



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 provide increased opportunities for civil discourse leading to positive resolutions for the issues that face our city. We know that when we have civility, we get civic engagement, and because we can't make each other civil and we can only work on ourselves, we state that today I will: pay attention, listen, be inclusive, not gossip, show respect, seek common ground, repair damaged relationships, use constructive language, and take responsibility. [Approved by the council on May 14, 2018]*

Monday, June 10, 2019

7:00 PM

Council Chamber

ROLL CALL

PLEDGE OF ALLEGIANCE

APPROVAL OF MINUTES

1. [19-149](#) Meeting Minutes of the Duluth City Council

Attachments: [May 28, 2019](#)

REPORTS FROM THE ADMINISTRATION

REPORTS FROM OTHER OFFICERS

2. [19-148](#) Office of the State Auditor: Duluth Entertainment and Convention Center Authority

Attachments: [State of Minnesota Office of the State Auditor, Duluth Entertainment and Conve](#)

REPORTS OF BOARDS AND COMMISSIONS

3. [19-144](#) Duluth Entertainment and Convention Center Meeting Minutes

 Attachments: [2019-02-05, Duluth Entertainment and Convention Center Authority Meeting Minutes](#)
 [2019-02-27, Duluth Entertainment and Convention Center Authority Meeting Minutes](#)
 [2019-03-27, Duluth Entertainment and Convention Center Authority Meeting Minutes](#)
4. [19-145](#) Spirit Mountain Recreation Area Authority Meeting Minutes

 Attachments: [2019-04-18, Spirit Mountain Recreation Area Authority Meeting Minutes](#)
5. [19-146](#) Library Board Meeting Minutes

 Attachments: [2019-04-23, Library Board Meeting Minutes](#)
6. [19-147](#) Housing and Redevelopment Area Authority Meeting Minutes

 Attachments: [2019-06-03, Housing and Redevelopment Authority Meeting Minutes](#)

REPORTS OF COUNCIL COMMITTEES

REPORTS OF COUNCIL OPEN ISSUES

OPPORTUNITY FOR CITIZENS TO BE HEARD

CONSENT AGENDA

BY COUNCILOR ANDERSON (FINANCE)

7. [19-0394R](#) RESOLUTION CONFIRMING ASSESSMENT ROLL LEVIED FOR REASSESSMENT OF PRIOR CANCELED ASSESSMENTS.

 Attachments: [Exhibit A](#)
8. [19-0395R](#) RESOLUTION DETERMINING NOT TO REASSESS PARCELS FOR CANCELED ASSESSMENTS IN THE AMOUNT OF \$5,543.49.

 Attachments: [Exhibit A](#)

BY COUNCILOR FOSLE (PURCHASING & LICENSING)

9. [19-0416R](#) RESOLUTION APPROVING THE TEMPORARY EXPANSION OF THE DESIGNATED SERVING AREA OF THE ON SALE INTOXICATING LIQUOR LICENSE TO VARIOUS LICENSEES.

Attachments: [BENT PADDLE ATTACHMENT E](#)
[EVOL ATTACHMENT A](#)
[LEMONS REEF ATTACHMENT C](#)
[PLAYERS ATTACHMENT B](#)
[SIR BEN'S ATTACHMENT D](#)

10. [19-0418R](#) RESOLUTION APPROVING THE TRANSFER OF STOCK OF THE ON SALE INTOXICATING LIQUOR LICENSE AND ON SALE SUNDAY LICENSE OF VA BENE INC. (VA BENE CAFÉ), 734 EAST SUPERIOR STREET.
11. [19-0419R](#) RESOLUTION APPROVING ISSUANCE OF TEMPORARY ON SALE INTOXICATING LIQUOR LICENSES TO VARIOUS LICENSEES
12. [19-0420R](#) RESOLUTION APPROVING THE PERMANENT EXPANSION OF THE LICENSE PREMISES OF THE ON SALE WINE AND ON SALE 3.2 % MALT LIQUOR LICENSE OF DOVETAIL CAFÉ AND MARKETPLACE, 1917 WEST SUPERIOR STREET
13. [19-0421R](#) RESOLUTION APPROVING THE TRANSFER OF STOCK OF THE ON SALE INTOXICATING LIQUOR LICENSES AND ON SALE SUNDAY LICENSES OF OWNER BRYAN FLAHERTY.
14. [19-0425R](#) RESOLUTION APPROVING ISSUANCE OF AN ON SALE INTOXICATING LIQUOR LICENSE TO WEST THEATER, LLC (WEST THEATER), 319 NORTH CENTRAL AVENUE.
15. [19-0426R](#) RESOLUTION APPROVING ISSUANCE OF AN ON SALE INTOXICATING LIQUOR LICENSE TO NORTHRIDGE ASSETS, LLC (TRU BY HILTON), 503 CLEARWOOD DRIVE, 55811.

