



# 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, May 22, 2017

7:00 PM

Council Chamber

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#### ROLL CALL

#### ROLL CALL

**This was approved.**

**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

#### PLEDGE OF ALLEGIANCE

#### APPROVAL OF MINUTES

#### APPROVAL OF MINUTES

1. [17-087](#) May 8, 2017 City Council Meeting Minutes

**Indexes:**

**Attachments:** [May 8, 2017 - Council Meeting](#)

This Minutes was approved.

REPORTS FROM THE ADMINISTRATION

REPORTS FROM THE ADMINISTRATION

REPORTS FROM OTHER OFFICERS

REPORTS FROM OTHER OFFICERS

2. [17-083](#) Application For Exempt Permit - Woman's Care Center

Indexes:

Attachments: [Application For Exempt Permit - Woman's Care Center](#)

This Other Officers Report was received.

REPORTS OF BOARDS AND COMMISSIONS

REPORTS OF BOARDS AND COMMISSIONS

3. [17-081](#) Housing and Redevelopment Authority Meeting Minutes

Indexes:

Attachments: [1-31-2017 Housing and Redevelopment Authority Meeting Minutes](#)

This Board or Commission Report was received.

4. [17-082](#) Duluth Economic Development Authority Meeting Minutes

Indexes:

Attachments: [3-22-2017 Duluth Economic Development Authority Meeting Minutes](#)

This Board or Commission Report was received.

5. [17-084](#) Special Assessment Board - Brick Sidewalk Assessment Policy

December 13, 2016 - Special Assessment Board determined that property owners with brick sidewalks will be responsible for repair of sidewalks adjacent to their property.

Indexes:

**Attachments:** [Special Assessment Board - Brick Sidewalk Assessment Policy](#)

**This Board or Commission Report was received.**

6. [17-088](#) Special Assessment Board - Developer Deposits and Credit Risk

May 9, 2017 - The Special Assessment Board determined that it would be appropriate to clarify the procedures for Developer's requesting to be special assessed for public improvements so that the city would be consistent between Developers.

**Indexes:**

**Attachments:** [Special Assessment Board -Developer Deposits and Credit Risk](#)

**This Board or Commission Report was received.**

7. [17-089](#) Resolution No. 17-PUC-003: RESOLUTION OF THE DULUTH PUBLIC UTILITIES COMMISSION APPROVING THE INTENT TO ESTABLISH A 6-YEAR PLAN FOR WATER RATES TO FUND NECESSARY CAPITAL IMPROVEMENTS TO THE CITY WATER SYSTEM.

**Indexes:**

**Attachments:** [17PUC-003](#)

**This Board or Commission Report was received.**

8. [17-090](#) 4-18-2017 Duluth Public Utilities Commission Meeting Minutes

**Indexes:**

**Attachments:** [4-18-2017 Duluth Public Utilities Commission 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

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RESOLUTIONS TABLED

RESOLUTIONS TABLED

BY COUNCILOR WESTERLUND (RECREATION, LIBRARIES & AUTHORITIES)

BY COUNCILOR WESTERLUND (RECREATION, LIBRARIES & AUTHORITIES)

9.     [17-0366R](#)     RESOLUTION SUPPORTING THE CITY OF DULUTH'S LOCAL  
AUTHORITY TO PROTECT THE HEALTH, SAFETY AND WELFARE OF  
OUR COMMUNITY.

**This Resolution was adopted.**

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

**Nay:** 4 - Councilor Fosle, Hansen, Hanson and President Hobbs

MOTIONS AND RESOLUTIONS

MOTIONS AND RESOLUTIONS

CONSENT AGENDA

CONSENT AGENDA

BY COUNCILOR HANSON (PURCHASING & LICENSING)

BY COUNCILOR HANSON (PURCHASING & LICENSING)

10.     [17-0376R](#)     RESOLUTION AUTHORIZING THE SOLE SOURCE PURCHASE OF  
STREET LIGHTING CONTROLS FROM ARCHITECTURAL LIGHTING  
DESIGNS, INC. FOR A TOTAL AMOUNT OF \$66,225.00.

**Indexes:**

**Attachments:**   [Exhibit A](#)

This Resolution was adopted unanimously.

