



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, May 13, 2019

7:00 PM

Council Chamber

ROLL CALL

Present: 7 - Councilor Gary Anderson, Councilor Zack Filipovich, Councilor Arik Forsman, Councilor Barb Russ, Councilor Joel Sipress, Councilor Renee Van Nett and President Noah Hobbs

Absent: 2 - Councilor Jay Fosle and Councilor Em Westerlund

PLEDGE OF ALLEGIANCE

APPROVAL OF MINUTES

1. [19-102](#) Meeting Minutes of the Duluth City Council

Indexes:

Attachments: [April 22, 2019](#)

These Minutes were approved.

PUBLIC HEARING:

19-0255R: RESOLUTION CONFIRMING ASSESSMENT ROLL LEVIED TO DEFRAY THE ASSESSABLE PORTION OF THE CITY'S STREET PRESERVATION PROJECTS FOR 2018

REPORTS FROM THE ADMINISTRATION

REPORTS FROM OTHER OFFICERS

2. [19-112](#) Office of the State Auditor Reports

Indexes:

Attachments: [Office of the State Auditor, Duluth Transit Authority Audit Report](#)
[Office of the State Auditor, Spirit Mountain Recreation Area Authority Audit Report](#)

This Other Officers Report was received.

3. [19-113](#) Imagine Duluth 2035 Annual Report

Indexes:

Attachments: [Memo to Council - Year 1 Reporting and Implementation](#)
[2018 Identified Indicators Report](#)
[2018 Implementation Actions Matrix](#)

This Other Officers Report was received.

REPORTS OF BOARDS AND COMMISSIONS

4. [19-097](#) Application for Exempt Permit

Indexes:

Attachments: [Application for Exempt Permit Rotary Club](#)
[Raffle application 2019 Scholastica](#)

This Board or Commission Report was received.

5. [19-098](#) Library Board Meeting Minutes

Indexes:

Attachments: [2019-03-26, Library Board Minutes](#)

This Board or Commission Report was received.

6. [19-099](#) Duluth Public Utilities Commission Meeting Minutes

Indexes:

Attachments: [2019-03-19, Duluth Public Utilities Commission Minutes](#)

This Board or Commission Report was recommended for approval.

7. [19-100](#) Duluth Transit Authority Meeting Minutes

Indexes:

Attachments: [2019-02-27, Duluth Transit Authority Minutes](#)

This Board or Commission Report was received.

8. [19-101](#) Parking Commission: April & May Resolutions

Indexes:

Attachments: [2019, April Parking Commission Resolutions](#)

[2019, May Parking Commission Resolutions](#)

This Board or Commission Report was received.

REPORTS OF COUNCIL COMMITTEES

REPORTS OF COUNCIL OPEN ISSUES

OPPORTUNITY FOR CITIZENS TO BE HEARD

CONSENT AGENDA

BY PRESIDENT HOBBS (COMMITTEE OF THE WHOLE)

9. [19-0343R](#) RESOLUTION SUPPORTING A NOMINATION FOR THE 2019 LEAGUE OF MINNESOTA CITIES JAMES F. MILLER LEADERSHIP AWARD

This Resolution was adopted unanimously.

Absent: Councilors Fosle and Westerlund

BY COUNCILOR VAN NETT (PUBLIC SAFETY)

68. [19-0303R](#) RESOLUTION REAFFIRMING DULUTH'S COMMITMENT TO THE VALUES OF INCLUSION, EQUITY AND JUSTICE IN OUR COMMUNITY AND CHARTING A PATH FORWARD TOWARD GREATER COMMUNITY UNDERSTANDING.

This Resolution was adopted unanimously.

Absent: Councilors Fosle and Westerlund

BY COUNCILOR FORSMAN (PERSONNEL)

61. [19-0358R](#) RESOLUTION OF SUPPORT FOR RECOMMENDED CHANGES TO OWNERSHIP AND USE OF PUBLIC GREEN SPACE IN THE LESTER PARK AND ENGER PARK AREAS.

Indexes:Attachments: [Exhibit A](#)

This Resolution was adopted unanimously.

Absent: Councilors Fosle and Westerlund

BY COUNCILOR RUSS (PLANNING & ECONOMIC DEVELOPMENT)

62. [19-0304R](#) 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 tabled.

