



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, January 14, 2019

7:00 PM

Council Chamber

ROLL CALL

All Present

PLEDGE OF ALLEGIANCE

PLEDGE OF ALLEGIANCE

ELECTION OF OFFICERS

ELECTION OF OFFICERS

PUBLIC HEARING: State Project No. 6982-328, Local Road Improvements on 46th Avenue West, 27th Avenue West, Garfield Avenue and Railroad Street for the Twin Ports Interchange Project

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REPORTS FROM THE ADMINISTRATION

REPORTS FROM THE ADMINISTRATION

REPORTS FROM OTHER OFFICERS

REPORTS FROM OTHER OFFICERS

1. [19-008](#) MN Department of Health, Quarterly Report

Indexes:

Attachments: [MN Department of Health, Quarterly Report](#)

This Informational Report was received.

REPORTS OF BOARDS AND COMMISSIONS

REPORTS OF BOARDS AND COMMISSIONS

2. [19-004](#) Duluth Parking Commission Meeting Minutes & Resolutions

Indexes:

Attachments: [Duluth Parking Commission 09-07-18](#)

[Duluth Parking Commission 10-19-18](#)

[Duluth Parking Commission Resolutions](#)

This Board or Commission Report was received.

3. [19-005](#) Civil Service Board Meeting Minutes

Indexes:

Attachments: [Civil Service Board 09-04-18](#)

This Board or Commission Report was received.

4. [19-006](#) Duluth Transit Authority Meeting Minutes

Indexes:

Attachments: [Duluth Transit Authority 09-26-18](#)

[Duluth Transit Authority 10-24-18](#)

[Duluth Transit Authority 10-24-18, 2](#)

This Board or Commission Report was received.

- 5. [19-007](#) Spirit Mountain Recreation Area Authority Meeting Minutes

Indexes:

Attachments: [Spirit Mountain Recreation Area Authority 11-15-18](#)

This Board or Commission Report was received.

- 6. [19-009](#) Alcohol, Gambling & Tobacco Commission Meeting Minutes

Indexes:

Attachments: [Alcohol, Gambling & Tobacco Commission 12-06-18](#)

This Board or Commission Report was received.

- 7. [19-010](#) Duluth Entertainment & Convention Center Board Meeting Minutes

Indexes:

Attachments: [DECC Board 09-25-18](#)

[DECC Board 10-30-18](#)

This Board or Commission Report was received.

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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RESOLUTIONS TABLED

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BY COUNCILOR FOSLE (PURCHASING & LICENSING)

BY COUNCILOR FOSLE (PURCHASING & LICENSING)

- 8. [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 was returned to administration.

- 9. [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 was returned to administration.

CONSENT AGENDA

CONSENT AGENDA

BY COUNCILOR FILIPOVICH (FINANCE)

BY COUNCILOR FILIPOVICH (FINANCE)

- 10. [19-0007R](#) RESOLUTION AUTHORIZING AN AGREEMENT WITH SPIRIT MOUNTAIN RECREATION AREA AUTHORITY FOR 2019 IN THE AMOUNT OF \$275,000 FOR OPERATING ASSISTANCE AND \$145,700 FOR ADVENTURE PARK LEASE PAYMENTS.

Indexes:

Attachments: [Exhibit A](#)

This Resolution was adopted unanimously.

- 11. [19-0012R](#) RESOLUTION AUTHORIZING AN AGREEMENT WITH DULUTH TRANSIT AUTHORITY FOR 2019 IN THE AMOUNT OF \$55,000 FOR OPERATION OF THE PORT TOWN TROLLEY.

Indexes:

Attachments: [Exhibit A](#)

This Resolution was adopted unanimously.

BY COUNCILOR FOSLE (PURCHASING & LICENSING)

BY COUNCILOR FOSLE (PURCHASING & LICENSING)

12. [19-0017R](#) RESOLUTION APPROVING THE TRANSFER OF THE ON SALE WINE AND ON SALE NON INTOXICATING BEER LICENSE FROM PAUL JOHNSON (IRON MUG COFFEE HOUSE), 1096 88TH AVE WEST DULUTH, TO LETICA'S IRON MUG, LLC (LETICA'S IRON MUG), SAME ADDRESS.

Indexes:

Attachments: [Attachment A](#)

This Resolution was adopted unanimously.

13. [19-0018R](#) RESOLUTION ISSUING AN ON SALE 3.2 PERCENT NON INTOXICATING MALT LIQUOR LICENSE AND APPROVING ISSUANCE OF AN ON SALE WINE LICENSE TO ARROWSTAR HOSPITALITY PARTNERS, LLC, (DULUTH GRILL) 118 SOUTH 27TH AVENUE WEST.

Indexes:

Attachments: [Duluth Grill](#)

This Resolution was adopted unanimously.

