



# 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, February 27, 2017

7:00 PM

Council Chamber

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#### 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

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#### PUBLIC HEARING - Resolution 17-0171R TAX ABATEMENT FOR THE CAPSTONE PROJECT

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#### APPROVAL OF MINUTES

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1. [17-033](#) March and April 2016 City Council Meeting Minutes

**Indexes:**

**Attachments:** [March 14, 2016 - Council Meeting](#)  
[March 28, 2016 - Council Meeting](#)  
[April 11, 2016 - Council Meeting](#)  
[April 25th, 2016 - Council Meeting](#)

**This Minutes was approved.**

## REPORTS FROM THE ADMINISTRATION

REPORTS FROM THE ADMINISTRATION

## REPORTS FROM OTHER OFFICERS

REPORTS FROM OTHER OFFICERS

2. [17-032](#) Exempt Permit Application - Kraus-Anderson Community Foundation (Krause- Anderson Bike Duluth Festival)

**Indexes:**

**Attachments:** [BIKE DULUTH-02142017155611](#)

**This Other Officers Report was received.**

3. [17-036](#) Exempt Permit Application -Churches United in Ministry (Rhubarb Festival)

**Indexes:**

**Attachments:** [CHUM-02212017110222](#)

**This Other Officers Report was received.**

4. [17-037](#) Exempt Permit Application - Lincoln Park Business Group

**Indexes:**

**Attachments:** [Lincoln Park Business](#)

**This Other Officers Report was received.**

5. [17-040](#) Clerk application to conduct excluded bingo by St. Elizabeth's Catholic Church on April 9, November 19th, and December 10th, 2017

This Other Officers Report was received.

REPORTS OF BOARDS AND COMMISSIONS

REPORTS OF BOARDS AND COMMISSIONS

- 6. [17-030](#) 2-1-17 - Alcohol Gambling and Tobacco Commission Meeting Minutes

Indexes:

Attachments: [2-1-17 - Alcohol, Gambling & Tobacco Commission Meeting Minutes](#)

This Board or Commission Report was received.

- 7. [17-034](#) 11-29-16 Housing & Redevelopment Authority Meeting Minutes

Indexes:

Attachments: [11-29-16 - Housing & Redevelopment Authority Meeting Minutes](#)

This Board or Commission Report was received.

- 8. [17-035](#) 12-28-16 Duluth Transit Authority Meeting Minutes

Indexes:

Attachments: [12-28-16 - Duluth Transit Authority Meeting Minutes](#)

This Board or Commission Report was received.

- 9. [17-041](#) Resolution No. 17PUC-001 - RESOLUTION OF THE DULUTH PUBLIC UTILITIES COMMISSION RECOMMENDING THAT THE CITY OF DULUTH APPROVE THE 2016 WATER SUPPLY PLAN.

Indexes:

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

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

OPPORTUNITY FOR CITIZENS TO BE HEARD

OPPORTUNITY FOR CITIZENS TO BE HEARD

RESOLUTIONS TABLED

RESOLUTIONS TABLED

BY COUNCILOR RUSS (PLANNING & ECONOMIC DEVELOPMENT)

BY COUNCILOR RUSS (PLANNING & ECONOMIC DEVELOPMENT)

- 10. [17-0063R](#) RESOLUTION GRANTING AN INTERIM USE PERMIT FOR A VACATION DWELLING UNIT AT 2126 EAST WATER STREET UNIT L103 (LAURIE ANDERSON AND RANDY HOLT).

Indexes:

Attachments: [Attachment 1](#)

[MTA 17-0063R \(Passed\)](#)

A motion was made to remove resolution from the table to hear speakers.  
Motion passed Yeas:8 Nays:1 (Councilor Fosle)

A motion was made to table resolution. Motion passed unanimously.

**This Resolution was tabled.**

MOTIONS AND RESOLUTIONS

MOTIONS AND RESOLUTIONS

CONSENT AGENDA

CONSENT AGENDA

BY COUNCILOR HANSON (PURCHASING & LICENSING)

BY COUNCILOR HANSON (PURCHASING & LICENSING)

- 11. [17-0161R](#) RESOLUTION AUTHORIZING A SECOND AMENDMENT TO AN AGREEMENT WITH BENCH STRENGTH PARTNERS, INC., TO INCLUDE THE NEGOTIATION OF LEASES FOR THE INSTALLATION OF SMALL CELL COMMUNICATION SYSTEMS.

**Indexes:**

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

**This Resolution was adopted unanimously.**

- 12. [17-0172R](#) RESOLUTION AUTHORIZING A CONTRACT WITH DONALD HOLM CONSTRUCTION COMPANY, INC. FOR THE PARK POINT BEACH HOUSE NORTH WALL REPLACEMENT FOR AN AMOUNT NOT TO EXCEED \$182,706.

**This Resolution was adopted unanimously.**

- 13. [17-0173R](#) RESOLUTION AUTHORIZING A PROFESSIONAL ENGINEERING SERVICES AGREEMENT WITH LHB, INC. FOR DESIGN AND CONSTRUCTION ADMINISTRATION SERVICES FOR PHASE 1 SITE IMPROVEMENTS IN LINCOLN PARK FOR A TOTAL NOT TO EXCEED OF \$96,878.

