

City of Duluth

411 West First Street
Duluth, Minnesota 55802



Minutes - Final

Monday, June 10, 2019

7:00 PM

Council Chamber

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]

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

PUBLIC HEARING - Public Hearing: Final Layout for State Project No. 6910-106, Trunk Highway 23 (134th Ave. W.), Layout No. 1, S.P. 6910-106.

APPROVAL OF MINUTES

1. [19-149](#) Meeting Minutes of the Duluth City Council

Indexes:

Attachments: [May 28, 2019](#)

These Minutes were approved.

REPORTS FROM THE ADMINISTRATION**REPORTS FROM OTHER OFFICERS**

2. [19-148](#) Office of the State Auditor: Duluth Entertainment and Convention Center Authority

Indexes:

Attachments: [State of Minnesota Office of the State Auditor, Duluth Entertainment and Convention Center Authority](#)

This Other Officers Report was received.

REPORTS OF BOARDS AND COMMISSIONS

3. [19-144](#) Duluth Entertainment and Convention Center Meeting Minutes

Indexes:

Attachments: [2019-02-05, Duluth Entertainment and Convention Center Authority Meeting Minutes](#)
[2019-02-27, Duluth Entertainment and Convention Center Authority Meeting Minutes](#)
[2019-03-27, Duluth Entertainment and Convention Center Authority Meeting Minutes](#)

This Board or Commission Report was received.

4. [19-145](#) Spirit Mountain Recreation Area Authority Meeting Minutes

Indexes:

Attachments: [2019-04-18, Spirit Mountain Recreation Area Authority Meeting Minutes](#)

This Board or Commission Report was received.

5. [19-146](#) Library Board Meeting Minutes

Indexes:

Attachments: [2019-04-23, Library Board Meeting Minutes](#)

This Board or Commission Report was received.

6. [19-147](#) Housing and Redevelopment Area Authority Meeting Minutes

Indexes:

Attachments: [2019-06-03, Housing and Redevelopment Authority Meeting Minutes](#)

This Board or Commission Report was received.

REPORTS OF COUNCIL COMMITTEES

REPORTS OF COUNCIL OPEN ISSUES

OPPORTUNITY FOR CITIZENS TO BE HEARD

CONSENT AGENDA

The Consent Agenda was adopted unanimously.

BY COUNCILOR ANDERSON (FINANCE)

7. [19-0394R](#) RESOLUTION CONFIRMING ASSESSMENT ROLL LEVIED FOR REASSESSMENT OF PRIOR CANCELED ASSESSMENTS.

Indexes:

Attachments: [Exhibit A](#)

This Resolution was adopted unanimously.

8. [19-0395R](#) RESOLUTION DETERMINING NOT TO REASSESS PARCELS FOR CANCELED ASSESSMENTS IN THE AMOUNT OF \$5,543.49.

Indexes:

Attachments: [Exhibit A](#)

This Resolution was adopted unanimously.

BY COUNCILOR FOSLE (PURCHASING & LICENSING)

9. [19-0416R](#) RESOLUTION APPROVING THE TEMPORARY EXPANSION OF THE DESIGNATED SERVING AREA OF THE ON SALE INTOXICATING LIQUOR LICENSE TO VARIOUS LICENSEES.

Indexes:

- Attachments:** [BENT PADDLE ATTACHMENT E](#)
[EVOL ATTACHMENT A](#)
[LEMONS REEF ATTACHMENT C](#)
[PLAYERS ATTACHMENT B](#)
[SIR BEN'S ATTACHMENT D](#)

This Resolution was adopted unanimously.

10. [19-0418R](#) RESOLUTION APPROVING THE TRANSFER OF STOCK OF THE ON SALE INTOXICATING LIQUOR LICENSE AND ON SALE SUNDAY LICENSE OF VA BENE INC. (VA BENE CAFÉ), 734 EAST SUPERIOR STREET.

This Resolution was adopted unanimously.

11. [19-0419R](#) RESOLUTION APPROVING ISSUANCE OF TEMPORARY ON SALE INTOXICATING LIQUOR LICENSES TO VARIOUS LICENSEES

This Resolution was adopted unanimously.

