



City of Duluth

411 West First Street
Duluth, Minnesota 55802

Meeting Agenda - Final

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, May 14, 2018

7:00 PM

Council Chamber

ROLL CALL

PLEDGE OF ALLEGIANCE

PUBLIC HEARING

REPORTS FROM THE ADMINISTRATION

REPORTS FROM OTHER OFFICERS

1. [18-094](#) Clerk Application for Exempt Permit for St. Luke's foundation. (Raffle at Spirit Mountain for July 16, 2018)
2. [18-095](#) Clerk Application for Exempt Permit for Women's Care Center Duluth, Inc. (Raffle at Greysolon Ballroom for October 30, 2018)

REPORTS OF BOARDS AND COMMISSIONS

3. [18-096](#) Library Board Minutes 03/27/2018

Attachments: [Minutes Library Board APPROVED 2018.3.27](#)

4. [18-097](#) Entertainment and Convention Center Authority (DECC) Minutes
Attachments: [March 27, 2018 DECC Board Meeting Minutes](#)
[February 27, 2018 DECC Board Meeting Minutes](#)
[January 30, 2018 DECC Board Meeting Minutes](#)
[December 19, 2017 DECC Board Meeting Minutes](#)
[November 28, 2017 DECC Board Meeting Minutes](#)
[October 31, 2017 DECC Board Meeting Minutes](#)
5. [18-098](#) Duluth Transit Authority Board of Directors Meeting February 28, 2018
Attachments: [BOD Minutes \(02-28-18\) DTA](#)
6. [18-100](#) Alcohol, Gambling and Tobacco May Meeting Minutes
Attachments: [May AGT Minutes 2018](#)
7. [18-107](#) Housing and Redevelopment Authority Annual Board Meeting Minutes
Attachments: [HRA Annual Board Meeting Minutes](#)
8. [18-108](#) Housing and Redevelopment Authority Board Meeting Minutes 03/27/2018
Attachments: [03-27-2018 HRA Board Meeting](#)
9. [18-111](#) Duluth Airport Authority State Audit Report for year ending December 31, 2017
Attachments: [duluthairportauthorityfsml_17_report_state_auditor](#)

REPORTS OF COUNCIL COMMITTEES

REPORTS OF COUNCIL OPEN ISSUES

OPPORTUNITY FOR CITIZENS TO BE HEARD

CONSENT AGENDA

BY COUNCILOR FILIPOVICH (FINANCE)

10. [18-0363R](#) RESOLUTION CONFIRMING ASSESSMENT ROLL LEVIED FOR REASSESSMENT OF PRIOR CANCELED ASSESSMENTS IN THE AMOUNT OF \$4,571.04.
Attachments: [Exhibit A](#)

BY COUNCILOR FOSLE (PURCHASING & LICENSING)

11. [18-0359R](#) RESOLUTION APPROVING THE TEMPORARY EXPANSION OF THE DESIGNATED SERVING AREA OF THE ON SALE INTOXICATING LIQUOR LICENSE TO VARIOUS LICENSEES.

Attachments: [Alpine Bar Temp. Expansion](#)
[Club Saratoga Temp Expansion](#)
[Grandma's Saloon and Grill Temp Expansion 2018](#)
[Red Herring Temp Expansion 9-8-18](#)
[Shotz Bar Temporary Expansion](#)
[LAKE AVENUE Temporary Expansion](#)

12. [18-0360R](#) RESOLUTION APPROVING THE TRANSFER OF THE OFF SALE INTOXICATING LIQUOR LICENSE OF RED CARPET BOTTLE HOUSE, INC, (SHANTY BOTTLE SHOP) 1231 E 4TH STREET DULUTH 55805. TRANSFERRED TO SHANTY BOTTLE SHOP 2.0 INC. (SHANTY BOTTLE SHOP) SAME ADDRESS

Attachments: [SHANTY BOTTLE SHOP 2.0, INC.](#)

13. [18-0361R](#) RESOLUTION ISSUING AN ON SALE SUNDAY LICENSE TO MAGGIES FARM, LLC.(THE RIPPLE BAR ON LAKE SUPERIOR), 325 SOUTH LAKE AVENUE, STE. 109.

Attachments: [Ripple Bar Sunday License](#)

BY COUNCILOR ANDERSON (PERSONNEL)

14. [18-0354R](#) RESOLUTION CONFIRMING THE REAPPOINTMENT OF SANDRA VAN DEN BOSSE TO THE DULUTH HUMAN RIGHTS COMMISSION.

