



# 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, October 28, 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. [19-183](#) Meeting Minutes of the Duluth City Council

**Indexes:**

**Attachments:** [October 14, 2019 - City Council Meeting](#)

These Minutes were approved.

#### REPORTS FROM THE ADMINISTRATION

#### REPORTS FROM OTHER OFFICERS

2. [19-187](#) Application for Exempt Permit: Northern Lights Foundation

**Indexes:**

**Attachments:** [Northern Lights Foundation Exempt Permit 1](#)  
[Northern Lights Foundation Exempt Permit 2](#)

This Other Officers Report was received.

### REPORTS OF BOARDS AND COMMISSIONS

3. [19-184](#) Charter Commission Meeting Minutes

**Indexes:**

**Attachments:** [May 8, 2019 - Charter Commission Minutes](#)

This Board or Commission Report was received.

4. [19-185](#) Duluth Public Utilities Commission Meeting Minutes

**Indexes:**

**Attachments:** [September 17, 2019 - DPUC Minutes](#)

This Board or Commission Report was received.

5. [19-186](#) Parks and Recreation Commission Meeting Minutes

**Indexes:**

**Attachments:** [June 12, 2019 - Parks and Rec Minutes](#)

This Board or Commission Report was received.

### REPORTS OF COUNCIL COMMITTEES

### REPORTS OF COUNCIL OPEN ISSUES

### OPPORTUNITY FOR CITIZENS TO BE HEARD

### CONSENT AGENDA

#### BY COUNCILOR ANDERSON (FINANCE)

6. [19-0725R](#) RESOLUTION DETERMINING NOT TO REASSESS TWO PARCELS FOR CANCELED ADMINISTRATIVE FINE ASSESSMENTS IN THE AMOUNT OF \$392.95.

**Indexes:**

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

This Resolution was adopted unanimously.

Absent: Councilor Fosle.

7. [19-0726R](#) RESOLUTION CONFIRMING ASSESSMENT ROLL LEVIED FOR REASSESSMENT OF PRIOR CANCELED ASSESSMENTS IN THE AMOUNT OF \$2,082.85.

Indexes:

Attachments: [Exhibit A](#)

This Resolution was adopted unanimously.  
Absent: Councilor Fosle.

8. [19-0730R](#) RESOLUTION AUTHORIZING AGREEMENT WITH HOMEAWAY.COM, INC. FOR COLLECTION OF LODGING EXCISE TAX FROM VACATION RENTALS.

Indexes:

Attachments: [Exhibit A.](#)

This Resolution was adopted unanimously.  
Absent: Councilor Fosle.

9. [19-0734R](#) RESOLUTION AUTHORIZING EXECUTION OF 2020-2022 PROFESSIONAL SERVICES AGREEMENT WITH DULUTH JOINT POWERS ENTERPRISE TRUST AND ACCEPTING \$380,598 IN YEAR 2020, \$390,113 IN YEAR 2021, AND \$399,866 IN YEAR 2022 FROM THE DULUTH JOINT POWERS ENTERPRISE TRUST

Indexes:

Attachments: [2020-2022 Professional Services Agreement - City of Duluth & Duluth JPE](#)

This Resolution was adopted unanimously.  
Absent: Councilor Fosle.

10. [19-0737R](#) RESOLUTION AUTHORIZING A PROFESSIONAL SERVICES AGREEMENT WITH MCCARTHY & BARNES, PLC, TO PROVIDE LEGAL SERVICES FOR AN AMOUNT NOT TO EXCEED \$50,000.

Indexes:

Attachments: [Exhibit A](#)

This Resolution was adopted unanimously.  
Absent: Councilor Fosle.

#### BY COUNCILOR FOSLE (PURCHASING & LICENSING)

11. [19-0727R](#) RESOLUTION APPROVING ISSUANCE OF AN ON SALE INTOXICATING LIQUOR LICENSE AND SUNDAY LICENSE TO UP NORTH DECARO DULUTH LLC (UP NORTH BEER EXCHANGE), 1905

WEST SUPERIOR STREET.

This Resolution was adopted unanimously.  
Absent: Councilor Fosle.

**BY COUNCILOR FORSMAN (PERSONNEL)**

- 12. [19-0739R](#) RESOLUTION APPROVING PROPOSED SPECIFICATIONS FOR THE NEW CIVIL SERVICE CLASSIFICATION OF WATER PLANT MAINTENANCE COORDINATOR, AND SPECIFYING CONTRACT BENEFITS FOR SAME.

