



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, April 8, 2019

7:00 PM

Council Chamber

ROLL CALL

- Present:** 8 - Councilor Gary Anderson, Councilor Zack Filipovich, Councilor Arik Forsman, Councilor Jay Fosle, Councilor Joel Sipress, Councilor Em Westerlund, Councilor Renee Van Nett and President Noah Hobbs
- Absent:** 1 - Councilor Barb Russ

PLEDGE OF ALLEGIANCE

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APPROVAL OF MINUTES

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1. [19-078](#) Meeting Minutes of the Duluth City Council

Indexes:

Attachments: [March 25, 2019](#)

These Minutes were approved.

PUBLIC HEARING

PUBLIC HEARING

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. [19-073](#) Civil Service Board Meeting Minutes

Indexes:

Attachments: [Civil Service Board 1-8-19](#)
[Civil Service Board 1-22-19](#)

This Board or Commission Report was received.

3. [19-074](#) Library Board Meeting Minutes

Indexes:

Attachments: [Library Board 2-26-19](#)

This Board or Commission Report was received.

4. [19-075](#) Charter Commission Meeting Minutes

Indexes:

Attachments: [2019-01-09, Charter Commission Minutes](#)

This Board or Commission Report was received.

5. [19-076](#) Duluth Public Utilities Commission Meeting Minutes

Indexes:

Attachments: [Duluth Public Utilities Commission 2-19-19](#)

This Board or Commission Report was received.

6. [19-077](#) Duluth Transit Authority Meeting Minutes

Indexes:

Attachments: [Duluth Transit Authority 1-30-19](#)

This Board or Commission Report was received.

REPORTS OF COUNCIL COMMITTEES

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REPORTS OF COUNCIL OPEN ISSUES

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OPPORTUNITY FOR CITIZENS TO BE HEARD

OPPORTUNITY FOR CITIZENS TO BE HEARD

CONSENT AGENDA

CONSENT AGENDA

BY COUNCILOR ANDERSON (FINANCE)

BY COUNCILOR ANDERSON (FINANCE)

7. [19-0215R](#) RESOLUTION AUTHORIZING A FIRST AMENDMENT TO THE PROFESSIONAL SERVICES AGREEMENT WITH HKM, P.A. INCREASING THE CONTRACT AMOUNT BY \$33,286 FOR A CONTRACT AMOUNT NOT TO EXCEED \$48,286.

Indexes:

Attachments: [Exhibit A.](#)

**This Resolution was adopted unanimously.
Absent: Councilor Russ.**

BY COUNCILOR FOSLE (PURCHASING & LICENSING)

BY COUNCILOR FOSLE (PURCHASING & LICENSING)

8. [19-0212R](#) RESOLUTION APPROVING THE TEMPORARY ON SALE INTOXICATING LIQUOR LICENSE AND TEMPORARY EXPANSION OF THE ON SALE INTOXICATING LIQUOR LICENSE TO VARIOUS LICENSEES.

Indexes:

Attachments: [Attachment A](#)
[Attachment B](#)
[Attachment C](#)
[Attachment D](#)
[Attachment E](#)
[Attachment F](#)
[Attachment G](#)

**This Resolution was adopted unanimously.
Absent: Councilor Russ.**

9. [19-0216R](#) RESOLUTION APPROVING ISSUANCE OF A ONE DAY CONSUMPTION AND DISPLAY LICENSE TO DULUTH SISTER CITIES INT'L.

Indexes:

Attachments: [SISTER CITIES](#)

**This Resolution was adopted unanimously.
Absent: Councilor Russ.**

10. [19-0218R](#) RESOLUTION APPROVING ISSUANCE OF AN ON SALE WINE LICENSE AND ISSUING AN ON SALE 3.2 PERCENT MALT LIQUOR LICENSE TO CRABBY 'OL BILLS, INC. 504 CANAL PARK DRIVE.

Indexes:

Attachments: [Crabby 'Ol Bills](#)

**This Resolution was adopted unanimously.
Absent: Councilor Russ.**

11. [19-0219R](#) RESOLUTION APPROVING ISSUANCE OF AN ON SALE 3.2 PERCENT MALT LIQUOR LICENSE TO CORKTOWN, LLC (TACO ARCADE) 1902 WEST SUPERIOR STREET.

