



# 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, March 27, 2017

7:00 PM

Council Chamber

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#### 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

#### PLEDGE OF ALLEGIANCE

#### APPROVAL OF MINUTES

#### APPROVAL OF MINUTES

1. [17-051](#) August, September and October 2016 City Council Meeting Minutes

**Indexes:**

**Attachments:** [August 15, 2016 - Council Meeting](#)  
[August 29, 2016 - Council Meeting](#)  
[September 12, 2016 - Council Meeting](#)  
[September 22, 2016 - Special Council Meeting](#)  
[September 26, 2016 - Council Meeting](#)  
[October 10, 2016 - Council Meeting](#)  
[October 24, 2016 - 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. [17-048](#) Duluth Entertainment Convention Center Meeting Minutes

**Indexes:**

**Attachments:** [10-25-16 Duluth Entertainment Convention Center Meeting Minutes](#)  
[11-22-16 Duluth Entertainment Convention Center Meeting Minutes](#)  
[12-13-16 Duluth Entertainment Convention Center Meeting Minutes](#)

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

3. [17-049](#) Planning Commission Meeting Minutes

**Indexes:**

**Attachments:** [1-10-17 Planning Commission Meeting Minutes](#)  
[2-14-17 Planning Commission Meeting Minutes](#)  
[2-28-17 Planning Commission Meeting Minutes](#)

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

4. [17-050](#) 1-25-17 Duluth Economic Development Authority Meeting Minutes

Indexes:

Attachments: [1-25-17 Duluth Economic Development Authority Meeting Minutes](#)

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

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 HANSON (PURCHASING & LICENSING)

BY COUNCILOR HANSON (PURCHASING & LICENSING)

5.     [17-0238R](#)     RESOLUTION AWARDING A CONTRACT TO HOLIDAY  
STATIONSTORES FOR SERVICE STATION FUELS FOR 2017 FOR AN  
AMOUNT NOT TO EXCEED \$618,750.

**This Resolution was adopted unanimously.**

BY COUNCILOR ANDERSON (PERSONNEL)

BY COUNCILOR ANDERSON (PERSONNEL)

6.     [17-0222R](#)     RESOLUTION CONFIRMING THE REAPPOINTMENT OF JASON  
THORSELL , TO THE DULUTH PUBLIC UTILITIES COMMISSION

This Resolution was adopted unanimously.

7. [17-0223R](#) RESOLUTION APPROVING APPOINTMENT OF ROBERT PEARSON AND STEVE GERADS AS CITY REPRESENTATIVES TO THE DULUTH INTERNATIONAL AIRPORT JOINT AIRPORT ZONING BOARD

This Resolution was adopted unanimously.

8. [17-0235R](#) RESOLUTION AUTHORIZING THE EXECUTION OF 2017-2019 PROFESSIONAL SERVICES AGREEMENT WITH THE DULUTH JOINT POWERS ENTERPRISE TRUST FOR CITY TO PROVIDE PROFESSIONAL SERVICES AND ACCEPTING PAYMENT OF \$350,000 IN 2017, \$360,500 IN 2018, AND \$371,315 IN 2019 FOR SAID SERVICES

Indexes:

Attachments: [2017-2019 Professional Services Agreement - City of Duluth & Duluth JPE](#)

This Resolution was adopted unanimously.

9. [17-0246R](#) RESOLUTION CONFIRMING THE APPOINTMENT OF CHRIS MCINTOSH, TO THE DULUTH PUBLIC UTILITIES COMMISSION

Indexes:

Attachments: [Chris McIntosh Redacted](#)

This Resolution was adopted unanimously.

10. [17-0253R](#) RESOLUTION CONFIRMING THE APPOINTMENT OF JOSH SMERDON, TO THE DULUTH TRANSIT AUTHORITY.

Indexes:

Attachments: [Josh Smerdon Application Redacted](#)

This Resolution was adopted unanimously.

BY COUNCILOR RUSS (PLANNING & ECONOMIC DEVELOPMENT)

BY COUNCILOR RUSS (PLANNING & ECONOMIC DEVELOPMENT)

11.     [17-0190R](#)     RESOLUTION VACATING THE ENTIRE WIDTH OF NORTH 48TH AVENUE EAST BETWEEN PEABODY STREET AND THE COLORADO STREET ALLEY, MAINTAINING A PEDESTRIAN AND UTILITY EASEMENT OVER THE WESTERN 56 FEET.

