



City of Duluth

411 West First Street
Duluth, Minnesota 55802

Minutes - Final

City Council

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

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

Monday, November 23, 2015

7:00 PM

Council Chamber

ROLL CALL

ROLL CALL

PLEDGE OF ALLEGIANCE

PLEDGE OF ALLEGIANCE

PRESENTATION OF PETITIONS AND OTHER COMMUNICATIONS

PRESENTATION OF PETITIONS AND OTHER COMMUNICATIONS

1. [15-088](#) Communication regarding the proposed rezoning of the Morgan Park School site (15-092-O).

Indexes:

Attachments: [George A. Ruetschi Communication](#)

This Petition/Other Communication was received.

REPORTS FROM THE ADMINISTRATION

REPORTS FROM THE ADMINISTRATION

REPORTS FROM OTHER OFFICERS

REPORTS FROM OTHER OFFICERS

2. [15-085](#) Clerk applications for exempt permits submitted to the Minnesota gambling control board from Minnesota Ballet on April 28, 2016, and St. John's the Evangelist Church on March 10, 2016 (raffles).

Indexes:

Attachments: [Minnesota Ballet Raffle Application](#)
[St John Raffle Application](#)

This Other Officers Report was received.

REPORTS OF BOARDS AND COMMISSIONS

REPORTS OF BOARDS AND COMMISSIONS

3. [15-084](#) Civil service board minutes of September 15, 2015, meeting.

Indexes:

Attachments: [11-17-15 Agenda Minutes](#)

This Board or Commission Report was received.

4. [15-086](#) Duluth economic development authority minutes of September 23, 2015, meeting.

Indexes:

Attachments: [9-23-15 DEDA Mtg Minutes](#)

This Board or Commission Report was received.

5. [15-087](#) Duluth airport authority minutes of September 15, 2015, meeting.

Indexes:

Attachments: [Duluth Airport Authority Minutes](#)

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

Councilor Sipress presented John Steffl with the Duluth City Council's November 2015 Distinguished Artists Award.

John Steffl commented and thanked the council.

OPPORTUNITY FOR CITIZENS TO BE HEARD

OPPORTUNITY FOR CITIZENS TO BE HEARD

Tom Morgan commented about Duluth's newest sister city in Rani, Kurdistan, which is in norther Iraq and updates about other cities.

Jeremy Rubin, Bob Kunze, Paul Steen, Nancy Nelson, Doug Stevens and Bill Majewski commented about the Skyline Parkway vegetation management plan.

RESOLUTION TABLED

RESOLUTION TABLED

COMMITTEE 2

COMMITTEE 2

BY COUNCILOR RUSS (PLANNING & ECONOMIC DEVELOPMENT)

BY COUNCILOR RUSS (PLANNING & ECONOMIC DEVELOPMENT)

6. [15-0775R](#) RESOLUTION AMENDING RESOLUTION 14-0599, ADOPTING LICENSE, PERMIT, FINE, PENALTY AND OTHER CHARGES FOR 2015, BE AMENDED BY ADDING AN ANNUAL LICENSE FEE FOR KEEPING SMALL FARM ANIMALS.

Councilor Russ moved to remove the resolution from the table, which motion was seconded and unanimously carried.

Councilor Russ moved to return the resolution to the administration, which motion was seconded and unanimously carried.

This Resolution was withdrawn.

MOTIONS AND RESOLUTIONS

MOTIONS AND RESOLUTIONS

BY COUNCILOR RUSS (PLANNING & ECONOMIC DEVELOPMENT)

BY COUNCILOR RUSS (PLANNING & ECONOMIC DEVELOPMENT)

32. [15-093-O](#) AN ORDINANCE AMENDING CHAPTER 6, ARTICLE VII, OF THE DULUTH CITY CODE, 1959, AS AMENDED, RELATING TO NONDOMESTIC ANIMALS.

This Ordinance was withdrawn.

CONSENT AGENDA

CONSENT AGENDA

COMMITTEE 1

COMMITTEE 1

BY COUNCILOR FILIPOVICH (FINANCE)

BY COUNCILOR FILIPOVICH (FINANCE)

7. [15-0791R](#) RESOLUTION DISTRIBUTING THE ESTIMATED 2016 HOTEL-MOTEL AND FOOD AND BEVERAGE TOURISM TAXES.

This Resolution was adopted.

