



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, October 8, 2018

7:00 PM

Council Chamber

ROLL CALL

ROLL CALL

- Present:** 9 - Councilor Zack Filipovich, Councilor Arik Forsman, Councilor Arik Forsman, Councilor Jay Fosle, Councilor Barb Russ, Councilor Joel Sipress, Councilor Em Westerlund, Councilor Renee Van Nett and President Noah Hobbs
- Absent:** 1 - Councilor Gary Anderson

PLEDGE OF ALLEGIANCE

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APPROVAL OF MINUTES

APPROVAL OF MINUTES

1. [18-210](#) September 24, 2018 Duluth City Council Minutes

Indexes:

Attachments: [09/24/2018](#)

These Minutes was approved.

REPORTS FROM THE ADMINISTRATION

REPORTS FROM THE ADMINISTRATION

REPORTS OF BOARDS AND COMMISSIONS

REPORTS OF BOARDS AND COMMISSIONS

- 2. [18-206](#) Duluth Economic Development Authority Meeting Minutes

Indexes:

- Attachments:** [08/22/2018 - Meeting Minutes](#)
[09/05/2018 - Meeting Minutes](#)

This Board or Commission Report was received.

- 3. [18-207](#) Duluth Public Utilities Commission Resolutions:
18PUC - 005
18PUC - 006

Indexes:

- Attachments:** [18PUC-005 recommending 2019 utility budget approved 09182018](#)
[18PUC-006 establishing 2019 fees approved 09182018](#)

This Board or Commission Report was received.

- 4. [18-208](#) Duluth Public Utilities Commission Meeting Minutes

Indexes:

- Attachments:** [08/21/2018 - Meeting Minutes](#)

This Board or Commission Report was received.

- 5. [18-209](#) Library Board Meeting Minutes

Indexes:

- Attachments:** [08/28/2018 - Meeting Minutes](#)

This Board or Commission Report was received.

REPORTS FROM OTHER OFFICERS

REPORTS FROM OTHER OFFICERS

REPORTS OF COUNCIL COMMITTEES

REPORTS OF COUNCIL COMMITTEES

REPORTS OF COUNCIL OPEN ISSUES

REPORTS OF COUNCIL OPEN ISSUES

OPPORTUNITY FOR CITIZENS TO BE HEARD

OPPORTUNITY FOR CITIZENS TO BE HEARD

RESOLUTIONS TABLED

RESOLUTIONS TABLED

BY COUNCILOR VAN NETT (PUBLIC SAFETY)

BY COUNCILOR VAN NETT (PUBLIC SAFETY)

6. [18-0674R](#) RESOLUTION APPROVING THE PURCHASE OF PERSONAL PROTECTIVE EQUIPMENT FOR THE POLICE DEPARTMENT IN THE AMOUNT NOT TO EXCEED \$83,721 UTILIZING CAPITAL EQUIPMENT FUNDS APPROVED BY RESOLUTION 17-0837.

This Resolution remains tabled.

CONSENT AGENDA

CONSENT AGENDA

BY COUNCILOR FILIPOVICH (FINANCE)

BY COUNCILOR FILIPOVICH (FINANCE)

7. [18-0709R](#) RESOLUTION AUTHORIZING EXTENDING THE TERM OF A LINE OF CREDIT PROMISSORY NOTE WITH THE ARROWHEAD ZOOLOGICAL SOCIETY, INC. TO OCTOBER 1, 2020.

Indexes:

Attachments: [Exhibit A](#)

This Resolution was adopted unanimously.

Absent: Councilor Anderson

BY COUNCILOR FOSLE (PURCHASING & LICENSING)

BY COUNCILOR FOSLE (PURCHASING & LICENSING)

8. [18-0627R](#) RESOLUTION ISSUING AN ON SALE 3.2 PERCENT NON INTOXICATING MALT LIQUOR LICENSE AND APPROVING ISSUANCE OF AN ON SALE WINE LICENSE TO GOLDEN BULLDOG, INC. (GOLDEN BULLDOG) 318 NORTH 18TH AVENUE EAST

Indexes:

Attachments: [Golden Bulldog](#)

This Resolution was adopted unanimously.

Absent: Councilor Anderson

9. [18-0689R](#) RESOLUTION ISSUING AN ON SALE 3.2 PERCENT NON INTOXICATING MALT LIQUOR LICENSE AND APPROVING ISSUANCE OF AN ON SALE WINE LICENSE TO WASABI DULUTH, LLC, 132 EAST SUPERIOR STREET, STE 2A.

Indexes:

Attachments: [Wasabi Duluth](#)

This Resolution was adopted unanimously.

