



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 26, 2019

7:00 PM

Council Chamber

ROLL CALL

Present: 7 - Councilor Arik Forsman, Councilor Jay Fosle, Councilor Barb Russ, Councilor Joel Sipress, Councilor Renee Van Nett, Councilor Em Westerlund and President Noah Hobbs

Absent: 2 - Councilor Gary Anderson and Councilor Zack Filipovich

PLEDGE OF ALLEGIANCE

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APPROVAL OF MINUTES

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1. [19-162](#) Meeting Minutes of the Duluth City Council

Indexes:

Attachments: [August 16, 2019](#)
[August 19, 2019](#)

This Minutes was approved.

PUBLIC HEARING - Reestablishing the Downtown Waterfront Special Service District with expanded boundaries from January 1, 2020 through December 31, 2024

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REPORTS FROM THE ADMINISTRATION

REPORTS FROM THE ADMINISTRATION

REPORTS FROM OTHER OFFICERS

REPORTS FROM OTHER OFFICERS

2. [19-163](#) Greater Downtown Council petition to reestablish the Downtown Waterfront Special Service District with expanded boundaries.

Indexes:

Attachments: [Petition](#)

[Petition](#)

This Informational Report was received.

REPORTS OF COUNCIL COMMITTEES

REPORTS OF COUNCIL COMMITTEES

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)

3. [19-0564R](#) RESOLUTION AUTHORIZING THE CITY TO ENTER INTO AN UPDATED AGREEMENT WITH THE MINNESOTA DEPARTMENT OF REVENUE TO ADMINISTER THE CITY OF DULUTH'S GENERAL SALES AND USE

TAX.

Indexes:

Attachments: [Exhibit A](#)

This Resolution was adopted unanimously.

BY COUNCILOR FORSMAN (PERSONNEL)

BY COUNCILOR FORSMAN (PERSONNEL)

4. [19-0576R](#) RESOLUTION CONFIRMING THE APPOINTMENT OF SHAWN KRIZAJ AS FIRE CHIEF FOR THE CITY OF DULUTH.

This Resolution was adopted unanimously.

BY COUNCILOR RUSS (PLANNING & ECONOMIC DEVELOPMENT)

BY COUNCILOR RUSS (PLANNING & ECONOMIC DEVELOPMENT)

5. [19-0567R](#) RESOLUTION AUTHORIZING AN AGREEMENT WITH THE HOUSING AND REDEVELOPMENT AUTHORITY OF DULUTH (HRA) TO SHARE THE COST OF A SENIOR HOUSING DEVELOPER POSITION, COORDINATE HOUSING DEVELOPMENT SERVICES, AND ACCEPT REIMBURSEMENT FROM THE HRA FOR 50 PERCENT OF THE CITY'S PAYROLL AND BENEFITS EXPENSES FOR THE POSITION.

Indexes:

Attachments: [Exhibit A](#)

This Resolution was adopted unanimously.

6. [19-0569R](#) RESOLUTION GRANTING AN INTERIM USE PERMIT FOR A VACATION DWELLING UNIT AT 5801 GRAND AVENUE (TANYA AND RYAN TEMPLER).

Indexes:

Attachments: [Attachment 1](#)

This Resolution was adopted unanimously.

BY PRESIDENT HOBBS (COMMITTEE OF THE WHOLE)

BY PRESIDENT HOBBS (COMMITTEE OF THE WHOLE)

7. [19-0528R](#) RESOLUTION AUTHORIZING ENTERING INTO A MEMORANDUM OF UNDERSTANDING WITH THE GREATER DOWNTOWN COUNCIL

SETTING FORTH THE ESTABLISHED LEVEL OF SERVICES FOR THE
DOWNTOWN WATERFRONT SPECIAL SERVICE DISTRICT.

Indexes:

Attachments: [Exhibit A](#)

This Resolution was adopted unanimously.

BY COUNCILOR FILIPOVICH (PUBLIC WORKS & UTILITIES)

BY COUNCILOR FILIPOVICH (PUBLIC WORKS & UTILITIES)

8. [19-0561R](#) RESOLUTION AUTHORIZING AN AGREEMENT BETWEEN THE CITY OF DULUTH AND THE MINNESOTA DEPARTMENT OF TRANSPORTATION FOR GAS MAIN RELOCATION IN LOWER MICHIGAN STREET NEAR INTERSTATE HIGHWAY 35 WITHIN THE CITY LIMITS UNDER STATE PROJECT 6982-322 AT AN ESTIMATED COST OF \$584,440.

Indexes:

Attachments: [19-0561R Attachment 1](#)

This Resolution was adopted unanimously.

9. [19-0568R](#) RESOLUTION AWARDED A CONTRACT TO MICHELS CORPORATION FOR THE 2019 PARK POINT SANITARY SEWER CIPP LINING PROJECT (PHASE 2) IN THE AMOUNT OF \$610,820.60.

Indexes:

Attachments: [19-0568R Map](#)

This Resolution was adopted unanimously.