12. [19-0420R](#) RESOLUTION APPROVING THE PERMANENT EXPANSION OF THE LICENSE PREMISES OF THE ON SALE WINE AND ON SALE 3.2 % MALT LIQUOR LICENSE OF DOVETAIL CAFÉ AND MARKETPLACE, 1917 WEST SUPERIOR STREET

This Resolution was adopted unanimously.

13. [19-0421R](#) RESOLUTION APPROVING THE TRANSFER OF STOCK OF THE ON SALE INTOXICATING LIQUOR LICENSES AND ON SALE SUNDAY LICENSES OF OWNER BRYAN FLAHERTY.

This Resolution was adopted unanimously.

14. [19-0425R](#) RESOLUTION APPROVING ISSUANCE OF AN ON SALE INTOXICATING LIQUOR LICENSE TO WEST THEATER, LLC (WEST

THEATER), 319 NORTH CENTRAL AVENUE.

This Resolution was adopted unanimously.

- 15. [19-0426R](#) RESOLUTION APPROVING ISSUANCE OF AN ON SALE INTOXICATING LIQUOR LICENSE TO NORTHRIDGE ASSETS, LLC (TRU BY HILTON), 503 CLEARWOOD DRIVE, 55811.

This Resolution was adopted unanimously.

BY COUNCILOR FORSMAN (PERSONNEL)

- 16. [19-0390R](#) RESOLUTION CONFIRMING THE FOLLOWING APPOINTMENTS TO THE NATURAL RESOURCES COMMISSION: BRANDON KRUMWIEDE, JOHN LINDGREN, MIKE SCHRAGE AND NANCY SCHULDT.

This Resolution was adopted unanimously.

- 18. [19-0400R](#) RESOLUTION CONFIRMING THE REAPPOINTMENT OF DON NESS TO THE ENTERTAINMENT AND CONVENTION CENTER AUTHORITY.

This Resolution was adopted unanimously.

- 19. [19-0427R](#) RESOLUTION APPROVING PROPOSED SPECIFICATIONS FOR THE NEW CIVIL SERVICE CLASSIFICATION OF SENIOR TRANSPORTATION PLANNER, AND SPECIFYING CONTRACT BENEFITS FOR SAME.

Indexes:

Attachments: [Exhibit A](#)

This Resolution was adopted unanimously.

- 20. [19-0428R](#) RESOLUTION APPROVING PROPOSED AMENDMENT TO THE TITLE OF THE EXISTING CIVIL SERVICE CLASSIFICATION OF GAS CONTROL SUPERVISOR TO GAS OPERATIONS SUPERVISOR.

Indexes:

Attachments: [Exhibit A](#)
[Gas Control Supervisor \(strikeout\)](#)

This Resolution was adopted unanimously.

BY PRESIDENT HOBBS (COMMITTEE OF THE WHOLE)

22. [19-0436R](#) RESOLUTION APPROVING LAWS OF MINNESOTA, 2019 1ST SPECIAL SESSION, CHAPTER 6, ARTICLE 10, SECTION 7.

This Resolution was adopted unanimously.

BY COUNCILOR FILIPOVICH (PUBLIC WORKS & UTILITIES)

23. [19-0352R](#) RESOLUTION APPROVING A STATE PROJECT WITHIN THE MUNICIPAL CORPORATE LIMITS FOR IMPROVEMENTS TO TRUNK HIGHWAY 23 AND 134TH AVENUE WEST.

Indexes:

Attachments: [19-0352R Request for Approval](#)
[19-0352R Final Layout](#)

This Resolution was adopted unanimously.

24. [19-0360R](#) RESOLUTION AUTHORIZING AN AGREEMENT WITH ST. LOUIS COUNTY TO REMOVE EXISTING EMERGENCY VEHICLE PREEMPTION (EVP) SYSTEMS AND INSTALL NEW EVP SYSTEMS ON TRAFFIC CONTROL SIGNAL SYSTEMS IN THE CITY OF DULUTH.

Indexes:

Attachments: [Exhibit A - Agreement](#)

This Resolution was adopted unanimously.

