



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 26, 2018

7:00 PM

Council Chamber

ROLL CALL

PLEDGE OF ALLEGIANCE

APPROVAL OF MINUTES

1. [18-066](#) Duluth City Council Meeting Minutes - March 12, 2018

Attachments: [City Council Meeting - March 12](#)

REPORTS FROM THE ADMINISTRATION

2. [18-057](#) 2017 General Fund Reconciled Budget Report

Attachments: [General Fund Budget Adjustments 2017](#)

REPORTS FROM OTHER OFFICERS

3. [18-072](#) Exempt Permit Application

Attachments: [IRVING-03262018100825](#)
[WOMENS CARE CENTER-03262018100739](#)

REPORTS OF BOARDS AND COMMISSIONS

4. [18-068](#) February 20, 2018 Duluth Public Utilities Commission Public Hearing
Attachments: [Duluth Public Utilities Commission Public Hearing](#)
5. [18-067](#) February 20, 2018-Duluth Public Utilities Commission Minutes
Attachments: [February 20-Duluth Public Utilities Commission Minutes](#)
6. [18-070](#) Duluth Transit Authority Financial Statement January 1, 2018
Attachments: [01 JAN 2018 Duluth Transit Financial Report](#)
7. [18-071](#) Duluth Transit Authority Board of Directors Minutes January 31, 2018
Attachments: [Duluth Transit Authority Minutes \(01-31-18\)](#)

REPORTS OF COUNCIL COMMITTEES

REPORTS OF COUNCIL OPEN ISSUES

OPPORTUNITY FOR CITIZENS TO BE HEARD

CONSENT AGENDA

BY COUNCILOR FILIPOVICH (FINANCE)

8. [18-0224R](#) RESOLUTION AUTHORIZING AN AMENDMENT TO THE AGREEMENT WITH THE DULUTH AIRPORT AUTHORITY TO ADD BOILER INSURANCE TO THE COVERAGE PROVIDED TO THE DAA UNDER THE CITY'S INSURANCE POLICY.
Attachments: [Exhibit A](#)

BY COUNCILOR FOSLE (PURCHASING & LICENSING)

9. [18-0193R](#) RESOLUTION APPROVING ISSUING A TEMPORARY ON SALE 3.2 PERCENT MALT LIQUOR LICENSE TO THE DULUTH AIR SHOW WINGS FOUNDATION (KIA DRAG RACES AND CAR SHOW), 435 GARFIELD AVENUE
Attachments: [KIA DRAGS-02282018155709](#)
10. [18-0216R](#) RESOLUTION AUTHORIZING A CONTRACT WITH KTM PAVING, INC. FOR IRVING PARK IMPROVEMENTS PHASE I FOR AN AMOUNT NOT TO EXCEED \$174,359.68.
11. [18-0234R](#) RESOLUTION AUTHORIZING THE PURCHASE OF A COMPLETE BUCKET TRUCK FROM ABM EQUIPMENT & SUPPLY, LLC IN THE AMOUNT OF \$197,821.

BY COUNCILOR ANDERSON (PERSONNEL)

12. [18-0223R](#) RESOLUTION CONFIRMING THE REAPPOINTMENT OF ROBERT PRUSAK, TO THE DULUTH PUBLIC UTILITIES COMMISSION
13. [18-0229R](#) RESOLUTION CONFIRMING THE REAPPOINTMENT OF TJAARD BREEUWER AND AMANDA CROSBY (EX-OFFICIO COMMISSION ON DISABILITIES) TO THE PARKS AND RECREATION COMMISSION.
14. [18-0243R](#) RESOLUTION CONFIRMING THE REAPPOINTMENT OF KARIN SWOR TO THE DULUTH PARKING COMMISSION.
15. [18-0253R](#) RESOLUTION APPROVING PROPOSED AMENDMENTS TO THE SPECIFICATIONS FOR THE EXISTING CIVIL SERVICE CLASSIFICATION OF CUSTOMER SERVICE LEADWORKER, INCLUDING A TITLE CHANGE TO CUSTOMER SERVICE COORDINATOR, AND SPECIFYING CONTRACT BENEFITS FOR SAME.

