



# City of Duluth

411 West First Street  
Duluth, Minnesota 55802

## Minutes - Final

### City Council

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

**TOOLS OF CIVILITY:** *The Duluth City Council promotes the use and adherence of the tools of civility in conducting the business of the council. The tools of civility provide increased opportunities for civil discourse leading to positive resolutions for the issues that face our city. We know that when we have civility, we get civic engagement, and because we can't make each other civil and we can only work on ourselves, we state that today I will: pay attention, listen, be inclusive, not gossip, show respect, seek common ground, repair damaged relationships, use constructive language, and take responsibility. [Approved by the council on May 14, 2018]*

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Monday, January 28, 2019

7:00 PM

Council Chamber

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#### ROLL CALL

#### ROLL CALL

**Present:** 7 - Councilor Gary Anderson, Councilor Zack Filipovich, Councilor Jay Fosle, Councilor Barb Russ, Councilor Joel Sipress, Councilor Em Westerlund and Councilor Renee Van Nett

**Absent:** 1 - President Noah Hobbs

#### PLEDGE OF ALLEGIANCE

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#### APPROVAL OF MINUTES

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1. [19-015](#) Meeting Minutes of the Duluth City Council

**Indexes:**

**Attachments:** [December 17th, 2018](#)

[January 14th, 2019](#)

These Minutes were approved.

REPORTS FROM THE ADMINISTRATION

REPORTS FROM THE ADMINISTRATION

REPORTS FROM OTHER OFFICERS

REPORTS FROM OTHER OFFICERS

REPORTS OF BOARDS AND COMMISSIONS

REPORTS OF BOARDS AND COMMISSIONS

- 2. [19-016](#) Charter Commission Meeting Minutes

**Indexes:**

**Attachments:** [Charter Commission 10-10-2018](#)

This Board or Commission Report was received.

- 3. [19-017](#) Duluth Public Utilities Commission Meeting Minutes

**Indexes:**

**Attachments:** [Duluth Public Utilities Commission 12-18-2018](#)

[Duluth Public Utilities Commission 11-20-2018](#)

- 4. [19-018](#) Charter Commission recommending ordinance amending chapter v, section 36 of the city of Duluth home rule charter, 1912, as amended, pertaining to civil service requirements for deputy fire chiefs.

**Indexes:**

**Attachments:** [19-004-O](#)

This Board or Commission Report was received.

REPORTS OF COUNCIL COMMITTEES

REPORTS OF COUNCIL COMMITTEES

REPORTS OF COUNCIL OPEN ISSUES

REPORTS OF COUNCIL OPEN ISSUES

OPPORTUNITY FOR CITIZENS TO BE HEARD

OPPORTUNITY FOR CITIZENS TO BE HEARD

CONSENT AGENDA

CONSENT AGENDA

BY COUNCILOR FILIPOVICH (FINANCE)

BY COUNCILOR FILIPOVICH (FINANCE)

5. [19-0075R](#) RESOLUTION AUTHORIZING SETTLEMENT OF CLAIM AGAINST 2821 HAGBERG STREET IN THE AMOUNT OF \$11,464.95.

**This Resolution was adopted unanimously.**

BY COUNCILOR ANDERSON (PERSONNEL)

BY COUNCILOR ANDERSON (PERSONNEL)

6. [19-0047R](#) RESOLUTION CONFIRMING THE REAPPOINTMENT OF RON BOSHEY TO THE DULUTH HOUSING AND REDEVELOPMENT AUTHORITY.

**This Resolution was adopted unanimously.**

7. [19-0058R](#) RESOLUTION CONFIRMING THE APPOINTMENT OF KRIS LILJEBLAD TO THE DULUTH PARKING COMMISSION.

**This Resolution was adopted unanimously.**

8. [19-0076R](#) RESOLUTION APPROVING PROPOSED AMENDMENTS TO THE SPECIFICATIONS FOR THE EXISTING CIVIL SERVICE CLASSIFICATION OF PUBLIC INFORMATION OFFICER.

Indexes:

- Attachments: [Exhibit A](#)  
[Exhibit A \(strikeout\)](#)

**This Resolution was adopted unanimously.**

BY COUNCILOR RUSS (PLANNING & ECONOMIC DEVELOPMENT)

BY COUNCILOR RUSS (PLANNING & ECONOMIC DEVELOPMENT)

9. [19-0064R](#) RESOLUTION AUTHORIZING A REQUEST FOR HUD HOME FUNDS FOR THE 2019 PROGRAM YEAR, AUTHORIZING AGREEMENTS WITH APPROPRIATE AGENCIES.

