

**UNOFFICIAL ACTIONS**

**DULUTH CITY COUNCIL MEETING**

**Monday, June 9, 2014**

**ROLL CALL -- ALL PRESENT**

**RESOLUTION TABLED**

**COMMITTEE 2**

**BY PRESIDENT KRUG AND COUNCILOR JULSRUD AND LARSON**

14-0267R - RESOLUTION AMENDING RESOLUTION 13-0593, ADOPTING LICENSE, PERMIT, FINE, PENALTY AND OTHER CHARGES FOR 2014, BY ADDING STREET SYSTEM MAINTENANCE UTILITY FEES. (TABLED 5/27 FOR CONSIDERATION WITH 14-037-O) – **REMAINED ON TABLE**

[14-0267R](#) 

**MOTIONS AND RESOLUTIONS**

**CONSENT AGENDA**

**All matters listed under the consent agenda were enacted by one unanimous motion.**

**COMMITTEE 1**

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

14-0272R - RESOLUTION INCREASING THE ANNUAL CONTRACT FOR FINE HOT MIX WITH NORTHLAND CONSTRUCTORS OF DULUTH, LLC, BY \$325,869.60, FOR A NEW CONTRACT TOTAL OF \$717,069.60. -- **PASSED**

[14-0272R](#) 

14-0289R - RESOLUTION APPROVING THE ISSUANCE OF A LAWFUL GAMBLING PREMISE PERMIT TO DULUTH IRVING COMMUNITY ASSOCIATION. -- **PASSED**

[14-0289R](#) 

14-0290R - RESOLUTION APPROVING THE EXEMPTION OF A RAFFLE LICENSE AND WAIVING THE 60 DAY WAITING PERIOD FOR CYCLISTS OF THE GITCHEE GUMEE SHORES AND ARROWHEAD BUILDERS ASSOCIATION. -- **PASSED**

[14-0290R](#) 

14-0292R - RESOLUTION APPROVING THE TEMPORARY EXPANSION OF THE ON SALE INTOXICATING LIQUOR LICENSE OF VARIOUS LICENSEES. -- **PASSED**

[14-0292R](#) 

**BY COUNCILOR GARDNER (PERSONNEL)**

14-0284R - RESOLUTION APPROVING PROPOSED AMENDMENTS TO THE SPECIFICATIONS FOR THE EXISTING CIVIL SERVICE CLASSIFICATION OF EXECUTIVE ASSISTANT, INCLUDING A TITLE CHANGE TO EXECUTIVE ASSISTANT - CONFIDENTIAL AND SPECIFYING CONTRACT BENEFITS FOR SAME. -- **PASSED**

[14-0284R](#) 

**COMMITTEE 2**

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

14-0268R - RESOLUTION AUTHORIZING AN AMENDMENT TO THE LICENSE AGREEMENT WITH THE DULUTH ECONOMIC DEVELOPMENT AUTHORITY (DEDA) FOR PARKING LOTS IN BAYFRONT FESTIVAL PARK. -- **PASSED**

[14-0268R](#) 

14-0287R - RESOLUTION APPROVING A LAND SALE AGREEMENT BETWEEN THE DULUTH ECONOMIC DEVELOPMENT AUTHORITY AND WISCONSIN CENTRAL LTD. RELATING TO THE CN STEELTON HILL PROJECT. -- **PASSED**

[14-0287R](#) 

14-0293R - RESOLUTION AUTHORIZING EXECUTION OF AN AGREEMENT WITH WISCONSIN CENTRAL LTD. FOR THE RECONSTRUCTION OF THE 108TH AVENUE WEST OVERPASS. -- **PASSED**

[14-0293R](#) 

**COMMITTEE 3**

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

14-0273R - RESOLUTION INCREASING THE DULUTH STEAM CONTRACT C22060 WITH A.G. O'BRIEN PLUMBING & HEATING CO. BY \$80,235.86, FOR A NEW CONTRACT TOTAL OF \$240,975.86. -- **PASSED**

[14-0273R](#) 

14-0274R - RESOLUTION AWARDED A CONTRACT TO SHELTON EXCAVATING, INC. FOR THE 43RD AVENUE WEST SANITARY SEWER EXTENSION IN THE AMOUNT OF \$99,102.90. -- **PASSED**

[14-0274R](#) 

14-0276R - RESOLUTION AWARDDING A CONTRACT TO NORTHLAND CONSTRUCTORS OF DULUTH, LLC FOR THE RECONSTRUCTION OF TENTH AVENUE EAST FROM SUPERIOR STREET TO FIFTH STREET IN THE AMOUNT OF \$3,540,363.15. -- **PASSED**

