



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, January 8, 2018

7:00 PM

Council Chamber

ROLL CALL

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

PLEDGE OF ALLEGIANCE

ELECTION OF OFFICERS

APPROVAL OF MINUTES

1. [18-013](#) December 11th, 2017 - City of Duluth City Council Meeting Minutes

Indexes:

Attachments: [December 11 2017 - City Council](#)

This Minutes was approved.

REPORTS FROM THE ADMINISTRATION

REPORTS FROM OTHER OFFICERS

REPORTS OF BOARDS AND COMMISSIONS

2. [18-011](#) Duluth Transit Authority Meeting Minutes

Indexes:

Attachments: [BOD Minutes \(10-25-17\)](#)

This Board or Commission Report was received.

3. [18-012](#) Parking Commission Resolutions

Indexes:

Attachments: [December 2017 Resolutions](#)

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 FILIPOVICH (FINANCE)

4. [18-0012R](#) RESOLUTION AUTHORIZING A TWO-YEAR CONTRACT WITH WASTE MANAGEMENT FOR GARBAGE/REFUSE REMOVAL AND RECYCLING PICKUP FOR ESTIMATED COST OF \$12,000 PER MONTH, AND A TOTAL ESTIMATED INITIAL CONTRACT AMOUNT OF \$288,000.

Indexes:

Attachments: [Trash & Recycling Service Agreement FINAL](#)

This Resolution was adopted unanimously.

5. [18-0014R](#) RESOLUTION AUTHORIZING YEAR 2018 AGREEMENT WITH DULUTH-SUPERIOR PUBLIC ACCESS COMMUNITY TELEVISION, INC., FOR COMMUNITY ACCESS CABLECASTING, TRAINING, PRODUCTION AND ADMINISTRATION SERVICES FOR \$182,000.

Indexes:

Attachments: [2018 PACT Lease and Professional Services Agreement](#)

This Resolution was adopted unanimously.

6. [18-0039R](#) RESOLUTION AUTHORIZING EXECUTION OF AN AGREEMENT WITH VISIT DULUTH TO PROVIDE ADVERTISING AND PROMOTION SERVICES TO THE CITY OF DULUTH FOR THE YEARS 2018, 2019 AND 2020 FOR A TOTAL COST NOT TO EXCEED \$6,000,000.

Indexes:

Attachments: [Exhibit A.](#)

This Resolution was adopted unanimously.

BY COUNCILOR FOSLE (PURCHASING & LICENSING)

7. [18-0002R](#) RESOLUTION APPROVING THE ISSUANCE OF A 2018 MINNESOTA CURRENCY EXCHANGE LICENSE TO THE TITLE LOAN COMPANY, INC.

Indexes:

Attachments: [TITLE LOAN COMPANY-12132017114811](#)

This Resolution was adopted unanimously.

8. [18-0009R](#) RESOLUTION ISSUING OFF SALE 3.2 PERCENT MALT LIQUOR LICENSES TO HOLIDAY STATIONSTORES, LLC AT 2605 LONDON ROAD, 5430 GRAND AVENUE, AND 200 BOUNDARY AVENUE SOUTH.

This Resolution was adopted unanimously.

9. [18-0022R](#) RESOLUTION AUTHORIZING AN AMENDMENT AND EXTENSION TO AGREEMENT C22495 WITH SAS + ASSOCIATES FOR PROFESSIONAL SERVICES FOR HARTLEY PARK TRAIL, BOARDWALK AND PARKING IMPROVEMENTS, AN INCREASE OF \$5,917.50, FOR A TOTAL AMOUNT NOT TO EXCEED \$41,227.50.

Indexes:

Attachments: [Exhibit A](#)

This Resolution was adopted unanimously.

10. [18-0026R](#) RESOLUTION APPROVING ISSUANCE OF A TEMPORARY ON SALE INTOXICATING LIQUOR LICENSE TO THE MINNESOTA BALLET (CELEBRITY DANCE CHALLENGE), 301 WEST FIRST STREET, STE 800.

Indexes:

Attachments: [BALLET-12272017122059](#)

This Resolution was adopted unanimously.

11. [18-0035R](#) RESOLUTION AUTHORIZING AN AGREEMENT WITH DUDE SOLUTIONS, INC., FOR PROFESSIONAL SERVICES TO TRACK ENERGY AND UTILITY USAGE AND IDENTIFY EFFICIENCIES FOR AN AMOUNT NOT TO EXCEED \$60,450.

Indexes:

Attachments: [Exhibit A](#)

This Resolution was adopted unanimously.

12. [18-0036R](#) RESOLUTION ISSUING AN ON SALE INTOXICATING LIQUOR LICENSE, SUNDAY LICENSE TO VANILLA BEAN DULUTH, LLC, (VANILLA BEAN), 1608 WOODLAND AVENUE.

Indexes:

Attachments: [VANILLA BEAN-12282017104747](#)

This Resolution was adopted unanimously.

Yea: 8 - Councilor Anderson, Councilor Filipovich, Councilor Fosle, Councilor Hobbs, Councilor Russ, Councilor Sipress, Councilor Westerlund and Councilor Van Nett

Abstain: 1 - President Hansen

13. [18-0048R](#) RESOLUTION IN THE MATTER OF THE OFF SALE LIQUOR LICENSE OF UNIVERSITY LIQUOR, 1603 WOODLAND AVENUE.

Indexes:

Attachments: [Report to council \(Recovered\)](#)

This Resolution was adopted unanimously.

BY COUNCILOR ANDERSON (PERSONNEL)

14. [18-0001R](#) RESOLUTION CONFIRMING THE APPOINTMENT OF BRANDON VAN TASSEL TO THE URBAN FOREST COMMISSION

Indexes:

Attachments: [Brandon Van Tassel Redacted](#)

This Resolution was adopted unanimously.

15. [18-0005R](#) RESOLUTION CONFIRMING THE REAPPOINTMENT OF COUNCILOR JOEL SIPRESS, TO THE DULUTH PUBLIC UTILITIES COMMISSION

This Resolution was adopted unanimously.

16. [18-0015R](#) RESOLUTION CONFIRMING THE APPOINTMENT OF ASHLEY NORTHEY TO THE COMMUNITY DEVELOPMENT COMMITTEE.

Indexes:

Attachments: [Northey app](#)

This Resolution was adopted unanimously.

17. [18-0019R](#) RESOLUTION CONFIRMING THE APPOINTMENT OF JASON TANSKI TO THE DULUTH LEGACY ENDOWMENT FUND ADVISORY BOARD.

Indexes:

Attachments: [Tanski App](#)

This Resolution was adopted unanimously.

18. [18-0038R](#) RESOLUTION CONFIRMING THE APPOINTMENT OF COUNCILOR EM WESTERLUND, TO THE DULUTH PARKING COMMISSION

This Resolution was adopted unanimously.

19. [18-0040R](#) RESOLUTION CONFIRMING THE APPOINTMENT OF KELLI LATUSKA TO THE DULUTH LEGACY ENDOWMENT FUND ADVISORY BOARD.

This Resolution was adopted unanimously.

BY COUNCILOR RUSS (PLANNING & ECONOMIC DEVELOPMENT)

20. [18-0025R](#) RESOLUTION AUTHORIZING ONE ROOF COMMUNITY HOUSING TO FORGIVE PARTIAL AMOUNTS OF A REHABILITATION LOAN MADE UNDER THE SINGLE FAMILY HOMEOWNER REHABILITATION PROGRAM FOR 2309 W 2ND ST

This Resolution was adopted unanimously.

Yea: 8 - Councilor Anderson, Councilor Filipovich, Councilor Fosle, Councilor Russ, Councilor Sipress, Councilor Westerlund, Councilor Van Nett and President Hansen

Abstain: 1 - Councilor Hobbs

21. [18-0034R](#) RESOLUTION ADOPTING A MASTER PLAN UPDATE FOR THE SPIRIT MOUNTAIN RECREATION AREA

Indexes:

Attachments: [SMRA 2017 Master Plan Update Final 11-27-17](#)

This Resolution was adopted unanimously.

BY COUNCILOR HOBBS (PUBLIC WORKS & UTILITIES)

22. [18-0008R](#) RESOLUTION AUTHORIZING AN AGENCY AGREEMENT BETWEEN THE CITY AND MNDOT FOR FEDERAL PARTICIPATION IN CONSTRUCTION.

Indexes:

Attachments: [18-0008R Exhibit A](#)

This Resolution was adopted unanimously.

23. [18-0011R](#) RESOLUTION AUTHORIZING AN AMENDMENT TO EXTEND CONTRACT 22091 WITH VENTURE FUELS FOR ONE ADDITIONAL YEAR FOR THE PURCHASE AND DELIVERY OF COAL TO DULUTH ENERGY SYSTEMS FOR 2018.

This Resolution was adopted unanimously.

24. [18-0013R](#) RESOLUTION APPROVING A COUNTY PROJECT WITHIN MUNICIPAL CORPORATE LIMITS FOR IMPROVEMENTS TO COUNTY STATE AID HIGHWAY NO. 3 (BECKS ROAD).

Indexes:

Attachments: [18-0013R Map](#)

This Resolution was adopted unanimously.

25. [18-0016R](#) RESOLUTION AUTHORIZING THE PURCHASE OF HIGH-DENSITY POLYETHYLENE (HDPE) WATER MAIN PIPE FOR PHASE 1 OF THE SUPERIOR STREET RECONSTRUCTION PROJECT FROM CORE & MAIN FOR AN ESTIMATED AMOUNT NOT TO EXCEED \$127,960.

This Resolution was adopted unanimously.

26. [18-0023R](#) RESOLUTION AUTHORIZING AN AGREEMENT WITH PROSOURCE TECHNOLOGIES, LLC, FOR EASEMENT ACQUISITION, ENVIRONMENTAL, SURVEYING AND ENGINEERING SERVICES DURING YEARS 2018 THROUGH 2022 FOR AN ANNUAL AMOUNT NOT TO EXCEED \$30,000 AND A TOTAL AMOUNT NOT TO EXCEED \$150,000.

Indexes:

Attachments: [Exhibit A](#)

This Resolution was adopted unanimously.

27. [18-0024R](#) RESOLUTION AUTHORIZING AN AGREEMENT WITH GOODPOINTE TECHNOLOGY, INC. FOR PROFESSIONAL SERVICES FOR PAVEMENT CONDITION IMAGING DATA COLLECTION FOR AN AMOUNT NOT TO EXCEED \$89,510.

Indexes:

Attachments: [Exhibit A](#)

This Resolution was adopted unanimously.

28. [18-0028R](#) RESOLUTION DEDICATING AN EASEMENT FOR HIGHWAY PURPOSES ON PROPERTY ADJACENT TO MESABA AVENUE AND WEST 7TH STREET.

Indexes:

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

This Resolution was adopted unanimously.

29. [18-0046R](#) RESOLUTION AUTHORIZING A CONTRACT WITH DULUTH READY MIX, INC., FOR AN ESTIMATED 8,570 TONS OF DELIVERED WASHED SAND FOR AN AMOUNT NOT TO EXCEED \$106,696.50.

This Resolution was adopted unanimously.

30. [18-0047R](#) 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 \$226,970.10.

This Resolution was adopted unanimously.

31. [18-0057R](#) RESOLUTION AWARDED A CONTRACT TO DPC INDUSTRIES, INC. FOR THE PURCHASE AND DELIVERY OF 70,000 GALLONS OF LIQUID CAUSTIC SODA IN YEAR 2018 FOR A TOTAL COST OF \$167,300.

This Resolution was adopted unanimously.

BY COUNCILOR VAN NETT (PUBLIC SAFETY)

32. [18-0003R](#) RESOLUTION AUTHORIZING THE PURCHASE OF FOUR (4) 2018 FORD UTILITY INTERCEPTOR VEHICLES FROM FORD OF HIBBING IN THE AMOUNT OF \$123,384.60.

This Resolution was adopted unanimously.

33. [18-0006R](#) 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 2018 TOWARD ZERO DEATHS PROJECT.

Indexes:

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

This Resolution was adopted unanimously.

34. [18-0007R](#) RESOLUTION AUTHORIZING PROPER CITY OFFICIALS TO ACCEPT A \$206,973 GRANT AWARD FROM THE STATE OF MINNESOTA DEPARTMENT OF PUBLIC SAFETY OFFICE OF JUSTICE PROGRAMS FOR THE PROJECT ENTITLED "2018 COMMUNITY JUSTICE REINVESTMENT PROJECT".

Indexes:

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

This Resolution was adopted unanimously.

35. [18-0043R](#) RESOLUTION AUTHORIZING THE PURCHASE OF A CONSOLIDATED VIDEO SOLUTION FOR POLICE BODY CAMERAS, VEHICLE CAMERAS AND INTERVIEW ROOM CAMERAS INCLUDING EQUIPMENT, SOFTWARE, STORAGE, MAINTENANCE AND SUPPORT FROM AXON ENTERPRISES FOR A FIVE-YEAR PERIOD PAYABLE \$310,017.75 (FOR YEAR 2018) AND \$115,812.00 PER YEAR (2019-2022) FOR AN AMOUNT NOT TO EXCEED \$773,265.75.

This Resolution was adopted unanimously.

36. [18-0055R](#) RESOLUTION AUTHORIZING ACCEPTANCE OF A \$122,500 CRIME VICTIM SERVICES PROSECUTORIAL GRANT FROM THE MINNESOTA DEPARTMENT OF PUBLIC SAFETY, OFFICE OF JUSTICE PROGRAMS, TO FUND A VICTIM SERVICES POSITION IN THE CITY ATTORNEY'S OFFICE.

Indexes:

Attachments: [Exhibit A](#)

This Resolution was adopted unanimously.

BY COUNCILOR WESTERLUND (RECREATION, LIBRARIES & AUTHORITIES)

37. [18-0037R](#) RESOLUTION AUTHORIZING AN AGREEMENT WITH WILLIAM J. WADLEY ACCEPTING THE DONATION OF A 1997 NORTHERN LEAGUE CHAMPIONSHIP PENNANT FOR THE DULUTH-SUPERIOR DUKES.

Indexes:

Attachments: [Exhibit A](#)

This Resolution was adopted unanimously.

38. [18-0045R](#) RESOLUTION AUTHORIZING ACCEPTANCE OF A \$89,078 GRANT FROM THE MINNESOTA DEPARTMENT OF NATURAL RESOURCES AND MINNESOTA LAKE SUPERIOR COASTAL PROGRAM FOR WAYFINDING SIGNAGE AND REST STOPS ON THE WESTERN WATERFRONT TRAIL.

Indexes:

Attachments: [Exhibit A grant agreement](#)

This Resolution was adopted unanimously.

END OF CONSENT AGENDA

BY COUNCILOR FILIPOVICH (FINANCE)

39. [18-0029R](#) RESOLUTION AUTHORIZING AN AGREEMENT WITH UMD FOR THE CONTINUED PROMOTION OF GLENSHEEN MANSION, IN THE AMOUNT OF \$50,000.

Indexes:

Attachments: [Exhibit A](#)

This Resolution was adopted.

Yea: 8 - Councilor Anderson, Councilor Filipovich, Councilor Hobbs, Councilor Russ, Councilor Sipress, Councilor Westerlund, Councilor Van Nett and President Hansen

Nay: 1 - Councilor Fosle

40. [18-0030R](#) RESOLUTION AUTHORIZING AN AGREEMENT WITH LAKE SUPERIOR CENTER DBA GREAT LAKES AQUARIUM IN THE AMOUNT OF \$360,000.

Indexes:

Attachments: [Exhibit A](#)

This Resolution was adopted.

Yea: 8 - Councilor Anderson, Councilor Filipovich, Councilor Hobbs, Councilor Russ, Councilor Sipress, Councilor Westerlund, Councilor Van Nett and President Hansen

Nay: 1 - Councilor Fosle

41. [18-0031R](#) RESOLUTION AUTHORIZING AN AGREEMENT WITH HISTORIC UNION DEPOT, INC. IN THE AMOUNT OF \$220,000.

Indexes:

Attachments: [Exhibit A](#)

This Resolution was adopted.

Yea: 8 - Councilor Anderson, Councilor Filipovich, Councilor Hobbs, Councilor Russ, Councilor Sipress, Councilor Westerlund, Councilor Van Nett and President Hansen

Nay: 1 - Councilor Fosle

42. [18-0032R](#) 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: 8 - Councilor Anderson, Councilor Filipovich, Councilor Hobbs, Councilor Russ, Councilor Sipress, Councilor Westerlund, Councilor Van Nett and President Hansen

Nay: 1 - Councilor Fosle

43. [18-0033R](#) RESOLUTION AUTHORIZING AN AGREEMENT WITH SPIRIT MOUNTAIN RECREATION AREA AUTHORITY FOR 2018 IN THE AMOUNT OF \$275,000 FOR OPERATING ASSISTANCE AND \$145,700 FOR ADVENTURE PARK LEASE PAYMENTS.

Indexes:

Attachments: [Exhibit A](#)

This Resolution was adopted.

Yea: 7 - Councilor Anderson, Councilor Filipovich, Councilor Russ, Councilor Sipress, Councilor Westerlund, Councilor Van Nett and President Hansen

Nay: 2 - Councilor Fosle and Councilor Hobbs

BY COUNCILOR RUSS (PLANNING & ECONOMIC DEVELOPMENT)

44. [18-0042R](#) RESOLUTION AUTHORIZING A PURCHASE AGREEMENT WITH ECOLIBRIUM3 FOR THE SALE OF CITY-OWNED PROPERTY IN THE LINCOLN PARK NEIGHBORHOOD FOR \$3,596.

Indexes:

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

This Resolution was adopted unanimously.

BY COUNCILOR HOBBS (PUBLIC WORKS & UTILITIES)

45. [18-0027R](#) RESOLUTION AUTHORIZING THE PURCHASE OF TWO TEMPORARY STEAM TO HOT WATER ENERGY TRANSFER STATIONS FROM PIONEER POWER, INC. IN THE AMOUNT OF \$832,000.

This Resolution was adopted.

Yea: 8 - Councilor Anderson, Councilor Filipovich, Councilor Hobbs, Councilor Russ, Councilor Sipress, Councilor Westerlund, Councilor Van Nett and President Hansen

Nay: 1 - Councilor Fosle

46. [18-0041R](#) RESOLUTION AUTHORIZING THE PURCHASE OF PACKAGED STEAM TO HOT WATER ENERGY TRANSFER STATIONS FROM ALFA LAVAL, INC. IN THE AMOUNT OF \$1,071,171.75.

This Resolution was adopted.

Yea: 8 - Councilor Anderson, Councilor Filipovich, Councilor Hobbs, Councilor Russ, Councilor Sipress, Councilor Westerlund, Councilor Van Nett and President Hansen

Nay: 1 - Councilor Fosle

ORDINANCES TABLED

BY COUNCILOR RUSS (PLANNING & ECONOMIC DEVELOPMENT)

47. [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](#)

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 Hobbs, Councilor Russ, Councilor Westerlund, Councilor Van Nett and President Hansen

Nay: 1 - Councilor Sipress

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

BY COUNCILOR RUSS (PLANNING & ECONOMIC DEVELOPMENT)

48. [18-002-O](#) AN ORDINANCE AUTHORIZING THE CONVEYANCE OF CERTAIN REAL PROPERTY IN THE LINCOLN PARK NEIGHBORHOOD TO ECOLIBRIUM3 FOR \$3,596.

Indexes:

Attachments: [EXHIBIT 1](#)

This Ordinance was read for the first time.

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

BY COUNCILOR FILIPOVICH (FINANCE)

49. [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 tabled.

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]*

Monday, January 22, 2018

7:00 PM

Council Chamber

ROLL CALL

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

PLEDGE OF ALLEGIANCE

APPROVAL OF MINUTES

1. [18-027](#) January 8, 2018 - City of Duluth City Council Meeting Minutes

Indexes:

Attachments: [January 8, 2018 - City Council Meeting](#)

This Minutes was approved.

PUBLIC HEARING - MN INVESTMENT FUND LOAN - AWARD ON BEHALF OF VERSO CORPORATION

PUBLIC HEARING - MN INVESTMENT FUND - ALTEC INDUSTRIES, INC

REPORTS FROM THE ADMINISTRATION

REPORTS FROM OTHER OFFICERS

REPORTS OF BOARDS AND COMMISSIONS

- 2. [18-026](#) Duluth Public Utilities Commission Resolution No. 18PUC-001:RESOLUTION ESTABLISHING NATURAL GAS RATES EFFECTIVE WITH METER READINGS AFTER FEBRUARY 28, 2018; AMENDING INTERRUPTIBLE TRANSPORTATION SERVICE VOLUMETRIC CHARGES; SUPERSEDING ALL PRIOR INCONSISTENT OR CONFLICTING RATES AS OF MARCH 1, 2018.

Indexes:

Attachments: [Resolution No: 18PUC-001](#)

[Memo Re: 18PUC-001](#)

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 FILIPOVICH (FINANCE)

- 3. [18-0082R](#) RESOLUTION AUTHORIZING A FORGIVABLE LOAN WITH ALTEC INDUSTRIES, INC. IN THE AMOUNT OF \$550,000.

Indexes:

Attachments: [State MIF Loan Agreement Altec-FINAL](#)

[Security Agreement Altec Phase 1-FINAL](#)

[Security Agreement Altec Phase 2-FINAL](#)

[Promissory Note Phase 1 Altec-FINAL](#)

[Promisorty Note Phase 2 Altec-FINAL](#)

This Resolution was approved unanimously.

BY COUNCILOR FOSLE (PURCHASING & LICENSING)

- 4. [18-0070R](#) RESOLUTION APPROVING THE EXEMPTION OF A RAFFLE LICENSE AND WAIVING THE 60 DAY WAITING PERIOD FOR THE DULUTH AMATEUR HOCKEY ASSOCIATION

Indexes:

Attachments: [HOCKEY-01102018140913](#)

This Resolution was approved unanimously.

- 5. [18-0075R](#) RESOLUTION AUTHORIZING AN ANNUAL CONTRACT FOR ORIGINAL EQUIPMENT MANUFACTURER (OEM) PARTS, SUPPLIES AND LABOR FOR 2018 FROM ZIEGLER, INC. FOR AN AMOUNT NOT TO EXCEED \$125,000.

This Resolution was approved unanimously.

- 6. [18-0084R](#) RESOLUTION AUTHORIZING THE PURCHASE OF A 2017 COMPLETE VACTOR UNIT FOR A TOTAL AMOUNT OF \$431,939.31.

This Resolution was approved unanimously.

- 7. [18-0088R](#) RESOLUTION AUTHORIZING RENEWAL OF AN ANNUAL CONTRACT WITH HOLIDAY STATIONSTORES FOR THE PURCHASE AND DELIVERY OF SERVICE STATION FUELS FOR 2018 FOR AN AMOUNT NOT TO EXCEED \$775,000.

This Resolution was approved unanimously.

- 8. [18-0093R](#) RESOLUTION APPROVING THE EXEMPTION OF A RAFFLE LICENSE AND WAIVING THE 60 DAY WAITING PERIOD FOR ANIMAL ALLIES.

This Resolution was approved unanimously.

9. [18-0094R](#) RESOLUTION APPROVING THE EXEMPTION OF A RAFFLE LICENSE AND WAIVING THE 60 DAY WAITING PERIOD FOR the ARROWHEAD FLY FISHERS.

This Resolution was approved unanimously.

BY COUNCILOR ANDERSON (PERSONNEL)

10. [18-0066R](#) RESOLUTION CONFIRMING THE APPOINTMENT OF PAUL LAJEUNESSE TO THE PUBLIC ARTS COMMISSION.

Indexes:

Attachments: [Paul Lajeunesse](#)

This Resolution was approved unanimously.

11. [18-0083R](#) RESOLUTION AUTHORIZING AN AMENDMENT EXTENDING THE CITY OF DULUTH CHIEF ADMINISTRATIVE OFFICER 2016-2017 EMPLOYMENT CONTRACT.

Indexes:

Attachments: [Exhibit A](#)

This Resolution was approved unanimously.

BY COUNCILOR RUSS (PLANNING & ECONOMIC DEVELOPMENT)

12. [18-0078R](#) RESOLUTION APPROVING THE 2018 ANNUAL ACTION PLAN AND AUTHORIZING A REQUEST FOR HUD FEDERAL COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG), HOME PROGRAM (HOME), AND EMERGENCY SOLUTIONS GRANT PROGRAM (ESG) PROGRAM FUNDS.

This Resolution was approved unanimously.

Yea: 8 - Councilor Anderson, Councilor Filipovich, Councilor Fosle, Councilor Russ, Councilor Sipress, Councilor Westerlund, Councilor Van Nett and President Hansen

Abstain: 1 - Councilor Hobbs

13. [18-0079R](#) RESOLUTION AUTHORIZING A REQUEST FOR HUD FEDERAL COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) FUNDS FOR THE 2018 PROGRAM YEAR, AUTHORIZING AGREEMENTS WITH APPROPRIATE AGENCIES.

This Resolution was approved unanimously.

Yea: 8 - Councilor Anderson, Councilor Filipovich, Councilor Fosle, Councilor Russ, Councilor Sipress, Councilor Westerlund, Councilor Van Nett and President Hansen

Abstain: 1 - Councilor Hobbs

14. [18-0080R](#) RESOLUTION AUTHORIZING A REQUEST FOR HUD HOME FUNDS FOR THE 2018 PROGRAM YEAR, AUTHORIZING AGREEMENTS WITH APPROPRIATE AGENCIES.

This Resolution was approved unanimously.

Yea: 8 - Councilor Anderson, Councilor Filipovich, Councilor Fosle, Councilor Russ, Councilor Sipress, Councilor Westerlund, Councilor Van Nett and President Hansen

Abstain: 1 - Councilor Hobbs

15. [18-0081R](#) RESOLUTION AUTHORIZING A REQUEST FOR HUD EMERGENCY SOLUTIONS GRANTS PROGRAM (ESG) FUNDING FOR THE 2018 PROGRAM YEAR, AUTHORIZING CONTRACTS, AUTHORIZING AGREEMENTS WITH APPROPRIATE AGENCIES.

This Resolution was approved unanimously.

16. [18-0085R](#) RESOLUTION AUTHORIZING A TWO-YEAR, FIVE-MONTH LICENSE AGREEMENT WITH THE STATE OF MINNESOTA FOR THE NON-EXCLUSIVE USE OF ONE DESK SPACE AT CITY HALL.

Indexes:

Attachments: [EXHIBIT 1](#)

This Resolution was approved unanimously.

17. [18-0086R](#) RESOLUTION AUTHORIZING PROPER CITY OFFICIALS TO ACCEPT A DONATION OF REAL PROPERTY FROM DAVID E. RUBLE AND PATRICIA A. RUBLE-KELLEY IN THE EAST HILLSIDE NEIGHBORHOOD.

Indexes:

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

This Resolution was approved unanimously.

18. [18-0087R](#) RESOLUTION AUTHORIZING THE CITY OF DULUTH TO APPLY FOR AND RECEIVE A MINNESOTA INVESTMENT FUND LOAN AWARD ON BEHALF OF VERSO CORPORATION AND TO CONDITIONALLY COMMIT \$242,000 IN ECONOMIC DEVELOPMENT FUNDS AS LOCAL MATCH.

Indexes:

Attachments: [Verso MIF Cover Letter](#)

This Resolution was approved unanimously.

19. [18-0089R](#) RESOLUTION AUTHORIZING AN AMENDMENT TO CONTRACT 22782 WITH PERKINS+WILL FOR PROFESSIONAL SERVICES FOR THE WESTERN PORT AREA PLAN FOR AN INCREASE OF \$4,000 AND A NEW CONTRACT TOTAL NOT TO EXCEED \$189,075.

Indexes:

Attachments: [Exhibit A](#)

This Resolution was approved unanimously.

20. [18-0090R](#) RESOLUTION AUTHORIZING APPLICATION FOR AND, IF AWARDED, ACCEPTANCE OF A 2018 WORKFORCE HOUSING GRANT FROM THE MINNESOTA HOUSING FINANCE AGENCY RELATED TO THE CITYVIEW FLATS LLC PROJECT

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

Yea: 8 - Councilor Anderson, Councilor Filipovich, Councilor Hobbs, Councilor Russ, Councilor Sipress, Councilor Westerlund, Councilor Van Nett and President Hansen

Nay: 1 - Councilor Fosle

BY COUNCILOR HOBBS (PUBLIC WORKS & UTILITIES)

21. [18-0053R](#) RESOLUTION AUTHORIZING AN AGREEMENT WITH ST. LOUIS COUNTY TO COMPLETE AN INTERSECTION CONTROL EVALUATION (ICE) STUDY FOR THE INTERSECTION OF JEAN DULUTH ROAD/SNIVELY ROAD (CSAH 57) AND GLENWOOD STREET (MSAS 162) LOCATED WITHIN THE CITY OF DULUTH.

Indexes:

Attachments: [18-0053R Exhibit A](#)
[18-0053R Map](#)

This Resolution was approved unanimously.

22. [18-0054R](#) RESOLUTION OF INTENT FOR THE 2018 STREET PRESERVATION PROJECT AND TO ASSESS A PORTION OF THE COSTS THEREOF.

This Resolution was approved unanimously.

23. [18-0060R](#) 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 194 (MESABA AVENUE) WITHIN THE CORPORATE CITY LIMITS UNDER STATE PROJECTS 6933-95 AND 6933-97 AT AN ESTIMATED COST OF \$100,396.80.

Indexes:

Attachments: [18-0060 Exhibit A](#)
[18-0060 Map](#)

This Resolution was approved unanimously.

24. [18-0063R](#) RESOLUTION AMENDING A CONTRACT WITH MP TECHNOLOGIES, LLC FOR CONSTRUCTION OF THE 2017 LARGE DIAMETER GAS MAIN INSTALLATION PROJECT TO INCREASE THE AMOUNT BY \$311,729.48 FOR A NEW TOTAL OF \$1,268,000.

This Resolution was approved unanimously.

25. [18-0064R](#) RESOLUTION ACCEPTING DEDICATION OF A UTILITY EASEMENT FROM LIFT BRIDGE PARTNERS, LLC.

Indexes:

Attachments: [18-0064R Exhibit 1](#)

This Resolution was approved unanimously.

26. [18-0071R](#) RESOLUTION AUTHORIZING AN AGREEMENT WITH LHB, INC. FOR PROFESSIONAL ENGINEERING SERVICES TO PROVIDE DESIGN AND INSPECTION SERVICES FOR NECESSARY REPAIRS AND IMPROVEMENTS AT THE DULUTH AERIAL LIFT BRIDGE IN AN AMOUNT NOT TO EXCEED \$217,744.

Indexes:

Attachments: [18-0071R Map](#)

This Resolution was approved unanimously.

BY COUNCILOR VAN NETT (PUBLIC SAFETY)

27. [18-0061R](#) 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 2018 FOR A TOTAL AMOUNT OF \$113,831.75.

This Resolution was approved unanimously.

28. [18-0065R](#) 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 approved unanimously.

BY COUNCILOR WESTERLUND (RECREATION, LIBRARIES & AUTHORITIES)

29. [18-0044R](#) RESOLUTION AUTHORIZING A PROFESSIONAL SERVICES AGREEMENT WITH CHRISTINE PENNEY FOR GRANT WRITING AND RESEARCH SERVICES FOR A TOTAL CONTRACT NOT TO EXCEED \$50,900.

Indexes:

Attachments: [Exhibit A_agreement](#)

This Resolution was approved unanimously.

30. [18-0062R](#) RESOLUTION AUTHORIZING APPLICATION TO THE GREATER MINNESOTA REGIONAL PARKS AND TRAILS COMMISSION TO REQUEST REGIONAL DESIGNATION FOR SPIRIT MOUNTAIN RECREATION AREA.

Indexes:

Attachments: [exhibit A_application draft](#)

This Resolution was approved unanimously.

END OF CONSENT AGENDA

BY COUNCILOR FILIPOVICH (FINANCE)

31. [18-0058R](#) RESOLUTION APPROVING BUDGET AND COST SHARING FORMULA OF MINNEAPOLIS-DULUTH/SUPERIOR AND PASSENGER RAIL ALLIANCE AND AUTHORIZING PAYMENT OF CITY'S COST SHARE OF \$15,000.

Indexes:

Attachments: [Exhibit A](#)

This Resolution was approved unanimously.

BY COUNCILOR FOSLE (PURCHASING & LICENSING)

32. [18-0069R](#) RESOLUTION ENCOURAGING THE PRIVATIZATION OF LESTER PARK AND ENGER PARK GOLF COURSES.

Sponsors: Fosle

This Resolution was returned to Administration.

33. [18-0074R](#) RESOLUTION AUTHORIZING A CONTRACT WITH GARDNER BUILDERS, LLC, FOR CITY HALL INTERIOR RENOVATIONS FOR AN AMOUNT NOT TO EXCEED \$1,846,347.

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

Yea: 8 - Councilor Anderson, Councilor Filipovich, Councilor Hobbs, Councilor Russ, Councilor Sipress, Councilor Westerlund, Councilor Van Nett and President Hansen

Nay: 1 - Councilor Fosle

BY COUNCILOR HOBBS (PUBLIC WORKS & UTILITIES)

34. [18-0068R](#) RESOLUTION ORDERING THE IMPROVEMENT OF SUPERIOR STREET FROM APPROXIMATELY 350 FEET WEST OF SIXTH AVENUE WEST TO APPROXIMATELY 100 FEET EAST OF FOURTH AVENUE EAST.

Indexes:

- Attachments:** [18-0068R Map](#)
[18-0068R Properties List](#)
[18-0068 Public Hearing Minutes](#)

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

- Yea:** 8 - Councilor Anderson, Councilor Filipovich, Councilor Hobbs, Councilor Russ, Councilor Sipress, Councilor Westerlund, Councilor Van Nett and President Hansen
Nay: 1 - Councilor Fosle

35. [18-0076R](#) RESOLUTION APPROVING DULUTH ENERGY SYSTEM THERMAL ENERGY HOT WATER RATE FOR EASTERN CANAL PARK.

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

- Yea:** 8 - Councilor Anderson, Councilor Filipovich, Councilor Hobbs, Councilor Russ, Councilor Sipress, Councilor Westerlund, Councilor Van Nett and President Hansen
Nay: 1 - Councilor Fosle

ORDINANCES TABLED

BY COUNCILOR FILIPOVICH (FINANCE)

36. [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 adopted.

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

BY COUNCILOR RUSS (PLANNING & ECONOMIC DEVELOPMENT)

- 37. [18-001-O](#) ORDINANCE AMENDING CHAPTER 11 OF THE DULUTH CITY CODE TO RESTRICT THE SALE OF FLAVORED TOBACCO PRODUCTS TO ADULT ONLY SMOKE SHOPS.

Sponsors: Russ and Filipovich

This Ordinance was read for the first time.

BY COUNCILOR HOBBS (PUBLIC WORKS & UTILITIES)

- 38. [18-004-O](#) AN ORDINANCE AMENDING SECTION 47-20 OF THE DULUTH CITY CODE TO AUTHORIZE TAXI VEHICLE INSPECTION BY ANY NATIONAL INSTITUTE FOR AUTOMOTIVE SERVICE EXCELLENCE (ASE) -CERTIFIED MECHANIC.

Sponsors: Hobbs and Sipress

This Ordinance was read for the first time.

- 39. [18-005-O](#) AN ORDINANCE ELIMINATING TERM LIMITS FOR PUBLIC UTILITY COMMISSIONERS, AMENDING SECTION 2-184 OF THE DULUTH CITY CODE.

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. [18-002-O](#) AN ORDINANCE AUTHORIZING THE CONVEYANCE OF CERTAIN REAL PROPERTY IN THE LINCOLN PARK NEIGHBORHOOD TO ECOLIBRIUM3 FOR \$3,596.

Indexes:

Attachments: [EXHIBIT 1](#)

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]*

Monday, February 12, 2018

7:00 PM

Council Chamber

ROLL CALL

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

PLEDGE OF ALLEGIANCE

APPROVAL OF MINUTES

1. [18-035](#) January 22, 2018 - Duluth City Council Meeting Minutes

Indexes:

Attachments: [January 22, 2018 - City Council Meeting](#)

This Minutes was approved.

PUBLIC HEARING: 18-0010R RESOLUTION CONFIRMING ASSESSMENT ROLL FOR SIDEWALK REPAIRS AT FIVE CITY LOCATIONS IN 2017.

PUBLIC HEARING: 18-0072R RESOLUTION CONFIRMING ASSESSMENT ROLL LEVIED TO DEFRAY THE ASSESSABLE PORTION OF DEMOLITION AT 318 S BASSWOOD AVE.

REPORTS FROM THE ADMINISTRATION

REPORTS FROM OTHER OFFICERS

2. [18-032](#) Application For Exempt Permit:
Minnesota Chiefs of Police Association
One Roof Community Housing

Indexes:

Attachments: [Application For Exempt Permit - Minnesota Chiefs of Police Association](#)
[Application For Exempt Permit - One Roof Community Housing](#)

This Other Officers Report was received.

REPORTS OF BOARDS AND COMMISSIONS

3. [18-029](#) Civil Service Board Meeting Minutes

Indexes:

Attachments: [9.05.2017 Civil Service Board Meeting Minutes](#)

This Board or Commission Report was received.

4. [18-030](#) Duluth Public Utilities Commission Meeting Minutes

Indexes:

Attachments: [10.17.2017 Duluth Public Utilities Commission Meeting Minutes](#)

This Board or Commission Report was received.

5. [18-031](#) Duluth Transit Authority Meeting Minutes

Indexes:

Attachments: [11.29.2017 Duluth Transit Authority Meeting Minutes](#)

This Board or Commission Report was received.

6. [18-033](#) Housing and Redevelopment Authority Meeting Minutes

Indexes:

Attachments: [10.31.2017 Housing and Redevelopment Authority Meeting Minutes](#)

This Board or Commission Report was received.

7. [18-034](#) Alcohol, Gambling and Tobacco Commission Meeting Minutes

Indexes:

Attachments: [January 2018 Minutes pdf](#)

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 FILIPOVICH (FINANCE)

8. [18-0010R](#) RESOLUTION CONFIRMING ASSESSMENT ROLL FOR SIDEWALK REPAIRS AT FIVE CITY LOCATIONS IN 2017.

Indexes:

Attachments: [Exhibit A](#)

This Resolution was adopted unanimously.

9. [18-0072R](#) RESOLUTION CONFIRMING ASSESSMENT ROLL LEVIED TO DEFRAY THE ASSESSABLE PORTION OF DEMOLITION AT 318 S BASSWOOD AVE.

This Resolution was adopted unanimously.

10. [18-0067R](#) RESOLUTION AUTHORIZING AN AGREEMENT WITH THE DULUTH AIRPORT AUTHORITY TO INSURE CERTAIN DAA PROPERTY AND EQUIPMENT UNDER THE CITY'S PROPERTY INSURANCE POLICY.

Indexes:

Attachments: [Exhibit A](#)

This Resolution was adopted unanimously.

11. [18-0117R](#) RESOLUTION ASKING FOR A PILOT PROGRAM FOR HISTORIC HOME RENOVATION.

This Resolution was adopted unanimously.

12. [18-0138R](#) RESOLUTION AUTHORIZING PROPER CITY OFFICIALS TO ACCEPT FUNDS FROM HEALTHPARTNERS FOR THE IMPLEMENTATION OF THE "MAKEITOK CAMPAIGN".

Indexes:

Attachments: [Exhibit A](#)

This Resolution was adopted unanimously.

BY COUNCILOR FOSLE (PURCHASING & LICENSING)

13. [18-0052R](#) RESOLUTION AMENDING RESOLUTION 17-0788, ADOPTING LICENSE, PERMIT, FINE, PENALTY, AND OTHER CHARGES FOR 2018, TO ADD DATA COPY COST.

This Resolution was adopted unanimously.

14. [18-0092R](#) RESOLUTION AUTHORIZING THE PURCHASE OF A 2018 JOHN DEERE WHEEL LOADER FROM NORTRAX EQUIPMENT COMPANY IN THE AMOUNT OF \$159,365.

This Resolution was adopted unanimously.

15. [18-0112R](#) RESOLUTION APPROVING THE ISSUANCE OF LAWFUL GAMBLING PREMISE PERMIT TO IRVING COMMUNITY ASSOCIATION - 310 PUB (GRIZZLY'S)

This Resolution was adopted unanimously.

16. [18-0115R](#) RESOLUTION APPROVING THE EXEMPTION OF A RAFFLE LICENSE AND WAIVING THE 60 DAY WAITING PERIOD FOR DUCKS UNLIMITED INC.

This Resolution was adopted unanimously.

17. [18-0131R](#) RESOLUTION APPROVING ISSUANCE OF A CONSUMPTION AND DISPLAY LICENSE TO BOARD & BRUSH / KRISTEN SAWYER, SUPERIOR STUDIOS, INC.

Indexes:

Attachments: [BOARD AND BRUSH-02012018125711](#)

This Resolution was adopted unanimously.

18. [18-0147R](#) RESOLUTION AUTHORIZING A THREE-YEAR EXTENSION AND AMENDMENT OF AN AGREEMENT WITH SFM RISK SOLUTIONS, INC., FOR PROFESSIONAL SERVICES IN THE THIRD PARTY ADMINISTRATION OF WORKERS' COMPENSATION FOR A TOTAL AMOUNT OF \$177,418.

Indexes:

Attachments: [Exhibit A](#)

This Resolution was adopted unanimously.

BY COUNCILOR ANDERSON (PERSONNEL)

- 19. [18-0098R](#) RESOLUTION CONFIRMING THE APPOINTMENT OF BONNIE DOMINQUEZ AND JORDAN MOSES TO THE DULUTH CITIZEN REVIEW BOARD.

Indexes:

Attachments: [Dominquez Application](#)
[Moses Application](#)

This Resolution was adopted unanimously.

- 20. [18-0110R](#) RESOLUTION CONFIRMING THE APPOINTMENT OF JOEL SIPRESS TO THE DULUTH HOUSING AND REDEVELOPMENT AUTHORITY.

This Resolution was adopted unanimously.

- 21. [18-0136R](#) RESOLUTION CONFIRMING THE APPOINTMENT OF JAMES LEWIS TO THE DULUTH LEGACY ENDOWMENT FUND ADVISORY BOARD.

Indexes:

Attachments: [James Lewis Redacted app](#)

This Resolution was adopted unanimously.

- 22. [18-0137R](#) RESOLUTION CONFIRMING THE APPOINTMENT OF MILDRED RICHARD TO THE INDIGENOUS COMMISSION.

Indexes:

Attachments: [Mildred Richard Redacted Application](#)

This Resolution was adopted unanimously.

BY COUNCILOR RUSS (PLANNING & ECONOMIC DEVELOPMENT)

23. [18-0123R](#) RESOLUTION AUTHORIZING REPROGRAMMING OF \$34,230 OF CDBG FUNDS (\$17,997.86 FROM 2011 PROGRAM YEAR AND \$16,232.14 FROM 2015 CDBG PROGRAM) FOR THE WEST DULUTH FOOD ACCESS AND EDUCATION PROJECT.

This Resolution was adopted unanimously.

24. [18-0134R](#) RESOLUTION AUTHORIZING PROPER CITY OFFICIALS TO ACCEPT FUNDS FROM THE JUNIOR LEAGUE OF DULUTH FOR AN OUTDOOR CLASSROOM AT THE SITE OF THE DEEP WINTER GREENHOUSE.

This Resolution was adopted unanimously.

BY PRESIDENT HANSEN (COMMITTEE OF THE WHOLE)

25. [18-0113R](#) RESOLUTION SETTING THE CITY OF DULUTH'S PRIORITIES FOR THE 2018 LEGISLATIVE SESSION.

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

Yea: 8 - Councilor Anderson, Councilor Filipovich, Councilor Hobbs, Councilor Russ, Councilor Sipress, Councilor Westerlund, Councilor Van Nett and President Hansen

Nay: 1 - Councilor Fosle

26. [18-0114R](#) RESOLUTION SUPPORTING ADDITIONAL LEGISLATIVE PRIORITIES FOR 2018.

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

Yea: 8 - Councilor Anderson, Councilor Filipovich, Councilor Hobbs, Councilor Russ, Councilor Sipress, Councilor Westerlund, Councilor Van Nett and President Hansen

Nay: 1 - Councilor Fosle

BY COUNCILOR HOBBS (PUBLIC WORKS & UTILITIES)

- 27. [18-0100R](#) RESOLUTION APPROVING SETTLEMENT OF CLAIM OF JAMES AND CINDY UTICK IN THE AMOUNT OF \$12,482.44.

This Resolution was adopted unanimously.

- 28. [18-0101R](#) RESOLUTION APPROVING SETTLEMENT OF CLAIM OF TENDER LOVING CARE NORTH, LLC, IN THE AMOUNT OF \$12,293.75.

This Resolution was adopted unanimously.

- 29. [18-0102R](#) RESOLUTION APPROVING SETTLEMENT OF CLAIM OF TENDER LOVING CARE NORTH, LLC, IN THE AMOUNT OF \$18,516.21.

This Resolution was adopted unanimously.

- 30. [18-0105R](#) RESOLUTION AUTHORIZING A FIVE-YEAR MASTER SERVICES AGREEMENT WITH AMERICAN ENGINEERING TESTING, INC., FOR PROFESSIONAL GEOTECHNICAL AND MATERIAL TESTING SERVICES FOR AN ANNUAL AMOUNT NOT TO EXCEED \$50,000 AND A TOTAL CONTRACT AMOUNT NOT TO EXCEED \$250,000.

Indexes:

Attachments: [Exhibit A](#)

This Resolution was adopted unanimously.

- 31. [18-0106R](#) RESOLUTION AUTHORIZING A FIVE-YEAR MASTER SERVICES AGREEMENT WITH EPC ENGINEERING & TESTING, FOR PROFESSIONAL GEOTECHNICAL AND MATERIAL TESTING SERVICES FOR AN ANNUAL AMOUNT NOT TO EXCEED \$50,000 AND A TOTAL CONTRACT AMOUNT NOT TO EXCEED \$250,000.

Indexes:

Attachments: [Exhibit A](#)

This Resolution was adopted unanimously.

32. [18-0107R](#) RESOLUTION AUTHORIZING A FIVE-YEAR MASTER SERVICES AGREEMENT WITH TWIN PORTS TESTING II, INC. d/b/a TWIN PORTS TESTING, FOR PROFESSIONAL GEOTECHNICAL AND MATERIAL TESTING SERVICES FOR AN ANNUAL AMOUNT NOT TO EXCEED \$50,000 AND A TOTAL CONTRACT AMOUNT NOT TO EXCEED \$250,000.

Indexes:

Attachments: [Exhibit A](#)

This Resolution was adopted unanimously.

33. [18-0116R](#) RESOLUTION AWARDDING CONTRACTS TO ULLAND BROTHERS, INC., AND NORTHLAND CONSTRUCTORS OF DULUTH, LLC, FOR BITUMINOUS (HOT MIX BLACKTOP) FOR STREET MAINTENANCE ACTIVITIES IN 2018.

This Resolution was adopted unanimously.

