



# 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, April 24, 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

PUBLIC HEARING - 17-0278R CITY'S STREET PRESERVATION PROJECTS FOR 2016

PUBLIC HEARING - 17-0278R CITY'S STREET PRESERVATION PROJECTS FOR 2016

### APPROVAL OF MINUTES

#### APPROVAL OF MINUTES

1. [17-061](#) February, March & April 10th 2017 City Council Meeting Minutes

Indexes:

**Attachments:** [February 13, 2017 - Council Meeting](#)  
[February 27, 2017 - Council Meeting](#)  
[March 13, 2017 - Council Meeting](#)  
[March 27, 2017 - Council Meeting](#)  
[April 10, 2017 - Council Meeting](#)

**These Minutes were approved.**

## PRESENTATION OF PETITIONS AND OTHER COMMUNICATIONS

### PRESENTATION OF PETITIONS AND OTHER COMMUNICATIONS

2. [17-064](#) State of Minnesota, Office of the Auditor: Duluth Transit Authority

**Indexes:**

**Attachments:** [State of Minnesota Office of the State Auditor - Duluth Transit Authority](#)

**This Petition/Other Communication was received.**

3. [17-066](#) Application For Exempt Permit - The ALS Association

**Indexes:**

**Attachments:** [Application For Exempt Permit - The ALS Association](#)

**This Petition/Other Communication was received.**

## 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

4. [17-062](#) Alcohol, Gambling & Tobacco Commission Meeting Minutes

**Indexes:**

**Attachments:** [4-5-2017 Alcohol, Gambling and Tobacco Commission](#)

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

5. [17-063](#) Duluth Seaway Port Authority Meeting Minutes

**Indexes:**

**Attachments:** [6-30-2016 Duluth Seaway Port Authority Meeting Minutes](#)  
[8-25-2016 Duluth Seaway Port Authority Meeting Minutes](#)  
[9-22-2016 Duluth Seaway Port Authority Meeting Minutes](#)  
[10-18-2016 Duluth Seaway Port Authority Meeting Minutes](#)  
[11-29-2016 Duluth Seaway Port Authority Meeting Minutes](#)  
[1-26-2017 Duluth Seaway Port 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

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#### RESOLUTIONS TABLED

RESOLUTIONS TABLED

BY COUNCILOR FILIPOVICH (INTERGOVERNMENTAL RELATIONS)

BY COUNCILOR FILIPOVICH (INTERGOVERNMENTAL RELATIONS)

6. [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 withdrawn.**

## CONSENT AGENDA

## CONSENT AGENDA

BY COUNCILOR HANSEN (FINANCE)

BY COUNCILOR HANSEN (FINANCE)

7. [17-0278R](#) RESOLUTION CONFIRMING ASSESSMENT ROLL LEVIED TO DEFRAY THE ASSESSABLE PORTION OF THE CITY'S STREET PRESERVATION PROJECT FOR 2016.

Indexes:

Attachments: [Exhibit A](#)

**This Resolution was adopted unanimously.**

8. [17-0290R](#) RESOLUTION APPROVING THE BUDGET FOR THE FISCAL YEAR MAY 1, 2017 TO APRIL 30, 2018 IN THE AMOUNT OF \$6,158,297 FOR THE SPIRIT MOUNTAIN RECREATION AREA AUTHORITY.

Indexes:

Attachments: [Exhibit A](#)

**This Resolution was adopted unanimously.**

BY COUNCILOR HANSON (PURCHASING & LICENSING)

BY COUNCILOR HANSON (PURCHASING & LICENSING)

9. [17-0311R](#) RESOLUTION AUTHORIZING AN AGREEMENT WITH SHORT ELLIOTT HENDRICKSON, INC., FOR PROFESSIONAL ENGINEERING AND WETLAND DELINEATION SERVICES FOR THE GRAND AVENUE

NORDIC SKI CENTER FINAL DESIGN, FOR AN AMOUNT NOT TO EXCEED \$60,700.

Indexes:

Attachments: [Exhibit A](#)

This Resolution was adopted unanimously.

10. [17-0315R](#) RESOLUTION AUTHORIZING A SERVICE AGREEMENT WITH PRAIRIE RESTORATIONS, INC., FOR A PORTION OF THE DWP SITE RESTORATION FOR AN AMOUNT NOT TO EXCEED \$175,950.00.

Indexes:

Attachments: [Exhibit A](#)

This Resolution was adopted unanimously.

BY COUNCILOR ANDERSON (PERSONNEL)

BY COUNCILOR ANDERSON (PERSONNEL)

11. [17-0317R](#) RESOLUTION CONFIRMING THE APPOINTMENT OF SUSAN HENKE TO THE LIBRARY BOARD

Indexes:

Attachments: [Henke Application](#)

This Resolution was adopted unanimously.

