



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, March 12, 2018

7:00 PM

Council Chamber

ROLL CALL

ROLL CALL

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

PLEDGE OF ALLEGIANCE

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APPROVAL OF MINUTES

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1. [18-050](#) February 26, 2018 - Duluth City Council Meeting

Indexes:

Attachments: [February 26 - City Council Meeting](#)

These minutes were 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. [18-051](#) Duluth Transit Authority Meeting Minutes

Indexes:

Attachments: [DTA Meeting Minutes 12-27-2017](#)

This Board or Commission Report was received.

3. [18-052](#) Housing and Redevelopment Authority Meeting Minutes

Indexes:

Attachments: [HRA Meeting Minutes 1-30-2018](#)

This Board or Commission Report was received.

4. [18-053](#) Library Board Meeting Minutes

Indexes:

Attachments: [Library Board Meeting Minutes 1-23-2018](#)

This Board or Commission Report was received.

5. [18-054](#) Alcohol, Gambling and Tobacco Commission Meeting Minutes

Indexes:

Attachments: [February 2018 Minutes](#)

This Board or Commission Report was received.

REPORTS OF COUNCIL COMMITTEES

REPORTS OF COUNCIL COMMITTEES

REPORTS OF COUNCIL OPEN ISSUES

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OPPORTUNITY FOR CITIZENS TO BE HEARD

OPPORTUNITY FOR CITIZENS TO BE HEARD

MOTIONS AND RESOLUTIONS

MOTIONS AND RESOLUTIONS

CONSENT AGENDA

CONSENT AGENDA

BY COUNCILOR FOSLE (PURCHASING & LICENSING)

BY COUNCILOR FOSLE (PURCHASING & LICENSING)

- 6. [18-0181R](#) RESOLUTION APPROVING THE EXEMPTION OF A RAFFLE LICENSE AND WAIVING THE 60 DAY WAITING PERIOD FOR THE WELCH CENTER, INC. d/b/a VALLEY YOUTH CENTER

This Resolution was adopted unanimously.

- 7. [18-0188R](#) RESOLUTION AUTHORIZING AN AGREEMENT WITH PYROTECHNIC DISPLAY INC. FOR THE CREATION AND EXECUTION OF A FIREWORKS DISPLAY FOR JULY 4, 2018 FOR A TOTAL NOT TO EXCEED \$43,000.

Indexes:

Attachments: [Exhibit A](#)

This Resolution was adopted unanimously.

- 8. [18-0190R](#) RESOLUTION APPROVING THE ISSUANCE OF THE DULUTH WOMEN'S CLUB AND PARK POINT MARINA INN AND SUITES, LLC. AND SUPERIOR STUDIOS, INC CONSUMPTION AND DISPLAY LICENSE RENEWALS FOR THE PERIOD BEGINNING APRIL1, 2018, AND ENDING MARCH 31, 2019

This Resolution was adopted unanimously.

- 9. [18-0191R](#) RESOLUTION ISSUING A TEMPORARY ON SALE INTOXICATING LIQUOR LICENSE TO GRANDMA'S MARATHON – DULUTH, INC, CANAL PARK DRIVE AND BUCHANAN STREET

Indexes:

Attachments: [MARATHON-02282018164946](#)

[Certified Copy](#)

[Certified Copy](#)

This Resolution was adopted unanimously.

- 10. [18-0192R](#) RESOLUTION ISSUING A TEMPORARY ON SALE INTOXICATING LIQUOR LICENSE TO DULUTH AIRSHOW WINGS FOUNDATION, 2110 WEST 1ST STREET, DULUTH MN. FOR THE DULUTH BALLOON FESTIVAL/CRAFT BREW VILLAGE

Indexes:

Attachments: [Ballon Festival](#)

[Certified Copy](#)

[Certified Copy](#)

[Certified Copy](#)

[Certified Copy](#)

[Certified Copy](#)

This Resolution was adopted unanimously.

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

Abstain: 1 - Hansen

- 11. [18-0194R](#) RESOLUTION ISSUING A TEMPORARY ON SALE INTOXICATING LIQUOR LICENSE TO DULUTH AIRSHOW WINGS FOUNDATION, (DULUTH AIR SHOW) 2110 WEST FIRST STREET

Indexes:

Attachments: [AIRSHOW-02282018155550](#)

This Resolution was adopted unanimously.

12. [18-0195R](#) RESOLUTION ISSUING AN ON SALE 3.2 PERCENT MALT LIQUOR LICENSE AND APPROVING ISSUANCE OF AN ON SALE WINE LICENSE TO LOVE CREAMERY, LLC (LOVE CREAMERY) 1908 WEST SUPERIOR STREET

Indexes:

Attachments: [LOVE CREAMERY-02282018155429](#)
[LOVE CREAMERY-02282018155440](#)

This Resolution was adopted unanimously.