34. [18-0127R](#) RESOLUTION AUTHORIZING A FIVE-YEAR MASTER SERVICES AGREEMENT WITH LHB, INC., FOR PROFESSIONAL SURVEY AND FIELD DATA COLLECTION SERVICES FOR AN ANNUAL AMOUNT NOT TO EXCEED \$20,000 AND A TOTAL CONTRACT AMOUNT NOT TO EXCEED \$100,000.

Indexes:

Attachments: [Exhibit A](#)

This Resolution was adopted unanimously.

35. [18-0128R](#) RESOLUTION AUTHORIZING A FIVE-YEAR MASTER SERVICES AGREEMENT WITH SHORT ELLIOTT HENDRICKSON, INC., FOR PROFESSIONAL SURVEY AND FIELD DATA COLLECTION SERVICES FOR AN ANNUAL AMOUNT NOT TO EXCEED \$20,000 AND A TOTAL CONTRACT AMOUNT NOT TO EXCEED \$100,000.

Indexes:

Attachments: [Exhibit A](#)

This Resolution was adopted unanimously.

36. [18-0129R](#) RESOLUTION AUTHORIZING A FIVE-YEAR MASTER SERVICES AGREEMENT WITH TKDA FOR PROFESSIONAL SURVEY AND FIELD DATA COLLECTION SERVICES FOR AN ANNUAL AMOUNT NOT TO EXCEED \$20,000 AND A TOTAL CONTRACT AMOUNT NOT TO EXCEED \$100,000.

Indexes:

Attachments: [Exhibit A](#)

This Resolution was adopted unanimously.

37. [18-0132R](#) RESOLUTION AUTHORIZING AN AMENDMENT TO PURCHASE ORDER 2017-00000593 TO ELLIOTT COMPANY FOR THE PURCHASE OF AN INTEGRAL LUBRICATION SYSTEM, AN INCREASE OF \$10,712, FOR A TOTAL AMOUNT NOT TO EXCEED \$110,311.

This Resolution was adopted unanimously.

38. [18-0135R](#) RESOLUTION ADOPTING A TRANSITION PLAN FOR PUBLIC RIGHT-OF-WAY.

Indexes:

Attachments: [Exhibit A](#)

This Resolution was adopted unanimously.

39. [18-0139R](#) RESOLUTION AUTHORIZING AN AGREEMENT WITH ALLIANT ENGINEERING FOR PROFESSIONAL ENGINEERING SERVICES TO INCLUDE AN INTERSECTION CONTROL EVALUATION (ICE) STUDY FOR THE INTERSECTION OF GLENWOOD STREET AND JEAN DULUTH ROAD/SNIVELY ROAD AND A TRAFFIC SAFETY STUDY OF GLENWOOD STREET FOR AN AMOUNT NOT TO EXCEED \$40,345.

This Resolution was adopted unanimously.

40. [18-0140R](#) RESOLUTION AUTHORIZING A FIVE-YEAR MASTER SERVICES AGREEMENT WITH BRAUN INTERTEC CORPORATION, FOR PROFESSIONAL GEOTECHNICAL AND MATERIAL TESTING SERVICES FOR AN ANNUAL AMOUNT NOT TO EXCEED \$50,000 AND A TOTAL CONTRACT AMOUNT NOT TO EXCEED \$250,000.

Indexes:

Attachments: [Exhibit A](#)

This Resolution was adopted unanimously.

BY COUNCILOR VAN NETT (PUBLIC SAFETY)

41. [18-0091R](#) RESOLUTION AUTHORIZING PROPER CITY OFFICIALS TO ACCEPT AN AMENDED GRANT FROM THE STATE OF MINNESOTA, COMMISSIONER OF PUBLIC SAFETY, OFFICE OF JUSTICE PROGRAMS, IN THE TOTAL AMOUNT OF \$410,000 FOR THE PURPOSE OF SUPPORTING THE OPERATIONS OF THE LAKE SUPERIOR DRUG AND VIOLENT CRIME TASK FORCE THROUGH DECEMBER 31, 2018.

Indexes:

Attachments: [Revised Exhibit A](#)

This Resolution was adopted unanimously.

42. [18-0108R](#) RESOLUTION DESIGNATING RENEE VAN NETT AS THE NORTHEAST MINNESOTA EMERGENCY COMMUNICATION BOARD (ECB) 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.

43. [18-0111R](#) RESOLUTION AUTHORIZING THE EXECUTION OF AN AGREEMENT WITH ANIMAL ALLIES HUMANE SOCIETY FOR THE OPERATION OF AN ADOPTION PROGRAM WITHIN THE CITY OF DULUTH.

Indexes:

Attachments: [18-0111R Exhibit A](#)

This Resolution was adopted unanimously.

44. [18-0148R](#) RESOLUTION REQUESTING THAT THE DULUTH PARKING COMMISSION REVIEW THE PARKING POLICY IN THE LINCOLN PARK BUSINESS DISTRICT AND CONSIDER TWO-HOUR FREE PARKING.

Sponsors: Hobbs and Van Nett

This Resolution was adopted unanimously.

BY COUNCILOR WESTERLUND (RECREATION, LIBRARIES & AUTHORITIES)

45. [18-0103R](#) RESOLUTION ACCEPTING UNCONDITIONAL GIFTS FROM THE DULUTH LIBRARY FOUNDATION FOR THE BENEFIT OF THE LIBRARY FOR 2018.

This Resolution was adopted unanimously.

46. [18-0104R](#) RESOLUTION ACCEPTING UNCONDITIONAL GIFTS FROM THE FRIENDS OF THE DULUTH PUBLIC LIBRARY FOR THE BENEFIT OF THE LIBRARY IN 2018.

This Resolution was adopted unanimously.

47. [18-0109R](#) RESOLUTION AUTHORIZING AN AMENDMENT TO AGREEMENT C22416 WITH FOSTER JACOBS AND JOHNSON, INC. FOR PROFESSIONAL DESIGN AND BIDDING SUPPORT SERVICES FOR A NORDIC SKI TRAIL SYSTEM FOR AN ADDITIONAL \$27,480 AND A NEW TOTAL NOT TO EXCEED OF \$60,605.

Indexes:

Attachments: [Exhibit A](#)

This Resolution was adopted unanimously.

48. [18-0118R](#) RESOLUTION AUTHORIZING A TWO-YEAR AGREEMENT WITH DULUTH AREA FAMILY YMCA TO PROVIDE OUTSIDE OF SCHOOL TIME PROGRAMMING AT THE CITY'S GARY NEW DULUTH COMMUNITY CENTER AT AN ANNUAL COST OF \$20,000.

Indexes:

Attachments: [Exhibit A agreement](#)

This Resolution was adopted unanimously.

49. [18-0119R](#) RESOLUTION AUTHORIZING A TWO-YEAR AGREEMENT WITH THE HILLS YOUTH AND FAMILY SERVICES TO PROVIDE OUTSIDE OF SCHOOL TIME PROGRAMMING IN THE CENTRAL HILLSIDE NEIGHBORHOOD AT AN ANNUAL COST OF \$20,000.

Indexes:

Attachments: [Exhibit A agreement](#)

This Resolution was adopted unanimously.

50. [18-0120R](#) RESOLUTION AUTHORIZING A TWO-YEAR AGREEMENT WITH VALLEY YOUTH CENTER TO PROVIDE OUTSIDE OF SCHOOL TIME PROGRAMMING IN THE WEST DULUTH NEIGHBORHOOD AT AN ANNUAL COST OF \$20,000.

Indexes:

Attachments: [Exhibit A VYC agreement](#)

This Resolution was adopted unanimously.

51. [18-0121R](#) RESOLUTION AUTHORIZING A TWO-YEAR AGREEMENT WITH BOYS AND GIRLS CLUB OF THE NORTHLAND TO PROVIDE OUTSIDE OF SCHOOL TIME PROGRAMMING IN THE LINCOLN PARK NEIGHBORHOOD AT AN ANNUAL COST OF \$20,000.

Indexes:

Attachments: [Exhibit A agreement B&G](#)

This Resolution was adopted unanimously.

52. [18-0122R](#) RESOLUTION AUTHORIZING A TWO-YEAR AGREEMENT WITH DULUTH COMMUNITY SCHOOL COLLABORATIVE TO PROVIDE OUTSIDE OF SCHOOL TIME PROGRAMMING IN THE EAST HILLSIDE NEIGHBORHOOD AT AN ANNUAL COST OF \$20,000.

Indexes:

Attachments: [Exhibit A agreement](#)

This Resolution was adopted unanimously.

53. [18-0125R](#) RESOLUTION AMENDING RESOLUTION 17-0788, ADOPTING LICENSE, PERMIT, FINE, PENALTY AND OTHER CHARGES FOR 2018, BY ADDING A FEE FOR A CITY PARKS ULTIMATE FRISBEE LEAGUE.

This Resolution was adopted unanimously.

54. [18-0126R](#) RESOLUTION AUTHORIZING ACCEPTANCE OF A CONSERVATION PARTNERS LEGACY GRANT FROM THE MINNESOTA DEPARTMENT OF NATURAL RESOURCES IN AN AMOUNT OF \$300,450 FOR THE PURPOSE OF HARTLEY PARK LAND ACQUISITION AND RESTORATION.

Indexes:

Attachments: [Exhibit A grant agreement](#)
[Exhibit B area map](#)

This Resolution was adopted unanimously.

END OF CONSENT AGENDA

BY COUNCILOR FILIPOVICH (FINANCE)

- 55. [18-0151R](#) RESOLUTION AUTHORIZING A CONTRACT WITH HARTFORD FIRE INSURANCE COMPANY FOR PROPERTY INSURANCE AT THE COST NOT TO EXCEED \$169,895 TO BE PAID TO MARSH & McLENNAN AGENCY LLC, AGENT FOR HARTFORD FIRE INSURANCE COMPANY.

This Resolution was adopted unanimously.

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

BY COUNCILOR RUSS (PLANNING & ECONOMIC DEVELOPMENT)

- 56. [18-006-O](#) AN ORDINANCE DESIGNATING THE LEIF ERIKSON STAGE IN LEIF ERIKSON PARK AS A DULUTH HERITAGE PRESERVATION LANDMARK.

Indexes:

Attachments: [Attachment 1](#)

This Ordinance was read for the first time.

BY PRESIDENT HANSEN (COMMITTEE OF THE WHOLE)

- 57. [18-007-O](#) ORDINANCE AMENDING THE BUDGET OF THE CITY OF DULUTH FOR 2018 BY INCREASING THE BUDGET BY \$40,000 TO FINANCE THE TENANT LANDLORD CONNECTION PROGRAM.

Sponsors: Hansen

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)

58. [18-001-O](#) ORDINANCE AMENDING CHAPTER 11 OF THE DULUTH CITY CODE TO RESTRICT THE SALE OF FLAVORED TOBACCO PRODUCTS TO ADULT ONLY SMOKE SHOPS.

Sponsors: Russ and Filipovich

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

Yea: 7 - Councilor Anderson, Councilor Filipovich, Councilor Russ, Councilor Sipress, Councilor Westerlund, Councilor Van Nett and President Hansen

Nay: 2 - Councilor Fosle and Councilor Hobbs

BY COUNCILOR HOBBS (PUBLIC WORKS & UTILITIES)

59. [18-004-O](#) AN ORDINANCE AMENDING SECTION 47-20 OF THE DULUTH CITY CODE TO AUTHORIZE TAXI VEHICLE INSPECTION BY ANY NATIONAL INSTITUTE FOR AUTOMOTIVE SERVICE EXCELLENCE (ASE) -CERTIFIED MECHANIC.

Sponsors: Hobbs and Sipress

This Ordinance was adopted.

60. [18-005-O](#) AN ORDINANCE ELIMINATING TERM LIMITS FOR PUBLIC UTILITY COMMISSIONERS, AMENDING SECTION 2-184 OF THE DULUTH CITY CODE.

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.*

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Monday, February 26, 2018

7:00 PM

Council Chamber

ROLL CALL

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

PLEDGE OF ALLEGIANCE

APPROVAL OF MINUTES

1. [18-037](#) February 12th, 2018 - Duluth City Council Meeting

Indexes:

Attachments: [February 12th 2018 Council Meeting](#)

This Minutes was received.

REPORTS FROM THE ADMINISTRATION

REPORTS FROM OTHER OFFICERS

2. [18-044](#) State of MN - Audit Report - Spirit Mountain Recreation Area Authority

Indexes:

Attachments: [State of Minnesota - Audit Report - Spirit Mountain Recreation Area Authority](#)

This Informational Report was received.

REPORTS OF BOARDS AND COMMISSIONS

3. [18-042](#) Library Board Meeting Minutes

Indexes:

Attachments: [11.28.17 Library Board Meeting Minutes](#)

This Board or Commission Report was received.

4. [18-043](#) DEDA Meeting Minutes

Indexes:

Attachments: [11.29.17 - DEDA Meeting Minutes](#)

This Board or Commission Report was received.

5. [18-045](#) 18PUC-002: RESOLUTION ESTABLISHING A NATURAL GAS RATE FOR MUNICIPAL ENERGY RESALE INTERRUPTIBLE LARGE VOLUME EFFECTIVE WITH METER READINGS AFTER MARCH 14, 2018

Indexes:

Attachments: [18PUC - 002 Resolution Establishing a Natural Gas Rate](#)

This Board or Commission Report was received.

6. [18-046](#) Duluth Public Utilities Commission Meeting Minutes

Indexes:

Attachments: [01162018 DPUC gas transport rate public hearing minutes](#)
[01162018 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

CONSENT AGENDA

BY COUNCILOR FOSLE (PURCHASING & LICENSING)

7. [18-0154R](#) RESOLUTION AUTHORIZING THE PURCHASE OF A 2019 FREIGHTLINER CAB AND CHASSIS FROM I-STATE TRUCK IN THE AMOUNT OF \$85,974.65, AND THE PURCHASE AND INSTALLATION OF PLOW EQUIPMENT TO OUTFIT THE TRUCK FROM CRYSTEEL TRUCK EQUIPMENT IN THE AMOUNT OF \$78,237.00 FOR A TOTAL AMOUNT OF \$164,211.65.

This Resolution was adopted unanimously.

8. [18-0155R](#) RESOLUTION APPROVING THE TRANSFER OF THE ON SALE INTOXICATING LIQUOR LICENSE AND ON SALE SUNDAY LICENSE FROM HOSPITALITY ASSOCIATES, LLC, (ACES ON 1ST), 113 WEST SUPERIOR STREET TO EVOL, LLC (ACES ON 1ST), SAME ADDRESS.

Indexes:

Attachments: [EVOL](#)

This Resolution was adopted unanimously.

9. [18-0156R](#) RESOLUTION ISSUING AN ON SALE 3.2 PERCENT MALT LIQUOR LICENSE AND APPROVING ISSUANCE OF AN ON SALE WINE LICENSE TO DOVETAIL CAFÉ & MARKET PLACE, LLC, (DOVETAIL CAFÉ & MARKETPLACE), 1917 WEST SUPERIOR STREET.

Indexes:

Attachments: [DOVETAIL-02022018094846](#)

This Resolution was adopted unanimously.

10. [18-0165R](#) RESOLUTION AUTHORIZING THE PURCHASE OF TWO (2) 2019 FREIGHTLINER CABS AND CHASSIS FROM I-STATE TRUCK CENTER IN THE AMOUNT OF \$126,590.16.

This Resolution was adopted unanimously.

BY COUNCILOR ANDERSON (PERSONNEL)

11. [18-0158R](#) RESOLUTION CONFIRMING THE APPOINTMENT OF PATRICIA STERNER TO THE COMMUNITY DEVELOPMENT COMMITTEE.

Indexes:

Attachments: [Patricia Sterner Application](#)

This Resolution was adopted unanimously.

BY COUNCILOR RUSS (PLANNING & ECONOMIC DEVELOPMENT)

12. [18-0153R](#) RESOLUTION AUTHORIZING AN AMENDMENT TO THE PROFESSIONAL SERVICES AGREEMENT WITH BARR ENGINEERING COMPANY INCREASING THE CONTRACT AMOUNT BY \$62,500 FOR A TOTAL CONTRACT AMOUNT NOT TO EXCEED THE AMOUNT OF \$100,000.

Indexes:

Attachments: [2018 BARR Engineering PSA Amendment](#)

This Resolution was adopted unanimously.

13. [18-0163R](#) RESOLUTION VACATING NINA STREET SOUTH OF QUINCE STREET, RETAINING A PEDESTRIAN AND UTILITY EASEMENT OVER THE CENTER 30 FEET.

Indexes:

Attachments: [Attachment 1](#)

[Attachment 2](#)

This Resolution was adopted unanimously.

BY PRESIDENT HANSEN (COMMITTEE OF THE WHOLE)

14. [18-0161R](#) RESOLUTION ESTABLISHING A 2018 DULUTH DISTINGUISHED ARTIST AWARD TO BE BESTOWED ON DULUTH ARTISTS BY MEMBERS OF THE CITY COUNCIL.

Sponsors: Hansen

This Resolution was adopted unanimously.

BY COUNCILOR HOBBS (PUBLIC WORKS & UTILITIES)

15. [18-0168R](#) RESOLUTION AUTHORIZING AN APPLICATION TO THE MINNESOTA DEPARTMENT OF NATURAL RESOURCES FOR A PERMANENT HIGHWAY/ROAD EASEMENT ACROSS STATE LAND IN THE RIVERSIDE NEIGHBORHOOD FOR \$2,000 AND ADDITIONAL FEES, IF REQUIRED.

Indexes:

Attachments: [Exhibit 1](#)

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

Yea: 7 - Councilor Filipovich, Councilor Fosle, Councilor Hobbs, Councilor Russ, Councilor Sipress, Councilor Westerlund and President Hansen

Nay: 2 - Councilor Anderson and Councilor Van Nett

16. [18-0175R](#) RESOLUTION AUTHORIZING AN AGREEMENT WITH WESTWOOD PROFESSIONAL SERVICES, INC. FOR PROFESSIONAL ENGINEERING SERVICES TO PROVIDE PRELIMINARY ENGINEERING FOR THE KAYAK BAY ROAD PROJECT IN AN AMOUNT NOT TO EXCEED \$93,260.

Indexes:

Attachments: [18-0175R Map](#)
[18-0175R Exhibit A](#)

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

Yea: 8 - Councilor Filipovich, Councilor Fosle, Councilor Hobbs, Councilor Russ, Councilor Sipress, Councilor Westerlund, Councilor Van Nett and President Hansen

Nay: 1 - Councilor Anderson

BY COUNCILOR WESTERLUND (RECREATION, LIBRARIES & AUTHORITIES)

17. [18-0099R](#) RESOLUTION AUTHORIZING A THREE-YEAR LEASE AGREEMENT WITH ARROWHEAD YOUTH SOCCER ASSOCIATION FOR USE OF OFFICE SPACE IN THE WHEELER FIELDHOUSE FOR ITS OPERATIONAL HEADQUARTERS.

Indexes:

Attachments: [Exhibit 1](#)

This Resolution was adopted unanimously.

18. [18-0157R](#) RESOLUTION AUTHORIZING ACCEPTANCE OF A \$1,489.71 DONATION FROM THE GREATER DOWNTOWN COUNCIL AND THE CANAL PARK BUSINESS ASSOCIATION FOR LAKEWALK REPAIR AND RESTORATION.

This Resolution was adopted unanimously.

19. [18-0160R](#) 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 FOR WAYFINDING ON THE CROSS CITY TRAIL.

Indexes:

Attachments: [Exhibit A sample agreement](#)

This Resolution was adopted unanimously.

20. [18-0162R](#) 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 FOR CROSS COUNTRY SKI TRAIL CONSTRUCTION AT GRAND AVENUE NORDIC CENTER.

Indexes:

Attachments: [Exhibit A sample agreement](#)

This Resolution was adopted unanimously.

21. [18-0164R](#) RESOLUTION GRANTING APPROVAL AND IMPLEMENTATION OF THE LOWER SPIRIT MOUNTAIN RIVERFRONT PARK SITE PLAN; DEDICATING THE PROPERTY AS A PARK AND NAMING THE SITE SPIRIT LANDING.

Indexes:

Attachments: [Exhibit A site plan](#)

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

Yea: 7 - Councilor Filipovich, Councilor Fosle, Councilor Hobbs, Councilor Russ, Councilor Sipress, Councilor Westerlund and President Hansen

Nay: 2 - Councilor Anderson and Councilor Van Nett

22. [18-0166R](#) RESOLUTION GRANTING APPROVAL AND IMPLEMENTATION OF THE LOWER CHESTER PARK MINI MASTER PLAN.

Indexes:

Attachments: [Exhibit A](#)

This Resolution was adopted unanimously.

END OF CONSENT AGENDA

BY COUNCILOR HOBBS (PUBLIC WORKS & UTILITIES)

23. [18-0152R](#) 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 \$741,063 FOR A NEW TOTAL OF \$1,187,635.

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 Hobbs, Councilor Russ, Councilor Sipress, Councilor Westerlund, Councilor Van Nett and President Hansen
- Nay:** 1 - Councilor Fosle

24. [18-0159R](#) RESOLUTION AMENDING A CONTRACT WITH LHB, INC. TO PROVIDE PROFESSIONAL ENGINEERING AND CONSTRUCTION ADMINISTRATION SERVICES FOR THE SUPERIOR STREET RECONSTRUCTION PROJECT, TO INCREASE THE AMOUNT BY \$719,143 FOR A NEW TOTAL OF \$2,352,817.

Indexes:

Attachments: [PESA LHB Amendment 1 Request](#)
[18-0159R Map](#)

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

- Yea:** 8 - Councilor Anderson, Councilor Filipovich, Councilor Hobbs, Councilor Russ, Councilor Sipress, Councilor Westerlund, Councilor Van Nett and President Hansen
- Nay:** 1 - Councilor Fosle

25. [18-0167R](#) RESOLUTION APPROVING FORM OF HOT WATER SERVICE AGREEMENT BY EGE FOR SALE OF ENERGY TO DULUTH ENERGY SYSTEM CUSTOMERS.

Indexes:

Attachments: [Exhibit A - 18-0167](#)

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

Yea: 8 - Councilor Anderson, Councilor Filipovich, Councilor Hobbs, Councilor Russ, Councilor Sipress, Councilor Westerlund, Councilor Van Nett and President Hansen

Nay: 1 - Councilor Fosle

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

BY COUNCILOR RUSS (PLANNING & ECONOMIC DEVELOPMENT)

- 26. [18-006-O](#) AN ORDINANCE DESIGNATING THE LEIF ERIKSON STAGE IN LEIF ERIKSON PARK AS A DULUTH HERITAGE PRESERVATION LANDMARK.

Indexes:

Attachments: [Attachment 1](#)

This Ordinance was adopted unanimously.

BY PRESIDENT HANSEN (COMMITTEE OF THE WHOLE)

- 27. [18-007-O](#) ORDINANCE AMENDING THE BUDGET OF THE CITY OF DULUTH FOR 2018 BY INCREASING THE BUDGET BY \$40,000 TO FINANCE THE TENANT LANDLORD CONNECTION PROGRAM.

Sponsors: Hansen

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 Russ, Councilor Sipress, Councilor Westerlund, Councilor Van Nett and President Hansen

Abstain: 1 - Councilor Hobbs

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.*

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Monday, March 12, 2018

7:00 PM

Council Chamber

ROLL CALL

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

PLEDGE OF ALLEGIANCE

APPROVAL OF MINUTES

1. [18-050](#) February 26, 2018 - Duluth City Council Meeting

Indexes:

Attachments: [February 26 - City Council Meeting](#)

These minutes were approved.

REPORTS FROM THE ADMINISTRATION

REPORTS FROM OTHER OFFICERS

REPORTS OF BOARDS AND COMMISSIONS

2. [18-051](#) Duluth Transit Authority Meeting Minutes

Indexes:

Attachments: [DTA Meeting Minutes 12-27-2017](#)

This Board or Commission Report was received.

3. [18-052](#) Housing and Redevelopment Authority Meeting Minutes

Indexes:

Attachments: [HRA Meeting Minutes 1-30-2018](#)

This Board or Commission Report was received.

4. [18-053](#) Library Board Meeting Minutes

Indexes:

Attachments: [Library Board Meeting Minutes 1-23-2018](#)

This Board or Commission Report was received.

5. [18-054](#) Alcohol, Gambling and Tobacco Commission Meeting Minutes

Indexes:

Attachments: [February 2018 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 FOSLE (PURCHASING & LICENSING)

6. [18-0181R](#) 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

This Resolution was adopted unanimously.

7. [18-0188R](#) RESOLUTION AUTHORIZING AN AGREEMENT WITH PYROTECHNIC DISPLAY INC. FOR THE CREATION AND EXECUTION OF A FIREWORKS DISPLAY FOR JULY 4, 2018 FOR A TOTAL NOT TO EXCEED \$43,000.

Indexes:

Attachments: [Exhibit A](#)

This Resolution was adopted unanimously.

8. [18-0190R](#) RESOLUTION APPROVING THE ISSUANCE OF THE DULUTH WOMEN'S CLUB AND PARK POINT MARINA INN AND SUITES, LLC. AND SUPERIOR STUDIOS, INC CONSUMPTION AND DISPLAY LICENSE RENEWALS FOR THE PERIOD BEGINNING APRIL 1, 2018, AND ENDING MARCH 31, 2019

This Resolution was adopted unanimously.

9. [18-0191R](#) RESOLUTION ISSUING A TEMPORARY ON SALE INTOXICATING LIQUOR LICENSE TO GRANDMA'S MARATHON – DULUTH, INC, CANAL PARK DRIVE AND BUCHANAN STREET

Indexes:

Attachments: [MARATHON-02282018164946](#)

This Resolution was adopted unanimously.

10. [18-0192R](#) RESOLUTION ISSUING A TEMPORARY ON SALE INTOXICATING LIQUOR LICENSE TO DULUTH AIRSHOW WINGS FOUNDATION, 2110 WEST 1ST STREET, DULUTH MN. FOR THE DULUTH BALLOON FESTIVAL/CRAFT BREW VILLAGE

Indexes:

Attachments: [Ballon Festival](#)

This Resolution was adopted unanimously.

Yea: 8 - Councilor Anderson, Councilor Filipovich, Councilor Fosle, Councilor Hobbs, Councilor Russ, Councilor Sipress, Councilor Westerlund and Councilor Van Nett

Abstain: 1 - President Hansen

11. [18-0194R](#) RESOLUTION ISSUING A TEMPORARY ON SALE INTOXICATING LIQUOR LICENSE TO DULUTH AIRSHOW WINGS FOUNDATION, (DULUTH AIR SHOW) 2110 WEST FIRST STREET

Indexes:

Attachments: [AIRSHOW-02282018155550](#)

This Resolution was adopted unanimously.

12. [18-0195R](#) RESOLUTION ISSUING AN ON SALE 3.2 PERCENT MALT LIQUOR LICENSE AND APPROVING ISSUANCE OF AN ON SALE WINE LICENSE TO LOVE CREAMERY, LLC (LOVE CREAMERY) 1908 WEST SUPERIOR STREET

Indexes:

Attachments: [LOVE CREAMERY-02282018155429](#)
[LOVE CREAMERY-02282018155440](#)

This Resolution was adopted unanimously.

13. [18-0196R](#) RESOLUTION AUTHORIZING AN AMENDMENT TO AGREEMENT C23115 WITH TKDA FOR ADDITIONAL ENGINEERING SERVICES FOR THE STEWART CREEK BRIDGE AND CLYDE CONNECTOR TRAIL RESTORATION PROJECTS AS PART OF THE DWP TRAIL IMPROVEMENT FOR AN INCREASE OF \$10,019 AND A NEW TOTAL AMOUNT NOT TO EXCEED \$86,908.

Indexes:

Attachments: [Exhibit A](#)

This Resolution was adopted unanimously.

14. [18-0198R](#) RESOLUTION APPROVING THE TEMPORARY EXPANSION OF THE ON SALE INTOXICATING LIQUOR LICENSE OF AVI, LLC. (BOAT CLUB RESTAURANT) FOR TASTE OF FITGERS, 600 EAST SUPERIOR STREET.

Indexes:

Attachments: [Boat Club](#)

This Resolution was adopted unanimously.

15. [18-0201R](#) RESOLUTION APPROVING THE TRANSFER OF THE ON SALE INTOXICATING LIQUOR LICENSE FROM PAUL'S WINE AND CIDER, LLC (THE SLIP) 325 S LAKE AVE - STE 109, DULUTH, TO THE MAGGIE'S FARM LLC (THE RIPPLE BAR ON LAKE SUPERIOR), SAME ADDRESS.

Indexes:

Attachments: [Maggies Farm LLC](#)

This Resolution was adopted unanimously.

BY COUNCILOR ANDERSON (PERSONNEL)

16. [18-0197R](#) RESOLUTION CONFIRMING THE 2018 REAPPOINTMENTS OF MEMBERS TO CITY BOARDS AND COMMISSIONS BY MAYOR LARSON.

Indexes:

Attachments: [Attachment A](#)

This Resolution was adopted unanimously.

17. [18-0207R](#) RESOLUTION APPROVING PROPOSED AMENDMENTS TO THE SPECIFICATIONS FOR THE EXISTING CIVIL SERVICE CLASSIFICATION OF WAREHOUSE SPECIALIST.

Indexes:

Attachments: [Exhibit A](#)

This Resolution was adopted unanimously.

BY COUNCILOR RUSS (PLANNING & ECONOMIC DEVELOPMENT)

18. [18-0184R](#) RESOLUTION AUTHORIZING AN AGREEMENT WITH ONE ROOF COMMUNITY HOUSING FOR THE TENANT LANDLORD CONNECTION IN THE AMOUNT OF \$40,000.

Indexes:

Attachments: [Attachment 1](#)

This Resolution was adopted unanimously.

Yea: 8 - Councilor Anderson, Councilor Filipovich, Councilor Fosle, Councilor Russ, Councilor Sipress, Councilor Westerlund, Councilor Van Nett and President Hansen

Abstain: 1 - Councilor Hobbs

BY PRESIDENT HANSEN (COMMITTEE OF THE WHOLE)

19. [18-0200R](#) RESOLUTION AMENDING RESOLUTION 18-0114 TO ADD SUPPORT FOR THE WESTERN LAKE SUPERIOR SANITARY DISTRICT COMBINED HEAT AND POWER ENERGY PROJECT AS A REGIONAL LEGISLATIVE PRIORITY.

This Resolution was adopted unanimously.

BY COUNCILOR HOBBS (PUBLIC WORKS & UTILITIES)

20. [18-0172R](#) RESOLUTION RENEWING JOINT POWERS AGREEMENT C20604 WITH DULUTH ENTERTAINMENT AND CONVENTION CENTER AUTHORITY FOR THE OPERATION OF MINNESOTA SLIP PEDESTRIAN DRAW BRIDGE DURING YEAR 2018 FOR AN AMOUNT NOT TO EXCEED \$39,361.40.

This Resolution was adopted unanimously.

21. [18-0183R](#) RESOLUTION AUTHORIZING AN AGREEMENT WITH THE DULUTH SEAWAY PORT AUTHORITY FOR THE INTERMODAL CONTAINER TERMINAL EXPANSION PROJECT.

Indexes:

Attachments: [18-0183R Attachment 1](#)
[18-0183R Exhibit A](#)
[18-0183R Exhibit B](#)

This Resolution was adopted unanimously.

22. [18-0185R](#) RESOLUTION OF SUPPORT FOR THE CORRIDORS OF COMMERCE PROGRAM APPLICATIONS TO THE MINNESOTA DEPARTMENT OF TRANSPORTATION.

Indexes:

Attachments: [18-0185 Letter](#)
[18-0185R Attachment A](#)

This Resolution was adopted unanimously.

23. [18-0205R](#) RESOLUTION AUTHORIZING A CONTRACT WITH API OUTSOURCING INC., FOR MAILING SERVICES AND POSTAGE FOR APRIL THROUGH DECEMBER OF 2018 IN THE AMOUNT OF \$156,600.

Indexes:

Attachments: [Exhibit A](#)
[March 6, 2018 Centerviews API Outsourcing Master Service Agreement](#)

This Resolution was adopted unanimously.

24. [18-0206R](#) RESOLUTION AUTHORIZING PROPER CITY OFFICIALS TO ACCEPT A FIFTY-PERCENT REIMBURSEMENT SAFETY GRANT FROM THE STATE OF MINNESOTA DEPARTMENT OF LABOR AND INDUSTRY OCCUPATIONAL SAFETY AND HEALTH CONSULTATION UNIT FOR THE STREET MAINTENANCE DIVISION.

Indexes:

Attachments: [Exhibit A](#)

This Resolution was adopted unanimously.

25. [18-0209R](#) RESOLUTION AUTHORIZING AN AGENCY AGREEMENT FOR ADVANCE CONSTRUCTION BETWEEN THE CITY OF DULUTH AND MNDOT FOR THE INTERMODAL CONTAINER TERMINAL EXPANSION PROJECT.

Indexes:

Attachments: [18-0209R Exhibit A](#)
[18-0209R Map](#)

This Resolution was adopted unanimously.

BY COUNCILOR VAN NETT (PUBLIC SAFETY)

26. [18-0182R](#) RESOLUTION AUTHORIZING PROPER CITY OFFICIALS TO ACCEPT A HAZARDOUS MATERIALS EMERGENCY PREPAREDNESS GRANT FROM THE STATE OF MINNESOTA IN THE AMOUNT OF \$18,066.36 AND FURTHER AUTHORIZING EXECUTION OF A GRANT AGREEMENT WITH THE STATE OF MINNESOTA.

Indexes:

Attachments: [Grant Agreement A-HMEP2017-DULUTHFD-008](#)

This Resolution was adopted unanimously.

27. [18-0189R](#) RESOLUTION AUTHORIZING THE PURCHASE OF AN ALL HAZARD RESPONSE VESSEL FROM LAKE ASSAULT BOATS, LLC IN THE AMOUNT OF \$445,100.

This Resolution was adopted unanimously.

BY COUNCILOR WESTERLUND (RECREATION, LIBRARIES & AUTHORITIES)

28. [18-0199R](#) RESOLUTION AUTHORIZING A ONE YEAR AGREEMENT WITH DULUTH SUPERIOR AREA COMMUNITY FOUNDATION TO PROVIDE GRANT MAKING ADMINISTRATION FOR THE PARKS FUND GRANT PROGRAM AT AN ANNUAL COST NOT TO EXCEED \$2,500.

Indexes:

Attachments: [Exhibit A Agreement](#)

This Resolution was adopted unanimously.

29. [18-0203R](#) RESOLUTION AUTHORIZING AN INCREASE TO CONTRACT 23238 WITH DIRT, INC. TO COMPLETE IMPROVEMENT OF ELY PEAK LOOP TRAIL TO SUPPORT EQUESTRIAN USE, AN INCREASE OF \$58,948.02, FOR A NEW TOTAL AMOUNT NOT TO EXCEED \$196,558.02.

This Resolution was adopted unanimously.

30. [18-0204R](#) RESOLUTION AUTHORIZING AN AGREEMENT WITH THE DULUTH ENTERTAINMENT CONVENTION CENTER AUTHORITY TO PRODUCE, PROMOTE, COORDINATE, AND MANAGE EVENTS AT BAYFRONT FESTIVAL PARK IN 2018 FOR \$60,000.

Indexes:

Attachments: [Exhibit 1](#)

This Resolution was adopted unanimously.

END OF CONSENT AGENDA

BY COUNCILOR FOSLE (PURCHASING & LICENSING)

31. [18-0218R](#) RESOLUTION REFERRING A PROPOSED ORDINANCE AMENDING SECTION 50.37.10(E) OF THE DULUTH CITY CODE TO INCREASE THE NUMBER OF INTERIM USE PERMITS ISSUED FOR VACATION DWELLING UNITS AND ACCESSORY VACATION DWELLING UNITS FROM 60 TO 120 FOR REVIEW AND RECOMMENDATION BY THE DULUTH PLANNING COMMISSION.

Sponsors: Fosle

Indexes:

Attachments: [Exhibit A](#)

This Resolution was withdrawn.

BY COUNCILOR HOBBS (PUBLIC WORKS & UTILITIES)

32. [18-0202R](#) RESOLUTION AWARDED A CONTRACT TO NORTHLAND CONSTRUCTORS OF DULUTH, LLC FOR THE SUPERIOR STREET RECONSTRUCTION PROJECT IN THE AMOUNT OF \$28,390,000.

Indexes:

Attachments: [18-0202R Map](#)

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

Yea: 8 - Councilor Anderson, Councilor Filipovich, Councilor Hobbs, Councilor Russ, Councilor Sipress, Councilor Westerlund, Councilor Van Nett and President Hansen

Nay: 1 - Councilor Fosle

33. [18-0186R](#) RESOLUTION ORDERING THE IMPROVEMENT OF THE 2018 STREET PRESERVATION PROJECTS.

Indexes:

Attachments: [18-0186R Map](#)
[March 6 Public Hearing Minutes](#)
[Street Selection Criteria](#)
[18-0186R Map 8th St 9th St](#)

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

Yea: 8 - Councilor Anderson, Councilor Filipovich, Councilor Hobbs, Councilor Russ, Councilor Sipress, Councilor Westerlund, Councilor Van Nett and President Hansen
Nay: 1 - Councilor Fosle

INTRODUCTION AND CONSIDERATION OF ORDINANCES

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

BY PRESIDENT HANSEN (COMMITTEE OF THE WHOLE)

34. [18-009-O](#) ORDINANCE ADDING A NEW CHAPTER 29E TO THE DULUTH CITY CODE ESTABLISHING MINIMUM STANDARDS FOR EARNED SICK AND SAFE TIME IN THE CITY OF DULUTH.

Sponsors: Hansen and Hobbs

Indexes:

Attachments: [MTA 18-009-O Sipress.Russ1](#)
[MTA 18-009-O Sipress.Russ2](#)
[MTA 18-009-O Filipovich](#)
[MTA 18-009-O Westerlund1](#)
[MTA 18-009-O Westerlund2](#)

This Ordinance was read for the first time.

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

BY COUNCILOR FOSLE (PURCHASING & LICENSING)

35. [18-008-O](#) AN ORDINANCE AMENDING AND EXTENDING CABLE TELEVISION FRANCHISE AGREEMENT WITH CC VIII OPERATING, LLC, D/B/A CHARTER COMMUNICATIONS FOR TERM OF TEN YEARS.

Indexes:

Attachments: [Certified Copy of Ordinance No. 9775](#)
[CHARTER FRANCHISE AGREEMENT-03092018092702](#)

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

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Monday, March 26, 2018

7:00 PM

Council Chamber

ROLL CALL

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

PLEDGE OF ALLEGIANCE

APPROVAL OF MINUTES

1. [18-066](#) Duluth City Council Meeting Minutes - March 12, 2018

Indexes:

Attachments: [City Council Meeting - March 12](#)

This Minutes was approved.

REPORTS FROM THE ADMINISTRATION

2. [18-057](#) 2017 General Fund Reconciled Budget Report

Indexes:

Attachments: [General Fund Budget Adjustments 2017](#)

This Reports from the Administration was received.

REPORTS FROM OTHER OFFICERS

3. [18-072](#) Exempt Permit Application

Indexes:

Attachments: [IRVING-03262018100825](#)
[WOMENS CARE CENTER-03262018100739](#)

This Other Officers Report was received.

REPORTS OF BOARDS AND COMMISSIONS

4. [18-068](#) February 20, 2018 Duluth Public Utilities Commission Public Hearing

Indexes:

Attachments: [Duluth Public Utilities Commission Public Hearing](#)

This Board or Commission Report was received.

5. [18-067](#) February 20, 2018-Duluth Public Utilities Commission Minutes

Indexes:

Attachments: [February 20-Duluth Public Utilities Commission Minutes](#)

This Board or Commission Report was received.

6. [18-070](#) Duluth Transit Authority Financial Statement January 1, 2018

Indexes:

Attachments: [01 JAN 2018 Duluth Transit Financial Report](#)

This Board or Commission Report was received.

7. [18-071](#) Duluth Transit Authority Board of Directors Minutes January 31, 2018

Indexes:

Attachments: [Duluth Transit Authority Minutes \(01-31-18\)](#)

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 FILIPOVICH (FINANCE)

8. [18-0224R](#) RESOLUTION AUTHORIZING AN AMENDMENT TO THE AGREEMENT WITH THE DULUTH AIRPORT AUTHORITY TO ADD BOILER INSURANCE TO THE COVERAGE PROVIDED TO THE DAA UNDER THE CITY'S INSURANCE POLICY.

Indexes:

Attachments: [Exhibit A](#)

This Resolution was adopted unanimously.

BY COUNCILOR FOSLE (PURCHASING & LICENSING)

9. [18-0193R](#) RESOLUTION APPROVING ISSUING A TEMPORARY ON SALE 3.2 PERCENT MALT LIQUOR LICENSE TO THE DULUTH AIR SHOW WINGS FOUNDATION (KIA DRAG RACES AND CAR SHOW), 435 GARFIELD AVENUE

Indexes:

Attachments: [KIA DRAGS-02282018155709](#)

This Resolution was adopted unanimously.

10. [18-0216R](#) RESOLUTION AUTHORIZING A CONTRACT WITH KTM PAVING, INC. FOR IRVING PARK IMPROVEMENTS PHASE I FOR AN AMOUNT NOT TO EXCEED \$174,359.68.

This Resolution was adopted unanimously.

11. [18-0234R](#) RESOLUTION AUTHORIZING THE PURCHASE OF A COMPLETE BUCKET TRUCK FROM ABM EQUIPMENT & SUPPLY, LLC IN THE AMOUNT OF \$197,821.

This Resolution was adopted unanimously.

BY COUNCILOR ANDERSON (PERSONNEL)

12. [18-0223R](#) RESOLUTION CONFIRMING THE REAPPOINTMENT OF ROBERT PRUSAK, TO THE DULUTH PUBLIC UTILITIES COMMISSION

This Resolution was adopted unanimously.

13. [18-0229R](#) RESOLUTION CONFIRMING THE REAPPOINTMENT OF TJAARD BREEUWER AND AMANDA CROSBY (EX-OFFICIO COMMISSION ON DISABILITIES) TO THE PARKS AND RECREATION COMMISSION.

This Resolution was adopted unanimously.

14. [18-0243R](#) RESOLUTION CONFIRMING THE REAPPOINTMENT OF KARIN SWOR TO THE DULUTH PARKING COMMISSION.

This Resolution was adopted unanimously.

15. [18-0253R](#) RESOLUTION APPROVING PROPOSED AMENDMENTS TO THE SPECIFICATIONS FOR THE EXISTING CIVIL SERVICE CLASSIFICATION OF CUSTOMER SERVICE LEADWORKER, INCLUDING A TITLE CHANGE TO CUSTOMER SERVICE COORDINATOR, AND SPECIFYING CONTRACT BENEFITS FOR SAME.

Indexes:

Attachments: [Exhibit A](#)

[Exhibit B](#)

This Resolution was adopted unanimously.

16. [18-0254R](#) RESOLUTION APPROVING PROPOSED AMENDMENTS TO THE SPECIFICATIONS FOR THE EXISTING CIVIL SERVICE CLASSIFICATION OF GAS PROJECT COORDINATOR.

Indexes:

Attachments: [Exhibit A](#)

[Exhibit B](#)

This Resolution was adopted unanimously.

17. [18-0255R](#) RESOLUTION APPROVING PROPOSED SPECIFICATIONS FOR THE NEW CIVIL SERVICE CLASSIFICATION OF HUMAN RESOURCES SUPERVISOR, AND SPECIFYING CONTRACT BENEFITS FOR SAME.

Indexes:

Attachments: [Exhibit A](#)

This Resolution was adopted unanimously.

18. [18-0256R](#) RESOLUTION APPROVING PROPOSED AMENDMENTS TO THE SPECIFICATIONS FOR THE EXISTING CIVIL SERVICE CLASSIFICATION OF WATER CONVEYANCE SPECIALIST.

Indexes:

Attachments: [Exhibit A](#)

[Exhibit B](#)

This Resolution was adopted unanimously.

19. [18-0257R](#) RESOLUTION APPROVING JOB SPECIFICATIONS FOR THE APPOINTED POSITION OF CITY CLERK, AND SPECIFYING CONTRACT BENEFITS FOR SAME.

Indexes:

Attachments: [Exhibit A](#)

This Resolution was adopted unanimously.

BY COUNCILOR RUSS (PLANNING & ECONOMIC DEVELOPMENT)

20. [18-0217R](#) RESOLUTION AUTHORIZING ADOPTION OF THE AMENDED COMMUNITY DEVELOPMENT PROGRAM CITIZEN PARTICIPATION PLAN.

Indexes:

Attachments: [Attachment 1](#)

This Resolution was adopted unanimously.

21. [18-0225R](#) RESOLUTION AUTHORIZING AN AGREEMENT WITH THE DULUTH ECONOMIC DEVELOPMENT AUTHORITY TO INSURE PROPERTY UNDER THE CITY'S PROPERTY AND BOILER INSURANCE POLICIES.

Indexes:

Attachments: [18D-05 City Property & Boiler Ins Agreement 2018](#)

This Resolution was adopted unanimously.

22. [18-0227R](#) 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 \$943,380 FOR THE PERIOD JANUARY 1, 2018 THROUGH DECEMBER 31, 2018.

Indexes:

Attachments: [2018 MFIP DWP contract - City of Duluth 16294 unsigned](#)

This Resolution was adopted unanimously.

23. [18-0246R](#) RESOLUTION VACATING THE WESTERN SECTION OF SOUTH 18TH AVENUE WEST BETWEEN WEST MICHIGAN STREET AND LOWER MICHIGAN STREET, MAINTAINING A PEDESTRIAN AND UTILITY EASEMENT OVER THE WESTERN 36 FEET.

Indexes:

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

This Resolution was adopted unanimously.

BY COUNCILOR HOBBS (PUBLIC WORKS & UTILITIES)

24. [18-0210R](#) RESOLUTION AUTHORIZING AN AGREEMENT FOR A TEMPORARY CONSTRUCTION AND ACCESS EASEMENT AGREEMENT AND CONSTRUCTION AGREEMENT FROM GATEWAY PROPERTIES, LLP.

Indexes:

Attachments: [Easement Agreement Signed by Gateway 3-7-18](#)

This Resolution was adopted unanimously.

25. [18-0228R](#) RESOLUTION AUTHORIZING AGREEMENT WITH TENASKA MARKETING VENTURES AND TENASKA GAS STORAGE, LLC, FOR ASSET MANAGEMENT SERVICES.

Indexes:

Attachments: [Exhibit A](#)

This Resolution was adopted unanimously.

26. [18-0237R](#) RESOLUTION AWARDED A CONTRACT TO HANCO UTILITIES, INC. FOR THE 2018 CITY WIDE GAS METER RELOCATION PROJECT IN THE AMOUNT OF \$393,480.

This Resolution was adopted unanimously.

27. [18-0238R](#) RESOLUTION AWARDED A CONTRACT TO HANCO UTILITIES, INC. FOR CONSTRUCTION OF THE 2018 HIGH PRESSURE GAS MAINS AND SERVICES AT VARIOUS LOCATIONS IN THE AMOUNT OF \$1,067,710.