25. [19-0401R](#) RESOLUTION AUTHORIZING AN AGREEMENT WITH MNDOT TO MAINTAIN AND OPERATE THE EMERGENCY VEHICLE PREEMPTION (EVP) SYSTEMS INSTALLED ON DULUTH/STATE SIGNAL SYSTEMS, AS PART OF THE EVP PROJECT, IN THE CITY OF DULUTH.

Indexes:

Attachments: [19-0401R Exhibit A](#)

This Resolution was adopted unanimously.

26. [19-0402R](#) RESOLUTION AUTHORIZING THE PURCHASE OF A COMPLETE LIFT TRUCK FROM ALTEC INDUSTRIES, INC. IN THE AMOUNT OF \$206,443.

This Resolution was adopted unanimously.

27. [19-0405R](#) RESOLUTION AWARDED A CONTRACT TO HANCO UTILITIES, INC. FOR THE WOODLAND AVENUE GAS MAIN REPLACEMENT

PROJECT PHASE 2 IN THE AMOUNT OF \$410,862.

Indexes:

Attachments: [19-0405R Map](#)

This Resolution was adopted unanimously.

28. [19-0407R](#) RESOLUTION AWARDING A CONTRACT TO THE JAMAR COMPANY FOR THE LAKEWOOD WATER TREATMENT PLANT FILTER BUILDING ROOF REPLACEMENT PROJECT IN THE AMOUNT OF \$524,650.

Indexes:

Attachments: [19-0407R Map](#)

This Resolution was adopted unanimously.

29. [19-0408R](#) RESOLUTION AWARDING A CONTRACT TO NORTHLAND CONSTRUCTORS OF DULUTH, LLC FOR THE HARBOR DRIVE OVERLAY PROJECT IN THE AMOUNT OF \$164,000.

Indexes:

Attachments: [19-0408R Map](#)

This Resolution was adopted unanimously.

BY COUNCILOR VAN NETT (PUBLIC SAFETY)

30. [19-0409R](#) RESOLUTION AUTHORIZING AN AGREEMENT WITH THE UNIVERSITY OF MINNESOTA-DULUTH POLICE DEPARTMENT FOR DWI FINE REVENUE ALLOCATION.

Indexes:

Attachments: [Exhibit A](#)

This Resolution was adopted unanimously.

BY COUNCILOR WESTERLUND (RECREATION, LIBRARIES & AUTHORITIES)

31. [19-0393R](#) RESOLUTION AUTHORIZING AN AGREEMENT WITH TRC ENVIRONMENTAL CORPORATION FOR PROFESSIONAL ENGINEERING SERVICES FOR OCTOBER 2018 DULUTH LAKEWALK AND SHORELINE DAMAGE FOR AN AMOUNT NOT TO EXCEED \$575,571.00.

Indexes:

Attachments: [Exhibit A](#)

This Resolution was adopted unanimously.

32. [19-0399R](#) RESOLUTION AUTHORIZING A FIRST AMENDMENT TO SUBGRANT AGREEMENT 23662 WITH THE SOUTH ST. LOUIS SOIL AND WATER CONSERVATION DISTRICT FOR MODIFICATION OF THE PAYMENT SCHEDULE FOR A FY 2019 CLEAN WATER FUND GRANT PROGRAM.

Indexes:

Attachments: [Exhibit A JPA amendment](#)

This Resolution was adopted unanimously.

33. [19-0413R](#) RESOLUTION AUTHORIZING AN AMENDMENT TO AGREEMENT L30117 WITH BARR ENGINEERING CO FOR ADDITIONAL PROFESSIONAL SERVICES FOR LINCOLN PARK PHASE I ARCHEOLOGICAL AND CULTURAL RESOURCE SURVEY FOR AN INCREASE OF \$13,025.67 AND A NEW TOTAL AMOUNT NOT TO EXCEED \$49,525.67.

Indexes:

Attachments: [Exhibit A amendment](#)

This Resolution was adopted unanimously.

34. [19-0422R](#) RESOLUTION AUTHORIZING THE CITY TO ENTER INTO A JOINT POWERS AGREEMENT WITH THE MINNESOTA POLLUTION CONTROL AGENCY AND ACCEPT \$100,000 FOR E-COLI ASSESSMENTS AT KEENE AND TISCHER CREEK, AWARDED SAID FUNDS TO BURNS & MCDONNELL FOR COMPLETION OF THE WORKPLAN.