15. [18-0355R](#) RESOLUTION CHANGING THE 2018 ELECTION JUDGE COMPENSATION.

16. [18-0400R](#) RESOLUTION CONFIRMING THE APPOINTMENT OF CARRIE RYAN TO THE PUBLIC UTILITIES COMMISSION

Attachments: [Carrie Ryan Application - DPUC](#)

BY COUNCILOR RUSS (PLANNING & ECONOMIC DEVELOPMENT)

17. [18-0392R](#) RESOLUTION VACATING A UTILITY EASEMENT AND A SEWER EASEMENT IN ONEOTA INDUSTRIAL PARK FIRST ADDITION; AND A PLATTED ALLEY, A UTILITY EASEMENT, AND PORTION OF THIRD AVENUE EAST, ALL IN WEST DULUTH SEVENTH DIVISION.

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

18. [18-0393R](#) RESOLUTION VACATING A PORTION OF SUPERIOR STREET IN WEST DULUTH SEVENTH DIVISION.

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

BY PRESIDENT HANSEN (COMMITTEE OF THE WHOLE)

19. [18-0380R](#) RESOLUTION DESIGNATING POLLING PLACE FOR THE AUGUST 14, 2018 PRIMARY ELECTION, AND THE NOVEMBER 6, 2018, GENERAL ELECTION.

BY COUNCILOR HOBBS (PUBLIC WORKS & UTILITIES)

20. [18-0349R](#) RESOLUTION ACCEPTING A PERMANENT EASEMENT FOR ROAD AND UTILITY PURPOSES FROM ST. LOUIS COUNTY.

Attachments: [18-0349R Attachment 1](#)
[18-0349R Exhibit A](#)

21. [18-0350R](#) RESOLUTION ACCEPTING A PERMANENT EASEMENT FOR ROAD AND UTILITY PURPOSES FROM ST. LOUIS COUNTY.

Attachments: [18-0350R Attachment 1](#)
[18-0350R Exhibit A](#)

22. [18-0356R](#) RESOLUTION ACCEPTING A TEMPORARY EASEMENT FOR CONSTRUCTION PURPOSES AND A PERMANENT EASEMENT FOR ROAD AND UTILITY PURPOSES IN DEVONSHIRE STREET ALLEY FROM KEITH M. AUBOL.

Attachments: [18-0356R Attachment 1](#)
[18-0356R Exhibit A](#)

23. [18-0364R](#) RESOLUTION AUTHORIZING AN AGREEMENT FOR A TEMPORARY CONSTRUCTION EASEMENT, ACCESS EASEMENT AND CONSTRUCTION EASEMENT AGREEMENT FROM BIGOS-LENOX PLACE, LLC.

Attachments: [18-0364R Attachment 1](#)

24. [18-0366R](#) RESOLUTION AWARDED A CONTRACT TO VEIT & COMPANY, INC. FOR THE 2018 CITYWIDE SANITARY SEWER CIPP LINING AND SEWER REPLACEMENT PROJECT IN THE AMOUNT OF \$1,584,877.25.

Attachments: [18-0366R Maps](#)

25. [18-0369R](#) RESOLUTION AUTHORIZING A FIVE-YEAR MASTER SERVICES AGREEMENT WITH ALLIANT ENGINEERING, INC., FOR PROFESSIONAL TRAFFIC ENGINEERING SERVICES FOR AN ANNUAL AMOUNT NOT TO EXCEED \$50,000 AND A TOTAL CONTRACT AMOUNT NOT TO EXCEED \$250,000.
- Attachments:** [Exhibit A](#)
26. [18-0371R](#) RESOLUTION AUTHORIZING A FIVE-YEAR MASTER SERVICES AGREEMENT WITH SRF CONSULTING GROUP, INC., FOR PROFESSIONAL TRAFFIC ENGINEERING SERVICES FOR AN ANNUAL AMOUNT NOT TO EXCEED \$50,000 AND A TOTAL CONTRACT AMOUNT NOT TO EXCEED \$250,000.
- Attachments:** [MSA for Traffic Services 2018-2022 - SRF](#)
27. [18-0378R](#) RESOLUTION AUTHORIZING A CONTRACT WITH THE JAMAR COMPANY FOR THE INSTALLATION OF BUILDING ENERGY TRANSFER STATIONS FOR AN AMOUNT NOT TO EXCEED \$404,974.
28. [18-0389R](#) RESOLUTION ACCEPTING PERMANENT EASEMENT FOR A PEDESTRIAN WALKING PATH FROM JANET E. BLATNIK OVER PROPERTY LOCATED IN THE LAKESIDE NEIGHBORHOOD AT NO COST TO THE CITY.
- Attachments:** [EXHIBIT 1](#)
29. [18-0391R](#) RESOLUTION OF INTENT TO SELL OR CONVEY CERTAIN REAL PROPERTY IN THE ONEOTA NEIGHBORHOOD.
- Attachments:** [Exhibit A-Resolution](#)
[Exhibit B](#)
30. [18-0395R](#) RESOLUTION ACCEPTING A PERMANENT EASEMENT FOR ROAD AND UTILITY PURPOSES FROM INDEPENDENT SCHOOL DISTRICT #709.
- Attachments:** [18-0395R Attachment 1](#)
31. [18-0396R](#) RESOLUTION ACCEPTING A PERMANENT EASEMENT FOR ROAD AND UTILITY PURPOSES FROM INDEPENDENT SCHOOL DISTRICT #709.
- Attachments:** [18-0396R Attachment 1](#)

