

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, August 28, 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

PLEDGE OF ALLEGIANCE

PUBLIC HEARING - DULUTH EAST HIGH SCHOOL PERMIT PARKING ZONE

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APPROVAL OF MINUTES

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1. 17-130 August 14, 2017 Duluth City Council Meeting Minutes

Indexes:

Attachments: August 14 - Council Meeting Minutes

These Minutes was approved.

REPORTS FROM THE ADMINISTRATION

REPORTS FROM THE ADMINISTRATION

REPORTS FROM OTHER OFFICERS

REPORTS FROM OTHER OFFICERS

17-124 Exempt Permits: Lake Superior Zoological Society, SMDC Medical Center
 St.Mary's Medical Center

Indexes:

Attachments: Exempt Permit - Lake Superior Zoological Society

Exempt Permit - SMDC Medical Center

Exempt Permit - St. Mary's Medical Center

This Other Officers Report was received.

3. 17-129 US Department of Housing & Urban Development - Annual Review

Indexes:

Attachments: US Department of Housing and Urban Development - Annual Review

This Other Officers Report was received.

REPORTS OF BOARDS AND COMMISSIONS

REPORTS OF BOARDS AND COMMISSIONS

4. <u>17-125</u> Library Board Meeting Minutes

Indexes:

<u>Attachments:</u> 05-23-2017 - Library Board Meeting Minutes

This Board or Commission Report was received.

5. <u>17-126</u> Civil Service Board Meeting Minutes

Indexes:

Attachments: 06-06-17 Civil Service Board Meeting Minutes

This Board or Commission Report was received.

6. <u>17-127</u> Duluth Public Utilities Commission Meeting Minutes

Indexes:

Attachments: 06-20-2017 - Duluth Public Utilities Commission Meeting Minutes

This Board or Commission Report was received.

7. <u>17-128</u> Duluth Parking Commission Resolutions

Indexes:

<u>Attachments:</u> Duluth Parking Commission July & August Resolutions

Duluth Parking Commission March & June Resolutions

This Board or Commission Report was received.

DISTINGUISHED ARTIST AWARD - Ceclia Lieder

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

RESOLUTIONS TABLED

RESOLUTIONS TABLED

BY COUNCILOR HANSON (PURCHASING & LICENSING)

BY COUNCILOR HANSON (PURCHASING & LICENSING)

8. <u>17-0374R</u> RESOLUTION AMENDING RESOLUTION 16-0846, ADOPTING

LICENSE, PERMIT, FINE, PENALTY, AND OTHER CHARGES FOR 2017, TO REVISE VACANT BUILDING REGISTRATION FEES.

This Resolution was adopted unanimously.

CONSENT AGENDA

CONSENT AGENDA

BY COUNCILOR HANSON (PURCHASING & LICENSING)

BY COUNCILOR HANSON (PURCHASING & LICENSING)

9. <u>17-0636R</u> RESOLUTION APPROVING THE EXEMPTION OF A RAFFLE LICENSE

AND WAIVING THE 60 DAY WAITING PERIOD FOR LAKE SUPERIOR ZOOLOGICAL SOCIETY, AND DUCKS UNLIMITED-ST. LOUIS BAY.

Indexes:

<u>Attachments:</u> <u>ZOO-08112017112923</u>

DUCKS UNLIMITED-08222017145709

This Resolution was adopted unanimously.

BY COUNCILOR ANDERSON (PERSONNEL)

BY COUNCILOR ANDERSON (PERSONNEL)

10. <u>17-0578R</u> RESOLUTION ELECTING MEMBER TO THE BOARD OF MANAGERS

OF THE DULUTH/NORTH SHORE SANITARY DISTRICT PURSUANT TO

MINNESOTA STATUTES, SECTION 442A.14, SUBDIVISION 7.

This Resolution was adopted unanimously.

11. 17-0592R RESOLUTION CONFIRMING THE APPOINTMENT OF KENNETH

Page 4

KIMBER AND SARA VACCARELLA TO THE DULUTH CITIZEN REVIEW

BOARD.

Indexes:

Attachments: Sara Vaccarella

Redacted Kimber App

This Resolution was adopted unanimously.

BY COUNCILOR RUSS (PLANNING & ECONOMIC DEVELOPMENT)

BY COUNCILOR RUSS (PLANNING & ECONOMIC DEVELOPMENT)

12. 17-0582R RESOLUTION AUTHORIZING THE SAINT LOUIS COUNTY HOUSING

AND REVELOPMENT AUTHORITY (HRA) TO INVEST FUNDS IN THE CITY OF DULUTH FOR THE GIMAAJII PERMANENT SUPPORTIVE HOUSING UNITS OPERATED BY THE AMERICAN INDIAN COMMUNITY

HOUSING ORGANIZATION (AICHO).

