



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, June 12, 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. [17-099](#) May 22, 2017 City Council Meeting Minutes

Indexes:

Attachments: [May 22, 2017 - Council Meeting](#)

This Minutes were approved.

PRESENTATION OF PETITIONS AND OTHER COMMUNICATIONS

PRESENTATION OF PETITIONS AND OTHER COMMUNICATIONS

2. [17-098](#) Harold Nynas & Others - 17-021-O Petition

Indexes:

Attachments: [Harold Nynas & Others - Petition 17-021-O](#)

This Petition/Other Communication was received.

REPORTS FROM THE ADMINISTRATION

REPORTS FROM THE ADMINISTRATION

REPORTS FROM OTHER OFFICERS

REPORTS FROM OTHER OFFICERS

3. [17-092](#) Application For Exempt Permit - Gary New Duluth Community Club

Indexes:

Attachments: [Application For Exempt Permit - Gary New Duluth Community Club](#)

This Other Officers Report was received.

REPORTS OF BOARDS AND COMMISSIONS

REPORTS OF BOARDS AND COMMISSIONS

4. [17-091](#) 3-29-2017 Duluth Transit Authority Meeting Minutes

Indexes:

Attachments: [3-29-2017 Duluth Transit Authority Meeting Minutes](#)

This Board or Commission Report was received.

5. [17-094](#) 2-07-2017 Civil Service Board Meeting Minutes

Indexes:

Attachments: [2-07-2017 Civil Service Board Meeting Minutes](#)

This Board or Commission Report was received.

6. [17-095](#) 1/31/2017, 3/30/2017 & 4/25/2017. Housing Redevelopment Authority Meeting Minutes

Indexes:

Attachments: [1-31-2017 Housing and Redevelopment Authority Meeting Minutes](#)
[3-30-2017 Housing and Redevelopment Authority Meeting Minutes](#)
[4-25-2017 Housing and Redevelopment Authority Meeting Minutes](#)

This Board or Commission Report was received.

7. [17-097](#) January 31, February 28 & March 28, 2017 Duluth Entertainment Convention Center Meeting Minutes

Indexes:

Attachments: [1-31-2017 Duluth Entertainment Convention Center Meeting Minutes](#)
[2-28-2017 Duluth Entertainment Convention Center Meeting Minutes](#)
[3-28-2017 Duluth Entertainment Convention Center 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 HANSEN (FINANCE)

BY COUNCILOR HANSEN (FINANCE)

8. [17-0331R](#) RESOLUTION CONFIRMING ASSESSMENT ROLL FOR SIDEWALK REPAIRS AT THREE CITY LOCATIONS IN 2016.

Indexes:

Attachments: [Exhibit A](#)

This Resolution was adopted unanimously.

BY COUNCILOR HANSON (PURCHASING & LICENSING)

BY COUNCILOR HANSON (PURCHASING & LICENSING)

9. [17-0338R](#) RESOLUTION APPROVING THE PERMANENT EXPANSION OF THE DESIGNATED SERVING AREA OF THE ON SALE INTOXICATING LIQUOR LICENSE OF ZENITH ASSET COMPANY (INN ON LAKE SUPERIOR), 350 CANAL PARK DRIVE.

Indexes:

Attachments: [INN ON LAKE SUPERIOR-04272017142711](#)

This Resolution was adopted unanimously.

10. [17-0416R](#) RESOLUTION AUTHORIZING AN AMENDMENT TO AGREEMENT 23155 WITH PRAIRIE RESTORATIONS, INC., FOR ADDITIONAL SERVICES FOR A PORTION OF THE DWP SITE RESTORATION, AN INCREASE OF \$13,547, FOR A NEW TOTAL AMOUNT NOT TO EXCEED \$189,497.

Indexes:

Attachments: [Exhibit A](#)

This Resolution was adopted unanimously.

11. [17-0422R](#) RESOLUTION APPROVING ISSUANCE OF A TEMPORARY ON SALE INTOXICATING LIQUOR LICENSE TO DULUTH AMATEUR HOCKEY ASSOCIATION.

