



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 13, 2017

7:00 PM

Council Chamber

ROLL CALL

ROLL CALL

Present: 7 - Councilor Gary Anderson, Councilor Zack Filipovich, Councilor Jay Fosle, President Noah Hobbs, Councilor Barb Russ, Councilor Em Westerlund and Councilor Joel Sipress

PLEDGE OF ALLEGIANCE

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APPROVAL OF MINUTES

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1. [17-043](#) May, June & July 2016 City Council Meeting Minutes

Indexes:

Attachments: [May 9, 2016 - Council Meeting](#)
[May 23, 2016 - Council Meeting](#)
[June 10, 2016 - Special Council Meeting](#)
[June 13, 2016 - Council Meeting](#)
[June 27, 2016 - Council Meeting](#)
[July 11, 2016 - Council Meeting](#)
[July 18, 2016 - Council Meeting](#)

This Minutes was approved.

REPORTS OF BOARDS AND COMMISSIONS

REPORTS OF BOARDS AND COMMISSIONS

2. [17-044](#) 1-17-17 - Duluth Public Utilities Commission Meeting Minutes

Indexes:

Attachments: [1-17-17 Duluth Public Utilities Commission Meeting Minutes](#)

This Board or Commission Report was received.

3. [17-045](#) 1-24-17 Library Board Meeting Minutes

Indexes:

Attachments: [1-24-17 Library Board Meeting Minutes](#)

This Board or Commission Report was received.

4. [17-046](#) 3-1-17 Alcohol, Gambling & Tobacco Commission Meeting Minutes

Indexes:

Attachments: [3-1-17 Alcohol, Gambling & Tobacco Commission Meeting Minutes](#)

This Board or Commission Report was received.

REPORTS FROM THE ADMINISTRATION

REPORTS FROM THE ADMINISTRATION

REPORTS OF COUNCIL COMMITTEES

REPORTS OF COUNCIL COMMITTEES

REPORTS OF COUNCIL OPEN ISSUES

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OPPORTUNITY FOR CITIZENS TO BE HEARD

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BY COUNCILOR RUSS (PLANNING & ECONOMIC DEVELOPMENT)

BY COUNCILOR RUSS (PLANNING & ECONOMIC DEVELOPMENT)

5. [17-0063R](#) RESOLUTION GRANTING AN INTERIM USE PERMIT FOR A VACATION DWELLING UNIT AT 2126 EAST WATER STREET UNIT L103 (LAURIE ANDERSON AND RANDY HOLT).

Indexes:

Attachments: [Attachment 1](#)
[MTA 17-0063R \(Passed\)](#)

Motion To Amend - Passed by a vote of 6:3

Y: Councilors Anderson E. Hansen, H. Hanson, Russ, Westerlund and President Sipress

N: Councilors Filipovich, Fosle and Hobbs

This Resolution was denied.**Yea:** 2 - Councilor Fosle and President Hobbs**Nay:** 7 - Councilor Anderson, Councilor Filipovich, Hansen, Hanson, Councilor Russ, Councilor Westerlund and Councilor Sipress

CONSENT AGENDA

CONSENT AGENDA

BY COUNCILOR HANSEN (FINANCE)

BY COUNCILOR HANSEN (FINANCE)

6. [17-0086R](#) RESOLUTION AUTHORIZING THE PURCHASE OF A NEW 2017 ELGIN PELICAN STREET SWEEPER FROM MACQUEEN EQUIPMENT IN THE AMOUNT OF \$218,795.67.

This Resolution was adopted unanimously.

BY COUNCILOR HANSON (PURCHASING & LICENSING)

BY COUNCILOR HANSON (PURCHASING & LICENSING)

7. [17-0108R](#) RESOLUTION APPROVING ISSUANCE OF AN ON SALE LIQUOR LICENSE AND SUNDAY LIQUOR LICENSE TO PARK POINT MARINA INN & SUITES, LLC (PARK POINT MARINA INN) 1023 MINNESOTA AVE, DULUTH, MN 55802

This Resolution was adopted.