**Indexes:**

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

**This Resolution was adopted unanimously.**

- 14. [17-0183R](#) RESOLUTION APPROVING THE EXEMPTION OF A RAFFLE LICENSE AND WAIVING THE 60 DAY WAITING PERIOD FOR MINNESOTA FRATERNAL ORDER OF POLICE

**Indexes:**

**Attachments:** [MN FRATERNAL ORDER OF POLICE-02082017125112](#)

**This Resolution was adopted unanimously.**

BY COUNCILOR ANDERSON (PERSONNEL)

BY COUNCILOR ANDERSON (PERSONNEL)

- 15. [17-0156R](#) RESOLUTION CONFIRMING THE APPOINTMENT OF JULIE ZARUBA FOUNTAINE, TO THE DULUTH TRANSIT AUTHORITY.

A motion was made by Councilor Anderson to amend the resolution.  
The motion passed unanimously.

**This Resolution was adopted as amended.**

- 16. [17-0165R](#) RESOLUTION CONFIRMING THE APPOINTMENT OF ROBERTA CICH TO THE COMMISSION ON DISABILITIES

**This Resolution was adopted unanimously.**

- 17. [17-0166R](#) RESOLUTION CONFIRMING THE REAPPOINTMENTS OF MEMBERS TO THE COMMISSION ON DISABILITIES BY MAYOR LARSON.

**Indexes:**

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

**This Resolution was adopted unanimously.**

BY COUNCILOR RUSS (PLANNING & ECONOMIC DEVELOPMENT)

BY COUNCILOR RUSS (PLANNING & ECONOMIC DEVELOPMENT)

- 18. [17-0098R](#) RESOLUTION AUTHORIZING THE PROPER CITY OFFICIALS TO ENTER INTO AN AGREEMENT WITH AND ACCEPT FUNDS FROM ST. LOUIS COUNTY TO PROVIDE MINNESOTA FAMILY INVESTMENT PROGRAM AND DIVERSIONARY WORK PROGRAM EMPLOYMENT AND TRAINING SERVICES IN AN AMOUNT NOT LESS THAN \$926,445 FOR THE PERIOD JANUARY 1, 2017 THROUGH DECEMBER 31, 2017.

**Indexes:**

**Attachments:** [2017 MFIP-DWP Contract](#)

**This Resolution was adopted unanimously.**

- 19. [17-0163R](#) RESOLUTION GRANTING AN INTERIM USE PERMIT FOR A VACATION DWELLING UNIT AT 2314 HOOVER STREET (TARA AND MATT ANDERSON).

Indexes:

Attachments: [PL16-149 Staff Report with Attachments](#)

**This Resolution was adopted unanimously.**

20. [17-0167R](#) RESOLUTION VACATING A PLATTED 10 FOOT WIDE UTILITY EASEMENT ON LOTS 12 AND 13, BLOCK 3, OF THE COTTAGE GROVE ADDITION PLAT.

Indexes:

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

**This Resolution was adopted unanimously.**

21. [17-0168R](#) RESOLUTION AUTHORIZING DEVELOPMENT AGREEMENT WITH CAPSTONE LLC FOR DEVELOPMENT OF 80 RENTAL UNITS OF WORKFORCE HOUSING IN THE MILLER HILL AREA AND APPLICATION TO ST. LOUIS COUNTY FOR TAX ABATEMENT ASSISTANCE FOR THE PROJECT.

Indexes:

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

**This Resolution was adopted unanimously.**

22. [17-0171R](#) RESOLUTION RELATING TO A TAX ABATEMENT; GRANTING THE ABATEMENT FOR THE CAPSTONE PROJECT

Indexes:

Attachments: [Exhibit A](#)

**This Resolution was adopted unanimously.**

BY COUNCILOR HOBBS (PUBLIC WORKS & UTILITIES)

BY COUNCILOR HOBBS (PUBLIC WORKS & UTILITIES)

23. [17-0053R](#) RESOLUTION ACCEPTING DEDICATION OF A UTILITY EASEMENT

FROM PIER B HOLDING, LLC.

Indexes:

- Attachments: [17-0053R Exhibit 1](#)  
[17-0053R Map](#)

**This Resolution was adopted unanimously.**

BY COUNCILOR FOSLE (PUBLIC SAFETY)

BY COUNCILOR FOSLE (PUBLIC SAFETY)

24. [17-0175R](#) RESOLUTION AUTHORIZING CITY OFFICIALS TO ALLOW OFFICER TOMLIN TO PURCHASE A POLICE CANINE NAMED KOBRA.

**This Resolution was adopted unanimously.**

BY COUNCILOR WESTERLUND (RECREATION, LIBRARIES & AUTHORITIES)

BY COUNCILOR WESTERLUND (RECREATION, LIBRARIES & AUTHORITIES)

25. [17-0159R](#) RESOLUTION ACCEPTING A \$5,000 CONTRIBUTION FROM THE DULUTH SOFTBALL PLAYERS ASSOCIATION FOR IMPLEMENTATION OF THE WEST DULUTH SPORTS CORRIDOR MINI MASTER PLAN.