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

16. [18-0254R](#) RESOLUTION APPROVING PROPOSED AMENDMENTS TO THE SPECIFICATIONS FOR THE EXISTING CIVIL SERVICE CLASSIFICATION OF GAS PROJECT COORDINATOR.

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

17. [18-0255R](#) RESOLUTION APPROVING PROPOSED SPECIFICATIONS FOR THE NEW CIVIL SERVICE CLASSIFICATION OF HUMAN RESOURCES SUPERVISOR, AND SPECIFYING CONTRACT BENEFITS FOR SAME.

Attachments: [Exhibit A](#)

18. [18-0256R](#) RESOLUTION APPROVING PROPOSED AMENDMENTS TO THE SPECIFICATIONS FOR THE EXISTING CIVIL SERVICE CLASSIFICATION OF WATER CONVEYANCE SPECIALIST.

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

19. [18-0257R](#) RESOLUTION APPROVING JOB SPECIFICATIONS FOR THE APPOINTED POSITION OF CITY CLERK, AND SPECIFYING CONTRACT BENEFITS FOR SAME.

Attachments: [Exhibit A](#)

BY COUNCILOR RUSS (PLANNING & ECONOMIC DEVELOPMENT)

20. [18-0217R](#) RESOLUTION AUTHORIZING ADOPTION OF THE AMENDED COMMUNITY DEVELOPMENT PROGRAM CITIZEN PARTICIPATION PLAN.
Attachments: [Attachment 1](#)
21. [18-0225R](#) RESOLUTION AUTHORIZING AN AGREEMENT WITH THE DULUTH ECONOMIC DEVELOPMENT AUTHORITY TO INSURE PROPERTY UNDER THE CITY'S PROPERTY AND BOILER INSURANCE POLICIES.
Attachments: [18D-05 City Property & Boiler Ins Agreement 2018](#)
22. [18-0227R](#) RESOLUTION AUTHORIZING THE PROPER CITY OFFICIALS TO ENTER INTO AN AGREEMENT WITH AND ACCEPT FUNDS FROM ST. LOUIS COUNTY TO PROVIDE MINNESOTA FAMILY INVESTMENT PROGRAM AND DIVERSIONARY WORK PROGRAM EMPLOYMENT AND TRAINING SERVICES IN AN AMOUNT NOT LESS THAN \$943,380 FOR THE PERIOD JANUARY 1, 2018 THROUGH DECEMBER 31, 2018.
Attachments: [2018 MFIP DWP contract - City of Duluth 16294 unsigned](#)
23. [18-0246R](#) RESOLUTION VACATING THE WESTERN SECTION OF SOUTH 18TH AVENUE WEST BETWEEN WEST MICHIGAN STREET AND LOWER MICHIGAN STREET, MAINTAINING A PEDESTRIAN AND UTILITY EASEMENT OVER THE WESTERN 36 FEET.
Attachments: [Attachment 1](#)
[Attachment 2](#)

BY COUNCILOR HOBBS (PUBLIC WORKS & UTILITIES)

24. [18-0210R](#) RESOLUTION AUTHORIZING AN AGREEMENT FOR A TEMPORARY CONSTRUCTION AND ACCESS EASEMENT AGREEMENT AND CONSTRUCTION AGREEMENT FROM GATEWAY PROPERTIES, LLP.
Attachments: [Easement Agreement Signed by Gateway 3-7-18](#)
25. [18-0228R](#) RESOLUTION AUTHORIZING AGREEMENT WITH TENASKA MARKETING VENTURES AND TENASKA GAS STORAGE, LLC, FOR ASSET MANAGEMENT SERVICES.
Attachments: [Exhibit A](#)
26. [18-0237R](#) RESOLUTION AWARDED A CONTRACT TO HANCO UTILITIES, INC. FOR THE 2018 CITY WIDE GAS METER RELOCATION PROJECT IN THE AMOUNT OF \$393,480.
27. [18-0238R](#) RESOLUTION AWARDED A CONTRACT TO HANCO UTILITIES, INC. FOR CONSTRUCTION OF THE 2018 HIGH PRESSURE GAS MAINS AND SERVICES AT VARIOUS LOCATIONS IN THE AMOUNT OF \$1,067,710.

