



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, July 15, 2019

7:00 PM

Council Chamber

ROLL CALL

- Present:** 8 - Councilor Gary Anderson, Councilor Zack Filipovich, Councilor Arik Forsman, Councilor Barb Russ, Councilor Joel Sipress, Councilor Renee Van Nett, Councilor Em Westerlund and President Noah Hobbs
- Absent:** 1 - Councilor Jay Fosle

PLEDGE OF ALLEGIANCE

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PUBLIC HEARING - Tax Increment Financing District No. 32

PUBLIC HEARING - Tax Increment Financing District No. 32

PUBLIC HEARING - Property Tax Abatement

PUBLIC HEARING - Property Tax Abatement

REPORTS FROM THE ADMINISTRATION

REPORTS FROM THE ADMINISTRATION

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

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CONSENT AGENDA

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BY PRESIDENT HOBBS (COMMITTEE OF THE WHOLE)

BY PRESIDENT HOBBS (COMMITTEE OF THE WHOLE)

1. [19-0514R](#) RESOLUTION APPROVING SETTLEMENT WITH MARINE IRON & SHIP BUILDING COMPANY IN AN AMOUNT UP TO \$35,000 AND PURSUANT TO TERMS OF SETTLEMENT AGREEMENT.

Indexes:

Attachments: [Exhibit 1-Settlement 7-12-19](#)

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

2. [19-0515R](#) RESOLUTION AUTHORIZING AMENDMENT TO AGREEMENT, AMENDING AGREEMENT DATED JULY 24, 1992 BETWEEN MARINE IRON & SHIP BUILDING COMPANY AND CITY REGARDING THE MINNESOTA SLIP AND ACCEPTANCE OF A QUIT CLAIM DEED FROM MARINE IRON & SHIP BUILDING COMPANY CONVEYING A PORTION OF THE MINNESOTA SLIP TO CITY.

Indexes:

Attachments: [Exhibit 1-Amendment and Deed](#)
[Exhibit 2-Amendment & Deed](#)

This Resolution was adopted unanimously.

Absent: Councilor Fosle

- 3. [19-0517R](#) RESOLUTION REQUESTING THAT THE ADMINISTRATION STUDY STRATEGIES TO IMPLEMENT CORE INVESTMENT AREAS AND TO REPORT TO THE COUNCIL.

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

BY COUNCILOR FOSLE (PURCHASING & LICENSING)

BY COUNCILOR FOSLE (PURCHASING & LICENSING)

- 4. [19-0491R](#) RESOLUTION APPROVING THE RENEWAL OF OFF AND ON SALE INTOXICATING LIQUOR LICENSES FOR THE PERIOD BEGINNING SEPTEMBER 1, 2019, AND ENDING AUGUST 31, 2020.

Indexes:

Attachments: [Attachment A](#)

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

- 5. [19-0492R](#) RESOLUTION APPROVING THE TEMPORARY EXPANSION OF THE DESIGNATED SERVING AREA OF THE ON SALE INTOXICATING LIQUOR LICENSE TO VARIOUS LICENSEES.

Indexes:

Attachments: [Attachment A](#)
[Attachment B](#)
[Attachment C](#)
[Attachment D](#)
[Attachment E](#)
[Attachment F](#)
[Attachment G](#)
[Attachment H](#)

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

- 6. [19-0493R](#) RESOLUTION APPROVING THE PERMANENT EXPANSION OF THE DESIGNATED SERVING AREA OF THE ON SALE INTOXICATING LIQUOR LICENSE OF THE CADDY SHACK INDOOR GOLF & PUB, 2023 W. SUPERIOR ST.

Indexes:

Attachments: [Attachment A](#)

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

- 7. [19-0499R](#) RESOLUTION APPROVING THE TRANSFER OF THE ON SALE INTOXICATING LIQUOR LICENSE, SUNDAY LICENSE, AND 2:00 A.M LICENSE, OF FLAME NIGHTCLUB, INC. (FLAME NIGHTCLUB), 28 NORTH FIRST AVENUE WEST, TO NEW OWNER JDV HOSPITALITY, INC.

Indexes:

Attachments: [Attachment A](#)

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

- 8. [19-0500R](#) RESOLUTION APPROVING THE EXEMPTION OF A RAFFLE PERMIT AND WAIVING THE 60 DAY WAITING PERIOD FOR MILLER-DWAN FOUNDATION.

Indexes:

Attachments: [Attachment A](#)

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

- 9. [19-0501R](#) RESOLUTION APPROVING THE EXEMPTION OF A RAFFLE PERMIT AND WAIVING THE 60 DAY WAITING PERIOD FOR THE EPILEPSY FOUNDATION OF MINNESOTA.

