



# City of Duluth

411 West First Street  
Duluth, Minnesota 55802

## Actions and Unofficial Minutes

### 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]*

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Monday, January 9, 2017

7:00 PM

Council Chamber

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#### ROLL CALL

- Present:** 8 - Councilor Gary Anderson, Councilor Jay Fosle, Councilor Elissa Hansen, Councilor Howie Hanson, Councilor Noah Hobbs, Councilor Joel Sipress, Councilor Em Westerlund and President Zack Filipovich
- Absent:** 1 - Councilor Barb Russ

Councilor Anderson moved to suspend the rules to consider resolution 17-0016. Motion was seconded and unanimously carried.

Resolution 17-0016 passed 7:1:1

Yea: Councilors Anderson, Hansen, Hobbs, Westerlund, Filipovich and President Sipress

Nay: Councilor Fosle

Absent: Councilor Russ

President Filipovich announced that the election of City Council President and Vice President would now take place.

1st Ballot:

Hobbs – Councilors Filipovich, Fosle, E. Hansen and Hobbs -4

Sipress – Councilors Anderson, H. Hanson, Sipress and Westerlund – 4

2nd Ballot:

Hobbs – Councilors Fosle, H. Hanson and Hobbs – 3

Sipress – Councilors Anderson, Filipovich, E. Hansen, Sipress and Westerlund – 5

Motion was made, seconded and unanimously carried to elect Councilor Sipress as City Council President for 2017.

Motion was made, seconded and unanimously carried to elect Councilor E. Hansen as City Council Vice President for 2017.

## **PLEDGE OF ALLEGIANCE**

## **REPORTS FROM THE ADMINISTRATION**

## **REPORTS FROM OTHER OFFICERS**

## **PRESENTATION OF PETITIONS AND OTHER COMMUNICATIONS**

1. [17-013](#) License Application - One Day Dance Permit: Sacred Heart Music Center

**Indexes:**

**Attachments:** [License Application - Sacred Heart Music Center](#)

This Petition/Other Communication was received.

## **REPORTS OF BOARDS AND COMMISSIONS**

2. [17-007](#) Duluth Airport Authority Meeting Minutes

**Indexes:**

**Attachments:** [10-18-2016 Duluth Airport Authority Meeting Minutes](#)

This Board or Commission Report was received.

- 3. [17-008](#) Duluth Transit Authority Meeting Minutes

Indexes:

Attachments: [10-26-2016 Duluth Transit Authority Meeting Minutes](#)

This Board or Commission Report was received.

- 4. [17-009](#) Parking Commission Meeting Minutes

Indexes:

Attachments: [11-4-2016 Parking Commission Meeting Minutes](#)

This Board or Commission Report was received.

**REPORTS OF COUNCIL COMMITTEES**

**REPORTS OF COUNCIL OPEN ISSUES**

**OPPORTUNITY FOR CITIZENS TO BE HEARD**

**RESOLUTIONS TABLED**

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

- 5. [16-0885R](#) RESOLUTION AUTHORIZING A REQUEST FOR HUD FEDERAL COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) FUNDS FOR THE 2017 PROGRAM YEAR, AUTH-ORIZING AGREEMENTS WITH APPROPRIATE AGENCIES, AND AUTHORIZING REPROGRAMMING OF \$100,232.47 IN 2013, 2014, AND 2015 CDBG FUNDS AND TRANSFERRING TO 2017 CDBG PROJECTS.

This Resolution was adopted unanimously.

**CONSENT AGENDA**

**BY COUNCILOR HANSEN (FINANCE)**

6. [17-0011R](#) RESOLUTION AUTHORIZING AN AGREEMENT WITH SPIRIT MOUNTAIN RECREATION AREA AUTHORITY FOR 2017 IN THE AMOUNT OF \$200,000 FOR OPERATING ASSISTANCE AND \$145,700 FOR ADVENTURE PARK LEASE PAYMENTS.

Indexes:

Attachments: [Exhibit A](#)

**This Resolution was adopted unanimously.**

7. [17-0012R](#) RESOLUTION AUTHORIZING ADDENDUM TO CONTRACT NO. 21809 TO ACKNOWLEDGE TYLER TECHNOLOGIES INC. AS SUCCESSOR TO NEW WORLD SYSTEMS CORPORATION.

Indexes:

Attachments: [Exhibit A 17-0012](#)

**This Resolution was adopted unanimously.**

8. [17-0013R](#) RESOLUTION AUTHORIZING A FIRST AMENDMENT TO AN AGREEMENT BETWEEN THE CITY OF DULUTH AND VISIT DULUTH FOR ADDITIONAL MARKETING SERVICES IN 2017 IN THE AMOUNT OF \$100,000 FOR A NEW TOTAL NOT TO EXCEED \$1,900,000.

Indexes:

Attachments: [Attachment A 17-0013R](#)

[Attachment B 17-0013R](#)

**This Resolution was adopted unanimously.**

9. [17-0017R](#) RESOLUTION AUTHORIZING JOINT POWERS AGREEMENT WITH THE NATIONAL JOINT POWERS ALLIANCE FOR PURCHASING OF GOODS AND SERVICES.

Indexes:

Attachments: [17-0017R Exhibit A](#)

**This Resolution was adopted unanimously.**

10. [17-0043R](#) RESOLUTION AMENDING RESOLUTION 16-0836R, AUTHORIZING AN INTERFUND LOAN TO PARTIALLY FINANCE THE REHABILITATION OF THE MINNESOTA SLIP BRIDGE, INCREASING THE INTERFUND LOAN BY \$200,000 FOR A NEW TOTAL NOT TO EXCEED \$2,200,000.

This Resolution was adopted unanimously.

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

11. [17-0028R](#) RESOLUTION APPROVING THE TRANSFER OF THE ON SALE INTOXICATING LIQUOR LICENSE AND ON SALE SUNDAY LICENSE FROM MIDI ENTERPRISES, INC (MIDI RESTAURANT), 600 EAST SUPERIOR STREET TO AVI, LLC (BOAT CLUB RESTAURANT AND BAR), SAME ADDRESS.

Indexes:

Attachments: [AVI LICENSE TRANSFER FROM MIDI](#)

This Resolution was adopted unanimously.

12. [17-0029R](#) RESOLUTION AUTHORIZING FUNDS FOR THE FINAL QUARTER OF A FIVE YEAR CONTRACT WITH HOLIDAY STATIONSTORES FOR THE PURCHASE AND DELIVERY OF SERVICE STATION FUELS THROUGH MARCH 31, 2017 FOR AN AMOUNT NOT TO EXCEED \$206,250.

This Resolution was adopted unanimously.

13. [17-0048R](#) RESOLUTION APPROVING THE ISSUANCE OF A LAWFUL GAMBLING PREMISE PERMIT TO IRVING COMMUNITY ASSOCIATION

Indexes:

Attachments: [PREMISE PERMIT-01042017110459](#)

This Resolution was adopted unanimously.

14. [17-0050R](#) RESOLUTION APPROVING THE EXEMPTION OF A RAFFLE LICENSE AND WAIVING THE 60 DAY WAITING PERIOD FOR GARY NEW DULUTH COMMUNITY CLUB.

*Indexes:*

*Attachments:* [AGT Rabbit Hunt Alpine](#)

This Resolution was adopted unanimously.

15. [17-0051R](#) RESOLUTION APPROVING THE EXEMPTION OF A RAFFLE LICENSE AND WAIVING THE 60 DAY WAITING PERIOD FOR SUPERIOR SPARTAN MENTORING CLUB INC.

*Indexes:*

*Attachments:* [SPARTANS MENTORING CLUB](#)

This Resolution was adopted unanimously.

16. [17-0052R](#) RESOLUTION APPROVING THE EXEMPTION OF A RAFFLE LICENSE AND WAIVING THE 60 DAY WAITING PERIOD FOR DULUTH AIRMEN FOUNDATION, INC.

*Indexes:*

*Attachments:* [DULUTH AIRMEN-12272016130223](#)

This Resolution was adopted unanimously.

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

17. [17-0025R](#) RESOLUTION AUTHORIZING EXTENSION OF CURRENT CABLE FRANCHISE AGREEMENT WITH CHARTER COMMUNICATIONS THROUGH JULY 1, 2017.

This Resolution was adopted unanimously.

18. [17-0042R](#) RESOLUTION SETTING THE CITY OF DULUTH'S PRIORITIES FOR THE 2017 LEGISLATIVE SESSION.

This Resolution was adopted unanimously.

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

19. [17-0002R](#) RESOLUTION APPROVING A COUNTY PROJECT WITHIN MUNICIPAL CORPORATE LIMITS FOR IMPROVEMENTS TO COUNTY STATE AID HIGHWAY NO. 14 (BOUNDARY AVENUE).

Indexes:

Attachments: [17-0002R Map](#)

This Resolution was adopted unanimously.

20. [17-0003R](#) RESOLUTION AUTHORIZING A THREE-YEAR AGREEMENT WITH OUT THERE ADVERTISING, INC. FOR THE PURCHASE OF PUBLIC AWARENESS ADVERTISING SERVICES FOR PUBLIC WORKS AND UTILITIES FOR A CONTRACT TOTAL NOT TO EXCEED \$209,100.00.

Indexes:

Attachments: [Exhibit A](#)

This Resolution was adopted unanimously.

21. [17-0018R](#) RESOLUTION AMENDING A CONTRACT WITH LHB, INC. TO PROVIDE STRUCTURAL DESIGN AND CONSTRUCTION INSPECTION SERVICES FOR THE MINNESOTA SLIP PEDESTRIAN BRIDGE RETROFIT PROJECT, TO INCREASE THE AMOUNT BY \$278,565 FOR A NEW TOTAL OF \$608,033.

Indexes:

Attachments: [17-0018R Cost Proposal](#)  
[17-0018R Map](#)

This Resolution was adopted unanimously.

22. [17-0019R](#) RESOLUTION APPROVING A COUNTY PROJECT WITHIN MUNICIPAL CORPORATE LIMITS FOR IMPROVEMENTS TO COUNTY STATE AID HIGHWAY NO. 32 (ARROWHEAD ROAD).

Indexes:

Attachments: [17-0019R Plans](#)

This Resolution was adopted unanimously.

23. [17-0033R](#) RESOLUTION AUTHORIZING ACCEPTANCE OF A QUIT CLAIM DEED FROM THE STATE OF MINNESOTA, DEPARTMENT OF TRANSPORTATION, FOR REAL PROPERTY IN THE DULUTH HEIGHTS NEIGHBORHOOD FOR HIGHWAY PURPOSES, WHICH PROPERTY IS NO LONGER NEEDED BY THE STATE.

Indexes:

Attachments: [Exhibit A](#)

[Exhibit B](#)

This Resolution was adopted unanimously.

24. [17-0045R](#) RESOLUTION SUPPORTING ST. LOUIS COUNTY'S LANDLORD INCENTIVES PROGRAM PROPOSAL AND THE SALVATION ARMY'S GRANT APPLICATION FOR LANDLORD RISK MITIGATION FUNDS.

Sponsors: Westerlund

This Resolution was adopted unanimously.

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

25. [17-0020R](#) RESOLUTION AUTHORIZING PAYMENT TO ST. LOUIS COUNTY FOR SHARED ACCESS TO SHIELD MAINTENANCE SOFTWARE AND SERVICES ASSOCIATED WITH NEMESIS (NORTHEASTERN MINNESOTA ENFORCEMENT SAFETY INFORMATION SYSTEM) DURING 2017 FOR A TOTAL AMOUNT OF \$110,441.25.

This Resolution was adopted unanimously.

26. [17-0026R](#) RESOLUTION AUTHORIZING PROPER CITY OFFICIALS TO EXECUTE A SUBSCRIPTION AND TERMS OF SERVICE AGREEMENT WITH SECURONET LLC TO PROVIDE ACCESS TO VIDEO CAMERA SURVEILLANCE NETWORK SERVICES AT A COST OF \$10,000 PER YEAR.

Indexes:

Attachments: [Document A](#)

This Resolution was adopted unanimously.

27. [17-0027R](#) RESOLUTION AUTHORIZING PROPER CITY OFFICIALS TO ACCEPT A \$6,849 GRANT FROM THE MINNESOTA HORSE COUNCIL TO FUND TRAINING FOR THE MOUNTED PATROL UNIT PART-TIME RIDER PROGRAM.

This Resolution was adopted unanimously.

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

28. [17-0034R](#) RESOLUTION AUTHORIZING A FIFTY (50) YEAR AGREEMENT WITH DULUTH GRADUATE MEDICAL EDUCATION COUNCIL, INC. FOR LEASE OF SPACE AT 330 NORTH 8TH AVENUE EAST FOR THE OPERATION OF ITS FAMILY MEDICINE CLINIC AND MEDICAL RESIDENCY PROGRAM.

Indexes:

Attachments: [Exhibit 1](#)

This Resolution was adopted unanimously.

**Yea:** 7 - Councilor Anderson, Councilor Fosle, Councilor Hanson, Councilor Hobbs, Councilor Sipress, Councilor Westerlund and President Filipovich

**Absent:** 1 - Councilor Russ

**Abstain:** 1 - Councilor Hansen

29. [17-0037R](#) RESOLUTION AUTHORIZING APPLICATION FOR GRANT FUNDING FROM THE ENVIRONMENTAL PROTECTION AGENCY TO CONDUCT AN 18-MONTH STUDY AND PUBLIC REVIEW OF THE POSSIBILITY OF DESIGNATING A SAINT LOUIS RIVER NATURAL AREA.

Indexes:

Attachments: [Exhibit A](#)

This Resolution was adopted unanimously.

## END OF CONSENT AGENDA

### BY COUNCILOR HANSEN (FINANCE)

30. [17-0006R](#) RESOLUTION AUTHORIZING AN AGREEMENT WITH HISTORIC UNION DEPOT, INC., IN THE AMOUNT OF \$226,800.

Indexes:

Attachments: [Exhibit A](#)

This Resolution was adopted

**Yea:** 7 - Councilor Anderson, Councilor Hansen, Councilor Hanson, Councilor Hobbs, Councilor Sipress, Councilor Westerlund and President Filipovich

**Nay:** 1 - Councilor Fosle

**Absent:** 1 - Councilor Russ

31. [17-0007R](#) RESOLUTION AUTHORIZING AN AGREEMENT WITH GREAT LAKES AQUARIUM IN THE AMOUNT OF \$372,500.

Indexes:

Attachments: [Exhibit A](#)

This Resolution was adopted

**Yea:** 6 - Councilor Anderson, Councilor Hansen, Councilor Hobbs, Councilor Sipress, Councilor Westerlund and President Filipovich

**Nay:** 2 - Councilor Fosle and Councilor Hanson

**Absent:** 1 - Councilor Russ

32. [17-0008R](#) RESOLUTION AUTHORIZING AN AGREEMENT WITH DULUTH SISTER CITIES INTERNATIONAL, INC., IN THE AMOUNT OF \$40,000.

**Indexes:**

**Attachments:** [Exhibit A](#)

**This Resolution was adopted**

**Yea:** 6 - Councilor Anderson, Councilor Hansen, Councilor Hanson, Councilor Sipress, Councilor Westerlund and President Filipovich

**Nay:** 2 - Councilor Fosle and Councilor Hobbs

**Absent:** 1 - Councilor Russ

33. [17-0009R](#) RESOLUTION APPROVING BUDGET AND COST SHARING FORMULA OF MINNEAPOLIS-DULUTH/SUPERIOR AND PASSENGER RAIL ALLIANCE AND AUTHORIZING PAYMENT OF CITY'S COST SHARE OF \$8,970.

**Indexes:**

**Attachments:** [Exhibit A](#)

**This Resolution was adopted**

**Yea:** 7 - Councilor Anderson, Councilor Hansen, Councilor Hanson, Councilor Hobbs, Councilor Sipress, Councilor Westerlund and President Filipovich

**Nay:** 1 - Councilor Fosle

**Absent:** 1 - Councilor Russ

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

34. [17-0036R](#) RESOLUTION AUTHORIZING A SECOND AMENDMENT TO CONTRACT 22491 WITH HOISINGTON KOEGLER GROUP, INC., FOR AN EXTENSION AND ADDITIONAL SERVICES IN THE AMOUNT OF \$3,200 FOR THE CROSS CITY TRAIL MASTER PLAN, FOR A TOTAL AMOUNT NOT TO EXCEED \$55,000.

**Indexes:**

**Attachments:** [Exhibit A to Resolution.pdf](#)

Resolution was returned to Administration.

**This Resolution was withdrawn.**

**BY COUNCILOR ANDERSON (PERSONNEL)**

35. [17-0016R](#) RESOLUTION ESTABLISHING CITY COUNCIL PROCEDURE FOR ELECTING THE CITY COUNCIL PRESIDENT AND VICE-PRESIDENT ON JANUARY 9, 2017.

This Resolution was adopted

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

36. [17-0035R](#) RESOLUTION AUTHORIZING A REQUEST FOR HUD FEDERAL COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) FUNDS FOR THE 2017 PROGRAM YEAR, AUTHORIZING AGREEMENTS WITH APPROPRIATE AGENCIES, AND AUTHORIZING REPROGRAMMING OF \$100,232.47 IN 2013, 2014, AND 2015 CDBG FUNDS AND TRANSFERRING TO 2017 CDBG PROJECTS.

This Resolution was adopted unanimously.

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

37. [17-0004R](#) RESOLUTION AWARDING A CONTRACT TO UNIVAR USA, INC., FOR THE PURCHASE AND DELIVERY OF 125,400 GALLONS OF LIQUID ALUMINUM SULFATE IN YEAR 2017 FOR A TOTAL COST OF \$124,710.30.

Indexes:

Attachments: [Exhibit A](#)

**This Resolution was adopted**

**Yea:** 7 - Councilor Anderson, Councilor Hansen, Councilor Hanson, Councilor Hobbs, Councilor Sipress, Councilor Westerlund and President Filipovich

**Nay:** 1 - Councilor Fosle

**Absent:** 1 - Councilor Russ

38. [17-0005R](#) RESOLUTION AWARDING A CONTRACT TO UNIVAR USA INC. FOR THE PURCHASE AND DELIVERY OF 70,000 GALLONS OF LIQUID CAUSTIC SODA IN YEAR 2017 FOR A TOTAL COST OF \$133,861.

Indexes:

Attachments: [Exhibit A](#)

**This Resolution was adopted**

**Yea:** 7 - Councilor Anderson, Councilor Hansen, Councilor Hanson, Councilor Hobbs, Councilor Sipress, Councilor Westerlund and President Filipovich

**Nay:** 1 - Councilor Fosle

**Absent:** 1 - Councilor Russ

**INTRODUCTION AND CONSIDERATION OF ORDINANCES**

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

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

39. [17-002-O](#) AN ORDINANCE GRANTING A CONCURRENT USE PERMIT FOR PRIVATE GAS AND ELECTRIC UNDERGROUND SERVICE LINES IN THE PLATTED STREET RIGHT OF WAY OF RALSTON DRIVE.

Indexes:

Attachments: [Attachment 1](#)

[Attachment 2](#)

**This Ordinance was read for the first time.**

40. [17-003-O](#) AN ORDINANCE AMENDING THE APPROVED REGULATING PLAN FOR RAMSEY VILLAGE TO ALLOW FOR FOUR UNIT RESIDENTIAL STRUCTURES NORTH OF RAMSEY STREET AND BETWEEN NORTH 53RD AND NORTH 54TH AVENUE WEST.

Indexes:

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

This Ordinance was read for the first time.

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

41. [17-001-O](#) AN ORDINANCE AUTHORIZING THE SALE OF CERTAIN PROPERTY ON RICES POINT TO THE DULUTH SEAWAY PORT AUTHORITY FOR \$102,747.75.

Indexes:

Attachments: [Exhibit A 17-001 O](#)

This Ordinance was read for the first time.

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

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

42. [16-077-O](#) AN ORDINANCE ADOPTING THE U.S. ENVIRONMENTAL PROTECTION AGENCY (“EPA”) BROWNFIELD REVOLVING LOAN FUND PROGRAM GUIDELINES.

Indexes:

Attachments: [Exhibit A](#)  
[BRLF Process Diagram](#)

This Ordinance was adopted unanimously.

**COUNCILOR QUESTIONS AND COMMENTS**

**COUNCILOR PREVIEW OF UPCOMING BUSINESS**

Meeting adjourned at 8:20 p.m.



# City of Duluth

411 West First Street  
Duluth, Minnesota 55802

## Actions and Unofficial Minutes

### 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]*

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Monday, January 23, 2017

7:00 PM

Council Chamber

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#### ROLL CALL

**Present:** 8 - Councilor Gary Anderson, Councilor Jay Fosle, Vice Chair Elissa Hansen, Councilor Howie Hanson, Councilor Noah Hobbs, President Joel Sipress, Councilor Em Westerlund and Councilor Zack Filipovich

**Absent:** 1 - Councilor Barb Russ

#### PLEDGE OF ALLEGIANCE

#### REPORTS FROM THE ADMINISTRATION

#### REPORTS OF BOARDS AND COMMISSIONS

1. [17-017](#) Duluth Economic Development Committee Meeting Minutes

**Indexes:**

**Attachments:** [10-26-16 Duluth Economic Development Authority Meeting Minutes](#)

This Board or Commission Report was received.

#### REPORTS FROM OTHER OFFICERS

- 2. [17-020](#) Clerk application for exempt permit submitted to the Minnesota gambling control board from Duck's Unlimited for raffle on March 17, 2017.

Indexes:

Attachments: [Ducks Unlimited Raffle](#)

**REPORTS OF COUNCIL COMMITTEES**

**REPORTS OF COUNCIL OPEN ISSUES**

**OPPORTUNITY FOR CITIZENS TO BE HEARD**

**MOTIONS AND RESOLUTIONS**

**CONSENT AGENDA**

**BY COUNCILOR HANSEN (FINANCE)**

- 3. [17-0056R](#) RESOLUTION AUTHORIZING AN AGREEMENT WITH THE DULUTH AIRPORT AUTHORITY (DAA) TO INSURE CERTAIN DAA PROPERTY AND EQUIPMENT UNDER THE CITY'S PROPERTY INSURANCE POLICY.

Indexes:

Attachments: [Exhibit A](#)

This Resolution was adopted unanimously.

- 4. [17-0066R](#) RESOLUTION AUTHORIZING A LEASE CONTRACT FOR THE THIRTY-SIX MONTH LEASE OF A CATERPILLAR ASPHALT PAVER FOR AN ANNUAL PAYMENT OF \$65,437.30 AND TOTAL LEASE PAYMENTS NOT TO EXCEED \$196,311.90.

Indexes:

Attachments: [Exhibit A](#)

This Resolution was adopted unanimously.

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

- 5. [17-0058R](#) RESOLUTION APPROVING THE ISSUANCE OF A 2017 MINNESOTA CURRENCY EXCHANGE LICENSE TO PAWN AMERICA MINNESOTA, LLC.

*Indexes:*

*Attachments:* [PAWN AMERICA-01102017133230](#)

**This Resolution was adopted unanimously.**

- 6. [17-0080R](#) RESOLUTION AUTHORIZING A CONTRACT WITH HARTFORD FIRE INSURANCE COMPANY FOR PROPERTY INSURANCE AT THE COST NOT TO EXCEED \$171,045 TO BE PAID TO MARSH & McLENNAN AGENCY LLC, AGENT FOR HARTFORD FIRE INSURANCE COMPANY

**This Resolution was adopted unanimously.**

**BY COUNCILOR ANDERSON (PERSONNEL)**

- 7. [17-0057R](#) RESOLUTION CONFIRMING THE APPOINTMENT OF CRAIG FELLMAN TO THE DULUTH AIRPORT AUTHORITY, REPLACING HEATHER RAND.

**This Resolution was adopted unanimously.**

- 8. [17-0064R](#) RESOLUTION CONFIRMING THE REAPPOINTMENT OF ROGER REINERT TO THE ENTERTAINMENT AND CONVENTION CENTER AUTHORITY

**This Resolution was adopted unanimously.**

- 9. [17-0068R](#) RESOLUTION CONFIRMING THE REAPPOINTMENTS OF GARNER MOFFAT AND TIMOTHY MEYER TO THE PLANNING COMMISSION.

**This Resolution was adopted unanimously.**

10. [17-0069R](#) RESOLUTION CONFIRMING THE REAPPOINTMENTS OF JODI BROADWELL AND SOPHIE GRAY TO THE DULUTH PUBLIC ARTS COMMISSION.

This Resolution was adopted unanimously.

11. [17-0073R](#) RESOLUTION CONFIRMING THE APPOINTMENT OF COUNCILOR NOAH HOBBS AND THE REAPPOINTMENT OF COUNCILOR JOEL SIPRESS, TO THE DULUTH PUBLIC UTILITIES COMMISSION

This Resolution was adopted unanimously.

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

12. [17-0077R](#) RESOLUTION AUTHORIZING AN AMENDMENT TO THE AGREEMENT FOR LOAN OF MINNESOTA INVESTMENT FUND WITH GRANDMA'S, INC.

Indexes:

Attachments: [01.09.17- Minnesota Investment Fund First Amendment- Final](#)

This Resolution was adopted unanimously.

13. [17-0059R](#) RESOLUTION GRANTING AN INTERIM USE PERMIT FOR A VACATION DWELLING UNIT AT 4011 LONDON ROAD (JULIE AND TIM CASEY, AND GREG AND DR. KATHY WHITE).

Indexes:

Attachments: [Attachment 1](#)

This Resolution was adopted unanimously.

14. [17-0060R](#) RESOLUTION GRANTING AN INTERIM USE PERMIT FOR A VACATION DWELLING UNIT AT 119 ST. PAUL AVENUE (BETH GAUPER AND TORSTEN MULLER).

Indexes:

Attachments: [Attachment 1](#)

This Resolution was adopted unanimously.

15. [17-0061R](#) RESOLUTION GRANTING AN INTERIM USE PERMIT FOR A VACATION DWELLING UNIT AT 511 NORTH 4TH AVENUE WEST (AARON HORNIBROOK).

Indexes:

Attachments: [PL 16-142 Staff Report with Attachments w Page](#)

This Resolution was adopted unanimously.

16. [17-0063R](#) RESOLUTION GRANTING AN INTERIM USE PERMIT FOR A VACATION DWELLING UNIT AT 2126 EAST WATER STREET UNIT L103 (LAURIE ANDERSON AND RANDY HOLT).

Indexes:

Attachments: [Attachment 1](#)

This Resolution was tabled.

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

17. [17-0062R](#) RESOLUTION AUTHORIZING AN AGREEMENT BETWEEN THE CITY OF DULUTH AND THE MINNESOTA DEPARTMENT OF TRANSPORTATION FOR UTILITIES AND CONSTRUCTION TO BE PERFORMED UPON, ALONG AND ADJACENT TO TRUNK HIGHWAY 23 AT MISSION CREEK WITHIN THE CORPORATE CITY LIMITS UNDER STATE PROJECT 6910-92 AT AN ESTIMATED COST OF \$186,745.34.

**Indexes:**

**Attachments:** [17-0062R Agreement Exhibit A](#)  
[17-0062R Agreement Exhibit B](#)  
[17-0062R Map](#)  
[17-0062R Exhibit C](#)

This Resolution was adopted unanimously.

**BY COUNCILOR FOSLE (PUBLIC SAFETY)**

18. [17-0044R](#) RESOLUTION AUTHORIZING PROPER CITY OFFICIALS TO ACCEPT A \$63,905 GRANT AWARD FROM THE STATE OF MINNESOTA DEPARTMENT OF PUBLIC SAFETY OFFICE OF JUSTICE PROGRAMS AND FURTHER AUTHORIZING AN AGREEMENT WITH PROGRAM FOR AID TO VICTIMS OF SEXUAL ASSAULT FOR THEIR PARTICIPATION IN THE PROJECT ENTITLED "SEX TRAFFICKING INVESTIGATIONS AND TRAINING 2017".

**Indexes:**

**Attachments:** [Exhibit A](#)  
[Exhibit B](#)  
[Exhibit C](#)

This Resolution was adopted unanimously.

19. [17-0083R](#) RESOLUTION AUTHORIZING AN AGREEMENT WITH THE LAKE SUPERIOR TRAFFIC ENFORCEMENT TEAM PARTNER AGENCIES FOR SERVICES UNDER A GRANT FROM THE MINNESOTA DEPARTMENT OF PUBLIC SAFETY FOR THE 2017 TOWARD ZERO DEATHS PROJECT.

Indexes:

Attachments: [Exhibit A](#)  
[Exhibit B](#)  
[Exhibit C](#)

This Resolution was adopted unanimously.

## END OF CONSENT AGENDA

## BY COUNCILOR HANSEN (FINANCE)

20. [17-0010R](#) RESOLUTION AUTHORIZING AN AGREEMENT WITH THE UNIVERSITY OF MINNESOTA DULUTH FOR THE CONTINUED PROMOTION OF GLENSHEEN MANSION, IN THE AMOUNT OF \$50,000.

Indexes:

Attachments: [Exhibit A](#)

A motion was made that this Resolution be adopted The motion carried by the following vote:

**Yea:** 7 - Councilor Anderson, Vice Chair Hansen, Councilor Hanson, Councilor Hobbs, President Sipress, Councilor Westerlund and Councilor Filipovich

**Nay:** 1 - Councilor Fosle

**Absent:** 1 - Councilor Russ

## INTRODUCTION AND CONSIDERATION OF ORDINANCES

### ORDINANCES TABLED

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

## BY COUNCILOR HANSEN (FINANCE)

21. [17-004-O](#) AN ORDINANCE REPEALING ARTICLE XV, CHAPTER 2, OF THE CITY CODE RELATING TO THE DEFERRED COMPENSATION PLAN COMMISSION.

This Ordinance was withdrawn.

22. [17-005-O](#) AN ORDINANCE TO AMEND THE BUDGET OF THE CITY OF DULUTH FOR YEAR 2017 BY INCREASING THE BUDGET BY \$81,000 FOR FUNDING AN ADDITIONAL STAFF POSITION IN THE FIRE DEPARTMENT LIFE SAFETY OFFICE.

This Ordinance was read for the first time.

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

23. [17-006-O](#) AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF DULUTH TO PROVIDE FOR THE RECLASSIFICATION OF PROPERTY ALONG GRAND AVENUE AND SOUTH OF WARWICK STREET FROM R-1, R-2, MU-N, AND I-G TO MU-P.

**Indexes:**

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

This Ordinance was read for the first time.

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

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

24. [17-002-O](#) AN ORDINANCE GRANTING A CONCURRENT USE PERMIT FOR PRIVATE GAS AND ELECTRIC UNDERGROUND SERVICE LINES IN THE PLATTED STREET RIGHT OF WAY OF RALSTON DRIVE.

Indexes:

Attachments: [Attachment 1](#)

[Attachment 2](#)

This Ordinance was adopted unanimously.

25. [17-003-O](#) AN ORDINANCE AMENDING THE APPROVED REGULATING PLAN FOR RAMSEY VILLAGE TO ALLOW FOR FOUR UNIT RESIDENTIAL STRUCTURES NORTH OF RAMSEY STREET AND BETWEEN NORTH 53RD AND NORTH 54TH AVENUE WEST.

Indexes:

Attachments: [Attachment 1](#)

[Attachment 2](#)

This Ordinance was adopted unanimously.

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

26. [17-001-O](#) AN ORDINANCE AUTHORIZING THE SALE OF CERTAIN PROPERTY ON RICES POINT TO THE DULUTH SEAWAY PORT AUTHORITY FOR \$102,747.75.

This Ordinance was adopted unanimously.

**COUNCILOR QUESTIONS AND COMMENTS**

**COUNCILOR PREVIEW OF UPCOMING BUSINESS**



# City of Duluth

411 West First Street  
Duluth, Minnesota 55802

## Actions and Unofficial Minutes

### 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]*

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Monday, February 13, 2017

7:00 PM

Council Chamber

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#### ROLL CALL

**Present:** 9 - Councilor Gary Anderson, Councilor Zack Filipovich, Councilor Jay Fosle, Vice Chair Elissa Hansen, Councilor Howie Hanson, Councilor Noah Hobbs, Councilor Barb Russ, Councilor Em Westerlund and President Joel Sipress

#### PLEDGE OF ALLEGIANCE

#### 7:00 P.M. PUBLIC HEARING - 17-0094R MAXWELL AVE

#### REPORTS FROM THE ADMINISTRATION

#### REPORTS FROM OTHER OFFICERS

1. [17-021](#) Exempt Permit Application - St. Mary Star of the Sea Catholic Church

**Indexes:**

**Attachments:** [Mary's Star of the Sea Raffle Permit](#)  
[Mary's Star of the Sea Raffle Permit 2](#)

This Other Officers Report was received.

2. [17-022](#) Exempt Permit Application - Regents of University of Minnesota

Indexes:

Attachments: [Univerity of MN Raffle](#)

This Other Officers Report was received.

3. [17-023](#) Exempt Permit Application - Duluth Climbers Coalition

Indexes:

Attachments: [DULUTH CLIMBERS-01312017144349](#)

This Other Officers Report was received.

4. [17-031](#) Exempt Permit Application - Rocky Mountain Elk Foundation

Indexes:

Attachments: [RMEF Application](#)

This Other Officers Report was received.

## REPORTS OF BOARDS AND COMMISSIONS

5. [17-024](#) Duluth Transit Authority Meeting Minutes

Indexes:

Attachments: [11-17-16 Duluth Transit Authority Meeting Minutes](#)

[11-30-16 Duluth Transit Authority Meeting Minutes](#)

This Board or Commission Report was received.

6. [17-025](#) Duluth Public Utilities Commission Meeting Minutes

Indexes:

Attachments: [11-15-16 Duluth Public Utilities Commission Meeting Minutes](#)

This Board or Commission Report was received.

7. [17-026](#) Library Board Meeting Minutes

Indexes:

Attachments: [11-22-16 Library Board Meeting Minutes](#)

This Board or Commission Report was received.

8. [17-027](#) Duluth Economic Development Authority Meeting Minutes

Indexes:

Attachments: [12-14-16 Duluth Economic Development Authority Meeting Minutes](#)

This Board or Commission Report was received.

9. [17-028](#) State of Minnesota - Office of the State Auditor - Report

Indexes:

Attachments: [State of MN - Office of the State Auditor - Report](#)

This Board or Commission Report was received.

10. [17-029](#) Civil Service Board Meeting Minutes

Indexes:

Attachments: [11-01-16 Civil Service Board Meeting Minutes](#)

This Board or Commission Report was received.

**REPORTS OF COUNCIL COMMITTEES**

**REPORTS OF COUNCIL OPEN ISSUES**

**OPPORTUNITY FOR CITIZENS TO BE HEARD**

**MOTIONS AND RESOLUTIONS**

**RESOLUTIONS TABLED**

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

- 11. [17-0063R](#) RESOLUTION GRANTING AN INTERIM USE PERMIT FOR A VACATION DWELLING UNIT AT 2126 EAST WATER STREET UNIT L103 (LAURIE ANDERSON AND RANDY HOLT).

*Indexes:*

*Attachments:* [Attachment 1](#)

This Resolution remained on the table.

**CONSENT AGENDA**

**BY COUNCILOR HANSEN (FINANCE)**

- 12. [17-0093R](#) RESOLUTION AUTHORIZING AN AGREEMENT WITH THE DULUTH ECONOMIC DEVELOPMENT AUTHORITY TO INSURE PROPERTY UNDER THE CITY'S PROPERTY AND BOILER INSURANCE POLICIES.

*Indexes:*

*Attachments:* [Exhibit A](#)

This Resolution was adopted unanimously.

- 13. [17-0094R](#) RESOLUTION CONFIRMING ASSESSMENT ROLL FOR A WATER MAIN EXTENSION ON MAXWELL AVE.

*Indexes:*

*Attachments:* [Exhibit A](#)

This Resolution was adopted unanimously.

- 14. [17-0099R](#) RESOLUTION AMENDING RESOLUTION NOS. 01-0601 AND 06-0498 MODIFYING THE MEMBERSHIP OF THE CITY SPECIAL BOARD OF REVIEW.

This Resolution was adopted unanimously.

15. [17-0110R](#) RESOLUTION AUTHORIZING AN AMENDMENT TO AGREEMENT WITH THE DULUTH AIRPORT AUTHORITY TO ADD BOILER INSURANCE TO THE COVERAGE PROVIDED UNDER THE CITY'S INSURANCE POLICY.

Indexes:

Attachments: [Exhibit A](#)

This Resolution was adopted unanimously.

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

16. [17-0022R](#) RESOLUTION AUTHORIZING A PROFESSIONAL SERVICES AGREEMENT WITH CHRISTINE PENNEY FOR GRANT WRITING AND RESEARCH SERVICES FOR A CONTRACT TOTAL NOT TO EXCEED \$50,000.

Indexes:

Attachments: [Exhibit A](#)

This Resolution was adopted unanimously.

17. [17-0078R](#) RESOLUTION AUTHORIZING AN AGREEMENT WITH PYROTECHNIC DISPLAY INC. FOR THE CREATION AND EXECUTION OF A FIREWORKS DISPLAY FOR JULY 4, 2017 FOR A TOTAL NOT TO EXCEED OF \$50,000.

Indexes:

Attachments: [Exhibit A](#)

This Resolution was adopted unanimously.

18. [17-0082R](#) RESOLUTION AMENDING JOINT POWERS AGREEMENT 20604 WITH DULUTH ENTERTAINMENT AND CONVENTION CENTER AUTHORITY FOR THE OPERATION OF MINNESOTA SLIP PEDESTRIAN DRAW BRIDGE DURING YEAR 2017 FOR AN AMOUNT NOT TO EXCEED \$38,289.30.

**Indexes:**

**Attachments:** [Amendment 5 to C20604](#)

**This Resolution was adopted unanimously.**

19. [17-0084R](#) RESOLUTION AUTHORIZING AN AGREEMENT WITH TKDA FOR ENGINEERING SERVICES FOR THE STEWART CREEK BRIDGE AND CLYDE CONNECTOR TRAIL RESTORATION PROJECTS AS PART OF THE DWP TRAIL IMPROVEMENT FOR AN AMOUNT NOT TO EXCEED \$62,500.

**Indexes:**

**Attachments:** [Exhibit A](#)

[Exhibit B](#)

**This Resolution was adopted unanimously.**

20. [17-0096R](#) RESOLUTION AUTHORIZING THE PURCHASE OF AXON CAMERA ASSEMBLIES AND ACCESSORIES FROM TASER INTERNATIONAL INC. IN THE AMOUNT OF \$114,816.96.

**This Resolution was adopted unanimously.**

21. [17-0100R](#) RESOLUTION AUTHORIZING A THREE YEAR AGREEMENT WITH NORTHERN ENERGETICS LLC FOR ENERGY AUDITS AND CONSULTING SERVICES FOR A TOTAL CONTRACT NOT TO EXCEED \$166,200.

**Indexes:**

**Attachments:** [Exhibit A](#)

**This Resolution was adopted unanimously.**

22. [17-0101R](#) RESOLUTION APPROVING ISSUING A TEMPORARY ON SALE 3.2 PERCENT MALT LIQUOR LICENSE TO THE AAD SHRINERS (KIA DRAG RACES AND CAR SHOW), 435 GARFIELD AVENUE

**This Resolution was adopted unanimously.**

23. [17-0102R](#) RESOLUTION ISSUING A TEMPORARY ON SALE INTOXICATING LIQUOR LICENSE TO AAD SHRINERS, (DULUTH HOT AIR BALLON FESTIVAL) BAYFRONT PARK.

**This Resolution was adopted unanimously.**

24. [17-0103R](#) RESOLUTION APPROVING ISSUANCE OF AN ON SALE WINE LICENSE AND ISSUING AN ON SALE 3.2 PERCENT MALT LIQUOR LICENSE TO MUY! PIZZA MINNESOTA, LLC, (PIZZA HUT) 101 EAST CENTRAL ENTRANCE.

**This Resolution was adopted unanimously.**

25. [17-0106R](#) RESOLUTION AUTHORIZING A SECOND AMENDMENT TO AGREEMENT 22618 WITH TKDA FOR ADDITIONAL DESIGN SERVICES FOR THE WESTERN WATERFRONT TRAIL CORRIDOR RESTORATION PROJECT, FOR AN INCREASE OF \$40,150 AND AN AMENDED TOTAL NOT TO EXCEED \$112,650.

**Indexes:**

**Attachments:** [Exhibit A](#)

**This Resolution was adopted unanimously.**

**BY COUNCILOR ANDERSON (PERSONNEL)**

26. [17-0113R](#) RESOLUTION CONFIRMING THE APPOINTMENT OF ROBERT MONAHAN TO THE PUBLIC ARTS COMMISSION REPLACING PETER SPOONER.

**This Resolution was adopted unanimously.**

27. [17-0115R](#) RESOLUTION CONFIRMING THE APPOINTMENT OF JOHN F SCOTT TO THE HOUSING AND REDEVELOPMENT AUTHORITY OF DULUTH.

**This Resolution was adopted unanimously.**

28. [17-0121R](#) RESOLUTION AUTHORIZING THE CITY COUNCIL TO APPROVE A PAY EQUITY IMPLEMENTATION REPORT.

**Indexes:**

- Attachments:** [Pay Equity Implementation Report](#)  
[Predicted Pay Chart](#)  
[Compliance Report](#)

**This Resolution was adopted unanimously.**

29. [17-0132R](#) RESOLUTION CONFIRMING THE REAPPOINTMENTS OF JEFF ROSENTHAL AND BJORN BRAATEN TO THE ALCOHOL, GAMBLING AND TOBACCO COMMISSION

**This Resolution was adopted unanimously.**

30. [17-0133R](#) RESOLUTION CONFIRMING THE REAPPOINTMENT OF DEBRA BRANLEY TO THE COMMUNITY DEVELOPMENT COMMITTEE.

**This Resolution was adopted unanimously.**

31. [17-0134R](#) RESOLUTION CONFIRMING THE REAPPOINTMENT OF NEIL GLAZMAN TO THE LIBRARY BOARD.

**This Resolution was adopted unanimously.**

32. [17-0135R](#) RESOLUTION CONFIRMING THE APPOINTMENT OF STEVEN GOLDSCHMIDT TO THE SPECIAL BOARD OF REVIEW

**This Resolution was adopted unanimously.**

33. [17-0136R](#) RESOLUTION CONFIRMING THE REAPPOINTMENT OF ERIK TORCH TO THE PARKS AND RECREATION COMMISSION.

**This Resolution was adopted unanimously.**

34. [17-0138R](#) RESOLUTION CONFIRMING THE APPOINTMENTS OF BETH PETERSON AND CLARK CHRISTENSON TO THE URBAN FOREST COMMISSION

**This Resolution was adopted unanimously.**

35. [17-0139R](#) RESOLUTION CONFIRMING THE APPOINTMENT OF NICK FOUALT TO THE LIBRARY BOARD

**This Resolution was adopted unanimously.**

36. [17-0140R](#) RESOLUTION APPROVING PROPOSED SPECIFICATIONS FOR THE NEW CIVIL SERVICE CLASSIFICATION OF INSTRUMENT SPECIALIST, AND SPECIFYING CONTRACT BENEFITS FOR SAME.

Indexes:

Attachments: [Instrument Specialist](#)

**This Resolution was withdrawn.**

37. [17-0146R](#) RESOLUTION APPROVING PROPOSED SPECIFICATIONS FOR THE NEW CIVIL SERVICE CLASSIFICATION OF LIBRARY BUSINESS OFFICE COORDINATOR, AND SPECIFYING CONTRACT BENEFITS FOR SAME.

Indexes:

Attachments: [Library Business Office Coordinator](#)

**This Resolution was adopted unanimously.**

38. [17-0147R](#) RESOLUTION APPROVING PROPOSED AMENDMENTS TO THE SPECIFICATIONS FOR THE EXISTING CIVIL SERVICE CLASSIFICATION OF TRAILS COORDINATOR.

Indexes:

Attachments: [Trails Coordinator](#)  
[Trails Coordinator \(strikeout\)](#)

**This Resolution was adopted unanimously.**

39. [17-0148R](#) RESOLUTION APPROVING PROPOSED AMENDMENTS TO THE SPECIFICATIONS FOR THE EXISTING CIVIL SERVICE CLASSIFICATION OF UTILITY SERVICES SPECIALIST JOURNEYPerson (USSJ).

Indexes:

Attachments: [Utility Services Specialist Journeyperson](#)  
[Utility Services Specialist Journeyperson \(strikeout\)](#)

**This Resolution was adopted unanimously.**

40. [17-0149R](#) RESOLUTION APPROVING PROPOSED AMENDMENTS TO THE PAY RANGE FOR THE EXISTING CIVIL SERVICE CLASSIFICATION OF UTILITY SERVICES SPECIALIST APPRENTICE (USSA).

Indexes:

Attachments: [15-0442R Utility Services Specialist Apprentice](#)

This Resolution was adopted unanimously.

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

41. [17-0144R](#) RESOLUTION OF INTENT TO SELL OR CONVEY CERTAIN REAL PROPERTY IN WEST DULUTH TO MENARD, INC.

Indexes:

Attachments: [Exhibit A](#)

This Resolution was adopted unanimously.

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

42. [17-0054R](#) RESOLUTION AUTHORIZING AN AGREEMENT BETWEEN ST. LOUIS COUNTY AND THE CITY OF DULUTH TO COMPLETE A SIDEWALK PROJECT WITHIN THE CITY OF DULUTH.

Indexes:

Attachments: [17-0054R Map](#)  
[17-0054R Exhibit A](#)

This Resolution was adopted unanimously.

43. [17-0089R](#) RESOLUTION AUTHORIZING A CONTRACT WITH DULUTH READY MIX FOR AN ESTIMATED 10,570 TONS FOR 2017 OF WASHED SAND FOR AN AMOUNT NOT TO EXCEED \$132,841.50.

This Resolution was adopted unanimously.

44. [17-0091R](#) RESOLUTION AUTHORIZING THE PURCHASE OF DELIVERED CLASS 5 GRAVEL, 3/4-INCH CRUSHED WASHED ROCK, RIP-RAP, AND SAND FROM DULUTH READY MIX, INC. FOR AN AMOUNT NOT TO EXCEED \$214,000.

**This Resolution was adopted unanimously.**

45. [17-0095R](#) RESOLUTION AUTHORIZING THE PURCHASE OF A 2015 JOHN DEERE 135G EXCAVATOR IN THE AMOUNT OF \$124,831.

**This Resolution was adopted unanimously.**

46. [17-0097R](#) RESOLUTION AUTHORIZING A MASTER SERVICES AGREEMENT WITH AMERICAN ENGINEERING TESTING INC. FOR PROFESSIONAL GEOTECHNICAL AND MATERIAL TESTING SERVICES FOR A TOTAL CONTRACT AMOUNT NOT TO EXCEED \$50,000.

**Indexes:**

**Attachments:** [Exhibit A](#)

**This Resolution was adopted unanimously.**

47. [17-0120R](#) RESOLUTION AUTHORIZING AMENDMENT NO. 3 TO A CONTRACT WITH SRF, INC. TO PROVIDE PROFESSIONAL ENGINEERING SERVICES FOR THE ARROWHEAD/KENWOOD AND WEST CLEVELAND STREET SIGNAL IMPROVEMENTS, TO INCREASE THE AMOUNT BY \$4,500 FOR A NEW TOTAL OF \$217,658.

**Indexes:**

**Attachments:** [17-0120R Amendment](#)

[17-0120R Map](#)

**This Resolution was adopted unanimously.**

**BY COUNCILOR FOSLE (PUBLIC SAFETY)**

48. [17-0143R](#) RESOLUTION AUTHORIZING A FIRST AMENDMENT TO LEASE AGREEMENT WITH THE COUNTY OF ST. LOUIS FOR USE OF REAL PROPERTY NEAR THE PUBLIC SAFETY CAMPUS FOR THE STORAGE OF IMPOUNDED VEHICLES.

**Indexes:**

**Attachments:** [Exhibit A](#)  
[Exhibit B](#)  
[EXHIBIT C](#)  
[Exhibit D](#)

This Resolution was adopted unanimously.

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

49. [17-0109R](#) RESOLUTION AUTHORIZING CITY OFFICIALS TO ACCEPT AND EXECUTE A GRANT AGREEMENT FROM THE STATE OF MINNESOTA FEDERAL RECREATIONAL TRAIL PROGRAM IN THE AMOUNT OF \$150,000 FOR THE CLYDE CONNECTOR TRAIL.

**Indexes:**

**Attachments:** [Exhibit A Grant agreement draft](#)  
[Exhibit B-Project Level Map v2](#)

This Resolution was adopted unanimously.

50. [17-0117R](#) RESOLUTION AUTHORIZING AN AGREEMENT WITH THE LIBRARY FOUNDATION TO UTILIZE OFFICE SPACE AND TELECOMMUNICATION SERVICES AT THE CITY'S MAIN LIBRARY.

**Indexes:**

**Attachments:** [Exhibit A](#)

This Resolution was adopted unanimously.

51. [17-0118R](#) RESOLUTION ACCEPTING UNCONDITIONAL GIFTS FROM THE FRIENDS OF THE DULUTH PUBLIC LIBRARY FOR THE BENEFIT OF THE LIBRARY IN 2017.

**This Resolution was adopted unanimously.**

52. [17-0119R](#) RESOLUTION ACCEPTING UNCONDITIONAL GIFTS FROM THE DULUTH LIBRARY FOUNDATION FOR THE BENEFIT OF THE LIBRARY FOR 2017.

**This Resolution was adopted unanimously.**

53. [17-0137R](#) RESOLUTION RATIFYING THE ACQUISITION BY THE DULUTH TRANSIT AUTHORITY OF CERTAIN PROPERTIES AND DEEMING THE ACQUISITIONS APPROVED.

**Indexes:**

- Attachments:** [Exhibit A](#)  
[Exhibit B](#)  
[Exhibit C](#)  
[Exhibit D](#)  
[Exhibit E](#)

**This Resolution was adopted.**

**Yea:** 8 - Councilor Anderson, Councilor Filipovich, Councilor Fosle, Vice Chair Hansen, Councilor Hobbs, Councilor Russ, Councilor Westerlund and President Sipress

**Abstain:** 1 - Councilor Hanson

54. [17-0141R](#) RESOLUTION AUTHORIZING \$5,000 REFUND TO ARROWHEAD YOUTH SOCCER ASSOCIATION FOR ITS 2016 USAGE FEE IN EXCHANGE FOR ITS 2015 FINANCIAL CONTRIBUTION TO THE GARY NEW DULUTH SOCCER FIELDS.

**This Resolution was adopted unanimously.**

55. [17-0142R](#) RESOLUTION AUTHORIZING THREE-YEAR LEASE AGREEMENT WITH FUN TIME, LLC FOR USE OF THE GEORGE HINDMAND PILOT HOUSE IN CANAL PARK.

Indexes:

Attachments: [Lease Agreement \(2017-2019\)](#)

This Resolution was adopted unanimously.

**END OF CONSENT AGENDA**

The following entitled resolutions are also to be considered:

**BY COUNCILOR ANDERSON (PERSONNEL)**

56. [17-0111R](#) RESOLUTION CONFIRMING THE APPOINTMENT OF JOAQUIM HARRIS TO THE CIVIL SERVICE BOARD

This Resolution was adopted as amended.

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

57. [17-0114R](#) RESOLUTION AUTHORIZING AN AGREEMENT WITH ISD 709 TO ACCEPT REIMBURSEMENT FOR ONE-HALF OF THE COST OF CONSTRUCTING A RECTANGULAR RAPID FLASHING BEACON SYSTEM AT THE INTERSECTION OF NORTH 40TH AVENUE EAST AND LUVERNE STREET IN THE AMOUNT OF APPROXIMATELY \$10,000.

Indexes:

Attachments: [17-0114R Exhibit A Map](#)

[17-0114R Exhibit B](#)

This Resolution was adopted unanimously.