BY COUNCILOR VAN NETT (PUBLIC SAFETY)

32. [18-0381R](#) RESOLUTION AUTHORIZING CONSUMPTION OF ALCOHOLIC BEVERAGES IN PUBLIC PLACES ON SUPERIOR STREET AND FIRST STREET IN CONJUNCTION WITH GREATER DOWNTOWN COUNCIL SIDEWALK DAYS.

BY COUNCILOR WESTERLUND (RECREATION, LIBRARIES & AUTHORITIES)

33. [18-0301R](#) RESOLUTION AUTHORIZING APPLICATION FOR, AND IF PERMITTED, PURCHASE OF WETLAND CREDITS DEPOSITED IN THE WETLAND BANK ADMINISTERED BY THE MINNESOTA BOARD OF WATER AND SOIL RESOURCES IN THE AMOUNT OF \$62,032.50.

Attachments: [Exhibit A purchase agreement](#)

34. [18-0365R](#) RESOLUTION AUTHORIZING ACCEPTANCE OF A \$1,388 DONATION FROM THE RIVERSIDE COMMUNITY CLUB FOR PHASE I RIVERSIDE PARK IMPROVEMENTS.

35. [18-0372R](#) RESOLUTION AUTHORIZING ACCEPTANCE OF A \$5,000 DONATION FROM BRAD JOHNSON FOR PHASE I RIVERSIDE PARK IMPROVEMENTS.

36. [18-0390R](#) RESOLUTION AUTHORIZING A THREE-YEAR NON-EXCLUSIVE LICENSE AGREEMENT WITH TOP HAT CARRIAGE SERVICES LLC FOR USE OF SPACE IN CANAL PARK TO TEMPORARILY HITCH HORSES AND CARRIAGES FOR \$500 PER YEAR.

Attachments: [Exhibit 1](#)

37. [18-0397R](#) RESOLUTION AUTHORIZING THE PROPER CITY OFFICIALS TO REQUEST AND ACCEPT FROM ST. LOUIS COUNTY, ON BEHALF OF THE STATE OF MINNESOTA, CERTAIN TAX FORFEIT LAND FOR PARK, TRAIL, AND/OR RECREATIONAL PURPOSES.

Attachments: [Exhibit A-Resolution](#)

END OF CONSENT AGENDA

The following entitled resolutions are also to be considered:

BY COUNCILOR RUSS (PLANNING & ECONOMIC DEVELOPMENT)

38. [18-0313R](#) RESOLUTION RESCINDING PURPORTED BUFFER ZONE CREATION IN RESOLUTION 84-0889.

39. [18-0384R](#) RESOLUTION OF INTENT TO SUPPORT THE REQUEST BY ART SPACE TO THE STATE OF MINNESOTA FOR THE AWARD OF FOUR PERCENT LOW-INCOME HOUSING TAX CREDITS FOR THE PRESERVATION OF THE WASHINGTON STUDIOS 39-UNIT HOUSING DEVELOPMENT.

Attachments: [Attachment 1](#)

[Attachment 2](#)

[Attachment 3](#)

40. [18-0385R](#) RESOLUTION OF INTENT TO SUPPORT THE REQUEST BY THE DUBIN-GURU GROUP TO THE STATE OF MINNESOTA FOR THE AWARD OF FOUR PERCENT LOW INCOME HOUSING TAX CREDITS FOR THE REHABILITATION OF THE BOARD AND TRADE BUILDING FOR 54 HOUSING UNITS IN A MIXED USE BUILDING.

