



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, September 11, 2017

7:00 PM

Council Chamber

ROLL CALL

ROLL CALL

Present: 7 - Councilor Gary Anderson, Councilor Zack Filipovich, Councilor Jay Fosle, President Noah Hobbs, Councilor Barb Russ, Councilor Em Westerlund and Councilor Joel Sipress

PLEDGE OF ALLEGIANCE

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APPROVAL OF MINUTES

APPROVAL OF MINUTES

1. [17-136](#) August 28, 2017 City Council Meeting

Indexes:

Attachments: [August 28 - Council Meeting](#)

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. [17-137](#) Library Board Meeting Minutes

Indexes:

Attachments: [6-27-2017 Library Board Meeting Minutes](#)

This Board or Commission Report was received.

- 3. [17-138](#) Duluth Entertainment Convention Center Meeting Minutes

Indexes:

Attachments: [4-25-2017 Duluth Entertainment Convention Center Meeting Minutes](#)
[5-30-2017 Duluth Entertainment Convention Center Meeting Minutes](#)
[6-27-2017 Duluth Entertainment Convention Center Meeting Minutes](#)

This Board or Commission Report was received.

- 4. [17-139](#) Civil Service Board Meeting Minutes

Indexes:

Attachments: [7-11-2017 Civil Service Board Meeting Minutes](#)

This Board or Commission Report was received.

- 5. [17-140](#) Duluth Transit Authority Meeting Minutes

Indexes:

Attachments: [5-31-2017 Duluth Transit Authority Meeting 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

OPPORTUNITY FOR CITIZENS TO BE HEARD

OPPORTUNITY FOR CITIZENS TO BE HEARD

CONSENT AGENDA

CONSENT AGENDA

BY COUNCILOR HANSEN (FINANCE)

BY COUNCILOR HANSEN (FINANCE)

6. [17-0639R](#) RESOLUTION DETERMINING NOT TO REASSESS PARCEL FOR CANCELED DEMOLITION ASSESSMENT IN THE AMOUNT OF \$11,496.20.

Indexes:

Attachments: [Exhibit A](#)

This Resolution was adopted unanimously.

7. [17-0640R](#) RESOLUTION CONFIRMING ASSESSMENT ROLL LEVIED FOR REASSESSMENT OF A PRIOR CANCELED ASSESSMENT IN THE AMOUNT OF \$12,183.75.

Indexes:

Attachments: [Exhibit A](#)

This Resolution was adopted unanimously.

8. [17-0653R](#) RESOLUTION PROPOSING THE SUM TO BE RAISED BY TAXATION FOR THE SPECIAL TAXING DISTRICT, DULUTH TRANSIT AUTHORITY, FOR THE YEAR 2018.

Indexes:

Attachments: [Exhibit A](#)

This Resolution was adopted unanimously.

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

Abstain: 1 - Hanson

9. [17-0654R](#) RESOLUTION PROPOSING THE SUM TO BE RAISED BY TAXATION FOR THE SPECIAL PARKS FUND LEVY FOR THE YEAR 2018.

This Resolution was adopted unanimously.

10. [17-0655R](#) RESOLUTION PROPOSING THE SUM TO BE RAISED BY TAXATION FOR THE SPECIAL TAXING DISTRICT, HOUSING AND REDEVELOPMENT AUTHORITY, FOR THE YEAR 2018.

Indexes:

Attachments: [Exhibit A](#)

This Resolution was adopted unanimously.

BY COUNCILOR HANSON (PURCHASING & LICENSING)

BY COUNCILOR HANSON (PURCHASING & LICENSING)

11. [17-0593R](#) RESOLUTION AUTHORIZING A THIRD AMENDMENT TO AGREEMENT 22618 WITH TKDA FOR ADDITIONAL DESIGN SERVICES FOR THE WESTERN WATERFRONT CORRIDOR FOREST RESTORATION PROJECT, FOR AN INCREASE OF \$17,314 AND AN AMENDED TOTAL NOT TO EXCEED \$129,964.

Indexes:

Attachments: [Exhibit A](#)

This Resolution was adopted unanimously.

