



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, April 10, 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

APPROVAL OF MINUTES

1. [17-053](#) November and December 2016 City Council Meeting Minutes

Indexes:

Attachments: [November 7, 2016 - Council Meeting](#)
[November 21, 2016 - Council Meeting](#)
[December 5, 2016 - Council Meeting](#)
[December 12, 2016 - Council Meeting](#)

These Minutes was approved.

2. [17-054](#) January 2017 City Council Meeting Minutes

Indexes:

Attachments: [January 9, 2017 - Council Meeting](#)

[January 23, 2017 - Council Meeting](#)

These Minutes was 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

3. [17-055](#) Duluth Transit Authority Meeting Minutes

Indexes:

Attachments: [1-25-2017 Duluth Transit Authority Meeting Minutes](#)

This Board or Commission Report was received.

4. [17-056](#) Duluth Public Utilities Commission Meeting Minutes

Indexes:

Attachments: [2-21-2017 Duluth Public Utilities Commission Meeting Minutes](#)

This Board or Commission Report was received.

5. [17-057](#) Library Board Meeting Minutes

Indexes:

Attachments: [2-28-2017 Library Board Meeting Minutes](#)

This Board or Commission Report was received.

6. [17-058](#) Duluth Economic Development Authority Meeting Minutes

Indexes:

Attachments: [3-1-2017 Duluth Economic Development Authority Meeting Minutes](#)

This Board or Commission Report was received.

7. [17-059](#) Resolution No. 17PUC-002 - RESOLUTION AMENDING RESOLUTION 16PUC-009 ESTABLISHING FEES FOR VARIOUS UTILITY - RELATED SERVICES.

Indexes:

Attachments: [17PUC-002 Resolution Amending 16PUC-009](#)

[17PUC-002 Exhibit A](#)

This Board or Commission Report was received.

REPORTS OF COUNCIL COMMITTEES

REPORTS OF COUNCIL COMMITTEES

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 HANSEN (FINANCE)

BY COUNCILOR HANSEN (FINANCE)

8. [17-0254R](#) RESOLUTION CONFIRMING ASSESSMENT ROLL FOR SIDEWALK REPAIRS AT THREE CITY LOCATIONS IN 2016.

Indexes:Attachments: [Exhibit A](#)

This Resolution was withdrawn.

BY COUNCILOR HANSON (PURCHASING & LICENSING)

BY COUNCILOR HANSON (PURCHASING & LICENSING)

9. [17-0201R](#) RESOLUTION APPROVING THE ISSUANCE OF ON SALE 3.2 PERCENT MALT LIQUOR LICENSE RENEWALS FOR THE PERIOD BEGINNING MAY,1 2017, AND ENDING APRIL 30, 2018

Indexes:Attachments: [On Sale Beer Renewals Attachment A](#)

This Resolution was adopted unanimously.

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

Abstain: 1 - Hansen

10. [17-0202R](#) RESOLUTION APPROVING THE ISSUANCE OF OFF SALE 3.2 PERCENT MALT LIQUOR LICENSE RENEWALS FOR THE PERIOD BEGINNING MAY,1 2017, AND ENDING APRIL 30, 2018

Indexes:Attachments: [Off Sale Beer Renewals Attachment A](#)

This Resolution was adopted unanimously.

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

Abstain: 1 - Hansen

11. [17-0262R](#) RESOLUTION APPROVING THE TEMPORARY EXPANSION OF THE DESIGNATED SERVING AREA OF THE ON SALE INTOXICATING LIQUOR LICENSES AND ON SALE BEER AND WINE LICENSE TO VARIOUS LICENSEES.

Indexes:

Attachments: [7WEST TAPHOUSE-03282017100447](#)
[GRANDMA'S SALOON AND GRILL](#)
[ANGIES-03302017093838](#)

This Resolution was adopted unanimously.

