



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, October 14, 2019

7:00 PM

Council Chamber

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. [19-182](#) Meeting Minutes of the Duluth City Council

Indexes:

Attachments: [City Council Meeting - September 23, 2019](#)

These Minutes were approved.

REPORTS FROM THE ADMINISTRATION

REPORTS FROM OTHER OFFICERS

REPORTS OF BOARDS AND COMMISSIONS

2. [19-178](#) Duluth Transit Authority Meeting Minutes

Indexes:

Attachments: [DTA Meeting Minutes](#)

This Board or Commission Report was received.

3. [19-179](#) Duluth Public Utilities Commission Meeting Minutes & Resolutions

Indexes:

Attachments: [19PUC-001](#)

[19PUC-002](#)

[DPUC Meeting Minutes](#)

This Board or Commission Report was received.

4. [19-180](#) Alcohol, Gambling & Tobacco Commission Meeting Minutes

Indexes:

Attachments: [AGT Meeting Minutes](#)

This Board or Commission Report was received.

5. [19-181](#) Library Board Meeting Minutes

Indexes:

Attachments: [Library Board Meeting Minutes](#)

This Board or Commission Report was received.

REPORTS OF COUNCIL COMMITTEES

REPORTS OF COUNCIL OPEN ISSUES

OPPORTUNITY FOR CITIZENS TO BE HEARD

Stanley Hendricksen spoke regarding sewer payments.

Guy Heide spoke in regards to the Campus Connector Trail Mini-Plan

April Hepokoski and Gay Trachsel spoke in regards to the Bag Ordinance.

CONSENT AGENDA

BY COUNCILOR ANDERSON (FINANCE)

6. [19-0681R](#) RESOLUTION AUTHORIZING \$100,000 PAYMENT TO SPIRIT MOUNTAIN FOR THE FINAL SNOW GUN LEASE PAYMENT AND BUYOUT.

This Resolution was adopted unanimously.

BY COUNCILOR FOSLE (PURCHASING & LICENSING)

7. [19-0692R](#) RESOLUTION APPROVING THE ISSUANCE OF A LAWFUL GAMBLING PREMISE PERMIT TO IRVING COMMUNITY ASSOCIATION

Indexes:

Attachments: [Exhibit A - Premise Permit](#)

This Resolution was adopted unanimously.

8. [19-0694R](#) RESOLUTION APPROVING ISSUANCE OF A TEMPORARY ON SALE INTOXICATING LIQUOR LICENSE TO DULUTH CROSS COUNTRY SKI CLUB.

Indexes:

Attachments: [Exhibit A - Bent Paddle](#)

This Resolution was adopted unanimously.

9. [19-0698R](#) RESOLUTION APPROVING AN EXCLUDED BINGO PERMIT TO SAINT LAWRENCE KNIGHTS OF COLUMBUS COUNCIL #6783

Indexes:

Attachments: [Attachment A](#)

This Resolution was adopted unanimously.

BY COUNCILOR FORSMAN (PERSONNEL)

10. [19-0678R](#) RESOLUTION ELECTING MEMBERS TO THE BOARD OF MANAGERS OF THE DULUTH/NORTH SHORE SANITARY DISTRICT PURSUANT TO MINNESOTA STATUTES, SECTION 442A.14, SUBDIVISION 7.

This Resolution was adopted unanimously.

11. [19-0684R](#) RESOLUTION APPROVING PROPOSED SPECIFICATIONS FOR THE NEW CIVIL SERVICE CLASSIFICATION OF WORKFORCE DEVELOPMENT TECHNICIAN I, AND SPECIFYING CONTRACT BENEFITS FOR SAME.

Indexes:

Attachments: [Exhibit A](#)

This Resolution was adopted unanimously.

12. [19-0685R](#) RESOLUTION APPROVING PROPOSED SPECIFICATIONS FOR THE NEW CIVIL SERVICE CLASSIFICATION OF WORKFORCE DEVELOPMENT TECHNICIAN II, AND SPECIFYING CONTRACT BENEFITS FOR SAME.

Indexes:

Attachments: [Exhibit A](#)

This Resolution was adopted unanimously.

13. [19-0686R](#) RESOLUTION APPROVING PROPOSED SPECIFICATIONS FOR THE NEW CIVIL SERVICE CLASSIFICATION OF BUDGET & GRANT ANALYST, AND SPECIFYING CONTRACT BENEFITS FOR SAME.

