



# 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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Tuesday, May 28, 2019

7:00 PM

Council Chamber

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#### ROLL CALL

**Present:** 9 - Councilor Gary Anderson, Councilor Zack Filipovich, Councilor Arik Forsman, Councilor Jay Fosle, Councilor Barb Russ, Councilor Joel Sipress, Councilor Renee Van Nett, Councilor Em Westerlund and President Noah Hobbs

#### PLEDGE OF ALLEGIANCE

#### APPROVAL OF MINUTES

1. [19-122](#) Meeting Minutes of the Duluth City Council

Indexes:

Attachments: [May 13, 2019](#)

These Minutes were approved.

#### REPORTS FROM THE ADMINISTRATION

#### REPORTS FROM OTHER OFFICERS

#### REPORTS OF BOARDS AND COMMISSIONS

2. [19-121](#) Civil Service Board Meeting Minutes

Indexes:

**Attachments:** [2019-03-11, Civil Service Board Meeting Minutes](#)

This Board or Commission Report was received.

3. [19-123](#) Charter Commission Communication

**Indexes:**

**Attachments:** [2019-05-08 Charter Commission Communication](#)

This Board or Commission Report was received.

## REPORTS OF COUNCIL COMMITTEES

## REPORTS OF COUNCIL OPEN ISSUES

Distinguished Artist Award: Ken Bloom

## OPPORTUNITY FOR CITIZENS TO BE HEARD

## RESOLUTIONS TABLED

### BY COUNCILOR RUSS (PLANNING & ECONOMIC DEVELOPMENT)

4. [19-0304R](#) RESOLUTION VACATING A 250 FOOT SECTION OF THE PLATTED RIGHT OF WAY OF JEFFERSON AVENUE BETWEEN FOURTH STREET AND ELINOR STREET, AND A 300 FOOT SECTION OF THE PLATTED ALLEY RUNNING BETWEEN MADISON AVENUE AND JEFFERSON AVENUE.

**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 Westerlund and President Hobbs

**Nay:** 2 - Councilor Fosle and Councilor Van Nett

## CONSENT AGENDA

### BY COUNCILOR FOSLE (PURCHASING & LICENSING)

5. [19-0353R](#) RESOLUTION APPROVING THE EXEMPTION OF A RAFFLE PERMIT AND WAIVING THE 60 DAY WAITING PERIOD FOR COLLEGE OF ST. SCHOLASTICA, INC.

**This Resolution was adopted unanimously.**

6. [19-0354R](#) RESOLUTION AUTHORIZING AN AMENDMENT TO AGREEMENT L30116 WITH TKDA FOR ADDITIONAL ENGINEERING SERVICES FOR THE CITY CENTER WEST HVAC RENOVATION FOR AN INCREASE OF \$12,430 AND A NEW TOTAL AMOUNT NOT TO EXCEED \$62,930.

**Indexes:**

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

**This Resolution was adopted unanimously.**

7. [19-0375R](#) RESOLUTION APPROVING THE EXEMPTION OF A RAFFLE PERMIT AND WAIVING THE 60 DAY WAITING PERIOD FOR ROTARY CLUB OF DULUTH

**This Resolution was adopted unanimously.**

8. [19-0379R](#) RESOLUTION AUTHORIZING A CONTRACT WITH INSIGHT PUBLIC SECTOR, INC. FOR THE PURCHASE OF PERSONAL COMPUTERS AND ACCESSORIES, IN ACCORDANCE WITH THE CITY'S FOUR-YEAR REPLACEMENT PLAN, IN THE AMOUNT OF \$315,422.82.

**This Resolution was adopted unanimously.**

9. [19-0380R](#) RESOLUTION AUTHORIZING A CONTRACT WITH VEIT & COMPANY, INC. FOR PHASE TWO LAKEWALK AND SHORELINE DAMAGE REPAIR FROM 4TH AVENUE EAST TO 7TH AVENUE EAST FOR AN AMOUNT NOT TO EXCEED \$2,353,840.00.

