

UNOFFICIAL ACTIONS

DULUTH CITY COUNCIL MEETING

Monday, June 23, 2014, 7:00 p.m.

ROLL CALL – ALL PRESENT

MOTIONS AND RESOLUTIONS

CONSENT AGENDA

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

COMMITTEE 1

BY COUNCILOR JULSRUD (FINANCE)

14-0313R - RESOLUTION CONFIRMING THE ASSESSMENT ROLL OF DELINQUENT SEWER AND WATER UTILITY FEES DURING THE PERIOD OF JANUARY 1, 2013, TO DECEMBER 31, 2013, AS PROVIDED FOR IN ARTICLE XI OF CHAPTER 43 OF THE DULUTH CITY CODE. -- **PASSED**

[14-0313R](#) 

14-0314R - RESOLUTION CONFIRMING THE ASSESSMENT ROLL OF DELINQUENT STORMWATER/STREET LIGHTS UTILITY FEES DURING THE PERIOD OF JANUARY 1, 2013, TO DECEMBER 31, 2013, AS PROVIDED FOR IN ARTICLE XI OF CHAPTER 43 OF THE DULUTH CITY CODE. - **PASSED**

[14-0314R](#) 

14-0315R - RESOLUTION CONFIRMING ASSESSMENT ROLL FOR ASSESSMENTS LEVIED AGAINST PROPERTY WITH REGARD TO PROPERTY VIOLATIONS DURING PERIOD OF APRIL 1, 2013, TO APRIL 1, 2014, PURSUANT TO CHAPTER 12 OF THE DULUTH CITY CODE. - **PASSED**

[14-0315R](#) 

BY COUNCILOR HANSON (PURCHASING & LICENSING)

14-0297R - RESOLUTION AUTHORIZING AN AMENDMENT AGREEMENT WITH BENCH STRENGTH PARTNERS, INC., FOR ADDITIONAL SERVICES IN NEGOTIATING LEASE AGREEMENTS FOR THE LOCATION OF NEW CELLULAR TOWERS ON CITY PROPERTY. - **PASSED**

[13-0297R](#) 

14-0319R - RESOLUTION APPROVING ISSUANCE OF TEMPORARY ON SALE INTOXICATING LIQUOR LICENSES TO VARIOUS ORGANIZATIONS. - **PASSED**

[14-0319R](#) 

14-0320R - RESOLUTION ISSUING AN ON SALE INTOXICATING LIQUOR LICENSE AND ON SALE SUNDAY LICENSE TO JUST TAKE ACTION, INC. (ENDION STATION PUBLIC HOUSE), 200 LAKE PLACE DRIVE. - **PASSED**

[14-0320R](#) 

BY COUNCILOR GARDNER (PERSONNEL)

14-0330R - RESOLUTION CONFIRMING THE APPOINTMENT OF AMANDA CROSBY TO THE PARKS AND RECREATION COMMISSION, REPLACING ERICA ERICKSON. - **PASSED**

[14-0330R](#) 

COMMITTEE 2

BY COUNCILOR RUSS (PLANNING & ECONOMIC DEVELOPMENT)

14-0300R - RESOLUTION ADOPTING THE GARY-NEW DULUTH SMALL AREA PLAN AND HEALTH IMPACT ASSESSMENT (GARY-NEW DULUTH SMALL AREA PLAN AND HEALTH IMPACT ASSESSMENT). - **PASSED**

[14-0300R](#) 

14-0302R - RESOLUTION AUTHORIZING A TENTH AMENDMENT TO THE MIF LOAN AGREEMENT AND A TENTH PROMISSORY NOTE MODIFICATION AGREEMENT WITH NORTHSTAR MACHINE & TOOL, INC., D.B.A. NORTHSTAR AEROSPACE AND AUTHORIZING A TENTH AMENDMENT TO THE MIF AGREEMENT WITH THE STATE OF MINNESOTA.

