



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, September 9, 2019

7:00 PM

Council Chamber

ROLL CALL

- Present:** 7 - Councilor Gary Anderson, Councilor Zack Filipovich, Councilor Arik Forsman, Councilor Jay Fosle, Councilor Barb Russ, Councilor Joel Sipress and President Noah Hobbs
- Absent:** 2 - Councilor Renee Van Nett and Councilor Em Westerlund

PLEDGE OF ALLEGIANCE

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APPROVAL OF MINUTES

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1. [19-168](#) Minutes of the Duluth City Council

Indexes:

Attachments: [August 26, 2019](#)

These Minutes were approved.

REPORTS FROM THE ADMINISTRATION

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REPORTS FROM OTHER OFFICERS

REPORTS FROM OTHER OFFICERS

- 2. [19-165](#) Petitions for Local Improvements

Indexes:

Attachments: [Petitions for Local Improvements](#)

This Informational Report was received.

- 3. [19-167](#) MN Lawful Gambling: Application for Exempt Permits

Indexes:

Attachments: [Essentia](#)
[St. Michael's Church](#)

This Other Officers Report was received.

REPORTS OF BOARDS AND COMMISSIONS

REPORTS OF BOARDS AND COMMISSIONS

- 4. [19-169](#) Duluth Public Utilities Commission Meeting Minutes

Indexes:

Attachments: [05/21/2019 - DPUC](#)

This Board or Commission Report was received.

- 5. [19-170](#) Entertainment and Convention Center Authority Meeting Minutes

Indexes:

Attachments: [April 23, 2019 DECC Board Meeting Minutes](#)
[June 26, 2019 DECC Board Meeting Minutes](#)
[May 29, 2019 DECC Board Meeting Minutes](#)

This Board or Commission Report was received.

- 6. [19-171](#) Parks and Recreation Commission Meeting Minutes

Indexes:

Attachments: [06/12/2019 - Parks and Rec](#)

This Board or Commission Report was received.

- 7. [19-172](#) Housing and Redevelopment Authority Meeting Minutes

Indexes:

Attachments: [HRA Minutes June 2019](#)
[HRA Minutes July 2019](#)

This Board or Commission Report was received.

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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CONSENT AGENDA

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A motion was made to approve the Consent Agenda. Passed unanimously with Councilors Van Nett and Westerlund absent.

BY COUNCILOR ANDERSON (FINANCE)

BY COUNCILOR ANDERSON (FINANCE)

- 8. [19-0606R](#) RESOLUTION PROVIDING FOR THE ISSUANCE, SALE AND DELIVERY OF GENERAL OBLIGATION CAPITAL IMPROVEMENT BONDS, SERIES 2019A, IN THE APPROXIMATE AMOUNT OF \$1,200,000; 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](#)

This Resolution was adopted unanimously.
Absent: Councilors Van Nett and Westerlund.

- 9. [19-0607R](#) RESOLUTION PROVIDING FOR THE ISSUANCE, SALE AND DELIVERY OF GENERAL OBLIGATION CAPITAL EQUIPMENT NOTES, SERIES

2019B, IN THE APPROXIMATE AMOUNT OF \$3,170,000;
ESTABLISHING THE TERMS AND FORM THEREOF; CREATING A
DEBT SERVICE FUND THEREFOR; AND PROVIDING FOR AWARDED
THE SALE THEREOF.

Indexes:

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

**This Resolution was adopted unanimously.
Absent: Councilors Van Nett and Westerlund.**

10. [19-0608R](#) RESOLUTION PROVIDING FOR THE ISSUANCE, SALE AND DELIVERY
OF GENERAL OBLIGATION CAPITAL IMPROVEMENT REFUNDING
BONDS, SERIES 2019C; ESTABLISHING THE TERMS AND FORM
THEREOF; CREATING A DEBT SERVICE FUND THEREFOR; AND
PROVIDING FOR AWARDED THE SALE THEREOF.

Indexes:

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

**This Resolution was adopted unanimously.
Absent: Councilors Van Nett and Westerlund.**

BY COUNCILOR FOSLE (PURCHASING & LICENSING)

BY COUNCILOR FOSLE (PURCHASING & LICENSING)

11. [19-0602R](#) RESOLUTION AUTHORIZING A THREE-YEAR AGREEMENT WITH
ENVIRONMENTAL SYSTEMS RESEARCH INSTITUTE, INC., FOR GIS
LICENSING FOR AN AMOUNT NOT TO EXCEED \$156,000.