**This Resolution was adopted unanimously.**

10. [19-0065R](#) RESOLUTION AUTHORIZING A REQUEST FOR HUD EMERGENCY SOLUTIONS GRANTS PROGRAM (ESG) FUNDING FOR THE 2019 PROGRAM YEAR, AUTHORIZING CONTRACTS, AUTHORIZING AGREEMENTS WITH APPROPRIATE AGENCIES.

**This Resolution was adopted unanimously.**

11. [19-0066R](#) RESOLUTION APPROVING A PRE-COMMITMENT OF \$275,000 FISCAL YEAR 2020 FUNDING ALLOCATION TO THE CITY OF DULUTH FROM THE HOUSING AND URBAN DEVELOPMENT (HUD) DEPARTMENT FOR THE CONSTRUCTION OF THE DECKER DWELLINGS APARTMENTS, AND SUPPORTING ITS CONSTRUCTION.

**This Resolution was adopted unanimously.**

BY COUNCILOR FORSMAN (PUBLIC WORKS & UTILITIES)

BY COUNCILOR FORSMAN (PUBLIC WORKS & UTILITIES)

12. [19-0034R](#) RESOLUTION AUTHORIZING AN AGREEMENT WITH MSA PROFESSIONAL SERVICES, INC. FOR PROFESSIONAL

ENGINEERING SERVICES TO PROVIDE DESIGN SERVICES FOR THE LIFT STATION 15 RELOCATION PROJECT IN THE AMOUNT OF \$130,359.

**Indexes:**

**Attachments:** [19-0034R Map](#)

**This Resolution was adopted unanimously.**

13. [19-0048R](#) RESOLUTION AUTHORIZING THE PURCHASE OF DELIVERED CLASS 5 GRAVEL, 3/4-INCH CRUSHED WASHED ROCK, RIP-RAP, AND SAND FROM DULUTH READY MIX, INC. FOR AN AMOUNT NOT TO EXCEED \$380,692.50

**This Resolution was adopted unanimously.**

14. [19-0050R](#) RESOLUTION APPROVING A COUNTY PROJECT WITHIN MUNICIPAL CORPORATE LIMITS FOR IMPROVEMENTS TO COUNTY STATE AID HIGHWAY 91 (NORTH 40TH AVENUE WEST).

**Indexes:**

**Attachments:** [19-0050R Map & Section](#)

**This Resolution was adopted unanimously.**

15. [19-0052R](#) RESOLUTION AUTHORIZING AN AGREEMENT WITH ST. LOUIS COUNTY TO CONSTRUCT AND MAINTAIN DECORATIVE STREET LIGHTS ON CSAH 9 (WOODLAND AVENUE).

**Indexes:**

**Attachments:** [19-0052R Exhibit A](#)

**This Resolution was adopted unanimously.**

16. [19-0068R](#) RESOLUTION ACCEPTING PERMANENT EASEMENT FOR STREET AND UTILITY PURPOSES FROM THE STATE OF MINNESOTA OVER, UNDER, AND ACROSS TAX-FORFEITED PROPERTY LOCATED AT THE INTERSECTION W. PAGE ST. AND JOSHUA AVE. FOR \$150.

**Indexes:**

**Attachments:** [Exhibit 1.pdf](#)

**This Resolution was adopted unanimously.**

BY COUNCILOR VAN NETT (PUBLIC SAFETY)

BY COUNCILOR VAN NETT (PUBLIC SAFETY)

17. [19-0051R](#) RESOLUTION AUTHORIZING PROPER CITY OFFICIALS TO ACCEPT A GRANT FROM THE U.S. DEPARTMENT OF JUSTICE, BUREAU OF JUSTICE ASSISTANCE IN THE TOTAL AMOUNT OF \$1,000,000 AND FURTHER AUTHORIZING AN AGREEMENT WITH ST. LOUIS COUNTY, PROGRAM FOR AID TO VICTIMS OF SEXUAL ASSAULT AND EMILY GAARDER PHD FOR THEIR PARTICIPATION IN THE 2018 SAKI PROJECT: CITY OF DULUTH AS PART OF THE NATIONAL SEXUAL ASSAULT KIT INITIATIVE.

**Indexes:**

**Attachments:** [Exhibit A.pdf](#)  
[Exhibit B.pdf](#)  
[Exhibit C.pdf](#)

**This Resolution was adopted unanimously.**

**Yea:** 6 - Councilor Anderson, Councilor Filipovich, Councilor Fosle, Councilor Russ, Councilor Sipress and Councilor Van Nett

**Absent:** 1 - President Hobbs

**Abstain:** 1 - Councilor Westerlund

18. [19-0054R](#) 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 2019 TOWARD ZERO DEATHS PROJECT.

