



# 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, June 12, 2017

7:00 PM

Council Chamber

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#### ROLL CALL

#### PLEDGE OF ALLEGIANCE

#### APPROVAL OF MINUTES

1. [17-099](#) May 22, 2017 City Council Meeting Minutes

Attachments: [May 22, 2017 - Council Meeting](#)

#### PRESENTATION OF PETITIONS AND OTHER COMMUNICATIONS

2. [17-098](#) Harold Nynas & Others - 17-021-O Petition

Attachments: [Harold Nynas & Others - Petition 17-021-O](#)

#### REPORTS FROM THE ADMINISTRATION

#### REPORTS FROM OTHER OFFICERS

3. [17-092](#) Application For Exempt Permit - Gary New Duluth Community Club

Attachments: [Application For Exempt Permit - Gary New Duluth Community Club](#)

#### REPORTS OF BOARDS AND COMMISSIONS

4. [17-091](#) 3-29-2017 Duluth Transit Authority Meeting Minutes  
**Attachments:** [3-29-2017 Duluth Transit Authority Meeting Minutes](#)
5. [17-094](#) 2-07-2017 Civil Service Board Meeting Minutes  
**Attachments:** [2-07-2017 Civil Service Board Meeting Minutes](#)
6. [17-095](#) 1/31/2017, 3/30/2017 & 4/25/2017. Housing Redevelopment Authority Meeting Minutes  
**Attachments:** [1-31-2017 Housing and Redevelopment Authority Meeting Minutes](#)  
[3-30-2017 Housing and Redevelopment Authority Meeting Minutes](#)  
[4-25-2017 Housing and Redevelopment Authority Meeting Minutes](#)
7. [17-097](#) January 31, February 28 & March 28, 2017 Duluth Entertainment Convention Center Meeting Minutes  
**Attachments:** [1-31-2017 Duluth Entertainment Convention Center Meeting Minutes](#)  
[2-28-2017 Duluth Entertainment Convention Center Meeting Minutes](#)  
[3-28-2017 Duluth Entertainment Convention Center Meeting Minutes](#)

## REPORTS OF COUNCIL COMMITTEES

## REPORTS OF COUNCIL OPEN ISSUES

## OPPORTUNITY FOR CITIZENS TO BE HEARD

## CONSENT AGENDA

### BY COUNCILOR HANSEN (FINANCE)

8. [17-0331R](#) RESOLUTION CONFIRMING ASSESSMENT ROLL FOR SIDEWALK REPAIRS AT THREE CITY LOCATIONS IN 2016.  
**Attachments:** [Exhibit A](#)

### BY COUNCILOR HANSON (PURCHASING & LICENSING)

9. [17-0338R](#) RESOLUTION APPROVING THE PERMANENT EXPANSION OF THE DESIGNATED SERVING AREA OF THE ON SALE INTOXICATING LIQUOR LICENSE OF ZENITH ASSET COMPANY (INN ON LAKE SUPERIOR), 350 CANAL PARK DRIVE.  
**Attachments:** [INN ON LAKE SUPERIOR-04272017142711](#)

10. [17-0416R](#) RESOLUTION AUTHORIZING AN AMENDMENT TO AGREEMENT 23155 WITH PRAIRIE RESTORATIONS, INC., FOR ADDITIONAL SERVICES FOR A PORTION OF THE DWP SITE RESTORATION, AN INCREASE OF \$13,547, FOR A NEW TOTAL AMOUNT NOT TO EXCEED \$189,497.

Attachments: [Exhibit A](#)

11. [17-0422R](#) RESOLUTION APPROVING ISSUANCE OF A TEMPORARY ON SALE INTOXICATING LIQUOR LICENSE TO DULUTH AMATEUR HOCKEY ASSOCIATION.

Attachments: [DULUTH AMATEUR HOCKEY-05172017124656](#)

12. [17-0423R](#) RESOLUTION APPROVING THE TEMPORARY EXPANSION OF THE DESIGNATED SERVING AREA OF THEIR ON SALE INTOXICATING LIQUOR LICENSE TO VARIOUS LICENSEES.

Attachments: [THE REEF BAR-Attachment A](#)  
[BEDROCK Attachment B](#)  
[SIR BENS Attachment C](#)

13. [17-0424R](#) RESOLUTION APPROVING ISSUANCE OF A TEMPORARY ON SALE INTOXICATING LIQUOR LICENSE TO RIDGEVIEW COUNTRY CLUB.

