



City of Duluth

411 West First Street
Duluth, Minnesota 55802

Actions and Unofficial Minutes

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 will provide increased opportunities for civil discourse in order to find positive resolutions to the issues that face the city. These tools include: pay attention, listen, be inclusive, do not gossip, show respect, be agreeable, apologize, give constructive criticism and take responsibility. [Approved by the council on August 25, 2003]*

Monday, January 11, 2016

7:00 PM

Council Chamber

ROLL CALL

Present: 9 - Councilor Gary Anderson, Councilor Jay Fosle, Councilor Elissa Hansen, Councilor Howie Hanson, Councilor Noah Hobbs, Councilor Barb Russ, Councilor Joel Sipress, Councilor Em Westerlund and President Zack Filipovich

PLEDGE OF ALLEGIANCE

PUBLIC HEARING

PRESENTATION OF PETITIONS AND OTHER COMMUNICATIONS

1. [16-005](#) Appeal of planning commission decision

Indexes:

Attachments: [Park Point Marina Appeal](#)

This Petition/Other Communication was received.

REPORTS FROM THE ADMINISTRATION

Mayor Larson updated the council on current issues.

REPORTS FROM OTHER OFFICERS

2. [16-001](#) Clerk application for exempt permit submitted to the Minnesota gambling control board

Indexes:

Attachments: [Kraus Anderson raffle August 13 2016](#)
[Ridgeview raffle April 16 2016](#)
[Rocky Mountain Elk raffle March 31 2016](#)
[St Louis and Carlton County Pheasants Forever raffle April 29 2016](#)
[Twin Ports Walleye raffle June 4 2016](#)

This Other Officers Report was received.

REPORTS OF BOARDS AND COMMISSIONS

3. [16-002](#) Civil service board minutes of November 17, 2015, meeting

Indexes:

Attachments: [11-17-15 Minutes Revised \(Approved 12-08-15\)](#)

This Board or Commission Report was received.

4. [16-003](#) Duluth airport authority minutes of November 17, 2015, meeting

Indexes:

Attachments: [11- November 17 2015](#)

This Board or Commission Report was received.

5. [16-004](#) Entertainment and convention center authority minutes of October 27, 2015, meeting

Indexes:

Attachments: [August 25 2015 DECC Board Meeting Minutes](#)
[July 28 2015 DECC Board Meeting Minutes](#)
[September 29 2015 DECC Board Meeting Minutes](#)

This Board or Commission Report was received.

REPORTS OF COUNCIL COMMITTEES

REPORTS OF COUNCIL OPEN ISSUES

OPPORTUNITY FOR CITIZENS TO BE HEARD

MOTIONS AND RESOLUTIONS

CONSENT AGENDA

BY COUNCILOR HOBBS (FINANCE)

6. [16-0005R](#) RESOLUTION APPROVING A COLLECTIVE BARGAINING AGREEMENT BETWEEN THE CITY OF DULUTH AND DULUTH POLICE UNION LOCAL 807 FOR THE YEARS 2015-2017.

Indexes:

Attachments: [Exhibit A - 2015-2017 Final Police CBA clean copy](#)
[2015-2017 Final Police CBA redlined](#)

This Resolution was adopted unanimously.

7. [16-0017R](#) RESOLUTION AUTHORIZING ANNUAL BANKING SERVICES FOR 2016 WITH BMO HARRIS BANK, N.A., FOR AN ESTIMATED TOTAL OF \$100,000.

This Resolution was adopted unanimously.

8. [16-0027R](#) RESOLUTION APPROVING CITY MEMBERSHIP IN THE COALITION OF GREATER MINNESOTA CITIES FOR 2015 IN THE AMOUNT OF \$65,401.

This Resolution was adopted unanimously.

9. [16-0033R](#) RESOLUTION AUTHORIZING AN AGREEMENT WITH HISTORIC UNION DEPOT, INC., IN THE AMOUNT OF \$226,800.

Indexes:

Attachments: [Exhibit A](#)

This Resolution was adopted unanimously.

- 10. [16-0041R](#) RESOLUTION AUTHORIZING AN AGREEMENT WITH SPIRIT MOUNTAIN RECREATION AREA AUTHORITY FOR 2016 IN THE AMOUNT OF \$250,000 FOR OPERATING ASSISTANCE AND \$145,700 FOR ADVENTURE PARK LEASE PAYMENTS.

Indexes:

Attachments: [Exhibit A](#)

This Resolution was adopted unanimously.

BY COUNCILOR HANSON (PURCHASING & LICENSING)

- 11. [16-0013R](#) RESOLUTION AUTHORIZING RENEWAL OF AN ANNUAL CONTRACT WITH HOLIDAY STATIONSTORES FOR THE PURCHASE AND DELIVERY OF SERVICE STATION FUELS DURING YEAR 2016 FOR AN AMOUNT NOT TO EXCEED \$900,000.

This Resolution was adopted unanimously.

- 12. [16-0014R](#) RESOLUTION AUTHORIZING A PURCHASE FROM COMPASS MINERALS AMERICA FOR THE TAX-EXEMPT PURCHASE OF ROAD SALT FOR SPRING 2016 IN THE AMOUNT OF \$490,906.

This Resolution was adopted unanimously.

- 13. [16-0015R](#) RESOLUTION AUTHORIZING THE PURCHASE FROM ZIEGLER, INC., FOR OEM PARTS AND LABOR AS NEEDED IN 2016, FOR AN ESTIMATED TOTAL AMOUNT OF \$110,000.

This Resolution was adopted unanimously.

- 14. [16-0016R](#) RESOLUTION AUTHORIZING RENEWAL OF AN ANNUAL CONTRACT WITH INTER-CITY OIL COMPANY, INC., FOR THE PURCHASE AND DELIVERY OF BULK FUELS DURING YEAR 2016 FOR AN AMOUNT NOT TO EXCEED \$150,000.

This Resolution was adopted unanimously.

15. [16-0031R](#) RESOLUTION AUTHORIZING A RENEWAL OF AN ANNUAL CONTRACT WITH DULUTH READY MIX FOR CLASS 5 GRAVEL, ¾-INCH CRUSHED WASHED ROCK, RIP-RAP, AND BEDDING SAND IN YEAR 2016, FOR AN ESTIMATED TOTAL OF \$172,990.

This Resolution was adopted unanimously.

BY COUNCILOR ANDERSON (PUBLIC WORKS & UTILITIES)

16. [16-0002R](#) RESOLUTION AUTHORIZING AN AGREEMENT ACCEPTING AN EASEMENT FROM KWIK TRIP, INC.

Indexes:

Attachments: [15-0002R Exhibit A](#)
[15-0002R Exhibit B](#)

This Resolution was adopted unanimously.

17. [16-0003R](#) RESOLUTION AUTHORIZING AN AGREEMENT WITH SEH, INC. FOR PROFESSIONAL ENGINEERING SERVICES TO PROVIDE DESIGN ENGINEERING FOR THE CONGDON BOULEVARD RECLAMATION PROJECT IN THE AMOUNT OF \$87,000.

Indexes:

Attachments: [16-0003R Map](#)
[16-0003R PESA](#)
[16-0003R SEH Billable Rates](#)
[16-0003R SEH Proposal](#)

This Resolution was adopted unanimously.

18. [16-0024R](#) RESOLUTION AUTHORIZING RENEWAL OF AN ANNUAL CONTRACT WITH INFOSEND, INC., FOR MAILING SERVICES AND POSTAGE DURING YEAR 2016 IN THE AMOUNT OF \$190,000.

Indexes:

Attachments: [Exhibit A](#)

This Resolution was adopted unanimously.

19. [16-0035R](#) RESOLUTION APPROVING A COUNTY PROJECT WITHIN MUNICIPAL CORPORATE LIMITS FOR IMPROVEMENTS TO COUNTY STATE AID HIGHWAY 4 (RICE LAKE ROAD).

Indexes:

Attachments: [Exhibit A \(16-0035R\)](#)

This Resolution was adopted unanimously.

BY COUNCILOR FOSLE (PUBLIC SAFETY)

20. [16-0007R](#) RESOLUTION AUTHORIZING PROPER CITY OFFICIALS TO ACCEPT A GRANT FROM THE MINNESOTA DEPARTMENT OF PUBLIC SAFETY IN THE AMOUNT OF \$24,305 FOR THE PURCHASE OF TEN IN-SQUAD COMPUTERS.

Indexes:

Attachments: [Exhibit A](#)

This Resolution was adopted unanimously.

21. [16-0008R](#) RESOLUTION AUTHORIZING PROPER CITY OFFICIALS TO ENTER INTO AN AGREEMENT WITH ORGANIZED CRIME DRUG ENFORCEMENT TASK FORCE, GREAT LAKES REGION, FOR REIMBURSEMENT OF INVESTIGATOR OVERTIME IN THE AMOUNT OF \$25,000.

Indexes:

Attachments: [Exhibit A](#)

This Resolution was adopted unanimously.

22. [16-0028R](#) RESOLUTION AUTHORIZING PROPER CITY OFFICIALS TO ACCEPT A DONATION FROM KWIK TRIP INC. IN THE AMOUNT OF \$2,000.

This Resolution was adopted unanimously.

23. [16-0029R](#) RESOLUTION AUTHORIZING PROPER CITY OFFICIALS TO ACCEPT AN AMENDED GRANT FROM THE STATE OF MINNESOTA, COMMISSIONER OF PUBLIC SAFETY, OFFICE OF JUSTICE PROGRAMS, IN THE TOTAL AMOUNT OF \$300,813 FOR THE PURPOSE OF SUPPORTING THE OPERATIONS OF THE LAKE SUPERIOR DRUG AND VIOLENT CRIME TASK FORCE THROUGH DECEMBER 31, 2016.

Indexes:

Attachments: [Revised Exhibit A](#)

This Resolution was adopted unanimously.

24. [16-0030R](#) RESOLUTION AUTHORIZING PROPER CITY OFFICIALS TO ACCEPT A GRANT FROM THE DEPARTMENT OF JUSTICE, BUREAU OF JUSTICE ASSISTANCE IN AN AMOUNT TOTALING \$1,011,096 AND FURTHER AUTHORIZING AN AGREEMENT WITH ST. LOUIS COUNTY AND PROGRAM TO AID VICTIMS OF SEXUAL ASSAULT FOR THEIR PARTICIPATION IN THE PROJECT ENTITLED "2015 SEXUAL ASSAULT KIT INITIATIVE PROJECT".

Indexes:

Attachments: [Exhibit C](#)

[Exhibit B](#)

[Exhibit A](#)

This Resolution was adopted unanimously.

25. [16-0032R](#) RESOLUTION AUTHORIZING AN AGREEMENT WITH THE LAKE SUPERIOR TRAFFIC ENFORCEMENT TEAM PARTNER AGENCIES FOR SERVICES UNDER A GRANT FROM THE MINNESOTA DEPARTMENT OF PUBLIC SAFETY FOR THE 2016 TOWARD ZERO DEATHS PROJECT.

Indexes:

Attachments: [Exhibit C](#)

[Exhibit B](#)

[Exhibit A](#)

This Resolution was adopted unanimously.

26. [16-0039R](#) RESOLUTION AUTHORIZING PROPER CITY OFFICIALS TO ACCEPT A GRANT FROM THE STATE OF MINNESOTA IN AN AMOUNT NOT TO EXCEED \$450,000 AND FURTHER AUTHORIZING EXECUTION OF A JOINT POWERS AGREEMENT WITH THE STATE OF MINNESOTA.

Indexes:

Attachments: [Joint Powers Agreement 103539](#)

This Resolution was adopted unanimously.

END OF CONSENT AGENDA

The following entitled resolutions are also to be considered:

BY PRESIDENT FILIPOVICH (COMMITTEE OF THE WHOLE)

27. [16-0043R](#) RESOLUTION SETTING THE CITY OF DULUTH'S PRIORITIES FOR THE 2016 LEGISLATIVE SESSION.

Motion was made, seconded and unanimously carried to suspend the rules to hear a speaker on the resolution.

Andrew Slade spoke in support of the issue of the bonding request for remediation of the highly contaminated slip in the harbor.

Councilor Hobbs moved to amend the resolution, which motion was seconded and unanimously carried.

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

Yea: 8 - Councilor Anderson, Councilor Hansen, Councilor Hanson, Councilor Hobbs, Councilor Russ, Councilor Sipress, Councilor Westerlund and President Filipovich

Nay: 1 - Councilor Fosle

BY COUNCILOR HOBBS (FINANCE)

28. [16-0034R](#) RESOLUTION AUTHORIZING AN AGREEMENT WITH DULUTH SISTER CITIES INTERNATIONAL, INC., IN THE AMOUNT OF \$40,000.

Indexes:

Attachments: [Exhibit A](#)

Motion was made, seconded and unanimously carried to suspend the rules to hear a speaker on the resolution.

Tom Morgan representing Duluth Sister Cities updated the council on their organizations recent activities and requested their support for this resolution.

This Resolution was adopted as follows:

- Yea:** 8 - Councilor Anderson, Councilor Hansen, Councilor Hanson, Councilor Hobbs, Councilor Russ, Councilor Sipress, Councilor Westerlund and President Filipovich
- Nay:** 1 - Councilor Fosle

29. [16-0038R](#) RESOLUTION AUTHORIZING AN AGREEMENT WITH UMD FOR THE CONTINUED PROMOTION OF GLENSHEEN MANSION, IN THE AMOUNT OF \$50,000.

Indexes:

Attachments: [Exhibit A](#)

This Resolution was adopted as follows:

- Yea:** 8 - Councilor Anderson, Councilor Hansen, Councilor Hanson, Councilor Hobbs, Councilor Russ, Councilor Sipress, Councilor Westerlund and President Filipovich
- Nay:** 1 - Councilor Fosle

30. [16-0040R](#) RESOLUTION APPROVING BUDGET AND COST SHARING FORMULA OF MINNEAPOLIS-DULUTH/SUPERIOR AND PASSENGER RAIL ALLIANCE AND AUTHORIZING PAYMENT OF CITY'S COST SHARE OF \$9,750.

Indexes:

Attachments: [Exhibit A](#)

This Resolution was adopted as follows:

- Yea:** 8 - Councilor Anderson, Councilor Hansen, Councilor Hanson, Councilor Hobbs, Councilor Russ, Councilor Sipress, Councilor Westerlund and President Filipovich
- Nay:** 1 - Councilor Fosle

INTRODUCTION AND CONSIDERATION OF ORDINANCES

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

BY COUNCILOR RUSS (PLANNING & ECONOMIC DEVELOPMENT)

31. [16-004-O](#) AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF DULUTH TO PROVIDE FOR THE RECLASSIFICATION, REARRANGEMENT AND/OR EXPANSION OF THE CURRENT ZONE DISTRICTS; PARK AND OPEN SPACE (P-1), RESIDENTIAL-TRADITIONAL (R-1), RESIDENTIAL-URBAN (R-2), MIXED USE- BUSINESS (MU-B), MIXED USE-NEIGHBORHOOD (MU-N), INDUSTRIAL-GENERAL (I-G), FORM DISTRICT 5 (F-5) MID-RISE COMMUNITY SHOPPING AND OFFICE, AND RECLASSIFICATION OF LAND TO MIXED USE-COMMERCIAL (MU-C).

Indexes:

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

This Ordinance was read for the first time.

BY COUNCILOR SIPRESS (RECREATION, LIBRARIES & AUTHORITIES)

32. [16-001-O](#) AN ORDINANCE AMENDING CHAPTER 2, ARTICLE XXIII OF THE DULUTH CITY CODE, 1959, AS AMENDED, CHANGING THE NAME OF THE TREE COMMISSION TO THE URBAN FOREST COMMISSION.

This Ordinance was read for the first time.

COUNCILOR QUESTIONS AND COMMENTS

COUNCILOR PREVIEW OF UPCOMING BUSINESS

The meeting was adjourned at 7:53 p.m.



City of Duluth

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City Council

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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 will provide increased opportunities for civil discourse in order to find positive resolutions to the issues that face the city. These tools include: pay attention, listen, be inclusive, do not gossip, show respect, be agreeable, apologize, give constructive criticism and take responsibility. [Approved by the council on August 25, 2003]*

Monday, January 25, 2016

7:00 PM

Council Chamber

ROLL CALL

Present: 9 - Councilor Gary Anderson, Councilor Jay Fosle, Councilor Elissa Hansen, Councilor Howie Hanson, Councilor Noah Hobbs, Councilor Barb Russ, Councilor Joel Sipress, Councilor Em Westerlund and President Zack Filipovich

PLEDGE OF ALLEGIANCE

PRESENTATION OF PETITIONS AND OTHER COMMUNICATIONS

1. [16-009](#) Park Point Marina appeal citizen communications

Indexes:

Attachments: [FW Park Point Marina Appeal](#)

[FW Appeal of Planning Commission Decision for Park Point Marina Inn](#)

[FW Park Point Marina Inn request for variance](#)

[FW PL16-005 Park Point Marina Hotel](#)

[Attachment 1 of 2](#)

[Attachment 2 of 2](#)

[Duluth City Council - re Park Point Marina Inn](#)

[FW Plea to uphold the Planning Commission Decision](#)

[FW Uphold Plan Commission Decision](#)

[FW Uphold the Planning Commission Decision](#)

This Petition/Other Communication was received.

REPORTS FROM THE ADMINISTRATION

2. [16-010](#) Acting Mayor communication

This Reports from the Administration was received.

REPORTS OF BOARDS AND COMMISSIONS

3. [16-011](#) Duluth airport authority meeting minutes

Indexes:

Attachments: [DAA Meeting Minutes](#)

This Minutes was received.

4. [16-012](#) Duluth public utilities commission meeting minutes

Indexes:

- Attachments: [11172015 DPUC clean water surcharge public hearing minutes](#)
[11172015 DPUC meeting minutes](#)
[11172015 DPUC stormwater rate public hearing minutes](#)
[16PUC-001 with recommended unofficial ordinance](#)

This Minutes was received.

REPORTS OF COUNCIL COMMITTEES

REPORTS OF COUNCIL OPEN ISSUES

OPPORTUNITY FOR CITIZENS TO BE HEARD

CONSENT AGENDA

BY COUNCILOR HOBBS (PURCHASING & LICENSING)

5. [16-0023R](#) RESOLUTION AUTHORIZING AN AGREEMENT WITH CR-BUILDING PERFORMANCE SPECIALISTS, INC., FOR PROFESSIONAL SERVICES IN THE CONTINUED IMPLEMENTATION OF A CITYWIDE ASSET MANAGEMENT SYSTEM FOR AN AMOUNT NOT TO EXCEED \$80,000.

Indexes:

- Attachments: [Exhibit A](#)
[Exhibit B](#)

This Resolution was adopted unanimously.

6. [16-0045R](#) RESOLUTION APPROVING ISSUANCE OF A TEMPORARY ON SALE INTOXICATING LIQUOR LICENSE TO THE MINNESOTA BALLET (CELEBRITY DANCE CHALLENGE), 1215 RICE LAKE ROAD.

This Resolution was adopted unanimously.

7. [16-0046R](#) RESOLUTION APPROVING THE PERMANENT EXPANSION OF THE LICENSE PREMISES OF THE ON SALE INTOXICATING LIQUOR LICENSE AND AN APPLICATION FOR AN ON SALE DANCING LICENSE OF HISTORIC UNION DEPOT, INC. (SLC HERITAGE & ARTS CENTER), 506 WEST MICHIGAN STREET.

This Resolution was adopted unanimously.

8. [16-0049R](#) RESOLUTION APPROVING THE TRANSFER OF THE OFF SALE INTOXICATING LIQUOR LICENSE OF CITY WINE & LIQUOR STORE, INC. (WAREHOUSE LIQUOR STORE), 104 WEST CENTRAL ENTRANCE, TRANSFERRED TO 27 LIQUORS, LLC (27 LIQUOR), 2700 WEST MICHIGAN STREET.

This Resolution was adopted unanimously.

BY COUNCILOR ANDERSON (PERSONNEL)

9. [16-0047R](#) RESOLUTION CONFIRMING THE APPOINTMENT OF JENNIFER JULSRUD TO THE HOUSING AND REDEVELOPMENT AUTHORITY OF DULUTH, REPLACING ROBERT REICHART.

Indexes:

Attachments: [J. Julsrud Application](#)

This Resolution was adopted unanimously.

10. [16-0050R](#) RESOLUTION CONFIRMING THE APPOINTMENT OF COUNCILORS ZACK FILIPOVICH, ELISSA HANSEN AND THE REAPPOINTMENT OF JAY FOSLE TO THE DULUTH ECONOMIC DEVELOPMENT AUTHORITY.

This Resolution was adopted unanimously.

11. [16-0057R](#) RESOLUTION APPROVING PROPOSED AMENDMENTS TO THE SPECIFICATIONS FOR THE EXISTING CIVIL SERVICE CLASSIFICATION OF MANAGER, MAINTENANCE & SUPPLY SERVICES, INCLUDING A TITLE CHANGE TO MANAGER, FLEET SERVICES, AND SPECIFYING CONTRACT BENEFITS FOR SAME.

Indexes:

Attachments: [Manager, Maintenance & Supply Services \(Strikeout\)](#)
[Manager, Fleet Services](#)

This Resolution was adopted unanimously.

12. [16-0060R](#) RESOLUTION APPOINTING COUNCILOR EM WESTERLUND TO THE DULUTH PUBLIC UTILITIES COMMISSION.

This Resolution was adopted unanimously.

13. [16-0061R](#) RESOLUTION CONFIRMING THE APPOINTMENT OF COUNCILOR HOWIE HANSON TO THE DULUTH PARKING COMMISSION.

This Resolution was adopted unanimously.

BY COUNCILOR RUSS (PLANNING & ECONOMIC DEVELOPMENT)

14. [16-0044R](#) RESOLUTION AUTHORIZING A FUNDING AGREEMENT WITH KENWOOD VILLAGE, LLC, RELATED TO IMPROVEMENTS TO CLEVELAND STREET.

Indexes:

Attachments: [Exhibit A - 16-0044R](#)

This Resolution was adopted unanimously.

BY COUNCILOR HANSON (INTERGOVERNMENTAL RELATIONS)

15. [16-0036R](#) RESOLUTION OF INTENT TO SELL OR CONVEY CERTAIN REAL PROPERTY WITHIN THE CITY OF DULUTH TO ST. LOUIS COUNTY, MINNESOTA FOR THE INSTALLATION OF A DRY POND.

Indexes:

Attachments: [Exhibit A](#)

This Resolution was adopted unanimously.

BY PRESIDENT FILIPOVICH (COMMITTEE OF THE WHOLE)

16. [16-0077R](#) RESOLUTION ESTABLISHING A 2016 DULUTH DISTINGUISHED ARTIST AWARD TO BE BESTOWED ON DULUTH ARTISTS BY MEMBERS OF THE CITY COUNCIL.

Sponsors: Filipovich

This Resolution was adopted unanimously.

BY COUNCILOR WESTERLUND (PUBLIC WORKS & UTILITIES)

17. [16-0004R](#) RESOLUTION AUTHORIZING AN AGREEMENT WITH SRF, INC. FOR PROFESSIONAL ENGINEERING SERVICES TO PROVIDE DESIGN ENGINEERING FOR THE ARROWHEAD/KENWOOD AND WEST CLEVELAND STREET SIGNAL IMPROVEMENTS IN THE AMOUNT OF \$118,217.

Indexes:

Attachments: [16-0004R Aerial Photo](#)

This Resolution was adopted unanimously.

18. [16-0022R](#) RESOLUTION AUTHORIZING STREAM RESTORATION WORK ON CHESTER CREEK WITHIN CHESTER BOWL BY THE SOUTH ST LOUIS COUNTY SOIL AND WATER CONSERVATION DISTRICT (SWCD).

Indexes:

Attachments: [Attachment A -Deed declaration \(16-0022R\)](#)

[Exhibit A \(16-0022R\)](#)

This Resolution was adopted unanimously.

19. [16-0058R](#) RESOLUTION AUTHORIZING AN AGREEMENT WITH LHB, INC. FOR PROFESSIONAL ENGINEERING SERVICES TO PROVIDE THE DESIGN FOR THE SUPERIOR STREET RECONSTRUCTION PROJECT IN THE AMOUNT NOT TO EXCEED \$1,633,674.00.

Indexes:

Attachments: [Exhibit A - Resolution Map \(16-0058R\)](#)

[Exhibit B - LHB Cost Proposal \(16-0058R\)](#)

[Exhibit C - LHB Proposal \(16-0058R\)](#)

This Resolution was adopted unanimously.

20. [16-0059R](#) RESOLUTION AUTHORIZING A REQUEST TO MNDOT TO PROVIDE PERMITTED ACCESS TO TRUNK HIGHWAY 23 AT RIVERSIDE DRIVE.

Indexes:

Attachments: [Exhibit A \(16-0059R\)](#)

This Resolution was adopted unanimously.

21. [16-0064R](#) RESOLUTION AWARDED A CONTRACT TO PCI ROADS, LLC FOR THE REHABILITATION AND RELINE OF BREWERY CREEK STORM SEWER SECTIONS 29 AND 31 IN THE AMOUNT OF \$743,150.

Indexes:

Attachments: [16-0064R Map](#)

This Resolution was adopted unanimously.

BY COUNCILOR FOSLE (PUBLIC SAFETY)

22. [16-0012R](#) RESOLUTION AUTHORIZING PAYMENT TO ST. LOUIS COUNTY FOR SHARED ACCESS TO SHIELD MAINTENANCE SOFTWARE AND SERVICES ASSOCIATED WITH NEMESIS (NORTHEASTERN MINNESOTA ENFORCEMENT SAFETY INFORMATION SYSTEM) DURING 2016 FOR A TOTAL AMOUNT OF \$110,441.25.

This Resolution was adopted unanimously.

23. [16-0051R](#) RESOLUTION AUTHORIZING PROPER CITY OFFICIALS TO ACCEPT A \$125,000 GRANT AWARD FROM THE MINNESOTA DEPARTMENT OF PUBLIC SAFETY TO FUND A SEX TRAFFICKING INVESTIGATOR FOR TWO YEARS AND AUTHORIZING EXECUTION OF GRANT AGREEMENT.

Indexes:

Attachments: [Attachment A](#)

This Resolution was adopted unanimously.

24. [16-0052R](#) RESOLUTION AUTHORIZING CITY OFFICIALS TO GIVE TO OFFICER KOPP A RETIRED POLICE CANINE NAMED MALAKAI.

This Resolution was adopted unanimously.

BY COUNCILOR SIPRESS (RECREATION, LIBRARIES & AUTHORITIES)

25. [16-0072R](#) RESOLUTION AUTHORIZING THE EXECUTION OF A DECLARATION OF RESTRICTIVE COVENANT FOR CHAMBERS GROVE PARK.

Indexes:

Attachments: [EXHIBIT A](#)

This Resolution was adopted unanimously.

26. [16-0073R](#) RESOLUTION AUTHORIZING ACCEPTANCE OF TWO UTILITY EASEMENTS FOR PROPERTY BELOW SPIRIT MOUNTAIN WITH THE SPIRIT VALLEY LAND COMPANY, LLC FOR THE SPIRIT MOUNTAIN WATER LINE PROJECT AT NO COST TO THE CITY.

Indexes:

Attachments: [Exhibit 1](#)

[Exhibit 2](#)

This Resolution was adopted unanimously.

27. [16-0074R](#) RESOLUTION GRANTING APPROVAL AND IMPLEMENTATION OF THE IRVING PARK MINI-MASTER PLAN.

Indexes:

Attachments: [EXHIBIT A - 16-0074R](#)

This Resolution was adopted unanimously.

END OF CONSENT AGENDA

BY COUNCILOR HANSEN (FINANCE)

28. [16-0076R](#) RESOLUTION APPROVING A COLLECTIVE BARGAINING AGREEMENT BETWEEN THE CITY OF DULUTH AND CITY OF DULUTH SUPERVISORY ASSOCIATION FOR THE YEARS 2015-2017.

Indexes:

Attachments: [Exhibit A - Reopener Final 2015-2017 CDSA CBA \(Clean\)](#)

[Reopener Final 2015-2017 CDSA CBA \(Changed Marked\)](#)

[TA - initialled redlined reopener CBA](#)

This Resolution was adopted unanimously.

BY COUNCILOR ANDERSON (PERSONNEL)

29. [16-0063R](#) RESOLUTION CONFIRMING THE APPOINTMENT OF WAYNE PARSON AS CHIEF FINANCIAL OFFICER FOR THE CITY OF DULUTH.

This Resolution was adopted as follows:

Yea: 8 - Councilor Anderson, Councilor Hansen, Councilor Hanson, Councilor Hobbs, Councilor Russ, Councilor Sipress, Councilor Westerlund and President Filipovich

Nay: 1 - Councilor Fosle

BY COUNCILOR RUSS (PLANNING & ECONOMIC DEVELOPMENT)

30. [16-0065R](#) RESOLUTION AFFIRMING THE PLANNING COMMISSION'S DECISION TO DENY PARK POINT MARINA INN AND SUITES, LLC A VARIANCE FROM THE MIXED USE WATERFRONT DEVELOPMENT STANDARDS AT 1003 MINNESOTA AVENUE.

Indexes:

Attachments: [Attachment 1](#)

[Attachment 2](#)

[Attachment 3](#)

[Attachment 4](#)

[Attachment 5](#)

[Attachment 6](#)

[Attachment 7](#)

Motion was made, seconded and unanimously carried to remove resolution from the agenda.

31. [16-0066R](#) RESOLUTION REVERSING THE PLANNING COMMISSION'S DECISION TO DENY PARK POINT MARINA INN AND SUITES, LLC A VARIANCE FROM THE MIXED USE WATERFRONT DEVELOPMENT STANDARDS AT 1003 MINNESOTA AVENUE.

Indexes:

Attachments: [Attachment 1](#)

[Attachment 2](#)

[Attachment 3](#)

[Attachment 4](#)

[Attachment 5](#)

[Attachment 6](#)

[Attachment 7](#)

Motion was made, seconded and unanimously carried to remove resolution from the agenda.

BY COUNCILOR WESTERLUND (PUBLIC WORKS & UTILITIES)

32. [16-0053R](#) RESOLUTION AWARDING A PURCHASE FROM THUNDER BAY CHEMICALS, LTD., FOR THE PURCHASE AND DELIVERY OF 125,400 GALLONS OF LIQUID ALUMINUM SULFATE IN YEAR 2016 FOR \$125,826.36.

Indexes:

Attachments: [Exhibit A](#)

This Resolution was adopted as follows:

- Yea:** 8 - Councilor Anderson, Councilor Hansen, Councilor Hanson, Councilor Hobbs, Councilor Russ, Councilor Sipress, Councilor Westerlund and President Filipovich
- Nay:** 1 - Councilor Fosle

33. [16-0054R](#) RESOLUTION AUTHORIZING A PURCHASE FROM HAWKINS FOR THE PURCHASE AND DELIVERY OF 85,000 GALLONS OF LIQUID CAUSTIC SODA IN YEAR 2016 FOR A TOTAL OF \$144,075.

Indexes:

Attachments: [Exhibit A](#)

This Resolution was adopted as follows:

- Yea:** 8 - Councilor Anderson, Councilor Hansen, Councilor Hanson, Councilor Hobbs, Councilor Russ, Councilor Sipress, Councilor Westerlund and President Filipovich
- Nay:** 1 - Councilor Fosle

34. [16-0084R](#) RESOLUTION AWARDING A CONTRACT TO LAKEHEAD CONSTRUCTORS, INC. FOR THE REPLACEMENT OF THE OPERATING ROPES ON THE AERIAL LIFT BRIDGE IN THE AMOUNT OF \$190,963.

Indexes:

Attachments: [16-0084R Map](#)

This Resolution was adopted unanimously.

INTRODUCTION AND CONSIDERATION OF ORDINANCES

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

BY COUNCILOR RUSS (PLANNING & ECONOMIC DEVELOPMENT)

35. [16-002-O](#) AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF DULUTH TO PROVIDE FOR THE RECLASSIFICATION FROM R-1 TO MU-N, AND MU-N AND MU-B TO MU-C FOR PROPERTY ALONG THE NORTH AND SOUTH SIDES OF LONDON ROAD.

Indexes:

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

This Ordinance was read for the first time.

36. [16-003-O](#) AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF DULUTH TO PROVIDE FOR THE RECLASSIFICATION FROM I-W TO MU-W FOR PROPERTY ALONG THE WEST SIDE OF MINNESOTA AVENUE AND ST. LOUIS AVENUE.

Indexes:

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

This Ordinance was read for the first time.

BY COUNCILOR HANSON (INTERGOVERNMENTAL RELATIONS)

37. [16-005-O](#) AN ORDINANCE AUTHORIZING THE CONVEYANCE OF CERTAIN REAL PROPERTY WITHIN THE CITY OF DULUTH TO ST. LOUIS COUNTY, MINNESOTA FOR NOMINAL CONSIDERATION.

Indexes:

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

This Resolution was read for the first time.

BY COUNCILOR SIPRESS (RECREATION, LIBRARIES & AUTHORITIES)

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

BY COUNCILOR RUSS (PLANNING & ECONOMIC DEVELOPMENT)

38. [16-004-O](#) AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF DULUTH TO PROVIDE FOR THE RECLASSIFICATION, REARRANGEMENT AND/OR EXPANSION OF THE CURRENT ZONE DISTRICTS; PARK AND OPEN SPACE (P-1), RESIDENTIAL-TRADITIONAL (R-1), RESIDENTIAL-URBAN (R-2), MIXED USE- BUSINESS (MU-B), MIXED USE-NEIGHBORHOOD (MU-N), INDUSTRIAL-GENERAL (I-G), FORM DISTRICT 5 (F-5) MID-RISE COMMUNITY SHOPPING AND OFFICE, AND RECLASSIFICATION OF LAND TO MIXED USE-COMMERCIAL (MU-C).

Indexes:

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

This Ordinance was adopted unanimously.

BY COUNCILOR SIPRESS (RECREATION, LIBRARIES & AUTHORITIES)

39. [16-001-O](#) AN ORDINANCE AMENDING CHAPTER 2, ARTICLE XXIII OF THE DULUTH CITY CODE, 1959, AS AMENDED, CHANGING THE NAME OF THE TREE COMMISSION TO THE URBAN FOREST COMMISSION.

This Ordinance was adopted unanimously.

COUNCILOR QUESTIONS AND COMMENTS

COUNCILOR PREVIEW OF UPCOMING BUSINESS

Meeting was adjourned at 7:26 p.m.



City of Duluth

411 West First Street
Duluth, Minnesota 55802

Actions and Unofficial Minutes

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 will provide increased opportunities for civil discourse in order to find positive resolutions to the issues that face the city. These tools include: pay attention, listen, be inclusive, do not gossip, show respect, be agreeable, apologize, give constructive criticism and take responsibility. [Approved by the council on August 25, 2003]*

Monday, February 8, 2016

7:00 PM

Council Chamber

ROLL CALL

Present: 9 - Councilor Gary Anderson, Councilor Jay Fosle, Councilor Elissa Hansen, Councilor Howie Hanson, Councilor Noah Hobbs, Councilor Barb Russ, Councilor Joel Sipress, Councilor Em Westerlund and President Zack Filipovich

PLEDGE OF ALLEGIANCE

APPROVAL OF MINUTES

1. [16-014](#) Duluth Transit Authority Board of Directors meeting minutes

Indexes:

Attachments: [BOD Minutes \(12-02-15\)](#)
[DTA Financial Statement 2015](#)

This Minutes was received.

2. [16-015](#) Civil Service Board meeting minutes

Indexes:

Attachments: [Civil Service Board 12-08-15 Minutes \(Approved 01-05-16\)](#)

This Minutes was received.

3. [16-016](#) Duluth Economic Development Authority meeting minutes

Indexes:

Attachments: [DEDA 12-16-15 Mtg Minutes](#)

This Minutes was received.

4. [16-017](#) Library Board meeting minutes

Indexes:

Attachments: [Minutes Library Board 2015 11 24](#)

This Minutes was received.

5. [16-018](#) Housing and Redevelopment Authority meeting minutes

Indexes:

Attachments: [HRA Board Minutes 150825](#)

[HRA Board Minutes 150929](#)

[HRA Board Minutes 151027](#)

This Minutes was received.

PRESENTATION OF PETITIONS AND OTHER COMMUNICATIONS

6. [16-019](#) Lake Avenue South appeal citizen communications

Indexes:

Attachments: [Judy Harrsion Communication](#)

[Richard Brown Communication](#)

This Petition/Other Communication was received.

REPORTS FROM OTHER OFFICERS

BY COUNCILOR HANSEN (FINANCE)

REPORTS OF COUNCIL COMMITTEES

REPORTS OF COUNCIL OPEN ISSUES**OPPORTUNITY FOR CITIZENS TO BE HEARD**

Lynne Pickart expressed her concern about the icy sidewalks.

CONSENT AGENDA**BY COUNCILOR HANSEN (FINANCE)**

7. [16-0055R](#) RESOLUTION CONFIRMING ASSESSMENT ROLL LEVIED TO DEFRAY THE ASSESSABLE PORTION OF DEMOLITIONS AT FIFTEEN CITY LOCATIONS.

This Resolution was adopted unanimously.

8. [16-0075R](#) RESOLUTION PROVIDING FOR THE ISSUANCE, SALE AND DELIVERY OF GENERAL OBLIGATION DECC IMPROVEMENT REFUNDING BONDS, SERIES 2016A, IN THE APPROXIMATE AMOUNT OF \$33,440,000; ESTABLISHING THE TERMS AND FORM THEREOF; AND PROVIDING FOR AWARDEDING THE SALE THEREOF.

Indexes:

Attachments: [Exhibit A](#)

[Exhibit B](#)

[Exhibit C](#)

This Resolution was adopted unanimously.

9. [16-0113R](#) RESOLUTION APPROVING A COLLECTIVE BARGAINING AGREEMENT BETWEEN THE CITY OF DULUTH AND AMERICAN FEDERATION OF STATE, COUNTY AND MUNICIPAL EMPLOYEES, MINNESOTA COUNCIL 5, LOCAL 66, FOR CITY OF DULUTH BASIC UNIT EMPLOYEES FOR THE YEARS 2016-2018.

Indexes:

Attachments: [Exhibit A - 2016-2018 AFSCME CBA - clean](#)

[2016-2018 AFSCME CBA - Redline](#)

This Resolution was adopted unanimously.

BY COUNCILOR HOBBS (PURCHASING & LICENSING)

10. [16-0097R](#) RESOLUTION AUTHORIZING AN AGREEMENT WITH HITACHI DATA SYSTEMS FOR ANNUAL SUPPORT AND MAINTENANCE OF THE CITYWIDE CAMERA SYSTEM FOR AN AMOUNT NOT TO EXCEED \$71,382.

Indexes:

Attachments: [Exhibit A](#)

This Resolution was adopted unanimously.

BY COUNCILOR ANDERSON (PERSONNEL)

11. [16-0086R](#) RESOLUTION APPROVING PROPOSED AMENDMENTS TO THE SPECIFICATIONS FOR THE EXISTING CIVIL SERVICE CLASSIFICATION OF SEASONAL GROUNDSKEEPER.

Indexes:

Attachments: [Seasonal Groundskeeper strikeout](#)
[Seasonal Groundskeeper](#)

This Resolution was adopted unanimously.

12. [16-0093R](#) RESOLUTION AUTHORIZING THE EXECUTION OF 2016-2018 PROFESSIONAL SERVICES AGREEMENT WITH THE DULUTH JOINT POWERS ENTERPRISE TRUST FOR CITY TO PROVIDE WELLNESS COORDINATOR SERVICES AND ACCEPTING REIMBURSEMENT FOR SERVICES IN AN AMOUNT NOT TO EXCEED \$70,000 PER YEAR.

Indexes:

Attachments: [Exhibit A \(16-0093R\)](#)

This Resolution was adopted unanimously.

BY COUNCILOR SIPRESS (RECREATION, LIBRARIES & AUTHORITIES)

13. [16-0100R](#) RESOLUTION AUTHORIZING A THIRD AMENDMENT TO THE AGREEMENT BETWEEN THE CITY OF DULUTH AND THE ARROWHEAD ZOOLOGICAL SOCIETY, INC.

Indexes:

Attachments: [EXHIBIT A](#)

This Resolution was adopted unanimously.

END OF CONSENT AGENDA

BY COUNCILOR HANSEN (FINANCE)

14. [16-0103R](#) RESOLUTION PROVIDING FOR THE ISSUANCE, SALE AND DELIVERY OF TAXABLE GENERAL OBLIGATION TAX ABATEMENT BONDS, SERIES 2016B, IN THE APPROXIMATE AMOUNT OF \$7,820,000; ESTABLISHING THE TERMS AND FORM THEREOF; CREATING A BOND FUND THEREFOR; AND PROVIDING FOR AWARDING THE SALE THEREOF.

Indexes:

Attachments: [Exhibit A](#)

[Exhibit B](#)

This Resolution was adopted unanimously.

BY COUNCILOR ANDERSON (PERSONNEL)

15. [16-0092R](#) RESOLUTION APPROVING PROPOSED SPECIFICATIONS FOR THE NEW CIVIL SERVICE CLASSIFICATION OF HRIS ANALYST, AND SPECIFYING CONTRACT BENEFITS FOR SAME.

Indexes:

Attachments: [HRIS Analyst Job Description](#)

This Resolution was adopted as follows;

Yea: 8 - Councilor Anderson, Councilor Hansen, Councilor Hanson, Councilor Hobbs, Councilor Russ, Councilor Sipress, Councilor Westerlund and President Filipovich

Nay: 1 - Councilor Fosle

BY COUNCILOR RUSS (PLANNING & ECONOMIC DEVELOPMENT)

16. [16-0094R](#) RESOLUTION AFFIRMING THE PLANNING COMMISSION'S DECISION TO DENY BILL BROWNELL AND PAT BROWNELL STERNER A VARIANCE FROM THE RESIDENTIAL-TRADITIONAL (R-1) SIDE YARD SETBACK REQUIREMENT AT 3427 LAKE AVENUE SOUTH.

Indexes:

Attachments: [Attachment 1](#)

[Attachment 2](#)

[Attachment 3](#)

[Attachment 4](#)

This Resolution was denied, as follows;

Yea -0

Nay: 9 - Councilor Anderson, Councilor Fosle, Councilor Hansen, Councilor Hanson, Councilor Hobbs, Councilor Russ, Councilor Sipress, Councilor Westerlund and President Filipovich

17. [16-0096R](#) RESOLUTION REVERSING THE PLANNING COMMISSION'S DECISION TO DENY BILL BROWNELL AND PAT BROWNELL STERNER A VARIANCE FROM THE RESIDENTIAL-TRADITIONAL (R-1) SIDE YARD SETBACK REQUIREMENT AT 3427 LAKE AVENUE SOUTH.

Indexes:

Attachments: [Attachment 1](#)

[Attachment 2](#)

[Attachment 3](#)

[Attachment 4](#)

Motion was made, seconded and unanimously carried to hear a speaker on this resolution.

Bob Lent spoke in support of the resolution.

This Resolution was adopted unanimously.

BY COUNCILOR SIPRESS (RECREATION, LIBRARIES & AUTHORITIES)

18. [16-0105R](#) RESOLUTION AUTHORIZING THE USE OF THE DULUTH CITY COUNCIL NAME ON A THANK YOU PLAQUE TO BE PRESENTED TO CONGRESSMAN RICK NOLAN IN APPRECIATION FOR OPPOSING INCREASES IN TRUCK SIZE AND WEIGHT LIMITS ON MINNESOTA'S ROADS.

Sponsors: Sipress

This Resolution was adopted as follows;

Yea: 7 - Councilor Anderson, Councilor Hansen, Councilor Hanson, Councilor Russ, Councilor Sipress, Councilor Westerlund and President Filipovich

Nay: 2 - Councilor Fosle and Councilor Hobbs

INTRODUCTION AND CONSIDERATION OF ORDINANCES

ORDINANCES TABLED

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

BY COUNCILOR RUSS (PLANNING & ECONOMIC DEVELOPMENT)

19. [16-006-O](#) AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF DULUTH TO PROVIDE FOR THE RECLASSIFICATION OF THE CURRENT ZONE DISTRICT; RESIDENTIAL-TRADITIONAL (R-1) TO RESIDENTIAL-URBAN (R-2), AND MIXED USE-NEIGHBORHOOD (MU-N) AND INDUSTRIAL-GENERAL (I-G) TO MIXED USE-NEIGHBORHOOD (MU-N).

Indexes:

Attachments: [Attachment 1](#)

[Attachment 2](#)

This Ordinance was read for the first time.

20. [16-009-O](#) AN ORDINANCE AMENDING CHAPTER 6, ARTICLE VII, OF THE DULUTH CITY CODE, 1959, AS AMENDED, RELATING TO NONDOMESTIC ANIMALS.

This Ordinance was read for the first time.

BY COUNCILOR WESTERLUND (PUBLIC WORKS & UTILITIES)

21. [16-007-O](#) AN ORDINANCE ADOPTING SPECIAL PROCEDURES PERTAINING TO TERMINATION OF NATURAL GAS SERVICE DURING THE COLD WEATHER RULE PERIOD, AMENDING ARTICLE XV OF CHAPTER 48 OF THE DULUTH CITY CODE, 1959, AS AMENDED TO ADD A NEW SECTION 48-239.1.

This Ordinance was read for the first time.

22. [16-008-O](#) AN ORDINANCE MODIFYING THE TERMS OF PUBLIC UTILITY COMMISSIONERS TO EXCLUDE PARTIAL TERMS FROM TERM LIMITATIONS, AMENDING SECTION 2-184 OF THE DULUTH CITY CODE, 1959, AS AMENDED.

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)

23. [16-002-O](#) AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF DULUTH TO PROVIDE FOR THE RECLASSIFICATION FROM R-1 TO MU-N, AND MU-N AND MU-B TO MU-C FOR PROPERTY ALONG THE NORTH AND SOUTH SIDES OF LONDON ROAD.

Indexes:

Attachments: [Attachment 1](#)

[Attachment 2](#)

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

Yea: 8 - Councilor Anderson, Councilor Hansen, Councilor Hanson, Councilor Hobbs, Councilor Russ, Councilor Sipress, Councilor Westerlund and President Filipovich

Nay: 1 - Councilor Fosle

24. [16-003-O](#) AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF DULUTH TO PROVIDE FOR THE RECLASSIFICATION FROM I-W TO MU-W FOR PROPERTY ALONG THE WEST SIDE OF MINNESOTA AVENUE AND ST. LOUIS AVENUE.

Indexes:

Attachments: [Attachment 1](#)

[Attachment 2](#)

This Ordinance was adopted unanimously.

BY COUNCILOR HANSON (INTERGOVERNMENTAL RELATIONS)

25. [16-005-O](#) AN ORDINANCE AUTHORIZING THE CONVEYANCE OF CERTAIN REAL PROPERTY WITHIN THE CITY OF DULUTH TO ST. LOUIS COUNTY, MINNESOTA FOR NOMINAL CONSIDERATION.

Indexes:

Attachments: [Exhibit A](#)

[Exhibit B](#)

This Ordinance was adopted unanimously.

COUNCILOR QUESTIONS AND COMMENTS

COUNCILOR PREVIEW OF UPCOMING BUSINESS

Meeting was adjourned at 7:37 p.m.



City of Duluth

411 West First Street
Duluth, Minnesota 55802

Actions and Unofficial Minutes

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 will provide increased opportunities for civil discourse in order to find positive resolutions to the issues that face the city. These tools include: pay attention, listen, be inclusive, do not gossip, show respect, be agreeable, apologize, give constructive criticism and take responsibility. [Approved by the council on August 25, 2003]*

Monday, February 22, 2016

7:00 PM

Council Chamber

ROLL CALL

Present: 9 - Councilor Gary Anderson, Councilor Jay Fosle, Councilor Elissa Hansen, Councilor Howie Hanson, Councilor Noah Hobbs, Councilor Barb Russ, Councilor Joel Sipress, Councilor Em Westerlund and President Zack Filipovich

PLEDGE OF ALLEGIANCE

APPROVAL OF MINUTES

1. [16-020](#) August and September 2015

Indexes:

Attachments: [OPS 8.10.2015 \(1\)](#)
[OPS 8.14.2015 \(1\)](#)
[OPS 8.31.2015 \(1\)](#)
[OPS 9.14.2015 \(1\)](#)
[OPS 9.17.2015 \(1\)](#)
[OPS 9.28.2015 \(1\)](#)

This Minutes was received.

PRESENTATION OF PETITIONS AND OTHER COMMUNICATIONS

2. [16-021](#) Communications regarding Lake Superior Zoo/Fairmount Park Site Plan

Indexes:

Attachments: [Elizabeth Donley Communication \(Zoo\)](#)
[Jerry Fredrickson Communication \(Zoo\)](#)
[Richard Paulson Communication \(Zoo\)](#)

This Petition/Other Communication was received.

REPORTS FROM THE ADMINISTRATION

REPORTS FROM OTHER OFFICERS

3. [16-022](#) Clerk application to conduct excluded bingo by St. Elizabeth's Catholic Church on March 20, 2016

This Other Officers Report was received.

4. [16-026](#) Spirit Mountain Rec. Area Authority Audit

This Other Officers Report was received.

5. [16-027](#) Clerk application for exempt permit submitted to the Minnesota gambling control board.

Indexes:

Attachments: [Holy Family Church Gambling Permit](#)
[St Luke's Foundation Gambling Permit](#)

This Other Officers Report was received.

6. [16-028](#) Vacation Dwelling Unit Moratorium

Indexes:

- Attachments:** [Public Meeting Comments 1 21 2016](#)
[Public Meeting Comments 10 15 2015](#)
[VDRHS PC CC Report](#)

This Other Officers Report was received.

REPORTS OF BOARDS AND COMMISSIONS

7. [16-023](#) DPUC Meeting Minutes & Recommendations

Indexes:

- Attachments:** [01192016 DPUC meeting minutes](#)
[16PUC-002 with recommended unofficial ordinance](#)
[16PUC-003 recommending alternative stormwater mgmt approved 02162016](#)

This Board or Commission Report was received.

8. [16-024](#) DAA Meeting Minutes

Indexes:

- Attachments:** [DAA January 19, 2016 Meeting Minutes](#)

This Board or Commission Report was received.

REPORTS OF COUNCIL COMMITTEES

REPORTS OF COUNCIL OPEN ISSUES

Councilor Anderson presented the Duluth City Council February 2016 Duluth Distinguished Artists award to Angie Frank.

Ms. Frank thanked the council for this honor.

OPPORTUNITY FOR CITIZENS TO BE HEARD

Lynne Pickart commented on her continued concern about the icy sidewalks.

Justin Anderson expressed his concerns about the need for more information about where the political caucuses are being held.

Jesse Peterson commented on the difficulty on participating in the political party caucus process.

MOTIONS AND RESOLUTIONS**CONSENT AGENDA****BY COUNCILOR HOBBS (PURCHASING & LICENSING)**

9. [16-0104R](#) RESOLUTION AUTHORIZING THE PURCHASE OF TECHRETE, PRIMER, SEALANT, MASTIC, AND THE RENTAL OF A PATCHER TRAILER, FROM BROCK WHITE COMPANY FOR A TOTAL AMOUNT OF \$123,680.

Indexes:

Attachments: [Exhibit A](#)

This Resolution was adopted unanimously.

10. [16-0119R](#) RESOLUTION AUTHORIZING THE FIRST AMENDMENT TO CONTRACT 22447 WITH CHRISTINE PENNEY FOR PROFESSIONAL SERVICES FOR ADDITIONAL GRANT RESEARCH AND WRITING SERVICES FOR AN AMENDED CONTRACT TOTAL NOT TO EXCEED \$109,400.

Indexes:

Attachments: [Exhibit A](#)
[Exhibit A-1](#)

This Resolution was adopted unanimously.

11. [16-0120R](#) RESOLUTION AUTHORIZING A CONTRACT WITH WETLAND HABITAT RESTORATIONS FOR THE REMOVAL OF INVASIVE SPECIES FROM THE WESTERN WATERFRONT TRAIL CORRIDOR IN THE AMOUNT OF \$179,501.

Indexes:

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

This Resolution was adopted unanimously.

12. [16-0129R](#) RESOLUTION AUTHORIZING AN AGREEMENT WITH PRAIRIE RESTORATIONS, INC. FOR THE IMPLEMENTATION OF A PORTION OF PHASE ONE OF THE HARTLEY MINI MASTER PLAN FOR AN AMOUNT NOT TO EXCEED \$65,000.

Indexes:

Attachments: [Exhibit A](#)

This Resolution was adopted unanimously.

BY COUNCILOR ANDERSON (PERSONNEL)

13. [16-0112R](#) RESOLUTION APPROVING PROPOSED AMENDMENTS TO THE SPECIFICATIONS FOR THE EXISTING CIVIL SERVICE CLASSIFICATION OF BUILDINGS & GROUNDS MAINTENANCE SUPERVISOR, INCLUDING A TITLE CHANGE TO PARKS & GROUNDS MAINTENANCE SUPERVISOR, AND SPECIFYING CONTRACT BENEFITS FOR SAME.

Indexes:

Attachments: [Buildings & Grounds Maintenance Supervisor Strikeout](#)
[Parks & Grounds Maintenance Supervisor](#)

This Resolution was adopted unanimously.

BY COUNCILOR RUSS (PLANNING & ECONOMIC DEVELOPMENT)

14. [16-0095R](#) RESOLUTION AUTHORIZING AN AGREEMENT WITH PERKINS+WILL FOR THE WESTERN PORT AREA NEIGHBORHOOD PLAN FOR AN AMOUNT NOT TO EXCEED \$185,075.

Indexes:

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

This Resolution was adopted unanimously.

15. [16-0098R](#) RESOLUTION AUTHORIZING EXECUTION OF AN AGREEMENT WITH THE DULUTH ECONOMIC DEVELOPMENT AUTHORITY (DEDA) RELATING TO PARTICIPATION BY DEDA IN THE CITY OF DULUTH SELF INSURANCE FUND PROGRAM FOR 2016.

Indexes:

Attachments: [DEDA-City Self Insurance Program](#)

This Resolution was adopted unanimously.

16. [16-0099R](#) RESOLUTION AUTHORIZING AN AGREEMENT WITH THE DULUTH ECONOMIC DEVELOPMENT AUTHORITY (DEDA) TO INSURE CERTAIN DEDA PROPERTY UNDER THE CITY'S PROPERTY AND BOILER INSURANCE POLICIES.

Indexes:

Attachments: [DEDA-City Property & Boiler Insurance Agreement \(2\)](#)

This Resolution was adopted unanimously.

17. [16-0121R](#) RESOLUTION VACATING THE 30 FOOT WIDE RIGHT OF WAY LYING SOUTHERLY AND ADJACENT TO BLOCK 3, HYDE PARK (JOHN F. AND KRISTINE CURTIS).

Indexes:

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

This Resolution was adopted unanimously.

BY COUNCILOR WESTERLUND (PUBLIC WORKS & UTILITIES)

18. [16-0116R](#) RESOLUTION AUTHORIZING AN AGREEMENT WITH LHB, INC. FOR PROFESSIONAL ENGINEERING SERVICES TO PROVIDE DESIGN SERVICES FOR A DECK GRATING ASSESSMENT, SIDEWALK ASSESSMENT AND REPAINTING DESIGN AND PLANS FOR THE DULUTH AERIAL LIFT BRIDGE IN AN AMOUNT NOT TO EXCEED \$78,578.

Indexes:

Attachments: [16-0116R Map](#)
[16-0116R PESA](#)

This Resolution was adopted unanimously.

19. [16-0118R](#) RESOLUTION AWARDDING A CONTRACT TO MINNESOTA PIPE & EQUIPMENT, INC. FOR THE PURCHASE OF DUCTILE IRON WATER MAIN PIPE FOR ST. LOUIS COUNTY'S CSAH 9 STREET RECONSTRUCTION PROJECT IN THE AMOUNT OF \$300,609.

This Resolution was adopted unanimously.

20. [16-0130R](#) RESOLUTION AUTHORIZING LICENSE AGREEMENT WITH BNSFRR TO AUTHORIZE CONSTRUCTION OF WATER MAIN AND CASING UNDER RAILROAD RIGHT-OF-WAY AT 59TH AVE. W.

Indexes:

Attachments: [Exhibit A - 16-0130R](#)

This Resolution was adopted unanimously.

BY COUNCILOR FOSLE (PUBLIC SAFETY)

21. [16-0122R](#) RESOLUTION RENEWING CODERED SERVICE AGREEMENT (AGREEMENT NO. 22025) AND RENEWING THE WEATHER WARNING SERVICE ADDENDUM (AGREEMENT NO. 22026) WITH EMERGENCY COMMUNICATIONS NETWORK LLC, FOR A TOTAL COST OF \$29,500.

This Resolution was adopted unanimously.

BY COUNCILOR SIPRESS (RECREATION, LIBRARIES & AUTHORITIES)

22. [16-0080R](#) RESOLUTION AUTHORIZING THE TWO YEAR RENEWAL OF AGREEMENT 22326 WITH DULUTH AREA FAMILY YMCA TO PROVIDE AFTER SCHOOL PROGRAMMING AND SUMMER YOUTH PROGRAMMING AT VARIOUS LOCATIONS FOR A MAXIMUM ANNUAL FEE NOT TO EXCEED \$150,000, AND A TOTAL AGREEMENT AMOUNT NOT TO EXCEED \$412,500.

Indexes:

Attachments: [Exhibit A](#)

This Resolution was adopted unanimously.

23. [16-0114R](#) RESOLUTION AUTHORIZING APPLICATION TO THE MINNESOTA DEPARTMENT OF NATURAL RESOURCES (MN DNR) FEDERAL RECREATIONAL TRAIL PROGRAM TO CONSTRUCT A MULTI-USE TRAIL ALONG THE PROPOSED DWP RAIL BED TRAIL FROM SPIRIT MOUNTAIN TO STEWART CREEK.

Indexes:

Attachments: [EXHIBIT A - 16-0114R](#)

[EXHIBIT B - 16-0114R](#)

This Resolution was adopted unanimously.

24. [16-0115R](#) RESOLUTION AUTHORIZING APPLICATION TO A MINNESOTA DEPARTMENT OF NATURAL RESOURCES FEDERAL RECREATIONAL TRAIL PROGRAM GRANT TO CONSTRUCT A MULTI-USE TRAIL (THE CLYDE CONNECTOR TRAIL) CONNECTING SMITHVILLE, THE MUNGER TRAIL, THE DWP TRAIL AND WEST SKYLINE PARKWAY.

Indexes:

Attachments: [EXHIBIT B - 16-0115R](#)

[EXHIBIT A - 16-0115R](#)

This Resolution was adopted unanimously.

25. [16-0125R](#) RESOLUTION GRANTING APPROVAL AND IMPLEMENTATION OF THE LINCOLN PARK MINI-MASTER PLAN.

Indexes:

Attachments: [EXHIBIT A - 16-0125R](#)

This Resolution was adopted unanimously.

26. [16-0133R](#) RESOLUTION AUTHORIZING THREE YEAR LEASE AGREEMENT WITH THE NATIONAL ASSOCIATION FOR THE ADVANCEMENT OF COLORED PEOPLE, DULUTH BRANCH, FOR USE OF SPACE IN THE WASHINGTON RECREATION CENTER.

Indexes:

Attachments: [NAACP lease 2016-02-16 \(council copy\)](#)

This Resolution was adopted unanimously.

END OF CONSENT AGENDA

BY COUNCILOR RUSS (PLANNING & ECONOMIC DEVELOPMENT)

27. [16-0124R](#) RESOLUTION GRANTING AN INTERIM USE PERMIT FOR AN ART SCHOOL AT 810 WEST THIRD STREET, FORMER ST. PETER'S CHURCH (JEFFREY T. LARSON).

Indexes:

Attachments: [Attachment 1](#)

A motion was made by Councilor Russ that this Resolution be tabled and a second was made by Councilor E. Hansen. The motion to table this Resolution carried unanimously.

BY COUNCILOR WESTERLUND (PUBLIC WORKS & UTILITIES)

28. [16-0117R](#) RESOLUTION AWARDING A CONTRACT TO NORTHLAND CONSTRUCTORS OF DULUTH, LLC FOR CONSTRUCTION OF THE LOWELL TO LAKEWALK TRAIL PHASE 1 (NOW KNOWN AS CAMPUS CONNECTOR) IN THE AMOUNT OF \$777,773.75.

Indexes:

Attachments: [16-0117R Map](#)
[16-0117R Cross Section](#)

This Resolution was adopted unanimously.

INTRODUCTION AND CONSIDERATION OF ORDINANCES

ORDINANCES TABLED

BY COUNCILOR RUSS (PLANNING & ECONOMIC DEVELOPMENT)

29. [16-002-O](#) AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF DULUTH TO PROVIDE FOR THE RECLASSIFICATION FROM R-1 TO MU-N, AND MU-N AND MU-B TO MU-C FOR PROPERTY ALONG THE NORTH AND SOUTH SIDES OF LONDON ROAD.

Indexes:

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

A motion was made, seconded and carried unanimously to remove the ordinance from the table.

A motion was made that this Ordinance be adopted. The motion carried unanimously.

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

BY COUNCILOR RUSS (PLANNING & ECONOMIC DEVELOPMENT)

- 30. [16-011-O](#) ORDINANCE DESIGNATING THE FORMER ST. PETER’S CHURCH, 810 WEST THIRD STREET, AS A DULUTH HISTORIC LANDMARK (JEFFREY T. LARSON).

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 RUSS (PLANNING & ECONOMIC DEVELOPMENT)

- 31. [16-006-O](#) AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF DULUTH TO PROVIDE FOR THE RECLASSIFICATION OF THE CURRENT ZONE DISTRICT; RESIDENTIAL-TRADITIONAL (R-1) TO RESIDENTIAL-URBAN (R-2), AND MIXED USE-NEIGHBORHOOD (MU-N) AND INDUSTRIAL-GENERAL (I-G) TO MIXED USE-NEIGHBORHOOD (MU-N).

Indexes:

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

This Ordinance was adopted unanimously.

- 32. [16-009-O](#) AN ORDINANCE AMENDING CHAPTER 6, ARTICLE VII, OF THE DULUTH CITY CODE, 1959, AS AMENDED, RELATING TO NONDOMESTIC ANIMALS.

Motion was made, seconded and unanimously carried to suspend the rules to hear a speaker on the ordinance.

Kris Kapsner expressed support for the ordinance.

This Ordinance was adopted as follows;

Yea: 7 - Councilor Anderson, Councilor Hansen, Councilor Hanson, Councilor Russ, Councilor Sipress, Councilor Westerlund and President Filipovich

Nay: 2 - Councilor Fosle and Councilor Hobbs

BY COUNCILOR WESTERLUND (PUBLIC WORKS & UTILITIES)

33. [16-007-O](#) AN ORDINANCE ADOPTING SPECIAL PROCEDURES PERTAINING TO TERMINATION OF NATURAL GAS SERVICE DURING THE COLD WEATHER RULE PERIOD, AMENDING ARTICLE XV OF CHAPTER 48 OF THE DULUTH CITY CODE, 1959, AS AMENDED TO ADD A NEW SECTION 48-239.1.

This Ordinance was adopted unanimously.

34. [16-008-O](#) AN ORDINANCE MODIFYING THE TERMS OF PUBLIC UTILITY COMMISSIONERS TO EXCLUDE PARTIAL TERMS FROM TERM LIMITATIONS, AMENDING SECTION 2-184 OF THE DULUTH CITY CODE, 1959, AS AMENDED.

This Ordinance was adopted unanimously.

COUNCILOR QUESTIONS AND COMMENTS

COUNCILOR PREVIEW OF UPCOMING BUSINESS

This was approved.

Meeting Adjourned at 7:52 p.m.



City of Duluth

411 West First Street
Duluth, Minnesota 55802

Actions and Unofficial Minutes

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 will provide increased opportunities for civil discourse in order to find positive resolutions to the issues that face the city. These tools include: pay attention, listen, be inclusive, do not gossip, show respect, be agreeable, apologize, give constructive criticism and take responsibility. [Approved by the council on August 25, 2003]*

Monday, March 14, 2016

7:00 PM

Council Chamber

ROLL CALL

Present: 9 - Councilor Howie Hanson, Councilor Barb Russ, Councilor Noah Hobbs, Councilor Em Westerlund, Councilor Elissa Hansen, Councilor Gary Anderson, Councilor Joel Sipress, Councilor Jay Fosle and President Zack Filipovich

PLEDGE OF ALLEGIANCE

PUBLIC HEARINGS - 7:00 P.M - Reconstruction of 10th Avenue East

APPROVAL OF MINUTES

1. [16-029](#) October and November 2015 city council meeting minutes

Indexes:

Attachments: [OPS 10.8.2015 \(1\)](#)
[OPS 10.12.2015 \(1\)](#)
[OPS 10.26.2015 \(1\)](#)
[OPS 11.19.2015](#)
[OPS 11.23.2015 \(1\)](#)

These minutes were received.

PRESENTATION OF PETITIONS AND OTHER COMMUNICATIONS

2. [16-034](#) Assignment of Concurrent Use Permit for Elizabeth Street from Mark Lambert to BlueStone Flats, LLC (previously approved by City Council Ord. No. 10411, 10-12-15)

Indexes:

Attachments: [BlueStone Flats - Concurrent Use Permit Assignment](#)
[DoranCompaniesLLC_4845771_ClientPack](#)

This Petition/Other Communication was received

REPORTS FROM THE ADMINISTRATION

REPORTS FROM OTHER OFFICERS

3. [16-033](#) Clerk application to conduct excluded bingo.

Indexes:

Attachments: [Excluded Bingo Application \(Holy Family Catholic Church\)](#)

This Other Officers Report was received.

REPORTS OF BOARDS AND COMMISSIONS

4. [16-030](#) AGT January minutes

Indexes:

Attachments: [AGT January Minutes](#)

This Board or Commission Report was received.

5. [16-031](#) Civil Service Board January meeting minutes

Indexes:

Attachments: [Civil Service Board01-05-16 Minutes \(Approved 02-02-16\)](#)

This Board or Commission Report was received.

6. [16-032](#) DTA meeting minutes

Indexes:

Attachments: [DTA BOD Minutes \(1-6-16\)](#)

This Board or Commission Report was received.

REPORTS OF COUNCIL COMMITTEES

REPORTS OF COUNCIL OPEN ISSUES

OPPORTUNITY FOR CITIZENS TO BE HEARD

RESOLUTIONS TABLED

BY COUNCILOR RUSS (PLANNING & ECONOMIC DEVELOPMENT)

7. [16-0124R](#) RESOLUTION GRANTING AN INTERIM USE PERMIT FOR AN ART SCHOOL AT 810 WEST THIRD STREET, FORMER ST. PETER'S CHURCH (JEFFREY T. LARSON).

Indexes:

Attachments: [Attachment 1](#)

This Resolution was adopted unanimously.

Yea: 9 - Councilor Hanson, Councilor Russ, Councilor Hobbs, Councilor Westerlund, Councilor Hansen, Councilor Anderson, Councilor Sipress, Councilor Fosle and President Filipovich

MOTIONS AND RESOLUTIONS

CONSENT AGENDA

BY COUNCILOR HANSEN (FINANCE)

8. [16-0146R](#) RESOLUTION CONFIRMING ASSESSMENT ROLL LEVIED TO DEFRAY THE ASSESSABLE PORTION OF THE TOTAL RECONSTRUCTION OF 10th AVE EAST.

Indexes:

Attachments: [Total Reconstruct - 10th Ave E](#)

This Resolution was adopted unanimously.

Yea: 9 - Councilor Hanson, Councilor Russ, Councilor Hobbs, Councilor Westerlund, Councilor Hansen, Councilor Anderson, Councilor Sipress, Councilor Fosle and President Filipovich

9. [16-0147R](#) RESOLUTION RENEWING JOINT POWERS AGREEMENT 20604 WITH DULUTH ENTERTAINMENT AND CONVENTION CENTER AUTHORITY FOR THE OPERATION OF MINNESOTA SLIP PEDESTRIAN DRAW BRIDGE DURING YEAR 2016 FOR AN AMOUNT NOT TO EXCEED \$37,723.45.

This Resolution was adopted unanimously.

Yea: 9 - Councilor Hanson, Councilor Russ, Councilor Hobbs, Councilor Westerlund, Councilor Hansen, Councilor Anderson, Councilor Sipress, Councilor Fosle and President Filipovich

10. [16-0152R](#) RESOLUTION AMENDING RESOLUTION NO. 16-0055 CONFIRMING DEMOLITION ASSESSMENT ROLL TO DELETE ONE PROPERTY AND REDUCING THE AMOUNT ASSESSED.

This Resolution was adopted unanimously.

Yea: 9 - Councilor Hanson, Councilor Russ, Councilor Hobbs, Councilor Westerlund, Councilor Hansen, Councilor Anderson, Councilor Sipress, Councilor Fosle and President Filipovich

11. [16-0153R](#) RESOLUTION AUTHORIZING A ONE-YEAR EXTENSION OF THE CITY'S PROPERTY INSURANCE CONTRACT WITH AFFILIATED FM INSURANCE COMPANY FOR PROPERTY INSURANCE AT THE COST NOT TO EXCEED \$170,000 TO BE PAID TO MARSH & McLENNAN AGENCY LLC, AGENT FOR AFFILIATED FM INSURANCE COMPANY.

This Resolution was adopted unanimously.

Yea: 9 - Councilor Hanson, Councilor Russ, Councilor Hobbs, Councilor Westerlund, Councilor Hansen, Councilor Anderson, Councilor Sipress, Councilor Fosle and President Filipovich

12. [16-0154R](#) RESOLUTION AUTHORIZING AN AGREEMENT WITH THE DULUTH AIRPORT AUTHORITY (DAA) TO INSURE CERTAIN DAA PROPERTY AND EQUIPMENT UNDER THE CITY'S PROPERTY INSURANCE POLICY.

Indexes:

Attachments: [Exhibit A - 16-0154R](#)

This Resolution was adopted unanimously.

Yea: 9 - Councilor Hanson, Councilor Russ, Councilor Hobbs, Councilor Westerlund, Councilor Hansen, Councilor Anderson, Councilor Sipress, Councilor Fosle and President Filipovich

BY COUNCILOR HOBBS (PURCHASING & LICENSING)

13. [16-0148R](#) RESOLUTION AUTHORIZING THE PURCHASE OF EIGHT 2016 FORD UTILITY POLICE VEHICLES FROM NELSON AUTO CENTER FOR A TOTAL OF \$250,895.60.

This Resolution was adopted unanimously.

Yea: 9 - Councilor Hanson, Councilor Russ, Councilor Hobbs, Councilor Westerlund, Councilor Hansen, Councilor Anderson, Councilor Sipress, Councilor Fosle and President Filipovich

14. [16-0149R](#) RESOLUTION AUTHORIZING THE PURCHASE OF SIX 2016 DODGE CHARGER POLICE VEHICLES FROM MIKE MOTORS FOR A TOTAL OF \$157,470.

This Resolution was withdrawn.

15. [16-0159R](#) RESOLUTION AUTHORIZING A PURCHASE FROM COMPASS MINERALS AMERICA FOR AN ADDITIONAL 2,000 TONS OF ROAD SALT FOR SPRING 2016, AN INCREASE OF \$124,280, AND A TOTAL PURCHASE PRICE OF \$612,186.

This Resolution was adopted unanimously.

Yea: 9 - Councilor Hanson, Councilor Russ, Councilor Hobbs, Councilor Westerlund, Councilor Hansen, Councilor Anderson, Councilor Sipress, Councilor Fosle and President Filipovich

16. [16-0180R](#) RESOLUTION APPROVING AN EXCLUDED BINGO PERMIT TO HOLY FAMILY CATHOLIC CHURCH.

Indexes:

Attachments: [ATTACHMENT A](#)

This Resolution was adopted unanimously.

Yea: 9 - Councilor Hanson, Councilor Russ, Councilor Hobbs, Councilor Westerlund, Councilor Hansen, Councilor Anderson, Councilor Sipress, Councilor Fosle and President Filipovich

17. [16-0181R](#) RESOLUTION APPROVING AN EXCLUDED BINGO PERMIT TO ST ELIZABETHS CATHOLIC CHURCH.

Indexes:

Attachments: [ATTACHMENT A](#)

This Resolution was adopted unanimously.

Yea: 9 - Councilor Hanson, Councilor Russ, Councilor Hobbs, Councilor Westerlund, Councilor Hansen, Councilor Anderson, Councilor Sipress, Councilor Fosle and President Filipovich

18. [16-0182R](#) RESOLUTION AUTHORIZING A SOLE SOURCE PURCHASE OF SERVER AND VIDEO EQUIPMENT FROM HITACHI DATA SYSTEMS IN THE AMOUNT OF \$133,990.12.

Indexes:

Attachments: [Exhibit A](#)

This Resolution was adopted unanimously.

Yea: 9 - Councilor Hanson, Councilor Russ, Councilor Hobbs, Councilor Westerlund, Councilor Hansen, Councilor Anderson, Councilor Sipress, Councilor Fosle and President Filipovich

19. [16-0183R](#) RESOLUTION APPROVING THE EXEMPTION OF A RAFFLE LICENSE AND WAIVING THE 60 DAY WAITING PERIOD FOR THE DULUTH AIRMEN FOUNDATION, INC.

Indexes:

Attachments: [Attachment A.](#)

This Resolution was adopted unanimously.

Yea: 9 - Councilor Hanson, Councilor Russ, Councilor Hobbs, Councilor Westerlund, Councilor Hansen, Councilor Anderson, Councilor Sipress, Councilor Fosle and President Filipovich

20. [16-0188R](#) RESOLUTION ISSUING A TEMPORARY ON SALE INTOXICATING LIQUOR LICENSE TO AAD SHRINERS, (DULUTH HOT AIR BALLON FESTIVAL) BAYFRONT PARK.

Indexes:

Attachments: [Attachement A - Shriners](#)

This Resolution was adopted unanimously.

Yea: 9 - Councilor Hanson, Councilor Russ, Councilor Hobbs, Councilor Westerlund, Councilor Hansen, Councilor Anderson, Councilor Sipress, Councilor Fosle and President Filipovich

21. [16-0189R](#) RESOLUTION APPROVING ISSUING A TEMPORARY ON SALE 3.2 PERCENT MALT LIQUOR LICENSE TO THE AAD SHRINERS (KIA DRAG RACES AND CAR SHOW), 435 GARFIELD AVENUE.

Indexes:

Attachments: [Attachment A - Kia Drags](#)

This Resolution was adopted unanimously.

Yea: 9 - Councilor Hanson, Councilor Russ, Councilor Hobbs, Councilor Westerlund, Councilor Hansen, Councilor Anderson, Councilor Sipress, Councilor Fosle and President Filipovich

22. [16-0190R](#) RESOLUTION ISSUING A TEMPORARY ON SALE INTOXICATING LIQUOR LICENSE TO BONG P-38, D/B/A DULUTH AIRSHOW, 305 EAST 2ND STREET, SUPERIOR WISCONSIN.

Indexes:

Attachments: [Attachment A -Airshow](#)

This Resolution was adopted unanimously.

Yea: 9 - Councilor Hanson, Councilor Russ, Councilor Hobbs, Councilor Westerlund, Councilor Hansen, Councilor Anderson, Councilor Sipress, Councilor Fosle and President Filipovich

23. [16-0191R](#) RESOLUTION RECOMMENDING APPROVAL OF THE CONSUMPTION AND DISPLAY LICENSE RENEWAL OF DULUTH WOMAN'S CLUB FOR THE PERIOD BEGINNING APRIL 1, 2016, AND ENDING MARCH 31, 2017.

Indexes:

Attachments: [ATTACHMENT A - WOMANS CLUB](#)

This Resolution was adopted unanimously.

Yea: 9 - Councilor Hanson, Councilor Russ, Councilor Hobbs, Councilor Westerlund, Councilor Hansen, Councilor Anderson, Councilor Sipress, Councilor Fosle and President Filipovich

BY COUNCILOR ANDERSON (PERSONNEL)

24. [16-0158R](#) RESOLUTION APPROVING PROPOSED AMENDMENTS TO THE SPECIFICATIONS FOR THE EXISTING CIVIL SERVICE CLASSIFICATION OF PERMIT PROCESS SUPERVISOR, INCLUDING A TITLE CHANGE TO CONSTRUCTION SERVICES MANAGER, AND SPECIFYING CONTRACT BENEFITS FOR SAME.

Indexes:

Attachments: [Permit Process Supervisor \(strikeout\)](#)
[Construction Services Manager \(final draft\).pdf](#)

This Resolution was adopted unanimously.

Yea: 9 - Councilor Hanson, Councilor Russ, Councilor Hobbs, Councilor Westerlund, Councilor Hansen, Councilor Anderson, Councilor Sipress, Councilor Fosle and President Filipovich

25. [16-0186R](#) RESOLUTION CONFIRMING THE APPOINTMENT OF MICHAEL TALARICO TO THE HOUSING AND REDEVELOPMENT AUTHORITY OF DULUTH.

Indexes:

Attachments: [M. Talarico Application](#)

This Resolution was adopted unanimously.

Yea: 9 - Councilor Hanson, Councilor Russ, Councilor Hobbs, Councilor Westerlund, Councilor Hansen, Councilor Anderson, Councilor Sipress, Councilor Fosle and President Filipovich

BY COUNCILOR RUSS (PLANNING & ECONOMIC DEVELOPMENT)

26. [16-0164R](#) 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.

Indexes:

Attachments: [Attachment 1](#)

This Resolution was adopted unanimously.

Yea: 9 - Councilor Hanson, Councilor Russ, Councilor Hobbs, Councilor Westerlund, Councilor Hansen, Councilor Anderson, Councilor Sipress, Councilor Fosle and President Filipovich

27. [16-0175R](#) RESOLUTION OF INTENT TO SELL OR CONVEY CERTAIN REAL PROPERTY WITHIN THE CITY OF DULUTH TO INDEPENDENT SCHOOL DISTRICT #709 FOR AN ENTRANCE TO DENFELD HIGH SCHOOL.

Indexes:

Attachments: [EXHIBIT A](#)

[Exhibit B](#)

This Resolution was adopted unanimously.

Yea: 9 - Councilor Hanson, Councilor Russ, Councilor Hobbs, Councilor Westerlund, Councilor Hansen, Councilor Anderson, Councilor Sipress, Councilor Fosle and President Filipovich

28. [16-0177R](#) RESOLUTION VACATING A 16 FOOT WIDE EASEMENT FOR PEDESTRIAN AND VEHICULAR TRAVEL OVER AND ADJACENT TO LOTS 1-4, BLOCK 8, GRAND CENTRAL DIVISION (CITY OF DULUTH).

Indexes:

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

This Resolution was adopted unanimously.

Yea: 9 - Councilor Hanson, Councilor Russ, Councilor Hobbs, Councilor Westerlund, Councilor Hansen, Councilor Anderson, Councilor Sipress, Councilor Fosle and President Filipovich

29. [16-0178R](#) RESOLUTION VACATING THE 66 FOOT WIDE STREET EASEMENT OVER LOTS 1-5, LAKESIDE GARDENS, AND DEDICATING A 20 FOOT PEDESTRIAN EASEMENT THROUGH VACATED NORWOOD STREET (ISD #709).

Indexes:

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

This Resolution was adopted unanimously.

Yea: 9 - Councilor Hanson, Councilor Russ, Councilor Hobbs, Councilor Westerlund, Councilor Hansen, Councilor Anderson, Councilor Sipress, Councilor Fosle and President Filipovich

BY COUNCILOR HANSON (INTERGOVERNMENTAL RELATIONS)

30. [16-0138R](#) RESOLUTION APPROVING MASTER SUBSCRIBER AGREEMENT FOR MINNESOTA COURT DATA SERVICES FOR GOVERNMENTAL AGENCIES.

Indexes:

Attachments: [Exhibit A - Master Subscriber Agreement](#)

This Resolution was adopted unanimously.

Yea: 9 - Councilor Hanson, Councilor Russ, Councilor Hobbs, Councilor Westerlund, Councilor Hansen, Councilor Anderson, Councilor Sipress, Councilor Fosle and President Filipovich

BY COUNCILOR WESTERLUND (PUBLIC WORKS & UTILITIES)

31. [16-0131R](#) RESOLUTION AUTHORIZING AMENDMENT #1 TO RESOLUTION 16-0004 AUTHORIZING A CONTRACT WITH SRF, INC. TO PROVIDE PROFESSIONAL ENGINEERING SERVICES FOR THE ARROWHEAD/KENWOOD AND WEST CLEVELAND STREET SIGNAL IMPROVEMENTS, TO INCREASE THE AMOUNT BY \$37,066 FOR A NEW TOTAL OF \$155,283.

Indexes:**Attachments:** [16-0131R Amendment](#)

This Resolution was adopted unanimously.

Yea: 9 - Councilor Hanson, Councilor Russ, Councilor Hobbs, Councilor Westerlund, Councilor Hansen, Councilor Anderson, Councilor Sipress, Councilor Fosle and President Filipovich

32. [16-0132R](#) RESOLUTION AUTHORIZING AN AGREEMENT BETWEEN ST. LOUIS COUNTY AND THE CITY OF DULUTH FOR THE ARROWHEAD/KENWOOD AND WEST CLEVELAND STREET SIGNAL IMPROVEMENTS.

Indexes:**Attachments:** [16-0132R Agreement](#)

This Resolution was adopted unanimously.

Yea: 9 - Councilor Hanson, Councilor Russ, Councilor Hobbs, Councilor Westerlund, Councilor Hansen, Councilor Anderson, Councilor Sipress, Councilor Fosle and President Filipovich

33. [16-0143R](#) RESOLUTION AMENDING A CONTRACT WITH BARR ENGINEERING TO PROVIDE PROFESSIONAL ENGINEERING SERVICES FOR STREAM DESIGN AND CONSTRUCTION TO INCREASE THE AMOUNT BY \$92,891 FOR A NEW TOTAL OF \$328,928.

Indexes:**Attachments:** [16-0143R Amendment](#)

This Resolution was adopted unanimously.

Yea: 9 - Councilor Hanson, Councilor Russ, Councilor Hobbs, Councilor Westerlund, Councilor Hansen, Councilor Anderson, Councilor Sipress, Councilor Fosle and President Filipovich

34. [16-0150R](#) RESOLUTION APPROVING A COUNTY PROJECT WITHIN MUNICIPAL CORPORATE LIMITS FOR IMPROVEMENTS TO COUNTY STATE AID HIGHWAY NO. 4 (RICE LAKE ROAD).

Indexes:

Attachments: [16-0150R Map](#)

This Resolution was adopted unanimously.

Yea: 9 - Councilor Hanson, Councilor Russ, Councilor Hobbs, Councilor Westerlund, Councilor Hansen, Councilor Anderson, Councilor Sipress, Councilor Fosle and President Filipovich

35. [16-0151R](#) RESOLUTION OF INTENT FOR THE 2016 STREET PRESERVATION PROJECT AND TO ASSESS A PORTION OF THE COSTS THEREOF.

Indexes:

Attachments: [16-0151R Map](#)

This Resolution was adopted unanimously.

Yea: 9 - Councilor Hanson, Councilor Russ, Councilor Hobbs, Councilor Westerlund, Councilor Hansen, Councilor Anderson, Councilor Sipress, Councilor Fosle and President Filipovich

36. [16-0155R](#) RESOLUTION AUTHORIZING AGREEMENT WITH MINNESOTA POWER, A DIVISION OF ALLETE, INC. FOR JOINT CONSTRUCTION OF UTILITIES IN MICHIGAN STREET.

Indexes:

Attachments: [Exhibit A - 16-0155R](#)

This Resolution was adopted unanimously.

Yea: 9 - Councilor Hanson, Councilor Russ, Councilor Hobbs, Councilor Westerlund, Councilor Hansen, Councilor Anderson, Councilor Sipress, Councilor Fosle and President Filipovich

37. [16-0156R](#) RESOLUTION ACCEPTING TWO EASEMENTS FOR STREET AND UTILITY PURPOSES FROM HALLETT DOCK COMPANY IN THE VICINITY OF 59TH AVENUE WEST AT NO COST TO CITY.

Indexes:

Attachments: [Exhibit A - 16-0156R](#)
[Exhibit B - 16-0156R](#)

This Resolution was adopted unanimously.

Yea: 9 - Councilor Hanson, Councilor Russ, Councilor Hobbs, Councilor Westerlund, Councilor Hansen, Councilor Anderson, Councilor Sipress, Councilor Fosle and President Filipovich

38. [16-0157R](#) RESOLUTION ACCEPTING AN EASEMENT FOR STREET AND UTILITY PURPOSES FROM LAKEROCK ENTERPRISES, INC. IN THE VICINITY OF 59TH AVENUE WEST AT NO COST TO CITY.

Indexes:

Attachments: [Exhibit A - 16-0157 R](#)

This Resolution was adopted unanimously.

Yea: 9 - Councilor Hanson, Councilor Russ, Councilor Hobbs, Councilor Westerlund, Councilor Hansen, Councilor Anderson, Councilor Sipress, Councilor Fosle and President Filipovich

39. [16-0162R](#) RESOLUTION AUTHORIZING UTILITY EASEMENT AGREEMENT WITH ISD 709 NEAR DENFELD HIGH SCHOOL.

Indexes:

Attachments: [Exhibit 1 \(16-0162R\)](#)
[Exhibit A \(16-0162R\)](#)
[Exhibit B \(16-0162R\)](#)
[Exhibit C \(16-0162R\)](#)

This Resolution was adopted unanimously.

Yea: 9 - Councilor Hanson, Councilor Russ, Councilor Hobbs, Councilor Westerlund, Councilor Hansen, Councilor Anderson, Councilor Sipress, Councilor Fosle and President Filipovich

BY COUNCILOR FOSLE (PUBLIC SAFETY)

40. [16-0144R](#) RESOLUTION AUTHORIZING PROPER CITY OFFICIALS TO ACCEPT AN AGREEMENT WITH THE UNITED STATES DEPARTMENT OF JUSTICE AND DEPARTMENT OF TREASURY TO ACCESS FUNDS UNDER THE FEDERAL EQUITABLE SHARING PROGRAM SUPPORTING OPERATIONS OF THE LAKE SUPERIOR DRUG & VIOLENT CRIME TASK FORCE.

Indexes:

Attachments: [Exhibit A](#)

This Resolution was adopted unanimously.

Yea: 9 - Councilor Hanson, Councilor Russ, Councilor Hobbs, Councilor Westerlund, Councilor Hansen, Councilor Anderson, Councilor Sipress, Councilor Fosle and President Filipovich

BY COUNCILOR SIPRESS (RECREATION, LIBRARIES & AUTHORITIES)

END OF CONSENT AGENDA

BY COUNCILOR HOBBS (PURCHASING & LICENSING)

41. [16-0139R](#) RESOLUTION AUTHORIZING A CONTRACT WITH FOUR STAR CONSTRUCTION FOR THE CITY HALL FOURTH FLOOR RENOVATIONS IN THE AMOUNT OF \$164,211.

Indexes:

Attachments: [Exhibit A](#)

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

Yea: 8 - Councilor Hanson, Councilor Russ, Councilor Hobbs, Councilor Westerlund, Councilor Hansen, Councilor Anderson, Councilor Sipress and President Filipovich

Nay: 1 - Councilor Fosle

BY COUNCILOR SIPRESS (RECREATION, LIBRARIES & AUTHORITIES)

42. [16-0168R](#) RESOLUTION GRANTING APPROVAL OF THE LAKE SUPERIOR ZOO/FAIRMOUNT PARK CONCEPT PLAN.

Indexes:

Attachments: [EXHIBIT A - 16-0168R](#)
[EXHIBIT B - 16-0168R](#)

This Resolution was adopted unanimously.

Yea: 9 - Councilor Hanson, Councilor Russ, Councilor Hobbs, Councilor Westerlund, Councilor Hansen, Councilor Anderson, Councilor Sipress, Councilor Fosle and President Filipovich

43. [16-0171R](#) RESOLUTION AMENDING RESOLUTION 15-0831, ADOPTING LICENSE, PERMIT, FINE, PENALTY AND OTHER CHARGES FOR 2016, TO AMEND THE 2016 FEE SCHEDULE FOR SPECIAL LEAGUE - SPORT- ADULT SOFTBALL (PER TEAM) - ANNUAL

This Resolution was adopted unanimously.

Yea: 9 - Councilor Hanson, Councilor Russ, Councilor Hobbs, Councilor Westerlund, Councilor Hansen, Councilor Anderson, Councilor Sipress, Councilor Fosle and President Filipovich

41. [16-0187R](#) RESOLUTION ENDORSING BEE SAFE POLICIES AND PROCEDURES FOR THE CITY OF DULUTH.

Sponsors: Sipress

This Resolution was adopted unanimously.

Yea: 9 - Councilor Hanson, Councilor Russ, Councilor Hobbs, Councilor Westerlund, Councilor Hansen, Councilor Anderson, Councilor Sipress, Councilor Fosle and President Filipovich

INTRODUCTION AND CONSIDERATION OF ORDINANCES

ORDINANCES TABLED

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

BY COUNCILOR RUSS (PLANNING & ECONOMIC DEVELOPMENT)

45. [16-013-O](#) AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF DULUTH TO PROVIDE FOR THE RECLASSIFICATION FROM MU-B TO MU-N PROPERTY ALONG THE SOUTH SIDE OF GRAND AVENUE AND FROM R-1 TO MU-N, PROPERTY ALONG THE NORTH SIDE OF GRAND AVENUE.

Indexes:

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

This Ordinance was read for the first time.

46. [16-014-O](#) AN ORDINANCE AUTHORIZING THE CONVEYANCE OF CERTAIN REAL PROPERTY WITHIN THE CITY OF DULUTH TO INDEPENDENT SCHOOL DISTRICT #709 FOR AN ENTRANCE TO DENFELD HIGH SCHOOL.

Indexes:

Attachments: [EXHIBIT A](#)
[Exhibit B](#)
[Exhibit C](#)

This Ordinance was read for the first time.

BY COUNCILOR WESTERLUND (PUBLIC WORKS & UTILITIES)

47. [16-012-O](#) AN ORDINANCE AUTHORIZING A PENALTY FOR UNAUTHORIZED TURNING ON OF WATER OR GAS SERVICE AMENDING SECTION 48-27 OF THE DULUTH CITY CODE, 1959, AS AMENDED.

This Ordinance was read for the first time.

48. [16-015-O](#) AN ORDINANCE DEDICATING EASEMENTS FOR UTILITY PURPOSES ON CITY-OWNED PROPERTY NORTH OF 45TH AVENUE WEST.

Indexes:

Attachments: [Exhibit A](#)

[Exhibit B](#)

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)

49. [16-011-O](#) ORDINANCE DESIGNATING THE FORMER ST. PETER'S CHURCH, 810 WEST THIRD STREET, AS A DULUTH HISTORIC LANDMARK (JEFFREY T. LARSON).

Indexes:

Attachments: [Attachment 1](#)

[Attachment 2](#)

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

Yea: 9 - Councilor Hanson, Councilor Russ, Councilor Hobbs, Councilor Westerlund, Councilor Hansen, Councilor Anderson, Councilor Sipress, Councilor Fosle and President Filipovich

COUNCILOR QUESTIONS AND COMMENTS

COUNCILOR PREVIEW OF UPCOMING BUSINESS



City of Duluth

411 West First Street
Duluth, Minnesota 55802

Actions and Unofficial Minutes

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 will provide increased opportunities for civil discourse in order to find positive resolutions to the issues that face the city. These tools include: pay attention, listen, be inclusive, do not gossip, show respect, be agreeable, apologize, give constructive criticism and take responsibility. [Approved by the council on August 25, 2003]*

Monday, March 28, 2016

7:00 PM

Council Chamber

ROLL CALL

Present: 9 - Councilor Howie Hanson, Councilor Barb Russ, Councilor Noah Hobbs, Councilor Em Westerlund, Councilor Elissa Hansen, Councilor Gary Anderson, Councilor Joel Sipress, Councilor Jay Fosle and President Zack Filipovich

PLEDGE OF ALLEGIANCE

PUBLIC HEARING - City's Street Preservation Projects

PRESENTATION OF PETITIONS AND OTHER COMMUNICATIONS

1. [16-037](#) Jerome & Margaret Nelson Communication

Indexes:

Attachments: [Jerome and Margaret Nelson Communication Woodland Roll Out](#)

This Petition/Other Communication was received.

REPORTS FROM THE ADMINISTRATION

REPORTS FROM OTHER OFFICERS

REPORTS OF BOARDS AND COMMISSIONS

- 2. [16-035](#) Duluth Public Utilities Commission Meeting Minutes. Feb. 16, 2016

Indexes:

Attachments: [02162016 DPUC meeting minutes](#)

This Board or Commission Report was received.

- 3. [16-036](#) DPUC Resolution 16PUC-004.
Increasing water rates.

Indexes:

Attachments: [16PUC-004 Establishing Water Rates 3-15-2016](#)
[DPUC Public Hearing 03-15-2016](#)

This Board or Commission Report was received.

- 4. [16-038](#) AGT March Meeting Minutes

Indexes:

Attachments: [AGT March Minutes 2016](#)

This Board or Commission Report was received.

REPORTS OF COUNCIL COMMITTEES

16-040 REPORTS FROM THE ADMINISTRATION

REPORTS OF COUNCIL OPEN ISSUES

OPPORTUNITY FOR CITIZENS TO BE HEARD

RESOLUTIONS TABLED

MOTIONS AND RESOLUTIONS

CONSENT AGENDA

BY COUNCILOR HANSEN (FINANCE)

5. [16-0145R](#) RESOLUTION CONFIRMING ASSESSMENT ROLL LEVIED TO DEFRAY THE ASSESSABLE PORTION OF THE CITY'S STREET PRESERVATION PROJECTS FOR 2015.

Indexes:

Attachments: [Street Preservation Program - 2015 Projects](#)

This Resolution was adopted.

Yea: 9 - Councilor Hanson, Councilor Russ, Councilor Hobbs, Councilor Westerlund, Councilor Hansen, Councilor Anderson, Councilor Sipress, Councilor Fosle and President Filipovich

6. [16-0199R](#) RESOLUTION CONFIRMING ASSESSMENT ROLL LEVIED TO DEFRAY THE ASSESSABLE PORTION OF THE IMPROVEMENTS FOR EASTRIDGE ESTATES.

Indexes:

Attachments: [Exhibit A](#)

This Resolution was adopted.

Yea: 9 - Councilor Hanson, Councilor Russ, Councilor Hobbs, Councilor Westerlund, Councilor Hansen, Councilor Anderson, Councilor Sipress, Councilor Fosle and President Filipovich

BY COUNCILOR HOBBS (PURCHASING & LICENSING)

7. [16-0173R](#) RESOLUTION AUTHORIZING AN AGREEMENT WITH CARDNO FOR KINGSBURY CREEK DESIGN & CONSTRUCTION ENGINEERING SERVICES FOR AN AMOUNT NOT TO EXCEED \$53,400.

Indexes:

Attachments: [Exhibit A](#)

[Exhibit B](#)

This Resolution was adopted.

Yea: 9 - Councilor Hanson, Councilor Russ, Councilor Hobbs, Councilor Westerlund, Councilor Hansen, Councilor Anderson, Councilor Sipress, Councilor Fosle and President Filipovich

8. [16-0205R](#) RESOLUTION AUTHORIZING THE PURCHASE AND INSTALLATION OF PLAYGROUND EQUIPMENT FROM LANDSCAPE STRUCTURES, INC., AKA: FLAGSHIP RECREATION LLC, IN THE AMOUNT OF \$148,835.

This Resolution was adopted.

Yea: 9 - Councilor Hanson, Councilor Russ, Councilor Hobbs, Councilor Westerlund, Councilor Hansen, Councilor Anderson, Councilor Sipress, Councilor Fosle and President Filipovich

9. [16-0214R](#) RESOLUTION AUTHORIZING AN AMENDMENT TO AGREEMENT 22618 WITH TKDA FOR ADDITIONAL SERVICES FOR THE WESTERN WATERFRONT TRAIL RESTORATION PROJECT, AN INCREASE OF \$2,500, FOR AN AMENDED TOTAL NOT TO EXCEED \$72,500.

Indexes:

Attachments: [Exhibit A](#)

[Exhibit B](#)

This Resolution was adopted.

Yea: 9 - Councilor Hanson, Councilor Russ, Councilor Hobbs, Councilor Westerlund, Councilor Hansen, Councilor Anderson, Councilor Sipress, Councilor Fosle and President Filipovich

10. [16-0215R](#) RESOLUTION AUTHORIZING AN AMENDMENT TO AGREEMENT 22490 WITH BARR ENGINEERING, FOR ADDITIONAL SERVICES FOR THE SPIRIT MOUNTAIN ENVIRONMENTAL ASSESSMENT WORKSHEET (EAW), AN INCREASE OF \$13,200, FOR A TOTAL AMOUNT NOT TO EXCEED \$62,870.

Indexes:

Attachments: [Exhibit A](#)

[Exhibit B](#)

This Resolution was adopted.

Yea: 9 - Councilor Hanson, Councilor Russ, Councilor Hobbs, Councilor Westerlund, Councilor Hansen, Councilor Anderson, Councilor Sipress, Councilor Fosle and President Filipovich

BY COUNCILOR ANDERSON (PERSONNEL)

11. [16-0203R](#) RESOLUTION APPROVING PROPOSED AMENDMENTS TO THE SPECIFICATIONS FOR THE EXISTING CIVIL SERVICE CLASSIFICATION OF FIREFIGHTER.

Indexes:

Attachments: [Firefighter Job Description \(strikeout\)](#)

[Firefighter Job Description](#)

This Resolution was adopted.

Yea: 9 - Councilor Hanson, Councilor Russ, Councilor Hobbs, Councilor Westerlund, Councilor Hansen, Councilor Anderson, Councilor Sipress, Councilor Fosle and President Filipovich

BY COUNCILOR RUSS (PLANNING & ECONOMIC DEVELOPMENT)

12. [16-0209R](#) RESOLUTION AUTHORIZING A DECREASE OF \$19,917 IN FY 2016 HUD COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) PROGRAM.

This Resolution was adopted.

Yea: 9 - Councilor Hanson, Councilor Russ, Councilor Hobbs, Councilor Westerlund, Councilor Hansen, Councilor Anderson, Councilor Sipress, Councilor Fosle and President Filipovich

13. [16-0210R](#) RESOLUTION AUTHORIZING AN INCREASE OF \$658 IN FY 2016 HUD EMERGENCY SOLUTIONS GRANT (ESGP) PROGRAM.

This Resolution was adopted.

Yea: 9 - Councilor Hanson, Councilor Russ, Councilor Hobbs, Councilor Westerlund, Councilor Hansen, Councilor Anderson, Councilor Sipress, Councilor Fosle and President Filipovich

14. [16-0211R](#) RESOLUTION AUTHORIZING A DECREASE OF \$11,491 IN FY 2016 HUD HOME INVESTMENT PARTNERSHIPS (HOME) PROGRAM.

This Resolution was adopted.

Yea: 9 - Councilor Hanson, Councilor Russ, Councilor Hobbs, Councilor Westerlund, Councilor Hansen, Councilor Anderson, Councilor Sipress, Councilor Fosle and President Filipovich

BY COUNCILOR HANSON (INTERGOVERNMENTAL RELATIONS)

15. [16-0167R](#) RESOLUTION AUTHORIZING THE PROPER CITY OFFICIALS TO ENTER INTO AN AGREEMENT WITH AND ACCEPT FUNDS FROM ST. LOUIS COUNTY TO PROVIDE MINNESOTA FAMILY INVESTMENT PROGRAM AND DIVERSIONARY WORK PROGRAM EMPLOYMENT AND TRAINING SERVICES IN AN AMOUNT NOT LESS THAN \$908,222 FOR THE PERIOD JANUARY 1, 2016 THROUGH DECEMBER 31, 2016.

This Resolution was adopted.

Yea: 9 - Councilor Hanson, Councilor Russ, Councilor Hobbs, Councilor Westerlund, Councilor Hansen, Councilor Anderson, Councilor Sipress, Councilor Fosle and President Filipovich

BY COUNCILOR WESTERLUND (PUBLIC WORKS & UTILITIES)

16. [16-0207R](#) RESOLUTION AUTHORIZING AN AMENDMENT TO AGREEMENT 21702 WITH TENASKA MARKETING VENTURES TO EXTEND THE SERVICE TERM THROUGH OCTOBER 31, 2017.

Indexes:**Attachments:** [Exhibit A](#)**This Resolution was adopted.**

Yea: 9 - Councilor Hanson, Councilor Russ, Councilor Hobbs, Councilor Westerlund, Councilor Hansen, Councilor Anderson, Councilor Sipress, Councilor Fosle and President Filipovich

17. [16-0208R](#) RESOLUTION AUTHORIZING AN AGREEMENT WITH LHB, INC. FOR PROFESSIONAL ENGINEERING SERVICES TO PROVIDE DESIGN SERVICES FOR THE SKYLINE PARKWAY RETAINING WALL RESTORATION PROJECT FOR AN AMOUNT NOT TO EXCEED \$103,496.

Indexes:**Attachments:** [16-0208R Exhibit A](#)
[16-0208R Exhibit B](#)
[16-0208R Proposal](#)
[16-0208R Maps](#)**This Resolution was adopted.**

Yea: 9 - Councilor Hanson, Councilor Russ, Councilor Hobbs, Councilor Westerlund, Councilor Hansen, Councilor Anderson, Councilor Sipress, Councilor Fosle and President Filipovich

18. [16-0213R](#) RESOLUTION AMENDING A CONTRACT WITH LHB, INC. TO PROVIDE PROFESSIONAL ENGINEERING SERVICES FOR BRIDGE REHABILITATION, TO INCREASE THE AMOUNT BY \$97,833.00 FOR A NEW TOTAL OF \$149,734.00.

Indexes:**Attachments:** [16-0213R Map](#)
[16-0213R Amendment](#)**This Resolution was adopted.**

Yea: 9 - Councilor Hanson, Councilor Russ, Councilor Hobbs, Councilor Westerlund, Councilor Hansen, Councilor Anderson, Councilor Sipress, Councilor Fosle and President Filipovich

19. [16-0219R](#) RESOLUTION AWARDING A CONTRACT TO GEORGE BOUGALIS & SONS CO. FOR THE MICHIGAN STREET UTILITY RECONSTRUCTION FROM 3RD AVENUE WEST TO 6TH AVENUE WEST IN THE AMOUNT OF \$1,076,157.

Indexes:

Attachments: [16-0219R Map](#)

This Resolution was adopted.

Yea: 9 - Councilor Hanson, Councilor Russ, Councilor Hobbs, Councilor Westerlund, Councilor Hansen, Councilor Anderson, Councilor Sipress, Councilor Fosle and President Filipovich

BY COUNCILOR SIPRESS (RECREATION, LIBRARIES & AUTHORITIES)

20. [16-0165R](#) RESOLUTION AUTHORIZING APPLICATION TO AND, IF OFFERED, ACCEPTANCE OF A \$100,000 MINNESOTA DEPARTMENT OF NATURAL RESOURCES (MN DNR) OUTDOOR RECREATION GRANT TO IMPLEMENT PORTIONS OF THE QUARRY PARK MINI-MASTER PLAN - PHASE I.

Indexes:

Attachments: [EXHIBIT A - 16-0165R](#)

[EXHIBIT B - 16-0165R](#)

[EXHIBIT C - 16-0165R](#)

This Resolution was adopted.

Yea: 9 - Councilor Hanson, Councilor Russ, Councilor Hobbs, Councilor Westerlund, Councilor Hansen, Councilor Anderson, Councilor Sipress, Councilor Fosle and President Filipovich

21. [16-0169R](#) RESOLUTION AUTHORIZING APPLICATION TO, AND ACCEPTANCE OF, IF OFFERED, A \$250,000 MINNESOTA DEPARTMENT OF NATURAL RESOURCES (MN DNR) REGIONAL TRAIL PROGRAM GRANT TO IMPROVE THE DWP (DULUTH WINNIPEG PACIFIC) /CROSS CITY TRAIL SYSTEM - STEWART CREEK RAILROAD TRESTLE.

Indexes:

Attachments: [EXHIBIT A - 16-0169R](#)

[EXHIBIT B - 16-0169R](#)

[EXHIBIT C - 16-0169R](#)

This Resolution was adopted.

Yea: 9 - Councilor Hanson, Councilor Russ, Councilor Hobbs, Councilor Westerlund, Councilor Hansen, Councilor Anderson, Councilor Sipress, Councilor Fosle and President Filipovich

- 22.** [16-0170R](#) RESOLUTION AUTHORIZING APPLICATION TO AND, IF OFFERED, ACCEPTANCE OF A \$100,000 MINNESOTA DEPARTMENT OF NATURAL RESOURCES (MN DNR) OUTDOOR RECREATION GRANT TO IMPLEMENT PORTIONS OF THE WEST DULUTH SPORTS CORRIDOR MINI-MASTER PLAN - PHASE I.

Indexes:

Attachments: [EXHIBIT A - 16-0170R](#)

[EXHIBIT B - 16-0170R](#)

[EXHIBIT C - 16-0170R](#)

This Resolution was adopted.

Yea: 9 - Councilor Hanson, Councilor Russ, Councilor Hobbs, Councilor Westerlund, Councilor Hansen, Councilor Anderson, Councilor Sipress, Councilor Fosle and President Filipovich

- 23.** [16-0172R](#) RESOLUTION AUTHORIZING APPLICATION TO, AND ACCEPTANCE OF, IF OFFERED A \$90,680 MINNESOTA DEPARTMENT OF NATURAL RESOURCES (MN DNR) LOCAL TRAIL CONNECTIONS PROGRAM GRANT TO CONSTRUCT TRAILS FROM QUARRY PARK TO THE GREATER DULUTH MULTIUSE TRAIL SYSTEM.

Indexes:

Attachments: [EXHIBIT A - 16-0172R](#)

[EXHIBIT B - 16-0172R](#)

[EXHIBIT C - 16-0172R](#)

This Resolution was adopted.

Yea: 9 - Councilor Hanson, Councilor Russ, Councilor Hobbs, Councilor Westerlund, Councilor Hansen, Councilor Anderson, Councilor Sipress, Councilor Fosle and President Filipovich

24. [16-0212R](#) RESOLUTION AUTHORIZING APPLICATION TO A \$250,000 MINNESOTA DEPARTMENT OF NATURAL RESOURCES (MN DNR) REGIONAL TRAIL PROGRAM GRANT TO BUILD THE 3.3KM NORDIC SKI CENTER TRAIL AT THE BASE OF SPIRIT MOUNTAIN RECREATION AREA.

Indexes:

- Attachments: [EXHIBIT A - 16-0212R](#)
[EXHIBIT B - 16-0212R](#)
[EXHIBIT C - 16-0212R](#)

This Resolution was adopted.

Yea: 9 - Councilor Hanson, Councilor Russ, Councilor Hobbs, Councilor Westerlund, Councilor Hansen, Councilor Anderson, Councilor Sipress, Councilor Fosle and President Filipovich

END OF CONSENT AGENDA

INTRODUCTION AND CONSIDERATION OF ORDINANCES

ORDINANCES TABLED

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

BY COUNCILOR HANSEN (FINANCE)

25. [16-018-O](#) AN ORDINANCE TO AMEND THE BUDGET OF THE CITY OF DULUTH FOR YEAR 2016 BY INCREASING THE BUDGET \$800,000 FOR ADDITIONAL STREET WORK.

This Ordinance was read for the first time.

BY COUNCILOR RUSS (PLANNING & ECONOMIC DEVELOPMENT)

26. [16-017-O](#) AN ORDINANCE AMENDING SECTIONS 50-19.8 USE TABLE, 50-20.5 ACCESSORY USES, 50-39 ENFORCEMENT AND PENALTIES, AND 50-41 DEFINITIONS, TO ALLOW FOR ACCESSORY HOME SHARE.

Indexes:

Attachments: [Attachment A - 16-017-O](#)
[Attachment B - 16-017-O](#)
[Motion to Split 16-017](#)
[Hansen Motion to amend 16-017 - Passed](#)
[Filipovich Motion to amend 16-017 - Failed](#)
[16-017-O as voted on 3.14.16](#)

Motion to split - passed
16-017 & 16-022
Hansen Motion to amend - passed
Filipovich Motion to amend - failed.

This Ordinance was read for the first time.

BY COUNCILOR FOSLE (PUBLIC SAFETY)

27. [16-016-O](#) AN ORDINANCE REPEALING ARTICLE IV, CHAPTER 10A, OF THE DULUTH CITY CODE, 1959, AS AMENDED, PERTAINING TO PADDLEWHEELS.

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)

28. [16-013-O](#) AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF DULUTH TO PROVIDE FOR THE RECLASSIFICATION FROM MU-B TO MU-N PROPERTY ALONG THE SOUTH SIDE OF GRAND AVENUE AND FROM R-1 TO MU-N, PROPERTY ALONG THE NORTH SIDE OF GRAND AVENUE.

Indexes:

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

This Ordinance was adopted.

Yea: 9 - Councilor Hanson, Councilor Russ, Councilor Hobbs, Councilor Westerlund, Councilor Hansen, Councilor Anderson, Councilor Sipress, Councilor Fosle and President Filipovich

29. [16-014-O](#) AN ORDINANCE AUTHORIZING THE CONVEYANCE OF CERTAIN REAL PROPERTY WITHIN THE CITY OF DULUTH TO INDEPENDENT SCHOOL DISTRICT #709 FOR AN ENTRANCE TO DENFELD HIGH SCHOOL.

Indexes:

Attachments: [EXHIBIT A](#)

[Exhibit B](#)

[Exhibit C](#)

This Ordinance was adopted.

Yea: 9 - Councilor Hanson, Councilor Russ, Councilor Hobbs, Councilor Westerlund, Councilor Hansen, Councilor Anderson, Councilor Sipress, Councilor Fosle and President Filipovich

BY COUNCILOR WESTERLUND (PUBLIC WORKS & UTILITIES)

30. [16-012-O](#) AN ORDINANCE AUTHORIZING A PENALTY FOR UNAUTHORIZED TURNING ON OF WATER OR GAS SERVICE AMENDING SECTION 48-27 OF THE DULUTH CITY CODE, 1959, AS AMENDED.

This Ordinance was adopted.

Yea: 9 - Councilor Hanson, Councilor Russ, Councilor Hobbs, Councilor Westerlund, Councilor Hansen, Councilor Anderson, Councilor Sipress, Councilor Fosle and President Filipovich

31. [16-015-O](#) AN ORDINANCE DEDICATING EASEMENTS FOR UTILITY PURPOSES ON CITY-OWNED PROPERTY NORTH OF 45TH AVENUE WEST.

Indexes:

Attachments: [Exhibit A](#)

[Exhibit B](#)

This Ordinance was adopted as amended.

Yea: 9 - Councilor Hanson, Councilor Russ, Councilor Hobbs, Councilor Westerlund, Councilor Hansen, Councilor Anderson, Councilor Sipress, Councilor Fosle and President Filipovich

COUNCILOR QUESTIONS AND COMMENTS

COUNCILOR PREVIEW OF UPCOMING BUSINESS



City of Duluth

411 West First Street
Duluth, Minnesota 55802

Actions and Unofficial Minutes

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 will provide increased opportunities for civil discourse in order to find positive resolutions to the issues that face the city. These tools include: pay attention, listen, be inclusive, do not gossip, show respect, be agreeable, apologize, give constructive criticism and take responsibility. [Approved by the council on August 25, 2003]*

Monday, April 11, 2016

7:00 PM

Council Chamber

ROLL CALL

Present: 9 - Councilor Howie Hanson, Councilor Barb Russ, Councilor Noah Hobbs, Councilor Em Westerlund, Councilor Elissa Hansen, Councilor Gary Anderson, Councilor Joel Sipress, Councilor Jay Fosle and President Zack Filipovich

PLEDGE OF ALLEGIANCE

PUBLIC HEARINGS

REPORTS FROM THE ADMINISTRATION

1. [16-044](#) 2016 General Fund Budget

Indexes:

Attachments: [General Fund Budget Adjustments 2015 Final](#)
[General Fund Reconciled Budget Memo](#)

This Reports from the Administration was received.

REPORTS FROM OTHER OFFICERS

2. [16-046](#) Clerk Applications for Exempt Permit

Indexes:

Attachments: [CHUM Exempt Permit](#)
[GND Development Alliance Exempt Permit](#)
[Lincoln Park Business Group Exempt Permit](#)
[South St Louis County Sportsman Exempt Permit #2](#)
[South St Louis County Sportsman Exempt Permit](#)

This Other Officers Report was received.