Indexes:

Attachments: [DULUTH AMATEUR HOCKEY-05172017124656](#)

This Resolution was adopted unanimously.

12. [17-0423R](#) RESOLUTION APPROVING THE TEMPORARY EXPANSION OF THE DESIGNATED SERVING AREA OF THEIR ON SALE INTOXICATING LIQUOR LICENSE TO VARIOUS LICENSEES.

Indexes:

Attachments: [THE REEF BAR-Attachment A](#)

[BEDROCK Attachment B](#)

[SIR BENS Attachment C](#)

This Resolution was adopted unanimously.

13. [17-0424R](#) RESOLUTION APPROVING ISSUANCE OF A TEMPORARY ON SALE INTOXICATING LIQUOR LICENSE TO RIDGEVIEW COUNTRY CLUB.

Indexes:

Attachments: [RIDGEVIEW-05242017090116](#)

This Resolution was adopted unanimously.

14. [17-0425R](#) RESOLUTION APPROVING THE APPLICATION FOR AN ON SALE INTOXICATING LIQUOR DANCE LICENSE OF LUCKYS 13 PUB, DULUTH MILLER HILL MALL, LLC.

Indexes:

Attachments: [LUCKY 13 DANCE APPLICATION](#)

This Resolution was adopted unanimously.

15. [17-0426R](#) RESOLUTION APPROVING THE ISSUANCE OF A LAWFUL GAMBLING PREMISE PERMIT TO DULUTH ELKS CLUB #133 FOR THE ALL AMERICAN CLUB, 1931 MICHIGAN STREET, DULUTH MN

This Resolution was adopted unanimously.

16. [17-0434R](#) RESOLUTION AUTHORIZING THE PURCHASE OF TWELVE MONTHS OF GPS/AVL SYSTEM USAGE FROM PRECISE MRM, LLC, IN THE AMOUNT OF \$126,000.

This Resolution 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

17. [17-0449R](#) RESOLUTION APPROVING ISSUANCE OF AN ON SALE INTOXICATING LIQUOR LICENSE TO DULUTH COFFEE COMPANY, INC. (DULUTH COFFEE COMPANY), 101 EAST SUPERIOR STREET

Indexes:

Attachments: [DULUTH COFFEE COMPANY ATTACHMENT A](#)

This Resolution was adopted unanimously.

18. [17-0450R](#) RESOLUTION APPROVING ISSUANCE OF A TEMPORARY ON SALE INTOXICATING LIQUOR LICENSE TO MINNESOTA CRAFT BREWERS GUILD, BAYFRONT PARK.

Indexes:

Attachments: [MN CRAFT BREWERS GUILD ATTACHMENT A](#)

This Resolution was adopted unanimously.

BY COUNCILOR ANDERSON (PERSONNEL)

BY COUNCILOR ANDERSON (PERSONNEL)

19. [17-0415R](#) RESOLUTION CONFIRMING THE APPOINTMENT OF NOLAND MAKOWSKY TO THE COMMUNITY DEVELOPMENT COMMITTEE.

Indexes:

Attachments: [Noland Makowsky Application](#)

This Resolution was adopted unanimously.

BY COUNCILOR RUSS (PLANNING & ECONOMIC DEVELOPMENT)

BY COUNCILOR RUSS (PLANNING & ECONOMIC DEVELOPMENT)

20. [17-0427R](#) RESOLUTION APPROVING DEDA RESOLUTION 17D-10 AUTHORIZING

AGREEMENT WITH JAMAR COMPANY FOR REPAIR OF THE MRO
BUILDING IN THE AMOUNT OF \$327,750.

Indexes:

Attachments: [Attachment A](#)

This Resolution was adopted unanimously.

