



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 25, 2019

7:00 PM

Council Chamber

ROLL CALL

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

PLEDGE OF ALLEGIANCE

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APPROVAL OF MINUTES

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1. [19-058](#) Meeting Minutes of the Duluth City Council

Indexes:

Attachments: [March 11, 2019](#)

These Minutes were approved.

REPORTS FROM THE ADMINISTRATION

REPORTS FROM THE ADMINISTRATION

- 2. [19-059](#) 2018 General Fund Reconciled Budget Report

Indexes:

Attachments: [General Fund Reconciled Budget Memo](#)

This Reports from the Administration was received.

REPORTS FROM OTHER OFFICERS

REPORTS FROM OTHER OFFICERS

- 3. [19-057](#) Applications to Conduct Excluded Bingo

Indexes:

Attachments: [Application to Conduct Excluded Bingo: Benedictine Health Center 2](#)

This Other Officers Report was received.

REPORTS OF BOARDS AND COMMISSIONS

REPORTS OF BOARDS AND COMMISSIONS

- 4. [19-056](#) Duluth Parking Commission Resolutions.

Indexes:

Attachments: [March 2019 Resolutions](#)

This Board or Commission Report was received.

REPORTS OF COUNCIL COMMITTEES

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REPORTS OF COUNCIL OPEN ISSUES

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OPPORTUNITY FOR CITIZENS TO BE HEARD

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CONSENT AGENDA

CONSENT AGENDA

BY COUNCILOR FOSLE (PURCHASING & LICENSING)

BY COUNCILOR FOSLE (PURCHASING & LICENSING)

- 5. [19-0198R](#) RESOLUTION IN THE MATTER OF THE ON-SALE INTOXICATING LIQUOR LICENSE OF MARTHA'S DAUGHTER, 107 EAST SUPERIOR STREET, DULUTH, MINNESOTA 55802.

Indexes:

Attachments: [Report to City Council March 18 2019](#)

This Resolution was adopted unanimously.

Absent: Councilor Fosle.

BY COUNCILOR FORSMAN (PERSONNEL)

BY COUNCILOR FORSMAN (PERSONNEL)

- 6. [19-0192R](#) RESOLUTION CONFIRMING THE APPOINTMENTS OF KRISTY ECKART TO THE HEADING HOME ST. LOUIS COUNTY'S GOVERNANCE BOARD, FILLING THE AFFORDABLE HOUSING COALITION REPRESENTATIVE VACANCY AND CHRISTOPHER RUBESCH, FILLING THE AT LARGE POSITION.

This Resolution was adopted unanimously.

Absent: Councilor Fosle.

- 7. [19-0199R](#) RESOLUTION CONFIRMING THE APPOINTMENT OF BREANNA ELLISON TO THE COMMUNITY DEVELOPMENT COMMITTEE FILLING A VACANT POSITION.

This Resolution was adopted unanimously.

Absent: Councilor Fosle.

8. [19-0200R](#) RESOLUTION APPROVING PROPOSED AMENDMENTS TO THE SPECIFICATIONS FOR THE EXISTING CIVIL SERVICE CLASSIFICATION OF MANAGER, WORKFORCE DEVELOPMENT, INCLUDING A TITLE CHANGE TO OPERATIONS MANAGER, WORKFORCE DEVELOPMENT, AND SPECIFYING CONTRACT BENEFITS FOR SAME.

Indexes:

Attachments: [Exhibit A](#)
[Manager, Workforce Development \(strikeout\).pdf](#)

This Resolution was adopted unanimously.
Absent: Councilor Fosle.

BY COUNCILOR RUSS (PLANNING & ECONOMIC DEVELOPMENT)

BY COUNCILOR RUSS (PLANNING & ECONOMIC DEVELOPMENT)

9. [19-0194R](#) RESOLUTION VACATING A 521.09 FOOT LONG AND SIXTY-SIX FOOT WIDE SECTION OF THE PLATTED RIGHT OF WAY OF SUNDBY STREET BETWEEN PAGE STREET AND ROCKFORD STREET.

Indexes:

Attachments: [Attachment 1 Signed Exhibit](#)
[Attachment 2 PL 19-008 Staff Report Packet](#)

This Resolution was adopted unanimously.
Absent: Councilor Fosle.

10. [19-0195R](#) RESOLUTION AUTHORIZING CITY OFFICIALS TO ENTER INTO AN AGREEMENT WITH THE DULUTH HOUSING AND REDEVELOPMENT AUTHORITY WHEREBY CITY OFFICIALS ACCEPT \$17,500 TO PROVIDE ADDITIONAL SUPPORT TO THE TENANT LANDLORD CONNECTION PROGRAM OPERATED BY ONE ROOF COMMUNITY HOUSING AND TO ENTER INTO AN AGREEMENT WITH ONE ROOF COMMUNITY HOUSING TO OPERATE THE TENANT LANDLORD CONNECTION IN THE AMOUNT OF \$57,500.