BY COUNCILOR HANSON (PURCHASING & LICENSING)

BY COUNCILOR HANSON (PURCHASING & LICENSING)

8. [15-0790R](#) RESOLUTION AUTHORIZING THE EXECUTION OF A SNOWMOBILE TRAILS ASSISTANCE PROGRAM GRANT AGREEMENT FOR FY2016 WITH THE MINNESOTA DEPARTMENT OF NATURAL RESOURCES IN AN AMOUNT NOT TO EXCEED \$13,025.

Indexes:

Attachments: [Exhibit A](#)

This Resolution was adopted.

9. [15-0793R](#) RESOLUTION AUTHORIZING THE PURCHASE OF STREET LIGHTING MATERIALS FROM ON2 SOLUTIONS IN THE AMOUNT OF \$207,360.

Indexes:

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

This Resolution was adopted.

10. [15-0804R](#) RESOLUTION APPROVING DIRECT PURCHASING, SURVEILLANCE HARDWARE AND SOFTWARE MAINTENANCE AGREEMENT WITH HITACHI DATA SYSTEMS INCLUDING \$71,382.00 FOR YEAR 2015.

Indexes:

Attachments: [Exhibit A \(15-0804R\).pdf](#)

This Resolution was adopted.

BY COUNCILOR GARDNER (PERSONNEL)

BY COUNCILOR GARDNER (PERSONNEL)

11. [15-0808R](#) RESOLUTION CONFIRMING THE APPOINTMENT OF HEATHER RAND AS DIRECTOR OF BUSINESS AND ECONOMIC DEVELOPMENT FOR THE CITY OF DULUTH.

This Resolution was adopted.

COMMITTEE 2

COMMITTEE 2

BY COUNCILOR RUSS (PLANNING & ECONOMIC DEVELOPMENT)

BY COUNCILOR RUSS (PLANNING & ECONOMIC DEVELOPMENT)

12. [15-0780R](#) RESOLUTION AUTHORIZING FIRST AMENDMENTS TO SUBLEASE AGREEMENTS WITH ARROWHEAD ECONOMIC OPPORTUNITY AGENCY AND NORTHEAST MINNESOTA OFFICE OF JOB TRAINING

TO PROVIDE TELECOMMUNICATION SERVICES AND NETWORK INFRASTRUCTURE AND INCREASING RENT FOR SAID SERVICES.

Indexes:

Attachments: [Exhibit A FIRST AMENDMENT to arrowhead sublease 11.6.2015](#)
[Exhibit B First Amendment to NMOJT sublease](#)

This Resolution was adopted.

13. [15-0781R](#) RESOLUTION AUTHORIZING UTILITY EASEMENT AGREEMENT WITH PIER B HOLDING LLC OVER PROPERTY IN BAY FRONT DIVISION.

Indexes:

Attachments: [Exhibit A - 15-0781R](#)

This Resolution was adopted.

14. [15-0792R](#) RESOLUTION ACCEPTING A TRAIL EASEMENT AND A CONSERVATION EASEMENT FROM GRAND AVENUE ESTATES OF DULUTH, LLC.

Indexes:

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

This Resolution was adopted.

15. [15-0794R](#) RESOLUTION APPLYING THE PROPERTY TRANSFER RESTRICTIONS OF MINNESOTA STATE SECTION 272.162.

Indexes:

Attachments: [Attachment A](#)

This Resolution was adopted.

16. [15-0799R](#) RESOLUTION VACATING CERTAIN EASEMENTS FOR PUBLIC STREET, ROADWAY AND UTILITY PURPOSES AT THE FORMER ATLAS CEMENT PLANT SITE (DEDA).

Indexes:

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

This Resolution was adopted.

COMMITTEE 3

COMMITTEE 3

BY COUNCILOR JULSRUD (PUBLIC WORKS & UTILITIES)

BY COUNCILOR JULSRUD (PUBLIC WORKS & UTILITIES)

17. [15-0779R](#) RESOLUTION APPROVING A COUNTY PROJECT WITHIN MUNICIPAL CORPORATE LIMITS FOR IMPROVEMENTS TO COUNTY STATE AID HIGHWAY NO. 9 (FOURTH STREET AND WALLACE AVENUE).

Indexes:

Attachments: [15-0779R Map](#)

Councilor Julsrud moved to suspend the rules to hear speakers on the resolutions, which motion was seconded and unanimously carried.

Myrna Matheson and Ann Redefs spoke in opposition of this resolution and the removal of the trees.