Indexes:

Attachments: [Exhibit A](#)

This Resolution was adopted unanimously.  
Absent: Councilor Fosle.

- 13. [19-0740R](#) RESOLUTION APPROVING PROPOSED SPECIFICATIONS FOR THE NEW CIVIL SERVICE CLASSIFICATION OF SUSTAINABILITY OFFICER, AND SPECIFYING CONTRACT BENEFITS FOR SAME.

Indexes:

Attachments: [Exhibit A](#)

This Resolution was adopted unanimously.  
Absent: Councilor Fosle.

- 14. [19-0744R](#) RESOLUTION CONFIRMING THE APPOINTMENT OF KYLE DICKINSON TO THE DULUTH LEGACY ENDOWMENT FUND

This Resolution was adopted unanimously.  
Absent: Councilor Fosle.

- 15. [19-0745R](#) RESOLUTION CONFIRMING THE APPOINTMENT OF NOAH KRAMER TO THE PARKS AND RECREATION COMMISSION.

This Resolution was adopted unanimously.  
Absent: Councilor Fosle.

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

- 16. [19-0721R](#) RESOLUTION GRANTING AN INTERIM USE PERMIT FOR A VACATION DWELLING UNIT AT 3330 MINNESOTA AVENUE (PAT AND BILL BURNS).

Indexes:

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

This Resolution was adopted unanimously.  
Absent: Councilor Fosle.

17. [19-0722R](#) RESOLUTION VACATING A DRAINAGE AND UTILITY EASEMENT LOCATED ON OUTLOT G OF THE COFFEE CREEK SUBDIVISION.

**Indexes:**

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

This Resolution was adopted unanimously.  
Absent: Councilor Fosle.

18. [19-0729R](#) RESOLUTION AUTHORIZING A PROFESSIONAL AND TECHNICAL SERVICES MASTER CONTRACT WITH THE STATE OF MINNESOTA, ACTING THROUGH ITS DEPARTMENT OF EMPLOYMENT AND ECONOMIC DEVELOPMENT, TO PROVIDE VOCATIONAL REHABILITATION PRE-EMPLOYMENT TRANSITION SERVICES.

**Indexes:**

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

This Resolution was adopted unanimously.  
Absent: Councilor Fosle.

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

19. [19-0732R](#) RESOLUTION ACCEPTING PERMANENT EASEMENT FOR UTILITY PURPOSES FROM CITYVIEW FLATS, LLC OVER, UNDER, AND ACROSS PROPERTY LOCATED IN THE CENTRAL HILLSIDE NEIGHBORHOOD, AT NO COST TO THE CITY.

**Indexes:**

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

This Resolution was adopted unanimously.  
Absent: Councilor Fosle.

20. [19-0738R](#) RESOLUTION APPROVING DULUTH ENERGY SYSTEM THERMAL ENERGY HOT WATER RATE FOR EASTERN CANAL PARK.

This Resolution was adopted unanimously.  
Absent: Councilor Fosle.

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

21. [19-0711R](#) RESOLUTION AUTHORIZING AGREEMENT WITH ST. LOUIS COUNTY TO PERFORM POLICE SERVICES PURSUANT TO 2018 OPERATION STONEGARDEN GRANT OPERATIONS ORDER AND ACCEPTING REIMBURSEMENT THROUGH ST. LOUIS COUNTY IN THE AMOUNT OF \$66,340.

**Indexes:**

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

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

22. [19-0718R](#) RESOLUTION AUTHORIZING THE CITY TO SERVE AS FISCAL AGENT FOR AND ACCEPT REIMBURSEMENT MONIES ON BEHALF OF THE LAKE SUPERIOR DRUG AND VIOLENT CRIME TASK FORCE, SAID REIMBURSEMENT MONIES TO BE PAID UNDER THE MINNESOTA ANTI-HEROIN TASK FORCE PROGRAM FOR THE PURPOSE OF SUPPORTING THE OPERATIONS OF THE LAKE SUPERIOR DRUG AND VIOLENT CRIME TASK FORCE.

