



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, January 8, 2018

7:00 PM

Council Chamber

ROLL CALL

ROLL CALL

Present: 8 - Councilor Gary Anderson, Councilor Zack Filipovich, Councilor Jay Fosle, President Noah Hobbs, Councilor Barb Russ, Councilor Joel Sipress, Councilor Em Westerlund and Councilor Renee Van Nett

PLEDGE OF ALLEGIANCE

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ELECTION OF OFFICERS

APPROVAL OF MINUTES

APPROVAL OF MINUTES

1. [18-013](#) December 11th, 2017 - City of Duluth City Council Meeting Minutes

Indexes:

Attachments: [December 11 2017 - City Council](#)

This Minutes was 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. [18-011](#) Duluth Transit Authority Meeting Minutes

Indexes:

Attachments: [BOD Minutes \(10-25-17\)](#)

This Board or Commission Report was received.

- 3. [18-012](#) Parking Commission Resolutions

Indexes:

Attachments: [December 2017 Resolutions](#)

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)

- 4. [18-0012R](#) RESOLUTION AUTHORIZING A TWO-YEAR CONTRACT WITH WASTE MANAGEMENT FOR GARBAGE/REFUSE REMOVAL AND RECYCLING PICKUP FOR ESTIMATED COST OF \$12,000 PER MONTH, AND A TOTAL ESTIMATED INITIAL CONTRACT AMOUNT OF \$288,000.

Indexes:

Attachments: [Trash & Recycling Service Agreement FINAL](#)

This Resolution was adopted unanimously.

- 5. [18-0014R](#) RESOLUTION AUTHORIZING YEAR 2018 AGREEMENT WITH DULUTH-SUPERIOR PUBLIC ACCESS COMMUNITY TELEVISION, INC., FOR COMMUNITY ACCESS CABLECASTING, TRAINING, PRODUCTION AND ADMINISTRATION SERVICES FOR \$182,000.

Indexes:

Attachments: [2018 PACT Lease and Professional Services Agreement](#)

This Resolution was adopted unanimously.

- 6. [18-0039R](#) RESOLUTION AUTHORIZING EXECUTION OF AN AGREEMENT WITH VISIT DULUTH TO PROVIDE ADVERTISING AND PROMOTION SERVICES TO THE CITY OF DULUTH FOR THE YEARS 2018, 2019 AND 2020 FOR A TOTAL COST NOT TO EXCEED \$6,000,000.

Indexes:

Attachments: [Exhibit A.](#)

This Resolution was adopted unanimously.

BY COUNCILOR FOSLE (PURCHASING & LICENSING)

BY COUNCILOR FOSLE (PURCHASING & LICENSING)

- 7. [18-0002R](#) RESOLUTION APPROVING THE ISSUANCE OF A 2018 MINNESOTA CURRENCY EXCHANGE LICENSE TO THE TITLE LOAN COMPANY,

INC.

Indexes:

Attachments: [TITLE LOAN COMPANY-12132017114811](#)

This Resolution was adopted unanimously.

8. [18-0009R](#) RESOLUTION ISSUING OFF SALE 3.2 PERCENT MALT LIQUOR LICENSES TO HOLIDAY STATIONSTORES, LLC AT 2605 LONDON ROAD, 5430 GRAND AVENUE, AND 200 BOUNDARY AVENUE SOUTH.

This Resolution was adopted unanimously.

9. [18-0022R](#) RESOLUTION AUTHORIZING AN AMENDMENT AND EXTENSION TO AGREEMENT C22495 WITH SAS + ASSOCIATES FOR PROFESSIONAL SERVICES FOR HARTLEY PARK TRAIL, BOARDWALK AND PARKING IMPROVEMENTS, AN INCREASE OF \$5,917.50, FOR A TOTAL AMOUNT NOT TO EXCEED \$41,227.50.

Indexes:

Attachments: [Exhibit A](#)

This Resolution was adopted unanimously.

10. [18-0026R](#) RESOLUTION APPROVING ISSUANCE OF A TEMPORARY ON SALE INTOXICATING LIQUOR LICENSE TO THE MINNESOTA BALLET (CELEBRITY DANCE CHALLENGE), 301 WEST FIRST STREET, STE 800.