**BY COUNCILOR FOSLE (PUBLIC SAFETY)**

58. [17-0150R](#) RESOLUTION AUTHORIZING THE EXECUTION OF A TASK FORCE AGREEMENT BETWEEN THE DULUTH POLICE DEPARTMENT AND THE UNITED STATES DRUG ENFORCEMENT ADMINISTRATION (DEA) AND FURTHER AUTHORIZING THE ACCEPTANCE OF REIMBURSEMENT MONIES FROM THE DEA FOR OVERTIME EXPENSES INCURRED IN SUPPORT OF THE TASK FORCE.

Indexes:

Attachments: [Exhibit A](#)

This Resolution was adopted unanimously.

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

59. [17-0015R](#) RESOLUTION AUTHORIZING ACCEPTANCE OF A \$10,000 VOLUNTEER GENERATION FUND GRANT FROM SERVEMINNESOTA FOR IMPLEMENTATION OF AN ONLINE VOLUNTEER CONNECTOR PROGRAM IN PARTERNSHIP WITH HEAD OF THE LAKES UNITED WAY VOLUNTEER CENTER.

Indexes:

Attachments: [Exhibit A grant application](#)  
[Exhibit B Grant Agreement Volunteer Generation](#)

This Resolution was adopted unanimously.

**INTRODUCTION AND CONSIDERATION OF ORDINANCES**

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

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

60. [17-007-O](#) AN ORDINANCE AUTHORIZING THE CONVEYANCE OF CERTAIN REAL PROPERTY IN WEST DULUTH TO MENARD, INC. FOR \$5,100.

Indexes:

Attachments: [Exhibit A](#)

This Ordinance was read for the first time.

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

**BY COUNCILOR HANSEN (FINANCE)**

61. [17-005-O](#) AN ORDINANCE TO AMEND THE BUDGET OF THE CITY OF DULUTH FOR YEAR 2017 BY INCREASING THE BUDGET BY \$81,000 FOR FUNDING AN ADDITIONAL STAFF POSITION IN THE FIRE DEPARTMENT LIFE SAFETY OFFICE.

This Ordinance was adopted.

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

62. [17-006-O](#) AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF DULUTH TO PROVIDE FOR THE RECLASSIFICATION OF PROPERTY ALONG GRAND AVENUE AND SOUTH OF WARWICK STREET FROM R-1, R-2, MU-N, AND I-G TO MU-P.

**Indexes:**

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

[Attachment 2](#)

[Attachment 3](#)

This Ordinance was adopted.

**Yea:** 8 - Councilor Filipovich, Councilor Fosle, Vice Chair Hansen, Councilor Hanson, Councilor Hobbs, Councilor Russ, Councilor Westerlund and President Sipress

**Nay:** 1 - Councilor Anderson

**COUNCILOR QUESTIONS AND COMMENTS**

**COUNCILOR PREVIEW OF UPCOMING BUSINESS**

Meeting Adjourned at 8:08 p.m.



# City of Duluth

## Unofficial Actions

### 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]*

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Monday, February 27, 2017

7:00 PM

Council Chamber

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#### ROLL CALL

**Present:** 9 - Councilor Gary Anderson, Councilor Zack Filipovich, Councilor Jay Fosle, Councilor Elissa Hansen, Councilor Howie Hanson, Councilor Noah Hobbs, Councilor Barb Russ, Councilor Em Westerlund and President Joel Sipress

#### PLEDGE OF ALLEGIANCE

#### PUBLIC HEARING - Resolution 17-0171R TAX ABATEMENT FOR THE CAPSTONE PROJECT

#### APPROVAL OF MINUTES

1. [17-033](#) March and April 2016 City Council Meeting Minutes

**Indexes:**

**Attachments:** [March 14, 2016 - Council Meeting](#)  
[March 28, 2016 - Council Meeting](#)  
[April 11, 2016 - Council Meeting](#)  
[April 25th, 2016 - Council Meeting](#)

This Minutes was approved.

#### REPORTS FROM THE ADMINISTRATION

#### REPORTS FROM OTHER OFFICERS

2. [17-032](#) Exempt Permit Application - Kraus-Anderson Community Foundation (Krause- Anderson Bike Duluth Festival)

Indexes:

Attachments: [BIKE DULUTH-02142017155611](#)

This Other Officers Report was received.

3. [17-036](#) Exempt Permit Application -Churches United in Ministry (Rhubarb Festival)

Indexes:

Attachments: [CHUM-02212017110222](#)

This Other Officers Report was received.

4. [17-037](#) Exempt Permit Application - Lincoln Park Business Group

Indexes:

Attachments: [Lincoln Park Business](#)

This Other Officers Report was received.

5. [17-040](#) Clerk application to conduct excluded bingo by St. Elizabeth's Catholic Church on April 9, November 19th, and December 10th, 2017

This Other Officers Report was received.

## REPORTS OF BOARDS AND COMMISSIONS

6. [17-030](#) 2-1-17 - Alcohol Gambling and Tobacco Commission Meeting Minutes

Indexes:

Attachments: [2-1-17 - Alcohol, Gambling & Tobacco Commission Meeting Minutes](#)

This Board or Commission Report was received.

7. [17-034](#) 11-29-16 Housing & Redevelopment Authority Meeting Minutes

Indexes:

**Attachments:** [11-29-16 - Housing & Redevelopment Authority Meeting Minutes](#)

This Board or Commission Report was received.

- 8. [17-035](#) 12-28-16 Duluth Transit Authority Meeting Minutes

**Indexes:**

**Attachments:** [12-28-16 - Duluth Transit Authority Meeting Minutes](#)

This Board or Commission Report was received.

- 9. [17-041](#) Resolution No. 17PUC-001 - RESOLUTION OF THE DULUTH PUBLIC UTILITIES COMMISSION RECOMMENDING THAT THE CITY OF DULUTH APPROVE THE 2016 WATER SUPPLY PLAN.

**Indexes:**

**Attachments:** [Attachment A](#)  
[Attachment B](#)  
[Attachment C](#)

This Board or Commission Report was received.

**REPORTS OF COUNCIL COMMITTEES**

**REPORTS OF COUNCIL OPEN ISSUES**

**OPPORTUNITY FOR CITIZENS TO BE HEARD**

**RESOLUTIONS TABLED**

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

- 10. [17-0063R](#) RESOLUTION GRANTING AN INTERIM USE PERMIT FOR A VACATION DWELLING UNIT AT 2126 EAST WATER STREET UNIT L103 (LAURIE ANDERSON AND RANDY HOLT).

**Indexes:**

**Attachments:** [Attachment 1](#)  
[MTA 17-0063R](#)

A motion was made to remove resolution from the table to hear speakers.

Motion passed Yeas:8 Nays:1 (Councilor Fosle)

A motion was made to table resolution. Motion passed unanimously.

**This Resolution was tabled.**

## MOTIONS AND RESOLUTIONS

### CONSENT AGENDA

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

11. [17-0161R](#) RESOLUTION AUTHORIZING A SECOND AMENDMENT TO AN AGREEMENT WITH BENCH STRENGTH PARTNERS, INC., TO INCLUDE THE NEGOTIATION OF LEASES FOR THE INSTALLATION OF SMALL CELL COMMUNICATION SYSTEMS.

Indexes:

Attachments: [Exhibit A](#)

**This Resolution was adopted unanimously.**

12. [17-0172R](#) RESOLUTION AUTHORIZING A CONTRACT WITH DONALD HOLM CONSTRUCTION COMPANY, INC. FOR THE PARK POINT BEACH HOUSE NORTH WALL REPLACEMENT FOR AN AMOUNT NOT TO EXCEED \$182,706.

**This Resolution was adopted unanimously.**

13. [17-0173R](#) RESOLUTION AUTHORIZING A PROFESSIONAL ENGINEERING SERVICES AGREEMENT WITH LHB, INC. FOR DESIGN AND CONSTRUCTION ADMINISTRATION SERVICES FOR PHASE 1 SITE IMPROVEMENTS IN LINCOLN PARK FOR A TOTAL NOT TO EXCEED OF \$96,878.

Indexes:

Attachments: [Exhibit A](#)

**This Resolution was adopted unanimously.**

14. [17-0183R](#) RESOLUTION APPROVING THE EXEMPTION OF A RAFFLE LICENSE AND WAIVING THE 60 DAY WAITING PERIOD FOR MINNESOTA FRATERNAL ORDER OF POLICE

Indexes:

Attachments: [MN FRATERNAL ORDER OF POLICE-02082017125112](#)

This Resolution was adopted unanimously.

**BY COUNCILOR ANDERSON (PERSONNEL)**

15. [17-0156R](#) RESOLUTION CONFIRMING THE APPOINTMENT OF JULIE ZARUBA FOUNTAINE, TO THE DULUTH TRANSIT AUTHORITY.

A motion was made by Councilor Anderson to amend the resolution.  
The motion passed unanimously.

This Resolution was adopted as amended.

16. [17-0165R](#) RESOLUTION CONFIRMING THE APPOINTMENT OF ROBERTA CICH TO THE COMMISSION ON DISABILITIES

This Resolution was adopted unanimously.

17. [17-0166R](#) RESOLUTION CONFIRMING THE REAPPOINTMENTS OF MEMBERS TO THE COMMISSION ON DISABILITIES BY MAYOR LARSON.

Indexes:

Attachments: [Disabilities Commission Attachment A](#)

This Resolution was adopted unanimously.

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

18. [17-0098R](#) RESOLUTION AUTHORIZING THE PROPER CITY OFFICIALS TO ENTER INTO AN AGREEMENT WITH AND ACCEPT FUNDS FROM ST. LOUIS COUNTY TO PROVIDE MINNESOTA FAMILY INVESTMENT PROGRAM AND DIVERSIONARY WORK PROGRAM EMPLOYMENT AND TRAINING SERVICES IN AN AMOUNT NOT LESS THAN \$926,445 FOR THE PERIOD JANUARY 1, 2017 THROUGH DECEMBER 31, 2017.

Indexes:

Attachments: [2017 MFIP-DWP Contract](#)

This Resolution was adopted unanimously.

19. [17-0163R](#) RESOLUTION GRANTING AN INTERIM USE PERMIT FOR A VACATION DWELLING UNIT AT 2314 HOOVER STREET (TARA AND MATT ANDERSON).

**Indexes:**

**Attachments:** [PL16-149 Staff Report with Attachments](#)

This Resolution was adopted unanimously.

20. [17-0167R](#) RESOLUTION VACATING A PLATTED 10 FOOT WIDE UTILITY EASEMENT ON LOTS 12 AND 13, BLOCK 3, OF THE COTTAGE GROVE ADDITION PLAT.

**Indexes:**

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

This Resolution was adopted unanimously.

21. [17-0168R](#) RESOLUTION AUTHORIZING DEVELOPMENT AGREEMENT WITH CAPSTONE LLC FOR DEVELOPMENT OF 80 RENTAL UNITS OF WORKFORCE HOUSING IN THE MILLER HILL AREA AND APPLICATION TO ST. LOUIS COUNTY FOR TAX ABATEMENT ASSISTANCE FOR THE PROJECT.

**Indexes:**

**Attachments:** [Exhibit A](#)  
[Attachment A](#)  
[Attachment B](#)

This Resolution was adopted unanimously.

22. [17-0171R](#) RESOLUTION RELATING TO A TAX ABATEMENT; GRANTING THE ABATEMENT FOR THE CAPSTONE PROJECT

**Indexes:**

**Attachments:** [Exhibit A](#)

This Resolution was adopted unanimously.

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

23. [17-0053R](#) RESOLUTION ACCEPTING DEDICATION OF A UTILITY EASEMENT FROM PIER B HOLDING, LLC.

Indexes:

Attachments: [17-0053R Exhibit 1](#)  
[17-0053R Map](#)

This Resolution was adopted unanimously.

**BY COUNCILOR FOSLE (PUBLIC SAFETY)**

24. [17-0175R](#) RESOLUTION AUTHORIZING CITY OFFICIALS TO ALLOW OFFICER TOMLIN TO PURCHASE A POLICE CANINE NAMED KOBRA.

This Resolution was adopted unanimously.

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

25. [17-0159R](#) RESOLUTION ACCEPTING A \$5,000 CONTRIBUTION FROM THE DULUTH SOFTBALL PLAYERS ASSOCIATION FOR IMPLEMENTATION OF THE WEST DULUTH SPORTS CORRIDOR MINI MASTER PLAN.

Indexes:

Attachments: [Exhibit A\\_MiniMasterPlan](#)

This Resolution was adopted unanimously.

26. [17-0170R](#) RESOLUTION ACCEPTING PERMANENT EASEMENT FOR PUBLIC RECREATIONAL, WALKWAY, AND TRAIL PURPOSES FROM LAKE SUPERIOR CENTER AUTHORITY OVER PROPERTY AT BAYFRONT FESTIVAL PARK AT NO COST TO THE CITY.

Indexes:

Attachments: [Exhibit 1](#)

This Resolution was adopted unanimously.

27. [17-0176R](#) RESOLUTION AUTHORIZING APPLICATION TO AND IF AWARDED

ACCEPTANCE OF A MINNESOTA DEPARTMENT OF NATURAL RESOURCES FEDERAL RECREATIONAL TRAIL PROGRAM GRANT OF UP TO \$150,000 TO REMEDY FAILING INFRASTRUCTURE ON THE DWP TRAIL.

**Indexes:**

**Attachments:** [Exhibit A Grant agreement draft](#)  
[exhibit B DWP Map 02 21 17](#)

This Resolution was adopted unanimously.

28. [17-0177R](#) RESOLUTION AUTHORIZING APPLICATION TO AND IF AWARDED ACCEPTANCE OF A MINNESOTA DEPARTMENT OF NATURAL RESOURCES FEDERAL RECREATIONAL TRAIL PROGRAM GRANT OF UP TO \$150,000 TO CONSTRUCT LIGHTING AND RELATED TRAIL IMPROVEMENTS AT THE GRAND AVENUE NORDIC CENTER.

**Indexes:**

**Attachments:** [Exhibit A Grant agreement draft](#)

This Resolution was adopted unanimously.

## END OF CONSENT AGENDA

### BY COUNCILOR FILIPOVICH (INTERGOVERNMENTAL RELATIONS)

29. [17-0187R](#) RESOLUTION REQUESTING THAT THE CITY'S ADMINISTRATION PLACE ADDITIONAL RECYCLING CONTAINERS ON CITY PROPERTY TO REDUCE PLASTIC WASTE IN LOCAL LANDFILLS AND THE CITY'S WATERSHED.

**Sponsors:** Filipovich

This Resolution was adopted unanimously.

### BY COUNCILOR FOSLE (PUBLIC SAFETY)

30. [17-0160R](#) RESOLUTION AUTHORIZING ACCEPTANCE OF A GRANT FROM THE MINNESOTA DEPARTMENT OF LABOR AND INDUSTRY, OCCUPATIONAL SAFETY AND HEALTH CONSULTATION UNIT IN AN AMOUNT UP TO \$7,000 FOR THE PURPOSE OF PURCHASING BAILOUT KITS AND BAILOUT COMPONENTS AND ESTABLISHING A

DEDICATED ACCOUNT FOR THE GRANT.

**Sponsors:** Public Safety

**Indexes:**

**Attachments:** [Exhibit A 17-0160](#)

This Resolution was adopted unanimously.

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

31. [17-0174R](#) RESOLUTION AUTHORIZING ACCEPTANCE OF A \$100,000 GRANT FROM THE MINNESOTA DEPARTMENT OF NATURAL RESOURCES AND MINNESOTA LAKE SUPERIOR COASTAL PROGRAM TO CONSTRUCT RESTROOMS AT LAFAYETTE PARK.

**Indexes:**

**Attachments:** [Exhibit A sample grant agreement](#)

This Resolution was adopted unanimously.

**INTRODUCTION AND CONSIDERATION OF ORDINANCES**

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

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

32. [17-008-O](#) AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF DULUTH TO PROVIDE FOR THE RECLASSIFICATION OF PROPERTY NORTH OF WEST ARROWHEAD ROAD AND EAST OF SWAN LAKE ROAD FROM R-2 TO MU-P.

**Indexes:**

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

[Attachment 2](#)

[Attachment 3](#)

This Ordinance was read for the first time.

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

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

33.     [17-007-O](#)     AN ORDINANCE AUTHORIZING THE CONVEYANCE OF CERTAIN  
REAL PROPERTY IN WEST DULUTH TO MENARD, INC. FOR \$5,100.

Indexes:

Attachments: [Exhibit A](#)

This Ordinance was adopted unanimously.

**COUNCILOR QUESTIONS AND COMMENTS**

**COUNCILOR PREVIEW OF UPCOMING BUSINESS**

This meeting adjourned at 7:54 p.m.



# City of Duluth

411 West First Street  
Duluth, Minnesota 55802

## Actions and Unofficial Minutes

### 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]*

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Monday, March 13, 2017

7:00 PM

Council Chamber

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#### ROLL CALL

**Present:** 9 - Councilor Gary Anderson, Councilor Zack Filipovich, Councilor Jay Fosle, Councilor Elissa Hansen, Councilor Howie Hanson, Councilor Noah Hobbs, Councilor Barb Russ, Councilor Em Westerlund and President Joel Sipress

#### PLEDGE OF ALLEGIANCE

#### APPROVAL OF MINUTES

1. [17-043](#) May, June & July 2016 City Council Meeting Minutes

**Indexes:**

**Attachments:** [May 9, 2016 - Council Meeting](#)  
[May 23, 2016 - Council Meeting](#)  
[June 10, 2016 - Special Council Meeting](#)  
[June 13, 2016 - Council Meeting](#)  
[June 27, 2016 - Council Meeting](#)  
[July 11, 2016 - Council Meeting](#)  
[July 18, 2016 - Council Meeting](#)

This Minutes was approved.

#### REPORTS OF BOARDS AND COMMISSIONS

2. [17-044](#) 1-17-17 - Duluth Public Utilities Commission Meeting Minutes

Indexes:

Attachments: [1-17-17 Duluth Public Utilities Commission Meeting Minutes](#)

This Board or Commission Report was received.

3. [17-045](#) 1-24-17 Library Board Meeting Minutes

Indexes:

Attachments: [1-24-17 Library Board Meeting Minutes](#)

This Board or Commission Report was received.

4. [17-046](#) 3-1-17 Alcohol, Gambling & Tobacco Commission Meeting Minutes

Indexes:

Attachments: [3-1-17 Alcohol, Gambling & Tobacco Commission Meeting Minutes](#)

This Board or Commission Report was received.

**REPORTS FROM THE ADMINISTRATION**

**REPORTS OF COUNCIL COMMITTEES**

**REPORTS OF COUNCIL OPEN ISSUES**

**OPPORTUNITY FOR CITIZENS TO BE HEARD**

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

5. [17-0063R](#) RESOLUTION GRANTING AN INTERIM USE PERMIT FOR A VACATION DWELLING UNIT AT 2126 EAST WATER STREET UNIT L103 (LAURIE ANDERSON AND RANDY HOLT).

**Indexes:**

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

[MTA 17-0063R \(Passed\)](#)

Motion To Amend - Passed by a vote of 6:3

Y: Councilors Anderson E. Hansen, H. Hanson, Russ, Westerlund and President Sipress

N: Councilors Filipovich, Fosle and Hobbs

**This Resolution was denied.**

**Yea:** 2 - Councilor Fosle and Councilor Hobbs

**Nay:** 7 - Councilor Anderson, Councilor Filipovich, Councilor Hansen, Councilor Hanson, Councilor Russ, Councilor Westerlund and President Sipress

## CONSENT AGENDA

### BY COUNCILOR HANSEN (FINANCE)

6. [17-0086R](#) RESOLUTION AUTHORIZING THE PURCHASE OF A NEW 2017 ELGIN PELICAN STREET SWEEPER FROM MACQUEEN EQUIPMENT IN THE AMOUNT OF \$218,795.67.

**This Resolution was adopted unanimously.**

### BY COUNCILOR HANSON (PURCHASING & LICENSING)

7. [17-0108R](#) RESOLUTION APPROVING ISSUANCE OF AN ON SALE LIQUOR LICENSE AND SUNDAY LIQUOR LICENSE TO PARK POINT MARINA INN & SUITES, LLC (PARK POINT MARINA INN) 1023 MINNESOTA AVE, DULUTH, MN 55802

**This Resolution was adopted.**

**Yea:** 8 - Councilor Anderson, Councilor Filipovich, Councilor Fosle, Councilor Hanson, Councilor Hobbs, Councilor Russ, Councilor Westerlund and President Sipress

**Abstain:** 1 - Councilor Hansen

- 8. [17-0130R](#) RESOLUTION APPROVING THE EXEMPTION OF A RAFFLE LICENSE AND WAIVING THE 60 DAY WAITING PERIOD FOR ROCKY MOUNTAIN ELK FOUNDATION

**Indexes:**

**Attachments:** [ELK FOUNDATION-02022017131545](#)

**This Resolution was adopted unanimously.**

- 9. [17-0152R](#) RESOLUTION APPROVING THE TEMPORARY EXPANSION OF THE ON SALE INTOXICATING LIQUOR LICENSE OF 600 EAST SUPERIOR STREET, INC. (TASTE OF FITGERS) 600 EAST SUPERIOR STREET.

**This Resolution was adopted.**

**Yea:** 8 - Councilor Anderson, Councilor Filipovich, Councilor Fosle, Councilor Hanson, Councilor Hobbs, Councilor Russ, Councilor Westerlund and President Sipress

**Abstain:** 1 - Councilor Hansen

- 10. [17-0155R](#) RESOLUTION ISSUING A TEMPORARY ON SALE INTOXICATING LIQUOR LICENSE TO BONG P-38, D/B/A DULUTH AIRSHOW, 305 EAST 2ND STREET, SUPERIOR WISCONSIN WITH RYAN KERN, MANAGER.

**This Resolution was adopted.**

**Yea:** 8 - Councilor Anderson, Councilor Filipovich, Councilor Fosle, Councilor Hanson, Councilor Hobbs, Councilor Russ, Councilor Westerlund and President Sipress

**Abstain:** 1 - Councilor Hansen

- 11. [17-0196R](#) RESOLUTION APPROVING THE ISSUANCE OF A LAWFUL GAMBLING PREMISE PERMIT TO CONFIDENCE LEARNING CENTER FOR QUINLAN'S BAR, 220 W SUPERIOR STREET, DULUTH MN

**Indexes:**

**Attachments:** [Confidence Learning Center Premise Permit](#)

**This Resolution was adopted unanimously.**

12. [17-0197R](#) RESOLUTION APPROVING THE EXEMPTION OF A RAFFLE LICENSE AND WAIVING THE 60 DAY WAITING PERIOD FOR RIDGEVIEW COUNTRY CLUB

Indexes:

Attachments: [Ridgeview](#)

This Resolution was adopted unanimously.

13. [17-0198R](#) RESOLUTION APPROVING THE EXEMPTION OF A RAFFLE LICENSE AND WAIVING THE 60 DAY WAITING PERIOD FOR LAKE SUPERIOR ZOOLOGICAL SOCIETY

Indexes:

Attachments: [ZOO-02142017153948](#)

This Resolution was adopted unanimously.

14. [17-0207R](#) RESOLUTION AUTHORIZING A 4TH AMENDMENT TO CONTRACT 21565 WITH NORTHEAST SERVICE COOPERATIVE (NESC) DBA MN TELECOMMUNICATIONS TO ADD FIBER OPTIC CABLE SERVICE TO 40TH AVENUE WEST TOOL HOUSE IN THE ADDITIONAL AMOUNT OF \$17,514 AND INCREASING THE MONTHLY SERVICE CHARGES BY AN ADDITIONAL \$400.

Indexes:

Attachments: [Change Order 4.pdf](#)

This Resolution was adopted unanimously.

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

15. [17-0195R](#) RESOLUTION AUTHORIZING AMENDMENT NO. 1 TO GRANT AGREEMENT #109704 WITH THE STATE OF MINNESOTA, DEPARTMENT OF EMPLOYMENT AND ECONOMIC DEVELOPMENT (“DEED”) TO INCORPORATE A CONFLICT OF INTEREST POLICY AUTHORIZED BY MINN. STAT. §16B.97, SUBD. 4(a)(1).

Indexes:

Attachments: [Exhibit A 17-0195](#)  
[Exhibit 4 17-0195](#)

This Resolution was adopted unanimously.

16. [17-0210R](#) RESOLUTION AUTHORIZING A TWELFTH AMENDMENT TO THE MINNESOTA INVESTMENT FUND LOAN AGREEMENT AND A TWELFTH PROMISSORY NOTE MODIFICATION AGREEMENT WITH NORTHSTAR MACHINE & TOOL CO., INC., D/B/A NORTHSTAR AEROSPACE, AND A FIRST AMENDMENT TO THE INTERCREDITOR AGREEMENT WITH REPUBLIC BANK, DULUTH 1200 FUND, INC. AND NORTHLAND FOUNDATION.

Indexes:

Attachments: [Exhibit A](#)  
[Exhibit B](#)  
[Exhibit C](#)

This Resolution was adopted unanimously.

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

17. [17-0199R](#) RESOLUTION ESTABLISHING A 2017 DULUTH DISTINGUISHED ARTIST AWARD TO BE BESTOWED ON DULUTH ARTISTS BY MEMBERS OF THE CITY COUNCIL.

This Resolution was adopted unanimously.

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

18. [17-0162R](#) RESOLUTION APPROVING THE CITY'S 2016 WATER SUPPLY PLAN.

**Indexes:**

**Attachments:** [Exhibit A](#)

[Exhibit B](#)

**This Resolution was adopted unanimously.**

19. [17-0189R](#) RESOLUTION AWARDED A CONTRACT TO HANCO UTILITIES, INC. FOR CONSTRUCTION OF THE 2017 HIGH PRESSURE GAS MAINS AND SERVICES AT VARIOUS LOCATIONS IN THE AMOUNT OF \$982,021.

**This Resolution was adopted unanimously.**

20. [17-0191R](#) RESOLUTION ORDERING IN THE WHITTIER STREET RECONSTRUCTION PROJECT AT AN ESTIMATED COST OF \$163,000.

**Indexes:**

**Attachments:** [17-0191R Map](#)

[17-0191R Memo to Council](#)

[17-0191R Public Hearing Minutes](#)

**This Resolution was adopted unanimously.**

21. [17-0194R](#) RESOLUTION AUTHORIZING A DEVELOPMENT AND ASSESSMENT AGREEMENT WITH AND ACCEPTING A PERMANENT EASEMENT FROM CARLA M. AND DALE A. PEARSON, TRUSTEES OF THE TRUST AGREEMENT FOR CARLA M. PEARSON DATED APRIL 22, 2014 RELATING TO THE RECONSTRUCTION OF WHITTIER STREET.

**Indexes:**

**Attachments:** [17-0194R Easement Map](#)

[17-0194R Exhibit 1](#)

[17-0194R Exhibit 2](#)

**This Resolution was adopted unanimously.**

**BY COUNCILOR FOSLE (PUBLIC SAFETY)**

22. [17-0157R](#) RESOLUTION AUTHORIZING CHALLENGE PARTNERSHIP AGREEMENT WITH THE DEPARTMENT OF THE ARMY AND MINNESOTA SEA GRANT PERTAINING TO RIP CURRENT WARNING SYSTEM.

Indexes:

Attachments: [Exhibit A 17-0157R](#)

This Resolution was adopted unanimously.

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

23. [17-0072R](#) RESOLUTION GRANTING APPROVAL AND IMPLEMENTATION OF THE ST. LOUIS RIVER CORRIDOR TRAILS PLAN.

Indexes:

Attachments: [SLRC Trail Plan final for council approval 3-13-17](#)

This Resolution was adopted unanimously.

24. [17-0192R](#) RESOLUTION ACCEPTING REIMBURSEMENT MONEY IN THE AMOUNT OF \$42,000 FROM THE ARROWHEAD LIBRARY SYSTEM FOR THE PURCHASE OF LIBRARY MATERIALS.

This Resolution was adopted unanimously.

**END OF CONSENT AGENDA**

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

25. [17-0087R](#) RESOLUTION AUTHORIZING AN AGREEMENT WITH TKDA FOR ARCHITECTURAL SERVICES IN CONNECTION WITH THE PREDESIGN STUDY FOR FIRE HALL #11 FOR AN AMOUNT NOT TO EXCEED \$40,000.00.

**Indexes:**

**Attachments:** [Exhibit A](#)

**A motion was made that this Resolution be adopted. The motion carried by the following vote:**

**Yea:** 8 - Councilor Anderson, Councilor Filipovich, Councilor Hansen, Councilor Hanson, Councilor Hobbs, Councilor Russ, Councilor Westerlund and President Sipress

**Nay:** 1 - Councilor Fosle

**BY COUNCILOR FOSLE (PUBLIC SAFETY)**

26. [17-0208R](#) RESOLUTION ESTABLISHING COLLABORATION BETWEEN CITY ADMINISTRATION, CITY COUNCIL AND COMMUNITY PARTNERS TO ADDRESS THE ADVERSE EFFECTS OF HOMELESSNESS.

This Resolution was adopted unanimously.

**INTRODUCTION AND CONSIDERATION OF ORDINANCES**

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

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

27. [17-010-O](#) AN ORDINANCE AMENDING CHAPTER 47 OF THE DULUTH CITY CODE BY ADDING A NEW ARTICLE V RELATING TO TRANSPORTATION NETWORK COMPANIES AND AMENDING SECTION 47-16 TO EXCLUDE TRANSPORTATION NETWORK COMPANY VEHICLES FROM THE DEFINITION OF TAXICAB. [REPLACEMENT]

**Sponsors:** Hobbs

**Indexes:**

**Attachments:** [17-010-O Attachment](#)  
[17-010-O - Original](#)

This Ordinance was read for the first time.

**BY COUNCILOR FOSLE (PUBLIC SAFETY)**

28. [17-009-O](#) AN ORDINANCE REPEALING SECTION 90, CHAPTER 33, OF THE DULUTH CITY CODE, 1959 AS AMENDED RELATING TO ADVERTISING VEHICLES FOR SALE

This Ordinance was read for the first time.

29. [17-011-O](#) AN ORDINANCE AMENDING SECTION 8-46, CHAPTER 8 OF THE DULUTH CITY CODE TO ALLOW ESTABLISHMENTS WITH SUNDAY LICENSES TO BEGIN SELLING INTOXICATING LIQUOR ON SUNDAY AT 8:00 A.M. INSTEAD OF 10:00 A.M., TO ELIMINATE THE REQUIREMENT THAT CLUBS SERVE MEALS ON A DAILY BASIS, AND TO ADD BOWLING CENTERS AS ELIGIBLE FOR SUNDAY LICENSES.

**Sponsors:** Fosle

This Ordinance was read for the first time.

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

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

30. [17-008-O](#) AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF DULUTH TO PROVIDE FOR THE RECLASSIFICATION OF PROPERTY NORTH OF WEST ARROWHEAD ROAD AND EAST OF SWAN LAKE ROAD FROM R-2 TO MU-P.

**Indexes:**

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

[Attachment 2](#)

[Attachment 3](#)

This Ordinance was adopted unanimously.

**COUNCILOR QUESTIONS AND COMMENTS**

**COUNCILOR PREVIEW OF UPCOMING BUSINESS**



# City of Duluth

411 West First Street  
Duluth, Minnesota 55802

## Actions and Unofficial Minutes

### 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]*

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Monday, March 27, 2017

7:00 PM

Council Chamber

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#### ROLL CALL

**Present:** 8 - Councilor Gary Anderson, President Zack Filipovich, Councilor Jay Fosle, Councilor Howie Hanson, Councilor Noah Hobbs, Councilor Barb Russ, Councilor Em Westerlund and Councilor Joel Sipress

**Absent:** 1 - Councilor Elissa Hansen

#### PLEDGE OF ALLEGIANCE

#### APPROVAL OF MINUTES

1. [17-051](#) August, September and October 2016 City Council Meeting Minutes

**Indexes:**

**Attachments:** [August 15, 2016 - Council Meeting](#)  
[August 29, 2016 - Council Meeting](#)  
[September 12, 2016 - Council Meeting](#)  
[September 22, 2016 - Special Council Meeting](#)  
[September 26, 2016 - Council Meeting](#)  
[October 10, 2016 - Council Meeting](#)  
[October 24, 2016 - Council Meeting](#)

These Minutes were approved.

**REPORTS FROM THE ADMINISTRATION**

**REPORTS FROM OTHER OFFICERS**

**REPORTS OF BOARDS AND COMMISSIONS**

2. [17-048](#) Duluth Entertainment Convention Center Meeting Minutes

***Indexes:***

- Attachments:*** [10-25-16 Duluth Entertainment Convention Center Meeting Minutes](#)  
[11-22-16 Duluth Entertainment Convention Center Meeting Minutes](#)  
[12-13-16 Duluth Entertainment Convention Center Meeting Minutes](#)

**This Board or Commission Report was received.**

3. [17-049](#) Planning Commission Meeting Minutes

***Indexes:***

- Attachments:*** [1-10-17 Planning Commission Meeting Minutes](#)  
[2-14-17 Planning Commission Meeting Minutes](#)  
[2-28-17 Planning Commission Meeting Minutes](#)

**This Board or Commission Report was received.**

4. [17-050](#) 1-25-17 Duluth Economic Development Authority Meeting Minutes

***Indexes:***

- Attachments:*** [1-25-17 Duluth Economic Development Authority Meeting Minutes](#)

**This Board or Commission Report was received.**

**REPORTS OF COUNCIL COMMITTEES**

**REPORTS OF COUNCIL OPEN ISSUES**

**OPPORTUNITY FOR CITIZENS TO BE HEARD**

**CONSENT AGENDA**

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

5. [17-0238R](#) RESOLUTION AWARDING A CONTRACT TO HOLIDAY STATIONSTORES FOR SERVICE STATION FUELS FOR 2017 FOR AN AMOUNT NOT TO EXCEED \$618,750.

This Resolution was adopted unanimously.

**BY COUNCILOR ANDERSON (PERSONNEL)**

6. [17-0222R](#) RESOLUTION CONFIRMING THE REAPPOINTMENT OF JASON THORSELL , TO THE DULUTH PUBLIC UTILITIES COMMISSION

This Resolution was adopted unanimously.

7. [17-0223R](#) RESOLUTION APPROVING APPOINTMENT OF ROBERT PEARSON AND STEVE GERADS AS CITY REPRESENTATIVES TO THE DULUTH INTERNATIONAL AIRPORT JOINT AIRPORT ZONING BOARD

This Resolution was adopted unanimously.

8. [17-0235R](#) RESOLUTION AUTHORIZING THE EXECUTION OF 2017-2019 PROFESSIONAL SERVICES AGREEMENT WITH THE DULUTH JOINT POWERS ENTERPRISE TRUST FOR CITY TO PROVIDE PROFESSIONAL SERVICES AND ACCEPTING PAYMENT OF \$350,000 IN 2017, \$360,500 IN 2018, AND \$371,315 IN 2019 FOR SAID SERVICES

**Indexes:**

**Attachments:** [2017-2019 Professional Services Agreement - City of Duluth & Duluth JPE](#)

This Resolution was adopted unanimously.

9. [17-0246R](#) RESOLUTION CONFIRMING THE APPOINTMENT OF CHRIS MCINTOSH, TO THE DULUTH PUBLIC UTILITIES COMMISSION

**Indexes:**

**Attachments:** [Chris McIntosh Redacted](#)

**This Resolution was adopted unanimously.**

10. [17-0253R](#) RESOLUTION CONFIRMING THE APPOINTMENT OF JOSH SMERDON, TO THE DULUTH TRANSIT AUTHORITY.

**Indexes:**

**Attachments:** [Josh Smerdon Application Redacted](#)

**This Resolution was adopted unanimously.**

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

11. [17-0190R](#) RESOLUTION VACATING THE ENTIRE WIDTH OF NORTH 48TH AVENUE EAST BETWEEN PEABODY STREET AND THE COLORADO STREET ALLEY, MAINTAINING A PEDESTRIAN AND UTILITY EASEMENT OVER THE WESTERN 56 FEET.

**Indexes:**

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

[Attachment 2](#)

**This Resolution was adopted unanimously.**

12. [17-0228R](#) RESOLUTION AUTHORIZING PROPER CITY OFFICIALS TO ACCEPT FUNDS FROM THE JUNIOR LEAGUE OF DULUTH FOR A DEEP WINTER GREENHOUSE.

**This Resolution was adopted unanimously.**

13. [17-0234R](#) RESOLUTION GRANTING AN INTERIM USE PERMIT FOR A VACATION DWELLING UNIT AT 1822 MELROSE AVENUE (BEN WHEELER).

Indexes:

Attachments: [Attachment 1](#)

This Resolution was adopted unanimously.

14. [17-0239R](#) RESOLUTION GRANTING AN INTERIM USE PERMIT FOR A VACATION DWELLING UNIT AT 2321 WEST 9TH STREET (AARON PETERS).

Indexes:

Attachments: [Attachment 1](#)

This Resolution was adopted unanimously.

15. [17-0240R](#) RESOLUTION GRANTING AN INTERIM USE PERMIT FOR A VACATION DWELLING UNIT AT 3840 SOUTH LAKE AVENUE (CHARLES JACOBS).

Indexes:

Attachments: [Attachment 1](#)

This Resolution was adopted unanimously.

16. [17-0242R](#) RESOLUTION GRANTING AN INTERIM USE PERMIT FOR TWO VACATION DWELLING UNITS AT 1621 EAST SUPERIOR STREET (BRIAN AND CRYSTAL JORDAN).

Indexes:

Attachments: [Attachment 1](#)

This Resolution was adopted unanimously.

17. [17-0243R](#) RESOLUTION GRANTING AN INTERIM USE PERMIT FOR A VACATION DWELLING UNIT AT 110 22ND STREET SOUTH (STEVE AND HEATHER PITSCHKA).

Indexes:

Attachments: [Attachment 1](#)

This Resolution was adopted unanimously.

18. [17-0245R](#) RESOLUTION AMENDING THE COMPREHENSIVE LAND USE PLAN - FUTURE LAND USE MAP FOR THE BOUNDARY AVENUE LAND USE STUDY AREA, FROM PARK PLACE TO KINGSBURY CREEK, AND EAST ALONG BOUNDARY AVENUE.

Indexes:

Attachments: [Attachment 1](#)

[Attachment 2](#)

This Resolution was adopted unanimously.

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

19. [17-0211R](#) RESOLUTION REVISING THE LIST OF HIGH PRIORITY BRIDGES IN THE CITY OF DULUTH.

This Resolution was adopted unanimously.

20. [17-0237R](#) RESOLUTION AUTHORIZING AN AGREEMENT WITH ST. LOUIS COUNTY FOR CHIP SEALING SKYLINE PARKWAY FROM MESABA AVENUE TO KENWOOD AVENUE, PECAN AVENUE FROM CENTRAL ENTRANCE TO RICE LAKE ROAD AND TENTH AVENUE EAST FROM EAST FIFTH STREET TO EAST SECOND STREET AND FROM EAST FIRST STREET TO SUPERIOR STREET.

**Indexes:**

**Attachments:** [17-0237R Exhibit A](#)  
[17-0237R Map 1620](#)  
[17-0237R Map 1621](#)  
[17-0237R Map 1622](#)

This Resolution was adopted unanimously.

21. [17-0241R](#) RESOLUTION AWARDED A CONTRACT TO GEORGE BOUGALIS & SONS CO. FOR THE 2017 MICHIGAN STREET UTILITY RECONSTRUCTION PROJECT IN THE AMOUNT OF \$918,818.60.

**Indexes:**

**Attachments:** [17-0241R Map](#)

This Resolution was adopted unanimously.

22. [17-0251R](#) RESOLUTION ACCEPTING PERMANENT EASEMENT FOR ROADWAY PURPOSES FROM THE RICHARD A. PETERSON REVOCABLE TRUST OVER PROPERTY ON AND ADJACENT TO WEST SKYLINE PARKWAY AT NO COST TO THE CITY.

**Indexes:**

**Attachments:** [Exhibit 1](#)  
[Exhibit 2](#)

This Resolution was adopted unanimously.

**BY COUNCILOR FOSLE (PUBLIC SAFETY)**

23. [17-0219R](#) RESOLUTION DESIGNATING JAY FOSLE AS THE NORTHEAST MINNESOTA REGIONAL EMERGENCY COMMUNICATION BOARD (NEECB) REPRESENTATIVE WITH DENNIS EDWARDS, FIRE CHIEF AS ALTERNATE REPRESENTATIVE AND APPOINTING SHAWN KRIZAJ, DEPUTY FIRE CHIEF AS THE REPRESENTATIVE TO THE REGIONAL ADVISORY COMMITTEE AND ROB MOREHOUSE, TECHNICAL SERVICES COORDINATOR TO SERVE ON THE USER COMMITTEE OF SAID BOARD.

**This Resolution was adopted unanimously.**

24. [17-0220R](#) RESOLUTION AUTHORIZING PROPER CITY OFFICIALS TO ACCEPT A GRANT FROM THE STATE OF MINNESOTA IN THE AMOUNT OF \$4,949.14 AND FURTHER AUTHORIZING EXECUTION OF A GRANT AGREEMENT WITH THE STATE OF MINNESOTA.

**Indexes:**

**Attachments:** [Exhibit A - 17-0220R](#)

**This Resolution was adopted unanimously.**

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

25. [17-0204R](#) RESOLUTION AUTHORIZING A THREE-YEAR AGREEMENT WITH ONE ROOF COMMUNITY HOUSING FOR THE LEASE AND MANAGEMENT OF THE CENTRAL HILLSIDE COMMUNITY CENTER FOR THE OPERATION OF ITS HOUSING DEVELOPMENT SERVICES.

**Indexes:**

**Attachments:** [Exhibit 1](#)

**This Resolution was adopted.**

**Yea:** 7 - Councilor Anderson, President Filipovich, Councilor Fosle, Councilor Hanson, Councilor Russ, Councilor Westerlund and Councilor Sipress

**Absent:** 1 - Councilor Hansen

**Abstain:** 1 - Councilor Hobbs

26. [17-0206R](#) RESOLUTION AUTHORIZING A FIRST AMENDMENT TO THE BRIDGE FUNDING AGREEMENT BETWEEN THE CITY OF DULUTH AND THE ARROWHEAD ZOOLOGICAL SOCIETY, INC. FOR THE BEAR COUNTRY PROJECT.

**Indexes:**

**Attachments:** [Exhibit A](#)

**This Resolution was adopted unanimously.**

27. [17-0224R](#) RESOLUTION AUTHORIZING APPLICATION TO AND, IF OFFERED, ACCEPTANCE OF A \$150,000 MINNESOTA DEPARTMENT OF NATURAL RESOURCES OUTDOOR RECREATION GRANT TO IMPLEMENT PORTIONS OF THE WEST DULUTH SPORTS CORRIDOR MINI-MASTER PLAN - PHASE I.

**Indexes:**

**Attachments:** [Exhibit A grant application](#)  
[Exhibit B sample grant agreement](#)  
[Exhibit C Wade MMP](#)

**This Resolution was adopted unanimously.**

28. [17-0225R](#) RESOLUTION AUTHORIZING APPLICATION TO AND, IF OFFERED, ACCEPTANCE OF A \$98,527 MINNESOTA DEPARTMENT OF NATURAL RESOURCES OUTDOOR RECREATION GRANT TO IMPLEMENT PORTIONS OF THE QUARRY PARK MINI-MASTER PLAN - PHASE I.

**Indexes:**

**Attachments:** [Exhibit A sample grant agreement](#)  
[Exhibit B Quarry MMP](#)

**This Resolution was adopted unanimously.**

29. [17-0226R](#) RESOLUTION AUTHORIZING APPLICATION TO AND, IF OFFERED, ACCEPTANCE OF A \$250,000 MINNESOTA DEPARTMENT OF NATURAL RESOURCES REGIONAL TRAIL PROGRAM GRANT TO CONSTRUCT 5.4 KM OF NORDIC SKI TRAILS AT GRAND AVENUE NORDIC CENTER.

**Indexes:**

**Attachments:** [Exhibit A sample grant agreement](#)  
[Exhibit B Grand Ave MMP](#)

This Resolution was adopted unanimously.

30. [17-0227R](#) RESOLUTION AUTHORIZING APPLICATION TO AND, IF OFFERED, ACCEPTANCE OF A \$250,000 MINNESOTA DEPARTMENT OF NATURAL RESOURCES REGIONAL TRAIL PROGRAM GRANT TO IMPROVE THE DULUTH WINNIPEG PACIFIC TRAIL SYSTEM SARGENT CREEK RAILROAD TRESTLE.

**Indexes:**

**Attachments:** [Exhibit A sample grant agreement](#)  
[Exhibit B Trails MMP](#)

This Resolution was adopted unanimously.

31. [17-0231R](#) RESOLUTION GRANTING APPROVAL AND IMPLEMENTATION OF THE CROSS CITY TRAIL MINI MASTER PLAN.

**Indexes:**

**Attachments:** [3.8.17 Cross City Trail MMP FINAL High-Res AS tweaks](#)  
[Motion To Amend: Sipress/Westerlund - Passed Unanimously](#)

This Resolution was adopted as amended.

32. [17-0233R](#) RESOLUTION GRANTING APPROVAL AND IMPLEMENTATION OF THE ST. LOUIS RIVER ESTUARY NATIONAL WATER TRAIL PLAN.

**Indexes:**

**Attachments:** [Exhibit A Water Trail Plan](#)

This Resolution was adopted unanimously.

33. [17-0236R](#) RESOLUTION AUTHORIZING THREE YEAR USE AND OPERATIONS AGREEMENT WITH ARROWHEAD YOUTH SOCCER ASSOCIATION OF NORTHEASTERN MINNESOTA FOR THE CITY'S GARY NEW DULUTH SOCCER FIELDS.

**Indexes:**

**Attachments:** [Exhibit 1](#)

This Resolution was adopted unanimously.

34. [17-0244R](#) RESOLUTION AUTHORIZING APPLICATION TO AND, IF OFFERED, ACCEPTANCE OF A MINNESOTA DEPARTMENT OF NATURAL RESOURCES LOCAL TRAIL CONNECTION PROGRAM GRANT OF UP TO \$111,188 TO DESIGN AND BUILD TRAIL CONNECTIONS AROUND QUARRY PARK.

**Indexes:**

**Attachments:** [Exhibit A St. Louis River Trails Plan](#)

[Exhibit B sample agreement](#)

[Exhibit C Quarry MMP](#)

This Resolution was adopted unanimously.

## END OF CONSENT AGENDA

## BY COUNCILOR RUSS (PLANNING & ECONOMIC DEVELOPMENT)

35. [17-0257R](#) RESOLUTION AUTHORIZING AMENDMENT TO DEVELOPMENT AGREEMENT, DISBURSEMENT AGREEMENT AND SUBORDINATION AGREEMENT PERTAINING TO THE MH II APARTMENTS, INC. PROJECT.

**Indexes:**

**Attachments:** [Exhibit A 17-0257R](#)

[Exhibit B 17-0257R](#)

[Exhibit C 17-0257R](#)

This Resolution was adopted unanimously.

**INTRODUCTION AND CONSIDERATION OF ORDINANCES**

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

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

- 36. [17-016-O](#) AN ORDINANCE GRANTING A CONCURRENT USE PERMIT FOR A THREE SEASON PORCH AND STAIRS IN THE PLATTED STREET RIGHT OF WAY OF 21ST STREET SOUTH.

Indexes:

Attachments: [Attachment 1](#)

[Attachment 2](#)

This Ordinance was read for the first time.

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

- 37. [17-014-O](#) AN ORDINANCE DEDICATING AN EASEMENT FOR ROADWAY PURPOSES FOR WEST SKYLINE PARKWAY.

Indexes:

Attachments: [17-014O Exhibit A](#)

[17-014O Exhibit B](#)

This Ordinance was read for the first time.

- 38. [17-015-O](#) AN ORDINANCE DEDICATING A PERMANENT EASEMENT FOR ROADWAY PURPOSES ON PROPERTY ADJACENT TO CONGDON BOULEVARD.

Indexes:

Attachments: [Exhibit A](#)

This Ordinance was read for the first time.

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

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

39. [17-010-O](#) AN ORDINANCE AMENDING CHAPTER 47 OF THE DULUTH CITY CODE BY ADDING A NEW ARTICLE V RELATING TO TRANSPORTATION NETWORK COMPANIES AND AMENDING SECTION 47-16 TO EXCLUDE TRANSPORTATION NETWORK COMPANY VEHICLES FROM THE DEFINITION OF TAXICAB. [REPLACEMENT]

**Sponsors:** Hobbs

**Indexes:**

**Attachments:** [17-010-O Attachment](#)  
[17-010-O - Original](#)

**This Ordinance was adopted.**

**Yea:** 7 - Councilor Anderson, President Filipovich, Councilor Hanson, Councilor Hobbs, Councilor Russ, Councilor Westerlund and Councilor Sipress

**Nay:** 1 - Councilor Fosle

**Absent:** 1 - Councilor Hansen

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

40. [17-009-O](#) AN ORDINANCE REPEALING SECTION 90, CHAPTER 33, OF THE DULUTH CITY CODE, 1959 AS AMENDED RELATING TO ADVERTISING VEHICLES FOR SALE

**This Ordinance was adopted unanimously.**

41. [17-011-O](#) AN ORDINANCE AMENDING SECTION 8-46, CHAPTER 8 OF THE DULUTH CITY CODE TO ALLOW ESTABLISHMENTS WITH SUNDAY LICENSES TO BEGIN SELLING INTOXICATING LIQUOR ON SUNDAY AT 8:00 A.M. INSTEAD OF 10:00 A.M., TO ELIMINATE THE REQUIREMENT THAT CLUBS SERVE MEALS ON A DAILY BASIS, AND TO ADD BOWLING CENTERS AS ELIGIBLE FOR SUNDAY LICENSES.

**Sponsors:** Fosle

**This Ordinance was adopted unanimously.**

**COUNCILOR QUESTIONS AND COMMENTS**

**COUNCILOR PREVIEW OF UPCOMING BUSINESS**



# City of Duluth

411 West First Street  
Duluth, Minnesota 55802

## Actions and Unofficial Minutes

### 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]*

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Monday, April 10, 2017

7:00 PM

Council Chamber

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#### ROLL CALL

**Present:** 9 - Councilor Gary Anderson, Councilor Zack Filipovich, Councilor Jay Fosle, Councilor Elissa Hansen, Councilor Howie Hanson, Councilor Noah Hobbs, Councilor Barb Russ, Councilor Em Westerlund and President Joel Sipress

#### PLEDGE OF ALLEGIANCE

#### APPROVAL OF MINUTES

1. [17-053](#) November and December 2016 City Council Meeting Minutes

**Indexes:**

**Attachments:** [November 7, 2016 - Council Meeting](#)  
[November 21, 2016 - Council Meeting](#)  
[December 5, 2016 - Council Meeting](#)  
[December 12, 2016 - Council Meeting](#)

These Minutes was approved.

2. [17-054](#) January 2017 City Council Meeting Minutes

Indexes:

Attachments: [January 9, 2017 - Council Meeting](#)

[January 23, 2017 - Council Meeting](#)

These Minutes was approved.

## REPORTS FROM THE ADMINISTRATION

## REPORTS FROM OTHER OFFICERS

## REPORTS OF BOARDS AND COMMISSIONS

3. [17-055](#) Duluth Transit Authority Meeting Minutes

Indexes:

Attachments: [1-25-2017 Duluth Transit Authority Meeting Minutes](#)

This Board or Commission Report was received.

4. [17-056](#) Duluth Public Utilities Commission Meeting Minutes

Indexes:

Attachments: [2-21-2017 Duluth Public Utilities Commission Meeting Minutes](#)

This Board or Commission Report was received.

5. [17-057](#) Library Board Meeting Minutes

Indexes:

Attachments: [2-28-2017 Library Board Meeting Minutes](#)

This Board or Commission Report was received.

6. [17-058](#) Duluth Economic Development Authority Meeting Minutes

Indexes:

Attachments: [3-1-2017 Duluth Economic Development Authority Meeting Minutes](#)

This Board or Commission Report was received.

