



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]*

Tuesday, May 29, 2018

7:00 PM

Council Chamber

ROLL CALL

ROLL CALL

Present: 7 - Councilor Gary Anderson, Councilor Zack Filipovich, Councilor Jay Fosle, President Noah Hobbs, Councilor Joel Sipress, Councilor Em Westerlund and Councilor Renee Van Nett

Absent: 1 - Councilor Barb Russ

PLEDGE OF ALLEGIANCE

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APPROVAL OF MINUTES

APPROVAL OF MINUTES

1. [18-120](#) April 23, 2018 & May 14, 2018 - Duluth City Council Meeting Minutes

Indexes:

Attachments: [April 23 - City Council Meeting](#)
[May 14 - City Council Meeting](#)

This Minutes was approved.

REPORTS FROM THE ADMINISTRATION

REPORTS FROM THE ADMINISTRATION

REPORTS FROM OTHER OFFICERS

REPORTS FROM OTHER OFFICERS

2. [18-118](#) Office of the State Auditor - Duluth Entertainment and Convention Center Authority

Indexes:

Attachments: [Office of the State Auditor - Duluth Entertainment and Convention Center Authority](#)

This Informational Report was received.

REPORTS OF BOARDS AND COMMISSIONS

REPORTS OF BOARDS AND COMMISSIONS

3. [18-119](#) Duluth Public Utilities Commission Meeting Minutes

Indexes:

Attachments: [April 17, 2018 - Duluth Public Utilities Commission Meeting Minutes](#)

This Board or Commission Report was received.

4. [18-122](#) Heritage Preservation Commission Meeting Minutes

Indexes:

Attachments: [March 13, 2018 Heritage Preservation Commission Meeting Minutes](#)
 [April 10, 2018 Heritage Preservation Commission Meeting Minutes](#)

This Board or Commission Report was received.

5. [18-123](#) Planning Commission Meeting Minutes

Indexes:

Attachments: [March 13, 2018 Planning Commission Meeting Minutes](#)
 [April 10, 2018 Planning Commission Meeting Minutes](#)

This Board or Commission Report was received.

6. [18-124](#) Duluth Indigenous Commission Meeting Minutes

Indexes:

Attachments: [February 26, 2018 Duluth Indigenous Commission Meeting Minutes](#)
[March 19, 2018 Duluth Indigenous Commission Meeting Minutes](#)

This Board or Commission Report was received.

7. [18-125](#) Community Development Committee Meeting Minutes

Indexes:

Attachments: [February 27, 2018 - Community Development Committee Meeting Minutes](#)
[March 27, 2018 Community Development Committee Meeting Minutes](#)

This Board or Commission Report was received.

REPORTS OF COUNCIL COMMITTEES

REPORTS OF COUNCIL COMMITTEES

REPORTS OF COUNCIL OPEN ISSUES

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Distinguished Artist Award - Harbor City International School Choir

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OPPORTUNITY FOR CITIZENS TO BE HEARD

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CONSENT AGENDA

CONSENT AGENDA

BY COUNCILOR FOSLE (PURCHASING & LICENSING)

BY COUNCILOR FOSLE (PURCHASING & LICENSING)

9. [18-0417R](#) RESOLUTION APPROVING THE TRANSFER OF THE ON SALE INTOXICATING LIQUOR LICENSE AND ON SALE SUNDAY LICENSE FROM DUKES PARTNERS, LLC, (SPURS ON 1ST), 109 WEST SUPERIOR STREET TO MADELINE PETERSON AND JONA JOHNSON (SPURS ON 1ST), SAME ADDRESS.

Indexes:

Attachments: [Spurs on 1st](#)

This Resolution was adopted unanimously.

Yea: 7 - Councilor Anderson, Councilor Filipovich, Councilor Fosle, President Hobbs, Councilor Sipress, Councilor Westerlund and Councilor Van Nett

Absent: 1 - Councilor Russ

Abstain: 1 - Hansen

BY COUNCILOR ANDERSON (PERSONNEL)

BY COUNCILOR ANDERSON (PERSONNEL)

10. [18-0403R](#) RESOLUTION CONFIRMING THE REAPPOINTMENT OF ANNA TANSKI TO THE DULUTH AIRPORT AUTHORITY.