63. [19-0305R](#) RESOLUTION AMENDING THE COMPREHENSIVE LAND USE PLAN - FUTURE LAND USE MAP FOR AREAS WITHIN ENGER PARK AND LESTER PARK GOLF COURSES. (REPLACEMENT)

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

This Resolution was adopted unanimously.

Absent: Councilors Fosle and Westerlund

64. [19-0306R](#) RESOLUTION AFFIRMING THE PLANNING COMMISSION'S DECISION TO APPROVE THE APPLICATION OF GREGG ANDERSON FOR A MINOR SUBDIVISION OF HIS PROPERTY LEGALLY DESCRIBED AS TRACT A, REGISTERED LAND SURVEY NO. 93, ST. LOUIS COUNTY.

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

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

Yea: 6 - Councilor Anderson, Councilor Forsman, Councilor Russ, Councilor Sipress, Councilor Van Nett and President Hobbs

Absent: 2 - Councilor Fosle and Councilor Westerlund

Abstain: 1 - Councilor Filipovich

65. [19-0313R](#) RESOLUTION REVERSING THE PLANNING COMMISSION'S DECISION TO APPROVE THE APPLICATION OF GREGG ANDERSON FOR A MINOR SUBDIVISION OF HIS PROPERTY LEGALLY DESCRIBED AS TRACT A OF REGISTERED LAND SURVEY NO. 93, ST. LOUIS COUNTY, MINNESOTA.

Indexes:

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

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

- Nay:** 6 - Councilor Anderson, Councilor Forsman, Councilor Russ, Councilor Sipress, Councilor Van Nett and President Hobbs
- Absent:** 2 - Councilor Fosle and Councilor Westerlund
- Abstain:** 1 - Councilor Filipovich

66. [19-0314R](#) RESOLUTION AFFIRMING THE PLANNING COMMISSION'S DECISION TO APPROVE THE APPLICATION OF GREGG ANDERSON FOR A MINOR SUBDIVISION OF HIS PROPERTY LEGALLY DESCRIBED AS TRACT C OF REGISTERED LAND SURVEY NO. 93, ST. LOUIS COUNTY.

Indexes:

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

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

- Yea:** 6 - Councilor Anderson, Councilor Forsman, Councilor Russ, Councilor Sipress, Councilor Van Nett and President Hobbs
- Absent:** 2 - Councilor Fosle and Councilor Westerlund
- Abstain:** 1 - Councilor Filipovich

67. [19-0315R](#) RESOLUTION REVERSING THE PLANNING COMMISSION'S DECISION TO APPROVE THE APPLICATION OF GREGG ANDERSON FOR A MINOR SUBDIVISION OF THE PROPERTY LEGALLY DESCRIBED AS TRACT C OF REGISTERED LAND SURVEY NO. 93, ST. LOUIS COUNTY.

Indexes:

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

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

Nay: 6 - Councilor Anderson, Councilor Forsman, Councilor Russ, Councilor Sipress, Councilor Van Nett and President Hobbs

Absent: 2 - Councilor Fosle and Councilor Westerlund

Abstain: 1 - Councilor Filipovich

BY COUNCILOR ANDERSON (FINANCE)

10. [19-0255R](#) RESOLUTION CONFIRMING ASSESSMENT ROLL LEVIED TO DEFRAY THE ASSESSABLE PORTION OF THE CITY'S STREET PRESERVATION PROJECTS FOR 2018.

Indexes:

Attachments: [Exhibit A](#)

This Resolution was adopted unanimously.

Absent: Councilors Fosle and Westerlund

11. [19-0269R](#) RESOLUTION AUTHORIZING APPLICATION FOR AND ACCEPTANCE OF A GENERAL BOND OBLIGATION GRANT FOR THE RENOVATION AND REHABILITATION OF THE LAKE SUPERIOR ZOO IN THE AMOUNT OF \$1,900,000.

Indexes:

Attachments: [Application](#)

This Resolution was adopted unanimously.

Absent: Councilors Fosle and Westerlund

12. [19-0330R](#) RESOLUTION AUTHORIZING FIRST AMENDMENT TO AGREEMENT NO. 22879 WITH THE ARROWHEAD ZOOLOGICAL SOCIETY, INC. FOR OPERATION OF THE ZOO.

Indexes:

Attachments: [Exhibit A](#)

This Resolution was adopted unanimously.

