



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 11, 2017

7:00 PM

Council Chamber

ROLL CALL

ROLL CALL

Present: 6 - Councilor Gary Anderson, Councilor Zack Filipovich, Councilor Jay Fosle, Councilor Barb Russ, Councilor Em Westerlund and Councilor Joel Sipress
Absent: 1 - President Noah Hobbs

PLEDGE OF ALLEGIANCE

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APPROVAL OF MINUTES

APPROVAL OF MINUTES

1. [17-192](#) December 4th, 2017 Duluth City Council Meeting Minutes

Indexes:

Attachments: [December 4 - City Council](#)

This Minutes was approved.

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. [17-189](#) Duluth Entertainment Convention Center Meeting Minutes

Indexes:

- Attachments:** [August 29, 2017 DECC Board Meeting Minutes](#)
[July 11, 2017 DECC Board Meeting Minutes](#)
[July 25, 2017 DECC Board Meeting Minutes](#)
[September 26, 2017 DECC Board Meeting Minutes](#)

This Board or Commission Report was received.

3. [17-190](#) Housing and Redevelopment Authority Meeting Minutes

Indexes:

- Attachments:** [10-31-2017 HRA Meeting Minutes](#)

This Board or Commission Report was received.

4. [17-191](#) Library Board Meeting Minutes

Indexes:

- Attachments:** [10-24-2017 Library Board 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

OPPORTUNITY FOR CITIZENS TO BE HEARD

OPPORTUNITY FOR CITIZENS TO BE HEARD

CONSENT AGENDA

CONSENT AGENDA

BY COUNCILOR HANSEN (FINANCE)

BY COUNCILOR HANSEN (FINANCE)

- 5. [17-0873R](#) RESOLUTION AUTHORIZING EXTENSION AND AMENDMENT OF AN AGREEMENT WITH TYLER TECHNOLOGIES FOR THE PURCHASE OF MAINTENANCE AND SUPPORT OF NEW WORLD SYSTEMS FOR YEAR 2018 FOR AN AMOUNT NOT TO EXCEED \$217,132.

Indexes:

Attachments: [Exhibit A](#)

This Resolution was adopted unanimously.

BY COUNCILOR HANSON (PURCHASING & LICENSING)

BY COUNCILOR HANSON (PURCHASING & LICENSING)

- 6. [17-0819R](#) RESOLUTION APPROVING THE TRANSFER OF THE BREWERY MALT LIQUOR OFF SALE (GROWLER), AND BREWERY MALT LIQUOR ON SALE (TAPROOM) AND ON SALE SUNDAY LICENSE (TAPROOM ONLY) AND 2:00 A.M. (TAPROOM ONLY) OF BENT PADDLE BREWING COMPANY, FROM 1912 WEST MICHIGAN STREET TO 1832 WEST MICHIGAN STREET.

Indexes:

Attachments: [Bent Paddle Brewing Company](#)
[Bent Paddle Attachment](#)

This Resolution was adopted unanimously.

7. [17-0854R](#) RESOLUTION APPROVING THE TRANSFER OF STOCK OF THE BREWERY MALT LIQUOR OFF SALE GROWLER, AND BREWERY MALT LIQUOR ON SALE (TAPROOM) AND ON SALE SUNDAY LICENSE (TAPROOM ONLY) AND 2:00 A.M. (TAPROOM ONLY) OF LAKE SUPERIOR BREWING CO. LLC, 2711 W SUPERIOR STREET #201.

Indexes:

Attachments: [LAKE SUPERIOR BREWING-11272017104044](#)

This Resolution was adopted unanimously.

8. [17-0858R](#) RESOLUTION APPROVING THE ISSUANCE OF LAWFUL GAMBLING PREMISE PERMITS TO IRVING COMMUNITY ASSOCIATION

Indexes:

Attachments: [IRVING alpine-11282017151744](#)
[IRVING GB SCHNEIDER-11282017151724](#)

This Resolution was adopted unanimously.

9. [17-0867R](#) RESOLUTION ISSUING AN ON SALE INTOXICATING LIQUOR LICENSE, SUNDAY LICENSE AND APPROVING ISSUANCE OF AN AFTER HOURS ENTERTAINMENT LICENSE TO SOUND DULUTH, LLC. (SOUND) 132 EAST SUPERIOR STREET, SUITE 2A

Indexes:

Attachments: [SOUND-12012017094012](#)

This Resolution was adopted unanimously.

