



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, June 13, 2016

7:00 PM

Council Chamber

ROLL CALL

Moment of silence for the victims of the Orlando shooting.

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

PLEDGE OF ALLEGIANCE

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APPROVAL OF MINUTES

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1. [16-076](#) January and February 2016 City Council Meeting Minutes

Indexes:

Attachments: [OPS 1-7-2016](#)
[OPS 1-11-2016](#)
[OPS 1-25-2016](#)
[OPS 2-8-2016](#)
[OPS 2-22-2016](#)

This Minutes was received.

PRESENTATION OF PETITIONS AND OTHER COMMUNICATIONS

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- 2. [16-069](#) Garfield Square Apartment Communications

Indexes:

- Attachments:** [Garfield Square - letter of support](#)
[Andy Goldine Communication - Garfield Square Apartments](#)
[Dehlia Garfield Square Apartments Communication](#)
[Pamela Kramer - Garfield Square Apartments Communication](#)
[AT HOME DULUTH](#)
[LINCOLN PARK BUSINESS GROU](#)
[ST LOUIS COUNTY-](#)
[HDC](#)
[CHUM](#)

This Petition/Other Communication was received.

REPORTS FROM THE ADMINISTRATION

REPORTS FROM THE ADMINISTRATION

REPORTS FROM OTHER OFFICERS

REPORTS FROM OTHER OFFICERS

Distinguished Artist Award Honoring Jason from Beaners / Woodblind.

Distinguished Artist Award Honoring - Jason from Beaners/Woodblind

- 3. [16-067](#) Clerk Applications for Exempt Permit for The ALS Association, MN/ND/SD Chapter raffle to be held on February 4, 2017 at Cirrus Aircraft.

Indexes:

- Attachments:** [ALS EXEMPT PERMIT-Attachment A](#)

This Other Officers Report was received.

4. [16-068](#) Clerk Applications for Exempt Permit for The NORTHERN LIGHTS FOUNDATION raffle to be held on August 25, 2016 at Wade Stadium.
Attachment A

Indexes:

Attachments: [NORTHERN LIGHTS FOUNDATION-05312016092551](#)

This Other Officers Report was received.

5. [16-075](#) Duluth Airport Authority Audit Report

Indexes:

Attachments: [Duluth Airport Authority Audit Report](#)

This Other Officers Report was received.

REPORTS OF BOARDS AND COMMISSIONS

REPORTS OF BOARDS AND COMMISSIONS

6. [16-070](#) DTA Board of Directors Meeting Minutes

Indexes:

Attachments: [3-30-16 DTA BOD Meeting Minutes](#)

This Board or Commission Report was received.

7. [16-071](#) Civil Service Board Meeting Minutes

Indexes:

Attachments: [04-05-16 Civil Service Board Meeting Minutes](#)

This Board or Commission Report was received.

8. [16-072](#) Duluth Public Utilities Commission Meeting Minutes

Indexes:

Attachments: [4-19-16 DPUC Meeting Minutes](#)

This Board or Commission Report was received.

9. [16-073](#) Library Board Meeting Minutes

Indexes:

Attachments: [4-22-16 Library Board Meeting Minutes](#)

This Board or Commission Report was received.

10. [16-074](#) DEDA Meeting Minutes

Indexes:

Attachments: [4-27-16 DEDA 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

RESOLUTIONS TABLED

RESOLUTIONS TABLED

BY COUNCILOR RUSS (PLANNING & ECONOMIC DEVELOPMENT)

BY COUNCILOR RUSS (PLANNING & ECONOMIC DEVELOPMENT)

11. [16-0381R](#) 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

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

Nay: 1 - Councilor Fosle

MOTIONS AND RESOLUTIONS

MOTIONS AND RESOLUTIONS

CONSENT AGENDA

CONSENT AGENDA

BY COUNCILOR HANSEN (FINANCE)

BY COUNCILOR HANSEN (FINANCE)

- 12. [16-0375R](#) RESOLUTION AMENDING RESOLUTION 15-0831, ADOPTING LICENSE, PERMIT, FINE, PENALTY AND OTHER CHARGES FOR 2016, TO ADD FEE FOR TEMPORARY USE PERMITS ISSUED FOR TEMPORARY USES (ZONING - PARKLETS) OCCUPYING METERED PARKING SPACES.

Indexes:

Attachments: [Healthy Duluth Area Coalition PARKLET REPORT FINAL](#)

This Resolution was adopted unanimously.

- 13. [16-0404R](#) RESOLUTION APPROVING A TRANSFER IN THE AMOUNT OF \$762,440 FROM THE DECC REVENUE FUND TO THE CAPITAL IMPROVEMENT FUND TO FINANCE DESIGN AND ENGINEERING CONTRACTS FOR THE REHABILITATION OF THE MINNESOTA SLIP PEDSTRIAN BRIDGE AND SEAWALL IMPROVEMENTS.

