



# 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]*

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Monday, July 9, 2018

7:00 PM

Council Chamber

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#### ROLL CALL

#### ROLL CALL

- Present:** 7 - Councilor Gary Anderson, Councilor Zack Filipovich, 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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#### REPORTS FROM THE ADMINISTRATION

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#### REPORTS FROM OTHER OFFICERS

#### REPORTS FROM OTHER OFFICERS

#### 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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RESOLUTIONS TABLED

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BY COUNCILOR FILIPOVICH (FINANCE)

BY COUNCILOR FILIPOVICH (FINANCE)

1. [18-0516R](#) RESOLUTION AMENDING RESOLUTION 89-0323 ESTABLISHING THE DULUTH ECONOMIC DEVELOPMENT AUTHORITY, ADDING REQUIREMENTS PERTAINING TO THE CITY BUSINESS SUBSIDY REQUIREMENTS AND THE USE OF PROJECT LABOR AGREEMENTS.

**This Resolution remained on the table.**

CONSENT AGENDA

CONSENT AGENDA

BY COUNCILOR FOSLE (PURCHASING & LICENSING)

BY COUNCILOR FOSLE (PURCHASING & LICENSING)

2. [18-0521R](#) RESOLUTION APPROVING THE TEMPORARY EXPANSION OF THE DESIGNATED SERVING AREA OF THE ON SALE INTOXICATING LIQUOR LICENSE OF EVOL LLC. (ACES ON 1ST), 113 WEST 1ST STREET.

**Indexes:**

**Attachments:** [Attachment A](#)

**This Resolution was adopted unanimously.**

BY COUNCILOR ANDERSON (PERSONNEL)

BY COUNCILOR ANDERSON (PERSONNEL)

- 3. [18-0519R](#) RESOLUTION CONFIRMING THE REAPPOINTMENT OF PAUL THOMSEN TO THE SANITARY SEWER BOARD OF THE WESTERN LAKE SUPERIOR SANITARY DISTRICT.

Indexes:

Attachments: [Attachment A](#)

**This Resolution was adopted unanimously.**

- 4. [18-0520R](#) RESOLUTION CONFIRMING THE REAPPOINTMENT OF RONDIE WATSON TO THE DULUTH TRANSIT AUTHORITY.

**This Resolution was adopted unanimously.**

- 5. [18-0522R](#) RESOLUTION CONFIRMING THE APPOINTMENT OF KIMBERLY MAKI TO THE DULUTH AIRPORT AUTHORITY, REPLACING PATRICK MULLEN.

Indexes:

Attachments: [Maki App Redacted](#)

**This Resolution was adopted unanimously.**

- 6. [18-0531R](#) RESOLUTION CONFIRMING THE APPOINTMENT OF COUNCILOR NOAH HOBBS TO THE DULUTH ECONOMIC DEVELOPMENT AUTHORITY REPLACING COUNCILOR ELISSA HANSEN.

**This Resolution was adopted unanimously.**

- 7. [18-0535R](#) RESOLUTION CONFIRMING THE APPOINTMENT OF CARL HUBER TO THE DULUTH HUMAN RIGHTS COMMISSION.

Indexes:

**Attachments:** [Carl Huber Redacted](#)

**This Resolution was adopted unanimously.**

8. [18-0539R](#) RESOLUTION CONFIRMING THE APPOINTMENT OF WILLIAM NELSON AND ROZ RANDORF TO THE ENTERTAINMENT AND CONVENTION CENTER AUTHORITY

**Indexes:**

**Attachments:** [Williams Redacted](#)

[Randorf Redacted](#)

**This Resolution was adopted unanimously.**

BY COUNCILOR HOBBS (PUBLIC WORKS & UTILITIES)

BY COUNCILOR HOBBS (PUBLIC WORKS & UTILITIES)

9. [18-0528R](#) RESOLUTION AUTHORIZING A CONTRACT WITH CARLSON BROS INC. FOR THE INSTALLATION OF PHASE 1 SCOPE D BUILDING ENERGY TRANSFER STATIONS FOR AN AMOUNT NOT TO EXCEED \$216,599.

