



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 19, 2019

7:00 PM

Council Chamber

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. [19-161](#) Meeting Minutes of the Duluth City Council

Indexes:

Attachments: [July 8, 2019](#)
[July 15, 2019](#)

These Minutes were approved.

REPORTS FROM THE ADMINISTRATION

REPORTS FROM OTHER OFFICERS

REPORTS OF COUNCIL COMMITTEES

REPORTS OF COUNCIL OPEN ISSUES

OPPORTUNITY FOR CITIZENS TO BE HEARD

CONSENT AGENDA

BY COUNCILOR FOSLE (PURCHASING & LICENSING)

- 2. [19-0530R](#) RESOLUTION AUTHORIZING AN INCREASE TO THE ANNUAL CONTRACT FOR ORIGINAL EQUIPMENT MANUFACTURER (OEM) PARTS, SUPPLIES AND LABOR FOR 2019 FROM ZIEGLER, INC. IN THE AMOUNT OF \$100,000 FOR A TOTAL AMOUNT NOT TO EXCEED \$295,000.

**This resolution was adopted unanimously.
Absent: Councilor Fosle**

- 3. [19-0531R](#) RESOLUTION AUTHORIZING THE PURCHASE OF 6,600 TONS OF ROAD SALT FROM COMPASS MINERALS AMERICA, INC. IN THE AMOUNT OF \$421,410.

**This resolution was adopted unanimously.
Absent: Councilor Fosle**

- 4. [19-0541R](#) RESOLUTION APPROVING THE PERMANENT EXPANSION OF THE DESIGNATED SERVING AREA OF THE ON SALE INTOXICATING LIQUOR LICENSE OF BERGEY'S LLC (BERGEY'S), 2232 W. SUPERIOR STREET.

Indexes:

Attachments: [Attachment A](#)

**This resolution was adopted unanimously.
Absent: Councilor Fosle**

- 5. [19-0542R](#) RESOLUTION APPROVING THE TRANSFER OF THE OFF SALE INTOXICATING LIQUOR LICENSE OF ROTO OF DULUTH, INC. (UNIVERSITY LIQUORS), 1603 WOODLAND AVENUE, TO NEW OWNER DULUTH HILLSIDE INVESTMENT, INC.

Indexes:

Attachments: [Attachment A](#)

This resolution was adopted unanimously.

Absent: Councilor Fosle

6. [19-0546R](#) RESOLUTION APPROVING ISSUANCE OF AN ON SALE INTOXICATING LIQUOR LICENSE AND SUNDAY LICENSE TO THE BOREAL HOUSE, LLC (THE BOREAL HOUSE), 330 N. 57th AVE. WEST.

Indexes:

Attachments: [Attachment A](#)

This resolution was adopted unanimously.

Absent: Councilor Fosle

7. [19-0548R](#) RESOLUTION APPROVING THE TRANSFER OF THE ON SALE INTOXICATING LIQUOR LICENSE AND SUNDAY LICENSE, OF NORTHRIDGE ASSETS, LLC (TRU BY HILTON) 503 CLEARWOOD DRIVE, TO NEW OWNER KINSETH HOSPITALITY COMPANY, INC.

Indexes:

Attachments: [Attachment A](#)

This resolution was adopted unanimously.

Absent: Councilor Fosle

8. [19-0550R](#) RESOLUTION APPROVING THE TEMPORARY EXPANSION OF THE DESIGNATED SERVING AREA OF THE ON SALE INTOXICATING LIQUOR LICENSE TO SHOTZ BAR, INC.

Indexes:

Attachments: [Attachment A](#)

This resolution was adopted unanimously.

Absent: Councilor Fosle

BY COUNCILOR FORSMAN (PERSONNEL)

9. [19-0547R](#) RESOLUTION CONFIRMING THE APPOINTMENT OF BRENT MALVICK TO THE DULUTH INTERNATIONAL AIRPORT JOINT ZONING BOARD.

This resolution was adopted unanimously.

