



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, May 9, 2016

7:00 PM

Council Chamber

ROLL CALL

ROLL CALL

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

PLEDGE OF ALLEGIANCE

PLEDGE OF ALLEGIANCE

PRESENTATION OF PETITIONS AND OTHER COMMUNICATIONS

PRESENTATION OF PETITIONS AND OTHER COMMUNICATIONS

1. [16-061](#) Hartley Nature Center Communication

Indexes:

Attachments: [Dan Mundt Communication](#)

This Petition/Other Communication was received.

REPORTS FROM THE ADMINISTRATION

REPORTS FROM THE ADMINISTRATION

REPORTS FROM OTHER OFFICERS

REPORTS FROM OTHER OFFICERS

2. [16-052](#) Clerk Applications for Exempt Permit for Womens Care Center (Raffle and Bingo), Welch Center (Bingo), Lake Superior Marine Museum Association (Raffle)

Indexes:**Attachments:** [WOMENS CARE CENTER](#)[WELCH CENTER](#)[MARINE MUSEUM](#)

This Other Officers Report was received.

3. [16-053](#) Clerk applications for Exempt Permits to the Minnesota Gambling Control Board from Gary-New Duluth Community Club (excluded bingo) and Order of Ahepa Chapter #267 of Duluth (excluded bingo).

Indexes:**Attachments:** [GARY COMMUNITY CLUB](#)[ORDER OF AHEPA CHAPTER 267 BINGO](#)

This Other Officers Report was received.

REPORTS OF BOARDS AND COMMISSIONS

REPORTS OF BOARDS AND COMMISSIONS

4. [16-054](#) HRA Minutes

Indexes:**Attachments:** [HRA Minutes 1.26.16](#)[HRA Minutes 3.1.16](#)[HRA Minutes 3.30.16](#)[HRA Minutes 11.24.15](#)

This Board or Commission Report was received.

5. [16-055](#) Civil Service Board Minutes

Indexes:

Attachments: [Civil Service Board Minutes 3.1.16](#)

This Board or Commission Report was received.

6. [16-056](#) DPUC Minutes

Indexes:

Attachments: [DPUC Minutes 3.15.16](#)

[DPUC Water Rate Public Hearing Minutes 3.15.16](#)

This Board or Commission Report was received.

7. [16-057](#) DTA Minutes

Indexes:

Attachments: [DTA Board of Directors Minutes 2.14.16](#)

[DTA Financial Statement Feb 2016](#)

This Board or Commission Report was received.

8. [16-058](#) Spirit Mountain FY17 Budget

Indexes:

Attachments: [FY17 Spirit Mt Council Presentation April 2016](#)

This Board or Commission Report was received.

9. [16-059](#) Library Board Minutes

Indexes:

Attachments: [Library Board Minutes 3.22.16](#)

This Board or Commission Report was received.

10. [16-060](#) Planning Commission Minutes

Indexes:**Attachments:** [PC Minutes 4.1.16 \(not approved yet\)](#)

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

MOTIONS AND RESOLUTIONS

MOTIONS AND RESOLUTIONS

CONSENT AGENDA

CONSENT AGENDA

BY COUNCILOR HOBBS (PURCHASING & LICENSING)

BY COUNCILOR HOBBS (PURCHASING & LICENSING)

11. [16-0347R](#) RESOLUTION APPROVING THE TEMPORARY EXPANSION OF THE
ON SALE INTOXICATING LIQUOR LICENSE TO VARIOUS LICENSEES.

Indexes:

Attachments: [ATTACHMENT C GRANDMAS INC](#)
[ATTACHMENT D ANGIES](#)
[ATTACHMENT E TAP HOUSE](#)
[ATTACHMENT A SPORTS GARDEN](#)
[ATTACHMENT B CLUB SARATOGA AMENDED](#)

This Resolution was adopted unanimously.

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

Abstain: 1 - Hansen

12. [16-0351R](#) RESOLUTION AUTHORIZING AN AMENDMENT TO AGREEMENT 22364 WITH CARDNO, INC., FOR ADDITIONAL PROFESSIONAL SERVICES IN THE STREAM RESTORATION OF MILLER CREEK, AN INCREASE OF \$6,000, AND AN AMENDED TOTAL NOT TO EXCEED \$82,600.

Indexes:

Attachments: [Amendment No. 1](#)

This Resolution was adopted unanimously.

Yea: 9 - Hanson, Councilor Russ, President Hobbs, Councilor Westerlund, Hansen, Councilor Anderson, Councilor Sipress, Councilor Fosle and Councilor Filipovich

13. [16-0352R](#) RESOLUTION AUTHORIZING A CONTRACT WITH TRAIL SOURCE, LLC., FOR THE TRAIL REPAIR AND IMPROVEMENTS AT CHESTER PARK, CONGDON PARK AND HARTLEY PARK IN THE AMOUNT OF \$343,224.36.