Steve Krasaway, St Louis County resident engineer spoke of the need to remove the trees and what will replace them.

A motion was made that this Resolution be adopted. The motion carried by a unanimous vote.

18. [15-0782R](#) RESOLUTION AUTHORIZING A ONE-YEAR EXTENSION TO CONTRACT 20814 WITH NORTHERN ENERGETICS IN THE AMOUNT OF \$57,200, AND A NEW CONTRACT TOTAL AMOUNT NOT TO EXCEED \$483,100.

Indexes:

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

This Resolution was adopted.

19. [15-0783R](#) RESOLUTION AUTHORIZING AN AGREEMENT BETWEEN ST. LOUIS

COUNTY, THE CITY OF DULUTH AND THE CITY OF HERMANTOWN TO COMPLETE A TRAFFIC SIGNAL TIMING PLAN UPDATE PROJECT WITHIN THE CITIES OF DULUTH AND HERMANTOWN.

Indexes:

Attachments: [15-0783R Agreement & Appendices](#)

This Resolution was adopted.

20. [15-0786R](#) RESOLUTION AUTHORIZING THE EXTENSION OF A MINNESOTA DEPARTMENT OF NATURAL RESOURCES GRANT AGREEMENT FOR REMOVAL OF DEBRIS AND SEDIMENT.

Indexes:

Attachments: [15-0786R Appendix 1](#)

[15-0786R Appendix 2](#)

This Resolution was adopted.

21. [15-0789R](#) RESOLUTION AMENDING CONTRACT NO. 22547 WITH FOUR STAR CONSTRUCTION, INC. FOR RETAINING WALL REPAIRS AT 1720 NEW STREET AND 2305 WEST FIFTH STREET IN THE AMOUNT OF \$47,094.88 FOR A NEW TOTAL OF \$143,265.88.

Indexes:

Attachments: [15-0789R Map](#)

This Resolution was adopted.

22. [15-0795R](#) RESOLUTION AUTHORIZING AN AGREEMENT WITH LHB, INC. FOR PROFESSIONAL ENGINEERING SERVICES TO PROVIDE DESIGN AND CONSTRUCTION ENGINEERING SERVICES FOR THE AERIAL LIFT BRIDGE OPERATING ROPE REPLACEMENT PROJECT IN THE AMOUNT OF \$67,407.

Indexes:

Attachments: [15-0795R PESA](#)

This Resolution was adopted.

23. [15-0800R](#) RESOLUTION AWARDED A CONTRACT TO PARSONS ELECTRIC, INC. FOR THE INSTALLATION OF CITYWIDE STREET LIGHTING

UPGRADES IN THE AMOUNT OF \$124,096.50.

This Resolution was adopted.

BY COUNCILOR FOSLE (PUBLIC SAFETY)

BY COUNCILOR FOSLE (PUBLIC SAFETY)

24. [15-0784R](#) RESOLUTION AUTHORIZING AGREEMENT WITH ST. LOUIS COUNTY TO PERFORM POLICE SERVICES PURSUANT TO 2014 OPERATION STONEGARDEN AND ACCEPTING REIMBURSEMENT FROM THE MINNESOTA DEPARTMENT OF PUBLIC SAFETY, HOMELAND SECURITY AND EMERGENCY MANAGEMENT DIVISION THROUGH ST. LOUIS COUNTY IN AN AMOUNT NOT TO EXCEED \$24,157

Indexes:

Attachments: [Exhibit B](#)

[Exhibit A](#)

This Resolution was adopted.

25. [15-0785R](#) RESOLUTION AUTHORIZING PROPER CITY OFFICIALS TO ACCEPT A GRANT FROM THE ST. LUKE'S FOUNDATION FOR THE DULUTH POLICE DEPARTMENT SPONSORED CRISIS INTERVENTION TRAINING PROJECT IN THE AMOUNT OF \$6,000.

This Resolution was adopted.

26. [15-0788R](#) RESOLUTION AUTHORIZING THE PROPER CITY OFFICIALS TO ACCEPT A GRANT FROM THE DEPARTMENT OF JUSTICE OFFICE OF VIOLENCE AGAINST WOMEN IN THE AMOUNT OF \$150,000 TO SUPPORT THE CREATION OF A CUSTOMIZED VERSION OF THE BLUEPRINT FOR SAFETY.

