



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, December 10, 2018

7:00 PM

Council Chamber

ROLL CALL

ROLL CALL

Present: 10 - Councilor Gary Anderson, Councilor Zack Filipovich, Councilor Arik Forsman, Councilor Arik Forsman, Councilor Jay Fosle, Councilor Barb Russ, Councilor Joel Sipress, Councilor Em Westerlund, Councilor Renee Van Nett and President Noah Hobbs

PLEDGE OF ALLEGIANCE

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APPROVAL OF MINUTES

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1. [18-228](#) Duluth City Council Meeting Minutes

Indexes:

Attachments: [November 13, 2018 City Council Meeting](#)
[November 19, 2018 City Council Meeting](#)

These Minutes were approved.

PUBLIC HEARINGS - Truth in Taxation, Capital Improvement Plan & Bonds

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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. [18-230](#) Duluth Public Utilities Commission Meeting Minutes

Indexes:

Attachments: [DPUC - Meeting Minutes 10.26.2018](#)

This Board or Commission Report was received.

3. [18-231](#) Duluth Human Rights Commission Meeting Minutes

Indexes:

Attachments: [Duluth Human Rights Commission 10.10.18 Minutes](#)

This Board or Commission Report was received.

4. [18-232](#) Housing and Redevelopment Authority Meeting Minutes

Indexes:

Attachments: [HRA - Meeting Minutes](#)

This Board or Commission Report was received.

5. [18-233](#) Library Board Meeting Minutes

Indexes:

Attachments: [Minutes Library Board 2018.09.25](#)
[Minutes Library Board 2018.10.23](#)

This Board or Commission Report was received.

- 6. [18-234](#) Alcohol, Gambling & Tobacco Commission Meeting Minutes

Indexes:

Attachments: [AGTNovember 2018 Minutes](#)

This Board or Commission Report was received.

REPORTS OF COUNCIL COMMITTEES

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REPORTS OF COUNCIL OPEN ISSUES

REPORTS OF COUNCIL OPEN ISSUES

OPPORTUNITY FOR CITIZENS TO BE HEARD

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RESOLUTIONS TABLED

RESOLUTIONS TABLED

BY COUNCILOR FOSLE (PURCHASING & LICENSING)

BY COUNCILOR FOSLE (PURCHASING & LICENSING)

- 7. [18-0763R](#) RESOLUTION AFFIRMING DECISION OF THE BUILDING APPEAL BOARD AND CITY BUILDING OFFICIAL TO REQUIRE CHESTER CREEK HOUSING COOPERATIVE ASSOCIATION TO OBTAIN A RENTAL LICENSE FOR ITS PROPERTY LOCATED AT 1306 EAST SECOND STREET.

This Resolution was tabled.

- 8. [18-0764R](#) RESOLUTION REVERSING DECISION OF THE BUILDING APPEAL BOARD AND CITY BUILDING OFFICIAL TO REQUIRE CHESTER CREEK HOUSING COOPERATIVE ASSOCIATION TO OBTAIN A RENTAL LICENSE FOR ITS PROPERTY LOCATED AT 1306 EAST SECOND STREET.

This Resolution was tabled.

CONSENT AGENDA

CONSENT AGENDA

BY COUNCILOR FILIPOVICH (FINANCE)

BY COUNCILOR FILIPOVICH (FINANCE)

- 9. [18-0794R](#) RESOLUTION APPROVING CAPITAL IMPROVEMENT PLAN AND STATING INTENT TO ISSUE GENERAL OBLIGATION CAPITAL IMPROVEMENT BONDS UNDER MINNESOTA STATUTES, SECTION 475.521.

This Resolution was adopted unanimously.

- 10. [18-0795R](#) RESOLUTION OF THE CITY OF DULUTH, MINNESOTA, STATING THE INTENT TO ISSUE GENERAL OBLIGATION CAPITAL EQUIPMENT NOTES, SERIES 2019 IN THE APPROXIMATE AMOUNT OF \$3,500,000, AND APPROVING THE CAPITAL EQUIPMENT LIST ASSOCIATED WITH THE NOTES.

Indexes:

Attachments: [Exhibit A](#)

This Resolution was adopted unanimously.

- 11. [18-0810R](#) RESOLUTION ESTABLISHING ANNUAL BONDING PLAN FOR 2019.

Indexes:

Attachments: [Exhibit A](#)

This Resolution was adopted unanimously.

