



# 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, November 25, 2019

7:00 PM

Council Chamber

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#### ROLL CALL

- Present:** 8 - Councilor Gary Anderson, Councilor Zack Filipovich, Councilor Arik Forsman, Councilor Barb Russ, Councilor Joel Sipress, Councilor Renee Van Nett, Councilor Em Westerlund and President Noah Hobbs
- Absent:** 1 - Councilor Jay Fosle

#### PLEDGE OF ALLEGIANCE

#### APPROVAL OF MINUTES

1. [19-195](#) Meeting Minutes of the Duluth City Council

**Indexes:**

**Attachments:** [November 8, 2019 - City Council Meeting](#)  
[November 11, 2019 - City Council Meeting](#)

These Minutes were approved.

#### REPORTS FROM THE ADMINISTRATION

#### REPORTS FROM OTHER OFFICERS

2. [19-193](#) Business Subsidy Agreement Pre-Approval Report: TIF - Decker Dwellings Affordable Housing Development

**Indexes:****Attachments:** [Business Subsidy Agreement Pre-approval- Final](#)

This Other Officers Report was received.

3. [19-194](#) Application for Exempt Permit: Twin Ports Walleye Association

**Indexes:****Attachments:** [Application for Exempt Permit Twin Ports Walleye Association](#)

This Other Officers Report was received.

**REPORTS OF BOARDS AND COMMISSIONS**

4. [19-192](#) Housing and Redevelopment Authority Meeting Minutes

**Indexes:****Attachments:** [September 24, 2019 - HRA Minutes](#)

This Board or Commission Report was received.

**REPORTS OF COUNCIL COMMITTEES****REPORTS OF COUNCIL OPEN ISSUES**

Distinguished Artist Award - Vanessa Sagataw

**OPPORTUNITY FOR CITIZENS TO BE HEARD**

Gerald Sjoberg, Mary Ellen Sjoberg and J. Kieper spoke in regards to 19-0810R and 19-0811R

David Ross, Jane Huvland, Gay Trachsel, Linda Herron, Kohn Krimm, Rachel Wagner, Shawna Weaver, Libby Bent, Jamie Harvie, Lisa Fitzpatrick, Cyndi Brown, Tom Maloney, Lynn Clarke Pegg, Beth Hall and John Goldfine all spoke in regards to "Bag It"

David Ross also spoke in regards to apartment development.

Todd Gustafson spoke in regards to 19-046-O

Guy Heide spoke in regards to Campus Connector Trail Mini-Plan

Robert Lacosse, Brian Liberty, Ann Lacosse, Scott Moe and Peter Coyle spoke in regards to the South Street rezoning.

Lisa Dupuis spoke about Hotel/Motel special use permit for Skyline Parkway

Joel Manns spoke about the Western Waterfront Trail

Bruce Fehringer spoke about the Marten Trail

**RESOLUTIONS TABLED****CONSENT AGENDA****BY COUNCILOR ANDERSON (FINANCE)**

- 5. [19-0779R](#) RESOLUTION APPROVING SETTLEMENT IN THE AMOUNT OF \$20,000 TO MARLENE WISURI FOR DAMAGE, PERSONAL INJURY, AND ALL OTHER CLAIMS.

Indexes:

Attachments: [Exhibit A](#)

This Resolution was adopted unanimously.  
Absent: Councilor Fosle

- 6. [19-0793R](#) RESOLUTION ADOPTING THE 2020 FEE SCHEDULE FOR LICENSE, PERMIT, FINE, PENALTY AND OTHER CHARGES.

Indexes:

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

This Resolution was adopted unanimously.  
Absent: Councilor Fosle

**BY COUNCILOR FORSMAN (PERSONNEL)**

- 7. [19-0797R](#) RESOLUTION APPROVING PROPOSED AMENDMENTS TO THE SPECIFICATIONS FOR THE EXISTING CIVIL SERVICE CLASSIFICATION OF HOUSING INSPECTOR.

