



City of Duluth

411 West First Street
Duluth, Minnesota 55802

Minutes - Final

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, January 14, 2019

7:00 PM

Council Chamber

ROLL CALL

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

PLEDGE OF ALLEGIANCE

ELECTION OF OFFICERS

PUBLIC HEARING: State Project No. 6982-328, Local Road Improvements on 46th Avenue West, 27th Avenue West, Garfield Avenue and Railroad Street for the Twin Ports Interchange Project

REPORTS FROM THE ADMINISTRATION

REPORTS FROM OTHER OFFICERS

1. [19-008](#) MN Department of Health, Quarterly Report

Indexes:

Attachments: [MN Department of Health, Quarterly Report](#)

This Informational Report was received.

REPORTS OF BOARDS AND COMMISSIONS

2. [19-004](#) Duluth Parking Commission Meeting Minutes & Resolutions

Indexes:

Attachments: [Duluth Parking Commission 09-07-18](#)
[Duluth Parking Commission 10-19-18](#)
[Duluth Parking Commission Resolutions](#)

This Board or Commission Report was received.

3. [19-005](#) Civil Service Board Meeting Minutes

Indexes:

Attachments: [Civil Service Board 09-04-18](#)

This Board or Commission Report was received.

4. [19-006](#) Duluth Transit Authority Meeting Minutes

Indexes:

Attachments: [Duluth Transit Authority 09-26-18](#)
[Duluth Transit Authority 10-24-18](#)
[Duluth Transit Authority 10-24-18, 2](#)

This Board or Commission Report was received.

5. [19-007](#) Spirit Mountain Recreation Area Authority Meeting Minutes

Indexes:

Attachments: [Spirit Mountain Recreation Area Authority 11-15-18](#)

This Board or Commission Report was received.

6. [19-009](#) Alcohol, Gambling & Tobacco Commission Meeting Minutes

Indexes:

Attachments: [Alcohol, Gambling & Tobacco Commission 12-06-18](#)

This Board or Commission Report was received.

- 7. [19-010](#) Duluth Entertainment & Convention Center Board Meeting Minutes

Indexes:

Attachments: [DECC Board 09-25-18](#)

[DECC Board 10-30-18](#)

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)

- 8. [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 returned to administration.

- 9. [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 returned to administration.

CONSENT AGENDA

BY COUNCILOR FILIPOVICH (FINANCE)

10. [19-0007R](#) RESOLUTION AUTHORIZING AN AGREEMENT WITH SPIRIT MOUNTAIN RECREATION AREA AUTHORITY FOR 2019 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 unanimously.

11. [19-0012R](#) RESOLUTION AUTHORIZING AN AGREEMENT WITH DULUTH TRANSIT AUTHORITY FOR 2019 IN THE AMOUNT OF \$55,000 FOR OPERATION OF THE PORT TOWN TROLLEY.

Indexes:

Attachments: [Exhibit A](#)

This Resolution was adopted unanimously.

BY COUNCILOR FOSLE (PURCHASING & LICENSING)

12. [19-0017R](#) RESOLUTION APPROVING THE TRANSFER OF THE ON SALE WINE AND ON SALE NON INTOXICATING BEER LICENSE FROM PAUL JOHNSON (IRON MUG COFFEE HOUSE), 1096 88TH AVE WEST DULUTH, TO LETICA'S IRON MUG, LLC (LETICA'S IRON MUG), SAME ADDRESS.

Indexes:

Attachments: [Attachment A](#)

This Resolution was adopted unanimously.

13. [19-0018R](#) RESOLUTION ISSUING AN ON SALE 3.2 PERCENT NON INTOXICATING MALT LIQUOR LICENSE AND APPROVING ISSUANCE OF AN ON SALE WINE LICENSE TO ARROWSTAR HOSPITALITY PARTNERS, LLC, (DULUTH GRILL) 118 SOUTH 27TH AVENUE WEST.

Indexes:

Attachments: [Duluth Grill](#)

This Resolution was adopted unanimously.

14. [19-0020R](#) 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: [Minnesota Ballet](#)

This Resolution was adopted unanimously.

15. [19-0038R](#) RESOLUTION IN THE MATTER OF THE ON SALE INTOXICATING LIQUOR LICENSE OF MARTHA'S DAUGHTER, 107 EAST SUPERIOR STREET, DULUTH, MINNESOTA 55802.

Indexes:

Attachments: [Notice of Hearing January 2, 2019 Martha's Daughter](#)
[Martha's Daughter Report to Council \(Signed\)](#)

This Resolution was adopted unanimously.

BY COUNCILOR ANDERSON (PERSONNEL)

16. [19-0031R](#) RESOLUTION APPROVING PROPOSED AMENDMENTS TO THE SPECIFICATIONS FOR THE EXISTING CIVIL SERVICE CLASSIFICATION OF PARKING MANAGER, INCLUDING A TITLE CHANGE TO PARKING SERVICES MANAGER, AND SPECIFYING CONTRACT BENEFITS FOR SAME.

Indexes:

Attachments: [Exhibit A](#)

This Resolution was adopted unanimously.

17. [19-0032R](#) RESOLUTION APPROVING PROPOSED SPECIFICATIONS FOR THE NEW CIVIL SERVICE CLASSIFICATION OF CODE COMPLIANCE OFFICER, AND SPECIFYING CONTRACT BENEFITS FOR SAME.

Indexes:

Attachments: [Exhibit A](#)

This Resolution was adopted unanimously.

19. [19-0037R](#) RESOLUTION APPROVING A COLLECTIVE BARGAINING AGREEMENT BETWEEN THE CITY OF DULUTH AND DULUTH POLICE UNION LOCAL 807 FOR THE YEARS 2018-2020.

Indexes:

Attachments: [Local 807 letter](#)

[2018-2020 CBA Duluth Police Union Local 807 Tentative Agreement-
Changes Marked](#)
[2018-2020 CBA Duluth Police Union Local 807 Tentative Agreement-
Clean Final](#)

This Resolution was adopted unanimously.

BY COUNCILOR RUSS (PLANNING & ECONOMIC DEVELOPMENT)

20. [19-0027R](#) RESOLUTION APPROVING AESTHETIC DESIGN CRITERIA FOR APPROVING NEW SMALL CELLULAR WIRELESS FACILITIES.

This Resolution was adopted unanimously.

21. [19-0045R](#) RESOLUTION AUTHORIZING THE PROPER CITY OFFICIALS TO ENTER INTO AN AGREEMENT WITH AND ACCEPT \$878,298.00 IN FUNDS FROM ST. LOUIS COUNTY TO PROVIDE MINNESOTA FAMILY INVESTMENT PROGRAM AND DIVERSIONARY WORK PROGRAM EMPLOYMENT AND TRAINING SERVICES.

Indexes:

Attachments: [City of Duluth 2019 MFIP-DWP Contract 16571](#)

This Resolution was adopted unanimously.

BY COUNCILOR FORSMAN (PUBLIC WORKS & UTILITIES)

22. [19-0006R](#) RESOLUTION APPROVING A STATE PROJECT WITHIN THE MUNICIPAL CORPORATE LIMITS FOR IMPROVEMENTS TO GARFIELD AVENUE, RAILROAD STREET, 27TH AVENUE WEST, MICHIGAN STREET AND 46TH AVENUE WEST.

Indexes:

Attachments: [6982 328 Cost Estimate \(003\)](#)
[6982-328 Muncipal Consent request \(003\)](#)
[19-0006R Municipal Consent Plan 2019](#)

This Resolution was adopted unanimously.

23. [19-0015R](#) RESOLUTION AUTHORIZING WORK ORDER 1 TO THE MASTER PARTNERSHIP AGREEMENT WITH MNDOT TO COOPERATIVELY PROVIDE DESIGN SERVICES TO THE DULUTH METRO AREA EVP SIGNAL SYSTEM IN THE AMOUNT OF \$21,936.83.

Indexes:

Attachments: [19-0015R Cover Letter](#)
[19-0015R Exhibit 1](#)
[19-0015R Plan Cover Sheet](#)

This Resolution was adopted unanimously.

24. [19-0024R](#) RESOLUTION ACCEPTING PERMANENT UTILITY EASEMENT FROM J & S PARTNERSHIP, LLP OVER PROPERTY NEAR 44TH AVENUE WEST AT NO COST TO THE CITY.

Indexes:

Attachments: [Exhibit 1.pdf](#)

This Resolution was adopted unanimously.

25. [19-0025R](#) RESOLUTION ACCEPTING PERMANENT UTILITY EASEMENT FROM WHOLE FOODS COMMUNITY CO-OP, INC. OVER PROPERTY NEAR 44TH AVENUE WEST AT NO COST TO THE CITY.

Indexes:

Attachments: [Exhibit 1.pdf](#)

This Resolution was adopted unanimously.

26. [19-0026R](#) RESOLUTION AUTHORIZING AND ACCEPTING AN AMENDED AND RESTATED EASEMENT AGREEMENT WITH J & S PARTNERSHIP, LLP FOR STREET AND UTILITY PURPOSES OVER PROPERTY NEAR 44TH AVENUE WEST AT NO COST TO THE CITY.

Indexes:

Attachments: [Exhibit 1.pdf](#)

This Resolution was adopted unanimously.

27. [19-0028R](#) RESOLUTION RECOGNIZING A PORTION OF RAILROAD STREET AS A PUBLIC HIGHWAY DEDICATED TO THE PUBLIC PURSUANT TO MINNESOTA STATUTES SECTION 160.05, SUBDIVISION 1.

Indexes:

Attachments: [Exhibit A](#)

This Resolution was adopted unanimously.

28. [19-0030R](#) RESOLUTION RENEWING JOINT POWERS AGREEMENT C20604 WITH DULUTH ENTERTAINMENT AND CONVENTION CENTER AUTHORITY FOR THE OPERATION OF MINNESOTA SLIP PEDESTRIAN DRAW BRIDGE DURING YEAR 2019 FOR AN AMOUNT NOT TO EXCEED \$40,711.50.

This Resolution was adopted unanimously.

BY COUNCILOR VAN NETT (PUBLIC SAFETY)

29. [19-0016R](#) RESOLUTION AUTHORIZING THE CITY TO ENTER INTO A JOINT POWERS AGREEMENT ESTABLISHING THE NORTHEAST MINNESOTA EMERGENCY COMMUNICATIONS BOARD.

Indexes:

Attachments: [2018 JPA for Northeast Minnesota Emergency Communications Board](#)

This Resolution was adopted unanimously.

30. [19-0035R](#) RESOLUTION AUTHORIZING THE CITY TO ENTER INTO AN AGREEMENT WITH THE UNITED STATES COAST GUARD TO PROVIDE FIREFIGHTING SERVICES AND SHALLOW WATER RESCUE ASSISTANCE TO THE DULUTH UNITED STATES COAST GUARD STATION AND OBTAIN REIMBURSEMENT FOR CITY EXPENSES

Indexes:

Attachments: [MEMORANDUM OF AGREEMENT FIRE DEPT STA DULUTH](#)

This Resolution was adopted unanimously.

END OF CONSENT AGENDA

The following entitled resolutions are also to be considered:

BY COUNCILOR FILIPOVICH (FINANCE)

31. [19-0008R](#) RESOLUTION AUTHORIZING AN AGREEMENT WITH GREAT LAKES AQUARIUM IN THE AMOUNT OF \$360,000.

Indexes:

Attachments: [Exhibit A](#)

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

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

Nay: 1 - Councilor Fosle

32. [19-0009R](#) RESOLUTION AUTHORIZING AN AGREEMENT WITH UMD FOR THE CONTINUED PROMOTION OF GLENSHEEN MANSION, IN THE AMOUNT OF \$50,000.

Indexes:

Attachments: [Exhibit A](#)

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

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

Nay: 1 - Councilor Fosle

33. [19-0010R](#) RESOLUTION AUTHORIZING AN AGREEMENT WITH THE DEPOT FOUNDATION IN THE AMOUNT OF \$220,000.

Indexes:

Attachments: [Exhibit A](#)

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

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

Nay: 1 - Councilor Fosle

34. [19-0011R](#) RESOLUTION AUTHORIZING AN AGREEMENT WITH DULUTH SISTER CITIES INTERNATIONAL, INC., IN THE AMOUNT OF \$40,000.

Indexes:

Attachments: [Exhibit A](#)

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

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

Nay: 1 - Councilor Fosle

35. [19-0014R](#) RESOLUTION APPROVING BUDGET AND COST SHARING FORMULA OF MINNEAPOLIS-DULUTH/SUPERIOR AND PASSENGER RAIL ALLIANCE AND AUTHORIZING PAYMENT OF CITY'S COST SHARE OF \$14,725.

Indexes:

Attachments: [Exhibit A](#)

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 Hobbs

Nay: 1 - Councilor Fosle

BY COUNCILOR ANDERSON (PERSONNEL)

18. [19-0033R](#) RESOLUTION APPROVING PROPOSED SPECIFICATIONS FOR THE NEW CIVIL SERVICE CLASSIFICATION OF DEPUTY DIRECTOR, PLANNING AND ECONOMIC DEVELOPMENT, AND SPECIFYING CONTRACT BENEFITS FOR SAME.

Indexes:

Attachments: [Exhibit A](#)

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

- Yea:** 6 - Councilor Anderson, Councilor Filipovich, Councilor Russ, Councilor Westerlund, Councilor Van Nett and President Hobbs
- Nay:** 2 - Councilor Fosle and Councilor Sipress

BY COUNCILOR RUSS (PLANNING & ECONOMIC DEVELOPMENT)

36. [19-0019R](#) RESOLUTION AFFIRMING THE PLANNING COMMISSION'S DECISION TO APPROVE A PLANNING REVIEW FOR A 15-ROOM ADDITION AT 1033 MINNESOTA AVENUE.

Indexes:

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

This Resolution failed unanimously.

37. [19-0021R](#) RESOLUTION REVERSING THE PLANNING COMMISSION'S DECISION TO APPROVE A PLANNING REVIEW FOR A 15-ROOM ADDITION AT 1033 MINNESOTA AVENUE.

Indexes:

- Attachments:** [Attachment A](#)
[Attachment B](#)
[Attachment C](#)
[Attachment D](#)
[Motion To Amend \(Sipress\): Passes 8-1\(Fosle\)](#)

This Resolution was adopted as amended.

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

38. [19-0022R](#) RESOLUTION AFFIRMING THE PLANNING COMMISSION'S DECISION TO APPROVE A PLANNING REVIEW WITH CONDITIONS FOR A 15-ROOM ADDITION AT 1033 MINNESOTA AVENUE.

Indexes:

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

This Resolution was returned to administration.

39. [19-0023R](#) RESOLUTION REVERSING THE PLANNING COMMISSION'S CONDITIONS OF APPROVAL ON A PLANNING REVIEW FOR A 15-ROOM ADDITION AT 1033 MINNESOTA AVENUE.

Indexes:

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

This Resolution was returned to administration.

BY COUNCILOR FORSMAN (PUBLIC WORKS & UTILITIES)

40. [19-0005R](#) RESOLUTION AMENDING A CONTRACT WITH EVER-GREEN ENERGY, INC. TO PROVIDE ADDITIONAL DESIGN AND CONSTRUCTION INSPECTION SERVICES NECESSARY FOR PHASE TWO OF THE CONVERSION OF THE EXISTING DULUTH ENERGY STEAM SYSTEM TO A HOT WATER SYSTEM, TO INCREASE THE AMOUNT BY \$568,676 FOR A NEW TOTAL OF \$1,756,311.

Indexes:

Attachments: [Exhibit A](#)

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 Hobbs
Nay: 1 - Councilor Fosle

BY PRESIDENT HOBBS (COMMITTEE OF THE WHOLE)

41. [19-0029R](#) RESOLUTION ESTABLISHING THE DATE FOR THE MUNICIPAL PRIMARY ELECTION.

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 Hobbs
Nay: 1 - Councilor Fosle

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

BY COUNCILOR WESTERLUND (RECREATION, LIBRARIES & AUTHORITIES)

- 42. [19-002-O](#) ORDINANCE AMENDING CHAPTER 11 OF THE DULUTH CITY CODE TO PROHIBIT THE DISTRIBUTION OF TOBACCO OR TOBACCO RELATED DEVICES TO ANYONE UNDER THE AGE OF 21 YEARS.

This Ordinance was read for the first time and amended.

Motion To Amend: Passed 6-2-1

Y: Councilors Anderson, Forsman, Russ, Sipress, Van Nett & President Hobbs

N: Councilors Filipovich & Westerlund

Absent: Councilor Fosle

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

BY COUNCILOR RUSS (PLANNING & ECONOMIC DEVELOPMENT)

- 43. [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 adopted.

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

Nay: 1 - Councilor Van Nett

Absent: 1 - Councilor Fosle

COUNCILOR QUESTIONS AND COMMENTS

COUNCILOR PREVIEW OF UPCOMING BUSINESS



City of Duluth

411 West First Street
Duluth, Minnesota 55802

Minutes - Final

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, January 28, 2019

7:00 PM

Council Chamber

ROLL CALL

Present: 7 - Councilor Gary Anderson, Councilor Zack Filipovich, Councilor Jay Fosle, Councilor Barb Russ, Councilor Joel Sipress, Councilor Em Westerlund and Councilor Renee Van Nett

Absent: 1 - President Noah Hobbs

PLEDGE OF ALLEGIANCE

APPROVAL OF MINUTES

1. [19-015](#) Meeting Minutes of the Duluth City Council

Indexes:

Attachments: [December 17th, 2018](#)

[January 14th, 2019](#)

These Minutes were approved.

REPORTS FROM THE ADMINISTRATION

REPORTS FROM OTHER OFFICERS

REPORTS OF BOARDS AND COMMISSIONS

- 2. [19-016](#) Charter Commission Meeting Minutes

Indexes:

Attachments: [Charter Commission 10-10-2018](#)

This Board or Commission Report was received.

- 3. [19-017](#) Duluth Public Utilities Commission Meeting Minutes

Indexes:

Attachments: [Duluth Public Utilities Commission 12-18-2018](#)

[Duluth Public Utilities Commission 11-20-2018](#)

- 4. [19-018](#)

Charter Commission recommending ordinance amending chapter v, section 36 of the city of Duluth home rule charter, 1912, as amended, pertaining to civil service requirements for deputy fire chiefs.

Indexes:

Attachments: [19-004-O](#)

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. [19-0075R](#) RESOLUTION AUTHORIZING SETTLEMENT OF CLAIM AGAINST 2821 HAGBERG STREET IN THE AMOUNT OF \$11,464.95.

This Resolution was adopted unanimously.

BY COUNCILOR ANDERSON (PERSONNEL)

- 6. [19-0047R](#) RESOLUTION CONFIRMING THE REAPPOINTMENT OF RON BOSHEY TO THE DULUTH HOUSING AND REDEVELOPMENT AUTHORITY.

This Resolution was adopted unanimously.

- 7. [19-0058R](#) RESOLUTION CONFIRMING THE APPOINTMENT OF KRIS LILJEBLAD TO THE DULUTH PARKING COMMISSION.

This Resolution was adopted unanimously.

- 8. [19-0076R](#) RESOLUTION APPROVING PROPOSED AMENDMENTS TO THE SPECIFICATIONS FOR THE EXISTING CIVIL SERVICE CLASSIFICATION OF PUBLIC INFORMATION OFFICER.

Indexes:

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

This Resolution was adopted unanimously.

BY COUNCILOR RUSS (PLANNING & ECONOMIC DEVELOPMENT)

- 9. [19-0064R](#) RESOLUTION AUTHORIZING A REQUEST FOR HUD HOME FUNDS FOR THE 2019 PROGRAM YEAR, AUTHORIZING AGREEMENTS WITH APPROPRIATE AGENCIES.

This Resolution was adopted unanimously.

- 10. [19-0065R](#) RESOLUTION AUTHORIZING A REQUEST FOR HUD EMERGENCY SOLUTIONS GRANTS PROGRAM (ESG) FUNDING FOR THE 2019 PROGRAM YEAR, AUTHORIZING CONTRACTS, AUTHORIZING AGREEMENTS WITH APPROPRIATE AGENCIES.

This Resolution was adopted unanimously.

11. [19-0066R](#) RESOLUTION APPROVING A PRE-COMMITMENT OF \$275,000 FISCAL YEAR 2020 FUNDING ALLOCATION TO THE CITY OF DULUTH FROM THE HOUSING AND URBAN DEVELOPMENT (HUD) DEPARTMENT FOR THE CONSTRUCTION OF THE DECKER DWELLINGS APARTMENTS, AND SUPPORTING ITS CONSTRUCTION.

This Resolution was adopted unanimously.

BY COUNCILOR FORSMAN (PUBLIC WORKS & UTILITIES)

12. [19-0034R](#) RESOLUTION AUTHORIZING AN AGREEMENT WITH MSA PROFESSIONAL SERVICES, INC. FOR PROFESSIONAL ENGINEERING SERVICES TO PROVIDE DESIGN SERVICES FOR THE LIFT STATION 15 RELOCATION PROJECT IN THE AMOUNT OF \$130,359.

Indexes:

Attachments: [19-0034R Map](#)

This Resolution was adopted unanimously.

13. [19-0048R](#) 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 \$380,692.50

This Resolution was adopted unanimously.

14. [19-0050R](#) RESOLUTION APPROVING A COUNTY PROJECT WITHIN MUNICIPAL CORPORATE LIMITS FOR IMPROVEMENTS TO COUNTY STATE AID HIGHWAY 91 (NORTH 40TH AVENUE WEST).

Indexes:

Attachments: [19-0050R Map & Section](#)

This Resolution was adopted unanimously.

15. [19-0052R](#) RESOLUTION AUTHORIZING AN AGREEMENT WITH ST. LOUIS

COUNTY TO CONSTRUCT AND MAINTAIN DECORATIVE STREET LIGHTS ON CSAH 9 (WOODLAND AVENUE).

Indexes:

Attachments: [19-0052R Exhibit A](#)

This Resolution was adopted unanimously.

16. [19-0068R](#) 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 W. PAGE ST. AND JOSHUA AVE. FOR \$150.

Indexes:

Attachments: [Exhibit 1.pdf](#)

This Resolution was adopted unanimously.

BY COUNCILOR VAN NETT (PUBLIC SAFETY)

17. [19-0051R](#) RESOLUTION AUTHORIZING PROPER CITY OFFICIALS TO ACCEPT A GRANT FROM THE U.S. DEPARTMENT OF JUSTICE, BUREAU OF JUSTICE ASSISTANCE IN THE TOTAL AMOUNT OF \$1,000,000 AND FURTHER AUTHORIZING AN AGREEMENT WITH ST. LOUIS COUNTY, PROGRAM FOR AID TO VICTIMS OF SEXUAL ASSAULT AND EMILY GAARDER PHD FOR THEIR PARTICIPATION IN THE 2018 SAKI PROJECT: CITY OF DULUTH AS PART OF THE NATIONAL SEXUAL ASSAULT KIT INITIATIVE.

Indexes:

Attachments: [Exhibit A.pdf](#)

[Exhibit B.pdf](#)

[Exhibit C.pdf](#)

This Resolution was adopted unanimously.

Yea: 6 - Councilor Anderson, Councilor Filipovich, Councilor Fosle, Councilor Russ, Councilor Sipress and Councilor Van Nett

Absent: 1 - President Hobbs

Abstain: 1 - Councilor Westerlund

18. [19-0054R](#) 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 2019 TOWARD ZERO DEATHS PROJECT.

Indexes:

- Attachments: [Exhibit A.pdf](#)
[Exhibit B.pdf](#)
[Exhibit C.pdf](#)

This Resolution was adopted unanimously.

BY COUNCILOR WESTERLUND (RECREATION, LIBRARIES & AUTHORITIES)

19. [19-0069R](#) RESOLUTION AUTHORIZING A THREE-YEAR LICENSE AGREEMENT WITH REGENTS OF THE UNIVERSITY OF MINNESOTA FOR USE OF SPACE ON PARK POINT FOR THE USE AND MAINTENANCE OF TWO CAMERAS AND RELATED EQUIPMENT TO MONITOR RIP CURRENTS FOR NOMINAL CONSIDERATION.

Indexes:

- Attachments: [Exhibit 1.pdf](#)

This Resolution was adopted unanimously.

20. [19-0074R](#) RESOLUTION AUTHORIZING A THREE-YEAR AGREEMENT WITH THE DULUTH CROSS COUNTRY SKI CLUB TO ASSIST THE CITY WITH THE PRESERVATION, MAINTENANCE, AND ENHANCEMENT OF CROSS COUNTRY SKI TRAILS, AT NO COST TO THE CITY.

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)

21. [19-0062R](#) RESOLUTION APPROVING THE 2019 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. (REPLACEMENT)

Indexes:

Attachments: [Summary Memo and 2019 Annual Action Plan](#)
[2019 Action Plan 2.1.19](#)

This Resolution was tabled.

22. [19-0063R](#) RESOLUTION AUTHORIZING A REQUEST FOR HUD FEDERAL COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) FUNDS FOR THE 2019 PROGRAM YEAR, AUTHORIZING AGREEMENTS WITH APPROPRIATE AGENCIES.

Indexes:

Attachments: [Motion to Amend: Sipress.Forsman - Passed Unanimously.](#)

This Resolution was adopted as amended unanimously.

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

BY PRESIDENT HOBBS (COMMITTEE OF THE WHOLE)

23. **19-004-O** AN ORDINANCE AMENDING CHAPTER V, SECTION 36 OF THE CITY OF DULUTH HOME RULE CHARTER, 1912, AS AMENDED, PERTAINING TO CIVIL SERVICE REQUIREMENTS FOR DEPUTY FIRE CHIEFS.

Indexes:

Attachments: 19-04
19-03
19-02

This Ordinance was read for the first time.

BY COUNCILOR FORSMAN (PUBLIC WORKS & UTILITIES)

24. [19-003-O](#) AN ORDINANCE AMENDING CHAPTER 48 OF THE DULUTH CITY CODE, 1959, AS AMENDED TO ALLOW TERMINATION OF WATER SERVICE TO CUSTOMERS OF THE CITY'S DISTRICT HEATING UTILITY FOR FAILURE TO TIMELY PAY UTILITY BILL AMENDING SECTIONS 48-1, 48-208, 48-208.2, 48-208.3, 48-209, 48-210 AND 48-212 THEREOF..

This Ordinance was read for the first time.

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

BY COUNCILOR WESTERLUND (RECREATION, LIBRARIES & AUTHORITIES)

25. [19-002-O](#) ORDINANCE AMENDING CHAPTER 11 OF THE DULUTH CITY CODE TO PROHIBIT THE DISTRIBUTION OF TOBACCO OR TOBACCO RELATED DEVICES TO ANYONE UNDER THE AGE OF 21 YEARS.