This Resolution was adopted unanimously.

11. [18-0405R](#) RESOLUTION CONFIRMING THE APPOINTMENT OF JILL JOYCE TO THE PARKS AND RECREATION COMMISSION, REPLACING TIERSA WODASH

This Resolution was adopted unanimously.

BY COUNCILOR RUSS (PLANNING & ECONOMIC DEVELOPMENT)

BY COUNCILOR RUSS (PLANNING & ECONOMIC DEVELOPMENT)

12. [18-0408R](#) RESOLUTION AUTHORIZING THE PROPER CITY OFFICIALS TO ENTER INTO A SUB-RECIPIENT FUNDING AGREEMENT WITH SOAR CAREER SOLUTIONS FOR EMPLOYMENT AND TRAINING SERVICES FUNDED THROUGH THE STATE OF MINNESOTA'S WOMEN'S ECONOMIC SECURITY ACT, MINNESOTA WOMEN AND HIGH-WAGE, HIGH-DEMAND, NONTRADITIONAL JOBS GRANT PROGRAM IN THE AMOUNT OF \$52,515.

Indexes:

Attachments: [SOAR Sub-Recipient Funding Agreement with Exhibits -WESA May 2018](#)

This Resolution was adopted unanimously.

13. [18-0409R](#) RESOLUTION AUTHORIZING THE PROPER CITY OFFICIALS TO ENTER INTO A SUB-RECIPIENT FUNDING AGREEMENT WITH THE BOARD OF TRUSTEES OF THE MINNESOTA STATE COLLEGES AND UNIVERSITIES ON BEHALF OF LAKE SUPERIOR COLLEGE FOR EMPLOYMENT AND TRAINING SERVICES FUNDED THROUGH THE STATE OF MINNESOTA'S WOMEN'S ECONOMIC SECURITY ACT, MINNESOTA WOMEN AND HIGH-WAGE, HIGH-DEMAND, NONTRADITIONAL JOBS GRANT PROGRAM IN THE AMOUNT OF \$22,500.

Indexes:

Attachments: [LSC Sub-Recipient Funding Agreement with Exhibits -WESA May 2018](#)

This Resolution was adopted unanimously.

14. [18-0413R](#) RESOLUTION AUTHORIZING THE PROPER CITY OFFICIALS TO ENTER INTO A SUB-RECIPIENT FUNDING AGREEMENT WITH INDEPENDENT SCHOOL DISTRICT 709 ADULT BASIC EDUCATION FOR EMPLOYMENT AND TRAINING SERVICES FUNDED THROUGH THE STATE OF MINNESOTA'S WOMEN'S ECONOMIC SECURITY ACT, MINNESOTA WOMEN AND HIGH-WAGE, HIGH-DEMAND, NONTRADITIONAL JOBS GRANT PROGRAM IN THE AMOUNT OF \$6,579.

Indexes:

Attachments: [ISD 709 ABE Sub-Recipient Funding Agreement with Exhibits -WESA](#)

This Resolution was adopted unanimously.

15. [18-0421R](#) RESOLUTION GRANTING AN INTERIM USE PERMIT FOR A VACATION DWELLING UNIT AT 1615 EAST SUPERIOR STREET (ACW DULUTH, LLC).

Indexes:

Attachments: [Attachment 1](#)

This Resolution was adopted unanimously.

16. [18-0424R](#) RESOLUTION GRANTING AN INTERIM USE PERMIT FOR A VACATION DWELLING UNIT AT 728 LAKE AVENUE SOUTH (DOUGLAS AND KATHLEEN BAKER).

Indexes:

Attachments: [Attachment 1](#)

This Resolution was adopted unanimously.