REPORTS OF BOARDS AND COMMISSIONS

3. [16-041](#) Duluth Transit Authority - Board of Directors Meeting Minutes

Indexes:

Attachments: [BOD Minutes \(1-27-16\)](#)
[DTA Financial Statement](#)

This Board or Commission Report was received.

4. [16-042](#) Civil Service Board Meeting Minutes

Indexes:

Attachments: [Civil Service Board Feb 2016 Minutes Approved](#)

This Board or Commission Report was received.

5. [16-043](#) Duluth Seaway Port Authority Meeting Minutes

Indexes:

Attachments: [DSPA December 2015 Minutes](#)
[DSPA January 2016 Minutes](#)
[DSPA October 2015 Minutes](#)
[Duluth Seaway Port Authority Budget](#)

This Board or Commission Report was received.

6. [16-045](#) Library Board Meeting Minutes

Indexes:

Attachments: [Minutes Library Board APPROVED 2016 01 24](#)

[Minutes Library Board APPROVED 2016 02 23](#)

This Board or Commission Report was received.

REPORTS OF COUNCIL COMMITTEES

REPORTS OF COUNCIL OPEN ISSUES

OPPORTUNITY FOR CITIZENS TO BE HEARD

MOTIONS AND RESOLUTIONS

CONSENT AGENDA

BY COUNCILOR HANSEN (FINANCE)

7. [16-0217R](#) RESOLUTION CONFIRMING ASSESSMENT ROLL LEVIED TO DEFRAY THE ASSESSABLE PORTION OF THE CITY'S STREET PRESERVATION PROJECTS FOR 2015, AND RESCINDING RESOLUTION 16-0145R.

Sponsors: Finance

Indexes:

Attachments: [Exhibit A](#)

This resolution carried unanimously.

Yea: 9 - Councilor Hanson, Councilor Russ, Councilor Hobbs, Councilor Westerlund, Councilor Hansen, Councilor Anderson, Councilor Sipress, Councilor Fosle and President Filipovich

8. [16-0218R](#) RESOLUTION AMENDING RESOLUTION NO. 14-0103R CONFIRMING ASSESSMENT ROLL FOR SKYLINE PARKWAY TO DELETE ONE PROPERTY AND REDUCING THE AMOUNT ASSESSED.

Indexes:

Attachments: [Exhibit A](#)

This resolution carried unanimously.

Yea: 9 - Councilor Hanson, Councilor Russ, Councilor Hobbs, Councilor Westerlund, Councilor Hansen, Councilor Anderson, Councilor Sipress, Councilor Fosle and President Filipovich

9. [16-0223R](#) RESOLUTION CONFIRMING ASSESSMENT ROLL LEVIED FOR SIDEWALK REPAIRS AT EIGHT CITY LOCATIONS IN 2015.

Indexes:

Attachments: [Exhibit A](#)

This resolution carried unanimously.

Yea: 9 - Councilor Hanson, Councilor Russ, Councilor Hobbs, Councilor Westerlund, Councilor Hansen, Councilor Anderson, Councilor Sipress, Councilor Fosle and President Filipovich

BY COUNCILOR HOBBS (PURCHASING & LICENSING)

10. [16-0202R](#) RESOLUTION AUTHORIZING A PURCHASE FROM NORTHLAND CONSTRUCTORS OF DULUTH, LLC, FOR 24,000 TONS OF HOT MIX BLACK TOP IN THE AMOUNT OF \$1,092,000.

Indexes:

Attachments: [Exhibit A](#)

This resolution carried unanimously.

Yea: 9 - Councilor Hanson, Councilor Russ, Councilor Hobbs, Councilor Westerlund, Councilor Hansen, Councilor Anderson, Councilor Sipress, Councilor Fosle and President Filipovich

11. [16-0233R](#) RESOLUTION AUTHORIZING A CONTRACT WITH KASKI INC FOR MOUNT ROYAL LIBRARY EXPANSION IN THE AMOUNT OF \$106,853.

This resolution carried unanimously.

Yea: 9 - Councilor Hanson, Councilor Russ, Councilor Hobbs, Councilor Westerlund, Councilor Hansen, Councilor Anderson, Councilor Sipress, Councilor Fosle and President Filipovich

12. [16-0235R](#) RESOLUTION IN THE MATTER OF THE ON SALE INTOXICATING LIQUOR LICENSE OF HOSPITALITY ASSOCIATES OF DULUTH, LLC (ACES ON FIRST) 113 WEST FIRST STREET

Indexes:

Attachments: [16-0235r hospitality assoc-Attachment A](#)

This resolution carried unanimously.

Yea: 9 - Councilor Hanson, Councilor Russ, Councilor Hobbs, Councilor Westerlund, Councilor Hansen, Councilor Anderson, Councilor Sipress, Councilor Fosle and President Filipovich

13. [16-0236R](#) RESOLUTION IN THE MATTER OF THE ON SALE INTOXICATING LIQUOR LICENSE OF DUKES PARTNERS, LLC (Spurs on First) 109 WEST FIRST STREET

Indexes:

Attachments: [16-0236R DUKES-Attachment A](#)

This resolution carried unanimously.

Yea: 9 - Councilor Hanson, Councilor Russ, Councilor Hobbs, Councilor Westerlund, Councilor Hansen, Councilor Anderson, Councilor Sipress, Councilor Fosle and President Filipovich

14. [16-0239R](#) RESOLUTION ISSUING A TEMPORARY ON SALE INTOXICATING LIQUOR LICENSE AND TEMPORARY ON SALE DANCING LICENSE FOR GRANDMA'S MARATHON-DULUTH, INC. CANAL PARK DRIVE AND BUCHANAN STREET.

Indexes:

Attachments: [Grandmas Marathon 2016](#)

This resolution carried unanimously.

Yea: 9 - Councilor Hanson, Councilor Russ, Councilor Hobbs, Councilor Westerlund, Councilor Hansen, Councilor Anderson, Councilor Sipress, Councilor Fosle and President Filipovich

15. [16-0241R](#) RESOLUTION APPROVING THE TEMPORARY EXPANSION OF THE ON SALE INTOXICATING LIQUOR LICENSE TO VARIOUS LICENSEES.

Indexes:

Attachments: [Attachment A - Bent Paddle](#)
[Attachment B - LAKE AVE RESTAURANT AND BAR](#)

This resolution carried unanimously.

Yea: 9 - Councilor Hanson, Councilor Russ, Councilor Hobbs, Councilor Westerlund, Councilor Hansen, Councilor Anderson, Councilor Sipress, Councilor Fosle and President Filipovich

16. [16-0242R](#) RESOLUTION APPROVING THE TRANSFER OF STOCK OF THE OFF SALE INTOXICATING LIQUOR LICENSE OF MALLOW ENTERPRISES INC. (BIG BOTTLE SHOP), 2401 W. SUPERIOR STREET.

Indexes:

Attachments: [Attachment A - Big Bottle Shop](#)
[Attachment B - Big Bottle Shop](#)

This resolution carried unanimously.

Yea: 9 - Councilor Hanson, Councilor Russ, Councilor Hobbs, Councilor Westerlund, Councilor Hansen, Councilor Anderson, Councilor Sipress, Councilor Fosle and President Filipovich

17. [16-0244R](#) RESOLUTION APPROVING ISSUANCE OF A TEMPORARY ON-SALE INTOXICATING LIQUOR LICENSE FOR DULUTH SUPERIOR GLBTAQI PRIDE INC. (SPRING GAYLA), MINNESOTA BALLET SPACE, 301 WEST FIRST STREET, SUITE #800.

Indexes:

Attachments: [Attachment A - GLBTQAI PRIDE INC. SPRING GAYLA](#)

This resolution carried unanimously.

Yea: 9 - Councilor Hanson, Councilor Russ, Councilor Hobbs, Councilor Westerlund, Councilor Hansen, Councilor Anderson, Councilor Sipress, Councilor Fosle and President Filipovich

18. [16-0250R](#) RESOLUTION APPROVING THE TRANSFER OF THE ON SALE WINE LIQUOR LICENSE OF WILLIAM AND JOSHUA KALLIGHER TO GANNUCCI'S ITALIAN MARKET AND RESTAURANT, LLC. , 301 CENTRAL AVENUE

Indexes:

Attachments: [Attachment A - Gannucci's](#)

This resolution carried unanimously.

Yea: 9 - Councilor Hanson, Councilor Russ, Councilor Hobbs, Councilor Westerlund, Councilor Hansen, Councilor Anderson, Councilor Sipress, Councilor Fosle and President Filipovich

19. [16-0253R](#) RESOLUTION AUTHORIZING A CONTRACT WITH DULUTH READY MIX, INC., FOR THE PURCHASE OF 10,500 TONS OF WASHED SAND IN YEAR 2016, FOR AN ESTIMATED TOTAL OF \$105,000.

This resolution carried unanimously.

Yea: 9 - Councilor Hanson, Councilor Russ, Councilor Hobbs, Councilor Westerlund, Councilor Hansen, Councilor Anderson, Councilor Sipress, Councilor Fosle and President Filipovich

20. [16-0271R](#) RESOLUTION AUTHORIZING AN AGREEMENT WITH VISUAL COMMUNICATIONS FOR ST. LOUIS RIVER CORRIDOR GATE, WAYFINDING, AND SIGNAGE PLANNING AND DESIGN FOR A TOTAL NOT TO EXCEED \$117,800.

Indexes:

Attachments: [Exhibit A](#)

[Exhibit B](#)

[Exhibit C](#)

This resolution carried unanimously.

Yea: 9 - Councilor Hanson, Councilor Russ, Councilor Hobbs, Councilor Westerlund, Councilor Hansen, Councilor Anderson, Councilor Sipress, Councilor Fosle and President Filipovich

21. [16-0279R](#) RESOLUTION APPROVING THE EXEMPTION OF A RAFFLE PERMIT AND WAIVING THE 60 DAY WAITING PERIOD FOR NORTHERN LIGHTS FOUNDATION

Indexes:

Attachments: [Northern Lights Foundation](#)

This resolution carried unanimously.

Yea: 9 - Councilor Hanson, Councilor Russ, Councilor Hobbs, Councilor Westerlund, Councilor Hansen, Councilor Anderson, Councilor Sipress, Councilor Fosle and President Filipovich

22. [16-0284R](#) RESOLUTION REQUESTING THE CITY ADMINISTRATION TO REVIEW THE VACATION DWELLING AND ACCESSORY HOME SHARE PERMIT PROGRAM IN TWO YEARS AND PROVIDE A REPORT TO THE CITY COUNCIL.

Sponsors: Hobbs

This resolution carried unanimously.

Yea: 9 - Councilor Hanson, Councilor Russ, Councilor Hobbs, Councilor Westerlund, Councilor Hansen, Councilor Anderson, Councilor Sipress, Councilor Fosle and President Filipovich

BY COUNCILOR ANDERSON (PERSONNEL)

23. [16-0259R](#) RESOLUTION CONFIRMING THE REAPPOINTMENTS OF MEMBERS TO CITY BOARDS AND COMMISSIONS BY MAYOR LARSON.

Indexes:

Attachments: [2016appointeelistfinal3](#)

This resolution carried unanimously.

Yea: 9 - Councilor Hanson, Councilor Russ, Councilor Hobbs, Councilor Westerlund, Councilor Hansen, Councilor Anderson, Councilor Sipress, Councilor Fosle and President Filipovich

24. [16-0285R](#) RESOLUTION CONFIRMING THE APPOINTMENT OF COUNCILOR BARB RUSS TO THE DULUTH ECONOMIC DEVELOPMENT AUTHORITY.

This resolution carried unanimously.

Yea: 9 - Councilor Hanson, Councilor Russ, Councilor Hobbs, Councilor Westerlund, Councilor Hansen, Councilor Anderson, Councilor Sipress, Councilor Fosle and President Filipovich

BY COUNCILOR RUSS (PLANNING & ECONOMIC DEVELOPMENT)

25. [16-0273R](#) RESOLUTION AUTHORIZING AN AMENDMENT TO THE AGREEMENT WITH THE DULUTH ECONOMIC DEVELOPMENT AUTHORITY FOR DEMOLITION SERVICES IN CERTAIN WESTERN NEIGHBORHOODS.

Indexes:

Attachments: [Exhibit A - 16-0273R](#)

This resolution carried unanimously.

Yea: 9 - Councilor Hanson, Councilor Russ, Councilor Hobbs, Councilor Westerlund, Councilor Hansen, Councilor Anderson, Councilor Sipress, Councilor Fosle and President Filipovich

BY COUNCILOR WESTERLUND (PUBLIC WORKS & UTILITIES)

26. [16-0230R](#) RESOLUTION AUTHORIZING AMENDMENT NO. 1 TO MNDOT AGREEMENT NO. 4716 TO INCREASE THE AMOUNT OF FEDERAL FUNDS BY \$74,777.65 FOR A NEW TOTAL OF \$305,417.65.

Indexes:

Attachments: [16-0230R Map](#)

This resolution carried unanimously.

Yea: 9 - Councilor Hanson, Councilor Russ, Councilor Hobbs, Councilor Westerlund, Councilor Hansen, Councilor Anderson, Councilor Sipress, Councilor Fosle and President Filipovich

27. [16-0234R](#) RESOLUTION AWARDING A CONTRACT TO EBI DRILLING, INC. FOR CONSTRUCTION OF THE 2016 HIGH PRESSURE GAS MAINS AND SERVICES AT VARIOUS LOCATIONS IN THE AMOUNT OF \$875,175.

This resolution carried unanimously.

Yea: 9 - Councilor Hanson, Councilor Russ, Councilor Hobbs, Councilor Westerlund, Councilor Hansen, Councilor Anderson, Councilor Sipress, Councilor Fosle and President Filipovich

28. [16-0237R](#) RESOLUTION ORDERING THE IMPROVEMENT OF THE 2016 STREET PRESERVATION PROJECTS AT AN ESTIMATED COST OF \$443,501.11

Indexes:

Attachments: [16-0237R Aerial Photo](#)
[16-0237R Map](#)
[16-0237R Public Hearing Minutes](#)
[Lori Prudhomme Letter](#)
[16-0237R Memo to Council](#)
[16-0237R Properties](#)

This resolution carried unanimously.

Yea: 9 - Councilor Hanson, Councilor Russ, Councilor Hobbs, Councilor Westerlund, Councilor Hansen, Councilor Anderson, Councilor Sipress, Councilor Fosle and President Filipovich

29. [16-0252R](#) RESOLUTION AUTHORIZING AN AGREEMENT BETWEEN THE CITY OF DULUTH AND THE MINNESOTA DEPARTMENT OF TRANSPORTATION FOR SIGNALS AND EVP SYSTEMS (S.A.P. 118-101-006), UTILITIES, AND CONSTRUCTION TO BE PERFORMED UPON, ALONG AND ADJACENT TO TRUNK HIGHWAY 23 FROM BECKS ROAD (CSAH 3) TO 83RD AVENUE WEST WITHIN THE CORPORATE CITY LIMITS UNDER STATE PROJECT 6910-96 AT AN ESTIMATED COST OF \$468,007.13.

Indexes:

Attachments: [16-0252R Agreement](#)
[16-0252R Map](#)

This resolution carried unanimously.

Yea: 9 - Councilor Hanson, Councilor Russ, Councilor Hobbs, Councilor Westerlund, Councilor Hansen, Councilor Anderson, Councilor Sipress, Councilor Fosle and President Filipovich

- 30.** [16-0254R](#) RESOLUTION AMENDING CONTRACT NO. C21121 WITH MSA PROFESSIONAL SERVICES, INC. FOR ENGINEERING SERVICES FOR DESIGN AND CONSTRUCTION OF FIVE SANITARY SEWER LIFT STATIONS IN THE ESTIMATED AMOUNT OF \$29,500 FOR A NEW TOTAL OF \$556,788.

Indexes:

Attachments: [16-0254R Amendment](#)

This resolution carried unanimously.

Yea: 9 - Councilor Hanson, Councilor Russ, Councilor Hobbs, Councilor Westerlund, Councilor Hansen, Councilor Anderson, Councilor Sipress, Councilor Fosle and President Filipovich

- 31.** [16-0258R](#) RESOLUTION AMENDING AGREEMENT NO. 22798 WITH ST. LOUIS COUNTY FOR THE ARROWHEAD ROAD/KENWOOD AVENUE AND WEST CLEVELAND STREET IMPROVEMENTS IN THE ESTIMATED AMOUNT OF \$60,000 FOR A NEW TOTAL OF \$135,000.

Indexes:

Attachments: [16-0258R Map](#)
 [16-0258R Amendment Letter](#)

This resolution carried unanimously.

Yea: 9 - Councilor Hanson, Councilor Russ, Councilor Hobbs, Councilor Westerlund, Councilor Hansen, Councilor Anderson, Councilor Sipress, Councilor Fosle and President Filipovich

BY COUNCILOR FOSLE (PUBLIC SAFETY)

- 32.** [16-0220R](#) RESOLUTION AUTHORIZING PROPER CITY OFFICIALS TO ACCEPT A GRANT FROM THE STATE OF MINNESOTA IN THE AMOUNT OF \$4,611.20 AND FURTHER AUTHORIZING EXECUTION OF A GRANT AGREEMENT WITH THE STATE OF MINNESOTA.

Indexes:

Attachments: [Grant Agreement A-HMEP-2015-DULUTHFD-012](#)

This resolution carried unanimously.

Yea: 9 - Councilor Hanson, Councilor Russ, Councilor Hobbs, Councilor Westerlund, Councilor Hansen, Councilor Anderson, Councilor Sipress, Councilor Fosle and President Filipovich

33. [16-0263R](#) RESOLUTION AUTHORIZING PROPER CITY OFFICIALS TO EXECUTE AN AGREEMENT WITH INDEPENDENT SCHOOL DISTRICT NO. 709 TO PROVIDE FOR LAW ENFORCEMENT OFFICERS IN THE PUBLIC SCHOOLS.

Indexes:

Attachments: [Attachment 1 - School Resource Officer Program Agreement \(16-0263R\)](#)

This resolution carried unanimously.

Yea: 9 - Councilor Hanson, Councilor Russ, Councilor Hobbs, Councilor Westerlund, Councilor Hansen, Councilor Anderson, Councilor Sipress, Councilor Fosle and President Filipovich

BY COUNCILOR SIPRESS (RECREATION, LIBRARIES & AUTHORITIES)

34. [16-0204R](#) RESOLUTION AUTHORIZING THREE YEAR USE AND OPERATIONS AGREEMENT WITH ARROWHEAD YOUTH SOCCER ASSOCIATION OF NORTHEASTERN MINNESOTA FOR THE CITY'S JEAN DULUTH AND ARLINGTON SOCCER FIELDS.

Indexes:

Attachments: [Exhibit A](#)

This resolution carried unanimously.

Yea: 9 - Councilor Hanson, Councilor Russ, Councilor Hobbs, Councilor Westerlund, Councilor Hansen, Councilor Anderson, Councilor Sipress, Councilor Fosle and President Filipovich

35. [16-0246R](#) RESOLUTION AUTHORIZING THREE YEAR LEASE AGREEMENT WITH ARROWHEAD ECONOMIC OPPORTUNITY AGENCY FOR USE OF SPACE IN THE CENTRAL HILLSIDE CENTER.

Indexes:

Attachments: [Exhibit A](#)

This resolution carried unanimously.

Yea: 9 - Councilor Hanson, Councilor Russ, Councilor Hobbs, Councilor Westerlund, Councilor Hansen, Councilor Anderson, Councilor Sipress, Councilor Fosle and President Filipovich

36. [16-0247R](#) RESOLUTION AUTHORIZING A GRANT AND BRIDGE FUNDING AGREEMENT BETWEEN THE CITY OF DULUTH AND THE ARROWHEAD ZOOLOGICAL SOCIETY, INC.

Indexes:

Attachments: [Exhibit 1](#)

This resolution carried unanimously.

Yea: 9 - Councilor Hanson, Councilor Russ, Councilor Hobbs, Councilor Westerlund, Councilor Hansen, Councilor Anderson, Councilor Sipress, Councilor Fosle and President Filipovich

37. [16-0255R](#) RESOLUTION AUTHORIZING ONE YEAR LEASE AGREEMENT WITH FUN TIME, LLC FOR USE OF THE GEORGE HINDMAND PILOT HOUSE IN CANAL PARK.

Indexes:

Attachments: [Exhibit 1](#)

This resolution carried unanimously.

Yea: 9 - Councilor Hanson, Councilor Russ, Councilor Hobbs, Councilor Westerlund, Councilor Hansen, Councilor Anderson, Councilor Sipress, Councilor Fosle and President Filipovich

38. [16-0266R](#) RESOLUTION ACCEPTING REIMBURSEMENT MONEY IN THE AMOUNT OF \$42,002 FROM THE ARROWHEAD LIBRARY SYSTEM FOR THE PURCHASE OF LIBRARY MATERIALS.

This resolution carried unanimously.

Yea: 9 - Councilor Hanson, Councilor Russ, Councilor Hobbs, Councilor Westerlund, Councilor Hansen, Councilor Anderson, Councilor Sipress, Councilor Fosle and President Filipovich

39. [16-0267R](#) RESOLUTION AUTHORIZING DONATION OF FOUNTAIN OF THE WIND CONCEPT MODEL TO ITS CREATOR ARTIST DOUGLAS FREEMAN.

This resolution carried unanimously.

Yea: 9 - Councilor Hanson, Councilor Russ, Councilor Hobbs, Councilor Westerlund, Councilor Hansen, Councilor Anderson, Councilor Sipress, Councilor Fosle and President Filipovich

END OF CONSENT AGENDA

The following entitled resolutions are also to be considered:

BY COUNCILOR HOBBS (PURCHASING & LICENSING)

40. [16-0056R](#) RESOLUTION AUTHORIZING THE PURCHASE OF TWO FIRE PUMPER TRUCKS FROM CUSTOM FIRE APPARATUS, INC., FOR A TOTAL AMOUNT OF \$1,070,045.

Indexes:

Attachments: [Exhibit A](#)

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

Yea: 8 - Councilor Hanson, Councilor Russ, Councilor Hobbs, Councilor Westerlund, Councilor Hansen, Councilor Anderson, Councilor Sipress and President Filipovich

Nay: 1 - Councilor Fosle

41. [16-0286R](#) RESOLUTION REQUESTING THAT THE ST. LOUIS COUNTY BOARD OF COMMISSIONERS HOLD AN ADDITIONAL PUBLIC HEARING IN THE CITY OF DULUTH ON ALLOWING ALL-TERRAIN VEHICLES ON PUBLIC RIGHT-OF-WAYS OF ROADS UNDER COUNTY JURISDICTION.

Sponsors: Hobbs

This resolution carried unanimously.

Yea: 9 - Councilor Hanson, Councilor Russ, Councilor Hobbs, Councilor Westerlund, Councilor Hansen, Councilor Anderson, Councilor Sipress, Councilor Fosle and President Filipovich

BY COUNCILOR ANDERSON (PERSONNEL)

42. [16-0222R](#) RESOLUTION APPROVING PROPOSED SPECIFICATIONS FOR THE NEW CIVIL SERVICE CLASSIFICATION OF WORKFORCE DEVELOPMENT OPERATIONS ADMINISTRATOR, AND SPECIFYING CONTRACT BENEFITS FOR SAME.

Indexes:

Attachments: [Workforce Development Operations Administrator](#)

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

Yea: 8 - Councilor Hanson, Councilor Russ, Councilor Hobbs, Councilor Westerlund, Councilor Hansen, Councilor Anderson, Councilor Sipress and President Filipovich

Nay: 1 - Councilor Fosle

43. [16-0257R](#) RESOLUTION APPROVING PROPOSED SPECIFICATIONS FOR THE NEW CIVIL SERVICE CLASSIFICATION OF PARKS PERMIT COORDINATOR, AND SPECIFYING CONTRACT BENEFITS FOR SAME.

Indexes:

Attachments: [Parks Permit Coordinator](#)

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

Yea: 8 - Councilor Hanson, Councilor Russ, Councilor Hobbs, Councilor Westerlund, Councilor Hansen, Councilor Anderson, Councilor Sipress and President Filipovich

Nay: 1 - Councilor Fosle

44. [16-0268R](#) RESOLUTION APPROVING 2016-2017 EMPLOYMENT CONTRACT WITH THE APPOINTED CITY CHIEF ADMINISTRATIVE OFFICER PURSUANT TO CHAPTER IV, SECTION 19 OF THE DULUTH HOME RULE CHARTER.

Indexes:

Attachments: [Exhibit A \(16-0268R\)](#)

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

Yea: 8 - Councilor Hanson, Councilor Russ, Councilor Hobbs, Councilor Westerlund, Councilor Hansen, Councilor Anderson, Councilor Sipress and President Filipovich

Nay: 1 - Councilor Fosle

45. [16-0270R](#) RESOLUTION APPROVING PAY AND BENEFITS PLAN FOR THE APPOINTED POSITION OF CITY ATTORNEY PURSUANT TO CHAPTER IV, SECTION 26 OF THE DULUTH HOME RULE CHARTER.

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

Yea: 8 - Councilor Hanson, Councilor Russ, Councilor Hobbs, Councilor Westerlund, Councilor Hansen, Councilor Anderson, Councilor Sipress and President Filipovich

Nay: 1 - Councilor Fosle

46. [16-0281R](#) RESOLUTION CONFIRMING THE APPOINTMENT OF MR. JAMES LEWIS TO THE DULUTH PUBLIC UTILITIES COMMISSION.

This resolution carried unanimously.

Yea: 9 - Councilor Hanson, Councilor Russ, Councilor Hobbs, Councilor Westerlund, Councilor Hansen, Councilor Anderson, Councilor Sipress, Councilor Fosle and President Filipovich

47. [16-0282R](#) RESOLUTION CONFIRMING THE APPOINTMENT OF JENNIFER JULSRUD TO THE DULUTH PUBLIC UTILITIES COMMISSION.

Indexes:

Attachments: [Juslrud Application](#)

[Julsrud Resume Apr2016](#)

This resolution carried unanimously.

Yea: 9 - Councilor Hanson, Councilor Russ, Councilor Hobbs, Councilor Westerlund, Councilor Hansen, Councilor Anderson, Councilor Sipress, Councilor Fosle and President Filipovich

BY COUNCILOR RUSS (PLANNING & ECONOMIC DEVELOPMENT)

48. [16-0272R](#) RESOLUTION AUTHORIZING AGREEMENTS WITH VARIOUS PARTIES AND APPROVING VARIOUS AGREEMENTS PERTAINING TO THE DEVELOPMENT OF THE NORSHOR THEATRE PROJECT.

Indexes:

Attachments: [DOC040716-04072016145447](#)
[DOC040716-04072016145629](#)
[DOC040716-04072016145913](#)
[DOC040716-04072016145937](#)
[DOC040716-04072016150009](#)
[DOC040716-04072016150033](#)
[DOC040716-04072016150105](#)
[DOC040716-04072016150130](#)
[DOC040716-04072016150213](#)
[DOC040716-04072016150253](#)
[DOC040716-04072016150325](#)
[DOC040716-04072016150346](#)
[DOC040716-04072016150406](#)
[DOC040716-04072016150439](#)

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

Yea: 8 - Councilor Hanson, Councilor Russ, Councilor Hobbs, Councilor Westerlund, Councilor Hansen, Councilor Anderson, Councilor Sipress and President Filipovich

Nay: 1 - Councilor Fosle

BY COUNCILOR WESTERLUND (PUBLIC WORKS & UTILITIES)

49. [16-0248R](#) RESOLUTION OF INTENT TO CONVEY CERTAIN REAL PROPERTY WITHIN THE CITY OF DULUTH ABUTTING RIDGEVIEW ROAD TO THE STATE OF MINNESOTA FOR AN ENTRANCE TO THE AIR NATIONAL GUARD FACILITY.

Indexes:

Attachments: [Exhibit A-Legal Description](#)

This Resolution was tabled.

INTRODUCTION AND CONSIDERATION OF ORDINANCES

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

BY COUNCILOR HANSEN (FINANCE)

50. [16-023-O](#) AN ORDINANCE TO AMEND THE BUDGET OF THE CITY OF DULUTH FOR YEAR 2016 BY INCREASING THE BUDGET BY \$500,000 FOR FUNDING AN ENERGY PLAN.

This Ordinance was read for the first time.

BY COUNCILOR WESTERLUND (PUBLIC WORKS & UTILITIES)

51. [16-021-O](#) AN ORDINANCE AUTHORIZING THE CONVEYANCE OF CERTAIN REAL PROPERTY ABUTTING RIDGEVIEW ROAD TO THE STATE OF MINNESOTA FOR AN ENTRANCE TO THE AIR NATIONAL GUARD FACILITY.

Indexes:

Attachments: [Exhibit A](#)

[Exhibit B](#)

[Exhibit C](#)

This Ordinance was read for the first time.

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

BY COUNCILOR HANSEN (FINANCE)

52. [16-018-O](#) AN ORDINANCE TO AMEND THE BUDGET OF THE CITY OF DULUTH FOR YEAR 2016 BY INCREASING THE BUDGET \$800,000 FOR ADDITIONAL STREET WORK.

This ordinance passes unanimously.

Yea: 9 - Councilor Hanson, Councilor Russ, Councilor Hobbs, Councilor Westerlund, Councilor Hansen, Councilor Anderson, Councilor Sipress, Councilor Fosle and President Filipovich

BY COUNCILOR RUSS (PLANNING & ECONOMIC DEVELOPMENT)

53. [16-017-O](#) AN ORDINANCE AMENDING SECTIONS 50-19.8 USE TABLE, 50-20.5 ACCESSORY USES, 50-39 ENFORCEMENT AND PENALTIES, AND 50-41 DEFINITIONS, TO ALLOW FOR ACCESSORY HOME SHARE.

Indexes:

Attachments: [Attachment A - 16-017-O](#)
[Attachment B - 16-017-O](#)
[Motion to Split 16-017](#)
[Hansen Motion to amend 16-017 - Passed](#)
[Filipovich Motion to amend 16-017 - Failed](#)
[16-017-O as voted on 3.14.16](#)

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

Yea: 8 - Councilor Hanson, Councilor Russ, Councilor Hobbs, Councilor Westerlund, Councilor Hansen, Councilor Anderson, Councilor Sipress and President Filipovich

Nay: 1 - Councilor Fosle

54. [16-022-O](#) AN ORDINANCE AMENDING SECTIONS 50-20.3 COMMERCIAL USES AND 50-20.5 ACCESSORY USES, TO AMEND EXISTING STANDARDS FOR VACATION DWELLING UNITS AND ACCESSORY VACATION DWELLING UNITS.

Indexes:

Attachments: [Motion to Amend 16-022-O Hobbs.Filipovich - Passed](#)
[Motion to Amend 16-022-O Sipress \(200ft\) - FAILED](#)
[Motion to Amend 16-022-O Sipress \(parking\) - PASSED](#)
[Motion to Amend 16-022-O Filipovich.Hansen 5.3.16 - FAILED](#)
[Motion to Amend 16-022-O Sipress \(Permit Adjustment\) - PASSED](#)

Motion to Amend by Hobbs. Filipovich - Passes Yea:8 Nay:1 (Westerlund)
Ordinance was read for first time.

This Ordinance was read for the first time.

BY COUNCILOR FOSLE (PUBLIC SAFETY)

55. [16-016-O](#) AN ORDINANCE REPEALING ARTICLE IV, CHAPTER 10A, OF THE DULUTH CITY CODE, 1959, AS AMENDED, PERTAINING TO PADDLEWHEELS.

This ordinance passes unanimously.

Yea: 9 - Councilor Hanson, Councilor Russ, Councilor Hobbs, Councilor Westerlund, Councilor Hansen, Councilor Anderson, Councilor Sipress, Councilor Fosle and President Filipovich

COUNCILOR QUESTIONS AND COMMENTS

COUNCILOR PREVIEW OF UPCOMING BUSINESS



City of Duluth

411 West First Street
Duluth, Minnesota 55802

Actions and Unofficial Minutes

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 will provide increased opportunities for civil discourse in order to find positive resolutions to the issues that face the city. These tools include: pay attention, listen, be inclusive, do not gossip, show respect, be agreeable, apologize, give constructive criticism and take responsibility. [Approved by the council on August 25, 2003]*

Monday, April 25, 2016

7:00 PM

Council Chamber

ROLL CALL

Present: 9 - Councilor Howie Hanson, Councilor Barb Russ, Councilor Noah Hobbs, Councilor Em Westerlund, Councilor Elissa Hansen, Councilor Gary Anderson, Councilor Joel Sipress, Councilor Jay Fosle and President Zack Filipovich

PLEDGE OF ALLEGIANCE

APPROVAL OF MINUTES

PUBLIC HEARING

REPORTS FROM THE ADMINISTRATION

REPORTS FROM OTHER OFFICERS

REPORTS OF BOARDS AND COMMISSIONS

1. [16-047](#) DECC October, November and December 2015 Meeting Minutes

Indexes:

Attachments: [December 15 2015 DECC Board Meeting Minutes](#)
[November 24 2015 DECC Board Meeting Minutes](#)
[October 27 2015 DECC Board Meeting Minutes](#)

This Board or Commission Report was received.

2. [16-048](#) Duluth parking commission meeting minutes.

Indexes:

- Attachments:** [Duluth Parking Commission 1-29-16 minutes](#)
[Duluth Parking Commission 8-28-15 minutes](#)
[Duluth Parking Commission 11-6-15 minutes](#)
[Duluth Parking Commission 12-4-15 minutes](#)
[Duluth Parking Commission 3-4-16 minutes](#)

This Board or Commission Report was received.

3. [16-049](#) DEDA February 2016 meeting minutes

Indexes:

- Attachments:** [DEDA 2-24-16 Minutes](#)

This Board or Commission Report was received.

4. [16-051](#) Duluth Parking Commission Resolutions

Indexes:

- Attachments:** [Duluth Parking Commission 3-4-16 resolutions](#)
[Duluth Parking Commission 4-8-16 resolutions](#)
[Duluth Parking Commission 1-29-16 resolutions](#)

This Board or Commission Report was received.

REPORTS OF COUNCIL COMMITTEES

REPORTS OF COUNCIL OPEN ISSUES

OPPORTUNITY FOR CITIZENS TO BE HEARD

RESOLUTIONS TABLED

BY COUNCILOR WESTERLUND (PUBLIC WORKS & UTILITIES)

5. [16-0248R](#) RESOLUTION OF INTENT TO CONVEY CERTAIN REAL PROPERTY WITHIN THE CITY OF DULUTH ABUTTING RIDGEVIEW ROAD TO THE STATE OF MINNESOTA FOR AN ENTRANCE TO THE AIR NATIONAL GUARD FACILITY.

Indexes:

Attachments: [Exhibit A-Legal Description](#)

This Resolution was adopted unanimously.

Yea: 9 - Councilor Hanson, Councilor Russ, Councilor Hobbs, Councilor Westerlund, Councilor Hansen, Councilor Anderson, Councilor Sipress, Councilor Fosle and President Filipovich

MOTIONS AND RESOLUTIONS

CONSENT AGENDA

BY COUNCILOR HANSEN (FINANCE)

6. [16-0245R](#) RESOLUTION AMENDING RESOLUTION NO. 16-0152, WHICH AMENDED RESOLUTION NO. 16-0055, CONFIRMING DEMOLITION ASSESSMENT ROLL TO DELETE A SECOND PROPERTY AND REDUCING THE AMOUNT ASSESSED.

This Resolution was adopted unanimously.

Yea: 9 - Councilor Hanson, Councilor Russ, Councilor Hobbs, Councilor Westerlund, Councilor Hansen, Councilor Anderson, Councilor Sipress, Councilor Fosle and President Filipovich

7. [16-0311R](#) RESOLUTION AUTHORIZING PROPER CITY OFFICIALS TO ACCEPT A GRANT ON BEHALF OF THE HISTORIC UNION DEPOT FROM THE DULUTH LEGACY ENDOWMENT FUND IN THE AMOUNT OF \$2500 FOR DEPOT BEAUTIFICATION PROJECT.

Indexes:

Attachments: [Exhibit A - Depot Grant Agreement](#)

This Resolution was adopted unanimously.

Yea: 9 - Councilor Hanson, Councilor Russ, Councilor Hobbs, Councilor Westerlund, Councilor Hansen, Councilor Anderson, Councilor Sipress, Councilor Fosle and President Filipovich

8. [16-0314R](#) RESOLUTION APPROVING THE BUDGET FOR THE FISCAL YEAR MAY 1, 2016 TO APRIL 30, 2017 IN THE AMOUNT OF \$5,546,836 FOR THE SPIRIT MOUNTAIN RECREATION AREA AUTHORITY.

Indexes:

Attachments: [Exhibit A](#)

This Resolution was adopted unanimously.

Yea: 9 - Councilor Hanson, Councilor Russ, Councilor Hobbs, Councilor Westerlund, Councilor Hansen, Councilor Anderson, Councilor Sipress, Councilor Fosle and President Filipovich

9. [16-0320R](#) RESOLUTION APPROVING THE ADOPTION OF A TWO YEAR GRACE PERIOD FOR IMPLEMENTING NEW PROCUREMENT REQUIREMENTS IN COMPLIANCE WITH THE UNIFORM ADMINISTRATIVE REQUIREMENTS FOR FEDERAL AWARDS.

This Resolution was adopted unanimously.

Yea: 9 - Councilor Hanson, Councilor Russ, Councilor Hobbs, Councilor Westerlund, Councilor Hansen, Councilor Anderson, Councilor Sipress, Councilor Fosle and President Filipovich

BY COUNCILOR HOBBS (PURCHASING & LICENSING)

10. [16-0292R](#) RESOLUTION AUTHORIZING A CONTRACT WITH TRAIL SOURCE, LLC., FOR PHASE IV CONSTRUCTION OF THE DULUTH TRAVERSE TRAIL IN THE AMOUNT OF \$361,447.56.

Indexes:

Attachments: [Phase IV Map](#)

This Resolution was adopted unanimously.

Yea: 9 - Councilor Hanson, Councilor Russ, Councilor Hobbs, Councilor Westerlund, Councilor Hansen, Councilor Anderson, Councilor Sipress, Councilor Fosle and President Filipovich

11. [16-0293R](#) RESOLUTION AUTHORIZING A CONTRACT WITH ROCK SOLID TRAIL CONTRACTING, LLC., FOR THE PHASE V CONSTRUCTION OF THE DULUTH TRAVERSE TRAIL IN THE AMOUNT OF \$472,843.25.

Indexes:

Attachments: [Phase V Map](#)

This Resolution was adopted unanimously.

Yea: 9 - Councilor Hanson, Councilor Russ, Councilor Hobbs, Councilor Westerlund, Councilor Hansen, Councilor Anderson, Councilor Sipress, Councilor Fosle and President Filipovich

12. [16-0297R](#) RESOLUTION APPROVING THE ISSUANCE OF OFF SALE 3.2 PERCENT MALT LIQUOR LICENSE RENEWALS FOR THE PERIOD BEGINNING MAY,1 2016, AND ENDING APRIL 30, 2017

Indexes:

Attachments: [OFF SALE BEER ATTACHMENT A-04142016085624](#)

This Resolution was adopted unanimously.

Yea: 9 - Councilor Hanson, Councilor Russ, Councilor Hobbs, Councilor Westerlund, Councilor Hansen, Councilor Anderson, Councilor Sipress, Councilor Fosle and President Filipovich

13. [16-0298R](#) RESOLUTION APPROVING THE ISSUANCE OF ON SALE 3.2 PERCENT MALT LIQUOR LICENSE RENEWALS FOR THE PERIOD BEGINNING MAY,1 2016, AND ENDING APRIL 30, 2017

Indexes:

Attachments: [ON SALE BEER RENEWALS-Attachment A](#)

This Resolution was adopted unanimously.

Yea: 9 - Councilor Hanson, Councilor Russ, Councilor Hobbs, Councilor Westerlund, Councilor Hansen, Councilor Anderson, Councilor Sipress, Councilor Fosle and President Filipovich

14. [16-0299R](#) RESOLUTION AUTHORIZING AN AMENDMENT TO AGREEMENT 22579 WITH HOISINGTON KOEGLER GROUP, INC., FOR ADDITIONAL PROFESSIONAL SERVICES TO COMPLETE A MINI MASTER PLAN FOR VARIOUS ST. LOUIS RIVER CORRIDOR NEIGHBORHOOD PARKS, AN INCREASE OF \$4,070, AND AN AMENDED TOTAL NOT TO EXCEED \$79,070.

Indexes:

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

This Resolution was adopted unanimously.

Yea: 9 - Councilor Hanson, Councilor Russ, Councilor Hobbs, Councilor Westerlund, Councilor Hansen, Councilor Anderson, Councilor Sipress, Councilor Fosle and President Filipovich

15. [16-0312R](#) RESOLUTION AUTHORIZING A CONTRACT WITH STACK BROS MECHANICAL CONTRACTORS, INC. FOR THE CONSTRUCTION OF CHAMBERS GROVE PARK IMPROVEMENTS FOR AN AMOUNT NOT TO EXCEED \$769,650.80.

This Resolution was adopted unanimously.

Yea: 8 - Councilor Hanson, Councilor Russ, Councilor Hobbs, Councilor Westerlund, Councilor Hansen, Councilor Anderson, Councilor Sipress and Councilor Fosle

Abstain: 1 - President Filipovich

BY COUNCILOR RUSS (PLANNING & ECONOMIC DEVELOPMENT)

16. [16-0287R](#) RESOLUTION AMENDING RESOLUTION 15-0831, ADOPTING LICENSE, PERMIT, FINE, PENALTY AND OTHER CHARGES FOR 2016, TO ADD AN ACCESSORY HOME SHARE PERMIT AND SETTING THE FEE FOR \$100 PER YEAR.

This Resolution was adopted unanimously.

Yea: 9 - Councilor Hanson, Councilor Russ, Councilor Hobbs, Councilor Westerlund, Councilor Hansen, Councilor Anderson, Councilor Sipress, Councilor Fosle and President Filipovich

17. [16-0294R](#) RESOLUTION DISCHARGING \$112,018.70 IN DEBT OWED BY THE FOLLOWING BUSINESSES TO THE REVOLVING LOAN FUND FORMERLY OPERATED BY NORTH STAR COMMUNITY DEVELOPMENT CORPORATION.

This Resolution was adopted unanimously.

Yea: 9 - Councilor Hanson, Councilor Russ, Councilor Hobbs, Councilor Westerlund, Councilor Hansen, Councilor Anderson, Councilor Sipress, Councilor Fosle and President Filipovich

18. [16-0296R](#) RESOLUTION AUTHORIZING AN AMENDMENT TO THE LICENSE AGREEMENT WITH THE DULUTH ECONOMIC DEVELOPMENT AUTHORITY FOR DEDA LOT B.

Indexes:

Attachments: [Exhibit A - 16-0296R](#)

This Resolution was adopted unanimously.

Yea: 9 - Councilor Hanson, Councilor Russ, Councilor Hobbs, Councilor Westerlund, Councilor Hansen, Councilor Anderson, Councilor Sipress, Councilor Fosle and President Filipovich

19. [16-0304R](#) RESOLUTION AUTHORIZING A CONTAMINATION INVESTIGATION AND RESPONSE ACTION PLAN DEVELOPMENT GRANT APPLICATION IN THE AMOUNT OF \$28,834 TO THE MINNESOTA DEPARTMENT OF EMPLOYMENT AND ECONOMIC DEVELOPMENT RELATING TO PROPERTY LOCATED AT 42nd AVENUE WEST AND GRAND AVENUE AND COMMITTING A DEVELOPER MATCH OF \$9,611

This Resolution was adopted unanimously.

Yea: 9 - Councilor Hanson, Councilor Russ, Councilor Hobbs, Councilor Westerlund, Councilor Hansen, Councilor Anderson, Councilor Sipress, Councilor Fosle and President Filipovich

20. [16-0305R](#) RESOLUTION AMENDING THE COMPREHENSIVE LAND USE PLAN - FUTURE LAND USE MAP FOR THE ARROWHEAD ROAD LANE USE STUDY AREA, FROM EAST OF HAINES ROAD TO ARLINGTON ROAD, AND NORTH ALONG RICE LAKE ROAD.

Indexes:

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

This Resolution was adopted

Yea: 7 - Councilor Hanson, Councilor Russ, Councilor Hobbs, Councilor Westerlund, Councilor Sipress, Councilor Fosle and President Filipovich

Nay: 2 - Councilor Hansen and Councilor Anderson

21. [16-0308R](#) RESOLUTION VACATING A PORTION OF A UTILITY EASEMENT SOUTHEAST OF GRAND AVENUE BETWEEN 75TH AVENUE WEST AND 78TH AVENUE WEST.

Indexes:

Attachments: [Attachment 1](#)

This Resolution was adopted unanimously.

Yea: 9 - Councilor Hanson, Councilor Russ, Councilor Hobbs, Councilor Westerlund, Councilor Hansen, Councilor Anderson, Councilor Sipress, Councilor Fosle and President Filipovich

22. [16-0309R](#) RESOLUTION VACATING A PORTION OF THE PLATTED RIGHT OF WAY OF EAST SUPERIOR STREET, NORTH SECOND AVENUE EAST, AND THE FIRST STREET ALLEY, ADJACENT TO THE NORSHOR THEATER AT TWO NORTH SECOND AVENUE EAST (DULUTH ECONOMIC DEVELOPMENT AUTHORITY).

Indexes:

Attachments: [Attachment 1](#)
[Attachment 2](#)
[Attachment 3](#)
[Attachment 4](#)

This Resolution was adopted unanimously.

Yea: 9 - Councilor Hanson, Councilor Russ, Councilor Hobbs, Councilor Westerlund, Councilor Hansen, Councilor Anderson, Councilor Sipress, Councilor Fosle and President Filipovich

BY COUNCILOR HANSON (INTERGOVERNMENTAL RELATIONS)

23. [16-0316R](#) RESOLUTION AUTHORIZING A TEMPORARY FIVE (5) YEAR EASEMENT TO THE STATE OF MINNESOTA FOR HIGHWAY PURPOSES FOR ITS GRAND AVENUE IMPROVEMENT PROJECT.

Indexes:

Attachments: [Exhibit 1 \(Parcel 49\)](#)
[Exhibit 2 \(Parcel 49\)](#)
[Exhibit 3 \(Parcel 49\)](#)

This Resolution was adopted unanimously.

Yea: 9 - Councilor Hanson, Councilor Russ, Councilor Hobbs, Councilor Westerlund, Councilor Hansen, Councilor Anderson, Councilor Sipress, Councilor Fosle and President Filipovich

24. [16-0317R](#) RESOLUTION AUTHORIZING A TEMPORARY FIVE (5) YEAR EASEMENT TO THE STATE OF MINNESOTA FOR HIGHWAY PURPOSES FOR ITS GRAND AVENUE IMPROVEMENT PROJECT.

Indexes:

Attachments: [Exhibit 1 \(Parcel 61\)](#)
[Exhibit 2 \(Parcel 61\)](#)
[Exhibit 3 \(Parcel 61\)](#)

This Resolution was adopted unanimously.

Yea: 9 - Councilor Hanson, Councilor Russ, Councilor Hobbs, Councilor Westerlund, Councilor Hansen, Councilor Anderson, Councilor Sipress, Councilor Fosle and President Filipovich

25. [16-0318R](#) RESOLUTION AUTHORIZING A TEMPORARY FIVE (5) YEAR EASEMENT TO THE STATE OF MINNESOTA FOR HIGHWAY PURPOSES FOR ITS GRAND AVENUE IMPROVEMENT PROJECT.

Indexes:

Attachments: [Exhibit 1 \(Parcel 60\)](#)
[Exhibit 2 \(Parcel 60\)](#)
[Exhibit 3 \(Parcel 60\)](#)

This Resolution was adopted unanimously.

Yea: 9 - Councilor Hanson, Councilor Russ, Councilor Hobbs, Councilor Westerlund, Councilor Hansen, Councilor Anderson, Councilor Sipress, Councilor Fosle and President Filipovich

BY COUNCILOR WESTERLUND (PUBLIC WORKS & UTILITIES)

26. [16-0288R](#) RESOLUTION AWARDING A CONTRACT TO PARSONS ELECTRIC LLC FOR THE REMOVAL AND REPLACEMENT OF GENERATORS AT DULUTH STEAM IN THE AMOUNT OF \$156,828.

This Resolution was adopted unanimously.

Yea: 9 - Councilor Hanson, Councilor Russ, Councilor Hobbs, Councilor Westerlund, Councilor Hansen, Councilor Anderson, Councilor Sipress, Councilor Fosle and President Filipovich

27. [16-0289R](#) RESOLUTION AWARDING A CONTRACT TO VEIT & COMPANY, INC. FOR STREAM BANK STABILIZATION AT CHESTER CREEK IN THE AMOUNT OF \$518,187.35.

Indexes:

Attachments: [16-0289R Map](#)

This Resolution was adopted unanimously.

Yea: 9 - Councilor Hanson, Councilor Russ, Councilor Hobbs, Councilor Westerlund, Councilor Hansen, Councilor Anderson, Councilor Sipress, Councilor Fosle and President Filipovich

28. [16-0290R](#) RESOLUTION AUTHORIZING THE 2012 ROAD AND BRIDGE DISASTER RELIEF BOND GRANT AND ACCEPTING A GRANT FROM THE MINNESOTA STATE TRANSPORTATION FUND FOR THE OVERLAY OF 63rd AVENUE WEST FROM GRAND AVENUE TO CODY STREET IN THE AMOUNT OF \$62,085.48.

Indexes:

Attachments: [16-0290R Map](#)
[Flood Bond Agreement 118-103-006](#)

This Resolution was adopted unanimously.

Yea: 9 - Councilor Hanson, Councilor Russ, Councilor Hobbs, Councilor Westerlund, Councilor Hansen, Councilor Anderson, Councilor Sipress, Councilor Fosle and President Filipovich

29. [16-0291R](#) RESOLUTION AUTHORIZING THE 2012 ROAD AND BRIDGE DISASTER RELIEF BOND GRANT AND ACCEPTING A GRANT FROM THE MINNESOTA STATE TRANSPORTATION FUND FOR THE RECLAMATION OF SKYLINE PARKWAY FROM KENWOOD AVENUE TO BRIDGE NO. L6115 IN THE AMOUNT OF \$190,578.60.

Indexes:

Attachments: [16-0291R Map](#)
[Flood Bond Agreement 118-179-006](#)

This Resolution was adopted unanimously.

Yea: 9 - Councilor Hanson, Councilor Russ, Councilor Hobbs, Councilor Westerlund, Councilor Hansen, Councilor Anderson, Councilor Sipress, Councilor Fosle and President Filipovich

30. [16-0302R](#) RESOLUTION AWARDDING A CONTRACT TO GEORGE BOUGALIS & SONS CO., INC. FOR THE CONGDON BOULEVARD CULVERT LINING AND REPLACEMENT IN THE AMOUNT OF \$956,358.30.

Indexes:

Attachments: [16-0302R Map](#)

This Resolution was adopted unanimously.

Yea: 9 - Councilor Hanson, Councilor Russ, Councilor Hobbs, Councilor Westerlund, Councilor Hansen, Councilor Anderson, Councilor Sipress, Councilor Fosle and President Filipovich

31. [16-0306R](#) RESOLUTION REQUESTING A VARIANCE FROM THE MINNESOTA DEPARTMENT OF TRANSPORTATION AND INDEMNIFYING THE STATE OF MINNESOTA IN CONNECTION WITH THE GRANTING OF A MINNESOTA STATE AID VARIANCE IN THE RECONSTRUCTION OF SUPERIOR STREET.

Indexes:

Attachments: [16-0306R Map](#)
[Parking Layout Variance](#)

This Resolution was adopted unanimously.

Yea: 9 - Councilor Hanson, Councilor Russ, Councilor Hobbs, Councilor Westerlund, Councilor Hansen, Councilor Anderson, Councilor Sipress, Councilor Fosle and President Filipovich

32. [16-0315R](#) RESOLUTION APPROVING SETTLEMENT IN THE AMOUNT OF \$35,000 IN THE MATTER OF MARK R. CARLSON AND LYNNE E. CARLSON VS. CITY OF DULUTH.

This Resolution was adopted unanimously.

Yea: 9 - Councilor Hanson, Councilor Russ, Councilor Hobbs, Councilor Westerlund, Councilor Hansen, Councilor Anderson, Councilor Sipress, Councilor Fosle and President Filipovich

33. [16-0319R](#) RESOLUTION AWARDDING A CONTRACT TO SHANNON'S INC. FOR THE LAKEWOOD WATER TREATMENT PLANT HEATING, VENTILATION AND COOLING SYSTEM IMPROVEMENTS IN THE AMOUNT OF \$940,850.

This Resolution was adopted unanimously.

Yea: 9 - Councilor Hanson, Councilor Russ, Councilor Hobbs, Councilor Westerlund, Councilor Hansen, Councilor Anderson, Councilor Sipress, Councilor Fosle and President Filipovich

BY COUNCILOR FOSLE (PUBLIC SAFETY)

34. [16-0303R](#) RESOLUTION AUTHORIZING LICENSE AGREEMENT WITH THE CITY OF HERMANTOWN TO ALLOW THE HERMANTOWN POLICE DEPARTMENT LIMITED ACCESS TO THE CITY'S FILE SERVER TO ACCESS THE BCA MINNESOTA LICENSE PLATE DATA FILE.

Indexes:

Attachments: [Exhibit A - Hermantown license agreement](#)
[Exhibit B - BCA agreement](#)

This Resolution was adopted unanimously.

Yea: 9 - Councilor Hanson, Councilor Russ, Councilor Hobbs, Councilor Westerlund, Councilor Hansen, Councilor Anderson, Councilor Sipress, Councilor Fosle and President Filipovich

BY COUNCILOR SIPRESS (RECREATION, LIBRARIES & AUTHORITIES)

35. [16-0300R](#) RESOLUTION AUTHORIZING PROPER CITY OFFICIALS TO ACCEPT A GRANT FROM THE DULUTH LEGACY FUND IN THE AMOUNT OF \$2,500 FOR TODDLER BOOK BINS AND BOOKS FOR THE MT. ROYAL BRANCH LIBRARY.

Indexes:

Attachments: [Exhibit A - 16-0300R](#)

This Resolution was adopted unanimously.

Yea: 9 - Councilor Hanson, Councilor Russ, Councilor Hobbs, Councilor Westerlund, Councilor Hansen, Councilor Anderson, Councilor Sipress, Councilor Fosle and President Filipovich

36. [16-0301R](#) RESOLUTION AUTHORIZING PROPER CITY OFFICIALS TO ACCEPT A \$2,500 GRANT FROM THE DULUTH LEGACY ENDOWMENT FUND FOR THE GARY NEW DULUTH COMMUNITY CENTER AND RECREATION AREA MINI-MASTER PLAN PROJECT.

Indexes:

Attachments: [EXHIBIT A - 16-0301R](#)

This Resolution was adopted unanimously.

Yea: 9 - Councilor Hanson, Councilor Russ, Councilor Hobbs, Councilor Westerlund, Councilor Hansen, Councilor Anderson, Councilor Sipress, Councilor Fosle and President Filipovich

37. [16-0307R](#) RESOLUTION AUTHORIZING ACCEPTANCE AND EXECUTION OF A HOST SITE AGREEMENT WITH THE MINNESOTA POLLUTION CONTROL AGENCY FOR THE 2016-2017 PROGRAM YEAR GREENCORPS MEMBERS.

Indexes:

Attachments: [EXHIBIT A - 16-0307R](#)

This Resolution was adopted unanimously.

Yea: 9 - Councilor Hanson, Councilor Russ, Councilor Hobbs, Councilor Westerlund, Councilor Hansen, Councilor Anderson, Councilor Sipress, Councilor Fosle and President Filipovich

38. [16-0313R](#) RESOLUTION AUTHORIZING A FIVE (5) YEAR LEASE AGREEMENT WITH RPK BASEBALL, LLC AND NORTHWOODS LEAGUE, INC. FOR THE USE OF WADE STADIUM THROUGH 2020.

Indexes:

Attachments: [Exhibit 1](#)

This Resolution was adopted unanimously.

Yea: 9 - Councilor Hanson, Councilor Russ, Councilor Hobbs, Councilor Westerlund, Councilor Hansen, Councilor Anderson, Councilor Sipress, Councilor Fosle and President Filipovich

END OF CONSENT AGENDA

BY COUNCILOR ANDERSON (PERSONNEL)

39. [16-0295R](#) RESOLUTION CONFIRMING THE APPOINTMENT OF JOHN STRONGITHARM TO THE CIVIL SERVICE BOARD

Indexes:

Attachments: [Lon Hanson CSB Application](#)
[LonHansonResume-CityofDuluth](#)
[Strongitharm CSB Application](#)
[John Strongitharm Resume](#)
[NEWQUIST APP](#)

This Resolution was adopted as amended.

Yea: 9 - Councilor Hanson, Councilor Russ, Councilor Hobbs, Councilor Westerlund, Councilor Hansen, Councilor Anderson, Councilor Sipress, Councilor Fosle and President Filipovich

INTRODUCTION AND CONSIDERATION OF ORDINANCES

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

BY COUNCILOR FOSLE (PUBLIC SAFETY)

40. [16-024-O](#) AN ORDINANCE AMENDING CHAPTER 29A OF THE DULUTH CITY CODE, 1959, AS AMENDED, TO CLARIFY APPLICATION OF THE INTERNATIONAL PROPERTY MAINTENANCE CODE FOR THE HOUSING AND MAINTENANCE CODE FOR THE CITY, PROVIDE A MECHANISM FOR RESOLVING CONFLICTS BETWEEN THE PROVISIONS OF CHAPTER 29A AND THE HOUSING AND PROPERTY MAINTENANCE CODE, AND STRIKE OBSOLETE CODE LANGUAGE.

This Ordinance was read for the first time.

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

BY COUNCILOR HANSEN (FINANCE)

41. [16-023-O](#) AN ORDINANCE TO AMEND THE BUDGET OF THE CITY OF DULUTH FOR YEAR 2016 BY INCREASING THE BUDGET BY \$500,000 FOR FUNDING AN ENERGY PLAN.

This Ordinance was adopted.

Yea: 9 - Councilor Hanson, Councilor Russ, Councilor Hobbs, Councilor Westerlund, Councilor Hansen, Councilor Anderson, Councilor Sipress, Councilor Fosle and President Filipovich

BY COUNCILOR RUSS (PLANNING & ECONOMIC DEVELOPMENT)

42. [16-022-O](#) AN ORDINANCE AMENDING SECTIONS 50-20.3 COMMERCIAL USES AND 50-20.5 ACCESSORY USES, TO AMEND EXISTING STANDARDS FOR VACATION DWELLING UNITS AND ACCESSORY VACATION DWELLING UNITS.

Indexes:

Attachments: [Motion to Amend 16-022-O Hobbs.Filipovich - Passed](#)
[Motion to Amend 16-022-O Sipress \(200ft\) - FAILED](#)
[Motion to Amend 16-022-O Sipress \(parking\) - PASSED](#)
[Motion to Amend 16-022-O Filipovich.Hansen 5.3.16 - FAILED](#)
[Motion to Amend 16-022-O Sipress \(Permit Adjustment\) - PASSED](#)

A motion was made that this ordinance be tabled. Motion passed:

8: Yea

1: Nay

This Ordinance was tabled.

BY COUNCILOR WESTERLUND (PUBLIC WORKS & UTILITIES)

43. [16-021-O](#) AN ORDINANCE AUTHORIZING THE CONVEYANCE OF CERTAIN REAL PROPERTY ABUTTING RIDGEVIEW ROAD TO THE STATE OF MINNESOTA FOR AN ENTRANCE TO THE AIR NATIONAL GUARD FACILITY.

Indexes:

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

This Ordinance was adopted.

Yea: 9 - Councilor Hanson, Councilor Russ, Councilor Hobbs, Councilor Westerlund, Councilor Hansen, Councilor Anderson, Councilor Sipress, Councilor Fosle and President Filipovich

COUNCILOR QUESTIONS AND COMMENTS

COUNCILOR PREVIEW OF UPCOMING BUSINESS



City of Duluth

411 West First Street
Duluth, Minnesota 55802

Actions and Unofficial Minutes

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 will provide increased opportunities for civil discourse in order to find positive resolutions to the issues that face the city. These tools include: pay attention, listen, be inclusive, do not gossip, show respect, be agreeable, apologize, give constructive criticism and take responsibility. [Approved by the council on August 25, 2003]*

Monday, May 9, 2016

7:00 PM

Council Chamber

ROLL CALL

Present: 9 - Councilor Howie Hanson, Councilor Barb Russ, Councilor Noah Hobbs, Councilor Em Westerlund, Councilor Elissa Hansen, Councilor Gary Anderson, Councilor Joel Sipress, Councilor Jay Fosle and President Zack Filipovich

PLEDGE OF ALLEGIANCE

PRESENTATION OF PETITIONS AND OTHER COMMUNICATIONS

1. [16-061](#) Hartley Nature Center Communication

Indexes:

Attachments: [Dan Mundt Communication](#)

This Petition/Other Communication was received.

REPORTS FROM THE ADMINISTRATION

REPORTS FROM OTHER OFFICERS

2. [16-052](#) Clerk Applications for Exempt Permit for Womens Care Center (Raffle and Bingo), Welch Center (Bingo), Lake Superior Marine Museum Association (Raffle)

Indexes:

Attachments: [WOMENS CARE CENTER](#)
[WELCH CENTER](#)
[MARINE MUSEUM](#)

This Other Officers Report was received.

3. [16-053](#) Clerk applications for Exempt Permits to the Minnesota Gambling Control Board from Gary-New Duluth Community Club (excluded bingo) and Order of Ahepa Chapter #267 of Duluth (excluded bingo).

Indexes:

Attachments: [GARY COMMUNITY CLUB](#)
[ORDER OF AHEPA CHAPTER 267 BINGO](#)

This Other Officers Report was received.

REPORTS OF BOARDS AND COMMISSIONS

4. [16-054](#) HRA Minutes

Indexes:

Attachments: [HRA Minutes 1.26.16](#)
[HRA Minutes 3.1.16](#)
[HRA Minutes 3.30.16](#)
[HRA Minutes 11.24.15](#)

This Board or Commission Report was received.

5. [16-055](#) Civil Service Board Minutes

Indexes:

Attachments: [Civil Service Board Minutes 3.1.16](#)

This Board or Commission Report was received.

6. [16-056](#) DPUC Minutes

Indexes:

Attachments: [DPUC Minutes 3.15.16](#)

[DPUC Water Rate Public Hearing Minutes 3.15.16](#)

This Board or Commission Report was received.

7. [16-057](#) DTA Minutes

Indexes:

Attachments: [DTA Board of Directors Minutes 2.14.16](#)

[DTA Financial Statement Feb 2016](#)

This Board or Commission Report was received.

8. [16-058](#) Spirit Mountain FY17 Budget

Indexes:

Attachments: [FY17 Spirit Mt Council Presentation _April 2016](#)

This Board or Commission Report was received.

9. [16-059](#) Library Board Minutes

Indexes:

Attachments: [Library Board Minutes 3.22.16](#)

This Board or Commission Report was received.

10. [16-060](#) Planning Commission Minutes

Indexes:

Attachments: [PC Minutes 4.1.16 \(not approved yet\)](#)

This Board or Commission Report was received.

REPORTS OF COUNCIL COMMITTEES

REPORTS OF COUNCIL OPEN ISSUES

OPPORTUNITY FOR CITIZENS TO BE HEARD

MOTIONS AND RESOLUTIONS

CONSENT AGENDA

BY COUNCILOR HOBBS (PURCHASING & LICENSING)

11. [16-0347R](#) RESOLUTION APPROVING THE TEMPORARY EXPANSION OF THE ON SALE INTOXICATING LIQUOR LICENSE TO VARIOUS LICENSEES.

Indexes:

- Attachments: [ATTACHMENT C GRANDMAS INC](#)
[ATTACHMENT D ANGIES](#)
[ATTACHMENT E TAP HOUSE](#)
[ATTACHMENT A SPORTS GARDEN](#)
[ATTACHMENT B CLUB SARATOGA AMENDED](#)

This Resolution was adopted unanimously.

Yea: 8 - Councilor Hanson, Councilor Russ, Councilor Hobbs, Councilor Westerlund, Councilor Anderson, Councilor Sipress, Councilor Fosle and President Filipovich

Abstain: 1 - Councilor Hansen

12. [16-0351R](#) RESOLUTION AUTHORIZING AN AMENDMENT TO AGREEMENT 22364 WITH CARDNO, INC., FOR ADDITIONAL PROFESSIONAL SERVICES IN THE STREAM RESTORATION OF MILLER CREEK, AN INCREASE OF \$6,000, AND AN AMENDED TOTAL NOT TO EXCEED \$82,600.

Indexes:

- Attachments: [Amendment No. 1](#)

This Resolution was adopted unanimously.

Yea: 9 - Councilor Hanson, Councilor Russ, Councilor Hobbs, Councilor Westerlund, Councilor Hansen, Councilor Anderson, Councilor Sipress, Councilor Fosle and President Filipovich

13. [16-0352R](#) RESOLUTION AUTHORIZING A CONTRACT WITH TRAIL SOURCE, LLC., FOR THE TRAIL REPAIR AND IMPROVEMENTS AT CHESTER PARK, CONGDON PARK AND HARTLEY PARK IN THE AMOUNT OF \$343,224.36.

Indexes:

Attachments: [Bid Tabulation](#)
[Chester Map](#)
[Congdon Map](#)
[Hartley Map](#)

This Resolution was adopted unanimously.

Yea: 9 - Councilor Hanson, Councilor Russ, Councilor Hobbs, Councilor Westerlund, Councilor Hansen, Councilor Anderson, Councilor Sipress, Councilor Fosle and President Filipovich

BY COUNCILOR RUSS (PLANNING & ECONOMIC DEVELOPMENT)

14. [16-0265R](#) RESOLUTION AUTHORIZING CITY OFFICIALS TO DONATE A DISPLAY CASE TO THE LAKE SUPERIOR CENTER DBA GREAT LAKES AQUARIUM TO SHOWCASE A SCALE MODEL OF THE AERIAL LIFT BRIDGE BUILT BY RALPH W. ANDRES.

Indexes:

Attachments: [Exhibit A - Model Aerial Lift Bridge](#)

This Resolution was adopted unanimously.

Yea: 9 - Councilor Hanson, Councilor Russ, Councilor Hobbs, Councilor Westerlund, Councilor Hansen, Councilor Anderson, Councilor Sipress, Councilor Fosle and President Filipovich

BY COUNCILOR WESTERLUND (PUBLIC WORKS & UTILITIES)

15. [16-0338R](#) RESOLUTION ACCEPTING TEMPORARY AND PERMANENT EASEMENTS FOR STREET AND UTILITY PURPOSES NEAR KENWOOD AVE. AND ARROWHEAD ROAD FROM KENWOOD VILLAGE LLC.

Indexes:

Attachments: [Exhibit A \(16-0338R\)](#)
[Exhibit B \(16-0338R\)](#)

This Resolution was adopted unanimously.

Yea: 9 - Councilor Hanson, Councilor Russ, Councilor Hobbs, Councilor Westerlund, Councilor Hansen, Councilor Anderson, Councilor Sipress, Councilor Fosle and President Filipovich

16. [16-0346R](#) RESOLUTION REQUESTING A VARIANCE FROM THE MINNESOTA DEPARTMENT OF TRANSPORTATION AND INDEMNIFYING THE STATE OF MINNESOTA IN CONNECTION WITH THE GRANTING OF A MINNESOTA STATE AID VARIANCE IN THE REDUCTION IN ROADWAY WIDTH FROM 38 FEET TO 36 FEET ON PORTIONS OF THIRD AVENUE WEST AND SECOND AVENUE WEST.

Indexes:

Attachments: [16-0364R Map](#)

This Resolution was adopted unanimously.

Yea: 9 - Councilor Hanson, Councilor Russ, Councilor Hobbs, Councilor Westerlund, Councilor Hansen, Councilor Anderson, Councilor Sipress, Councilor Fosle and President Filipovich

BY COUNCILOR FOSLE (PUBLIC SAFETY)

17. [16-0336R](#) RESOLUTION APPOINTING THE TECHNICAL SERVICES COORDINATOR OF THE DULUTH FIRE DEPARTMENT TO SERVE ON THE USER COMMITTEE OF THE NORTHEAST MINNESOTA REGIONAL RADIO BOARD.

This Resolution was adopted unanimously.

Yea: 9 - Councilor Hanson, Councilor Russ, Councilor Hobbs, Councilor Westerlund, Councilor Hansen, Councilor Anderson, Councilor Sipress, Councilor Fosle and President Filipovich

18. [16-0344R](#) RESOLUTION AUTHORIZING MUTUAL AID AGREEMENT WITH THE CITY OF MINNEAPOLIS, MINNESOTA.

Indexes:

Attachments: [Document A](#)

This Resolution was adopted unanimously.

Yea: 9 - Councilor Hanson, Councilor Russ, Councilor Hobbs, Councilor Westerlund, Councilor Hansen, Councilor Anderson, Councilor Sipress, Councilor Fosle and President Filipovich

BY COUNCILOR SIPRESS (RECREATION, LIBRARIES & AUTHORITIES)

19. [16-0328R](#) RESOLUTION GRANTING APPROVAL AND IMPLEMENTATION OF THE QUARRY PARK MINI-MASTER PLAN; DEDICATING THE PROPERTY AS A PARK AND NAMING THE SITE QUARRY PARK.

Indexes:

Attachments: [EXHIBIT A - 16-0328R](#)

This Resolution was adopted unanimously.

Yea: 9 - Councilor Hanson, Councilor Russ, Councilor Hobbs, Councilor Westerlund, Councilor Hansen, Councilor Anderson, Councilor Sipress, Councilor Fosle and President Filipovich

20. [16-0332R](#) RESOLUTION AUTHORIZING APPLICATION TO THE GREATER MINNESOTA REGIONAL PARKS AND TRAILS COMMISSION TO REQUEST REGIONAL DESIGNATION FOR HARTLEY PARK.

Indexes:

Attachments: [EXHIBIT A - 16-0332R](#)

[EXHIBIT B - 16-0332R](#)

This Resolution was adopted unanimously.

Yea: 9 - Councilor Hanson, Councilor Russ, Councilor Hobbs, Councilor Westerlund, Councilor Hansen, Councilor Anderson, Councilor Sipress, Councilor Fosle and President Filipovich

21. [16-0333R](#) RESOLUTION AUTHORIZING APPLICATION TO THE GREATER MINNESOTA REGIONAL PARKS AND TRAILS COMMISSION TO REQUEST REGIONAL DESIGNATION FOR THE ST. LOUIS RIVER CORRIDOR RECREATION AREA.

Indexes:

Attachments: [EXHIBIT A - 16-0333R](#)
[EXHIBIT B - 16-0333R](#)

This Resolution was adopted unanimously.

Yea: 9 - Councilor Hanson, Councilor Russ, Councilor Hobbs, Councilor Westerlund, Councilor Hansen, Councilor Anderson, Councilor Sipress, Councilor Fosle and President Filipovich

22. [16-0334R](#) RESOLUTION AUTHORIZING APPLICATION TO THE GREATER MINNESOTA REGIONAL PARKS AND TRAILS COMMISSION TO REQUEST REGIONAL DESIGNATION FOR THE LAKEWALK CORRIDOR RECREATION AREA.

Indexes:

Attachments: [EXHIBIT A - 16-0334R](#)
[EXHIBIT B - 16-0334R](#)

This Resolution was adopted unanimously.

Yea: 9 - Councilor Hanson, Councilor Russ, Councilor Hobbs, Councilor Westerlund, Councilor Hansen, Councilor Anderson, Councilor Sipress, Councilor Fosle and President Filipovich

23. [16-0335R](#) RESOLUTION AUTHORIZING APPLICATION TO, AND ACCEPTANCE OF, IF OFFERED, THE NATIONAL PARK SERVICE LAND AND WATER CONSERVATION FUND STATE AND LOCAL ASSISTANCE PROGRAM OUTDOOR RECREATION LEGACY PARTNERSHIP PROGRAM (LWCF ORLP) FOR \$750,000 IN GRANT FUNDS TO IMPLEMENT THE LINCON PARK MINI-MASTER PLAN.

Indexes:

Attachments: [EXHIBIT A - 16-0335R](#)
[EXHIBIT B - 16-0335R](#)
[Exhibit C - Project Agreement](#)

This Resolution was adopted unanimously.

Yea: 9 - Councilor Hanson, Councilor Russ, Councilor Hobbs, Councilor Westerlund, Councilor Hansen, Councilor Anderson, Councilor Sipress, Councilor Fosle and President Filipovich

END OF CONSENT AGENDA

BY COUNCILOR HOBBS (PURCHASING & LICENSING)

24. [16-0343R](#) RESOLUTION AUTHORIZING THE PURCHASE OF A FIRE RESCUE VEHICLE FROM CUSTOM FIRE APPARATUS, INC. IN THE AMOUNT OF \$632,632 AND STATING THE INTENT TO ISSUE GENERAL OBLIGATION NOTES

Indexes:

Attachments: [Bid Tabulation](#)

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

Yea: 8 - Councilor Hanson, Councilor Russ, Councilor Hobbs, Councilor Westerlund, Councilor Hansen, Councilor Anderson, Councilor Sipress and President Filipovich

Nay: 1 - Councilor Fosle

BY COUNCILOR ANDERSON (PERSONNEL)

25. [16-0372R](#) RESOLUTION CONFIRMING THE APPOINTMENT OF MICHAEL TUSKEN AS POLICE CHIEF FOR THE CITY OF DULUTH.

This Resolution was adopted unanimously.

Yea: 9 - Councilor Hanson, Councilor Russ, Councilor Hobbs, Councilor Westerlund, Councilor Hansen, Councilor Anderson, Councilor Sipress, Councilor Fosle and President Filipovich

26. [16-0373R](#) RESOLUTION CONFIRMING THE APPOINTMENT OF DENNIS EDWARDS AS FIRE CHIEF FOR THE CITY OF DULUTH.

This Resolution was adopted unanimously.

Yea: 9 - Councilor Hanson, Councilor Russ, Councilor Hobbs, Councilor Westerlund, Councilor Hansen, Councilor Anderson, Councilor Sipress, Councilor Fosle and President Filipovich

BY COUNCILOR WESTERLUND (PUBLIC WORKS & UTILITIES)

27. [16-0345R](#) RESOLUTION APPROVING SETTLEMENT IN THE MATTER OF MARK TUCKER VS CITY OF DULUTH IN THE AMOUNT OF \$25,000 AND PURSUANT TO THE TERMS OF THE MEDIATED SETTLEMENT AGREEMENT.

Indexes:

Attachments: [Exhibit A Mediated Settlement Agreement](#)

This Resolution was adopted unanimously.

Yea: 9 - Councilor Hanson, Councilor Russ, Councilor Hobbs, Councilor Westerlund, Councilor Hansen, Councilor Anderson, Councilor Sipress, Councilor Fosle and President Filipovich

INTRODUCTION AND CONSIDERATION OF ORDINANCES

ORDINANCES TABLED

BY COUNCILOR RUSS (PLANNING & ECONOMIC DEVELOPMENT)

28. [16-022-O](#) AN ORDINANCE AMENDING SECTIONS 50-20.3 COMMERCIAL USES AND 50-20.5 ACCESSORY USES, TO AMEND EXISTING STANDARDS FOR VACATION DWELLING UNITS AND ACCESSORY VACATION DWELLING UNITS.

Indexes:

Attachments: [Motion to Amend 16-022-O Hobbs.Filipovich - Passed](#)
[Motion to Amend 16-022-O Sipress \(200ft\) - FAILED](#)
[Motion to Amend 16-022-O Sipress \(parking\) - PASSED](#)
[Motion to Amend 16-022-O Filipovich.Hansen 5.3.16 - FAILED](#)
[Motion to Amend 16-022-O Sipress \(Permit Adjustment\) - PASSED](#)

A motion was made to amend, motion was seconded and failed by the following vote: (Sipress 200ft)

Yay - 2 Councilors Russ and Sipress

Nay - 7 Councilors Anderson, Fosle, Hansen, Hanson, Hobbs, Westerlund and President Filipovich

A motion was made to amend, motion was seconded and passed by the following vote: (Sipress Parking)

Yay - 8 Councilors Anderson, Hansen, Hanson, Hobbs, Russ, Sipress, Westerlund and President Filipovich

Nay - 1 Councilor Fosle

A motion was made to amend, motion was seconded and failed by the following vote: (Filipovich.Hansen)

Yay - 4 Councilors Fosle, Hansen, Hanson and President Filipovich.

Nay - 5 Councilors Anderson, Hobbs, Russ, Sipress and Westerlund.

A motion was made to amend, motion was seconded and carried unanimously. (Sipress Permit Adjustment)

This Ordinance was read for the first time.

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

BY COUNCILOR HOBBS (PURCHASING & LICENSING)

29. [16-025-O](#) AN ORDINANCE AMENDING SECTION 41-23 OF DULUTH CITY CODE, 1959, AS AMENDED, TO ALLOW ELECTRONIC BID POSTINGS, BIDS, AND SECURE BONDS FOR CITY CONTRACTS EXCEEDING \$100,000.

This Ordinance was read into the record.

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

BY COUNCILOR FOSLE (PUBLIC SAFETY)

30. [16-024-O](#) AN ORDINANCE AMENDING CHAPTER 29A OF THE DULUTH CITY CODE, 1959, AS AMENDED, TO CLARIFY APPLICATION OF THE INTERNATIONAL PROPERTY MAINTENANCE CODE FOR THE HOUSING AND MAINTENANCE CODE FOR THE CITY, PROVIDE A MECHANISM FOR RESOLVING CONFLICTS BETWEEN THE PROVISIONS OF CHAPTER 29A AND THE HOUSING AND PROPERTY MAINTENANCE CODE, AND STRIKE OBSOLETE CODE LANGUAGE.

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

Yea: 8 - Councilor Hanson, Councilor Russ, Councilor Hobbs, Councilor Westerlund, Councilor Hansen, Councilor Anderson, Councilor Sipress and President Filipovich

Nay: 1 - Councilor Fosle

COUNCILOR QUESTIONS AND COMMENTS

COUNCILOR PREVIEW OF UPCOMING BUSINESS



City of Duluth

411 West First Street
Duluth, Minnesota 55802

Actions and Unofficial Minutes

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 will provide increased opportunities for civil discourse in order to find positive resolutions to the issues that face the city. These tools include: pay attention, listen, be inclusive, do not gossip, show respect, be agreeable, apologize, give constructive criticism and take responsibility. [Approved by the council on August 25, 2003]*

Monday, May 23, 2016

7:00 PM

Council Chamber

ROLL CALL

Present: 9 - Councilor Gary Anderson, Councilor Jay Fosle, Councilor Elissa Hansen, Councilor Howie Hanson, Councilor Noah Hobbs, Councilor Barb Russ, Councilor Joel Sipress, Councilor Em Westerlund and President Zack Filipovich

PLEDGE OF ALLEGIANCE

APPROVAL OF MINUTES

1. [16-066](#) December 2015 Council Minutes

Indexes:

Attachments: [OPS 12.07.2015](#)

[OPS 12.14.2015](#)

This Minutes was received.

PUBLIC HEARING

REPORTS FROM THE ADMINISTRATION

REPORTS FROM OTHER OFFICERS

REPORTS OF BOARDS AND COMMISSIONS

2. [16-063](#) Building Appeal Board Meeting Minutes

Indexes:

- Attachments: [3-9-16 Building Appeal Board Meeting Minutes](#)
[4-13-16 Building Appeal Board Meeting Minutes](#)

This Board or Commission Report was received.

3. [16-064](#) AGT Meeting Minutes

Indexes:

- Attachments: [5-11-16 AGT Special Meeting Minutes](#)
[4-6-16 AGT Meeting Minutes](#)

This Board or Commission Report was received.

4. [16-065](#) DEDA Special Meeting Minutes

Indexes:

- Attachments: [4-6-16 DEDA Special Meeting Minutes](#)

This Board or Commission Report was received.

REPORTS OF COUNCIL COMMITTEES

REPORTS OF COUNCIL OPEN ISSUES

OPPORTUNITY FOR CITIZENS TO BE HEARD

RESOLUTIONS TABLED

MOTIONS AND RESOLUTIONS

CONSENT AGENDA

BY COUNCILOR HANSEN (FINANCE)

5. [16-0329R](#) RESOLUTION CONFIRMING ASSESSMENT ROLL LEVIED FOR REASSESSMENT OF PRIOR CANCELED ASSESSMENTS.

This Resolution was adopted unanimously.

BY COUNCILOR HOBBS (PURCHASING & LICENSING)

6. [16-0321R](#) RESOLUTION IN THE MATTER OF THE ON SALE INTOXICATING LIQUOR LICENSE OF HOSPITALITY ASSOCIATES OF DULUTH, LLC (ACES ON FIRST) 113 WEST FIRST STREET

Indexes:

Attachments: [AGT Report To The Council 16-0321R](#)

This Resolution was adopted unanimously.

7. [16-0348R](#) RESOLUTION APPROVING ISSUANCE OF AN ON SALE LIQUOR LICENSE, DANCE LICENSE AND SUNDAY LIQUOR LICENSE TO LEISURE HOSPITALITY OF MINNESOTA, LLC (PIER B RESORT & SILO RESTAURANT) , 800 WEST RAILROAD STREET, DULUTH, MN 55802

Indexes:

Attachments: [PIER B Agenda attach 05-232016](#)

This Resolution was adopted unanimously.

Yea: 8 - Councilor Anderson, Councilor Fosle, Councilor Hanson, Councilor Hobbs, Councilor Russ, Councilor Sipress, Councilor Westerlund and President Filipovich

Abstain: 1 - Councilor Hansen

8. [16-0368R](#) RESOLUTION AUTHORIZING A CONTRACT WITH STACK BROS. MECHANICAL CONTRACTORS, INC., TO MODIFY THE GAS BURNER CONTROL SYSTEM FOR TWO BOILERS AT DULUTH ENERGY SYSTEMS IN THE AMOUNT OF \$132,600.

Indexes:

Attachments: [Bid Tabulation](#)

This Resolution was adopted unanimously.

Yea: 8 - Councilor Anderson, Councilor Fosle, Councilor Hansen, Councilor Hanson, Councilor Hobbs, Councilor Russ, Councilor Sipress and Councilor Westerlund

Abstain: 1 - President Filipovich

9. [16-0379R](#) RESOLUTION AUTHORIZING AN AGREEMENT WITH EVOLVING SOLUTIONS, INC. FOR THE PURCHASE OF HARDWARE, FIVE YEARS OF MAINTENANCE, AND PROFESSIONAL SERVICES FOR THE CONFIGURATION OF AN UPGRADED NETAPP NETWORK DATA STORAGE ARRAY IN THE AMOUNT OF \$197,495.

Indexes:

Attachments: [Exhibit A](#)

This Resolution was adopted unanimously.

BY COUNCILOR ANDERSON (PERSONNEL)

10. [16-0370R](#) RESOLUTION APPROVING PROPOSED AMENDMENTS TO THE SPECIFICATIONS FOR THE EXISTING CIVIL SERVICE CLASSIFICATION OF NETWORK ADMINISTRATOR.

Indexes:

Attachments: [Network Administrator Final Draft.pdf](#)
[Network Administrator \(strikethrough\).pdf](#)

This Resolution was adopted unanimously.

11. [16-0400R](#) RESOLUTION APPROVING PROPOSED AMENDMENTS TO THE SPECIFICATIONS FOR THE EXISTING CIVIL SERVICE CLASSIFICATION OF SYSTEMS ADMINISTRATOR.

Indexes:

Attachments: [Systems Administrator \(strikethrough\)](#)
[Systems Administrator](#)

This Resolution was adopted unanimously.

BY COUNCILOR RUSS (PLANNING & ECONOMIC DEVELOPMENT)

12. [16-0384R](#) RESOLUTION AUTHORIZING AN INCREASE OF \$2,106 IN THE ALLOCATION OF HUD FUNDING FOR THE HOME PROGRAM FOR THE 2016 PROGRAM YEAR, WHICH WILL INCREASE THE HOUSING RESOURCE CONNECTION PROJECT FROM \$39,695 TO \$42,071. THIS INCREASE IS DUE TO AN INCREASE IN ALLOCATION FROM HUD.

This Resolution was adopted unanimously.

13. [16-0385R](#) RESOLUTION AUTHORIZING CONTRACTS WITH DULUTH HOUSING REDEVLEOPMENT AUTHORITY IN THE AMOUNTS OF \$20,000 IN CDBG FUNDS FOR THE COORDINATED ASSESSMENT PROJECT FROM THE 2015 CDBG PROGRAM YEAR AND \$12,000 FROM THE 2016 CDBG PROGRAM YEAR.

Indexes:

Attachments: [Attachment 1](#)

This Resolution was adopted unanimously.

BY COUNCILOR WESTERLUND (PUBLIC WORKS & UTILITIES)

14. [16-0359R](#) RESOLUTION AMENDING RESOLUTION 16-0157 SUBSTITUTING THE NAME OF THE CORRECT GRANTOR AND SUBSTITUTING A NEW EASEMENT AGREEMENT.

Indexes:

Attachments: [Exhibit A - Updated Easement](#)

This Resolution was adopted unanimously.

15. [16-0374R](#) RESOLUTION AMENDING RESOLUTION 13-0161R AUTHORIZING A MN/DOT PARTNERSHIP AGREEMENT WITH THE MINNESOTA DEPARTMENT OF TRANSPORTATION, INCREASING THE AMOUNT OF THE CITY'S OBLIGATION BY \$13,755.46 FOR A NEW TOTAL OF \$115,113.12.

Indexes:

Attachments: [16-0374R Map](#)
[16-0374R Schedule I](#)

This Resolution was adopted unanimously.

16. [16-0386R](#) RESOLUTION AWARDED A CONTRACT TO JMF CONSTRUCTION, INC. FOR THE 2016 CITYWIDE PATCH AND SIDEWALK PROJECT IN THE AMOUNT OF \$121,545.

This Resolution was adopted unanimously.

17. [16-0388R](#) RESOLUTION AMENDING A CONTRACT WITH HANCO UTILITIES, INC. FOR CONSTRUCTION OF THE 2015 HIGH PRESSURE GAS MAINS AND SERVICES IN THE AMOUNT OF \$505,946.98 FOR A NEW TOTAL OF \$1,560,003.19.

This Resolution was adopted unanimously.

18. [16-0396R](#) RESOLUTION OF INTENT TO INSTALL A NEW GAS MAIN FROM HAINES ROAD TO 250 FEET WEST OF CENTERLINE OF WASHINGTON STREET.

Indexes:

Attachments: [16-0396R Map](#)

This Resolution was adopted unanimously.

BY COUNCILOR FOSLE (PUBLIC SAFETY)

19. [16-0331R](#) RESOLUTION AUTHORIZING SECOND AMENDMENT TO CITY CONTRACT NO. 21739 WITH THE STATE OF MINNESOTA HOMELAND SECURITY AND EMERGENCY MANAGEMENT DIVISION FOR CONTINUED PROVISION OF HAZARDOUS MATERIALS CHEMICAL ASSESSMENT TEAM SERVICES THROUGH SEPTEMBER 30, 2017, IN THE AMOUNT OF \$75,000 PLUS CERTAIN COSTS REIMBURSEMENTS FOR A TOTAL CONTRACT AMOUNT OF \$255,000.

Indexes:

Attachments: [Exhibit A - Amendment 2](#)

This Resolution was adopted unanimously.

20. [16-0383R](#) RESOLUTION AUTHORIZING A PARKING MANAGEMENT AGREEMENT WITH INTERSTATE PARKING COMPANY OF MINNESOTA LLC FOR PARKING MANAGEMENT SERVICES RELATED TO THE 410 WEST 1ST STREET PUBLIC PARKING RAMP.

Indexes:

Attachments: [Attachment - 410 W. 1st Street Parking Agree w. exhibits](#)

This Resolution was adopted unanimously.

BY COUNCILOR SIPRESS (RECREATION, LIBRARIES & AUTHORITIES)

21. [16-0387R](#) RESOLUTION AMENDING RESOLUTION 15-0831, ADOPTING LICENSE, PERMIT, FINE, PENALTY AND OTHER CHARGES FOR 2016, TO AMEND THE ACCESSORY HOME SHARE FEE TO \$25 PER YEAR.

Sponsors: Sipress

This Resolution was adopted unanimously.

22. [16-0390R](#) RESOLUTION AUTHORIZING AN AGREEMENT WITH THE DULUTH AREA FAMILY YMCA FOR THE OPERATION AND MANAGEMENT OF THE CITY'S PARK POINT BEACH HOUSE AND RECREATION AREA DURING THE 2016 SUMMER SEASON.

Indexes:

Attachments: [Exhibit 1](#)

This Resolution was adopted unanimously.

END OF CONSENT AGENDA

BY COUNCILOR HOBBS (PURCHASING & LICENSING)

23. [16-0341R](#) RESOLUTION AUTHORIZING THE PURCHASE OF THREE (3) 2017 FREIGHTLINER CABS AND CHASSIS FROM I-STATE TRUCK IN THE AMOUNT OF \$250,946.67

Indexes:

Attachments: [Exhibit A](#)

This Resolution was adopted unanimously.

24. [16-0342R](#) RESOLUTION AUTHORIZING A CONTRACT WITH CRYSTEEL TRUCK EQUIPMENT FOR THE PURCHASE AND INSTALLATION OF EQUIPMENT AND SUPPLIES TO FULLY OUTFIT THREE (3) 2017 FREIGHTLINER CABS/CHASSIS FOR SNOW REMOVAL AND SANDING IN THE AMOUNT OF \$290,677.58

This Resolution was adopted unanimously.

25. [16-0382R](#) RESOLUTION AUTHORIZING AN AGREEMENT WITH BARR ENGINEERING CO. FOR SURFACE AND GROUNDWATER MONITORING AT ENGER GOLF COURSE IN THE AMOUNT OF \$73,000.

Indexes:

Attachments: [Exhibit A](#)

This Resolution was adopted unanimously.

BY COUNCILOR RUSS (PLANNING & ECONOMIC DEVELOPMENT)

26. [16-0381R](#) RESOLUTION OF INTENT TO SUPPORT THE REQUEST BY CENTER CITY HOUSING CORPORATION FOR THE AWARD OF LOW-INCOME HOUSING TAX CREDITS FOR GARFIELD SQUARE APARTMENTS.

This Resolution was tabled.

Yea: 8 - Councilor Anderson, Councilor Fosle, Councilor Hansen, Councilor Hanson, Councilor Hobbs, Councilor Sipress, Councilor Westerlund and President Filipovich

Nay: 1 - Councilor Russ

BY COUNCILOR WESTERLUND (PUBLIC WORKS & UTILITIES)

27. [16-0378R](#) RESOLUTION AWARDDING A CONTRACT TO NORTHLAND CONSTRUCTORS OF DULUTH, LLC FOR THE 2016 STREET PRESERVATION PROJECT IN THE AMOUNT OF \$342,286.77.

Indexes:

Attachments: [16-0378R Map](#)

This Resolution was adopted unanimously.

28. [16-0380R](#) RESOLUTION AWARDDING A CONTRACT TO JMF CONSTRUCTION, INC. FOR THE 2016 MANHOLE ADJUSTMENT AND BOLLARD INSTALLATION PROJECT IN THE AMOUNT OF \$167,500.

This Resolution was adopted unanimously.

29. [16-0391R](#) RESOLUTION AUTHORIZING AN AGREEMENT WITH LHB INC. FOR PROFESSIONAL ENGINEERING SERVICES TO PROVIDE DESIGN SERVICES FOR A RETROFIT OF THE DULUTH MINNESOTA SLIP PEDESTRIAN BRIDGE IN THE AMOUNT NOT TO EXCEED \$329,468.00.

Indexes:

Attachments: [16-0391R Map](#)
[16-0391R Proposal](#)

This Resolution was adopted.

Yea: 7 - Councilor Anderson, Councilor Hansen, Councilor Hobbs, Councilor Russ, Councilor Sipress, Councilor Westerlund and President Filipovich

Nay: 2 - Councilor Fosle and Councilor Hanson

BY COUNCILOR SIPRESS (RECREATION, LIBRARIES & AUTHORITIES)

30. [16-0377R](#) RESOLUTION AUTHORIZING DISBURSEMENT OF GRANT FUNDS IN THE AMOUNT OF \$50,000 FROM THE PARKS FUND NEIGHBORHOOD GRANT PROGRAM.

Indexes:

Attachments: [Sample Grant Agreement](#)

This Resolution was adopted unanimously.

Yea: 8 - Councilor Anderson, Councilor Fosle, Councilor Hansen, Councilor Hanson, Councilor Hobbs, Councilor Russ, Councilor Sipress and Councilor Westerlund

Abstain: 1 - President Filipovich

31. [16-0389R](#) RESOLUTION AUTHORIZING A THREE YEAR AGREEMENT WITH THE DULUTH SOFTBALL PLAYERS ASSOCIATION, INC. FOR THE OPERATION OF THE WHEELER FIELD SOFTBALL COMPLEX CONCESSIONS BUILDING.

Indexes:

Attachments: [Exhibit 1](#)

This Resolution was adopted.

Yea: 8 - Councilor Anderson, Councilor Fosle, Councilor Hansen, Councilor Hobbs, Councilor Russ, Councilor Sipress, Councilor Westerlund and President Filipovich

Nay: 1 - Councilor Hanson

INTRODUCTION AND CONSIDERATION OF ORDINANCES

ORDINANCES TABLED

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

BY COUNCILOR RUSS (PLANNING & ECONOMIC DEVELOPMENT)

32. [16-022-O](#) AN ORDINANCE AMENDING SECTIONS 50-20.3 COMMERCIAL USES AND 50-20.5 ACCESSORY USES, TO AMEND EXISTING STANDARDS FOR VACATION DWELLING UNITS AND ACCESSORY VACATION DWELLING UNITS.

Indexes:

- Attachments:** [Motion to Amend 16-022-O Hobbs.Filipovich - Passed](#)
[Motion to Amend 16-022-O Sipress \(200ft\) - FAILED](#)
[Motion to Amend 16-022-O Sipress \(parking\) - PASSED](#)
[Motion to Amend 16-022-O Filipovich.Hansen 5.3.16 - FAILED](#)
[Motion to Amend 16-022-O Sipress \(Permit Adjustment\) - PASSED](#)

This Ordinance was adopted.

Yea: 8 - Councilor Anderson, Councilor Hansen, Councilor Hanson, Councilor Hobbs, Councilor Russ, Councilor Sipress, Councilor Westerlund and President Filipovich

Nay: 1 - Councilor Fosle

COUNCILOR QUESTIONS AND COMMENTS

COUNCILOR PREVIEW OF UPCOMING BUSINESS



City of Duluth

411 West First Street
Duluth, Minnesota 55802

Actions and Unofficial Minutes

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 will provide increased opportunities for civil discourse in order to find positive resolutions to the issues that face the city. These tools include: pay attention, listen, be inclusive, do not gossip, show respect, be agreeable, apologize, give constructive criticism and take responsibility. [Approved by the council on August 25, 2003]*

Friday, June 10, 2016

12:00 PM

Council Chamber

Special Council Meeting - City of Duluth's New Relationship with the Fond du Lac Band

ROLL CALL

Present: 8 - Councilor Gary Anderson, Councilor Elissa Hansen, Councilor Howie Hanson, Councilor Noah Hobbs, Councilor Barb Russ, Councilor Joel Sipress, Councilor Em Westerlund and President Zack Filipovich

Absent: 1 - Councilor Jay Fosle

PLEDGE OF ALLEGIANCE

BY PRESIDENT FILIPOVICH (COMMITTEE OF THE WHOLE)

[16-0442R](#) RESOLUTION AUTHORIZING AN AGREEMENT WITH THE FOND DU LAC BAND OF LAKE SUPERIOR CHIPPEWA FOR FEE FOR SERVICES.

Indexes:

Attachments: [Attachment 16-0442R](#)

This Resolution was adopted

Yea: 8 - Councilor Anderson, Councilor Hansen, Councilor Hanson, Councilor Hobbs, Councilor Russ, Councilor Sipress, Councilor Westerlund and President Filipovich

Absent: 1 - Councilor Fosle



City of Duluth

411 West First Street
Duluth, Minnesota 55802

Actions and Unofficial Minutes

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 will provide increased opportunities for civil discourse in order to find positive resolutions to the issues that face the city. These tools include: pay attention, listen, be inclusive, do not gossip, show respect, be agreeable, apologize, give constructive criticism and take responsibility. [Approved by the council on August 25, 2003]*

Monday, June 13, 2016

7:00 PM

Council Chamber

ROLL CALL

Moment of silence for the victims of the Orlando shooting.

Present: 9 - Councilor Gary Anderson, Councilor Jay Fosle, Councilor Elissa Hansen, Councilor Howie Hanson, Councilor Noah Hobbs, Councilor Barb Russ, President Joel Sipress, Councilor Em Westerlund and Councilor Zack Filipovich

PLEDGE OF ALLEGIANCE

APPROVAL OF MINUTES

1. [16-076](#) January and February 2016 City Council Meeting Minutes

Indexes:

Attachments: [OPS 1-7-2016](#)

[OPS 1-11-2016](#)

[OPS 1-25-2016](#)

[OPS 2-8-2016](#)

[OPS 2-22-2016](#)

This Minutes was received.

PRESENTATION OF PETITIONS AND OTHER COMMUNICATIONS

2. [16-069](#) Garfield Square Apartment Communications

Indexes:

Attachments: [Garfield Square - letter of support](#)
[Andy Goldine Communication - Garfield Square Apartments](#)
[Dehlia Garfield Square Apartments Communication](#)
[Pamela Kramer - Garfield Square Apartments Communication](#)
[AT HOME DULUTH](#)
[LINCOLN PARK BUSINESS GROU](#)
[ST LOUIS COUNTY-](#)
[HDC](#)
[CHUM](#)

This Petition/Other Communication was received.

REPORTS FROM THE ADMINISTRATION

REPORTS FROM OTHER OFFICERS

Distinguished Artist Award Honoring Jason from Beaners / Woodblind.

Distinguished Artist Award Honoring - Jason from Beaners/Woodblind

3. [16-067](#) Clerk Applications for Exempt Permit for The ALS Association, MN/ND/SD Chapter raffle to be held on February 4, 2017 at Cirrus Aircraft.

Indexes:

Attachments: [ALS EXEMPT PERMIT-Attachment A](#)

This Other Officers Report was received.

4. [16-068](#) Clerk Applications for Exempt Permit for The NORTHERN LIGHTS FOUNDATION raffle to be held on August 25, 2016 at Wade Stadium. Attachment A

Indexes:

Attachments: [NORTHERN LIGHTS FOUNDATION-05312016092551](#)

This Other Officers Report was received.

5. [16-075](#) Duluth Airport Authority Audit Report

Indexes:

Attachments: [Duluth Airport Authority Audit Report](#)

This Other Officers Report was received.

REPORTS OF BOARDS AND COMMISSIONS

6. [16-070](#) DTA Board of Directors Meeting Minutes

Indexes:

Attachments: [3-30-16 DTA BOD Meeting Minutes](#)

This Board or Commission Report was received.

7. [16-071](#) Civil Service Board Meeting Minutes

Indexes:

Attachments: [04-05-16 Civil Service Board Meeting Minutes](#)

This Board or Commission Report was received.

8. [16-072](#) Duluth Public Utilities Commission Meeting Minutes

Indexes:

Attachments: [4-19-16 DPUC Meeting Minutes](#)

This Board or Commission Report was received.

9. [16-073](#) Library Board Meeting Minutes

Indexes:

Attachments: [4-22-16 Library Board Meeting Minutes](#)

This Board or Commission Report was received.

10. [16-074](#) DEDA Meeting Minutes

Indexes:

Attachments: [4-27-16 DEDA Meeting Minutes](#)

This Board or Commission Report was received.

REPORTS OF COUNCIL COMMITTEES

REPORTS OF COUNCIL OPEN ISSUES

OPPORTUNITY FOR CITIZENS TO BE HEARD

RESOLUTIONS TABLED

BY COUNCILOR RUSS (PLANNING & ECONOMIC DEVELOPMENT)

11. [16-0381R](#) RESOLUTION OF INTENT TO SUPPORT THE REQUEST BY CENTER CITY HOUSING CORPORATION FOR THE AWARD OF LOW-INCOME HOUSING TAX CREDITS FOR GARFIELD SQUARE APARTMENTS.

This Resolution was adopted

Yea: 8 - Councilor Anderson, Councilor Hansen, Councilor Hanson, Councilor Hobbs, Councilor Russ, President Sipress, Councilor Westerlund and Councilor Filipovich

Nay: 1 - Councilor Fosle

MOTIONS AND RESOLUTIONS

CONSENT AGENDA

BY COUNCILOR HANSEN (FINANCE)

12. [16-0375R](#) RESOLUTION AMENDING RESOLUTION 15-0831, ADOPTING LICENSE, PERMIT, FINE, PENALTY AND OTHER CHARGES FOR 2016, TO ADD FEE FOR TEMPORARY USE PERMITS ISSUED FOR TEMPORARY USES (ZONING - PARKLETS) OCCUPYING METERED PARKING SPACES.

Sponsors: Hansen

Indexes:

Attachments: [Healthy Duluth Area Coalition PARKLET REPORT FINAL](#)

This Resolution was adopted unanimously.

13. [16-0404R](#) RESOLUTION APPROVING A TRANSFER IN THE AMOUNT OF \$762,440 FROM THE DECC REVENUE FUND TO THE CAPITAL IMPROVEMENT FUND TO FINANCE DESIGN AND ENGINEERING CONTRACTS FOR THE REHABILITATION OF THE MINNESOTA SLIP PEDSTRIAN BRIDGE AND SEAWALL IMPROVEMENTS.

This Resolution was adopted unanimously.

14. [16-0439R](#) RESOLUTION AUTHORIZING THE CITY TO PROVIDE A \$4,000,000 LINE OF CREDIT TO THE DULUTH AIRPORT AUTHORITY TO ASSIST WITH CASH FLOW MANAGEMENT

This Resolution was adopted unanimously.

BY COUNCILOR HOBBS (PURCHASING & LICENSING)

15. [16-0240R](#) RESOLUTION APPROVING ISSUANCE OF AN ON SALE WINE LICENSE TO SAMMYS PIZZA OF DULUTH, INC (SAMMYS PIZZA AND RESTAURANT), 103 WEST FIRST STREET, DULUTH, MN 55802

Indexes:

Attachments: [Attachment A-Sammy's Pizza](#)

This Resolution was adopted unanimously.

Yea: 8 - Councilor Anderson, Councilor Fosle, Councilor Hanson, Councilor Hobbs, Councilor Russ, President Sipress, Councilor Westerlund and Councilor Filipovich

Abstain: 1 - Councilor Hansen

16. [16-0410R](#) RESOLUTION APPROVING THE TEMPORARY ON SALE INTOXICATING LIQUOR LICENSE AND TEMPORARY EXPANSION OF THE ON SALE INTOXICATING LIQUOR LICENSE TO VARIOUS LICENSEES.

Indexes:

Attachments: [ALPINE BAR AND LOUNGE Attachment A](#)
[THE REEF BAR Attachment B](#)
[SUMMER BREW FEST-Attachment D](#)
[SUMMER BREWFEST Attachment C](#)
[SIR BENS Attachment E](#)
[SIR BENS Attachment F](#)
[BEDROCK-Attachment G](#)
[SHOTZ BAR-Attachment H](#)
[RIDGEVIEW COUNTRY CLUB-Attachment I](#)
[Red Herring Super Blg Block Party - Attachment J](#)
[Red Herring Expansion - Attachment K](#)

This Resolution was adopted unanimously.

Yea: 8 - Councilor Anderson, Councilor Fosle, Councilor Hanson, Councilor Hobbs, Councilor Russ, President Sipress, Councilor Westerlund and Councilor Filipovich

Abstain: 1 - Councilor Hansen

17. [16-0414R](#) RESOLUTION AUTHORIZING THE PURCHASE FROM PRECISE MRM, LLC, FOR TWELVE MONTHS OF GPS/AVL SYSTEM USAGE IN THE AMOUNT OF \$131,250

This Resolution was adopted unanimously.

18. [16-0415R](#) RESOLUTION AUTHORIZING THE PURCHASE OF A NEW 2016 ELGIN PELICAN STREET SWEEPER FROM MACQUEEN EQUIPMENT IN THE AMOUNT OF \$193,459

Indexes:

Attachments: [Exhibit A](#)

This Resolution was adopted unanimously.

19. [16-0416R](#) RESOLUTION AUTHORIZING AN INCREASE TO PURCHASE ORDER 2016-00000042 IN THE AMOUNT OF \$45,000 TO COVER ADDITIONAL DEALER REPAIRS TO VACTORS AND ELGIN STREET SWEEPERS

This Resolution was adopted unanimously.

BY COUNCILOR ANDERSON (PERSONNEL)

20. [16-0401R](#) RESOLUTION APPROVING PROPOSED SPECIFICATIONS FOR THE NEW CIVIL SERVICE CLASSIFICATION OF UTILITIES INFORMATION SPECIALIST, AND SPECIFYING CONTRACT BENEFITS FOR SAME.

Indexes:

Attachments: [Utilities Information Specialist](#)

This Resolution was adopted unanimously.

21. [16-0405R](#) RESOLUTION CONFIRMING THE APPOINTMENT OF LON HANSON TO THE ALCOHOL, GAMBLING AND TOBACCO COMMISSION, REPLACING CHRIS PEKKALA

Indexes:

Attachments: [Lon Hanson](#)

This Resolution was adopted unanimously.

22. [16-0406R](#) RESOLUTION CONFIRMING THE APPOINTMENT OF DON NESS TO THE ENTERTAINMENT AND CONVENTION CENTER AUTHORITY

Indexes:

Attachments: [Don Ness](#)

This Resolution was adopted unanimously.

23. [16-0407R](#) RESOLUTION CONFIRMING THE APPOINTMENT OF JODI L.T. ROBERTS TO THE PARKS AND REC COMMISSION, FILLING THE RECREATION PROFESSIONAL VACANCY

Indexes:

Attachments: [Jodi R.T. Roberts](#)

This Resolution was adopted unanimously.

24. [16-0408R](#) RESOLUTION CONFIRMING THE APPOINTMENTS OF LIZZY LUOMA, NEIL GLAZMAN AND DAVID SPERL TO THE LIBRARY BOARD REPLACING FRANK JEWELL, DANIEL D'ALLAIRD AND JANE BRISSETT.

Indexes:

Attachments: [Neil Glazman](#)

[Lizzy Luoma](#)

[David Sperl](#)

This Resolution was adopted unanimously.

Yea: 8 - Councilor Anderson, Councilor Fosle, Councilor Hansen, Councilor Hanson, Councilor Hobbs, President Sipress, Councilor Westerlund and Councilor Filipovich

Abstain: 1 - Councilor Russ

25. [16-0409R](#) RESOLUTION CONFIRMING THE APPOINTMENT OF AARON BRANSKY TO THE DULUTH TRANSIT AUTHORITY

Indexes:

Attachments: [Aaron Bransky](#)

This Resolution was adopted unanimously.

26. [16-0412R](#) RESOLUTION CONFIRMING THE REAPPOINTMENTS OF JAY SEILER AND CARRIE HEFFERNAN TO THE ENTERTAINMENT AND CONVENTION CENTER AUTHORITY

This Resolution was adopted unanimously.

27. [16-0413R](#) RESOLUTION CONFIRMING THE REAPPOINTMENT OF JOHN BROSTROM TO THE DULUTH TRANSIT AUTHORITY

This Resolution was adopted unanimously.

28. [16-0441R](#) RESOLUTION CONFIRMING THE REAPPOINTMENT OF JULENE BOE TO THE WESTERN LAKE SUPERIOR SANITARY DISTRICT BOARD

This Resolution was adopted unanimously.

BY COUNCILOR RUSS (PLANNING & ECONOMIC DEVELOPMENT)

29. [16-0418R](#) RESOLUTION REPROGRAMMING FUNDS FROM THE 2011 PROGRAM YEAR IN THE AMOUNT OF \$10,000; FROM THE 2012 PROGRAM YEAR IN THE AMOUNT OF \$500; AND FROM THE 2014 PROGRAM YEAR IN THE AMOUNT OF \$15,000 FOR A TOTAL OF \$25,500 FOR THE JAY STREET DEVELOPMENT PROJECT BY ONE ROOF.

This Resolution was adopted unanimously.

30. [16-0419R](#) RESOLUTION REPROGRAMMING FUNDS FROM THE 2011 PROGRAM YEAR IN THE AMOUNT OF \$57,000 TO THE 2015 PROGRAM YEAR FOR THE JAY STREET DEVELOPMENT PROJECT BY ONE ROOF.

This Resolution was adopted unanimously.

31. [16-0424R](#) RESOLUTION OF INTENT TO RECONVEY CERTAIN REAL PROPERTY IN THE KENWOOD NEIGHBORHOOD TO THE STATE OF MINNESOTA.

This Resolution was adopted unanimously.

32. [16-0428R](#) RESOLUTION AUTHORIZING THE HOUSING AND REDEVELOPMENT AUTHORITY OF DULUTH, MINNESOTA, TO FORGIVE PARTIAL AMOUNTS OF A REHABILITATION LOAN MADE UNDER THE SINGLE FAMILY HOMEOWNER REHABILITATION PROGRAM.

This Resolution was adopted unanimously.

BY COUNCILOR HANSON (INTERGOVERNMENTAL RELATIONS)

33. [16-0422R](#) RESOLUTION AUTHORIZING ACCEPTANCE OF A QUIT CLAIM DEED FROM THE STATE OF MINNESOTA, DEPARTMENT OF TRANSPORTATION, FOR REAL PROPERTY ADJACENT OR NEAR CENTRAL ENTRANCE FOR TRUNK HIGHWAY PURPOSES.

Indexes:

Attachments: [Exhibit A-Quit Claim Deed](#)
[Exhibit B](#)

This Resolution was adopted unanimously.

BY COUNCILOR WESTERLUND (PUBLIC WORKS & UTILITIES)

34. [16-0423R](#) RESOLUTION AUTHORIZING THE TERMINATION AND RELEASE OF CERTAIN DECLARATIONS AFFECTING VACATED EASEMENTS AND EXECUTION OF A NEW DECLARATION IN THE PLAT OF ATLAS INDUSTRIAL PARK.

Indexes:

Attachments: [Exhibit A](#)
[Exhibit B](#)
[Exhibit C](#)
[Exhibit D](#)
[Exhibit E](#)

This Resolution was adopted unanimously.

35. [16-0427R](#) RESOLUTION AWARDING A CONTRACT TO A PLUS LANDSCAPING, LLC FOR STREAM BANK STABILIZATION AT MILLER CREEK IN THE AMOUNT OF \$138,923.50.

Indexes:

Attachments: [16-0427R Map](#)

This Resolution was adopted unanimously.

36. [16-0438R](#) RESOLUTION AWARDING A CONTRACT TO GEORGE BOUGALIS AND SONS CO. FOR CONSTRUCTION OF THE 18TH AVENUE EAST GAS MAIN TO UMD AND MISCELLANEOUS GAS MAINS AND SERVICES AT VARIOUS LOCATIONS IN THE AMOUNT OF \$1,237,505.55.

Indexes:

Attachments: [16-0427R Map](#)

This Resolution was adopted unanimously.

BY COUNCILOR FOSLE (PUBLIC SAFETY)

37. [16-0437R](#) RESOLUTION ADOPTING SKYWALK CLEANING AND MAINTENANCE EXPECTATIONS, STANDARDS, AND PROCEDURES PURSUANT TO THE AUTHORITY GRANTED UNDER SECTIONS 44A-12 AND 44A-16 OF THE DULUTH CITY CODE.

Indexes:

Attachments: [Exhibit A](#)

[Exhibit B](#)

[Exhibit C](#)

[Exhibit D](#)

This Resolution was tabled.