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

Yea: 5 - Councilor Anderson, Councilor Filipovich, Councilor Russ, Councilor Westerlund and Councilor Van Nett

Nay: 2 - Councilor Fosle and Councilor Sipress

Absent: 1 - President Hobbs

COUNCILOR QUESTIONS AND COMMENTS

COUNCILOR PREVIEW OF UPCOMING BUSINESS



City of Duluth

411 West First Street
Duluth, Minnesota 55802

Minutes - Final

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, February 11, 2019

7:00 PM

Council Chamber

ROLL CALL

Present: 7 - Councilor Gary Anderson, Councilor Zack Filipovich, Councilor Jay Fosle, Councilor Joel Sipress, Councilor Em Westerlund, Councilor Renee Van Nett and President Noah Hobbs

Absent: 1 - Councilor Barb Russ

PLEDGE OF ALLEGIANCE

APPROVAL OF MINUTES

1. [19-027](#) Meeting Minutes of the Duluth City Council

Indexes:

Attachments: [January 28, 2019](#)

These Minutes were approved.

PUBLIC HEARING: Proposed ordinance amending chapter v, section 36 of the city of Duluth home rule charter, 1912, as amended, pertaining to civil service requirements for deputy fire chiefs.

REPORTS FROM THE ADMINISTRATION

REPORTS FROM OTHER OFFICERS

REPORTS OF BOARDS AND COMMISSIONS

- 2. [19-025](#) Duluth Transit Authority Meeting Minutes

Indexes:

Attachments: [Duluth Transit Authority 11-28-18](#)

This Board or Commission Report was received.

- 3. [19-026](#) Library Board Meeting Minutes

Indexes:

Attachments: [Library Board 11-27-2018](#)

This Board or Commission Report was received.

REPORTS OF COUNCIL COMMITTEES

REPORTS OF COUNCIL OPEN ISSUES

Distinguished Artist Award: Carla Hamilton

OPPORTUNITY FOR CITIZENS TO BE HEARD

RESOLUTIONS TABLED

BY COUNCILOR RUSS (PLANNING & ECONOMIC DEVELOPMENT)

- 4. [19-0062R](#) RESOLUTION APPROVING THE 2019 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. (REPLACEMENT)

Indexes:

Attachments: [Summary Memo and 2019 Annual Action Plan](#)
[2019 Action Plan 2.1.19](#)

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

- Yea:** 6 - Councilor Anderson, Councilor Filipovich, Councilor Fosle, Councilor Sipress, Councilor Westerlund and Councilor Van Nett
- Absent:** 1 - Councilor Russ
- Abstain:** 1 - President Hobbs

CONSENT AGENDA

BY COUNCILOR ANDERSON (FINANCE)

- 5. [19-0057R](#) RESOLUTION CONFIRMING ASSESSMENT ROLL FOR SIDEWALK REPAIRS AT SEVEN CITY LOCATIONS IN 2018.

Indexes:

Attachments: [Exhibit A](#)

This Resolution was adopted unanimously.
Councilor Russ: Absent

- 6. [19-0114R](#) RESOLUTION APPROVING SETTLEMENT IN THE MATTER OF JACK LEVINE AND DOROTHY LEVINE VS 3M COMPANY, ET AL., IN AMOUNT OF \$50,000 AND PURSUANT TO TERMS OF SETTLEMENT AGREEMENT.

Indexes:

Attachments: [Levine v. City of Duluth - Release and Indemnification Agreement](#)

This Resolution was adopted unanimously.
Councilor Russ: Absent

BY COUNCILOR FOSLE (PURCHASING & LICENSING)

- 7. [19-0061R](#) RESOLUTION AUTHORIZING AN AGREEMENT WITH PYROTECHNIC DISPLAY INC. FOR THE CREATION AND EXECUTION OF A FIREWORKS DISPLAY FOR JULY 4, 2019 FOR A TOTAL NOT TO EXCEED \$50,000.

Indexes:

Attachments: [Exhibit A](#)

This Resolution was adopted unanimously.
Councilor Russ: Absent

8. [19-0092R](#) RESOLUTION APPROVING THE EXEMPTION OF A RAFFLE LICENSE AND BINGO PERMIT AND WAIVING THE 60 DAY WAITING PERIOD FOR STELLA MARIS ACADEMY.

Indexes:

Attachments: [Stella Maris Academy](#)

This Resolution was adopted unanimously.
Councilor Russ: Absent

9. [19-0098R](#) RESOLUTION AUTHORIZING AN AMENDMENT TO AN AGREEMENT WITH GRANICUS, INC., FOR AN ADDITIONAL THREE (3) YEARS OF SOFTWARE AND MANAGED SERVICES FOR AN AMOUNT NOT TO EXCEED \$138,509.72.

Indexes:

Attachments: [23110 Amendment 1](#)

This Resolution was adopted unanimously.
Councilor Russ: Absent

BY COUNCILOR FORSMAN (PERSONNEL)

10. [19-0056R](#) RESOLUTION CONFIRMING THE REAPPOINTMENTS OF MEMBERS TO CITY BOARDS AND COMMISSIONS BY MAYOR LARSON.

Indexes:

Attachments: [Boards and Commissions Reappointments Attachment A](#)

This Resolution was adopted unanimously.
Councilor Russ: Absent

11. [19-0082R](#) RESOLUTION APPROVING PROPOSED SPECIFICATIONS FOR THE NEW CIVIL SERVICE CLASSIFICATION OF DATA RELEASE COORDINATOR, AND SPECIFYING CONTRACT BENEFITS FOR SAME.

Indexes:

Attachments: [Exhibit A](#)

This Resolution was adopted unanimously.

Councilor Russ: Absent

12. [19-0083R](#) RESOLUTION APPROVING PROPOSED SPECIFICATIONS FOR THE NEW CIVIL SERVICE CLASSIFICATION OF SEASONAL STREETS LABORER, AND SPECIFYING CONTRACT BENEFITS FOR SAME.

Indexes:

Attachments: [Exhibit A](#)

**This Resolution was adopted unanimously.
Councilor Russ: Absent**

13. [19-0084R](#) RESOLUTION APPROVING PROPOSED SPECIFICATIONS FOR THE NEW CIVIL SERVICE CLASSIFICATION OF SEASONAL UTILITIES LABORER, AND SPECIFYING CONTRACT BENEFITS FOR SAME.

Indexes:

Attachments: [Exhibit A](#)

**This Resolution was adopted unanimously.
Councilor Russ: Absent**

14. [19-0085R](#) RESOLUTION APPROVING PROPOSED AMENDMENTS TO THE PAY RANGE FOR THE EXISTING CIVIL SERVICE CLASSIFICATION OF JANITOR I.

Indexes:

Attachments: [Exhibit A](#)

**This Resolution was adopted unanimously.
Councilor Russ: Absent**

15. [19-0086R](#) RESOLUTION APPROVING PROPOSED AMENDMENTS TO THE PAY RANGE FOR THE EXISTING CIVIL SERVICE CLASSIFICATION OF JANITOR II.

Indexes:

Attachments: [Exhibit A](#)

**This Resolution was adopted unanimously.
Councilor Russ: Absent**

28. [19-0093R](#) RESOLUTION CONFIRMING THE APPOINTMENT OF HOWARD JACOBSON TO THE DULUTH PUBLIC UTILITIES COMMISSION.

This Resolution was adopted unanimously.
Councilor Russ: Absent

16. [19-0107R](#) RESOLUTION CONFIRMING THE REAPPOINTMENT OF CHRIS MCINTOSH, TO THE DULUTH PUBLIC UTILITIES COMMISSION

This Resolution was adopted unanimously.
Councilor Russ: Absent

BY COUNCILOR RUSS (PLANNING & ECONOMIC DEVELOPMENT)

17. [19-0103R](#) RESOLUTION VACATING A PORTION OF SUPERIOR STREET IN THE PLAT OF WEST DULUTH SEVENTH DIVISION.

Indexes:

Attachments: [Exhibit A](#)

[Exhibit B](#)

This Resolution was adopted unanimously.
Councilor Russ: Absent

BY COUNCILOR FILIPOVICH (PUBLIC WORKS & UTILITIES)

18. [19-0091R](#) RESOLUTION AUTHORIZING THE RENEWAL OF CONTRACT L30048 WITH API OUTSOURCING INC. FOR MAILING SERVICES AND POSTAGE FOR YEAR 2019 IN THE AMOUNT OF \$183,000.

Indexes:

Attachments: [Exhibit A](#)

This Resolution was adopted unanimously.
Councilor Russ: Absent

19. [19-0097R](#) RESOLUTION AUTHORIZING AN AGREEMENT BETWEEN THE CITY OF DULUTH AND THE MINNESOTA DEPARTMENT OF TRANSPORTATION FOR STORM SEWER, SANITARY SEWER, WATER MAIN, AND GAS LINE DESIGN AND CONSTRUCTION UPON, ALONG, AND ADJACENT TO TRUNK HIGHWAY 39 (MCCUEN STREET) WITHIN THE CITY LIMITS UNDER STATE PROJECT 6941-08 AT AN

ESTIMATED COST OF \$455,333.22.

Indexes:

Attachments: [19-0097R-Cooperative-Construction-Agreement](#)
[19-0097R-Map](#)

**This Resolution was adopted unanimously.
Councilor Russ: Absent**

20. [19-0099R](#) RESOLUTION AUTHORIZING AMENDMENT NO. 4 TO A CONTRACT WITH AMI CONSULTING ENGINEERS P.A. TO PROVIDE PROFESSIONAL ENGINEERING SERVICES FOR THE REPAIR AND REHABILITATION OF THE SEAWALL SURROUNDING THE DECC, TO INCREASE THE AMOUNT BY \$69,200 FOR A NEW TOTAL OF \$864,103.39.

Indexes:

Attachments: [19-0099R-Amendment](#)
[19-0099R-Map](#)

**This Resolution was adopted unanimously.
Councilor Russ: Absent**

21. [19-0104R](#) RESOLUTION AUTHORIZING THE CITY TO ENTER INTO A SIX-YEAR AGREEMENT WITH MAGNOLIA RIVER SERVICES, INC., FOR SOFTWARE AND SOFTWARE SUPPORT FOR CITY TO OBTAIN FIELD DATA COLLECTION AND REAL TIME ACCESS TO ITS UTILITY DATA IN AN AMOUNT NOT TO EXCEED \$78,000.

Indexes:

Attachments: [City of Duluth and Magnolia River Services Agreement - Final](#)
[Certificate of Insurance for Duluth MN from Magnolia Rivers Services](#)
[City of Duluth MN FlowGIS Magnolia River Proposal Nov 2 2018](#)

**This Resolution was adopted unanimously.
Councilor Russ: Absent**

22. [19-0105R](#) RESOLUTION OF INTENT FOR THE 2019 STREET PRESERVATION PROJECT AND TO ASSESS A PORTION OF THE COSTS THEREOF.

Indexes:

Attachments: [19-0105R-Map](#)

This Resolution was adopted unanimously.
Councilor Russ: Absent

BY COUNCILOR VAN NETT (PUBLIC SAFETY)

23. [19-0094R](#) RESOLUTION AUTHORIZING A PURCHASE FROM M & T FIRE AND SAFETY INC. FOR SEVENTY-ONE (71) SETS OF STRUCTURAL FIREFIGHTING TURNOUT GEAR IN THE AMOUNT OF \$170,258.

This Resolution was adopted unanimously.
Councilor Russ: Absent

24. [19-0095R](#) RESOLUTION AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE A MEMORANDUM OF UNDERSTANDING AND ANNEX AGREEMENTS WITH THE FEDERAL BUREAU OF INVESTIGATION (FBI) FOR THE DULUTH POLICE DEPARTMENT TO PARTICIPATE IN THE MINNEAPOLIS CHILD EXPLOITATION TASK FORCE AND FURTHER AUTHORIZING THE ACCEPTANCE OF REIMBURSEMENT MONIES FROM THE FBI FOR OVERTIME EXPENSES.

Indexes:

Attachments: [Cover sheet for nonpublic data](#)

This Resolution was adopted unanimously.
Councilor Russ: Absent

25. [19-0096R](#) RESOLUTION AUTHORIZING PROPER CITY OFFICIALS TO ACCEPT A GRANT FROM THE U.S. DEPARTMENT OF JUSTICE IN AN AMOUNT TOTALING \$468,750, AND FURTHER AUTHORIZING AN AGREEMENT WITH INDEPENDENT SCHOOL DISTRICT NO. 709 AS A SUBRECIPIENT, TO PURCHASE AND INSTALL SECURITY AND ACCESS EQUIPMENT FOR THE DISTRICT AND TO PROVIDE AN ADDITIONAL \$156,250 IN MATCH DOLLARS.

Indexes:

Attachments: [Exhibit A.pdf](#)

[Exhibit B.pdf](#)

[Exhibit C.pdf](#)

[Exhibit D.pdf](#)

This Resolution was adopted unanimously.
Councilor Russ: Absent

BY COUNCILOR WESTERLUND (RECREATION, LIBRARIES & AUTHORITIES)

26. [19-0072R](#) RESOLUTION AUTHORIZING A RENEWAL OF AGREEMENT L30054 WITH CR-BUILDING PERFORMANCE SPECIALISTS, INC. FOR FACILITY ASSET MANAGEMENT (FAM) ASSET MANAGEMENT SOFTWARE MAINTENANCE FOR 2019 FOR AN INCREASE OF \$75,000 AND A NEW TOTAL AMOUNT NOT TO EXCEED \$114,450.00.

Indexes:

Attachments: [Exhibit A CRBPS Amendment 1](#)

This Resolution was adopted unanimously.
Councilor Russ: Absent

27. [19-0073R](#) RESOLUTION AUTHORIZING ACCEPTANCE OF A MINNESOTA DEPARTMENT OF EDUCATION LIBRARY CONSTRUCTION GRANT OF \$88,200.00 FOR CONSTRUCTION OF FIRST FLOOR BATHROOMS AT THE DULUTH PUBLIC LIBRARY.

Indexes:

Attachments: [Exhibit A - Draft Library Grant Agreement](#)

This Resolution was adopted unanimously.
Councilor Russ: Absent

END OF CONSENT AGENDA

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

BY COUNCILOR WESTERLUND (RECREATION, LIBRARIES & AUTHORITIES)

29. [19-005-O](#) AN ORDINANCE AMENDING CHAPTER 2, ARTICLE XXIII, OF THE DULUTH CITY CODE CHANGING THE TITLE OF THE URBAN FOREST COMMISSION TO NATURAL RESOURCES COMMISSION AND EXPANDING THE ROLE OF THE NATURAL RESOURCES COMMISSION TO INCLUDE STEWARDSHIP OF ALL NATURAL RESOURCES ON CITY OWNED AND CITY MANAGED LAND.

This Ordinance was read for the first time.

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

BY PRESIDENT HOBBS (COMMITTEE OF THE WHOLE)

- 30. **19-004-O** AN ORDINANCE AMENDING CHAPTER V, SECTION 36 OF THE CITY OF DULUTH HOME RULE CHARTER, 1912, AS AMENDED, PERTAINING TO CIVIL SERVICE REQUIREMENTS FOR DEPUTY FIRE CHIEFS.

Indexes:

- Attachments: 19-04
19-03
19-02

This Ordinance failed by the following vote:

(A unanimously vote is required to pass this Ordinance)

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

Nay: 1 - Councilor Fosle

BY COUNCILOR FILIPOVICH (PUBLIC WORKS & UTILITIES)

- 31. [19-003-O](#) AN ORDINANCE AMENDING CHAPTER 48 OF THE DULUTH CITY CODE, 1959, AS AMENDED TO ALLOW TERMINATION OF WATER SERVICE TO CUSTOMERS OF THE CITY’S DISTRICT HEATING UTILITY FOR FAILURE TO TIMELY PAY UTILITY BILL AMENDING SECTIONS 48-1, 48-208, 48-208.2, 48-208.3, 48-209, 48-210 AND 48-212 THEREOF..

**This Resolution was adopted unanimously.
Councilor Russ: Absent**

COUNCILOR QUESTIONS AND COMMENTS

COUNCILOR PREVIEW OF UPCOMING BUSINESS



City of Duluth

411 West First Street
Duluth, Minnesota 55802

Minutes - Final

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, February 25, 2019

7:00 PM

Council Chamber

ROLL CALL

Present: 7 - Councilor Gary Anderson, Councilor Zack Filipovich, 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. [19-031](#) Meeting Minutes of the Duluth City Council

Indexes:

Attachments: [February 11, 2019](#)

These Minutes were approved.

REPORTS FROM THE ADMINISTRATION

REPORTS FROM OTHER OFFICERS

REPORTS OF BOARDS AND COMMISSIONS

- 2. [19-032](#) Duluth Entertainment & Convention Center Board Meeting Minutes

Indexes:

Attachments: [Entertainment Convention Center Board 11-27-18](#)

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 ANDERSON (FINANCE)

- 3. [19-0102R](#) RESOLUTION AUTHORIZING AN AGREEMENT WITH THE DULUTH AIRPORT AUTHORITY TO INSURE CERTAIN DULUTH AIRPORT AUTHORITY PROPERTY AND EQUIPMENT UNDER THE CITY'S PROPERTY AND BOILER INSURANCE POLICIES.

Indexes:

Attachments: [Exhibit A.](#)

This Resolution was adopted unanimously.
Councilor Fosle: Absent.

- 4. [19-0123R](#) RESOLUTION AUTHORIZING A CONTRACT WITH HARTFORD FIRE INSURANCE COMPANY FOR PROPERTY INSURANCE AT THE COST NOT TO EXCEED \$168,592 TO BE PAID TO MARSH & McLENNAN AGENCY LLC, AGENT FOR HARTFORD FIRE INSURANCE COMPANY.

This Resolution was adopted unanimously.
Councilor Fosle: Absent.

BY COUNCILOR FOSLE (PURCHASING & LICENSING)

- 5. [19-0116R](#) RESOLUTION APPROVING THE ISSUANCE OF LAWFUL GAMBLING PREMISE PERMIT TO IRVING COMMUNITY ASSOCIATION - LETICA'S

IRON MUG

**This Resolution was adopted unanimously.
Councilor Fosle: Absent.**

- 6. [19-0121R](#) RESOLUTION APPROVING THE EXEMPTION OF A RAFFLE PERMIT AND WAIVING THE 60 DAY WAITING PERIOD FOR DUCKS UNLIMITED AND AAD SHRINERS.

**This Resolution was adopted unanimously.
Councilor Fosle: Absent.**

BY COUNCILOR FORSMAN (PERSONNEL)

- 7. [19-0130R](#) RESOLUTION CONFIRMING THE APPOINTMENT OF PAUL TYNJALA TO THE ALCOHOL, GAMBLING AND TOBACCO COMMISSION, REPLACING RYAN STAUBER.

**This Resolution was adopted unanimously.
Councilor Fosle: Absent.**

- 8. [19-0137R](#) RESOLUTION CONFIRMING THE APPOINTMENT OF NANCY STUBENVOLL TO THE DULUTH LEGACY ENDOWMENT FUND ADVISORY BOARD.

**This Resolution was adopted unanimously.
Councilor Fosle: Absent.**

BY COUNCILOR RUSS (PLANNING & ECONOMIC DEVELOPMENT)

- 9. [19-0060R](#) RESOLUTION AUTHORIZING AN AGREEMENT WITH THE DULUTH ECONOMIC DEVELOPMENT AUTHORITY TO INSURE PROPERTY UNDER THE CITY'S PROPERTY AND BOILER INSURANCE POLICIES.

Indexes:

Attachments: [2.12.2019 City Property Boiler Insurance Agree. \(2\)](#)

This Resolution was adopted unanimously.
Councilor Fosle: Absent.

10. [19-0122R](#) RESOLUTION 2020 CENSUS PARTNERSHIP AND CREATION OF THE 2020 CITY OF DULUTH, MINNESOTA, COMPLETE COUNT COMMITTEE.

This Resolution was adopted unanimously.
Councilor Fosle: Absent.

11. [19-0134R](#) RESOLUTION GRANTING AN INTERIM USE PERMIT FOR A VACATION DWELLING UNIT AT 1003 AND 1005 LAKE AVENUE SOUTH (ISLAND TWIN HOMES, LLC).

Indexes:

Attachments: [Attachment 1](#)

This Resolution was adopted unanimously.
Councilor Fosle: Absent.

BY PRESIDENT HOBBS (COMMITTEE OF THE WHOLE)

12. [19-0089R](#) RESOLUTION AMENDING RESOLUTION 18-0839R DESIGNATING POLLING PLACES FOR THE AUGUST 13, 2019 MUNICIPAL AND SCHOOL BOARD PRIMARY ELECTION, AND THE NOVEMBER 5, 2019, MUNICIPAL AND SCHOOL BOARD GENERAL ELECTION.

Indexes:

Attachments: [POLLING PLACE LIST](#)

This Resolution was adopted unanimously.
Councilor Fosle: Absent.

BY COUNCILOR FILIPOVICH (PUBLIC WORKS & UTILITIES)

13. [19-0115R](#) RESOLUTION AUTHORIZING APPLICATION TO THE LOCAL ROAD IMPROVEMENT PROGRAM TO RECONSTRUCT LAKE AVENUE FROM THE AERIAL LIFT BRIDGE TO S 13TH STREET.

Indexes:

Attachments: [19-0115R-Map](#)

This Resolution was adopted unanimously.
Councilor Fosle: Absent.

14. [19-0117R](#) RESOLUTION AUTHORIZING COOPERATIVE AGREEMENT WITH WLSSD PERTAINING TO THE RECONSTRUCTION OF DECKER ROAD.

Indexes:

Attachments: [19-0117 Ex. A](#)

This Resolution was adopted unanimously.
Councilor Fosle: Absent.

15. [19-0119R](#) RESOLUTION ACCEPTING A TEMPORARY EASEMENT FOR CONSTRUCTION PURPOSES IN VACATED NELSON STREET FROM GOODWILL INDUSTRIES VOCATIONAL ENTERPRISES, INC.

Indexes:

Attachments: [19-0119R Attachment 1](#)
[19-0119R Exhibit A \(Map\)](#)

This Resolution was adopted unanimously.
Councilor Fosle: Absent.

16. [19-0120R](#) RESOLUTION ACCEPTING PERMANENT EASEMENT FOR STREET AND UTILITY PURPOSES FROM WASHINGTON REALTY LLC OVER, UNDER, AND ACROSS PROPERTY LOCATED AT THE INTERSECTION RAILROAD STREET AND GARFIELD AVENUE, AT NO COST TO THE CITY.

Indexes:

Attachments: [19-0120 Exhibit A \(Map\)](#)
[19-0120R Exhibit 1](#)

This Resolution was adopted unanimously.
Councilor Fosle: Absent.

17. [19-0126R](#) RESOLUTION ACCEPTING PERMANENT EASEMENT FOR SLOPES AND FILLS PURPOSES FROM THE TRUSTEES OF THE W & J FAMILY TRUST OVER, UNDER, AND ACROSS PROPERTY LOCATED AT THE INTERSECTION OF EAST FOURTH STREET AND HAWTHORNE ROAD, AT NO COST TO THE CITY.

Indexes:

Attachments: [19-0126R Exhibit 1](#)
[19-0126R Exhibit A](#)
[19-0126R Exhibit B \(Map\)](#)

**This Resolution was adopted unanimously.
Councilor Fosle: Absent.**

18. [19-0127R](#) RESOLUTION AUTHORIZING AN INCREASE TO A FIVE-YEAR MASTER SERVICES AGREEMENT WITH LHB, INC., FOR PROFESSIONAL SURVEY AND FIELD DATA COLLECTION SERVICES FOR A TOTAL CONTRACT AMOUNT NOT TO EXCEED \$160,000.

Indexes:

Attachments: [Exhibit A](#)

**This Resolution was adopted unanimously.
Councilor Fosle: Absent.**

19. [19-0136R](#) RESOLUTION AUTHORIZING AN INCREASE TO PURCHASE ORDER 2018-00000093 TO LOGSTOR FOR PRE-INSULATED PIPE, FITTINGS, VALVES AND ACCESSORIES FOR SUPERIOR STREET HOT WATER PROJECT PHASE 1 AND 2 IN THE AMOUNT OF \$166,282.33 AND A NEW TOTAL AMOUNT OF \$656,261.86.

**This Resolution was adopted unanimously.
Councilor Fosle: Absent.**

BY COUNCILOR VAN NETT (PUBLIC SAFETY)

20. [19-0112R](#) RESOLUTION AUTHORIZING ACCEPTANCE OF A GRANT AWARD FROM THE MINNESOTA DEPARTMENT OF PUBLIC SAFETY IN THE AMOUNT OF \$6,473.50 FOR THE PURPOSE OF PURCHASING A GEAR WASHER/EXTRACTOR FOR THE FIRE DEPARTMENT.

Indexes:

Attachments: [Exhibit A - Grant Award Letter](#)

**This Resolution was adopted unanimously.
Councilor Fosle: Absent.**

21. [19-0124R](#) RESOLUTION AUTHORIZING A CONTRACT WITH BERRY DUNN

MCNEIL & PARKER, LLC DBA BERRYDUNN, FOR PROFESSIONAL SERVICES IN CONDUCTING AN ORGANIZATIONAL ASSESSMENT OF THE DULUTH POLICE DEPARTMENT FOR AN AMOUNT NOT TO EXCEED \$88,148.

Indexes:

Attachments: [Exhibit A](#)

**This Resolution was adopted unanimously.
Councilor Fosle: Absent.**

BY COUNCILOR WESTERLUND (RECREATION, LIBRARIES & AUTHORITIES)

22. [19-0071R](#) RESOLUTION AUTHORIZING THREE-YEAR AGREEMENT WITH THE PARK POINT COMMUNITY CLUB FOR THE USE AND MAINTENANCE OF LAFAYETTE SQUARE.

Indexes:

Attachments: [Exhibit 1.pdf](#)

**This Resolution was adopted unanimously.
Councilor Fosle: Absent.**

23. [19-0090R](#) RESOLUTION AUTHORIZING AN AMENDMENT TO AGREEMENT C22416 WITH FOSTER JACOBS AND JOHNSON FOR ADDITIONAL DESIGN AND CONSTRUCTION ADMINISTRATION SERVICES FOR THE GRAND AVENUE NORDIC CENTER SKI TRAIL PROJECT FOR AN INCREASE OF \$11,900 AND A NEW TOTAL AMOUNT NOT TO EXCEED \$72,505.