Indexes:

Attachments: [Exhibit A](#)

**This Resolution was adopted unanimously.
Absent: Councilors Van Nett and Westerlund.**

12. [19-0613R](#) RESOLUTION ISSUING AN OFF SALE 3.2 PERCENT MALT LIQUOR
LICENSE TO KWIK TRIP, INC. (KWIK TRIP #941), 110 S. BOUNDARY
AVENUE

Indexes:

Attachments: [Attachment A](#)

**This Resolution was adopted unanimously.
Absent: Councilors Van Nett and Westerlund.**

Yea: 7 - Councilor Anderson, Councilor Filipovich, Councilor Forsman, Councilor Fosle, Councilor Russ, Councilor Sipress and President Hobbs

Absent: 2 - Councilor Van Nett and Councilor Westerlund

13. [19-0615R](#) RESOLUTION APPROVING THE TEMPORARY EXPANSION OF THE ON SALE BREWER TAPROOM LICENSE OF DULUTH CIDER, LLC (DULUTH CIDER) 2307 W. SUPERIOR STREET

Indexes:

Attachments: [Attachment B](#)

**This Resolution was adopted unanimously.
Absent: Councilors Van Nett and Westerlund.**

14. [19-0616R](#) RESOLUTION APPROVING ISSUANCE OF AN ON SALE INTOXICATING LIQUOR LICENSE AND SUNDAY LICENSE TO CRABBY OL' BILLS, INC (LAKEWALK GALLEY), 504 CANAL PARK DRIVE

Indexes:

Attachments: [Attachment C](#)

**This Resolution was adopted unanimously.
Absent: Councilors Van Nett and Westerlund.**

BY COUNCILOR RUSS (PLANNING & ECONOMIC DEVELOPMENT)

BY COUNCILOR RUSS (PLANNING & ECONOMIC DEVELOPMENT)

15. [19-0581R](#) RESOLUTION GRANTING AN INTERIM USE PERMIT FOR A VACATION DWELLING UNIT AT 1210 SOUTH LAKE AVENUE (STEVE AND HEATHER PITSCHKA).

Indexes:

Attachments: [Attachment 1](#)

**This Resolution was adopted unanimously.
Absent: Councilors Van Nett and Westerlund.**

16. [19-0582R](#) RESOLUTION GRANTING AN INTERIM USE PERMIT FOR A VACATION DWELLING UNIT AT 1535 SOUTH LAKE AVENUE (STEVE AND HEATHER PITSCHKA).

Indexes:

Attachments: [Attachment 1](#)

**This Resolution was adopted unanimously.
Absent: Councilors Van Nett and Westerlund.**

17. [19-0583R](#) RESOLUTION GRANTING AN INTERIM USE PERMIT FOR A VACATION

DWELLING UNIT AT 1302 MINNESOTA AVENUE (STEVE AND HEATHER PITSCHKA).

Indexes:

Attachments: [Attachment 1](#)

**This Resolution was adopted unanimously.
Absent: Councilors Van Nett and Westerlund.**

BY COUNCILOR FILIPOVICH (PUBLIC WORKS & UTILITIES)

BY COUNCILOR FILIPOVICH (PUBLIC WORKS & UTILITIES)

18. [19-0605R](#) RESOLUTION ACCEPTING PERMANENT EASEMENT FOR UTILITY PURPOSES FROM MOLINE MACHINERY, LLC AUTHORITY OVER, UNDER, AND ACROSS PROPERTY LOCATED IN THE IRVING NEIGHBORHOOD, AT NO COST TO THE CITY.

Indexes:

Attachments: [Exhibit 1.pdf](#)

**This Resolution was adopted unanimously.
Absent: Councilors Van Nett and Westerlund.**

19. [19-0609R](#) RESOLUTION AUTHORIZING AN AGREEMENT WITH MSA PROFESSIONAL SERVICES, INC. FOR PROFESSIONAL ENGINEERING SERVICES FOR THE EAST SECOND STREET RECONSTRUCTION PROJECT FROM SIXTH AVENUE EAST TO 12TH AVENUE EAST IN THE AMOUNT OF \$610,409.68.

Indexes:

Attachments: [19-0609R Map](#)
[19-0609R Exhibit A](#)

**This Resolution was adopted unanimously.
Absent: Councilors Van Nett and Westerlund.**

20. [19-0610R](#) RESOLUTION AUTHORIZING AN AMENDMENT TO AN AGREEMENT WITH TOOLE DESIGN GROUP, LLC, FOR THE DESIGN OF THE TEMPORARY RELOCATION OF THE CROSS CITY TRAIL, TO INCREASE THE AMOUNT BY \$43,294 FOR A NEW AMOUNT NOT TO EXCEED \$68,720.

Indexes:

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

**This Resolution was adopted unanimously.
Absent: Councilors Van Nett and Westerlund.**

21. [19-0611R](#) RESOLUTION OF INTENT FOR CONSTRUCTION OF PAVEMENT AND SIDEWALK IMPROVEMENTS TO TECHNOLOGY DRIVE TO SERVE 3301 TECHNOLOGY DRIVE, 3401 TECHNOLOGY DRIVE AND 4314 RICE LAKE ROAD.