Absent: Councilors Fosle and Westerlund

BY COUNCILOR FOSLE (PURCHASING & LICENSING)

13. [19-0266R](#) RESOLUTION APPROVING THE EXEMPTION OF A RAFFLE PERMIT AND WAIVING THE 60 DAY WAITING PERIOD FOR LAKE SUPERIOR ZOO

This Resolution was adopted unanimously.

Absent: Councilors Fosle and Westerlund

14. [19-0282R](#) RESOLUTION APPROVING ISSUANCE OF A TEMPORARY ON SALE INTOXICATING LIQUOR LICENSE TO DULUTH AIRSHOW WINGS FOUNDATION, (DULUTH AIR SHOW) 2110 WEST FIRST STREET.

Indexes:

Attachments: [DULUTH AIR SHOW](#)

This Resolution was adopted unanimously.

Absent: Councilors Fosle and Westerlund

15. [19-0283R](#) RESOLUTION APPROVING ISSUANCE OF A TEMPORARY ON SALE 3.2 PERCENT MALT LIQUOR LICENSE TO THE DULUTH AIR SHOW WINGS FOUNDATION (KIA DRAG RACES AND CAR SHOW), 435 GARFIELD AVENUE.

Indexes:

Attachments: [KIA DRAGS](#)

This Resolution was adopted unanimously.

Absent: Councilors Fosle and Westerlund

16. [19-0284R](#) RESOLUTION APPROVING ISSUANCE OF A TEMPORARY ON SALE INTOXICATING LIQUOR LICENSE AND ONE DAY DANCE LICENSE TO THE DULUTH AIR SHOW WINGS FOUNDATION (OKTOBERFEST AT BAYFRONT), 350 HARBOR DRIVE.

Indexes:

Attachments: [DULUTH OKTOBERFEST AT BAYFRONT](#)

This Resolution was adopted unanimously.

Absent: Councilors Fosle and Westerlund

17. [19-0285R](#) RESOLUTION APPROVING ISSUANCE OF A TEMPORARY ON SALE INTOXICATING LIQUOR LICENSE TO MINNESOTA CRAFT BREWERS GUILD, (ALL PINTS NORTH) BAYFRONT PARK.

Indexes:

Attachments: [Attachment A](#)

This Resolution was adopted unanimously.

Absent: Councilors Fosle and Westerlund

18. [19-0286R](#) RESOLUTION APPROVING THE TEMPORARY EXPANSION OF THE DESIGNATED SERVING AREA OF THE ON SALE INTOXICATING LIQUOR LICENSE OF PDL OF DULUTH, INC (CLUB SARATOGA) 331 CANAL PARK DRIVE

Indexes:

Attachments: [PDL](#)

This Resolution was adopted unanimously.
Absent: Councilors Fosle and Westerlund

19. [19-0288R](#) RESOLUTION APPROVING ISSUANCE OF AN ON SALE 3.2 PERCENT MALT LIQUOR LICENSE AND ON-SALE WINE LICENSE TO ERIC & LYNN GOERDT (NORTHERN WATERS SMOKEHAUS) 394 SOUTH LAKE AVENUE, STE 106.

Indexes:

Attachments: [On Sale Beer Northern Waters](#)
[On Sale Wine Northern Waters](#)

This Resolution was adopted unanimously.
Absent: Councilors Fosle and Westerlund

20. [19-0291R](#) RESOLUTION APPROVING THE TEMPORARY EXPANSION OF THE DESIGNATED SERVING AREA OF THEIR ON SALE INTOXICATING LIQUOR LICENSE TO GRANDMA'S ANGIE'S INC. (LITTLE ANGIE'S CANTINA) FOR JUNE 22, 2019 and AUGUST 11-13, 2019.

Indexes:

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

This Resolution was adopted unanimously.
Absent: Councilors Fosle and Westerlund

BY COUNCILOR FORSMAN (PERSONNEL)

21. [19-0267R](#) RESOLUTION CONFIRMING THE APPOINTMENT OF REBECCA ST. GEORGE TO THE DULUTH CITIZEN REVIEW BOARD FILLING A CURRENT VACANCY.

This Resolution was adopted unanimously.
Absent: Councilors Fosle and Westerlund

22. [19-0300R](#) RESOLUTION CONFIRMING THE REAPPOINTMENT OF CRAIG FELLMAN TO THE DULUTH AIRPORT AUTHORITY.