END OF CONSENT AGENDA

The following entitled resolutions are also to be considered:

BY COUNCILOR WESTERLUND (PUBLIC WORKS & UTILITIES)

38. [16-0426R](#) RESOLUTION AUTHORIZING AN AGREEMENT WITH EVER-GREEN ENERGY FOR PROFESSIONAL ENGINEERING SERVICES TO PROVIDE DESIGN SERVICES FOR THE CONSTRUCTION OF A DISTRICT ENERGY HOT WATER SYSTEM ALONG SUPERIOR STREET FROM FOURTH AVENUE EAST TO SEVENTH AVENUE WEST IN AN AMOUNT NOT TO EXCEED \$99,457.

Indexes:

Attachments: [16-0426R Map](#)
[16-0426R Proposal](#)

This Resolution was adopted

Yea: 8 - Councilor Anderson, Councilor Hansen, Councilor Hanson, Councilor Hobbs, Councilor Russ, President Sipress, Councilor Westerlund and Councilor Filipovich

Nay: 1 - Councilor Fosle

BY COUNCILOR SIPRESS (RECREATION, LIBRARIES & AUTHORITIES)

39. [16-0436R](#) RESOLUTION AUTHORIZING A TEN (10) YEAR MANAGEMENT AGREEMENT BETWEEN THE CITY OF DULUTH AND THE ARROWHEAD ZOOLOGICAL SOCIETY, INC.

Indexes:

Attachments: [Exhibit 1](#)

This Resolution was adopted unanimously.

40. [16-0440R](#) RESOLUTION ADOPTING AN EMERALD ASH BORER (EAB) MANAGEMENT PLAN

Indexes:

Attachments: [EXHIBIT A - 16-0440R](#)

Speaker Louise Levy
Mr. Filby Williams

This Resolution was tabled.

INTRODUCTION AND CONSIDERATION OF ORDINANCES

ORDINANCES TABLED

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

BY COUNCILOR RUSS (PLANNING & ECONOMIC DEVELOPMENT)

41. [16-027-O](#) AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF DULUTH AS REFERENCED IN CHAPTER 50 OF THE DULUTH CITY CODE, 1959, AS AMENDED, TO PROVIDE FOR THE RECLASSIFICATION FROM RR-1 AND I-G TO P-1, FOR QUARRY PARK .

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

This Ordinance was read for the first time.

42. [16-028-O](#) AN ORDINANCE TO OPT-OUT OF THE REQUIREMENTS OF MINN. STAT. 462.3593 (2016), THE TEMPORARY FAMILY HEALTHCARE DWELLINGS STATUTE.

This Ordinance was read for the first time.

43. [16-029-O](#) AN ORDINANCE AUTHORIZING THE CONVEYANCE OF CERTAIN REAL PROPERTY IN THE KENWOOD NEIGHBORHOOD TO THE STATE OF MINNESOTA.

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

This Ordinance was read for the first time.

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

BY COUNCILOR HOBBS (PURCHASING & LICENSING)

44. [16-025-O](#) AN ORDINANCE AMENDING SECTION 41-23 OF DULUTH CITY CODE, 1959, AS AMENDED, TO ALLOW ELECTRONIC BID POSTINGS, BIDS, AND SECURE BONDS FOR CITY CONTRACTS EXCEEDING \$100,000.

This Ordinance was adopted unanimously.

COUNCILOR QUESTIONS AND COMMENTS

COUNCILOR PREVIEW OF UPCOMING BUSINESS



City of Duluth

411 West First Street
Duluth, Minnesota 55802

Actions and Unofficial Minutes

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 will provide increased opportunities for civil discourse in order to find positive resolutions to the issues that face the city. These tools include: pay attention, listen, be inclusive, do not gossip, show respect, be agreeable, apologize, give constructive criticism and take responsibility. [Approved by the council on August 25, 2003]*

Monday, June 27, 2016

7:00 PM

Council Chamber

ROLL CALL

Present: 9 - Councilor Gary Anderson, Councilor Jay Fosle, Councilor Elissa Hansen, Councilor Howie Hanson, Councilor Noah Hobbs, Councilor Barb Russ, Councilor Joel Sipress, Councilor Em Westerlund and President Zack Filipovich

PLEDGE OF ALLEGIANCE

PRESENTATION OF PETITIONS AND OTHER COMMUNICATIONS

1. [16-082](#) State of Minnesota Office of the State Auditor - Management and Compliance Report

Indexes:

Attachments: [Management & Compliance Report - Office of the State Auditor \(1\)](#)
[Management & Compliance Report - Office of the State Auditor](#)

This Petition/Other Communication was received.

REPORTS FROM THE ADMINISTRATION

REPORTS FROM OTHER OFFICERS

REPORTS OF BOARDS AND COMMISSIONS

2. [16-085](#) DPUC Resolution 16PUC-005
Gas reconnect penalty

Indexes:

Attachments: [16PUC-005 gas reconnect penalty approved 06212016](#)

This Board or Commission Report was received.

3. [16-086](#) DPUC Resolution 16PUC-006
Water reconnect penalty

Indexes:

Attachments: [16PUC-006 water reconnect penalty approved 06212016](#)

This Board or Commission Report was received.

4. [16-087](#) DPUC Resolution 16PUC-007
Credit card processing fee

Indexes:

Attachments: [16PUC-007 credit card processing fee request approved 06212016](#)

This Board or Commission Report was received.

REPORTS OF COUNCIL COMMITTEES

REPORTS OF COUNCIL OPEN ISSUES

OPPORTUNITY FOR CITIZENS TO BE HEARD

RESOLUTIONS TABLED

BY COUNCILOR SIPRESS (RECREATION, LIBRARIES & AUTHORITIES)

5. [16-0440R](#) RESOLUTION ADOPTING AN EMERALD ASH BORER (EAB)
MANAGEMENT PLAN

Indexes:

Attachments: [EXHIBIT A - 16-0440R](#)

Resolution remains on the table.

This Resolution was tabled.

MOTIONS AND RESOLUTIONS

CONSENT AGENDA

BY COUNCILOR HANSEN (FINANCE)

- 6. [16-0443R](#) RESOLUTION CONFIRMING THE ASSESSMENT ROLL OF DELINQUENT SOLID WASTE COLLECTION FEES DURING PERIOD OF MARCH 1, 2015, TO JUNE 1, 2016.

Indexes:

Attachments: [Exhibit A](#)

This Resolution was adopted unanimously.

- 7. [16-0447R](#) RESOLUTION CONFIRMING THE ASSESSMENT ROLL FOR ASSESSMENTS LEVIED AGAINST PROPERTY WITH REGARD TO PROPERTY VIOLATIONS DURING PERIOD OF APRIL 1, 2015, TO APRIL 1, 2016.

Indexes:

Attachments: [Exhibit A](#)

This Resolution was adopted unanimously.

- 8. [16-0448R](#) RESOLUTION CONFIRMING THE ASSESSMENT ROLL OF DELINQUENT UTILITY FEES DURING THE PERIOD OF JANUARY 1, 2015, TO DECEMBER 31, 2015.

Indexes:

Attachments: [Exhibit A](#)

This Resolution was adopted unanimously.

BY COUNCILOR HOBBS (PURCHASING & LICENSING)

9. [16-0479R](#) RESOLUTION AUTHORIZING A CONTRACT WITH RW FERN ASSOCIATES, INC. - AIA ARCHITECTS FOR ARCHITECTURAL SERVICES FOR THE DESIGN OF CITY HALL INTERIOR RENOVATIONS AND DEPARTMENTAL SPACE PLANNING FOR AN AMOUNT NOT TO EXCEED \$156,650.

Indexes:

Attachments: [Architectural Agreement 6.20.16](#)

This Resolution was adopted unanimously.

10. [16-0483R](#) RESOLUTION AUTHORIZING THE PURCHASE OF 5,100 TONS OF ROAD SALT FROM COMPASS MINERALS AMERICA INC. IN THE AMOUNT OF \$301,053.

This Resolution was adopted unanimously.

11. [16-0485R](#) RESOLUTION AUTHORIZING A PROFESSIONAL SERVICES AGREEMENT WITH LHB, INC. FOR MASTER PLANNING SERVICES FOR THE WESTERN WATERFRONT PARKS AND TRAIL FOR A TOTAL NOT TO EXCEED OF \$70,992.

Indexes:

Attachments: [Exhibit A 7.12.16](#)

This Resolution was tabled.

BY COUNCILOR ANDERSON (PERSONNEL)

12. [16-0456R](#) RESOLUTION APPROVING PROPOSED SPECIFICATIONS FOR THE NEW CIVIL SERVICE CLASSIFICATION OF CONSTRUCTION PROJECT SUPERVISOR, AND SPECIFYING CONTRACT BENEFITS FOR SAME.

Indexes:

Attachments: [Construction Project Supervisor](#)

This Resolution was adopted unanimously.

13. [16-0458R](#) RESOLUTION APPROVING PROPOSED SPECIFICATIONS FOR THE NEW CIVIL SERVICE CLASSIFICATION OF SENIOR NETWORK ADMINISTRATOR, AND SPECIFYING CONTRACT BENEFITS FOR SAME.

Indexes:

Attachments: [Senior Network Administrator](#)

This Resolution was adopted unanimously.

14. [16-0459R](#) RESOLUTION APPROVING PROPOSED SPECIFICATIONS FOR THE NEW CIVIL SERVICE CLASSIFICATION OF SENIOR SYSTEMS ADMINISTRATOR, AND SPECIFYING CONTRACT BENEFITS FOR SAME.

Indexes:

Attachments: [Senior Systems Administrator](#)

This Resolution was adopted unanimously.

BY COUNCILOR RUSS (PLANNING & ECONOMIC DEVELOPMENT)

15. [16-0465R](#) RESOLUTION AUTHORIZING PROPER CITY OFFICIALS TO ENTER INTO AN AGREEMENT WITH AND ACCEPT FUNDS FROM THE MINNESOTA DEPARTMENT OF EMPLOYMENT AND ECONOMIC DEVELOPMENT FOR PROVISION OF WORKFORCE INVESTMENT ACT TITLE I SERVICES, MINNESOTA YOUTH PROGRAM SERVICES AND OLDER AMERICAN PROGRAM SERVICES FOR THE PERIOD JULY 1, 2016 - JUNE 30, 2021.

Indexes:

Attachments: [Attachment A - Master Grant Contract DULUTH2016M](#)

This Resolution was adopted unanimously.

16. [16-0476R](#) RESOLUTION ACCEPTING A CERTIFIED LOCAL GOVERNMENT GRANT OF \$15,000 FROM THE MINNESOTA STATE HISTORICAL SOCIETY AND APPROVING LOCAL MATCH OF \$5,000 AND \$5,400 OF IN-KIND SERVICES TO CONDUCT AN INTENSIVE SURVEY OF HISTORIC RESOURCES IN A PORTION OF THE LINCOLN PARK NEIGHBORHOOD.

Indexes:

Attachments: [Attachment 1](#)

This Resolution was adopted unanimously.

17. [16-0477R](#) RESOLUTION DISCLOSING A POTENTIAL CONFLICT OF INTEREST BETWEEN A COMMUNITY PLANNING DIVISION STAFF MEMBER AND CHURCHES UNITED IN MINISTRY, SUB-GRANTEE OF THE CITY.

This Resolution was adopted unanimously.

18. [16-0478R](#) RESOLUTION GRANTING AN INTERIM USE PERMIT FOR A VACATION DWELLING UNIT AT 1329 MINNESOTA AVENUE (DAVID WADE).

Indexes:

Attachments: [Attachment 1](#)

This Resolution was adopted unanimously.

19. [16-0486R](#) RESOLUTION AUTHORIZING ASSESSMENT AGREEMENT WITH CIRRUS DESIGN CORPORATION FOR AGREEING TO BE ASSESSED FOR THE COST OF DESIGNING AND CONSTRUCTING A NEW GAS MAIN IN CONNECTION WITH THE COMPLETION CENTER.

Indexes:

Attachments: [Attachment A - Cirrus Gas Main Dev & Assessment Agmt](#)

This Resolution was adopted unanimously.

20. [16-0489R](#) RESOLUTION AUTHORIZING APPLICATION FOR AND ACCEPTANCE OF A GRANT FROM MINNESOTA DEPARTMENT OF EMPLOYMENT AND ECONOMIC DEVELOPMENT FOR UP TO \$200,000 FOR A NEW GAS MAIN CONNECTION TO THE CIRRUS COMPLETION CENTER.

This Resolution was adopted unanimously.

BY PRESIDENT FILIPOVICH (COMMITTEE OF THE WHOLE)

21. [16-0470R](#) RESOLUTION AUTHORIZING AN AGREEMENT WITH CLAYTON JACKSON MCGHIE MEMORIAL, INC. FOR THE OPERATION OF THE CLAYTON JACKSON MCGHIE MEMORIAL.

Indexes:

Attachments: [Attachment CJMM Agreement 16-0470](#)

This Resolution was adopted unanimously.

22. [16-0488R](#) RESOLUTION APPOINTING ELECTION JUDGES FOR THE AUGUST 9, 2016, STATE PRIMARY, AND THE NOVEMBER 8, 2016, GENERAL ELECTION.

Indexes:

Attachments: [ATTACHMENT A - ElectionJudgeList06202016](#)

This Resolution was adopted unanimously.

BY COUNCILOR WESTERLUND (PUBLIC WORKS & UTILITIES)

23. [16-0369R](#) RESOLUTION CONCURRING WITH COUNTY AWARD OF FOURTH STREET RECONSTRUCTION CONTRACT.

Indexes:

Attachments: [16-0369R Map](#)

This Resolution was adopted unanimously.

24. [16-0398R](#) RESOLUTION OF INTENT FOR CONSTRUCTION OF A SANITARY SEWER EXTENSION IN MINNESOTA AVENUE BEGINNING ON THE SOUTHEAST CORNER OF 18TH STREET AND EXTENDING 34 FEET NORTHERLY AND TO ASSESS THE COSTS THEREOF.

Indexes:

Attachments: [16-0398R Map](#)

This Resolution was adopted unanimously.

25. [16-0399R](#) RESOLUTION AMENDING AGREEMENT NO. 22707 WITH ST. LOUIS COUNTY AND THE CITY OF HERMANTOWN FOR A TRAFFIC SIGNAL TIMING PLAN UPDATE PROJECT IN THE ESTIMATED AMOUNT OF \$3,958.68 FOR A NEW TOTAL OF \$22,676.82.

Indexes:

Attachments: [16-0399R Agreement](#)

This Resolution was adopted unanimously.

26. [16-0449R](#) RESOLUTION AWARDED A CONTRACT TO KTM PAVING, INC. FOR RETAINING WALL REPLACEMENT AND BRIDGE L5930 AT TISCHER CREEK IN THE AMOUNT OF \$195,977.13.

Indexes:

Attachments: [16-0449R Map](#)

This Resolution was adopted unanimously.

27. [16-0481R](#) RESOLUTION AUTHORIZING AMENDMENT NO. 1 TO MNDOT AGREEMENT NO. 1003172 TO INCREASE THE AMOUNT OF LOCAL ROAD AND BRIDGE DISASTER RELIEF BY \$41,275.93 FOR A NEW TOTAL OF \$103,361.41.

Indexes:

Attachments: [Attachment B - Location Map](#)
[Attachment A - Ammendment No. 1](#)

This Resolution was adopted unanimously.

28. [16-0482R](#) RESOLUTION AMENDING CONTRACT NO. C22459 WITH MSA PROFESSIONAL SERVICE, INC. FOR ENGINEERING AND DESIGN OF THE PHASE 2 LAKEWOOD WATER TREATMENT PLANT HVAC SYSTEM FOR VENTILATION AND DEHUMIDIFICATION IMPROVEMENTS IN THE ESTIMATED AMOUNT OF \$111,000, FOR A NEW TOTAL OF \$236,000.

Indexes:

Attachments: [Amendment No. 1 to C22459](#)

This Resolution was adopted unanimously.

29. [16-0484R](#) RESOLUTION ORDERING THE CONSTRUCTION OF APPROXIMATELY 7,150 FEET OF GAS MAIN FROM HAINES ROAD TO 250 FEET WEST OF CENTERLINE OF STEBNER ROAD, AT AN ESTIMATED COST NOT TO EXCEED \$400,000.

Indexes:

Attachments: [Location Map](#)
[06-14-2015 Public Hearing Minutes](#)
[Preliminary Assessment Roll](#)

This Resolution was adopted unanimously.

30. [16-0487R](#) RESOLUTION AWARDED A CONTRACT TO MICHELS CORPORATION FOR THE CONSTRUCTION AND CIPP REHABILITATION OF SANITARY SEWER UNDER SUPERIOR STREET IN THE AMOUNT OF \$996,858.00.

This Resolution was adopted unanimously.

BY COUNCILOR SIPRESS (RECREATION, LIBRARIES & AUTHORITIES)

31. [16-0452R](#) RESOLUTION AUTHORIZING ACCEPTANCE OF A \$91,000 GRANT FROM THE MINNESOTA DEPARTMENT OF NATURAL RESOURCES AND MINNESOTA LAKE SUPERIOR COASTAL PROGRAM TO CONTROL STORMWATER AND SNOW MELT RUNOFF AT GARY NEW DULUTH RECREATION AREA.

Indexes:

Attachments: [EXHIBIT A - 16-0452R](#)

This Resolution was adopted unanimously.

32. [16-0453R](#) RESOLUTION ACCEPTING A \$25,000 CONTRIBUTION FROM ESSENTIA HEALTH FOR THE IMPLEMENTATION OF THE LINCOLN PARK MINI-MASTER PLAN.

Indexes:

Attachments: [EXHIBIT A - 16-0453R](#)

This Resolution was adopted unanimously.

33. [16-0454R](#) RESOLUTION AUTHORIZING A TWO-YEAR AGREEMENT WITH DULUTH AREA FAMILY YMCA TO PROVIDE OUTSIDE OF SCHOOL TIME PROGRAMMING AT THE CITY'S GARY NEW DULUTH COMMUNITY CENTER AT AN ANNUAL COST OF \$20,000.

Indexes:

Attachments: [EXHIBIT A - 16-0454R](#)

This Resolution was adopted unanimously.

34. [16-0455R](#) RESOLUTION GRANTING APPROVAL AND IMPLEMENTATION OF THE ST. LOUIS RIVER CORRIDOR NEIGHBORHOOD PARKS MINI-MASTER PLANS

Indexes:

Attachments: [FINAL River Corridor Neighborhood Parks Master Plans](#)

This Resolution was adopted unanimously.

35. [16-0475R](#) RESOLUTION AUTHORIZING A BRIDGE FUNDING AGREEMENT BETWEEN THE CITY OF DULUTH AND THE ARROWHEAD ZOOLOGICAL SOCIETY, INC. FOR PHASE ONE OF THE BEAR COUNTRY PROJECT.

Indexes:

Attachments: [Exhibit 1](#)

This Resolution was adopted unanimously.

END OF CONSENT AGENDA

BY COUNCILOR HOBBS (PURCHASING & LICENSING)

36. [16-0491R](#) RESOLUTION AUTHORIZING A CONTRACT WITH AMI CONSULTING ENGINEERS P. A. FOR THE DESIGN OF REPAIRS AND REPLACEMENTS FOR THE SEAWALL SURROUNDING THE DULUTH ENTERTAINMENT CONVENTION CENTER FOR AN AMOUNT NOT TO EXCEED \$434,495.

Indexes:

Attachments: [Exhibit A](#)

This Resolution was adopted unanimously.

BY COUNCILOR ANDERSON (PERSONNEL)

37. [16-0450R](#) RESOLUTION ACCEPTING A SPECIAL LAW REPEALING THE PROHIBITION ON GRANTING INTOXICATING LIQUOR LICENSES WITHIN THE LAKESIDE AND LESTER PARK NEIGHBORHOODS IN THE CITY OF DULUTH.

This Resolution was adopted.

Yea: 5 - Councilor Hobbs, Councilor Russ, Councilor Sipress, Councilor Westerlund and President Filipovich

Nay: 3 - Councilor Anderson, Councilor Fosle and Councilor Hanson

Abstain: 1 - Councilor Hansen

38. [16-0457R](#) RESOLUTION APPROVING PROPOSED SPECIFICATIONS FOR THE NEW CIVIL SERVICE CLASSIFICATION OF TECHNOLOGY SECURITY ADMINISTRATOR, AND SPECIFYING CONTRACT BENEFITS FOR SAME.

Indexes:

Attachments: [Technology Security Administrator](#)

This Resolution was adopted unanimously.

BY COUNCILOR WESTERLUND (PUBLIC WORKS & UTILITIES)

39. [16-0474R](#) RESOLUTION HONORING THE VICTIMS OF THE SHOOTING IN ORLANDO, FLORIDA.

Sponsors: Westerlund

This Resolution was adopted unanimously.

INTRODUCTION AND CONSIDERATION OF ORDINANCES

ORDINANCES TABLED

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

BY COUNCILOR ANDERSON (PERSONNEL)

40. [16-044-O](#) ORDINANCE AMENDING CHAPTER 2, ARTICLE XIX, SECTION 2-107, OF THE DULUTH CITY CODE TO INCREASE THE NUMBER OF COMMISSIONERS ON THE DULUTH PUBLIC ARTS COMMISSION TO ELEVEN MEMBERS.

This Ordinance was read for the first time.

BY COUNCILOR RUSS (PLANNING & ECONOMIC DEVELOPMENT)

41. [16-030-O](#) AN ORDINANCE AMENDING SECTIONS 50-15.2 MIXED USE NEIGHBORHOOD (MU-N), 50-15.3 MIXED USE COMMERCIAL (MU-C), AND 50-15.5 MIXED USE BUSINESS PARK (MU-B).

Indexes:

Attachments: [Attachment 1](#)
[Sipress.Russ mta 16-030-O](#)
[Filipovich mta 16-030-O](#)
[Sipress.Russ mta \(2\) 16-030-O](#)

This Ordinance was read for the first time.

42. [16-031-O](#) AN ORDINANCE AMENDING SECTION 50-18.1.D SHORELANDS.

Indexes:

Attachments: [Attachment 1](#)

This Ordinance was read for the first time.

43. [16-032-O](#) AN ORDINANCE AMENDING SECTIONS 50-21.3 EXCEPTIONS AND ENCROACHMENTS AND 50-22.4 CAP TYPES.

Indexes:

Attachments: [Attachment 1](#)

This Ordinance was read for the first time.

44. [16-033-O](#) AN ORDINANCE AMENDING SECTIONS 50-23.2 GENERAL CIRCULATION REQUIREMENTS AND 50-24.2 REQUIRED PARKING SPACES.

Indexes:

Attachments: [Attachment 1](#)

This Ordinance was read for the first time.

45. [16-034-O](#) AN ORDINANCE AMENDING SECTIONS 50-25.2 GENERAL LANDSCAPING STANDARDS, 50-29 SUSTAINABILITY, AND 50-32 INTERNATIONAL PROPERTY MAINTENANCE.

Indexes:

Attachments: [Attachment 1](#)

This Ordinance was read for the first time.

46. [16-036-O](#) AN ORDINANCE AMENDING SECTION 50-27.2 ENFORCEMENT, 50-27.3 DESIGN AND CONSTRUCTION STANDARDS, AND 50-27.7 SIGN TYPES.

Indexes:

Attachments: [Attachment 1](#)

[Attachment 2 -Ordinance 16-036 with photos](#)

This Ordinance was read for the first time.

47. [16-037-O](#) AN ORDINANCE AMENDING SECTION 50-37.9 VARIANCE.

Indexes:

Attachments: [Attachment 1](#)

This Ordinance was read for the first time.

48. [16-043-O](#) AN ORDINANCE AMENDING SECTIONS 50-19.8 USE TABLE, 50-20.3.L COMMERCIAL USES, 50-20.7 ADAPTIVE REUSE OF A LOCAL HISTORIC LANDMARK, AND 50-40.13 DEFINITIONS.

Indexes:

Attachments: [Attachment 1](#)

[Attachment 2](#)

This Ordinance was read for the first time.

BY COUNCILOR WESTERLUND (PUBLIC WORKS & UTILITIES)

49. [16-040-O](#) AN ORDINANCE AMENDING SECTION 12-2 OF DULUTH CITY CODE, 1959, AS AMENDED, TO ADD CHAPTER 43A, ILLICIT DISCHARGES TO THE CITY STORM SEWER SYSTEM, TO THE LIST OF CODE CHAPTERS UNDER WHICH A VIOLATION CAN BE ESTABLISHED.

This Ordinance was read for the first time.

50. [16-041-O](#) AN ORDINANCE AMENDING CHAPTER 43 OF DULUTH CITY CODE, 1959, AS AMENDED, TO PROVIDE THAT THE DULUTH PUBLIC UTILITIES COMMISSION HEAR AND DECIDE APPEALS ARISING UNDER CHAPTER 43 OF THE CITY CODE, AMENDING TIMELINES FOR FILING APPEALS, AND INCLUDING THE PUBLIC UTILITIES COMMISSION IN THE CHAPTER DEFINITIONS.

This Ordinance was read for the first time.

51. [16-042-O](#) AN ORDINANCE AMENDING CHAPTER 2, ARTICLE XXXV, SECTION 2-186 OF DULUTH CITY CODE, 1959, AS AMENDED, TO AUTHORIZE THE DULUTH PUBLIC UTILITIES COMMISSION TO HEAR AND DECIDE APPEALS ARISING UNDER CHAPTERS 43, 43A, AND 48 OF THE CITY CODE.

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)

52. [16-027-O](#) AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF DULUTH AS REFERENCED IN CHAPTER 50 OF THE DULUTH CITY CODE, 1959, AS AMENDED, TO PROVIDE FOR THE RECLASSIFICATION FROM RR-1 AND I-G TO P-1, FOR QUARRY PARK .

Indexes:

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

This Ordinance was adopted unanimously.

53. [16-028-O](#) AN ORDINANCE TO OPT-OUT OF THE REQUIREMENTS OF MINN. STAT. 462.3593 (2016), THE TEMPORARY FAMILY HEALTHCARE DWELLINGS STATUTE.

This Ordinance was adopted unanimously.

54. [16-029-O](#) AN ORDINANCE AUTHORIZING THE CONVEYANCE OF CERTAIN REAL PROPERTY IN THE KENWOOD NEIGHBORHOOD TO THE STATE OF MINNESOTA.

Indexes:

Attachments: [Exhibit A](#)

This Ordinance was adopted unanimously.

COUNCILOR QUESTIONS AND COMMENTS

COUNCILOR PREVIEW OF UPCOMING BUSINESS



City of Duluth

411 West First Street
Duluth, Minnesota 55802

Actions and Unofficial Minutes

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 will provide increased opportunities for civil discourse in order to find positive resolutions to the issues that face the city. These tools include: pay attention, listen, be inclusive, do not gossip, show respect, be agreeable, apologize, give constructive criticism and take responsibility. [Approved by the council on August 25, 2003]*

Monday, July 11, 2016

7:00 PM

Council Chamber

ROLL CALL

Present: 9 - Councilor Gary Anderson, Councilor Jay Fosle, Councilor Elissa Hansen, Councilor Howie Hanson, Councilor Noah Hobbs, Councilor Barb Russ, Councilor Joel Sipress, Councilor Em Westerlund and President Zack Filipovich

PLEDGE OF ALLEGIANCE

PUBLIC HEARING - Proposed MnDot Improvements on TH23 Fond du Lac 16-0437R Skywalk Maintenance

REPORTS FROM THE ADMINISTRATION

REPORTS FROM OTHER OFFICERS

REPORTS OF BOARDS AND COMMISSIONS

1. [16-089](#) Duluth Airport Authority May Meeting Minutes

Indexes:

Attachments: [DAA May Minutes](#)

This Board or Commission Report was received.

2. [16-090](#) Duluth Economic Development Authority Meeting Minutes

Indexes:

Attachments: [DEDA May 25 Minutes](#)

This Board or Commission Report was received.

3. [16-091](#) Duluth Public Utilities Commission Meeting Minutes

Indexes:

Attachments: [DPUC May Minutes](#)

This Board or Commission Report was received.

4. [16-092](#) Duluth Transit Authority Meeting Minutes

Indexes:

Attachments: [DTA April 27 Minutes](#)

This Board or Commission Report was received.

5. [16-093](#) Duluth Library Board Meeting Minutes

Indexes:

Attachments: [Library Board May 24 Minutes](#)

This Board or Commission Report was received.

6. [16-094](#) Duluth Entertainment and Convention Center Authority Meeting Minutes

Indexes:

Attachments: [February 23 2016 DECC Board Meeting Minutes](#)

[January 26 2016 DECC Board Meeting Minutes](#)

[March 29 2016 DECC Board Meeting Minutes](#)

This Board or Commission Report was received.

REPORTS OF COUNCIL COMMITTEES

REPORTS OF COUNCIL OPEN ISSUES

OPPORTUNITY FOR CITIZENS TO BE HEARD

RESOLUTIONS TABLED

BY COUNCILOR HOBBS (PURCHASING & LICENSING)

7. [16-0485R](#) RESOLUTION AUTHORIZING A PROFESSIONAL SERVICES AGREEMENT WITH LHB, INC. FOR MASTER PLANNING SERVICES FOR THE WESTERN WATERFRONT PARKS AND TRAIL FOR A TOTAL NOT TO EXCEED OF \$70,992.

Indexes:

Attachments: [Exhibit A 7.12.16](#)

This Resolution remains on the table

BY COUNCILOR FOSLE (PUBLIC SAFETY)

8. [16-0437R](#) RESOLUTION ADOPTING SKYWALK CLEANING AND MAINTENANCE EXPECTATIONS, STANDARDS, AND PROCEDURES PURSUANT TO THE AUTHORITY GRANTED UNDER SECTIONS 44A-12 AND 44A-16 OF THE DULUTH CITY CODE.

Indexes:

Attachments: [Exhibit A](#)

[Exhibit B](#)

[Exhibit C](#)

[Exhibit D](#)

This Resolution was adopted unanimously.

BY COUNCILOR SIPRESS (RECREATION, LIBRARIES & AUTHORITIES)

9. [16-0440R](#) RESOLUTION ADOPTING AN EMERALD ASH BORER (EAB) MANAGEMENT PLAN

Indexes:

Attachments: [EXHIBIT A - 16-0440R](#)

This resolution remains on the table.

MOTIONS AND RESOLUTIONS

CONSENT AGENDA

BY COUNCILOR HOBBS (PURCHASING & LICENSING)

10. [16-0498R](#) RESOLUTION APPROVING THE TEMPORARY EXPANSION OF THE ON SALE INTOXICATING LIQUOR LICENSE TO VARIOUS LICENSEES.

Indexes:

Attachments: [ATTACHMENT A - NORTHERN WATERS SMOKEHAUS](#)

[ATTACHMENT B - Mr. D's](#)

[ATTACHMENT C - Kom On Inn](#)

[ATTACHMENT D - ACES](#)

[ATTACHMENT E - SPURS](#)

[ATTACHMENT F - Bulldog](#)

[ATTACHMENT G - RUSTIC](#)

This Resolution was adopted.

Yea: 8 - Councilor Anderson, Councilor Fosle, Councilor Hanson, Councilor Hobbs, Councilor Russ, Councilor Sipress, Councilor Westerlund and President Filipovich

Abstain: 1 - Councilor Hansen

11. [16-0499R](#) RESOLUTION APPROVING ISSUANCE OF A TEMPORARY ON SALE INTOXICATING LIQUOR LICENSE TO DULUTH AMATEUR HOCKEY ASSOCIATION.

This Resolution was adopted.

Yea: 8 - Councilor Anderson, Councilor Fosle, Councilor Hanson, Councilor Hobbs, Councilor Russ, Councilor Sipress, Councilor Westerlund and President Filipovich

Abstain: 1 - Councilor Hansen

12. [16-0500R](#) RESOLUTION APPROVING THE EXEMPTION OF A RAFFLE LICENSE AND WAIVING THE 60 DAY WAITING PERIOD FOR EPILEPSY FOUNDATION OF MN

Indexes:

Attachments: [ATTACHMENT A](#)

This Resolution was adopted unanimously.

13. [16-0514R](#) RESOLUTION APPROVING THE TRANSFER OF STOCK OF THE OFF SALE INTOXICATING LIQUOR LICENSE OF MOUNT ROYAL BOTTLE SHOPPE, INC, 1602 WOODLAND AVENUE.

This Resolution was adopted.

Yea: 8 - Councilor Anderson, Councilor Fosle, Councilor Hanson, Councilor Hobbs, Councilor Russ, Councilor Sipress, Councilor Westerlund and President Filipovich

Abstain: 1 - Councilor Hansen

14. [16-0515R](#) RESOLUTION APPROVING THE EXEMPTION OF A RAFFLE LICENSE AND WAIVING THE 60 DAY WAITING PERIOD FOR NORTHLAND COUNTRY CLUB, 3901 EAST SUPERIOR STREET, DULUTH MN 55804

Indexes:

Attachments: [ATTACHMENT A](#)

This Resolution was adopted unanimously.

15. [16-0519R](#) RESOLUTION APPROVING THE EXEMPTION OF A RAFFLE LICENSE AND WAIVING THE 60 DAY WAITING PERIOD FOR PROGRAM FOR AID TO VICTIMS OF SEXUAL ASSAULT, INC. , 32 EAST 1ST STREET, SUITE 200, DULUTH MN 55802

Indexes:

Attachments: [Attachment A](#)

This Resolution was adopted.

Yea: 8 - Councilor Anderson, Councilor Fosle, Councilor Hansen, Councilor Hanson, Councilor Hobbs, Councilor Russ, Councilor Sipress and President Filipovich

Abstain: 1 - Councilor Westerlund

16. [16-0534R](#) RESOLUTION AUTHORIZING A PURCHASE FROM INSIGHT PUBLIC SECTOR, INC. FOR PERSONAL COMPUTERS AND ACCESSORIES, IN ACCORDANCE WITH THE CITY'S FOUR YEAR REPLACEMENT PLAN, IN THE AMOUNT OF \$206,337.94.

This Resolution was adopted unanimously.

BY COUNCILOR ANDERSON (PERSONNEL)

17. [16-0496R](#) RESOLUTION AUTHORIZING YEAR 2016-2019 PAY AND BENEFIT PLAN FOR THE HUMAN RIGHTS OFFICER POSITION APPOINTED BY THE MAYOR PURSUANT TO SECTION 29C-6(H) OF THE DULUTH CITY CODE.

This Resolution was adopted.

Yea: 8 - Councilor Anderson, Councilor Fosle, Councilor Hansen, Councilor Hanson, Councilor Hobbs, Councilor Russ, Councilor Sipress and President Filipovich

Abstain: 1 - Councilor Westerlund

BY COUNCILOR RUSS (PLANNING & ECONOMIC DEVELOPMENT)

18. [16-0512R](#) RESOLUTION GRANTING AN INTERIM USE PERMIT FOR A VACATION DWELLING UNIT AT 1235 MINNESOTA AVENUE (THOMAS AND MARIANNE THIRY).

Indexes:

Attachments: [Attachment 1](#)

This Resolution was adopted unanimously.

19. [16-0513R](#) RESOLUTION GRANTING AN INTERIM USE PERMIT FOR AN ACCESSORY VACATION DWELLING UNIT AT 1235 MINNESOTA AVENUE (THOMAS AND MARIANNE THIRY).

Indexes:

Attachments: [Attachment 1](#)

This Resolution was adopted unanimously.

BY COUNCILOR WESTERLUND (PUBLIC WORKS & UTILITIES)

20. [16-0402R](#) RESOLUTION APPROVING THE LAYOUT FOR THE REPLACEMENT OF BRIDGE NO. 5757 OVER MISSION CREEK AND THE RECONSTRUCTION OF TRUNK HIGHWAY 23 WITHIN THE CORPORATE CITY LIMITS UNDER STATE PROJECT NO. 6910-92.

Indexes:

Attachments: [16-0402R Letter](#)

This Resolution was adopted unanimously.

21. [16-0504R](#) RESOLUTION ACCEPTING A TEMPORARY EASEMENT FOR CONSTRUCTION PURPOSES AND PERMANENT EASEMENTS FOR STREET AND UTILITY PURPOSES AT KENWOOD AVENUE AND VACATED EAST CLEVELAND STREET FROM LAKE SUPERIOR SUBWAY, INC.

Indexes:

Attachments: [16-0504R Attachment 1](#)

[16-0504R Attachment 2](#)

[16-0504R Exhibit A](#)

This Resolution was adopted unanimously.

22. [16-0506R](#) RESOLUTION ACCEPTING A TEMPORARY EASEMENT FOR CONSTRUCTION PURPOSES NEAR KENWOOD AVENUE AND WEST CLEVELAND STREET FROM KAYLA M. BOWEN AND CASS S. BOWEN.

Indexes:

Attachments: [16-0506R Attachment 1](#)
[Exhibit A](#)

This Resolution was adopted unanimously.

23. [16-0507R](#) RESOLUTION AMENDING RESOLUTION 16-0252R AUTHORIZING A COOPERATIVE CONSTRUCTION AGREEMENT BETWEEN THE MINNESOTA DEPARTMENT OF TRANSPORTATION AND THE CITY OF DULUTH, INCREASING THE ESTIMATED TOTAL AMOUNT OF THE CITY'S OBLIGATION BY \$66,738.54 FOR A NEW TOTAL \$534,745.67.

Indexes:

Attachments: [16-0507R Map](#)

This Resolution was adopted unanimously.

24. [16-0508R](#) RESOLUTION ACCEPTING A TEMPORARY EASEMENT FOR CONSTRUCTION PURPOSES NEAR KENWOOD AVENUE AND ARROWHEAD ROAD FROM AMATUZIO COMPANY, LLC.

Indexes:

Attachments: [16-0508R Attachment 1](#)
[16-0508R Exhibit A](#)

This Resolution was adopted unanimously.

25. [16-0510R](#) RESOLUTION ACCEPTING A PERMANENT EASEMENT FOR STREET AND UTILITY PURPOSES NEAR KENWOOD AVENUE AND ARROWHEAD ROAD FROM AMATUZIO COMPANY, LLC.

Indexes:

Attachments: [16-0510R Attachment 1](#)
[16-0510R Exhibit A](#)

This Resolution was adopted unanimously.

26. [16-0516R](#) RESOLUTION ACCEPTING TEMPORARY AND PERMANENT EASEMENTS FOR CONSTRUCTION AND STREET PURPOSES NEAR KENWOOD AVE. AND ARROWHEAD ROAD FROM WELLS FARGO BANK ,NATIONAL ASSOCIATION.

Indexes:

Attachments: [16-0516R Attachment 1](#)
[16-0516R Exhibit A](#)

This Resolution was adopted unanimously.

27. [16-0518R](#) RESOLUTION AUTHORIZING ACCEPTANCE OF A GRANT IN THE AMOUNT OF \$83,219.67 FROM THE NORTHEAST MINNESOTA REGIONAL RADIO BOARD FOR THE PURCHASE OF TWO RADIO CONTROL STATIONS AND 60 RADIOS FOR THE CITY OF DULUTH PUBLIC WORKS AND UTILITIES AND PUBLIC ADMINISTRATION DEPARTMENTS.

Indexes:

Attachments: [16-0518R Exhibit A](#)

This Resolution was adopted unanimously.

28. [16-0520R](#) RESOLUTION ACCEPTING A PERMANENT EASEMENT FOR STREET AND UTILITY PURPOSES NEAR WOODLAND AVENUE AND EAST EIGHTH STREET FROM POSA INVESTMENTS, LLC, AT NO COST TO THE CITY.

Indexes:

Attachments: [16-0520R Exhibit 1](#)
[16-0520R Exhibit A](#)

This Resolution was adopted unanimously.

29. [16-0525R](#) RESOLUTION ACCEPTING A PERMANENT EASEMENT FOR STREET AND UTILITY PURPOSES NEAR KENWOOD AVENUE AND ARROWHEAD ROAD FROM INFINITY MANAGEMENT, INC.

Indexes:

Attachments: [16-0525R Attachment 1](#)
[16-0525R Exhibit A](#)

This Resolution was adopted unanimously.

30. [16-0526R](#) RESOLUTION ACCEPTING A TEMPORARY EASEMENT FOR CONSTRUCTION PURPOSES AT KENWOOD AVENUE AND ARROWHEAD ROAD FROM INFINITY MANAGEMENT, INC.

Indexes:

Attachments: [16-0526R Attachment 1](#)
[16-0526R Exhibit A](#)

This Resolution was adopted unanimously.

31. [16-0527R](#) RESOLUTION AUTHORIZING AGREEMENT ACCEPTING TEMPORARY AND PERMANENT EASEMENTS FOR STREET AND UTILITY PURPOSES NEAR KENWOOD AVE. AND ARROWHEAD ROAD FROM KENWOOD VILLAGE LLC.

Indexes:

Attachments: [Exhibit B](#)
[Exhibit A](#)
[Exhibit 1](#)

This Resolution was adopted unanimously.

32. [16-0529R](#) RESOLUTION AWARDED A CONTRACT TO HANCO UTILITIES, INC. FOR THE 2016 CITYWIDE GAS METER RELOCATION PROJECT IN THE AMOUNT OF \$119,543.21.

This Resolution was adopted unanimously.

33. [16-0535R](#) RESOLUTION AUTHORIZING AMENDMENT NO. 2 TO A CONTRACT WITH SRF, INC. TO PROVIDE PROFESSIONAL ENGINEERING SERVICES FOR THE ARROWHEAD/KENWOOD AND WEST CLEVELAND STREET SIGNAL IMPROVEMENTS, TO INCREASE THE AMOUNT BY \$57,875 FOR A NEW TOTAL OF \$213,158.

Indexes:

Attachments: [16-0535R Attachment](#)

This Resolution was adopted unanimously.

BY COUNCILOR FOSLE (PUBLIC SAFETY)

34. [16-0522R](#) RESOLUTION AUTHORIZING CONSUMPTION OF ALCOHOLIC BEVERAGES IN PUBLIC PLACES IN WEST DULUTH IN CONJUNCTION WITH SPIRIT VALLEY DAYS AND SUBJECT TO CERTAIN CONDITIONS.

This Resolution was adopted.

Yea: 8 - Councilor Anderson, Councilor Fosle, Councilor Hanson, Councilor Hobbs, Councilor Russ, Councilor Sipress, Councilor Westerlund and President Filipovich

Abstain: 1 - Councilor Hansen

35. [16-0523R](#) RESOLUTION AUTHORIZING CONSUMPTION OF ALCOHOLIC BEVERAGES IN PUBLIC PLACES ON SUPERIOR STREET AND FIRST STREET IN CONJUNCTION WITH GREATER DOWNTOWN COUNCIL SIDEWALK DAYS.

This Resolution was adopted.

Yea: 8 - Councilor Anderson, Councilor Fosle, Councilor Hanson, Councilor Hobbs, Councilor Russ, Councilor Sipress, Councilor Westerlund and President Filipovich

Abstain: 1 - Councilor Hansen

36. [16-0524R](#) RESOLUTION AUTHORIZING CONSUMPTION OF ALCOHOLIC BEVERAGES IN PUBLIC PLACES ON THE 100 BLOCK OF WEST FIRST STREET IN CONJUNCTION WITH THE TWELVE HOLY APOSTLES FIRST STREET DANCE AND SUBJECT TO CERTAIN CONDITIONS.

This Resolution was adopted

Yea: 8 - Councilor Anderson, Councilor Fosle, Councilor Hanson, Councilor Hobbs, Councilor Russ, Councilor Sipress, Councilor Westerlund and President Filipovich

Abstain: 1 - Councilor Hansen

37. [16-0528R](#) RESOLUTION AUTHORIZING AGREEMENT WITH ST. LOUIS COUNTY TO PERFORM POLICE SERVICES PURSUANT TO 2015 OPERATION STONEGARDEN GRANT AND ACCEPTING REIMBURSEMENT THROUGH ST. LOUIS COUNTY IN AN AMOUNT NOT TO EXCEED \$32,656.

Indexes:

Attachments: [Exhibit B](#)

[Exhibit A](#)

[Exhibit C](#)

This Resolution was adopted unanimously.

38. [16-0531R](#) RESOLUTION AUTHORIZING CONSUMPTION OF ALCOHOLIC BEVERAGES IN PUBLIC PLACES ON THE 200 BLOCK OF EAST FIRST STREET IN CONJUNCTION WITH THE SUPER BIG BLOCK PARTY AND SUBJECT TO CERTAIN CONDITIONS.

Indexes:

Attachments: [Attachment A](#)

This Resolution was adopted.

Yea: 8 - Councilor Anderson, Councilor Fosle, Councilor Hanson, Councilor Hobbs, Councilor Russ, Councilor Sipress, Councilor Westerlund and President Filipovich

Abstain: 1 - Councilor Hansen

END OF CONSENT AGENDA

BY COUNCILOR ANDERSON (PERSONNEL)

39. [16-0493R](#) RESOLUTION CONFIRMING THE APPOINTMENT OF TODD FEDORA TO THE DULUTH AIRPORT AUTHORITY, REPLACING KENNETH J STROMQUIST.

Indexes:

Attachments: [T. Fedora Application](#)

This Resolution was tabled.

40. [16-0495R](#) RESOLUTION APPROVING APPOINTMENT OF CARL CRAWFORD TO THE POSITION OF HUMAN RIGHTS OFFICER PURSUANT TO SECTION 29C-6(H) OF THE DULUTH CITY CODE.

This Resolution was adopted.

Yea: 8 - Councilor Anderson, Councilor Fosle, Councilor Hansen, Councilor Hanson, Councilor Hobbs, Councilor Russ, Councilor Sipress and President Filipovich

Abstain: 1 - Councilor Westerlund

BY COUNCILOR WESTERLUND (PUBLIC WORKS & UTILITIES)

41. [16-0536R](#) RESOLUTION AWARDED A CONTRACT TO GEORGE BOUGALIS AND SONS CO. FOR THE KENWOOD/ARROWHEAD SIGNAL AND ROADWAY IMPROVEMENTS PROJECT IN THE AMOUNT OF \$1,721,513.91.

Indexes:

Attachments: [16-0536R Aerial Photo](#)

This Resolution was adopted unanimously.

INTRODUCTION AND CONSIDERATION OF ORDINANCES

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

BY COUNCILOR FOSLE (PUBLIC SAFETY)

42. [16-047-O](#) ORDINANCE AMENDING CHAPTER 21, SECTIONS 21-1, 21-35 AND 21-38 OF THE DULUTH CITY CODE TO ADOPT AND INCORPORATE THE 2015 AMENDMENTS TO THE MINNESOTA STATE FIRE CODE, WHICH IS BASED ON THE 2012 INTERNATIONAL FIRE CODE, TO AMEND THE DEFINITION OF FIRE PROTECTION SYSTEM IN ACCORDANCE WITH THE STATE AND INTERNATIONAL FIRE CODES, AND TO REQUIRE THAT LICENSED FIRE PROTECTION CONTRACTORS, BUILDING OWNERS OR THEIR AGENTS SUBMIT ANNUAL FIRE PROTECTION SYSTEM INSPECTION AND TESTING REPORTS TO THE FIRE DEPARTMENT ELECTRONICALLY VIA A METHOD APPROVED BY THE FIRE MARSHAL.

This Ordinance was read for the first time.

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

BY COUNCILOR ANDERSON (PERSONNEL)

43. [16-044-O](#) ORDINANCE AMENDING CHAPTER 2, ARTICLE XIX, SECTION 2-107, OF THE DULUTH CITY CODE TO INCREASE THE NUMBER OF COMMISSIONERS ON THE DULUTH PUBLIC ARTS COMMISSION TO ELEVEN MEMBERS.

This Ordinance was amended and returned back to first reading.

BY COUNCILOR RUSS (PLANNING & ECONOMIC DEVELOPMENT)

44. [16-030-O](#) AN ORDINANCE AMENDING SECTIONS 50-15.2 MIXED USE NEIGHBORHOOD (MU-N), 50-15.3 MIXED USE COMMERCIAL (MU-C), AND 50-15.5 MIXED USE BUSINESS PARK (MU-B).

Indexes:

Attachments: [Attachment 1](#)

[Sipress.Russ mta 16-030-O](#)

[Filipovich mta 16-030-O](#)

[Sipress.Russ mta \(2\) 16-030-O](#)

This Ordinance was tabled.

45. [16-031-O](#) AN ORDINANCE AMENDING SECTION 50-18.1.D SHORELANDS.

Indexes:

Attachments: [Attachment 1](#)

This Ordinance was adopted unanimously.

46. [16-032-O](#) AN ORDINANCE AMENDING SECTIONS 50-21.3 EXCEPTIONS AND ENCROACHMENTS AND 50-22.4 CAP TYPES.

Indexes:

Attachments: [Attachment 1](#)

This Ordinance was adopted unanimously.

47. [16-033-O](#) AN ORDINANCE AMENDING SECTIONS 50-23.2 GENERAL CIRCULATION REQUIREMENTS AND 50-24.2 REQUIRED PARKING SPACES.

Indexes:

Attachments: [Attachment 1](#)

This Ordinance was adopted unanimously.

48. [16-034-O](#) AN ORDINANCE AMENDING SECTIONS 50-25.2 GENERAL LANDSCAPING STANDARDS, 50-29 SUSTAINABILITY, AND 50-32 INTERNATIONAL PROPERTY MAINTENANCE.

Indexes:

Attachments: [Attachment 1](#)

This Ordinance was adopted unanimously.

49. [16-036-O](#) AN ORDINANCE AMENDING SECTION 50-27.2 ENFORCEMENT, 50-27.3 DESIGN AND CONSTRUCTION STANDARDS, AND 50-27.7 SIGN TYPES.

Indexes:

Attachments: [Attachment 1](#)
[Attachment 2 -Ordinance 16-036 with photos](#)

This Ordinance was returned to administration.

50. [16-037-O](#) AN ORDINANCE AMENDING SECTION 50-37.9 VARIANCE.

Indexes:

Attachments: [Attachment 1](#)

This Ordinance was adopted unanimously.

51. [16-043-O](#) AN ORDINANCE AMENDING SECTIONS 50-19.8 USE TABLE, 50-20.3.L COMMERCIAL USES, 50-20.7 ADAPTIVE REUSE OF A LOCAL HISTORIC LANDMARK, AND 50-40.13 DEFINITIONS.

Indexes:

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

This Ordinance was adopted unanimously.

BY COUNCILOR WESTERLUND (PUBLIC WORKS & UTILITIES)

52. [16-040-O](#) AN ORDINANCE AMENDING SECTION 12-2 OF DULUTH CITY CODE, 1959, AS AMENDED, TO ADD CHAPTER 43A, ILLICIT DISCHARGES TO THE CITY STORM SEWER SYSTEM, TO THE LIST OF CODE CHAPTERS UNDER WHICH A VIOLATION CAN BE ESTABLISHED.

This Ordinance was adopted unanimously.

53. [16-041-O](#) AN ORDINANCE AMENDING CHAPTER 43 OF DULUTH CITY CODE, 1959, AS AMENDED, TO PROVIDE THAT THE DULUTH PUBLIC UTILITIES COMMISSION HEAR AND DECIDE APPEALS ARISING UNDER CHAPTER 43 OF THE CITY CODE, AMENDING TIMELINES FOR FILING APPEALS, AND INCLUDING THE PUBLIC UTILITIES COMMISSION IN THE CHAPTER DEFINITIONS.

This Ordinance was adopted unanimously.

54. [16-042-O](#) AN ORDINANCE AMENDING CHAPTER 2, ARTICLE XXXV, SECTION 2-186 OF DULUTH CITY CODE, 1959, AS AMENDED, TO AUTHORIZE THE DULUTH PUBLIC UTILITIES COMMISSION TO HEAR AND DECIDE APPEALS ARISING UNDER CHAPTERS 43, 43A, AND 48 OF THE CITY CODE.

This Ordinance was adopted unanimously.

COUNCILOR QUESTIONS AND COMMENTS

COUNCILOR PREVIEW OF UPCOMING BUSINESS



City of Duluth

411 West First Street
Duluth, Minnesota 55802

Actions and Unofficial Minutes

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 will provide increased opportunities for civil discourse in order to find positive resolutions to the issues that face the city. These tools include: pay attention, listen, be inclusive, do not gossip, show respect, be agreeable, apologize, give constructive criticism and take responsibility. [Approved by the council on August 25, 2003]*

Monday, July 18, 2016

7:00 PM

Council Chamber

ROLL CALL

Present: 9 - Councilor Gary Anderson, Councilor Jay Fosle, Councilor Elissa Hansen, Councilor Howie Hanson, Councilor Noah Hobbs, Councilor Barb Russ, Councilor Joel Sipress, Councilor Em Westerlund and President Zack Filipovich

PLEDGE OF ALLEGIANCE

REPORTS FROM THE ADMINISTRATION

REPORTS FROM OTHER OFFICERS

REPORTS OF COUNCIL COMMITTEES

REPORTS OF COUNCIL OPEN ISSUES

OPPORTUNITY FOR CITIZENS TO BE HEARD

RESOLUTIONS TABLED

BY COUNCILOR HOBBS (PURCHASING & LICENSING)

1. [16-0485R](#) RESOLUTION AUTHORIZING A PROFESSIONAL SERVICES AGREEMENT WITH LHB, INC. FOR MASTER PLANNING SERVICES FOR THE WESTERN WATERFRONT PARKS AND TRAIL FOR A TOTAL NOT TO EXCEED OF \$70,992.

Indexes:

Attachments: [Exhibit A 7.12.16](#)

Motion was made to remove resolution from the table. The motion was seconded and carried unanimously.

This Resolution was adopted unanimously.

BY COUNCILOR ANDERSON (PERSONNEL)

2. [16-0493R](#) RESOLUTION CONFIRMING THE APPOINTMENT OF TODD FEDORA TO THE DULUTH AIRPORT AUTHORITY, REPLACING KENNETH J STROMQUIST.

Indexes:

Attachments: [T. Fedora Application](#)

This Resolution was adopted unanimously.

BY COUNCILOR SIPRESS (RECREATION, LIBRARIES & AUTHORITIES)

3. [16-0440R](#) RESOLUTION ADOPTING AN EMERALD ASH BORER (EAB) MANAGEMENT PLAN

Indexes:

Attachments: [EXHIBIT A - 16-0440R](#)

This Resolution remains on the table.

MOTIONS AND RESOLUTIONS

CONSENT AGENDA

BY COUNCILOR HOBBS (PURCHASING & LICENSING)

4. [16-0559R](#) RESOLUTION AUTHORIZING A MASTER SERVICES AGREEMENT WITH TWIN PORTS TESTING, INC. FOR PROFESSIONAL GEOTECHNICAL AND MATERIAL TESTING SERVICES FOR A TOTAL ANNUAL AMOUNT NOT TO EXCEED \$50,000 AND A TOTAL CONTRACT AMOUNT NOT TO EXCEED \$100,000.

Indexes:

Attachments: [Exhibit A](#)

This Resolution was adopted unanimously.

5. [16-0567R](#) RESOLUTION APPROVING ISSUANCE OF A CONSUMPTION AND DISPLAY LICENSE AND APPROVING THE PERMANENT EXPANSION OF THE ON SALE 3.2 PERCENT MALT LIQUOR LICENSE OF PARK POINT MARINE INN & SUITES, LLC.

This Resolution was adopted.

Yea: 8 - Councilor Anderson, Councilor Fosle, Councilor Hanson, Councilor Hobbs, Councilor Russ, Councilor Sipress, Councilor Westerlund and President Filipovich

Abstain: 1 - Councilor Hansen

BY COUNCILOR ANDERSON (PERSONNEL)

6. [16-0562R](#) RESOLUTION CONFIRMING THE APPOINTMENT OF DARIS NORDBY TO THE HEADING HOME ST. LOUIS COUNTY'S GOVERNANCE BOARD, FILLING THE FORMERLY HOMELESS REPRESENTATIVE VACANCY.

Indexes:

Attachments: [D.Norby Application](#)

This Resolution was adopted unanimously.

7. [16-0565R](#) RESOLUTION CONFIRMING THE APPOINTMENT OF JESSICA STERLE TO THE DULUTH PARKING COMMISSION

Indexes:

Attachments: [J. Sterle](#)

This Resolution was adopted unanimously.

8. [16-0566R](#) RESOLUTION CONFIRMING THE APPOINTMENT OF MARK OSTHUS TO THE COMMUNITY DEVELOPMENT COMMITTEE

Indexes:

Attachments: [M. Osthus](#)

This Resolution was adopted unanimously.

BY COUNCILOR RUSS (PLANNING & ECONOMIC DEVELOPMENT)

9. [16-0553R](#) RESOLUTION AWARDED A PROFESSIONAL SERVICES CONTRACT TO ECOSIGN MOUNTAIN RESORT PLANNERS LTD FOR THE COMPLETION OF A MASTER PLAN UPDATE FOR THE SPIRIT MOUNTAIN RECREATION AREA FOR AN AMOUNT NOT TO EXCEED \$66,000.

Indexes:

Attachments: [Attachment 1](#)

This Resolution was adopted unanimously.

10. [16-0554R](#) RESOLUTION REPROGRAMMING FUNDS FROM THE 2011 PROGRAM YEAR IN THE AMOUNT OF \$51,944 AND \$4,787 FROM HOUSING REHABILITATION REVOLVING FUND.

This Resolution was adopted unanimously.

11. [16-0556R](#) RESOLUTION AUTHORIZING A TEN YEAR USE AND OPERATIONS AGREEMENT WITH DULUTH COMMUNITY GARDEN PROGRAM FOR THE CITY'S DENFELD VICTORY GARDEN AND EDIBLE FOREST.

Indexes:

Attachments: [Attachment 1](#)

[2015 10 02 EDIBLE FOREST AND CAD GARDENS COMBINED](#)

This Resolution was adopted unanimously.

BY PRESIDENT FILIPOVICH (COMMITTEE OF THE WHOLE)

12. [16-0530R](#) RESOLUTION AMENDING RESOLUTION 16-0488 CHANGING THE 2016 ELECTION JUDGE COMPENSATION.

This Resolution was adopted unanimously.

BY COUNCILOR WESTERLUND (PUBLIC WORKS & UTILITIES)

13. [16-0546R](#) RESOLUTION AUTHORIZING A PERMANENT EASEMENT AGREEMENT WITH 725 IRVING, LLC REGARDING THE KENWOOD AND ARROWHEAD INTERSECTION.

Indexes:

Attachments: [Exhibit A](#)

[Permanent Attachment 1](#)

This Resolution was adopted unanimously.

14. [16-0547R](#) RESOLUTION AUTHORIZING A SURRENDER OF ACCESS AND TEMPORARY CONSTRUCTION EASEMENT AGREEMENT WITH U.S. BANK NATIONAL ASSOCIATION AND WELLS FARGO BANK, NATIONAL ASSOCIATION, REGARDING THE KENWOOD AND ARROWHEAD INTERSECTION.

Indexes:

Attachments: [Attachment 1](#)

This Resolution was adopted unanimously.

15. [16-0549R](#) RESOLUTION ACCEPTING A PERMANENT EASEMENT FOR UTILITY PURPOSES WITHIN THE BLUESTONE DEVELOPMENT AT NO COST TO THE CITY.

Indexes:

- Attachments:** [16-0549R Exhibit 1](#)
[16-0549R Exhibit A](#)
[16-0549R Exhibit B](#)

This Resolution was adopted unanimously.

16. [16-0550R](#) RESOLUTION ACCEPTING A PERMANENT EASEMENT FOR UTILITY PURPOSES WITHIN THE BLUESTONE DEVELOPMENT AT NO COST TO THE CITY.

Indexes:

- Attachments:** [16-0550R Exhibit 1](#)
[16-0550R Exhibit A](#)
[16-0550R Exhibit B](#)

This Resolution was adopted unanimously.

17. [16-0551R](#) RESOLUTION ACCEPTING A PERMANENT EASEMENT FOR UTILITY PURPOSES WITHIN THE BLUESTONE DEVELOPMENT AT NO COST TO THE CITY.

Indexes:

- Attachments:** [16-0551R Exhibit 1](#)
[16-0551R Exhibit A](#)
[16-0551R Exhibit B](#)

This Resolution was adopted unanimously.

18. [16-0552R](#) RESOLUTION AUTHORIZING A PERMANENT EASEMENT AGREEMENT WITH BARRINGTON WALDORF, LLC REGARDING THE KENWOOD AND ARROWHEAD INTERSECTION.

Indexes:

Attachments: [16-0552R Exhibit A](#)

This Resolution was adopted unanimously.

19. [16-0557R](#) RESOLUTION AUTHORIZING TEMPORARY CONSTRUCTION EASEMENT AGREEMENT WITH BARRINGTON WALDORF, LLC REGARDING THE KENWOOD AND ARROWHEAD INTERSECTION.

Indexes:

Attachments: [16-0557R Exhibit A](#)

This Resolution was adopted unanimously.

BY COUNCILOR FOSLE (PUBLIC SAFETY)

20. [16-0548R](#) RESOLUTION AUTHORIZING THE CITY TO ENTER INTO A JOINT POWERS AGREEMENT WITH THE STATE OF MINNESOTA, COMMISSION OF PUBLIC SAFETY, BUREAU OF CRIMINAL APPREHENSION, PROVIDING FOR THE CITY OF DULUTH POLICE DEPARTMENT TO CONTINUE PARTICIPATION IN THE MINNESOTA INTERNET CRIMES AGAINST CHILDREN TASK FORCE PROGRAM.

Indexes:

Attachments: [Exhibit 1](#)

This Resolution was adopted unanimously.

BY COUNCILOR SIPRESS (RECREATION, LIBRARIES & AUTHORITIES)

21. [16-0560R](#) RESOLUTION AUTHORIZING A FIRST AMENDMENT TO THE FIVE (5) YEAR LEASE AGREEMENT WITH RPK BASEBALL, LLC AND NORTHWOODS LEAGUE, INC. FOR THE USE OF WADE STADIUM THROUGH 2020.

Indexes:

Attachments: [Exhibit A](#)

This Resolution was adopted unanimously.

END OF CONSENT AGENDA

BY COUNCILOR ANDERSON (PERSONNEL)

22. [16-0563R](#) RESOLUTION CONFIRMING THE APPOINTMENT OF HEATHER WRIGHT WENDEL TO THE PLANNING COMMISSION.

Indexes:

Attachments: [H. Wright Wendel](#)

This Resolution was adopted unanimously.

BY COUNCILOR RUSS (PLANNING & ECONOMIC DEVELOPMENT)

23. [16-0558R](#) RESOLUTION AUTHORIZING DEVELOPMENT AGREEMENT WITH MH II APARTMENTS, INC. FOR DEVELOPMENT OF 72 RENTAL UNITS OF WORKFORCE HOUSING IN THE MILLER HILL AREA.

Indexes:

Attachments: [Attachment 1](#)

This Resolution was tabled.

BY PRESIDENT FILIPOVICH (COMMITTEE OF THE WHOLE)

24. [16-0533R](#) RESOLUTION ESTABLISHING EARNED SICK AND SAFE TIME TASK FORCE.

Sponsors: Filipovich and Hansen

Indexes:

Attachments: [Sipress.Westerlund Motion to Amend - Failed](#)
[Hobbs.Russ Motion to Amend - Passed](#)
[Westerlund.Sipress Motion to Amend - Passed](#)
[16-0533R - Original](#)

Sipress/Westerlund Motion to Amend - Yays: 4 Nays: 5 (Fails)
Hobbs/Russ Motion to Amend - Yays: 5 Nays: 4 (Passes)
Westerlund Motion to Amenda - Yays: 5 Nays: 4 (Passes)

This Resolution was adopted as amended.

Yea: 8 - Councilor Anderson, Councilor Hansen, Councilor Hanson, Councilor Hobbs,
Councilor Russ, Councilor Sipress, Councilor Westerlund and President Filipovich

Nay: 1 - Councilor Fosle

INTRODUCTION AND CONSIDERATION OF ORDINANCES

ORDINANCES TABLED

BY COUNCILOR RUSS (PLANNING & ECONOMIC DEVELOPMENT)

25. [16-030-O](#) AN ORDINANCE AMENDING SECTIONS 50-15.2 MIXED USE NEIGHBORHOOD (MU-N), 50-15.3 MIXED USE COMMERCIAL (MU-C), AND 50-15.5 MIXED USE BUSINESS PARK (MU-B).

Indexes:

Attachments: [Attachment 1](#)
[Sipress.Russ mta 16-030-O](#)
[Filipovich mta 16-030-O](#)
[Sipress.Russ mta \(2\) 16-030-O](#)

This Ordinance remains on the table.

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

BY COUNCILOR RUSS (PLANNING & ECONOMIC DEVELOPMENT)

26. [16-048-O](#) AN ORDINANCE GRANTING TO WASTE MANAGEMENT A CONCURRENT USE PERMIT FOR 50 FEET OF PLATTED UTILITY RIGHT OF WAY LOCATED IN THE PARCEL OF LOT 2, BLOCK 3 OF THE TWIN PORTS TRUCK CENTER DIVISION.

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 (PERSONNEL)

27. [16-044-O](#) ORDINANCE AMENDING CHAPTER 2, ARTICLE XIX, SECTION 2-107, OF THE DULUTH CITY CODE TO INCREASE THE NUMBER OF COMMISSIONERS ON THE DULUTH PUBLIC ARTS COMMISSION TO ELEVEN MEMBERS.

This Ordinance was adopted.

Yea: 8 - Councilor Anderson, Councilor Fosle, Councilor Hansen, Councilor Hanson, Councilor Russ, Councilor Sipress, Councilor Westerlund and President Filipovich

Nay: 1 - Councilor Hobbs

BY COUNCILOR FOSLE (PUBLIC SAFETY)

28. [16-047-O](#) ORDINANCE AMENDING CHAPTER 21, SECTIONS 21-1, 21-35 AND 21-38 OF THE DULUTH CITY CODE TO ADOPT AND INCORPORATE THE 2015 AMENDMENTS TO THE MINNESOTA STATE FIRE CODE, WHICH IS BASED ON THE 2012 INTERNATIONAL FIRE CODE, TO AMEND THE DEFINITION OF FIRE PROTECTION SYSTEM IN ACCORDANCE WITH THE STATE AND INTERNATIONAL FIRE CODES, AND TO REQUIRE THAT LICENSED FIRE PROTECTION CONTRACTORS, BUILDING OWNERS OR THEIR AGENTS SUBMIT ANNUAL FIRE PROTECTION SYSTEM INSPECTION AND TESTING REPORTS TO THE FIRE DEPARTMENT ELECTRONICALLY VIA A METHOD APPROVED BY THE FIRE MARSHAL.

This Ordinance was adopted unanimously.

COUNCILOR QUESTIONS AND COMMENTS

COUNCILOR PREVIEW OF UPCOMING BUSINESS



City of Duluth

411 West First Street
Duluth, Minnesota 55802

Actions and Unofficial Minutes

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 will provide increased opportunities for civil discourse in order to find positive resolutions to the issues that face the city. These tools include: pay attention, listen, be inclusive, do not gossip, show respect, be agreeable, apologize, give constructive criticism and take responsibility. [Approved by the council on August 25, 2003]*

Monday, August 15, 2016

7:00 PM

Council Chamber

ROLL CALL

Present: 9 - Councilor Gary Anderson, Councilor Jay Fosle, Councilor Elissa Hansen, Councilor Howie Hanson, Councilor Noah Hobbs, Councilor Barb Russ, Councilor Joel Sipress, Councilor Em Westerlund and President Zack Filipovich

PLEDGE OF ALLEGIANCE

PUBLIC HEARING - Miller Hill Tax Abatement

REPORTS FROM THE ADMINISTRATION

REPORTS FROM OTHER OFFICERS

REPORTS OF BOARDS AND COMMISSIONS

1. [16-099](#) HRA Meeting Minutes

Indexes:

Attachments: [4-26-16 HRA Minutes](#)
[5-31-16 HRA Minutes](#)
[6-28-16 HRA Minutes](#)

This Board or Commission Report was received.

2. [16-100](#) Civil Service Board Meeting Minutes

Indexes:

Attachments: [05-03-16 Civil Service Board Minutes](#)

This Board or Commission Report was received.

REPORTS OF COUNCIL COMMITTEES

REPORTS OF COUNCIL OPEN ISSUES

OPPORTUNITY FOR CITIZENS TO BE HEARD

RESOLUTIONS TABLED

BY COUNCILOR RUSS (PLANNING & ECONOMIC DEVELOPMENT)

3. [16-0558R](#) RESOLUTION AUTHORIZING DEVELOPMENT AGREEMENT WITH MH II APARTMENTS, INC. FOR DEVELOPMENT OF 72 RENTAL UNITS OF WORKFORCE HOUSING IN THE MILLER HILL AREA.

Indexes:

Attachments: [Attachment 1](#)

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

Yea: 7 - Councilor Anderson, Councilor Fosle, Councilor Hansen, Councilor Hobbs, Councilor Russ, Councilor Westerlund and President Filipovich

Nay: 2 - Councilor Hanson and Councilor Sipress

BY COUNCILOR SIPRESS (RECREATION, LIBRARIES & AUTHORITIES)

4. [16-0440R](#) RESOLUTION ADOPTING AN EMERALD ASH BORER (EAB) MANAGEMENT PLAN

Indexes:

Attachments: [EXHIBIT A - 16-0440R](#)

Resolution was returned to administration.

This Resolution was withdrawn.

MOTIONS AND RESOLUTIONS

CONSENT AGENDA**BY COUNCILOR HANSEN (FINANCE)**

5. [16-0593R](#) RESOLUTION AMENDING RESOLUTION NO. 16-0245R, WHICH AMENDED RESOLUTION NO. 16-0152, WHICH AMENDED RESOLUTION NO. 16-0055, CONFIRMING DEMOLITION ASSESSMENT ROLL TO DELETE A THIRD PROPERTY AND REDUCING THE AMOUNT ASSESSED.

This Resolution was adopted unanimously.

BY COUNCILOR HOBBS (PURCHASING & LICENSING)

6. [16-0576R](#) RESOLUTION APPROVING RENEWAL AND ISSUANCE OF ON SALE INTOXICATING LIQUOR, ON SALE THEATER LICENSES, ON SALE SUNDAY INTOXICATING LIQUOR, ADDITIONAL BAR, ON SALE DANCING, 2:00 A.M. BEVERAGE LICENSE AND LATE HOUR ENTERTAINMENT LICENSES FOR THE PERIOD BEGINNING SEPTEMBER 1, 2016, AND ENDING AUGUST 31, 2017.

Indexes:

Attachments: [Attachment A - RENEWALS ON SALE 2016](#)

This Resolution was adopted unanimously.

Yea: 8 - Councilor Anderson, Councilor Fosle, Councilor Hanson, Councilor Hobbs, Councilor Russ, Councilor Sipress, Councilor Westerlund and President Filipovich

Abstain: 1 - Councilor Hansen

7. [16-0577R](#) RESOLUTION ISSUING A 3.2 PERCENT MALT LIQUOR LICENSE AND APPROVING ISSUANCE OF AN ON SALE WINE LICENSE TO AMITY COFFEE, LLC (AMITY COFFEE), 4429 EAST SUPERIOR STREET.

This Resolution was adopted unanimously.

Yea: 8 - Councilor Anderson, Councilor Fosle, Councilor Hanson, Councilor Hobbs, Councilor Russ, Councilor Sipress, Councilor Westerlund and President Filipovich

Abstain: 1 - Councilor Hansen

8. [16-0578R](#) RESOLUTION APPROVING THE ISSUANCE OF ON SALE WINE RENEWAL LICENSES FOR THE PERIOD BEGINNING SEPTEMBER 1, 2016, AND ENDING AUGUST 31, 2017.

Indexes:

Attachments: [attachment A - Wine License Renewals](#)

This Resolution was adopted unanimously.

9. [16-0579R](#) RESOLUTION APPROVING THE ISSUANCE OF OFF SALE INTOXICATING LIQUOR RENEWAL LICENSES FOR THE PERIOD BEGINNING SEPTEMBER 1, 2016, AND ENDING AUGUST 31, 2017.

Indexes:

Attachments: [attachment A - Off Sale Liquor Renewal](#)

This Resolution was adopted unanimously.

Yea: 8 - Councilor Anderson, Councilor Fosle, Councilor Hanson, Councilor Hobbs, Councilor Russ, Councilor Sipress, Councilor Westerlund and President Filipovich

Abstain: 1 - Councilor Hansen

10. [16-0580R](#) RESOLUTION APPROVING THE ISSUANCE OF ON SALE CLUB LIQUOR RENEWAL LICENSES FOR THE PERIOD BEGINNING SEPTEMBER 1, 2016, AND ENDING AUGUST 31, 2017.

Indexes:

Attachments: [attachment A - On Sale Club](#)

This Resolution was adopted unanimously.

Yea: 8 - Councilor Anderson, Councilor Fosle, Councilor Hanson, Councilor Hobbs, Councilor Russ, Councilor Sipress, Councilor Westerlund and President Filipovich

Abstain: 1 - Councilor Hansen

11. [16-0581R](#) RESOLUTION APPROVING THE ISSUANCE OF THE ON AND OFF SALE BREWERY MALT LIQUOR (GROWLER) LICENSES AND SUNDAY (TAPROOM ONLY) LICENSE AND A 2:00 A.M. CLOSING LICENSE TO BLACKLIST BEER, LLC. (BLACKLIST ARTISAN ALES LLC) 120 EAST SUPERIOR STREET, WITH JON LOSS, 25% OWNER, TJ ESTABROOK 50% OWNER, AND BRIAN SCHANZENBACH 25% OWNER, FOR THE PERIOD BEGINNING SEPTEMBER 1, 2016, AND ENDING AUGUST 31, 2017.

Indexes:

Attachments: [attachment A - Blacklist Beer](#)

This Resolution was adopted unanimously.

Yea: 8 - Councilor Anderson, Councilor Fosle, Councilor Hanson, Councilor Hobbs, Councilor Russ, Councilor Sipress, Councilor Westerlund and President Filipovich

Abstain: 1 - Councilor Hansen

12. [16-0582R](#) RESOLUTION APPROVING ISSUANCE OF TEMPORARY ON SALE INTOXICATING LIQUOR LICENSE TO DULUTH SUPERIOR GLBTAQI PRIDE (DULUTH SUPERIOR PRIDE FESTIVAL), BAYFRONT PARK.

This Resolution was adopted unanimously.

Yea: 9 - Councilor Anderson, Councilor Fosle, Councilor Hansen, Councilor Hanson, Councilor Hobbs, Councilor Russ, Councilor Sipress, Councilor Westerlund and President Filipovich

13. [16-0583R](#) RESOLUTION APPROVING THE PERMANENT EXPANSION OF THE ON SALE INTOXICATING LIQUOR LICENSE OF GRANDMA'S SPORTS BAR & GRILL, INC (BELLISIO'S ITALIAN RESTAURANT), 405 LAKE AVE. SOUTH, 55802.

Indexes:

Attachments: [attachment A - Grandmas - Bellisio's](#)

This Resolution was adopted unanimously.

Yea: 8 - Councilor Anderson, Councilor Fosle, Councilor Hanson, Councilor Hobbs, Councilor Russ, Councilor Sipress, Councilor Westerlund and President Filipovich

Abstain: 1 - Councilor Hansen

14. [16-0601R](#) RESOLUTION AUTHORIZING A CONTRACT WITH DIRT INC., FOR RESTORATION OF THE WESTERN WATERFRONT TRAIL IN THE AMOUNT OF \$163,410.75.

Indexes:

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

This Resolution was adopted unanimously.

15. [16-0621R](#) RESOLUTION APPROVING ISSUANCE OF AN ON SALE INTOXICATING LIQUOR LICENSE TO CAMPANTES, LLC (AZTECA'S MEXICAN GRILL), 2224 MOUNTAIN SHADOW DRIVE

Indexes:

Attachments: [Attachment A - AZTECA's-08022016125300](#)

This Resolution was adopted unanimously.

Yea: 8 - Councilor Anderson, Councilor Fosle, Councilor Hanson, Councilor Hobbs, Councilor Russ, Councilor Sipress, Councilor Westerlund and President Filipovich

Abstain: 1 - Councilor Hansen

16. [16-0631R](#) RESOLUTION AUTHORIZING A CONTRACT WITH SYLVESTER CUSTOM GRINDING FOR TUB GRINDING AND TRANSPORT OF STORM DEBRIS FOR AN ESTIMATED AMOUNT OF \$71,676.

Indexes:

Attachments: [Exhibit A](#)

This Resolution was adopted unanimously.

BY COUNCILOR ANDERSON (PERSONNEL)

17. [16-0595R](#) RESOLUTION APPROVING PROPOSED SPECIFICATIONS FOR THE NEW CIVIL SERVICE CLASSIFICATION OF GEOGRAPHIC INFORMATION SYSTEMS (GIS) TECHNICIAN, AND SPECIFYING CONTRACT BENEFITS FOR SAME.

Indexes:

Attachments: [GIS Technician Job Description](#)

This Resolution was adopted unanimously.

18. [16-0596R](#) RESOLUTION APPROVING PROPOSED AMENDMENTS TO THE SPECIFICATIONS FOR THE EXISTING CIVIL SERVICE CLASSIFICATION OF CITY ENGINEER.

Indexes:

Attachments: [City Engineer Job Description](#)

[City Engineer job description \(strikeout\)](#)

This Resolution was adopted unanimously.

19. [16-0597R](#) RESOLUTION APPROVING PROPOSED AMENDMENTS TO THE SPECIFICATIONS FOR THE EXISTING CIVIL SERVICE CLASSIFICATION OF CHIEF ENGINEER, UTILITIES.

Indexes:

Attachments: [Chief Engineer, Utilities Job Description](#)

[Chief Engineer, Utilities JD \(strikeout\)](#)

This Resolution was adopted unanimously.

20. [16-0598R](#) RESOLUTION APPROVING PROPOSED AMENDMENTS TO THE SPECIFICATIONS FOR THE EXISTING CIVIL SERVICE CLASSIFICATION OF CHIEF ENGINEER, TRANSPORTATION.

Indexes:

Attachments: [Chief Engineer, Transportation Final Draft.pdf](#)

[Chief Engineer, Transportation \(strikeout\)](#)

This Resolution was adopted unanimously.

21. [16-0599R](#) RESOLUTION APPROVING PROPOSED AMENDMENTS TO THE SPECIFICATIONS FOR THE EXISTING CIVIL SERVICE CLASSIFICATION OF PROJECT ENGINEER.

Indexes:

Attachments: [Project Engineer Final Draft.pdf](#)
[Project Engineer \(strikeout\)](#)

This Resolution was adopted unanimously.

22. [16-0600R](#) RESOLUTION APPROVING PROPOSED SPECIFICATIONS FOR THE NEW CIVIL SERVICE CLASSIFICATION OF SENIOR ENGINEER, AND SPECIFYING CONTRACT BENEFITS FOR SAME.

Indexes:

Attachments: [Senior Engineer Job Description Final Draft.pdf](#)

This Resolution was adopted unanimously.

BY COUNCILOR RUSS (PLANNING & ECONOMIC DEVELOPMENT)

23. [16-0591R](#) RESOLUTION AUTHORIZING AN AMENDED AND RESTATED DEVELOPMENT AGREEMENT WITH ONE ROOF COMMUNITY HOUSING REALTED TO THE JAY STREET HOUSING PROJECT.

Indexes:

Attachments: [Attachment A](#)

This Resolution was adopted unanimously.

Yea: 8 - Councilor Anderson, Councilor Fosle, Councilor Hansen, Councilor Hanson, Councilor Russ, Councilor Sipress, Councilor Westerlund and President Filipovich

Abstain: 1 - Councilor Hobbs

24. [16-0592R](#) RESOLUTION AUTHORIZING AN INCREASE OF \$447 IN THE ALLOCATION OF HUD FUNDING FOR THE HOME PROGRAM FOR THE 2016 PROGRAM YEAR, WHICH WILL INCREASE THE HOUSING RESOURCE CONNECTION PROJECT FROM \$42,071 TO \$42,518. THIS INCREASE IS DUE TO AN INCREASE IN ALLOCATION FROM HUD.

This Resolution was adopted unanimously.

Yea: 8 - Councilor Anderson, Councilor Fosle, Councilor Hansen, Councilor Hanson, Councilor Russ, Councilor Sipress, Councilor Westerlund and President Filipovich

Abstain: 1 - Councilor Hobbs

25. [16-0594R](#) RESOLUTION OF INTENT TO SUPPORT THE REQUEST BY ONE ROOF COMMUNITY HOUSING, ON BEHALF OF THE HOUSING RESOURCE CONNECTION, TO THE STATE OF MINNESOTA FOR THE AWARD OF FUNDS FROM THE RENTAL REHABILITATION DEFERRED LOAN PROGRAM (RRDL).

This Resolution was adopted unanimously.

Yea: 8 - Councilor Anderson, Councilor Fosle, Councilor Hansen, Councilor Hanson, Councilor Russ, Councilor Sipress, Councilor Westerlund and President Filipovich

Abstain: 1 - Councilor Hobbs

26. [16-0602R](#) RESOLUTION GRANTING AN INTERIM USE PERMIT FOR A VACATION DWELLING UNIT AT 1002 MARTHA STREET (JOSEPH AND SUSAN BYERS).

Indexes:

Attachments: [Attachment 1](#)

This Resolution was adopted unanimously.

27. [16-0603R](#) RESOLUTION VACATING PORTIONS OF PEABODY STREET AND SOUTH 54TH AVENUE EAST, RETAINING A PUBLIC UTILITY EASEMENT OVER THE ENTIRE AREA TO BE VACATED (LUKE SCHMITZ).

Indexes:

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

This Resolution was adopted unanimously.

28. [16-0605R](#) RESOLUTION VACATING PLATTED UTILITY RIGHT OF WAY OF UTILITY EASEMENT ON THE PROPERTY OF 9512 CONGDON BOULEVARD.

Indexes:

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

This Resolution was adopted unanimously.

29. [16-0607R](#) RESOLUTION GRANTING AN INTERIM USE PERMIT FOR A VACATION DWELLING UNIT AT 551 BOULDER DRIVE (BRD1, LLC).

Indexes:

Attachments: [Attachment 1](#)

This Resolution was adopted unanimously.

30. [16-0608R](#) RESOLUTION GRANTING AN INTERIM USE PERMIT FOR A VACATION DWELLING UNIT AT 601 BOULDER DRIVE (BRD1, LLC).

Indexes:

Attachments: [Attachment 1](#)

This Resolution was adopted unanimously.

31. [16-0614R](#) RESOLUTION OF INTENT TO SELL OR CONVEY CERTAIN REAL PROPERTY IN THE DULUTH HEIGHTS NEIGHBORHOOD TO THE DULUTH ECONOMIC DEVELOPMENT AUTHORITY FOR DEVELOPMENT PURPOSES.

Indexes:

Attachments: [Exhibit A-Resolution](#)

This Resolution was adopted unanimously.

32. [16-0627R](#) RESOLUTION OF INTENT TO BRING FORWARD AN ORDINANCE AMENDING THE DULUTH CITY CODE TO UPDATE CITY REGULATIONS WITH REGARD TO LABOR AND WAGE POLICIES AND BUSINESS SUBSIDIES BY DECEMBER 31, 2016.

This Resolution was adopted unanimously.

BY COUNCILOR WESTERLUND (PUBLIC WORKS & UTILITIES)

33. [16-0564R](#) RESOLUTION OF INTENT FOR CONSTRUCTION OF A WATER MAIN EXTENSION IN MAXWELL AVENUE FROM WEST WABASHA STREET TO 210 FEET NORTHERLY AND TO ASSESS THE COSTS THEREOF.

Indexes:

Attachments: [16-0564 Map](#)

This Resolution was adopted unanimously.

34. [16-0574R](#) RESOLUTION AUTHORIZING EXTENSION OF CURRENT CABLE FRANCHISE AGREEMENT WITH CHARTER COMMUNICATIONS THROUGH DECEMBER 31, 2016.

This Resolution was adopted unanimously.

35. [16-0575R](#) RESOLUTION AWARDING A CONTRACT TO AEI CONSTRUCTION, INC. FOR THE GAS MAIN INSTALLATION FOR THE CIRRUS AIRCRAFT EXPANSION IN THE AMOUNT OF \$250,662.07.

Indexes:

Attachments: [16-0575R Map](#)

This Resolution was adopted unanimously.

36. [16-0587R](#) RESOLUTION AUTHORIZING THE EXECUTION OF AMENDMENT NO. 1 TO MNDOT AGREEMENT 1003172.

Indexes:

Attachments: [Attachment A - Location Map](#)

This Resolution was adopted unanimously.

37. [16-0589R](#) RESOLUTION AUTHORIZING AMENDMENT #2 TO A CONTRACT WITH TKDA TO PROVIDE PROFESSIONAL ENGINEERING SERVICES FOR THE 59TH AVENUE WEST STREET AND UTILITY IMPROVEMENT PROJECT TO INCREASE THE AMOUNT BY \$40,018 FOR A NEW TOTAL OF \$132,085.

Indexes:

Attachments: [16-0589R Attachment](#)

This Resolution was adopted unanimously.

38. [16-0616R](#) RESOLUTION AUTHORIZING ACCEPTANCE OF A PERMANENT EASEMENT FROM BARRINGTON WALDORF, LLC REGARDING THE KENWOOD AND ARROWHEAD INTERSECTION, AND RESCINDING RESOLUTION NO. 16-0552R.

Indexes:

Attachments: [16-0616R Exhibit A](#)

This Resolution was adopted unanimously.

39. [16-0617R](#) RESOLUTION ORDERING IN THE CONSTRUCTION OF APPROXIMATELY 34 FEET OF SANITARY SEWER IN MINNESOTA AVENUE FROM THE SOUTHEAST CORNER OF 18TH STREET AND EXTENDING NORTHERLY AT AN ESTIMATED COST NOT TO EXCEED \$7,000.

Indexes:

Attachments: [16-0317R Map](#)
[July 27 Public Hearing Minutes](#)
[Preliminary Assessment Role - Sanitary Sewer Extension on Minnesota Ave.pdf](#)

This Resolution was adopted unanimously.

BY COUNCILOR FOSLE (PUBLIC SAFETY)

40. [16-0538R](#) RESOLUTION AUTHORIZING AGREEMENT WITH BRYCER, LLC, SECURING USE OF BRYCER'S INTERNET-BASED COMPLIANCE ENGINE ENHANCING CITY FIRE CODE ENFORCEMENT AND RECORD-KEEPING RELATING TO FIRE PROTECTION SYSTEMS AT NO COST TO THE CITY.

Indexes:

Attachments: [Exhibit A](#)

This Resolution was adopted unanimously.

41. [16-0561R](#) RESOLUTION AUTHORIZING PROPER CITY OFFICIALS TO ACCEPT A GRANT FROM THE STATE OF MINNESOTA IN THE AMOUNT OF \$7,467.50 AND FURTHER AUTHORIZING EXECUTION OF A GRANT AGREEMENT WITH THE STATE OF MINNESOTA.

Indexes:

Attachments: [EMPG Grant Agreement A-EMPG-2015-DULUTHCI-106](#)

This Resolution was adopted unanimously.

42. [16-0572R](#) RESOLUTION AUTHORIZING ACCEPTANCE OF A GRANT FROM THE MINNESOTA DEPARTMENT OF PUBLIC SAFETY HOMELAND SECURITY AND EMERGENCY MANAGEMENT DIVISION IN THE AMOUNT OF \$20,000 FOR THE PURPOSE OF MAINTAINING A LOCAL EMERGENCY MANAGEMENT PROGRAM.

Indexes:

Attachments: [Grant Agreement A-EMPG-2016-DULUTHCI-00023](#)

This Resolution was adopted unanimously.

BY COUNCILOR SIPRESS (RECREATION, LIBRARIES & AUTHORITIES)

43. [16-0588R](#) RESOLUTION APPROVING SETTLEMENT OF THE CLAIM OF KIMBERLY AND DAVID MEYERS, AND KIMBERLY AND DAVID MEYERS AS PARENTS AND NATURAL GUARDIANS OF RYAN J. MEYER IN THE AMOUNT OF \$320,000.

This Resolution was adopted unanimously.

44. [16-0610R](#) RESOLUTION AUTHORIZING AN AGREEMENT WITH VEIT AND COMPANY, INC. FOR CLEAN FILL MATERIAL IN PORTIONS OF THE FORMER DWP PROPERTY.

Indexes:

Attachments: [Exhibit 1](#)

This Resolution was adopted unanimously.

45. [16-0611R](#) RESOLUTION AUTHORIZING A THREE-YEAR LEASE AGREEMENT WITH INDEPENDENT SCHOOL DISTRICT NO. 709 FOR USE OF SPACE IN THE WASHINGTON RECREATION CENTER FOR ITS HEAD START AND EARLY CHILDHOOD FAMILY EDUCATION PROGRAMS.

Indexes:

Attachments: [Exhibit 1](#)

This Resolution was adopted unanimously.

46. [16-0612R](#) RESOLUTION AUTHORIZING A TWO-YEAR LICENSE AGREEMENT WITH EXPLORE MINNESOTA FOR A BIKE TUNE-UP STATION ON PARK POINT AT LAFAYETTE SQUARE.

Indexes:

Attachments: [Exhibit 1](#)

This Resolution was adopted unanimously.

END OF CONSENT AGENDA

BY COUNCILOR HOBBS (PURCHASING & LICENSING)

47. [16-0586R](#) RESOLUTION AWARDED A CONTRACT TO A PLUS LANDSCAPING, LLC, FOR RECREATIONAL TRAILS BLOWDOWN CLEANUP, IN THE AMOUNT OF \$85,519.

Indexes:

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

This Resolution was adopted unanimously.

BY COUNCILOR RUSS (PLANNING & ECONOMIC DEVELOPMENT)

48. [16-0590R](#) RESOLUTION RELATING TO A TAX ABATEMENT; GRANTING THE ABATEMENT FOR THE MILLER HILL FLATS PROJECT.

This Resolution was adopted unanimously.

INTRODUCTION AND CONSIDERATION OF ORDINANCES

ORDINANCES TABLED

BY COUNCILOR RUSS (PLANNING & ECONOMIC DEVELOPMENT)

49. [16-030-O](#) AN ORDINANCE AMENDING SECTIONS 50-15.2 MIXED USE NEIGHBORHOOD (MU-N), 50-15.3 MIXED USE COMMERCIAL (MU-C), AND 50-15.5 MIXED USE BUSINESS PARK (MU-B).

Indexes:

Attachments: [Attachment 1](#)

[Sipress.Russ mta 16-030-O](#)

[Filipovich mta 16-030-O](#)

[Sipress.Russ mta \(2\) 16-030-O](#)

Ordinance was removed from the table:
Filipovich Motion to Amend: Pass
Sipress Motion to Amend: Fails

This Ordinance was read for the first time.

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

BY COUNCILOR RUSS (PLANNING & ECONOMIC DEVELOPMENT)

50. [16-050-O](#) AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF DULUTH TO PROVIDE FOR THE RECLASSIFICATION FROM RR-1 TO MU-B PROPERTY EAST OF RICE LAKE ROAD AND SOUTH OF NORTON ROAD.

Indexes:

Attachments: [Attachment 1](#)

[Attachment 2](#)

This Ordinance was read for the first time.

51. [16-051-O](#) AN ORDINANCE GRANTING TO WESTMINSTER PRESBYTERIAN CHURCH A CONCURRENT USE PERMIT FOR 207 FEET OF THE STREET LOCATED IN THE BEAUDRY AVENUE PUBLIC RIGHT-OF-WAY.

Indexes:

Attachments: [Attachment 1](#)

This Ordinance was read for the first time.

52. [16-052-O](#) AN ORDINANCE AUTHORIZING THE CONVEYANCE OF CERTAIN REAL PROPERTY IN THE DULUTH HEIGHTS NEIGHBORHOOD TO THE DULUTH ECONOMIC DEVELOPMENT AUTHORITY FOR NOMINAL CONSIDERATION. (REPLACEMENT)

Indexes:

- Attachments:** [Exhibit A](#)
[Exhibit B](#)
[Exhibit C](#)
[Original 16-052-O](#)

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)

53. [16-048-O](#) AN ORDINANCE GRANTING TO WASTE MANAGEMENT A CONCURRENT USE PERMIT FOR 50 FEET OF PLATTED UTILITY RIGHT OF WAY LOCATED IN THE PARCEL OF LOT 2, BLOCK 3 OF THE TWIN PORTS TRUCK CENTER DIVISION.

Indexes:

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

This Ordinance was adopted unanimously

COUNCILOR QUESTIONS AND COMMENTS

COUNCILOR PREVIEW OF UPCOMING BUSINESS



City of Duluth

411 West First Street
Duluth, Minnesota 55802

Actions and Unofficial Minutes

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 will provide increased opportunities for civil discourse in order to find positive resolutions to the issues that face the city. These tools include: pay attention, listen, be inclusive, do not gossip, show respect, be agreeable, apologize, give constructive criticism and take responsibility. [Approved by the council on August 25, 2003]*

Monday, August 29, 2016

7:00 PM

Council Chamber

ROLL CALL

Present: 8 - Councilor Gary Anderson, Councilor Jay Fosle, Councilor Elissa Hansen, Councilor Howie Hanson, Councilor Noah Hobbs, Councilor Barb Russ, Councilor Em Westerlund and President Zack Filipovich

Absent: 1 - Councilor Joel Sipress

PLEDGE OF ALLEGIANCE

REPORTS FROM THE ADMINISTRATION

REPORTS FROM OTHER OFFICERS

REPORTS OF BOARDS AND COMMISSIONS

1. [16-102](#) DPUC Meeting Minutes

Indexes:

Attachments: [6-21-16 DPUC Meeting Minutes](#)

REPORTS OF COUNCIL COMMITTEES

REPORTS OF COUNCIL OPEN ISSUES

Distinguished Artist Award: BOLD - choice Theatre

OPPORTUNITY FOR CITIZENS TO BE HEARD

MOTIONS AND RESOLUTIONS

CONSENT AGENDA

BY COUNCILOR HANSEN (FINANCE)

- 2. [16-0570R](#) RESOLUTION CONFIRMING ASSESSMENT ROLL LEVIED TO DEFRAY THE ASSESSABLE PORTION OF DEMOLITIONS AT EIGHT CITY LOCATIONS.

Indexes:

Attachments: [Exhibit A](#)

This Resolution was adopted unanimously.

BY COUNCILOR HOBBS (PURCHASING & LICENSING)

- 3. [16-0626R](#) RESOLUTION AUTHORIZING A THREE-YEAR AGREEMENT WITH ENVIRONMENTAL SYSTEMS RESEARCH INSTITUTE, INC., FOR GIS LICENSING FOR A THREE-YEAR TOTAL OF \$150,000.

Indexes:

Attachments: [Exhibit A - Part 1](#)

[Exhibit A - Part 2](#)

[Exhibit A - Part 3](#)

[Exhibit A - Part 4](#)

This Resolution was adopted unanimously.

BY COUNCILOR ANDERSON (PERSONNEL)

- 4. [16-0640R](#) RESOLUTION APPROVING PROPOSED AMENDMENTS TO THE SPECIFICATIONS FOR THE EXISTING CIVIL SERVICE CLASSIFICATION OF PARALEGAL.

Indexes:

Attachments: [Paralegal](#)

[Paralegal \(strikeout\)](#)

This Resolution was adopted unanimously.

BY COUNCILOR RUSS (PLANNING & ECONOMIC DEVELOPMENT)

- 5. [16-0633R](#) RESOLUTION GRANTING AN INTERIM USE PERMIT FOR AN ACCESSORY VACATION DWELLING UNIT AT 130 CHARLOTTE PLACE (DANIEL FRANK).

Indexes:

Attachments: [Attachment 1](#)

This Resolution was adopted unanimously.

- 6. [16-0634R](#) RESOLUTION AUTHORIZING THE BUILDING OFFICIAL TO ABATE NUISANCES BY REMOVAL OF A STRUCTURALLY UNSOUND BUILDING IN THE CITY OF DULUTH IN AN AMOUNT NOT TO EXCEED \$40,000.

This Resolution was adopted unanimously.

- 7. [16-0641R](#) RESOLUTION VACATING ALL THAT PART OF THE 20 FOOT WIDE PLATTED ALLEY LYING WITHIN BLOCK 2, PIEDMONT PARK ADDITION TO DULUTH (RENEE BORSON).

Indexes:

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

This Resolution was adopted unanimously.

- 8. [16-0643R](#) RESOLUTION DEDICATING A 16 FEET OF LOT 1, BLOCK 4 AND THE WESTERLY 4.00 FEET OF THE PLATTED 20.00 FOOT WIDE ALLEY BETWEEN BLOCKS 3 AND BLOCK 4 OF THE RECORDED PLAT OF "LAKESIDE GARDENS."

Indexes:

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

This Resolution was adopted unanimously.

9. [16-0644R](#) RESOLUTION VACATING A 20 FOOT WIDE ALLEY BETWEEN BLOCKS 3 AND BLOCK 4 OF THE RECORDED PLAT OF “LAKESIDE GARDENS.”

Indexes:

Attachments: [Attachment 1](#)

[Attachment 2](#)

[Attachment 3](#)

This Resolution was adopted unanimously.

10. [16-0649R](#) RESOLUTION AUTHORIZING AN AMENDMENT TO A CONTRACT BETWEEN THE STATE OF MINNESOTA AND THE CITY FOR PROFESSIONAL STAFFING SERVICES PROVIDING ASSISTANCE TO JOB SEEKERS AS PART OF THE MINNESOTA ADVANCED MANUFACTURING PARTNERSHIP LEARN, WORK, EARN PROJECT.

Indexes:

Attachments: [Attachment A](#)

This Resolution was adopted unanimously.

11. [16-0650R](#) RESOLUTION ACCEPTING A CERTIFIED LOCAL GOVERNMENT GRANT OF \$1,147 FROM THE MINNESOTA STATE HISTORICAL SOCIETY AND APPROVING LOCAL MATCH OF \$1,055 TO ATTEND THE ANNUAL STATEWIDE HISTORIC PRESERVATION CONFERENCE.

Indexes:

Attachments: [Attachment 1](#)

This Resolution was adopted unanimously.

BY COUNCILOR WESTERLUND (PUBLIC WORKS & UTILITIES)

12. [16-0624R](#) RESOLUTION AMENDING CONTRACT 22878 WITH STACK BROS MECHANICAL CONTRACTING, INC., FOR ADDITIONAL WORK TO MODIFY THE GAS BURNER CONTROL SYSTEM FOR TWO BOILERS AT DULUTH ENERGY SYSTEMS, FOR AN ADDITIONAL AMOUNT OF \$40,090, AND AN AMENDED TOTAL OF \$172,690.

This Resolution was adopted.

Yea: 7 - Councilor Anderson, Councilor Fosle, Councilor Hansen, Councilor Hanson, Councilor Hobbs, Councilor Russ and Councilor Westerlund

Absent: 1 - Councilor Sipress

Abstain: 1 - President Filipovich

13. [16-0630R](#) RESOLUTION AUTHORIZING THE PURCHASE OF TWO (2) 2017 FREIGHTLINER CABS AND CHASSIS FROM I-STATE TRUCK CENTER IN THE AMOUNT OF \$121,750.

This Resolution was adopted unanimously.

14. [16-0632R](#) RESOLUTION AUTHORIZING THE PURCHASE OF A 2017 FREIGHTLINER CHASSIS AND CAB FROM I-STATE TRUCK CENTER IN THE AMOUNT OF \$115,072.

This Resolution was adopted unanimously.

15. [16-0638R](#) RESOLUTION ORDERING THE CONSTRUCTION OF APPROXIMATELY 210 FEET OF WATER MAIN IN MAXWELL AVENUE FROM WEST WABASHA STREET NORTHERLY AND TO ASSESS THE COSTS THEREOF.

Indexes:

Attachments: [16-0638R Map](#)
[16-0638 Public Hearing Minutes](#)
[16-0638R Memo to Council](#)
[16-0638R Exhibit A](#)

This Resolution was adopted unanimously.

16. [16-0647R](#) RESOLUTION AUTHORIZING AN AGREEMENT BETWEEN ST. LOUIS COUNTY AND THE CITY OF DULUTH FOR THE COMMONWEALTH AVENUE STREET IMPROVEMENTS.

Indexes:

Attachments: [16-0647R Agreement](#)
[16-0647R Map](#)

This Resolution was adopted unanimously.

BY COUNCILOR SIPRESS (RECREATION, LIBRARIES & AUTHORITIES)

17. [16-0628R](#) RESOLUTION AUTHORIZING APPLICATION TO AND, IF OFFERED, ACCEPTANCE OF A \$385,000 PARKS AND TRAILS LEGACY GRANT TO CONTINUE THE IMPLEMENTATION OF THE HARTLEY PARK MINI-MASTER PLAN.

Indexes:

Attachments: [Exhibit A Hartley Legacy Pre-App Final 04-27-2016](#)
[Exhibit B C22488-Hartley Park-Legacy Grant Agreement](#)

This Resolution was adopted unanimously.

18. [16-0646R](#) RESOLUTION AUTHORIZING A FIRST AMENDMENT TO LEASE AGREEMENT WITH ST. JAMES HOMES OF DULUTH, INC., d/b/a WOODLAND HILLS AND NEIGHBORHOOD YOUTH SERVICES, FOR USE OF SPACE IN THE WASHINGTON RECREATION CENTER.

Indexes:

Attachments: [Exhibit 1](#)

This Resolution was adopted unanimously.

19. [16-0648R](#) RESOLUTION AUTHORIZING ACCEPTANCE OF A \$100,000 GRANT FROM THE MINNESOTA DEPARTMENT OF NATURAL RESOURCES AND MINNESOTA LAKE SUPERIOR COASTAL PROGRAM TO SUBSTANTIALLY COMPLETE RESTORATION OF CHAMBERS GROVE PARK.

Indexes:

Attachments: [Grant Agreement](#)

This Resolution was adopted unanimously.

END OF CONSENT AGENDA

INTRODUCTION AND CONSIDERATION OF ORDINANCES

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

BY COUNCILOR RUSS (PLANNING & ECONOMIC DEVELOPMENT)

20. [16-054-O](#) AN ORDINANCE AMENDING THE APPROVED REGULATING PLAN FOR RAMSEY VILLAGE TO ALLOW A MIXED USE RESIDENTIAL AND COMMERCIAL BUILDING AT 5103 RAMSEY STREET.

Indexes:

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

This Ordinance was read for the first time.

21. [16-055-O](#) AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF DULUTH TO PROVIDE FOR THE RECLASSIFICATION FROM RR-1 TO R-2 FOR THE PROPERTY AT 3727 WEST ARROWHEAD ROAD AND 3625 WEST ARROWHEAD ROAD.

Indexes:

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

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)

22. [16-030-O](#) AN ORDINANCE AMENDING SECTIONS 50-15.2 MIXED USE NEIGHBORHOOD (MU-N), 50-15.3 MIXED USE COMMERCIAL (MU-C), AND 50-15.5 MIXED USE BUSINESS PARK (MU-B).

Indexes:

- Attachments:** [Attachment 1](#)
[Sipress.Russ mta 16-030-O](#)
[Filipovich mta 16-030-O](#)
[Sipress.Russ mta \(2\) 16-030-O](#)

This Ordinance was adopted.

Yea: 6 - Councilor Anderson, Councilor Hansen, Councilor Hanson, Councilor Hobbs, Councilor Russ and President Filipovich

Nay: 1 - Councilor Fosle

Absent: 2 - Councilor Sipress and Councilor Westerlund

23. [16-050-O](#) AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF DULUTH TO PROVIDE FOR THE RECLASSIFICATION FROM RR-1 TO MU-B PROPERTY EAST OF RICE LAKE ROAD AND SOUTH OF NORTON ROAD.

Indexes:

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

This Ordinance was adopted unanimously

24. [16-051-O](#) AN ORDINANCE GRANTING TO WESTMINSTER PRESBYTERIAN CHURCH A CONCURRENT USE PERMIT FOR 207 FEET OF THE STREET LOCATED IN THE BEAUDRY AVENUE PUBLIC RIGHT-OF-WAY.

Indexes:

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

This Ordinance was adopted unanimously.

COUNCILOR QUESTIONS AND COMMENTS

COUNCILOR PREVIEW OF UPCOMING BUSINESS



City of Duluth

411 West First Street
Duluth, Minnesota 55802

Actions and Unofficial Minutes

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 will provide increased opportunities for civil discourse in order to find positive resolutions to the issues that face the city. These tools include: pay attention, listen, be inclusive, do not gossip, show respect, be agreeable, apologize, give constructive criticism and take responsibility. [Approved by the council on August 25, 2003]*

Monday, September 12, 2016

7:00 PM

Council Chamber

ROLL CALL

Present: 9 - Councilor Gary Anderson, Councilor Jay Fosle, Councilor Elissa Hansen, Councilor Howie Hanson, Councilor Noah Hobbs, Councilor Barb Russ, Councilor Joel Sipress, Councilor Em Westerlund and President Zack Filipovich

PLEDGE OF ALLEGIANCE

REPORTS FROM THE ADMINISTRATION

PRESENTATION OF PETITIONS AND OTHER COMMUNICATIONS

1. [16-109](#) Polymet Communications

Indexes:

- Attachments:** [Polymet Communication - B. Doup](#)
[Polymet Communication - C. Conrad](#)
[Polymet Communication - E. Bong](#)
[Polymet Communication - G. Olson](#)
[Polymet Communication - Gilbert Law](#)
[Polymet Communication - J. Studelska](#)
[Polymet Communication C. Gordon](#)
[Polymet Communication - Heron](#)
[Polymet Communication - G. Benson](#)
[Polymet Communication - A. Reiersen](#)

This communication was received.

2. [16-113](#) Polymet Communications #2

Indexes:

- Attachments:** [Polymet Communication - B. Jeanetta](#)
[Polymet Communication - B. Johnson](#)
[Polymet Communication - D. Crotteau](#)
[Polymet Communication - D. Gaddie](#)
[Polymet Communication - D. Larson](#)
[Polymet Communication - G. Patrick](#)
[Polymet Communication - H. Seely](#)
[Polymet Communication - J. Korthals](#)
[Polymet Communication - K. Aagenes](#)
[Polymet Communication - K. Zakovich](#)
[Polymet Communication - L. deGrood](#)
[Polymet Communication - M. Martinie](#)
[Polymet Communication - N. Ojard](#)
[Polymet Communication - P. Johnson](#)
[Polymet Communication - S. Bradt](#)
[Polymet Communication - S. Youngdahl](#)
[Polymet Communication - T. Beddow](#)

This communication was received.

3. [16-114](#) Polymet Communications #3

Indexes:

- Attachments: [Polymet Communication - B. Albiston](#)
[Polymet Communication - C. Kivi](#)
[Polymet Communication - D. Hoffman](#)
[Polymet Communication - D. Reisenweber](#)
[Polymet Communication - F. Onargo](#)
[Polymet Communication - I. Murphy](#)
[Polymet Communication - J. Daveau](#)
[Polymet Communication - J. Vincent](#)
[Polymet Communication - K. Hoffman](#)
[Polymet Communication - K. Rasley](#)
[Polymet Communication - M. Garramone](#)
[Polymet Communication - M. Johnson](#)
[Polymet Communication - M. Ness](#)
[Polymet Communication - N. Nelson](#)
[Polymet Communication - N. Norr](#)
[Polymet Communication - P. Francisco](#)
[Polymet Communication - Patrick](#)
[Polymet Communication - S. Kappes](#)
[Polymet Communication - V. Kanitz](#)
[Polymet Communication - L. Grauger](#)
[Polymet Communication - V. Coda](#)
[Polymet Communication - A. Fisk](#)
[Polymet Communication - G. Kohls \(2\)](#)
[Polymet Communication - G. Kohls \(3\)](#)
[Polymet Communication - G. Kohls](#)
[Polymet Communication - K. Doran](#)
[Polymet Communication - K. Ferg](#)
[Polymet Communication - L. Fitzpatrick](#)
[Polymet Communication - S. Timmer](#)
[Polymet Petition](#)

This communication was received.

REPORTS FROM OTHER OFFICERS

REPORTS OF BOARDS AND COMMISSIONS

- 4. [16-106](#) DEDA Meeting Minutes

Indexes:

Attachments: [6-22-16 DEDA Meeting Minutes](#)

This report of boards and commissions was received.

- 5. [16-107](#) DTA Meeting Minutes

Indexes:

Attachments: [5-25-16 DTA Meeting Minutes](#)

This report of boards and commissions was received.

- 6. [16-108](#) Library Board Meeting Minutes

Indexes:

Attachments: [6-21-16 Library Board Meeting Minutes](#)

This report of boards and commissions was received.

- 7. [16-110](#) AGT Meeting Minutes

Indexes:

Attachments: [7-2016 AGT Meeting Minutes](#)

[8-2016 AGT Meeting Minutes](#)

This report of boards and commissions was received.

- 8. [16-111](#) HRA Meeting Minutes

Indexes:

Attachments: [8-3-16 HRA Meeting Minutes](#)

This report of boards and commissions was received.

REPORTS OF COUNCIL COMMITTEES

REPORTS OF COUNCIL OPEN ISSUES

OPPORTUNITY FOR CITIZENS TO BE HEARD

MOTIONS AND RESOLUTIONS

CONSENT AGENDA

BY COUNCILOR HANSEN (FINANCE)

9. [16-0659R](#) RESOLUTION PROPOSING THE SUM TO BE RAISED BY TAXATION FOR THE SPECIAL TAXING DISTRICT, HOUSING AND REDEVELOPMENT AUTHORITY, FOR THE YEAR 2017.

Indexes:

Attachments: [Exhibit A](#)
[Exhibit B](#)
[mta 16-0659R Sipress](#)

This Resolution was adopted.

Yea: 8 - Councilor Anderson, Councilor Fosle, Councilor Hansen, Councilor Hanson, Councilor Russ, Councilor Sipress, Councilor Westerlund and President Filipovich

Abstain: 1 - Councilor Hobbs

10. [16-0663R](#) RESOLUTION PROPOSING THE SUM TO BE RAISED BY TAXATION FOR THE SPECIAL TAXING DISTRICT, DULUTH TRANSIT AUTHORITY, FOR THE YEAR 2017.

Indexes:

Attachments: [Exhibit A](#)

This Resolution was adopted unanimously.

BY COUNCILOR HOBBS (PURCHASING & LICENSING)

11. [16-0651R](#) RESOLUTION AUTHORIZING A PURCHASE FROM MOTOROLA SOLUTIONS OF TWO (2) RADIO CONTROLS STATIONS AND SIXTY (60) RADIOS IN THE AMOUNT OF \$179,096.50.

This Resolution was adopted unanimously.

12. [16-0654R](#) RESOLUTION APPROVING THE EXEMPTION OF A RAFFLE LICENSE AND WAIVING THE 60 DAY WAITING PERIOD FOR MARCH OF DIMES FOUNDATION - MINNESOTA CHAPTER

Indexes:

Attachments: [MARCH OF DIMES RECOMMENDATION](#)

This Resolution was adopted unanimously.

13. [16-0674R](#) RESOLUTION APPROVING THE EXEMPTION OF A RAFFLE LICENSE AND WAIVING THE 60 DAY WAITING PERIOD FOR CIRCLE OF HOPE.

Indexes:

Attachments: [CIRCLE OF HOPE](#)

This Resolution was adopted unanimously.

BY COUNCILOR ANDERSON (PERSONNEL)

14. [16-0613R](#) RESOLUTION APPROVING APPOINTMENT OF STEVE GERADS AS CITY REPRESENTATIVE TO THE BOARD OF ADJUSTMENT FOR THE DULUTH INTERNATIONAL AIRPORT JOINT AIRPORT ZONING BOARD

This Resolution was adopted unanimously.

15. [16-0653R](#) RESOLUTION CONFIRMING THE APPOINTMENT OF MARK OSTHUS TO THE ALCOHOL, GAMBLING AND TOBACCO COMMISSION, REPLACING BRYN POLLARD

Indexes:

Attachments: [Mark Osthus AGT Board](#)

This Resolution was adopted unanimously.

16. [16-0679R](#) RESOLUTION CONFIRMING THE APPOINTMENT OF DEAN VOGTMAN TO THE PARKS AND RECREATION COMMISSION, REPLACING THOMAS ALBRIGHT

Indexes:

Attachments: [Dean Vogtman Redacted](#)

This Resolution was adopted unanimously.

17. [16-0680R](#) RESOLUTION CONFIRMING THE APPOINTMENT OF JOHN SCHMIDT TO THE PARKS AND RECREATION COMMISSION, REPLACING PATRICK CONTARDO

Indexes:

Attachments: [John Schmidt Redacted](#)

This Resolution was adopted unanimously.

