



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, November 6, 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

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APPROVAL OF MINUTES

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1. [17-176](#) October 23, 2017 Duluth City Council Meeting Minutes

Indexes:

Attachments: [October 23 - City Council Meeting](#)

This Minutes was approved.

PUBLIC HEARING - Liquor License Fees

PUBLIC HEARING - Liquor License Fees

PUBLIC HEARING - TIF 16 Plan Amendment

PUBLIC HEARING - TIF 16 Plan Amendment

REPORTS FROM THE ADMINISTRATION

REPORTS FROM THE ADMINISTRATION

REPORTS FROM OTHER OFFICERS

REPORTS FROM OTHER OFFICERS

- 2. [17-180](#) Application for Exempt Permit:
MN Bluegrass & Old-Time Music Association
Rush City Area Chamber of Commerce
Lincoln Park Business Group

Indexes:

- Attachments:** [Lincoln Park Business Group](#)
[MN Bluegrass & Old-Time Music Associates](#)
[Rush City Area Chamber of Commerce](#)

This Other Officers Report was received.

REPORTS OF BOARDS AND COMMISSIONS

REPORTS OF BOARDS AND COMMISSIONS

- 3. [17-177](#) Library Board Meeting Minutes

Indexes:

- Attachments:** [Library Board Meeting Minutes](#)

This Board or Commission Report was received.

- 4. [17-178](#) Duluth Transit Authority Meeting Minutes

Indexes:

Attachments: [Duluth Transit Authority Meeting Minutes \(08-16-17\)](#)
[Duluth Transit Authority Meeting Minutes \(08-30-17\)](#)

This Board or Commission Report was received.

- 5. [17-179](#) Duluth Public Utilities Commission Meeting Minutes

Indexes:

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

This Board or Commission Report was received.

REPORTS OF COUNCIL COMMITTEES

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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 RUSS (PLANNING & ECONOMIC DEVELOPMENT)

BY COUNCILOR RUSS (PLANNING & ECONOMIC DEVELOPMENT)

- 6. [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 remains on the table.

- 7. [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 remains on the table.

CONSENT AGENDA

CONSENT AGENDA

BY COUNCILOR HANSEN (FINANCE)

BY COUNCILOR HANSEN (FINANCE)

- 8. [17-0754R](#) RESOLUTION AUTHORIZING A FOUR-YEAR AGREEMENT WITH RESOURCE EXPLORATION, LLC, FOR THE INITIAL PURCHASE OF AN ANNUAL SUBSCRIPTION, SET UP ASSISTANCE AND THREE YEARS OF SUBSCRIPTION RENEWALS FOR PRIORITY BASED BUDGETING SOFTWARE FOR AN AMOUNT NOT TO EXCEED \$100,000.

Indexes:

Attachments: [Exhibit A - Agreement with Resource Explorations](#)

This Resolution was adopted unanimously.

- 9. [17-0787R](#) RESOLUTION AUTHORIZING A BRIDGE LOAN TO HARTLEY NATURE CENTER CORPORATION IN AN AMOUNT NOT TO EXCEED \$225,000, WHICH FUNDS, IF DISBURSED, SHALL BE USED SOLELY TOWARD A FUTURE ADDITION TO THE HARTLEY NATURE CENTER BUILDING.

Indexes:

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

This Resolution was adopted unanimously.

10. [17-0798R](#) RESOLUTION AUTHORIZING A GRANT TO THE SPIRIT MOUNTAIN RECREATION AREA AUTHORITY IN THE AMOUNT OF \$50,000 TO PAY FOR THE 2017 AMSOIL DULUTH NATIONAL SNOCROSS SANCTION FEE.

This Resolution was adopted unanimously.