Indexes:

Attachments: [Exhibit A](#)

This Resolution was adopted unanimously.  
Absent: Councilor Fosle

- 8. [19-0798R](#) RESOLUTION APPROVING PROPOSED AMENDMENTS TO THE SPECIFICATIONS FOR THE EXISTING CIVIL SERVICE CLASSIFICATION OF HOUSING INSPECTOR LEADWORKER.

Indexes:

Attachments: [Exhibit A](#)

This Resolution was adopted unanimously.  
Absent: Councilor Fosle

- 9. [19-0799R](#) RESOLUTION CONFIRMING THE APPOINTMENT OF CHRISTOPHER FLEEGE AS DIRECTOR, PLANNING & ECONOMIC DEVELOPMENT FOR THE CITY OF DULUTH.

This Resolution was adopted unanimously.  
Absent: Councilor Fosle

10. [19-0800R](#) RESOLUTION APPROVING PROPOSED SPECIFICATIONS FOR THE NEW CIVIL SERVICE CLASSIFICATION OF PARK MAINTENANCE OPERATIONS COORDINATOR, AND SPECIFYING CONTRACT BENEFITS FOR SAME.

**Indexes:**

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

**This Resolution was adopted unanimously.  
Absent: Councilor Fosle**

11. [19-0806R](#) RESOLUTION CONFIRMING THE APPOINTMENT OF CHELSEA HELMER AS DIRECTOR, ADMINISTRATIVE SERVICES FOR THE CITY OF DULUTH.

**This Resolution was adopted unanimously.  
Absent: Councilor Fosle**

**BY PRESIDENT HOBBS (COMMITTEE OF THE WHOLE)**

12. [19-0782R](#) RESOLUTION DESIGNATING POLLING PLACES FOR THE MARCH 3, 2020 PRESIDENTIAL NOMINATION PRIMARY, AUGUST 11, 2020 PRIMARY ELECTION AND THE NOVEMBER 3, 2020 GENERAL ELECTION

**This Resolution was adopted unanimously.  
Absent: Councilor Fosle**

**BY COUNCILOR RUSS (PLANNING & ECONOMIC DEVELOPMENT)**

13. [19-0777R](#) RESOLUTION APPROVING A FIRST AMENDMENT TO THE PROPERTY DEMOLITION AGREEMENT WITH THE DULUTH ECONOMIC DEVELOPMENT AUTHORITY FOR DEMOLITION SERVICES IN CERTAIN WESTERN NEIGHBORHOODS.

**Indexes:**

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

**This Resolution was adopted unanimously.  
Absent: Councilor Fosle**

**BY COUNCILOR FILIPOVICH (PUBLIC WORKS & UTILITIES)**

14. [19-0774R](#) RESOLUTION AMENDING A CONTRACT WITH EVER-GREEN ENERGY, INC. TO PROVIDE ADDITIONAL DESIGN AND CONSTRUCTION INSPECTION SERVICES NECESSARY FOR PHASE

THREE OF THE CONVERSION OF THE EXISTING DULUTH ENERGY STEAM SYSTEM TO A HOT WATER SYSTEM, TO INCREASE THE AMOUNT BY \$547,500 FOR A NEW TOTAL OF \$2,303,811.

**Indexes:**

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

**This Resolution was adopted unanimously.  
Absent: Councilor Fosle**

15. [19-0775R](#) RESOLUTION AUTHORIZING A CONTRACT WITH EGAN COMPANY FOR THE CONNECTION OF THE HOT WATER SYSTEM BETWEEN THE DULUTH ENERGY SYSTEM PLANT AND MICHIGAN STREET LINES IN AN AMOUNT NOT TO EXCEED \$929,810.

**This Resolution was adopted unanimously.  
Absent: Councilor Fosle**

16. [19-0778R](#) RESOLUTION ORDERING IN THE TECHNOLOGY DRIVE IMPROVEMENTS PROJECT AT AN ESTIMATED COST OF \$150,000.

