



# 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, June 24, 2019

7:00 PM

Council Chamber

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### ROLL CALL

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

**Absent:** 1 - Councilor Jay Fosle

### PLEDGE OF ALLEGIANCE

### APPROVAL OF MINUTES

1. [19-153](#) Meeting Minutes of the Duluth City Council

**Indexes:**

**Attachments:** [June 10, 2019](#)

These Minutes were approved.

### REPORTS FROM THE ADMINISTRATION

### REPORTS FROM OTHER OFFICERS

### REPORTS OF BOARDS AND COMMISSIONS

### REPORTS OF COUNCIL COMMITTEES

**REPORTS OF COUNCIL OPEN ISSUES**

Distinguished Artist Award: Tom Livingston

**OPPORTUNITY FOR CITIZENS TO BE HEARD****RESOLUTIONS TABLED****CONSENT AGENDA****BY COUNCILOR ANDERSON (FINANCE)**

2. [19-0396R](#) RESOLUTION CONFIRMING THE ASSESSMENT ROLL FOR ASSESSMENTS LEVIED AGAINST PROPERTY WITH REGARD TO PROPERTY VIOLATIONS DURING PERIOD OF APRIL 1, 2018, TO APRIL 1, 2019.

**Indexes:**

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

**This Resolution was adopted unanimously.**

3. [19-0397R](#) RESOLUTION CONFIRMING THE ASSESSMENT ROLL OF DELINQUENT UTILITY FEES DURING THE PERIOD OF JANUARY 1, 2018, TO DECEMBER 31, 2018.

**Indexes:**

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

**This Resolution was adopted unanimously.**

4. [19-0398R](#) RESOLUTION CONFIRMING THE ASSESSMENT ROLL OF DELINQUENT SOLID WASTE COLLECTION FEES DURING PERIOD OF MARCH 1, 2018, TO JUNE 1, 2019.

**Indexes:**

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

**This Resolution was adopted unanimously.**

5. [19-0447R](#) RESOLUTION APPROVING SETTLEMENT IN THE MATTER OF CHRISTINE SHERAN VS CITY OF DULUTH IN AMOUNT OF \$75,000 AND PURSUANT TO TERMS OF SETTLEMENT AGREEMENT.

**Indexes:**

**Attachments:** [20190612 Settlement Agreement - Sheran v City of Duluth](#)

This Resolution was adopted unanimously.

**BY COUNCILOR FORSMAN (PERSONNEL)**

6. [19-0392R](#) RESOLUTION CONFIRMING THE APPOINTMENT OF ANDREA WEDUL TO THE PLANNING COMMISSION.

This Resolution was adopted unanimously.

7. [19-0449R](#) RESOLUTION CONFIRMING THE APPOINTMENT OF JEFF ANDERSON TO THE DULUTH AIRPORT AUTHORITY.

This Resolution was adopted unanimously.

8. [19-0451R](#) RESOLUTION CONFIRMING THE APPOINTMENTS OF BETTINA KEPPEL AND RI PREAP TO THE DULUTH HUMAN RIGHTS COMMISSION.

This Resolution was adopted unanimously.

**BY COUNCILOR RUSS (PLANNING & ECONOMIC DEVELOPMENT)**

9. [19-0410R](#) RESOLUTION RESCINDING NO. 19-0063R AND AUTHORIZING A REQUEST FOR HUD FEDERAL COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) FUNDS FOR THE 2019 PROGRAM YEAR, AUTHORIZING AGREEMENTS WITH APPROPRIATE AGENCIES.

This Resolution was adopted unanimously.

**Yea:** 7 - Councilor Anderson, Councilor Filipovich, Councilor Forsman, Councilor Russ, Councilor Sipress, Councilor Van Nett and Councilor Westerlund

**Absent:** 1 - Councilor Fosle

**Abstain:** 1 - President Hobbs

10. [19-0411R](#) RESOLUTION AUTHORIZING AN INCREASE OF \$12,694 FY 2019 EMERGENCY SOLUTION GRANT (ESG) PROGRAM.

This Resolution was adopted unanimously.