[14-0276R](#) 

14-0277R - RESOLUTION AUTHORIZING THE PROPER CITY OFFICIALS TO ENTER INTO A MN/DOT PARTNERSHIP AGREEMENT WITH THE MINNESOTA DEPARTMENT OF TRANSPORTATION AND THE CITY OF DULUTH FOR PROPERTY ACQUISITION RELATING TO THE RECONSTRUCTION OF TRUNK HIGHWAY 23 (GRAND AVENUE) AND ADJACENT TRAIL CONNECTION TO MUNGER TRAIL AT AN ESTIMATED COST TO THE CITY NOT TO EXCEED \$490,050.20. -- **PASSED**

[14-0277R](#) 

14-0282R - RESOLUTION AWARDDING A CONTRACT TO NORTHLAND CONSTRUCTORS OF DULUTH, LLC FOR THE 2012 FLOOD REPAIRS - CONCRETE AND STONE MASONRY WALL REPAIRS AND REHABILITATION OF BRIDGE L6115 IN THE AMOUNT OF \$1,448,644.74. -- **PASSED**

[14-0282R](#) 

14-0283R - RESOLUTION AUTHORIZING APPLICATION FOR AND, UPON APPROVAL, ACCEPTANCE OF A SCENIC BYWAY TRANSPORTATION ALTERNATIVE PROGRAM GRANT RELATED TO SHOULDER WIDENING AND REHABILITATION IMPROVEMENTS OF STATE SCENIC BYWAY - NORTH SHORE SCENIC DRIVE. -- **PASSED**

[14-0283R](#) 

**BY COUNCILOR FOSLE (PUBLIC SAFETY)**

14-0275R - RESOLUTION AUTHORIZING CITY OFFICIALS TO EXECUTE AN AGREEMENT WITH INDEPENDENT SCHOOL DISTRICT NO. 709 TO PROVIDE LAW ENFORCEMENT OFFICERS IN THE PUBLIC SCHOOLS. -- **PASSED**

[14-0275R](#) 

14-0288R - RESOLUTION AUTHORIZING AN AGREEMENT WITH THE MINNESOTA DEPARTMENT OF PUBLIC SAFETY FIRE MARSHAL DIVISION TO CONDUCT SCHOOL FACILITY INSPECTIONS. -- **PASSED**

[14-0288R](#) 

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

14-0271R - RESOLUTION AUTHORIZING APPLICATION AND ACCEPTANCE OF A CROSS COUNTRY SKI TRAIL ASSISTANCE PROGRAM GRANT AGREEMENT FOR

FY2014-2015 WITH THE MINNESOTA DEPARTMENT OF NATURAL RESOURCES IN AN AMOUNT NOT TO EXCEED \$11,000. -- **PASSED**

[14-0271R](#) 

14-0279R - RESOLUTION AMENDING THE DESIGNATED HUNTING AREAS FOR THE SEASONAL DEER HUNT IN DULUTH. -- **PASSED**

[14-0279R](#) 

14-0295R - RESOLUTION AUTHORIZING AN AGREEMENT BETWEEN THE CITY OF DULUTH AND THE MINNESOTA LAND TRUST FOR PROFESSIONAL SERVICES IN CONJUNCTION WITH THE ASSESSMENT OF AND MARKETING FOR THE CITY'S TRAILS AND OTHER OUTDOOR ADVENTURE EXPERIENCES. -- **PASSED**

[14-0295R](#) 

## END OF CONSENT AGENDA

### RESOLUTION TABLED

#### COMMITTEE 1

##### BY COUNCILORS JULSRUD AND GARDNER

14-0270R - RESOLUTION OF INTENT TO REDUCE THE STREET LIGHTING SYSTEM UTILITY FEE PRIOR TO REPEAL. (TABLED 5/27 FOR CONSIDERATION WITH 14-036-O) -- **PASSED 5-4 (Filipovich, Hanson, Krug, Larson)**

[12-0270R](#) 

#### INTRODUCTION AND CONSIDERATION OF ORDINANCES

The following entitled ordinances were read for the second time:

#### COMMITTEE 1

##### BY COUNCILORS JULSRUD AND GARDNER

14-037-O (10298) - AN ORDINANCE REPEALING ARTICLE XII, CHAPTER 45, OF THE DULUTH CITY CODE, 1959, AS AMENDED, REPEALING THE STREET LIGHTING SYSTEM UTILITY EFFECTIVE DECEMBER 31, 2019. -- **PASSED 5-4 (Filipovich, Hanson, Krug, Larson)**

[14-037-O](#) 