Attachments: [RIDGEVIEW-05242017090116](#)

14. [17-0425R](#) RESOLUTION APPROVING THE APPLICATION FOR AN ON SALE INTOXICATING LIQUOR DANCE LICENSE OF LUCKYS 13 PUB, DULUTH MILLER HILL MALL, LLC.

Attachments: [LUCKY 13 DANCE APPLICATION](#)

15. [17-0426R](#) RESOLUTION APPROVING THE ISSUANCE OF A LAWFUL GAMBLING PREMISE PERMIT TO DULUTH ELKS CLUB #133 FOR THE ALL AMERICAN CLUB, 1931 MICHIGAN STREET, DULUTH MN

16. [17-0434R](#) RESOLUTION AUTHORIZING THE PURCHASE OF TWELVE MONTHS OF GPS/AVL SYSTEM USAGE FROM PRECISE MRM, LLC, IN THE AMOUNT OF \$126,000.

17. [17-0449R](#) RESOLUTION APPROVING ISSUANCE OF AN ON SALE INTOXICATING LIQUOR LICENSE TO DULUTH COFFEE COMPANY, INC. (DULUTH COFFEE COMPANY), 101 EAST SUPERIOR STREET

Attachments: [DULUTH COFFEE COMPANY ATTACHMENT A](#)

18. [17-0450R](#) RESOLUTION APPROVING ISSUANCE OF A TEMPORARY ON SALE INTOXICATING LIQUOR LICENSE TO MINNESOTA CRAFT BREWERS GUILD, BAYFRONT PARK.

Attachments: [MN CRAFT BREWERS GUILD ATTACHMENT A](#)

**BY COUNCILOR ANDERSON (PERSONNEL)**

19.     [17-0415R](#)     RESOLUTION CONFIRMING THE APPOINTMENT OF NOLAND MAKOWSKY TO THE COMMUNITY DEVELOPMENT COMMITTEE.

Attachments:     [Noland Makowsky Application](#)

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

20.     [17-0427R](#)     RESOLUTION APPROVING DEDA RESOLUTION 17D-10 AUTHORIZING AGREEMENT WITH JAMAR COMPANY FOR REPAIR OF THE MRO BUILDING IN THE AMOUNT OF \$327,750.

Attachments:     [Attachment A](#)

21.     [17-0436R](#)     RESOLUTION REPROGRAMMING FUNDS FROM THE 2015 PROGRAM YEAR IN THE AMOUNT OF \$25,500.00, AND FUND 261 IN THE AMOUNT OF \$114,924.21 AND FROM FUND 263 \$6,129.24 AND AUTHORIZING THE COMMITMENT OF \$53,446.55 FROM CDBG HOUSING RLF FOR A TOTAL OF \$200,000.00 TO THE 2016 PROGRAM YEAR GATEWAY MULTIFAMILY HOUSING PROJECT.

22.     [17-0439R](#)     RESOLUTION REPROGRAMMING FUNDS FROM THE 2014 PROGRAM YEAR IN THE AMOUNT OF \$10,000.00, and \$80,877.24 FROM PRE-2015 UNCOMMITTED HOME FUNDS FOR A TOTAL OF \$90,877.24.

23.     [17-0445R](#)     RESOLUTION AUTHORIZING AN AMENDMENT TO THE LEAD-BASED PAINT HAZARD CONTROL PROGRAM GRANT AGREEMENT WITH THE HOUSING AND REDEVELOPMENT AUTHORITY OF DULUTH, MINNESOTA, AND AUTHORIZING A FUNDING AGREEMENT WITH ST. LOUIS COUNTY HOUSING AND REDEVELOPMENT AUTHORITY AND THE HOUSING REDEVELOPMENT AUTHORITY OF DULUTH, MINNESOTA, WHEREBY THE CITY WILL PROVIDE \$200,000 IN REPLACEMENT FUNDING FOR THE GATEWAY PROJECT.

Attachments:     [Exhibit A - 17-0445R](#)

[Exhibit B - 17-0445R](#)

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

24.     [17-0371R](#)     RESOLUTION AWARDED A CONTRACT TO HOVLAND, INC. FOR THE IRVING PLACE NEIGHBORHOOD CPR PROJECT IN THE AMOUNT OF \$318,880.