This Resolution was adopted unanimously.

28. [18-0239R](#) RESOLUTION AMENDING RESOLUTION NO. 15-0248 INCREASING THE NUMBER OF AUTHORIZED AUDITS TO 1300 AND INCREASING THE FUNDING THEREFORE BY AN ADDITIONAL \$40,000.

This Resolution was adopted unanimously.

29. [18-0241R](#) RESOLUTION OF INTENT FOR CONSTRUCTION OF APPROXIMATELY 1000 FEET OF WATER MAIN AND SANITARY SEWER MAIN IN KAYAK BAY DRIVE BEGINNING AT GRAND AVENUE AND EXTENDING SOUTHERLY AND TO ASSESS THE COSTS THEREOF.

Indexes:

Attachments: [18-0241R Preliminary Plat](#)

This Resolution was adopted unanimously.

30. [18-0244R](#) RESOLUTION AUTHORIZING A SUPPLY AGREEMENT WITH ENSYN RENEWABLE FUELS CANADA, INC., TO SUPPLY RECYCLED FUEL OIL TO THE DULUTH ENERGY SYSTEMS FACILITIES.

Indexes:

Attachments: [Exhibit A](#)

This Resolution was adopted unanimously.

31. [18-0245R](#) RESOLUTION AUTHORIZING AN EQUIPMENT UTILIZATION AND SERVICE AGREEMENT WITH ENSYN RENEWABLE FUELS CANADA, INC., TO ALLOW USE OF RENEWABLE FUEL OIL AT THE DULUTH ENERGY SYSTEMS FACILITY.

Indexes:

Attachments: [Exhibit A](#)

This Resolution was adopted unanimously.

32. [18-0258R](#) RESOLUTION AUTHORIZING AGREEMENT WITH ST. LOUIS COUNTY TO FUND CONSTRUCTION OF KAYAK BAY DRIVE.

Indexes:

Attachments: [Exhibit A](#)

This Resolution was adopted unanimously.

33. [18-0263R](#) RESOLUTION AUTHORIZING AGREEMENT WITH SPIRIT VALLEY LAND COMPANY TO CONSTRUCT KAYAK BAY DRIVE AND UTILITIES AND PROVIDE FOR ASSESSMENT OF UTILITY COST.

Indexes:

Attachments: [Exhibit A](#)

This Resolution was adopted unanimously.

BY COUNCILOR WESTERLUND (RECREATION, LIBRARIES & AUTHORITIES)

34. [18-0220R](#) RESOLUTION AUTHORIZING APPLICATION TO AND, IF AWARDED, ACCEPTANCE OF A MINNESOTA DEPARTMENT OF NATURAL RESOURCES REGIONAL TRAIL PROGRAM GRANT OF UP TO \$250,000 FOR RESTORATION OF SARGENT CREEK BRIDGE ON THE DULUTH WINNIPEG PACIFIC TRAIL SYSTEM.

Indexes:

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

This Resolution was adopted unanimously.

35. [18-0221R](#) RESOLUTION AUTHORIZING APPLICATION TO AND, IF AWARDED, ACCEPTANCE OF A MINNESOTA DEPARTMENT OF NATURAL RESOURCES REGIONAL TRAIL PROGRAM GRANT OF UP TO \$250,000 FOR CROSS COUNTRY SKI TRAIL CONSTRUCTION AT GRAND AVENUE NORDIC CENTER.

Indexes:

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

This Resolution was adopted unanimously.

36. [18-0222R](#) 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 agreement](#)

This Resolution was adopted unanimously.

37. [18-0235R](#) 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 LOWER CHESTER MINI-MASTER PLAN PHASE I.

Indexes:

Attachments: [exhibit A grant agreement](#)

This Resolution was adopted unanimously.

END OF CONSENT AGENDA

The following entitled resolutions are also to be considered:

BY COUNCILOR ANDERSON (PERSONNEL)

38. [18-0260R](#) RESOLUTION CONFIRMING THE APPOINTMENTS OF _____ AND _____ TO THE PLANNING COMMISSION REPLACING GARNER MOFFAT AND TERRY GUGGENBUEHL

This Resolution was adopted unanimously.

BY COUNCILOR RUSS (PLANNING & ECONOMIC DEVELOPMENT)

39. [18-0248R](#) RESOLUTION AMENDING THE 2017 ANNUAL ACTION PLAN BY SUBSTANTIALLY CHANGING THE MULTI-FAMILY ACQUISITION PROJECT BY ONE ROOF COMMUNITY HOUSING.

Indexes:

Attachments: [Attachment 1](#)

This Resolution was adopted.

Yea: 7 - Councilor Anderson, Councilor Filipovich, Councilor Russ, Councilor Sipress, Councilor Westerlund, Councilor Van Nett and President Hansen

Nay: 1 - Councilor Fosle

Abstain: 1 - Councilor Hobbs

BY COUNCILOR WESTERLUND (RECREATION, LIBRARIES & AUTHORITIES)

40. [18-0236R](#) RESOLUTION AFFIRMING DULUTH'S COMMITMENT TO ELIMINATING DISCRIMINATION AGAINST WOMEN AND GIRLS.

Sponsors: Westerlund

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

Yea: 7 - Councilor Anderson, Councilor Filipovich, Councilor Russ, Councilor Sipress, Councilor Westerlund, Councilor Van Nett and President Hansen

Nay: 2 - Councilor Fosle and Councilor Hobbs

41. [18-0250R](#) RESOLUTION AUTHORIZING AGREEMENT WITH DULUTH ART INSTITUTE, ASSN. FOR DISPLAY OF ART IN CITY HALL.

Indexes:

Attachments: [Exhibit A](#)

This Resolution was adopted unanimously.

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

BY COUNCILOR RUSS (PLANNING & ECONOMIC DEVELOPMENT)

42. [18-011-O](#) AN ORDINANCE AMENDING SECTIONS 50-37.1.L, ADMINISTRATIVE ADJUSTMENTS, TO ALLOW FOR MORE FLEXIBILITY RELATED TO OFF-STREET PARKING REQUIREMENTS.

Indexes:

Attachments: [Attachment 1](#)

This Ordinance was read for the first time.

43. [18-012-O](#) AN ORDINANCE AMENDING SECTIONS 50-26, SCREENING, WALLS, AND FENCES.

Indexes:

Attachments: [Attachment 1](#)

This Ordinance was read for the first time.

44. [18-013-O](#) AN ORDINANCE AMENDING SECTIONS 50-19.8 USE TABLE, 50-20.3 COMMERCIAL USES, AND 50-40.6 DEFINITIONS.

Indexes:

Attachments: [Attachment 1](#)

[Attachment 2](#)

This Ordinance was read for the first time.

45. [18-014-O](#) AN ORDINANCE AMENDING SECTIONS 50-37.10.E, CRITERIA FOR INTERIM USE PERMITS, TO INCREASE THE MAXIMUM NUMBER OF VACATION DWELLING UNITS THAT MAY BE PERMITTED.

Indexes:

Attachments: [Attachment 1](#)

[MOTION TO SPLIT ORDINANCE 18-014. Sipress. Russ - Passed 8-1 \(Fosle: Nay\)](#)

This Ordinance will remain at First Read

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

BY PRESIDENT HANSEN (COMMITTEE OF THE WHOLE)

46. [18-009-O](#) ORDINANCE ADDING A NEW CHAPTER 29E TO THE DULUTH CITY CODE ESTABLISHING MINIMUM STANDARDS FOR EARNED SICK AND SAFE TIME IN THE CITY OF DULUTH.

Sponsors: Hansen and Hobbs

Indexes:

Attachments: [Motion To Amend - Sipress & Russ \(1\) - HOLD](#)
[Motion To Amend - Sipress & Russ \(2\) - Passed 8-1](#)
[Motion To Amend - Filipovich - Hold](#)
[Motion To Amend - Westerlund \(1\) - Pass 5-4](#)
[Motion to Amend - Hobbs - Fail 3-6](#)
[18-009-O Original](#)

This Ordinance gets sent back to First Read

This Ordinance was sent back to First Read

BY PRESIDENT HANSEN (COMMITTEE OF THE WHOLE)

47. [18-008-O](#) AN ORDINANCE AMENDING AND EXTENDING CABLE TELEVISION FRANCHISE AGREEMENT WITH CC VIII OPERATING, LLC, D/B/A CHARTER COMMUNICATIONS FOR TERM OF TEN YEARS.

Indexes:

Attachments: [Certified Copy of Ordinance No. 9775](#)
[CHARTER FRANCHISE AGREEMENT-03092018092702](#)

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]*

Monday, April 9, 2018

7:00 PM

Council Chamber

ROLL CALL

This was approved.

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

PLEDGE OF ALLEGIANCE

APPROVAL OF MINUTES

1. [18-081](#) March 26, 2018 - Duluth City Council Meeting Minutes

Indexes:

Attachments: [March 26, 2018 City Council Meeting](#)

This Minutes were approved.

PUBLIC HEARING - 18-0299R RESOLUTION ESTABLISHING TAX INCREMENT FINANCING DISTRICT NO. 30 AND ADOPTING A TAX INCREMENT FINANCING PLAN THEREFOR

REPORTS FROM THE ADMINISTRATION

REPORTS FROM OTHER OFFICERS

- 2. [18-082](#) Clerk Application for Exempt Permit for Women's Care Center Duluth, Inc. (Raffle at Spirit Mountain for May, 4, 2018)

Indexes:

Attachments: [WOMENS CARE CENTER-03262018100739](#)

This Other Officers Report was approved.

- 3. [18-083](#) Clerk Application for Premise Permit for Irving Community Association for the All American Club

Indexes:

Attachments: [IRVING](#)

This Other Officers Report was approved.

REPORTS OF BOARDS AND COMMISSIONS

This was received.

- 4. [18-073](#) LIBRARY BOARD MINUTES FEBRUARY 7, 2018

Indexes:

Attachments: [Minutes Library Board APPROVED 2018.02.27](#)

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 FILIPOVICH (FINANCE)

5. [18-0289R](#) RESOLUTION AUTHORIZING AGREEMENT WITH AIRBNB INC. FOR THE COLLECTION OF HOTEL-MOTEL TAX.

Indexes:

Attachments: [Exhibit A](#)

This Resolution was adopted unanimously

BY COUNCILOR FOSLE (PURCHASING & LICENSING)

6. [18-0133R](#) RESOLUTION APPROVING THE ISSUANCE OF OFF SALE 3.2 PERCENT MALT LIQUOR LICENSE RENEWALS FOR THE PERIOD BEGINNING MAY,1 2018, AND ENDING APRIL 30, 2019

Indexes:

Attachments: [2018 Off Sale Beer Renewal List](#)

Councilor Hansen - Abstain

This Resolution was adopted unanimously

7. [18-0187R](#) RESOLUTION APPROVING THE ISSUANCE OF ON SALE 3.2 PERCENT MALT LIQUOR LICENSE RENEWALS FOR THE PERIOD BEGINNING MAY,1 2018, AND ENDING APRIL 30, 2019

Indexes:

Attachments: [Attachment A](#)

Councilor Hansen - Abstain

This Resolution was adopted unanimously

8. [18-0272R](#) RESOLUTION APPROVING THE TEMPORARY EXPANSION OF THE DESIGNATED SERVING AREA OF THEIR ON SALE INTOXICATING LIQUOR LICENSE TO GRANDMA'S ANGIE'S INC. (LITTLE ANGIE'S CANTINA).

Indexes:

Attachments: [Little Angie's Temp Expansion Grandma's Marathon](#)

Councilor Hansen - Abstain

This Resolution was adopted unanimously

9. [18-0273R](#) RESOLUTION APPROVING ISSUANCE OF A TEMPORARY ON SALE INTOXICATING LIQUOR LICENSE TO MINNESOTA CRAFT BREWERS GUILD, BAYFRONT PARK.

Indexes:

Attachments: [MN Craft Brewer's Guild](#)

Councilor Hansen - Abstain

This Resolution was adopted unanimously.

10. [18-0274R](#) RESOLUTION APPROVING THE TRANSFER OF THE ON SALE WINE AND ON SALE NON INTOXICATING BEER LICENSE FROM JCEBAL COMPANY, 319 WEST SUPERIOR STREET, DULUTH, TO HARALU CORPORATION (DULUTH INDIA PALACE), SAME ADDRESS.

Indexes:

Attachments: [HARALU CORP](#)

Councilor Hansen - Abstain

This Resolution was adopted unanimously.

11. [18-0277R](#) RESOLUTION APPROVING THE TRANSFER OF THE ON SALE INTOXICATING LIQUOR LICENSE AND ON SALE SUNDAY LICENSE FROM CHASER'S OF DULUTH, INC (BEDROCK BAR), 2023 WEST SUPERIOR STREET TO CRAZY UNCLE ENTERTAINMENT, LLC (CADDY SHACK INDOOR GOLF AND PUB), SAME ADDRESS.

Indexes:

Attachments: [Crazy Uncle Entertainment LLC](#)

Councilor Hansen - Abstain

This Resolution was adopted unanimously.

12. [18-0294R](#) 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 FOR FESTIVERSARY.

Indexes:

Attachments: [Bent Paddle Temp Exp. Festiversary 2018](#)

Councilor Hansen - Abstain

This Resolution was adopted unanimously.

13. [18-0296R](#) RESOLUTION APPROVING THE PERMANENT EXPANSION OF THE ON SALE INTOXICATING LIQUOR LICENSE OF SOUND DULUTH, LLC (SOUND), 132 EAST SUPERIOR STREET, STE 2A, 55802

Indexes:

Attachments: [Attachment A](#)

Councilor Filipovich Hansen - Abstain

This Resolution was adopted unanimously.

BY COUNCILOR ANDERSON (PERSONNEL)

14. [18-0305R](#) RESOLUTION APPROVING A COLLECTIVE BARGAINING AGREEMENT BETWEEN THE CITY OF DULUTH AND INTERNATIONAL ASSOCIATION OF FIRE FIGHTERS LOCAL 101 FOR THE YEARS 2018-2020.

Indexes:

Attachments: [IAFF Local 101 2018-2020 CBA \(Clean Final\)](#)

[FINAL IAFF Local 101 2018-2020 CBA \(Changes Marked\)](#)

This Resolution was adopted unanimously.

BY COUNCILOR RUSS (PLANNING & ECONOMIC DEVELOPMENT)

15. [18-0282R](#) RESOLUTION VACATING THE WESTERLY FIVE FEET OF AN EXISTING UTILITY EASEMENT AT 2130 WATER STREET.

Indexes:

Attachments: [Attachment 1](#)

[Attachment 2](#)

This Resolution was adopted unanimously.

16. [18-0292R](#) RESOLUTION APPROVING A PRE-COMMITMENT OF \$275,000 FISCAL YEAR 2019 FUNDING ALLOCATION TO THE CITY OF DULUTH FROM THE HOUSING AND URBAN DEVELOPMENT (HUD) DEPARTMENT FOR CONSTRUCTION OF THE DECKER DWELLINGS APARTMENTS.

Councilor Hobbs - Abstain

This Resolution was adopted unanimously.

17. [18-0299R](#) RESOLUTION ESTABLISHING TAX INCREMENT FINANCING DISTRICT NO. 30 AND ADOPTING A TAX INCREMENT FINANCING PLAN THEREFOR

Indexes:

Attachments: [Exhibit A - Establishing TIF District - TIF Plan](#)
[EXHIBIT B - TIF Findings](#)

This Resolution was adopted unanimously.

18. [18-0300R](#) RESOLUTION APPROVING A DEVELOPMENT AGREEMENT BETWEEN THE DULUTH ECONOMIC DEVELOPMENT AUTHORITY AND RAMSEY III, LLC FOR THE RAMSEY V TOWNHOME PROJECT

Indexes:

Attachments: [Exhibit A - Development Agmnt](#)
[Exhibit B - Ramsey III TIF Map](#)

This Resolution was adopted unanimously.

19. [18-0310R](#) RESOLUTION RECOGNIZING CLIMATE CHANGE AND URGING CONGRESS TO ADDRESS CLIMATE CHANGE BY CONSIDERING A CARBON FEE AND DIVIDEND.

Sponsors: Russ

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

Yea: 7 - Councilor Anderson, Councilor Filipovich, Councilor Russ, Councilor Sipress, Councilor Westerlund, Councilor Van Nett and President Hansen

Nay: 2 - Councilor Fosle and Councilor Hobbs

BY COUNCILOR HOBBS (PUBLIC WORKS & UTILITIES)

20. [18-0259R](#) RESOLUTION AUTHORIZING AN AGREEMENT WITH MINNESOTA POWER FOR JOINT CONSTRUCTION OF UTILITIES IN SUPERIOR STREET.

Indexes:

Attachments: [18-0259R Exhibit A](#)
[18-0259R Map](#)

This Resolution was adopted unanimously.

21. [18-0285R](#) RESOLUTION AUTHORIZING AN AGREEMENT WITH BARR ENGINEERING, INC. FOR ENVIRONMENTAL SUPPORT SERVICES DURING THE SUPERIOR STREET RECONSTRUCTION PROJECT IN AN AMOUNT NOT TO EXCEED \$125,000.

Indexes:

Attachments: [18-0285R Exhibit A](#)
[18-0285R Map](#)

This Resolution was adopted unanimously.

BY COUNCILOR VAN NETT (PUBLIC SAFETY)

22. [18-0267R](#) RESOLUTION AUTHORIZING PROPER CITY OFFICIALS TO EXECUTE AN AGREEMENT WITH THE MINNESOTA BUREAU OF CRIMINAL APPREHENSION (BCA) FOR THEIR PARTICIPATION IN THE PROJECT ENTITLED "2015 SEXUAL ASSAULT KIT INITIATIVE PROJECT".

Indexes:

Attachments: [18-0267R Exhibit A](#)
[18-0267R Budget Exhibit A](#)

Councilor Westerlund - Abstain

This Resolution was adopted.

23. [18-0283R](#) 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: [18-0283 R Exhibit A](#)

This Resolution was adopted.

BY COUNCILOR WESTERLUND (RECREATION, LIBRARIES & AUTHORITIES)

24. [18-0268R](#) RESOLUTION ACCEPTING THE DONATION OF INDIVIDUALLY-PAINTED UNIQUE TILES FROM THE ARROWHEAD ALLIANCE OF ARTISTS WITH DISABILITIES

Indexes:

Attachments: [Exhibit A - AAAWD-Donation Letter](#)

This Resolution was adopted unanimously.

25. [18-0269R](#) 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.

26. [18-0284R](#) RESOLUTION AUTHORIZING A CONTRACT WITH DIRT INC. FOR DWP TRAIL INFRASTRUCTURE REHABILITATION FOR AN AMOUNT NOT TO EXCEED \$130,402.50.

This Resolution was adopted unanimously.

27. [18-0297R](#) RESOLUTION AUTHORIZING AN EIGHTEEN-MONTH LICENSE AGREEMENT WITH COMMUNITY ACTION DULUTH FOR THE CONTROL AND REMOVAL OF INVASIVE SPECIES WITHIN MULTIPLE CITY PARKS AND RECREATIONAL AREAS.

Indexes:

Attachments: [Exhibit 1](#)

Councilor Van Nett & Westerlund - Abstain

This Resolution was adopted unanimously.

28. [18-0298R](#) RESOLUTION AUTHORIZING A TWO-YEAR NON-EXCLUSIVE USE AGREEMENT WITH THE COLLEGE OF ST. SCHOLASTICA, INC. FOR USE OF WADE STADIUM.

Indexes:

Attachments: [Exhibit 1](#)

This Resolution was adopted unanimously.

END OF CONSENT AGENDA

The following entitled resolutions are also to be considered:

BY COUNCILOR FOSLE (PURCHASING & LICENSING)

29. [18-0295R](#) RESOLUTION APPROVING THE PERMANENT EXPANSION OF THE ON SALE INTOXICATING LIQUOR LICENSE OF THE GREENS DULUTH, INC (THE BREAK ROOM), 501 E 4TH STREET, 55805.

Indexes:

Attachments: [Attachment A](#)

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

Yea: 7 - Councilor Anderson, Councilor Filipovich, Councilor Fosle, Councilor Hobbs, Councilor Russ, Councilor Sipress and Councilor Van Nett

Nay: 1 - Councilor Westerlund

Abstain: 1 - President Hansen

BY COUNCILOR VAN NETT (PUBLIC SAFETY)

30. [18-0280R](#) RESOLUTION APPROVING AGREEMENT WITH THE HOUSING AND REDEVELOPMENT AUTHORITY OF DULUTH (HRA) FOR THE SERVICES AND FUNDING OF A PUBLICLY OWNED AND MANAGED HOUSING COMMUNITY BASED POLICE OFFICER FOR THREE YEARS AND ACCEPTING A TOTAL OF \$270,000 TO FUND SAID POSITION.

Indexes:

Attachments: [18-0280 R Document A](#)
[18-0280 R Exhibit A](#)

This Resolution was adopted unanimously.

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

BY COUNCILOR RUSS (PLANNING & ECONOMIC DEVELOPMENT)

31. [18-015-O](#) AN ORDINANCE AMENDING SECTIONS 50-37.10.E, CRITERIA FOR INTERIM USE PERMITS, TO INCREASE THE MAXIMUM NUMBER OF VACATION DWELLING UNITS THAT MAY BE PERMITTED.

Indexes:

Attachments: [18-014-O Original Ordinance](#)

This Ordinance was read for the first time.

32. [18-016-O](#) AN ORDINANCE AMENDING SECTIONS 50-37.10.E, CRITERIA FOR INTERIM USE PERMITS, TO LIMIT THE NUMBER OF PERMITS THAT ANY ONE PERSON OR ENTITY COULD HAVE TO THREE VACATION DWELLING UNIT PERMITS AND THREE ACCESSORY VACATION DWELLING UNIT PERMITS.

Indexes:

Attachments: [18-014-O Original Ordinance](#)

This Ordinance was read for the first time.

BY COUNCILOR HOBBS (PUBLIC WORKS & UTILITIES)

33. [18-017-O](#) ORDINANCE AMENDING CHAPTER 43 OF DULUTH CITY CODE TO CONFORM TO REQUIREMENTS OF WLSSD I & I ORDINANCE AND TO DELETE REFERENCES TO THE CONSENT DECREE, AMENDING SECTIONS 43-11.1, 43-31, 43-33.1 AND 43-31.2 AND BY REPEALING SECTION 43-34 OF THE CODE.

This Ordinance was read for the first time.

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

BY PRESIDENT HANSEN (COMMITTEE OF THE WHOLE)

34. [18-009-O](#) ORDINANCE ADDING A NEW CHAPTER 29E TO THE DULUTH CITY CODE ESTABLISHING MINIMUM STANDARDS FOR EARNED SICK AND SAFE TIME IN THE CITY OF DULUTH.

Sponsors: Hansen and Hobbs

Indexes:

Attachments: [Motion To Amend - Sipress & Russ \(1\) - Removed](#)
[Motion To Amend - Sipress & Russ \(2\) - Passed 8-1 on 03/26/2018](#)
[Motion To Amend - Filipovich - Removed](#)
[Motion To Amend - Westerlund \(1\) - Passed 5-4 on 03/26/2018](#)
[Motion to Amend - Hobbs - Fail 3-6 on 03/26/2018](#)
[Motion to Amend - Hansen.Hobbs - Passed 8-1](#)
[Motion to Amend - Filipovich \(2\)](#)
[18-009-O Original](#)

Ordinance to remain as Second Read

This Ordinance is to remain at Second Read.

BY COUNCILOR RUSS (PLANNING & ECONOMIC DEVELOPMENT)

35. [18-011-O](#) AN ORDINANCE AMENDING SECTIONS 50-37.1.L, ADMINISTRATIVE ADJUSTMENTS, TO ALLOW FOR MORE FLEXIBILITY RELATED TO OFF-STREET PARKING REQUIREMENTS.

Indexes:

Attachments: [Attachment 1](#)

This Ordinance was adopted unanimously.

36. [18-012-O](#) AN ORDINANCE AMENDING SECTIONS 50-26, SCREENING, WALLS, AND FENCES.

Indexes:

Attachments: [Attachment 1](#)

This Ordinance was adopted unanimously.

37. [18-013-O](#) AN ORDINANCE AMENDING SECTIONS 50-19.8 USE TABLE, 50-20.3 COMMERCIAL USES, AND 50-40.6 DEFINITIONS.

Indexes:

Attachments: [Attachment 1](#)

[Attachment 2](#)

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]*

Monday, April 23, 2018

7:00 PM

Council Chamber

ROLL CALL

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

PLEDGE OF ALLEGIANCE

APPROVAL OF MINUTES

1. [18-091](#) Duluth City Council Meeting Minutes - April 9th, 2018

Indexes:

Attachments: [City Council - April 9th](#)

This Minutes were approved.

REPORTS FROM OTHER OFFICERS

REPORTS OF BOARDS AND COMMISSIONS

2. [18-084](#) Alcohol Gambling and Tobacco Commission Minutes

Indexes:

Attachments: [AGT April 2018 Minutes](#)

This Board or Commission Report was received.

3. [18-092](#) Duluth Public Utilities Commission 03/20/2018 meeting minutes

Indexes:

Attachments: [03/20/2018 DPUC meeting minutes](#)

This Board or Commission Report was received.

REPORTS OF COUNCIL COMMITTEES

REPORTS OF COUNCIL OPEN ISSUES

Distinguished Artist Award - Shawna Gilmore

OPPORTUNITY FOR CITIZENS TO BE HEARD

CONSENT AGENDA

BY COUNCILOR FILIPOVICH (FINANCE)

4. [18-0208R](#) RESOLUTION CONFIRMING ASSESSMENT ROLL FOR THE RECONSTRUCTION OF WHITTIER STREET BEGINNING AT CLAYMORE STREET AND ENDING APPROXIMATELY 750 FEET SOUTH OF CLAYMORE STREET.

Indexes:

Attachments: [Exhibit A](#)

This Resolution was adopted unanimously.

5. [18-0266R](#) RESOLUTION CONFIRMING ASSESSMENT ROLL LEVIED TO DEFRAY THE ASSESSABLE PORTION OF THE CITY'S STREET PRESERVATION PROJECT FOR 2017.

Indexes:

Attachments: [Exhibit A](#)

This Resolution was adopted unanimously.

BY COUNCILOR FOSLE (PURCHASING & LICENSING)

6. [18-0340R](#) RESOLUTION AUTHORIZING A CONTRACT WITH INSIGHT PUBLIC SECTOR, INC. FOR THE PURCHASE OF PERSONAL COMPUTERS AND ACCESSORIES, IN ACCORDANCE WITH THE CITY'S FOUR-YEAR REPLACEMENT PLAN, IN THE AMOUNT OF \$215,402.97.

This Resolution was adopted unanimously.

BY COUNCILOR ANDERSON (PERSONNEL)

7. [18-0304R](#) RESOLUTION APPROVING A COLLECTIVE BARGAINING AGREEMENT BETWEEN THE CITY OF DULUTH AND LAW ENFORCEMENT LABOR SERVICES 363 FOR THE YEARS 2018-2020.

Indexes:

Attachments: [2018-2020 Duluth LELS 363 CBA \(Clean Final\)](#)
[2018-2020 Duluth LELS 363 CBA \(Changes Marked \)](#)
[Master](#)

This Resolution was adopted unanimously.

8. [18-0321R](#) RESOLUTION CONFIRMING THE APPOINTMENT OF LAURA PERTTULA TO THE CIVIL SERVICE BOARD

Indexes:

Attachments: [Perttula](#)

This Resolution was adopted unanimously.

9. [18-0334R](#) RESOLUTION APPROVING PROPOSED SPECIFICATIONS FOR THE NEW CIVIL SERVICE CLASSIFICATION OF NATURAL RESOURCE COORDINATOR, AND SPECIFYING CONTRACT BENEFITS FOR SAME.

Indexes:

Attachments: [Exhibit A](#)

This Resolution was adopted unanimously.

10. [18-0335R](#) RESOLUTION APPROVING PROPOSED SPECIFICATIONS FOR THE NEW CIVIL SERVICE CLASSIFICATION OF SENIOR PARKS PLANNER, AND SPECIFYING CONTRACT BENEFITS FOR SAME.

Indexes:

Attachments: [Exhibit A](#)

This Resolution was adopted unanimously.

11. [18-0336R](#) RESOLUTION APPROVING PROPOSED SPECIFICATIONS FOR THE NEW CIVIL SERVICE CLASSIFICATION OF ORGANIZATIONAL DEVELOPMENT SPECIALIST, AND SPECIFYING CONTRACT BENEFITS FOR SAME.

Indexes:

Attachments: [Exhibit A](#)

This Resolution was adopted unanimously.

12. [18-0337R](#) RESOLUTION APPROVING PROPOSED SPECIFICATIONS FOR THE NEW CIVIL SERVICE CLASSIFICATION OF FORESTER, AND SPECIFYING CONTRACT BENEFITS FOR SAME.

Indexes:

Attachments: [Exhibit A](#)

This Resolution was adopted unanimously.

13. [18-0339R](#) RESOLUTION APPROVING PROPOSED AMENDMENTS TO THE SPECIFICATIONS FOR THE EXISTING CIVIL SERVICE CLASSIFICATION OF LIBRARY TECHNICIAN.

Indexes:

Attachments: [Exhibit A](#)

[Exhibit B](#)

This Resolution was adopted unanimously.

14. [18-0343R](#) RESOLUTION CONFIRMING THE APPOINTMENT OF DARIS NORDBY TO THE COMMUNITY DEVELOPMENT COMMITTEE REPLACING DEBRA BRANLEY.

Indexes:

Attachments: [Nordby Application](#)

This Resolution was adopted unanimously.

15. [18-0344R](#) RESOLUTION CONFIRMING THE APPOINTMENT OF JESSICA FORTNEY TO THE HERITAGE COMMISSION REPLACING DAVID WOODWARD.

Indexes:

Attachments: [Fourtney](#)

This Resolution was adopted unanimously.

BY COUNCILOR RUSS (PLANNING & ECONOMIC DEVELOPMENT)

16. [18-0317R](#) RESOLUTION AUTHORIZING THE BUILDING OFFICIAL TO ABATE A NUISANCE BY REMOVING A STRUCTURALLY UNSOUND BUILDING IN THE CITY OF DULUTH IN AN AMOUNT NOT TO EXCEED \$25,000.

This Resolution was adopted unanimously.

17. [18-0319R](#) RESOLUTION RECOGNIZING INTERNATIONAL MIGRATORY BIRD DAY IN THE CITY OF DULUTH.

Indexes:

Attachments: [Attachment 1](#)

This Resolution was adopted unanimously.

18. [18-0322R](#) RESOLUTON AUTHORIZING THE CITY TO ENTER INTO A JOINT POWERS AGREEMENT WITH THE MINNESOTA HOUSING FINANCE AGENCY (MINNESOTA HOUSING) RELATED TO THE LOW INCOME HOUSING TAX CREDIT PROGRAM.

Indexes:

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

This Resolution was adopted unanimously.

19. [18-0323R](#) RESOLUTION VACATING THE ENTIRE TEN-FOOT-WIDE UTILITY AND STREET EASEMENT WEST OF MISSOURI AVENUE AND SOUTH OF CHESTER WAY.

Indexes:

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

This Resolution was adopted unanimously.

20. [18-0324R](#) RESOLUTION VACATING THE 15-FOOT-WIDE PLATTED ALLEY WEST OF MISSOURI AVENUE BETWEEN CHESTER WAY AND WEST COLLEGE STREET.

Indexes:

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

This Resolution was adopted unanimously.

BY COUNCILOR HOBBS (PUBLIC WORKS & UTILITIES)

21. [18-0287R](#) RESOLUTION ADOPTING AMENDED GUIDELINES FOR THE I&I PROGRAM.

Indexes:

Attachments: [Exhibit A 18-0287R](#)

This Resolution was adopted unanimously.

22. [18-0288R](#) RESOLUTION AMENDING GUIDELINES FOR THE PRIVATE SEWER SERVICE GRANT PROGRAM.

Indexes:

Attachments: [Exhibit A - 18-0288R](#)

This Resolution was adopted unanimously.

23. [18-0306R](#) RESOLUTION APPROVING SETTLEMENT IN THE AMOUNT OF \$18,000 TO AARON BOLDUC FOR DAMAGE, PERSONAL INJURY, AND ALL OTHER CLAIMS.

This Resolution was adopted unanimously.

24. [18-0307R](#) RESOLUTION APPROVING SETTLEMENT IN THE AMOUNT OF \$65,000 TO MELISSA BOLDUC FOR DAMAGE, PERSONAL INJURY, AND ALL OTHER CLAIMS.

This Resolution was adopted unanimously.

25. [18-0320R](#) RESOLUTION AWARDED A CONTRACT TO JMF CONSTRUCTION, INC. FOR THE 2018 CITYWIDE PATCH AND SIDEWALK PROJECT IN THE AMOUNT OF \$291,490.90.

This Resolution was adopted unanimously.

26. [18-0325R](#) RESOLUTION AUTHORIZING AN AGREEMENT WITH LHB FOR PROFESSIONAL ENGINEERING SERVICES TO PROVIDE DESIGN AND CONSTRUCTION ENGINEERING FOR THE WASECA INDUSTRIAL ROAD EXTENSION PROJECT IN THE AMOUNT OF \$264,095.

Indexes:

Attachments: [18-0325R Agreement](#)
[18-0325R Cost Proposal](#)
[18-0325R LHB Proposal](#)
[18-0325R Map](#)

This Resolution was adopted unanimously.

27. [18-0326R](#) RESOLUTION AWARDED A CONTRACT TO MP TECHNOLOGIES, LLC FOR THE WOODLAND AVENUE GAS MAIN REPLACEMENT PROJECT IN THE AMOUNT OF \$804,610.

Indexes:

Attachments: [18-0326R Map](#)

This Resolution was adopted unanimously.

28. [18-0327R](#) RESOLUTION AUTHORIZING AN AMENDMENT TO AGREEMENT L30022 WITH TRC ENVIRONMENTAL CORPORATION FOR ADDITIONAL PROFESSIONAL ENGINEERING SERVICES FOR THE DULUTH LAKEWALK AND SHORELINE DAMAGE FOR AN INCREASE OF \$498,388 AND A NEW TOTAL AMOUNT NOT TO EXCEED \$542,766.

Indexes:

Attachments: [Exhibit 1](#)

This Resolution was adopted unanimously.

29. [18-0330R](#) RESOLUTION AUTHORIZING A LICENSE AGREEMENT WITH THE SOUTH ST. LOUIS SOIL AND WATER CONSERVATION DISTRICT FOR A FLOOD RECOVERY PROJECT FOR A PORTION OF SARGENT CREEK AT NO COST TO THE CITY.

Indexes:

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

This Resolution was adopted unanimously.

30. [18-0331R](#) RESOLUTION AUTHORIZING THE EXECUTION AND RECORDING OF A DECLARATION OF RESTRICTIVE COVENANT FOR A PORTION OF SARGENT CREEK.

Indexes:

Attachments: [Exhibit 1](#)

This Resolution was adopted unanimously.

31. [18-0333R](#) RESOLUTION AUTHORIZING AMENDMENT NO. 2 TO THE LEASE AGREEMENT WITH SPRINT SPECTRUM REALTY COMPANY, LLC FOR USE OF THE WOODLAND WATER TOWER FOR CELLULAR COMMUNICATIONS EQUIPMENT.

Indexes:

Attachments: [Exhibit 1](#)

This Resolution was adopted unanimously.

32. [18-0347R](#) RESOLUTION APPROVING SETTLEMENT AND RELEASE IN THE MATTERS OF LIBERTY MUTUAL FIRE INSURANCE COMPANY V. SUPERIOR CONSTRUCTION COMPANY, INC., ET AL., AND CITY OF DULUTH V. SUPERIOR CONSTRUCTION COMPANY, INC., AT NO COST TO THE CITY PURSUANT TO THE TERMS OF A MEDIATED SETTLEMENT AGREEMENT AND RELEASE.

Indexes:

Attachments: [Exhibit A](#)

This Resolution was adopted unanimously.

BY COUNCILOR WESTERLUND (RECREATION, LIBRARIES & AUTHORITIES)

33. [18-0308R](#) RESOLUTION AUTHORIZING PROPER CITY OFFICIALS TO ACCEPT AN AMENDED GRANT FROM THE STATE OF MINNESOTA, COMMISSIONER OF NATURAL RESOURCES, IN THE TOTAL AMOUNT OF \$400,000 FOR THE PURPOSE OF ACQUIRING 23 ACRES OF ISD 709 PROPERTY FOR THE PURPOSE OF HARTLEY PARK LAND ACQUISITION AND RESTORATION.

Indexes:

Attachments: [Exhibit A](#)

This Resolution was adopted unanimously.

34. [18-0328R](#) RESOLUTION AUTHORIZING A TWENTY-ONE-MONTH LICENSE AGREEMENT WITH COMMUNITY ACTION DULUTH FOR THE MANAGEMENT OF NON-NATIVE PHRAGMITES AUSTRALIS IN CERTAIN PORTIONS OF THE ST. LOUIS RIVER ESTUARY.

Indexes:

Attachments: [EXHIBIT 1](#)

This Resolution was adopted unanimously.

35. [18-0329R](#) RESOLUTION AUTHORIZING A THREE-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.

END OF CONSENT AGENDA

The following entitled resolutions are also to be considered:

BY COUNCILOR FILIPOVICH (FINANCE)

36. [18-0314R](#) RESOLUTION APPROVING THE BUDGET FOR THE FISCAL YEAR MAY 1, 2018 TO APRIL 30, 2019 IN THE AMOUNT OF \$6,174,678 FOR THE SPIRIT MOUNTAIN RECREATION AREA AUTHORITY.

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 Hobbs, Councilor Russ, Councilor Sipress, Councilor Westerlund, Councilor Van Nett and President Hansen

Nay: 1 - Councilor Fosle

BY COUNCILOR HOBBS (PUBLIC WORKS & UTILITIES)

37. [18-0276R](#) RESOLUTION ADDING WASECA INDUSTRIAL ROAD FROM RALEIGH STREET TO 59TH AVENUE WEST AND ANDERSON ROAD FROM TH 194 (CENTRAL ENTRANCE) to TH 53 (TRINITY ROAD) TO THE MUNICIPAL STATE AID (MSA) SYSTEM.

Indexes:

Attachments: [18-0276R Exhibit A](#)

[18-0276R Exhibit B](#)

[18-0276R Exhibit C](#)

This Resolution was adopted unanimously.

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

BY COUNCILOR RUSS (PLANNING & ECONOMIC DEVELOPMENT)

38. [18-015-O](#) AN ORDINANCE AMENDING SECTIONS 50-37.10.E, CRITERIA FOR INTERIM USE PERMITS, TO INCREASE THE MAXIMUM NUMBER OF VACATION DWELLING UNITS THAT MAY BE PERMITTED.

Indexes:

Attachments: [18-014-O Original Ordinance](#)

A motion was made that this Ordinance be tabled. The motion carried by the following vote:

Yea: 7 - Councilor Anderson, Councilor Fosle, Councilor Hobbs, Councilor Russ, Councilor Westerlund, Councilor Van Nett and President Hansen

Nay: 2 - Councilor Filipovich and Councilor Sipress

39. [18-016-O](#) AN ORDINANCE AMENDING SECTIONS 50-37.10.E, CRITERIA FOR INTERIM USE PERMITS, TO LIMIT THE NUMBER OF PERMITS THAT ANY ONE PERSON OR ENTITY COULD HAVE TO THREE VACATION DWELLING UNIT PERMITS AND THREE ACCESSORY VACATION DWELLING UNIT PERMITS.

Indexes:

Attachments: [18-014-O Original Ordinance](#)

This Ordinance was failed.

BY PRESIDENT HANSEN (COMMITTEE OF THE WHOLE)

40. [18-009-O](#) ORDINANCE ADDING A NEW CHAPTER 29E TO THE DULUTH CITY CODE ESTABLISHING MINIMUM STANDARDS FOR EARNED SICK AND SAFE TIME IN THE CITY OF DULUTH.

Sponsors: Hansen and Hobbs

Indexes:

Attachments: [Motion To Amend - Sipress & Russ \(1\) - Removed](#)
[Motion To Amend - Sipress & Russ \(2\) - Passed 8-1 on 03/26/2018](#)
[Motion To Amend - Filipovich - Removed](#)
[Motion To Amend - Westerlund \(1\) - Passed 5-4 on 03/26/2018](#)
[Motion to Amend - Hobbs - Fail 3-6 on 03/26/2018](#)
[Motion to Amend - Hansen.Hobbs - Passed 8-1 on 04/09/2018](#)
[Motion to Amend - Filipovich \(2\) - Removed](#)
[Motion to Amend - Hobbs\(2\) - Failed 4-5 on 04/23/2018](#)
[Motion to Amend - Sipress - Passed 8-0 on 04/23/2018 Councilor Fosle Absent](#)
[Motion to Amend - Anderson.Van Nett -Passed 5-3 on 04/23/2018 Councilor Fosle Absent](#)
[Motion to Amend - Sipress.Westerlund - Passed 7-1 on 04/23/2018 Councilor Fosle Absent](#)
[Motion to Amend - Sipress.Westerlund \(2\) - Passed on 04/23/2018 Councilor Fosle Absent](#)
[Motion to Amend - Filipovich \(3\) Passed on 04/23/2018 6-2 councilor Fosle Absent](#)
[Motion to Amend - Hobbs\(3\) - Passed on 04/23/2018 Councilor Fosle Absent](#)
[Motion to Amend - Hobbs\(4\) - Passed on 04/23/2018 Councilor Fosle Absent](#)
[Motion to Amend - Sipress.Hansen - Removed](#)
[18-009-O Original](#)

BY COUNCILOR HOBBS (PUBLIC WORKS & UTILITIES)

41. [18-017-O](#) ORDINANCE AMENDING CHAPTER 43 OF DULUTH CITY CODE TO CONFORM TO REQUIREMENTS OF WLSSD I & I ORDINANCE AND TO DELETE REFERENCES TO THE CONSENT DECREE, AMENDING SECTIONS 43-11.1, 43-31, 43-33.1 AND 43-31.2 AND BY REPEALING SECTION 43-34 OF THE CODE.

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

Yea: 8 - Councilor Anderson, Councilor Filipovich, Councilor Hobbs, Councilor Russ, Councilor Sipress, Councilor Westerlund, Councilor Van Nett and President Hansen

Absent: 1 - Councilor Fosle

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]*

Monday, May 14, 2018

7:00 PM

Council Chamber

ROLL CALL

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

PLEDGE OF ALLEGIANCE

PUBLIC HEARING

REPORTS FROM THE ADMINISTRATION

REPORTS FROM OTHER OFFICERS

1. [18-094](#) Clerk Application for Exempt Permit for St. Luke's foundation. (Raffle at Spirit Mountain for July 16, 2018)

This Other Officers Report was received.

2. [18-095](#) Clerk Application for Exempt Permit for Women's Care Center Duluth, Inc. (Raffle at Greysolon Ballroom for October 30, 2018)

This Other Officers Report was received.

REPORTS OF BOARDS AND COMMISSIONS

3. [18-096](#) Library Board Minutes 03/27/2018

Indexes:

Attachments: [Minutes Library Board APPROVED 2018.3.27](#)

This Board or Commission Report was received.

4. [18-097](#) Entertainment and Convention Center Authority (DECC) Minutes

Indexes:

Attachments: [March 27, 2018 DECC Board Meeting Minutes](#)
[February 27, 2018 DECC Board Meeting Minutes](#)
[January 30, 2018 DECC Board Meeting Minutes](#)
[December 19, 2017 DECC Board Meeting Minutes](#)
[November 28, 2017 DECC Board Meeting Minutes](#)
[October 31, 2017 DECC Board Meeting Minutes](#)

This Board or Commission Report was received.

5. [18-098](#) Duluth Transit Authority Board of Directors Meeting February 28, 2018

Indexes:

Attachments: [BOD Minutes \(02-28-18\) DTA](#)

This Board or Commission Report was received.

6. [18-100](#) Alcohol, Gambling and Tobacco May Meeting Minutes

Indexes:

Attachments: [May AGT Minutes 2018](#)

This Board or Commission Report was received.

7. [18-107](#) Housing and Redevelopment Authority Annual Board Meeting Minutes

Indexes:

Attachments: [HRA Annual Board Meeting Minutes](#)

This Board or Commission Report was received.

8. [18-108](#) Housing and Redevelopment Authority Board Meeting Minutes 03/27/2018

Indexes:

Attachments: [03-27-2018 HRA Board Meeting](#)

This Board or Commission Report was received.

9. [18-111](#) Duluth Airport Authority State Audit Report for year ending December 31, 2017

Indexes:

Attachments: [duluthairportauthorityfsm1_17_report_state_auditor](#)

This Informational Report was received.

REPORTS OF COUNCIL COMMITTEES

REPORTS OF COUNCIL OPEN ISSUES

OPPORTUNITY FOR CITIZENS TO BE HEARD

CONSENT AGENDA

BY COUNCILOR FILIPOVICH (FINANCE)

10. [18-0363R](#) RESOLUTION CONFIRMING ASSESSMENT ROLL LEVIED FOR REASSESSMENT OF PRIOR CANCELED ASSESSMENTS IN THE AMOUNT OF \$4,571.04.

Indexes:

Attachments: [Exhibit A](#)

This Resolution was adopted unanimously.

BY COUNCILOR FOSLE (PURCHASING & LICENSING)

11. [18-0359R](#) RESOLUTION APPROVING THE TEMPORARY EXPANSION OF THE DESIGNATED SERVING AREA OF THE ON SALE INTOXICATING LIQUOR LICENSE TO VARIOUS LICENSEES.

Indexes:

Attachments: [Alpine Bar Temp. Expansion](#)
[Club Saratoga Temp Expansion](#)
[Grandma's Saloon and Grill Temp Expansion 2018](#)
[Red Herring Temp Expansion 9-8-18](#)
[Shotz Bar Temporary Expansion](#)
[LAKE AVENUE Temporary Expansion](#)

This Resolution was adopted unanimously.

Yea: 8 - Councilor Anderson, Councilor Filipovich, Councilor Fosle, Councilor Hobbs, Councilor Russ, Councilor Sipress, Councilor Westerlund and Councilor Van Nett

Abstain: 1 - President Hansen

12. [18-0360R](#) RESOLUTION APPROVING THE TRANSFER OF THE OFF SALE INTOXICATING LIQUOR LICENSE OF RED CARPET BOTTLE HOUSE, INC, (SHANTY BOTTLE SHOP) 1231 E 4TH STREET DULUTH 55805. TRANSFERRED TO SHANTY BOTTLE SHOP 2.0 INC. (SHANTY BOTTLE SHOP) SAME ADDRESS

Indexes:

Attachments: [SHANTY BOTTLE SHOP 2.0, INC.](#)

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 Hobbs, Councilor Russ, Councilor Sipress, Councilor Westerlund and Councilor Van Nett

Abstain: 1 - President Hansen

13. [18-0361R](#) RESOLUTION ISSUING AN ON SALE SUNDAY LICENSE TO MAGGIES FARM, LLC.(THE RIPPLE BAR ON LAKE SUPERIOR), 325 SOUTH LAKE AVENUE, STE. 109.