7. [17-059](#) Resolution No. 17PUC-002 - RESOLUTION AMENDING RESOLUTION 16PUC-009 ESTABLISHING FEES FOR VARIOUS UTILITY - RELATED SERVICES.

Indexes:

Attachments: [17PUC-002 Resolution Amending 16PUC-009](#)  
[17PUC-002 Exhibit A](#)

This Board or Commission Report was received.

**REPORTS OF COUNCIL COMMITTEES**

**REPORTS OF COUNCIL OPEN ISSUES**

**OPPORTUNITY FOR CITIZENS TO BE HEARD**

**CONSENT AGENDA**

**BY COUNCILOR HANSEN (FINANCE)**

8. [17-0254R](#) RESOLUTION CONFIRMING ASSESSMENT ROLL FOR SIDEWALK REPAIRS AT THREE CITY LOCATIONS IN 2016.

Indexes:

Attachments: [Exhibit A](#)

This Resolution was withdrawn.

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

9. [17-0201R](#) RESOLUTION APPROVING THE ISSUANCE OF ON SALE 3.2 PERCENT MALT LIQUOR LICENSE RENEWALS FOR THE PERIOD BEGINNING MAY,1 2017, AND ENDING APRIL 30, 2018

**Indexes:**

**Attachments:** [On Sale Beer Renewals Attachment A](#)

**This Resolution was adopted unanimously.**

**Yea:** 8 - Councilor Anderson, Councilor Filipovich, Councilor Fosle, Councilor Hanson, Councilor Hobbs, Councilor Russ, Councilor Westerlund and President Sipress

**Abstain:** 1 - Councilor Hansen

10. [17-0202R](#) RESOLUTION APPROVING THE ISSUANCE OF OFF SALE 3.2 PERCENT MALT LIQUOR LICENSE RENEWALS FOR THE PERIOD BEGINNING MAY,1 2017, AND ENDING APRIL 30, 2018

**Indexes:**

**Attachments:** [Off Sale Beer Renewals Attachment A](#)

**This Resolution was adopted unanimously.**

**Yea:** 8 - Councilor Anderson, Councilor Filipovich, Councilor Fosle, Councilor Hanson, Councilor Hobbs, Councilor Russ, Councilor Westerlund and President Sipress

**Abstain:** 1 - Councilor Hansen

11. [17-0262R](#) RESOLUTION APPROVING THE TEMPORARY EXPANSION OF THE DESIGNATED SERVING AREA OF THE ON SALE INTOXICATING LIQUOR LICENSES AND ON SALE BEER AND WINE LICENSE TO VARIOUS LICENSEES.

**Indexes:**

**Attachments:** [7WEST TAPHOUSE-03282017100447](#)  
[GRANDMA'S SALOON AND GRILL](#)  
[ANGIES-03302017093838](#)

**This Resolution was adopted unanimously.**

**Yea:** 8 - Councilor Anderson, Councilor Filipovich, Councilor Fosle, Councilor Hanson, Councilor Hobbs, Councilor Russ, Councilor Westerlund and President Sipress

**Abstain:** 1 - Councilor Hansen

12. [17-0263R](#) RESOLUTION APPROVING THE PERMANENT EXPANSION OF THE LICENSE PREMISES OF THE ON SALE WINE AND BEER LICENSE OF OMC, LLC (OMC SMOKEHOUSE), 1909 WEST SUPERIOR STREET

**Indexes:**

**Attachments:** [OMC SMOKEHOUSE-03232017104321](#)

**This Resolution was adopted unanimously.**

**Yea:** 8 - Councilor Anderson, Councilor Filipovich, Councilor Fosle, Councilor Hanson, Councilor Hobbs, Councilor Russ, Councilor Westerlund and President Sipress

**Abstain:** 1 - Councilor Hansen

13. [17-0264R](#) RESOLUTION ISSUING A TEMPORARY ON SALE INTOXICATING LIQUOR LICENSE TO GRANDMA'S MARATHON – DULUTH, INC, CANAL PARK DRIVE AND BUCHANAN STREET.

**Indexes:**

**Attachments:** [GRANDMAS MARATHON-03232017104811](#)

**This Resolution was adopted unanimously.**

**Yea:** 8 - Councilor Anderson, Councilor Filipovich, Councilor Fosle, Councilor Hanson, Councilor Hobbs, Councilor Russ, Councilor Westerlund and President Sipress

**Abstain:** 1 - Councilor Hansen

14. [17-0266R](#) RESOLUTION APPROVING THE TRANSFER OF STOCK OF THE ON SALE INTOXICATING LIQUOR LICENSE AND ON SALE SUNDAY LICENSE OF BAYFRONT BBQ, INC (FAMOUS DAVES), 355 LAKE AVENUE SOUTH.

**Indexes:**

**Attachments:** [FAMOUS DAVES-03282017095319](#)

**This Resolution was adopted unanimously.**

15. [17-0267R](#) RESOLUTION APPROVING THE TEMPORARY EXPANSION OF THE DESIGNATED SERVING AREA OF THE ON SALE BREW LICENSE OF BENT PADDLE BREWING COMPANY, 1912 WEST MICHIGAN STREET.

**Indexes:**

**Attachments:** [FESTIVERSARY-03282017095814](#)

**This Resolution was adopted unanimously.**

16. [17-0269R](#) RESOLUTION APPROVING ISSUANCE OF AN ON SALE LIQUOR LICENSE, TO PAUL'S WINE AND CIDER, LLC (THE SLIP) , 325 SOUTH LAKE AVE, STE #109, DULUTH, MN 55802

**Indexes:**

**Attachments:** [THE SLIP-03302017094653](#)

**This Resolution was adopted unanimously.**

**Yea:** 8 - Councilor Anderson, Councilor Filipovich, Councilor Fosle, Councilor Hanson, Councilor Hobbs, Councilor Russ, Councilor Westerlund and President Sipress

**Abstain:** 1 - Councilor Hansen

17. [17-0277R](#) RESOLUTION APPROVING THE ISSUANCE OF THE DULUTH WOMEN'S CLUB AND PARK POINT MARINA INN AND SUITES, LLC. CONSUMPTION AND DISPLAY LICENSE RENEWALS FOR THE PERIOD BEGINNING APRIL1, 2017, AND ENDING MARCH 31, 2018

**Indexes:**

**Attachments:** [CONSUMPTION AND DISPLAY ATTACHMENT A](#)

**This Resolution was adopted unanimously.**

**BY COUNCILOR ANDERSON (PERSONNEL)**

18. [17-0255R](#) RESOLUTION CONFIRMING THE APPOINTMENTS OF JUDY GIBBS AND SUSAN STANICH TO THE URBAN FOREST COMMISSION

**This Resolution was adopted unanimously.**

19. [17-0256R](#) RESOLUTION CONFIRMING THE APPOINTMENT OF DUDLEY EDMONDSON TO THE PARKS AND RECREATION COMMISSION AT-LARGE VACANCY.

**This Resolution was adopted unanimously.**

20. [17-0258R](#) RESOLUTION CONFIRMING THE APPOINTMENTS OF BRITT RORBAUGH TO THE PARKS AND RECREATION COMMISSION DISTRICT 3 VACANCY AND KRISTIN BERGERSON TO THE PARKS AND RECREATION COMMISSION RECREATION SPECIALIST VACANCY.

**This Resolution was adopted unanimously.**

21. [17-0271R](#) RESOLUTION CONFIRMING THE APPOINTMENTS OF MIKE CASEY, ED GLEESSEN, AND HENRY BANKS, TO THE DULUTH TRANSIT AUTHORITY.

**This Resolution was adopted.**

**Yea:** 8 - Councilor Anderson, Councilor Filipovich, Councilor Hansen, Councilor Hanson, Councilor Hobbs, Councilor Russ, Councilor Westerlund and President Sipress

**Nay:** 1 - Councilor Fosle

22. [17-0279R](#) RESOLUTION CONFIRMING THE APPOINTMENT OF NOLAND MAKOWSKY TO THE DULUTH PARKING COMMISSION.

Indexes:

Attachments: [Parking Commission Attachment A](#)

This Resolution was adopted unanimously.

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

24. [17-0274R](#) RESOLUTION AUTHORIZING PROPER CITY OFFICIALS TO ACCEPT GRANT FUNDS FROM THE MINNESOTA HISTORICAL SOCIETY FOR ATTENDANCE AT THE 2017 MAIN STREET CONFERENCE.

Indexes:

Attachments: [Attachment 1](#)

This Resolution was adopted unanimously.

23. [17-0261R](#) RESOLUTION GRANTING AN INTERIM USE PERMIT FOR AN ACCESSORY VACATION DWELLING UNIT AT 9506 CONGDON BOULEVARD (ALLAN WINTERS).

Indexes:

Attachments: [PL17-021 Staff Report with Attachments](#)

This Resolution was adopted unanimously.

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

25. [17-0260R](#) RESOLUTION AWARDDING CONTRACTS TO ULLAND BROTHERS, INC. AND NORTHLAND CONSTRUCTORS OF DULUTH, LLC FOR BITUMINOUS (HOT MIX BLACKTOP) FOR STREET MAINTENANCE ACTIVITIES IN 2017.

This Resolution was adopted unanimously.

26. [17-0272R](#) RESOLUTION AWARDING A CONTRACT TO MP TECHNOLOGIES, LLC, FOR CONSTRUCTION OF THE 2017 LARGE DIAMETER GAS MAIN INSTALLATION PROJECTS, IN THE AMOUNT OF \$956,270.52.

**Indexes:**

**Attachments:** [17-0272R Map 1 - 48th Avenue East](#)  
[17-0272R Map 2 - East Fourth Street](#)  
[17-0272R Map 3 - London Road](#)

This Resolution was adopted unanimously.

27. [17-0275R](#) RESOLUTION AUTHORIZING AGREEMENT WITH MP FOR JOINT CONSTRUCTION OF UTILITIES IN MICHIGAN STREET.

**Indexes:**

**Attachments:** [Agreement \(17-0275R\)](#)  
[Bid Tabulation Exhibit B \(17-0275R\)](#)

This Resolution was adopted unanimously.

### BY COUNCILOR FOSLE (PUBLIC SAFETY)

28. [17-0252R](#) RESOLUTION AUTHORIZING AGREEMENT WITH ARROWHEAD REGIONAL CORRECTIONS (ARC) FOR USE OF DESK SPACE AND TELEPHONE SERVICE AT THE WEST POLICE STATION AT A COST OF \$2,000 FOR A TERM ENDING AUGUST 31, 2018 WITH AN OPTION TO RENEW FOR ADDITIONAL TERMS.

**Indexes:**

**Attachments:** [document A 17-0252R](#)

This Resolution was adopted unanimously.

29. [17-0270R](#) RESOLUTION AUTHORIZING THE PURCHASE OF A FIRE PUMPER TRUCK FROM CUSTOM FIRE APPARATUS, INC., FOR A TOTAL AMOUNT OF \$548,000.

This Resolution was adopted unanimously.

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

30. [17-0232R](#) RESOLUTION GRANTING APPROVAL AND IMPLEMENTATION OF THE GATE, WAYFINDING AND SIGNAGE FINAL DESIGN PLAN.

Indexes:

Attachments: [Exhibit A\\_Final Plan](#)

This Resolution was adopted unanimously.

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

31. [17-0287R](#) RESOLUTION AMENDING RESOLUTION 16-0846, ADOPTING LICENSE, PERMIT, FINE, PENALTY, AND OTHER CHARGES FOR 2017, TO ADD AN ANNUAL LICENSE FEE FOR TRANSPORTATION NETWORK COMPANIES IN THE AMOUNT OF \$3,500.

Sponsors: Hobbs

This Resolution was adopted unanimously.

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

32. [17-0169R](#) RESOLUTION GRANTING AN INTERIM USE PERMIT FOR A VACATION DWELLING UNIT AT 1035 BERWICK COURT (DON J. AND PATRICIA WASHINGTON).

Indexes:

Attachments: [Attachment 1](#)

[Motion To Amend: Sipress - Passed 8-1 \(N.H\)](#)

This Resolution was adopted as amended.

**Yea:** 8 - Councilor Anderson, Councilor Filipovich, Councilor Fosle, Councilor Hansen, Councilor Hobbs, Councilor Russ, Councilor Westerlund and President Sipress

**Nay:** 1 - Councilor Hanson

**BY COUNCILOR FILIPOVICH (INTERGOVERNMENTAL RELATIONS)**

33. [17-0288R](#) RESOLUTION REQUESTING THAT THE CITY'S COMMUNITY PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENTS CONSIDER HIGH DENSITY ZONING AS A TOOL TO PRESERVE GREEN SPACE AND TO PROTECT THE CITY'S VIEW SHED WHEN UPDATING THE CITY'S COMPREHENSIVE PLAN.

**Sponsors:** Filipovich

**Indexes:**

**Attachments:** [Motion To Amend: Sipress/Hobbs - Passed 8-1 \(J.F\)](#)

[17-0288 Original](#)

This Resolution was tabled.

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

34. [17-0259R](#) RESOLUTION AUTHORIZING ACCEPTANCE OF A KEEP AMERICA BEAUTIFUL RECYCLING BIN PROGRAM GRANT FROM DR. PEPPER SNAPPLE GROUP.

**Indexes:**

**Attachments:** [Exhibit B Grant Agreement](#)

[Exhibit A bin locations](#)

This Resolution was adopted unanimously.

**END OF CONSENT AGENDA**

**INTRODUCTION AND CONSIDERATION OF ORDINANCES**

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

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

35. [17-016-O](#) AN ORDINANCE GRANTING A CONCURRENT USE PERMIT FOR A THREE SEASON PORCH AND STAIRS IN THE PLATTED STREET RIGHT OF WAY OF 21ST STREET SOUTH.

Indexes:

Attachments: [Attachment 1](#)

[Attachment 2](#)

This Ordinance was adopted unanimously.

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

36. [17-014-O](#) AN ORDINANCE DEDICATING AN EASEMENT FOR ROADWAY PURPOSES FOR WEST SKYLINE PARKWAY.

Indexes:

Attachments: [17-014O Exhibit A](#)

[17-014O Exhibit B](#)

This Ordinance was adopted unanimously

37. [17-015-O](#) AN ORDINANCE DEDICATING A PERMANENT EASEMENT FOR ROADWAY PURPOSES ON PROPERTY ADJACENT TO CONGDON BOULEVARD.

Indexes:

Attachments: [Exhibit A](#)

This Ordinance was adopted unanimously.

**COUNCILOR QUESTIONS AND COMMENTS**

**COUNCILOR PREVIEW OF UPCOMING BUSINESS**

Meeting was adjourned at 8:37 p.m.

## Alyssa Bryant

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**From:** Emily Larson  
**Sent:** Thursday, April 13, 2017 2:37 PM  
**To:** Alyssa Bryant  
**Cc:** Bronwyn Lipinski  
**Subject:** RE: Unofficial Actions - April 10, 2017

Hi Alyssa – I approve all actions. Thank you.

~ Emily

Emily Larson,  
Duluth Mayor

Twitter: @LarsonForDuluth  
Facebook: Emily Larson, Duluth Mayor

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**From:** Alyssa Bryant  
**Sent:** Tuesday, April 11, 2017 8:45 AM  
**To:** Emily Larson <ELarson@DuluthMN.gov>  
**Cc:** Bronwyn Lipinski <blipinski@DuluthMN.gov>  
**Subject:** Unofficial Actions - April 10, 2017

Good Morning Mayor Larson,

I have attached the unofficial actions from last night's council meeting.

Please let me know if you:

1. Approve of all items passed; OR
2. Will NOT be approving a certain item (becomes effective without your signature per Sec. 12 of the Charter); OR
3. Vetoing an item.

Have a great day!

Thank you,

Alyssa Bryant  
Admin Info Specialist – City Clerk  
(p): 218-730-5256  
(e): [abryant@duluthmn.gov](mailto:abryant@duluthmn.gov)



# City of Duluth

411 West First Street  
Duluth, Minnesota 55802

## Actions and Unofficial Minutes

### 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]*

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Monday, April 24, 2017

7:00 PM

Council Chamber

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#### ROLL CALL

**Present:** 9 - Councilor Gary Anderson, Councilor Zack Filipovich, Councilor Jay Fosle, Councilor Elissa Hansen, Councilor Howie Hanson, Councilor Noah Hobbs, Councilor Barb Russ, Councilor Em Westerlund and President Joel Sipress

#### PLEDGE OF ALLEGIANCE

#### PUBLIC HEARING - 17-0278R CITY'S STREET PRESERVATION PROJECTS FOR 2016

#### APPROVAL OF MINUTES

1. [17-061](#) February, March & April 10th 2017 City Council Meeting Minutes

**Indexes:**

**Attachments:** [February 13, 2017 - Council Meeting](#)

[February 27, 2017 - Council Meeting](#)

[March 13, 2017 - Council Meeting](#)

[March 27, 2017 - Council Meeting](#)

[April 10, 2017 - Council Meeting](#)

These Minutes were approved.

#### PRESENTATION OF PETITIONS AND OTHER COMMUNICATIONS

2. [17-064](#) State of Minnesota, Office of the Auditor: Duluth Transit Authority

**Indexes:**

**Attachments:** [State of Minnesota Office of the State Auditor - Duluth Transit Authority](#)

This Petition/Other Communication was received.

3. [17-066](#) Application For Exempt Permit - The ALS Association

**Indexes:**

**Attachments:** [Application For Exempt Permit - The ALS Association](#)

This Petition/Other Communication was received.

## REPORTS FROM THE ADMINISTRATION

## REPORTS FROM OTHER OFFICERS

## REPORTS OF BOARDS AND COMMISSIONS

4. [17-062](#) Alcohol, Gambling & Tobacco Commission Meeting Minutes

**Indexes:**

**Attachments:** [4-5-2017 Alcohol, Gambling and Tobacco Commission](#)

This Board or Commission Report was received.

5. [17-063](#) Duluth Seaway Port Authority Meeting Minutes

**Indexes:**

**Attachments:** [6-30-2016 Duluth Seaway Port Authority Meeting Minutes](#)  
[8-25-2016 Duluth Seaway Port Authority Meeting Minutes](#)  
[9-22-2016 Duluth Seaway Port Authority Meeting Minutes](#)  
[10-18-2016 Duluth Seaway Port Authority Meeting Minutes](#)  
[11-29-2016 Duluth Seaway Port Authority Meeting Minutes](#)  
[1-26-2017 Duluth Seaway Port Authority Meeting Minutes](#)

This Board or Commission Report was received.

**REPORTS OF COUNCIL COMMITTEES**

**REPORTS OF COUNCIL OPEN ISSUES**

**OPPORTUNITY FOR CITIZENS TO BE HEARD**

**RESOLUTIONS TABLED**

**BY COUNCILOR FILIPOVICH (INTERGOVERNMENTAL RELATIONS)**

6. [17-0288R](#) RESOLUTION REQUESTING THAT THE CITY'S COMMUNITY PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENTS CONSIDER HIGH DENSITY ZONING AS A TOOL TO PRESERVE GREEN SPACE AND TO PROTECT THE CITY'S VIEW SHED WHEN UPDATING THE CITY'S COMPREHENSIVE PLAN.

**Sponsors:** Filipovich

**Indexes:**

**Attachments:** [Motion To Amend: Sipress/Hobbs - Passed 8-1 \(J.F\)](#)  
[17-0288 Original](#)

This Resolution was withdrawn.

**CONSENT AGENDA**

**BY COUNCILOR HANSEN (FINANCE)**

7. [17-0278R](#) RESOLUTION CONFIRMING ASSESSMENT ROLL LEVIED TO DEFRAY THE ASSESSABLE PORTION OF THE CITY'S STREET PRESERVATION PROJECT FOR 2016.

**Indexes:**

**Attachments:** [Exhibit A](#)

This Resolution was adopted unanimously.

8. [17-0290R](#) RESOLUTION APPROVING THE BUDGET FOR THE FISCAL YEAR MAY 1, 2017 TO APRIL 30, 2018 IN THE AMOUNT OF \$6,158,297 FOR THE SPIRIT MOUNTAIN RECREATION AREA AUTHORITY.

Indexes:

Attachments: [Exhibit A](#)

This Resolution was adopted unanimously.

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

9. [17-0311R](#) RESOLUTION AUTHORIZING AN AGREEMENT WITH SHORT ELLIOTT HENDRICKSON, INC., FOR PROFESSIONAL ENGINEERING AND WETLAND DELINEATION SERVICES FOR THE GRAND AVENUE NORDIC SKI CENTER FINAL DESIGN, FOR AN AMOUNT NOT TO EXCEED \$60,700.

Indexes:

Attachments: [Exhibit A](#)

This Resolution was adopted unanimously.

10. [17-0315R](#) RESOLUTION AUTHORIZING A SERVICE AGREEMENT WITH PRAIRIE RESTORATIONS, INC., FOR A PORTION OF THE DWP SITE RESTORATION FOR AN AMOUNT NOT TO EXCEED \$175,950.00.

Indexes:

Attachments: [Exhibit A](#)

This Resolution was adopted unanimously.

**BY COUNCILOR ANDERSON (PERSONNEL)**

11. [17-0317R](#) RESOLUTION CONFIRMING THE APPOINTMENT OF SUSAN HENKE TO THE LIBRARY BOARD

Indexes:

Attachments: [Henke Application](#)

This Resolution was adopted unanimously.

12. [17-0322R](#) RESOLUTION CONFIRMING THE APPOINTMENT OF MARGIE NELSON TO THE PLANNING COMMISSION REPLACING MARK BEEMAN.

**Indexes:**

**Attachments:** [Margie Nelson](#)

This Resolution was adopted unanimously.

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

13. [17-0292R](#) RESOLUTION AUTHORIZING THE CITY OF DULUTH TO ENTER INTO A JOINT POWERS AGREEMENT WITH THE MINNESOTA HOUSING FINANCE AGENCY (MINNESOTA HOUSING) RELATED TO THE 2018 LOW INCOME HOUSING TAX CREDIT PROGRAM.

**Indexes:**

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

[Attachment 2](#)

This Resolution was adopted unanimously.

14. [17-0293R](#) RESOLUTION GRANTING AN INTERIM USE PERMIT FOR A VACATION DWELLING UNIT AT 1137 NORTH 6TH AVENUE EAST (JACOB AND JANETTE SHAW).

**Indexes:**

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

This Resolution was adopted unanimously.

15. [17-0295R](#) RESOLUTION GRANTING AN INTERIM USE PERMIT FOR A VACATION DWELLING UNIT AT 2810 WEST SKYLINE PARKWAY (MIKE KOKOTOVICH).

**Indexes:**

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

This Resolution was adopted unanimously.

16. [17-0296R](#) RESOLUTION GRANTING AN INTERIM USE PERMIT FOR A VACATION DWELLING UNIT AT 1802 MINNESOTA AVENUE (WILLIAM WELLER).

Indexes:

Attachments: [Attachment 1](#)

This Resolution was adopted unanimously.

17. [17-0297R](#) RESOLUTION GRANTING AN INTERIM USE PERMIT FOR A VACATION DWELLING UNIT AT 829 SOUTH LAKE AVENUE (NIKKI OLSON AND TONY CUNEO).

Indexes:

Attachments: [Attachment 1](#)

This Resolution was adopted unanimously.

18. [17-0298R](#) RESOLUTION GRANTING AN INTERIM USE PERMIT FOR A VACATION DWELLING UNIT AT 3102 MINNESOTA AVENUE (BRUCE AND SUSAN KLEVEN).

Indexes:

Attachments: [Attachment 1](#)

This Resolution was adopted unanimously.

19. [17-0299R](#) RESOLUTION GRANTING AN INTERIM USE PERMIT FOR AN ACCESSORY VACATION DWELLING UNIT AT 1325 EAST SKYLINE PARKWAY (IDA ANDERSON).

Indexes:

Attachments: [Attachment 1](#)

This Resolution was adopted unanimously.

20. [17-0300R](#) RESOLUTION GRANTING AN INTERIM USE PERMIT FOR AN ACCESSORY VACATION DWELLING UNIT AT 1505 SOUTH LAKE AVENUE (TJ AND VAL KENNEDY).

Indexes:

Attachments: [Attachment 1](#)

This Resolution was adopted unanimously.

21. [17-0301R](#) RESOLUTION ADOPTING GOVERNING PRINCIPLES FOR THE COMPREHENSIVE PLAN.

Indexes:

Attachments: [Attachment 1](#)

This Resolution was adopted unanimously.

22. [17-0303R](#) RESOLUTION GRANTING AN INTERIM USE PERMIT FOR A VACATION DWELLING UNIT AT 1115 SOUTH LAKE AVENUE (STEVE PITSCHKA).

Indexes:

Attachments: [Attachment 1](#)

This Resolution was adopted unanimously.

23. [17-0304R](#) RESOLUTION VACATING A PLATTED 10 FOOT WIDE UTILITY EASEMENT ON LOTS 12 AND 13, BLOCK 3, OF THE COTTAGE GROVE ADDITION PLAT.

Indexes:

Attachments: [Attachment 1](#)

[Attachment 2](#)

This Resolution was adopted unanimously.

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

24. [17-0312R](#) RESOLUTION ACCEPTING PERMANENT EASEMENT FOR STEAM LINE PURPOSES FROM GATEWAY PROPERTIES, LLLP OVER PROPERTY LOCATED BETWEEN WEST SUPERIOR STREET AND WEST MICHIGAN STREET AT NO COST TO THE CITY.

**Indexes:**

**Attachments:** [Exhibit 1](#)

This Resolution was adopted unanimously.

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

25. [17-0291R](#) RESOLUTION AUTHORIZING PROPER CITY OFFICIALS TO EXECUTE AN INTERGOVERNMENTAL LICENSE AGREEMENT WITH THE CITY OF PORTLAND, OREGON, TO PROVIDE THE DULUTH POLICE DEPARTMENT WITH ACCESS TO THE SEXUAL ASSAULT MANAGEMENT SYSTEM (SAMS) 1.0 SOFTWARE AT NO COST TO THE CITY OF DULUTH.

**Indexes:**

**Attachments:** [Document A 17-0291 R](#)  
[Exhibit A to Doc A 17-0291](#)

This Resolution was adopted unanimously.

**Yea:** 8 - Councilor Anderson, Councilor Filipovich, Councilor Fosle, Councilor Hansen, Councilor Hanson, Councilor Hobbs, Councilor Russ and President Sipress

**Abstain:** 1 - Councilor Westerlund

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

26. [17-0289R](#) RESOLUTION AUTHORIZING AN AGREEMENT WITH THE REGENTS OF THE UNIVERSITY OF MINNESOTA, THROUGH THE UNIVERSITY LIBRARIES, RELATED TO THE MINNESOTA LIBRARY INFORMATION NETWORK.

**Indexes:**

**Attachments:** [Exhibit A](#)

This Resolution was adopted unanimously.

27. [17-0305R](#) RESOLUTION APPROVING SETTLEMENT IN THE AMOUNT OF \$30,000 TO THOMAS HOPPENYAN FOR DAMAGE, PERSONAL INJURY, AND ALL OTHER CLAIMS.

**This Resolution was adopted unanimously.**

28. [17-0306R](#) RESOLUTION APPROVING THE DULUTH TRAVERSE MINI MASTER PLAN AND AUTHORIZING APPLICATION TO THE GREATER MINNESOTA REGIONAL PARKS AND TRAILS COMMISSION TO REQUEST REGIONAL TRAIL DESIGNATION FOR THE DULUTH TRAVERSE.

**Indexes:**

**Attachments:** [Duluth Traverse Trail Masterplan Final 2017.04.14 \(2\)](#)

**This Resolution was adopted unanimously.**

29. [17-0313R](#) RESOLUTION AUTHORIZING A ONE-YEAR AGREEMENT WITH SPIRIT LAKE DEVELOPMENT, LLC FOR THE OPERATION AND MANAGEMENT OF THE INDIAN POINT PARK AND CAMPGROUND.

**Indexes:**

**Attachments:** [Exhibit 1](#)

**This Resolution was adopted unanimously.**

30. [17-0314R](#) RESOLUTION AUTHORIZING A THREE-YEAR NON-EXCLUSIVE USE AGREEMENT WITH ARROWHEAD FAST PITCH LEAGUE ASSOCIATION FOR THE USE OF FIELDS AT WADE STADIUM AND WHEELER ATHLETIC COMPLEX

**Indexes:**

**Attachments:** [2017-2019 Agreement \(signed by group\)](#)

**This Resolution was adopted unanimously.**

**END OF CONSENT AGENDA**

**INTRODUCTION AND CONSIDERATION OF ORDINANCES**

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

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

31. [17-017-O](#) AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF DULUTH TO PROVIDE FOR THE RECLASSIFICATION OF PROPERTY BETWEEN WATER STREET AND SOUTH 23RD AVENUE EAST (2200 BLOCK OF WATER STREET) FROM MU-B TO R-2.

*Indexes:*

*Attachments:* [Attachment 1](#)

[Attachment 2](#)

This Ordinance was read for the first time.

32. [17-018-O](#) AN ORDINANCE GRANTING A CONCURRENT USE PERMIT FOR AN ATTACHED GARAGE IN THE PLATTED STREET RIGHT OF WAY OF 22ND STREET SOUTH.

*Indexes:*

*Attachments:* [Attachment 1](#)

[Attachment 2](#)

This Ordinance was read for the first time.

**COUNCILOR QUESTIONS AND COMMENTS**

**COUNCILOR PREVIEW OF UPCOMING BUSINESS**

Meeting was adjourned at 9:10 p.m.



# City of Duluth

411 West First Street  
Duluth, Minnesota 55802

## Actions and Unofficial Minutes

### 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]*

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Monday, May 8, 2017

7:00 PM

Council Chamber

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#### ROLL CALL

**Present:** 9 - Councilor Gary Anderson, Councilor Zack Filipovich, Councilor Jay Fosle, Councilor Elissa Hansen, Councilor Howie Hanson, Councilor Noah Hobbs, Councilor Barb Russ, Councilor Em Westerlund and President Joel Sipress

#### PLEDGE OF ALLEGIANCE

#### APPROVAL OF MINUTES

1. [17-077](#) April 24, 2017 City Council Meeting Minutes

Indexes:

Attachments: [April 24, 2017 - Council Meeting](#)

This Minutes was approved.

#### PUBLIC HEARING:

**17-025-O - INCORPORATING PREVIOUSLY APPROVED CHANGES INTO THE BOUNDARY DESCRIPTION**

**17-026-O - PERTAINING TO AMENDING OR REPEALING ORDINANCES**

#### REPORTS FROM THE ADMINISTRATION

#### REPORTS FROM OTHER OFFICERS

2. [17-072](#) Application for Exempt Permit – Welch Center Inc.  
Application for Exempt Permit - Lake Superior Museum Association  
Application for Exempt Permit – GND Development Alliance  
Application for Exempt Permit - One Roof Community Housing

**Indexes:**

**Attachments:** [Application for Exempt Permit – Welch Center Inc. 720 N Central Ave – Raffle](#)  
[Application for Exempt Permit - Lake Superior Museum Association – PO Box 177 – Raffle](#)  
[Application for Exempt Permit – GND Development Alliance – 2631 W Superior Street, Suite 2 – Raffle](#)  
[Application for Exempt Permit - One Roof Community Housing – 12 E 4th street – Raffle](#)

This Other Officers Report was received.

## REPORTS OF BOARDS AND COMMISSIONS

3. [17-073](#) Duluth Transit Authority Meeting Minutes

**Indexes:**

**Attachments:** [02-22-2017 Duluth Transit Authority Meeting Minutes](#)

This Board or Commission Report was received.

4. [17-074](#) Duluth Public Utilities Meeting Minutes

**Indexes:**

**Attachments:** [3-21-2017 Duluth Public Utilities Commission Meeting Minutes](#)

This Board or Commission Report was received.

5. [17-075](#) Library Board Meeting Minutes

**Indexes:**

**Attachments:** [3-28-2017 Library Board Meeting Minutes](#)

This Board or Commission Report was received.

6. [17-076](#) Civil Service Board Meeting Minutes

Indexes:

Attachments: [12-6-2016 Civil Service Board Meeting Minutes](#)

This Board or Commission Report was received.

**REPORTS OF COUNCIL COMMITTEES**

**REPORTS OF COUNCIL OPEN ISSUES**

**OPPORTUNITY FOR CITIZENS TO BE HEARD**

**MOTIONS AND RESOLUTIONS**

**CONSENT AGENDA**

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

7. [17-0319R](#) RESOLUTION APPROVING THE APPLICATION FOR AN ON SALE BREWERY MALT LIQUOR LICENSE AND BREWERY MALT LIQUOR OFF SALE AND SUNDAY (TAPROOM) LICENSE OF HOOPS BREWING COMPANY, LLC (HOOPS BREWING), 325 LAKE AVENUE SOUTH.

Indexes:

Attachments: [HOOPS-04142017134906](#)

**This Resolution was adopted unanimously.**

**Yea:** 8 - Councilor Anderson, Councilor Filipovich, Councilor Fosle, Councilor Hanson, Councilor Hobbs, Councilor Russ, Councilor Westerlund and President Sipress

**Abstain:** 1 - Councilor Hansen

8. [17-0320R](#) RESOLUTION APPROVING THE TEMPORARY EXPANSION OF THE DESIGNATED SERVING AREA OF THE ON SALE INTOXICATING LIQUOR LICENSE OF PDL OF DULUTH, INC (CLUB SARATOGA) 331 CANAL PARK DRIVE

**Indexes:**

**Attachments:** [PDL-04182017140213](#)

**This Resolution was adopted unanimously.**

9. [17-0321R](#) RESOLUTION APPROVING ISSUANCE OF AN ON SALE INTOXICATING LIQUOR LICENSE AND SUNDAY LIQUOR LICENSE TO SUPERIOR ALES, LLC (7 WEST TAPHOUSE) 1910 MAPLE GROVE ROAD, SUITE 100.

**Indexes:**

**Attachments:** [7 WEST TAPHOUSE-04182017143407](#)

**This Resolution was adopted unanimously.**

**Yea:** 8 - Councilor Anderson, Councilor Filipovich, Councilor Fosle, Councilor Hanson, Councilor Hobbs, Councilor Russ, Councilor Westerlund and President Sipress

**Abstain:** 1 - Councilor Hansen

10. [17-0332R](#) RESOLUTION APPROVING THE TEMPORARY EXPANSION OF THE DESIGNATED SERVING AREA OF THE ON SALE INTOXICATING LIQUOR LICENSE TO VARIOUS LICENSEES.

**Indexes:**

**Attachments:** [SHOTZ BAR](#)

[ALPINE BAR-04272017142556](#)

[PLAYERS GRANDSTAND-04272017142517](#)

**This Resolution was adopted unanimously.**

**Yea:** 8 - Councilor Anderson, Councilor Filipovich, Councilor Fosle, Councilor Hanson, Councilor Hobbs, Councilor Russ, Councilor Westerlund and President Sipress

**Abstain:** 1 - Councilor Hansen

11. [17-0339R](#) RESOLUTION APPROVING THE TRANSFER OF THE ON SALE WINE AND ON SALE NON INTOXICATING BEER LICENSE FROM STEWART ZANN CORPORATION, 394 LAKE AVENUE SOUTH, DULUTH, TO THE GREATER FOOL, LLC (AMAZING GRACE BAKERY AND CAFE), SAME ADDRESS.

**Indexes:**

**Attachments:** [AMAZING GRACE-04272017154247](#)

**This Resolution was adopted unanimously.**

**Yea:** 8 - Councilor Anderson, Councilor Filipovich, Councilor Fosle, Councilor Hanson, Councilor Hobbs, Councilor Russ, Councilor Westerlund and President Sipress

**Abstain:** 1 - Councilor Hansen

12. [17-0340R](#) RESOLUTION APPROVING ISSUANCE OF AN ON SALE INTOXICATING LIQUOR AND DANCING LICENSE TO A. KRAUSE, LLC. (BLUSH), 18 NORTH 1ST AVENUE WEST

**Indexes:**

**Attachments:** [Attachment A](#)

**This Resolution was adopted unanimously.**

**Yea:** 8 - Councilor Anderson, Councilor Filipovich, Councilor Fosle, Councilor Hanson, Councilor Hobbs, Councilor Russ, Councilor Westerlund and President Sipress

**Abstain:** 1 - Councilor Hansen

13. [17-0341R](#) RESOLUTION AWARDED A CONTRACT TO A.W. KUETTEL & SONS, INC. FOR THE REPLACEMENT OF THE VENTILATION SYSTEM AT THE FLEET SERVICES GARAGE, 4825 MIKE COLALILLO DRIVE, IN THE AMOUNT OF \$277,768.00.

**This Resolution was adopted unanimously.**

14. [17-0344R](#) RESOLUTION APPROVING ISSUANCE OF AN ON SALE INTOXICATING LIQUOR AND SUNDAY LIQUOR LICENSE TO CP DULUTH, INC. (CROOKED PINT ALE HOUSE), 1402 WEST ARROWHEAD ROAD, SUITE 100

**Indexes:**

**Attachments:** [CROOKED PINT ALE HOUSE-04282017092352](#)

**This Resolution was adopted unanimously.**

**Yea:** 8 - Councilor Anderson, Councilor Filipovich, Councilor Fosle, Councilor Hanson, Councilor Hobbs, Councilor Russ, Councilor Westerlund and President Sipress

**Abstain:** 1 - Councilor Hansen

15. [17-0351R](#) RESOLUTION APPROVING THE ISSUANCE OF A LAWFUL GAMBLING PREMISE PERMIT TO CONFIDENCE LEARNING CENTER FOR BREAK ROOM, 501 EAST 4TH STREET, DULUTH MN

**This Resolution was adopted unanimously.**

#### **BY COUNCILOR ANDERSON (PERSONNEL)**

16. [17-0327R](#) RESOLUTION CONFIRMING THE APPOINTMENT OF TRACY A. MONTGOMERY TO THE HEADING HOME ST. LOUIS COUNTY'S GOVERNANCE BOARD, FILLING THE AFFORDABLE HOUSING COALITION REPRESENTATIVE VACANCY.

**Indexes:**

**Attachments:** [M8NTGOMERY APP-04242017111704](#)

**This Resolution was adopted unanimously.**

#### **BY COUNCILOR HOBBS (PUBLIC WORKS & UTILITIES)**

17. [17-0334R](#) RESOLUTION AUTHORIZING AN AGREEMENT WITH ST. LOUIS COUNTY AND THE CITY OF HERMANTOWN TO REVISE THE TRAFFIC SIGNAL AND COMPLETE OTHER PEDESTRIAN IMPROVEMENTS AT THE INTERSECTION OF CSAH 91 (HAINES ROAD) AND MSAS 178 (MALL DRIVE)/MSAS 106 (MARKET STREET) IN THE CITY OF DULUTH AND CITY OF HERMANTOWN.

**Indexes:**

**Attachments:** [17-0334R Map](#)  
[17-0334R Exhibit A](#)

**This Resolution was adopted unanimously.**

18. [17-0335R](#) RESOLUTION AWARDED A CONTRACT TO NORTHLAND CONSTRUCTORS OF DULUTH, LLC FOR THE WHITTIER STREET RECONSTRUCTION PROJECT IN THE AMOUNT OF \$99,677.

**Indexes:**

**Attachments:** [17-0335R Map](#)

**This Resolution was adopted unanimously.**

19. [17-0336R](#) RESOLUTION AWARDED A CONTRACT TO VEIT & COMPANY, INC. FOR THE MICHIGAN STREET SANITARY SEWER CIPP LINING PROJECT IN THE AMOUNT OF \$458,565.

**Indexes:**

**Attachments:** [17-0336R Map](#)

**This Resolution was adopted unanimously.**

20. [17-0343R](#) RESOLUTION AWARDED A CONTRACT TO LAMETTI & SONS, INC. FOR THE 2017 CITYWIDE SANITARY SEWER CIPP LINING PROJECT IN THE AMOUNT OF \$294,486.

**Indexes:**

**Attachments:** [17-0343R Map 1](#)  
[17-0343R Map 2](#)

**This Resolution was adopted unanimously.**

**BY COUNCILOR FOSLE (PUBLIC SAFETY)**

21. [17-0276R](#) RESOLUTION AUTHORIZING AN AGREEMENT BETWEEN THE CITY OF DULUTH AND PASSPORTPARKING, INC. FOR ADMINISTRATION OF MOBILE PAYMENT SERVICES AND INFRASTRUCTURE FOR ALL PUBLIC ON-STREET AND OFF-STREET LOT SPACES IN THE CITY OF DULUTH.

Indexes:

Attachments: [Attachement A](#)

This Resolution was adopted unanimously.

22. [17-0329R](#) RESOLUTION AUTHORIZING THE ACCEPTANCE OF AN AWARD FROM THE UNITED STATES DEPARTMENT OF AGRICULTURE, FOREST SERVICE, IN THE AMOUNT OF \$1,750 FOR APPROVED EQUIPMENT REIMBURSEMENT.

Indexes:

Attachments: [Exhibit A](#)

This Resolution was adopted unanimously.

23. [17-0342R](#) RESOLUTION AUTHORIZING CONSUMPTION OF ALCOHOLIC BEVERAGES IN PUBLIC PLACES IN GARY NEW DULUTH IN CONJUNCTION WITH FAR WEST FEST AND CANAL PARK DULUTH IN CONJUNCTION WITH GRANDMA'S MARATHON AND SUBJECT TO CERTAIN CONDITIONS

This Resolution was adopted unanimously.

24. [17-0359R](#) RESOLUTION AUTHORIZING A LICENSE AGREEMENT WITH THE DULUTH ECONOMIC DEVELOPMENT AUTHORITY TO ALLOW THE DULUTH FIRE DEPARTMENT TO UTILIZE DEDA PROPERTY FOR PARKING DURING A TRAINING EXERCISE IN THE BAYFRONT AREA.

**Indexes:**

**Attachments:** [License Agreement for Lot D agreement for HAZ](#)  
[License Agmt-Exhibit A](#)

This Resolution was adopted unanimously.

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

25. [17-0324R](#) RESOLUTION AUTHORIZING PROPER CITY OFFICIALS TO ACCEPT A GRANT FROM THE DULUTH LEGACY FUND IN THE AMOUNT OF \$2,500 FOR THE DULUTH INVADERS EXPANSION PROJECT.

**Indexes:**

**Attachments:** [Exhibit A Agreement Duluth Invaders](#)

This Resolution was adopted unanimously.

26. [17-0325R](#) RESOLUTION AUTHORIZING PROPER CITY OFFICIALS TO ACCEPT A GRANT FROM THE DULUTH LEGACY FUND IN THE AMOUNT OF \$2,500 TO PURCHASE ICE SKATES FOR THE PUBLIC SKATING PROGRAMS AT BAYFRONT FAMILY CENTER AND HERITAGE SPORTS CENTER.

**Indexes:**

**Attachments:** [Exhibit A Agreement Public Skating](#)

This Resolution was adopted unanimously.

27. [17-0326R](#) RESOLUTION AUTHORIZING PROPER CITY OFFICIALS TO ACCEPT A GRANT ON BEHALF OF GND DEVELOPMENT ALLIANCE FROM THE DULUTH LEGACY ENDOWMENT FUND IN THE AMOUNT OF \$2500 FOR COMMUNITY GARDEN PROJECT.

**Indexes:**

**Attachments:** [Exhibit A GND REC Community Garden Agreement](#)

**This Resolution was adopted unanimously.**

28. [17-0330R](#) RESOLUTION AUTHORIZING A FIRST AMENDMENT TO THE LEASE AGREEMENT WITH DULUTH SOFTBALL PLAYERS ASSOCIATION, INC. FOR THE OPERATION OF THE WHEELER FIELD SOFTBALL COMPLEX CONCESSIONS BUILDING.

**Indexes:**

**Attachments:** [Exhibit A](#)

**This Resolution was adopted unanimously.**

29. [17-0348R](#) RESOLUTION AUTHORIZING A FIVE-YEAR AGREEMENT WITH THE GREATER DOWNTOWN COUNCIL FOR OPERATION OF SIGNAGE IN THE DOWNTOWN SKYWALK SYSTEM.

**Indexes:**

**Attachments:** [Exhibit 1](#)

**This Resolution was adopted unanimously.**

30. [17-0349R](#) RESOLUTION ACCEPTING PERMANENT EASEMENT FOR RECREATIONAL TRAIL AND UTILITY PURPOSES FROM INDUSTRIAL WELDERS & MACHINISTS, INC. OVER PROPERTY ADJACENT TO 40TH AVENUE WEST AND ONEOTA STREET.

**Indexes:**

**Attachments:** [Exhibit 1](#)

[Exhibit 2](#)

[Exhibit 4](#)

[Exhibit 3](#)

**This Resolution was adopted unanimously.**

31. [17-0358R](#) RESOLUTION AUTHORIZING THE PURCHASE OF A PERMANENT EASEMENT FROM VERSO MINNESOTA WISCONSIN LLC FOR PUBLIC RECREATIONAL, WALKWAY, AND TRAIL PURPOSES.

Indexes:

Attachments: [Exhibit 1](#)

[Exhibit 2](#)

[Exhibit 3](#)

[Exhibit 4](#)

[Exhibit 5](#)

This Resolution was adopted unanimously.

32. [17-0360R](#) RESOLUTION AUTHORIZING THE PURCHASE OF REAL PROPERTY FROM SOO LINE RAILROAD COMPANY, D/B/A CANADIAN PACIFIC, IN THE ONEOTA NEIGHBORHOOD.

Indexes:

Attachments: [Exhibit 2](#)

[Exhibit 1](#)

[Exhibit 3](#)

[Exhibit 4](#)

This Resolution was adopted unanimously.

33. [17-0361R](#) RESOLUTION AUTHORIZING A LEASE AGREEMENT WITH CRABBY OL' BILLS, INC. FOR OPERATION OF ITS FOOD VENDING SERVICE IN CANAL PARK.

Indexes:

Attachments: [Exhibit 2](#)

[Exhibit 1](#)

This Resolution was adopted unanimously.

**END OF CONSENT AGENDA**

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

34. [17-0366R](#) RESOLUTION SUPPORTING THE CITY OF DULUTH'S LOCAL AUTHORITY TO PROTECT THE HEALTH, SAFETY AND WELFARE OF OUR COMMUNITY.

**Sponsors:** Westerlund, Sipress and Anderson

This Resolution was tabled.

## INTRODUCTION AND CONSIDERATION OF ORDINANCES

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

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

35. [17-022-O](#) AN ORDINANCE AMENDING SECTIONS 50-19.8, PERMITTED USE TABLE; 50-20.3.O, PARKING LOT OR PARKING STRUCTURE; 50-20.3.T, VETERINARIAN OR ANIMAL HOSPITAL; 50-20.3.U, VACATION DWELLING UNIT; AND 50-20.5.M, ACCESSORY VACATION DWELLING UNIT.

**Indexes:**

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

This Ordinance was read for the first time.

### BY PRESIDENT SIPRESS (COMMITTEE OF THE WHOLE)

36. [17-025-O](#) ORDINANCE INCORPORATING PREVIOUSLY APPROVED CHANGES INTO THE BOUNDARY DESCRIPTION OF THE CITY IN THE CHARTER, AMENDING CHAPTER I, SECTION 1, OF THE CITY CHARTER.

**Indexes:**

**Attachments:** [CityofDuluth B2 Map](#)

This Ordinance was read for the first time.

37. [17-026-O](#) ORDINANCE AMENDING CHAPTER III, SECTION 17, OF THE CITY OF DULUTH HOME RULE CHARTER, 1912, AS AMENDED, PERTAINING TO AMENDING OR REPEALING ORDINANCES.

This Ordinance was read for the first time.

**BY COUNCILOR FOSLE (PUBLIC SAFETY)**

38. [17-019-O](#) ORDINANCE AMENDING CHAPTER 28, ARTICLE VII, SECTIONS 28-63 AND 28-64 OF THE DULUTH CITY CODE TO PROHIBIT SMOKING AT THE CLAYTON JACKSON MCGHIE MEMORIAL.

This Ordinance was read for the first time.

39. [17-023-O](#) ORDINANCE AMENDING CHAPTER 36 OF THE DULUTH CITY CODE, PROHIBITING THE SALE OR PAWN OF STOLEN PROPERTY, AMENDING SECTIONS 36-12, 36-14, 36-15, 36-21, 36-22, 36-24, AND 36-25.

This Ordinance was read for the first time.

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

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

40. [17-017-O](#) AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF DULUTH TO PROVIDE FOR THE RECLASSIFICATION OF PROPERTY BETWEEN WATER STREET AND SOUTH 23RD AVENUE EAST (2200 BLOCK OF WATER STREET) FROM MU-B TO R-2.

**Indexes:**

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

This Ordinance was adopted unanimously.

41. [17-018-O](#) AN ORDINANCE GRANTING A CONCURRENT USE PERMIT FOR AN ATTACHED GARAGE IN THE PLATTED STREET RIGHT OF WAY OF 22ND STREET SOUTH.

Indexes:

Attachments: [Attachment 1](#)

[Attachment 2](#)

This Ordinance was adopted unanimously.

**COUNCILOR QUESTIONS AND COMMENTS**

**COUNCILOR PREVIEW OF UPCOMING BUSINESS**

Meet adjourned at 7:46 p.m.



# City of Duluth

411 West First Street  
Duluth, Minnesota 55802

## Actions and Unofficial Minutes

### 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]*

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Monday, May 22, 2017

7:00 PM

Council Chamber

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#### ROLL CALL

**Present:** 9 - Councilor Gary Anderson, Councilor Zack Filipovich, Councilor Jay Fosle, Councilor Elissa Hansen, Councilor Howie Hanson, Councilor Noah Hobbs, Councilor Barb Russ, Councilor Em Westerlund and President Joel Sipress

#### PLEDGE OF ALLEGIANCE

#### APPROVAL OF MINUTES

1. [17-087](#) May 8, 2017 City Council Meeting Minutes

**Indexes:**

**Attachments:** [May 8, 2017 - Council Meeting](#)

This Minutes was approved.

#### REPORTS FROM THE ADMINISTRATION

#### REPORTS FROM OTHER OFFICERS

2. [17-083](#) Application For Exempt Permit - Woman's Care Center

Indexes:

Attachments: [Application For Exempt Permit - Woman's Care Center](#)

This Other Officers Report was received.

## REPORTS OF BOARDS AND COMMISSIONS

3. [17-081](#) Housing and Redevelopment Authority Meeting Minutes

Indexes:

Attachments: [1-31-2017 Housing and Redevelopment Authority Meeting Minutes](#)

This Board or Commission Report was received.

4. [17-082](#) Duluth Economic Development Authority Meeting Minutes

Indexes:

Attachments: [3-22-2017 Duluth Economic Development Authority Meeting Minutes](#)

This Board or Commission Report was received.

5. [17-084](#) Special Assessment Board - Brick Sidewalk Assessment Policy

December 13, 2016 - Special Assessment Board determined that property owners with brick sidewalks will be responsible for repair of sidewalks adjacent to their property.

Indexes:

Attachments: [Special Assessment Board - Brick Sidewalk Assessment Policy](#)

This Board or Commission Report was received.

6. [17-088](#) Special Assessment Board - Developer Deposits and Credit Risk

May 9, 2017 - The Special Assessment Board determined that it would be appropriate to clarify the procedures for Developer's requesting to be special assessed for public improvements so that the city would be consistent between Developers.

**Indexes:**

**Attachments:** [Special Assessment Board -Developer Deposits and Credit Risk](#)

This Board or Commission Report was received.

7. [17-089](#) Resolution No. 17-PUC-003: RESOLUTION OF THE DULUTH PUBLIC UTILITIES COMMISSION APPROVING THE INTENT TO ESTABLISH A 6-YEAR PLAN FOR WATER RATES TO FUND NECESSARY CAPITAL IMPROVEMENTS TO THE CITY WATER SYSTEM.

**Indexes:**

**Attachments:** [17PUC-003](#)

This Board or Commission Report was received.