Absent: Councilor Anderson

10. [18-0690R](#) RESOLUTION ISSUING AN ON SALE 3.2 PERCENT NON INTOXICATING MALT LIQUOR LICENSE TO HOSTEL DU NORD, LLC. (HOSTEL DU NORD) 217 WEST 1ST STREET

Indexes:

Attachments: [Hostel du Nord](#)

This Resolution was adopted unanimously.

Absent: Councilor Anderson

11. [18-0692R](#) RESOLUTION APPROVING ISSUANCE OF A TEMPORARY ON SALE INTOXICATING LIQUOR LICENSE TO DULUTH CROSS COUNTRY SKI CLUB (HAUNTED PADDLE PARTY), 1912 WEST MICHIGAN STREET

(OLD TAPROOM AND OPEN FLOOR OF BREWERY).

Indexes:

Attachments: [Haunted Paddle Party](#)

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

BY COUNCILOR ANDERSON (PERSONNEL)

BY COUNCILOR ANDERSON (PERSONNEL)

- 12. [18-0675R](#) RESOLUTION CONFIRMING THE APPOINTMENT OF SARAH MAYNE TO THE DULUTH PUBLIC ARTS COMMISSION

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

- 13. [18-0703R](#) RESOLUTION CONFIRMING THE REAPPOINTMENT OF JANE GILBERT TO THE SPIRIT MOUNTAIN RECREATION AREA AUTHORITY.

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

BY COUNCILOR RUSS (PLANNING & ECONOMIC DEVELOPMENT)

BY COUNCILOR RUSS (PLANNING & ECONOMIC DEVELOPMENT)

- 14. [18-0685R](#) RESOLUTION VACATING A 200 FOOT SECTION OF A 30-FOOT-WIDE PLATTED, UNIMPROVED STREET RIGHT OF WAY FOR APPLE STREET, AND A 145 FOOT SECTION OF A 25-FOOT-WIDE PLATTED, UNIMPROVED ALLEY SOUTHWEST OF THE CORNER OF ANDERSON ROAD AND CENTRAL ENTRANCE.

Indexes:

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

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

- 15. [18-0686R](#) RESOLUTION RESCINDING RESOLUTION NO. 18-0550 AND VACATING CERTAIN STREETS, AVENUES, ALLEYS, AND SLOPE AND FILL EASEMENTS WITHIN THE PLAT OF IRONTON FIRST DIVISION.

Indexes:

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

This Resolution was adopted unanimously.
Absent: Councilor Anderson

16. [18-0687R](#) RESOLUTION RESCINDING RESOLUTION NO. 17-0611R AND VACATING CERTAIN AVENUES WITHIN THE PLAT OF KENSINGTON PLACE ADDITION TO DULUTH.

Indexes:

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

This Resolution was adopted unanimously.
Absent: Councilor Anderson

17. [18-0700R](#) RESOLUTION AUTHORIZING THE PROPER CITY OFFICIALS TO ENTER INTO SUB-RECIPIENT FUNDING AGREEMENTS WITH SOAR CAREER SOLUTIONS, ISD 709 ADULT BASIC EDUCATION, AND THE BOARD OF TRUSTEES OF THE MINNESOTA STATE COLLEGES AND UNIVERSITIES ON BEHALF OF LAKE SUPERIOR COLLEGE FOR EMPLOYMENT AND TRAINING SERVICES FUNDED THROUGH THE STATE OF MINNESOTA'S PATHWAYS TO PROSPERITY GRANT PROGRAM.

Indexes:

Attachments: [P2P 2018 - Sub-recipient Agreement - SOAR](#)
[P2P 2018 - Sub-recipient Agreement - ISD709 ABE](#)
[P2P 2018 - Sub-recipient Agreement - LSC](#)

This Resolution was adopted unanimously.
Absent: Councilor Anderson

BY COUNCILOR FORSMAN (PUBLIC WORKS & UTILITIES)

BY COUNCILOR FORSMAN (PUBLIC WORKS & UTILITIES)

18. [18-0677R](#) RESOLUTION AUTHORIZING REIMBURSEMENT TO THE ARROWHEAD REGIONAL DEVELOPMENT COMMISSION FOR A PORTION OF THE COST OF A PROFESSIONAL SERVICES AGREEMENT RELATED TO THE I-35/BAYFRONT AREA TRAFFIC MODELING AND SPECIAL EVENT TRAFFIC CONTROL PLAN PROJECT.

Indexes:

Attachments: [18-0677R Exhibit A](#)
[18-0677R Exhibit B](#)

This Resolution was adopted unanimously.
Absent: Councilor Anderson

19. [18-0682R](#) RESOLUTION APPROVING A COUNTY PROJECT WITHIN MUNICIPAL CORPORATE LIMITS FOR IMPROVEMENTS TO BRIDGE 69504 LOCATED AT THE SOUTHWESTERN TERMINUS OF COUNTY STATE AID HIGHWAY 12 (EAST SUPERIOR STREET).