**Indexes:**

**Attachments:** [Exhibit A.pdf](#)  
[Exhibit B.pdf](#)  
[Exhibit C.pdf](#)

**This Resolution was adopted unanimously.**

BY COUNCILOR WESTERLUND (RECREATION, LIBRARIES & AUTHORITIES)

BY COUNCILOR WESTERLUND (RECREATION, LIBRARIES & AUTHORITIES)

- 19. [19-0069R](#) RESOLUTION AUTHORIZING A THREE-YEAR LICENSE AGREEMENT WITH REGENTS OF THE UNIVERSITY OF MINNESOTA FOR USE OF SPACE ON PARK POINT FOR THE USE AND MAINTENANCE OF TWO CAMERAS AND RELATED EQUIPMENT TO MONITOR RIP CURRENTS FOR NOMINAL CONSIDERATION.

Indexes:

Attachments: [Exhibit 1.pdf](#)

This Resolution was adopted unanimously.

- 20. [19-0074R](#) RESOLUTION AUTHORIZING A THREE-YEAR AGREEMENT WITH THE DULUTH CROSS COUNTRY SKI CLUB TO ASSIST THE CITY WITH THE PRESERVATION, MAINTENANCE, AND ENHANCEMENT OF CROSS COUNTRY SKI TRAILS, AT NO COST TO THE CITY.

Indexes:

Attachments: [Exhibit 1.pdf](#)

This Resolution was adopted unanimously.

END OF CONSENT AGENDA

END OF CONSENT AGENDA

The following entitled resolutions are also to be considered:

The following entitled resolutions are also to be considered:

BY COUNCILOR RUSS (PLANNING & ECONOMIC DEVELOPMENT)

BY COUNCILOR RUSS (PLANNING & ECONOMIC DEVELOPMENT)

- 21. [19-0062R](#) RESOLUTION APPROVING THE 2019 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. (REPLACEMENT)

Indexes:

**Attachments:** [Summary Memo and 2019 Annual Action Plan](#)  
[2019 Action Plan 2.1.19](#)

**This Resolution was tabled.**

22. [19-0063R](#) RESOLUTION AUTHORIZING A REQUEST FOR HUD FEDERAL COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) FUNDS FOR THE 2019 PROGRAM YEAR, AUTHORIZING AGREEMENTS WITH APPROPRIATE AGENCIES.

**Indexes:**

**Attachments:** [Motion to Amend: Sipress.Forsman - Passed Unanimously.](#)

**This Resolution was adopted as amended unanimously.**

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

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

BY PRESIDENT HOBBS (COMMITTEE OF THE WHOLE)

BY PRESIDENT HOBBS (COMMITTEE OF THE WHOLE)

23. **19-004-O** AN ORDINANCE AMENDING CHAPTER V, SECTION 36 OF THE CITY OF DULUTH HOME RULE CHARTER, 1912, AS AMENDED, PERTAINING TO CIVIL SERVICE REQUIREMENTS FOR DEPUTY FIRE CHIEFS.

**Indexes:**

**Attachments:** 19-04  
19-03  
19-02

**This Ordinance was read for the first time.**

BY COUNCILOR FORSMAN (PUBLIC WORKS & UTILITIES)

BY COUNCILOR FORSMAN (PUBLIC WORKS & UTILITIES)

24. [19-003-O](#) AN ORDINANCE AMENDING CHAPTER 48 OF THE DULUTH CITY



CODE, 1959, AS AMENDED TO ALLOW TERMINATION OF WATER SERVICE TO CUSTOMERS OF THE CITY'S DISTRICT HEATING UTILITY FOR FAILURE TO TIMELY PAY UTILITY BILL AMENDING SECTIONS 48-1, 48-208, 48-208.2, 48-208.3, 48-209, 48-210 AND 48-212 THEREOF..

**This Ordinance was read for the first time.**

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

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

BY COUNCILOR WESTERLUND (RECREATION, LIBRARIES & AUTHORITIES)

BY COUNCILOR WESTERLUND (RECREATION, LIBRARIES & AUTHORITIES)

- 25.     [19-002-O](#)     ORDINANCE AMENDING CHAPTER 11 OF THE DULUTH CITY CODE TO PROHIBIT THE DISTRIBUTION OF TOBACCO OR TOBACCO RELATED DEVICES TO ANYONE UNDER THE AGE OF 21 YEARS.

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

**Yea:** 5 - Councilor Anderson, Councilor Filipovich, Councilor Russ, Councilor Westerlund and Councilor Van Nett

**Nay:** 2 - Councilor Fosle and Councilor Sipress

**Absent:** 1 - President Hobbs

COUNCILOR QUESTIONS AND COMMENTS

COUNCILOR QUESTIONS AND COMMENTS

COUNCILOR PREVIEW OF UPCOMING BUSINESS

COUNCILOR PREVIEW OF UPCOMING BUSINESS