City of Duluth

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

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

Index:

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)


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 REIMBURSMENT 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.
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, 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 PL 16-005 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 REICHAFT.

Indexes: J. Julsrud Application

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:**
- Manager, Maintenance & Supply Services (Strikeout)
- Manager, Fleet Services

**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:**
- Exhibit A - 16-0044R

**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:**
- Exhibit A

**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 AWARDING 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)


*Indexes:*

*Attachments: Exhibit A - Reopener Final 2015-2017 CDSA CBA (Clean), Reopener Final 2015-2017 CDSA CBA (Changed Marked), TA - initialled redlined reopenner 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.
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 Board12-08-15 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 AWARDING THE SALE THEREOF.

   **Indexes:**
   - Exhibit A
   - Exhibit B
   - Exhibit C

   This Resolution was adopted unanimously.


   **Indexes:**
   - 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.
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

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)


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 AWARDING 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.

*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

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 Assignement
- 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.
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: Exhibition 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.
16. **16-0180R** RESOLUTION APPROVING AN EXCLUDED BINGO PERMIT TO HOLY FAMILY CATHOLIC CHURCH.

**Indexes:**

**Attachments:** ATTACHMENT A

This Resolution was adopted unanimously.

17. **16-0181R** RESOLUTION APPROVING AN EXCLUDED BINGO PERMIT TO ST ELIZABETHS CATHOLIC CHURCH.

**Indexes:**

**Attachments:** ATTACHMENT A

This Resolution was adopted unanimously.

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.
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 BALLOON FESTIVAL) BAYFRONT PARK.

*Indexes:*

*Attachments: Attachment 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**  

*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:**

- Exhibit A - 16-0156R
- Exhibit B - 16-0156R

This Resolution was adopted unanimously.

**Yea:**

- 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:**

- Exhibit A - 16-0157 R

This Resolution was adopted unanimously.

**Yea:**

- 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:**

- Exhibit 1 (16-0162R)
- Exhibit A (16-0162R)
- Exhibit B (16-0162R)
- Exhibit C (16-0162R)

This Resolution was adopted unanimously.

**Yea:**

- 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
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]

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**  

*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.
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.

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.
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

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.
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 GLBTQAI 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:  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:  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.
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:

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

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

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

City of Duluth
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


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 AWARDING 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:** Councilor Hanson, Councilor Russ, Councilor Hobbs, Councilor Westerlund, Councilor Hansen, Councilor Anderson, Councilor Sipress, Councilor Fosle and President Filipovich

33. **16-0319R** RESOLUTION AWARDING 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:** 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:** 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)**
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

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

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**


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: Yay
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
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:**  
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:**  
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 HOBB (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
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)


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

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 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 REDEVELOPMENT 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 SUBSTITUTE THE NAME OF THE CORRECT GRANTOR AND SUBSTITUTE A NEW EASEMENT AGREEMENT.

**Indexes:**

**Attachments:** Exhibit A - Updated Easement

This Resolution was adopted unanimously.
15. **16-0374R**  

*Indexes:*

*Attachments:* 16-0374R Map  
16-0374R Schedule I

This Resolution was adopted unanimously.

16. **16-0386R**  
RESOLUTION AWARDING 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.
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

27. **16-0378R** RESOLUTION AWARDING 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.


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

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

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

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

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
- Dehli 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:
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:
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
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]

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: Architectural Agreement 6.20.16

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: Exhibit A 7.12.16

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: Construction Project Supervisor

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 PRORAM 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 AGREETING 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 AWARDING 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 AWARDING 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
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

Index:

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
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 Hanson, Councilor Hobbs, Councilor Russ, Councilor Sipress and President Filipovich
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**

*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**  

*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 AWARDING 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**
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 AWARDING 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
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 AWARDING 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)**

*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 Amend - 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

 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 Hansen, 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 Hansen, Councilor Hobbs, Councilor Russ, Councilor Sipress, Councilor Westerlund and President Filipovich

Abstain: 1 - Councilor Hansen
8. **16-0578R**  

*Indexes:

*Attachments: attachment A - Wine License Renewals

This Resolution was adopted unanimously.

9. **16-0579R**  

*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**  

*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 Hanson, Councilor Hanson, Councilor Hobbs, Councilor Russ, Councilor Sipress, Councilor Westerlund and President Filipovich


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 DEFFERED 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 AWARDING 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

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:

- 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
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. Reierson

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:

- 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.
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 -

Yea: 8
Nays: 1 (Councilor Fosle)

This Resolution was tabled.

**Yea: 8** - Councilor Anderson, Councilor Fosle, Councilor Hansen, Councilor Hansen, 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
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
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

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 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

   **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.


*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:

- 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

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.
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 AWARDING 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 AWARDING 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
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 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 WHITTLER 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**


*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
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.
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.

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**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 AWARDING 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

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**

**CONSENTH 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 AWARDING 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**


**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)
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)

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)

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

**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 - Hansen

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 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 EASEMENTS.

*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 AWARDING 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**  

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

**Nay:** 1 - Councilor Fosle

**Absent:** 1 - Councilor Hobbs

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 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

Index:

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

MOTIONS AND RESOLUTIONS

CONSENT AGENDA

BY COUNCILOR HOBBS (FINANCE)

6. **16-0005R**  

   **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.


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 REIMBURSMENT 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.