BY COUNCILOR FOSLE (PURCHASING & LICENSING)

BY COUNCILOR FOSLE (PURCHASING & LICENSING)

12. [18-0782R](#) RESOLUTION APPROVING THE APPLICATION FOR THE ISSUANCE OF AN OFF SALE INTOXICATING LIQUOR LICENSE FROM DAWN AND MARK MORAN, LAKESIDE LIQUORS, INC. (DBA LAKESIDE LIQUORS), 4507 EAST SUPERIOR STREET.

Indexes:

Attachments: [Lakeside Liquor](#)

This Resolution was adopted unanimously.

13. [18-0783R](#) RESOLUTION APPROVING THE APPLICATION FOR THE ISSUANCE OF AN OFF SALE INTOXICATING LIQUOR LICENSE FROM SHANE STOKKE, DM STOKKE INC. (DBA STOKKE'S LIQUOR STORE), 5631 EAST SUPERIOR STREET.

Indexes:

Attachments: [Stokke's Liquor Store](#)

This Resolution was adopted unanimously.

14. [18-0799R](#) RESOLUTION AUTHORIZING AN INCREASE TO A MASTER SERVICES AGREEMENT WITH EPC ENGINEERING & TESTING, FOR PROFESSIONAL GEOTECHNICAL AND MATERIAL TESTING SERVICES FOR A TOTAL CONTRACT AMOUNT NOT TO EXCEED \$325,000.

Indexes:

Attachments: [Exhibit A](#)

This Resolution was adopted unanimously.

BY COUNCILOR ANDERSON (PERSONNEL)

BY COUNCILOR ANDERSON (PERSONNEL)

- 15. [18-0747R](#) RESOLUTION CONFIRMING THE APPOINTMENTS OF GAGE HARTMAN TO THE SPIRIT MOUNTAIN RECREATION AREA AUTHORITY.

This Resolution was adopted unanimously.

- 16. [18-0784R](#) RESOLUTION ELECTING MEMBER 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.

- 17. [18-0789R](#) RESOLUTION CONFIRMING THE APPOINTMENT OF SHERRY WILLIAMS TO THE DULUTH HUMAN RIGHTS COMMISSION.

This Resolution was adopted unanimously.

- 18. [18-0790R](#) RESOLUTION CONFIRMING THE APPOINTMENT OF DANELLE DUNPHY TO THE DULUTH CITIZEN REVIEW BOARD.

This Resolution was adopted unanimously.

- 19. [18-0809R](#) RESOLUTION RENAMING LAKE PLACE PARK TO GICHI-ODE' AKIING, WHICH TRANSLATES TO "A GRAND HEART PLACE".

Indexes:

Attachments: [Attachment 1](#)

[Attachment 2](#)

Resolution was removed from consent and passed unanimously.

This Resolution was adopted unanimously.

- 20. [18-0825R](#) RESOLUTION CONFIRMING THE APPOINTMENT OF KELLI LATUSKA TO THE PUBLIC ARTS COMMISSION FILLING A VACANT POSITION.

This Resolution was adopted unanimously.

- 21. [18-0826R](#) RESOLUTION APPROVING PROPOSED AMENDMENTS TO THE JOB SPECIFICATIONS FOR THE EXISTING APPOINTED DEPARTMENT HEAD POSITION OF DIRECTOR, PLANNING AND CONSTRUCTION SERVICES, INCLUDING A TITLE CHANGE TO DIRECTOR, PLANNING AND ECONOMIC DEVELOPMENT, AND SPECIFYING CONTRACT BENEFITS FOR SAME.

Indexes:

Attachments: [Exhibit A](#)

This Resolution was adopted unanimously.

BY PRESIDENT HOBBS (COMMITTEE OF THE WHOLE)

BY PRESIDENT HOBBS (COMMITTEE OF THE WHOLE)

- 22. [18-0818R](#) RESOLUTION AUTHORIZING THE CITY TO ENTER INTO AN AGREEMENT WITH DULUTH-SUPERIOR PUBLIC ACCESS COMMUNITY TELEVISION, INC., FOR COMMUNITY ACCESS CABLECASTING, TRAINING, PRODUCTION AND ADMINISTRATION SERVICES IN 2019 IN THE NET AMOUNT OF \$182,000.

Indexes:

Attachments: [2019 PACT Lease and Professional Services Agreement](#)

This Resolution was adopted unanimously.