This Resolution was adopted unanimously.
Absent: Councilors Fosle and Westerlund

23. [19-0318R](#) RESOLUTION AMENDING RESOLUTION 19-0209R CONFIRMING THE APPOINTMENT OF DAVID DEMMER TO THE PARKS AND RECREATION COMMISSION LAND MANAGEMENT VACANCY AND

THE APPOINTMENT OF JENNIFER PETERSON TO THE AT-LARGE VACANCY.

**This Resolution was adopted unanimously.
Absent: Councilors Fosle and Westerlund**

24. [19-0320R](#) RESOLUTION CONFIRMING THE APPOINTMENT OF MARGIE NELSON TO THE DULUTH INTERNATIONAL AIRPORT JOINT ZONING BOARD.

**This Resolution was adopted unanimously.
Absent: Councilors Fosle and Westerlund**

25. [19-0345R](#) RESOLUTION APPROVING PROPOSED AMENDMENTS TO THE SPECIFICATIONS FOR THE EXISTING CIVIL SERVICE CLASSIFICATION OF POLICE RECORDS TECHNICIAN II.

Indexes:

Attachments: [Exhibit A](#)
 [Police Records Technician II \(strikeout\)](#)

**This Resolution was adopted unanimously.
Absent: Councilors Fosle and Westerlund**

26. [19-0346R](#) RESOLUTION APPROVING PROPOSED AMENDMENTS TO THE SPECIFICATIONS FOR THE EXISTING CIVIL SERVICE CLASSIFICATION OF CONSTRUCTION INSPECTION LEADWORKER, INCLUDING A TITLE CHANGE TO CHIEF BUILDING INSPECTOR, AND SPECIFYING CONTRACT BENEFITS FOR SAME.

Indexes:

Attachments: [Exhibit A](#)
 [Construction Inspection Leadworker \(strikeout\)](#)

**This Resolution was adopted unanimously.
Absent: Councilors Fosle and Westerlund**

27. [19-0347R](#) RESOLUTION APPROVING PROPOSED AMENDMENTS TO THE SPECIFICATIONS FOR THE EXISTING CIVIL SERVICE CLASSIFICATION OF BUSINESS DEVELOPER, INCLUDING A TITLE CHANGE TO ECONOMIC DEVELOPER, AND SPECIFYING CONTRACT BENEFITS FOR SAME.

Indexes:

Attachments: [Exhibit A](#)
 [Business Developer \(strikeout\).pdf](#)

This Resolution was adopted unanimously.

Absent: Councilors Fosle and Westerlund

28. [19-0348R](#) RESOLUTION APPROVING PROPOSED AMENDMENTS TO THE SPECIFICATIONS FOR THE EXISTING CIVIL SERVICE CLASSIFICATION OF SENIOR BUSINESS DEVELOPER, INCLUDING A TITLE CHANGE TO SENIOR ECONOMIC DEVELOPER, AND SPECIFYING CONTRACT BENEFITS FOR SAME.

Indexes:

Attachments: [Exhibit A](#)

[Senior Business Developer \(strikeout\).pdf](#)

This Resolution was adopted unanimously.

Absent: Councilors Fosle and Westerlund

29. [19-0349R](#) RESOLUTION APPROVING PROPOSED AMENDMENTS TO THE SPECIFICATIONS FOR THE EXISTING CIVIL SERVICE CLASSIFICATION OF SENIOR PLANNER.

Indexes:

Attachments: [Exhibit A](#)

[Senior Planner \(strikeout\).pdf](#)

This Resolution was adopted unanimously.

Absent: Councilors Fosle and Westerlund

30. [19-0350R](#) RESOLUTION APPROVING PROPOSED SPECIFICATIONS FOR THE NEW CIVIL SERVICE CLASSIFICATION OF SENIOR HOUSING DEVELOPER, AND SPECIFYING CONTRACT BENEFITS FOR SAME.

Indexes:

Attachments: [Exhibit A](#)

[Senior Housing Developer \(strikeout\).pdf](#)

This Resolution was adopted unanimously.