**This Resolution was adopted unanimously.**

10. [18-0538R](#) RESOLUTION AUTHORIZING AN AMENDMENT TO AN AGREEMENT WITH SHORT ELLIOT HENDRICKSON, INC., FOR PROFESSIONAL ENGINEERING SERVICES FOR THE MUNGER TRAIL EXTENSION, TO INCREASE THE AMOUNT BY \$65,700 FOR A NEW TOTAL OF \$1,004,700.

**Indexes:**

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

**This Resolution was adopted unanimously.**

BY COUNCILOR VAN NETT (PUBLIC SAFETY)

BY COUNCILOR VAN NETT (PUBLIC SAFETY)

11. [18-0537R](#) RESOLUTION AUTHORIZING A THREE YEAR PURCHASE AGREEMENT WITH M & T FIRE AND SAFETY INC., INCLUDING THE INITIAL PURCHASE OF FIFTY (50) SETS OF STRUCTURAL FIREFIGHTING TURNOUT GEAR IN THE AMOUNT OF \$119,900.

**This Resolution was adopted unanimously.**

BY COUNCILOR WESTERLUND (RECREATION, LIBRARIES & AUTHORITIES)

BY COUNCILOR WESTERLUND (RECREATION, LIBRARIES & AUTHORITIES)

12. [18-0533R](#) RESOLUTION AUTHORIZING A LICENSE AGREEMENT FOR PUBLIC RECREATIONAL TRAIL PURPOSES WITH ULLAND BROTHERS, INC. OVER PROPERTY ADJACENT TO THE MAGNEY-SNIVELY NATURAL AREA AT NO COST TO THE CITY.

Indexes:

Attachments: [Exhibit 1.pdf](#)

**This Resolution was adopted unanimously.**

13. [18-0534R](#) RESOLUTION AUTHORIZING A LICENSE AGREEMENT FOR BOULDERING PURPOSES WITH ULLAND BROTHERS, INC. OVER PROPERTY ADJACENT TO THE MAGNEY-SNIVELY NATURAL AREA AT NO COST TO THE CITY.

Indexes:

Attachments: [Exhibit 1.pdf](#)

**This Resolution was adopted unanimously.**

14. [18-0536R](#) RESOLUTION AUTHORIZING A SIXTEEN-MONTH LICENSE AGREEMENT WITH COMMUNITY ACTION DULUTH TO ALLOW FOR TREE PLANTING WITHIN LINCOLN PARK.

Indexes:

Attachments: [Exhibit 1.pdf](#)

**This Resolution was adopted unanimously.**

15. [18-0540R](#) RESOLUTION AUTHORIZING AN AGREEMENT WITH AMI CONSULTING

ENGINEERS FOR COORDINATION OF THE TEMPORARY RELOCATION OF THE WILLIAM A. IRVIN FOR AN AMOUNT NOT TO EXCEED \$49,750.00.

**Indexes:**

**Attachments:** [Exhibit A for AMI resolution - proposal and draft agreement](#)

**This Resolution was adopted unanimously.**

END OF CONSENT AGENDA

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The following entitled resolutions are also to be considered:

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BY PRESIDENT HOBBS (COMMITTEE OF THE WHOLE)

BY PRESIDENT HOBBS (COMMITTEE OF THE WHOLE)

- 16. [18-0532R](#) RESOLUTION APPOINTING GARY ANDERSON TO BE THE VICE PRESIDENT OF THE CITY COUNCIL.

This Resolution was amended to add Gary Anderson as appointed Vice President.

**This Resolution was adopted unanimously.**

**Yea:** 7 - Councilor Filipovich, Hansen, Councilor Russ, Councilor Sipress, Councilor Westerlund, Councilor Van Nett and President Hobbs

**Absent:** 1 - Councilor Fosle

**Abstain:** 1 - Councilor Anderson

INTRODUCTION AND CONSIDERATION OF ORDINANCES

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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)

17. [18-038-O](#) ORDINANCE AMENDING THE REQUIREMENTS FOR PROJECT LABOR AGREEMENTS, AMENDING SECTIONS 2-25, 2-26 AND 2-29 OF THE DULUTH CITY CODE, 1959, AS AMENDED.