Indexes:

Attachments: [BALLET-12272017122059](#)

This Resolution was adopted unanimously.

11. [18-0035R](#) RESOLUTION AUTHORIZING AN AGREEMENT WITH DUDE SOLUTIONS, INC., FOR PROFESSIONAL SERVICES TO TRACK ENERGY AND UTILITY USAGE AND IDENTIFY EFFICIENCIES FOR AN AMOUNT NOT TO EXCEED \$60,450.

Indexes:

Attachments: [Exhibit A](#)

This Resolution was adopted unanimously.

12. [18-0036R](#) RESOLUTION ISSUING AN ON SALE INTOXICATING LIQUOR LICENSE, SUNDAY LICENSE TO VANILLA BEAN DULUTH, LLC, (VANILLA BEAN), 1608 WOODLAND AVENUE.

Indexes:

Attachments: [VANILLA BEAN-12282017104747](#)

This Resolution was adopted unanimously.

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

Abstain: 1 - Hansen

13. [18-0048R](#) RESOLUTION IN THE MATTER OF THE OFF SALE LIQUOR LICENSE OF UNIVERSITY LIQUOR, 1603 WOODLAND AVENUE.

Indexes:

Attachments: [Report to council \(Recovered\)](#)

This Resolution was adopted unanimously.

BY COUNCILOR ANDERSON (PERSONNEL)

BY COUNCILOR ANDERSON (PERSONNEL)

14. [18-0001R](#) RESOLUTION CONFIRMING THE APPOINTMENT OF BRANDON VAN TASSEL TO THE URBAN FOREST COMMISSION

Indexes:

Attachments: [Brandon Van Tassel Redacted](#)

This Resolution was adopted unanimously.

15. [18-0005R](#) RESOLUTION CONFIRMING THE REAPPOINTMENT OF COUNCILOR JOEL SIPRESS, TO THE DULUTH PUBLIC UTILITIES COMMISSION

This Resolution was adopted unanimously.

- 16. [18-0015R](#) RESOLUTION CONFIRMING THE APPOINTMENT OF ASHLEY NORTHEY TO THE COMMUNITY DEVELOPMENT COMMITTEE.

Indexes:

Attachments: [Northey app](#)

This Resolution was adopted unanimously.

- 17. [18-0019R](#) RESOLUTION CONFIRMING THE APPOINTMENT OF JASON TANSKI TO THE DULUTH LEGACY ENDOWMENT FUND ADVISORY BOARD.

Indexes:

Attachments: [Tanski App](#)

This Resolution was adopted unanimously.

- 18. [18-0038R](#) RESOLUTION CONFIRMING THE APPOINTMENT OF COUNCILOR EM WESTERLUND, TO THE DULUTH PARKING COMMISSION

This Resolution was adopted unanimously.

- 19. [18-0040R](#) RESOLUTION CONFIRMING THE APPOINTMENT OF KELLI LATUSKA TO THE DULUTH LEGACY ENDOWMENT FUND ADVISORY BOARD.

This Resolution was adopted unanimously.

BY COUNCILOR RUSS (PLANNING & ECONOMIC DEVELOPMENT)

BY COUNCILOR RUSS (PLANNING & ECONOMIC DEVELOPMENT)

- 20. [18-0025R](#) RESOLUTION AUTHORIZING ONE ROOF COMMUNITY HOUSING TO FORGIVE PARTIAL AMOUNTS OF A REHABILITATION LOAN MADE UNDER THE SINGLE FAMILY HOMEOWNER REHABILITATION PROGRAM FOR 2309 W 2ND ST

This Resolution was adopted unanimously.

Yea: 8 - Councilor Anderson, Councilor Filipovich, Councilor Fosle, Councilor Russ, Councilor Sipress, Councilor Westerlund, Councilor Van Nett and Hansen

Abstain: 1 - President Hobbs

21. [18-0034R](#) RESOLUTION ADOPTING A MASTER PLAN UPDATE FOR THE SPIRIT MOUNTAIN RECREATION AREA

Indexes:

Attachments: [SMRA 2017 Master Plan Update Final 11-27-17](#)

This Resolution was adopted unanimously.

