



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 4, 2017

7:00 PM

Council Chamber

ROLL CALL

ROLL CALL

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

PLEDGE OF ALLEGIANCE

PLEDGE OF ALLEGIANCE

APPROVAL OF MINUTES

APPROVAL OF MINUTES

1. [17-186](#) November 20 2017 City Council Meeting Minutes

Indexes:

Attachments: [November 20 - Council Meeting](#)

This Minutes was approved.

PUBLIC HEARING - 2018 Budget - Truth in Taxation, CIP & Bonding

PUBLIC HEARING - 2018 Budget - Truth in Taxation, CIP & Bonding

REPORTS FROM THE ADMINISTRATION

REPORTS FROM THE ADMINISTRATION

REPORTS FROM OTHER OFFICERS

REPORTS FROM OTHER OFFICERS

- 2. [17-187](#) Application For Exempt Permit - Northern Lights Foundation

Indexes:

Attachments: [NORTHERN LIGHTS](#)

This Other Officers Report was received.

REPORTS OF COUNCIL COMMITTEES

REPORTS OF COUNCIL COMMITTEES

REPORTS OF COUNCIL OPEN ISSUES

REPORTS OF COUNCIL OPEN ISSUES

Distinguished Artist Award - Margi Preus

OPPORTUNITY FOR CITIZENS TO BE HEARD

OPPORTUNITY FOR CITIZENS TO BE HEARD

RESOLUTIONS TABLED

RESOLUTIONS TABLED

BY COUNCILOR RUSS (PLANNING & ECONOMIC DEVELOPMENT)

BY COUNCILOR RUSS (PLANNING & ECONOMIC DEVELOPMENT)

- 3. [17-0757R](#) RESOLUTION AFFIRMING THE DECISION OF THE PLANNING COMMISSION TO DENY A VARIANCE TO CONSTRUCT A STAIRWAY WITHIN THE FIFTY-FOOT GENERAL DEVELOPMENT WATERS

SHORELAND SETBACK AT 4814 LONDON ROAD.

Indexes:

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

This Resolution was returned to administration.

4. [17-0758R](#) RESOLUTION REVERSING THE DECISION OF THE PLANNING COMMISSION TO DENY A VARIANCE TO CONSTRUCT A STAIRWAY WITHIN THE FIFTY-FOOT GENERAL DEVELOPMENT WATERS SHORELAND SETBACK BY DAVID LARSEN.

Indexes:

- Attachments: [Attachment 1](#)

This Resolution was returned to administration.

CONSENT AGENDA

CONSENT AGENDA

BY COUNCILOR HANSEN (FINANCE)

BY COUNCILOR HANSEN (FINANCE)

5. [17-0845R](#) RESOLUTION APPROVING THE FISCAL YEAR JANUARY 1, 2018 TO DECEMBER 31, 2018, OPERATION BUDGET OF THE DULUTH AIRPORT AUTHORITY.

Indexes:

- Attachments: [Exhibit A](#)

This Resolution was adopted unanimously.

6. [17-0846R](#) RESOLUTION APPROVING THE FISCAL YEAR JANUARY 1, 2018 TO DECEMBER 31, 2018 BUDGETS OF THE DULUTH ECONOMIC DEVELOPMENT AUTHORITY.

Indexes:

Attachments: [Exhibit A](#)

This Resolution was adopted unanimously.

7. [17-0847R](#) RESOLUTION APPROVING THE FISCAL YEAR JANUARY 1, 2018 TO DECEMBER 31, 2018, OPERATION BUDGET OF THE DULUTH TRANSIT AUTHORITY.

Indexes:

Attachments: [Exhibit A](#)

This Resolution was adopted unanimously.

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

Abstain: 1 - Hanson

BY COUNCILOR ANDERSON (PERSONNEL)

BY COUNCILOR ANDERSON (PERSONNEL)

8. [17-0844R](#) RESOLUTION CONFIRMING THE APPOINTMENT OF DAVID S. CIZMAS TO THE SPIRIT MOUNTAIN RECREATION AREA AUTHORITY, REPLACING CORY SALMELA.

Indexes:

Attachments: [Cizmas Application Redacted](#)

This Resolution was adopted unanimously.

9. [17-0853R](#) RESOLUTION CONFIRMING THE APPOINTMENT OF JOHN BEYER TO THE DULUTH CITIZEN REVIEW BOARD.

Indexes:

Attachments: [John Beyer](#)

This Resolution was adopted unanimously.