**Indexes:**

**Attachments:** [19-0778R Map](#)  
[19-0778R Memo to Council](#)  
[19-0778R Public Hearing Minutes](#)

**This Resolution was adopted unanimously.  
Absent: Councilor Fosle**

17. [19-0783R](#) RESOLUTION RESCINDING RESOLUTION 19-0015R AND WORK ORDER 1, AND AUTHORIZING WORK ORDERS 2 AND 4 WITH MNDOT TO COOPERATIVELY PROVIDE DESIGN SERVICES TO THE DULUTH METRO AREA EVP SIGNAL SYSTEM PROJECT.

**Indexes:**

**Attachments:** [19-0783R Exhibit A](#)  
[19-0783R Exhibit B](#)  
[19-0783R Map](#)

**This Resolution was adopted unanimously.  
Absent: Councilor Fosle**

18. [19-0794R](#) RESOLUTION AUTHORIZING AN ASSESSMENT AGREEMENT WITH DULUTH UNITED, LLC RELATING TO CONSTRUCTION OF PAVEMENT AND SIDEWALK IMPROVEMENTS ON TECHNOLOGY DRIVE FROM RICE LAKE ROAD TO APPROXIMATELY 1,050 FEET NORTHEASTERLY.

Indexes:

Attachments: [19-0794R Exhibit A](#)

This Resolution was adopted unanimously.  
Absent: Councilor Fosle

19. [19-0795R](#) RESOLUTION AUTHORIZING AN ASSESSMENT AGREEMENT WITH INVOLTA, LLC RELATING TO CONSTRUCTION OF PAVEMENT AND SIDEWALK IMPROVEMENTS ON TECHNOLOGY DRIVE FROM RICE LAKE ROAD TO APPROXIMATELY 1,050 FEET NORTHEASTERLY.

Indexes:

Attachments: [19-0795R Exhibit A](#)

This Resolution was adopted unanimously.  
Absent: Councilor Fosle

20. [19-0796R](#) RESOLUTION AUTHORIZING AN ASSESSMENT AGREEMENT WITH TISCHER CREEK DULUTH BUILDING COMPANY RELATING TO CONSTRUCTION OF PAVEMENT AND SIDEWALK IMPROVEMENTS ON TECHNOLOGY DRIVE FROM RICE LAKE ROAD TO APPROXIMATELY 1,050 FEET NORTHEASTERLY.

Indexes:

Attachments: [19-0796R Exhibit A](#)

This Resolution was adopted unanimously.  
Absent: Councilor Fosle

**BY COUNCILOR VAN NETT (PUBLIC SAFETY)**

21. [19-0773R](#) RESOLUTION AUTHORIZING A CONTRACT WITH CY-CON, INC. FOR REHABILITATION OF THE HART AND LIBRARY-DEPOT PARKING RAMPS FOR AN AMOUNT NOT TO EXCEED \$187,185.

This Resolution was adopted unanimously.  
Absent: Councilor Fosle

22. [19-0787R](#) RESOLUTION AUTHORIZING ACCEPTANCE OF REIMBURSEMENT FUNDING FROM THE OFFICE OF NATIONAL DRUG CONTROL POLICY, HIGH INTENSITY DRUG TRAFFICKING AREAS (HIDTA) PROGRAM, IN AN AMOUNT NOT TO EXCEED \$100,000, FOR THE 2020 LAKE SUPERIOR DRUG CORRIDOR INITIATIVE.

Indexes:

Attachments: [Exh. A](#)

This Resolution was adopted unanimously.

**Absent: Councilor Fosle**

23. [19-0802R](#) 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 \$727,651 AND FURTHER AUTHORIZING AN AGREEMENT WITH ST. LOUIS COUNTY AND PROGRAM FOR AID TO VICTIMS OF SEXUAL ASSAULT FOR THEIR PARTICIPATION IN THE 2019 SAKI PROJECT: CITY OF DULUTH AS PART OF THE NATIONAL SEXUAL ASSAULT KIT INITIATIVE.