11. [17-0392R](#) RESOLUTION AUTHORIZING AN AMENDMENT TO AN AGREEMENT WITH LHB, INC. FOR ADDITIONAL SERVICES FOR THE WESTERN WATERFRONT PARKS AND TRAIL MASTER PLAN, FOR AN INCREASE OF \$9,877.75, AND A NEW CONTRACT TOTAL NOT TO EXCEED \$80,869.75.

Indexes:

Attachments: [Exhibit A](#)

This Resolution was adopted unanimously.

12. [17-0399R](#) RESOLUTION AUTHORIZING A CONTRACT WITH CRYSTEEL TRUCK EQUIPMENT FOR THE REFURBISHMENT, PURCHASE AND INSTALLATION OF EQUIPMENT AND SUPPLIES TO FULLY OUTFIT THREE (3) PLOW/SANDER TRUCKS IN THE AMOUNT OF \$304,190.83

Indexes:

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

This Resolution was adopted unanimously.

BY COUNCILOR ANDERSON (PERSONNEL)

BY COUNCILOR ANDERSON (PERSONNEL)

13. [17-0387R](#) RESOLUTION APPROVING PROPOSED SPECIFICATIONS FOR THE NEW CIVIL SERVICE CLASSIFICATION OF INSTRUMENT SPECIALIST, AND SPECIFYING CONTRACT BENEFITS FOR SAME.

Indexes:

Attachments: [Instrument Specialist](#)

This Resolution was adopted unanimously.

14. [17-0388R](#) RESOLUTION APPROVING PROPOSED SPECIFICATIONS FOR THE NEW CIVIL SERVICE CLASSIFICATION OF OPIOID PROGRAM TECHNICIAN, AND SPECIFYING CONTRACT BENEFITS FOR SAME.

Indexes:

**Attachments:** [Opioid Program Technician](#)

**This Resolution was adopted unanimously.**

15. [17-0401R](#) RESOLUTION CONFIRMING THE APPOINTMENT OF DENNIS ISERNHAGEN TO THE PARKS AND RECREATION COMMISSION DISTRICT 2 VACANCY.

**Indexes:**

**Attachments:** [Isernhagen](#)

**This Resolution was adopted unanimously.**

BY COUNCILOR RUSS (PLANNING & ECONOMIC DEVELOPMENT)

BY COUNCILOR RUSS (PLANNING & ECONOMIC DEVELOPMENT)

16. [17-0273R](#) RESOLUTION AUTHORIZING REPROGRAMMING OF \$290,094.92 IN 2016 CDBG FUNDS AND TRANSFERRING IT TO THE HRA HOUSING REHAB PROGRAM, ONE ROOF HOUSING SERVICES PROGRAM, AND DULUTH HOUSING SERVICES PROGRAM.

**Indexes:**

**Attachments:** [16-HS-05 - One Roof Housing Services Contract](#)

[16-HS-06 - HRA Housing Rehab Project Contract](#)

**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. [17-0362R](#) RESOLUTION APPROVING A PRE-COMMITMENT OF \$200,000 FISCAL YEAR 2018 FUNDING ALLOCATION TO THE CITY OF DULUTH FROM THE FEDERAL DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT (HUD) FOR CONSTRUCTION OF GARFIELD SQUARE APARTMENTS.

**This Resolution was adopted unanimously.**

18. [17-0377R](#) RESOLUTION OF INTENT TO SUPPORT THE REQUEST BY ONE ROOF COMMUNITY HOUSING, TO THE STATE OF MINNESOTA FOR THE

AWARD OF LOW-INCOME HOUSING TAX CREDITS FOR THE  
DECKER DWELLINGS DEVELOPMENT PROJECT.

**This Resolution was adopted.**

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

**Abstain:** 1 - President Hobbs

19. [17-0378R](#) 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 unanimously.**

20. [17-0381R](#) RESOLUTION VACATING A PLATTED STREET EASEMENT FOR FURNACE AVENUE AND BOULEVARD AVENUE NORTH, AND A PLATTED ALLEY EASEMENT EAST OF BOUNDARY AVENUE, IN STEEL PLANT TERMINAL ADDITION, AND RETENTION OF A STREET AND UTILITY EASEMENT FOR TERMINAL AVENUE.

**Indexes:**

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

**This Resolution was adopted unanimously.**

21. [17-0383R](#) RESOLUTION GRANTING AN INTERIM USE PERMIT FOR A PRIVATE CLUB IN AN R-2 ZONE DISTRICT.