Indexes:

Attachments: [Amendment 5 to C22416 FJJ 1.25.19](#)

**This Resolution was adopted unanimously.
Councilor Fosle: Absent.**

24. [19-0100R](#) RESOLUTION AUTHORIZING THE EXECUTION AND FILING OF A DECLARATION OF RESTRICTIVE COVENANT FOR A PORTION OF SARGENT CREEK.

Indexes:

Attachments: [Exhibit 1.pdf](#)

[Exhibit 2.pdf](#)

This Resolution was adopted unanimously.
Councilor Fosle: Absent.

25. [19-0113R](#) RESOLUTION AUTHORIZING THE CITY OF DULUTH TO EXECUTE AN AGREEMENT WITH NORTHERN BEDROCK HISTORIC PRESERVATION CORPS, PROVIDING FOR THE RESTORATION OF HISTORIC ROCK WALLS AT HARRISON PARK AND, RESOURCES PERMITTING, LINCOLN PARK IN THE AMOUNT OF \$11,000.

Indexes:

Attachments: [Exhibit A](#)

This Resolution was adopted unanimously.
Councilor Fosle: Absent.

26. [19-0125R](#) RESOLUTION AUTHORIZING APPLICATION TO THE MINNESOTA DEPARTMENT OF NATURAL RESOURCES FOR A FEDERAL RECREATIONAL TRAIL PROGRAM GRANT OF UP TO \$150,000 FOR REHABILITATION OF THE FAIRMONT SNOWMOBILE TRAIL.

Indexes:

Attachments: [Exhibit A Fairmont Map](#)

This Resolution was adopted unanimously.
Councilor Fosle: Absent.

27. [19-0133R](#) RESOLUTION AUTHORIZING APPLICATION TO THE MINNESOTA DEPARTMENT OF NATURAL RESOURCES FOR A FEDERAL RECREATIONAL TRAIL EQUIPMENT PROGRAM GRANT OF UP TO \$150,000 FOR SNOWMAKING EQUIPMENT FOR THE GRAND AVENUE NORDIC CENTER AT SPIRIT MOUNTAIN.

This Resolution was adopted unanimously.
Councilor Fosle: Absent.

END OF CONSENT AGENDA

The following entitled resolutions are also to be considered:

28. [19-0131R](#) RESOLUTION AFFIRMING THE PLANNING COMMISSION'S DECISION TO APPROVE A PLANNING REVIEW FOR RECONSTRUCTION OF A

PARKING DECK TO INCLUDE AN AMBULANCE GARAGE AND RELOCATED HELIPAD BY ST. LUKE'S HOSPITAL AT 1012 EAST SECOND STREET.

Indexes:

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

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

- Yea:** 5 - Councilor Anderson, Councilor Filipovich, Councilor Russ, Councilor Van Nett and President Hobbs
Nay: 2 - Councilor Sipress and Councilor Westerlund
Absent: 1 - Councilor Fosle

29. [19-0132R](#) RESOLUTION REVERSING THE PLANNING COMMISSION'S DECISION TO APPROVE A PLANNING REVIEW FOR RECONSTRUCTION OF A PARKING DECK TO INCLUDE AN AMBULANCE GARAGE AND RELOCATED HELIPAD BY ST. LUKE'S HOSPITAL AT 1012 EAST SECOND STREET.

Indexes:

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

This Resolution was Returned to Administration.

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

BY COUNCILOR RUSS (PLANNING & ECONOMIC DEVELOPMENT)

30. [19-007-O](#) AN ORDINANCE GRANTING A CONCURRENT USE PERMIT FOR AN EXISTING STRUCTURE IN THE PLATTED STREET RIGHT OF WAY OF 48TH AVENUE EAST.

Indexes:

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

This Ordinance was read for the first time.

BY PRESIDENT HOBBS (COMMITTEE OF THE WHOLE)

- 31. [19-008-O](#) ORDINANCE AMENDING CHAPTER 2, ARTICLE XXV, OF THE DULUTH CITY CODE BY DELETING IT IN ITS ENTIRETY AND SUBSTITUTING A NEW CHAPTER 2, ARTICLE XXV ESTABLISHING AN ENERGY PLAN COMMISSION.

This Ordinance was read for the first time.

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

BY COUNCILOR WESTERLUND (RECREATION, LIBRARIES & AUTHORITIES)

- 32. [19-005-O](#) AN ORDINANCE AMENDING CHAPTER 2, ARTICLE XXIII, OF THE DULUTH CITY CODE CHANGING THE TITLE OF THE URBAN FOREST COMMISSION TO NATURAL RESOURCES COMMISSION AND EXPANDING THE ROLE OF THE NATURAL RESOURCES COMMISSION TO INCLUDE STEWARDSHIP OF ALL NATURAL RESOURCES ON CITY OWNED AND CITY MANAGED LAND.

This Ordinance was adopted unanimously.

Councilor Fosle: Absent

COUNCILOR QUESTIONS AND COMMENTS

COUNCILOR PREVIEW OF UPCOMING BUSINESS



City of Duluth

411 West First Street
Duluth, Minnesota 55802

Minutes - Final

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, March 11, 2019

7:00 PM

Council Chamber

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]

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. **19-048** Meeting Minutes of the Duluth City Council

Indexes:

Attachments: February 25, 2019 - City Council Meeting

These Minutes were approved.

REPORTS FROM THE ADMINISTRATION

REPORTS FROM OTHER OFFICERS

REPORTS OF BOARDS AND COMMISSIONS

2. [19-045](#) Duluth Parking Commission Resolutions

Indexes:

Attachments: [Duluth Parking Commission Resolutions](#)

This Board or Commission Report was received.

3. [19-046](#) Duluth Public Utilities Commission Meeting Minutes

Indexes:

Attachments: [Duluth Public Utilities Commission 1-15-2019](#)

This Board or Commission Report was received.

4. [19-047](#) Library Board Meeting Minutes

Indexes:

Attachments: [Library Board 1-22-2019](#)

This Board or Commission Report was received.

5. [19-049](#) Community Development Committee: Letter to Council

Indexes:

Attachments: [2-27-19 Letter to City Council Signed](#)

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)

- 6. [19-0141R](#) RESOLUTION APPROVING THE EXEMPTION OF A RAFFLE PERMIT AND WAIVING THE 60-DAY WAITING PERIOD FOR HEAD OF THE LAKES ROCKY MOUNTAIN ELK FOUNDATION

This Resolution was adopted unanimously.

- 7. [19-0145R](#) RESOLUTION APPROVING THE EXEMPTION OF A RAFFLE PERMIT AND WAIVING THE 60 DAY WAITING PERIOD FOR ROTARY CLUB OF DULUTH HARBORTOWN MN USA Inc..

This Resolution was adopted unanimously.

- 8. [19-0157R](#) RESOLUTION ISSUING A 3.2 PERCENT MALT LIQUOR LICENSE AND APPROVING ISSUANCE OF AN ON SALE WINE LICENSE TO UP NORTH BEER DE CARO DULUTH, LLC (UP NORTH BEER EXCHANGE), 1905 WEST SUPERIOR STREET.

Indexes:

Attachments: [Up North Decaro Application](#)

This Resolution was adopted unanimously.

- 9. [19-0158R](#) RESOLUTION ISSUING AN ON SALE 3.2 PERCENT MALT LIQUOR LICENSE AND APPROVING ISSUANCE OF AN ON SALE WINE LICENSE TO TROPHY CAFE, LLC (TROPHY CAFE), 1314 COMMONWEALTH AVENUE.

Indexes:

Attachments: [Trophy Cafe Wine and Beer License](#)

This Resolution was adopted unanimously.

- 10. [19-0160R](#) 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: [Fitgers Taste](#)

This Resolution was adopted unanimously.

11. [19-0166R](#) RESOLUTION ISSUING AN ON SALE INTOXICATING LIQUOR LICENSE, SUNDAY LICENSE TO THE OMC, LLC, (OMC SMOKEHOUSE), 1909 WEST SUPERIOR STREET.

This Resolution was adopted unanimously.

BY COUNCILOR FORSMAN (PERSONNEL)

12. [19-0177R](#) RESOLUTION APPOINTING COUNCILOR ZACK FILIPOVICH TO THE DULUTH PUBLIC UTILITIES COMMISSION.

This Resolution was adopted unanimously.

13. [19-0179R](#) RESOLUTION CONFIRMING THE APPOINTMENT OF ROBERTA CICH TO THE HOUSING AND REDEVELOPMENT AUTHORITY OF DULUTH.

This Resolution was adopted unanimously.

BY COUNCILOR RUSS (PLANNING & ECONOMIC DEVELOPMENT)

14. [19-0147R](#) RESOLUTION AUTHORIZING A SECOND AMENDMENT TO THE PROFESSIONAL SERVICES AGREEMENT WITH BARR ENGINEERING COMPANY INCREASING THE CONTRACT AMOUNT BY \$15,000 FOR A TOTAL CONTRACT AMOUNT NOT TO EXCEED THE AMOUNT OF \$115,000, AND EXTENDING THE TERM OF THE AGREEMENT THROUGH DECEMBER 31, 2019.

Indexes:

Attachments: [Second Amendment Agreement for Barr Engineering](#)

This Resolution was adopted unanimously.

15. [19-0152R](#) RESOLUTION APPROVING A PARKING SPACE LEASE AGREEMENT BETWEEN JUST TAKE ACTION, INC. AND INTERSTATE PARKING COMPANY OF MINNESOTA LLC RELATED TO THE LAKE PLACE LOT AND CONDITIONALLY AGREEING TO HONOR ITS TERMS THROUGH APRIL 30, 2029.

Indexes:

Attachments: [Exhibit A](#)

This Resolution was adopted unanimously.

16. [19-0168R](#) RESOLUTION OF INTENT TO SELL OR CONVEY CERTAIN REAL PROPERTY IN DOWNTOWN DULUTH.

Indexes:

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

This Resolution was adopted unanimously.

17. [19-0169R](#) RESOLUTION AUTHORIZING ACCEPTANCE OF A QUIT CLAIM DEED FROM THE VOYAGEUR INN, LLC, FOR CERTAIN REAL PROPERTY IN DOWNTOWN DULUTH.

Indexes:

Attachments: [Exhibit A](#)

This Resolution was adopted unanimously.

BY COUNCILOR FILIPOVICH (PUBLIC WORKS & UTILITIES)

18. [19-0143R](#) RESOLUTION APPROVING A COUNTY PROJECT WITHIN MUNICIPAL CORPORATE LIMITS FOR IMPROVEMENTS TO COUNTY STATE AID HIGHWAY 91 (HAINES ROAD).

Indexes:

Attachments: [19-0143R Map](#)

This Resolution was adopted unanimously.

19. [19-0144R](#) RESOLUTION AUTHORIZING AN AGREEMENT WITH ST. LOUIS COUNTY FOR CONSTRUCTION OF NATURAL GAS, STORM SEWER, SANITARY SEWER AND WATER SYSTEM IMPROVEMENTS ASSOCIATED WITH THE RECONSTRUCTION OF CSAH 9 (WOODLAND AVENUE FROM ANOKA STREET TO CALVARY ROAD AND CALVARY ROAD FROM WOODLAND AVENUE TO ARNOLD ROAD) IN THE ESTIMATED AMOUNT OF \$2,610,000.

Indexes:

Attachments: [19-0144R Exhibit 1 \(Agreement\)](#)

[19-0144 Map](#)

[19-0144 Haul Routes Map](#)

[19-0144 Detour Route Map](#)

This Resolution was adopted unanimously.

20. [19-0148R](#) RESOLUTION AUTHORIZING AN AGREEMENT WITH ST. LOUIS COUNTY TO PAINT FIVE TRAFFIC SIGNAL SYSTEMS IN THE CITY OF DULUTH.

Indexes:

Attachments: [19-0148R Exhibit A](#)

This Resolution was adopted unanimously.

21. [19-0150R](#) RESOLUTION AUTHORIZING THE PURCHASE OF AN ADDITIONAL 2,500 TONS OF ROAD SALT FROM MORTON SALT, INC., INCREASING THE PURCHASE ORDER BY \$88,876.00 FOR A TOTAL AMOUNT OF \$355,456.00

This Resolution was adopted unanimously.

22. [19-0156R](#) RESOLUTION AUTHORIZING THE PURCHASE OF TWO 2020 FREIGHTLINER CABS AND CHASSIS FROM BOYER TRUCKS IN THE AMOUNT OF \$170,134.00, AND THE PURCHASE AND INSTALLATION OF PLOWING AND SANDING EQUIPMENT TO OUTFIT SAME TRUCKS FROM CRYSTEEL TRUCK EQUIPMENT IN THE AMOUNT OF \$206,608.95 FOR A TOTAL AMOUNT OF \$376,742.95.

This Resolution was adopted unanimously.

23. [19-0161R](#) RESOLUTION AWARDING A CONTRACT TO NORTHLAND CONSTRUCTORS OF DULUTH, INC FOR BITUMINOUS (HOT MIX BLACKTOP) FOR STREET MAINTENANCE ACTIVITIES IN 2019 FOR AN AMOUNT NOT TO EXCEED \$380,000.

This Resolution was adopted unanimously.

BY COUNCILOR VAN NETT (PUBLIC SAFETY)

24. [19-0138R](#) RESOLUTION AUTHORIZING PROPER CITY OFFICIALS TO EXECUTE A TELEPRESENCE NETWORK USER AGREEMENT WITH THE ARROWHEAD HEALTH ALLIANCE, TO PROVIDE THE DULUTH POLICE DEPARTMENT WITH TWO IPADS AND ACCESS TO THE VIDYO PLATFORM AT NO COST TO THE CITY OF DULUTH.

Indexes:

Attachments: [19-0138 Document A](#)

This Resolution was adopted unanimously.

25. [19-0146R](#) RESOLUTION AUTHORIZING THE CITY TO ENTER INTO A JOINT POWERS AGREEMENT WITH THE STATE OF MINNESOTA, COMMISSION OF PUBLIC SAFETY, BUREAU OF CRIMINAL APPREHENSION, PROVIDING FOR THE CITY OF DULUTH POLICE DEPARTMENT TO CONTINUE PARTICIPATION IN THE MINNESOTA INTERNET CRIMES AGAINST CHILDREN TASK FORCE PROGRAM.

Indexes:

Attachments: [Exhibit A.pdf](#)

This Resolution was adopted unanimously.

26. [19-0149R](#) RESOLUTION AUTHORIZING A FIRST AMENDMENT TO THE GRANT FROM THE STATE OF MINNESOTA, DEPARTMENT OF NATURAL RESOURCES TO ACCEPT AN ADDITIONAL \$4,999, INCREASING THE AWARD AMOUNT FROM \$17,110 TO \$22,109 AND TO EXTEND THE AWARD PERIOD FROM DECEMBER 31, 2019 TO JUNE 30, 2020.

Indexes:

Attachments: [Amendment # 1.pdf](#)

This Resolution was adopted unanimously.

27. [19-0162R](#) RESOLUTION AUTHORIZING PROPER CITY OFFICIALS TO ACCEPT A GRANT FROM THE UNITED STATES DEPARTMENT OF JUSTICE IN THE AMOUNT OF \$38,548 AND FURTHER AUTHORIZING EXECUTION OF GRANT AGREEMENT WITH ST. LOUIS COUNTY.

Indexes:

Attachments: [Exhibit A.pdf](#)

[Exhibit B.pdf](#)

This Resolution was adopted unanimously.

28. [19-0163R](#) RESOLUTION AUTHORIZING AGREEMENT WITH STATE OF MINNESOTA FOR LEASE OF THE FIREARMS TRAINING FACILITY AT THE EMERGENCY RESPONSE TRAINING CENTER AT NO COST TO CITY.

Indexes:

Attachments: [19-0163 Exhibit A](#)

This Resolution was adopted unanimously.

BY COUNCILOR WESTERLUND (RECREATION, LIBRARIES & AUTHORITIES)

29. [19-0118R](#) RESOLUTION AUTHORIZING AN AMENDMENT TO AGREEMENT L30063 WITH DIRT INC. FOR ADDITIONAL REHABILITATION OF THE DWP TRAIL FOR AN INCREASE OF \$49,466 AND A NEW TOTAL AMOUNT NOT TO EXCEED \$323, 205.75.

Indexes:

Attachments: [DWP Estimate 2.6.19](#)

This Resolution was adopted unanimously.

30. [19-0151R](#) RESOLUTION IN SUPPORT OF AN EQUAL RIGHTS AMENDMENT TO THE MINNESOTA CONSTITUTION.

This Resolution was adopted unanimously.

31. [19-0155R](#) RESOLUTION AUTHORIZING PROPER CITY OFFICIALS TO ACCEPT A \$10,000 GRANT FROM THE NATIONAL OCEANOGRAPHIC AND ATMOSPHERIC ADMINISTRATION, ADMINISTERED BY THE MINNESOTA DEPARTMENT OF NATURAL RESOURCES, FOR DEVELOPMENT OF A NATURAL RESOURCE MANAGEMENT PLAN FOR THE PROPOSED HARTLEY NATURAL AREA.

Indexes:

Attachments: [Exhibit A grant agreement](#)

This Resolution was adopted unanimously.

32. [19-0159R](#) RESOLUTION ACCEPTING PERMANENT EASEMENT FOR RECREATIONAL TRAIL PURPOSES FROM WESTERN LAKE SUPERIOR SANITARY DISTRICT OVER PROPERTY ADJACENT TO SOUTH CENTRAL AVENUE AND MAIN STREET.

Indexes:

Attachments: [Exhibit 1.pdf](#)

This Resolution was adopted unanimously.

33. [19-0164R](#) RESOLUTION AUTHORIZING AN AMENDMENT TO AGREEMENT L30107 WITH LHB, INC. FOR ADDITIONAL ENGINEERING SERVICES FOR FINAL DESIGN AND CONSTRUCTION ADMINISTRATION FOR LINCOLN PARK RESTORATION FOR AN INCREASE OF \$97,778 AND A NEW TOTAL AMOUNT NOT TO EXCEED \$131,391.

Indexes:

Attachments: [Exhibit A Proposal](#)

This Resolution was adopted unanimously.

34. [19-0165R](#) RESOLUTION AUTHORIZING PROPER CITY OFFICIALS TO ACCEPT A \$13,600 GRANT FROM THE STATE OF MINNESOTA DEPARTMENT OF AGRICULTURE FOR CONTROL OF INVASIVE KNOTWEED AND WILD PARSNIP ON CITY LANDS.

Indexes:

Attachments: [Exhibit A grant agreement](#)

This Resolution was adopted unanimously.

35. [19-0174R](#) RESOLUTION APPROVING A POLICY FOR SETTING RECREATION PROGRAM FEES AND AMENDING RESOLUTION 18-0788, ADOPTING LICENSE, PERMIT, FINE, PENALTY AND OTHER CHARGES FOR 2019, BY ADDING RECREATION PROGRAM FEES.

Indexes:

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

This Resolution was adopted unanimously.

END OF CONSENT AGENDA

The following entitled resolutions are also to be considered:

BY COUNCILOR WESTERLUND (RECREATION, LIBRARIES & AUTHORITIES)

36. [19-0153R](#) RESOLUTION ACCEPTING UNCONDITIONAL GIFTS FROM THE FRIENDS OF THE DULUTH PUBLIC LIBRARY FOR THE BENEFIT OF THE LIBRARY IN 2019.

This Resolution was adopted unanimously.

37. [19-0154R](#) RESOLUTION ACCEPTING UNCONDITIONAL GIFTS FROM THE DULUTH LIBRARY FOUNDATION FOR THE BENEFIT OF THE LIBRARY FOR 2019.

This Resolution was adopted unanimously.

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

BY COUNCILOR FORSMAN (PERSONNEL)

38. [19-006-O](#) AN ORDINANCE AMENDING SECTIONS 50-19.8 USE TABLE AND

50-20.3 COMMERCIAL USES TO ALLOW DAYCARE FACILITIES AND PRESCHOOLS IN THE MIXED USE BUSINESS (MU-B) ZONE DISTRICT.

Indexes:

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

This Ordinance was read for the first time.

BY COUNCILOR RUSS (PLANNING & ECONOMIC DEVELOPMENT)

39. [19-010-O](#) AN ORDINANCE AUTHORIZING THE CONVEYANCE OF CERTAIN REAL PROPERTY IN DOWNTOWN DULUTH AT NO COST.

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)

40. [19-007-O](#) AN ORDINANCE GRANTING A CONCURRENT USE PERMIT FOR AN EXISTING STRUCTURE IN THE PLATTED STREET RIGHT OF WAY OF 48TH AVENUE EAST.

Indexes:

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

This Ordinance was adopted unanimously.

BY PRESIDENT HOBBS (COMMITTEE OF THE WHOLE)

41. [19-008-O](#) ORDINANCE AMENDING CHAPTER 2, ARTICLE XXV, OF THE DULUTH CITY CODE BY DELETING IT IN ITS ENTIRETY AND SUBSTITUTING A NEW CHAPTER 2, ARTICLE XXV ESTABLISHING AN ENERGY PLAN COMMISSION.

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

COUNCILOR QUESTIONS AND COMMENTS

COUNCILOR PREVIEW OF UPCOMING BUSINESS



City of Duluth

411 West First Street
Duluth, Minnesota 55802

Minutes - Final

City Council

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Monday, March 25, 2019

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. [19-058](#) Meeting Minutes of the Duluth City Council

Indexes:

Attachments: [March 11, 2019](#)

These Minutes were approved.

REPORTS FROM THE ADMINISTRATION

2. [19-059](#) 2018 General Fund Reconciled Budget Report

Indexes:

Attachments: [General Fund Reconciled Budget Memo](#)

This Reports from the Administration was received.

REPORTS FROM OTHER OFFICERS

3. [19-057](#) Applications to Conduct Excluded Bingo

Indexes:

Attachments: [Application to Conduct Excluded Bingo: Benedictine Health Center 2](#)

This Other Officers Report was received.

REPORTS OF BOARDS AND COMMISSIONS

4. [19-056](#) Duluth Parking Commission Resolutions.

Indexes:

Attachments: [March 2019 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 FOSLE (PURCHASING & LICENSING)

5. [19-0198R](#) RESOLUTION IN THE MATTER OF THE ON-SALE INTOXICATING LIQUOR LICENSE OF MARTHA'S DAUGHTER, 107 EAST SUPERIOR STREET, DULUTH, MINNESOTA 55802.

Indexes:

Attachments: [Report to City Council March 18 2019](#)

This Resolution was adopted unanimously.

Absent: Councilor Fosle.

BY COUNCILOR FORSMAN (PERSONNEL)

- 6. [19-0192R](#) RESOLUTION CONFIRMING THE APPOINTMENTS OF KRISTY ECKART TO THE HEADING HOME ST. LOUIS COUNTY'S GOVERNANCE BOARD, FILLING THE AFFORDABLE HOUSING COALITION REPRESENTATIVE VACANCY AND CHRISTOPHER RUBESCH, FILLING THE AT LARGE POSITION.

This Resolution was adopted unanimously.
Absent: Councilor Fosle.

- 7. [19-0199R](#) RESOLUTION CONFIRMING THE APPOINTMENT OF BREANNA ELLISON TO THE COMMUNITY DEVELOPMENT COMMITTEE FILLING A VACANT POSITION.

This Resolution was adopted unanimously.
Absent: Councilor Fosle.

- 8. [19-0200R](#) RESOLUTION APPROVING PROPOSED AMENDMENTS TO THE SPECIFICATIONS FOR THE EXISTING CIVIL SERVICE CLASSIFICATION OF MANAGER, WORKFORCE DEVELOPMENT, INCLUDING A TITLE CHANGE TO OPERATIONS MANAGER, WORKFORCE DEVELOPMENT, AND SPECIFYING CONTRACT BENEFITS FOR SAME.

Indexes:

Attachments: [Exhibit A](#)
[Manager, Workforce Development \(strikeout\).pdf](#)

This Resolution was adopted unanimously.
Absent: Councilor Fosle.

BY COUNCILOR RUSS (PLANNING & ECONOMIC DEVELOPMENT)

- 9. [19-0194R](#) RESOLUTION VACATING A 521.09 FOOT LONG AND SIXTY-SIX FOOT WIDE SECTION OF THE PLATTED RIGHT OF WAY OF SUNDBY STREET BETWEEN PAGE STREET AND ROCKFORD STREET.

Indexes:

Attachments: [Attachment 1 Signed Exhibit](#)
[Attachment 2 PL 19-008 Staff Report Packet](#)

This Resolution was adopted unanimously.
Absent: Councilor Fosle.

10. [19-0195R](#) RESOLUTION AUTHORIZING CITY OFFICIALS TO ENTER INTO AN AGREEMENT WITH THE DULUTH HOUSING AND REDEVELOPMENT AUTHORITY WHEREBY CITY OFFICIALS ACCEPT \$17,500 TO PROVIDE ADDITIONAL SUPPORT TO THE TENANT LANDLORD CONNECTION PROGRAM OPERATED BY ONE ROOF COMMUNITY HOUSING AND TO ENTER INTO AN AGREEMENT WITH ONE ROOF COMMUNITY HOUSING TO OPERATE THE TENANT LANDLORD CONNECTION IN THE AMOUNT OF \$57,500.

Indexes:

Attachments: [Attachment 1 -Exhibit A](#)
[Attachment 2 - Exhibit B](#)

This Resolution was adopted unanimously.
Absent: Councilor Fosle.

BY PRESIDENT HOBBS (COMMITTEE OF THE WHOLE)

11. [19-0188R](#) RESOLUTION APPROVING AN AGREEMENT WITH KELLER LENKNER LLC, CONSOVOY MCCARTHY PARK PLLC, AND HOFF BARRY, P.A. FOR LEGAL SERVICES REPRESENTING THE CITY IN REGARD TO FEDERAL MULTIDISTRICT LITIGATION INVOLVING POTENTIAL VIOLATIONS OF LAW IN THE MARKETING, SALE, AND DISTRIBUTION OF OPIOIDS.

Indexes:

Attachments: [Exhibit A](#)

This Resolution was adopted unanimously.
Absent: Councilor Fosle.

BY COUNCILOR FILIPOVICH (PUBLIC WORKS & UTILITIES)

12. [19-0180R](#) RESOLUTION AUTHORIZING AN AGREEMENT BETWEEN THE CITY OF DULUTH AND THE MINNESOTA DEPARTMENT OF TRANSPORTATION FOR IMPROVEMENTS TO GARFIELD AVENUE, RAILROAD STREET, 27TH AVENUE WEST AND 46TH AVENUE WEST WITHIN THE CORPORATE CITY LIMITS UNDER STATE PROJECT

6982-328.