**Indexes:**

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

[Exhibit B](#)

[Exhibit C](#)

**This Resolution was adopted unanimously.**

**Absent: Councilor Fosle**

**Abstain: Councilor Westerlund, stating because of her employer.**

24. [19-0803R](#) RESOLUTION AUTHORIZING PROPER CITY OFFICIALS TO ACCEPT A GRANT FROM THE STATE OF MINNESOTA, COMMISSIONER OF PUBLIC SAFETY, OFFICE OF JUSTICE PROGRAMS, IN THE TOTAL AMOUNT OF \$400,000 FOR THE PURPOSE OF SUPPORTING THE OPERATIONS OF THE LAKE SUPERIOR DRUG AND VIOLENT CRIME TASK FORCE THROUGH DECEMBER 31, 2020.

**Indexes:**

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

**This Resolution was adopted unanimously.**

**Absent: Councilor Fosle**

25. [19-0804R](#) RESOLUTION AUTHORIZING PROPER CITY OFFICIALS TO ACCEPT A GRANT FROM THE UNITED STATES DEPARTMENT OF JUSTICE IN THE AMOUNT OF \$35,760 AND FURTHER AUTHORIZING EXECUTION OF GRANT AGREEMENT WITH ST. LOUIS COUNTY.

**Indexes:**

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

[Exhibit A](#)

[Exhibit B](#)

**This Resolution was adopted unanimously.**

**Absent: Councilor Fosle**

**BY COUNCILOR WESTERLUND (RECREATION, LIBRARIES & AUTHORITIES)**

26. [19-0771R](#) RESOLUTION AUTHORIZING THE ACCEPTANCE OF A MINNESOTA

DEPARTMENT OF NATURAL RESOURCES GRANT OF \$5,000 FOR WINTER RECREATIONAL EQUIPMENT FOR GROWING PROGRAMMING INITIATIVE.

**Indexes:**

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

**This Resolution was adopted unanimously.  
Absent: Councilor Fosle**

27. [19-0780R](#) RESOLUTION AUTHORIZING AN AGREEMENT WITH TKDA FOR PROFESSIONAL DESIGN AND ENGINEERING SERVICES FOR IMPROVEMENTS AT THE WADE-WHEELER ATHLETIC COMPLEX IN THE AMOUNT NOT TO EXCEED \$52,200.

**Indexes:**

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

**This Resolution was adopted unanimously.  
Absent: Councilor Fosle**

28. [19-0784R](#) RESOLUTION AUTHORIZING APPROVAL AND IMPLEMENTATION OF THE WAABIZHESKIKANA (THE MARTEN TRAIL) MINI MASTER PLAN.

**Indexes:**

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

**This Resolution was adopted unanimously.  
Absent: Councilor Fosle**

29. [19-0785R](#) RESOLUTION AUTHORIZING ACCEPTANCE OF A SNOWMOBILE TRAILS ASSISTANCE PROGRAM GRANT FOR THE FY2020 WITH THE MINNESOTA DEPARTMENT OF NATURAL RESOURCES IN AN AMOUNT NOT TO EXCEED \$18,860.72.

**Indexes:**

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

**This Resolution was adopted unanimously.  
Absent: Councilor Fosle**

30. [19-0786R](#) RESOLUTION AUTHORIZING THE CITY TO ENTER INTO A MEMORANDUM OF AGREEMENT WITH THE MINNESOTA STATE HISTORIC PRESERVATION OFFICE REGARDING THE LINCOLN PARK IMPROVEMENT PROJECT.

**Indexes:**

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

**This Resolution was returned to Administration.**



31. [19-0792R](#) RESOLUTION APPROVING THE CONVEYANCE BY THE DULUTH TRANSIT AUTHORITY TO THE STATE OF MINNESOTA OF A PERPETUAL EASEMENT AS PART OF THE TWIN PORTS INTERCHANGE PROJECT.

**This Resolution was adopted unanimously.  
Absent: Councilor Fosle**

32. [19-0801R](#) RESOLUTION AUTHORIZING A THREE-YEAR LEASE AGREEMENT WITH PLANT-A-LOT COMMUNITY GARDEN PROGRAM, D/B/A DULUTH COMMUNITY GARDEN PROGRAM, FOR USE OF MULTIPLE, VACANT REAL PROPERTIES TO OPERATE ITS COMMUNITY GARDEN PROGRAM.

