



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 13, 2017

7:00 PM

Council Chamber

ROLL CALL

PLEDGE OF ALLEGIANCE

7:00 P.M. PUBLIC HEARING - 17-0094R MAXWELL AVE

REPORTS FROM THE ADMINISTRATION

REPORTS FROM OTHER OFFICERS

1. [17-021](#) Exempt Permit Application - St. Mary Star of the Sea Catholic Church

Attachments: [Mary's Star of the Sea Raffle Permit](#)
[Mary's Star of the Sea Raffle Permit 2](#)

2. [17-022](#) Exempt Permit Application - Regents of University of Minnesota

Attachments: [Univerity of MN Raffle](#)

3. [17-023](#) Exempt Permit Application - Duluth Climbers Coalition

Attachments: [DULUTH CLIMBERS-01312017144349](#)

4. [17-031](#) Exempt Permit Application - Rocky Mountain Elk Foundation

Attachments: [RMEF Application](#)

REPORTS OF BOARDS AND COMMISSIONS

5. [17-024](#) Duluth Transit Authority Meeting Minutes

 Attachments: [11-17-16 Duluth Transit Authority Meeting Minutes](#)
 [11-30-16 Duluth Transit Authority Meeting Minutes](#)
6. [17-025](#) Duluth Public Utilities Commission Meeting Minutes

 Attachments: [11-15-16 Duluth Public Utilities Commission Meeting Minutes](#)
7. [17-026](#) Library Board Meeting Minutes

 Attachments: [11-22-16 Library Board Meeting Minutes](#)
8. [17-027](#) Duluth Economic Development Authority Meeting Minutes

 Attachments: [12-14-16 Duluth Economic Development Authority Meeting Minutes](#)
9. [17-028](#) State of Minnesota - Office of the State Auditor - Report

 Attachments: [State of MN - Office of the State Auditor - Report](#)
10. [17-029](#) Civil Service Board Meeting Minutes

 Attachments: [11-01-16 Civil Service Board Meeting Minutes](#)

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

11. [17-0063R](#) RESOLUTION GRANTING AN INTERIM USE PERMIT FOR A
 VACATION DWELLING UNIT AT 2126 EAST WATER STREET UNIT
 L103 (LAURIE ANDERSON AND RANDY HOLT).

 Attachments: [Attachment 1](#)

CONSENT AGENDA

BY COUNCILOR HANSEN (FINANCE)

12. [17-0093R](#) RESOLUTION AUTHORIZING AN AGREEMENT WITH THE DULUTH ECONOMIC DEVELOPMENT AUTHORITY TO INSURE PROPERTY UNDER THE CITY'S PROPERTY AND BOILER INSURANCE POLICIES.

Attachments: [Exhibit A](#)

13. [17-0094R](#) RESOLUTION CONFIRMING ASSESSMENT ROLL FOR A WATER MAIN EXTENSION ON MAXWELL AVE.

Attachments: [Exhibit A](#)

14. [17-0099R](#) RESOLUTION AMENDING RESOLUTION NOS. 01-0601 AND 06-0498 MODIFYING THE MEMBERSHIP OF THE CITY SPECIAL BOARD OF REVIEW.

15. [17-0110R](#) RESOLUTION AUTHORIZING AN AMENDMENT TO AGREEMENT WITH THE DULUTH AIRPORT AUTHORITY TO ADD BOILER INSURANCE TO THE COVERAGE PROVIDED UNDER THE CITY'S INSURANCE POLICY.

Attachments: [Exhibit A](#)

BY COUNCILOR HANSON (PURCHASING & LICENSING)

16. [17-0022R](#) RESOLUTION AUTHORIZING A PROFESSIONAL SERVICES AGREEMENT WITH CHRISTINE PENNEY FOR GRANT WRITING AND RESEARCH SERVICES FOR A CONTRACT TOTAL NOT TO EXCEED \$50,000.