This Resolution was adopted unanimously.

13. 17-0596R RESOLUTION ENTERING INTO AN AGREEMENT WITH AND

ACCEPTING \$225,773 IN FEDERAL FUNDING FROM SENIOR

SERVICE AMERICA, INC. TO OPERATE THE SENIOR COMMUNITY

SERVICE EMPLOYMENT PROGRAM.

Indexes:

Attachments: Resolution 17-0596R

This Resolution was adopted unanimously.

14. 17-0599R RESOLUTION VACATING THE PLATTED ALLEY BETWEEN MYRTLE

STREET AND TEAK STREET, RETAINING A UTILITY EASEMENT OVER THE PART OF ALLEY LYING EASTERLY OF THE EAST LINE OF LOT

25.

Indexes:

Attachments: Attachment 1

Attachment 2

This Resolution was adopted unanimously.

15. 17-0600R RESOLUTION VACATING A PLATTED UTILITY EASEMENT LOCATED

WITHIN MAPLE GROVE ACRE TRACTS OF DULUTH.

Indexes:

Attachments: Attachment 1

Attachment 2

This Resolution was adopted unanimously.

16. 17-0602R RESOLUTION VACATING A PORTION OF A PLATTED SEWER

EASEMENT AT 21 RIVERSIDE DRIVE.

Indexes:

Attachments: Attachment 1

Attachment 2

This Resolution was adopted unanimously.

17. 17-0605R RESOLUTION GRANTING AN INTERIM USE PERMIT FOR A VACATION

DWELLING UNIT AT 1108 WEST 8TH STREET (TWIN CITY

DEVELOPMENT COMPANY LLC).

Indexes:

Attachments: Attachment 1

This Resolution was adopted unanimously.

18. <u>17-0606R</u> RESOLUTION GRANTING AN INTERIM USE PERMIT FOR A VACATION

DWELLING UNIT AT 139 HOWARD GNESEN ROAD (DOUG

MCCORISON).

Indexes:

Attachments: Attachment 1

This Resolution was adopted unanimously.

19. 17-0607R RESOLUTION GRANTING AN INTERIM USE PERMIT FOR A VACATION

DWELLING UNIT AT 5802 LONDON ROAD (KIRK AND MARIANNE

BERNADINO).

Indexes:

Attachments: Attachment 1

This Resolution was adopted unanimously.

20. 17-0608R RESOLUTION GRANTING AN INTERIM USE PERMIT FOR A VACATION

DWELLING UNIT AT 8721 WEST SKYLINE PARKWAY (LISA DUPUIS).

Indexes:

Attachments: Attachment 1

This Resolution was adopted unanimously.

21. 17-0609R RESOLUTION GRANTING AN INTERIM USE PERMIT FOR A VACATION

DWELLING UNIT AT 420 WEST 9TH STREET (BEN GASNER).

Indexes:

Attachments: Attachment 1

This Resolution was adopted unanimously.

22. 17-0610R RESOLUTION AUTHORIZING REPROGRAMMING OF \$68,645.53 IN FY

2015 AND 2016 U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT ("HUD") COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) FUNDS AND TRANSFERRING TO FY 2015 AND FY

2016 PROJECTS.

This Resolution was adopted unanimously.

23. <u>17-0611R</u> RESOLUTION VACATING PRINGLE AVENUE, LOWNDES AVENUE,

BLODGETT AVENUE, AND GADSDEN AVENUE IN CONJUNCTION WITH THE REPLATTING OF THE LAND INTO THE HARBOR LIGHT

PLAT BY THE DULUTH GOSPEL TABERNACLE.

Indexes:

Attachments: Attachment 1

Attachment 2

This Resolution was adopted unanimously.

24. <u>17-0614R</u> RESOLUTION OF INTENT TO SELL OR CONVEY CERTAIN REAL

PROPERTY IN THE LINCOLN PARK NEIGHBORHOOD.

Indexes:

Attachments: Exhibit A

This Resolution was adopted unanimously.