Attachments:     [17-0371R Map](#)

25.    [17-0414R](#)       RESOLUTION AUTHORIZING ASSESSMENT AGREEMENT WITH ROBERT J. AND RUTH I. MCCAULEY AND ACCEPTING NOTE AND MORTGAGE RELATING TO THE RECONSTRUCTION OF THEIR SIDEWALK AT 1123 E. 11TH STREET.
- Attachments:   [17-0414R Exhibit 1](#)  
                          [17-0414R Exhibit A](#)  
                          [17-0414R Exhibit B](#)
26.    [17-0428R](#)       RESOLUTION AWARDED A CONTRACT TO ULLAND BROTHERS, INC. FOR THE FOURTH STREET OVERLAY PROJECT IN THE AMOUNT OF \$579,845.
- Attachments:   [17-0428R Map](#)
27.    [17-0432R](#)       RESOLUTION AWARDED A CONTRACT TO A PLUS LANDSCAPING, LLC FOR THE AMITY CREEK BANK STABILIZATION PROJECT IN THE AMOUNT OF \$319,775.
- Attachments:   [17-0432R Map](#)
28.    [17-0441R](#)       RESOLUTION AWARDED A CONTRACT TO ULLAND BROTHERS, INC. FOR THE CONGDON BOULEVARD RECLAMATION PROJECT IN THE AMOUNT OF \$2,083,348.
- Attachments:   [17-0441R Map](#)
29.    [17-0447R](#)       RESOLUTION AUTHORIZING AMENDMENT 1 TO RESOLUTION 16-0003R AUTHORIZING A CONTRACT WITH SEH, INC. FOR PROFESSIONAL ENGINEERING SERVICES TO PROVIDE DESIGN ENGINEERING FOR THE CONGDON BOULEVARD RECLAMATION PROJECT, TO INCREASE THE AMOUNT BY \$39,255 FOR A NEW TOTAL OF \$126,255.
- Attachments:   [17-0447R Exhibit A](#)  
                          [17-0447R Proposal](#)

**BY COUNCILOR FOSLE (PUBLIC SAFETY)**

30.    [17-0440R](#)       RESOLUTION AUTHORIZING THE PURCHASE OF SEVEN (7) 2017 FORD UTILITY INTERCEPTOR VEHICLES FROM FORD OF HIBBING IN THE AMOUNT OF \$220,470.63.

**BY COUNCILOR WESTERLUND (RECREATION, LIBRARIES & AUTHORITIES)**

31. [17-0397R](#) RESOLUTION AUTHORIZING A THREE-YEAR LEASE AGREEMENT WITH THE DULUTH AREA FAMILY Y.M.C.A. FOR THE OPERATION AND MANAGEMENT OF THE UPPER LEVEL OF THE WOODLAND COMMUNITY CENTER.

Attachments: [Exhibit 1](#)

32. [17-0442R](#) RESOLUTION AUTHORIZING A FIVE-YEAR LICENSE AGREEMENT WITH THE STATE OF MINNESOTA FOR BIOCONTROL OF EMERALD ASH BORER AT HARTLEY PARK.

Attachments: [Exhibit 1](#)

[Exhibit 2](#)

33. [17-0443R](#) RESOLUTION AUTHORIZING A THREE-YEAR USE AGREEMENT WITH EASTERN LITTLE LEAGUE OF DULUTH, INC. FOR THE USE OF COMO PARK BASEBALL FIELDS, JOHN BAGGS MEMORIAL BASEBALL FIELD, AND TONY EMANUEL BASEBALL FIELD.

Attachments: [Exhibit 1](#)

34. [17-0444R](#) RESOLUTION AUTHORIZING AN OPERATION AND MAINTENANCE PLAN AND CONSERVATION PRACTICE ASSISTANCE CONTRACT RELATED TO THE TISCHER CREEK RESTORATION PROJECT.

Attachments: [Exhibit 1](#)

[Exhibit 2](#)

[Exhibit 3](#)

35. [17-0446R](#) RESOLUTION AUTHORIZING AN EIGHTEEN-MONTH LICENSE AGREEMENT WITH COMMUNITY ACTION DULUTH FOR TREE PLANTING NEAR THE WESTERN WATERFRONT TRAIL.

Attachments: [Exhibit 1](#)

[Exhibit 2](#)

## END OF CONSENT AGENDA

### BY COUNCILOR HANSON (PURCHASING & LICENSING)

36. [17-0421R](#) RESOLUTION VETOING DULUTH PUBLIC UTILITIES COMMISSION'S 6-YEAR WATER RATE PLAN.