BY COUNCILOR FORSMAN (PERSONNEL)

16. [19-0390R](#) RESOLUTION CONFIRMING THE FOLLOWING APPOINTMENTS TO THE NATURAL RESOURCES COMMISSION: BRANDON KRUMWIEDE, JOHN LINDGREN, MIKE SCHRAGE AND NANCY SCHULDT.
18. [19-0400R](#) RESOLUTION CONFIRMING THE REAPPOINTMENT OF DON NESS TO THE ENTERTAINMENT AND CONVENTION CENTER AUTHORITY.

19. [19-0427R](#) RESOLUTION APPROVING PROPOSED SPECIFICATIONS FOR THE NEW CIVIL SERVICE CLASSIFICATION OF SENIOR TRANSPORTATION PLANNER, AND SPECIFYING CONTRACT BENEFITS FOR SAME.

Attachments: [Exhibit A](#)

20. [19-0428R](#) RESOLUTION APPROVING PROPOSED AMENDMENT TO THE TITLE OF THE EXISTING CIVIL SERVICE CLASSIFICATION OF GAS CONTROL SUPERVISOR TO GAS OPERATIONS SUPERVISOR.

Attachments: [Exhibit A](#)
[Gas Control Supervisor \(strikeout\)](#)

BY COUNCILOR RUSS (PLANNING & ECONOMIC DEVELOPMENT)

21. [19-0423R](#) RESOLUTION VACATING ALL OF THE SKYWALK EASEMENTS WITHIN THE MINNESOTA POWER BUILDING, 30 WEST SUPERIOR STREET, AND ACCEPTING DEDICATION OF A REPLACEMENT SKYWALK EASEMENT OVER A STAIRWAY FROM THE EXISTING SKYWALK BRIDGE OVER SUPERIOR STREET TO THE SUPERIOR STREET LEVEL OF THE BUILDING.

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

BY PRESIDENT HOBBS (COMMITTEE OF THE WHOLE)

22. [19-0436R](#) RESOLUTION APPROVING LAWS OF MINNESOTA, 2019 1ST SPECIAL SESSION, CHAPTER 6, ARTICLE 10, SECTION 7.

BY COUNCILOR FILIPOVICH (PUBLIC WORKS & UTILITIES)

23. [19-0352R](#) RESOLUTION APPROVING A STATE PROJECT WITHIN THE MUNICIPAL CORPORATE LIMITS FOR IMPROVEMENTS TO TRUNK HIGHWAY 23 AND 134TH AVENUE WEST.

Attachments: [19-0352R Request for Approval](#)
[19-0352R Final Layout](#)

24. [19-0360R](#) RESOLUTION AUTHORIZING AN AGREEMENT WITH ST. LOUIS COUNTY TO REMOVE EXISTING EMERGENCY VEHICLE PREEMPTION (EVP) SYSTEMS AND INSTALL NEW EVP SYSTEMS ON TRAFFIC CONTROL SIGNAL SYSTEMS IN THE CITY OF DULUTH.

Attachments: [Exhibit A - Agreement](#)

25. [19-0401R](#) RESOLUTION AUTHORIZING AN AGREEMENT WITH MNDOT TO MAINTAIN AND OPERATE THE EMERGENCY VEHICLE PREEMPTION (EVP) SYSTEMS INSTALLED ON DULUTH/STATE SIGNAL SYSTEMS, AS PART OF THE EVP PROJECT, IN THE CITY OF DULUTH.