Absent: Councilors Fosle and Westerlund

BY COUNCILOR RUSS (PLANNING & ECONOMIC DEVELOPMENT)

31. [19-0264R](#) RESOLUTION AUTHORIZING A GROUND LEVEL LEASE AGREEMENT AND A SECOND LEVEL LEASE AGREEMENT IN THE MEDICAL DISTRICT PARKING RAMP WITH THE LAKEVIEW AT 333 SUPERIOR PARKING, LLC RELATED TO THE VOYAGEUR MULTI-FAMILY RESIDENTIAL AND MIXED USE DEVELOPMENT.

Indexes:

Attachments: [Exhibit 1](#)

[Exhibit 2](#)

**This Resolution was adopted unanimously.
Absent: Councilors Fosle and Westerlund**

32. [19-0292R](#) RESOLUTION APPROVING DEDA RESOLUTION 19D-13 AUTHORIZING AN AGREEMENT WITH THE JAMAR COMPANY FOR THE MRO FACILITY EAST WALL REPAIR - PHASE II IN THE AMOUNT OF \$229,695.00.

**This Resolution was adopted unanimously.
Absent: Councilors Fosle and Westerlund**

33. [19-0316R](#) RESOLUTION OF INTENT TO SUPPORT THE REQUEST BY BLUE LIMIT LLC TO THE STATE OF MINNESOTA FOR THE AWARD OF FOUR PERCENT LOW-INCOME HOUSING TAX CREDITS FOR THE REDEVELOPMENT OF THE HISTORIC SAINT LOUIS COUNTY JAIL INTO 31 HOUSING UNITS KNOWN AS THE BURNHAM.

**This Resolution was adopted unanimously.
Absent: Councilors Fosle and Westerlund**

34. [19-0331R](#) RESOLUTION AUTHORIZING THE CITY TO ENTER INTO A JOINT POWERS AGREEMENT WITH THE MINNESOTA HOUSING FINANCE AGENCY (MINNESOTA HOUSING) RELATED TO THE LOW INCOME HOUSING TAX CREDIT PROGRAM FOR THE YEAR 2020.

Indexes:

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

**This Resolution was adopted unanimously.
Absent: Councilors Fosle and Westerlund**

35. [19-0332R](#) RESOLUTION OF INTENT TO SUPPORT THE REQUEST BY ACCESSIBLE SPACE, INC. TO THE STATE OF MINNESOTA FOR THE AWARD OF LOW-INCOME HOUSING TAX CREDITS FOR THE 76-UNIT VAN'S APARTMENT HOUSING DEVELOPMENT.

**This Resolution was adopted unanimously.
Absent: Councilors Fosle and Westerlund**

36. [19-0333R](#) RESOLUTION OF INTENT TO SUPPORT THE REQUEST BY CENTER CITY HOUSING CORPORATION TO THE STATE OF MINNESOTA FOR LOW INCOME HOUSING TAX CREDITS FOR THE CONSTRUCTION OF THE 30-UNIT BIRCHWOOD APARTMENT BUILDING.

This Resolution was adopted unanimously.

Absent: Councilors Fosle and Westerlund

37. [19-0334R](#) RESOLUTION APPROVING A PRE-COMMITMENT OF \$200,000 FISCAL YEAR 2020 FUNDING ALLOCATION TO THE CITY OF DULUTH FROM THE HOUSING AND URBAN DEVELOPMENT (HUD) DEPARTMENT TO CENTER CITY HOUSING CORPORATION FOR THE CONSTRUCTION OF THE BIRCHWOOD APARTMENTS AND SUPPORTING ITS CONSTRUCTION.

This Resolution was adopted unanimously.

Absent: Councilors Fosle and Westerlund

38. [19-0336R](#) RESOLUTION OF INTENT TO SUPPORT THE REQUEST BY THREE RIVERS COMMUNITY ACTION AND ONE ROOF COMMUNITY HOUSING TO THE STATE OF MINNESOTA FOR LOW-INCOME HOUSING TAX CREDITS FOR THE 35-UNIT BREWERY CREEK HOUSING DEVELOPMENT.

This Resolution was adopted unanimously.

Absent: Councilors Fosle and Westerlund

39. [19-0337R](#) RESOLUTION OF INTENT TO SUPPORT THE REQUEST BY ONE ROOF COMMUNITY HOUSING TO THE STATE OF MINNESOTA FOR THE AWARD OF LOW-INCOME HOUSING TAX CREDITS FOR THE 42-UNIT DECKER DWELLINGS HOUSING DEVELOPMENT.

This Resolution was adopted unanimously.