BY COUNCILOR RUSS (PLANNING & ECONOMIC DEVELOPMENT)

18. [16-0662R](#) RESOLUTION ACCEPTING A CERTIFIED LOCAL GOVERNMENT GRANT OF \$15,600 FROM THE MINNESOTA STATE HISTORICAL SOCIETY AND APPROVING LOCAL MATCH OF \$5,000 AND \$5,400 OF IN-KIND SERVICES TO CONDUCT AN INTENSIVE SURVEY OF HISTORIC RESOURCES IN A PORTION OF THE LINCOLN PARK NEIGHBORHOOD.

Indexes:

Attachments: [Attachment 1](#)

This Resolution was adopted unanimously.

19. [16-0668R](#) RESOLUTION AUTHORIZING THE PROPER CITY OFFICIALS TO ENTER INTO SUB-RECIPIENT FUNDING AGREEMENTS WITH SOAR CAREER SOLUTIONS, COMMUNITY ACTION DULUTH AND ISD 709 ADULT BASIC EDUCATION FOR EMPLOYMENT AND TRAINING SERVICES FUNDED THROUGH THE STATE OF MINNESOTA'S PATHWAYS TO PROSPERITY GRANT PROGRAM.

Indexes:

- Attachments:** [Attachment A - SOAR Sub Agreement](#)
[Attachment B - CAD Sub Agreement](#)
[Attachment C - ABE Sub Agreement](#)

This Resolution was adopted unanimously.

20. [16-0670R](#) RESOLUTION AUTHORIZING A PROFESSIONAL SERVICES AGREEMENT WITH BARR ENGINEERING CO. RELATED TO THE FORMER FRANKLIN FOODS PRODUCTION FACILITY

Indexes:

- Attachments:** [Exhibit A Franklin Foods Production Facility BARR Prof Svcs Agmnt](#)

This Resolution was adopted unanimously.

BY COUNCILOR WESTERLUND (PUBLIC WORKS & UTILITIES)

21. [16-0655R](#) RESOLUTION AUTHORIZING AGREEMENT WITH WLSSD FOR SUPERIOR ST. SEWER LINING PROJECT.

Indexes:

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

This Resolution was adopted unanimously.

22. [16-0658R](#) RESOLUTION AUTHORIZING AGREEMENT WITH ME GLOBAL, INC. FOR GAS TRANSPORTATION SERVICES.

Indexes:

- Attachments:** [Exhibit A - 16-0658](#)

This Resolution was adopted unanimously.

BY COUNCILOR FOSLE (PUBLIC SAFETY)

- 23. [16-0639R](#) RESOLUTION AUTHORIZING PROPER CITY OFFICIALS TO EXECUTE A MASTER SUBSCRIBER AGREEMENT WITH STATE OF MINNESOTA OFFICE OF STATE COURT ADMINISTRATION TO PROVIDE ACCESS TO THE NEW MINNESOTA GOVERNMENT ACCESS (MGA) SYSTEM.

Indexes:

Attachments: [Document A](#)

This Resolution was adopted unanimously.

- 24. [16-0671R](#) RESOLUTION AUTHORIZING A LICENSE AGREEMENT WITH THE DULUTH ECONOMIC DEVELOPMENT AUTHORITY TO ALLOW THE DULUTH FIRE DEPARTMENT TO UTILIZE DEDA PROPERTY FOR PARKING DURING A TRAINING EXERCISE IN THE BAYFRONT AREA.

Indexes:

Attachments: [Exhibit A - License Agreement](#)

This Resolution was adopted unanimously.

BY COUNCILOR SIPRESS (RECREATION, LIBRARIES & AUTHORITIES)

- 25. [16-0660R](#) RESOLUTION AUTHORIZING A TEN-YEAR AGREEMENT WITH DULUTH MARKET GARDENERS AND BERRY ASSOCIATION, INC. FOR LEASE OF SPACE AT 1324 E. THIRD STREET FOR ITS FARMERS' MARKET OPERATIONS.

Indexes:

Attachments: [Exhibit 1](#)

This Resolution was adopted unanimously.

26. [16-0661R](#) RESOLUTION AUTHORIZING A THIRTEEN-MONTH LICENSE AGREEMENT WITH THE REGENTS OF THE UNIVERSITY OF MINNESOTA FOR USE OF SPACE ON PARK POINT FOR THE INSTALLATION AND MAINTENANCE OF A CAMERA AND RELATED EQUIPMENT TO MONITOR RIP CURRENTS.

Indexes:

Attachments: [Exhibit 1](#)

This Resolution was adopted unanimously.

27. [16-0666R](#) 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 2016 HOLIDAY SEASON. (REPLACEMENT)

Indexes:

Attachments: [Exhibit 1](#)

This Resolution was adopted unanimously.

END OF CONSENT AGENDA

BY COUNCILOR HANSEN (FINANCE)

28. [16-0672R](#) RESOLUTION PROPOSING THE SUM TO BE RAISED BY TAXATION FOR GENERAL PURPOSES FOR THE YEAR 2017.

Indexes:

Attachments: [Tax and Fee Impact](#)

[Motion To Amend - Hobbs.Hansen.Russ - Passed](#)

[Motion to Amend - Filipovich.Sipress - Passed](#)

[Exhibit A - mta Filipovich.Sipress](#)

Motion To Amend by Hobbs.Hansen.Russ -

Yeas: 8

Nays: 1 (Councilor Fosle)

This Resolution was tabled.

Yea: 8 - Councilor Anderson, Councilor Fosle, Councilor Hansen, Councilor Hanson, Councilor Russ, Councilor Sipress, Councilor Westerlund and President Filipovich

Abstain: 1 - Councilor Hobbs

BY COUNCILOR ANDERSON (PERSONNEL)

29. [16-0673R](#) RESOLUTION CONFIRMING THE APPOINTMENT OF MATTHEW CARTIER TO THE DULUTH ECONOMIC DEVELOPMENT AUTHORITY, REPLACING MEGAN HASERODT

Indexes:

Attachments: [M. Cartier Application](#)

This Resolution was adopted unanimously.

30. [16-0681R](#) RESOLUTION CALLING FOR THE MINNESOTA DEPARTMENT OF NATURAL RESOURCES TO SUBMIT ANY POLYMET PERMIT TO MINE APPLICATION TO THE OFFICE OF ADMINISTRATIVE HEARINGS FOR AN EVIDENTIARY HEARING IF ANY PARTY HAS ASKED FOR ONE IN COMPLIANCE WITH THE PERMIT TO MINE RULES PRIOR TO MAKING A DECISION ON THE APPLICATION.

Sponsors: Anderson, Westerlund and Sipress

This Resolution failed by the following vote.

Yea: 3 - Councilor Anderson, Councilor Sipress and Councilor Westerlund

Nay: 5 - Councilor Hansen, Councilor Hanson, Councilor Hobbs, Councilor Russ and President Filipovich

Abstain: 1 - Councilor Fosle

BY COUNCILOR HANSON (INTERGOVERNMENTAL RELATIONS)

31. [16-0667R](#) RESOLUTION AUTHORIZING THE PROPER CITY OFFICIALS TO APPROVE AN AGREEMENT FOR MEMBERSHIP IN THE MINNEAPOLIS-DULUTH/SUPERIOR PASSENGER RAIL ALLIANCE AMENDING THE JOINT POWERS AGREEMENT TO INCLUDE THE CITY OF CAMBRIDGE AS A FULL VOTING MEMBER.

Indexes:

Attachments: [Exhibit A - 16-0667R](#)

This Resolution was adopted.

Yea: 8 - Councilor Anderson, Councilor Hansen, Councilor Hanson, Councilor Hobbs, Councilor Russ, Councilor Sipress, Councilor Westerlund and President Filipovich

Nay: 1 - Councilor Fosle

BY PRESIDENT FILIPOVICH (COMMITTEE OF THE WHOLE)

32. [16-0689R](#) RESOLUTION APPROVING THE APPOINTMENTS OF TERESE TOMANEK, STEPHAN WITHERSPOON, TODD GUSTAFSON, TONEY BOEN, KATHERYN WAGER, ARIK FORSMAN, MARK SWANSON, ANGIE MILLER, MARY FAULKNER, LAURA WEINTRAUB AND BRENDA DENTON TO THE EARNED SICK AND SAFE TIME TASK FORCE.

Sponsors: Filipovich

This Resolution was withdrawn.

INTRODUCTION AND CONSIDERATION OF ORDINANCES

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

BY COUNCILOR HANSEN (FINANCE)

33. [16-061-O](#) AN ORDINANCE REPLACING ORDINANCE NO. 9223, FILE NO. 94-0042, AND GRANTING MINNESOTA POWER , A DIVISION OF ALLETE, INC., A FRANCHISE TO CONSTRUCT AND MAINTAIN AN ELECTRIC DISTRIBUTION SYSTEM WITHIN THE CITY

Indexes:

Attachments: [Sample Minnesota Power Bill \(Duluth Resident\)](#)
[Duluth City Ordinance No. 9223 - Minnesota Power Franchise Agreement \(19...](#)
[Electric Utility Franchise Fee Overview](#)

This Ordinance was read for the first time.

34. [16-062-O](#) AN ORDINANCE TO FUND FROM THE GENERAL LEVY THE STREET SYSTEM MAINTENANCE UTILITY, AMENDING ARTICLE XIII OF CHAPTER 45 OF THE DULUTH CITY CODE, 1959, AS AMENDED.

This Ordinance was read for the first time.

BY COUNCILOR RUSS (PLANNING & ECONOMIC DEVELOPMENT)

- 35. [16-057-O](#) AN ORDINANCE AMENDING CHAPTER 10 OF DULUTH CITY CODE TO CLARIFY NOTICE REQUIREMENTS FOR ORDERS CONCERNING DEMOLITION OF DAMAGED OR UNSAFE BUILDINGS.

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)

- 36. [16-054-O](#) AN ORDINANCE AMENDING THE APPROVED REGULATING PLAN FOR RAMSEY VILLAGE TO ALLOW A MIXED USE RESIDENTIAL AND COMMERCIAL BUILDING AT 5103 RAMSEY STREET.

Indexes:

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

This Ordinance was adopted unanimously.

- 37. [16-055-O](#) AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF DULUTH TO PROVIDE FOR THE RECLASSIFICATION FROM RR-1 TO R-2 FOR The PROPERTY AT 3727 WEST ARROWHEAD ROAD AND 3625 WEST ARROWHEAD ROAD.

Indexes:

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

This Ordinance was adopted.

Yea: 8 - Councilor Fosle, Councilor Hansen, Councilor Hanson, Councilor Hobbs, Councilor Russ, Councilor Sipress, Councilor Westerlund and President Filipovich

Nay: 1 - Councilor Anderson

COUNCILOR QUESTIONS AND COMMENTS

COUNCILOR PREVIEW OF UPCOMING BUSINESS



City of Duluth

411 West First Street
Duluth, Minnesota 55802

Actions and Unofficial Minutes

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 will provide increased opportunities for civil discourse in order to find positive resolutions to the issues that face the city. These tools include: pay attention, listen, be inclusive, do not gossip, show respect, be agreeable, apologize, give constructive criticism and take responsibility. [Approved by the council on August 25, 2003]*

Thursday, September 22, 2016

5:15 PM

Council Chamber

Special Council Meeting

ROLL CALL

Present: 9 - Councilor Gary Anderson, Councilor Jay Fosle, Councilor Elissa Hansen, Councilor Howie Hanson, Councilor Noah Hobbs, Councilor Barb Russ, Councilor Joel Sipress, Councilor Em Westerlund and President Zack Filipovich

PLEDGE OF ALLEGIANCE

BY COUNCILOR HANSEN (FINANCE)

1. [16-061-O](#) AN ORDINANCE REPLACING ORDINANCE NO. 9223, FILE NO. 94-0042, AND GRANTING MINNESOTA POWER, A DIVISION OF ALLETE, INC., A FRANCHISE TO CONSTRUCT AND MAINTAIN AN ELECTRIC DISTRIBUTION SYSTEM WITHIN THE CITY

Indexes:

Attachments: [Sample Minnesota Power Bill \(Duluth Resident\)](#)

[Duluth City Ordinance No. 9223 - Minnesota Power Franchise](#)

[Agreement \(19...](#)

[Electric Utility Franchise Fee Overview](#)

This ordinance was adopted by the following vote:

Yea: 7 - Councilor Anderson, Councilor Hansen, Councilor Hobbs, Councilor Russ, Councilor Sipress, Councilor Westerlund and President Filipovich

Nay: 2 - Councilor Fosle and Councilor Hanson



City of Duluth

411 West First Street
Duluth, Minnesota 55802

Actions and Unofficial Minutes

City Council

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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 will provide increased opportunities for civil discourse in order to find positive resolutions to the issues that face the city. These tools include: pay attention, listen, be inclusive, do not gossip, show respect, be agreeable, apologize, give constructive criticism and take responsibility. [Approved by the council on August 25, 2003]*

Monday, September 26, 2016

7:00 PM

Council Chamber

ROLL CALL

Present: 7 - Councilor Gary Anderson, Councilor Jay Fosle, Councilor Elissa Hansen, Councilor Howie Hanson, Councilor Barb Russ, Councilor Joel Sipress and President Zack Filipovich

Absent: 2 - Councilor Noah Hobbs and Councilor Em Westerlund

PLEDGE OF ALLEGIANCE

REPORTS OF BOARDS AND COMMISSIONS

1. [16-127](#) DPUC Meeting Minutes

Indexes:

Attachments: [08162016 DPUC meeting minutes](#)

This Board or Commission Report was received.

- 2. [16-128](#) Duluth Public Utilities Commission Resolution NO. 16PUC-008

Indexes:

Attachments: [16PUC-008 recommending 2017 utility budget approved 09202016 with cash projections](#)

This Board or Commission Report was received.

REPORTS FROM THE ADMINISTRATION

REPORTS FROM OTHER OFFICERS

- 3. [16-125](#) Clerk application for exempt permit to the Minnesota gambling control board from Rotary Club of Duluth on February 23, 2017 (raffle).

Indexes:

Attachments: [ROTARY-09162016102938](#)

This Other Officers Report was received.

- 4. [16-126](#) Clerk application for exempt permit to the Minnesota gambling control board from the Lincoln Park Business Group of Duluth on November 17, 2016 (Bingo and Raffle).

Indexes:

Attachments: [LINCOLN PARK RAFFLE-EXEMPT](#)

This Other Officers Report was received.

REPORTS OF COUNCIL COMMITTEES

REPORTS OF COUNCIL OPEN ISSUES

OPPORTUNITY FOR CITIZENS TO BE HEARD

RESOLUTIONS TABLED

BY COUNCILOR HANSEN (FINANCE)

5. [16-0672R](#) RESOLUTION PROPOSING THE SUM TO BE RAISED BY TAXATION FOR GENERAL PURPOSES FOR THE YEAR 2017.

Indexes:

- Attachments:** [Tax and Fee Impact](#)
[Motion To Amend - Hobbs.Hansen.Russ - Passed](#)
[Motion to Amend - Filipovich.Sipress - Passed](#)
[Exhibit A - mta Filipovich.Sipress](#)

This Resolution was adopted.

Yea: 5 - Councilor Anderson, Councilor Hansen, Councilor Russ, Councilor Sipress and President Filipovich

Nay: 2 - Councilor Fosle and Councilor Hanson

Absent: 2 - Councilor Hobbs and Councilor Westerlund

MOTIONS AND RESOLUTIONS

CONSENT AGENDA

BY COUNCILOR HANSEN (FINANCE)

6. [16-0706R](#) RESOLUTION PROPOSING THE SUM TO BE RAISED BY TAXATION FOR THE SPECIAL PARKS FUND LEVY FOR THE YEAR 2017.

This Resolution was adopted unanimously.

7. [16-0713R](#) RESOLUTION APPROVING CITY MEMBERSHIP IN THE COALITION OF GREATER MINNESOTA CITIES FOR 2016 IN THE AMOUNT OF \$76,301.

Indexes:

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

This Resolution was adopted unanimously.

BY COUNCILOR HOBBS (PURCHASING & LICENSING)

8. [16-0685R](#) RESOLUTION AUTHORIZING ACCEPTANCE OF A CROSS COUNTRY SKI TRAIL ASSISTANCE PROGRAM GRANT AGREEMENT FOR YEAR 2016-2017 WITH THE MINNESOTA DEPARTMENT OF NATURAL RESOURCES IN AN AMOUNT NOT TO EXCEED \$11,000.

Indexes:

Attachments: [Exhibit A](#)

This Resolution was adopted unanimously.

9. [16-0704R](#) RESOLUTION AUTHORIZING AN AMENDMENT TO AGREEMENT C22524 WITH TKDA FOR ADDITIONAL TRAIL DESIGN SERVICES FOR THE WESTERN WATERFRONT TRAIL REHABILITATION PROJECT FOR AN ADDITIONAL AMOUNT NOT TO EXCEED \$11,652, AND A NEW CONTRACT TOTAL NOT TO EXCEED \$45,204.

Indexes:

Attachments: [16-0704R Letter](#)
[Amendment 2](#)

This Resolution was adopted unanimously.

10. [16-0710R](#) RESOLUTION APPROVING THE EXEMPTION OF A RAFFLE LICENSE AND WAIVING THE 60 DAY WAITING PERIOD FOR CIRCLE OF HOPE.

Indexes:

Attachments: [60 Day waiver](#)

This Resolution was adopted unanimously.

11. [16-0714R](#) RESOLUTION AUTHORIZING A CONTRACT WITH LIPE BROTHERS CONSTRUCTION, INC. FOR THE CONSTRUCTION OF A BRINE TANK FOUNDATION AND BUILDING FOR AN AMOUNT NOT TO EXCEED \$114,000.

This Resolution was adopted unanimously.

BY COUNCILOR RUSS (PLANNING & ECONOMIC DEVELOPMENT)

12. [16-0657R](#) RESOLUTION AUTHORIZING AN AGREEMENT WITH ONE ROOF COMMUNITY HOUSING FOR THE TENANT LANDLORD CONNECTION IN THE AMOUNT OF \$40,000.

Indexes:

Attachments: [Exhibit A](#)

This Resolution was adopted unanimously.

BY COUNCILOR WESTERLUND (PUBLIC WORKS & UTILITIES)

13. [16-0688R](#) RESOLUTION ACCEPTING A PERMANENT EASEMENT FOR DRAINAGE PURPOSES NEAR NORTH 40TH AVENUE EAST AND JAY STREET FROM ANDREW AND AMY LIKAR AT NO COST TO THE CITY.

Indexes:

Attachments: [16-0688R Exhibit A](#)
[16-0688R Attachment 1](#)

This Resolution was adopted unanimously.

14. [16-0694R](#) RESOLUTION AMENDING CONTRACT 22217 WITH LHB, INC. TO PROVIDE PROFESSIONAL ENGINEERING SERVICES FOR CONGDON BOULEVARD SLOPE REPAIR, TO INCREASE THE AMOUNT BY \$23,778 FOR A NEW TOTAL OF \$140,918.

Indexes:

Attachments: [16-0694 Change Order](#)
[16-0694 Map](#)

This Resolution was adopted unanimously.

15. [16-0696R](#) RESOLUTION AUTHORIZING AMENDMENT NO. 2 TO AGREEMENT NO. 22798 WITH ST. LOUIS COUNTY FOR THE ARROWHEAD ROAD/KENWOOD AVENUE AND WEST CLEVELAND STREET IMPROVEMENTS IN THE AMOUNT OF \$75,000 FOR A NEW TOTAL OF \$210,000.

Indexes:

Attachments: [16-0696R Map](#)
[16-0696R Amendment](#)

This Resolution was adopted unanimously.

16. [16-0702R](#) RESOLUTION AMENDING RESOLUTION 15-0226R FOR A CONTRACT 22508 WITH HOME MENDERS, INC., FOR CONGDON BOULEVARD SLOPE REPAIRS, INCREASING THE AMOUNT BY \$1,131,418 FOR A NEW TOTAL OF \$2,420,000.23.

Indexes:

Attachments: [16-0702 Map](#)

This Resolution was adopted unanimously.

17. [16-0712R](#) RESOLUTION AMENDING RESOLUTION 16-0386R FOR A CONTRACT WITH JMF CONSTRUCTION, INC., FOR THE 2016 PATCH AND SIDEWALK PROJECT, INCREASING THE AMOUNT BY \$67,000 FOR A NEW TOTAL OF \$188,545.

This Resolution was adopted unanimously.

BY COUNCILOR FOSLE (PUBLIC SAFETY)

18. [16-0664R](#) RESOLUTION AUTHORIZING MUTUAL AID AGREEMENT WITH SUPERIOR FOR EMERGENCY FIRE RESPONSE.

Indexes:

Attachments: [Exhibit A](#)

This Resolution was adopted unanimously.

19. [16-0697R](#) RESOLUTION AUTHORIZING PROPER CITY OFFICIALS TO ACCEPT A \$110,622.96 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 A](#)

This Resolution was adopted unanimously.

20. [16-0700R](#) RESOLUTION AUTHORIZING THE ACCEPTANCE OF A GRANT FROM THE MINNESOTA DEPARTMENT OF PUBLIC SAFETY IN THE AMOUNT OF \$251,025 FOR THE 2017 TOWARDS ZERO DEATHS PROJECT.

Indexes:

Attachments: [Exhibit A](#)

This Resolution was adopted unanimously.

BY COUNCILOR SIPRESS (RECREATION, LIBRARIES & AUTHORITIES)

21. [16-0665R](#) RESOLUTION AUTHORIZING APPLICATION TO AND, IF OFFERED, ACCEPTANCE OF A \$48,269 INDOOR AIR QUALITY GRANT FOR THE ESSENTIA HEALTH DULUTH HERITAGE CENTER.

Indexes:

Attachments: [Exhibit A- James Metzen Mighty Ducks Grant application](#)
[Exhibit B-Grant Agreement Draft](#)

This Resolution was adopted unanimously.

22. [16-0701R](#) RESOLUTION AUTHORIZING THE CITY OF DULUTH TO STATE ITS SUPPORT OF THE STEWARDSHIP NETWORK IN APPLYING TO THE NATIONAL FISH AND WILDLIFE FOUNDATION FOR A PULLING TOGETHER INITIATIVE INVASIVE WEED REMOVAL GRANT.

Indexes:

Attachments: [Exhibit A-Preproposal](#)

This Resolution was adopted unanimously.

23. [16-0703R](#) RESOLUTION RATIFYING CHANGE ORDER # 1 AND AUTHORIZING CHANGE ORDER #2 TO CONTRACT C22935 WITH SYLVESTER TUB GRINDING, INC. FOR THE TUB GRINDING OF STORM DEBRIS FOR A TOTAL CONTRACT AMOUNT OF \$140,000.

This Resolution was adopted unanimously.

24. [16-0705R](#) RESOLUTION AUTHORIZING AN AMENDMENT TO AGREEMENT 22638 WITH HOISINGTON KOEGLER GROUP, INC., FOR THE DEVELOPMENT OF A ST. LOUIS RIVER ESTUARY NATIONAL WATER TRAIL MASTER PLAN AND NATIONAL PARKS SERVICE APPLICATION, AN INCREASE OF \$11,000 FOR AN AMOUNT NOT TO EXCEED \$66,820.

Indexes:

Attachments: [Exhibit A](#)

This Resolution was adopted unanimously.

25. [16-0707R](#) RESOLUTION AUTHORIZING A THREE-YEAR LEASE AGREEMENT WITH COMMUNITY ACTION DULUTH FOR USE OF REAL PROPERTY IN THE KENWOOD NEIGHBORHOOD TO OPERATE A COMMUNITY GARDEN THROUGH ITS SEEDS OF SUCCESS PROGRAM.

Indexes:

Attachments: [Exhibit 1](#)

This Resolution was adopted unanimously.

26. [16-0709R](#) RESOLUTION AUTHORIZING EXECUTION OF A SHORT TERM LICENSE AGREEMENT WITH UNITED STATES STEEL CORPORATION FOR USE OF ITS PROPERTY TO INVESTIGATE POSSIBLE FUTURE WESTERN WATERFRONT TRAIL ALIGNMENTS.

Indexes:

Attachments: [Exhibit 1](#)

This Resolution was adopted unanimously.

27. [16-0715R](#) RESOLUTION AUTHORIZING A THREE-YEAR LEASE AGREEMENT WITH DULUTH COMMUNITY GARDEN PROGRAM FOR USE OF MULTIPLE, VACANT REAL PROPERTIES TO OPERATE ITS COMMUNITY GARDEN PROGRAM.

Indexes:

Attachments: [Exhibit 1](#)

This Resolution was adopted unanimously.

28. [16-0716R](#) RESOLUTION ACCEPTING PERMANENT EASEMENT FOR PUBLIC RECREATIONAL, WALKWAY, AND TRAIL PURPOSES FROM AFTENRO SOCIETY OVER PROPERTY NEAR CHESTER PARK AT NO COST TO THE CITY.

Indexes:

Attachments: [Exhibit 1](#)

This Resolution was adopted unanimously.

END OF CONSENT AGENDA

BY PRESIDENT FILIPOVICH (COMMITTEE OF THE WHOLE)

29. [16-0718R](#) RESOLUTION AUTHORIZING A DONATION AGREEMENT BETWEEN THE CITY, MINNESOTA POWER, ENBRIDGE ENERGY, AND HUNT ELECTRIC CORPORATION ACCEPTING A PROJECT DONATION VALUED AT \$378,000 FOR CONSTRUCTION OF A 54kW SOLAR CARPORT AND ELECTRIC VEHICLE CHARGING STATION ON CITY PROPERTY (THE ENDION LOT).

Indexes:

Attachments: [Exhibit A](#)

This Resolution was adopted unanimously.

30. [16-0720R](#) RESOLUTION APPROVING APPOINTMENTS TO THE EARNED SICK AND SAFE TIME TASK FORCE.

Sponsors: Filipovich

Indexes:

Attachments: [Exhibit A - 16-0720 ESST Task Force](#)

This Resolution was adopted.

Yea: 5 - Councilor Anderson, Councilor Hansen, Councilor Russ, Councilor Sipress and President Filipovich

Nay: 2 - Councilor Fosle and Councilor Hanson

Absent: 2 - Councilor Hobbs and Councilor Westerlund

BY COUNCILOR WESTERLUND (PUBLIC WORKS & UTILITIES)

31. [16-0708R](#) RESOLUTION AMENDING RESOLUTION 16-0153 TO ADD FUNDS TO PROVIDE PROPERTY INSURANCE COVERAGE FOR DULUTH STEAM DISTRICT NO.1'S PROPERTY AND EQUIPMENT TO THE CITY'S POLICY AT A COST OF \$6,641.

This Resolution was adopted unanimously.

BY COUNCILOR SIPRESS (RECREATION, LIBRARIES & AUTHORITIES)

32. [16-0693R](#) RESOLUTION AUTHORIZING THE CITY OF DULUTH TO STATE ITS SUPPORT FOR THE DEVELOPMENT AND IMPLEMENTATION OF U.S BICYCLE ROUTE 41.

Indexes:

Attachments: [Exhibit A-Bike Route Map North](#)
[Exhibit B-Bike Route Map South](#)

This Resolution was adopted unanimously.

INTRODUCTION AND CONSIDERATION OF ORDINANCES

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

BY COUNCILOR HANSEN (FINANCE)

33. [16-062-O](#) AN ORDINANCE TO FUND FROM THE GENERAL LEVY THE STREET SYSTEM MAINTENANCE UTILITY, AMENDING ARTICLE XIII OF CHAPTER 45 OF THE DULUTH CITY CODE, 1959, AS AMENDED.

This Ordinance was adopted.

Yea: 6 - Councilor Anderson, Councilor Hansen, Councilor Hanson, Councilor Russ, Councilor Sipress and President Filipovich

Nay: 1 - Councilor Fosle

Absent: 2 - Councilor Hobbs and Councilor Westerlund

BY COUNCILOR ANDERSON (PERSONNEL)

34. [16-057-O](#) AN ORDINANCE AMENDING CHAPTER 10 OF DULUTH CITY CODE TO CLARIFY NOTICE REQUIREMENTS FOR ORDERS CONCERNING DEMOLITION OF DAMAGED OR UNSAFE BUILDINGS.

This Ordinance was adopted.

BY COUNCILOR RUSS (PLANNING & ECONOMIC DEVELOPMENT)

35. [16-052-O](#) AN ORDINANCE AUTHORIZING THE CONVEYANCE OF CERTAIN REAL PROPERTY IN THE DULUTH HEIGHTS NEIGHBORHOOD TO THE DULUTH ECONOMIC DEVELOPMENT AUTHORITY FOR NOMINAL CONSIDERATION. (REPLACEMENT)

Indexes:

Attachments: [Exhibit A](#)
[Exhibit B](#)
[Exhibit C](#)
[Original 16-052-O](#)

This Ordinance was adopted.

COUNCILOR QUESTIONS AND COMMENTS

COUNCILOR PREVIEW OF UPCOMING BUSINESS



City of Duluth

411 West First Street
Duluth, Minnesota 55802

Actions and Unofficial Minutes

City Council

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Monday, October 10, 2016

7:00 PM

Council Chamber

ROLL CALL

Present: 9 - Councilor Gary Anderson, Councilor Jay Fosle, Councilor Elissa Hansen, Councilor Howie Hanson, Councilor Noah Hobbs, Councilor Barb Russ, Councilor Joel Sipress, Councilor Em Westerlund and President Zack Filipovich

PLEDGE OF ALLEGIANCE

PRESENTATION OF PETITIONS AND OTHER COMMUNICATIONS

1. [16-131](#) District Court submitting order appointing Charter Commissioners

Indexes:

Attachments: [Amended Charter Commission Order](#)

This Petition/Other Communication was received.

REPORTS FROM THE ADMINISTRATION

REPORTS FROM OTHER OFFICERS

REPORTS OF BOARDS AND COMMISSIONS

- 2. [16-129](#) Duluth Transit Authority Meeting Minutes

Indexes:

Attachments: [DTA Minutes \(6-29-16\)](#)

This Board or Commission Report was received.

- 3. [16-130](#) Civil Service Board Meeting Minutes

Indexes:

Attachments: [Civil Service Board Minutes \(06-07-16\)](#)

This Board or Commission Report was received.

REPORTS OF COUNCIL COMMITTEES

REPORTS OF COUNCIL OPEN ISSUES

Distinguished Artist Award - Brad Nelson

OPPORTUNITY FOR CITIZENS TO BE HEARD

MOTIONS AND RESOLUTIONS

CONSENT AGENDA

BY COUNCILOR HANSEN (FINANCE)

- 4. [16-0573R](#) RESOLUTION ENTERING INTO AN AGREEMENT WITH AND ACCEPTING ANY POSSIBLE FUNDING FROM SENIOR SERVICE AMERICA, INC. TO OPERATE THE SENIOR COMMUNITY SERVICE EMPLOYMENT PROGRAM FROM JULY 1, 2016 THROUGH JUNE 30, 2017.

Indexes:

Attachments: [SCSEP Sponsor Agreement July 16 to June 17](#)

This Resolution was adopted unanimously.

BY COUNCILOR HOBBS (PURCHASING & LICENSING)

- 5. [16-0740R](#) RESOLUTION AUTHORIZING A CONTRACT WITH J.R. JENSEN CONSTRUCTION COMPANY FOR THE CONSTRUCTION OF AN ADDITION TO THE TOOL HOUSE BUILDING ON RILEY ROAD FOR AN AMOUNT NOT TO EXCEED \$253,100.

This Resolution was adopted unanimously.

BY COUNCILOR ANDERSON (PERSONNEL)

- 6. [16-0737R](#) RESOLUTION APPROVING PROPOSED AMENDMENTS TO THE SPECIFICATIONS FOR THE EXISTING CIVIL SERVICE CLASSIFICATION OF PROPERTY & EVIDENCE TECHNICIAN.

Indexes:

Attachments: [Property & Evidence Technician](#)
[Property & Evidence Technician \(strikeout\)](#)

This Resolution was adopted unanimously.

- 7. [16-0738R](#) RESOLUTION APPROVING PROPOSED AMENDMENTS TO THE SPECIFICATIONS FOR THE EXISTING CIVIL SERVICE CLASSIFICATION OF PROPERTY & EVIDENCE SPECIALIST.

Indexes:

Attachments: [Property & Evidence Specialist](#)
[Property & Evidence Specialist \(strikeout\)](#)

This Resolution was adopted unanimously.

- 8. [16-0739R](#) RESOLUTION APPROVING PROPOSED AMENDMENTS TO THE SPECIFICATIONS FOR THE EXISTING CIVIL SERVICE CLASSIFICATION OF UTILITY OPERATIONS SUPERVISOR.

Indexes:

Attachments: [Utility Operations Supervisor](#)
[Utility Operations Supervisor \(strikeout\)](#)

This Resolution was adopted unanimously.

BY COUNCILOR RUSS (PLANNING & ECONOMIC DEVELOPMENT)

9. [16-0725R](#) RESOLUTION AUTHORIZING SKYWALK AGREEMENT WITH RENDFELD LAND COMPANY PERTAINING TO THE FUR STORAGE BUILDING PROPERTY.

Indexes:

- Attachments:** [Exhibit I to 16-0725R](#)
[Exhibit A to 16-0725R](#)
[Exhibit B to 16-0725R](#)
[Exhibit C to 16-0725R](#)
[Exhibit D to 16-0725R](#)

This Resolution was adopted unanimously.

10. [16-0726R](#) RESOLUTION VACATING 175 FEET OF THE 16 FOOT WIDE ALLEY BETWEEN CENTRAL AVENUE AND 54TH AVENUE WEST, AND BRISTOL STREET AND ROOSEVELT STREET, OF THE RECORDED PLAT "WEST DULUTH FIRST DIVISION", AND RETAINING A UTILITY EASEMENT.

Indexes:

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

This Resolution was adopted unanimously.

11. [16-0734R](#) RESOLUTION AMENDING RESOLUTION 16-0590 TO CORRECT ERROR IN ABATEMENT AMOUNT.

This Resolution was adopted unanimously.

12. [16-0741R](#) RESOLUTION AUTHORIZING AN AMENDED AND RESTATED FUNDING AGREEMENT WITH KENWOOD VILLAGE LLC CONCERNING IMPROVEMENTS TO CLEVELAND STREET RELATED TO THE MIXED USE DEVELOPMENT AT THE SOUTHWEST CORNER OF WEST ARROWHEAD ROAD AND KENWOOD AVENUE.

Indexes:

Attachments: [Exhibit A - 16-0741R](#)

This Resolution was adopted unanimously.

BY COUNCILOR WESTERLUND (PUBLIC WORKS & UTILITIES)

13. [16-0735R](#) RESOLUTION AUTHORIZING ROW USE AGREEMENT WITH THE BETHEL SOCIETY INC. FOR WORK ADJACENT TO THE FIRST STREET ROW.

Indexes:

Attachments: [Exhibit I](#)
[Exhibit A](#)
[Exhibit B](#)

This Resolution was adopted unanimously.

Yea: 8 - Councilor Anderson, Councilor Fosle, Councilor Hansen, Councilor Hobbs, Councilor Russ, Councilor Sipress, Councilor Westerlund and President Filipovich

Abstain: 1 - Councilor Hanson

14. [16-0730R](#) RESOLUTION AUTHORIZING AGREEMENT WITH MINNESOTA POWER-HIBBARD RENEWABLE ENERGY CENTER FOR INTERRUPTABLE GAS SERVICE.

Indexes:

Attachments: [Exhibit I to 16-0730](#)
[Exhibit A to 16-0730](#)

This Resolution was adopted unanimously.

BY COUNCILOR SIPRESS (RECREATION, LIBRARIES & AUTHORITIES)

15. [16-0717R](#) RESOLUTION AUTHORIZING THE EXECUTION OF A SNOWMOBILE TRAILS ASSISTANCE PROGRAM GRANT AGREEMENT FOR FY2017 WITH THE MINNESOTA DEPARTMENT OF NATURAL RESOURCES IN AN AMOUNT NOT TO EXCEED \$13,025.

Indexes:

Attachments: [Exhibit A](#)

This Resolution was adopted unanimously.

16. [16-0729R](#) RESOLUTION ACCEPTING A \$5,000 CONTRIBUTION FROM THE DULUTH SOFTBALL PLAYERS ASSOCIATION FOR IMPLEMENTATION OF THE WEST DULUTH SPORTS CORRIDOR MINI MASTER PLAN.

Indexes:

Attachments: [Exhibit A-mini-master plan](#)

This Resolution was adopted unanimously.

17. [16-0732R](#) RESOLUTION ACCEPTING PERMANENT EASEMENT FOR PUBLIC RECREATIONAL, WALKWAY, AND TRAIL PURPOSES FROM JAY GILPIN AND STACI GILPIN OVER PROPERTY NEAR CHESTER PARK AT NO COST TO THE CITY.

Indexes:

Attachments: [Exhibit 1 for Resolution.pdf](#)

This Resolution was adopted unanimously.

END OF CONSENT AGENDA

BY COUNCILOR HANSEN (FINANCE)

18. [16-0727R](#) RESOLUTION PROVIDING FOR THE ISSUANCE, SALE AND DELIVERY OF GENERAL OBLIGATION CAPITAL IMPROVEMENT BONDS, SERIES 2016C, IN THE APPROXIMATE AMOUNT OF \$1,230,000; ESTABLISHING THE TERMS AND FORM THEREOF; CREATING A DEBT SERVICE FUND THEREFOR; AND PROVIDING FOR AWARDDING THE SALE THEREOF.

Indexes:

Attachments: [Exhibit A - Official terms 2016C](#)

[Exhibit B - 2016C](#)

[Exhibit C - 2016C](#)

This Resolution was adopted.

Yea: 8 - Councilor Anderson, Councilor Hansen, Councilor Hanson, Councilor Hobbs, Councilor Russ, Councilor Sipress, Councilor Westerlund and President Filipovich

Nay: 1 - Councilor Fosle

19. [16-0728R](#) RESOLUTION PROVIDING FOR THE ISSUANCE, SALE AND DELIVERY OF GENERAL OBLIGATION CAPITAL EQUIPMENT NOTES, SERIES 2016D, IN THE APPROXIMATE AMOUNT OF \$3,750,000; ESTABLISHING THE TERMS AND FORM THEREOF; CREATING A DEBT SERVICE FUND THEREFOR; AND PROVIDING FOR AWARDDING THE SALE THEREOF.

Indexes:

Attachments: [Exhibit A - Official terms 2016D](#)

[Exhibit B - 2016D](#)

[Exhibit C - 2016D](#)

This Resolution was adopted unanimously.

Yea: 8 - Councilor Anderson, Councilor Fosle, Councilor Hansen, Councilor Hobbs, Councilor Russ, Councilor Sipress, Councilor Westerlund and President Filipovich

Nay: 1 - Councilor Hanson

COUNCILOR QUESTIONS AND COMMENTS

COUNCILOR PREVIEW OF UPCOMING BUSINESS



City of Duluth

411 West First Street
Duluth, Minnesota 55802

Actions and Unofficial Minutes

City Council

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Monday, October 24, 2016

7:00 PM

Council Chamber

ROLL CALL

Present: 9 - Councilor Gary Anderson, Councilor Jay Fosle, Councilor Elissa Hansen, Councilor Howie Hanson, Councilor Noah Hobbs, Councilor Barb Russ, Councilor Joel Sipress, Councilor Em Westerlund and President Zack Filipovich

PLEDGE OF ALLEGIANCE

PRESENTATION OF PETITIONS AND OTHER COMMUNICATIONS

1. [16-137](#) Closing time for specific parks

Indexes:

Attachments: [Closing Time for Specific Parks](#)

2. [16-139](#) Minnesota Power written acceptance of terms and conditions of 16-061-O

Indexes:

Attachments: [MN Power Acceptance \(16-061-O\)](#)

This Petition/Other Communication was received.

REPORTS FROM THE ADMINISTRATION

REPORTS FROM OTHER OFFICERS

REPORTS OF BOARDS AND COMMISSIONS

- 3. [16-134](#) Library Board Meeting Minutes

Indexes:

Attachments: [08-23-2016 Library Board Meeting Minutes](#)

- 4. [16-135](#) DEDA Meeting Minutes

Indexes:

Attachments: [08-24-2016 DEDA Meeting Minutes](#)

- 5. [16-136](#) HRA Meeting Minutes

Indexes:

Attachments: [08-30-2016 HRA Meeting Minutes](#)

- 6. [16-138](#) DPUC Meeting Minutes

Indexes:

Attachments: [09-20-2016 DPUC Meeting Minutes](#)

This Board or Commission Report was received.

REPORTS OF COUNCIL COMMITTEES

REPORTS OF COUNCIL OPEN ISSUES

OPPORTUNITY FOR CITIZENS TO BE HEARD

MOTIONS AND RESOLUTIONS

CONSENT AGENDA

BY COUNCILOR HANSEN (FINANCE)

- 7. [16-0723R](#) RESOLUTION DETERMINING NOT TO REASSESS PARCEL FOR CANCELED DEMOLITION ASSESSMENT IN THE AMOUNT OF \$5,413.

Indexes:

Attachments: [Exhibit A - Public Hearing Minutes](#)

This Resolution was adopted unanimously.

BY COUNCILOR HOBBS (PURCHASING & LICENSING)

- 8. [16-0742R](#) RESOLUTION AUTHORIZING AN AMENDMENT TO CONTRACT 22091 WITH VENTURE FUELS FOR THE PURCHASE AND DELIVERY OF COAL TO DULUTH ENERGY SYSTEMS FOR 2017 FOR AN ESTIMATED COST OF \$2,524,480 AND A NEW ESTIMATED CONTRACT TOTAL OF \$9,939,385.

Indexes:

Attachments: [Amendment 1](#)

This Resolution was adopted unanimously.

- 9. [16-0752R](#) RESOLUTION APPROVING ISSUANCE OF AN ON SALE WINE LICENSE AND ISSUING AN ON SALE 3.2 PERCENT MALT LIQUOR LICENSE TO OMC SMOKE HOUSE, OMC, LLC, 1909 W SUPERIOR STREET.

This Resolution was adopted unanimously.

Yea: 8 - Councilor Anderson, Councilor Fosle, Councilor Hanson, Councilor Hobbs, Councilor Russ, President Sipress, Councilor Westerlund and Councilor Filipovich

Abstain: 1 - Councilor Hansen

- 10. [16-0753R](#) RESOLUTION APPROVING ISSUANCE OF A TEMPORARY ON SALE INTOXICATING LIQUOR LICENSE TO CHURCHES UNITED IN MINISTRY.

This Resolution was adopted unanimously.

- 11. [16-0754R](#) RESOLUTION APPROVING ISSUANCE OF ON SALE INTOXICATING LIQUOR, ON SALE SUNDAY INTOXICATING LIQUOR, 2:00 A.M. BEVERAGE LICENSE FOR THE PERIOD ENDING AUGUST 31, 2017, LUCKYS 13 PUB-DULUTH MILLER HILL MALL, LLC/LUCKY U II, LLC.

This Resolution was adopted unanimously.

Yea: 8 - Councilor Anderson, Councilor Fosle, Councilor Hanson, Councilor Hobbs, Councilor Russ, President Sipress, Councilor Westerlund and Councilor Filipovich

Abstain: 1 - Councilor Hansen

BY COUNCILOR ANDERSON (PERSONNEL)

- 12. [16-0769R](#) RESOLUTION CONFIRMING THE REAPPOINTMENT OF RAY KLOSOWSKI TO THE SEAWAY PORT AUTHORITY OF DULUTH.

This Resolution was adopted unanimously.

- 13. [16-0770R](#) RESOLUTION CONFIRMING THE APPOINTMENT OF PATRICIA STOLEE TO THE ALCOHOL, GAMBLING AND TOBACCO COMMISSION, REPLACING JOHN SERRE

This Resolution was adopted unanimously.

BY COUNCILOR RUSS (PLANNING & ECONOMIC DEVELOPMENT)

- 14. [16-0756R](#) RESOLUTION GRANTING AN INTERIM USE PERMIT FOR A VACATION DWELLING UNIT AT 241 WEST ARROWHEAD ROAD (SUSAN YUNIS).

Indexes:

Attachments: [Attachment 1](#)

This Resolution was adopted unanimously.

- 15. [16-0757R](#) RESOLUTION GRANTING AN INTERIM USE PERMIT FOR A VACATION DWELLING UNIT AT 712 SOUTH 63RD AVENUE WEST (CONSTANCE MOELLER).

Indexes:

Attachments: [Attachment 1](#)

This Resolution was adopted unanimously.

BY COUNCILOR WESTERLUND (PUBLIC WORKS & UTILITIES)

16. [16-0758R](#) RESOLUTION AUTHORIZING AN AMENDMENT TO AGREEMENT C22890 WITH EVER-GREEN ENERGY FOR ADDITIONAL DESIGN SERVICES IN THE AMOUNT OF \$39,000.00 RESULTING IN A NEW CONTRACT TOTAL OF \$138,457.00.

Indexes:

Attachments: [Exhibit A.pdf](#)

This Resolution was adopted unanimously.

17. [16-0759R](#) RESOLUTION AUTHORIZING THE 2012 ROAD AND BRIDGE DISASTER RELIEF BOND GRANT 1026874 AND ACCEPTING A GRANT FROM THE MINNESOTA STATE TRANSPORTATION FUND FOR ENGINEERING AND CONSTRUCTION OF BRIDGE NO. L8500 IN THE AMOUNT OF \$51,038.93.

Indexes:

Attachments: [16-0759R Letter](#)
[MAP 16-0759r](#)
[Agreement 16-0759](#)

This Resolution was adopted unanimously.

18. [16-0760R](#) RESOLUTION AUTHORIZING ASSESSMENT AGREEMENT WITH THERESA AND DARRIN SEVERANCE FOR A WATER MAIN EXTENSION IN MAXWELL AVENUE AND AMENDING ORDERING IN RESOLUTION NO. 16-0638.INCREASING THE AUTHORIZED AMOUNT THEREOF.

Indexes:

Attachments: [Exhibit A 16-0760](#)

This Resolution was adopted unanimously.

BY COUNCILOR FOSLE (PUBLIC SAFETY)

19. [16-0755R](#) RESOLUTION APPROVING LEASE AGREEMENT WITH THE DULUTH TRANSIT AUTHORITY OF DULUTH FOR LEASED SPACE FOR THE DULUTH POLICE DEPARTMENT AT A COST OF \$2,400 PER YEAR FOR A TERM OF FIVE YEARS AND AN OPTION TO RENEW FOR ADDITIONAL TERMS.

Indexes:

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

This Resolution was adopted unanimously.

BY COUNCILOR SIPRESS (RECREATION, LIBRARIES & AUTHORITIES)

20. [16-0768R](#) RESOLUTION OF SUPPORT FOR THE CITY OF DULUTH'S PRELIMINARY THREE-YEAR COMMITMENT TO PROVIDE FUNDING TO THE DULUTH AREA FAMILY YMCA FOR THE TRUE NORTH AMERICORPS PROGRAM TO PROVIDE YOUTH DEVELOPMENT PROGRAMMING FOR A MAXIMUM ANNUAL AMOUNT NOT TO EXCEED \$120,000, AND A TOTAL AMOUNT NOT TO EXCEED \$360,000.

Indexes:

Attachments: [2017-2020 True North AmeriCorps Program Proposal](#)

This Resolution was adopted unanimously.

END OF CONSENT AGENDA

BY COUNCILOR SIPRESS (RECREATION, LIBRARIES & AUTHORITIES)

21. [16-0695R](#) RESOLUTION GRANTING APPROVAL TO DESIGNATE RILEY ROAD PROPERTY AS A CITY PARK, AND NAMING THE SITE JEAN DULUTH DOG PARK.

Indexes:

Attachments: [Exhibit A-East Duluth Dog Park Naming Letter](#)

This Resolution was adopted unanimously.

22. [16-0767R](#) RESOLUTION AUTHORIZING A GRANT TO THE ARROWHEAD ZOOLOGICAL SOCIETY, INC. IN THE AMOUNT OF \$200,000 AND AUTHORIZING A ONE YEAR EXTENSION OF A LINE OF CREDIT PROMISSORY NOTE.

This Resolution was adopted unanimously.

INTRODUCTION AND CONSIDERATION OF ORDINANCES

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

BY COUNCILOR HANSEN (FINANCE)

23. [16-065-O](#) AN ORDINANCE AMENDING ORDINANCE 10473 TO LIMIT THE AMOUNT OF THE FRANCHISE FEE ASSESSED TO ANY MINNESOTA POWER CUSTOMER PURSUANT TO THE FRANCHISE TO AN AMOUNT NOT TO EXCEED \$420,000 PER YEAR.

This Ordinance was read for the first time.

COUNCILOR QUESTIONS AND COMMENTS

COUNCILOR PREVIEW OF UPCOMING BUSINESS



City of Duluth

411 West First Street
Duluth, Minnesota 55802

Actions and Unofficial Minutes

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 will provide increased opportunities for civil discourse in order to find positive resolutions to the issues that face the city. These tools include: pay attention, listen, be inclusive, do not gossip, show respect, be agreeable, apologize, give constructive criticism and take responsibility. [Approved by the council on August 25, 2003]*

Monday, November 7, 2016

7:00 PM

Council Chamber

ROLL CALL

Present: 8 - Councilor Gary Anderson, Councilor Jay Fosle, Councilor Elissa Hansen, Councilor Howie Hanson, Councilor Noah Hobbs, Councilor Barb Russ, Councilor Joel Sipress and President Zack Filipovich

Absent: 1 - Councilor Em Westerlund

PLEDGE OF ALLEGIANCE

PRESENTATION OF PETITIONS AND OTHER COMMUNICATIONS

1. [16-152](#) Application to Conduct Excluded Bingo
John Beargrease Sled Dog Marathon

Indexes:

Attachments: [John Beargrease Sled Dog Marathon - Excluded Bingo Application](#)

This Petition/Other Communication was received.

2. [16-153](#) Application for Exempt Permit
Twin Ports Walleye Association

Indexes:

Attachments: [Twin Ports Walleye Association](#)

This Petition/Other Communication was received.

REPORTS FROM THE ADMINISTRATION

REPORTS FROM OTHER OFFICERS

REPORTS OF BOARDS AND COMMISSIONS

3. [16-147](#) Civil Service Board Meeting Minutes

Indexes:

Attachments: [08-02-16 Civil Service Board Minutes](#)

This Board or Commission Report was received.

4. [16-148](#) DTA Board Meeting Minutes

Indexes:

Attachments: [04-26-2016 DTA Meeting Minutes](#)

[08-31-2016 DTA Meeting Minutes](#)

This Board or Commission Report was received.

5. [16-149](#) DAA Meeting Minutes

Indexes:

Attachments: [09-20-2016 DAA Meeting Minutes](#)

This Board or Commission Report was received.

6. [16-150](#) DECC Meeting Minutes

Indexes:

Attachments: [05-19-2016 DECC Meeting Minutes](#)
[06-28-2016 DECC Meeting Minutes](#)

This Board or Commission Report was received.

7. [16-151](#) HRA Meeting Minutes

Indexes:

Attachments: [9-27-2016 HRA Meeting Minutes](#)

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 COUNCILOR HOBBS (PURCHASING & LICENSING)

8. [16-0776R](#) RESOLUTION AUTHORIZING CHANGE ORDER 1 TO CONTRACT C22736 WITH KTM PAVING FOR FIREHALL #6 DRIVEWAY IN THE AMOUNT OF \$12,960.02 AND A NEW TOTAL CONTRACT PRICE OF \$111,018.02.

This Resolution was adopted unanimously.

9. [16-0783R](#) RESOLUTION AUTHORIZING A CONTRACT WITH HITACHI DATA SYSTEMS FOR ANNUAL SUPPORT AND MAINTENANCE OF THE CITYWIDE CAMERA SYSTEM FOR AN AMOUNT NOT TO EXCEED \$71,382.

Indexes:

Attachments: [Exhibit A 10.27.16.docx](#)

This Resolution was adopted unanimously.

10. [16-0790R](#) RESOLUTION ISSUING A 3.2 PERCENT MALT LIQUOR LICENSE AND APPROVING ISSUANCE OF AN ON SALE WINE LICENSE TO ZEN HOUSE, INC. (ZEN HOUSE), 4023 WOODLAND AVE.

This Resolution was adopted unanimously.

BY COUNCILOR ANDERSON (PERSONNEL)

11. [16-0780R](#) RESOLUTION APPROVING PROPOSED AMENDMENTS TO THE SPECIFICATIONS FOR THE EXISTING CIVIL SERVICE CLASSIFICATION OF PROPERTY & FACILITIES MANAGER.

Indexes:

Attachments: [Property & Facilities Manager](#)
[Property & Facilities Manager \(strikeout\)](#)

This Resolution was adopted unanimously.

BY COUNCILOR RUSS (PLANNING & ECONOMIC DEVELOPMENT)

12. [16-0778R](#) RESOLUTION AUTHORIZING REPROGRAMMING OF \$101,200 IN 2011 AND 2012 CDBG FUNDS AND TRANSFERRING IT TO THE WEST DULUTH FOOD ACCESS AND EDUCATION PROJECT.

This Resolution was adopted unanimously.

13. [16-0779R](#) RESOLUTION AUTHORIZING PROPER CITY OFFICIALS TO ACCEPT A DONATION FROM KIFF SAMUELSON FOR THE DEMOLITION, UTILITY CUT-OFFS, AND SITE RESTORATION FOR THE HOUSE AT 1019 NORTH 14TH AVENUE EAST IN THE AMOUNT OF \$11,835.

Indexes:

Attachments: [Attachment 1](#)

This Resolution was adopted unanimously.

14. [16-0784R](#) RESOLUTION APPROVING THE FIRST AMENDMENT TO THE AMENDED AND RESTATED DEVELOPMENT AGREEMENT BETWEEN THE DULUTH ECONOMIC DEVELOPMENT AUTHORITY AND GARFIELD BUSINESS PARK LLC.

Indexes:

Attachments: [Exhibit A. Amendment to Amended and Restated Development Agreement](#)
[Attachment - Map](#)

This Resolution was adopted unanimously.

15. [16-0786R](#) RESOLUTION AUTHORIZING CONSTRUCTION AND TEN YEAR OPERATIONS AGREEMENT WITH DULUTH COMMUNITY ACTION DULUTH FOR THE CITY'S DENFELD GREENHOUSE PROJECT.

Indexes:

Attachments: [Exhibit A - 16-0786R](#)

This Resolution was adopted unanimously.

BY COUNCILOR WESTERLUND (PUBLIC WORKS & UTILITIES)

16. [16-0750R](#) RESOLUTION OF INTENT TO RECONSTRUCT WHITTIER STREET BEGINNING AT CLAYMORE STREET AND ENDING APPROXIMATELY 750 FEET SOUTH OF CLAYMORE STREET.

Indexes:

Attachments: [16-0750R Map](#)

This Resolution was adopted unanimously.

BY COUNCILOR FOSLE (PUBLIC SAFETY)

17. [16-0751R](#) RESOLUTION AUTHORIZING THE EXECUTION OF AN AMENDED AND RESTATED LAKE SUPERIOR DRUG AND VIOLENT CRIME TASK FORCE JOINT POWERS AGREEMENT PROVIDING FOR THE PARTICIPATION THERETO BY THE VIRGINIA, HIBBING, BABBITT, BREITUNG, CHISHOLM, EAST RANGE, ELY, EVELETH, AND GILBERT POLICE DEPARTMENTS AND THE U.S. BORDER PATROL AND FURTHER AUTHORIZING EXECUTION OF AN MOU WITH U.S. IMMIGRATION & CUSTOMS ENFORCEMENT AND THE U.S. BORDER PATROL.

Indexes:

Attachments: [16-0751R Exhibit I](#)
[16-0751R Exhibit A](#)
[16-0751R Exhibit B](#)

This Resolution was adopted unanimously.

18. [16-0761R](#) RESOLUTION AUTHORIZING COOPERATIVE FIRE PROTECTION AGREEMENT WITH MNDNR DIVISION OF FORESTRY FOR COOPERATIVE RESPONSE TO WILDLAND FIRE CALLS.

Indexes:

Attachments: [Exhibit A 16-0761R](#)

This Resolution was adopted unanimously.

19. [16-0775R](#) RESOLUTION AUTHORIZING PROPER CITY OFFICIALS TO ACCEPT A GRANT FROM THE UNITED STATES DEPARTMENT OF JUSTICE IN THE AMOUNT OF \$41,022 AND FURTHER AUTHORIZING EXECUTION OF GRANT AGREEMENT WITH ST. LOUIS COUNTY.

Indexes:

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

This Resolution was adopted unanimously.

BY COUNCILOR SIPRESS (RECREATION, LIBRARIES & AUTHORITIES)

20. [16-0782R](#) RESOLUTION AUTHORIZING THE DULUTH INDIGENOUS COMMISSION TO ACT AS A CULTURAL LIASON FOR PARKS AND RECREATION WAYFINDING AND INTERPRETIVE SIGNAGE.

This Resolution was adopted unanimously.

END OF CONSENT AGENDA

INTRODUCTION AND CONSIDERATION OF ORDINANCES

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

BY COUNCILOR HANSEN (FINANCE)

- 21. [16-068-O](#) AN ORDINANCE TO AMEND THE BUDGET OF THE CITY OF DULUTH FOR YEAR 2016 BY INCREASING THE BUDGET BY \$700,000 FOR CALLING STREET IMPROVEMENT BONDS SERIES 2008C.

This Ordinance was read for the first time.

BY PRESIDENT FILIPOVICH (COMMITTEE OF THE WHOLE)

- 22. [16-067-O](#) AN ORDINANCE AMENDING THE DEFINITION OF SIGNATURE IN THE DULUTH CITY CODE, 1959, TO ALLOW FOR ELECTRONIC SIGNATURES

This Ordinance was read for the first time.

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

BY COUNCILOR HANSEN (FINANCE)

- 23. [16-065-O](#) AN ORDINANCE AMENDING ORDINANCE 10473 TO LIMIT THE AMOUNT OF THE FRANCHISE FEE ASSESSED TO ANY MINNESOTA POWER CUSTOMER PURSUANT TO THE FRANCHISE TO AN AMOUNT NOT TO EXCEED \$420,000 PER YEAR.

This Ordinance was adopted.

Yea: 8 - Councilor Anderson, Councilor Fosle, Councilor Hansen, Councilor Hanson, Councilor Hobbs, Councilor Russ, Councilor Sipress and President Filipovich

Absent: 1 - Councilor Westerlund

COUNCILOR QUESTIONS AND COMMENTS

COUNCILOR PREVIEW OF UPCOMING BUSINESS



City of Duluth

411 West First Street
Duluth, Minnesota 55802

Actions and Unofficial Minutes

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 will provide increased opportunities for civil discourse in order to find positive resolutions to the issues that face the city. These tools include: pay attention, listen, be inclusive, do not gossip, show respect, be agreeable, apologize, give constructive criticism and take responsibility. [Approved by the council on August 25, 2003]*

Monday, November 21, 2016

7:00 PM

Council Chamber

ROLL CALL

Present: 9 - Councilor Gary Anderson, Councilor Jay Fosle, Councilor Elissa Hansen, Councilor Howie Hanson, Councilor Noah Hobbs, Councilor Barb Russ, Councilor Joel Sipress, Councilor Em Westerlund and President Zack Filipovich

PLEDGE OF ALLEGIANCE

PRESENTATION OF PETITIONS AND OTHER COMMUNICATIONS

1. [16-158](#) Application for Exempt Permit
Application to Conduct Excluded Bingo

Indexes:

Attachments: [Application for Exempt Permit - Rotary Club of Duluth Harbortown MN USA](#)
[Application to Conduct Excluded Bingo - St. Elizabeth's Catholic Church](#)

This Petition/Other Communication was received.

REPORTS FROM THE ADMINISTRATION

REPORTS FROM OTHER OFFICERS

REPORTS OF BOARDS AND COMMISSIONS

2. [16-156](#) DEDA Meeting Minutes

Indexes:

Attachments: [10-05-2016 DEDA Meeting Minutes](#)

This Board or Commission Report was received.

3. [16-157](#) Library Board Meeting Minutes

Indexes:

Attachments: [09-27-2016 Library Board Meeting Minutes](#)

This Board or Commission Report was received.

4. [16-159](#) 16PUC - 009
DPUC resolution establishing 2017 fees

Indexes:

Attachments: [16PUC-009](#)

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 COUNCILOR HANSEN (FINANCE)

5. [16-0798R](#) RESOLUTION CALLING FOR THE PREPAYMENT AND REDEMPTION OF GENERAL OBLIGATION STREET IMPROVEMENT BONDS, SERIES 2008C OF THE CITY OF DULUTH, MINNESOTA.

Indexes:

Attachments: [Exhibit A](#)

This Resolution was adopted unanimously.

BY COUNCILOR RUSS (PLANNING & ECONOMIC DEVELOPMENT)

- 6. [16-0788R](#) RESOLUTION VACATING ALL OF THE 10 FOOT WIDE EASEMENT THAT CROSSES OVER, UNDER, AND ACROSS LOT 1 AND LOT 2 OF BLOCK 1, TKO ADDITION OF THE RECORDED PLAT "MAPLE GROVE ACRE TRACTS"

Indexes:

Attachments: [attached exhibits](#)

This Resolution was adopted unanimously.

- 7. [16-0810R](#) RESOLUTION AUTHORIZING THE PROPER CITY OFFICIALS TO ENTER INTO A SUB-RECIPIENT FUNDING AGREEMENT WITH THE BOARD OF TRUSTEES OF THE MINNESOTA STATE COLLEGES AND UNIVERSITIES ON BEHALF OF LAKE SUPERIOR COLLEGE FOR EMPLOYMENT AND TRAINING SERVICES FUNDED THROUGH THE STATE OF MINNESOTA'S PATHWAYS TO PROSPERITY GRANT PROGRAM.

Indexes:

Attachments: [Exhibit A - LSC Agreement](#)

This Resolution was adopted unanimously.

BY COUNCILOR HANSON (INTERGOVERNMENTAL RELATIONS)

- 8. [16-0789R](#) RESOLUTION AUTHORIZING PROPER CITY OFFICIALS TO ENTER INTO A COOPERATIVE AGREEMENT WITH THE U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT FOR FAIR HOUSING ENFORCEMENT AND ACCEPTING \$19,800 IN COOPERATIVE AGREEMENT FUNDING.

Indexes:

Attachments: [FY 2016 FHAP Funding](#)

This Resolution was adopted unanimously.

9. [16-0826R](#) RESOLUTION AUTHORIZING THE PROPER CITY OFFICIALS TO APPROVE AN AMENDED JOINT POWERS AGREEMENT ESTABLISHING THE MINNEAPOLIS-DULUTH/SUPERIOR PASSENGER RAIL ALLIANCE WHICH INCLUDES THE CITY OF SUPERIOR, WISCONSIN, AND SIMPLIFIES THE PROCESS FOR ADDING NEW MEMBERS TO THE ALLIANCE.

Indexes:

Attachments: [Exhibit A](#)

This Resolution was adopted unanimously.

BY COUNCILOR WESTERLUND (PUBLIC WORKS & UTILITIES)

10. [16-0777R](#) RESOLUTION ORDERING THE IMPROVEMENT OF CONGDON BOULEVARD FROM BRIGHTON BEACH/HIGHWAY 61 TO MCQUADE ROAD.

Indexes:

Attachments: [Dave Hamilton Letter](#)
[Public Hearing Sign In Sheet](#)
[Public Hearing Minutes](#)
[16-0777R Map](#)

This Resolution was adopted unanimously.

11. [16-0799R](#) RESOLUTION AUTHORIZING CONSENT TO MINNESOTA POWER EASEMENTS WITHIN THE BLUESTONE DEVELOPMENT.

Indexes:

Attachments: [16-0799R Exhibit 1](#)
[16-0799R Exhibit 2](#)
[16-0799R Exhibit 3](#)

This Resolution was adopted unanimously.

12. [16-0800R](#) RESOLUTION AUTHORIZING AGREEMENT WITH DEDA FOR SNOW STORAGE ON LOT D.

Indexes:

Attachments: [Exhibit A](#)

This Resolution was adopted unanimously.

13. [16-0801R](#) RESOLUTION AUTHORIZING AMENDMENT NO. 1 TO MNDOT AGREEMENT NO. 04716 FOR REPAIR OF DAMAGE ON WEST FIRST STREET CAUSED BY THE JUNE 2012 RAIN EVENT.

Indexes:

Attachments: [16-0801R Amendment](#)

This Resolution was adopted unanimously.

14. [16-0803R](#) RESOLUTION AWARDDING A CONTRACT TO OVERTON CHICAGO GEAR FOR THE PURCHASE OF TWO PARALLEL SHAFT REDUCERS FOR THE MINNESOTA SLIP PEDESTRIAN BRIDGE REHABILITATION PROJECT IN THE AMOUNT OF \$131,040

Indexes:

Attachments: [16-0803R Map](#)

This Resolution was adopted unanimously.

15. [16-0807R](#) RESOLUTION ACCEPTING THE CONVEYANCE OF AN EASEMENT FROM HAINES PROPERTIES, LLP FOR PUBLIC UTILITY PURPOSES.

Indexes:

Attachments: [16-0807R Attachment 1](#)

This Resolution was adopted unanimously.

16. [16-0808R](#) RESOLUTION ACCEPTING THE CONVEYANCE OF AN EASEMENT FROM ADVANTAGE EMBLEMS, INC. FOR PUBLIC UTILITY PURPOSES.

Indexes:

Attachments: [16-0808R Attachment 1](#)

This Resolution was adopted unanimously.

17. [16-0809R](#) RESOLUTION ACCEPTING THE CONVEYANCE OF AN EASEMENT FROM BILL & ELLEN, LLC FOR PUBLIC UTILITY PURPOSES.

Indexes:

Attachments: [16-0809R Attachment 1](#)

This Resolution was adopted unanimously.

18. [16-0815R](#) RESOLUTION AUTHORIZING A TEMPORARY CONSTRUCTION EASEMENT AGREEMENT WITH U.S. BANK NATIONAL ASSOCIATION RELATED TO A FOUNDATION DRAIN.

Indexes:

Attachments: [16-0815R 150746_Draintile-xx](#)

[16-0815R EXHIBIT A](#)

[16-0815R Exhibit B](#)

[16-0815R Exhibit E](#)

[16-0815R Agreement](#)

This Resolution was adopted unanimously.

BY COUNCILOR FOSLE (PUBLIC SAFETY)

19. [16-0785R](#) RESOLUTION AUTHORIZING THE ACCEPTANCE OF REIMBURSEMENT FROM THE UNITED STATES DEPARTMENT OF JUSTICE, BUREAU OF JUSTICE ASSISTANCE, OFFICE OF JUSTICE PROGRAMS, IN AN AMOUNT NOT TO EXCEED \$14,320 AND REIMBURSEMENT FROM THE MINNESOTA DEPARTMENT OF PUBLIC SAFETY IN AN AMOUNT NOT TO EXCEED \$23,833 FOR THE PURCHASE OF BALLISTIC VESTS.

Indexes:

Attachments: [Exhibit A](#)

This Resolution was adopted unanimously.

20. [16-0804R](#) RESOLUTION AUTHORIZING THE CITY TO ENTER INTO A JOINT POWERS AGREEMENT WITH THE STATE OF MINNESOTA, DEPARTMENT OF PUBLIC SAFETY, BUREAU OF CRIMINAL APPREHENSION, ALLOWING THE CITY OF DULUTH POLICE DEPARTMENT TO ACCESS THE MINNESOTA CRIMINAL JUSTICE DATA COMMUNICATIONS NETWORK SYSTEM FOR A PERIOD OF FIVE YEARS AT A COST OF \$46,200, AND FURTHER AUTHORIZING EXECUTION OF THE COURT DATA SERVICES SUBSCRIBER AMMENDMENT TO CJDN SUBSCRIBER AGREEMENT..

Indexes:

Attachments: [Exhibit A](#)

[Exhibit B](#)

This Resolution was adopted unanimously.

BY COUNCILOR SIPRESS (RECREATION, LIBRARIES & AUTHORITIES)

21. [16-0774R](#) RESOLUTION AUTHORIZING DISBURSEMENT OF GRANT FUNDS IN THE AMOUNT OF \$39,100 FROM THE PARKS FUND NEIGHBORHOOD GRANT PROGRAM.

Indexes:

Attachments: [Exhibit A Grant Agreement Fall2016](#)

This Resolution was adopted unanimously.

Yea: 8 - Councilor Anderson, Councilor Fosle, Councilor Hansen, Councilor Hanson, Councilor Hobbs, Councilor Russ, Councilor Sipress and Councilor Westerlund

Abstain: 1 - President Filipovich

END OF CONSENT AGENDA

BY COUNCILOR ANDERSON (PERSONNEL)

22. [16-0827R](#) RESOLUTION ENDORSING THE CITY OF DULUTH ARTS AND CULTURE PLAN.

Sponsors: Anderson

Indexes:

Attachments: [Exhibit A](#)

This Resolution was adopted unanimously.

BY PRESIDENT FILIPOVICH (COMMITTEE OF THE WHOLE)

23. [16-0813R](#) RESOLUTION APPROVING AGREEMENT WITH FRYBERGER, BUCHANAN, SMITH AND FREDERICK, P.A., FOR LEGISLATIVE SERVICES NOT TO EXCEED \$54,000.

Indexes:

Attachments: [Exhibit A - Fryberger Agreement 2016](#)

This Resolution was adopted.

Yea: 8 - Councilor Anderson, Councilor Hansen, Councilor Hanson, Councilor Hobbs, Councilor Russ, Councilor Sipress, Councilor Westerlund and President Filipovich

Nay: 1 - Councilor Fosle

INTRODUCTION AND CONSIDERATION OF ORDINANCES

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

BY COUNCILOR ANDERSON (PERSONNEL)

24. [16-069-O](#) AN ORDINANCE AMENDING CHAPTER 29C OF DULUTH CITY CODE UPDATING THE CITY'S HUMAN RIGHTS ORDINANCE BY CLARIFYING THE POWERS AND DUTIES OF THE COMMISSION AND HUMAN RIGHTS OFFICER, DECREASING THE SIZE OF THE HUMAN RIGHTS COMMISSION FROM 15 TO NINE MEMBERS, AND CORRECTING REFERENCES TO STATE STATUTES.

Sponsors: Anderson

This Ordinance was read for the first time.

25. [16-070-O](#) AN ORDINANCE REPEALING ARTICLE XXIV OF CHAPTER 2 OF THE CITY CODE RELATING TO THE HUMAN RIGHTS COMMISSION.

This Ordinance was read for the first time.

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

BY COUNCILOR HANSEN (FINANCE)

26. [16-068-O](#) AN ORDINANCE TO AMEND THE BUDGET OF THE CITY OF DULUTH FOR YEAR 2016 BY INCREASING THE BUDGET BY \$700,000 FOR CALLING STREET IMPROVEMENT BONDS SERIES 2008C.

This Ordinance was adopted.

Yea: 8 - Councilor Anderson, Councilor Hansen, Councilor Hanson, Councilor Hobbs, Councilor Russ, Councilor Sipress, Councilor Westerlund and President Filipovich

Nay: 1 - Councilor Fosle

BY PRESIDENT FILIPOVICH (COMMITTEE OF THE WHOLE)

27. [16-067-O](#) AN ORDINANCE AMENDING THE DEFINITION OF SIGNATURE IN THE DULUTH CITY CODE, 1959, TO ALLOW FOR ELECTRONIC SIGNATURES

This Ordinance was adopted.

COUNCILOR QUESTIONS AND COMMENTS

COUNCILOR PREVIEW OF UPCOMING BUSINESS



City of Duluth

411 West First Street
Duluth, Minnesota 55802

Actions and Unofficial Minutes

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, December 5, 2016

7:00 PM

Council Chamber

ROLL CALL

All councilors are present

Present: 7 - Councilor Gary Anderson, Councilor Jay Fosle, President Noah Hobbs, Councilor Barb Russ, Councilor Joel Sipress, Councilor Em Westerlund and Councilor Zack Filipovich

PLEDGE OF ALLEGIANCE

Public Hearings

REPORTS FROM THE ADMINISTRATION

REPORTS FROM OTHER OFFICERS

- 1. [16-168](#) Clerk Application for Exempt Permit
-Twin Ports Walleye Association
-MN Bluegrass & Old-Time Music Association

Indexes:

- Attachments:** [Application for Exempt Permit - MN Bluegrass](#)
[Application for Exempt Permit - Twin Ports Walleye Association](#)

This Other Officers Report was received.

REPORTS OF BOARDS AND COMMISSIONS

- 2. [16-166](#) DPUC Meeting Minutes

Indexes:

- Attachments:** [10-18-2016 DPUC Meeting Minutes](#)

This Board or Commission Report was received.

- 3. [16-167](#) Library Board Meeting Minutes

Indexes:

- Attachments:** [10-25-2016 Library Board Meeting Minutes](#)

This Board or Commission Report was received.

REPORTS OF COUNCIL COMMITTEES

REPORTS OF COUNCIL OPEN ISSUES

OPPORTUNITY FOR CITIZENS TO BE HEARD

MOTIONS AND RESOLUTIONS

CONSENT AGENDA

BY COUNCILOR HANSEN (FINANCE)

4. [16-0857R](#) RESOLUTION APPROVING THE FISCAL YEAR JANUARY 1, 2017 TO DECEMBER 31, 2017 BUDGETS OF THE DULUTH ECONOMIC DEVELOPMENT AUTHORITY.

Indexes:

Attachments: [Exhibit A](#)

This Resolution was adopted unanimously.

5. [16-0870R](#) RESOLUTION DISTRIBUTING THE ESTIMATED 2017 HOTEL-MOTEL AND FOOD AND BEVERAGE TOURISM TAXES.

Indexes:

Attachments: [Exhibit A](#)

This Resolution was adopted unanimously.

BY COUNCILOR HOBBS (PURCHASING & LICENSING)

6. [16-0871R](#) RESOLUTION APPROVING THE ISSUANCE OF A 2017 MINNESOTA CURRENCY EXCHANGE LICENSE TO THE TITLE LOAN COMPANY, INC.

Indexes:

Attachments: [CURRENCY EXCHANGE-11282016155610](#)

This Resolution was adopted unanimously.

BY COUNCILOR ANDERSON (PERSONNEL)

7. [16-0817R](#) RESOLUTION APPROVING PROPOSED AMENDMENTS TO THE SPECIFICATIONS FOR THE EXISTING CIVIL SERVICE CLASSIFICATION OF LIBRARY TECHNICIAN.

Indexes:

Attachments: [Library Technician](#)

[Library Technician \(strikeout\)](#)

This Resolution was adopted unanimously.

- 8. [16-0819R](#) RESOLUTION APPROVING PROPOSED SPECIFICATIONS FOR THE NEW CIVIL SERVICE CLASSIFICATION OF GAS PROJECT COORDINATOR, AND SPECIFYING CONTRACT BENEFITS FOR SAME.

Indexes:

Attachments: [Gas Project Coordinator](#)

This Resolution was adopted unanimously.

- 9. [16-0820R](#) RESOLUTION APPROVING PROPOSED SPECIFICATIONS FOR THE NEW CIVIL SERVICE CLASSIFICATION OF FACILITY MAINTENANCE LEADWORKER, AND SPECIFYING CONTRACT BENEFITS FOR SAME.

Indexes:

Attachments: [Facility Maintenance Leadworker](#)

This Resolution was adopted unanimously.

- 10. [16-0856R](#) RESOLUTION CONFIRMING THE APPOINTMENT OF REVERAND GARY GOTTFRIED TO THE SAINT LOUIS COUNTY HEADING HOME GOVERNANCE BOARD

This Resolution was adopted unanimously.

- 11. [16-0859R](#) RESOLUTION CONFIRMING THE APPOINTMENT OF ABIGAIL MLINAR TO THE COMMUNITY DEVELOPMENT COMMITTEE

Indexes:

Attachments: [A. Mlinar](#)

This Resolution was adopted unanimously.

12. [16-0860R](#) THIS RESOLUTION CONFIRMS THE APPOINTMENT OF SANDY JOHNSON, MELISSA LA TOUR, AND ASHLEY KOLKA TO THE DULUTH PUBLIC ARTS COMMISSION.

Indexes:

Attachments: [S. Johnson](#)
[M. La Tour](#)
[A. Kolka](#)

This Resolution was adopted unanimously.

13. [16-0862R](#) RESOLUTION CONFIRMING THE APPOINTMENT OF MICHAEL MALONE AND STACEY DEROCHE TO THE HERITAGE PRESERVATION COMMISSION

Indexes:

Attachments: [M. Malone](#)
[S. DeRoche](#)

This Resolution was adopted unanimously.

14. [16-0864R](#) RESOLUTION CONFIRMING THE APPOINTMENT OF MARY OWEN AND LAWRENCE HEADY TO THE INDIGENOUS COMMITTEE.

Indexes:

Attachments: [M. Owen](#)
[L. Heady](#)

This Resolution was adopted unanimously.

BY COUNCILOR RUSS (PLANNING & ECONOMIC DEVELOPMENT)

15. [16-0812R](#) RESOLUTION VACATING A UTILITY EASEMENT OVER PORTIONS OF VACATED SAINT LOUIS AVENUE AND TENTH STREET, AND A STREET EASEMENT OVER THE SOUTHEASTERLY 15 FEET OF LOTS 176 AND 175 INCLUDING ADJACENT SAINT LOUIS AVENUE, ALL IN UPPER DULUTH (LAKEHEAD HOTEL PARTNERS).

Indexes:

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

This Resolution was adopted unanimously.

16. [16-0847R](#) RESOLUTION GRANTING AN INTERIM USE PERMIT FOR A VACATION DWELLING UNIT AT 1421 EAST SUPERIOR STREET (MICHAEL SCHRAEPFER).

Indexes:

Attachments: [Attachment 1](#)

This Resolution was adopted unanimously.

17. [16-0848R](#) RESOLUTION GRANTING AN INTERIM USE PERMIT FOR A VACATION DWELLING UNIT AT 350 MYGATT AVENUE (JULIANNA AND SRI MUTHU).

Indexes:

Attachments: [Attachment 1](#)

This Resolution was adopted unanimously.

BY COUNCILOR WESTERLUND (PUBLIC WORKS & UTILITIES)

18. [16-0802R](#) RESOLUTION AUTHORIZING AN AMENDMENT TO CONTRACT C22747 WITH ENERGY INSIGHT, INC. FOR PROFESSIONAL SERVICES RELATING TO THE PUBLIC WORKS AND UTILITIES COMMERCIAL AND INDUSTRIAL CONSERVATION IMPROVEMENT PROGRAM FOR AN AMOUNT NOT TO EXCEED \$49,000 AND A NEW CONTRACT TOTAL NOT TO EXCEED \$70,000.

Indexes:

Attachments: [Exhibit A](#)

This Resolution was adopted unanimously.

19. [16-0805R](#) RESOLUTION AWARDED A CONTRACT TO LAKEHEAD CONSTRUCTORS, INC. FOR THE MINNESOTA SLIP PEDESTRIAN BRIDGE REHABILITATION IN THE AMOUNT OF \$2,770,234.07.

Indexes:

Attachments: [16-0805R Map](#)

This Resolution was adopted unanimously.

20. [16-0806R](#) RESOLUTION TO RESCIND THE DESIGNATION AND ESTABLISHMENT AS ONE WAY STREETS THAT PART OF THE SEGMENT OF FIRST AVENUE WEST BETWEEN SUPERIOR STREET AND THIRD STREET, THE SEGMENT OF SECOND AVENUE WEST BETWEEN SUPERIOR STREET TO FOURTH STREET, AND THE SEGMENT OF THIRD AVENUE WEST BETWEEN SUPERIOR STREET AND FOURTH STREET.

Indexes:

Attachments: [16-0806R Existing Configuration Map](#)

[16-0806R Memo](#)

[16-0806R Phase 1 Map](#)

[16-0806R Phase 2 Map](#)

[16-0806R Phase 3 Map](#)

[16-0806R Project Overview Map](#)

This Resolution was adopted unanimously.

21. [16-0829R](#) RESOLUTION AUTHORIZING ANNUAL BANKING SERVICES FOR 2017 WITH BMO HARRIS BANK, N.A., FOR AN ESTIMATED TOTAL OF \$118,000.

This Resolution was adopted unanimously.

22. [16-0830R](#) RESOLUTION AUTHORIZING A PURCHASE FROM COMPASS MINERALS FOR THE TAX-EXEMPT PURCHASE OF ROAD SALT FOR SPRING 2017 IN THE AMOUNT OF \$472,240.

This Resolution was adopted unanimously.

23. [16-0835R](#) RESOLUTION APPROVING DULUTH STEAM DISTRICT NO. 1 THERMAL ENERGY HOT WATER RATE FOR EASTERN CANAL PARK.

This Resolution was adopted unanimously.

24. [16-0850R](#) RESOLUTION AUTHORIZING RENEWAL OF AN ANNUAL CONTRACT WITH INFOSEND, INC., FOR MAILING SERVICES AND POSTAGE DURING YEAR 2017 IN THE AMOUNT OF \$196,000.

Indexes:

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

This Resolution was adopted unanimously.

BY COUNCILOR FOSLE (PUBLIC SAFETY)

25. [16-0837R](#) RESOLUTION AUTHORIZING PROPER CITY OFFICIALS TO ACCEPT A GRANT FROM THE DEPARTMENT OF JUSTICE, BUREAU OF JUSTICE ASSISTANCE, IN AN AMOUNT TOTALING \$444,152 AND FURTHER AUTHORIZING AN AGREEMENT WITH PROGRAM TO AID VICTIMS OF SEXUAL ASSAULT FOR THEIR PARTICIPATION IN THE PROJECT ENTITLED "2016 SEXUAL ASSAULT KIT INITIATIVE PROJECT".

Indexes:

Attachments: [Exhibit A](#)

[Exhibit B](#)

[Exhibit C](#)

This Resolution was adopted unanimously.

Yea: 8 - Councilor Anderson, Councilor Fosle, Hansen, Hanson, President Hobbs, Councilor Russ, Councilor Sipress and Councilor Filipovich

Abstain: 1 - Councilor Westerlund

BY COUNCILOR SIPRESS (RECREATION, LIBRARIES & AUTHORITIES)

26. [16-0832R](#) RESOLUTION APPROVING THE DULUTH PUBLIC LIBRARY'S STRATEGIC PLAN FOR 2016-2020.

Indexes:

Attachments: [Exhibit A - Duluth Library Strategic Plan](#)

This Resolution was adopted unanimously.

END OF CONSENT AGENDA

BY COUNCILOR HANSEN (FINANCE)

27. [16-0836R](#) RESOLUTION ESTABLISHING AN INTERFUND LOAN NOT TO EXCEED \$2,000,000 TO PARTIALLY FINANCE THE REHABILITATION OF THE MINNESOTA SLIP BRIDGE.

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

Yea: 8 - Councilor Anderson, Hansen, Hanson, President Hobbs, Councilor Russ, Councilor Sipress, Councilor Westerlund and Councilor Filipovich

Nay: 1 - Councilor Fosle

28. [16-0838R](#) RESOLUTION AUTHORIZING CITY OFFICIALS TO ALLOCATE \$500,000 FROM THE TOURISM TAX FUND TO PARTIALLY FINANCE THE REHABILITATION OF THE MINNESOTA SLIP BRIDGE.

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

Yea: 8 - Councilor Anderson, Hansen, Hanson, President Hobbs, Councilor Russ, Councilor Sipress, Councilor Westerlund and Councilor Filipovich

Nay: 1 - Councilor Fosle

29. [16-0839R](#) RESOLUTION APPROVING CAPITAL IMPROVEMENT PLAN AND STATING INTENT TO ISSUE GENERAL OBLIGATION CAPITAL IMPROVEMENT BONDS UNDER MINNESOTA STATUTES, SECTION 475.521.

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

Yea: 8 - Councilor Anderson, Hansen, Hanson, President Hobbs, Councilor Russ, Councilor Sipress, Councilor Westerlund and Councilor Filipovich

Nay: 1 - Councilor Fosle

30. [16-0842R](#) RESOLUTION OF THE CITY OF DULUTH, MINNESOTA, STATING THE INTENT TO ISSUE GENERAL OBLIGATION CAPITAL EQUIPMENT NOTES, SERIES 2017, IN THE APPROXIMATE AMOUNT OF \$3,950,000 AND APPROVING THE CAPITAL EQUIPMENT LIST ASSOCIATED WITH THE NOTES.

Indexes:

Attachments: [Exhibit A](#)

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

Yea: 8 - Councilor Anderson, Hansen, Hanson, President Hobbs, Councilor Russ, Councilor Sipress, Councilor Westerlund and Councilor Filipovich

Nay: 1 - Councilor Fosle

31. [16-0846R](#) RESOLUTION ADOPTING LICENSE, PERMIT, FINE, PENALTY AND OTHER CHARGES FOR 2017.

Indexes:

Attachments: [Exhibit A](#)

[Exhibit B](#)

[Hobbs Motion To Amend - WITHDRAWN \(12/5/16\)](#)

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

Yea: 7 - Councilor Anderson, Hanson, President Hobbs, Councilor Russ, Councilor Sipress, Councilor Westerlund and Councilor Filipovich

Nay: 1 - Councilor Fosle

Abstain: 1 - Hansen

32. [16-0852R](#) RESOLUTION APPROVING THE FISCAL YEAR JANUARY 1, 2017 TO DECEMBER 31, 2017, OPERATION BUDGET OF THE DULUTH TRANSIT AUTHORITY.

Indexes:

Attachments: [Exhibit A](#)

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

Yea: 7 - Councilor Anderson, Hansen, President Hobbs, Councilor Russ, Councilor Sipress, Councilor Westerlund and Councilor Filipovich

Nay: 1 - Councilor Fosle

Abstain: 1 - Hanson

33. [16-0854R](#) RESOLUTION ESTABLISHING ANNUAL BONDING PLAN FOR 2017.

Indexes:

Attachments: [Exhibit A](#)

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

Yea: 8 - Councilor Anderson, Hansen, Hanson, President Hobbs, Councilor Russ, Councilor Sipress, Councilor Westerlund and Councilor Filipovich

Nay: 1 - Councilor Fosle

34. [16-0858R](#) RESOLUTION APPROVING THE FISCAL YEAR JANUARY 1, 2017 TO DECEMBER 31, 2017, OPERATION BUDGET OF THE DULUTH AIRPORT AUTHORITY.

Indexes:

Attachments: [Exhibit A](#)

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

Yea: 8 - Councilor Anderson, Hansen, Hanson, President Hobbs, Councilor Russ, Councilor Sipress, Councilor Westerlund and Councilor Filipovich

Nay: 1 - Councilor Fosle

BY COUNCILOR ANDERSON (PERSONNEL)

35. [16-0818R](#) RESOLUTION APPROVING PROPOSED SPECIFICATIONS FOR THE NEW CIVIL SERVICE CLASSIFICATION OF UTILITY SERVICES HELPER, AND SPECIFYING CONTRACT BENEFITS FOR SAME.

Indexes:

Attachments: [Utility Services Helper](#)

This Resolution was adopted unanimously.

36. [16-0866R](#) RESOLUTION CONFIRMING THE APPOINTMENTS OF CRUZ MENDOZA, ROGIER GREGOIRE, SANDRA VAN DEN BOSSE, CHARLES OBIJE, PATTI LARSEN, REBECCA DOMAGALA, ASHLEY NEENAN CHRISTINA WOODS AND ASHLEY GRIMM TO THE DULUTH HUMAN RIGHTS COMMISSION.

Indexes:

Attachments: [S. Van Den Bosse](#)

[C. Obije](#)

[C. Woods](#)

[R. Gregoire](#)

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

Yea: 8 - Councilor Anderson, Hansen, Hanson, President Hobbs, Councilor Russ, Councilor Sipress, Councilor Westerlund and Councilor Filipovich

Nay: 1 - Councilor Fosle

37. [16-0874R](#) RESOLUTION SUPPORTING THE STANDING ROCK SIOUX TRIBE'S EFFORT TO PROTECT SACRED TRIBAL LANDS AND THE MISSOURI RIVER.

Sponsors: Anderson and Westerlund

Indexes:

Attachments: [Exhibit A](#)

This Resolution was adopted unanimously.

Yea: 8 - Councilor Anderson, Hansen, Hanson, President Hobbs, Councilor Russ, Councilor Sipress, Councilor Westerlund and Councilor Filipovich

Absent: 1 - Councilor Fosle

BY COUNCILOR SIPRESS (RECREATION, LIBRARIES & AUTHORITIES)

38. [16-0851R](#) RESOLUTION AUTHORIZING A CONTRACT WITH KTM PAVING, INC. FOR THE RECONSTRUCTION OF FOUR PARKING AREAS AT HARTLEY PARK FOR AN AMOUNT NOT TO EXCEED \$221,394.09.

This Resolution was adopted unanimously.

Yea: 7 - Councilor Anderson, Hansen, Hanson, Councilor Russ, Councilor Sipress, Councilor Westerlund and Councilor Filipovich

Absent: 2 - Councilor Fosle and President Hobbs

INTRODUCTION AND CONSIDERATION OF ORDINANCES

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

BY COUNCILOR HANSEN (FINANCE)

39. [16-071-O](#) AN ORDINANCE DETERMINING THE SUM TO BE RAISED BY TAXATION FOR THE SPECIAL PARKS FUND LEVY FOR THE YEAR 2017.

This Ordinance was read for the first time.

40. [16-072-O](#) AN ORDINANCE DETERMINING THE SUM TO BE RAISED BY TAXATION FOR GENERAL PURPOSES FOR THE YEAR 2017.

Indexes:

Attachments: [Hobbs Motion To Amend - WITHDRAWN \(12/5/16\)](#)

This Ordinance was read for the first time.

41. [16-073-O](#) AN ORDINANCE DETERMINING THE SUM TO BE RAISED BY TAXATION FOR THE SPECIAL TAXING DISTRICT, DULUTH TRANSIT AUTHORITY, FOR THE YEAR 2017.

This Ordinance was read for the first time.

42. [16-075-O](#) AN ORDINANCE SETTING THE BUDGET FOR THE FISCAL YEAR 2017 APPROPRIATING MONIES FOR THE SUPPORT OF THE CITY GOVERNMENT, PUBLIC UTILITIES, AND PUBLIC ENTERPRISE FUNDS AND FOR OTHER PURPOSES.

Indexes:

Attachments: [Hobbs Motion To Amend - WITHDRAWN \(12/5/16\)](#)

This Ordinance was read for the first time.

BY COUNCILOR RUSS (PLANNING & ECONOMIC DEVELOPMENT)

43. [16-074-O](#) AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF DULUTH TO PROVIDE FOR THE RECLASSIFICATION OF PROPERTY ALONG WEST ARROWHEAD ROAD FROM RR-1 TO R-2, AND FOR PROPERTY ALONG WEST MARBLE STREET FROM RR-1 TO R-1.

Indexes:

Attachments: [Attachment 1](#)

[Attachment 2](#)

[Attachment 3](#)

This Ordinance was read for the first time.

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

BY COUNCILOR ANDERSON (PERSONNEL)

44. [16-069-O](#) AN ORDINANCE AMENDING CHAPTER 29C OF DULUTH CITY CODE UPDATING THE CITY'S HUMAN RIGHTS ORDINANCE BY CLARIFYING THE POWERS AND DUTIES OF THE COMMISSION AND HUMAN RIGHTS OFFICER, DECREASING THE SIZE OF THE HUMAN RIGHTS COMMISSION FROM 15 TO NINE MEMBERS, AND CORRECTING REFERENCES TO STATE STATUTES.

Sponsors: Anderson

This Ordinance was adopted unanimously.

Yea: 8 - Councilor Anderson, Hansen, Hanson, President Hobbs, Councilor Russ, Councilor Sipress, Councilor Westerlund and Councilor Filipovich

Absent: 1 - Councilor Fosle

45. [16-070-O](#) AN ORDINANCE REPEALING ARTICLE XXIV OF CHAPTER 2 OF THE CITY CODE RELATING TO THE HUMAN RIGHTS COMMISSION.

This Ordinance was adopted unanimously.

Yea: 8 - Councilor Anderson, Hansen, Hanson, President Hobbs, Councilor Russ, Councilor Sipress, Councilor Westerlund and Councilor Filipovich

Absent: 1 - Councilor Fosle

COUNCILOR QUESTIONS AND COMMENTS

COUNCILOR PREVIEW OF UPCOMING BUSINESS



City of Duluth

411 West First Street
Duluth, Minnesota 55802

Actions and Unofficial Minutes

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 will provide increased opportunities for civil discourse in order to find positive resolutions to the issues that face the city. These tools include: pay attention, listen, be inclusive, do not gossip, show respect, be agreeable, apologize, give constructive criticism and take responsibility. [Approved by the council on August 25, 2003]*

Monday, December 12, 2016

7:00 PM

Council Chamber

ROLL CALL

Present: 8 - Councilor Gary Anderson, Councilor Jay Fosle, Councilor Elissa Hansen, Councilor Howie Hanson, Councilor Barb Russ, Councilor Joel Sipress, Councilor Em Westerlund and President Zack Filipovich

Absent: 1 - Councilor Noah Hobbs

PLEDGE OF ALLEGIANCE

REPORTS FROM THE ADMINISTRATION

REPORTS FROM OTHER OFFICERS

REPORTS OF BOARDS AND COMMISSIONS

1. [16-171](#) Duluth Transit Authority Meeting Minutes

Indexes:

Attachments: [9-28-16 DTA Meeting Minutes](#)

This Board or Commission Report was received.

2. [16-172](#) Housing and Redevelopment Authority Meeting Minutes

Indexes:

Attachments: [10-25-16 HRA Meeting Minutes](#)

This Board or Commission Report was received.

3. [16-174](#) Duluth Entertainment Convention Center Board Meeting Minutes

Indexes:

Attachments: [7-26-16 DECC Meeting Minutes](#)

[8-30-16 DECC Meeting Minutes](#)

[9-27-16 DECC Meeting Minutes](#)

This Board or Commission Report was received.

PRESENTATION OF PETITIONS AND OTHER COMMUNICATIONS

4. [16-173](#) Minnesota Power written acceptance of terms and conditions of 16-065-O

Indexes:

Attachments: [November 22, 2016 Correspondence from Minnesota Power Accepting Ordinance 16-066-O](#)

This Petition/Other Communication was received.

REPORTS OF COUNCIL COMMITTEES

REPORTS OF COUNCIL OPEN ISSUES

OPPORTUNITY FOR CITIZENS TO BE HEARD

CONSENT AGENDA

BY COUNCILOR HOBBS (PURCHASING & LICENSING)

- 5. [16-0840R](#) RESOLUTION APPROVING ISSUANCE OF AN ON SALE WINE LICENSE AND ISSUING AN ON SALE 3.2 PERCENT MALT LIQUOR LICENSE TO THE KING OF CREAMS, LLC, 502 E 4TH STREET.

Indexes:

Attachments: [BEER LICENSE THE KING OF CREAMS](#)
[WINE LICENSE THE KING OF CREAMS](#)

This Resolution was adopted unanimously.

- 6. [16-0841R](#) RESOLUTION APPROVING ISSUANCE OF TEMPORARY ON SALE INTOXICATING LIQUOR LICENSE TO ST. JAMES CATHOLIC CHURCH (ST.JAMES), 715 N 57TH AVE WEST

Indexes:

Attachments: [ST JAMES TEMPORARY LICENSE APPLICATION](#)

This Resolution was adopted unanimously.

- 7. [16-0906R](#) RESOLUTION AUTHORIZING A CONTRACT WITH TASER INTERNATIONAL FOR THE PURCHASE OF SIXTY (60) TASERS AND ACCESSORIES IN THE AMOUNT OF \$112,760.45.

This Resolution was adopted unanimously.

BY COUNCILOR ANDERSON (PERSONNEL)

- 8. [16-0873R](#) RESOLUTION APPROVING PROPOSED SPECIFICATIONS FOR THE NEW CIVIL SERVICE CLASSIFICATION OF PROPERTY & EVIDENCE TECHNICIAN - SEXUAL ASSAULT KIT INITIATIVE (SAKI), AND SPECIFYING CONTRACT BENEFITS FOR SAME.

Indexes:

Attachments: [Property & Evidence Technician - SAKI](#)

This Resolution was adopted unanimously.

9. [16-0888R](#) RESOLUTION APPROVING PROPOSED AMENDMENTS TO THE SPECIFICATIONS FOR THE EXISTING CIVIL SERVICE CLASSIFICATION OF CUSTOMER RELATIONS SUPERVISOR, INCLUDING A TITLE CHANGE TO UTILITY CUSTOMER SERVICE SUPERVISOR, AND SPECIFYING CONTRACT BENEFITS FOR SAME.

Indexes:

Attachments: [Utility Customer Service Supervisor](#)
[Customer Relations Supervisor \(strikeout\).pdf](#)

This Resolution was adopted unanimously.

10. [16-0889R](#) RESOLUTION APPROVING PROPOSED AMENDMENTS TO THE SPECIFICATIONS FOR THE EXISTING CIVIL SERVICE CLASSIFICATION OF MANAGER, CUSTOMER SERVICE.

Indexes:

Attachments: [Manager, Customer Service](#)
[Manager, Customer Service \(strikeout\)](#)

This Resolution was adopted unanimously.

11. [16-0892R](#) RESOLUTION APPROVING PROPOSED AMENDMENTS TO THE SPECIFICATIONS FOR THE EXISTING CIVIL SERVICE CLASSIFICATION OF MANAGER, UTILITY OPERATIONS.

Indexes:

Attachments: [Manager, Utility Operations](#)
[Manager, Utility Operations \(strikeout\)](#)

This Resolution was adopted unanimously.

12. [16-0893R](#) RESOLUTION APPROVING PROPOSED AMENDMENTS TO THE SPECIFICATIONS FOR THE EXISTING CIVIL SERVICE CLASSIFICATION OF CHIEF GAS CONTROLLER, INCLUDING A TITLE CHANGE TO GAS CONTROL SUPERVISOR, AND SPECIFYING CONTRACT BENEFITS FOR SAME.

Indexes:

Attachments: [Gas Control Supervisor](#)
[Chief Gas Controller \(strikeout\)](#)

This Resolution was adopted unanimously.

BY PRESIDENT FILIPOVICH (COMMITTEE OF THE WHOLE)

13. [16-0909R](#) RESOLUTION AUTHORIZING THE CITY TO ENTER INTO AN AGREEMENT WITH DULUTH-SUPERIOR PUBLIC ACCESS COMMUNITY TELEVISION, INC., FOR COMMUNITY ACCESS CABLECASTING, TRAINING, PRODUCTION AND ADMINISTRATION SERVICES IN 2017 IN THE NET AMOUNT OF \$182,000.

Indexes:

Attachments: [Exhibit A - 16-0909R](#)

This Resolution was adopted unanimously.

BY COUNCILOR RUSS (PLANNING & ECONOMIC DEVELOPMENT)

14. [16-0875R](#) RESOLUTION VACATING A PLATTED STREET EASEMENT FOR VANDENBERG DRIVE NORTH AND SOUTH OF AIRPORT ROAD, AND A PLATTED ALLEY EASEMENT SOUTH OF AIRPORT ROAD, AND RETENTION OF PUBLIC UTILITY EAASEMENTS.

Indexes:

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

This Resolution was adopted unanimously.

15. [16-0876R](#) RESOLUTION DEDICATING AND ACCEPTING A PUBLIC UTILITY EASEMENT ON CITY-OWNED PROPERTY ADJACENT TO AIRPORT ROAD.

Indexes:

Attachments: [Attachment 1](#)

[Attachment 2](#)

This Resolution was adopted unanimously.

16. [16-0878R](#) RESOLUTION REPROGRAMMING \$3,679 IN HOME FUNDS FROM RESOLUTION 09-0756R, APPROVED DECEMBER 21, 2009, TO FY 2015 HOMEOWNER REHAB PROJECT.

Indexes:

Attachments: [Attachment 1](#)

This Resolution was adopted unanimously.

17. [16-0879R](#) RESOLUTION AUTHORIZING THE DIRECTOR OF PLANNING AND CONSTRUCTION SERVICES TO SIGN AN AGREEMENT CONSENTING TO A MNDOT DRAINAGE EASEMENT IMPACTING A CITY CONSERVATION EASEMENT.

Indexes:

Attachments: [Attachment 1](#)

[Attachment 2](#)

This Resolution was adopted unanimously.

18. [16-0881R](#) RESOLUTION AUTHORIZING AN AGREEMENT WITH THE DULUTH ECONOMIC DEVELOPMENT AUTHORITY (DEDA) RELATING TO PARTICIPATION BY DEDA IN THE CITY OF DULUTH SELF-INSURANCE FUND PROGRAM FOR 2017.

Indexes:

Attachments: [Exhibit A](#)

This Resolution was adopted unanimously.

19. [16-0908R](#) RESOLUTION RESCINDING AND REPLACING RESOLUTION 16-0812 VACATING A UTILITY EASEMENT OVER PORTIONS OF VACATED SAINT LOUIS AVENUE AND TENTH STREET, AND A STREET EASEMENT OVER THE SOUTHEASTERLY 15 FEET OF LOTS 176 AND 175 INCLUDING ADJACENT SAINT LOUIS AVENUE, ALL IN UPPER DULUTH (LAKEHEAD HOTEL PARTNERS).

Indexes:

Attachments: [Attachment to 16-0908](#)

This Resolution was adopted unanimously.

BY COUNCILOR WESTERLUND (PUBLIC WORKS & UTILITIES)

20. [16-0834R](#) RESOLUTION AUTHORIZING APPLICATION TO THE MINNESOTA DEPARTMENT OF TRANSPORTATION FOR TRANSPORTATION ALTERNATIVES FUNDING FOR RESTORATION OF THE HISTORIC STONE RETAINING WALL AT BARDON'S PEAK OVERLOOK.

Indexes:

Attachments: [16-0834R Map](#)
[Application \(16-834R\)](#)

This Resolution was adopted unanimously.

21. [16-0880R](#) RESOLUTION AWARDED A CONTRACT TO SWANSON & YOUNGDALE, INC. FOR THE 2016-2017 PAINTING OF TRAFFIC CONTROL SIGNAL SYSTEMS PROJECT IN THE AMOUNT OF \$118,207.

Indexes:

Attachments: [16-0880R Maps](#)

This Resolution was adopted unanimously.

22. [16-0882R](#) RESOLUTION AUTHORIZING AN AGREEMENT BETWEEN ST. LOUIS COUNTY, THE CITY OF DULUTH AND THE CITY OF PROCTOR TO COMPLETE A SURFACE REHABILITATION PROJECT WITHIN THE CITIES OF DULUTH AND PROCTOR.

Indexes:

Attachments: [Exhibit A](#)
[Boundary Map \(16-0882R\)](#)

This Resolution was adopted unanimously.

BY COUNCILOR FOSLE (PUBLIC SAFETY)

23. [16-0899R](#) RESOLUTION AUTHORIZING PROPER CITY OFFICIALS TO ACCEPT A GRANT FROM THE STATE OF MINNESOTA, COMMISSIONER OF PUBLIC SAFETY, OFFICE OF JUSTICE PROGRAMS, IN THE TOTAL AMOUNT OF \$410,000 FOR THE PURPOSE OF SUPPORTING THE OPERATIONS OF THE LAKE SUPERIOR DRUG AND VIOLENT CRIME TASK FORCE THROUGH DECEMBER 31, 2017.

Indexes:

Attachments: [Attachment A](#)

This Resolution was adopted unanimously.

BY COUNCILOR SIPRESS (RECREATION, LIBRARIES & AUTHORITIES)

24. [16-0833R](#) RESOLUTION ADOPTING AN EMERALD ASH BORER (EAB) MANAGEMENT PLAN.

Indexes:

Attachments: [Exhibit A-FINAL EAB Plan 11 29 16](#)

This Resolution was adopted unanimously.

25. [16-0910R](#) RESOLUTION APPROVING THE PURCHASE BY THE DULUTH TRANSIT AUTHORITY OF A MEMBERSHIP INTEREST IN MICHIGAN STREET TRANSIT CENTER, LLC.

Indexes:

Attachments: [Attachment - Map of MichiganStTransitCenter BL](#)

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

- Yea:** 7 - Councilor Anderson, Councilor Fosle, Councilor Hansen, Councilor Russ, Councilor Sipress, Councilor Westerlund and President Filipovich
- Absent:** 1 - Councilor Hobbs
- Abstain:** 1 - Councilor Hanson

END OF CONSENT AGENDA

BY COUNCILOR HOBBS (PURCHASING & LICENSING)

26. [16-0895R](#) RESOLUTION AUTHORIZING A PROFESSIONAL SERVICES AGREEMENT WITH CONFLUENCE FOR MANAGEMENT AND MASTER PLANNING SERVICES FOR THE DULUTH TRAVERSE TRAIL SYSTEM FOR A TOTAL NOT TO EXCEED OF \$62,912.

Indexes:

Attachments: [Exhibit A](#)

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

- Yea:** 7 - Councilor Anderson, Councilor Hansen, Councilor Hanson, Councilor Russ, Councilor Sipress, Councilor Westerlund and President Filipovich
- Nay:** 1 - Councilor Fosle
- Absent:** 1 - Councilor Hobbs

BY COUNCILOR ANDERSON (PERSONNEL)

27. [16-0890R](#) RESOLUTION APPROVING PROPOSED SPECIFICATIONS FOR THE NEW CIVIL SERVICE CLASSIFICATION OF STREET MAINTENANCE MANAGER, AND SPECIFYING CONTRACT BENEFITS FOR SAME.

Indexes:

Attachments: [Street Maintenance Manager](#)

This Resolution was adopted unanimously.

BY PRESIDENT FILIPOVICH (COMMITTEE OF THE WHOLE)

28. [16-0907R](#) RESOLUTION ENDORSING A MODIFICATION TO THE COUNCIL'S FIVE YEAR PHASE-OUT OF THE STREET LIGHTING FEE PLAN APPROVED BY RESOLUTION 14-0611 TO DEFER A PORTION OF THE 2017 SCHEDULED REDUCTION TO THE STREET LIGHTING FEE.

Sponsors: Filipovich and Sipress

Indexes:

Attachments: [Exhibit A](#)

This Resolution was adopted.

BY COUNCILOR RUSS (PLANNING & ECONOMIC DEVELOPMENT)

29. [16-0884R](#) RESOLUTION APPROVING THE 2017 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.

This Resolution was adopted.

Yea: 7 - Councilor Anderson, Councilor Hansen, Councilor Hanson, Councilor Russ, Councilor Sipress, Councilor Westerlund and President Filipovich

Nay: 1 - Councilor Fosle

Absent: 1 - Councilor Hobbs

30. [16-0885R](#) RESOLUTION AUTHORIZING A REQUEST FOR HUD FEDERAL COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) FUNDS FOR THE 2017 PROGRAM YEAR, AUTHORIZING AGREEMENTS WITH APPROPRIATE AGENCIES, AND AUTHORIZING REPROGRAMMING OF \$100,232.47 IN 2013, 2014, AND 2015 CDBG FUNDS AND TRANSFERRING TO 2017 CDBG PROJECTS.

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

Yea: 7 - Councilor Anderson, Councilor Hansen, Councilor Hanson, Councilor Russ, Councilor Sipress, Councilor Westerlund and President Filipovich

Nay: 1 - Councilor Fosle

Absent: 1 - Councilor Hobbs

31. [16-0886R](#) RESOLUTION AUTHORIZING A REQUEST FOR HUD HOME FUNDS FOR THE 2017 PROGRAM YEAR, AUTHORIZING CONTRACTS, AND AUTHORIZING REPROGRAMMING OF \$62,473.00 IN 2014 AND 2015 HOME FUNDS AND TRANSFERRING TO 2017 HOME PROJECTS.

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

Yea: 7 - Councilor Anderson, Councilor Hansen, Councilor Hanson, Councilor Russ, Councilor Sipress, Councilor Westerlund and President Filipovich

Nay: 1 - Councilor Fosle

Absent: 1 - Councilor Hobbs

32. [16-0887R](#) RESOLUTION AUTHORIZING A REQUEST FOR HUD EMERGENCY SOLUTIONS GRANTS PROGRAM (ESG) FUNDING FOR THE 2017 PROGRAM YEAR, AUTHORIZING CONTRACTS, AND AUTHORIZING REPROGRAMMING OF \$4,332.78 IN 2014 ESG FUNDS AND TRANSFERRING TO 2017 ESG PROJECTS.

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

Yea: 7 - Councilor Anderson, Councilor Hansen, Councilor Hanson, Councilor Russ, Councilor Sipress, Councilor Westerlund and President Filipovich

Nay: 1 - Councilor Fosle

Absent: 1 - Councilor Hobbs

INTRODUCTION AND CONSIDERATION OF ORDINANCES

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

BY COUNCILOR RUSS (PLANNING & ECONOMIC DEVELOPMENT)

33. [16-077-O](#) AN ORDINANCE ADOPTING THE U.S. ENVIRONMENTAL PROTECTION AGENCY (“EPA”) BROWNFIELD REVOLVING LOAN FUND PROGRAM GUIDELINES.

Indexes:

Attachments: [Exhibit A](#)
[BRLF Process Diagram](#)

This Ordinance was read for the first time.

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

BY COUNCILOR HANSEN (FINANCE)

34. [16-071-O](#) AN ORDINANCE DETERMINING THE SUM TO BE RAISED BY TAXATION FOR THE SPECIAL PARKS FUND LEVY FOR THE YEAR 2017.

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

Yea: 7 - Councilor Anderson, Councilor Hansen, Councilor Hanson, Councilor Russ, Councilor Sipress, Councilor Westerlund and President Filipovich

Nay: 1 - Councilor Fosle

Absent: 1 - Councilor Hobbs

35. [16-072-O](#) AN ORDINANCE DETERMINING THE SUM TO BE RAISED BY TAXATION FOR GENERAL PURPOSES FOR THE YEAR 2017.

Indexes:

Attachments: [Hobbs Motion To Amend - WITHDRAWN \(12/5/16\)](#)

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

Yea: 7 - Councilor Anderson, Councilor Hansen, Councilor Hanson, Councilor Russ, Councilor Sipress, Councilor Westerlund and President Filipovich

Nay: 1 - Councilor Fosle

Absent: 1 - Councilor Hobbs

36. [16-073-O](#) AN ORDINANCE DETERMINING THE SUM TO BE RAISED BY TAXATION FOR THE SPECIAL TAXING DISTRICT, DULUTH TRANSIT AUTHORITY, FOR THE YEAR 2017.

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

Yea: 6 - Councilor Anderson, Councilor Hansen, Councilor Russ, Councilor Sipress, Councilor Westerlund and President Filipovich

Nay: 1 - Councilor Fosle

Absent: 1 - Councilor Hobbs

Abstain: 1 - Councilor Hanson

37. [16-075-O](#) AN ORDINANCE SETTING THE BUDGET FOR THE FISCAL YEAR 2017 APPROPRIATING MONIES FOR THE SUPPORT OF THE CITY GOVERNMENT, PUBLIC UTILITIES, AND PUBLIC ENTERPRISE FUNDS AND FOR OTHER PURPOSES.

Indexes:

Attachments: [Hobbs Motion To Amend - WITHDRAWN \(12/5/16\)](#)

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

Yea: 7 - Councilor Anderson, Councilor Hansen, Councilor Hanson, Councilor Russ, Councilor Sipress, Councilor Westerlund and President Filipovich

Nay: 1 - Councilor Fosle

Absent: 1 - Councilor Hobbs

BY COUNCILOR RUSS (PLANNING & ECONOMIC DEVELOPMENT)

38. [16-074-O](#) AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF DULUTH TO PROVIDE FOR THE RECLASSIFICATION OF PROPERTY ALONG WEST ARROWHEAD ROAD FROM RR-1 TO R-2, AND FOR PROPERTY ALONG WEST MARBLE STREET FROM RR-1 TO R-1.