This Resolution was adopted unanimously.

- 14. [16-0439R](#) RESOLUTION AUTHORIZING THE CITY TO PROVIDE A \$4,000,000 LINE OF CREDIT TO THE DULUTH AIRPORT AUTHORITY TO ASSIST WITH CASH FLOW MANAGEMENT

This Resolution was adopted unanimously.

BY COUNCILOR HOBBS (PURCHASING & LICENSING)

BY COUNCILOR HOBBS (PURCHASING & LICENSING)

15. [16-0240R](#) RESOLUTION APPROVING ISSUANCE OF AN ON SALE WINE LICENSE TO SAMMYS PIZZA OF DULUTH, INC (SAMMYS PIZZA AND RESTAURANT), 103 WEST FIRST STREET, DULUTH, MN 55802

Indexes:**Attachments:** [Attachment A-Sammy's Pizza](#)**This Resolution was adopted unanimously.**

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

Abstain: 1 - Hansen

16. [16-0410R](#) RESOLUTION APPROVING THE TEMPORARY ON SALE INTOXICATING LIQUOR LICENSE AND TEMPORARY EXPANSION OF THE ON SALE INTOXICATING LIQUOR LICENSE TO VARIOUS LICENSEES.

Indexes:**Attachments:** [ALPINE BAR AND LOUNGE Attachment A](#)[THE REEF BAR Attachment B](#)[SUMMER BREW FEST-Attachment D](#)[SUMMER BREWFEST Attachment C](#)[SIR BENS Attachment E](#)[SIR BENS Attachment F](#)[BEDROCK-Attachment G](#)[SHOTZ BAR-Attachment H](#)[RIDGEVIEW COUNTRY CLUB-Attachment I](#)[Red Herring Super Blg Block Party - Attachment J](#)[Red Herring Expansion - Attachment K](#)**This Resolution was adopted unanimously.**

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

Abstain: 1 - Hansen

17. [16-0414R](#) RESOLUTION AUTHORIZING THE PURCHASE FROM PRECISE MRM, LLC, FOR TWELVE MONTHS OF GPS/AVL SYSTEM USAGE IN THE AMOUNT OF \$131,250

This Resolution was adopted unanimously.

18. [16-0415R](#) RESOLUTION AUTHORIZING THE PURCHASE OF A NEW 2016 ELGIN PELICAN STREET SWEEPER FROM MACQUEEN EQUIPMENT IN THE AMOUNT OF \$193,459

Indexes:

Attachments: [Exhibit A](#)

This Resolution was adopted unanimously.

19. [16-0416R](#) RESOLUTION AUTHORIZING AN INCREASE TO PURCHASE ORDER 2016-00000042 IN THE AMOUNT OF \$45,000 TO COVER ADDITIONAL DEALER REPAIRS TO VACTORS AND ELGIN STREET SWEEPERS

This Resolution was adopted unanimously.

BY COUNCILOR ANDERSON (PERSONNEL)

BY COUNCILOR ANDERSON (PERSONNEL)

20. [16-0401R](#) RESOLUTION APPROVING PROPOSED SPECIFICATIONS FOR THE NEW CIVIL SERVICE CLASSIFICATION OF UTILITIES INFORMATION SPECIALIST, AND SPECIFYING CONTRACT BENEFITS FOR SAME.

Indexes:

Attachments: [Utilities Information Specialist](#)

This Resolution was adopted unanimously.

21. [16-0405R](#) RESOLUTION CONFIRMING THE APPOINTMENT OF LON HANSON TO THE ALCOHOL, GAMBLING AND TOBACCO COMMISSION, REPLACING CHRIS PEKKALA

Indexes:

Attachments: [Lon Hanson](#)

This Resolution was adopted unanimously.

22. [16-0406R](#) RESOLUTION CONFIRMING THE APPOINTMENT OF DON NESS TO THE ENTERTAINMENT AND CONVENTION CENTER AUTHORITY

Indexes:**Attachments:** [Don Ness](#)

This Resolution was adopted unanimously.

23. [16-0407R](#) RESOLUTION CONFIRMING THE APPOINTMENT OF JODI L.T. ROBERTS TO THE PARKS AND REC COMMISSION, FILLING THE RECREATION PROFESSIONAL VACANCY

Indexes:**Attachments:** [Jodi R.T. Roberts](#)

This Resolution was adopted unanimously.

24. [16-0408R](#) RESOLUTION CONFIRMING THE APPOINTMENTS OF LIZZY LUOMA, NEIL GLAZMAN AND DAVID SPERL TO THE LIBRARY BOARD REPLACING FRANK JEWELL, DANIEL D'ALLAIRD AND JANE BRISSETT.