13. [18-0196R](#) RESOLUTION AUTHORIZING AN AMENDMENT TO AGREEMENT C23115 WITH TKDA FOR ADDITIONAL ENGINEERING SERVICES FOR THE STEWART CREEK BRIDGE AND CLYDE CONNECTOR TRAIL RESTORATION PROJECTS AS PART OF THE DWP TRAIL IMPROVEMENT FOR AN INCREASE OF \$10,019 AND A NEW TOTAL AMOUNT NOT TO EXCEED \$86,908.

Indexes:

Attachments: [Exhibit A](#)

This Resolution was adopted unanimously.

14. [18-0198R](#) RESOLUTION APPROVING THE TEMPORARY EXPANSION OF THE ON SALE INTOXICATING LIQUOR LICENSE OF AVI, LLC. (BOAT CLUB RESTAURANT) FOR TASTE OF FITGERS, 600 EAST SUPERIOR STREET.

Indexes:

Attachments: [Boat Club](#)

This Resolution was adopted unanimously.

15. [18-0201R](#) RESOLUTION APPROVING THE TRANSFER OF THE ON SALE INTOXICATING LIQUOR LICENSE FROM PAUL'S WINE AND CIDER, LLC (THE SLIP) 325 S LAKE AVE - STE 109, DULUTH, TO THE MAGGIE'S FARM LLC (THE RIPPLE BAR ON LAKE SUPERIOR), SAME ADDRESS.

Indexes:

Attachments: [Maggies Farm LLC](#)

This Resolution was adopted unanimously.

BY COUNCILOR ANDERSON (PERSONNEL)

BY COUNCILOR ANDERSON (PERSONNEL)

- 16. [18-0197R](#) RESOLUTION CONFIRMING THE 2018 REAPPOINTMENTS OF MEMBERS TO CITY BOARDS AND COMMISSIONS BY MAYOR LARSON.

Indexes:

Attachments: [Attachment A](#)

This Resolution was adopted unanimously.

- 17. [18-0207R](#) RESOLUTION APPROVING PROPOSED AMENDMENTS TO THE SPECIFICATIONS FOR THE EXISTING CIVIL SERVICE CLASSIFICATION OF WAREHOUSE SPECIALIST.

Indexes:

Attachments: [Exhibit A](#)

This Resolution was adopted unanimously.

BY COUNCILOR RUSS (PLANNING & ECONOMIC DEVELOPMENT)

BY COUNCILOR RUSS (PLANNING & ECONOMIC DEVELOPMENT)

- 18. [18-0184R](#) RESOLUTION AUTHORIZING AN AGREEMENT WITH ONE ROOF COMMUNITY HOUSING FOR THE TENANT LANDLORD CONNECTION IN THE AMOUNT OF \$40,000.

Indexes:

Attachments: [Attachment 1](#)

This Resolution was adopted unanimously.

Yea: 8 - Councilor Anderson, Councilor Filipovich, Councilor Fosle, Councilor Russ, Councilor Sipress, Councilor Westerlund, Councilor Van Nett and Hansen

Abstain: 1 - President Hobbs

BY PRESIDENT HANSEN (COMMITTEE OF THE WHOLE)

BY PRESIDENT HANSEN (COMMITTEE OF THE WHOLE)

19. [18-0200R](#) RESOLUTION AMENDING RESOLUTON 18-0114 TO ADD SUPPORT FOR THE WESTERN LAKE SUPERIOR SANITARY DISTRICT COMBINED HEAT AND POWER ENERGY PROJECT AS A REGIONAL LEGISLATIVE PRIORITY.

This Resolution was adopted unanimously.

BY COUNCILOR HOBBS (PUBLIC WORKS & UTILITIES)

BY COUNCILOR HOBBS (PUBLIC WORKS & UTILITIES)

20. [18-0172R](#) RESOLUTION RENEWING JOINT POWERS AGREEMENT C20604 WITH DULUTH ENTERTAINMENT AND CONVENTION CENTER AUTHORITY FOR THE OPERATION OF MINNESOTA SLIP PEDESTRIAN DRAW BRIDGE DURING YEAR 2018 FOR AN AMOUNT NOT TO EXCEED \$39,361.40.

This Resolution was adopted unanimously.

21. [18-0183R](#) RESOLUTION AUTHORIZING AN AGREEMENT WITH THE DULUTH SEAWAY PORT AUTHORITY FOR THE INTERMODAL CONTAINER TERMINAL EXPANSION PROJECT.