8. [17-090](#) 4-18-2017 Duluth Public Utilities Commission Meeting Minutes

**Indexes:**

**Attachments:** [4-18-2017 Duluth Public Utilities Commission Meeting Minutes](#)

This Board or Commission Report was received.

**REPORTS OF COUNCIL COMMITTEES**

**REPORTS OF COUNCIL OPEN ISSUES**

**OPPORTUNITY FOR CITIZENS TO BE HEARD**

**RESOLUTIONS TABLED**

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

9. [17-0366R](#) RESOLUTION SUPPORTING THE CITY OF DULUTH'S LOCAL AUTHORITY TO PROTECT THE HEALTH, SAFETY AND WELFARE OF OUR COMMUNITY.

**Sponsors:** Westerlund, Sipress and Anderson

**This Resolution was adopted.**

**Yea:** 5 - Councilor Anderson, Councilor Filipovich, Councilor Russ, Councilor Westerlund and President Sipress

**Nay:** 4 - Councilor Fosle, Councilor Hansen, Councilor Hanson and Councilor Hobbs

## MOTIONS AND RESOLUTIONS

### CONSENT AGENDA

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

10. [17-0376R](#) RESOLUTION AUTHORIZING THE SOLE SOURCE PURCHASE OF STREET LIGHTING CONTROLS FROM ARCHITECTURAL LIGHTING DESIGNS, INC. FOR A TOTAL AMOUNT OF \$66,225.00.

**Indexes:**

**Attachments:** [Exhibit A](#)

**This Resolution was adopted unanimously.**

11. [17-0392R](#) RESOLUTION AUTHORIZING AN AMENDMENT TO AN AGREEMENT WITH LHB, INC. FOR ADDITIONAL SERVICES FOR THE WESTERN WATERFRONT PARKS AND TRAIL MASTER PLAN, FOR AN INCREASE OF \$9,877.75, AND A NEW CONTRACT TOTAL NOT TO EXCEED \$80,869.75.

**Indexes:**

**Attachments:** [Exhibit A](#)

**This Resolution was adopted unanimously.**

12. [17-0399R](#) RESOLUTION AUTHORIZING A CONTRACT WITH CRYSTEEL TRUCK EQUIPMENT FOR THE REFURBISHMENT, PURCHASE AND INSTALLATION OF EQUIPMENT AND SUPPLIES TO FULLY OUTFIT THREE (3) PLOW/SANDER TRUCKS IN THE AMOUNT OF \$304,190.83

Indexes:

Attachments: [Exhibit A](#)  
[Exhibit B](#)

This Resolution was adopted unanimously.

**BY COUNCILOR ANDERSON (PERSONNEL)**

13. [17-0387R](#) RESOLUTION APPROVING PROPOSED SPECIFICATIONS FOR THE NEW CIVIL SERVICE CLASSIFICATION OF INSTRUMENT SPECIALIST, AND SPECIFYING CONTRACT BENEFITS FOR SAME.

Indexes:

Attachments: [Instrument Specialist](#)

This Resolution was adopted unanimously.

14. [17-0388R](#) RESOLUTION APPROVING PROPOSED SPECIFICATIONS FOR THE NEW CIVIL SERVICE CLASSIFICATION OF OPIOID PROGRAM TECHNICIAN, AND SPECIFYING CONTRACT BENEFITS FOR SAME.

Indexes:

Attachments: [Opioid Program Technician](#)

This Resolution was adopted unanimously.

15. [17-0401R](#) RESOLUTION CONFIRMING THE APPOINTMENT OF DENNIS ISERNHAGEN TO THE PARKS AND RECREATION COMMISSION DISTRICT 2 VACANCY.

Indexes:

Attachments: [Isernhagen](#)

This Resolution was adopted unanimously.

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

16. [17-0273R](#) RESOLUTION AUTHORIZING REPROGRAMMING OF \$290,094.92 IN 2016 CDBG FUNDS AND TRANSFERRING IT TO THE HRA HOUSING REHAB PROGRAM, ONE ROOF HOUSING SERVICES PROGRAM, AND DULUTH HOUSING SERVICES PROGRAM.

**Indexes:**

**Attachments:** [16-HS-05 - One Roof Housing Services Contract](#)  
[16-HS-06 - HRA Housing Rehab Project Contract](#)

**This Resolution was adopted unanimously.**

**Yea:** 8 - Councilor Anderson, Councilor Filipovich, Councilor Fosle, Councilor Hansen, Councilor Hanson, Councilor Russ, Councilor Westerlund and President Sipress

**Abstain:** 1 - Councilor Hobbs

17. [17-0362R](#) RESOLUTION APPROVING A PRE-COMMITMENT OF \$200,000 FISCAL YEAR 2018 FUNDING ALLOCATION TO THE CITY OF DULUTH FROM THE FEDERAL DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT (HUD) FOR CONSTRUCTION OF GARFIELD SQUARE APARTMENTS.

**This Resolution was adopted unanimously.**

18. [17-0377R](#) RESOLUTION OF INTENT TO SUPPORT THE REQUEST BY ONE ROOF COMMUNITY HOUSING, TO THE STATE OF MINNESOTA FOR THE AWARD OF LOW-INCOME HOUSING TAX CREDITS FOR THE DECKER DWELLINGS DEVELOPMENT PROJECT.

**This Resolution was adopted.**

**Yea:** 8 - Councilor Anderson, Councilor Filipovich, Councilor Fosle, Councilor Hansen, Councilor Hanson, Councilor Russ, Councilor Westerlund and President Sipress

**Abstain:** 1 - Councilor Hobbs

19. [17-0378R](#) RESOLUTION OF INTENT TO SUPPORT THE REQUEST BY CENTER CITY HOUSING CORPORATION FOR THE AWARD OF LOW-INCOME HOUSING TAX CREDITS FOR GARFIELD SQUARE APARTMENTS.

**This Resolution was adopted unanimously.**

20. [17-0381R](#) RESOLUTION VACATING A PLATTED STREET EASEMENT FOR FURNACE AVENUE AND BOULEVARD AVENUE NORTH, AND A PLATTED ALLEY EASEMENT EAST OF BOUNDARY AVENUE, IN STEEL PLANT TERMINAL ADDITION, AND RETENTION OF A STREET AND UTILITY EASEMENT FOR TERMINAL AVENUE.

Indexes:

Attachments: [Attachment 1](#)

This Resolution was adopted unanimously.

21. [17-0383R](#) RESOLUTION GRANTING AN INTERIM USE PERMIT FOR A PRIVATE CLUB IN AN R-2 ZONE DISTRICT.

Indexes:

Attachments: [Attachment 1](#)

This Resolution was adopted unanimously.

22. [17-0384R](#) RESOLUTION VACATING THE ENTIRE WIDTH OF ATLANTIC AVENUE BETWEEN WEST 6TH STREET AND WELLINGTON STREET, MAINTAINING A PEDESTRIAN AND UTILITY EASEMENT OVER THE WESTERN 50 FEET.

Indexes:

Attachments: [Attachment 1](#)

[Attachment 2](#)

This Resolution was adopted unanimously.

23. [17-0390R](#) RESOLUTION AUTHORIZING A TEN-YEAR LEASE AGREEMENT WITH COMMUNITY ACTION DULUTH FOR USE OF REAL PROPERTY ADJACENT TO NORTH 45TH AVENUE WEST IN THE DENFELD NEIGHBORHOOD FOR YEAR-ROUND FOOD PRODUCTION THROUGH ITS SEEDS OF SUCCESS PROGRAM.

Indexes:

Attachments: [Attachment 1](#)

This Resolution was adopted unanimously.

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

24. [17-0333R](#) RESOLUTION DESIGNATING POLLING PLACE FOR THE SEPTEMBER 12, 2017 MUNICIPAL AND SCHOOL BOARD PRIMARY ELECTION, AND THE NOVEMBER 7, 2017, MUNICIPAL AND SCHOOL BOARD GENERAL ELECTION.

This Resolution was adopted unanimously.

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

25. [17-0367R](#) RESOLUTION AWARDING A CONTRACT TO HANCO UTILITIES, INC. FOR THE 2017 CITY WIDE GAS METER RELOCATION PROJECT IN THE AMOUNT OF \$344,375.

This Resolution was adopted unanimously.

26. [17-0370R](#) RESOLUTION AMENDING AN AGREEMENT WITH LHB, INC. TO PROVIDE DESIGN AND CONSTRUCTION ENGINEERING SERVICES FOR THE SKYLINE PARKWAY RETAINING WALL RESTORATION PROJECT, TO INCREASE THE AMOUNT BY \$107,683 FOR A NEW TOTAL OF \$211,179.

**Indexes:**

**Attachments:** [17-0370R Estimate](#)  
[17-0370R Map](#)

This Resolution was adopted unanimously.

27. [17-0372R](#) RESOLUTION ACCEPTING A STREET AND UTILITY EASEMENT FROM DARYL AND TERRI BLAZIER.

**Indexes:**

**Attachments:** [Exhibit A - Blazier Easement](#)

This Resolution was adopted unanimously.

28. [17-0386R](#) RESOLUTION AMENDING CONTRACT 22878 WITH STACK BROS. MECHANICAL CONTRACTORS, INC., FOR ADDITIONAL WORK TO MODIFY THE GAS BURNER CONTROL SYSTEM FOR TWO BOILERS AT DULUTH ENERGY SYSTEMS, FOR AN ADDITIONAL AMOUNT OF \$77,244.47, AND A NEW AMENDED CONTRACT TOTAL OF \$249,934.47.

**Indexes:**

**Attachments:** [Exhibit A](#)

**This Resolution was adopted unanimously.**

29. [17-0391R](#) RESOLUTION AUTHORIZING THE CITY OF DULUTH TO ENTER INTO AN AGREEMENT AND RELEASE WITH HOVLAND, INC., AND LON HOVLAND TO ACCEPT IMPROVEMENTS MADE TO CITY PROPERTY IN FULL SETTLEMENT OF A DISPUTED CLAIM.

**Indexes:**

**Attachments:** [Attachment A](#)

**This Resolution was adopted unanimously.**

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

30. [17-0364R](#) RESOLUTION AUTHORIZING ACCEPTANCE AND EXECUTION OF A HOST SITE AGREEMENT WITH THE MINNESOTA POLLUTION CONTROL AGENCY FOR THE 2017-2018 PROGRAM YEAR GREENCORPS MEMBER.

**Indexes:**

**Attachments:** [Exhibit A sample agreement](#)  
[Exhibit B application](#)

**This Resolution was adopted unanimously.**

31. [17-0365R](#) RESOLUTION AUTHORIZING DISBURSEMENT OF GRANT FUNDS IN THE AMOUNT OF \$55,500 FROM THE PARKS FUND NEIGHBORHOOD GRANT PROGRAM.

Indexes:

Attachments: [Exhibit A grant agreement](#)

This Resolution was adopted unanimously.

32. [17-0380R](#) RESOLUTION AUTHORIZING A RELEASE AND RIGHT OF REMOVAL AGREEMENT WITH DULUTH SEAWAY PORT AUTHORITY FOR THE REMOVAL OF DREDGED MATERIAL FROM ERIE PIER.

Indexes:

Attachments: [Exhibit A agreement](#)

This Resolution was adopted unanimously.

33. [17-0393R](#) RESOLUTION AUTHORIZING A THREE-YEAR AGREEMENT WITH THE DULUTH AREA FAMILY Y.M.C.A. FOR THE OPERATION AND MANAGEMENT OF THE PARK POINT BEACH HOUSE AND RECREATION AREA DURING THE 2017, 2018, AND 2019 SUMMER SEASONS.

Indexes:

Attachments: [Exhibit 1](#)

This Resolution was adopted unanimously.

34. [17-0394R](#) RESOLUTION AUTHORIZING A THREE-YEAR NON-EXCLUSIVE USE AGREEMENT WITH THE DULUTH AREA FAMILY Y.M.C.A. FOR THE USE OF CHESTER PARK FOR CAMP KITCHIGAMI.

Indexes:

Attachments: [Exhibit 1](#)

[Exhibit 2](#)

This Resolution was adopted unanimously.

35. [17-0395R](#) RESOLUTION AUTHORIZING A THREE-YEAR AGREEMENT WITH JUNGLE BOY BOXING GYM FOR THE LEASE AND OPERATION OF THE OBSERVATION COMMUNITY CENTER FOR ITS YOUTH BOXING PROGRAM.

Indexes:

Attachments: [Exhibit 1](#)

This Resolution was adopted unanimously.

36. [17-0396R](#) RESOLUTION AUTHORIZING A THREE-YEAR NON-EXCLUSIVE USE AGREEMENT WITH THE DULUTH SOFTBALL PLAYERS ASSOCIATION. FOR THE USE OF TONY EMANUEL FIELD AT WOODLAND COMMUNITY CENTER.

Indexes:

Attachments: [Exhibit 1](#)

This Resolution was adopted unanimously.

37. [17-0398R](#) RESOLUTION AUTHORIZING A THREE-YEAR LEASE AGREEMENT WITH THE STEWARDSHIP NETWORK FOR THE USE OF SPACE AT CITY HALL.

Indexes:

Attachments: [Exhibit 1](#)

This Resolution was adopted unanimously.

**END OF CONSENT AGENDA**

**INTRODUCTION AND CONSIDERATION OF ORDINANCES**

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

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

38. [17-020-O](#) AN ORDINANCE AMENDING SECTIONS 29A-27, 29A-29, 29A-32, AND 29A.34 RELATED TO RENTAL PROPERTY LICENSING AND OFF-STREET PARKING

This Ordinance was read for the first time.

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

39. [17-021-O](#) AN ORDINANCE AMENDING SECTIONS 50-24, PARKING AND LOADING; 50-35, PROCEDURES SUMMARY TABLE; AND 50-37, REVIEW AND APPROVAL PROCESS

**Indexes:**

**Attachments:** [Attachment A - Sec 50-24-3 Permitted Parking Areas](#)  
[Attachment B - Sec 50-24-4 Parking Design Standards \(As Amended\)](#)  
[Attachment C - Sec 50-35-1 Summary table](#)  
[Attachment 1](#)  
[Motion To Amend \(Fosle\) - Passed Unanimously](#)  
[Motion To Amend \(Filipovich\) - Withdrawn](#)  
[Motion To Amend 2 \(Filipovich\) - Withdrawn](#)  
[Attachment B - Original](#)

This Ordinance was read for the first time.

40. [17-027-O](#) AN ORDINANCE AMENDING THE APPROVED REGULATING PLAN FOR RAMSEY VILLAGE TO ALLOW A MIXED USE RESIDENTIAL AND COMMERCIAL BUILDING AT NORTH 53RD AND 54TH AVENUES WEST AND RAMSEY STREET.

**Indexes:**

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

This Ordinance was read for the first time.

41. [17-028-O](#) AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF DULUTH TO PROVIDE FOR THE RECLASSIFICATION OF PROPERTY BETWEEN ANCHOR STREET AND PARK PLACE AND BETWEEN SOUTH BOUNDARY AVENUE AND TERMINAL AVENUE FROM R-1 TO MU-N.

**Indexes:**

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

This Ordinance was read for the first time.

42. [17-029-O](#) AN ORDINANCE GRANTING A CONCURRENT USE PERMIT FOR PRIVATE DETACHED GARAGE IN THE PLATTED STREET RIGHT OF WAY OF 58TH AVENUE EAST.

**Indexes:**

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

This Ordinance was read for the first time.

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

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

43. [17-022-O](#) AN ORDINANCE AMENDING SECTIONS 50-19.8, PERMITTED USE TABLE; 50-20.3.O, PARKING LOT OR PARKING STRUCTURE; 50-20.3.T, VETERINARIAN OR ANIMAL HOSPITAL; 50-20.3.U, VACATION DWELLING UNIT; AND 50-20.5.M, ACCESSORY VACATION DWELLING UNIT.

**Indexes:**

**Attachments:** [Attachment 1](#)  
[Motion to Split \(Hobbs\) - Passed \(Y: 5 N:4\)](#)

This Ordinance was withdrawn.

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

44. [17-025-O](#) ORDINANCE INCORPORATING PREVIOUSLY APPROVED CHANGES INTO THE BOUNDARY DESCRIPTION OF THE CITY IN THE CHARTER, AMENDING CHAPTER I, SECTION 1, OF THE CITY CHARTER.

Indexes:

Attachments: [CityofDuluth B2 Map](#)

This Ordinance was adopted unanimously.

45. [17-026-O](#) ORDINANCE AMENDING CHAPTER III, SECTION 17, OF THE CITY OF DULUTH HOME RULE CHARTER, 1912, AS AMENDED, PERTAINING TO AMENDING OR REPEALING ORDINANCES.

This Ordinance was adopted unanimously.

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

46. [17-019-O](#) ORDINANCE AMENDING CHAPTER 28, ARTICLE VII, SECTIONS 28-63 AND 28-64 OF THE DULUTH CITY CODE TO PROHIBIT SMOKING AT THE CLAYTON JACKSON MCGHIE MEMORIAL.

This Ordinance was adopted unanimously.

47. [17-023-O](#) ORDINANCE AMENDING CHAPTER 36 OF THE DULUTH CITY CODE, PROHIBITING THE SALE OR PAWN OF STOLEN PROPERTY, AMENDING SECTIONS 36-12, 36-14, 36-15, 36-21, 36-22, 36-24, AND 36-25.

This Ordinance was adopted unanimously.

#### **COUNCILOR QUESTIONS AND COMMENTS**

#### **COUNCILOR PREVIEW OF UPCOMING BUSINESS**

Meeting adjourned at 9:17 p.m.



# City of Duluth

411 West First Street  
Duluth, Minnesota 55802

## Actions and Unofficial Minutes

### 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]*

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Thursday, June 8, 2017

5:15 PM

Council Chamber

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### Special Council Meeting

#### ROLL CALL

**Present:** 8 - Councilor Gary Anderson, Councilor Zack Filipovich, Councilor Elissa Hansen, Councilor Howie Hanson, Councilor Noah Hobbs, Councilor Barb Russ, Councilor Em Westerlund and President Joel Sipress

**Absent:** 1 - Councilor Jay Fosle

#### PLEDGE OF ALLEGIANCE

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

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

1. [17-033-O](#) ORDINANCE AMENDING SECTION 8-17, CHAPTER 8, OF THE DULUTH CITY CODE RELATING TO THE DAYS AND HOURS OF SALE OF INTOXICATING LIQUOR AND REPEALING THE PROHIBITION ON SUNDAY OFF-SALE OF INTOXICATING LIQUOR.

This Ordinance was read for the first time.



# City of Duluth

411 West First Street  
Duluth, Minnesota 55802

## Actions and Unofficial Minutes

### 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]*

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Monday, June 12, 2017

7:00 PM

Council Chamber

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#### ROLL CALL

**Present:** 8 - Councilor Gary Anderson, Councilor Zack Filipovich, Councilor Jay Fosle, Councilor Howie Hanson, Councilor Noah Hobbs, Councilor Barb Russ, Councilor Em Westerlund and President Joel Sipress

**Absent:** 1 - Councilor Elissa Hansen

#### PLEDGE OF ALLEGIANCE

#### APPROVAL OF MINUTES

1. [17-099](#) May 22, 2017 City Council Meeting Minutes

**Indexes:**

**Attachments:** [May 22, 2017 - Council Meeting](#)

This Minutes were approved.

#### PRESENTATION OF PETITIONS AND OTHER COMMUNICATIONS

2. [17-098](#) Harold Nynas & Others - 17-021-O Petition

Indexes:

Attachments: [Harold Nynas & Others - Petition 17-021-O](#)

This Petition/Other Communication was received.

## REPORTS FROM THE ADMINISTRATION

## REPORTS FROM OTHER OFFICERS

3. [17-092](#) Application For Exempt Permit - Gary New Duluth Community Club

Indexes:

Attachments: [Application For Exempt Permit - Gary New Duluth Community Club](#)

This Other Officers Report was received.

## REPORTS OF BOARDS AND COMMISSIONS

4. [17-091](#) 3-29-2017 Duluth Transit Authority Meeting Minutes

Indexes:

Attachments: [3-29-2017 Duluth Transit Authority Meeting Minutes](#)

This Board or Commission Report was received.

5. [17-094](#) 2-07-2017 Civil Service Board Meeting Minutes

Indexes:

Attachments: [2-07-2017 Civil Service Board Meeting Minutes](#)

This Board or Commission Report was received.

- 6. [17-095](#) 1/31/2017, 3/30/2017 & 4/25/2017. Housing Redevelopment Authority Meeting Minutes

**Indexes:**

- Attachments:** [1-31-2017 Housing and Redevelopment Authority Meeting Minutes](#)  
[3-30-2017 Housing and Redevelopment Authority Meeting Minutes](#)  
[4-25-2017 Housing and Redevelopment Authority Meeting Minutes](#)

**This Board or Commission Report was received.**

- 7. [17-097](#) January 31, February 28 & March 28, 2017 Duluth Entertainment Convention Center Meeting Minutes

**Indexes:**

- Attachments:** [1-31-2017 Duluth Entertainment Convention Center Meeting Minutes](#)  
[2-28-2017 Duluth Entertainment Convention Center Meeting Minutes](#)  
[3-28-2017 Duluth Entertainment Convention Center Meeting Minutes](#)

**This Board or Commission Report was received.**

**REPORTS OF COUNCIL COMMITTEES**

**REPORTS OF COUNCIL OPEN ISSUES**

**OPPORTUNITY FOR CITIZENS TO BE HEARD**

**CONSENT AGENDA**

**BY COUNCILOR HANSEN (FINANCE)**

- 8. [17-0331R](#) RESOLUTION CONFIRMING ASSESSMENT ROLL FOR SIDEWALK REPAIRS AT THREE CITY LOCATIONS IN 2016.

**Indexes:**

- Attachments:** [Exhibit A](#)

**This Resolution was adopted unanimously.**

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

9. [17-0338R](#) RESOLUTION APPROVING THE PERMANENT EXPANSION OF THE DESIGNATED SERVING AREA OF THE ON SALE INTOXICATING LIQUOR LICENSE OF ZENITH ASSET COMPANY (INN ON LAKE SUPERIOR), 350 CANAL PARK DRIVE.

Indexes:

Attachments: [INN ON LAKE SUPERIOR-04272017142711](#)

This Resolution was adopted unanimously.

10. [17-0416R](#) RESOLUTION AUTHORIZING AN AMENDMENT TO AGREEMENT 23155 WITH PRAIRIE RESTORATIONS, INC., FOR ADDITIONAL SERVICES FOR A PORTION OF THE DWP SITE RESTORATION, AN INCREASE OF \$13,547, FOR A NEW TOTAL AMOUNT NOT TO EXCEED \$189,497.

Indexes:

Attachments: [Exhibit A](#)

This Resolution was adopted unanimously.

11. [17-0422R](#) RESOLUTION APPROVING ISSUANCE OF A TEMPORARY ON SALE INTOXICATING LIQUOR LICENSE TO DULUTH AMATEUR HOCKEY ASSOCIATION.

Indexes:

Attachments: [DULUTH AMATEUR HOCKEY-05172017124656](#)

This Resolution was adopted unanimously.

12. [17-0423R](#) RESOLUTION APPROVING THE TEMPORARY EXPANSION OF THE DESIGNATED SERVING AREA OF THEIR ON SALE INTOXICATING LIQUOR LICENSE TO VARIOUS LICENSEES.

**Indexes:**

**Attachments:** [THE REEF BAR-Attachment A](#)  
[BEDROCK Attachment B](#)  
[SIR BENS Attachment C](#)

**This Resolution was adopted unanimously.**

13. [17-0424R](#) RESOLUTION APPROVING ISSUANCE OF A TEMPORARY ON SALE INTOXICATING LIQUOR LICENSE TO RIDGEVIEW COUNTRY CLUB.

**Indexes:**

**Attachments:** [RIDGEVIEW-05242017090116](#)

**This Resolution was adopted unanimously.**

14. [17-0425R](#) RESOLUTION APPROVING THE APPLICATION FOR AN ON SALE INTOXICATING LIQUOR DANCE LICENSE OF LUCKYS 13 PUB, DULUTH MILLER HILL MALL, LLC.

**Indexes:**

**Attachments:** [LUCKY 13 DANCE APPLICATION](#)

**This Resolution was adopted unanimously.**

15. [17-0426R](#) RESOLUTION APPROVING THE ISSUANCE OF A LAWFUL GAMBLING PREMISE PERMIT TO DULUTH ELKS CLUB #133 FOR THE ALL AMERICAN CLUB, 1931 MICHIGAN STREET, DULUTH MN

**This Resolution was adopted unanimously.**

16. [17-0434R](#) RESOLUTION AUTHORIZING THE PURCHASE OF TWELVE MONTHS OF GPS/AVL SYSTEM USAGE FROM PRECISE MRM, LLC, IN THE AMOUNT OF \$126,000.

**This Resolution was adopted.**

**Yea:** 7 - Councilor Anderson, Councilor Filipovich, Councilor Hanson, Councilor Hobbs, Councilor Russ, Councilor Westerlund and President Sipress

**Nay:** 1 - Councilor Fosle

**Absent:** 1 - Councilor Hansen

17. [17-0449R](#) RESOLUTION APPROVING ISSUANCE OF AN ON SALE INTOXICATING LIQUOR LICENSE TO DULUTH COFFEE COMPANY, INC. (DULUTH COFFEE COMPANY), 101 EAST SUPERIOR STREET

**Indexes:**

**Attachments:** [DULUTH COFFEE COMPANY ATTACHMENT A](#)

**This Resolution was adopted unanimously.**

18. [17-0450R](#) RESOLUTION APPROVING ISSUANCE OF A TEMPORARY ON SALE INTOXICATING LIQUOR LICENSE TO MINNESOTA CRAFT BREWERS GUILD, BAYFRONT PARK.

**Indexes:**

**Attachments:** [MN CRAFT BREWERS GUILD ATTACHMENT A](#)

**This Resolution was adopted unanimously.**

#### **BY COUNCILOR ANDERSON (PERSONNEL)**

19. [17-0415R](#) RESOLUTION CONFIRMING THE APPOINTMENT OF NOLAND MAKOWSKY TO THE COMMUNITY DEVELOPMENT COMMITTEE.

**Indexes:**

**Attachments:** [Noland Makowsky Application](#)

**This Resolution was adopted unanimously.**

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

20. [17-0427R](#) RESOLUTION APPROVING DEDA RESOLUTION 17D-10 AUTHORIZING AGREEMENT WITH JAMAR COMPANY FOR REPAIR OF THE MRO BUILDING IN THE AMOUNT OF \$327,750.

Indexes:

Attachments: [Attachment A](#)

**This Resolution was adopted unanimously.**

21. [17-0436R](#) RESOLUTION REPROGRAMMING FUNDS FROM THE 2015 PROGRAM YEAR IN THE AMOUNT OF \$25,500.00, AND FUND 261 IN THE AMOUNT OF \$114,924.21 AND FROM FUND 263 \$6,129.24 AND AUTHORIZING THE COMMITMENT OF \$53,446.55 FROM CDBG HOUSING RLF FOR A TOTAL OF \$200,000.00 TO THE 2016 PROGRAM YEAR GATEWAY MULTIFAMILY HOUSING PROJECT.

**This Resolution was adopted unanimously.**

22. [17-0439R](#) RESOLUTION REPROGRAMMING FUNDS FROM THE 2014 PROGRAM YEAR IN THE AMOUNT OF \$10,000.00, and \$80,877.24 FROM PRE-2015 UNCOMMITTED HOME FUNDS FOR A TOTAL OF \$90,877.24.

**This Resolution was adopted unanimously.**

23. [17-0445R](#) RESOLUTION AUTHORIZING AN AMENDMENT TO THE LEAD-BASED PAINT HAZARD CONTROL PROGRAM GRANT AGREEMENT WITH THE HOUSING AND REDEVELOPMENT AUTHORITY OF DULUTH, MINNESOTA, AND AUTHORIZING A FUNDING AGREEMENT WITH ST. LOUIS COUNTY HOUSING AND REDEVELOPMENT AUTHORITY AND THE HOUSING REDEVELOPMENT AUTHORITY OF DULUTH, MINNESOTA, WHEREBY THE CITY WILL PROVIDE \$200,000 IN REPLACEMENT FUNDING FOR THE GATEWAY PROJECT.

Indexes:

Attachments: [Exhibit A - 17-0445R](#)

[Exhibit B - 17-0445R](#)

This Resolution was adopted unanimously.

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

24. [17-0371R](#) RESOLUTION AWARDED A CONTRACT TO HOVLAND, INC. FOR THE IRVING PLACE NEIGHBORHOOD CPR PROJECT IN THE AMOUNT OF \$318,880.

Indexes:

Attachments: [17-0371R Map](#)

This Resolution was adopted unanimously.

25. [17-0414R](#) RESOLUTION AUTHORIZING ASSESSMENT AGREEMENT WITH ROBERT J. AND RUTH I. MCCAULEY AND ACCEPTING NOTE AND MORTGAGE RELATING TO THE RECONSTRUCTION OF THEIR SIDEWALK AT 1123 E. 11TH STREET.

Indexes:

Attachments: [17-0414R Exhibit 1](#)

[17-0414R Exhibit A](#)

[17-0414R Exhibit B](#)

This Resolution was adopted unanimously.

26. [17-0428R](#) RESOLUTION AWARDING A CONTRACT TO ULLAND BROTHERS, INC. FOR THE FOURTH STREET OVERLAY PROJECT IN THE AMOUNT OF \$579,845.

Indexes:

Attachments: [17-0428R Map](#)

This Resolution was adopted unanimously.

27. [17-0432R](#) RESOLUTION AWARDING A CONTRACT TO A PLUS LANDSCAPING, LLC FOR THE AMITY CREEK BANK STABILIZATION PROJECT IN THE AMOUNT OF \$319,775.

Indexes:

Attachments: [17-0432R Map](#)

This Resolution was adopted unanimously.

28. [17-0441R](#) RESOLUTION AWARDING A CONTRACT TO ULLAND BROTHERS, INC. FOR THE CONGDON BOULEVARD RECLAMATION PROJECT IN THE AMOUNT OF \$2,083,348.

Indexes:

Attachments: [17-0441R Map](#)

This Resolution was adopted unanimously.

29. [17-0447R](#) RESOLUTION AUTHORIZING AMENDMENT 1 TO RESOLUTION 16-0003R AUTHORIZING A CONTRACT WITH SEH, INC. FOR PROFESSIONAL ENGINEERING SERVICES TO PROVIDE DESIGN ENGINEERING FOR THE CONGDON BOULEVARD RECLAMATION PROJECT, TO INCREASE THE AMOUNT BY \$39,255 FOR A NEW TOTAL OF \$126,255.

Indexes:

Attachments: [17-0447R Exhibit A](#)  
[17-0447R Proposal](#)

This Resolution was adopted unanimously.

**BY COUNCILOR FOSLE (PUBLIC SAFETY)**

30. [17-0440R](#) RESOLUTION AUTHORIZING THE PURCHASE OF SEVEN (7) 2017 FORD UTILITY INTERCEPTOR VEHICLES FROM FORD OF HIBBING IN THE AMOUNT OF \$220,470.63.

This Resolution was adopted unanimously.

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

31. [17-0397R](#) RESOLUTION AUTHORIZING A THREE-YEAR LEASE AGREEMENT WITH THE DULUTH AREA FAMILY Y.M.C.A. FOR THE OPERATION AND MANAGEMENT OF THE UPPER LEVEL OF THE WOODLAND COMMUNITY CENTER.

Indexes:

Attachments: [Exhibit 1](#)

This Resolution was adopted unanimously.

32. [17-0442R](#) RESOLUTION AUTHORIZING A FIVE-YEAR LICENSE AGREEMENT WITH THE STATE OF MINNESOTA FOR BIOCONTROL OF EMERALD ASH BORER AT HARTLEY PARK.

Indexes:

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

This Resolution was adopted unanimously.

33. [17-0443R](#) RESOLUTION AUTHORIZING A THREE-YEAR USE AGREEMENT WITH EASTERN LITTLE LEAGUE OF DULUTH, INC. FOR THE USE OF COMO PARK BASEBALL FIELDS, JOHN BAGGS MEMORIAL BASEBALL FIELD, AND TONY EMANUEL BASEBALL FIELD.

Indexes:

Attachments: [Exhibit 1](#)

This Resolution was adopted unanimously.

34. [17-0444R](#) RESOLUTION AUTHORIZING AN OPERATION AND MAINTENANCE PLAN AND CONSERVATION PRACTICE ASSISTANCE CONTRACT RELATED TO THE TISCHER CREEK RESTORATION PROJECT.

Indexes:

Attachments: [Exhibit 1](#)

[Exhibit 2](#)

[Exhibit 3](#)

This Resolution was adopted unanimously.

35. [17-0446R](#) RESOLUTION AUTHORIZING AN EIGHTEEN-MONTH LICENSE AGREEMENT WITH COMMUNITY ACTION DULUTH FOR TREE PLANTING NEAR THE WESTERN WATERFRONT TRAIL.

Indexes:

Attachments: [Exhibit 1](#)

[Exhibit 2](#)

This Resolution was adopted unanimously.

**END OF CONSENT AGENDA**

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

36. [17-0421R](#) RESOLUTION VETOING DULUTH PUBLIC UTILITIES COMMISSION'S 6-YEAR WATER RATE PLAN.

Sponsors: Hanson

Indexes:

Attachments: [Exhibit A - PUC Resolution](#)

This Resolution was withdrawn.

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

37. [17-0435R](#) RESOLUTION ADOPTING A HOUSING ACTION FRAMEWORK, ESTABLISHING INTERIM PRIORITIES FOR HOUSING POLICIES IN ADVANCE OF IMAGINE DULUTH 2035 COMPLETION.

**Indexes:**

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

[Attachment 2](#)

[Attachment 3](#)

**This Resolution was adopted.**

**Yea:** 6 - Councilor Anderson, Councilor Filipovich, Councilor Hobbs, Councilor Russ, Councilor Westerlund and President Sipress

**Nay:** 1 - Councilor Hanson

**Absent:** 1 - Councilor Hansen

**Abstain:** 1 - Councilor Fosle

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

38. [17-0451R](#) RESOLUTION ESTABLISHING A RED TAPE TASK FORCE.

**Sponsors:** Hobbs and Hansen

**This Resolution was tabled.**

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

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

39. [17-020-O](#) AN ORDINANCE AMENDING SECTIONS 29A-27, 29A-29, 29A-32, AND 29A.34 RELATED TO RENTAL PROPERTY LICENSING AND OFF-STREET PARKING

**This Ordinance was adopted unanimously.**

40. [17-033-O](#) ORDINANCE AMENDING SECTION 8-17, CHAPTER 8, OF THE DULUTH CITY CODE RELATING TO THE DAYS AND HOURS OF SALE OF INTOXICATING LIQUOR AND REPEALING THE PROHIBITION ON SUNDAY OFF-SALE OF INTOXICATING LIQUOR.

This Ordinance was adopted unanimously.

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

41. [17-021-O](#) AN ORDINANCE AMENDING SECTIONS 50-24, PARKING AND LOADING; 50-35, PROCEDURES SUMMARY TABLE; AND 50-37, REVIEW AND APPROVAL PROCESS

**Indexes:**

**Attachments:** [Attachment A - Sec 50-24-3 Permitted Parking Areas](#)  
[Attachment B - Sec 50-24-4 Parking Design Standards \(As Amended\)](#)  
[Attachment C - Sec 50-35-1 Summary table](#)  
[Attachment 1](#)  
[Motion To Amend \(Fosle\) - Passed Unanimously](#)  
[Motion To Amend \(Filipovich\) - Withdrawn](#)  
[Motion To Amend 2 \(Filipovich\) - Withdrawn](#)  
[Attachment B - Original](#)

This Ordinance was adopted unanimously.

42. [17-027-O](#) AN ORDINANCE AMENDING THE APPROVED REGULATING PLAN FOR RAMSEY VILLAGE TO ALLOW A MIXED USE RESIDENTIAL AND COMMERCIAL BUILDING AT NORTH 53RD AND 54TH AVENUES WEST AND RAMSEY STREET.

**Indexes:**

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

This Ordinance was adopted unanimously.

43. [17-028-O](#) AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF DULUTH TO PROVIDE FOR THE RECLASSIFICATION OF PROPERTY BETWEEN ANCHOR STREET AND PARK PLACE AND BETWEEN SOUTH BOUNDARY AVENUE AND TERMINAL AVENUE FROM R-1 TO MU-N.

**Indexes:**

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

**This Ordinance failed.**

**Yea:** 5 - Councilor Filipovich, Councilor Fosle, Councilor Hobbs, Councilor Russ and Councilor Westerlund

**Nay:** 3 - Councilor Anderson, Councilor Hanson and President Sipress

**Absent:** 1 - Councilor Hansen

44. [17-029-O](#) AN ORDINANCE GRANTING A CONCURRENT USE PERMIT FOR PRIVATE DETACHED GARAGE IN THE PLATTED STREET RIGHT OF WAY OF 58TH AVENUE EAST.

**Indexes:**

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

**This Ordinance was adopted unanimously.**

45. [17-031-O](#) ORDINANCE AMENDING SECTIONS 50-19.8 AND 50-20.3 OF THE DULUTH CITY CODE TO ADD KENNEL AND PRIMARY USE PARKING LOT AS A SPECIAL USE TO CERTAIN ZONE DISTRICTS, TO MODIFY THE USE SPECIFIC STANDARDS FOR THOSE USES, AND TO ADD VACATION DWELLING UNIT AND ACCESSORY VACATION DWELLING UNIT TO FORM DISTRICTS AS AN INTERIM USE.

**Indexes:**

**Attachments:** [Attachment A - Chapter 50-19 Use Table](#)  
[17-022 Original](#)

**This Ordinance was adopted unanimously.**

46. [17-032-O](#) ORDINANCE AMENDING SECTIONS 50-20.3 AND 50-20.5 OF THE DULUTH CITY CODE TO REQUIRE 24-HOUR FRONT DESK STAFFING AND HOMEOWNER ASSOCIATION APPROVAL BEFORE GRANTING AN INTERIM USE PERMIT FOR A VACATION DWELLING UNIT OR ACCESSORY VACATION DWELLING UNIT.

**Indexes:**

**Attachments:** [17-022 Original](#)

**This Ordinance was adopted.**

**Yea:** 5 - Councilor Anderson, Councilor Filipovich, Councilor Russ, Councilor Westerlund and President Sipress

**Nay:** 3 - Councilor Fosle, Councilor Hanson and Councilor Hobbs

**Absent:** 1 - Councilor Hansen

**COUNCILOR QUESTIONS AND COMMENTS**

**COUNCILOR PREVIEW OF UPCOMING BUSINESS**

Meeting was adjourned at 9:40 p.m.



# City of Duluth

411 West First Street  
Duluth, Minnesota 55802

## Actions and Unofficial Minutes

### 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]*

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Monday, June 26, 2017

7:00 PM

Council Chamber

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#### ROLL CALL

**Present:** 8 - Councilor Gary Anderson, Councilor Zack Filipovich, Councilor Jay Fosle, Councilor Elissa Hansen, Councilor Howie Hanson, Councilor Noah Hobbs, Councilor Em Westerlund and President Joel Sipress

**Absent:** 1 - Councilor Barb Russ

#### PLEDGE OF ALLEGIANCE

#### APPROVAL OF MINUTES

1. [17-105](#) June 8 & 12, 2017 City Council Meeting Minutes

**Indexes:**

**Attachments:** [June 8, 2017 - Special Council Meeting](#)  
[June 12, 2017 - Council Meeting](#)

These minutes were approved.

#### REPORTS FROM THE ADMINISTRATION

#### REPORTS FROM OTHER OFFICERS

#### REPORTS OF BOARDS AND COMMISSIONS

2. [17-106](#) 5-5-2017 Alcohol, Gambling & Tobacco Commission Meeting Minutes

**Indexes:**

**Attachments:** [5-5-2017 Alcohol, Gambling & Tobacco Commission Meeting Minutes](#)

This Board or Commission Report was received.

## REPORTS OF COUNCIL COMMITTEES

## REPORTS OF COUNCIL OPEN ISSUES

Distinguished Artist Award - Kaylee Matuszak

## OPPORTUNITY FOR CITIZENS TO BE HEARD

## RESOLUTIONS TABLED

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

3. [17-0451R](#) RESOLUTION ESTABLISHING A RED TAPE TASK FORCE.  
(REPLACEMENT)

**Sponsors:** Hobbs and Hansen

This Resolution was adopted unanimously.

## CONSENT AGENDA

### BY COUNCILOR HANSEN (FINANCE)

4. [17-0463R](#) RESOLUTION CONFIRMING THE ASSESSMENT ROLL FOR ASSESSMENTS LEVIED AGAINST PROPERTY WITH REGARD TO PROPERTY VIOLATIONS DURING PERIOD OF APRIL 1, 2016, TO APRIL 1, 2017.

**Indexes:**

**Attachments:** [Exhibit A](#)

This Resolution was adopted unanimously.

5. [17-0464R](#) RESOLUTION CONFIRMING THE ASSESSMENT ROLL OF DELINQUENT SOLID WASTE COLLECTION FEES DURING PERIOD OF MARCH 1, 2016, TO JUNE 1, 2017.

Indexes:

Attachments: [Exhibit A](#)

This Resolution was adopted unanimously.

6. [17-0465R](#) RESOLUTION CONFIRMING THE ASSESSMENT ROLL OF DELINQUENT UTILITY FEES DURING THE PERIOD OF JANUARY 1, 2016, TO DECEMBER 31, 2016.

Indexes:

Attachments: [Exhibit A](#)

This Resolution was adopted unanimously.

7. [17-0466R](#) RESOLUTION CONFIRMING ASSESSMENT ROLL LEVIED FOR REASSESSMENT OF PRIOR CANCELED ASSESSMENTS.

Indexes:

Attachments: [Exhibit A](#)

This Resolution was adopted unanimously.

8. [17-0475R](#) RESOLUTION DETERMINING NOT TO REASSESS PARCEL FOR CANCELED DEMOLITION ASSESSMENT IN THE AMOUNT OF \$2,749.

Indexes:

Attachments: [Exhibit A](#)

This Resolution was adopted unanimously.

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

9. [17-0373R](#) RESOLUTION AMENDING RESOLUTION 16-0846, ADOPTING LICENSE, PERMIT, FINE, PENALTY, AND OTHER CHARGES FOR 2017, TO REVISE RENTAL HOUSING LICENSING FEES.

**This Resolution was adopted unanimously.**

10. [17-0460R](#) RESOLUTION AUTHORIZING A SERVICE AGREEMENT WITH WETLAND HABITAT RESTORATIONS FOR NATIVE PLANT RESTORATION AND REMOVAL OF INVASIVE SPECIES ON THE WESTERN WATERFRONT TRAIL FOR AN AMOUNT NOT TO EXCEED \$165,400.

**Indexes:**

**Attachments:** [Exhibit A](#)  
[Map](#)

**This Resolution was adopted unanimously.**

11. [17-0488R](#) RESOLUTION AUTHORIZING THE PURCHASE OF THREE (3) 2018 FREIGHTLINER CABS AND CHASSIS FROM I-STATE TRUCK CENTER, INC. IN THE AMOUNT OF \$253,600.20.

**Indexes:**

**Attachments:** [Exhibit A](#)

**This Resolution was adopted unanimously.**

12. [17-0489R](#) RESOLUTION AUTHORIZING AN AGREEMENT WITH TKDA FOR ADDITIONAL ENGINEERING SERVICES FOR THE STEWART CREEK BRIDGE AND CLYDE CONNECTOR TRAIL RESTORATION PROJECTS AS PART OF THE DWP TRAIL IMPROVEMENT IN THE AMOUNT OF \$14,389 AND NEW TOTAL CONTRACT NOT TO EXCEED \$76,889.

**Indexes:**

**Attachments:** [Exhibit A](#)

**This Resolution was adopted unanimously.**

**BY COUNCILOR ANDERSON (PERSONNEL)**

13. [17-0481R](#) RESOLUTION APPROVING PROPOSED SPECIFICATIONS FOR THE NEW CIVIL SERVICE CLASSIFICATION OF VEHICLE MAINTENANCE TECHNICIAN, AND SPECIFYING CONTRACT BENEFITS FOR SAME.

**Indexes:**

**Attachments:** [Vehicle Maintenance Technician](#)

**This Resolution was adopted unanimously.**

14. [17-0482R](#) RESOLUTION APPROVING PROPOSED AMENDMENTS TO THE SPECIFICATIONS FOR THE EXISTING CIVIL SERVICE CLASSIFICATION OF EQUIPMENT MAINTENANCE SPECIALIST, INCLUDING A TITLE CHANGE TO VEHICLE REPAIR SPECIALIST, AND SPECIFYING CONTRACT BENEFITS FOR SAME.

**Indexes:**

**Attachments:** [Vehicle Repair Specialist](#)  
[Equipment Maintenance Specialist \(strikeout\)](#)

**This Resolution was adopted unanimously.**

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

15. [17-0472R](#) RESOLUTION GRANTING AN INTERIM USE PERMIT FOR A VACATION DWELLING UNIT AT 11 B EAST FOURTH STREET (NIKKI OLSON).

**Indexes:**

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

**This Resolution was adopted unanimously.**

16. [17-0473R](#) RESOLUTION AUTHORIZING THE ST. LOUIS COUNTY HOUSING AND REDEVELOPMENT AUTHORITY (HRA) TO INVEST FUNDS IN THE CITY OF DULUTH FOR THE GARFIELD SQUARE AND GATEWAY TOWER AFFORDABLE HOUSING PROJECTS.

**This Resolution was adopted unanimously.**

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

17. [17-0490R](#) RESOLUTION APPROVING SETTLEMENT IN THE MATTER OF RONALD GARY GUSTAFSON VS CITY OF DULUTH IN THE AMOUNT OF \$22,500 AND PURSUANT TO THE TERMS OF THE MEDIATED SETTLEMENT AGREEMENT.

**Indexes:**

**Attachments:** [June 15, 2017 Mediated Settlement Agreement - Gufstafson v. City of Duluth, St. Louis County, Itasca County](#)

This Resolution was adopted unanimously.

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

18. [17-0433R](#) RESOLUTION AUTHORIZING AN AGENCY AGREEMENT BETWEEN THE CITY AND MNDOT FOR FEDERAL PARTICIPATION IN ADVANCE CONSTRUCTION FOR THE WEST SKYLINE PARKWAY STONE MASONRY RETAINING WALL PROJECT.

**Indexes:**

**Attachments:** [17-0433R Exhibit A](#)  
[14-0433R Map](#)

This Resolution was adopted unanimously.

19. [17-0458R](#) RESOLUTION AUTHORIZING A MASTER PARTNERSHIP AGREEMENT WITH MNDOT TO COOPERATIVELY PROVIDE ROADWORK SERVICES.

**Indexes:**

**Attachments:** [17-0458R Exhibit 1](#)

This Resolution was adopted unanimously.

20. [17-0478R](#) RESOLUTION AWARDING A CONTRACT TO ULLAND BROTHERS, INC. FOR THE WATER STREET SHARED USE PATH PROJECT IN THE AMOUNT OF \$304,632.38.

Indexes:

Attachments: [17-0478R Map](#)

This Resolution was adopted unanimously.

21. [17-0483R](#) RESOLUTION ACCEPTING PERMANENT EASEMENT FOR UTILITY PURPOSES FROM THE WICK LLC OVER PROPERTY LOCATED AT EAST SUPERIOR STREET AND FIFTH AVENUE AT NO COST TO THE CITY.

Indexes:

Attachments: [Exhibit 1](#)

[Exhibit 2](#)

This Resolution was adopted unanimously.

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

22. [17-0459R](#) RESOLUTION AUTHORIZING AGREEMENT WITH DIVERSION SOLUTIONS, LLC, FOR ADMINISTRATION OF THE DRIVING DIVERSION PILOT PROGRAM FOR AN ADDITIONAL TWO YEAR PERIOD AT NO COST TO CITY.

Indexes:

Attachments: [Exhibit A](#)

This Resolution was adopted unanimously.

23. [17-0467R](#) RESOLUTION AUTHORIZING PROPER CITY OFFICIALS TO ACCEPT A \$5,000 GRANT FROM TARGET CORPORATION TO FUND THE BLUE SANTA/SHOP WITH A COP PROGRAM.

This Resolution was adopted unanimously.

24. [17-0476R](#) RESOLUTION AUTHORIZING AN AGREEMENT WITH THE MINNESOTA DEPARTMENT OF PUBLIC SAFETY FIRE MARSHAL DIVISION TO CONDUCT PUBLIC SCHOOL CODE INSPECTIONS.

**Sponsors:** Public Safety

**Indexes:**

**Attachments:** [Exhibit A](#)

This Resolution was adopted unanimously.

25. [17-0477R](#) RESOLUTION AUTHORIZING ACCEPTANCE OF A GRANT FROM THE MINNESOTA BOARD OF FIREFIGHTER TRAINING AND EDUCATION IN THE AMOUNT OF \$27,000 FOR THE PURPOSE OF SUPPORTING FIRE DEPARTMENT PERSONNEL TRAINING AND ESTABLISHING A DEDICATED ACCOUNT FOR THE GRANTS.

**Sponsors:** Public Safety

This Resolution was adopted unanimously.

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

26. [17-0484R](#) RESOLUTION AUTHORIZING AN EXCLUSIVE USE PERMIT AGREEMENT WITH BENTLEYVILLE TOUR OF LIGHTS, INC., FOR THE PRODUCTION, PROMOTION, AND MANAGEMENT OF THE BENTLEYVILLE TOUR OF LIGHTS IN BAYFRONT FESTIVAL PARK FOR THE 2017 HOLIDAY SEASON.

**Indexes:**

**Attachments:** [Exhibit 1](#)

This Resolution was adopted unanimously.

27. [17-0485R](#) RESOLUTION AUTHORIZING LEASE AGREEMENT WITH SYDNEY JOHNSON FOR RESIDENTIAL DWELLING UNIT LOCATED WITHIN THE DULUTH HEIGHTS COMMUNITY CLUB.

Indexes:

Attachments: [Exhibit 1](#)

This Resolution was adopted unanimously.

28. [17-0486R](#) RESOLUTION AUTHORIZING A LICENSE AGREEMENT FOR PUBLIC RECREATIONAL TRAIL PURPOSES WITH INDEPENDENT SCHOOL DISTRICT NO. 709 OVER PROPERTY NEAR LINCOLN PARK MIDDLE SCHOOL AT NO COST TO THE CITY.

Indexes:

Attachments: [Exhibit 1](#)

[Exhibit 2](#)

This Resolution was adopted unanimously.

29. [17-0487R](#) RESOLUTION AUTHORIZING THE EXECUTION AND FILING OF A DECLARATION OF RESTRICTIVE COVENANT FOR CHESTER CREEK WITHIN CHESTER PARK.

Indexes:

Attachments: [Exhibit 1](#)

[Exhibit 2](#)

This Resolution was adopted unanimously.

**END OF CONSENT AGENDA**

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

30. [17-0374R](#) RESOLUTION AMENDING RESOLUTION 16-0846, ADOPTING LICENSE, PERMIT, FINE, PENALTY, AND OTHER CHARGES FOR 2017, TO REVISE VACANT BUILDING REGISTRATION FEES.

This Resolution was tabled.

31. [17-0375R](#) RESOLUTION AMENDING RESOLUTION 16-0846, ADOPTING LICENSE, PERMIT, FINE, PENALTY, AND OTHER CHARGES FOR 2017, TO ESTABLISH TENT, CANOPY, AND TEMPORARY MEMBRANE STRUCTURE PERMIT FEES.

This Resolution was tabled.

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

32. [17-0474R](#) RESOLUTION ACCEPTING \$201,400 FROM THE KNIGHT CITIES CHALLENGE FUND FROM THE JOHN S. AND JAMES L. KNIGHT FOUNDATION FOR THE MAKING CANAL PARK POP DEMONSTRATION PROJECT.

This Resolution was adopted unanimously.