Absent: Councilor Fosle

BY COUNCILOR RUSS (PLANNING & ECONOMIC DEVELOPMENT)

10. [19-0518R](#) RESOLUTION VACATING A 10 FOOT WIDE PEDESTRIAN EASEMENT OVER LOT 5, KELSO'S REARRANGEMENT OF BLOCKS 1 AND 2 OF SARGENT'S REARRANGEMENT OF BLOCKS 16, 17, 18 LONDON ADDITION TO DULUTH, AND ACCEPTING DEDICATION OF A REPLACEMENT 15 FOOT WIDE PEDESTRIAN EASEMENT ALONG

THE NORTH SIDE OF THE CAMBRIDGE STREET ALLEY ADJACENT TO NORTH 45TH AVENUE EAST.

Indexes:

Attachments: [Attachment 1](#)

[Attachment 2](#)

[Attachment 3](#)

This resolution was adopted unanimously.

Absent: Councilor Fosle

11. [19-0529R](#) RESOLUTION VACATING THE 216.75 FOOT SECTION OF UNIMPROVED GLADSTONE STREET RUNNING BETWEEN 49TH AVENUE EAST AND NORTH SHORE RAIL ROAD.

Indexes:

Attachments: [Attachment 1](#)

[Attachment 2](#)

This resolution was adopted unanimously.

Absent: Councilor Fosle

12. [19-0554R](#) RESOLUTION ENTERING INTO AN AGREEMENT WITH AND ACCEPTING \$225,781 IN FEDERAL FUNDING FROM SENIOR SERVICE AMERICA, INC. TO OPERATE THE SENIOR COMMUNITY SERVICE EMPLOYMENT PRORAM.

Indexes:

Attachments: [SCSEP Sponsor Agreement](#)

This resolution was adopted unanimously.

Absent: Councilor Fosle

13. [19-0559R](#) RESOLUTION TO ADOPT AN UPDATED CITY FLAG.

Indexes:

Attachments: [Attachment 1](#)

This resolution was adopted unanimously.

Absent: Councilor Fosle

BY PRESIDENT HOBBS (COMMITTEE OF THE WHOLE)

14. [19-0526R](#) RESOLUTION PROVIDING FOR THE IMPOSITION OF SERVICE CHARGES WITHIN THE DOWNTOWN WATERFRONT SPECIAL SERVICE DISTRICT.

This resolution was adopted unanimously.

Absent: Councilor Fosle

15. [19-0527R](#) RESOLUTION AUTHORIZING ENTERING INTO A SERVICE CONTRACT WITH THE GREATER DOWNTOWN COUNCIL TO PROVIDE SERVICES TO IMPLEMENT THE DOWNTOWN WATERFRONT SPECIAL SERVICE DISTRICT.

Indexes:

Attachments: [Exhibit A - Service Contract](#)

This resolution was adopted unanimously.

Absent: Councilor Fosle

BY COUNCILOR FILIPOVICH (PUBLIC WORKS & UTILITIES)

16. [19-0523R](#) RESOLUTION AUTHORIZING AN AMENDMENT TO A CONTRACT WITH VENTURE FUELS FOR THE PURCHASE AND DELIVERY OF APPROXIMATELY 14,500 TONS OF COAL TO DULUTH ENERGY SYSTEMS FOR AN ESTIMATED \$684,980.

This resolution was adopted unanimously.

Absent: Councilor Fosle

17. [19-0538R](#) RESOLUTION AUTHORIZING AN AGREEMENT WITH ST. LOUIS COUNTY TO HIRE AN ENGINEERING CONSULTANT TO PROVIDE FINAL DESIGN SERVICES FOR A ROUNDABOUT AT THE INTERSECTION OF CSAH 37 (JEAN DULUTH ROAD) / CSAH 9 (SNIVELY ROAD) / GLENWOOD STREET AND PERFORM AN INTERSECTION CONTROL EVALUATION (ICE) STUDY ON WOODLAND AVENUE AT THE INTERSECTIONS OF ARROWHEAD ROAD AND SNIVELY ROAD IN DULUTH, MN.

Indexes:

Attachments: [Exhibit A](#)

[Map 1](#)

[Map 2](#)

This resolution was adopted unanimously.

Absent: Councilor Fosle

18. [19-0555R](#) RESOLUTION AWARDED A CONTRACT TO NORTHLAND CONSTRUCTORS OF DULUTH, INC. FOR THE DECKER ROAD REHABILITATION AND UTILITY RECONSTRUCTION PROJECT IN THE AMOUNT OF \$3,538,000.