[14-0302R](#) 

14-0303R - RESOLUTION AUTHORIZING AN APPLICATION FOR AND ACCEPTANCE OF A LEGACY GRANT FROM THE MINNESOTA HISTORICAL SOCIETY TO CONDUCT A COMPREHENSIVE PHASE I SURVEY OF ENGER PARK IN AN AMOUNT NOT TO EXCEED \$10,000. - **PASSED**

[14-0303R](#) 

14-0304R - RESOLUTION AUTHORIZING APPLICATION FOR AND ACCEPTANCE OF A LEGACY GRANT FROM THE MINNESOTA HISTORICAL SOCIETY TO CONDUCT A COMPREHENSIVE PHASE I SURVEY OF THE JOHN JACOB ASTOR PARK IN AN AMOUNT NOT TO EXCEED \$10,000. - **PASSED**

[14-0304R](#) 

14-0317R - RESOLUTION VACATING PORTIONS OF PLATTED UNIMPROVED

NATCHEZ STREET LOCATED BETWEEN 69TH AND 70TH AVENUE WEST (NORMAN OPACK AND VIANN RASK). - **PASSED**

[14-0317R](#) 

14-0318R - RESOLUTION VACATING PORTIONS OF WEST CENTRAL ENTRANCE ALLEY BETWEEN OREGON AVENUE AND SOUTH ARLINGTON AVENUE AND DEDICATING A NEW PLATTED ALLEY (KWIK TRIP INC). - **PASSED**

[14-0318R](#) 

14-0326R - RESOLUTION AUTHORIZING DEDA TO ENTER INTO A DEVELOPMENT AGREEMENT AND A BUSINESS SUBSIDY AGREEMENT WITH PIER B HOLDING, LLC FOR THE PIER B PROJECT. - **PASSED**

[14-0326R](#) 

14-0327R - RESOLUTION ADOPTING A MODIFICATION TO THE DEVELOPMENT PROGRAM FOR DEVELOPMENT DISTRICT NO. 17; AND ESTABLISHING TAX INCREMENT FINANCING DISTRICT NO. 27: PIER B DEVELOPMENT DISTRICT THEREIN AND ADOPTING A TAX INCREMENT FINANCING PLAN THEREFOR. - **PASSED**

[14-0327R](#) 

COMMITTEE 3

BY COUNCILOR FILIPOVICH (PUBLIC WORKS & UTILITIES)

14-0301R - RESOLUTION AMENDING RESOLUTION 13-0339 AWARDED A CONTRACT FOR A PROFESSIONAL ENGINEERING SERVICES AGREEMENT WITH SEH, INC. FOR THE DEVELOPMENT AND FINAL DESIGN AND CONSTRUCTION PLANS FOR THE RECONSTRUCTION OF TENTH AVENUE EAST FROM SUPERIOR STREET TO FIFTH STREET IN THE AMOUNT OF \$16,572 FOR A NEW TOTAL OF \$150,899. - **PASSED**

[14-0301R](#) 

14-0305R - RESOLUTION AWARDED A CONTRACT TO HOVLAND, INC. FOR THE 2012 FLOOD REPAIR PROJECT ON BRIDGE 92277 H & J IN THE AMOUNT OF \$246,840. - **PASSED**

[14-0305R](#) 

14-0306R - RESOLUTION AWARDED A CONTRACT TO HOVLAND, INC. FOR THE 2012 FLOOD REPAIR PROJECT ON BRIDGE 92277 A - G, I & K IN THE AMOUNT OF \$752,487.50. - **PASSED**

[14-0306R](#) 

14-0325R - RESOLUTION AUTHORIZING AN AGREEMENT WITH MSA PROFESSIONAL SERVICES, INC. FOR PROFESSIONAL ENGINEERING DESIGN

SERVICES FOR STREAM ENGINEERING DESIGN AND CONSTRUCTION ON CHESTER, AMITY AND MILLER CREEKS IN THE AMOUNT OF \$270,935. - **PASSED**

[14-0325R](#) 

14-0329R - RESOLUTION OF INTENT FOR CONSTRUCTION OF SANITARY SEWER IN LAKEVIEW AVENUE BEGINNING 460 FEET NORTH OF EAST FOURTH STREET AND EXTENDING 200 FEET NORTHERLY, AND TO ASSESS THE COSTS THEREOF. - **PASSED**