Attachments: [Attachment 1](#)
[Attachment 2](#)
[Attachment 3](#)
[Attachment 4](#)

41. [18-0386R](#) RESOLUTION OF INTENT TO SUPPORT THE REQUEST BY ONE ROOF COMMUNITY HOUSING TO THE STATE OF MINNESOTA FOR THE AWARD OF NINE PERCENT LOW-INCOME HOUSING TAX CREDITS FOR THE 53-UNIT BREWERY CREEK HOUSING DEVELOPMENT.

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

42. [18-0387R](#) RESOLUTION OF INTENT TO SUPPORT THE REQUEST BY ONE ROOF COMMUNITY HOUSING TO THE STATE OF MINNESOTA FOR THE AWARD OF NINE PERCENT LOW-INCOME HOUSING TAX CREDITS FOR THE 42-UNIT DECKER DWELLINGS HOUSING DEVELOPMENT.

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

43. [18-0376R](#) RESOLUTION AUTHORIZING APPLICATION TO AND, IF OFFERED, ACCEPTANCE OF A \$400,000 MINNESOTA HISTORICAL SOCIETY LEGACY GRANT TO SUPPORT BUILDING STABILIZATION AND REDEVELOPMENT OF THE HISTORIC SAINT LOUIS COUNTY JAIL.

Attachments: [Attachment 1](#)

44. [18-0383R](#) RESOLUTION OF INTENT TO SUPPORT THE REQUEST BY GRANT CARLSON TO THE STATE OF MINNESOTA FOR THE AWARD OF FOUR PERCENT LOW-INCOME HOUSING TAX CREDITS FOR THE REDEVELOPMENT OF THE HISTORIC SAINT LOUIS COUNTY JAIL INTO 31 HOUSING UNITS KNOWN AS THE BURNHAM.

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

BY PRESIDENT HANSEN (COMMITTEE OF THE WHOLE)

45. [18-0401R](#) RESOLUTION ACCEPTING THE NINE UPDATED TOOLS OF CIVILITY.

Sponsors: Hansen

BY COUNCILOR HOBBS (PUBLIC WORKS & UTILITIES)

46. [18-0373R](#) RESOLUTION CREATING THE RENTAL ENERGY UPGRADE PILOT PROGRAM, APPROVING PROGRAM GUIDELINES AND AUTHORIZING THE DIRECTOR OF PUBLIC WORKS AND UTILITIES TO ADMINSTRATE THE PROGRAM IN CONFORMANCE THEREWITH AT A COST NOT TO EXCEED \$125,000.

Attachments: [Exhibit A](#)

BY COUNCILOR WESTERLUND (RECREATION, LIBRARIES & AUTHORITIES)

47. [18-0290R](#) RESOLUTION AUTHORIZING A CONTRACT WITH STACK BROTHERS MECHANICAL CONTRACTORS INC. FOR PHASE I OF THE GRAND AVENUE NORDIC CENTER PROJECT NOT TO EXCEED \$1,512,314.98, SUBJECT TO DELETION OF STEEL.

Attachments: [Exhibit A_map](#)

48. [18-0302R](#) RESOLUTION AUTHORIZING AN AMENDMENT TO AGREEMENT L30019 WITH TKDA FOR ADDITIONAL ENGINEERING AND CONSTRUCTION ADMINISTRATION SERVICES FOR THE GRAND AVENUE NORDIC CENTER SKI TRAIL DESIGN PROJECT FOR AN INCREASE OF \$40,000 AND A NEW TOTAL AMOUNT NOT TO EXCEED \$56,600.

Attachments: [Exhibit A amendment](#)
[exhibit B_map](#)

49. [18-0398R](#) RESOLUTION AUTHORIZING AN AGREEMENT WITH THE DULUTH CROSS-COUNTRY SKI CLUB ACCEPTING THE DONATION OF \$430,000 AND ADDITIONAL FUNDS, IF RAISED, TO BE USED FOR PHASE I OF THE GRAND AVENUE NORDIC CENTER PROJECT.

Attachments: [Exhibit 1](#)

50. [18-0399R](#) RESOLUTION OF INTENT TO DISCOURAGE FURTHER DEVELOPMENT OF THE AREA BETWEEN THE PLANNED GRAND AVENUE NORDIC CENTER AND THE NEIGHBORING PROPERTIES IN THE VICINITY OF BESSEMER STREET.