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

Abstain: 1 - Hansen

12. [17-0263R](#) RESOLUTION APPROVING THE PERMANENT EXPANSION OF THE LICENSE PREMISES OF THE ON SALE WINE AND BEER LICENSE OF OMC, LLC (OMC SMOKEHOUSE), 1909 WEST SUPERIOR STREET

Indexes:

Attachments: [OMC SMOKEHOUSE-03232017104321](#)

This Resolution was adopted unanimously.

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

Abstain: 1 - Hansen

13. [17-0264R](#) RESOLUTION ISSUING A TEMPORARY ON SALE INTOXICATING LIQUOR LICENSE TO GRANDMA'S MARATHON – DULUTH, INC, CANAL PARK DRIVE AND BUCHANAN STREET.

Indexes:

Attachments: [GRANDMAS MARATHON-03232017104811](#)

This Resolution was adopted unanimously.

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

Abstain: 1 - Hansen

14. [17-0266R](#) RESOLUTION APPROVING THE TRANSFER OF STOCK OF THE ON SALE INTOXICATING LIQUOR LICENSE AND ON SALE SUNDAY LICENSE OF BAYFRONT BBQ, INC (FAMOUS DAVES), 355 LAKE AVENUE SOUTH.

Indexes:

Attachments: [FAMOUS DAVES-03282017095319](#)

This Resolution was adopted unanimously.

15. [17-0267R](#) RESOLUTION APPROVING THE TEMPORARY EXPANSION OF THE DESIGNATED SERVING AREA OF THE ON SALE BREW LICENSE OF BENT PADDLE BREWING COMPANY, 1912 WEST MICHIGAN STREET.

Indexes:

Attachments: [FESTIVERSARY-03282017095814](#)

This Resolution was adopted unanimously.

16. [17-0269R](#) RESOLUTION APPROVING ISSUANCE OF AN ON SALE LIQUOR LICENSE, TO PAUL'S WINE AND CIDER, LLC (THE SLIP) , 325 SOUTH LAKE AVE, STE #109, DULUTH, MN 55802

Indexes:

Attachments: [THE SLIP-03302017094653](#)

This Resolution was adopted unanimously.

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

Abstain: 1 - Hansen

17. [17-0277R](#) RESOLUTION APPROVING THE ISSUANCE OF THE DULUTH WOMEN'S CLUB AND PARK POINT MARINA INN AND SUITES, LLC. CONSUMPTION AND DISPLAY LICENSE RENEWALS FOR THE PERIOD BEGINNING APRIL 1, 2017, AND ENDING MARCH 31, 2018

Indexes:

Attachments: [CONSUMPTION AND DISPLAY ATTACHMENT A](#)

This Resolution was adopted unanimously.

BY COUNCILOR ANDERSON (PERSONNEL)

BY COUNCILOR ANDERSON (PERSONNEL)

18. [17-0255R](#) RESOLUTION CONFIRMING THE APPOINTMENTS OF JUDY GIBBS AND SUSAN STANICH TO THE URBAN FOREST COMMISSION

This Resolution was adopted unanimously.

19. [17-0256R](#) RESOLUTION CONFIRMING THE APPOINTMENT OF DUDLEY EDMONDSON TO THE PARKS AND RECREATION COMMISSION AT-LARGE VACANCY.

This Resolution was adopted unanimously.

20. [17-0258R](#) RESOLUTION CONFIRMING THE APPOINTMENTS OF BRITT RORBAUGH TO THE PARKS AND RECREATION COMMISSION DISTRICT 3 VACANCY AND KRISTIN BERGERSON TO THE PARKS AND RECREATION COMMISSION RECREATION SPECIALIST VACANCY.

This Resolution was adopted unanimously.

21. [17-0271R](#) RESOLUTION CONFIRMING THE APPOINTMENTS OF MIKE CASEY, ED GLEESSEN, AND HENRY BANKS, TO THE DULUTH TRANSIT AUTHORITY.