Indexes:

Attachments: [18-0183R Attachment 1](#)

[18-0183R Exhibit A](#)

[18-0183R Exhibit B](#)

This Resolution was adopted unanimously.

22. [18-0185R](#) RESOLUTION OF SUPPORT FOR THE CORRIDORS OF COMMERCE PROGRAM APPLICATIONS TO THE MINNESOTA DEPARTMENT OF TRANSPORTATION.

Indexes:

Attachments: [18-0185 Letter](#)
[18-0185R Attachment A](#)
[Certified Copy](#)
[Certified Copy](#)

This Resolution was adopted unanimously.

23. [18-0205R](#) RESOLUTION AUTHORIZING A CONTRACT WITH API OUTSOURCING INC., FOR MAILING SERVICES AND POSTAGE FOR APRIL THROUGH DECEMBER OF 2018 IN THE AMOUNT OF \$156,600.

Indexes:

Attachments: [Exhibit A](#)
[March 6, 2018 Centerviews API Outsourcing Master Service Agreement](#)

This Resolution was adopted unanimously.

24. [18-0206R](#) RESOLUTION AUTHORIZING PROPER CITY OFFICIALS TO ACCEPT A FIFTY-PERCENT REIMBURSEMENT SAFETY GRANT FROM THE STATE OF MINNESOTA DEPARTMENT OF LABOR AND INDUSTRY OCCUPATIONAL SAFETY AND HEALTH CONSULTATION UNIT FOR THE STREET MAINTENANCE DIVISION.

Indexes:

Attachments: [Exhibit A](#)

This Resolution was adopted unanimously.

25. [18-0209R](#) RESOLUTION AUTHORIZING AN AGENCY AGREEMENT FOR ADVANCE CONSTRUCTION BETWEEN THE CITY OF DULUTH AND MNDOT FOR THE INTERMODAL CONTAINER TERMINAL EXPANSION PROJECT.

Indexes:

Attachments: [18-0209R Exhibit A](#)
[18-0209R Map](#)

This Resolution was adopted unanimously.

BY COUNCILOR VAN NETT (PUBLIC SAFETY)

BY COUNCILOR VAN NETT (PUBLIC SAFETY)

- 26. [18-0182R](#) RESOLUTION AUTHORIZING PROPER CITY OFFICIALS TO ACCEPT A HAZARDOUS MATERIALS EMERGENCY PREPAREDNESS GRANT FROM THE STATE OF MINNESOTA IN THE AMOUNT OF \$18,066.36 AND FURTHER AUTHORIZING EXECUTION OF A GRANT AGREEMENT WITH THE STATE OF MINNESOTA.

Indexes:

Attachments: [Grant Agreement A-HMEP2017-DULUTHFD-008](#)

This Resolution was adopted unanimously.

- 27. [18-0189R](#) RESOLUTION AUTHORIZING THE PURCHASE OF AN ALL HAZARD RESPONSE VESSEL FROM LAKE ASSAULT BOATS, LLC IN THE AMOUNT OF \$445,100.

This Resolution was adopted unanimously.

BY COUNCILOR WESTERLUND (RECREATION, LIBRARIES & AUTHORITIES)

BY COUNCILOR WESTERLUND (RECREATION, LIBRARIES & AUTHORITIES)

- 28. [18-0199R](#) RESOLUTION AUTHORIZING A ONE YEAR AGREEMENT WITH DULUTH SUPERIOR AREA COMMUNITY FOUNDATION TO PROVIDE GRANT MAKING ADMINISTRATION FOR THE PARKS FUND GRANT PROGRAM AT AN ANNUAL COST NOT TO EXCEED \$2,500.

Indexes:

Attachments: [Exhibit A Agreement](#)

This Resolution was adopted unanimously.

- 29. [18-0203R](#) RESOLUTION AUTHORIZING AN INCREASE TO CONTRACT 23238 WITH DIRT, INC. TO COMPLETE IMPROVEMENT OF ELY PEAK LOOP TRAIL TO SUPPORT EQUESTRIAN USE, AN INCREASE OF \$58,948.02, FOR A NEW TOTAL AMOUNT NOT TO EXCEED \$196,558.02.

This Resolution was adopted unanimously.

30. [18-0204R](#) RESOLUTION AUTHORIZING AN AGREEMENT WITH THE DULUTH ENTERTAINMENT CONVENTION CENTER AUTHORITY TO PRODUCE, PROMOTE, COORDINATE, AND MANAGE EVENTS AT BAYFRONT FESTIVAL PARK IN 2018 FOR \$60,000.

Indexes:

Attachments: [Exhibit 1](#)

This Resolution was adopted unanimously.