Indexes:

Attachments: [Attachment 1 -Exhibit A](#)
[Attachment 2 - Exhibit B](#)

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

BY PRESIDENT HOBBS (COMMITTEE OF THE WHOLE)

BY PRESIDENT HOBBS (COMMITTEE OF THE WHOLE)

11. [19-0188R](#) RESOLUTION APPROVING AN AGREEMENT WITH KELLER LENKNER LLC, CONSOVOY MCCARTHY PARK PLLC, AND HOFF BARRY, P.A. FOR LEGAL SERVICES REPRESENTING THE CITY IN REGARD TO FEDERAL MULTIDISTRICT LITIGATION INVOLVING POTENTIAL VIOLATIONS OF LAW IN THE MARKETING, SALE, AND DISTRIBUTION OF OPIOIDS.

Indexes:

Attachments: [Exhibit A](#)

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

BY COUNCILOR FILIPOVICH (PUBLIC WORKS & UTILITIES)

BY COUNCILOR FILIPOVICH (PUBLIC WORKS & UTILITIES)

12. [19-0180R](#) RESOLUTION AUTHORIZING AN AGREEMENT BETWEEN THE CITY OF DULUTH AND THE MINNESOTA DEPARTMENT OF TRANSPORTATION FOR IMPROVEMENTS TO GARFIELD AVENUE, RAILROAD STREET, 27TH AVENUE WEST AND 46TH AVENUE WEST WITHIN THE CORPORATE CITY LIMITS UNDER STATE PROJECT 6982-328.

Indexes:

Attachments: [19-0180R Exhibit A](#)
[19-0180R Municipal Consent Plan 2019](#)

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

13. [19-0184R](#) RESOLUTION AWARDED A CONTRACT TO KTM PAVING, INC. FOR THE RIVERWEST DRIVE GAS MAIN LOWERING PROJECT IN THE AMOUNT OF \$111,966.80.

Indexes:

Attachments: [19-0184R Map](#)

This Resolution was adopted unanimously.
Absent: Councilor Fosle.

- 14. [19-0193R](#) RESOLUTION ACCEPTING AN AGREEMENT FOR A TEMPORARY CONSTRUCTION EASEMENT AGREEMENT FROM ZENITH ASSET COMPANY, LLC.

Indexes:

Attachments: [19-0193R Attachment 1](#)

This Resolution was adopted unanimously.
Absent: Councilor Fosle.

- 15. [19-0196R](#) RESOLUTION AUTHORIZING A DEVELOPMENT AND ASSESSMENT AGREEMENT WITH SPIRIT VALLEY LAND COMPANY, LLC, DATED MARCH 13, 2019, RELATING TO THE RECONSTRUCTION AND INSTALLATION OF NATURAL GAS MAINS RELATED TO THE RIVER WEST DEVELOPMENT.

Indexes:

Attachments: [19-0196R Map](#)
[19-0196R Exhibit 1](#)

This Resolution was adopted unanimously.
Absent: Councilor Fosle.

- 16. [19-0197R](#) RESOLUTION AUTHORIZING THE PURCHASE OF TWO 2019 FREIGHTLINER TANDEM AXLE CAB AND CHASSIS FROM BOYER TRUCKS IN THE AMOUNT OF \$191,408.19, AND THE PURCHASE AND INSTALLATION OF TANDEM DUMP BODY PACKAGES TO OUTFIT EACH TRUCK FROM CRYSTEEL TRUCK EQUIPMENT IN THE AMOUNT OF \$85,104.24 FOR A TOTAL AMOUNT OF \$276,512.43.

This Resolution was adopted unanimously.
Absent: Councilor Fosle.

BY COUNCILOR WESTERLUND (RECREATION, LIBRARIES & AUTHORITIES)

BY COUNCILOR WESTERLUND (RECREATION, LIBRARIES & AUTHORITIES)

- 17. [19-0182R](#) RESOLUTION AUTHORIZING A THREE YEAR AGREEMENT WITH THE

DULUTH ENTERTAINMENT CONVENTION CENTER AUTHORITY TO PRODUCE, PROMOTE, COORDINATE, AND MANAGE EVENTS AT BAYFRONT FESTIVAL PARK.

Indexes:

Attachments: [Exhibit 1.pdf](#)

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

18. [19-0183R](#) RESOLUTION GRANTING APPROVAL OF THE DWP TRAIL SYSTEM TECHNICAL STANDARDS AND TRAIL USE PLAN.

Indexes:

Attachments: [Exhibit A plan](#)

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

19. [19-0185R](#) RESOLUTION AUTHORIZING EQUESTRIAN, BICYCLE AND SNOWMOBILE USE ON APPROVED SECTIONS OF THE DWP TRAIL CORRIDOR AND ELYS PEAK TRAIL.

