



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 23, 2017

7:00 PM

Council Chamber

ROLL CALL

ROLL CALL

Present: 7 - Councilor Gary Anderson, Councilor Zack Filipovich, Councilor Jay Fosle, President Noah Hobbs, Councilor Barb Russ, Councilor Em Westerlund and Councilor Joel Sipress

PLEDGE OF ALLEGIANCE

PLEDGE OF ALLEGIANCE

APPROVAL OF MINUTES

APPROVAL OF MINUTES

1. [17-172](#) October 9th, 2017 - Duluth City Council Meeting

Indexes:

Attachments: [October 9 - City Council Meeting](#)

This Minutes was approved.

REPORTS FROM THE ADMINISTRATION

REPORTS FROM THE ADMINISTRATION

REPORTS FROM OTHER OFFICERS

REPORTS FROM OTHER OFFICERS

[17-185](#) Earned Sick and Safe Time

Indexes:

Attachments: [ESST Ex 4](#)

[ESST Ex 6A](#)

[ESST Ex. 7](#)

[ESST REPORT FINAL RECOMMENDATIONS](#)

[ESST Survey Summary Ex 5](#)

This Other Officers Report was received.

REPORTS OF BOARDS AND COMMISSIONS

REPORTS OF BOARDS AND COMMISSIONS

2. [17-167](#) Duluth Parking Commission Resolutions

Indexes:

Attachments: [September 2017 DPC Resolutions](#)

This Board or Commission Report was received.

3. [17-168](#) Charter Commission Meeting Minutes

Indexes:

Attachments: [10-14-15 Charter Commission Meeting Minutes](#)

[11-24-15 Charter Commission Meeting Minutes](#)

[10-12-16 Charter Commission Meeting Minutes](#)

This Board or Commission Report was received.

4. [17-169](#) Alcohol, Gambling & Tobacco Commission Meeting Minutes

Indexes:

Attachments: [8-2-17 Alcohol, Gambling & Tobacco Commission](#)

This Board or Commission Report was received.

- 5. [17-170](#) Duluth Seaway Port Authority Meeting Minutes

Indexes:

Attachments: [7-26-17 Duluth Seaway Port Authority Meeting Minutes](#)

This Board or Commission Report was received.

REPORTS OF COUNCIL COMMITTEES

REPORTS OF COUNCIL COMMITTEES

REPORTS OF COUNCIL OPEN ISSUES

REPORTS OF COUNCIL OPEN ISSUES

Distinguished Artist Award - Gaelynn Lee

OPPORTUNITY FOR CITIZENS TO BE HEARD

OPPORTUNITY FOR CITIZENS TO BE HEARD

CONSENT AGENDA

CONSENT AGENDA

BY COUNCILOR HANSON (PURCHASING & LICENSING)

BY COUNCILOR HANSON (PURCHASING & LICENSING)

- 6. [17-0727R](#) RESOLUTION IN THE MATTER OF THE ON SALE INTOXICATING LIQUOR LICENSE OF HOSPITALITY ASSOCIATES OF DULUTH, LLC (SPURS ON 1ST) 109 WEST FIRST STREET

Indexes:

Attachments: [REPORT TO COUNCIL-signed](#)

This Resolution was adopted unanimously.

- 7. [17-0748R](#) RESOLUTION AUTHORIZING AN INCREASE TO PURCHASE ORDER 2017-00000024 FOR ORIGINAL EQUIPMENT MANUFACTURER (OEM) PARTS, SUPPLIES AND LABOR FROM ZIEGLER, INC. IN THE AMOUNT OF \$16,000 FOR A NEW TOTAL NOT TO EXCEED \$111,000.

This Resolution was adopted unanimously.

BY COUNCILOR ANDERSON (PERSONNEL)

BY COUNCILOR ANDERSON (PERSONNEL)

- 8. [17-0713R](#) RESOLUTION APPROVING APPOINTMENT OF JAMES RIEHL TO THE DULUTH INTERNATIONAL AIRPORT JOINT AIRPORT ZONING BOARD

This Resolution was adopted unanimously.