Indexes:

Attachments: [19-0611R Map](#)
[19-0611R Signed Petition No. 1](#)
[19-0611R Signed Petition No. 2](#)
[19-0611R Signed Petition No. 3](#)

**This Resolution was adopted unanimously.
Absent: Councilors Van Nett and Westerlund.**

22. [19-0618R](#) RESOLUTION AMENDING A CONTRACT WITH MSA PROFESSIONAL SERVICES, INC., TO PROVIDE PROFESSIONAL ENGINEERING, TO INCLUDE ENVIRONMENTAL DESIGN FOR THE LIFT STATION 15 RELOCATION PROJECT, TO INCREASE THE AMOUNT BY \$36,448 FOR A NEW TOTAL OF \$166,807.

Indexes:

Attachments: [19-0618R Map](#)
[Amendment 1 8.30.19.pdf](#)

**This Resolution was adopted unanimously.
Absent: Councilors Van Nett and Westerlund.**

BY COUNCILOR WESTERLUND (RECREATION, LIBRARIES & AUTHORITIES)

BY COUNCILOR WESTERLUND (RECREATION, LIBRARIES & AUTHORITIES)

23. [19-0603R](#) RESOLUTION ACCEPTING PERMANENT EASEMENT FOR PUBLIC RECREATIONAL, WALKWAY AND TRAIL PURPOSES IN CONNECTION WITH THE CROSS CITY TRAIL FROM MOLINE MACHINERY, LLC AUTHORITY OVER, UNDER, AND ACROSS PROPERTY LOCATED IN THE IRVING NEIGHBORHOOD, AT NO COST TO THE CITY.

Indexes:

Attachments: [Exhibit 1.pdf](#)

**This Resolution was adopted unanimously.
Absent: Councilors Van Nett and Westerlund.**

24. [19-0604R](#) RESOLUTION ACCEPTING PERMANENT EASEMENT FOR PUBLIC RECREATIONAL, WALKWAY AND TRAIL PURPOSES IN CONNECTION WITH THE GRASSY POINT TRAIL FROM MOLINE MACHINERY, LLC AUTHORITY OVER, UNDER, AND ACROSS PROPERTY LOCATED IN

THE IRVING NEIGHBORHOOD, AT NO COST TO THE CITY.

Indexes:

Attachments: [Exhibit 1.pdf](#)

**This Resolution was adopted unanimously.
Absent: Councilors Van Nett and Westerlund.**

- 25. [19-0617R](#) RESOLUTION AUTHORIZING APPLICATION TO THE MINNESOTA DEPARTMENT OF NATURAL RESOURCES FOR A CONSERVATION PARTNERS LEGACY GRANT OF UP TO \$400,000 FOR THE PURPOSE OF SKYLINE PARKWAY LAND ACQUISITION.

Indexes:

Attachments: [Exhibit A Location Map](#)

**This Resolution was adopted unanimously.
Absent: Councilors Van Nett and Westerlund.**

END OF CONSENT AGENDA

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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)

- 26. [19-038-O](#) AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF DULUTH TO RECLASSIFY PROPERTY SOUTH OF THE INTERSECTION OF WEST GARY STREET AND BECKS ROAD FROM RURAL RESIDENTIAL 1 (RR-1) TO MIXED USE BUSINESS PARK (MU-B).

Indexes:

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

This Ordinance was read for the first time.

- 27. [19-039-O](#) AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF DULUTH TO RECLASSIFY PROPERTIES NEAR THE INTERSECTION OF COMMONWEALTH AVENUE AND BECKS ROAD FROM RURAL RESIDENTIAL 1 (RR-1) AND

RESIDENTIAL-TRADITIONAL (R-1) TO MIXED USE BUSINESS PARK (MU-B).

Indexes:

Attachments: [Attachment 1](#)

[Attachment 2](#)

[Attachment 3](#)

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 RUSS (PLANNING & ECONOMIC DEVELOPMENT)

BY COUNCILOR RUSS (PLANNING & ECONOMIC DEVELOPMENT)

- 28. [19-040-O](#) AN ORDINANCE GRANTING A CONCURRENT USE PERMIT FOR A GROUNDWATER MONITORING WELL IN THE PLATTED STREET RIGHT OF WAY OF GRAND AVENUE.

Indexes:

Attachments: [PL 19-101 Exhibit & Legal](#)

[PL 19-101 Staff Report and attachments](#)

A motion was made to adopt this resolution. This Ordinance was adopted unanimously.

Absent: Councilors Van Nett and Westerlund.

BY PRESIDENT HOBBS (COMMITTEE OF THE WHOLE)

BY PRESIDENT HOBBS (COMMITTEE OF THE WHOLE)

- 29. [19-041-O](#) ORDINANCE AMENDING SECTION 1 OF ORDINANCE 10298 TO EXTEND THE REPEAL DATE TO DECEMBER 31, 2024, FOR ARTICLE XII OF CHAPTER 45 OF THE CITY CODE ENTITLED STREET LIGHTING SYSTEM UTILITY.

A motion was made by President Hobbs to withdraw this Ordinance. The motion passed unanimously.

COUNCILOR QUESTIONS AND COMMENTS

COUNCILOR QUESTIONS AND COMMENTS

COUNCILOR PREVIEW OF UPCOMING BUSINESS

COUNCILOR PREVIEW OF UPCOMING BUSINESS