11. [19-0412R](#) RESOLUTION APPROVING THE REVISED 2019 ANNUAL ACTION PLAN AND AUTHORIZING A REQUEST FOR HUD FEDERAL COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG), HOME

PROGRAM (HOME), AND EMERGENCY SOLUTIONS GRANT  
PROGRAM (ESG) PROGRAM FUNDS.

**Indexes:**

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

**This Resolution was adopted unanimously.**

**Yea:** 7 - Councilor Anderson, Councilor Filipovich, Councilor Forsman, Councilor Russ,  
Councilor Sipress, Councilor Van Nett and Councilor Westerlund

**Absent:** 1 - Councilor Fosle

**Abstain:** 1 - President Hobbs

12. [19-0414R](#) RESOLUTION AUTHORIZING ADOPTION OF THE AMENDED  
COMMUNITY DEVELOPMENT PROGRAM CITIZEN PARTICIPATION  
PLAN.

**Indexes:**

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

**This Resolution was adopted unanimously.**

13. [19-0415R](#) RESOLUTION RESCINDING NO. 19-0064R AND AUTHORIZING A  
REQUEST FOR HUD HOME FUNDS FOR THE 2019 PROGRAM YEAR,  
AUTHORIZING AGREEMENTS WITH APPROPRIATE AGENCIES.

**This Resolution was adopted unanimously.**

**Yea:** 7 - Councilor Anderson, Councilor Filipovich, Councilor Forsman, Councilor Russ,  
Councilor Sipress, Councilor Van Nett and Councilor Westerlund

**Absent:** 1 - Councilor Fosle

**Abstain:** 1 - President Hobbs

14. [19-0444R](#) RESOLUTION VACATING A 56.41 FOOT LONG SECTION OF THE  
PLATTED RIGHT OF WAY OF 4TH STREET, N/K/A RECYCLE WAY  
BETWEEN ONEOTA STREET AND TRUNK HIGHWAY NO. 35.

**Indexes:**

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

[Attachment 2](#)

**This Resolution was adopted unanimously.**

15. [19-0457R](#) RESOLUTION AUTHORIZING PROPER CITY OFFICIALS TO ACCEPT A  
GRANT FROM THE DULUTH LEGACY ENDOWMENT FUND IN THE  
AMOUNT OF \$16,734.

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

This Resolution was adopted unanimously.

16. [19-0460R](#) RESOLUTION AUTHORIZING A FIRST AMENDMENT TO THE SUB-RECIPIENT FUNDING AGREEMENT WITH ISD 709 ADULT BASIC EDUCATION INCREASING THE CONTRACT AMOUNT BY \$4,450 FOR A CONTRACT AMOUNT NOT TO EXCEED \$11,029, EXTENDING THE TERM OF THE AGREEMENT AND AMENDING THE WORK PLAN AND BUDGET.

Indexes:Attachments: [Exhibit A](#)

This Resolution was adopted unanimously.

**BY PRESIDENT HOBBS (COMMITTEE OF THE WHOLE)**

17. [19-0443R](#) RESOLUTION APPROVING LAWS OF MINNESOTA 2019, 1ST SPECIAL SESSION, CHAPTER 6, ARTICLE 7, SECTION 7, AUTHORIZING A REDEVELOPMENT TAX INCREMENT FINANCING DISTRICT FOR DEDA LOT D IN BAYFRONT.

This Resolution was adopted unanimously.

18. [19-0458R](#) RESOLUTION APPROVING LAWS OF MINNESOTA 2019, 1ST SPECIAL SESSION CHAPTER 6, ARTICLE 10, SECTIONS 2-6 ESTABLISHING A REGIONAL EXCHANGE DISTRICT IN THE CITY OF DULUTH PURSUANT TO MINNESOTA STATUTES SECTION 645.021, SUBDS 2 AND 3.

This Resolution was adopted unanimously.

19. [19-0459R](#) RESOLUTION APPROVING PUBLIC INFRASTRUCTURE PROJECTS FOR THE DULUTH REGIONAL EXCHANGE DISTRICT IN ACCORDANCE WITH LAWS OF MINNESOTA 2019, 1ST SPECIAL SESSION CHAPTER 6, ARTICLE 10, SECTION 5(A).

This Resolution was adopted unanimously.