BY COUNCILOR RUSS (PLANNING & ECONOMIC DEVELOPMENT)

BY COUNCILOR RUSS (PLANNING & ECONOMIC DEVELOPMENT)

10. [17-0827R](#) RESOLUTION AUTHORIZING AN AGREEMENT WITH THE DULUTH ECONOMIC DEVELOPMENT AUTHORITY (DEDA) RELATING TO PARTICIPATION BY DEDA IN THE CITY OF DULUTH SELF-INSURANCE FUND PROGRAM FOR 2018.

Indexes:

Attachments: [17-0827R Exhibit A](#)

This Resolution was adopted unanimously.

11. [17-0829R](#) RESOLUTION AUTHORIZING A SECOND AMENDMENT TO THE LICENSE AGREEMENT WITH THE DULUTH ECONOMIC DEVELOPMENT AUTHORITY (DEDA) FOR DEDA'S LOT B

Indexes:

Attachments: [17-0829R Exhibit A](#)

This Resolution was adopted unanimously.

12. [17-0838R](#) RESOLUTION AMENDING THE AREA FOR THE CONCURRENT USE PERMIT AUTHORIZED UNDER ORDINANCE 17-039.

Indexes:

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

This Resolution was adopted unanimously.

13. [17-0841R](#) RESOLUTION VACATING THE PLATTED ALLEY BETWEEN PINEVIEW AVENUE AND THE UNIMPROVED PORTION OF NANTICOKE STREET, RETAINING A UTILITY EASEMENT OVER THE ENTIRE ALLEY.

Indexes:

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

This Resolution was adopted unanimously.

BY COUNCILOR HOBBS (PUBLIC WORKS & UTILITIES)

BY COUNCILOR HOBBS (PUBLIC WORKS & UTILITIES)

14. [17-0816R](#) RESOLUTION AUTHORIZING ANNUAL BANKING SERVICES FOR 2018 WITH BMO HARRIS BANK, N.A. FOR AN ESTIMATED TOTAL OF \$118,000.

This Resolution was adopted unanimously.

BY COUNCILOR FOSLE (PUBLIC SAFETY)

BY COUNCILOR FOSLE (PUBLIC SAFETY)

15. [17-0825R](#) RESOLUTION AUTHORIZING ACCEPTANCE OF AN AGREEMENT WITH THE STATE OF MINNESOTA TO CONTINUE THE REGIONAL EMERGENCY RESPONSE TEAM DURING THE STATE FISCAL YEARS 2018 AND 2019 IN AN AMOUNT NOT TO EXCEED \$450,000 AND FURTHER AUTHORIZING EXECUTION OF A JOINT POWERS AGREEMENT WITH THE STATE OF MINNESOTA.

Indexes:

Attachments: [Joint Powers Agreement Swift Contract 134779](#)

This Resolution was adopted unanimously.

16. [17-0842R](#) RESOLUTION AUTHORIZING THE EXECUTION OF A JOINT POWERS AGREEMENT WITH THE STATE OF MINNESOTA FOR THE DULUTH POLICE DEPARTMENT TO PARTICIPATE IN THE MINNESOTA FINANCIAL CRIMES TASK FORCE AND TO ACCEPT REIMBURSEMENT MONIES IN AN AMOUNT NOT TO EXCEED \$50,000.

Indexes:

Attachments: [17-0842R Exhibit A](#)

This Resolution was adopted unanimously.

BY COUNCILOR WESTERLUND (RECREATION, LIBRARIES & AUTHORITIES)

BY COUNCILOR WESTERLUND (RECREATION, LIBRARIES & AUTHORITIES)

17. [17-0764R](#) RESOLUTION AUTHORIZING LEASE AGREEMENT WITH BENJAMIN KIMMES FOR RESIDENTIAL DWELLING UNIT LOCATED WITHIN THE CHESTER BOWL PARK CHALET.

Indexes:

Attachments: [Exhibit 1](#)

This Resolution was adopted unanimously.

18. [17-0851R](#) RESOLUTION AUTHORIZING A THREE-YEAR AGREEMENT WITH THE CHESTER BOWL IMPROVEMENT CLUB FOR THE OPERATION AND MANAGEMENT OF CHESTER BOWL PARK AND CHALET FOR \$23,615 IN 2018.

Indexes:

Attachments: [Exhibit 1](#)

This Resolution was adopted unanimously.

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

Abstain: 1 - Councilor Filipovich

19. [17-0852R](#) RESOLUTION AUTHORIZING A SECOND AMENDMENT TO THE AGREEMENT BETWEEN THE CITY OF DULUTH AND THE LAKE SUPERIOR AND MISSISSIPPI RAILROAD.