Indexes:

Attachments: [Exhibit A](#)

This Resolution was adopted unanimously.

14. [19-0700R](#) RESOLUTION CONFIRMING THE REAPPOINTMENT OF MIKE PENNINGTON TO THE NATURAL RESOURCES COMMISSION.

This Resolution was adopted unanimously.

BY COUNCILOR RUSS (PLANNING & ECONOMIC DEVELOPMENT)

15. [19-0699R](#) RESOLUTION DISCHARGING \$20,731.18 IN DEBT OWED BY CERTAIN PROPERTIES TO CDBG LOAN FUNDS BY NEIGHBORHOOD HOUSING SERVICES.

President Hobbs abstained from this resolution due to employer conflict.

This Resolution was adopted unanimously.

Abstain: President Hobbs

16. [19-0708R](#) RESOLUTION OF INTENT TO SELL OR CONVEY CERTAIN REAL PROPERTY IN THE GARY-NEW DULUTH NEIGHBORHOOD.

Indexes:

Attachments: [Exhibit A](#)

[Exhibit B](#)

This Resolution was adopted unanimously.

17. [19-0709R](#) RESOLUTION OF INTENT TO SELL OR CONVEY CERTAIN REAL PROPERTY IN THE CENTRAL HILLSIDE NEIGHBORHOOD.

Indexes:**Attachments:** [Exhibit A.pdf](#)[Exhibit B.pdf](#)

This Resolution was adopted unanimously.

BY COUNCILOR FILIPOVICH (PUBLIC WORKS & UTILITIES)

18. [19-0658R](#) RESOLUTION AWARDING A CONTRACT TO UNITED PIPING, INC. FOR THE LOWER MICHIGAN STREET GAS MAIN RELOCATION PROJECT IN THE AMOUNT OF \$886,749.50.

Indexes:**Attachments:** [19-0658R Map](#)

This Resolution was adopted unanimously.

19. [19-0675R](#) RESOLUTION AUTHORIZING MNDOT AGREEMENT NO. 1035321 FOR THE BRIGHTON BEACH TRAIL EXTENSION PROJECT UNDER STATE PROJECT NO. 118-090-024 WITH THE CITY MATCHING CONTRIBUTION LIMITED TO \$8,156.40.

Indexes:**Attachments:** [19-0675R Attachment 1](#)[19-0675R Map](#)

This Resolution was adopted unanimously.

20. [19-0683R](#) RESOLUTION AUTHORIZING AN AGREEMENT WITH LHB, INC. FOR PROFESSIONAL ENGINEERING SERVICES FOR THE REPLACEMENT OF BRIDGE L8514 ON ST. ANDREWS STREET OVER TISCHER CREEK IN THE AMOUNT OF \$46,620.

Indexes:**Attachments:** [19-0683R Map](#)[19-0683R Exhibit A](#)[19-0683R LHB Proposal](#)

This Resolution was adopted unanimously.

21. [19-0687R](#) RESOLUTION AMENDING MNDOT AGREEMENT NO. 1034938 FOR GAS MAIN RELOCATIONS ALONG LOWER MICHIGAN STREET IN THE CITY OF DULUTH, TO INCREASE THE AMOUNT BY \$490,906.50 FOR A NEW TOTAL OF \$1,075,346.50.

Indexes:

Attachments: [19-0687R Amendment](#)
[19-0687R Map](#)

This Resolution was adopted unanimously.

22. [19-0688R](#) RESOLUTION AUTHORIZING AN AGREEMENT WITH TKDA FOR PROFESSIONAL ENGINEERING DESIGN AND CONSTRUCTION SERVICES FOR THE 2020 STREET PRESERVATION PROJECT IN THE AMOUNT OF \$206,200.

Indexes:

Attachments: [19-0688R Map - Central](#)
[19-0688R Map - East](#)
[19-0688R Map - West](#)
[19-0688R Exhibit A](#)

This Resolution was adopted unanimously.

23. [19-0689R](#) RESOLUTION ACCEPTING A PERMANENT UTILITY EASEMENT FOR UTILITY PURPOSES FROM LAKEVIEW COVENANT CHURCH OVER, UNDER AND ACROSS PROPERTY LOCATED ON THE CORNER OF JEAN DULUTH ROAD AND GLENWOOD STREET, AT NO COST TO THE CITY.

Indexes:

Attachments: [19-0689R Attachment 1](#)
[19-0689R Map](#)

This Resolution was adopted unanimously.

