



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, March 27, 2017

7:00 PM

Council Chamber

ROLL CALL

PLEDGE OF ALLEGIANCE

APPROVAL OF MINUTES

1. [17-051](#) August, September and October 2016 City Council Meeting Minutes

Attachments: [August 15, 2016 - Council Meeting](#)
[August 29, 2016 - Council Meeting](#)
[September 12, 2016 - Council Meeting](#)
[September 22, 2016 - Special Council Meeting](#)
[September 26, 2016 - Council Meeting](#)
[October 10, 2016 - Council Meeting](#)
[October 24, 2016 - Council Meeting](#)

REPORTS FROM THE ADMINISTRATION

REPORTS FROM OTHER OFFICERS

REPORTS OF BOARDS AND COMMISSIONS

2. [17-048](#) Duluth Entertainment Convention Center Meeting Minutes

Attachments: [10-25-16 Duluth Entertainment Convention Center Meeting Minutes](#)
 [11-22-16 Duluth Entertainment Convention Center Meeting Minutes](#)
 [12-13-16 Duluth Entertainment Convention Center Meeting Minutes](#)

3. [17-049](#) Planning Commission Meeting Minutes

Attachments: [1-10-17 Planning Commission Meeting Minutes](#)
 [2-14-17 Planning Commission Meeting Minutes](#)
 [2-28-17 Planning Commission Meeting Minutes](#)

4. [17-050](#) 1-25-17 Duluth Economic Development Authority Meeting Minutes

Attachments: [1-25-17 Duluth Economic Development Authority Meeting Minutes](#)

REPORTS OF COUNCIL COMMITTEES

REPORTS OF COUNCIL OPEN ISSUES

OPPORTUNITY FOR CITIZENS TO BE HEARD

CONSENT AGENDA

BY COUNCILOR HANSON (PURCHASING & LICENSING)

5. [17-0238R](#) RESOLUTION AWARDING A CONTRACT TO HOLIDAY
 STATIONSTORES FOR SERVICE STATION FUELS FOR 2017 FOR
 AN AMOUNT NOT TO EXCEED \$618,750.

BY COUNCILOR ANDERSON (PERSONNEL)

6. [17-0222R](#) RESOLUTION CONFIRMING THE REAPPOINTMENT OF JASON
 THORSELL , TO THE DULUTH PUBLIC UTILITIES COMMISSION
 .
7. [17-0223R](#) RESOLUTION APPROVING APPOINTMENT OF ROBERT PEARSON
 AND STEVE GERADS AS CITY REPRESENTATIVES TO THE
 DULUTH INTERNATIONAL AIRPORT JOINT AIRPORT ZONING
 BOARD

8. [17-0235R](#) RESOLUTION AUTHORIZING THE EXECUTION OF 2017-2019 PROFESSIONAL SERVICES AGREEMENT WITH THE DULUTH JOINT POWERS ENTERPRISE TRUST FOR CITY TO PROVIDE PROFESSIONAL SERVICES AND ACCEPTING PAYMENT OF \$350,000 IN 2017, \$360,500 IN 2018, AND \$371,315 IN 2019 FOR SAID SERVICES

Attachments: [2017-2019 Professional Services Agreement - City of Duluth & Duluth JPE](#)

9. [17-0246R](#) RESOLUTION CONFIRMING THE APPOINTMENT OF CHRIS MCINTOSH, TO THE DULUTH PUBLIC UTILITIES COMMISSION

Attachments: [Chris McIntosh Redacted](#)

10. [17-0253R](#) RESOLUTION CONFIRMING THE APPOINTMENT OF JOSH SMERDON, TO THE DULUTH TRANSIT AUTHORITY.

Attachments: [Josh Smerdon Application Redacted](#)

BY COUNCILOR RUSS (PLANNING & ECONOMIC DEVELOPMENT)

11. [17-0190R](#) RESOLUTION VACATING THE ENTIRE WIDTH OF NORTH 48TH AVENUE EAST BETWEEN PEABODY STREET AND THE COLORADO STREET ALLEY, MAINTAINING A PEDESTRIAN AND UTILITY EASEMENT OVER THE WESTERN 56 FEET.