Indexes:

Attachments: [18-0682R Map & Plans](#)

This Resolution was adopted unanimously.
Absent: Councilor Anderson

20. [18-0683R](#) RESOLUTION AWARDED A CONTRACT TO NORTHLAND CONSTRUCTORS OF DULUTH, LLC FOR THE DULUTH SEAWAY PORT AUTHORITY EXPANSION PROJECT AT THE CLURE PUBLIC MARINE TERMINAL IN THE AMOUNT OF \$2,973,994.

Indexes:

Attachments: [18-0683R Map](#)
[Port Authority Bid Acceptance Resolution](#)

This Resolution was adopted unanimously.
Absent: Councilor Anderson

21. [18-0688R](#) RESOLUTION AUTHORIZING AGREEMENT WITH ST. MARY'S DULUTH CLINIC HEALTH SYSTEMS D/B/A ESSENTIA HEALTH EAST FOR PROVISION OF ENERGY TO THE ESSENTIA CAMPUS INCLUDING THE VISION NORTHLAND PROJECT.

Indexes:

Attachments: [Exhibit A Agreement](#)
[EXHIBIT A to EX. A-- SERVICE LOCATIONS](#)
[EXHIBIT B - DES SYSTEM DIAGRAM](#)
[EXHIBIT C Essentia LCCA 9.25.18](#)
[EXHIBIT D - CONSUMPTION COST CATEGORIES](#)
[EXHIBIT E- HOT WATER CONSUMPTION ENERGY RATE](#)
[EXHIBIT F- EXAMPLE HOT WATER AGREEMENT](#)

This Resolution was adopted unanimously.
Absent: Councilor Anderson

22. [18-0699R](#) RESOLUTION ACCEPTING PERMANENT EASEMENT FOR STREET AND UTILITY PURPOSES FROM THE STATE OF MINNESOTA OVER,

UNDER, AND ACROSS TAX-FORFEITED PROPERTY LOCATED AT THE INTERSECTION OF SKYLINE PARKWAY AND E. 13TH STREET FOR \$196.

Indexes:

Attachments: [Exhibit 1.pdf](#)

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

23. [18-0701R](#) RESOLUTION APPROVING DULUTH ENERGY SYSTEM THERMAL ENERGY HOT WATER RATE AND RATE CALCULATION METHODOLOGY FOR THE SYSTEM EXCLUDING EASTERN CANAL PARK.

Indexes:

Attachments: [Exhibit A 18-0701](#)

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

24. [18-0702R](#) RESOLUTION AUTHORIZING AGREEMENT WITH DULUTH SEAWAY PORT AUTHORITY AUTHORIZING THE CITY TO DEPOSIT SNOW ON ERIE PIER AT NO COST.

Indexes:

Attachments: [Exhibit A](#)

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

BY COUNCILOR VAN NETT (PUBLIC SAFETY)

BY COUNCILOR VAN NETT (PUBLIC SAFETY)

25. [18-0678R](#) RESOLUTION AUTHORIZING LEASE AGREEMENT WITH PIER B HOLDING LLC FOR DOCKING THE ALL-HAZARD QUICK RESPONSE VESSEL IN SLIP 3 AT NO COST.

Indexes:

Attachments: [18-0678 Exhibit A](#)

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

26. [18-0679R](#) RESOLUTION AUTHORIZING PROPER CITY OFFICIALS TO EXECUTE AN AGREEMENT WITH INDEPENDENT SCHOOL DISTRICT NO. 709 TO PROVIDE FOR LAW ENFORCEMENT OFFICERS IN THE PUBLIC SCHOOLS.

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

This Resolution was adopted unanimously.
Absent: Councilor Anderson

27. [18-0680R](#) RESOLUTION AUTHORIZING THE CITY TO ENTER INTO A JOINT POWERS AGREEMENT WITH THE STATE OF MINNESOTA, DEPARTMENT OF PUBLIC SAFETY, BUREAU OF CRIMINAL APPREHENSION, ALLOWING THE CITY OF DULUTH POLICE DEPARTMENT TO INVESTIGATE AND PROSECUTE HUMAN TRAFFICKING AND SEXUAL EXPLOITATION OF CHILDREN AS PART OF THE MINNESOTA HUMAN TRAFFICKING INVESTIGATORS TASK FORCE.

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

This Resolution was adopted unanimously.
Absent: Councilor Anderson

28. [18-0684R](#) RESOLUTION AUTHORIZING THE ACCEPTANCE OF A GRANT FROM THE MINNESOTA DEPARTMENT OF PUBLIC SAFETY IN THE AMOUNT OF \$236,300 FOR THE 2019 TOWARDS ZERO DEATHS PROJECT.