**Indexes:**

**Attachments:** [Exhibit A - Phase 2 Project Location](#)

**This Resolution was adopted unanimously.**

10. [19-0383R](#) RESOLUTION AUTHORIZING A CONTRACT WITH WORKS COMPUTING, INC. FOR THE PURCHASE OF NETWORK SWITCH REPLACEMENTS IN THE AMOUNT OF \$212,503.39.

This Resolution was adopted unanimously.

**BY COUNCILOR FORSMAN (PERSONNEL)**

11. [19-0356R](#) RESOLUTION CONFIRMING THE APPOINTMENT OF DEBBIE ISABELL-NELSON TO THE PARKS AND RECREATION COMMISSION FULFILLING THE DISTRICT 5 POSITION.

This Resolution was adopted unanimously.

12. [19-0371R](#) RESOLUTION APPROVING PROPOSED AMENDMENTS TO THE SPECIFICATIONS FOR THE EXISTING CIVIL SERVICE CLASSIFICATION OF PIPELINE WELDER.

Indexes:

Attachments: [Exhibit A](#)  
[Pipeline Welder \(strikeout\)](#)

This Resolution was adopted unanimously.

13. [19-0378R](#) RESOLUTION APPROVING PROPOSED AMENDMENTS TO THE SPECIFICATIONS FOR THE EXISTING CIVIL SERVICE CLASSIFICATION OF CONSTRUCTION SERVICES MANAGER.

Indexes:

Attachments: [Exhibit A](#)  
[Construction Services Manager \(strikeout\)](#)

This Resolution was adopted unanimously.

**BY COUNCILOR RUSS (PLANNING & ECONOMIC DEVELOPMENT)**

14. [19-0367R](#) RESOLUTION GRANTING AN INTERIM USE PERMIT FOR A VACATION DWELLING UNIT AT 1235 MINNESOTA AVENUE (LAKE VIEW LAND CO.).

Indexes:

Attachments: [Attachment 1](#)

This Resolution was adopted unanimously.

15. [19-0368R](#) RESOLUTION GRANTING AN INTERIM USE PERMIT FOR AN ACCESSORY VACATION DWELLING UNIT AT 1235 MINNESOTA AVENUE (LAKE VIEW LAND CO.).

Indexes:

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

**This Resolution was adopted unanimously.**

16. [19-0369R](#) RESOLUTION VACATING PART OF PLATTED GRAND AVENUE IN THE PLAT OF OAKLAND PARK ADDITION, ALSO KNOWN AS OAKLAND AVENUE, AND RETAINING A UTILITY EASEMENT OVER A PORTION OF THE VACATION AREA.

**Indexes:**

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

[Attachment 2](#)

[Attachment 3](#)

**This Resolution was adopted unanimously.**

17. [19-0370R](#) RESOLUTION GRANTING AN INTERIM USE PERMIT FOR A VACATION DWELLING UNIT AT 124 NORTH HAWTHORNE ROAD (THERESA HANSON).

**Indexes:**

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

**This Resolution was adopted unanimously.**

18. [19-0374R](#) RESOLUTION TO SUPPORT THE REQUEST BY ACCESSIBLE SPACE, INC. TO DULUTH CITY COUNCIL FOR TAX ABATEMENT FOR THE 76-UNIT VAN'S APARTMENT HOUSING DEVELOPMENT.

**Indexes:**

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

**This Resolution was adopted unanimously.**

19. [19-0381R](#) RESOLUTION TO SUPPORT THE REQUEST BY THREE RIVERS COMMUNITY ACTION AND ONE ROOF COMMUNITY HOUSING FOR TAX INCREMENT FINANCING FOR THE 35-UNIT BREWERY CREEK HOUSING DEVELOPMENT (REPLACEMENT).

**This Resolution was adopted unanimously.**

20. [19-0388R](#) RESOLUTION AUTHORIZING A FIRST AMENDMENT TO THE SUB-RECIPIENT FUNDING AGREEMENT WITH SOAR CAREER SOLUTIONS INCREASING THE CONTRACT AMOUNT BY \$8,864 FOR A CONTRACT AMOUNT NOT TO EXCEED \$61,379, EXTENDING THE TERM OF THE AGREEMENT AND AMENDING THE WORK PLAN AND BUDGET.

Indexes:

Attachments: [Exhibit A](#)  
[Attachment 1](#)

This Resolution was adopted unanimously.