**Indexes:**

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

**This Resolution was adopted unanimously.  
Absent: Councilor Fosle**

## END OF CONSENT AGENDA

***The following entitled resolutions are also to be considered:***

### BY COUNCILOR RUSS (PLANNING & ECONOMIC DEVELOPMENT)

33. [19-0810R](#) RESOLUTION AFFIRMING THE PLANNING COMMISSION'S DECISION TO DENY A SPECIAL USE PERMIT FOR A FIVE-UNIT HOTEL AT 8721 W SKYLINE PARKWAY.

**Indexes:**

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

[Attachment B](#)

**A motion was made that this Resolution be failed. The motion failed by the following vote:**

**Nay:** 8 - Councilor Anderson, Councilor Filipovich, Councilor Forsman, Councilor Russ, Councilor Sipress, Councilor Van Nett, Councilor Westerlund and President Hobbs

**Absent:** 1 - Councilor Fosle

34. [19-0811R](#) RESOLUTION REVERSING THE PLANNING COMMISSION'S DECISION TO DENY A SPECIAL USE PERMIT FOR A FIVE-UNIT HOTEL AT 8721 W SKYLINE PARKWAY.

Indexes:

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

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

- Yea:** 8 - Councilor Anderson, Councilor Filipovich, Councilor Forsman, Councilor Russ, Councilor Sipress, Councilor Van Nett, Councilor Westerlund and President Hobbs
- Absent:** 1 - Councilor Fosle

**ORDINANCES TABLED**

**BY COUNCILOR WESTERLUND (RECREATION, LIBRARIES & AUTHORITIES)**

35. [19-046-O](#) AN ORDINANCE AMENDING CHAPTER 24 OF THE DULUTH CITY CODE BY ADDING A NEW ARTICLE VII REQUIRING A FIVE CENTS CHARGE FOR CARRYOUT BAGS. (AS AMENDED)

Indexes:

- Attachments: [Motion to Amend: Forsman1 \(Passed 8-0-1. Absent:Fosle\)](#)  
[Motion to Amend: Forsman 2 \(Passed 8-0-1. Absent:Fosle\)](#)  
[Motion to Amend: Hobbs \(Passed 7-1-1. Nay: Westerlund. Absent:Fosle\)](#)

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

- Yea:** 6 - Councilor Anderson, Councilor Filipovich, Councilor Russ, Councilor Sipress, Councilor Westerlund and President Hobbs
- Nay:** 2 - Councilor Forsman and Councilor Van Nett
- Absent:** 1 - Councilor Fosle

***The following entitled ordinances are to be read for the second time:***

**BY COUNCILOR RUSS (PLANNING & ECONOMIC DEVELOPMENT)**

36. [19-054-O](#) AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF DULUTH TO RECLASSIFY PROPERTY AT 2215 SOUTH STREET FROM MIXED USE-COMMERCIAL (MU-C) TO MIXED USE-PLANNED (MU-P) AND WAIVING SIZE AND HEIGHT REQUIREMENTS.

Indexes:

**Attachments:** [PL 19-139 Ordinance](#)  
[PL 19-139 Staff Report and Attachments](#)  
[Excerpt - 100819 PC Meeting for South St.](#)

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

**Yea:** 5 - Councilor Filipovich, Councilor Forsman, Councilor Russ, Councilor Van Nett and President Hobbs

**Nay:** 3 - Councilor Anderson, Councilor Sipress and Councilor Westerlund

**Absent:** 1 - Councilor Fosle

**BY COUNCILOR FILIPOVICH (PUBLIC WORKS & UTILITIES)**

37. [19-053-O](#) AN ORDINANCE AMENDING CHAPTER 48 OF THE DULUTH CITY CODE, 1959, AS AMENDED TO ALLOW ALTERNATIVE FORMS OF SECURITY AND TO ALTER THE COMPUTATION OF SECURITY AMOUNTS, AMENDING SECTIONS 48-11 AND 48-12 THEREOF.

**This Ordinance was adopted unanimously.**  
**Absent: Councilor Fosle**

**COUNCILOR QUESTIONS AND COMMENTS**

**COUNCILOR PREVIEW OF UPCOMING BUSINESS**