Indexes:

Attachments: [Ripple Bar Sunday License](#)

This Resolution was adopted unanimously.

Yea: 8 - Councilor Anderson, Councilor Filipovich, Councilor Fosle, Councilor Hobbs, Councilor Russ, Councilor Sipress, Councilor Westerlund and Councilor Van Nett

Abstain: 1 - President Hansen

BY COUNCILOR ANDERSON (PERSONNEL)

14. [18-0354R](#) RESOLUTION CONFIRMING THE REAPPOINTMENT OF SANDRA VAN DEN BOSSE TO THE DULUTH HUMAN RIGHTS COMMISSION.

This Resolution was adopted unanimously.

15. [18-0355R](#) RESOLUTION CHANGING THE 2018 ELECTION JUDGE COMPENSATION.

This Resolution was adopted unanimously.

16. [18-0400R](#) RESOLUTION CONFIRMING THE APPOINTMENT OF CARRIE RYAN TO THE PUBLIC UTILITIES COMMISSION

Indexes:

Attachments: [Carrie Ryan Application - DPUC](#)

This Resolution was adopted unanimously.

BY COUNCILOR RUSS (PLANNING & ECONOMIC DEVELOPMENT)

17. [18-0392R](#) RESOLUTION VACATING A UTILITY EASEMENT AND A SEWER EASEMENT IN ONEOTA INDUSTRIAL PARK FIRST ADDITION; AND A PLATTED ALLEY, A UTILITY EASEMENT, AND PORTION OF THIRD AVENUE EAST, ALL IN WEST DULUTH SEVENTH DIVISION.

Indexes:

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

This Resolution was adopted unanimously.

18. [18-0393R](#) RESOLUTION VACATING A PORTION OF SUPERIOR STREET IN WEST DULUTH SEVENTH DIVISION.

Indexes:

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

This Resolution was adopted unanimously.

BY PRESIDENT HANSEN (COMMITTEE OF THE WHOLE)

19. [18-0380R](#) RESOLUTION DESIGNATING POLLING PLACE FOR THE AUGUST 14, 2018 PRIMARY ELECTION, AND THE NOVEMBER 6, 2018, GENERAL ELECTION.

This Resolution was adopted unanimously.

BY COUNCILOR HOBBS (PUBLIC WORKS & UTILITIES)

20. [18-0349R](#) RESOLUTION ACCEPTING A PERMANENT EASEMENT FOR ROAD AND UTILITY PURPOSES FROM ST. LOUIS COUNTY.

Indexes:

Attachments: [18-0349R Attachment 1](#)
[18-0349R Exhibit A](#)

This Resolution was adopted unanimously.

21. [18-0350R](#) RESOLUTION ACCEPTING A PERMANENT EASEMENT FOR ROAD AND UTILITY PURPOSES FROM ST. LOUIS COUNTY.

Indexes:

Attachments: [18-0350R Attachment 1](#)
[18-0350R Exhibit A](#)

This Resolution was adopted.

22. [18-0356R](#) RESOLUTION ACCEPTING A TEMPORARY EASEMENT FOR CONSTRUCTION PURPOSES AND A PERMANENT EASEMENT FOR ROAD AND UTILITY PURPOSES IN DEVONSHIRE STREET ALLEY FROM KEITH M. AUBOL.

Indexes:

Attachments: [18-0356R Attachment 1](#)
[18-0356R Exhibit A](#)

This Resolution was adopted unanimously.

23. [18-0364R](#) RESOLUTION AUTHORIZING AN AGREEMENT FOR A TEMPORARY CONSTRUCTION EASEMENT, ACCESS EASEMENT AND CONSTRUCTION EASEMENT AGREEMENT FROM BIGOS-LENOX PLACE, LLC.

Indexes:

Attachments: [18-0364R Attachment 1](#)

This Resolution was adopted unanimously.

24. [18-0366R](#) RESOLUTION AWARDED A CONTRACT TO VEIT & COMPANY, INC. FOR THE 2018 CITYWIDE SANITARY SEWER CIPP LINING AND SEWER REPLACEMENT PROJECT IN THE AMOUNT OF \$1,584,877.25.

Indexes:

Attachments: [18-0366R Maps](#)

This Resolution was adopted unanimously.

25. [18-0369R](#) RESOLUTION AUTHORIZING A FIVE-YEAR MASTER SERVICES AGREEMENT WITH ALLIANT ENGINEERING, INC., FOR PROFESSIONAL TRAFFIC ENGINEERING SERVICES FOR AN ANNUAL AMOUNT NOT TO EXCEED \$50,000 AND A TOTAL CONTRACT AMOUNT NOT TO EXCEED \$250,000.

Indexes:

Attachments: [Exhibit A](#)

This Resolution was adopted unanimously.

26. [18-0371R](#) RESOLUTION AUTHORIZING A FIVE-YEAR MASTER SERVICES AGREEMENT WITH SRF CONSULTING GROUP, INC., FOR PROFESSIONAL TRAFFIC ENGINEERING SERVICES FOR AN ANNUAL AMOUNT NOT TO EXCEED \$50,000 AND A TOTAL CONTRACT AMOUNT NOT TO EXCEED \$250,000.

Indexes:

Attachments: [MSA for Traffic Services 2018-2022 - SRF](#)

This Resolution was adopted.

27. [18-0378R](#) RESOLUTION AUTHORIZING A CONTRACT WITH THE JAMAR COMPANY FOR THE INSTALLATION OF BUILDING ENERGY TRANSFER STATIONS FOR AN AMOUNT NOT TO EXCEED \$404,974.

This Resolution was adopted unanimously.

28. [18-0389R](#) RESOLUTION ACCEPTING PERMANENT EASEMENT FOR A PEDESTRIAN WALKING PATH FROM JANET E. BLATNIK OVER PROPERTY LOCATED IN THE LAKESIDE NEIGHBORHOOD AT NO COST TO THE CITY.

Indexes:

Attachments: [EXHIBIT 1](#)

This Resolution was adopted unanimously.

29. [18-0391R](#) RESOLUTION OF INTENT TO SELL OR CONVEY CERTAIN REAL PROPERTY IN THE ONEOTA NEIGHBORHOOD.

Indexes:

Attachments: [Exhibit A-Resolution](#)

[Exhibit B](#)

This Resolution was adopted unanimously.

30. [18-0395R](#) RESOLUTION ACCEPTING A PERMANENT EASEMENT FOR ROAD AND UTILITY PURPOSES FROM INDEPENDENT SCHOOL DISTRICT #709.

Indexes:

Attachments: [18-0395R Attachment 1](#)

This Resolution was adopted unanimously.

31. [18-0396R](#) RESOLUTION ACCEPTING A PERMANENT EASEMENT FOR ROAD AND UTILITY PURPOSES FROM INDEPENDENT SCHOOL DISTRICT #709.

Indexes:

Attachments: [18-0396R Attachment 1](#)

This Resolution was adopted unanimously.

BY COUNCILOR VAN NETT (PUBLIC SAFETY)

32. [18-0381R](#) RESOLUTION AUTHORIZING CONSUMPTION OF ALCOHOLIC BEVERAGES IN PUBLIC PLACES ON SUPERIOR STREET AND FIRST STREET IN CONJUNCTION WITH GREATER DOWNTOWN COUNCIL SIDEWALK DAYS.

This Resolution was adopted unanimously.

BY COUNCILOR WESTERLUND (RECREATION, LIBRARIES & AUTHORITIES)

33. [18-0301R](#) RESOLUTION AUTHORIZING APPLICATION FOR, AND IF PERMITTED, PURCHASE OF WETLAND CREDITS DEPOSITED IN THE WETLAND BANK ADMINISTERED BY THE MINNESOTA BOARD OF WATER AND SOIL RESOURCES IN THE AMOUNT OF \$62,032.50.

Indexes:

Attachments: [Exhibit A purchase agreement](#)

This Resolution was adopted unanimously.

34. [18-0365R](#) RESOLUTION AUTHORIZING ACCEPTANCE OF A \$1,388 DONATION FROM THE RIVERSIDE COMMUNITY CLUB FOR PHASE I RIVERSIDE PARK IMPROVEMENTS.

This Resolution was adopted unanimously.

35. [18-0372R](#) RESOLUTION AUTHORIZING ACCEPTANCE OF A \$5,000 DONATION FROM BRAD JOHNSON FOR PHASE I RIVERSIDE PARK IMPROVEMENTS.

This Resolution was adopted unanimously.

36. [18-0390R](#) RESOLUTION AUTHORIZING A THREE-YEAR NON-EXCLUSIVE LICENSE AGREEMENT WITH TOP HAT CARRIAGE SERVICES LLC FOR USE OF SPACE IN CANAL PARK TO TEMPORARILY HITCH HORSES AND CARRIAGES FOR \$500 PER YEAR.

Indexes:

Attachments: [Exhibit 1](#)

This Resolution was adopted unanimously.

37. [18-0397R](#) RESOLUTION AUTHORIZING THE PROPER CITY OFFICIALS TO REQUEST AND ACCEPT FROM ST. LOUIS COUNTY, ON BEHALF OF THE STATE OF MINNESOTA, CERTAIN TAX FORFEIT LAND FOR PARK, TRAIL, AND/OR RECREATIONAL PURPOSES.

Indexes:

Attachments: [Exhibit A-Resolution](#)

This Resolution was adopted unanimously.

Yea: 8 - Councilor Anderson, Councilor Filipovich, Councilor Fosle, Councilor Hobbs, Councilor Russ, Councilor Sipress, Councilor Westerlund and Councilor Van Nett

Abstain: 1 - President Hansen

END OF CONSENT AGENDA

The following entitled resolutions are also to be considered:

BY COUNCILOR RUSS (PLANNING & ECONOMIC DEVELOPMENT)

38. [18-0313R](#) RESOLUTION RESCINDING PURPORTED BUFFER ZONE CREATION IN RESOLUTION 84-0889.

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

Yea: 8 - Councilor Anderson, Councilor Filipovich, Councilor Hobbs, Councilor Russ, Councilor Sipress, Councilor Westerlund, Councilor Van Nett and President Hansen

Nay: 1 - Councilor Fosle

39. [18-0384R](#) RESOLUTION OF INTENT TO SUPPORT THE REQUEST BY ART SPACE TO THE STATE OF MINNESOTA FOR THE AWARD OF FOUR PERCENT LOW-INCOME HOUSING TAX CREDITS FOR THE PRESERVATION OF THE WASHINGTON STUDIOS 39-UNIT HOUSING DEVELOPMENT.

Indexes:

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

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

- Yea:** 8 - Councilor Anderson, Councilor Filipovich, Councilor Hobbs, Councilor Russ, Councilor Sipress, Councilor Westerlund, Councilor Van Nett and President Hansen
Nay: 1 - Councilor Fosle

40. [18-0385R](#) RESOLUTION OF INTENT TO SUPPORT THE REQUEST BY THE DUBIN-GURU GROUP TO THE STATE OF MINNESOTA FOR THE AWARD OF FOUR PERCENT LOW INCOME HOUSING TAX CREDITS FOR THE REHABILITATION OF THE BOARD AND TRADE BUILDING FOR 54 HOUSING UNITS IN A MIXED USE BUILDING.

Indexes:

- Attachments:** [Attachment 1](#)
[Attachment 2](#)
[Attachment 3](#)
[Attachment 4](#)

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

- Yea:** 8 - Councilor Anderson, Councilor Filipovich, Councilor Hobbs, Councilor Russ, Councilor Sipress, Councilor Westerlund, Councilor Van Nett and President Hansen
Nay: 1 - Councilor Fosle

41. [18-0386R](#) RESOLUTION OF INTENT TO SUPPORT THE REQUEST BY ONE ROOF COMMUNITY HOUSING TO THE STATE OF MINNESOTA FOR THE AWARD OF NINE PERCENT LOW-INCOME HOUSING TAX CREDITS FOR THE 53-UNIT BREWERY CREEK HOUSING DEVELOPMENT.

Indexes:

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

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

Yea: 7 - Councilor Anderson, Councilor Filipovich, Councilor Russ, Councilor Sipress, Councilor Westerlund, Councilor Van Nett and President Hansen

Nay: 1 - Councilor Fosle

Abstain: 1 - Councilor Hobbs

42. [18-0387R](#) RESOLUTION OF INTENT TO SUPPORT THE REQUEST BY ONE ROOF COMMUNITY HOUSING TO THE STATE OF MINNESOTA FOR THE AWARD OF NINE PERCENT LOW-INCOME HOUSING TAX CREDITS FOR THE 42-UNIT DECKER DWELLINGS HOUSING DEVELOPMENT.

Indexes:

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

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

Yea: 7 - Councilor Anderson, Councilor Filipovich, Councilor Russ, Councilor Sipress, Councilor Westerlund, Councilor Van Nett and President Hansen

Nay: 1 - Councilor Fosle

Abstain: 1 - Councilor Hobbs

43. [18-0376R](#) RESOLUTION AUTHORIZING APPLICATION TO AND, IF OFFERED, ACCEPTANCE OF A \$400,000 MINNESOTA HISTORICAL SOCIETY LEGACY GRANT TO SUPPORT BUILDING STABILIZATION AND REDEVELOPMENT OF THE HISTORIC SAINT LOUIS COUNTY JAIL.

Indexes:

Attachments: [Attachment 1](#)

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

Yea: 7 - Councilor Anderson, Councilor Filipovich, Councilor Hobbs, Councilor Sipress, Councilor Westerlund, Councilor Van Nett and President Hansen

Nay: 2 - Councilor Fosle and Councilor Russ

44. [18-0383R](#) RESOLUTION OF INTENT TO SUPPORT THE REQUEST BY GRANT CARLSON TO THE STATE OF MINNESOTA FOR THE AWARD OF FOUR PERCENT LOW-INCOME HOUSING TAX CREDITS FOR THE REDEVELOPMENT OF THE HISTORIC SAINT LOUIS COUNTY JAIL INTO 31 HOUSING UNITS KNOWN AS THE BURNHAM.

Indexes:

Attachments: [Attachment 1](#)

[Attachment 2](#)

[Attachment 3](#)

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

Yea: 7 - Councilor Anderson, Councilor Filipovich, Councilor Hobbs, Councilor Sipress, Councilor Westerlund, Councilor Van Nett and President Hansen

Nay: 2 - Councilor Fosle and Councilor Russ

BY PRESIDENT HANSEN (COMMITTEE OF THE WHOLE)

45. [18-0401R](#) RESOLUTION ACCEPTING THE NINE UPDATED TOOLS OF CIVILITY.

Sponsors: Hansen

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

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

Nay: 1 - Councilor Fosle

Absent: 1 - Councilor Van Nett

BY COUNCILOR HOBBS (PUBLIC WORKS & UTILITIES)

46. [18-0373R](#) RESOLUTION CREATING THE RENTAL ENERGY UPGRADE PILOT PROGRAM, APPROVING PROGRAM GUIDELINES AND AUTHORIZING THE DIRECTOR OF PUBLIC WORKS AND UTILITIES TO ADMINSTRATE THE PROGRAM IN CONFORMANCE THEREWITH AT A COST NOT TO EXCEED \$125,000.

Indexes:

Attachments: [Exhibit A](#)

This Resolution was adopted.

BY COUNCILOR WESTERLUND (RECREATION, LIBRARIES & AUTHORITIES)

47. [18-0290R](#) RESOLUTION AUTHORIZING A CONTRACT WITH STACK BROTHERS MECHANICAL CONTRACTORS INC. FOR PHASE I OF THE GRAND AVENUE NORDIC CENTER PROJECT NOT TO EXCEED \$1,512,314.98, SUBJECT TO DELETION OF STEEL.

Indexes:

Attachments: [Exhibit A map](#)

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

Yea: 7 - Councilor Anderson, Councilor Hobbs, Councilor Russ, Councilor Sipress, Councilor Westerlund, Councilor Van Nett and President Hansen

Nay: 1 - Councilor Fosle

Abstain: 1 - Councilor Filipovich

48. [18-0302R](#) RESOLUTION AUTHORIZING AN AMENDMENT TO AGREEMENT L30019 WITH TKDA FOR ADDITIONAL ENGINEERING AND CONSTRUCTION ADMINISTRATION SERVICES FOR THE GRAND AVENUE NORDIC CENTER SKI TRAIL DESIGN PROJECT FOR AN INCREASE OF \$40,000 AND A NEW TOTAL AMOUNT NOT TO EXCEED \$56,600.

Indexes:

Attachments: [Exhibit A amendment](#)
[exhibit B map](#)

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

- Yea:** 8 - Councilor Anderson, Councilor Filipovich, Councilor Hobbs, Councilor Russ, Councilor Sipress, Councilor Westerlund, Councilor Van Nett and President Hansen
- Nay:** 1 - Councilor Fosle

49. [18-0398R](#) RESOLUTION AUTHORIZING AN AGREEMENT WITH THE DULUTH CROSS-COUNTRY SKI CLUB ACCEPTING THE DONATION OF \$430,000 AND ADDITIONAL FUNDS, IF RAISED, TO BE USED FOR PHASE I OF THE GRAND AVENUE NORDIC CENTER PROJECT.

Indexes:

Attachments: [Exhibit 1](#)

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

- Yea:** 7 - Councilor Anderson, Councilor Hobbs, Councilor Russ, Councilor Sipress, Councilor Westerlund, Councilor Van Nett and President Hansen
- Nay:** 1 - Councilor Fosle
- Abstain:** 1 - Councilor Filipovich

50. [18-0399R](#) RESOLUTION OF INTENT TO DISCOURAGE FURTHER DEVELOPMENT OF THE AREA BETWEEN THE PLANNED GRAND AVENUE NORDIC CENTER AND THE NEIGHBORING PROPERTIES IN THE VICINITY OF BESSEMER STREET.

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 Hobbs, Councilor Russ, Councilor Sipress, Councilor Westerlund, Councilor Van Nett and President Hansen

Nay: 1 - Councilor Fosle

ORDINANCES TABLED

BY COUNCILOR RUSS (PLANNING & ECONOMIC DEVELOPMENT)

51. [18-015-O](#) AN ORDINANCE AMENDING SECTIONS 50-37.10.E, CRITERIA FOR INTERIM USE PERMITS, TO INCREASE THE MAXIMUM NUMBER OF VACATION DWELLING UNITS THAT MAY BE PERMITTED.

Indexes:

Attachments: [18-014-O Original Ordinance](#)

This Ordinance failed.

Yea: 4 - Councilor Filipovich, Councilor Hobbs, Councilor Westerlund and President Hansen

Nay: 5 - Councilor Anderson, Councilor Fosle, Councilor Russ, Councilor Sipress and Councilor Van Nett

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

BY COUNCILOR RUSS (PLANNING & ECONOMIC DEVELOPMENT)

52. [18-019-O](#) AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF DULUTH TO RECLASSIFY PROPERTY NEAR LOWER SPIRIT MOUNTAIN ON GRAND AVENUE, APPROXIMATELY BETWEEN NORTH 85TH AVENUE WEST AND SPRING STREET, FROM RURAL RESIDENTIAL (RR-1), RESIDENTIAL-TRADITIONAL (R-1), AND MIXED USE-NEIGHBORHOOD (MU-N), TO PARK AND OPEN SPACE (P-1) AND RURAL-RESIDENTIAL (RR-1).

Indexes:

Attachments: [Attachment 1](#)

[Attachment 2](#)

[Attachment 3](#)

This Ordinance was read for the first time.

53. [18-020-O](#) AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF DULUTH TO RECLASSIFY PROPERTY WEST OF THE INTERSECTIONS OF 93RD AVENUE WEST AND FALCON AND HILTON STREETS TO COMMONWEALTH AVENUE, FROM MIXED USE-BUSINESS (MU-B) TO RESIDENTIAL-URBAN (R-2).

Indexes:

Attachments: [Attachment 1](#)

[Attachment 2](#)

This Ordinance was read for the first time.

54. [18-021-O](#) AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF DULUTH TO RECLASSIFY PROPERTY BETWEEN GRAND AVENUE, WADENA STREET, AND MIKE COLALILLO DRIVE FROM INDUSTRIAL-GENERAL (I-G), RESIDENTIAL-TRADITIONAL (R-1), AND RESIDENTIAL-PLANNED (R-P) TO MIXED USE-BUSINESS (MU-B) AND PARK AND OPEN SPACE (P-1).

Indexes:

Attachments: [Attachment 1](#)

[Attachment 2](#)

This Ordinance was read for the first time.

55. [18-022-O](#) AN ORDINANCE AMENDING THE REGULATING PLAN FOR RAMSEY VILLAGE TO ALLOW A TYPE VII, EIGHT UNIT MULTI-FAMILY RESIDENTIAL STRUCTURE, NEAR THE SOUTHWEST CORNER OF THE WADENA STREET AND NORTH 53RD AVENUE WEST INTERSECTION.

Indexes:

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

This Ordinance was read for the first time.

56. [18-023-O](#) AN ORDINANCE AMENDING SECTIONS 50-18.1.D, SHORELANDS, TO ALLOW FOR ACCESS TO WATER VIA WALKWAYS, STAIRWAYS, STEPS AND LANDINGS.

Indexes:

Attachments: [Attachment 1](#)

This Ordinance was read for the first time.

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

BY PRESIDENT HANSEN (COMMITTEE OF THE WHOLE)

57. [18-009-O](#) ORDINANCE ADDING A NEW CHAPTER 29E TO THE DULUTH CITY CODE ESTABLISHING MINIMUM STANDARDS FOR EARNED SICK AND SAFE TIME IN THE CITY OF DULUTH.

Sponsors: Hansen and Hobbs

Indexes:

Attachments: [Motion To Amend - Sipress & Russ \(1\) - Removed](#)
[Motion To Amend - Sipress & Russ \(2\) - Passed 8-1 on 03/26/2018](#)
[Motion To Amend - Filipovich - Removed](#)
[Motion To Amend - Westerlund \(1\) - Passed 5-4 on 03/26/2018](#)
[Motion to Amend - Hobbs - Fail 3-6 on 03/26/2018](#)
[Motion to Amend - Hansen.Hobbs - Passed 8-1 on 04/09/2018](#)
[Motion to Amend - Filipovich \(2\) - Removed](#)
[Motion to Amend - Hobbs\(2\) - Failed 4-5 on 04/23/2018](#)
[Motion to Amend - Sipress - Passed 8-0 on 04/23/2018 Councilor Fosle Absent](#)
[Motion to Amend - Anderson.Van Nett -Passed 5-3 on 04/23/2018 Councilor Fosle Absent](#)
[Motion to Amend - Sipress.Westerlund - Passed 7-1 on 04/23/2018 Councilor Fosle Absent](#)
[Motion to Amend - Sipress.Westerlund \(2\) - Passed on 04/23/2018 Councilor Fosle Absent](#)
[Motion to Amend - Filipovich \(3\) Passed on 04/23/2018 6-2 councilor Fosle Absent](#)
[Motion to Amend - Hobbs\(3\) - Passed on 04/23/2018 Councilor Fosle Absent](#)
[Motion to Amend - Hobbs\(4\) - Passed on 04/23/2018 Councilor Fosle Absent](#)
[Motion to Amend - Sipress.Hansen - Removed](#)
[Motion to Amend - Anderson \(5/14/2018\) Passed 5-4](#)
[Motion to Amend - Hansen \(5/14/2018\) Passed 6-3](#)
[18-009-O Original](#)

Ordinance to remain on Second Read

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]*

Tuesday, May 29, 2018

7:00 PM

Council Chamber

ROLL CALL

Present: 8 - Councilor Gary Anderson, Councilor Zack Filipovich, Councilor Jay Fosle, Councilor Noah Hobbs, Councilor Joel Sipress, Councilor Em Westerlund, Councilor Renee Van Nett and President Elissa Hansen

Absent: 1 - Councilor Barb Russ

PLEDGE OF ALLEGIANCE

APPROVAL OF MINUTES

1. [18-120](#) April 23, 2018 & May 14, 2018 - Duluth City Council Meeting Minutes

Indexes:

Attachments: [April 23 - City Council Meeting](#)
[May 14 - City Council Meeting](#)

This Minutes was approved.

REPORTS FROM THE ADMINISTRATION

REPORTS FROM OTHER OFFICERS

2. [18-118](#) Office of the State Auditor - Duluth Entertainment and Convention Center Authority

Indexes:

Attachments: [Office of the State Auditor - Duluth Entertainment and Convention Center Authority](#)

This Informational Report was received.

REPORTS OF BOARDS AND COMMISSIONS

3. [18-119](#) Duluth Public Utilities Commission Meeting Minutes

Indexes:

Attachments: [April 17, 2018 - Duluth Public Utilities Commission Meeting Minutes](#)

This Board or Commission Report was received.

4. [18-122](#) Heritage Preservation Commission Meeting Minutes

Indexes:

Attachments: [March 13, 2018 Heritage Preservation Commission Meeting Minutes](#)
[April 10, 2018 Heritage Preservation Commission Meeting Minutes](#)

This Board or Commission Report was received.

5. [18-123](#) Planning Commission Meeting Minutes

Indexes:

Attachments: [March 13, 2018 Planning Commission Meeting Minutes](#)
[April 10, 2018 Planning Commission Meeting Minutes](#)

This Board or Commission Report was received.

6. [18-124](#) Duluth Indigenous Commission Meeting Minutes

Indexes:

Attachments: [February 26, 2018 Duluth Indigenous Commission Meeting Minutes](#)
[March 19, 2018 Duluth Indigenous Commission Meeting Minutes](#)

This Board or Commission Report was received.

7. [18-125](#) Community Development Committee Meeting Minutes

Indexes:

Attachments: [February 27, 2018 - Community Development Committee Meeting Minutes](#)
[March 27, 2018 Community Development Committee Meeting Minutes](#)

This Board or Commission Report was received.

REPORTS OF COUNCIL COMMITTEES

REPORTS OF COUNCIL OPEN ISSUES

Distinguished Artist Award - Harbor City International School Choir

OPPORTUNITY FOR CITIZENS TO BE HEARD

CONSENT AGENDA

BY COUNCILOR FOSLE (PURCHASING & LICENSING)

9. [18-0417R](#) RESOLUTION APPROVING THE TRANSFER OF THE ON SALE INTOXICATING LIQUOR LICENSE AND ON SALE SUNDAY LICENSE FROM DUKES PARTNERS, LLC, (SPURS ON 1ST), 109 WEST SUPERIOR STREET TO MADELINE PETERSON AND JONA JOHNSON (SPURS ON 1ST), SAME ADDRESS.

Indexes:

Attachments: [Spurs on 1st](#)

This Resolution was adopted unanimously.

Yea: 7 - Councilor Anderson, Councilor Filipovich, Councilor Fosle, Councilor Hobbs, Councilor Sipress, Councilor Westerlund and Councilor Van Nett

Absent: 1 - Councilor Russ

Abstain: 1 - President Hansen

BY COUNCILOR ANDERSON (PERSONNEL)

10. [18-0403R](#) RESOLUTION CONFIRMING THE REAPPOINTMENT OF ANNA TANSKI TO THE DULUTH AIRPORT AUTHORITY.

This Resolution was adopted unanimously.

11. [18-0405R](#) RESOLUTION CONFIRMING THE APPOINTMENT OF JILL JOYCE TO THE PARKS AND RECREATION COMMISSION, REPLACING TIERSA WODASH

This Resolution was adopted unanimously.

BY COUNCILOR RUSS (PLANNING & ECONOMIC DEVELOPMENT)

12. [18-0408R](#) RESOLUTION AUTHORIZING THE PROPER CITY OFFICIALS TO ENTER INTO A SUB-RECIPIENT FUNDING AGREEMENT WITH SOAR CAREER SOLUTIONS FOR EMPLOYMENT AND TRAINING SERVICES FUNDED THROUGH THE STATE OF MINNESOTA'S WOMEN'S ECONOMIC SECURITY ACT, MINNESOTA WOMEN AND HIGH-WAGE, HIGH-DEMAND, NONTRADITIONAL JOBS GRANT PROGRAM IN THE AMOUNT OF \$52,515.

Indexes:

Attachments: [SOAR Sub-Recipient Funding Agreement with Exhibits -WESA May 2018](#)

This Resolution was adopted unanimously.

13. [18-0409R](#) RESOLUTION AUTHORIZING THE PROPER CITY OFFICIALS TO ENTER INTO A SUB-RECIPIENT FUNDING AGREEMENT WITH THE BOARD OF TRUSTEES OF THE MINNESOTA STATE COLLEGES AND UNIVERSITIES ON BEHALF OF LAKE SUPERIOR COLLEGE FOR EMPLOYMENT AND TRAINING SERVICES FUNDED THROUGH THE STATE OF MINNESOTA'S WOMEN'S ECONOMIC SECURITY ACT, MINNESOTA WOMEN AND HIGH-WAGE, HIGH-DEMAND, NONTRADITIONAL JOBS GRANT PROGRAM IN THE AMOUNT OF \$22,500.

Indexes:

Attachments: [LSC Sub-Recipient Funding Agreement with Exhibits -WESA May 2018](#)

This Resolution was adopted unanimously.

14. [18-0413R](#) RESOLUTION AUTHORIZING THE PROPER CITY OFFICIALS TO ENTER INTO A SUB-RECIPIENT FUNDING AGREEMENT WITH INDEPENDENT SCHOOL DISTRICT 709 ADULT BASIC EDUCATION FOR EMPLOYMENT AND TRAINING SERVICES FUNDED THROUGH THE STATE OF MINNESOTA'S WOMEN'S ECONOMIC SECURITY ACT, MINNESOTA WOMEN AND HIGH-WAGE, HIGH-DEMAND, NONTRADITIONAL JOBS GRANT PROGRAM IN THE AMOUNT OF \$6,579.

Indexes:

Attachments: [ISD 709 ABE Sub-Recipient Funding Agreement with Exhibits -WESA](#)

This Resolution was adopted unanimously.

15. [18-0421R](#) RESOLUTION GRANTING AN INTERIM USE PERMIT FOR A VACATION DWELLING UNIT AT 1615 EAST SUPERIOR STREET (ACW DULUTH, LLC).

Indexes:

Attachments: [Attachment 1](#)

This Resolution was adopted unanimously.

16. [18-0424R](#) RESOLUTION GRANTING AN INTERIM USE PERMIT FOR A VACATION DWELLING UNIT AT 728 LAKE AVENUE SOUTH (DOUGLAS AND KATHLEEN BAKER).

Indexes:

Attachments: [Attachment 1](#)

This Resolution was adopted unanimously.

17. [18-0425R](#) RESOLUTION GRANTING AN INTERIM USE PERMIT FOR A VACATION DWELLING UNIT AT 416 88TH AVENUE WEST (LAWRENCE TELEGA).

Indexes:

Attachments: [Attachment 1](#)

This Resolution was adopted unanimously.

18. [18-0426R](#) RESOLUTION APPROVING AGREEMENT FOR SERVICES WITH THE HOUSING AND REDEVELOPMENT AUTHORITY OF DULUTH (HRA) FOR THE COMMUNITY PLANNING DIVISION TO PROVIDE ENVIRONMENTAL REVIEW SERVICES FOR FEDERAL PROGRAMS.

Indexes:

Attachments: [Exhibit A](#)

This Resolution was adopted unanimously.

BY PRESIDENT HANSEN (COMMITTEE OF THE WHOLE)

20. [18-0433R](#) RESOLUTION APPROVING AN AGREEMENT WITH THE ARROWHEAD BOWHUNTER'S ALLIANCE INC. FOR MANAGEMENT OF THE ANNUAL DEER CONTROL HUNT AND AMENDING RESOLUTION 08-0317.

Indexes:

Attachments: [Exhibit A](#)

This Resolution was adopted unanimously.

BY COUNCILOR HOBBS (PUBLIC WORKS & UTILITIES)

21. [18-0402R](#) RESOLUTION AUTHORIZING PROPER CITY OFFICIALS TO ACCEPT A GRANT FROM THE DULUTH LEGACY FUND IN THE AMOUNT OF \$850 TO PURCHASE AN AED DEFIBRILLATOR FOR THE PARK POINT BEACH HOUSE.

Indexes:

Attachments: [Exhibit A](#)

This Resolution was adopted unanimously.

22. [18-0419R](#) RESOLUTION RESCINDING THE DESIGNATION AND ESTABLISHMENT AS A ONE-WAY STREET THAT PART OF THE SEGMENT OF WEST MICHIGAN STREET BETWEEN 18TH AVENUE WEST AND 21ST AVENUE WEST.

Indexes:

Attachments: [18-0419R Map](#)

This Resolution was adopted unanimously.

23. [18-0422R](#) RESOLUTION AMENDING A CONTRACT WITH JMF CONSTRUCTION, INC. FOR THE 2018 CITYWIDE PATCH AND SIDEWALK PROJECT TO INCREASE THE AMOUNT BY \$95,008.10 FOR A NEW TOTAL OF \$386,499.

This Resolution was adopted unanimously.

24. [18-0423R](#) RESOLUTION AWARDED A CONTRACT TO NORTHLAND CONSTRUCTORS OF DULUTH, LLC FOR THE 2018 STREET PRESERVATION PROJECT IN THE AMOUNT OF \$1,119,152.62.

Indexes:

Attachments: [18-0423R Map](#)

This Resolution was adopted unanimously.

25. [18-0427R](#) RESOLUTION AUTHORIZING A CONTRACT WITH STACK BROS. MECHANICAL CONTRACTORS, INC. FOR THE INSTALLATION OF PHASE 1 GROUP B BUILDING ENERGY TRANSFER STATIONS FOR AN AMOUNT NOT TO EXCEED \$218,000.

This Resolution was adopted unanimously.

Yea: 7 - Councilor Anderson, Councilor Fosle, Councilor Hobbs, Councilor Sipress, Councilor Westerlund, Councilor Van Nett and President Hansen

Absent: 1 - Councilor Russ

Abstain: 1 - Councilor Filipovich

26. [18-0429R](#) RESOLUTION AUTHORIZING AN AMENDMENT TO AGREEMENT L30023 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 INCREASE OF \$90,010 AND A NEW TOTAL NOT TO EXCEED \$179,510.

Indexes:

Attachments: [Exhibit A](#)

This Resolution was adopted unanimously.

27. [18-0431R](#) RESOLUTION AUTHORIZING AN AGREEMENT BETWEEN THE CITY OF DULUTH AND THE REGENTS OF THE UNIVERSITY OF MINNESOTA FOR PROFESSIONAL AND TECHNICAL SERVICES IN CONJUNCTION WITH THE DULUTH STREAMS PROJECT FOR AN AMOUNT NOT TO EXCEED \$64,810.69.

Indexes:

Attachments: [Exhibit A](#)

This Resolution was adopted unanimously.

BY COUNCILOR VAN NETT (PUBLIC SAFETY)

28. [18-0412R](#) RESOLUTION AUTHORIZING THE EXECUTION OF AN AGENCY AGREEMENT WITH LEADSONLINE, LLC, PROVIDING FOR THE UTILIZATION OF AN ELECTRONIC PAWN REPORTING SERVICE FOR THREE YEARS AT A FIXED ANNUAL SUBSCRIPTION FEE OF \$11,435.00.

Indexes:

Attachments: [18-0412R Doc A](#)

This Resolution was adopted unanimously.

29. [18-0420R](#) 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 \$5,000 FOR THE PURPOSE OF PURCHASING SWIFT WATER DRY SUITS AND ESTABLISHING A DEDICATED ACCOUNT FOR THE GRANT.

Indexes:

Attachments: [Exhibit A](#)

This Resolution was adopted unanimously.

30. [18-0428R](#) RESOLUTION AUTHORIZING THE EXECUTION OF A SERVICE AGREEMENT WITH THE ARROWHEAD HEALTH ALLIANCE FOR THE DULUTH POLICE DEPARTMENT TO HIRE A COORDINATOR FOR THE HEAD OF THE LAKES COLLABORATIVE CRISIS INTERVENTION TEAM AND TO ACCEPT REMBURSEMENT MONIES IN AN AMOUNT NOT TO EXCEED \$40,000.

Indexes:

Attachments: [18-0428 Doc A](#)
[18-0428 Exhibit A](#)

This Resolution was adopted unanimously.

BY COUNCILOR WESTERLUND (RECREATION, LIBRARIES & AUTHORITIES)

31. [18-0368R](#) RESOLUTION AUTHORIZING DISBURSEMENT OF GRANT FUNDS IN THE AMOUNT OF \$50,000 FROM THE PARKS FUND NEIGHBORHOOD GRANT PROGRAM.

Indexes:

Attachments: [Exhibit A grant agreement](#)

This Resolution was adopted unanimously.

Yea: 7 - Councilor Anderson, Councilor Fosle, Councilor Hobbs, Councilor Sipress, Councilor Westerlund, Councilor Van Nett and President Hansen

Absent: 1 - Councilor Russ

Abstain: 1 - Councilor Filipovich

32. [18-0415R](#) RESOLUTION AUTHORIZING AN AMENDMENT TO AGREEMENT C23154 WITH SHORT ELLIOT HENDRICKSON, INC., FOR ADDITIONAL PROFESSIONAL ENGINEERING AND WETLAND DELINEATION SERVICES FOR THE GRAND AVENUE NORDIC CENTER PROJECT FOR AN INCREASE OF \$16,500 AND A NEW TOTAL AMOUNT NOT TO EXCEED \$77,200.

Indexes:

Attachments: [exhibit B map](#)

[Exhibit A amendment](#)

This Resolution was adopted unanimously.

33. [18-0430R](#) RESOLUTION AUTHORIZING A FIVE-YEAR LICENSE AGREEMENT WITH THE STATE OF MINNESOTA FOR BIOCONTROL OF EMERALD ASH BORER AT LINCOLN PARK AND CENTRAL PARK.

Indexes:

Attachments: [Exhibit 1](#)

This Resolution was adopted unanimously.

END OF CONSENT AGENDA

The following entitled resolutions are also to be considered:

BY COUNCILOR FILIPOVICH (FINANCE)

8. [18-0411R](#) RESOLUTION REQUESTING THAT THE CITY ADMINISTRATION REPORT TO COUNCIL ON TWO PROPOSALS CONCERNING VACATION DWELLING UNITS.

Sponsors: Filipovich

Indexes:

Attachments: [Motion to Amend - Sipress - Passed 8-0](#)

Resolution 18-0411R removed from constant agenda.

This Resolution was adopted unanimously.

BY COUNCILOR RUSS (PLANNING & ECONOMIC DEVELOPMENT)

19. [18-0432R](#) RESOLUTION GRANTING A TAX ABATEMENT FOR THE CITYVIEW FLATS PROJECT, AUTHORIZING A TAX ABATEMENT AGREEMENT WITH ST. LOUIS COUNTY AND FURTHER AUTHORIZING A TAX ABATEMENT DEVELOPMENT AGREEMENT AND A SUBGRANT AGREEMENT WITH CITYVIEW FLATS, LLC.

Indexes:

Attachments: [18-0432R Exhibit A](#)

[18-0432R Exhibit B](#)

[18-0432R Exhibit C](#)

[18-0432R Exhibit D](#)

Resolution 18-0432R removed from constant agenda.

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

Yea: 7 - Councilor Anderson, Councilor Filipovich, Councilor Hobbs, Councilor Sipress, Councilor Westerlund, Councilor Van Nett and President Hansen

Nay: 1 - Councilor Fosle

Absent: 1 - Councilor Russ

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

BY COUNCILOR FOSLE (PURCHASING & LICENSING)

34. [18-027-O](#) ORDINANCE AMENDING DULUTH CITY CODE CHAPTER 6 BY ESTABLISHING MOBILE PET GROOMING SHOP LICENSES.

Sponsors: Hobbs

This Ordinance was read for the first time.

BY COUNCILOR HOBBS (PUBLIC WORKS & UTILITIES)

35. [18-024-O](#) AN ORDINANCE AUTHORIZING THE CONVEYANCE OF CERTAIN REAL PROPERTY IN THE ONEOTA NEIGHBORHOOD TO THE WESTERN LAKE SUPERIOR SANITARY DISTRICT FOR NOMINAL CONSIDERATION.

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 RUSS (PLANNING & ECONOMIC DEVELOPMENT)

36. [18-019-O](#) AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF DULUTH TO RECLASSIFY PROPERTY NEAR LOWER SPIRIT MOUNTAIN ON GRAND AVENUE, APPROXIMATELY BETWEEN NORTH 85TH AVENUE WEST AND SPRING STREET, FROM RURAL RESIDENTIAL (RR-1), RESIDENTIAL-TRADITIONAL (R-1), AND MIXED USE-NEIGHBORHOOD (MU-N), TO PARK AND OPEN SPACE (P-1) AND RURAL-RESIDENTIAL (RR-1).

Indexes:

Attachments: [Attachment 1](#)

[Attachment 2](#)

[Attachment 3](#)

This Ordinance was adopted unanimously.

37. [18-020-O](#) AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF DULUTH TO RECLASSIFY PROPERTY WEST OF THE INTERSECTIONS OF 93RD AVENUE WEST AND FALCON AND HILTON STREETS TO COMMONWEALTH AVENUE, FROM MIXED USE-BUSINESS (MU-B) TO RESIDENTIAL-URBAN (R-2).

Indexes:

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

This Ordinance was adopted unanimously.

38. [18-021-O](#) AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF DULUTH TO RECLASSIFY PROPERTY BETWEEN GRAND AVENUE, WADENA STREET, AND MIKE COLALILLO DRIVE FROM INDUSTRIAL-GENERAL (I-G), RESIDENTIAL-TRADITIONAL (R-1), AND RESIDENTIAL-PLANNED (R-P) TO MIXED USE-BUSINESS (MU-B) AND PARK AND OPEN SPACE (P-1).

Indexes:

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

This Ordinance was adopted unanimously.

39. [18-022-O](#) AN ORDINANCE AMENDING THE REGULATING PLAN FOR RAMSEY VILLAGE TO ALLOW A TYPE VII, EIGHT UNIT MULTI-FAMILY RESIDENTIAL STRUCTURE, NEAR THE SOUTHWEST CORNER OF THE WADENA STREET AND NORTH 53RD AVENUE WEST INTERSECTION.

Indexes:

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

This Ordinance was adopted unanimously.

40. [18-023-O](#) AN ORDINANCE AMENDING SECTIONS 50-18.1.D, SHORELANDS, TO ALLOW FOR ACCESS TO WATER VIA WALKWAYS, STAIRWAYS, STEPS AND LANDINGS.

Indexes:

Attachments: [Attachment 1](#)

This Ordinance was adopted unanimously.

BY PRESIDENT HANSEN (COMMITTEE OF THE WHOLE)

41. [18-009-O](#) ORDINANCE ADDING A NEW CHAPTER 29E TO THE DULUTH CITY CODE ESTABLISHING MINIMUM STANDARDS FOR EARNED SICK AND SAFE TIME IN THE CITY OF DULUTH.

Sponsors: Hansen and Hobbs

Indexes:

Attachments: [Motion To Amend - Sipress & Russ \(1\) - Removed](#)
[Motion To Amend - Sipress & Russ \(2\) - Passed 8-1](#)
[Motion To Amend - Filipovich - Removed](#)
[Motion To Amend - Westerlund \(1\) - Passed 5-4](#)
[Motion to Amend - Hobbs - Fail 3-6](#)
[Motion to Amend - Hansen.Hobbs - Passed 8-1](#)
[Motion to Amend - Filipovich \(2\) - Removed](#)
[Motion to Amend - Hobbs\(2\) - Failed 4-5](#)
[Motion to Amend - Sipress - Passed 8-0](#)
[Motion to Amend - Anderson.Van Nett - Passed 5-3](#)
[Motion to Amend - Sipress.Westerlund - Passed 7-1](#)
[Motion to Amend - Sipress.Westerlund \(2\) - Passed 8-0](#)
[Motion to Amend - Filipovich \(3\) - Passed 6-2](#)
[Motion to Amend - Hobbs\(3\) - Passed 8-0](#)
[Motion to Amend - Hobbs\(4\) - Passed 8-0](#)
[Motion to Amend - Sipress.Hansen - Removed](#)
[Motion to Amend - Anderson - Passed 5-4](#)
[Motion to Amend - Hansen - Passed 6-3](#)
[18-009-O Original](#)

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

Yea: 7 - Councilor Anderson, Councilor Filipovich, Councilor Hobbs, Councilor Sipress, Councilor Westerlund, Councilor Van Nett and President Hansen

Nay: 1 - Councilor Fosle

Absent: 1 - Councilor Russ

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

Monday, June 11, 2018

7:00 PM

Council Chamber

ROLL CALL

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

PLEDGE OF ALLEGIANCE

APPROVAL OF MINUTES

1. [18-132](#) May 29th, 2018 Duluth City Council Meeting Minutes

Indexes:

Attachments: [May 29 - Duluth City Council](#)

This Minutes was approved.

REPORTS FROM THE ADMINISTRATION

REPORTS FROM OTHER OFFICERS

REPORTS OF BOARDS AND COMMISSIONS

2. [18-129](#) Duluth Transit Authority Meeting Minutes

Indexes:

Attachments: [March 23, 2018 Duluth Transit Authority Meeting Minutes](#)
[March 28, 2018 Duluth Transit Authority Meeting Minutes](#)
[April 23, 2018 Duluth Transit Authority Meeting Minutes](#)

This Board or Commission Report was received.

3. [18-130](#) Duluth Economic Development Authority Meeting Minutes

Indexes:

Attachments: [March 28, 2018 Duluth Economic Development Authority Meeting Minutes](#)

This Board or Commission Report was received.

4. [18-131](#) Civil Service Board Meeting Minutes

Indexes:

Attachments: [March 6, 2018 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

CONSENT AGENDA

BY COUNCILOR FILIPOVICH (FINANCE)

- 5. [18-0457R](#) RESOLUTION MAKING AVAILABLE \$300,000 OF 2018 TOURISM TAX FUNDS PREVIOUSLY ASSIGNED TO FINANCE REHABILITATION OF THE MINNESOTA SLIP BRIDGE AND REAPPROPRIATING THAT \$300,000 TO FINANCE TRANSPORT OF THE WILLIAM A. IRVIN IN AND OUT OF MINNESOTA SLIP.

This Resolution was adopted unanimously.

BY COUNCILOR FOSLE (PURCHASING & LICENSING)

- 6. [18-0446R](#) RESOLUTION APPROVING THE TEMPORARY ON SALE INTOXICATING LIQUOR LICENSE AND TEMPORARY EXPANSION OF THE ON SALE INTOXICATING LIQUOR LICENSE TO VARIOUS LICENSEES.

Indexes:

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

This Resolution was adopted unanimously.

Yea: 8 - Councilor Anderson, Councilor Filipovich, Councilor Fosle, Councilor Hobbs, Councilor Russ, Councilor Sipress, Councilor Westerlund and Councilor Van Nett

Abstain: 1 - President Hansen

- 7. [18-0447R](#) RESOLUTION AMENDING RESOLUTION 17-0788, ADOPTING LICENSE, PERMIT, FINE, PENALTY, AND OTHER CHARGES FOR 2018, TO ADD MOBILE GROOMING SHOP LICENSE FEE.