21. [19-0389R](#) RESOLUTION AMENDING RESOLUTION NO. 19-0242 AUTHORIZING DEVELOPMENT AGREEMENT WITH DULUTH GOSPEL TABERNACLE RELATED TO THE DEVELOPMENT OF PROPERTY SOUTH OF ARROWHEAD ROAD AND WEST OF ARLINGTON AVENUE.

This Resolution was adopted unanimously.

**BY COUNCILOR VAN NETT (PUBLIC SAFETY)**

22. [19-0359R](#) RESOLUTION AUTHORIZING THE ACCEPTANCE OF AN AWARD FROM THE UNITED STATES DEPARTMENT OF AGRICULTURE, FOREST SERVICE, IN THE AMOUNT OF \$1,750 FOR APPROVED EQUIPMENT REIMBURSEMENT AND FURTHER AUTHORIZING A COOPERATIVE LAW ENFORCEMENT AGREEMENT FOR LAKE SUPERIOR DRUG AND VIOLENT CRIME TASK FORCE OPERATIONS ON NATIONAL FOREST SERVICE LANDS.

Indexes:

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

This Resolution was adopted unanimously.

23. [19-0362R](#) RESOLUTION ACCEPTING UNCONDITIONAL GIFTS FROM PARTHE PRODUCTIONS FOR THE BENEFIT OF THE DULUTH POLICE DEPARTMENT IN 2019.

This Resolution was adopted unanimously.

**BY COUNCILOR WESTERLUND (RECREATION, LIBRARIES & AUTHORITIES)**

24. [19-0293R](#) RESOLUTION AUTHORIZING PERMANENT CLOSURE OF A PORTION OF LINCOLN PARK DRIVE TO VEHICULAR TRAFFIC AS PART OF PARK RESTORATION EFFORTS.

Indexes:

Attachments: [Exhibit 1 Road Removal](#)

This Resolution was adopted unanimously.

25. [19-0294R](#) RESOLUTION AUTHORIZING A TEMPORARY CONSTRUCTION ACCESS AGREEMENT WITH LAMETTI & SONS, INC.
- Indexes:**
- Attachments:** [Exhibit A Agreement](#)  
[Exhibit B access location](#)
- This Resolution was adopted unanimously.
26. [19-0361R](#) RESOLUTION AUTHORIZING THE NOMINATION OF THE ST. LOUIS RIVER CORRIDOR TO THE DULUTH NATURAL AREAS PROGRAM.
- Indexes:**
- Attachments:** [Exhibit A Nomination Report](#)
- This Resolution was adopted unanimously.
27. [19-0365R](#) RESOLUTION AUTHORIZING A TEMPORARY CONSTRUCTION ACCESS AGREEMENT WITH ULLAND BROTHERS, INC.
- Indexes:**
- Attachments:** [Exhibit A Agreement](#)  
[Exhibit B access location](#)
- This Resolution was adopted unanimously.
28. [19-0366R](#) RESOLUTION AUTHORIZING AN AMENDED AND RESTATED LEASE AGREEMENT WITH CRABBY OL' BILLS, INC. FOR OPERATION OF ITS FOOD VENDING SERVICE IN CANAL PARK.
- Indexes:**
- Attachments:** [Exhibit 1](#)
- This Resolution was adopted unanimously.
29. [19-0372R](#) RESOLUTION AUTHORIZING ACCEPTANCE AND EXECUTION OF A HOST SITE AGREEMENT WITH THE MINNESOTA POLLUTION CONTROL AGENCY FOR THE 2019-2020 PROGRAM YEAR MINNESOTA GREENCORPS MEMBER AT NO DIRECT COST TO THE CITY
- Indexes:**
- Attachments:** [Exhibit A](#)
- This Resolution was adopted unanimously.
30. [19-0376R](#) RESOLUTION AUTHORIZING APPLICATION TO AND ACCEPTANCE OF A STATE OF MINNESOTA GRANT OF \$1,800 FOR ARCHERY

EQUIPMENT FOR GROWING PROGRAMMING INITIATIVE.

Indexes:

Attachments: [Exhibit A](#)

This Resolution was adopted unanimously.

