



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, December 17, 2018

7:00 PM

Council Chamber

ROLL CALL

ROLL CALL

Present: 9 - Councilor Gary Anderson, Councilor Zack Filipovich, Councilor Arik Forsman, 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

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APPROVAL OF MINUTES

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1. [18-241](#) Duluth City Council Meeting Minutes

Indexes:

Attachments: [December 10, 2018 City Council Meeting](#)

These Minutes were approved.

PUBLIC HEARING - Tax Increment Financing District No. 17 Modification, Tax Increment Financing District No. 31 Establishment

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REPORTS FROM THE ADMINISTRATION

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REPORTS FROM OTHER OFFICERS

REPORTS FROM OTHER OFFICERS

- 2. [18-240](#) MN Department of Health Lead Copper Report

Indexes:

Attachments: [MN Department of Health Lead.Copper Tap Water Monitoring Report](#)

REPORTS OF BOARDS AND COMMISSIONS

REPORTS OF BOARDS AND COMMISSIONS

- 3. [18-239](#) Spirit Mountain Recreation Area Authority Meeting Minutes

Indexes:

Attachments: [Spirit Mountain November Meeting Minutes](#)

This Board or Commission Report was received.

REPORTS OF COUNCIL COMMITTEES

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REPORTS OF COUNCIL OPEN ISSUES

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Distinguished Artist Award - Naomi Christenson

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OPPORTUNITY FOR CITIZENS TO BE HEARD

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RESOLUTIONS TABLED

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BY COUNCILOR FOSLE (PURCHASING & LICENSING)

BY COUNCILOR FOSLE (PURCHASING & LICENSING)

- 4. [18-0763R](#) RESOLUTION AFFIRMING DECISION OF THE BUILDING APPEAL BOARD AND CITY BUILDING OFFICIAL TO REQUIRE CHESTER CREEK HOUSING COOPERATIVE ASSOCIATION TO OBTAIN A RENTAL LICENSE FOR ITS PROPERTY LOCATED AT 1306 EAST SECOND STREET.

This Resolution remains on the table.

- 5. [18-0764R](#) RESOLUTION REVERSING DECISION OF THE BUILDING APPEAL BOARD AND CITY BUILDING OFFICIAL TO REQUIRE CHESTER CREEK HOUSING COOPERATIVE ASSOCIATION TO OBTAIN A RENTAL LICENSE FOR ITS PROPERTY LOCATED AT 1306 EAST SECOND STREET.

This Resolution remains on the table.

CONSENT AGENDA

CONSENT AGENDA

BY COUNCILOR FILIPOVICH (FINANCE)

BY COUNCILOR FILIPOVICH (FINANCE)

- 6. [18-0788R](#) RESOLUTION ADOPTING THE 2019 FEE SCHEDULE FOR LICENSE, PERMIT, FINE, PENALTY AND OTHER CHARGES.

Indexes:

Attachments: [Exhibit A - 2019 Master Fee Schedule](#)
[Exhibit B - Fee Schedule Memorandum](#)

This Resolution was adopted unanimously.
Absent: Councilor Fosle

7. [18-0847R](#) RESOLUTION AUTHORIZING THE TRANSFER OF GENERAL BANKING, RETAIL LOCKBOX AND PURCHASING CARD SERVICES TO U.S. BANK, AND MERCHANT CARD SERVICES TO NATIONAL BANK OF COMMERCE.

This Resolution was adopted unanimously.
Absent: Councilor Fosle

BY COUNCILOR FOSLE (PURCHASING & LICENSING)

BY COUNCILOR FOSLE (PURCHASING & LICENSING)

8. [18-0828R](#) RESOLUTION AUTHORIZING THE RENEWAL OF AGREEMENT 23359 WITH TYLER TECHNOLOGIES, INC. FOR NEW WORLD SYSTEMS SOFTWARE MAINTENANCE AND SUPPORT FOR YEAR 2019 FOR AN AMOUNT NOT TO EXCEED \$209,001.92.

This Resolution was adopted unanimously.
Absent: Councilor Fosle

9. [18-0836R](#) RESOLUTION AUTHORIZING THE PURCHASE OF A 2019 TRACKLESS MT7 MUNICIPAL TRACTOR AND TWO SNOW BLOWERS FROM MACQUEEN EQUIPMENT IN AN AMOUNT NOT TO EXCEED \$187,562.