BY COUNCILOR HOBBS (PUBLIC WORKS & UTILITIES)

BY COUNCILOR HOBBS (PUBLIC WORKS & UTILITIES)

22. [18-0008R](#) RESOLUTION AUTHORIZING AN AGENCY AGREEMENT BETWEEN THE CITY AND MNDOT FOR FEDERAL PARTICIPATION IN CONSTRUCTION.

Indexes:

Attachments: [18-0008R Exhibit A](#)

This Resolution was adopted unanimously.

23. [18-0011R](#) RESOLUTION AUTHORIZING AN AMENDMENT TO EXTEND CONTRACT 22091 WITH VENTURE FUELS FOR ONE ADDITIONAL YEAR FOR THE PURCHASE AND DELIVERY OF COAL TO DULUTH ENERGY SYSTEMS FOR 2018.

This Resolution was adopted unanimously.

24. [18-0013R](#) RESOLUTION APPROVING A COUNTY PROJECT WITHIN MUNICIPAL CORPORATE LIMITS FOR IMPROVEMENTS TO COUNTY STATE AID HIGHWAY NO. 3 (BECKS ROAD).

Indexes:

Attachments: [18-0013R Map](#)

This Resolution was adopted unanimously.

- 25. [18-0016R](#) RESOLUTION AUTHORIZING THE PURCHASE OF HIGH-DENSITY POLYETHYLENE (HDPE) WATER MAIN PIPE FOR PHASE 1 OF THE SUPERIOR STREET RECONSTRUCTION PROJECT FROM CORE & MAIN FOR AN ESTIMATED AMOUNT NOT TO EXCEED \$127,960.

This Resolution was adopted unanimously.

- 26. [18-0023R](#) RESOLUTION AUTHORIZING AN AGREEMENT WITH PROSOURCE TECHNOLOGIES, LLC, FOR EASEMENT ACQUISITION, ENVIRONMENTAL, SURVEYING AND ENGINEERING SERVICES DURING YEARS 2018 THROUGH 2022 FOR AN ANNUAL AMOUNT NOT TO EXCEED \$30,000 AND A TOTAL AMOUNT NOT TO EXCEED \$150,000.

Indexes:

Attachments: [Exhibit A](#)

This Resolution was adopted unanimously.

- 27. [18-0024R](#) RESOLUTION AUTHORIZING AN AGREEMENT WITH GOODPOINTE TECHNOLOGY, INC. FOR PROFESSIONAL SERVICES FOR PAVEMENT CONDITION IMAGING DATA COLLECTION FOR AN AMOUNT NOT TO EXCEED \$89,510.

Indexes:

Attachments: [Exhibit A](#)

This Resolution was adopted unanimously.

- 28. [18-0028R](#) RESOLUTION DEDICATING AN EASEMENT FOR HIGHWAY PURPOSES ON PROPERTY ADJACENT TO MESABA AVENUE AND WEST 7TH STREET.

Indexes:

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

This Resolution was adopted unanimously.

- 29. [18-0046R](#) RESOLUTION AUTHORIZING A CONTRACT WITH DULUTH READY MIX, INC., FOR AN ESTIMATED 8,570 TONS OF DELIVERED WASHED SAND FOR AN AMOUNT NOT TO EXCEED \$106,696.50.

This Resolution was adopted unanimously.

- 30. [18-0047R](#) 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 \$226,970.10.

This Resolution was adopted unanimously.

- 31. [18-0057R](#) RESOLUTION AWARDED A CONTRACT TO DPC INDUSTRIES, INC. FOR THE PURCHASE AND DELIVERY OF 70,000 GALLONS OF LIQUID CAUSTIC SODA IN YEAR 2018 FOR A TOTAL COST OF \$167,300.

This Resolution was adopted unanimously.

BY COUNCILOR VAN NETT (PUBLIC SAFETY)

BY COUNCILOR VAN NETT (PUBLIC SAFETY)

- 32. [18-0003R](#) RESOLUTION AUTHORIZING THE PURCHASE OF FOUR (4) 2018 FORD UTILITY INTERCEPTOR VEHICLES FROM FORD OF HIBBING IN THE AMOUNT OF \$123,384.60.