**Indexes:**

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

**This Resolution was adopted unanimously.**

22. [17-0384R](#) RESOLUTION VACATING THE ENTIRE WIDTH OF ATLANTIC AVENUE BETWEEN WEST 6TH STREET AND WELLINGTON STREET, MAINTAINING A PEDESTRIAN AND UTILITY EASEMENT OVER THE WESTERN 50 FEET.

**Indexes:**

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

**This Resolution was adopted unanimously.**

23. [17-0390R](#) RESOLUTION AUTHORIZING A TEN-YEAR LEASE AGREEMENT WITH COMMUNITY ACTION DULUTH FOR USE OF REAL PROPERTY ADJACENT TO NORTH 45TH AVENUE WEST IN THE DENFELD NEIGHBORHOOD FOR YEAR-ROUND FOOD PRODUCTION THROUGH ITS SEEDS OF SUCCESS PROGRAM.

**Indexes:**

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

**This Resolution was adopted unanimously.**

BY PRESIDENT SIPRESS (COMMITTEE OF THE WHOLE)

BY PRESIDENT SIPRESS (COMMITTEE OF THE WHOLE)

24. [17-0333R](#) RESOLUTION DESIGNATING POLLING PLACE FOR THE SEPTEMBER 12, 2017 MUNICIPAL AND SCHOOL BOARD PRIMARY ELECTION, AND THE NOVEMBER 7, 2017, MUNICIPAL AND SCHOOL BOARD GENERAL ELECTION.

**This Resolution was adopted unanimously.**

BY COUNCILOR HOBBS (PUBLIC WORKS & UTILITIES)

BY COUNCILOR HOBBS (PUBLIC WORKS & UTILITIES)

25. [17-0367R](#) RESOLUTION AWARDED A CONTRACT TO HANCO UTILITIES, INC. FOR THE 2017 CITY WIDE GAS METER RELOCATION PROJECT IN THE AMOUNT OF \$344,375.

**This Resolution was adopted unanimously.**

26. [17-0370R](#) RESOLUTION AMENDING AN AGREEMENT WITH LHB, INC. TO PROVIDE DESIGN AND CONSTRUCTION ENGINEERING SERVICES



FOR THE SKYLINE PARKWAY RETAINING WALL RESTORATION PROJECT, TO INCREASE THE AMOUNT BY \$107,683 FOR A NEW TOTAL OF \$211,179.

**Indexes:**

**Attachments:** [17-0370R Estimate](#)  
[17-0370R Map](#)

**This Resolution was adopted unanimously.**

27. [17-0372R](#) RESOLUTION ACCEPTING A STREET AND UTILITY EASEMENT FROM DARYL AND TERRI BLAZIER.

**Indexes:**

**Attachments:** [Exhibit A - Blazier Easement](#)

**This Resolution was adopted unanimously.**

28. [17-0386R](#) RESOLUTION AMENDING CONTRACT 22878 WITH STACK BROS. MECHANICAL CONTRACTORS, INC., FOR ADDITIONAL WORK TO MODIFY THE GAS BURNER CONTROL SYSTEM FOR TWO BOILERS AT DULUTH ENERGY SYSTEMS, FOR AN ADDITIONAL AMOUNT OF \$77,244.47, AND A NEW AMENDED CONTRACT TOTAL OF \$249,934.47.

**Indexes:**

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

**This Resolution was adopted unanimously.**

29. [17-0391R](#) RESOLUTION AUTHORIZING THE CITY OF DULUTH TO ENTER INTO AN AGREEMENT AND RELEASE WITH HOVLAND, INC., AND LON HOVLAND TO ACCEPT IMPROVEMENTS MADE TO CITY PROPERTY IN FULL SETTLEMENT OF A DISPUTED CLAIM.

**Indexes:**

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

**This Resolution was adopted unanimously.**

BY COUNCILOR WESTERLUND (RECREATION, LIBRARIES & AUTHORITIES)

BY COUNCILOR WESTERLUND (RECREATION, LIBRARIES & AUTHORITIES)

30.     [17-0364R](#)     RESOLUTION AUTHORIZING ACCEPTANCE AND EXECUTION OF A HOST SITE AGREEMENT WITH THE MINNESOTA POLLUTION CONTROL AGENCY FOR THE 2017-2018 PROGRAM YEAR GREENCORPS MEMBER.