Indexes:

Attachments:   [Attachment 1](#)

[Attachment 2](#)

**This Resolution was adopted unanimously.**

12.     [17-0228R](#)     RESOLUTION AUTHORIZING PROPER CITY OFFICIALS TO ACCEPT FUNDS FROM THE JUNIOR LEAGUE OF DULUTH FOR A DEEP WINTER GREENHOUSE.

**This Resolution was adopted unanimously.**

13.     [17-0234R](#)     RESOLUTION GRANTING AN INTERIM USE PERMIT FOR A VACATION DWELLING UNIT AT 1822 MELROSE AVENUE (BEN WHEELER).

Indexes:

Attachments:   [Attachment 1](#)

**This Resolution was adopted unanimously.**

14.     [17-0239R](#)     RESOLUTION GRANTING AN INTERIM USE PERMIT FOR A VACATION DWELLING UNIT AT 2321 WEST 9TH STREET (AARON PETERS).

Indexes:

Attachments:   [Attachment 1](#)

**This Resolution was adopted unanimously.**

15.     [17-0240R](#)     RESOLUTION GRANTING AN INTERIM USE PERMIT FOR A VACATION DWELLING UNIT AT 3840 SOUTH LAKE AVENUE (CHARLES JACOBS).

Indexes:

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

This Resolution was adopted unanimously.

16. [17-0242R](#) RESOLUTION GRANTING AN INTERIM USE PERMIT FOR TWO VACATION DWELLING UNITS AT 1621 EAST SUPERIOR STREET (BRIAN AND CRYSTAL JORDAN).

**Indexes:**

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

This Resolution was adopted unanimously.

17. [17-0243R](#) RESOLUTION GRANTING AN INTERIM USE PERMIT FOR A VACATION DWELLING UNIT AT 110 22ND STREET SOUTH (STEVE AND HEATHER PITSCHKA).

**Indexes:**

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

This Resolution was adopted unanimously.

18. [17-0245R](#) RESOLUTION AMENDING THE COMPREHENSIVE LAND USE PLAN - FUTURE LAND USE MAP FOR THE BOUNDARY AVENUE LAND USE STUDY AREA, FROM PARK PLACE TO KINGSBURY CREEK, AND EAST ALONG BOUNDARY AVENUE.

**Indexes:**

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

[Attachment 2](#)

This Resolution was adopted unanimously.

BY COUNCILOR HOBBS (PUBLIC WORKS & UTILITIES)

BY COUNCILOR HOBBS (PUBLIC WORKS & UTILITIES)

19. [17-0211R](#) RESOLUTION REVISING THE LIST OF HIGH PRIORITY BRIDGES IN THE CITY OF DULUTH.

This Resolution was adopted unanimously.

20. [17-0237R](#) RESOLUTION AUTHORIZING AN AGREEMENT WITH ST. LOUIS COUNTY FOR CHIP SEALING SKYLINE PARKWAY FROM MESABA AVENUE TO KENWOOD AVENUE, PECAN AVENUE FROM CENTRAL ENTRANCE TO RICE LAKE ROAD AND TENTH AVENUE EAST FROM EAST FIFTH STREET TO EAST SECOND STREET AND FROM EAST FIRST STREET TO SUPERIOR STREET.

Indexes:

Attachments: [17-0237R Exhibit A](#)  
[17-0237R Map 1620](#)  
[17-0237R Map 1621](#)  
[17-0237R Map 1622](#)

This Resolution was adopted unanimously.

21. [17-0241R](#) RESOLUTION AWARDED A CONTRACT TO GEORGE BOUGALIS & SONS CO. FOR THE 2017 MICHIGAN STREET UTILITY RECONSTRUCTION PROJECT IN THE AMOUNT OF \$918,818.60.

Indexes:

Attachments: [17-0241R Map](#)

This Resolution was adopted unanimously.

22. [17-0251R](#) RESOLUTION ACCEPTING PERMANENT EASEMENT FOR ROADWAY PURPOSES FROM THE RICHARD A. PETERSON REVOCABLE TRUST OVER PROPERTY ON AND ADJACENT TO WEST SKYLINE PARKWAY AT NO COST TO THE CITY.

Indexes:

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

This Resolution was adopted unanimously.

BY COUNCILOR FOSLE (PUBLIC SAFETY)

BY COUNCILOR FOSLE (PUBLIC SAFETY)

23. [17-0219R](#) RESOLUTION DESIGNATING JAY FOSLE AS THE NORTHEAST

MINNESOTA REGIONAL EMERGENCY COMMUNICATION BOARD (NEECB) REPRESENTATIVE WITH DENNIS EDWARDS, FIRE CHIEF AS ALTERNATE REPRESENTATIVE AND APPOINTING SHAWN KRIZAJ, DEPUTY FIRE CHIEF AS THE REPRESENTATIVE TO THE REGIONAL ADVISORY COMMITTEE AND ROB MOREHOUSE, TECHNICAL SERVICES COORDINATOR TO SERVE ON THE USER COMMITTEE OF SAID BOARD.