17. [18-0425R](#) RESOLUTION GRANTING AN INTERIM USE PERMIT FOR A VACATION DWELLING UNIT AT 416 88TH AVENUE WEST (LAWRENCE TELEGA).

Indexes:

Attachments: [Attachment 1](#)

This Resolution was adopted unanimously.

18. [18-0426R](#) RESOLUTION APPROVING AGREEMENT FOR SERVICES WITH THE HOUSING AND REDEVELOPMENT AUTHORITY OF DULUTH (HRA) FOR THE COMMUNITY PLANNING DIVISION TO PROVIDE ENVIRONMENTAL REVIEW SERVICES FOR FEDERAL PROGRAMS.

Indexes:

Attachments: [Exhibit A](#)

This Resolution was adopted unanimously.

BY PRESIDENT HANSEN (COMMITTEE OF THE WHOLE)

BY PRESIDENT HANSEN (COMMITTEE OF THE WHOLE)

20. [18-0433R](#) RESOLUTION APPROVING AN AGREEMENT WITH THE ARROWHEAD BOWHUNTER'S ALLIANCE INC. FOR MANAGEMENT OF THE ANNUAL

DEER CONTROL HUNT AND AMENDING RESOLUTION 08-0317.

Indexes:Attachments: [Exhibit A](#)

This Resolution was adopted unanimously.

BY COUNCILOR HOBBS (PUBLIC WORKS & UTILITIES)

BY COUNCILOR HOBBS (PUBLIC WORKS & UTILITIES)

21. [18-0402R](#) RESOLUTION AUTHORIZING PROPER CITY OFFICIALS TO ACCEPT A GRANT FROM THE DULUTH LEGACY FUND IN THE AMOUNT OF \$850 TO PURCHASE AN AED DEFIBRILLATOR FOR THE PARK POINT BEACH HOUSE.

Indexes:Attachments: [Exhibit A](#)

This Resolution was adopted unanimously.

22. [18-0419R](#) RESOLUTION RESCINDING THE DESIGNATION AND ESTABLISHMENT AS A ONE-WAY STREET THAT PART OF THE SEGMENT OF WEST MICHIGAN STREET BETWEEN 18TH AVENUE WEST AND 21ST AVENUE WEST.

Indexes:Attachments: [18-0419R Map](#)

This Resolution was adopted unanimously.

23. [18-0422R](#) RESOLUTION AMENDING A CONTRACT WITH JMF CONSTRUCTION, INC. FOR THE 2018 CITYWIDE PATCH AND SIDEWALK PROJECT TO INCREASE THE AMOUNT BY \$95,008.10 FOR A NEW TOTAL OF \$386,499.

This Resolution was adopted unanimously.

24. [18-0423R](#) RESOLUTION AWARDED A CONTRACT TO NORTHLAND CONSTRUCTORS OF DULUTH, LLC FOR THE 2018 STREET PRESERVATION PROJECT IN THE AMOUNT OF \$1,119,152.62.

Indexes:Attachments: [18-0423R Map](#)

This Resolution was adopted unanimously.

25. [18-0427R](#) RESOLUTION AUTHORIZING A CONTRACT WITH STACK BROS. MECHANICAL CONTRACTORS, INC. FOR THE INSTALLATION OF PHASE 1 GROUP B BUILDING ENERGY TRANSFER STATIONS FOR AN AMOUNT NOT TO EXCEED \$218,000.

This Resolution was adopted unanimously.

Yea: 7 - Councilor Anderson, Councilor Fosle, President Hobbs, Councilor Sipress, Councilor Westerlund, Councilor Van Nett and Hansen

Absent: 1 - Councilor Russ

Abstain: 1 - Councilor Filipovich

26. [18-0429R](#) RESOLUTION AUTHORIZING AN AMENDMENT TO AGREEMENT L30023 WITH KARGES-FAULCONBRIDGE, INC., FOR MECHANICAL ENGINEERING SERVICES TO CONVERT BUILDINGS ON SUPERIOR STREET FROM A STEAM TO HOT WATER DISTRICT ENERGY SYSTEM FOR AN INCREASE OF \$90,010 AND A NEW TOTAL NOT TO EXCEED \$179,510.

