



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]*

Tuesday, November 12, 2019

7:00 PM

Council Chamber

ROLL CALL

Present: 9 - Councilor Gary Anderson, Councilor Zack Filipovich, Councilor Arik Forsman, Councilor Jay Fosle, Councilor Barb Russ, Councilor Joel Sipress, Councilor Renee Van Nett, Councilor Em Westerlund and President Noah Hobbs

PLEDGE OF ALLEGIANCE

APPROVAL OF MINUTES

1. [19-188](#) Meeting Minutes of the Duluth City Council

Indexes:

Attachments: [October 28, 2019 - City Council Meeting](#)

These Minutes were approved.

REPORTS FROM THE ADMINISTRATION

REPORTS FROM OTHER OFFICERS

REPORTS OF BOARDS AND COMMISSIONS

2. [19-189](#) Housing and Redevelopment Authority Meeting Minutes

Indexes:

Attachments: [August 27, 2019 - HRA Minutes](#)

This Board or Commission Report was received.

3. [19-190](#) Library Board Meeting Minutes

Indexes:

Attachments: [September 24, 2019 - Library Board Minutes](#)

This Board or Commission Report was received.

REPORTS OF COUNCIL COMMITTEES

REPORTS OF COUNCIL OPEN ISSUES

OPPORTUNITY FOR CITIZENS TO BE HEARD

James H, Jane Hovland, Sue V. Tone Lanzillo, Kayla Dzuck, Sally Munger and Kevin Green spoke in regards to Bag It
Guy Heide spoke in regards to the Campus Connector Trail
Ken Buehler spoke in regards to Hotel/Motel Tax
Robert Lacosse, Ann Lacosse and Scot Mo spoke in regards to 19-054-O
Bob Pokorney spoke in regards to lifeguards on Park Point

RESOLUTIONS TABLED

BY COUNCILOR FILIPOVICH (PUBLIC WORKS & UTILITIES)

4. [19-0679R](#) RESOLUTION DESIGNATING SNOW EMERGENCY ROUTES.

Indexes:

Attachments: [Exhibit A - Snow Emergency Routes](#)

A motion was made that this resolution be removed from the table. That motion passed unanimously.

This Resolution was adopted unanimously.

CONSENT AGENDA

BY COUNCILOR FORSMAN (PERSONNEL)

5. [19-0760R](#) RESOLUTION CONFIRMING THE APPOINTMENT OF MARIA JOSE GOMEZ QUIJANO TO THE ENERGY PLAN COMMISSION

This Resolution was adopted unanimously.

6. [19-0761R](#) RESOLUTION CONFIRMING THE APPOINTMENT OF FOSAM FONCHAM TO THE ENERGY PLAN COMMISSION.

This Resolution was adopted unanimously.

7. [19-0762R](#) RESOLUTION APPROVING PROPOSED SPECIFICATIONS FOR THE NEW CIVIL SERVICE CLASSIFICATION OF SIGNAL MAINTENANCE WORKER, AND SPECIFYING CONTRACT BENEFITS FOR SAME.

Indexes:

Attachments: [Exhibit A](#)

This Resolution was adopted unanimously.

BY COUNCILOR FILIPOVICH (PUBLIC WORKS & UTILITIES)

8. [19-0759R](#) RESOLUTION AUTHORIZING AN AGREEMENT WITH GAUSMAN & MOORE ASSOCIATES, INC., FOR PROFESSIONAL ENGINEERING SERVICES TO CONVERT BUILDINGS ON SUPERIOR STREET FROM A STEAM TO HOT WATER DISTRICT ENERGY SYSTEM FOR AN AMOUNT NOT TO EXCEED \$130,000.

Indexes:

Attachments: [Exhibit A](#)

This Resolution was adopted unanimously.

BY COUNCILOR VAN NETT (PUBLIC SAFETY)

9. [19-0758R](#) RESOLUTION AUTHORIZING THE PURCHASE OF SIX (6) 2020 FORD INTERCEPTORS FROM TENVOORDE MOTOR CO. IN THE AMOUNT OF \$204,198.36.

This Resolution was adopted unanimously.

10. [19-0767R](#) RESOLUTION AUTHORIZING PROPER CITY OFFICIALS TO ACCEPT A GRANT FROM THE DEPARTMENT OF JUSTICE, BUREAU OF JUSTICE ASSISTANCE, IN AN AMOUNT TOTALING \$897,596 AND FURTHER AUTHORIZING AN AGREEMENT WITH JEFFREY R. MAAHS, PHD, TO PERFORM INDEPENDENT RESEARCHER SERVICES, AND CENTER FOR ALCOHOL AND DRUG TREATMENT, TO PROVIDE TREATMENT SERVICES, FOR THE PROJECT ENTITLED "2019 COMPREHENSIVE

OPIOID ABUSE PROJECT”.

Indexes:

Attachments: [Exhibit A](#)

[Exhibit B](#)

[Exhibit C](#)

This Resolution was adopted unanimously.

BY COUNCILOR WESTERLUND (RECREATION, LIBRARIES & AUTHORITIES)

11. [19-0707R](#) RESOLUTION AUTHORIZING PROPER CITY OFFICIALS TO ACCEPT A \$380,000 GRANT FROM THE STATE OF MINNESOTA FOR THE LAKE SUPERIOR ZOO.