21. [17-0436R](#) RESOLUTION REPROGRAMMING FUNDS FROM THE 2015 PROGRAM YEAR IN THE AMOUNT OF \$25,500.00, AND FUND 261 IN THE AMOUNT OF \$114,924.21 AND FROM FUND 263 \$6,129.24 AND AUTHORIZING THE COMMITMENT OF \$53,446.55 FROM CDBG HOUSING RLF FOR A TOTAL OF \$200,000.00 TO THE 2016 PROGRAM YEAR GATEWAY MULTIFAMILY HOUSING PROJECT.

This Resolution was adopted unanimously.

22. [17-0439R](#) RESOLUTION REPROGRAMMING FUNDS FROM THE 2014 PROGRAM YEAR IN THE AMOUNT OF \$10,000.00, and \$80,877.24 FROM PRE-2015 UNCOMMITTED HOME FUNDS FOR A TOTAL OF \$90,877.24.

This Resolution was adopted unanimously.

23. [17-0445R](#) RESOLUTION AUTHORIZING AN AMENDMENT TO THE LEAD-BASED PAINT HAZARD CONTROL PROGRAM GRANT AGREEMENT WITH THE HOUSING AND REDEVELOPMENT AUTHORITY OF DULUTH, MINNESOTA, AND AUTHORIZING A FUNDING AGREEMENT WITH ST. LOUIS COUNTY HOUSING AND REDEVELOPMENT AUTHORITY AND THE HOUSING REDEVELOPMENT AUTHORITY OF DULUTH, MINNESOTA, WHEREBY THE CITY WILL PROVIDE \$200,000 IN REPLACEMENT FUNDING FOR THE GATEWAY PROJECT.

Indexes:

Attachments: [Exhibit A - 17-0445R](#)

[Exhibit B - 17-0445R](#)

This Resolution was adopted unanimously.

BY COUNCILOR HOBBS (PUBLIC WORKS & UTILITIES)

BY COUNCILOR HOBBS (PUBLIC WORKS & UTILITIES)

24. [17-0371R](#) RESOLUTION AWARDED A CONTRACT TO HOVLAND, INC. FOR THE IRVING PLACE NEIGHBORHOOD CPR PROJECT IN THE AMOUNT OF \$318,880.

Indexes:

Attachments: [17-0371R Map](#)

This Resolution was adopted unanimously.

25. [17-0414R](#) RESOLUTION AUTHORIZING ASSESSMENT AGREEMENT WITH ROBERT J. AND RUTH I. MCCAULEY AND ACCEPTING NOTE AND MORTGAGE RELATING TO THE RECONSTRUCTION OF THEIR SIDEWALK AT 1123 E. 11TH STREET.

Indexes:

Attachments: [17-0414R Exhibit 1](#)

[17-0414R Exhibit A](#)

[17-0414R Exhibit B](#)

This Resolution was adopted unanimously.

26. [17-0428R](#) RESOLUTION AWARDED A CONTRACT TO ULLAND BROTHERS, INC. FOR THE FOURTH STREET OVERLAY PROJECT IN THE AMOUNT OF \$579,845.

Indexes:

Attachments: [17-0428R Map](#)

This Resolution was adopted unanimously.

27. [17-0432R](#) RESOLUTION AWARDED A CONTRACT TO A PLUS LANDSCAPING, LLC FOR THE AMITY CREEK BANK STABILIZATION PROJECT IN THE AMOUNT OF \$319,775.

Indexes:

Attachments: [17-0432R Map](#)

This Resolution was adopted unanimously.

28. [17-0441R](#) RESOLUTION AWARDDING A CONTRACT TO ULLAND BROTHERS, INC. FOR THE CONGDON BOULEVARD RECLAMATION PROJECT IN THE AMOUNT OF \$2,083,348.

Indexes:

Attachments: [17-0441R Map](#)

This Resolution was adopted unanimously.

29. [17-0447R](#) RESOLUTION AUTHORIZING AMENDMENT 1 TO RESOLUTION 16-0003R AUTHORIZING A CONTRACT WITH SEH, INC. FOR PROFESSIONAL ENGINEERING SERVICES TO PROVIDE DESIGN ENGINEERING FOR THE CONGDON BOULEVARD RECLAMATION PROJECT, TO INCREASE THE AMOUNT BY \$39,255 FOR A NEW TOTAL OF \$126,255.