14. [19-0020R](#) RESOLUTION APPROVING ISSUANCE OF A TEMPORARY ON SALE INTOXICATING LIQUOR LICENSE TO THE MINNESOTA BALLET (CELEBRITY DANCE CHALLENGE), 301 WEST FIRST STREET, STE 800.

Indexes:

Attachments: [Minnesota Ballet](#)

This Resolution was adopted unanimously.

15. [19-0038R](#) RESOLUTION IN THE MATTER OF THE ON SALE INTOXICATING LIQUOR LICENSE OF MARTHA'S DAUGHTER, 107 EAST SUPERIOR STREET, DULUTH, MINNESOTA 55802.

Indexes:

Attachments: [Notice of Hearing January 2, 2019 Martha's Daughter
Martha's Daughter Report to Council \(Signed\)](#)

This Resolution was adopted unanimously.

BY COUNCILOR ANDERSON (PERSONNEL)

BY COUNCILOR ANDERSON (PERSONNEL)

16. [19-0031R](#) RESOLUTION APPROVING PROPOSED AMENDMENTS TO THE SPECIFICATIONS FOR THE EXISTING CIVIL SERVICE CLASSIFICATION OF PARKING MANAGER, INCLUDING A TITLE CHANGE TO PARKING SERVICES MANAGER, AND SPECIFYING CONTRACT BENEFITS FOR SAME.

Indexes:

Attachments: [Exhibit A](#)

This Resolution was adopted unanimously.

17. [19-0032R](#) RESOLUTION APPROVING PROPOSED SPECIFICATIONS FOR THE NEW CIVIL SERVICE CLASSIFICATION OF CODE COMPLIANCE OFFICER, AND SPECIFYING CONTRACT BENEFITS FOR SAME.

Indexes:

Attachments: [Exhibit A](#)

This Resolution was adopted unanimously.

19. [19-0037R](#) RESOLUTION APPROVING A COLLECTIVE BARGAINING AGREEMENT BETWEEN THE CITY OF DULUTH AND DULUTH POLICE UNION LOCAL 807 FOR THE YEARS 2018-2020.

Indexes:

Attachments: [Local 807 letter](#)
[2018-2020 CBA Duluth Police Union Local 807 Tentative Agreement-
Changes Marked](#)
[2018-2020 CBA Duluth Police Union Local 807 Tentative Agreement-
Clean Final](#)

This Resolution was adopted unanimously.

BY COUNCILOR RUSS (PLANNING & ECONOMIC DEVELOPMENT)

BY COUNCILOR RUSS (PLANNING & ECONOMIC DEVELOPMENT)

20. [19-0027R](#) RESOLUTION APPROVING AESTHETIC DESIGN CRITERIA FOR APPROVING NEW SMALL CELLULAR WIRELESS FACILITIES.

This Resolution was adopted unanimously.

21. [19-0045R](#) RESOLUTION AUTHORIZING THE PROPER CITY OFFICIALS TO ENTER INTO AN AGREEMENT WITH AND ACCEPT \$878,298.00 IN FUNDS FROM ST. LOUIS COUNTY TO PROVIDE MINNESOTA FAMILY INVESTMENT PROGRAM AND DIVERSIONARY WORK PROGRAM EMPLOYMENT AND TRAINING SERVICES.

Indexes:

Attachments: [City of Duluth 2019 MFIP-DWP Contract 16571](#)

This Resolution was adopted unanimously.

BY COUNCILOR FORSMAN (PUBLIC WORKS & UTILITIES)

BY COUNCILOR FORSMAN (PUBLIC WORKS & UTILITIES)

22. [19-0006R](#) RESOLUTION APPROVING A STATE PROJECT WITHIN THE MUNICIPAL CORPORATE LIMITS FOR IMPROVEMENTS TO GARFIELD AVENUE, RAILROAD STREET, 27TH AVENUE WEST, MICHIGAN STREET AND 46TH AVENUE WEST.

Indexes:

Attachments: [6982 328 Cost Estimate \(003\)](#)
[6982-328 Muncipal Consent request \(003\)](#)
[19-0006R Municipal Consent Plan 2019](#)

This Resolution was adopted unanimously.

23. [19-0015R](#) RESOLUTION AUTHORIZING WORK ORDER 1 TO THE MASTER PARTNERSHIP AGREEMENT WITH MNDOT TO COOPERATIVELY PROVIDE DESIGN SERVICES TO THE DULUTH METRO AREA EVP SIGNAL SYSTEM IN THE AMOUNT OF \$21,936.83.

Indexes:

- Attachments:** [19-0015R Cover Letter](#)
[19-0015R Exhibit 1](#)
[19-0015R Plan Cover Sheet](#)

This Resolution was adopted unanimously.