Indexes:**Attachments:** [Neil Glazman](#)
[Lizzy Luoma](#)
[David Sperl](#)

This Resolution was adopted unanimously.

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

Abstain: 1 - Councilor Russ

25. [16-0409R](#) RESOLUTION CONFIRMING THE APPOINTMENT OF AARON BRANSKY TO THE DULUTH TRANSIT AUTHORITY

Indexes:**Attachments:** [Aaron Bransky](#)

This Resolution was adopted unanimously.

26. [16-0412R](#) RESOLUTION CONFIRMING THE REAPPOINTMENTS OF JAY SEILER AND CARRIE HEFFERNAN TO THE ENTERTAINMENT AND CONVENTION CENTER AUTHORITY

This Resolution was adopted unanimously.

- 27. [16-0413R](#) RESOLUTION CONFIRMING THE REAPPOINTMENT OF JOHN BROSTROM TO THE DULUTH TRANSIT AUTHORITY

This Resolution was adopted unanimously.

- 28. [16-0441R](#) RESOLUTION CONFIRMING THE REAPPOINTMENT OF JULENE BOE TO THE WESTERN LAKE SUPERIOR SANITARY DISTRICT BOARD

This Resolution was adopted unanimously.

BY COUNCILOR RUSS (PLANNING & ECONOMIC DEVELOPMENT)

BY COUNCILOR RUSS (PLANNING & ECONOMIC DEVELOPMENT)

- 29. [16-0418R](#) RESOLUTION REPROGRAMMING FUNDS FROM THE 2011 PROGRAM YEAR IN THE AMOUNT OF \$10,000; FROM THE 2012 PROGRAM YEAR IN THE AMOUNT OF \$500; AND FROM THE 2014 PROGRAM YEAR IN THE AMOUNT OF \$15,000 FOR A TOTAL OF \$25,500 FOR THE JAY STREET DEVELOPMENT PROJECT BY ONE ROOF.

This Resolution was adopted unanimously.

- 30. [16-0419R](#) RESOLUTION REPROGRAMMING FUNDS FROM THE 2011 PROGRAM YEAR IN THE AMOUNT OF \$57,000 TO THE 2015 PROGRAM YEAR FOR THE JAY STREET DEVELOPMENT PROJECT BY ONE ROOF.

This Resolution was adopted unanimously.

- 31. [16-0424R](#) RESOLUTION OF INTENT TO RECONVEY CERTAIN REAL PROPERTY IN THE KENWOOD NEIGHBORHOOD TO THE STATE OF MINNESOTA.

This Resolution was adopted unanimously.

32. [16-0428R](#) RESOLUTION AUTHORIZING THE HOUSING AND REDEVELOPMENT AUTHORITY OF DULUTH, MINNESOTA, TO FORGIVE PARTIAL AMOUNTS OF A REHABILITATION LOAN MADE UNDER THE SINGLE FAMILY HOMEOWNER REHABILITATION PROGRAM.

This Resolution was adopted unanimously.

BY COUNCILOR HANSON (INTERGOVERNMENTAL RELATIONS)

BY COUNCILOR HANSON (INTERGOVERNMENTAL RELATIONS)

33. [16-0422R](#) RESOLUTION AUTHORIZING ACCEPTANCE OF A QUIT CLAIM DEED FROM THE STATE OF MINNESOTA, DEPARTMENT OF TRANSPORTATION, FOR REAL PROPERTY ADJACENT OR NEAR CENTRAL ENTRANCE FOR TRUNK HIGHWAY PURPOSES.

Indexes:

Attachments: [Exhibit A-Quit Claim Deed](#)

[Exhibit B](#)

This Resolution was adopted unanimously.

BY COUNCILOR WESTERLUND (PUBLIC WORKS & UTILITIES)

BY COUNCILOR WESTERLUND (PUBLIC WORKS & UTILITIES)

34. [16-0423R](#) RESOLUTION AUTHORIZING THE TERMINATION AND RELEASE OF CERTAIN DECLARATIONS AFFECTING VACATED EASEMENTS AND EXECUTION OF A NEW DECLARATION IN THE PLAT OF ATLAS INDUSTRIAL PARK.

Indexes:

Attachments: [Exhibit A](#)

[Exhibit B](#)

[Exhibit C](#)

[Exhibit D](#)

[Exhibit E](#)

This Resolution was adopted unanimously.

35. [16-0427R](#) RESOLUTION AWARDING A CONTRACT TO A PLUS LANDSCAPING, LLC FOR STREAM BANK STABILIZATION AT MILLER CREEK IN THE AMOUNT OF \$138,923.50.

Indexes:

Attachments: [16-0427R Map](#)

This Resolution was adopted unanimously.