Indexes:Attachments: [Exhibit A](#)

This Resolution was adopted unanimously.

27. [18-0431R](#) RESOLUTION AUTHORIZING AN AGREEMENT BETWEEN THE CITY OF DULUTH AND THE REGENTS OF THE UNIVERSITY OF MINNESOTA FOR PROFESSIONAL AND TECHNICAL SERVICES IN CONJUNCTION WITH THE DULUTH STREAMS PROJECT FOR AN AMOUNT NOT TO EXCEED \$64,810.69.

Indexes:Attachments: [Exhibit A](#)

This Resolution was adopted unanimously.

BY COUNCILOR VAN NETT (PUBLIC SAFETY)

BY COUNCILOR VAN NETT (PUBLIC SAFETY)

28. [18-0412R](#) RESOLUTION AUTHORIZING THE EXECUTION OF AN AGENCY AGREEMENT WITH LEADSONLINE, LLC, PROVIDING FOR THE UTILIZATION OF AN ELECTRONIC PAWN REPORTING SERVICE FOR THREE YEARS AT A FIXED ANNUAL SUBSCRIPTION FEE OF \$11,435.00.

Indexes:

Attachments: [18-0412R Doc A](#)

This Resolution was adopted unanimously.

29. [18-0420R](#) RESOLUTION AUTHORIZING ACCEPTANCE OF A GRANT FROM THE MINNESOTA DEPARTMENT OF LABOR AND INDUSTRY, OCCUPATIONAL SAFETY AND HEALTH CONSULTATION UNIT IN AN AMOUNT UP TO \$5,000 FOR THE PURPOSE OF PURCHASING SWIFT WATER DRY SUITS AND ESTABLISHING A DEDICATED ACCOUNT FOR THE GRANT.

Indexes:

Attachments: [Exhibit A](#)

This Resolution was adopted unanimously.

30. [18-0428R](#) RESOLUTION AUTHORIZING THE EXECUTION OF A SERVICE AGREEMENT WITH THE ARROWHEAD HEALTH ALLIANCE FOR THE DULUTH POLICE DEPARTMENT TO HIRE A COORDINATOR FOR THE HEAD OF THE LAKES COLLABORATIVE CRISIS INTERVENTION TEAM AND TO ACCEPT REMIBURSEMENT MONIES IN AN AMOUNT NOT TO EXCEED \$40,000.

Indexes:

Attachments: [18-0428 Doc A](#)
 [18-0428 Exhibit A](#)

This Resolution was adopted unanimously.

BY COUNCILOR WESTERLUND (RECREATION, LIBRARIES & AUTHORITIES)

BY COUNCILOR WESTERLUND (RECREATION, LIBRARIES & AUTHORITIES)

31. [18-0368R](#) RESOLUTION AUTHORIZING DISBURSEMENT OF GRANT FUNDS IN THE AMOUNT OF \$50,000 FROM THE PARKS FUND NEIGHBORHOOD GRANT PROGRAM.

Indexes:

Attachments: [Exhibit A grant agreement](#)

This Resolution was adopted unanimously.

Yea: 7 - Councilor Anderson, Councilor Fosle, President Hobbs, Councilor Sipress, Councilor Westerlund, Councilor Van Nett and Hansen

Absent: 1 - Councilor Russ

Abstain: 1 - Councilor Filipovich

32. [18-0415R](#) RESOLUTION AUTHORIZING AN AMENDMENT TO AGREEMENT C23154 WITH SHORT ELLIOT HENDRICKSON, INC., FOR ADDITIONAL PROFESSIONAL ENGINEERING AND WETLAND DELINEATION SERVICES FOR THE GRAND AVENUE NORDIC CENTER PROJECT FOR AN INCREASE OF \$16,500 AND A NEW TOTAL AMOUNT NOT TO EXCEED \$77,200.