Indexes:

Attachments: [exhibit A JPA agreement](#)
[exhibit B workplan](#)

This Resolution was adopted unanimously.

END OF CONSENT AGENDA

BY COUNCILOR RUSS (PLANNING & ECONOMIC DEVELOPMENT)

21. [19-0423R](#) RESOLUTION VACATING ALL OF THE SKYWALK EASEMENTS WITHIN THE MINNESOTA POWER BUILDING, 30 WEST SUPERIOR STREET, AND ACCEPTING DEDICATION OF A REPLACEMENT SKYWALK EASEMENT OVER A STAIRWAY FROM THE EXISTING SKYWALK BRIDGE OVER SUPERIOR STREET TO THE SUPERIOR

STREET LEVEL OF THE BUILDING.

Indexes:**Attachments:** [Attachment 1](#)[Attachment 2](#)[Attachment 3](#)**This Resolution was adopted by the following vote:****Yea:** 8 - Councilor Anderson, Councilor Filipovich, Councilor Fosle, Councilor Russ, Councilor Sipress, Councilor Van Nett, Councilor Westerlund and President Hobbs**Nay:** 1 - Councilor Forsman**ORDINANCES TABLED****BY COUNCILOR WESTERLUND (RECREATION, LIBRARIES & AUTHORITIES)**

Ordinance remains on the table

35. [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](#)

This Ordinance was tabled.

The following entitled ordinances are to be read for the first time:**BY PRESIDENT HOBBS (COMMITTEE OF THE WHOLE)**

36. [19-028-O](#) ORDINANCE IMPOSING AN ADDITIONAL SALES TAX OF ONE-HALF OF ONE PERCENT TO FUND PROJECTS LISTED IN THE STREET IMPROVEMENT PLAN APPROVED AUGUST 8, 2017.

This Ordinance was read for the first time.

BY COUNCILOR ANDERSON (FINANCE)

37. [19-027-O](#) ORDINANCE AMENDING THE BUDGET OF THE CITY OF DULUTH FOR 2019 BY INCREASING THE BUDGET BY \$700,000 TO COMPLETE THE MINNESOTA SLIP PROJECT INCLUDING THE RETURN OF THE WILLIAM A IRVIN.

This Ordinance was read for the first time.

BY COUNCILOR RUSS (PLANNING & ECONOMIC DEVELOPMENT)

38. [19-024-O](#) AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF DULUTH TO RECLASSIFY PROPERTY BETWEEN EAST SUPERIOR STREET AND EAST SECOND STREET, AND BETWEEN THIRD AVENUE EAST AND EIGHTH AVENUE EAST, TO MIXED USE-NEIGHBORHOOD (MU-N) AND MIXED USE-INSTITUTIONAL (MU-I).

Indexes:

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

This Ordinance was read for the first time.

39. [19-025-O](#) AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF DULUTH TO RECLASSIFY PROPERTIES BETWEEN EAST SECOND STREET AND EAST THIRD STREET, AND BETWEEN SIXTH AVENUE EAST AND NINTH AVENUE EAST, FROM RESIDENTIAL-URBAN (R-2) TO MIXED USE NEIGHBORHOOD (MU-N).

Indexes:

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

This Ordinance was read for the first time.

40. [19-026-O](#) AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF DULUTH TO RECLASSIFY PROPERTIES BETWEEN EAST NINTH STREET ALLEY AND EAST SKYLINE PARKWAY, AND BETWEEN FOURTH AVENUE EAST AND SEVENTH AVENUE EAST, FROM RESIDENTIAL-TRADITIONAL (R-1), TO PARK AND OPEN SPACE (P-1) AND MIXED USE NEIGHBORHOOD (MU-N).

Indexes:

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

This Ordinance was read for the first time.

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

BY COUNCILOR ANDERSON (FINANCE)

41. [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 adopted unanimously.

BY COUNCILOR RUSS (PLANNING & ECONOMIC DEVELOPMENT)

42. [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 adopted unanimously.

43. [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 adopted unanimously.

COUNCILOR QUESTIONS AND COMMENTS

COUNCILOR PREVIEW OF UPCOMING BUSINESS