Yea: 6 - Councilor Anderson, Councilor Filipovich, Councilor Fosle, Councilor Russ, Councilor Westerlund and Councilor Sipress

Absent: 2 - Hanson and President Hobbs

Abstain: 1 - Hansen

BY COUNCILOR RUSS (PLANNING & ECONOMIC DEVELOPMENT)

BY COUNCILOR RUSS (PLANNING & ECONOMIC DEVELOPMENT)

10. [17-0876R](#) RESOLUTION ACCEPTING THE IRVING AND FAIRMOUNT BROWNFIELDS REVITALIZATION PLAN

Indexes:

Attachments: [IFBRP Plan Document Final](#)

This Resolution was adopted unanimously.

BY COUNCILOR FILIPOVICH (INTERGOVERNMENTAL RELATIONS)

BY COUNCILOR FILIPOVICH (INTERGOVERNMENTAL RELATIONS)

11. [17-0869R](#) RESOLUTION AUTHORIZING A THREE-YEAR AGREEMENT WITH THE STATE OF MINNESOTA FOR AN EXCLUSIVE LICENSE TO ENTER ONTO AND OCCUPY CITY-OWNED PROPERTY IN THE FOND DU LAC NEIGHBORHOOD FOR THE PLACEMENT AND STORAGE OF A FIELD TRAILER, EQUIPMENT AND RELATED ITEMS.

Indexes:

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

This Resolution was adopted unanimously.

12. [17-0870R](#) RESOLUTION AUTHORIZING A THREE-YEAR AGREEMENT WITH THE STATE OF MINNESOTA FOR A NON-EXCLUSIVE LICENSE TO ENTER ONTO CITY-OWNED PROPERTY NEAR MISSION CREEK FOR ACCESS TO AN EXISTING DEBRIS CATCHER.

Indexes:

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

This Resolution was adopted unanimously.

BY COUNCILOR HOBBS (PUBLIC WORKS & UTILITIES)

BY COUNCILOR HOBBS (PUBLIC WORKS & UTILITIES)

13. [17-0864R](#) RESOLUTION AWARDDING A CONTRACT TO C & S CHEMICALS FOR THE PURCHASE AND DELIVERY OF 125,400 GALLONS OF LIQUID ALUMINUM SULFATE IN YEAR 2018 FOR A TOTAL COST OF

\$105,210.60.

This Resolution was adopted unanimously.

- 14. [17-0868R](#) RESOLUTION AUTHORIZING FIRST AMENDMENT TO CITY CONTRACT NO. 22407 WITH PRAXAIR, INC. AND DEDA SUBSTITUTING A NEW ROAD EASEMENT IN ONEOTA III.

Indexes:

Attachments: [EXHIBIT 1-03152018094303](#)

This Resolution was adopted unanimously.

BY COUNCILOR FOSLE (PUBLIC SAFETY)

BY COUNCILOR FOSLE (PUBLIC SAFETY)

- 15. [17-0856R](#) RESOLUTION AUTHORIZING PROPER CITY OFFICIALS TO ACCEPT A GRANT FROM THE U.S. DEPARTMENT OF JUSTICE, BUREAU OF JUSTICE ASSISTANCE, IN THE TOTAL AMOUNT OF \$626,835 AND AUTHORIZING AGREEMENTS WITH PROGRAM FOR AID TO VICTIMS OF SEXUAL ASSAULT AND MINNESOTA BUREAU OF CRIMINAL APPREHENSION FOR THEIR PARTICIPATION IN THE 2017 SAKI PROJECT: CITY OF DULUTH AS PART OF THE NATIONAL SEXUAL ASSAULT KIT INITIATIVE.

Indexes:

Attachments: [Exhibit A 17-0856R](#)

[Exhibit B 17-0856R](#)

[Exhibit C 17-0856R](#)

[Exhibit D 17-0856R](#)

This Resolution was adopted unanimously.

Yea: 6 - Councilor Anderson, Councilor Filipovich, Councilor Fosle, Hansen, Councilor Russ and Councilor Sipress

Nay: 1 - Councilor Westerlund

Absent: 2 - Hanson and President Hobbs

- 16. [17-0875R](#) RESOLUTION AUTHORIZING THE PROPER CITY OFFICIALS TO SUBMIT TO THE MINNESOTA DEPARTMENT OF PUBLIC SAFETY, OFFICE OF JUSTICE PROGRAM, CRIME VICTIM SERVICES, A

PROSECUTORIAL SERVICES TO CRIME VICTIMS 2018-2019 GRANT APPLICATION FOR FUNDING FOR A FULL TIME VICTIM SERVICES POSITION IN THE CITY ATTORNEY'S OFFICE.

This Resolution was adopted unanimously.

BY COUNCILOR WESTERLUND (RECREATION, LIBRARIES & AUTHORITIES)

BY COUNCILOR WESTERLUND (RECREATION, LIBRARIES & AUTHORITIES)

- 17. [17-0860R](#) RESOLUTION AUTHORIZING AN AGREEMENT WITH THE ARROWHEAD LIBRARY SYSTEM MULTITYPE BOARD ALLOWING THE DULUTH PUBLIC LIBRARY TO BE A MEMBER AND HAVE ACCESS TO MULTITYPE LIBRARY SERVICES AT NO COST.