12. [17-0622R](#) RESOLUTION AUTHORIZING A CONTRACT WITH STACK BROTHERS MECHANICAL CONTRACTORS, INC., FOR THE RESTORATION OF

THE CLYDE CONNECTOR TRAIL FOR AN AMOUNT NOT TO EXCEED \$309,124.

This Resolution was adopted unanimously.

Yea: 8 - Councilor Anderson, Councilor Fosle, Hansen, Hanson, President Hobbs, Councilor Russ, Councilor Westerlund and Councilor Sipress

Abstain: 1 - Councilor Filipovich

13. [17-0623R](#) RESOLUTION AUTHORIZING A CONTRACT WITH GEORGE BOUGALIS AND SONS, CO. FOR THE RESTORATION OF THE STEWART CREEK BRIDGE FOR AN AMOUNT NOT TO EXCEED \$450,322.

This Resolution was adopted unanimously.

14. [17-0651R](#) RESOLUTION APPROVING THE EXEMPTION OF A RAFFLE LICENSE AND WAIVING THE 60 DAY WAITING PERIOD FOR THE WELCH CENTER, INC. d/b/a VALLEY YOUTH CENTER

Indexes:

Attachments: [VALLEY YOUTH CENTER-08292017140637](#)

This Resolution was adopted unanimously.

BY COUNCILOR RUSS (PLANNING & ECONOMIC DEVELOPMENT)

BY COUNCILOR RUSS (PLANNING & ECONOMIC DEVELOPMENT)

15. [17-0649R](#) RESOLUTION AUTHORIZING A SECOND AMENDMENT TO THE LEAD-BASED PAINT HAZARD CONTROL PROGRAM GRANT AGREEMENT WITH THE HOUSING AND REDEVELOPMENT AUTHORITY OF DULUTH, MINNESOTA.

Indexes:

Attachments: [Exhibit A](#)

This Resolution was adopted unanimously.

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

Abstain: 1 - President Hobbs

16. [17-0650R](#) RESOLUTION AUTHORIZING A FIRST AMENDMENT TO THE AUGUST 2016 AMENDED AND RESTATED DEVELOPMENT AGREEMENT WITH ONE ROOF COMMUNITY HOUSING.

Indexes:

Attachments: [Exhibit A.](#)

This Resolution was adopted unanimously.

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

Abstain: 1 - President Hobbs

17. [17-0657R](#) RESOLUTION AUTHORIZING PROPER CITY OFFICIALS TO ACCEPT \$627 IN GRANT FUNDS FROM THE MINNESOTA HISTORICAL SOCIETY FOR ATTENDANCE AT THE 2017 STATEWIDE HISTORIC PRESERVATION CONFERENCE.

Indexes:

Attachments: [Attachment 1](#)

This Resolution was adopted unanimously.

18. [17-0661R](#) RESOLUTION AUTHORIZING APPLICATION TO MNDOT FOR A TED GRANT IN THE AMOUNT OF \$247,000 FOR A TRAFFIC SIGNAL AT GRAND AVENUE AND WARWICK STREET AND COMMITTING \$107,000 IN MATCHING FUNDS.

This Resolution was adopted unanimously.

BY COUNCILOR HOBBS (PUBLIC WORKS & UTILITIES)

BY COUNCILOR HOBBS (PUBLIC WORKS & UTILITIES)

19. [17-0648R](#) RESOLUTION AMENDING A CONTRACT WITH EVER-GREEN ENERGY, INC. TO PROVIDE ADDITIONAL DESIGN AND CONSTRUCTION INSPECTION SERVICES NECESSARY FOR THE CONVERSION OF THE EXISTING DULUTH ENERGY STEAM SYSTEM TO A HOT WATER SYSTEM, TO INCREASE THE AMOUNT BY \$308,115 FOR A NEW TOTAL OF \$446,572.00.

Indexes:

Attachments: [17-0648R Attachment 1](#)

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

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

BY COUNCILOR FOSLE (PUBLIC SAFETY)

BY COUNCILOR FOSLE (PUBLIC SAFETY)

20. [17-0637R](#) RESOLUTION AUTHORIZING PROPER CITY OFFICIALS TO ACCEPT A \$109,729 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 B](#)

This Resolution was adopted unanimously.