Attachments: [Exhibit A](#)

17. [17-0078R](#) RESOLUTION AUTHORIZING AN AGREEMENT WITH PYROTECHNIC DISPLAY INC. FOR THE CREATION AND EXECUTION OF A FIREWORKS DISPLAY FOR JULY 4, 2017 FOR A TOTAL NOT TO EXCEED OF \$50,000.

Attachments: [Exhibit A](#)

18. [17-0082R](#) RESOLUTION AMENDING JOINT POWERS AGREEMENT 20604 WITH DULUTH ENTERTAINMENT AND CONVENTION CENTER AUTHORITY FOR THE OPERATION OF MINNESOTA SLIP PEDESTRIAN DRAW BRIDGE DURING YEAR 2017 FOR AN AMOUNT NOT TO EXCEED \$38,289.30.

Attachments: [Amendment 5 to C20604](#)

19. [17-0084R](#) RESOLUTION AUTHORIZING AN AGREEMENT WITH TKDA FOR ENGINEERING SERVICES FOR THE STEWART CREEK BRIDGE AND CLYDE CONNECTOR TRAIL RESTORATION PROJECTS AS PART OF THE DWP TRAIL IMPROVEMENT FOR AN AMOUNT NOT TO EXCEED \$62,500.
- Attachments:* [Exhibit A](#)
[Exhibit B](#)
20. [17-0096R](#) RESOLUTION AUTHORIZING THE PURCHASE OF AXON CAMERA ASSEMBLIES AND ACCESSORIES FROM TASER INTERNATIONAL INC. IN THE AMOUNT OF \$114,816.96.
21. [17-0100R](#) RESOLUTION AUTHORIZING A THREE YEAR AGREEMENT WITH NORTHERN ENERGETICS LLC FOR ENERGY AUDITS AND CONSULTING SERVICES FOR A TOTAL CONTRACT NOT TO EXCEED \$166,200.
- Attachments:* [Exhibit A](#)
22. [17-0101R](#) RESOLUTION APPROVING ISSUING A TEMPORARY ON SALE 3.2 PERCENT MALT LIQUOR LICENSE TO THE AAD SHRINERS (KIA DRAG RACES AND CAR SHOW), 435 GARFIELD AVENUE
23. [17-0102R](#) RESOLUTION ISSUING A TEMPORARY ON SALE INTOXICATING LIQUOR LICENSE TO AAD SHRINERS, (DULUTH HOT AIR BALLON FESTIVAL) BAYFRONT PARK.
24. [17-0103R](#) RESOLUTION APPROVING ISSUANCE OF AN ON SALE WINE LICENSE AND ISSUING AN ON SALE 3.2 PERCENT MALT LIQUOR LICENSE TO MUY! PIZZA MINNESOTA, LLC, (PIZZA HUT) 101 EAST CENTRAL ENTRANCE.
25. [17-0106R](#) RESOLUTION AUTHORIZING A SECOND AMENDMENT TO AGREEMENT 22618 WITH TKDA FOR ADDITIONAL DESIGN SERVICES FOR THE WESTERN WATERFRONT TRAIL CORRIDOR RESTORATION PROJECT, FOR AN INCREASE OF \$40,150 AND AN AMENDED TOTAL NOT TO EXCEED \$112,650.
- Attachments:* [Exhibit A](#)

BY COUNCILOR ANDERSON (PERSONNEL)

26. [17-0113R](#) RESOLUTION CONFIRMING THE APPOINTMENT OF ROBERT MONAHAN TO THE PUBLIC ARTS COMMISSION REPLACING PETER SPOONER.
27. [17-0115R](#) RESOLUTION CONFIRMING THE APPOINTMENT OF JOHN F SCOTT TO THE HOUSING AND REDEVELOPMENT AUTHORITY OF DULUTH.