This Resolution was adopted unanimously.

8. [18-0453R](#) RESOLUTION APPROVING THE APPLICATION FOR EXEMPT PERMIT AND WAIVING THE 60 DAY WAITING PERIOD FOR MN STATE BUILDING AND CONSTRUCTION TRADES COUNCIL.

Indexes:

Attachments: [Application for Exempt Permit - MN State Building and Construction Trades Council](#)

This Resolution was adopted unanimously.

9. [18-0456R](#) RESOLUTION AUTHORIZING A THREE YEAR CONTRACT WITH TOSHIBA BUSINESS SOLUTIONS FOR THE RENTAL AND MAINTENANCE OF COPIERS FOR A MONTHLY PAYMENT OF \$12,757.02 AND A TOTAL CONTRACT AMOUNT NOT TO EXCEED \$459,252.72.

This Resolution was adopted unanimously.

10. [18-0469R](#) RESOLUTION APPROVING THE APPLICATION FOR AN ON SALE BREWERY MALT LIQUOR (TAPROOM), BREWERY MALT LIQUOR OFF SALE (GROWLER) AND SUNDAY (TAPROOM) LICENSE OF URSA MINOR BREWING COMPANY, LLC (URSA MINOR BREWING), 2415 WEST WUPERIOR STREET, STE B.

Indexes:

Attachments: [URSA MINOR BREWING-06052018143716](#)

This Resolution was adopted unanimously.

Yea: 8 - Councilor Anderson, Councilor Filipovich, Councilor Fosle, Councilor Hobbs, Councilor Russ, Councilor Sipress, Councilor Westerlund and Councilor Van Nett

Abstain: 1 - President Hansen

BY COUNCILOR ANDERSON (PERSONNEL)

11. [18-0448R](#) RESOLUTION CONFIRMING THE APPOINTMENT OF MARY GUMMERSON TO THE DULUTH PUBLIC ARTS COMMISSION

Indexes:

Attachments: [Mary Gummerson - Duluth Public Arts Commission Application](#)

This Resolution was adopted unanimously.

12. [18-0461R](#) 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.

13. [18-0468R](#) RESOLUTION APPROVING PROPOSED SPECIFICATIONS FOR THE NEW CIVIL SERVICE CLASSIFICATION OF PUBLIC INFORMATION OFFICER, AND SPECIFYING CONTRACT BENEFITS FOR SAME.

Indexes:

Attachments: [Exhibit A](#)

This Resolution was adopted unanimously.

14. [18-0470R](#) RESOLUTION CONFIRMING THE APPOINTMENT OF GARY ECKENBERG TO THE PLANNING COMMISSION.

This Resolution was adopted unanimously.

15. [18-0471R](#) RESOLUTION ESTABLISHING A PROCEDURE FOR SELECTING A CANDIDATE TO FILL THE UPCOMING VACANCY OF THE AT LARGE COUNCIL SEAT OF ELISSA HANSEN.

Sponsors: Anderson

This Resolution was adopted unanimously.

16. [18-0472R](#) RESOLUTION TO NOT REIMPOSE DEMOLITION ASSESSMENT TO FACILITATE HABITAT FOR HUMANITY PROJECT.

Sponsors: Anderson and Hobbs

This Resolution was adopted unanimously.

BY COUNCILOR SIPRESS (INTERGOVERNMENTAL RELATIONS)

17. [18-0455R](#) RESOLUTION AUTHORIZING AN AGREEMENT WITH THE DULUTH ENTERTAINMENT CONVENTION CENTER AUTHORITY (DECC) TO DOCUMENT THE CITY AND DECC'S OBLIGATIONS TO TEMPORARILY MOVE THE WILLIAM A. IRVIN.

Indexes:

Attachments: [Exhibit A](#)

This Resolution was adopted unanimously.

BY COUNCILOR HOBBS (PUBLIC WORKS & UTILITIES)

18. [18-0451R](#) RESOLUTION AWARDDING A CONTRACT TO GARDNER BUILDERS, LLC FOR CONSTRUCTION OF THE RIVENESS REGULATOR STATION BUILDING IN THE AMOUNT OF \$160,900.

Indexes:

Attachments: [17-0451 Planning Commission Communication](#)
[18-0451R Map](#)

This Resolution was adopted unanimously.

19. [18-0454R](#) RESOLUTION AUTHORIZING AN AGREEMENT WITH BARR ENGINEERING CO. FOR ENVIRONMENTAL SUPPORT SERVICES DURING THE WASECA INDUSTRIAL ROAD EXTENSION PROJECT IN AN AMOUNT NOT TO EXCEED \$85,000.

Indexes:

Attachments: [18-0454R Map](#)
[18-0454R Proposal](#)
[18-454R Exhibit A](#)

This Resolution was adopted unanimously.

20. [18-0458R](#) RESOLUTION ACCEPTING A STREET AND UTILITY EASEMENT FROM THERESE H. VAUGHN OVER PROPERTY LOCATED ON RED WING STREET AT NO COST TO THE CITY.

Indexes:

Attachments: [Exhibit 1](#)

This Resolution was adopted unanimously.

BY COUNCILOR WESTERLUND (RECREATION, LIBRARIES & AUTHORITIES)

21. [18-0444R](#) 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 \$66,425.00 AND A NEW CONTRACT TOTAL NOT TO EXCEED \$689,403.39.

Indexes:

Attachments: [Exhibit A for Amd 2 Resolution](#)

This Resolution was adopted unanimously.

22. [18-0450R](#) RESOLUTION AUTHORIZING AN AMENDMENT TO AGREEMENT L30020 WITH TKDA FOR ADDITIONAL ENGINEERING AND DESIGN SERVICES FOR DWP TRAIL INFRASTRUCTURE REHABILITATION FOR AN INCREASE OF \$15,407 AND A NEW TOTAL AMOUNT NOT TO EXCEED \$43,207.

Indexes:

Attachments: [Request for Property Services Assistance](#)

This Resolution was adopted unanimously.

END OF CONSENT AGENDA

The following entitled resolutions are also to be considered:

BY COUNCILOR RUSS (PLANNING & ECONOMIC DEVELOPMENT)

23. [18-0240R](#) RESOLUTION ADOPTING THE IMAGINE DULUTH 2035 UPDATE TO THE COMPREHENSIVE PLAN OF THE CITY OF DULUTH.

Indexes:

- Attachments: [Attachment 1](#)
[Attachment 2](#)
[Attachment 3 REVISED](#)
[Attachment 4](#)
[Attachment 5](#)

This Resolution was tabled.

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

BY COUNCILOR RUSS (PLANNING & ECONOMIC DEVELOPMENT)

24. [18-028-O](#) ORDINANCE AMENDING CHAPTER 10 OF THE DULUTH CITY CODE TO CONFORM TO THE MINNESOTA STATE BUILDING CODE.

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)

25. [18-024-O](#) AN ORDINANCE AUTHORIZING THE CONVEYANCE OF CERTAIN REAL PROPERTY IN THE ONEOTA NEIGHBORHOOD TO THE WESTERN LAKE SUPERIOR SANITARY DISTRICT FOR NOMINAL CONSIDERATION.

Indexes:

- Attachments: [Exhibit A](#)

This Ordinance was adopted unanimously.

26. [18-027-O](#) ORDINANCE AMENDING DULUTH CITY CODE CHAPTER 6 BY ESTABLISHING MOBILE PET GROOMING SHOP LICENSES.

Sponsors: Hobbs

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]*

Monday, June 25, 2018

7:00 PM

Council Chamber

ROLL CALL

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

PLEDGE OF ALLEGIANCE

APPROVAL OF MINUTES

1. [18-139](#) June 11th, 2018 Duluth City Council Meeting Minutes

Indexes:

Attachments: [June 11 - Duluth City Council](#)

This Minutes was approved.

REPORTS FROM THE ADMINISTRATION

REPORTS FROM OTHER OFFICERS

2. [18-138](#) Office of the State Auditor - Management and Compliance Report

Indexes:

Attachments: [Office of the State Auditor - City of Duluth Management and Compliance Report](#)
[Office of the State Auditor - Duluth Economic Development Authority](#)

This Other Officers Report was received.

REPORTS OF BOARDS AND COMMISSIONS

3. [18-137](#) Duluth Seaway Port Authority Meeting Minutes

Indexes:

Attachments: [Duluth Seaway Port Authority February Meeting Minutes](#)
[Duluth Seaway Port Authority March 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)

4. [18-0240R](#) RESOLUTION ADOPTING THE IMAGINE DULUTH 2035 UPDATE TO THE COMPREHENSIVE PLAN OF THE CITY OF DULUTH.

Indexes:

Attachments: [Attachment 1](#)
[Attachment 2](#)
[Attachment 3](#)
[Attachment 4](#)
[Attachment 5](#)

This Resolution was adopted.

Yea: 8 - Councilor Anderson, Councilor Filipovich, Councilor Hansen, Councilor Russ, Councilor Sipress, Councilor Westerlund, Councilor Van Nett and President Hobbs

Nay: 1 - Councilor Fosle

CONSENT AGENDA

BY COUNCILOR FILIPOVICH (FINANCE)

5. [18-0474R](#) RESOLUTION CONFIRMING THE ASSESSMENT ROLL FOR ASSESSMENTS LEVIED AGAINST PROPERTY WITH REGARD TO PROPERTY VIOLATIONS DURING PERIOD OF APRIL 1, 2017, TO APRIL 1, 2018.

Indexes:

Attachments: [Exhibit A](#)

This Resolution was adopted unanimously.

6. [18-0475R](#) RESOLUTION CONFIRMING THE ASSESSMENT ROLL OF DELINQUENT UTILITY FEES DURING THE PERIOD OF JANUARY 1, 2017, TO DECEMBER 31, 2017.

Indexes:

Attachments: [Exhibit A](#)

This Resolution was adopted unanimously.

7. [18-0476R](#) RESOLUTION CONFIRMING THE ASSESSMENT ROLL OF DELINQUENT SOLID WASTE COLLECTION FEES DURING PERIOD OF MARCH 1, 2017, TO JUNE 1, 2018.

Indexes:

Attachments: [Exhibit A](#)

This Resolution was adopted unanimously.

8. [18-0514R](#) RESOLUTION APPROVING AN AMENDED FORM OF PROJECT LABOR AGREEMENT.

Indexes:

Attachments: [Exhibit A](#)

This Resolution was adopted unanimously.

9. [18-0515R](#) RESOLUTION ADOPTING AMENDED BUSINESS SUBSIDY CRITERIA SUPERSEDING PRIOR CRITERIA.

Indexes:

Attachments: [Exhibit A](#)

This Resolution was adopted unanimously.

10. [18-0516R](#) RESOLUTION AMENDING RESOLUTION 89-0323 ESTABLISHING THE DULUTH ECONOMIC DEVELOPMENT AUTHORITY, ADDING REQUIREMENTS PERTAINING TO THE CITY BUSINESS SUBSIDY REQUIREMENTS AND THE USE OF PROJECT LABOR AGREEMENTS.

This Resolution was tabled.

BY COUNCILOR FOSLE (PURCHASING & LICENSING)

11. [18-0488R](#) RESOLUTION AUTHORIZING THE PURCHASE OF TWELVE MONTHS OF GPS/AVL SYSTEM USAGE FROM PRECISE MRM, LLC, IN THE AMOUNT OF \$123,750.

This Resolution was adopted unanimously.

12. [18-0518R](#) 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

This Resolution was adopted unanimously.

BY COUNCILOR ANDERSON (PERSONNEL)

13. [18-0418R](#) RESOLUTION APPROVING APPOINTMENT OF JEFF ANDERSON TO THE DULUTH INTERNATIONAL AIRPORT JOINT ZONING BOARD

This Resolution was adopted unanimously.

14. [18-0477R](#) RESOLUTION CONFIRMING THE APPOINTMENT OF TOM FURMAN AND DIANE NAUS TO THE COMMISSION ON DISABILITIES

Indexes:

Attachments: [D. Naus](#)

[T. Furman](#)

This Resolution was adopted unanimously.

15. [18-0478R](#) RESOLUTION CONFIRMING THE APPOINTMENT OF PRINCESS AWA-ADA KISOB AND AMY WILCOX TO THE DULUTH HUMAN RIGHTS COMMISSION.

Indexes:

Attachments: [A. Wilcox](#)

[P. Kisob](#)

This Resolution was adopted unanimously.

16. [18-0505R](#) RESOLUTION APPROVING PROPOSED AMENDMENTS TO THE SPECIFICATIONS FOR THE EXISTING CIVIL SERVICE CLASSIFICATION OF PARKING METER MONITOR, INCLUDING A TITLE CHANGE TO PARKING SERVICES AGENT, AND SPECIFYING CONTRACT BENEFITS FOR SAME.

Indexes:

Attachments: [Exhibit A - Parking Services Agent](#)

[Parking Meter Monitor \(strikeout\)](#)

This Resolution was adopted unanimously.

17. [18-0517R](#) RESOLUTION CONFIRMING THE APPOINTMENT OF DENNIS JENSEN, TO THE DULUTH PARKING COMMISSION

Indexes:

Attachments: [Dennis Jensen App](#)

This Resolution was adopted unanimously.

BY COUNCILOR RUSS (PLANNING & ECONOMIC DEVELOPMENT)

20. [18-0482R](#) RESOLUTION AUTHORIZING AN EXTENTION OF THE LEASE WITH THE DULUTH ECONOMIC DEVELOPMENT AUTHORITY REGARDING CERTAIN PROPERTY AT THE DULUTH INTERNATIONAL AIRPORT RELATED TO CIRRUS DESIGN CORPORATION

This Resolution was adopted unanimously.

21. [18-0495R](#) RESOLUTION APPROVING THE REVISED 2018 ANNUAL ACTION PLAN AND AUTHORIZING A REQUEST FOR HUD FEDERAL COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG), HOME PROGRAM (HOME), AND EMERGENCY SOLUTIONS GRANT PROGRAM (ESG) PROGRAM FUNDS.

This Resolution was adopted unanimously.

22. [18-0496R](#) RESOLUTION AUTHORIZING AN INCREASE OF \$179,828 IN FY 2018 HUD COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) PROGRAM.

This Resolution was adopted unanimously.

23. [18-0497R](#) RESOLUTION AUTHORIZING AN INCREASE OF \$181,143 IN FY 2018 HUD HOME INVESTMENT PARTNERSHIP (HOME) PROGRAM.

This Resolution was adopted unanimously.

24. [18-0498R](#) RESOLUTION AUTHORIZING AN INCREASE OF \$2,842 FY 2018 EMERGENCY SOLUTION GRANT (ESG) PROGRAM.

This Resolution was adopted unanimously.

25. [18-0499R](#) RESOLUTION VACATING A 125 FEET SECTION OF A SIXTEEN-FOOT-WIDE PLATTED ALLEY BETWEEN WEST OF SOUTH 90TH AND 91ST AVENUE WEST.

Indexes:

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

This Resolution was adopted unanimously.

BY PRESIDENT HOBBS (COMMITTEE OF THE WHOLE)

26. [18-0473R](#) RESOLUTION APPOINTING ELECTION JUDGES FOR THE AUGUST 14, 2018, STATE PRIMARY, AND THE NOVEMBER 6, 2018, GENERAL ELECTION.

Indexes:

Attachments: [Attachment A](#)

This Resolution was adopted unanimously.

BY COUNCILOR HOBBS (PUBLIC WORKS & UTILITIES)

27. [18-0479R](#) RESOLUTION AMENDING RESOLUTION 17-0372 TO CORRECT THE LEGAL DESCRIPTON FOR A STREET AND UTILITY EASEMENT FOR 107 W. REDWING STREET.

Indexes:

Attachments: [Exhibit A](#)

This Resolution was adopted unanimously.

28. [18-0485R](#) RESOLUTION APPROVING AMENDMENT NO. 2 TO CONTRACT WITH LHB, INC. TO PROVIDE ADDITIONAL PROFESSIONAL ENGINEERING SERVICES FOR THE SUPERIOR STREET RECONSTRUCTION PROJECT IN THE AMOUNT OF \$147,480 FOR A NEW TOTAL OF \$2,500,297.

Indexes:

Attachments: [18-0485R Exhibit A](#)

This Resolution was adopted unanimously.

29. [18-0487R](#) RESOLUTION AUTHORIZING A CONTRACT WITH CARLSON BROS INC. FOR THE INSTALLATION OF PHASE 1 SCOPE C BUILDING ENERGY TRANSFER STATIONS FOR AN AMOUNT NOT TO EXCEED \$135,770.

This Resolution was adopted unanimously.

Yea: 8 - Councilor Anderson, Councilor Fosle, Councilor Hansen, Councilor Russ, Councilor Sipress, Councilor Westerlund, Councilor Van Nett and President Hobbs

Abstain: 1 - Councilor Filipovich

30. [18-0493R](#) RESOLUTION AWARDDING A CONTRACT TO NORTHLAND CONSTRUCTORS OF DULUTH, LLC FOR THE NINTH STREET/EIGHTH STREET RECONDITIONING PROJECT IN THE AMOUNT OF \$2,019,580.59.

Indexes:

Attachments: [18-0493R Map](#)

This Resolution was adopted unanimously.

31. [18-0503R](#) RESOLUTION AUTHORIZING AN AMENDMENT TO AN AGREEMENT WITH LHB, INC. FOR PROFESSIONAL ENGINEERING SERVICES FOR THE EAST NINTH STREET/EAST EIGHTH STREET RECONDITIONING PROJECT FOR AN INCREASE OF \$194,500 AND A NEW TOTAL CONTRACT NOT TO EXCEED \$266,948.

Indexes:

Attachments: [Exhibit A](#)

This Resolution was adopted unanimously.

32. [18-0507R](#) RESOLUTION AUTHORIZING A TWENTY-YEAR LIMITED USE PERMIT AGREEMENT WITH THE STATE OF MINNESOTA, DEPARTMENT OF TRANSPORTATION, FOR THE CONSTRUCTION, MAINTENANCE, AND OPERATION OF PHASE II OF THE CROSS CITY TRAIL WITHIN AN AREA OF THE RIGHT OF WAY OF TRUNK HIGHWAY 35, AT NO COST TO THE CITY.

Indexes:

Attachments: [Exhibit 2.pdf](#)

[Exhibit 1.pdf](#)

This Resolution was adopted unanimously.

BY COUNCILOR VAN NETT (PUBLIC SAFETY)

33. [18-0504R](#) RESOLUTION AUTHORIZING THE PURCHASE OF SIX (6) 2018 FORD UTILITY INTERCEPTOR VEHICLES FROM FORD OF HIBBING IN THE AMOUNT OF \$182,267.20.

This Resolution was adopted unanimously.

BY COUNCILOR WESTERLUND (RECREATION, LIBRARIES & AUTHORITIES)

34. [18-0370R](#) RESOLUTION AUTHORIZING A CONTRACT WITH A PLUS LANDSCAPING FOR RIVERSIDE PARK SITE IMPROVEMENTS IN AN AMOUNT NOT TO EXCEED \$105,000.

This Resolution was adopted unanimously.

35. [18-0463R](#) RESOLUTION AUTHORIZING AN AMENDMENT TO AGREEMENT L30063 WITH DIRT INC. FOR ADDITIONAL INFRASTRUCTURE REHABILITATION OF THE DWP TRAIL FOR AN INCREASE OF \$143,337.25 AND A NEW TOTAL AMOUNT NOT TO EXCEED \$273,739.75.

Indexes:

Attachments: [Exhibit A Proposal](#)

This Resolution was adopted unanimously.

36. [18-0506R](#) 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 2018 HOLIDAY SEASON.

Indexes:

Attachments: [Exhibit 1.pdf](#)

This Resolution was adopted unanimously.

37. [18-0508R](#) RESOLUTION AUTHORIZING A FIVE-YEAR LICENSE AGREEMENT WITH THE LAKE SUPERIOR CENTER AUTHORITY OVER PROPERTY ADJACENT TO BAYFRONT FESTIVAL PARK FOR PARK, RECREATION, AND OTHER RELATED PURPOSES AT NO COST TO THE CITY.

Indexes:

Attachments: [Exhibit 1.pdf](#)

This Resolution was adopted unanimously.

38. [18-0509R](#) RESOLUTION AUTHORIZING AN AMENDMENT TO A JOINT POWERS AGREEMENT WITH THE MINNESOTA POLLUTION CONTROL AGENCY ACCEPTING A GRANT IN AN AMOUNT NO LESS THAN \$2,155,660 TO FUND A PORTION OF THE COST OF THE MINNESOTA SLIP SEAWALL REPAIR AND CLEANUP PROJECT.

Indexes:

Attachments: [Exhibit 1.pdf](#)

This Resolution was adopted unanimously.

END OF CONSENT AGENDA

The following entitled resolutions are also to be considered:

BY COUNCILOR RUSS (PLANNING & ECONOMIC DEVELOPMENT)

18. [18-0434R](#) RESOLUTION REQUESTING THE CITY ADMINISTRATION STUDY THE FEASIBILITY OF ESTABLISHING A HYGIENE FACILITY IN THE CITY FOR PEOPLE EXPERIENCING HOMELESSNESS.

Sponsors: Russ

This Resolution was adopted unanimously.

19. [18-0480R](#) RESOLUTION EXPRESSING THE COMMUNITY'S SUPPORT FOR PEOPLE EXPERIENCING HOMELESSNESS.

Sponsors: Russ and Sipress

This Resolution was adopted unanimously.

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

BY COUNCILOR FILIPOVICH (FINANCE)

39. [18-038-O](#) ORDINANCE AMENDING THE REQUIREMENTS FOR PROJECT LABOR AGREEMENTS, AMENDING SECTIONS 2-25, 2-26 AND 2-29 OF THE DULUTH CITY CODE, 1959, AS AMENDED.

This Ordinance was read for the first time.

BY COUNCILOR RUSS (PLANNING & ECONOMIC DEVELOPMENT)

40. [18-026-O](#) AN ORDINANCE AMENDING SECTION 33-82 OF THE DULUTH CITY CODE RESCINDING RESTRICTION AGAINST CAMPING AND LODGING IN ONE'S VEHICLE.

Sponsors: Russ

This Ordinance was read for the first time.

41. [18-030-O](#) AN ORDINANCE REPEALING SECTION 34-31, CHAPTER 34, OF THE DULUTH CITY CODE RELATING TO BEGGING.

Sponsors: Russ and Sipress

This Ordinance was read for the first time.

42. [18-031-O](#) AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF DULUTH TO PROVIDE FOR THE RECLASSIFICATION OF PROPERTY ALONG WEST ARROWHEAD ROAD, BETWEEN SWAN LAKE ROAD AND NORTH ARLINGTON AVENUE, FROM RESIDENTIAL-URBAN (R-2) TO MIXED USE-PLANNED (MU-P).

Indexes:

Attachments: [Attachment 1](#)

[Attachment 2](#)

This Ordinance was read for the first time.

43. [18-032-O](#) AN ORDINANCE GRANTING A CONCURRENT USE PERMIT FOR AN EXISTING BUILDING WALL, EXTERIOR BUILDING CLADDING AND EYEBROW IN THE PLATTED STREET RIGHT OF WAY OF EAST MICHIGAN STREET.

Indexes:

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

This Ordinance was read for the first time.

44. [18-033-O](#) AN ORDINANCE GRANTING A CONCURRENT USE PERMIT FOR AN EXISTING BUILDING WALL AND MANSARD ROOF OVERHANG IN THE PLATTED STREET RIGHT OF WAY OF EAST NINTH STREET.

Indexes:

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

This Ordinance was read for the first time.

45. [18-034-O](#) AN ORDINANCE GRANTING A CONCURRENT USE PERMIT FOR AN EXISTING BUILDING WALL AND FOUNDATION IN THE PLATTED STREET RIGHT OF WAY OF EAST SUPERIOR STREET.

Indexes:

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

This Ordinance was read for the first time.

46. [18-035-O](#) AN ORDINANCE GRANTING VERIZON WIRELESS A CONCURRENT USE PERMIT FOR A SMALL WIRELESS TELECOMMUNICATION FACILITY ON CITY OF DULUTH UTILITY POLES IN THE PLATTED STREET RIGHT OF WAY NEAR 250 CANAL PARK DRIVE AND 688 WEST RAILROAD STREET.

Indexes:

Attachments: [Attachment 1](#)

This Ordinance was read for the first time.

47. [18-036-O](#) AN ORDINANCE GRANTING VERIZON WIRELESS A CONCURRENT USE PERMIT FOR A SMALL WIRELESS TELECOMMUNICATION FACILITY ON A CITY OF DULUTH UTILITY POLE IN THE PLATTED STREET RIGHT OF WAY NEAR 2510 MAPLE GROVE ROAD.

Indexes:

Attachments: [Attachment 1](#)

This Ordinance was read for the first time.

48. [18-037-O](#) AN ORDINANCE GRANTING VERIZON WIRELESS A CONCURRENT USE PERMIT FOR A SMALL WIRELESS TELECOMMUNICATION FACILITY ON A CITY OF DULUTH UTILITY POLE IN THE PLATTED STREET RIGHT OF WAY NEAR 98 NORTH 6TH AVENUE WEST.

Indexes:

Attachments: [Attachment 1](#)

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)

49. [18-028-O](#) ORDINANCE AMENDING CHAPTER 10 OF THE DULUTH CITY CODE TO CONFORM TO THE MINNESOTA STATE BUILDING CODE.

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]*

Monday, July 9, 2018

7:00 PM

Council Chamber

ROLL CALL

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

PLEDGE OF ALLEGIANCE

REPORTS FROM THE ADMINISTRATION

REPORTS FROM OTHER OFFICERS

REPORTS OF COUNCIL COMMITTEES

REPORTS OF COUNCIL OPEN ISSUES

OPPORTUNITY FOR CITIZENS TO BE HEARD

RESOLUTIONS TABLED

BY COUNCILOR FILIPOVICH (FINANCE)

1. [18-0516R](#) RESOLUTION AMENDING RESOLUTION 89-0323 ESTABLISHING THE DULUTH ECONOMIC DEVELOPMENT AUTHORITY, ADDING REQUIREMENTS PERTAINING TO THE CITY BUSINESS SUBSIDY REQUIREMENTS AND THE USE OF PROJECT LABOR AGREEMENTS.

This Resolution remained on the table.

CONSENT AGENDA

BY COUNCILOR FOSLE (PURCHASING & LICENSING)

2. [18-0521R](#) RESOLUTION APPROVING THE TEMPORARY EXPANSION OF THE DESIGNATED SERVING AREA OF THE ON SALE INTOXICATING LIQUOR LICENSE OF EVOL LLC. (ACES ON 1ST), 113 WEST 1ST STREET.

Indexes:

Attachments: [Attachment A](#)

This Resolution was adopted unanimously.

BY COUNCILOR ANDERSON (PERSONNEL)

3. [18-0519R](#) RESOLUTION CONFIRMING THE REAPPOINTMENT OF PAUL THOMSEN TO THE SANITARY SEWER BOARD OF THE WESTERN LAKE SUPERIOR SANITARY DISTRICT.

Indexes:

Attachments: [Attachment A](#)

This Resolution was adopted unanimously.

4. [18-0520R](#) RESOLUTION CONFIRMING THE REAPPOINTMENT OF RONDIE WATSON TO THE DULUTH TRANSIT AUTHORITY.

This Resolution was adopted unanimously.

5. [18-0522R](#) RESOLUTION CONFIRMING THE APPOINTMENT OF KIMBERLY MAKI TO THE DULUTH AIRPORT AUTHORITY, REPLACING PATRICK MULLEN.

Indexes:

Attachments: [Maki App Redacted](#)

This Resolution was adopted unanimously.

6. [18-0531R](#) RESOLUTION CONFIRMING THE APPOINTMENT OF COUNCILOR NOAH HOBBS TO THE DULUTH ECONOMIC DEVELOPMENT AUTHORITY REPLACING COUNCILOR ELISSA HANSEN.

This Resolution was adopted unanimously.

7. [18-0535R](#) RESOLUTION CONFIRMING THE APPOINTMENT OF CARL HUBER TO THE DULUTH HUMAN RIGHTS COMMISSION.

Indexes:

Attachments: [Carl Huber Redacted](#)

This Resolution was adopted unanimously.

8. [18-0539R](#) RESOLUTION CONFIRMING THE APPOINTMENT OF WILLIAM NELSON AND ROZ RANDORF TO THE ENTERTAINMENT AND CONVENTION CENTER AUTHORITY

Indexes:

Attachments: [Williams Redacted](#)
[Randorf Redacted](#)

This Resolution was adopted unanimously.

BY COUNCILOR HOBBS (PUBLIC WORKS & UTILITIES)

9. [18-0528R](#) RESOLUTION AUTHORIZING A CONTRACT WITH CARLSON BROS INC. FOR THE INSTALLATION OF PHASE 1 SCOPE D BUILDING ENERGY TRANSFER STATIONS FOR AN AMOUNT NOT TO EXCEED \$216,599.

This Resolution was adopted unanimously.

10. [18-0538R](#) RESOLUTION AUTHORIZING AN AMENDMENT TO AN AGREEMENT WITH SHORT ELLIOT HENDRICKSON, INC., FOR PROFESSIONAL ENGINEERING SERVICES FOR THE MUNGER TRAIL EXTENSION, TO INCREASE THE AMOUNT BY \$65,700 FOR A NEW TOTAL OF \$1,004,700.

Indexes:

Attachments: [Exhibit A](#)

This Resolution was adopted unanimously.

BY COUNCILOR VAN NETT (PUBLIC SAFETY)

11. [18-0537R](#) RESOLUTION AUTHORIZING A THREE YEAR PURCHASE AGREEMENT WITH M & T FIRE AND SAFETY INC., INCLUDING THE INITIAL PURCHASE OF FIFTY (50) SETS OF STRUCTURAL FIREFIGHTING TURNOUT GEAR IN THE AMOUNT OF \$119,900.

This Resolution was adopted unanimously.

BY COUNCILOR WESTERLUND (RECREATION, LIBRARIES & AUTHORITIES)

12. [18-0533R](#) RESOLUTION AUTHORIZING A LICENSE AGREEMENT FOR PUBLIC RECREATIONAL TRAIL PURPOSES WITH ULLAND BROTHERS, INC. OVER PROPERTY ADJACENT TO THE MAGNEY-SNIVELY NATURAL AREA AT NO COST TO THE CITY.

Indexes:

Attachments: [Exhibit 1.pdf](#)

This Resolution was adopted unanimously.

13. [18-0534R](#) RESOLUTION AUTHORIZING A LICENSE AGREEMENT FOR BOULDERING PURPOSES WITH ULLAND BROTHERS, INC. OVER PROPERTY ADJACENT TO THE MAGNEY-SNIVELY NATURAL AREA AT NO COST TO THE CITY.

Indexes:

Attachments: [Exhibit 1.pdf](#)

This Resolution was adopted unanimously.

14. [18-0536R](#) RESOLUTION AUTHORIZING A SIXTEEN-MONTH LICENSE AGREEMENT WITH COMMUNITY ACTION DULUTH TO ALLOW FOR TREE PLANTING WITHIN LINCOLN PARK.

Indexes:

Attachments: [Exhibit 1.pdf](#)

This Resolution was adopted unanimously.

15. [18-0540R](#) RESOLUTION AUTHORIZING AN AGREEMENT WITH AMI CONSULTING ENGINEERS FOR COORDINATION OF THE TEMPORARY RELOCATION OF THE WILLIAM A. IRVIN FOR AN AMOUNT NOT TO EXCEED \$49,750.00.

Indexes:

Attachments: [Exhibit A for AMI resolution - proposal and draft agreement](#)

This Resolution was adopted unanimously.

END OF CONSENT AGENDA

The following entitled resolutions are also to be considered:

BY PRESIDENT HOBBS (COMMITTEE OF THE WHOLE)

16. [18-0532R](#) RESOLUTION APPOINTING GARY ANDERSON TO BE THE VICE PRESIDENT OF THE CITY COUNCIL.

Sponsors: Hobbs

This Resolution was amended to add Gary Anderson as appointed Vice President.

This Resolution was adopted unanimously.

Yea: 7 - Councilor Filipovich, Councilor Hansen, Councilor Russ, Councilor Sipress, Councilor Westerlund, Councilor Van Nett and President Hobbs

Absent: 1 - Councilor Fosle

Abstain: 1 - Councilor Anderson

INTRODUCTION AND CONSIDERATION OF ORDINANCES

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

BY COUNCILOR FILIPOVICH (FINANCE)

17. [18-038-O](#) ORDINANCE AMENDING THE REQUIREMENTS FOR PROJECT LABOR AGREEMENTS, AMENDING SECTIONS 2-25, 2-26 AND 2-29 OF THE DULUTH CITY CODE, 1959, AS AMENDED.

This Ordinance was adopted unanimously.

BY COUNCILOR RUSS (PLANNING & ECONOMIC DEVELOPMENT)

18. [18-026-O](#) AN ORDINANCE AMENDING SECTION 33-82 OF THE DULUTH CITY CODE RESCINDING RESTRICTION AGAINST CAMPING AND LODGING IN ONE'S VEHICLE.

Sponsors: Russ

This Ordinance was adopted unanimously.

19. [18-030-O](#) AN ORDINANCE REPEALING SECTION 34-31, CHAPTER 34, OF THE DULUTH CITY CODE RELATING TO BEGGING.

Sponsors: Russ and Sipress

This Ordinance was adopted unanimously.

20. [18-031-O](#) AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF DULUTH TO PROVIDE FOR THE RECLASSIFICATION OF PROPERTY ALONG WEST ARROWHEAD ROAD, BETWEEN SWAN LAKE ROAD AND NORTH ARLINGTON AVENUE, FROM RESIDENTIAL-URBAN (R-2) TO MIXED USE-PLANNED (MU-P).

Indexes:

Attachments: [Attachment 1](#)

[Attachment 2](#)

This Ordinance was adopted unanimously.

21. [18-032-O](#) AN ORDINANCE GRANTING A CONCURRENT USE PERMIT FOR AN EXISTING BUILDING WALL, EXTERIOR BUILDING CLADDING AND EYEBROW IN THE PLATTED STREET RIGHT OF WAY OF EAST MICHIGAN STREET.

Indexes:

Attachments: [Attachment 1](#)

[Attachment 2](#)

This Ordinance was adopted unanimously.

22. [18-033-O](#) AN ORDINANCE GRANTING A CONCURRENT USE PERMIT FOR AN EXISTING BUILDING WALL AND MANSARD ROOF OVERHANG IN THE PLATTED STREET RIGHT OF WAY OF EAST NINTH STREET.

Indexes:

Attachments: [Attachment 1](#)

[Attachment 2](#)

This Ordinance was adopted unanimously.

23. [18-034-O](#) AN ORDINANCE GRANTING A CONCURRENT USE PERMIT FOR AN EXISTING BUILDING WALL AND FOUNDATION IN THE PLATTED STREET RIGHT OF WAY OF EAST SUPERIOR STREET.

Indexes:

Attachments: [Attachment 1](#)

[Attachment 2](#)

This Ordinance was adopted unanimously.

24. [18-035-O](#) AN ORDINANCE GRANTING VERIZON WIRELESS A CONCURRENT USE PERMIT FOR A SMALL WIRELESS TELECOMMUNICATION FACILITY ON CITY OF DULUTH UTILITY POLES IN THE PLATTED STREET RIGHT OF WAY NEAR 250 CANAL PARK DRIVE AND 688 WEST RAILROAD STREET.

Indexes:

Attachments: [Attachment 1](#)

This Ordinance was adopted unanimously.

25. [18-036-O](#) AN ORDINANCE GRANTING VERIZON WIRELESS A CONCURRENT USE PERMIT FOR A SMALL WIRELESS TELECOMMUNICATION FACILITY ON A CITY OF DULUTH UTILITY POLE IN THE PLATTED STREET RIGHT OF WAY NEAR 2510 MAPLE GROVE ROAD.

Indexes:

Attachments: [Attachment 1](#)

This Ordinance was adopted unanimously.

26. [18-037-O](#) AN ORDINANCE GRANTING VERIZON WIRELESS A CONCURRENT USE PERMIT FOR A SMALL WIRELESS TELECOMMUNICATION FACILITY ON A CITY OF DULUTH UTILITY POLE IN THE PLATTED STREET RIGHT OF WAY NEAR 98 NORTH 6TH AVENUE WEST.

Indexes:

Attachments: [Attachment 1](#)

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]*

Monday, July 16, 2018

7:00 PM

Council Chamber

ROLL CALL

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

PLEDGE OF ALLEGIANCE

APPROVAL OF MINUTES

1. [18-157](#) Duluth City Council Meeting Minutes: June 25, 2018 & July 9, 2018.

Indexes:

Attachments: [June 25 2018 - City Council Meeting](#)

[July 9 2018 - City Council Meeting](#)

This Minutes was approved.

PUBLIC HEARING - Resolution 18-0516R (RESOLUTION AMENDING RESOLUTION 89-0323 ESTABLISHING THE DULUTH ECONOMIC DEVELOPMENT AUTHORITY, ADDING REQUIREMENTS PERTAINING TO THE CITY BUSINESS SUBSIDY REQUIREMENTS AND THE USE OF PROJECT LABOR AGREEMENTS.)

REPORTS FROM THE ADMINISTRATION

REPORTS FROM OTHER OFFICERS

REPORTS OF BOARDS AND COMMISSIONS

2. [18-149](#) Duluth Transit Authority Meeting Minutes

Indexes:

Attachments: [Duluth Transit Authority Meeting Minutes](#)

This Board or Commission Report was received.

3. [18-150](#) Housing and Redevelopment Authority Meeting Minutes

Indexes:

Attachments: [Housing and Redevelopment Authority Meeting Minutes](#)

This Board or Commission Report was received.

4. [18-151](#) Library Board Meeting Minutes

Indexes:

Attachments: [Library Board April Meeting Minutes](#)

[Library Board May Meeting Minutes](#)

This Board or Commission Report was received.

5. [18-152](#) Parking Commission Meeting Minutes

Indexes:

Attachments: [Parking Commission May 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 (FINANCE)

- 6. [18-0516R](#) RESOLUTION AMENDING RESOLUTION 89-0323 ESTABLISHING THE DULUTH ECONOMIC DEVELOPMENT AUTHORITY, ADDING REQUIREMENTS PERTAINING TO THE CITY BUSINESS SUBSIDY REQUIREMENTS AND THE USE OF PROJECT LABOR AGREEMENTS.

This Resolution was adopted unanimously.

CONSENT AGENDA

BY COUNCILOR FOSLE (PURCHASING & LICENSING)

- 7. [18-0525R](#) RESOLUTION APPROVING THE TEMPORARY ON SALE INTOXICATING LIQUOR LICENSE AND TEMPORARY EXPANSION OF THE ON SALE INTOXICATING LIQUOR LICENSE TO VARIOUS LICENSEES.

Indexes:

- Attachments:** [Attachment A - Mr. D's](#)
 [Attachment B - Kom On Inn](#)
 [Attachment C - Players Sports Bar](#)
 [Attachment D - Ridgeview Country Club](#)
 [Attachment E- Spurs](#)
 [Attachment F - Blacklist](#)

This Resolution was adopted unanimously.

Yea: 8 - Councilor Anderson, Councilor Filipovich, Councilor Fosle, Councilor Russ, Councilor Sipress, Councilor Westerlund, Councilor Van Nett and President Hobbs

Abstain: 1 - Councilor Hansen

8. [18-0526R](#) RESOLUTION APPROVING ISSUANCE OF A TEMPORARY ON SALE INTOXICATING LIQUOR LICENSE TO DULUTH AMATEUR HOCKEY ASSOCIATION

Indexes:

Attachments: [Attachment A - Blues Fest](#)

This Resolution was adopted unanimously.

9. [18-0542R](#) RESOLUTION ISSUING A 3.2 PERCENT MALT LIQUOR LICENSE AND APPROVING ISSUANCE OF AN ON SALE WINE LICENSE TO WEST THEATER LLC, (WEST THEATER), 319 NORTH CENTRAL AVENUE.

Indexes:

Attachments: [Attachment A - West Theater](#)

This Resolution was adopted.

10. [18-0558R](#) RESOLUTION AUTHORIZING AN INCREASE TO THE ANNUAL CONTRACT FOR ORIGINAL EQUIPMENT MANUFACTURER (OEM) PARTS, SUPPLIES AND LABOR FOR 2018 FROM ZIEGLER, INC. IN THE AMOUNT OF \$62,500 FOR A TOTAL AMOUNT NOT TO EXCEED \$187,500.

This Resolution was adopted unanimously.

11. [18-0561R](#) RESOLUTION APPROVING THE APPLICATION FOR EXEMPT PERMIT AND WAIVING THE 60 DAY WAITING PERIOD FOR GARY NEW DULUTH COMMUNITY CLUB.

This Resolution was adopted unanimously.

12. [18-0562R](#) RESOLUTION APPROVING THE PERMANENT EXPANSION OF THE ON SALE INTOXICATING LIQUOR LICENSE OF JUST TAKE ACTION, INC. (THE RATHESKELLER), 132 EAST SUPERIOR STREET, 55802

This Resolution was adopted unanimously.

Yea: 8 - Councilor Anderson, Councilor Fosle, Councilor Hansen, Councilor Russ, Councilor Sipress, Councilor Westerlund, Councilor Van Nett and President Hobbs

Abstain: 1 - Councilor Filipovich

BY COUNCILOR ANDERSON (PERSONNEL)

13. [18-0563R](#) RESOLUTION CONFIRMING THE APPOINTMENT OF DON MCISAAC TO THE DULUTH AIRPORT AUTHORITY.

This Resolution was adopted unanimously.

BY COUNCILOR RUSS (PLANNING & ECONOMIC DEVELOPMENT)

14. [18-0541R](#) RESOLUTION VACATING THE ENTIRE TWENTY-FIVE-FOOT-WIDE BUILDING LINE EASEMENT ACROSS THE SOUTHEASTERLY 150.84 FEET OF LOTS 9, 10 AND 11 IN THE ENDION DIVISION OF DULUTH.

Indexes:

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

This Resolution was adopted unanimously.

15. [18-0549R](#) RESOLUTION RESCINDING RESOLUTION NO. 18-0393 AND VACATING A PORTION OF SUPERIOR STREET IN THE PLAT OF WEST DULUTH SEVENTH DIVISION.

Indexes:

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

This Resolution was adopted unanimously.

16. [18-0550R](#) RESOLUTION VACATING UNIMPROVED PLATTED RIGHT OF WAY IN CONJUNCTION WITH THE REPLATTING OF THE LAND INTO THE KAYAK BAY PLAT.

Indexes:

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

This Resolution was adopted unanimously.

17. [18-0552R](#) RESOLUTION OF INTENT TO SELL OR CONVEY CERTAIN REAL PROPERTY IN THE DULUTH HEIGHTS NEIGHBORHOOD.

Indexes:

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

This Resolution was adopted unanimously.

BY COUNCILOR HOBBS (PUBLIC WORKS & UTILITIES)

18. [18-0548R](#) RESOLUTION AWARDED A CONTRACT TO JMF CONSTRUCTION, INC. FOR THE 2018 CITYWIDE CATCH BASIN IMPROVEMENTS IN THE AMOUNT OF \$539,332.60.

Indexes:

Attachments: [18-0548R Maps](#)

This Resolution was adopted unanimously.

19. [18-0557R](#) RESOLUTION AUTHORIZING A CONTRACT WITH CARLSON DULUTH CO. FOR THE INSTALLATION OF PHASE 1 SCOPE E BUILDING ENERGY TRANSFER STATIONS FOR AN AMOUNT NOT TO EXCEED \$112,187.

This Resolution was adopted unanimously.

Yea: 8 - Councilor Anderson, Councilor Fosle, Councilor Hansen, Councilor Russ, Councilor Sipress, Councilor Westerlund, Councilor Van Nett and President Hobbs

Abstain: 1 - Councilor Filipovich

20. [18-0565R](#) RESOLUTION APPROVING SETTLEMENT OF CLAIM OF MARSHALL HARDWARE PROPERTIES, LLC IN THE AMOUNT OF \$17,361.18.

This Resolution was adopted unanimously.

BY COUNCILOR VAN NETT (PUBLIC SAFETY)

21. [18-0547R](#) RESOLUTION AUTHORIZING PROPER CITY OFFICIALS TO ACCEPT A GRANT FROM THE DULUTH SUPERIOR AREA COMMUNITY FOUNDATION IN THE AMOUNT OF \$30,690 TO PROVIDE TRAINING FOR FIRE DEPARTMENT PERSONNEL IN THE OPERATION OF THE ALL-HAZARD QUICK RESPONSE VESSEL.

Indexes:

Attachments: [Exhibit A](#)

This Resolution was adopted unanimously.

BY COUNCILOR WESTERLUND (RECREATION, LIBRARIES & AUTHORITIES)

22. [18-0483R](#) RESOLUTION AUTHORIZING THE APPLICATION FOR A \$1,308,946 GREATER MINNESOTA REGIONAL PARK AND TRAIL COMMISSION GRANT FOR HARTLEY PARK MINI MASTER PLAN IMPLEMENTATION.

Indexes:

Attachments: [exhibit A contract sample](#)

This Resolution was adopted unanimously.

23. [18-0484R](#) RESOLUTION AUTHORIZING THE APPLICATION FOR A \$2,156,680 GREATER MINNESOTA REGIONAL PARK AND TRAIL COMMISSION GRANT FOR DULUTH TRAVERSE MINI MASTER PLAN IMPLEMENTATION.

Indexes:

Attachments: [exhibit A contract sample](#)

This Resolution was adopted unanimously.

24. [18-0554R](#) RESOLUTION AUTHORIZING AN AMENDED AND RESTATED AGREEMENT WITH SPIRIT MOUNTAIN RECREATION AREA AUTHORITY FOR CONSTRUCTION OF AN ALL-WEATHER BIKING TRAIL IN AN AMOUNT NOT TO EXCEED \$146,200.

Indexes:

Attachments: [Exhibit 2.pdf](#)
[Exhibit 3.pdf](#)
[Exhibit 4.pdf](#)
[Exhibit 1.pdf](#)

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 Russ, Councilor Sipress, Councilor Westerlund, Councilor Van Nett and President Hobbs
- Nay:** 1 - Councilor Fosle

25. [18-0555R](#) RESOLUTION AUTHORIZING A CONTRACT WITH DIRT INC. FOR THE CONSTRUCTION OF THE CHAMBERS GROVE INTERPRETATIVE TRAIL FOR AN AMOUNT NOT TO EXCEED \$149,500.

This Resolution was adopted unanimously.

26. [18-0556R](#) RESOLUTION AUTHORIZING THE APPLICATION FOR A \$300,000 NATIONAL RECREATION AND PARKS ASSOCIATION GRANT FOR LINCOLN PARK GREEN STORM WATER INFRASTRUCTURE.

This Resolution was adopted unanimously.

END OF CONSENT AGENDA

The following entitled resolutions are also to be considered:

BY PRESIDENT HOBBS (COMMITTEE OF THE WHOLE)

27. [18-0566R](#) RESOLUTION APPOINTING ARIK FORSMAN TO FILL THE VACANCY OF THE AT LARGE CITY COUNCIL SEAT.