Indexes:

Attachments: [Exhibit 1](#)

This Resolution was adopted unanimously.

END OF CONSENT AGENDA

END OF CONSENT AGENDA

BY COUNCILOR HANSEN (FINANCE)

BY COUNCILOR HANSEN (FINANCE)

20. [17-0788R](#) RESOLUTION ADOPTING THE 2018 FEE SCHEDULE FOR LICENSE, PERMIT, FINE, PENALTY AND OTHER CHARGES.

Indexes:

Attachments: [Exhibit A 2018 Fee Schedule](#)
[Exhibit B 2018 Fees Memo](#)

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

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

Nay: 1 - Councilor Fosle

21. [17-0835R](#) RESOLUTION APPROVING CAPITAL IMPROVEMENT PLAN AND STATING INTENT TO ISSUE GENERAL OBLIGATION CAPITAL IMPROVEMENT BONDS UNDER MINNESOTA STATUTES, SECTION 475.521.

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

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

Nay: 1 - Councilor Fosle

22. [17-0837R](#) RESOLUTION OF THE CITY OF DULUTH, MINNESOTA, STATING THE INTENT TO ISSUE GENERAL OBLIGATION CAPITAL EQUIPMENT NOTES, SERIES 2018, AND APPROVING THE CAPITAL EQUIPMENT LIST ASSOCIATED WITH THE NOTES IN THE APPROXIMATE AMOUNT OF \$4,150,000.

Indexes:

Attachments: [Exhibit A](#)

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

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

Nay: 1 - Councilor Fosle

23. [17-0855R](#) RESOLUTION ESTABLISHING ANNUAL BONDING PLAN FOR 2018.

Indexes:

Attachments: [Exhibit A](#)

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

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

Nay: 1 - Councilor Fosle

BY COUNCILOR HANSON (PURCHASING & LICENSING)

BY COUNCILOR HANSON (PURCHASING & LICENSING)

- 24. [17-0850R](#) RESOLUTION AUTHORIZING AN AGREEMENT WITH TRC ENVIRONMENTAL CORPORATION (TRC), TO PROVIDE DAMAGE ASSESSMENT AND RECONSTRUCTION RECOMMENDATIONS FOR AREAS DAMAGED BY THE HIGH WINDS AND STORM SURGE THAT AFFECTED DULUTH ON OCTOBER 26TH AND 27TH FOR AN AMOUNT NOT TO EXCEED \$44,378.

Indexes:

Attachments: [Exhibit A](#)

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

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

Nay: 1 - Councilor Fosle

BY COUNCILOR HOBBS (PUBLIC WORKS & UTILITIES)

BY COUNCILOR HOBBS (PUBLIC WORKS & UTILITIES)

- 25. [17-0721R](#) RESOLUTION OF INTENT TO RECONSTRUCT SUPERIOR STREET BEGINNING APPROXIMATELY 350 FEET WEST OF SIXTH AVENUE WEST AND ENDING APPROXIMATELY 100 FEET EAST OF FOURTH AVENUE EAST AND TO PARTIALLY ASSESS THE COSTS THEREOF.

Indexes:

Attachments: [17-0721R Map](#)

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

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

Nay: 1 - Councilor Fosle

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 HANSEN (FINANCE)

BY COUNCILOR HANSEN (FINANCE)

26. [17-073-O](#) AN ORDINANCE DETERMINING THE SUM TO BE RAISED BY TAXATION FOR THE SPECIAL TAXING DISTRICT, DULUTH TRANSIT AUTHORITY, FOR THE YEAR 2018.

This Ordinance was read for the first time.

27. [17-074-O](#) AN ORDINANCE DETERMINING THE SUM TO BE RAISED BY TAXATION FOR THE SPECIAL PARKS FUND LEVY FOR THE YEAR 2018.

This Ordinance was read for the first time.

BY COUNCILOR RUSS (PLANNING & ECONOMIC DEVELOPMENT)

BY COUNCILOR RUSS (PLANNING & ECONOMIC DEVELOPMENT)

28. [17-063-O](#) AN ORDINANCE GRANTING A CONCURRENT USE PERMIT FOR PARKING IN THE PLATTED STREET RIGHT OF WAY OF 10TH AVENUE EAST.

Indexes:

Attachments: [Attachment 1](#)

[Attachment 2](#)

This Ordinance was read for the first time.