28. [17-0121R](#) RESOLUTION AUTHORIZING THE CITY COUNCIL TO APPROVE A PAY EQUITY IMPLEMENTATION REPORT.
- Attachments:** [Pay Equity Implementation Report](#)
[Predicted Pay Chart](#)
[Compliance Report](#)
29. [17-0132R](#) RESOLUTION CONFIRMING THE REAPPOINTMENTS OF JEFF ROSENTHAL AND BJORN BRAATEN TO THE ALCOHOL, GAMBLING AND TOBACCO COMMISSION
30. [17-0133R](#) RESOLUTION CONFIRMING THE REAPPOINTMENT OF DEBRA BRANLEY TO THE COMMUNITY DEVELOPMENT COMMITTEE.
31. [17-0134R](#) RESOLUTION CONFIRMING THE REAPPOINTMENT OF NEIL GLAZMAN TO THE LIBRARY BOARD.
32. [17-0135R](#) RESOLUTION CONFIRMING THE APPOINTMENT OF STEVEN GOLDSCHMIDT TO THE SPECIAL BOARD OF REVIEW
33. [17-0136R](#) RESOLUTION CONFIRMING THE REAPPOINTMENT OF ERIK TORCH TO THE PARKS AND RECREATION COMMISSION.
34. [17-0138R](#) RESOLUTION CONFIRMING THE APPOINTMENTS OF BETH PETERSON AND CLARK CHRISTENSON TO THE URBAN FOREST COMMISSION
35. [17-0139R](#) RESOLUTION CONFIRMING THE APPOINTMENT OF NICK FOUCALT TO THE LIBRARY BOARD
36. [17-0140R](#) RESOLUTION APPROVING PROPOSED SPECIFICATIONS FOR THE NEW CIVIL SERVICE CLASSIFICATION OF INSTRUMENT SPECIALIST, AND SPECIFYING CONTRACT BENEFITS FOR SAME.
- Attachments:** [Instrument Specialist](#)
37. [17-0146R](#) RESOLUTION APPROVING PROPOSED SPECIFICATIONS FOR THE NEW CIVIL SERVICE CLASSIFICATION OF LIBRARY BUSINESS OFFICE COORDINATOR, AND SPECIFYING CONTRACT BENEFITS FOR SAME.
- Attachments:** [Library Business Office Coordinator](#)
38. [17-0147R](#) RESOLUTION APPROVING PROPOSED AMENDMENTS TO THE SPECIFICATIONS FOR THE EXISTING CIVIL SERVICE CLASSIFICATION OF TRAILS COORDINATOR.
- Attachments:** [Trails Coordinator](#)
[Trails Coordinator \(strikeout\)](#)

39. [17-0148R](#) RESOLUTION APPROVING PROPOSED AMENDMENTS TO THE SPECIFICATIONS FOR THE EXISTING CIVIL SERVICE CLASSIFICATION OF UTILITY SERVICES SPECIALIST JOURNEYPerson (USSJ).
- Attachments:** [Utility Services Specialist Journeyperson](#)
[Utility Services Specialist Journeyperson \(strikeout\)](#)
40. [17-0149R](#) RESOLUTION APPROVING PROPOSED AMENDMENTS TO THE PAY RANGE FOR THE EXISTING CIVIL SERVICE CLASSIFICATION OF UTILITY SERVICES SPECIALIST APPRENTICE (USSA).
- Attachments:** [15-0442R Utility Services Specialist Apprentice](#)

BY COUNCILOR RUSS (PLANNING & ECONOMIC DEVELOPMENT)

41. [17-0144R](#) RESOLUTION OF INTENT TO SELL OR CONVEY CERTAIN REAL PROPERTY IN WEST DULUTH TO MENARD, INC.
- Attachments:** [Exhibit A](#)

BY COUNCILOR HOBBS (PUBLIC WORKS & UTILITIES)