[14-0329R](#) 

BY COUNCILOR FOSLE (PUBLIC SAFETY)

14-0307R - RESOLUTION ACCEPTING MULTI-AGENCY LAW ENFORCEMENT JOINT POWERS AGREEMENT WITH THE MINNESOTA FINANCIAL CRIMES TASK FORCE. - **PASSED**

[14-0307R](#) 

14-0328R - RESOLUTION AUTHORIZING PUBLIC CONSUMPTION OF ALCOHOLIC BEVERAGES ON SUPERIOR STREET AND FIRST STREET IN CONJUNCTION WITH GREATER DOWNTOWN COUNCIL SIDEWALK DAYS. - **PASSED**

[14-0328R](#) 

BY COUNCILOR LARSON (RECREATION, LIBRARIES & AUTHORITIES)

14-0296R - RESOLUTION AUTHORIZING A JOINT POWERS AGREEMENT WITH THE MINNESOTA DEPARTMENT OF NATURAL RESOURCES TO RECEIVE FUNDING IN AN AMOUNT UP TO \$20,000 FOR DESIGN OF KINGSBURY CREEK RESTORATION. - **PASSED**

[14-0296R](#) 

14-0321R - RESOLUTION AUTHORIZING THREE YEAR AGREEMENT WITH COMMUNITY ACTION DULUTH FOR THE USE OF UNMAINTAINED PARK PROPERTY FOR COMMUNITY GARDENS. - **PASSED**

[14-0321R](#) 

14-0322R - RESOLUTION AUTHORIZING THREE YEAR AGREEMENT WITH JUNGLE BOY BOXING GYM FOR THE USE OF THE OBSERVATION COMMUNITY RECREATION CENTER. - **PASSED**

[14-0322R](#) 

14-0324R - RESOLUTION AUTHORIZING THE 2012 ROAD AND BRIDGE DISASTER RELIEF BOND GRANT 05948 AND ACCEPTING A GRANT FROM THE MINNESOTA STATE TRANSPORTATION FUND FOR ENGINEERING AND CONSTRUCTION OF CITY WIDE FLOOD REPAIRS IN THE AMOUNT OF \$1,000,752. - **PASSED**

[14-0324R](#) 

END OF CONSENT AGENDA

The following entitled resolutions were also considered:

COMMITTEE 1

BY COUNCILOR HANSON (PURCHASING & LICENSING)

14-0308R - RESOLUTION OF INTENT TO INCREASE THE PAYABLE FINE FOR THE PUBLIC CONSUMPTION OF ALCOHOLIC BEVERAGES. – **PASSED UNANIMOUSLY**

[14-0308R](#) 

14-0316R - RESOLUTION APPROVING THE TEMPORARY EXPANSION OF THE ON SALE INTOXICATING LIQUOR LICENSE OF VARIOUS LICENSEES. – **PASSED 8-0-1 (Fosle abstained)**

[14-0316R](#) 

COMMITTEE 2

BY COUNCILOR RUSS (PLANNING & ECONOMIC DEVELOPMENT)

14-0312R - RESOLUTION GRANTING AN INTERIM USE PERMIT FOR A VACATION DWELLING UNIT AT 1026 NORTH TENTH AVENUE EAST (EVE STEIN). – **PASSED UNANIMOUSLY**

[14-0312R](#) 

BY PRESIDENT KRUG (COMMITTEE OF THE WHOLE)

14-0309R - RESOLUTION PROVIDING FOR THE IMPOSITION OF SERVICE CHARGES WITHIN THE DOWNTOWN WATERFRONT SPECIAL SERVICE DISTRICT. – **TABLED FOR CONSIDERATION WITH 14-042-O**

[14-0309R](#) 

14-0310R - RESOLUTION AUTHORIZING A MEMORANDUM OF UNDERSTANDING WITH THE GREATER DOWNTOWN COUNCIL SETTING FORTH THE ESTABLISHED LEVEL OF SERVICES FOR THE DOWNTOWN WATERFRONT SPECIAL SERVICE DISTRICT. . – **TABLED FOR CONSIDERATION WITH 14-042-O**