This Resolution was adopted.

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

Nay: 1 - Councilor Fosle

22. [17-0279R](#) RESOLUTION CONFIRMING THE APPOINTMENT OF NOLAND MAKOWSKY TO THE DULUTH PARKING COMMISSION.

Indexes:

Attachments: [Parking Commission Attachment A](#)

This Resolution was adopted unanimously.

BY COUNCILOR RUSS (PLANNING & ECONOMIC DEVELOPMENT)

BY COUNCILOR RUSS (PLANNING & ECONOMIC DEVELOPMENT)

24. [17-0274R](#) RESOLUTION AUTHORIZING PROPER CITY OFFICIALS TO ACCEPT GRANT FUNDS FROM THE MINNESOTA HISTORICAL SOCIETY FOR ATTENDANCE AT THE 2017 MAIN STREET CONFERENCE.

Indexes:

Attachments: [Attachment 1](#)

This Resolution was adopted unanimously.

23. [17-0261R](#) RESOLUTION GRANTING AN INTERIM USE PERMIT FOR AN ACCESSORY VACATION DWELLING UNIT AT 9506 CONGDON BOULEVARD (ALLAN WINTERS).

Indexes:

Attachments: [PL17-021 Staff Report with Attachments](#)

This Resolution was adopted unanimously.

BY COUNCILOR HOBBS (PUBLIC WORKS & UTILITIES)

BY COUNCILOR HOBBS (PUBLIC WORKS & UTILITIES)

25. [17-0260R](#) RESOLUTION AWARDING CONTRACTS TO ULLAND BROTHERS, INC. AND NORTHLAND CONSTRUCTORS OF DULUTH, LLC FOR BITUMINOUS (HOT MIX BLACKTOP) FOR STREET MAINTENANCE ACTIVITIES IN 2017.

This Resolution was adopted unanimously.

26. [17-0272R](#) RESOLUTION AWARDING A CONTRACT TO MP TECHNOLOGIES, LLC, FOR CONSTRUCTION OF THE 2017 LARGE DIAMETER GAS MAIN INSTALLATION PROJECTS, IN THE AMOUNT OF \$956,270.52.

Indexes:

Attachments: [17-0272R Map 1 - 48th Avenue East](#)
[17-0272R Map 2 - East Fourth Street](#)
[17-0272R Map 3 - London Road](#)

This Resolution was adopted unanimously.

27. [17-0275R](#) RESOLUTION AUTHORIZING AGREEMENT WITH MP FOR JOINT CONSTRUCTION OF UTILITIES IN MICHIGAN STREET.

Indexes:

Attachments: [Agreement \(17-0275R\)](#)
[Bid Tabulation Exhibit B \(17-0275R\)](#)

This Resolution was adopted unanimously.

BY COUNCILOR FOSLE (PUBLIC SAFETY)

BY COUNCILOR FOSLE (PUBLIC SAFETY)

28. [17-0252R](#) RESOLUTION AUTHORIZING AGREEMENT WITH ARROWHEAD REGIONAL CORRECTIONS (ARC) FOR USE OF DESK SPACE AND TELEPHONE SERVICE AT THE WEST POLICE STATION AT A COST OF \$2,000 FOR A TERM ENDING AUGUST 31, 2018 WITH AN OPTION TO RENEW FOR ADDITIONAL TERMS.

Indexes:

Attachments: [document A 17-0252R](#)

This Resolution was adopted unanimously.

29. [17-0270R](#) RESOLUTION AUTHORIZING THE PURCHASE OF A FIRE PUMPER TRUCK FROM CUSTOM FIRE APPARATUS, INC., FOR A TOTAL AMOUNT OF \$548,000.

This Resolution was adopted unanimously.