**BY COUNCILOR FILIPOVICH (PUBLIC WORKS & UTILITIES)**

20. [19-0437R](#) RESOLUTION AUTHORIZING A PERMANENT SEWER EASEMENT AGREEMENT WITH THE HOUSING AND REDEVELOPMENT AUTHORITY OF DULUTH FOR PROPERTY IN SACKETTE ADDITION IN THE PIEDMONT HEIGHTS NEIGHBORHOOD.

Indexes:

Attachments: [19-0437R Attachment 1](#)

[19-0437R Map](#)

This Resolution was adopted unanimously.

21. [19-0450R](#) RESOLUTION AWARDED A CONTRACT TO PCI ROADS, LLC FOR THE 2019 STREET PRESERVATION PROJECT IN THE AMOUNT OF \$1,734,561.45.

Indexes:

Attachments: [19-0450R Map](#)

This Resolution was adopted unanimously.

**BY COUNCILOR VAN NETT (PUBLIC SAFETY)**

22. [19-0438R](#) RESOLUTION APPROVING AGREEMENT WITH THE DULUTH TRANSIT AUTHORITY FOR SERVICES AND FUNDING OF ONE COMMUNITY BASED K-9 OFFICER FOR FIVE YEARS AND ACCEPTING \$112,801.50 ANNUALLY PLUS A THREE PERCENT ANNUAL INCREASE THEREAFTER TO FUND SAID POSITION.

Indexes:

Attachments: [19-0438 DTA Agreement Doc A](#)

[19-0438 Job Specifications Ex A](#)

This Resolution was adopted unanimously.

23. [19-0439R](#) RESOLUTION AUTHORIZING THE EXECUTION OF AN AMENDMENT TO THE SERVICE AGREEMENT WITH THE ARROWHEAD HEALTH ALLIANCE EXTENDING THE TERM OF THE AGREEMENT THROUGH JUNE 30, 2019.

Indexes:

Attachments: [19-0439 Amendment Agreement Ex. A](#)

This Resolution was adopted unanimously.

**BY COUNCILOR WESTERLUND (RECREATION, LIBRARIES & AUTHORITIES)**

24. [19-0440R](#) RESOLUTION AUTHORIZING A CONTRACT WITH A PLUS CONTRACTORS & GARDEN CENTER FOR RESTORATION OF SARGENT CREEK BRIDGE IN THE AMOUNT NOT TO EXCEED \$415,920.

This Resolution was adopted unanimously.

25. [19-0441R](#) RESOLUTION AUTHORIZING THREE YEAR LEASE AGREEMENT WITH THE NAACP DULUTH BRANCH, FOR USE OF SPACE IN THE WASHINGTON RECREATION CENTER.

Indexes:

Attachments: [Exhibit 1.pdf](#)

This Resolution was adopted unanimously.

26. [19-0442R](#) RESOLUTION AUTHORIZING AN EXCLUSIVE USE PERMIT AGREEMENT WITH BENTLEYVILLE TOUR OF LIGHTS, INC., FOR THE PRODUCTION, PROMOTION, AND MANAGEMENT OF THE BENTLEYVILLE TOUR OF LIGHTS IN BAYFRONT FESTIVAL PARK FOR THE 2019 HOLIDAY SEASON.

Indexes:

Attachments: [Exhibit 1.pdf](#)

This Resolution was adopted unanimously.

## END OF CONSENT AGENDA

The following entitled resolutions are also to be considered:

### BY COUNCILOR RUSS (PLANNING & ECONOMIC DEVELOPMENT)

27. [19-0424R](#) RESOLUTION VACATING EXISTING PUBLIC PLAZA AGREEMENTS FOR LAKE SUPERIOR PLAZA TO BE REPLACED WITH UPDATED AGREEMENTS THAT ALLOW PUBLIC ACCESS. (REPLACEMENT)

Indexes:

Attachments: [Attachment 1](#)

[Attachment 2](#)

[Attachment 3](#)

[Attachment 4](#)

This Resolution was tabled.

## ORDINANCES TABLED

**BY COUNCILOR WESTERLUND (RECREATION, LIBRARIES & AUTHORITIES)**

28.     [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 adopted unanimously.  
Absent: Councilor Fosle.