This Resolution was adopted unanimously.
Absent: Councilor Russ.

12. [19-0220R](#) RESOLUTION APPROVING THE TRANSFER OF STOCK OF THE ON SALE INTOXICATING LIQUOR LICENSE AND ON SALE SUNDAY LICENSE OF HANABI JAPANESE CUISINE CO. (HANABI INC) 110 NORTH 1ST AVENUE WEST.

Indexes:

Attachments: [Hanabi](#)

This Resolution was adopted unanimously.
Absent: Councilor Russ.

13. [19-0222R](#) RESOLUTION APPROVING THE APPLICATION FOR AN ON SALE BREWERY (TAPROOM), AND SUNDAY (TAPROOM) LICENSE OF CAMP CIDER, LLC (WILD STATE CIDER), 2515 WEST SUPERIOR STREET.

Indexes:

Attachments: [Camp Cider Taproom](#)

This Resolution was adopted unanimously.
Absent: Councilor Russ.

14. [19-0223R](#) RESOLUTION APPROVING THE PERMANENT EXPANSION OF THE DESIGNATED SERVING AREA OF CAMP CIDER, LLC. (WILD STATE CIDER), 2515 WEST SUPERIOR STREET, 55806

Indexes:

Attachments: [Camp Cider Expansion](#)

This Resolution was adopted unanimously.
Absent: Councilor Russ.

15. [19-0228R](#) RESOLUTION APPROVING THE APPLICATION FOR AN ON SALE BREWERY (TAPROOM), AND SUNDAY (TAPROOM) LICENSE OF DULUTH CIDER, LLC (DULUTH CIDER), 2307 WEST SUPERIOR STREET.

Indexes:

Attachments: [Duluth Cider](#)

**This Resolution was adopted unanimously.
Absent: Councilor Russ.**

16. [19-0229R](#) RESOLUTION APPROVING THE PERMANENT EXPANSION OF THE DESIGNATED SERVING AREA OF DULUTH CIDER, LLC. (DULUTH CIDER), 2307 WEST SUPERIOR STREET, 55806

Indexes:

Attachments: [Duluth Cider Expansion](#)

**This Resolution was adopted unanimously.
Absent: Councilor Russ.**

BY COUNCILOR FORSMAN (PERSONNEL)

BY COUNCILOR FORSMAN (PERSONNEL)

17. [19-0205R](#) RESOLUTION CONFIRMING THE APPOINTMENT OF MALCOM DAVY TO THE DULUTH LEGACY ENDOWMENT FUND ADVISORY BOARD FILLING A CURRENT VACANCY.

**This Resolution was adopted unanimously.
Absent: Councilor Russ.**

18. [19-0207R](#) RESOLUTION CONFIRMING THE APPOINTMENT OF STEPHEN WELSH TO THE LIBRARY BOARD

**This Resolution was adopted unanimously.
Absent: Councilor Russ.**

19. [19-0208R](#) RESOLUTION CONFIRMING THE REAPPOINTMENT OF TODD FEDORA TO THE DULUTH AIRPORT AUTHORITY.

**This Resolution was adopted unanimously.
Absent: Councilor Russ.**

20. [19-0209R](#) RESOLUTION CONFIRMING THE APPOINTMENT OF DAVID DEMMER TO THE PARKS AND RECREATION COMMISSION AT-LARGE VACANCY AND THE APPOINTMENT OF JENNIFER PETERSON TO

THE RECREATION SPECIALIST VACANCY.

**This Resolution was adopted unanimously.
Absent: Councilor Russ.**

21. [19-0214R](#) RESOLUTION CONFIRMING THE APPOINTMENT OF DONALD P. MONACO TO THE DULUTH INTERNATIONAL AIRPORT JOINT ZONING BOARD FILLING A CURRENT VACANCY.