- 9. [17-0774R](#) RESOLUTION CONFIRMING THE APPOINTMENT OF JENNIFER JULSRUD TO THE HOUSING AND REDEVELOPMENT AUTHORITY OF DULUTH.

This Resolution was adopted as amended.

Yea: 7 - Councilor Anderson, Councilor Filipovich, Hansen, Hanson, Councilor Russ, Councilor Westerlund and Councilor Sipress

Nay: 2 - Councilor Fosle and President Hobbs

BY COUNCILOR RUSS (PLANNING & ECONOMIC DEVELOPMENT)

BY COUNCILOR RUSS (PLANNING & ECONOMIC DEVELOPMENT)

- 10. [17-0755R](#) RESOLUTION AMENDING AND CORRECTING THE LEGAL DESCRIPTION FOR THE VACATION AUTHORIZED UNDER RESOLUTION 08-0463.

Indexes:

Attachments: [Attachment 1](#)

[Attachment 2](#)

[Attachment 3](#)

[Attachment 4](#)

This Resolution was adopted unanimously.

- 11. [17-0759R](#) RESOLUTION VACATING TEN FEET OF THE MENDENHALL DIVISION STREET EASEMENT IN ORDER TO REBUILD A PRE-EXISTING GARAGE.

Indexes:

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

This Resolution was adopted unanimously.

BY PRESIDENT SIPRESS (COMMITTEE OF THE WHOLE)

BY PRESIDENT SIPRESS (COMMITTEE OF THE WHOLE)

- 12. [17-0766R](#) RESOLUTION AMENDING RESOLUTION 17-0587R CHANGING THE 2017 ELECTION JUDGE COMPENSATION.

This Resolution was adopted unanimously.

BY COUNCILOR HOBBS (PUBLIC WORKS & UTILITIES)

BY COUNCILOR HOBBS (PUBLIC WORKS & UTILITIES)

- 13. [17-0719R](#) RESOLUTION APPROVING A STATE PROJECT WITHIN THE MUNICIPAL CORPORATE LIMITS FOR IMPROVEMENTS TO TRUNK HIGHWAY 194 (MESABA AVENUE) AND SUPERIOR STREET.

Indexes:

Attachments: [Municipal Consent Resolution Map](#)

This Resolution was adopted unanimously.

- 14. [17-0732R](#) RESOLUTION OF SUPPORT FOR A LOCAL ROAD IMPROVEMENT PROJECT APPLICATION BY THE ST. LOUIS COUNTY PUBLIC WORKS DEPARTMENT FOR FUNDING THE CONSTRUCTION OF LEFT TURN LANES AND A SIDEWALK AND UPGRADING TRAFFIC SIGNALS AT RICE LAKE ROAD AND ARROWHEAD ROAD/ARLINGTON AVENUE.

Indexes:

Attachments: [17-0732R Map](#)

This Resolution was adopted unanimously.

15. [17-0733R](#) RESOLUTION AUTHORIZING APPLICATION TO THE MINNESOTA DEPARTMENT OF TRANSPORTATION FOR LOCAL ROAD IMPROVEMENT FUNDING FOR THE RECONSTRUCTION OF SUPERIOR STREET FROM SEVENTH AVENUE WEST TO FOURTH AVENUE EAST.

Indexes:

Attachments: [17-0733R Map](#)
[17-0733R Exhibit A](#)

This Resolution was adopted unanimously.

16. [17-0745R](#) RESOLUTION AUTHORIZING A REQUEST TO MNDOT TO PROVIDE ADVANCE FUNDING AND AUTHORIZING PAYMENTS FROM SUBSEQUENT ACCRUALS TO THE CITY'S MUNICIPAL STATE AID CONSTRUCTION AMOUNT FOR SUPERIOR STREET RECONSTRUCTION IN THE AMOUNT OF \$4,000,000.