This Resolution was adopted unanimously.

Yea: 8 - Councilor Anderson, Councilor Filipovich, Councilor Fosle, Councilor Russ, Councilor Sipress, Councilor Westerlund, Councilor Van Nett and President Hobbs

Abstain: 1 - Councilor Hansen

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]*

Monday, August 13, 2018

7:00 PM

Council Chamber

ROLL CALL

- Present:** 8 - Councilor Gary Anderson, Councilor Zack Filipovich, Councilor Arik Forsman, Councilor Jay Fosle, Councilor Barb Russ, Councilor Joel Sipress, Councilor Em Westerlund and President Noah Hobbs
- Absent:** 1 - Councilor Renee Van Nett

PLEDGE OF ALLEGIANCE

APPROVAL OF MINUTES

1. [18-173](#) Duluth City Council Meeting Minutes: July 16th, 2018

Indexes:

Attachments: [July 19 2018 - City Council Meeting](#)

This Minutes was approved.

REPORTS FROM THE ADMINISTRATION

REPORTS FROM OTHER OFFICERS

REPORTS OF BOARDS AND COMMISSIONS

2. [18-167](#) Community Development Meeting Minutes

Indexes:

Attachments: [Community Development Committee June Meeting Minutes](#)

This Board or Commission Report was received.

3. [18-168](#) Duluth Indigenous Commission Meeting Minutes

Indexes:

Attachments: [Duluth Indigenous Commission May Meeting Minutes](#)

This Board or Commission Report was received.

4. [18-169](#) Duluth Parking Commission Resolutions

Indexes:

Attachments: [Duluth Parking Commission May 2018 Resolutions](#)
[Duluth Parking Commission July 2018 Resolutions](#)

This Board or Commission Report was received.

5. [18-170](#) Heritage Preservation Commission Meeting Minutes

Indexes:

Attachments: [Heritage Preservation Commission May Meeting Minutes](#)

This Board or Commission Report was received.

6. [18-171](#) Planning Commission Meeting Minutes

Indexes:

Attachments: [Planning Commission June Meeting Minutes](#)

This Board or Commission Report was received.

7. [18-172](#) Spirit Mountain Recreation Area Authority Meeting Minutes

Indexes:

Attachments: [Spirit Mountain Recreation Area Authority June Meeting Minutes](#)
[Minutes](#)

This Board or Commission Report was received.

REPORTS OF COUNCIL COMMITTEES

REPORTS OF COUNCIL OPEN ISSUES

Distinguished Artist Award - Kim Montgomery Randolph

OPPORTUNITY FOR CITIZENS TO BE HEARD

CONSENT AGENDA

BY COUNCILOR FILIPOVICH (FINANCE)

9. [18-0587R](#) RESOLUTION AUTHORIZING A JOINT POWERS AGREEMENT WITH THE HOUSTON GALVESTON AREA COUNCIL FOR THE PROCUREMENT OF GOODS AND SERVICES.

Indexes:

Attachments: [Exhibit A](#)

This Resolution was adopted unanimously.

BY COUNCILOR FOSLE (PURCHASING & LICENSING)

10. [18-0527R](#) RESOLUTION APPROVING THE ISSUANCE OF OFF AND ON SALE INTOX-ICATING LIQUOR RENEWAL LICENSES FOR THE PERIOD BEGINNING SEPTEMBER 1, 2018, AND ENDING AUGUST 31, 2019.

Indexes:

Attachments: [2018 Renewal List](#)

This Resolution was adopted unanimously.

11. [18-0572R](#) RESOLUTION APPROVING ISSUANCE OF TEMPORARY ON SALE INTOXICATING LIQUOR LICENSE TO DULUTH SUPERIOR PRIDE (DULUTH SUPERIOR PRIDE FESTIVAL), BAYFRONT PARK.

Indexes:

Attachments: [Duluth Superior Pride](#)

This Resolution was adopted unanimously.

12. [18-0574R](#) RESOLUTION ISSUING AN ON SALE 3.2 PERCENT MALT LIQUOR LICENSE AND APPROVING ISSUANCE OF AN ON SALE WINE LICENSE TO DOVETAIL CAFÉ & MARKET PLACE, LLC, (DOVETAIL CAFÉ & MARKETPLACE), 1917 WEST SUPERIOR STREET.

Indexes:

Attachments: [Dovetail](#)

This Resolution was adopted unanimously.

BY COUNCILOR ANDERSON (PERSONNEL)

13. [18-0571R](#) RESOLUTION CONFIRMING THE REAPPOINTMENT OF ERIC VIKEN TO THE SPIRIT MOUNTAIN RECREATION AREA AUTHORITY.

This Resolution was adopted.

14. [18-0592R](#) RESOLUTION CONFIRMING THE APPOINTMENT OF ELENA FOSHAY AS DIRECTOR, WORKFORCE DEVELOPMENT FOR THE CITY OF DULUTH.

This Resolution was adopted unanimously.

15. [18-0600R](#) RESOLUTION APPOINTING COUNCILOR ARIK FORSMAN TO THE DULUTH PUBLIC UTILITIES COMMISSION.

This Resolution was adopted unanimously.

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

Absent: 1 - Councilor Van Nett

Abstain: 1 - Councilor Forsman

16. [18-0601R](#) RESOLUTION APPROVING JOB SPECIFICATIONS FOR THE APPOINTED DEPARTMENT HEAD POSITION OF DIRECTOR, WORKFORCE DEVELOPMENT, AND SPECIFYING CONTRACT BENEFITS FOR SAME.

Indexes:

Attachments: [Exhibit A](#)

This Resolution was adopted unanimously.

BY COUNCILOR RUSS (PLANNING & ECONOMIC DEVELOPMENT)

17. [18-0579R](#) RESOLUTION ENTERING INTO AN AGREEMENT WITH AND ACCEPTING \$225,819 IN FEDERAL FUNDING FROM SENIOR SERVICE AMERICA, INC. TO OPERATE THE SENIOR COMMUNITY SERVICE EMPLOYMENT PROGRAM.

Indexes:

Attachments: [SCSEP Sponsor Agreement 7-1-2018 to 6-30-2019](#)

This Resolution was adopted unanimously.

18. [18-0585R](#) RESOLUTION AUTHORIZING A LICENSE AGREEMENT WITH THE DULUTH ECONOMIC DEVELOPMENT AUTHORITY FOR USE OF THE PARKING LOT AT 504 CANAL PARK DRIVE FOR TEMPORARY IMAGINE CANAL PARK ACTIVITIES AT NO COST TO THE CITY.

Indexes:

Attachments: [Attachment 1](#)

[Attachment 2](#)

This Resolution was adopted unanimously.

BY COUNCILOR FORSMAN (PUBLIC WORKS & UTILITIES)

19. [18-0523R](#) RESOLUTION APPROVING A COUNTY PROJECT WITHIN MUNICIPAL CORPORATE LIMITS FOR IMPROVEMENTS TO COUNTY STATE AID HIGHWAY 9 (WOODLAND AVENUE, CALVARY ROAD AND ARNOLD ROAD).

Indexes:

Attachments: [18-0523R Maps](#)

This Resolution was adopted unanimously.

20. [18-0575R](#) RESOLUTION AMENDING A CONTRACT WITH JMF CONSTRUCTION, INC. FOR THE 2018 CITYWIDE PATCH AND SIDEWALK PROJECT TO INCREASE THE AMOUNT BY \$111,642.70 FOR A NEW TOTAL OF \$587,791.70.

Indexes:

Attachments: [18-0575R Change Order](#)

This Resolution was adopted unanimously.

21. [18-0586R](#) RESOLUTION AMENDING RESOLUTION 18-0060 APPROPRIATING AN ADDITIONAL \$190,000 TO THE MINNESOTA DEPARTMENT OF TRANSPORTATION FOR COOPERATIVE CONSTRUCTION AGREEMENT NO. 1029895.

Indexes:

Attachments: [18-0586R Map](#)

This Resolution was adopted unanimously.

22. [18-0589R](#) RESOLUTION AUTHORIZING A CONTRACT WITH KRAUS-ANDERSON CONSTRUCTION COMPANY FOR THE SALT SHED INSTALLATION AT LUND TOOLHOUSE FOR AN AMOUNT NOT TO EXCEED \$298,800.00.

Indexes:

Attachments: [Exhibit A - Project Summary Form - Lund Salt Shed](#)

This Resolution was adopted unanimously.

BY COUNCILOR VAN NETT (PUBLIC SAFETY)

23. [18-0569R](#) RESOLUTION AUTHORIZING CITY OFFICIALS TO ENTER INTO A REGION 2 ARROWHEAD REGION EMERGENCY MANAGEMENT ASSOCIATION HOMELAND SECURITY AND EMERGENCY MANAGEMENT MUTUAL AID AGREEMENT.

Indexes:

Attachments: [Exhibit A](#)

This Resolution was adopted unanimously.

24. [18-0570R](#) RESOLUTION AUTHORIZING THE CITY TO SERVE AS FISCAL AGENT FOR AND ACCEPT REIMBURSEMENT MONIES ON BEHALF OF THE LAKE SUPERIOR DRUG AND VIOLENT CRIME TASK FORCE, SAID REIMBURSEMENT MONIES TO BE PAID UNDER THE MINNESOTA ANTI-HEROIN TASK FORCE PROGRAM FOR THE PURPOSE OF SUPPORTING THE OPERATIONS OF THE LAKE SUPERIOR DRUG AND VIOLENT CRIME TASK FORCE.

Indexes:

Attachments: [18-0570R Exhibit A](#)

This Resolution was adopted unanimously.

25. [18-0573R](#) RESOLUTION AUTHORIZING PROPER CITY OFFICIALS TO ACCEPT A GRANT FROM THE UNITED STATES DEPARTMENT OF HOMELAND SECURITY IN THE AMOUNT OF \$102,273.00 FOR THE PURCHASE OF FITNESS EQUIPMENT FOR THE FIRE DEPARTMENT.

Indexes:

Attachments: [Exhibit A](#)

This Resolution was adopted unanimously.

26. [18-0582R](#) RESOLUTION AUTHORIZING PROPER CITY OFFICIALS TO ACCEPT A GRANT FROM THE UNITED STATES DEPARTMENT OF JUSTICE IN THE AMOUNT OF \$39,828 AND FURTHER AUTHORIZING EXECUTION OF GRANT AGREEMENT WITH ST. LOUIS COUNTY.

Indexes:

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

This Resolution was adopted unanimously.

27. [18-0583R](#) RESOLUTION AUTHORIZING PROPER CITY OFFICIALS TO ACCEPT A \$109,783 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.

BY COUNCILOR WESTERLUND (RECREATION, LIBRARIES & AUTHORITIES)

28. [18-0567R](#) RESOLUTION AUTHORIZING APPLICATION TO AND, IF OFFERED, ACCEPTANCE OF A \$1,308,946 GREATER MINNESOTA REGIONAL PARK AND TRAIL COMMISSION GRANT FOR HARTLEY PARK MINI MASTER PLAN IMPLEMENTATION.

Indexes:

Attachments: [exhibit A contract sample](#)

This Resolution was adopted unanimously.

29. [18-0568R](#) RESOLUTION AUTHORIZING APPLICATION TO AND, IF OFFERED, ACCEPTANCE OF A \$2,156,680 GREATER MINNESOTA REGIONAL PARK AND TRAIL COMMISSION GRANT FOR DULUTH TRAVERSE MINI MASTER PLAN IMPLEMENTATION.

Indexes:

Attachments: [exhibit A contract sample](#)

This Resolution was adopted unanimously.

30. [18-0576R](#) RESOLUTION AUTHORIZING ACCEPTANCE OF A CD3 WATERLESS CLEANING SYSTEM FROM WILDLIFE FOREVER FOR THE PURPOSE OF INSTALLATION AT MUNGER LANDING TO REDUCE THE SPREAD OF AQUATIC INVASIVE SPECIES.

Indexes:

Attachments: [Exhibit B Site Location](#)

This Resolution was adopted unanimously.

31. [18-0577R](#) RESOLUTION AUTHORIZING APPLICATION FOR A GRANT FROM THE MINNESOTA DEPARTMENT OF NATURAL RESOURCES FOR A MANAGING ASH FOR EMERALD ASH BORER IN COMMUNITY FORESTS GRANT IN THE AMOUNT OF \$30,000 TO COMPLETE AN ASH TREE INVENTORY.

This Resolution was adopted unanimously.

32. [18-0580R](#) RESOLUTION AUTHORIZING AN AMENDED AND RESTATED LICENSE AGREEMENT WITH PARK HILL CEMETERY ASSOCIATION FOR UTILIZATION OF EXISTING AND FUTURE MULTI-USE AND HIKING TRAILS, AT NO COST TO THE CITY.

Indexes:

Attachments: [Exhibit 1.pdf](#)

This Resolution was adopted unanimously.

33. [18-0581R](#) RESOLUTION AUTHORIZING AN AGREEMENT WITH TKDA FOR THE DESIGN OF A NEW HVAC SYSTEM AT CITY CENTER WEST FOR AN AMOUNT NOT TO EXCEED \$50,500.

Indexes:

Attachments: [Exhibit A for CCW HVAC resolution](#)

This Resolution was adopted unanimously.

34. [18-0584R](#) RESOLUTION AUTHORIZING APPLICATION TO THE NATIONAL FISH AND WILDLIFE FOUNDATION FOR A NATIONAL COASTAL RESILIENCE FUND GRANT OF \$3,000,000 FOR LAKEWALK AND SHORELINE STORM DAMAGE REPAIR.

This Resolution was adopted unanimously.

END OF CONSENT AGENDA

BY COUNCILOR FILIPOVICH (FINANCE)

8. [18-0553R](#) RESOLUTION MAKING AVAILABLE \$250,000 OF 2018 TOURISM TAX FUNDS PREVIOUSLY ASSIGNED TO FINANCE REHABILITATION OF THE MINNESOTA SLIP BRIDGE AND REAPPROPRIATING THAT \$250,000 TO FINANCE ADDITIONAL COSTS ASSOCIATED WITH THE WILLIAM A. IRVIN TOW PROJECT.

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

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

Nay: 1 - Councilor Fosle

Absent: 1 - Councilor Van Nett

BY COUNCILOR WESTERLUND (RECREATION, LIBRARIES & AUTHORITIES)

35. [18-0590R](#) RESOLUTION AUTHORIZING A CONTRACT WITH WREN WORKS, LLC FOR THE TEMPORARY RELOCATION OF THE WILLIAM A. IRVIN FOR AN AMOUNT NOT TO EXCEED \$656,968.00.

Indexes:

Attachments: [Exhibit A - Contract Draft 6-26-18](#)

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

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

Nay: 1 - Councilor Fosle

Absent: 1 - Councilor Van Nett

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

BY COUNCILOR FILIPOVICH (FINANCE)

36. [18-043-O](#) AN ORDINANCE AUTHORIZING THE ISSUANCE, SALE AND DELIVERY OF GENERAL OBLIGATION WATER UTILITY REVENUE BONDS OF THE CITY OF DULUTH IN AN AMOUNT NOT TO EXCEED \$4,200,000 FOR THE IMPROVEMENT OF THE MUNICIPAL WATER UTILITY UPON TERMS AND CONDITIONS TO BE PROVIDED BY RESOLUTION OF THE CITY COUNCIL AND PLEDGING REVENUES FOR THE PAYMENT THEREOF.

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

Monday, August 27, 2018

7:00 PM

Council Chamber

ROLL CALL

Present: 8 - Councilor Zack Filipovich, Councilor Arik Forsman, Councilor Jay Fosle, Councilor Barb Russ, Councilor Joel Sipress, Councilor Em Westerlund, Councilor Renee Van Nett and President Noah Hobbs

Absent: 1 - Councilor Gary Anderson

PLEDGE OF ALLEGIANCE

APPROVAL OF MINUTES

1. [18-180](#) Duluth City Council Meeting Minutes: August 13th, 2018

Indexes:

Attachments: [August 13, 2018 - City Council Meeting](#)

This Minutes was approved.

REPORTS FROM THE ADMINISTRATION - Update on Lester Park Golf Course Development

REPORTS FROM OTHER OFFICERS

REPORTS OF BOARDS AND COMMISSIONS

2. [18-179](#) Duluth Charter Commission - Order and Oaths

Indexes:

Attachments: [Duluth Charter Comm Oaths](#)
[Duluth Charter Comm Order_20180718](#)

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 FOSLE (PURCHASING & LICENSING)

3. [18-0616R](#) RESOLUTION IN THE MATTER OF THE ON SALE INTOXICATING LIQUOR LICENSE OF OSAKA DULUTH, INC. D/B/A OSAKA SUSHI HIBACHI STEAKHOUSE, 5115 BURNING TREE ROAD #309, DULUTH, MINNESOTA 55811.

Indexes:

Attachments: [Osaka Report to Duluth City Council](#)

This Resolution was adopted unanimously.

4. [18-0624R](#) RESOLUTION APPROVING THE PERMANENT EXPANSION OF THE DESIGNATED SERVING AREA OF THE ON SALE INTOXICATING LIQUOR LICENSE TO GRANDMA'S ANGIE'S INC. (LITTLE ANGIE'S CANTINA).

Indexes:

Attachments: [Exhibit A](#)

This Resolution was adopted unanimously.

BY COUNCILOR ANDERSON (PERSONNEL)

- 5. [18-0621R](#) RESOLUTION CONFIRMING THE APPOINTMENT OF TOM SZUKIS TO THE DULUTH TRANSIT AUTHORITY.

This Resolution was adopted unanimously.

BY COUNCILOR RUSS (PLANNING & ECONOMIC DEVELOPMENT)

- 6. [18-0615R](#) RESOLUTION AUTHORIZING A FUNDING AGREEMENT WITH THE DULUTH SEAWAY PORT AUTHORITY AND THE DULUTH ECONOMIC DEVELOPMENT AUTHORITY RELATED TO THE PURCHASE OF INFORMATION TECHNOLOGY EQUIPMENT FOR US CUSTOMS & BORDER PATROL OFFICE TO PROCESS ENTRY OF PASSENGER CRUISE SHIPS IN THE PORT OF DULUTH

This Resolution was adopted unanimously.

BY COUNCILOR FORSMAN (PUBLIC WORKS & UTILITIES)

- 7. [18-0604R](#) RESOLUTION AUTHORIZING A CONTRACT WITH THE JAMAR COMPANY FOR THE REPLACEMENT OF THE BUILDING AUTOMATION SYSTEM AT GARFIELD AVENUE PUBLIC WORKS FACILITY FOR AN AMOUNT NOT TO EXCEED \$145,995.00.

This Resolution was adopted unanimously.

- 8. [18-0607R](#) RESOLUTION AUTHORIZING THE PURCHASE OF 7,000 TONS OF ROAD SALT FROM MORTON SALT, INC. IN THE AMOUNT OF \$248,680

This Resolution was adopted unanimously.

9. [18-0614R](#) RESOLUTION ACCEPTING PERMANENT EASEMENT FOR ROADWAY AND UTILITY PURPOSES FROM CMA MANAGEMENT LLC OVER A PORTION OF THE EASTERN VACATED HALF OF 33RD AVENUE WEST AT NO COST TO THE CITY.

Indexes:

Attachments: [Exhibit 1.pdf](#)

This Resolution was adopted unanimously.

BY COUNCILOR VAN NETT (PUBLIC SAFETY)

10. [18-0606R](#) RESOLUTION AUTHORIZING A FIRST AMENDMENT TO THE PARTNER AGREEMENT BETWEEN THE CITY OF DULUTH, ST. LOUIS COUNTY, AND PROGRAM FOR AID TO VICTIMS OF SEXUAL ASSAULT, INC., REGARDING THE FY 2015 NATIONAL SEXUAL ASSAULT KIT INITIATIVE TO VICTIMS OF SEXUAL ASSAULT, TO EXTEND THE TERM OF THE AGREEMENT FROM SEPTEMBER 30, 2018 TO SEPTEMBER 30, 2019.

Indexes:

Attachments: [Exhibit A](#)

This Resolution was adopted unanimously.

11. [18-0620R](#) RESOLUTION AUTHORIZING THE PURCHASE OF A 2018 SPARTAN CUSTOM FIRE PUMPER FIRE TRUCK FROM CUSTOM FIRE IN AN AMOUNT NOT TO EXCEED \$600,000.

This Resolution was adopted unanimously.

BY COUNCILOR WESTERLUND (RECREATION, LIBRARIES & AUTHORITIES)

12. [18-0603R](#) RESOLUTION AUTHORIZING APPLICATION TO THE MINNESOTA DEPARTMENT OF NATURAL RESOURCES FOR A COASTAL STAR FUND GRANT OF \$10,000 FOR A NATURAL RESOURCE MANAGEMENT PLAN AT HARTLEY.

This Resolution was adopted unanimously.

13. [18-0613R](#) RESOLUTION AUTHORIZING THE PURCHASE OF REAL PROPERTY ADJACENT TO HARTLEY PARK FROM INDEPENDENT SCHOOL DISTRICT NO. 709 IN THE AMOUNT OF \$390,250, PLUS CLOSING COSTS IN AN AMOUNT UP TO \$6,000, FOR A TOTAL AMOUNT NOT TO EXCEED \$396,250.

Indexes:

Attachments: [Exhibit 1.pdf](#)
[Exhibit 2.pdf](#)

This Resolution was adopted unanimously.

14. [18-0618R](#) RESOLUTION AUTHORIZING THE PURCHASE OF A 2018 PISTENBULLY NORDIC SNOW TRAIL GROOMER FROM KASSBOHRER ALL TERRAIN VEHICLES, INC., IN THE AMOUNT OF \$274,900

This Resolution was adopted unanimously.

END OF CONSENT AGENDA

The following entitled resolutions are also to be considered:

BY COUNCILOR RUSS (PLANNING & ECONOMIC DEVELOPMENT)

15. [18-0611R](#) 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.

Indexes:

- Attachments:** [Attachment 1](#)
[Attachment 2](#)
[Attachment 3](#)
[Attachment 4](#)
[Attachment 5](#)
[Attachment 6](#)
[Attachment 7](#)

A motion was made that this Resolution be failed. The motion failed by the following vote:

- Yea:** 3 - Councilor Forsman, Councilor Fosle and Councilor Van Nett
- Nay:** 5 - Councilor Filipovich, Councilor Russ, Councilor Sipress, Councilor Westerlund and President Hobbs
- Absent:** 1 - Councilor Anderson

16. [18-0612R](#) 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.

Indexes:

- Attachments:** [Attachment 1](#)
[Attachment 2](#)
[Attachment 3](#)
[Attachment 4](#)
[Attachment 5](#)
[Attachment 6](#)
[Attachment 7](#)

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

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

Nay: 3 - Councilor Forsman, Councilor Fosle and Councilor Van Nett

Absent: 1 - Councilor Anderson

BY COUNCILOR FORSMAN (PUBLIC WORKS & UTILITIES)

17. [18-0578R](#) RESOLUTION AMENDING ENERGY LOAN PROGRAM GUIDELINES AUTHORIZING LOANS FOR PRIVATE WATER AND SANITARY SEWER REPAIR OR REPLACEMENT.

This Resolution was adopted unanimously.

BY COUNCILOR VAN NETT (PUBLIC SAFETY)

18. [18-0617R](#) RESOLUTION AUTHORIZING THE PURCHASE OF A 2018 PIERCE 100FT AERIAL TOWER FIRE TRUCK FROM MACQUEEN EMERGENCY GROUP IN AN AMOUNT NOT TO EXCEED \$1,375,000.00

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

Yea: 7 - Councilor Filipovich, Councilor Forsman, Councilor Russ, Councilor Sipress, Councilor Westerlund, Councilor Van Nett and President Hobbs

Nay: 1 - Councilor Fosle

Absent: 1 - Councilor Anderson

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

BY COUNCILOR FILIPOVICH (FINANCE)

- 19 18-041-O: ORDINANCE AMENDING THE REQUIREMENTS FOR ESTABLISHING CITY FEES, AMENDING SECTIONS 2-5, 31-6, and 31-8 OF THE DULUTH CITY CODE, 1959, AS AMENDED.

This Ordinance was read for the first time.

20 18-045-O: ORDINANCE AMENDING THE BUDGET OF THE CITY OF DULUTH FOR 2018 BY INCREASING THE BUDGET BY \$1,375,000 TO FINANCE THE PURCHASE OF AN AERIAL FIRE TRUCK.

This Ordinance was read for the first time.

BY COUNCILOR RUSS (PLANNING & ECONOMIC DEVELOPMENT)

21 18-044-O: AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF DULUTH TO RECLASSIFY PROPERTY AT 4610 WEST ARROWHEAD ROAD FROM RURAL RESIDENTIAL-1 (RR-1) TO MIXED USE-BUSINESS (MU-B).

This Ordinance was read for the first time.

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

BY COUNCILOR FILIPOVICH (FINANCE)

22 18-043-O: AN ORDINANCE AUTHORIZING THE ISSUANCE, SALE AND DELIVERY OF GENERAL OBLIGATION WATER UTILITY REVENUE BONDS OF THE CITY OF DULUTH IN AN AMOUNT NOT TO EXCEED \$4,200,000 FOR THE IMPROVEMENT OF THE MUNICIPAL WATER UTILITY UPON TERMS AND CONDITIONS TO BE PROVIDED BY RESOLUTION OF THE CITY COUNCIL AND PLEDGING REVENUES FOR THE PAYMENT THEREOF

This Ordinance passed 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]*

Monday, September 10, 2018

7:00 PM

Council Chamber

ROLL CALL

Present: 9 - Councilor Gary Anderson, Councilor Zack Filipovich, Councilor Arik Forsman, Councilor Jay Fosle, Councilor Barb Russ, Councilor Joel Sipress, Councilor Em Westerlund, Councilor Renee Van Nett and President Noah Hobbs

PLEDGE OF ALLEGIANCE

APPROVAL OF MINUTES

1. [18-184](#) Duluth City Council Meeting Minutes: August 27th, 2018

Indexes:

Attachments: [August 27, 2018 - City Council Meeting](#)

Approved.

Yea: 9 - Councilor Anderson, Councilor Filipovich, Councilor Forsman, Councilor Fosle, Councilor Russ, Councilor Sipress, Councilor Westerlund, Councilor Van Nett and President Hobbs

PUBLIC HEARING

REPORTS FROM THE ADMINISTRATION

REPORTS FROM OTHER OFFICERS

REPORTS OF BOARDS AND COMMISSIONS

2. [18-186](#) Duluth Seaway Port Authority June and July Financials 2018

Indexes:

- Attachments: [Duluth Seaway Port Authority July 2018 Financials](#)
[Duluth Seaway Port Authority June 2018 Financials](#)

This Board or Commission Report was received.

3. [18-185](#) Duluth Public Utilities May and June Minutes 2018

Indexes:

- Attachments: [DPUC June Minutes 2018](#)
[DPUC May Minutes 2018](#)

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 FILIPOVICH (FINANCE)

- 4. [18-0630R](#) RESOLUTION PROVIDING FOR THE ISSUANCE, SALE AND DELIVERY OF GENERAL OBLIGATION CAPITAL IMPROVEMENT BONDS, SERIES 2018B, IN THE APPROXIMATE AMOUNT OF \$1,460,000; 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](#)
[Exhibit C](#)
[Exhibit D](#)

This Resolution was adopted unanimously.

- 5. [18-0650R](#) RESOLUTION APPROVING A COLLECTIVE BARGAINING AGREEMENT BETWEEN THE CITY OF DULUTH AND THE CONFIDENTIAL UNIT OF THE CITY OF DULUTH FOR THE YEARS 2018-2020.

Indexes:

- Attachments:** [Exhibit A](#)
[Final Confidential CBA for 2018-2020 redline](#)

This Resolution was adopted unanimously.

- 6. [18-0631R](#) RESOLUTION PROVIDING FOR THE ISSUANCE, SALE AND DELIVERY OF GENERAL OBLIGATION CAPITAL EQUIPMENT NOTES, SERIES 2018C, IN THE APPROXIMATE AMOUNT OF \$4,055,000; 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](#)
[Exhibit C](#)

This Resolution was adopted unanimously.

7. [18-0632R](#) RESOLUTION PROVIDING FOR THE ISSUANCE, SALE AND DELIVERY OF GENERAL OBLIGATION WATER UTILITY REVENUE BONDS, SERIES 2018D, IN THE APPROXIMATE AMOUNT OF \$3,825,000; 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 FOSLE (PURCHASING & LICENSING)

8. [18-0602R](#) RESOLUTION AUTHORIZING A CONTRACT WITH HUNT ELECTRIC CORPORATION TO FURNISH AND INSTALL A REDUNDANT GENERATOR FOR THE DATA CENTER FOR AN AMOUNT NOT TO EXCEED \$183,842.

This Resolution was adopted unanimously.

9. [18-0628R](#) RESOLUTION APPROVING THE EXEMPTION OF A RAFFLE LICENSE AND WAIVING THE 60 DAY WAITING PERIOD FOR ARROWHEAD ZOOLOGICAL SOCIETY DBA LAKE SUPERIOR ZOO AND COLLEGE OF ST. SCHOLASTICA, INC.

This Resolution was adopted unanimously.

10. [18-0644R](#) RESOLUTION AUTHORIZING A FIVE-YEAR AGREEMENT WITH CISCO SYSTEMS, INC. VIA COMPUTER DISCOUNT WAREHOUSE (CDW) FOR FLEX COLLABORATION SERVICES FOR AN ANNUAL AMOUNT OF \$61,029.24 AND A TOTAL AMOUNT NOT TO EXCEED \$305,146.20.

Indexes:

Attachments: [Exhibit A](#)

This Resolution was adopted unanimously.

BY COUNCILOR ANDERSON (PERSONNEL)

11. [18-0625R](#) RESOLUTION CONFIRMING THE APPOINTMENT OF ALICIA CYR TO THE COMMUNITY DEVELOPMENT COMMITTEE REPLACING CRUZ MENDOZA.

Indexes:

Attachments: [Application Redacted Cyr](#)

This Resolution was adopted unanimously.

12. [18-0638R](#) RESOLUTION APPROVING PROPOSED AMENDMENTS TO THE SPECIFICATIONS FOR THE EXISTING CIVIL SERVICE CLASSIFICATION OF WATER CONVEYANCE TECHNICIAN.

Indexes:

Attachments: [Exhibit A](#)
[Water Conveyance Technician \(strikeout\)](#)

This Resolution was adopted unanimously.

13. [18-0639R](#) RESOLUTION APPROVING PROPOSED AMENDMENTS TO THE SPECIFICATIONS FOR THE EXISTING CIVIL SERVICE CLASSIFICATION OF INFORMATION TECHNICIAN.

Indexes:

Attachments: [Exhibit A](#)
[Information Technician \(strikeout\)](#)

This Resolution was adopted unanimously.

14. [18-0640R](#) RESOLUTION APPROVING PROPOSED AMENDMENTS TO THE SPECIFICATIONS FOR THE EXISTING CIVIL SERVICE CLASSIFICATION OF ADMINISTRATIVE INFORMATION SPECIALIST.

Indexes:

Attachments: [Exhibit A](#)
[Administrative Information Specialist \(strikeout\)](#)

This Resolution was adopted unanimously.

15. [18-0646R](#) RESOLUTION CONFIRMING THE APPOINTMENTS OF ANTOINETTE PEARSON AND AARON STOLP TO THE SPIRIT MOUNTAIN RECREATION AREA AUTHORITY.

Indexes:

Attachments: [Antoinette Pearson](#)
[Aaron Stolp](#)

This Resolution was adopted unanimously.

BY COUNCILOR RUSS (PLANNING & ECONOMIC DEVELOPMENT)

16. [18-0610R](#) RESOLUTION VACATING A PORTION OF A SANITARY SEWER EASEMENT IN OUTLOT D OF MORGAN PARK.

Indexes:

Attachments: [Attachment 2](#)

This Resolution was adopted unanimously.

17. [18-0637R](#) RESOLUTION VACATING PORTIONS OF TWO UTILITY EASEMENTS AT 10 PIEDMONT AVENUE.

Indexes:

Attachments: [Attachment 1](#)

This Resolution was adopted unanimously.

BY COUNCILOR FORSMAN (PUBLIC WORKS & UTILITIES)

18. [18-0642R](#) RESOLUTION ACCEPTING PERMANENT EASEMENT FOR ROADWAY AND UTILITY PURPOSES FROM NORTHERN TIER RETAIL, LLC OVER PROPERTY ADJACENT TO SUPERIOR STREET IN THE LAKESIDE NEIGHBORHOOD AT NO COST TO THE CITY.

Indexes:

Attachments: [Exhibit 1.pdf](#)

This Resolution was adopted unanimously.

19. [18-0643R](#) RESOLUTION ACCEPTING PERMANENT EASEMENT FOR UTILITY PURPOSES FROM THE STATE OF MINNESOTA OVER TAX-FORFEITED PROPERTY ACROSS FROM THE GRAND AVENUE CHALET WITHIN THE SPIRIT MOUNTAIN RECREATION AREA FOR \$196.

Indexes:

Attachments: [Exhibit 1.pdf](#)

This Resolution was adopted unanimously.

BY COUNCILOR VAN NETT (PUBLIC SAFETY)

20. [18-0626R](#) RESOLUTION AUTHORIZING AGREEMENT WITH ST. LOUIS COUNTY TO PERFORM POLICE SERVICES PURSUANT TO 2017 OPERATION STONEGARDEN GRANT OPERATIONS ORDER AND ACCEPTING REIMBURSEMENT THROUGH ST. LOUIS COUNTY IN THE AMOUNT OF \$27,630.

Indexes:

Attachments: [Exhibit A](#)

[Exhibit B](#)

[Exhibit C](#)

This Resolution was adopted unanimously.

21. [18-0629R](#) RESOLUTION AUTHORIZING ACCEPTANCE OF AN AWARD FROM THE MINNESOTA BOARD OF FIREFIGHTER TRAINING AND EDUCATION TOTALING \$34,795.80 FOR THE PURPOSE OF SUPPORTING FIRE DEPARTMENT PERSONNEL TRAINING.

This Resolution was adopted unanimously.

END OF CONSENT AGENDA

The following entitled resolutions are also to be considered:

BY COUNCILOR RUSS (PLANNING & ECONOMIC DEVELOPMENT)

22. [18-0649R](#) RESOLUTION AMENDING RESOLUTION NO. 18-0612 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.

Indexes:

Attachments: [Motion to Amend - Sipress.Forsman \(9.10.2018\)](#)

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

Yea: 7 - Councilor Anderson, Councilor Filipovich, Councilor Russ, Councilor Sipress, Councilor Westerlund, Councilor Van Nett and President Hobbs

Nay: 2 - Councilor Forsman and Councilor Fosle

INTRODUCTION AND CONSIDERATION OF ORDINANCES

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

BY COUNCILOR RUSS (PLANNING & ECONOMIC DEVELOPMENT)

23. [18-046-O](#) AN ORDINANCE AMENDING SECTION 50-15.6 MIXED USE WATERFRONT.

Indexes:

Attachments: [Attachment 1](#)

This Ordinance was read for the first time.

24. [18-047-O](#) AN ORDINANCE AMENDING SECTION 50-39, ENFORCEMENT AND PENALTIES.

Indexes:

Attachments: [Attachment 1](#)

This Ordinance was read for the first time.

- 25. [18-048-O](#) AN ORDINANCE AMENDING SECTION 50-21, DIMENSIONAL STANDARDS.

Indexes:

Attachments: [Attachment 1](#)

This Ordinance was read for the first time.

- 26. [18-049-O](#) AN ORDINANCE AMENDING SECTIONS 50-23, CONNECTIVITY AND CIRCULATION, 50-20.2 PUBLIC, INSTITUTIONAL, AND CIVIC USES, AND 50-41-9 DEFINITIONS.

Indexes:

Attachments: [Attachment 1](#)

This Ordinance was read for the first time.

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

BY COUNCILOR FILIPOVICH (FINANCE)

- 27. [18-041-O](#) ORDINANCE AMENDING THE REQUIREMENTS FOR ESTABLISHING CITY FEES, AMENDING SECTIONS 2-5, 31-6, and 31-8 OF THE DULUTH CITY CODE, 1959, AS AMENDED.

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

Yea: 9 - Councilor Anderson, Councilor Filipovich, Councilor Forsman, Councilor Fosle, Councilor Russ, Councilor Sipress, Councilor Westerlund, Councilor Van Nett and President Hobbs

- 28. [18-045-O](#) ORDINANCE AMENDING THE BUDGET OF THE CITY OF DULUTH FOR 2018 BY INCREASING THE BUDGET BY \$1,375,000 TO FINANCE THE PURCHASE OF AN AERIAL FIRE TRUCK.

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

Yea: 8 - Councilor Anderson, Councilor Filipovich, Councilor Forsman, Councilor Russ, Councilor Sipress, Councilor Westerlund, Councilor Van Nett and President Hobbs

Nay: 1 - Councilor Fosle

BY COUNCILOR RUSS (PLANNING & ECONOMIC DEVELOPMENT)

29. [18-044-O](#) AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF DULUTH TO RECLASSIFY PROPERTY AT 4610 WEST ARROWHEAD ROAD FROM RURAL RESIDENTIAL-1 (RR-1) TO MIXED USE-BUSINESS (MU-B).

Indexes:

Attachments: [Attachment 1](#)

[Attachment 2](#)

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

Yea: 9 - Councilor Anderson, Councilor Filipovich, Councilor Forsman, Councilor Fosle, Councilor Russ, Councilor Sipress, Councilor Westerlund, Councilor Van Nett and President Hobbs

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]*

Monday, September 24, 2018

7:00 PM

Council Chamber

ROLL CALL

Present: 8 - Councilor Gary Anderson, Councilor Zack Filipovich, Councilor Arik Forsman, Councilor Barb Russ, Councilor Joel Sipress, Councilor Em Westerlund, Councilor Renee Van Nett and President Noah Hobbs

Absent: 1 - Councilor Jay Fosle

PLEDGE OF ALLEGIANCE

APPROVAL OF MINUTES

1. [18-192](#) Duluth City Council Meeting Minutes - September 10, 2018

Indexes:

Attachments: [City Council Meeting - September 10](#)

This Minutes was approved.

REPORTS FROM THE ADMINISTRATION

REPORTS FROM OTHER OFFICERS

REPORTS OF BOARDS AND COMMISSIONS

2. [18-194](#) Duluth Entertainment and Convention Center Authority Meeting Minutes

Indexes:

Attachments: [April 23, 2018 DECC Board Meeting Minutes](#)
[May 15, 2018 DECC Board Meeting Minutes](#)
[May 29, 2018 DECC Board Meeting Minutes](#)
[June 26, 2018 DECC 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 FILIPOVICH (FINANCE)

3. [18-0658R](#) RESOLUTION PROPOSING THE SUM TO BE RAISED BY TAXATION FOR THE SPECIAL TAXING DISTRICT, DULUTH TRANSIT AUTHORITY, FOR THE YEAR 2019.

Indexes:

Attachments: [Exhibit A](#)

This Resolution was adopted unanimously.

4. [18-0659R](#) RESOLUTION PROPOSING THE SUM TO BE RAISED BY TAXATION FOR THE SPECIAL TAXING DISTRICT, HOUSING AND REDEVELOPMENT AUTHORITY, FOR THE YEAR 2019.

Indexes:

Attachments: [Exhibit A](#)

This Resolution was adopted unanimously.

- 5. [18-0662R](#) RESOLUTION PROPOSING THE SUM TO BE RAISED BY TAXATION FOR THE SPECIAL PARKS FUND LEVY FOR THE YEAR 2019.

This Resolution was adopted unanimously.

BY COUNCILOR FOSLE (PURCHASING & LICENSING)

- 6. [18-0673R](#) RESOLUTION APPROVING THE EXEMPTION OF A RAFFLE LICENSE AND WAIVING THE 60 DAY WAITING PERIOD FOR THE DULUTH AMATEUR HOCKEY ASSOCIATION AND DULUTH EAST YOUTH HOCKEY

This Resolution was adopted unanimously.

- 7. [18-0652R](#) RESOLUTION APPROVING ISSUANCE OF A ONE DAY CONSUMPTION AND DISPLAY LICENSE TO UNITARIAN UNIVERSALIST CONGREGATION OF DULUTH.

Indexes:

Attachments: [Attachment A](#)

This Resolution was adopted unanimously.

BY COUNCILOR ANDERSON (PERSONNEL)

- 8. [18-0653R](#) RESOLUTION CONFIRMING THE APPOINTMENTS OF LAURIE BERNER AND JENELLE FRESVIK AND MEGHAN WASLEY TO THE COMMISSION ON DISABILITIES

This Resolution was adopted unanimously.

- 9. [18-0668R](#) RESOLUTION CONFIRMING THE REAPPOINTMENT OF RICK REVOIR TO THE SEAWAY PORT AUTHORITY OF DULUTH.

This Resolution was adopted unanimously.

BY COUNCILOR RUSS (PLANNING & ECONOMIC DEVELOPMENT)

- 10. [18-0608R](#) RESOLUTION AUTHORIZING A SECOND AMENDMENT TO THE 2014 COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM UDAC BUILDING REFORMATION GRANT AGREEMENT WITH UDAC, INC.

Indexes:

Attachments: [Attachment 1](#)

This Resolution was adopted unanimously.

- 11. [18-0656R](#) RESOLUTION VACATING A 400 FEET SECTION OF A SIXTEEN-FOOT-WIDE PLATTED ALLEY WEST OF NORTH ARLINGTON AVENUE.

Indexes:

Attachments: [Attachment 1](#)

[Attachment 2](#)

This Resolution was adopted unanimously.

- 12. [18-0657R](#) RESOLUTION GRANTING AN INTERIM USE PERMIT FOR A VACATION DWELLING UNIT AT 5727 GRAND AVENUE (ANNA AND NATHANAEL BAILEY).

Indexes:

Attachments: [Attachment 1](#)

This Resolution was adopted unanimously.

- 13. [18-0666R](#) RESOLUTION RESCINDING RESOLUTION NO. 18-0610 AND VACATING A PORTION OF A SANITARY SEWER EASEMENT IN OUTLOT D OF MORGAN PARK.

Indexes:

Attachments: [Attachment 1](#)

[Attachment 2](#)

This Resolution was adopted unanimously.

BY COUNCILOR FORSMAN (PUBLIC WORKS & UTILITIES)

14. [18-0663R](#) RESOLUTION ACCEPTING PERMANENT EASEMENT FOR UTILITY PURPOSES FROM 2700 WEST, LLC OVER PROPERTY IN THE LINCOLN PARK NEIGHBORHOOD ADJACENT TO MICHIGAN STREET AND 27TH AVENUE WEST AT NO COST TO THE CITY.

Indexes:

Attachments: [Exhibit 1.pdf](#)

This Resolution was adopted unanimously.

15. [18-0664R](#) RESOLUTION OF INTENT TO SELL OR CONVEY CERTAIN REAL PROPERTY IN THE LINCOLN PARK NEIGHBORHOOD.

Indexes:

Attachments: [Exhibit A-Aerial Map](#)
[Exhibit B-Letter of Conformity](#)

This Resolution was adopted unanimously.

BY COUNCILOR WESTERLUND (RECREATION, LIBRARIES & AUTHORITIES)

16. [18-0651R](#) RESOLUTION AUTHORIZING AN AGREEMENT WITH THE DULUTH LIBRARY FOUNDATION FORMALIZING THE RELATIONSHIP BETWEEN THE DULUTH LIBRARY FOUNDATION AND THE DULUTH PUBLIC LIBRARY.

Indexes:

Attachments: [Exhibit A.](#)

This Resolution was adopted unanimously.

17. [18-0654R](#) RESOLUTION AUTHORIZING A CONTRACT WITH VEIT & COMPANY, INC. FOR LAKEWALK AND SHORELINE DAMAGE REPAIR FROM 4TH AVENUE EAST TO 7TH AVENUE EAST FOR AN AMOUNT NOT TO EXCEED \$1,184,590.00.

Indexes:

Attachments: [Exhibit A lakewalk repair map](#)

This Resolution was adopted unanimously.

18. [18-0661R](#) RESOLUTION AUTHORIZING ACCEPTANCE OF A CROSS COUNTRY SKI TRAIL ASSISTANCE PROGRAM GRANT AGREEMENT FOR YEAR 2018-2019 WITH THE MINNESOTA DEPARTMENT OF NATURAL RESOURCES IN AN AMOUNT NOT TO EXCEED \$11,000.

Indexes:

Attachments: [City of Duluth Ski GIA FY 19 MG Contract Agreement](#)

This Resolution was adopted unanimously.

19. [18-0667R](#) RESOLUTION AUTHORIZING THE NOMINATION OF HARTLEY PARK FOR THE DULUTH NATURAL AREAS PROGRAM.

Indexes:

Attachments: [Exhibit A](#)

This Resolution was adopted unanimously.

20. [18-0670R](#) RESOLUTION AUTHORIZING A COOPERATIVE AGREEMENT WITH THE STATE OF MINNESOTA TO CROSS THE WILLARD MUNGER STATE TRAIL.

Indexes:

Attachments: [Exhibit 1.pdf](#)

This Resolution was adopted unanimously.

END OF CONSENT AGENDA

The following entitled resolutions are also to be considered:

BY COUNCILOR VAN NETT (PUBLIC SAFETY)

21. [18-0674R](#) RESOLUTION APPROVING THE PURCHASE OF PERSONAL PROTECTIVE EQUIPMENT FOR THE POLICE DEPARTMENT IN THE AMOUNT NOT TO EXCEED \$83,721 UTILIZING CAPITAL EQUIPMENT FUNDS APPROVED BY RESOLUTION 17-0837.

This Resolution was tabled.

BY COUNCILOR FILIPOVICH (FINANCE)

22. [18-0660R](#) RESOLUTION PROPOSING THE SUM TO BE RAISED BY TAXATION FOR GENERAL PURPOSES FOR THE YEAR 2019.

Indexes:

Attachments: [Motion To Amend: Filipovich/Sipress - Passed \(6-2-1\)](#)
[Motion To Amend: Hobbs/Forsman - Removed](#)

This Resolution was adopted as amended.

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

BY COUNCILOR RUSS (PLANNING & ECONOMIC DEVELOPMENT)

23. [18-050-O](#) AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF DULUTH TO RECLASSIFY PROPERTY AT 515 NORTH LAKE AVENUE FROM RESIDENTIAL-TRADITIONAL (R-1) TO URBAN-RESIDENTIAL (R-2).

Indexes:

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

This Ordinance was read for the first time.

BY COUNCILOR FORSMAN (PUBLIC WORKS & UTILITIES)

24. [18-029-O](#) ORDINANCE AMENDING CHAPTER 45 OF THE DULUTH CITY CODE, 1959, AS AMENDED, REPEALING SECTION 45-57.1.

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)

25. [18-046-O](#) AN ORDINANCE AMENDING SECTION 50-15.6 MIXED USE WATERFRONT.

Indexes:

Attachments: [Attachment 1](#)

This Ordinance was adopted unanimously.

26. [18-047-O](#) AN ORDINANCE AMENDING SECTION 50-39, ENFORCEMENT AND PENALTIES.