**This Resolution was adopted unanimously.
Absent: Councilor Russ.**

BY COUNCILOR RUSS (PLANNING & ECONOMIC DEVELOPMENT)

BY COUNCILOR RUSS (PLANNING & ECONOMIC DEVELOPMENT)

22. [19-0210R](#) RESOLUTION APPROVING DEDA RESOLUTION 19D-10 AUTHORIZING A GRANT/DEVELOPMENT AGREEMENT WITH MOLINE MACHINERY LLC FOR THE DEVELOPMENT OF A NEW MANUFACTURING FACILITY IN WEST DULUTH IN THE AMOUNT OF \$125,000.

Indexes:

Attachments: [Resolution 19D-10](#)
[Agreement with Moline Machinery, LLC](#)

**This Resolution was adopted unanimously.
Absent: Councilor Russ.**

23. [19-0224R](#) RESOLUTION APPROVING DEDA RESOLUTION 19D-11 AUTHORIZING AN AGREEMENT WITH THE JAMAR COMPANY FOR REPAIR OF THE MRO BUILDING ROOF IN THE AMOUNT OF \$109,457.04.

Indexes:

Attachments: [19D-11](#)
[Work Order Document](#)
[Roof Report](#)
[Map](#)

**This Resolution was adopted unanimously.
Absent: Councilor Russ.**

24. [19-0226R](#) RESOLUTION VACATING A 250 FOOT SECTION OF THE PLATTED RIGHT OF WAY OF JEFFERSON AVENUE BETWEEN FOURTH STREET AND ELINOR STREET, AND A 300 FOOT SECTION OF THE PLATTED ALLEY RUNNING BETWEEN MADISON AVENUE AND JEFFERSON AVENUE.

Indexes:

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

This Resolution was returned to Administration.

25. [19-0230R](#) RESOLUTION IN SUPPORT OF LEGISLATION BY THE MINNESOTA HOUSE OF REPRESENTATIVES AND THE MINNESOTA SENATE AMENDING STATUTES GOVERNING AIRPORTS AND AIRPORT ZONING.

Indexes:

Attachments: [Attachment A](#)
[Attachment B](#)
[Attachment C](#)

**This Resolution was adopted unanimously.
Absent: Councilor Russ.**

BY COUNCILOR FILIPOVICH (PUBLIC WORKS & UTILITIES)

BY COUNCILOR FILIPOVICH (PUBLIC WORKS & UTILITIES)

26. [19-0213R](#) RESOLUTION AUTHORIZING AN AGREEMENT WITH ALLIANT ENGINEERING FOR PROFESSIONAL ENGINEERING SERVICES TO PERFORM A TRAFFIC STUDY FOR THE 1ST STREET TWO WAY CONVERSION PROJECT IN THE AMOUNT OF \$84,344.

Indexes:

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

**This Resolution was adopted unanimously.
Absent: Councilor Russ.**

27. [19-0225R](#) RESOLUTION ORDERING THE IMPROVEMENT OF THE 2019 STREET PRESERVATION PROJECT.

Indexes:

- Attachments: [Decker Rd Project Map](#)
[Preliminary Assessment Roll](#)
[March 14 Public Hearing Minutes](#)
[March 26 Public Hearing Minutes](#)

**This Resolution was adopted unanimously.
Absent: Councilor Russ.**

28. [19-0227R](#) RESOLUTION AWARDING A CONTRACT TO PARSONS ELECTRIC, LLC FOR THE LIFT STATIONS 9 & 26 IMPROVEMENTS PROJECT IN THE AMOUNT OF \$329,662.

Indexes:

- Attachments: [19-0227R Map](#)

**This Resolution was adopted unanimously.
Absent: Councilor Russ.**

29. [19-0231R](#) RESOLUTION AUTHORIZING THE PURCHASE OF A REGULATOR STATION HEATER FROM OGI PROCESS EQUIPMENT FOR AN AMOUNT NOT TO EXCEED \$200,000.00

**This Resolution was adopted unanimously.
Absent: Councilor Russ.**

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 ANDERSON (FINANCE)

BY COUNCILOR ANDERSON (FINANCE)

30. [19-0245R](#) RESOLUTION AUTHORIZING AN AGREEMENT WITH INDEPENDENT

TELEVISION FESTIVAL, INC. IN THE AMOUNT OF \$50,000 FOR THE 2019 ITVFEST.