**This Resolution was adopted unanimously.**

- 24.**     [17-0220R](#)     RESOLUTION AUTHORIZING PROPER CITY OFFICIALS TO ACCEPT A GRANT FROM THE STATE OF MINNESOTA IN THE AMOUNT OF \$4,949.14 AND FURTHER AUTHORIZING EXECUTION OF A GRANT AGREEMENT WITH THE STATE OF MINNESOTA.

**Indexes:**

**Attachments:**   [Exhibit A - 17-0220R](#)

**This Resolution was adopted unanimously.**

BY COUNCILOR WESTERLUND (RECREATION, LIBRARIES & AUTHORITIES)

BY COUNCILOR WESTERLUND (RECREATION, LIBRARIES & AUTHORITIES)

- 25.**     [17-0204R](#)     RESOLUTION AUTHORIZING A THREE-YEAR AGREEMENT WITH ONE ROOF COMMUNITY HOUSING FOR THE LEASE AND MANAGEMENT OF THE CENTRAL HILLSIDE COMMUNITY CENTER FOR THE OPERATION OF ITS HOUSING DEVELOPMENT SERVICES.

**Indexes:**

**Attachments:**   [Exhibit 1](#)

**This Resolution was adopted.**

**Yea:**    7 -   Councilor Anderson, Councilor Filipovich, Councilor Fosle, Hanson, Councilor Russ, Councilor Westerlund and Councilor Sipress

**Absent:**   1 -   Hansen

**Abstain:**   1 -   President Hobbs

- 26.**     [17-0206R](#)     RESOLUTION AUTHORIZING A FIRST AMENDMENT TO THE BRIDGE FUNDING AGREEMENT BETWEEN THE CITY OF DULUTH AND THE



ARROWHEAD ZOOLOGICAL SOCIETY, INC. FOR THE BEAR  
COUNTRY PROJECT.

Indexes:

Attachments: [Exhibit A](#)

This Resolution was adopted unanimously.

27. [17-0224R](#) RESOLUTION AUTHORIZING APPLICATION TO AND, IF OFFERED, ACCEPTANCE OF A \$150,000 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 application](#)  
[Exhibit B sample grant agreement](#)  
[Exhibit C Wade MMP](#)

This Resolution was adopted unanimously.

28. [17-0225R](#) RESOLUTION AUTHORIZING APPLICATION TO AND, IF OFFERED, ACCEPTANCE OF A \$98,527 MINNESOTA DEPARTMENT OF NATURAL RESOURCES OUTDOOR RECREATION GRANT TO IMPLEMENT PORTIONS OF THE QUARRY PARK MINI-MASTER PLAN - PHASE I.

Indexes:

Attachments: [Exhibit A sample grant agreement](#)  
[Exhibit B Quarry MMP](#)

This Resolution was adopted unanimously.

29. [17-0226R](#) RESOLUTION AUTHORIZING APPLICATION TO AND, IF OFFERED, ACCEPTANCE OF A \$250,000 MINNESOTA DEPARTMENT OF NATURAL RESOURCES REGIONAL TRAIL PROGRAM GRANT TO CONSTRUCT 5.4 KM OF NORDIC SKI TRAILS AT GRAND AVENUE NORDIC CENTER.

Indexes:

Attachments: [Exhibit A sample grant agreement](#)  
[Exhibit B Grand Ave MMP](#)

This Resolution was adopted unanimously.

30. [17-0227R](#) RESOLUTION AUTHORIZING APPLICATION TO AND, IF OFFERED, ACCEPTANCE OF A \$250,000 MINNESOTA DEPARTMENT OF NATURAL RESOURCES REGIONAL TRAIL PROGRAM GRANT TO IMPROVE THE DULUTH WINNIPEG PACIFIC TRAIL SYSTEM SARGENT CREEK RAILROAD TRESTLE.

Indexes:

Attachments: [Exhibit A sample grant agreement](#)  
[Exhibit B Trails MMP](#)

This Resolution was adopted unanimously.

31. [17-0231R](#) RESOLUTION GRANTING APPROVAL AND IMPLEMENTATION OF THE CROSS CITY TRAIL MINI MASTER PLAN.