**Indexes:**

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

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

23. [19-0719R](#) RESOLUTION AUTHORIZING THE ACCEPTANCE OF REIMBURSEMENT FROM THE UNITED STATES DEPARTMENT OF JUSTICE, BUREAU OF JUSTICE ASSISTANCE, OFFICE OF JUSTICE PROGRAMS, IN AN AMOUNT NOT TO EXCEED \$11,804.60 AND REIMBURSEMENT FROM THE MINNESOTA DEPARTMENT OF PUBLIC SAFETY IN AN AMOUNT NOT TO EXCEED \$11,804.60 FOR THE PURCHASE OF BALLISTIC VESTS.

**Indexes:**

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

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

24. [19-0736R](#) RESOLUTION ADOPTING 2018 INTERNATIONAL PROPERTY MAINTENANCE CODE AS THE HOUSING AND PROPERTY MAINTENANCE CODE OF THE CITY PURSUANT TO DULUTH CITY CODE SECTION 29A-1

**Indexes:**

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

This Resolution was adopted unanimously.  
Absent: Councilor Fosle.

25. [19-0741R](#) RESOLUTION APPROVING A PARKING RAMP LICENSE AGREEMENT BETWEEN ESSENTIA HEALTH AND INTERSTATE PARKING COMPANY OF MINNESOTA LLC RELATED TO THE EXISTING MEDICAL DISTRICT PARKING RAMP AND CONDITIONALLY AGREEING TO HONOR ITS TERMS THROUGH JANUARY 31, 2021.

**Indexes:**

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

This Resolution was adopted unanimously.  
Absent: Councilor Fosle.

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

26. [19-0677R](#) RESOLUTION AUTHORIZING ACCEPTANCE OF A \$250,000 REGIONAL TRAIL PROGRAM GRANT FROM THE MINNESOTA DEPARTMENT OF NATURAL RESOURCES FOR RESTORATION OF TWO MULTI USE TRAIL CROSSING BRIDGES.

**Indexes:**

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

This Resolution was adopted unanimously.  
Absent: Councilor Fosle.

27. [19-0720R](#) RESOLUTION AUTHORIZING APPLICATION OF A MINNESOTA DEPARTMENT OF NATURAL RESOURCES GRANT OF \$5,000 FOR WINTER RECREATIONAL EQUIPMENT FOR GROWING PROGRAMMING INITIATIVE.

**Indexes:**

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

This Resolution was adopted unanimously.  
Absent: Councilor Fosle.

28. [19-0723R](#) RESOLUTION AUTHORIZING A FIRST AMENDMENT TO THE COOPERATIVE AGREEMENT WITH THE STATE OF MINNESOTA FOR THE CONSTRUCTION OF IMPROVEMENTS AND MANAGEMENT OF THE BECKS ROAD TRAIL CONNECTION TO THE WILLARD MUNGER STATE TRAIL.

**Indexes:**

**Attachments:** [Exhibit A Amendment and Maps.](#)

This Resolution was adopted unanimously.  
Absent: Councilor Fosle.

29. [19-0724R](#) RESOLUTION AUTHORIZING APPROVAL AND IMPLEMENTATION OF THE CAMPUS CONNECTOR TRAIL MINI MASTER PLAN.

Indexes:

Attachments: [Exhibit A campus connector mmp](#)

This Resolution was pulled from the Consent Agenda.

This Resolution was adopted unanimously.  
Absent: Councilor Fosle.

30. [19-0728R](#) RESOLUTION AUTHORIZING ACCEPTANCE OF A CROSS COUNTRY SKI TRAIL ASSISTANCE PROGRAM GRANT FOR YEAR 2019-2020 WITH THE MINNESOTA DEPARTMENT OF NATURAL RESOURCES IN AN AMOUNT NOT TO EXCEED \$11,000.

Indexes:

Attachments: [Exhibit A grant agreement](#)

This Resolution was adopted unanimously.  
Absent: Councilor Fosle.

31. [19-0731R](#) RESOLUTION AUTHORIZING ACCEPTANCE OF A QUIT CLAIM DEED FROM THE HOUSING AND REDEVELOPMENT AUTHORITY OF DULUTH, MINNESOTA, FOR REAL PROPERTY IN THE LINCOLN PARK NEIGHBORHOOD, AT NO COST TO THE CITY.

Indexes:

Attachments: [Exhibit A.pdf](#)

This Resolution was adopted unanimously.  
Absent: Councilor Fosle.

32. [19-0733R](#) RESOLUTION AUTHORIZING A FIRST AMENDMENT TO A NON-EXCLUSIVE USE AGREEMENT WITH THE COLLEGE OF ST. SCHOLASTICA, INC. FOR USE OF WADE STADIUM.