BY COUNCILOR HANSON (PURCHASING & LICENSING)

BY COUNCILOR HANSON (PURCHASING & LICENSING)

11. [17-0792R](#) RESOLUTION APPROVING THE TRANSFER OF STOCK OF THE ON SALE INTOXICATING LIQUOR LICENSE AND ON SALE SUNDAY LICENSE AND DANCING LICENSE OF WAYZATA DULUTH HOSPITALITY ASSOCIATES, LLC (RADISSON HARBORVIEW HOTEL), 505 WEST SUPERIOR STREET.

Indexes:

Attachments: [RADISSON-10302017160604](#)

This Resolution was adopted unanimously.

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

Abstain: 1 - Hansen

BY COUNCILOR ANDERSON (PERSONNEL)

BY COUNCILOR ANDERSON (PERSONNEL)

12. [17-0791R](#) RESOLUTION CONFIRMING THE APPOINTMENT OF MICHAEL WARSOP TO THE DULUTH PARKING COMMISSION.

Indexes:

Attachments: [Warsop Application](#)

This Resolution was adopted unanimously.

BY COUNCILOR RUSS (PLANNING & ECONOMIC DEVELOPMENT)

BY COUNCILOR RUSS (PLANNING & ECONOMIC DEVELOPMENT)

- 13. [17-0746R](#) RESOLUTION ADOPTING AN AMENDMENT TO THE TAX INCREMENT FINANCING PLAN FOR TAX INCREMENT FINANCING DISTRICT NO. 16 (COUNTY NO. 57).

Indexes:

Attachments: [Exhibit A - 17-0746R](#)
[Map - 17-0746R](#)

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)

- 14. [17-0777R](#) RESOLUTION AMENDING CONTRACT C23263 WITH KTM PAVING, INC. FOR THE DECC HOT WATER PIPE REPAIR, INCREASING THE AMOUNT BY \$60,998.43 FOR A NEW TOTAL OF \$143,641.17.

This Resolution was adopted unanimously.

- 15. [17-0779R](#) RESOLUTION APPROVING A COUNTY PROJECT WITHIN MUNICIPAL CORPORATE LIMITS FOR IMPROVEMENTS TO COUNTY STATE AID HIGHWAY NO. 32 (ARROWHEAD ROAD).

Indexes:

Attachments: [17-0779R Map](#)

This Resolution was adopted unanimously.

- 16. [17-0800R](#) RESOLUTION SUPPORTING A REGIONAL INCLUSIVE PLAYGROUND FOR EVERYBODY.

This Resolution was adopted unanimously.

- 17. [17-0782R](#) RESOLUTION AUTHORIZING THE PURCHASE OF REAL PROPERTY FROM RMM LIMITED LIABILITY COMPANY IN THE AMOUNT OF \$20,000 FOR PROPERTY ADJACENT TO THE WATER AND GAS BUILDING ON GARFIELD AVENUE.

Indexes:

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

This Resolution was adopted unanimously.

BY COUNCILOR FOSLE (PUBLIC SAFETY)

BY COUNCILOR FOSLE (PUBLIC SAFETY)

- 18. [17-0716R](#) RESOLUTION AMENDING RESOLUTION 16-0846, ADOPTING LICENSE, PERMIT, FINE, PENALTY, AND OTHER CHARGES FOR 2017, TO ADD A VACANT BUILDING INVESTIGATION AND INSPECTION FEE.

This Resolution was adopted unanimously.

- 19. [17-0776R](#) RESOLUTION AUTHORIZING PROPER CITY OFFICIALS TO ACCEPT A GRANT FROM THE UNITED STATES DEPARTMENT OF HOMELAND SECURITY IN THE AMOUNT OF \$447,750 FOR THE PURCHASE OF AN ALL-HAZARD QUICK RESPONSE VESSEL.

Indexes:

Attachments: [Exhibit A](#)

This Resolution was adopted unanimously.

