



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 9, 2018

7:00 PM

Council Chamber

ROLL CALL

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

PLEDGE OF ALLEGIANCE

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APPROVAL OF MINUTES

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1. [18-081](#) March 26, 2018 - Duluth City Council Meeting Minutes

Indexes:

Attachments: [March 26, 2018 City Council Meeting](#)

This Minutes were approved.

PUBLIC HEARING - 18-0299R RESOLUTION ESTABLISHING TAX INCREMENT FINANCING DISTRICT NO. 30 AND ADOPTING A TAX INCREMENT FINANCING PLAN THEREFOR

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REPORTS FROM THE ADMINISTRATION

REPORTS FROM THE ADMINISTRATION

REPORTS FROM OTHER OFFICERS

REPORTS FROM OTHER OFFICERS

- 2. [18-082](#) Clerk Application for Exempt Permit for Women's Care Center Duluth, Inc. (Raffle at Spirit Mountain for May, 4, 2018)

Indexes:

Attachments: [WOMENS CARE CENTER-03262018100739](#)

This Other Officers Report was approved.

- 3. [18-083](#) Clerk Application for Premise Permit for Irving Community Association for the All American Club

Indexes:

Attachments: [IRVING](#)

This Other Officers Report was approved.

REPORTS OF BOARDS AND COMMISSIONS

REPORTS OF BOARDS AND COMMISSIONS

- 4. [18-073](#) LIBRARY BOARD MINUTES FEBRUARY 7, 2018

Indexes:

Attachments: [Minutes Library Board APPROVED 2018.02.27](#)

This Board or Commission Report was received.

REPORTS OF COUNCIL COMMITTEES

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REPORTS OF COUNCIL OPEN ISSUES

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OPPORTUNITY FOR CITIZENS TO BE HEARD

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CONSENT AGENDA

CONSENT AGENDA

BY COUNCILOR FILIPOVICH (FINANCE)

BY COUNCILOR FILIPOVICH (FINANCE)

- 5. [18-0289R](#) RESOLUTION AUTHORIZING AGREEMENT WITH AIRBNB INC. FOR THE COLLECTION OF HOTEL-MOTEL TAX.

Indexes:

Attachments: [Exhibit A](#)

This Resolution was adopted unanimously

BY COUNCILOR FOSLE (PURCHASING & LICENSING)

BY COUNCILOR FOSLE (PURCHASING & LICENSING)

- 6. [18-0133R](#) RESOLUTION APPROVING THE ISSUANCE OF OFF SALE 3.2 PERCENT MALT LIQUOR LICENSE RENEWALS FOR THE PERIOD BEGINNING MAY,1 2018, AND ENDING APRIL 30, 2019

Indexes:

Attachments: [2018 Off Sale Beer Renewal List](#)

Councilor Hansen - Abstain

This Resolution was adopted unanimously

- 7. [18-0187R](#) RESOLUTION APPROVING THE ISSUANCE OF ON SALE 3.2 PERCENT MALT LIQUOR LICENSE RENEWALS FOR THE PERIOD BEGINNING MAY,1 2018, AND ENDING APRIL 30, 2019

Indexes:

Attachments: [Attachment A](#)

Councilor Hansen - Abstain

This Resolution was adopted unanimously

- 8. [18-0272R](#) 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).

Indexes:

Attachments: [Little Angie's Temp Expansion Grandma's Marathon](#)

Councilor Hansen - Abstain

This Resolution was adopted unanimously

9. [18-0273R](#) RESOLUTION APPROVING ISSUANCE OF A TEMPORARY ON SALE INTOXICATING LIQUOR LICENSE TO MINNESOTA CRAFT BREWERS GUILD, BAYFRONT PARK.

Indexes:

Attachments: [MN Craft Brewer's Guild](#)

Councilor Hansen - Abstain

This Resolution was adopted unanimously.

10. [18-0274R](#) RESOLUTION APPROVING THE TRANSFER OF THE ON SALE WINE AND ON SALE NON INTOXICATING BEER LICENSE FROM JCEBAL COMPANY, 319 WEST SUPERIOR STREET, DULUTH, TO HARALU CORPORATION (DULUTH INDIA PALACE), SAME ADDRESS.

Indexes:

Attachments: [HARALU CORP](#)

Councilor Hansen - Abstain

This Resolution was adopted unanimously.

11. [18-0277R](#) RESOLUTION APPROVING THE TRANSFER OF THE ON SALE INTOXICATING LIQUOR LICENSE AND ON SALE SUNDAY LICENSE FROM CHASER'S OF DULUTH, INC (BEDROCK BAR), 2023 WEST SUPERIOR STREET TO CRAZY UNCLE ENTERTAINMENT, LLC (CADDY SHACK INDOOR GOLF AND PUB), SAME ADDRESS.