28. [18-0239R](#) RESOLUTION AMENDING RESOLUTION NO. 15-0248 INCREASING THE NUMBER OF AUTHORIZED AUDITS TO 1300 AND INCREASING THE FUNDING THEREFORE BY AN ADDITIONAL \$40,000.
29. [18-0241R](#) RESOLUTION OF INTENT FOR CONSTRUCTION OF APPROXIMATELY 1000 FEET OF WATER MAIN AND SANITARY SEWER MAIN IN KAYAK BAY DRIVE BEGINNING AT GRAND AVENUE AND EXTENDING SOUTHERLY AND TO ASSESS THE COSTS THEREOF.
- Attachments:* [18-0241R Preliminary Plat](#)
30. [18-0244R](#) RESOLUTION AUTHORIZING A SUPPLY AGREEMENT WITH ENSYN RENEWABLE FUELS CANADA, INC., TO SUPPLY RECYCLED FUEL OIL TO THE DULUTH ENERGY SYSTEMS FACILITIES.
- Attachments:* [Exhibit A](#)
31. [18-0245R](#) RESOLUTION AUTHORIZING AN EQUIPMENT UTILIZATION AND SERVICE AGREEMENT WITH ENSYN RENEWABLE FUELS CANADA, INC., TO ALLOW USE OF RENEWABLE FUEL OIL AT THE DULUTH ENERGY SYSTEMS FACILITY.
- Attachments:* [Exhibit A](#)
32. [18-0258R](#) RESOLUTION AUTHORIZING AGREEMENT WITH ST. LOUIS COUNTY TO FUND CONSTRUCTION OF KAYAK BAY DRIVE.
- Attachments:* [Exhibit A](#)
33. [18-0263R](#) RESOLUTION AUTHORIZING AGREEMENT WITH SPIRIT VALLEY LAND COMPANY TO CONSTRUCT KAYAK BAY DRIVE AND UTILITIES AND PROVIDE FOR ASSESSMENT OF UTILITY COST.
- Attachments:* [Exhibit A](#)

BY COUNCILOR WESTERLUND (RECREATION, LIBRARIES & AUTHORITIES)

34. [18-0220R](#) RESOLUTION AUTHORIZING APPLICATION TO AND, IF AWARDED, ACCEPTANCE OF A MINNESOTA DEPARTMENT OF NATURAL RESOURCES REGIONAL TRAIL PROGRAM GRANT OF UP TO \$250,000 FOR RESTORATION OF SARGENT CREEK BRIDGE ON THE DULUTH WINNIPEG PACIFIC TRAIL SYSTEM.
- Attachments:* [Exhibit A sample grant agreement](#)

35. [18-0221R](#) RESOLUTION AUTHORIZING APPLICATION TO AND, IF AWARDED, ACCEPTANCE OF A MINNESOTA DEPARTMENT OF NATURAL RESOURCES REGIONAL TRAIL PROGRAM GRANT OF UP TO \$250,000 FOR CROSS COUNTRY SKI TRAIL CONSTRUCTION AT GRAND AVENUE NORDIC CENTER.
- Attachments:** [Exhibit A sample grant agreement](#)
36. [18-0222R](#) 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 agreement](#)
37. [18-0235R](#) 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 LOWER CHESTER MINI-MASTER PLAN PHASE I.
- Attachments:** [exhibit A grant agreement](#)

END OF CONSENT AGENDA

The following entitled resolutions are also to be considered:

BY COUNCILOR ANDERSON (PERSONNEL)

38. [18-0260R](#) RESOLUTION CONFIRMING THE APPOINTMENTS OF SARAH WISDORF AND JASON CRAWFORD TO THE PLANNING COMMISSION REPLACING GARNER MOFFAT AND TERRY GUGGENBUEHL