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

Abstain: 1 - Hansen

8. [17-0130R](#) RESOLUTION APPROVING THE EXEMPTION OF A RAFFLE LICENSE AND WAIVING THE 60 DAY WAITING PERIOD FOR ROCKY MOUNTAIN ELK FOUNDATION

Indexes:

Attachments: [ELK FOUNDATION-02022017131545](#)

This Resolution was adopted unanimously.

9. [17-0152R](#) RESOLUTION APPROVING THE TEMPORARY EXPANSION OF THE ON SALE INTOXICATING LIQUOR LICENSE OF 600 EAST SUPERIOR STREET, INC. (TASTE OF FITGERS) 600 EAST SUPERIOR STREET.

This Resolution was adopted.

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

Abstain: 1 - Hansen

10. [17-0155R](#) RESOLUTION ISSUING A TEMPORARY ON SALE INTOXICATING LIQUOR LICENSE TO BONG P-38, D/B/A DULUTH AIRSHOW, 305 EAST 2ND STREET, SUPERIOR WISCONSIN WITH RYAN KERN,

MANAGER.

This Resolution was adopted.

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

Abstain: 1 - Hansen

11. [17-0196R](#) RESOLUTION APPROVING THE ISSUANCE OF A LAWFUL GAMBLING PREMISE PERMIT TO CONFIDENCE LEARNING CENTER FOR QUINLAN'S BAR, 220 W SUPERIOR STREET, DULUTH MN

Indexes:

Attachments: [Confidence Learning Center Premise Permit](#)

This Resolution was adopted unanimously.

12. [17-0197R](#) RESOLUTION APPROVING THE EXEMPTION OF A RAFFLE LICENSE AND WAIVING THE 60 DAY WAITING PERIOD FOR RIDGEVIEW COUNTRY CLUB

Indexes:

Attachments: [Ridgeview](#)

This Resolution was adopted unanimously.

13. [17-0198R](#) RESOLUTION APPROVING THE EXEMPTION OF A RAFFLE LICENSE AND WAIVING THE 60 DAY WAITING PERIOD FOR LAKE SUPERIOR ZOOLOGICAL SOCIETY.

Indexes:

Attachments: [ZOO-02142017153948](#)

This Resolution was adopted unanimously.

14. [17-0207R](#) RESOLUTION AUTHORIZING A 4TH AMENDMENT TO CONTRACT 21565 WITH NORTHEAST SERVICE COOPERATIVE (NESC) DBA MN TELECOMMUNICATIONS TO ADD FIBER OPTIC CABLE SERVICE TO 40TH AVENUE WEST TOOL HOUSE IN THE ADDITIONAL AMOUNT OF \$17,514 AND INCREASING THE MONTHLY SERVICE CHARGES BY AN ADDITIONAL \$400.

Indexes:Attachments: [Change Order 4.pdf](#)

This Resolution was adopted unanimously.

BY COUNCILOR RUSS (PLANNING & ECONOMIC DEVELOPMENT)

BY COUNCILOR RUSS (PLANNING & ECONOMIC DEVELOPMENT)

15. [17-0195R](#) RESOLUTION AUTHORIZING AMENDMENT NO. 1 TO GRANT AGREEMENT #109704 WITH THE STATE OF MINNESOTA, DEPARTMENT OF EMPLOYMENT AND ECONOMIC DEVELOPMENT ("DEED") TO INCORPORATE A CONFLICT OF INTEREST POLICY AUTHORIZED BY MINN. STAT. §16B.97, SUBD. 4(a)(1).

Indexes:Attachments: [Exhibit A 17-0195](#)
[Exhibit 4 17-0195](#)

This Resolution was adopted unanimously.