Attachments: [Exhibit A](#)

ORDINANCES TABLED

51. [18-015-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: [18-014-O Original Ordinance](#)

Legislative History

4/9/18	City Council	read for the first time
4/23/18	City Council	tabled

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

BY COUNCILOR RUSS (PLANNING & ECONOMIC DEVELOPMENT)

52. [18-019-O](#) AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF DULUTH TO RECLASSIFY PROPERTY NEAR LOWER SPIRIT MOUNTAIN ON GRAND AVENUE, APPROXIMATELY BETWEEN NORTH 85TH AVENUE WEST AND SPRING STREET, FROM RURAL RESIDENTIAL (RR-1), RESIDENTIAL-TRADITIONAL (R-1), AND MIXED USE-NEIGHBORHOOD (MU-N), TO PARK AND OPEN SPACE (P-1) AND RURAL-RESIDENTIAL (RR-1).

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

53. [18-020-O](#) AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF DULUTH TO RECLASSIFY PROPERTY WEST OF THE INTERSECTIONS OF 93RD AVENUE WEST AND FALCON AND HILTON STREETS TO COMMONWEALTH AVENUE, FROM MIXED USE-BUSINESS (MU-B) TO RESIDENTIAL-URBAN (R-2).

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

54. [18-021-O](#) AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF DULUTH TO RECLASSIFY PROPERTY BETWEEN GRAND AVENUE, WADENA STREET, AND MIKE COLALILLO DRIVE FROM INDUSTRIAL-GENERAL (I-G), RESIDENTIAL-TRADITIONAL (R-1), AND RESIDENTIAL-PLANNED (R-P) TO MIXED USE-BUSINESS (MU-B) AND PARK AND OPEN SPACE (P-1).

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

55. [18-022-O](#) AN ORDINANCE AMENDING THE REGULATING PLAN FOR RAMSEY VILLAGE TO ALLOW A TYPE VII, EIGHT UNIT MULTI-FAMILY RESIDENTIAL STRUCTURE, NEAR THE SOUTHWEST CORNER OF THE WADENA STREET AND NORTH 53RD AVENUE WEST INTERSECTION.
- Attachments:** [Attachment 1](#)
[Attachment 2](#)
56. [18-023-O](#) AN ORDINANCE AMENDING SECTIONS 50-18.1.D, SHORELANDS, TO ALLOW FOR ACCESS TO WATER VIA WALKWAYS, STAIRWAYS, STEPS AND LANDINGS.
- Attachments:** [Attachment 1](#)

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

BY PRESIDENT HANSEN (COMMITTEE OF THE WHOLE)

57. [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 \(1\) - Removed](#)
[Motion To Amend - Sipress & Russ \(2\) - Passed 8-1 on 03/26/2018](#)
[Motion To Amend - Filipovich - Removed](#)
[Motion To Amend - Westerlund \(1\) - Passed 5-4 on 03/26/2018](#)
[Motion to Amend - Hobbs - Fail 3-6 on 03/26/2018](#)
[Motion to Amend - Hansen.Hobbs - Passed 8-1 on 04/09/2018](#)
[Motion to Amend - Filipovich \(2\) - Removed](#)
[Motion to Amend - Hobbs\(2\) - Failed 4-5 on 04/23/2018](#)
[Motion to Amend - Sipress - Passed 8-0 on 04/23/2018 Councilor Fosle Absent](#)
[Motion to Amend - Anderson.Van Nett -Passed 5-3 on 04/23/2018 Councilor Fo](#)
[Motion to Amend - Sipress.Westerlund - Passed 7-1 on 04/23/2018 Councilor F](#)
[Motion to Amend - Sipress.Westerlund \(2\) - Passed on 04/23/2018 Councilor F](#)
[Motion to Amend - Filipovich \(3\) Passed on 04/23/2018 6-2 councilor Fosle Abs](#)
[Motion to Amend - Hobbs\(3\) - Passed on 04/23/2018 Councilor Fosle Absent](#)
[Motion to Amend - Hobbs\(4\) - Passed on 04/23/2018 Councilor Fosle Absent](#)
[Motion to Amend - Sipress.Hansen - Removed](#)
[Motion to Amend - Anderson \(5/14/2018\)](#)
[Motion to Amend - Hansen \(5/14/2018\)](#)
[18-009-O Original](#)
- Legislative History**

3/12/18	City Council	read for the first time
3/26/18	City Council	amended
4/9/18	City Council	amended
4/23/18	City Council	amended

COUNCILOR QUESTIONS AND COMMENTS

COUNCILOR PREVIEW OF UPCOMING BUSINESS