This Resolution was adopted unanimously.
Absent: Councilor Fosle

10. [18-0840R](#) RESOLUTION AUTHORIZING RENEWAL OF AN ANNUAL CONTRACT WITH HOLIDAY STATIONSTORES FOR THE PURCHASE AND DELIVERY OF SERVICE STATION FUELS FOR 2019 FOR AN AMOUNT NOT TO EXCEED \$968,700.

This Resolution was adopted unanimously.

Absent: Councilor Fosle

11. [18-0841R](#) RESOLUTION AUTHORIZING AN ANNUAL CONTRACT FOR ORIGINAL EQUIPMENT MANUFACTURER (OEM) PARTS, SUPPLIES AND LABOR FOR 2019 FROM ZIEGLER, INC. FOR AN AMOUNT NOT TO EXCEED \$195,000.

This Resolution was adopted unanimously.

Absent: Councilor Fosle

12. [18-0846R](#) RESOLUTION AUTHORIZING AN AMENDMENT TO AGREEMENT L30022 WITH TRC ENVIRONMENTAL CORPORATION FOR ADDITIONAL PROFESSIONAL ENGINEERING SERVICES FOR THE DULUTH LAKEWALK AND SHORELINE DAMAGE FOR AN INCREASE OF \$225,122 AND A NEW TOTAL CONTRACT NOT TO EXCEED \$767,888.

Indexes:

Attachments: [Exhibit A](#)

This Resolution was adopted unanimously.

Absent: Councilor Fosle

BY COUNCILOR ANDERSON (PERSONNEL)

BY COUNCILOR ANDERSON (PERSONNEL)

13. [18-0851R](#) RESOLUTION CONFIRMING THE APPOINTMENT OF LYNN NEPHEW TO THE HOUSING AND REDEVELOPMENT AUTHORITY OF DULUTH.

This Resolution was adopted unanimously.

Absent: Councilor Fosle

14. [18-0855R](#) RESOLUTION CONFIRMING THE APPOINTMENT OF MICHELLE FOSHAY TO THE LIBRARY BOARD

This Resolution was adopted unanimously.

Absent: Councilor Fosle

BY COUNCILOR RUSS (PLANNING & ECONOMIC DEVELOPMENT)

BY COUNCILOR RUSS (PLANNING & ECONOMIC DEVELOPMENT)

- 15. [18-0833R](#) RESOLUTION AMENDING THE COMPREHENSIVE LAND USE PLAN - FUTURE LAND USE MAP FOR THE LAKE SUPERIOR COLLEGE CAMPUS AREA, CITY OWNED PARCEL OF LAND LOCATED ON THE SOUTHWEST CORNER OF LAKE SUPERIOR COLLEGE DRIVE, TRINITY ROAD AND SOUTH ARLINGTON AVENUE INTERSECTION.

Indexes:

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

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

- 16. [18-0842R](#) RESOLUTION ADOPTING A MODIFICATION TO THE DEVELOPMENT PROGRAM FOR DEVELOPMENT DISTRICT NO. 17, REMOVING PARCELS FROM TAX INCREMENT FINANCING DISTRICT NO. 22 AND FROM A PLEDGE AGREEMENT, AND ESTABLISHING TAX INCREMENT FINANCING DISTRICT NO. 31: VOYAGEUR LAKEWALK INN AND ADOPTING A TAX INCREMENT FINANCING PLAN THEREFOR.

Indexes:

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

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

Yea: 6 - Councilor Anderson, Councilor Filipovich, Councilor Forsman, Councilor Russ, Councilor Van Nett and President Hobbs

Nay: 2 - Councilor Sipress and Councilor Westerlund

Absent: 1 - Councilor Fosle

- 17. [18-0843R](#) RESOLUTION APPROVING A DEVELOPMENT AGREEMENT BETWEEN THE DULUTH ECONOMIC DEVELOPMENT AUTHORITY AND NORTHSTAR DEVELOPMENT INTERESTS, LLC FOR THE

DEVELOPMENT OF THE VOYAGEUR LAKEWALK INN MIXED USE PROJECT.

Indexes:

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

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

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

- 18. [18-0849R](#) RESOLUTION AUTHORIZING CITY OF DULUTH PARTICIPATE IN THE HUD PUBLIC OFFERING AS PART OF THE SECTION 108 LOAN GUARANTEE ASSISTANCE PROGRAM TO REFINANCE THE EXISTING NOTE OR OTHER OBLIGATION IN THE ORIGINAL PRINCIPAL AMOUNT OF \$10,000,000, FOR THE VILLAGE PLACE APARTMENTS

**This Resolution was adopted unanimously.
Absent: Councilors Fosle & Van Nett**

- 19. [18-0850R](#) RESOLUTION AMENDING THE CITY'S COMPREHENSIVE PLAN, ADOPTING AS APPENDIX F, TWIN PORTS INTERCHANGE COMMUNITY CONNECTIONS EVALUATION PROCESS SUMMARY.