25. 17-0615R RESOLUTION AUTHORIZING AN AMENDED AND RESTATED

FUNDING AGREEMENT WITH ST. LOUIS COUNTY HOUSING AND

REDEVELOPMENT AUTHORITY, THE HOUSING AND

REDEVELOPMENT AUTHORITY OF DULUTH, MINNESOTA, CENTER CITY HOUSING CORP. AND ONE ROOF COMMUNITY HOUSING WHEREBY THE CITY WILL PROVIDE \$200,000 IN REPLACEMENT FUNDING FOR THE GATEWAY PROJECT. (REPLACEMENT)

Indexes:

Attachments: 17-0615R Replacement Exhibit

17-0615 (Original)

This Resolution was adopted unanimously.

Yea: 8 - Councilor Anderson, Councilor Filipovich, Councilor Fosle, Hansen, Hanson,

Councilor Russ, Councilor Westerlund and Councilor Sipress

Abstain: 1 - President Hobbs

26. <u>17-0620R</u> RESOLUTION AUTHORIZING THE EXECUTION OF A PURCHASE

AGREEMENT WITH JOURNEY HOME MINNESOTA FOR THE SALE OF

CITY-OWNED PROPERTY IN THE CODY NEIGHBORHOOD FOR

\$3,310.

Indexes:

Attachments: Exhibit 1

Exhibit 2

This Resolution was adopted unanimously.

27. 17-0625R RESOLUTION AUTHORIZING THE EXECUTION OF A PURCHASE

AGREEMENT WITH LAUNCH PROPERTIES, LLC FOR THE SALE OF CITY-OWNED PROPERTY IN THE DULUTH HEIGHTS NEIGHBORHOOD

FOR \$25,270.

Indexes:

Attachments: Exhibit 1-Resolution

Exhibit 3-Resolution
Exhibit 2-Resolution

This Resolution was adopted unanimously.

BY PRESIDENT SIPRESS (COMMITTEE OF THE WHOLE)

BY PRESIDENT SIPRESS (COMMITTEE OF THE WHOLE)

28. 17-0587R RESOLUTION APPOINTING ELECTION JUDGES FOR THE

SEPTEMBER 12, 2017, MUNICIPAL AND SCHOOL BOARD PRIMARY ELECTION, AND THE NOVEMBER 7, 2017, MUNICIPAL AND SCHOOL

BOARD GENERAL ELECTION.

Indexes:

Attachments: ElectionJudgeList 2017 RESOLUTION

This Resolution was adopted unanimously.

BY COUNCILOR HOBBS (PUBLIC WORKS & UTILITIES)

BY COUNCILOR HOBBS (PUBLIC WORKS & UTILITIES)

29. 17-0580R RESOLUTION AMENDING A CONTRACT WITH MSA PROFESSIONAL

SERVICES, INC. TO PROVIDE PROFESSIONAL ENGINEERING SERVICES FOR STREAM DESIGN AND CONSTRUCTION. AN

INCREASE OF \$140,313.25 FOR A TOTAL AMOUNT NOT TO EXCEED

\$410,708.25.

Indexes:

Attachments: Exhibit A for Resolution

This Resolution was adopted unanimously.

30. <u>17-0581R</u> RESOLUTION OF INTENT FOR CONSTRUCTION OF SANITARY

SEWER IN WEST NINTH STREET ALLEY BEGINNING 280 FEET NORTHEAST OF 11TH AVENUE WEST AND EXTENDING TO NORTH TENTH AVENUE WEST. THEN EXTENDING NORTHWEST ON NORTH

TENTH AVENUE WEST TO WEST NINTH STREET.

Page 9

Indexes:

Attachments: 17-0581R Map

This Resolution was adopted unanimously.

31. 17-0591R RESOLUTION AUTHORIZING JOINT APPLICATION WITH THE

MINNESOTA DEPARTMENT OF TRANSPORTATION FOR FISCAL YEAR 2019 - 2020 HIGHWAY FREIGHT PROGRAM GRANT IN THE AMOUNT OF \$20,000,000 FOR ROAD IMPROVEMENTS TO EXTEND COURTLAND STREET AND RECONSTRUCT THE 27TH AVENUE

WEST BRIDGE OVER I-35.

Indexes:

Attachments: 17-0591R Map

This Resolution was adopted unanimously.

32. 17-0594R RESOLUTION AUTHORIZING APPLICATION TO THE MINNESOTA

DEPARTMENT OF TRANSPORTATION FOR FY 2019 - 2020 HIGHWAY FREIGHT PROGRAM GRANT IN THE AMOUNT OF \$525,565 FOR ROAD IMPROVEMENTS TO GARFIELD AND PIEDMONT AVENUES.

Indexes:

Attachments: 17-0594R Map

This Resolution was adopted unanimously.