Indexes:

Attachments: [19-0180R Exhibit A](#)
[19-0180R Municipal Consent Plan 2019](#)

**This Resolution was adopted unanimously.
Absent: Councilor Fosle.**

13. [19-0184R](#) RESOLUTION AWARDED A CONTRACT TO KTM PAVING, INC. FOR THE RIVERWEST DRIVE GAS MAIN LOWERING PROJECT IN THE AMOUNT OF \$111,966.80.

Indexes:

Attachments: [19-0184R Map](#)

**This Resolution was adopted unanimously.
Absent: Councilor Fosle.**

14. [19-0193R](#) RESOLUTION ACCEPTING AN AGREEMENT FOR A TEMPORARY CONSTRUCTION EASEMENT AGREEMENT FROM ZENITH ASSET COMPANY, LLC.

Indexes:

Attachments: [19-0193R Attachment 1](#)

**This Resolution was adopted unanimously.
Absent: Councilor Fosle.**

15. [19-0196R](#) RESOLUTION AUTHORIZING A DEVELOPMENT AND ASSESSMENT AGREEMENT WITH SPIRIT VALLEY LAND COMPANY, LLC, DATED MARCH 13, 2019, RELATING TO THE RECONSTRUCTION AND INSTALLATION OF NATURAL GAS MAINS RELATED TO THE RIVER WEST DEVELOPMENT.

Indexes:

Attachments: [19-0196R Map](#)
[19-0196R Exhibit 1](#)

**This Resolution was adopted unanimously.
Absent: Councilor Fosle.**

16. [19-0197R](#) RESOLUTION AUTHORIZING THE PURCHASE OF TWO 2019

FREIGHTLINER TANDEM AXLE CAB AND CHASSIS FROM BOYER TRUCKS IN THE AMOUNT OF \$191,408.19, AND THE PURCHASE AND INSTALLATION OF TANDEM DUMP BODY PACKAGES TO OUTFIT EACH TRUCK FROM CRYSTEEL TRUCK EQUIPMENT IN THE AMOUNT OF \$85,104.24 FOR A TOTAL AMOUNT OF \$276,512.43.

This Resolution was adopted unanimously.
Absent: Councilor Fosle.

BY COUNCILOR WESTERLUND (RECREATION, LIBRARIES & AUTHORITIES)

17. [19-0182R](#) RESOLUTION AUTHORIZING A THREE YEAR AGREEMENT WITH THE DULUTH ENTERTAINMENT CONVENTION CENTER AUTHORITY TO PRODUCE, PROMOTE, COORDINATE, AND MANAGE EVENTS AT BAYFRONT FESTIVAL PARK.

Indexes:

Attachments: [Exhibit 1.pdf](#)

This Resolution was adopted unanimously.
Absent: Councilor Fosle.

18. [19-0183R](#) RESOLUTION GRANTING APPROVAL OF THE DWP TRAIL SYSTEM TECHNICAL STANDARDS AND TRAIL USE PLAN.

Indexes:

Attachments: [Exhibit A plan](#)

This Resolution was adopted unanimously.
Absent: Councilor Fosle.

19. [19-0185R](#) RESOLUTION AUTHORIZING EQUESTRIAN, BICYCLE AND SNOWMOBILE USE ON APPROVED SECTIONS OF THE DWP TRAIL CORRIDOR AND ELYS PEAK TRAIL.

Indexes:

Attachments: [Exhibit A Equestrian Map](#)
[Exhibit B Mountain Bike Map](#)
[Exhibit C snowmobile map](#)

This Resolution was adopted unanimously.
Absent: Councilor Fosle.

20. [19-0186R](#) RESOLUTION AUTHORIZING A FY 2019 CLEAN WATER FUND GRANT PROGRAM SUBGRANT AGREEMENT WITH THE SOUTH ST. LOUIS SOIL AND WATER CONSERVATION DISTRICT IN THE AMOUNT OF \$419,141 FOR THE MILLER CREEK WATERSHED PROJECT AT LINCOLN AND PIEDMONT PARK.

Indexes:

Attachments: [Exhibit A pass thru agreement](#)

**This Resolution was adopted unanimously.
Absent: Councilor Fosle.**

21. [19-0187R](#) RESOLUTION AUTHORIZING APPLICATION TO AND, IF OFFERED, ACCEPTANCE OF A \$250,000 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 contract](#)

**This Resolution was adopted unanimously.
Absent: Councilor Fosle.**

22. [19-0189R](#) RESOLUTION AUTHORIZING APPLICATION TO THE MINNESOTA DEPARTMENT OF NATURAL RESOURCES FOR A REGIONAL TRAIL PROGRAM GRANT OF UP TO \$250,000 FOR RESTORATION OF TWO MULTI USE TRAIL CROSSING BRIDGES.

Indexes:

Attachments: [Exhibit A location map](#)

**This Resolution was adopted unanimously.
Absent: Councilor Fosle.**

23. [19-0190R](#) RESOLUTION AUTHORIZING APPLICATION TO THE MINNESOTA DEPARTMENT OF NATURAL RESOURCES FOR A REGIONAL TRAIL PROGRAM GRANT OF UP TO \$250,000 FOR CONSTRUCTION OF A MULTI-USE TRAIL THROUGH BRIGHTON BEACH PARK.

Indexes:

Attachments: [Exhibit A project map](#)

This Resolution was adopted unanimously.
Absent: Councilor Fosle.

24. [19-0191R](#) RESOLUTION AUTHORIZING AN AMENDMENT TO AGREEMENT C23404 WITH MINNESOTA LAND TRUST FOR ADDITIONAL PROFESSIONAL SERVICES TO SUPPORT THE PLANNING OF THE ST. LOUIS RIVER NATURAL AREA PLAN FOR AN INCREASE OF \$19,311 FOR A NEW TOTAL AMOUNT NOT TO EXCEED \$199,311.

Indexes:

Attachments: [Exhibit A amendment.](#)

This Resolution was adopted unanimously.
Absent: Councilor Fosle.

END OF CONSENT AGENDA

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

BY COUNCILOR RUSS (PLANNING & ECONOMIC DEVELOPMENT)

25. [19-011-O](#) AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF DULUTH TO RECLASSIFY PROPERTY AT THE NORTHEAST CORNER OF TRINITY ROAD AND ANDERSON ROAD FROM MIXED USE-NEIGHBORHOOD (MU-N) TO MIXED USE-BUSINESS PARK (MU-B).

Indexes:

Attachments: [Attachment 1 Map](#)
[Attachment 2 PL 19-012 Staff Report](#)
[Attachment 3 Late Correspondence](#)

This Ordinance was read for the first time.

BY PRESIDENT HOBBS (COMMITTEE OF THE WHOLE)

26. [19-012-O](#) ORDINANCE AMENDING CHAPTER 9 OF THE DULUTH CITY CODE BY DELETING IT IN ITS ENTIRETY AND SUBSTITUTING A NEW BICYCLES, ELECTRIC-ASSISTED BICYCLES AND MOTORIZED FOOT SCOOTERS CHAPTER.

Indexes:

Attachments: [Motion to Amend: Hobbs \(Passed 7-1-1\)](#)

This Ordinance was read for the first time.

27. [19-013-O](#) ORDINANCE ADDING CHAPTER 9A TO THE DULUTH CITY CODE REGULATING THE OPERATION OF SHARED ACTIVE MOBILITY SYSTEMS.

This Ordinance was read for the first time.

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

BY COUNCILOR FORSMAN (PERSONNEL)

28. [19-006-O](#) AN ORDINANCE AMENDING SECTIONS 50-19.8 USE TABLE AND 50-20.3 COMMERCIAL USES TO ALLOW DAYCARE FACILITIES AND PRESCHOOLS IN THE MIXED USE BUSINESS (MU-B) ZONE DISTRICT.

Indexes:

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

This Ordinance was adopted unanimously.
Absent: Councilor Fosle.

BY COUNCILOR RUSS (PLANNING & ECONOMIC DEVELOPMENT)

29. [19-010-O](#) AN ORDINANCE AUTHORIZING THE CONVEYANCE OF CERTAIN REAL PROPERTY IN DOWNTOWN DULUTH AT NO COST.

Indexes:

Attachments: [Exhibit A](#)

This Ordinance was adopted unanimously.
Absent: Councilor Fosle.

COUNCILOR QUESTIONS AND COMMENTS

COUNCILOR PREVIEW OF UPCOMING BUSINESS



City of Duluth

411 West First Street
Duluth, Minnesota 55802

Minutes - Final

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, April 8, 2019

7:00 PM

Council Chamber

ROLL CALL

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

Absent: 1 - Councilor Barb Russ

PLEDGE OF ALLEGIANCE

APPROVAL OF MINUTES

1. [19-078](#) Meeting Minutes of the Duluth City Council

Indexes:

Attachments: [March 25, 2019](#)

These Minutes were approved.

PUBLIC HEARING

REPORTS FROM THE ADMINISTRATION

REPORTS FROM OTHER OFFICERS

REPORTS OF BOARDS AND COMMISSIONS

2. [19-073](#) Civil Service Board Meeting Minutes

Indexes:

Attachments: [Civil Service Board 1-8-19](#)
[Civil Service Board 1-22-19](#)

This Board or Commission Report was received.

3. [19-074](#) Library Board Meeting Minutes

Indexes:

Attachments: [Library Board 2-26-19](#)

This Board or Commission Report was received.

4. [19-075](#) Charter Commission Meeting Minutes

Indexes:

Attachments: [2019-01-09, Charter Commission Minutes](#)

This Board or Commission Report was received.

5. [19-076](#) Duluth Public Utilities Commission Meeting Minutes

Indexes:

Attachments: [Duluth Public Utilities Commission 2-19-19](#)

This Board or Commission Report was received.

6. [19-077](#) Duluth Transit Authority Meeting Minutes

Indexes:

Attachments: [Duluth Transit Authority 1-30-19](#)

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 ANDERSON (FINANCE)

- 7. [19-0215R](#) RESOLUTION AUTHORIZING A FIRST AMENDMENT TO THE PROFESSIONAL SERVICES AGREEMENT WITH HKM, P.A. INCREASING THE CONTRACT AMOUNT BY \$33,286 FOR A CONTRACT AMOUNT NOT TO EXCEED \$48,286.

Indexes:

Attachments: [Exhibit A.](#)

**This Resolution was adopted unanimously.
Absent: Councilor Russ.**

BY COUNCILOR FOSLE (PURCHASING & LICENSING)

- 8. [19-0212R](#) 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](#)
 [Attachment C](#)
 [Attachment D](#)
 [Attachment E](#)
 [Attachment F](#)
 [Attachment G](#)

**This Resolution was adopted unanimously.
Absent: Councilor Russ.**

- 9. [19-0216R](#) RESOLUTION APPROVING ISSUANCE OF A ONE DAY CONSUMPTION AND DISPLAY LICENSE TO DULUTH SISTER CITIES INT'L.

Indexes:

Attachments: [SISTER CITIES](#)

**This Resolution was adopted unanimously.
Absent: Councilor Russ.**

10. [19-0218R](#) RESOLUTION APPROVING ISSUANCE OF AN ON SALE WINE LICENSE AND ISSUING AN ON SALE 3.2 PERCENT MALT LIQUOR LICENSE TO CRABBY 'OL BILLS, INC. 504 CANAL PARK DRIVE.

Indexes:

Attachments: [Crabby 'Ol Bills](#)

**This Resolution was adopted unanimously.
Absent: Councilor Russ.**

11. [19-0219R](#) RESOLUTION APPROVING ISSUANCE OF AN ON SALE 3.2 PERCENT MALT LIQUOR LICENSE TO CORKTOWN, LLC (TACO ARCADA) 1902 WEST SUPERIOR STREET.

**This Resolution was adopted unanimously.
Absent: Councilor Russ.**

12. [19-0220R](#) RESOLUTION APPROVING THE TRANSFER OF STOCK OF THE ON SALE INTOXICATING LIQUOR LICENSE AND ON SALE SUNDAY LICENSE OF HANABI JAPANESE CUISINE CO. (HANABI INC) 110 NORTH 1ST AVENUE WEST.

Indexes:

Attachments: [Hanabi](#)

**This Resolution was adopted unanimously.
Absent: Councilor Russ.**

13. [19-0222R](#) RESOLUTION APPROVING THE APPLICATION FOR AN ON SALE BREWERY (TAPROOM), AND SUNDAY (TAPROOM) LICENSE OF CAMP CIDER, LLC (WILD STATE CIDER), 2515 WEST SUPERIOR STREET.

Indexes:

Attachments: [Camp Cider Taproom](#)

This Resolution was adopted unanimously.
Absent: Councilor Russ.

14. [19-0223R](#) RESOLUTION APPROVING THE PERMANENT EXPANSION OF THE DESIGNATED SERVING AREA OF CAMP CIDER, LLC. (WILD STATE CIDER), 2515 WEST SUPERIOR STREET, 55806

Indexes:

Attachments: [Camp Cider Expansion](#)

This Resolution was adopted unanimously.
Absent: Councilor Russ.

15. [19-0228R](#) RESOLUTION APPROVING THE APPLICATION FOR AN ON SALE BREWERY (TAPROOM), AND SUNDAY (TAPROOM) LICENSE OF DULUTH CIDER, LLC (DULUTH CIDER), 2307 WEST SUPERIOR STREET.

Indexes:

Attachments: [Duluth Cider](#)

This Resolution was adopted unanimously.
Absent: Councilor Russ.

16. [19-0229R](#) RESOLUTION APPROVING THE PERMANENT EXPANSION OF THE DESIGNATED SERVING AREA OF DULUTH CIDER, LLC. (DULUTH CIDER), 2307 WEST SUPERIOR STREET, 55806

Indexes:

Attachments: [Duluth Cider Expansion](#)

This Resolution was adopted unanimously.
Absent: Councilor Russ.

BY COUNCILOR FORSMAN (PERSONNEL)

17. [19-0205R](#) RESOLUTION CONFIRMING THE APPOINTMENT OF MALCOM DAVY TO THE DULUTH LEGACY ENDOWMENT FUND ADVISORY BOARD FILLING A CURRENT VACANCY.

This Resolution was adopted unanimously.
Absent: Councilor Russ.

18. [19-0207R](#) RESOLUTION CONFIRMING THE APPOINTMENT OF STEPHEN WELSH TO THE LIBRARY BOARD

**This Resolution was adopted unanimously.
Absent: Councilor Russ.**

19. [19-0208R](#) RESOLUTION CONFIRMING THE REAPPOINTMENT OF TODD FEDORA TO THE DULUTH AIRPORT AUTHORITY.

**This Resolution was adopted unanimously.
Absent: Councilor Russ.**

20. [19-0209R](#) RESOLUTION CONFIRMING THE APPOINTMENT OF DAVID DEMMER TO THE PARKS AND RECREATION COMMISSION AT-LARGE VACANCY AND THE APPOINTMENT OF JENNIFER PETERSON TO THE RECREATION SPECIALIST VACANCY.

**This Resolution was adopted unanimously.
Absent: Councilor Russ.**

21. [19-0214R](#) RESOLUTION CONFIRMING THE APPOINTMENT OF DONALD P. MONACO TO THE DULUTH INTERNATIONAL AIRPORT JOINT ZONING BOARD FILLING A CURRENT VACANCY.

**This Resolution was adopted unanimously.
Absent: Councilor Russ.**

BY COUNCILOR RUSS (PLANNING & ECONOMIC DEVELOPMENT)

22. [19-0210R](#) RESOLUTION APPROVING DEDA RESOLUTION 19D-10 AUTHORIZING A GRANT/DEVELOPMENT AGREEMENT WITH MOLINE MACHINERY LLC FOR THE DEVELOPMENT OF A NEW MANUFACTURING FACILITY IN WEST DULUTH IN THE AMOUNT OF \$125,000.

Indexes:

Attachments: [Resolution 19D-10](#)
[Agreement with Moline Machinery, LLC](#)

This Resolution was adopted unanimously.

Absent: Councilor Russ.

23. [19-0224R](#) RESOLUTION APPROVING DEDA RESOLUTION 19D-11 AUTHORIZING AN AGREEMENT WITH THE JAMAR COMPANY FOR REPAIR OF THE MRO BUILDING ROOF IN THE AMOUNT OF \$109,457.04.

Indexes:

Attachments: [19D-11](#)

[Work Order Document](#)

[Roof Report](#)

[Map](#)

This Resolution was adopted unanimously.

Absent: Councilor Russ.

24. [19-0226R](#) RESOLUTION VACATING A 250 FOOT SECTION OF THE PLATTED RIGHT OF WAY OF JEFFERSON AVENUE BETWEEN FOURTH STREET AND ELINOR STREET, AND A 300 FOOT SECTION OF THE PLATTED ALLEY RUNNING BETWEEN MADISON AVENUE AND JEFFERSON AVENUE.

Indexes:

Attachments: [Attachment 1](#)

[Attachment 2](#)

This Resolution was returned to Administration.

25. [19-0230R](#) RESOLUTION IN SUPPORT OF LEGISLATION BY THE MINNESOTA HOUSE OF REPRESENTATIVES AND THE MINNESOTA SENATE AMENDING STATUTES GOVERNING AIRPORTS AND AIRPORT ZONING.

Indexes:

Attachments: [Attachment A](#)

[Attachment B](#)

[Attachment C](#)

This Resolution was adopted unanimously.

Absent: Councilor Russ.

BY COUNCILOR FILIPOVICH (PUBLIC WORKS & UTILITIES)

26. [19-0213R](#) RESOLUTION AUTHORIZING AN AGREEMENT WITH ALLIANT

ENGINEERING FOR PROFESSIONAL ENGINEERING SERVICES TO PERFORM A TRAFFIC STUDY FOR THE 1ST STREET TWO WAY CONVERSION PROJECT IN THE AMOUNT OF \$84,344.

Indexes:

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

**This Resolution was adopted unanimously.
Absent: Councilor Russ.**

27. [19-0225R](#) RESOLUTION ORDERING THE IMPROVEMENT OF THE 2019 STREET PRESERVATION PROJECT.

Indexes:

Attachments: [Decker Rd Project Map](#)
[Preliminary Assessment Roll](#)
[March 14 Public Hearing Minutes](#)
[March 26 Public Hearing Minutes](#)

**This Resolution was adopted unanimously.
Absent: Councilor Russ.**

28. [19-0227R](#) RESOLUTION AWARDED A CONTRACT TO PARSONS ELECTRIC, LLC FOR THE LIFT STATIONS 9 & 26 IMPROVEMENTS PROJECT IN THE AMOUNT OF \$329,662.

Indexes:

Attachments: [19-0227R Map](#)

**This Resolution was adopted unanimously.
Absent: Councilor Russ.**

29. [19-0231R](#) RESOLUTION AUTHORIZING THE PURCHASE OF A REGULATOR STATION HEATER FROM OGI PROCESS EQUIPMENT FOR AN AMOUNT NOT TO EXCEED \$200,000.00

**This Resolution was adopted unanimously.
Absent: Councilor Russ.**

END OF CONSENT AGENDA

The following entitled resolutions are also to be considered:

BY COUNCILOR ANDERSON (FINANCE)

30. [19-0245R](#) RESOLUTION AUTHORIZING AN AGREEMENT WITH INDEPENDENT TELEVISION FESTIVAL, INC. IN THE AMOUNT OF \$50,000 FOR THE 2019 ITVFEST.

Indexes:

Attachments: [Exhibit A](#)
[ITVFest Info Packet](#)

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 Sipress, Councilor Westerlund, Councilor Van Nett and President Hobbs

Nay: 1 - Councilor Fosle

Absent: 1 - Councilor Russ

BY PRESIDENT HOBBS (COMMITTEE OF THE WHOLE)

31. [19-0221R](#) RESOLUTION AMENDING RESOLUTION 18-0788, ADOPTING LICENSE, PERMIT, FINE, PENALTY AND OTHER CHARGES FOR 2019, BY ADDING ANNUAL LICENSE FEES FOR SHARED ACTIVE MOBILITY SYSTEMS.

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 Sipress, Councilor Westerlund, Councilor Van Nett and President Hobbs

Nay: 1 - Councilor Fosle

Absent: 1 - Councilor Russ

BY COUNCILOR FILIPOVICH (PUBLIC WORKS & UTILITIES)

32. [19-0181R](#) RESOLUTION ADOPTING THE DULUTH-SUPERIOR METROPOLITAN INTERSTATE COUNCIL (DSMIC) BIKEWAYS PLAN.

Indexes:

Attachments: [19-0181R Bikeways Plan](#)

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 Sipress, Councilor Westerlund, Councilor Van Nett and President Hobbs

Nay: 1 - Councilor Fosle

Absent: 1 - Councilor Russ

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

BY COUNCILOR RUSS (PLANNING & ECONOMIC DEVELOPMENT)

33. [19-014-O](#) AN ORDINANCE AUTHORIZING THE CONVEYANCE OF CERTAIN REAL PROPERTY IN THE DULUTH HEIGHTS NEIGHBORHOOD TO THE DULUTH ECONOMIC DEVELOPMENT AUTHORITY.

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)

34. [19-011-O](#) AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF DULUTH TO RECLASSIFY PROPERTY AT THE NORTHEAST CORNER OF TRINITY ROAD AND ANDERSON ROAD FROM MIXED USE-NEIGHBORHOOD (MU-N) TO MIXED USE-BUSINESS PARK (MU-B).

Indexes:

Attachments: [Attachment 1 Map](#)
[Attachment 2 PL 19-012 Staff Report](#)
[Attachment 3 Late Correspondence](#)

This Ordinance failed by the following vote:

Yea: 1 - Councilor Fosle

Nay: 7 - Councilor Anderson, Councilor Filipovich, Councilor Forsman, Councilor Sipress, Councilor Westerlund, Councilor Van Nett and President Hobbs

Absent: 1 - Councilor Russ

BY PRESIDENT HOBBS (COMMITTEE OF THE WHOLE)

35. [19-012-O](#) ORDINANCE AMENDING CHAPTER 9 OF THE DULUTH CITY CODE BY DELETING IT IN ITS ENTIRETY AND SUBSTITUTING A NEW BICYCLES, ELECTRIC-ASSISTED BICYCLES AND MOTORIZED FOOT SCOOTERS CHAPTER.

Indexes:

Attachments: [Motion to Amend: Hobbs \(Passed 7-1-1\)](#)

Motion to Amend 19-012-O passes unanimously. Ordinance will stay on second read until 4/22/2019

36. [19-013-O](#) ORDINANCE ADDING CHAPTER 9A TO THE DULUTH CITY CODE REGULATING THE OPERATION OF SHARED ACTIVE MOBILITY SYSTEMS.

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

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

Nay: 1 - Councilor Fosle

Absent: 1 - Councilor Russ

COUNCILOR QUESTIONS AND COMMENTS

COUNCILOR PREVIEW OF UPCOMING BUSINESS



City of Duluth

411 West First Street
Duluth, Minnesota 55802

Minutes - Final

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, April 22, 2019

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 Renee Van Nett, Councilor Em Westerlund and President Noah Hobbs

Absent: 1 - Councilor Jay Fosle

PLEDGE OF ALLEGIANCE

APPROVAL OF MINUTES

1. [19-086](#) Meeting Minutes of the Duluth City Council

Indexes:

Attachments: [April 8, 2019](#)

This Minutes was approved.

REPORTS FROM THE ADMINISTRATION

REPORTS FROM OTHER OFFICERS

REPORTS OF BOARDS AND COMMISSIONS

2. [19-084](#) Housing and Redevelopment Authority Meeting Minutes

Indexes:

Attachments: [HRA 1-29-19](#)
[HRA 1-29-19.2](#)

This Board or Commission Report was received.

3. [19-085](#) Charter Commission Meeting Minutes

Indexes:

Attachments: [Charter Commission 3-20-19](#)

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 ANDERSON (FINANCE)

4. [19-0251R](#) RESOLUTION APPROVING THE BUDGET FOR THE FISCAL YEAR MAY 1, 2019 TO APRIL 30, 2020 IN THE AMOUNT OF \$6,377,168 FOR THE SPIRIT MOUNTAIN RECREATION AREA AUTHORITY.

Indexes:

Attachments: [Exhibit A](#)

This Resolution was adopted unanimously.
Absent: Councilor Fosle.

BY COUNCILOR FOSLE (PURCHASING & LICENSING)

5. [19-0240R](#) RESOLUTION APPROVING THE ISSUANCE OF ON SALE 3.2 PERCENT MALT LIQUOR LICENSE RENEWALS FOR THE PERIOD BEGINNING MAY 1, 2019, AND ENDING APRIL 30, 2020

Indexes:

Attachments: [Attachment A](#)

This Resolution was adopted unanimously.
Absent: Councilor Fosle.

BY COUNCILOR FORSMAN (PERSONNEL)

6. [19-0243R](#) RESOLUTION CONFIRMING THE APPOINTMENT OF DEB HOLLEMAN TO THE SAINT LOUIS COUNTY HEADING HOME GOVERNANCE BOARD

This Resolution was adopted unanimously.
Absent: Councilor Fosle.

7. [19-0244R](#) RESOLUTION CONFIRMING THE APPOINTMENT OF GREG GILBERT TO THE HOUSING AND REDEVELOPMENT AUTHORITY OF DULUTH.

This Resolution was adopted unanimously.
Absent: Councilor Fosle.

BY COUNCILOR RUSS (PLANNING & ECONOMIC DEVELOPMENT)

8. [19-0242R](#) RESOLUTION AUTHORIZING DEVELOPMENT AGREEMENT WITH HARBOR LIGHT DEVELOPMENT LLC RELATED TO THE DEVELOPMENT OF PROPERTY SOUTH OF ARROWHEAD ROAD AND WEST OF ARLINGTON AVENUE.

Indexes:

Attachments: [Exhibit A](#)

[Harbor Light site map](#)

This Resolution was adopted unanimously.
Absent: Councilor Fosle.

9. [19-0253R](#) RESOLUTION AMENDING THE COMPREHENSIVE LAND USE PLAN - FUTURE LAND USE MAP FOR THE UPPER CENTRAL-EAST HILLSIDE LAND USE STUDY AREA, FROM EAST NINTH STREET TO EAST SKYLINE PARKWAY ALONG NORTH SIXTH AVENUE EAST.

Indexes:

Attachments: [Attachment 1](#)

[Attachment 2](#)

This Resolution was adopted unanimously.
Absent: Councilor Fosle.