Indexes:

Attachments: [19-0555R Map](#)

This resolution was adopted unanimously.
Absent: Councilor Fosle

BY COUNCILOR VAN NETT (PUBLIC SAFETY)

19. [19-0522R](#) RESOLUTION AUTHORIZING THE ACCEPTANCE OF A GRANT FROM THE MINNESOTA DEPARTMENT OF COMMERCE IN THE AMOUNT OF \$209,599.28 FOR AN AUTO THEFT INVESTIGATOR AND RELATED TRAVEL, TRAINING, AND EQUIPMENT EXPENSES.

Indexes:

Attachments: [Exhibit B.pdf](#)

This resolution was adopted unanimously.
Absent: Councilor Fosle

20. [19-0524R](#) RESOLUTION AUTHORIZING ACCEPTANCE OF A \$140,000 CRIME VICTIM SERVICES PROSECUTORIAL GRANT FROM THE MINNESOTA DEPARTMENT OF PUBLIC SAFETY, OFFICE OF JUSTICE PROGRAMS, TO FUND A VICTIM SERVICES POSITION IN THE CITY ATTORNEY'S OFFICE.

Indexes:

Attachments: [Exhibit A.](#)

This resolution was adopted unanimously.
Absent: Councilor Fosle

21. [19-0532R](#) RESOLUTION AUTHORIZING ACCEPTANCE OF AN AMENDED AGREEMENT WITH THE STATE OF MINNESOTA TO CONTINUE THE REGIONAL EMERGENCY RESPONSE TEAM FROM STATE FISCAL YEAR 2017 THROUGH 2021 IN AN AMOUNT NOT TO EXCEED \$900,000 AND FURTHER AUTHORIZING EXECUTION OF A JOINT POWERS AGREEMENT WITH THE STATE OF MINNESOTA.

Indexes:

Attachments: [Exhibit A](#)

This resolution was adopted unanimously.
Absent: Councilor Fosle

22. [19-0534R](#) RESOLUTION AUTHORIZING THE CITY TO ENTER INTO A MEMORANDUM OF AGREEMENT WITH THE U.S. DEPARTMENT OF JUSTICE, BUREAU OF ALCOHOL, TOBACCO, FIREARMS, AND EXPLOSIVES (ATF) FOR CITY OF DULUTH POLICE DEPARTMENT PARTICIPATION IN THE ATF TASK FORCE AND FURTHER AUTHORIZING THE ACCEPTANCE OF REIMBURSEMENT MONIES FROM ATF FOR OVERTIME SALARY AND OTHER COSTS INCURRED IN PROVIDING RESOURCES TO ASSIST ATF IN LAW ENFORCEMENT

OPERATIONS.

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

This resolution was adopted unanimously.

Absent: Councilor Fosle

23. [19-0535R](#) RESOLUTION AUTHORIZING PROPER CITY OFFICIALS TO ACCEPT A \$132,451.71 GRANT AWARD FROM THE MINNESOTA DEPARTMENT OF PUBLIC SAFETY TO FUND A DWI POLICE OFFICER FOR ONE YEAR AND AUTHORIZING EXECUTION OF GRANT AGREEMENT.

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

This resolution was adopted unanimously.

Absent: Councilor Fosle

24. [19-0536R](#) RESOLUTION AUTHORIZING THE EXECUTION OF A MEMORANDUM OF UNDERSTANDING BETWEEN CENTER FOR ALCOHOL & DRUG TREATMENT AND THE CITY OF DULUTH FOR AN EMBEDDED LICENSED SOCIAL WORKER TO WORK COLLABORATIVELY WITH THE DULUTH POLICE DEPARTMENT AND THE CRISIS RESPONSE TEAM TO BETTER RESPOND TO INDIVIDUALS WITH MENTAL ILLNESS, ADDICTION AND HOMELESSNESS.

Indexes:Attachments: [Document A to 19-0536R](#)[Exhibit A](#)

This resolution was adopted unanimously.