Indexes:

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

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

Yea: 5 - Councilor Fosle, Councilor Hansen, Councilor Russ, Councilor Sipress and President Filipovich

Nay: 3 - Councilor Anderson, Councilor Hanson and Councilor Westerlund

Absent: 1 - Councilor Hobbs

COUNCILOR QUESTIONS AND COMMENTS

COUNCILOR PREVIEW OF UPCOMING BUSINESS



City of Duluth

411 West First Street
Duluth, Minnesota 55802

Actions and Unofficial Minutes

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 will provide increased opportunities for civil discourse in order to find positive resolutions to the issues that face the city. These tools include: pay attention, listen, be inclusive, do not gossip, show respect, be agreeable, apologize, give constructive criticism and take responsibility. [Approved by the council on August 25, 2003]*

Monday, January 11, 2016

7:00 PM

Council Chamber

ROLL CALL

Present: 9 - Councilor Gary Anderson, Councilor Jay Fosle, Councilor Elissa Hansen, Councilor Howie Hanson, Councilor Noah Hobbs, Councilor Barb Russ, Councilor Joel Sipress, Councilor Em Westerlund and President Zack Filipovich

PLEDGE OF ALLEGIANCE

PUBLIC HEARING

PRESENTATION OF PETITIONS AND OTHER COMMUNICATIONS

1. [16-005](#) Appeal of planning commission decision

Indexes:

Attachments: [Park Point Marina Appeal](#)

This Petition/Other Communication was received.

REPORTS FROM THE ADMINISTRATION

Mayor Larson updated the council on current issues.

REPORTS FROM OTHER OFFICERS

2. [16-001](#) Clerk application for exempt permit submitted to the Minnesota gambling control board

Indexes:

Attachments: [Kraus Anderson raffle August 13 2016](#)
[Ridgeview raffle April 16 2016](#)
[Rocky Mountain Elk raffle March 31 2016](#)
[St Louis and Carlton County Pheasants Forever raffle April 29 2016](#)
[Twin Ports Walleye raffle June 4 2016](#)

This Other Officers Report was received.

REPORTS OF BOARDS AND COMMISSIONS

3. [16-002](#) Civil service board minutes of November 17, 2015, meeting

Indexes:

Attachments: [11-17-15 Minutes Revised \(Approved 12-08-15\)](#)

This Board or Commission Report was received.

4. [16-003](#) Duluth airport authority minutes of November 17, 2015, meeting

Indexes:

Attachments: [11- November 17 2015](#)

This Board or Commission Report was received.

5. [16-004](#) Entertainment and convention center authority minutes of October 27, 2015, meeting

Indexes:

Attachments: [August 25 2015 DECC Board Meeting Minutes](#)
[July 28 2015 DECC Board Meeting Minutes](#)
[September 29 2015 DECC Board Meeting Minutes](#)

This Board or Commission Report was received.

REPORTS OF COUNCIL COMMITTEES

REPORTS OF COUNCIL OPEN ISSUES

OPPORTUNITY FOR CITIZENS TO BE HEARD

MOTIONS AND RESOLUTIONS

CONSENT AGENDA

BY COUNCILOR HOBBS (FINANCE)

6. [16-0005R](#) RESOLUTION APPROVING A COLLECTIVE BARGAINING AGREEMENT BETWEEN THE CITY OF DULUTH AND DULUTH POLICE UNION LOCAL 807 FOR THE YEARS 2015-2017.

Indexes:

Attachments: [Exhibit A - 2015-2017 Final Police CBA clean copy](#)
[2015-2017 Final Police CBA redlined](#)

This Resolution was adopted unanimously.

7. [16-0017R](#) RESOLUTION AUTHORIZING ANNUAL BANKING SERVICES FOR 2016 WITH BMO HARRIS BANK, N.A., FOR AN ESTIMATED TOTAL OF \$100,000.

This Resolution was adopted unanimously.

8. [16-0027R](#) RESOLUTION APPROVING CITY MEMBERSHIP IN THE COALITION OF GREATER MINNESOTA CITIES FOR 2015 IN THE AMOUNT OF \$65,401.

This Resolution was adopted unanimously.

9. [16-0033R](#) RESOLUTION AUTHORIZING AN AGREEMENT WITH HISTORIC UNION DEPOT, INC., IN THE AMOUNT OF \$226,800.

Indexes:

Attachments: [Exhibit A](#)

This Resolution was adopted unanimously.

10. [16-0041R](#) RESOLUTION AUTHORIZING AN AGREEMENT WITH SPIRIT MOUNTAIN RECREATION AREA AUTHORITY FOR 2016 IN THE AMOUNT OF \$250,000 FOR OPERATING ASSISTANCE AND \$145,700 FOR ADVENTURE PARK LEASE PAYMENTS.

Indexes:

Attachments: [Exhibit A](#)

This Resolution was adopted unanimously.

BY COUNCILOR HANSON (PURCHASING & LICENSING)

11. [16-0013R](#) RESOLUTION AUTHORIZING RENEWAL OF AN ANNUAL CONTRACT WITH HOLIDAY STATIONSTORES FOR THE PURCHASE AND DELIVERY OF SERVICE STATION FUELS DURING YEAR 2016 FOR AN AMOUNT NOT TO EXCEED \$900,000.

This Resolution was adopted unanimously.

12. [16-0014R](#) RESOLUTION AUTHORIZING A PURCHASE FROM COMPASS MINERALS AMERICA FOR THE TAX-EXEMPT PURCHASE OF ROAD SALT FOR SPRING 2016 IN THE AMOUNT OF \$490,906.

This Resolution was adopted unanimously.

13. [16-0015R](#) RESOLUTION AUTHORIZING THE PURCHASE FROM ZIEGLER, INC., FOR OEM PARTS AND LABOR AS NEEDED IN 2016, FOR AN ESTIMATED TOTAL AMOUNT OF \$110,000.

This Resolution was adopted unanimously.

14. [16-0016R](#) RESOLUTION AUTHORIZING RENEWAL OF AN ANNUAL CONTRACT WITH INTER-CITY OIL COMPANY, INC., FOR THE PURCHASE AND DELIVERY OF BULK FUELS DURING YEAR 2016 FOR AN AMOUNT NOT TO EXCEED \$150,000.

This Resolution was adopted unanimously.

15. [16-0031R](#) RESOLUTION AUTHORIZING A RENEWAL OF AN ANNUAL CONTRACT WITH DULUTH READY MIX FOR CLASS 5 GRAVEL, ¾-INCH CRUSHED WASHED ROCK, RIP-RAP, AND BEDDING SAND IN YEAR 2016, FOR AN ESTIMATED TOTAL OF \$172,990.

This Resolution was adopted unanimously.

BY COUNCILOR ANDERSON (PUBLIC WORKS & UTILITIES)

16. [16-0002R](#) RESOLUTION AUTHORIZING AN AGREEMENT ACCEPTING AN EASEMENT FROM KWIK TRIP, INC.

Indexes:

Attachments: [15-0002R Exhibit A](#)
[15-0002R Exhibit B](#)

This Resolution was adopted unanimously.

17. [16-0003R](#) RESOLUTION AUTHORIZING AN AGREEMENT WITH SEH, INC. FOR PROFESSIONAL ENGINEERING SERVICES TO PROVIDE DESIGN ENGINEERING FOR THE CONGDON BOULEVARD RECLAMATION PROJECT IN THE AMOUNT OF \$87,000.

Indexes:

Attachments: [16-0003R Map](#)
[16-0003R PESA](#)
[16-0003R SEH Billable Rates](#)
[16-0003R SEH Proposal](#)

This Resolution was adopted unanimously.

18. [16-0024R](#) RESOLUTION AUTHORIZING RENEWAL OF AN ANNUAL CONTRACT WITH INFOSEND, INC., FOR MAILING SERVICES AND POSTAGE DURING YEAR 2016 IN THE AMOUNT OF \$190,000.

Indexes:

Attachments: [Exhibit A](#)

This Resolution was adopted unanimously.

19. [16-0035R](#) RESOLUTION APPROVING A COUNTY PROJECT WITHIN MUNICIPAL CORPORATE LIMITS FOR IMPROVEMENTS TO COUNTY STATE AID HIGHWAY 4 (RICE LAKE ROAD).

Indexes:

Attachments: [Exhibit A \(16-0035R\)](#)

This Resolution was adopted unanimously.

BY COUNCILOR FOSLE (PUBLIC SAFETY)

20. [16-0007R](#) RESOLUTION AUTHORIZING PROPER CITY OFFICIALS TO ACCEPT A GRANT FROM THE MINNESOTA DEPARTMENT OF PUBLIC SAFETY IN THE AMOUNT OF \$24,305 FOR THE PURCHASE OF TEN IN-SQUAD COMPUTERS.

Indexes:

Attachments: [Exhibit A](#)

This Resolution was adopted unanimously.

21. [16-0008R](#) RESOLUTION AUTHORIZING PROPER CITY OFFICIALS TO ENTER INTO AN AGREEMENT WITH ORGANIZED CRIME DRUG ENFORCEMENT TASK FORCE, GREAT LAKES REGION, FOR REIMBURSEMENT OF INVESTIGATOR OVERTIME IN THE AMOUNT OF \$25,000.

Indexes:

Attachments: [Exhibit A](#)

This Resolution was adopted unanimously.

22. [16-0028R](#) RESOLUTION AUTHORIZING PROPER CITY OFFICIALS TO ACCEPT A DONATION FROM KWIK TRIP INC. IN THE AMOUNT OF \$2,000.

This Resolution was adopted unanimously.

23. [16-0029R](#) RESOLUTION AUTHORIZING PROPER CITY OFFICIALS TO ACCEPT AN AMENDED GRANT FROM THE STATE OF MINNESOTA, COMMISSIONER OF PUBLIC SAFETY, OFFICE OF JUSTICE PROGRAMS, IN THE TOTAL AMOUNT OF \$300,813 FOR THE PURPOSE OF SUPPORTING THE OPERATIONS OF THE LAKE SUPERIOR DRUG AND VIOLENT CRIME TASK FORCE THROUGH DECEMBER 31, 2016.

Indexes:

Attachments: [Revised Exhibit A](#)

This Resolution was adopted unanimously.

24. [16-0030R](#) RESOLUTION AUTHORIZING PROPER CITY OFFICIALS TO ACCEPT A GRANT FROM THE DEPARTMENT OF JUSTICE, BUREAU OF JUSTICE ASSISTANCE IN AN AMOUNT TOTALING \$1,011,096 AND FURTHER AUTHORIZING AN AGREEMENT WITH ST. LOUIS COUNTY AND PROGRAM TO AID VICTIMS OF SEXUAL ASSAULT FOR THEIR PARTICIPATION IN THE PROJECT ENTITLED "2015 SEXUAL ASSAULT KIT INITIATIVE PROJECT".

Indexes:

Attachments: [Exhibit C](#)

[Exhibit B](#)

[Exhibit A](#)

This Resolution was adopted unanimously.

25. [16-0032R](#) RESOLUTION AUTHORIZING AN AGREEMENT WITH THE LAKE SUPERIOR TRAFFIC ENFORCEMENT TEAM PARTNER AGENCIES FOR SERVICES UNDER A GRANT FROM THE MINNESOTA DEPARTMENT OF PUBLIC SAFETY FOR THE 2016 TOWARD ZERO DEATHS PROJECT.

Indexes:

Attachments: [Exhibit C](#)

[Exhibit B](#)

[Exhibit A](#)

This Resolution was adopted unanimously.

26. [16-0039R](#) RESOLUTION AUTHORIZING PROPER CITY OFFICIALS TO ACCEPT A GRANT FROM THE STATE OF MINNESOTA IN AN AMOUNT NOT TO EXCEED \$450,000 AND FURTHER AUTHORIZING EXECUTION OF A JOINT POWERS AGREEMENT WITH THE STATE OF MINNESOTA.

Indexes:

Attachments: [Joint Powers Agreement 103539](#)

This Resolution was adopted unanimously.

END OF CONSENT AGENDA

The following entitled resolutions are also to be considered:

BY PRESIDENT FILIPOVICH (COMMITTEE OF THE WHOLE)

27. [16-0043R](#) RESOLUTION SETTING THE CITY OF DULUTH'S PRIORITIES FOR THE 2016 LEGISLATIVE SESSION.

Motion was made, seconded and unanimously carried to suspend the rules to hear a speaker on the resolution.

Andrew Slade spoke in support of the issue of the bonding request for remediation of the highly contaminated slip in the harbor.

Councilor Hobbs moved to amend the resolution, which motion was seconded and unanimously carried.

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

Yea: 8 - Councilor Anderson, Councilor Hansen, Councilor Hanson, Councilor Hobbs, Councilor Russ, Councilor Sipress, Councilor Westerlund and President Filipovich

Nay: 1 - Councilor Fosle

BY COUNCILOR HOBBS (FINANCE)

28. [16-0034R](#) RESOLUTION AUTHORIZING AN AGREEMENT WITH DULUTH SISTER CITIES INTERNATIONAL, INC., IN THE AMOUNT OF \$40,000.

Indexes:

Attachments: [Exhibit A](#)

Motion was made, seconded and unanimously carried to suspend the rules to hear a speaker on the resolution.

Tom Morgan representing Duluth Sister Cities updated the council on their organizations recent activities and requested their support for this resolution.

This Resolution was adopted as follows:

- Yea:** 8 - Councilor Anderson, Councilor Hansen, Councilor Hanson, Councilor Hobbs, Councilor Russ, Councilor Sipress, Councilor Westerlund and President Filipovich
Nay: 1 - Councilor Fosle

29. [16-0038R](#) RESOLUTION AUTHORIZING AN AGREEMENT WITH UMD FOR THE CONTINUED PROMOTION OF GLENSHEEN MANSION, IN THE AMOUNT OF \$50,000.

Indexes:

Attachments: [Exhibit A](#)

This Resolution was adopted as follows:

- Yea:** 8 - Councilor Anderson, Councilor Hansen, Councilor Hanson, Councilor Hobbs, Councilor Russ, Councilor Sipress, Councilor Westerlund and President Filipovich
Nay: 1 - Councilor Fosle

30. [16-0040R](#) RESOLUTION APPROVING BUDGET AND COST SHARING FORMULA OF MINNEAPOLIS-DULUTH/SUPERIOR AND PASSENGER RAIL ALLIANCE AND AUTHORIZING PAYMENT OF CITY'S COST SHARE OF \$9,750.

Indexes:

Attachments: [Exhibit A](#)

This Resolution was adopted as follows:

- Yea:** 8 - Councilor Anderson, Councilor Hansen, Councilor Hanson, Councilor Hobbs, Councilor Russ, Councilor Sipress, Councilor Westerlund and President Filipovich
Nay: 1 - Councilor Fosle

INTRODUCTION AND CONSIDERATION OF ORDINANCES

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

BY COUNCILOR RUSS (PLANNING & ECONOMIC DEVELOPMENT)

31. [16-004-O](#) AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF DULUTH TO PROVIDE FOR THE RECLASSIFICATION, REARRANGEMENT AND/OR EXPANSION OF THE CURRENT ZONE DISTRICTS; PARK AND OPEN SPACE (P-1), RESIDENTIAL-TRADITIONAL (R-1), RESIDENTIAL-URBAN (R-2), MIXED USE- BUSINESS (MU-B), MIXED USE-NEIGHBORHOOD (MU-N), INDUSTRIAL-GENERAL (I-G), FORM DISTRICT 5 (F-5) MID-RISE COMMUNITY SHOPPING AND OFFICE, AND RECLASSIFICATION OF LAND TO MIXED USE-COMMERCIAL (MU-C).

Indexes:

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

This Ordinance was read for the first time.

BY COUNCILOR SIPRESS (RECREATION, LIBRARIES & AUTHORITIES)

32. [16-001-O](#) AN ORDINANCE AMENDING CHAPTER 2, ARTICLE XXIII OF THE DULUTH CITY CODE, 1959, AS AMENDED, CHANGING THE NAME OF THE TREE COMMISSION TO THE URBAN FOREST COMMISSION.

This Ordinance was read for the first time.

COUNCILOR QUESTIONS AND COMMENTS

COUNCILOR PREVIEW OF UPCOMING BUSINESS

The meeting was adjourned at 7:53 p.m.



City of Duluth

411 West First Street
Duluth, Minnesota 55802

Actions and Unofficial Minutes

City Council

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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 will provide increased opportunities for civil discourse in order to find positive resolutions to the issues that face the city. These tools include: pay attention, listen, be inclusive, do not gossip, show respect, be agreeable, apologize, give constructive criticism and take responsibility. [Approved by the council on August 25, 2003]*

Monday, January 25, 2016

7:00 PM

Council Chamber

ROLL CALL

Present: 9 - Councilor Gary Anderson, Councilor Jay Fosle, Councilor Elissa Hansen, Councilor Howie Hanson, Councilor Noah Hobbs, Councilor Barb Russ, Councilor Joel Sipress, Councilor Em Westerlund and President Zack Filipovich

PLEDGE OF ALLEGIANCE

PRESENTATION OF PETITIONS AND OTHER COMMUNICATIONS

1. [16-009](#) Park Point Marina appeal citizen communications

Indexes:

Attachments: [FW Park Point Marina Appeal](#)

[FW Appeal of Planning Commission Decision for Park Point Marina Inn](#)

[FW Park Point Marina Inn request for variance](#)

[FW PL16-005 Park Point Marina Hotel](#)

[Attachment 1 of 2](#)

[Attachment 2 of 2](#)

[Duluth City Council - re Park Point Marina Inn](#)

[FW Plea to uphold the Planning Commission Decision](#)

[FW Uphold Plan Commission Decision](#)

[FW Uphold the Planning Commission Decision](#)

This Petition/Other Communication was received.

REPORTS FROM THE ADMINISTRATION

2. [16-010](#) Acting Mayor communication

This Reports from the Administration was received.

REPORTS OF BOARDS AND COMMISSIONS

3. [16-011](#) Duluth airport authority meeting minutes

Indexes:

Attachments: [DAA Meeting Minutes](#)

This Minutes was received.

4. [16-012](#) Duluth public utilities commission meeting minutes

Indexes:

- Attachments: [11172015 DPUC clean water surcharge public hearing minutes](#)
[11172015 DPUC meeting minutes](#)
[11172015 DPUC stormwater rate public hearing minutes](#)
[16PUC-001 with recommended unofficial ordinance](#)

This Minutes was received.

REPORTS OF COUNCIL COMMITTEES

REPORTS OF COUNCIL OPEN ISSUES

OPPORTUNITY FOR CITIZENS TO BE HEARD

CONSENT AGENDA

BY COUNCILOR HOBBS (PURCHASING & LICENSING)

5. [16-0023R](#) RESOLUTION AUTHORIZING AN AGREEMENT WITH CR-BUILDING PERFORMANCE SPECIALISTS, INC., FOR PROFESSIONAL SERVICES IN THE CONTINUED IMPLEMENTATION OF A CITYWIDE ASSET MANAGEMENT SYSTEM FOR AN AMOUNT NOT TO EXCEED \$80,000.

Indexes:

- Attachments: [Exhibit A](#)
[Exhibit B](#)

This Resolution was adopted unanimously.

6. [16-0045R](#) RESOLUTION APPROVING ISSUANCE OF A TEMPORARY ON SALE INTOXICATING LIQUOR LICENSE TO THE MINNESOTA BALLET (CELEBRITY DANCE CHALLENGE), 1215 RICE LAKE ROAD.

This Resolution was adopted unanimously.

7. [16-0046R](#) RESOLUTION APPROVING THE PERMANENT EXPANSION OF THE LICENSE PREMISES OF THE ON SALE INTOXICATING LIQUOR LICENSE AND AN APPLICATION FOR AN ON SALE DANCING LICENSE OF HISTORIC UNION DEPOT, INC. (SLC HERITAGE & ARTS CENTER), 506 WEST MICHIGAN STREET.

This Resolution was adopted unanimously.

8. [16-0049R](#) RESOLUTION APPROVING THE TRANSFER OF THE OFF SALE INTOXICATING LIQUOR LICENSE OF CITY WINE & LIQUOR STORE, INC. (WAREHOUSE LIQUOR STORE), 104 WEST CENTRAL ENTRANCE, TRANSFERRED TO 27 LIQUORS, LLC (27 LIQUOR), 2700 WEST MICHIGAN STREET.

This Resolution was adopted unanimously.

BY COUNCILOR ANDERSON (PERSONNEL)

9. [16-0047R](#) RESOLUTION CONFIRMING THE APPOINTMENT OF JENNIFER JULSRUD TO THE HOUSING AND REDEVELOPMENT AUTHORITY OF DULUTH, REPLACING ROBERT REICHART.

Indexes:

Attachments: [J. Julsrud Application](#)

This Resolution was adopted unanimously.

10. [16-0050R](#) RESOLUTION CONFIRMING THE APPOINTMENT OF COUNCILORS ZACK FILIPOVICH, ELISSA HANSEN AND THE REAPPOINTMENT OF JAY FOSLE TO THE DULUTH ECONOMIC DEVELOPMENT AUTHORITY.

This Resolution was adopted unanimously.

11. [16-0057R](#) RESOLUTION APPROVING PROPOSED AMENDMENTS TO THE SPECIFICATIONS FOR THE EXISTING CIVIL SERVICE CLASSIFICATION OF MANAGER, MAINTENANCE & SUPPLY SERVICES, INCLUDING A TITLE CHANGE TO MANAGER, FLEET SERVICES, AND SPECIFYING CONTRACT BENEFITS FOR SAME.

Indexes:

Attachments: [Manager, Maintenance & Supply Services \(Strikeout\)](#)
[Manager, Fleet Services](#)

This Resolution was adopted unanimously.

12. [16-0060R](#) RESOLUTION APPOINTING COUNCILOR EM WESTERLUND TO THE DULUTH PUBLIC UTILITIES COMMISSION.

This Resolution was adopted unanimously.

13. [16-0061R](#) RESOLUTION CONFIRMING THE APPOINTMENT OF COUNCILOR HOWIE HANSON TO THE DULUTH PARKING COMMISSION.

This Resolution was adopted unanimously.

BY COUNCILOR RUSS (PLANNING & ECONOMIC DEVELOPMENT)

14. [16-0044R](#) RESOLUTION AUTHORIZING A FUNDING AGREEMENT WITH KENWOOD VILLAGE, LLC, RELATED TO IMPROVEMENTS TO CLEVELAND STREET.

Indexes:

Attachments: [Exhibit A - 16-0044R](#)

This Resolution was adopted unanimously.

BY COUNCILOR HANSON (INTERGOVERNMENTAL RELATIONS)

15. [16-0036R](#) RESOLUTION OF INTENT TO SELL OR CONVEY CERTAIN REAL PROPERTY WITHIN THE CITY OF DULUTH TO ST. LOUIS COUNTY, MINNESOTA FOR THE INSTALLATION OF A DRY POND.

Indexes:

Attachments: [Exhibit A](#)

This Resolution was adopted unanimously.

BY PRESIDENT FILIPOVICH (COMMITTEE OF THE WHOLE)

16. [16-0077R](#) RESOLUTION ESTABLISHING A 2016 DULUTH DISTINGUISHED ARTIST AWARD TO BE BESTOWED ON DULUTH ARTISTS BY MEMBERS OF THE CITY COUNCIL.

Sponsors: Filipovich

This Resolution was adopted unanimously.

BY COUNCILOR WESTERLUND (PUBLIC WORKS & UTILITIES)

17. [16-0004R](#) RESOLUTION AUTHORIZING AN AGREEMENT WITH SRF, INC. FOR PROFESSIONAL ENGINEERING SERVICES TO PROVIDE DESIGN ENGINEERING FOR THE ARROWHEAD/KENWOOD AND WEST CLEVELAND STREET SIGNAL IMPROVEMENTS IN THE AMOUNT OF \$118,217.

Indexes:

Attachments: [16-0004R Aerial Photo](#)

This Resolution was adopted unanimously.

18. [16-0022R](#) RESOLUTION AUTHORIZING STREAM RESTORATION WORK ON CHESTER CREEK WITHIN CHESTER BOWL BY THE SOUTH ST LOUIS COUNTY SOIL AND WATER CONSERVATION DISTRICT (SWCD).

Indexes:

Attachments: [Attachment A -Deed declaration \(16-0022R\)](#)
[Exhibit A \(16-0022R\)](#)

This Resolution was adopted unanimously.

19. [16-0058R](#) RESOLUTION AUTHORIZING AN AGREEMENT WITH LHB, INC. FOR PROFESSIONAL ENGINEERING SERVICES TO PROVIDE THE DESIGN FOR THE SUPERIOR STREET RECONSTRUCTION PROJECT IN THE AMOUNT NOT TO EXCEED \$1,633,674.00.

Indexes:

Attachments: [Exhibit A - Resolution Map \(16-0058R\)](#)
[Exhibit B - LHB Cost Proposal \(16-0058R\)](#)
[Exhibit C - LHB Proposal \(16-0058R\)](#)

This Resolution was adopted unanimously.

20. [16-0059R](#) RESOLUTION AUTHORIZING A REQUEST TO MNDOT TO PROVIDE PERMITTED ACCESS TO TRUNK HIGHWAY 23 AT RIVERSIDE DRIVE.

Indexes:

Attachments: [Exhibit A \(16-0059R\)](#)

This Resolution was adopted unanimously.

21. [16-0064R](#) RESOLUTION AWARDED A CONTRACT TO PCI ROADS, LLC FOR THE REHABILITATION AND RELINE OF BREWERY CREEK STORM SEWER SECTIONS 29 AND 31 IN THE AMOUNT OF \$743,150.

Indexes:

Attachments: [16-0064R Map](#)

This Resolution was adopted unanimously.

BY COUNCILOR FOSLE (PUBLIC SAFETY)

22. [16-0012R](#) RESOLUTION AUTHORIZING PAYMENT TO ST. LOUIS COUNTY FOR SHARED ACCESS TO SHIELD MAINTENANCE SOFTWARE AND SERVICES ASSOCIATED WITH NEMESIS (NORTHEASTERN MINNESOTA ENFORCEMENT SAFETY INFORMATION SYSTEM) DURING 2016 FOR A TOTAL AMOUNT OF \$110,441.25.

This Resolution was adopted unanimously.

23. [16-0051R](#) RESOLUTION AUTHORIZING PROPER CITY OFFICIALS TO ACCEPT A \$125,000 GRANT AWARD FROM THE MINNESOTA DEPARTMENT OF PUBLIC SAFETY TO FUND A SEX TRAFFICKING INVESTIGATOR FOR TWO YEARS AND AUTHORIZING EXECUTION OF GRANT AGREEMENT.

Indexes:

Attachments: [Attachment A](#)

This Resolution was adopted unanimously.

24. [16-0052R](#) RESOLUTION AUTHORIZING CITY OFFICIALS TO GIVE TO OFFICER KOPP A RETIRED POLICE CANINE NAMED MALAKAI.

This Resolution was adopted unanimously.

BY COUNCILOR SIPRESS (RECREATION, LIBRARIES & AUTHORITIES)

25. [16-0072R](#) RESOLUTION AUTHORIZING THE EXECUTION OF A DECLARATION OF RESTRICTIVE COVENANT FOR CHAMBERS GROVE PARK.

Indexes:

Attachments: [EXHIBIT A](#)

This Resolution was adopted unanimously.

26. [16-0073R](#) RESOLUTION AUTHORIZING ACCEPTANCE OF TWO UTILITY EASEMENTS FOR PROPERTY BELOW SPIRIT MOUNTAIN WITH THE SPIRIT VALLEY LAND COMPANY, LLC FOR THE SPIRIT MOUNTAIN WATER LINE PROJECT AT NO COST TO THE CITY.

Indexes:

Attachments: [Exhibit 1](#)

[Exhibit 2](#)

This Resolution was adopted unanimously.

27. [16-0074R](#) RESOLUTION GRANTING APPROVAL AND IMPLEMENTATION OF THE IRVING PARK MINI-MASTER PLAN.

Indexes:

Attachments: [EXHIBIT A - 16-0074R](#)

This Resolution was adopted unanimously.

END OF CONSENT AGENDA

BY COUNCILOR HANSEN (FINANCE)

28. [16-0076R](#) RESOLUTION APPROVING A COLLECTIVE BARGAINING AGREEMENT BETWEEN THE CITY OF DULUTH AND CITY OF DULUTH SUPERVISORY ASSOCIATION FOR THE YEARS 2015-2017.

Indexes:

Attachments: [Exhibit A - Reopener Final 2015-2017 CDSA CBA \(Clean\)](#)

[Reopener Final 2015-2017 CDSA CBA \(Changed Marked\)](#)

[TA - initialled redlined reopener CBA](#)

This Resolution was adopted unanimously.

BY COUNCILOR ANDERSON (PERSONNEL)

29. [16-0063R](#) RESOLUTION CONFIRMING THE APPOINTMENT OF WAYNE PARSON AS CHIEF FINANCIAL OFFICER FOR THE CITY OF DULUTH.

This Resolution was adopted as follows:

- Yea:** 8 - Councilor Anderson, Councilor Hansen, Councilor Hanson, Councilor Hobbs, Councilor Russ, Councilor Sipress, Councilor Westerlund and President Filipovich
Nay: 1 - Councilor Fosle

BY COUNCILOR RUSS (PLANNING & ECONOMIC DEVELOPMENT)

30. [16-0065R](#) RESOLUTION AFFIRMING THE PLANNING COMMISSION'S DECISION TO DENY PARK POINT MARINA INN AND SUITES, LLC A VARIANCE FROM THE MIXED USE WATERFRONT DEVELOPMENT STANDARDS AT 1003 MINNESOTA AVENUE.

Indexes:

- Attachments:** [Attachment 1](#)
[Attachment 2](#)
[Attachment 3](#)
[Attachment 4](#)
[Attachment 5](#)
[Attachment 6](#)
[Attachment 7](#)

Motion was made, seconded and unanimously carried to remove resolution from the agenda.

31. [16-0066R](#) RESOLUTION REVERSING THE PLANNING COMMISSION'S DECISION TO DENY PARK POINT MARINA INN AND SUITES, LLC A VARIANCE FROM THE MIXED USE WATERFRONT DEVELOPMENT STANDARDS AT 1003 MINNESOTA AVENUE.

Indexes:

- Attachments:** [Attachment 1](#)
[Attachment 2](#)
[Attachment 3](#)
[Attachment 4](#)
[Attachment 5](#)
[Attachment 6](#)
[Attachment 7](#)

Motion was made, seconded and unanimously carried to remove resolution from the agenda.

BY COUNCILOR WESTERLUND (PUBLIC WORKS & UTILITIES)

- 32. [16-0053R](#) RESOLUTION AWARDING A PURCHASE FROM THUNDER BAY CHEMICALS, LTD., FOR THE PURCHASE AND DELIVERY OF 125,400 GALLONS OF LIQUID ALUMINUM SULFATE IN YEAR 2016 FOR \$125,826.36.

Indexes:

Attachments: [Exhibit A](#)

This Resolution was adopted as follows:

- Yea:** 8 - Councilor Anderson, Councilor Hansen, Councilor Hanson, Councilor Hobbs, Councilor Russ, Councilor Sipress, Councilor Westerlund and President Filipovich
- Nay:** 1 - Councilor Fosle

- 33. [16-0054R](#) RESOLUTION AUTHORIZING A PURCHASE FROM HAWKINS FOR THE PURCHASE AND DELIVERY OF 85,000 GALLONS OF LIQUID CAUSTIC SODA IN YEAR 2016 FOR A TOTAL OF \$144,075.

Indexes:

Attachments: [Exhibit A](#)

This Resolution was adopted as follows:

- Yea:** 8 - Councilor Anderson, Councilor Hansen, Councilor Hanson, Councilor Hobbs, Councilor Russ, Councilor Sipress, Councilor Westerlund and President Filipovich
- Nay:** 1 - Councilor Fosle

- 34. [16-0084R](#) RESOLUTION AWARDING A CONTRACT TO LAKEHEAD CONSTRUCTORS, INC. FOR THE REPLACEMENT OF THE OPERATING ROPES ON THE AERIAL LIFT BRIDGE IN THE AMOUNT OF \$190,963.

Indexes:

Attachments: [16-0084R Map](#)

This Resolution was adopted unanimously.

INTRODUCTION AND CONSIDERATION OF ORDINANCES

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

BY COUNCILOR RUSS (PLANNING & ECONOMIC DEVELOPMENT)

35. [16-002-O](#) AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF DULUTH TO PROVIDE FOR THE RECLASSIFICATION FROM R-1 TO MU-N, AND MU-N AND MU-B TO MU-C FOR PROPERTY ALONG THE NORTH AND SOUTH SIDES OF LONDON ROAD.

Indexes:

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

This Ordinance was read for the first time.

36. [16-003-O](#) AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF DULUTH TO PROVIDE FOR THE RECLASSIFICATION FROM I-W TO MU-W FOR PROPERTY ALONG THE WEST SIDE OF MINNESOTA AVENUE AND ST. LOUIS AVENUE.

Indexes:

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

This Ordinance was read for the first time.

BY COUNCILOR HANSON (INTERGOVERNMENTAL RELATIONS)

37. [16-005-O](#) AN ORDINANCE AUTHORIZING THE CONVEYANCE OF CERTAIN REAL PROPERTY WITHIN THE CITY OF DULUTH TO ST. LOUIS COUNTY, MINNESOTA FOR NOMINAL CONSIDERATION.

Indexes:

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

This Resolution was read for the first time.

BY COUNCILOR SIPRESS (RECREATION, LIBRARIES & AUTHORITIES)

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

BY COUNCILOR RUSS (PLANNING & ECONOMIC DEVELOPMENT)

38. [16-004-O](#) AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF DULUTH TO PROVIDE FOR THE RECLASSIFICATION, REARRANGEMENT AND/OR EXPANSION OF THE CURRENT ZONE DISTRICTS; PARK AND OPEN SPACE (P-1), RESIDENTIAL-TRADITIONAL (R-1), RESIDENTIAL-URBAN (R-2), MIXED USE- BUSINESS (MU-B), MIXED USE-NEIGHBORHOOD (MU-N), INDUSTRIAL-GENERAL (I-G), FORM DISTRICT 5 (F-5) MID-RISE COMMUNITY SHOPPING AND OFFICE, AND RECLASSIFICATION OF LAND TO MIXED USE-COMMERCIAL (MU-C).

Indexes:

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

This Ordinance was adopted unanimously.

BY COUNCILOR SIPRESS (RECREATION, LIBRARIES & AUTHORITIES)

39. [16-001-O](#) AN ORDINANCE AMENDING CHAPTER 2, ARTICLE XXIII OF THE DULUTH CITY CODE, 1959, AS AMENDED, CHANGING THE NAME OF THE TREE COMMISSION TO THE URBAN FOREST COMMISSION.

This Ordinance was adopted unanimously.

COUNCILOR QUESTIONS AND COMMENTS

COUNCILOR PREVIEW OF UPCOMING BUSINESS

Meeting was adjourned at 7:26 p.m.



City of Duluth

411 West First Street
Duluth, Minnesota 55802

Actions and Unofficial Minutes

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 will provide increased opportunities for civil discourse in order to find positive resolutions to the issues that face the city. These tools include: pay attention, listen, be inclusive, do not gossip, show respect, be agreeable, apologize, give constructive criticism and take responsibility. [Approved by the council on August 25, 2003]*

Monday, February 8, 2016

7:00 PM

Council Chamber

ROLL CALL

Present: 9 - Councilor Gary Anderson, Councilor Jay Fosle, Councilor Elissa Hansen, Councilor Howie Hanson, Councilor Noah Hobbs, Councilor Barb Russ, Councilor Joel Sipress, Councilor Em Westerlund and President Zack Filipovich

PLEDGE OF ALLEGIANCE

APPROVAL OF MINUTES

1. [16-014](#) Duluth Transit Authority Board of Directors meeting minutes

Indexes:

Attachments: [BOD Minutes \(12-02-15\)](#)
[DTA Financial Statement 2015](#)

This Minutes was received.

2. [16-015](#) Civil Service Board meeting minutes

Indexes:

Attachments: [Civil Service Board 12-08-15 Minutes \(Approved 01-05-16\)](#)

This Minutes was received.

3. [16-016](#) Duluth Economic Development Authority meeting minutes

Indexes:

Attachments: [DEDA 12-16-15 Mtg Minutes](#)

This Minutes was received.

4. [16-017](#) Library Board meeting minutes

Indexes:

Attachments: [Minutes Library Board 2015 11 24](#)

This Minutes was received.

5. [16-018](#) Housing and Redevelopment Authority meeting minutes

Indexes:

Attachments: [HRA Board Minutes 150825](#)

[HRA Board Minutes 150929](#)

[HRA Board Minutes 151027](#)

This Minutes was received.

PRESENTATION OF PETITIONS AND OTHER COMMUNICATIONS

6. [16-019](#) Lake Avenue South appeal citizen communications

Indexes:

Attachments: [Judy Harrsion Communication](#)

[Richard Brown Communication](#)

This Petition/Other Communication was received.

REPORTS FROM OTHER OFFICERS

BY COUNCILOR HANSEN (FINANCE)

REPORTS OF COUNCIL COMMITTEES

REPORTS OF COUNCIL OPEN ISSUES**OPPORTUNITY FOR CITIZENS TO BE HEARD**

Lynne Pickart expressed her concern about the icy sidewalks.

CONSENT AGENDA**BY COUNCILOR HANSEN (FINANCE)**

7. [16-0055R](#) RESOLUTION CONFIRMING ASSESSMENT ROLL LEVIED TO DEFRAY THE ASSESSABLE PORTION OF DEMOLITIONS AT FIFTEEN CITY LOCATIONS.

This Resolution was adopted unanimously.

8. [16-0075R](#) RESOLUTION PROVIDING FOR THE ISSUANCE, SALE AND DELIVERY OF GENERAL OBLIGATION DECC IMPROVEMENT REFUNDING BONDS, SERIES 2016A, IN THE APPROXIMATE AMOUNT OF \$33,440,000; ESTABLISHING THE TERMS AND FORM THEREOF; AND PROVIDING FOR AWARDEDING THE SALE THEREOF.

Indexes:

Attachments: [Exhibit A](#)

[Exhibit B](#)

[Exhibit C](#)

This Resolution was adopted unanimously.

9. [16-0113R](#) RESOLUTION APPROVING A COLLECTIVE BARGAINING AGREEMENT BETWEEN THE CITY OF DULUTH AND AMERICAN FEDERATION OF STATE, COUNTY AND MUNICIPAL EMPLOYEES, MINNESOTA COUNCIL 5, LOCAL 66, FOR CITY OF DULUTH BASIC UNIT EMPLOYEES FOR THE YEARS 2016-2018.

Indexes:

Attachments: [Exhibit A - 2016-2018 AFSCME CBA - clean](#)

[2016-2018 AFSCME CBA - Redline](#)

This Resolution was adopted unanimously.

BY COUNCILOR HOBBS (PURCHASING & LICENSING)

10. [16-0097R](#) RESOLUTION AUTHORIZING AN AGREEMENT WITH HITACHI DATA SYSTEMS FOR ANNUAL SUPPORT AND MAINTENANCE OF THE CITYWIDE CAMERA SYSTEM FOR AN AMOUNT NOT TO EXCEED \$71,382.

Indexes:

Attachments: [Exhibit A](#)

This Resolution was adopted unanimously.

BY COUNCILOR ANDERSON (PERSONNEL)

11. [16-0086R](#) RESOLUTION APPROVING PROPOSED AMENDMENTS TO THE SPECIFICATIONS FOR THE EXISTING CIVIL SERVICE CLASSIFICATION OF SEASONAL GROUNDSKEEPER.

Indexes:

Attachments: [Seasonal Groundskeeper strikeout](#)
[Seasonal Groundskeeper](#)

This Resolution was adopted unanimously.

12. [16-0093R](#) RESOLUTION AUTHORIZING THE EXECUTION OF 2016-2018 PROFESSIONAL SERVICES AGREEMENT WITH THE DULUTH JOINT POWERS ENTERPRISE TRUST FOR CITY TO PROVIDE WELLNESS COORDINATOR SERVICES AND ACCEPTING REIMBURSEMENT FOR SERVICES IN AN AMOUNT NOT TO EXCEED \$70,000 PER YEAR.

Indexes:

Attachments: [Exhibit A \(16-0093R\)](#)

This Resolution was adopted unanimously.

BY COUNCILOR SIPRESS (RECREATION, LIBRARIES & AUTHORITIES)

13. [16-0100R](#) RESOLUTION AUTHORIZING A THIRD AMENDMENT TO THE AGREEMENT BETWEEN THE CITY OF DULUTH AND THE ARROWHEAD ZOOLOGICAL SOCIETY, INC.

Indexes:

Attachments: [EXHIBIT A](#)

This Resolution was adopted unanimously.

END OF CONSENT AGENDA

BY COUNCILOR HANSEN (FINANCE)

14. [16-0103R](#) RESOLUTION PROVIDING FOR THE ISSUANCE, SALE AND DELIVERY OF TAXABLE GENERAL OBLIGATION TAX ABATEMENT BONDS, SERIES 2016B, IN THE APPROXIMATE AMOUNT OF \$7,820,000; ESTABLISHING THE TERMS AND FORM THEREOF; CREATING A BOND FUND THEREFOR; AND PROVIDING FOR AWARDING THE SALE THEREOF.

Indexes:

Attachments: [Exhibit A](#)

[Exhibit B](#)

This Resolution was adopted unanimously.

BY COUNCILOR ANDERSON (PERSONNEL)

15. [16-0092R](#) RESOLUTION APPROVING PROPOSED SPECIFICATIONS FOR THE NEW CIVIL SERVICE CLASSIFICATION OF HRIS ANALYST, AND SPECIFYING CONTRACT BENEFITS FOR SAME.

Indexes:

Attachments: [HRIS Analyst Job Description](#)

This Resolution was adopted as follows;

Yea: 8 - Councilor Anderson, Councilor Hansen, Councilor Hanson, Councilor Hobbs, Councilor Russ, Councilor Sipress, Councilor Westerlund and President Filipovich

Nay: 1 - Councilor Fosle

BY COUNCILOR RUSS (PLANNING & ECONOMIC DEVELOPMENT)

16. [16-0094R](#) RESOLUTION AFFIRMING THE PLANNING COMMISSION'S DECISION TO DENY BILL BROWNELL AND PAT BROWNELL STERNER A VARIANCE FROM THE RESIDENTIAL-TRADITIONAL (R-1) SIDE YARD SETBACK REQUIREMENT AT 3427 LAKE AVENUE SOUTH.

Indexes:

Attachments: [Attachment 1](#)

[Attachment 2](#)

[Attachment 3](#)

[Attachment 4](#)

This Resolution was denied, as follows;

Yea -0

Nay: 9 - Councilor Anderson, Councilor Fosle, Councilor Hansen, Councilor Hanson, Councilor Hobbs, Councilor Russ, Councilor Sipress, Councilor Westerlund and President Filipovich

17. [16-0096R](#) RESOLUTION REVERSING THE PLANNING COMMISSION'S DECISION TO DENY BILL BROWNELL AND PAT BROWNELL STERNER A VARIANCE FROM THE RESIDENTIAL-TRADITIONAL (R-1) SIDE YARD SETBACK REQUIREMENT AT 3427 LAKE AVENUE SOUTH.

Indexes:

Attachments: [Attachment 1](#)

[Attachment 2](#)

[Attachment 3](#)

[Attachment 4](#)

Motion was made, seconded and unanimously carried to hear a speaker on this resolution.

Bob Lent spoke in support of the resolution.

This Resolution was adopted unanimously.

BY COUNCILOR SIPRESS (RECREATION, LIBRARIES & AUTHORITIES)

18. [16-0105R](#) RESOLUTION AUTHORIZING THE USE OF THE DULUTH CITY COUNCIL NAME ON A THANK YOU PLAQUE TO BE PRESENTED TO CONGRESSMAN RICK NOLAN IN APPRECIATION FOR OPPOSING INCREASES IN TRUCK SIZE AND WEIGHT LIMITS ON MINNESOTA'S ROADS.

Sponsors: Sipress

This Resolution was adopted as follows;

Yea: 7 - Councilor Anderson, Councilor Hansen, Councilor Hanson, Councilor Russ, Councilor Sipress, Councilor Westerlund and President Filipovich

Nay: 2 - Councilor Fosle and Councilor Hobbs

INTRODUCTION AND CONSIDERATION OF ORDINANCES

ORDINANCES TABLED

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

BY COUNCILOR RUSS (PLANNING & ECONOMIC DEVELOPMENT)

19. [16-006-O](#) AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF DULUTH TO PROVIDE FOR THE RECLASSIFICATION OF THE CURRENT ZONE DISTRICT; RESIDENTIAL-TRADITIONAL (R-1) TO RESIDENTIAL-URBAN (R-2), AND MIXED USE-NEIGHBORHOOD (MU-N) AND INDUSTRIAL-GENERAL (I-G) TO MIXED USE-NEIGHBORHOOD (MU-N).

Indexes:

Attachments: [Attachment 1](#)

[Attachment 2](#)

This Ordinance was read for the first time.

20. [16-009-O](#) AN ORDINANCE AMENDING CHAPTER 6, ARTICLE VII, OF THE DULUTH CITY CODE, 1959, AS AMENDED, RELATING TO NONDOMESTIC ANIMALS.

This Ordinance was read for the first time.

BY COUNCILOR WESTERLUND (PUBLIC WORKS & UTILITIES)

21. [16-007-O](#) AN ORDINANCE ADOPTING SPECIAL PROCEDURES PERTAINING TO TERMINATION OF NATURAL GAS SERVICE DURING THE COLD WEATHER RULE PERIOD, AMENDING ARTICLE XV OF CHAPTER 48 OF THE DULUTH CITY CODE, 1959, AS AMENDED TO ADD A NEW SECTION 48-239.1.

This Ordinance was read for the first time.

22. [16-008-O](#) AN ORDINANCE MODIFYING THE TERMS OF PUBLIC UTILITY COMMISSIONERS TO EXCLUDE PARTIAL TERMS FROM TERM LIMITATIONS, AMENDING SECTION 2-184 OF THE DULUTH CITY CODE, 1959, AS AMENDED.

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)

23. [16-002-O](#) AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF DULUTH TO PROVIDE FOR THE RECLASSIFICATION FROM R-1 TO MU-N, AND MU-N AND MU-B TO MU-C FOR PROPERTY ALONG THE NORTH AND SOUTH SIDES OF LONDON ROAD.

Indexes:

Attachments: [Attachment 1](#)

[Attachment 2](#)

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

Yea: 8 - Councilor Anderson, Councilor Hansen, Councilor Hanson, Councilor Hobbs, Councilor Russ, Councilor Sipress, Councilor Westerlund and President Filipovich

Nay: 1 - Councilor Fosle

24. [16-003-O](#) AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF DULUTH TO PROVIDE FOR THE RECLASSIFICATION FROM I-W TO MU-W FOR PROPERTY ALONG THE WEST SIDE OF MINNESOTA AVENUE AND ST. LOUIS AVENUE.

Indexes:

Attachments: [Attachment 1](#)

[Attachment 2](#)

This Ordinance was adopted unanimously.

BY COUNCILOR HANSON (INTERGOVERNMENTAL RELATIONS)

25. [16-005-O](#) AN ORDINANCE AUTHORIZING THE CONVEYANCE OF CERTAIN REAL PROPERTY WITHIN THE CITY OF DULUTH TO ST. LOUIS COUNTY, MINNESOTA FOR NOMINAL CONSIDERATION.

Indexes:

Attachments: [Exhibit A](#)

[Exhibit B](#)

This Ordinance was adopted unanimously.

COUNCILOR QUESTIONS AND COMMENTS

COUNCILOR PREVIEW OF UPCOMING BUSINESS

Meeting was adjourned at 7:37 p.m.



City of Duluth

411 West First Street
Duluth, Minnesota 55802

Actions and Unofficial Minutes

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 will provide increased opportunities for civil discourse in order to find positive resolutions to the issues that face the city. These tools include: pay attention, listen, be inclusive, do not gossip, show respect, be agreeable, apologize, give constructive criticism and take responsibility. [Approved by the council on August 25, 2003]*

Monday, February 22, 2016

7:00 PM

Council Chamber

ROLL CALL

Present: 9 - Councilor Gary Anderson, Councilor Jay Fosle, Councilor Elissa Hansen, Councilor Howie Hanson, Councilor Noah Hobbs, Councilor Barb Russ, Councilor Joel Sipress, Councilor Em Westerlund and President Zack Filipovich

PLEDGE OF ALLEGIANCE

APPROVAL OF MINUTES

1. [16-020](#) August and September 2015

Indexes:

Attachments: [OPS 8.10.2015 \(1\)](#)

[OPS 8.14.2015 \(1\)](#)

[OPS 8.31.2015 \(1\)](#)

[OPS 9.14.2015 \(1\)](#)

[OPS 9.17.2015 \(1\)](#)

[OPS 9.28.2015 \(1\)](#)

This Minutes was received.

PRESENTATION OF PETITIONS AND OTHER COMMUNICATIONS

2. [16-021](#) Communications regarding Lake Superior Zoo/Fairmount Park Site Plan

Indexes:

Attachments: [Elizabeth Donley Communication \(Zoo\)](#)
[Jerry Fredrickson Communication \(Zoo\)](#)
[Richard Paulson Communication \(Zoo\)](#)

This Petition/Other Communication was received.

REPORTS FROM THE ADMINISTRATION

REPORTS FROM OTHER OFFICERS

3. [16-022](#) Clerk application to conduct excluded bingo by St. Elizabeth's Catholic Church on March 20, 2016

This Other Officers Report was received.

4. [16-026](#) Spirit Mountain Rec. Area Authority Audit

This Other Officers Report was received.

5. [16-027](#) Clerk application for exempt permit submitted to the Minnesota gambling control board.

Indexes:

Attachments: [Holy Family Church Gambling Permit](#)
[St Luke's Foundation Gambling Permit](#)

This Other Officers Report was received.

6. [16-028](#) Vacation Dwelling Unit Moratorium

Indexes:

- Attachments: [Public Meeting Comments 1 21 2016](#)
[Public Meeting Comments 10 15 2015](#)
[VDRHS PC CC Report](#)

This Other Officers Report was received.

REPORTS OF BOARDS AND COMMISSIONS

7. [16-023](#) DPUC Meeting Minutes & Recommendations

Indexes:

- Attachments: [01192016 DPUC meeting minutes](#)
[16PUC-002 with recommended unofficial ordinance](#)
[16PUC-003 recommending alternative stormwater mgmt approved 02162016](#)

This Board or Commission Report was received.

8. [16-024](#) DAA Meeting Minutes

Indexes:

- Attachments: [DAA January 19, 2016 Meeting Minutes](#)

This Board or Commission Report was received.

REPORTS OF COUNCIL COMMITTEES

REPORTS OF COUNCIL OPEN ISSUES

Councilor Anderson presented the Duluth City Council February 2016 Duluth Distinguished Artists award to Angie Frank.

Ms. Frank thanked the council for this honor.

OPPORTUNITY FOR CITIZENS TO BE HEARD

Lynne Pickart commented on her continued concern about the icy sidewalks.

Justin Anderson expressed his concerns about the need for more information about where the political caucuses are being held.

Jesse Peterson commented on the difficulty on participating in the political party caucus process.

MOTIONS AND RESOLUTIONS**CONSENT AGENDA****BY COUNCILOR HOBBS (PURCHASING & LICENSING)**

9. [16-0104R](#) RESOLUTION AUTHORIZING THE PURCHASE OF TECHRETE, PRIMER, SEALANT, MASTIC, AND THE RENTAL OF A PATCHER TRAILER, FROM BROCK WHITE COMPANY FOR A TOTAL AMOUNT OF \$123,680.

Indexes:

Attachments: [Exhibit A](#)

This Resolution was adopted unanimously.

10. [16-0119R](#) RESOLUTION AUTHORIZING THE FIRST AMENDMENT TO CONTRACT 22447 WITH CHRISTINE PENNEY FOR PROFESSIONAL SERVICES FOR ADDITIONAL GRANT RESEARCH AND WRITING SERVICES FOR AN AMENDED CONTRACT TOTAL NOT TO EXCEED \$109,400.

Indexes:

Attachments: [Exhibit A](#)
[Exhibit A-1](#)

This Resolution was adopted unanimously.

11. [16-0120R](#) RESOLUTION AUTHORIZING A CONTRACT WITH WETLAND HABITAT RESTORATIONS FOR THE REMOVAL OF INVASIVE SPECIES FROM THE WESTERN WATERFRONT TRAIL CORRIDOR IN THE AMOUNT OF \$179,501.

Indexes:

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

This Resolution was adopted unanimously.

12. [16-0129R](#) RESOLUTION AUTHORIZING AN AGREEMENT WITH PRAIRIE RESTORATIONS, INC. FOR THE IMPLEMENTATION OF A PORTION OF PHASE ONE OF THE HARTLEY MINI MASTER PLAN FOR AN AMOUNT NOT TO EXCEED \$65,000.

Indexes:

Attachments: [Exhibit A](#)

This Resolution was adopted unanimously.

BY COUNCILOR ANDERSON (PERSONNEL)

13. [16-0112R](#) RESOLUTION APPROVING PROPOSED AMENDMENTS TO THE SPECIFICATIONS FOR THE EXISTING CIVIL SERVICE CLASSIFICATION OF BUILDINGS & GROUNDS MAINTENANCE SUPERVISOR, INCLUDING A TITLE CHANGE TO PARKS & GROUNDS MAINTENANCE SUPERVISOR, AND SPECIFYING CONTRACT BENEFITS FOR SAME.

Indexes:

Attachments: [Buildings & Grounds Maintenance Supervisor Strikeout](#)
[Parks & Grounds Maintenance Supervisor](#)

This Resolution was adopted unanimously.

BY COUNCILOR RUSS (PLANNING & ECONOMIC DEVELOPMENT)

14. [16-0095R](#) RESOLUTION AUTHORIZING AN AGREEMENT WITH PERKINS+WILL FOR THE WESTERN PORT AREA NEIGHBORHOOD PLAN FOR AN AMOUNT NOT TO EXCEED \$185,075.

Indexes:

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

This Resolution was adopted unanimously.

15. [16-0098R](#) RESOLUTION AUTHORIZING EXECUTION OF AN AGREEMENT WITH THE DULUTH ECONOMIC DEVELOPMENT AUTHORITY (DEDA) RELATING TO PARTICIPATION BY DEDA IN THE CITY OF DULUTH SELF INSURANCE FUND PROGRAM FOR 2016.

Indexes:

Attachments: [DEDA-City Self Insurance Program](#)

This Resolution was adopted unanimously.

16. [16-0099R](#) RESOLUTION AUTHORIZING AN AGREEMENT WITH THE DULUTH ECONOMIC DEVELOPMENT AUTHORITY (DEDA) TO INSURE CERTAIN DEDA PROPERTY UNDER THE CITY'S PROPERTY AND BOILER INSURANCE POLICIES.

Indexes:

Attachments: [DEDA-City Property & Boiler Insurance Agreement \(2\)](#)

This Resolution was adopted unanimously.

17. [16-0121R](#) RESOLUTION VACATING THE 30 FOOT WIDE RIGHT OF WAY LYING SOUTHERLY AND ADJACENT TO BLOCK 3, HYDE PARK (JOHN F. AND KRISTINE CURTIS).

Indexes:

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

This Resolution was adopted unanimously.

BY COUNCILOR WESTERLUND (PUBLIC WORKS & UTILITIES)

18. [16-0116R](#) RESOLUTION AUTHORIZING AN AGREEMENT WITH LHB, INC. FOR PROFESSIONAL ENGINEERING SERVICES TO PROVIDE DESIGN SERVICES FOR A DECK GRATING ASSESSMENT, SIDEWALK ASSESSMENT AND REPAINTING DESIGN AND PLANS FOR THE DULUTH AERIAL LIFT BRIDGE IN AN AMOUNT NOT TO EXCEED \$78,578.

Indexes:

Attachments: [16-0116R Map](#)
[16-0116R PESA](#)

This Resolution was adopted unanimously.

19. [16-0118R](#) RESOLUTION AWARDDING A CONTRACT TO MINNESOTA PIPE & EQUIPMENT, INC. FOR THE PURCHASE OF DUCTILE IRON WATER MAIN PIPE FOR ST. LOUIS COUNTY'S CSAH 9 STREET RECONSTRUCTION PROJECT IN THE AMOUNT OF \$300,609.

This Resolution was adopted unanimously.

20. [16-0130R](#) RESOLUTION AUTHORIZING LICENSE AGREEMENT WITH BNSFRR TO AUTHORIZE CONSTRUCTION OF WATER MAIN AND CASING UNDER RAILROAD RIGHT-OF-WAY AT 59TH AVE. W.

Indexes:

Attachments: [Exhibit A - 16-0130R](#)

This Resolution was adopted unanimously.

BY COUNCILOR FOSLE (PUBLIC SAFETY)

21. [16-0122R](#) RESOLUTION RENEWING CODERED SERVICE AGREEMENT (AGREEMENT NO. 22025) AND RENEWING THE WEATHER WARNING SERVICE ADDENDUM (AGREEMENT NO. 22026) WITH EMERGENCY COMMUNICATIONS NETWORK LLC, FOR A TOTAL COST OF \$29,500.

This Resolution was adopted unanimously.

BY COUNCILOR SIPRESS (RECREATION, LIBRARIES & AUTHORITIES)

22. [16-0080R](#) RESOLUTION AUTHORIZING THE TWO YEAR RENEWAL OF AGREEMENT 22326 WITH DULUTH AREA FAMILY YMCA TO PROVIDE AFTER SCHOOL PROGRAMMING AND SUMMER YOUTH PROGRAMMING AT VARIOUS LOCATIONS FOR A MAXIMUM ANNUAL FEE NOT TO EXCEED \$150,000, AND A TOTAL AGREEMENT AMOUNT NOT TO EXCEED \$412,500.

Indexes:

Attachments: [Exhibit A](#)

This Resolution was adopted unanimously.

23. [16-0114R](#) RESOLUTION AUTHORIZING APPLICATION TO THE MINNESOTA DEPARTMENT OF NATURAL RESOURCES (MN DNR) FEDERAL RECREATIONAL TRAIL PROGRAM TO CONSTRUCT A MULTI-USE TRAIL ALONG THE PROPOSED DWP RAIL BED TRAIL FROM SPIRIT MOUNTAIN TO STEWART CREEK.

Indexes:

Attachments: [EXHIBIT A - 16-0114R](#)

[EXHIBIT B - 16-0114R](#)

This Resolution was adopted unanimously.

24. [16-0115R](#) RESOLUTION AUTHORIZING APPLICATION TO A MINNESOTA DEPARTMENT OF NATURAL RESOURCES FEDERAL RECREATIONAL TRAIL PROGRAM GRANT TO CONSTRUCT A MULTI-USE TRAIL (THE CLYDE CONNECTOR TRAIL) CONNECTING SMITHVILLE, THE MUNGER TRAIL, THE DWP TRAIL AND WEST SKYLINE PARKWAY.

Indexes:

Attachments: [EXHIBIT B - 16-0115R](#)

[EXHIBIT A - 16-0115R](#)

This Resolution was adopted unanimously.

25. [16-0125R](#) RESOLUTION GRANTING APPROVAL AND IMPLEMENTATION OF THE LINCOLN PARK MINI-MASTER PLAN.

Indexes:

Attachments: [EXHIBIT A - 16-0125R](#)

This Resolution was adopted unanimously.

26. [16-0133R](#) RESOLUTION AUTHORIZING THREE YEAR LEASE AGREEMENT WITH THE NATIONAL ASSOCIATION FOR THE ADVANCEMENT OF COLORED PEOPLE, DULUTH BRANCH, FOR USE OF SPACE IN THE WASHINGTON RECREATION CENTER.

Indexes:

Attachments: [NAACP lease 2016-02-16 \(council copy\)](#)

This Resolution was adopted unanimously.

END OF CONSENT AGENDA

BY COUNCILOR RUSS (PLANNING & ECONOMIC DEVELOPMENT)

27. [16-0124R](#) RESOLUTION GRANTING AN INTERIM USE PERMIT FOR AN ART SCHOOL AT 810 WEST THIRD STREET, FORMER ST. PETER'S CHURCH (JEFFREY T. LARSON).

Indexes:

Attachments: [Attachment 1](#)

A motion was made by Councilor Russ that this Resolution be tabled and a second was made by Councilor E. Hansen. The motion to table this Resolution carried unanimously.

BY COUNCILOR WESTERLUND (PUBLIC WORKS & UTILITIES)

28. [16-0117R](#) RESOLUTION AWARDING A CONTRACT TO NORTHLAND CONSTRUCTORS OF DULUTH, LLC FOR CONSTRUCTION OF THE LOWELL TO LAKEWALK TRAIL PHASE 1 (NOW KNOWN AS CAMPUS CONNECTOR) IN THE AMOUNT OF \$777,773.75.

Indexes:

Attachments: [16-0117R Map](#)
[16-0117R Cross Section](#)

This Resolution was adopted unanimously.

INTRODUCTION AND CONSIDERATION OF ORDINANCES

ORDINANCES TABLED

BY COUNCILOR RUSS (PLANNING & ECONOMIC DEVELOPMENT)

29. [16-002-O](#) AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF DULUTH TO PROVIDE FOR THE RECLASSIFICATION FROM R-1 TO MU-N, AND MU-N AND MU-B TO MU-C FOR PROPERTY ALONG THE NORTH AND SOUTH SIDES OF LONDON ROAD.

Indexes:

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

A motion was made, seconded and carried unanimously to remove the ordinance from the table.

A motion was made that this Ordinance be adopted. The motion carried unanimously.

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

BY COUNCILOR RUSS (PLANNING & ECONOMIC DEVELOPMENT)

- 30. [16-011-O](#) ORDINANCE DESIGNATING THE FORMER ST. PETER’S CHURCH, 810 WEST THIRD STREET, AS A DULUTH HISTORIC LANDMARK (JEFFREY T. LARSON).

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 RUSS (PLANNING & ECONOMIC DEVELOPMENT)

- 31. [16-006-O](#) AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF DULUTH TO PROVIDE FOR THE RECLASSIFICATION OF THE CURRENT ZONE DISTRICT; RESIDENTIAL-TRADITIONAL (R-1) TO RESIDENTIAL-URBAN (R-2), AND MIXED USE-NEIGHBORHOOD (MU-N) AND INDUSTRIAL-GENERAL (I-G) TO MIXED USE-NEIGHBORHOOD (MU-N).

Indexes:

Attachments: [Attachment 1](#)

[Attachment 2](#)

This Ordinance was adopted unanimously.

- 32. [16-009-O](#) AN ORDINANCE AMENDING CHAPTER 6, ARTICLE VII, OF THE DULUTH CITY CODE, 1959, AS AMENDED, RELATING TO NONDOMESTIC ANIMALS.

Motion was made, seconded and unanimously carried to suspend the rules to hear a speaker on the ordinance.

Kris Kapsner expressed support for the ordinance.

This Ordinance was adopted as follows;

Yea: 7 - Councilor Anderson, Councilor Hansen, Councilor Hanson, Councilor Russ, Councilor Sipress, Councilor Westerlund and President Filipovich

Nay: 2 - Councilor Fosle and Councilor Hobbs

BY COUNCILOR WESTERLUND (PUBLIC WORKS & UTILITIES)

33. [16-007-O](#) AN ORDINANCE ADOPTING SPECIAL PROCEDURES PERTAINING TO TERMINATION OF NATURAL GAS SERVICE DURING THE COLD WEATHER RULE PERIOD, AMENDING ARTICLE XV OF CHAPTER 48 OF THE DULUTH CITY CODE, 1959, AS AMENDED TO ADD A NEW SECTION 48-239.1.

This Ordinance was adopted unanimously.

34. [16-008-O](#) AN ORDINANCE MODIFYING THE TERMS OF PUBLIC UTILITY COMMISSIONERS TO EXCLUDE PARTIAL TERMS FROM TERM LIMITATIONS, AMENDING SECTION 2-184 OF THE DULUTH CITY CODE, 1959, AS AMENDED.

This Ordinance was adopted unanimously.

COUNCILOR QUESTIONS AND COMMENTS

COUNCILOR PREVIEW OF UPCOMING BUSINESS

This was approved.

Meeting Adjourned at 7:52 p.m.



City of Duluth

411 West First Street
Duluth, Minnesota 55802

Actions and Unofficial Minutes

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 will provide increased opportunities for civil discourse in order to find positive resolutions to the issues that face the city. These tools include: pay attention, listen, be inclusive, do not gossip, show respect, be agreeable, apologize, give constructive criticism and take responsibility. [Approved by the council on August 25, 2003]*

Monday, March 14, 2016

7:00 PM

Council Chamber

ROLL CALL

Present: 9 - Councilor Howie Hanson, Councilor Barb Russ, Councilor Noah Hobbs, Councilor Em Westerlund, Councilor Elissa Hansen, Councilor Gary Anderson, Councilor Joel Sipress, Councilor Jay Fosle and President Zack Filipovich

PLEDGE OF ALLEGIANCE

PUBLIC HEARINGS - 7:00 P.M - Reconstruction of 10th Avenue East

APPROVAL OF MINUTES

1. [16-029](#) October and November 2015 city council meeting minutes

Indexes:

Attachments: [OPS 10.8.2015 \(1\)](#)
[OPS 10.12.2015 \(1\)](#)
[OPS 10.26.2015 \(1\)](#)
[OPS 11.19.2015](#)
[OPS 11.23.2015 \(1\)](#)

These minutes were received.

PRESENTATION OF PETITIONS AND OTHER COMMUNICATIONS

2. [16-034](#) Assignment of Concurrent Use Permit for Elizabeth Street from Mark Lambert to BlueStone Flats, LLC (previously approved by City Council Ord. No. 10411, 10-12-15)

Indexes:

Attachments: [BlueStone Flats - Concurrent Use Permit Assignment](#)
[DoranCompaniesLLC_4845771_ClientPack](#)

This Petition/Other Communication was received

REPORTS FROM THE ADMINISTRATION

REPORTS FROM OTHER OFFICERS

3. [16-033](#) Clerk application to conduct excluded bingo.

Indexes:

Attachments: [Excluded Bingo Application \(Holy Family Catholic Church\)](#)

This Other Officers Report was received.

REPORTS OF BOARDS AND COMMISSIONS

4. [16-030](#) AGT January minutes

Indexes:

Attachments: [AGT January Minutes](#)

This Board or Commission Report was received.

5. [16-031](#) Civil Service Board January meeting minutes

Indexes:

Attachments: [Civil Service Board01-05-16 Minutes \(Approved 02-02-16\)](#)

This Board or Commission Report was received.

6. [16-032](#) DTA meeting minutes

Indexes:

Attachments: [DTA BOD Minutes \(1-6-16\)](#)

This Board or Commission Report was received.

REPORTS OF COUNCIL COMMITTEES

REPORTS OF COUNCIL OPEN ISSUES

OPPORTUNITY FOR CITIZENS TO BE HEARD

RESOLUTIONS TABLED

BY COUNCILOR RUSS (PLANNING & ECONOMIC DEVELOPMENT)

7. [16-0124R](#) RESOLUTION GRANTING AN INTERIM USE PERMIT FOR AN ART SCHOOL AT 810 WEST THIRD STREET, FORMER ST. PETER'S CHURCH (JEFFREY T. LARSON).

Indexes:

Attachments: [Attachment 1](#)

This Resolution was adopted unanimously.

Yea: 9 - Councilor Hanson, Councilor Russ, Councilor Hobbs, Councilor Westerlund, Councilor Hansen, Councilor Anderson, Councilor Sipress, Councilor Fosle and President Filipovich

MOTIONS AND RESOLUTIONS

CONSENT AGENDA

BY COUNCILOR HANSEN (FINANCE)

8. [16-0146R](#) RESOLUTION CONFIRMING ASSESSMENT ROLL LEVIED TO DEFRAY THE ASSESSABLE PORTION OF THE TOTAL RECONSTRUCTION OF 10th AVE EAST.

Indexes:

Attachments: [Total Reconstruct - 10th Ave E](#)

This Resolution was adopted unanimously.

Yea: 9 - Councilor Hanson, Councilor Russ, Councilor Hobbs, Councilor Westerlund, Councilor Hansen, Councilor Anderson, Councilor Sipress, Councilor Fosle and President Filipovich

9. [16-0147R](#) RESOLUTION RENEWING JOINT POWERS AGREEMENT 20604 WITH DULUTH ENTERTAINMENT AND CONVENTION CENTER AUTHORITY FOR THE OPERATION OF MINNESOTA SLIP PEDESTRIAN DRAW BRIDGE DURING YEAR 2016 FOR AN AMOUNT NOT TO EXCEED \$37,723.45.

This Resolution was adopted unanimously.

Yea: 9 - Councilor Hanson, Councilor Russ, Councilor Hobbs, Councilor Westerlund, Councilor Hansen, Councilor Anderson, Councilor Sipress, Councilor Fosle and President Filipovich

10. [16-0152R](#) RESOLUTION AMENDING RESOLUTION NO. 16-0055 CONFIRMING DEMOLITION ASSESSMENT ROLL TO DELETE ONE PROPERTY AND REDUCING THE AMOUNT ASSESSED.

This Resolution was adopted unanimously.

Yea: 9 - Councilor Hanson, Councilor Russ, Councilor Hobbs, Councilor Westerlund, Councilor Hansen, Councilor Anderson, Councilor Sipress, Councilor Fosle and President Filipovich

11. [16-0153R](#) RESOLUTION AUTHORIZING A ONE-YEAR EXTENSION OF THE CITY'S PROPERTY INSURANCE CONTRACT WITH AFFILIATED FM INSURANCE COMPANY FOR PROPERTY INSURANCE AT THE COST NOT TO EXCEED \$170,000 TO BE PAID TO MARSH & McLENNAN AGENCY LLC, AGENT FOR AFFILIATED FM INSURANCE COMPANY.

This Resolution was adopted unanimously.

Yea: 9 - Councilor Hanson, Councilor Russ, Councilor Hobbs, Councilor Westerlund, Councilor Hansen, Councilor Anderson, Councilor Sipress, Councilor Fosle and President Filipovich

12. [16-0154R](#) RESOLUTION AUTHORIZING AN AGREEMENT WITH THE DULUTH AIRPORT AUTHORITY (DAA) TO INSURE CERTAIN DAA PROPERTY AND EQUIPMENT UNDER THE CITY'S PROPERTY INSURANCE POLICY.

Indexes:

Attachments: [Exhibit A - 16-0154R](#)

This Resolution was adopted unanimously.

Yea: 9 - Councilor Hanson, Councilor Russ, Councilor Hobbs, Councilor Westerlund, Councilor Hansen, Councilor Anderson, Councilor Sipress, Councilor Fosle and President Filipovich

BY COUNCILOR HOBBS (PURCHASING & LICENSING)

13. [16-0148R](#) RESOLUTION AUTHORIZING THE PURCHASE OF EIGHT 2016 FORD UTILITY POLICE VEHICLES FROM NELSON AUTO CENTER FOR A TOTAL OF \$250,895.60.

This Resolution was adopted unanimously.

Yea: 9 - Councilor Hanson, Councilor Russ, Councilor Hobbs, Councilor Westerlund, Councilor Hansen, Councilor Anderson, Councilor Sipress, Councilor Fosle and President Filipovich

14. [16-0149R](#) RESOLUTION AUTHORIZING THE PURCHASE OF SIX 2016 DODGE CHARGER POLICE VEHICLES FROM MIKE MOTORS FOR A TOTAL OF \$157,470.

This Resolution was withdrawn.

15. [16-0159R](#) RESOLUTION AUTHORIZING A PURCHASE FROM COMPASS MINERALS AMERICA FOR AN ADDITIONAL 2,000 TONS OF ROAD SALT FOR SPRING 2016, AN INCREASE OF \$124,280, AND A TOTAL PURCHASE PRICE OF \$612,186.

This Resolution was adopted unanimously.

Yea: 9 - Councilor Hanson, Councilor Russ, Councilor Hobbs, Councilor Westerlund, Councilor Hansen, Councilor Anderson, Councilor Sipress, Councilor Fosle and President Filipovich

16. [16-0180R](#) RESOLUTION APPROVING AN EXCLUDED BINGO PERMIT TO HOLY FAMILY CATHOLIC CHURCH.

Indexes:

Attachments: [ATTACHMENT A](#)

This Resolution was adopted unanimously.

Yea: 9 - Councilor Hanson, Councilor Russ, Councilor Hobbs, Councilor Westerlund, Councilor Hansen, Councilor Anderson, Councilor Sipress, Councilor Fosle and President Filipovich

17. [16-0181R](#) RESOLUTION APPROVING AN EXCLUDED BINGO PERMIT TO ST ELIZABETHS CATHOLIC CHURCH.

Indexes:

Attachments: [ATTACHMENT A](#)

This Resolution was adopted unanimously.

Yea: 9 - Councilor Hanson, Councilor Russ, Councilor Hobbs, Councilor Westerlund, Councilor Hansen, Councilor Anderson, Councilor Sipress, Councilor Fosle and President Filipovich

18. [16-0182R](#) RESOLUTION AUTHORIZING A SOLE SOURCE PURCHASE OF SERVER AND VIDEO EQUIPMENT FROM HITACHI DATA SYSTEMS IN THE AMOUNT OF \$133,990.12.

Indexes:

Attachments: [Exhibit A](#)

This Resolution was adopted unanimously.

Yea: 9 - Councilor Hanson, Councilor Russ, Councilor Hobbs, Councilor Westerlund, Councilor Hansen, Councilor Anderson, Councilor Sipress, Councilor Fosle and President Filipovich

19. [16-0183R](#) RESOLUTION APPROVING THE EXEMPTION OF A RAFFLE LICENSE AND WAIVING THE 60 DAY WAITING PERIOD FOR THE DULUTH AIRMEN FOUNDATION, INC.

Indexes:

Attachments: [Attachment A.](#)

This Resolution was adopted unanimously.

Yea: 9 - Councilor Hanson, Councilor Russ, Councilor Hobbs, Councilor Westerlund, Councilor Hansen, Councilor Anderson, Councilor Sipress, Councilor Fosle and President Filipovich

20. [16-0188R](#) RESOLUTION ISSUING A TEMPORARY ON SALE INTOXICATING LIQUOR LICENSE TO AAD SHRINERS, (DULUTH HOT AIR BALLON FESTIVAL) BAYFRONT PARK.

Indexes:

Attachments: [Attachement A - Shriners](#)

This Resolution was adopted unanimously.

Yea: 9 - Councilor Hanson, Councilor Russ, Councilor Hobbs, Councilor Westerlund, Councilor Hansen, Councilor Anderson, Councilor Sipress, Councilor Fosle and President Filipovich

21. [16-0189R](#) RESOLUTION APPROVING ISSUING A TEMPORARY ON SALE 3.2 PERCENT MALT LIQUOR LICENSE TO THE AAD SHRINERS (KIA DRAG RACES AND CAR SHOW), 435 GARFIELD AVENUE.

Indexes:

Attachments: [Attachment A - Kia Drags](#)

This Resolution was adopted unanimously.

Yea: 9 - Councilor Hanson, Councilor Russ, Councilor Hobbs, Councilor Westerlund, Councilor Hansen, Councilor Anderson, Councilor Sipress, Councilor Fosle and President Filipovich

22. [16-0190R](#) RESOLUTION ISSUING A TEMPORARY ON SALE INTOXICATING LIQUOR LICENSE TO BONG P-38, D/B/A DULUTH AIRSHOW, 305 EAST 2ND STREET, SUPERIOR WISCONSIN.

Indexes:

Attachments: [Attachment A -Airshow](#)

This Resolution was adopted unanimously.

Yea: 9 - Councilor Hanson, Councilor Russ, Councilor Hobbs, Councilor Westerlund, Councilor Hansen, Councilor Anderson, Councilor Sipress, Councilor Fosle and President Filipovich

23. [16-0191R](#) RESOLUTION RECOMMENDING APPROVAL OF THE CONSUMPTION AND DISPLAY LICENSE RENEWAL OF DULUTH WOMAN'S CLUB FOR THE PERIOD BEGINNING APRIL 1, 2016, AND ENDING MARCH 31, 2017.

Indexes:

Attachments: [ATTACHMENT A - WOMANS CLUB](#)

This Resolution was adopted unanimously.

Yea: 9 - Councilor Hanson, Councilor Russ, Councilor Hobbs, Councilor Westerlund, Councilor Hansen, Councilor Anderson, Councilor Sipress, Councilor Fosle and President Filipovich

BY COUNCILOR ANDERSON (PERSONNEL)

24. [16-0158R](#) RESOLUTION APPROVING PROPOSED AMENDMENTS TO THE SPECIFICATIONS FOR THE EXISTING CIVIL SERVICE CLASSIFICATION OF PERMIT PROCESS SUPERVISOR, INCLUDING A TITLE CHANGE TO CONSTRUCTION SERVICES MANAGER, AND SPECIFYING CONTRACT BENEFITS FOR SAME.

Indexes:

Attachments: [Permit Process Supervisor \(strikeout\)](#)
[Construction Services Manager \(final draft\).pdf](#)

This Resolution was adopted unanimously.

Yea: 9 - Councilor Hanson, Councilor Russ, Councilor Hobbs, Councilor Westerlund, Councilor Hansen, Councilor Anderson, Councilor Sipress, Councilor Fosle and President Filipovich

25. [16-0186R](#) RESOLUTION CONFIRMING THE APPOINTMENT OF MICHAEL TALARICO TO THE HOUSING AND REDEVELOPMENT AUTHORITY OF DULUTH.

Indexes:

Attachments: [M. Talarico Application](#)

This Resolution was adopted unanimously.

Yea: 9 - Councilor Hanson, Councilor Russ, Councilor Hobbs, Councilor Westerlund, Councilor Hansen, Councilor Anderson, Councilor Sipress, Councilor Fosle and President Filipovich

BY COUNCILOR RUSS (PLANNING & ECONOMIC DEVELOPMENT)

26. [16-0164R](#) 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.

Indexes:

Attachments: [Attachment 1](#)

This Resolution was adopted unanimously.

Yea: 9 - Councilor Hanson, Councilor Russ, Councilor Hobbs, Councilor Westerlund, Councilor Hansen, Councilor Anderson, Councilor Sipress, Councilor Fosle and President Filipovich

27. [16-0175R](#) RESOLUTION OF INTENT TO SELL OR CONVEY CERTAIN REAL PROPERTY WITHIN THE CITY OF DULUTH TO INDEPENDENT SCHOOL DISTRICT #709 FOR AN ENTRANCE TO DENFELD HIGH SCHOOL.

Indexes:

Attachments: [EXHIBIT A](#)

[Exhibit B](#)

This Resolution was adopted unanimously.

Yea: 9 - Councilor Hanson, Councilor Russ, Councilor Hobbs, Councilor Westerlund, Councilor Hansen, Councilor Anderson, Councilor Sipress, Councilor Fosle and President Filipovich

28. [16-0177R](#) RESOLUTION VACATING A 16 FOOT WIDE EASEMENT FOR PEDESTRIAN AND VEHICULAR TRAVEL OVER AND ADJACENT TO LOTS 1-4, BLOCK 8, GRAND CENTRAL DIVISION (CITY OF DULUTH).

Indexes:

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

This Resolution was adopted unanimously.

Yea: 9 - Councilor Hanson, Councilor Russ, Councilor Hobbs, Councilor Westerlund, Councilor Hansen, Councilor Anderson, Councilor Sipress, Councilor Fosle and President Filipovich

29. [16-0178R](#) RESOLUTION VACATING THE 66 FOOT WIDE STREET EASEMENT OVER LOTS 1-5, LAKESIDE GARDENS, AND DEDICATING A 20 FOOT PEDESTRIAN EASEMENT THROUGH VACATED NORWOOD STREET (ISD #709).

Indexes:

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

This Resolution was adopted unanimously.

Yea: 9 - Councilor Hanson, Councilor Russ, Councilor Hobbs, Councilor Westerlund, Councilor Hansen, Councilor Anderson, Councilor Sipress, Councilor Fosle and President Filipovich

BY COUNCILOR HANSON (INTERGOVERNMENTAL RELATIONS)

30. [16-0138R](#) RESOLUTION APPROVING MASTER SUBSCRIBER AGREEMENT FOR MINNESOTA COURT DATA SERVICES FOR GOVERNMENTAL AGENCIES.

Indexes:

Attachments: [Exhibit A - Master Subscriber Agreement](#)

This Resolution was adopted unanimously.

Yea: 9 - Councilor Hanson, Councilor Russ, Councilor Hobbs, Councilor Westerlund, Councilor Hansen, Councilor Anderson, Councilor Sipress, Councilor Fosle and President Filipovich

BY COUNCILOR WESTERLUND (PUBLIC WORKS & UTILITIES)

31. [16-0131R](#) RESOLUTION AUTHORIZING AMENDMENT #1 TO RESOLUTION 16-0004 AUTHORIZING A CONTRACT WITH SRF, INC. TO PROVIDE PROFESSIONAL ENGINEERING SERVICES FOR THE ARROWHEAD/KENWOOD AND WEST CLEVELAND STREET SIGNAL IMPROVEMENTS, TO INCREASE THE AMOUNT BY \$37,066 FOR A NEW TOTAL OF \$155,283.

Indexes:

Attachments: [16-0131R Amendment](#)

This Resolution was adopted unanimously.

Yea: 9 - Councilor Hanson, Councilor Russ, Councilor Hobbs, Councilor Westerlund, Councilor Hansen, Councilor Anderson, Councilor Sipress, Councilor Fosle and President Filipovich

32. [16-0132R](#) RESOLUTION AUTHORIZING AN AGREEMENT BETWEEN ST. LOUIS COUNTY AND THE CITY OF DULUTH FOR THE ARROWHEAD/KENWOOD AND WEST CLEVELAND STREET SIGNAL IMPROVEMENTS.

Indexes:

Attachments: [16-0132R Agreement](#)

This Resolution was adopted unanimously.

Yea: 9 - Councilor Hanson, Councilor Russ, Councilor Hobbs, Councilor Westerlund, Councilor Hansen, Councilor Anderson, Councilor Sipress, Councilor Fosle and President Filipovich

33. [16-0143R](#) RESOLUTION AMENDING A CONTRACT WITH BARR ENGINEERING TO PROVIDE PROFESSIONAL ENGINEERING SERVICES FOR STREAM DESIGN AND CONSTRUCTION TO INCREASE THE AMOUNT BY \$92,891 FOR A NEW TOTAL OF \$328,928.

Indexes:

Attachments: [16-0143R Amendment](#)

This Resolution was adopted unanimously.

Yea: 9 - Councilor Hanson, Councilor Russ, Councilor Hobbs, Councilor Westerlund, Councilor Hansen, Councilor Anderson, Councilor Sipress, Councilor Fosle and President Filipovich

34. [16-0150R](#) RESOLUTION APPROVING A COUNTY PROJECT WITHIN MUNICIPAL CORPORATE LIMITS FOR IMPROVEMENTS TO COUNTY STATE AID HIGHWAY NO. 4 (RICE LAKE ROAD).

Indexes:

Attachments: [16-0150R Map](#)

This Resolution was adopted unanimously.

Yea: 9 - Councilor Hanson, Councilor Russ, Councilor Hobbs, Councilor Westerlund, Councilor Hansen, Councilor Anderson, Councilor Sipress, Councilor Fosle and President Filipovich

35. [16-0151R](#) RESOLUTION OF INTENT FOR THE 2016 STREET PRESERVATION PROJECT AND TO ASSESS A PORTION OF THE COSTS THEREOF.

Indexes:

Attachments: [16-0151R Map](#)

This Resolution was adopted unanimously.

Yea: 9 - Councilor Hanson, Councilor Russ, Councilor Hobbs, Councilor Westerlund, Councilor Hansen, Councilor Anderson, Councilor Sipress, Councilor Fosle and President Filipovich

36. [16-0155R](#) RESOLUTION AUTHORIZING AGREEMENT WITH MINNESOTA POWER, A DIVISION OF ALLETE, INC. FOR JOINT CONSTRUCTION OF UTILITIES IN MICHIGAN STREET.

Indexes:

Attachments: [Exhibit A - 16-0155R](#)

This Resolution was adopted unanimously.

Yea: 9 - Councilor Hanson, Councilor Russ, Councilor Hobbs, Councilor Westerlund, Councilor Hansen, Councilor Anderson, Councilor Sipress, Councilor Fosle and President Filipovich

37. [16-0156R](#) RESOLUTION ACCEPTING TWO EASEMENTS FOR STREET AND UTILITY PURPOSES FROM HALLETT DOCK COMPANY IN THE VICINITY OF 59TH AVENUE WEST AT NO COST TO CITY.

Indexes:

Attachments: [Exhibit A - 16-0156R](#)
[Exhibit B - 16-0156R](#)

This Resolution was adopted unanimously.

Yea: 9 - Councilor Hanson, Councilor Russ, Councilor Hobbs, Councilor Westerlund, Councilor Hansen, Councilor Anderson, Councilor Sipress, Councilor Fosle and President Filipovich

38. [16-0157R](#) RESOLUTION ACCEPTING AN EASEMENT FOR STREET AND UTILITY PURPOSES FROM LAKEROCK ENTERPRISES, INC. IN THE VICINITY OF 59TH AVENUE WEST AT NO COST TO CITY.

Indexes:

Attachments: [Exhibit A - 16-0157 R](#)

This Resolution was adopted unanimously.

Yea: 9 - Councilor Hanson, Councilor Russ, Councilor Hobbs, Councilor Westerlund, Councilor Hansen, Councilor Anderson, Councilor Sipress, Councilor Fosle and President Filipovich

39. [16-0162R](#) RESOLUTION AUTHORIZING UTILITY EASEMENT AGREEMENT WITH ISD 709 NEAR DENFELD HIGH SCHOOL.

Indexes:

Attachments: [Exhibit 1 \(16-0162R\)](#)
[Exhibit A \(16-0162R\)](#)
[Exhibit B \(16-0162R\)](#)
[Exhibit C \(16-0162R\)](#)

This Resolution was adopted unanimously.

Yea: 9 - Councilor Hanson, Councilor Russ, Councilor Hobbs, Councilor Westerlund, Councilor Hansen, Councilor Anderson, Councilor Sipress, Councilor Fosle and President Filipovich

BY COUNCILOR FOSLE (PUBLIC SAFETY)

40. [16-0144R](#) RESOLUTION AUTHORIZING PROPER CITY OFFICIALS TO ACCEPT AN AGREEMENT WITH THE UNITED STATES DEPARTMENT OF JUSTICE AND DEPARTMENT OF TREASURY TO ACCESS FUNDS UNDER THE FEDERAL EQUITABLE SHARING PROGRAM SUPPORTING OPERATIONS OF THE LAKE SUPERIOR DRUG & VIOLENT CRIME TASK FORCE.

Indexes:

Attachments: [Exhibit A](#)

This Resolution was adopted unanimously.

Yea: 9 - Councilor Hanson, Councilor Russ, Councilor Hobbs, Councilor Westerlund, Councilor Hansen, Councilor Anderson, Councilor Sipress, Councilor Fosle and President Filipovich

BY COUNCILOR SIPRESS (RECREATION, LIBRARIES & AUTHORITIES)

END OF CONSENT AGENDA

BY COUNCILOR HOBBS (PURCHASING & LICENSING)

41. [16-0139R](#) RESOLUTION AUTHORIZING A CONTRACT WITH FOUR STAR CONSTRUCTION FOR THE CITY HALL FOURTH FLOOR RENOVATIONS IN THE AMOUNT OF \$164,211.

Indexes:

Attachments: [Exhibit A](#)

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

Yea: 8 - Councilor Hanson, Councilor Russ, Councilor Hobbs, Councilor Westerlund, Councilor Hansen, Councilor Anderson, Councilor Sipress and President Filipovich

Nay: 1 - Councilor Fosle

BY COUNCILOR SIPRESS (RECREATION, LIBRARIES & AUTHORITIES)

42. [16-0168R](#) RESOLUTION GRANTING APPROVAL OF THE LAKE SUPERIOR ZOO/FAIRMOUNT PARK CONCEPT PLAN.

Indexes:

Attachments: [EXHIBIT A - 16-0168R](#)
[EXHIBIT B - 16-0168R](#)

This Resolution was adopted unanimously.

Yea: 9 - Councilor Hanson, Councilor Russ, Councilor Hobbs, Councilor Westerlund, Councilor Hansen, Councilor Anderson, Councilor Sipress, Councilor Fosle and President Filipovich

43. [16-0171R](#) RESOLUTION AMENDING RESOLUTION 15-0831, ADOPTING LICENSE, PERMIT, FINE, PENALTY AND OTHER CHARGES FOR 2016, TO AMEND THE 2016 FEE SCHEDULE FOR SPECIAL LEAGUE - SPORT- ADULT SOFTBALL (PER TEAM) - ANNUAL

This Resolution was adopted unanimously.

Yea: 9 - Councilor Hanson, Councilor Russ, Councilor Hobbs, Councilor Westerlund, Councilor Hansen, Councilor Anderson, Councilor Sipress, Councilor Fosle and President Filipovich

41. [16-0187R](#) RESOLUTION ENDORSING BEE SAFE POLICIES AND PROCEDURES FOR THE CITY OF DULUTH.

Sponsors: Sipress

This Resolution was adopted unanimously.

Yea: 9 - Councilor Hanson, Councilor Russ, Councilor Hobbs, Councilor Westerlund, Councilor Hansen, Councilor Anderson, Councilor Sipress, Councilor Fosle and President Filipovich

INTRODUCTION AND CONSIDERATION OF ORDINANCES

ORDINANCES TABLED

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

BY COUNCILOR RUSS (PLANNING & ECONOMIC DEVELOPMENT)

45. [16-013-O](#) AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF DULUTH TO PROVIDE FOR THE RECLASSIFICATION FROM MU-B TO MU-N PROPERTY ALONG THE SOUTH SIDE OF GRAND AVENUE AND FROM R-1 TO MU-N, PROPERTY ALONG THE NORTH SIDE OF GRAND AVENUE.

Indexes:

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

This Ordinance was read for the first time.

46. [16-014-O](#) AN ORDINANCE AUTHORIZING THE CONVEYANCE OF CERTAIN REAL PROPERTY WITHIN THE CITY OF DULUTH TO INDEPENDENT SCHOOL DISTRICT #709 FOR AN ENTRANCE TO DENFELD HIGH SCHOOL.

Indexes:

Attachments: [EXHIBIT A](#)
[Exhibit B](#)
[Exhibit C](#)

This Ordinance was read for the first time.

BY COUNCILOR WESTERLUND (PUBLIC WORKS & UTILITIES)

47. [16-012-O](#) AN ORDINANCE AUTHORIZING A PENALTY FOR UNAUTHORIZED TURNING ON OF WATER OR GAS SERVICE AMENDING SECTION 48-27 OF THE DULUTH CITY CODE, 1959, AS AMENDED.

This Ordinance was read for the first time.

48. [16-015-O](#) AN ORDINANCE DEDICATING EASEMENTS FOR UTILITY PURPOSES ON CITY-OWNED PROPERTY NORTH OF 45TH AVENUE WEST.

Indexes:

Attachments: [Exhibit A](#)

[Exhibit B](#)

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)

49. [16-011-O](#) ORDINANCE DESIGNATING THE FORMER ST. PETER'S CHURCH, 810 WEST THIRD STREET, AS A DULUTH HISTORIC LANDMARK (JEFFREY T. LARSON).

Indexes:

Attachments: [Attachment 1](#)

[Attachment 2](#)

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

Yea: 9 - Councilor Hanson, Councilor Russ, Councilor Hobbs, Councilor Westerlund, Councilor Hansen, Councilor Anderson, Councilor Sipress, Councilor Fosle and President Filipovich

COUNCILOR QUESTIONS AND COMMENTS

COUNCILOR PREVIEW OF UPCOMING BUSINESS



City of Duluth

411 West First Street
Duluth, Minnesota 55802

Actions and Unofficial Minutes

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 will provide increased opportunities for civil discourse in order to find positive resolutions to the issues that face the city. These tools include: pay attention, listen, be inclusive, do not gossip, show respect, be agreeable, apologize, give constructive criticism and take responsibility. [Approved by the council on August 25, 2003]*

Monday, March 28, 2016

7:00 PM

Council Chamber

ROLL CALL

Present: 9 - Councilor Howie Hanson, Councilor Barb Russ, Councilor Noah Hobbs, Councilor Em Westerlund, Councilor Elissa Hansen, Councilor Gary Anderson, Councilor Joel Sipress, Councilor Jay Fosle and President Zack Filipovich

PLEDGE OF ALLEGIANCE

PUBLIC HEARING - City's Street Preservation Projects

PRESENTATION OF PETITIONS AND OTHER COMMUNICATIONS

1. [16-037](#) Jerome & Margaret Nelson Communication

Indexes:

Attachments: [Jerome and Margaret Nelson Communication Woodland Roll Out](#)

This Petition/Other Communication was received.

REPORTS FROM THE ADMINISTRATION

REPORTS FROM OTHER OFFICERS

REPORTS OF BOARDS AND COMMISSIONS

- 2. [16-035](#) Duluth Public Utilities Commission Meeting Minutes. Feb. 16, 2016

Indexes:

Attachments: [02162016 DPUC meeting minutes](#)

This Board or Commission Report was received.

- 3. [16-036](#) DPUC Resolution 16PUC-004.
Increasing water rates.

Indexes:

Attachments: [16PUC-004 Establishing Water Rates 3-15-2016](#)
[DPUC Public Hearing 03-15-2016](#)

This Board or Commission Report was received.

- 4. [16-038](#) AGT March Meeting Minutes

Indexes:

Attachments: [AGT March Minutes 2016](#)

This Board or Commission Report was received.

REPORTS OF COUNCIL COMMITTEES

16-040 REPORTS FROM THE ADMINISTRATION

REPORTS OF COUNCIL OPEN ISSUES

OPPORTUNITY FOR CITIZENS TO BE HEARD

RESOLUTIONS TABLED

MOTIONS AND RESOLUTIONS

CONSENT AGENDA

BY COUNCILOR HANSEN (FINANCE)

5. [16-0145R](#) RESOLUTION CONFIRMING ASSESSMENT ROLL LEVIED TO DEFRAY THE ASSESSABLE PORTION OF THE CITY'S STREET PRESERVATION PROJECTS FOR 2015.

Indexes:

Attachments: [Street Preservation Program - 2015 Projects](#)

This Resolution was adopted.

Yea: 9 - Councilor Hanson, Councilor Russ, Councilor Hobbs, Councilor Westerlund, Councilor Hansen, Councilor Anderson, Councilor Sipress, Councilor Fosle and President Filipovich

6. [16-0199R](#) RESOLUTION CONFIRMING ASSESSMENT ROLL LEVIED TO DEFRAY THE ASSESSABLE PORTION OF THE IMPROVEMENTS FOR EASTRIDGE ESTATES.

Indexes:

Attachments: [Exhibit A](#)

This Resolution was adopted.

Yea: 9 - Councilor Hanson, Councilor Russ, Councilor Hobbs, Councilor Westerlund, Councilor Hansen, Councilor Anderson, Councilor Sipress, Councilor Fosle and President Filipovich

BY COUNCILOR HOBBS (PURCHASING & LICENSING)

7. [16-0173R](#) RESOLUTION AUTHORIZING AN AGREEMENT WITH CARDNO FOR KINGSBURY CREEK DESIGN & CONSTRUCTION ENGINEERING SERVICES FOR AN AMOUNT NOT TO EXCEED \$53,400.

Indexes:

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

This Resolution was adopted.

Yea: 9 - Councilor Hanson, Councilor Russ, Councilor Hobbs, Councilor Westerlund, Councilor Hansen, Councilor Anderson, Councilor Sipress, Councilor Fosle and President Filipovich

8. [16-0205R](#) RESOLUTION AUTHORIZING THE PURCHASE AND INSTALLATION OF PLAYGROUND EQUIPMENT FROM LANDSCAPE STRUCTURES, INC., AKA: FLAGSHIP RECREATION LLC, IN THE AMOUNT OF \$148,835.

This Resolution was adopted.

Yea: 9 - Councilor Hanson, Councilor Russ, Councilor Hobbs, Councilor Westerlund, Councilor Hansen, Councilor Anderson, Councilor Sipress, Councilor Fosle and President Filipovich

9. [16-0214R](#) RESOLUTION AUTHORIZING AN AMENDMENT TO AGREEMENT 22618 WITH TKDA FOR ADDITIONAL SERVICES FOR THE WESTERN WATERFRONT TRAIL RESTORATION PROJECT, AN INCREASE OF \$2,500, FOR AN AMENDED TOTAL NOT TO EXCEED \$72,500.

Indexes:

Attachments: [Exhibit A](#)

[Exhibit B](#)

This Resolution was adopted.

Yea: 9 - Councilor Hanson, Councilor Russ, Councilor Hobbs, Councilor Westerlund, Councilor Hansen, Councilor Anderson, Councilor Sipress, Councilor Fosle and President Filipovich

10. [16-0215R](#) RESOLUTION AUTHORIZING AN AMENDMENT TO AGREEMENT 22490 WITH BARR ENGINEERING, FOR ADDITIONAL SERVICES FOR THE SPIRIT MOUNTAIN ENVIRONMENTAL ASSESSMENT WORKSHEET (EAW), AN INCREASE OF \$13,200, FOR A TOTAL AMOUNT NOT TO EXCEED \$62,870.

Indexes:

Attachments: [Exhibit A](#)

[Exhibit B](#)

This Resolution was adopted.

Yea: 9 - Councilor Hanson, Councilor Russ, Councilor Hobbs, Councilor Westerlund, Councilor Hansen, Councilor Anderson, Councilor Sipress, Councilor Fosle and President Filipovich

BY COUNCILOR ANDERSON (PERSONNEL)

11. [16-0203R](#) RESOLUTION APPROVING PROPOSED AMENDMENTS TO THE SPECIFICATIONS FOR THE EXISTING CIVIL SERVICE CLASSIFICATION OF FIREFIGHTER.

Indexes:

Attachments: [Firefighter Job Description \(strikeout\)](#)

[Firefighter Job Description](#)

This Resolution was adopted.

Yea: 9 - Councilor Hanson, Councilor Russ, Councilor Hobbs, Councilor Westerlund, Councilor Hansen, Councilor Anderson, Councilor Sipress, Councilor Fosle and President Filipovich

BY COUNCILOR RUSS (PLANNING & ECONOMIC DEVELOPMENT)

12. [16-0209R](#) RESOLUTION AUTHORIZING A DECREASE OF \$19,917 IN FY 2016 HUD COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) PROGRAM.

This Resolution was adopted.

Yea: 9 - Councilor Hanson, Councilor Russ, Councilor Hobbs, Councilor Westerlund, Councilor Hansen, Councilor Anderson, Councilor Sipress, Councilor Fosle and President Filipovich

13. [16-0210R](#) RESOLUTION AUTHORIZING AN INCREASE OF \$658 IN FY 2016 HUD EMERGENCY SOLUTIONS GRANT (ESGP) PROGRAM.

This Resolution was adopted.

Yea: 9 - Councilor Hanson, Councilor Russ, Councilor Hobbs, Councilor Westerlund, Councilor Hansen, Councilor Anderson, Councilor Sipress, Councilor Fosle and President Filipovich

14. [16-0211R](#) RESOLUTION AUTHORIZING A DECREASE OF \$11,491 IN FY 2016 HUD HOME INVESTMENT PARTNERSHIPS (HOME) PROGRAM.

This Resolution was adopted.

Yea: 9 - Councilor Hanson, Councilor Russ, Councilor Hobbs, Councilor Westerlund, Councilor Hansen, Councilor Anderson, Councilor Sipress, Councilor Fosle and President Filipovich

BY COUNCILOR HANSON (INTERGOVERNMENTAL RELATIONS)

15. [16-0167R](#) RESOLUTION AUTHORIZING THE PROPER CITY OFFICIALS TO ENTER INTO AN AGREEMENT WITH AND ACCEPT FUNDS FROM ST. LOUIS COUNTY TO PROVIDE MINNESOTA FAMILY INVESTMENT PROGRAM AND DIVERSIONARY WORK PROGRAM EMPLOYMENT AND TRAINING SERVICES IN AN AMOUNT NOT LESS THAN \$908,222 FOR THE PERIOD JANUARY 1, 2016 THROUGH DECEMBER 31, 2016.

This Resolution was adopted.

Yea: 9 - Councilor Hanson, Councilor Russ, Councilor Hobbs, Councilor Westerlund, Councilor Hansen, Councilor Anderson, Councilor Sipress, Councilor Fosle and President Filipovich

BY COUNCILOR WESTERLUND (PUBLIC WORKS & UTILITIES)

16. [16-0207R](#) RESOLUTION AUTHORIZING AN AMENDMENT TO AGREEMENT 21702 WITH TENASKA MARKETING VENTURES TO EXTEND THE SERVICE TERM THROUGH OCTOBER 31, 2017.

Indexes:**Attachments:** [Exhibit A](#)**This Resolution was adopted.**

Yea: 9 - Councilor Hanson, Councilor Russ, Councilor Hobbs, Councilor Westerlund, Councilor Hansen, Councilor Anderson, Councilor Sipress, Councilor Fosle and President Filipovich

17. [16-0208R](#) RESOLUTION AUTHORIZING AN AGREEMENT WITH LHB, INC. FOR PROFESSIONAL ENGINEERING SERVICES TO PROVIDE DESIGN SERVICES FOR THE SKYLINE PARKWAY RETAINING WALL RESTORATION PROJECT FOR AN AMOUNT NOT TO EXCEED \$103,496.

Indexes:**Attachments:** [16-0208R Exhibit A](#)
[16-0208R Exhibit B](#)
[16-0208R Proposal](#)
[16-0208R Maps](#)**This Resolution was adopted.**

Yea: 9 - Councilor Hanson, Councilor Russ, Councilor Hobbs, Councilor Westerlund, Councilor Hansen, Councilor Anderson, Councilor Sipress, Councilor Fosle and President Filipovich

18. [16-0213R](#) RESOLUTION AMENDING A CONTRACT WITH LHB, INC. TO PROVIDE PROFESSIONAL ENGINEERING SERVICES FOR BRIDGE REHABILITATION, TO INCREASE THE AMOUNT BY \$97,833.00 FOR A NEW TOTAL OF \$149,734.00.

Indexes:**Attachments:** [16-0213R Map](#)
[16-0213R Amendment](#)**This Resolution was adopted.**

Yea: 9 - Councilor Hanson, Councilor Russ, Councilor Hobbs, Councilor Westerlund, Councilor Hansen, Councilor Anderson, Councilor Sipress, Councilor Fosle and President Filipovich

19. [16-0219R](#) RESOLUTION AWARDING A CONTRACT TO GEORGE BOUGALIS & SONS CO. FOR THE MICHIGAN STREET UTILITY RECONSTRUCTION FROM 3RD AVENUE WEST TO 6TH AVENUE WEST IN THE AMOUNT OF \$1,076,157.

Indexes:

Attachments: [16-0219R Map](#)

This Resolution was adopted.

Yea: 9 - Councilor Hanson, Councilor Russ, Councilor Hobbs, Councilor Westerlund, Councilor Hansen, Councilor Anderson, Councilor Sipress, Councilor Fosle and President Filipovich

BY COUNCILOR SIPRESS (RECREATION, LIBRARIES & AUTHORITIES)

20. [16-0165R](#) RESOLUTION AUTHORIZING APPLICATION TO AND, IF OFFERED, ACCEPTANCE OF A \$100,000 MINNESOTA DEPARTMENT OF NATURAL RESOURCES (MN DNR) OUTDOOR RECREATION GRANT TO IMPLEMENT PORTIONS OF THE QUARRY PARK MINI-MASTER PLAN - PHASE I.

Indexes:

Attachments: [EXHIBIT A - 16-0165R](#)

[EXHIBIT B - 16-0165R](#)

[EXHIBIT C - 16-0165R](#)

This Resolution was adopted.

Yea: 9 - Councilor Hanson, Councilor Russ, Councilor Hobbs, Councilor Westerlund, Councilor Hansen, Councilor Anderson, Councilor Sipress, Councilor Fosle and President Filipovich

21. [16-0169R](#) RESOLUTION AUTHORIZING APPLICATION TO, AND ACCEPTANCE OF, IF OFFERED, A \$250,000 MINNESOTA DEPARTMENT OF NATURAL RESOURCES (MN DNR) REGIONAL TRAIL PROGRAM GRANT TO IMPROVE THE DWP (DULUTH WINNIPEG PACIFIC) /CROSS CITY TRAIL SYSTEM - STEWART CREEK RAILROAD TRESTLE.

Indexes:

Attachments: [EXHIBIT A - 16-0169R](#)

[EXHIBIT B - 16-0169R](#)

[EXHIBIT C - 16-0169R](#)

This Resolution was adopted.

Yea: 9 - Councilor Hanson, Councilor Russ, Councilor Hobbs, Councilor Westerlund, Councilor Hansen, Councilor Anderson, Councilor Sipress, Councilor Fosle and President Filipovich

- 22.** [16-0170R](#) RESOLUTION AUTHORIZING APPLICATION TO AND, IF OFFERED, ACCEPTANCE OF A \$100,000 MINNESOTA DEPARTMENT OF NATURAL RESOURCES (MN DNR) OUTDOOR RECREATION GRANT TO IMPLEMENT PORTIONS OF THE WEST DULUTH SPORTS CORRIDOR MINI-MASTER PLAN - PHASE I.

Indexes:

Attachments: [EXHIBIT A - 16-0170R](#)

[EXHIBIT B - 16-0170R](#)

[EXHIBIT C - 16-0170R](#)

This Resolution was adopted.

Yea: 9 - Councilor Hanson, Councilor Russ, Councilor Hobbs, Councilor Westerlund, Councilor Hansen, Councilor Anderson, Councilor Sipress, Councilor Fosle and President Filipovich

- 23.** [16-0172R](#) RESOLUTION AUTHORIZING APPLICATION TO, AND ACCEPTANCE OF, IF OFFERED A \$90,680 MINNESOTA DEPARTMENT OF NATURAL RESOURCES (MN DNR) LOCAL TRAIL CONNECTIONS PROGRAM GRANT TO CONSTRUCT TRAILS FROM QUARRY PARK TO THE GREATER DULUTH MULTIUSE TRAIL SYSTEM.

Indexes:

Attachments: [EXHIBIT A - 16-0172R](#)

[EXHIBIT B - 16-0172R](#)

[EXHIBIT C - 16-0172R](#)

This Resolution was adopted.

Yea: 9 - Councilor Hanson, Councilor Russ, Councilor Hobbs, Councilor Westerlund, Councilor Hansen, Councilor Anderson, Councilor Sipress, Councilor Fosle and President Filipovich

24. [16-0212R](#) RESOLUTION AUTHORIZING APPLICATION TO A \$250,000 MINNESOTA DEPARTMENT OF NATURAL RESOURCES (MN DNR) REGIONAL TRAIL PROGRAM GRANT TO BUILD THE 3.3KM NORDIC SKI CENTER TRAIL AT THE BASE OF SPIRIT MOUNTAIN RECREATION AREA.

Indexes:

- Attachments: [EXHIBIT A - 16-0212R](#)
[EXHIBIT B - 16-0212R](#)
[EXHIBIT C - 16-0212R](#)

This Resolution was adopted.

- Yea:** 9 - Councilor Hanson, Councilor Russ, Councilor Hobbs, Councilor Westerlund, Councilor Hansen, Councilor Anderson, Councilor Sipress, Councilor Fosle and President Filipovich

END OF CONSENT AGENDA

INTRODUCTION AND CONSIDERATION OF ORDINANCES

ORDINANCES TABLED

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

BY COUNCILOR HANSEN (FINANCE)

25. [16-018-O](#) AN ORDINANCE TO AMEND THE BUDGET OF THE CITY OF DULUTH FOR YEAR 2016 BY INCREASING THE BUDGET \$800,000 FOR ADDITIONAL STREET WORK.

This Ordinance was read for the first time.

BY COUNCILOR RUSS (PLANNING & ECONOMIC DEVELOPMENT)

26. [16-017-O](#) AN ORDINANCE AMENDING SECTIONS 50-19.8 USE TABLE, 50-20.5 ACCESSORY USES, 50-39 ENFORCEMENT AND PENALTIES, AND 50-41 DEFINITIONS, TO ALLOW FOR ACCESSORY HOME SHARE.

Indexes:

Attachments: [Attachment A - 16-017-O](#)

[Attachment B - 16-017-O](#)

[Motion to Split 16-017](#)

[Hansen Motion to amend 16-017 - Passed](#)

[Filipovich Motion to amend 16-017 - Failed](#)

[16-017-O as voted on 3.14.16](#)

Motion to split - passed

16-017 & 16-022

Hansen Motion to amend - passed

Filipovich Motion to amend - failed.

This Ordinance was read for the first time.

BY COUNCILOR FOSLE (PUBLIC SAFETY)

27. [16-016-O](#) AN ORDINANCE REPEALING ARTICLE IV, CHAPTER 10A, OF THE DULUTH CITY CODE, 1959, AS AMENDED, PERTAINING TO PADDLEWHEELS.

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)

28. [16-013-O](#) AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF DULUTH TO PROVIDE FOR THE RECLASSIFICATION FROM MU-B TO MU-N PROPERTY ALONG THE SOUTH SIDE OF GRAND AVENUE AND FROM R-1 TO MU-N, PROPERTY ALONG THE NORTH SIDE OF GRAND AVENUE.

Indexes:

Attachments: [Attachment 1](#)

[Attachment 2](#)

This Ordinance was adopted.

Yea: 9 - Councilor Hanson, Councilor Russ, Councilor Hobbs, Councilor Westerlund, Councilor Hansen, Councilor Anderson, Councilor Sipress, Councilor Fosle and President Filipovich

29. [16-014-O](#) AN ORDINANCE AUTHORIZING THE CONVEYANCE OF CERTAIN REAL PROPERTY WITHIN THE CITY OF DULUTH TO INDEPENDENT SCHOOL DISTRICT #709 FOR AN ENTRANCE TO DENFELD HIGH SCHOOL.

Indexes:

Attachments: [EXHIBIT A](#)

[Exhibit B](#)

[Exhibit C](#)

This Ordinance was adopted.

Yea: 9 - Councilor Hanson, Councilor Russ, Councilor Hobbs, Councilor Westerlund, Councilor Hansen, Councilor Anderson, Councilor Sipress, Councilor Fosle and President Filipovich

BY COUNCILOR WESTERLUND (PUBLIC WORKS & UTILITIES)

30. [16-012-O](#) AN ORDINANCE AUTHORIZING A PENALTY FOR UNAUTHORIZED TURNING ON OF WATER OR GAS SERVICE AMENDING SECTION 48-27 OF THE DULUTH CITY CODE, 1959, AS AMENDED.

This Ordinance was adopted.

Yea: 9 - Councilor Hanson, Councilor Russ, Councilor Hobbs, Councilor Westerlund, Councilor Hansen, Councilor Anderson, Councilor Sipress, Councilor Fosle and President Filipovich

31. [16-015-O](#) AN ORDINANCE DEDICATING EASEMENTS FOR UTILITY PURPOSES ON CITY-OWNED PROPERTY NORTH OF 45TH AVENUE WEST.

Indexes:

Attachments: [Exhibit A](#)

[Exhibit B](#)

This Ordinance was adopted as amended.

Yea: 9 - Councilor Hanson, Councilor Russ, Councilor Hobbs, Councilor Westerlund, Councilor Hansen, Councilor Anderson, Councilor Sipress, Councilor Fosle and President Filipovich

COUNCILOR QUESTIONS AND COMMENTS

COUNCILOR PREVIEW OF UPCOMING BUSINESS



City of Duluth

411 West First Street
Duluth, Minnesota 55802

Actions and Unofficial Minutes

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 will provide increased opportunities for civil discourse in order to find positive resolutions to the issues that face the city. These tools include: pay attention, listen, be inclusive, do not gossip, show respect, be agreeable, apologize, give constructive criticism and take responsibility. [Approved by the council on August 25, 2003]*

Monday, April 11, 2016

7:00 PM

Council Chamber

ROLL CALL

Present: 9 - Councilor Howie Hanson, Councilor Barb Russ, Councilor Noah Hobbs, Councilor Em Westerlund, Councilor Elissa Hansen, Councilor Gary Anderson, Councilor Joel Sipress, Councilor Jay Fosle and President Zack Filipovich

PLEDGE OF ALLEGIANCE

PUBLIC HEARINGS

REPORTS FROM THE ADMINISTRATION

1. [16-044](#) 2016 General Fund Budget

Indexes:

Attachments: [General Fund Budget Adjustments 2015 Final](#)
[General Fund Reconciled Budget Memo](#)

This Reports from the Administration was received.

REPORTS FROM OTHER OFFICERS

2. [16-046](#) Clerk Applications for Exempt Permit

Indexes:

Attachments: [CHUM Exempt Permit](#)
[GND Development Alliance Exempt Permit](#)
[Lincoln Park Business Group Exempt Permit](#)
[South St Louis County Sportsman Exempt Permit #2](#)
[South St Louis County Sportsman Exempt Permit](#)

This Other Officers Report was received.