10. [19-0260R](#) RESOLUTION AUTHORIZING THE CITY TO ENTER INTO A THIRD

AMENDED AND RESTATED MASTER SUBORDINATION AGREEMENT
REGARDING THE WASHINGTON SCHOOL PROJECT.

Indexes:

Attachments: [Exhibit 1](#)

This Resolution was adopted unanimously.
Absent: Councilor Fosle.

BY COUNCILOR FILIPOVICH (PUBLIC WORKS & UTILITIES)

11. [19-0246R](#) RESOLUTION AMENDING PROGRAM GUIDELINES FOR THE RENTAL ENERGY UPGRADE PROGRAM.

Indexes:

Attachments: [REUP Program Guidelines 4.4.19](#)

This Resolution was adopted unanimously.
Absent: Councilor Fosle.

12. [19-0247R](#) RESOLUTION CONCURRING WITH COUNTY AWARD OF THE WOODLAND AVENUE AND CALVARY ROAD RECONSTRUCTION PROJECT.

Indexes:

Attachments: [19-0247R Map](#)

This Resolution was adopted unanimously.
Absent: Councilor Fosle.

13. [19-0257R](#) RESOLUTION AUTHORIZING AN AGREEMENT WITH LHB, INC. FOR PROFESSIONAL ENGINEERING SERVICES TO PROVIDE DESIGN SERVICES FOR THE TH 53 AND I 35 UTILITY RELOCATIONS IN THE AMOUNT OF \$120,943.

Indexes:

Attachments: [19-0257R Map](#)
[19-0257R Exhibit A](#)

This Resolution was adopted unanimously.
Absent: Councilor Fosle.

BY COUNCILOR VAN NETT (PUBLIC SAFETY)

14. [19-0248R](#) RESOLUTION AUTHORIZING PROPER CITY OFFICIALS TO ACCEPT A GRANT FROM THE STATE OF MINNESOTA IN THE AMOUNT OF \$6,542.22 AND FURTHER AUTHORIZING EXECUTION OF A GRANT AGREEMENT WITH THE STATE OF MINNESOTA.

Indexes:

Attachments: [Exhibit A](#)

This Resolution was adopted unanimously.
Absent: Councilor Fosle.

15. [19-0259R](#) RESOLUTION AUTHORIZING THE EXECUTION OF A FIRST AMENDMENT TO THE 2016 AMENDED AND RESTATED LAKE SUPERIOR DRUG AND VIOLENT CRIME TASK FORCE JOINT POWERS AGREEMENT PROVIDING FOR THE PARTICIPATION THERETO BY THE PROCTOR POLICE DEPARTMENT AND THE MINNESOTA STATE PATROL.

Indexes:

Attachments: [Exhibit A 19-0259R](#)

This Resolution was adopted unanimously.
Absent: Councilor Fosle.

BY COUNCILOR WESTERLUND (RECREATION, LIBRARIES & AUTHORITIES)

16. [19-0238R](#) 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.
Absent: Councilor Fosle.

17. [19-0250R](#) RESOLUTION AUTHORIZING THE CITY TO ENTER INTO AN AGREEMENT WITH WISCONSIN CENTRAL LTD., FOR A LICENSE FOR A PRIVATE TRAIL CROSSING UNDER RAILROAD TRESTLE FOR \$500.00.

Indexes:

Attachments: [Exhibit 1.pdf](#)

This Resolution was adopted unanimously.
Absent: Councilor Fosle.

18. [19-0254R](#) RESOLUTION ACCEPTING PERMANENT EASEMENT FOR RECREATIONAL TRAIL PURPOSES FROM VERSO MINNESOTA WISCONSIN LLC OVER PROPERTY NEAR MAIN STREET AND NORTH FIFTY-SIXTH AVENUE WEST TOGETHER WITH PORTIONS OF VACATED POLK STREET.

Indexes:

Attachments: [Exhibit 1.pdf](#)

This Resolution was adopted unanimously.

Absent: Councilor Fosle.

19. [19-0258R](#) RESOLUTION APPROVING THE ACQUISITION BY THE DULUTH AIRPORT AUTHORITY OF CERTAIN TAX-FORFEITED PROPERTY LOCATED AT THE DULUTH INTERNATIONAL AIRPORT.

Indexes:

Attachments: [Exhibit 1](#)

This Resolution was adopted unanimously.
Absent: Councilor Fosle.

END OF CONSENT AGENDA

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

BY COUNCILOR RUSS (PLANNING & ECONOMIC DEVELOPMENT)

20. [19-015-O](#) AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF DULUTH TO RECLASSIFY PROPERTY AT 5300 BRISTOL STREET, 202 AND 210 NORTH CENTRAL AVENUE FROM MIXED USE-NEIGHBORHOOD (MU-N) AND FORM DISTRICT 4 (F-4) TO MIXED USE-COMMERCIAL (MU-C).

Indexes:

Attachments: [Attachment 1](#)

[Attachment 2](#)

[Attachment 3](#)

This Ordinance was read for the first time.

21. [19-016-O](#) AN ORDINANCE AUTHORIZING THE CONVEYANCE OF CERTAIN REAL PROPERTY IN THE CODY NEIGHBORHOOD TO WESTERN LAKE SUPERIOR HABITAT FOR HUMANITY FOR \$1.

Indexes:

Attachments: [Exhibit 1](#)

[Exhibit 2](#)

This Ordinance was read for the first time.

BY COUNCILOR VAN NETT (PUBLIC SAFETY)

22. [19-009-O](#) AN ORDINANCE AMENDING ARTICLE VI OF CHAPTER 5 OF THE DULUTH CITY CODE PERTAINING TO MASSAGE THERAPISTS, ESTABLISHMENTS AND LICENSES.

Indexes:

Attachments: [Motion to Amend: Anderson \(7-1-1\)](#)

[Motion to Amend: Anderson \(7-0-2\)](#)

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)

23. [19-014-O](#) AN ORDINANCE AUTHORIZING THE CONVEYANCE OF CERTAIN REAL PROPERTY IN THE DULUTH HEIGHTS NEIGHBORHOOD TO THE DULUTH ECONOMIC DEVELOPMENT AUTHORITY.

Indexes:

Attachments: [Exhibit A](#)

This Ordinance was adopted unanimously.

Absent: Councilor Fosle

BY PRESIDENT HOBBS (COMMITTEE OF THE WHOLE)

24. [19-012-O](#) ORDINANCE AMENDING CHAPTER 9 OF THE DULUTH CITY CODE BY DELETING IT IN ITS ENTIRETY AND SUBSTITUTING A NEW BICYCLES, ELECTRIC-ASSISTED BICYCLES AND MOTORIZED FOOT SCOOTERS CHAPTER.

Indexes:

Attachments: [Motion to Amend: Hobbs \(Passed 7-1-1\)](#)

This Ordinance was adopted unanimously.

Absent: Councilor Fosle

COUNCILOR QUESTIONS AND COMMENTS

COUNCILOR PREVIEW OF UPCOMING BUSINESS



City of Duluth

411 West First Street
Duluth, Minnesota 55802

Minutes - Final

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, May 13, 2019

7:00 PM

Council Chamber

ROLL CALL

PLEDGE OF ALLEGIANCE

APPROVAL OF MINUTES

1. [19-102](#) Meeting Minutes of the Duluth City Council

Indexes:

Attachments: [April 22, 2019](#)

PUBLIC HEARING:

19-0255R: RESOLUTION CONFIRMING ASSESSMENT ROLL LEVIED TO DEFRAID THE ASSESSABLE PORTION OF THE CITY'S STREET PRESERVATION PROJECTS FOR 2018

REPORTS FROM THE ADMINISTRATION

REPORTS FROM OTHER OFFICERS

2. [19-112](#) Office of the State Auditor Reports

Indexes:

Attachments: [Office of the State Auditor, Duluth Transit Authority Audit Report](#)
[Office of the State Auditor, Spirit Mountain Recreation Area Authority Audit Report](#)

3. [19-113](#) Imagine Duluth 2035 Annual Report

Indexes:

Attachments: [Memo to Council - Year 1 Reporting and Implementation](#)
[2018 Identified Indicators Report](#)
[2018 Implementation Actions Matrix](#)

REPORTS OF BOARDS AND COMMISSIONS

4. [19-097](#) Application for Exempt Permit

Indexes:

Attachments: [Application for Exempt Permit_Rotary Club](#)
[Raffle application 2019 Scholastica](#)

5. [19-098](#) Library Board Meeting Minutes

Indexes:

Attachments: [2019-03-26, Library Board Minutes](#)

6. [19-099](#) Duluth Public Utilities Commission Meeting Minutes

Indexes:

Attachments: [2019-03-19, Duluth Public Utilities Commission Minutes](#)

7. [19-100](#) Duluth Transit Authority Meeting Minutes

Indexes:

Attachments: [2019-02-27, Duluth Transit Authority Minutes](#)

8. [19-101](#) Parking Commission: April & May Resolutions

Indexes:

Attachments: [2019, April Parking Commission Resolutions](#)
[2019, May Parking Commission Resolutions](#)

REPORTS OF COUNCIL COMMITTEES

REPORTS OF COUNCIL OPEN ISSUES

OPPORTUNITY FOR CITIZENS TO BE HEARD

CONSENT AGENDA**BY PRESIDENT HOBBS (COMMITTEE OF THE WHOLE)**

9. [19-0343R](#) RESOLUTION SUPPORTING A NOMINATION FOR THE 2019 LEAGUE OF MINNESOTA CITIES JAMES F. MILLER LEADERSHIP AWARD

BY COUNCILOR VAN NETT (PUBLIC SAFETY)

68. [19-0303R](#) RESOLUTION REAFFIRMING DULUTH'S COMMITMENT TO THE VALUES OF INCLUSION, EQUITY AND JUSTICE IN OUR COMMUNITY AND CHARTING A PATH FORWARD TOWARD GREATER COMMUNITY UNDERSTANDING.

BY COUNCILOR ANDERSON (FINANCE)

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

BY COUNCILOR FORSMAN (PERSONNEL)

69. [19-020-O](#) ORDINANCE AMENDING SECTION 33-76 OF THE DULUTH CITY CODE, 1959, AS AMENDED, REGARDING THE DULUTH PARKING COMMISSION.

BY COUNCILOR WESTERLUND (RECREATION, LIBRARIES & AUTHORITIES)

70. [19-018-O](#) AN ORDINANCE DEDICATING A PERPETUAL TWENTY-FOOT CORRIDOR ACROSS CITY-OWNED PROPERTY FOR THE CROSS CITY TRAIL PEDESTRIAN AND BIKE PATH.

Indexes:

Attachments: [Exhibit A](#)

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

BY COUNCILOR FORSMAN (PERSONNEL)

61. [19-0358R](#) RESOLUTION OF SUPPORT FOR RECOMMENDED CHANGES TO OWNERSHIP AND USE OF PUBLIC GREEN SPACE IN THE LESTER PARK AND ENGER PARK AREAS.

Indexes:**Attachments:** [Exhibit A](#)**BY COUNCILOR RUSS (PLANNING & ECONOMIC DEVELOPMENT)**

62. [19-0304R](#) RESOLUTION VACATING A 250 FOOT SECTION OF THE PLATTED RIGHT OF WAY OF JEFFERSON AVENUE BETWEEN FOURTH STREET AND ELINOR STREET, AND A 300 FOOT SECTION OF THE PLATTED ALLEY RUNNING BETWEEN MADISON AVENUE AND JEFFERSON AVENUE.

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

63. [19-0305R](#) RESOLUTION AMENDING THE COMPREHENSIVE LAND USE PLAN - FUTURE LAND USE MAP FOR AREAS WITHIN ENGER PARK AND LESTER PARK GOLF COURSES. (REPLACEMENT)

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

64. [19-0306R](#) RESOLUTION AFFIRMING THE PLANNING COMMISSION'S DECISION TO APPROVE THE APPLICATION OF GREGG ANDERSON FOR A MINOR SUBDIVISION OF HIS PROPERTY LEGALLY DESCRIBED AS TRACT A, REGISTERED LAND SURVEY NO. 93, ST. LOUIS COUNTY.

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

65. [19-0313R](#) RESOLUTION REVERSING THE PLANNING COMMISSION'S DECISION TO APPROVE THE APPLICATION OF GREGG ANDERSON FOR A MINOR SUBDIVISION OF HIS PROPERTY LEGALLY DESCRIBED AS TRACT A OF REGISTERED LAND SURVEY NO. 93, ST. LOUIS COUNTY, MINNESOTA.

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

66. [19-0314R](#) RESOLUTION AFFIRMING THE PLANNING COMMISSION'S DECISION TO APPROVE THE APPLICATION OF GREGG ANDERSON FOR A

MINOR SUBDIVISION OF HIS PROPERTY LEGALLY DESCRIBED AS TRACT C OF REGISTERED LAND SURVEY NO. 93, ST. LOUIS COUNTY.

Indexes:

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

67. [19-0315R](#) RESOLUTION REVERSING THE PLANNING COMMISSION'S DECISION TO APPROVE THE APPLICATION OF GREGG ANDERSON FOR A MINOR SUBDIVISION OF THE PROPERTY LEGALLY DESCRIBED AS TRACT C OF REGISTERED LAND SURVEY NO. 93, ST. LOUIS COUNTY.

Indexes:

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

BY COUNCILOR ANDERSON (FINANCE)

10. [19-0255R](#) RESOLUTION CONFIRMING ASSESSMENT ROLL LEVIED TO DEFRAY THE ASSESSABLE PORTION OF THE CITY'S STREET PRESERVATION PROJECTS FOR 2018.

Indexes:

Attachments: [Exhibit A](#)

11. [19-0269R](#) RESOLUTION AUTHORIZING APPLICATION FOR AND ACCEPTANCE OF A GENERAL BOND OBLIGATION GRANT FOR THE RENOVATION AND REHABILITATION OF THE LAKE SUPERIOR ZOO IN THE AMOUNT OF \$1,900,000.

Indexes:

Attachments: [Application](#)

12. [19-0330R](#) RESOLUTION AUTHORIZING FIRST AMENDMENT TO AGREEMENT NO. 22879 WITH THE ARROWHEAD ZOOLOGICAL SOCIETY, INC. FOR OPERATION OF THE ZOO.

Indexes:

Attachments: [Exhibit A](#)

BY COUNCILOR FOSLE (PURCHASING & LICENSING)

13. [19-0266R](#) RESOLUTION APPROVING THE EXEMPTION OF A RAFFLE PERMIT AND WAIVING THE 60 DAY WAITING PERIOD FOR LAKE SUPERIOR

ZOO

14. [19-0282R](#) RESOLUTION APPROVING ISSUANCE OF A TEMPORARY ON SALE INTOXICATING LIQUOR LICENSE TO DULUTH AIRSHOW WINGS FOUNDATION, (DULUTH AIR SHOW) 2110 WEST FIRST STREET.
- Indexes:*
- Attachments:* [DULUTH AIR SHOW](#)
15. [19-0283R](#) RESOLUTION APPROVING ISSUANCE OF 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](#)
16. [19-0284R](#) RESOLUTION APPROVING ISSUANCE OF A TEMPORARY ON SALE INTOXICATING LIQUOR LICENSE AND ONE DAY DANCE LICENSE TO THE DULUTH AIR SHOW WINGS FOUNDATION (OKTOBERFEST AT BAYFRONT), 350 HARBOR DRIVE.
- Indexes:*
- Attachments:* [DULUTH OKTOBERFEST AT BAYFRONT](#)
17. [19-0285R](#) RESOLUTION APPROVING ISSUANCE OF A TEMPORARY ON SALE INTOXICATING LIQUOR LICENSE TO MINNESOTA CRAFT BREWERS GUILD, (ALL PINTS NORTH) BAYFRONT PARK.
- Indexes:*
- Attachments:* [Attachment A](#)
18. [19-0286R](#) RESOLUTION APPROVING THE TEMPORARY EXPANSION OF THE DESIGNATED SERVING AREA OF THE ON SALE INTOXICATING LIQUOR LICENSE OF PDL OF DULUTH, INC (CLUB SARATOGA) 331 CANAL PARK DRIVE
- Indexes:*
- Attachments:* [PDL](#)
19. [19-0288R](#) RESOLUTION APPROVING ISSUANCE OF AN ON SALE 3.2 PERCENT MALT LIQUOR LICENSE AND ON-SALE WINE LICENSE TO ERIC & LYNN GOERDT (NORTHERN WATERS SMOKEHAUS) 394 SOUTH LAKE AVENUE, STE 106.

Indexes:

Attachments: [On Sale Beer Northern Waters](#)
[On Sale Wine Northern Waters](#)

20. [19-0291R](#) 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) FOR JUNE 22, 2019 and AUGUST 11-13, 2019.

Indexes:

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

BY COUNCILOR FORSMAN (PERSONNEL)

21. [19-0267R](#) RESOLUTION CONFIRMING THE APPOINTMENT OF REBECCA ST. GEORGE TO THE DULUTH CITIZEN REVIEW BOARD FILLING A CURRENT VACANCY.
22. [19-0300R](#) RESOLUTION CONFIRMING THE REAPPOINTMENT OF CRAIG FELLMAN TO THE DULUTH AIRPORT AUTHORITY.
23. [19-0318R](#) RESOLUTION AMENDING RESOLUTION 19-0209R CONFIRMING THE APPOINTMENT OF DAVID DEMMER TO THE PARKS AND RECREATION COMMISSION LAND MANAGEMENT VACANCY AND THE APPOINTMENT OF JENNIFER PETERSON TO THE AT-LARGE VACANCY.
24. [19-0320R](#) RESOLUTION CONFIRMING THE APPOINTMENT OF MARGIE NELSON TO THE DULUTH INTERNATIONAL AIRPORT JOINT ZONING BOARD.
25. [19-0345R](#) RESOLUTION APPROVING PROPOSED AMENDMENTS TO THE SPECIFICATIONS FOR THE EXISTING CIVIL SERVICE CLASSIFICATION OF POLICE RECORDS TECHNICIAN II.

Indexes:

Attachments: [Exhibit A](#)
[Police Records Technician II \(strikeout\)](#)

26. [19-0346R](#) RESOLUTION APPROVING PROPOSED AMENDMENTS TO THE SPECIFICATIONS FOR THE EXISTING CIVIL SERVICE CLASSIFICATION OF CONSTRUCTION INSPECTION LEADWORKER, INCLUDING A TITLE CHANGE TO CHIEF BUILDING INSPECTOR, AND SPECIFYING CONTRACT BENEFITS FOR SAME.

Indexes:

Attachments: [Exhibit A](#)
[Construction Inspection Leadworker \(strikeout\)](#)

27. [19-0347R](#) RESOLUTION APPROVING PROPOSED AMENDMENTS TO THE SPECIFICATIONS FOR THE EXISTING CIVIL SERVICE CLASSIFICATION OF BUSINESS DEVELOPER, INCLUDING A TITLE CHANGE TO ECONOMIC DEVELOPER, AND SPECIFYING CONTRACT BENEFITS FOR SAME.

Indexes:

Attachments: [Exhibit A](#)
[Business Developer \(strikeout\).pdf](#)

28. [19-0348R](#) RESOLUTION APPROVING PROPOSED AMENDMENTS TO THE SPECIFICATIONS FOR THE EXISTING CIVIL SERVICE CLASSIFICATION OF SENIOR BUSINESS DEVELOPER, INCLUDING A TITLE CHANGE TO SENIOR ECONOMIC DEVELOPER, AND SPECIFYING CONTRACT BENEFITS FOR SAME.

Indexes:

Attachments: [Exhibit A](#)
[Senior Business Developer \(strikeout\).pdf](#)

29. [19-0349R](#) RESOLUTION APPROVING PROPOSED AMENDMENTS TO THE SPECIFICATIONS FOR THE EXISTING CIVIL SERVICE CLASSIFICATION OF SENIOR PLANNER.

Indexes:

Attachments: [Exhibit A](#)
[Senior Planner \(strikeout\).pdf](#)

30. [19-0350R](#) RESOLUTION APPROVING PROPOSED SPECIFICATIONS FOR THE NEW CIVIL SERVICE CLASSIFICATION OF SENIOR HOUSING DEVELOPER, AND SPECIFYING CONTRACT BENEFITS FOR SAME.

Indexes:

Attachments: [Exhibit A](#)
[Senior Housing Developer \(strikeout\).pdf](#)

BY COUNCILOR RUSS (PLANNING & ECONOMIC DEVELOPMENT)

31. [19-0264R](#) RESOLUTION AUTHORIZING A GROUND LEVEL LEASE AGREEMENT AND A SECOND LEVEL LEASE AGREEMENT IN THE MEDICAL DISTRICT PARKING RAMP WITH THE LAKEVIEW AT 333 SUPERIOR PARKING, LLC RELATED TO THE VOYAGEUR MULTI-FAMILY RESIDENTIAL AND MIXED USE DEVELOPMENT.

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

32. [19-0292R](#) RESOLUTION APPROVING DEDA RESOLUTION 19D-13 AUTHORIZING AN AGREEMENT WITH THE JAMAR COMPANY FOR THE MRO FACILITY EAST WALL REPAIR - PHASE II IN THE AMOUNT OF \$229,695.00.

33. [19-0316R](#) RESOLUTION OF INTENT TO SUPPORT THE REQUEST BY BLUE LIMIT LLC 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.

34. [19-0331R](#) RESOLUTION 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 FOR THE YEAR 2020.

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

35. [19-0332R](#) RESOLUTION OF INTENT TO SUPPORT THE REQUEST BY ACCESSIBLE SPACE, INC. TO THE STATE OF MINNESOTA FOR THE AWARD OF LOW-INCOME HOUSING TAX CREDITS FOR THE 76-UNIT VAN'S APARTMENT HOUSING DEVELOPMENT.

36. [19-0333R](#) RESOLUTION OF INTENT TO SUPPORT THE REQUEST BY CENTER CITY HOUSING CORPORATION TO THE STATE OF MINNESOTA FOR LOW INCOME HOUSING TAX CREDITS FOR THE CONSTRUCTION OF

THE 30-UNIT BIRCHWOOD APARTMENT BUILDING.

37. [19-0334R](#) RESOLUTION APPROVING A PRE-COMMITMENT OF \$200,000 FISCAL YEAR 2020 FUNDING ALLOCATION TO THE CITY OF DULUTH FROM THE HOUSING AND URBAN DEVELOPMENT (HUD) DEPARTMENT TO CENTER CITY HOUSING CORPORATION FOR THE CONSTRUCTION OF THE BIRCHWOOD APARTMENTS AND SUPPORTING ITS CONSTRUCTION.
38. [19-0336R](#) RESOLUTION OF INTENT TO SUPPORT THE REQUEST BY THREE RIVERS COMMUNITY ACTION AND ONE ROOF COMMUNITY HOUSING TO THE STATE OF MINNESOTA FOR LOW-INCOME HOUSING TAX CREDITS FOR THE 35-UNIT BREWERY CREEK HOUSING DEVELOPMENT.
39. [19-0337R](#) RESOLUTION OF INTENT TO SUPPORT THE REQUEST BY ONE ROOF COMMUNITY HOUSING TO THE STATE OF MINNESOTA FOR THE AWARD OF LOW-INCOME HOUSING TAX CREDITS FOR THE 42-UNIT DECKER DWELLINGS HOUSING DEVELOPMENT.
40. [19-0338R](#) RESOLUTION APPROVING A PRE-COMMITMENT OF \$275,000 FISCAL YEAR 2020 FUNDING ALLOCATION TO THE CITY OF DULUTH FROM THE HOUSING AND URBAN DEVELOPMENT (HUD) DEPARTMENT TO ONE ROOF COMMUNITY HOUSING FOR THE CONSTRUCTION OF THE DECKER DWELLINGS APARTMENTS AND SUPPORTING ITS CONSTRUCTION.

BY COUNCILOR FILIPOVICH (PUBLIC WORKS & UTILITIES)

41. [19-0265R](#) RESOLUTION AWARDED A CONTRACT TO HANCO UTILITIES, INC. FOR CONSTRUCTION OF THE 2019 HIGH PRESSURE GAS MAINS AND SERVICES AT VARIOUS LOCATIONS IN THE AMOUNT OF \$1,194,310.
42. [19-0270R](#) RESOLUTION ACCEPTING A PERMANENT EASEMENT FOR ROAD AND UTILITY PURPOSES FROM BRETMIN CORPORATION OVER, UNDER, AND ACROSS PROPERTY LOCATED IN THE AREA NEAR SOUTH 27TH AVENUE WEST AND WEST MICHIGAN STREET, AT NO

COST TO THE CITY.

Indexes:

Attachments: [Attachment 1](#)

43. [19-0271R](#) RESOLUTION ACCEPTING A TEMPORARY EASEMENT FOR CONSTRUCTION PURPOSES FROM BRETMIN CORPORATION OVER PROPERTY LOCATED IN THE AREA NEAR SOUTH 27TH AVENUE WEST AND WEST MICHIGAN STREET, AT NO COST TO THE CITY.

Indexes:

Attachments: [Attachment 1](#)

44. [19-0272R](#) RESOLUTION ACCEPTING A PERMANENT EASEMENT FOR ROAD AND UTILITY PURPOSES FROM L.J. WALSH COMPANY OVER, UNDER, AND ACROSS PROPERTY LOCATED IN THE AREA NEAR SOUTH 27TH AVENUE WEST AND WEST MICHIGAN STREET, AT NO COST TO THE CITY.

Indexes:

Attachments: [Attachment 1](#)

45. [19-0273R](#) RESOLUTION ACCEPTING A TEMPORARY EASEMENT FOR CONSTRUCTION PURPOSES FROM L.J. WALSH COMPANY OVER PROPERTY LOCATED IN THE AREA NEAR SOUTH 27TH AVENUE WEST AND WEST MICHIGAN STREET, AT NO COST TO THE CITY.

Indexes:

Attachments: [Attachment 1](#)

46. [19-0274R](#) RESOLUTION ACCEPTING A PERMANENT EASEMENT FOR ROAD AND UTILITY PURPOSES FROM JANHAN LLC OVER, UNDER, AND ACROSS PROPERTY LOCATED IN THE AREA NEAR SOUTH 27TH AVENUE WEST AND WEST MICHIGAN STREET, AT NO COST TO THE CITY.

Indexes:

Attachments: [Attachment 1](#)

47. [19-0275R](#) RESOLUTION ACCEPTING A TEMPORARY EASEMENT FOR CONSTRUCTION PURPOSES FROM JANHAN LLC OVER PROPERTY LOCATED IN THE AREA NEAR SOUTH 27TH AVENUE WEST AND WEST MICHIGAN STREET, AT NO COST TO THE CITY.