Attachments: [19-0401R Exhibit A](#)

26. [19-0402R](#) RESOLUTION AUTHORIZING THE PURCHASE OF A COMPLETE LIFT TRUCK FROM ALTEC INDUSTRIES, INC. IN THE AMOUNT OF \$206,443.

27. [19-0405R](#) RESOLUTION AWARDED A CONTRACT TO HANCO UTILITIES, INC. FOR THE WOODLAND AVENUE GAS MAIN REPLACEMENT PROJECT PHASE 2 IN THE AMOUNT OF \$410,862.

Attachments: [19-0405R Map](#)

28. [19-0407R](#) RESOLUTION AWARDED A CONTRACT TO THE JAMAR COMPANY FOR THE LAKEWOOD WATER TREATMENT PLANT FILTER BUILDING ROOF REPLACEMENT PROJECT IN THE AMOUNT OF \$524,650.

Attachments: [19-0407R Map](#)

29. [19-0408R](#) RESOLUTION AWARDED A CONTRACT TO NORTHLAND CONSTRUCTORS OF DULUTH, LLC FOR THE HARBOR DRIVE OVERLAY PROJECT IN THE AMOUNT OF \$164,000.

Attachments: [19-0408R Map](#)

BY COUNCILOR VAN NETT (PUBLIC SAFETY)

30. [19-0409R](#) RESOLUTION AUTHORIZING AN AGREEMENT WITH THE UNIVERSITY OF MINNESOTA-DULUTH POLICE DEPARTMENT FOR DWI FINE REVENUE ALLOCATION.

Attachments: [Exhibit A](#)

BY COUNCILOR WESTERLUND (RECREATION, LIBRARIES & AUTHORITIES)

31. [19-0393R](#) RESOLUTION AUTHORIZING AN AGREEMENT WITH TRC ENVIRONMENTAL CORPORATION FOR PROFESSIONAL ENGINEERING SERVICES FOR OCTOBER 2018 DULUTH LAKEWALK AND SHORELINE DAMAGE FOR AN AMOUNT NOT TO EXCEED \$575,571.00.

Attachments: [Exhibit A](#)

32. [19-0399R](#) RESOLUTION AUTHORIZING A FIRST AMENDMENT TO SUBGRANT AGREEMENT 23662 WITH THE SOUTH ST. LOUIS SOIL AND WATER CONSERVATION DISTRICT FOR MODIFICATION OF THE PAYMENT SCHEDULE FOR A FY 2019 CLEAN WATER FUND GRANT PROGRAM.

Attachments: [Exhibit A JPA amendment](#)

33. [19-0413R](#) RESOLUTION AUTHORIZING AN AMENDMENT TO AGREEMENT L30117 WITH BARR ENGINEERING CO FOR ADDITIONAL PROFESSIONAL SERVICES FOR LINCOLN PARK PHASE I ARCHEOLOGICAL AND CULTURAL RESOURCE SURVEY FOR AN INCREASE OF \$13,025.67 AND A NEW TOTAL AMOUNT NOT TO EXCEED \$49,525.67.

Attachments: [Exhibit A amendment](#)

34. [19-0422R](#) RESOLUTION AUTHORIZING THE CITY TO ENTER INTO A JOINT POWERS AGREEMENT WITH THE MINNESOTA POLLUTION CONTROL AGENCY AND ACCEPT \$100,000 FOR E-COLI ASSESSMENTS AT KEENE AND TISCHER CREEK, AWARING SAID FUNDS TO BURNS & MCDONNELL FOR COMPLETION OF THE WORKPLAN.

Attachments: [exhibit A JPA agreement](#)
[exhibit B workplan](#)

END OF CONSENT AGENDA

ORDINANCES TABLED

BY COUNCILOR WESTERLUND (RECREATION, LIBRARIES & AUTHORITIES)

35. [19-018-O](#) AN ORDINANCE DEDICATING A PERPETUAL TWENTY-FOOT CORRIDOR ACROSS CITY-OWNED PROPERTY FOR THE CROSS CITY TRAIL PEDESTRIAN AND BIKE PATH.