Indexes:

- Attachments: [Exhibit A MiniMasterPlan](#)

**This Resolution was adopted unanimously.**

26. [17-0170R](#) RESOLUTION ACCEPTING PERMANENT EASEMENT FOR PUBLIC RECREATIONAL, WALKWAY, AND TRAIL PURPOSES FROM LAKE SUPERIOR CENTER AUTHORITY OVER PROPERTY AT BAYFRONT FESTIVAL PARK AT NO COST TO THE CITY.

Indexes:

- Attachments: [Exhibit 1](#)

**This Resolution was adopted unanimously.**

27. [17-0176R](#) RESOLUTION AUTHORIZING APPLICATION TO AND IF AWARDED

ACCEPTANCE OF A MINNESOTA DEPARTMENT OF NATURAL RESOURCES FEDERAL RECREATIONAL TRAIL PROGRAM GRANT OF UP TO \$150,000 TO REMEDY FAILING INFRASTRUCTURE ON THE DWP TRAIL.

**Indexes:**

**Attachments:** [Exhibit A Grant agreement draft](#)  
[exhibit B DWP Map 02 21 17](#)

**This Resolution was adopted unanimously.**

- 28. [17-0177R](#) RESOLUTION AUTHORIZING APPLICATION TO AND IF AWARDED ACCEPTANCE OF A MINNESOTA DEPARTMENT OF NATURAL RESOURCES FEDERAL RECREATIONAL TRAIL PROGRAM GRANT OF UP TO \$150,000 TO CONSTRUCT LIGHTING AND RELATED TRAIL IMPROVEMENTS AT THE GRAND AVENUE NORDIC CENTER.

**Indexes:**

**Attachments:** [Exhibit A Grant agreement draft](#)

**This Resolution was adopted unanimously.**

END OF CONSENT AGENDA

END OF CONSENT AGENDA

BY COUNCILOR FILIPOVICH (INTERGOVERNMENTAL RELATIONS)

BY COUNCILOR FILIPOVICH (INTERGOVERNMENTAL RELATIONS)

- 29. [17-0187R](#) RESOLUTION REQUESTING THAT THE CITY'S ADMINISTRATION PLACE ADDITIONAL RECYCLING CONTAINERS ON CITY PROPERTY TO REDUCE PLASTIC WASTE IN LOCAL LANDFILLS AND THE CITY'S WATERSHED.

**This Resolution was adopted unanimously.**

BY COUNCILOR FOSLE (PUBLIC SAFETY)

BY COUNCILOR FOSLE (PUBLIC SAFETY)

- 30. [17-0160R](#) RESOLUTION AUTHORIZING ACCEPTANCE OF A GRANT FROM THE MINNESOTA DEPARTMENT OF LABOR AND INDUSTRY, OCCUPATIONAL SAFETY AND HEALTH CONSULTATION UNIT IN AN AMOUNT UP TO \$7,000 FOR THE PURPOSE OF PURCHASING BAILOUT KITS AND BAILOUT COMPONENTS AND ESTABLISHING A DEDICATED ACCOUNT FOR THE GRANT.

Indexes:

Attachments: [Exhibit A 17-0160](#)

**This Resolution was adopted unanimously.**

BY COUNCILOR WESTERLUND (RECREATION, LIBRARIES & AUTHORITIES)

BY COUNCILOR WESTERLUND (RECREATION, LIBRARIES & AUTHORITIES)

- 31. [17-0174R](#) RESOLUTION AUTHORIZING ACCEPTANCE OF A \$100,000 GRANT FROM THE MINNESOTA DEPARTMENT OF NATURAL RESOURCES AND MINNESOTA LAKE SUPERIOR COASTAL PROGRAM TO CONSTRUCT RESTROOMS AT LAFAYETTE PARK.

Indexes:

Attachments: [Exhibit A sample grant agreement](#)

**This Resolution was adopted unanimously.**

INTRODUCTION AND CONSIDERATION OF ORDINANCES

INTRODUCTION AND CONSIDERATION OF ORDINANCES

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)

- 32. [17-008-O](#) AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF DULUTH TO PROVIDE FOR THE RECLASSIFICATION OF PROPERTY NORTH OF WEST ARROWHEAD ROAD AND EAST OF SWAN LAKE ROAD FROM R-2 TO MU-P.

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)

33. [17-007-O](#) AN ORDINANCE AUTHORIZING THE CONVEYANCE OF CERTAIN REAL PROPERTY IN WEST DULUTH TO MENARD, INC. FOR \$5,100.

Indexes:

- Attachments: [Exhibit A](#)

**This Ordinance was adopted unanimously.**

COUNCILOR QUESTIONS AND COMMENTS

COUNCILOR QUESTIONS AND COMMENTS

COUNCILOR PREVIEW OF UPCOMING BUSINESS

COUNCILOR PREVIEW OF UPCOMING BUSINESS

This meeting adjourned at 7:54 p.m.