Indexes:

Attachments: [Attachment 1](#)

48. [19-0276R](#) RESOLUTION ACCEPTING PERMANENT EASEMENTS FOR STREET, STORMWATER, AND DRAINAGE PURPOSES FROM THE STATE OF MINNESOTA OVER, UNDER, AND ACROSS TAX-FORFEITED PROPERTY LOCATED IN THE AREA OF THE INTERSECTION OF TRIGGS AVENUE AND TOLEDO STREET FOR \$150.

Indexes:

Attachments: [Attachment 1](#)

49. [19-0277R](#) RESOLUTION ACCEPTING PERMANENT EASEMENT FOR STREET, STORMWATER, AND DRAINAGE PURPOSES FROM THE STATE OF MINNESOTA OVER, UNDER, AND ACROSS TAX-FORFEITED PROPERTY LOCATED IN THE AREA OF THE INTERSECTION OF 88TH AVENUE WEST AND 89TH AVENUE WEST FOR \$150.

Indexes:

Attachments: [Attachment 1](#)

50. [19-0279R](#) 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 \$13,650 AND A NEW TOTAL CONTRACT NOT TO EXCEED \$280,598.

51. [19-0280R](#) RESOLUTION CONCURRING WITH COUNTY AWARD OF THE LESTER RIVER BRIDGE RECONSTRUCTION PROJECT.

Indexes:

Attachments: [19-0280R Map](#)

52. [19-0296R](#) RESOLUTION AUTHORIZING PROPER CITY OFFICIALS TO ACCEPT A FIFTY-PERCENT REIMBURSEMENT SAFETY GRANT IN THE AMOUNT OF \$10,000 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](#)

53. [19-0317R](#) RESOLUTION AUTHORIZING AN AGREEMENT WITH SEH, INC. FOR PROFESSIONAL ENGINEERING SERVICES FOR THE CROSS CITY TRAIL PHASE 2 IN THE AMOUNT OF \$144,100.

Indexes:

Attachments: [19-0314R Map](#)
[19-0317R Exhibit A](#)

54. [19-0321R](#) RESOLUTION AUTHORIZING TERMINATION AGREEMENT WITH LAKESHORE INC. TO ALLOW THE REMOVAL OF AN OLD ASSESMENT AGREEMENT FROM THE TITLE TO ECUMEN PROPERTY.

Indexes:

Attachments: [Exhibit A](#)

BY COUNCILOR WESTERLUND (RECREATION, LIBRARIES & AUTHORITIES)

55. [19-0278R](#) RESOLUTION AUTHORIZING A CONTRACT WITH JAMAR COMPANY FOR HVAC RENOVATION AT CITY CENTER WEST FOR AN AMOUNT NOT TO EXCEED \$474,610.00.

56. [19-0295R](#) RESOLUTION AUTHORIZING AN AGREEMENT WITH CYCLISTS OF THE GITCHEE GUMEE SHORES FOR CONSTRUCTION OF DULUTH TRAVERSE TRAIL INFRASTRUCTURE IN 2019 AND 2020.

Indexes:

Attachments: [Exhibit A Agreement](#)

57. [19-0297R](#) RESOLUTION AUTHORIZING A LICENSE AGREEMENT WITH PARK POINT COMMUNITY CLUB TO HOST THE PARK POINT ART FAIR.

Indexes:

Attachments: [Exhibit 1.pdf](#)

58. [19-0298R](#) RESOLUTION AUTHORIZING A LICENSE AGREEMENT BETWEEN THE CITY OF DULUTH AND THE LAKE SUPERIOR AND MISSISSIPPI RAILROAD.

Indexes:

Attachments: [Exhibit 1.pdf](#)

59. [19-0301R](#) RESOLUTION AUTHORIZING A TEN-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 A all pages.pdf](#)

60. [19-0302R](#) RESOLUTION ACCEPTING PERMANENT EASEMENT FOR RECREATIONAL TRAIL PURPOSES FROM MOLINE MACHINERY LTD LIMITED PARTNERSHIP OVER PROPERTY NEAR RALEIGH STREET AND FIFTY-FIFTH AVENUE WEST.

Indexes:

Attachments: [Exhibit 1.pdf](#)

END OF CONSENT AGENDA

The following entitled resolutions are also to be considered:

BY COUNCILOR RUSS (PLANNING & ECONOMIC DEVELOPMENT)

71. [19-015-O](#) AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF DULUTH TO RECLASSIFY PROPERTY AT 5300 BRISTOL STREET, 202 AND 210 NORTH CENTRAL AVENUE FROM MIXED USE-NEIGHBORHOOD (MU-N) AND FORM DISTRICT 4 (F-4) TO MIXED USE-COMMERCIAL (MU-C).

Indexes:

Attachments: [Attachment 1](#)

[Attachment 2](#)

[Attachment 3](#)

72. [19-016-O](#) AN ORDINANCE AUTHORIZING THE CONVEYANCE OF CERTAIN REAL PROPERTY IN THE CODY NEIGHBORHOOD TO WESTERN LAKE SUPERIOR HABITAT FOR HUMANITY FOR \$1.

Indexes:

Attachments: [Exhibit 1](#)

[Exhibit 2](#)

COUNCILOR QUESTIONS AND COMMENTS

COUNCILOR PREVIEW OF UPCOMING BUSINESS

BY COUNCILOR VAN NETT (PUBLIC SAFETY)

BY COUNCILOR VAN NETT (PUBLIC SAFETY)

BY COUNCILOR VAN NETT (PUBLIC SAFETY)

73. [19-009-O](#) AN ORDINANCE AMENDING ARTICLE VI OF CHAPTER 5 OF THE DULUTH CITY CODE PERTAINING TO MASSAGE THERAPISTS, ESTABLISHMENTS AND LICENSES.

Indexes:

Attachments: [Motion to Amend: Anderson \(7-1-1\)](#)

[Motion to Amend: Anderson \(7-0-2\)](#)

Indexes:



City of Duluth

411 West First Street
Duluth, Minnesota 55802

Minutes - Final

City Council

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TOOLS OF CIVILITY: *The Duluth City Council promotes the use and adherence of the tools of civility in conducting the business of the council. The tools of civility 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]*

Thursday, May 23, 2019

5:15 PM

Council Chamber

Special Council Meeting

ROLL CALL

PLEDGE OF ALLEGIANCE

BY COUNCILOR FILIPOVICH (PUBLIC WORKS & UTILITIES)

1. [19-0252R](#) RESOLUTION AWARDING A CONTRACT TO JMF CONSTRUCTION, INC. FOR THE 2019 CITYWIDE PATCH AND SIDEWALK PROJECT IN THE AMOUNT OF \$378,061.59.



City of Duluth

411 West First Street
Duluth, Minnesota 55802

Minutes - Final

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Tuesday, May 28, 2019

7:00 PM

Council Chamber

ROLL CALL

PLEDGE OF ALLEGIANCE

APPROVAL OF MINUTES

1. [19-122](#) Meeting Minutes of the Duluth City Council

Indexes:

Attachments: [May 13, 2019](#)

REPORTS FROM THE ADMINISTRATION

REPORTS FROM OTHER OFFICERS

REPORTS OF BOARDS AND COMMISSIONS

2. [19-121](#) Civil Service Board Meeting Minutes

Indexes:

Attachments: [2019-03-11, Civil Service Board Meeting Minutes](#)

3. [19-123](#) Charter Commission Communication

Indexes:

Attachments: [2019-05-08 Charter Commission Communication](#)

REPORTS OF COUNCIL COMMITTEES

REPORTS OF COUNCIL OPEN ISSUES

Distinguished Artist Award: Ken Bloom

OPPORTUNITY FOR CITIZENS TO BE HEARD

RESOLUTIONS TABLED

BY COUNCILOR RUSS (PLANNING & ECONOMIC DEVELOPMENT)

4. [19-0304R](#) RESOLUTION VACATING A 250 FOOT SECTION OF THE PLATTED RIGHT OF WAY OF JEFFERSON AVENUE BETWEEN FOURTH STREET AND ELINOR STREET, AND A 300 FOOT SECTION OF THE PLATTED ALLEY RUNNING BETWEEN MADISON AVENUE AND JEFFERSON AVENUE.

Indexes:

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

CONSENT AGENDA

BY COUNCILOR FOSLE (PURCHASING & LICENSING)

5. [19-0353R](#) RESOLUTION APPROVING THE EXEMPTION OF A RAFFLE PERMIT AND WAIVING THE 60 DAY WAITING PERIOD FOR COLLEGE OF ST. SCHOLASTICA, INC.
6. [19-0354R](#) RESOLUTION AUTHORIZING AN AMENDMENT TO AGREEMENT L30116 WITH TKDA FOR ADDITIONAL ENGINEERING SERVICES FOR THE CITY CENTER WEST HVAC RENOVATION FOR AN INCREASE OF \$12,430 AND A NEW TOTAL AMOUNT NOT TO EXCEED \$62,930.

Indexes:

Attachments: [Exhibit A](#)

7. [19-0375R](#) RESOLUTION APPROVING THE EXEMPTION OF A RAFFLE PERMIT AND WAIVING THE 60 DAY WAITING PERIOD FOR ROTARY CLUB OF DULUTH
8. [19-0379R](#) 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 \$315,422.82.
9. [19-0380R](#) RESOLUTION AUTHORIZING A CONTRACT WITH VEIT & COMPANY, INC. FOR PHASE TWO LAKEWALK AND SHORELINE DAMAGE REPAIR FROM 4TH AVENUE EAST TO 7TH AVENUE EAST FOR AN AMOUNT NOT TO EXCEED \$2,353,840.00.

Indexes:

Attachments: [Exhibit A - Phase 2 Project Location](#)

10. [19-0383R](#) RESOLUTION AUTHORIZING A CONTRACT WITH WORKS COMPUTING, INC. FOR THE PURCHASE OF NETWORK SWITCH REPLACEMENTS IN THE AMOUNT OF \$212,503.39.

BY COUNCILOR FORSMAN (PERSONNEL)

11. [19-0356R](#) RESOLUTION CONFIRMING THE APPOINTMENT OF DEBBIE ISABELL-NELSON TO THE PARKS AND RECREATION COMMISSION FULFILLING THE DISTRICT 5 POSITION.
12. [19-0371R](#) RESOLUTION APPROVING PROPOSED AMENDMENTS TO THE SPECIFICATIONS FOR THE EXISTING CIVIL SERVICE CLASSIFICATION OF PIPELINE WELDER.

Indexes:

Attachments: [Exhibit A](#)
[Pipeline Welder \(strikeout\)](#)

13. [19-0378R](#) RESOLUTION APPROVING PROPOSED AMENDMENTS TO THE SPECIFICATIONS FOR THE EXISTING CIVIL SERVICE CLASSIFICATION OF CONSTRUCTION SERVICES MANAGER.

Indexes:

Attachments: [Exhibit A](#)
[Construction Services Manager \(strikeout\)](#)

BY COUNCILOR RUSS (PLANNING & ECONOMIC DEVELOPMENT)

14. [19-0367R](#) RESOLUTION GRANTING AN INTERIM USE PERMIT FOR A VACATION DWELLING UNIT AT 1235 MINNESOTA AVENUE (LAKE VIEW LAND CO.).

Indexes:

Attachments: [Attachment 1](#)

15. [19-0368R](#) RESOLUTION GRANTING AN INTERIM USE PERMIT FOR AN ACCESSORY VACATION DWELLING UNIT AT 1235 MINNESOTA AVENUE (LAKE VIEW LAND CO.).

Indexes:

Attachments: [Attachment 1](#)

16. [19-0369R](#) RESOLUTION VACATING PART OF PLATTED GRAND AVENUE IN THE PLAT OF OAKLAND PARK ADDITION, ALSO KNOWN AS OAKLAND AVENUE, AND RETAINING A UTILITY EASEMENT OVER A PORTION OF THE VACATION AREA.

Indexes:

Attachments: [Attachment 1](#)

[Attachment 2](#)

[Attachment 3](#)

17. [19-0370R](#) RESOLUTION GRANTING AN INTERIM USE PERMIT FOR A VACATION DWELLING UNIT AT 124 NORTH HAWTHORNE ROAD (THERESA HANSON).

Indexes:

Attachments: [Attachment 1](#)

18. [19-0374R](#) RESOLUTION TO SUPPORT THE REQUEST BY ACCESSIBLE SPACE, INC. TO DULUTH CITY COUNCIL FOR TAX ABATEMENT FOR THE 76-UNIT VAN'S APARTMENT HOUSING DEVELOPMENT.

Indexes:

Attachments: [Attachment 1](#)

19. [19-0381R](#) RESOLUTION TO SUPPORT THE REQUEST BY THREE RIVERS COMMUNITY ACTION AND ONE ROOF COMMUNITY HOUSING FOR

TAX INCREMENT FINANCING FOR THE 35-UNIT BREWERY CREEK HOUSING DEVELOPMENT (REPLACEMENT).

20. [19-0388R](#) RESOLUTION AUTHORIZING A FIRST AMENDMENT TO THE SUB-RECIPIENT FUNDING AGREEMENT WITH SOAR CAREER SOLUTIONS INCREASING THE CONTRACT AMOUNT BY \$8,864 FOR A CONTRACT AMOUNT NOT TO EXCEED \$61,379, EXTENDING THE TERM OF THE AGREEMENT AND AMENDING THE WORK PLAN AND BUDGET.

Indexes:

Attachments: [Exhibit A](#)
[Attachment 1](#)

21. [19-0389R](#) RESOLUTION AMENDING RESOLUTION NO. 19-0242 AUTHORIZING DEVELOPMENT AGREEMENT WITH DULUTH GOSPEL TABERNACLE RELATED TO THE DEVELOPMENT OF PROPERTY SOUTH OF ARROWHEAD ROAD AND WEST OF ARLINGTON AVENUE.

BY COUNCILOR VAN NETT (PUBLIC SAFETY)

22. [19-0359R](#) 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 AND FURTHER AUTHORIZING A COOPERATIVE LAW ENFORCEMENT AGREEMENT FOR LAKE SUPERIOR DRUG AND VIOLENT CRIME TASK FORCE OPERATIONS ON NATIONAL FOREST SERVICE LANDS.

Indexes:

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

23. [19-0362R](#) RESOLUTION ACCEPTING UNCONDITIONAL GIFTS FROM PARTHE PRODUCTIONS FOR THE BENEFIT OF THE DULUTH POLICE DEPARTMENT IN 2019.

BY COUNCILOR WESTERLUND (RECREATION, LIBRARIES & AUTHORITIES)

24. [19-0293R](#) RESOLUTION AUTHORIZING PERMANENT CLOSURE OF A PORTION OF LINCOLN PARK DRIVE TO VEHICULAR TRAFFIC AS PART OF PARK RESTORATION EFFORTS.

Indexes:**Attachments:** [Exhibit 1 Road Removal](#)

25. [19-0294R](#) RESOLUTION AUTHORIZING A TEMPORARY CONSTRUCTION ACCESS AGREEMENT WITH LAMETTI & SONS, INC.

Indexes:**Attachments:** [Exhibit A Agreement](#)
[Exhibit B access location](#)

26. [19-0361R](#) RESOLUTION AUTHORIZING THE NOMINATION OF THE ST. LOUIS RIVER CORRIDOR TO THE DULUTH NATURAL AREAS PROGRAM.

Indexes:**Attachments:** [Exhibit A Nomination Report](#)

27. [19-0365R](#) RESOLUTION AUTHORIZING A TEMPORARY CONSTRUCTION ACCESS AGREEMENT WITH ULLAND BROTHERS, INC.

Indexes:**Attachments:** [Exhibit A Agreement](#)
[Exhibit B access location](#)

28. [19-0366R](#) RESOLUTION AUTHORIZING AN AMENDED AND RESTATED LEASE AGREEMENT WITH CRABBY OL' BILLS, INC. FOR OPERATION OF ITS FOOD VENDING SERVICE IN CANAL PARK.

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

29. [19-0372R](#) RESOLUTION AUTHORIZING ACCEPTANCE AND EXECUTION OF A HOST SITE AGREEMENT WITH THE MINNESOTA POLLUTION CONTROL AGENCY FOR THE 2019-2020 PROGRAM YEAR MINNESOTA GREENCORPS MEMBER AT NO DIRECT COST TO THE CITY

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

30. [19-0376R](#) RESOLUTION AUTHORIZING APPLICATION TO AND ACCEPTANCE OF A STATE OF MINNESOTA GRANT OF \$1,800 FOR ARCHERY EQUIPMENT FOR GROWING PROGRAMMING INITIATIVE.

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

31. [19-0377R](#) RESOLUTION AUTHORIZING APPLICATION TO AND ACCEPTANCE OF A MINNESOTA RECREATION AND PARKS FOUNDATION GRANT OF \$2,000 FOR RECREATION EQUIPMENT FOR NEW PROGRAMMING INITIATIVE, MOBILE RECREATION.

Indexes:

Attachments: [Exhibit A](#)

32. [19-0382R](#) RESOLUTION AUTHORIZING A CONTRACT WITH HGA FOR PROFESSIONAL ARCHITECTURAL FINAL DESIGN SERVICES FOR THE LAKE SUPERIOR ZOO POLAR SHORES/BEAR COUNTRY PROJECT IN AN AMOUNT NOT TO EXCEED \$387,740.

Indexes:

Attachments: [Exhibit A](#)

END OF CONSENT AGENDA

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

BY COUNCILOR ANDERSON (FINANCE)

33. [19-023-O](#) ORDINANCE REPEALING ARTICLE VI OF CHAPTER 5 OF THE DULUTH CITY CODE, ADOPTING A NEW CHAPTER 14, ARTICLE I, AND NAMING CHAPTER 14 "COMPLEMENTARY AND ALTERNATIVE HEALTHCARE PRACTICES."

BY COUNCILOR RUSS (PLANNING & ECONOMIC DEVELOPMENT)

34. [19-021-O](#) AN ORDINANCE AMENDING SECTION 50-37.10.E, CRITERIA FOR INTERIM USE PERMITS, TO ALLOW AN EXEMPTION FOR VACATION DWELLINGS IN FORM DISTRICTS.

Indexes:

Attachments: [Attachment 1](#)

35. [19-022-O](#) AN ORDINANCE AMENDING THE R-P ZONE REGULATING PLAN FOR RAMSEY VILLAGE AFFECTING SEVEN LOTS ON THE WEST SIDE OF NORTH 53RD AVENUE WEST NORTH OF RAMSEY STREET TO REPLACE THE CURRENTLY ALLOWED BUILDING TYPES WITH BUILDING TYPES I, VI, AND VII THAT ALLOW ONE-FAMILY DETACHED RESIDENTIAL STRUCTURES, FOUR-UNIT MULTI-FAMILY

RESIDENTIAL STRUCTURES, AND EIGHT-UNIT MULTI-FAMILY RESIDENTIAL STRUCTURES.

Indexes:

- Attachments: [Attachment 1 Map](#)
[Attachment 2 Staff Report](#)

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

BY COUNCILOR FORSMAN (PERSONNEL)

36. [19-020-O](#) ORDINANCE AMENDING SECTION 33-76 OF THE DULUTH CITY CODE, 1959, AS AMENDED, REGARDING THE DULUTH PARKING COMMISSION.

BY COUNCILOR VAN NETT (PUBLIC SAFETY)

37. [19-009-O](#) AN ORDINANCE AMENDING ARTICLE VI OF CHAPTER 5 OF THE DULUTH CITY CODE PERTAINING TO MASSAGE THERAPISTS, ESTABLISHMENTS AND LICENSES.

Indexes:

- Attachments: [Motion to Amend: Anderson \(7-1-1\)](#)
[Motion to Amend: Anderson \(7-0-2\)](#)

BY COUNCILOR WESTERLUND (RECREATION, LIBRARIES & AUTHORITIES)

38. [19-018-O](#) AN ORDINANCE DEDICATING A PERPETUAL TWENTY-FOOT CORRIDOR ACROSS CITY-OWNED PROPERTY FOR THE CROSS CITY TRAIL PEDESTRIAN AND BIKE PATH.

Indexes:

- Attachments: [Exhibit A](#)

COUNCILOR QUESTIONS AND COMMENTS

COUNCILOR PREVIEW OF UPCOMING BUSINESS



City of Duluth

411 West First Street
Duluth, Minnesota 55802

Minutes - Final

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 10, 2019

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 Renee Van Nett, Councilor Em Westerlund and President Noah Hobbs

PLEDGE OF ALLEGIANCE

PUBLIC HEARING - Public Hearing: Final Layout for State Project No. 6910-106, Trunk Highway 23 (134th Ave. W.), Layout No. 1, S.P. 6910-106.

APPROVAL OF MINUTES

1. [19-149](#) Meeting Minutes of the Duluth City Council

Indexes:

Attachments: [May 28, 2019](#)

These Minutes were approved.

REPORTS FROM THE ADMINISTRATION

REPORTS FROM OTHER OFFICERS

2. [19-148](#) Office of the State Auditor: Duluth Entertainment and Convention Center Authority

Indexes:

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

This Other Officers Report was received.

REPORTS OF BOARDS AND COMMISSIONS

3. [19-144](#) Duluth Entertainment and Convention Center Meeting Minutes

Indexes:

Attachments: [2019-02-05, Duluth Entertainment and Convention Center Authority Meeting Minutes](#)
[2019-02-27, Duluth Entertainment and Convention Center Authority Meeting Minutes](#)
[2019-03-27, Duluth Entertainment and Convention Center Authority Meeting Minutes](#)

This Board or Commission Report was received.

4. [19-145](#) Spirit Mountain Recreation Area Authority Meeting Minutes

Indexes:

Attachments: [2019-04-18, Spirit Mountain Recreation Area Authority Meeting Minutes](#)

This Board or Commission Report was received.

5. [19-146](#) Library Board Meeting Minutes

Indexes:

Attachments: [2019-04-23, Library Board Meeting Minutes](#)

This Board or Commission Report was received.

6. [19-147](#) Housing and Redevelopment Area Authority Meeting Minutes

Indexes:

Attachments: [2019-06-03, Housing and Redevelopment Authority Meeting Minutes](#)

This Board or Commission Report was received.

REPORTS OF COUNCIL COMMITTEES**REPORTS OF COUNCIL OPEN ISSUES****OPPORTUNITY FOR CITIZENS TO BE HEARD**

CONSENT AGENDA

The Consent Agenda was adopted unanimously.

BY COUNCILOR ANDERSON (FINANCE)

7. [19-0394R](#) RESOLUTION CONFIRMING ASSESSMENT ROLL LEVIED FOR REASSESSMENT OF PRIOR CANCELED ASSESSMENTS.

Indexes:

Attachments: [Exhibit A](#)

This Resolution was adopted unanimously.

8. [19-0395R](#) RESOLUTION DETERMINING NOT TO REASSESS PARCELS FOR CANCELED ASSESSMENTS IN THE AMOUNT OF \$5,543.49.

Indexes:

Attachments: [Exhibit A](#)

This Resolution was adopted unanimously.

BY COUNCILOR FOSLE (PURCHASING & LICENSING)

9. [19-0416R](#) RESOLUTION APPROVING THE TEMPORARY EXPANSION OF THE DESIGNATED SERVING AREA OF THE ON SALE INTOXICATING LIQUOR LICENSE TO VARIOUS LICENSEES.

Indexes:

Attachments: [BENT PADDLE ATTACHMENT E](#)
[EVOL ATTACHMENT A](#)
[LEMONS REEF ATTACHMENT C](#)
[PLAYERS ATTACHMENT B](#)
[SIR BEN'S ATTACHMENT D](#)

This Resolution was adopted unanimously.

10. [19-0418R](#) RESOLUTION APPROVING THE TRANSFER OF STOCK OF THE ON SALE INTOXICATING LIQUOR LICENSE AND ON SALE SUNDAY LICENSE OF VA BENE INC. (VA BENE CAFÉ), 734 EAST SUPERIOR STREET.

This Resolution was adopted unanimously.

11. [19-0419R](#) RESOLUTION APPROVING ISSUANCE OF TEMPORARY ON SALE INTOXICATING LIQUOR LICENSES TO VARIOUS LICENSEES

This Resolution was adopted unanimously.

12. [19-0420R](#) RESOLUTION APPROVING THE PERMANENT EXPANSION OF THE LICENSE PREMISES OF THE ON SALE WINE AND ON SALE 3.2 % MALT LIQUOR LICENSE OF DOVETAIL CAFÉ AND MARKETPLACE, 1917 WEST SUPERIOR STREET

This Resolution was adopted unanimously.

13. [19-0421R](#) RESOLUTION APPROVING THE TRANSFER OF STOCK OF THE ON SALE INTOXICATING LIQUOR LICENSES AND ON SALE SUNDAY LICENSES OF OWNER BRYAN FLAHERTY.

This Resolution was adopted unanimously.

14. [19-0425R](#) RESOLUTION APPROVING ISSUANCE OF AN ON SALE INTOXICATING LIQUOR LICENSE TO WEST THEATER, LLC (WEST THEATER), 319 NORTH CENTRAL AVENUE.

This Resolution was adopted unanimously.

15. [19-0426R](#) RESOLUTION APPROVING ISSUANCE OF AN ON SALE INTOXICATING LIQUOR LICENSE TO NORTHRIDGE ASSETS, LLC (TRU BY HILTON), 503 CLEARWOOD DRIVE, 55811.

This Resolution was adopted unanimously.

BY COUNCILOR FORSMAN (PERSONNEL)

16. [19-0390R](#) RESOLUTION CONFIRMING THE FOLLOWING APPOINTMENTS TO THE NATURAL RESOURCES COMMISSION: BRANDON KRUMWIEDE, JOHN LINDGREN, MIKE SCHRAGE AND NANCY SCHULDT.

This Resolution was adopted unanimously.

18. [19-0400R](#) RESOLUTION CONFIRMING THE REAPPOINTMENT OF DON NESS TO THE ENTERTAINMENT AND CONVENTION CENTER AUTHORITY.

This Resolution was adopted unanimously.

19. [19-0427R](#) RESOLUTION APPROVING PROPOSED SPECIFICATIONS FOR THE NEW CIVIL SERVICE CLASSIFICATION OF SENIOR TRANSPORTATION PLANNER, AND SPECIFYING CONTRACT BENEFITS FOR SAME.

Indexes:

Attachments: [Exhibit A](#)

This Resolution was adopted unanimously.

20. [19-0428R](#) RESOLUTION APPROVING PROPOSED AMENDMENT TO THE TITLE OF THE EXISTING CIVIL SERVICE CLASSIFICATION OF GAS CONTROL SUPERVISOR TO GAS OPERATIONS SUPERVISOR.