Indexes:

Attachments: [Attachment 1](#)

This Ordinance was adopted unanimously.

27. [18-048-O](#) AN ORDINANCE AMENDING SECTION 50-21, DIMENSIONAL STANDARDS.

Indexes:

Attachments: [Attachment 1](#)

This Ordinance was adopted unanimously.

28. [18-049-O](#) AN ORDINANCE AMENDING SECTIONS 50-23, CONNECTIVITY AND CIRCULATION, 50-20.2 PUBLIC, INSTITUTIONAL, AND CIVIC USES, AND 50-41-9 DEFINITIONS.

Indexes:

Attachments: [Attachment 1](#)

This Ordinance was adopted unanimously.

COUNCILOR QUESTIONS AND COMMENTS

Resolution thanking David Montgomery for his service and congratulating him on his retirement.

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]*

Monday, October 8, 2018

7:00 PM

Council Chamber

ROLL CALL

Present: 8 - Councilor Zack Filipovich, Councilor Arik Forsman, Councilor Jay Fosle, Councilor Barb Russ, Councilor Joel Sipress, Councilor Em Westerlund, Councilor Renee Van Nett and President Noah Hobbs

Absent: 1 - Councilor Gary Anderson

PLEDGE OF ALLEGIANCE

APPROVAL OF MINUTES

1. [18-210](#) September 24, 2018 Duluth City Council Minutes

Indexes:

Attachments: [09/24/2018](#)

These Minutes was approved.

REPORTS FROM THE ADMINISTRATION

REPORTS OF BOARDS AND COMMISSIONS

- 2. [18-206](#) Duluth Economic Development Authority Meeting Minutes

Indexes:

Attachments: [08/22/2018 - Meeting Minutes](#)
[09/05/2018 - Meeting Minutes](#)

This Board or Commission Report was received.

- 3. [18-207](#) Duluth Public Utilities Commission Resolutions:
18PUC - 005
18PUC - 006

Indexes:

Attachments: [18PUC-005 recommending 2019 utility budget approved 09182018](#)
[18PUC-006 establishing 2019 fees approved 09182018](#)

This Board or Commission Report was received.

- 4. [18-208](#) Duluth Public Utilities Commission Meeting Minutes

Indexes:

Attachments: [08/21/2018 - Meeting Minutes](#)

This Board or Commission Report was received.

- 5. [18-209](#) Library Board Meeting Minutes

Indexes:

Attachments: [08/28/2018 - Meeting Minutes](#)

This Board or Commission Report was received.

REPORTS FROM OTHER OFFICERS

REPORTS OF COUNCIL COMMITTEES

REPORTS OF COUNCIL OPEN ISSUES

OPPORTUNITY FOR CITIZENS TO BE HEARD

RESOLUTIONS TABLED**BY COUNCILOR VAN NETT (PUBLIC SAFETY)**

6. [18-0674R](#) RESOLUTION APPROVING THE PURCHASE OF PERSONAL PROTECTIVE EQUIPMENT FOR THE POLICE DEPARTMENT IN THE AMOUNT NOT TO EXCEED \$83,721 UTILIZING CAPITAL EQUIPMENT FUNDS APPROVED BY RESOLUTION 17-0837.

This Resolution remains tabled.

CONSENT AGENDA**BY COUNCILOR FILIPOVICH (FINANCE)**

7. [18-0709R](#) RESOLUTION AUTHORIZING EXTENDING THE TERM OF A LINE OF CREDIT PROMISSORY NOTE WITH THE ARROWHEAD ZOOLOGICAL SOCIETY, INC. TO OCTOBER 1, 2020.

Indexes:

Attachments: [Exhibit A](#)

This Resolution was adopted unanimously.
Absent: Councilor Anderson

BY COUNCILOR FOSLE (PURCHASING & LICENSING)

8. [18-0627R](#) RESOLUTION ISSUING AN ON SALE 3.2 PERCENT NON INTOXICATING MALT LIQUOR LICENSE AND APPROVING ISSUANCE OF AN ON SALE WINE LICENSE TO GOLDEN BULLDOG, INC. (GOLDEN BULLDOG) 318 NORTH 18TH AVENUE EAST

Indexes:

Attachments: [Golden Bulldog](#)

This Resolution was adopted unanimously.
Absent: Councilor Anderson

9. [18-0689R](#) RESOLUTION ISSUING AN ON SALE 3.2 PERCENT NON INTOXICATING MALT LIQUOR LICENSE AND APPROVING ISSUANCE OF AN ON SALE WINE LICENSE TO WASABI DULUTH, LLC, 132 EAST SUPERIOR STREET, STE 2A.

Indexes:

Attachments: [Wasabi Duluth](#)

**This Resolution was adopted unanimously.
Absent: Councilor Anderson**

10. [18-0690R](#) RESOLUTION ISSUING AN ON SALE 3.2 PERCENT NON INTOXICATING MALT LIQUOR LICENSE TO HOSTEL DU NORD, LLC. (HOSTEL DU NORD) 217 WEST 1ST STREET

Indexes:

Attachments: [Hostel du Nord](#)

**This Resolution was adopted unanimously.
Absent: Councilor Anderson**

11. [18-0692R](#) RESOLUTION APPROVING ISSUANCE OF A TEMPORARY ON SALE INTOXICATING LIQUOR LICENSE TO DULUTH CROSS COUNTRY SKI CLUB (HAUNTED PADDLE PARTY), 1912 WEST MICHIGAN STREET (OLD TAPROOM AND OPEN FLOOR OF BREWERY).

Indexes:

Attachments: [Haunted Paddle Party](#)

**This Resolution was adopted unanimously.
Absent: Councilor Anderson**

BY COUNCILOR ANDERSON (PERSONNEL)

12. [18-0675R](#) RESOLUTION CONFIRMING THE APPOINTMENT OF SARAH MAYNE TO THE DULUTH PUBLIC ARTS COMMISSION

**This Resolution was adopted unanimously.
Absent: Councilor Anderson**

13. [18-0703R](#) RESOLUTION CONFIRMING THE REAPPOINTMENT OF JANE GILBERT TO THE SPIRIT MOUNTAIN RECREATION AREA AUTHORITY.

**This Resolution was adopted unanimously.
Absent: Councilor Anderson**

BY COUNCILOR RUSS (PLANNING & ECONOMIC DEVELOPMENT)

14. [18-0685R](#) RESOLUTION VACATING A 200 FOOT SECTION OF A 30-FOOT-WIDE PLATTED, UNIMPROVED STREET RIGHT OF WAY FOR APPLE STREET, AND A 145 FOOT SECTION OF A 25-FOOT-WIDE PLATTED, UNIMPROVED ALLEY SOUTHWEST OF THE CORNER OF ANDERSON ROAD AND CENTRAL ENTRANCE.

Indexes:

Attachments: [Attachment 1](#)

[Attachment 2](#)

**This Resolution was adopted unanimously.
Absent: Councilor Anderson**

15. [18-0686R](#) RESOLUTION RESCINDING RESOLUTION NO. 18-0550 AND VACATING CERTAIN STREETS, AVENUES, ALLEYS, AND SLOPE AND FILL EASEMENTS WITHIN THE PLAT OF IRONTON FIRST DIVISION.

Indexes:

Attachments: [Attachment 1](#)

[Attachment 2](#)

**This Resolution was adopted unanimously.
Absent: Councilor Anderson**

16. [18-0687R](#) RESOLUTION RESCINDING RESOLUTION NO. 17-0611R AND VACATING CERTAIN AVENUES WITHIN THE PLAT OF KENSINGTON PLACE ADDITION TO DULUTH.

Indexes:

Attachments: [Attachment 1](#)

[Attachment 2](#)

**This Resolution was adopted unanimously.
Absent: Councilor Anderson**

17. [18-0700R](#) RESOLUTION AUTHORIZING THE PROPER CITY OFFICIALS TO ENTER INTO SUB-RECIPIENT FUNDING AGREEMENTS WITH SOAR CAREER SOLUTIONS, ISD 709 ADULT BASIC EDUCATION, AND THE BOARD OF TRUSTEES OF THE MINNESOTA STATE COLLEGES AND UNIVERSITIES ON BEHALF OF LAKE SUPERIOR COLLEGE FOR EMPLOYMENT AND TRAINING SERVICES FUNDED THROUGH THE STATE OF MINNESOTA'S PATHWAYS TO PROSPERITY GRANT PROGRAM.

Indexes:

Attachments: [P2P 2018 - Sub-recipient Agreement - SOAR](#)
[P2P 2018 - Sub-recipient Agreement - ISD709 ABE](#)
[P2P 2018 - Sub-recipient Agreement - LSC](#)

**This Resolution was adopted unanimously.
Absent: Councilor Anderson**

BY COUNCILOR FORSMAN (PUBLIC WORKS & UTILITIES)

18. [18-0677R](#) RESOLUTION AUTHORIZING REIMBURSEMENT TO THE ARROWHEAD REGIONAL DEVELOPMENT COMMISSION FOR A PORTION OF THE COST OF A PROFESSIONAL SERVICES AGREEMENT RELATED TO THE I-35/BAYFRONT AREA TRAFFIC MODELING AND SPECIAL EVENT TRAFFIC CONTROL PLAN PROJECT.

Indexes:

Attachments: [18-0677R Exhibit A](#)
[18-0677R Exhibit B](#)

**This Resolution was adopted unanimously.
Absent: Councilor Anderson**

19. [18-0682R](#) RESOLUTION APPROVING A COUNTY PROJECT WITHIN MUNICIPAL CORPORATE LIMITS FOR IMPROVEMENTS TO BRIDGE 69504 LOCATED AT THE SOUTHWESTERN TERMINUS OF COUNTY STATE AID HIGHWAY 12 (EAST SUPERIOR STREET).

Indexes:

Attachments: [18-0682R Map & Plans](#)

**This Resolution was adopted unanimously.
Absent: Councilor Anderson**

20. [18-0683R](#) RESOLUTION AWARDING A CONTRACT TO NORTHLAND CONSTRUCTORS OF DULUTH, LLC FOR THE DULUTH SEAWAY PORT AUTHORITY EXPANSION PROJECT AT THE CLURE PUBLIC MARINE TERMINAL IN THE AMOUNT OF \$2,973,994.

Indexes:

Attachments: [18-0683R Map](#)
[Port Authority Bid Acceptance Resolution](#)

This Resolution was adopted unanimously.

Absent: Councilor Anderson

21. [18-0688R](#) RESOLUTION AUTHORIZING AGREEMENT WITH ST. MARY'S DULUTH CLINIC HEALTH SYSTEMS D/B/A ESSENTIA HEALTH EAST FOR PROVISION OF ENERGY TO THE ESSENTIA CAMPUS INCLUDING THE VISION NORTHLAND PROJECT.

Indexes:

Attachments: [Exhibit A Agreement](#)
[EXHIBIT A to EX. A-- SERVICE LOCATIONS](#)
[EXHIBIT B - DES SYSTEM DIAGRAM](#)
[EXHIBIT C - Essentia LCCA 9.25.18](#)
[EXHIBIT D - CONSUMPTION COST CATEGORIES](#)
[EXHIBIT E- HOT WATER CONSUMPTION ENERGY RATE](#)
[EXHIBIT F- EXAMPLE HOT WATER AGREEMENT](#)

This Resolution was adopted unanimously.

Absent: Councilor Anderson

22. [18-0699R](#) RESOLUTION ACCEPTING PERMANENT EASEMENT FOR STREET AND UTILITY PURPOSES FROM THE STATE OF MINNESOTA OVER, UNDER, AND ACROSS TAX-FORFEITED PROPERTY LOCATED AT THE INTERSECTION OF SKYLINE PARKWAY AND E. 13TH STREET FOR \$196.

Indexes:

Attachments: [Exhibit 1.pdf](#)

This Resolution was adopted unanimously.

Absent: Councilor Anderson

23. [18-0701R](#) RESOLUTION APPROVING DULUTH ENERGY SYSTEM THERMAL ENERGY HOT WATER RATE AND RATE CALCULATION METHODOLOGY FOR THE SYSTEM EXCLUDING EASTERN CANAL PARK.

Indexes:

Attachments: [Exhibit A 18-0701](#)

This Resolution was adopted unanimously.
Absent: Councilor Anderson

24. [18-0702R](#) RESOLUTION AUTHORIZING AGREEMENT WITH DULUTH SEAWAY PORT AUTHORITY AUTHORIZING THE CITY TO DEPOSIT SNOW ON ERIE PIER AT NO COST.

Indexes:

Attachments: [Exhibit A](#)

This Resolution was adopted unanimously.
Absent: Councilor Anderson

BY COUNCILOR VAN NETT (PUBLIC SAFETY)

25. [18-0678R](#) RESOLUTION AUTHORIZING LEASE AGREEMENT WITH PIER B HOLDING LLC FOR DOCKING THE ALL-HAZARD QUICK RESPONSE VESSEL IN SLIP 3 AT NO COST.

Indexes:

Attachments: [18-0678 Exhibit A](#)

This Resolution was adopted unanimously.
Absent: Councilor Anderson

26. [18-0679R](#) RESOLUTION AUTHORIZING PROPER CITY OFFICIALS TO EXECUTE AN AGREEMENT WITH INDEPENDENT SCHOOL DISTRICT NO. 709 TO PROVIDE FOR LAW ENFORCEMENT OFFICERS IN THE PUBLIC SCHOOLS.

Indexes:

Attachments: [Document A](#)

[Exhibit A](#)

This Resolution was adopted unanimously.
Absent: Councilor Anderson

27. [18-0680R](#) RESOLUTION AUTHORIZING THE CITY TO ENTER INTO A JOINT POWERS AGREEMENT WITH THE STATE OF MINNESOTA, DEPARTMENT OF PUBLIC SAFETY, BUREAU OF CRIMINAL APPREHENSION, ALLOWING THE CITY OF DULUTH POLICE DEPARTMENT TO INVESTIGATE AND PROSECUTE HUMAN TRAFFICKING AND SEXUAL EXPLOITATION OF CHILDREN AS PART OF THE MINNESOTA HUMAN TRAFFICKING INVESTIGATORS TASK FORCE.

Indexes:

Attachments: [Exhibit A](#)

This Resolution was adopted unanimously.
Absent: Councilor Anderson

28. [18-0684R](#) RESOLUTION AUTHORIZING THE ACCEPTANCE OF A GRANT FROM THE MINNESOTA DEPARTMENT OF PUBLIC SAFETY IN THE AMOUNT OF \$236,300 FOR THE 2019 TOWARDS ZERO DEATHS PROJECT.

Indexes:

Attachments: [Exhibit A](#)

This Resolution was adopted unanimously.
Absent: Councilor Anderson

BY COUNCILOR WESTERLUND (RECREATION, LIBRARIES & AUTHORITIES)

29. [18-0676R](#) RESOLUTION AUTHORIZING THE EXECUTION OF A SNOWMOBILE TRAILS ASSISTANCE PROGRAM GRANT AGREEMENT FOR THE FY2019 WITH THE MINNESOTA DEPARTMENT OF NATURAL RESOURCES IN AN AMOUNT NOT TO EXCEED \$20,029.85.

Indexes:

Attachments: [City of Duluth SNOWMOBILE GIA MG FY 19 Contract Agreement](#)

This Resolution was adopted unanimously.
Absent: Councilor Anderson

30. [18-0693R](#) RESOLUTION AUTHORIZING THE CITY TO ENTER INTO A JOINT POWERS AGREEMENT WITH THE STATE OF MINNESOTA, DEPARTMENT OF NATURAL RESOURCES, FOR FINANCIAL ASSISTANCE NOT TO EXCEED \$5,000 FOR THE COMPARATIVE ANALYSIS OF MUD LAKE.

Indexes:

Attachments: [Exhibit A agreement](#)

This Resolution was adopted unanimously.
Absent: Councilor Anderson

31. [18-0694R](#) RESOLUTION AUTHORIZING A THREE-YEAR NON-EXCLUSIVE USE PERMIT WITH THE STATE OF MINNESOTA, BY AND THROUGH THE BOARD OF TRUSTEES OF MINNESOTA STATE COLLEGES AND UNIVERSITIES ON BEHALF OF LAKE SUPERIOR COLLEGE FOR USE OF THE WASHINGTON CENTER GYM.

Indexes:

Attachments: [Exhibit 1.pdf](#)

This Resolution was adopted unanimously.
Absent: Councilor Anderson

END OF CONSENT AGENDA

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

BY COUNCILOR RUSS (PLANNING & ECONOMIC DEVELOPMENT)

32. [18-052-O](#) AN ORDINANCE AMENDING ORDINANCE 9127 DESIGNATING THE OLD CENTRAL HIGH SCHOOL BUILDING A HERITAGE PRESERVATION LANDMARK.

Indexes:

Attachments: [Exhibit A.pdf](#)

This Ordinance was read for the first time.

BY COUNCILOR FORSMAN (PUBLIC WORKS & UTILITIES)

33. [18-051-O](#) AN ORDINANCE AUTHORIZING THE CONVEYANCE OF CERTAIN REAL PROPERTY IN THE LINCOLN PARK NEIGHBORHOOD TO THE WESTERN LAKE SUPERIOR SANITARY DISTRICT FOR NOMINAL CONSIDERATION.

Indexes:

Attachments: [Exhibit A-Aerial Map.pdf](#)
[Exhibit B-Letter of Conformity.pdf](#)

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)

- 34. [18-050-O](#) AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF DULUTH TO RECLASSIFY PROPERTY AT 515 NORTH LAKE AVENUE FROM RESIDENTIAL-TRADITIONAL (R-1) TO URBAN-RESIDENTIAL (R-2).

Indexes:

Attachments: [Attachment 1](#)

[Attachment 2](#)

[Attachment 3](#)

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

Yea: 5 - Councilor Filipovich, Councilor Forsman, Councilor Fosle, Councilor Russ and President Hobbs

Nay: 3 - Councilor Sipress, Councilor Westerlund and Councilor Van Nett

Absent: 1 - Councilor Anderson

BY COUNCILOR FORSMAN (PUBLIC WORKS & UTILITIES)

- 35. [18-029-O](#) ORDINANCE AMENDING CHAPTER 45 OF THE DULUTH CITY CODE, 1959, AS AMENDED, REPEALING SECTION 45-57.1.

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

Yea: 7 - Councilor Filipovich, Councilor Forsman, Councilor Russ, Councilor Sipress, Councilor Westerlund, Councilor Van Nett and President Hobbs

Nay: 1 - Councilor Fosle

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

Monday, October 22, 2018

7:00 PM

Council Chamber

ROLL CALL

Present: 8 - Councilor Gary Anderson, Councilor Zack Filipovich, Councilor Arik Forsman, Councilor Jay Fosle, Councilor Barb Russ, Councilor Joel Sipress, Councilor Renee Van Nett and President Noah Hobbs

Absent: 1 - Councilor Em Westerlund

PLEDGE OF ALLEGIANCE

APPROVAL OF MINUTES

1. [18-221](#) Duluth City Council Meeting Minutes: October 8, 2018

Indexes:

Attachments: [City Council - October 8, 2018](#)

The Minutes were received.

REPORTS FROM THE ADMINISTRATION

REPORTS OF BOARDS AND COMMISSIONS

2. [18-220](#) Charter Commission Meeting Minutes

Indexes:

Attachments: [2017-10-11, Charter Commission Minutes](#)

This Board or Commission Report was received.

REPORTS FROM OTHER OFFICERS

REPORTS OF COUNCIL COMMITTEES

REPORTS OF COUNCIL OPEN ISSUES

OPPORTUNITY FOR CITIZENS TO BE HEARD

CONSENT AGENDA

BY COUNCILOR FOSLE (PURCHASING & LICENSING)

4. [18-0691R](#) RESOLUTION ISSUING AN ON SALE 3.2 PERCENT NON INTOXICATING MALT LIQUOR LICENSE AND APPROVING ISSUANCE OF AN ON SALE WINE LICENSE TO RED BAMBOO, LLC, (THAI BY THAI) 114 WEST 1ST STREET.

Indexes:

Attachments: [Thai By Thai](#)

This Resolution was adopted unanimously.
Absent: Councilor Westerlund

5. [18-0713R](#) RESOLUTION AUTHORIZING A FIVE-YEAR AGREEMENT WITH BENCH STRENGTH PARTNERS, INC., TO NEGOTIATE CELL TOWER LEASES AND INSTALLATION OF SMALL CELL COMMUNICATION SYSTEMS ON CITY PROPERTY

Indexes:

Attachments: [BSP AGREEMENT Revised 10-10-2018](#)

**This Resolution was adopted unanimously.
Absent: Councilor Westerlund**

6. [18-0716R](#) RESOLUTION APPROVING THE EXEMPTION OF A RAFFLE LICENSE AND WAIVING THE 60 DAY WAITING PERIOD FOR VETERANS OF FOREIGN WARS POST 137.

**This Resolution was adopted unanimously.
Absent: Councilor Westerlund**

7. [18-0717R](#) RESOLUTION IN THE MATTER OF THE ON SALE INTOXICATING LIQUOR LICENSE OF MARTHA'S DAUGHTER, 107 EAST SUPERIOR STREET, DULUTH, MINNESOTA 55802.

Indexes:

Attachments: [Signed Report to City Council - Martha's Daughter](#)

[Master](#)

[Master](#)

[Master](#)

**This Resolution was adopted unanimously.
Absent: Councilor Westerlund**

8. [18-0718R](#) RESOLUTION APPROVING THE ISSUANCE OF A 2019 MINNESOTA CURRENCY EXCHANGE LICENSE TO THE TITLE LOAN COMPANY, INC.

Indexes:

Attachments: [2018-10-08, Currency Exchange License](#)

**This Resolution was adopted unanimously.
Absent: Councilor Westerlund**

BY COUNCILOR ANDERSON (PERSONNEL)

9. [18-0739R](#) RESOLUTION CONFIRMING THE APPOINTMENT OF NOAH SCHUCHMAN AS CHIEF ADMINISTRATIVE OFFICER FOR THE CITY OF DULUTH.

Indexes:

Attachments: [Exhibit A](#)

This Resolution was adopted unanimously.
Absent: Councilor Westerlund

BY COUNCILOR RUSS (PLANNING & ECONOMIC DEVELOPMENT)

10. [18-0723R](#) RESOLUTION RESCINDING RESOLUTION NO. 16-0875 AND VACATING CERTAIN RIGHTS OF WAYS WITHIN THE PLAT OF AIRPORT DIVISION WITH THE RETENTION OF UTILITY EASEMENTS.

Indexes:

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

This Resolution was adopted unanimously.
Absent: Councilor Westerlund

11. [18-0725R](#) RESOLUTION AMENDING THE 2018 ANNUAL ACTION PLAN BY ADDING THE GARFIELD SQUARE SITE WORK PROJECT AND REPROGRAMMING OF \$50,000 CDBG PROGRAM FUNDS FOR THE PROJECT.

This Resolution was adopted unanimously.
Absent: Councilor Westerlund

12. [18-0731R](#) RESOLUTION GRANTING AN INTERIM USE PERMIT FOR A VACATION DWELLING UNIT AT 3 MESABA PLACE (LAKE VIEW LAND COMPANY, LLC.).

Indexes:

Attachments: [Attachment 1](#)

This Resolution was adopted unanimously.
Absent: Councilor Westerlund

BY COUNCILOR FORSMAN (PUBLIC WORKS & UTILITIES)

13. [18-0722R](#) RESOLUTION AUTHORIZING AN AGREEMENT WITH MSA PROFESSIONAL SERVICES, INC. FOR PROFESSIONAL ENGINEERING SERVICES TO PROVIDE DESIGN AND CONSTRUCTION ENGINEERING FOR THE RIVERWEST PROJECT IN AN AMOUNT NOT TO EXCEED \$163,424.93.

Indexes:

Attachments: [Exhibit A](#)
[MSA Proposal](#)

This Resolution was adopted unanimously.
Absent: Councilor Westerlund

14. [18-0729R](#) RESOLUTION ACCEPTING PERMANENT EASEMENT FOR STREET AND UTILITY PURPOSES FROM ZENITH TERRACE ASSOCIATES, LLP OVER, UNDER, AND ACROSS PROPERTY ADJACENT TO TERMINAL AVENUE IN THE BAYVIEW HEIGHTS NEIGHBORHOOD AT NO COST TO THE CITY.

Indexes:

Attachments: [Exhibit 1.pdf](#)

This Resolution was adopted unanimously.
Absent: Councilor Westerlund

15. [18-0732R](#) RESOLUTION ACCEPTING PERMANENT UTILITY EASEMENT FOR NATURAL GAS PURPOSES FROM DAVID BENSON AND PAIGE BENSON OVER PROPERTY NEAR JEAN DULUTH ROAD AND PAINE FARM ROAD AT NO COST TO THE CITY.

Indexes:

Attachments: [Exhibit 1.pdf](#)

**This Resolution was adopted unanimously.
Absent: Councilor Westerlund**

16. [18-0733R](#) RESOLUTION ACCEPTING PERMANENT UTILITY EASEMENT FOR NATURAL GAS PURPOSES FROM PETER F. CAMPBELL AND VIRGINIA K. CAMPBELL OVER PROPERTY NEAR JEAN DULUTH ROAD AND PAINE FARM ROAD AT NO COST TO THE CITY.

Indexes:

Attachments: [Exhibit 1.pdf](#)

**This Resolution was adopted unanimously.
Absent: Councilor Westerlund**

17. [18-0734R](#) RESOLUTION ACCEPTING PERMANENT UTILITY EASEMENT FOR NATURAL GAS PURPOSES FROM GRAF LESAVAGE AND JILL A. LESAVAGE OVER PROPERTY NEAR JEAN DULUTH ROAD AND PAINE FARM ROAD AT NO COST TO THE CITY.

Indexes:

Attachments: [Exhibit 1.pdf](#)

**This Resolution was adopted unanimously.
Absent: Councilor Westerlund**

18. [18-0737R](#) RESOLUTION AUTHORIZING THE PURCHASE OF REAL PROPERTY IN THE FAIRMOUNT NEIGHBORHOOD FROM ALLETE, INC. IN THE AMOUNT OF \$2,900, PLUS CLOSING COSTS IN AN AMOUNT UP TO \$2,500, FOR A TOTAL AMOUNT NOT TO EXCEED \$5,400.

Indexes:

- Attachments:** [Exhibit 1.pdf](#)
[Exhibit 2.pdf](#)
[Exhibit 3.pdf](#)

**This Resolution was adopted unanimously.
Absent: Councilor Westerlund**

19. [18-0740R](#) RESOLUTION AUTHORIZING A UTILITY DESIGN SERVICES AGREEMENT WITH MNDOT FOR REIMBURSEMENT TO THE CITY FOR ENGINEERING SERVICES IN THE AMOUNT OF \$523,169.

Indexes:

- Attachments:** [18-0740R Map](#)
[18-0740R Exhibit A](#)

**This Resolution was adopted unanimously.
Absent: Councilor Westerlund**

BY COUNCILOR VAN NETT (PUBLIC SAFETY)

20. [18-0714R](#) RESOLUTION AUTHORIZING ACCEPTANCE OF A GRANT CONTRACT WITH THE STATE OF MINNESOTA IN THE AMOUNT OF \$5,000 TO PURCHASE A FIRE PUMP SLIP-ON UNIT.

Indexes:

- Attachments:** [State of MN Grant Contract 144871](#)

**This Resolution was adopted unanimously.
Absent: Councilor Westerlund**

- 21. [18-0721R](#) RESOLUTION AUTHORIZING PROPER CITY OFFICIALS TO ACCEPT A \$17,110 GRANT FROM THE STATE OF MINNESOTA, DEPARTMENT OF NATURAL RESOURCES TO FUND THE HOOKED ON FISHING PROGRAM.

Indexes:

Attachments: [Exhibit C](#)

**This Resolution was adopted unanimously.
Absent: Councilor Westerlund**

- 22. [18-0738R](#) RESOLUTION AUTHORIZING AN AGREEMENT FOR THE PURCHASE OF A MULTI-JURISDICTIONAL LAW ENFORCEMENT RECORDS MANAGEMENT SYSTEM INCLUDING EQUIPMENT, SOFTWARE, IMPLEMENTATION SERVICES, TRAINING, MAINTENANCE AND SUPPORT FROM TYLER TECHNOLOGIES, INC. FOR A FOUR-YEAR PERIOD BEGINNING IN 2018 FOR AN AMOUNT NOT TO EXCEED \$1,144,871.

Indexes:

Attachments: [Exhibit A](#)

**This Resolution was adopted unanimously.
Absent: Councilor Westerlund**

BY COUNCILOR WESTERLUND (RECREATION, LIBRARIES & AUTHORITIES)

- 23. [18-0665R](#) RESOLUTION AUTHORIZING A CONTRACT WITH FOUR STAR CONSTRUCTION, INC. FOR REPLACEMENT OF THE MORGAN PARK COMMUNITY CENTER ROOF FOR AN AMOUNT NOT TO EXCEED \$336,001.00.

Indexes:

Attachments: [Project Summary Form - Morgan CC Roof Phase 1](#)

**This Resolution was adopted unanimously.
Absent: Councilor Westerlund**

24. [18-0715R](#) RESOLUTION AUTHORIZING AND AGREEMENT WITH TKDA FOR ENGINEERING AND DESIGN SERVICES FOR SARGENT CREEK BRIDGE REHABILITATION IN AN AMOUNT NOT TO EXCEED \$46,876.

Indexes:

Attachments: [Exhibit A Engineering Services Proposal](#)

This Resolution was adopted unanimously.
Absent: Councilor Westerlund

25. [18-0735R](#) RESOLUTION AUTHORIZING THE EXECUTION AND FILING OF A NOTICE OF FUNDING RESTRICTIONS OVER PROPERTY TO BE INCLUDED WITHIN THE BOUNDARY OF HARTLEY PARK.

Indexes:

Attachments: [Exhibit 1.pdf](#)
[Exhibit 2.pdf](#)

This Resolution was adopted unanimously.
Absent: Councilor Westerlund

26. [18-0736R](#) RESOLUTION AUTHORIZING A ONE-YEAR AGREEMENT WITH DULUTH AMATEUR HOCKEY ASSOCIATION FOR LEASE OF THE CITY'S FRYBERGER ARENA FOR NOMINAL CONSIDERATION.

Indexes:

Attachments: [Exhibit 1.pdf](#)

This Resolution was adopted unanimously.
Absent: Councilor Westerlund

END OF CONSENT AGENDA

The following entitled resolutions are also to be considered:

BY PRESIDENT HOBBS (COMMITTEE OF THE WHOLE)

27. [18-0744R](#) RESOLUTION REQUESTING THAT THE ADMINISTRATION AMEND THE LAKE SUPERIOR ZOO/FAIRMONT PARK CONCEPT PLAN APPROVED BY RESOLUTION 16-0168 TO MAINTAIN THE 2016 FOOTPRINT OF THE LAKE SUPERIOR ZOO AND TO EXPLORE OPTIONS FOR CONNECTING TRAILS LOCATED AROUND THE ZOO.

Sponsors: Hobbs

This Resolution was tabled.

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

BY COUNCILOR RUSS (PLANNING & ECONOMIC DEVELOPMENT)

28. [18-053-O](#) AN ORDINANCE DESIGNATING THE LAKE SUPERIOR AND MISSISSIPPI RAILROAD AS A DULUTH HERITAGE PRESERVATION LANDMARK.

Indexes:

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

This Ordinance was read for the first time.

29. [18-054-O](#) AN ORDINANCE GRANTING VERIZON WIRELESS A CONCURRENT USE PERMIT FOR SIX SMALL CELL WIRELESS FACILITIES ON MINNESOTA POWER POLES IN THE PLATTED STREET RIGHT OF WAY AROUND THE UNIVERSITY OF MINNESOTA, DULUTH CAMPUS.

Indexes:

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

This Ordinance was read for the first time.

30. [18-055-O](#) AN ORDINANCE GRANTING VERIZON WIRELESS A CONCURRENT USE PERMIT FOR ONE SMALL CELL WIRELESS FACILITY ON A MINNESOTA POWER POLE IN THE PLATTED STREET RIGHT OF WAY NEAR 8551 GRAND AVENUE.

Indexes:

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

This Ordinance was read for the first time.

31. [18-056-O](#) AN ORDINANCE GRANTING VERIZON WIRELESS A CONCURRENT USE PERMIT FOR THREE SMALL CELL WIRELESS FACILITIES ON MINNESOTA POWER POLES IN THE PLATTED STREET RIGHT OF WAY NEAR 6001, 6002, AND 6025 EAST SUPERIOR STREET.

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)

32. [18-052-O](#) AN ORDINANCE AMENDING ORDINANCE 9127 DESIGNATING THE OLD CENTRAL HIGH SCHOOL BUILDING A HERITAGE PRESERVATION LANDMARK.

Indexes:

Attachments: [Exhibit A.pdf](#)

This Ordinance was adopted unanimously.
Absent: Councilor Westerlund

BY COUNCILOR FORSMAN (PUBLIC WORKS & UTILITIES)

33. [18-051-O](#) AN ORDINANCE AUTHORIZING THE CONVEYANCE OF CERTAIN REAL PROPERTY IN THE LINCOLN PARK NEIGHBORHOOD TO THE WESTERN LAKE SUPERIOR SANITARY DISTRICT FOR NOMINAL CONSIDERATION.

Indexes:

- Attachments:** [Exhibit A-Aerial Map.pdf](#)
[Exhibit B-Letter of Conformity.pdf](#)

This Ordinance was adopted unanimously.
Absent: Councilor Westerlund

Motion was made to recess: Passed Unanimously.

Meeting reconvened. Motion was made to remove 18-0674R from the table.

BY COUNCILOR VAN NETT (PUBLIC SAFETY)

3. [18-0674R](#) RESOLUTION APPROVING THE PURCHASE OF PERSONAL PROTECTIVE EQUIPMENT FOR THE POLICE DEPARTMENT IN THE AMOUNT NOT TO EXCEED \$83,721 UTILIZING CAPITAL EQUIPMENT FUNDS APPROVED BY RESOLUTION 17-0837.

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

- Yea:** 6 - Councilor Filipovich, Councilor Forsman, Councilor Fosle, Councilor Russ, Councilor Van Nett and President Hobbs
- Nay:** 2 - Councilor Anderson and Councilor Sipress
- Absent:** 1 - Councilor Westerlund



City of Duluth

411 West First Street
Duluth, Minnesota 55802

Actions and Unofficial Minutes

City Council

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Tuesday, November 13, 2018

7:00 PM

Council Chamber

ROLL CALL

Present: 8 - Councilor Gary Anderson, Councilor Arik Forsman, Councilor Jay Fosle, Councilor Barb Russ, Councilor Joel Sipress, Councilor Em Westerlund, Councilor Renee Van Nett and President Noah Hobbs

Absent: 1 - Councilor Zack Filipovich

PLEDGE OF ALLEGIANCE

APPROVAL OF MINUTES

1. [18-223](#) Duluth City Council Meeting Minutes - October 22nd, 2018

Indexes:

Attachments: [City Council Meeting - October 22](#)

These Minutes were approved.

REPORTS FROM THE ADMINISTRATION

REPORTS OF BOARDS AND COMMISSIONS

- 2. [18-224](#) HRA Meeting Minutes

Indexes:

Attachments: [HRA Meeting Minutes \(July\)](#)
[HRA Meeting Minutes \(August\)](#)

This Board or Commission Report was received.

- 3. [18-225](#) DPUC Meeting Minutes

Indexes:

Attachments: [DPUC - Meeting Minutes](#)

This Board or Commission Report was received.

REPORTS FROM OTHER OFFICERS

REPORTS OF COUNCIL COMMITTEES

REPORTS OF COUNCIL OPEN ISSUES

OPPORTUNITY FOR CITIZENS TO BE HEARD

RESOLUTIONS TABLED

BY PRESIDENT HOBBS (COMMITTEE OF THE WHOLE)

- 4. [18-0744R](#) RESOLUTION REQUESTING THAT THE ADMINISTRATION AMEND THE LAKE SUPERIOR ZOO/FAIRMONT PARK CONCEPT PLAN APPROVED BY RESOLUTION 16-0168 TO MAINTAIN THE 2016 FOOTPRINT OF THE LAKE SUPERIOR ZOO AND TO EXPLORE OPTIONS FOR CONNECTING TRAILS LOCATED AROUND THE ZOO.

Sponsors: Hobbs

Indexes:

Attachments: [Motion To Amend - Hobbs: Passed Unanimously.](#)

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

Yea: 7 - Councilor Anderson, Councilor Forsman, Councilor Fosle, Councilor Russ, Councilor Sipress, Councilor Van Nett and President Hobbs

Nay: 1 - Councilor Westerlund

Absent: 1 - Councilor Filipovich

CONSENT AGENDA

BY COUNCILOR FILIPOVICH (FINANCE)

- 5. [18-0758R](#) RESOLUTION AUTHORIZING THE CHIEF FINANCIAL OFFICER TO ACCEPT GIFTS ON BEHALF OF THE CITY IN THE AMOUNT OF \$10,000 OR LESS.

This Resolution was adopted unanimously.
Absent: Councilor Filipovich

- 6. [18-0765R](#) RESOLUTION APPROVING A COLLECTIVE BARGAINING AGREEMENT BETWEEN THE CITY OF DULUTH AND THE CITY OF DULUTH SUPERVISORY ASSOCIATION FOR THE YEARS 2018-2020.

Indexes:

Attachments: [2018 - 2020 CDSA Clean 11.5.2018](#)
[2018 - 2020 CDSA Redlined 11.5.2018](#)

This Resolution was adopted unanimously.
Absent: Councilor Filipovich

BY COUNCILOR FOSLE (PURCHASING & LICENSING)

- 7. [18-0761R](#) RESOLUTION AUTHORIZING A THREE YEAR AGREEMENT WITH ENERGY INSIGHT, INC. FOR PROFESSIONAL SERVICES RELATING TO PUBLIC WORKS AND UTILITIES COMMERCIAL AND INDUSTRIAL CONSERVATION IMPROVEMENT PROGRAM FOR A TOTAL NOT TO EXCEED \$73,500.

Indexes:

Attachments: [Exhibit A](#)

This Resolution was adopted unanimously.
Absent: Councilor Filipovich

BY COUNCILOR ANDERSON (PERSONNEL)

8. [18-0759R](#) RESOLUTION ABOLISHING 11 OBSOLETE AND INACTIVE JOB CLASSIFICATIONS.

Indexes:

Attachments: [Exhibit A](#)

This Resolution was adopted unanimously.

Absent: Councilor Filipovich

9. [18-0760R](#) RESOLUTION APPROVING PROPOSED SPECIFICATIONS FOR THE NEW CIVIL SERVICE CLASSIFICATION OF LATERAL POLICE OFFICER, AND SPECIFYING CONTRACT BENEFITS FOR SAME.

Indexes:

Attachments: [Exhibit A](#)

This Resolution was adopted unanimously.

Absent: Councilor Filipovich

BY COUNCILOR FORSMAN (PUBLIC WORKS & UTILITIES)

10. [18-0750R](#) RESOLUTION ACCEPTING PERMANENT EASEMENT FOR UTILITY AND ACCESS PURPOSES FROM THE STATE OF MINNESOTA OVER, UNDER, AND ACROSS TAX-FORFEITED PROPERTY LOCATED NEAR THE INTERSECTION OF BECKS ROAD AND 108TH STREET FOR \$196.

Indexes:

Attachments: [Exhibit 1.pdf](#)

This Resolution was adopted unanimously.

Absent: Councilor Filipovich

11. [18-0751R](#) RESOLUTION ACCEPTING PERMANENT UTILITY EASEMENT FROM FIRST LUTHERAN CHURCH OF DULUTH, MINNESOTA OVER PROPERTY NEAR SUPERIOR STREET 10TH AVENUE EAST AT NO COST TO THE CITY.

Indexes:

Attachments: [Exhibit 1.pdf](#)

This Resolution was adopted unanimously.

Absent: Councilor Filipovich

12. [18-0754R](#) RESOLUTION DEDICATING TWO EASEMENTS FOR UTILITY PURPOSES ON PROPERTY NEAR AIRPORT ROAD AND VACATED VANDENBERG DRIVE.

Indexes:

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

**This Resolution was adopted unanimously.
Absent: Councilor Filipovich**

13. [18-0756R](#) RESOLUTION DEDICATING A DRAINAGE EASEMENT ON PROPERTY ADJACENT TO THE CROSS CITY TRAIL NEAR 73RD AVENUE WEST.

Indexes:

Attachments: [Exhibit A.pdf](#)

**This Resolution was adopted unanimously.
Absent: Councilor Filipovich**

14. [18-0757R](#) RESOLUTION ACCEPTING PERMANENT EASEMENT AND RIGHT OF WAY FOR ROAD OR TRAIL PURPOSES FROM THE STATE OF MINNESOTA OVER AND ACROSS A PORTION OF THE MUNGER TRAIL FOR \$13,615.20.

Indexes:

Attachments: [Exhibit 1.pdf](#)

**This Resolution was adopted unanimously.
Absent: Councilor Filipovich**

15. [18-0762R](#) RESOLUTION ACCEPTING PERMANENT UTILITY EASEMENT FOR NATURAL GAS PURPOSES FROM WELLS FARGO BANK, NATIONAL ASSOCIATION, AS TRUSTEE OF THE WARREN F. MIELKE REVOCABLE TRUST OVER PROPERTY NEAR JEAN DULUTH ROAD AND PAINE FARM ROAD AT NO COST TO THE CITY.

Indexes:

Attachments: [Exhibit 1](#)

**This Resolution was adopted unanimously.
Absent: Councilor Filipovich**

BY COUNCILOR VAN NETT (PUBLIC SAFETY)

16. [18-0743R](#) 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.
Absent: Councilor Filipovich**

17. [18-0745R](#) RESOLUTION AUTHORIZING A CONTRACT WITH TERRAZZO & CONCRETE RESTORATION, INC. TO INSTALL A VEHICLE BARRIER ON THE LIBRARY/DEPOT UPPER LOT FOR AN AMOUNT NOT TO EXCEED \$124,490.

**This Resolution was adopted unanimously.
Absent: Councilor Filipovich**

18. [18-0746R](#) RESOLUTION AUTHORIZING THE PURCHASE OF SIX (6) 2019 FORD INTERCEPTORS FROM FORD OF HIBBING IN THE AMOUNT OF \$180,680.52.

**This Resolution was adopted unanimously.
Absent: Councilor Filipovich**

19. [18-0748R](#) 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: [Exhibit A](#)

This Resolution was adopted unanimously.
Absent: Councilor Filipovich

BY COUNCILOR WESTERLUND (RECREATION, LIBRARIES & AUTHORITIES)

20. [18-0719R](#) RESOLUTION AUTHORIZING AN AMENDMENT TO AGREEMENT C22895 WITH AMI CONSULTING ENGINEERS FOR ADDITIONAL CONSTRUCTION MANAGEMENT SERVICES FOR THE DECC SEAWALL PROJECT FOR AN INCREASE OF \$105,500.00 AND A NEW TOTAL AMOUNT NOT TO EXCEED \$794,903.39.

Indexes:

Attachments: [Exhibit A for Resolution AMI Increase](#)

This Resolution was adopted unanimously.
Absent: Councilor Filipovich

21. [18-0752R](#) RESOLUTION AUTHORIZING APPLICATION TO THE MINNESOTA DEPARTMENT OF NATURAL RESOURCES FOR A LAKE SUPERIOR COASTAL PROGRAM GRANT OF \$100,000 FOR STORMWATER IMPROVEMENTS AT PIEDMONT COMMUNITY RECREATION AREA.

This Resolution was adopted unanimously.
Absent: Councilor Filipovich

22. [18-0753R](#) RESOLUTION AUTHORIZING APPLICATION TO THE MINNESOTA DEPARTMENT OF NATURAL RESOURCES FOR A LAKE SUPERIOR COASTAL PROGRAM GRANT OF \$50,000 FOR DEVELOPMENT OF A ST. LOUIS RIVER CORRIDOR NATURAL AND CULTURAL INTERPRETIVE PLAN.

This Resolution was adopted unanimously.
Absent: Councilor Filipovich

23. [18-0755R](#) RESOLUTION AUTHORIZING APPLICATION TO THE MINNESOTA DEPARTMENT OF NATURAL RESOURCES FOR A STATE PARK ROAD ACCOUNT PROGRAM GRANT OF \$1,569,500 FOR RECONSTRUCTION OF THE BRIGHTON BEACH ROAD PROVIDING ACCESS TO LAKE SUPERIOR.

This Resolution was adopted unanimously.
Absent: Councilor Filipovich

END OF CONSENT AGENDA

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

BY COUNCILOR RUSS (PLANNING & ECONOMIC DEVELOPMENT)

24. [18-053-O](#) AN ORDINANCE DESIGNATING THE LAKE SUPERIOR AND MISSISSIPPI RAILROAD AS A DULUTH HERITAGE PRESERVATION LANDMARK.

Indexes:

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

A motion was made to return this Ordinance to Administration: Passed Unanimously.

25. [18-054-O](#) AN ORDINANCE GRANTING VERIZON WIRELESS A CONCURRENT USE PERMIT FOR SIX SMALL CELL WIRELESS FACILITIES ON MINNESOTA POWER POLES IN THE PLATTED STREET RIGHT OF WAY AROUND THE UNIVERSITY OF MINNESOTA, DULUTH CAMPUS.

Indexes:

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

This Ordinance was tabled.

26. [18-055-O](#) AN ORDINANCE GRANTING VERIZON WIRELESS A CONCURRENT USE PERMIT FOR ONE SMALL CELL WIRELESS FACILITY ON A MINNESOTA POWER POLE IN THE PLATTED STREET RIGHT OF WAY NEAR 8551 GRAND AVENUE.

Indexes:

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

This Ordinance was tabled.

27. [18-056-O](#) AN ORDINANCE GRANTING VERIZON WIRELESS A CONCURRENT USE PERMIT FOR THREE SMALL CELL WIRELESS FACILITIES ON MINNESOTA POWER POLES IN THE PLATTED STREET RIGHT OF WAY NEAR 6001, 6002, AND 6025 EAST SUPERIOR STREET.

Indexes:

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

This Ordinance was tabled.

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]*

Monday, November 19, 2018

7:00 PM

Council Chamber

ROLL CALL

- Present:** 8 - Councilor Gary Anderson, Councilor Zack Filipovich, Councilor Arik Forsman, Councilor Barb Russ, Councilor Joel Sipress, Councilor Em Westerlund, Councilor Renee Van Nett and President Noah Hobbs
- Absent:** 1 - Councilor Jay Fosle

PLEDGE OF ALLEGIANCE

PUBLIC HEARING - Building Appeals Board: Chester Creek Cooperative

REPORTS FROM THE ADMINISTRATION

REPORTS FROM OTHER OFFICERS

REPORTS OF BOARDS AND COMMISSIONS

REPORTS OF COUNCIL COMMITTEES

REPORTS OF COUNCIL OPEN ISSUES

OPPORTUNITY FOR CITIZENS TO BE HEARD

CONSENT AGENDA

BY COUNCILOR FILIPOVICH (FINANCE)

1. [18-0771R](#) RESOLUTION APPROVING THE FISCAL YEAR JANUARY 1, 2019 TO DECEMBER 31, 2019, OPERATION BUDGET OF THE DULUTH AIRPORT AUTHORITY.