21. [17-0638R](#) RESOLUTION AUTHORIZING AGREEMENT WITH ST. LOUIS COUNTY TO PERFORM POLICE SERVICES PURSUANT TO 2016 OPERATION STONEGARDEN GRANT OPERATIONS ORDER AND ACCEPTING REIMBURSEMENT THROUGH ST. LOUIS COUNTY IN THE AMOUNT OF \$34,242.

Indexes:

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

This Resolution was adopted unanimously.

22. [17-0660R](#) RESOLUTION AUTHORIZING A CONTRACT WITH TERRAZZO & CONCRETE RESTORATION, INC. FOR REHABILITATION OF THREE PARKING RAMPS FOR AN AMOUNT NOT TO EXCEED \$298,893.50.

This Resolution was adopted unanimously.

23. [17-0662R](#) RESOLUTION AUTHORIZING AN AGREEMENT WITH DELTAWRX FOR PROFESSIONAL CONSULTING SERVICES FOR THE PROCUREMENT OF A PUBLIC SAFETY RECORDS MANAGEMENT SYSTEM FOR AN AMOUNT NOT TO EXCEED \$172,224.

Indexes:

Attachments: [Exhibit A](#)

This Resolution was adopted unanimously.

BY COUNCILOR WESTERLUND (RECREATION, LIBRARIES & AUTHORITIES)

BY COUNCILOR WESTERLUND (RECREATION, LIBRARIES & AUTHORITIES)

24. [17-0642R](#) RESOLUTION AUTHORIZING PROPER CITY OFFICIALS TO ACCEPT A GRANT FROM THE STATE OF MINNESOTA IN THE AMOUNT OF \$320,000.00 FOR THE LAKE SUPERIOR ZOO.

Indexes:

Attachments: [Exhibit A: Duluth Zoo Contract FY18 with City signature page](#)

This Resolution was adopted unanimously.

25. [17-0646R](#) RESOLUTION AUTHORIZING ACCEPTANCE OF A CROSS COUNTRY SKI TRAIL ASSISTANCE PROGRAM GRANT AGREEMENT FOR YEAR 2017-2018 WITH THE MINNESOTA DEPARTMENT OF NATURAL RESOURCES IN AN AMOUNT NOT TO EXCEED \$11,000.

Indexes:

Attachments: [Exhibit A: Grant in Aid Ski Agreement FY18 w/ signature page](#)

This Resolution was adopted unanimously.

26. [17-0647R](#) RESOLUTION AUTHORIZING THE EXECUTION OF A SNOWMOBILE TRAILS ASSISTANCE PROGRAM GRANT AGREEMENT FOR THE FY2018 WITH THE MINNESOTA DEPARTMENT OF NATURAL RESOURCES IN AN AMOUNT NOT TO EXCEED \$13,259.

Indexes:

Attachments: [Exhibit A: Grant in Aid Snowmobile FY18 w/ signature page](#)

This Resolution was adopted unanimously.

END OF CONSENT AGENDA

END OF CONSENT AGENDA

BY COUNCILOR HANSEN (FINANCE)

BY COUNCILOR HANSEN (FINANCE)

27. [17-0652R](#) RESOLUTION PROPOSING THE SUM TO BE RAISED BY TAXATION FOR GENERAL PURPOSES FOR THE YEAR 2018.

Indexes:

Attachments: [Motion to Amend - Filipovich.Sipress \(Passes 5-4\)](#)
[Motion to Amend - Hobbs.Hansen \(Passes 7-2\)](#)

This Resolution was tabled.

BY COUNCILOR RUSS (PLANNING & ECONOMIC DEVELOPMENT)

BY COUNCILOR RUSS (PLANNING & ECONOMIC DEVELOPMENT)

28. [17-0663R](#) RESOLUTION AUTHORIZING APPLICATION FOR A GRANT FROM THE MINNESOTA DEPARTMENT OF EMPLOYMENT AND ECONOMIC DEVELOPMENT FOR A TRANSPORTATION ECONOMIC DEVELOPMENT INFRASTRUCTURE PROGRAM GRANT IN THE AMOUNT OF \$1,657,688 AND IF SELECTED, COMMITTING UP TO \$444,558 IN CITY MATCHING FUNDS.

This Resolution was adopted unanimously.

