



# 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]*

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Monday, July 10, 2017

7:00 PM

Council Chamber

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#### 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. [17-107](#) June 26, 2017 City Council Meeting Minutes

**Indexes:**

**Attachments:** [June 26, 2017 - Council Meeting](#)

**This Minutes was approved.**

REPORTS FROM THE ADMINISTRATION

REPORTS FROM THE ADMINISTRATION

REPORTS FROM OTHER OFFICERS

REPORTS FROM OTHER OFFICERS

REPORTS OF BOARDS AND COMMISSIONS

REPORTS OF BOARDS AND COMMISSIONS

2. [17-108](#) Duluth Transit Authority Meeting Minutes

**Indexes:**

**Attachments:** [04-26-2017 Duluth Transit Authority Meeting Minutes](#)

**This Board or Commission Report was received.**

3. [17-109](#) Duluth Public Utilities Commission Meeting Minutes

**Indexes:**

**Attachments:** [05-16-2017 Duluth Public Utilities Commission Meeting Minutes](#)

**This Board or Commission Report was received.**

4. [17-110](#) Housing Redevelopment Authority Meeting Minutes

**Indexes:**

**Attachments:** [05-30-2017 Housing Redevelopment Authority Meeting Minutes](#)

**This Board or Commission Report was received.**

REPORTS OF COUNCIL COMMITTEES

REPORTS OF COUNCIL COMMITTEES

REPORTS OF COUNCIL OPEN ISSUES

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## OPPORTUNITY FOR CITIZENS TO BE HEARD

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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 FOSLE (PUBLIC SAFETY)

BY COUNCILOR FOSLE (PUBLIC SAFETY)

5. [17-024-O](#) AN ORDINANCE ESTABLISHING SECTION 21.8 OF THE DULUTH CITY CODE RELATED TO TENTS AND CANOPIES

**Indexes:**

**Attachments:** [2015 Minnesota Fire Code - CHAPTER 31- TENTS AND OTHER MEMBRANE STRUCTURES](#)

**This Ordinance was adopted unanimously.**

6. [17-034-O](#) AN ORDINANCE AMENDING SECTION 10-3 RELATED TO VACANT BUILDING REGISTRATION REQUIREMENTS

**Indexes:**

**Attachments:** [Motion To Amend: Filipovich - Passed \(6-1\)](#)  
[Motion To Amend: Sipress - Passed \(8-1\)](#)  
[17-034-O \(Original\)](#)  
[17-034-O \(Original #2\)](#)

**This Ordinance was tabled.**

## RESOLUTIONS TABLED

## RESOLUTIONS TABLED

BY COUNCILOR HANSON (PURCHASING & LICENSING)

BY COUNCILOR HANSON (PURCHASING & LICENSING)

7.     [17-0374R](#)     RESOLUTION AMENDING RESOLUTION 16-0846, ADOPTING LICENSE, PERMIT, FINE, PENALTY, AND OTHER CHARGES FOR 2017, TO REVISE VACANT BUILDING REGISTRATION FEES.

**This Resolution remains on the table.**

8.     [17-0375R](#)     RESOLUTION AMENDING RESOLUTION 16-0846, ADOPTING LICENSE, PERMIT, FINE, PENALTY, AND OTHER CHARGES FOR 2017, TO ESTABLISH TENT, CANOPY, AND TEMPORARY MEMBRANE STRUCTURE PERMIT FEES.

**This Resolution was adopted unanimously.**

#### CONSENT AGENDA

CONSENT AGENDA

BY COUNCILOR HANSEN (FINANCE)

BY COUNCILOR HANSEN (FINANCE)

9.     [17-0505R](#)     RESOLUTION AUTHORIZING APPLICATION TO THE MINNESOTA DEPARTMENT OF EMPLOYMENT AND ECONOMIC DEVELOPMENT FOR \$15,000,000 TO UPGRADE THE STEAM HEATING FACILITY AND SYSTEMS.

**This Resolution was adopted unanimously.**

BY COUNCILOR HANSON (PURCHASING & LICENSING)

BY COUNCILOR HANSON (PURCHASING & LICENSING)

10.    [17-0502R](#)     RESOLUTION APPROVING THE TEMPORARY EXPANSION OF THE DESIGNATED SERVING AREA OF THE ON SALE INTOXICATING LIQUOR LICENSE OF HOSPITALITY ASSOCIATES OF DULUTH (ACES ON 1ST), 113 WEST 1ST STREET.

Indexes:Attachments: [ACES-06282017152546](#)

**This Resolution was adopted unanimously.**

11. [17-0503R](#) RESOLUTION AMENDING RESOLUTION 16-0846, ADOPTING LICENSE, PERMIT, FINE, PENALTY, AND OTHER CHARGES FOR 2017, TO ESTABLISH FEE FOR PUBLIC DATA SEARCH AND RETRIEVAL.

**This Resolution was withdrawn.**

BY COUNCILOR RUSS (PLANNING & ECONOMIC DEVELOPMENT)

BY COUNCILOR RUSS (PLANNING & ECONOMIC DEVELOPMENT)

12. [17-0498R](#) RESOLUTION AUTHORIZING A REDUCTION OF \$2,314 IN FY 2017 HUD EMERGENCY SOLUTIONS GRANT (ESG) PROGRAM.

**This Resolution was adopted unanimously.**

13. [17-0499R](#) RESOLUTION AUTHORIZING AN INCREASE OF \$3,411 IN FY 2017 HUD HOME INVESTMENT PARTNERSHIPS (HOME) PROGRAM.