24. [19-0024R](#) RESOLUTION ACCEPTING PERMANENT UTILITY EASEMENT FROM J & S PARTNERSHIP, LLP OVER PROPERTY NEAR 44TH AVENUE WEST AT NO COST TO THE CITY.

Indexes:

- Attachments:** [Exhibit 1.pdf](#)

This Resolution was adopted unanimously.

25. [19-0025R](#) RESOLUTION ACCEPTING PERMANENT UTILITY EASEMENT FROM WHOLE FOODS COMMUNITY CO-OP, INC. OVER PROPERTY NEAR 44TH AVENUE WEST AT NO COST TO THE CITY.

Indexes:

- Attachments:** [Exhibit 1.pdf](#)

This Resolution was adopted unanimously.

26. [19-0026R](#) RESOLUTION AUTHORIZING AND ACCEPTING AN AMENDED AND RESTATED EASEMENT AGREEMENT WITH J & S PARTNERSHIP, LLP FOR STREET AND UTILITY PURPOSES OVER PROPERTY NEAR 44TH AVENUE WEST AT NO COST TO THE CITY.

Indexes:

- Attachments:** [Exhibit 1.pdf](#)

This Resolution was adopted unanimously.

27. [19-0028R](#) RESOLUTION RECOGNIZING A PORTION OF RAILROAD STREET AS A PUBLIC HIGHWAY DEDICATED TO THE PUBLIC PURSUANT TO MINNESOTA STATUTES SECTION 160.05, SUBDIVISION 1.

Indexes:

- Attachments:** [Exhibit A](#)

This Resolution was adopted unanimously.

28. [19-0030R](#) RESOLUTION RENEWING JOINT POWERS AGREEMENT C20604 WITH DULUTH ENTERTAINMENT AND CONVENTION CENTER AUTHORITY FOR THE OPERATION OF MINNESOTA SLIP PEDESTRIAN DRAW BRIDGE DURING YEAR 2019 FOR AN AMOUNT NOT TO EXCEED \$40,711.50.

This Resolution was adopted unanimously.

BY COUNCILOR VAN NETT (PUBLIC SAFETY)

BY COUNCILOR VAN NETT (PUBLIC SAFETY)

29. [19-0016R](#) RESOLUTION AUTHORIZING THE CITY TO ENTER INTO A JOINT POWERS AGREEMENT ESTABLISHING THE NORTHEAST MINNESOTA EMERGENCY COMMUNICATIONS BOARD.

Indexes:

Attachments: [2018 JPA for Northeast Minnesota Emergency Communications Board](#)

This Resolution was adopted unanimously.

30. [19-0035R](#) RESOLUTION AUTHORIZING THE CITY TO ENTER INTO AN AGREEMENT WITH THE UNITED STATES COAST GUARD TO PROVIDE FIREFIGHTING SERVICES AND SHALLOW WATER RESCUE ASSISTANCE TO THE DULUTH UNITED STATES COAST GUARD STATION AND OBTAIN REIMBURSEMENT FOR CITY EXPENSES

Indexes:

Attachments: [MEMORANDUM OF AGREEMENT FIRE DEPT STA DULUTH](#)

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 FILIPOVICH (FINANCE)

BY COUNCILOR FILIPOVICH (FINANCE)

31. [19-0008R](#) RESOLUTION AUTHORIZING AN AGREEMENT WITH GREAT LAKES AQUARIUM IN THE AMOUNT OF \$360,000.

Indexes:

Attachments: [Exhibit A](#)

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

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

Nay: 1 - Fosle

32. [19-0009R](#) RESOLUTION AUTHORIZING AN AGREEMENT WITH UMD FOR THE CONTINUED PROMOTION OF GLENSHEEN MANSION, IN THE AMOUNT OF \$50,000.

Indexes:

Attachments: [Exhibit A](#)

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

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

Nay: 1 - Fosle

33. [19-0010R](#) RESOLUTION AUTHORIZING AN AGREEMENT WITH THE DEPOT FOUNDATION IN THE AMOUNT OF \$220,000.

Indexes:

Attachments: [Exhibit A](#)

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

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

Nay: 1 - Fosle

34. [19-0011R](#) RESOLUTION AUTHORIZING AN AGREEMENT WITH DULUTH SISTER CITIES INTERNATIONAL, INC., IN THE AMOUNT OF \$40,000.

Indexes:

Attachments: [Exhibit A](#)

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

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

Nay: 1 - Fosle

35. [19-0014R](#) RESOLUTION APPROVING BUDGET AND COST SHARING FORMULA OF MINNEAPOLIS-DULUTH/SUPERIOR AND PASSENGER RAIL ALLIANCE AND AUTHORIZING PAYMENT OF CITY'S COST SHARE OF \$14,725.