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

This Resolution was adopted unanimously.
Absent: Councilor Anderson

BY COUNCILOR WESTERLUND (RECREATION, LIBRARIES & AUTHORITIES)

BY COUNCILOR WESTERLUND (RECREATION, LIBRARIES & AUTHORITIES)

29. [18-0676R](#) RESOLUTION AUTHORIZING THE EXECUTION OF A SNOWMOBILE TRAILS ASSISTANCE PROGRAM GRANT AGREEMENT FOR THE FY2019 WITH THE MINNESOTA DEPARTMENT OF NATURAL RESOURCES IN AN AMOUNT NOT TO EXCEED \$20,029.85.

Indexes:**Attachments:** [City of Duluth SNOWMOBILE GIA MG FY 19 Contract Agreement](#)

This Resolution was adopted unanimously.
Absent: Councilor Anderson

30. [18-0693R](#) RESOLUTION AUTHORIZING THE CITY TO ENTER INTO A JOINT

POWERS AGREEMENT WITH THE STATE OF MINNESOTA, DEPARTMENT OF NATURAL RESOURCES, FOR FINANCIAL ASSISTANCE NOT TO EXCEED \$5,000 FOR THE COMPARATIVE ANALYSIS OF MUD LAKE.

Indexes:

Attachments: [Exhibit A agreement](#)

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

- 31. [18-0694R](#) RESOLUTION AUTHORIZING A THREE-YEAR NON-EXCLUSIVE USE PERMIT WITH THE STATE OF MINNESOTA, BY AND THROUGH THE BOARD OF TRUSTEES OF MINNESOTA STATE COLLEGES AND UNIVERSITIES ON BEHALF OF LAKE SUPERIOR COLLEGE FOR USE OF THE WASHINGTON CENTER GYM.

Indexes:

Attachments: [Exhibit 1.pdf](#)

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

END OF CONSENT AGENDA

END OF CONSENT AGENDA

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

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

BY COUNCILOR RUSS (PLANNING & ECONOMIC DEVELOPMENT)

BY COUNCILOR RUSS (PLANNING & ECONOMIC DEVELOPMENT)

- 32. [18-052-O](#) AN ORDINANCE AMENDING ORDINANCE 9127 DESIGNATING THE OLD CENTRAL HIGH SCHOOL BUILDING A HERITAGE PRESERVATION LANDMARK.

Indexes:

Attachments: [Exhibit A.pdf](#)

This Ordinance was read for the first time.

BY COUNCILOR FORSMAN (PUBLIC WORKS & UTILITIES)

BY COUNCILOR FORSMAN (PUBLIC WORKS & UTILITIES)

- 33. [18-051-O](#) AN ORDINANCE AUTHORIZING THE CONVEYANCE OF CERTAIN REAL PROPERTY IN THE LINCOLN PARK NEIGHBORHOOD TO THE WESTERN LAKE SUPERIOR SANITARY DISTRICT FOR NOMINAL CONSIDERATION.

Indexes:

Attachments: [Exhibit A-Aerial Map.pdf](#)
[Exhibit B-Letter of Conformity.pdf](#)

This Ordinance was read for the first time.

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

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

BY COUNCILOR RUSS (PLANNING & ECONOMIC DEVELOPMENT)

BY COUNCILOR RUSS (PLANNING & ECONOMIC DEVELOPMENT)

- 34. [18-050-O](#) AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF DULUTH TO RECLASSIFY PROPERTY AT 515 NORTH LAKE AVENUE FROM RESIDENTIAL-TRADITIONAL (R-1) TO URBAN-RESIDENTIAL (R-2).

Indexes:

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

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

Yea: 5 - Councilor Filipovich, Councilor Forsman, Councilor Fosle, Councilor Russ and President Hobbs

Nay: 3 - Councilor Sipress, Councilor Westerlund and Councilor Van Nett

Absent: 1 - Councilor Anderson

BY COUNCILOR FORSMAN (PUBLIC WORKS & UTILITIES)

BY COUNCILOR FORSMAN (PUBLIC WORKS & UTILITIES)

35. [18-029-O](#) ORDINANCE AMENDING CHAPTER 45 OF THE DULUTH CITY CODE, 1959, AS AMENDED, REPEALING SECTION 45-57.1.

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

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

Nay: 1 - Councilor Fosle

Absent: 1 - Councilor Anderson

COUNCILOR QUESTIONS AND COMMENTS

COUNCILOR QUESTIONS AND COMMENTS

COUNCILOR PREVIEW OF UPCOMING BUSINESS

COUNCILOR PREVIEW OF UPCOMING BUSINESS