



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, September 24, 2018

7:00 PM

Council Chamber

ROLL CALL

ROLL CALL

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

Absent: 1 - Councilor Jay Fosle

PLEDGE OF ALLEGIANCE

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APPROVAL OF MINUTES

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1. [18-192](#) Duluth City Council Meeting Minutes - September 10, 2018

Indexes:

Attachments: [City Council Meeting - September 10](#)

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. [18-194](#) Duluth Entertainment and Convention Center Authority Meeting Minutes

Indexes:

- Attachments:** [April 23, 2018 DECC Board Meeting Minutes](#)
[May 15, 2018 DECC Board Meeting Minutes](#)
[May 29, 2018 DECC Board Meeting Minutes](#)
[June 26, 2018 DECC Board Meeting Minutes](#)

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

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BY COUNCILOR FILIPOVICH (FINANCE)

BY COUNCILOR FILIPOVICH (FINANCE)

- 3. [18-0658R](#) RESOLUTION PROPOSING THE SUM TO BE RAISED BY TAXATION FOR THE SPECIAL TAXING DISTRICT, DULUTH TRANSIT AUTHORITY, FOR THE YEAR 2019.

Indexes:

Attachments: [Exhibit A](#)

This Resolution was adopted unanimously.

- 4. [18-0659R](#) RESOLUTION PROPOSING THE SUM TO BE RAISED BY TAXATION FOR THE SPECIAL TAXING DISTRICT, HOUSING AND REDEVELOPMENT AUTHORITY, FOR THE YEAR 2019.

Indexes:

Attachments: [Exhibit A](#)

This Resolution was adopted unanimously.

- 5. [18-0662R](#) RESOLUTION PROPOSING THE SUM TO BE RAISED BY TAXATION FOR THE SPECIAL PARKS FUND LEVY FOR THE YEAR 2019.

This Resolution was adopted unanimously.

BY COUNCILOR FOSLE (PURCHASING & LICENSING)

BY COUNCILOR FOSLE (PURCHASING & LICENSING)

- 6. [18-0673R](#) RESOLUTION APPROVING THE EXEMPTION OF A RAFFLE LICENSE AND WAIVING THE 60 DAY WAITING PERIOD FOR THE DULUTH AMATEUR HOCKEY ASSOCIATION AND DULUTH EAST YOUTH HOCKEY

This Resolution was adopted unanimously.

- 7. [18-0652R](#) RESOLUTION APPROVING ISSUANCE OF A ONE DAY CONSUMPTION AND DISPLAY LICENSE TO UNITARIAN UNIVERSALIST CONGREGATION OF DULUTH.

Indexes:

Attachments: [Attachment A](#)

This Resolution was adopted unanimously.

BY COUNCILOR ANDERSON (PERSONNEL)

BY COUNCILOR ANDERSON (PERSONNEL)

8. [18-0653R](#) RESOLUTION CONFIRMING THE APPOINTMENTS OF LAURIE BERNER AND JENELLE FRESVIK AND MEGHAN WASLEY TO THE COMMISSION ON DISABILITIES

This Resolution was adopted unanimously.

9. [18-0668R](#) RESOLUTION CONFIRMING THE REAPPOINTMENT OF RICK REVOIR TO THE SEAWAY PORT AUTHORITY OF DULUTH.

This Resolution was adopted unanimously.

BY COUNCILOR RUSS (PLANNING & ECONOMIC DEVELOPMENT)

BY COUNCILOR RUSS (PLANNING & ECONOMIC DEVELOPMENT)

10. [18-0608R](#) RESOLUTION AUTHORIZING A SECOND AMENDMENT TO THE 2014 COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM UDAC BUILDING REFORMATION GRANT AGREEMENT WITH UDAC, INC.

Indexes:

Attachments: [Attachment 1](#)

This Resolution was adopted unanimously.

11. [18-0656R](#) RESOLUTION VACATING A 400 FEET SECTION OF A SIXTEEN-FOOT-WIDE PLATTED ALLEY WEST OF NORTH ARLINGTON AVENUE.

Indexes:

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

This Resolution was adopted unanimously.

- 12. [18-0657R](#) RESOLUTION GRANTING AN INTERIM USE PERMIT FOR A VACATION DWELLING UNIT AT 5727 GRAND AVENUE (ANNA AND NATHANAE BAILEY).

Indexes:

Attachments: [Attachment 1](#)

This Resolution was adopted unanimously.

- 13. [18-0666R](#) RESOLUTION RESCINDING RESOLUTION NO. 18-0610 AND VACATING A PORTION OF A SANITARY SEWER EASEMENT IN OUTLOT D OF MORGAN PARK.

Indexes:

Attachments: [Attachment 1](#)

[Attachment 2](#)

This Resolution was adopted unanimously.

BY COUNCILOR FORSMAN (PUBLIC WORKS & UTILITIES)

BY COUNCILOR FORSMAN (PUBLIC WORKS & UTILITIES)

- 14. [18-0663R](#) RESOLUTION ACCEPTING PERMANENT EASEMENT FOR UTILITY PURPOSES FROM 2700 WEST, LLC OVER PROPERTY IN THE LINCOLN PARK NEIGHBORHOOD ADJACENT TO MICHIGAN STREET AND 27TH AVENUE WEST AT NO COST TO THE CITY.

Indexes:

Attachments: [Exhibit 1.pdf](#)

This Resolution was adopted unanimously.