Sponsors: Hanson

Attachments: [Exhibit A - PUC Resolution](#)

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

37. [17-0435R](#) RESOLUTION ADOPTING A HOUSING ACTION FRAMEWORK, ESTABLISHING INTERIM PRIORITIES FOR HOUSING POLICIES IN ADVANCE OF IMAGINE DULUTH 2035 COMPLETION.

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

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

38. [17-0451R](#) RESOLUTION ESTABLISHING A RED TAPE TASK FORCE.

Sponsors: Hobbs and Hansen

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

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

39. [17-020-O](#) AN ORDINANCE AMENDING SECTIONS 29A-27, 29A-29, 29A-32, AND 29A.34 RELATED TO RENTAL PROPERTY LICENSING AND OFF-STREET PARKING

Legislative History

5/22/17 City Council read for the first time

40. [17-033-O](#) ORDINANCE AMENDING SECTION 8-17, CHAPTER 8, OF THE DULUTH CITY CODE RELATING TO THE DAYS AND HOURS OF SALE OF INTOXICATING LIQUOR AND REPEALING THE PROHIBITION ON SUNDAY OFF-SALE OF INTOXICATING LIQUOR.

Legislative History

6/8/17 City Council read for the first time

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

41. [17-021-O](#) AN ORDINANCE AMENDING SECTIONS 50-24, PARKING AND LOADING; 50-35, PROCEDURES SUMMARY TABLE; AND 50-37, REVIEW AND APPROVAL PROCESS

Attachments: [Attachment A - Sec 50-24-3 Permitted Parking Areas](#)  
[Attachment B - Sec 50-24-4 Parking Design Standards \(As Amended\)](#)  
[Attachment C - Sec 50-35-1 Summary table](#)  
[Attachment 1](#)  
[Motion To Amend \(Fosle\) - Passed Unanimously](#)  
[Motion To Amend \(Filipovich\) - Withdrawn](#)  
[Motion To Amend 2 \(Filipovich\) - Withdrawn](#)  
[Attachment B - Original](#)

Legislative History

5/22/17      City Council      read for the first time

42.    [17-027-O](#)      AN ORDINANCE AMENDING THE APPROVED REGULATING PLAN FOR RAMSEY VILLAGE TO ALLOW A MIXED USE RESIDENTIAL AND COMMERCIAL BUILDING AT NORTH 53RD AND 54TH AVENUES WEST AND RAMSEY STREET.

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

Legislative History

5/22/17      City Council      read for the first time

43.    [17-028-O](#)      AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF DULUTH TO PROVIDE FOR THE RECLASSIFICATION OF PROPERTY BETWEEN ANCHOR STREET AND PARK PLACE AND BETWEEN SOUTH BOUNDARY AVENUE AND TERMINAL AVENUE FROM R-1 TO MU-N.

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

Legislative History

5/22/17      City Council      read for the first time

44.    [17-029-O](#)      AN ORDINANCE GRANTING A CONCURRENT USE PERMIT FOR PRIVATE DETACHED GARAGE IN THE PLATTED STREET RIGHT OF WAY OF 58TH AVENUE EAST.

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

Legislative History

5/22/17      City Council      read for the first time

45.    [17-031-O](#)      ORDINANCE AMENDING SECTIONS 50-19.8 AND 50-20.3 OF THE DULUTH CITY CODE TO ADD KENNEL AND PRIMARY USE PARKING LOT AS A SPECIAL USE TO CERTAIN ZONE DISTRICTS, TO MODIFY THE USE SPECIFIC STANDARDS FOR THOSE USES, AND TO ADD VACATION DWELLING UNIT AND ACCESSORY VACATION DWELLING UNIT TO FORM DISTRICTS AS AN INTERIM USE.

Attachments:    [Attachment A - Chapter 50-19 Use Table](#)  
                         [17-022 Original](#)



46. [17-032-O](#) ORDINANCE AMENDING SECTIONS 50-20.3 AND 50-20.5 OF THE DULUTH CITY CODE TO REQUIRE 24-HOUR FRONT DESK STAFFING AND HOMEOWNER ASSOCIATION APPROVAL BEFORE GRANTING AN INTERIM USE PERMIT FOR A VACATION DWELLING UNIT OR ACCESSORY VACATION DWELLING UNIT.

Attachments: [17-022 Original](#)

## **COUNCILOR QUESTIONS AND COMMENTS**

## **COUNCILOR PREVIEW OF UPCOMING BUSINESS**