



# 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, August 14, 2017

7:00 PM

Council Chamber

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### ROLL CALL

**Present:** 6 - Councilor Gary Anderson, Councilor Zack Filipovich, Councilor Jay Fosle, Councilor Barb Russ, Councilor Em Westerlund and Councilor Joel Sipress

**Absent:** 1 - President Noah Hobbs

### PLEDGE OF ALLEGIANCE

PLEDGE OF ALLEGIANCE

### APPROVAL OF MINUTES

APPROVAL OF MINUTES

1. [17-122](#) July 17 & 21 2017 Meeting Minutes

**Indexes:**

**Attachments:** [July 17 - Council Meeting Minutes](#)  
[July 21 - Special Council Meeting Minutes](#)

This 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

2. [17-119](#) Duluth Seaway Port Authority Meeting Minutes

**Indexes:**

**Attachments:** [3-22-2017 Duluth Seaway Port Authority Meeting Minutes](#)  
[4-26-2017 Duluth Seaway Port Authority Meeting Minutes](#)  
[6-07-2017 Duluth Seaway Port Authority Meeting Minutes](#)

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

3. [17-120](#) Housing & Redevelopment Authority Meeting Minutes

**Indexes:**

**Attachments:** [6-27-2017 Housing and Redevelopment Authority Meeting Minutes](#)

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

4. [17-121](#) Building Appeal Board Meeting Minutes

**Indexes:**

**Attachments:** [4-12-2017 Building Appeal Board Meeting Minutes](#)  
[5-10-2017 Building Appeal Board Meeting Minutes](#)  
[6-14-2017 Building Appeal Board 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

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BY COUNCILOR HANSON (PURCHASING & LICENSING)

BY COUNCILOR HANSON (PURCHASING & LICENSING)

5.     [17-0374R](#)     RESOLUTION AMENDING RESOLUTION 16-0846, ADOPTING  
LICENSE, PERMIT, FINE, PENALTY, AND OTHER CHARGES FOR  
2017, TO REVISE VACANT BUILDING REGISTRATION FEES.

**This Resolution is to remain on the table.**

CONSENT AGENDA

CONSENT AGENDA

BY COUNCILOR HANSON (PURCHASING & LICENSING)

BY COUNCILOR HANSON (PURCHASING & LICENSING)

6.     [17-0538R](#)     RESOLUTION AUTHORIZING A CONTRACT WITH DONALD HOLM  
CONSTRUCTION CO., INC. FOR MORGAN PARK COMMUNITY  
CENTER EXTERIOR UPGRADES FOR AN AMOUNT NOT TO EXCEED  
\$182,273.

**This Resolution was adopted unanimously.**

7.     [17-0539R](#)     RESOLUTION APPROVING RENEWAL AND ISSUANCE OF ON SALE

INTOXICATING LIQUOR, ON SALE THEATER LICENSES, ON SALE SUNDAY INTOXICATING LIQUOR, ADDITIONAL BAR, ON SALE DANCING, 2:00 A.M. BEVERAGE LICENSE AND LATE HOUR ENTERTAINMENT LICENSES FOR THE PERIOD BEGINNING SEPTEMBER 1, 2017, AND ENDING AUGUST 31, 2018.

**Indexes:**

**Attachments:** [theatre](#)  
[On Sale Liquor](#)

**This Resolution was adopted unanimously.**

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

**Absent:** 1 - President Hobbs

**Abstain:** 1 - Hansen

8. [17-0540R](#) RESOLUTION APPROVING THE ISSUANCE OF ON SALE WINE RENEWAL LICENSES FOR THE PERIOD BEGINNING SEPTEMBER 1, 2017, AND ENDING AUGUST 31, 2018.

**Indexes:**

**Attachments:** [Wine renewal](#)

**This Resolution was adopted unanimously.**

9. [17-0541R](#) RESOLUTION APPROVING THE ISSUANCE OF ON SALE CLUB LIQUOR RENEWAL LICENSES FOR THE PERIOD BEGINNING SEPTEMBER 1, 2017, AND ENDING AUGUST 31, 2018.

