



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 11, 2019

7:00 PM

Council Chamber

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.

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ROLL CALL

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

PLEDGE OF ALLEGIANCE

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APPROVAL OF MINUTES

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1. **19-048** Meeting Minutes of the Duluth City Council

Indexes:

Attachments: February 25, 2019 - City Council Meeting

These Minutes were approved.

REPORTS FROM THE ADMINISTRATION

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REPORTS FROM OTHER OFFICERS

REPORTS FROM OTHER OFFICERS

REPORTS OF BOARDS AND COMMISSIONS

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2. [19-045](#) Duluth Parking Commission Resolutions

Indexes:

Attachments: [Duluth Parking Commission Resolutions](#)

This Board or Commission Report was received.

3. [19-046](#) Duluth Public Utilities Commission Meeting Minutes

Indexes:

Attachments: [Duluth Public Utilities Commission 1-15-2019](#)

This Board or Commission Report was received.

4. [19-047](#) Library Board Meeting Minutes

Indexes:

Attachments: [Library Board 1-22-2019](#)

This Board or Commission Report was received.

5. [19-049](#) Community Development Committee: Letter to Council

Indexes:

Attachments: [2-27-19 Letter to City Council Signed](#)

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

OPPORTUNITY FOR CITIZENS TO BE HEARD

CONSENT AGENDA

CONSENT AGENDA

BY COUNCILOR FOSLE (PURCHASING & LICENSING)

BY COUNCILOR FOSLE (PURCHASING & LICENSING)

- 6. [19-0141R](#) RESOLUTION APPROVING THE EXEMPTION OF A RAFFLE PERMIT AND WAIVING THE 60-DAY WAITING PERIOD FOR HEAD OF THE LAKES ROCKY MOUNTAIN ELK FOUNDATION

This Resolution was adopted unanimously.

- 7. [19-0145R](#) RESOLUTION APPROVING THE EXEMPTION OF A RAFFLE PERMIT AND WAIVING THE 60 DAY WAITING PERIOD FOR ROTARY CLUB OF DULUTH HARBORTOWN MN USA Inc..

This Resolution was adopted unanimously.

- 8. [19-0157R](#) RESOLUTION ISSUING A 3.2 PERCENT MALT LIQUOR LICENSE AND APPROVING ISSUANCE OF AN ON SALE WINE LICENSE TO UP NORTH BEER DE CARO DULUTH, LLC (UP NORTH BEER EXCHANGE), 1905 WEST SUPERIOR STREET.

Indexes:

Attachments: [Up North Decaro Application](#)

This Resolution was adopted unanimously.

- 9. [19-0158R](#) RESOLUTION ISSUING AN ON SALE 3.2 PERCENT MALT LIQUOR LICENSE AND APPROVING ISSUANCE OF AN ON SALE WINE LICENSE TO TROPHY CAFE, LLC (TROPHY CAFE), 1314 COMMONWEALTH AVENUE.

Indexes:

Attachments: [Trophy Cafe Wine and Beer License](#)

This Resolution was adopted unanimously.

- 10. [19-0160R](#) 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: [Fitgers Taste](#)

This Resolution was adopted unanimously.

- 11. [19-0166R](#) RESOLUTION ISSUING AN ON SALE INTOXICATING LIQUOR LICENSE, SUNDAY LICENSE TO THE OMC, LLC, (OMC SMOKEHOUSE), 1909 WEST SUPERIOR STREET.

This Resolution was adopted unanimously.

BY COUNCILOR FORSMAN (PERSONNEL)

BY COUNCILOR FORSMAN (PERSONNEL)

- 12. [19-0177R](#) RESOLUTION APPOINTING COUNCILOR ZACK FILIPOVICH TO THE DULUTH PUBLIC UTILITIES COMMISSION.

This Resolution was adopted unanimously.

13. [19-0179R](#) RESOLUTION CONFIRMING THE APPOINTMENT OF ROBERTA CICH TO THE HOUSING AND REDEVELOPMENT AUTHORITY OF DULUTH.

This Resolution was adopted unanimously.