33. 17-0598R RESOLUTION AWARDING A CONTRACT TO NORTHLAND

CONSTRUCTORS OF DULUTH, LLC FOR THE WEST SKYLINE PARKWAY RETAINING WALL RESTORATION PROJECT IN THE

AMOUNT OF \$1,060,174.

Indexes:

Attachments: 17-0598R Map

This Resolution was adopted unanimously.

34. 17-0613R RESOLUTION AUTHORIZING A CONTRACT WITH NORTHLAND

CONSTRUCTORS OF DULUTH, LLC, FOR THE MICHIGAN STREET HOT WATER PIPE INSTALLATION FOR AN AMOUNT NOT TO EXCEED

\$292,500.

This Resolution was adopted unanimously.

BY COUNCILOR FOSLE (PUBLIC SAFETY)

BY COUNCILOR FOSLE (PUBLIC SAFETY)

35. <u>17-0612R</u> RESOLUTION AUTHORIZING THE CITY TO ENTER INTO A JOINT

POWERS AGREEMENT WITH THE STATE OF MINNESOTA, DEPARTMENT OF PUBLIC SAFETY, BUREAU OF CRIMINAL

APPREHENSION, FOR CITY ATTORNEY ACCESS TO THE CRIMINAL JUSTICE DATA COMMUNICATION NETWORK FOR A PERIOD OF FIVE YEARS AND AT NO COST TO THE CITY, AND FURTHER AUTHORIZING

EXECUTION OF THE COURT DATA SERVICES SUBSCRIBER

AMENDMENT TO CJDN SUBSCRIBER AGREEMENT.

Indexes:

Attachments: Exhibit A

Exhibit B

This Resolution was adopted unanimously.

BY COUNCILOR WESTERLUND (RECREATION, LIBRARIES & AUTHORITIES)

BY COUNCILOR WESTERLUND (RECREATION, LIBRARIES & AUTHORITIES)

36. 17-0619R RESOLUTION AUTHORIZING A DONATION AGREEMENT WITH

CAPTAIN LAURENCE H. GRIMES, JR. RELATED TO A SCALE MODEL OF THE AMPHIBIOUS TRANSPORT DOCK SHIP USS DULUTH AND ITS DISPLAY CASE AND FURTHER AUTHORIZING AN AGREEMENT WITH ST. LOUIS COUNTY HISTORICAL SOCIETY TO DISPLAY THE

USS DULUTH

Indexes:

Attachments: Exhibit A

Exhibit B

This Resolution was adopted unanimously.

37. 17-0626R RESOLUTION AUTHORIZING AN AGREEMENT WITH THE MINNESOTA

LAND TRUST FOR PROFESSIONAL SERVICES TO SUPPORT THE DEVELOPMENT AND MARKETING OF THE CITY'S OUTDOOR EXPERIENCES IN AN AMOUNT NOT TO EXCEED \$135,000.

Indexes:

Attachments: Exhibit 1

This Resolution was adopted unanimously.

END OF CONSENT AGENDA

END OF CONSENT AGENDA

BY COUNCILOR ANDERSON (PERSONNEL)

BY COUNCILOR ANDERSON (PERSONNEL)

38. <u>17-0627R</u> RESOLUTION ENCOURAGING ALL-GENDER, SINGLE-USER, ACCESSIBLE RESTROOMS ON CITY PROPERTY.

This Resolution was adopted unanimously.

BY COUNCILOR RUSS (PLANNING & ECONOMIC DEVELOPMENT)

BY COUNCILOR RUSS (PLANNING & ECONOMIC DEVELOPMENT)

39. 17-0616R RESOLUTION AFFIRMING THE DECISION OF THE PLANNING

COMMISSION TO DENY A VARIANCE TO REDUCE THE REQUIRED MINIMUM LOT FRONTAGE FROM 250 FT TO 0 FT TO CONSTRUCT A DWELLING IN THE RR-1 ZONE DISTRICT BY EDWARD BARBO JR

AND CANDACE BARBO

Indexes:

Attachments: Attachment 1 - PL 17-082 Staff Report and Attachments

Attachment 2 - Planning Commission 07-11-17 signed minutes

A motion was made that this Resolution be adopted The motion carried by the following vote:

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

Nay: 1 - Hanson

40. 17-0617R

RESOLUTION REVERSING THE DECISION OF THE PLANNING COMMISSION TO DENY A VARIANCE TO REDUCE THE REQUIRED MINIMUM LOT FRONTAGE FROM 250 FT TO 0 FT TO CONSTRUCT A DWELLING IN THE RR-1 ZONE DISTRICT BY EDWARD BARBO JR AND CANDACE BARBO

Indexes:

Attachments: Attachment 1 - PL 17-082 Staff Report and Attachments

Attachment 2 - Planning Commission 07-11-17 signed minutes

This Resolution failed.