Absent: Councilor Fosle

BY COUNCILOR WESTERLUND (RECREATION, LIBRARIES & AUTHORITIES)

25. [19-0533R](#) RESOLUTION AUTHORIZING A CONTRACT WITH FOUR STAR CONSTRUCTION, INC. FOR THE CONSTRUCTION OF NEW BATHROOMS AT THE MAIN LIBRARY FOR AN AMOUNT NOT TO EXCEED \$220,552.00.

This resolution was adopted unanimously.

Absent: Councilor Fosle

26. [19-0537R](#) RESOLUTION AUTHORIZING AN AMENDMENT TO AGREEMENT L30102 WITH AMI CONSULTING ENGINEERS FOR COORDINATION OF THE TEMPORARY RELOCATION OF THE WILLIAM A. IRVIN FOR AN AMOUNT NOT TO EXCEED \$14,000.00.

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

This resolution was adopted unanimously.
Absent: Councilor Fosle

27. [19-0539R](#) RESOLUTION AUTHORIZING AN AMENDMENT TO AN AGREEMENT WITH AAA VENTURES, INC. DBA A.P.S. APPLIED PROFESSIONAL SERVICES, FOR UNARMED UNIFORMED SECURITY SERVICES FOR THE MAIN BRANCH OF THE DULUTH PUBLIC LIBRARY FOR AN AMOUNT NOT TO EXCEED \$88,850.

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

This resolution was adopted unanimously.
Absent: Councilor Fosle

28. [19-0543R](#) RESOLUTION AUTHORIZING A CONTRIBUTION OF UP TO \$5,000 FROM MINNESOTA TRAIL RIDERS ASSOCIATION ON BEHALF OF THE DULUTH AREA HORSE TRAIL ALLIANCE FOR EQUESTRIAN TRAIL IMPROVEMENTS IN MAGNEY-SNIVELY NATURAL AREA.

Indexes:**Attachments:** [exhibit a location map](#)

This resolution was adopted unanimously.
Absent: Councilor Fosle

29. [19-0549R](#) RESOLUTION AUTHORIZING APPROVAL AND IMPLEMENTATION OF THE BRIGHTON BEACH MINI MASTER PLAN.

Indexes:**Attachments:** [Exhibit A Brighton MMP Draft](#)

This resolution was adopted unanimously.
Absent: Councilor Fosle

30. [19-0551R](#) RESOLUTION AUTHORIZING PROPER CITY OFFICIALS TO ACCEPT A REIMBURSEMENT GRANT FOR EMERALD ASH BORER TREATMENT FROM THE MINNESOTA DEPARTMENT OF AGRICULTURE NOT TO EXCEED \$65,000.

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

This resolution was adopted unanimously.
Absent: Councilor Fosle

31. [19-0556R](#) RESOLUTION AUTHORIZING ACCEPTANCE OF A \$50,000 GRANT FROM THE MINNESOTA DEPARTMENT OF NATURAL RESOURCES AND MINNESOTA LAKE SUPERIOR COASTAL PROGRAM FOR DEVELOPMENT OF A ST. LOUIS RIVER HERITAGE TRAIL INTERPRETIVE PLAN.

Indexes:

Attachments: [exhibit a grant agreement](#)

This resolution was adopted unanimously.

Absent: Councilor Fosle

32. [19-0557R](#) RESOLUTION ACCEPTING PERMANENT EASEMENT FOR PUBLIC RECREATIONAL, WALKWAY AND TRAIL PURPOSES FROM THE DULUTH ECONOMIC DEVELOPMENT AUTHORITY OVER, UNDER, AND ACROSS PROPERTY LOCATED IN THE ONEOTA NEIGHBORHOOD, AT NO COST TO THE CITY.

Indexes:

Attachments: [Exhibit 1 for Resolution](#)

This resolution was adopted unanimously.

Absent: Councilor Fosle

33. [19-0558R](#) RESOLUTION AUTHORIZING A MONTH-TO-MONTH LEASE AGREEMENT WITH ARROWHEAD ECONOMIC OPPORTUNITY AGENCY FOR USE OF SPACE IN THE CENTRAL HILLSIDE COMMUNITY CENTER.

Indexes:

Attachments: [Exhibit 1](#)

This resolution was adopted unanimously.