36. [16-0438R](#) RESOLUTION AWARDING A CONTRACT TO GEORGE BOUGALIS AND SONS CO. FOR CONSTRUCTION OF THE 18TH AVENUE EAST GAS MAIN TO UMD AND MISCELLANEOUS GAS MAINS AND SERVICES AT VARIOUS LOCATIONS IN THE AMOUNT OF \$1,237,505.55.

Indexes:

Attachments: [16-0427R Map](#)

This Resolution was adopted unanimously.

BY COUNCILOR FOSLE (PUBLIC SAFETY)

BY COUNCILOR FOSLE (PUBLIC SAFETY)

37. [16-0437R](#) RESOLUTION ADOPTING SKYWALK CLEANING AND MAINTENANCE EXPECTATIONS, STANDARDS, AND PROCEDURES PURSUANT TO THE AUTHORITY GRANTED UNDER SECTIONS 44A-12 AND 44A-16 OF THE DULUTH CITY CODE.

Indexes:

Attachments: [Exhibit A](#)

[Exhibit B](#)

[Exhibit C](#)

[Exhibit D](#)

This Resolution was tabled.

END OF CONSENT AGENDA

END OF CONSENT AGENDA

The following entitled resolutions are also to be considered:

The following entitled resolutions are also to be considered:

BY COUNCILOR WESTERLUND (PUBLIC WORKS & UTILITIES)

BY COUNCILOR WESTERLUND (PUBLIC WORKS & UTILITIES)

38. [16-0426R](#) RESOLUTION AUTHORIZING AN AGREEMENT WITH EVER-GREEN ENERGY FOR PROFESSIONAL ENGINEERING SERVICES TO PROVIDE DESIGN SERVICES FOR THE CONSTRUCTION OF A DISTRICT ENERGY HOT WATER SYSTEM ALONG SUPERIOR STREET FROM FOURTH AVENUE EAST TO SEVENTH AVENUE WEST IN AN AMOUNT NOT TO EXCEED \$99,457.

Indexes:

Attachments: [16-0426R Map](#)
[16-0426R Proposal](#)

This Resolution was adopted

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

Nay: 1 - Councilor Fosle

BY COUNCILOR SIPRESS (RECREATION, LIBRARIES & AUTHORITIES)

BY COUNCILOR SIPRESS (RECREATION, LIBRARIES & AUTHORITIES)

39. [16-0436R](#) RESOLUTION AUTHORIZING A TEN (10) YEAR MANAGEMENT AGREEMENT BETWEEN THE CITY OF DULUTH AND THE ARROWHEAD ZOOLOGICAL SOCIETY, INC.

Indexes:

Attachments: [Exhibit 1](#)

This Resolution was adopted unanimously.

40. [16-0440R](#) RESOLUTION ADOPTING AN EMERALD ASH BORER (EAB) MANAGEMENT PLAN

Indexes:

Attachments: [EXHIBIT A - 16-0440R](#)

Speaker Louise Levy

Mr. Filby Williams

This Resolution was tabled.

INTRODUCTION AND CONSIDERATION OF ORDINANCES

INTRODUCTION AND CONSIDERATION OF ORDINANCES

ORDINANCES TABLED

ORDINANCES TABLED

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)

- 41. [16-027-O](#) AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF DULUTH AS REFERENCED IN CHAPTER 50 OF THE DULUTH CITY CODE, 1959, AS AMENDED, TO PROVIDE FOR THE RECLASSIFICATION FROM RR-1 AND I-G TO P-1, FOR QUARRY PARK .

Indexes:

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

This Ordinance was read for the first time.

- 42. [16-028-O](#) AN ORDINANCE TO OPT-OUT OF THE REQUIREMENTS OF MINN. STAT. 462.3593 (2016), THE TEMPORARY FAMILY HEALTHCARE DWELLINGS STATUTE.

This Ordinance was read for the first time.

- 43. [16-029-O](#) AN ORDINANCE AUTHORIZING THE CONVEYANCE OF CERTAIN REAL PROPERTY IN THE KENWOOD NEIGHBORHOOD TO THE STATE OF MINNESOTA.

Indexes:

Attachments: [Exhibit A](#)

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 HOBBS (PURCHASING & LICENSING)

BY COUNCILOR HOBBS (PURCHASING & LICENSING)

- 44.** [16-025-O](#) AN ORDINANCE AMENDING SECTION 41-23 OF DULUTH CITY CODE, 1959, AS AMENDED, TO ALLOW ELECTRONIC BID POSTINGS, BIDS, AND SECURE BONDS FOR CITY CONTRACTS EXCEEDING \$100,000.

This Ordinance was adopted unanimously.

COUNCILOR QUESTIONS AND COMMENTS

COUNCILOR QUESTIONS AND COMMENTS

COUNCILOR PREVIEW OF UPCOMING BUSINESS

COUNCILOR PREVIEW OF UPCOMING BUSINESS