Indexes:

Attachments: [Attachment A](#)

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

BY COUNCILOR FORSMAN (PERSONNEL)

BY COUNCILOR FORSMAN (PERSONNEL)

- 10. [19-0507R](#) RESOLUTION SUPPORTING THE NORTHLAND FOUNDATION'S GRANT APPLICATION TO THE MINNESOTA DEPARTMENT OF EMPLOYMENT AND ECONOMIC DEVELOPMENT FOR A CHILD CARE ECONOMIC DEVELOPMENT GRANT.

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

11. [19-0509R](#) RESOLUTION CONFIRMING THE FOLLOWING APPOINTMENTS TO THE ENERGY PLAN COMMISSION: MINDY GRANLEY, ALISON HOXIE, NATHAN LACOURSIERE, BRIAN HINDERLITER AND GARY OLSON.

This Resolution was adopted unanimously.
Absent: Councilor Fosle

12. [19-0510R](#) RESOLUTION CONFIRMING THE APPOINTMENT OF VALERIE JOECKEL TO THE COMMUNITY DEVELOPMENT COMMITTEE.

This Resolution was adopted unanimously.
Absent: Councilor Fosle

13. [19-0512R](#) RESOLUTION APPROVING A COLLECTIVE BARGAINING AGREEMENT BETWEEN THE CITY OF DULUTH AND AMERICAN FEDERATION OF STATE, COUNTY AND MUNICIPAL EMPLOYEES, MINNESOTA COUNCIL 5, LOCAL 66, FOR CITY OF DULUTH BASIC UNIT EMPLOYEES FOR THE YEARS 2019-2020.

Indexes:

Attachments: [Exhibit A - Final 2019-2020 AFSCME Agreement - clean](#)
[Final 2019-2020 AFSCME Agreement - Red Line](#)

This Resolution was adopted unanimously.
Absent: Councilor Fosle

14. [19-0513R](#) RESOLUTION CONFIRMING THE REAPPOINTMENTS OF EDMUND GLEESON, AARON BRANSKY, AND MICHAEL CASEY TO THE DULUTH TRANSIT AUTHORITY.

This Resolution was adopted unanimously.
Absent: Councilor Fosle

BY COUNCILOR RUSS (PLANNING & ECONOMIC DEVELOPMENT)

BY COUNCILOR RUSS (PLANNING & ECONOMIC DEVELOPMENT)

15. [19-0471R](#) RESOLUTION ADOPTING A MODIFICATION TO THE HOUSING DEVELOPMENT PROJECT \ MUNICIPAL DEVELOPMENT DISTRICT PROGRAM PLAN AND ESTABLISHING TAX INCREMENT FINANCING DISTRICT NO. 32 THEREIN AND ADOPTING A TAX INCREMENT FINANCING PLAN THEREFOR.

Indexes:

Attachments: [EXHIBIT A](#)
[Exhibit B - TIF PLAN - Housing Development Project](#)

This Resolution was adopted unanimously.
Absent: Councilor Fosle

16. [19-0494R](#) RESOLUTION GRANTING AN INTERIM USE PERMIT FOR A VACATION DWELLING UNIT AT 702 SOUTH LAKE AVENUE (JEFF HUOTARI).

Indexes:

Attachments: [Attachment 1](#)

This Resolution was adopted unanimously.
Absent: Councilor Fosle

17. [19-0496R](#) RESOLUTION GRANTING THE RENEWAL OF AN INTERIM USE PERMIT FOR A VACATION DWELLING UNIT AT 13402 WEST THIRD STREET (MATTHEW EVINGSON).

Indexes:

Attachments: [Attachment 1](#)

This Resolution was adopted unanimously.
Absent: Councilor Fosle

18. [19-0497R](#) RESOLUTION GRANTING THE RENEWAL OF AN INTERIM USE PERMIT FOR A VACATION DWELLING UNIT AT 611 WEST SKYLINE PARKWAY (CONNIE AND LEE HOFFMAN).

Indexes:

Attachments: [Attachment 1](#)

This Resolution was adopted unanimously.
Absent: Councilor Fosle

19. [19-0498R](#) RESOLUTION GRANTING THE RENEWAL OF AN INTERIM USE PERMIT FOR A VACATION DWELLING UNIT AT 10 INDUSTRIAL AVENUE (RIVERSIDE RETREAT, LLC).