Indexes:

Attachments: [Crazy Uncle Entertainment LLC](#)

Councilor Hansen - Abstain

This Resolution was adopted unanimously.

12. [18-0294R](#) RESOLUTION APPROVING THE TEMPORARY EXPANSION OF THE DESIGNATED SERVING AREA OF THE ON SALE BREW LICENSE OF BENT PADDLE BREWING COMPANY, 1912 WEST MICHIGAN STREET

FOR FESTIVERSARY.

Indexes:

Attachments: [Bent Paddle Temp Exp. Festiversary 2018](#)

Councilor Hansen - Abstain

This Resolution was adopted unanimously.

13. [18-0296R](#) RESOLUTION APPROVING THE PERMANENT EXPANSION OF THE ON SALE INTOXICATING LIQUOR LICENSE OF SOUND DULUTH, LLC (SOUND), 132 EAST SUPERIOR STREET, STE 2A, 55802

Indexes:

Attachments: [Attachment A](#)

Councilor Filipovich, Councilor
Hansen - Abstain

This Resolution was adopted unanimously.

BY COUNCILOR ANDERSON (PERSONNEL)

BY COUNCILOR ANDERSON (PERSONNEL)

14. [18-0305R](#) RESOLUTION APPROVING A COLLECTIVE BARGAINING AGREEMENT BETWEEN THE CITY OF DULUTH AND INTERNATIONAL ASSOCIATION OF FIRE FIGHTERS LOCAL 101 FOR THE YEARS 2018-2020.

Indexes:

Attachments: [IAFF Local 101 2018-2020 CBA \(Clean Final\)](#)

[FINAL IAFF Local 101 2018-2020 CBA \(Changes Marked\)](#)

This Resolution was adopted unanimously.

BY COUNCILOR RUSS (PLANNING & ECONOMIC DEVELOPMENT)

BY COUNCILOR RUSS (PLANNING & ECONOMIC DEVELOPMENT)

15. [18-0282R](#) RESOLUTION VACATING THE WESTERLY FIVE FEET OF AN EXISTING UTILITY EASEMENT AT 2130 WATER STREET.

Indexes:

Attachments: [Attachment 1](#)

[Attachment 2](#)

This Resolution was adopted unanimously.

16. [18-0292R](#) RESOLUTION APPROVING A PRE-COMMITMENT OF \$275,000 FISCAL YEAR 2019 FUNDING ALLOCATION TO THE CITY OF DULUTH FROM THE HOUSING AND URBAN DEVELOPMENT (HUD) DEPARTMENT FOR CONSTRUCTION OF THE DECKER DWELLINGS APARTMENTS.

Councilor Hobbs - Abstain

This Resolution was adopted unanimously.

17. [18-0299R](#) RESOLUTION ESTABLISHING TAX INCREMENT FINANCING DISTRICT NO. 30 AND ADOPTING A TAX INCREMENT FINANCING PLAN THEREFOR

Indexes:

Attachments: [Exhibit A - Establishing TIF District - TIF Plan](#)
[EXHIBIT B - TIF Findings](#)

This Resolution was adopted unanimously.

18. [18-0300R](#) RESOLUTION APPROVING A DEVELOPMENT AGREEMENT BETWEEN THE DULUTH ECONOMIC DEVELOPMENT AUTHORITY AND RAMSEY III, LLC FOR THE RAMSEY V TOWNHOME PROJECT

Indexes:

Attachments: [Exhibit A - Development Agmnt](#)
[Exhibit B - Ramsey III TIF Map](#)

This Resolution was adopted unanimously.

19. [18-0310R](#) RESOLUTION RECOGNIZING CLIMATE CHANGE AND URGING CONGRESS TO ADDRESS CLIMATE CHANGE BY CONSIDERING A CARBON FEE AND DIVIDEND.

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 Hansen

Nay: 2 - Councilor Fosle and President Hobbs

BY COUNCILOR HOBBS (PUBLIC WORKS & UTILITIES)

BY COUNCILOR HOBBS (PUBLIC WORKS & UTILITIES)

20. [18-0259R](#) RESOLUTION AUTHORIZING AN AGREEMENT WITH MINNESOTA POWER FOR JOINT CONSTRUCTION OF UTILITIES IN SUPERIOR STREET.

Indexes:

Attachments: [18-0259R Exhibit A](#)

[18-0259R Map](#)

This Resolution was adopted unanimously.

21. [18-0285R](#) RESOLUTION AUTHORIZING AN AGREEMENT WITH BARR ENGINEERING, INC. FOR ENVIRONMENTAL SUPPORT SERVICES DURING THE SUPERIOR STREET RECONSTRUCTION PROJECT IN AN AMOUNT NOT TO EXCEED \$125,000.