Indexes:

- Attachments: [Summary Memo To Council 12-7-18](#)

**This Resolution was adopted unanimously.
Absent: Councilors Fosle & Van Nett**

BY PRESIDENT HOBBS (COMMITTEE OF THE WHOLE)

BY PRESIDENT HOBBS (COMMITTEE OF THE WHOLE)

- 20. [18-0839R](#) RESOLUTION DESIGNATING POLLING PLACES FOR THE SEPTEMBER 10, 2019 MUNICIPAL AND SCHOOL BOARD PRIMARY ELECTION, AND THE NOVEMBER 5, 2019, MUNICIPAL AND SCHOOL

BOARD GENERAL ELECTION.

**This Resolution was adopted unanimously.
Absent: Councilors Fosle & Van Nett**

- 21. [18-0856R](#) RESOLUTION SETTING THE CITY OF DULUTH'S PRIORITIES FOR THE 2019 LEGISLATIVE SESSION.

**This Resolution was adopted unanimously.
Absent: Councilors Fosle & Van Nett**

- 22. [18-0857R](#) RESOLUTION SUPPORTING ADDITIONAL LEGISLATIVE PRIORITIES FOR 2019 LEGISLATIVE SESSION.

**This Resolution was adopted unanimously.
Absent: Councilors Fosle & Van Nett**

- 23. [18-0858R](#) RESOLUTION APPROVING AGREEMENT WITH FRYBERGER, BUCHANAN, SMITH AND FREDERICK, P.A., FOR LEGISLATIVE SERVICES NOT TO EXCEED \$64,500.

Indexes:

Attachments: [Exhibit A.](#)

**This Resolution was adopted unanimously.
Absent: Councilors Fosle & Van Nett**

BY COUNCILOR FORSMAN (PUBLIC WORKS & UTILITIES)

BY COUNCILOR FORSMAN (PUBLIC WORKS & UTILITIES)

- 24. [18-0816R](#) RESOLUTION AMENDING A CONTRACT WITH LAKE SUPERIOR CONSULTING, LLC TO PROVIDE PROFESSIONAL ENGINEERING AND CONSTRUCTION ADMINISTRATION SERVICES FOR THE GAS TRANSMISSION PIPELINE IN LINE INSPECTION PROJECT, TO INCREASE THE AMOUNT BY \$28,498.50 FOR A NEW TOTAL OF \$62,956.50.

Indexes:

Attachments: [18-0816R Change Order](#)

**This Resolution was adopted unanimously.
Absent: Councilors Fosle & Van Nett**

25. [18-0827R](#) RESOLUTION AUTHORIZING AN AGREEMENT WITH ST. LOUIS COUNTY FOR THE 2019 SCRUB SEAL PROJECT AT VARIOUS LOCATIONS IN THE CITY OF DULUTH.

Indexes:

Attachments: [Exhibit A](#)

**This Resolution was adopted unanimously.
Absent: Councilors Fosle & Van Nett**

26. [18-0837R](#) RESOLUTION AWARDED A CONTRACT TO CORE & MAIN FOR SUPPLYING 3,650 FEET OF HDPE WATER MAIN PIPE FOR THE SUPERIOR STREET RECONSTRUCTION PROJECT IN THE AMOUNT OF \$258,237.50.

**This Resolution was adopted unanimously.
Absent: Councilors Fosle & Van Nett**

27. [18-0838R](#) RESOLUTION APPROVING DULUTH ENERGY SYSTEM THERMAL ENERGY HOT WATER RATE FOR EASTERN CANAL PARK.

**This Resolution was adopted unanimously.
Absent: Councilors Fosle & Van Nett**

28. [18-0844R](#) RESOLUTION REVISING THE LIST OF HIGH PRIORITY BRIDGES IN THE CITY OF DULUTH.

**This Resolution was adopted unanimously.
Absent: Councilors Fosle & Van Nett**

29. [18-0848R](#) RESOLUTION AUTHORIZING AN AMENDMENT TO EXTEND CONTRACT 22091 WITH VENTURE FUELS FOR ONE ADDITIONAL YEAR FOR THE PURCHASE AND DELIVERY OF COAL TO DULUTH

ENERGY SYSTEMS FOR 2019 FOR AN ESTIMATED \$615,264.