Indexes:

Attachments: [17-0447R Exhibit A](#)
[17-0447R Proposal](#)

This Resolution was adopted unanimously.

BY COUNCILOR FOSLE (PUBLIC SAFETY)

BY COUNCILOR FOSLE (PUBLIC SAFETY)

30. [17-0440R](#) RESOLUTION AUTHORIZING THE PURCHASE OF SEVEN (7) 2017 FORD UTILITY INTERCEPTOR VEHICLES FROM FORD OF HIBBING IN THE AMOUNT OF \$220,470.63.

This Resolution was adopted unanimously.

BY COUNCILOR WESTERLUND (RECREATION, LIBRARIES & AUTHORITIES)

BY COUNCILOR WESTERLUND (RECREATION, LIBRARIES & AUTHORITIES)

31. [17-0397R](#) RESOLUTION AUTHORIZING A THREE-YEAR LEASE AGREEMENT WITH THE DULUTH AREA FAMILY Y.M.C.A. FOR THE OPERATION AND MANAGEMENT OF THE UPPER LEVEL OF THE WOODLAND COMMUNITY CENTER.

Indexes:Attachments: [Exhibit 1](#)

This Resolution was adopted unanimously.

32. [17-0442R](#) RESOLUTION AUTHORIZING A FIVE-YEAR LICENSE AGREEMENT WITH THE STATE OF MINNESOTA FOR BIOCONTROL OF EMERALD ASH BORER AT HARTLEY PARK.

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

This Resolution was adopted unanimously.

33. [17-0443R](#) RESOLUTION AUTHORIZING A THREE-YEAR USE AGREEMENT WITH EASTERN LITTLE LEAGUE OF DULUTH, INC. FOR THE USE OF COMO PARK BASEBALL FIELDS, JOHN BAGGS MEMORIAL BASEBALL FIELD, AND TONY EMANUEL BASEBALL FIELD.

Indexes:Attachments: [Exhibit 1](#)

This Resolution was adopted unanimously.

34. [17-0444R](#) RESOLUTION AUTHORIZING AN OPERATION AND MAINTENANCE PLAN AND CONSERVATION PRACTICE ASSISTANCE CONTRACT RELATED TO THE TISCHER CREEK RESTORATION PROJECT.

Indexes:Attachments: [Exhibit 1](#)[Exhibit 2](#)[Exhibit 3](#)

This Resolution was adopted unanimously.

35. [17-0446R](#) RESOLUTION AUTHORIZING AN EIGHTEEN-MONTH LICENSE AGREEMENT WITH COMMUNITY ACTION DULUTH FOR TREE PLANTING NEAR THE WESTERN WATERFRONT TRAIL.

Indexes:

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

This Resolution was adopted unanimously.

END OF CONSENT AGENDA

END OF CONSENT AGENDA

BY COUNCILOR HANSON (PURCHASING & LICENSING)

BY COUNCILOR HANSON (PURCHASING & LICENSING)

36. [17-0421R](#) RESOLUTION VETOING DULUTH PUBLIC UTILITIES COMMISSION'S 6-YEAR WATER RATE PLAN.

Indexes:

Attachments: [Exhibit A - PUC Resolution](#)

This Resolution was withdrawn.

BY COUNCILOR RUSS (PLANNING & ECONOMIC DEVELOPMENT)

BY COUNCILOR RUSS (PLANNING & ECONOMIC DEVELOPMENT)

37. [17-0435R](#) RESOLUTION ADOPTING A HOUSING ACTION FRAMEWORK, ESTABLISHING INTERIM PRIORITIES FOR HOUSING POLICIES IN ADVANCE OF IMAGINE DULUTH 2035 COMPLETION.

Indexes:

Attachments: [Attachment 1](#)
[Attachment 2](#)
[Attachment 3](#)

This Resolution was adopted.