Indexes:

Attachments: [Exhibit A](#)
[Gas Control Supervisor \(strikeout\)](#)

This Resolution was adopted unanimously.

BY PRESIDENT HOBBS (COMMITTEE OF THE WHOLE)

22. [19-0436R](#) RESOLUTION APPROVING LAWS OF MINNESOTA, 2019 1ST SPECIAL SESSION, CHAPTER 6, ARTICLE 10, SECTION 7.

This Resolution was adopted unanimously.

BY COUNCILOR FILIPOVICH (PUBLIC WORKS & UTILITIES)

23. [19-0352R](#) RESOLUTION APPROVING A STATE PROJECT WITHIN THE MUNICIPAL CORPORATE LIMITS FOR IMPROVEMENTS TO TRUNK HIGHWAY 23 AND 134TH AVENUE WEST.

Indexes:

Attachments: [19-0352R Request for Approval](#)
[19-0352R Final Layout](#)

This Resolution was adopted unanimously.

24. [19-0360R](#) RESOLUTION AUTHORIZING AN AGREEMENT WITH ST. LOUIS COUNTY TO REMOVE EXISTING EMERGENCY VEHICLE PREEMPTION (EVP) SYSTEMS AND INSTALL NEW EVP SYSTEMS ON TRAFFIC CONTROL SIGNAL SYSTEMS IN THE CITY OF DULUTH.

Indexes:

Attachments: [Exhibit A - Agreement](#)

This Resolution was adopted unanimously.

25. [19-0401R](#) RESOLUTION AUTHORIZING AN AGREEMENT WITH MNDOT TO MAINTAIN AND OPERATE THE EMERGENCY VEHICLE PREEMPTION (EVP) SYSTEMS INSTALLED ON DULUTH/STATE SIGNAL SYSTEMS, AS PART OF THE EVP PROJECT, IN THE CITY OF DULUTH.

Indexes:

Attachments: [19-0401R Exhibit A](#)

This Resolution was adopted unanimously.

26. [19-0402R](#) RESOLUTION AUTHORIZING THE PURCHASE OF A COMPLETE LIFT TRUCK FROM ALTEC INDUSTRIES, INC. IN THE AMOUNT OF \$206,443.

This Resolution was adopted unanimously.

27. [19-0405R](#) RESOLUTION AWARDED A CONTRACT TO HANCO UTILITIES, INC. FOR THE WOODLAND AVENUE GAS MAIN REPLACEMENT PROJECT PHASE 2 IN THE AMOUNT OF \$410,862.

Indexes:

Attachments: [19-0405R Map](#)

This Resolution was adopted unanimously.

28. [19-0407R](#) RESOLUTION AWARDED A CONTRACT TO THE JAMAR COMPANY FOR THE LAKEWOOD WATER TREATMENT PLANT FILTER BUILDING ROOF REPLACEMENT PROJECT IN THE AMOUNT OF \$524,650.

Indexes:

Attachments: [19-0407R Map](#)

This Resolution was adopted unanimously.

29. [19-0408R](#) RESOLUTION AWARDED A CONTRACT TO NORTHLAND CONSTRUCTORS OF DULUTH, LLC FOR THE HARBOR DRIVE OVERLAY PROJECT IN THE AMOUNT OF \$164,000.

Indexes:

Attachments: [19-0408R Map](#)

This Resolution was adopted unanimously.

BY COUNCILOR VAN NETT (PUBLIC SAFETY)

30. [19-0409R](#) RESOLUTION AUTHORIZING AN AGREEMENT WITH THE UNIVERSITY OF MINNESOTA-DULUTH POLICE DEPARTMENT FOR DWI FINE REVENUE ALLOCATION.

Indexes:

Attachments: [Exhibit A](#)

This Resolution was adopted unanimously.

BY COUNCILOR WESTERLUND (RECREATION, LIBRARIES & AUTHORITIES)

31. [19-0393R](#) RESOLUTION AUTHORIZING AN AGREEMENT WITH TRC ENVIRONMENTAL CORPORATION FOR PROFESSIONAL ENGINEERING SERVICES FOR OCTOBER 2018 DULUTH LAKEWALK AND SHORELINE DAMAGE FOR AN AMOUNT NOT TO EXCEED \$575,571.00.

Indexes:

Attachments: [Exhibit A](#)

This Resolution was adopted unanimously.

32. [19-0399R](#) RESOLUTION AUTHORIZING A FIRST AMENDMENT TO SUBGRANT AGREEMENT 23662 WITH THE SOUTH ST. LOUIS SOIL AND WATER CONSERVATION DISTRICT FOR MODIFICATION OF THE PAYMENT SCHEDULE FOR A FY 2019 CLEAN WATER FUND GRANT PROGRAM.

Indexes:

Attachments: [Exhibit A JPA amendment](#)

This Resolution was adopted unanimously.

33. [19-0413R](#) RESOLUTION AUTHORIZING AN AMENDMENT TO AGREEMENT L30117 WITH BARR ENGINEERING CO FOR ADDITIONAL PROFESSIONAL SERVICES FOR LINCOLN PARK PHASE I ARCHEOLOGICAL AND CULTURAL RESOURCE SURVEY FOR AN INCREASE OF \$13,025.67 AND A NEW TOTAL AMOUNT NOT TO EXCEED \$49,525.67.

Indexes:

Attachments: [Exhibit A amendment](#)

This Resolution was adopted unanimously.

34. [19-0422R](#) RESOLUTION AUTHORIZING THE CITY TO ENTER INTO A JOINT POWERS AGREEMENT WITH THE MINNESOTA POLLUTION CONTROL AGENCY AND ACCEPT \$100,000 FOR E-COLI

ASSESSMENTS AT KEENE AND TISCHER CREEK, AWARDING SAID FUNDS TO BURNS & MCDONNELL FOR COMPLETION OF THE WORKPLAN.

Indexes:

Attachments: [exhibit A JPA agreement](#)
[exhibit B workplan](#)

This Resolution was adopted unanimously.

END OF CONSENT AGENDA

BY COUNCILOR RUSS (PLANNING & ECONOMIC DEVELOPMENT)

21. [19-0423R](#) RESOLUTION VACATING ALL OF THE SKYWALK EASEMENTS WITHIN THE MINNESOTA POWER BUILDING, 30 WEST SUPERIOR STREET, AND ACCEPTING DEDICATION OF A REPLACEMENT SKYWALK EASEMENT OVER A STAIRWAY FROM THE EXISTING SKYWALK BRIDGE OVER SUPERIOR STREET TO THE SUPERIOR STREET LEVEL OF THE BUILDING.

Indexes:

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

This Resolution was adopted by the following vote:

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

ORDINANCES TABLED

BY COUNCILOR WESTERLUND (RECREATION, LIBRARIES & AUTHORITIES)

Ordinance remains on the table

35. [19-018-O](#) AN ORDINANCE DEDICATING A PERPETUAL TWENTY-FOOT CORRIDOR ACROSS CITY-OWNED PROPERTY FOR THE CROSS CITY TRAIL PEDESTRIAN AND BIKE PATH.

Indexes:

Attachments: [Exhibit A](#)

This Ordinance was tabled.

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

BY PRESIDENT HOBBS (COMMITTEE OF THE WHOLE)

36. [19-028-O](#) ORDINANCE IMPOSING AN ADDITIONAL SALES TAX OF ONE-HALF OF ONE PERCENT TO FUND PROJECTS LISTED IN THE STREET IMPROVEMENT PLAN APPROVED AUGUST 8, 2017.

This Ordinance was read for the first time.

BY COUNCILOR ANDERSON (FINANCE)

37. [19-027-O](#) ORDINANCE AMENDING THE BUDGET OF THE CITY OF DULUTH FOR 2019 BY INCREASING THE BUDGET BY \$700,000 TO COMPLETE THE MINNESOTA SLIP PROJECT INCLUDING THE RETURN OF THE WILLIAM A IRVIN.

This Ordinance was read for the first time.

BY COUNCILOR RUSS (PLANNING & ECONOMIC DEVELOPMENT)

38. [19-024-O](#) AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF DULUTH TO RECLASSIFY PROPERTY BETWEEN EAST SUPERIOR STREET AND EAST SECOND STREET, AND BETWEEN THIRD AVENUE EAST AND EIGHTH AVENUE EAST, TO MIXED USE-NEIGHBORHOOD (MU-N) AND MIXED USE-INSTITUTIONAL (MU-I).

Indexes:

Attachments: [Attachment 1](#)

[Attachment 2](#)

This Ordinance was read for the first time.

39. [19-025-O](#) AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF DULUTH TO RECLASSIFY PROPERTIES BETWEEN EAST SECOND STREET AND EAST THIRD STREET, AND BETWEEN SIXTH AVENUE EAST AND NINTH AVENUE EAST, FROM RESIDENTIAL-URBAN (R-2) TO MIXED USE NEIGHBORHOOD (MU-N).

Indexes:

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

This Ordinance was read for the first time.

40. [19-026-O](#) AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF DULUTH TO RECLASSIFY PROPERTIES BETWEEN EAST NINTH STREET ALLEY AND EAST SKYLINE PARKWAY, AND BETWEEN FOURTH AVENUE EAST AND SEVENTH AVENUE EAST, FROM RESIDENTIAL-TRADITIONAL (R-1), TO PARK AND OPEN SPACE (P-1) AND MIXED USE NEIGHBORHOOD (MU-N).

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 ANDERSON (FINANCE)

41. [19-023-O](#) ORDINANCE REPEALING ARTICLE VI OF CHAPTER 5 OF THE DULUTH CITY CODE, ADOPTING A NEW CHAPTER 14, ARTICLE I, AND NAMING CHAPTER 14 "COMPLEMENTARY AND ALTERNATIVE HEALTHCARE PRACTICES."

This Ordinance was adopted unanimously.

BY COUNCILOR RUSS (PLANNING & ECONOMIC DEVELOPMENT)

42. [19-021-O](#) AN ORDINANCE AMENDING SECTION 50-37.10.E, CRITERIA FOR INTERIM USE PERMITS, TO ALLOW AN EXEMPTION FOR VACATION DWELLINGS IN FORM DISTRICTS.

Indexes:

Attachments: [Attachment 1](#)

This Ordinance was adopted unanimously.

43. [19-022-O](#) AN ORDINANCE AMENDING THE R-P ZONE REGULATING PLAN FOR RAMSEY VILLAGE AFFECTING SEVEN LOTS ON THE WEST SIDE OF NORTH 53RD AVENUE WEST NORTH OF RAMSEY STREET TO REPLACE THE CURRENTLY ALLOWED BUILDING TYPES WITH BUILDING TYPES I, VI, AND VII THAT ALLOW ONE-FAMILY DETACHED RESIDENTIAL STRUCTURES, FOUR-UNIT MULTI-FAMILY RESIDENTIAL STRUCTURES, AND EIGHT-UNIT MULTI-FAMILY

RESIDENTIAL STRUCTURES.

Indexes:

Attachments: [Attachment 1 Map](#)
[Attachment 2 Staff Report](#)

This Ordinance was adopted unanimously.

COUNCILOR QUESTIONS AND COMMENTS

COUNCILOR PREVIEW OF UPCOMING BUSINESS



City of Duluth

411 West First Street
Duluth, Minnesota 55802

Minutes - Final

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 24, 2019

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 Renee Van Nett, Councilor Em Westerlund and President Noah Hobbs

Absent: 1 - Councilor Jay Fosle

PLEDGE OF ALLEGIANCE

APPROVAL OF MINUTES

1. [19-153](#) Meeting Minutes of the Duluth City Council

Indexes:

Attachments: [June 10, 2019](#)

These Minutes were approved.

REPORTS FROM THE ADMINISTRATION

REPORTS FROM OTHER OFFICERS

REPORTS OF BOARDS AND COMMISSIONS

REPORTS OF COUNCIL COMMITTEES

REPORTS OF COUNCIL OPEN ISSUES

Distinguished Artist Award: Tom Livingston

OPPORTUNITY FOR CITIZENS TO BE HEARD**RESOLUTIONS TABLED****CONSENT AGENDA****BY COUNCILOR ANDERSON (FINANCE)**

2. [19-0396R](#) RESOLUTION CONFIRMING THE ASSESSMENT ROLL FOR ASSESSMENTS LEVIED AGAINST PROPERTY WITH REGARD TO PROPERTY VIOLATIONS DURING PERIOD OF APRIL 1, 2018, TO APRIL 1, 2019.

Indexes:

Attachments: [Exhibit A](#)

This Resolution was adopted unanimously.

3. [19-0397R](#) RESOLUTION CONFIRMING THE ASSESSMENT ROLL OF DELINQUENT UTILITY FEES DURING THE PERIOD OF JANUARY 1, 2018, TO DECEMBER 31, 2018.

Indexes:

Attachments: [Exhibit A](#)

This Resolution was adopted unanimously.

4. [19-0398R](#) RESOLUTION CONFIRMING THE ASSESSMENT ROLL OF DELINQUENT SOLID WASTE COLLECTION FEES DURING PERIOD OF MARCH 1, 2018, TO JUNE 1, 2019.

Indexes:

Attachments: [Exhibit A](#)

This Resolution was adopted unanimously.

5. [19-0447R](#) RESOLUTION APPROVING SETTLEMENT IN THE MATTER OF CHRISTINE SHERAN VS CITY OF DULUTH IN AMOUNT OF \$75,000 AND PURSUANT TO TERMS OF SETTLEMENT AGREEMENT.

Indexes:

Attachments: [20190612 Settlement Agreement - Sheran v City of Duluth](#)

This Resolution was adopted unanimously.

BY COUNCILOR FORSMAN (PERSONNEL)

6. [19-0392R](#) RESOLUTION CONFIRMING THE APPOINTMENT OF ANDREA WEDUL TO THE PLANNING COMMISSION.

This Resolution was adopted unanimously.

7. [19-0449R](#) RESOLUTION CONFIRMING THE APPOINTMENT OF JEFF ANDERSON TO THE DULUTH AIRPORT AUTHORITY.

This Resolution was adopted unanimously.

8. [19-0451R](#) RESOLUTION CONFIRMING THE APPOINTMENTS OF BETTINA KEPPEERS AND RI PREAP TO THE DULUTH HUMAN RIGHTS COMMISSION.

This Resolution was adopted unanimously.

BY COUNCILOR RUSS (PLANNING & ECONOMIC DEVELOPMENT)

9. [19-0410R](#) RESOLUTION RESCINDING NO. 19-0063R AND AUTHORIZING A REQUEST FOR HUD FEDERAL COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) FUNDS FOR THE 2019 PROGRAM YEAR, AUTHORIZING AGREEMENTS WITH APPROPRIATE AGENCIES.

This Resolution was adopted unanimously.

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

Absent: 1 - Councilor Fosle

Abstain: 1 - President Hobbs

10. [19-0411R](#) RESOLUTION AUTHORIZING AN INCREASE OF \$12,694 FY 2019 EMERGENCY SOLUTION GRANT (ESG) PROGRAM.

This Resolution was adopted unanimously.

11. [19-0412R](#) RESOLUTION APPROVING THE REVISED 2019 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.

Indexes:

Attachments: [Attachment 1](#)

This Resolution was adopted unanimously.

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

Absent: 1 - Councilor Fosle

Abstain: 1 - President Hobbs

12. [19-0414R](#) RESOLUTION AUTHORIZING ADOPTION OF THE AMENDED COMMUNITY DEVELOPMENT PROGRAM CITIZEN PARTICIPATION PLAN.

Indexes:

Attachments: [Attachment 1](#)

This Resolution was adopted unanimously.

13. [19-0415R](#) RESOLUTION RESCINDING NO. 19-0064R AND AUTHORIZING A REQUEST FOR HUD HOME FUNDS FOR THE 2019 PROGRAM YEAR, AUTHORIZING AGREEMENTS WITH APPROPRIATE AGENCIES.

This Resolution was adopted unanimously.

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

Absent: 1 - Councilor Fosle

Abstain: 1 - President Hobbs

14. [19-0444R](#) RESOLUTION VACATING A 56.41 FOOT LONG SECTION OF THE PLATTED RIGHT OF WAY OF 4TH STREET, N/K/A RECYCLE WAY BETWEEN ONEOTA STREET AND TRUNK HIGHWAY NO. 35.

Indexes:

Attachments: [Attachment 1](#)

[Attachment 2](#)

This Resolution was adopted unanimously.

15. [19-0457R](#) RESOLUTION AUTHORIZING PROPER CITY OFFICIALS TO ACCEPT A GRANT FROM THE DULUTH LEGACY ENDOWMENT FUND IN THE AMOUNT OF \$16,734.

Indexes:

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

This Resolution was adopted unanimously.

16. [19-0460R](#) RESOLUTION AUTHORIZING A FIRST AMENDMENT TO THE SUB-RECIPIENT FUNDING AGREEMENT WITH ISD 709 ADULT BASIC EDUCATION INCREASING THE CONTRACT AMOUNT BY \$4,450 FOR A CONTRACT AMOUNT NOT TO EXCEED \$11,029, EXTENDING THE TERM OF THE AGREEMENT AND AMENDING THE WORK PLAN AND BUDGET.

Indexes:

Attachments: [Exhibit A](#)

This Resolution was adopted unanimously.

BY PRESIDENT HOBBS (COMMITTEE OF THE WHOLE)

17. [19-0443R](#) RESOLUTION APPROVING LAWS OF MINNESOTA 2019, 1ST SPECIAL SESSION, CHAPTER 6, ARTICLE 7, SECTION 7, AUTHORIZING A REDEVELOPMENT TAX INCREMENT FINANCING DISTRICT FOR DEDA LOT D IN BAYFRONT.

This Resolution was adopted unanimously.

18. [19-0458R](#) RESOLUTION APPROVING LAWS OF MINNESOTA 2019, 1ST SPECIAL SESSION CHAPTER 6, ARTICLE 10, SECTIONS 2-6 ESTABLISHING A REGIONAL EXCHANGE DISTRICT IN THE CITY OF DULUTH PURSUANT TO MINNESOTA STATUTES SECTION 645.021, SUBDS 2 AND 3.

This Resolution was adopted unanimously.

19. [19-0459R](#) RESOLUTION APPROVING PUBLIC INFRASTRUCTURE PROJECTS FOR THE DULUTH REGIONAL EXCHANGE DISTRICT IN ACCORDANCE WITH LAWS OF MINNESOTA 2019, 1ST SPECIAL SESSION CHAPTER 6, ARTICLE 10, SECTION 5(A).

This Resolution was adopted unanimously.

BY COUNCILOR FILIPOVICH (PUBLIC WORKS & UTILITIES)

20. [19-0437R](#) RESOLUTION AUTHORIZING A PERMANENT SEWER EASEMENT AGREEMENT WITH THE HOUSING AND REDEVELOPMENT AUTHORITY OF DULUTH FOR PROPERTY IN SACKETTE ADDITION IN THE PIEDMONT HEIGHTS NEIGHBORHOOD.

Indexes:

Attachments: [19-0437R Attachment 1](#)
[19-0437R Map](#)

This Resolution was adopted unanimously.

21. [19-0450R](#) RESOLUTION AWARDED A CONTRACT TO PCI ROADS, LLC FOR THE 2019 STREET PRESERVATION PROJECT IN THE AMOUNT OF \$1,734,561.45.

Indexes:

Attachments: [19-0450R Map](#)

This Resolution was adopted unanimously.

BY COUNCILOR VAN NETT (PUBLIC SAFETY)

22. [19-0438R](#) RESOLUTION APPROVING AGREEMENT WITH THE DULUTH TRANSIT AUTHORITY FOR SERVICES AND FUNDING OF ONE COMMUNITY BASED K-9 OFFICER FOR FIVE YEARS AND ACCEPTING \$112,801.50 ANNUALLY PLUS A THREE PERCENT ANNUAL INCREASE THEREAFTER TO FUND SAID POSITION.

Indexes:

Attachments: [19-0438 DTA Agreement Doc A](#)
[19-0438 Job Specifications Ex A](#)

This Resolution was adopted unanimously.

23. [19-0439R](#) RESOLUTION AUTHORIZING THE EXECUTION OF AN AMENDMENT TO THE SERVICE AGREEMENT WITH THE ARROWHEAD HEALTH ALLIANCE EXTENDING THE TERM OF THE AGREEMENT THROUGH JUNE 30, 2019.

Indexes:

Attachments: [19-0439 Amendment Agreement Ex. A](#)

This Resolution was adopted unanimously.

BY COUNCILOR WESTERLUND (RECREATION, LIBRARIES & AUTHORITIES)

24. [19-0440R](#) RESOLUTION AUTHORIZING A CONTRACT WITH A PLUS CONTRACTORS & GARDEN CENTER FOR RESTORATION OF SARGENT CREEK BRIDGE IN THE AMOUNT NOT TO EXCEED \$415,920.

This Resolution was adopted unanimously.

25. [19-0441R](#) RESOLUTION AUTHORIZING THREE YEAR LEASE AGREEMENT WITH THE NAACP DULUTH BRANCH, FOR USE OF SPACE IN THE WASHINGTON RECREATION CENTER.

Indexes:

Attachments: [Exhibit 1.pdf](#)

This Resolution was adopted unanimously.

26. [19-0442R](#) 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 2019 HOLIDAY SEASON.

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)

27. [19-0424R](#) RESOLUTION VACATING EXISTING PUBLIC PLAZA AGREEMENTS FOR LAKE SUPERIOR PLAZA TO BE REPLACED WITH UPDATED AGREEMENTS THAT ALLOW PUBLIC ACCESS. (REPLACEMENT)

Indexes:

Attachments: [Attachment 1](#)

[Attachment 2](#)

[Attachment 3](#)

[Attachment 4](#)

This Resolution was tabled.

ORDINANCES TABLED

BY COUNCILOR WESTERLUND (RECREATION, LIBRARIES & AUTHORITIES)

28. [19-018-O](#) AN ORDINANCE DEDICATING A PERPETUAL TWENTY-FOOT CORRIDOR ACROSS CITY-OWNED PROPERTY FOR THE CROSS CITY TRAIL PEDESTRIAN AND BIKE PATH.

Indexes:

Attachments: [Exhibit A-final](#)
[Exhibit B-Final](#)

This Ordinance was adopted unanimously.
Absent: Councilor Fosle.

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

BY COUNCILOR RUSS (PLANNING & ECONOMIC DEVELOPMENT)

29. [19-031-O](#) AN ORDINANCE GRANTING ESSENTIA HEALTH A CONCURRENT USE PERMIT FOR A PRIVATE STRUCTURE CONSISTING OF AN INPATIENT TOWER AND MEDICAL CLINIC OVER THE PLATTED STREET RIGHT OF WAY OF EAST FIRST STREET ALLEY.

Indexes:

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

This Ordinance was read for the first time.

30. [19-032-O](#) AN ORDINANCE GRANTING ESSENTIA HEALTH A CONCURRENT USE PERMIT FOR A PRIVATE STRUCTURE CONSISTING OF AN INPATIENT TOWER AND MEDICAL CLINIC OVER THE PLATTED STREET RIGHT OF WAY AND FOOTINGS AND FOUNDATIONS IN THE PLATTED STREET RIGHT OF WAY OF EAST FIRST STREET.

Indexes:

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

This Ordinance was read for the first time.

31. [19-033-O](#) AN ORDINANCE GRANTING ESSENTIA HEALTH A CONCURRENT USE PERMIT FOR A PRIVATE ELECTRICAL DUCT BANK IN THE PLATTED STREET RIGHT OF WAY OF NORTH FIFTH AVENUE EAST.

Indexes:

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

This Ordinance was read for the first time.

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

BY COUNCILOR ANDERSON (FINANCE)

32. [19-027-O](#) ORDINANCE AMENDING THE BUDGET OF THE CITY OF DULUTH FOR 2019 BY INCREASING THE BUDGET BY \$700,000 TO COMPLETE THE MINNESOTA SLIP PROJECT INCLUDING THE RETURN OF THE WILLIAM A IRVIN.

This Ordinance was adopted uanimously.
Absent: Councilor Fosle.

BY COUNCILOR RUSS (PLANNING & ECONOMIC DEVELOPMENT)

33. [19-024-O](#) AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF DULUTH TO RECLASSIFY PROPERTY BETWEEN EAST SUPERIOR STREET AND EAST SECOND STREET, AND BETWEEN THIRD AVENUE EAST AND EIGHTH AVENUE EAST, TO MIXED USE-NEIGHBORHOOD (MU-N) AND MIXED USE-INSTITUTIONAL (MU-I).

Indexes:

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

This Ordinance was adopted uanimously.
Absent: Councilor Fosle.

34. [19-025-O](#) AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF DULUTH TO RECLASSIFY PROPERTIES BETWEEN EAST SECOND STREET AND EAST THIRD STREET, AND BETWEEN SIXTH AVENUE EAST AND NINTH AVENUE EAST, FROM RESIDENTIAL-URBAN (R-2) TO MIXED USE NEIGHBORHOOD (MU-N).

Indexes:

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

Returned to Administration: 5-3-1

This Ordinance was withdrawn.

35. [19-026-O](#) AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF THE CITY

OF DULUTH TO RECLASSIFY PROPERTIES BETWEEN EAST NINTH STREET ALLEY AND EAST SKYLINE PARKWAY, AND BETWEEN FOURTH AVENUE EAST AND SEVENTH AVENUE EAST, FROM RESIDENTIAL-TRADITIONAL (R-1), TO PARK AND OPEN SPACE (P-1) AND MIXED USE NEIGHBORHOOD (MU-N).

Indexes:

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

This Ordinance was adopted unanimously.
Absent: Councilor Fosle.

BY PRESIDENT HOBBS (COMMITTEE OF THE WHOLE)

36. [19-028-O](#) ORDINANCE IMPOSING AN ADDITIONAL SALES TAX OF ONE-HALF OF ONE PERCENT TO FUND PROJECTS LISTED IN THE STREET IMPROVEMENT PLAN APPROVED AUGUST 8, 2017.

This Ordinance was adopted unanimously.
Absent: Councilor Fosle.

COUNCILOR QUESTIONS AND COMMENTS

COUNCILOR PREVIEW OF UPCOMING BUSINESS



City of Duluth

411 West First Street
Duluth, Minnesota 55802

Minutes - Final

City Council

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TOOLS OF CIVILITY: *The Duluth City Council promotes the use and adherence of the tools of civility in conducting the business of the council. The tools of civility 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 8, 2019

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 Renee Van Nett, Councilor Em Westerlund and President Noah Hobbs

PLEDGE OF ALLEGIANCE

APPROVAL OF MINUTES

1. [19-159](#) Meeting Minutes of the Duluth City Council

Indexes:

Attachments: [June 24, 2019](#)

These Minutes were approved.