This Resolution was adopted unanimously.

- 33. [18-0006R](#) 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 2018 TOWARD ZERO DEATHS PROJECT.

Indexes:

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

This Resolution was adopted unanimously.

34. [18-0007R](#) RESOLUTION AUTHORIZING PROPER CITY OFFICIALS TO ACCEPT A \$206,973 GRANT AWARD FROM THE STATE OF MINNESOTA DEPARTMENT OF PUBLIC SAFETY OFFICE OF JUSTICE PROGRAMS FOR THE PROJECT ENTITLED "2018 COMMUNITY JUSTICE REINVESTMENT PROJECT".

Indexes:

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

This Resolution was adopted unanimously.

35. [18-0043R](#) RESOLUTION AUTHORIZING THE PURCHASE OF A CONSOLIDATED VIDEO SOLUTION FOR POLICE BODY CAMERAS, VEHICLE CAMERAS AND INTERVIEW ROOM CAMERAS INCLUDING EQUIPMENT, SOFTWARE, STORAGE, MAINTENANCE AND SUPPORT FROM AXON ENTERPRISES FOR A FIVE-YEAR PERIOD PAYABLE \$310,017.75 (FOR YEAR 2018) AND \$115,812.00 PER YEAR (2019-2022) FOR AN AMOUNT NOT TO EXCEED \$773,265.75.

This Resolution was adopted unanimously.

36. [18-0055R](#) RESOLUTION AUTHORIZING ACCEPTANCE OF A \$122,500 CRIME VICTIM SERVICES PROSECUTORIAL GRANT FROM THE MINNESOTA DEPARTMENT OF PUBLIC SAFETY, OFFICE OF JUSTICE PROGRAMS, TO FUND A VICTIM SERVICES POSITION IN THE CITY ATTORNEY'S OFFICE.

Indexes:

Attachments: [Exhibit A](#)

This Resolution was adopted unanimously.

BY COUNCILOR WESTERLUND (RECREATION, LIBRARIES & AUTHORITIES)

BY COUNCILOR WESTERLUND (RECREATION, LIBRARIES & AUTHORITIES)

37. [18-0037R](#) RESOLUTION AUTHORIZING AN AGREEMENT WITH WILLIAM J. WADLEY ACCEPTING THE DONATION OF A 1997 NORTHERN LEAGUE CHAMPIONSHIP PENNANT FOR THE DULUTH-SUPERIOR DUKES.

Indexes:

Attachments: [Exhibit A](#)

This Resolution was adopted unanimously.

38. [18-0045R](#) RESOLUTION AUTHORIZING ACCEPTANCE OF A \$89,078 GRANT FROM THE MINNESOTA DEPARTMENT OF NATURAL RESOURCES AND MINNESOTA LAKE SUPERIOR COASTAL PROGRAM FOR WAYFINDING SIGNAGE AND REST STOPS ON THE WESTERN WATERFRONT TRAIL.

Indexes:

Attachments: [Exhibit A grant agreement](#)

This Resolution was adopted unanimously.

END OF CONSENT AGENDA

END OF CONSENT AGENDA

BY COUNCILOR FILIPOVICH (FINANCE)

BY COUNCILOR FILIPOVICH (FINANCE)

39. [18-0029R](#) 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.

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

Nay: 1 - Councilor Fosle

40. [18-0030R](#) RESOLUTION AUTHORIZING AN AGREEMENT WITH LAKE SUPERIOR CENTER DBA GREAT LAKES AQUARIUM IN THE AMOUNT OF \$360,000.

Indexes:

Attachments: [Exhibit A](#)

This Resolution was adopted.

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

Nay: 1 - Councilor Fosle

41. [18-0031R](#) RESOLUTION AUTHORIZING AN AGREEMENT WITH HISTORIC UNION DEPOT, INC. IN THE AMOUNT OF \$220,000.

Indexes:

Attachments: [Exhibit A](#)

This Resolution was adopted.

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

Nay: 1 - Councilor Fosle

42. [18-0032R](#) RESOLUTION AUTHORIZING AN AGREEMENT WITH DULUTH SISTER CITIES INTERNATIONAL, INC., IN THE AMOUNT OF \$40,000.