#### COMMITTEE 2

##### BY PRESIDENT KRUG AND COUNCILORS JULSRUD AND LARSON

14-036-O - AN ORDINANCE CREATING A STREET SYSTEM MAINTENANCE UTILITY AND AUTHORIZING CHARGES THEREFORE, ADDING A NEW ARTICLE XIII TO CHAPTER 45 OF THE DULUTH CITY CODE, 1959, AS AMENDED. (REPLACEMENT) – **AMENDED – CONSIDERED FIRST READING**

[14-036-O](#)   
[AMENDMENT](#) 

#### COMMITTEE 1

**BY COUNCILOR JULSRUD (FINANCE)**

14-038-O - AN ORDINANCE AMENDING THE BUDGET OF THE CITY OF DULUTH FOR YEAR 2014 BY INCREASING THE BUDGET AND APPROPRIATING MONIES FOR THE PAYMENT OF SUCH INCREASE. – **TABLED**

[14-038-O](#) 

#### MOTIONS AND RESOLUTIONS

**The following entitled resolutions were also considered:**

#### COMMITTEE 1

**BY COUNCILOR JULSRUD (FINANCE)**

14-0281R - RESOLUTION INCREASING THE SPIRIT MOUNTAIN RECREATION AREA AUTHORITY REVOLVING LINE OF CREDIT FROM \$900,000 TO \$1,200,000. – **PASSED UNANIMOUSLY**

[14-0281R](#) 

#### COMMITTEE 2

**BY PRESIDENT KRUG (COMMITTEE OF THE WHOLE)**

14-0280R - RESOLUTION REQUESTING THE CHARTER COMMISSION TO REVIEW AND MAKE A RECOMMENDATION REGARDING ADOPTION OF A NEW SECTION 37 AND AMENDMENTS TO SECTIONS 38 AND 39 OF THE CITY CHARTER MODIFYING THE VOTING PROCESS FOR MUNICIPAL ELECTIONS. – **AMENDED & FAILED 4-5 (Gardner, Julsrud, Krug, Larson)**

[14-0280R](#)   
[AMENDMENT](#) 

#### INTRODUCTION AND CONSIDERATION OF ORDINANCES

**The following entitled ordinances were read for the second time:**

**COMMITTEE 2**

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

14-027-O (10299) - AN ORDINANCE DESIGNATING THE CLAYTON JACKSON MCGHIE MEMORIAL, AT 31 NORTH SECOND AVENUE EAST, AS A DULUTH HERITAGE PRESERVATION LANDMARK. – **PASSED UNANIMOUSLY**

[14-027-O](#) 

**BY COUNCILOR JULSRUD (FINANCE)**

14-035-O (10300) - AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF DULUTH TO PROVIDE FOR THE RECLASSIFICATION FROM R-1 TO R-P FOR THE PROPERTY LOCATED AT THE ROCKRIDGE SCHOOL SITE (ISD #709). – **PASSED UNANIMOUSLY**

[14-035-O](#) 

**MOTIONS AND RESOLUTIONS**

**The following entitled resolutions were also considered:**

**At this time, Councilor Larson left the meeting.**

**BY COUNCILOR GARDNER (PERSONNEL)**

14-0285R - RESOLUTION APPROVING PROPOSED SPECIFICATIONS FOR THE NEW CIVIL SERVICE CLASSIFICATION OF EXECUTIVE ASSISTANT AND SPECIFYING CONTRACT BENEFITS FOR SAME. – **PASSED 7-1-1 (Nay: Fosle; Absent: Larson)**

[14-0285R](#) 

**At this time, Councilor Larson returned to the meeting.**

14-0286R - RESOLUTION APPROVING PROPOSED SPECIFICATIONS FOR THE NEW CIVIL SERVICE CLASSIFICATION OF WELLNESS COORDINATOR AND SPECIFYING CONTRACT BENEFITS FOR SAME. – **PASSED 8-1 (Fosle)**

[14-0286R](#) 

14-0294R - RESOLUTION ESTABLISHING SALARY AND EMPLOYMENT CONDITIONS FOR ASSISTANT CITY PROSECUTOR TEMPORARY TWO-YEAR POSITIONS AND AUTHORIZING BASE MONTHLY SALARY OF BETWEEN \$3,750 TO \$4,000. – **PASSED 8-1 (Fosle)**

[14-0294R](#) 

### COMMITTEE 3

#### BY COUNCILOR LARSON (RECREATION, LIBRARIES & AUTHORITIES)

14-0278R - RESOLUTION AUTHORIZING DISBURSEMENT OF GRANT FUNDS IN THE AMOUNT OF \$45,650 FROM THE PARKS FUND NEIGHBORHOOD GRANTS PROGRAM. – **PASSED 8-1 (Fosle)**