BY COUNCILOR RUSS (PLANNING & ECONOMIC DEVELOPMENT)

BY COUNCILOR RUSS (PLANNING & ECONOMIC DEVELOPMENT)

14. [19-0147R](#) RESOLUTION AUTHORIZING A SECOND AMENDMENT TO THE PROFESSIONAL SERVICES AGREEMENT WITH BARR ENGINEERING COMPANY INCREASING THE CONTRACT AMOUNT BY \$15,000 FOR A TOTAL CONTRACT AMOUNT NOT TO EXCEED THE AMOUNT OF \$115,000, AND EXTENDING THE TERM OF THE AGREEMENT THROUGH DECEMBER 31, 2019.

Indexes:

Attachments: [Second Amendment Agreement for Barr Engineering](#)

This Resolution was adopted unanimously.

15. [19-0152R](#) RESOLUTION APPROVING A PARKING SPACE LEASE AGREEMENT BETWEEN JUST TAKE ACTION, INC. AND INTERSTATE PARKING COMPANY OF MINNESOTA LLC RELATED TO THE LAKE PLACE LOT AND CONDITIONALLY AGREEING TO HONOR ITS TERMS THROUGH APRIL 30, 2029.

Indexes:

Attachments: [Exhibit A](#)

This Resolution was adopted unanimously.

16. [19-0168R](#) RESOLUTION OF INTENT TO SELL OR CONVEY CERTAIN REAL PROPERTY IN DOWNTOWN DULUTH.

Indexes:

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

This Resolution was adopted unanimously.

17. [19-0169R](#) RESOLUTION AUTHORIZING ACCEPTANCE OF A QUIT CLAIM DEED FROM THE VOYAGEUR INN, LLC, FOR CERTAIN REAL PROPERTY IN DOWNTOWN DULUTH.

Indexes:

Attachments: [Exhibit A](#)

This Resolution was adopted unanimously.

BY COUNCILOR FILIPOVICH (PUBLIC WORKS & UTILITIES)

BY COUNCILOR FILIPOVICH (PUBLIC WORKS & UTILITIES)

18. [19-0143R](#) RESOLUTION APPROVING A COUNTY PROJECT WITHIN MUNICIPAL CORPORATE LIMITS FOR IMPROVEMENTS TO COUNTY STATE AID HIGHWAY 91 (HAINES ROAD).

Indexes:

Attachments: [19-0143R Map](#)

This Resolution was adopted unanimously.

19. [19-0144R](#) RESOLUTION AUTHORIZING AN AGREEMENT WITH ST. LOUIS COUNTY FOR CONSTRUCTION OF NATURAL GAS, STORM SEWER, SANITARY SEWER AND WATER SYSTEM IMPROVEMENTS ASSOCIATED WITH THE RECONSTRUCTION OF CSAH 9 (WOODLAND AVENUE FROM ANOKA STREET TO CALVARY ROAD AND CALVARY ROAD FROM WOODLAND AVENUE TO ARNOLD ROAD) IN THE ESTIMATED AMOUNT OF \$2,610,000.

Indexes:

Attachments: [19-0144R Exhibit 1 \(Agreement\)](#)

[19-0144 Map](#)

[19-0144 Haul Routes Map](#)

[19-0144 Detour Route Map](#)

This Resolution was adopted unanimously.

20. [19-0148R](#) RESOLUTION AUTHORIZING AN AGREEMENT WITH ST. LOUIS COUNTY TO PAINT FIVE TRAFFIC SIGNAL SYSTEMS IN THE CITY OF DULUTH.

Indexes:

Attachments: [19-0148R Exhibit A](#)

This Resolution was adopted unanimously.

- 21. [19-0150R](#) RESOLUTION AUTHORIZING THE PURCHASE OF AN ADDITIONAL 2,500 TONS OF ROAD SALT FROM MORTON SALT, INC., INCREASING THE PURCHASE ORDER BY \$88,876.00 FOR A TOTAL AMOUNT OF \$355,456.00

This Resolution was adopted unanimously.

- 22. [19-0156R](#) RESOLUTION AUTHORIZING THE PURCHASE OF TWO 2020 FREIGHTLINER CABS AND CHASSIS FROM BOYER TRUCKS IN THE AMOUNT OF \$170,134.00, AND THE PURCHASE AND INSTALLATION OF PLOWING AND SANDING EQUIPMENT TO OUTFIT SAME TRUCKS FROM CRYSTEEL TRUCK EQUIPMENT IN THE AMOUNT OF \$206,608.95 FOR A TOTAL AMOUNT OF \$376,742.95.

This Resolution was adopted unanimously.