- 20. [17-0790R](#) RESOLUTION AUTHORIZING THE ACCEPTANCE OF REIMBURSEMENT FROM THE UNITED STATES DEPARTMENT OF JUSTICE, BUREAU OF JUSTICE ASSISTANCE, OFFICE OF JUSTICE PROGRAMS, IN AN AMOUNT NOT TO EXCEED \$9,264 AND REIMBURSEMENT FROM THE MINNESOTA DEPARTMENT OF PUBLIC SAFETY IN AN AMOUNT NOT TO EXCEED \$20,810 FOR THE

PURCHASE OF BALLISTIC VESTS.

Indexes:

Attachments: [Exhibit A](#)

This Resolution was adopted unanimously.

BY COUNCILOR WESTERLUND (RECREATION, LIBRARIES & AUTHORITIES)

BY COUNCILOR WESTERLUND (RECREATION, LIBRARIES & AUTHORITIES)

21. [17-0773R](#) RESOLUTION AUTHORIZING ACCEPTANCE OF A REIMBURSEMENT GRANT FOR EMERALD ASH BORER TREATMENT FROM THE MINNESOTA DEPARTMENT OF AGRICULTURE NOT TO EXCEED \$65,000.

Indexes:

Attachments: [Exhibit A - Agreement with signature page](#)

This Resolution was adopted unanimously.

22. [17-0775R](#) RESOLUTION AUTHORIZING ACCEPTANCE OF A GREAT LAKE RESTORATION INITIATIVE SUB-AWARD GRANT FROM THE MINNESOTA DEPARTMENT OF NATURAL RESOURCES IN AN AMOUNT NOT TO EXCEED \$175,000 FOR THE PURPOSE OF REDUCING RUNOFF AND TREE LOSS FROM EMERALD ASH BORER.

Indexes:

Attachments: [Exhibit A Grant Agreement](#)
[Exhibit B project deliverables](#)

This Resolution was adopted unanimously.

23. [17-0778R](#) RESOLUTION AUTHORIZING COMMITMENT OF \$50,000 IN MATCHING FUNDS FOR A GREATER MINNESOTA REGIONAL PARK AND TRAIL COMMISSION GRANT FOR HARTLEY PARK MINI MASTER PLAN IMPLEMENTATION.

This Resolution was adopted unanimously.

24. [17-0781R](#) RESOLUTION AUTHORIZING ACCEPTANCE OF A \$220,000 GRANT

FROM THE ENVIRONMENTAL PROTECTION AGENCY FOR THE ST. LOUIS RIVER NATURAL AREA PLANNING PROCESS.

Indexes:

Attachments: [Exhibit A Grant Agreement](#)

[Exhibit B area map](#)

This Resolution was adopted unanimously.

25. [17-0783R](#) RESOLUTION AUTHORIZING A THREE-YEAR LEASE AGREEMENT WITH THE HILLS YOUTH AND FAMILY SERVICES FOR USE OF SPACE IN THE WASHINGTON RECREATION CENTER FOR ITS YOUTH PROGRAMMING AND RELATED SERVICES.

Indexes:

Attachments: [Exhibit 1](#)

This Resolution was adopted unanimously.

26. [17-0784R](#) RESOLUTION AUTHORIZING A LICENSE AGREEMENT FOR CLIMBING PURPOSES WITH OLIVER MANAGEMENT SERVICES, INC. AND TROPICANA APARTMENTS LIMITED PARTNERSHIP OVER PROPERTY IN THE KENWOOD NEIGHBORHOOD AT NO COST TO THE CITY.

Indexes:

Attachments: [Exhibit 1](#)

[Exhibit 2](#)

This Resolution was adopted unanimously.

27. [17-0785R](#) RESOLUTION AUTHORIZING A LICENSE AGREEMENT FOR PUBLIC RECREATIONAL TRAIL PURPOSES WITH SOBO TROPICANA, LLC OVER PROPERTY IN THE KENWOOD NEIGHBORHOOD AT NO COST TO THE CITY.

Indexes:

Attachments: [Exhibit 1](#)

[Exhibit 2](#)

This Resolution was adopted unanimously.

