

## UNOFFICIAL ACTIONS

### DULUTH CITY COUNCIL MEETING

Tuesday, May 27, 2014, 7:00 p.m.

**ROLL CALL -- ALL PRESENT**

**RESOLUTION TABLED**

**COMMITTEE 2**

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

14-0217R - RESOLUTION ADOPTING THE PARK POINT SMALL AREA PLAN RECOMMENDATIONS AND AMENDING THE COMPREHENSIVE PLAN - FUTURE LAND USE MAP IN THREE LOCATIONS. (TABLED 5/12 FOR 5/27 COMMITTEE MEETING) -- **RETURNED TO ADMINISTRATION**

[14-0217R](#) 

**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)**

14-0150R - RESOLUTION ISSUING AN ON SALE INTOXICATING LIQUOR LICENSE AND AN ON SALE SUNDAY LIQUOR LICENSE TO CHIPOTLE MEXICAN GRILL OF COLORADO, LLC. (CHIPOTLE MEXICAN GRILL #2210), 1600 MILLER TRUNK HIGHWAY. -- **PASSED**

[14-0150R](#) 

14-0247R - RESOLUTION APPROVING ISSUANCE OF A TEMPORARY ON SALE INTOXICATING LIQUOR LICENSE TO THE COLLEGE OF ST. SCHOLASTICA, 1200 KENWOOD AVENUE. -- **PASSED**

[14-0247R](#) 

14-0248R - RESOLUTION APPROVING AN OFF SITE PREMISE PERMIT FOR IRVING COMMUNITY ASSOCIATION. -- **PASSED**

[14-0248R](#) 

14-0249R - RESOLUTION APPROVING THE TEMPORARY EXPANSION OF THE ON SALE INTOXICATING LIQUOR LICENSE OF VARIOUS LICENSEES. -- **PASSED**

[14-0249R](#) 

**BY COUNCILOR GARDNER (PERSONNEL)**

14-0265R - RESOLUTION APPROVING PROPOSED AMENDMENTS TO THE SPECIFICATIONS FOR THE EXISTING CIVIL SERVICE CLASSIFICATION OF MANAGER, WORKFORCE DEVELOPMENT. -- **PASSED**

[14-0265R](#) 

**COMMITTEE 2**

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

14-0256R - RESOLUTION AWARDED A PROFESSIONAL SERVICES CONTRACT TO TURNSTONE HISTORICAL RESEARCH FOR THE COMPLETION OF AN ETHNOGRAPHIC STUDY OF THE AMERICAN INDIAN HERITAGE OF DULUTH FOR THE AMOUNT OF \$65,534. -- **PASSED**

[14-0256R](#) 

14-0257R - RESOLUTION OF INTENT TO SELL OR CONVEY CERTAIN PROPERTY IN THE PIEDMONT HEIGHTS NEIGHBORHOOD. -- **PASSED**

[14-0257R](#) 

14-0266R - RESOLUTION AUTHORIZING AN AMENDMENT TO A GRANT AGREEMENT WITH THE STATE OF MINNESOTA, INCREASING THE PROJECT BY \$480,000 AND EXTENDING THE CONTRACT TERM BY ONE YEAR, FOR THE CITY OF DULUTH FLOOD HAZARD MITIGATION PROJECT. -- **PASSED**

[14-0266R](#) 

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

14-0246R - RESOLUTION APPROVING SETTLEMENT OF THE CLAIM OF DAIRY FARMERS OF AMERICA IN THE AMOUNT OF \$11,135.56. -- **PASSED**

[14-0246R](#) 

**COMMITTEE 3**

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

14-0240R - RESOLUTION ORDERING THE IMPROVEMENT OF THE 2014 STREET PRESERVATION PROJECT AT AN ESTIMATED COST OF \$620,195.10. -- **PASSED**

[14-0240R](#) 

14-0244R - RESOLUTION AUTHORIZING LICENSE AGREEMENT-UTILITIES WITH THE UNIVERSITY OF MINNESOTA FOR GAS LINE ON UMD PROPERTY. -- **PASSED**

[14-0244R](#) 

14-0245R - RESOLUTION OF INTENT FOR CONSTRUCTION OF 970 FEET OF WATER MAIN IN NORTH 85TH AVENUE WEST, BEGINNING AT VINLAND STREET AND EXTENDING NORTHERLY, AND TO ASSESS THE COSTS THEREOF. -- **PASSED**

[14-0245R](#) 

14-0252R - RESOLUTION AWARDED A CONTRACT TO HOVLAND, INC., FOR THE 2014 LAKE AVENUE, CONCRETE PATCH AND SIDEWALK PROJECT IN THE AMOUNT OF \$231,394. -- **PASSED**