Indexes:

Attachments: [Attachment 1](#)

This Resolution was adopted unanimously.
Absent: Councilor Fosle

20. [19-0506R](#) RESOLUTION AUTHORIZING A PARKING LEASE AGREEMENT IN THE MEDICAL DISTRICT PARKING RAMP WITH ROERS LAKE & FIRST LLC, RELATED TO THE LAKE & FIRST RESIDENTIAL DEVELOPMENT.

Indexes:

Attachments: [Exhibit 1](#)

This Resolution was adopted unanimously.
Absent: Councilor Fosle

21. [19-0508R](#) RESOLUTION AUTHORIZING AN INTERFUND TRANSFER OF \$250,000 FROM THE COMMUNITY INVESTMENT TRUST FUND TO THE HOUSING INVESTMENT FUND AND EXPENDITURES FROM THE HOUSING INVESTMENT FUND AND COMMUNITY DEVELOPMENT HOUSING REHAB REVOLVING LOAN FUND TO SUPPORT HOUSING REHABILITATION IN THE STRATEGIC IMPROVEMENT AREAS IN THE LINCOLN PARK AND HILLSIDE NEIGHBORHOODS.

Indexes:

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

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

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

Absent: 1 - Councilor Fosle

Abstain: 1 - President Hobbs

BY COUNCILOR FILIPOVICH (PUBLIC WORKS & UTILITIES)

BY COUNCILOR FILIPOVICH (PUBLIC WORKS & UTILITIES)

22. [19-0483R](#) RESOLUTION AMENDING A CONTRACT WITH LHB, INC. TO PROVIDE PROFESSIONAL ENGINEERING FOR THE TRUNK HIGHWAY 53 AND INTERSTATE 35 UTILITY DESIGN SERVICES, TO INCREASE THE AMOUNT BY \$111,452 FOR A NEW TOTAL OF \$232,395.

Indexes:

Attachments: [19-0483R Attachment 1](#)

This Resolution was adopted unanimously.
Absent: Councilor Fosle

23. [19-0503R](#) RESOLUTION OF INTENT FOR CONSTRUCTION OF A SANITARY SEWER EXTENSION TO SERVE LOTS 148, 150, 152, 154, 156, 157, 158, 159, & 160, BLOCK 106 AND LOTS 155, 157, & 159, BLOCK 140, ALL IN DULUTH PROPER THIRD DIVISION, AND TO ASSESS THE COSTS THEREOF.

Indexes:

Attachments: [19-0503R Map](#)
[19-0503R Signed Petition Form 1](#)
[19-0503R Signed Petition Form 2](#)
[19-0503R Signed Petition Form 3](#)

This Resolution was adopted unanimously.
Absent: Councilor Fosle

BY COUNCILOR VAN NETT (PUBLIC SAFETY)

BY COUNCILOR VAN NETT (PUBLIC SAFETY)

24. [19-0505R](#) RESOLUTION AUTHORIZING THE PURCHASE OF 109 PORTABLE RADIOS FROM MOTOROLA SOLUTIONS FOR AN AMOUNT NOT TO EXCEED \$422,961.40

This Resolution was adopted unanimously.
Absent: Councilor Fosle

25. [19-0511R](#) RESOLUTION AUTHORIZING AN AGREEMENT WITH DIVERSION SOLUTIONS, LLC, FOR ADMINISTRATION OF THE DRIVING DIVERSION PROGRAM FOR FOUR YEARS AT NO COST TO THE CITY.

Indexes:

Attachments: [Attachment A](#)

This Resolution was adopted unanimously.
Absent: Councilor Fosle

BY COUNCILOR WESTERLUND (RECREATION, LIBRARIES & AUTHORITIES)

BY COUNCILOR WESTERLUND (RECREATION, LIBRARIES & AUTHORITIES)

26. [19-0470R](#) RESOLUTION AUTHORIZING APPLICATION TO AND, IF OFFERED, ACCEPTANCE OF A \$1,527,909 GREATER MINNESOTA REGIONAL PARKS AND TRAIL COMMISSION GRANT FOR THE GRAND AVENUE NORDIC CENTER AT SPIRIT MOUNTAIN RECREATION AREA.

Indexes:

Attachments: [Exhibit A Memorandum & Signature Page](#)

This Resolution was adopted unanimously.
Absent: Councilor Fosle

27. [19-0489R](#) RESOLUTION AUTHORIZING APPLICATION TO THE UNITED STATES DEPARTMENT OF HOMELAND SECURITY FOR AN ADVANCE ASSISTANCE HAZARD MITIGATION GRANT OF UP TO \$375,000 FOR

COASTAL INFRASTRUCTURE ASSESSMENT.