Indexes:

Attachments: [Exhibit A](#)

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

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

Nay: 1 - Fosle

BY COUNCILOR ANDERSON (PERSONNEL)

BY COUNCILOR ANDERSON (PERSONNEL)

18. [19-0033R](#) RESOLUTION APPROVING PROPOSED SPECIFICATIONS FOR THE NEW CIVIL SERVICE CLASSIFICATION OF DEPUTY DIRECTOR, PLANNING AND ECONOMIC DEVELOPMENT, AND SPECIFYING CONTRACT BENEFITS FOR SAME.

Indexes:

Attachments: [Exhibit A](#)

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

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

Nay: 2 - Fosle and Councilor Sipress

BY COUNCILOR RUSS (PLANNING & ECONOMIC DEVELOPMENT)

BY COUNCILOR RUSS (PLANNING & ECONOMIC DEVELOPMENT)

36. [19-0019R](#) RESOLUTION AFFIRMING THE PLANNING COMMISSION'S DECISION TO APPROVE A PLANNING REVIEW FOR A 15-ROOM ADDITION AT 1033 MINNESOTA AVENUE.

Indexes:

Attachments: [Attachment A](#)

[Attachment B](#)

[Attachment C](#)

This Resolution failed unanimously.

37. [19-0021R](#) RESOLUTION REVERSING THE PLANNING COMMISSION'S DECISION TO APPROVE A PLANNING REVIEW FOR A 15-ROOM ADDITION AT 1033 MINNESOTA AVENUE.

Indexes:

Attachments: [Attachment A](#)

[Attachment B](#)

[Attachment C](#)

[Attachment D](#)

[Motion To Amend \(Sipress\): Passes 8-1\(Fosle\)](#)

This Resolution was adopted as amended.

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

Nay: 1 - Fosle

38. [19-0022R](#) RESOLUTION AFFIRMING THE PLANNING COMMISSION'S DECISION TO APPROVE A PLANNING REVIEW WITH CONDITIONS FOR A 15-ROOM ADDITION AT 1033 MINNESOTA AVENUE.

Indexes:

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

This Resolution was returned to administration.

- 39. [19-0023R](#) RESOLUTION REVERSING THE PLANNING COMMISSION'S CONDITIONS OF APPROVAL ON A PLANNING REVIEW FOR A 15-ROOM ADDITION AT 1033 MINNESOTA AVENUE.

Indexes:

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

This Resolution was returned to administration.

BY COUNCILOR FORSMAN (PUBLIC WORKS & UTILITIES)

BY COUNCILOR FORSMAN (PUBLIC WORKS & UTILITIES)

- 40. [19-0005R](#) RESOLUTION AMENDING A CONTRACT WITH EVER-GREEN ENERGY, INC. TO PROVIDE ADDITIONAL DESIGN AND CONSTRUCTION INSPECTION SERVICES NECESSARY FOR PHASE TWO OF THE CONVERSION OF THE EXISTING DULUTH ENERGY STEAM SYSTEM TO A HOT WATER SYSTEM, TO INCREASE THE AMOUNT BY \$568,676 FOR A NEW TOTAL OF \$1,756,311.

Indexes:

Attachments: [Exhibit A](#)

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

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

Nay: 1 - Fosle

BY PRESIDENT HOBBS (COMMITTEE OF THE WHOLE)

BY PRESIDENT HOBBS (COMMITTEE OF THE WHOLE)

- 41. [19-0029R](#) RESOLUTION ESTABLISHING THE DATE FOR THE MUNICIPAL PRIMARY ELECTION.

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

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

Nay: 1 - 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 WESTERLUND (RECREATION, LIBRARIES & AUTHORITIES)

BY COUNCILOR WESTERLUND (RECREATION, LIBRARIES & AUTHORITIES)

- 42. [19-002-O](#) ORDINANCE AMENDING CHAPTER 11 OF THE DULUTH CITY CODE TO PROHIBIT THE DISTRIBUTION OF TOBACCO OR TOBACCO RELATED DEVICES TO ANYONE UNDER THE AGE OF 21 YEARS.

This Ordinance was read for the first time and amended.

Motion To Amend: Passed 6-2-1

Y: Councilors Anderson, Forsman, Russ, Sipress, Van Nett & President Hobbs

N: Councilors Filipovich & Westerlund

Absent: Councilor Fosle

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)

- 43. [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 adopted.

Yea: 6 - President Anderson, Councilor Filipovich, Councilor Russ, Westerlund, Councilor Sipress and Hobbs

Nay: 1 - Councilor Van Nett

Absent: 1 - Fosle

COUNCILOR QUESTIONS AND COMMENTS

COUNCILOR QUESTIONS AND COMMENTS

COUNCILOR PREVIEW OF UPCOMING BUSINESS

COUNCILOR PREVIEW OF UPCOMING BUSINESS