Indexes:

Attachments: [Exhibit A Equestrian Map](#)
[Exhibit B Mountain Bike Map](#)
[Exhibit C snowmobile map](#)

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

20. [19-0186R](#) RESOLUTION AUTHORIZING A FY 2019 CLEAN WATER FUND GRANT PROGRAM SUBGRANT AGREEMENT WITH THE SOUTH ST. LOUIS SOIL AND WATER CONSERVATION DISTRICT IN THE AMOUNT OF \$419,141 FOR THE MILLER CREEK WATERSHED PROJECT AT LINCOLN AND PIEDMONT PARK.

Indexes:

Attachments: [Exhibit A pass thru agreement](#)

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

21. [19-0187R](#) RESOLUTION AUTHORIZING APPLICATION TO AND, IF OFFERED, ACCEPTANCE OF A \$250,000 MINNESOTA DEPARTMENT OF NATURAL RESOURCES OUTDOOR RECREATION GRANT TO IMPLEMENT PORTIONS OF THE WEST DULUTH SPORTS CORRIDOR MINI-MASTER PLAN PHASE I.

Indexes:

Attachments: [Exhibit A grant contract](#)

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

22. [19-0189R](#) RESOLUTION AUTHORIZING APPLICATION TO THE MINNESOTA DEPARTMENT OF NATURAL RESOURCES FOR A REGIONAL TRAIL PROGRAM GRANT OF UP TO \$250,000 FOR RESTORATION OF TWO MULTI USE TRAIL CROSSING BRIDGES.

Indexes:

Attachments: [Exhibit A location map](#)

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

23. [19-0190R](#) RESOLUTION AUTHORIZING APPLICATION TO THE MINNESOTA DEPARTMENT OF NATURAL RESOURCES FOR A REGIONAL TRAIL PROGRAM GRANT OF UP TO \$250,000 FOR CONSTRUCTION OF A MULTI-USE TRAIL THROUGH BRIGHTON BEACH PARK.

Indexes:

Attachments: [Exhibit A project map](#)

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

24. [19-0191R](#) RESOLUTION AUTHORIZING AN AMENDMENT TO AGREEMENT C23404 WITH MINNESOTA LAND TRUST FOR ADDITIONAL PROFESSIONAL SERVICES TO SUPPORT THE PLANNING OF THE ST. LOUIS RIVER NATURAL AREA PLAN FOR AN INCREASE OF \$19,311 FOR A NEW TOTAL AMOUNT NOT TO EXCEED \$199,311.

Indexes:

Attachments: [Exhibit A amendment.](#)

This Resolution was adopted unanimously.
Absent: Councilor Fosle.

END OF CONSENT AGENDA

END OF CONSENT AGENDA

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)

- 25. [19-011-O](#) AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF DULUTH TO RECLASSIFY PROPERTY AT THE NORTHEAST CORNER OF TRINITY ROAD AND ANDERSON ROAD FROM MIXED USE-NEIGHBORHOOD (MU-N) TO MIXED USE-BUSINESS PARK (MU-B).

Indexes:

- Attachments:** [Attachment 1 Map](#)
[Attachment 2 PL 19-012 Staff Report](#)
[Attachment 3 Late Correspondence](#)

This Ordinance was read for the first time.

BY PRESIDENT HOBBS (COMMITTEE OF THE WHOLE)

BY PRESIDENT HOBBS (COMMITTEE OF THE WHOLE)

- 26. [19-012-O](#) ORDINANCE AMENDING CHAPTER 9 OF THE DULUTH CITY CODE BY DELETING IT IN ITS ENTIRETY AND SUBSTITUTING A NEW BICYCLES, ELECTRIC-ASSISTED BICYCLES AND MOTORIZED FOOT SCOOTERS CHAPTER.

Indexes:

- Attachments:** [Motion to Amend: Hobbs \(Passed 7-1-1\)](#)

This Ordinance was read for the first time.

- 27. [19-013-O](#) ORDINANCE ADDING CHAPTER 9A TO THE DULUTH CITY CODE REGULATING THE OPERATION OF SHARED ACTIVE MOBILITY SYSTEMS.

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 FORSMAN (PERSONNEL)

BY COUNCILOR FORSMAN (PERSONNEL)

- 28. [19-006-O](#) AN ORDINANCE AMENDING SECTIONS 50-19.8 USE TABLE AND 50-20.3 COMMERCIAL USES TO ALLOW DAYCARE FACILITIES AND PRESCHOOLS IN THE MIXED USE BUSINESS (MU-B) ZONE DISTRICT.

Indexes:

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

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

BY COUNCILOR RUSS (PLANNING & ECONOMIC DEVELOPMENT)

BY COUNCILOR RUSS (PLANNING & ECONOMIC DEVELOPMENT)

- 29. [19-010-O](#) AN ORDINANCE AUTHORIZING THE CONVEYANCE OF CERTAIN REAL PROPERTY IN DOWNTOWN DULUTH AT NO COST.

Indexes:

Attachments: [Exhibit A](#)

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

COUNCILOR QUESTIONS AND COMMENTS

COUNCILOR QUESTIONS AND COMMENTS

COUNCILOR PREVIEW OF UPCOMING BUSINESS

COUNCILOR PREVIEW OF UPCOMING BUSINESS