**INTRODUCTION AND CONSIDERATION OF ORDINANCES**

**MOTION TO RECONSIDER: Ordinance 17-028-O**

33. [MO-1](#) AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF DULUTH TO PROVIDE FOR THE RECLASSIFICATION OF PROPERTY BETWEEN ANCHOR STREET AND PARK PLACE AND BETWEEN SOUTH BOUNDARY AVENUE AND TERMINAL AVENUE FROM R-1 TO MU-N.

Indexes:

Attachments: [17-028-O](#)

A motion was made to reconsider Ordinance 17-028

Passes 7 - 1

Yays - Councilors Anderson, Filipovich, Fosle, Hansen, Hanson, Hobbs and President Sipress

Nays - Councilor Westerlund

A motion was made to table Ordinance 17-028:

Fails 4-4

Yays - Councilors Filipovich, Fosle, Hansen and Hobbs.

Nays - Councilors Anderson, Hanson, Westerlund and President Sipress

NOTE: Rezoning Ordinances requires 6 votes for passage.

**This Ordinance failed by the following vote:**

**Yea:** 5 - Councilor Filipovich, Councilor Fosle, Councilor Hansen, Councilor Hobbs and Councilor Westerlund

**Nay:** 3 - Councilor Anderson, Councilor Hanson and President Sipress

**Absent:** 1 - Councilor Russ

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

**BY COUNCILOR FOSLE (PUBLIC SAFETY)**

34. [17-024-O](#) AN ORDINANCE ESTABLISHING SECTION 21.8 OF THE DULUTH CITY CODE RELATED TO TENTS AND CANOPIES

Indexes:

Attachments: [2015 Minnesota Fire Code - CHAPTER 31- TENTS AND OTHER MEMBRANE STRUCTURES](#)

**This Ordinance was read for the first time.**

35. [17-034-O](#) AN ORDINANCE AMENDING SECTION 10-3 RELATED TO VACANT BUILDING REGISTRATION REQUIREMENTS

**Indexes:**

**Attachments:** [Motion To Amenda: Sipress - Passed \(8-1\)](#)  
[17-034-O \(Original\)](#)

This Ordinance was read for the first time.

**COUNCILOR QUESTIONS AND COMMENTS**

**COUNCILOR PREVIEW OF UPCOMING BUSINESS**

Meeting adjourned at 8:02 p.m.



# City of Duluth

411 West First Street  
Duluth, Minnesota 55802

## Actions and Unofficial Minutes

### 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]*

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Monday, July 10, 2017

7:00 PM

Council Chamber

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#### ROLL CALL

**Present:** 9 - Councilor Gary Anderson, Councilor Zack Filipovich, Councilor Jay Fosle, Councilor Elissa Hansen, Councilor Howie Hanson, Councilor Noah Hobbs, Councilor Barb Russ, Councilor Em Westerlund and President Joel Sipress

#### PLEDGE OF ALLEGIANCE

#### APPROVAL OF MINUTES

1. [17-107](#) June 26, 2017 City Council Meeting Minutes

**Indexes:**

**Attachments:** [June 26, 2017 - Council Meeting](#)

This Minutes was approved.

#### REPORTS FROM THE ADMINISTRATION

#### REPORTS FROM OTHER OFFICERS

#### REPORTS OF BOARDS AND COMMISSIONS

2. [17-108](#) Duluth Transit Authority Meeting Minutes

Indexes:

Attachments: [04-26-2017 Duluth Transit Authority Meeting Minutes](#)

This Board or Commission Report was received.

3. [17-109](#) Duluth Public Utilities Commission Meeting Minutes

Indexes:

Attachments: [05-16-2017 Duluth Public Utilities Commission Meeting Minutes](#)

This Board or Commission Report was received.

4. [17-110](#) Housing Redevelopment Authority Meeting Minutes

Indexes:

Attachments: [05-30-2017 Housing Redevelopment Authority Meeting Minutes](#)

This Board or Commission Report was received.

**REPORTS OF COUNCIL COMMITTEES**

**REPORTS OF COUNCIL OPEN ISSUES**

**OPPORTUNITY FOR CITIZENS TO BE HEARD**

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

**BY COUNCILOR FOSLE (PUBLIC SAFETY)**

5. [17-024-O](#) AN ORDINANCE ESTABLISHING SECTION 21.8 OF THE DULUTH CITY CODE RELATED TO TENTS AND CANOPIES

Indexes:

Attachments: [2015 Minnesota Fire Code - CHAPTER 31- TENTS AND OTHER MEMBRANE STRUCTURES](#)

This Ordinance was adopted unanimously.

- 6. [17-034-O](#) AN ORDINANCE AMENDING SECTION 10-3 RELATED TO VACANT BUILDING REGISTRATION REQUIREMENTS

**Indexes:**

- Attachments:** [Motion To Amend: Sipress - Passed \(8-1\)](#)  
[17-034-O \(Original\)](#)

**This Ordinance was tabled.**

**RESOLUTIONS TABLED**

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

- 7. [17-0374R](#) RESOLUTION AMENDING RESOLUTION 16-0846, ADOPTING LICENSE, PERMIT, FINE, PENALTY, AND OTHER CHARGES FOR 2017, TO REVISE VACANT BUILDING REGISTRATION FEES.

**This Resolution remains on the table.**

- 8. [17-0375R](#) RESOLUTION AMENDING RESOLUTION 16-0846, ADOPTING LICENSE, PERMIT, FINE, PENALTY, AND OTHER CHARGES FOR 2017, TO ESTABLISH TENT, CANOPY, AND TEMPORARY MEMBRANE STRUCTURE PERMIT FEES.

**This Resolution was adopted unanimously.**

**CONSENT AGENDA**

**BY COUNCILOR HANSEN (FINANCE)**

9. [17-0505R](#) RESOLUTION AUTHORIZING APPLICATION TO THE MINNESOTA DEPARTMENT OF EMPLOYMENT AND ECONOMIC DEVELOPMENT FOR \$15,000,000 TO UPGRADE THE STEAM HEATING FACILITY AND SYSTEMS.

This Resolution was adopted unanimously.

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

10. [17-0502R](#) RESOLUTION APPROVING THE TEMPORARY EXPANSION OF THE DESIGNATED SERVING AREA OF THE ON SALE INTOXICATING LIQUOR LICENSE OF HOSPITALITY ASSOCIATES OF DULUTH (ACES ON 1ST), 113 WEST 1ST STREET.

Indexes:

Attachments: [ACES-06282017152546](#)

This Resolution was adopted unanimously.

11. [17-0503R](#) RESOLUTION AMENDING RESOLUTION 16-0846, ADOPTING LICENSE, PERMIT, FINE, PENALTY, AND OTHER CHARGES FOR 2017, TO ESTABLISH FEE FOR PUBLIC DATA SEARCH AND RETRIEVAL.

This Resolution was withdrawn.

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

12. [17-0498R](#) RESOLUTION AUTHORIZING A REDUCTION OF \$2,314 IN FY 2017 HUD EMERGENCY SOLUTIONS GRANT (ESG) PROGRAM.

This Resolution was adopted unanimously.

13. [17-0499R](#) RESOLUTION AUTHORIZING AN INCREASE OF \$3,411 IN FY 2017 HUD HOME INVESTMENT PARTNERSHIPS (HOME) PROGRAM.

This Resolution was adopted unanimously.

14. [17-0500R](#) RESOLUTION AUTHORIZING AN INCREASE OF \$27,695 IN FY 2017 HUD COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) PROGRAM.

This Resolution was adopted unanimously.

15. [17-0501R](#) RESOLUTION VACATING UNDEVELOPED PORTIONS OF CUL DE SAC ON MATTERHORN CIRCLE.

Indexes:

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

This Resolution was adopted unanimously.

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

16. [17-0494R](#) RESOLUTION ACCEPTING A SPECIAL LAW EXPANDING THE AREA IN WEST DULUTH WHICH DULUTH MAY SPEND REVENUES FROM ITS EXTRA HALF PERCENT FOOD AND BEVERAGE TAX AND EXTRA HALF PERCENT HOTEL AND MOTEL TAX.

This Resolution was adopted unanimously.

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

17. [17-0497R](#) RESOLUTION AUTHORIZING AN AMENDMENT TO AGREEMENT 22770 WITH SHORT ELLIOTT HENDRICKSON, INC FOR ADDITIONAL SERVICES FOR THE COFFEE CREEK LETTER OF MAP REVISION (LOMR) PROJECT, AN INCREASE OF \$8,689.45, AND A NEW TOTAL AMOUNT NOT TO EXCEED \$45,554.45

Indexes:

Attachments: [Exhibit A](#)

This Resolution was adopted unanimously.

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

18. [17-0480R](#) RESOLUTION AUTHORIZING PROPER CITY OFFICIALS TO EXECUTE AN AGREEMENT WITH THE STATE OF MINNESOTA DEPARTMENT OF TRANSPORTATION (MnDOT) AND THE NORTH EAST EMERGENCY COMMUNICATIONS BOARD FOR THE OPERATION OF AN 800 MHz COUNTY/REGIONAL INTEGRATED PUBLIC SAFETY RADIO COMMUNICATION SUBSYSTEM (“ARMER”).

Indexes:

Attachments: [Document A 17-0480](#)

This Resolution was adopted unanimously.

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

19. [17-0493R](#) RESOLUTION ACCEPTING A \$30,000 CONTRIBUTION FROM THE DULUTH AREA HORSE TRAIL ALLIANCE FOR EQUESTRIAN TRAIL IMPROVEMENTS IN MAGNEY-SNIVELY NATURAL AREA.

Indexes:

Attachments: [Exhibit A map](#)

This Resolution was adopted unanimously.

#### **END OF CONSENT AGENDA**

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

20. [17-0461R](#) RESOLUTION AFFIRMING THE DECISION OF THE PLANNING COMMISSION TO DENY A VARIANCE FROM ENCROACHING INTO THE REAR YARD SET BACK TO CONSTRUCT A SCREEN PORCH AND DECK BY JAMES MOHN AND HEATHER MUSTER.

**Indexes:**

- Attachments:** [Attachment 1](#)  
[Attachment 2](#)  
[Attachment 3](#)  
[Attachment 4](#)  
[Attachment 5](#)

**This Resolution was denied.**

21. [17-0462R](#) RESOLUTION REVERSING THE DECISION OF THE PLANNING COMMISSION TO DENY A VARIANCE FROM ENCROACHING INTO THE REAR YARD SET BACK TO CONSTRUCT A SCREEN PORCH AND DECK BY JAMES MOHN AND HEATHER MUSTER.

**Indexes:**

- Attachments:** [Attachment 1](#)  
[Attachment 2](#)  
[Attachment 3](#)  
[Attachment 4](#)  
[Attachment 5](#)

**This Resolution was adopted as amended.**

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

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

22. [17-030-O](#) AN ORDINANCE CREATING EXCEPTION TO TREE SERVICE LICENSING REQUIREMENT FOR CITY PROJECTS BEYOND THE CAPACITY OF ORDINARY LICENSEES, AMENDING ARTICLE IV OF CHAPTER 35 OF THE DULUTH CITY CODE.

**This Ordinance was read for the first time.**

**COUNCILOR QUESTIONS AND COMMENTS**

**COUNCILOR PREVIEW OF UPCOMING BUSINESS**

Meeting adjourned at 7:25 p.m.



# City of Duluth

411 West First Street  
Duluth, Minnesota 55802

## Actions and Unofficial Minutes

### 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]*

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Monday, July 17, 2017

7:00 PM

Council Chamber

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#### ROLL CALL

**Present:** 9 - Councilor Gary Anderson, Councilor Zack Filipovich, Councilor Jay Fosle, Councilor Elissa Hansen, Councilor Howie Hanson, Councilor Noah Hobbs, Councilor Barb Russ, Councilor Em Westerlund and President Joel Sipress

#### PLEDGE OF ALLEGIANCE

#### APPROVAL OF MINUTES

1. [17-118](#) July 10, 2017 City Council Meeting Minutes

**Indexes:**

**Attachments:** [July 10, 2017 - Council Meeting](#)

These Minutes were approved.

#### REPORTS FROM THE ADMINISTRATION

#### REPORTS FROM OTHER OFFICERS

2. [17-115](#) Application for Exempt Permit: Epilepsy Foundation of Minnesota & Northern Lights Foundation

**Indexes:**

**Attachments:** [Application for Exempt Permit - Epilepsy Foundation of Minnesota](#)  
[Application for Exempt Permit - Northern Lights Foundation](#)

This Other Officers Report was received.

**REPORTS OF BOARDS AND COMMISSIONS**

3. [17-116](#) Civil Service Board Meeting Minutes

**Indexes:**

**Attachments:** [05-02-2017 - Civil Service Board Meeting Minutes](#)

This Board or Commission Report was received.

4. [17-117](#) Alcohol, Gambling & Tobacco Commission Meeting Minutes

**Indexes:**

**Attachments:** [06-07-2017 - Alcohol, Gambling & Tobacco Commission](#)

This Board or Commission Report was received.

DISTINGUISHED ARTIST AWARD - Cecilia Lieder

**REPORTS OF COUNCIL COMMITTEES**

**REPORTS OF COUNCIL OPEN ISSUES**

**OPPORTUNITY FOR CITIZENS TO BE HEARD**

**RESOLUTIONS TABLED**

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

5. [17-0374R](#) RESOLUTION AMENDING RESOLUTION 16-0846, ADOPTING LICENSE, PERMIT, FINE, PENALTY, AND OTHER CHARGES FOR 2017, TO REVISE VACANT BUILDING REGISTRATION FEES.

This resolution remains on the table.

## CONSENT AGENDA

### BY COUNCILOR HANSEN (FINANCE)

6. [17-0512R](#) RESOLUTION AUTHORIZING CABLE TELEVISION FRANCHISE EXTENSION AGREEMENT WITH CHARTER COMMUNICATIONS THROUGH DECEMBER 31, 2017.

**Indexes:**

**Attachments:** [Charter Communications Franchise Extension Agreement \(through December 31, 2017\)](#)

This Resolution was adopted unanimously.

### BY COUNCILOR HANSON (PURCHASING & LICENSING)

7. [17-0495R](#) RESOLUTION APPROVING THE TEMPORARY EXPANSION OF THE DESIGNATED SERVING AREA OF THEIR ON SALE INTOXICATING LIQUOR LICENSE TO VARIOUS LICENSEES.

**Indexes:**

**Attachments:** [Attachment A MR D's](#)  
[Attachment B Kom on Inn](#)  
[Attachment C GRIZZLYS](#)

This Resolution was adopted unanimously.

**Yea:** 8 - Councilor Anderson, Councilor Filipovich, Councilor Fosle, Councilor Hanson, Councilor Hobbs, Councilor Russ, Councilor Westerlund and President Sipress

**Abstain:** 1 - Councilor Hansen

8. [17-0504R](#) RESOLUTION AUTHORIZING A CONTRACT WITH DIRT, INC. FOR EQUESTRIAN TRAIL IMPROVEMENTS AT MAGNEY-SNIVELY NATURAL AREA FOR AN AMOUNT NOT TO EXCEED \$137,610.

**This Resolution was adopted unanimously.**

9. [17-0516R](#) RESOLUTION AUTHORIZING A CONTRACT WITH SUNRAM CONSTRUCTION, INC. FOR MILLER CREEK STREAMBANK RESTORATION FOR AN AMOUNT NOT TO EXCEED \$477,575.

**This Resolution was adopted unanimously.**

10. [17-0517R](#) RESOLUTION AUTHORIZING A CONTRACT WITH STACK BROTHERS MECHANICAL CONTRACTORS, INC. FOR A RESTROOM ADDITION TO LAFAYETTE COMMUNITY CENTER FOR AN AMOUNT NOT TO EXCEED \$239,000.

**This Resolution was tabled.**

**Yea:** 7 - Councilor Anderson, Councilor Filipovich, Councilor Hansen, Councilor Hanson, Councilor Russ, Councilor Westerlund and President Sipress

**Nay:** 2 - Councilor Fosle and Councilor Hobbs

**BY COUNCILOR ANDERSON (PERSONNEL)**

11. [17-0511R](#) RESOLUTION CONFIRMING THE APPOINTMENT OF LAURA NESS TO THE SANITARY SEWER BOARD OF THE WESTERN LAKE SUPERIOR SANITARY DISTRICT

**Indexes:**

**Attachments:** [Laura Ness App](#)

**This Resolution was adopted unanimously.**

12. [17-0513R](#) RESOLUTION CONFIRMING THE APPOINTMENT OF CHERISE PAYTON TO THE DULUTH CITIZEN REVIEW BOARD.

Indexes:

Attachments: [Payton App](#)

This Resolution was adopted unanimously.

13. [17-0522R](#) RESOLUTION APPROVING PROPOSED AMENDMENTS TO THE SPECIFICATIONS FOR THE EXISTING CIVIL SERVICE CLASSIFICATION OF FLEET ASSISTANT, INCLUDING A TITLE CHANGE TO FLEET SERVICES COORDINATOR, AND SPECIFYING CONTRACT BENEFITS FOR SAME.

Indexes:

Attachments: [Fleet Services Coordinator](#)

[Fleet Assistant \(strikeout\)](#)

This Resolution was adopted unanimously.

14. [17-0523R](#) RESOLUTION APPROVING PROPOSED AMENDMENTS TO THE SPECIFICATIONS FOR THE EXISTING CIVIL SERVICE CLASSIFICATION OF FIREFIGHTER.

Indexes:

Attachments: [Job Description](#)

[Job Description \(Strikeout\)](#)

This Resolution was adopted unanimously.

15. [17-0524R](#) RESOLUTION APPROVING PROPOSED SPECIFICATIONS FOR THE NEW CIVIL SERVICE CLASSIFICATION OF PROJECT TECHNICIAN, AND SPECIFYING CONTRACT BENEFITS FOR SAME.

Indexes:

Attachments: [Project Technician](#)

This Resolution was adopted unanimously.

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

16. [17-0525R](#) RESOLUTION OF INTENT TO SELL OR CONVEY CERTAIN REAL PROPERTY IN THE CODY NEIGHBORHOOD.

Indexes:

Attachments: [Exhibit A](#)

This Resolution was adopted unanimously.

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

17. [17-0510R](#) RESOLUTION CONSENTING TO ASSIGNMENT OF CITY CONTRACT NO. 22911 TO TWIN PORTS TESTING II, INC.

Indexes:

Attachments: [Attachment - 17-0510R](#)

This Resolution was adopted unanimously.

18. [17-0515R](#) RESOLUTION AWARDED A CONTRACT TO NORTHLAND CONSTRUCTORS OF DULUTH, LLC FOR THE KENWOOD AVENUE MILL & OVERLAY AND LYONS STREET REALIGNMENT PROJECT IN THE AMOUNT OF \$336,054.86.

Indexes:

Attachments: [17-0515R Map](#)

This Resolution was adopted unanimously.

19. [17-0518R](#) RESOLUTION AWARDED A CONTRACT TO UTILITY SYSTEMS OF AMERICA, INC. FOR THE 2017 BWSR SEDIMENT REDUCTION PROJECT IN THE AMOUNT OF \$416,149.

Indexes:

Attachments: [17-0518R Map](#)

This Resolution was adopted unanimously.

20. [17-0527R](#) RESOLUTION AUTHORIZING THE PURCHASE OF PRE-INSULATED PIPE, VALVES AND FITTINGS FOR THE STEAM PORTION OF THE SUPERIOR STREET RECONSTRUCTION PROJECT FROM URECON FOR AN ESTIMATED AMOUNT NOT TO EXCEED \$260,696.24.

This Resolution was adopted unanimously.

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

21. [17-0457R](#) RESOLUTION AUTHORIZING APPLICATION TO AND, IF OFFERED, ACCEPTANCE OF A \$750,000 GREATER MINNESOTA REGIONAL PARK AND TRAIL COMMISSION GRANT FOR HARTLEY PARK MINI MASTER PLAN IMPLEMENTATION.

Indexes:

Attachments: [Exhibit A 2017 Park Legacy Contract Sample](#)

This Resolution was adopted unanimously.

22. [17-0519R](#) RESOLUTION AUTHORIZING A CONTRIBUTION OF UP TO \$7,500 FROM MINNESOTA TRAIL RIDERS ASSOCIATION ON BEHALF OF THE DULUTH AREA HORSE TRAIL ALLIANCE FOR EQUESTRIAN TRAIL IMPROVEMENTS IN MAGNEY-SNIVELY NATURAL AREA.

This Resolution was adopted unanimously.

23. [17-0521R](#) RESOLUTION AUTHORIZING A THREE-YEAR USE AGREEMENT WITH THE CONGDON PARK SOCCER CLUB FOR USE OF OLD MAIN PARK.

Indexes:

Attachments: [Exhibit 1](#)

This Resolution was adopted unanimously.

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

24. [17-0528R](#) RESOLUTION APPROVING SETTLEMENT IN THE MATTER OF NORMAN, ET AL. V. CITY OF DULUTH, ET AL. IN THE AMOUNT OF \$385,000 PURSUANT TO THE TERMS OF THE MEDIATED SETTLEMENT AGREEMENT.

Indexes:

Attachments: [RELEASE AND INDEMNITY AGREEMENT](#)

This Resolution was adopted unanimously.

**END OF CONSENT AGENDA**

**BY COUNCILOR FOSLE (PUBLIC SAFETY)**

25. [17-0520R](#) RESOLUTION REVERSING CONDEMNATION FOR HABITATION ORDER ISSUED FEBRUARY 21, 2017 BY CITY LIFE SAFETY OFFICE TO OWNER AND TENANT OF 120 WEST FIFTH STREET, UPPER UNIT

This Resolution was failed unanimously.

26. [17-0526R](#) RESOLUTION AFFIRMING BUILDING APPEAL BOARD'S DECISION TO DENY APPEAL OF CONDEMNATION FOR HUMAN HABITATION ORDER ISSUED FEBRUARY 21, 2017 BY CITY LIFE SAFETY OFFICE FOR 120 WEST FIFTH STREET, UPPER UNIT

This Resolution was adopted as amended.

**ORDINANCES TABLED**

**BY COUNCILOR FOSLE (PUBLIC SAFETY)**

27. [17-034-O](#) AN ORDINANCE AMENDING SECTION 10-3 RELATED TO VACANT BUILDING REGISTRATION REQUIREMENTS

**Indexes:**

**Attachments:** [Motion To Amend: Sipress - Passed \(8-1\)](#)  
[17-034-O \(Original\)](#)

This ordinance remains on the table.

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

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

28. [17-030-O](#) AN ORDINANCE CREATING EXCEPTION TO TREE SERVICE LICENSING REQUIREMENT FOR CITY PROJECTS BEYOND THE CAPACITY OF ORDINARY LICENSEES, AMENDING ARTICLE IV OF CHAPTER 35 OF THE DULUTH CITY CODE.

This Ordinance was adopted unanimously.

**COUNCILOR QUESTIONS AND COMMENTS**

**COUNCILOR PREVIEW OF UPCOMING BUSINESS**

Meeting adjourned at 8:05 p.m.



# City of Duluth

411 West First Street  
Duluth, Minnesota 55802

## Actions and Unofficial Minutes

### 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]*

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Friday, July 21, 2017

12:00 PM

Council Chamber

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### Special Council Meeting

#### ROLL CALL

**Present:** 7 - Councilor Gary Anderson, Councilor Zack Filipovich, Councilor Elissa Hansen, Councilor Noah Hobbs, Councilor Barb Russ, Councilor Em Westerlund and President Joel Sipress

**Absent:** 2 - Councilor Jay Fosle and Councilor Howie Hanson

#### PLEDGE OF ALLEGIANCE

#### RESOLUTIONS TABLED

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

1. [17-0517R](#) RESOLUTION AUTHORIZING A CONTRACT WITH STACK BROTHERS MECHANICAL CONTRACTORS, INC. FOR A RESTROOM ADDITION TO LAFAYETTE COMMUNITY CENTER FOR AN AMOUNT NOT TO EXCEED \$239,000.

**Indexes:**

**Attachments:** [17-0517 \(Original\)](#)

**A motion was made that this Resolution be adopted The motion carried by the following vote:**

**Yea:** 6 - Councilor Anderson, Councilor Hansen, Councilor Hobbs, Councilor Russ, Councilor Westerlund and President Sipress

**Absent:** 2 - Councilor Fosle and Councilor Hanson

**Abstain:** 1 - Councilor Filipovich



# City of Duluth

411 West First Street  
Duluth, Minnesota 55802

## Actions and Unofficial Minutes

### City Council

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**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]*

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Monday, August 14, 2017

7:00 PM

Council Chamber

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### ROLL CALL

**Present:** 8 - Councilor Gary Anderson, Councilor Zack Filipovich, Councilor Jay Fosle, Councilor Elissa Hansen, Councilor Howie Hanson, Councilor Barb Russ, Councilor Em Westerlund and President Joel Sipress

**Absent:** 1 - Councilor Noah Hobbs

### PLEDGE OF ALLEGIANCE

### APPROVAL OF MINUTES

1. [17-122](#) July 17 & 21 2017 Meeting Minutes

**Indexes:**

**Attachments:** [July 17 - Council Meeting Minutes](#)  
[July 21 - Special Council Meeting Minutes](#)

This Minutes was approved.

### REPORTS FROM THE ADMINISTRATION

### REPORTS FROM OTHER OFFICERS

### REPORTS OF BOARDS AND COMMISSIONS

2. [17-119](#) Duluth Seaway Port Authority Meeting Minutes

Indexes:

- Attachments: [3-22-2017 Duluth Seaway Port Authority Meeting Minutes](#)  
[4-26-2017 Duluth Seaway Port Authority Meeting Minutes](#)  
[6-07-2017 Duluth Seaway Port Authority Meeting Minutes](#)

This Board or Commission Report was received.

3. [17-120](#) Housing & Redevelopment Authority Meeting Minutes

Indexes:

- Attachments: [6-27-2017 Housing and Redevelopment Authority Meeting Minutes](#)

This Board or Commission Report was received.

4. [17-121](#) Building Appeal Board Meeting Minutes

Indexes:

- Attachments: [4-12-2017 Building Appeal Board Meeting Minutes](#)  
[5-10-2017 Building Appeal Board Meeting Minutes](#)  
[6-14-2017 Building Appeal Board Meeting Minutes](#)

This Board or Commission Report was received.

**REPORTS OF COUNCIL COMMITTEES**

**REPORTS OF COUNCIL OPEN ISSUES**

**OPPORTUNITY FOR CITIZENS TO BE HEARD**

**RESOLUTIONS TABLED**

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

5. [17-0374R](#) RESOLUTION AMENDING RESOLUTION 16-0846, ADOPTING LICENSE, PERMIT, FINE, PENALTY, AND OTHER CHARGES FOR 2017, TO REVISE VACANT BUILDING REGISTRATION FEES.

This Resolution is to remain on the table.

## CONSENT AGENDA

### BY COUNCILOR HANSON (PURCHASING & LICENSING)

6. [17-0538R](#) RESOLUTION AUTHORIZING A CONTRACT WITH DONALD HOLM CONSTRUCTION CO., INC. FOR MORGAN PARK COMMUNITY CENTER EXTERIOR UPGRADES FOR AN AMOUNT NOT TO EXCEED \$182,273.

This Resolution was adopted unanimously.

7. [17-0539R](#) RESOLUTION APPROVING RENEWAL AND ISSUANCE OF ON SALE INTOXICATING LIQUOR, ON SALE THEATER LICENSES, ON SALE SUNDAY INTOXICATING LIQUOR, ADDITIONAL BAR, ON SALE DANCING, 2:00 A.M. BEVERAGE LICENSE AND LATE HOUR ENTERTAINMENT LICENSES FOR THE PERIOD BEGINNING SEPTEMBER 1, 2017, AND ENDING AUGUST 31, 2018.

**Indexes:**

**Attachments:** [theatre](#)  
[On Sale Liquor](#)

This Resolution was adopted unanimously.

**Yea:** 7 - Councilor Anderson, Councilor Filipovich, Councilor Fosle, Councilor Hanson, Councilor Russ, Councilor Westerlund and President Sipress  
**Absent:** 1 - Councilor Hobbs  
**Abstain:** 1 - Councilor Hansen

8. [17-0540R](#) RESOLUTION APPROVING THE ISSUANCE OF ON SALE WINE RENEWAL LICENSES FOR THE PERIOD BEGINNING SEPTEMBER 1, 2017, AND ENDING AUGUST 31, 2018.

**Indexes:**

**Attachments:** [Wine renewal](#)

**This Resolution was adopted unanimously.**

9. [17-0541R](#) RESOLUTION APPROVING THE ISSUANCE OF ON SALE CLUB LIQUOR RENEWAL LICENSES FOR THE PERIOD BEGINNING SEPTEMBER 1, 2017, AND ENDING AUGUST 31, 2018.

**Indexes:**

**Attachments:** [ON SALE CLUB](#)

**This Resolution was adopted unanimously.**

**Yea:** 7 - Councilor Anderson, Councilor Filipovich, Councilor Fosle, Councilor Hanson, Councilor Russ, Councilor Westerlund and President Sipress

**Absent:** 1 - Councilor Hobbs

**Abstain:** 1 - Councilor Hansen

10. [17-0542R](#) RESOLUTION APPROVING THE ISSUANCE OF ON AND OFF SALE BREWERY MALT LIQUOR RENEWAL LICENSES FOR THE PERIOD BEGINNING SEPTEMBER 1, 2017, AND ENDING AUGUST 31, 2018.

**Indexes:**

**Attachments:** [Brewery and distillery](#)

**This Resolution was adopted unanimously.**

**Yea:** 7 - Councilor Anderson, Councilor Filipovich, Councilor Fosle, Councilor Hanson, Councilor Russ, Councilor Westerlund and President Sipress

**Absent:** 1 - Councilor Hobbs

**Abstain:** 1 - Councilor Hansen

11. [17-0543R](#) RESOLUTION APPROVING THE ISSUANCE OF ON AND OFF SALE MICRODISTILLERY RENEWAL LICENSES FOR THE PERIOD BEGINNING SEPTEMBER 1, 2017, AND ENDING AUGUST 31, 2018.

**Indexes:**

**Attachments:** [Brewery and distillery](#)

**This Resolution was adopted unanimously.**

12. [17-0544R](#) RESOLUTION APPROVING THE ISSUANCE OF OFF SALE INTOX-ICATING LIQUOR RENEWAL LICENSES FOR THE PERIOD BEGINNING SEPTEMBER 1, 2017, AND ENDING AUGUST 31, 2018.

**Indexes:**

**Attachments:** [Off Sale Liquor](#)

**This Resolution was adopted unanimously.**

**Yea:** 7 - Councilor Anderson, Councilor Filipovich, Councilor Fosle, Councilor Hanson, Councilor Russ, Councilor Westerlund and President Sipress

**Absent:** 1 - Councilor Hobbs

**Abstain:** 1 - Councilor Hansen

13. [17-0545R](#) RESOLUTION AUTHORIZING CONSUMPTION OF ALCOHOLIC BEVERAGES IN PUBLIC PLACES ON MICHIGAN STREET ON AUGUST 31, 2017, IN CONJUNCTION WITH THE DULUTH SUPERIOR GLBTAQI PRIDE FESTIVAL AND SUBJECT TO CERTAIN CONDITIONS.

**This Resolution was adopted unanimously.**

**Yea:** 7 - Councilor Anderson, Councilor Filipovich, Councilor Fosle, Councilor Hanson, Councilor Russ, Councilor Westerlund and President Sipress

**Absent:** 1 - Councilor Hobbs

**Abstain:** 1 - Councilor Hansen

14. [17-0546R](#) RESOLUTION AUTHORIZING A CONTRACT WITH NORDIC GROUP, INC. FOR HARRISON PARK IMPROVEMENTS PHASE I FOR AN AMOUNT NOT TO EXCEED \$132,500.

**This Resolution was adopted unanimously.**

15. [17-0547R](#) RESOLUTION AUTHORIZING CONSUMPTION OF ALCOHOLIC BEVERAGES IN PUBLIC PLACES ON THE 200 BLOCK OF EAST FIRST STREET IN CONJUNCTION WITH THE SUPER BIG BLOCK PARTY AND SUBJECT TO CERTAIN CONDITIONS.

**Indexes:**

**Attachments:** [RED HERRING MAP](#)

**This Resolution was adopted unanimously.**

**Yea:** 7 - Councilor Anderson, Councilor Filipovich, Councilor Fosle, Councilor Hanson, Councilor Russ, Councilor Westerlund and President Sipress

**Absent:** 1 - Councilor Hobbs

**Abstain:** 1 - Councilor Hansen

16. [17-0555R](#) RESOLUTION APPROVING ISSUANCE OF A TEMPORARY ON SALE INTOXICATING LIQUOR LICENSE TO AAD SHRINERS (ART IN BAYFRONT PARK), BAYFRONT PARK.

**Indexes:**

**Attachments:** [ART IN THE PARK-07272017114602](#)

**This Resolution was adopted unanimously.**

17. [17-0556R](#) RESOLUTION APPROVING THE TEMPORARY EXPANSION OF THE DESIGNATED SERVING AREA OF THE ON SALE INTOXICATING LIQUOR LICENSE OF RED HERRING, LLC (THE RED HERRING LOUNGE), 208 EAST 1ST STREET.

**Indexes:**

**Attachments:** [RED HERRING-07272017101355](#)

[RED HERRING MAP](#)

**This Resolution was adopted unanimously.**

**Yea:** 7 - Councilor Anderson, Councilor Filipovich, Councilor Fosle, Councilor Hanson, Councilor Russ, Councilor Westerlund and President Sipress

**Absent:** 1 - Councilor Hobbs

**Abstain:** 1 - Councilor Hansen

18. [17-0559R](#) RESOLUTION AUTHORIZING A PURCHASE FROM INSIGHT PUBLIC SECTOR, INC. FOR PERSONAL COMPUTERS AND ACCESSORIES, IN ACCORDANCE WITH THE CITY'S FOUR-YEAR REPLACEMENT PLAN, IN THE AMOUNT OF \$242,563.41.

**This Resolution was adopted unanimously.**

19. [17-0563R](#) RESOLUTION AUTHORIZING THE PURCHASE OF A 2018 MACK CAB AND CHASSIS WITH A LEMCO LOG LOADER FROM CRYSTEEL TRUCK AND EQUIPMENT FOR AN AMOUNT NOT TO EXCEED \$210,802.

**This Resolution was adopted unanimously.**

20. [17-0570R](#) RESOLUTION APPROVING THE EXEMPTION OF A RAFFLE LICENSE AND WAIVING THE 60 DAY WAITING PERIOD FOR THE PROGRAM FOR AID TO VICTIMS OF SEXUAL ASSAULT, INC. AND NORTHLAND COUNTRY CLUB.

**This Resolution was adopted unanimously.**

**Yea:** 7 - Councilor Anderson, Councilor Filipovich, Councilor Fosle, Councilor Hansen, Councilor Hanson, Councilor Russ and President Sipress

**Absent:** 1 - Councilor Hobbs

**Abstain:** 1 - Councilor Westerlund

21. [17-0571R](#) RESOLUTION AUTHORIZING A PURCHASE FROM INSIGHT PUBLIC SECTOR, INC. FOR DATA CENTER NETWORK LIFECYCLE EQUIPMENT REPLACEMENTS IN THE AMOUNT OF \$303,944.

**This Resolution was adopted unanimously.**

**BY COUNCILOR ANDERSON (PERSONNEL)**

22. [17-0549R](#) RESOLUTION CONFIRMING THE APPOINTMENT OF PASCHA APTER TO THE DULUTH AIRPORT AUTHORITY, REPLACING SUZANNE ROSS.

Indexes:

Attachments: [Pascha Apter Redacted](#)

This Resolution was adopted unanimously.

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

23. [17-0536R](#) RESOLUTION ACCEPTING \$52,352 FROM THE KNIGHT FOUNDATION FUND OF THE DULUTH SUPERIOR AREA COMMUNITY FOUNDATION FOR THE MAKING CANAL PARK POP DEMONSTRATION PROJECT.

Indexes:

Attachments: [Attachment 1](#)

This Resolution was adopted unanimously.

24. [17-0564R](#) RESOLUTION AUTHORIZING PROPER CITY OFFICIALS TO ACCEPT FUNDS FROM THE JUNIOR LEAGUE OF DULUTH AND COMMUNITY ACTION DULUTH FOR A DEEP WINTER GREENHOUSE.

This Resolution was adopted unanimously.

25. [17-0565R](#) RESOLUTION AUTHORIZING REPROGRAMMING OF \$5,000 in 2015 CDBG FUNDS AND TRANSFERRING IT TO THE WEST DULUTH FOOD ACCESS AND EDUCATION PROJECT.

This Resolution was adopted unanimously.

26. [17-0567R](#) RESOLUTION OF INTENT TO SELL OR CONVEY CERTAIN REAL PROPERTY IN THE DULUTH HEIGHTS NEIGHBORHOOD.

**Indexes:**

**Attachments:** [Exhibit A-Resolution](#)  
[Exhibit B-Resolution](#)  
[Exhibit C](#)  
[Exhibit D](#)

**This Resolution was adopted unanimously.**

27. [17-0573R](#) RESOLUTION AUTHORIZING A CONTRACT WITH DONALD HOLM CONSTRUCTION COMPANY, INC. FOR THE CONSTRUCTION OF A DEEP WINTER GREENHOUSE FOR AN AMOUNT NOT TO EXCEED \$254,629.

**This Resolution was adopted unanimously.**

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

28. [17-0535R](#) RESOLUTION AUTHORIZING AMENDMENT NO. 3 WITH TKDA TO PROVIDE CONSTRUCTION ADMINISTRATION SERVICES FOR THE 59TH AVENUE WEST UTILITY IMPROVEMENT PROJECT, TO INCREASE THE AMOUNT BY \$1,297 FOR A NEW TOTAL OF \$133,382.

**Indexes:**

**Attachments:** [17-0535R Map](#)  
[15-0535R Request for Amendment](#)

**This Resolution was adopted unanimously.**

29. [17-0558R](#) RESOLUTION AUTHORIZING THE PURCHASE OF A 2018 FREIGHTLINER CAB AND CHASSIS FROM I-STATE TRUCK IN THE AMOUNT OF \$114,851.73.

**This Resolution was adopted unanimously.**

**BY COUNCILOR FOSLE (PUBLIC SAFETY)**

30. [17-0553R](#) RESOLUTION AUTHORIZING THE EXECUTION OF A TASK FORCE AGREEMENT BETWEEN THE DULUTH POLICE DEPARTMENT AND THE UNITED STATES DRUG ENFORCEMENT ADMINISTRATION (DEA) AND FURTHER AUTHORIZING THE ACCEPTANCE OF REIMBURSEMENT MONIES FROM THE DEA FOR OVERTIME EXPENSES INCURRED IN SUPPORT OF THE TASK FORCE.

Indexes:

Attachments: [Exhibit A](#)

This Resolution was adopted unanimously.

31. [17-0562R](#) RESOLUTION AUTHORIZING ACCEPTANCE OF A GRANT FROM THE TARGET CORPORATION IN THE AMOUNT OF \$1,000 FOR THE PURPOSE OF SUPPORTING A PUBLIC SAFETY CAMPAIGN INVOLVING SAFE DRIVING.

Sponsors: Public Safety

This Resolution was adopted unanimously.

32. [17-0572R](#) RESOLUTION AUTHORIZING THE EXECUTION OF A COOPERATIVE AGREEMENT WITH THE CITY OF MINNEAPOLIS FOR THE DULUTH POLICE DEPARTMENT TO PROVIDE SECURITY RELATED TO THE 2018 NATIONAL FOOTBALL LEAGUE SUPER BOWL AND FURTHER AUTHORIZING THE ACCEPTANCE OF REIMBURSEMENT MONIES FROM MINNEAPOLIS FOR SERVICES PROVIDED BY DULUTH POLICE DEPARTMENT.

Indexes:

Attachments: [Exhibit A](#)

This Resolution was adopted unanimously.

33. [17-0566R](#) RESOLUTION SCHEDULING A PUBLIC HEARING ON THE PROPOSAL TO REDUCE THE SIZE OF THE EXISTING RESIDENTIAL PERMIT PARKING ZONE AROUND DULUTH EAST HIGH SCHOOL.

Indexes:

Attachments: [Exhibit A - Parking Permit Zone Map](#)

This Resolution was adopted unanimously.

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

34. [17-0534R](#) RESOLUTION AUTHORIZING ACCEPTANCE OF A \$50,000 GRANT FROM THE MINNESOTA COMMUNITY FOUNDATION FOR THE MINNESOTA SUPER BOWL LEGACY FUND FOR THE IMPLEMENTATION OF THE LINCOLN PARK MINI-MASTER PLAN.

Indexes:

Attachments: [Exhibit A Grant award notification](#)  
[Exhibit B LP Mini Master Plan](#)

This Resolution was adopted unanimously.

35. [17-0537R](#) RESOLUTION AUTHORIZING PROPER CITY OFFICIALS TO ACCEPT A \$30,000 DONATION FROM IRVING PARK COMMUNITY CLUB FOR IMPLEMENTATION OF PHASE I OF THE IRVING PARK MINI MASTER PLAN.

This Resolution was adopted unanimously.

36. [17-0569R](#) RESOLUTION AUTHORIZING AGREEMENT WITH SPIRIT MOUNTAIN RECREATION AREA AUTHORITY FOR TRAIL CONSTRUCTION OF AN ALL-WEATHER BIKING TRAIL IN AN AMOUNT NOT TO EXCEED \$72,000.

**Indexes:**

**Attachments:** [Exhibit 2](#)  
[Exhibit 3](#)  
[SMRA-DT Agreement 2017-08-04](#)

**This Resolution was adopted by the following vote:**

**Yea:** 6 - Councilor Anderson, Councilor Filipovich, Councilor Hansen, Councilor Russ, Councilor Westerlund and President Sipress

**Nay:** 2 - Councilor Fosle and Councilor Hanson

**Absent:** 1 - Councilor Hobbs

**END OF CONSENT AGENDA**

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

37. [17-0554R](#) RESOLUTION APPROVING THE TEMPORARY EXPANSION OF THE DESIGNATED SERVING AREA OF THE ON SALE INTOXICATING LIQUOR LICENSE OF DUKES PARTNERS, LLC (SPURS ON 1ST), 109 WEST 1ST STREET.

**Indexes:**

**Attachments:** [SPURS-06282017152451](#)

**This Resolution was adopted unanimously.**

38. [17-0585R](#) RESOLUTION AUTHORIZING CONSUMPTION OF ALCOHOLIC BEVERAGES IN PUBLIC PLACES ON THE 100 BLOCK OF WEST FIRST STREET IN CONJUNCTION WITH THE TWELVE HOLY APOSTLES (SPURS BLOCK PARTY) AND SUBJECT TO CERTAIN CONDITIONS.

**Indexes:**

**Attachments:** [SPURS EVENT-08112017094212](#)

**This Resolution was adopted unanimously.**

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

39. [17-0579R](#) RESOLUTION AUTHORIZING ACCEPTANCE OF A \$1,000 GRANT FROM THE MINNESOTA DEPARTMENT OF NATURAL RESOURCES AND MINNESOTA LAKE SUPERIOR COASTAL PROGRAM FOR TRAIL COUNTERS ON THE WESTERN WATERFRONT TRAIL.

Indexes:

Attachments: [Attachment A\\_sub award grant agreement](#)

This Resolution was adopted unanimously.

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

40. [17-0574R](#) RESOLUTION APPROVING A HALF PERCENT SALES AND USE TAX DEDICATED TO FUND A STREET IMPROVEMENT PROGRAM AND CALLING FOR A REFERENDUM REQUESTING AUTHORIZATION FOR SUCH TAX.

Indexes:

Attachments: [Exhibit A - Street Improvement Program 2017](#)  
[Original 17-0574R](#)

This Resolution was adopted by the following vote:

**Yea:** 7 - Councilor Anderson, Councilor Filipovich, Councilor Hansen, Councilor Hanson, Councilor Russ, Councilor Westerlund and President Sipress

**Nay:** 1 - Councilor Fosle

**Absent:** 1 - Councilor Hobbs

**ORDINANCES TABLED**

**BY COUNCILOR FOSLE (PUBLIC SAFETY)**

41. [17-034-O](#) AN ORDINANCE AMENDING SECTION 10-3 RELATED TO VACANT BUILDING REGISTRATION REQUIREMENTS

**Indexes:**

- Attachments:** [Motion To Amend: Filipovich - Passed \(6-1\)](#)  
[Motion To Amend: Sipress - Passed \(8-1\)](#)  
[17-034-O \(Original\)](#)  
[17-034-O \(Original #2\)](#)

This Ordinance was read for the first time.

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

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

42. [17-037-O](#) AN ORDINANCE DESIGNATING THE DULUTH WOMAN'S CLUB AT 2400 EAST SUPERIOR STREET AS A DULUTH HERITAGE PRESERVATION LANDMARK.

**Indexes:**

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

This Ordinance was read for the first time.

**COUNCILOR QUESTIONS AND COMMENTS**

**COUNCILOR PREVIEW OF UPCOMING BUSINESS**

This meeting was adjourned at 8:30 p.m.



# City of Duluth

411 West First Street  
Duluth, Minnesota 55802

## Actions and Unofficial Minutes

### 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]*

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Monday, August 28, 2017

7:00 PM

Council Chamber

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#### ROLL CALL

**Present:** 9 - Councilor Gary Anderson, Councilor Zack Filipovich, Councilor Jay Fosle, Councilor Elissa Hansen, Councilor Howie Hanson, Councilor Noah Hobbs, Councilor Barb Russ, Councilor Em Westerlund and President Joel Sipress

#### PLEDGE OF ALLEGIANCE

#### PUBLIC HEARING - DULUTH EAST HIGH SCHOOL PERMIT PARKING ZONE

#### APPROVAL OF MINUTES

1. [17-130](#) August 14, 2017 Duluth City Council Meeting Minutes

**Indexes:**

**Attachments:** [August 14 - Council Meeting Minutes](#)

These Minutes was approved.

#### REPORTS FROM THE ADMINISTRATION

#### REPORTS FROM OTHER OFFICERS

2. [17-124](#) Exempt Permits: Lake Superior Zoological Society, SMDC Medical Center & St.Mary's Medical Center

**Indexes:**

**Attachments:** [Exempt Permit - Lake Superior Zoological Society](#)  
[Exempt Permit - SMDC Medical Center](#)  
[Exempt Permit - St. Mary's Medical Center](#)

This Other Officers Report was received.

3. [17-129](#) US Department of Housing & Urban Development - Annual Review

**Indexes:**

**Attachments:** [US Department of Housing and Urban Development - Annual Review](#)

This Other Officers Report was received.

## REPORTS OF BOARDS AND COMMISSIONS

4. [17-125](#) Library Board Meeting Minutes

**Indexes:**

**Attachments:** [05-23-2017 - Library Board Meeting Minutes](#)

This Board or Commission Report was received.

5. [17-126](#) Civil Service Board Meeting Minutes

**Indexes:**

**Attachments:** [06-06-17 Civil Service Board Meeting Minutes](#)

This Board or Commission Report was received.

6. [17-127](#) Duluth Public Utilities Commission Meeting Minutes

**Indexes:**

**Attachments:** [06-20-2017 - Duluth Public Utilities Commission Meeting Minutes](#)

This Board or Commission Report was received.

7. [17-128](#) Duluth Parking Commission Resolutions

Indexes:

Attachments: [Duluth Parking Commission July & August Resolutions](#)  
[Duluth Parking Commission March & June Resolutions](#)

This Board or Commission Report was received.

DISTINGUISHED ARTIST AWARD - Ceclia Lieder

**REPORTS OF COUNCIL COMMITTEES**

**REPORTS OF COUNCIL OPEN ISSUES**

**OPPORTUNITY FOR CITIZENS TO BE HEARD**

**RESOLUTIONS TABLED**

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

8. [17-0374R](#) RESOLUTION AMENDING RESOLUTION 16-0846, ADOPTING LICENSE, PERMIT, FINE, PENALTY, AND OTHER CHARGES FOR 2017, TO REVISE VACANT BUILDING REGISTRATION FEES.

This Resolution was adopted unanimously.

**CONSENT AGENDA**

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

9. [17-0636R](#) RESOLUTION APPROVING THE EXEMPTION OF A RAFFLE LICENSE AND WAIVING THE 60 DAY WAITING PERIOD FOR LAKE SUPERIOR ZOOLOGICAL SOCIETY, AND DUCKS UNLIMITED-ST. LOUIS BAY.

Indexes:

Attachments: [ZOO-08112017112923](#)  
[DUCKS UNLIMITED-08222017145709](#)

This Resolution was adopted unanimously.

**BY COUNCILOR ANDERSON (PERSONNEL)**

10. [17-0578R](#) RESOLUTION ELECTING MEMBER TO THE BOARD OF MANAGERS OF THE DULUTH/NORTH SHORE SANITARY DISTRICT PURSUANT TO MINNESOTA STATUTES, SECTION 442A.14, SUBDIVISION 7.

This Resolution was adopted unanimously.

11. [17-0592R](#) RESOLUTION CONFIRMING THE APPOINTMENT OF KENNETH KIMBER AND SARA VACCARELLA TO THE DULUTH CITIZEN REVIEW BOARD.

Indexes:

Attachments: [Sara Vaccarella](#)  
[Redacted Kimber App](#)

This Resolution was adopted unanimously.

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

12. [17-0582R](#) RESOLUTION AUTHORIZING THE SAINT LOUIS COUNTY HOUSING AND REVELOPMENT AUTHORITY (HRA) TO INVEST FUNDS IN THE CITY OF DULUTH FOR THE GIMAAJII PERMANENT SUPPORTIVE HOUSING UNITS OPERATED BY THE AMERICAN INDIAN COMMUNITY HOUSING ORGANIZATION (AICHO).

This Resolution was adopted unanimously.

13. [17-0596R](#) RESOLUTION ENTERING INTO AN AGREEMENT WITH AND ACCEPTING \$225,773 IN FEDERAL FUNDING FROM SENIOR SERVICE AMERICA, INC. TO OPERATE THE SENIOR COMMUNITY SERVICE EMPLOYMENT PROGRAM.

**Sponsors:** Filipovich

**Indexes:**

**Attachments:** [Resolution 17-0596R](#)

**This Resolution was adopted unanimously.**

14. [17-0599R](#) RESOLUTION VACATING THE PLATTED ALLEY BETWEEN MYRTLE STREET AND TEAK STREET, RETAINING A UTILITY EASEMENT OVER THE PART OF ALLEY LYING EASTERLY OF THE EAST LINE OF LOT 25.

**Indexes:**

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

[Attachment 2](#)

**This Resolution was adopted unanimously.**

15. [17-0600R](#) RESOLUTION VACATING A PLATTED UTILITY EASEMENT LOCATED WITHIN MAPLE GROVE ACRE TRACTS OF DULUTH.

**Indexes:**

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

[Attachment 2](#)

**This Resolution was adopted unanimously.**

16. [17-0602R](#) RESOLUTION VACATING A PORTION OF A PLATTED SEWER EASEMENT AT 21 RIVERSIDE DRIVE.

**Indexes:**

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

[Attachment 2](#)

**This Resolution was adopted unanimously.**

17. [17-0605R](#) RESOLUTION GRANTING AN INTERIM USE PERMIT FOR A VACATION DWELLING UNIT AT 1108 WEST 8TH STREET (TWIN CITY DEVELOPMENT COMPANY LLC).

Indexes:

Attachments: [Attachment 1](#)

**This Resolution was adopted unanimously.**

18. [17-0606R](#) RESOLUTION GRANTING AN INTERIM USE PERMIT FOR A VACATION DWELLING UNIT AT 139 HOWARD GNESEN ROAD (DOUG MCCORISON).

Indexes:

Attachments: [Attachment 1](#)

**This Resolution was adopted unanimously.**

19. [17-0607R](#) RESOLUTION GRANTING AN INTERIM USE PERMIT FOR A VACATION DWELLING UNIT AT 5802 LONDON ROAD (KIRK AND MARIANNE BERNADINO).

