



# 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 22, 2018

7:00 PM

Council Chamber

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#### ROLL CALL

#### ROLL CALL

- Present:** 9 - Councilor Gary Anderson, Councilor Zack Filipovich, Councilor Arik Forsman, Councilor Arik Forsman, Councilor Jay Fosle, Councilor Barb Russ, Councilor Joel Sipress, Councilor Renee Van Nett and President Noah Hobbs
- Absent:** 1 - Councilor Em Westerlund

#### PLEDGE OF ALLEGIANCE

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#### APPROVAL OF MINUTES

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1. [18-221](#) Duluth City Council Meeting Minutes: October 8, 2018

**Indexes:**

**Attachments:** [City Council - October 8, 2018](#)

The Minutes were received.

REPORTS FROM THE ADMINISTRATION

REPORTS FROM THE ADMINISTRATION

REPORTS OF BOARDS AND COMMISSIONS

REPORTS OF BOARDS AND COMMISSIONS

2. [18-220](#) Charter Commission Meeting Minutes

Indexes:

Attachments: [2017-10-11, Charter Commission Minutes](#)

**This Board or Commission Report was received.**

REPORTS FROM OTHER OFFICERS

REPORTS FROM OTHER OFFICERS

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 FOSLE (PURCHASING & LICENSING)

BY COUNCILOR FOSLE (PURCHASING & LICENSING)

4. [18-0691R](#) RESOLUTION ISSUING AN ON SALE 3.2 PERCENT NON INTOXICATING MALT LIQUOR LICENSE AND APPROVING ISSUANCE OF AN ON SALE WINE LICENSE TO RED BAMBOO, LLC, (THAI BY THAI) 114 WEST 1ST STREET.

**Indexes:**

**Attachments:** [Thai By Thai](#)

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

5. [18-0713R](#) RESOLUTION AUTHORIZING A FIVE-YEAR AGREEMENT WITH BENCH STRENGTH PARTNERS, INC., TO NEGOTIATE CELL TOWER LEASES AND INSTALLATION OF SMALL CELL COMMUNICATION SYSTEMS ON CITY PROPERTY

**Indexes:**

**Attachments:** [BSP AGREEMENT Revised 10-10-2018](#)

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

6. [18-0716R](#) RESOLUTION APPROVING THE EXEMPTION OF A RAFFLE LICENSE AND WAIVING THE 60 DAY WAITING PERIOD FOR VETERANS OF FOREIGN WARS POST 137.

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

7. [18-0717R](#) RESOLUTION IN THE MATTER OF THE ON SALE INTOXICATING LIQUOR LICENSE OF MARTHA'S DAUGHTER, 107 EAST SUPERIOR STREET, DULUTH, MINNESOTA 55802.

**Indexes:**

**Attachments:** [Signed Report to City Council - Martha's Daughter](#)

[Master](#)

[Master](#)

[Master](#)

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

8. [18-0718R](#) RESOLUTION APPROVING THE ISSUANCE OF A 2019 MINNESOTA CURRENCY EXCHANGE LICENSE TO THE TITLE LOAN COMPANY, INC.

**Indexes:**

**Attachments:** [2018-10-08, Currency Exchange License](#)

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

BY COUNCILOR ANDERSON (PERSONNEL)

BY COUNCILOR ANDERSON (PERSONNEL)

9. [18-0739R](#) RESOLUTION CONFIRMING THE APPOINTMENT OF NOAH SCHUCHMAN AS CHIEF ADMINISTRATIVE OFFICER FOR THE CITY OF DULUTH.

**Indexes:**

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

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

BY COUNCILOR RUSS (PLANNING & ECONOMIC DEVELOPMENT)

BY COUNCILOR RUSS (PLANNING & ECONOMIC DEVELOPMENT)

10. [18-0723R](#) RESOLUTION RESCINDING RESOLUTION NO. 16-0875 AND VACATING CERTAIN RIGHTS OF WAYS WITHIN THE PLAT OF AIRPORT DIVISION WITH THE RETENTION OF UTILITY EASEMENTS.

**Indexes:**

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

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

11. [18-0725R](#) RESOLUTION AMENDING THE 2018 ANNUAL ACTION PLAN BY ADDING THE GARFIELD SQUARE SITE WORK PROJECT AND REPROGRAMMING OF \$50,000 CDBG PROGRAM FUNDS FOR THE PROJECT.

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

12. [18-0731R](#) RESOLUTION GRANTING AN INTERIM USE PERMIT FOR A VACATION DWELLING UNIT AT 3 MESABA PLACE (LAKE VIEW LAND COMPANY, LLC.).

**Indexes:**

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

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

BY COUNCILOR FORSMAN (PUBLIC WORKS & UTILITIES)

BY COUNCILOR FORSMAN (PUBLIC WORKS & UTILITIES)

13. [18-0722R](#) RESOLUTION AUTHORIZING AN AGREEMENT WITH MSA PROFESSIONAL SERVICES, INC. FOR PROFESSIONAL ENGINEERING SERVICES TO PROVIDE DESIGN AND CONSTRUCTION ENGINEERING FOR THE RIVERWEST PROJECT IN AN AMOUNT NOT TO EXCEED \$163,424.93.