24. [19-0693R](#) RESOLUTION ACCEPTING PERMANENT EASEMENT FOR STREET AND UTILITY PURPOSES FROM CITYVIEW FLATS, LLC OVER, UNDER, AND ACROSS PROPERTY LOCATED IN THE CENTRAL HILLSIDE NEIGHBORHOOD, AT NO COST TO THE CITY.

Indexes:

Attachments: [Exhibit 1_City View Flats.pdf](#)

This Resolution was adopted unanimously.

25. [19-0695R](#) RESOLUTION ACCEPTING PERMANENT EASEMENT FOR STREET AND UTILITY PURPOSES FROM J&T KOLAR AHW PROPERTIES, LLC OVER, UNDER, AND ACROSS PROPERTY LOCATED IN THE CENTRAL HILLSIDE NEIGHBORHOOD, AT NO COST TO THE CITY.

Indexes:

Attachments: [Exhibit 1_J T Kolar AHW.pdf](#)

This Resolution was adopted unanimously.

26. [19-0696R](#) RESOLUTION ACCEPTING PERMANENT EASEMENT FOR STREET AND UTILITY PURPOSES FROM CASCADE SPRINGS, LLC OVER, UNDER, AND ACROSS PROPERTY LOCATED IN THE CENTRAL HILLSIDE NEIGHBORHOOD, AT NO COST TO THE CITY.

Indexes:

Attachments: [Exhibit 1_Cascade Springs.pdf](#)

This Resolution was adopted unanimously.

27. [19-0697R](#) RESOLUTION ACCEPTING PERMANENT EASEMENT FOR STREET AND UTILITY PURPOSES FROM HILLSIDE RENTALS, LLC OVER, UNDER, AND ACROSS PROPERTY LOCATED IN THE CENTRAL HILLSIDE NEIGHBORHOOD, AT NO COST TO THE CITY.

Indexes:

Attachments: [Exhibit 1_Hillside Rentals.pdf](#)

This Resolution was adopted unanimously.

28. [19-0710R](#) RESOLUTION AUTHORIZING AGREEMENT WITH SMDC MEDICAL CENTER FOR THE DEMOLITION AND RECONSTRUCTION OF THE MEDICAL DISTRICT PARKING RAMP SKYWALK.

Indexes:

Attachments: [Exhibit A](#)

This Resolution was adopted unanimously.

BY COUNCILOR VAN NETT (PUBLIC SAFETY)

29. [19-0676R](#) RESOLUTION AUTHORIZING PROPER CITY OFFICIALS TO ACCEPT A GRANT FROM THE UNITED STATES DEPARTMENT OF HOMELAND SECURITY IN THE AMOUNT OF \$325,956 FOR SECURITY SURVEILLANCE ENHANCEMENTS AND FURTHER AUTHORIZING EXECUTION OF GRANT AGREEMENT.

Indexes:

Attachments: [Exhibit A](#)

This Resolution was adopted unanimously.

30. [19-0682R](#) RESOLUTION AUTHORIZING AN AGREEMENT WITH THE LAKE SUPERIOR TRAFFIC ENFORCEMENT TEAM PARTNER AGENCIES FOR SERVICES UNDER A GRANT FROM THE MINNESOTA DEPARTMENT OF PUBLIC SAFETY FOR THE 2020 TOWARD ZERO

DEATHS PROJECT.

Indexes:**Attachments:** [Exhibit A](#)[Exhibit B](#)[Exhibit C](#)

This Resolution was adopted unanimously.

BY COUNCILOR WESTERLUND (RECREATION, LIBRARIES & AUTHORITIES)

31. [19-0703R](#) RESOLUTION AUTHORIZING THE PURCHASE OF REAL PROPERTY ADJACENT TO SKYLINE PARKWAY FROM THE RICHARD A. PETERSON REVOCABLE TRUST UNDER AGREEMENT DATED DECEMBER 30, 2008 IN THE AMOUNT OF \$400,000, PLUS RELATED COSTS IN AN AMOUNT UP TO \$20,000, FOR A TOTAL AMOUNT NOT TO EXCEED \$420,000.

Indexes:**Attachments:** [Exhibit 1.pdf](#)[Exhibit 2.pdf](#)

This Resolution was adopted unanimously.

32. [19-0704R](#) RESOLUTION AUTHORIZING A TWENTY-FIVE YEAR LEASE AGREEMENT WITH ECOLIBRIUM3 FOR USE OF VACANT LAND IN LINCOLN PARK FOR A SOLAR ARRAY.