31. [19-0377R](#) RESOLUTION AUTHORIZING APPLICATION TO AND ACCEPTANCE OF A MINNESOTA RECREATION AND PARKS FOUNDATION GRANT OF \$2,000 FOR RECREATION EQUIPMENT FOR NEW PROGRAMMING INITIATIVE, MOBILE RECREATION.

Indexes:

Attachments: [Exhibit A](#)

This Resolution was adopted unanimously.

32. [19-0382R](#) RESOLUTION AUTHORIZING A CONTRACT WITH HGA FOR PROFESSIONAL ARCHITECTURAL FINAL DESIGN SERVICES FOR THE LAKE SUPERIOR ZOO POLAR SHORES/BEAR COUNTRY PROJECT IN AN AMOUNT NOT TO EXCEED \$387,740.

Indexes:

Attachments: [Exhibit A](#)

This Resolution was adopted unanimously.

## END OF CONSENT AGENDA

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

### BY COUNCILOR ANDERSON (FINANCE)

33. [19-023-O](#) ORDINANCE REPEALING ARTICLE VI OF CHAPTER 5 OF THE DULUTH CITY CODE, ADOPTING A NEW CHAPTER 14, ARTICLE I, AND NAMING CHAPTER 14 "COMPLEMENTARY AND ALTERNATIVE HEALTHCARE PRACTICES."

This Ordinance was read for the first time.

### BY COUNCILOR RUSS (PLANNING & ECONOMIC DEVELOPMENT)

34. [19-021-O](#) AN ORDINANCE AMENDING SECTION 50-37.10.E, CRITERIA FOR INTERIM USE PERMITS, TO ALLOW AN EXEMPTION FOR VACATION DWELLINGS IN FORM DISTRICTS.



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

This Ordinance was read for the first time.

35. [19-022-O](#) AN ORDINANCE AMENDING THE R-P ZONE REGULATING PLAN FOR RAMSEY VILLAGE AFFECTING SEVEN LOTS ON THE WEST SIDE OF NORTH 53RD AVENUE WEST NORTH OF RAMSEY STREET TO REPLACE THE CURRENTLY ALLOWED BUILDING TYPES WITH BUILDING TYPES I, VI, AND VII THAT ALLOW ONE-FAMILY DETACHED RESIDENTIAL STRUCTURES, FOUR-UNIT MULTI-FAMILY RESIDENTIAL STRUCTURES, AND EIGHT-UNIT MULTI-FAMILY RESIDENTIAL STRUCTURES.

**Indexes:****Attachments:** [Attachment 1 Map](#)  
[Attachment 2 Staff Report](#)

This Ordinance was read for the first time.

**The following entitled ordinances are to be read for the second time:****BY COUNCILOR FORSMAN (PERSONNEL)**

36. [19-020-O](#) ORDINANCE AMENDING SECTION 33-76 OF THE DULUTH CITY CODE, 1959, AS AMENDED, REGARDING THE DULUTH PARKING COMMISSION.

This Ordinance was adopted.

**BY COUNCILOR VAN NETT (PUBLIC SAFETY)**

37. [19-009-O](#) AN ORDINANCE AMENDING ARTICLE VI OF CHAPTER 5 OF THE DULUTH CITY CODE PERTAINING TO MASSAGE THERAPISTS, ESTABLISHMENTS AND LICENSES.

**Indexes:****Attachments:** [Motion to Amend: Anderson \(7-1-1\)](#)  
[Motion to Amend: Anderson \(7-0-2\)](#)

This Ordinance was adopted.

**BY COUNCILOR WESTERLUND (RECREATION, LIBRARIES & AUTHORITIES)**

38. [19-018-O](#) AN ORDINANCE DEDICATING A PERPETUAL TWENTY-FOOT CORRIDOR ACROSS CITY-OWNED PROPERTY FOR THE CROSS

CITY TRAIL PEDESTRIAN AND BIKE PATH.

Indexes:

Attachments: [Exhibit A-final](#)

[Exhibit B-Final](#)

This Ordinance was tabled.

**COUNCILOR QUESTIONS AND COMMENTS**

**COUNCILOR PREVIEW OF UPCOMING BUSINESS**