- 23. [19-0161R](#) RESOLUTION AWARDDING A CONTRACT TO NORTHLAND CONSTRUCTORS OF DULUTH, INC FOR BITUMINOUS (HOT MIX BLACKTOP) FOR STREET MAINTENANCE ACTIVITIES IN 2019 FOR AN AMOUNT NOT TO EXCEED \$380,000.

This Resolution was adopted unanimously.

BY COUNCILOR VAN NETT (PUBLIC SAFETY)

BY COUNCILOR VAN NETT (PUBLIC SAFETY)

- 24. [19-0138R](#) RESOLUTION AUTHORIZING PROPER CITY OFFICIALS TO EXECUTE A TELEPRESENCE NETWORK USER AGREEMENT WITH THE ARROWHEAD HEALTH ALLIANCE, TO PROVIDE THE DULUTH POLICE DEPARTMENT WITH TWO IPADS AND ACCESS TO THE VIDYO PLATFORM AT NO COST TO THE CITY OF DULUTH.

Indexes:**Attachments:** [19-0138 Document A](#)

This Resolution was adopted unanimously.

25. [19-0146R](#) RESOLUTION AUTHORIZING THE CITY TO ENTER INTO A JOINT POWERS AGREEMENT WITH THE STATE OF MINNESOTA, COMMISSION OF PUBLIC SAFETY, BUREAU OF CRIMINAL APPREHENSION, PROVIDING FOR THE CITY OF DULUTH POLICE DEPARTMENT TO CONTINUE PARTICIPATION IN THE MINNESOTA INTERNET CRIMES AGAINST CHILDREN TASK FORCE PROGRAM.

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

This Resolution was adopted unanimously.

26. [19-0149R](#) RESOLUTION AUTHORIZING A FIRST AMENDMENT TO THE GRANT FROM THE STATE OF MINNESOTA, DEPARTMENT OF NATURAL RESOURCES TO ACCEPT AN ADDITIONAL \$4,999, INCREASING THE AWARD AMOUNT FROM \$17,110 TO \$22,109 AND TO EXTEND THE AWARD PERIOD FROM DECEMBER 31, 2019 TO JUNE 30, 2020.

Indexes:**Attachments:** [Amendment # 1.pdf](#)

This Resolution was adopted unanimously.

27. [19-0162R](#) RESOLUTION AUTHORIZING PROPER CITY OFFICIALS TO ACCEPT A GRANT FROM THE UNITED STATES DEPARTMENT OF JUSTICE IN THE AMOUNT OF \$38,548 AND FURTHER AUTHORIZING EXECUTION OF GRANT AGREEMENT WITH ST. LOUIS COUNTY.

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

This Resolution was adopted unanimously.

28. [19-0163R](#) RESOLUTION AUTHORIZING AGREEMENT WITH STATE OF MINNESOTA FOR LEASE OF THE FIREARMS TRAINING FACILITY AT

THE EMERGENCY RESPONSE TRAINING CENTER AT NO COST TO CITY.

Indexes:

Attachments: [19-0163 Exhibit A](#)

This Resolution was adopted unanimously.

BY COUNCILOR WESTERLUND (RECREATION, LIBRARIES & AUTHORITIES)

BY COUNCILOR WESTERLUND (RECREATION, LIBRARIES & AUTHORITIES)

29. [19-0118R](#) RESOLUTION AUTHORIZING AN AMENDMENT TO AGREEMENT L30063 WITH DIRT INC. FOR ADDITIONAL REHABILITATION OF THE DWP TRAIL FOR AN INCREASE OF \$49,466 AND A NEW TOTAL AMOUNT NOT TO EXCEED \$323, 205.75.

Indexes:

Attachments: [DWP Estimate_2.6.19](#)

This Resolution was adopted unanimously.

30. [19-0151R](#) RESOLUTION IN SUPPORT OF AN EQUAL RIGHTS AMENDMENT TO THE MINNESOTA CONSTITUTION.

This Resolution was adopted unanimously.

31. [19-0155R](#) RESOLUTION AUTHORIZING PROPER CITY OFFICIALS TO ACCEPT A \$10,000 GRANT FROM THE NATIONAL OCEANOGRAPHIC AND ATMOSPHERIC ADMINISTRATION, ADMINISTERED BY THE MINNESOTA DEPARTMENT OF NATURAL RESOURCES, FOR DEVELOPMENT OF A NATURAL RESOURCE MANAGEMENT PLAN FOR THE PROPOSED HARTLEY NATURAL AREA.