Indexes:

Attachments: [17-0745R Map](#)

This Resolution was adopted unanimously.

17. [17-0763R](#) RESOLUTION AUTHORIZING ASSET MANAGEMENT AGREEMENT WITH UNITED ENERGY TRADING LLC FOR THE MANAGEMENT OF THE CITY'S GAS SUPPLY, TRANSPORTATION, STORAGE AND DELIVERY CONTRACTS.

Indexes:

Attachments: [Exhibit A - 17-0763R](#)

This Resolution was adopted unanimously.

BY COUNCILOR FOSLE (PUBLIC SAFETY)

BY COUNCILOR FOSLE (PUBLIC SAFETY)

18. [17-0744R](#) RESOLUTION AUTHORIZING THE EXECUTION OF A MEMORANDUM OF UNDERSTANDING BETWEEN ECOLIBRIUM3 AND THE DULUTH POLICE DEPARTMENT FOR A VISTA MEMBER TO ASSIST WITH RESPONDING TO COMMUNITY ISSUES RESULTING FROM OPIOID ADDICTION AND FURTHER AUTHORIZING A COST SHARE CONTRIBUTION FROM THE CITY OF DULUTH IN THE AMOUNT OF \$5,000.

Indexes:

Attachments: [17-0744R Exhibit A](#)

This Resolution was adopted unanimously.

19. [17-0762R](#) RESOLUTION AUTHORIZING THE EXECUTION OF A MEMORANDUM OF UNDERSTANDING BETWEEN THRIVE BEHAVIORAL NETWORK II, LLC, AND THE CITY OF DULUTH FOR AN EMBEDDED LICENSED INDEPENDENT CLINICAL SOCIAL WORKER TO WORK COLLABORATIVELY WITH THE DULUTH POLICE DEPARTMENT TO BETTER RESPOND TO INDIVIDUALS WITH MENTAL ILLNESS, ADDICTION AND HOMELESSNESS.

Indexes:

Attachments: [MOU - Final](#)

This Resolution was adopted unanimously.

BY COUNCILOR WESTERLUND (RECREATION, LIBRARIES & AUTHORITIES)

BY COUNCILOR WESTERLUND (RECREATION, LIBRARIES & AUTHORITIES)

20. [17-0765R](#) RESOLUTION AUTHORIZING THE RE-CONVEYANCE OF CERTAIN PROPERTY ACQUIRED UNDER A CONDITIONAL USE DEED TO THE STATE OF MINNESOTA.

Indexes:

Attachments: [Exhibit A](#)

This Resolution was adopted unanimously.

END OF CONSENT AGENDA

END OF CONSENT AGENDA

BY COUNCILOR HANSEN (FINANCE)

BY COUNCILOR HANSEN (FINANCE)

- 21. [17-0760R](#) RESOLUTION PROVIDING FOR THE ISSUANCE, SALE AND DELIVERY OF GENERAL OBLIGATION CAPITAL IMPROVEMENT BONDS, SERIES 2017A, IN THE APPROXIMATE AMOUNT OF \$1,480,000; ESTABLISHING THE TERMS AND FORM THEREOF; CREATING A DEBT SERVICE FUND THEREFOR; AND PROVIDING FOR AWARDDING THE SALE THEREOF.

Indexes:

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

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

- Yea:** 8 - Councilor Anderson, Councilor Filipovich, Hansen, Hanson, President Hobbs, Councilor Russ, Councilor Westerland and Councilor Sypress
- Nay:** 1 - Councilor Fosle

- 22. [17-0761R](#) RESOLUTION PROVIDING FOR THE ISSUANCE, SALE AND DELIVERY OF GENERAL OBLIGATION CAPITAL EQUIPMENT NOTES, SERIES 2017B, IN THE APPROXIMATE AMOUNT OF \$3,585,000; ESTABLISHING THE TERMS AND FORM THEREOF; CREATING A DEBT SERVICE FUND THEREFOR; AND PROVIDING FOR AWARDDING THE SALE THEREOF.