Indexes:

Attachments: [Attachment 1](#)

**This Resolution was adopted unanimously.**

20. [17-0608R](#) RESOLUTION GRANTING AN INTERIM USE PERMIT FOR A VACATION DWELLING UNIT AT 8721 WEST SKYLINE PARKWAY (LISA DUPUIS).

Indexes:

Attachments: [Attachment 1](#)

**This Resolution was adopted unanimously.**

21. [17-0609R](#) RESOLUTION GRANTING AN INTERIM USE PERMIT FOR A VACATION DWELLING UNIT AT 420 WEST 9TH STREET (BEN GASNER).

Indexes:

Attachments: [Attachment 1](#)

This Resolution was adopted unanimously.

22. [17-0610R](#) RESOLUTION AUTHORIZING REPROGRAMMING OF \$68,645.53 IN FY 2015 AND 2016 U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT (“HUD”) COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) FUNDS AND TRANSFERRING TO FY 2015 AND FY 2016 PROJECTS.

This Resolution was adopted unanimously.

23. [17-0611R](#) RESOLUTION VACATING PRINGLE AVENUE, LOWNDES AVENUE, BLODGETT AVENUE, AND GADSDEN AVENUE IN CONJUNCTION WITH THE REPLATTING OF THE LAND INTO THE HARBOR LIGHT PLAT BY THE DULUTH GOSPEL TABERNACLE.

Indexes:

Attachments: [Attachment 1](#)

[Attachment 2](#)

This Resolution was adopted unanimously.

24. [17-0614R](#) RESOLUTION OF INTENT TO SELL OR CONVEY CERTAIN REAL PROPERTY IN THE LINCOLN PARK NEIGHBORHOOD.

Indexes:

Attachments: [Exhibit A](#)

This Resolution was adopted unanimously.

25. [17-0615R](#) RESOLUTION AUTHORIZING AN AMENDED AND RESTATED FUNDING AGREEMENT WITH ST. LOUIS COUNTY HOUSING AND REDEVELOPMENT AUTHORITY, THE HOUSING AND REDEVELOPMENT AUTHORITY OF DULUTH, MINNESOTA, CENTER CITY HOUSING CORP. AND ONE ROOF COMMUNITY HOUSING WHEREBY THE CITY WILL PROVIDE \$200,000 IN REPLACEMENT FUNDING FOR THE GATEWAY PROJECT. (REPLACEMENT)

**Indexes:**

**Attachments:** [17-0615R Replacement Exhibit](#)

[17-0615 \(Original\)](#)

**This Resolution was adopted unanimously.**

**Yea:** 8 - Councilor Anderson, Councilor Filipovich, Councilor Fosle, Councilor Hansen, Councilor Hanson, Councilor Russ, Councilor Westerlund and President Sipress

**Abstain:** 1 - Councilor Hobbs

26. [17-0620R](#) RESOLUTION AUTHORIZING THE EXECUTION OF A PURCHASE AGREEMENT WITH JOURNEY HOME MINNESOTA FOR THE SALE OF CITY-OWNED PROPERTY IN THE CODY NEIGHBORHOOD FOR \$3,310.

**Indexes:**

**Attachments:** [Exhibit 1](#)

[Exhibit 2](#)

**This Resolution was adopted unanimously.**

27. [17-0625R](#) RESOLUTION AUTHORIZING THE EXECUTION OF A PURCHASE AGREEMENT WITH LAUNCH PROPERTIES, LLC FOR THE SALE OF CITY-OWNED PROPERTY IN THE DULUTH HEIGHTS NEIGHBORHOOD FOR \$25,270.

**Indexes:**

**Attachments:** [Exhibit 1-Resolution](#)

[Exhibit 3-Resolution](#)

[Exhibit 2-Resolution](#)

**This Resolution was adopted unanimously.**

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

28. [17-0587R](#) RESOLUTION APPOINTING ELECTION JUDGES FOR THE SEPTEMBER 12, 2017, MUNICIPAL AND SCHOOL BOARD PRIMARY ELECTION, AND THE NOVEMBER 7, 2017, MUNICIPAL AND SCHOOL BOARD GENERAL ELECTION.

**Indexes:**

**Attachments:** [ElectionJudgeList 2017 RESOLUTION](#)

This Resolution was adopted unanimously.

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

29. [17-0580R](#) RESOLUTION AMENDING A CONTRACT WITH MSA PROFESSIONAL SERVICES, INC. TO PROVIDE PROFESSIONAL ENGINEERING SERVICES FOR STREAM DESIGN AND CONSTRUCTION, AN INCREASE OF \$140,313.25 FOR A TOTAL AMOUNT NOT TO EXCEED \$410,708.25.

**Indexes:**

**Attachments:** [Exhibit A for Resolution](#)

This Resolution was adopted unanimously.

30. [17-0581R](#) RESOLUTION OF INTENT FOR CONSTRUCTION OF SANITARY SEWER IN WEST NINTH STREET ALLEY BEGINNING 280 FEET NORTHEAST OF 11TH AVENUE WEST AND EXTENDING TO NORTH TENTH AVENUE WEST, THEN EXTENDING NORTHWEST ON NORTH TENTH AVENUE WEST TO WEST NINTH STREET.

**Indexes:**

**Attachments:** [17-0581R Map](#)

This Resolution was adopted unanimously.

31. [17-0591R](#) RESOLUTION AUTHORIZING JOINT APPLICATION WITH THE MINNESOTA DEPARTMENT OF TRANSPORTATION FOR FISCAL YEAR 2019 - 2020 HIGHWAY FREIGHT PROGRAM GRANT IN THE AMOUNT OF \$20,000,000 FOR ROAD IMPROVEMENTS TO EXTEND COURTLAND STREET AND RECONSTRUCT THE 27TH AVENUE WEST BRIDGE OVER I-35.

**Indexes:**

**Attachments:** [17-0591R Map](#)

**This Resolution was adopted unanimously.**

32. [17-0594R](#) RESOLUTION AUTHORIZING APPLICATION TO THE MINNESOTA DEPARTMENT OF TRANSPORTATION FOR FY 2019 - 2020 HIGHWAY FREIGHT PROGRAM GRANT IN THE AMOUNT OF \$525,565 FOR ROAD IMPROVEMENTS TO GARFIELD AND PIEDMONT AVENUES.

**Indexes:**

**Attachments:** [17-0594R Map](#)

**This Resolution was adopted unanimously.**

33. [17-0598R](#) RESOLUTION AWARDED A CONTRACT TO NORTHLAND CONSTRUCTORS OF DULUTH, LLC FOR THE WEST SKYLINE PARKWAY RETAINING WALL RESTORATION PROJECT IN THE AMOUNT OF \$1,060,174.

**Indexes:**

**Attachments:** [17-0598R Map](#)

**This Resolution was adopted unanimously.**

34. [17-0613R](#) RESOLUTION AUTHORIZING A CONTRACT WITH NORTHLAND CONSTRUCTORS OF DULUTH, LLC, FOR THE MICHIGAN STREET HOT WATER PIPE INSTALLATION FOR AN AMOUNT NOT TO EXCEED \$292,500.

**This Resolution was adopted unanimously.**

**BY COUNCILOR FOSLE (PUBLIC SAFETY)**

35. [17-0612R](#) RESOLUTION AUTHORIZING THE CITY TO ENTER INTO A JOINT POWERS AGREEMENT WITH THE STATE OF MINNESOTA, DEPARTMENT OF PUBLIC SAFETY, BUREAU OF CRIMINAL APPREHENSION, FOR CITY ATTORNEY ACCESS TO THE CRIMINAL JUSTICE DATA COMMUNICATION NETWORK FOR A PERIOD OF FIVE YEARS AND AT NO COST TO THE CITY, AND FURTHER AUTHORIZING EXECUTION OF THE COURT DATA SERVICES SUBSCRIBER AMENDMENT TO CJDN SUBSCRIBER AGREEMENT.

**Indexes:**

**Attachments:** [Exhibit A](#)  
[Exhibit B](#)

This Resolution was adopted unanimously.

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

36. [17-0619R](#) RESOLUTION AUTHORIZING A DONATION AGREEMENT WITH CAPTAIN LAURENCE H. GRIMES, JR. RELATED TO A SCALE MODEL OF THE AMPHIBIOUS TRANSPORT DOCK SHIP USS DULUTH AND ITS DISPLAY CASE AND FURTHER AUTHORIZING AN AGREEMENT WITH ST. LOUIS COUNTY HISTORICAL SOCIETY TO DISPLAY THE USS DULUTH

**Indexes:**

**Attachments:** [Exhibit A](#)  
[Exhibit B](#)

This Resolution was adopted unanimously.

37. [17-0626R](#) RESOLUTION AUTHORIZING AN AGREEMENT WITH THE MINNESOTA LAND TRUST FOR PROFESSIONAL SERVICES TO SUPPORT THE DEVELOPMENT AND MARKETING OF THE CITY'S OUTDOOR EXPERIENCES IN AN AMOUNT NOT TO EXCEED \$135,000.

**Indexes:**

**Attachments:** [Exhibit 1](#)

This Resolution was adopted unanimously.

**END OF CONSENT AGENDA**

**BY COUNCILOR ANDERSON (PERSONNEL)**

38. [17-0627R](#) RESOLUTION ENCOURAGING ALL-GENDER, SINGLE-USER, ACCESSIBLE RESTROOMS ON CITY PROPERTY.

**Sponsors:** Anderson and Westerlund

This Resolution was adopted unanimously.

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

39. [17-0616R](#) RESOLUTION AFFIRMING THE DECISION OF THE PLANNING COMMISSION TO DENY A VARIANCE TO REDUCE THE REQUIRED MINIMUM LOT FRONTAGE FROM 250 FT TO 0 FT TO CONSTRUCT A DWELLING IN THE RR-1 ZONE DISTRICT BY EDWARD BARBO JR AND CANDACE BARBO

**Sponsors:** Hamre

**Indexes:**

**Attachments:** [Attachment 1 - PL 17-082 Staff Report and Attachments](#)  
[Attachment 2 - Planning Commission 07-11-17 signed minutes](#)

**A motion was made that this Resolution be adopted The motion carried by the following vote:**

- Yea:** 8 - Councilor Anderson, Councilor Filipovich, Councilor Fosle, Councilor Hansen, Councilor Hobbs, Councilor Russ, Councilor Westerlund and President Sipress
- Nay:** 1 - Councilor Hanson

- 40. [17-0617R](#) RESOLUTION REVERSING THE DECISION OF THE PLANNING COMMISSION TO DENY A VARIANCE TO REDUCE THE REQUIRED MINIMUM LOT FRONTAGE FROM 250 FT TO 0 FT TO CONSTRUCT A DWELLING IN THE RR-1 ZONE DISTRICT BY EDWARD BARBO JR AND CANDACE BARBO

**Sponsors:** Hamre

**Indexes:**

**Attachments:** [Attachment 1 - PL 17-082 Staff Report and Attachments](#)  
[Attachment 2 - Planning Commission 07-11-17 signed minutes](#)

**This Resolution failed.**

**Yea:** 1 - Councilor Hanson

**Nay:** 8 - Councilor Anderson, Councilor Filipovich, Councilor Fosle, Councilor Hansen, Councilor Hobbs, Councilor Russ, Councilor Westerlund and President Sipress

**BY COUNCILOR FOSLE (PUBLIC SAFETY)**

- 41. [17-0628R](#) RESOLUTION REDUCING THE SIZE OF THE RESIDENTIAL PERMIT PARKING ZONE AROUND DULUTH EAST HIGH SCHOOL.

**Indexes:**

**Attachments:** [Exhibit A](#)  
[Exhibit A-1](#)  
[Exhibit A-2](#)  
[Exhibit A-3](#)  
[Exhibit A-4](#)  
[Exhibit A-5 - Passed](#)  
[Motion To Amend \(Anderson\): Passes Unanimously](#)

**This Resolution was adopted unanimously.**

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

**BY COUNCILOR ANDERSON (PERSONNEL)**

42. [17-038-O](#) AN ORDINANCE AMENDING SECTION 13-28 OF THE DULUTH CITY CODE REGARDING DURATION OF SUBSTITUTE APPOINTMENTS WITHIN THE FIRE DEPARTMENT.

This Ordinance was read for the first time.

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

43. [17-039-O](#) AN ORDINANCE GRANTING A CONCURRENT USE PERMIT FOR A DECK IN THE PLATTED STREET RIGHT OF WAY OF 19TH AVENUE WEST.

Indexes:

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

This Ordinance was read for the first time.

44. [17-040-O](#) AN ORDINANCE AMENDING THE APPROVED CONCEPT PLAN FOR ROCKRIDGE SCHOOL TO ALLOW SPECIALIZED EDUCATION OF UP TO 175 EDUCATIONAL STUDENTS.

Indexes:

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

This Ordinance was read for the first time.

45. [17-041-O](#) AN ORDINANCE AMENDING SECTIONS 50-16.7 AND 50-22.7 TO 50-22.17 OF THE DULUTH CITY CODE TO ALLOW ADDITIONAL BUILDING TYPES IN FORM DISTRICT F-6 AND TO CLARIFY MAXIMUM BUILDING HEIGHTS IN ALL FORM DISTRICTS.

**Indexes:**

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

This Ordinance was read for the first time.

46. [17-042-O](#) AN ORDINANCE AUTHORIZING THE CONVEYANCE OF CERTAIN REAL PROPERTY IN THE CODY NEIGHBORHOOD TO JOURNEY HOME MINNESOTA FOR \$3,310.

This Ordinance was read for the first time.

47. [17-043-O](#) AN ORDINANCE AUTHORIZING THE CONVEYANCE OF CERTAIN REAL PROPERTY IN THE DULUTH HEIGHTS NEIGHBORHOOD TO LAUNCH PROPERTIES, LLC OR ITS ASSIGNS FOR \$25,270.

**Indexes:**

- Attachments:** [Exhibit A-Ordinance](#)  
[Exhibit B-Ordinance](#)  
[Exhibit C-Ordinance](#)  
[Exhibit D-Ordinance](#)

This Ordinance was read for the first time.

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

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

48. [17-037-O](#) AN ORDINANCE DESIGNATING THE DULUTH WOMAN'S CLUB AT 2400 EAST SUPERIOR STREET AS A DULUTH HERITAGE PRESERVATION LANDMARK.

**Indexes:**

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

[Attachment 2](#)

**This Ordinance was adopted.**

**Yea:** 8 - Councilor Anderson, Councilor Filipovich, Councilor Fosle, Councilor Hansen, Councilor Hobbs, Councilor Russ, Councilor Westerlund and President Sipress

**Nay:** 1 - Councilor Hanson

**BY COUNCILOR FOSLE (PUBLIC SAFETY)**

49. [17-034-O](#) AN ORDINANCE AMENDING SECTION 10-3 RELATED TO VACANT BUILDING REGISTRATION REQUIREMENTS

**Indexes:**

**Attachments:** [Motion To Amend: Filipovich - Passed \(6-1\)](#)

[Motion To Amend: Sipress - Passed \(8-1\)](#)

[17-034-O \(Original\)](#)

[17-034-O \(Original #2\)](#)

**This Ordinance was adopted.**

**COUNCILOR QUESTIONS AND COMMENTS**

**COUNCILOR PREVIEW OF UPCOMING BUSINESS**

Meeting adjourned at 8:46 p.m.



# City of Duluth

411 West First Street  
Duluth, Minnesota 55802

## Actions and Unofficial Minutes

### 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]*

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Monday, September 11, 2017

7:00 PM

Council Chamber

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#### ROLL CALL

**Present:** 9 - Councilor Gary Anderson, Councilor Zack Filipovich, Councilor Jay Fosle, Councilor Elissa Hansen, Councilor Howie Hanson, Councilor Noah Hobbs, Councilor Barb Russ, Councilor Em Westerlund and President Joel Sipress

#### PLEDGE OF ALLEGIANCE

#### APPROVAL OF MINUTES

1. [17-136](#) August 28, 2017 City Council Meeting

**Indexes:**

**Attachments:** [August 28 - Council Meeting](#)

This Minutes was approved.

#### REPORTS FROM THE ADMINISTRATION

#### REPORTS FROM OTHER OFFICERS

#### REPORTS OF BOARDS AND COMMISSIONS

- 2. [17-137](#) Library Board Meeting Minutes

Indexes:

Attachments: [6-27-2017 Library Board Meeting Minutes](#)

This Board or Commission Report was received.

- 3. [17-138](#) Duluth Entertainment Convention Center Meeting Minutes

Indexes:

Attachments: [4-25-2017 Duluth Entertainment Convention Center Meeting Minutes](#)  
[5-30-2017 Duluth Entertainment Convention Center Meeting Minutes](#)  
[6-27-2017 Duluth Entertainment Convention Center Meeting Minutes](#)

This Board or Commission Report was received.

- 4. [17-139](#) Civil Service Board Meeting Minutes

Indexes:

Attachments: [7-11-2017 Civil Service Board Meeting Minutes](#)

This Board or Commission Report was received.

- 5. [17-140](#) Duluth Transit Authority Meeting Minutes

Indexes:

Attachments: [5-31-2017 Duluth Transit Authority Meeting Minutes](#)

This Board or Commission Report was received.

**REPORTS OF COUNCIL COMMITTEES**

**REPORTS OF COUNCIL OPEN ISSUES**

**OPPORTUNITY FOR CITIZENS TO BE HEARD**

**CONSENT AGENDA**

**BY COUNCILOR HANSEN (FINANCE)**

- 6. [17-0639R](#) RESOLUTION DETERMINING NOT TO REASSESS PARCEL FOR CANCELED DEMOLITION ASSESSMENT IN THE AMOUNT OF \$11,496.20.

**Indexes:**

**Attachments:** [Exhibit A](#)

**This Resolution was adopted unanimously.**

- 7. [17-0640R](#) RESOLUTION CONFIRMING ASSESSMENT ROLL LEVIED FOR REASSESSMENT OF A PRIOR CANCELED ASSESSMENT IN THE AMOUNT OF \$12,183.75.

**Indexes:**

**Attachments:** [Exhibit A](#)

**This Resolution was adopted unanimously.**

- 8. [17-0653R](#) RESOLUTION PROPOSING THE SUM TO BE RAISED BY TAXATION FOR THE SPECIAL TAXING DISTRICT, DULUTH TRANSIT AUTHORITY, FOR THE YEAR 2018.

**Indexes:**

**Attachments:** [Exhibit A](#)

**This Resolution was adopted unanimously.**

**Yea:** 8 - Councilor Anderson, Councilor Filipovich, Councilor Fosle, Councilor Hansen, Councilor Hobbs, Councilor Russ, Councilor Westerlund and President Sipress

**Abstain:** 1 - Councilor Hanson

- 9. [17-0654R](#) RESOLUTION PROPOSING THE SUM TO BE RAISED BY TAXATION FOR THE SPECIAL PARKS FUND LEVY FOR THE YEAR 2018.

**This Resolution was adopted unanimously.**

10. [17-0655R](#) RESOLUTION PROPOSING THE SUM TO BE RAISED BY TAXATION FOR THE SPECIAL TAXING DISTRICT, HOUSING AND REDEVELOPMENT AUTHORITY, FOR THE YEAR 2018.

Indexes:

Attachments: [Exhibit A](#)

This Resolution was adopted unanimously.

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

11. [17-0593R](#) RESOLUTION AUTHORIZING A THIRD AMENDMENT TO AGREEMENT 22618 WITH TKDA FOR ADDITIONAL DESIGN SERVICES FOR THE WESTERN WATERFRONT CORRIDOR FOREST RESTORATION PROJECT, FOR AN INCREASE OF \$17,314 AND AN AMENDED TOTAL NOT TO EXCEED \$129,964.

Indexes:

Attachments: [Exhibit A](#)

This Resolution was adopted unanimously.

12. [17-0622R](#) RESOLUTION AUTHORIZING A CONTRACT WITH STACK BROTHERS MECHANICAL CONTRACTORS, INC., FOR THE RESTORATION OF THE CLYDE CONNECTOR TRAIL FOR AN AMOUNT NOT TO EXCEED \$309,124.

This Resolution was adopted unanimously.

**Yea:** 8 - Councilor Anderson, Councilor Fosle, Councilor Hansen, Councilor Hanson, Councilor Hobbs, Councilor Russ, Councilor Westerlund and President Sipress

**Abstain:** 1 - Councilor Filipovich

13. [17-0623R](#) RESOLUTION AUTHORIZING A CONTRACT WITH GEORGE BOUGALIS AND SONS, CO. FOR THE RESTORATION OF THE STEWART CREEK BRIDGE FOR AN AMOUNT NOT TO EXCEED \$450,322.

This Resolution was adopted unanimously.

14. [17-0651R](#) RESOLUTION APPROVING THE EXEMPTION OF A RAFFLE LICENSE AND WAIVING THE 60 DAY WAITING PERIOD FOR THE WELCH CENTER, INC. d/b/a VALLEY YOUTH CENTER

Indexes:

Attachments: [VALLEY YOUTH CENTER-08292017140637](#)

**This Resolution was adopted unanimously.**

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

15. [17-0649R](#) RESOLUTION AUTHORIZING A SECOND AMENDMENT TO THE LEAD-BASED PAINT HAZARD CONTROL PROGRAM GRANT AGREEMENT WITH THE HOUSING AND REDEVELOPMENT AUTHORITY OF DULUTH, MINNESOTA.

Indexes:

Attachments: [Exhibit A](#)

**This Resolution was adopted unanimously.**

**Yea:** 8 - Councilor Anderson, Councilor Filipovich, Councilor Fosle, Councilor Hansen, Councilor Hanson, Councilor Russ, Councilor Westerlund and President Sipress

**Abstain:** 1 - Councilor Hobbs

16. [17-0650R](#) RESOLUTION AUTHORIZING A FIRST AMENDMENT TO THE AUGUST 2016 AMENDED AND RESTATED DEVELOPMENT AGREEMENT WITH ONE ROOF COMMUNITY HOUSING.

Indexes:

Attachments: [Exhibit A.](#)

**This Resolution was adopted unanimously.**

**Yea:** 8 - Councilor Anderson, Councilor Filipovich, Councilor Fosle, Councilor Hansen, Councilor Hanson, Councilor Russ, Councilor Westerlund and President Sipress

**Abstain:** 1 - Councilor Hobbs

17. [17-0657R](#) RESOLUTION AUTHORIZING PROPER CITY OFFICIALS TO ACCEPT \$627 IN GRANT FUNDS FROM THE MINNESOTA HISTORICAL SOCIETY FOR ATTENDANCE AT THE 2017 STATEWIDE HISTORIC PRESERVATION CONFERENCE.

**Indexes:**

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

**This Resolution was adopted unanimously.**

18. [17-0661R](#) RESOLUTION AUTHORIZING APPLICATION TO MNDOT FOR A TED GRANT IN THE AMOUNT OF \$247,000 FOR A TRAFFIC SIGNAL AT GRAND AVENUE AND WARWICK STREET AND COMMITTING \$107,000 IN MATCHING FUNDS.

**This Resolution was adopted unanimously.**

#### **BY COUNCILOR HOBBS (PUBLIC WORKS & UTILITIES)**

19. [17-0648R](#) RESOLUTION AMENDING A CONTRACT WITH EVER-GREEN ENERGY, INC. TO PROVIDE ADDITIONAL DESIGN AND CONSTRUCTION INSPECTION SERVICES NECESSARY FOR THE CONVERSION OF THE EXISTING DULUTH ENERGY STEAM SYSTEM TO A HOT WATER SYSTEM, TO INCREASE THE AMOUNT BY \$308,115 FOR A NEW TOTAL OF \$446,572.00.

**Indexes:**

**Attachments:** [17-0648R Attachment 1](#)

**A motion was made that this Resolution be adopted The motion carried by the following vote:**

**Yea:** 8 - Councilor Anderson, Councilor Filipovich, Councilor Hansen, Councilor Hanson, Councilor Hobbs, Councilor Russ, Councilor Westerlund and President Sipress

**Nay:** 1 - Councilor Fosle

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

20. [17-0637R](#) RESOLUTION AUTHORIZING PROPER CITY OFFICIALS TO ACCEPT A \$109,729 GRANT AWARD FROM THE MINNESOTA DEPARTMENT OF PUBLIC SAFETY TO FUND A DWI POLICE OFFICER FOR ONE YEAR AND AUTHORIZING EXECUTION OF GRANT AGREEMENT.

Indexes:

Attachments: [Exhibit B](#)

**This Resolution was adopted unanimously.**

21. [17-0638R](#) RESOLUTION AUTHORIZING AGREEMENT WITH ST. LOUIS COUNTY TO PERFORM POLICE SERVICES PURSUANT TO 2016 OPERATION STONEGARDEN GRANT OPERATIONS ORDER AND ACCEPTING REIMBURSEMENT THROUGH ST. LOUIS COUNTY IN THE AMOUNT OF \$34,242.

Indexes:

Attachments: [Exhibit B](#)

[Exhibit A](#)

[Exhibit C](#)

**This Resolution was adopted unanimously.**

22. [17-0660R](#) RESOLUTION AUTHORIZING A CONTRACT WITH TERRAZZO & CONCRETE RESTORATION, INC. FOR REHABILITATION OF THREE PARKING RAMPS FOR AN AMOUNT NOT TO EXCEED \$298,893.50.

**This Resolution was adopted unanimously.**

23. [17-0662R](#) RESOLUTION AUTHORIZING AN AGREEMENT WITH DELTAWRX FOR PROFESSIONAL CONSULTING SERVICES FOR THE PROCUREMENT OF A PUBLIC SAFETY RECORDS MANAGEMENT SYSTEM FOR AN AMOUNT NOT TO EXCEED \$172,224.

Indexes:

Attachments: [Exhibit A](#)

**This Resolution was adopted unanimously.**

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

24. [17-0642R](#) RESOLUTION AUTHORIZING PROPER CITY OFFICIALS TO ACCEPT A GRANT FROM THE STATE OF MINNESOTA IN THE AMOUNT OF \$320,000.00 FOR THE LAKE SUPERIOR ZOO.

Indexes:

Attachments: [Exhibit A: Duluth Zoo Contract FY18 with City signature page](#)

**This Resolution was adopted unanimously.**

25. [17-0646R](#) RESOLUTION AUTHORIZING ACCEPTANCE OF A CROSS COUNTRY SKI TRAIL ASSISTANCE PROGRAM GRANT AGREEMENT FOR YEAR 2017-2018 WITH THE MINNESOTA DEPARTMENT OF NATURAL RESOURCES IN AN AMOUNT NOT TO EXCEED \$11,000.

Indexes:

Attachments: [Exhibit A: Grant in Aid Ski Agreement FY18 w/ signature page](#)

**This Resolution was adopted unanimously.**

26. [17-0647R](#) RESOLUTION AUTHORIZING THE EXECUTION OF A SNOWMOBILE TRAILS ASSISTANCE PROGRAM GRANT AGREEMENT FOR THE FY2018 WITH THE MINNESOTA DEPARTMENT OF NATURAL RESOURCES IN AN AMOUNT NOT TO EXCEED \$13,259.

Indexes:

Attachments: [Exhibit A: Grant in Aid Snowmobile FY18 w/ signature page](#)

**This Resolution was adopted unanimously.**

**END OF CONSENT AGENDA**

**BY COUNCILOR HANSEN (FINANCE)**

27. [17-0652R](#) RESOLUTION PROPOSING THE SUM TO BE RAISED BY TAXATION FOR GENERAL PURPOSES FOR THE YEAR 2018.

This Resolution was tabled.

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

28. [17-0663R](#) RESOLUTION AUTHORIZING APPLICATION FOR A GRANT FROM THE MINNESOTA DEPARTMENT OF EMPLOYMENT AND ECONOMIC DEVELOPMENT FOR A TRANSPORTATION ECONOMIC DEVELOPMENT INFRASTRUCTURE PROGRAM GRANT IN THE AMOUNT OF \$1,657,688 AND IF SELECTED, COMMITTING UP TO \$444,558 IN CITY MATCHING FUNDS.

This Resolution was adopted unanimously.

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

29. [17-0671R](#) RESOLUTION IN SUPPORT OF LOCATING A SECOND AMAZON HEADQUARTERS IN THE TWIN CITIES METROPOLITAN AREA.

Sponsors: Hobbs

A motion was made that this Resolution be adopted The motion carried by the following vote:

**Yea:** 7 - Councilor Anderson, Councilor Filipovich, Councilor Hansen, Councilor Hanson, Councilor Hobbs, Councilor Russ and President Sipress

**Nay:** 2 - Councilor Fosle and Councilor Westerlund

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

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

30. [17-044-O](#) AN ORDINANCE DESIGNATING THE LINCOLN PARK PAVILION AT 501 N 25TH AVENUE WEST AS A DULUTH HERITAGE PRESERVATION LANDMARK.

Indexes:

Attachments: [Attachment 1](#)

This Ordinance was read for the first time.

31. [17-045-O](#) AN ORDINANCE AMENDING CHAPTER 50, SECTION 50-37.1 G, OF THE CITY CODE TO CLARIFY THAT THE 12 MONTH APPLICATION LIMITATION DOES NOT APPLY TO CITY INITIATED PLANNING OR ZONING PROPOSALS.

This Ordinance was read for the first time.

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

**BY COUNCILOR ANDERSON (PERSONNEL)**

32. [17-038-O](#) AN ORDINANCE AMENDING SECTION 13-28 OF THE DULUTH CITY CODE REGARDING DURATION OF SUBSTITUTE APPOINTMENTS WITHIN THE FIRE DEPARTMENT.

This Ordinance was withdrawn.

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

33. [17-039-O](#) AN ORDINANCE GRANTING A CONCURRENT USE PERMIT FOR A DECK IN THE PLATTED STREET RIGHT OF WAY OF 19TH AVENUE WEST.

Indexes:

Attachments: [Attachment 1](#)

[Attachment 2](#)

This Ordinance was adopted unanimously.

34. [17-040-O](#) AN ORDINANCE AMENDING THE APPROVED CONCEPT PLAN FOR ROCKRIDGE SCHOOL TO ALLOW SPECIALIZED EDUCATION OF UP TO 175 EDUCATIONAL STUDENTS.

**Indexes:**

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

**This Ordinance was adopted unanimously.**

35. [17-041-O](#) AN ORDINANCE AMENDING SECTIONS 50-16.7 AND 50-22.7 TO 50-22.17 OF THE DULUTH CITY CODE TO ALLOW ADDITIONAL BUILDING TYPES IN FORM DISTRICT F-6 AND TO CLARIFY MAXIMUM BUILDING HEIGHTS IN ALL FORM DISTRICTS.

**Indexes:**

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

**This Ordinance was adopted unanimously.**

36. [17-042-O](#) AN ORDINANCE AUTHORIZING THE CONVEYANCE OF CERTAIN REAL PROPERTY IN THE CODY NEIGHBORHOOD TO JOURNEY HOME MINNESOTA FOR \$3,310.

**This Ordinance was adopted unanimously.**

37. [17-043-O](#) AN ORDINANCE AUTHORIZING THE CONVEYANCE OF CERTAIN REAL PROPERTY IN THE DULUTH HEIGHTS NEIGHBORHOOD TO LAUNCH PROPERTIES, LLC OR ITS ASSIGNS FOR \$25,270.

**Indexes:**

**Attachments:** [Exhibit A-Ordinance](#)  
[Exhibit B-Ordinance](#)  
[Exhibit C-Ordinance](#)  
[Exhibit D-Ordinance](#)

**This Ordinance was adopted.**

**Yea:** 8 - Councilor Anderson, Councilor Filipovich, Councilor Hansen, Councilor Hanson, Councilor Hobbs, Councilor Russ, Councilor Westerlund and President Sipress

**Nay:** 1 - Councilor Fosle

**COUNCILOR QUESTIONS AND COMMENTS**

**COUNCILOR PREVIEW OF UPCOMING BUSINESS**

Meeting adjourned at 7:47 p.m.



# City of Duluth

411 West First Street  
Duluth, Minnesota 55802

## Actions and Unofficial Minutes

### 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]*

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Thursday, September 14, 2017

12:00 PM

Council Chamber

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### Special Council Meeting

#### ROLL CALL

**Present:** 6 - Councilor Gary Anderson, Councilor Zack Filipovich, Councilor Elissa Hansen, Councilor Howie Hanson, Councilor Barb Russ and President Joel Sipress  
**Absent:** 3 - Councilor Jay Fosle, Councilor Noah Hobbs and Councilor Em Westerlund

#### PLEDGE OF ALLEGIANCE

#### BY PRESIDENT SIPRESS (COMMITTEE OF THE WHOLE)

1. [17-0589R](#) RESOLUTION DECLARING THE RESULTS OF THE PRIMARY MUNICIPAL ELECTION HELD SEPTEMBER 12, 2017.

**Indexes:**

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

This Resolution was adopted unanimously.



# City of Duluth

411 West First Street  
Duluth, Minnesota 55802

## Actions and Unofficial Minutes

### 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, September 25, 2017

7:00 PM

Council Chamber

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#### ROLL CALL

**Present:** 9 - Councilor Gary Anderson, Councilor Zack Filipovich, Councilor Jay Fosle, Councilor Elissa Hansen, Councilor Howie Hanson, Councilor Noah Hobbs, Councilor Barb Russ, Councilor Em Westerlund and President Joel Sipress

#### PLEDGE OF ALLEGIANCE

#### APPROVAL OF MINUTES

1. [17-144](#) September 11 & 14 2017 City Council Meeting Minutes

**Indexes:**

**Attachments:** [September 11 - City Council Meeting](#)  
[September 14 - Special Council Meeting](#)

This Minutes was approved.

#### REPORTS FROM THE ADMINISTRATION

#### REPORTS FROM OTHER OFFICERS

#### REPORTS OF BOARDS AND COMMISSIONS

2. [17-145](#) Building Appeal Board Meeting Minutes

**Indexes:**

**Attachments:** [7-12-17 Building Appeal Board Meeting Minutes](#)

[8-9-17 Building Appeal Board Meeting Minutes](#)

**This Board or Commission Report was received.**

3. [17-146](#) Housing Redevelopment Authority Meeting Minutes

**Indexes:**

**Attachments:** [7-25-17 Housing Redevelopment Authority Meeting Minutes](#)

**This Board or Commission Report was received.**

4. [17-147](#) Duluth Economic Development Authority Meeting Minutes

**Indexes:**

**Attachments:** [7-26-17 Duluth Economic Development Authority Meeting Minutes](#)

**This Board or Commission Report was received.**

5. [17-148](#) Parking Commission Meeting Minutes

**Indexes:**

**Attachments:** [8-4-17 Parking Commission Meeting Minutes](#)

**This Board or Commission Report was received.**

6. [17-151](#) Resolution No. 17PUC-004: RESOLUTION ESTABLISHING WATER RATES EFFECTIVE WITH METER READINGS AFTER DECEMBER 21, 2017; SUPERSEDING ALL PRIOR INCONSISTENT OR CONFLICTING RATES AS OF JANUARY 1, 2018.

**Indexes:**

**Attachments:** [17PUC-004](#)

**This Board or Commission Report was received.**

- 7. [17-152](#) Resolution No. 17PUC-005: RESOLUTION APPROVING AND RECOMMENDING 2018 UTILITY BUDGET.

Indexes:

Attachments: [17PUC-005](#)

This Board or Commission Report was received.

- 8. [17-153](#) Resolution No. 17PUC-006: RESOLUTION ESTABLISHING FEES FOR VARIOUS UTILITY – RELATED SERVICES

Indexes:

Attachments: [17PUC-006](#)

This Board or Commission Report was received.

- 9. [17-154](#) Resolution No. 17PUC-007: RESOLUTION AMENDING ARTICLE V SECTION 5 SUBSECTION (b) OF THE BYLAWS CLARIFYING HEARING REQUIREMENTS.

Indexes:

Attachments: [17PUC-007](#)

This Board or Commission Report was received.

- 10. [17-155](#) Duluth Public Utilities Commission Meeting Minutes

Indexes:

Attachments: [08152017 DPUC meeting minutes](#)

This Board or Commission Report was received.

**REPORTS OF COUNCIL COMMITTEES**

**REPORTS OF COUNCIL OPEN ISSUES**

**OPPORTUNITY FOR CITIZENS TO BE HEARD**

**RESOLUTIONS TABLED**

**BY COUNCILOR HANSEN (FINANCE)**

11. [17-0652R](#) RESOLUTION PROPOSING THE SUM TO BE RAISED BY TAXATION FOR GENERAL PURPOSES FOR THE YEAR 2018.

Indexes:

Attachments: [Motion to Amend - Filipovich.Sipress \(Passes 5-4\)](#)  
[Motion to Amend - Hobbs.Hansen \(Passes 7-2\)](#)

**This Resolution was adopted as amended.**

**Yea:** 7 - Councilor Anderson, Councilor Filipovich, Councilor Hansen, Councilor Hobbs, Councilor Russ, Councilor Westerlund and President Sipress

**Nay:** 2 - Councilor Fosle and Councilor Hanson

**CONSENT AGENDA**

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

12. [17-0687R](#) RESOLUTION AUTHORIZING A THREE-YEAR AGREEMENT WITH MICROSOFT VIA ITS RESELLER, SOFTWARE HOUSE INTERNATIONAL (SHI), FOR THE PURCHASE AND MAINTENANCE OF ENTERPRISE-WIDE SOFTWARE LICENSING IN THE ANNUAL AMOUNT OF \$249,460.88 FOR A TOTAL AMOUNT OF \$748,382.64.

Indexes:

Attachments: [Exhibit A](#)

**This Resolution was adopted unanimously.**

**BY COUNCILOR ANDERSON (PERSONNEL)**

13. [17-0681R](#) RESOLUTION APPROVING PROPOSED AMENDMENTS TO THE SPECIFICATIONS FOR THE EXISTING CIVIL SERVICE CLASSIFICATION OF SENIOR PROGRAMMER ANALYST.

Indexes:

Attachments: [Senior Programmer Analyst](#)  
[Senior Programmer Analyst \(strikeout\)](#)

**This Resolution was adopted unanimously.**

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

14. [17-0675R](#) RESOLUTION VACATING 0.40 FEET OF THE GARFIELD AVENUE RIGHT OF WAY TO ACCOMMODATE AN EXISTING BUILDING AT 728 GARFIELD AVENUE.

Indexes:

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

This Resolution was adopted unanimously.

15. [17-0677R](#) RESOLUTION VACATING AN APPROXIMATELY 320 FOOT UTILITY EASEMENT AT 618 HOVLAND LANE.

Indexes:

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

This Resolution was adopted unanimously.

16. [17-0695R](#) RESOLUTION AUTHORIZING AMENDMENT NO. 1 TO DEVELOPMENT AGREEMENT WITH CAPSTONE LLC MODIFYING BONDING REQUIREMENTS.

This Resolution was adopted unanimously.

**BY COUNCILOR FILIPOVICH (INTERGOVERNMENTAL RELATIONS)**

17. [17-0696R](#) RESOLUTION AUTHORIZING PROPER CITY OFFICIALS TO ENTER INTO A COOPERATIVE AGREEMENT WITH THE U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT FOR FAIR HOUSING ENFORCEMENT AND ACCEPTING \$17,000 IN COOPERATIVE AGREEMENT FUNDING.

Indexes:

Attachments: [FY 2017 FHAP Funding](#)

This Resolution was adopted unanimously.

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

18. [17-0670R](#) RESOLUTION AUTHORIZING AGREEMENT WITH ISD 709 AUTHORIZING CITY TO SELL ISD 709 SALT AND SAND FOR ICE AND SNOW TREATMENT.

**Indexes:**

**Attachments:** [Exhibit A.](#)

**This Resolution was adopted unanimously.**

19. [17-0680R](#) RESOLUTION AWARDING A CONTRACT TO REDSTONE CONSTRUCTION, LLC FOR THE AERIAL LIFT BRIDGE DECK REHABILITATION PROJECT IN THE AMOUNT OF \$295,975.

**Indexes:**

**Attachments:** [17-0680R Map](#)

**This Resolution was adopted unanimously.**

20. [17-0682R](#) RESOLUTION ACCEPTING DEDICATION OF A UTILITY EASEMENT FROM ASPENWOOD CONDOMINIUMS OF DULUTH, INC.

**Indexes:**

**Attachments:** [17-0682R Exhibit 1](#)  
[17-0682R Exhibit A](#)  
[17-0682R Supplemental Map](#)

**This Resolution was adopted unanimously.**

21. [17-0684R](#) RESOLUTION ACCEPTING DEDICATION OF A UTILITY EASEMENT FROM LIFT BRIDGE PARTNERS, LLC.

**Indexes:**

**Attachments:** [17-0684R Attachment 1](#)  
[17-0684R Exhibit 1](#)

**This Resolution was adopted unanimously.**

22. [17-0685R](#) RESOLUTION ACCEPTING PERMANENT EASEMENT FOR UTILITY PURPOSES FROM ONE ROOF COMMUNITY HOUSING AT NO COST TO THE CITY.

Indexes:

Attachments: [Exhibit 1](#)

**This Resolution was adopted unanimously.**

**Yea:** 8 - Councilor Anderson, Councilor Filipovich, Councilor Fosle, Councilor Hansen, Councilor Hanson, Councilor Russ, Councilor Westerlund and President Sipress

**Abstain:** 1 - Councilor Hobbs

23. [17-0688R](#) RESOLUTION ACCEPTING PERMANENT EASEMENT FOR ROADWAY AND UTILITY PURPOSES FROM SPIRIT BAY DEVELOPMENT COMPANY OVER PROPERTY ABUTTING SPIRIT COVE DRIVE AT NO COST TO THE CITY.

Indexes:

Attachments: [Exhibit 1-Dev Co](#)  
[Exhibit 2](#)

**This Resolution was adopted unanimously.**

24. [17-0689R](#) RESOLUTION ACCEPTING PERMANENT EASEMENT FOR ROADWAY AND UTILITY PURPOSES FROM ROBERT D. LARSON AND SALLY J. LARSON OVER PROPERTY ABUTTING SPIRIT COVE DRIVE AT NO COST TO THE CITY.

Indexes:

Attachments: [Exhibit 1-Larson](#)  
[Exhibit 2](#)

**This Resolution was adopted unanimously.**

**BY COUNCILOR FOSLE (PUBLIC SAFETY)**

25. [17-0672R](#) RESOLUTION AUTHORIZING THE ACCEPTANCE OF A GRANT FROM THE MINNESOTA DEPARTMENT OF PUBLIC SAFETY IN THE AMOUNT OF \$246,775 FOR THE 2018 TOWARDS ZERO DEATHS PROJECT.

Indexes:

Attachments: [Exhibit A](#)

This Resolution was adopted unanimously.

26. [17-0673R](#) RESOLUTION AUTHORIZING PROPER CITY OFFICIALS TO ENTER INTO AN AGREEMENT WITH ORGANIZED CRIME DRUG ENFORCEMENT TASK FORCE, GREAT LAKES REGION, FOR REIMBURSEMENT OF INVESTIGATOR OVERTIME IN THE AMOUNT OF \$25,000.

Indexes:

Attachments: [Exhibit A](#)

This Resolution was adopted unanimously.

27. [17-0693R](#) RESOLUTION AUTHORIZING AN AGREEMENT WITH THE STATE OF MINNESOTA HOMELAND SECURITY AND EMERGENCY MANAGEMENT DIVISION FOR CONTINUED PROVISION OF HAZARDOUS MATERIALS CHEMICAL ASSESSMENT TEAM SERVICES THROUGH SEPTEMBER 30, 2022 IN THE AMOUNT NOT TO EXCEED \$60,000 PER EACH TWELVE-MONTH PERIOD OF THE CONTRACT.

Sponsors: Public Safety

Indexes:

Attachments: [HSEM-Duluth CAT Team PT\\_131757\\_PO 3-50284](#)

This Resolution was adopted unanimously.

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

- 28. [17-0686R](#) RESOLUTION AUTHORIZING AN AGREEMENT WITH THE DULUTH AREA FAMILY YMCA TO PROVIDE YOUTH DEVELOPMENT PROGRAMMING FOR A MAXIMUM ANNUAL AMOUNT NOT TO EXCEED \$120,000, AND A TOTAL AMOUNT NOT TO EXCEED \$360,000.

Indexes:

Attachments: [EXHIBIT A: Grant Agreement with signature page](#)

This Resolution was adopted unanimously.

- 29. [17-0690R](#) RESOLUTION ACCEPTING PERMANENT EASEMENT FOR PUBLIC MULTI-USE TRAIL PURPOSES FROM LOWER MILLER HILL APTS., L.P. OVER PROPERTY NEAR CENTRAL ENTRANCE AND PECAN AVENUE AT NO COST TO THE CITY.

Indexes:

Attachments: [Exhibit 1](#)

This Resolution was adopted unanimously.

**END OF CONSENT AGENDA**

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

- 30. [17-0709R](#) RESOLUTION VETOING DPUC RESOLUTION NO. 17PUC-004 APPROVING A WATER RATE INCREASE.

Sponsors: Hanson

This Resolution failed by the following vote:

**Yea:** 2 - Councilor Fosle and Councilor Hanson

**Nay:** 7 - Councilor Anderson, Councilor Filipovich, Councilor Hansen, Councilor Hobbs, Councilor Russ, Councilor Westerlund and President Sipress

**INTRODUCTION AND CONSIDERATION OF ORDINANCES**

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

**BY COUNCILOR HANSEN (FINANCE)**

31. [17-051-O](#) AN ORDINANCE TO AMEND THE BUDGET OF THE CITY OF DULUTH FOR 2017 BY INCREASING THE BUDGET BY \$415,000 FOR A PROJECTED INCREASE IN OVERTIME IN THE FIRE DEPARTMENT AND TO FINANCE THE TENANT LANDLORD CONNECTION PROGRAM.

This Ordinance was read for the first time.

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

32. [17-046-O](#) AN ORDINANCE GRANTING A CONCURRENT USE PERMIT FOR APPROXIMATELY TWELVE PARKING SPACES IN THE PLATTED STREET RIGHT OF WAY OF EAST RED WING STREET.

**Indexes:**

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

[Attachment 2](#)

This Ordinance was read for the first time.

33. [17-047-O](#) AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF DULUTH TO RECLASSIFY PROPERTY WEST OF HIGHWAY 53, BETWEEN PIEDMONT AVENUE AND WEST 9TH STREET, FROM MU-N TO R-1.

**Indexes:**

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

[Attachment 2](#)

This Ordinance was read for the first time.

34. [17-048-O](#) AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF DULUTH TO RECLASSIFY PROPERTY AT APPROXIMATELY THE 1200 BLOCK OF SOUTH RIDGE ROAD, FROM RR-1 TO R-1.

Indexes:

Attachments: [Attachment 1](#)

[Attachment 2](#)

This Ordinance was read for the first time.

35. [17-049-O](#) AN ORDINANCE GRANTING A CONCURRENT USE PERMIT FOR AN APPROXIMATELY 1,475 FOOT PRIVATE SEWER LINE IN THE PLATTED STREET RIGHT OF WAY OF 110TH AVENUE WEST.

Indexes:

Attachments: [Attachment 1](#)

[Attachment 2](#)

This Ordinance was read for the first time.

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

36. [17-050-O](#) ORDINANCE AUTHORIZING THE DULUTH AIRPORT AUTHORITY TO ACCEPT FEDERAL AND STATE OF MINNESOTA GRANTS FOR IMPROVEMENTS TO THE DULUTH INTERNATIONAL AIRPORT (“DIA”) AND SKYHARBOR AIRPORT INCLUDING RETROACTIVE ACCEPTANCE OF GRANTS FOR WORK RELATED TO RUNWAY RECONSTRUCTION AT THE DIA, AND TO EXECUTE GRANT DOCUMENTS ON BEHALF OF THE CITY.

This Ordinance was read for the first time.

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

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

37. [17-044-O](#) AN ORDINANCE DESIGNATING THE LINCOLN PARK PAVILION AT 501 N 25TH AVENUE WEST AS A DULUTH HERITAGE PRESERVATION LANDMARK.

Indexes:

Attachments: [Attachment 1](#)

**This Ordinance was adopted unanimously.**

38. [17-045-O](#) AN ORDINANCE AMENDING CHAPTER 50, SECTION 50-37.1 G, OF THE CITY CODE TO CLARIFY THAT THE 12 MONTH APPLICATION LIMITATION DOES NOT APPLY TO CITY INITIATED PLANNING OR ZONING PROPOSALS.

**This Ordinance was adopted.**

**Yea:** 8 - Councilor Anderson, Councilor Filipovich, Councilor Hansen, Councilor Hanson, Councilor Hobbs, Councilor Russ, Councilor Westerlund and President Sipress

**Nay:** 1 - Councilor Fosle

## **COUNCILOR QUESTIONS AND COMMENTS**

## **COUNCILOR PREVIEW OF UPCOMING BUSINESS**

Meeting adjourned at 8:30 p.m.



# City of Duluth

411 West First Street  
Duluth, Minnesota 55802

## Actions and Unofficial Minutes

### 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]*

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Monday, October 9, 2017

7:00 PM

Council Chamber

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#### ROLL CALL

**Present:** 9 - Councilor Gary Anderson, Councilor Zack Filipovich, Councilor Jay Fosle, Councilor Elissa Hansen, Councilor Howie Hanson, Councilor Noah Hobbs, Councilor Barb Russ, Councilor Em Westerlund and President Joel Sipress

#### PLEDGE OF ALLEGIANCE

#### APPROVAL OF MINUTES

1. [17-166](#) September 25, 2017 Duluth City Council Meeting Minutes

Indexes:

Attachments: [September 25 Council Meeting](#)

This Minutes was approved.

#### REPORTS FROM THE ADMINISTRATION

#### REPORTS FROM OTHER OFFICERS

#### REPORTS OF BOARDS AND COMMISSIONS

2. [17-163](#) Housing & Redevelopment Authority Meeting Minutes

Indexes:

Attachments: [8-29-17 HRA Meeting Minutes](#)

This Board or Commission Report was received.

3. [17-164](#) Library Board Meeting Minutes

Indexes:

Attachments: [8-23-17 Library Board Meeting Minutes](#)

This Board or Commission Report was received.

4. [17-165](#) Duluth Economic Development Authority Meeting Minutes

Indexes:

Attachments: [8-23-17 DEDA Meeting Minutes](#)

This Board or Commission Report was received.

**REPORTS OF COUNCIL COMMITTEES**

**REPORTS OF COUNCIL OPEN ISSUES**

**OPPORTUNITY FOR CITIZENS TO BE HEARD**

**CONSENT AGENDA**

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

5. [17-0715R](#) RESOLUTION APPROVING THE EXEMPTION OF A RAFFLE LICENSE AND WAIVING THE 60 DAY WAITING PERIOD FOR MARCH OF DIMES FOUNDATION.

Indexes:

Attachments: [March of Dimes Foundation](#)

This Resolution was adopted unanimously.

6. [17-0718R](#) RESOLUTION ISSUING AN ON SALE INTOXICATING LIQUOR LICENSE, SUNDAY LICENSE AND APPROVING ISSUANCE OF A 2:00 A.M. BEVERAGE LICENSE TO NYANYIKA BANDA, (MARTHA'S DAUGHTER), 107 EAST SUPERIOR STREET.

**This Resolution was adopted unanimously.**

**Yea:** 8 - Councilor Anderson, Councilor Filipovich, Councilor Fosle, Councilor Hanson, Councilor Hobbs, Councilor Russ, Councilor Westerlund and President Sipress

**Abstain:** 1 - Councilor Hansen

7. [17-0743R](#) RESOLUTION APPROVING ISSUANCE OF A TEMPORARY ON SALE INTOXICATING LIQUOR LICENSE TO CHURCHES UNITED IN MINISTRY.

**This Resolution was adopted unanimously.**

**BY COUNCILOR ANDERSON (PERSONNEL)**

8. [17-0725R](#) RESOLUTION CONFIRMING THE APPOINTMENTS OF ROBERT MILLER, PHOEBE DAVIS, AND MELISSA DEVERNY TO THE INDIGENOUS COMMISSION.