Indexes:

Attachments: [Exhibit A](#)

[Exhibit B](#)

This Resolution was adopted unanimously.

12. [19-0763R](#) RESOLUTION AUTHORIZING AN AGREEMENT WITH RACHEL CONTRACTING, INC. FOR THE PURCHASE OF STONE MATERIALS FOR THE 2020 CANAL PARK REHABILITATION PROJECT IN THE AMOUNT OF \$4,851,447.50

Indexes:

Attachments: [Exhibit B - Canal Park Staging Area](#)

[Exhibit A - Agreement](#)

This Resolution was adopted unanimously.

END OF CONSENT AGENDA

The following entitled resolutions are also to be considered:

BY COUNCILOR ANDERSON (FINANCE)

13. [19-0743R](#) RESOLUTION DISTRIBUTING THE ESTIMATED 2020 HOTEL-MOTEL AND FOOD AND BEVERAGE TOURISM TAXES

Indexes:

Attachments: [Exhibit A - Tourism Tax Comparison](#)

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

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

Nay: 1 - Councilor Fosle

BY COUNCILOR FILIPOVICH (PUBLIC WORKS & UTILITIES)

14. [19-0757R](#) RESOLUTION AUTHORIZING THE PURCHASE OF PACKAGED STEAM TO HOT WATER ENERGY TRANSFER STATIONS FROM CETETHERM IN THE AMOUNT OF \$1,328,317.17

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

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

Nay: 1 - Councilor Fosle

15. [19-0766R](#) RESOLUTION AUTHORIZING A CONTRACT WITH NORTHERN HORIZONS SOLWAY, INC., FOR A STEAM CONVERTER SYSTEM IN AN AMOUNT NOT TO EXCEED \$2,220,426. (REPLACEMENT)

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

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

Nay: 1 - Councilor Fosle

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

BY COUNCILOR RUSS (PLANNING & ECONOMIC DEVELOPMENT)

16. [19-054-O](#) AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF DULUTH TO RECLASSIFY PROPERTY AT 2215 SOUTH STREET FROM MIXED USE-COMMERCIAL (MU-C) TO MIXED USE-PLANNED (MU-P) AND WAIVING SIZE AND HEIGHT REQUIREMENTS.

Indexes:

Attachments: [PL 19-139 Ordinance](#)
[PL 19-139 Staff Report and Attachments](#)
[Excerpt - 100819 PC Meeting for South St.](#)

This Ordinance was read for the first time.

BY COUNCILOR FILIPOVICH (PUBLIC WORKS & UTILITIES)

17. [19-053-O](#) AN ORDINANCE AMENDING CHAPTER 48 OF THE DULUTH CITY CODE, 1959, AS AMENDED TO ALLOW ALTERNATIVE FORMS OF SECURITY AND TO ALTER THE COMPUTATION OF SECURITY AMOUNTS, AMENDING SECTIONS 48-11 AND 48-12 THEREOF.

This Ordinance was read for the first time.

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

BY COUNCILOR RUSS (PLANNING & ECONOMIC DEVELOPMENT)

18. [19-051-O](#) AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF DULUTH TO RECLASSIFY PROPERTY WEST OF THE INTERSECTION OF JEAN DULUTH ROAD AND RILEY ROAD FROM RURAL CONSERVATION (R-C) TO PARK AND OPEN SPACE (P-1) AND RURAL RESIDENTIAL 1 (RR-1).

Indexes:

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

This Ordinance was adopted unanimously.

BY COUNCILOR FILIPOVICH (PUBLIC WORKS & UTILITIES)

19. [19-048-O](#) AN ORDINANCE AMENDING CHAPTER 33 OF THE DULUTH CITY CODE, 1959, AS AMENDED, REGARDING SNOW EMERGENCIES, INCREASING THE NOTICE TIME REQUIREMENT, EXTENDING THE DURATION OF DESIGNATIONS, DELETING REQUIREMENTS FOR NON-SNOW EMERGENCY ROUTES AND PROVIDING FOR DESIGNATION OF ROUTES BY RESOLUTION, AMENDING SECTIONS 33-97.1 AND 33-97.2.

Indexes:

Attachments: [2019.11.06 Motion to amend 19-048-O. Anderson](#)

This Ordinance was adopted unanimously.

BY COUNCILOR WESTERLUND (RECREATION, LIBRARIES & AUTHORITIES)

20. [19-046-O](#) AN ORDINANCE AMENDING CHAPTER 24 OF THE DULUTH CITY CODE BY ADDING A NEW ARTICLE VII REQUIRING A FIVE CENTS CHARGE FOR CARRYOUT BAGS. (AS AMENDED)

Indexes:

Attachments: [Motion to Amend: Forsman1 \(Passed 8-0-1. Absent:Fosle\)](#)
[Motion to Amend: Forsman 2 \(Passed 8-0-1. Absent:Fosle\)](#)
[Motion to Amend: Hobbs \(Passed 7-1-1. Nay: Westerlund. Absent:Fosle\)](#)

This Ordinance was tabled.

COUNCILOR QUESTIONS AND COMMENTS

COUNCILOR PREVIEW OF UPCOMING BUSINESS