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

12. [17-0228R](#) RESOLUTION AUTHORIZING PROPER CITY OFFICIALS TO ACCEPT FUNDS FROM THE JUNIOR LEAGUE OF DULUTH FOR A DEEP WINTER GREENHOUSE.

13. [17-0234R](#) RESOLUTION GRANTING AN INTERIM USE PERMIT FOR A VACATION DWELLING UNIT AT 1822 MELROSE AVENUE (BEN WHEELER).

Attachments: [Attachment 1](#)

14. [17-0239R](#) RESOLUTION GRANTING AN INTERIM USE PERMIT FOR A VACATION DWELLING UNIT AT 2321 WEST 9TH STREET (AARON PETERS).

Attachments: [Attachment 1](#)

15. [17-0240R](#) RESOLUTION GRANTING AN INTERIM USE PERMIT FOR A VACATION DWELLING UNIT AT 3840 SOUTH LAKE AVENUE (CHARLES JACOBS).

Attachments: [Attachment 1](#)

16. [17-0242R](#) RESOLUTION GRANTING AN INTERIM USE PERMIT FOR TWO VACATION DWELLING UNITS AT 1621 EAST SUPERIOR STREET (BRIAN AND CRYSTAL JORDAN).
- Attachments: [Attachment 1](#)
17. [17-0243R](#) RESOLUTION GRANTING AN INTERIM USE PERMIT FOR A VACATION DWELLING UNIT AT 110 22ND STREET SOUTH (STEVE AND HEATHER PITSHKA).
- Attachments: [Attachment 1](#)
18. [17-0245R](#) RESOLUTION AMENDING THE COMPREHENSIVE LAND USE PLAN - FUTURE LAND USE MAP FOR THE BOUNDARY AVENUE LAND USE STUDY AREA, FROM PARK PLACE TO KINGSBURY CREEK, AND EAST ALONG BOUNDARY AVENUE.
- Attachments: [Attachment 1](#)
[Attachment 2](#)

BY COUNCILOR HOBBS (PUBLIC WORKS & UTILITIES)

19. [17-0211R](#) RESOLUTION REVISING THE LIST OF HIGH PRIORITY BRIDGES IN THE CITY OF DULUTH.
20. [17-0237R](#) RESOLUTION AUTHORIZING AN AGREEMENT WITH ST. LOUIS COUNTY FOR CHIP SEALING SKYLINE PARKWAY FROM MESABA AVENUE TO KENWOOD AVENUE, PECAN AVENUE FROM CENTRAL ENTRANCE TO RICE LAKE ROAD AND TENTH AVENUE EAST FROM EAST FIFTH STREET TO EAST SECOND STREET AND FROM EAST FIRST STREET TO SUPERIOR STREET.
- Attachments: [17-0237R Exhibit A](#)
[17-0237R Map 1620](#)
[17-0237R Map 1621](#)
[17-0237R Map 1622](#)
21. [17-0241R](#) RESOLUTION AWARDED A CONTRACT TO GEORGE BOUGALIS & SONS CO. FOR THE 2017 MICHIGAN STREET UTILITY RECONSTRUCTION PROJECT IN THE AMOUNT OF \$918,818.60.
- Attachments: [17-0241R Map](#)
22. [17-0251R](#) RESOLUTION ACCEPTING PERMANENT EASEMENT FOR ROADWAY PURPOSES FROM THE RICHARD A. PETERSON REVOCABLE TRUST OVER PROPERTY ON AND ADJACENT TO WEST SKYLINE PARKWAY AT NO COST TO THE CITY.
- Attachments: [Exhibit 1](#)
[Exhibit 2](#)

BY COUNCILOR FOSLE (PUBLIC SAFETY)

23. [17-0219R](#) RESOLUTION DESIGNATING JAY FOSLE AS THE NORTHEAST MINNESOTA REGIONAL EMERGENCY COMMUNICATION BOARD (NEECB) REPRESENTATIVE WITH DENNIS EDWARDS, FIRE CHIEF AS ALTERNATE REPRESENTATIVE AND APPOINTING SHAWN KRIZAJ, DEPUTY FIRE CHIEF AS THE REPRESENTATIVE TO THE REGIONAL ADVISORY COMMITTEE AND ROB MOREHOUSE, TECHNICAL SERVICES COORDINATOR TO SERVE ON THE USER COMMITTEE OF SAID BOARD.
24. [17-0220R](#) RESOLUTION AUTHORIZING PROPER CITY OFFICIALS TO ACCEPT A GRANT FROM THE STATE OF MINNESOTA IN THE AMOUNT OF \$4,949.14 AND FURTHER AUTHORIZING EXECUTION OF A GRANT AGREEMENT WITH THE STATE OF MINNESOTA.