BY COUNCILOR FORSMAN (PUBLIC WORKS & UTILITIES)

BY COUNCILOR FORSMAN (PUBLIC WORKS & UTILITIES)

- 23. [18-0787R](#) RESOLUTION AUTHORIZING A REQUEST TO MNDOT TO PROVIDE ADVANCE FUNDING AND AUTHORIZING PAYMENTS FROM SUBSEQUENT ACCRUALS TO THE CITY'S MUNICIPAL STATE AID CONSTRUCTION ACCOUNT FOR VARIOUS CITY PROJECTS IN THE AMOUNT OF \$1,958,397.

This Resolution was adopted unanimously.

24. [18-0792R](#) RESOLUTION AUTHORIZING THE PURCHASE OF 7,500 TONS OF ROAD SALT FROM MORTON SALT, INC., IN THE AMOUNT OF \$266,580.

This Resolution was adopted unanimously.

25. [18-0793R](#) RESOLUTION AUTHORIZING A CHANGE ORDER TO CONTRACT L30113 WITH PIONEER POWER, INC., FOR THE INSTALLATION OF TWO TEMPORARY STEAM TO HOT WATER ENERGY TRANSFER STATIONS, FOR AN INCREASE OF \$225,459 AND A NEW TOTAL CONTRACT AMOUNT NOT TO EXCEED \$1,057,459.

This Resolution was adopted unanimously.

26. [18-0796R](#) RESOLUTION AWARDED A CONTRACT TO THUNDER BAY CHEMICALS, LTD., FOR THE PURCHASE AND DELIVERY OF 125,400 GALLONS OF LIQUID ALUMINUM SULFATE IN YEAR 2019 FOR A TOTAL COST OF \$109,449.12.

This Resolution was adopted unanimously.

27. [18-0797R](#) RESOLUTION AWARDED A CONTRACT TO UNIVAR USA FOR THE PURCHASE AND DELIVERY OF 70,000 GALLONS OF LIQUID CAUSTIC SODA IN YEAR 2019 FOR A TOTAL COST OF \$156,534.

This Resolution was adopted unanimously.

28. [18-0800R](#) RESOLUTION AUTHORIZING AN AGREEMENT WITH ST. LOUIS COUNTY FOR THE REHABILITATION OF BRIDGE 69504 AT THE SOUTHWESTERN TERMINUS OF CSAH 12 (EAST SUPERIOR STREET) AT THE LESTER RIVER IN THE CITY OF DULUTH.

Indexes:

Attachments: [Exhibit A](#)
[18-0800 Map](#)

This Resolution was adopted unanimously.

29. [18-0815R](#) RESOLUTION AUTHORIZING THE PROPER CITY OFFICIALS TO REQUEST AND ACCEPT FROM ST. LOUIS COUNTY, ON BEHALF OF THE STATE OF MINNESOTA, CERTAIN TAX FORFEIT LAND FOR ROAD AND TRAIL PURPOSES.

This Resolution was adopted unanimously.

BY COUNCILOR VAN NETT (PUBLIC SAFETY)

BY COUNCILOR VAN NETT (PUBLIC SAFETY)

30. [18-0785R](#) RESOLUTION AUTHORIZING THE ACCEPTANCE OF REIMBURSEMENT FROM THE UNITED STATES DEPARTMENT OF JUSTICE, BUREAU OF JUSTICE ASSISTANCE, OFFICE OF JUSTICE PROGRAMS, IN AN AMOUNT NOT TO EXCEED \$16,400 AND REIMBURSEMENT FROM THE MINNESOTA DEPARTMENT OF PUBLIC SAFETY IN AN AMOUNT NOT TO EXCEED \$16,400 FOR THE PURCHASE OF BALLISTIC VESTS.

Indexes:

Attachments: [Exhibit A.pdf](#)

This Resolution was adopted unanimously.

31. [18-0801R](#) RESOLUTION AUTHORIZING PROPER CITY OFFICIALS TO ACCEPT A GRANT FROM THE DEPARTMENT OF JUSTICE, BUREAU OF JUSTICE ASSISTANCE, IN AN AMOUNT TOTALING \$279,897 AND FURTHER AUTHORIZING AN AGREEMENT WITH JEFFREY R. MAAHS, PHD, TO PERFORM INDEPENDENT RESEARCHER SERVICES IN THE PROJECT ENTITLED "2018 COMPREHENSIVE OPIOID ABUSE PROJECT".

Indexes:

Attachments: [Exhibit A 18-0801](#)
[Exhibit B 18-0801](#)
[Exhibit C 18-0801](#)

This Resolution was adopted unanimously.