REPORTS OF BOARDS AND COMMISSIONS

3. [16-041](#) Duluth Transit Authority - Board of Directors Meeting Minutes

Indexes:

Attachments: [BOD Minutes \(1-27-16\)](#)
[DTA Financial Statement](#)

This Board or Commission Report was received.

4. [16-042](#) Civil Service Board Meeting Minutes

Indexes:

Attachments: [Civil Service Board Feb 2016 Minutes Approved](#)

This Board or Commission Report was received.

5. [16-043](#) Duluth Seaway Port Authority Meeting Minutes

Indexes:

Attachments: [DSPA December 2015 Minutes](#)
[DSPA January 2016 Minutes](#)
[DSPA October 2015 Minutes](#)
[Duluth Seaway Port Authority Budget](#)

This Board or Commission Report was received.

6. [16-045](#) Library Board Meeting Minutes

Indexes:

Attachments: [Minutes Library Board APPROVED 2016 01 24](#)
[Minutes Library Board APPROVED 2016 02 23](#)

This Board or Commission Report was received.

REPORTS OF COUNCIL COMMITTEES

REPORTS OF COUNCIL OPEN ISSUES

OPPORTUNITY FOR CITIZENS TO BE HEARD

MOTIONS AND RESOLUTIONS

CONSENT AGENDA

BY COUNCILOR HANSEN (FINANCE)

7. [16-0217R](#) RESOLUTION CONFIRMING ASSESSMENT ROLL LEVIED TO DEFRAY THE ASSESSABLE PORTION OF THE CITY'S STREET PRESERVATION PROJECTS FOR 2015, AND RESCINDING RESOLUTION 16-0145R.

Sponsors: Finance

Indexes:

Attachments: [Exhibit A](#)

This resolution carried unanimously.

Yea: 9 - Councilor Hanson, Councilor Russ, Councilor Hobbs, Councilor Westerlund, Councilor Hansen, Councilor Anderson, Councilor Sipress, Councilor Fosle and President Filipovich

8. [16-0218R](#) RESOLUTION AMENDING RESOLUTION NO. 14-0103R CONFIRMING ASSESSMENT ROLL FOR SKYLINE PARKWAY TO DELETE ONE PROPERTY AND REDUCING THE AMOUNT ASSESSED.

Indexes:

Attachments: [Exhibit A](#)

This resolution carried unanimously.

Yea: 9 - Councilor Hanson, Councilor Russ, Councilor Hobbs, Councilor Westerlund, Councilor Hansen, Councilor Anderson, Councilor Sipress, Councilor Fosle and President Filipovich

9. [16-0223R](#) RESOLUTION CONFIRMING ASSESSMENT ROLL LEVIED FOR SIDEWALK REPAIRS AT EIGHT CITY LOCATIONS IN 2015.

Indexes:

Attachments: [Exhibit A](#)

This resolution carried unanimously.

Yea: 9 - Councilor Hanson, Councilor Russ, Councilor Hobbs, Councilor Westerlund, Councilor Hansen, Councilor Anderson, Councilor Sipress, Councilor Fosle and President Filipovich

BY COUNCILOR HOBBS (PURCHASING & LICENSING)

10. [16-0202R](#) RESOLUTION AUTHORIZING A PURCHASE FROM NORTHLAND CONSTRUCTORS OF DULUTH, LLC, FOR 24,000 TONS OF HOT MIX BLACK TOP IN THE AMOUNT OF \$1,092,000.

Indexes:

Attachments: [Exhibit A](#)

This resolution carried unanimously.

Yea: 9 - Councilor Hanson, Councilor Russ, Councilor Hobbs, Councilor Westerlund, Councilor Hansen, Councilor Anderson, Councilor Sipress, Councilor Fosle and President Filipovich

11. [16-0233R](#) RESOLUTION AUTHORIZING A CONTRACT WITH KASKI INC FOR MOUNT ROYAL LIBRARY EXPANSION IN THE AMOUNT OF \$106,853.

This resolution carried unanimously.

Yea: 9 - Councilor Hanson, Councilor Russ, Councilor Hobbs, Councilor Westerlund, Councilor Hansen, Councilor Anderson, Councilor Sipress, Councilor Fosle and President Filipovich

12. [16-0235R](#) RESOLUTION IN THE MATTER OF THE ON SALE INTOXICATING LIQUOR LICENSE OF HOSPITALITY ASSOCIATES OF DULUTH, LLC (ACES ON FIRST) 113 WEST FIRST STREET

Indexes:

Attachments: [16-0235r hospitality assoc-Attachment A](#)

This resolution carried unanimously.

Yea: 9 - Councilor Hanson, Councilor Russ, Councilor Hobbs, Councilor Westerlund, Councilor Hansen, Councilor Anderson, Councilor Sipress, Councilor Fosle and President Filipovich

13. [16-0236R](#) RESOLUTION IN THE MATTER OF THE ON SALE INTOXICATING LIQUOR LICENSE OF DUKES PARTNERS, LLC (Spurs on First) 109 WEST FIRST STREET

Indexes:

Attachments: [16-0236R DUKES-Attachment A](#)

This resolution carried unanimously.

Yea: 9 - Councilor Hanson, Councilor Russ, Councilor Hobbs, Councilor Westerlund, Councilor Hansen, Councilor Anderson, Councilor Sipress, Councilor Fosle and President Filipovich

14. [16-0239R](#) RESOLUTION ISSUING A TEMPORARY ON SALE INTOXICATING LIQUOR LICENSE AND TEMPORARY ON SALE DANCING LICENSE FOR GRANDMA'S MARATHON-DULUTH, INC. CANAL PARK DRIVE AND BUCHANAN STREET.

Indexes:

Attachments: [Grandmas Marathon 2016](#)

This resolution carried unanimously.

Yea: 9 - Councilor Hanson, Councilor Russ, Councilor Hobbs, Councilor Westerlund, Councilor Hansen, Councilor Anderson, Councilor Sipress, Councilor Fosle and President Filipovich

15. [16-0241R](#) RESOLUTION APPROVING THE TEMPORARY EXPANSION OF THE ON SALE INTOXICATING LIQUOR LICENSE TO VARIOUS LICENSEES.

Indexes:

Attachments: [Attachment A - Bent Paddle](#)
[Attachment B - LAKE AVE RESTAURANT AND BAR](#)

This resolution carried unanimously.

Yea: 9 - Councilor Hanson, Councilor Russ, Councilor Hobbs, Councilor Westerlund, Councilor Hansen, Councilor Anderson, Councilor Sipress, Councilor Fosle and President Filipovich

16. [16-0242R](#) RESOLUTION APPROVING THE TRANSFER OF STOCK OF THE OFF SALE INTOXICATING LIQUOR LICENSE OF MALLOW ENTERPRISES INC. (BIG BOTTLE SHOP), 2401 W. SUPERIOR STREET.

Indexes:

Attachments: [Attachment A - Big Bottle Shop](#)
[Attachment B - Big Bottle Shop](#)

This resolution carried unanimously.

Yea: 9 - Councilor Hanson, Councilor Russ, Councilor Hobbs, Councilor Westerlund, Councilor Hansen, Councilor Anderson, Councilor Sipress, Councilor Fosle and President Filipovich

17. [16-0244R](#) RESOLUTION APPROVING ISSUANCE OF A TEMPORARY ON-SALE INTOXICATING LIQUOR LICENSE FOR DULUTH SUPERIOR GLBTAQI PRIDE INC. (SPRING GAYLA), MINNESOTA BALLET SPACE, 301 WEST FIRST STREET, SUITE #800.

Indexes:

Attachments: [Attachment A - GLBTQAI PRIDE INC. SPRING GAYLA](#)

This resolution carried unanimously.

Yea: 9 - Councilor Hanson, Councilor Russ, Councilor Hobbs, Councilor Westerlund, Councilor Hansen, Councilor Anderson, Councilor Sipress, Councilor Fosle and President Filipovich

18. [16-0250R](#) RESOLUTION APPROVING THE TRANSFER OF THE ON SALE WINE LIQUOR LICENSE OF WILLIAM AND JOSHUA KALLIGHER TO GANNUCCI'S ITALIAN MARKET AND RESTAURANT, LLC. , 301 CENTRAL AVENUE

Indexes:

Attachments: [Attachment A - Gannucci's](#)

This resolution carried unanimously.

Yea: 9 - Councilor Hanson, Councilor Russ, Councilor Hobbs, Councilor Westerlund, Councilor Hansen, Councilor Anderson, Councilor Sipress, Councilor Fosle and President Filipovich

19. [16-0253R](#) RESOLUTION AUTHORIZING A CONTRACT WITH DULUTH READY MIX, INC., FOR THE PURCHASE OF 10,500 TONS OF WASHED SAND IN YEAR 2016, FOR AN ESTIMATED TOTAL OF \$105,000.

This resolution carried unanimously.

Yea: 9 - Councilor Hanson, Councilor Russ, Councilor Hobbs, Councilor Westerlund, Councilor Hansen, Councilor Anderson, Councilor Sipress, Councilor Fosle and President Filipovich

20. [16-0271R](#) RESOLUTION AUTHORIZING AN AGREEMENT WITH VISUAL COMMUNICATIONS FOR ST. LOUIS RIVER CORRIDOR GATE, WAYFINDING, AND SIGNAGE PLANNING AND DESIGN FOR A TOTAL NOT TO EXCEED \$117,800.

Indexes:

Attachments: [Exhibit A](#)

[Exhibit B](#)

[Exhibit C](#)

This resolution carried unanimously.

Yea: 9 - Councilor Hanson, Councilor Russ, Councilor Hobbs, Councilor Westerlund, Councilor Hansen, Councilor Anderson, Councilor Sipress, Councilor Fosle and President Filipovich

21. [16-0279R](#) RESOLUTION APPROVING THE EXEMPTION OF A RAFFLE PERMIT AND WAIVING THE 60 DAY WAITING PERIOD FOR NORTHERN LIGHTS FOUNDATION

Indexes:

Attachments: [Northern Lights Foundation](#)

This resolution carried unanimously.

Yea: 9 - Councilor Hanson, Councilor Russ, Councilor Hobbs, Councilor Westerlund, Councilor Hansen, Councilor Anderson, Councilor Sipress, Councilor Fosle and President Filipovich

22. [16-0284R](#) RESOLUTION REQUESTING THE CITY ADMINISTRATION TO REVIEW THE VACATION DWELLING AND ACCESSORY HOME SHARE PERMIT PROGRAM IN TWO YEARS AND PROVIDE A REPORT TO THE CITY COUNCIL.

Sponsors: Hobbs

This resolution carried unanimously.

Yea: 9 - Councilor Hanson, Councilor Russ, Councilor Hobbs, Councilor Westerlund, Councilor Hansen, Councilor Anderson, Councilor Sipress, Councilor Fosle and President Filipovich

BY COUNCILOR ANDERSON (PERSONNEL)

23. [16-0259R](#) RESOLUTION CONFIRMING THE REAPPOINTMENTS OF MEMBERS TO CITY BOARDS AND COMMISSIONS BY MAYOR LARSON.

Indexes:

Attachments: [2016appointeelistfinal3](#)

This resolution carried unanimously.

Yea: 9 - Councilor Hanson, Councilor Russ, Councilor Hobbs, Councilor Westerlund, Councilor Hansen, Councilor Anderson, Councilor Sipress, Councilor Fosle and President Filipovich

24. [16-0285R](#) RESOLUTION CONFIRMING THE APPOINTMENT OF COUNCILOR BARB RUSS TO THE DULUTH ECONOMIC DEVELOPMENT AUTHORITY.

This resolution carried unanimously.

Yea: 9 - Councilor Hanson, Councilor Russ, Councilor Hobbs, Councilor Westerlund, Councilor Hansen, Councilor Anderson, Councilor Sipress, Councilor Fosle and President Filipovich

BY COUNCILOR RUSS (PLANNING & ECONOMIC DEVELOPMENT)

25. [16-0273R](#) RESOLUTION AUTHORIZING AN AMENDMENT TO THE AGREEMENT WITH THE DULUTH ECONOMIC DEVELOPMENT AUTHORITY FOR DEMOLITION SERVICES IN CERTAIN WESTERN NEIGHBORHOODS.

Indexes:

Attachments: [Exhibit A - 16-0273R](#)

This resolution carried unanimously.

Yea: 9 - Councilor Hanson, Councilor Russ, Councilor Hobbs, Councilor Westerlund, Councilor Hansen, Councilor Anderson, Councilor Sipress, Councilor Fosle and President Filipovich

BY COUNCILOR WESTERLUND (PUBLIC WORKS & UTILITIES)

26. [16-0230R](#) RESOLUTION AUTHORIZING AMENDMENT NO. 1 TO MNDOT AGREEMENT NO. 4716 TO INCREASE THE AMOUNT OF FEDERAL FUNDS BY \$74,777.65 FOR A NEW TOTAL OF \$305,417.65.

Indexes:

Attachments: [16-0230R Map](#)

This resolution carried unanimously.

Yea: 9 - Councilor Hanson, Councilor Russ, Councilor Hobbs, Councilor Westerlund, Councilor Hansen, Councilor Anderson, Councilor Sipress, Councilor Fosle and President Filipovich

27. [16-0234R](#) RESOLUTION AWARDING A CONTRACT TO EBI DRILLING, INC. FOR CONSTRUCTION OF THE 2016 HIGH PRESSURE GAS MAINS AND SERVICES AT VARIOUS LOCATIONS IN THE AMOUNT OF \$875,175.

This resolution carried unanimously.

Yea: 9 - Councilor Hanson, Councilor Russ, Councilor Hobbs, Councilor Westerlund, Councilor Hansen, Councilor Anderson, Councilor Sipress, Councilor Fosle and President Filipovich

28. [16-0237R](#) RESOLUTION ORDERING THE IMPROVEMENT OF THE 2016 STREET PRESERVATION PROJECTS AT AN ESTIMATED COST OF \$443,501.11

Indexes:

Attachments: [16-0237R Aerial Photo](#)
[16-0237R Map](#)
[16-0237R Public Hearing Minutes](#)
[Lori Prudhomme Letter](#)
[16-0237R Memo to Council](#)
[16-0237R Properties](#)

This resolution carried unanimously.

Yea: 9 - Councilor Hanson, Councilor Russ, Councilor Hobbs, Councilor Westerlund, Councilor Hansen, Councilor Anderson, Councilor Sipress, Councilor Fosle and President Filipovich

29. [16-0252R](#) RESOLUTION AUTHORIZING AN AGREEMENT BETWEEN THE CITY OF DULUTH AND THE MINNESOTA DEPARTMENT OF TRANSPORTATION FOR SIGNALS AND EVP SYSTEMS (S.A.P. 118-101-006), UTILITIES, AND CONSTRUCTION TO BE PERFORMED UPON, ALONG AND ADJACENT TO TRUNK HIGHWAY 23 FROM BECKS ROAD (CSAH 3) TO 83RD AVENUE WEST WITHIN THE CORPORATE CITY LIMITS UNDER STATE PROJECT 6910-96 AT AN ESTIMATED COST OF \$468,007.13.

Indexes:

Attachments: [16-0252R Agreement](#)
[16-0252R Map](#)

This resolution carried unanimously.

Yea: 9 - Councilor Hanson, Councilor Russ, Councilor Hobbs, Councilor Westerlund, Councilor Hansen, Councilor Anderson, Councilor Sipress, Councilor Fosle and President Filipovich

- 30.** [16-0254R](#) RESOLUTION AMENDING CONTRACT NO. C21121 WITH MSA PROFESSIONAL SERVICES, INC. FOR ENGINEERING SERVICES FOR DESIGN AND CONSTRUCTION OF FIVE SANITARY SEWER LIFT STATIONS IN THE ESTIMATED AMOUNT OF \$29,500 FOR A NEW TOTAL OF \$556,788.

Indexes:

Attachments: [16-0254R Amendment](#)

This resolution carried unanimously.

Yea: 9 - Councilor Hanson, Councilor Russ, Councilor Hobbs, Councilor Westerlund, Councilor Hansen, Councilor Anderson, Councilor Sipress, Councilor Fosle and President Filipovich

- 31.** [16-0258R](#) RESOLUTION AMENDING AGREEMENT NO. 22798 WITH ST. LOUIS COUNTY FOR THE ARROWHEAD ROAD/KENWOOD AVENUE AND WEST CLEVELAND STREET IMPROVEMENTS IN THE ESTIMATED AMOUNT OF \$60,000 FOR A NEW TOTAL OF \$135,000.

Indexes:

Attachments: [16-0258R Map](#)
 [16-0258R Amendment Letter](#)

This resolution carried unanimously.

Yea: 9 - Councilor Hanson, Councilor Russ, Councilor Hobbs, Councilor Westerlund, Councilor Hansen, Councilor Anderson, Councilor Sipress, Councilor Fosle and President Filipovich

BY COUNCILOR FOSLE (PUBLIC SAFETY)

- 32.** [16-0220R](#) RESOLUTION AUTHORIZING PROPER CITY OFFICIALS TO ACCEPT A GRANT FROM THE STATE OF MINNESOTA IN THE AMOUNT OF \$4,611.20 AND FURTHER AUTHORIZING EXECUTION OF A GRANT AGREEMENT WITH THE STATE OF MINNESOTA.

Indexes:

Attachments: [Grant Agreement A-HMEP-2015-DULUTHFD-012](#)

This resolution carried unanimously.

Yea: 9 - Councilor Hanson, Councilor Russ, Councilor Hobbs, Councilor Westerlund, Councilor Hansen, Councilor Anderson, Councilor Sipress, Councilor Fosle and President Filipovich

33. [16-0263R](#) RESOLUTION AUTHORIZING PROPER CITY OFFICIALS TO EXECUTE AN AGREEMENT WITH INDEPENDENT SCHOOL DISTRICT NO. 709 TO PROVIDE FOR LAW ENFORCEMENT OFFICERS IN THE PUBLIC SCHOOLS.

Indexes:

Attachments: [Attachment 1 - School Resource Officer Program Agreement \(16-0263R\)](#)

This resolution carried unanimously.

Yea: 9 - Councilor Hanson, Councilor Russ, Councilor Hobbs, Councilor Westerlund, Councilor Hansen, Councilor Anderson, Councilor Sipress, Councilor Fosle and President Filipovich

BY COUNCILOR SIPRESS (RECREATION, LIBRARIES & AUTHORITIES)

34. [16-0204R](#) RESOLUTION AUTHORIZING THREE YEAR USE AND OPERATIONS AGREEMENT WITH ARROWHEAD YOUTH SOCCER ASSOCIATION OF NORTHEASTERN MINNESOTA FOR THE CITY'S JEAN DULUTH AND ARLINGTON SOCCER FIELDS.

Indexes:

Attachments: [Exhibit A](#)

This resolution carried unanimously.

Yea: 9 - Councilor Hanson, Councilor Russ, Councilor Hobbs, Councilor Westerlund, Councilor Hansen, Councilor Anderson, Councilor Sipress, Councilor Fosle and President Filipovich

35. [16-0246R](#) RESOLUTION AUTHORIZING THREE YEAR LEASE AGREEMENT WITH ARROWHEAD ECONOMIC OPPORTUNITY AGENCY FOR USE OF SPACE IN THE CENTRAL HILLSIDE CENTER.

Indexes:

Attachments: [Exhibit A](#)

This resolution carried unanimously.

Yea: 9 - Councilor Hanson, Councilor Russ, Councilor Hobbs, Councilor Westerlund, Councilor Hansen, Councilor Anderson, Councilor Sipress, Councilor Fosle and President Filipovich

36. [16-0247R](#) RESOLUTION AUTHORIZING A GRANT AND BRIDGE FUNDING AGREEMENT BETWEEN THE CITY OF DULUTH AND THE ARROWHEAD ZOOLOGICAL SOCIETY, INC.

Indexes:

Attachments: [Exhibit 1](#)

This resolution carried unanimously.

Yea: 9 - Councilor Hanson, Councilor Russ, Councilor Hobbs, Councilor Westerlund, Councilor Hansen, Councilor Anderson, Councilor Sipress, Councilor Fosle and President Filipovich

37. [16-0255R](#) RESOLUTION AUTHORIZING ONE YEAR LEASE AGREEMENT WITH FUN TIME, LLC FOR USE OF THE GEORGE HINDMAND PILOT HOUSE IN CANAL PARK.

Indexes:

Attachments: [Exhibit 1](#)

This resolution carried unanimously.

Yea: 9 - Councilor Hanson, Councilor Russ, Councilor Hobbs, Councilor Westerlund, Councilor Hansen, Councilor Anderson, Councilor Sipress, Councilor Fosle and President Filipovich

38. [16-0266R](#) RESOLUTION ACCEPTING REIMBURSEMENT MONEY IN THE AMOUNT OF \$42,002 FROM THE ARROWHEAD LIBRARY SYSTEM FOR THE PURCHASE OF LIBRARY MATERIALS.

This resolution carried unanimously.

Yea: 9 - Councilor Hanson, Councilor Russ, Councilor Hobbs, Councilor Westerlund, Councilor Hansen, Councilor Anderson, Councilor Sipress, Councilor Fosle and President Filipovich

39. [16-0267R](#) RESOLUTION AUTHORIZING DONATION OF FOUNTAIN OF THE WIND CONCEPT MODEL TO ITS CREATOR ARTIST DOUGLAS FREEMAN.

This resolution carried unanimously.

Yea: 9 - Councilor Hanson, Councilor Russ, Councilor Hobbs, Councilor Westerlund, Councilor Hansen, Councilor Anderson, Councilor Sipress, Councilor Fosle and President Filipovich

END OF CONSENT AGENDA

The following entitled resolutions are also to be considered:

BY COUNCILOR HOBBS (PURCHASING & LICENSING)

40. [16-0056R](#) RESOLUTION AUTHORIZING THE PURCHASE OF TWO FIRE PUMPER TRUCKS FROM CUSTOM FIRE APPARATUS, INC., FOR A TOTAL AMOUNT OF \$1,070,045.

Indexes:

Attachments: [Exhibit A](#)

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

Yea: 8 - Councilor Hanson, Councilor Russ, Councilor Hobbs, Councilor Westerlund, Councilor Hansen, Councilor Anderson, Councilor Sipress and President Filipovich

Nay: 1 - Councilor Fosle

41. [16-0286R](#) RESOLUTION REQUESTING THAT THE ST. LOUIS COUNTY BOARD OF COMMISSIONERS HOLD AN ADDITIONAL PUBLIC HEARING IN THE CITY OF DULUTH ON ALLOWING ALL-TERRAIN VEHICLES ON PUBLIC RIGHT-OF-WAYS OF ROADS UNDER COUNTY JURISDICTION.

Sponsors: Hobbs

This resolution carried unanimously.

Yea: 9 - Councilor Hanson, Councilor Russ, Councilor Hobbs, Councilor Westerlund, Councilor Hansen, Councilor Anderson, Councilor Sipress, Councilor Fosle and President Filipovich

BY COUNCILOR ANDERSON (PERSONNEL)

42. [16-0222R](#) RESOLUTION APPROVING PROPOSED SPECIFICATIONS FOR THE NEW CIVIL SERVICE CLASSIFICATION OF WORKFORCE DEVELOPMENT OPERATIONS ADMINISTRATOR, AND SPECIFYING CONTRACT BENEFITS FOR SAME.

Indexes:

Attachments: [Workforce Development Operations Administrator](#)

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

Yea: 8 - Councilor Hanson, Councilor Russ, Councilor Hobbs, Councilor Westerlund, Councilor Hansen, Councilor Anderson, Councilor Sipress and President Filipovich

Nay: 1 - Councilor Fosle

43. [16-0257R](#) RESOLUTION APPROVING PROPOSED SPECIFICATIONS FOR THE NEW CIVIL SERVICE CLASSIFICATION OF PARKS PERMIT COORDINATOR, AND SPECIFYING CONTRACT BENEFITS FOR SAME.

Indexes:

Attachments: [Parks Permit Coordinator](#)

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

Yea: 8 - Councilor Hanson, Councilor Russ, Councilor Hobbs, Councilor Westerlund, Councilor Hansen, Councilor Anderson, Councilor Sipress and President Filipovich

Nay: 1 - Councilor Fosle

44. [16-0268R](#) RESOLUTION APPROVING 2016-2017 EMPLOYMENT CONTRACT WITH THE APPOINTED CITY CHIEF ADMINISTRATIVE OFFICER PURSUANT TO CHAPTER IV, SECTION 19 OF THE DULUTH HOME RULE CHARTER.

Indexes:

Attachments: [Exhibit A \(16-0268R\)](#)

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

Yea: 8 - Councilor Hanson, Councilor Russ, Councilor Hobbs, Councilor Westerlund, Councilor Hansen, Councilor Anderson, Councilor Sipress and President Filipovich

Nay: 1 - Councilor Fosle

45. [16-0270R](#) RESOLUTION APPROVING PAY AND BENEFITS PLAN FOR THE APPOINTED POSITION OF CITY ATTORNEY PURSUANT TO CHAPTER IV, SECTION 26 OF THE DULUTH HOME RULE CHARTER.

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

Yea: 8 - Councilor Hanson, Councilor Russ, Councilor Hobbs, Councilor Westerlund, Councilor Hansen, Councilor Anderson, Councilor Sipress and President Filipovich

Nay: 1 - Councilor Fosle

46. [16-0281R](#) RESOLUTION CONFIRMING THE APPOINTMENT OF MR. JAMES LEWIS TO THE DULUTH PUBLIC UTILITIES COMMISSION.

This resolution carried unanimously.

Yea: 9 - Councilor Hanson, Councilor Russ, Councilor Hobbs, Councilor Westerlund, Councilor Hansen, Councilor Anderson, Councilor Sipress, Councilor Fosle and President Filipovich

47. [16-0282R](#) RESOLUTION CONFIRMING THE APPOINTMENT OF JENNIFER JULSRUD TO THE DULUTH PUBLIC UTILITIES COMMISSION.

Indexes:

Attachments: [Juslrud Application](#)

[Julsrud Resume Apr2016](#)

This resolution carried unanimously.

Yea: 9 - Councilor Hanson, Councilor Russ, Councilor Hobbs, Councilor Westerlund, Councilor Hansen, Councilor Anderson, Councilor Sipress, Councilor Fosle and President Filipovich

BY COUNCILOR RUSS (PLANNING & ECONOMIC DEVELOPMENT)

48. [16-0272R](#) RESOLUTION AUTHORIZING AGREEMENTS WITH VARIOUS PARTIES AND APPROVING VARIOUS AGREEMENTS PERTAINING TO THE DEVELOPMENT OF THE NORSHOR THEATRE PROJECT.

Indexes:

Attachments: [DOC040716-04072016145447](#)
[DOC040716-04072016145629](#)
[DOC040716-04072016145913](#)
[DOC040716-04072016145937](#)
[DOC040716-04072016150009](#)
[DOC040716-04072016150033](#)
[DOC040716-04072016150105](#)
[DOC040716-04072016150130](#)
[DOC040716-04072016150213](#)
[DOC040716-04072016150253](#)
[DOC040716-04072016150325](#)
[DOC040716-04072016150346](#)
[DOC040716-04072016150406](#)
[DOC040716-04072016150439](#)

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

Yea: 8 - Councilor Hanson, Councilor Russ, Councilor Hobbs, Councilor Westerlund, Councilor Hansen, Councilor Anderson, Councilor Sipress and President Filipovich

Nay: 1 - Councilor Fosle

BY COUNCILOR WESTERLUND (PUBLIC WORKS & UTILITIES)

49. [16-0248R](#) RESOLUTION OF INTENT TO CONVEY CERTAIN REAL PROPERTY WITHIN THE CITY OF DULUTH ABUTTING RIDGEVIEW ROAD TO THE STATE OF MINNESOTA FOR AN ENTRANCE TO THE AIR NATIONAL GUARD FACILITY.

Indexes:

Attachments: [Exhibit A-Legal Description](#)

This Resolution was tabled.

INTRODUCTION AND CONSIDERATION OF ORDINANCES

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

BY COUNCILOR HANSEN (FINANCE)

50. [16-023-O](#) AN ORDINANCE TO AMEND THE BUDGET OF THE CITY OF DULUTH FOR YEAR 2016 BY INCREASING THE BUDGET BY \$500,000 FOR FUNDING AN ENERGY PLAN.

This Ordinance was read for the first time.

BY COUNCILOR WESTERLUND (PUBLIC WORKS & UTILITIES)

51. [16-021-O](#) AN ORDINANCE AUTHORIZING THE CONVEYANCE OF CERTAIN REAL PROPERTY ABUTTING RIDGEVIEW ROAD TO THE STATE OF MINNESOTA FOR AN ENTRANCE TO THE AIR NATIONAL GUARD FACILITY.

Indexes:

Attachments: [Exhibit A](#)

[Exhibit B](#)

[Exhibit C](#)

This Ordinance was read for the first time.

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

BY COUNCILOR HANSEN (FINANCE)

52. [16-018-O](#) AN ORDINANCE TO AMEND THE BUDGET OF THE CITY OF DULUTH FOR YEAR 2016 BY INCREASING THE BUDGET \$800,000 FOR ADDITIONAL STREET WORK.

This ordinance passes unanimously.

Yea: 9 - Councilor Hanson, Councilor Russ, Councilor Hobbs, Councilor Westerlund, Councilor Hansen, Councilor Anderson, Councilor Sipress, Councilor Fosle and President Filipovich

BY COUNCILOR RUSS (PLANNING & ECONOMIC DEVELOPMENT)

53. [16-017-O](#) AN ORDINANCE AMENDING SECTIONS 50-19.8 USE TABLE, 50-20.5 ACCESSORY USES, 50-39 ENFORCEMENT AND PENALTIES, AND 50-41 DEFINITIONS, TO ALLOW FOR ACCESSORY HOME SHARE.

Indexes:

Attachments: [Attachment A - 16-017-O](#)
[Attachment B - 16-017-O](#)
[Motion to Split 16-017](#)
[Hansen Motion to amend 16-017 - Passed](#)
[Filipovich Motion to amend 16-017 - Failed](#)
[16-017-O as voted on 3.14.16](#)

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

Yea: 8 - Councilor Hanson, Councilor Russ, Councilor Hobbs, Councilor Westerlund, Councilor Hansen, Councilor Anderson, Councilor Sipress and President Filipovich

Nay: 1 - Councilor Fosle

54. [16-022-O](#) AN ORDINANCE AMENDING SECTIONS 50-20.3 COMMERCIAL USES AND 50-20.5 ACCESSORY USES, TO AMEND EXISTING STANDARDS FOR VACATION DWELLING UNITS AND ACCESSORY VACATION DWELLING UNITS.

Indexes:

Attachments: [Motion to Amend 16-022-O Hobbs.Filipovich - Passed](#)
[Motion to Amend 16-022-O Sipress \(200ft\) - FAILED](#)
[Motion to Amend 16-022-O Sipress \(parking\) - PASSED](#)
[Motion to Amend 16-022-O Filipovich.Hansen 5.3.16 - FAILED](#)
[Motion to Amend 16-022-O Sipress \(Permit Adjustment\) - PASSED](#)

Motion to Amend by Hobbs. Filipovich - Passes Yea:8 Nay:1 (Westerlund)
Ordinance was read for first time.

This Ordinance was read for the first time.

BY COUNCILOR FOSLE (PUBLIC SAFETY)

55. [16-016-O](#) AN ORDINANCE REPEALING ARTICLE IV, CHAPTER 10A, OF THE DULUTH CITY CODE, 1959, AS AMENDED, PERTAINING TO PADDLEWHEELS.

This ordinance passes unanimously.

Yea: 9 - Councilor Hanson, Councilor Russ, Councilor Hobbs, Councilor Westerlund, Councilor Hansen, Councilor Anderson, Councilor Sipress, Councilor Fosle and President Filipovich

COUNCILOR QUESTIONS AND COMMENTS

COUNCILOR PREVIEW OF UPCOMING BUSINESS



City of Duluth

411 West First Street
Duluth, Minnesota 55802

Actions and Unofficial Minutes

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 will provide increased opportunities for civil discourse in order to find positive resolutions to the issues that face the city. These tools include: pay attention, listen, be inclusive, do not gossip, show respect, be agreeable, apologize, give constructive criticism and take responsibility. [Approved by the council on August 25, 2003]*

Monday, April 25, 2016

7:00 PM

Council Chamber

ROLL CALL

Present: 9 - Councilor Howie Hanson, Councilor Barb Russ, Councilor Noah Hobbs, Councilor Em Westerlund, Councilor Elissa Hansen, Councilor Gary Anderson, Councilor Joel Sipress, Councilor Jay Fosle and President Zack Filipovich

PLEDGE OF ALLEGIANCE

APPROVAL OF MINUTES

PUBLIC HEARING

REPORTS FROM THE ADMINISTRATION

REPORTS FROM OTHER OFFICERS

REPORTS OF BOARDS AND COMMISSIONS

1. [16-047](#) DECC October, November and December 2015 Meeting Minutes

Indexes:

Attachments: [December 15 2015 DECC Board Meeting Minutes](#)
[November 24 2015 DECC Board Meeting Minutes](#)
[October 27 2015 DECC Board Meeting Minutes](#)

This Board or Commission Report was received.

2. [16-048](#) Duluth parking commission meeting minutes.

Indexes:

- Attachments:** [Duluth Parking Commission 1-29-16 minutes](#)
[Duluth Parking Commission 8-28-15 minutes](#)
[Duluth Parking Commission 11-6-15 minutes](#)
[Duluth Parking Commission 12-4-15 minutes](#)
[Duluth Parking Commission 3-4-16 minutes](#)

This Board or Commission Report was received.

3. [16-049](#) DEDA February 2016 meeting minutes

Indexes:

- Attachments:** [DEDA 2-24-16 Minutes](#)

This Board or Commission Report was received.

4. [16-051](#) Duluth Parking Commission Resolutions

Indexes:

- Attachments:** [Duluth Parking Commission 3-4-16 resolutions](#)
[Duluth Parking Commission 4-8-16 resolutions](#)
[Duluth Parking Commission 1-29-16 resolutions](#)

This Board or Commission Report was received.

REPORTS OF COUNCIL COMMITTEES

REPORTS OF COUNCIL OPEN ISSUES

OPPORTUNITY FOR CITIZENS TO BE HEARD

RESOLUTIONS TABLED

BY COUNCILOR WESTERLUND (PUBLIC WORKS & UTILITIES)

5. [16-0248R](#) RESOLUTION OF INTENT TO CONVEY CERTAIN REAL PROPERTY WITHIN THE CITY OF DULUTH ABUTTING RIDGEVIEW ROAD TO THE STATE OF MINNESOTA FOR AN ENTRANCE TO THE AIR NATIONAL GUARD FACILITY.

Indexes:

Attachments: [Exhibit A-Legal Description](#)

This Resolution was adopted unanimously.

Yea: 9 - Councilor Hanson, Councilor Russ, Councilor Hobbs, Councilor Westerlund, Councilor Hansen, Councilor Anderson, Councilor Sipress, Councilor Fosle and President Filipovich

MOTIONS AND RESOLUTIONS

CONSENT AGENDA

BY COUNCILOR HANSEN (FINANCE)

6. [16-0245R](#) RESOLUTION AMENDING RESOLUTION NO. 16-0152, WHICH AMENDED RESOLUTION NO. 16-0055, CONFIRMING DEMOLITION ASSESSMENT ROLL TO DELETE A SECOND PROPERTY AND REDUCING THE AMOUNT ASSESSED.

This Resolution was adopted unanimously.

Yea: 9 - Councilor Hanson, Councilor Russ, Councilor Hobbs, Councilor Westerlund, Councilor Hansen, Councilor Anderson, Councilor Sipress, Councilor Fosle and President Filipovich

7. [16-0311R](#) RESOLUTION AUTHORIZING PROPER CITY OFFICIALS TO ACCEPT A GRANT ON BEHALF OF THE HISTORIC UNION DEPOT FROM THE DULUTH LEGACY ENDOWMENT FUND IN THE AMOUNT OF \$2500 FOR DEPOT BEAUTIFICATION PROJECT.

Indexes:

Attachments: [Exhibit A - Depot Grant Agreement](#)

This Resolution was adopted unanimously.

Yea: 9 - Councilor Hanson, Councilor Russ, Councilor Hobbs, Councilor Westerlund, Councilor Hansen, Councilor Anderson, Councilor Sipress, Councilor Fosle and President Filipovich

8. [16-0314R](#) RESOLUTION APPROVING THE BUDGET FOR THE FISCAL YEAR MAY 1, 2016 TO APRIL 30, 2017 IN THE AMOUNT OF \$5,546,836 FOR THE SPIRIT MOUNTAIN RECREATION AREA AUTHORITY.

Indexes:

Attachments: [Exhibit A](#)

This Resolution was adopted unanimously.

Yea: 9 - Councilor Hanson, Councilor Russ, Councilor Hobbs, Councilor Westerlund, Councilor Hansen, Councilor Anderson, Councilor Sipress, Councilor Fosle and President Filipovich

9. [16-0320R](#) RESOLUTION APPROVING THE ADOPTION OF A TWO YEAR GRACE PERIOD FOR IMPLEMENTING NEW PROCUREMENT REQUIREMENTS IN COMPLIANCE WITH THE UNIFORM ADMINISTRATIVE REQUIREMENTS FOR FEDERAL AWARDS.

This Resolution was adopted unanimously.

Yea: 9 - Councilor Hanson, Councilor Russ, Councilor Hobbs, Councilor Westerlund, Councilor Hansen, Councilor Anderson, Councilor Sipress, Councilor Fosle and President Filipovich

BY COUNCILOR HOBBS (PURCHASING & LICENSING)

10. [16-0292R](#) RESOLUTION AUTHORIZING A CONTRACT WITH TRAIL SOURCE, LLC., FOR PHASE IV CONSTRUCTION OF THE DULUTH TRAVERSE TRAIL IN THE AMOUNT OF \$361,447.56.

Indexes:

Attachments: [Phase IV Map](#)

This Resolution was adopted unanimously.

Yea: 9 - Councilor Hanson, Councilor Russ, Councilor Hobbs, Councilor Westerlund, Councilor Hansen, Councilor Anderson, Councilor Sipress, Councilor Fosle and President Filipovich

11. [16-0293R](#) RESOLUTION AUTHORIZING A CONTRACT WITH ROCK SOLID TRAIL CONTRACTING, LLC., FOR THE PHASE V CONSTRUCTION OF THE DULUTH TRAVERSE TRAIL IN THE AMOUNT OF \$472,843.25.

Indexes:

Attachments: [Phase V Map](#)

This Resolution was adopted unanimously.

Yea: 9 - Councilor Hanson, Councilor Russ, Councilor Hobbs, Councilor Westerlund, Councilor Hansen, Councilor Anderson, Councilor Sipress, Councilor Fosle and President Filipovich

12. [16-0297R](#) RESOLUTION APPROVING THE ISSUANCE OF OFF SALE 3.2 PERCENT MALT LIQUOR LICENSE RENEWALS FOR THE PERIOD BEGINNING MAY,1 2016, AND ENDING APRIL 30, 2017

Indexes:

Attachments: [OFF SALE BEER ATTACHMENT A-04142016085624](#)

This Resolution was adopted unanimously.

Yea: 9 - Councilor Hanson, Councilor Russ, Councilor Hobbs, Councilor Westerlund, Councilor Hansen, Councilor Anderson, Councilor Sipress, Councilor Fosle and President Filipovich

13. [16-0298R](#) RESOLUTION APPROVING THE ISSUANCE OF ON SALE 3.2 PERCENT MALT LIQUOR LICENSE RENEWALS FOR THE PERIOD BEGINNING MAY,1 2016, AND ENDING APRIL 30, 2017

Indexes:

Attachments: [ON SALE BEER RENEWALS-Attachment A](#)

This Resolution was adopted unanimously.

Yea: 9 - Councilor Hanson, Councilor Russ, Councilor Hobbs, Councilor Westerlund, Councilor Hansen, Councilor Anderson, Councilor Sipress, Councilor Fosle and President Filipovich

14. [16-0299R](#) RESOLUTION AUTHORIZING AN AMENDMENT TO AGREEMENT 22579 WITH HOISINGTON KOEGLER GROUP, INC., FOR ADDITIONAL PROFESSIONAL SERVICES TO COMPLETE A MINI MASTER PLAN FOR VARIOUS ST. LOUIS RIVER CORRIDOR NEIGHBORHOOD PARKS, AN INCREASE OF \$4,070, AND AN AMENDED TOTAL NOT TO EXCEED \$79,070.

Indexes:

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

This Resolution was adopted unanimously.

Yea: 9 - Councilor Hanson, Councilor Russ, Councilor Hobbs, Councilor Westerlund, Councilor Hansen, Councilor Anderson, Councilor Sipress, Councilor Fosle and President Filipovich

15. [16-0312R](#) RESOLUTION AUTHORIZING A CONTRACT WITH STACK BROS MECHANICAL CONTRACTORS, INC. FOR THE CONSTRUCTION OF CHAMBERS GROVE PARK IMPROVEMENTS FOR AN AMOUNT NOT TO EXCEED \$769,650.80.

This Resolution was adopted unanimously.

Yea: 8 - Councilor Hanson, Councilor Russ, Councilor Hobbs, Councilor Westerlund, Councilor Hansen, Councilor Anderson, Councilor Sipress and Councilor Fosle

Abstain: 1 - President Filipovich

BY COUNCILOR RUSS (PLANNING & ECONOMIC DEVELOPMENT)

16. [16-0287R](#) RESOLUTION AMENDING RESOLUTION 15-0831, ADOPTING LICENSE, PERMIT, FINE, PENALTY AND OTHER CHARGES FOR 2016, TO ADD AN ACCESSORY HOME SHARE PERMIT AND SETTING THE FEE FOR \$100 PER YEAR.

This Resolution was adopted unanimously.

Yea: 9 - Councilor Hanson, Councilor Russ, Councilor Hobbs, Councilor Westerlund, Councilor Hansen, Councilor Anderson, Councilor Sipress, Councilor Fosle and President Filipovich

17. [16-0294R](#) RESOLUTION DISCHARGING \$112,018.70 IN DEBT OWED BY THE FOLLOWING BUSINESSES TO THE REVOLVING LOAN FUND FORMERLY OPERATED BY NORTH STAR COMMUNITY DEVELOPMENT CORPORATION.

This Resolution was adopted unanimously.

Yea: 9 - Councilor Hanson, Councilor Russ, Councilor Hobbs, Councilor Westerlund, Councilor Hansen, Councilor Anderson, Councilor Sipress, Councilor Fosle and President Filipovich

18. [16-0296R](#) RESOLUTION AUTHORIZING AN AMENDMENT TO THE LICENSE AGREEMENT WITH THE DULUTH ECONOMIC DEVELOPMENT AUTHORITY FOR DEDA LOT B.

Indexes:

Attachments: [Exhibit A - 16-0296R](#)

This Resolution was adopted unanimously.

Yea: 9 - Councilor Hanson, Councilor Russ, Councilor Hobbs, Councilor Westerlund, Councilor Hansen, Councilor Anderson, Councilor Sipress, Councilor Fosle and President Filipovich

19. [16-0304R](#) RESOLUTION AUTHORIZING A CONTAMINATION INVESTIGATION AND RESPONSE ACTION PLAN DEVELOPMENT GRANT APPLICATION IN THE AMOUNT OF \$28,834 TO THE MINNESOTA DEPARTMENT OF EMPLOYMENT AND ECONOMIC DEVELOPMENT RELATING TO PROPERTY LOCATED AT 42nd AVENUE WEST AND GRAND AVENUE AND COMMITTING A DEVELOPER MATCH OF \$9,611

This Resolution was adopted unanimously.

Yea: 9 - Councilor Hanson, Councilor Russ, Councilor Hobbs, Councilor Westerlund, Councilor Hansen, Councilor Anderson, Councilor Sipress, Councilor Fosle and President Filipovich

20. [16-0305R](#) RESOLUTION AMENDING THE COMPREHENSIVE LAND USE PLAN - FUTURE LAND USE MAP FOR THE ARROWHEAD ROAD LANE USE STUDY AREA, FROM EAST OF HAINES ROAD TO ARLINGTON ROAD, AND NORTH ALONG RICE LAKE ROAD.

Indexes:

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

This Resolution was adopted

Yea: 7 - Councilor Hanson, Councilor Russ, Councilor Hobbs, Councilor Westerlund, Councilor Sipress, Councilor Fosle and President Filipovich

Nay: 2 - Councilor Hansen and Councilor Anderson

21. [16-0308R](#) RESOLUTION VACATING A PORTION OF A UTILITY EASEMENT SOUTHEAST OF GRAND AVENUE BETWEEN 75TH AVENUE WEST AND 78TH AVENUE WEST.

Indexes:

Attachments: [Attachment 1](#)

This Resolution was adopted unanimously.

Yea: 9 - Councilor Hanson, Councilor Russ, Councilor Hobbs, Councilor Westerlund, Councilor Hansen, Councilor Anderson, Councilor Sipress, Councilor Fosle and President Filipovich

22. [16-0309R](#) RESOLUTION VACATING A PORTION OF THE PLATTED RIGHT OF WAY OF EAST SUPERIOR STREET, NORTH SECOND AVENUE EAST, AND THE FIRST STREET ALLEY, ADJACENT TO THE NORSHOR THEATER AT TWO NORTH SECOND AVENUE EAST (DULUTH ECONOMIC DEVELOPMENT AUTHORITY).

Indexes:

Attachments: [Attachment 1](#)
[Attachment 2](#)
[Attachment 3](#)
[Attachment 4](#)

This Resolution was adopted unanimously.

Yea: 9 - Councilor Hanson, Councilor Russ, Councilor Hobbs, Councilor Westerlund, Councilor Hansen, Councilor Anderson, Councilor Sipress, Councilor Fosle and President Filipovich

BY COUNCILOR HANSON (INTERGOVERNMENTAL RELATIONS)

23. [16-0316R](#) RESOLUTION AUTHORIZING A TEMPORARY FIVE (5) YEAR EASEMENT TO THE STATE OF MINNESOTA FOR HIGHWAY PURPOSES FOR ITS GRAND AVENUE IMPROVEMENT PROJECT.

Indexes:

Attachments: [Exhibit 1 \(Parcel 49\)](#)
[Exhibit 2 \(Parcel 49\)](#)
[Exhibit 3 \(Parcel 49\)](#)

This Resolution was adopted unanimously.

Yea: 9 - Councilor Hanson, Councilor Russ, Councilor Hobbs, Councilor Westerlund, Councilor Hansen, Councilor Anderson, Councilor Sipress, Councilor Fosle and President Filipovich

24. [16-0317R](#) RESOLUTION AUTHORIZING A TEMPORARY FIVE (5) YEAR EASEMENT TO THE STATE OF MINNESOTA FOR HIGHWAY PURPOSES FOR ITS GRAND AVENUE IMPROVEMENT PROJECT.

Indexes:

Attachments: [Exhibit 1 \(Parcel 61\)](#)
[Exhibit 2 \(Parcel 61\)](#)
[Exhibit 3 \(Parcel 61\)](#)

This Resolution was adopted unanimously.

Yea: 9 - Councilor Hanson, Councilor Russ, Councilor Hobbs, Councilor Westerlund, Councilor Hansen, Councilor Anderson, Councilor Sipress, Councilor Fosle and President Filipovich

25. [16-0318R](#) RESOLUTION AUTHORIZING A TEMPORARY FIVE (5) YEAR EASEMENT TO THE STATE OF MINNESOTA FOR HIGHWAY PURPOSES FOR ITS GRAND AVENUE IMPROVEMENT PROJECT.

Indexes:

Attachments: [Exhibit 1 \(Parcel 60\)](#)
[Exhibit 2 \(Parcel 60\)](#)
[Exhibit 3 \(Parcel 60\)](#)

This Resolution was adopted unanimously.

Yea: 9 - Councilor Hanson, Councilor Russ, Councilor Hobbs, Councilor Westerlund, Councilor Hansen, Councilor Anderson, Councilor Sipress, Councilor Fosle and President Filipovich

BY COUNCILOR WESTERLUND (PUBLIC WORKS & UTILITIES)

26. [16-0288R](#) RESOLUTION AWARDING A CONTRACT TO PARSONS ELECTRIC LLC FOR THE REMOVAL AND REPLACEMENT OF GENERATORS AT DULUTH STEAM IN THE AMOUNT OF \$156,828.

This Resolution was adopted unanimously.

Yea: 9 - Councilor Hanson, Councilor Russ, Councilor Hobbs, Councilor Westerlund, Councilor Hansen, Councilor Anderson, Councilor Sipress, Councilor Fosle and President Filipovich

27. [16-0289R](#) RESOLUTION AWARDING A CONTRACT TO VEIT & COMPANY, INC. FOR STREAM BANK STABILIZATION AT CHESTER CREEK IN THE AMOUNT OF \$518,187.35.

Indexes:

Attachments: [16-0289R Map](#)

This Resolution was adopted unanimously.

Yea: 9 - Councilor Hanson, Councilor Russ, Councilor Hobbs, Councilor Westerlund, Councilor Hansen, Councilor Anderson, Councilor Sipress, Councilor Fosle and President Filipovich

28. [16-0290R](#) RESOLUTION AUTHORIZING THE 2012 ROAD AND BRIDGE DISASTER RELIEF BOND GRANT AND ACCEPTING A GRANT FROM THE MINNESOTA STATE TRANSPORTATION FUND FOR THE OVERLAY OF 63rd AVENUE WEST FROM GRAND AVENUE TO CODY STREET IN THE AMOUNT OF \$62,085.48.

Indexes:

Attachments: [16-0290R Map](#)
[Flood Bond Agreement 118-103-006](#)

This Resolution was adopted unanimously.

Yea: 9 - Councilor Hanson, Councilor Russ, Councilor Hobbs, Councilor Westerlund, Councilor Hansen, Councilor Anderson, Councilor Sipress, Councilor Fosle and President Filipovich

29. [16-0291R](#) RESOLUTION AUTHORIZING THE 2012 ROAD AND BRIDGE DISASTER RELIEF BOND GRANT AND ACCEPTING A GRANT FROM THE MINNESOTA STATE TRANSPORTATION FUND FOR THE RECLAMATION OF SKYLINE PARKWAY FROM KENWOOD AVENUE TO BRIDGE NO. L6115 IN THE AMOUNT OF \$190,578.60.

Indexes:

Attachments: [16-0291R Map](#)
[Flood Bond Agreement 118-179-006](#)

This Resolution was adopted unanimously.

Yea: 9 - Councilor Hanson, Councilor Russ, Councilor Hobbs, Councilor Westerlund, Councilor Hansen, Councilor Anderson, Councilor Sipress, Councilor Fosle and President Filipovich

30. [16-0302R](#) RESOLUTION AWARDED A CONTRACT TO GEORGE BOUGALIS & SONS CO., INC. FOR THE CONGDON BOULEVARD CULVERT LINING AND REPLACEMENT IN THE AMOUNT OF \$956,358.30.

Indexes:

Attachments: [16-0302R Map](#)

This Resolution was adopted unanimously.

Yea: 9 - Councilor Hanson, Councilor Russ, Councilor Hobbs, Councilor Westerlund, Councilor Hansen, Councilor Anderson, Councilor Sipress, Councilor Fosle and President Filipovich

31. [16-0306R](#) RESOLUTION REQUESTING A VARIANCE FROM THE MINNESOTA DEPARTMENT OF TRANSPORTATION AND INDEMNIFYING THE STATE OF MINNESOTA IN CONNECTION WITH THE GRANTING OF A MINNESOTA STATE AID VARIANCE IN THE RECONSTRUCTION OF SUPERIOR STREET.

Indexes:

Attachments: [16-0306R Map](#)
[Parking Layout Variance](#)

This Resolution was adopted unanimously.

Yea: 9 - Councilor Hanson, Councilor Russ, Councilor Hobbs, Councilor Westerlund, Councilor Hansen, Councilor Anderson, Councilor Sipress, Councilor Fosle and President Filipovich

32. [16-0315R](#) RESOLUTION APPROVING SETTLEMENT IN THE AMOUNT OF \$35,000 IN THE MATTER OF MARK R. CARLSON AND LYNNE E. CARLSON VS. CITY OF DULUTH.

This Resolution was adopted unanimously.

Yea: 9 - Councilor Hanson, Councilor Russ, Councilor Hobbs, Councilor Westerlund, Councilor Hansen, Councilor Anderson, Councilor Sipress, Councilor Fosle and President Filipovich

33. [16-0319R](#) RESOLUTION AWARDDING A CONTRACT TO SHANNON'S INC. FOR THE LAKEWOOD WATER TREATMENT PLANT HEATING, VENTILATION AND COOLING SYSTEM IMPROVEMENTS IN THE AMOUNT OF \$940,850.

This Resolution was adopted unanimously.

Yea: 9 - Councilor Hanson, Councilor Russ, Councilor Hobbs, Councilor Westerlund, Councilor Hansen, Councilor Anderson, Councilor Sipress, Councilor Fosle and President Filipovich

BY COUNCILOR FOSLE (PUBLIC SAFETY)

34. [16-0303R](#) RESOLUTION AUTHORIZING LICENSE AGREEMENT WITH THE CITY OF HERMANTOWN TO ALLOW THE HERMANTOWN POLICE DEPARTMENT LIMITED ACCESS TO THE CITY'S FILE SERVER TO ACCESS THE BCA MINNESOTA LICENSE PLATE DATA FILE.

Indexes:

Attachments: [Exhibit A - Hermantown license agreement](#)
[Exhibit B - BCA agreement](#)

This Resolution was adopted unanimously.

Yea: 9 - Councilor Hanson, Councilor Russ, Councilor Hobbs, Councilor Westerlund, Councilor Hansen, Councilor Anderson, Councilor Sipress, Councilor Fosle and President Filipovich

BY COUNCILOR SIPRESS (RECREATION, LIBRARIES & AUTHORITIES)

35. [16-0300R](#) RESOLUTION AUTHORIZING PROPER CITY OFFICIALS TO ACCEPT A GRANT FROM THE DULUTH LEGACY FUND IN THE AMOUNT OF \$2,500 FOR TODDLER BOOK BINS AND BOOKS FOR THE MT. ROYAL BRANCH LIBRARY.

Indexes:

Attachments: [Exhibit A - 16-0300R](#)

This Resolution was adopted unanimously.

Yea: 9 - Councilor Hanson, Councilor Russ, Councilor Hobbs, Councilor Westerlund, Councilor Hansen, Councilor Anderson, Councilor Sipress, Councilor Fosle and President Filipovich

36. [16-0301R](#) RESOLUTION AUTHORIZING PROPER CITY OFFICIALS TO ACCEPT A \$2,500 GRANT FROM THE DULUTH LEGACY ENDOWMENT FUND FOR THE GARY NEW DULUTH COMMUNITY CENTER AND RECREATION AREA MINI-MASTER PLAN PROJECT.

Indexes:

Attachments: [EXHIBIT A - 16-0301R](#)

This Resolution was adopted unanimously.

Yea: 9 - Councilor Hanson, Councilor Russ, Councilor Hobbs, Councilor Westerlund, Councilor Hansen, Councilor Anderson, Councilor Sipress, Councilor Fosle and President Filipovich

37. [16-0307R](#) RESOLUTION AUTHORIZING ACCEPTANCE AND EXECUTION OF A HOST SITE AGREEMENT WITH THE MINNESOTA POLLUTION CONTROL AGENCY FOR THE 2016-2017 PROGRAM YEAR GREENCORPS MEMBERS.

Indexes:

Attachments: [EXHIBIT A - 16-0307R](#)

This Resolution was adopted unanimously.

Yea: 9 - Councilor Hanson, Councilor Russ, Councilor Hobbs, Councilor Westerlund, Councilor Hansen, Councilor Anderson, Councilor Sipress, Councilor Fosle and President Filipovich

38. [16-0313R](#) RESOLUTION AUTHORIZING A FIVE (5) YEAR LEASE AGREEMENT WITH RPK BASEBALL, LLC AND NORTHWOODS LEAGUE, INC. FOR THE USE OF WADE STADIUM THROUGH 2020.

Indexes:

Attachments: [Exhibit 1](#)

This Resolution was adopted unanimously.

Yea: 9 - Councilor Hanson, Councilor Russ, Councilor Hobbs, Councilor Westerlund, Councilor Hansen, Councilor Anderson, Councilor Sipress, Councilor Fosle and President Filipovich

END OF CONSENT AGENDA

BY COUNCILOR ANDERSON (PERSONNEL)

39. [16-0295R](#) RESOLUTION CONFIRMING THE APPOINTMENT OF JOHN STRONGITHARM TO THE CIVIL SERVICE BOARD

Indexes:

Attachments: [Lon Hanson CSB Application](#)
[LonHansonResume-CityofDuluth](#)
[Strongitharm CSB Application](#)
[John Strongitharm Resume](#)
[NEWQUIST APP](#)

This Resolution was adopted as amended.

Yea: 9 - Councilor Hanson, Councilor Russ, Councilor Hobbs, Councilor Westerlund, Councilor Hansen, Councilor Anderson, Councilor Sipress, Councilor Fosle and President Filipovich

INTRODUCTION AND CONSIDERATION OF ORDINANCES

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

BY COUNCILOR FOSLE (PUBLIC SAFETY)

40. [16-024-O](#) AN ORDINANCE AMENDING CHAPTER 29A OF THE DULUTH CITY CODE, 1959, AS AMENDED, TO CLARIFY APPLICATION OF THE INTERNATIONAL PROPERTY MAINTENANCE CODE FOR THE HOUSING AND MAINTENANCE CODE FOR THE CITY, PROVIDE A MECHANISM FOR RESOLVING CONFLICTS BETWEEN THE PROVISIONS OF CHAPTER 29A AND THE HOUSING AND PROPERTY MAINTENANCE CODE, AND STRIKE OBSOLETE CODE LANGUAGE.

This Ordinance was read for the first time.

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

BY COUNCILOR HANSEN (FINANCE)

41. [16-023-O](#) AN ORDINANCE TO AMEND THE BUDGET OF THE CITY OF DULUTH FOR YEAR 2016 BY INCREASING THE BUDGET BY \$500,000 FOR FUNDING AN ENERGY PLAN.

This Ordinance was adopted.

Yea: 9 - Councilor Hanson, Councilor Russ, Councilor Hobbs, Councilor Westerlund, Councilor Hansen, Councilor Anderson, Councilor Sipress, Councilor Fosle and President Filipovich

BY COUNCILOR RUSS (PLANNING & ECONOMIC DEVELOPMENT)

42. [16-022-O](#) AN ORDINANCE AMENDING SECTIONS 50-20.3 COMMERCIAL USES AND 50-20.5 ACCESSORY USES, TO AMEND EXISTING STANDARDS FOR VACATION DWELLING UNITS AND ACCESSORY VACATION DWELLING UNITS.

Indexes:

Attachments: [Motion to Amend 16-022-O Hobbs.Filipovich - Passed](#)
[Motion to Amend 16-022-O Sipress \(200ft\) - FAILED](#)
[Motion to Amend 16-022-O Sipress \(parking\) - PASSED](#)
[Motion to Amend 16-022-O Filipovich.Hansen 5.3.16 - FAILED](#)
[Motion to Amend 16-022-O Sipress \(Permit Adjustment\) - PASSED](#)

A motion was made that this ordinance be tabled. Motion passed:

8: Yea

1: Nay

This Ordinance was tabled.

BY COUNCILOR WESTERLUND (PUBLIC WORKS & UTILITIES)

43. [16-021-O](#) AN ORDINANCE AUTHORIZING THE CONVEYANCE OF CERTAIN REAL PROPERTY ABUTTING RIDGEVIEW ROAD TO THE STATE OF MINNESOTA FOR AN ENTRANCE TO THE AIR NATIONAL GUARD FACILITY.

Indexes:

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

This Ordinance was adopted.

Yea: 9 - Councilor Hanson, Councilor Russ, Councilor Hobbs, Councilor Westerlund, Councilor Hansen, Councilor Anderson, Councilor Sipress, Councilor Fosle and President Filipovich

COUNCILOR QUESTIONS AND COMMENTS

COUNCILOR PREVIEW OF UPCOMING BUSINESS



City of Duluth

411 West First Street
Duluth, Minnesota 55802

Actions and Unofficial Minutes

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 will provide increased opportunities for civil discourse in order to find positive resolutions to the issues that face the city. These tools include: pay attention, listen, be inclusive, do not gossip, show respect, be agreeable, apologize, give constructive criticism and take responsibility. [Approved by the council on August 25, 2003]*

Monday, May 9, 2016

7:00 PM

Council Chamber

ROLL CALL

Present: 9 - Councilor Howie Hanson, Councilor Barb Russ, Councilor Noah Hobbs, Councilor Em Westerlund, Councilor Elissa Hansen, Councilor Gary Anderson, Councilor Joel Sipress, Councilor Jay Fosle and President Zack Filipovich

PLEDGE OF ALLEGIANCE

PRESENTATION OF PETITIONS AND OTHER COMMUNICATIONS

1. [16-061](#) Hartley Nature Center Communication

Indexes:

Attachments: [Dan Mundt Communication](#)

This Petition/Other Communication was received.

REPORTS FROM THE ADMINISTRATION

REPORTS FROM OTHER OFFICERS

2. [16-052](#) Clerk Applications for Exempt Permit for Womens Care Center (Raffle and Bingo), Welch Center (Bingo), Lake Superior Marine Museum Association (Raffle)

Indexes:

Attachments: [WOMENS CARE CENTER](#)
[WELCH CENTER](#)
[MARINE MUSEUM](#)

This Other Officers Report was received.

3. [16-053](#) Clerk applications for Exempt Permits to the Minnesota Gambling Control Board from Gary-New Duluth Community Club (excluded bingo) and Order of Ahepa Chapter #267 of Duluth (excluded bingo).

Indexes:

Attachments: [GARY COMMUNITY CLUB](#)
[ORDER OF AHEPA CHAPTER 267 BINGO](#)

This Other Officers Report was received.

REPORTS OF BOARDS AND COMMISSIONS

4. [16-054](#) HRA Minutes

Indexes:

Attachments: [HRA Minutes 1.26.16](#)
[HRA Minutes 3.1.16](#)
[HRA Minutes 3.30.16](#)
[HRA Minutes 11.24.15](#)

This Board or Commission Report was received.

5. [16-055](#) Civil Service Board Minutes

Indexes:

Attachments: [Civil Service Board Minutes 3.1.16](#)

This Board or Commission Report was received.

6. [16-056](#) DPUC Minutes

Indexes:

Attachments: [DPUC Minutes 3.15.16](#)

[DPUC Water Rate Public Hearing Minutes 3.15.16](#)

This Board or Commission Report was received.

7. [16-057](#) DTA Minutes

Indexes:

Attachments: [DTA Board of Directors Minutes 2.14.16](#)

[DTA Financial Statement Feb 2016](#)

This Board or Commission Report was received.

8. [16-058](#) Spirit Mountain FY17 Budget

Indexes:

Attachments: [FY17 Spirit Mt Council Presentation _April 2016](#)

This Board or Commission Report was received.

9. [16-059](#) Library Board Minutes

Indexes:

Attachments: [Library Board Minutes 3.22.16](#)

This Board or Commission Report was received.

10. [16-060](#) Planning Commission Minutes

Indexes:

Attachments: [PC Minutes 4.1.16 \(not approved yet\)](#)

This Board or Commission Report was received.

REPORTS OF COUNCIL COMMITTEES

REPORTS OF COUNCIL OPEN ISSUES

OPPORTUNITY FOR CITIZENS TO BE HEARD

MOTIONS AND RESOLUTIONS

CONSENT AGENDA

BY COUNCILOR HOBBS (PURCHASING & LICENSING)

11. [16-0347R](#) RESOLUTION APPROVING THE TEMPORARY EXPANSION OF THE ON SALE INTOXICATING LIQUOR LICENSE TO VARIOUS LICENSEES.

Indexes:

- Attachments:** [ATTACHMENT C GRANDMAS INC](#)
[ATTACHMENT D ANGIES](#)
[ATTACHMENT E TAP HOUSE](#)
[ATTACHMENT A SPORTS GARDEN](#)
[ATTACHMENT B CLUB SARATOGA AMENDED](#)

This Resolution was adopted unanimously.

Yea: 8 - Councilor Hanson, Councilor Russ, Councilor Hobbs, Councilor Westerlund, Councilor Anderson, Councilor Sipress, Councilor Fosle and President Filipovich

Abstain: 1 - Councilor Hansen

12. [16-0351R](#) RESOLUTION AUTHORIZING AN AMENDMENT TO AGREEMENT 22364 WITH CARDNO, INC., FOR ADDITIONAL PROFESSIONAL SERVICES IN THE STREAM RESTORATION OF MILLER CREEK, AN INCREASE OF \$6,000, AND AN AMENDED TOTAL NOT TO EXCEED \$82,600.

Indexes:

- Attachments:** [Amendment No. 1](#)

This Resolution was adopted unanimously.

Yea: 9 - Councilor Hanson, Councilor Russ, Councilor Hobbs, Councilor Westerlund, Councilor Hansen, Councilor Anderson, Councilor Sipress, Councilor Fosle and President Filipovich

13. [16-0352R](#) RESOLUTION AUTHORIZING A CONTRACT WITH TRAIL SOURCE, LLC., FOR THE TRAIL REPAIR AND IMPROVEMENTS AT CHESTER PARK, CONGDON PARK AND HARTLEY PARK IN THE AMOUNT OF \$343,224.36.

Indexes:

Attachments: [Bid Tabulation](#)
[Chester Map](#)
[Congdon Map](#)
[Hartley Map](#)

This Resolution was adopted unanimously.

Yea: 9 - Councilor Hanson, Councilor Russ, Councilor Hobbs, Councilor Westerlund, Councilor Hansen, Councilor Anderson, Councilor Sipress, Councilor Fosle and President Filipovich

BY COUNCILOR RUSS (PLANNING & ECONOMIC DEVELOPMENT)

14. [16-0265R](#) RESOLUTION AUTHORIZING CITY OFFICIALS TO DONATE A DISPLAY CASE TO THE LAKE SUPERIOR CENTER DBA GREAT LAKES AQUARIUM TO SHOWCASE A SCALE MODEL OF THE AERIAL LIFT BRIDGE BUILT BY RALPH W. ANDRES.

Indexes:

Attachments: [Exhibit A - Model Aerial Lift Bridge](#)

This Resolution was adopted unanimously.

Yea: 9 - Councilor Hanson, Councilor Russ, Councilor Hobbs, Councilor Westerlund, Councilor Hansen, Councilor Anderson, Councilor Sipress, Councilor Fosle and President Filipovich

BY COUNCILOR WESTERLUND (PUBLIC WORKS & UTILITIES)

15. [16-0338R](#) RESOLUTION ACCEPTING TEMPORARY AND PERMANENT EASEMENTS FOR STREET AND UTILITY PURPOSES NEAR KENWOOD AVE. AND ARROWHEAD ROAD FROM KENWOOD VILLAGE LLC.

Indexes:

Attachments: [Exhibit A \(16-0338R\)](#)
[Exhibit B \(16-0338R\)](#)

This Resolution was adopted unanimously.

Yea: 9 - Councilor Hanson, Councilor Russ, Councilor Hobbs, Councilor Westerlund, Councilor Hansen, Councilor Anderson, Councilor Sipress, Councilor Fosle and President Filipovich

16. [16-0346R](#) RESOLUTION REQUESTING A VARIANCE FROM THE MINNESOTA DEPARTMENT OF TRANSPORTATION AND INDEMNIFYING THE STATE OF MINNESOTA IN CONNECTION WITH THE GRANTING OF A MINNESOTA STATE AID VARIANCE IN THE REDUCTION IN ROADWAY WIDTH FROM 38 FEET TO 36 FEET ON PORTIONS OF THIRD AVENUE WEST AND SECOND AVENUE WEST.

Indexes:

Attachments: [16-0364R Map](#)

This Resolution was adopted unanimously.

Yea: 9 - Councilor Hanson, Councilor Russ, Councilor Hobbs, Councilor Westerlund, Councilor Hansen, Councilor Anderson, Councilor Sipress, Councilor Fosle and President Filipovich

BY COUNCILOR FOSLE (PUBLIC SAFETY)

17. [16-0336R](#) RESOLUTION APPOINTING THE TECHNICAL SERVICES COORDINATOR OF THE DULUTH FIRE DEPARTMENT TO SERVE ON THE USER COMMITTEE OF THE NORTHEAST MINNESOTA REGIONAL RADIO BOARD.

This Resolution was adopted unanimously.

Yea: 9 - Councilor Hanson, Councilor Russ, Councilor Hobbs, Councilor Westerlund, Councilor Hansen, Councilor Anderson, Councilor Sipress, Councilor Fosle and President Filipovich

18. [16-0344R](#) RESOLUTION AUTHORIZING MUTUAL AID AGREEMENT WITH THE CITY OF MINNEAPOLIS, MINNESOTA.

Indexes:

Attachments: [Document A](#)

This Resolution was adopted unanimously.

Yea: 9 - Councilor Hanson, Councilor Russ, Councilor Hobbs, Councilor Westerlund, Councilor Hansen, Councilor Anderson, Councilor Sipress, Councilor Fosle and President Filipovich

BY COUNCILOR SIPRESS (RECREATION, LIBRARIES & AUTHORITIES)

19. [16-0328R](#) RESOLUTION GRANTING APPROVAL AND IMPLEMENTATION OF THE QUARRY PARK MINI-MASTER PLAN; DEDICATING THE PROPERTY AS A PARK AND NAMING THE SITE QUARRY PARK.

Indexes:

Attachments: [EXHIBIT A - 16-0328R](#)

This Resolution was adopted unanimously.

Yea: 9 - Councilor Hanson, Councilor Russ, Councilor Hobbs, Councilor Westerlund, Councilor Hansen, Councilor Anderson, Councilor Sipress, Councilor Fosle and President Filipovich

20. [16-0332R](#) RESOLUTION AUTHORIZING APPLICATION TO THE GREATER MINNESOTA REGIONAL PARKS AND TRAILS COMMISSION TO REQUEST REGIONAL DESIGNATION FOR HARTLEY PARK.

Indexes:

Attachments: [EXHIBIT A - 16-0332R](#)

[EXHIBIT B - 16-0332R](#)

This Resolution was adopted unanimously.

Yea: 9 - Councilor Hanson, Councilor Russ, Councilor Hobbs, Councilor Westerlund, Councilor Hansen, Councilor Anderson, Councilor Sipress, Councilor Fosle and President Filipovich

21. [16-0333R](#) RESOLUTION AUTHORIZING APPLICATION TO THE GREATER MINNESOTA REGIONAL PARKS AND TRAILS COMMISSION TO REQUEST REGIONAL DESIGNATION FOR THE ST. LOUIS RIVER CORRIDOR RECREATION AREA.

Indexes:

Attachments: [EXHIBIT A - 16-0333R](#)
[EXHIBIT B - 16-0333R](#)

This Resolution was adopted unanimously.

Yea: 9 - Councilor Hanson, Councilor Russ, Councilor Hobbs, Councilor Westerlund, Councilor Hansen, Councilor Anderson, Councilor Sipress, Councilor Fosle and President Filipovich

22. [16-0334R](#) RESOLUTION AUTHORIZING APPLICATION TO THE GREATER MINNESOTA REGIONAL PARKS AND TRAILS COMMISSION TO REQUEST REGIONAL DESIGNATION FOR THE LAKEWALK CORRIDOR RECREATION AREA.

Indexes:

Attachments: [EXHIBIT A - 16-0334R](#)
[EXHIBIT B - 16-0334R](#)

This Resolution was adopted unanimously.

Yea: 9 - Councilor Hanson, Councilor Russ, Councilor Hobbs, Councilor Westerlund, Councilor Hansen, Councilor Anderson, Councilor Sipress, Councilor Fosle and President Filipovich

23. [16-0335R](#) RESOLUTION AUTHORIZING APPLICATION TO, AND ACCEPTANCE OF, IF OFFERED, THE NATIONAL PARK SERVICE LAND AND WATER CONSERVATION FUND STATE AND LOCAL ASSISTANCE PROGRAM OUTDOOR RECREATION LEGACY PARTNERSHIP PROGRAM (LWCF ORLP) FOR \$750,000 IN GRANT FUNDS TO IMPLEMENT THE LINCON PARK MINI-MASTER PLAN.

Indexes:

Attachments: [EXHIBIT A - 16-0335R](#)
[EXHIBIT B - 16-0335R](#)
[Exhibit C - Project Agreement](#)

This Resolution was adopted unanimously.

Yea: 9 - Councilor Hanson, Councilor Russ, Councilor Hobbs, Councilor Westerlund, Councilor Hansen, Councilor Anderson, Councilor Sipress, Councilor Fosle and President Filipovich

END OF CONSENT AGENDA

BY COUNCILOR HOBBS (PURCHASING & LICENSING)

24. [16-0343R](#) RESOLUTION AUTHORIZING THE PURCHASE OF A FIRE RESCUE VEHICLE FROM CUSTOM FIRE APPARATUS, INC. IN THE AMOUNT OF \$632,632 AND STATING THE INTENT TO ISSUE GENERAL OBLIGATION NOTES

Indexes:

Attachments: [Bid Tabulation](#)

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

Yea: 8 - Councilor Hanson, Councilor Russ, Councilor Hobbs, Councilor Westerlund, Councilor Hansen, Councilor Anderson, Councilor Sipress and President Filipovich

Nay: 1 - Councilor Fosle

BY COUNCILOR ANDERSON (PERSONNEL)

25. [16-0372R](#) RESOLUTION CONFIRMING THE APPOINTMENT OF MICHAEL TUSKEN AS POLICE CHIEF FOR THE CITY OF DULUTH.

This Resolution was adopted unanimously.

Yea: 9 - Councilor Hanson, Councilor Russ, Councilor Hobbs, Councilor Westerlund, Councilor Hansen, Councilor Anderson, Councilor Sipress, Councilor Fosle and President Filipovich

26. [16-0373R](#) RESOLUTION CONFIRMING THE APPOINTMENT OF DENNIS EDWARDS AS FIRE CHIEF FOR THE CITY OF DULUTH.

This Resolution was adopted unanimously.

Yea: 9 - Councilor Hanson, Councilor Russ, Councilor Hobbs, Councilor Westerlund, Councilor Hansen, Councilor Anderson, Councilor Sipress, Councilor Fosle and President Filipovich

BY COUNCILOR WESTERLUND (PUBLIC WORKS & UTILITIES)

27. [16-0345R](#) RESOLUTION APPROVING SETTLEMENT IN THE MATTER OF MARK TUCKER VS CITY OF DULUTH IN THE AMOUNT OF \$25,000 AND PURSUANT TO THE TERMS OF THE MEDIATED SETTLEMENT AGREEMENT.

Indexes:

Attachments: [Exhibit A Mediated Settlement Agreement](#)

This Resolution was adopted unanimously.

Yea: 9 - Councilor Hanson, Councilor Russ, Councilor Hobbs, Councilor Westerlund, Councilor Hansen, Councilor Anderson, Councilor Sipress, Councilor Fosle and President Filipovich

INTRODUCTION AND CONSIDERATION OF ORDINANCES

ORDINANCES TABLED

BY COUNCILOR RUSS (PLANNING & ECONOMIC DEVELOPMENT)

28. [16-022-O](#) AN ORDINANCE AMENDING SECTIONS 50-20.3 COMMERCIAL USES AND 50-20.5 ACCESSORY USES, TO AMEND EXISTING STANDARDS FOR VACATION DWELLING UNITS AND ACCESSORY VACATION DWELLING UNITS.

Indexes:

Attachments: [Motion to Amend 16-022-O Hobbs.Filipovich - Passed](#)
[Motion to Amend 16-022-O Sipress \(200ft\) - FAILED](#)
[Motion to Amend 16-022-O Sipress \(parking\) - PASSED](#)
[Motion to Amend 16-022-O Filipovich.Hansen 5.3.16 - FAILED](#)
[Motion to Amend 16-022-O Sipress \(Permit Adjustment\) - PASSED](#)

A motion was made to amend, motion was seconded and failed by the following vote: (Sipress 200ft)

Yay - 2 Councilors Russ and Sipress

Nay - 7 Councilors Anderson, Fosle, Hansen, Hanson, Hobbs, Westerlund and President Filipovich

A motion was made to amend, motion was seconded and passed by the following vote: (Sipress Parking)

Yay - 8 Councilors Anderson, Hansen, Hanson, Hobbs, Russ, Sipress, Westerlund and President Filipovich

Nay - 1 Councilor Fosle

A motion was made to amend, motion was seconded and failed by the following vote: (Filipovich.Hansen)

Yay - 4 Councilors Fosle, Hansen, Hanson and President Filipovich.

Nay - 5 Councilors Anderson, Hobbs, Russ, Sipress and Westerlund.

A motion was made to amend, motion was seconded and carried unanimously. (Sipress Permit Adjustment)

This Ordinance was read for the first time.

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

BY COUNCILOR HOBBS (PURCHASING & LICENSING)

29. [16-025-O](#) AN ORDINANCE AMENDING SECTION 41-23 OF DULUTH CITY CODE, 1959, AS AMENDED, TO ALLOW ELECTRONIC BID POSTINGS, BIDS, AND SECURE BONDS FOR CITY CONTRACTS EXCEEDING \$100,000.

This Ordinance was read into the record.

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

BY COUNCILOR FOSLE (PUBLIC SAFETY)

30. [16-024-O](#) AN ORDINANCE AMENDING CHAPTER 29A OF THE DULUTH CITY CODE, 1959, AS AMENDED, TO CLARIFY APPLICATION OF THE INTERNATIONAL PROPERTY MAINTENANCE CODE FOR THE HOUSING AND MAINTENANCE CODE FOR THE CITY, PROVIDE A MECHANISM FOR RESOLVING CONFLICTS BETWEEN THE PROVISIONS OF CHAPTER 29A AND THE HOUSING AND PROPERTY MAINTENANCE CODE, AND STRIKE OBSOLETE CODE LANGUAGE.

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

Yea: 8 - Councilor Hanson, Councilor Russ, Councilor Hobbs, Councilor Westerlund, Councilor Hansen, Councilor Anderson, Councilor Sipress and President Filipovich

Nay: 1 - Councilor Fosle

COUNCILOR QUESTIONS AND COMMENTS

COUNCILOR PREVIEW OF UPCOMING BUSINESS



City of Duluth

411 West First Street
Duluth, Minnesota 55802

Actions and Unofficial Minutes

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 will provide increased opportunities for civil discourse in order to find positive resolutions to the issues that face the city. These tools include: pay attention, listen, be inclusive, do not gossip, show respect, be agreeable, apologize, give constructive criticism and take responsibility. [Approved by the council on August 25, 2003]*

Monday, May 23, 2016

7:00 PM

Council Chamber

ROLL CALL

Present: 9 - Councilor Gary Anderson, Councilor Jay Fosle, Councilor Elissa Hansen, Councilor Howie Hanson, Councilor Noah Hobbs, Councilor Barb Russ, Councilor Joel Sipress, Councilor Em Westerlund and President Zack Filipovich

PLEDGE OF ALLEGIANCE

APPROVAL OF MINUTES

1. [16-066](#) December 2015 Council Minutes

Indexes:

Attachments: [OPS 12.07.2015](#)

[OPS 12.14.2015](#)

This Minutes was received.

PUBLIC HEARING

REPORTS FROM THE ADMINISTRATION

REPORTS FROM OTHER OFFICERS

REPORTS OF BOARDS AND COMMISSIONS

2. [16-063](#) Building Appeal Board Meeting Minutes

Indexes:

- Attachments: [3-9-16 Building Appeal Board Meeting Minutes](#)
[4-13-16 Building Appeal Board Meeting Minutes](#)

This Board or Commission Report was received.

3. [16-064](#) AGT Meeting Minutes

Indexes:

- Attachments: [5-11-16 AGT Special Meeting Minutes](#)
[4-6-16 AGT Meeting Minutes](#)

This Board or Commission Report was received.

4. [16-065](#) DEDA Special Meeting Minutes

Indexes:

- Attachments: [4-6-16 DEDA Special Meeting Minutes](#)

This Board or Commission Report was received.

REPORTS OF COUNCIL COMMITTEES

REPORTS OF COUNCIL OPEN ISSUES

OPPORTUNITY FOR CITIZENS TO BE HEARD

RESOLUTIONS TABLED

MOTIONS AND RESOLUTIONS

CONSENT AGENDA

BY COUNCILOR HANSEN (FINANCE)

5. [16-0329R](#) RESOLUTION CONFIRMING ASSESSMENT ROLL LEVIED FOR REASSESSMENT OF PRIOR CANCELED ASSESSMENTS.

This Resolution was adopted unanimously.

BY COUNCILOR HOBBS (PURCHASING & LICENSING)

6. [16-0321R](#) RESOLUTION IN THE MATTER OF THE ON SALE INTOXICATING LIQUOR LICENSE OF HOSPITALITY ASSOCIATES OF DULUTH, LLC (ACES ON FIRST) 113 WEST FIRST STREET

Indexes:

Attachments: [AGT Report To The Council 16-0321R](#)

This Resolution was adopted unanimously.

7. [16-0348R](#) RESOLUTION APPROVING ISSUANCE OF AN ON SALE LIQUOR LICENSE, DANCE LICENSE AND SUNDAY LIQUOR LICENSE TO LEISURE HOSPITALITY OF MINNESOTA, LLC (PIER B RESORT & SILO RESTAURANT) , 800 WEST RAILROAD STREET, DULUTH, MN 55802

Indexes:

Attachments: [PIER B Agenda attach 05-232016](#)

This Resolution was adopted unanimously.

Yea: 8 - Councilor Anderson, Councilor Fosle, Councilor Hanson, Councilor Hobbs, Councilor Russ, Councilor Sipress, Councilor Westerlund and President Filipovich

Abstain: 1 - Councilor Hansen

8. [16-0368R](#) RESOLUTION AUTHORIZING A CONTRACT WITH STACK BROS. MECHANICAL CONTRACTORS, INC., TO MODIFY THE GAS BURNER CONTROL SYSTEM FOR TWO BOILERS AT DULUTH ENERGY SYSTEMS IN THE AMOUNT OF \$132,600.

Indexes:

Attachments: [Bid Tabulation](#)

This Resolution was adopted unanimously.

Yea: 8 - Councilor Anderson, Councilor Fosle, Councilor Hansen, Councilor Hanson, Councilor Hobbs, Councilor Russ, Councilor Sipress and Councilor Westerlund

Abstain: 1 - President Filipovich

9. [16-0379R](#) RESOLUTION AUTHORIZING AN AGREEMENT WITH EVOLVING SOLUTIONS, INC. FOR THE PURCHASE OF HARDWARE, FIVE YEARS OF MAINTENANCE, AND PROFESSIONAL SERVICES FOR THE CONFIGURATION OF AN UPGRADED NETAPP NETWORK DATA STORAGE ARRAY IN THE AMOUNT OF \$197,495.

Indexes:

Attachments: [Exhibit A](#)

This Resolution was adopted unanimously.

BY COUNCILOR ANDERSON (PERSONNEL)

10. [16-0370R](#) RESOLUTION APPROVING PROPOSED AMENDMENTS TO THE SPECIFICATIONS FOR THE EXISTING CIVIL SERVICE CLASSIFICATION OF NETWORK ADMINISTRATOR.

Indexes:

Attachments: [Network Administrator Final Draft.pdf](#)
[Network Administrator \(strikethrough\).pdf](#)

This Resolution was adopted unanimously.

11. [16-0400R](#) RESOLUTION APPROVING PROPOSED AMENDMENTS TO THE SPECIFICATIONS FOR THE EXISTING CIVIL SERVICE CLASSIFICATION OF SYSTEMS ADMINISTRATOR.

Indexes:

Attachments: [Systems Administrator \(strikethrough\)](#)
[Systems Administrator](#)

This Resolution was adopted unanimously.

BY COUNCILOR RUSS (PLANNING & ECONOMIC DEVELOPMENT)

12. [16-0384R](#) RESOLUTION AUTHORIZING AN INCREASE OF \$2,106 IN THE ALLOCATION OF HUD FUNDING FOR THE HOME PROGRAM FOR THE 2016 PROGRAM YEAR, WHICH WILL INCREASE THE HOUSING RESOURCE CONNECTION PROJECT FROM \$39,695 TO \$42,071. THIS INCREASE IS DUE TO AN INCREASE IN ALLOCATION FROM HUD.

This Resolution was adopted unanimously.

13. [16-0385R](#) RESOLUTION AUTHORIZING CONTRACTS WITH DULUTH HOUSING REDEVLEOPMENT AUTHORITY IN THE AMOUNTS OF \$20,000 IN CDBG FUNDS FOR THE COORDINATED ASSESSMENT PROJECT FROM THE 2015 CDBG PROGRAM YEAR AND \$12,000 FROM THE 2016 CDBG PROGRAM YEAR.

Indexes:

Attachments: [Attachment 1](#)

This Resolution was adopted unanimously.

BY COUNCILOR WESTERLUND (PUBLIC WORKS & UTILITIES)

14. [16-0359R](#) RESOLUTION AMENDING RESOLUTION 16-0157 SUBSTITUTING THE NAME OF THE CORRECT GRANTOR AND SUBSTITUTING A NEW EASEMENT AGREEMENT.

Indexes:

Attachments: [Exhibit A - Updated Easement](#)

This Resolution was adopted unanimously.

15. [16-0374R](#) RESOLUTION AMENDING RESOLUTION 13-0161R AUTHORIZING A MN/DOT PARTNERSHIP AGREEMENT WITH THE MINNESOTA DEPARTMENT OF TRANSPORTATION, INCREASING THE AMOUNT OF THE CITY'S OBLIGATION BY \$13,755.46 FOR A NEW TOTAL OF \$115,113.12.

Indexes:

Attachments: [16-0374R Map](#)
[16-0374R Schedule I](#)

This Resolution was adopted unanimously.

16. [16-0386R](#) RESOLUTION AWARDED A CONTRACT TO JMF CONSTRUCTION, INC. FOR THE 2016 CITYWIDE PATCH AND SIDEWALK PROJECT IN THE AMOUNT OF \$121,545.

This Resolution was adopted unanimously.

17. [16-0388R](#) RESOLUTION AMENDING A CONTRACT WITH HANCO UTILITIES, INC. FOR CONSTRUCTION OF THE 2015 HIGH PRESSURE GAS MAINS AND SERVICES IN THE AMOUNT OF \$505,946.98 FOR A NEW TOTAL OF \$1,560,003.19.

This Resolution was adopted unanimously.

18. [16-0396R](#) RESOLUTION OF INTENT TO INSTALL A NEW GAS MAIN FROM HAINES ROAD TO 250 FEET WEST OF CENTERLINE OF WASHINGTON STREET.

Indexes:

Attachments: [16-0396R Map](#)

This Resolution was adopted unanimously.

BY COUNCILOR FOSLE (PUBLIC SAFETY)

19. [16-0331R](#) RESOLUTION AUTHORIZING SECOND AMENDMENT TO CITY CONTRACT NO. 21739 WITH THE STATE OF MINNESOTA HOMELAND SECURITY AND EMERGENCY MANAGEMENT DIVISION FOR CONTINUED PROVISION OF HAZARDOUS MATERIALS CHEMICAL ASSESSMENT TEAM SERVICES THROUGH SEPTEMBER 30, 2017, IN THE AMOUNT OF \$75,000 PLUS CERTAIN COSTS REIMBURSEMENTS FOR A TOTAL CONTRACT AMOUNT OF \$255,000.

Indexes:

Attachments: [Exhibit A - Amendment 2](#)

This Resolution was adopted unanimously.

20. [16-0383R](#) RESOLUTION AUTHORIZING A PARKING MANAGEMENT AGREEMENT WITH INTERSTATE PARKING COMPANY OF MINNESOTA LLC FOR PARKING MANAGEMENT SERVICES RELATED TO THE 410 WEST 1ST STREET PUBLIC PARKING RAMP.

Indexes:

Attachments: [Attachment - 410 W. 1st Street Parking Agree w. exhibits](#)

This Resolution was adopted unanimously.

BY COUNCILOR SIPRESS (RECREATION, LIBRARIES & AUTHORITIES)

21. [16-0387R](#) RESOLUTION AMENDING RESOLUTION 15-0831, ADOPTING LICENSE, PERMIT, FINE, PENALTY AND OTHER CHARGES FOR 2016, TO AMEND THE ACCESSORY HOME SHARE FEE TO \$25 PER YEAR.

Sponsors: Sipress

This Resolution was adopted unanimously.

22. [16-0390R](#) RESOLUTION AUTHORIZING AN AGREEMENT WITH THE DULUTH AREA FAMILY YMCA FOR THE OPERATION AND MANAGEMENT OF THE CITY'S PARK POINT BEACH HOUSE AND RECREATION AREA DURING THE 2016 SUMMER SEASON.

Indexes:

Attachments: [Exhibit 1](#)

This Resolution was adopted unanimously.

END OF CONSENT AGENDA

BY COUNCILOR HOBBS (PURCHASING & LICENSING)

23. [16-0341R](#) RESOLUTION AUTHORIZING THE PURCHASE OF THREE (3) 2017 FREIGHTLINER CABS AND CHASSIS FROM I-STATE TRUCK IN THE AMOUNT OF \$250,946.67

Indexes:

Attachments: [Exhibit A](#)

This Resolution was adopted unanimously.

24. [16-0342R](#) RESOLUTION AUTHORIZING A CONTRACT WITH CRYSTEEL TRUCK EQUIPMENT FOR THE PURCHASE AND INSTALLATION OF EQUIPMENT AND SUPPLIES TO FULLY OUTFIT THREE (3) 2017 FREIGHTLINER CABS/CHASSIS FOR SNOW REMOVAL AND SANDING IN THE AMOUNT OF \$290,677.58

This Resolution was adopted unanimously.

25. [16-0382R](#) RESOLUTION AUTHORIZING AN AGREEMENT WITH BARR ENGINEERING CO. FOR SURFACE AND GROUNDWATER MONITORING AT ENGER GOLF COURSE IN THE AMOUNT OF \$73,000.

Indexes:

Attachments: [Exhibit A](#)

This Resolution was adopted unanimously.

BY COUNCILOR RUSS (PLANNING & ECONOMIC DEVELOPMENT)

26. [16-0381R](#) RESOLUTION OF INTENT TO SUPPORT THE REQUEST BY CENTER CITY HOUSING CORPORATION FOR THE AWARD OF LOW-INCOME HOUSING TAX CREDITS FOR GARFIELD SQUARE APARTMENTS.

This Resolution was tabled.

Yea: 8 - Councilor Anderson, Councilor Fosle, Councilor Hansen, Councilor Hanson, Councilor Hobbs, Councilor Sipress, Councilor Westerlund and President Filipovich

Nay: 1 - Councilor Russ

BY COUNCILOR WESTERLUND (PUBLIC WORKS & UTILITIES)

27. [16-0378R](#) RESOLUTION AWARDDING A CONTRACT TO NORTHLAND CONSTRUCTORS OF DULUTH, LLC FOR THE 2016 STREET PRESERVATION PROJECT IN THE AMOUNT OF \$342,286.77.

Indexes:

Attachments: [16-0378R Map](#)

This Resolution was adopted unanimously.

28. [16-0380R](#) RESOLUTION AWARDDING A CONTRACT TO JMF CONSTRUCTION, INC. FOR THE 2016 MANHOLE ADJUSTMENT AND BOLLARD INSTALLATION PROJECT IN THE AMOUNT OF \$167,500.

This Resolution was adopted unanimously.

29. [16-0391R](#) RESOLUTION AUTHORIZING AN AGREEMENT WITH LHB INC. FOR PROFESSIONAL ENGINEERING SERVICES TO PROVIDE DESIGN SERVICES FOR A RETROFIT OF THE DULUTH MINNESOTA SLIP PEDESTRIAN BRIDGE IN THE AMOUNT NOT TO EXCEED \$329,468.00.

Indexes:

Attachments: [16-0391R Map](#)
[16-0391R Proposal](#)

This Resolution was adopted.

Yea: 7 - Councilor Anderson, Councilor Hansen, Councilor Hobbs, Councilor Russ, Councilor Sipress, Councilor Westerlund and President Filipovich

Nay: 2 - Councilor Fosle and Councilor Hanson

BY COUNCILOR SIPRESS (RECREATION, LIBRARIES & AUTHORITIES)

30. [16-0377R](#) RESOLUTION AUTHORIZING DISBURSEMENT OF GRANT FUNDS IN THE AMOUNT OF \$50,000 FROM THE PARKS FUND NEIGHBORHOOD GRANT PROGRAM.

Indexes:

Attachments: [Sample Grant Agreement](#)

This Resolution was adopted unanimously.

Yea: 8 - Councilor Anderson, Councilor Fosle, Councilor Hansen, Councilor Hanson, Councilor Hobbs, Councilor Russ, Councilor Sipress and Councilor Westerlund

Abstain: 1 - President Filipovich

31. [16-0389R](#) RESOLUTION AUTHORIZING A THREE YEAR AGREEMENT WITH THE DULUTH SOFTBALL PLAYERS ASSOCIATION, INC. FOR THE OPERATION OF THE WHEELER FIELD SOFTBALL COMPLEX CONCESSIONS BUILDING.

Indexes:

Attachments: [Exhibit 1](#)

This Resolution was adopted.

Yea: 8 - Councilor Anderson, Councilor Fosle, Councilor Hansen, Councilor Hobbs, Councilor Russ, Councilor Sipress, Councilor Westerlund and President Filipovich

Nay: 1 - Councilor Hanson

INTRODUCTION AND CONSIDERATION OF ORDINANCES

ORDINANCES TABLED

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

BY COUNCILOR RUSS (PLANNING & ECONOMIC DEVELOPMENT)

32. [16-022-O](#) AN ORDINANCE AMENDING SECTIONS 50-20.3 COMMERCIAL USES AND 50-20.5 ACCESSORY USES, TO AMEND EXISTING STANDARDS FOR VACATION DWELLING UNITS AND ACCESSORY VACATION DWELLING UNITS.

Indexes:

- Attachments:** [Motion to Amend 16-022-O Hobbs.Filipovich - Passed](#)
[Motion to Amend 16-022-O Sipress \(200ft\) - FAILED](#)
[Motion to Amend 16-022-O Sipress \(parking\) - PASSED](#)
[Motion to Amend 16-022-O Filipovich.Hansen 5.3.16 - FAILED](#)
[Motion to Amend 16-022-O Sipress \(Permit Adjustment\) - PASSED](#)

This Ordinance was adopted.

Yea: 8 - Councilor Anderson, Councilor Hansen, Councilor Hanson, Councilor Hobbs, Councilor Russ, Councilor Sipress, Councilor Westerlund and President Filipovich

Nay: 1 - Councilor Fosle

COUNCILOR QUESTIONS AND COMMENTS

COUNCILOR PREVIEW OF UPCOMING BUSINESS



City of Duluth

411 West First Street
Duluth, Minnesota 55802

Actions and Unofficial Minutes

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 will provide increased opportunities for civil discourse in order to find positive resolutions to the issues that face the city. These tools include: pay attention, listen, be inclusive, do not gossip, show respect, be agreeable, apologize, give constructive criticism and take responsibility. [Approved by the council on August 25, 2003]*

Friday, June 10, 2016

12:00 PM

Council Chamber

Special Council Meeting - City of Duluth's New Relationship with the Fond du Lac Band

ROLL CALL

Present: 8 - Councilor Gary Anderson, Councilor Elissa Hansen, Councilor Howie Hanson, Councilor Noah Hobbs, Councilor Barb Russ, Councilor Joel Sipress, Councilor Em Westerlund and President Zack Filipovich

Absent: 1 - Councilor Jay Fosle

PLEDGE OF ALLEGIANCE

BY PRESIDENT FILIPOVICH (COMMITTEE OF THE WHOLE)

[16-0442R](#) RESOLUTION AUTHORIZING AN AGREEMENT WITH THE FOND DU LAC BAND OF LAKE SUPERIOR CHIPPEWA FOR FEE FOR SERVICES.

Indexes:

Attachments: [Attachment 16-0442R](#)

This Resolution was adopted

Yea: 8 - Councilor Anderson, Councilor Hansen, Councilor Hanson, Councilor Hobbs, Councilor Russ, Councilor Sipress, Councilor Westerlund and President Filipovich

Absent: 1 - Councilor Fosle



City of Duluth

411 West First Street
Duluth, Minnesota 55802

Actions and Unofficial Minutes

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 will provide increased opportunities for civil discourse in order to find positive resolutions to the issues that face the city. These tools include: pay attention, listen, be inclusive, do not gossip, show respect, be agreeable, apologize, give constructive criticism and take responsibility. [Approved by the council on August 25, 2003]*

Monday, June 13, 2016

7:00 PM

Council Chamber

ROLL CALL

Moment of silence for the victims of the Orlando shooting.

Present: 9 - Councilor Gary Anderson, Councilor Jay Fosle, Councilor Elissa Hansen, Councilor Howie Hanson, Councilor Noah Hobbs, Councilor Barb Russ, President Joel Sipress, Councilor Em Westerlund and Councilor Zack Filipovich

PLEDGE OF ALLEGIANCE

APPROVAL OF MINUTES

1. [16-076](#) January and February 2016 City Council Meeting Minutes

Indexes:

Attachments: [OPS 1-7-2016](#)

[OPS 1-11-2016](#)

[OPS 1-25-2016](#)

[OPS 2-8-2016](#)

[OPS 2-22-2016](#)

This Minutes was received.

PRESENTATION OF PETITIONS AND OTHER COMMUNICATIONS

2. [16-069](#) Garfield Square Apartment Communications

Indexes:

Attachments: [Garfield Square - letter of support](#)
[Andy Goldine Communication - Garfield Square Apartments](#)
[Dehlia Garfield Square Apartments Communication](#)
[Pamela Kramer - Garfield Square Apartments Communication](#)
[AT HOME DULUTH](#)
[LINCOLN PARK BUSINESS GROU](#)
[ST LOUIS COUNTY-](#)
[HDC](#)
[CHUM](#)

This Petition/Other Communication was received.

REPORTS FROM THE ADMINISTRATION

REPORTS FROM OTHER OFFICERS

Distinguished Artist Award Honoring Jason from Beaners / Woodblind.

Distinguished Artist Award Honoring - Jason from Beaners/Woodblind

3. [16-067](#) Clerk Applications for Exempt Permit for The ALS Association, MN/ND/SD Chapter raffle to be held on February 4, 2017 at Cirrus Aircraft.

Indexes:

Attachments: [ALS EXEMPT PERMIT-Attachment A](#)

This Other Officers Report was received.

4. [16-068](#) Clerk Applications for Exempt Permit for The NORTHERN LIGHTS FOUNDATION raffle to be held on August 25, 2016 at Wade Stadium. Attachment A

Indexes:

Attachments: [NORTHERN LIGHTS FOUNDATION-05312016092551](#)

This Other Officers Report was received.

5. [16-075](#) Duluth Airport Authority Audit Report

Indexes:

Attachments: [Duluth Airport Authority Audit Report](#)

This Other Officers Report was received.

REPORTS OF BOARDS AND COMMISSIONS

6. [16-070](#) DTA Board of Directors Meeting Minutes

Indexes:

Attachments: [3-30-16 DTA BOD Meeting Minutes](#)

This Board or Commission Report was received.

7. [16-071](#) Civil Service Board Meeting Minutes

Indexes:

Attachments: [04-05-16 Civil Service Board Meeting Minutes](#)

This Board or Commission Report was received.

8. [16-072](#) Duluth Public Utilities Commission Meeting Minutes

Indexes:

Attachments: [4-19-16 DPUC Meeting Minutes](#)

This Board or Commission Report was received.

9. [16-073](#) Library Board Meeting Minutes

Indexes:

Attachments: [4-22-16 Library Board Meeting Minutes](#)

This Board or Commission Report was received.

10. [16-074](#) DEDA Meeting Minutes

Indexes:

Attachments: [4-27-16 DEDA Meeting Minutes](#)

This Board or Commission Report was received.

REPORTS OF COUNCIL COMMITTEES

REPORTS OF COUNCIL OPEN ISSUES

OPPORTUNITY FOR CITIZENS TO BE HEARD

RESOLUTIONS TABLED

BY COUNCILOR RUSS (PLANNING & ECONOMIC DEVELOPMENT)

11. [16-0381R](#) RESOLUTION OF INTENT TO SUPPORT THE REQUEST BY CENTER CITY HOUSING CORPORATION FOR THE AWARD OF LOW-INCOME HOUSING TAX CREDITS FOR GARFIELD SQUARE APARTMENTS.

This Resolution was adopted

Yea: 8 - Councilor Anderson, Councilor Hansen, Councilor Hanson, Councilor Hobbs, Councilor Russ, President Sipress, Councilor Westerlund and Councilor Filipovich

Nay: 1 - Councilor Fosle

MOTIONS AND RESOLUTIONS

CONSENT AGENDA

BY COUNCILOR HANSEN (FINANCE)

12. [16-0375R](#) RESOLUTION AMENDING RESOLUTION 15-0831, ADOPTING LICENSE, PERMIT, FINE, PENALTY AND OTHER CHARGES FOR 2016, TO ADD FEE FOR TEMPORARY USE PERMITS ISSUED FOR TEMPORARY USES (ZONING - PARKLETS) OCCUPYING METERED PARKING SPACES.

Sponsors: Hansen

Indexes:

Attachments: [Healthy Duluth Area Coalition PARKLET REPORT FINAL](#)

This Resolution was adopted unanimously.

13. [16-0404R](#) RESOLUTION APPROVING A TRANSFER IN THE AMOUNT OF \$762,440 FROM THE DECC REVENUE FUND TO THE CAPITAL IMPROVEMENT FUND TO FINANCE DESIGN AND ENGINEERING CONTRACTS FOR THE REHABILITATION OF THE MINNESOTA SLIP PEDSTRIAN BRIDGE AND SEAWALL IMPROVEMENTS.

This Resolution was adopted unanimously.

14. [16-0439R](#) RESOLUTION AUTHORIZING THE CITY TO PROVIDE A \$4,000,000 LINE OF CREDIT TO THE DULUTH AIRPORT AUTHORITY TO ASSIST WITH CASH FLOW MANAGEMENT

This Resolution was adopted unanimously.

BY COUNCILOR HOBBS (PURCHASING & LICENSING)

15. [16-0240R](#) RESOLUTION APPROVING ISSUANCE OF AN ON SALE WINE LICENSE TO SAMMYS PIZZA OF DULUTH, INC (SAMMYS PIZZA AND RESTAURANT), 103 WEST FIRST STREET, DULUTH, MN 55802

Indexes:

Attachments: [Attachment A-Sammy's Pizza](#)

This Resolution was adopted unanimously.

Yea: 8 - Councilor Anderson, Councilor Fosle, Councilor Hanson, Councilor Hobbs, Councilor Russ, President Sipress, Councilor Westerlund and Councilor Filipovich

Abstain: 1 - Councilor Hansen

16. [16-0410R](#) RESOLUTION APPROVING THE TEMPORARY ON SALE INTOXICATING LIQUOR LICENSE AND TEMPORARY EXPANSION OF THE ON SALE INTOXICATING LIQUOR LICENSE TO VARIOUS LICENSEES.

Indexes:

Attachments: [ALPINE BAR AND LOUNGE Attachment A](#)
[THE REEF BAR Attachment B](#)
[SUMMER BREW FEST-Attachment D](#)
[SUMMER BREWFEST Attachment C](#)
[SIR BENS Attachment E](#)
[SIR BENS Attachment F](#)
[BEDROCK-Attachment G](#)
[SHOTZ BAR-Attachment H](#)
[RIDGEVIEW COUNTRY CLUB-Attachment I](#)
[Red Herring Super Blg Block Party - Attachment J](#)
[Red Herring Expansion - Attachment K](#)

This Resolution was adopted unanimously.

Yea: 8 - Councilor Anderson, Councilor Fosle, Councilor Hanson, Councilor Hobbs, Councilor Russ, President Sipress, Councilor Westerlund and Councilor Filipovich

Abstain: 1 - Councilor Hansen

17. [16-0414R](#) RESOLUTION AUTHORIZING THE PURCHASE FROM PRECISE MRM, LLC, FOR TWELVE MONTHS OF GPS/AVL SYSTEM USAGE IN THE AMOUNT OF \$131,250

This Resolution was adopted unanimously.

18. [16-0415R](#) RESOLUTION AUTHORIZING THE PURCHASE OF A NEW 2016 ELGIN PELICAN STREET SWEEPER FROM MACQUEEN EQUIPMENT IN THE AMOUNT OF \$193,459

Indexes:

Attachments: [Exhibit A](#)

This Resolution was adopted unanimously.

19. [16-0416R](#) RESOLUTION AUTHORIZING AN INCREASE TO PURCHASE ORDER 2016-00000042 IN THE AMOUNT OF \$45,000 TO COVER ADDITIONAL DEALER REPAIRS TO VACTORS AND ELGIN STREET SWEEPERS

This Resolution was adopted unanimously.

BY COUNCILOR ANDERSON (PERSONNEL)

20. [16-0401R](#) RESOLUTION APPROVING PROPOSED SPECIFICATIONS FOR THE NEW CIVIL SERVICE CLASSIFICATION OF UTILITIES INFORMATION SPECIALIST, AND SPECIFYING CONTRACT BENEFITS FOR SAME.

Indexes:

Attachments: [Utilities Information Specialist](#)

This Resolution was adopted unanimously.

21. [16-0405R](#) RESOLUTION CONFIRMING THE APPOINTMENT OF LON HANSON TO THE ALCOHOL, GAMBLING AND TOBACCO COMMISSION, REPLACING CHRIS PEKKALA

Indexes:

Attachments: [Lon Hanson](#)

This Resolution was adopted unanimously.

22. [16-0406R](#) RESOLUTION CONFIRMING THE APPOINTMENT OF DON NESS TO THE ENTERTAINMENT AND CONVENTION CENTER AUTHORITY

Indexes:

Attachments: [Don Ness](#)

This Resolution was adopted unanimously.

23. [16-0407R](#) RESOLUTION CONFIRMING THE APPOINTMENT OF JODI L.T. ROBERTS TO THE PARKS AND REC COMMISSION, FILLING THE RECREATION PROFESSIONAL VACANCY

Indexes:

Attachments: [Jodi R.T. Roberts](#)

This Resolution was adopted unanimously.

24. [16-0408R](#) RESOLUTION CONFIRMING THE APPOINTMENTS OF LIZZY LUOMA, NEIL GLAZMAN AND DAVID SPERL TO THE LIBRARY BOARD REPLACING FRANK JEWELL, DANIEL D'ALLAIRD AND JANE BRISSETT.

Indexes:

Attachments: [Neil Glazman](#)

[Lizzy Luoma](#)

[David Sperl](#)

This Resolution was adopted unanimously.

Yea: 8 - Councilor Anderson, Councilor Fosle, Councilor Hansen, Councilor Hanson, Councilor Hobbs, President Sipress, Councilor Westerlund and Councilor Filipovich

Abstain: 1 - Councilor Russ

25. [16-0409R](#) RESOLUTION CONFIRMING THE APPOINTMENT OF AARON BRANSKY TO THE DULUTH TRANSIT AUTHORITY

Indexes:

Attachments: [Aaron Bransky](#)

This Resolution was adopted unanimously.

26. [16-0412R](#) RESOLUTION CONFIRMING THE REAPPOINTMENTS OF JAY SEILER AND CARRIE HEFFERNAN TO THE ENTERTAINMENT AND CONVENTION CENTER AUTHORITY

This Resolution was adopted unanimously.

27. [16-0413R](#) RESOLUTION CONFIRMING THE REAPPOINTMENT OF JOHN BROSTROM TO THE DULUTH TRANSIT AUTHORITY

This Resolution was adopted unanimously.

28. [16-0441R](#) RESOLUTION CONFIRMING THE REAPPOINTMENT OF JULENE BOE TO THE WESTERN LAKE SUPERIOR SANITARY DISTRICT BOARD

This Resolution was adopted unanimously.

BY COUNCILOR RUSS (PLANNING & ECONOMIC DEVELOPMENT)

29. [16-0418R](#) RESOLUTION REPROGRAMMING FUNDS FROM THE 2011 PROGRAM YEAR IN THE AMOUNT OF \$10,000; FROM THE 2012 PROGRAM YEAR IN THE AMOUNT OF \$500; AND FROM THE 2014 PROGRAM YEAR IN THE AMOUNT OF \$15,000 FOR A TOTAL OF \$25,500 FOR THE JAY STREET DEVELOPMENT PROJECT BY ONE ROOF.

This Resolution was adopted unanimously.

30. [16-0419R](#) RESOLUTION REPROGRAMMING FUNDS FROM THE 2011 PROGRAM YEAR IN THE AMOUNT OF \$57,000 TO THE 2015 PROGRAM YEAR FOR THE JAY STREET DEVELOPMENT PROJECT BY ONE ROOF.

This Resolution was adopted unanimously.

31. [16-0424R](#) RESOLUTION OF INTENT TO RECONVEY CERTAIN REAL PROPERTY IN THE KENWOOD NEIGHBORHOOD TO THE STATE OF MINNESOTA.

This Resolution was adopted unanimously.

32. [16-0428R](#) RESOLUTION AUTHORIZING THE HOUSING AND REDEVELOPMENT AUTHORITY OF DULUTH, MINNESOTA, TO FORGIVE PARTIAL AMOUNTS OF A REHABILITATION LOAN MADE UNDER THE SINGLE FAMILY HOMEOWNER REHABILITATION PROGRAM.

This Resolution was adopted unanimously.

BY COUNCILOR HANSON (INTERGOVERNMENTAL RELATIONS)

33. [16-0422R](#) RESOLUTION AUTHORIZING ACCEPTANCE OF A QUIT CLAIM DEED FROM THE STATE OF MINNESOTA, DEPARTMENT OF TRANSPORTATION, FOR REAL PROPERTY ADJACENT OR NEAR CENTRAL ENTRANCE FOR TRUNK HIGHWAY PURPOSES.

Indexes:

Attachments: [Exhibit A-Quit Claim Deed](#)
[Exhibit B](#)

This Resolution was adopted unanimously.

BY COUNCILOR WESTERLUND (PUBLIC WORKS & UTILITIES)

34. [16-0423R](#) RESOLUTION AUTHORIZING THE TERMINATION AND RELEASE OF CERTAIN DECLARATIONS AFFECTING VACATED EASEMENTS AND EXECUTION OF A NEW DECLARATION IN THE PLAT OF ATLAS INDUSTRIAL PARK.

Indexes:

Attachments: [Exhibit A](#)
[Exhibit B](#)
[Exhibit C](#)
[Exhibit D](#)
[Exhibit E](#)

This Resolution was adopted unanimously.

35. [16-0427R](#) RESOLUTION AWARDING A CONTRACT TO A PLUS LANDSCAPING, LLC FOR STREAM BANK STABILIZATION AT MILLER CREEK IN THE AMOUNT OF \$138,923.50.

Indexes:

Attachments: [16-0427R Map](#)

This Resolution was adopted unanimously.

36. [16-0438R](#) RESOLUTION AWARDING A CONTRACT TO GEORGE BOUGALIS AND SONS CO. FOR CONSTRUCTION OF THE 18TH AVENUE EAST GAS MAIN TO UMD AND MISCELLANEOUS GAS MAINS AND SERVICES AT VARIOUS LOCATIONS IN THE AMOUNT OF \$1,237,505.55.

Indexes:

Attachments: [16-0427R Map](#)

This Resolution was adopted unanimously.

BY COUNCILOR FOSLE (PUBLIC SAFETY)

37. [16-0437R](#) RESOLUTION ADOPTING SKYWALK CLEANING AND MAINTENANCE EXPECTATIONS, STANDARDS, AND PROCEDURES PURSUANT TO THE AUTHORITY GRANTED UNDER SECTIONS 44A-12 AND 44A-16 OF THE DULUTH CITY CODE.

Indexes:

Attachments: [Exhibit A](#)

[Exhibit B](#)

[Exhibit C](#)

[Exhibit D](#)

This Resolution was tabled.

END OF CONSENT AGENDA

The following entitled resolutions are also to be considered:

BY COUNCILOR WESTERLUND (PUBLIC WORKS & UTILITIES)

38. [16-0426R](#) RESOLUTION AUTHORIZING AN AGREEMENT WITH EVER-GREEN ENERGY FOR PROFESSIONAL ENGINEERING SERVICES TO PROVIDE DESIGN SERVICES FOR THE CONSTRUCTION OF A DISTRICT ENERGY HOT WATER SYSTEM ALONG SUPERIOR STREET FROM FOURTH AVENUE EAST TO SEVENTH AVENUE WEST IN AN AMOUNT NOT TO EXCEED \$99,457.