12. [17-0322R](#) RESOLUTION CONFIRMING THE APPOINTMENT OF MARGIE NELSON TO THE PLANNING COMMISSION REPLACING MARK BEEMAN.

Indexes:

Attachments: [Margie Nelson](#)

This Resolution was adopted unanimously.

BY COUNCILOR RUSS (PLANNING & ECONOMIC DEVELOPMENT)

BY COUNCILOR RUSS (PLANNING & ECONOMIC DEVELOPMENT)

13. [17-0292R](#) RESOLUTION AUTHORIZING THE CITY OF DULUTH TO ENTER INTO A

JOINT POWERS AGREEMENT WITH THE MINNESOTA HOUSING  
FINANCE AGENCY (MINNESOTA HOUSING) RELATED TO THE 2018  
LOW INCOME HOUSING TAX CREDIT PROGRAM.

Indexes:

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

This Resolution was adopted unanimously.

14. [17-0293R](#) RESOLUTION GRANTING AN INTERIM USE PERMIT FOR A VACATION  
DWELLING UNIT AT 1137 NORTH 6TH AVENUE EAST (JACOB AND  
JANETTE SHAW).

Indexes:

Attachments: [Attachment 1](#)

This Resolution was adopted unanimously.

15. [17-0295R](#) RESOLUTION GRANTING AN INTERIM USE PERMIT FOR A VACATION  
DWELLING UNIT AT 2810 WEST SKYLINE PARKWAY (MIKE  
KOKOTOVICH).

Indexes:

Attachments: [Attachment 1](#)

This Resolution was adopted unanimously.

16. [17-0296R](#) RESOLUTION GRANTING AN INTERIM USE PERMIT FOR A VACATION  
DWELLING UNIT AT 1802 MINNESOTA AVENUE (WILLIAM WELLER).

Indexes:

Attachments: [Attachment 1](#)

This Resolution was adopted unanimously.

17. [17-0297R](#) RESOLUTION GRANTING AN INTERIM USE PERMIT FOR A VACATION  
DWELLING UNIT AT 829 SOUTH LAKE AVENUE (NIKKI OLSON AND  
TONY CUNEO).

Indexes:

Attachments: [Attachment 1](#)

This Resolution was adopted unanimously.

18. [17-0298R](#) RESOLUTION GRANTING AN INTERIM USE PERMIT FOR A VACATION DWELLING UNIT AT 3102 MINNESOTA AVENUE (BRUCE AND SUSAN KLEVEN).

Indexes:

Attachments: [Attachment 1](#)

This Resolution was adopted unanimously.

19. [17-0299R](#) RESOLUTION GRANTING AN INTERIM USE PERMIT FOR AN ACCESSORY VACATION DWELLING UNIT AT 1325 EAST SKYLINE PARKWAY (IDA ANDERSON).

Indexes:

Attachments: [Attachment 1](#)

This Resolution was adopted unanimously.

20. [17-0300R](#) RESOLUTION GRANTING AN INTERIM USE PERMIT FOR AN ACCESSORY VACATION DWELLING UNIT AT 1505 SOUTH LAKE AVENUE (TJ AND VAL KENNEDY).

Indexes:

Attachments: [Attachment 1](#)

This Resolution was adopted unanimously.

21. [17-0301R](#) RESOLUTION ADOPTING GOVERNING PRINCIPLES FOR THE COMPREHENSIVE PLAN.

Indexes:

Attachments: [Attachment 1](#)

This Resolution was adopted unanimously.

22. [17-0303R](#) RESOLUTION GRANTING AN INTERIM USE PERMIT FOR A VACATION DWELLING UNIT AT 1115 SOUTH LAKE AVENUE (STEVE PITTSCHKA).

Indexes:

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

This Resolution was adopted unanimously.

23. [17-0304R](#) RESOLUTION VACATING A PLATTED 10 FOOT WIDE UTILITY EASEMENT ON LOTS 12 AND 13, BLOCK 3, OF THE COTTAGE GROVE ADDITION PLAT.

**Indexes:**

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

[Attachment 2](#)

This Resolution was adopted unanimously.

BY COUNCILOR HOBBS (PUBLIC WORKS & UTILITIES)

BY COUNCILOR HOBBS (PUBLIC WORKS & UTILITIES)

24. [17-0312R](#) RESOLUTION ACCEPTING PERMANENT EASEMENT FOR STEAM LINE PURPOSES FROM GATEWAY PROPERTIES, LLLP OVER PROPERTY LOCATED BETWEEN WEST SUPERIOR STREET AND WEST MICHIGAN STREET AT NO COST TO THE CITY.