**This Resolution was adopted unanimously.**

9. [17-0726R](#) RESOLUTION CONFIRMING THE APPOINTMENT OF RICHARD WALLIN TO THE BUILDING APPEAL BOARD .

**This Resolution was adopted.**

10. [17-0730R](#) RESOLUTION APPROVING APPOINTMENTS TO THE RED TAPE REDUCTION TASK FORCE.

**This Resolution was adopted unanimously.**

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

11. [17-0720R](#) RESOLUTION AUTHORIZING AN AGREEMENT WITH ONE ROOF COMMUNITY HOUSING FOR THE TENANT LANDLORD CONNECTION IN THE AMOUNT OF \$40,000 FOR THE FISCAL YEAR, BEGINNING APRIL 1, 2017 AND ENDING MARCH 31, 2018.

Indexes:

Attachments: [Attachment 1](#)

**This Resolution was adopted unanimously.**

**Yea:** 8 - Councilor Anderson, Councilor Filipovich, Councilor Fosle, Councilor Hansen, Councilor Hanson, Councilor Russ, Councilor Westerlund and President Sipress

**Abstain:** 1 - Councilor Hobbs

12. [17-0723R](#) RESOLUTION AUTHORIZING AN AMENDMENT TO SUB-RECIPIENT AGREEMENTS WITH SOAR CAREER SOLUTIONS, COMMUNITY ACTION DULUTH, ISD 709 ADULT BASIC EDUCATION, AND THE BOARD OF TRUSTEES OF THE MINNESOTA STATE COLLEGES AND UNIVERSITIES ON BEHALF OF LAKE SUPERIOR COLLEGE AND THE CITY OF DULUTH FOR EMPLOYMENT AND TRAINING SERVICES FUNDED THROUGH THE STATE OF MINNESOTA'S PATHWAYS TO PROSPERITY GRANT PROGRAM WHICH HAS BEEN AWARDED AN ADDITIONAL \$50,000 IN GRANT FUNDING.

Indexes:

Attachments: [ABE Amendment Sig](#)

[CAD Amendment Sig](#)

[LSC Amendment Sig](#)

[SOAR Amendment Sig](#)

**This Resolution was adopted unanimously.**

13. [17-0734R](#) RESOLUTION AUTHORIZING AN APPLICATION FOR A LOAN WITH ALTEC, INC IN AN AMOUNT NOT TO EXCEED \$550,000 CONTINGENT UPON RECEIPT OF A MINNESOTA INVESTMENT FUND GRANT FROM THE MINNESOTA DEPARTMENT OF EMPLOYMENT AND ECONOMIC DEVELOPMENT

**This Resolution was adopted unanimously.**

14. [17-0735R](#) RESOLUTION AUTHORIZING AN AMENDMENT TO THE PROFESSIONAL SERVICES AGREEMENT WITH BAY WEST LLC INCREASING THE "NOT TO EXCEED" AMOUNT BY \$37,500 FOR A TOTAL CONTRACT NOT TO EXCEED THE AMOUNT OF \$75,000.

Indexes:

Attachments: [Bay West Consulting Agreement Amendment](#)

This Resolution was adopted unanimously.

15. [17-0736R](#) RESOLUTION AUTHORIZING AN AMENDMENT TO THE PROFESSIONAL SERVICES AGREEMENT WITH BARR ENGINEERING COMPANY INCREASING THE "NOT TO EXCEED" AMOUNT BY \$62,500 FOR A TOTAL CONTRACT NOT TO EXCEED THE AMOUNT OF \$100,000.

Indexes:

Attachments: [BARR Engineering Consulting Agreement Amendment](#)

This Resolution was adopted unanimously.

#### **BY PRESIDENT SIPRESS (COMMITTEE OF THE WHOLE)**

16. [17-0722R](#) RESOLUTION ACCEPTING SPECIAL LAWS AMENDING THE SEAWAY PORT AUTHORITY OF DULUTH TAX INCREMENT FINANCE DISTRICT AND EXPANDING THE BOUNDARY FOR THE EXTRA HALF PERCENT HOTELS AND MOTELS TAX.

This Resolution was adopted unanimously.

#### **BY COUNCILOR HOBBS (PUBLIC WORKS & UTILITIES)**

17. [17-0711R](#) RESOLUTION AUTHORIZING THE PURCHASE OF 5,100 TONS OF ROAD SALT FROM MORTON SALT INC. IN THE AMOUNT OF \$177,276.

This Resolution was adopted unanimously.

18. [17-0717R](#) RESOLUTION AUTHORIZING AGREEMENT WITH DEDA FOR SNOW STORAGE ON LOT D.

Indexes:

Attachments: [17D--- Lot D Snow 2017-2018](#)

This Resolution was adopted unanimously.

19. [17-0731R](#) RESOLUTION AUTHORIZING AN AGREEMENT WITH LHB, INC. FOR PROFESSIONAL ENGINEERING SERVICES TO PROVIDE DESIGN ENGINEERING FOR THE EAST NINTH STREET/EAST EIGHTH STREET RECONDITIONING PROJECT IN THE AMOUNT OF \$72,448.

Indexes:

Attachments: [17-0731R Agreement](#)  
[17-0731R Cost Spreadsheet](#)  
[17-0731R Map](#)

This Resolution was adopted unanimously.

**BY COUNCILOR FOSLE (PUBLIC SAFETY)**

20. [17-0728R](#) RESOLUTION AUTHORIZING ACCEPTANCE OF A GRANT FROM THE MINNESOTA DEPARTMENT OF PUBLIC SAFETY HOMELAND SECURITY AND EMERGENCY MANAGEMENT DIVISION IN THE AMOUNT OF \$20,000 FOR THE PURPOSE OF MAINTAINING A LOCAL EMERGENCY MANAGEMENT PROGRAM.

Indexes:

Attachments: [EMPG Grant 2017](#)

This Resolution was adopted unanimously.

21. [17-0729R](#) RESOLUTION AUTHORIZING PROPER CITY OFFICIALS TO ENTER INTO AN AGREEMENT WITH ORGANIZED CRIME DRUG ENFORCEMENT TASK FORCE, GREAT LAKES REGION, FOR REIMBURSEMENT OF INVESTIGATOR OVERTIME IN THE AMOUNT OF \$25,000.

Indexes:

Attachments: [Exhibit A](#)

This Resolution was adopted unanimously.

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

22. [17-0691R](#) RESOLUTION AUTHORIZING THE CITY TO ENTER INTO A MEMORANDUM OF UNDERSTANDING WITH ST LOUIS COUNTY PROVIDING FOR CITY OF DULUTH PARTICIPATION IN A WILDFIRE PREVENTION PROJECT INVOLVING REMOVAL OF STORM-DAMAGED TREES ON CITY PROPERTY EAST OF HOWARD GNESEN ROAD IN HARTLEY PARK.

Indexes:

Attachments: [Hartley Forest Management County-City MOU JFW Rev 10.2.17 CLEAN \(00000003\)](#)

This Resolution was adopted unanimously.

23. [17-0724R](#) RESOLUTION ACCEPTING \$15,000 FROM ST. LOUIS COUNTY FOR IMPROVEMENTS TO THE WESTERN DULUTH LITTLE LEAGUE FIELD AT WHEELER FIELD.

This Resolution was adopted unanimously.

**END OF CONSENT AGENDA**

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

24. [17-0738R](#) RESOLUTION AUTHORIZING A GRANT TO THE ARROWHEAD ZOOLOGICAL SOCIETY, INC. IN THE AMOUNT OF \$200,000 AND AUTHORIZING A ONE YEAR EXTENSION OF A LINE OF CREDIT PROMISSORY NOTE.

**A motion was made that this Resolution be adopted The motion carried by the following vote:**

**Yea:** 6 - Councilor Anderson, Councilor Filipovich, Councilor Hansen, Councilor Russ, Councilor Westerlund and President Sipress

**Nay:** 2 - Councilor Fosle and Councilor Hanson

**Abstain:** 1 - Councilor Hobbs

25. [17-0710R](#) RESOLUTION AUTHORIZING A THREE-YEAR AGREEMENT WITH DULUTH AMATEUR HOCKEY ASSOCIATION FOR USE AND OPERATION OF THE CITY'S OUTDOOR HOCKEY FACILITIES AND ADJOINING PROPERTIES.

**Indexes:**

**Attachments:** [Exhibit 1](#)

**This Resolution was adopted unanimously.**

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

**BY COUNCILOR HANSEN (FINANCE)**

26. [17-051-O](#) AN ORDINANCE TO AMEND THE BUDGET OF THE CITY OF DULUTH FOR 2017 BY INCREASING THE BUDGET BY \$415,000 FOR A PROJECTED INCREASE IN OVERTIME IN THE FIRE DEPARTMENT AND TO FINANCE THE TENANT LANDLORD CONNECTION PROGRAM.

**A motion was made that this Ordinance be adopted The motion carried by the following vote:**

**Yea:** 6 - Councilor Anderson, Councilor Filipovich, Councilor Hansen, Councilor Russ, Councilor Westerlund and President Sipress

**Nay:** 2 - Councilor Fosle and Councilor Hanson

**Abstain:** 1 - Councilor Hobbs

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

27. [17-046-O](#) AN ORDINANCE GRANTING A CONCURRENT USE PERMIT FOR APPROXIMATELY TWELVE PARKING SPACES IN THE PLATTED STREET RIGHT OF WAY OF EAST RED WING STREET.

**Indexes:**

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

**This Ordinance passed unanimously.**

**Yea:** 9 - Councilor Anderson, Councilor Filipovich, Councilor Fosle, Councilor Hansen, Councilor Hanson, Councilor Hobbs, Councilor Russ, Councilor Westerlund and President Sipress

28. [17-047-O](#) AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF DULUTH TO RECLASSIFY PROPERTY WEST OF HIGHWAY 53, BETWEEN PIEDMONT AVENUE AND WEST 9TH STREET, FROM MU-N TO R-1.

**Indexes:**

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

**A motion was made that this Ordinance be adopted The motion carried by the following vote:**

**Yea:** 8 - Councilor Anderson, Councilor Filipovich, Councilor Fosle, Councilor Hansen, Councilor Hobbs, Councilor Russ, Councilor Westerlund and President Sipress

**Nay:** 1 - Councilor Hanson

29. [17-048-O](#) AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF DULUTH TO RECLASSIFY PROPERTY AT APPROXIMATELY THE 1200 BLOCK OF SOUTH RIDGE ROAD, FROM RR-1 TO R-1.

**Indexes:**

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

**This Ordinance was adopted unanimously.**

30. [17-049-O](#) AN ORDINANCE GRANTING A CONCURRENT USE PERMIT FOR AN APPROXIMATELY 1,475 FOOT PRIVATE SEWER LINE IN THE PLATTED STREET RIGHT OF WAY OF 110TH AVENUE WEST.

Indexes:

Attachments: [Attachment 1](#)

[Attachment 2](#)

This Ordinance was adopted unanimously.

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

31. [17-050-O](#) ORDINANCE AUTHORIZING THE DULUTH AIRPORT AUTHORITY TO ACCEPT FEDERAL AND STATE OF MINNESOTA GRANTS FOR IMPROVEMENTS TO THE DULUTH INTERNATIONAL AIRPORT (“DIA”) AND SKYHARBOR AIRPORT INCLUDING RETROACTIVE ACCEPTANCE OF GRANTS FOR WORK RELATED TO RUNWAY RECONSTRUCTION AT THE DIA, AND TO EXECUTE GRANT DOCUMENTS ON BEHALF OF THE CITY.

This Ordinance was adopted unanimously.

**COUNCILOR QUESTIONS AND COMMENTS**

**COUNCILOR PREVIEW OF UPCOMING BUSINESS**

Meeting adjourned at 8:14 p.m



# City of Duluth

411 West First Street  
Duluth, Minnesota 55802

## Actions and Unofficial Minutes

### 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]*

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Monday, October 23, 2017

7:00 PM

Council Chamber

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#### ROLL CALL

**Present:** 9 - Councilor Gary Anderson, Councilor Zack Filipovich, Councilor Jay Fosle, Councilor Elissa Hansen, Councilor Howie Hanson, Councilor Noah Hobbs, Councilor Barb Russ, Councilor Em Westerlund and President Joel Sipress

#### PLEDGE OF ALLEGIANCE

#### APPROVAL OF MINUTES

1. [17-172](#) October 9th, 2017 - Duluth City Council Meeting

**Indexes:**

**Attachments:** [October 9 - City Council Meeting](#)

This Minutes was approved.

#### REPORTS FROM THE ADMINISTRATION

#### REPORTS FROM OTHER OFFICERS

[17-185](#) Earned Sick and Safe Time

**Indexes:**

- Attachments:** [ESST Ex 4](#)  
[ESST Ex 6A](#)  
[ESST Ex. 7](#)  
[ESST REPORT FINAL RECOMMENDATIONS](#)  
[ESST Survey Summary Ex 5](#)

This Other Officers Report was received.

**REPORTS OF BOARDS AND COMMISSIONS**

2. [17-167](#) Duluth Parking Commission Resolutions

**Indexes:**

- Attachments:** [September 2017 DPC Resolutions](#)

This Board or Commission Report was received.

3. [17-168](#) Charter Commission Meeting Minutes

**Indexes:**

- Attachments:** [10-14-15 Charter Commission Meeting Minutes](#)  
[11-24-15 Charter Commission Meeting Minutes](#)  
[10-12-16 Charter Commission Meeting Minutes](#)

This Board or Commission Report was received.

4. [17-169](#) Alcohol, Gambling & Tobacco Commission Meeting Minutes

**Indexes:**

- Attachments:** [8-2-17 Alcohol, Gambling & Tobacco Commission](#)

This Board or Commission Report was received.

5. [17-170](#) Duluth Seaway Port Authority Meeting Minutes

Indexes:

Attachments: [7-26-17 Duluth Seaway Port Authority Meeting Minutes](#)

This Board or Commission Report was received.

**REPORTS OF COUNCIL COMMITTEES**

**REPORTS OF COUNCIL OPEN ISSUES**

Distinguished Artist Award - Gaelynn Lee

**OPPORTUNITY FOR CITIZENS TO BE HEARD**

**CONSENT AGENDA**

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

6. [17-0727R](#) RESOLUTION IN THE MATTER OF THE ON SALE INTOXICATING LIQUOR LICENSE OF HOSPITALITY ASSOCIATES OF DULUTH, LLC (SPURS ON 1ST) 109 WEST FIRST STREET

Indexes:

Attachments: [REPORT TO COUNCIL-signed](#)

This Resolution was adopted unanimously.

7. [17-0748R](#) RESOLUTION AUTHORIZING AN INCREASE TO PURCHASE ORDER 2017-00000024 FOR ORIGINAL EQUIPMENT MANUFACTURER (OEM) PARTS, SUPPLIES AND LABOR FROM ZIEGLER, INC. IN THE AMOUNT OF \$16,000 FOR A NEW TOTAL NOT TO EXCEED \$111,000.

This Resolution was adopted unanimously.

**BY COUNCILOR ANDERSON (PERSONNEL)**

- 8. [17-0713R](#) RESOLUTION APPROVING APPOINTMENT OF JAMES RIEHL TO THE DULUTH INTERNATIONAL AIRPORT JOINT AIRPORT ZONING BOARD

**This Resolution was adopted unanimously.**

- 9. [17-0774R](#) RESOLUTION CONFIRMING THE APPOINTMENT OF JENNIFER JULSRUD TO THE HOUSING AND REDEVELOPMENT AUTHORITY OF DULUTH.

**This Resolution was adopted as amended.**

**Yea:** 7 - Councilor Anderson, Councilor Filipovich, Councilor Hansen, Councilor Hanson, Councilor Russ, Councilor Westerlund and President Sipress

**Nay:** 2 - Councilor Fosle and Councilor Hobbs

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

- 10. [17-0755R](#) RESOLUTION AMENDING AND CORRECTING THE LEGAL DESCRIPTION FOR THE VACATION AUTHORIZED UNDER RESOLUTION 08-0463.

**Indexes:**

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

**This Resolution was adopted unanimously.**

- 11. [17-0759R](#) RESOLUTION VACATING TEN FEET OF THE MENDENHALL DIVISION STREET EASEMENT IN ORDER TO REBUILD A PRE-EXISTING GARAGE.

**Indexes:**

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

**This Resolution was adopted unanimously.**

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

12. [17-0766R](#) RESOLUTION AMENDING RESOLUTION 17-0587R CHANGING THE 2017 ELECTION JUDGE COMPENSATION.

This Resolution was adopted unanimously.

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

13. [17-0719R](#) RESOLUTION APPROVING A STATE PROJECT WITHIN THE MUNICIPAL CORPORATE LIMITS FOR IMPROVEMENTS TO TRUNK HIGHWAY 194 (MESABA AVENUE) AND SUPERIOR STREET.

Indexes:

Attachments: [Municipal Consent Resolution Map](#)

This Resolution was adopted unanimously.

14. [17-0732R](#) RESOLUTION OF SUPPORT FOR A LOCAL ROAD IMPROVEMENT PROJECT APPLICATION BY THE ST. LOUIS COUNTY PUBLIC WORKS DEPARTMENT FOR FUNDING THE CONSTRUCTION OF LEFT TURN LANES AND A SIDEWALK AND UPGRADING TRAFFIC SIGNALS AT RICE LAKE ROAD AND ARROWHEAD ROAD/ARLINGTON AVENUE.

Indexes:

Attachments: [17-0732R Map](#)

This Resolution was adopted unanimously.

15. [17-0733R](#) RESOLUTION AUTHORIZING APPLICATION TO THE MINNESOTA DEPARTMENT OF TRANSPORTATION FOR LOCAL ROAD IMPROVEMENT FUNDING FOR THE RECONSTRUCTION OF SUPERIOR STREET FROM SEVENTH AVENUE WEST TO FOURTH AVENUE EAST.

Indexes:

Attachments: [17-0733R Map](#)  
[17-0733R Exhibit A](#)

This Resolution was adopted unanimously.

16. [17-0745R](#) RESOLUTION AUTHORIZING A REQUEST TO MNDOT TO PROVIDE ADVANCE FUNDING AND AUTHORIZING PAYMENTS FROM SUBSEQUENT ACCRUALS TO THE CITY'S MUNICIPAL STATE AID CONSTRUCTION AMOUNT FOR SUPERIOR STREET RECONSTRUCTION IN THE AMOUNT OF \$4,000,000.

Indexes:

Attachments: [17-0745R Map](#)

This Resolution was adopted unanimously.

17. [17-0763R](#) RESOLUTION AUTHORIZING ASSET MANAGEMENT AGREEMENT WITH UNITED ENERGY TRADING LLC FOR THE MANAGEMENT OF THE CITY'S GAS SUPPLY, TRANSPORTATION, STORAGE AND DELIVERY CONTRACTS.

Indexes:

Attachments: [Exhibit A - 17-0763R](#)

This Resolution was adopted unanimously.

#### BY COUNCILOR FOSLE (PUBLIC SAFETY)

18. [17-0744R](#) RESOLUTION AUTHORIZING THE EXECUTION OF A MEMORANDUM OF UNDERSTANDING BETWEEN ECOLIBRIUM3 AND THE DULUTH POLICE DEPARTMENT FOR A VISTA MEMBER TO ASSIST WITH RESPONDING TO COMMUNITY ISSUES RESULTING FROM OPIOID ADDICTION AND FURTHER AUTHORIZING A COST SHARE CONTRIBUTION FROM THE CITY OF DULUTH IN THE AMOUNT OF \$5,000.

Indexes:

Attachments: [17-0744R Exhibit A](#)

This Resolution was adopted unanimously.

19. [17-0762R](#) RESOLUTION AUTHORIZING THE EXECUTION OF A MEMORANDUM OF UNDERSTANDING BETWEEN THRIVE BEHAVIORAL NETWORK II, LLC, AND THE CITY OF DULUTH FOR AN EMBEDDED LICENSED INDEPENDENT CLINICAL SOCIAL WORKER TO WORK COLLABORATIVELY WITH THE DULUTH POLICE DEPARTMENT TO BETTER RESPOND TO INDIVIDUALS WITH MENTAL ILLNESS, ADDICTION AND HOMELESSNESS.

**Indexes:**

**Attachments:** [MOU - Final](#)

This Resolution was adopted unanimously.

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

20. [17-0765R](#) RESOLUTION AUTHORIZING THE RE-CONVEYANCE OF CERTAIN PROPERTY ACQUIRED UNDER A CONDITIONAL USE DEED TO THE STATE OF MINNESOTA.

**Indexes:**

**Attachments:** [Exhibit A](#)

This Resolution was adopted unanimously.

**END OF CONSENT AGENDA**

**BY COUNCILOR HANSEN (FINANCE)**

21. [17-0760R](#) RESOLUTION PROVIDING FOR THE ISSUANCE, SALE AND DELIVERY OF GENERAL OBLIGATION CAPITAL IMPROVEMENT BONDS, SERIES 2017A, IN THE APPROXIMATE AMOUNT OF \$1,480,000; ESTABLISHING THE TERMS AND FORM THEREOF; CREATING A DEBT SERVICE FUND THEREFOR; AND PROVIDING FOR AWARDED THE SALE THEREOF.

**Indexes:**

**Attachments:** [Exhibit A](#)

[Exhibit B](#)

A motion was made that this Resolution be adopted The motion carried by the following vote:

**Yea:** 8 - Councilor Anderson, Councilor Filipovich, Councilor Hansen, Councilor Hanson, Councilor Hobbs, Councilor Russ, Councilor Westerlund and President Sipress

**Nay:** 1 - Councilor Fosle

22. [17-0761R](#) RESOLUTION PROVIDING FOR THE ISSUANCE, SALE AND DELIVERY OF GENERAL OBLIGATION CAPITAL EQUIPMENT NOTES, SERIES 2017B, IN THE APPROXIMATE AMOUNT OF \$3,585,000; ESTABLISHING THE TERMS AND FORM THEREOF; CREATING A DEBT SERVICE FUND THEREFOR; AND PROVIDING FOR AWARDDING THE SALE THEREOF.

Indexes:

Attachments: [Exhibit A](#)

[Exhibit B](#)

**A motion was made that this Resolution be adopted The motion carried by the following vote:**

**Yea:** 8 - Councilor Anderson, Councilor Filipovich, Councilor Hansen, Councilor Hanson, Councilor Hobbs, Councilor Russ, Councilor Westerlund and President Sipress

**Nay:** 1 - Councilor Fosle

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

23. [17-0757R](#) RESOLUTION AFFIRMING THE DECISION OF THE PLANNING COMMISSION TO DENY A VARIANCE TO CONSTRUCT A STAIRWAY WITHIN THE FIFTY-FOOT GENERAL DEVELOPMENT WATERS SHORELAND SETBACK AT 4814 LONDON ROAD.

Indexes:

Attachments: [Attachment 1](#)

[Attachment 2](#)

[Attachment 3](#)

**This Resolution was tabled.**

24. [17-0758R](#) RESOLUTION REVERSING THE DECISION OF THE PLANNING COMMISSION TO DENY A VARIANCE TO CONSTRUCT A STAIRWAY WITHIN THE FIFTY-FOOT GENERAL DEVELOPMENT WATERS SHORELAND SETBACK BY DAVID LARSEN.

Indexes:

Attachments: [Attachment 1](#)

This Resolution was tabled.

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

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

25. [17-053-O](#) AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF DULUTH TO RECLASSIFY PROPERTY ON EAST HOUSE STREET FROM 98TH AVENUE WEST TO 95TH AVENUE WEST FROM R-1 AND MU-B to MU-N; AND ON 95TH AVENUE WEST FROM EAST HOUSE STREET TO EAST GARY STREET FROM MU-B TO R-1.

Indexes:

Attachments: [Attachment 1](#)

[Attachment 2](#)

[Attachment 3](#)

This Ordinance was read for the first time.

26. [17-054-O](#) AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF DULUTH TO RECLASSIFY PROPERTY IN THE GENERAL AREA OF US HIGHWAY 2 AND INTERSTATE 35 AND WEST GATE BOULEVARD AND WEST SKYLINE FROM MU-N TO RR-1 AND R-2

Indexes:

Attachments: [Attachment 1](#)

[Attachment 2](#)

[Attachment 3](#)

This Ordinance was read for the first time.

27. [17-055-O](#) AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF DULUTH TO RECLASSIFY THE LAKE SUPERIOR COLLEGE CAMPUS ON TRINITY ROAD AND EMERGENCY RESPONSE TRAINING CENTER ON HIGHWAY 23 FROM R-1 AND RR-1 TO MU-I.

**Indexes:**

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

**This Ordinance was read for the first time.**

28. [17-056-O](#) AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF DULUTH TO RECLASSIFY PROPERTY IN THE GENERAL AREA OF CENTRAL ENTRANCE BETWEEN PECAN AVENUE AND MALL DRIVE FROM R-1 TO MU-C.

**Indexes:**

- Attachments:** [Attachment 1](#)  
[Attachment 2](#)  
[Attachment 3](#)  
[Attachment 4](#)  
[Attachment 5](#)

**This Ordinance was read for the first time.**

29. [17-057-O](#) AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF DULUTH TO RECLASSIFY PROPERTY IN THE GENERAL AREA OF WEST ARROWHEAD ROAD AND NORTH ARLINGTON ROAD TO R-1, R-2, AND MU-N.

**Indexes:**

- Attachments:** [Attachment 1](#)  
[Attachment 2](#)  
[Attachment 3](#)  
[Attachment 4](#)  
[Attachment 5](#)

**This Ordinance was read for the first time.**

**COUNCILOR QUESTIONS AND COMMENTS**

**COUNCILOR PREVIEW OF UPCOMING BUSINESS**



# City of Duluth

411 West First Street  
Duluth, Minnesota 55802

## Actions and Unofficial Minutes

### 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]*

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Monday, October 23, 2017

7:00 PM

Council Chamber

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#### ROLL CALL

**Present:** 9 - Councilor Gary Anderson, Councilor Zack Filipovich, Councilor Jay Fosle, Councilor Elissa Hansen, Councilor Howie Hanson, Councilor Noah Hobbs, Councilor Barb Russ, Councilor Em Westerlund and President Joel Sipress

#### PLEDGE OF ALLEGIANCE

#### APPROVAL OF MINUTES

1. [17-172](#) October 9th, 2017 - Duluth City Council Meeting

**Indexes:**

**Attachments:** [October 9 - City Council Meeting](#)

This Minutes was approved.

#### REPORTS FROM THE ADMINISTRATION

#### REPORTS FROM OTHER OFFICERS

#### REPORTS OF BOARDS AND COMMISSIONS

2. [17-167](#) Duluth Parking Commission Resolutions

Indexes:

Attachments: [September 2017 DPC Resolutions](#)

This Board or Commission Report was received.

3. [17-168](#) Charter Commission Meeting Minutes

Indexes:

Attachments: [10-14-15 Charter Commission Meeting Minutes](#)

[11-24-15 Charter Commission Meeting Minutes](#)

[10-12-16 Charter Commission Meeting Minutes](#)

This Board or Commission Report was received.

4. [17-169](#) Alcohol, Gambling & Tobacco Commission Meeting Minutes

Indexes:

Attachments: [8-2-17 Alcohol, Gambling & Tobacco Commission](#)

This Board or Commission Report was received.

5. [17-170](#) Duluth Seaway Port Authority Meeting Minutes

Indexes:

Attachments: [7-26-17 Duluth Seaway Port Authority Meeting Minutes](#)

This Board or Commission Report was received.

**REPORTS OF COUNCIL COMMITTEES**

**REPORTS OF COUNCIL OPEN ISSUES**

Distinguished Artist Award - Gaelynn Lee

**OPPORTUNITY FOR CITIZENS TO BE HEARD**

**CONSENT AGENDA**

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

- 6. [17-0727R](#) RESOLUTION IN THE MATTER OF THE ON SALE INTOXICATING LIQUOR LICENSE OF HOSPITALITY ASSOCIATES OF DULUTH, LLC (SPURS ON 1ST) 109 WEST FIRST STREET

Indexes:

Attachments: [REPORT TO COUNCIL-signed](#)

**This Resolution was adopted unanimously.**

- 7. [17-0748R](#) RESOLUTION AUTHORIZING AN INCREASE TO PURCHASE ORDER 2017-00000024 FOR ORIGINAL EQUIPMENT MANUFACTURER (OEM) PARTS, SUPPLIES AND LABOR FROM ZIEGLER, INC. IN THE AMOUNT OF \$16,000 FOR A NEW TOTAL NOT TO EXCEED \$111,000.

**This Resolution was adopted unanimously.**

**BY COUNCILOR ANDERSON (PERSONNEL)**

- 8. [17-0713R](#) RESOLUTION APPROVING APPOINTMENT OF JAMES RIEHL TO THE DULUTH INTERNATIONAL AIRPORT JOINT AIRPORT ZONING BOARD

**This Resolution was adopted unanimously.**

- 9. [17-0774R](#) RESOLUTION CONFIRMING THE APPOINTMENT OF JENNIFER JULSRUD TO THE HOUSING AND REDEVELOPMENT AUTHORITY OF DULUTH.

**This Resolution was adopted as amended.**

**Yea:** 7 - Councilor Anderson, Councilor Filipovich, Councilor Hansen, Councilor Hanson, Councilor Russ, Councilor Westerlund and President Sipress

**Nay:** 2 - Councilor Fosle and Councilor Hobbs

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

10. [17-0755R](#) RESOLUTION AMENDING AND CORRECTING THE LEGAL DESCRIPTION FOR THE VACATION AUTHORIZED UNDER RESOLUTION 08-0463.

Indexes:

Attachments: [Attachment 1](#)

[Attachment 2](#)

[Attachment 3](#)

[Attachment 4](#)

This Resolution was adopted unanimously.

11. [17-0759R](#) RESOLUTION VACATING TEN FEET OF THE MENDENHALL DIVISION STREET EASEMENT IN ORDER TO REBUILD A PRE-EXISTING GARAGE.

Indexes:

Attachments: [Attachment 1](#)

[Attachment 2](#)

This Resolution was adopted unanimously.

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

12. [17-0766R](#) RESOLUTION AMENDING RESOLUTION 17-0587R CHANGING THE 2017 ELECTION JUDGE COMPENSATION.

This Resolution was adopted unanimously.

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

13. [17-0719R](#) RESOLUTION APPROVING A STATE PROJECT WITHIN THE MUNICIPAL CORPORATE LIMITS FOR IMPROVEMENTS TO TRUNK HIGHWAY 194 (MESABA AVENUE) AND SUPERIOR STREET.

Indexes:

Attachments: [Municipal Consent Resolution Map](#)

This Resolution was adopted unanimously.

14. [17-0732R](#) RESOLUTION OF SUPPORT FOR A LOCAL ROAD IMPROVEMENT PROJECT APPLICATION BY THE ST. LOUIS COUNTY PUBLIC WORKS DEPARTMENT FOR FUNDING THE CONSTRUCTION OF LEFT TURN LANES AND A SIDEWALK AND UPGRADING TRAFFIC SIGNALS AT RICE LAKE ROAD AND ARROWHEAD ROAD/ARLINGTON AVENUE.

Indexes:

Attachments: [17-0732R Map](#)

This Resolution was adopted unanimously.

15. [17-0733R](#) RESOLUTION AUTHORIZING APPLICATION TO THE MINNESOTA DEPARTMENT OF TRANSPORTATION FOR LOCAL ROAD IMPROVEMENT FUNDING FOR THE RECONSTRUCTION OF SUPERIOR STREET FROM SEVENTH AVENUE WEST TO FOURTH AVENUE EAST.

Indexes:

Attachments: [17-0733R Map](#)  
[17-0733R Exhibit A](#)

This Resolution was adopted unanimously.

16. [17-0745R](#) RESOLUTION AUTHORIZING A REQUEST TO MNDOT TO PROVIDE ADVANCE FUNDING AND AUTHORIZING PAYMENTS FROM SUBSEQUENT ACCRUALS TO THE CITY'S MUNICIPAL STATE AID CONSTRUCTION AMOUNT FOR SUPERIOR STREET RECONSTRUCTION IN THE AMOUNT OF \$4,000,000.

Indexes:

Attachments: [17-0745R Map](#)

This Resolution was adopted unanimously.

17. [17-0763R](#) RESOLUTION AUTHORIZING ASSET MANAGEMENT AGREEMENT WITH UNITED ENERGY TRADING LLC FOR THE MANAGEMENT OF THE CITY'S GAS SUPPLY, TRANSPORTATION, STORAGE AND DELIVERY CONTRACTS.

Indexes:

Attachments: [Exhibit A - 17-0763R](#)

This Resolution was adopted unanimously.

**BY COUNCILOR FOSLE (PUBLIC SAFETY)**

18. [17-0744R](#) RESOLUTION AUTHORIZING THE EXECUTION OF A MEMORANDUM OF UNDERSTANDING BETWEEN ECOLIBRIUM3 AND THE DULUTH POLICE DEPARTMENT FOR A VISTA MEMBER TO ASSIST WITH RESPONDING TO COMMUNITY ISSUES RESULTING FROM OPIOID ADDICTION AND FURTHER AUTHORIZING A COST SHARE CONTRIBUTION FROM THE CITY OF DULUTH IN THE AMOUNT OF \$5,000.

Indexes:

Attachments: [17-0744R Exhibit A](#)

This Resolution was adopted unanimously.

19. [17-0762R](#) RESOLUTION AUTHORIZING THE EXECUTION OF A MEMORANDUM OF UNDERSTANDING BETWEEN THRIVE BEHAVIORAL NETWORK II, LLC, AND THE CITY OF DULUTH FOR AN EMBEDDED LICENSED INDEPENDENT CLINICAL SOCIAL WORKER TO WORK COLLABORATIVELY WITH THE DULUTH POLICE DEPARTMENT TO BETTER RESPOND TO INDIVIDUALS WITH MENTAL ILLNESS, ADDICTION AND HOMELESSNESS.

Indexes:

Attachments: [MOU - Final](#)

This Resolution was adopted unanimously.

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

20. [17-0765R](#) RESOLUTION AUTHORIZING THE RE-CONVEYANCE OF CERTAIN PROPERTY ACQUIRED UNDER A CONDITIONAL USE DEED TO THE STATE OF MINNESOTA.

Indexes:

Attachments: [Exhibit A](#)

This Resolution was adopted unanimously.

**END OF CONSENT AGENDA**

**BY COUNCILOR HANSEN (FINANCE)**

21. [17-0760R](#) RESOLUTION PROVIDING FOR THE ISSUANCE, SALE AND DELIVERY OF GENERAL OBLIGATION CAPITAL IMPROVEMENT BONDS, SERIES 2017A, IN THE APPROXIMATE AMOUNT OF \$1,480,000; ESTABLISHING THE TERMS AND FORM THEREOF; CREATING A DEBT SERVICE FUND THEREFOR; AND PROVIDING FOR AWARDDING THE SALE THEREOF.

Indexes:

Attachments: [Exhibit A](#)

[Exhibit B](#)

**A motion was made that this Resolution be adopted The motion carried by the following vote:**

**Yea:** 8 - Councilor Anderson, Councilor Filipovich, Councilor Hansen, Councilor Hanson, Councilor Hobbs, Councilor Russ, Councilor Westerlund and President Sipress

**Nay:** 1 - Councilor Fosle

22. [17-0761R](#) RESOLUTION PROVIDING FOR THE ISSUANCE, SALE AND DELIVERY OF GENERAL OBLIGATION CAPITAL EQUIPMENT NOTES, SERIES 2017B, IN THE APPROXIMATE AMOUNT OF \$3,585,000; ESTABLISHING THE TERMS AND FORM THEREOF; CREATING A DEBT SERVICE FUND THEREFOR; AND PROVIDING FOR AWARDED THE SALE THEREOF.

**Indexes:**

**Attachments:** [Exhibit A](#)  
[Exhibit B](#)

**A motion was made that this Resolution be adopted The motion carried by the following vote:**

- Yea:** 8 - Councilor Anderson, Councilor Filipovich, Councilor Hansen, Councilor Hanson, Councilor Hobbs, Councilor Russ, Councilor Westerlund and President Sipress  
**Nay:** 1 - Councilor Fosle

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

23. [17-0757R](#) RESOLUTION AFFIRMING THE DECISION OF THE PLANNING COMMISSION TO DENY A VARIANCE TO CONSTRUCT A STAIRWAY WITHIN THE FIFTY-FOOT GENERAL DEVELOPMENT WATERS SHORELAND SETBACK AT 4814 LONDON ROAD.

**Indexes:**

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

**This Resolution was tabled.**

24. [17-0758R](#) RESOLUTION REVERSING THE DECISION OF THE PLANNING COMMISSION TO DENY A VARIANCE TO CONSTRUCT A STAIRWAY WITHIN THE FIFTY-FOOT GENERAL DEVELOPMENT WATERS SHORELAND SETBACK BY DAVID LARSEN.

**Indexes:**

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

**This Resolution was tabled.**

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

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

25. [17-053-O](#) AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF DULUTH TO RECLASSIFY PROPERTY ON EAST HOUSE STREET FROM 98TH AVENUE WEST TO 95TH AVENUE WEST FROM R-1 AND MU-B to MU-N; AND ON 95TH AVENUE WEST FROM EAST HOUSE STREET TO EAST GARY STREET FROM MU-B TO R-1.

Indexes:

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

This Ordinance was read for the first time.

26. [17-054-O](#) AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF DULUTH TO RECLASSIFY PROPERTY IN THE GENERAL AREA OF US HIGHWAY 2 AND INTERSTATE 35 AND WEST GATE BOULEVARD AND WEST SKYLINE FROM MU-N TO RR-1 AND R-2

Indexes:

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

This Ordinance was read for the first time.

27. [17-055-O](#) AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF DULUTH TO RECLASSIFY THE LAKE SUPERIOR COLLEGE CAMPUS ON TRINITY ROAD AND EMERGENCY RESPONSE TRAINING CENTER ON HIGHWAY 23 FROM R-1 AND RR-1 TO MU-I.

Indexes:

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

This Ordinance was read for the first time.

28. [17-056-O](#) AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF DULUTH TO RECLASSIFY PROPERTY IN THE GENERAL AREA OF CENTRAL ENTRANCE BETWEEN PECAN AVENUE AND MALL DRIVE FROM R-1 TO MU-C.

**Indexes:**

- Attachments:** [Attachment 1](#)  
[Attachment 2](#)  
[Attachment 3](#)  
[Attachment 4](#)  
[Attachment 5](#)

This Ordinance was read for the first time.

29. [17-057-O](#) AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF DULUTH TO RECLASSIFY PROPERTY IN THE GENERAL AREA OF WEST ARROWHEAD ROAD AND NORTH ARLINGTON ROAD TO R-1, R-2, AND MU-N.

**Indexes:**

- Attachments:** [Attachment 1](#)  
[Attachment 2](#)  
[Attachment 3](#)  
[Attachment 4](#)  
[Attachment 5](#)

This Ordinance was read for the first time.

**COUNCILOR QUESTIONS AND COMMENTS**

**COUNCILOR PREVIEW OF UPCOMING BUSINESS**



# City of Duluth

411 West First Street  
Duluth, Minnesota 55802

## Actions and Unofficial Minutes

### 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]*

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Monday, November 6, 2017

7:00 PM

Council Chamber

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#### ROLL CALL

**Present:** 9 - Councilor Gary Anderson, Councilor Zack Filipovich, Councilor Jay Fosle, Councilor Elissa Hansen, Councilor Howie Hanson, Councilor Noah Hobbs, Councilor Barb Russ, Councilor Em Westerlund and President Joel Sipress

#### PLEDGE OF ALLEGIANCE

#### APPROVAL OF MINUTES

1. [17-176](#) October 23, 2017 Duluth City Council Meeting Minutes

**Indexes:**

**Attachments:** [October 23 - City Council Meeting](#)

This Minutes was approved.

#### PUBLIC HEARING - Liquor License Fees

#### PUBLIC HEARING - TIF 16 Plan Amendment

#### REPORTS FROM THE ADMINISTRATION

#### REPORTS FROM OTHER OFFICERS

2. [17-180](#) Application for Exempt Permit:  
MN Bluegrass & Old-Time Music Association  
Rush City Area Chamber of Commerce  
Lincoln Park Business Group

**Indexes:**

**Attachments:** [Lincoln Park Business Group](#)  
[MN Bluegrass & Old-Time Music Associates](#)  
[Rush City Area Chamber of Commerce](#)

This Other Officers Report was received.

## REPORTS OF BOARDS AND COMMISSIONS

3. [17-177](#) Library Board Meeting Minutes

**Indexes:**

**Attachments:** [Library Board Meeting Minutes](#)

This Board or Commission Report was received.

4. [17-178](#) Duluth Transit Authority Meeting Minutes

**Indexes:**

**Attachments:** [Duluth Transit Authority Meeting Minutes \(08-16-17\)](#)  
[Duluth Transit Authority Meeting Minutes \(08-30-17\)](#)

This Board or Commission Report was received.

5. [17-179](#) Duluth Public Utilities Commission Meeting Minutes

**Indexes:**

**Attachments:** [Duluth Public Utilities Commission Meeting Minutes](#)  
[Duluth Public Utilities Commission Public Hearing Meeting Minutes](#)

This Board or Commission Report was received.

## REPORTS OF COUNCIL COMMITTEES

**REPORTS OF COUNCIL OPEN ISSUES**

**OPPORTUNITY FOR CITIZENS TO BE HEARD**

**RESOLUTIONS TABLED**

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

- 6.     [17-0757R](#)     RESOLUTION AFFIRMING THE DECISION OF THE PLANNING COMMISSION TO DENY A VARIANCE TO CONSTRUCT A STAIRWAY WITHIN THE FIFTY-FOOT GENERAL DEVELOPMENT WATERS SHORELAND SETBACK AT 4814 LONDON ROAD.

Indexes:

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

**This Resolution remains on the table.**

- 7.     [17-0758R](#)     RESOLUTION REVERSING THE DECISION OF THE PLANNING COMMISSION TO DENY A VARIANCE TO CONSTRUCT A STAIRWAY WITHIN THE FIFTY-FOOT GENERAL DEVELOPMENT WATERS SHORELAND SETBACK BY DAVID LARSEN.

Indexes:

- Attachments:   [Attachment 1](#)

**This Resolution remains on the table.**

**CONSENT AGENDA**

**BY COUNCILOR HANSEN (FINANCE)**

8. [17-0754R](#) RESOLUTION AUTHORIZING A FOUR-YEAR AGREEMENT WITH RESOURCE EXPLORATION, LLC, FOR THE INITIAL PURCHASE OF AN ANNUAL SUBSCRIPTION, SET UP ASSISTANCE AND THREE YEARS OF SUBSCRIPTION RENEWALS FOR PRIORITY BASED BUDGETING SOFTWARE FOR AN AMOUNT NOT TO EXCEED \$100,000.

**Indexes:**

**Attachments:** [Exhibit A - Agreement with Resource Explorations](#)

**This Resolution was adopted unanimously.**

9. [17-0787R](#) RESOLUTION AUTHORIZING A BRIDGE LOAN TO HARTLEY NATURE CENTER CORPORATION IN AN AMOUNT NOT TO EXCEED \$225,000, WHICH FUNDS, IF DISBURSED, SHALL BE USED SOLELY TOWARD A FUTURE ADDITION TO THE HARTLEY NATURE CENTER BUILDING.

**Indexes:**

**Attachments:** [Exhibit 1](#)

[Exhibit 2](#)

**This Resolution was adopted unanimously.**

10. [17-0798R](#) RESOLUTION AUTHORIZING A GRANT TO THE SPIRIT MOUNTAIN RECREATION AREA AUTHORITY IN THE AMOUNT OF \$50,000 TO PAY FOR THE 2017 AMSOIL DULUTH NATIONAL SNOCROSS SANCTION FEE.

**This Resolution was adopted unanimously.**

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

11. [17-0792R](#) RESOLUTION APPROVING THE TRANSFER OF STOCK OF THE ON SALE INTOXICATING LIQUOR LICENSE AND ON SALE SUNDAY LICENSE AND DANCING LICENSE OF WAYZATA DULUTH HOSPITALITY ASSOCIATES, LLC (RADISSON HARBORVIEW HOTEL), 505 WEST SUPERIOR STREET.

Indexes:

Attachments: [RADISSON-10302017160604](#)

**This Resolution was adopted unanimously.**

**Yea:** 8 - Councilor Anderson, Councilor Filipovich, Councilor Fosle, Councilor Hanson, Councilor Hobbs, Councilor Russ, Councilor Westerlund and President Sipress

**Abstain:** 1 - Councilor Hansen

### **BY COUNCILOR ANDERSON (PERSONNEL)**

12. [17-0791R](#) RESOLUTION CONFIRMING THE APPOINTMENT OF MICHAEL WARSOP TO THE DULUTH PARKING COMMISSION.

Indexes:

Attachments: [Warsop Application](#)

**This Resolution was adopted unanimously.**

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

13. [17-0746R](#) RESOLUTION ADOPTING AN AMENDMENT TO THE TAX INCREMENT FINANCING PLAN FOR TAX INCREMENT FINANCING DISTRICT NO. 16 (COUNTY NO. 57).

Indexes:

Attachments: [Exhibit A - 17-0746R](#)

[Map - 17-0746R](#)

**A motion was made that this Resolution be adopted The motion carried by the following vote:**

**Yea:** 8 - Councilor Anderson, Councilor Filipovich, Councilor Hansen, Councilor Hanson, Councilor Hobbs, Councilor Russ, Councilor Westerlund and President Sipress

**Nay:** 1 - Councilor Fosle

### **BY COUNCILOR HOBBS (PUBLIC WORKS & UTILITIES)**

14. [17-0777R](#) RESOLUTION AMENDING CONTRACT C23263 WITH KTM PAVING, INC. FOR THE DECC HOT WATER PIPE REPAIR, INCREASING THE AMOUNT BY \$60,998.43 FOR A NEW TOTAL OF \$143,641.17.

This Resolution was adopted unanimously.

15. [17-0779R](#) RESOLUTION APPROVING A COUNTY PROJECT WITHIN MUNICIPAL CORPORATE LIMITS FOR IMPROVEMENTS TO COUNTY STATE AID HIGHWAY NO. 32 (ARROWHEAD ROAD).

Indexes:

Attachments: [17-0779R Map](#)

This Resolution was adopted unanimously.

16. [17-0800R](#) RESOLUTION SUPPORTING A REGIONAL INCLUSIVE PLAYGROUND FOR EVERYBODY.

Sponsors: Hobbs

This Resolution was adopted unanimously.

17. [17-0782R](#) RESOLUTION AUTHORIZING THE PURCHASE OF REAL PROPERTY FROM RMM LIMITED LIABILITY COMPANY IN THE AMOUNT OF \$20,000 FOR PROPERTY ADJACENT TO THE WATER AND GAS BUILDING ON GARFIELD AVENUE.

Indexes:

Attachments: [Exhibit 1](#)

[Exhibit 2](#)

[Exhibit 3](#)

This Resolution was adopted unanimously.

**BY COUNCILOR FOSLE (PUBLIC SAFETY)**

18. [17-0716R](#) RESOLUTION AMENDING RESOLUTION 16-0846, ADOPTING LICENSE, PERMIT, FINE, PENALTY, AND OTHER CHARGES FOR 2017, TO ADD A VACANT BUILDING INVESTIGATION AND INSPECTION FEE.

**This Resolution was adopted unanimously.**

19. [17-0776R](#) RESOLUTION AUTHORIZING PROPER CITY OFFICIALS TO ACCEPT A GRANT FROM THE UNITED STATES DEPARTMENT OF HOMELAND SECURITY IN THE AMOUNT OF \$447,750 FOR THE PURCHASE OF AN ALL-HAZARD QUICK RESPONSE VESSEL.

**Indexes:**

**Attachments:** [Exhibit A](#)

**This Resolution was adopted unanimously.**

20. [17-0790R](#) RESOLUTION AUTHORIZING THE ACCEPTANCE OF REIMBURSEMENT FROM THE UNITED STATES DEPARTMENT OF JUSTICE, BUREAU OF JUSTICE ASSISTANCE, OFFICE OF JUSTICE PROGRAMS, IN AN AMOUNT NOT TO EXCEED \$9,264 AND REIMBURSEMENT FROM THE MINNESOTA DEPARTMENT OF PUBLIC SAFETY IN AN AMOUNT NOT TO EXCEED \$20,810 FOR THE PURCHASE OF BALLISTIC VESTS.

**Indexes:**

**Attachments:** [Exhibit A](#)

**This Resolution was adopted unanimously.**

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

21. [17-0773R](#) RESOLUTION AUTHORIZING ACCEPTANCE OF A REIMBURSEMENT GRANT FOR EMERALD ASH BORER TREATMENT FROM THE MINNESOTA DEPARTMENT OF AGRICULTURE NOT TO EXCEED \$65,000.

**Indexes:**

**Attachments:** [Exhibit A - Agreement with signature page](#)

**This Resolution was adopted unanimously.**

22. [17-0775R](#) RESOLUTION AUTHORIZING ACCEPTANCE OF A GREAT LAKE RESTORATION INITIATIVE SUB-AWARD GRANT FROM THE MINNESOTA DEPARTMENT OF NATURAL RESOURCES IN AN AMOUNT NOT TO EXCEED \$175,000 FOR THE PURPOSE OF REDUCING RUNOFF AND TREE LOSS FROM EMERALD ASH BORER.

**Indexes:**

**Attachments:** [Exhibit A Grant Agreement](#)  
[Exhibit B project deliverables](#)

**This Resolution was adopted unanimously.**

23. [17-0778R](#) RESOLUTION AUTHORIZING COMMITMENT OF \$50,000 IN MATCHING FUNDS FOR A GREATER MINNESOTA REGIONAL PARK AND TRAIL COMMISSION GRANT FOR HARTLEY PARK MINI MASTER PLAN IMPLEMENTATION.

**This Resolution was adopted unanimously.**

24. [17-0781R](#) RESOLUTION AUTHORIZING ACCEPTANCE OF A \$220,000 GRANT FROM THE ENVIRONMENTAL PROTECTION AGENCY FOR THE ST. LOUIS RIVER NATURAL AREA PLANNING PROCESS.

**Indexes:**

**Attachments:** [Exhibit A Grant Agreement](#)  
[Exhibit B area map](#)

**This Resolution was adopted unanimously.**

25. [17-0783R](#) RESOLUTION AUTHORIZING A THREE-YEAR LEASE AGREEMENT WITH THE HILLS YOUTH AND FAMILY SERVICES FOR USE OF SPACE IN THE WASHINGTON RECREATION CENTER FOR ITS YOUTH PROGRAMMING AND RELATED SERVICES.

**Indexes:**

**Attachments:** [Exhibit 1](#)

**This Resolution was adopted unanimously.**

26. [17-0784R](#) RESOLUTION AUTHORIZING A LICENSE AGREEMENT FOR CLIMBING PURPOSES WITH OLIVER MANAGEMENT SERVICES, INC. AND TROPICANA APARTMENTS LIMITED PARTNERSHIP OVER PROPERTY IN THE KENWOOD NEIGHBORHOOD AT NO COST TO THE CITY.

**Indexes:**

**Attachments:** [Exhibit 1](#)  
[Exhibit 2](#)

**This Resolution was adopted unanimously.**

27. [17-0785R](#) RESOLUTION AUTHORIZING A LICENSE AGREEMENT FOR PUBLIC RECREATIONAL TRAIL PURPOSES WITH SOBO TROPICANA, LLC OVER PROPERTY IN THE KENWOOD NEIGHBORHOOD AT NO COST TO THE CITY.

**Indexes:**

**Attachments:** [Exhibit 1](#)  
[Exhibit 2](#)

**This Resolution was adopted unanimously.**

28. [17-0786R](#) RESOLUTION AUTHORIZING A LICENSE AGREEMENT FOR PUBLIC RECREATIONAL TRAIL PURPOSES WITH OLIVER MANAGEMENT SERVICES, INC. AND TROPICANA APARTMENTS LIMITED PARTNERSHIP OVER PROPERTY IN THE KENWOOD NEIGHBORHOOD AT NO COST TO THE CITY.