Indexes:

Attachments: [exhibit B map](#)

[Exhibit A amendment](#)

This Resolution was adopted unanimously.

33. [18-0430R](#) RESOLUTION AUTHORIZING A FIVE-YEAR LICENSE AGREEMENT WITH THE STATE OF MINNESOTA FOR BIOCONTROL OF EMERALD ASH BORER AT LINCOLN PARK AND CENTRAL PARK.

Indexes:

Attachments: [Exhibit 1](#)

This Resolution was adopted unanimously.

END OF CONSENT AGENDA

END OF CONSENT AGENDA

The following entitled resolutions are also to be considered:

The following entitled resolutions are also to be considered:

BY COUNCILOR FILIPOVICH (FINANCE)

BY COUNCILOR FILIPOVICH (FINANCE)

8. [18-0411R](#) RESOLUTION REQUESTING THAT THE CITY ADMINISTRATION REPORT TO COUNCIL ON TWO PROPOSALS CONCERNING VACATION DWELLING UNITS.

Indexes:

Attachments: [Motion to Amend - Sipress - Passed 8-0](#)

Resolution 18-0411R removed from constant agenda.

This Resolution was adopted unanimously.

BY COUNCILOR RUSS (PLANNING & ECONOMIC DEVELOPMENT)

BY COUNCILOR RUSS (PLANNING & ECONOMIC DEVELOPMENT)

19. [18-0432R](#) RESOLUTION GRANTING A TAX ABATEMENT FOR THE CITYVIEW FLATS PROJECT, AUTHORIZING A TAX ABATEMENT AGREEMENT WITH ST. LOUIS COUNTY AND FURTHER AUTHORIZING A TAX ABATEMENT DEVELOPMENT AGREEMENT AND A SUBGRANT AGREEMENT WITH CITYVIEW FLATS, LLC.

Indexes:

Attachments: [18-0432R Exhibit A](#)

[18-0432R Exhibit B](#)

[18-0432R Exhibit C](#)

[18-0432R Exhibit D](#)

Resolution 18-0432R removed from constant agenda.

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

Yea: 7 - Councilor Anderson, Councilor Filipovich, President Hobbs, Councilor Sipress, Councilor Westerlund, Councilor Van Nett and Hansen

Nay: 1 - Councilor Fosle

Absent: 1 - Councilor Russ

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 FOSLE (PURCHASING & LICENSING)

BY COUNCILOR FOSLE (PURCHASING & LICENSING)

34. [18-027-O](#) ORDINANCE AMENDING DULUTH CITY CODE CHAPTER 6 BY ESTABLISHING MOBILE PET GROOMING SHOP LICENSES.

This Ordinance was read for the first time.

BY COUNCILOR HOBBS (PUBLIC WORKS & UTILITIES)

BY COUNCILOR HOBBS (PUBLIC WORKS & UTILITIES)

35. [18-024-O](#) AN ORDINANCE AUTHORIZING THE CONVEYANCE OF CERTAIN REAL PROPERTY IN THE ONEOTA NEIGHBORHOOD TO THE WESTERN LAKE SUPERIOR SANITARY DISTRICT FOR NOMINAL CONSIDERATION.

Indexes:

Attachments: [Exhibit A](#)

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)

36. [18-019-O](#) AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF DULUTH TO RECLASSIFY PROPERTY NEAR LOWER SPIRIT MOUNTAIN ON GRAND AVENUE, APPROXIMATELY BETWEEN NORTH 85TH AVENUE WEST AND SPRING STREET, FROM RURAL RESIDENTIAL (RR-1), RESIDENTIAL-TRADITIONAL (R-1), AND MIXED USE-NEIGHBORHOOD (MU-N), TO PARK AND OPEN SPACE (P-1) AND RURAL-RESIDENTIAL (RR-1).

Indexes:

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

This Ordinance was adopted unanimously.