Indexes:

Attachments: [Exhibit A](#)

This Resolution was adopted unanimously.
Absent: Councilor Fosle

2. [18-0772R](#) RESOLUTION APPROVING THE FISCAL YEAR JANUARY 1, 2019 TO DECEMBER 31, 2019 BUDGETS OF THE DULUTH ECONOMIC DEVELOPMENT AUTHORITY.

Indexes:

Attachments: [Exhibit A](#)

This Resolution was adopted unanimously.
Absent: Councilor Fosle

3. [18-0773R](#) RESOLUTION APPROVING THE FISCAL YEAR JANUARY 1, 2019 TO DECEMBER 31, 2019, OPERATION BUDGET OF THE DULUTH TRANSIT AUTHORITY.

Indexes:

Attachments: [Exhibit A](#)

This Resolution was adopted unanimously.
Absent: Councilor Fosle

BY COUNCILOR ANDERSON (PERSONNEL)

4. [18-0766R](#) RESOLUTION APPROVING PAY AND BENEFITS PLAN FOR THE APPOINTED POSITION OF CITY ATTORNEY PURSUANT TO CHAPTER IV, SECTION 26 OF THE DULUTH HOME RULE CHARTER

This Resolution was adopted unanimously.
Absent: Councilor Fosle

BY COUNCILOR RUSS (PLANNING & ECONOMIC DEVELOPMENT)

5. [18-0776R](#) RESOLUTION APPROVING A PROPERTY DEMOLITION AGREEMENT BETWEEN THE DULUTH ECONOMIC DEVELOPMENT AUTHORITY AND THE CITY OF DULUTH.

Indexes:

Attachments: [Exhibit A](#)

This Resolution was adopted unanimously.
Absent: Councilor Fosle

BY COUNCILOR FORSMAN (PUBLIC WORKS & UTILITIES)

6. [18-0749R](#) RESOLUTION AUTHORIZING APPLICATIONS FOR SAFE ROUTES TO SCHOOL GRANTS RELATED TO PROVIDING IMPROVEMENTS TO PEDESTRIAN ACCESS TO VARIOUS SCHOOLS IN THE CITY OF DULUTH.

Indexes:

Attachments: [18-0749R Map Bayview MacArthur](#)
[18-0749R Map Lincoln Park](#)
[18-0749R Map Piedmont & Congdon](#)

This Resolution was adopted unanimously.
Absent: Councilor Fosle

7. [18-0778R](#) RESOLUTION AUTHORIZING AGREEMENT WITH CRISPIN PORTER & BOGUSKY LLC, AS AGENT FOR DOMINO'S PIZZA LLC, TO FUND STREET REPAIR IN THE AMOUNT OF \$5,000.

Indexes:

Attachments: [Exhibit A](#)

This Resolution was adopted unanimously.
Absent: Councilor Fosle

BY COUNCILOR WESTERLUND (RECREATION, LIBRARIES & AUTHORITIES)

8. [18-0779R](#) RESOLUTION AUTHORIZING APPLICATION TO AND, IF OFFERED, ACCEPTANCE OF A \$10,000 ST. LOUIS COUNTY AQUATIC INVASIVE SPECIES PREVENTION PROGRAM GRANT FOR CD3 STATION MAINTENANCE AND INVASIVE MANAGEMENT EDUCATION.

This Resolution was adopted unanimously.
Absent: Councilor Fosle

END OF CONSENT AGENDA

The following entitled resolutions are also to be considered:

BY COUNCILOR FOSLE (PURCHASING & LICENSING)

9. [18-0763R](#) RESOLUTION AFFIRMING DECISION OF THE BUILDING APPEAL BOARD AND CITY BUILDING OFFICIAL TO REQUIRE CHESTER CREEK HOUSING COOPERATIVE ASSOCIATION TO OBTAIN A RENTAL LICENSE FOR ITS PROPERTY LOCATED AT 1306 EAST SECOND STREET.

This Resolution was tabled.

- 10. [18-0764R](#) RESOLUTION REVERSING DECISION OF THE BUILDING APPEAL BOARD AND CITY BUILDING OFFICIAL TO REQUIRE CHESTER CREEK HOUSING COOPERATIVE ASSOCIATION TO OBTAIN A RENTAL LICENSE FOR ITS PROPERTY LOCATED AT 1306 EAST SECOND STREET.

This Resolution was tabled.

ORDINANCES TABLED

BY COUNCILOR RUSS (PLANNING & ECONOMIC DEVELOPMENT)

- 11. [18-054-O](#) AN ORDINANCE GRANTING VERIZON WIRELESS A CONCURRENT USE PERMIT FOR SIX SMALL CELL WIRELESS FACILITIES ON MINNESOTA POWER POLES IN THE PLATTED STREET RIGHT OF WAY AROUND THE UNIVERSITY OF MINNESOTA, DULUTH CAMPUS.

Indexes:

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

This Ordinance remains on the table.

- 12. [18-055-O](#) AN ORDINANCE GRANTING VERIZON WIRELESS A CONCURRENT USE PERMIT FOR ONE SMALL CELL WIRELESS FACILITY ON A MINNESOTA POWER POLE IN THE PLATTED STREET RIGHT OF WAY NEAR 8551 GRAND AVENUE.

Indexes:

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

This Ordinance remains on the table.

13. [18-056-O](#) AN ORDINANCE GRANTING VERIZON WIRELESS A CONCURRENT USE PERMIT FOR THREE SMALL CELL WIRELESS FACILITIES ON MINNESOTA POWER POLES IN THE PLATTED STREET RIGHT OF WAY NEAR 6001, 6002, AND 6025 EAST SUPERIOR STREET.

Indexes:

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

This Ordinance remains on the table.

INTRODUCTION AND CONSIDERATION OF ORDINANCES

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

BY COUNCILOR FILIPOVICH (FINANCE)

14. [18-057-O](#) AN ORDINANCE DETERMINING THE SUM TO BE RAISED BY TAXATION FOR THE SPECIAL TAXING DISTRICT, DULUTH TRANSIT AUTHORITY, FOR THE YEAR 2019.

This Ordinance was read for the first time.

15. [18-058-O](#) AN ORDINANCE DETERMINING THE SUM TO BE RAISED BY TAXATION FOR THE SPECIAL PARKS FUND LEVY FOR THE YEAR 2019.

This Ordinance was read for the first time.

16. [18-059-O](#) AN ORDINANCE DETERMINING THE SUM TO BE RAISED BY TAXATION FOR GENERAL PURPOSES FOR THE YEAR 2019.

Indexes:

Attachments: [Tax Levy](#)

This Ordinance was read for the first time.

17. [18-060-O](#) AN ORDINANCE SETTING THE BUDGET FOR THE FISCAL YEAR 2019 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.

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]*

Monday, December 10, 2018

7:00 PM

Council Chamber

ROLL CALL

Present: 9 - Councilor Gary Anderson, Councilor Zack Filipovich, Councilor Arik Forsman, Councilor Jay Fosle, Councilor Barb Russ, Councilor Joel Sipress, Councilor Em Westerlund, Councilor Renee Van Nett and President Noah Hobbs

PLEDGE OF ALLEGIANCE

APPROVAL OF MINUTES

1. [18-228](#) Duluth City Council Meeting Minutes

Indexes:

Attachments: [November 13, 2018 City Council Meeting](#)
[November 19, 2018 City Council Meeting](#)

These Minutes were approved.

PUBLIC HEARINGS - Truth in Taxation, Capital Improvement Plan & Bonds

REPORTS FROM THE ADMINISTRATION

REPORTS FROM OTHER OFFICERS

REPORTS OF BOARDS AND COMMISSIONS

- 2. [18-230](#) Duluth Public Utilities Commission Meeting Minutes

Indexes:

Attachments: [DPUC - Meeting Minutes 10.26.2018](#)

This Board or Commission Report was received.

- 3. [18-231](#) Duluth Human Rights Commission Meeting Minutes

Indexes:

Attachments: [Duluth Human Rights Commission 10.10.18 Minutes](#)

This Board or Commission Report was received.

- 4. [18-232](#) Housing and Redevelopment Authority Meeting Minutes

Indexes:

Attachments: [HRA - Meeting Minutes](#)

This Board or Commission Report was received.

- 5. [18-233](#) Library Board Meeting Minutes

Indexes:

Attachments: [Minutes Library Board 2018.09.25](#)

[Minutes Library Board 2018.10.23](#)

This Board or Commission Report was received.

- 6. [18-234](#) Alcohol, Gambling & Tobacco Commission Meeting Minutes

Indexes:

Attachments: [AGTNovember 2018 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 FOSLE (PURCHASING & LICENSING)

7. [18-0763R](#) RESOLUTION AFFIRMING DECISION OF THE BUILDING APPEAL BOARD AND CITY BUILDING OFFICIAL TO REQUIRE CHESTER CREEK HOUSING COOPERATIVE ASSOCIATION TO OBTAIN A RENTAL LICENSE FOR ITS PROPERTY LOCATED AT 1306 EAST SECOND STREET.

This Resolution was tabled.

8. [18-0764R](#) RESOLUTION REVERSING DECISION OF THE BUILDING APPEAL BOARD AND CITY BUILDING OFFICIAL TO REQUIRE CHESTER CREEK HOUSING COOPERATIVE ASSOCIATION TO OBTAIN A RENTAL LICENSE FOR ITS PROPERTY LOCATED AT 1306 EAST SECOND STREET.

This Resolution was tabled.

CONSENT AGENDA

BY COUNCILOR FILIPOVICH (FINANCE)

9. [18-0794R](#) RESOLUTION APPROVING CAPITAL IMPROVEMENT PLAN AND STATING INTENT TO ISSUE GENERAL OBLIGATION CAPITAL IMPROVEMENT BONDS UNDER MINNESOTA STATUTES, SECTION 475.521.

This Resolution was adopted unanimously.

10. [18-0795R](#) RESOLUTION OF THE CITY OF DULUTH, MINNESOTA, STATING THE INTENT TO ISSUE GENERAL OBLIGATION CAPITAL EQUIPMENT NOTES, SERIES 2019 IN THE APPROXIMATE AMOUNT OF \$3,500,000, AND APPROVING THE CAPITAL EQUIPMENT LIST ASSOCIATED WITH THE NOTES.

Indexes:

Attachments: [Exhibit A](#)

This Resolution was adopted unanimously.

11. [18-0810R](#) RESOLUTION ESTABLISHING ANNUAL BONDING PLAN FOR 2019.

Indexes:

Attachments: [Exhibit A](#)

This Resolution was adopted unanimously.

BY COUNCILOR FOSLE (PURCHASING & LICENSING)

12. [18-0782R](#) RESOLUTION APPROVING THE APPLICATION FOR THE ISSUANCE OF AN OFF SALE INTOXICATING LIQUOR LICENSE FROM DAWN AND MARK MORAN, LAKESIDE LIQUORS, INC. (DBA LAKESIDE LIQUORS), 4507 EAST SUPERIOR STREET.
CITY PROPOSAL

Indexes:

Attachments: [Lakeside Liquor](#)

This Resolution was adopted unanimously.

13. [18-0783R](#) RESOLUTION APPROVING THE APPLICATION FOR THE ISSUANCE OF AN OFF SALE INTOXICATING LIQUOR LICENSE FROM SHANE STOKKE, DM STOKKE INC. (DBA STOKKE’S LIQUOR STORE), 5631 EAST SUPERIOR STREET

Indexes:

Attachments: [Stokke's Liquor Store](#)

This Resolution was adopted unanimously.

14. [18-0799R](#) RESOLUTION AUTHORIZING AN INCREASE TO A MASTER SERVICES AGREEMENT WITH EPC ENGINEERING & TESTING, FOR PROFESSIONAL GEOTECHNICAL AND MATERIAL TESTING SERVICES FOR A TOTAL CONTRACT AMOUNT NOT TO EXCEED \$325,000.

Indexes:

Attachments: [Exhibit A](#)

This Resolution was adopted unanimously.

BY COUNCILOR ANDERSON (PERSONNEL)

15. [18-0747R](#) RESOLUTION CONFIRMING THE APPOINTMENTS OF GAGE HARTMAN TO THE SPIRIT MOUNTAIN RECREATION AREA AUTHORITY.

This Resolution was adopted unanimously.

16. [18-0784R](#) 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.

17. [18-0789R](#) RESOLUTION CONFIRMING THE APPOINTMENT OF SHERRY WILLIAMS TO THE DULUTH HUMAN RIGHTS COMMISSION.

This Resolution was adopted unanimously.

18. [18-0790R](#) RESOLUTION CONFIRMING THE APPOINTMENT OF DANELLE DUNPHY TO THE DULUTH CITIZEN REVIEW BOARD.

This Resolution was adopted unanimously.

19. [18-0809R](#) RESOLUTION RENAMING LAKE PLACE PARK TO GICHI-ODE' AKIING, WHICH TRANSLATES TO "A GRAND HEART PLACE".

Sponsors: Anderson and Sipress

Indexes:

Attachments: [Attachment 1](#)

[Attachment 2](#)

Resolution was removed from consent and passed unanimously.

This Resolution was adopted unanimously.

20. [18-0825R](#) RESOLUTION CONFIRMING THE APPOINTMENT OF KELLI LATUSKA TO THE PUBLIC ARTS COMMISSION FILLING A VACANT POSITION.

This Resolution was adopted unanimously.

21. [18-0826R](#) RESOLUTION APPROVING PROPOSED AMENDMENTS TO THE JOB SPECIFICATIONS FOR THE EXISTING APPOINTED DEPARTMENT HEAD POSITION OF DIRECTOR, PLANNING AND CONSTRUCTION SERVICES, INCLUDING A TITLE CHANGE TO DIRECTOR, PLANNING AND ECONOMIC DEVELOPMENT, AND SPECIFYING CONTRACT BENEFITS FOR SAME.

Indexes:

Attachments: [Exhibit A](#)

This Resolution was adopted unanimously.

BY PRESIDENT HOBBS (COMMITTEE OF THE WHOLE)

22. [18-0818R](#) RESOLUTION AUTHORIZING THE CITY TO ENTER INTO AN AGREEMENT WITH DULUTH-SUPERIOR PUBLIC ACCESS COMMUNITY TELEVISION, INC., FOR COMMUNITY ACCESS CABLECASTING, TRAINING, PRODUCTION AND ADMINISTRATION SERVICES IN 2019 IN THE NET AMOUNT OF \$182,000.

Indexes:

Attachments: [2019 PACT Lease and Professional Services Agreement](#)

This Resolution was adopted unanimously.

BY COUNCILOR FORSMAN (PUBLIC WORKS & UTILITIES)

23. [18-0787R](#) RESOLUTION AUTHORIZING A REQUEST TO MNDOT TO PROVIDE ADVANCE FUNDING AND AUTHORIZING PAYMENTS FROM SUBSEQUENT ACCRUALS TO THE CITY'S MUNICIPAL STATE AID CONSTRUCTION ACCOUNT FOR VARIOUS CITY PROJECTS IN THE AMOUNT OF \$1,958,397.

This Resolution was adopted unanimously.

24. [18-0792R](#) RESOLUTION AUTHORIZING THE PURCHASE OF 7,500 TONS OF ROAD SALT FROM MORTON SALT, INC., IN THE AMOUNT OF \$266,580.

This Resolution was adopted unanimously.

25. [18-0793R](#) RESOLUTION AUTHORIZING A CHANGE ORDER TO CONTRACT L30113 WITH PIONEER POWER, INC., FOR THE INSTALLATION OF TWO TEMPORARY STEAM TO HOT WATER ENERGY TRANSFER STATIONS, FOR AN INCREASE OF \$225,459 AND A NEW TOTAL CONTRACT AMOUNT NOT TO EXCEED \$1,057,459.

This Resolution was adopted unanimously.

26. [18-0796R](#) RESOLUTION AWARING A CONTRACT TO THUNDER BAY CHEMICALS, LTD., FOR THE PURCHASE AND DELIVERY OF 125,400 GALLONS OF LIQUID ALUMINUM SULFATE IN YEAR 2019 FOR A TOTAL COST OF \$109,449.12.

This Resolution was adopted unanimously.

27. [18-0797R](#) RESOLUTION AWARING A CONTRACT TO UNIVAR USA FOR THE PURCHASE AND DELIVERY OF 70,000 GALLONS OF LIQUID CAUSTIC SODA IN YEAR 2019 FOR A TOTAL COST OF \$156,534.

This Resolution was adopted unanimously.

28. [18-0800R](#) RESOLUTION AUTHORIZING AN AGREEMENT WITH ST. LOUIS COUNTY FOR THE REHABILITATION OF BRIDGE 69504 AT THE SOUTHWESTERN TERMINUS OF CSAH 12 (EAST SUPERIOR STREET) AT THE LESTER RIVER IN THE CITY OF DULUTH.

Indexes:

Attachments: [Exhibit A](#)
[18-0800 Map](#)

This Resolution was adopted unanimously.

29. [18-0815R](#) RESOLUTION AUTHORIZING THE PROPER CITY OFFICIALS TO REQUEST AND ACCEPT FROM ST. LOUIS COUNTY, ON BEHALF OF THE STATE OF MINNESOTA, CERTAIN TAX FORFEIT LAND FOR ROAD AND TRAIL PURPOSES.

This Resolution was adopted unanimously.

BY COUNCILOR VAN NETT (PUBLIC SAFETY)

30. [18-0785R](#) 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 \$16,400 AND REIMBURSEMENT FROM THE MINNESOTA DEPARTMENT OF PUBLIC SAFETY IN AN AMOUNT NOT TO EXCEED \$16,400 FOR THE PURCHASE OF BALLISTIC VESTS.

Indexes:

Attachments: [Exhibit A.pdf](#)

This Resolution was adopted unanimously.

31. [18-0801R](#) RESOLUTION AUTHORIZING PROPER CITY OFFICIALS TO ACCEPT A GRANT FROM THE DEPARTMENT OF JUSTICE, BUREAU OF JUSTICE ASSISTANCE, IN AN AMOUNT TOTALING \$279,897 AND FURTHER AUTHORIZING AN AGREEMENT WITH JEFFREY R. MAAHS, PHD, TO PERFORM INDEPENDENT RESEARCHER SERVICES IN THE PROJECT ENTITLED "2018 COMPREHENSIVE OPIOID ABUSE PROJECT".

Indexes:

Attachments: [Exhibit A 18-0801](#)

[Exhibit B 18-0801](#)

[Exhibit C 18-0801](#)

This Resolution was adopted unanimously.

32. [18-0814R](#) RESOLUTION AUTHORIZING THE PROPER CITY OFFICIALS TO REQUEST AND ACCEPT FROM ST. LOUIS COUNTY, ON BEHALF OF THE STATE OF MINNESOTA, CERTAIN TAX FORFEIT LAND FOR A PUBLIC SERVICE FACILITY.

This Resolution was adopted unanimously.

BY COUNCILOR WESTERLUND (RECREATION, LIBRARIES & AUTHORITIES)

33. [18-0781R](#) RESOLUTION AUTHORIZING DISBURSEMENT OF GRANT FUNDS IN THE AMOUNT OF \$15,000 FROM THE PARKS FUND NEIGHBORHOOD GRANT PROGRAM.

Indexes:

Attachments: [Exhibit A](#)

This Resolution was adopted unanimously.

34. [18-0811R](#) RESOLUTION AUTHORIZING THREE-YEAR AGREEMENT WITH ARROWHEAD YOUTH SOCCER ASSOCIATION FOR THE USE AND OPERATION OF THE CITY'S JEAN DULUTH AND ARLINGTON SOCCER FIELDS.

Indexes:

Attachments: [Exhibit 1.pdf](#)

This Resolution was adopted unanimously.

35. [18-0813R](#) RESOLUTION AUTHORIZING THE RE-CONVEYANCE OF CERTAIN PROPERTY ACQUIRED UNDER CONDITIONAL USE DEEDS TO THE STATE OF MINNESOTA.

Indexes:

Attachments: [Exhibit A.pdf](#)

This Resolution was adopted unanimously.

END OF CONSENT AGENDA

The following entitled resolutions are also to be considered:

BY COUNCILOR FILIPOVICH (FINANCE)

36. [18-0807R](#) RESOLUTION DISTRIBUTING THE ESTIMATED 2019 HOTEL-MOTEL AND FOOD AND BEVERAGE TOURISM TAXES.

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 Forsman, Councilor Russ, Councilor Sipress, Councilor Westerlund, Councilor Van Nett and President Hobbs

Nay: 1 - Councilor Fosle

ORDINANCES TABLED

BY COUNCILOR RUSS (PLANNING & ECONOMIC DEVELOPMENT)

37. [18-054-O](#) AN ORDINANCE GRANTING VERIZON WIRELESS A CONCURRENT USE PERMIT FOR SIX SMALL CELL WIRELESS FACILITIES ON MINNESOTA POWER POLES IN THE PLATTED STREET RIGHT OF WAY AROUND THE UNIVERSITY OF MINNESOTA, DULUTH CAMPUS.

Indexes:

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

This Ordinance was adopted unanimously.

38. [18-055-O](#) AN ORDINANCE GRANTING VERIZON WIRELESS A CONCURRENT USE PERMIT FOR ONE SMALL CELL WIRELESS FACILITY ON A MINNESOTA POWER POLE IN THE PLATTED STREET RIGHT OF WAY NEAR 8551 GRAND AVENUE.

Indexes:

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

This Ordinance was adopted unanimously.

39. [18-056-O](#) AN ORDINANCE GRANTING VERIZON WIRELESS A CONCURRENT USE PERMIT FOR THREE SMALL CELL WIRELESS FACILITIES ON MINNESOTA POWER POLES IN THE PLATTED STREET RIGHT OF WAY NEAR 6001, 6002, AND 6025 EAST SUPERIOR STREET.

Indexes:

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

This Ordinance was adopted unanimously.

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

BY COUNCILOR FILIPOVICH (FINANCE)

40. [18-062-O](#) AN ORDINANCE AMENDING SECTIONS 41-23 AND 41-24 OF THE DULUTH CITY CODE, 1959, AS AMENDED, REGARDING PURCHASING THRESHOLDS.

This Ordinance was read for the first time.

BY COUNCILOR RUSS (PLANNING & ECONOMIC DEVELOPMENT)

41. [18-063-O](#) AN ORDINANCE GRANTING VERIZON WIRELESS A CONCURRENT USE PERMIT FOR ONE SMALL CELL WIRELESS FACILITY ON A MINNESOTA POWER POLE IN THE PLATTED STREET RIGHT OF WAY NEAR THE INTERSECTION OF TRINITY ROAD AND MALL DRIVE.

Indexes:

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

This Ordinance was read for the first time.

42. [18-064-O](#) AN ORDINANCE GRANTING VERIZON WIRELESS A CONCURRENT USE PERMIT FOR ONE SMALL CELL WIRELESS FACILITY ON A CITY OF DULUTH POLE IN THE PLATTED STREET RIGHT OF WAY OF MAPLE GROVE ROAD, BETWEEN BURNING TREE ROAD AND MALL DRIVE.

Indexes:

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

This Ordinance was read for the first time.

43. [18-065-O](#) AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF DULUTH TO RECLASSIFY PROPERTY NORTH OF WEST ARROWHEAD ROAD, SOUTH OF MARYLAND STREET, BETWEEN KENWOOD AVENUE AND DODGE AVENUE, FROM RESIDENTIAL-TRADITIONAL (R-1) TO RESIDENTIAL-URBAN (R-2).

Indexes:

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

This Ordinance was read for the first time.

44. [18-066-O](#) AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF DULUTH TO RECLASSIFY PROPERTY SOUTH OF WEST ARROWHEAD ROAD AND NORTHEAST OF THE KENWOOD SHOPPING CENTER FROM RESIDENTIAL-TRADITIONAL (R-1) to MIXED USE-NEIGHBORHOOD (MU-N), PROPERTY IMMEDIATELY NORTH OF WEST ARROWHEAD ROAD BETWEEN WARREN AVENUE AND DODGE AVENUE FROM RESIDENTIAL-URBAN (R-2) TO (MU-N) MIXED USE-NEIGHBORHOOD, AND BETWEEN KENWOOD AVENUE AND KENWOOD ALLEY FROM WEST CLEVELAND STREET TO WEST TOLEDO STREET FROM RESIDENTIAL-TRADITIONAL (R-1) TO MIXED USE-NEIGHBORHOOD (MU-N).

Indexes:

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

This Ordinance was read for the first time.

BY COUNCILOR WESTERLUND (RECREATION, LIBRARIES & AUTHORITIES)

45. [18-061-O](#) AN ORDINANCE AMENDING DULUTH CITY CODE SECTION 29A-27 TO EXCLUDE HOUSING COOPERATIVES FROM HOUSING CODE RENTAL LICENSING REQUIREMENTS.

Sponsors: Westerlund

This Ordinance was read for the first time.

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

BY COUNCILOR FILIPOVICH (FINANCE)

46. [18-057-O](#) AN ORDINANCE DETERMINING THE SUM TO BE RAISED BY TAXATION FOR THE SPECIAL TAXING DISTRICT, DULUTH TRANSIT AUTHORITY, FOR THE YEAR 2019.

This Ordinance was adopted unanimously.

47. [18-058-O](#) AN ORDINANCE DETERMINING THE SUM TO BE RAISED BY TAXATION FOR THE SPECIAL PARKS FUND LEVY FOR THE YEAR 2019.

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

Yea: 8 - Councilor Anderson, Councilor Filipovich, Councilor Forsman, Councilor Russ, Councilor Sipress, Councilor Westerlund, Councilor Van Nett and President Hobbs

Nay: 1 - Councilor Fosle

48. [18-059-O](#) AN ORDINANCE DETERMINING THE SUM TO BE RAISED BY TAXATION FOR GENERAL PURPOSES FOR THE YEAR 2019.

Indexes:

Attachments: [Tax Levy](#)

[Motion To Amend: Sipress.Filipovich - Passed 5-4 \(Forsman, Fosle, Van Nett & Hobbs\)](#)

This Ordinance was amended.

49. [18-060-O](#) AN ORDINANCE SETTING THE BUDGET FOR THE FISCAL YEAR 2019 APPROPRIATING MONIES FOR THE SUPPORT OF THE CITY GOVERNMENT, PUBLIC UTILITIES, AND PUBLIC ENTERPRISE FUNDS AND FOR OTHER PURPOSES.

Indexes:

Attachments: [Motion to Amend: Filipovich - Passed 8-1 \(Fosle\)](#)

This Ordinance was amended.

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]*

Monday, December 17, 2018

7:00 PM

Council Chamber

ROLL CALL

Present: 8 - Councilor Gary Anderson, Councilor Zack Filipovich, Councilor Arik Forsman, Councilor Barb Russ, Councilor Joel Sipress, Councilor Em Westerlund, Councilor Renee Van Nett and President Noah Hobbs

Absent: 1 - Councilor Jay Fosle

PLEDGE OF ALLEGIANCE

APPROVAL OF MINUTES

1. [18-241](#) Duluth City Council Meeting Minutes

Indexes:

Attachments: [December 10, 2018 City Council Meeting](#)

These Minutes were approved.

PUBLIC HEARING - Tax Increment Financing District No. 17 Modification, Tax Increment Financing District No. 31 Establishment

REPORTS FROM THE ADMINISTRATION

REPORTS FROM OTHER OFFICERS

2. [18-240](#) MN Department of Health Lead Copper Report

Indexes:

Attachments: [MN Department of Health Lead Copper Tap Water Monitoring Report](#)

REPORTS OF BOARDS AND COMMISSIONS

3. [18-239](#) Spirit Mountain Recreation Area Authority Meeting Minutes

Indexes:

Attachments: [Spirit Mountain November Meeting Minutes](#)

This Board or Commission Report was received.

REPORTS OF COUNCIL COMMITTEES

REPORTS OF COUNCIL OPEN ISSUES

Distinguished Artist Award - Naomi Christenson

OPPORTUNITY FOR CITIZENS TO BE HEARD

RESOLUTIONS TABLED

BY COUNCILOR FOSLE (PURCHASING & LICENSING)

4. [18-0763R](#) RESOLUTION AFFIRMING DECISION OF THE BUILDING APPEAL BOARD AND CITY BUILDING OFFICIAL TO REQUIRE CHESTER CREEK HOUSING COOPERATIVE ASSOCIATION TO OBTAIN A RENTAL LICENSE FOR ITS PROPERTY LOCATED AT 1306 EAST SECOND STREET.

This Resolution remains on the table.

- 5. [18-0764R](#) RESOLUTION REVERSING DECISION OF THE BUILDING APPEAL BOARD AND CITY BUILDING OFFICIAL TO REQUIRE CHESTER CREEK HOUSING COOPERATIVE ASSOCIATION TO OBTAIN A RENTAL LICENSE FOR ITS PROPERTY LOCATED AT 1306 EAST SECOND STREET.

This Resolution remains on the table.

CONSENT AGENDA

BY COUNCILOR FILIPOVICH (FINANCE)

- 6. [18-0788R](#) RESOLUTION ADOPTING THE 2019 FEE SCHEDULE FOR LICENSE, PERMIT, FINE, PENALTY AND OTHER CHARGES.

Indexes:

Attachments: [Exhibit A - 2019 Master Fee Schedule](#)
[Exhibit B - Fee Schedule Memorandum](#)

This Resolution was adopted unanimously.
Absent: Councilor Fosle

- 7. [18-0847R](#) RESOLUTION AUTHORIZING THE TRANSFER OF GENERAL BANKING, RETAIL LOCKBOX AND PURCHASING CARD SERVICES TO U.S. BANK, AND MERCHANT CARD SERVICES TO NATIONAL BANK OF COMMERCE.

This Resolution was adopted unanimously.
Absent: Councilor Fosle

BY COUNCILOR FOSLE (PURCHASING & LICENSING)

8. [18-0828R](#) RESOLUTION AUTHORIZING THE RENEWAL OF AGREEMENT 23359 WITH TYLER TECHNOLOGIES, INC. FOR NEW WORLD SYSTEMS SOFTWARE MAINTENANCE AND SUPPORT FOR YEAR 2019 FOR AN AMOUNT NOT TO EXCEED \$209,001.92.

**This Resolution was adopted unanimously.
Absent: Councilor Fosle**

9. [18-0836R](#) RESOLUTION AUTHORIZING THE PURCHASE OF A 2019 TRACKLESS MT7 MUNICIPAL TRACTOR AND TWO SNOW BLOWERS FROM MACQUEEN EQUIPMENT IN AN AMOUNT NOT TO EXCEED \$187,562.

**This Resolution was adopted unanimously.
Absent: Councilor Fosle**

10. [18-0840R](#) RESOLUTION AUTHORIZING RENEWAL OF AN ANNUAL CONTRACT WITH HOLIDAY STATIONSTORES FOR THE PURCHASE AND DELIVERY OF SERVICE STATION FUELS FOR 2019 FOR AN AMOUNT NOT TO EXCEED \$968,700.

**This Resolution was adopted unanimously.
Absent: Councilor Fosle**

11. [18-0841R](#) RESOLUTION AUTHORIZING AN ANNUAL CONTRACT FOR ORIGINAL EQUIPMENT MANUFACTURER (OEM) PARTS, SUPPLIES AND LABOR FOR 2019 FROM ZIEGLER, INC. FOR AN AMOUNT NOT TO EXCEED \$195,000.

**This Resolution was adopted unanimously.
Absent: Councilor Fosle**

12. [18-0846R](#) RESOLUTION AUTHORIZING AN AMENDMENT TO AGREEMENT L30022 WITH TRC ENVIRONMENTAL CORPORATION FOR ADDITIONAL PROFESSIONAL ENGINEERING SERVICES FOR THE DULUTH LAKEWALK AND SHORELINE DAMAGE FOR AN INCREASE OF \$225,122 AND A NEW TOTAL CONTRACT NOT TO EXCEED \$767,888.

Indexes:

Attachments: [Exhibit A](#)

This Resolution was adopted unanimously.
Absent: Councilor Fosle

BY COUNCILOR ANDERSON (PERSONNEL)

13. [18-0851R](#) RESOLUTION CONFIRMING THE APPOINTMENT OF LYNN NEPHEW TO THE HOUSING AND REDEVELOPMENT AUTHORITY OF DULUTH.

This Resolution was adopted unanimously.
Absent: Councilor Fosle

14. [18-0855R](#) RESOLUTION CONFIRMING THE APPOINTMENT OF MICHELLE FOSHAY TO THE LIBRARY BOARD

This Resolution was adopted unanimously.
Absent: Councilor Fosle

BY COUNCILOR RUSS (PLANNING & ECONOMIC DEVELOPMENT)

15. [18-0833R](#) RESOLUTION AMENDING THE COMPREHENSIVE LAND USE PLAN - FUTURE LAND USE MAP FOR THE LAKE SUPERIOR COLLEGE CAMPUS AREA, CITY OWNED PARCEL OF LAND LOCATED ON THE SOUTHWEST CORNER OF LAKE SUPERIOR COLLEGE DRIVE, TRINITY ROAD AND SOUTH ARLINGTON AVENUE INTERSECTION.

Indexes:

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

**This Resolution was adopted unanimously.
Absent: Councilor Fosle**

16. [18-0842R](#) RESOLUTION ADOPTING A MODIFICATION TO THE DEVELOPMENT PROGRAM FOR DEVELOPMENT DISTRICT NO. 17, REMOVING PARCELS FROM TAX INCREMENT FINANCING DISTRICT NO. 22 AND FROM A PLEDGE AGREEMENT, AND ESTABLISHING TAX INCREMENT FINANCING DISTRICT NO. 31: VOYAGEUR LAKEWALK INN AND ADOPTING A TAX INCREMENT FINANCING PLAN THEREFOR.

Indexes:

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

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

Yea: 6 - Councilor Anderson, Councilor Filipovich, Councilor Forsman, Councilor Russ, Councilor Van Nett and President Hobbs

Nay: 2 - Councilor Sipress and Councilor Westerlund

Absent: 1 - Councilor Fosle

17. [18-0843R](#) RESOLUTION APPROVING A DEVELOPMENT AGREEMENT BETWEEN THE DULUTH ECONOMIC DEVELOPMENT AUTHORITY AND NORTHSTAR DEVELOPMENT INTERESTS, LLC FOR THE DEVELOPMENT OF THE VOYAGEUR LAKEWALK INN MIXED USE PROJECT.

Indexes:

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

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

- Yea:** 5 - Councilor Anderson, Councilor Filipovich, Councilor Forsman, Councilor Russ and President Hobbs
- Nay:** 2 - Councilor Sipress and Councilor Westerlund
- Absent:** 2 - Councilor Fosle and Councilor Van Nett

18. [18-0849R](#) RESOLUTION AUTHORIZING CITY OF DULUTH PARTICIPATE IN THE HUD PUBLIC OFFERING AS PART OF THE SECTION 108 LOAN GUARANTEE ASSISTANCE PROGRAM TO REFINANCE THE EXISTING NOTE OR OTHER OBLIGATION IN THE ORIGINAL PRINCIPAL AMOUNT OF \$10,000,000, FOR THE VILLAGE PLACE APARTMENTS

This Resolution was adopted unanimously.
Absent: Councilors Fosle & Van Nett

19. [18-0850R](#) RESOLUTION AMENDING THE CITY'S COMPREHENSIVE PLAN, ADOPTING AS APPENDIX F, TWIN PORTS INTERCHANGE COMMUNITY CONNECTIONS EVALUATION PROCESS SUMMARY.

Indexes:

Attachments: [Summary Memo To Council 12-7-18](#)

This Resolution was adopted unanimously.
Absent: Councilors Fosle & Van Nett

BY PRESIDENT HOBBS (COMMITTEE OF THE WHOLE)

20. [18-0839R](#) RESOLUTION DESIGNATING POLLING PLACES FOR THE SEPTEMBER 10, 2019 MUNICIPAL AND SCHOOL BOARD PRIMARY ELECTION, AND THE NOVEMBER 5, 2019, MUNICIPAL AND SCHOOL BOARD GENERAL ELECTION.

This Resolution was adopted unanimously.
Absent: Councilors Fosle & Van Nett

21. [18-0856R](#) RESOLUTION SETTING THE CITY OF DULUTH'S PRIORITIES FOR THE 2019 LEGISLATIVE SESSION.

This Resolution was adopted unanimously.
Absent: Councilors Fosle & Van Nett

22. [18-0857R](#) RESOLUTION SUPPORTING ADDITIONAL LEGISLATIVE PRIORITIES FOR 2019 LEGISLATIVE SESSION.

This Resolution was adopted unanimously.
Absent: Councilors Fosle & Van Nett

23. [18-0858R](#) RESOLUTION APPROVING AGREEMENT WITH FRYBERGER, BUCHANAN, SMITH AND FREDERICK, P.A., FOR LEGISLATIVE SERVICES NOT TO EXCEED \$64,500.

Indexes:

Attachments: [Exhibit A.](#)

This Resolution was adopted unanimously.
Absent: Councilors Fosle & Van Nett

BY COUNCILOR FORSMAN (PUBLIC WORKS & UTILITIES)

24. [18-0816R](#) RESOLUTION AMENDING A CONTRACT WITH LAKE SUPERIOR CONSULTING, LLC TO PROVIDE PROFESSIONAL ENGINEERING AND CONSTRUCTION ADMINISTRATION SERVICES FOR THE GAS TRANSMISSION PIPELINE IN LINE INSPECTION PROJECT, TO INCREASE THE AMOUNT BY \$28,498.50 FOR A NEW TOTAL OF \$62,956.50.

Indexes:

Attachments: [18-0816R Change Order](#)

**This Resolution was adopted unanimously.
Absent: Councilors Fosle & Van Nett**

25. [18-0827R](#) RESOLUTION AUTHORIZING AN AGREEMENT WITH ST. LOUIS COUNTY FOR THE 2019 SCRUB SEAL PROJECT AT VARIOUS LOCATIONS IN THE CITY OF DULUTH.

Indexes:

Attachments: [Exhibit A](#)

**This Resolution was adopted unanimously.
Absent: Councilors Fosle & Van Nett**

26. [18-0837R](#) RESOLUTION AWARDING A CONTRACT TO CORE & MAIN FOR SUPPLYING 3,650 FEET OF HDPE WATER MAIN PIPE FOR THE SUPERIOR STREET RECONSTRUCTION PROJECT IN THE AMOUNT OF \$258,237.50.

**This Resolution was adopted unanimously.
Absent: Councilors Fosle & Van Nett**

27. [18-0838R](#) RESOLUTION APPROVING DULUTH ENERGY SYSTEM THERMAL ENERGY HOT WATER RATE FOR EASTERN CANAL PARK.

**This Resolution was adopted unanimously.
Absent: Councilors Fosle & Van Nett**

28. [18-0844R](#) RESOLUTION REVISING THE LIST OF HIGH PRIORITY BRIDGES IN THE CITY OF DULUTH.

This Resolution was adopted unanimously.
Absent: Councilors Fosle & Van Nett

29. [18-0848R](#) RESOLUTION AUTHORIZING AN AMENDMENT TO EXTEND CONTRACT 22091 WITH VENTURE FUELS FOR ONE ADDITIONAL YEAR FOR THE PURCHASE AND DELIVERY OF COAL TO DULUTH ENERGY SYSTEMS FOR 2019 FOR AN ESTIMATED \$615,264.

Indexes:

Attachments: [Exhibit A](#)

This Resolution was adopted unanimously.
Absent: Councilors Fosle & Van Nett

BY COUNCILOR VAN NETT (PUBLIC SAFETY)

30. [18-0835R](#) RESOLUTION AUTHORIZING PROPER CITY OFFICIALS TO ACCEPT A GRANT FROM THE STATE OF MINNESOTA, COMMISSIONER OF PUBLIC SAFETY, OFFICE OF JUSTICE PROGRAMS, IN THE TOTAL AMOUNT OF \$410,000 FOR THE PURPOSE OF SUPPORTING THE OPERATIONS OF THE LAKE SUPERIOR DRUG AND VIOLENT CRIME TASK FORCE THROUGH DECEMBER 31, 2019.

Indexes:

Attachments: [Attachment A.pdf](#)

This Resolution was adopted unanimously.
Absent: Councilors Fosle & Van Nett

BY COUNCILOR WESTERLUND (RECREATION, LIBRARIES & AUTHORITIES)

31. [18-0724R](#) RESOLUTION AUTHORIZING APPLICATION TO THE MINNESOTA DEPARTMENT OF AGRICULTURE FOR A GRANT OF \$13,600 FOR CONTROL OF INVASIVE KNOTWEED AND WILD PARSNIP ON CITY LANDS.

This Resolution was adopted unanimously.
Absent: Councilors Fosle & Van Nett

32. [18-0831R](#) RESOLUTION AUTHORIZING A PROFESSIONAL SERVICES AGREEMENT WITH CHRISTINE PENNEY FOR GRANT WRITING AND RESEARCH SERVICES FOR A TOTAL CONTRACT NOT TO EXCEED \$60,000.

Indexes:

Attachments: [Exhibit A](#)

This Resolution was adopted unanimously.
Absent: Councilors Fosle & Van Nett

33. [18-0832R](#) RESOLUTION AUTHORIZING APPLICATION TO THE MINNESOTA DEPARTMENT OF TRANSPORTATION FOR A \$600,000 TRANSPORTATION ALTERNATIVES PROGRAM GRANT TO BUILD SEGMENT III OF THE CROSS CITY TRAIL FROM IRVING PARK TO KEENE CREEK PARK.

Indexes:

Attachments: [Exhibit A_trail location map](#)

This Resolution was adopted unanimously.
Absent: Councilors Fosle & Van Nett

END OF CONSENT AGENDA

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

BY COUNCILOR RUSS (PLANNING & ECONOMIC DEVELOPMENT)

34. [18-067-O](#) AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF DULUTH TO RECLASSIFY PROPERTY LOCATED ON THE SOUTHWEST CORNER OF LAKE SUPERIOR COLLEGE DRIVE, TRINITY ROAD AND SOUTH ARLINGTON AVENUE INTERSECTION FROM RESIDENTIAL - TRADITIONAL (R-1) TO MIXED USE - INSTITUTIONAL (MU-I), IN CONFORMANCE WITH THE COMPREHENSIVE PLAN'S FUTURE LAND USE MAP.

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 FILIPOVICH (FINANCE)

35. [18-059-O](#) AN ORDINANCE DETERMINING THE SUM TO BE RAISED BY TAXATION FOR GENERAL PURPOSES FOR THE YEAR 2019.

Indexes:

Attachments: [Tax Levy](#)

[Motion To Amend: Sipress.Filipovich - Passed 5-4 \(Forsman, Fosle, Van Nett & Hobbs\)](#)

This Ordinance was adopted unanimously.

Absent: Councilors Fosle & Van Nett

36. [18-060-O](#) AN ORDINANCE SETTING THE BUDGET FOR THE FISCAL YEAR 2019 APPROPRIATING MONIES FOR THE SUPPORT OF THE CITY GOVERNMENT, PUBLIC UTILITIES, AND PUBLIC ENTERPRISE FUNDS AND FOR OTHER PURPOSES.

Indexes:

Attachments: [Motion to Amend: Filipovich - Passed 8-1 \(Fosle\)](#)

This Ordinance was adopted unanimously.

Absent: Councilors Fosle & Van Nett

37. [18-062-O](#) AN ORDINANCE AMENDING SECTIONS 41-23 AND 41-24 OF THE DULUTH CITY CODE, 1959, AS AMENDED, REGARDING PURCHASING THRESHOLDS.

This Ordinance was adopted unanimously.
Absent: Councilors Fosle & Van Nett

BY COUNCILOR RUSS (PLANNING & ECONOMIC DEVELOPMENT)

38. [18-063-O](#) AN ORDINANCE GRANTING VERIZON WIRELESS A CONCURRENT USE PERMIT FOR ONE SMALL CELL WIRELESS FACILITY ON A MINNESOTA POWER POLE IN THE PLATTED STREET RIGHT OF WAY NEAR THE INTERSECTION OF TRINITY ROAD AND MALL DRIVE.

Indexes:

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

This Ordinance was adopted unanimously.
Absent: Councilors Fosle & Van Nett

39. [18-064-O](#) AN ORDINANCE GRANTING VERIZON WIRELESS A CONCURRENT USE PERMIT FOR ONE SMALL CELL WIRELESS FACILITY ON A CITY OF DULUTH POLE IN THE PLATTED STREET RIGHT OF WAY OF MAPLE GROVE ROAD, BETWEEN BURNING TREE ROAD AND MALL DRIVE.

Indexes:

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

This Ordinance was adopted unanimously.
Absent: Councilors Fosle & Van Nett

40. [18-065-O](#) AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF DULUTH TO RECLASSIFY PROPERTY NORTH OF WEST ARROWHEAD ROAD, SOUTH OF MARYLAND STREET, BETWEEN KENWOOD AVENUE AND DODGE AVENUE, FROM RESIDENTIAL-TRADITIONAL (R-1) TO RESIDENTIAL-URBAN (R-2).

Indexes:

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

This Ordinance failed unanimously.

41. [18-066-O](#) AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF DULUTH TO RECLASSIFY PROPERTY SOUTH OF WEST ARROWHEAD ROAD AND NORTHEAST OF THE KENWOOD SHOPPING CENTER FROM RESIDENTIAL-TRADITIONAL (R-1) to MIXED USE-NEIGHBORHOOD (MU-N), PROPERTY IMMEDIATELY NORTH OF WEST ARROWHEAD ROAD BETWEEN WARREN AVENUE AND DODGE AVENUE FROM RESIDENTIAL-URBAN (R-2) TO (MU-N) MIXED USE-NEIGHBORHOOD, AND BETWEEN KENWOOD AVENUE AND KENWOOD ALLEY FROM WEST CLEVELAND STREET TO WEST TOLEDO STREET FROM RESIDENTIAL-TRADITIONAL (R-1) TO MIXED USE-NEIGHBORHOOD (MU-N).

Indexes:

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

This Ordinance was adopted unanimously.

Absent: Councilors Fosle & Van Nett

BY COUNCILOR WESTERLUND (RECREATION, LIBRARIES & AUTHORITIES)

42. [18-061-O](#) AN ORDINANCE AMENDING DULUTH CITY CODE SECTION 29A-27 TO EXCLUDE HOUSING COOPERATIVES FROM HOUSING CODE RENTAL LICENSING REQUIREMENTS.

Sponsors: Westerlund

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

Yea: 6 - Councilor Anderson, Councilor Forsman, Councilor Russ, Councilor Sipress, Councilor Westerlund and President Hobbs

Nay: 1 - Councilor Filipovich

Absent: 2 - Councilor Fosle and Councilor Van Nett

COUNCILOR QUESTIONS AND COMMENTS

COUNCILOR PREVIEW OF UPCOMING BUSINESS

A motion was made to nominate Noah Hobbs as Council President - motion passed unanimously.
(Councilors Fosle and Van Nett: Absent)

A motion was made to nominate Gary Anderson as Council Vice President - motion passed
unanimously (Councilors Fosle and Van Nett: Absent)