16. [17-0210R](#) RESOLUTION AUTHORIZING A TWELFTH AMENDMENT TO THE MINNESOTA INVESTMENT FUND LOAN AGREEMENT AND A TWELFTH PROMISSORY NOTE MODIFICATION AGREEMENT WITH NORTHSTAR MACHINE & TOOL CO., INC., D/B/A NORTHSTAR AEROSPACE, AND A FIRST AMENDMENT TO THE INTERCREDITOR AGREEMENT WITH REPUBLIC BANK, DULUTH 1200 FUND, INC. AND NORTHLAND FOUNDATION.

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

This Resolution was adopted unanimously.

BY PRESIDENT SIPRESS (COMMITTEE OF THE WHOLE)

BY PRESIDENT SIPRESS (COMMITTEE OF THE WHOLE)

17. [17-0199R](#) RESOLUTION ESTABLISHING A 2017 DULUTH DISTINGUISHED

ARTIST AWARD TO BE BESTOWED ON DULUTH ARTISTS BY
MEMBERS OF THE CITY COUNCIL.

This Resolution was adopted unanimously.

BY COUNCILOR HOBBS (PUBLIC WORKS & UTILITIES)

BY COUNCILOR HOBBS (PUBLIC WORKS & UTILITIES)

18. [17-0162R](#) RESOLUTION APPROVING THE CITY'S 2016 WATER SUPPLY PLAN.

Indexes:

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

This Resolution was adopted unanimously.

19. [17-0189R](#) RESOLUTION AWARDED A CONTRACT TO HANCO UTILITIES, INC.
FOR CONSTRUCTION OF THE 2017 HIGH PRESSURE GAS MAINS
AND SERVICES AT VARIOUS LOCATIONS IN THE AMOUNT OF
\$982,021.

This Resolution was adopted unanimously.

20. [17-0191R](#) RESOLUTION ORDERING IN THE WHITTIER STREET
RECONSTRUCTION PROJECT AT AN ESTIMATED COST OF
\$163,000.

Indexes:

Attachments: [17-0191R Map](#)
 [17-0191R Memo to Council](#)
 [17-0191R Public Hearing Minutes](#)

This Resolution was adopted unanimously.

21. [17-0194R](#) RESOLUTION AUTHORIZING A DEVELOPMENT AND ASSESSMENT
AGREEMENT WITH AND ACCEPTING A PERMANENT EASEMENT
FROM CARLA M. AND DALE A. PEARSON, TRUSTEES OF THE
TRUST AGREEMENT OF CARLA M. PEARSON DATED APRIL 22, 2014

RELATING TO THE RECONSTRUCTION OF WHITTIER STREET.

Indexes:Attachments: [17-0194R Easement Map](#)[17-0194R Exhibit 1](#)[17-0194R Exhibit 2](#)

This Resolution was adopted unanimously.

BY COUNCILOR FOSLE (PUBLIC SAFETY)

BY COUNCILOR FOSLE (PUBLIC SAFETY)

22. [17-0157R](#) RESOLUTION AUTHORIZING CHALLENGE PARTNERSHIP AGREEMENT WITH THE DEPARTMENT OF THE ARMY AND MINNESOTA SEA GRANT PERTAINING TO RIP CURRENT WARNING SYSTEM.

Indexes:Attachments: [Exhibit A 17-0157R](#)

This Resolution was adopted unanimously.

BY COUNCILOR WESTERLUND (RECREATION, LIBRARIES & AUTHORITIES)

BY COUNCILOR WESTERLUND (RECREATION, LIBRARIES & AUTHORITIES)

23. [17-0072R](#) RESOLUTION GRANTING APPROVAL AND IMPLEMENTATION OF THE ST. LOUIS RIVER CORRIDOR TRAILS PLAN.

Indexes:Attachments: [SLRC Trail Plan final for council approval 3-13-17](#)

This Resolution was adopted unanimously.