Indexes:

Attachments:   [Exhibit A sample agreement](#)  
                      [Exhibit B application](#)

This Resolution was adopted unanimously.

31.     [17-0365R](#)     RESOLUTION AUTHORIZING DISBURSEMENT OF GRANT FUNDS IN THE AMOUNT OF \$55,500 FROM THE PARKS FUND NEIGHBORHOOD GRANT PROGRAM.

Indexes:

Attachments:   [Exhibit A grant agreement](#)

This Resolution was adopted unanimously.

32.     [17-0380R](#)     RESOLUTION AUTHORIZING A RELEASE AND RIGHT OF REMOVAL AGREEMENT WITH DULUTH SEAWAY PORT AUTHORITY FOR THE REMOVAL OF DREDGED MATERIAL FROM ERIE PIER.

Indexes:

Attachments:   [Exhibit A agreement](#)

This Resolution was adopted unanimously.

33.     [17-0393R](#)     RESOLUTION AUTHORIZING A THREE-YEAR AGREEMENT WITH THE DULUTH AREA FAMILY Y.M.C.A. FOR THE OPERATION AND MANAGEMENT OF THE PARK POINT BEACH HOUSE AND RECREATION AREA DURING THE 2017, 2018, AND 2019 SUMMER SEASONS.

Indexes:

Attachments:   [Exhibit 1](#)

This Resolution was adopted unanimously.

34. [17-0394R](#) RESOLUTION AUTHORIZING A THREE-YEAR NON-EXCLUSIVE USE AGREEMENT WITH THE DULUTH AREA FAMILY Y.M.C.A. FOR THE USE OF CHESTER PARK FOR CAMP KITCHIGAMI.

Indexes:

Attachments: [Exhibit 1](#)

[Exhibit 2](#)

**This Resolution was adopted unanimously.**

35. [17-0395R](#) RESOLUTION AUTHORIZING A THREE-YEAR AGREEMENT WITH JUNGLE BOY BOXING GYM FOR THE LEASE AND OPERATION OF THE OBSERVATION COMMUNITY CENTER FOR ITS YOUTH BOXING PROGRAM.

Indexes:

Attachments: [Exhibit 1](#)

**This Resolution was adopted unanimously.**

36. [17-0396R](#) RESOLUTION AUTHORIZING A THREE-YEAR NON-EXCLUSIVE USE AGREEMENT WITH THE DULUTH SOFTBALL PLAYERS ASSOCIATION. FOR THE USE OF TONY EMANUEL FIELD AT WOODLAND COMMUNITY CENTER.

Indexes:

Attachments: [Exhibit 1](#)

**This Resolution was adopted unanimously.**

37. [17-0398R](#) RESOLUTION AUTHORIZING A THREE-YEAR LEASE AGREEMENT WITH THE STEWARDSHIP NETWORK FOR THE USE OF SPACE AT CITY HALL.

Indexes:

Attachments: [Exhibit 1](#)

**This Resolution was adopted unanimously.**

END OF CONSENT AGENDA

END OF CONSENT AGENDA

INTRODUCTION AND CONSIDERATION OF ORDINANCES

INTRODUCTION AND CONSIDERATION OF ORDINANCES

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 HANSON (PURCHASING & LICENSING)

BY COUNCILOR HANSON (PURCHASING & LICENSING)

38.     [17-020-O](#)     AN ORDINANCE AMENDING SECTIONS 29A-27, 29A-29, 29A-32, AND 29A.34 RELATED TO RENTAL PROPERTY LICENSING AND OFF-STREET PARKING

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

BY COUNCILOR RUSS (PLANNING & ECONOMIC DEVELOPMENT)

BY COUNCILOR RUSS (PLANNING & ECONOMIC DEVELOPMENT)

39.     [17-021-O](#)     AN ORDINANCE AMENDING SECTIONS 50-24, PARKING AND LOADING; 50-35, PROCEDURES SUMMARY TABLE; AND 50-37, REVIEW AND APPROVAL PROCESS

**Indexes:**

**Attachments:**   [Attachment A - Sec 50-24-3 Permitted Parking Areas](#)  
                          [Attachment B - Sec 50-24-4 Parking Design Standards \(As Amended\)](#)  
                          [Attachment C - Sec 50-35-1 Summary table](#)  
                          [Attachment 1](#)  
                          [Motion To Amend \(Fosle\) - Passed Unanimously](#)  
                          [Motion To Amend \(Filipovich\) - Withdrawn](#)  
                          [Motion To Amend 2 \(Filipovich\) - Withdrawn](#)  
                          [Attachment B - Original](#)

This Ordinance was read for the first time.