Attachments: [Exhibit A - 17-0220R](#)

BY COUNCILOR WESTERLUND (RECREATION, LIBRARIES & AUTHORITIES)

25. [17-0204R](#) RESOLUTION AUTHORIZING A THREE-YEAR AGREEMENT WITH ONE ROOF COMMUNITY HOUSING FOR THE LEASE AND MANAGEMENT OF THE CENTRAL HILLSIDE COMMUNITY CENTER FOR THE OPERATION OF ITS HOUSING DEVELOPMENT SERVICES.

Attachments: [Exhibit 1](#)

26. [17-0206R](#) RESOLUTION AUTHORIZING A FIRST AMENDMENT TO THE BRIDGE FUNDING AGREEMENT BETWEEN THE CITY OF DULUTH AND THE ARROWHEAD ZOOLOGICAL SOCIETY, INC. FOR THE BEAR COUNTRY PROJECT.

Attachments: [Exhibit A](#)

27. [17-0224R](#) RESOLUTION AUTHORIZING APPLICATION TO AND, IF OFFERED, ACCEPTANCE OF A \$150,000 MINNESOTA DEPARTMENT OF NATURAL RESOURCES OUTDOOR RECREATION GRANT TO IMPLEMENT PORTIONS OF THE WEST DULUTH SPORTS CORRIDOR MINI-MASTER PLAN - PHASE I.

Attachments: [Exhibit A grant application](#)
 [Exhibit B sample grant agreement](#)
 [Exhibit C Wade MMP](#)

28. [17-0225R](#) RESOLUTION AUTHORIZING APPLICATION TO AND, IF OFFERED, ACCEPTANCE OF A \$98,527 MINNESOTA DEPARTMENT OF NATURAL RESOURCES OUTDOOR RECREATION GRANT TO IMPLEMENT PORTIONS OF THE QUARRY PARK MINI-MASTER PLAN - PHASE I.
- Attachments: [Exhibit A sample grant agreement](#)
[Exhibit B Quarry MMP](#)
29. [17-0226R](#) RESOLUTION AUTHORIZING APPLICATION TO AND, IF OFFERED, ACCEPTANCE OF A \$250,000 MINNESOTA DEPARTMENT OF NATURAL RESOURCES REGIONAL TRAIL PROGRAM GRANT TO CONSTRUCT 5.4 KM OF NORDIC SKI TRAILS AT GRAND AVENUE NORDIC CENTER.
- Attachments: [Exhibit A sample grant agreement](#)
[Exhibit B Grand Ave MMP](#)
30. [17-0227R](#) RESOLUTION AUTHORIZING APPLICATION TO AND, IF OFFERED, ACCEPTANCE OF A \$250,000 MINNESOTA DEPARTMENT OF NATURAL RESOURCES REGIONAL TRAIL PROGRAM GRANT TO IMPROVE THE DULUTH WINNIPEG PACIFIC TRAIL SYSTEM SARGENT CREEK RAILROAD TRESTLE.
- Attachments: [Exhibit A sample grant agreement](#)
[Exhibit B Trails MMP](#)
31. [17-0231R](#) RESOLUTION GRANTING APPROVAL AND IMPLEMENTATION OF THE CROSS CITY TRAIL MINI MASTER PLAN.
- Attachments: [3.8.17 Cross City Trail MMP FINAL High-Res AS tweaks](#)
[MTA 17-0231R Sipress.Westerlund](#)
32. [17-0233R](#) RESOLUTION GRANTING APPROVAL AND IMPLEMENTATION OF THE ST. LOUIS RIVER ESTUARY NATIONAL WATER TRAIL PLAN.
- Attachments: [Exhibit A Water Trail Plan](#)
33. [17-0236R](#) RESOLUTION AUTHORIZING THREE YEAR USE AND OPERATIONS AGREEMENT WITH ARROWHEAD YOUTH SOCCER ASSOCIATION OF NORTHEASTERN MINNESOTA FOR THE CITY'S GARY NEW DULUTH SOCCER FIELDS.
- Attachments: [Exhibit 1](#)