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)

- 18. [17-0877R](#) RESOLUTION DISTRIBUTING THE ESTIMATED 2018 HOTEL-MOTEL AND FOOD AND BEVERAGE TOURISM TAXES.

Indexes:

Attachments: [Resolution 17-0877 Comparative Distributions](#)

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

Yea: 6 - Councilor Anderson, Councilor Filipovich, Hansen, Councilor Russ, Councilor Westerlund and Councilor Sipress

Nay: 1 - Councilor Fosle

Absent: 2 - Hanson and President Hobbs

BY PRESIDENT SIPRESS (COMMITTEE OF THE WHOLE)

BY PRESIDENT SIPRESS (COMMITTEE OF THE WHOLE)

19. [17-0866R](#) RESOLUTION AUTHORIZING APPROVAL OF COMMUNITY SOLAR GARDEN PROGRAM CUSTOMER CONTRACT AND ADDENDUM BETWEEN MINNESOTA POWER AND THE CITY OF DULUTH FOR PURCHASE OF 420 - 1 KILOWATT SHARES OF SOLAR-GENERATED ELECTRICITY PRODUCED BY THE PROJECT FOR THE NEXT 25 YEARS IN THE TOTAL AMOUNT OF \$895,503.

Indexes:

Attachments: [Exhibit A](#)

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

Yea: 6 - Councilor Anderson, Councilor Filipovich, Hansen, Councilor Russ, Councilor Westerlund and Councilor Sipress

Nay: 1 - Councilor Fosle

Absent: 2 - Hanson and President Hobbs

BY COUNCILOR HOBBS (PUBLIC WORKS & UTILITIES)

BY COUNCILOR HOBBS (PUBLIC WORKS & UTILITIES)

20. [17-0861R](#) RESOLUTION AUTHORIZING AN AGREEMENT WITH KARGES-FAULCONBRIDGE, INC., FOR MECHANICAL ENGINEERING SERVICES TO CONVERT BUILDINGS ON SUPERIOR STREET FROM A STEAM TO HOT WATER DISTRICT ENERGY SYSTEM FOR AN AMOUNT NOT TO EXCEED \$89,500.

Indexes:

Attachments: [Exhibit A](#)

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

Yea: 6 - Councilor Anderson, Councilor Filipovich, Hansen, Councilor Russ, Councilor Westerlund and Councilor Sipress

Nay: 1 - Councilor Fosle

Absent: 2 - Hanson and President Hobbs

21. [17-0862R](#) RESOLUTION AUTHORIZING A NO-COST EXTENSION OF A CONTRACT WITH THE STATE OF MINNESOTA BOARD OF WATER AND SOIL RESOURCES (BWSR) FOR ONE YEAR FOR FLOOD DISASTER RECOVERY FUNDING OF STREAM RESTORATION PROJECTS AS A RESULT OF THE JUNE 2012 FLOOD.

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

Yea: 6 - Councilor Anderson, Councilor Filipovich, Hansen, Councilor Russ, Councilor Westerlund and Councilor Sipress

Nay: 1 - Councilor Fosle

Absent: 2 - Hanson and President Hobbs

22. [17-0863R](#) RESOLUTION AUTHORIZING THE PURCHASE OF PRE-INSULATED PIPE, FITTINGS, VALVES AND ACCESSORIES FOR PHASES 1 AND 2 OF THE SUPERIOR STREET RECONSTRUCTION FROM GF URECON LIMITED IN THE AMOUNT OF \$498,979.53.

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

Yea: 6 - Councilor Anderson, Councilor Filipovich, Hansen, Councilor Russ, Councilor Westerlund and Councilor Sipress

Nay: 1 - Councilor Fosle

Absent: 2 - Hanson and President Hobbs

BY COUNCILOR WESTERLUND (RECREATION, LIBRARIES & AUTHORITIES)

BY COUNCILOR WESTERLUND (RECREATION, LIBRARIES & AUTHORITIES)

23. [17-0872R](#) RESOLUTION AUTHORIZING APPLICATION TO THE MINNESOTA DEPARTMENT OF TRANSPORTATION - TRANSPORTATION ALTERNATIVES PROGRAM TO BUILD SEGMENT III OF THE CROSS CITY TRAIL MULTI-USE PATH FROM IRVING PARK TO KEENE CREEK PARK NOT TO EXCEED \$600,000

Indexes:

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

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

Yea: 6 - Councilor Anderson, Councilor Filipovich, Hansen, Councilor Russ, Councilor Westerlund and Councilor Sipress

Nay: 1 - Councilor Fosle

Absent: 2 - Hanson and President Hobbs

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 HANSEN (FINANCE)

BY COUNCILOR HANSEN (FINANCE)

- 24.** [17-072-O](#) AN ORDINANCE AMENDING SECTION 41-29 OF THE DULUTH CITY CODE, TO AUTHORIZE ADDITIONAL PROCEDURES FOR DISPOSAL OF SURPLUS PROPERTY.