**Indexes:**

**Attachments:** [ON SALE CLUB](#)

**This Resolution was adopted unanimously.**

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

**Absent:** 1 - President Hobbs

**Abstain:** 1 - Hansen

10. [17-0542R](#) RESOLUTION APPROVING THE ISSUANCE OF ON AND OFF SALE BREWERY MALT LIQUOR RENEWAL LICENSES FOR THE PERIOD

BEGINNING SEPTEMBER 1, 2017, AND ENDING AUGUST 31, 2018.

Indexes:

Attachments: [Brewery and distillery](#)

**This Resolution was adopted unanimously.**

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

**Absent:** 1 - President Hobbs

**Abstain:** 1 - Hansen

11. [17-0543R](#) RESOLUTION APPROVING THE ISSUANCE OF ON AND OFF SALE MICRODISTILLERY RENEWAL LICENSES FOR THE PERIOD BEGINNING SEPTEMBER 1, 2017, AND ENDING AUGUST 31, 2018.

Indexes:

Attachments: [Brewery and distillery](#)

**This Resolution was adopted unanimously.**

12. [17-0544R](#) RESOLUTION APPROVING THE ISSUANCE OF OFF SALE INTOX-ICATING LIQUOR RENEWAL LICENSES FOR THE PERIOD BEGINNING SEPTEMBER 1, 2017, AND ENDING AUGUST 31, 2018.

Indexes:

Attachments: [Off Sale Liquor](#)

**This Resolution was adopted unanimously.**

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

**Absent:** 1 - President Hobbs

**Abstain:** 1 - Hansen

13. [17-0545R](#) RESOLUTION AUTHORIZING CONSUMPTION OF ALCOHOLIC BEVERAGES IN PUBLIC PLACES ON MICHIGAN STREET ON AUGUST 31, 2017, IN CONJUNCTION WITH THE DULUTH SUPERIOR GLBTAQI PRIDE FESTIVAL AND SUBJECT TO CERTAIN CONDITIONS.

**This Resolution was adopted unanimously.**

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

**Absent:** 1 - President Hobbs

**Abstain:** 1 - Hansen

14. [17-0546R](#) RESOLUTION AUTHORIZING A CONTRACT WITH NORDIC GROUP, INC. FOR HARRISON PARK IMPROVEMENTS PHASE I FOR AN AMOUNT NOT TO EXCEED \$132,500.

**This Resolution was adopted unanimously.**

15. [17-0547R](#) RESOLUTION AUTHORIZING CONSUMPTION OF ALCOHOLIC BEVERAGES IN PUBLIC PLACES ON THE 200 BLOCK OF EAST FIRST STREET IN CONJUNCTION WITH THE SUPER BIG BLOCK PARTY AND SUBJECT TO CERTAIN CONDITIONS.

**Indexes:**

**Attachments:** [RED HERRING MAP](#)

**This Resolution was adopted unanimously.**

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

**Absent:** 1 - President Hobbs

**Abstain:** 1 - Hansen

16. [17-0555R](#) RESOLUTION APPROVING ISSUANCE OF A TEMPORARY ON SALE INTOXICATING LIQUOR LICENSE TO AAD SHRINERS (ART IN BAYFRONT PARK), BAYFRONT PARK.

**Indexes:**

**Attachments:** [ART IN THE PARK-07272017114602](#)

**This Resolution was adopted unanimously.**

17. [17-0556R](#) RESOLUTION APPROVING THE TEMPORARY EXPANSION OF THE DESIGNATED SERVING AREA OF THE ON SALE INTOXICATING LIQUOR LICENSE OF RED HERRING, LLC (THE RED HERRING LOUNGE), 208 EAST 1ST STREET.

**Indexes:****Attachments:** [RED HERRING-07272017101355](#)[RED HERRING MAP](#)**This Resolution was adopted unanimously.**

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

**Absent:** 1 - President Hobbs

**Abstain:** 1 - Hansen

18. [17-0559R](#) RESOLUTION AUTHORIZING A PURCHASE FROM INSIGHT PUBLIC SECTOR, INC. FOR PERSONAL COMPUTERS AND ACCESSORIES, IN ACCORDANCE WITH THE CITY'S FOUR-YEAR REPLACEMENT PLAN, IN THE AMOUNT OF \$242,563.41.