34. [17-0244R](#) RESOLUTION AUTHORIZING APPLICATION TO AND, IF OFFERED, ACCEPTANCE OF A MINNESOTA DEPARTMENT OF NATURAL RESOURCES LOCAL TRAIL CONNECTION PROGRAM GRANT OF UP TO \$111,188 TO DESIGN AND BUILD TRAIL CONNECTIONS AROUND QUARRY PARK.

Attachments: [Exhibit A St. Louis River Trails Plan](#)
[Exhibit B sample agreement](#)
[Exhibit C Quarry MMP](#)

END OF CONSENT AGENDA

BY COUNCILOR RUSS (PLANNING & ECONOMIC DEVELOPMENT)

35. [17-0257R](#) RESOLUTION AUTHORIZING AMENDMENT TO DEVELOPMENT AGREEMENT, DISBURSEMENT AGREEMENT AND SUBORDINATION AGREEMENT PERTAINING TO THE MH II APARTMENTS, INC. PROJECT.

Attachments: [Exhibit A 17-0257R](#)
[Exhibit B 17-0257R](#)
[Exhibit C 17-0257R](#)

INTRODUCTION AND CONSIDERATION OF ORDINANCES

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

BY COUNCILOR RUSS (PLANNING & ECONOMIC DEVELOPMENT)

36. [17-016-O](#) AN ORDINANCE GRANTING A CONCURRENT USE PERMIT FOR A THREE SEASON PORCH AND STAIRS IN THE PLATTED STREET RIGHT OF WAY OF 21ST STREET SOUTH.

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

BY COUNCILOR HOBBS (PUBLIC WORKS & UTILITIES)

37. [17-014-O](#) AN ORDINANCE DEDICATING AN EASEMENT FOR ROADWAY PURPOSES FOR WEST SKYLINE PARKWAY.

Attachments: [17-014O Exhibit A](#)
[17-014O Exhibit B](#)

38. [17-015-O](#) AN ORDINANCE DEDICATING A PERMANENT EASEMENT FOR ROADWAY PURPOSES ON PROPERTY ADJACENT TO CONGDON BOULEVARD.

Attachments: [Exhibit A](#)

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

BY COUNCILOR HOBBS (PUBLIC WORKS & UTILITIES)

39. [17-010-O](#) AN ORDINANCE AMENDING CHAPTER 47 OF THE DULUTH CITY CODE BY ADDING A NEW ARTICLE V RELATING TO TRANSPORTATION NETWORK COMPANIES AND AMENDING SECTION 47-16 TO EXCLUDE TRANSPORTATION NETWORK COMPANY VEHICLES FROM THE DEFINITION OF TAXICAB. [REPLACEMENT]

Sponsors: Hobbs

Attachments: [17-010-O Attachment](#)
 [17-010-O - Original](#)

BY COUNCILOR FOSLE (PUBLIC SAFETY)

40. [17-009-O](#) AN ORDINANCE REPEALING SECTION 90, CHAPTER 33, OF THE DULUTH CITY CODE, 1959 AS AMENDED RELATING TO ADVERTISING VEHICLES FOR SALE
41. [17-011-O](#) AN ORDINANCE AMENDING SECTION 8-46, CHAPTER 8 OF THE DULUTH CITY CODE TO ALLOW ESTABLISHMENTS WITH SUNDAY LICENSES TO BEGIN SELLING INTOXICATING LIQUOR ON SUNDAY AT 8:00 A.M. INSTEAD OF 10:00 A.M., TO ELIMINATE THE REQUIREMENT THAT CLUBS SERVE MEALS ON A DAILY BASIS, AND TO ADD BOWLING CENTERS AS ELIGIBLE FOR SUNDAY LICENSES.

Sponsors: Fosle

COUNCILOR QUESTIONS AND COMMENTS

COUNCILOR PREVIEW OF UPCOMING BUSINESS