**This Resolution was adopted unanimously.**

14. [17-0500R](#) RESOLUTION AUTHORIZING AN INCREASE OF \$27,695 IN FY 2017 HUD COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) PROGRAM.

**This Resolution was adopted unanimously.**

15. [17-0501R](#) RESOLUTION VACATING UNDEVELOPED PORTIONS OF CUL DE SAC ON MATTERHORN CIRCLE.

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

**This Resolution was adopted unanimously.**

BY PRESIDENT SIPRESS (COMMITTEE OF THE WHOLE)

BY PRESIDENT SIPRESS (COMMITTEE OF THE WHOLE)

16.     [17-0494R](#)     RESOLUTION ACCEPTING A SPECIAL LAW EXPANDING THE AREA IN WEST DULUTH WHICH DULUTH MAY SPEND REVENUES FROM ITS EXTRA HALF PERCENT FOOD AND BEVERAGE TAX AND EXTRA HALF PERCENT HOTEL AND MOTEL TAX.

**This Resolution was adopted unanimously.**

BY COUNCILOR HOBBS (PUBLIC WORKS & UTILITIES)

BY COUNCILOR HOBBS (PUBLIC WORKS & UTILITIES)

17.     [17-0497R](#)     RESOLUTION AUTHORIZING AN AMENDMENT TO AGREEMENT 22770 WITH SHORT ELLIOTT HENDRICKSON, INC FOR ADDITIONAL SERVICES FOR THE COFFEE CREEK LETTER OF MAP REVISION (LOMR) PROJECT, AN INCREASE OF \$8,689.45, AND A NEW TOTAL AMOUNT NOT TO EXCEED \$45,554.45

Indexes:Attachments: [Exhibit A](#)

**This Resolution was adopted unanimously.**

BY COUNCILOR FOSLE (PUBLIC SAFETY)

BY COUNCILOR FOSLE (PUBLIC SAFETY)

18.     [17-0480R](#)     RESOLUTION AUTHORIZING PROPER CITY OFFICIALS TO EXECUTE AN AGREEMENT WITH THE STATE OF MINNESOTA DEPARTMENT OF TRANSPORTATION (MnDOT) AND THE NORTH EAST EMERGENCY COMMUNICATIONS BOARD FOR THE OPERATION OF

AN 800 MHz COUNTY/REGIONAL INTEGRATED PUBLIC SAFETY  
RADIO COMMUNICATION SUBSYSTEM ("ARMER").

Indexes:

Attachments: [Document A 17-0480](#)

**This Resolution was adopted unanimously.**

BY COUNCILOR WESTERLUND (RECREATION, LIBRARIES & AUTHORITIES)

BY COUNCILOR WESTERLUND (RECREATION, LIBRARIES & AUTHORITIES)

19.     [17-0493R](#)     RESOLUTION ACCEPTING A \$30,000 CONTRIBUTION FROM THE  
DULUTH AREA HORSE TRAIL ALLIANCE FOR EQUESTRIAN TRAIL  
IMPROVEMENTS IN MAGNEY-SNIVELY NATURAL AREA.

Indexes:

Attachments: [Exhibit A map](#)

**This Resolution was adopted unanimously.**

END OF CONSENT AGENDA

END OF CONSENT AGENDA

BY COUNCILOR RUSS (PLANNING & ECONOMIC DEVELOPMENT)

BY COUNCILOR RUSS (PLANNING & ECONOMIC DEVELOPMENT)

20.     [17-0461R](#)     RESOLUTION AFFIRMING THE DECISION OF THE PLANNING  
COMMISSION TO DENY A VARIANCE FROM ENCROACHING INTO  
THE REAR YARD SET BACK TO CONSTRUCT A SCREEN PORCH  
AND DECK BY JAMES MOHN AND HEATHER MUSTER.

Indexes:

Attachments: [Attachment 1](#)

[Attachment 2](#)

[Attachment 3](#)

[Attachment 4](#)

[Attachment 5](#)

**This Resolution was denied.**

21.     [17-0462R](#)     RESOLUTION REVERSING THE DECISION OF THE PLANNING COMMISSION TO DENY A VARIANCE FROM ENCROACHING INTO THE REAR YARD SET BACK TO CONSTRUCT A SCREEN PORCH AND DECK BY JAMES MOHN AND HEATHER MUSTER.

**Indexes:**

**Attachments:**   [Attachment 1](#)

[Attachment 2](#)

[Attachment 3](#)

[Attachment 4](#)

[Attachment 5](#)

**This Resolution was adopted as amended.**

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

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BY COUNCILOR WESTERLUND (RECREATION, LIBRARIES & AUTHORITIES)

BY COUNCILOR WESTERLUND (RECREATION, LIBRARIES & AUTHORITIES)

22.     [17-030-O](#)     AN ORDINANCE CREATING EXCEPTION TO TREE SERVICE LICENSING REQUIREMENT FOR CITY PROJECTS BEYOND THE CAPACITY OF ORDINARY LICENSEES, AMENDING ARTICLE IV OF CHAPTER 35 OF THE DULUTH CITY CODE.

**This Ordinance was read for the first time.**

COUNCILOR QUESTIONS AND COMMENTS

COUNCILOR QUESTIONS AND COMMENTS

COUNCILOR PREVIEW OF UPCOMING BUSINESS

COUNCILOR PREVIEW OF UPCOMING BUSINESS

Meeting adjourned at 7:25 p.m.