37. [18-020-O](#) AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF DULUTH TO RECLASSIFY PROPERTY WEST OF THE INTERSECTIONS OF 93RD AVENUE WEST AND FALCON AND HILTON STREETS TO COMMONWEALTH AVENUE, FROM MIXED USE-BUSINESS (MU-B) TO RESIDENTIAL-URBAN (R-2).

Indexes:

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

This Ordinance was adopted unanimously.

38. [18-021-O](#) AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF DULUTH TO RECLASSIFY PROPERTY BETWEEN GRAND AVENUE, WADENA STREET, AND MIKE COLALILLO DRIVE FROM INDUSTRIAL-GENERAL (I-G), RESIDENTIAL-TRADITIONAL (R-1), AND RESIDENTIAL-PLANNED (R-P) TO MIXED USE-BUSINESS (MU-B) AND PARK AND OPEN SPACE (P-1).

Indexes:

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

This Ordinance was adopted unanimously.

39. [18-022-O](#) AN ORDINANCE AMENDING THE REGULATING PLAN FOR RAMSEY VILLAGE TO ALLOW A TYPE VII, EIGHT UNIT MULTI-FAMILY RESIDENTIAL STRUCTURE, NEAR THE SOUTHWEST CORNER OF THE WADENA STREET AND NORTH 53RD AVENUE WEST INTERSECTION.

Indexes:

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

This Ordinance was adopted unanimously.

40. [18-023-O](#) AN ORDINANCE AMENDING SECTIONS 50-18.1.D, SHORELANDS, TO ALLOW FOR ACCESS TO WATER VIA WALKWAYS, STAIRWAYS, STEPS AND LANDINGS.

Indexes:

Attachments: [Attachment 1](#)

This Ordinance was adopted unanimously.

BY PRESIDENT HANSEN (COMMITTEE OF THE WHOLE)

BY PRESIDENT HANSEN (COMMITTEE OF THE WHOLE)

41. [18-009-O](#) ORDINANCE ADDING A NEW CHAPTER 29E TO THE DULUTH CITY CODE ESTABLISHING MINIMUM STANDARDS FOR EARNED SICK AND SAFE TIME IN THE CITY OF DULUTH.

Indexes:

Attachments: [Motion To Amend - Sipress & Russ \(1\) - Removed](#)
[Motion To Amend - Sipress & Russ \(2\) - Passed 8-1](#)
[Motion To Amend - Filipovich - Removed](#)
[Motion To Amend - Westerlund \(1\) - Passed 5-4](#)
[Motion to Amend - Hobbs - Fail 3-6](#)
[Motion to Amend - Hansen.Hobbs - Passed 8-1](#)
[Motion to Amend - Filipovich \(2\) - Removed](#)
[Motion to Amend - Hobbs\(2\) - Failed 4-5](#)
[Motion to Amend - Sipress - Passed 8-0](#)
[Motion to Amend - Anderson.Van Nett - Passed 5-3](#)
[Motion to Amend - Sipress.Westerlund - Passed 7-1](#)
[Motion to Amend - Sipress.Westerlund \(2\) - Passed 8-0](#)
[Motion to Amend - Filipovich \(3\) - Passed 6-2](#)
[Motion to Amend - Hobbs\(3\) - Passed 8-0](#)
[Motion to Amend - Hobbs\(4\) - Passed 8-0](#)
[Motion to Amend - Sipress.Hansen - Removed](#)
[Motion to Amend - Anderson - Passed 5-4](#)
[Motion to Amend - Hansen - Passed 6-3](#)
[18-009-O Original](#)

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

Yea: 7 - Councilor Anderson, Councilor Filipovich, President Hobbs, Councilor Sipress, Councilor Westerlund, Councilor Van Nett and Hansen

Nay: 1 - Councilor Fosle

Absent: 1 - Councilor Russ

COUNCILOR QUESTIONS AND COMMENTS

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COUNCILOR PREVIEW OF UPCOMING BUSINESS

COUNCILOR PREVIEW OF UPCOMING BUSINESS

Meeting adjourned at 8:05 p.m.

Meeting adjourned at 8:05 p.m.