Indexes:

Attachments: [Attachment A - Blueprint for Safety](#)

[Attachment B - Blueprint for Safety](#)

[Attachment C - Blueprint for Safety](#)

This Resolution was adopted.

27. [15-0797R](#) RESOLUTION AUTHORIZING AGREEMENT WITH THE MINNESOTA NATIONAL GUARD FOR COUNTERDRUG SUPPORT FOR THE DULUTH POLICE DEPARTMENT.

Indexes:

Attachments: [Exhibit A 15-0797R.pdf](#)

This Resolution was adopted.

BY COUNCILOR SIPRESS (RECREATION, LIBRARIES & AUTHORITIES)

BY COUNCILOR SIPRESS (RECREATION, LIBRARIES & AUTHORITIES)

28. [15-0787](#) RESOLUTION AUTHORIZING DISBURSEMENT OF GRANT FUNDS IN THE AMOUNT OF \$52,000 FROM THE PARKS FUND NEIGHBORHOOD GRANT PROGRAM.

Indexes:

Attachments: [EXHIBIT A - 15-0787R.pdf](#)

This Resolution was adopted.

END OF CONSENT AGENDA

END OF CONSENT AGENDA

The following entitled resolution is also to be considered:

The following entitled resolution is also to be considered:

COMMITTEE 1

COMMITTEE 1

BY COUNCILOR GARDNER (PERSONNEL)

BY COUNCILOR GARDNER (PERSONNEL)

29. [15-0810R](#) RESOLUTION OPPOSING THE TRANS-PACIFIC PARTNERSHIP FREE TRADE AGREEMENT.

Councilor Gardner moved to suspend the rules to hear speakers on the resolution, which motion was seconded and unanimously carried.

Mary Theure, Dan O'Neil, Tamara Jones and Zach Sias spoke in support of the resolution.

Resolution carries as follows:

Yea: Councilor Filipovich, Fosle, Gardner, Hanson, Julsrud, Sipress and President Larson

Nay: Councilor Krug

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

Yea: 8 - Filipovich, Fosle, Gardner, Hanson, Julsrud, Russ, Sipress and Larson

Nay: 1 - Krug

INTRODUCTION AND CONSIDERATION OF ORDINANCES

INTRODUCTION AND CONSIDERATION OF ORDINANCES

The following entitled ordinance is to be read for the first time:

The following entitled ordinance is to be read for the first time:

COMMITTEE 2

COMMITTEE 2

BY COUNCILOR RUSS (PLANNING & ECONOMIC DEVELOPMENT)

BY COUNCILOR RUSS (PLANNING & ECONOMIC DEVELOPMENT)

30. [15-0885R](#) AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF DULUTH TO PROVIDE FOR THE RECLASSIFICATION FROM R-1 TO MU-B, PROPERTY AT 3125 WEST ARROWHEAD ROAD (MINNESOTA POWER).

Indexes:

Attachments: [Attachment A](#)

[Attachment B](#)

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:

COMMITTEE 2

COMMITTEE 2

31. [15-092-O](#) AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF DULUTH TO PROVIDE FOR THE RECLASSIFICATION FROM R-1 TO R-2 AND MU-N, PROPERTY AT 1243 88TH AVENUE WEST.

Indexes:

Attachments: [Map Attachment](#)

[Staff Report](#)

[Comments Received After Staff Report](#)

Councilor Russ moved to suspend the rules to hear speakers on this ordinance, which motion was seconded and unanimously carried.

Bruce Snyder, Rich Borich, Yvonne Baer, Lloyed Ethier, George Ruetschi and Susan Borich voiced opposition or concerns about the ordinance.

Sue Majewski, Bill Majewski and Andrew Schweiger, project developer expressed support for the ordinance.

Councilor Fosle moved to table the ordinance, which motion was seconded and failed upon the following vote: Yeas: 2 - Councilors Fosle and Julsrud. Nays: 8 - Councilors Filipovich, Gardner, Hanson, Krug, Russ, Sipress and President Larson.

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

Yea: 8 - Filipovich, Gardner, Hanson, Julsrud, Krug, Russ, Sipress and Larson

Nay: 1 - Fosle

COUNCILOR QUESTIONS AND COMMENTS

COUNCILOR QUESTIONS AND COMMENTS

COUNCILOR PREVIEW OF UPCOMING BUSINESS

COUNCILOR PREVIEW OF UPCOMING BUSINESS

The meeting was adjourned at 9:47 p.m.