Indexes:

Attachments: [18-0285R Exhibit A](#)

[18-0285R Map](#)

This Resolution was adopted unanimously.

BY COUNCILOR VAN NETT (PUBLIC SAFETY)

BY COUNCILOR VAN NETT (PUBLIC SAFETY)

22. [18-0267R](#) RESOLUTION AUTHORIZING PROPER CITY OFFICIALS TO EXECUTE AN AGREEMENT WITH THE MINNESOTA BUREAU OF CRIMINAL APPREHENSION (BCA) FOR THEIR PARTICIPATION IN THE PROJECT ENTITLED "2015 SEXUAL ASSAULT KIT INITIATIVE PROJECT".

Indexes:

Attachments: [18-0267R Exhibit A](#)

[18-0267R Budget Exhibit A](#)

Councilor Westerlund - Abstain

This Resolution was adopted.

23. [18-0283R](#) RESOLUTION AUTHORIZING THE EXECUTION OF A TASK FORCE AGREEMENT BETWEEN THE DULUTH POLICE DEPARTMENT AND

THE UNITED STATES DRUG ENFORCEMENT ADMINISTRATION (DEA)
AND FURTHER AUTHORIZING THE ACCEPTANCE OF
REIMBURSEMENT MONIES FROM THE DEA FOR OVERTIME
EXPENSES INCURRED IN SUPPORT OF THE TASK FORCE.

Indexes:

Attachments: [18-0283 R Exhibit A](#)

This Resolution was adopted.

BY COUNCILOR WESTERLUND (RECREATION, LIBRARIES & AUTHORITIES)

BY COUNCILOR WESTERLUND (RECREATION, LIBRARIES & AUTHORITIES)

24. [18-0268R](#) RESOLUTION ACCEPTING THE DONATION OF
INDIVIDUALLY-PAINTED UNIQUE TILES FROM THE ARROWHEAD
ALLIANCE OF ARTISTS WITH DISABILITIES

Indexes:

Attachments: [Exhibit A - AAAWD-Donation Letter](#)

This Resolution was adopted unanimously.

25. [18-0269R](#) 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.

26. [18-0284R](#) RESOLUTION AUTHORIZING A CONTRACT WITH DIRT INC. FOR DWP
TRAIL INFRASTRUCTURE REHABILITATION FOR AN AMOUNT NOT TO
EXCEED \$130,402.50.

This Resolution was adopted unanimously.

27. [18-0297R](#) RESOLUTION AUTHORIZING AN EIGHTEEN-MONTH LICENSE
AGREEMENT WITH COMMUNITY ACTION DULUTH FOR THE
CONTROL AND REMOVAL OF INVASIVE SPECIES WITHIN MULTIPLE
CITY PARKS AND RECREATIONAL AREAS.

Indexes:

Attachments: [Exhibit 1](#)

Councilor Van Nett & Westerlund - Abstain

This Resolution was adopted unanimously.

- 28. [18-0298R](#) RESOLUTION AUTHORIZING A TWO-YEAR NON-EXCLUSIVE USE AGREEMENT WITH THE COLLEGE OF ST. SCHOLASTICA, INC. FOR USE OF WADE STADIUM.

Indexes:

Attachments: [Exhibit 1](#)

This Resolution was adopted unanimously.

END OF CONSENT AGENDA

END OF CONSENT AGENDA

The following entitled resolutions are also to be considered:

The following entitled resolutions are also to be considered:

BY COUNCILOR FOSLE (PURCHASING & LICENSING)

BY COUNCILOR FOSLE (PURCHASING & LICENSING)

- 29. [18-0295R](#) RESOLUTION APPROVING THE PERMANENT EXPANSION OF THE ON SALE INTOXICATING LIQUOR LICENSE OF THE GREENS DULUTH, INC (THE BREAK ROOM), 501 E 4TH STREET, 55805.

Indexes:

Attachments: [Attachment A](#)

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

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

Nay: 1 - Councilor Westerlund

Abstain: 1 - Hansen

BY COUNCILOR VAN NETT (PUBLIC SAFETY)

BY COUNCILOR VAN NETT (PUBLIC SAFETY)

30. [18-0280R](#) RESOLUTION APPROVING AGREEMENT WITH THE HOUSING AND REDEVELOPMENT AUTHORITY OF DULUTH (HRA) FOR THE SERVICES AND FUNDING OF A PUBLICLY OWNED AND MANAGED HOUSING COMMUNITY BASED POLICE OFFICER FOR THREE YEARS AND ACCEPTING A TOTAL OF \$270,000 TO FUND SAID POSITION.

Indexes:

Attachments: [18-0280 R Document A](#)

[18-0280 R Exhibit A](#)

This Resolution was adopted unanimously.