Indexes:

Attachments: [Exhibit A](#)

This Resolution was adopted unanimously.

Absent: Councilors Fosle & Van Nett

BY COUNCILOR VAN NETT (PUBLIC SAFETY)

BY COUNCILOR VAN NETT (PUBLIC SAFETY)

30. [18-0835R](#) RESOLUTION AUTHORIZING PROPER CITY OFFICIALS TO ACCEPT A GRANT FROM THE STATE OF MINNESOTA, COMMISSIONER OF PUBLIC SAFETY, OFFICE OF JUSTICE PROGRAMS, IN THE TOTAL AMOUNT OF \$410,000 FOR THE PURPOSE OF SUPPORTING THE OPERATIONS OF THE LAKE SUPERIOR DRUG AND VIOLENT CRIME TASK FORCE THROUGH DECEMBER 31, 2019.

Indexes:

Attachments: [Attachment A.pdf](#)

This Resolution was adopted unanimously.

Absent: Councilors Fosle & Van Nett

BY COUNCILOR WESTERLUND (RECREATION, LIBRARIES & AUTHORITIES)

BY COUNCILOR WESTERLUND (RECREATION, LIBRARIES & AUTHORITIES)

31. [18-0724R](#) RESOLUTION AUTHORIZING APPLICATION TO THE MINNESOTA DEPARTMENT OF AGRICULTURE FOR A GRANT OF \$13,600 FOR CONTROL OF INVASIVE KNOTWEED AND WILD PARSNIP ON CITY LANDS.

This Resolution was adopted unanimously.

Absent: Councilors Fosle & Van Nett

32. [18-0831R](#) RESOLUTION AUTHORIZING A PROFESSIONAL SERVICES AGREEMENT WITH CHRISTINE PENNEY FOR GRANT WRITING AND RESEARCH SERVICES FOR A TOTAL CONTRACT NOT TO EXCEED \$60,000.

Indexes:

Attachments: [Exhibit A](#)

**This Resolution was adopted unanimously.
Absent: Councilors Fosle & Van Nett**

- 33. [18-0832R](#) RESOLUTION AUTHORIZING APPLICATION TO THE MINNESOTA DEPARTMENT OF TRANSPORTATION FOR A \$600,000 TRANSPORTATION ALTERNATIVES PROGRAM GRANT TO BUILD SEGMENT III OF THE CROSS CITY TRAIL FROM IRVING PARK TO KEENE CREEK PARK.

Indexes:

Attachments: [Exhibit A trail location map](#)

**This Resolution was adopted unanimously.
Absent: Councilors Fosle & Van Nett**

END OF CONSENT AGENDA

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)

- 34. [18-067-O](#) AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF DULUTH TO RECLASSIFY PROPERTY LOCATED ON THE SOUTHWEST CORNER OF LAKE SUPERIOR COLLEGE DRIVE, TRINITY ROAD AND SOUTH ARLINGTON AVENUE INTERSECTION FROM RESIDENTIAL - TRADITIONAL (R-1) TO MIXED USE - INSTITUTIONAL (MU-I), IN CONFORMANCE WITH THE COMPREHENSIVE PLAN'S FUTURE LAND USE MAP.

Indexes:

Attachments: [Attachment 1](#)

[Attachment 2](#)

This Ordinance was read for the first time.

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

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

BY COUNCILOR FILIPOVICH (FINANCE)

BY COUNCILOR FILIPOVICH (FINANCE)

- 35. [18-059-O](#) AN ORDINANCE DETERMINING THE SUM TO BE RAISED BY TAXATION FOR GENERAL PURPOSES FOR THE YEAR 2019.

Indexes:

Attachments: [Tax Levy](#)

[Motion To Amend: Sipress.Filipovich - Passed 5-4 \(Forsman, Fosle, Van Nett & Hobbs\)](#)

This Ordinance was adopted unanimously.
Absent: Councilors Fosle & Van Nett

- 36. [18-060-O](#) AN ORDINANCE SETTING THE BUDGET FOR THE FISCAL YEAR 2019 APPROPRIATING MONIES FOR THE SUPPORT OF THE CITY GOVERNMENT, PUBLIC UTILITIES, AND PUBLIC ENTERPRISE FUNDS AND FOR OTHER PURPOSES.