[14-0252R](#) 

14-0253R - RESOLUTION AWARDED A CONTRACT TO SINNOTT CONTRACTING, LLC, FOR THE 2014 BITUMINOUS PATCH PROJECT IN THE AMOUNT OF \$328,603.75. -- **PASSED**

[14-0253R](#) 

14-0255R - RESOLUTION AUTHORIZING AN AGREEMENT WITH LHB, INC., FOR PROFESSIONAL ENGINEERING SERVICES TO PROVIDE DESIGN ENGINEERING FOR THE CONGDON BOULEVARD EROSION REPAIR PROJECT IN THE AMOUNT OF \$91,808. -- **PASSED**

[14-0255R](#) 

#### **BY COUNCILOR FOSLE (PUBLIC SAFETY)**

14-0243R - RESOLUTION AUTHORIZING CITY OFFICIALS TO GIVE TO OFFICER WICK A RETIRED POLICE CANINE NAMED ABE. -- **PASSED**

[14-0243R](#) 

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

14-0251R - RESOLUTION ACCEPTING GRANTS FROM THE DULUTH LEGACY ENDOWMENT FUND FOR MULTIPLE PROJECTS AND/OR IMPROVEMENTS WITHIN THE CITY OF DULUTH. -- **PASSED**

[14-0251R](#) 

14-0263R - RESOLUTION AUTHORIZING THE CITY TO AWARD \$15,000 TO THE HARTLEY NATURE CENTER PURSUANT TO THE MATCHING PROVISION OF THE NEIGHBORHOOD PLAYGROUND EQUIPMENT REVITALIZATION PROGRAM. -- **PASSED**

[14-0263R](#) 

14-0264R - RESOLUTION ACCEPTING THE USS DULUTH ANCHOR AS A GIFT FROM THE USS DULUTH CREWMEMBERS ASSOCIATION. -- **PASSED**

[14-0264R](#) 

## **END OF CONSENT AGENDA**

**The following entitled resolutions were also for consideration:**

### **COMMITTEE 1**

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

14-0254R - RESOLUTION AUTHORIZING A CONTRACT WITH TITAN MACHINERY, INC., FOR THE PURCHASE AND DELIVERY OF A CASE MODEL 821F WHEEL LOADER IN THE AMOUNT OF \$172,044. -- **PASSED 8-1 (Fosle)**

[14-0254R](#) 

#### **BY COUNCILOR GARDNER (PERSONNEL)**

14-0218R - RESOLUTION CONFIRMING THE APPOINTMENTS AND REAPPOINTMENTS OF MEMBERS TO CITY BOARDS AND COMMISSIONS. -- **PASSED UNANIMOUSLY**

[14-0218R](#) 

14-0258R - RESOLUTION CONFIRMING THE REAPPOINTMENT OF NANCY ARONSON NORR TO THE DULUTH ECONOMIC DEVELOPMENT AUTHORITY. -- **PASSED UNANIMOUSLY**

[14-0258R](#) 

### **COMMITTEE 2**

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

14-0241R - RESOLUTION AUTHORIZING TEMPORARY LICENSE AGREEMENT WITH MN/DOT AUTHORIZING ENVIRONMENTAL DRILLING AND TESTING ON THE DWP SITE. -- **PASSED UNANIMOUSLY**

[14-0241R](#) 

14-0259R - RESOLUTION ADOPTING THE PARK POINT SMALL AREA PLAN RECOMMENDATION IMPROVING THAT SECTION OF SOUTH EIGHTH STREET BETWEEN LAKE AVENUE AND MINNESOTA AVENUE AND MINNESOTA AVENUE FROM THE NORTH END OF THE EXISTING EASEMENT TO ITS INTERSECTION WITH SOUTH LAKE AVENUE AND SOUTH 13TH STREET. -- **FAILED 1 (Russ)-7-0-1 (Juslrud abstained)**

[14-0259R](#) 

14-0260R - RESOLUTION ADOPTING THE PARK POINT SMALL AREA PLAN RECOMMENDATION FOR THE FUTURE RELOCATION OF THE "S" CURVE CONNECTION BETWEEN SOUTH LAKE AVENUE TO MINNESOTA AVENUE AT SOUTH 13TH STREET TO SOUTH EIGHTH STREET. -- **FAILED 2 (Gardner, Sipress)-6-0-1 (Julsrud abstained)**

[14-0260R](#) 

14-0261R - RESOLUTION ADOPTING THE PARK POINT SMALL AREA PLAN RECOMMENDATIONS REGARDING THE FUTURE IMPROVEMENT OF UTILITIES INFRASTRUCTURE AND AMENDING THE COMPREHENSIVE PLAN - FUTURE LAND USE MAP IN THREE LOCATIONS. -- **PASSED 7-2 (Fosle, Hanson)**