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)

31. [18-015-O](#) AN ORDINANCE AMENDING SECTIONS 50-37.10.E, CRITERIA FOR INTERIM USE PERMITS, TO INCREASE THE MAXIMUM NUMBER OF VACATION DWELLING UNITS THAT MAY BE PERMITTED.

Indexes:

Attachments: [18-014-O Original Ordinance](#)

This Ordinance was read for the first time.

32. [18-016-O](#) AN ORDINANCE AMENDING SECTIONS 50-37.10.E, CRITERIA FOR INTERIM USE PERMITS, TO LIMIT THE NUMBER OF PERMITS THAT ANY ONE PERSON OR ENTITY COULD HAVE TO THREE VACATION DWELLING UNIT PERMITS AND THREE ACCESSORY VACATION DWELLING UNIT PERMITS.

Indexes:

Attachments: [18-014-O Original Ordinance](#)

This Ordinance was read for the first time.

BY COUNCILOR HOBBS (PUBLIC WORKS & UTILITIES)

BY COUNCILOR HOBBS (PUBLIC WORKS & UTILITIES)

33. [18-017-O](#) ORDINANCE AMENDING CHAPTER 43 OF DULUTH CITY CODE TO CONFORM TO REQUIREMENTS OF WLSSD I & I ORDINANCE AND TO DELETE REFERENCES TO THE CONSENT DECREE, AMENDING SECTIONS 43-11.1, 43-31, 43-33.1 AND 43-31.2 AND BY REPEALING SECTION 43-34 OF THE CODE.

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 PRESIDENT HANSEN (COMMITTEE OF THE WHOLE)

BY PRESIDENT HANSEN (COMMITTEE OF THE WHOLE)

34. [18-009-O](#) ORDINANCE ADDING A NEW CHAPTER 29E TO THE DULUTH CITY CODE ESTABLISHING MINIMUM STANDARDS FOR EARNED SICK AND SAFE TIME IN THE CITY OF DULUTH.

Indexes:

Attachments: [Motion To Amend - Sipress & Russ \(1\) - Removed](#)
[Motion To Amend - Sipress & Russ \(2\) - Passed 8-1](#)
[Motion To Amend - Filipovich - Removed](#)
[Motion To Amend - Westerlund \(1\) - Passed 5-4](#)
[Motion to Amend - Hobbs - Fail 3-6](#)
[Motion to Amend - Hansen.Hobbs - Passed 8-1](#)
[Motion to Amend - Filipovich \(2\) - Removed](#)
[Motion to Amend - Hobbs\(2\) - Failed 4-5](#)
[Motion to Amend - Sipress - Passed 8-0](#)
[Motion to Amend - Anderson.Van Nett - Passed 5-3](#)
[Motion to Amend - Sipress.Westerlund - Passed 7-1](#)
[Motion to Amend - Sipress.Westerlund \(2\) - Passed 8-0](#)
[Motion to Amend - Filipovich \(3\) - Passed 6-2](#)
[Motion to Amend - Hobbs\(3\) - Passed 8-0](#)
[Motion to Amend - Hobbs\(4\) - Passed 8-0](#)
[Motion to Amend - Sipress.Hansen - Removed](#)
[Motion to Amend - Anderson - Passed 5-4](#)
[Motion to Amend - Hansen - Passed 6-3](#)
[18-009-O Original](#)

Ordinance to remain as Second Read

BY COUNCILOR RUSS (PLANNING & ECONOMIC DEVELOPMENT)

BY COUNCILOR RUSS (PLANNING & ECONOMIC DEVELOPMENT)

35. [18-011-O](#) AN ORDINANCE AMENDING SECTIONS 50-37.1.L, ADMINISTRATIVE ADJUSTMENTS, TO ALLOW FOR MORE FLEXIBILITY RELATED TO OFF-STREET PARKING REQUIREMENTS.

Indexes:

Attachments: [Attachment 1](#)

This Ordinance was adopted unanimously.

36. [18-012-O](#) AN ORDINANCE AMENDING SECTIONS 50-26, SCREENING, WALLS, AND FENCES.

Indexes:

Attachments: [Attachment 1](#)

This Ordinance was adopted unanimously.

37. [18-013-O](#) AN ORDINANCE AMENDING SECTIONS 50-19.8 USE TABLE, 50-20.3 COMMERCIAL USES, AND 50-40.6 DEFINITIONS.

Indexes:

Attachments: [Attachment 1](#)

[Attachment 2](#)

This Ordinance was adopted unanimously.

COUNCILOR QUESTIONS AND COMMENTS

COUNCILOR QUESTIONS AND COMMENTS

COUNCILOR PREVIEW OF UPCOMING BUSINESS

COUNCILOR PREVIEW OF UPCOMING BUSINESS