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

**BY COUNCILOR RUSS (PLANNING & ECONOMIC DEVELOPMENT)**

29.     [19-031-O](#)     AN ORDINANCE GRANTING ESSENTIA HEALTH A CONCURRENT USE PERMIT FOR A PRIVATE STRUCTURE CONSISTING OF AN INPATIENT TOWER AND MEDICAL CLINIC OVER THE PLATTED STREET RIGHT OF WAY OF EAST FIRST STREET ALLEY.

Indexes:

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

This Ordinance was read for the first time.

30.     [19-032-O](#)     AN ORDINANCE GRANTING ESSENTIA HEALTH A CONCURRENT USE PERMIT FOR A PRIVATE STRUCTURE CONSISTING OF AN INPATIENT TOWER AND MEDICAL CLINIC OVER THE PLATTED STREET RIGHT OF WAY AND FOOTINGS AND FOUNDATIONS IN THE PLATTED STREET RIGHT OF WAY OF EAST FIRST STREET.

Indexes:

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

This Ordinance was read for the first time.

31.     [19-033-O](#)     AN ORDINANCE GRANTING ESSENTIA HEALTH A CONCURRENT USE PERMIT FOR A PRIVATE ELECTRICAL DUCT BANK IN THE PLATTED STREET RIGHT OF WAY OF NORTH FIFTH AVENUE EAST.

Indexes:



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

This Ordinance was read for the first time.

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

**BY COUNCILOR ANDERSON (FINANCE)**

32. [19-027-O](#) ORDINANCE AMENDING THE BUDGET OF THE CITY OF DULUTH FOR 2019 BY INCREASING THE BUDGET BY \$700,000 TO COMPLETE THE MINNESOTA SLIP PROJECT INCLUDING THE RETURN OF THE WILLIAM A IRVIN.

This Ordinance was adopted uanimously.  
Absent: Councilor Fosle.

**BY COUNCILOR RUSS (PLANNING & ECONOMIC DEVELOPMENT)**

33. [19-024-O](#) AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF DULUTH TO RECLASSIFY PROPERTY BETWEEN EAST SUPERIOR STREET AND EAST SECOND STREET, AND BETWEEN THIRD AVENUE EAST AND EIGHTH AVENUE EAST, TO MIXED USE-NEIGHBORHOOD (MU-N) AND MIXED USE-INSTITUTIONAL (MU-I).

**Indexes:**

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

This Ordinance was adopted uanimously.  
Absent: Councilor Fosle.

34. [19-025-O](#) AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF DULUTH TO RECLASSIFY PROPERTIES BETWEEN EAST SECOND STREET AND EAST THIRD STREET, AND BETWEEN SIXTH AVENUE EAST AND NINTH AVENUE EAST, FROM RESIDENTIAL-URBAN (R-2) TO MIXED USE NEIGHBORHOOD (MU-N).

**Indexes:**

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

Returned to Administration: 5-3-1

This Ordinance was withdrawn.

35. [19-026-O](#) AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF THE CITY

OF DULUTH TO RECLASSIFY PROPERTIES BETWEEN EAST NINTH STREET ALLEY AND EAST SKYLINE PARKWAY, AND BETWEEN FOURTH AVENUE EAST AND SEVENTH AVENUE EAST, FROM RESIDENTIAL-TRADITIONAL (R-1), TO PARK AND OPEN SPACE (P-1) AND MIXED USE NEIGHBORHOOD (MU-N).

Indexes:

Attachments: [Attachment 1](#)

[Attachment 2](#)

This Ordinance was adopted uanimously.

Absent: Councilor Fosle.

**BY PRESIDENT HOBBS (COMMITTEE OF THE WHOLE)**

36. [19-028-O](#) ORDINANCE IMPOSING AN ADDITIONAL SALES TAX OF ONE-HALF OF ONE PERCENT TO FUND PROJECTS LISTED IN THE STREET IMPROVEMENT PLAN APPROVED AUGUST 8, 2017.

This Ordinance was adopted uanimously.

Absent: Councilor Fosle.

**COUNCILOR QUESTIONS AND COMMENTS**

**COUNCILOR PREVIEW OF UPCOMING BUSINESS**