Absent: Councilors Fosle and Westerlund

40. [19-0338R](#) RESOLUTION APPROVING A PRE-COMMITMENT OF \$275,000 FISCAL YEAR 2020 FUNDING ALLOCATION TO THE CITY OF DULUTH FROM THE HOUSING AND URBAN DEVELOPMENT (HUD) DEPARTMENT TO ONE ROOF COMMUNITY HOUSING FOR THE CONSTRUCTION OF THE DECKER DWELLINGS APARTMENTS AND SUPPORTING ITS CONSTRUCTION.

This Resolution was adopted unanimously.

Absent: Councilors Fosle and Westerlund

BY COUNCILOR FILIPOVICH (PUBLIC WORKS & UTILITIES)

41. [19-0265R](#) RESOLUTION AWARDDING A CONTRACT TO HANCO UTILITIES, INC.

FOR CONSTRUCTION OF THE 2019 HIGH PRESSURE GAS MAINS AND SERVICES AT VARIOUS LOCATIONS IN THE AMOUNT OF \$1,194,310.

This Resolution was adopted unanimously.
Absent: Councilors Fosle and Westerlund

42. [19-0270R](#) RESOLUTION ACCEPTING A PERMANENT EASEMENT FOR ROAD AND UTILITY PURPOSES FROM BRETMIN CORPORATION OVER, UNDER, AND ACROSS PROPERTY LOCATED IN THE AREA NEAR SOUTH 27TH AVENUE WEST AND WEST MICHIGAN STREET, AT NO COST TO THE CITY.

Indexes:

Attachments: [Attachment 1](#)

This Resolution was adopted unanimously.
Absent: Councilors Fosle and Westerlund

43. [19-0271R](#) RESOLUTION ACCEPTING A TEMPORARY EASEMENT FOR CONSTRUCTION PURPOSES FROM BRETMIN CORPORATION OVER PROPERTY LOCATED IN THE AREA NEAR SOUTH 27TH AVENUE WEST AND WEST MICHIGAN STREET, AT NO COST TO THE CITY.

Indexes:

Attachments: [Attachment 1](#)

This Resolution was adopted unanimously.
Absent: Councilors Fosle and Westerlund

44. [19-0272R](#) RESOLUTION ACCEPTING A PERMANENT EASEMENT FOR ROAD AND UTILITY PURPOSES FROM L.J. WALSH COMPANY OVER, UNDER, AND ACROSS PROPERTY LOCATED IN THE AREA NEAR SOUTH 27TH AVENUE WEST AND WEST MICHIGAN STREET, AT NO COST TO THE CITY.

Indexes:

Attachments: [Attachment 1](#)

This Resolution was adopted unanimously.
Absent: Councilors Fosle and Westerlund

45. [19-0273R](#) RESOLUTION ACCEPTING A TEMPORARY EASEMENT FOR CONSTRUCTION PURPOSES FROM L.J. WALSH COMPANY OVER PROPERTY LOCATED IN THE AREA NEAR SOUTH 27TH AVENUE WEST AND WEST MICHIGAN STREET, AT NO COST TO THE CITY.

Indexes:

Attachments: [Attachment 1](#)

**This Resolution was adopted unanimously.
Absent: Councilors Fosle and Westerlund**

46. [19-0274R](#) RESOLUTION ACCEPTING A PERMANENT EASEMENT FOR ROAD AND UTILITY PURPOSES FROM JANHAN LLC OVER, UNDER, AND ACROSS PROPERTY LOCATED IN THE AREA NEAR SOUTH 27TH AVENUE WEST AND WEST MICHIGAN STREET, AT NO COST TO THE CITY.

Indexes:

Attachments: [Attachment 1](#)

**This Resolution was adopted unanimously.
Absent: Councilors Fosle and Westerlund**

47. [19-0275R](#) RESOLUTION ACCEPTING A TEMPORARY EASEMENT FOR CONSTRUCTION PURPOSES FROM JANHAN LLC OVER PROPERTY LOCATED IN THE AREA NEAR SOUTH 27TH AVENUE WEST AND WEST MICHIGAN STREET, AT NO COST TO THE CITY.

