



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, September 26, 2016

7:00 PM

Council Chamber

ROLL CALL

PLEDGE OF ALLEGIANCE

REPORTS OF BOARDS AND COMMISSIONS

1. [16-127](#) DPUC Meeting Minutes

Attachments: [08162016 DPUC meeting minutes](#)

2. [16-128](#) Duluth Public Utilities Commission Resolution NO. 16PUC-008

Attachments: [16PUC-008 recommending 2017 utility budget approved 09202016 with cash pr](#)

REPORTS FROM THE ADMINISTRATION

REPORTS FROM OTHER OFFICERS

3. [16-125](#) Clerk application for exempt permit to the Minnesota gambling control board from Rotary Club of Duluth on February 23, 2017 (raffle).

Attachments: [ROTARY-09162016102938](#)

4. [16-126](#) Clerk application for exempt permit to the Minnesota gambling control board from the Lincoln Park Business Group of Duluth on November 17, 2016 (Bingo and Raffle).

Attachments: [LINCOLN PARK RAFFLE-EXEMPT](#)

REPORTS OF COUNCIL COMMITTEES

REPORTS OF COUNCIL OPEN ISSUES

Distinguished Artist Award - Brad Nelson

OPPORTUNITY FOR CITIZENS TO BE HEARD

RESOLUTIONS TABLED

BY COUNCILOR HANSEN (FINANCE)

5. [16-0672R](#) RESOLUTION PROPOSING THE SUM TO BE RAISED BY TAXATION FOR GENERAL PURPOSES FOR THE YEAR 2017.

Attachments: [Tax and Fee Impact](#)
[Motion To Amend - Hobbs.Hansen.Russ - Passed](#)
[Motion to Amend - Filipovich.Sipress](#)
[Exhibit A - mta Filipovich.Sipress](#)

MOTIONS AND RESOLUTIONS

CONSENT AGENDA

BY COUNCILOR HANSEN (FINANCE)

6. [16-0706R](#) RESOLUTION PROPOSING THE SUM TO BE RAISED BY TAXATION FOR THE SPECIAL PARKS FUND LEVY FOR THE YEAR 2017.
7. [16-0713R](#) RESOLUTION APPROVING CITY MEMBERSHIP IN THE COALITION OF GREATER MINNESOTA CITIES FOR 2016 IN THE AMOUNT OF \$76,301.

Attachments: [Exhibit A](#)

BY COUNCILOR HOBBS (PURCHASING & LICENSING)

8. [16-0685R](#) RESOLUTION AUTHORIZING ACCEPTANCE OF A CROSS COUNTRY SKI TRAIL ASSISTANCE PROGRAM GRANT AGREEMENT FOR YEAR 2016-2017 WITH THE MINNESOTA DEPARTMENT OF NATURAL RESOURCES IN AN AMOUNT NOT TO EXCEED \$11,000.

Attachments: [Exhibit A](#)

9. [16-0704R](#) RESOLUTION AUTHORIZING AN AMENDMENT TO AGREEMENT C22524 WITH TKDA FOR ADDITIONAL TRAIL DESIGN SERVICES FOR THE WESTERN WATERFRONT TRAIL REHABILITATION PROJECT FOR AN ADDITIONAL AMOUNT NOT TO EXCEED \$11,652, AND A NEW CONTRACT TOTAL NOT TO EXCEED \$45,204.

Attachments: [16-0704R Letter](#)
[Amendment 2](#)

10. [16-0710R](#) RESOLUTION APPROVING THE EXEMPTION OF A RAFFLE LICENSE AND WAIVING THE 60 DAY WAITING PERIOD FOR CIRCLE OF HOPE.

Attachments: [60 Day waiver](#)

11. [16-0714R](#) RESOLUTION AUTHORIZING A CONTRACT WITH LIPE BROTHERS CONSTRUCTION, INC. FOR THE CONSTRUCTION OF A BRINE TANK FOUNDATION AND BUILDING FOR AN AMOUNT NOT TO EXCEED \$114,000.

BY COUNCILOR RUSS (PLANNING & ECONOMIC DEVELOPMENT)

12. [16-0657R](#) RESOLUTION AUTHORIZING AN AGREEMENT WITH ONE ROOF COMMUNITY HOUSING FOR THE TENANT LANDLORD CONNECTION IN THE AMOUNT OF \$40,000.

Attachments: [Exhibit A](#)

BY COUNCILOR WESTERLUND (PUBLIC WORKS & UTILITIES)

13. [16-0688R](#) RESOLUTION ACCEPTING A PERMANENT EASEMENT FOR DRAINAGE PURPOSES NEAR NORTH 40TH AVENUE EAST AND JAY STREET FROM ANDREW AND AMY LIKAR AT NO COST TO THE CITY.