**Indexes:**

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

This Resolution was adopted unanimously.

BY COUNCILOR FOSLE (PUBLIC SAFETY)

BY COUNCILOR FOSLE (PUBLIC SAFETY)

25. [17-0291R](#) RESOLUTION AUTHORIZING PROPER CITY OFFICIALS TO EXECUTE AN INTERGOVERNMENTAL LICENSE AGREEMENT WITH THE CITY OF PORTLAND, OREGON, TO PROVIDE THE DULUTH POLICE DEPARTMENT WITH ACCESS TO THE SEXUAL ASSAULT MANAGEMENT SYSTEM (SAMS) 1.0 SOFTWARE AT NO COST TO THE CITY OF DULUTH.

**Indexes:**

**Attachments:** [Document A 17-0291 R](#)

[Exhibit A to Doc A 17-0291](#)



**This Resolution was adopted unanimously.**

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

**Abstain:** 1 - Councilor Westerlund

BY COUNCILOR WESTERLUND (RECREATION, LIBRARIES & AUTHORITIES)

BY COUNCILOR WESTERLUND (RECREATION, LIBRARIES & AUTHORITIES)

26. [17-0289R](#) RESOLUTION AUTHORIZING AN AGREEMENT WITH THE REGENTS OF THE UNIVERSITY OF MINNESOTA, THROUGH THE UNIVERSITY LIBRARIES, RELATED TO THE MINNESOTA LIBRARY INFORMATION NETWORK.

**Indexes:**

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

**This Resolution was adopted unanimously.**

27. [17-0305R](#) RESOLUTION APPROVING SETTLEMENT IN THE AMOUNT OF \$30,000 TO THOMAS HOPPENYAN FOR DAMAGE, PERSONAL INJURY, AND ALL OTHER CLAIMS.

**This Resolution was adopted unanimously.**

28. [17-0306R](#) RESOLUTION APPROVING THE DULUTH TRAVERSE MINI MASTER PLAN AND AUTHORIZING APPLICATION TO THE GREATER MINNESOTA REGIONAL PARKS AND TRAILS COMMISSION TO REQUEST REGIONAL TRAIL DESIGNATION FOR THE DULUTH TRAVERSE.

**Indexes:**

**Attachments:** [Duluth Traverse Trail Masterplan Final 2017.04.14 \(2\)](#)

**This Resolution was adopted unanimously.**

29. [17-0313R](#) RESOLUTION AUTHORIZING A ONE-YEAR AGREEMENT WITH SPIRIT LAKE DEVELOPMENT, LLC FOR THE OPERATION AND MANAGEMENT OF THE INDIAN POINT PARK AND CAMPGROUND.

Indexes:Attachments: [Exhibit 1](#)

This Resolution was adopted unanimously.

30. [17-0314R](#) RESOLUTION AUTHORIZING A THREE-YEAR NON-EXCLUSIVE USE AGREEMENT WITH ARROWHEAD FAST PITCH LEAGUE ASSOCIATION FOR THE USE OF FIELDS AT WADE STADIUM AND WHEELER ATHLETIC COMPLEX

Indexes:Attachments: [2017-2019 Agreement \(signed by group\)](#)

This Resolution was adopted unanimously.

END OF CONSENT AGENDA

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INTRODUCTION AND CONSIDERATION OF ORDINANCES

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

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BY COUNCILOR RUSS (PLANNING & ECONOMIC DEVELOPMENT)

BY COUNCILOR RUSS (PLANNING & ECONOMIC DEVELOPMENT)

31. [17-017-O](#) AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF DULUTH TO PROVIDE FOR THE RECLASSIFICATION OF PROPERTY BETWEEN WATER STREET AND SOUTH 23RD AVENUE EAST (2200 BLOCK OF WATER STREET) FROM MU-B TO R-2.

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

This Ordinance was read for the first time.

32.     [17-018-O](#)     AN ORDINANCE GRANTING A CONCURRENT USE PERMIT FOR AN ATTACHED GARAGE IN THE PLATTED STREET RIGHT OF WAY OF 22ND STREET SOUTH.

Indexes:

Attachments: [Attachment 1](#)

[Attachment 2](#)

This Ordinance was read for the first time.

COUNCILOR QUESTIONS AND COMMENTS

COUNCILOR QUESTIONS AND COMMENTS

COUNCILOR PREVIEW OF UPCOMING BUSINESS

COUNCILOR PREVIEW OF UPCOMING BUSINESS

Meeting was adjourned at 9:10 p.m.