Indexes:

Attachments: [Attachment 1](#)

**This Resolution was adopted unanimously.
Absent: Councilors Fosle and Westerlund**

48. [19-0276R](#) RESOLUTION ACCEPTING PERMANENT EASEMENTS FOR STREET, STORMWATER, AND DRAINAGE PURPOSES FROM THE STATE OF MINNESOTA OVER, UNDER, AND ACROSS TAX-FORFEITED PROPERTY LOCATED IN THE AREA OF THE INTERSECTION OF TRIGGS AVENUE AND TOLEDO STREET FOR \$150.

Indexes:

Attachments: [Attachment 1](#)

**This Resolution was adopted unanimously.
Absent: Councilors Fosle and Westerlund**

49. [19-0277R](#) RESOLUTION ACCEPTING PERMANENT EASEMENT FOR STREET, STORMWATER, AND DRAINAGE PURPOSES FROM THE STATE OF MINNESOTA OVER, UNDER, AND ACROSS TAX-FORFEITED PROPERTY LOCATED IN THE AREA OF THE INTERSECTION OF 88TH AVENUE WEST AND 89TH AVENUE WEST FOR \$150.

Indexes:

Attachments: [Attachment 1](#)

This Resolution was adopted unanimously.
Absent: Councilors Fosle and Westerlund

50. [19-0279R](#) RESOLUTION AUTHORIZING AN AMENDMENT TO AN AGREEMENT WITH LHB, INC. FOR PROFESSIONAL ENGINEERING SERVICES FOR THE EAST NINTH STREET/EAST EIGHTH STREET RECONDITIONING PROJECT FOR AN INCREASE OF \$13,650 AND A NEW TOTAL CONTRACT NOT TO EXCEED \$280,598.

This Resolution was adopted unanimously.
Absent: Councilors Fosle and Westerlund

51. [19-0280R](#) RESOLUTION CONCURRING WITH COUNTY AWARD OF THE LESTER RIVER BRIDGE RECONSTRUCTION PROJECT.

Indexes:

Attachments: [19-0280R Map](#)

This Resolution was adopted unanimously.
Absent: Councilors Fosle and Westerlund

52. [19-0296R](#) RESOLUTION AUTHORIZING PROPER CITY OFFICIALS TO ACCEPT A FIFTY-PERCENT REIMBURSEMENT SAFETY GRANT IN THE AMOUNT OF \$10,000 FROM THE STATE OF MINNESOTA DEPARTMENT OF LABOR AND INDUSTRY OCCUPATIONAL SAFETY AND HEALTH CONSULTATION UNIT FOR THE STREET MAINTENANCE DIVISION.

Indexes:

Attachments: [Exhibit A](#)

This Resolution was adopted unanimously.
Absent: Councilors Fosle and Westerlund

53. [19-0317R](#) RESOLUTION AUTHORIZING AN AGREEMENT WITH SEH, INC. FOR PROFESSIONAL ENGINEERING SERVICES FOR THE CROSS CITY TRAIL PHASE 2 IN THE AMOUNT OF \$144,100.

Indexes:

Attachments: [19-0314R Map](#)
 [19-0317R Exhibit A](#)

This Resolution was adopted unanimously.
Absent: Councilors Fosle and Westerlund

54. [19-0321R](#) RESOLUTION AUTHORIZING TERMINATION AGREEMENT WITH LAKESHORE INC. TO ALLOW THE REMOVAL OF AN OLD ASSESMENT AGREEMENT FROM THE TITLE TO ECUMEN PROPERTY.

Indexes:Attachments: [Exhibit A](#)

This Resolution was adopted unanimously.

Absent: Councilors Fosle and Westerlund

BY COUNCILOR WESTERLUND (RECREATION, LIBRARIES & AUTHORITIES)

55. [19-0278R](#) RESOLUTION AUTHORIZING A CONTRACT WITH JAMAR COMPANY FOR HVAC RENOVATION AT CITY CENTER WEST FOR AN AMOUNT NOT TO EXCEED \$474,610.00.

This Resolution was adopted unanimously.

Absent: Councilors Fosle and Westerlund

56. [19-0295R](#) RESOLUTION AUTHORIZING AN AGREEMENT WITH CYCLISTS OF THE GITCHEE GUMEE SHORES FOR CONSTRUCTION OF DULUTH TRAVERSE TRAIL INFRASTRUCTURE IN 2019 AND 2020.

Indexes:Attachments: [Exhibit A Agreement](#)

This Resolution was adopted unanimously.