Yea: 1 - Hanson

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

BY COUNCILOR FOSLE (PUBLIC SAFETY)

BY COUNCILOR FOSLE (PUBLIC SAFETY)

41. 17-0628R RESOLUTION REDUCING THE SIZE OF THE RESIDENTIAL PERMIT PARKING ZONE AROUND DULUTH EAST HIGH SCHOOL.

Indexes:

Attachments: Exhibit A

Exhibit A-1
Exhibit A-2
Exhibit A-3
Exhibit A-4

Exhibit A-5 - Passed

Motion To Amend (Anderson): Passes Unanimously

This Resolution was adopted unanimously.

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 ANDERSON (PERSONNEL)

BY COUNCILOR ANDERSON (PERSONNEL)

42. <u>17-038-0</u> AN ORDINANCE AMENDING SECTION 13-28 OF THE DULUTH CITY

CODE REGARDING DURATION OF SUBSTITUTE APPOINTMENTS

WITHIN THE FIRE DEPARTMENT.

This Ordinance was read for the first time.

BY COUNCILOR RUSS (PLANNING & ECONOMIC DEVELOPMENT)

BY COUNCILOR RUSS (PLANNING & ECONOMIC DEVELOPMENT)

43. 17-039-O AN ORDINANCE GRANTING A CONCURRENT USE PERMIT FOR A

DECK IN THE PLATTED STREET RIGHT OF WAY OF 19TH AVENUE

WEST.

Indexes:

Attachments: Attachment 1

Attachment 2

This Ordinance was read for the first time.

44. <u>17-040-0</u> AN ORDINANCE AMENDING THE APPROVED CONCEPT PLAN FOR

ROCKRIDGE SCHOOL TO ALLOW SPECIALIZED EDUCATION OF UP

TO 175 EDUCATIONAL STUDENTS.

Indexes:

Attachments: Attachment 1

Attachment 2

This Ordinance was read for the first time.

45. 17-041-O AN ORDINANCE AMENDING SECTIONS 50-16.7 AND 50-22.7 TO

50-22.17 OF THE DULUTH CITY CODE TO ALLOW ADDITIONAL

BUILDING TYPES IN FORM DISTRICT F-6 AND TO CLARIFY MAXIMUM

BUILDING HEIGHTS IN ALL FORM DISTRICTS.

Indexes:

Attachments: Attachment 1

Attachment 2

Attachment 3

Attachment 4

This Ordinance was read for the first time.

46. 17-042-0 AN ORDINANCE AUTHORIZING THE CONVEYANCE OF CERTAIN REAL PROPERTY IN THE CODY NEIGHBORHOOD TO JOURNEY

HOME MINNESOTA FOR \$3,310.

This Ordinance was read for the first time.

47. <u>17-043-0</u> AN ORDINANCE AUTHORIZING THE CONVEYANCE OF CERTAIN REAL PROPERTY IN THE DULUTH HEIGHTS NEIGHBORHOOD TO

LAUNCH PROPERTIES, LLC OR ITS ASSIGNS FOR \$25,270.

Indexes:

Attachments: Exhibit A-Ordinance

Exhibit B-Ordinance
Exhibit C-Ordinance
Exhibit D-Ordinance

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 RUSS (PLANNING & ECONOMIC DEVELOPMENT)

BY COUNCILOR RUSS (PLANNING & ECONOMIC DEVELOPMENT)

48. <u>17-037-0</u> 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 adopted.

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

Nay: 1 - Hanson

BY COUNCILOR FOSLE (PUBLIC SAFETY)

BY COUNCILOR FOSLE (PUBLIC SAFETY)

49. <u>17-034-O</u> AN ORDINANCE AMENDING SECTION 10-3 RELATED TO VACANT

BUILDING REGISTRATION REQUIREMENTS

Indexes:

Attachments: Motion To Amenda: Filipovich - Passed (6-1)

Motion To Amenda: Sipress - Passed (8-1)

<u>17-034-O (Original)</u> <u>17-034-O (Original #2)</u>

This Ordinance was adopted.

COUNCILOR QUESTIONS AND COMMENTS

COUNCILOR QUESTIONS AND COMMENTS

COUNCILOR PREVIEW OF UPCOMING BUSINESS

COUNCILOR PREVIEW OF UPCOMING BUSINESS

Meeting adjourned at 8:46 p.m.