- 28. [17-0786R](#) RESOLUTION AUTHORIZING A LICENSE AGREEMENT FOR PUBLIC RECREATIONAL TRAIL PURPOSES WITH OLIVER MANAGEMENT SERVICES, INC. AND TROPICANA APARTMENTS LIMITED PARTNERSHIP OVER PROPERTY IN THE KENWOOD NEIGHBORHOOD AT NO COST TO THE CITY.

Indexes:

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

This Resolution was adopted unanimously.

END OF CONSENT AGENDA

END OF CONSENT AGENDA

BY COUNCILOR FOSLE (PUBLIC SAFETY)

BY COUNCILOR FOSLE (PUBLIC SAFETY)

- 29. [17-0789R](#) RESOLUTION AUTHORIZING PROPER CITY OFFICIALS TO ACCEPT A GRANT FROM THE U.S. DEPARTMENT OF JUSTICE, OFFICE ON VIOLENCE AGAINST WOMEN, IN THE TOTAL AMOUNT OF \$433,350 AND AUTHORIZING AN AGREEMENT WITH PROGRAM FOR AID TO VICTIMS OF SEXUAL ASSAULT FOR THEIR PARTICIPATION IN THE OVW FY2017 IMPROVING CRIMINAL JUSTICE RESPONSE TO SEXUAL ASSAULT, DOMESTIC VIOLENCE, DATING VIOLENCE, AND STALKING GRANT PROGRAM.

Indexes:

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

This Resolution was adopted.

INTRODUCTION AND CONSIDERATION OF ORDINANCES

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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)

- 30. [17-058-O](#) AN ORDINANCE AUTHORIZING THE ISSUANCE, SALE AND DELIVERY OF UP TO \$5,000,000 GENERAL OBLIGATION DECC IMPROVEMENT BONDS OF THE CITY OF DULUTH UPON TERMS AND CONDITIONS TO BE PROVIDED BY RESOLUTIONS OF THE CITY COUNCIL.

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)

- 31. [17-053-O](#) AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF DULUTH TO RECLASSIFY PROPERTY ON EAST HOUSE STREET FROM 98TH AVENUE WEST TO 95TH AVENUE WEST FROM R-1 AND MU-B to MU-N; AND ON 95TH AVENUE WEST FROM EAST HOUSE STREET TO EAST GARY STREET FROM MU-B TO R-1.

Indexes:

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

This Ordinance was adopted.

- 32. [17-054-O](#) AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF DULUTH TO RECLASSIFY PROPERTY IN THE GENERAL AREA OF US HIGHWAY 2 AND INTERSTATE 35 AND WEST GATE BOULEVARD AND WEST SKYLINE FROM MU-N TO RR-1 AND R-2

Indexes:

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

This Ordinance was adopted.

33. [17-055-O](#) AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF DULUTH TO RECLASSIFY THE LAKE SUPERIOR COLLEGE CAMPUS ON TRINITY ROAD AND EMERGENCY RESPONSE TRAINING CENTER ON HIGHWAY 23 FROM R-1 AND RR-1 TO MU-I.

Indexes:

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

This Ordinance was adopted.

34. [17-056-O](#) AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF DULUTH TO RECLASSIFY PROPERTY IN THE GENERAL AREA OF CENTRAL ENTRANCE BETWEEN PECAN AVENUE AND MALL DRIVE FROM R-1 TO MU-C.

Indexes:

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

This Ordinance was adopted.

35. [17-057-O](#) AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF DULUTH TO RECLASSIFY PROPERTY IN THE GENERAL AREA OF WEST ARROWHEAD ROAD AND NORTH ARLINGTON ROAD TO R-1, R-2, AND MU-N.

Indexes:

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

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

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

Nay: 1 - Councilor Anderson

COUNCILOR QUESTIONS AND COMMENTS

COUNCILOR QUESTIONS AND COMMENTS

COUNCILOR PREVIEW OF UPCOMING BUSINESS

COUNCILOR PREVIEW OF UPCOMING BUSINESS