**This Resolution was adopted unanimously.**

19. [17-0563R](#) RESOLUTION AUTHORIZING THE PURCHASE OF A 2018 MACK CAB AND CHASSIS WITH A LEMCO LOG LOADER FROM CRYSTEEL TRUCK AND EQUIPMENT FOR AN AMOUNT NOT TO EXCEED \$210,802.

**This Resolution was adopted unanimously.**

20. [17-0570R](#) RESOLUTION APPROVING THE EXEMPTION OF A RAFFLE LICENSE AND WAIVING THE 60 DAY WAITING PERIOD FOR THE PROGRAM FOR AID TO VICTIMS OF SEXUAL ASSAULT, INC. AND NORTHLAND COUNTRY CLUB.

**This Resolution was adopted unanimously.**

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

**Absent:** 1 - President Hobbs

**Abstain:** 1 - Councilor Westerlund

21. [17-0571R](#) RESOLUTION AUTHORIZING A PURCHASE FROM INSIGHT PUBLIC SECTOR, INC. FOR DATA CENTER NETWORK LIFECYCLE

## EQUIPMENT REPLACEMENTS IN THE AMOUNT OF \$303,944.

This Resolution was adopted unanimously.

BY COUNCILOR ANDERSON (PERSONNEL)

BY COUNCILOR ANDERSON (PERSONNEL)

22. [17-0549R](#) RESOLUTION CONFIRMING THE APPOINTMENT OF PASCHA APTER TO THE DULUTH AIRPORT AUTHORITY, REPLACING SUZANNE ROSS.

Indexes:

Attachments: [Pascha Apter Redacted](#)

This Resolution was adopted unanimously.

BY COUNCILOR RUSS (PLANNING & ECONOMIC DEVELOPMENT)

BY COUNCILOR RUSS (PLANNING & ECONOMIC DEVELOPMENT)

23. [17-0536R](#) RESOLUTION ACCEPTING \$52,352 FROM THE KNIGHT FOUNDATION FUND OF THE DULUTH SUPERIOR AREA COMMUNITY FOUNDATION FOR THE MAKING CANAL PARK POP DEMONSTRATION PROJECT.

Indexes:

Attachments: [Attachment 1](#)

This Resolution was adopted unanimously.

24. [17-0564R](#) RESOLUTION AUTHORIZING PROPER CITY OFFICIALS TO ACCEPT FUNDS FROM THE JUNIOR LEAGUE OF DULUTH AND COMMUNITY ACTION DULUTH FOR A DEEP WINTER GREENHOUSE.

This Resolution was adopted unanimously.

25. [17-0565R](#) RESOLUTION AUTHORIZING REPROGRAMMING OF \$5,000 in 2015 CDBG FUNDS AND TRANSFERRING IT TO THE WEST DULUTH FOOD ACCESS AND EDUCATION PROJECT.

This Resolution was adopted unanimously.

26. [17-0567R](#) RESOLUTION OF INTENT TO SELL OR CONVEY CERTAIN REAL PROPERTY IN THE DULUTH HEIGHTS NEIGHBORHOOD.

Indexes:

Attachments: [Exhibit A-Resolution](#)

[Exhibit B-Resolution](#)

[Exhibit C](#)

[Exhibit D](#)

This Resolution was adopted unanimously.

27. [17-0573R](#) RESOLUTION AUTHORIZING A CONTRACT WITH DONALD HOLM CONSTRUCTION COMPANY, INC. FOR THE CONSTRUCTION OF A DEEP WINTER GREENHOUSE FOR AN AMOUNT NOT TO EXCEED \$254,629.

This Resolution was adopted unanimously.

BY COUNCILOR HOBBS (PUBLIC WORKS & UTILITIES)

BY COUNCILOR HOBBS (PUBLIC WORKS & UTILITIES)

28. [17-0535R](#) RESOLUTION AUTHORIZING AMENDMENT NO. 3 WITH TKDA TO PROVIDE CONSTRUCTION ADMINISTRATION SERVICES FOR THE 59TH AVENUE WEST UTILITY IMPROVEMENT PROJECT, TO INCREASE THE AMOUNT BY \$1,297 FOR A NEW TOTAL OF \$133,382.