This Resolution was adopted unanimously.

Absent: Councilor Fosle

- 28. [19-0504R](#) RESOLUTION AUTHORIZING A CONTRACT WITH KRAUS ANDERSON CONSTRUCTION COMPANY FOR CONSTRUCTION MANAGEMENT SERVICES FOR THE LAKE SUPERIOR ZOO POLAR SHORES/BEAR COUNTRY PROJECT IN AN AMOUNT NOT TO EXCEED \$394,675.

Indexes:

- Attachments:** [Exhibit A - Agreement](#)
[Exhibit B for Agreement](#)
[Exhibit C for Agreement](#)
[Exhibit D for Agreement](#)

This Resolution was adopted unanimously.

Absent: Councilor Fosle

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 PRESIDENT HOBBS (COMMITTEE OF THE WHOLE)

BY PRESIDENT HOBBS (COMMITTEE OF THE WHOLE)

- 29. [19-0520R](#) RESOLUTION ASKING THAT THE ENVIRONMENTAL PROTECTION AGENCY STUDY THE USAGE OF HYDROGEN FLUORIDE BY REFINERIES IN THE TWIN PORTS REGION.

Indexes:

- Attachments:** [Attachment A](#)
[Attachment B](#)
[Motion to Amend \(Forsman\) - Passed \(7-1-1\)](#)

This Resolution was adopted as amended.

Yea: 8 - Councilor Anderson, Councilor Filipovich, Councilor Forsman, Councilor Russ, Councilor Sipress, Councilor Van Nett, Councilor Westerlund and President Hobbs

Absent: 1 - Councilor Fosle

BY COUNCILOR RUSS (PLANNING & ECONOMIC DEVELOPMENT)

BY COUNCILOR RUSS (PLANNING & ECONOMIC DEVELOPMENT)

- 30. [19-0472R](#) RESOLUTION APPROVING A DEVELOPMENT AGREEMENT BETWEEN THE DULUTH ECONOMIC DEVELOPMENT AUTHORITY AND THREE D I, LLC, FOR THE DEVELOPMENT OF THE BOARD OF TRADE MULTI-FAMILY RESIDENTIAL AND MIXED USE PROJECT.

Indexes:

Attachments: [Exhibit A - Development Agreement Final 6-27-19](#)
[Exhibit B - DEDA R. 19D-26](#)
[Attachment 1 - Business Subsidy Agreement Pre-approval. June 2019](#)

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

- 31. [19-0502R](#) RESOLUTION RELATING TO A TAX ABATEMENT; GRANTING THE ABATEMENT FOR THE BLUFFS OF DULUTH SENIOR HOUSING CARE PROJECT.

Indexes:

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

**This Resolution was adopted unanimously.
Absent: 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 PRESIDENT HOBBS (COMMITTEE OF THE WHOLE)

BY PRESIDENT HOBBS (COMMITTEE OF THE WHOLE)

- 32. [19-036-O](#) AN ORDINANCE AUTHORIZING THE CONVEYANCE OF A NON-EXCLUSIVE EASEMENT TO MARINE IRON & SHIP BUILDING COMPANY FOR AUTOMOBILE PARKING AND SIGNAGE PURPOSES OVER REAL PROPERTY IN CANAL PARK.

Indexes:

Attachments: [Exhibit 2-Parking Easement Ordinance](#)
[Exhibit 1-Parking Easement 7-12-19](#)

This Ordinance was read for the first time.

BY COUNCILOR RUSS (PLANNING & ECONOMIC DEVELOPMENT)

BY COUNCILOR RUSS (PLANNING & ECONOMIC DEVELOPMENT)

33. [19-035-O](#) AN ORDINANCE GRANTING A CONCURRENT USE PERMIT FOR PARKING IN THE PLATTED STREET RIGHT OF WAY OF SOUTH STREET.

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 RUSS (PLANNING & ECONOMIC DEVELOPMENT)

BY COUNCILOR RUSS (PLANNING & ECONOMIC DEVELOPMENT)

34. [19-034-O](#) AN ORDINANCE DESIGNATING THE LAKE SUPERIOR AND MISSISSIPPI RAILROAD AS A DULUTH HERITAGE PRESERVATION LANDMARK.

Indexes:

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

This Ordinance was adopted unanimously.
Absent: Councilor Fosle

COUNCILOR QUESTIONS AND COMMENTS

COUNCILOR QUESTIONS AND COMMENTS

COUNCILOR PREVIEW OF UPCOMING BUSINESS

COUNCILOR PREVIEW OF UPCOMING BUSINESS