Absent: Councilor Fosle

END OF CONSENT AGENDA

The following entitled resolutions are also to be considered:

BY COUNCILOR RUSS (PLANNING & ECONOMIC DEVELOPMENT)

34. [19-0480R](#) RESOLUTION TO PROCEED WITH A PROCESS FOR THE SALE OF PARK PROPERTY WITHIN THE LESTER PARK AND ENGER PARK GOLF COURSES AND REQUIRING THE DEVELOPMENT OF HOUSING UNITS ON SAID PROPERTY. (REPLACEMENT)

Indexes:

Attachments: [Exhibit A](#)

[Motion to Amend: Anderson - 8-0-1 \(Fosle\)](#)

This resolution was adopted unanimously.

Absent: Councilor Fosle

35. [19-0544R](#) RESOLUTION AFFIRMING THE PLANNING COMMISSION'S DECISION TO APPROVE LAUNCH PROPERTIES, LLC FOR A VARIANCE TO THE HEIGHT REQUIREMENTS IN A MU-C ZONE DISTRICT AT 2215 SOUTH STREET.

Indexes:

Attachments: [Attachment 1](#)

[Attachment 2](#)

[Attachment 3](#)

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

Nay: 8 - Councilor Anderson, Councilor Filipovich, Councilor Forsman, Councilor Russ, Councilor Sipress, Councilor Van Nett, Councilor Westerlund and President Hobbs

Absent: 1 - Councilor Fosle

36. [19-0545R](#) RESOLUTION REVERSING THE PLANNING COMMISSION'S DECISION TO APPROVE LAUNCH PROPERTIES, LLC FOR A VARIANCE TO THE HEIGHT REQUIREMENTS IN A MU-C ZONE DISTRICT AT 2215 SOUTH STREET.

Indexes:

Attachments: [Attachment 1](#)

[Attachment 2](#)

[Attachment 3](#)

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

Yea: 8 - Councilor Anderson, Councilor Filipovich, Councilor Forsman, Councilor Russ, Councilor Sipress, Councilor Van Nett, Councilor Westerlund and President Hobbs

Absent: 1 - Councilor Fosle

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

BY COUNCILOR RUSS (PLANNING & ECONOMIC DEVELOPMENT)

37. [19-029-O](#) AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF DULUTH TO RECLASSIFY PROPERTIES AT LESTER PARK GOLF

COURSE FROM RURAL-RESIDENTIAL (RR-1) AND RESIDENTIAL-TRADITIONAL (R-1), TO MIXED USE NEIGHBORHOOD (MU-N) AND PARK AND OPEN SPACE (P-1).

Indexes:

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

This Ordinance was read for the first time.

38. [19-030-O](#) AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF DULUTH TO RECLASSIFY PROPERTIES AT ENGER PARK GOLF COURSE ADJACENT TO WEST SKYLINE BOULEVARD FROM RESIDENTIAL-TRADITIONAL (R-1) TO RESIDENTIAL-URBAN (R-2).

Indexes:

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

This Ordinance was read for the first time.

39. [19-037-O](#) AN ORDINANCE REESTABLISHING THE DOWNTOWN WATERFRONT SPECIAL SERVICE DISTRICT WITH EXPANDED BOUNDARIES.

Indexes:

- Attachments:** [Exhibit A. Operating Plan 2020-2024](#)

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)

40. [19-035-O](#) AN ORDINANCE GRANTING A CONCURRENT USE PERMIT FOR PARKING IN THE PLATTED STREET RIGHT OF WAY OF SOUTH STREET.

Indexes:

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

This Ordinance was adopted unanimously.
Absent: Councilor Fosle

BY PRESIDENT HOBBS (COMMITTEE OF THE WHOLE)

41. [19-036-O](#) AN ORDINANCE AUTHORIZING THE CONVEYANCE OF A NON-EXCLUSIVE EASEMENT TO MARINE IRON & SHIP BUILDING COMPANY FOR AUTOMOBILE PARKING AND SIGNAGE PURPOSES OVER REAL PROPERTY IN CANAL PARK.

Indexes:

Attachments: [Exhibit 2-Parking Easement Ordinance](#)

[Exhibit 1-Parking Easement 7-12-19](#)

This Ordinance was adopted unanimously.

Absent: Councilor Fosle

COUNCILOR QUESTIONS AND COMMENTS

COUNCILOR PREVIEW OF UPCOMING BUSINESS