Indexes:

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

This Resolution was adopted unanimously.

**END OF CONSENT AGENDA**

**BY COUNCILOR FOSLE (PUBLIC SAFETY)**

29. [17-0789R](#) RESOLUTION AUTHORIZING PROPER CITY OFFICIALS TO ACCEPT A GRANT FROM THE U.S. DEPARTMENT OF JUSTICE, OFFICE ON VIOLENCE AGAINST WOMEN, IN THE TOTAL AMOUNT OF \$433,350 AND AUTHORIZING AN AGREEMENT WITH PROGRAM FOR AID TO VICTIMS OF SEXUAL ASSAULT FOR THEIR PARTICIPATION IN THE OVW FY2017 IMPROVING CRIMINAL JUSTICE RESPONSE TO SEXUAL ASSAULT, DOMESTIC VIOLENCE, DATING VIOLENCE, AND STALKING GRANT PROGRAM.

Indexes:

Attachments: [Exhibit A](#)  
[Exhibit B](#)  
[Exhibit C](#)

This Resolution was adopted.

**INTRODUCTION AND CONSIDERATION OF ORDINANCES**

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

**BY COUNCILOR HANSEN (FINANCE)**

30. [17-058-O](#) AN ORDINANCE AUTHORIZING THE ISSUANCE, SALE AND DELIVERY OF UP TO \$5,000,000 GENERAL OBLIGATION DECC IMPROVEMENT BONDS OF THE CITY OF DULUTH UPON TERMS AND CONDITIONS TO BE PROVIDED BY RESOLUTIONS OF THE CITY COUNCIL.

This Ordinance was read for the first time.

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

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

31. [17-053-O](#) AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF DULUTH TO RECLASSIFY PROPERTY ON EAST HOUSE STREET FROM 98TH AVENUE WEST TO 95TH AVENUE WEST FROM R-1 AND MU-B to MU-N; AND ON 95TH AVENUE WEST FROM EAST HOUSE STREET TO EAST GARY STREET FROM MU-B TO R-1.

Indexes:

Attachments: [Attachment 1](#)

[Attachment 2](#)

[Attachment 3](#)

This Ordinance was adopted.

32. [17-054-O](#) AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF DULUTH TO RECLASSIFY PROPERTY IN THE GENERAL AREA OF US HIGHWAY 2 AND INTERSTATE 35 AND WEST GATE BOULEVARD AND WEST SKYLINE FROM MU-N TO RR-1 AND R-2

Indexes:

Attachments: [Attachment 1](#)

[Attachment 2](#)

[Attachment 3](#)

This Ordinance was adopted.

33. [17-055-O](#) AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF DULUTH TO RECLASSIFY THE LAKE SUPERIOR COLLEGE CAMPUS ON TRINITY ROAD AND EMERGENCY RESPONSE TRAINING CENTER ON HIGHWAY 23 FROM R-1 AND RR-1 TO MU-I.

**Indexes:**

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

**This Ordinance was adopted.**

34. [17-056-O](#) AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF DULUTH TO RECLASSIFY PROPERTY IN THE GENERAL AREA OF CENTRAL ENTRANCE BETWEEN PECAN AVENUE AND MALL DRIVE FROM R-1 TO MU-C.

**Indexes:**

- Attachments:** [Attachment 1](#)  
[Attachment 2](#)  
[Attachment 3](#)  
[Attachment 4](#)  
[Attachment 5](#)

**This Ordinance was adopted.**

35. [17-057-O](#) AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF DULUTH TO RECLASSIFY PROPERTY IN THE GENERAL AREA OF WEST ARROWHEAD ROAD AND NORTH ARLINGTON ROAD TO R-1, R-2, AND MU-N.

**Indexes:**

- Attachments:** [Attachment 1](#)  
[Attachment 2](#)  
[Attachment 3](#)  
[Attachment 4](#)  
[Attachment 5](#)

**A motion was made that this Ordinance be adopted The motion carried by the following vote:**

**Yea:** 8 - Councilor Filipovich, Councilor Fosle, Councilor Hansen, Councilor Hanson, Councilor Hobbs, Councilor Russ, Councilor Westerlund and President Sipress

**Nay:** 1 - Councilor Anderson

**COUNCILOR QUESTIONS AND COMMENTS**

**COUNCILOR PREVIEW OF UPCOMING BUSINESS**



# City of Duluth

411 West First Street  
Duluth, Minnesota 55802

## Actions and Unofficial Minutes

### 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]*

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Monday, November 20, 2017

7:00 PM

Council Chamber

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#### ROLL CALL

**Present:** 9 - Councilor Gary Anderson, Councilor Zack Filipovich, Councilor Jay Fosle, Councilor Elissa Hansen, Councilor Howie Hanson, Councilor Noah Hobbs, Councilor Barb Russ, Councilor Em Westerlund and President Joel Sipress

#### PLEDGE OF ALLEGIANCE

#### PUBLIC HEARING - Ecumen Lakeshore Facilities

#### APPROVAL OF MINUTES

This was approved.

1. [17-182](#) November 6, 2017 - Duluth City Council Meeting

**Indexes:**

**Attachments:** [November 6 - City Council Meeting](#)

This Minutes was approved.

#### REPORTS FROM THE ADMINISTRATION

#### REPORTS FROM OTHER OFFICERS

#### REPORTS OF BOARDS AND COMMISSIONS

2. [17-183](#) Housing and Redevelopment Authority Meeting Minutes

Indexes:

Attachments: [9-26-2017 HRA Meeting Minutes](#)

This Board or Commission Report was received.

3. [17-184](#) Civil Service Board Meeting Minutes

Indexes:

Attachments: [08-08-17 Civil Service Board Meeting Minutes](#)

This Board or Commission Report was received.

## REPORTS OF COUNCIL COMMITTEES

## REPORTS OF COUNCIL OPEN ISSUES

Distinguished Artist Award - Mary Fox & Blake Thomas

## OPPORTUNITY FOR CITIZENS TO BE HEARD

## RESOLUTIONS TABLED

## BY COUNCILOR RUSS (PLANNING & ECONOMIC DEVELOPMENT)

4. [17-0757R](#) RESOLUTION AFFIRMING THE DECISION OF THE PLANNING COMMISSION TO DENY A VARIANCE TO CONSTRUCT A STAIRWAY WITHIN THE FIFTY-FOOT GENERAL DEVELOPMENT WATERS SHORELAND SETBACK AT 4814 LONDON ROAD.

Indexes:

Attachments: [Attachment 1](#)

[Attachment 2](#)

[Attachment 3](#)

This Resolution remains on the table

5. [17-0758R](#) RESOLUTION REVERSING THE DECISION OF THE PLANNING COMMISSION TO DENY A VARIANCE TO CONSTRUCT A STAIRWAY WITHIN THE FIFTY-FOOT GENERAL DEVELOPMENT WATERS SHORELAND SETBACK BY DAVID LARSEN.

*Indexes:*

*Attachments:* [Attachment 1](#)

This Resolution remains on the table

## CONSENT AGENDA

### BY COUNCILOR HANSEN (FINANCE)

6. [17-0805R](#) RESOLUTION AUTHORIZING A JPA WITH MPCA ACCEPTING A GRANT IN THE AMOUNT NO LESS THAN \$2,155,660 TO FUND PART OF THE COST OF MINNESOTA SLIP SEAWALL REPAIR.

*Indexes:*

*Attachments:* [Exhibit A](#)

[Exhibit B](#)

[Exhibit C](#)

[Exhibit D](#)

[Exhibit E](#)

This Resolution was adopted unanimously.

7. [17-0821R](#) RESOLUTION AUTHORIZING AND APPROVING THE EXECUTION OF A PLEDGE AGREEMENT WITH THE DULUTH ENTERTAINMENT AND CONVENTION CENTER AUTHORITY.

*Indexes:*

*Attachments:* [Exhibit A](#)

This Resolution was adopted unanimously.

8. [17-0824R](#) RESOLUTION PROVIDING FOR THE ISSUANCE, SALE AND DELIVERY OF GENERAL OBLIGATION DECC IMPROVEMENT BONDS, SERIES 2018A, IN THE APPROXIMATE AMOUNT OF \$4,400,000; ESTABLISHING THE TERMS AND FORM THEREOF; CREATING A DEBT SERVICE FUND THEREFOR; AND PROVIDING FOR AWARDEDING THE SALE THEREOF.

**Indexes:**

**Attachments:** [Exhibit A](#)

[Exhibit B](#)

[Exhibit C](#)

This Resolution was adopted unanimously.

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

9. [17-0797R](#) RESOLUTION ISSUING AN ON SALE 3.2 PERCENT NON INTOXICATING MALT LIQUOR LICENSE AND APPROVING ISSUANCE OF AN ON SALE WINE LICENSE TO CORKTOWN, LLC. (CORKTOWN TAPHOUSE & DELICATESSEN) 1906 WEST SUPERIOR STREET

**Indexes:**

**Attachments:** [CORKTOWN-10312017112111](#)

This Resolution was adopted unanimously.

10. [17-0812R](#) RESOLUTION AUTHORIZING THE THREE CONTRACTS FOR MATERIALS AND LABOR NECESSARY FOR THE REPAIR OF THE SEAWALL ADJACENT TO THE DULUTH ENTERTAINMENT CONVENTION CENTER (DECC) FOR A TOTAL PROJECT CONSTRUCTION AMOUNT NOT TO EXCEED \$6,032,240.41:

**Indexes:**

**Attachments:** [EXHIBIT A](#)

[EXHIBIT B](#)

This Resolution was adopted unanimously.

11. [17-0820R](#) RESOLUTION AUTHORIZING AN AMENDMENT TO CONTRACT 22895 WITH AMI CONSULTING ENGINEERS P. A. FOR PROFESSIONAL ENGINEERING SERVICES FOR THE REPAIR AND REHABILITATION OF THE SEAWALL SURROUNDING THE DULUTH ENTERTAINMENT CONVENTION CENTER (DECC) FOR AN INCREASE OF \$188,483.39 AND A NEW CONTRACT TOTAL NOT TO EXCEED \$622,978.39.

**Indexes:**

**Attachments:** [Exhibit A](#)

This Resolution was adopted unanimously.

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

12. [17-0804R](#) RESOLUTION AUTHORIZING THE BUILDING OFFICIAL TO ABATE NUISANCES BY REMOVAL OF STRUCTURALLY UNSOUND BUILDINGS IN THE CITY OF DULUTH IN AN AMOUNT NOT TO EXCEED \$60,000.

This Resolution was adopted unanimously.

13. [17-0806R](#) RESOLUTION OUTLINING THE COMMITMENT OF FY 2017 HUD HOME FUNDS AND AUTHORIZING DEVELOPMENT AGREEMENTS WITH ONE ROOF COMMUNITY HOUSING'S COMMUNITY LAND TRUST PROGRAM.

**Indexes:**

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

This Resolution was adopted unanimously.

**Yea:** 8 - Councilor Anderson, Councilor Filipovich, Councilor Fosle, Councilor Hansen, Councilor Hanson, Councilor Russ, Councilor Westerlund and President Sipress

**Abstain:** 1 - Councilor Hobbs

14. [17-0807R](#) RESOLUTION AUTHORIZING THE HOUSING AND REDEVELOPMENT AUTHORITY OF DULUTH (HRA) TO EXTEND THE TERM OF TWO MORTGAGE AGREEMENTS BY FIVE YEARS RELATED TO THE SKINNER APARTMENTS.

This Resolution was adopted unanimously.

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

15. [17-0808R](#) RESOLUTION DECLARING THE RESULTS OF THE GENERAL MUNICIPAL ELECTION HELD NOVEMBER 7, 2017.

Indexes:

Attachments: [2017 General Voter Turnout](#)  
[Election Totals](#)  
[Election Totals 2](#)

This Resolution was adopted unanimously.

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

16. [17-0810R](#) RESOLUTION AUTHORIZING THE PURCHASE OF 9,600 TONS OF ROAD SALT FROM MORTON SALT INC. IN THE AMOUNT OF \$333,696.

This Resolution was adopted unanimously.

17. [17-0811R](#) RESOLUTION AUTHORIZING PROFESSIONAL SERVICES AGREEMENT WITH MOSS & BARNETT FOR CABLE FRANCHISE MATTERS IN A TOTAL AMOUNT NOT TO EXCEED \$25,000.

Indexes:

Attachments: [2017 Moss & Barnett Professional Services Agreement \(Fund 110-700-1407-5319\)](#)

This Resolution was adopted unanimously.

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

18. [17-0799R](#) RESOLUTION AUTHORIZING DISBURSEMENT OF GRANT FUNDS IN THE AMOUNT OF \$46,150 FROM THE PARKS FUND NEIGHBORHOOD GRANT PROGRAM.

Indexes:

Attachments: [Exhibit A grant agreement](#)

This Resolution was adopted unanimously.

19. [17-0809R](#) RESOLUTION AUTHORIZING AN AGREEMENT WITH THE MINNESOTA LAND TRUST FOR PROFESSIONAL SERVICES TO SUPPORT THE PLANNING OF THE ST. LOUIS RIVER NATURAL AREA IN AN AMOUNT NOT TO EXCEED \$180,000.

Indexes:

Attachments: [Exhibit 1](#)

This Resolution was adopted unanimously.

**END OF CONSENT AGENDA**

**BY COUNCILOR HANSEN (FINANCE)**

20. [17-0826R](#) RESOLUTION CONSENTING TO AND APPROVING THE EXPENDITURE OF SALE PROCEEDS FOR A PROJECT IMPROVING ECUMAN LAKESHORE IN DULUTH.

Sponsors: Hansen

This Resolution was adopted unanimously.

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

**BY COUNCILOR HANSEN (FINANCE)**

21. [17-061-O](#) AN ORDINANCE DETERMINING THE SUM TO BE RAISED BY TAXATION FOR GENERAL PURPOSES FOR THE YEAR 2018.

Indexes:

Attachments: [Property Tax Levy](#)

This Ordinance was read for the first time.

22. [17-062-O](#) AN ORDINANCE SETTING THE BUDGET FOR THE FISCAL YEAR 2018 APPROPRIATING MONIES FOR THE SUPPORT OF THE CITY GOVERNMENT, PUBLIC UTILITIES, AND PUBLIC ENTERPRISE FUNDS AND FOR OTHER PURPOSES.

This Ordinance was read for the first time.

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

23. [17-060-O](#) AN ORDINANCE GRANTING VERIZON WIRELESS A CONCURRENT USE PERMIT FOR THREE SMALL WIRELESS FACILITIES ON MINNESOTA POWER POLES IN THE PLATTED STREET RIGHT OF WAY NEAR 4405 WEST 4TH STREET, 2500 LONDON ROAD, AND 3860 EAST SUPERIOR STREET.

Indexes:

Attachments: [Attachment 1](#)

[Attachment 2](#)

[Attachment 3](#)

[Attachment 4](#)

This Ordinance was read for the first time.

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

**BY COUNCILOR HANSEN (FINANCE)**

24. [17-058-O](#) AN ORDINANCE AUTHORIZING THE ISSUANCE, SALE AND DELIVERY OF UP TO \$5,000,000 GENERAL OBLIGATION DECC IMPROVEMENT BONDS OF THE CITY OF DULUTH UPON TERMS AND CONDITIONS TO BE PROVIDED BY RESOLUTIONS OF THE CITY COUNCIL.

This Ordinance was adopted.

**COUNCILOR QUESTIONS AND COMMENTS**

**COUNCILOR PREVIEW OF UPCOMING BUSINESS**



# City of Duluth

411 West First Street  
Duluth, Minnesota 55802

## Actions and Unofficial Minutes

### 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]*

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Monday, December 4, 2017

7:00 PM

Council Chamber

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#### ROLL CALL

**Present:** 9 - Councilor Gary Anderson, Councilor Zack Filipovich, Councilor Jay Fosle, Councilor Elissa Hansen, Councilor Howie Hanson, Councilor Noah Hobbs, Councilor Barb Russ, Councilor Em Westerlund and President Joel Sipress

#### PLEDGE OF ALLEGIANCE

#### APPROVAL OF MINUTES

1. [17-186](#) November 20 2017 City Council Meeting Minutes

**Indexes:**

**Attachments:** [November 20 - Council Meeting](#)

This Minutes was approved.

#### PUBLIC HEARING - 2018 Budget - Truth in Taxation, CIP & Bonding

#### REPORTS FROM THE ADMINISTRATION

#### REPORTS FROM OTHER OFFICERS

2. [17-187](#) Application For Exempt Permit - Northern Lights Foundation

Indexes:

Attachments: [NORTHERN LIGHTS](#)

This Other Officers Report was received.

**REPORTS OF COUNCIL COMMITTEES**

**REPORTS OF COUNCIL OPEN ISSUES**

**Distinguished Artist Award - Margi Preus**

**OPPORTUNITY FOR CITIZENS TO BE HEARD**

**RESOLUTIONS TABLED**

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

3. [17-0757R](#) RESOLUTION AFFIRMING THE DECISION OF THE PLANNING COMMISSION TO DENY A VARIANCE TO CONSTRUCT A STAIRWAY WITHIN THE FIFTY-FOOT GENERAL DEVELOPMENT WATERS SHORELAND SETBACK AT 4814 LONDON ROAD.

Indexes:

Attachments: [Attachment 1](#)

[Attachment 2](#)

[Attachment 3](#)

This Resolution was returned to administration.

4. [17-0758R](#) RESOLUTION REVERSING THE DECISION OF THE PLANNING COMMISSION TO DENY A VARIANCE TO CONSTRUCT A STAIRWAY WITHIN THE FIFTY-FOOT GENERAL DEVELOPMENT WATERS SHORELAND SETBACK BY DAVID LARSEN.

Indexes:

Attachments: [Attachment 1](#)

This Resolution was returned to administration.

**CONSENT AGENDA**

**BY COUNCILOR HANSEN (FINANCE)**

- 5. [17-0845R](#) RESOLUTION APPROVING THE FISCAL YEAR JANUARY 1, 2018 TO DECEMBER 31, 2018, OPERATION BUDGET OF THE DULUTH AIRPORT AUTHORITY.

Indexes:

Attachments: [Exhibit A](#)

**This Resolution was adopted unanimously.**

- 6. [17-0846R](#) RESOLUTION APPROVING THE FISCAL YEAR JANUARY 1, 2018 TO DECEMBER 31, 2018 BUDGETS OF THE DULUTH ECONOMIC DEVELOPMENT AUTHORITY.

Indexes:

Attachments: [Exhibit A](#)

**This Resolution was adopted unanimously.**

- 7. [17-0847R](#) RESOLUTION APPROVING THE FISCAL YEAR JANUARY 1, 2018 TO DECEMBER 31, 2018, OPERATION BUDGET OF THE DULUTH TRANSIT AUTHORITY.

Indexes:

Attachments: [Exhibit A](#)

**This Resolution was adopted unanimously.**

**Yea:** 8 - Councilor Anderson, Councilor Filipovich, Councilor Fosle, Councilor Hansen, Councilor Hobbs, Councilor Russ, Councilor Westerlund and President Sipress

**Abstain:** 1 - Councilor Hanson

**BY COUNCILOR ANDERSON (PERSONNEL)**

8. [17-0844R](#) RESOLUTION CONFIRMING THE APPOINTMENT OF DAVID S. CIZMAS TO THE SPIRIT MOUNTAIN RECREATION AREA AUTHORITY, REPLACING CORY SALMELA.

Indexes:

Attachments: [Cizmas Application Redacted](#)

This Resolution was adopted unanimously.

9. [17-0853R](#) RESOLUTION CONFIRMING THE APPOINTMENT OF JOHN BEYER TO THE DULUTH CITIZEN REVIEW BOARD.

Indexes:

Attachments: [John Beyer](#)

This Resolution was adopted unanimously.

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

10. [17-0827R](#) RESOLUTION AUTHORIZING AN AGREEMENT WITH THE DULUTH ECONOMIC DEVELOPMENT AUTHORITY (DEDA) RELATING TO PARTICIPATION BY DEDA IN THE CITY OF DULUTH SELF-INSURANCE FUND PROGRAM FOR 2018.

Indexes:

Attachments: [17-0827R Exhibit A](#)

This Resolution was adopted unanimously.

11. [17-0829R](#) RESOLUTION AUTHORIZING A SECOND AMENDMENT TO THE LICENSE AGREEMENT WITH THE DULUTH ECONOMIC DEVELOPMENT AUTHORITY (DEDA) FOR DEDA'S LOT B

Indexes:

Attachments: [17-0829R Exhibit A](#)

This Resolution was adopted unanimously.

12. [17-0838R](#) RESOLUTION AMENDING THE AREA FOR THE CONCURRENT USE PERMIT AUTHORIZED UNDER ORDINANCE 17-039.

**Indexes:**

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

This Resolution was adopted unanimously.

13. [17-0841R](#) RESOLUTION VACATING THE PLATTED ALLEY BETWEEN PINEVIEW AVENUE AND THE UNIMPROVED PORTION OF NANTICOKE STREET, RETAINING A UTILITY EASEMENT OVER THE ENTIRE ALLEY.

**Indexes:**

**Attachments:** [Attachment 2](#)  
[Attachment 1 Signed Exhibit](#)

This Resolution was adopted unanimously.

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

14. [17-0816R](#) RESOLUTION AUTHORIZING ANNUAL BANKING SERVICES FOR 2018 WITH BMO HARRIS BANK, N.A. FOR AN ESTIMATED TOTAL OF \$118,000.

This Resolution was adopted unanimously.

**BY COUNCILOR FOSLE (PUBLIC SAFETY)**

15. [17-0825R](#) RESOLUTION AUTHORIZING ACCEPTANCE OF AN AGREEMENT WITH THE STATE OF MINNESOTA TO CONTINUE THE REGIONAL EMERGENCY RESPONSE TEAM DURING THE STATE FISCAL YEARS 2018 AND 2019 IN AN AMOUNT NOT TO EXCEED \$450,000 AND FURTHER AUTHORIZING EXECUTION OF A JOINT POWERS AGREEMENT WITH THE STATE OF MINNESOTA.

**Indexes:**

**Attachments:** [Joint Powers Agreement Swift Contract 134779](#)

This Resolution was adopted unanimously.

16. [17-0842R](#) RESOLUTION AUTHORIZING THE EXECUTION OF A JOINT POWERS AGREEMENT WITH THE STATE OF MINNESOTA FOR THE DULUTH POLICE DEPARTMENT TO PARTICIPATE IN THE MINNESOTA FINANCIAL CRIMES TASK FORCE AND TO ACCEPT REIMBURSEMENT MONIES IN AN AMOUNT NOT TO EXCEED \$50,000.

Indexes:

Attachments: [17-0842R Exhibit A](#)

This Resolution was adopted unanimously.

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

17. [17-0764R](#) RESOLUTION AUTHORIZING LEASE AGREEMENT WITH BENJAMIN KIMMES FOR RESIDENTIAL DWELLING UNIT LOCATED WITHIN THE CHESTER BOWL PARK CHALET.

Indexes:

Attachments: [Exhibit 1](#)

This Resolution was adopted unanimously.

18. [17-0851R](#) RESOLUTION AUTHORIZING A THREE-YEAR AGREEMENT WITH THE CHESTER BOWL IMPROVEMENT CLUB FOR THE OPERATION AND MANAGEMENT OF CHESTER BOWL PARK AND CHALET FOR \$23,615 IN 2018.

Indexes:

Attachments: [Exhibit 1](#)

This Resolution was adopted unanimously.

**Yea:** 8 - Councilor Anderson, Councilor Fosle, Councilor Hansen, Councilor Hanson, Councilor Hobbs, Councilor Russ, Councilor Westerlund and President Sipress

**Abstain:** 1 - Councilor Filipovich

19. [17-0852R](#) RESOLUTION AUTHORIZING A SECOND AMENDMENT TO THE AGREEMENT BETWEEN THE CITY OF DULUTH AND THE LAKE SUPERIOR AND MISSISSIPPI RAILROAD.

**Indexes:**

**Attachments:** [Exhibit 1](#)

This Resolution was adopted unanimously.

**END OF CONSENT AGENDA**

**BY COUNCILOR HANSEN (FINANCE)**

20. [17-0788R](#) RESOLUTION ADOPTING THE 2018 FEE SCHEDULE FOR LICENSE, PERMIT, FINE, PENALTY AND OTHER CHARGES.

**Indexes:**

**Attachments:** [Exhibit A 2018 Fee Schedule](#)

[Exhibit B 2018 Fees Memo](#)

**A motion was made that this Resolution be adopted The motion carried by the following vote:**

**Yea:** 8 - Councilor Anderson, Councilor Filipovich, Councilor Hansen, Councilor Hanson, Councilor Hobbs, Councilor Russ, Councilor Westerlund and President Sipress

**Nay:** 1 - Councilor Fosle

21. [17-0835R](#) RESOLUTION APPROVING CAPITAL IMPROVEMENT PLAN AND STATING INTENT TO ISSUE GENERAL OBLIGATION CAPITAL IMPROVEMENT BONDS UNDER MINNESOTA STATUTES, SECTION 475.521.

**A motion was made that this Resolution be adopted The motion carried by the following vote:**

**Yea:** 8 - Councilor Anderson, Councilor Filipovich, Councilor Hansen, Councilor Hanson, Councilor Hobbs, Councilor Russ, Councilor Westerlund and President Sipress

**Nay:** 1 - Councilor Fosle

22. [17-0837R](#) RESOLUTION OF THE CITY OF DULUTH, MINNESOTA, STATING THE INTENT TO ISSUE GENERAL OBLIGATION CAPITAL EQUIPMENT NOTES, SERIES 2018, AND APPROVING THE CAPITAL EQUIPMENT LIST ASSOCIATED WITH THE NOTES IN THE APPROXIMATE AMOUNT OF \$4,150,000.

Indexes:

Attachments: [Exhibit A](#)

**A motion was made that this Resolution be adopted The motion carried by the following vote:**

**Yea:** 8 - Councilor Anderson, Councilor Filipovich, Councilor Hansen, Councilor Hanson, Councilor Hobbs, Councilor Russ, Councilor Westerlund and President Sipress

**Nay:** 1 - Councilor Fosle

23. [17-0855R](#) RESOLUTION ESTABLISHING ANNUAL BONDING PLAN FOR 2018.

Indexes:

Attachments: [Exhibit A](#)

**A motion was made that this Resolution be adopted The motion carried by the following vote:**

**Yea:** 8 - Councilor Anderson, Councilor Filipovich, Councilor Hansen, Councilor Hanson, Councilor Hobbs, Councilor Russ, Councilor Westerlund and President Sipress

**Nay:** 1 - Councilor Fosle

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

24. [17-0850R](#) RESOLUTION AUTHORIZING AN AGREEMENT WITH TRC ENVIRONMENTAL CORPORATION (TRC), TO PROVIDE DAMAGE ASSESSMENT AND RECONSTRUCTION RECOMMENDATIONS FOR AREAS DAMAGED BY THE HIGH WINDS AND STORM SURGE THAT AFFECTED DULUTH ON OCTOBER 26TH AND 27TH FOR AN AMOUNT NOT TO EXCEED \$44,378.

Indexes:

Attachments: [Exhibit A](#)

**A motion was made that this Resolution be adopted The motion carried by the following vote:**

**Yea:** 8 - Councilor Anderson, Councilor Filipovich, Councilor Hansen, Councilor Hanson, Councilor Hobbs, Councilor Russ, Councilor Westerlund and President Sipress

**Nay:** 1 - Councilor Fosle

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

- 25. [17-0721R](#) RESOLUTION OF INTENT TO RECONSTRUCT SUPERIOR STREET BEGINNING APPROXIMATELY 350 FEET WEST OF SIXTH AVENUE WEST AND ENDING APPROXIMATELY 100 FEET EAST OF FOURTH AVENUE EAST AND TO PARTIALLY ASSESS THE COSTS THEREOF.

Indexes:

Attachments: [17-0721R Map](#)

**A motion was made that this Resolution be adopted The motion carried by the following vote:**

**Yea:** 8 - Councilor Anderson, Councilor Filipovich, Councilor Hansen, Councilor Hanson, Councilor Hobbs, Councilor Russ, Councilor Westerlund and President Sipress

**Nay:** 1 - Councilor Fosle

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

**BY COUNCILOR HANSEN (FINANCE)**

- 26. [17-073-O](#) AN ORDINANCE DETERMINING THE SUM TO BE RAISED BY TAXATION FOR THE SPECIAL TAXING DISTRICT, DULUTH TRANSIT AUTHORITY, FOR THE YEAR 2018.

**This Ordinance was read for the first time.**

- 27. [17-074-O](#) AN ORDINANCE DETERMINING THE SUM TO BE RAISED BY TAXATION FOR THE SPECIAL PARKS FUND LEVY FOR THE YEAR 2018.

**This Ordinance was read for the first time.**

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

28. [17-063-O](#) AN ORDINANCE GRANTING A CONCURRENT USE PERMIT FOR PARKING IN THE PLATTED STREET RIGHT OF WAY OF 10TH AVENUE EAST.

**Indexes:**

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

**This Ordinance was read for the first time.**

29. [17-064-O](#) AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF DULUTH TO RECLASSIFY PROPERTY IN THE GENERAL AREA OF THE UNIVERSITY OF MINNESOTA (UMD) CAMPUS AT 1049 UNIVERSITY DRIVE, FROM R-1 AND R-2 TO MU-I AND R-C.

**Indexes:**

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

**This Ordinance was read for the first time.**

30. [17-065-O](#) AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF DULUTH TO RECLASSIFY PROPERTY IN THE GENERAL AREA OF THE ONEOTA BUSINESS PARK, NEAR WEST MICHIGAN STREET AND SOUTH 40TH AVENUE WEST, FROM I-G AND MU-N TO MU-B.

**Indexes:**

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

**This Ordinance was read for the first time.**

31. [17-066-O](#) AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF DULUTH TO RECLASSIFY PROPERTY AT THE END OF MINNESOTA AVENUE, FROM R-1 TO AP, P-1, AND R-C.

**Indexes:**

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

**This Ordinance was read for the first time.**

32. [17-067-O](#) AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF DULUTH TO RECLASSIFY PROPERTY in the general area of Indian point campground, and areas between 63rd and 73rd avenue WEST, and milford and FREMONT street, from I-W and R-1 to R-1, P-1, and R-C.

**Indexes:**

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

**This Ordinance was read for the first time.**

33. [17-068-O](#) AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF DULUTH TO RECLASSIFY PROPERTY AT THE END OF SPRING STREET, FROM I-G TO MU-W.

**Indexes:**

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

**This Ordinance was read for the first time.**

34. [17-069-O](#) AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF DULUTH TO RECLASSIFY PROPERTY IN THE GENERAL AREA OF BOUNDARY AVENUE AND US HIGHWAY 2, FROM RR-1, R-1, AND MU-C, TO RR-1, R-1, AND MU-N.

**Indexes:**

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

This Ordinance was read for the first time.

35. [17-070-O](#) AN ORDINANCE GRANTING A CONCURRENT USE PERMIT FOR A FENCE IN THE PLATTED STREET RIGHT OF WAY OF NORTH 48TH AVENUE EAST.

**Indexes:**

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

This Ordinance was read for the first time.

36. [17-071-O](#) AN ORDINANCE GRANTING A CONCURRENT USE PERMIT FOR A HISTORIC MARQUEE SIGN IN THE PLATTED STREET RIGHT OF WAY OF NORTH CENTRAL AVENUE.

**Indexes:**

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

This Ordinance was read for the first time.

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

**BY COUNCILOR HANSEN (FINANCE)**

- 37. [17-061-O](#) AN ORDINANCE DETERMINING THE SUM TO BE RAISED BY TAXATION FOR GENERAL PURPOSES FOR THE YEAR 2018.

**Indexes:**

**Attachments:** [Property Tax Levy](#)

[Motion To Amend: Sipress/Westerlund - Failed \(3-6\)](#)

[Motion To Amend: Filipovich - Failed \(3-6\)](#)

**A motion was made that this Ordinance be adopted The motion carried by the following vote:**

**Yea:** 8 - Councilor Anderson, Councilor Filipovich, Councilor Hansen, Councilor Hanson, Councilor Hobbs, Councilor Russ, Councilor Westerlund and President Sipress

**Nay:** 1 - Councilor Fosle

- 38. [17-062-O](#) AN ORDINANCE SETTING THE BUDGET FOR THE FISCAL YEAR 2018 APPROPRIATING MONIES FOR THE SUPPORT OF THE CITY GOVERNMENT, PUBLIC UTILITIES, AND PUBLIC ENTERPRISE FUNDS AND FOR OTHER PURPOSES.

**Indexes:**

**Attachments:** [Motion To Amend: Sipress/Westerlund - Withdrawn](#)

[Motion To Amend: Filipovich - Withdrawn](#)

**A motion was made that this Ordinance be adopted The motion carried by the following vote:**

**Yea:** 8 - Councilor Anderson, Councilor Filipovich, Councilor Hansen, Councilor Hanson, Councilor Hobbs, Councilor Russ, Councilor Westerlund and President Sipress

**Nay:** 1 - Councilor Fosle

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

39. [17-060-O](#) AN ORDINANCE GRANTING VERIZON WIRELESS A CONCURRENT USE PERMIT FOR THREE SMALL WIRELESS FACILITIES ON MINNESOTA POWER POLES IN THE PLATTED STREET RIGHT OF WAY NEAR 4405 WEST 4TH STREET, 2500 LONDON ROAD, AND 3860 EAST SUPERIOR STREET.

Indexes:

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

This Ordinance was adopted unanimously.

**COUNCILOR QUESTIONS AND COMMENTS**

**COUNCILOR PREVIEW OF UPCOMING BUSINESS**



# City of Duluth

411 West First Street  
Duluth, Minnesota 55802

## Actions and Unofficial Minutes

### 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]*

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Monday, December 11, 2017

7:00 PM

Council Chamber

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#### ROLL CALL

**Present:** 6 - Councilor Gary Anderson, Councilor Zack Filipovich, Councilor Jay Fosle, Councilor Barb Russ, Councilor Em Westerlund and Councilor Joel Sipress

**Absent:** 1 - President Noah Hobbs

#### PLEDGE OF ALLEGIANCE

#### APPROVAL OF MINUTES

1. [17-192](#) December 4th, 2017 Duluth City Council Meeting Minutes

**Indexes:**

**Attachments:** [December 4 - City Council](#)

This Minutes was approved.

#### REPORTS FROM THE ADMINISTRATION

#### REPORTS FROM OTHER OFFICERS

#### REPORTS OF BOARDS AND COMMISSIONS

2. [17-189](#) Duluth Entertainment Convention Center Meeting Minutes

**Indexes:**

- Attachments:** [August 29, 2017 DECC Board Meeting Minutes](#)  
[July 11, 2017 DECC Board Meeting Minutes](#)  
[July 25, 2017 DECC Board Meeting Minutes](#)  
[September 26, 2017 DECC Board Meeting Minutes](#)

**This Board or Commission Report was received.**

3. [17-190](#) Housing and Redevelopment Authority Meeting Minutes

**Indexes:**

- Attachments:** [10-31-2017 HRA Meeting Minutes](#)

**This Board or Commission Report was received.**

4. [17-191](#) Library Board Meeting Minutes

**Indexes:**

- Attachments:** [10-24-2017 Library Board Meeting Minutes](#)

**This Board or Commission Report was received.**

**REPORTS OF COUNCIL COMMITTEES**

**REPORTS OF COUNCIL OPEN ISSUES**

**OPPORTUNITY FOR CITIZENS TO BE HEARD**

**CONSENT AGENDA**

**BY COUNCILOR HANSEN (FINANCE)**

5. [17-0873R](#) RESOLUTION AUTHORIZING EXTENSION AND AMENDMENT OF AN AGREEMENT WITH TYLER TECHNOLOGIES FOR THE PURCHASE OF MAINTENANCE AND SUPPORT OF NEW WORLD SYSTEMS FOR YEAR 2018 FOR AN AMOUNT NOT TO EXCEED \$217,132.

**Indexes:**

**Attachments:** [Exhibit A](#)

This Resolution was adopted unanimously.

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

6. [17-0819R](#) RESOLUTION APPROVING THE TRANSFER OF THE BREWERY MALT LIQUOR OFF SALE (GROWLER), AND BREWERY MALT LIQUOR ON SALE (TAPROOM) AND ON SALE SUNDAY LICENSE (TAPROOM ONLY) AND 2:00 A.M. (TAPROOM ONLY) OF BENT PADDLE BREWING COMPANY, FROM 1912 WEST MICHIGAN STREET TO 1832 WEST MICHIGAN STREET.

**Indexes:**

**Attachments:** [Bent Paddle Brewing Company](#)  
[Bent Paddle Attachment](#)

This Resolution was adopted unanimously.

7. [17-0854R](#) RESOLUTION APPROVING THE TRANSFER OF STOCK OF THE BREWERY MALT LIQUOR OFF SALE GROWLER, AND BREWERY MALT LIQUOR ON SALE (TAPROOM) AND ON SALE SUNDAY LICENSE (TAPROOM ONLY) AND 2:00 A.M. (TAPROOM ONLY) OF LAKE SUPERIOR BREWING CO. LLC, 2711 W SUPERIOR STREET #201.

**Indexes:**

**Attachments:** [LAKE SUPERIOR BREWING-11272017104044](#)

This Resolution was adopted unanimously.

8. [17-0858R](#) RESOLUTION APPROVING THE ISSUANCE OF LAWFUL GAMBLING PREMISE PERMITS TO IRVING COMMUNITY ASSOCIATION

**Indexes:**

**Attachments:** [IRVING alpine-11282017151744](#)  
[IRVING GB SCHNEIDER-11282017151724](#)

This Resolution was adopted unanimously.

9. [17-0867R](#) RESOLUTION ISSUING AN ON SALE INTOXICATING LIQUOR LICENSE,

SUNDAY LICENSE AND APPROVING ISSUANCE OF AN AFTER HOURS ENTERTAINMENT LICENSE TO SOUND DULUTH, LLC. (SOUND) 132 EAST SUPERIOR STREET, SUITE 2A

**Indexes:**

**Attachments:** [SOUND-12012017094012](#)

**This Resolution was adopted unanimously.**

**Yea:** 6 - Councilor Anderson, Councilor Filipovich, Councilor Fosle, Councilor Russ, Councilor Westerlund and Councilor Sipress

**Absent:** 2 - Hanson and President Hobbs

**Abstain:** 1 - Hansen

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

10. [17-0876R](#) RESOLUTION ACCEPTING THE IRVING AND FAIRMOUNT BROWNFIELDS REVITALIZATION PLAN

**Indexes:**

**Attachments:** [IFBRP Plan Document\\_Final](#)

**This Resolution was adopted unanimously.**

**BY COUNCILOR FILIPOVICH (INTERGOVERNMENTAL RELATIONS)**

11. [17-0869R](#) RESOLUTION AUTHORIZING A THREE-YEAR AGREEMENT WITH THE STATE OF MINNESOTA FOR AN EXCLUSIVE LICENSE TO ENTER ONTO AND OCCUPY CITY-OWNED PROPERTY IN THE FOND DU LAC NEIGHBORHOOD FOR THE PLACEMENT AND STORAGE OF A FIELD TRAILER, EQUIPMENT AND RELATED ITEMS.

**Indexes:**

**Attachments:** [Exhibit 1](#)

[Exhibit 2](#)

[Exhibit 3](#)

**This Resolution was adopted unanimously.**

12. [17-0870R](#) RESOLUTION AUTHORIZING A THREE-YEAR AGREEMENT WITH THE STATE OF MINNESOTA FOR A NON-EXCLUSIVE LICENSE TO ENTER ONTO CITY-OWNED PROPERTY NEAR MISSION CREEK FOR ACCESS TO AN EXISTING DEBRIS CATCHER.

Indexes:

- Attachments: [Exhibit 1](#)  
[Exhibit 2](#)  
[Exhibit 3](#)

This Resolution was adopted unanimously.

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

13. [17-0864R](#) RESOLUTION AWARDING A CONTRACT TO C & S CHEMICALS FOR THE PURCHASE AND DELIVERY OF 125,400 GALLONS OF LIQUID ALUMINUM SULFATE IN YEAR 2018 FOR A TOTAL COST OF \$105,210.60.

This Resolution was adopted unanimously.

14. [17-0868R](#) RESOLUTION AUTHORIZING FIRST AMENDMENT TO CITY CONTRACT NO. 22407 WITH PRAXAIR, INC. AND DEDA SUBSTITUTING A NEW ROAD EASEMENT IN ONEOTA III.

Indexes:

- Attachments: [EXHIBIT 1-03152018094303](#)

This Resolution was adopted unanimously.

**BY COUNCILOR FOSLE (PUBLIC SAFETY)**

15. [17-0856R](#) RESOLUTION AUTHORIZING PROPER CITY OFFICIALS TO ACCEPT A GRANT FROM THE U.S. DEPARTMENT OF JUSTICE, BUREAU OF JUSTICE ASSISTANCE, IN THE TOTAL AMOUNT OF \$626,835 AND AUTHORIZING AGREEMENTS WITH PROGRAM FOR AID TO VICTIMS OF SEXUAL ASSAULT AND MINNESOTA BUREAU OF CRIMINAL APPREHENSION FOR THEIR PARTICIPATION IN THE 2017 SAKI PROJECT: CITY OF DULUTH AS PART OF THE NATIONAL SEXUAL ASSAULT KIT INITIATIVE.

Indexes:

- Attachments:** [Exhibit A 17-0856R](#)  
[Exhibit B 17-0856R](#)  
[Exhibit C 17-0856R](#)  
[Exhibit D 17-0856R](#)

**This Resolution was adopted unanimously.**

**Yea:** 6 - Councilor Anderson, Councilor Filipovich, Councilor Fosle, Hansen, Councilor Russ and Councilor Sipress

**Nay:** 1 - Councilor Westerlund

**Absent:** 2 - Hanson and President Hobbs

16. [17-0875R](#) RESOLUTION AUTHORIZING THE PROPER CITY OFFICIALS TO SUBMIT TO THE MINNESOTA DEPARTMENT OF PUBLIC SAFETY, OFFICE OF JUSTICE PROGRAM, CRIME VICTIM SERVICES, A PROSECUTORIAL SERVICES TO CRIME VICTIMS 2018-2019 GRANT APPLICATION FOR FUNDING FOR A FULL TIME VICTIM SERVICES POSITION IN THE CITY ATTORNEY'S OFFICE.

**This Resolution was adopted unanimously.**

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

17. [17-0860R](#) RESOLUTION AUTHORIZING AN AGREEMENT WITH THE ARROWHEAD LIBRARY SYSTEM MULTITYPE BOARD ALLOWING THE DULUTH PUBLIC LIBRARY TO BE A MEMBER AND HAVE ACCESS TO MULTITYPE LIBRARY SERVICES AT NO COST.

**Indexes:**

- Attachments:** [Exhibit A](#)

**This Resolution was adopted unanimously.**

**END OF CONSENT AGENDA**

**BY COUNCILOR HANSEN (FINANCE)**

18. [17-0877R](#) RESOLUTION DISTRIBUTING THE ESTIMATED 2018 HOTEL-MOTEL AND FOOD AND BEVERAGE TOURISM TAXES.

**Indexes:**

**Attachments:** [Resolution 17-0877 Comparative Distributions](#)

**A motion was made that this Resolution be adopted. The motion carried by the following vote:**

**Yea:** 6 - Councilor Anderson, Councilor Filipovich, Hansen, Councilor Russ, Councilor Westerlund and Councilor Sipress

**Nay:** 1 - Councilor Fosle

**Absent:** 2 - Hanson and President Hobbs

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

19. [17-0866R](#) RESOLUTION AUTHORIZING APPROVAL OF COMMUNITY SOLAR GARDEN PROGRAM CUSTOMER CONTRACT AND ADDENDUM BETWEEN MINNESOTA POWER AND THE CITY OF DULUTH FOR PURCHASE OF 420 - 1 KILOWATT SHARES OF SOLAR-GENERATED ELECTRICITY PRODUCED BY THE PROJECT FOR THE NEXT 25 YEARS IN THE TOTAL AMOUNT OF \$895,503.

**Indexes:**

**Attachments:** [Exhibit A](#)

**A motion was made that this Resolution be adopted. The motion carried by the following vote:**

**Yea:** 6 - Councilor Anderson, Councilor Filipovich, Hansen, Councilor Russ, Councilor Westerlund and Councilor Sipress

**Nay:** 1 - Councilor Fosle

**Absent:** 2 - Hanson and President Hobbs

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

20. [17-0861R](#) RESOLUTION AUTHORIZING AN AGREEMENT WITH KARGES-FAULCONBRIDGE, INC., FOR MECHANICAL ENGINEERING SERVICES TO CONVERT BUILDINGS ON SUPERIOR STREET FROM A STEAM TO HOT WATER DISTRICT ENERGY SYSTEM FOR AN AMOUNT NOT TO EXCEED \$89,500.

**Indexes:**

**Attachments:** [Exhibit A](#)

**A motion was made that this Resolution be adopted. The motion carried by the following vote:**

**Yea:** 6 - Councilor Anderson, Councilor Filipovich, Hansen, Councilor Russ, Councilor Westerlund and Councilor Sipress

**Nay:** 1 - Councilor Fosle

**Absent:** 2 - Hanson and President Hobbs

21. [17-0862R](#) RESOLUTION AUTHORIZING A NO-COST EXTENSION OF A CONTRACT WITH THE STATE OF MINNESOTA BOARD OF WATER AND SOIL RESOURCES (BWSR) FOR ONE YEAR FOR FLOOD DISASTER RECOVERY FUNDING OF STREAM RESTORATION PROJECTS AS A RESULT OF THE JUNE 2012 FLOOD.

**A motion was made that this Resolution be adopted. The motion carried by the following vote:**

**Yea:** 6 - Councilor Anderson, Councilor Filipovich, Hansen, Councilor Russ, Councilor Westerlund and Councilor Sipress

**Nay:** 1 - Councilor Fosle

**Absent:** 2 - Hanson and President Hobbs

22. [17-0863R](#) RESOLUTION AUTHORIZING THE PURCHASE OF PRE-INSULATED PIPE, FITTINGS, VALVES AND ACCESSORIES FOR PHASES 1 AND 2 OF THE SUPERIOR STREET RECONSTRUCTION FROM GF URECON LIMITED IN THE AMOUNT OF \$498,979.53.

**A motion was made that this Resolution be adopted. The motion carried by the following vote:**

**Yea:** 6 - Councilor Anderson, Councilor Filipovich, Hansen, Councilor Russ, Councilor Westerlund and Councilor Sipress

**Nay:** 1 - Councilor Fosle

**Absent:** 2 - Hanson and President Hobbs

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

23. [17-0872R](#) RESOLUTION AUTHORIZING APPLICATION TO THE MINNESOTA DEPARTMENT OF TRANSPORTATION - TRANSPORTATION ALTERNATIVES PROGRAM TO BUILD SEGMENT III OF THE CROSS CITY TRAIL MULTI-USE PATH FROM IRVING PARK TO KEENE CREEK PARK NOT TO EXCEED \$600,000

**Indexes:**

**Attachments:** [Exhibit A](#)  
[Exhibit B](#)

**A motion was made that this Resolution be adopted. The motion carried by the following vote:**

- Yea:** 6 - Councilor Anderson, Councilor Filipovich, Hansen, Councilor Russ, Councilor Westerlund and Councilor Sipress
- Nay:** 1 - Councilor Fosle
- Absent:** 2 - Hanson and President Hobbs

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

**BY COUNCILOR HANSEN (FINANCE)**

24. [17-072-O](#) AN ORDINANCE AMENDING SECTION 41-29 OF THE DULUTH CITY CODE, TO AUTHORIZE ADDITIONAL PROCEDURES FOR DISPOSAL OF SURPLUS PROPERTY.

**This Ordinance was read for the first time.**

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

**BY COUNCILOR HANSEN (FINANCE)**

25. [17-073-O](#) AN ORDINANCE DETERMINING THE SUM TO BE RAISED BY TAXATION FOR THE SPECIAL TAXING DISTRICT, DULUTH TRANSIT AUTHORITY, FOR THE YEAR 2018.

**This Ordinance was adopted.**

- Yea:** 6 - Councilor Anderson, Councilor Filipovich, Hansen, Councilor Russ, Councilor Westerlund and Councilor Sipress
- Nay:** 1 - Councilor Fosle
- Absent:** 2 - Hanson and President Hobbs

26. [17-074-O](#) AN ORDINANCE DETERMINING THE SUM TO BE RAISED BY TAXATION FOR THE SPECIAL PARKS FUND LEVY FOR THE YEAR 2018.

**This Ordinance was adopted.**

**Yea:** 6 - Councilor Anderson, Councilor Filipovich, Hansen, Councilor Russ, Councilor Westerlund and Councilor Sipress

**Nay:** 1 - Councilor Fosle

**Absent:** 2 - Hanson and President Hobbs

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

27. [17-063-O](#) AN ORDINANCE GRANTING A CONCURRENT USE PERMIT FOR PARKING IN THE PLATTED STREET RIGHT OF WAY OF 10TH AVENUE EAST.

**Indexes:**

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

**This Ordinance was adopted.**

28. [17-064-O](#) AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF DULUTH TO RECLASSIFY PROPERTY IN THE GENERAL AREA OF THE UNIVERSITY OF MINNESOTA (UMD) CAMPUS AT 1049 UNIVERSITY DRIVE, FROM R-1 AND R-2 TO MU-I AND R-C.

**Indexes:**

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

**This Ordinance was adopted.**

29. [17-065-O](#) AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF DULUTH TO RECLASSIFY PROPERTY IN THE GENERAL AREA OF THE ONEOTA BUSINESS PARK, NEAR WEST MICHIGAN STREET AND SOUTH 40TH AVENUE WEST, FROM I-G AND MU-N TO MU-B.

**Indexes:**

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

**This Ordinance was adopted.**

30. [17-066-O](#) AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF DULUTH TO RECLASSIFY PROPERTY AT THE END OF MINNESOTA AVENUE, FROM R-1 TO AP, P-1, AND R-C.

**Indexes:**

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

**This Ordinance was adopted.**

31. [17-067-O](#) AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF DULUTH TO RECLASSIFY PROPERTY in the general area of Indian point campground, and areas between 63rd and 73rd avenue WEST, and milford and FREMONT street, from I-W and R-1 to R-1, P-1, and R-C.

**Indexes:**

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

**This Ordinance was adopted.**

32. [17-068-O](#) AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF DULUTH TO RECLASSIFY PROPERTY AT THE END OF SPRING STREET, FROM I-G TO MU-W.

**Indexes:**

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

**This Ordinance was adopted.**

33. [17-069-O](#) AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF DULUTH TO RECLASSIFY PROPERTY IN THE GENERAL AREA OF BOUNDARY AVENUE AND US HIGHWAY 2, FROM RR-1, R-1, AND MU-C, TO RR-1, R-1, AND MU-N.

**Indexes:**

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

This Ordinance was tabled.

34. [17-070-O](#) AN ORDINANCE GRANTING A CONCURRENT USE PERMIT FOR A FENCE IN THE PLATTED STREET RIGHT OF WAY OF NORTH 48TH AVENUE EAST.

Indexes:

Attachments: [Attachment 1](#)

[Attachment 2](#)

This Ordinance was adopted.

35. [17-071-O](#) AN ORDINANCE GRANTING A CONCURRENT USE PERMIT FOR A HISTORIC MARQUEE SIGN IN THE PLATTED STREET RIGHT OF WAY OF NORTH CENTRAL AVENUE.

Indexes:

Attachments: [Attachment 1](#)

[Attachment 2](#)

This Ordinance was adopted.

## COUNCILOR QUESTIONS AND COMMENTS

## COUNCILOR PREVIEW OF UPCOMING BUSINESS