Indexes:

Attachments: [First Amendment 2019-09-24.pdf](#)

This Resolution was adopted unanimously.  
Absent: Councilor Fosle.

33. [19-0735R](#) RESOLUTION AUTHORIZING AMENDMENT TO AGREEMENT L30054 WITH CR-BUILDING PERFORMANCE SPECIALISTS, INC. FOR FACILITY ASSET MANAGEMENT SOFTWARE MAINTENANCE FOR AN INCREASE OF \$25,000 AND A NEW TOTAL AMOUNT NOT TO



EXCEED \$139,450

Indexes:

Attachments: [Exhibit A Amendment](#)

This Resolution was adopted unanimously.  
Absent: Councilor Fosle.

34. [19-0742R](#) RESOLUTION AUTHORIZING PROPER CITY OFFICIALS TO ACCEPT A DONATION OF REAL PROPERTY ADJACENT TO CONGDON BOULEVARD FROM STEPHEN CHARLES SPENCER, SUSAN CAROL SPENCER, AND GUILFORD HARTLEY SPENCER.

Indexes:

Attachments: [Exhibit 1-Deed](#)  
[Exhibit 2-Map](#)  
[Exhibit 3-Donation Agreement](#)

This Resolution was adopted unanimously.  
Absent: Councilor Fosle.

**END OF CONSENT AGENDA**

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

**BY COUNCILOR FOSLE (PURCHASING & LICENSING)**

35. [19-0754R](#) RESOLUTION APPROVING THE ISSUANCE OF A 2020 MINNESOTA CURRENCY EXCHANGE LICENSE TO THE TITLE LOAN COMPANY, INC.

Indexes:

Attachments: [Attachment A](#)

This Resolution was adopted unanimously.  
Absent: Councilor Fosle.

**BY COUNCILOR FORSMAN (PERSONNEL)**

36. [19-0746R](#) RESOLUTION CONFIRMING THE APPOINTMENT OF MARTHA BREMER TO THE DULUTH ENTERTAINMENT CONVENTION CENTER AUTHORITY.

This Resolution was adopted unanimously.  
Absent: Councilor Fosle.

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

37. [19-0679R](#) RESOLUTION DESIGNATING SNOW EMERGENCY ROUTES.

Indexes:

Attachments: [Exhibit A - Snow Emergency Routes](#)

This Resolution was tabled.

**ORDINANCES TABLED**

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

38. [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.

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 \(Passed 7-1-1. Nay: Westerlund. Absent:Fosle\)](#)

This Ordinance is to remain on Second Reading.

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

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

39. [19-051-O](#) AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF DULUTH TO RECLASSIFY PROPERTY WEST OF THE INTERSECTION OF JEAN DULUTH ROAD AND RILEY ROAD FROM RURAL CONSERVATION (R-C) TO PARK AND OPEN SPACE (P-1) AND RURAL RESIDENTIAL 1 (RR-1).

Indexes:

Attachments: [Attachment 1](#)

[Attachment 2](#)

This Ordinance was read for the first time.

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

40. [19-048-O](#) AN ORDINANCE AMENDING CHAPTER 33 OF THE DULUTH CITY CODE, 1959, AS AMENDED, REGARDING SNOW EMERGENCIES, INCREASING THE NOTICE TIME REQUIREMENT, EXTENDING THE DURATION OF DESIGNATIONS, DELETING REQUIREMENTS FOR NON-SNOW EMERGENCY ROUTES AND PROVIDING FOR DESIGNATION OF ROUTES BY RESOLUTION, AMENDING SECTIONS 33-97.1 AND 33-97.2.

This Ordinance was read for the first time.

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

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

41. [19-050-O](#) AN ORDINANCE AMENDING SECTION 50-14, RESIDENTIAL DISTRICTS, 50-19, PERMITTED USE TABLE, 50-20, USE SPECIFIC STANDARDS, SECTION 50-21, DEVELOPMENT STANDARDS, SECTION 50-41, DEFINITIONS, RELATED TO DWELLINGS AND TINY HOUSES.

**Indexes:**

- Attachments:** [Attachment 1](#)  
[Attachment 2](#)  
[Attachment 3](#)  
[Attachment 4](#)  
[Attachment 5](#)

This Ordinance was adopted unanimously.  
Absent: Councilor Fosle

**COUNCILOR QUESTIONS AND COMMENTS**

**COUNCILOR PREVIEW OF UPCOMING BUSINESS**