Yea: 6 - Councilor Anderson, Councilor Filipovich, President Hobbs, Councilor Russ, Councilor Westerlund and Councilor Sipress

Nay: 1 - Hanson

Absent: 1 - Hansen

Abstain: 1 - Councilor Fosle

REVIEW AND APPROVAL PROCESS

Indexes:

Attachments: [Attachment A - Sec 50-24-3 Permitted Parking Areas](#)
[Attachment B - Sec 50-24-4 Parking Design Standards \(As Amended\)](#)
[Attachment C - Sec 50-35-1 Summary table](#)
[Attachment 1](#)
[Motion To Amend \(Fosle\) - Passed Unanimously](#)
[Motion To Amend \(Filipovich\) - Withdrawn](#)
[Motion To Amend 2 \(Filipovich\) - Withdrawn](#)
[Attachment B - Original](#)

This Ordinance was adopted unanimously.

42. [17-027-O](#) AN ORDINANCE AMENDING THE APPROVED REGULATING PLAN FOR RAMSEY VILLAGE TO ALLOW A MIXED USE RESIDENTIAL AND COMMERCIAL BUILDING AT NORTH 53RD AND 54TH AVENUES WEST AND RAMSEY STREET.

Indexes:

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

This Ordinance was adopted unanimously.

43. **17-028-O** AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF DULUTH TO PROVIDE FOR THE RECLASSIFICATION OF PROPERTY BETWEEN ANCHOR STREET AND PARK PLACE AND BETWEEN SOUTH BOUNDARY AVENUE AND TERMINAL AVENUE FROM R-1 TO MU-N.

Indexes:

Attachments: Attachment 1
Attachment 2

This Ordinance failed.

Yea: 5 - Councilor Filipovich, Councilor Fosle, President Hobbs, Councilor Russ and Councilor Westerlund

Nay: 3 - Councilor Anderson, Hanson and Councilor Sipress

Absent: 1 - Hansen

44. [17-029-O](#) AN ORDINANCE GRANTING A CONCURRENT USE PERMIT FOR

PRIVATE DETACHED GARAGE IN THE PLATTED STREET RIGHT OF WAY OF 58TH AVENUE EAST.

Indexes:

Attachments: [Attachment 1](#)

[Attachment 2](#)

This Ordinance was adopted unanimously.

45. [17-031-O](#) ORDINANCE AMENDING SECTIONS 50-19.8 AND 50-20.3 OF THE DULUTH CITY CODE TO ADD KENNEL AND PRIMARY USE PARKING LOT AS A SPECIAL USE TO CERTAIN ZONE DISTRICTS, TO MODIFY THE USE SPECIFIC STANDARDS FOR THOSE USES, AND TO ADD VACATION DWELLING UNIT AND ACCESSORY VACATION DWELLING UNIT TO FORM DISTRICTS AS AN INTERIM USE.

Indexes:

Attachments: [Attachment A - Chapter 50-19 Use Table](#)

[17-022 Original](#)

This Ordinance was adopted unanimously.

46. [17-032-O](#) ORDINANCE AMENDING SECTIONS 50-20.3 AND 50-20.5 OF THE DULUTH CITY CODE TO REQUIRE 24-HOUR FRONT DESK STAFFING AND HOMEOWNER ASSOCIATION APPROVAL BEFORE GRANTING AN INTERIM USE PERMIT FOR A VACATION DWELLING UNIT OR ACCESSORY VACATION DWELLING UNIT.

Indexes:

Attachments: [17-022 Original](#)

This Ordinance was adopted.

Yea: 5 - Councilor Anderson, Councilor Filipovich, Councilor Russ, Councilor Westerlund and Councilor Sipress

Nay: 3 - Councilor Fosle, Hanson and President Hobbs

Absent: 1 - Hansen

COUNCILOR QUESTIONS AND COMMENTS

COUNCILOR QUESTIONS AND COMMENTS

COUNCILOR PREVIEW OF UPCOMING BUSINESS

COUNCILOR PREVIEW OF UPCOMING BUSINESS

Meeting was adjourned at 9:40 p.m.