42. [17-0054R](#) RESOLUTION AUTHORIZING AN AGREEMENT BETWEEN ST. LOUIS COUNTY AND THE CITY OF DULUTH TO COMPLETE A SIDEWALK PROJECT WITHIN THE CITY OF DULUTH.
- Attachments:** [17-0054R Map](#)
[17-0054R Exhibit A](#)
43. [17-0089R](#) RESOLUTION AUTHORIZING A CONTRACT WITH DULUTH READY MIX FOR AN ESTIMATED 10,570 TONS FOR 2017 OF WASHED SAND FOR AN AMOUNT NOT TO EXCEED \$132,841.50.
44. [17-0091R](#) RESOLUTION AUTHORIZING THE PURCHASE OF DELIVERED CLASS 5 GRAVEL, 3/4-INCH CRUSHED WASHED ROCK, RIP-RAP, AND SAND FROM DULUTH READY MIX, INC. FOR AN AMOUNT NOT TO EXCEED \$214,000.
45. [17-0095R](#) RESOLUTION AUTHORIZING THE PURCHASE OF A 2015 JOHN DEERE 135G EXCAVATOR IN THE AMOUNT OF \$124,831.
46. [17-0097R](#) RESOLUTION AUTHORIZING A MASTER SERVICES AGREEMENT WITH AMERICAN ENGINEERING TESTING INC. FOR PROFESSIONAL GEOTECHNICAL AND MATERIAL TESTING SERVICES FOR A TOTAL CONTRACT AMOUNT NOT TO EXCEED \$50,000.
- Attachments:** [Exhibit A](#)

47. [17-0120R](#) RESOLUTION AUTHORIZING AMENDMENT NO. 3 TO A CONTRACT WITH SRF, INC. TO PROVIDE PROFESSIONAL ENGINEERING SERVICES FOR THE ARROWHEAD/KENWOOD AND WEST CLEVELAND STREET SIGNAL IMPROVEMENTS, TO INCREASE THE AMOUNT BY \$4,500 FOR A NEW TOTAL OF \$217,658.

Attachments: [17-0120R Amendment](#)
[17-0120R Map](#)

BY COUNCILOR FOSLE (PUBLIC SAFETY)

48. [17-0143R](#) RESOLUTION AUTHORIZING A FIRST AMENDMENT TO LEASE AGREEMENT WITH THE COUNTY OF ST. LOUIS FOR USE OF REAL PROPERTY NEAR THE PUBLIC SAFETY CAMPUS FOR THE STORAGE OF IMPOUNDED VEHICLES.

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

BY COUNCILOR WESTERLUND (RECREATION, LIBRARIES & AUTHORITIES)

49. [17-0109R](#) RESOLUTION AUTHORIZING CITY OFFICIALS TO ACCEPT AND EXECUTE A GRANT AGREEMENT FROM THE STATE OF MINNESOTA FEDERAL RECREATIONAL TRAIL PROGRAM IN THE AMOUNT OF \$150,000 FOR THE CLYDE CONNECTOR TRAIL.

Attachments: [Exhibit A Grant agreement draft](#)
[Exhibit B-Project Level Map v2](#)

50. [17-0117R](#) RESOLUTION AUTHORIZING AN AGREEMENT WITH THE LIBRARY FOUNDATION TO UTILIZE OFFICE SPACE AND TELECOMMUNICATION SERVICES AT THE CITY'S MAIN LIBRARY.

Attachments: [Exhibit A](#)

51. [17-0118R](#) RESOLUTION ACCEPTING UNCONDITIONAL GIFTS FROM THE FRIENDS OF THE DULUTH PUBLIC LIBRARY FOR THE BENEFIT OF THE LIBRARY IN 2017.

52. [17-0119R](#) RESOLUTION ACCEPTING UNCONDITIONAL GIFTS FROM THE DULUTH LIBRARY FOUNDATION FOR THE BENEFIT OF THE LIBRARY FOR 2017.

53. [17-0137R](#) RESOLUTION RATIFYING THE ACQUISITION BY THE DULUTH TRANSIT AUTHORITY OF CERTAIN PROPERTIES AND DEEMING THE ACQUISITIONS APPROVED.

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

54. [17-0141R](#) RESOLUTION AUTHORIZING \$5,000 REFUND TO ARROWHEAD YOUTH SOCCER ASSOCIATION FOR ITS 2016 USAGE FEE IN EXCHANGE FOR ITS 2015 FINANCIAL CONTRIBUTION TO THE GARY NEW DULUTH SOCCER FIELDS.