BY COUNCILOR HOBBS (PUBLIC WORKS & UTILITIES)

BY COUNCILOR HOBBS (PUBLIC WORKS & UTILITIES)

29. [17-0671R](#) RESOLUTION IN SUPPORT OF LOCATING A SECOND AMAZON HEADQUARTERS IN THE TWIN CITIES METROPOLITAN AREA.

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

- Yea:** 7 - Councilor Anderson, Councilor Filipovich, Hansen, Hanson, President Hobbs, Councilor Russ and Councilor Sipress
- Nay:** 2 - Councilor Fosle and Councilor Westerlund

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)

- 30. [17-044-O](#) AN ORDINANCE DESIGNATING THE LINCOLN PARK PAVILION AT 501 N 25TH AVENUE WEST AS A DULUTH HERITAGE PRESERVATION LANDMARK.

Indexes:

Attachments: [Attachment 1](#)

This Ordinance was read for the first time.

- 31. [17-045-O](#) AN ORDINANCE AMENDING CHAPTER 50, SECTION 50-37.1 G, OF THE CITY CODE TO CLARIFY THAT THE 12 MONTH APPLICATION LIMITATION DOES NOT APPLY TO CITY INITIATED PLANNING OR ZONING PROPOSALS.

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 ANDERSON (PERSONNEL)

BY COUNCILOR ANDERSON (PERSONNEL)

- 32. [17-038-O](#) AN ORDINANCE AMENDING SECTION 13-28 OF THE DULUTH CITY CODE REGARDING DURATION OF SUBSTITUTE APPOINTMENTS

WITHIN THE FIRE DEPARTMENT.

This Ordinance was withdrawn.

BY COUNCILOR RUSS (PLANNING & ECONOMIC DEVELOPMENT)

BY COUNCILOR RUSS (PLANNING & ECONOMIC DEVELOPMENT)

33. [17-039-O](#) AN ORDINANCE GRANTING A CONCURRENT USE PERMIT FOR A DECK IN THE PLATTED STREET RIGHT OF WAY OF 19TH AVENUE WEST.

Indexes:

Attachments: [Attachment 1](#)
[Attachment 2](#)

This Ordinance was adopted unanimously.

34. [17-040-O](#) AN ORDINANCE AMENDING THE APPROVED CONCEPT PLAN FOR ROCKRIDGE SCHOOL TO ALLOW SPECIALIZED EDUCATION OF UP TO 175 EDUCATIONAL STUDENTS.

Indexes:

Attachments: [Attachment 1](#)
[Attachment 2](#)

This Ordinance was adopted unanimously.

35. [17-041-O](#) AN ORDINANCE AMENDING SECTIONS 50-16.7 AND 50-22.7 TO 50-22.17 OF THE DULUTH CITY CODE TO ALLOW ADDITIONAL BUILDING TYPES IN FORM DISTRICT F-6 AND TO CLARIFY MAXIMUM BUILDING HEIGHTS IN ALL FORM DISTRICTS.

Indexes:

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

This Ordinance was adopted unanimously.

36. [17-042-O](#) AN ORDINANCE AUTHORIZING THE CONVEYANCE OF CERTAIN REAL PROPERTY IN THE CODY NEIGHBORHOOD TO JOURNEY HOME MINNESOTA FOR \$3,310.

This Ordinance was adopted unanimously.

37. [17-043-O](#) AN ORDINANCE AUTHORIZING THE CONVEYANCE OF CERTAIN REAL PROPERTY IN THE DULUTH HEIGHTS NEIGHBORHOOD TO LAUNCH PROPERTIES, LLC OR ITS ASSIGNS FOR \$25,270.

Indexes:

Attachments: [Exhibit A-Ordinance](#)

[Exhibit B-Ordinance](#)

[Exhibit C-Ordinance](#)

[Exhibit D-Ordinance](#)

This Ordinance was adopted.

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

Nay: 1 - Councilor Fosle

COUNCILOR QUESTIONS AND COMMENTS

COUNCILOR QUESTIONS AND COMMENTS

COUNCILOR PREVIEW OF UPCOMING BUSINESS

COUNCILOR PREVIEW OF UPCOMING BUSINESS

Meeting adourned at 7:47 p.m.