Indexes:

Attachments: [17-0535R Map](#)

[15-0535R Request for Amendment](#)

This Resolution was adopted unanimously.

29. [17-0558R](#) RESOLUTION AUTHORIZING THE PURCHASE OF A 2018 FREIGHTLINER CAB AND CHASSIS FROM I-STATE TRUCK IN THE AMOUNT OF \$114,851.73.

**This Resolution was adopted unanimously.**

BY COUNCILOR FOSLE (PUBLIC SAFETY)

BY COUNCILOR FOSLE (PUBLIC SAFETY)

30.     [17-0553R](#)     RESOLUTION AUTHORIZING THE EXECUTION OF A TASK FORCE AGREEMENT BETWEEN THE DULUTH POLICE DEPARTMENT AND THE UNITED STATES DRUG ENFORCEMENT ADMINISTRATION (DEA) AND FURTHER AUTHORIZING THE ACCEPTANCE OF REIMBURSEMENT MONIES FROM THE DEA FOR OVERTIME EXPENSES INCURRED IN SUPPORT OF THE TASK FORCE.

Indexes:

Attachments:   [Exhibit A](#)

**This Resolution was adopted unanimously.**

31.     [17-0562R](#)     RESOLUTION AUTHORIZING ACCEPTANCE OF A GRANT FROM THE TARGET CORPORATION IN THE AMOUNT OF \$1,000 FOR THE PURPOSE OF SUPPORTING A PUBLIC SAFETY CAMPAIGN INVOLVING SAFE DRIVING.

**This Resolution was adopted unanimously.**

32.     [17-0572R](#)     RESOLUTION AUTHORIZING THE EXECUTION OF A COOPERATIVE AGREEMENT WITH THE CITY OF MINNEAPOLIS FOR THE DULUTH POLICE DEPARTMENT TO PROVIDE SECURITY RELATED TO THE 2018 NATIONAL FOOTBALL LEAGUE SUPER BOWL AND FURTHER AUTHORIZING THE ACCEPTANCE OF REIMBURSEMENT MONIES FROM MINNEAPOLIS FOR SERVICES PROVIDED BY DULUTH POLICE DEPARTMENT.

Indexes:

Attachments:   [Exhibit A](#)

**This Resolution was adopted unanimously.**

33.     [17-0566R](#)     RESOLUTION SCHEDULING A PUBLIC HEARING ON THE PROPOSAL TO REDUCE THE SIZE OF THE EXISTING RESIDENTIAL PERMIT

## PARKING ZONE AROUND DULUTH EAST HIGH SCHOOL.

Indexes:Attachments: [Exhibit A - Parking Permit Zone Map](#)

This Resolution was adopted unanimously.

BY COUNCILOR WESTERLUND (RECREATION, LIBRARIES & AUTHORITIES)

BY COUNCILOR WESTERLUND (RECREATION, LIBRARIES & AUTHORITIES)

34. [17-0534R](#) RESOLUTION AUTHORIZING ACCEPTANCE OF A \$50,000 GRANT FROM THE MINNESOTA COMMUNITY FOUNDATION FOR THE MINNESOTA SUPER BOWL LEGACY FUND FOR THE IMPLEMENTATION OF THE LINCOLN PARK MINI-MASTER PLAN.

Indexes:Attachments: [Exhibit A Grant award notification](#)  
[Exhibit B LP Mini Master Plan](#)

This Resolution was adopted unanimously.

35. [17-0537R](#) RESOLUTION AUTHORIZING PROPER CITY OFFICIALS TO ACCEPT A \$30,000 DONATION FROM IRVING PARK COMMUNITY CLUB FOR IMPLEMENTATION OF PHASE I OF THE IRVING PARK MINI MASTER PLAN.

This Resolution was adopted unanimously.

36. [17-0569R](#) RESOLUTION AUTHORIZING AGREEMENT WITH SPIRIT MOUNTAIN RECREATION AREA AUTHORITY FOR TRAIL CONSTRUCTION OF AN ALL-WEATHER BIKING TRAIL IN AN AMOUNT NOT TO EXCEED \$72,000.