Indexes:

- Attachments:** [Exhibit A](#)
[ITVFest Info Packet](#)

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

- Yea:** 7 - Councilor Anderson, Councilor Filipovich, Councilor Forsman, Councilor Sipress, Councilor Westerlund, Councilor Van Nett and President Hobbs
- Nay:** 1 - Councilor Fosle
- Absent:** 1 - Councilor Russ

BY PRESIDENT HOBBS (COMMITTEE OF THE WHOLE)

BY PRESIDENT HOBBS (COMMITTEE OF THE WHOLE)

31. [19-0221R](#) RESOLUTION AMENDING RESOLUTION 18-0788, ADOPTING LICENSE, PERMIT, FINE, PENALTY AND OTHER CHARGES FOR 2019, BY ADDING ANNUAL LICENSE FEES FOR SHARED ACTIVE MOBILITY SYSTEMS.

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

- Yea:** 7 - Councilor Anderson, Councilor Filipovich, Councilor Forsman, Councilor Sipress, Councilor Westerlund, Councilor Van Nett and President Hobbs
- Nay:** 1 - Councilor Fosle
- Absent:** 1 - Councilor Russ

BY COUNCILOR FILIPOVICH (PUBLIC WORKS & UTILITIES)

BY COUNCILOR FILIPOVICH (PUBLIC WORKS & UTILITIES)

32. [19-0181R](#) RESOLUTION ADOPTING THE DULUTH-SUPERIOR METROPOLITAN INTERSTATE COUNCIL (DSMIC) BIKEWAYS PLAN.

Indexes:

- Attachments:** [19-0181R Bikeways Plan](#)

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

following vote:

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

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 RUSS (PLANNING & ECONOMIC DEVELOPMENT)

BY COUNCILOR RUSS (PLANNING & ECONOMIC DEVELOPMENT)

- 33. [19-014-O](#) AN ORDINANCE AUTHORIZING THE CONVEYANCE OF CERTAIN REAL PROPERTY IN THE DULUTH HEIGHTS NEIGHBORHOOD TO THE DULUTH ECONOMIC DEVELOPMENT AUTHORITY.

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)

- 34. [19-011-O](#) AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF DULUTH TO RECLASSIFY PROPERTY AT THE NORTHEAST CORNER OF TRINITY ROAD AND ANDERSON ROAD FROM MIXED USE-NEIGHBORHOOD (MU-N) TO MIXED USE-BUSINESS PARK (MU-B).

Indexes:

Attachments: [Attachment 1 Map](#)
[Attachment 2 PL 19-012 Staff Report](#)
[Attachment 3 Late Correspondence](#)

This Ordinance failed by the following vote:

Yea: 1 - Councilor Fosle

Nay: 7 - Councilor Anderson, Councilor Filipovich, Councilor Forsman, Councilor Sipress, Councilor Westerlund, Councilor Van Nett and President Hobbs

Absent: 1 - Councilor Russ

BY PRESIDENT HOBBS (COMMITTEE OF THE WHOLE)

BY PRESIDENT HOBBS (COMMITTEE OF THE WHOLE)

- 35. [19-012-O](#) ORDINANCE AMENDING CHAPTER 9 OF THE DULUTH CITY CODE BY DELETING IT IN ITS ENTIRETY AND SUBSTITUTING A NEW BICYCLES, ELECTRIC-ASSISTED BICYCLES AND MOTORIZED FOOT SCOOTERS CHAPTER.

Indexes:

Attachments: [Motion to Amend: Hobbs \(Passed 7-1-1\)](#)

Motion to Amend 19-012-O passes unanimously. Ordinance will stay on second read until 4/22/2019

- 36. [19-013-O](#) ORDINANCE ADDING CHAPTER 9A TO THE DULUTH CITY CODE REGULATING THE OPERATION OF SHARED ACTIVE MOBILITY SYSTEMS.

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

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

Nay: 1 - Councilor Fosle

Absent: 1 - Councilor Russ

COUNCILOR QUESTIONS AND COMMENTS

COUNCILOR QUESTIONS AND COMMENTS

COUNCILOR PREVIEW OF UPCOMING BUSINESS

COUNCILOR PREVIEW OF UPCOMING BUSINESS