- 32. [18-0814R](#) RESOLUTION AUTHORIZING THE PROPER CITY OFFICIALS TO REQUEST AND ACCEPT FROM ST. LOUIS COUNTY, ON BEHALF OF THE STATE OF MINNESOTA, CERTAIN TAX FORFEIT LAND FOR A PUBLIC SERVICE FACILITY.

This Resolution was adopted unanimously.

BY COUNCILOR WESTERLUND (RECREATION, LIBRARIES & AUTHORITIES)

BY COUNCILOR WESTERLUND (RECREATION, LIBRARIES & AUTHORITIES)

- 33. [18-0781R](#) RESOLUTION AUTHORIZING DISBURSEMENT OF GRANT FUNDS IN THE AMOUNT OF \$15,000 FROM THE PARKS FUND NEIGHBORHOOD GRANT PROGRAM.

Indexes:

Attachments: [Exhibit A](#)

This Resolution was adopted unanimously.

- 34. [18-0811R](#) RESOLUTION AUTHORIZING THREE-YEAR AGREEMENT WITH ARROWHEAD YOUTH SOCCER ASSOCIATION FOR THE USE AND OPERATION OF THE CITY'S JEAN DULUTH AND ARLINGTON SOCCER FIELDS.

Indexes:

Attachments: [Exhibit 1.pdf](#)

This Resolution was adopted unanimously.

- 35. [18-0813R](#) RESOLUTION AUTHORIZING THE RE-CONVEYANCE OF CERTAIN PROPERTY ACQUIRED UNDER CONDITIONAL USE DEEDS TO THE STATE OF MINNESOTA.

Indexes:

Attachments: [Exhibit A.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 FILIPOVICH (FINANCE)

BY COUNCILOR FILIPOVICH (FINANCE)

- 36. [18-0807R](#) RESOLUTION DISTRIBUTING THE ESTIMATED 2019 HOTEL-MOTEL AND FOOD AND BEVERAGE TOURISM TAXES.

Indexes:

Attachments: [Exhibit A](#)

A motion was made that this Resolution be adopted. The motion carried by the following vote:

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

Nay: 1 - Councilor Fosle

ORDINANCES TABLED

ORDINANCES TABLED

BY COUNCILOR RUSS (PLANNING & ECONOMIC DEVELOPMENT)

BY COUNCILOR RUSS (PLANNING & ECONOMIC DEVELOPMENT)

- 37. [18-054-O](#) AN ORDINANCE GRANTING VERIZON WIRELESS A CONCURRENT USE PERMIT FOR SIX SMALL CELL WIRELESS FACILITIES ON MINNESOTA POWER POLES IN THE PLATTED STREET RIGHT OF WAY AROUND THE UNIVERSITY OF MINNESOTA, DULUTH CAMPUS.

Indexes:

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

This Ordinance was adopted unanimously.

38. [18-055-O](#) AN ORDINANCE GRANTING VERIZON WIRELESS A CONCURRENT USE PERMIT FOR ONE SMALL CELL WIRELESS FACILITY ON A MINNESOTA POWER POLE IN THE PLATTED STREET RIGHT OF WAY NEAR 8551 GRAND AVENUE.

Indexes:

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

This Ordinance was adopted unanimously.

39. [18-056-O](#) AN ORDINANCE GRANTING VERIZON WIRELESS A CONCURRENT USE PERMIT FOR THREE SMALL CELL WIRELESS FACILITIES ON MINNESOTA POWER POLES IN THE PLATTED STREET RIGHT OF WAY NEAR 6001, 6002, AND 6025 EAST SUPERIOR STREET.

Indexes:

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

This Ordinance was adopted unanimously.

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 FILIPOVICH (FINANCE)

BY COUNCILOR FILIPOVICH (FINANCE)

40. [18-062-O](#) AN ORDINANCE AMENDING SECTIONS 41-23 AND 41-24 OF THE DULUTH CITY CODE, 1959, AS AMENDED, REGARDING PURCHASING THRESHOLDS.

This Ordinance was read for the first time.

BY COUNCILOR RUSS (PLANNING & ECONOMIC DEVELOPMENT)

BY COUNCILOR RUSS (PLANNING & ECONOMIC DEVELOPMENT)

41. [18-063-O](#) AN ORDINANCE GRANTING VERIZON WIRELESS A CONCURRENT USE PERMIT FOR ONE SMALL CELL WIRELESS FACILITY ON A MINNESOTA POWER POLE IN THE PLATTED STREET RIGHT OF WAY NEAR THE INTERSECTION OF TRINITY ROAD AND MALL DRIVE.