- 15. [18-0664R](#) RESOLUTION OF INTENT TO SELL OR CONVEY CERTAIN REAL PROPERTY IN THE LINCOLN PARK NEIGHBORHOOD.

Indexes:

Attachments: [Exhibit A-Aerial Map](#)

[Exhibit B-Letter of Conformity](#)

This Resolution was adopted unanimously.

BY COUNCILOR WESTERLUND (RECREATION, LIBRARIES & AUTHORITIES)

BY COUNCILOR WESTERLUND (RECREATION, LIBRARIES & AUTHORITIES)

16. [18-0651R](#) RESOLUTION AUTHORIZING AN AGREEMENT WITH THE DULUTH LIBRARY FOUNDATION FORMALIZING THE RELATIONSHIP BETWEEN THE DULUTH LIBRARY FOUNDATION AND THE DULUTH PUBLIC LIBRARY.

Indexes:

Attachments: [Exhibit A.](#)

This Resolution was adopted unanimously.

17. [18-0654R](#) RESOLUTION AUTHORIZING A CONTRACT WITH VEIT & COMPANY, INC. FOR LAKEWALK AND SHORELINE DAMAGE REPAIR FROM 4TH AVENUE EAST TO 7TH AVENUE EAST FOR AN AMOUNT NOT TO EXCEED \$1,184,590.00.

Indexes:

Attachments: [Exhibit A lakewalk repair map](#)

This Resolution was adopted unanimously.

18. [18-0661R](#) RESOLUTION AUTHORIZING ACCEPTANCE OF A CROSS COUNTRY SKI TRAIL ASSISTANCE PROGRAM GRANT AGREEMENT FOR YEAR 2018-2019 WITH THE MINNESOTA DEPARTMENT OF NATURAL RESOURCES IN AN AMOUNT NOT TO EXCEED \$11,000.

Indexes:

Attachments: [City of Duluth Ski GIA FY 19 MG Contract Agreement](#)

This Resolution was adopted unanimously.

19. [18-0667R](#) RESOLUTION AUTHORIZING THE NOMINATION OF HARTLEY PARK FOR THE DULUTH NATURAL AREAS PROGRAM.

Indexes:

Attachments: [Exhibit A](#)

This Resolution was adopted unanimously.

20. [18-0670R](#) RESOLUTION AUTHORIZING A COOPERATIVE AGREEMENT WITH THE STATE OF MINNESOTA TO CROSS THE WILLARD MUNGER STATE TRAIL.

Indexes:

Attachments: [Exhibit 1.pdf](#)

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 VAN NETT (PUBLIC SAFETY)

BY COUNCILOR VAN NETT (PUBLIC SAFETY)

21. [18-0674R](#) RESOLUTION APPROVING THE PURCHASE OF PERSONAL PROTECTIVE EQUIPMENT FOR THE POLICE DEPARTMENT IN THE AMOUNT NOT TO EXCEED \$83,721 UTILIZING CAPITAL EQUIPMENT FUNDS APPROVED BY RESOLUTION 17-0837.

This Resolution was tabled.

BY COUNCILOR FILIPOVICH (FINANCE)

BY COUNCILOR FILIPOVICH (FINANCE)

22. [18-0660R](#) RESOLUTION PROPOSING THE SUM TO BE RAISED BY TAXATION FOR GENERAL PURPOSES FOR THE YEAR 2019.

Indexes:

Attachments: [Motion To Amend: Filipovich/Sipress - Passed \(6-2-1\)](#)
[Motion To Amend: Hobbs/Forsman - Removed](#)

This Resolution was adopted as amended.

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)

- 23. [18-050-O](#) AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF DULUTH TO RECLASSIFY PROPERTY AT 515 NORTH LAKE AVENUE FROM RESIDENTIAL-TRADITIONAL (R-1) TO URBAN-RESIDENTIAL (R-2).

Indexes:

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

This Ordinance was read for the first time.

BY COUNCILOR FORSMAN (PUBLIC WORKS & UTILITIES)

BY COUNCILOR FORSMAN (PUBLIC WORKS & UTILITIES)

- 24. [18-029-O](#) ORDINANCE AMENDING CHAPTER 45 OF THE DULUTH CITY CODE, 1959, AS AMENDED, REPEALING SECTION 45-57.1.

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)

- 25. [18-046-O](#) AN ORDINANCE AMENDING SECTION 50-15.6 MIXED USE WATERFRONT.

Indexes:

Attachments: [Attachment 1](#)

This Ordinance was adopted unanimously.

- 26. [18-047-O](#) AN ORDINANCE AMENDING SECTION 50-39, ENFORCEMENT AND PENALTIES.

Indexes:

Attachments: [Attachment 1](#)

This Ordinance was adopted unanimously.

- 27. [18-048-O](#) AN ORDINANCE AMENDING SECTION 50-21, DIMENSIONAL STANDARDS.

Indexes:

Attachments: [Attachment 1](#)

This Ordinance was adopted unanimously.

- 28. [18-049-O](#) AN ORDINANCE AMENDING SECTIONS 50-23, CONNECTIVITY AND CIRCULATION, 50-20.2 PUBLIC, INSTITUTIONAL, AND CIVIC USES, AND 50-41-9 DEFINITIONS.

Indexes:

Attachments: [Attachment 1](#)

This Ordinance was adopted unanimously.

COUNCILOR QUESTIONS AND COMMENTS

COUNCILOR QUESTIONS AND COMMENTS

Resolution thanking David Montgomery for his service and congratulating him on his retirement.

COUNCILOR PREVIEW OF UPCOMING BUSINESS

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