**Indexes:**

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

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

14. [18-0729R](#) RESOLUTION ACCEPTING PERMANENT EASEMENT FOR STREET AND UTILITY PURPOSES FROM ZENITH TERRACE ASSOCIATES, LLP OVER, UNDER, AND ACROSS PROPERTY ADJACENT TO TERMINAL AVENUE IN THE BAYVIEW HEIGHTS NEIGHBORHOOD AT NO COST TO THE CITY.

**Indexes:**

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

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

15. [18-0732R](#) RESOLUTION ACCEPTING PERMANENT UTILITY EASEMENT FOR NATURAL GAS PURPOSES FROM DAVID BENSON AND PAIGE BENSON OVER PROPERTY NEAR JEAN DULUTH ROAD AND PAINE FARM ROAD AT NO COST TO THE CITY.

**Indexes:**

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

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

16. [18-0733R](#) RESOLUTION ACCEPTING PERMANENT UTILITY EASEMENT FOR NATURAL GAS PURPOSES FROM PETER F. CAMPBELL AND VIRGINIA K. CAMPBELL OVER PROPERTY NEAR JEAN DULUTH ROAD AND PAINE FARM ROAD AT NO COST TO THE CITY.

**Indexes:**

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

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

17. [18-0734R](#) RESOLUTION ACCEPTING PERMANENT UTILITY EASEMENT FOR NATURAL GAS PURPOSES FROM GRAF LESAVAGE AND JILL A. LESAVAGE OVER PROPERTY NEAR JEAN DULUTH ROAD AND PAINE FARM ROAD AT NO COST TO THE CITY.

**Indexes:**

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

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

18. [18-0737R](#) RESOLUTION AUTHORIZING THE PURCHASE OF REAL PROPERTY IN THE FAIRMOUNT NEIGHBORHOOD FROM ALLETE, INC. IN THE AMOUNT OF \$2,900, PLUS CLOSING COSTS IN AN AMOUNT UP TO \$2,500, FOR A TOTAL AMOUNT NOT TO EXCEED \$5,400.

**Indexes:**

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

[Exhibit 2.pdf](#)

[Exhibit 3.pdf](#)

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

19. [18-0740R](#) RESOLUTION AUTHORIZING A UTILITY DESIGN SERVICES AGREEMENT WITH MNDOT FOR REIMBURSEMENT TO THE CITY FOR ENGINEERING SERVICES IN THE AMOUNT OF \$523,169.

**Indexes:**

**Attachments:** [18-0740R Map](#)  
[18-0740R Exhibit A](#)

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

BY COUNCILOR VAN NETT (PUBLIC SAFETY)

BY COUNCILOR VAN NETT (PUBLIC SAFETY)

20. [18-0714R](#) RESOLUTION AUTHORIZING ACCEPTANCE OF A GRANT CONTRACT WITH THE STATE OF MINNESOTA IN THE AMOUNT OF \$5,000 TO PURCHASE A FIRE PUMP SLIP-ON UNIT.

**Indexes:**

**Attachments:** [State of MN Grant Contract 144871](#)

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

21. [18-0721R](#) RESOLUTION AUTHORIZING PROPER CITY OFFICIALS TO ACCEPT A \$17,110 GRANT FROM THE STATE OF MINNESOTA, DEPARTMENT OF NATURAL RESOURCES TO FUND THE HOOKED ON FISHING PROGRAM.

**Indexes:**

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

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

22. [18-0738R](#) RESOLUTION AUTHORIZING AN AGREEMENT FOR THE PURCHASE OF A MULTI-JURISDICTIONAL LAW ENFORCEMENT RECORDS MANAGEMENT SYSTEM INCLUDING EQUIPMENT, SOFTWARE, IMPLEMENTATION SERVICES, TRAINING, MAINTENANCE AND

SUPPORT FROM TYLER TECHNOLOGIES, INC. FOR A FOUR-YEAR PERIOD BEGINNING IN 2018 FOR AN AMOUNT NOT TO EXCEED \$1,144,871.

**Indexes:**

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

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

BY COUNCILOR WESTERLUND (RECREATION, LIBRARIES & AUTHORITIES)

BY COUNCILOR WESTERLUND (RECREATION, LIBRARIES & AUTHORITIES)

23. [18-0665R](#) RESOLUTION AUTHORIZING A CONTRACT WITH FOUR STAR CONSTRUCTION, INC. FOR REPLACEMENT OF THE MORGAN PARK COMMUNITY CENTER ROOF FOR AN AMOUNT NOT TO EXCEED \$336,001.00.

**Indexes:**

**Attachments:** [Project Summary Form - Morgan CC Roof Phase 1](#)

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

24. [18-0715R](#) RESOLUTION AUTHORIZING AND AGREEMENT WITH TKDA FOR ENGINEERING AND DESIGN SERVICES FOR SARGENT CREEK BRIDGE REHABILITATION IN AN AMOUNT NOT TO EXCEED \$46,876.