[14-0310R](#) 

14-0311R - RESOLUTION AUTHORIZING A SERVICE CONTRACT WITH THE GREATER DOWNTOWN COUNCIL TO PROVIDE SERVICES TO IMPLEMENT THE DOWNTOWN WATERFRONT SPECIAL SERVICE DISTRICT. . – **TABLED FOR CONSIDERATION WITH 14-042-O**

[14-0311R](#) 

COMMITTEE 3

BY COUNCILOR FOSLE (PUBLIC SAFETY)

14-0291R - RESOLUTION AUTHORIZING CONSUMPTION OF ALCOHOLIC BEVERAGES IN PUBLIC PLACES ON COMMONWEALTH AVENUE IN CONJUNCTION WITH FAR WEST FEST AND SUBJECT TO CERTAIN CONDITIONS. . – **PASSED 8-0-1 (Fosle abstained)**

[14-0291R](#) 

BY COUNCILOR LARSON (RECREATION, LIBRARIES & AUTHORITIES)

14-0323R - RESOLUTION AUTHORIZING A PROFESSIONAL SERVICES AGREEMENT WITH CONSULTECON, INC., TO ASSIST THE CITY OF DULUTH AND LAKE SUPERIOR ZOOLOGICAL SOCIETY IN THE DEVELOPMENT OF A LONG-RANGE FACILITY PLAN FOR THE ZOO AND FAIRMOUNT PARK IN AN AMOUNT NOT TO EXCEED \$59,000. – **PASSED UNANIMOUSLY**

[14-0323R](#) 

INTRODUCTION AND CONSIDERATION OF ORDINANCES

The following entitled ordinances were read for the first time:

COMMITTEE 2

BY COUNCILOR RUSS (PLANNING & ECONOMIC DEVELOPMENT)

14-043-O - AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF DULUTH TO PROVIDE FOR THE RECLASSIFICATION FROM MU-B AND R-2 TO MU-P FOR THE PROPERTY LOCATED AT 800 EAST CENTRAL ENTRANCE, THE FORMER CENTRAL HIGH SCHOOL (ISD #709). – **1st READING**

[14-043-O](#) 

14-044-O - AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF DULUTH TO PROVIDE FOR THE RECLASSIFICATION FROM F-3 AND F-4 TO MU-C FOR THE PROPERTY LOCATED AT THE 215 NORTH CENTRAL AVENUE (CHADCO OF DULUTH, LLC). – **1st READING**

[14-044-O](#) 

14-045-O - AN ORDINANCE GRANTING TO LINCOLN SCHOOL LIMITED PARTNERSHIP AND SHERMAN ASSOCIATES INC A CONCURRENT USE PERMIT FOR STRUCTURE FOOTINGS UNDER THE RIGHT-OF-WAY OF WEST FOURTH STREET BETWEEN 24TH AND 25TH AVENUES WEST. – **1st READING**

[14-045-O](#) 

BY PRESIDENT KRUG (COMMITTEE OF THE WHOLE)

14-042-O - AN ORDINANCE EXTENDING THE TERM OF THE DOWNTOWN WATERFRONT SPECIAL SERVICE DISTRICT. – **1st READING**

[14-042-O](#) 

The following entitled ordinances were read for the second 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. – **PASSED UNANIMOUSLY**

[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. – **PASSED UNANIMOUSLY**

[14-039-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) – **PASSED 6-3 (Filipovich, Fosle, Hanson)**

[14-036-O](#) 

RESOLUTION TABLED

COMMITTEE 2

BY PRESIDENT KRUG AND COUNCILORS 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. (REPLACEMENT) – **PASSED 6-3 (Filipovich, Fosle, Hanson)**

[14-0267R](#) 

ORDINANCE TABLED

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. – **PASSED 6-3 (Filipovich, Fosle, Hanson)**

[14-038-O](#) 

The meeting was adjourned at 8:50 p.m.