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

This Resolution was adopted unanimously.

33. [19-0705R](#) RESOLUTION AUTHORIZING PROPER CITY OFFICIALS TO ACCEPT A DONATION FROM HARTLEY NATURE CENTER CORPORATION OF REAL PROPERTY ADJACENT TO HARTLEY PARK.

Indexes:**Attachments:** [Exhibit 1.pdf](#)[Exhibit 2.pdf](#)[Exhibit 3.pdf](#)

This Resolution was adopted unanimously.

34. [19-0706R](#) RESOLUTION AUTHORIZING A LICENSE AGREEMENT WITH STATE OF MINNESOTA, ACTING BY AND THROUGH THE COMMISSIONER OF THE DEPARTMENT OF NATURAL RESOURCES, TO PERFORM A

COASTAL MARSH RESTORATION PROJECT IN KINGSBURY BAY.

Indexes:

Attachments: [Exhibit 1](#)

This Resolution was adopted unanimously.

END OF CONSENT AGENDA

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

BY COUNCILOR RUSS (PLANNING & ECONOMIC DEVELOPMENT)

35. [19-049-O](#) AN ORDINANCE AMENDING SECTION 50-25.9, TREE PRESERVATION.

Indexes:

Attachments: [Attachment 1](#)

This Ordinance was returned to Administration.

36. [19-050-O](#) AN ORDINANCE AMENDING SECTION 50-14, RESIDENTIAL DISTRICTS, 50-19, PERMITTED USE TABLE, 50-20, USE SPECIFIC STANDARDS, SECTION 50-21, DEVELOPMENT STANDARDS, SECTION 50-41, DEFINITIONS, RELATED TO DWELLINGS AND TINY HOUSES.

Indexes:

Attachments: [Attachment 1](#)

[Attachment 2](#)

[Attachment 3](#)

[Attachment 4](#)

[Attachment 5](#)

This Ordinance was read for the first time.

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

BY COUNCILOR RUSS (PLANNING & ECONOMIC DEVELOPMENT)

37. [19-042-O](#) AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF DULUTH TO RECLASSIFY PROPERTY AT 4250 HAINES ROAD FROM RURAL-RESIDENTIAL (RR-1) TO MIXED USE COMMERCIAL (MU-C).

Indexes:

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

This Ordinance was adopted unanimously.

38. [19-043-O](#) AN ORDINANCE GRANTING ESSENTIA HEALTH A CONCURRENT USE PERMIT FOR PRIVATE ELECTRICAL CONDUITS IN THE PLATTED STREET RIGHT OF WAY OF NORTH FOURTH AVENUE EAST AND EAST FIRST STREET.

Indexes:

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

This Ordinance was adopted unanimously.

39. [19-044-O](#) AN ORDINANCE GRANTING A CONCURRENT USE PERMIT FOR PARKING IN THE PLATTED STREET RIGHT OF WAY OF 54TH AVENUE EAST.

Indexes:

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

This Ordinance was adopted unanimously.

40. [19-045-O](#) AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF DULUTH TO RECLASSIFY APPROXIMATELY TEN ACRES OF PROPERTY ON THE NORTH SIDE OF MARBLE STREET NEAR ROBIN AVENUE FROM RESIDENTIAL-TRADITIONAL (R-1) TO RESIDENTIAL-PLANNED (R-P).

Indexes:

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

This Ordinance was adopted unanimously.

41. [19-047-O](#) AN ORDINANCE GRANTING ESSENTIA HEALTH A CONCURRENT USE PERMIT FOR A PRIVATE ELECTRICAL DUCT BANK IN THE PLATTED STREET RIGHT OF WAY OF NORTH FIFTH AVENUE EAST.

Indexes:

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

This Ordinance was adopted unanimously.

BY COUNCILOR WESTERLUND (RECREATION, LIBRARIES & AUTHORITIES)

42. [19-046-O](#) AN ORDINANCE AMENDING CHAPTER 24 OF THE DULUTH CITY CODE BY ADDING A NEW ARTICLE VII REQUIRING A FIVE CENTS CHARGE FOR CARRYOUT BAGS.

A motion was made that this Ordinance be tabled. The motion carried by the following vote:

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

Nay: 1 - Councilor Fosle

COUNCILOR QUESTIONS AND COMMENTS

COUNCILOR PREVIEW OF UPCOMING BUSINESS