**Indexes:**

**Attachments:** [Exhibit A Engineering Services Proposal](#)

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

25. [18-0735R](#) RESOLUTION AUTHORIZING THE EXECUTION AND FILING OF A NOTICE OF FUNDING RESTRICTIONS OVER PROPERTY TO BE INCLUDED WITHIN THE BOUNDARY OF HARTLEY PARK.

**Indexes:**

**Attachments:** [Exhibit 1.pdf](#)  
[Exhibit 2.pdf](#)



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

- 26. [18-0736R](#) RESOLUTION AUTHORIZING A ONE-YEAR AGREEMENT WITH DULUTH AMATEUR HOCKEY ASSOCIATION FOR LEASE OF THE CITY'S FRYBERGER ARENA FOR NOMINAL CONSIDERATION.

**Indexes:**

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

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

END OF CONSENT AGENDA

END OF CONSENT AGENDA

The following entitled resolutions are also to be considered:

The following entitled resolutions are also to be considered:

BY PRESIDENT HOBBS (COMMITTEE OF THE WHOLE)

BY PRESIDENT HOBBS (COMMITTEE OF THE WHOLE)

- 27. [18-0744R](#) RESOLUTION REQUESTING THAT THE ADMINISTRATION AMEND THE LAKE SUPERIOR ZOO/FAIRMONT PARK CONCEPT PLAN APPROVED BY RESOLUTION 16-0168 TO MAINTAIN THE 2016 FOOTPRINT OF THE LAKE SUPERIOR ZOO AND TO EXPLORE OPTIONS FOR CONNECTING TRAILS LOCATED AROUND THE ZOO.

**Indexes:**

**Attachments:** [Motion To Amend - Hobbs: Passed Unanimously.](#)

**This Resolution was tabled.**

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)

28. [18-053-O](#) AN ORDINANCE DESIGNATING THE LAKE SUPERIOR AND MISSISSIPPI RAILROAD AS A DULUTH HERITAGE PRESERVATION LANDMARK.

**Indexes:**

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

**This Ordinance was read for the first time.**

29. [18-054-O](#) AN ORDINANCE GRANTING VERIZON WIRELESS A CONCURRENT USE PERMIT FOR SIX SMALL CELL WIRELESS FACILITIES ON MINNESOTA POWER POLES IN THE PLATTED STREET RIGHT OF WAY AROUND THE UNIVERSITY OF MINNESOTA, DULUTH CAMPUS.

**Indexes:**

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

**This Ordinance was read for the first time.**

30. [18-055-O](#) AN ORDINANCE GRANTING VERIZON WIRELESS A CONCURRENT USE PERMIT FOR ONE SMALL CELL WIRELESS FACILITY ON A MINNESOTA POWER POLE IN THE PLATTED STREET RIGHT OF WAY NEAR 8551 GRAND AVENUE.

**Indexes:**

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

**This Ordinance was read for the first time.**

31. [18-056-O](#) AN ORDINANCE GRANTING VERIZON WIRELESS A CONCURRENT USE PERMIT FOR THREE SMALL CELL WIRELESS FACILITIES ON MINNESOTA POWER POLES IN THE PLATTED STREET RIGHT OF WAY NEAR 6001, 6002, AND 6025 EAST SUPERIOR STREET.

**Indexes:**

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

**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)

32. [18-052-O](#) AN ORDINANCE AMENDING ORDINANCE 9127 DESIGNATING THE OLD CENTRAL HIGH SCHOOL BUILDING A HERITAGE PRESERVATION LANDMARK.

**Indexes:**

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

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

BY COUNCILOR FORSMAN (PUBLIC WORKS & UTILITIES)

BY COUNCILOR FORSMAN (PUBLIC WORKS & UTILITIES)

33. [18-051-O](#) AN ORDINANCE AUTHORIZING THE CONVEYANCE OF CERTAIN REAL PROPERTY IN THE LINCOLN PARK NEIGHBORHOOD TO THE WESTERN LAKE SUPERIOR SANITARY DISTRICT FOR NOMINAL CONSIDERATION.

**Indexes:**

**Attachments:** [Exhibit A-Aerial Map.pdf](#)  
[Exhibit B-Letter of Conformity.pdf](#)

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

Motion was made to recess: Passed Unanimously.

Motion was made to recess: Passed Unanimously.

Meeting reconvened. Motion was made to remove 18-0674R from the table.

Meeting reconvened. Motion was made to remove 18-0674R from the table.

BY COUNCILOR VAN NETT (PUBLIC SAFETY)

BY COUNCILOR VAN NETT (PUBLIC SAFETY)

3. [18-0674R](#) RESOLUTION APPROVING THE PURCHASE OF PERSONAL PROTECTIVE EQUIPMENT FOR THE POLICE DEPARTMENT IN THE AMOUNT NOT TO EXCEED \$83,721 UTILIZING CAPITAL EQUIPMENT FUNDS APPROVED BY RESOLUTION 17-0837.

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

**Yea:** 6 - Councilor Filipovich, Councilor Forsman, Councilor Fosle, Councilor Russ, Councilor Van Nett and President Hobbs

**Nay:** 2 - Councilor Anderson and Councilor Sipress

**Absent:** 1 - Councilor Westerlund