Attachments: [16-0688R Exhibit A](#)
[16-0688R Attachment 1](#)

14. [16-0694R](#) RESOLUTION AMENDING CONTRACT 22217 WITH LHB, INC. TO PROVIDE PROFESSIONAL ENGINEERING SERVICES FOR CONGDON BOULEVARD SLOPE REPAIR, TO INCREASE THE AMOUNT BY \$23,778 FOR A NEW TOTAL OF \$140,918.
- Attachments:** [16-0694 Change Order](#)
[16-0694 Map](#)
15. [16-0696R](#) RESOLUTION AUTHORIZING AMENDMENT NO. 2 TO AGREEMENT NO. 22798 WITH ST. LOUIS COUNTY FOR THE ARROWHEAD ROAD/KENWOOD AVENUE AND WEST CLEVELAND STREET IMPROVEMENTS IN THE AMOUNT OF \$75,000 FOR A NEW TOTAL OF \$210,000.
- Attachments:** [16-0696R Map](#)
[16-0696R Amendment](#)
16. [16-0702R](#) RESOLUTION AMENDING RESOLUTION 15-0226R FOR A CONTRACT 22508 WITH HOME MENDERS, INC., FOR CONGDON BOULEVARD SLOPE REPAIRS, INCREASING THE AMOUNT BY \$1,131,418 FOR A NEW TOTAL OF \$2,420,000.23.
- Attachments:** [16-0702 Map](#)
17. [16-0712R](#) RESOLUTION AMENDING RESOLUTION 16-0386R FOR A CONTRACT WITH JMF CONSTRUCTION, INC., FOR THE 2016 PATCH AND SIDEWALK PROJECT, INCREASING THE AMOUNT BY \$67,000 FOR A NEW TOTAL OF \$188,545.

BY COUNCILOR FOSLE (PUBLIC SAFETY)

18. [16-0664R](#) RESOLUTION AUTHORIZING MUTUAL AID AGREEMENT WITH SUPERIOR FOR EMERGENCY FIRE RESPONSE.
- Attachments:** [Exhibit A](#)
19. [16-0697R](#) RESOLUTION AUTHORIZING PROPER CITY OFFICIALS TO ACCEPT A \$110,622.96 GRANT AWARD FROM THE MINNESOTA DEPARTMENT OF PUBLIC SAFETY TO FUND A DWI POLICE OFFICER FOR ONE YEAR AND AUTHORIZING EXECUTION OF GRANT AGREEMENT.
- Attachments:** [Exhibit A](#)
20. [16-0700R](#) RESOLUTION AUTHORIZING THE ACCEPTANCE OF A GRANT FROM THE MINNESOTA DEPARTMENT OF PUBLIC SAFETY IN THE AMOUNT OF \$251,025 FOR THE 2017 TOWARDS ZERO DEATHS PROJECT.
- Attachments:** [Exhibit A](#)

BY COUNCILOR SIPRESS (RECREATION, LIBRARIES & AUTHORITIES)

21. [16-0665R](#) RESOLUTION AUTHORIZING APPLICATION TO AND, IF OFFERED, ACCEPTANCE OF A \$48,269 INDOOR AIR QUALITY GRANT FOR THE ESSENTIA HEALTH DULUTH HERITAGE CENTER.
- Attachments:* [Exhibit A- James Metzen Mighty Ducks Grant application](#)
 [Exhibit B-Grant Agreement Draft](#)
22. [16-0701R](#) RESOLUTION AUTHORIZING THE CITY OF DULUTH TO STATE ITS SUPPORT OF THE STEWARDSHIP NETWORK IN APPLYING TO THE NATIONAL FISH AND WILDLIFE FOUNDATION FOR A PULLING TOGETHER INITIATIVE INVASIVE WEED REMOVAL GRANT.
- Attachments:* [Exhibit A-Preproposal](#)
23. [16-0703R](#) RESOLUTION RATIFYING CHANGE ORDER # 1 AND AUTHORIZING CHANGE ORDER #2 TO CONTRACT C22935 WITH SYLVESTER TUB GRINDING, INC. FOR THE TUB GRINDING OF STORM DEBRIS FOR A TOTAL CONTRACT AMOUNT OF \$140,000.
24. [16-0705R](#) RESOLUTION AUTHORIZING AN AMENDMENT TO AGREEMENT 22638 WITH HOISINGTON KOEGLER GROUP, INC., FOR THE DEVELOPMENT OF A ST. LOUIS RIVER ESTUARY NATIONAL WATER TRAIL MASTER PLAN AND NATIONAL PARKS SERVICE APPLICATION, AN INCREASE OF \$11,000 FOR AN AMOUNT NOT TO EXCEED \$66,820.
- Attachments:* [Exhibit A](#)
25. [16-0707R](#) RESOLUTION AUTHORIZING A THREE-YEAR LEASE AGREEMENT WITH COMMUNITY ACTION DULUTH FOR USE OF REAL PROPERTY IN THE KENWOOD NEIGHBORHOOD TO OPERATE A COMMUNITY GARDEN THROUGH ITS SEEDS OF SUCCESS PROGRAM.
- Attachments:* [Exhibit 1](#)
26. [16-0709R](#) RESOLUTION AUTHORIZING EXECUTION OF A SHORT TERM LICENSE AGREEMENT WITH UNITED STATES STEEL CORPORATION FOR USE OF ITS PROPERTY TO INVESTIGATE POSSIBLE FUTURE WESTERN WATERFRONT TRAIL ALIGNMENTS.
- Attachments:* [Exhibit 1](#)