Indexes:

Attachments: [16-0426R Map](#)
[16-0426R Proposal](#)

This Resolution was adopted

Yea: 8 - Councilor Anderson, Councilor Hansen, Councilor Hanson, Councilor Hobbs, Councilor Russ, President Sipress, Councilor Westerlund and Councilor Filipovich

Nay: 1 - Councilor Fosle

BY COUNCILOR SIPRESS (RECREATION, LIBRARIES & AUTHORITIES)

39. [16-0436R](#) RESOLUTION AUTHORIZING A TEN (10) YEAR MANAGEMENT AGREEMENT BETWEEN THE CITY OF DULUTH AND THE ARROWHEAD ZOOLOGICAL SOCIETY, INC.

Indexes:

Attachments: [Exhibit 1](#)

This Resolution was adopted unanimously.

40. [16-0440R](#) RESOLUTION ADOPTING AN EMERALD ASH BORER (EAB) MANAGEMENT PLAN

Indexes:

Attachments: [EXHIBIT A - 16-0440R](#)

Speaker Louise Levy
Mr. Filby Williams

This Resolution was tabled.

INTRODUCTION AND CONSIDERATION OF ORDINANCES

ORDINANCES TABLED

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

BY COUNCILOR RUSS (PLANNING & ECONOMIC DEVELOPMENT)

41. [16-027-O](#) AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF DULUTH AS REFERENCED IN CHAPTER 50 OF THE DULUTH CITY CODE, 1959, AS AMENDED, TO PROVIDE FOR THE RECLASSIFICATION FROM RR-1 AND I-G TO P-1, FOR QUARRY PARK .

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

This Ordinance was read for the first time.

42. [16-028-O](#) AN ORDINANCE TO OPT-OUT OF THE REQUIREMENTS OF MINN. STAT. 462.3593 (2016), THE TEMPORARY FAMILY HEALTHCARE DWELLINGS STATUTE.

This Ordinance was read for the first time.

43. [16-029-O](#) AN ORDINANCE AUTHORIZING THE CONVEYANCE OF CERTAIN REAL PROPERTY IN THE KENWOOD NEIGHBORHOOD TO THE STATE OF MINNESOTA.

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

This Ordinance was read for the first time.

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

BY COUNCILOR HOBBS (PURCHASING & LICENSING)

44. [16-025-O](#) AN ORDINANCE AMENDING SECTION 41-23 OF DULUTH CITY CODE, 1959, AS AMENDED, TO ALLOW ELECTRONIC BID POSTINGS, BIDS, AND SECURE BONDS FOR CITY CONTRACTS EXCEEDING \$100,000.

This Ordinance was adopted unanimously.

COUNCILOR QUESTIONS AND COMMENTS

COUNCILOR PREVIEW OF UPCOMING BUSINESS



City of Duluth

411 West First Street
Duluth, Minnesota 55802

Actions and Unofficial Minutes

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 will provide increased opportunities for civil discourse in order to find positive resolutions to the issues that face the city. These tools include: pay attention, listen, be inclusive, do not gossip, show respect, be agreeable, apologize, give constructive criticism and take responsibility. [Approved by the council on August 25, 2003]*

Monday, June 27, 2016

7:00 PM

Council Chamber

ROLL CALL

Present: 9 - Councilor Gary Anderson, Councilor Jay Fosle, Councilor Elissa Hansen, Councilor Howie Hanson, Councilor Noah Hobbs, Councilor Barb Russ, Councilor Joel Sipress, Councilor Em Westerlund and President Zack Filipovich

PLEDGE OF ALLEGIANCE

PRESENTATION OF PETITIONS AND OTHER COMMUNICATIONS

1. [16-082](#) State of Minnesota Office of the State Auditor - Management and Compliance Report

Indexes:

Attachments: [Management & Compliance Report - Office of the State Auditor \(1\)](#)
[Management & Compliance Report - Office of the State Auditor](#)

This Petition/Other Communication was received.

REPORTS FROM THE ADMINISTRATION

REPORTS FROM OTHER OFFICERS

REPORTS OF BOARDS AND COMMISSIONS

- 2. [16-085](#) DPUC Resolution 16PUC-005
Gas reconnect penalty

Indexes:

Attachments: [16PUC-005 gas reconnect penalty approved 06212016](#)

This Board or Commission Report was received.

- 3. [16-086](#) DPUC Resolution 16PUC-006
Water reconnect penalty

Indexes:

Attachments: [16PUC-006 water reconnect penalty approved 06212016](#)

This Board or Commission Report was received.

- 4. [16-087](#) DPUC Resolution 16PUC-007
Credit card processing fee

Indexes:

Attachments: [16PUC-007 credit card processing fee request approved 06212016](#)

This Board or Commission Report was received.

REPORTS OF COUNCIL COMMITTEES

REPORTS OF COUNCIL OPEN ISSUES

OPPORTUNITY FOR CITIZENS TO BE HEARD

RESOLUTIONS TABLED

BY COUNCILOR SIPRESS (RECREATION, LIBRARIES & AUTHORITIES)

- 5. [16-0440R](#) RESOLUTION ADOPTING AN EMERALD ASH BORER (EAB)
MANAGEMENT PLAN

Indexes:

Attachments: [EXHIBIT A - 16-0440R](#)

Resolution remains on the table.

This Resolution was tabled.

MOTIONS AND RESOLUTIONS

CONSENT AGENDA

BY COUNCILOR HANSEN (FINANCE)

- 6. [16-0443R](#) RESOLUTION CONFIRMING THE ASSESSMENT ROLL OF DELINQUENT SOLID WASTE COLLECTION FEES DURING PERIOD OF MARCH 1, 2015, TO JUNE 1, 2016.

Indexes:

Attachments: [Exhibit A](#)

This Resolution was adopted unanimously.

- 7. [16-0447R](#) RESOLUTION CONFIRMING THE ASSESSMENT ROLL FOR ASSESSMENTS LEVIED AGAINST PROPERTY WITH REGARD TO PROPERTY VIOLATIONS DURING PERIOD OF APRIL 1, 2015, TO APRIL 1, 2016.

Indexes:

Attachments: [Exhibit A](#)

This Resolution was adopted unanimously.

- 8. [16-0448R](#) RESOLUTION CONFIRMING THE ASSESSMENT ROLL OF DELINQUENT UTILITY FEES DURING THE PERIOD OF JANUARY 1, 2015, TO DECEMBER 31, 2015.

Indexes:

Attachments: [Exhibit A](#)

This Resolution was adopted unanimously.

BY COUNCILOR HOBBS (PURCHASING & LICENSING)

9. [16-0479R](#) RESOLUTION AUTHORIZING A CONTRACT WITH RW FERN ASSOCIATES, INC. - AIA ARCHITECTS FOR ARCHITECTURAL SERVICES FOR THE DESIGN OF CITY HALL INTERIOR RENOVATIONS AND DEPARTMENTAL SPACE PLANNING FOR AN AMOUNT NOT TO EXCEED \$156,650.

Indexes:

Attachments: [Architectural Agreement 6.20.16](#)

This Resolution was adopted unanimously.

10. [16-0483R](#) RESOLUTION AUTHORIZING THE PURCHASE OF 5,100 TONS OF ROAD SALT FROM COMPASS MINERALS AMERICA INC. IN THE AMOUNT OF \$301,053.

This Resolution was adopted unanimously.

11. [16-0485R](#) RESOLUTION AUTHORIZING A PROFESSIONAL SERVICES AGREEMENT WITH LHB, INC. FOR MASTER PLANNING SERVICES FOR THE WESTERN WATERFRONT PARKS AND TRAIL FOR A TOTAL NOT TO EXCEED OF \$70,992.

Indexes:

Attachments: [Exhibit A 7.12.16](#)

This Resolution was tabled.

BY COUNCILOR ANDERSON (PERSONNEL)

12. [16-0456R](#) RESOLUTION APPROVING PROPOSED SPECIFICATIONS FOR THE NEW CIVIL SERVICE CLASSIFICATION OF CONSTRUCTION PROJECT SUPERVISOR, AND SPECIFYING CONTRACT BENEFITS FOR SAME.

Indexes:

Attachments: [Construction Project Supervisor](#)

This Resolution was adopted unanimously.

13. [16-0458R](#) RESOLUTION APPROVING PROPOSED SPECIFICATIONS FOR THE NEW CIVIL SERVICE CLASSIFICATION OF SENIOR NETWORK ADMINISTRATOR, AND SPECIFYING CONTRACT BENEFITS FOR SAME.

Indexes:

Attachments: [Senior Network Administrator](#)

This Resolution was adopted unanimously.

14. [16-0459R](#) RESOLUTION APPROVING PROPOSED SPECIFICATIONS FOR THE NEW CIVIL SERVICE CLASSIFICATION OF SENIOR SYSTEMS ADMINISTRATOR, AND SPECIFYING CONTRACT BENEFITS FOR SAME.

Indexes:

Attachments: [Senior Systems Administrator](#)

This Resolution was adopted unanimously.

BY COUNCILOR RUSS (PLANNING & ECONOMIC DEVELOPMENT)

15. [16-0465R](#) RESOLUTION AUTHORIZING PROPER CITY OFFICIALS TO ENTER INTO AN AGREEMENT WITH AND ACCEPT FUNDS FROM THE MINNESOTA DEPARTMENT OF EMPLOYMENT AND ECONOMIC DEVELOPMENT FOR PROVISION OF WORKFORCE INVESTMENT ACT TITLE I SERVICES, MINNESOTA YOUTH PROGRAM SERVICES AND OLDER AMERICAN PROGRAM SERVICES FOR THE PERIOD JULY 1, 2016 - JUNE 30, 2021.

Indexes:

Attachments: [Attachment A - Master Grant Contract DULUTH2016M](#)

This Resolution was adopted unanimously.

16. [16-0476R](#) RESOLUTION ACCEPTING A CERTIFIED LOCAL GOVERNMENT GRANT OF \$15,000 FROM THE MINNESOTA STATE HISTORICAL SOCIETY AND APPROVING LOCAL MATCH OF \$5,000 AND \$5,400 OF IN-KIND SERVICES TO CONDUCT AN INTENSIVE SURVEY OF HISTORIC RESOURCES IN A PORTION OF THE LINCOLN PARK NEIGHBORHOOD.

Indexes:

Attachments: [Attachment 1](#)

This Resolution was adopted unanimously.

17. [16-0477R](#) RESOLUTION DISCLOSING A POTENTIAL CONFLICT OF INTEREST BETWEEN A COMMUNITY PLANNING DIVISION STAFF MEMBER AND CHURCHES UNITED IN MINISTRY, SUB-GRANTEE OF THE CITY.

This Resolution was adopted unanimously.

18. [16-0478R](#) RESOLUTION GRANTING AN INTERIM USE PERMIT FOR A VACATION DWELLING UNIT AT 1329 MINNESOTA AVENUE (DAVID WADE).

Indexes:

Attachments: [Attachment 1](#)

This Resolution was adopted unanimously.

19. [16-0486R](#) RESOLUTION AUTHORIZING ASSESSMENT AGREEMENT WITH CIRRUS DESIGN CORPORATION FOR AGREEING TO BE ASSESSED FOR THE COST OF DESIGNING AND CONSTRUCTING A NEW GAS MAIN IN CONNECTION WITH THE COMPLETION CENTER.

Indexes:

Attachments: [Attachment A - Cirrus Gas Main Dev & Assessment Agmt](#)

This Resolution was adopted unanimously.

20. [16-0489R](#) RESOLUTION AUTHORIZING APPLICATION FOR AND ACCEPTANCE OF A GRANT FROM MINNESOTA DEPARTMENT OF EMPLOYMENT AND ECONOMIC DEVELOPMENT FOR UP TO \$200,000 FOR A NEW GAS MAIN CONNECTION TO THE CIRRUS COMPLETION CENTER.

This Resolution was adopted unanimously.

BY PRESIDENT FILIPOVICH (COMMITTEE OF THE WHOLE)

21. [16-0470R](#) RESOLUTION AUTHORIZING AN AGREEMENT WITH CLAYTON JACKSON MCGHIE MEMORIAL, INC. FOR THE OPERATION OF THE CLAYTON JACKSON MCGHIE MEMORIAL.

Indexes:

Attachments: [Attachment CJMM Agreement 16-0470](#)

This Resolution was adopted unanimously.

22. [16-0488R](#) RESOLUTION APPOINTING ELECTION JUDGES FOR THE AUGUST 9, 2016, STATE PRIMARY, AND THE NOVEMBER 8, 2016, GENERAL ELECTION.

Indexes:

Attachments: [ATTACHMENT A - ElectionJudgeList06202016](#)

This Resolution was adopted unanimously.

BY COUNCILOR WESTERLUND (PUBLIC WORKS & UTILITIES)

23. [16-0369R](#) RESOLUTION CONCURRING WITH COUNTY AWARD OF FOURTH STREET RECONSTRUCTION CONTRACT.

Indexes:

Attachments: [16-0369R Map](#)

This Resolution was adopted unanimously.

24. [16-0398R](#) RESOLUTION OF INTENT FOR CONSTRUCTION OF A SANITARY SEWER EXTENSION IN MINNESOTA AVENUE BEGINNING ON THE SOUTHEAST CORNER OF 18TH STREET AND EXTENDING 34 FEET NORTHERLY AND TO ASSESS THE COSTS THEREOF.

Indexes:

Attachments: [16-0398R Map](#)

This Resolution was adopted unanimously.

25. [16-0399R](#) RESOLUTION AMENDING AGREEMENT NO. 22707 WITH ST. LOUIS COUNTY AND THE CITY OF HERMANTOWN FOR A TRAFFIC SIGNAL TIMING PLAN UPDATE PROJECT IN THE ESTIMATED AMOUNT OF \$3,958.68 FOR A NEW TOTAL OF \$22,676.82.

Indexes:

Attachments: [16-0399R Agreement](#)

This Resolution was adopted unanimously.

26. [16-0449R](#) RESOLUTION AWARDED A CONTRACT TO KTM PAVING, INC. FOR RETAINING WALL REPLACEMENT AND BRIDGE L5930 AT TISCHER CREEK IN THE AMOUNT OF \$195,977.13.

Indexes:

Attachments: [16-0449R Map](#)

This Resolution was adopted unanimously.

27. [16-0481R](#) RESOLUTION AUTHORIZING AMENDMENT NO. 1 TO MNDOT AGREEMENT NO. 1003172 TO INCREASE THE AMOUNT OF LOCAL ROAD AND BRIDGE DISASTER RELIEF BY \$41,275.93 FOR A NEW TOTAL OF \$103,361.41.

Indexes:

Attachments: [Attachment B - Location Map](#)
[Attachment A - Ammendment No. 1](#)

This Resolution was adopted unanimously.

28. [16-0482R](#) RESOLUTION AMENDING CONTRACT NO. C22459 WITH MSA PROFESSIONAL SERVICE, INC. FOR ENGINEERING AND DESIGN OF THE PHASE 2 LAKEWOOD WATER TREATMENT PLANT HVAC SYSTEM FOR VENTILATION AND DEHUMIDIFICATION IMPROVEMENTS IN THE ESTIMATED AMOUNT OF \$111,000, FOR A NEW TOTAL OF \$236,000.

Indexes:

Attachments: [Amendment No. 1 to C22459](#)

This Resolution was adopted unanimously.

29. [16-0484R](#) RESOLUTION ORDERING THE CONSTRUCTION OF APPROXIMATELY 7,150 FEET OF GAS MAIN FROM HAINES ROAD TO 250 FEET WEST OF CENTERLINE OF STEBNER ROAD, AT AN ESTIMATED COST NOT TO EXCEED \$400,000.

Indexes:

Attachments: [Location Map](#)
[06-14-2015 Public Hearing Minutes](#)
[Preliminary Assessment Roll](#)

This Resolution was adopted unanimously.

30. [16-0487R](#) RESOLUTION AWARDED A CONTRACT TO MICHELS CORPORATION FOR THE CONSTRUCTION AND CIPP REHABILITATION OF SANITARY SEWER UNDER SUPERIOR STREET IN THE AMOUNT OF \$996,858.00.

This Resolution was adopted unanimously.

BY COUNCILOR SIPRESS (RECREATION, LIBRARIES & AUTHORITIES)

31. [16-0452R](#) RESOLUTION AUTHORIZING ACCEPTANCE OF A \$91,000 GRANT FROM THE MINNESOTA DEPARTMENT OF NATURAL RESOURCES AND MINNESOTA LAKE SUPERIOR COASTAL PROGRAM TO CONTROL STORMWATER AND SNOW MELT RUNOFF AT GARY NEW DULUTH RECREATION AREA.

Indexes:

Attachments: [EXHIBIT A - 16-0452R](#)

This Resolution was adopted unanimously.

32. [16-0453R](#) RESOLUTION ACCEPTING A \$25,000 CONTRIBUTION FROM ESSENTIA HEALTH FOR THE IMPLEMENTATION OF THE LINCOLN PARK MINI-MASTER PLAN.

Indexes:

Attachments: [EXHIBIT A - 16-0453R](#)

This Resolution was adopted unanimously.

33. [16-0454R](#) RESOLUTION AUTHORIZING A TWO-YEAR AGREEMENT WITH DULUTH AREA FAMILY YMCA TO PROVIDE OUTSIDE OF SCHOOL TIME PROGRAMMING AT THE CITY'S GARY NEW DULUTH COMMUNITY CENTER AT AN ANNUAL COST OF \$20,000.

Indexes:

Attachments: [EXHIBIT A - 16-0454R](#)

This Resolution was adopted unanimously.

34. [16-0455R](#) RESOLUTION GRANTING APPROVAL AND IMPLEMENTATION OF THE ST. LOUIS RIVER CORRIDOR NEIGHBORHOOD PARKS MINI-MASTER PLANS

Indexes:

Attachments: [FINAL River Corridor Neighborhood Parks Master Plans](#)

This Resolution was adopted unanimously.

35. [16-0475R](#) RESOLUTION AUTHORIZING A BRIDGE FUNDING AGREEMENT BETWEEN THE CITY OF DULUTH AND THE ARROWHEAD ZOOLOGICAL SOCIETY, INC. FOR PHASE ONE OF THE BEAR COUNTRY PROJECT.

Indexes:

Attachments: [Exhibit 1](#)

This Resolution was adopted unanimously.

END OF CONSENT AGENDA

BY COUNCILOR HOBBS (PURCHASING & LICENSING)

36. [16-0491R](#) RESOLUTION AUTHORIZING A CONTRACT WITH AMI CONSULTING ENGINEERS P. A. FOR THE DESIGN OF REPAIRS AND REPLACEMENTS FOR THE SEAWALL SURROUNDING THE DULUTH ENTERTAINMENT CONVENTION CENTER FOR AN AMOUNT NOT TO EXCEED \$434,495.

Indexes:

Attachments: [Exhibit A](#)

This Resolution was adopted unanimously.

BY COUNCILOR ANDERSON (PERSONNEL)

37. [16-0450R](#) RESOLUTION ACCEPTING A SPECIAL LAW REPEALING THE PROHIBITION ON GRANTING INTOXICATING LIQUOR LICENSES WITHIN THE LAKESIDE AND LESTER PARK NEIGHBORHOODS IN THE CITY OF DULUTH.

This Resolution was adopted.

Yea: 5 - Councilor Hobbs, Councilor Russ, Councilor Sipress, Councilor Westerlund and President Filipovich

Nay: 3 - Councilor Anderson, Councilor Fosle and Councilor Hanson

Abstain: 1 - Councilor Hansen

38. [16-0457R](#) RESOLUTION APPROVING PROPOSED SPECIFICATIONS FOR THE NEW CIVIL SERVICE CLASSIFICATION OF TECHNOLOGY SECURITY ADMINISTRATOR, AND SPECIFYING CONTRACT BENEFITS FOR SAME.

Indexes:

Attachments: [Technology Security Administrator](#)

This Resolution was adopted unanimously.

BY COUNCILOR WESTERLUND (PUBLIC WORKS & UTILITIES)

39. [16-0474R](#) RESOLUTION HONORING THE VICTIMS OF THE SHOOTING IN ORLANDO, FLORIDA.

Sponsors: Westerlund

This Resolution was adopted unanimously.

INTRODUCTION AND CONSIDERATION OF ORDINANCES

ORDINANCES TABLED

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

BY COUNCILOR ANDERSON (PERSONNEL)

40. [16-044-O](#) ORDINANCE AMENDING CHAPTER 2, ARTICLE XIX, SECTION 2-107, OF THE DULUTH CITY CODE TO INCREASE THE NUMBER OF COMMISSIONERS ON THE DULUTH PUBLIC ARTS COMMISSION TO ELEVEN MEMBERS.

This Ordinance was read for the first time.

BY COUNCILOR RUSS (PLANNING & ECONOMIC DEVELOPMENT)

41. [16-030-O](#) AN ORDINANCE AMENDING SECTIONS 50-15.2 MIXED USE NEIGHBORHOOD (MU-N), 50-15.3 MIXED USE COMMERCIAL (MU-C), AND 50-15.5 MIXED USE BUSINESS PARK (MU-B).

Indexes:

Attachments: [Attachment 1](#)
[Sipress.Russ mta 16-030-O](#)
[Filipovich mta 16-030-O](#)
[Sipress.Russ mta \(2\) 16-030-O](#)

This Ordinance was read for the first time.

42. [16-031-O](#) AN ORDINANCE AMENDING SECTION 50-18.1.D SHORELANDS.

Indexes:

Attachments: [Attachment 1](#)

This Ordinance was read for the first time.

43. [16-032-O](#) AN ORDINANCE AMENDING SECTIONS 50-21.3 EXCEPTIONS AND ENCROACHMENTS AND 50-22.4 CAP TYPES.

Indexes:

Attachments: [Attachment 1](#)

This Ordinance was read for the first time.

44. [16-033-O](#) AN ORDINANCE AMENDING SECTIONS 50-23.2 GENERAL CIRCULATION REQUIREMENTS AND 50-24.2 REQUIRED PARKING SPACES.

Indexes:

Attachments: [Attachment 1](#)

This Ordinance was read for the first time.

45. [16-034-O](#) AN ORDINANCE AMENDING SECTIONS 50-25.2 GENERAL LANDSCAPING STANDARDS, 50-29 SUSTAINABILITY, AND 50-32 INTERNATIONAL PROPERTY MAINTENANCE.

Indexes:

Attachments: [Attachment 1](#)

This Ordinance was read for the first time.

46. [16-036-O](#) AN ORDINANCE AMENDING SECTION 50-27.2 ENFORCEMENT, 50-27.3 DESIGN AND CONSTRUCTION STANDARDS, AND 50-27.7 SIGN TYPES.

Indexes:

Attachments: [Attachment 1](#)

[Attachment 2 -Ordinance 16-036 with photos](#)

This Ordinance was read for the first time.

47. [16-037-O](#) AN ORDINANCE AMENDING SECTION 50-37.9 VARIANCE.

Indexes:

Attachments: [Attachment 1](#)

This Ordinance was read for the first time.

48. [16-043-O](#) AN ORDINANCE AMENDING SECTIONS 50-19.8 USE TABLE, 50-20.3.L COMMERCIAL USES, 50-20.7 ADAPTIVE REUSE OF A LOCAL HISTORIC LANDMARK, AND 50-40.13 DEFINITIONS.

Indexes:

Attachments: [Attachment 1](#)

[Attachment 2](#)

This Ordinance was read for the first time.

BY COUNCILOR WESTERLUND (PUBLIC WORKS & UTILITIES)

49. [16-040-O](#) AN ORDINANCE AMENDING SECTION 12-2 OF DULUTH CITY CODE, 1959, AS AMENDED, TO ADD CHAPTER 43A, ILLICIT DISCHARGES TO THE CITY STORM SEWER SYSTEM, TO THE LIST OF CODE CHAPTERS UNDER WHICH A VIOLATION CAN BE ESTABLISHED.

This Ordinance was read for the first time.

50. [16-041-O](#) AN ORDINANCE AMENDING CHAPTER 43 OF DULUTH CITY CODE, 1959, AS AMENDED, TO PROVIDE THAT THE DULUTH PUBLIC UTILITIES COMMISSION HEAR AND DECIDE APPEALS ARISING UNDER CHAPTER 43 OF THE CITY CODE, AMENDING TIMELINES FOR FILING APPEALS, AND INCLUDING THE PUBLIC UTILITIES COMMISSION IN THE CHAPTER DEFINITIONS.

This Ordinance was read for the first time.

51. [16-042-O](#) AN ORDINANCE AMENDING CHAPTER 2, ARTICLE XXXV, SECTION 2-186 OF DULUTH CITY CODE, 1959, AS AMENDED, TO AUTHORIZE THE DULUTH PUBLIC UTILITIES COMMISSION TO HEAR AND DECIDE APPEALS ARISING UNDER CHAPTERS 43, 43A, AND 48 OF THE CITY CODE.

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)

52. [16-027-O](#) AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF DULUTH AS REFERENCED IN CHAPTER 50 OF THE DULUTH CITY CODE, 1959, AS AMENDED, TO PROVIDE FOR THE RECLASSIFICATION FROM RR-1 AND I-G TO P-1, FOR QUARRY PARK .

Indexes:

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

This Ordinance was adopted unanimously.

53. [16-028-O](#) AN ORDINANCE TO OPT-OUT OF THE REQUIREMENTS OF MINN. STAT. 462.3593 (2016), THE TEMPORARY FAMILY HEALTHCARE DWELLINGS STATUTE.

This Ordinance was adopted unanimously.

54. [16-029-O](#) AN ORDINANCE AUTHORIZING THE CONVEYANCE OF CERTAIN REAL PROPERTY IN THE KENWOOD NEIGHBORHOOD TO THE STATE OF MINNESOTA.

Indexes:

Attachments: [Exhibit A](#)

This Ordinance was adopted unanimously.

COUNCILOR QUESTIONS AND COMMENTS

COUNCILOR PREVIEW OF UPCOMING BUSINESS



City of Duluth

411 West First Street
Duluth, Minnesota 55802

Actions and Unofficial Minutes

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 will provide increased opportunities for civil discourse in order to find positive resolutions to the issues that face the city. These tools include: pay attention, listen, be inclusive, do not gossip, show respect, be agreeable, apologize, give constructive criticism and take responsibility. [Approved by the council on August 25, 2003]*

Monday, July 11, 2016

7:00 PM

Council Chamber

ROLL CALL

Present: 9 - Councilor Gary Anderson, Councilor Jay Fosle, Councilor Elissa Hansen, Councilor Howie Hanson, Councilor Noah Hobbs, Councilor Barb Russ, Councilor Joel Sipress, Councilor Em Westerlund and President Zack Filipovich

PLEDGE OF ALLEGIANCE

PUBLIC HEARING - Proposed MnDot Improvements on TH23 Fond du Lac 16-0437R Skywalk Maintenance

REPORTS FROM THE ADMINISTRATION

REPORTS FROM OTHER OFFICERS

REPORTS OF BOARDS AND COMMISSIONS

1. [16-089](#) Duluth Airport Authority May Meeting Minutes

Indexes:

Attachments: [DAA May Minutes](#)

This Board or Commission Report was received.

2. [16-090](#) Duluth Economic Development Authority Meeting Minutes

Indexes:

Attachments: [DEDA May 25 Minutes](#)

This Board or Commission Report was received.

3. [16-091](#) Duluth Public Utilities Commission Meeting Minutes

Indexes:

Attachments: [DPUC May Minutes](#)

This Board or Commission Report was received.

4. [16-092](#) Duluth Transit Authority Meeting Minutes

Indexes:

Attachments: [DTA April 27 Minutes](#)

This Board or Commission Report was received.

5. [16-093](#) Duluth Library Board Meeting Minutes

Indexes:

Attachments: [Library Board May 24 Minutes](#)

This Board or Commission Report was received.

6. [16-094](#) Duluth Entertainment and Convention Center Authority Meeting Minutes

Indexes:

Attachments: [February 23 2016 DECC Board Meeting Minutes](#)

[January 26 2016 DECC Board Meeting Minutes](#)

[March 29 2016 DECC Board Meeting Minutes](#)

This Board or Commission Report was received.

REPORTS OF COUNCIL COMMITTEES

REPORTS OF COUNCIL OPEN ISSUES

OPPORTUNITY FOR CITIZENS TO BE HEARD

RESOLUTIONS TABLED

BY COUNCILOR HOBBS (PURCHASING & LICENSING)

7. [16-0485R](#) RESOLUTION AUTHORIZING A PROFESSIONAL SERVICES AGREEMENT WITH LHB, INC. FOR MASTER PLANNING SERVICES FOR THE WESTERN WATERFRONT PARKS AND TRAIL FOR A TOTAL NOT TO EXCEED OF \$70,992.

Indexes:

Attachments: [Exhibit A 7.12.16](#)

This Resolution remains on the table

BY COUNCILOR FOSLE (PUBLIC SAFETY)

8. [16-0437R](#) RESOLUTION ADOPTING SKYWALK CLEANING AND MAINTENANCE EXPECTATIONS, STANDARDS, AND PROCEDURES PURSUANT TO THE AUTHORITY GRANTED UNDER SECTIONS 44A-12 AND 44A-16 OF THE DULUTH CITY CODE.

Indexes:

Attachments: [Exhibit A](#)

[Exhibit B](#)

[Exhibit C](#)

[Exhibit D](#)

This Resolution was adopted unanimously.

BY COUNCILOR SIPRESS (RECREATION, LIBRARIES & AUTHORITIES)

9. [16-0440R](#) RESOLUTION ADOPTING AN EMERALD ASH BORER (EAB) MANAGEMENT PLAN

Indexes:

Attachments: [EXHIBIT A - 16-0440R](#)

This resolution remains on the table.

MOTIONS AND RESOLUTIONS

CONSENT AGENDA

BY COUNCILOR HOBBS (PURCHASING & LICENSING)

10. [16-0498R](#) RESOLUTION APPROVING THE TEMPORARY EXPANSION OF THE ON SALE INTOXICATING LIQUOR LICENSE TO VARIOUS LICENSEES.

Indexes:

Attachments: [ATTACHMENT A - NORTHERN WATERS SMOKEHAUS](#)

[ATTACHMENT B - Mr. D's](#)

[ATTACHMENT C - Kom On Inn](#)

[ATTACHMENT D - ACES](#)

[ATTACHMENT E - SPURS](#)

[ATTACHMENT F - Bulldog](#)

[ATTACHMENT G - RUSTIC](#)

This Resolution was adopted.

Yea: 8 - Councilor Anderson, Councilor Fosle, Councilor Hanson, Councilor Hobbs, Councilor Russ, Councilor Sipress, Councilor Westerlund and President Filipovich

Abstain: 1 - Councilor Hansen

11. [16-0499R](#) RESOLUTION APPROVING ISSUANCE OF A TEMPORARY ON SALE INTOXICATING LIQUOR LICENSE TO DULUTH AMATEUR HOCKEY ASSOCIATION.

This Resolution was adopted.

Yea: 8 - Councilor Anderson, Councilor Fosle, Councilor Hanson, Councilor Hobbs, Councilor Russ, Councilor Sipress, Councilor Westerlund and President Filipovich

Abstain: 1 - Councilor Hansen

12. [16-0500R](#) RESOLUTION APPROVING THE EXEMPTION OF A RAFFLE LICENSE AND WAIVING THE 60 DAY WAITING PERIOD FOR EPILEPSY FOUNDATION OF MN

Indexes:

Attachments: [ATTACHMENT A](#)

This Resolution was adopted unanimously.

13. [16-0514R](#) RESOLUTION APPROVING THE TRANSFER OF STOCK OF THE OFF SALE INTOXICATING LIQUOR LICENSE OF MOUNT ROYAL BOTTLE SHOPPE, INC, 1602 WOODLAND AVENUE.

This Resolution was adopted.

Yea: 8 - Councilor Anderson, Councilor Fosle, Councilor Hanson, Councilor Hobbs, Councilor Russ, Councilor Sipress, Councilor Westerlund and President Filipovich

Abstain: 1 - Councilor Hansen

14. [16-0515R](#) RESOLUTION APPROVING THE EXEMPTION OF A RAFFLE LICENSE AND WAIVING THE 60 DAY WAITING PERIOD FOR NORTHLAND COUNTRY CLUB, 3901 EAST SUPERIOR STREET, DULUTH MN 55804

Indexes:

Attachments: [ATTACHMENT A](#)

This Resolution was adopted unanimously.

15. [16-0519R](#) RESOLUTION APPROVING THE EXEMPTION OF A RAFFLE LICENSE AND WAIVING THE 60 DAY WAITING PERIOD FOR PROGRAM FOR AID TO VICTIMS OF SEXUAL ASSAULT, INC. , 32 EAST 1ST STREET, SUITE 200, DULUTH MN 55802

Indexes:

Attachments: [Attachment A](#)

This Resolution was adopted.

Yea: 8 - Councilor Anderson, Councilor Fosle, Councilor Hansen, Councilor Hanson, Councilor Hobbs, Councilor Russ, Councilor Sipress and President Filipovich

Abstain: 1 - Councilor Westerlund

16. [16-0534R](#) RESOLUTION AUTHORIZING A PURCHASE FROM INSIGHT PUBLIC SECTOR, INC. FOR PERSONAL COMPUTERS AND ACCESSORIES, IN ACCORDANCE WITH THE CITY'S FOUR YEAR REPLACEMENT PLAN, IN THE AMOUNT OF \$206,337.94.

This Resolution was adopted unanimously.

BY COUNCILOR ANDERSON (PERSONNEL)

17. [16-0496R](#) RESOLUTION AUTHORIZING YEAR 2016-2019 PAY AND BENEFIT PLAN FOR THE HUMAN RIGHTS OFFICER POSITION APPOINTED BY THE MAYOR PURSUANT TO SECTION 29C-6(H) OF THE DULUTH CITY CODE.

This Resolution was adopted.

Yea: 8 - Councilor Anderson, Councilor Fosle, Councilor Hansen, Councilor Hanson, Councilor Hobbs, Councilor Russ, Councilor Sipress and President Filipovich

Abstain: 1 - Councilor Westerlund

BY COUNCILOR RUSS (PLANNING & ECONOMIC DEVELOPMENT)

18. [16-0512R](#) RESOLUTION GRANTING AN INTERIM USE PERMIT FOR A VACATION DWELLING UNIT AT 1235 MINNESOTA AVENUE (THOMAS AND MARIANNE THIRY).

Indexes:

Attachments: [Attachment 1](#)

This Resolution was adopted unanimously.

19. [16-0513R](#) RESOLUTION GRANTING AN INTERIM USE PERMIT FOR AN ACCESSORY VACATION DWELLING UNIT AT 1235 MINNESOTA AVENUE (THOMAS AND MARIANNE THIRY).

Indexes:

Attachments: [Attachment 1](#)

This Resolution was adopted unanimously.

BY COUNCILOR WESTERLUND (PUBLIC WORKS & UTILITIES)

20. [16-0402R](#) RESOLUTION APPROVING THE LAYOUT FOR THE REPLACEMENT OF BRIDGE NO. 5757 OVER MISSION CREEK AND THE RECONSTRUCTION OF TRUNK HIGHWAY 23 WITHIN THE CORPORATE CITY LIMITS UNDER STATE PROJECT NO. 6910-92.

Indexes:

Attachments: [16-0402R Letter](#)

This Resolution was adopted unanimously.

21. [16-0504R](#) RESOLUTION ACCEPTING A TEMPORARY EASEMENT FOR CONSTRUCTION PURPOSES AND PERMANENT EASEMENTS FOR STREET AND UTILITY PURPOSES AT KENWOOD AVENUE AND VACATED EAST CLEVELAND STREET FROM LAKE SUPERIOR SUBWAY, INC.

Indexes:

Attachments: [16-0504R Attachment 1](#)

[16-0504R Attachment 2](#)

[16-0504R Exhibit A](#)

This Resolution was adopted unanimously.

22. [16-0506R](#) RESOLUTION ACCEPTING A TEMPORARY EASEMENT FOR CONSTRUCTION PURPOSES NEAR KENWOOD AVENUE AND WEST CLEVELAND STREET FROM KAYLA M. BOWEN AND CASS S. BOWEN.

Indexes:

Attachments: [16-0506R Attachment 1](#)
[Exhibit A](#)

This Resolution was adopted unanimously.

23. [16-0507R](#) RESOLUTION AMENDING RESOLUTION 16-0252R AUTHORIZING A COOPERATIVE CONSTRUCTION AGREEMENT BETWEEN THE MINNESOTA DEPARTMENT OF TRANSPORTATION AND THE CITY OF DULUTH, INCREASING THE ESTIMATED TOTAL AMOUNT OF THE CITY'S OBLIGATION BY \$66,738.54 FOR A NEW TOTAL \$534,745.67.

Indexes:

Attachments: [16-0507R Map](#)

This Resolution was adopted unanimously.

24. [16-0508R](#) RESOLUTION ACCEPTING A TEMPORARY EASEMENT FOR CONSTRUCTION PURPOSES NEAR KENWOOD AVENUE AND ARROWHEAD ROAD FROM AMATUZIO COMPANY, LLC.

Indexes:

Attachments: [16-0508R Attachment 1](#)
[16-0508R Exhibit A](#)

This Resolution was adopted unanimously.

25. [16-0510R](#) RESOLUTION ACCEPTING A PERMANENT EASEMENT FOR STREET AND UTILITY PURPOSES NEAR KENWOOD AVENUE AND ARROWHEAD ROAD FROM AMATUZIO COMPANY, LLC.

Indexes:

Attachments: [16-0510R Attachment 1](#)
[16-0510R Exhibit A](#)

This Resolution was adopted unanimously.

26. [16-0516R](#) RESOLUTION ACCEPTING TEMPORARY AND PERMANENT EASEMENTS FOR CONSTRUCTION AND STREET PURPOSES NEAR KENWOOD AVE. AND ARROWHEAD ROAD FROM WELLS FARGO BANK ,NATIONAL ASSOCIATION.

Indexes:

Attachments: [16-0516R Attachment 1](#)
[16-0516R Exhibit A](#)

This Resolution was adopted unanimously.

27. [16-0518R](#) RESOLUTION AUTHORIZING ACCEPTANCE OF A GRANT IN THE AMOUNT OF \$83,219.67 FROM THE NORTHEAST MINNESOTA REGIONAL RADIO BOARD FOR THE PURCHASE OF TWO RADIO CONTROL STATIONS AND 60 RADIOS FOR THE CITY OF DULUTH PUBLIC WORKS AND UTILITIES AND PUBLIC ADMINISTRATION DEPARTMENTS.

Indexes:

Attachments: [16-0518R Exhibit A](#)

This Resolution was adopted unanimously.

28. [16-0520R](#) RESOLUTION ACCEPTING A PERMANENT EASEMENT FOR STREET AND UTILITY PURPOSES NEAR WOODLAND AVENUE AND EAST EIGHTH STREET FROM POSA INVESTMENTS, LLC, AT NO COST TO THE CITY.

Indexes:

Attachments: [16-0520R Exhibit 1](#)
[16-0520R Exhibit A](#)

This Resolution was adopted unanimously.

29. [16-0525R](#) RESOLUTION ACCEPTING A PERMANENT EASEMENT FOR STREET AND UTILITY PURPOSES NEAR KENWOOD AVENUE AND ARROWHEAD ROAD FROM INFINITY MANAGEMENT, INC.

Indexes:

Attachments: [16-0525R Attachment 1](#)
[16-0525R Exhibit A](#)

This Resolution was adopted unanimously.

30. [16-0526R](#) RESOLUTION ACCEPTING A TEMPORARY EASEMENT FOR CONSTRUCTION PURPOSES AT KENWOOD AVENUE AND ARROWHEAD ROAD FROM INFINITY MANAGEMENT, INC.

Indexes:

Attachments: [16-0526R Attachment 1](#)
[16-0526R Exhibit A](#)

This Resolution was adopted unanimously.

31. [16-0527R](#) RESOLUTION AUTHORIZING AGREEMENT ACCEPTING TEMPORARY AND PERMANENT EASEMENTS FOR STREET AND UTILITY PURPOSES NEAR KENWOOD AVE. AND ARROWHEAD ROAD FROM KENWOOD VILLAGE LLC.

Indexes:

Attachments: [Exhibit B](#)
[Exhibit A](#)
[Exhibit 1](#)

This Resolution was adopted unanimously.

32. [16-0529R](#) RESOLUTION AWARDED A CONTRACT TO HANCO UTILITIES, INC. FOR THE 2016 CITYWIDE GAS METER RELOCATION PROJECT IN THE AMOUNT OF \$119,543.21.

This Resolution was adopted unanimously.

33. [16-0535R](#) RESOLUTION AUTHORIZING AMENDMENT NO. 2 TO A CONTRACT WITH SRF, INC. TO PROVIDE PROFESSIONAL ENGINEERING SERVICES FOR THE ARROWHEAD/KENWOOD AND WEST CLEVELAND STREET SIGNAL IMPROVEMENTS, TO INCREASE THE AMOUNT BY \$57,875 FOR A NEW TOTAL OF \$213,158.

Indexes:

Attachments: [16-0535R Attachment](#)

This Resolution was adopted unanimously.

BY COUNCILOR FOSLE (PUBLIC SAFETY)

34. [16-0522R](#) RESOLUTION AUTHORIZING CONSUMPTION OF ALCOHOLIC BEVERAGES IN PUBLIC PLACES IN WEST DULUTH IN CONJUNCTION WITH SPIRIT VALLEY DAYS AND SUBJECT TO CERTAIN CONDITIONS.

This Resolution was adopted.

Yea: 8 - Councilor Anderson, Councilor Fosle, Councilor Hanson, Councilor Hobbs, Councilor Russ, Councilor Sipress, Councilor Westerlund and President Filipovich

Abstain: 1 - Councilor Hansen

35. [16-0523R](#) RESOLUTION AUTHORIZING CONSUMPTION OF ALCOHOLIC BEVERAGES IN PUBLIC PLACES ON SUPERIOR STREET AND FIRST STREET IN CONJUNCTION WITH GREATER DOWNTOWN COUNCIL SIDEWALK DAYS.

This Resolution was adopted.

Yea: 8 - Councilor Anderson, Councilor Fosle, Councilor Hanson, Councilor Hobbs, Councilor Russ, Councilor Sipress, Councilor Westerlund and President Filipovich

Abstain: 1 - Councilor Hansen

36. [16-0524R](#) RESOLUTION AUTHORIZING CONSUMPTION OF ALCOHOLIC BEVERAGES IN PUBLIC PLACES ON THE 100 BLOCK OF WEST FIRST STREET IN CONJUNCTION WITH THE TWELVE HOLY APOSTLES FIRST STREET DANCE AND SUBJECT TO CERTAIN CONDITIONS.

This Resolution was adopted

Yea: 8 - Councilor Anderson, Councilor Fosle, Councilor Hanson, Councilor Hobbs, Councilor Russ, Councilor Sipress, Councilor Westerlund and President Filipovich

Abstain: 1 - Councilor Hansen

37. [16-0528R](#) RESOLUTION AUTHORIZING AGREEMENT WITH ST. LOUIS COUNTY TO PERFORM POLICE SERVICES PURSUANT TO 2015 OPERATION STONEGARDEN GRANT AND ACCEPTING REIMBURSEMENT THROUGH ST. LOUIS COUNTY IN AN AMOUNT NOT TO EXCEED \$32,656.

Indexes:

Attachments: [Exhibit B](#)

[Exhibit A](#)

[Exhibit C](#)

This Resolution was adopted unanimously.

38. [16-0531R](#) RESOLUTION AUTHORIZING CONSUMPTION OF ALCOHOLIC BEVERAGES IN PUBLIC PLACES ON THE 200 BLOCK OF EAST FIRST STREET IN CONJUNCTION WITH THE SUPER BIG BLOCK PARTY AND SUBJECT TO CERTAIN CONDITIONS.

Indexes:

Attachments: [Attachment A](#)

This Resolution was adopted.

Yea: 8 - Councilor Anderson, Councilor Fosle, Councilor Hanson, Councilor Hobbs, Councilor Russ, Councilor Sipress, Councilor Westerlund and President Filipovich

Abstain: 1 - Councilor Hansen

END OF CONSENT AGENDA

BY COUNCILOR ANDERSON (PERSONNEL)

39. [16-0493R](#) RESOLUTION CONFIRMING THE APPOINTMENT OF TODD FEDORA TO THE DULUTH AIRPORT AUTHORITY, REPLACING KENNETH J STROMQUIST.

Indexes:

Attachments: [T. Fedora Application](#)

This Resolution was tabled.

40. [16-0495R](#) RESOLUTION APPROVING APPOINTMENT OF CARL CRAWFORD TO THE POSITION OF HUMAN RIGHTS OFFICER PURSUANT TO SECTION 29C-6(H) OF THE DULUTH CITY CODE.

This Resolution was adopted.

Yea: 8 - Councilor Anderson, Councilor Fosle, Councilor Hansen, Councilor Hanson, Councilor Hobbs, Councilor Russ, Councilor Sipress and President Filipovich

Abstain: 1 - Councilor Westerlund

BY COUNCILOR WESTERLUND (PUBLIC WORKS & UTILITIES)

41. [16-0536R](#) RESOLUTION AWARDDING A CONTRACT TO GEORGE BOUGALIS AND SONS CO. FOR THE KENWOOD/ARROWHEAD SIGNAL AND ROADWAY IMPROVEMENTS PROJECT IN THE AMOUNT OF \$1,721,513.91.

Indexes:

Attachments: [16-0536R Aerial Photo](#)

This Resolution was adopted unanimously.

INTRODUCTION AND CONSIDERATION OF ORDINANCES

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

BY COUNCILOR FOSLE (PUBLIC SAFETY)

42. [16-047-O](#) ORDINANCE AMENDING CHAPTER 21, SECTIONS 21-1, 21-35 AND 21-38 OF THE DULUTH CITY CODE TO ADOPT AND INCORPORATE THE 2015 AMENDMENTS TO THE MINNESOTA STATE FIRE CODE, WHICH IS BASED ON THE 2012 INTERNATIONAL FIRE CODE, TO AMEND THE DEFINITION OF FIRE PROTECTION SYSTEM IN ACCORDANCE WITH THE STATE AND INTERNATIONAL FIRE CODES, AND TO REQUIRE THAT LICENSED FIRE PROTECTION CONTRACTORS, BUILDING OWNERS OR THEIR AGENTS SUBMIT ANNUAL FIRE PROTECTION SYSTEM INSPECTION AND TESTING REPORTS TO THE FIRE DEPARTMENT ELECTRONICALLY VIA A METHOD APPROVED BY THE FIRE MARSHAL.

This Ordinance was read for the first time.

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

BY COUNCILOR ANDERSON (PERSONNEL)

43. [16-044-O](#) ORDINANCE AMENDING CHAPTER 2, ARTICLE XIX, SECTION 2-107, OF THE DULUTH CITY CODE TO INCREASE THE NUMBER OF COMMISSIONERS ON THE DULUTH PUBLIC ARTS COMMISSION TO ELEVEN MEMBERS.

This Ordinance was amended and returned back to first reading.

BY COUNCILOR RUSS (PLANNING & ECONOMIC DEVELOPMENT)

44. [16-030-O](#) AN ORDINANCE AMENDING SECTIONS 50-15.2 MIXED USE NEIGHBORHOOD (MU-N), 50-15.3 MIXED USE COMMERCIAL (MU-C), AND 50-15.5 MIXED USE BUSINESS PARK (MU-B).

Indexes:

Attachments: [Attachment 1](#)

[Sipress.Russ mta 16-030-O](#)

[Filipovich mta 16-030-O](#)

[Sipress.Russ mta \(2\) 16-030-O](#)

This Ordinance was tabled.

45. [16-031-O](#) AN ORDINANCE AMENDING SECTION 50-18.1.D SHORELANDS.

Indexes:

Attachments: [Attachment 1](#)

This Ordinance was adopted unanimously.

46. [16-032-O](#) AN ORDINANCE AMENDING SECTIONS 50-21.3 EXCEPTIONS AND ENCROACHMENTS AND 50-22.4 CAP TYPES.

Indexes:

Attachments: [Attachment 1](#)

This Ordinance was adopted unanimously.

47. [16-033-O](#) AN ORDINANCE AMENDING SECTIONS 50-23.2 GENERAL CIRCULATION REQUIREMENTS AND 50-24.2 REQUIRED PARKING SPACES.

Indexes:

Attachments: [Attachment 1](#)

This Ordinance was adopted unanimously.

48. [16-034-O](#) AN ORDINANCE AMENDING SECTIONS 50-25.2 GENERAL LANDSCAPING STANDARDS, 50-29 SUSTAINABILITY, AND 50-32 INTERNATIONAL PROPERTY MAINTENANCE.

Indexes:

Attachments: [Attachment 1](#)

This Ordinance was adopted unanimously.

49. [16-036-O](#) AN ORDINANCE AMENDING SECTION 50-27.2 ENFORCEMENT, 50-27.3 DESIGN AND CONSTRUCTION STANDARDS, AND 50-27.7 SIGN TYPES.

Indexes:

Attachments: [Attachment 1](#)
[Attachment 2 -Ordinance 16-036 with photos](#)

This Ordinance was returned to administration.

50. [16-037-O](#) AN ORDINANCE AMENDING SECTION 50-37.9 VARIANCE.

Indexes:

Attachments: [Attachment 1](#)

This Ordinance was adopted unanimously.

51. [16-043-O](#) AN ORDINANCE AMENDING SECTIONS 50-19.8 USE TABLE, 50-20.3.L COMMERCIAL USES, 50-20.7 ADAPTIVE REUSE OF A LOCAL HISTORIC LANDMARK, AND 50-40.13 DEFINITIONS.

Indexes:

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

This Ordinance was adopted unanimously.

BY COUNCILOR WESTERLUND (PUBLIC WORKS & UTILITIES)

52. [16-040-O](#) AN ORDINANCE AMENDING SECTION 12-2 OF DULUTH CITY CODE, 1959, AS AMENDED, TO ADD CHAPTER 43A, ILLICIT DISCHARGES TO THE CITY STORM SEWER SYSTEM, TO THE LIST OF CODE CHAPTERS UNDER WHICH A VIOLATION CAN BE ESTABLISHED.

This Ordinance was adopted unanimously.

53. [16-041-O](#) AN ORDINANCE AMENDING CHAPTER 43 OF DULUTH CITY CODE, 1959, AS AMENDED, TO PROVIDE THAT THE DULUTH PUBLIC UTILITIES COMMISSION HEAR AND DECIDE APPEALS ARISING UNDER CHAPTER 43 OF THE CITY CODE, AMENDING TIMELINES FOR FILING APPEALS, AND INCLUDING THE PUBLIC UTILITIES COMMISSION IN THE CHAPTER DEFINITIONS.

This Ordinance was adopted unanimously.

54. [16-042-O](#) AN ORDINANCE AMENDING CHAPTER 2, ARTICLE XXXV, SECTION 2-186 OF DULUTH CITY CODE, 1959, AS AMENDED, TO AUTHORIZE THE DULUTH PUBLIC UTILITIES COMMISSION TO HEAR AND DECIDE APPEALS ARISING UNDER CHAPTERS 43, 43A, AND 48 OF THE CITY CODE.

This Ordinance was adopted unanimously.

COUNCILOR QUESTIONS AND COMMENTS

COUNCILOR PREVIEW OF UPCOMING BUSINESS



City of Duluth

411 West First Street
Duluth, Minnesota 55802

Actions and Unofficial Minutes

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 will provide increased opportunities for civil discourse in order to find positive resolutions to the issues that face the city. These tools include: pay attention, listen, be inclusive, do not gossip, show respect, be agreeable, apologize, give constructive criticism and take responsibility. [Approved by the council on August 25, 2003]*

Monday, July 18, 2016

7:00 PM

Council Chamber

ROLL CALL

Present: 9 - Councilor Gary Anderson, Councilor Jay Fosle, Councilor Elissa Hansen, Councilor Howie Hanson, Councilor Noah Hobbs, Councilor Barb Russ, Councilor Joel Sipress, Councilor Em Westerlund and President Zack Filipovich

PLEDGE OF ALLEGIANCE

REPORTS FROM THE ADMINISTRATION

REPORTS FROM OTHER OFFICERS

REPORTS OF COUNCIL COMMITTEES

REPORTS OF COUNCIL OPEN ISSUES

OPPORTUNITY FOR CITIZENS TO BE HEARD

RESOLUTIONS TABLED

BY COUNCILOR HOBBS (PURCHASING & LICENSING)

1. [16-0485R](#) RESOLUTION AUTHORIZING A PROFESSIONAL SERVICES AGREEMENT WITH LHB, INC. FOR MASTER PLANNING SERVICES FOR THE WESTERN WATERFRONT PARKS AND TRAIL FOR A TOTAL NOT TO EXCEED OF \$70,992.

Indexes:

Attachments: [Exhibit A 7.12.16](#)

Motion was made to remove resolution from the table. The motion was seconded and carried unanimously.

This Resolution was adopted unanimously.

BY COUNCILOR ANDERSON (PERSONNEL)

2. [16-0493R](#) RESOLUTION CONFIRMING THE APPOINTMENT OF TODD FEDORA TO THE DULUTH AIRPORT AUTHORITY, REPLACING KENNETH J STROMQUIST.

Indexes:

Attachments: [T. Fedora Application](#)

This Resolution was adopted unanimously.

BY COUNCILOR SIPRESS (RECREATION, LIBRARIES & AUTHORITIES)

3. [16-0440R](#) RESOLUTION ADOPTING AN EMERALD ASH BORER (EAB) MANAGEMENT PLAN

Indexes:

Attachments: [EXHIBIT A - 16-0440R](#)

This Resolution remains on the table.

MOTIONS AND RESOLUTIONS

CONSENT AGENDA

BY COUNCILOR HOBBS (PURCHASING & LICENSING)

4. [16-0559R](#) RESOLUTION AUTHORIZING A MASTER SERVICES AGREEMENT WITH TWIN PORTS TESTING, INC. FOR PROFESSIONAL GEOTECHNICAL AND MATERIAL TESTING SERVICES FOR A TOTAL ANNUAL AMOUNT NOT TO EXCEED \$50,000 AND A TOTAL CONTRACT AMOUNT NOT TO EXCEED \$100,000.

Indexes:

Attachments: [Exhibit A](#)

This Resolution was adopted unanimously.

5. [16-0567R](#) RESOLUTION APPROVING ISSUANCE OF A CONSUMPTION AND DISPLAY LICENSE AND APPROVING THE PERMANENT EXPANSION OF THE ON SALE 3.2 PERCENT MALT LIQUOR LICENSE OF PARK POINT MARINE INN & SUITES, LLC.

This Resolution was adopted.

Yea: 8 - Councilor Anderson, Councilor Fosle, Councilor Hanson, Councilor Hobbs, Councilor Russ, Councilor Sipress, Councilor Westerlund and President Filipovich

Abstain: 1 - Councilor Hansen

BY COUNCILOR ANDERSON (PERSONNEL)

6. [16-0562R](#) RESOLUTION CONFIRMING THE APPOINTMENT OF DARIS NORDBY TO THE HEADING HOME ST. LOUIS COUNTY'S GOVERNANCE BOARD, FILLING THE FORMERLY HOMELESS REPRESENTATIVE VACANCY.

Indexes:

Attachments: [D.Norby Application](#)

This Resolution was adopted unanimously.

7. [16-0565R](#) RESOLUTION CONFIRMING THE APPOINTMENT OF JESSICA STERLE TO THE DULUTH PARKING COMMISSION

Indexes:

Attachments: [J. Sterle](#)

This Resolution was adopted unanimously.

8. [16-0566R](#) RESOLUTION CONFIRMING THE APPOINTMENT OF MARK OSTHUS TO THE COMMUNITY DEVELOPMENT COMMITTEE

Indexes:

Attachments: [M. Osthus](#)

This Resolution was adopted unanimously.

BY COUNCILOR RUSS (PLANNING & ECONOMIC DEVELOPMENT)

9. [16-0553R](#) RESOLUTION AWARDED A PROFESSIONAL SERVICES CONTRACT TO ECOSIGN MOUNTAIN RESORT PLANNERS LTD FOR THE COMPLETION OF A MASTER PLAN UPDATE FOR THE SPIRIT MOUNTAIN RECREATION AREA FOR AN AMOUNT NOT TO EXCEED \$66,000.

Indexes:

Attachments: [Attachment 1](#)

This Resolution was adopted unanimously.

10. [16-0554R](#) RESOLUTION REPROGRAMMING FUNDS FROM THE 2011 PROGRAM YEAR IN THE AMOUNT OF \$51,944 AND \$4,787 FROM HOUSING REHABILITATION REVOLVING FUND.

This Resolution was adopted unanimously.

11. [16-0556R](#) RESOLUTION AUTHORIZING A TEN YEAR USE AND OPERATIONS AGREEMENT WITH DULUTH COMMUNITY GARDEN PROGRAM FOR THE CITY'S DENFELD VICTORY GARDEN AND EDIBLE FOREST.

Indexes:

Attachments: [Attachment 1](#)

[2015 10 02 EDIBLE FOREST AND CAD GARDENS COMBINED](#)

This Resolution was adopted unanimously.

BY PRESIDENT FILIPOVICH (COMMITTEE OF THE WHOLE)

12. [16-0530R](#) RESOLUTION AMENDING RESOLUTION 16-0488 CHANGING THE 2016 ELECTION JUDGE COMPENSATION.

This Resolution was adopted unanimously.

BY COUNCILOR WESTERLUND (PUBLIC WORKS & UTILITIES)

13. [16-0546R](#) RESOLUTION AUTHORIZING A PERMANENT EASEMENT AGREEMENT WITH 725 IRVING, LLC REGARDING THE KENWOOD AND ARROWHEAD INTERSECTION.

Indexes:

Attachments: [Exhibit A](#)

[Permanent Attachment 1](#)

This Resolution was adopted unanimously.

14. [16-0547R](#) RESOLUTION AUTHORIZING A SURRENDER OF ACCESS AND TEMPORARY CONSTRUCTION EASEMENT AGREEMENT WITH U.S. BANK NATIONAL ASSOCIATION AND WELLS FARGO BANK, NATIONAL ASSOCIATION, REGARDING THE KENWOOD AND ARROWHEAD INTERSECTION.

Indexes:

Attachments: [Attachment 1](#)

This Resolution was adopted unanimously.

15. [16-0549R](#) RESOLUTION ACCEPTING A PERMANENT EASEMENT FOR UTILITY PURPOSES WITHIN THE BLUESTONE DEVELOPMENT AT NO COST TO THE CITY.

Indexes:

- Attachments:** [16-0549R Exhibit 1](#)
[16-0549R Exhibit A](#)
[16-0549R Exhibit B](#)

This Resolution was adopted unanimously.

16. [16-0550R](#) RESOLUTION ACCEPTING A PERMANENT EASEMENT FOR UTILITY PURPOSES WITHIN THE BLUESTONE DEVELOPMENT AT NO COST TO THE CITY.

Indexes:

- Attachments:** [16-0550R Exhibit 1](#)
[16-0550R Exhibit A](#)
[16-0550R Exhibit B](#)

This Resolution was adopted unanimously.

17. [16-0551R](#) RESOLUTION ACCEPTING A PERMANENT EASEMENT FOR UTILITY PURPOSES WITHIN THE BLUESTONE DEVELOPMENT AT NO COST TO THE CITY.

Indexes:

- Attachments:** [16-0551R Exhibit 1](#)
[16-0551R Exhibit A](#)
[16-0551R Exhibit B](#)

This Resolution was adopted unanimously.

18. [16-0552R](#) RESOLUTION AUTHORIZING A PERMANENT EASEMENT AGREEMENT WITH BARRINGTON WALDORF, LLC REGARDING THE KENWOOD AND ARROWHEAD INTERSECTION.

Indexes:

Attachments: [16-0552R Exhibit A](#)

This Resolution was adopted unanimously.

19. [16-0557R](#) RESOLUTION AUTHORIZING TEMPORARY CONSTRUCTION EASEMENT AGREEMENT WITH BARRINGTON WALDORF, LLC REGARDING THE KENWOOD AND ARROWHEAD INTERSECTION.

Indexes:

Attachments: [16-0557R Exhibit A](#)

This Resolution was adopted unanimously.

BY COUNCILOR FOSLE (PUBLIC SAFETY)

20. [16-0548R](#) RESOLUTION AUTHORIZING THE CITY TO ENTER INTO A JOINT POWERS AGREEMENT WITH THE STATE OF MINNESOTA, COMMISSION OF PUBLIC SAFETY, BUREAU OF CRIMINAL APPREHENSION, PROVIDING FOR THE CITY OF DULUTH POLICE DEPARTMENT TO CONTINUE PARTICIPATION IN THE MINNESOTA INTERNET CRIMES AGAINST CHILDREN TASK FORCE PROGRAM.

Indexes:

Attachments: [Exhibit 1](#)

This Resolution was adopted unanimously.

BY COUNCILOR SIPRESS (RECREATION, LIBRARIES & AUTHORITIES)

21. [16-0560R](#) RESOLUTION AUTHORIZING A FIRST AMENDMENT TO THE FIVE (5) YEAR LEASE AGREEMENT WITH RPK BASEBALL, LLC AND NORTHWOODS LEAGUE, INC. FOR THE USE OF WADE STADIUM THROUGH 2020.

Indexes:

Attachments: [Exhibit A](#)

This Resolution was adopted unanimously.

END OF CONSENT AGENDA

BY COUNCILOR ANDERSON (PERSONNEL)

22. [16-0563R](#) RESOLUTION CONFIRMING THE APPOINTMENT OF HEATHER WRIGHT WENDEL TO THE PLANNING COMMISSION.

Indexes:

Attachments: [H. Wright Wendel](#)

This Resolution was adopted unanimously.

BY COUNCILOR RUSS (PLANNING & ECONOMIC DEVELOPMENT)

23. [16-0558R](#) RESOLUTION AUTHORIZING DEVELOPMENT AGREEMENT WITH MH II APARTMENTS, INC. FOR DEVELOPMENT OF 72 RENTAL UNITS OF WORKFORCE HOUSING IN THE MILLER HILL AREA.

Indexes:

Attachments: [Attachment 1](#)

This Resolution was tabled.

BY PRESIDENT FILIPOVICH (COMMITTEE OF THE WHOLE)

24. [16-0533R](#) RESOLUTION ESTABLISHING EARNED SICK AND SAFE TIME TASK FORCE.

Sponsors: Filipovich and Hansen

Indexes:

Attachments: [Sipress.Westerlund Motion to Amend - Failed](#)
[Hobbs.Russ Motion to Amend - Passed](#)
[Westerlund.Sipress Motion to Amend - Passed](#)
[16-0533R - Original](#)

Sipress/Westerlund Motion to Amend - Yays: 4 Nays: 5 (Fails)
Hobbs/Russ Motion to Amend - Yays: 5 Nays: 4 (Passes)
Westerlund Motion to Amenda - Yays: 5 Nays: 4 (Passes)

This Resolution was adopted as amended.

Yea: 8 - Councilor Anderson, Councilor Hansen, Councilor Hanson, Councilor Hobbs,
Councilor Russ, Councilor Sipress, Councilor Westerlund and President Filipovich

Nay: 1 - Councilor Fosle

INTRODUCTION AND CONSIDERATION OF ORDINANCES

ORDINANCES TABLED

BY COUNCILOR RUSS (PLANNING & ECONOMIC DEVELOPMENT)

25. [16-030-O](#) AN ORDINANCE AMENDING SECTIONS 50-15.2 MIXED USE NEIGHBORHOOD (MU-N), 50-15.3 MIXED USE COMMERCIAL (MU-C), AND 50-15.5 MIXED USE BUSINESS PARK (MU-B).

Indexes:

Attachments: [Attachment 1](#)
[Sipress.Russ mta 16-030-O](#)
[Filipovich mta 16-030-O](#)
[Sipress.Russ mta \(2\) 16-030-O](#)

This Ordinance remains on the table.

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

BY COUNCILOR RUSS (PLANNING & ECONOMIC DEVELOPMENT)

26. [16-048-O](#) AN ORDINANCE GRANTING TO WASTE MANAGEMENT A CONCURRENT USE PERMIT FOR 50 FEET OF PLATTED UTILITY RIGHT OF WAY LOCATED IN THE PARCEL OF LOT 2, BLOCK 3 OF THE TWIN PORTS TRUCK CENTER DIVISION.

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 (PERSONNEL)

27. [16-044-O](#) ORDINANCE AMENDING CHAPTER 2, ARTICLE XIX, SECTION 2-107, OF THE DULUTH CITY CODE TO INCREASE THE NUMBER OF COMMISSIONERS ON THE DULUTH PUBLIC ARTS COMMISSION TO ELEVEN MEMBERS.

This Ordinance was adopted.

Yea: 8 - Councilor Anderson, Councilor Fosle, Councilor Hansen, Councilor Hanson, Councilor Russ, Councilor Sipress, Councilor Westerlund and President Filipovich

Nay: 1 - Councilor Hobbs

BY COUNCILOR FOSLE (PUBLIC SAFETY)

28. [16-047-O](#) ORDINANCE AMENDING CHAPTER 21, SECTIONS 21-1, 21-35 AND 21-38 OF THE DULUTH CITY CODE TO ADOPT AND INCORPORATE THE 2015 AMENDMENTS TO THE MINNESOTA STATE FIRE CODE, WHICH IS BASED ON THE 2012 INTERNATIONAL FIRE CODE, TO AMEND THE DEFINITION OF FIRE PROTECTION SYSTEM IN ACCORDANCE WITH THE STATE AND INTERNATIONAL FIRE CODES, AND TO REQUIRE THAT LICENSED FIRE PROTECTION CONTRACTORS, BUILDING OWNERS OR THEIR AGENTS SUBMIT ANNUAL FIRE PROTECTION SYSTEM INSPECTION AND TESTING REPORTS TO THE FIRE DEPARTMENT ELECTRONICALLY VIA A METHOD APPROVED BY THE FIRE MARSHAL.

This Ordinance was adopted unanimously.

COUNCILOR QUESTIONS AND COMMENTS

COUNCILOR PREVIEW OF UPCOMING BUSINESS



City of Duluth

411 West First Street
Duluth, Minnesota 55802

Actions and Unofficial Minutes

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 will provide increased opportunities for civil discourse in order to find positive resolutions to the issues that face the city. These tools include: pay attention, listen, be inclusive, do not gossip, show respect, be agreeable, apologize, give constructive criticism and take responsibility. [Approved by the council on August 25, 2003]*

Monday, August 15, 2016

7:00 PM

Council Chamber

ROLL CALL

Present: 9 - Councilor Gary Anderson, Councilor Jay Fosle, Councilor Elissa Hansen, Councilor Howie Hanson, Councilor Noah Hobbs, Councilor Barb Russ, Councilor Joel Sipress, Councilor Em Westerlund and President Zack Filipovich

PLEDGE OF ALLEGIANCE

PUBLIC HEARING - Miller Hill Tax Abatement

REPORTS FROM THE ADMINISTRATION

REPORTS FROM OTHER OFFICERS

REPORTS OF BOARDS AND COMMISSIONS

1. [16-099](#) HRA Meeting Minutes

Indexes:

Attachments: [4-26-16 HRA Minutes](#)
[5-31-16 HRA Minutes](#)
[6-28-16 HRA Minutes](#)

This Board or Commission Report was received.

2. [16-100](#) Civil Service Board Meeting Minutes

Indexes:

Attachments: [05-03-16 Civil Service Board Minutes](#)

This Board or Commission Report was received.

REPORTS OF COUNCIL COMMITTEES

REPORTS OF COUNCIL OPEN ISSUES

OPPORTUNITY FOR CITIZENS TO BE HEARD

RESOLUTIONS TABLED

BY COUNCILOR RUSS (PLANNING & ECONOMIC DEVELOPMENT)

3. [16-0558R](#) RESOLUTION AUTHORIZING DEVELOPMENT AGREEMENT WITH MH II APARTMENTS, INC. FOR DEVELOPMENT OF 72 RENTAL UNITS OF WORKFORCE HOUSING IN THE MILLER HILL AREA.

Indexes:

Attachments: [Attachment 1](#)

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

Yea: 7 - Councilor Anderson, Councilor Fosle, Councilor Hansen, Councilor Hobbs, Councilor Russ, Councilor Westerlund and President Filipovich

Nay: 2 - Councilor Hanson and Councilor Sipress

BY COUNCILOR SIPRESS (RECREATION, LIBRARIES & AUTHORITIES)

4. [16-0440R](#) RESOLUTION ADOPTING AN EMERALD ASH BORER (EAB) MANAGEMENT PLAN

Indexes:

Attachments: [EXHIBIT A - 16-0440R](#)

Resolution was returned to administration.

This Resolution was withdrawn.

MOTIONS AND RESOLUTIONS

CONSENT AGENDA

BY COUNCILOR HANSEN (FINANCE)

- 5. [16-0593R](#) RESOLUTION AMENDING RESOLUTION NO. 16-0245R, WHICH AMENDED RESOLUTION NO. 16-0152, WHICH AMENDED RESOLUTION NO. 16-0055, CONFIRMING DEMOLITION ASSESSMENT ROLL TO DELETE A THIRD PROPERTY AND REDUCING THE AMOUNT ASSESSED.

This Resolution was adopted unanimously.

BY COUNCILOR HOBBS (PURCHASING & LICENSING)

- 6. [16-0576R](#) RESOLUTION APPROVING RENEWAL AND ISSUANCE OF ON SALE INTOXICATING LIQUOR, ON SALE THEATER LICENSES, ON SALE SUNDAY INTOXICATING LIQUOR, ADDITIONAL BAR, ON SALE DANCING, 2:00 A.M. BEVERAGE LICENSE AND LATE HOUR ENTERTAINMENT LICENSES FOR THE PERIOD BEGINNING SEPTEMBER 1, 2016, AND ENDING AUGUST 31, 2017.

Indexes:

Attachments: [Attachment A - RENEWALS ON SALE 2016](#)

This Resolution was adopted unanimously.

Yea: 8 - Councilor Anderson, Councilor Fosle, Councilor Hanson, Councilor Hobbs, Councilor Russ, Councilor Sipress, Councilor Westerlund and President Filipovich

Abstain: 1 - Councilor Hansen

- 7. [16-0577R](#) RESOLUTION ISSUING A 3.2 PERCENT MALT LIQUOR LICENSE AND APPROVING ISSUANCE OF AN ON SALE WINE LICENSE TO AMITY COFFEE, LLC (AMITY COFFEE), 4429 EAST SUPERIOR STREET.

This Resolution was adopted unanimously.

Yea: 8 - Councilor Anderson, Councilor Fosle, Councilor Hanson, Councilor Hobbs, Councilor Russ, Councilor Sipress, Councilor Westerlund and President Filipovich

Abstain: 1 - Councilor Hansen

8. [16-0578R](#) RESOLUTION APPROVING THE ISSUANCE OF ON SALE WINE RENEWAL LICENSES FOR THE PERIOD BEGINNING SEPTEMBER 1, 2016, AND ENDING AUGUST 31, 2017.

Indexes:

Attachments: [attachment A - Wine License Renewals](#)

This Resolution was adopted unanimously.

9. [16-0579R](#) RESOLUTION APPROVING THE ISSUANCE OF OFF SALE INTOXICATING LIQUOR RENEWAL LICENSES FOR THE PERIOD BEGINNING SEPTEMBER 1, 2016, AND ENDING AUGUST 31, 2017.

Indexes:

Attachments: [attachment A - Off Sale Liquor Renewal](#)

This Resolution was adopted unanimously.

Yea: 8 - Councilor Anderson, Councilor Fosle, Councilor Hanson, Councilor Hobbs, Councilor Russ, Councilor Sipress, Councilor Westerlund and President Filipovich

Abstain: 1 - Councilor Hansen

10. [16-0580R](#) RESOLUTION APPROVING THE ISSUANCE OF ON SALE CLUB LIQUOR RENEWAL LICENSES FOR THE PERIOD BEGINNING SEPTEMBER 1, 2016, AND ENDING AUGUST 31, 2017.

Indexes:

Attachments: [attachment A - On Sale Club](#)

This Resolution was adopted unanimously.

Yea: 8 - Councilor Anderson, Councilor Fosle, Councilor Hanson, Councilor Hobbs, Councilor Russ, Councilor Sipress, Councilor Westerlund and President Filipovich

Abstain: 1 - Councilor Hansen

11. [16-0581R](#) RESOLUTION APPROVING THE ISSUANCE OF THE ON AND OFF SALE BREWERY MALT LIQUOR (GROWLER) LICENSES AND SUNDAY (TAPROOM ONLY) LICENSE AND A 2:00 A.M. CLOSING LICENSE TO BLACKLIST BEER, LLC. (BLACKLIST ARTISAN ALES LLC) 120 EAST SUPERIOR STREET, WITH JON LOSS, 25% OWNER, TJ ESTABROOK 50% OWNER, AND BRIAN SCHANZENBACH 25% OWNER, FOR THE PERIOD BEGINNING SEPTEMBER 1, 2016, AND ENDING AUGUST 31, 2017.

Indexes:

Attachments: [attachment A - Blacklist Beer](#)

This Resolution was adopted unanimously.

Yea: 8 - Councilor Anderson, Councilor Fosle, Councilor Hanson, Councilor Hobbs, Councilor Russ, Councilor Sipress, Councilor Westerlund and President Filipovich

Abstain: 1 - Councilor Hansen

12. [16-0582R](#) RESOLUTION APPROVING ISSUANCE OF TEMPORARY ON SALE INTOXICATING LIQUOR LICENSE TO DULUTH SUPERIOR GLBTAQI PRIDE (DULUTH SUPERIOR PRIDE FESTIVAL), BAYFRONT PARK.

This Resolution was adopted unanimously.

Yea: 9 - Councilor Anderson, Councilor Fosle, Councilor Hansen, Councilor Hanson, Councilor Hobbs, Councilor Russ, Councilor Sipress, Councilor Westerlund and President Filipovich

13. [16-0583R](#) RESOLUTION APPROVING THE PERMANENT EXPANSION OF THE ON SALE INTOXICATING LIQUOR LICENSE OF GRANDMA'S SPORTS BAR & GRILL, INC (BELLISIO'S ITALIAN RESTAURANT), 405 LAKE AVE. SOUTH, 55802.

Indexes:

Attachments: [attachment A - Grandmas - Bellisio's](#)

This Resolution was adopted unanimously.

Yea: 8 - Councilor Anderson, Councilor Fosle, Councilor Hanson, Councilor Hobbs, Councilor Russ, Councilor Sipress, Councilor Westerlund and President Filipovich

Abstain: 1 - Councilor Hansen

14. [16-0601R](#) RESOLUTION AUTHORIZING A CONTRACT WITH DIRT INC., FOR RESTORATION OF THE WESTERN WATERFRONT TRAIL IN THE AMOUNT OF \$163,410.75.

Indexes:

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

This Resolution was adopted unanimously.

15. [16-0621R](#) RESOLUTION APPROVING ISSUANCE OF AN ON SALE INTOXICATING LIQUOR LICENSE TO CAMPANTES, LLC (AZTECA'S MEXICAN GRILL), 2224 MOUNTAIN SHADOW DRIVE

Indexes:

Attachments: [Attachment A - AZTECA's-08022016125300](#)

This Resolution was adopted unanimously.

Yea: 8 - Councilor Anderson, Councilor Fosle, Councilor Hanson, Councilor Hobbs, Councilor Russ, Councilor Sipress, Councilor Westerlund and President Filipovich

Abstain: 1 - Councilor Hansen

16. [16-0631R](#) RESOLUTION AUTHORIZING A CONTRACT WITH SYLVESTER CUSTOM GRINDING FOR TUB GRINDING AND TRANSPORT OF STORM DEBRIS FOR AN ESTIMATED AMOUNT OF \$71,676.

Indexes:

Attachments: [Exhibit A](#)

This Resolution was adopted unanimously.

BY COUNCILOR ANDERSON (PERSONNEL)

17. [16-0595R](#) RESOLUTION APPROVING PROPOSED SPECIFICATIONS FOR THE NEW CIVIL SERVICE CLASSIFICATION OF GEOGRAPHIC INFORMATION SYSTEMS (GIS) TECHNICIAN, AND SPECIFYING CONTRACT BENEFITS FOR SAME.

Indexes:

Attachments: [GIS Technician Job Description](#)

This Resolution was adopted unanimously.

18. [16-0596R](#) RESOLUTION APPROVING PROPOSED AMENDMENTS TO THE SPECIFICATIONS FOR THE EXISTING CIVIL SERVICE CLASSIFICATION OF CITY ENGINEER.

Indexes:

Attachments: [City Engineer Job Description](#)
[City Engineer job description \(strikeout\)](#)

This Resolution was adopted unanimously.

19. [16-0597R](#) RESOLUTION APPROVING PROPOSED AMENDMENTS TO THE SPECIFICATIONS FOR THE EXISTING CIVIL SERVICE CLASSIFICATION OF CHIEF ENGINEER, UTILITIES.

Indexes:

Attachments: [Chief Engineer, Utilities Job Description](#)
[Chief Engineer, Utilities JD \(strikeout\)](#)

This Resolution was adopted unanimously.

20. [16-0598R](#) RESOLUTION APPROVING PROPOSED AMENDMENTS TO THE SPECIFICATIONS FOR THE EXISTING CIVIL SERVICE CLASSIFICATION OF CHIEF ENGINEER, TRANSPORTATION.

Indexes:

Attachments: [Chief Engineer, Transportation Final Draft.pdf](#)
[Chief Engineer, Transportation \(strikeout\)](#)

This Resolution was adopted unanimously.

21. [16-0599R](#) RESOLUTION APPROVING PROPOSED AMENDMENTS TO THE SPECIFICATIONS FOR THE EXISTING CIVIL SERVICE CLASSIFICATION OF PROJECT ENGINEER.

Indexes:

Attachments: [Project Engineer Final Draft.pdf](#)
[Project Engineer \(strikeout\)](#)

This Resolution was adopted unanimously.

22. [16-0600R](#) RESOLUTION APPROVING PROPOSED SPECIFICATIONS FOR THE NEW CIVIL SERVICE CLASSIFICATION OF SENIOR ENGINEER, AND SPECIFYING CONTRACT BENEFITS FOR SAME.

Indexes:

Attachments: [Senior Engineer Job Description Final Draft.pdf](#)

This Resolution was adopted unanimously.

BY COUNCILOR RUSS (PLANNING & ECONOMIC DEVELOPMENT)

23. [16-0591R](#) RESOLUTION AUTHORIZING AN AMENDED AND RESTATED DEVELOPMENT AGREEMENT WITH ONE ROOF COMMUNITY HOUSING REALTED TO THE JAY STREET HOUSING PROJECT.

Indexes:

Attachments: [Attachment A](#)

This Resolution was adopted unanimously.

Yea: 8 - Councilor Anderson, Councilor Fosle, Councilor Hansen, Councilor Hanson, Councilor Russ, Councilor Sipress, Councilor Westerlund and President Filipovich

Abstain: 1 - Councilor Hobbs

24. [16-0592R](#) RESOLUTION AUTHORIZING AN INCREASE OF \$447 IN THE ALLOCATION OF HUD FUNDING FOR THE HOME PROGRAM FOR THE 2016 PROGRAM YEAR, WHICH WILL INCREASE THE HOUSING RESOURCE CONNECTION PROJECT FROM \$42,071 TO \$42,518. THIS INCREASE IS DUE TO AN INCREASE IN ALLOCATION FROM HUD.

This Resolution was adopted unanimously.

Yea: 8 - Councilor Anderson, Councilor Fosle, Councilor Hansen, Councilor Hanson, Councilor Russ, Councilor Sipress, Councilor Westerlund and President Filipovich

Abstain: 1 - Councilor Hobbs

25. [16-0594R](#) RESOLUTION OF INTENT TO SUPPORT THE REQUEST BY ONE ROOF COMMUNITY HOUSING, ON BEHALF OF THE HOUSING RESOURCE CONNECTION, TO THE STATE OF MINNESOTA FOR THE AWARD OF FUNDS FROM THE RENTAL REHABILITATION DEFERRED LOAN PROGRAM (RRDL).

This Resolution was adopted unanimously.

Yea: 8 - Councilor Anderson, Councilor Fosle, Councilor Hansen, Councilor Hanson, Councilor Russ, Councilor Sipress, Councilor Westerlund and President Filipovich

Abstain: 1 - Councilor Hobbs

26. [16-0602R](#) RESOLUTION GRANTING AN INTERIM USE PERMIT FOR A VACATION DWELLING UNIT AT 1002 MARTHA STREET (JOSEPH AND SUSAN BYERS).

Indexes:

Attachments: [Attachment 1](#)

This Resolution was adopted unanimously.

27. [16-0603R](#) RESOLUTION VACATING PORTIONS OF PEABODY STREET AND SOUTH 54TH AVENUE EAST, RETAINING A PUBLIC UTILITY EASEMENT OVER THE ENTIRE AREA TO BE VACATED (LUKE SCHMITZ).

Indexes:

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

This Resolution was adopted unanimously.

28. [16-0605R](#) RESOLUTION VACATING PLATTED UTILITY RIGHT OF WAY OF UTILITY EASEMENT ON THE PROPERTY OF 9512 CONGDON BOULEVARD.

Indexes:

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

This Resolution was adopted unanimously.

29. [16-0607R](#) RESOLUTION GRANTING AN INTERIM USE PERMIT FOR A VACATION DWELLING UNIT AT 551 BOULDER DRIVE (BRD1, LLC).

Indexes:

Attachments: [Attachment 1](#)

This Resolution was adopted unanimously.

30. [16-0608R](#) RESOLUTION GRANTING AN INTERIM USE PERMIT FOR A VACATION DWELLING UNIT AT 601 BOULDER DRIVE (BRD1, LLC).

Indexes:

Attachments: [Attachment 1](#)

This Resolution was adopted unanimously.

- 31. [16-0614R](#) RESOLUTION OF INTENT TO SELL OR CONVEY CERTAIN REAL PROPERTY IN THE DULUTH HEIGHTS NEIGHBORHOOD TO THE DULUTH ECONOMIC DEVELOPMENT AUTHORITY FOR DEVELOPMENT PURPOSES.

Indexes:

Attachments: [Exhibit A-Resolution](#)

This Resolution was adopted unanimously.

- 32. [16-0627R](#) RESOLUTION OF INTENT TO BRING FORWARD AN ORDINANCE AMENDING THE DULUTH CITY CODE TO UPDATE CITY REGULATIONS WITH REGARD TO LABOR AND WAGE POLICIES AND BUSINESS SUBSIDIES BY DECEMBER 31, 2016.

This Resolution was adopted unanimously.

BY COUNCILOR WESTERLUND (PUBLIC WORKS & UTILITIES)

- 33. [16-0564R](#) RESOLUTION OF INTENT FOR CONSTRUCTION OF A WATER MAIN EXTENSION IN MAXWELL AVENUE FROM WEST WABASHA STREET TO 210 FEET NORTHERLY AND TO ASSESS THE COSTS THEREOF.

Indexes:

Attachments: [16-0564 Map](#)

This Resolution was adopted unanimously.

- 34. [16-0574R](#) RESOLUTION AUTHORIZING EXTENSION OF CURRENT CABLE FRANCHISE AGREEMENT WITH CHARTER COMMUNICATIONS THROUGH DECEMBER 31, 2016.

This Resolution was adopted unanimously.

35. [16-0575R](#) RESOLUTION AWARDING A CONTRACT TO AEI CONSTRUCTION, INC. FOR THE GAS MAIN INSTALLATION FOR THE CIRRUS AIRCRAFT EXPANSION IN THE AMOUNT OF \$250,662.07.

Indexes:

Attachments: [16-0575R Map](#)

This Resolution was adopted unanimously.

36. [16-0587R](#) RESOLUTION AUTHORIZING THE EXECUTION OF AMENDMENT NO. 1 TO MNDOT AGREEMENT 1003172.

Indexes:

Attachments: [Attachment A - Location Map](#)

This Resolution was adopted unanimously.

37. [16-0589R](#) RESOLUTION AUTHORIZING AMENDMENT #2 TO A CONTRACT WITH TKDA TO PROVIDE PROFESSIONAL ENGINEERING SERVICES FOR THE 59TH AVENUE WEST STREET AND UTILITY IMPROVEMENT PROJECT TO INCREASE THE AMOUNT BY \$40,018 FOR A NEW TOTAL OF \$132,085.

Indexes:

Attachments: [16-0589R Attachment](#)

This Resolution was adopted unanimously.

38. [16-0616R](#) RESOLUTION AUTHORIZING ACCEPTANCE OF A PERMANENT EASEMENT FROM BARRINGTON WALDORF, LLC REGARDING THE KENWOOD AND ARROWHEAD INTERSECTION, AND RESCINDING RESOLUTION NO. 16-0552R.

Indexes:

Attachments: [16-0616R Exhibit A](#)

This Resolution was adopted unanimously.

39. [16-0617R](#) RESOLUTION ORDERING IN THE CONSTRUCTION OF APPROXIMATELY 34 FEET OF SANITARY SEWER IN MINNESOTA AVENUE FROM THE SOUTHEAST CORNER OF 18TH STREET AND EXTENDING NORTHERLY AT AN ESTIMATED COST NOT TO EXCEED \$7,000.

Indexes:

Attachments: [16-0317R Map](#)
[July 27 Public Hearing Minutes](#)
[Preliminary Assessment Role - Sanitary Sewer Extension on Minnesota Ave.pdf](#)

This Resolution was adopted unanimously.

BY COUNCILOR FOSLE (PUBLIC SAFETY)

40. [16-0538R](#) RESOLUTION AUTHORIZING AGREEMENT WITH BRYCER, LLC, SECURING USE OF BRYCER'S INTERNET-BASED COMPLIANCE ENGINE ENHANCING CITY FIRE CODE ENFORCEMENT AND RECORD-KEEPING RELATING TO FIRE PROTECTION SYSTEMS AT NO COST TO THE CITY.

Indexes:

Attachments: [Exhibit A](#)

This Resolution was adopted unanimously.

41. [16-0561R](#) RESOLUTION AUTHORIZING PROPER CITY OFFICIALS TO ACCEPT A GRANT FROM THE STATE OF MINNESOTA IN THE AMOUNT OF \$7,467.50 AND FURTHER AUTHORIZING EXECUTION OF A GRANT AGREEMENT WITH THE STATE OF MINNESOTA.

Indexes:

Attachments: [EMPG Grant Agreement A-EMPG-2015-DULUTHCI-106](#)

This Resolution was adopted unanimously.

42. [16-0572R](#) RESOLUTION AUTHORIZING ACCEPTANCE OF A GRANT FROM THE MINNESOTA DEPARTMENT OF PUBLIC SAFETY HOMELAND SECURITY AND EMERGENCY MANAGEMENT DIVISION IN THE AMOUNT OF \$20,000 FOR THE PURPOSE OF MAINTAINING A LOCAL EMERGENCY MANAGEMENT PROGRAM.

Indexes:

Attachments: [Grant Agreement A-EMPG-2016-DULUTHCI-00023](#)

This Resolution was adopted unanimously.

BY COUNCILOR SIPRESS (RECREATION, LIBRARIES & AUTHORITIES)

43. [16-0588R](#) RESOLUTION APPROVING SETTLEMENT OF THE CLAIM OF KIMBERLY AND DAVID MEYERS, AND KIMBERLY AND DAVID MEYERS AS PARENTS AND NATURAL GUARDIANS OF RYAN J. MEYER IN THE AMOUNT OF \$320,000.

This Resolution was adopted unanimously.

44. [16-0610R](#) RESOLUTION AUTHORIZING AN AGREEMENT WITH VEIT AND COMPANY, INC. FOR CLEAN FILL MATERIAL IN PORTIONS OF THE FORMER DWP PROPERTY.

Indexes:

Attachments: [Exhibit 1](#)

This Resolution was adopted unanimously.

45. [16-0611R](#) RESOLUTION AUTHORIZING A THREE-YEAR LEASE AGREEMENT WITH INDEPENDENT SCHOOL DISTRICT NO. 709 FOR USE OF SPACE IN THE WASHINGTON RECREATION CENTER FOR ITS HEAD START AND EARLY CHILDHOOD FAMILY EDUCATION PROGRAMS.

Indexes:

Attachments: [Exhibit 1](#)

This Resolution was adopted unanimously.

46. [16-0612R](#) RESOLUTION AUTHORIZING A TWO-YEAR LICENSE AGREEMENT WITH EXPLORE MINNESOTA FOR A BIKE TUNE-UP STATION ON PARK POINT AT LAFAYETTE SQUARE.

Indexes:

Attachments: [Exhibit 1](#)

This Resolution was adopted unanimously.

END OF CONSENT AGENDA

BY COUNCILOR HOBBS (PURCHASING & LICENSING)

47. [16-0586R](#) RESOLUTION AWARDED A CONTRACT TO A PLUS LANDSCAPING, LLC, FOR RECREATIONAL TRAILS BLOWDOWN CLEANUP, IN THE AMOUNT OF \$85,519.

Indexes:

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

This Resolution was adopted unanimously.

BY COUNCILOR RUSS (PLANNING & ECONOMIC DEVELOPMENT)

48. [16-0590R](#) RESOLUTION RELATING TO A TAX ABATEMENT; GRANTING THE ABATEMENT FOR THE MILLER HILL FLATS PROJECT.

This Resolution was adopted unanimously.

INTRODUCTION AND CONSIDERATION OF ORDINANCES

ORDINANCES TABLED

BY COUNCILOR RUSS (PLANNING & ECONOMIC DEVELOPMENT)

49. [16-030-O](#) AN ORDINANCE AMENDING SECTIONS 50-15.2 MIXED USE NEIGHBORHOOD (MU-N), 50-15.3 MIXED USE COMMERCIAL (MU-C), AND 50-15.5 MIXED USE BUSINESS PARK (MU-B).

Indexes:

Attachments: [Attachment 1](#)

[Sipress.Russ mta 16-030-O](#)

[Filipovich mta 16-030-O](#)

[Sipress.Russ mta \(2\) 16-030-O](#)

Ordinance was removed from the table:
Filipovich Motion to Amend: Pass
Sipress Motion to Amend: Fails

This Ordinance was read for the first time.

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

BY COUNCILOR RUSS (PLANNING & ECONOMIC DEVELOPMENT)

50. [16-050-O](#) AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF DULUTH TO PROVIDE FOR THE RECLASSIFICATION FROM RR-1 TO MU-B PROPERTY EAST OF RICE LAKE ROAD AND SOUTH OF NORTON ROAD.

Indexes:

Attachments: [Attachment 1](#)

[Attachment 2](#)

This Ordinance was read for the first time.

51. [16-051-O](#) AN ORDINANCE GRANTING TO WESTMINSTER PRESBYTERIAN CHURCH A CONCURRENT USE PERMIT FOR 207 FEET OF THE STREET LOCATED IN THE BEAUDRY AVENUE PUBLIC RIGHT-OF-WAY.

Indexes:

Attachments: [Attachment 1](#)

This Ordinance was read for the first time.

52. [16-052-O](#) AN ORDINANCE AUTHORIZING THE CONVEYANCE OF CERTAIN REAL PROPERTY IN THE DULUTH HEIGHTS NEIGHBORHOOD TO THE DULUTH ECONOMIC DEVELOPMENT AUTHORITY FOR NOMINAL CONSIDERATION. (REPLACEMENT)

Indexes:

- Attachments:** [Exhibit A](#)
[Exhibit B](#)
[Exhibit C](#)
[Original 16-052-O](#)

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)

53. [16-048-O](#) AN ORDINANCE GRANTING TO WASTE MANAGEMENT A CONCURRENT USE PERMIT FOR 50 FEET OF PLATTED UTILITY RIGHT OF WAY LOCATED IN THE PARCEL OF LOT 2, BLOCK 3 OF THE TWIN PORTS TRUCK CENTER DIVISION.

Indexes:

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

This Ordinance was adopted unanimously

COUNCILOR QUESTIONS AND COMMENTS

COUNCILOR PREVIEW OF UPCOMING BUSINESS



City of Duluth

411 West First Street
Duluth, Minnesota 55802

Actions and Unofficial Minutes

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 will provide increased opportunities for civil discourse in order to find positive resolutions to the issues that face the city. These tools include: pay attention, listen, be inclusive, do not gossip, show respect, be agreeable, apologize, give constructive criticism and take responsibility. [Approved by the council on August 25, 2003]*

Monday, August 29, 2016

7:00 PM

Council Chamber

ROLL CALL

- Present:** 8 - Councilor Gary Anderson, Councilor Jay Fosle, Councilor Elissa Hansen, Councilor Howie Hanson, Councilor Noah Hobbs, Councilor Barb Russ, Councilor Em Westerlund and President Zack Filipovich
- Absent:** 1 - Councilor Joel Sipress

PLEDGE OF ALLEGIANCE

REPORTS FROM THE ADMINISTRATION

REPORTS FROM OTHER OFFICERS

REPORTS OF BOARDS AND COMMISSIONS

1. [16-102](#) DPUC Meeting Minutes

Indexes:

Attachments: [6-21-16 DPUC Meeting Minutes](#)

REPORTS OF COUNCIL COMMITTEES

REPORTS OF COUNCIL OPEN ISSUES

Distinguished Artist Award: BOLD - choice Theatre

OPPORTUNITY FOR CITIZENS TO BE HEARD

MOTIONS AND RESOLUTIONS

CONSENT AGENDA

BY COUNCILOR HANSEN (FINANCE)

- 2. [16-0570R](#) RESOLUTION CONFIRMING ASSESSMENT ROLL LEVIED TO DEFRAY THE ASSESSABLE PORTION OF DEMOLITIONS AT EIGHT CITY LOCATIONS.

Indexes:

Attachments: [Exhibit A](#)

This Resolution was adopted unanimously.

BY COUNCILOR HOBBS (PURCHASING & LICENSING)

- 3. [16-0626R](#) RESOLUTION AUTHORIZING A THREE-YEAR AGREEMENT WITH ENVIRONMENTAL SYSTEMS RESEARCH INSTITUTE, INC., FOR GIS LICENSING FOR A THREE-YEAR TOTAL OF \$150,000.

Indexes:

Attachments: [Exhibit A - Part 1](#)

[Exhibit A - Part 2](#)

[Exhibit A - Part 3](#)

[Exhibit A - Part 4](#)

This Resolution was adopted unanimously.

BY COUNCILOR ANDERSON (PERSONNEL)

- 4. [16-0640R](#) RESOLUTION APPROVING PROPOSED AMENDMENTS TO THE SPECIFICATIONS FOR THE EXISTING CIVIL SERVICE CLASSIFICATION OF PARALEGAL.

Indexes:

Attachments: [Paralegal](#)

[Paralegal \(strikeout\)](#)

This Resolution was adopted unanimously.

BY COUNCILOR RUSS (PLANNING & ECONOMIC DEVELOPMENT)

- 5. [16-0633R](#) RESOLUTION GRANTING AN INTERIM USE PERMIT FOR AN ACCESSORY VACATION DWELLING UNIT AT 130 CHARLOTTE PLACE (DANIEL FRANK).

Indexes:

Attachments: [Attachment 1](#)

This Resolution was adopted unanimously.

- 6. [16-0634R](#) RESOLUTION AUTHORIZING THE BUILDING OFFICIAL TO ABATE NUISANCES BY REMOVAL OF A STRUCTURALLY UNSOUND BUILDING IN THE CITY OF DULUTH IN AN AMOUNT NOT TO EXCEED \$40,000.

This Resolution was adopted unanimously.

- 7. [16-0641R](#) RESOLUTION VACATING ALL THAT PART OF THE 20 FOOT WIDE PLATTED ALLEY LYING WITHIN BLOCK 2, PIEDMONT PARK ADDITION TO DULUTH (RENEE BORSON).

Indexes:

Attachments: [Attachment 1](#)

[Attachment 2](#)

This Resolution was adopted unanimously.

- 8. [16-0643R](#) RESOLUTION DEDICATING A 16 FEET OF LOT 1, BLOCK 4 AND THE WESTERLY 4.00 FEET OF THE PLATTED 20.00 FOOT WIDE ALLEY BETWEEN BLOCKS 3 AND BLOCK 4 OF THE RECORDED PLAT OF "LAKESIDE GARDENS."

Indexes:

Attachments: [Attachment 1](#)

[Attachment 2](#)

[Attachment 3](#)

This Resolution was adopted unanimously.

9. [16-0644R](#) RESOLUTION VACATING A 20 FOOT WIDE ALLEY BETWEEN BLOCKS 3 AND BLOCK 4 OF THE RECORDED PLAT OF "LAKESIDE GARDENS."

Indexes:

Attachments: [Attachment 1](#)

[Attachment 2](#)

[Attachment 3](#)

This Resolution was adopted unanimously.

10. [16-0649R](#) RESOLUTION AUTHORIZING AN AMENDMENT TO A CONTRACT BETWEEN THE STATE OF MINNESOTA AND THE CITY FOR PROFESSIONAL STAFFING SERVICES PROVIDING ASSISTANCE TO JOB SEEKERS AS PART OF THE MINNESOTA ADVANCED MANUFACTURING PARTNERSHIP LEARN, WORK, EARN PROJECT.

Indexes:

Attachments: [Attachment A](#)

This Resolution was adopted unanimously.

11. [16-0650R](#) RESOLUTION ACCEPTING A CERTIFIED LOCAL GOVERNMENT GRANT OF \$1,147 FROM THE MINNESOTA STATE HISTORICAL SOCIETY AND APPROVING LOCAL MATCH OF \$1,055 TO ATTEND THE ANNUAL STATEWIDE HISTORIC PRESERVATION CONFERENCE.

Indexes:

Attachments: [Attachment 1](#)

This Resolution was adopted unanimously.

BY COUNCILOR WESTERLUND (PUBLIC WORKS & UTILITIES)

12. [16-0624R](#) RESOLUTION AMENDING CONTRACT 22878 WITH STACK BROS MECHANICAL CONTRACTING, INC., FOR ADDITIONAL WORK TO MODIFY THE GAS BURNER CONTROL SYSTEM FOR TWO BOILERS AT DULUTH ENERGY SYSTEMS, FOR AN ADDITIONAL AMOUNT OF \$40,090, AND AN AMENDED TOTAL OF \$172,690.

This Resolution was adopted.

Yea: 7 - Councilor Anderson, Councilor Fosle, Councilor Hansen, Councilor Hanson, Councilor Hobbs, Councilor Russ and Councilor Westerlund

Absent: 1 - Councilor Sipress

Abstain: 1 - President Filipovich

13. [16-0630R](#) RESOLUTION AUTHORIZING THE PURCHASE OF TWO (2) 2017 FREIGHTLINER CABS AND CHASSIS FROM I-STATE TRUCK CENTER IN THE AMOUNT OF \$121,750.

This Resolution was adopted unanimously.

14. [16-0632R](#) RESOLUTION AUTHORIZING THE PURCHASE OF A 2017 FREIGHTLINER CHASSIS AND CAB FROM I-STATE TRUCK CENTER IN THE AMOUNT OF \$115,072.

This Resolution was adopted unanimously.

15. [16-0638R](#) RESOLUTION ORDERING THE CONSTRUCTION OF APPROXIMATELY 210 FEET OF WATER MAIN IN MAXWELL AVENUE FROM WEST WABASHA STREET NORTHERLY AND TO ASSESS THE COSTS THEREOF.

Indexes:

Attachments: [16-0638R Map](#)
[16-0638 Public Hearing Minutes](#)
[16-0638R Memo to Council](#)
[16-0638R Exhibit A](#)

This Resolution was adopted unanimously.

16. [16-0647R](#) RESOLUTION AUTHORIZING AN AGREEMENT BETWEEN ST. LOUIS COUNTY AND THE CITY OF DULUTH FOR THE COMMONWEALTH AVENUE STREET IMPROVEMENTS.

Indexes:

Attachments: [16-0647R Agreement](#)
[16-0647R Map](#)

This Resolution was adopted unanimously.

BY COUNCILOR SIPRESS (RECREATION, LIBRARIES & AUTHORITIES)

17. [16-0628R](#) RESOLUTION AUTHORIZING APPLICATION TO AND, IF OFFERED, ACCEPTANCE OF A \$385,000 PARKS AND TRAILS LEGACY GRANT TO CONTINUE THE IMPLEMENTATION OF THE HARTLEY PARK MINI-MASTER PLAN.

Indexes:

Attachments: [Exhibit A Hartley Legacy Pre-App Final 04-27-2016](#)
[Exhibit B C22488-Hartley Park-Legacy Grant Agreement](#)

This Resolution was adopted unanimously.

18. [16-0646R](#) RESOLUTION AUTHORIZING A FIRST AMENDMENT TO LEASE AGREEMENT WITH ST. JAMES HOMES OF DULUTH, INC., d/b/a WOODLAND HILLS AND NEIGHBORHOOD YOUTH SERVICES, FOR USE OF SPACE IN THE WASHINGTON RECREATION CENTER.

Indexes:

Attachments: [Exhibit 1](#)

This Resolution was adopted unanimously.

19. [16-0648R](#) RESOLUTION AUTHORIZING ACCEPTANCE OF A \$100,000 GRANT FROM THE MINNESOTA DEPARTMENT OF NATURAL RESOURCES AND MINNESOTA LAKE SUPERIOR COASTAL PROGRAM TO SUBSTANTIALLY COMPLETE RESTORATION OF CHAMBERS GROVE PARK.

Indexes:

Attachments: [Grant Agreement](#)

This Resolution was adopted unanimously.

END OF CONSENT AGENDA

INTRODUCTION AND CONSIDERATION OF ORDINANCES

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

BY COUNCILOR RUSS (PLANNING & ECONOMIC DEVELOPMENT)

20. [16-054-O](#) AN ORDINANCE AMENDING THE APPROVED REGULATING PLAN FOR RAMSEY VILLAGE TO ALLOW A MIXED USE RESIDENTIAL AND COMMERCIAL BUILDING AT 5103 RAMSEY STREET.

Indexes:

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

This Ordinance was read for the first time.

21. [16-055-O](#) AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF DULUTH TO PROVIDE FOR THE RECLASSIFICATION FROM RR-1 TO R-2 FOR THE PROPERTY AT 3727 WEST ARROWHEAD ROAD AND 3625 WEST ARROWHEAD ROAD.

Indexes:

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

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)

22. [16-030-O](#) AN ORDINANCE AMENDING SECTIONS 50-15.2 MIXED USE NEIGHBORHOOD (MU-N), 50-15.3 MIXED USE COMMERCIAL (MU-C), AND 50-15.5 MIXED USE BUSINESS PARK (MU-B).

Indexes:

- Attachments:** [Attachment 1](#)
[Sipress.Russ mta 16-030-O](#)
[Filipovich mta 16-030-O](#)
[Sipress.Russ mta \(2\) 16-030-O](#)

This Ordinance was adopted.

Yea: 6 - Councilor Anderson, Councilor Hansen, Councilor Hanson, Councilor Hobbs, Councilor Russ and President Filipovich

Nay: 1 - Councilor Fosle

Absent: 2 - Councilor Sipress and Councilor Westerlund

23. [16-050-O](#) AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF DULUTH TO PROVIDE FOR THE RECLASSIFICATION FROM RR-1 TO MU-B PROPERTY EAST OF RICE LAKE ROAD AND SOUTH OF NORTON ROAD.

Indexes:

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

This Ordinance was adopted unanimously

24. [16-051-O](#) AN ORDINANCE GRANTING TO WESTMINSTER PRESBYTERIAN CHURCH A CONCURRENT USE PERMIT FOR 207 FEET OF THE STREET LOCATED IN THE BEAUDRY AVENUE PUBLIC RIGHT-OF-WAY.

Indexes:

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

This Ordinance was adopted unanimously.

COUNCILOR QUESTIONS AND COMMENTS

COUNCILOR PREVIEW OF UPCOMING BUSINESS



City of Duluth

411 West First Street
Duluth, Minnesota 55802

Actions and Unofficial Minutes

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 will provide increased opportunities for civil discourse in order to find positive resolutions to the issues that face the city. These tools include: pay attention, listen, be inclusive, do not gossip, show respect, be agreeable, apologize, give constructive criticism and take responsibility. [Approved by the council on August 25, 2003]*

Monday, September 12, 2016

7:00 PM

Council Chamber

ROLL CALL

Present: 9 - Councilor Gary Anderson, Councilor Jay Fosle, Councilor Elissa Hansen, Councilor Howie Hanson, Councilor Noah Hobbs, Councilor Barb Russ, Councilor Joel Sipress, Councilor Em Westerlund and President Zack Filipovich

PLEDGE OF ALLEGIANCE

REPORTS FROM THE ADMINISTRATION

PRESENTATION OF PETITIONS AND OTHER COMMUNICATIONS

1. [16-109](#) Polymet Communications

Indexes:

- Attachments:** [Polymet Communication - B. Doup](#)
[Polymet Communication - C. Conrad](#)
[Polymet Communication - E. Bong](#)
[Polymet Communication - G. Olson](#)
[Polymet Communication - Gilbert Law](#)
[Polymet Communication - J. Studelska](#)
[Polymet Communication C. Gordon](#)
[Polymet Communication - Heron](#)
[Polymet Communication - G. Benson](#)
[Polymet Communication - A. Reiersen](#)

This communication was received.

2. [16-113](#) Polymet Communications #2

Indexes:

- Attachments:** [Polymet Communication - B. Jeanetta](#)
[Polymet Communication - B. Johnson](#)
[Polymet Communication - D. Crotteau](#)
[Polymet Communication - D. Gaddie](#)
[Polymet Communication - D. Larson](#)
[Polymet Communication - G. Patrick](#)
[Polymet Communication - H. Seely](#)
[Polymet Communication - J. Korthals](#)
[Polymet Communication - K. Aagenes](#)
[Polymet Communication - K. Zakovich](#)
[Polymet Communication - L. deGrood](#)
[Polymet Communication - M. Martinie](#)
[Polymet Communication - N. Ojard](#)
[Polymet Communication - P. Johnson](#)
[Polymet Communication - S. Bradt](#)
[Polymet Communication - S. Youngdahl](#)
[Polymet Communication - T. Beddow](#)

This communication was received.

3. [16-114](#) Polymet Communications #3

Indexes:

- Attachments: [Polymet Communication - B. Albiston](#)
[Polymet Communication - C. Kivi](#)
[Polymet Communication - D. Hoffman](#)
[Polymet Communication - D. Reisenweber](#)
[Polymet Communication - F. Onargo](#)
[Polymet Communication - I. Murphy](#)
[Polymet Communication - J. Daveau](#)
[Polymet Communication - J. Vincent](#)
[Polymet Communication - K. Hoffman](#)
[Polymet Communication - K. Rasley](#)
[Polymet Communication - M. Garramone](#)
[Polymet Communication - M. Johnson](#)
[Polymet Communication - M. Ness](#)
[Polymet Communication - N. Nelson](#)
[Polymet Communication - N. Norr](#)
[Polymet Communication - P. Francisco](#)
[Polymet Communication - Patrick](#)
[Polymet Communication - S. Kappes](#)
[Polymet Communication - V. Kanitz](#)
[Polymet Communication - L. Grauger](#)
[Polymet Communication - V. Coda](#)
[Polymet Communication - A. Fisk](#)
[Polymet Communication - G. Kohls \(2\)](#)
[Polymet Communication - G. Kohls \(3\)](#)
[Polymet Communication - G. Kohls](#)
[Polymet Communication - K. Doran](#)
[Polymet Communication - K. Ferg](#)
[Polymet Communication - L. Fitzpatrick](#)
[Polymet Communication - S. Timmer](#)
[Polymet Petition](#)

This communication was received.

REPORTS FROM OTHER OFFICERS

REPORTS OF BOARDS AND COMMISSIONS

- 4. [16-106](#) DEDA Meeting Minutes

Indexes:

Attachments: [6-22-16 DEDA Meeting Minutes](#)

This report of boards and commissions was received.

- 5. [16-107](#) DTA Meeting Minutes

Indexes:

Attachments: [5-25-16 DTA Meeting Minutes](#)

This report of boards and commissions was received.

- 6. [16-108](#) Library Board Meeting Minutes

Indexes:

Attachments: [6-21-16 Library Board Meeting Minutes](#)

This report of boards and commissions was received.

- 7. [16-110](#) AGT Meeting Minutes

Indexes:

Attachments: [7-2016 AGT Meeting Minutes](#)

[8-2016 AGT Meeting Minutes](#)

This report of boards and commissions was received.

- 8. [16-111](#) HRA Meeting Minutes

Indexes:

Attachments: [8-3-16 HRA Meeting Minutes](#)

This report of boards and commissions was received.

REPORTS OF COUNCIL COMMITTEES

REPORTS OF COUNCIL OPEN ISSUES

OPPORTUNITY FOR CITIZENS TO BE HEARD

MOTIONS AND RESOLUTIONS

CONSENT AGENDA

BY COUNCILOR HANSEN (FINANCE)

9. [16-0659R](#) RESOLUTION PROPOSING THE SUM TO BE RAISED BY TAXATION FOR THE SPECIAL TAXING DISTRICT, HOUSING AND REDEVELOPMENT AUTHORITY, FOR THE YEAR 2017.

Indexes:

Attachments: [Exhibit A](#)
[Exhibit B](#)
[mta 16-0659R Sipress](#)

This Resolution was adopted.

Yea: 8 - Councilor Anderson, Councilor Fosle, Councilor Hansen, Councilor Hanson, Councilor Russ, Councilor Sipress, Councilor Westerlund and President Filipovich

Abstain: 1 - Councilor Hobbs

10. [16-0663R](#) RESOLUTION PROPOSING THE SUM TO BE RAISED BY TAXATION FOR THE SPECIAL TAXING DISTRICT, DULUTH TRANSIT AUTHORITY, FOR THE YEAR 2017.

Indexes:

Attachments: [Exhibit A](#)

This Resolution was adopted unanimously.

BY COUNCILOR HOBBS (PURCHASING & LICENSING)

11. [16-0651R](#) RESOLUTION AUTHORIZING A PURCHASE FROM MOTOROLA SOLUTIONS OF TWO (2) RADIO CONTROLS STATIONS AND SIXTY (60) RADIOS IN THE AMOUNT OF \$179,096.50.

This Resolution was adopted unanimously.

12. [16-0654R](#) RESOLUTION APPROVING THE EXEMPTION OF A RAFFLE LICENSE AND WAIVING THE 60 DAY WAITING PERIOD FOR MARCH OF DIMES FOUNDATION - MINNESOTA CHAPTER

Indexes:

Attachments: [MARCH OF DIMES RECOMMENDATION](#)

This Resolution was adopted unanimously.

13. [16-0674R](#) RESOLUTION APPROVING THE EXEMPTION OF A RAFFLE LICENSE AND WAIVING THE 60 DAY WAITING PERIOD FOR CIRCLE OF HOPE.

Indexes:

Attachments: [CIRCLE OF HOPE](#)

This Resolution was adopted unanimously.

BY COUNCILOR ANDERSON (PERSONNEL)

14. [16-0613R](#) RESOLUTION APPROVING APPOINTMENT OF STEVE GERADS AS CITY REPRESENTATIVE TO THE BOARD OF ADJUSTMENT FOR THE DULUTH INTERNATIONAL AIRPORT JOINT AIRPORT ZONING BOARD

This Resolution was adopted unanimously.

15. [16-0653R](#) RESOLUTION CONFIRMING THE APPOINTMENT OF MARK OSTHUS TO THE ALCOHOL, GAMBLING AND TOBACCO COMMISSION, REPLACING BRYN POLLARD

Indexes:

Attachments: [Mark Osthus AGT Board](#)

This Resolution was adopted unanimously.

16. [16-0679R](#) RESOLUTION CONFIRMING THE APPOINTMENT OF DEAN VOGTMAN TO THE PARKS AND RECREATION COMMISSION, REPLACING THOMAS ALBRIGHT

Indexes:

Attachments: [Dean Vogtman Redacted](#)

This Resolution was adopted unanimously.

17. [16-0680R](#) RESOLUTION CONFIRMING THE APPOINTMENT OF JOHN SCHMIDT TO THE PARKS AND RECREATION COMMISSION, REPLACING PATRICK CONTARDO

Indexes:

Attachments: [John Schmidt Redacted](#)

This Resolution was adopted unanimously.