Attachments: [Exhibit A](#)

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

BY PRESIDENT HOBBS (COMMITTEE OF THE WHOLE)

36. [19-028-O](#) ORDINANCE IMPOSING AN ADDITIONAL SALES TAX OF ONE-HALF OF ONE PERCENT TO FUND PROJECTS LISTED IN THE STREET IMPROVEMENT PLAN APPROVED AUGUST 8, 2017.

BY COUNCILOR ANDERSON (FINANCE)

37. [19-027-O](#) ORDINANCE AMENDING THE BUDGET OF THE CITY OF DULUTH FOR 2019 BY INCREASING THE BUDGET BY \$700,000 TO COMPLETE THE MINNESOTA SLIP PROJECT INCLUDING THE RETURN OF THE WILLIAM A IRVIN.

BY COUNCILOR RUSS (PLANNING & ECONOMIC DEVELOPMENT)

38. [19-024-O](#) AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF DULUTH TO RECLASSIFY PROPERTY BETWEEN EAST SUPERIOR STREET AND EAST SECOND STREET, AND BETWEEN THIRD AVENUE EAST AND EIGHTH AVENUE EAST, TO MIXED USE-NEIGHBORHOOD (MU-N) AND MIXED USE-INSTITUTIONAL (MU-I).

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

39. [19-025-O](#) AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF DULUTH TO RECLASSIFY PROPERTIES BETWEEN EAST SECOND STREET AND EAST THIRD STREET, AND BETWEEN SIXTH AVENUE EAST AND NINTH AVENUE EAST, FROM RESIDENTIAL-URBAN (R-2) TO MIXED USE NEIGHBORHOOD (MU-N).

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

40. [19-026-O](#) AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF DULUTH TO RECLASSIFY PROPERTIES BETWEEN EAST NINTH STREET ALLEY AND EAST SKYLINE PARKWAY, AND BETWEEN FOURTH AVENUE EAST AND SEVENTH AVENUE EAST, FROM RESIDENTIAL-TRADITIONAL (R-1), TO PARK AND OPEN SPACE (P-1) AND MIXED USE NEIGHBORHOOD (MU-N).

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

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

BY COUNCILOR ANDERSON (FINANCE)

41. [19-023-O](#) ORDINANCE REPEALING ARTICLE VI OF CHAPTER 5 OF THE DULUTH CITY CODE, ADOPTING A NEW CHAPTER 14, ARTICLE I, AND NAMING CHAPTER 14 "COMPLEMENTARY AND ALTERNATIVE HEALTHCARE PRACTICES."

BY COUNCILOR RUSS (PLANNING & ECONOMIC DEVELOPMENT)

42. [19-021-O](#) AN ORDINANCE AMENDING SECTION 50-37.10.E, CRITERIA FOR INTERIM USE PERMITS, TO ALLOW AN EXEMPTION FOR VACATION DWELLINGS IN FORM DISTRICTS.

Attachments: [Attachment 1](#)

43. [19-022-O](#) AN ORDINANCE AMENDING THE R-P ZONE REGULATING PLAN FOR RAMSEY VILLAGE AFFECTING SEVEN LOTS ON THE WEST SIDE OF NORTH 53RD AVENUE WEST NORTH OF RAMSEY STREET TO REPLACE THE CURRENTLY ALLOWED BUILDING TYPES WITH BUILDING TYPES I, VI, AND VII THAT ALLOW ONE-FAMILY DETACHED RESIDENTIAL STRUCTURES, FOUR-UNIT MULTI-FAMILY RESIDENTIAL STRUCTURES, AND EIGHT-UNIT MULTI-FAMILY RESIDENTIAL STRUCTURES.

Attachments: [Attachment 1 Map](#)
 [Attachment 2 Staff Report](#)

COUNCILOR QUESTIONS AND COMMENTS**COUNCILOR PREVIEW OF UPCOMING BUSINESS**