Indexes:

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

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

- Yea:** 8 - Councilor Anderson, Councilor Filipovich, Hansen, Hanson, President Hobbs, Councilor Russ, Councilor Westerland and Councilor Sypress
- Nay:** 1 - Councilor Fosle

BY COUNCILOR RUSS (PLANNING & ECONOMIC DEVELOPMENT)

BY COUNCILOR RUSS (PLANNING & ECONOMIC DEVELOPMENT)

23. [17-0757R](#) RESOLUTION AFFIRMING THE DECISION OF THE PLANNING COMMISSION TO DENY A VARIANCE TO CONSTRUCT A STAIRWAY WITHIN THE FIFTY-FOOT GENERAL DEVELOPMENT WATERS SHORELAND SETBACK AT 4814 LONDON ROAD.

Indexes:

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

This Resolution was tabled.

24. [17-0758R](#) RESOLUTION REVERSING THE DECISION OF THE PLANNING COMMISSION TO DENY A VARIANCE TO CONSTRUCT A STAIRWAY WITHIN THE FIFTY-FOOT GENERAL DEVELOPMENT WATERS SHORELAND SETBACK BY DAVID LARSEN.

Indexes:

Attachments: [Attachment 1](#)

This Resolution was tabled.

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)

25. [17-053-O](#) AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF DULUTH TO RECLASSIFY PROPERTY ON EAST HOUSE STREET FROM 98TH AVENUE WEST TO 95TH AVENUE WEST FROM R-1 AND MU-B to MU-N; AND ON 95TH AVENUE WEST FROM EAST HOUSE STREET TO EAST GARY STREET FROM MU-B TO R-1.

Indexes:

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

This Ordinance was read for the first time.

26. [17-054-O](#) AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF DULUTH TO RECLASSIFY PROPERTY IN THE GENERAL AREA OF US HIGHWAY 2 AND INTERSTATE 35 AND WEST GATE BOULEVARD AND WEST SKYLINE FROM MU-N TO RR-1 AND R-2

Indexes:

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

This Ordinance was read for the first time.

27. [17-055-O](#) AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF DULUTH TO RECLASSIFY THE LAKE SUPERIOR COLLEGE CAMPUS ON TRINITY ROAD AND EMERGENCY RESPONSE TRAINING CENTER ON HIGHWAY 23 FROM R-1 AND RR-1 TO MU-I.

Indexes:

- Attachments: [Attachment 1](#)
[Attachment 2](#)
[Attachment 3](#)
[Attachment 4](#)

This Ordinance was read for the first time.

28. [17-056-O](#) AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF DULUTH TO RECLASSIFY PROPERTY IN THE GENERAL AREA OF CENTRAL ENTRANCE BETWEEN PECAN AVENUE AND MALL DRIVE FROM R-1 TO MU-C.

Indexes:

- Attachments: [Attachment 1](#)
[Attachment 2](#)
[Attachment 3](#)
[Attachment 4](#)
[Attachment 5](#)

This Ordinance was read for the first time.

29. [17-057-O](#) AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF DULUTH TO RECLASSIFY PROPERTY IN THE GENERAL AREA OF WEST ARROWHEAD ROAD AND NORTH ARLINGTON ROAD TO R-1, R-2, AND MU-N.

Indexes:

Attachments: [Attachment 1](#)

[Attachment 2](#)

[Attachment 3](#)

[Attachment 4](#)

[Attachment 5](#)

This Ordinance was read for the first time.

COUNCILOR QUESTIONS AND COMMENTS

COUNCILOR QUESTIONS AND COMMENTS

COUNCILOR PREVIEW OF UPCOMING BUSINESS

COUNCILOR PREVIEW OF UPCOMING BUSINESS