10. [19-0571R](#) RESOLUTION AWARDED A CONTRACT TO JMF CONSTRUCTION, INC. FOR THE 2019-2020 CITYWIDE MANHOLE ADJUSTMENT PROJECT IN THE AMOUNT OF \$101,077.92.

This Resolution was adopted unanimously.

11. [19-0573R](#) RESOLUTION AUTHORIZING ACCEPTANCE OF A QUIT CLAIM DEED FROM THE STATE OF MINNESOTA, DEPARTMENT OF TRANSPORTATION, FOR REAL PROPERTY FOR HIGHWAY PURPOSES, AT NO COST TO THE CITY.

Indexes:

Attachments: [Exhibit A-Resolution.pdf](#)

This Resolution was adopted unanimously.

12. [19-0575R](#) RESOLUTION AUTHORIZING AGREEMENT WITH ST. MARY'S DULUTH CLINIC HEALTH SYSTEM, DBA ESSENTIA HEALTH EAST, FOR THE CONSTRUCTION OF ROADS AND UTILITIES IN CONNECTION WITH THE REGIONAL EXCHANGE DISTRICT PROJECT IN THE AMOUNT OF NOT TO EXCEED \$5,262,000.

Indexes:

Attachments: [Exhibit A](#)

This Resolution was adopted unanimously.

13. [19-0579R](#) RESOLUTION AUTHORIZING A TEMPORARY LICENSE AGREEMENT WITH MINNESOTA POWER FOR THE INSTALLATION AND MAINTENANCE OF A STEAM LINE AT NO COST TO THE CITY.

Indexes:

Attachments: [Exhibit 1](#)

**This Resolution passed by the following vote:
Councilor Forsman abstains due to employer relationship.**

Yea: 6 - Councilor Fosle, Councilor Russ, Councilor Sipress, Councilor Van Nett, Councilor Westerlund and President Hobbs

Absent: 2 - Councilor Anderson and Councilor Filipovich

Abstain: 1 - Councilor Forsman

BY COUNCILOR WESTERLUND (RECREATION, LIBRARIES & AUTHORITIES)

BY COUNCILOR WESTERLUND (RECREATION, LIBRARIES & AUTHORITIES)

14. [19-0562R](#) RESOLUTION AUTHORIZING APPLICATION TO THE UNITED STATES DEPARTMENT OF HOMELAND SECURITY FOR A HAZARD MITIGATION GRANT OF UP TO \$3,000,000 FOR RESTORATION OF SECTIONS OF CANAL PARK AND THE LAKEWALK.

This Resolution was adopted unanimously.

15. [19-0574R](#) RESOLUTION AUTHORIZING A THREE-YEAR LEASE AGREEMENT WITH INDEPENDENT SCHOOL DISTRICT NO. 709 FOR USE OF SPACE IN THE WASHINGTON CENTER FOR ITS HEAD START AND EARLY CHILDHOOD FAMILY EDUCATION PROGRAMS.

Indexes:

Attachments: [Exhibit 1.pdf](#)

This Resolution was adopted unanimously.

END OF CONSENT AGENDA

END OF CONSENT AGENDA

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)

16. [19-040-O](#) AN ORDINANCE GRANTING A CONCURRENT USE PERMIT FOR A GROUNDWATER MONITORING WELL IN THE PLATTED STREET RIGHT OF WAY OF GRAND AVENUE.

Indexes:

Attachments: [PL 19-101 Exhibit & Legal](#)
 [PL 19-101 Staff Report and attachments](#)

This Ordinance was read for the first time.

BY PRESIDENT HOBBS (COMMITTEE OF THE WHOLE)

BY PRESIDENT HOBBS (COMMITTEE OF THE WHOLE)

17. [19-041-O](#) ORDINANCE AMENDING SECTION 1 OF ORDINANCE 10298 TO EXTEND THE REPEAL DATE TO DECEMBER 31, 2024, FOR ARTICLE XII OF CHAPTER 45 OF THE CITY CODE ENTITLED STREET LIGHTING SYSTEM UTILITY.

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)

18. [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 adopted.

19. [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 adopted.

BY PRESIDENT HOBBS (COMMITTEE OF THE WHOLE)

BY PRESIDENT HOBBS (COMMITTEE OF THE WHOLE)

20. [19-037-O](#) AN ORDINANCE REESTABLISHING THE DOWNTOWN WATERFRONT SPECIAL SERVICE DISTRICT WITH EXPANDED BOUNDARIES.

Indexes:

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

Councilor Fosle made a motion to table - motion failed for a lack of second.

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

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

Nay: 1 - Councilor Fosle

Absent: 2 - Councilor Anderson and Councilor Filipovich

COUNCILOR QUESTIONS AND COMMENTS

COUNCILOR QUESTIONS AND COMMENTS

COUNCILOR PREVIEW OF UPCOMING BUSINESS

COUNCILOR PREVIEW OF UPCOMING BUSINESS