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 HANSEN (FINANCE)

BY COUNCILOR HANSEN (FINANCE)

- 25.** [17-073-O](#) AN ORDINANCE DETERMINING THE SUM TO BE RAISED BY TAXATION FOR THE SPECIAL TAXING DISTRICT, DULUTH TRANSIT AUTHORITY, FOR THE YEAR 2018.

This Ordinance was adopted.

Yea: 6 - Councilor Anderson, Councilor Filipovich, Hansen, Councilor Russ, Councilor Westerlund and Councilor Sipress

Nay: 1 - Councilor Fosle

Absent: 2 - Hanson and President Hobbs

26. [17-074-O](#) AN ORDINANCE DETERMING THE SUM TO BE RAISED BY TAXATION FOR THE SPECIAL PARKS FUND LEVY FOR THE YEAR 2018.

This Ordinance was adopted.

Yea: 6 - Councilor Anderson, Councilor Filipovich, Hansen, Councilor Russ, Councilor Westerlund and Councilor Sipress

Nay: 1 - Councilor Fosle

Absent: 2 - Hanson and President Hobbs

BY COUNCILOR RUSS (PLANNING & ECONOMIC DEVELOPMENT)

BY COUNCILOR RUSS (PLANNING & ECONOMIC DEVELOPMENT)

27. [17-063-O](#) AN ORDINANCE GRANTING A CONCURRENT USE PERMIT FOR PARKING IN THE PLATTED STREET RIGHT OF WAY OF 10TH AVENUE EAST.

Indexes:

Attachments: [Attachment 1](#)

[Attachment 2](#)

This Ordinance was adopted.

28. [17-064-O](#) AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF DULUTH TO RECLASSIFY PROPERTY IN THE GENERAL AREA OF THE UNIVERSITY OF MINNESOTA (UMD) CAMPUS AT 1049 UNIVERSITY DRIVE, FROM R-1 AND R-2 TO MU-I AND R-C.

Indexes:

Attachments: [Attachment 1](#)

[Attachment 2](#)

[Attachment 3](#)

This Ordinance was adopted.

29. [17-065-O](#) AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF DULUTH TO RECLASSIFY PROPERTY IN THE GENERAL AREA OF THE ONEOTA BUSINESS PARK, NEAR WEST MICHIGAN STREET AND SOUTH 40TH AVENUE WEST, FROM I-G AND MU-N TO MU-B.

Indexes:

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

This Ordinance was adopted.

30. [17-066-O](#) AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF DULUTH TO RECLASSIFY PROPERTY AT THE END OF MINNESOTA AVENUE, FROM R-1 TO AP, P-1, AND R-C.

Indexes:

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

This Ordinance was adopted.

31. [17-067-O](#) AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF DULUTH TO RECLASSIFY PROPERTY in the general area of Indian point campground, and areas between 63rd and 73rd avenue WEST, and milford and FREMONT street, from I-W and R-1 to R-1, P-1, and R-C.

Indexes:

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

This Ordinance was adopted.

32. [17-068-O](#) AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF DULUTH TO RECLASSIFY PROPERTY AT THE END OF SPRING STREET, FROM I-G TO MU-W.

Indexes:

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

This Ordinance was adopted.

- 33. [17-069-O](#) AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF DULUTH TO RECLASSIFY PROPERTY IN THE GENERAL AREA OF BOUNDARY AVENUE AND US HIGHWAY 2, FROM RR-1, R-1, AND MU-C, TO RR-1, R-1, AND MU-N.

Indexes:

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

This Ordinance was tabled.

- 34. [17-070-O](#) AN ORDINANCE GRANTING A CONCURRENT USE PERMIT FOR A FENCE IN THE PLATTED STREET RIGHT OF WAY OF NORTH 48TH AVENUE EAST.

Indexes:

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

This Ordinance was adopted.

- 35. [17-071-O](#) AN ORDINANCE GRANTING A CONCURRENT USE PERMIT FOR A HISTORIC MARQUEE SIGN IN THE PLATTED STREET RIGHT OF WAY OF NORTH CENTRAL AVENUE.

Indexes:

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

This Ordinance was adopted.

COUNCILOR QUESTIONS AND COMMENTS

COUNCILOR QUESTIONS AND COMMENTS

COUNCILOR PREVIEW OF UPCOMING BUSINESS

COUNCILOR PREVIEW OF UPCOMING BUSINESS