[14-0261R](#) 

14-0262R - RESOLUTION ADOPTING THE PARK POINT SMALL AREA PLAN RECOMMENDATIONS REGARDING WAYFINDING AND USE OF IMPROVED AND UNIMPROVED RIGHTS-OF-WAY FOR PUBLIC ACCESS. -- **AMENDED & PASSED 7-2 (Fosle, Hanson)**

[14-0262R](#) 

**BY PRESIDENT KRUG AND COUNCILORS JULSRUD AND LARSON**

14-0267R - RESOLUTION ESTABLISHING FEES FOR STREET SYSTEM MAINTENANCE UTILITY. (REPLACEMENT) -- **TABLED FOR CONSIDERATION WITH ORDINANCE 14-036 ON JUNE 9**

[14-0267R](#) 

**BY COUNCILORS JULSRUD AND GARDNER**

14-0270R - RESOLUTION OF INTENT TO REDUCE THE STREET LIGHTING SYSTEM UTILITY FEE PRIOR TO REPEAL. -- **TABLED FOR CONSIDERATION WITH ORDINANCE 14-037 ON JUNE 9**

[14-0270R](#)   
[AMENDMENT](#) 

**INTRODUCTION AND CONSIDERATION OF ORDINANCES**

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

**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. -- **1st READING**

[14-038-O](#) 

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

14-018-O - 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. -- **1st READING**

[14-018-O](#) 

**COMMITTEE 2**

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

14-027-O - AN ORDINANCE DESIGNATING THE CLAYTON JACKSON MCGHIE MEMORIAL, AT 31 NORTH SECOND AVENUE EAST, AS A DULUTH HERITAGE PRESERVATION LANDMARK. -- **1st READING**

[14-027-O](#) 

14-028-O - 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). -- **1st READING**

[14-028-O](#) 

14-029-O - AN ORDINANCE AMENDING CHAPTER 50 OF THE DULUTH CITY CODE, 1959, AS AMENDED, REGARDING SUBDIVISION STANDARDS. -- **1st READING**

[14-029-O](#) 

14-030-O - 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. -- **1st READING**

[14-030-O](#) 

14-031-O - 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. -- **1st READING**

[14-031-O](#) 

14-032-O - 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. -- **1st READING**

[14-032-O](#) 

14-033-O - 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. -- **1st READING**

[14-033-O](#) 

14-034-O - 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. -- **1st READING**

[14-034-O](#) 

14-035-O - 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). -- **1st READING**

[14-035-O](#) 

**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) -- **1st READING**

[14-036-O](#) 

**BY COUNCILORS JULSRUD AND GARDNER**

14-037-O - 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. -- **1st READING**

[13-037-O](#)   
[AMENDMENT](#) 

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

**COMMITTEE 1**

**BY COUNCILOR GARDNER (PERSONNEL)**

14-023-O (10295) - AN ORDINANCE AMENDING CHAPTER V, SECTION 36, OF THE CITY CHARTER, CIVIL SERVICE, REMOVING THE PROVISION RELATING TO RANDOM SELECTION FOR ENTRY-LEVEL EMPLOYEES. -- **PASSED UNANIMOUSLY**

[14-023-O](#) 

**COMMITTEE 2**

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

14-024-O (10296) - AN ORDINANCE AMENDING CHAPTER 50 OF THE DULUTH CITY CODE, 1959, AS AMENDED, REGARDING CHANGES TO THE PERMITTED USE TABLE. -- **PASSED UNANIMOUSLY**

[14-024-O](#) 

14-025-O (10297) - AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF DULUTH TO PROVIDE FOR THE RECLASSIFICATION FROM R-1 TO MU-I FOR THE PROPERTY LOCATED AT 2501 RICE LAKE ROAD LYING SOUTH OF WEST ARROWHEAD ROAD, EAST OF NORTH ARLINGTON ROAD, AND WEST OF RICE LAKE ROAD. -- **PASSED UNANIMOUSLY**

[14-025-O](#) 

14-026-O - AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF DULUTH TO PROVIDE FOR THE RECLASSIFICATION FROM R-1 TO MU-I FOR THE PROPERTY LOCATED AT 2501 RICE LAKE ROAD LYING SOUTH OF WEST ARROWHEAD ROAD, EAST OF NORTH ARLINGTON ROAD, AND WEST OF NORTH BLACKMAN AVENUE. -- **FAILED UNANIMOUSLY**

[14-026-O](#) 

The meeting adjourned at 10:06 p.m.