BY COUNCILOR WESTERLUND (RECREATION, LIBRARIES & AUTHORITIES)

BY COUNCILOR WESTERLUND (RECREATION, LIBRARIES & AUTHORITIES)

30. [17-0232R](#) RESOLUTION GRANTING APPROVAL AND IMPLEMENTATION OF THE GATE, WAYFINDING AND SIGNAGE FINAL DESIGN PLAN.

Indexes:

Attachments: [Exhibit A Final Plan](#)

This Resolution was adopted unanimously.

BY COUNCILOR HANSON (PURCHASING & LICENSING)

BY COUNCILOR HANSON (PURCHASING & LICENSING)

31. [17-0287R](#) RESOLUTION AMENDING RESOLUTION 16-0846, ADOPTING LICENSE, PERMIT, FINE, PENALTY, AND OTHER CHARGES FOR 2017, TO ADD AN ANNUAL LICENSE FEE FOR TRANSPORTATION NETWORK COMPANIES IN THE AMOUNT OF \$3,500.

This Resolution was adopted unanimously.

BY COUNCILOR RUSS (PLANNING & ECONOMIC DEVELOPMENT)

BY COUNCILOR RUSS (PLANNING & ECONOMIC DEVELOPMENT)

32. [17-0169R](#) RESOLUTION GRANTING AN INTERIM USE PERMIT FOR A VACATION DWELLING UNIT AT 1035 BERWICK COURT (DON J. AND PATRICIA WASHINGTON).

Indexes:

Attachments: [Attachment 1](#)

[Motion To Amend: Sipress - Passed 8-1 \(N.H\)](#)

This Resolution was adopted as amended.

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

Nay: 1 - Hanson

BY COUNCILOR FILIPOVICH (INTERGOVERNMENTAL RELATIONS)

BY COUNCILOR FILIPOVICH (INTERGOVERNMENTAL RELATIONS)

33. [17-0288R](#) RESOLUTION REQUESTING THAT THE CITY'S COMMUNITY PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENTS CONSIDER HIGH DENSITY ZONING AS A TOOL TO PRESERVE GREEN SPACE AND TO PROTECT THE CITY'S VIEW SHED WHEN UPDATING THE CITY'S COMPREHENSIVE PLAN.

Indexes:

Attachments: [Motion To Amend: Sipress/Hobbs - Passed 8-1 \(J.F\)](#)
[17-0288 Original](#)

This Resolution was tabled.

BY COUNCILOR WESTERLUND (RECREATION, LIBRARIES & AUTHORITIES)

BY COUNCILOR WESTERLUND (RECREATION, LIBRARIES & AUTHORITIES)

34. [17-0259R](#) RESOLUTION AUTHORIZING ACCEPTANCE OF A KEEP AMERICA BEAUTIFUL RECYCLING BIN PROGRAM GRANT FROM DR. PEPPER SNAPPLE GROUP.

Indexes:

Attachments: [Exhibit B Grant Agreement](#)
[Exhibit A bin locations](#)

This Resolution was adopted unanimously.

END OF CONSENT AGENDA

END OF CONSENT AGENDA

INTRODUCTION AND CONSIDERATION OF ORDINANCES

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The following entitled ordinances are to be read for the second time:

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BY COUNCILOR RUSS (PLANNING & ECONOMIC DEVELOPMENT)

BY COUNCILOR RUSS (PLANNING & ECONOMIC DEVELOPMENT)

35. [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 adopted unanimously.

BY COUNCILOR HOBBS (PUBLIC WORKS & UTILITIES)

BY COUNCILOR HOBBS (PUBLIC WORKS & UTILITIES)

- 36.** [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 adopted unanimously

- 37.** [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 adopted unanimously.

COUNCILOR QUESTIONS AND COMMENTS

COUNCILOR QUESTIONS AND COMMENTS

COUNCILOR PREVIEW OF UPCOMING BUSINESS

COUNCILOR PREVIEW OF UPCOMING BUSINESS

Meeting was adjourned at 8:37 p.m.