Indexes:

Attachments: [Motion to Amend: Filipovich - Passed 8-1 \(Fosle\)](#)

This Ordinance was adopted unanimously.
Absent: Councilors Fosle & Van Nett

- 37. [18-062-O](#) AN ORDINANCE AMENDING SECTIONS 41-23 AND 41-24 OF THE DULUTH CITY CODE, 1959, AS AMENDED, REGARDING PURCHASING THRESHOLDS.

This Ordinance was adopted unanimously.
Absent: Councilors Fosle & Van Nett

BY COUNCILOR RUSS (PLANNING & ECONOMIC DEVELOPMENT)

BY COUNCILOR RUSS (PLANNING & ECONOMIC DEVELOPMENT)

38. [18-063-O](#) AN ORDINANCE GRANTING VERIZON WIRELESS A CONCURRENT USE PERMIT FOR ONE SMALL CELL WIRELESS FACILITY ON A MINNESOTA POWER POLE IN THE PLATTED STREET RIGHT OF WAY NEAR THE INTERSECTION OF TRINITY ROAD AND MALL DRIVE.

Indexes:

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

**This Ordinance was adopted unanimously.
Absent: Councilors Fosle & Van Nett**

39. [18-064-O](#) AN ORDINANCE GRANTING VERIZON WIRELESS A CONCURRENT USE PERMIT FOR ONE SMALL CELL WIRELESS FACILITY ON A CITY OF DULUTH POLE IN THE PLATTED STREET RIGHT OF WAY OF MAPLE GROVE ROAD, BETWEEN BURNING TREE ROAD AND MALL DRIVE.

Indexes:

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

**This Ordinance was adopted unanimously.
Absent: Councilors Fosle & Van Nett**

40. [18-065-O](#) AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF DULUTH TO RECLASSIFY PROPERTY NORTH OF WEST ARROWHEAD ROAD, SOUTH OF MARYLAND STREET, BETWEEN KENWOOD AVENUE AND DODGE AVENUE, FROM RESIDENTIAL-TRADITIONAL (R-1) TO RESIDENTIAL-URBAN (R-2).

Indexes:

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

This Ordinance failed unanimously.

41. [18-066-O](#) AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF DULUTH TO RECLASSIFY PROPERTY SOUTH OF WEST ARROWHEAD ROAD AND NORTHEAST OF THE KENWOOD SHOPPING CENTER FROM RESIDENTIAL-TRADITIONAL (R-1) to MIXED USE-NEIGHBORHOOD (MU-N), PROPERTY IMMEDIATELY NORTH OF WEST ARROWHEAD ROAD BETWEEN WARREN AVENUE AND DODGE AVENUE FROM RESIDENTIAL-URBAN (R-2) TO (MU-N)

MIXED USE-NEIGHBORHOOD, AND BETWEEN KENWOOD AVENUE AND KENWOOD ALLEY FROM WEST CLEVELAND STREET TO WEST TOLEDO STREET FROM RESIDENTIAL-TRADITIONAL (R-1) TO MIXED USE-NEIGHBORHOOD (MU-N).

Indexes:

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

**This Ordinance was adopted unanimously.
Absent: Councilors Fosle & Van Nett**

BY COUNCILOR WESTERLUND (RECREATION, LIBRARIES & AUTHORITIES)

BY COUNCILOR WESTERLUND (RECREATION, LIBRARIES & AUTHORITIES)

- 42.** [18-061-O](#) AN ORDINANCE AMENDING DULUTH CITY CODE SECTION 29A-27 TO EXCLUDE HOUSING COOPERATIVES FROM HOUSING CODE RENTAL LICENSING REQUIREMENTS.

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

- Yea:** 6 - Councilor Anderson, Councilor Forsman, Councilor Russ, Councilor Sipress, Councilor Westerlund and President Hobbs
- Nay:** 1 - Councilor Filipovich
- Absent:** 2 - Councilor Fosle and Councilor Van Nett

COUNCILOR QUESTIONS AND COMMENTS

COUNCILOR QUESTIONS AND COMMENTS

COUNCILOR PREVIEW OF UPCOMING BUSINESS

COUNCILOR PREVIEW OF UPCOMING BUSINESS

A motion was made to nominate Noah Hobbs as Council President - motion passed unanimously. (Councilors Fosle and Van Nett: Absent)

A motion was made to nominate Gary Anderson as Council Vice President - motion passed unanimously (Councilors Fosle and Van Nett: Absent)