27. [16-0715R](#) RESOLUTION AUTHORIZING A THREE-YEAR LEASE AGREEMENT WITH DULUTH COMMUNITY GARDEN PROGRAM FOR USE OF MULTIPLE, VACANT REAL PROPERTIES TO OPERATE ITS COMMUNITY GARDEN PROGRAM.

Attachments: [Exhibit 1](#)

28. [16-0716R](#) RESOLUTION ACCEPTING PERMANENT EASEMENT FOR PUBLIC RECREATIONAL, WALKWAY, AND TRAIL PURPOSES FROM AFTENRO SOCIETY OVER PROPERTY NEAR CHESTER PARK AT NO COST TO THE CITY.

Attachments: [Exhibit 1](#)

END OF CONSENT AGENDA

BY PRESIDENT FILIPOVICH (COMMITTEE OF THE WHOLE)

29. [16-0718R](#) RESOLUTION AUTHORIZING A DONATION AGREEMENT BETWEEN THE CITY, MINNESOTA POWER, ENBRIDGE ENERGY, AND HUNT ELECTRIC CORPORATION ACCEPTING A PROJECT DONATION VALUED AT \$378,000 FOR CONSTRUCTION OF A 54kW SOLAR CARPORT AND ELECTRIC VEHICLE CHARGING STATION ON CITY PROPERTY (THE ENDION LOT).

Attachments: [Exhibit A](#)

30. [16-0720R](#) RESOLUTION APPROVING APPOINTMENTS TO THE EARNED SICK AND SAFE TIME TASK FORCE.

Sponsors: Filipovich

Attachments: [Exhibit A - 16-0720 ESST Task Force](#)

BY COUNCILOR WESTERLUND (PUBLIC WORKS & UTILITIES)

31. [16-0708R](#) RESOLUTION AMENDING RESOLUTION 16-0153 TO ADD FUNDS TO PROVIDE PROPERTY INSURANCE COVERAGE FOR DULUTH STEAM DISTRICT NO.1'S PROPERTY AND EQUIPMENT TO THE CITY'S POLICY AT A COST OF \$6,641.

BY COUNCILOR SIPRESS (RECREATION, LIBRARIES & AUTHORITIES)

32. [16-0693R](#) RESOLUTION AUTHORIZING THE CITY OF DULUTH TO STATE ITS SUPPORT FOR THE DEVELOPMENT AND IMPLEMENTATION OF U.S BICYCLE ROUTE 41.

Attachments: [Exhibit A-Bike Route Map North](#)

[Exhibit B-Bike Route Map South](#)

INTRODUCTION AND CONSIDERATION OF ORDINANCES

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

BY COUNCILOR HANSEN (FINANCE)

33. [16-062-O](#) AN ORDINANCE TO FUND FROM THE GENERAL LEVY THE STREET SYSTEM MAINTENANCE UTILITY, AMENDING ARTICLE XIII OF CHAPTER 45 OF THE DULUTH CITY CODE, 1959, AS AMENDED.

BY COUNCILOR ANDERSON (PERSONNEL)

34. [16-057-O](#) AN ORDINANCE AMENDING CHAPTER 10 OF DULUTH CITY CODE TO CLARIFY NOTICE REQUIREMENTS FOR ORDERS CONCERNING DEMOLITION OF DAMAGED OR UNSAFE BUILDINGS.

BY COUNCILOR RUSS (PLANNING & ECONOMIC DEVELOPMENT)

35. [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. (REPLACEMENT)

Attachments: [Exhibit A](#)
 [Exhibit B](#)
 [Exhibit C](#)
 [Original 16-052-O](#)

COUNCILOR QUESTIONS AND COMMENTS

COUNCILOR PREVIEW OF UPCOMING BUSINESS