BY COUNCILOR RUSS (PLANNING & ECONOMIC DEVELOPMENT)

39. [18-0248R](#) RESOLUTION AMENDING THE 2017 ANNUAL ACTION PLAN BY SUBSTANTIALLY CHANGING THE MULTI-FAMILY ACQUISITION PROJECT BY ONE ROOF COMMUNITY HOUSING.
- Attachments:** [Attachment 1](#)

BY COUNCILOR WESTERLUND (RECREATION, LIBRARIES & AUTHORITIES)

40. [18-0236R](#) RESOLUTION AFFIRMING DULUTH'S COMMITMENT TO ELIMINATING DISCRIMINATION AGAINST WOMEN AND GIRLS.
- Sponsors:** Westerlund

41. [18-0250R](#) RESOLUTION AUTHORIZING AGREEMENT WITH DULUTH ART INSTITUTE, ASSN. FOR DISPLAY OF ART IN CITY HALL.

Attachments: [Exhibit A](#)

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

BY COUNCILOR RUSS (PLANNING & ECONOMIC DEVELOPMENT)

42. [18-011-O](#) AN ORDINANCE AMENDING SECTIONS 50-37.1.L, ADMINISTRATIVE ADJUSTMENTS, TO ALLOW FOR MORE FLEXIBILITY RELATED TO OFF-STREET PARKING REQUIREMENTS.

Attachments: [Attachment 1](#)

43. [18-012-O](#) AN ORDINANCE AMENDING SECTIONS 50-26, SCREENING, WALLS, AND FENCES.

Attachments: [Attachment 1](#)

44. [18-013-O](#) AN ORDINANCE AMENDING SECTIONS 50-19.8 USE TABLE, 50-20.3 COMMERCIAL USES, AND 50-40.6 DEFINITIONS.

Attachments: [Attachment 1](#)

[Attachment 2](#)

45. [18-014-O](#) AN ORDINANCE AMENDING SECTIONS 50-37.10.E, CRITERIA FOR INTERIM USE PERMITS, TO INCREASE THE MAXIMUM NUMBER OF VACATION DWELLING UNITS THAT MAY BE PERMITTED.

Attachments: [Attachment 1](#)

[MOTION TO SPLIT ORDINANCE 18-014. Sipress, Russ - Passed 8-1 \(Fosle: N](#)

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

BY PRESIDENT HANSEN (COMMITTEE OF THE WHOLE)

46. [18-009-O](#) ORDINANCE ADDING A NEW CHAPTER 29E TO THE DULUTH CITY CODE ESTABLISHING MINIMUM STANDARDS FOR EARNED SICK AND SAFE TIME IN THE CITY OF DULUTH.

Sponsors: Hansen and Hobbs

Attachments: [Motion To Amend - Sipress & Russ \(1\) - HOLD](#)
[Motion To Amend - Sipress & Russ \(2\) - Passed 8-1](#)

[Motion To Amend - Filipovich - Hold](#)

[Motion To Amend - Westerlund \(1\) - Pass 5-4](#)

[Motion to Amend - Hobbs - Fail 3-6](#)

[18-009-O Original](#)

Legislative History

3/12/18

City Council

read for the first time

BY PRESIDENT HANSEN (COMMITTEE OF THE WHOLE)

47. [18-008-O](#) AN ORDINANCE AMENDING AND EXTENDING CABLE TELEVISION FRANCHISE AGREEMENT WITH CC VIII OPERATING, LLC, D/B/A CHARTER COMMUNICATIONS FOR TERM OF TEN YEARS.

Attachments:

[Certified Copy of Ordinance No. 9775](#)

[CHARTER FRANCHISE AGREEMENT-03092018092702](#)

Legislative History

3/12/18

City Council

read for the first time

COUNCILOR QUESTIONS AND COMMENTS

COUNCILOR PREVIEW OF UPCOMING BUSINESS