Indexes:

Attachments: [Attachment 1](#)

[Attachment 2](#)

This Ordinance was read for the first time.

42. [18-064-O](#) AN ORDINANCE GRANTING VERIZON WIRELESS A CONCURRENT USE PERMIT FOR ONE SMALL CELL WIRELESS FACILITY ON A CITY OF DULUTH POLE IN THE PLATTED STREET RIGHT OF WAY OF MAPLE GROVE ROAD, BETWEEN BURNING TREE ROAD AND MALL DRIVE.

Indexes:

Attachments: [Attachment 1](#)

[Attachment 2](#)

This Ordinance was read for the first time.

43. [18-065-O](#) AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF DULUTH TO RECLASSIFY PROPERTY NORTH OF WEST ARROWHEAD ROAD, SOUTH OF MARYLAND STREET, BETWEEN KENWOOD AVENUE AND DODGE AVENUE, FROM RESIDENTIAL-TRADITIONAL (R-1) TO RESIDENTIAL-URBAN (R-2).

Indexes:

Attachments: [Attachment 1](#)

[Attachment 2](#)

This Ordinance was read for the first time.

44. [18-066-O](#) AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF DULUTH TO RECLASSIFY PROPERTY SOUTH OF WEST ARROWHEAD ROAD AND NORTHEAST OF THE KENWOOD SHOPPING CENTER FROM RESIDENTIAL-TRADITIONAL (R-1) to MIXED USE-NEIGHBORHOOD (MU-N), PROPERTY IMMEDIATELY NORTH OF WEST ARROWHEAD ROAD BETWEEN WARREN AVENUE AND DODGE AVENUE FROM RESIDENTIAL-URBAN (R-2) TO (MU-N) MIXED USE-NEIGHBORHOOD, AND BETWEEN KENWOOD AVENUE AND KENWOOD ALLEY FROM WEST CLEVELAND STREET TO WEST TOLEDO STREET FROM RESIDENTIAL-TRADITIONAL (R-1) TO MIXED USE-NEIGHBORHOOD (MU-N).

Indexes:

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

This Ordinance was read for the first time.

BY COUNCILOR WESTERLUND (RECREATION, LIBRARIES & AUTHORITIES)

BY COUNCILOR WESTERLUND (RECREATION, LIBRARIES & AUTHORITIES)

45. [18-061-O](#) AN ORDINANCE AMENDING DULUTH CITY CODE SECTION 29A-27 TO EXCLUDE HOUSING COOPERATIVES FROM HOUSING CODE RENTAL LICENSING REQUIREMENTS.

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 FILIPOVICH (FINANCE)

BY COUNCILOR FILIPOVICH (FINANCE)

46. [18-057-O](#) AN ORDINANCE DETERMINING THE SUM TO BE RAISED BY TAXATION FOR THE SPECIAL TAXING DISTRICT, DULUTH TRANSIT AUTHORITY, FOR THE YEAR 2019.

This Ordinance was adopted unanimously.

- 47. [18-058-O](#) AN ORDINANCE DETERMINING THE SUM TO BE RAISED BY TAXATION FOR THE SPECIAL PARKS FUND LEVY FOR THE YEAR 2019.

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

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

Nay: 1 - Councilor Fosle

- 48. [18-059-O](#) AN ORDINANCE DETERMINING THE SUM TO BE RAISED BY TAXATION FOR GENERAL PURPOSES FOR THE YEAR 2019.

Indexes:

Attachments: [Tax Levy](#)

[Motion To Amend: Sipress.Filipovich - Passed 5-4 \(Forsman, Fosle, Van Nett & Hobbs\)](#)

This Ordinance was amended.

- 49. [18-060-O](#) AN ORDINANCE SETTING THE BUDGET FOR THE FISCAL YEAR 2019 APPROPRIATING MONIES FOR THE SUPPORT OF THE CITY GOVERNMENT, PUBLIC UTILITIES, AND PUBLIC ENTERPRISE FUNDS AND FOR OTHER PURPOSES.

Indexes:

Attachments: [Motion to Amend: Filipovich - Passed 8-1 \(Fosle\)](#)

This Ordinance was amended.

COUNCILOR QUESTIONS AND COMMENTS

COUNCILOR QUESTIONS AND COMMENTS

COUNCILOR PREVIEW OF UPCOMING BUSINESS

COUNCILOR PREVIEW OF UPCOMING BUSINESS