29. [17-064-O](#) AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF DULUTH TO RECLASSIFY PROPERTY IN THE GENERAL AREA OF

THE UNIVERSITY OF MINNESOTA (UMD) CAMPUS AT 1049 UNIVERSITY DRIVE, FROM R-1 AND R-2 TO MU-I AND R-C.

Indexes:

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

This Ordinance was read for the first time.

30. [17-065-O](#) AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF DULUTH TO RECLASSIFY PROPERTY IN THE GENERAL AREA OF THE ONEOTA BUSINESS PARK, NEAR WEST MICHIGAN STREET AND SOUTH 40TH AVENUE WEST, FROM I-G AND MU-N TO MU-B.

Indexes:

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

This Ordinance was read for the first time.

31. [17-066-O](#) AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF DULUTH TO RECLASSIFY PROPERTY AT THE END OF MINNESOTA AVENUE, FROM R-1 TO AP, P-1, AND R-C.

Indexes:

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

This Ordinance was read for the first time.

32. [17-067-O](#) AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF DULUTH TO RECLASSIFY PROPERTY in the general area of Indian point campground, and areas between 63rd and 73rd avenue WEST, and milford and FREMONT street, from I-W and R-1 to R-1, P-1, and R-C.

Indexes:

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

This Ordinance was read for the first time.

33. [17-068-O](#) AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF DULUTH TO RECLASSIFY PROPERTY AT THE END OF SPRING STREET, FROM I-G TO MU-W.

Indexes:

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

This Ordinance was read for the first time.

34. [17-069-O](#) AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF DULUTH TO RECLASSIFY PROPERTY IN THE GENERAL AREA OF BOUNDARY AVENUE AND US HIGHWAY 2, FROM RR-1, R-1, AND MU-C, TO RR-1, R-1, AND MU-N.

Indexes:

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

This Ordinance was read for the first time.

35. [17-070-O](#) AN ORDINANCE GRANTING A CONCURRENT USE PERMIT FOR A FENCE IN THE PLATTED STREET RIGHT OF WAY OF NORTH 48TH AVENUE EAST.

Indexes:

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

This Ordinance was read for the first time.

36. [17-071-O](#) AN ORDINANCE GRANTING A CONCURRENT USE PERMIT FOR A HISTORIC MARQUEE SIGN IN THE PLATTED STREET RIGHT OF WAY OF NORTH CENTRAL AVENUE.

Indexes:

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

This Ordinance was read for the first time.

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

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

BY COUNCILOR HANSEN (FINANCE)

BY COUNCILOR HANSEN (FINANCE)

- 37. [17-061-O](#) AN ORDINANCE DETERMINING THE SUM TO BE RAISED BY TAXATION FOR GENERAL PURPOSES FOR THE YEAR 2018.

Indexes:

Attachments: [Property Tax Levy](#)

[Motion To Amend: Sipress/Westerlund - Failed \(3-6\)](#)

[Motion To Amend: Filipovich - Failed \(3-6\)](#)

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

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

Nay: 1 - Councilor Fosle

- 38. [17-062-O](#) AN ORDINANCE SETTING THE BUDGET FOR THE FISCAL YEAR 2018 APPROPRIATING MONIES FOR THE SUPPORT OF THE CITY GOVERNMENT, PUBLIC UTILITIES, AND PUBLIC ENTERPRISE FUNDS AND FOR OTHER PURPOSES.

Indexes:

Attachments: [Motion To Amend: Sipress/Westerlund - Withdrawn](#)

[Motion To Amend: Filipovich - Withdrawn](#)

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

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

Nay: 1 - Councilor Fosle

BY COUNCILOR RUSS (PLANNING & ECONOMIC DEVELOPMENT)

BY COUNCILOR RUSS (PLANNING & ECONOMIC DEVELOPMENT)

39. [17-060-O](#) AN ORDINANCE GRANTING VERIZON WIRELESS A CONCURRENT USE PERMIT FOR THREE SMALL WIRELESS FACILITIES ON MINNESOTA POWER POLES IN THE PLATTED STREET RIGHT OF WAY NEAR 4405 WEST 4TH STREET, 2500 LONDON ROAD, AND 3860 EAST SUPERIOR STREET.

Indexes:

Attachments: [Attachment 1](#)

[Attachment 2](#)

[Attachment 3](#)

[Attachment 4](#)

This Ordinance was adopted unanimously.

COUNCILOR QUESTIONS AND COMMENTS

COUNCILOR QUESTIONS AND COMMENTS

COUNCILOR PREVIEW OF UPCOMING BUSINESS

COUNCILOR PREVIEW OF UPCOMING BUSINESS