BY COUNCILOR RUSS (PLANNING & ECONOMIC DEVELOPMENT)

18. [16-0662R](#) RESOLUTION ACCEPTING A CERTIFIED LOCAL GOVERNMENT GRANT OF \$15,600 FROM THE MINNESOTA STATE HISTORICAL SOCIETY AND APPROVING LOCAL MATCH OF \$5,000 AND \$5,400 OF IN-KIND SERVICES TO CONDUCT AN INTENSIVE SURVEY OF HISTORIC RESOURCES IN A PORTION OF THE LINCOLN PARK NEIGHBORHOOD.

Indexes:

Attachments: [Attachment 1](#)

This Resolution was adopted unanimously.

19. [16-0668R](#) RESOLUTION AUTHORIZING THE PROPER CITY OFFICIALS TO ENTER INTO SUB-RECIPIENT FUNDING AGREEMENTS WITH SOAR CAREER SOLUTIONS, COMMUNITY ACTION DULUTH AND ISD 709 ADULT BASIC EDUCATION FOR EMPLOYMENT AND TRAINING SERVICES FUNDED THROUGH THE STATE OF MINNESOTA'S PATHWAYS TO PROSPERITY GRANT PROGRAM.

Indexes:

- Attachments:** [Attachment A - SOAR Sub Agreement](#)
[Attachment B - CAD Sub Agreement](#)
[Attachment C - ABE Sub Agreement](#)

This Resolution was adopted unanimously.

20. [16-0670R](#) RESOLUTION AUTHORIZING A PROFESSIONAL SERVICES AGREEMENT WITH BARR ENGINEERING CO. RELATED TO THE FORMER FRANKLIN FOODS PRODUCTION FACILITY

Indexes:

- Attachments:** [Exhibit A Franklin Foods Production Facility BARR Prof Svcs Agmnt](#)

This Resolution was adopted unanimously.

BY COUNCILOR WESTERLUND (PUBLIC WORKS & UTILITIES)

21. [16-0655R](#) RESOLUTION AUTHORIZING AGREEMENT WITH WLSSD FOR SUPERIOR ST. SEWER LINING PROJECT.

Indexes:

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

This Resolution was adopted unanimously.

22. [16-0658R](#) RESOLUTION AUTHORIZING AGREEMENT WITH ME GLOBAL, INC. FOR GAS TRANSPORTATION SERVICES.

Indexes:

- Attachments:** [Exhibit A - 16-0658](#)

This Resolution was adopted unanimously.

BY COUNCILOR FOSLE (PUBLIC SAFETY)

- 23. [16-0639R](#) RESOLUTION AUTHORIZING PROPER CITY OFFICIALS TO EXECUTE A MASTER SUBSCRIBER AGREEMENT WITH STATE OF MINNESOTA OFFICE OF STATE COURT ADMINISTRATION TO PROVIDE ACCESS TO THE NEW MINNESOTA GOVERNMENT ACCESS (MGA) SYSTEM.

Indexes:

Attachments: [Document A](#)

This Resolution was adopted unanimously.

- 24. [16-0671R](#) RESOLUTION AUTHORIZING A LICENSE AGREEMENT WITH THE DULUTH ECONOMIC DEVELOPMENT AUTHORITY TO ALLOW THE DULUTH FIRE DEPARTMENT TO UTILIZE DEDA PROPERTY FOR PARKING DURING A TRAINING EXERCISE IN THE BAYFRONT AREA.

Indexes:

Attachments: [Exhibit A - License Agreement](#)

This Resolution was adopted unanimously.

BY COUNCILOR SIPRESS (RECREATION, LIBRARIES & AUTHORITIES)

- 25. [16-0660R](#) RESOLUTION AUTHORIZING A TEN-YEAR AGREEMENT WITH DULUTH MARKET GARDENERS AND BERRY ASSOCIATION, INC. FOR LEASE OF SPACE AT 1324 E. THIRD STREET FOR ITS FARMERS' MARKET OPERATIONS.

Indexes:

Attachments: [Exhibit 1](#)

This Resolution was adopted unanimously.

26. [16-0661R](#) RESOLUTION AUTHORIZING A THIRTEEN-MONTH LICENSE AGREEMENT WITH THE REGENTS OF THE UNIVERSITY OF MINNESOTA FOR USE OF SPACE ON PARK POINT FOR THE INSTALLATION AND MAINTENANCE OF A CAMERA AND RELATED EQUIPMENT TO MONITOR RIP CURRENTS.

Indexes:

Attachments: [Exhibit 1](#)

This Resolution was adopted unanimously.

27. [16-0666R](#) 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 2016 HOLIDAY SEASON. (REPLACEMENT)

Indexes:

Attachments: [Exhibit 1](#)

This Resolution was adopted unanimously.

END OF CONSENT AGENDA

BY COUNCILOR HANSEN (FINANCE)

28. [16-0672R](#) RESOLUTION PROPOSING THE SUM TO BE RAISED BY TAXATION FOR GENERAL PURPOSES FOR THE YEAR 2017.

Indexes:

Attachments: [Tax and Fee Impact](#)

[Motion To Amend - Hobbs.Hansen.Russ - Passed](#)

[Motion to Amend - Filipovich.Sipress - Passed](#)

[Exhibit A - mta Filipovich.Sipress](#)

Motion To Amend by Hobbs.Hansen.Russ -

Yeas: 8

Nays: 1 (Councilor Fosle)

This Resolution was tabled.

Yea: 8 - Councilor Anderson, Councilor Fosle, Councilor Hansen, Councilor Hanson, Councilor Russ, Councilor Sipress, Councilor Westerlund and President Filipovich

Abstain: 1 - Councilor Hobbs

BY COUNCILOR ANDERSON (PERSONNEL)

29. [16-0673R](#) RESOLUTION CONFIRMING THE APPOINTMENT OF MATTHEW CARTIER TO THE DULUTH ECONOMIC DEVELOPMENT AUTHORITY, REPLACING MEGAN HASERODT

Indexes:

Attachments: [M. Cartier Application](#)

This Resolution was adopted unanimously.

30. [16-0681R](#) RESOLUTION CALLING FOR THE MINNESOTA DEPARTMENT OF NATURAL RESOURCES TO SUBMIT ANY POLYMET PERMIT TO MINE APPLICATION TO THE OFFICE OF ADMINISTRATIVE HEARINGS FOR AN EVIDENTIARY HEARING IF ANY PARTY HAS ASKED FOR ONE IN COMPLIANCE WITH THE PERMIT TO MINE RULES PRIOR TO MAKING A DECISION ON THE APPLICATION.

Sponsors: Anderson, Westerlund and Sipress

This Resolution failed by the following vote.

Yea: 3 - Councilor Anderson, Councilor Sipress and Councilor Westerlund

Nay: 5 - Councilor Hansen, Councilor Hanson, Councilor Hobbs, Councilor Russ and President Filipovich

Abstain: 1 - Councilor Fosle

BY COUNCILOR HANSON (INTERGOVERNMENTAL RELATIONS)

31. [16-0667R](#) RESOLUTION AUTHORIZING THE PROPER CITY OFFICIALS TO APPROVE AN AGREEMENT FOR MEMBERSHIP IN THE MINNEAPOLIS-DULUTH/SUPERIOR PASSENGER RAIL ALLIANCE AMENDING THE JOINT POWERS AGREEMENT TO INCLUDE THE CITY OF CAMBRIDGE AS A FULL VOTING MEMBER.

Indexes:

Attachments: [Exhibit A - 16-0667R](#)

This Resolution was adopted.

Yea: 8 - Councilor Anderson, Councilor Hansen, Councilor Hanson, Councilor Hobbs, Councilor Russ, Councilor Sipress, Councilor Westerlund and President Filipovich

Nay: 1 - Councilor Fosle

BY PRESIDENT FILIPOVICH (COMMITTEE OF THE WHOLE)

32. [16-0689R](#) RESOLUTION APPROVING THE APPOINTMENTS OF TERESE TOMANEK, STEPHAN WITHERSPOON, TODD GUSTAFSON, TONEY BOEN, KATHERYN WAGER, ARIK FORSMAN, MARK SWANSON, ANGIE MILLER, MARY FAULKNER, LAURA WEINTRAUB AND BRENDA DENTON TO THE EARNED SICK AND SAFE TIME TASK FORCE.

Sponsors: Filipovich

This Resolution was withdrawn.

INTRODUCTION AND CONSIDERATION OF ORDINANCES

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

BY COUNCILOR HANSEN (FINANCE)

33. [16-061-O](#) AN ORDINANCE REPLACING ORDINANCE NO. 9223, FILE NO. 94-0042, AND GRANTING MINNESOTA POWER , A DIVISION OF ALLETE, INC., A FRANCHISE TO CONSTRUCT AND MAINTAIN AN ELECTRIC DISTRIBUTION SYSTEM WITHIN THE CITY

Indexes:

Attachments: [Sample Minnesota Power Bill \(Duluth Resident\)](#)
[Duluth City Ordinance No. 9223 - Minnesota Power Franchise Agreement \(19... Electric Utility Franchise Fee Overview](#)

This Ordinance was read for the first time.

34. [16-062-O](#) AN ORDINANCE TO FUND FROM THE GENERAL LEVY THE STREET SYSTEM MAINTENANCE UTILITY, AMENDING ARTICLE XIII OF CHAPTER 45 OF THE DULUTH CITY CODE, 1959, AS AMENDED.

This Ordinance was read for the first time.

BY COUNCILOR RUSS (PLANNING & ECONOMIC DEVELOPMENT)

35. [16-057-O](#) AN ORDINANCE AMENDING CHAPTER 10 OF DULUTH CITY CODE TO CLARIFY NOTICE REQUIREMENTS FOR ORDERS CONCERNING DEMOLITION OF DAMAGED OR UNSAFE BUILDINGS.

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)

36. [16-054-O](#) AN ORDINANCE AMENDING THE APPROVED REGULATING PLAN FOR RAMSEY VILLAGE TO ALLOW A MIXED USE RESIDENTIAL AND COMMERCIAL BUILDING AT 5103 RAMSEY STREET.

Indexes:

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

This Ordinance was adopted unanimously.

37. [16-055-O](#) AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF DULUTH TO PROVIDE FOR THE RECLASSIFICATION FROM RR-1 TO R-2 FOR The PROPERTY AT 3727 WEST ARROWHEAD ROAD AND 3625 WEST ARROWHEAD ROAD.

Indexes:

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

This Ordinance was adopted.

Yea: 8 - Councilor Fosle, Councilor Hansen, Councilor Hanson, Councilor Hobbs, Councilor Russ, Councilor Sipress, Councilor Westerlund and President Filipovich

Nay: 1 - Councilor Anderson

COUNCILOR QUESTIONS AND COMMENTS

COUNCILOR PREVIEW OF UPCOMING BUSINESS



City of Duluth

411 West First Street
Duluth, Minnesota 55802

Actions and Unofficial Minutes

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 will provide increased opportunities for civil discourse in order to find positive resolutions to the issues that face the city. These tools include: pay attention, listen, be inclusive, do not gossip, show respect, be agreeable, apologize, give constructive criticism and take responsibility. [Approved by the council on August 25, 2003]*

Thursday, September 22, 2016

5:15 PM

Council Chamber

Special Council Meeting

ROLL CALL

Present: 9 - Councilor Gary Anderson, Councilor Jay Fosle, Councilor Elissa Hansen, Councilor Howie Hanson, Councilor Noah Hobbs, Councilor Barb Russ, Councilor Joel Sipress, Councilor Em Westerlund and President Zack Filipovich

PLEDGE OF ALLEGIANCE

BY COUNCILOR HANSEN (FINANCE)

1. [16-061-O](#) AN ORDINANCE REPLACING ORDINANCE NO. 9223, FILE NO. 94-0042, AND GRANTING MINNESOTA POWER, A DIVISION OF ALLETE, INC., A FRANCHISE TO CONSTRUCT AND MAINTAIN AN ELECTRIC DISTRIBUTION SYSTEM WITHIN THE CITY

Indexes:

Attachments: [Sample Minnesota Power Bill \(Duluth Resident\)](#)
[Duluth City Ordinance No. 9223 - Minnesota Power Franchise Agreement \(19...](#)
[Electric Utility Franchise Fee Overview](#)

This ordinance was adopted by the following vote:

Yea: 7 - Councilor Anderson, Councilor Hansen, Councilor Hobbs, Councilor Russ, Councilor Sipress, Councilor Westerlund and President Filipovich

Nay: 2 - Councilor Fosle and Councilor Hanson



City of Duluth

411 West First Street
Duluth, Minnesota 55802

Actions and Unofficial Minutes

City Council

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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 will provide increased opportunities for civil discourse in order to find positive resolutions to the issues that face the city. These tools include: pay attention, listen, be inclusive, do not gossip, show respect, be agreeable, apologize, give constructive criticism and take responsibility. [Approved by the council on August 25, 2003]*

Monday, September 26, 2016

7:00 PM

Council Chamber

ROLL CALL

Present: 7 - Councilor Gary Anderson, Councilor Jay Fosle, Councilor Elissa Hansen, Councilor Howie Hanson, Councilor Barb Russ, Councilor Joel Sipress and President Zack Filipovich

Absent: 2 - Councilor Noah Hobbs and Councilor Em Westerlund

PLEDGE OF ALLEGIANCE

REPORTS OF BOARDS AND COMMISSIONS

1. [16-127](#) DPUC Meeting Minutes

Indexes:

Attachments: [08162016 DPUC meeting minutes](#)

This Board or Commission Report was received.

- 2. [16-128](#) Duluth Public Utilities Commission Resolution NO. 16PUC-008

Indexes:

Attachments: [16PUC-008 recommending 2017 utility budget approved 09202016 with cash projections](#)

This Board or Commission Report was received.

REPORTS FROM THE ADMINISTRATION

REPORTS FROM OTHER OFFICERS

- 3. [16-125](#) Clerk application for exempt permit to the Minnesota gambling control board from Rotary Club of Duluth on February 23, 2017 (raffle).

Indexes:

Attachments: [ROTARY-09162016102938](#)

This Other Officers Report was received.

- 4. [16-126](#) Clerk application for exempt permit to the Minnesota gambling control board from the Lincoln Park Business Group of Duluth on November 17, 2016 (Bingo and Raffle).

Indexes:

Attachments: [LINCOLN PARK RAFFLE-EXEMPT](#)

This Other Officers Report was received.

REPORTS OF COUNCIL COMMITTEES

REPORTS OF COUNCIL OPEN ISSUES

OPPORTUNITY FOR CITIZENS TO BE HEARD

RESOLUTIONS TABLED

BY COUNCILOR HANSEN (FINANCE)

5. [16-0672R](#) RESOLUTION PROPOSING THE SUM TO BE RAISED BY TAXATION FOR GENERAL PURPOSES FOR THE YEAR 2017.

Indexes:

- Attachments: [Tax and Fee Impact](#)
[Motion To Amend - Hobbs.Hansen.Russ - Passed](#)
[Motion to Amend - Filipovich.Sipress - Passed](#)
[Exhibit A - mta Filipovich.Sipress](#)

This Resolution was adopted.

Yea: 5 - Councilor Anderson, Councilor Hansen, Councilor Russ, Councilor Sipress and President Filipovich

Nay: 2 - Councilor Fosle and Councilor Hanson

Absent: 2 - Councilor Hobbs and Councilor Westerlund

MOTIONS AND RESOLUTIONS

CONSENT AGENDA

BY COUNCILOR HANSEN (FINANCE)

6. [16-0706R](#) RESOLUTION PROPOSING THE SUM TO BE RAISED BY TAXATION FOR THE SPECIAL PARKS FUND LEVY FOR THE YEAR 2017.

This Resolution was adopted unanimously.

7. [16-0713R](#) RESOLUTION APPROVING CITY MEMBERSHIP IN THE COALITION OF GREATER MINNESOTA CITIES FOR 2016 IN THE AMOUNT OF \$76,301.

Indexes:

- Attachments: [Exhibit A](#)

This Resolution was adopted unanimously.

BY COUNCILOR HOBBS (PURCHASING & LICENSING)

8. [16-0685R](#) RESOLUTION AUTHORIZING ACCEPTANCE OF A CROSS COUNTRY SKI TRAIL ASSISTANCE PROGRAM GRANT AGREEMENT FOR YEAR 2016-2017 WITH THE MINNESOTA DEPARTMENT OF NATURAL RESOURCES IN AN AMOUNT NOT TO EXCEED \$11,000.

Indexes:

Attachments: [Exhibit A](#)

This Resolution was adopted unanimously.

9. [16-0704R](#) RESOLUTION AUTHORIZING AN AMENDMENT TO AGREEMENT C22524 WITH TKDA FOR ADDITIONAL TRAIL DESIGN SERVICES FOR THE WESTERN WATERFRONT TRAIL REHABILITATION PROJECT FOR AN ADDITIONAL AMOUNT NOT TO EXCEED \$11,652, AND A NEW CONTRACT TOTAL NOT TO EXCEED \$45,204.

Indexes:

Attachments: [16-0704R Letter](#)
[Amendment 2](#)

This Resolution was adopted unanimously.

10. [16-0710R](#) RESOLUTION APPROVING THE EXEMPTION OF A RAFFLE LICENSE AND WAIVING THE 60 DAY WAITING PERIOD FOR CIRCLE OF HOPE.

Indexes:

Attachments: [60 Day waiver](#)

This Resolution was adopted unanimously.

11. [16-0714R](#) RESOLUTION AUTHORIZING A CONTRACT WITH LIPE BROTHERS CONSTRUCTION, INC. FOR THE CONSTRUCTION OF A BRINE TANK FOUNDATION AND BUILDING FOR AN AMOUNT NOT TO EXCEED \$114,000.

This Resolution was adopted unanimously.

BY COUNCILOR RUSS (PLANNING & ECONOMIC DEVELOPMENT)

12. [16-0657R](#) RESOLUTION AUTHORIZING AN AGREEMENT WITH ONE ROOF COMMUNITY HOUSING FOR THE TENANT LANDLORD CONNECTION IN THE AMOUNT OF \$40,000.

Indexes:

Attachments: [Exhibit A](#)

This Resolution was adopted unanimously.

BY COUNCILOR WESTERLUND (PUBLIC WORKS & UTILITIES)

13. [16-0688R](#) RESOLUTION ACCEPTING A PERMANENT EASEMENT FOR DRAINAGE PURPOSES NEAR NORTH 40TH AVENUE EAST AND JAY STREET FROM ANDREW AND AMY LIKAR AT NO COST TO THE CITY.

Indexes:

Attachments: [16-0688R Exhibit A](#)
[16-0688R Attachment 1](#)

This Resolution was adopted unanimously.

14. [16-0694R](#) RESOLUTION AMENDING CONTRACT 22217 WITH LHB, INC. TO PROVIDE PROFESSIONAL ENGINEERING SERVICES FOR CONGDON BOULEVARD SLOPE REPAIR, TO INCREASE THE AMOUNT BY \$23,778 FOR A NEW TOTAL OF \$140,918.

Indexes:

Attachments: [16-0694 Change Order](#)
[16-0694 Map](#)

This Resolution was adopted unanimously.

15. [16-0696R](#) RESOLUTION AUTHORIZING AMENDMENT NO. 2 TO AGREEMENT NO. 22798 WITH ST. LOUIS COUNTY FOR THE ARROWHEAD ROAD/KENWOOD AVENUE AND WEST CLEVELAND STREET IMPROVEMENTS IN THE AMOUNT OF \$75,000 FOR A NEW TOTAL OF \$210,000.

Indexes:

Attachments: [16-0696R Map](#)
[16-0696R Amendment](#)

This Resolution was adopted unanimously.

16. [16-0702R](#) RESOLUTION AMENDING RESOLUTION 15-0226R FOR A CONTRACT 22508 WITH HOME MENDERS, INC., FOR CONGDON BOULEVARD SLOPE REPAIRS, INCREASING THE AMOUNT BY \$1,131,418 FOR A NEW TOTAL OF \$2,420,000.23.

Indexes:

Attachments: [16-0702 Map](#)

This Resolution was adopted unanimously.

17. [16-0712R](#) RESOLUTION AMENDING RESOLUTION 16-0386R FOR A CONTRACT WITH JMF CONSTRUCTION, INC., FOR THE 2016 PATCH AND SIDEWALK PROJECT, INCREASING THE AMOUNT BY \$67,000 FOR A NEW TOTAL OF \$188,545.

This Resolution was adopted unanimously.

BY COUNCILOR FOSLE (PUBLIC SAFETY)

18. [16-0664R](#) RESOLUTION AUTHORIZING MUTUAL AID AGREEMENT WITH SUPERIOR FOR EMERGENCY FIRE RESPONSE.

Indexes:

Attachments: [Exhibit A](#)

This Resolution was adopted unanimously.

19. [16-0697R](#) RESOLUTION AUTHORIZING PROPER CITY OFFICIALS TO ACCEPT A \$110,622.96 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 A](#)

This Resolution was adopted unanimously.

20. [16-0700R](#) RESOLUTION AUTHORIZING THE ACCEPTANCE OF A GRANT FROM THE MINNESOTA DEPARTMENT OF PUBLIC SAFETY IN THE AMOUNT OF \$251,025 FOR THE 2017 TOWARDS ZERO DEATHS PROJECT.

Indexes:

Attachments: [Exhibit A](#)

This Resolution was adopted unanimously.

BY COUNCILOR SIPRESS (RECREATION, LIBRARIES & AUTHORITIES)

21. [16-0665R](#) RESOLUTION AUTHORIZING APPLICATION TO AND, IF OFFERED, ACCEPTANCE OF A \$48,269 INDOOR AIR QUALITY GRANT FOR THE ESSENTIA HEALTH DULUTH HERITAGE CENTER.

Indexes:

Attachments: [Exhibit A- James Metzen Mighty Ducks Grant application](#)
[Exhibit B-Grant Agreement Draft](#)

This Resolution was adopted unanimously.

22. [16-0701R](#) RESOLUTION AUTHORIZING THE CITY OF DULUTH TO STATE ITS SUPPORT OF THE STEWARDSHIP NETWORK IN APPLYING TO THE NATIONAL FISH AND WILDLIFE FOUNDATION FOR A PULLING TOGETHER INITIATIVE INVASIVE WEED REMOVAL GRANT.

Indexes:

Attachments: [Exhibit A-Preproposal](#)

This Resolution was adopted unanimously.

23. [16-0703R](#) RESOLUTION RATIFYING CHANGE ORDER # 1 AND AUTHORIZING CHANGE ORDER #2 TO CONTRACT C22935 WITH SYLVESTER TUB GRINDING, INC. FOR THE TUB GRINDING OF STORM DEBRIS FOR A TOTAL CONTRACT AMOUNT OF \$140,000.

This Resolution was adopted unanimously.

24. [16-0705R](#) RESOLUTION AUTHORIZING AN AMENDMENT TO AGREEMENT 22638 WITH HOISINGTON KOEGLER GROUP, INC., FOR THE DEVELOPMENT OF A ST. LOUIS RIVER ESTUARY NATIONAL WATER TRAIL MASTER PLAN AND NATIONAL PARKS SERVICE APPLICATION, AN INCREASE OF \$11,000 FOR AN AMOUNT NOT TO EXCEED \$66,820.

Indexes:

Attachments: [Exhibit A](#)

This Resolution was adopted unanimously.

25. [16-0707R](#) RESOLUTION AUTHORIZING A THREE-YEAR LEASE AGREEMENT WITH COMMUNITY ACTION DULUTH FOR USE OF REAL PROPERTY IN THE KENWOOD NEIGHBORHOOD TO OPERATE A COMMUNITY GARDEN THROUGH ITS SEEDS OF SUCCESS PROGRAM.

Indexes:

Attachments: [Exhibit 1](#)

This Resolution was adopted unanimously.

26. [16-0709R](#) RESOLUTION AUTHORIZING EXECUTION OF A SHORT TERM LICENSE AGREEMENT WITH UNITED STATES STEEL CORPORATION FOR USE OF ITS PROPERTY TO INVESTIGATE POSSIBLE FUTURE WESTERN WATERFRONT TRAIL ALIGNMENTS.

Indexes:

Attachments: [Exhibit 1](#)

This Resolution was adopted unanimously.

27. [16-0715R](#) RESOLUTION AUTHORIZING A THREE-YEAR LEASE AGREEMENT WITH DULUTH COMMUNITY GARDEN PROGRAM FOR USE OF MULTIPLE, VACANT REAL PROPERTIES TO OPERATE ITS COMMUNITY GARDEN PROGRAM.

Indexes:

Attachments: [Exhibit 1](#)

This Resolution was adopted unanimously.

28. [16-0716R](#) RESOLUTION ACCEPTING PERMANENT EASEMENT FOR PUBLIC RECREATIONAL, WALKWAY, AND TRAIL PURPOSES FROM AFTENRO SOCIETY OVER PROPERTY NEAR CHESTER PARK AT NO COST TO THE CITY.

Indexes:

Attachments: [Exhibit 1](#)

This Resolution was adopted unanimously.

END OF CONSENT AGENDA

BY PRESIDENT FILIPOVICH (COMMITTEE OF THE WHOLE)

29. [16-0718R](#) RESOLUTION AUTHORIZING A DONATION AGREEMENT BETWEEN THE CITY, MINNESOTA POWER, ENBRIDGE ENERGY, AND HUNT ELECTRIC CORPORATION ACCEPTING A PROJECT DONATION VALUED AT \$378,000 FOR CONSTRUCTION OF A 54kW SOLAR CARPORT AND ELECTRIC VEHICLE CHARGING STATION ON CITY PROPERTY (THE ENDION LOT).

Indexes:

Attachments: [Exhibit A](#)

This Resolution was adopted unanimously.

30. [16-0720R](#) RESOLUTION APPROVING APPOINTMENTS TO THE EARNED SICK AND SAFE TIME TASK FORCE.

Sponsors: Filipovich

Indexes:

Attachments: [Exhibit A - 16-0720 ESST Task Force](#)

This Resolution was adopted.

Yea: 5 - Councilor Anderson, Councilor Hansen, Councilor Russ, Councilor Sipress and President Filipovich

Nay: 2 - Councilor Fosle and Councilor Hanson

Absent: 2 - Councilor Hobbs and Councilor Westerlund

BY COUNCILOR WESTERLUND (PUBLIC WORKS & UTILITIES)

31. [16-0708R](#) RESOLUTION AMENDING RESOLUTION 16-0153 TO ADD FUNDS TO PROVIDE PROPERTY INSURANCE COVERAGE FOR DULUTH STEAM DISTRICT NO.1'S PROPERTY AND EQUIPMENT TO THE CITY'S POLICY AT A COST OF \$6,641.

This Resolution was adopted unanimously.

BY COUNCILOR SIPRESS (RECREATION, LIBRARIES & AUTHORITIES)

32. [16-0693R](#) RESOLUTION AUTHORIZING THE CITY OF DULUTH TO STATE ITS SUPPORT FOR THE DEVELOPMENT AND IMPLEMENTATION OF U.S BICYCLE ROUTE 41.

Indexes:

Attachments: [Exhibit A-Bike Route Map North](#)
[Exhibit B-Bike Route Map South](#)

This Resolution was adopted unanimously.

INTRODUCTION AND CONSIDERATION OF ORDINANCES

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

BY COUNCILOR HANSEN (FINANCE)

33. [16-062-O](#) AN ORDINANCE TO FUND FROM THE GENERAL LEVY THE STREET SYSTEM MAINTENANCE UTILITY, AMENDING ARTICLE XIII OF CHAPTER 45 OF THE DULUTH CITY CODE, 1959, AS AMENDED.

This Ordinance was adopted.

Yea: 6 - Councilor Anderson, Councilor Hansen, Councilor Hanson, Councilor Russ, Councilor Sipress and President Filipovich

Nay: 1 - Councilor Fosle

Absent: 2 - Councilor Hobbs and Councilor Westerlund

BY COUNCILOR ANDERSON (PERSONNEL)

34. [16-057-O](#) AN ORDINANCE AMENDING CHAPTER 10 OF DULUTH CITY CODE TO CLARIFY NOTICE REQUIREMENTS FOR ORDERS CONCERNING DEMOLITION OF DAMAGED OR UNSAFE BUILDINGS.

This Ordinance was adopted.

BY COUNCILOR RUSS (PLANNING & ECONOMIC DEVELOPMENT)

35. [16-052-O](#) AN ORDINANCE AUTHORIZING THE CONVEYANCE OF CERTAIN REAL PROPERTY IN THE DULUTH HEIGHTS NEIGHBORHOOD TO THE DULUTH ECONOMIC DEVELOPMENT AUTHORITY FOR NOMINAL CONSIDERATION. (REPLACEMENT)

Indexes:

Attachments: [Exhibit A](#)

[Exhibit B](#)

[Exhibit C](#)

[Original 16-052-O](#)

This Ordinance was adopted.

COUNCILOR QUESTIONS AND COMMENTS

COUNCILOR PREVIEW OF UPCOMING BUSINESS



City of Duluth

411 West First Street
Duluth, Minnesota 55802

Actions and Unofficial Minutes

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 will provide increased opportunities for civil discourse in order to find positive resolutions to the issues that face the city. These tools include: pay attention, listen, be inclusive, do not gossip, show respect, be agreeable, apologize, give constructive criticism and take responsibility. [Approved by the council on August 25, 2003]*

Monday, October 10, 2016

7:00 PM

Council Chamber

ROLL CALL

Present: 9 - Councilor Gary Anderson, Councilor Jay Fosle, Councilor Elissa Hansen, Councilor Howie Hanson, Councilor Noah Hobbs, Councilor Barb Russ, Councilor Joel Sipress, Councilor Em Westerlund and President Zack Filipovich

PLEDGE OF ALLEGIANCE

PRESENTATION OF PETITIONS AND OTHER COMMUNICATIONS

1. [16-131](#) District Court submitting order appointing Charter Commissioners

Indexes:

Attachments: [Amended Charter Commission Order](#)

This Petition/Other Communication was received.

REPORTS FROM THE ADMINISTRATION

REPORTS FROM OTHER OFFICERS

REPORTS OF BOARDS AND COMMISSIONS

2. [16-129](#) Duluth Transit Authority Meeting Minutes

Indexes:

Attachments: [DTA Minutes \(6-29-16\)](#)

This Board or Commission Report was received.

3. [16-130](#) Civil Service Board Meeting Minutes

Indexes:

Attachments: [Civil Service Board Minutes \(06-07-16\)](#)

This Board or Commission Report was received.

REPORTS OF COUNCIL COMMITTEES

REPORTS OF COUNCIL OPEN ISSUES

Distinguished Artist Award - Brad Nelson

OPPORTUNITY FOR CITIZENS TO BE HEARD

MOTIONS AND RESOLUTIONS

CONSENT AGENDA

BY COUNCILOR HANSEN (FINANCE)

4. [16-0573R](#) RESOLUTION ENTERING INTO AN AGREEMENT WITH AND ACCEPTING ANY POSSIBLE FUNDING FROM SENIOR SERVICE AMERICA, INC. TO OPERATE THE SENIOR COMMUNITY SERVICE EMPLOYMENT PROGRAM FROM JULY 1, 2016 THROUGH JUNE 30, 2017.

Indexes:

Attachments: [SCSEP Sponsor Agreement July 16 to June 17](#)

This Resolution was adopted unanimously.

BY COUNCILOR HOBBS (PURCHASING & LICENSING)

- 5. [16-0740R](#) RESOLUTION AUTHORIZING A CONTRACT WITH J.R. JENSEN CONSTRUCTION COMPANY FOR THE CONSTRUCTION OF AN ADDITION TO THE TOOL HOUSE BUILDING ON RILEY ROAD FOR AN AMOUNT NOT TO EXCEED \$253,100.

This Resolution was adopted unanimously.

BY COUNCILOR ANDERSON (PERSONNEL)

- 6. [16-0737R](#) RESOLUTION APPROVING PROPOSED AMENDMENTS TO THE SPECIFICATIONS FOR THE EXISTING CIVIL SERVICE CLASSIFICATION OF PROPERTY & EVIDENCE TECHNICIAN.

Indexes:

Attachments: [Property & Evidence Technician](#)
[Property & Evidence Technician \(strikeout\)](#)

This Resolution was adopted unanimously.

- 7. [16-0738R](#) RESOLUTION APPROVING PROPOSED AMENDMENTS TO THE SPECIFICATIONS FOR THE EXISTING CIVIL SERVICE CLASSIFICATION OF PROPERTY & EVIDENCE SPECIALIST.

Indexes:

Attachments: [Property & Evidence Specialist](#)
[Property & Evidence Specialist \(strikeout\)](#)

This Resolution was adopted unanimously.

- 8. [16-0739R](#) RESOLUTION APPROVING PROPOSED AMENDMENTS TO THE SPECIFICATIONS FOR THE EXISTING CIVIL SERVICE CLASSIFICATION OF UTILITY OPERATIONS SUPERVISOR.

Indexes:

Attachments: [Utility Operations Supervisor](#)
[Utility Operations Supervisor \(strikeout\)](#)

This Resolution was adopted unanimously.

BY COUNCILOR RUSS (PLANNING & ECONOMIC DEVELOPMENT)

9. [16-0725R](#) RESOLUTION AUTHORIZING SKYWALK AGREEMENT WITH RENDFELD LAND COMPANY PERTAINING TO THE FUR STORAGE BUILDING PROPERTY.

Indexes:

- Attachments:** [Exhibit I to 16-0725R](#)
 [Exhibit A to 16-0725R](#)
 [Exhibit B to 16-0725R](#)
 [Exhibit C to 16-0725R](#)
 [Exhibit D to 16-0725R](#)

This Resolution was adopted unanimously.

10. [16-0726R](#) RESOLUTION VACATING 175 FEET OF THE 16 FOOT WIDE ALLEY BETWEEN CENTRAL AVENUE AND 54TH AVENUE WEST, AND BRISTOL STREET AND ROOSEVELT STREET, OF THE RECORDED PLAT "WEST DULUTH FIRST DIVISION", AND RETAINING A UTILITY EASEMENT.

Indexes:

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

This Resolution was adopted unanimously.

11. [16-0734R](#) RESOLUTION AMENDING RESOLUTION 16-0590 TO CORRECT ERROR IN ABATEMENT AMOUNT.

This Resolution was adopted unanimously.

12. [16-0741R](#) RESOLUTION AUTHORIZING AN AMENDED AND RESTATED FUNDING AGREEMENT WITH KENWOOD VILLAGE LLC CONCERNING IMPROVEMENTS TO CLEVELAND STREET RELATED TO THE MIXED USE DEVELOPMENT AT THE SOUTHWEST CORNER OF WEST ARROWHEAD ROAD AND KENWOOD AVENUE.

Indexes:

Attachments: [Exhibit A - 16-0741R](#)

This Resolution was adopted unanimously.

BY COUNCILOR WESTERLUND (PUBLIC WORKS & UTILITIES)

13. [16-0735R](#) RESOLUTION AUTHORIZING ROW USE AGREEMENT WITH THE BETHEL SOCIETY INC. FOR WORK ADJACENT TO THE FIRST STREET ROW.

Indexes:

Attachments: [Exhibit I](#)
[Exhibit A](#)
[Exhibit B](#)

This Resolution was adopted unanimously.

Yea: 8 - Councilor Anderson, Councilor Fosle, Councilor Hansen, Councilor Hobbs, Councilor Russ, Councilor Sipress, Councilor Westerlund and President Filipovich

Abstain: 1 - Councilor Hanson

14. [16-0730R](#) RESOLUTION AUTHORIZING AGREEMENT WITH MINNESOTA POWER-HIBBARD RENEWABLE ENERGY CENTER FOR INTERRUPTABLE GAS SERVICE.

Indexes:

Attachments: [Exhibit I to 16-0730](#)
[Exhibit A to 16-0730](#)

This Resolution was adopted unanimously.

BY COUNCILOR SIPRESS (RECREATION, LIBRARIES & AUTHORITIES)

15. [16-0717R](#) RESOLUTION AUTHORIZING THE EXECUTION OF A SNOWMOBILE TRAILS ASSISTANCE PROGRAM GRANT AGREEMENT FOR FY2017 WITH THE MINNESOTA DEPARTMENT OF NATURAL RESOURCES IN AN AMOUNT NOT TO EXCEED \$13,025.

Indexes:

Attachments: [Exhibit A](#)

This Resolution was adopted unanimously.

16. [16-0729R](#) RESOLUTION ACCEPTING A \$5,000 CONTRIBUTION FROM THE DULUTH SOFTBALL PLAYERS ASSOCIATION FOR IMPLEMENTATION OF THE WEST DULUTH SPORTS CORRIDOR MINI MASTER PLAN.

Indexes:

Attachments: [Exhibit A-mini-master plan](#)

This Resolution was adopted unanimously.

17. [16-0732R](#) RESOLUTION ACCEPTING PERMANENT EASEMENT FOR PUBLIC RECREATIONAL, WALKWAY, AND TRAIL PURPOSES FROM JAY GILPIN AND STACI GILPIN OVER PROPERTY NEAR CHESTER PARK AT NO COST TO THE CITY.

Indexes:

Attachments: [Exhibit 1 for Resolution.pdf](#)

This Resolution was adopted unanimously.

END OF CONSENT AGENDA

BY COUNCILOR HANSEN (FINANCE)

18. [16-0727R](#) RESOLUTION PROVIDING FOR THE ISSUANCE, SALE AND DELIVERY OF GENERAL OBLIGATION CAPITAL IMPROVEMENT BONDS, SERIES 2016C, IN THE APPROXIMATE AMOUNT OF \$1,230,000; ESTABLISHING THE TERMS AND FORM THEREOF; CREATING A DEBT SERVICE FUND THEREFOR; AND PROVIDING FOR AWARDDING THE SALE THEREOF.

Indexes:

Attachments: [Exhibit A - Official terms 2016C](#)

[Exhibit B - 2016C](#)

[Exhibit C - 2016C](#)

This Resolution was adopted.

Yea: 8 - Councilor Anderson, Councilor Hansen, Councilor Hanson, Councilor Hobbs, Councilor Russ, Councilor Sipress, Councilor Westerlund and President Filipovich

Nay: 1 - Councilor Fosle

19. [16-0728R](#) RESOLUTION PROVIDING FOR THE ISSUANCE, SALE AND DELIVERY OF GENERAL OBLIGATION CAPITAL EQUIPMENT NOTES, SERIES 2016D, IN THE APPROXIMATE AMOUNT OF \$3,750,000; ESTABLISHING THE TERMS AND FORM THEREOF; CREATING A DEBT SERVICE FUND THEREFOR; AND PROVIDING FOR AWARDDING THE SALE THEREOF.

Indexes:

Attachments: [Exhibit A - Official terms 2016D](#)

[Exhibit B - 2016D](#)

[Exhibit C - 2016D](#)

This Resolution was adopted unanimously.

Yea: 8 - Councilor Anderson, Councilor Fosle, Councilor Hansen, Councilor Hobbs, Councilor Russ, Councilor Sipress, Councilor Westerlund and President Filipovich

Nay: 1 - Councilor Hanson

COUNCILOR QUESTIONS AND COMMENTS

COUNCILOR PREVIEW OF UPCOMING BUSINESS



City of Duluth

411 West First Street
Duluth, Minnesota 55802

Actions and Unofficial Minutes

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 will provide increased opportunities for civil discourse in order to find positive resolutions to the issues that face the city. These tools include: pay attention, listen, be inclusive, do not gossip, show respect, be agreeable, apologize, give constructive criticism and take responsibility. [Approved by the council on August 25, 2003]*

Monday, October 24, 2016

7:00 PM

Council Chamber

ROLL CALL

Present: 9 - Councilor Gary Anderson, Councilor Jay Fosle, Councilor Elissa Hansen, Councilor Howie Hanson, Councilor Noah Hobbs, Councilor Barb Russ, Councilor Joel Sipress, Councilor Em Westerlund and President Zack Filipovich

PLEDGE OF ALLEGIANCE

PRESENTATION OF PETITIONS AND OTHER COMMUNICATIONS

1. [16-137](#) Closing time for specific parks

Indexes:

Attachments: [Closing Time for Specific Parks](#)

2. [16-139](#) Minnesota Power written acceptance of terms and conditions of 16-061-O

Indexes:

Attachments: [MN Power Acceptance \(16-061-O\)](#)

This Petition/Other Communication was received.

REPORTS FROM THE ADMINISTRATION

REPORTS FROM OTHER OFFICERS

REPORTS OF BOARDS AND COMMISSIONS

- 3. [16-134](#) Library Board Meeting Minutes

Indexes:

Attachments: [08-23-2016 Library Board Meeting Minutes](#)

- 4. [16-135](#) DEDA Meeting Minutes

Indexes:

Attachments: [08-24-2016 DEDA Meeting Minutes](#)

- 5. [16-136](#) HRA Meeting Minutes

Indexes:

Attachments: [08-30-2016 HRA Meeting Minutes](#)

- 6. [16-138](#) DPUC Meeting Minutes

Indexes:

Attachments: [09-20-2016 DPUC Meeting Minutes](#)

This Board or Commission Report was received.

REPORTS OF COUNCIL COMMITTEES

REPORTS OF COUNCIL OPEN ISSUES

OPPORTUNITY FOR CITIZENS TO BE HEARD

MOTIONS AND RESOLUTIONS

CONSENT AGENDA

BY COUNCILOR HANSEN (FINANCE)

- 7. [16-0723R](#) RESOLUTION DETERMINING NOT TO REASSESS PARCEL FOR CANCELED DEMOLITION ASSESSMENT IN THE AMOUNT OF \$5,413.

Indexes:

Attachments: [Exhibit A - Public Hearing Minutes](#)

This Resolution was adopted unanimously.

BY COUNCILOR HOBBS (PURCHASING & LICENSING)

8. [16-0742R](#) RESOLUTION AUTHORIZING AN AMENDMENT TO CONTRACT 22091 WITH VENTURE FUELS FOR THE PURCHASE AND DELIVERY OF COAL TO DULUTH ENERGY SYSTEMS FOR 2017 FOR AN ESTIMATED COST OF \$2,524,480 AND A NEW ESTIMATED CONTRACT TOTAL OF \$9,939,385.

Indexes:

Attachments: [Amendment 1](#)

This Resolution was adopted unanimously.

9. [16-0752R](#) RESOLUTION APPROVING ISSUANCE OF AN ON SALE WINE LICENSE AND ISSUING AN ON SALE 3.2 PERCENT MALT LIQUOR LICENSE TO OMC SMOKE HOUSE, OMC, LLC, 1909 W SUPERIOR STREET.

This Resolution was adopted unanimously.

Yea: 8 - Councilor Anderson, Councilor Fosle, Councilor Hanson, Councilor Hobbs, Councilor Russ, President Sipress, Councilor Westerlund and Councilor Filipovich

Abstain: 1 - Councilor Hansen

10. [16-0753R](#) RESOLUTION APPROVING ISSUANCE OF A TEMPORARY ON SALE INTOXICATING LIQUOR LICENSE TO CHURCHES UNITED IN MINISTRY.

This Resolution was adopted unanimously.

11. [16-0754R](#) RESOLUTION APPROVING ISSUANCE OF ON SALE INTOXICATING LIQUOR, ON SALE SUNDAY INTOXICATING LIQUOR, 2:00 A.M. BEVERAGE LICENSE FOR THE PERIOD ENDING AUGUST 31, 2017, LUCKYS 13 PUB-DULUTH MILLER HILL MALL, LLC/LUCKY U II, LLC.

This Resolution was adopted unanimously.

Yea: 8 - Councilor Anderson, Councilor Fosle, Councilor Hanson, Councilor Hobbs, Councilor Russ, President Sipress, Councilor Westerlund and Councilor Filipovich

Abstain: 1 - Councilor Hansen

BY COUNCILOR ANDERSON (PERSONNEL)

- 12. [16-0769R](#) RESOLUTION CONFIRMING THE REAPPOINTMENT OF RAY KLOSOWSKI TO THE SEAWAY PORT AUTHORITY OF DULUTH.

This Resolution was adopted unanimously.

- 13. [16-0770R](#) RESOLUTION CONFIRMING THE APPOINTMENT OF PATRICIA STOLEE TO THE ALCOHOL, GAMBLING AND TOBACCO COMMISSION, REPLACING JOHN SERRE

This Resolution was adopted unanimously.

BY COUNCILOR RUSS (PLANNING & ECONOMIC DEVELOPMENT)

- 14. [16-0756R](#) RESOLUTION GRANTING AN INTERIM USE PERMIT FOR A VACATION DWELLING UNIT AT 241 WEST ARROWHEAD ROAD (SUSAN YUNIS).

Indexes:

Attachments: [Attachment 1](#)

This Resolution was adopted unanimously.

- 15. [16-0757R](#) RESOLUTION GRANTING AN INTERIM USE PERMIT FOR A VACATION DWELLING UNIT AT 712 SOUTH 63RD AVENUE WEST (CONSTANCE MOELLER).

Indexes:

Attachments: [Attachment 1](#)

This Resolution was adopted unanimously.

BY COUNCILOR WESTERLUND (PUBLIC WORKS & UTILITIES)

16. [16-0758R](#) RESOLUTION AUTHORIZING AN AMENDMENT TO AGREEMENT C22890 WITH EVER-GREEN ENERGY FOR ADDITIONAL DESIGN SERVICES IN THE AMOUNT OF \$39,000.00 RESULTING IN A NEW CONTRACT TOTAL OF \$138,457.00.

Indexes:

Attachments: [Exhibit A.pdf](#)

This Resolution was adopted unanimously.

17. [16-0759R](#) RESOLUTION AUTHORIZING THE 2012 ROAD AND BRIDGE DISASTER RELIEF BOND GRANT 1026874 AND ACCEPTING A GRANT FROM THE MINNESOTA STATE TRANSPORTATION FUND FOR ENGINEERING AND CONSTRUCTION OF BRIDGE NO. L8500 IN THE AMOUNT OF \$51,038.93.

Indexes:

Attachments: [16-0759R Letter](#)
[MAP 16-0759r](#)
[Agreement 16-0759](#)

This Resolution was adopted unanimously.

18. [16-0760R](#) RESOLUTION AUTHORIZING ASSESSMENT AGREEMENT WITH THERESA AND DARRIN SEVERANCE FOR A WATER MAIN EXTENSION IN MAXWELL AVENUE AND AMENDING ORDERING IN RESOLUTION NO. 16-0638.INCREASING THE AUTHORIZED AMOUNT THEREOF.

Indexes:

Attachments: [Exhibit A 16-0760](#)

This Resolution was adopted unanimously.

BY COUNCILOR FOSLE (PUBLIC SAFETY)

19. [16-0755R](#) RESOLUTION APPROVING LEASE AGREEMENT WITH THE DULUTH TRANSIT AUTHORITY OF DULUTH FOR LEASED SPACE FOR THE DULUTH POLICE DEPARTMENT AT A COST OF \$2,400 PER YEAR FOR A TERM OF FIVE YEARS AND AN OPTION TO RENEW FOR ADDITIONAL TERMS.

Indexes:

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

This Resolution was adopted unanimously.

BY COUNCILOR SIPRESS (RECREATION, LIBRARIES & AUTHORITIES)

20. [16-0768R](#) RESOLUTION OF SUPPORT FOR THE CITY OF DULUTH'S PRELIMINARY THREE-YEAR COMMITMENT TO PROVIDE FUNDING TO THE DULUTH AREA FAMILY YMCA FOR THE TRUE NORTH AMERICORPS PROGRAM TO PROVIDE YOUTH DEVELOPMENT PROGRAMMING FOR A MAXIMUM ANNUAL AMOUNT NOT TO EXCEED \$120,000, AND A TOTAL AMOUNT NOT TO EXCEED \$360,000.

Indexes:

Attachments: [2017-2020 True North AmeriCorps Program Proposal](#)

This Resolution was adopted unanimously.

END OF CONSENT AGENDA

BY COUNCILOR SIPRESS (RECREATION, LIBRARIES & AUTHORITIES)

21. [16-0695R](#) RESOLUTION GRANTING APPROVAL TO DESIGNATE RILEY ROAD PROPERTY AS A CITY PARK, AND NAMING THE SITE JEAN DULUTH DOG PARK.

Indexes:

Attachments: [Exhibit A-East Duluth Dog Park Naming Letter](#)

This Resolution was adopted unanimously.

22. [16-0767R](#) RESOLUTION AUTHORIZING A GRANT TO THE ARROWHEAD ZOOLOGICAL SOCIETY, INC. IN THE AMOUNT OF \$200,000 AND AUTHORIZING A ONE YEAR EXTENSION OF A LINE OF CREDIT PROMISSORY NOTE.

This Resolution was adopted unanimously.

INTRODUCTION AND CONSIDERATION OF ORDINANCES

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

BY COUNCILOR HANSEN (FINANCE)

23. [16-065-O](#) AN ORDINANCE AMENDING ORDINANCE 10473 TO LIMIT THE AMOUNT OF THE FRANCHISE FEE ASSESSED TO ANY MINNESOTA POWER CUSTOMER PURSUANT TO THE FRANCHISE TO AN AMOUNT NOT TO EXCEED \$420,000 PER YEAR.

This Ordinance was read for the first time.

COUNCILOR QUESTIONS AND COMMENTS

COUNCILOR PREVIEW OF UPCOMING BUSINESS



City of Duluth

411 West First Street
Duluth, Minnesota 55802

Actions and Unofficial Minutes

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 will provide increased opportunities for civil discourse in order to find positive resolutions to the issues that face the city. These tools include: pay attention, listen, be inclusive, do not gossip, show respect, be agreeable, apologize, give constructive criticism and take responsibility. [Approved by the council on August 25, 2003]*

Monday, November 7, 2016

7:00 PM

Council Chamber

ROLL CALL

Present: 8 - Councilor Gary Anderson, Councilor Jay Fosle, Councilor Elissa Hansen, Councilor Howie Hanson, Councilor Noah Hobbs, Councilor Barb Russ, Councilor Joel Sipress and President Zack Filipovich

Absent: 1 - Councilor Em Westerlund

PLEDGE OF ALLEGIANCE

PRESENTATION OF PETITIONS AND OTHER COMMUNICATIONS

1. [16-152](#) Application to Conduct Excluded Bingo
John Beargrease Sled Dog Marathon

Indexes:

Attachments: [John Beargrease Sled Dog Marathon - Excluded Bingo Application](#)

This Petition/Other Communication was received.

- 2. [16-153](#) Application for Exempt Permit
Twin Ports Walleye Association

Indexes:

Attachments: [Twin Ports Walleye Association](#)

This Petition/Other Communication was received.

REPORTS FROM THE ADMINISTRATION

REPORTS FROM OTHER OFFICERS

REPORTS OF BOARDS AND COMMISSIONS

- 3. [16-147](#) Civil Service Board Meeting Minutes

Indexes:

Attachments: [08-02-16 Civil Service Board Minutes](#)

This Board or Commission Report was received.

- 4. [16-148](#) DTA Board Meeting Minutes

Indexes:

Attachments: [04-26-2016 DTA Meeting Minutes](#)

[08-31-2016 DTA Meeting Minutes](#)

This Board or Commission Report was received.

- 5. [16-149](#) DAA Meeting Minutes

Indexes:

Attachments: [09-20-2016 DAA Meeting Minutes](#)

This Board or Commission Report was received.

6. [16-150](#) DECC Meeting Minutes

Indexes:

Attachments: [05-19-2016 DECC Meeting Minutes](#)
[06-28-2016 DECC Meeting Minutes](#)

This Board or Commission Report was received.

7. [16-151](#) HRA Meeting Minutes

Indexes:

Attachments: [9-27-2016 HRA Meeting Minutes](#)

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 COUNCILOR HOBBS (PURCHASING & LICENSING)

8. [16-0776R](#) RESOLUTION AUTHORIZING CHANGE ORDER 1 TO CONTRACT C22736 WITH KTM PAVING FOR FIREHALL #6 DRIVEWAY IN THE AMOUNT OF \$12,960.02 AND A NEW TOTAL CONTRACT PRICE OF \$111,018.02.

This Resolution was adopted unanimously.

9. [16-0783R](#) RESOLUTION AUTHORIZING A CONTRACT WITH HITACHI DATA SYSTEMS FOR ANNUAL SUPPORT AND MAINTENANCE OF THE CITYWIDE CAMERA SYSTEM FOR AN AMOUNT NOT TO EXCEED \$71,382.

Indexes:

Attachments: [Exhibit A 10.27.16.docx](#)

This Resolution was adopted unanimously.

10. [16-0790R](#) RESOLUTION ISSUING A 3.2 PERCENT MALT LIQUOR LICENSE AND APPROVING ISSUANCE OF AN ON SALE WINE LICENSE TO ZEN HOUSE, INC. (ZEN HOUSE), 4023 WOODLAND AVE.

This Resolution was adopted unanimously.

BY COUNCILOR ANDERSON (PERSONNEL)

11. [16-0780R](#) RESOLUTION APPROVING PROPOSED AMENDMENTS TO THE SPECIFICATIONS FOR THE EXISTING CIVIL SERVICE CLASSIFICATION OF PROPERTY & FACILITIES MANAGER.

Indexes:

Attachments: [Property & Facilities Manager](#)
[Property & Facilities Manager \(strikeout\)](#)

This Resolution was adopted unanimously.

BY COUNCILOR RUSS (PLANNING & ECONOMIC DEVELOPMENT)

12. [16-0778R](#) RESOLUTION AUTHORIZING REPROGRAMMING OF \$101,200 IN 2011 AND 2012 CDBG FUNDS AND TRANSFERRING IT TO THE WEST DULUTH FOOD ACCESS AND EDUCATION PROJECT.

This Resolution was adopted unanimously.

13. [16-0779R](#) RESOLUTION AUTHORIZING PROPER CITY OFFICIALS TO ACCEPT A DONATION FROM KIFF SAMUELSON FOR THE DEMOLITION, UTILITY CUT-OFFS, AND SITE RESTORATION FOR THE HOUSE AT 1019 NORTH 14TH AVENUE EAST IN THE AMOUNT OF \$11,835.

Indexes:

Attachments: [Attachment 1](#)

This Resolution was adopted unanimously.

14. [16-0784R](#) RESOLUTION APPROVING THE FIRST AMENDMENT TO THE AMENDED AND RESTATED DEVELOPMENT AGREEMENT BETWEEN THE DULUTH ECONOMIC DEVELOPMENT AUTHORITY AND GARFIELD BUSINESS PARK LLC.

Indexes:

Attachments: [Exhibit A. Amendment to Amended and Restated Development Agreement](#)
[Attachment - Map](#)

This Resolution was adopted unanimously.

15. [16-0786R](#) RESOLUTION AUTHORIZING CONSTRUCTION AND TEN YEAR OPERATIONS AGREEMENT WITH DULUTH COMMUNITY ACTION DULUTH FOR THE CITY'S DENFELD GREENHOUSE PROJECT.

Indexes:

Attachments: [Exhibit A - 16-0786R](#)

This Resolution was adopted unanimously.

BY COUNCILOR WESTERLUND (PUBLIC WORKS & UTILITIES)

16. [16-0750R](#) RESOLUTION OF INTENT TO RECONSTRUCT WHITTIER STREET BEGINNING AT CLAYMORE STREET AND ENDING APPROXIMATELY 750 FEET SOUTH OF CLAYMORE STREET.

Indexes:

Attachments: [16-0750R Map](#)

This Resolution was adopted unanimously.

BY COUNCILOR FOSLE (PUBLIC SAFETY)

17. [16-0751R](#) RESOLUTION AUTHORIZING THE EXECUTION OF AN AMENDED AND RESTATED LAKE SUPERIOR DRUG AND VIOLENT CRIME TASK FORCE JOINT POWERS AGREEMENT PROVIDING FOR THE PARTICIPATION THERETO BY THE VIRGINIA, HIBBING, BABBITT, BREITUNG, CHISHOLM, EAST RANGE, ELY, EVELETH, AND GILBERT POLICE DEPARTMENTS AND THE U.S. BORDER PATROL AND FURTHER AUTHORIZING EXECUTION OF AN MOU WITH U.S. IMMIGRATION & CUSTOMS ENFORCEMENT AND THE U.S. BORDER PATROL.

Indexes:

Attachments: [16-0751R Exhibit I](#)
[16-0751R Exhibit A](#)
[16-0751R Exhibit B](#)

This Resolution was adopted unanimously.

18. [16-0761R](#) RESOLUTION AUTHORIZING COOPERATIVE FIRE PROTECTION AGREEMENT WITH MNDNR DIVISION OF FORESTRY FOR COOPERATIVE RESPONSE TO WILDLAND FIRE CALLS.

Indexes:

Attachments: [Exhibit A 16-0761R](#)

This Resolution was adopted unanimously.

19. [16-0775R](#) RESOLUTION AUTHORIZING PROPER CITY OFFICIALS TO ACCEPT A GRANT FROM THE UNITED STATES DEPARTMENT OF JUSTICE IN THE AMOUNT OF \$41,022 AND FURTHER AUTHORIZING EXECUTION OF GRANT AGREEMENT WITH ST. LOUIS COUNTY.

Indexes:

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

This Resolution was adopted unanimously.

BY COUNCILOR SIPRESS (RECREATION, LIBRARIES & AUTHORITIES)

20. [16-0782R](#) RESOLUTION AUTHORIZING THE DULUTH INDIGENOUS COMMISSION TO ACT AS A CULTURAL LIASON FOR PARKS AND RECREATION WAYFINDING AND INTERPRETIVE SIGNAGE.

This Resolution was adopted unanimously.

END OF CONSENT AGENDA

INTRODUCTION AND CONSIDERATION OF ORDINANCES

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

BY COUNCILOR HANSEN (FINANCE)

- 21. [16-068-O](#) AN ORDINANCE TO AMEND THE BUDGET OF THE CITY OF DULUTH FOR YEAR 2016 BY INCREASING THE BUDGET BY \$700,000 FOR CALLING STREET IMPROVEMENT BONDS SERIES 2008C.

This Ordinance was read for the first time.

BY PRESIDENT FILIPOVICH (COMMITTEE OF THE WHOLE)

- 22. [16-067-O](#) AN ORDINANCE AMENDING THE DEFINITION OF SIGNATURE IN THE DULUTH CITY CODE, 1959, TO ALLOW FOR ELECTRONIC SIGNATURES

This Ordinance was read for the first time.

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

BY COUNCILOR HANSEN (FINANCE)

- 23. [16-065-O](#) AN ORDINANCE AMENDING ORDINANCE 10473 TO LIMIT THE AMOUNT OF THE FRANCHISE FEE ASSESSED TO ANY MINNESOTA POWER CUSTOMER PURSUANT TO THE FRANCHISE TO AN AMOUNT NOT TO EXCEED \$420,000 PER YEAR.

This Ordinance was adopted.

Yea: 8 - Councilor Anderson, Councilor Fosle, Councilor Hansen, Councilor Hanson, Councilor Hobbs, Councilor Russ, Councilor Sipress and President Filipovich

Absent: 1 - Councilor Westerlund

COUNCILOR QUESTIONS AND COMMENTS

COUNCILOR PREVIEW OF UPCOMING BUSINESS



City of Duluth

411 West First Street
Duluth, Minnesota 55802

Actions and Unofficial Minutes

City Council

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Monday, November 21, 2016

7:00 PM

Council Chamber

ROLL CALL

Present: 9 - Councilor Gary Anderson, Councilor Jay Fosle, Councilor Elissa Hansen, Councilor Howie Hanson, Councilor Noah Hobbs, Councilor Barb Russ, Councilor Joel Sipress, Councilor Em Westerlund and President Zack Filipovich

PLEDGE OF ALLEGIANCE

PRESENTATION OF PETITIONS AND OTHER COMMUNICATIONS

1. [16-158](#) Application for Exempt Permit
Application to Conduct Excluded Bingo

Indexes:

Attachments: [Application for Exempt Permit - Rotary Club of Duluth Harbortown MN USA](#)
[Application to Conduct Excluded Bingo - St. Elizabeth's Catholic Church](#)

This Petition/Other Communication was received.

REPORTS FROM THE ADMINISTRATION

REPORTS FROM OTHER OFFICERS

REPORTS OF BOARDS AND COMMISSIONS

- 2. [16-156](#) DEDA Meeting Minutes

Indexes:

Attachments: [10-05-2016 DEDA Meeting Minutes](#)

This Board or Commission Report was received.

- 3. [16-157](#) Library Board Meeting Minutes

Indexes:

Attachments: [09-27-2016 Library Board Meeting Minutes](#)

This Board or Commission Report was received.

- 4. [16-159](#) 16PUC - 009
DPUC resolution establishing 2017 fees

Indexes:

Attachments: [16PUC-009](#)

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 COUNCILOR HANSEN (FINANCE)

- 5. [16-0798R](#) RESOLUTION CALLING FOR THE PREPAYMENT AND REDEMPTION OF GENERAL OBLIGATION STREET IMPROVEMENT BONDS, SERIES 2008C OF THE CITY OF DULUTH, MINNESOTA.

Indexes:

Attachments: [Exhibit A](#)

This Resolution was adopted unanimously.

BY COUNCILOR RUSS (PLANNING & ECONOMIC DEVELOPMENT)

- 6. [16-0788R](#) RESOLUTION VACATING ALL OF THE 10 FOOT WIDE EASEMENT THAT CROSSES OVER, UNDER, AND ACROSS LOT 1 AND LOT 2 OF BLOCK 1, TKO ADDITION OF THE RECORDED PLAT "MAPLE GROVE ACRE TRACTS"

Indexes:

Attachments: [attached exhibits](#)

This Resolution was adopted unanimously.

- 7. [16-0810R](#) RESOLUTION AUTHORIZING THE PROPER CITY OFFICIALS TO ENTER INTO A SUB-RECIPIENT FUNDING AGREEMENT WITH THE BOARD OF TRUSTEES OF THE MINNESOTA STATE COLLEGES AND UNIVERSITIES ON BEHALF OF LAKE SUPERIOR COLLEGE FOR EMPLOYMENT AND TRAINING SERVICES FUNDED THROUGH THE STATE OF MINNESOTA'S PATHWAYS TO PROSPERITY GRANT PROGRAM.

Indexes:

Attachments: [Exhibit A - LSC Agreement](#)

This Resolution was adopted unanimously.

BY COUNCILOR HANSON (INTERGOVERNMENTAL RELATIONS)

- 8. [16-0789R](#) RESOLUTION AUTHORIZING PROPER CITY OFFICIALS TO ENTER INTO A COOPERATIVE AGREEMENT WITH THE U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT FOR FAIR HOUSING ENFORCEMENT AND ACCEPTING \$19,800 IN COOPERATIVE AGREEMENT FUNDING.

Indexes:

Attachments: [FY 2016 FHAP Funding](#)

This Resolution was adopted unanimously.

9. [16-0826R](#) RESOLUTION AUTHORIZING THE PROPER CITY OFFICIALS TO APPROVE AN AMENDED JOINT POWERS AGREEMENT ESTABLISHING THE MINNEAPOLIS-DULUTH/SUPERIOR PASSENGER RAIL ALLIANCE WHICH INCLUDES THE CITY OF SUPERIOR, WISCONSIN, AND SIMPLIFIES THE PROCESS FOR ADDING NEW MEMBERS TO THE ALLIANCE.

Indexes:

Attachments: [Exhibit A](#)

This Resolution was adopted unanimously.

BY COUNCILOR WESTERLUND (PUBLIC WORKS & UTILITIES)

10. [16-0777R](#) RESOLUTION ORDERING THE IMPROVEMENT OF CONGDON BOULEVARD FROM BRIGHTON BEACH/HIGHWAY 61 TO MCQUADE ROAD.

Indexes:

Attachments: [Dave Hamilton Letter](#)
[Public Hearing Sign In Sheet](#)
[Public Hearing Minutes](#)
[16-0777R Map](#)

This Resolution was adopted unanimously.

11. [16-0799R](#) RESOLUTION AUTHORIZING CONSENT TO MINNESOTA POWER EASEMENTS WITHIN THE BLUESTONE DEVELOPMENT.

Indexes:

Attachments: [16-0799R Exhibit 1](#)
[16-0799R Exhibit 2](#)
[16-0799R Exhibit 3](#)

This Resolution was adopted unanimously.

12. [16-0800R](#) RESOLUTION AUTHORIZING AGREEMENT WITH DEDA FOR SNOW STORAGE ON LOT D.

Indexes:

Attachments: [Exhibit A](#)

This Resolution was adopted unanimously.

13. [16-0801R](#) RESOLUTION AUTHORIZING AMENDMENT NO. 1 TO MNDOT AGREEMENT NO. 04716 FOR REPAIR OF DAMAGE ON WEST FIRST STREET CAUSED BY THE JUNE 2012 RAIN EVENT.

Indexes:

Attachments: [16-0801R Amendment](#)

This Resolution was adopted unanimously.

14. [16-0803R](#) RESOLUTION AWARDED A CONTRACT TO OVERTON CHICAGO GEAR FOR THE PURCHASE OF TWO PARALLEL SHAFT REDUCERS FOR THE MINNESOTA SLIP PEDESTRIAN BRIDGE REHABILITATION PROJECT IN THE AMOUNT OF \$131,040

Indexes:

Attachments: [16-0803R Map](#)

This Resolution was adopted unanimously.

15. [16-0807R](#) RESOLUTION ACCEPTING THE CONVEYANCE OF AN EASEMENT FROM HAINES PROPERTIES, LLP FOR PUBLIC UTILITY PURPOSES.

Indexes:

Attachments: [16-0807R Attachment 1](#)

This Resolution was adopted unanimously.

16. [16-0808R](#) RESOLUTION ACCEPTING THE CONVEYANCE OF AN EASEMENT FROM ADVANTAGE EMBLEMS, INC. FOR PUBLIC UTILITY PURPOSES.

Indexes:

Attachments: [16-0808R Attachment 1](#)

This Resolution was adopted unanimously.

17. [16-0809R](#) RESOLUTION ACCEPTING THE CONVEYANCE OF AN EASEMENT FROM BILL & ELLEN, LLC FOR PUBLIC UTILITY PURPOSES.

Indexes:

Attachments: [16-0809R Attachment 1](#)

This Resolution was adopted unanimously.

18. [16-0815R](#) RESOLUTION AUTHORIZING A TEMPORARY CONSTRUCTION EASEMENT AGREEMENT WITH U.S. BANK NATIONAL ASSOCIATION RELATED TO A FOUNDATION DRAIN.

Indexes:

Attachments: [16-0815R 150746_Draintile-xx](#)

[16-0815R EXHIBIT A](#)

[16-0815R Exhibit B](#)

[16-0815R Exhibit E](#)

[16-0815R Agreement](#)

This Resolution was adopted unanimously.

BY COUNCILOR FOSLE (PUBLIC SAFETY)

19. [16-0785R](#) RESOLUTION AUTHORIZING THE ACCEPTANCE OF REIMBURSEMENT FROM THE UNITED STATES DEPARTMENT OF JUSTICE, BUREAU OF JUSTICE ASSISTANCE, OFFICE OF JUSTICE PROGRAMS, IN AN AMOUNT NOT TO EXCEED \$14,320 AND REIMBURSEMENT FROM THE MINNESOTA DEPARTMENT OF PUBLIC SAFETY IN AN AMOUNT NOT TO EXCEED \$23,833 FOR THE PURCHASE OF BALLISTIC VESTS.

Indexes:

Attachments: [Exhibit A](#)

This Resolution was adopted unanimously.

20. [16-0804R](#) RESOLUTION AUTHORIZING THE CITY TO ENTER INTO A JOINT POWERS AGREEMENT WITH THE STATE OF MINNESOTA, DEPARTMENT OF PUBLIC SAFETY, BUREAU OF CRIMINAL APPREHENSION, ALLOWING THE CITY OF DULUTH POLICE DEPARTMENT TO ACCESS THE MINNESOTA CRIMINAL JUSTICE DATA COMMUNICATIONS NETWORK SYSTEM FOR A PERIOD OF FIVE YEARS AT A COST OF \$46,200, AND FURTHER AUTHORIZING EXECUTION OF THE COURT DATA SERVICES SUBSCRIBER AMMENDMENT TO CJDN SUBSCRIBER AGREEMENT..

Indexes:

Attachments: [Exhibit A](#)

[Exhibit B](#)

This Resolution was adopted unanimously.

BY COUNCILOR SIPRESS (RECREATION, LIBRARIES & AUTHORITIES)

21. [16-0774R](#) RESOLUTION AUTHORIZING DISBURSEMENT OF GRANT FUNDS IN THE AMOUNT OF \$39,100 FROM THE PARKS FUND NEIGHBORHOOD GRANT PROGRAM.

Indexes:

Attachments: [Exhibit A Grant Agreement Fall2016](#)

This Resolution was adopted unanimously.

Yea: 8 - Councilor Anderson, Councilor Fosle, Councilor Hansen, Councilor Hanson, Councilor Hobbs, Councilor Russ, Councilor Sipress and Councilor Westerlund

Abstain: 1 - President Filipovich

END OF CONSENT AGENDA

BY COUNCILOR ANDERSON (PERSONNEL)

22. [16-0827R](#) RESOLUTION ENDORSING THE CITY OF DULUTH ARTS AND CULTURE PLAN.

Sponsors: Anderson

Indexes:

Attachments: [Exhibit A](#)

This Resolution was adopted unanimously.

BY PRESIDENT FILIPOVICH (COMMITTEE OF THE WHOLE)

23. [16-0813R](#) RESOLUTION APPROVING AGREEMENT WITH FRYBERGER, BUCHANAN, SMITH AND FREDERICK, P.A., FOR LEGISLATIVE SERVICES NOT TO EXCEED \$54,000.

Indexes:

Attachments: [Exhibit A - Fryberger Agreement 2016](#)

This Resolution was adopted.

Yea: 8 - Councilor Anderson, Councilor Hansen, Councilor Hanson, Councilor Hobbs, Councilor Russ, Councilor Sipress, Councilor Westerlund and President Filipovich

Nay: 1 - Councilor Fosle

INTRODUCTION AND CONSIDERATION OF ORDINANCES

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

BY COUNCILOR ANDERSON (PERSONNEL)

24. [16-069-O](#) AN ORDINANCE AMENDING CHAPTER 29C OF DULUTH CITY CODE UPDATING THE CITY'S HUMAN RIGHTS ORDINANCE BY CLARIFYING THE POWERS AND DUTIES OF THE COMMISSION AND HUMAN RIGHTS OFFICER, DECREASING THE SIZE OF THE HUMAN RIGHTS COMMISSION FROM 15 TO NINE MEMBERS, AND CORRECTING REFERENCES TO STATE STATUTES.

Sponsors: Anderson

This Ordinance was read for the first time.

25. [16-070-O](#) AN ORDINANCE REPEALING ARTICLE XXIV OF CHAPTER 2 OF THE CITY CODE RELATING TO THE HUMAN RIGHTS COMMISSION.

This Ordinance was read for the first time.

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

BY COUNCILOR HANSEN (FINANCE)

26. [16-068-O](#) AN ORDINANCE TO AMEND THE BUDGET OF THE CITY OF DULUTH FOR YEAR 2016 BY INCREASING THE BUDGET BY \$700,000 FOR CALLING STREET IMPROVEMENT BONDS SERIES 2008C.

This Ordinance was adopted.

Yea: 8 - Councilor Anderson, Councilor Hansen, Councilor Hanson, Councilor Hobbs, Councilor Russ, Councilor Sipress, Councilor Westerlund and President Filipovich

Nay: 1 - Councilor Fosle

BY PRESIDENT FILIPOVICH (COMMITTEE OF THE WHOLE)

27. [16-067-O](#) AN ORDINANCE AMENDING THE DEFINITION OF SIGNATURE IN THE DULUTH CITY CODE, 1959, TO ALLOW FOR ELECTRONIC SIGNATURES

This Ordinance was adopted.

COUNCILOR QUESTIONS AND COMMENTS

COUNCILOR PREVIEW OF UPCOMING BUSINESS



City of Duluth

411 West First Street
Duluth, Minnesota 55802

Actions and Unofficial Minutes

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 will provide increased opportunities for civil discourse in order to find positive resolutions to the issues that face the city. These tools include: pay attention, listen, be inclusive, do not gossip, show respect, be agreeable, apologize, give constructive criticism and take responsibility. [Approved by the council on August 25, 2003]*

Monday, December 5, 2016

7:00 PM

Council Chamber

ROLL CALL

All councilors are present

Present: 9 - Councilor Gary Anderson, Councilor Jay Fosle, Councilor Elissa Hansen, Councilor Howie Hanson, Councilor Noah Hobbs, Councilor Barb Russ, Councilor Joel Sipress, Councilor Em Westerlund and President Zack Filipovich

PLEDGE OF ALLEGIANCE

Public Hearings

REPORTS FROM THE ADMINISTRATION

REPORTS FROM OTHER OFFICERS

1. [16-168](#) Clerk Application for Exempt Permit
-Twin Ports Walleye Association
-MN Bluegrass & Old-Time Music Association

Indexes:

Attachments: [Application for Exempt Permit - MN Bluegrass](#)
[Application for Exempt Permit - Twin Ports Walleye Association](#)

This Other Officers Report was received.

REPORTS OF BOARDS AND COMMISSIONS

2. [16-166](#) DPUC Meeting Minutes

Indexes:

Attachments: [10-18-2016 DPUC Meeting Minutes](#)

This Board or Commission Report was received.

3. [16-167](#) Library Board Meeting Minutes

Indexes:

Attachments: [10-25-2016 Library Board Meeting Minutes](#)

This Board or Commission Report was received.

REPORTS OF COUNCIL COMMITTEES**REPORTS OF COUNCIL OPEN ISSUES****OPPORTUNITY FOR CITIZENS TO BE HEARD****MOTIONS AND RESOLUTIONS****CONSENT AGENDA****BY COUNCILOR HANSEN (FINANCE)**

4. [16-0857R](#) RESOLUTION APPROVING THE FISCAL YEAR JANUARY 1, 2017 TO DECEMBER 31, 2017 BUDGETS OF THE DULUTH ECONOMIC DEVELOPMENT AUTHORITY.

Indexes:

Attachments: [Exhibit A](#)

This Resolution was adopted unanimously.

5. [16-0870R](#) RESOLUTION DISTRIBUTING THE ESTIMATED 2017 HOTEL-MOTEL AND FOOD AND BEVERAGE TOURISM TAXES.

Indexes:

Attachments: [Exhibit A](#)

This Resolution was adopted unanimously.

BY COUNCILOR HOBBS (PURCHASING & LICENSING)

6. [16-0871R](#) RESOLUTION APPROVING THE ISSUANCE OF A 2017 MINNESOTA CURRENCY EXCHANGE LICENSE TO THE TITLE LOAN COMPANY, INC.

Indexes:

Attachments: [CURRENCY EXCHANGE-11282016155610](#)

This Resolution was adopted unanimously.

BY COUNCILOR ANDERSON (PERSONNEL)

7. [16-0817R](#) RESOLUTION APPROVING PROPOSED AMENDMENTS TO THE SPECIFICATIONS FOR THE EXISTING CIVIL SERVICE CLASSIFICATION OF LIBRARY TECHNICIAN.

Indexes:

Attachments: [Library Technician](#)
[Library Technician \(strikeout\)](#)

This Resolution was adopted unanimously.

8. [16-0819R](#) RESOLUTION APPROVING PROPOSED SPECIFICATIONS FOR THE NEW CIVIL SERVICE CLASSIFICATION OF GAS PROJECT COORDINATOR, AND SPECIFYING CONTRACT BENEFITS FOR SAME.

Indexes:

Attachments: [Gas Project Coordinator](#)

This Resolution was adopted unanimously.

9. [16-0820R](#) RESOLUTION APPROVING PROPOSED SPECIFICATIONS FOR THE NEW CIVIL SERVICE CLASSIFICATION OF FACILITY MAINTENANCE LEADWORKER, AND SPECIFYING CONTRACT BENEFITS FOR SAME.

Indexes:

Attachments: [Facility Maintenance Leadworker](#)

This Resolution was adopted unanimously.

10. [16-0856R](#) RESOLUTION CONFIRMING THE APPOINTMENT OF REVERAND GARY GOTTFRIED TO THE SAINT LOUIS COUNTY HEADING HOME GOVERNANCE BOARD

This Resolution was adopted unanimously.

11. [16-0859R](#) RESOLUTION CONFIRMING THE APPOINTMENT OF ABIGAIL MLINAR TO THE COMMUNITY DEVELOPMENT COMMITTEE

Indexes:

Attachments: [A. Mlinar](#)

This Resolution was adopted unanimously.

12. [16-0860R](#) THIS RESOLUTION CONFIRMS THE APPOINTMENT OF SANDY JOHNSON, MELISSA LA TOUR, AND ASHLEY KOLKA TO THE DULUTH PUBLIC ARTS COMMISSION.

Indexes:

Attachments: [S. Johnson](#)

[M. La Tour](#)

[A. Kolka](#)

This Resolution was adopted unanimously.

13. [16-0862R](#) RESOLUTION CONFIRMING THE APPOINTMENT OF MICHAEL MALONE AND STACEY DEROCHE TO THE HERITAGE PRESERVATION COMMISSION

Indexes:

Attachments: [M. Malone](#)
[S. DeRoche](#)

This Resolution was adopted unanimously.

14. [16-0864R](#) RESOLUTION CONFIRMING THE APPOINTMENT OF MARY OWEN AND LAWRENCE HEADY TO THE INDIGENOUS COMMITTEE.

Indexes:

Attachments: [M. Owen](#)
[L. Heady](#)

This Resolution was adopted unanimously.

BY COUNCILOR RUSS (PLANNING & ECONOMIC DEVELOPMENT)

15. [16-0812R](#) RESOLUTION VACATING A UTILITY EASEMENT OVER PORTIONS OF VACATED SAINT LOUIS AVENUE AND TENTH STREET, AND A STREET EASEMENT OVER THE SOUTHEASTERLY 15 FEET OF LOTS 176 AND 175 INCLUDING ADJACENT SAINT LOUIS AVENUE, ALL IN UPPER DULUTH (LAKEHEAD HOTEL PARTNERS).

Indexes:

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

This Resolution was adopted unanimously.

- 16. [16-0847R](#) RESOLUTION GRANTING AN INTERIM USE PERMIT FOR A VACATION DWELLING UNIT AT 1421 EAST SUPERIOR STREET (MICHAEL SCHRAEPFER).

Indexes:

Attachments: [Attachment 1](#)

This Resolution was adopted unanimously.

- 17. [16-0848R](#) RESOLUTION GRANTING AN INTERIM USE PERMIT FOR A VACATION DWELLING UNIT AT 350 MYGATT AVENUE (JULIANNA AND SRI MUTHU).

Indexes:

Attachments: [Attachment 1](#)

This Resolution was adopted unanimously.

BY COUNCILOR WESTERLUND (PUBLIC WORKS & UTILITIES)

- 18. [16-0802R](#) RESOLUTION AUTHORIZING AN AMENDMENT TO CONTRACT C22747 WITH ENERGY INSIGHT, INC. FOR PROFESSIONAL SERVICES RELATING TO THE PUBLIC WORKS AND UTILITIES COMMERCIAL AND INDUSTRIAL CONSERVATION IMPROVEMENT PROGRAM FOR AN AMOUNT NOT TO EXCEED \$49,000 AND A NEW CONTRACT TOTAL NOT TO EXCEED \$70,000.

Indexes:

Attachments: [Exhibit A](#)

This Resolution was adopted unanimously.

- 19. [16-0805R](#) RESOLUTION AWARDED A CONTRACT TO LAKEHEAD CONSTRUCTORS, INC. FOR THE MINNESOTA SLIP PEDESTRIAN BRIDGE REHABILITATION IN THE AMOUNT OF \$2,770,234.07.

Indexes:

Attachments: [16-0805R Map](#)

This Resolution was adopted unanimously.

20. [16-0806R](#) RESOLUTION TO RESCIND THE DESIGNATION AND ESTABLISHMENT AS ONE WAY STREETS THAT PART OF THE SEGMENT OF FIRST AVENUE WEST BETWEEN SUPERIOR STREET AND THIRD STREET, THE SEGMENT OF SECOND AVENUE WEST BETWEEN SUPERIOR STREET TO FOURTH STREET, AND THE SEGMENT OF THIRD AVENUE WEST BETWEEN SUPERIOR STREET AND FOURTH STREET.

Indexes:

Attachments: [16-0806R Existing Configuration Map](#)

[16-0806R Memo](#)

[16-0806R Phase 1 Map](#)

[16-0806R Phase 2 Map](#)

[16-0806R Phase 3 Map](#)

[16-0806R Project Overview Map](#)

This Resolution was adopted unanimously.

21. [16-0829R](#) RESOLUTION AUTHORIZING ANNUAL BANKING SERVICES FOR 2017 WITH BMO HARRIS BANK, N.A., FOR AN ESTIMATED TOTAL OF \$118,000.

This Resolution was adopted unanimously.

22. [16-0830R](#) RESOLUTION AUTHORIZING A PURCHASE FROM COMPASS MINERALS FOR THE TAX-EXEMPT PURCHASE OF ROAD SALT FOR SPRING 2017 IN THE AMOUNT OF \$472,240.

This Resolution was adopted unanimously.

23. [16-0835R](#) RESOLUTION APPROVING DULUTH STEAM DISTRICT NO. 1 THERMAL ENERGY HOT WATER RATE FOR EASTERN CANAL PARK.

This Resolution was adopted unanimously.

24. [16-0850R](#) RESOLUTION AUTHORIZING RENEWAL OF AN ANNUAL CONTRACT WITH INFOSEND, INC., FOR MAILING SERVICES AND POSTAGE DURING YEAR 2017 IN THE AMOUNT OF \$196,000.

Indexes:

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

This Resolution was adopted unanimously.

BY COUNCILOR FOSLE (PUBLIC SAFETY)

25. [16-0837R](#) RESOLUTION AUTHORIZING PROPER CITY OFFICIALS TO ACCEPT A GRANT FROM THE DEPARTMENT OF JUSTICE, BUREAU OF JUSTICE ASSISTANCE, IN AN AMOUNT TOTALING \$444,152 AND FURTHER AUTHORIZING AN AGREEMENT WITH PROGRAM TO AID VICTIMS OF SEXUAL ASSAULT FOR THEIR PARTICIPATION IN THE PROJECT ENTITLED "2016 SEXUAL ASSAULT KIT INITIATIVE PROJECT".

Indexes:

Attachments: [Exhibit A](#)

[Exhibit B](#)

[Exhibit C](#)

This Resolution was adopted unanimously.

BY COUNCILOR SIPRESS (RECREATION, LIBRARIES & AUTHORITIES)

26. [16-0832R](#) RESOLUTION APPROVING THE DULUTH PUBLIC LIBRARY'S STRATEGIC PLAN FOR 2016-2020.

Indexes:

Attachments: [Exhibit A - Duluth Library Strategic Plan](#)

This Resolution was adopted unanimously.

END OF CONSENT AGENDA

BY COUNCILOR HANSEN (FINANCE)

27. [16-0836R](#) RESOLUTION ESTABLISHING AN INTERFUND LOAN NOT TO EXCEED \$2,000,000 TO PARTIALLY FINANCE THE REHABILITATION OF THE MINNESOTA SLIP BRIDGE.

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

Yea: 8 - Councilor Anderson, Councilor Hansen, Councilor Hanson, Councilor Hobbs, Councilor Russ, Councilor Sipress, Councilor Westerlund and President Filipovich

Nay: 1 - Councilor Fosle

28. [16-0838R](#) RESOLUTION AUTHORIZING CITY OFFICIALS TO ALLOCATE \$500,000 FROM THE TOURISM TAX FUND TO PARTIALLY FINANCE THE REHABILITATION OF THE MINNESOTA SLIP BRIDGE.

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

Yea: 8 - Councilor Anderson, Councilor Hansen, Councilor Hanson, Councilor Hobbs, Councilor Russ, Councilor Sipress, Councilor Westerlund and President Filipovich

Nay: 1 - Councilor Fosle

29. [16-0839R](#) RESOLUTION APPROVING CAPITAL IMPROVEMENT PLAN AND STATING INTENT TO ISSUE GENERAL OBLIGATION CAPITAL IMPROVEMENT BONDS UNDER MINNESOTA STATUTES, SECTION 475.521.

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

Yea: 8 - Councilor Anderson, Councilor Hansen, Councilor Hanson, Councilor Hobbs, Councilor Russ, Councilor Sipress, Councilor Westerlund and President Filipovich

Nay: 1 - Councilor Fosle

30. [16-0842R](#) RESOLUTION OF THE CITY OF DULUTH, MINNESOTA, STATING THE INTENT TO ISSUE GENERAL OBLIGATION CAPITAL EQUIPMENT NOTES, SERIES 2017, IN THE APPROXIMATE AMOUNT OF \$3,950,000 AND APPROVING THE CAPITAL EQUIPMENT LIST ASSOCIATED WITH THE NOTES.

Indexes:

Attachments: [Exhibit A](#)

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

Yea: 8 - Councilor Anderson, Councilor Hansen, Councilor Hanson, Councilor Hobbs, Councilor Russ, Councilor Sipress, Councilor Westerlund and President Filipovich

Nay: 1 - Councilor Fosle

31. [16-0846R](#) RESOLUTION ADOPTING LICENSE, PERMIT, FINE, PENALTY AND OTHER CHARGES FOR 2017.

Indexes:

Attachments: [Exhibit A](#)

[Exhibit B](#)

[Hobbs Motion To Amend - WITHDRAWN \(12/5/16\)](#)

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

Yea: 7 - Councilor Anderson, Councilor Hanson, Councilor Hobbs, Councilor Russ, Councilor Sipress, Councilor Westerlund and President Filipovich

Nay: 1 - Councilor Fosle

Abstain: 1 - Councilor Hansen

32. [16-0852R](#) RESOLUTION APPROVING THE FISCAL YEAR JANUARY 1, 2017 TO DECEMBER 31, 2017, OPERATION BUDGET OF THE DULUTH TRANSIT AUTHORITY.

Indexes:

Attachments: [Exhibit A](#)

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

Yea: 7 - Councilor Anderson, Councilor Hansen, Councilor Hobbs, Councilor Russ, Councilor Sipress, Councilor Westerlund and President Filipovich

Nay: 1 - Councilor Fosle

Abstain: 1 - Councilor Hanson

33. [16-0854R](#) RESOLUTION ESTABLISHING ANNUAL BONDING PLAN FOR 2017.

Indexes:

Attachments: [Exhibit A](#)

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

Yea: 8 - Councilor Anderson, Councilor Hansen, Councilor Hanson, Councilor Hobbs, Councilor Russ, Councilor Sipress, Councilor Westerlund and President Filipovich

Nay: 1 - Councilor Fosle

34. [16-0858R](#) RESOLUTION APPROVING THE FISCAL YEAR JANUARY 1, 2017 TO DECEMBER 31, 2017, OPERATION BUDGET OF THE DULUTH AIRPORT AUTHORITY.

Indexes:

Attachments: [Exhibit A](#)

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

Yea: 8 - Councilor Anderson, Councilor Hansen, Councilor Hanson, Councilor Hobbs, Councilor Russ, Councilor Sipress, Councilor Westerlund and President Filipovich

Nay: 1 - Councilor Fosle

BY COUNCILOR ANDERSON (PERSONNEL)

35. [16-0818R](#) RESOLUTION APPROVING PROPOSED SPECIFICATIONS FOR THE NEW CIVIL SERVICE CLASSIFICATION OF UTILITY SERVICES HELPER, AND SPECIFYING CONTRACT BENEFITS FOR SAME.

Indexes:

Attachments: [Utility Services Helper](#)

This Resolution was adopted unanimously.

36. [16-0866R](#) RESOLUTION CONFIRMING THE APPOINTMENTS OF CRUZ MENDOZA, ROGIER GREGOIRE, SANDRA VAN DEN BOSSE, CHARLES OBIJE, PATTI LARSEN, REBECCA DOMAGALA, ASHLEY NEENAN CHRISTINA WOODS AND ASHLEY GRIMM TO THE DULUTH HUMAN RIGHTS COMMISSION.

Indexes:

Attachments: [S. Van Den Bosse](#)

[C. Objie](#)

[C. Woods](#)

[R. Gregoire](#)

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

Yea: 8 - Councilor Anderson, Councilor Hansen, Councilor Hanson, Councilor Hobbs, Councilor Russ, Councilor Sipress, Councilor Westerlund and President Filipovich

Nay: 1 - Councilor Fosle

37. [16-0874R](#) RESOLUTION SUPPORTING THE STANDING ROCK SIOUX TRIBE'S EFFORT TO PROTECT SACRED TRIBAL LANDS AND THE MISSOURI RIVER.

Sponsors: Anderson and Westerlund

Indexes:

Attachments: [Exhibit A](#)

This Resolution was adopted unanimously.

Yea: 8 - Councilor Anderson, Councilor Hansen, Councilor Hanson, Councilor Hobbs, Councilor Russ, Councilor Sipress, Councilor Westerlund and President Filipovich

Absent: 1 - Councilor Fosle

BY COUNCILOR SIPRESS (RECREATION, LIBRARIES & AUTHORITIES)

38. [16-0851R](#) RESOLUTION AUTHORIZING A CONTRACT WITH KTM PAVING, INC. FOR THE RECONSTRUCTION OF FOUR PARKING AREAS AT HARTLEY PARK FOR AN AMOUNT NOT TO EXCEED \$221,394.09.

This Resolution was adopted unanimously.

Yea: 7 - Councilor Anderson, Councilor Hansen, Councilor Hanson, Councilor Russ, Councilor Sipress, Councilor Westerlund and President Filipovich

Absent: 2 - Councilor Fosle and Councilor Hobbs

INTRODUCTION AND CONSIDERATION OF ORDINANCES

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

BY COUNCILOR HANSEN (FINANCE)

39. [16-071-O](#) AN ORDINANCE DETERMINING THE SUM TO BE RAISED BY TAXATION FOR THE SPECIAL PARKS FUND LEVY FOR THE YEAR 2017.

This Ordinance was read for the first time.

40. [16-072-O](#) AN ORDINANCE DETERMINING THE SUM TO BE RAISED BY TAXATION FOR GENERAL PURPOSES FOR THE YEAR 2017.

Indexes:

Attachments: [Hobbs Motion To Amend - WITHDRAWN \(12/5/16\)](#)

This Ordinance was read for the first time.

41. [16-073-O](#) AN ORDINANCE DETERMINING THE SUM TO BE RAISED BY TAXATION FOR THE SPECIAL TAXING DISTRICT, DULUTH TRANSIT AUTHORITY, FOR THE YEAR 2017.

This Ordinance was read for the first time.

42. [16-075-O](#) AN ORDINANCE SETTING THE BUDGET FOR THE FISCAL YEAR 2017 APPROPRIATING MONIES FOR THE SUPPORT OF THE CITY GOVERNMENT, PUBLIC UTILITIES, AND PUBLIC ENTERPRISE FUNDS AND FOR OTHER PURPOSES.

Indexes:

Attachments: [Hobbs Motion To Amend - WITHDRAWN \(12/5/16\)](#)

This Ordinance was read for the first time.

BY COUNCILOR RUSS (PLANNING & ECONOMIC DEVELOPMENT)

- 43. [16-074-O](#) AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF DULUTH TO PROVIDE FOR THE RECLASSIFICATION OF PROPERTY ALONG WEST ARROWHEAD ROAD FROM RR-1 TO R-2, AND FOR PROPERTY ALONG WEST MARBLE STREET FROM RR-1 TO R-1.

Indexes:

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

This Ordinance was read for the first time.

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

BY COUNCILOR ANDERSON (PERSONNEL)

- 44. [16-069-O](#) AN ORDINANCE AMENDING CHAPTER 29C OF DULUTH CITY CODE UPDATING THE CITY'S HUMAN RIGHTS ORDINANCE BY CLARIFYING THE POWERS AND DUTIES OF THE COMMISSION AND HUMAN RIGHTS OFFICER, DECREASING THE SIZE OF THE HUMAN RIGHTS COMMISSION FROM 15 TO NINE MEMBERS, AND CORRECTING REFERENCES TO STATE STATUTES.

Sponsors: Anderson

This Ordinance was adopted unanimously.

Yea: 8 - Councilor Anderson, Councilor Hansen, Councilor Hanson, Councilor Hobbs, Councilor Russ, Councilor Sipress, Councilor Westerlund and President Filipovich

Absent: 1 - Councilor Fosle

- 45. [16-070-O](#) AN ORDINANCE REPEALING ARTICLE XXIV OF CHAPTER 2 OF THE CITY CODE RELATING TO THE HUMAN RIGHTS COMMISSION.

This Ordinance was adopted unanimously.

Yea: 8 - Councilor Anderson, Councilor Hansen, Councilor Hanson, Councilor Hobbs, Councilor Russ, Councilor Sipress, Councilor Westerlund and President Filipovich

Absent: 1 - Councilor Fosle

COUNCILOR QUESTIONS AND COMMENTS

COUNCILOR PREVIEW OF UPCOMING BUSINESS



City of Duluth

411 West First Street
Duluth, Minnesota 55802

Actions and Unofficial Minutes

City Council

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Monday, December 12, 2016

7:00 PM

Council Chamber

ROLL CALL

Present: 8 - Councilor Gary Anderson, Councilor Jay Fosle, Councilor Elissa Hansen, Councilor Howie Hanson, Councilor Barb Russ, Councilor Joel Sipress, Councilor Em Westerlund and President Zack Filipovich

Absent: 1 - Councilor Noah Hobbs

PLEDGE OF ALLEGIANCE

REPORTS FROM THE ADMINISTRATION

REPORTS FROM OTHER OFFICERS

REPORTS OF BOARDS AND COMMISSIONS

1. [16-171](#) Duluth Transit Authority Meeting Minutes

Indexes:

Attachments: [9-28-16 DTA Meeting Minutes](#)

This Board or Commission Report was received.

2. [16-172](#) Housing and Redevelopment Authority Meeting Minutes

Indexes:

Attachments: [10-25-16 HRA Meeting Minutes](#)

This Board or Commission Report was received.

3. [16-174](#) Duluth Entertainment Convention Center Board Meeting Minutes

Indexes:

Attachments: [7-26-16 DECC Meeting Minutes](#)

[8-30-16 DECC Meeting Minutes](#)

[9-27-16 DECC Meeting Minutes](#)

This Board or Commission Report was received.

PRESENTATION OF PETITIONS AND OTHER COMMUNICATIONS

4. [16-173](#) Minnesota Power written acceptance of terms and conditions of 16-065-O

Indexes:

Attachments: [November 22, 2016 Correspondence from Minnesota Power Accepting Ordinance 16-066-O](#)

This Petition/Other Communication was received.

REPORTS OF COUNCIL COMMITTEES

REPORTS OF COUNCIL OPEN ISSUES

OPPORTUNITY FOR CITIZENS TO BE HEARD

CONSENT AGENDA

BY COUNCILOR HOBBS (PURCHASING & LICENSING)

- 5. [16-0840R](#) RESOLUTION APPROVING ISSUANCE OF AN ON SALE WINE LICENSE AND ISSUING AN ON SALE 3.2 PERCENT MALT LIQUOR LICENSE TO THE KING OF CREAMS, LLC, 502 E 4TH STREET.

Indexes:

Attachments: [BEER LICENSE THE KING OF CREAMS](#)
[WINE LICENSE THE KING OF CREAMS](#)

This Resolution was adopted unanimously.

- 6. [16-0841R](#) RESOLUTION APPROVING ISSUANCE OF TEMPORARY ON SALE INTOXICATING LIQUOR LICENSE TO ST. JAMES CATHOLIC CHURCH (ST.JAMES), 715 N 57TH AVE WEST

Indexes:

Attachments: [ST JAMES TEMPORARY LICENSE APPLICATION](#)

This Resolution was adopted unanimously.

- 7. [16-0906R](#) RESOLUTION AUTHORIZING A CONTRACT WITH TASER INTERNATIONAL FOR THE PURCHASE OF SIXTY (60) TASERS AND ACCESSORIES IN THE AMOUNT OF \$112,760.45.

This Resolution was adopted unanimously.

BY COUNCILOR ANDERSON (PERSONNEL)

- 8. [16-0873R](#) RESOLUTION APPROVING PROPOSED SPECIFICATIONS FOR THE NEW CIVIL SERVICE CLASSIFICATION OF PROPERTY & EVIDENCE TECHNICIAN - SEXUAL ASSAULT KIT INITIATIVE (SAKI), AND SPECIFYING CONTRACT BENEFITS FOR SAME.

Indexes:

Attachments: [Property & Evidence Technician - SAKI](#)

This Resolution was adopted unanimously.

9. [16-0888R](#) RESOLUTION APPROVING PROPOSED AMENDMENTS TO THE SPECIFICATIONS FOR THE EXISTING CIVIL SERVICE CLASSIFICATION OF CUSTOMER RELATIONS SUPERVISOR, INCLUDING A TITLE CHANGE TO UTILITY CUSTOMER SERVICE SUPERVISOR, AND SPECIFYING CONTRACT BENEFITS FOR SAME.

Indexes:

Attachments: [Utility Customer Service Supervisor](#)
[Customer Relations Supervisor \(strikeout\).pdf](#)

This Resolution was adopted unanimously.

10. [16-0889R](#) RESOLUTION APPROVING PROPOSED AMENDMENTS TO THE SPECIFICATIONS FOR THE EXISTING CIVIL SERVICE CLASSIFICATION OF MANAGER, CUSTOMER SERVICE.

Indexes:

Attachments: [Manager, Customer Service](#)
[Manager, Customer Service \(strikeout\)](#)

This Resolution was adopted unanimously.

11. [16-0892R](#) RESOLUTION APPROVING PROPOSED AMENDMENTS TO THE SPECIFICATIONS FOR THE EXISTING CIVIL SERVICE CLASSIFICATION OF MANAGER, UTILITY OPERATIONS.

Indexes:

Attachments: [Manager, Utility Operations](#)
[Manager, Utility Operations \(strikeout\)](#)

This Resolution was adopted unanimously.

12. [16-0893R](#) RESOLUTION APPROVING PROPOSED AMENDMENTS TO THE SPECIFICATIONS FOR THE EXISTING CIVIL SERVICE CLASSIFICATION OF CHIEF GAS CONTROLLER, INCLUDING A TITLE CHANGE TO GAS CONTROL SUPERVISOR, AND SPECIFYING CONTRACT BENEFITS FOR SAME.

Indexes:

Attachments: [Gas Control Supervisor](#)
[Chief Gas Controller \(strikeout\)](#)

This Resolution was adopted unanimously.

BY PRESIDENT FILIPOVICH (COMMITTEE OF THE WHOLE)

13. [16-0909R](#) RESOLUTION AUTHORIZING THE CITY TO ENTER INTO AN AGREEMENT WITH DULUTH-SUPERIOR PUBLIC ACCESS COMMUNITY TELEVISION, INC., FOR COMMUNITY ACCESS CABLECASTING, TRAINING, PRODUCTION AND ADMINISTRATION SERVICES IN 2017 IN THE NET AMOUNT OF \$182,000.

Indexes:

Attachments: [Exhibit A - 16-0909R](#)

This Resolution was adopted unanimously.

BY COUNCILOR RUSS (PLANNING & ECONOMIC DEVELOPMENT)

14. [16-0875R](#) RESOLUTION VACATING A PLATTED STREET EASEMENT FOR VANDENBERG DRIVE NORTH AND SOUTH OF AIRPORT ROAD, AND A PLATTED ALLEY EASEMENT SOUTH OF AIRPORT ROAD, AND RETENTION OF PUBLIC UTILITY EAASEMENTS.

Indexes:

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

This Resolution was adopted unanimously.

- 15. [16-0876R](#) RESOLUTION DEDICATING AND ACCEPTING A PUBLIC UTILITY EASEMENT ON CITY-OWNED PROPERTY ADJACENT TO AIRPORT ROAD.

Indexes:

Attachments: [Attachment 1](#)

[Attachment 2](#)

This Resolution was adopted unanimously.

- 16. [16-0878R](#) RESOLUTION REPROGRAMMING \$3,679 IN HOME FUNDS FROM RESOLUTION 09-0756R, APPROVED DECEMBER 21, 2009, TO FY 2015 HOMEOWNER REHAB PROJECT.

Indexes:

Attachments: [Attachment 1](#)

This Resolution was adopted unanimously.

- 17. [16-0879R](#) RESOLUTION AUTHORIZING THE DIRECTOR OF PLANNING AND CONSTRUCTION SERVICES TO SIGN AN AGREEMENT CONSENTING TO A MNDOT DRAINAGE EASEMENT IMPACTING A CITY CONSERVATION EASEMENT.

Indexes:

Attachments: [Attachment 1](#)

[Attachment 2](#)

This Resolution was adopted unanimously.

- 18. [16-0881R](#) RESOLUTION AUTHORIZING AN AGREEMENT WITH THE DULUTH ECONOMIC DEVELOPMENT AUTHORITY (DEDA) RELATING TO PARTICIPATION BY DEDA IN THE CITY OF DULUTH SELF-INSURANCE FUND PROGRAM FOR 2017.

Indexes:

Attachments: [Exhibit A](#)

This Resolution was adopted unanimously.

19. [16-0908R](#) RESOLUTION RESCINDING AND REPLACING RESOLUTION 16-0812 VACATING A UTILITY EASEMENT OVER PORTIONS OF VACATED SAINT LOUIS AVENUE AND TENTH STREET, AND A STREET EASEMENT OVER THE SOUTHEASTERLY 15 FEET OF LOTS 176 AND 175 INCLUDING ADJACENT SAINT LOUIS AVENUE, ALL IN UPPER DULUTH (LAKEHEAD HOTEL PARTNERS).

Indexes:

Attachments: [Attachment to 16-0908](#)

This Resolution was adopted unanimously.

BY COUNCILOR WESTERLUND (PUBLIC WORKS & UTILITIES)

20. [16-0834R](#) RESOLUTION AUTHORIZING APPLICATION TO THE MINNESOTA DEPARTMENT OF TRANSPORTATION FOR TRANSPORTATION ALTERNATIVES FUNDING FOR RESTORATION OF THE HISTORIC STONE RETAINING WALL AT BARDON'S PEAK OVERLOOK.

Indexes:

Attachments: [16-0834R Map](#)
[Application \(16-834R\)](#)

This Resolution was adopted unanimously.

21. [16-0880R](#) RESOLUTION AWARDED A CONTRACT TO SWANSON & YOUNGDALE, INC. FOR THE 2016-2017 PAINTING OF TRAFFIC CONTROL SIGNAL SYSTEMS PROJECT IN THE AMOUNT OF \$118,207.

Indexes:

Attachments: [16-0880R Maps](#)

This Resolution was adopted unanimously.

22. [16-0882R](#) RESOLUTION AUTHORIZING AN AGREEMENT BETWEEN ST. LOUIS COUNTY, THE CITY OF DULUTH AND THE CITY OF PROCTOR TO COMPLETE A SURFACE REHABILITATION PROJECT WITHIN THE CITIES OF DULUTH AND PROCTOR.

Indexes:

Attachments: [Exhibit A](#)
[Boundary Map \(16-0882R\)](#)

This Resolution was adopted unanimously.

BY COUNCILOR FOSLE (PUBLIC SAFETY)

23. [16-0899R](#) RESOLUTION AUTHORIZING PROPER CITY OFFICIALS TO ACCEPT A GRANT FROM THE STATE OF MINNESOTA, COMMISSIONER OF PUBLIC SAFETY, OFFICE OF JUSTICE PROGRAMS, IN THE TOTAL AMOUNT OF \$410,000 FOR THE PURPOSE OF SUPPORTING THE OPERATIONS OF THE LAKE SUPERIOR DRUG AND VIOLENT CRIME TASK FORCE THROUGH DECEMBER 31, 2017.

Indexes:

Attachments: [Attachment A](#)

This Resolution was adopted unanimously.

BY COUNCILOR SIPRESS (RECREATION, LIBRARIES & AUTHORITIES)

24. [16-0833R](#) RESOLUTION ADOPTING AN EMERALD ASH BORER (EAB) MANAGEMENT PLAN.

Indexes:

Attachments: [Exhibit A-FINAL EAB Plan 11 29 16](#)

This Resolution was adopted unanimously.

25. [16-0910R](#) RESOLUTION APPROVING THE PURCHASE BY THE DULUTH TRANSIT AUTHORITY OF A MEMBERSHIP INTEREST IN MICHIGAN STREET TRANSIT CENTER, LLC.

Indexes:

Attachments: [Attachment - Map of MichiganStTransitCenter BL](#)

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

- Yea:** 7 - Councilor Anderson, Councilor Fosle, Councilor Hansen, Councilor Russ, Councilor Sipress, Councilor Westerlund and President Filipovich
- Absent:** 1 - Councilor Hobbs
- Abstain:** 1 - Councilor Hanson

END OF CONSENT AGENDA

BY COUNCILOR HOBBS (PURCHASING & LICENSING)

26. [16-0895R](#) RESOLUTION AUTHORIZING A PROFESSIONAL SERVICES AGREEMENT WITH CONFLUENCE FOR MANAGEMENT AND MASTER PLANNING SERVICES FOR THE DULUTH TRAVERSE TRAIL SYSTEM FOR A TOTAL NOT TO EXCEED OF \$62,912.

Indexes:

Attachments: [Exhibit A](#)

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

- Yea:** 7 - Councilor Anderson, Councilor Hansen, Councilor Hanson, Councilor Russ, Councilor Sipress, Councilor Westerlund and President Filipovich
- Nay:** 1 - Councilor Fosle
- Absent:** 1 - Councilor Hobbs

BY COUNCILOR ANDERSON (PERSONNEL)

27. [16-0890R](#) RESOLUTION APPROVING PROPOSED SPECIFICATIONS FOR THE NEW CIVIL SERVICE CLASSIFICATION OF STREET MAINTENANCE MANAGER, AND SPECIFYING CONTRACT BENEFITS FOR SAME.

Indexes:

Attachments: [Street Maintenance Manager](#)

This Resolution was adopted unanimously.

BY PRESIDENT FILIPOVICH (COMMITTEE OF THE WHOLE)

28. [16-0907R](#) RESOLUTION ENDORSING A MODIFICATION TO THE COUNCIL'S FIVE YEAR PHASE-OUT OF THE STREET LIGHTING FEE PLAN APPROVED BY RESOLUTION 14-0611 TO DEFER A PORTION OF THE 2017 SCHEDULED REDUCTION TO THE STREET LIGHTING FEE.

Sponsors: Filipovich and Sipress

Indexes:

Attachments: [Exhibit A](#)

This Resolution was adopted.

BY COUNCILOR RUSS (PLANNING & ECONOMIC DEVELOPMENT)

29. [16-0884R](#) RESOLUTION APPROVING THE 2017 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.

This Resolution was adopted.

Yea: 7 - Councilor Anderson, Councilor Hansen, Councilor Hanson, Councilor Russ, Councilor Sipress, Councilor Westerlund and President Filipovich

Nay: 1 - Councilor Fosle

Absent: 1 - Councilor Hobbs

30. [16-0885R](#) RESOLUTION AUTHORIZING A REQUEST FOR HUD FEDERAL COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) FUNDS FOR THE 2017 PROGRAM YEAR, AUTHORIZING AGREEMENTS WITH APPROPRIATE AGENCIES, AND AUTHORIZING REPROGRAMMING OF \$100,232.47 IN 2013, 2014, AND 2015 CDBG FUNDS AND TRANSFERRING TO 2017 CDBG PROJECTS.

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

Yea: 7 - Councilor Anderson, Councilor Hansen, Councilor Hanson, Councilor Russ, Councilor Sipress, Councilor Westerlund and President Filipovich

Nay: 1 - Councilor Fosle

Absent: 1 - Councilor Hobbs

31. [16-0886R](#) RESOLUTION AUTHORIZING A REQUEST FOR HUD HOME FUNDS FOR THE 2017 PROGRAM YEAR, AUTHORIZING CONTRACTS, AND AUTHORIZING REPROGRAMMING OF \$62,473.00 IN 2014 AND 2015 HOME FUNDS AND TRANSFERRING TO 2017 HOME PROJECTS.

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

Yea: 7 - Councilor Anderson, Councilor Hansen, Councilor Hanson, Councilor Russ, Councilor Sipress, Councilor Westerlund and President Filipovich

Nay: 1 - Councilor Fosle

Absent: 1 - Councilor Hobbs

32. [16-0887R](#) RESOLUTION AUTHORIZING A REQUEST FOR HUD EMERGENCY SOLUTIONS GRANTS PROGRAM (ESG) FUNDING FOR THE 2017 PROGRAM YEAR, AUTHORIZING CONTRACTS, AND AUTHORIZING REPROGRAMMING OF \$4,332.78 IN 2014 ESG FUNDS AND TRANSFERRING TO 2017 ESG PROJECTS.

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

Yea: 7 - Councilor Anderson, Councilor Hansen, Councilor Hanson, Councilor Russ, Councilor Sipress, Councilor Westerlund and President Filipovich

Nay: 1 - Councilor Fosle

Absent: 1 - Councilor Hobbs

INTRODUCTION AND CONSIDERATION OF ORDINANCES

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

BY COUNCILOR RUSS (PLANNING & ECONOMIC DEVELOPMENT)

33. [16-077-O](#) AN ORDINANCE ADOPTING THE U.S. ENVIRONMENTAL PROTECTION AGENCY (“EPA”) BROWNFIELD REVOLVING LOAN FUND PROGRAM GUIDELINES.

Indexes:

Attachments: [Exhibit A](#)
[BRLF Process Diagram](#)

This Ordinance was read for the first time.

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

BY COUNCILOR HANSEN (FINANCE)

34. [16-071-O](#) AN ORDINANCE DETERMINING THE SUM TO BE RAISED BY TAXATION FOR THE SPECIAL PARKS FUND LEVY FOR THE YEAR 2017.

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

Yea: 7 - Councilor Anderson, Councilor Hansen, Councilor Hanson, Councilor Russ, Councilor Sipress, Councilor Westerlund and President Filipovich

Nay: 1 - Councilor Fosle

Absent: 1 - Councilor Hobbs

35. [16-072-O](#) AN ORDINANCE DETERMINING THE SUM TO BE RAISED BY TAXATION FOR GENERAL PURPOSES FOR THE YEAR 2017.

Indexes:

Attachments: [Hobbs Motion To Amend - WITHDRAWN \(12/5/16\)](#)

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

Yea: 7 - Councilor Anderson, Councilor Hansen, Councilor Hanson, Councilor Russ, Councilor Sipress, Councilor Westerlund and President Filipovich

Nay: 1 - Councilor Fosle

Absent: 1 - Councilor Hobbs

36. [16-073-O](#) AN ORDINANCE DETERMINING THE SUM TO BE RAISED BY TAXATION FOR THE SPECIAL TAXING DISTRICT, DULUTH TRANSIT AUTHORITY, FOR THE YEAR 2017.

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

Yea: 6 - Councilor Anderson, Councilor Hansen, Councilor Russ, Councilor Sipress, Councilor Westerlund and President Filipovich

Nay: 1 - Councilor Fosle

Absent: 1 - Councilor Hobbs

Abstain: 1 - Councilor Hanson

37. [16-075-O](#) AN ORDINANCE SETTING THE BUDGET FOR THE FISCAL YEAR 2017 APPROPRIATING MONIES FOR THE SUPPORT OF THE CITY GOVERNMENT, PUBLIC UTILITIES, AND PUBLIC ENTERPRISE FUNDS AND FOR OTHER PURPOSES.

Indexes:

Attachments: [Hobbs Motion To Amend - WITHDRAWN \(12/5/16\)](#)

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

Yea: 7 - Councilor Anderson, Councilor Hansen, Councilor Hanson, Councilor Russ, Councilor Sipress, Councilor Westerlund and President Filipovich

Nay: 1 - Councilor Fosle

Absent: 1 - Councilor Hobbs

BY COUNCILOR RUSS (PLANNING & ECONOMIC DEVELOPMENT)

38. [16-074-O](#) AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF DULUTH TO PROVIDE FOR THE RECLASSIFICATION OF PROPERTY ALONG WEST ARROWHEAD ROAD FROM RR-1 TO R-2, AND FOR PROPERTY ALONG WEST MARBLE STREET FROM RR-1 TO R-1.

Indexes:

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

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

Yea: 5 - Councilor Fosle, Councilor Hansen, Councilor Russ, Councilor Sipress and President Filipovich

Nay: 3 - Councilor Anderson, Councilor Hanson and Councilor Westerlund

Absent: 1 - Councilor Hobbs

COUNCILOR QUESTIONS AND COMMENTS

COUNCILOR PREVIEW OF UPCOMING BUSINESS