND DAVID MEYERS AS PARENTS AND NATURAL GUARDIANS OF RYAN J. MEYER IN THE AMOUNT OF \$320,000.

44. [16-0610R](#) RESOLUTION AUTHORIZING AN AGREEMENT WITH VEIT AND COMPANY, INC. FOR CLEAN FILL MATERIAL IN PORTIONS OF THE FORMER DWP PROPERTY.

Attachments: [Exhibit 1](#)

45. [16-0611R](#) RESOLUTION AUTHORIZING A THREE-YEAR LEASE AGREEMENT WITH INDEPENDENT SCHOOL DISTRICT NO. 709 FOR USE OF SPACE IN THE WASHINGTON RECREATION CENTER FOR ITS HEAD START AND EARLY CHILDHOOD FAMILY EDUCATION PROGRAMS.

Attachments: [Exhibit 1](#)

46. [16-0612R](#) RESOLUTION AUTHORIZING A TWO-YEAR LICENSE AGREEMENT WITH EXPLORE MINNESOTA FOR A BIKE TUNE-UP STATION ON PARK POINT AT LAFAYETTE SQUARE.

Attachments: [Exhibit 1](#)

#### **END OF CONSENT AGENDA**

#### **BY COUNCILOR HOBBS (PURCHASING & LICENSING)**



47. [16-0586R](#) RESOLUTION AWARDING A CONTRACT TO A PLUS LANDSCAPING, LLC, FOR RECREATIONAL TRAILS BLOWDOWN CLEANUP, IN THE AMOUNT OF \$85,519.

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

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

48. [16-0590R](#) RESOLUTION RELATING TO A TAX ABATEMENT; GRANTING THE ABATEMENT FOR THE MILLER HILL FLATS PROJECT.

**INTRODUCTION AND CONSIDERATION OF ORDINANCES**

**ORDINANCES TABLED**

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

49. [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](#)  
[Sipress.Russ mta \(2\) 16-030-O](#)

**Legislative History**

6/27/16	City Council	read for the first time
7/11/16	City Council	tabled
7/18/16	City Council	tabled

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

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

50. [16-050-O](#) AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF DULUTH TO PROVIDE FOR THE RECLASSIFICATION FROM RR-1 TO MU-B PROPERTY EAST OF RICE LAKE ROAD AND SOUTH OF NORTON ROAD.

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

51. [16-051-O](#) AN ORDINANCE GRANTING TO WESTMINSTER PRESBYTERIAN CHURCH A CONCURRENT USE PERMIT FOR 207 FEET OF THE STREET LOCATED IN THE BEAUDRY AVENUE PUBLIC RIGHT-OF-WAY.

Attachments: [Attachment 1](#)

52. [16-052-O](#) AN ORDINANCE AUTHORIZING THE CONVEYANCE OF CERTAIN REAL PROPERTY IN THE DULUTH HEIGHTS NEIGHBORHOOD TO THE DULUTH ECONOMIC DEVELOPMENT AUTHORITY FOR NOMINAL CONSIDERATION.

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

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

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

53. [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](#)

Legislative History

7/18/16

City Council

read for the first time

**COUNCILOR QUESTIONS AND COMMENTS**

**COUNCILOR PREVIEW OF UPCOMING BUSINESS**