



# City of Duluth

411 West First Street  
Duluth, Minnesota 55802

## Minutes - Final

### City Council

**MISSION STATEMENT:** *The mission of the Duluth City Council is to develop effective public policy rooted in citizen involvement that results in excellent municipal services and creates a thriving community prepared for the challenges of the future.*

**TOOLS OF CIVILITY:** *The Duluth City Council promotes the use and adherence of the tools of civility in conducting the business of the council. The tools of civility 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, January 7, 2016

5:15 PM

Council Chamber

---

#### ROLL CALL

**Present:** 7 - Councilor Gary Anderson, Councilor Elissa Hansen, Councilor Howie Hanson, Councilor Noah Hobbs, Councilor Barb Russ, Vice Chair Joel Sipress and President Zack Filipovich

**Absent:** 2 - Councilor Jay Fosle and Councilor Em Westerlund

#### PLEDGE OF ALLEGIANCE

1. [16-006](#) Election of Officers

Councilor Filipovich was nominated to be Council President for 2016, which motion was seconded and unanimously carried.

Councilor Sipress was nominated to be Council Vice President for 2016, which motion was seconded and unanimously carried.

The meeting adjourned at 5:20 p.m.



# City of Duluth

411 West First Street  
Duluth, Minnesota 55802

## Minutes - Final

### City Council

**MISSION STATEMENT:** *The mission of the Duluth City Council is to develop effective public policy rooted in citizen involvement that results in excellent municipal services and creates a thriving community prepared for the challenges of the future.*

**TOOLS OF CIVILITY:** *The Duluth City Council promotes the use and adherence of the tools of civility in conducting the business of the council. The tools of civility 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, Vice Chair 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

**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

**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

**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

**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

**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.

*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.

*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.

*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.  
**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.

**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.

**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).

**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.

**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.

**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.

**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".

**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.

**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.

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, Vice Chair 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.

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, Vice Chair 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.

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

**This Resolution was adopted as follows:**

**Yea:** 8 - Councilor Anderson, Councilor Hansen, Councilor Hanson, Councilor Hobbs, Councilor Russ, Vice Chair 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.

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

**This Resolution was adopted as follows:**

**Yea:** 8 - Councilor Anderson, Councilor Hansen, Councilor Hanson, Councilor Hobbs, Councilor Russ, Vice Chair 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).

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

## Minutes - Final

### City Council

**MISSION STATEMENT:** *The mission of the Duluth City Council is to develop effective public policy rooted in citizen involvement that results in excellent municipal services and creates a thriving community prepared for the challenges of the future.*

**TOOLS OF CIVILITY:** *The Duluth City Council promotes the use and adherence of the tools of civility in conducting the business of the council. The tools of civility 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, Vice Chair 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

**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

**Attachments:** [DAA Meeting Minutes](#)

This Minutes was received.

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

**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.

**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.  
**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.  
**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.

**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.

**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.

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.

**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).

**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.

**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.

**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.

**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.

**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.

**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.

**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.

**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.

**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, Vice Chair 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.

**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.

**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 AWARDED 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.

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

**This Resolution was adopted as follows:**

- Yea:** 8 - Councilor Anderson, Councilor Hansen, Councilor Hanson, Councilor Hobbs, Councilor Russ, Vice Chair 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.

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

**This Resolution was adopted as follows:**

- Yea:** 8 - Councilor Anderson, Councilor Hansen, Councilor Hanson, Councilor Hobbs, Councilor Russ, Vice Chair 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.

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.

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.

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.

**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).

**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

## Minutes - Final

### City Council

**MISSION STATEMENT:** *The mission of the Duluth City Council is to develop effective public policy rooted in citizen involvement that results in excellent municipal services and creates a thriving community prepared for the challenges of the future.*

**TOOLS OF CIVILITY:** *The Duluth City Council promotes the use and adherence of the tools of civility in conducting the business of the council. The tools of civility 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, Vice Chair 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

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

This Minutes was received.

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

**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

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

This Minutes was received.

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

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

This Minutes was received.

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

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

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.

**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.

**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.

**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.

**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.

**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.

**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 AWARDEDING THE SALE THEREOF.

**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.

**Attachments:** [HRIS Analyst Job Description](#)

**This Resolution was adopted as follows;**

- Yea:** 8 - Councilor Anderson, Councilor Hansen, Councilor Hanson, Councilor Hobbs, Councilor Russ, Vice Chair 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.

**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, Vice Chair 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.

**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.

**This Resolution was adopted as follows;**

**Yea:** 7 - Councilor Anderson, Councilor Hansen, Councilor Hanson, Councilor Russ, Vice Chair 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).

**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.

**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, Vice Chair 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.

**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.

**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

## Minutes - Final

### City Council

**MISSION STATEMENT:** *The mission of the Duluth City Council is to develop effective public policy rooted in citizen involvement that results in excellent municipal services and creates a thriving community prepared for the challenges of the future.*

**TOOLS OF CIVILITY:** *The Duluth City Council promotes the use and adherence of the tools of civility in conducting the business of the council. The tools of civility 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, Vice Chair Joel Sipress, Councilor Em Westerlund and President Zack Filipovich

#### PLEDGE OF ALLEGIANCE

#### APPROVAL OF MINUTES

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

**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

**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.

**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

**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

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

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.

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.

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.

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.

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.

**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.

**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.

**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.

**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).

**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.

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

**This Resolution was adopted unanimously.**

19. [16-0118R](#) RESOLUTION AWARDED 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.

**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.

**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.

**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.

**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.

**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.

**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).

**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.

**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.

**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).

**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).

**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, Vice Chair 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.