[14-0278R](#) 

14-0298R - RESOLUTION AUTHORIZING A DESIGN CONTRACT WITH TKDA ENGINEERING RELATED TO WADE STADIUM IMPROVEMENTS IN THE AMOUNT OF \$386,000. – **PASSED UNANIMOUSLY**

[14-0298R](#) 

### INTRODUCTION AND CONSIDERATION OF ORDINANCES

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

### COMMITTEE 2

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

14-040-O - AN ORDINANCE AUTHORIZING AGREEMENT WITH PIER B HOLDING, LLC, THE CONVEYANCE OF RIGHTS IN SLIP NO. 2 AND OTHER IMPROVEMENTS AND OPERATIONS RELATED TO THE PIER B DEVELOPMENT. – **1st READING**

[14-040-O](#) 

### COMMITTEE 3

#### BY COUNCILOR FILIPOVICH (PUBLIC WORKS & UTILITIES)

14-039-O - AN ORDINANCE PERMANENT EASEMENT CONVEYANCE AGREEMENT WITH WLSSD OVER CITY PROPERTY NEAR I-35 AND HIGHWAY 2. – **1st READING**

[14-039-O](#) 

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

### COMMITTEE 1

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

14-018-O (10301) - AN ORDINANCE AMENDING SECTIONS 27-5, 27-6, 27-7 AND 27-8 OF THE DULUTH CITY CODE, 1959, AS AMENDED, RELATED TO PEDDLERS AND CANVASSERS. – **PASSED UNANIMOUSLY**

[14-018-O](#) 

## COMMITTEE 2

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

14-028-O (10302) - AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF DULUTH TO PROVIDE FOR THE RECLASSIFICATION FROM R-1 TO MU-C FOR THE PROPERTY LOCATED AT THE NORTHWEST CORNER OF SOUTH ARLINGTON AVENUE AND WEST PALM STREET (KWIK TRIP INC). – **PASSED UNANIMOUSLY**

[14-028-O](#) 

14-029-O (10303) - AN ORDINANCE AMENDING CHAPTER 50 OF THE DULUTH CITY CODE, 1959, AS AMENDED, REGARDING SUBDIVISION STANDARDS. – **PASSED UNANIMOUSLY**

[14-029-O](#) 

14-030-O (10304) - AN ORDINANCE GRANTING TO ST. LUKE'S HOSPITAL A CONCURRENT USE PERMIT FOR A NEW SKYWALK LOCATED IN THE TENTH AVENUE EAST RIGHT-OF-WAY. – **PASSED UNANIMOUSLY**

[14-030-O](#) 

14-031-O (10305) - AN ORDINANCE GRANTING TO ST. LUKE'S HOSPITAL A CONCURRENT USE PERMIT FOR SNOW MELT SYSTEMS AND UNDERGROUND DUCT BANK IN THE RIGHT-OF-WAY OF TENTH AVENUE EAST, SECOND STREET, FIRST STREET AND THE FIRST STREET ALLEY. – **PASSED UNANIMOUSLY**

[14-031-O](#) 

14-032-O (10306) - AN ORDINANCE GRANTING TO DULUTH REAL ESTATE, LLC, A CONCURRENT USE PERMIT FOR TIE-BACK ANCHORS UNDER THE RIGHT-OF-WAY OF WEST FIRST STREET ALLEY BETWEEN NORTH FOURTH AND NORTH FIFTH AVENUES WEST. – **PASSED 8-0-1 (Krug abstained)**

[14-032-O](#) 

14-033-O (10307) - AN ORDINANCE GRANTING TO DULUTH REAL ESTATE, LLC, A CONCURRENT USE PERMIT FOR SHOTCRETE WALLS AND SOIL NAIL ANCHORS UNDER THE RIGHT-OF-WAY OF FOURTH AVENUE WEST AND FIFTH AVENUE WEST BETWEEN WEST SUPERIOR STREET AND WEST FIRST STREET ALLEY. – **PASSED 8-0-1 (Krug abstained)**

[14-033-O](#) 

14-034-O (10308) - AN ORDINANCE GRANTING TO DULUTH REAL ESTATE, LLC, A CONCURRENT USE PERMIT FOR SKYWALK AND BUILDING FOUNDATION IN THE RIGHT-OF-WAY AT THE NORTHWEST CORNER OF WEST SUPERIOR STREET AND FOURTH AVENUE WEST. – **PASSED 8-0-1 (Krug abstained)**

[14-034-O](#) 

The meeting was adjourned at 11:20 p.m.