END OF CONSENT AGENDA

END OF CONSENT AGENDA

BY COUNCILOR FOSLE (PURCHASING & LICENSING)

BY COUNCILOR FOSLE (PURCHASING & LICENSING)

31. [18-0218R](#) RESOLUTION REFERRING A PROPOSED ORDINANCE AMENDING SECTION 50.37.10(E) OF THE DULUTH CITY CODE TO INCREASE THE NUMBER OF INTERIM USE PERMITS ISSUED FOR VACATION DWELLING UNITS AND ACCESSORY VACATION DWELLING UNITS FROM 60 TO 120 FOR REVIEW AND RECOMMENDATION BY THE DULUTH PLANNING COMMISSION.

Indexes:

Attachments: [Exhibit A](#)

This Resolution was withdrawn.

BY COUNCILOR HOBBS (PUBLIC WORKS & UTILITIES)

BY COUNCILOR HOBBS (PUBLIC WORKS & UTILITIES)

32. [18-0202R](#) RESOLUTION AWARDED A CONTRACT TO NORTHLAND CONSTRUCTORS OF DULUTH, LLC FOR THE SUPERIOR STREET RECONSTRUCTION PROJECT IN THE AMOUNT OF \$28,390,000.

Indexes:

Attachments: [18-0202R Map](#)

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

Yea: 8 - Councilor Anderson, Councilor Filipovich, President Hobbs, Councilor Russ, Councilor Sipress, Councilor Westerlund, Councilor Van Nett and Hansen

Nay: 1 - Councilor Fosle

33. [18-0186R](#) RESOLUTION ORDERING THE IMPROVEMENT OF THE 2018 STREET PRESERVATION PROJECTS.

Indexes:

- Attachments:** [18-0186R Map](#)
[March 6 Public Hearing Minutes](#)
[Street Selection Criteria](#)
[18-0186R Map 8th St 9th St](#)

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

Yea: 8 - Councilor Anderson, Councilor Filipovich, President Hobbs, Councilor Russ, Councilor Sipress, Councilor Westerlund, Councilor Van Nett and Hansen

Nay: 1 - Councilor Fosle

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 PRESIDENT HANSEN (COMMITTEE OF THE WHOLE)

BY PRESIDENT HANSEN (COMMITTEE OF THE WHOLE)

34. [18-009-O](#) ORDINANCE ADDING A NEW CHAPTER 29E TO THE DULUTH CITY CODE ESTABLISHING MINIMUM STANDARDS FOR EARNED SICK AND SAFE TIME IN THE CITY OF DULUTH.

Indexes:

Attachments: [Motion To Amend - Sipress & Russ \(1\) - Removed](#)
[Motion To Amend - Sipress & Russ \(2\) - Passed 8-1](#)
[Motion To Amend - Filipovich - Removed](#)
[Motion To Amend - Westerlund \(1\) - Passed 5-4](#)
[Motion to Amend - Hobbs - Fail 3-6](#)
[Motion to Amend - Hansen.Hobbs - Passed 8-1](#)
[Motion to Amend - Filipovich \(2\) - Removed](#)
[Motion to Amend - Hobbs\(2\) - Failed 4-5](#)
[Motion to Amend - Sipress - Passed 8-0](#)
[Motion to Amend - Anderson.Van Nett - Passed 5-3](#)
[Motion to Amend - Sipress.Westerlund - Passed 7-1](#)
[Motion to Amend - Sipress.Westerlund \(2\) - Passed 8-0](#)
[Motion to Amend - Filipovich \(3\) - Passed 6-2](#)
[Motion to Amend - Hobbs\(3\) - Passed 8-0](#)
[Motion to Amend - Hobbs\(4\) - Passed 8-0](#)
[Motion to Amend - Sipress.Hansen - Removed](#)
[Motion to Amend - Anderson - Passed 5-4](#)
[Motion to Amend - Hansen - Passed 6-3](#)
[18-009-O Original](#)

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 FOSLE (PURCHASING & LICENSING)

BY COUNCILOR FOSLE (PURCHASING & LICENSING)

35. [18-008-O](#) AN ORDINANCE AMENDING AND EXTENDING CABLE TELEVISION FRANCHISE AGREEMENT WITH CC VIII OPERATING, LLC, D/B/A CHARTER COMMUNICATIONS FOR TERM OF TEN YEARS.

Indexes:

Attachments: [Certified Copy of Ordinance No. 9775](#)
[CHARTER FRANCHISE AGREEMENT-03092018092702](#)

This Ordinance was read for the first time.

COUNCILOR QUESTIONS AND COMMENTS

COUNCILOR QUESTIONS AND COMMENTS

COUNCILOR PREVIEW OF UPCOMING BUSINESS

COUNCILOR PREVIEW OF UPCOMING BUSINESS