Indexes:

Attachments: [Exhibit A](#)

This Resolution was adopted.

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

Nay: 1 - Councilor Fosle

43. [18-0033R](#) RESOLUTION AUTHORIZING AN AGREEMENT WITH SPIRIT MOUNTAIN RECREATION AREA AUTHORITY FOR 2018 IN THE AMOUNT OF \$275,000 FOR OPERATING ASSISTANCE AND \$145,700 FOR ADVENTURE PARK LEASE PAYMENTS.

Indexes:

Attachments: [Exhibit A](#)

This Resolution was adopted.

Yea: 7 - Councilor Anderson, Councilor Filipovich, Councilor Russ, Councilor Sipress, Councilor Westerlund, Councilor Van Nett and Hansen

Nay: 2 - Councilor Fosle and President Hobbs

BY COUNCILOR RUSS (PLANNING & ECONOMIC DEVELOPMENT)

BY COUNCILOR RUSS (PLANNING & ECONOMIC DEVELOPMENT)

44. [18-0042R](#) RESOLUTION AUTHORIZING A PURCHASE AGREEMENT WITH ECOLIBRIUM3 FOR THE SALE OF CITY-OWNED PROPERTY IN THE LINCOLN PARK NEIGHBORHOOD FOR \$3,596.

Indexes:

Attachments: [EXHIBIT 1](#)

[EXHIBIT 2](#)

This Resolution was adopted unanimously.

BY COUNCILOR HOBBS (PUBLIC WORKS & UTILITIES)

BY COUNCILOR HOBBS (PUBLIC WORKS & UTILITIES)

45. [18-0027R](#) RESOLUTION AUTHORIZING THE PURCHASE OF TWO TEMPORARY STEAM TO HOT WATER ENERGY TRANSFER STATIONS FROM PIONEER POWER, INC. IN THE AMOUNT OF \$832,000.

This Resolution was adopted.

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

Nay: 1 - Councilor Fosle

46. [18-0041R](#) RESOLUTION AUTHORIZING THE PURCHASE OF PACKAGED STEAM TO HOT WATER ENERGY TRANSFER STATIONS FROM ALFA LAVAL, INC. IN THE AMOUNT OF \$1,071,171.75.

This Resolution was adopted.

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

Nay: 1 - Councilor Fosle

ORDINANCES TABLED

ORDINANCES TABLED

BY COUNCILOR RUSS (PLANNING & ECONOMIC DEVELOPMENT)

BY COUNCILOR RUSS (PLANNING & ECONOMIC DEVELOPMENT)

- 47. [17-069-O](#) AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF DULUTH TO RECLASSIFY PROPERTY IN THE GENERAL AREA OF BOUNDARY AVENUE AND US HIGHWAY 2, FROM RR-1, R-1, AND MU-C, TO RR-1, R-1, AND MU-N.

Indexes:

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

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

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

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 COUNCILOR RUSS (PLANNING & ECONOMIC DEVELOPMENT)

BY COUNCILOR RUSS (PLANNING & ECONOMIC DEVELOPMENT)

- 48. [18-002-O](#) AN ORDINANCE AUTHORIZING THE CONVEYANCE OF CERTAIN REAL PROPERTY IN THE LINCOLN PARK NEIGHBORHOOD TO ECOLIBRIUM3 FOR \$3,596.

Indexes:

- Attachments: [EXHIBIT 1](#)

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 FILIPOVICH (FINANCE)

BY COUNCILOR FILIPOVICH (FINANCE)

49. [17-072-O](#) AN ORDINANCE AMENDING SECTION 41-29 OF THE DULUTH CITY CODE, TO AUTHORIZE ADDITIONAL PROCEDURES FOR DISPOSAL OF SURPLUS PROPERTY.

This Ordinance was tabled.

COUNCILOR QUESTIONS AND COMMENTS

COUNCILOR QUESTIONS AND COMMENTS

COUNCILOR PREVIEW OF UPCOMING BUSINESS

COUNCILOR PREVIEW OF UPCOMING BUSINESS