55. [17-0142R](#) RESOLUTION AUTHORIZING THREE-YEAR LEASE AGREEMENT WITH FUN TIME, LLC FOR USE OF THE GEORGE HINDMAND PILOT HOUSE IN CANAL PARK.

Attachments: [Lease Agreement \(2017-2019\)](#)

END OF CONSENT AGENDA

The following entitled resolutions are also to be considered:

BY COUNCILOR ANDERSON (PERSONNEL)

56. [17-0111R](#) RESOLUTION CONFIRMING THE APPOINTMENT OF _____ TO THE CIVIL SERVICE BOARD

BY COUNCILOR HOBBS (PUBLIC WORKS & UTILITIES)

57. [17-0114R](#) RESOLUTION AUTHORIZING AN AGREEMENT WITH ISD 709 TO ACCEPT REIMBURSEMENT FOR ONE-HALF OF THE COST OF CONSTRUCTING A RECTANGULAR RAPID FLASHING BEACON SYSTEM AT THE INTERSECTION OF NORTH 40TH AVENUE EAST AND LUVERNE STREET IN THE AMOUNT OF APPROXIMATELY \$10,000.

Attachments: [17-0114R Exhibit A Map](#)
 [17-0114R Exhibit B](#)

BY COUNCILOR FOSLE (PUBLIC SAFETY)

58. [17-0150R](#) RESOLUTION AUTHORIZING THE EXECUTION OF A TASK FORCE AGREEMENT BETWEEN THE DULUTH POLICE DEPARTMENT AND THE UNITED STATES DRUG ENFORCEMENT ADMINISTRATION (DEA) AND FURTHER AUTHORIZING THE ACCEPTANCE OF REIMBURSEMENT MONIES FROM THE DEA FOR OVERTIME EXPENSES INCURRED IN SUPPORT OF THE TASK FORCE.

Attachments: [Exhibit A](#)

BY COUNCILOR WESTERLUND (RECREATION, LIBRARIES & AUTHORITIES)

59. [17-0015R](#) RESOLUTION AUTHORIZING ACCEPTANCE OF A \$10,000 VOLUNTEER GENERATION FUND GRANT FROM SERVEMINNESOTA FOR IMPLEMENTATION OF AN ONLINE VOLUNTEER CONNECTOR PROGRAM IN PARTNERSHIP WITH HEAD OF THE LAKES UNITED WAY VOLUNTEER CENTER.

Attachments: [Exhibit A grant application](#)
 [Exhibit B Grant Agreement Volunteer Generation](#)

INTRODUCTION AND CONSIDERATION OF ORDINANCES

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

BY COUNCILOR RUSS (PLANNING & ECONOMIC DEVELOPMENT)

60. [17-007-O](#) AN ORDINANCE AUTHORIZING THE CONVEYANCE OF CERTAIN REAL PROPERTY IN WEST DULUTH TO MENARD, INC. FOR \$5,100.

Attachments: [Exhibit A](#)

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

BY COUNCILOR HANSEN (FINANCE)

61. [17-005-O](#) AN ORDINANCE TO AMEND THE BUDGET OF THE CITY OF DULUTH FOR YEAR 2017 BY INCREASING THE BUDGET BY \$81,000 FOR FUNDING AN ADDITIONAL STAFF POSITION IN THE FIRE DEPARTMENT LIFE SAFETY OFFICE.

BY COUNCILOR RUSS (PLANNING & ECONOMIC DEVELOPMENT)

62. [17-006-O](#) AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF DULUTH TO PROVIDE FOR THE RECLASSIFICATION OF PROPERTY ALONG GRAND AVENUE AND SOUTH OF WARWICK STREET FROM R-1, R-2, MU-N, AND I-G TO MU-P.

Attachments: [Attachment 1](#)
 [Attachment 2](#)
 [Attachment 3](#)

COUNCILOR QUESTIONS AND COMMENTS

COUNCILOR PREVIEW OF UPCOMING BUSINESS