REPORTS FROM THE ADMINISTRATION

REPORTS FROM OTHER OFFICERS

2. [19-156](#) Friends of the Lakewalk - Annual Meeting Minutes

Indexes:

Attachments: [2019-05-16](#)

This Other Officers Report was received.

3. [19-158](#) State of Minnesota. Office of the State Auditor

Indexes:

Attachments: [Duluth Airport Authority
Management & Compliance Report
Duluth Economic Development Authority](#)

This Other Officers Report was received.

REPORTS OF BOARDS AND COMMISSIONS

4. [19-154](#) Parks & Recreation Commission Meeting Minutes

Indexes:

Attachments: [2019-05-08, Parks and Recreation Meeting Minutes](#)

This Board or Commission Report was received.

5. [19-155](#) Housing and Redevelopment Authority Meeting Minutes

Indexes:

Attachments: [2019-05-28](#)

This Board or Commission Report was received.

6. [19-157](#) Duluth Parking Commission Resolutions

Indexes:

Attachments: [DPC June 2019 Resolutions](#)

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)

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

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

Abstain: 1 - Councilor Forsman

CONSENT AGENDA

BY COUNCILOR FORSMAN (PERSONNEL)

8. [19-0465R](#) RESOLUTION CONFIRMING THE REAPPOINTMENT OF JULENE BOE TO THE SANITARY SEWER BOARD OF THE WESTERN LAKE SUPERIOR SANITARY DISTRICT.

This Resolution was adopted unanimously.

9. [19-0467R](#) RESOLUTION APPOINTING ELECTION JUDGES FOR THE AUGUST 13, 2019, MUNICIPAL PRIMARY, AND THE NOVEMBER 5, 2019, GENERAL ELECTION.

Indexes:

Attachments: [Attachment A](#)

This Resolution was adopted unanimously.

BY COUNCILOR RUSS (PLANNING & ECONOMIC DEVELOPMENT)

10. [19-0468R](#) RESOLUTION GRANTING AN INTERIM USE PERMIT FOR A VACATION DWELLING UNIT AT 702 NORTH 7TH AVENUE EAST (CHARLES D. SILL AND LINDA SIMMONS).

Indexes:

Attachments: [Attachment 1](#)

This Resolution was adopted unanimously.

11. [19-0474R](#) RESOLUTION AUTHORIZING THE HOUSING AND REDEVELOPMENT AUTHORITY OF DULUTH (HRA) TO EXTEND THE TERM OF A MORTGAGE AGREEMENT BY FIVE YEARS RELATED TO THE MEMORIAL PARK APARTMENTS.

This Resolution was adopted unanimously.

12. [19-0475R](#) RESOLUTION AUTHORIZING THE HOUSING AND REDEVELOPMENT AUTHORITY OF DULUTH (HRA) TO EXTEND THE TERM OF A

MORTGAGE AGREEMENT BY FIVE YEARS RELATED TO THE BUCKINGHAM GREEN APARTMENTS.

This Resolution was adopted unanimously.

7. [19-0424R](#) RESOLUTION VACATING EXISTING PUBLIC PLAZA AGREEMENTS FOR LAKE SUPERIOR PLAZA TO BE REPLACED WITH UPDATED AGREEMENTS THAT ALLOW PUBLIC ACCESS. (REPLACEMENT)

Indexes:

Attachments: [Attachment 1](#)

[Attachment 2](#)

[Attachment 3](#)

[Attachment 4](#)

This Resolution was adopted unanimously.

BY COUNCILOR FILIPOVICH (PUBLIC WORKS & UTILITIES)

13. [19-0476R](#) RESOLUTION APPROVING LIST OF PROJECTS FOR USE OF ONE-HALF OF ONE PERCENT LOCAL SALES TAX AS REQUIRED BY LAWS OF MINNESOTA 2019, 1ST SPECIAL SESSION CHAPTER 6, ARTICLE 6, SECTION 34.

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 Van Nett, Councilor Westerlund and President Hobbs

Nay: 1 - Councilor Fosle

14. [19-0477R](#) RESOLUTION AUTHORIZING COOPERATIVE AGREEMENT WITH WLSSD PERTAINING TO THE RECONSTRUCTION OF DECKER ROAD.

Indexes:

Attachments: [19-0477R Exhibit A](#)

[19-0477R Map](#)

This Resolution was adopted unanimously.

15. [19-0478R](#) RESOLUTION AUTHORIZING AN AGREEMENT WITH LHB, INC. FOR PROFESSIONAL ENGINEERING SERVICES TO PROVIDE DESIGN SERVICES FOR THE EAST SUPERIOR STREET RECONDITIONING IN

THE AMOUNT OF \$69,462.

Indexes:

Attachments: [19-0478R Map](#)
[19-0478R Exhibit A](#)

This Resolution was adopted unanimously.

16. [19-0479R](#) RESOLUTION AUTHORIZING AN AGREEMENT WITH MSA PROFESSIONAL SERVICES, INC. FOR PROFESSIONAL ENGINEERING SERVICES FOR THE MIDDLE BOOSTER STATION DESIGN AND BIDDING PHASE IN THE AMOUNT OF \$148,578.60.

Indexes:

Attachments: [19-0479R Exhibit A](#)

This Resolution was adopted unanimously.

BY COUNCILOR VAN NETT (PUBLIC SAFETY)

17. [19-0466R](#) RESOLUTION AUTHORIZING PROPER CITY OFFICIALS TO ACCEPT A FIFTY-PERCENT REIMBURSEMENT SAFETY GRANT IN THE AMOUNT OF \$10,000 FROM THE STATE OF MINNESOTA DEPARTMENT OF LABOR AND INDUSTRY OCCUPATIONAL SAFETY AND HEALTH CONSULTATION UNIT FOR THE UTILITY OPERATIONS DIVISION.

Indexes:

Attachments: [Exhibit A](#)

This Resolution was adopted unanimously.

BY COUNCILOR WESTERLUND (RECREATION, LIBRARIES & AUTHORITIES)

18. [19-0464R](#) RESOLUTION AUTHORIZING PROPER CITY OFFICIALS TO ACCEPT A \$74,225 GRANT FROM THE MINNESOTA DEPARTMENT OF NATURAL RESOURCES TO FUND PURCHASE OF SNOWMAKING EQUIPMENT FOR THE GRAND AVENUE NORDIC CENTER AT SPIRIT MOUNTAIN.

Indexes:

Attachments: [Exhibit A sample agreement](#)

This Resolution was adopted unanimously.

19. [19-0473R](#) RESOLUTION AUTHORIZING A CONTRACT WITH DAMBERG SCOTT GERZINA WAGNER ARCHITECTS, INC. DBA DSGW ARCHITECTS FOR PROFESSIONAL ARCHITECTURAL DESIGN AND CONSTRUCTION ADMINISTRATION SERVICES FOR THE LAKE SUPERIOR ZOO BLACK BEAR EXHIBIT AREA FOR AN AMOUNT NOT

TO EXCEED \$73,384.

Indexes:

Attachments: [Exhibit A](#)

This Resolution was adopted unanimously.

END OF CONSENT AGENDA

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

BY COUNCILOR RUSS (PLANNING & ECONOMIC DEVELOPMENT)

20. [19-034-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.

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

BY COUNCILOR RUSS (PLANNING & ECONOMIC DEVELOPMENT)

21. [19-031-O](#) AN ORDINANCE GRANTING ESSENTIA HEALTH A CONCURRENT USE PERMIT FOR A PRIVATE STRUCTURE CONSISTING OF AN INPATIENT TOWER AND MEDICAL CLINIC OVER THE PLATTED STREET RIGHT OF WAY OF EAST FIRST STREET ALLEY.

Indexes:

Attachments: [Attachment 1](#)

[Attachment 2](#)

This Ordinance was adopted unanimously.

22. [19-032-O](#) AN ORDINANCE GRANTING ESSENTIA HEALTH A CONCURRENT USE PERMIT FOR A PRIVATE STRUCTURE CONSISTING OF AN INPATIENT TOWER AND MEDICAL CLINIC OVER THE PLATTED STREET RIGHT OF WAY AND FOOTINGS AND FOUNDATIONS IN THE PLATTED STREET RIGHT OF WAY OF EAST FIRST STREET.

Indexes:

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

This Ordinance was adopted unanimously.

23. [19-033-O](#) AN ORDINANCE GRANTING ESSENTIA HEALTH A CONCURRENT USE PERMIT FOR A PRIVATE ELECTRICAL DUCT BANK IN THE PLATTED STREET RIGHT OF WAY OF NORTH FIFTH AVENUE EAST.

Indexes:

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

This Ordinance was adopted unanimously.

COUNCILOR QUESTIONS AND COMMENTS

COUNCILOR PREVIEW OF UPCOMING BUSINESS



City of Duluth

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Monday, July 15, 2019

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 Renee Van Nett, Councilor Em Westerlund and President Noah Hobbs
- Absent:** 1 - Councilor Jay Fosle

PLEDGE OF ALLEGIANCE

PUBLIC HEARING - Tax Increment Financing District No. 32

PUBLIC HEARING - Property Tax Abatement

REPORTS FROM THE ADMINISTRATION

REPORTS FROM OTHER OFFICERS

REPORTS OF COUNCIL COMMITTEES

REPORTS OF COUNCIL OPEN ISSUES

OPPORTUNITY FOR CITIZENS TO BE HEARD

CONSENT AGENDA**BY PRESIDENT HOBBS (COMMITTEE OF THE WHOLE)**

1. [19-0514R](#) RESOLUTION APPROVING SETTLEMENT WITH MARINE IRON & SHIP BUILDING COMPANY IN AN AMOUNT UP TO \$35,000 AND PURSUANT TO TERMS OF SETTLEMENT AGREEMENT.

Indexes:**Attachments:** [Exhibit 1-Settlement 7-12-19](#)**This Resolution was adopted unanimously.****Absent: Councilor Fosle**

2. [19-0515R](#) RESOLUTION AUTHORIZING AMENDMENT TO AGREEMENT, AMENDING AGREEMENT DATED JULY 24, 1992 BETWEEN MARINE IRON & SHIP BUILDING COMPANY AND CITY REGARDING THE MINNESOTA SLIP AND ACCEPTANCE OF A QUIT CLAIM DEED FROM MARINE IRON & SHIP BUILDING COMPANY CONVEYING A PORTION OF THE MINNESOTA SLIP TO CITY.

Indexes:**Attachments:** [Exhibit 1-Amendment and Deed](#)[Exhibit 2-Amendment & Deed](#)**This Resolution was adopted unanimously.****Absent: Councilor Fosle**

3. [19-0517R](#) RESOLUTION REQUESTING THAT THE ADMINISTRATION STUDY STRATEGIES TO IMPLEMENT CORE INVESTMENT AREAS AND TO REPORT TO THE COUNCIL.

This Resolution was adopted unanimously.**Absent: Councilor Fosle****BY COUNCILOR FOSLE (PURCHASING & LICENSING)**

4. [19-0491R](#) RESOLUTION APPROVING THE RENEWAL OF OFF AND ON SALE INTOXICATING LIQUOR LICENSES FOR THE PERIOD BEGINNING SEPTEMBER 1, 2019, AND ENDING AUGUST 31, 2020.

Indexes:**Attachments:** [Attachment A](#)**This Resolution was adopted unanimously.****Absent: Councilor Fosle**

5. [19-0492R](#) RESOLUTION APPROVING THE TEMPORARY EXPANSION OF THE DESIGNATED SERVING AREA OF THE ON SALE INTOXICATING LIQUOR LICENSE TO VARIOUS LICENSEES.

Indexes:

Attachments: [Attachment A](#)
[Attachment B](#)
[Attachment C](#)
[Attachment D](#)
[Attachment E](#)
[Attachment F](#)
[Attachment G](#)
[Attachment H](#)

**This Resolution was adopted unanimously.
Absent: Councilor Fosle**

6. [19-0493R](#) RESOLUTION APPROVING THE PERMANENT EXPANSION OF THE DESIGNATED SERVING AREA OF THE ON SALE INTOXICATING LIQUOR LICENSE OF THE CADDY SHACK INDOOR GOLF & PUB, 2023 W. SUPERIOR ST.

Indexes:

Attachments: [Attachment A](#)

**This Resolution was adopted unanimously.
Absent: Councilor Fosle**

7. [19-0499R](#) RESOLUTION APPROVING THE TRANSFER OF THE ON SALE INTOXICATING LIQUOR LICENSE, SUNDAY LICENSE, AND 2:00 A.M LICENSE, OF FLAME NIGHTCLUB, INC. (FLAME NIGHTCLUB), 28 NORTH FIRST AVENUE WEST, TO NEW OWNER JDV HOSPITALITY, INC.

Indexes:

Attachments: [Attachment A](#)

**This Resolution was adopted unanimously.
Absent: Councilor Fosle**

8. [19-0500R](#) RESOLUTION APPROVING THE EXEMPTION OF A RAFFLE PERMIT AND WAIVING THE 60 DAY WAITING PERIOD FOR MILLER-DWAN FOUNDATION.

Indexes:

Attachments: [Attachment A](#)

This Resolution was adopted unanimously.

Absent: Councilor Fosle

9. [19-0501R](#) RESOLUTION APPROVING THE EXEMPTION OF A RAFFLE PERMIT AND WAIVING THE 60 DAY WAITING PERIOD FOR THE EPILEPSY FOUNDATION OF MINNESOTA.

Indexes:

Attachments: [Attachment A](#)

**This Resolution was adopted unanimously.
Absent: Councilor Fosle**

BY COUNCILOR FORSMAN (PERSONNEL)

10. [19-0507R](#) RESOLUTION SUPPORTING THE NORTHLAND FOUNDATION'S GRANT APPLICATION TO THE MINNESOTA DEPARTMENT OF EMPLOYMENT AND ECONOMIC DEVELOPMENT FOR A CHILD CARE ECONOMIC DEVELOPMENT GRANT.

**This Resolution was adopted unanimously.
Absent: Councilor Fosle**

11. [19-0509R](#) RESOLUTION CONFIRMING THE FOLLOWING APPOINTMENTS TO THE ENERGY PLAN COMMISSION: MINDY GRANLEY, ALISON HOXIE, NATHAN LACOURSIERE, BRIAN HINDERLITER AND GARY OLSON.

**This Resolution was adopted unanimously.
Absent: Councilor Fosle**

12. [19-0510R](#) RESOLUTION CONFIRMING THE APPOINTMENT OF VALERIE JOECKEL TO THE COMMUNITY DEVELOPMENT COMMITTEE.

**This Resolution was adopted unanimously.
Absent: Councilor Fosle**

13. [19-0512R](#) RESOLUTION APPROVING A COLLECTIVE BARGAINING AGREEMENT BETWEEN THE CITY OF DULUTH AND AMERICAN FEDERATION OF STATE, COUNTY AND MUNICIPAL EMPLOYEES, MINNESOTA COUNCIL 5, LOCAL 66, FOR CITY OF DULUTH BASIC UNIT EMPLOYEES FOR THE YEARS 2019-2020.

Indexes:

Attachments: [Exhibit A - Final 2019-2020 AFSCME Agreement - clean](#)
[Final 2019-2020 AFSCME Agreement - Red Line](#)

This Resolution was adopted unanimously.

Absent: Councilor Fosle

14. [19-0513R](#) RESOLUTION CONFIRMING THE REAPPOINTMENTS OF EDMUND GLEESON, AARON BRANSKY, AND MICHAEL CASEY TO THE DULUTH TRANSIT AUTHORITY.

This Resolution was adopted unanimously.
Absent: Councilor Fosle

BY COUNCILOR RUSS (PLANNING & ECONOMIC DEVELOPMENT)

15. [19-0471R](#) RESOLUTION ADOPTING A MODIFICATION TO THE HOUSING DEVELOPMENT PROJECT \ MUNICIPAL DEVELOPMENT DISTRICT PROGRAM PLAN AND ESTABLISHING TAX INCREMENT FINANCING DISTRICT NO. 32 THEREIN AND ADOPTING A TAX INCREMENT FINANCING PLAN THEREFOR.

Indexes:

Attachments: [EXHIBIT A](#)
[Exhibit B - TIF PLAN - Housing Development Project](#)

This Resolution was adopted unanimously.
Absent: Councilor Fosle

16. [19-0494R](#) RESOLUTION GRANTING AN INTERIM USE PERMIT FOR A VACATION DWELLING UNIT AT 702 SOUTH LAKE AVENUE (JEFF HUOTARI).

Indexes:

Attachments: [Attachment 1](#)

This Resolution was adopted unanimously.
Absent: Councilor Fosle

17. [19-0496R](#) RESOLUTION GRANTING THE RENEWAL OF AN INTERIM USE PERMIT FOR A VACATION DWELLING UNIT AT 13402 WEST THIRD STREET (MATTHEW EVINGSON).

Indexes:

Attachments: [Attachment 1](#)

This Resolution was adopted unanimously.
Absent: Councilor Fosle

18. [19-0497R](#) RESOLUTION GRANTING THE RENEWAL OF AN INTERIM USE PERMIT FOR A VACATION DWELLING UNIT AT 611 WEST SKYLINE PARKWAY (CONNIE AND LEE HOFFMAN).

Indexes:

Attachments: [Attachment 1](#)

**This Resolution was adopted unanimously.
Absent: Councilor Fosle**

19. [19-0498R](#) RESOLUTION GRANTING THE RENEWAL OF AN INTERIM USE PERMIT FOR A VACATION DWELLING UNIT AT 10 INDUSTRIAL AVENUE (RIVERSIDE RETREAT, LLC).

Indexes:

Attachments: [Attachment 1](#)

**This Resolution was adopted unanimously.
Absent: Councilor Fosle**

20. [19-0506R](#) RESOLUTION AUTHORIZING A PARKING LEASE AGREEMENT IN THE MEDICAL DISTRICT PARKING RAMP WITH ROERS LAKE & FIRST LLC, RELATED TO THE LAKE & FIRST RESIDENTIAL DEVELOPMENT.

Indexes:

Attachments: [Exhibit 1](#)

**This Resolution was adopted unanimously.
Absent: Councilor Fosle**

21. [19-0508R](#) RESOLUTION AUTHORIZING AN INTERFUND TRANSFER OF \$250,000 FROM THE COMMUNITY INVESTMENT TRUST FUND TO THE HOUSING INVESTMENT FUND AND EXPENDITURES FROM THE HOUSING INVESTMENT FUND AND COMMUNITY DEVELOPMENT HOUSING REHAB REVOLVING LOAN FUND TO SUPPORT HOUSING REHABILITATION IN THE STRATEGIC IMPROVEMENT AREAS IN THE LINCOLN PARK AND HILLSIDE NEIGHBORHOODS.

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

Absent: 1 - Councilor Fosle

Abstain: 1 - President Hobbs

BY COUNCILOR FILIPOVICH (PUBLIC WORKS & UTILITIES)

22. [19-0483R](#) RESOLUTION AMENDING A CONTRACT WITH LHB, INC. TO PROVIDE PROFESSIONAL ENGINEERING FOR THE TRUNK HIGHWAY 53 AND

INTERSTATE 35 UTILITY DESIGN SERVICES, TO INCREASE THE AMOUNT BY \$111,452 FOR A NEW TOTAL OF \$232,395.

Indexes:

Attachments: [19-0483R Attachment 1](#)

This Resolution was adopted unanimously.

Absent: Councilor Fosle

23. [19-0503R](#) RESOLUTION OF INTENT FOR CONSTRUCTION OF A SANITARY SEWER EXTENSION TO SERVE LOTS 148, 150, 152, 154, 156, 157, 158, 159, & 160, BLOCK 106 AND LOTS 155, 157, & 159, BLOCK 140, ALL IN DULUTH PROPER THIRD DIVISION, AND TO ASSESS THE COSTS THEREOF.

Indexes:

Attachments: [19-0503R Map](#)

[19-0503R Signed Petition Form 1](#)

[19-0503R Signed Petition Form 2](#)

[19-0503R Signed Petition Form 3](#)

This Resolution was adopted unanimously.

Absent: Councilor Fosle

BY COUNCILOR VAN NETT (PUBLIC SAFETY)

24. [19-0505R](#) RESOLUTION AUTHORIZING THE PURCHASE OF 109 PORTABLE RADIOS FROM MOTOROLA SOLUTIONS FOR AN AMOUNT NOT TO EXCEED \$422,961.40

This Resolution was adopted unanimously.

Absent: Councilor Fosle

25. [19-0511R](#) RESOLUTION AUTHORIZING AN AGREEMENT WITH DIVERSION SOLUTIONS, LLC, FOR ADMINISTRATION OF THE DRIVING DIVERSION PROGRAM FOR FOUR YEARS AT NO COST TO THE CITY.

Indexes:

Attachments: [Attachment A](#)

This Resolution was adopted unanimously.

Absent: Councilor Fosle

BY COUNCILOR WESTERLUND (RECREATION, LIBRARIES & AUTHORITIES)

26. [19-0470R](#) RESOLUTION AUTHORIZING APPLICATION TO AND, IF OFFERED, ACCEPTANCE OF A \$1,527,909 GREATER MINNESOTA REGIONAL PARKS AND TRAIL COMMISSION GRANT FOR THE GRAND AVENUE

NORDIC CENTER AT SPIRIT MOUNTAIN RECREATION AREA.

Indexes:Attachments: [Exhibit A Memorandum & Signature Page](#)

This Resolution was adopted unanimously.

Absent: Councilor Fosle

27. [19-0489R](#) RESOLUTION AUTHORIZING APPLICATION TO THE UNITED STATES DEPARTMENT OF HOMELAND SECURITY FOR AN ADVANCE ASSISTANCE HAZARD MITIGATION GRANT OF UP TO \$375,000 FOR COASTAL INFRASTRUCTURE ASSESSMENT.

This Resolution was adopted unanimously.

Absent: Councilor Fosle

28. [19-0504R](#) RESOLUTION AUTHORIZING A CONTRACT WITH KRAUS ANDERSON CONSTRUCTION COMPANY FOR CONSTRUCTION MANAGEMENT SERVICES FOR THE LAKE SUPERIOR ZOO POLAR SHORES/BEAR COUNTRY PROJECT IN AN AMOUNT NOT TO EXCEED \$394,675.

Indexes:Attachments: [Exhibit A - Agreement](#)[Exhibit B for Agreement](#)[Exhibit C for Agreement](#)[Exhibit D for Agreement](#)

This Resolution was adopted unanimously.

Absent: Councilor Fosle

END OF CONSENT AGENDA

The following entitled resolutions are also to be considered:

BY PRESIDENT HOBBS (COMMITTEE OF THE WHOLE)

29. [19-0520R](#) RESOLUTION ASKING THAT THE ENVIRONMENTAL PROTECTION AGENCY STUDY THE USAGE OF HYDROGEN FLUORIDE BY REFINERIES IN THE TWIN PORTS REGION.

Indexes:Attachments: [Attachment A](#)[Attachment B](#)[Motion to Amend \(Forsman\) - Passed \(7-1-1\)](#)

This Resolution was adopted as amended.

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

Absent: 1 - Councilor Fosle

BY COUNCILOR RUSS (PLANNING & ECONOMIC DEVELOPMENT)

30. [19-0472R](#) RESOLUTION APPROVING A DEVELOPMENT AGREEMENT BETWEEN THE DULUTH ECONOMIC DEVELOPMENT AUTHORITY AND THREE D I, LLC, FOR THE DEVELOPMENT OF THE BOARD OF TRADE MULTI-FAMILY RESIDENTIAL AND MIXED USE PROJECT.

Indexes:

Attachments: [Exhibit A - Development Agreement Final 6-27-19](#)

[Exhibit B - DEDA R. 19D-26](#)

[Attachment 1 - Business Subsidy Agreement Pre-approval. June 2019](#)

This Resolution was adopted unanimously.

Absent: Councilor Fosle

31. [19-0502R](#) RESOLUTION RELATING TO A TAX ABATEMENT; GRANTING THE ABATEMENT FOR THE BLUFFS OF DULUTH SENIOR HOUSING CARE PROJECT.

Indexes:

Attachments: [Attachment 1](#)

[Attachment 2](#)

This Resolution was adopted unanimously.

Absent: Councilor Fosle

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

BY PRESIDENT HOBBS (COMMITTEE OF THE WHOLE)

32. [19-036-O](#) AN ORDINANCE AUTHORIZING THE CONVEYANCE OF A NON-EXCLUSIVE EASEMENT TO MARINE IRON & SHIP BUILDING COMPANY FOR AUTOMOBILE PARKING AND SIGNAGE PURPOSES OVER REAL PROPERTY IN CANAL PARK.

Indexes:

Attachments: [Exhibit 2-Parking Easement Ordinance](#)

[Exhibit 1-Parking Easement 7-12-19](#)

This Ordinance was read for the first time.

BY COUNCILOR RUSS (PLANNING & ECONOMIC DEVELOPMENT)

33. [19-035-O](#) AN ORDINANCE GRANTING A CONCURRENT USE PERMIT FOR PARKING IN THE PLATTED STREET RIGHT OF WAY OF SOUTH 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)

34. [19-034-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 adopted unanimously.

Absent: Councilor Fosle

COUNCILOR QUESTIONS AND COMMENTS

COUNCILOR PREVIEW OF UPCOMING BUSINESS



City of Duluth

411 West First Street
Duluth, Minnesota 55802

Minutes - Draft

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]*

Friday, August 16, 2019

12:00 PM

Council Chamber

Special Council Meeting

ROLL CALL

- Present:** 5 - Councilor Gary Anderson, Councilor Arik Forsman, Councilor Joel Sipress, Councilor Renee Van Nett and President Noah Hobbs
- Absent:** 4 - Councilor Zack Filipovich, Councilor Jay Fosle, Councilor Barb Russ and Councilor Em Westerlund

PLEDGE OF ALLEGIANCE

BY PRESIDENT HOBBS (COMMITTEE OF THE WHOLE)

1. [19-0563R](#) RESOLUTION CERTIFYING THE RESULTS OF THE MUNICIPAL PRIMARY ELECTION HELD AUGUST 13, 2019.

Indexes:

Attachments: [Council Canvassing Report](#)

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

- Yea:** 5 - Councilor Anderson, Councilor Forsman, Councilor Sipress, Councilor Van Nett and President Hobbs
- Absent:** 4 - Councilor Filipovich, Councilor Fosle, Councilor Russ and Councilor Westerlund