Indexes:

Attachments: [Exhibit A_grant agreement](#)

This Resolution was adopted unanimously.

32. [19-0159R](#) RESOLUTION ACCEPTING PERMANENT EASEMENT FOR RECREATIONAL TRAIL PURPOSES FROM WESTERN LAKE

SUPERIOR SANITARY DISTRICT OVER PROPERTY ADJACENT TO SOUTH CENTRAL AVENUE AND MAIN STREET.

Indexes:

Attachments: [Exhibit 1.pdf](#)

This Resolution was adopted unanimously.

33. [19-0164R](#) RESOLUTION AUTHORIZING AN AMENDMENT TO AGREEMENT L30107 WITH LHB, INC. FOR ADDITIONAL ENGINEERING SERVICES FOR FINAL DESIGN AND CONSTRUCTION ADMINISTRATION FOR LINCOLN PARK RESTORATION FOR AN INCREASE OF \$97,778 AND A NEW TOTAL AMOUNT NOT TO EXCEED \$131,391.

Indexes:

Attachments: [Exhibit A Proposal](#)

This Resolution was adopted unanimously.

34. [19-0165R](#) RESOLUTION AUTHORIZING PROPER CITY OFFICIALS TO ACCEPT A \$13,600 GRANT FROM THE STATE OF MINNESOTA DEPARTMENT OF AGRICULTURE FOR CONTROL OF INVASIVE KNOTWEED AND WILD PARSNIP ON CITY LANDS.

Indexes:

Attachments: [Exhibit A grant agreement](#)

This Resolution was adopted unanimously.

35. [19-0174R](#) RESOLUTION APPROVING A POLICY FOR SETTING RECREATION PROGRAM FEES AND AMENDING RESOLUTION 18-0788, ADOPTING LICENSE, PERMIT, FINE, PENALTY AND OTHER CHARGES FOR 2019, BY ADDING RECREATION PROGRAM FEES.

Indexes:

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

This Resolution was adopted unanimously.

END OF CONSENT AGENDA

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The following entitled resolutions are also to be considered:

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BY COUNCILOR WESTERLUND (RECREATION, LIBRARIES & AUTHORITIES)

BY COUNCILOR WESTERLUND (RECREATION, LIBRARIES & AUTHORITIES)

- 36. [19-0153R](#) RESOLUTION ACCEPTING UNCONDITIONAL GIFTS FROM THE FRIENDS OF THE DULUTH PUBLIC LIBRARY FOR THE BENEFIT OF THE LIBRARY IN 2019.

This Resolution was adopted unanimously.

- 37. [19-0154R](#) RESOLUTION ACCEPTING UNCONDITIONAL GIFTS FROM THE DULUTH LIBRARY FOUNDATION FOR THE BENEFIT OF THE LIBRARY FOR 2019.

This Resolution was adopted unanimously.

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 FORSMAN (PERSONNEL)

BY COUNCILOR FORSMAN (PERSONNEL)

- 38. [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 read for the first time.

BY COUNCILOR RUSS (PLANNING & ECONOMIC DEVELOPMENT)

BY COUNCILOR RUSS (PLANNING & ECONOMIC DEVELOPMENT)

- 39. [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 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)

- 40. [19-007-O](#) AN ORDINANCE GRANTING A CONCURRENT USE PERMIT FOR AN EXISTING STRUCTURE IN THE PLATTED STREET RIGHT OF WAY OF 48TH AVENUE EAST.

Indexes:

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

This Ordinance was adopted unanimously.

BY PRESIDENT HOBBS (COMMITTEE OF THE WHOLE)

BY PRESIDENT HOBBS (COMMITTEE OF THE WHOLE)

- 41. [19-008-O](#) ORDINANCE AMENDING CHAPTER 2, ARTICLE XXV, OF THE DULUTH CITY CODE BY DELETING IT IN ITS ENTIRETY AND SUBSTITUTING A NEW CHAPTER 2, ARTICLE XXV ESTABLISHING AN

ENERGY PLAN COMMISSION.

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

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

COUNCILOR QUESTIONS AND COMMENTS

COUNCILOR QUESTIONS AND COMMENTS

COUNCILOR PREVIEW OF UPCOMING BUSINESS

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