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.
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, 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.
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.

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 AWARDING 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**  

**Indexes:**

**Attachments:** Exhibit A - Reopener Final 2015-2017 CDSA CBA (Clean)  
Reopener Final 2015-2017 CDSA CBA (Changed Marked)  
TA - initialled redlined reopenner 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

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 Board12-08-15 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 Harrisson 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 AWARDING THE SALE THEREOF.

Indexes:

Attachments: Exhibit A
Exhibit B
Exhibit C

This Resolution was adopted unanimously.


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:** 8 - Councilor Anderson, Councilor Hansen, Councilor Hanson, Councilor Hobbs, Councilor Russ, Councilor Sipress, Councilor Westerlund and President Filipovich
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 LONG
   THE NORTH AND SOUTH SIDES OF LONDON ROAD.

   **Indexes:**
   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:**
   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:**
   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.
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]

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)


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:展* 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:展* 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:展* 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:展* 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 REPAINITNG 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 AWARDING 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.

*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)

*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.
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

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.
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


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:** 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 BALLOON FESTIVAL) BAYFRONT PARK.

*Indexes:*

*Attachments: Attachment A - Shriners*

This Resolution was adopted unanimously.

**Yea:** 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:** 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**  

**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: 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: 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: 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
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

   **Indexes:**

   **Attachments:** 02162016 DPUC meeting minutes

   This Board or Commission Report was received.


   **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.
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
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.
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.

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.
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

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.
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

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**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:** 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:** 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:** 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 GLBTQAI 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: 2016appointeefinal3*

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:  
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:  
16-0252R Agreement  
16-0252R Map

This resolution carried unanimously.
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: 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: 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: 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: 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.
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:**

- 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:**

- 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:**

- 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: Julsrud 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:
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
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]
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 COMPLAINE 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:* 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:* 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:* 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
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

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

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: 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


Indexes: 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

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30. **16-0302R**  
RESOLUTION AWARDING 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

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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 AWARDING 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**   

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: Yay
- 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
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 HOBBES (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
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
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)


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
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.
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 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 REDEVELOPMENT 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**


*Indexes:*

*Attachments: 16-0374R Map  
16-0374R Schedule I*

This Resolution was adopted unanimously.

16. **16-0386R**

RESOLUTION AWARDING 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 HOBB (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 AWARDING 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 AWARDING 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

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

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
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 PEDESTRIAN 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 Big 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:
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
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 PRORAM 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 AWARDING 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 AWARDING 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
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]

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

Index: DAA May Minutes

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.
July 11, 2016

City Council Actions and Unofficial Minutes

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: Exhibit A 7.12.16

    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: Exhibit A

    Attachments: Exhibit A

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
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 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)**


*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**  

*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 AWARDING 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 AWARDING 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

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 HOBB (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 AWARDING 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 Amend - 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
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

*Indexes:*

*Attachments: attachment A - Wine License Renewals*

This Resolution was adopted unanimously.


*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


*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 Hanson, 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 (BELLISSIO’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 DEFFERED 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 AWARDING 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
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.
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:*  
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
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:
   - 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. Reierson

   This communication was received.

2. **16-113** Polyment Communications #2

   Indexes:
   - 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:*  
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:*  
Attachment 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:*  
Attachment Exhibit A

This Resolution was adopted unanimously.

22. **16-0658R**  
RESOLUTION AUTHORIZING AGREEMENT WITH ME GLOBAL, INC. FOR GAS TRANSPORTATION SERVICES.

*Indexes:*  
Attachment 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
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

INTRODUCTION AND CONSIDERATION OF ORDINANCES

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

BY COUNCILOR HANSEN (FINANCE)

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.

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
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
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 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 HOBBSS (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: Exhibit A
Exhibit B
Exhibit C
Original 16-052-O

This Ordinance was adopted.

COUNCILOR QUESTIONS AND COMMENTS
COUNCILOR PREVIEW OF UPCOMING BUSINESS
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]

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.
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 HOBB (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.
9. **16-0725R**

RESOLUTION AUTHORIZING SKYWALK AGREEMENT WITH RENDFELD LAND COMPANY PERTAINING TO THE FUR STORAGE BUILDING PROPERTY.

_Indexes:_

- 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:_

- 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 AWARDING 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 AWARDING 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
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.

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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**
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: 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. **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. **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. **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. **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 THEREOF 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
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.
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 AWARDING 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: 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: 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.

<table>
<thead>
<tr>
<th>Yea</th>
<th>8 - Councilor Anderson, Councilor Hansen, Councilor Hanson, Councilor Hobbs, Councilor Russ, Councilor Sipress, Councilor Westerlund and President Filipovich</th>
</tr>
</thead>
<tbody>
<tr>
<td>Nay</td>
<td>1 - Councilor Fosle</td>
</tr>
</tbody>
</table>

**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
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 AWARDING 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 Hansen, 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. 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, 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: Hobbs Motion To Amend - WITHDRAWN (12/5/16)

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: Hobbs Motion To Amend - WITHDRAWN (12/5/16)

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
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 EASEMENTS.

*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 AWARDING 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**


**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  
**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:

Nay:

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

**Nay:** 1 - Councilor Fosle

**Absent:** 1 - Councilor Hobbs

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)**
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