40. [17-027-O](#) AN ORDINANCE AMENDING THE APPROVED REGULATING PLAN FOR RAMSEY VILLAGE TO ALLOW A MIXED USE RESIDENTIAL AND COMMERCIAL BUILDING AT NORTH 53RD AND 54TH AVENUES WEST AND RAMSEY STREET.

Indexes:

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

This Ordinance was read for the first time.

41. 17-028-O AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF DULUTH TO PROVIDE FOR THE RECLASSIFICATION OF PROPERTY BETWEEN ANCHOR STREET AND PARK PLACE AND BETWEEN SOUTH BOUNDARY AVENUE AND TERMINAL AVENUE FROM R-1 TO MU-N.

Indexes:

Attachments: Attachment 1  
Attachment 2

This Ordinance was read for the first time.

42. [17-029-O](#) AN ORDINANCE GRANTING A CONCURRENT USE PERMIT FOR PRIVATE DETACHED GARAGE IN THE PLATTED STREET RIGHT OF WAY OF 58TH AVENUE EAST.

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:

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

BY COUNCILOR RUSS (PLANNING & ECONOMIC DEVELOPMENT)

BY COUNCILOR RUSS (PLANNING & ECONOMIC DEVELOPMENT)

43. [17-022-O](#) AN ORDINANCE AMENDING SECTIONS 50-19.8, PERMITTED USE TABLE; 50-20.3.O, PARKING LOT OR PARKING STRUCTURE; 50-20.3.T, VETERINARIAN OR ANIMAL HOSPITAL; 50-20.3.U, VACATION DWELLING UNIT; AND 50-20.5.M, ACCESSORY VACATION DWELLING UNIT.

Indexes:

Attachments: [Attachment 1](#)  
[Motion to Split \(Hobbs\) - Passed \(Y: 5 N:4\)](#)

**This Ordinance was replaced.**

BY PRESIDENT SIPRESS (COMMITTEE OF THE WHOLE)

BY PRESIDENT SIPRESS (COMMITTEE OF THE WHOLE)

44. [17-025-O](#) ORDINANCE INCORPORATING PREVIOUSLY APPROVED CHANGES INTO THE BOUNDARY DESCRIPTION OF THE CITY IN THE CHARTER, AMENDING CHAPTER I, SECTION 1, OF THE CITY CHARTER.

Indexes:

Attachments: [CityofDuluth\\_B2 Map](#)

**This Ordinance was adopted unanimously.**

45. [17-026-O](#) ORDINANCE AMENDING CHAPTER III, SECTION 17, OF THE CITY OF DULUTH HOME RULE CHARTER, 1912, AS AMENDED, PERTAINING TO AMENDING OR REPEALING ORDINANCES.

**This Ordinance was adopted unanimously.**

BY COUNCILOR FOSLE (PUBLIC SAFETY)

BY COUNCILOR FOSLE (PUBLIC SAFETY)

46. [17-019-O](#) ORDINANCE AMENDING CHAPTER 28, ARTICLE VII, SECTIONS 28-63 AND 28-64 OF THE DULUTH CITY CODE TO PROHIBIT SMOKING AT THE CLAYTON JACKSON MCGHIE MEMORIAL.

**This Ordinance was adopted unanimously.**

47.     [17-023-O](#)     ORDINANCE AMENDING CHAPTER 36 OF THE DULUTH CITY CODE, PROHIBITING THE SALE OR PAWN OF STOLEN PROPERTY, AMENDING SECTIONS 36-12, 36-14, 36-15, 36-21, 36-22, 36-24, AND 36-25.

**This Ordinance was adopted unanimously.**

COUNCILOR QUESTIONS AND COMMENTS

COUNCILOR QUESTIONS AND COMMENTS

COUNCILOR PREVIEW OF UPCOMING BUSINESS

COUNCILOR PREVIEW OF UPCOMING BUSINESS

Meeting adjourned at 9:17 p.m.