24. [17-0192R](#) RESOLUTION ACCEPTING REIMBURSEMENT MONEY IN THE AMOUNT OF \$42,000 FROM THE ARROWHEAD LIBRARY SYSTEM FOR THE PURCHASE OF LIBRARY MATERIALS.

This Resolution was adopted unanimously.

END OF CONSENT AGENDA

END OF CONSENT AGENDA

BY COUNCILOR HANSON (PURCHASING & LICENSING)

BY COUNCILOR HANSON (PURCHASING & LICENSING)

25. [17-0087R](#) RESOLUTION AUTHORIZING AN AGREEMENT WITH TKDA FOR ARCHITECTURAL SERVICES IN CONNECTION WITH THE PREDESIGN STUDY FOR FIRE HALL #11 FOR AN AMOUNT NOT TO EXCEED \$40,000.00.

Indexes:

Attachments: [Exhibit A](#)

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

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

Nay: 1 - Councilor Fosle

BY COUNCILOR FOSLE (PUBLIC SAFETY)

BY COUNCILOR FOSLE (PUBLIC SAFETY)

26. [17-0208R](#) RESOLUTION ESTABLISHING COLLABORATION BETWEEN CITY ADMINISTRATION, CITY COUNCIL AND COMMUNITY PARTNERS TO ADDRESS THE ADVERSE EFFECTS OF HOMELESSNESS.

This Resolution was adopted unanimously.

INTRODUCTION AND CONSIDERATION OF ORDINANCES

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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 HOBBS (PUBLIC WORKS & UTILITIES)

BY COUNCILOR HOBBS (PUBLIC WORKS & UTILITIES)

27. [17-010-O](#) AN ORDINANCE AMENDING CHAPTER 47 OF THE DULUTH CITY CODE BY ADDING A NEW ARTICLE V RELATING TO TRANSPORTATION NETWORK COMPANIES AND AMENDING SECTION 47-16 TO EXCLUDE TRANSPORTATION NETWORK COMPANY VEHICLES FROM THE DEFINITION OF TAXICAB. [REPLACEMENT]

Indexes:

Attachments: [17-010-O Attachment](#)
 [17-010-O - Original](#)

This Ordinance was read for the first time.

BY COUNCILOR FOSLE (PUBLIC SAFETY)

BY COUNCILOR FOSLE (PUBLIC SAFETY)

28. [17-009-O](#) AN ORDINANCE REPEALING SECTION 90, CHAPTER 33, OF THE DULUTH CITY CODE, 1959 AS AMENDED RELATING TO ADVERTISING VEHICLES FOR SALE

This Ordinance was read for the first time.

29. [17-011-O](#) AN ORDINANCE AMENDING SECTION 8-46, CHAPTER 8 OF THE DULUTH CITY CODE TO ALLOW ESTABLISHMENTS WITH SUNDAY LICENSES TO BEGIN SELLING INTOXICATING LIQUOR ON SUNDAY AT 8:00 A.M. INSTEAD OF 10:00 A.M., TO ELIMINATE THE REQUIREMENT THAT CLUBS SERVE MEALS ON A DAILY BASIS, AND TO ADD BOWLING CENTERS AS ELIGIBLE FOR SUNDAY LICENSES.

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)

30. [17-008-O](#) AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF DULUTH TO PROVIDE FOR THE RECLASSIFICATION OF PROPERTY NORTH OF WEST ARROWHEAD ROAD AND EAST OF SWAN LAKE ROAD FROM R-2 TO MU-P.

Indexes:

Attachments: [Attachment 1](#)

[Attachment 2](#)

[Attachment 3](#)

This Ordinance was adopted unanimously.

COUNCILOR QUESTIONS AND COMMENTS

COUNCILOR QUESTIONS AND COMMENTS

COUNCILOR PREVIEW OF UPCOMING BUSINESS

COUNCILOR PREVIEW OF UPCOMING BUSINESS