Absent: Councilors Fosle and Westerlund

57. [19-0297R](#) RESOLUTION AUTHORIZING A LICENSE AGREEMENT WITH PARK POINT COMMUNITY CLUB TO HOST THE PARK POINT ART FAIR.

Indexes:Attachments: [Exhibit 1.pdf](#)

This Resolution was adopted unanimously.

Absent: Councilors Fosle and Westerlund

58. [19-0298R](#) RESOLUTION AUTHORIZING A LICENSE AGREEMENT BETWEEN THE CITY OF DULUTH AND THE LAKE SUPERIOR AND MISSISSIPPI RAILROAD.

Indexes:Attachments: [Exhibit 1.pdf](#)

This Resolution was adopted unanimously.

Absent: Councilors Fosle and Westerlund

59. [19-0301R](#) RESOLUTION AUTHORIZING A TEN-YEAR LIMITED USE PERMIT AGREEMENT WITH THE STATE OF MINNESOTA, DEPARTMENT OF TRANSPORTATION, FOR THE CONSTRUCTION, MAINTENANCE, AND OPERATION OF PHASE II OF THE CROSS CITY TRAIL WITHIN AN

AREA OF THE RIGHT OF WAY OF TRUNK HIGHWAY 35, AT NO COST TO THE CITY.

Indexes:

Attachments: [Exhibit A all pages.pdf](#)

This Resolution was adopted unanimously.

Absent: Councilors Fosle and Westerlund

60. [19-0302R](#) RESOLUTION ACCEPTING PERMANENT EASEMENT FOR RECREATIONAL TRAIL PURPOSES FROM MOLINE MACHINERY LTD LIMITED PARTNERSHIP OVER PROPERTY NEAR RALEIGH STREET AND FIFTY-FIFTH AVENUE WEST.

Indexes:

Attachments: [Exhibit 1.pdf](#)

This Resolution was adopted unanimously.

Absent: Councilors Fosle and Westerlund

END OF CONSENT AGENDA

The following entitled resolutions are also to be considered:

The following entitled ordinances are to be read for the first time:

BY COUNCILOR FORSMAN (PERSONNEL)

69. [19-020-O](#) ORDINANCE AMENDING SECTION 33-76 OF THE DULUTH CITY CODE, 1959, AS AMENDED, REGARDING THE DULUTH PARKING COMMISSION.

This Ordinance was read for the first time.

BY COUNCILOR WESTERLUND (RECREATION, LIBRARIES & AUTHORITIES)

70. [19-018-O](#) AN ORDINANCE DEDICATING A PERPETUAL TWENTY-FOOT CORRIDOR ACROSS CITY-OWNED PROPERTY FOR THE CROSS CITY TRAIL PEDESTRIAN AND BIKE PATH.

Indexes:

Attachments: [Exhibit A-final](#)

[Exhibit B-Final](#)

This Ordinance was read for the first time.

The following entitled ordinances are to be read for the second time:

BY COUNCILOR RUSS (PLANNING & ECONOMIC DEVELOPMENT)

71. [19-015-O](#) AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF DULUTH TO RECLASSIFY PROPERTY AT 5300 BRISTOL STREET, 202 AND 210 NORTH CENTRAL AVENUE FROM MIXED USE-NEIGHBORHOOD (MU-N) AND FORM DISTRICT 4 (F-4) TO MIXED USE-COMMERCIAL (MU-C).

Indexes:

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

This Ordinance was adopted.

72. [19-016-O](#) AN ORDINANCE AUTHORIZING THE CONVEYANCE OF CERTAIN REAL PROPERTY IN THE CODY NEIGHBORHOOD TO WESTERN LAKE SUPERIOR HABITAT FOR HUMANITY FOR \$1.

Indexes:

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

This Ordinance was adopted.

BY COUNCILOR VAN NETT (PUBLIC SAFETY)

73. [19-009-O](#) AN ORDINANCE AMENDING ARTICLE VI OF CHAPTER 5 OF THE DULUTH CITY CODE PERTAINING TO MASSAGE THERAPISTS, ESTABLISHMENTS AND LICENSES.

Indexes:

Attachments: [Motion to Amend: Anderson \(7-1-1\)](#)
[Motion to Amend: Anderson \(7-0-2\)](#)

This Ordinance stays on second read.

COUNCILOR QUESTIONS AND COMMENTS

COUNCILOR PREVIEW OF UPCOMING BUSINESS