Indexes:

Attachments: [3.8.17 Cross City Trail MMP FINAL High-Res AS tweaks](#)  
[Motion To Amend: Sipress/Westerlund - Passed Unanimously](#)

This Resolution was adopted as amended unanimously.  
Absent: Councilor Hansen

32. [17-0233R](#) RESOLUTION GRANTING APPROVAL AND IMPLEMENTATION OF THE ST. LOUIS RIVER ESTUARY NATIONAL WATER TRAIL PLAN.

Indexes:

Attachments: [Exhibit A Water Trail Plan](#)

This Resolution was adopted unanimously.

33. [17-0236R](#) RESOLUTION AUTHORIZING THREE YEAR USE AND OPERATIONS AGREEMENT WITH ARROWHEAD YOUTH SOCCER ASSOCIATION OF NORTHEASTERN MINNESOTA FOR THE CITY'S GARY NEW DULUTH SOCCER FIELDS.

Indexes:

Attachments: [Exhibit 1](#)

This Resolution was adopted unanimously.

34. [17-0244R](#) RESOLUTION AUTHORIZING APPLICATION TO AND, IF OFFERED, ACCEPTANCE OF A MINNESOTA DEPARTMENT OF NATURAL RESOURCES LOCAL TRAIL CONNECTION PROGRAM GRANT OF UP TO \$111,188 TO DESIGN AND BUILD TRAIL CONNECTIONS AROUND QUARRY PARK.

**Indexes:**

**Attachments:** [Exhibit A St. Louis River Trails Plan](#)  
[Exhibit B sample agreement](#)  
[Exhibit C Quarry MMP](#)

**This Resolution was adopted unanimously.**

END OF CONSENT AGENDA

END OF CONSENT AGENDA

BY COUNCILOR RUSS (PLANNING & ECONOMIC DEVELOPMENT)

BY COUNCILOR RUSS (PLANNING & ECONOMIC DEVELOPMENT)

35. [17-0257R](#) RESOLUTION AUTHORIZING AMENDMENT TO DEVELOPMENT AGREEMENT, DISBURSEMENT AGREEMENT AND SUBORDINATION AGREEMENT PERTAINING TO THE MH II APARTMENTS, INC. PROJECT.

**Indexes:**

**Attachments:** [Exhibit A 17-0257R](#)  
[Exhibit B 17-0257R](#)  
[Exhibit C 17-0257R](#)

**This Resolution was adopted unanimously.**

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 COUNCILOR RUSS (PLANNING & ECONOMIC DEVELOPMENT)

BY COUNCILOR RUSS (PLANNING & ECONOMIC DEVELOPMENT)

36.     [17-016-O](#)     AN ORDINANCE GRANTING A CONCURRENT USE PERMIT FOR A THREE SEASON PORCH AND STAIRS IN THE PLATTED STREET RIGHT OF WAY OF 21ST STREET SOUTH.

Indexes:

Attachments:   [Attachment 1](#)

[Attachment 2](#)

This Ordinance was read for the first time.

BY COUNCILOR HOBBS (PUBLIC WORKS & UTILITIES)

BY COUNCILOR HOBBS (PUBLIC WORKS & UTILITIES)

37.     [17-014-O](#)     AN ORDINANCE DEDICATING AN EASEMENT FOR ROADWAY PURPOSES FOR WEST SKYLINE PARKWAY.

Indexes:

Attachments:   [17-014O Exhibit A](#)

[17-014O Exhibit B](#)

This Ordinance was read for the first time.

38.     [17-015-O](#)     AN ORDINANCE DEDICATING A PERMANENT EASEMENT FOR ROADWAY PURPOSES ON PROPERTY ADJACENT TO CONGDON BOULEVARD.

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 HOBBS (PUBLIC WORKS & UTILITIES)

BY COUNCILOR HOBBS (PUBLIC WORKS & UTILITIES)

39.     [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 adopted.**

**Yea:**   7 -   Councilor Anderson, Councilor Filipovich, Hanson, President Hobbs, Councilor Russ, Councilor Westerlund and Councilor Sipress

**Nay:**   1 -   Councilor Fosle

**Absent:** 1 -   Hansen

BY COUNCILOR FOSLE (PUBLIC SAFETY)

BY COUNCILOR FOSLE (PUBLIC SAFETY)

40.     [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 adopted unanimously.**

41.     [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 adopted unanimously.**

COUNCILOR QUESTIONS AND COMMENTS

COUNCILOR QUESTIONS AND COMMENTS

COUNCILOR PREVIEW OF UPCOMING BUSINESS

COUNCILOR PREVIEW OF UPCOMING BUSINESS