Indexes:Attachments: [Exhibit 2](#)  
[Exhibit 3](#)  
[SMRA-DT Agreement 2017-08-04](#)

This Resolution was adopted by the following vote:

**Yea:** 6 - Councilor Anderson, Councilor Filipovich, Hansen, Councilor Russ, Councilor Westerlund and Councilor Sipress

**Nay:** 2 - Councilor Fosle and Hanson

**Absent:** 1 - President Hobbs

END OF CONSENT AGENDA

END OF CONSENT AGENDA

BY COUNCILOR HANSON (PURCHASING & LICENSING)

BY COUNCILOR HANSON (PURCHASING & LICENSING)

37. [17-0554R](#) RESOLUTION APPROVING THE TEMPORARY EXPANSION OF THE DESIGNATED SERVING AREA OF THE ON SALE INTOXICATING LIQUOR LICENSE OF DUKES PARTNERS, LLC (SPURS ON 1ST), 109 WEST 1ST STREET.

**Indexes:**

**Attachments:** [SPURS-06282017152451](#)

**This Resolution was adopted unanimously.**

38. [17-0585R](#) RESOLUTION AUTHORIZING CONSUMPTION OF ALCOHOLIC BEVERAGES IN PUBLIC PLACES ON THE 100 BLOCK OF WEST FIRST STREET IN CONJUNCTION WITH THE TWELVE HOLY APOSTLES (SPURS BLOCK PARTY) AND SUBJECT TO CERTAIN CONDITIONS.

**Indexes:**

**Attachments:** [SPURS EVENT-08112017094212](#)

**This Resolution was adopted unanimously.**

BY COUNCILOR WESTERLUND (RECREATION, LIBRARIES & AUTHORITIES)

BY COUNCILOR WESTERLUND (RECREATION, LIBRARIES & AUTHORITIES)

39. [17-0579R](#) RESOLUTION AUTHORIZING ACCEPTANCE OF A \$1,000 GRANT FROM THE MINNESOTA DEPARTMENT OF NATURAL RESOURCES AND MINNESOTA LAKE SUPERIOR COASTAL PROGRAM FOR TRAIL COUNTERS ON THE WESTERN WATERFRONT TRAIL.

Indexes:

Attachments: [Attachment A sub award grant agreement](#)

**This Resolution was adopted unanimously.**

BY PRESIDENT SIPRESS (COMMITTEE OF THE WHOLE)

BY PRESIDENT SIPRESS (COMMITTEE OF THE WHOLE)

40. [17-0574R](#) RESOLUTION APPROVING A HALF PERCENT SALES AND USE TAX DEDICATED TO FUND A STREET IMPROVEMENT PROGRAM AND CALLING FOR A REFERENDUM REQUESTING AUTHORIZATION FOR SUCH TAX.

Indexes:

Attachments: [Exhibit A - Street Improvement Program 2017](#)  
[Original 17-0574R](#)

**This Resolution was adopted by the following vote:**

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

**Nay:** 1 - Councilor Fosle

**Absent:** 1 - President Hobbs

ORDINANCES TABLED

ORDINANCES TABLED

BY COUNCILOR FOSLE (PUBLIC SAFETY)

BY COUNCILOR FOSLE (PUBLIC SAFETY)

41. [17-034-O](#) AN ORDINANCE AMENDING SECTION 10-3 RELATED TO VACANT BUILDING REGISTRATION REQUIREMENTS

Indexes:

**Attachments:** [Motion To Amend: Filipovich - Passed \(6-1\)](#)  
[Motion To Amend: Sipress - Passed \(8-1\)](#)  
[17-034-O \(Original\)](#)  
[17-034-O \(Original #2\)](#)

**This Ordinance was read for the first time.**

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)

42.     [17-037-O](#)     AN ORDINANCE DESIGNATING THE DULUTH WOMAN'S CLUB AT  
2400 EAST SUPERIOR STREET AS A DULUTH HERITAGE  
PRESERVATION LANDMARK.

**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

This meeting was adjourned at 8:30 p.m.