**This Ordinance was adopted unanimously.**

BY COUNCILOR RUSS (PLANNING & ECONOMIC DEVELOPMENT)

BY COUNCILOR RUSS (PLANNING & ECONOMIC DEVELOPMENT)

18. [18-026-O](#) AN ORDINANCE AMENDING SECTION 33-82 OF THE DULUTH CITY CODE RESCINDING RESTRICTION AGAINST CAMPING AND LODGING IN ONE'S VEHICLE.

**This Ordinance was adopted unanimously.**

19. [18-030-O](#) AN ORDINANCE REPEALING SECTION 34-31, CHAPTER 34, OF THE DULUTH CITY CODE RELATING TO BEGGING.

**This Ordinance was adopted unanimously.**

20. [18-031-O](#) AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF DULUTH TO PROVIDE FOR THE RECLASSIFICATION OF PROPERTY ALONG WEST ARROWHEAD ROAD, BETWEEN SWAN LAKE ROAD AND NORTH ARLINGTON AVENUE, FROM RESIDENTIAL-URBAN (R-2) TO MIXED USE-PLANNED (MU-P).

**Indexes:**

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

[Attachment 2](#)

**This Ordinance was adopted unanimously.**

21. [18-032-O](#) AN ORDINANCE GRANTING A CONCURRENT USE PERMIT FOR AN EXISTING BUILDING WALL, EXTERIOR BUILDING CLADDING AND

EYEBROW IN THE PLATTED STREET RIGHT OF WAY OF EAST MICHIGAN STREET.

**Indexes:**

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

[Attachment 2](#)

**This Ordinance was adopted unanimously.**

22. [18-033-O](#) AN ORDINANCE GRANTING A CONCURRENT USE PERMIT FOR AN EXISTING BUILDING WALL AND MANSARD ROOF OVERHANG IN THE PLATTED STREET RIGHT OF WAY OF EAST NINTH STREET.

**Indexes:**

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

[Attachment 2](#)

**This Ordinance was adopted unanimously.**

23. [18-034-O](#) AN ORDINANCE GRANTING A CONCURRENT USE PERMIT FOR AN EXISTING BUILDING WALL AND FOUNDATION IN THE PLATTED STREET RIGHT OF WAY OF EAST SUPERIOR STREET.

**Indexes:**

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

[Attachment 2](#)

**This Ordinance was adopted unanimously.**

24. [18-035-O](#) AN ORDINANCE GRANTING VERIZON WIRELESS A CONCURRENT USE PERMIT FOR A SMALL WIRELESS TELECOMMUNICATION FACILITY ON CITY OF DULUTH UTILITY POLES IN THE PLATTED STREET RIGHT OF WAY NEAR 250 CANAL PARK DRIVE AND 688 WEST RAILROAD STREET.

**Indexes:**

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

**This Ordinance was adopted unanimously.**

25. [18-036-O](#) AN ORDINANCE GRANTING VERIZON WIRELESS A CONCURRENT USE PERMIT FOR A SMALL WIRELESS TELECOMMUNICATION



FACILITY ON A CITY OF DULUTH UTILITY POLE IN THE PLATTED STREET RIGHT OF WAY NEAR 2510 MAPLE GROVE ROAD.

Indexes:

Attachments: [Attachment 1](#)

This Ordinance was adopted unanimously.

26. [18-037-O](#) AN ORDINANCE GRANTING VERIZON WIRELESS A CONCURRENT USE PERMIT FOR A SMALL WIRELESS TELECOMMUNICATION FACILITY ON A CITY OF DULUTH UTILITY POLE IN THE PLATTED STREET RIGHT OF WAY NEAR 98 NORTH 6TH AVENUE WEST.

Indexes:

Attachments: [Attachment 1](#)

This Ordinance was adopted unanimously.

COUNCILOR QUESTIONS AND COMMENTS

COUNCILOR QUESTIONS AND COMMENTS

COUNCILOR PREVIEW OF UPCOMING BUSINESS

COUNCILOR PREVIEW OF UPCOMING BUSINESS