Indexes:

Attachments: [Bid Tabulation](#)

[Chester Map](#)

[Congdon Map](#)

[Hartley Map](#)

This Resolution was adopted unanimously.

Yea: 9 - Hanson, Councilor Russ, President Hobbs, Councilor Westerlund, Hansen, Councilor Anderson, Councilor Sipress, Councilor Fosle and Councilor Filipovich

BY COUNCILOR RUSS (PLANNING & ECONOMIC DEVELOPMENT)

BY COUNCILOR RUSS (PLANNING & ECONOMIC DEVELOPMENT)

14. [16-0265R](#) RESOLUTION AUTHORIZING CITY OFFICIALS TO DONATE A DISPLAY CASE TO THE LAKE SUPERIOR CENTER DBA GREAT LAKES AQUARIUM TO SHOWCASE A SCALE MODEL OF THE AERIAL LIFT BRIDGE BUILT BY RALPH W. ANDRES.

Indexes:

Attachments: [Exhibit A - Model Aerial Lift Bridge](#)

This Resolution was adopted unanimously.

Yea: 9 - Hanson, Councilor Russ, President Hobbs, Councilor Westerlund, Hansen, Councilor Anderson, Councilor Sipress, Councilor Fosle and Councilor Filipovich

BY COUNCILOR WESTERLUND (PUBLIC WORKS & UTILITIES)

BY COUNCILOR WESTERLUND (PUBLIC WORKS & UTILITIES)

15. [16-0338R](#) RESOLUTION ACCEPTING TEMPORARY AND PERMANENT EASEMENTS FOR STREET AND UTILITY PURPOSES NEAR KENWOOD AVE. AND ARROWHEAD ROAD FROM KENWOOD VILLAGE LLC.

Indexes:

Attachments: [Exhibit A \(16-0338R\)](#)
[Exhibit B \(16-0338R\)](#)

This Resolution was adopted unanimously.

Yea: 9 - Hanson, Councilor Russ, President Hobbs, Councilor Westerlund, Hansen, Councilor Anderson, Councilor Sipress, Councilor Fosle and Councilor Filipovich

16. [16-0346R](#) RESOLUTION REQUESTING A VARIANCE FROM THE MINNESOTA DEPARTMENT OF TRANSPORTATION AND INDEMNIFYING THE STATE OF MINNESOTA IN CONNECTION WITH THE GRANTING OF A MINNESOTA STATE AID VARIANCE IN THE REDUCTION IN ROADWAY WIDTH FROM 38 FEET TO 36 FEET ON PORTIONS OF THIRD AVENUE WEST AND SECOND AVENUE WEST.

Indexes:

Attachments: [16-0364R Map](#)

This Resolution was adopted unanimously.

Yea: 9 - Hanson, Councilor Russ, President Hobbs, Councilor Westerlund, Hansen, Councilor Anderson, Councilor Sipress, Councilor Fosle and Councilor Filipovich

BY COUNCILOR FOSLE (PUBLIC SAFETY)

BY COUNCILOR FOSLE (PUBLIC SAFETY)

17. [16-0336R](#) RESOLUTION APPOINTING THE TECHNICAL SERVICES COORDINATOR OF THE DULUTH FIRE DEPARTMENT TO SERVE ON THE USER COMMITTEE OF THE NORTHEAST MINNESOTA REGIONAL RADIO BOARD.

This Resolution was adopted unanimously.

Yea: 9 - Hanson, Councilor Russ, President Hobbs, Councilor Westerlund, Hansen, Councilor Anderson, Councilor Sipress, Councilor Fosle and Councilor Filipovich

18. [16-0344R](#) RESOLUTION AUTHORIZING MUTUAL AID AGREEMENT WITH THE CITY OF MINNEAPOLIS, MINNESOTA.

Indexes:

Attachments: [Document A](#)

This Resolution was adopted unanimously.

Yea: 9 - Hanson, Councilor Russ, President Hobbs, Councilor Westerlund, Hansen, Councilor Anderson, Councilor Sipress, Councilor Fosle and Councilor Filipovich

BY COUNCILOR SIPRESS (RECREATION, LIBRARIES & AUTHORITIES)

BY COUNCILOR SIPRESS (RECREATION, LIBRARIES & AUTHORITIES)

19. [16-0328R](#) RESOLUTION GRANTING APPROVAL AND IMPLEMENTATION OF THE QUARRY PARK MINI-MASTER PLAN; DEDICATING THE PROPERTY AS A PARK AND NAMING THE SITE QUARRY PARK.

Indexes:

Attachments: [EXHIBIT A - 16-0328R](#)

This Resolution was adopted unanimously.

Yea: 9 - Hanson, Councilor Russ, President Hobbs, Councilor Westerlund, Hansen, Councilor Anderson, Councilor Sipress, Councilor Fosle and Councilor Filipovich

20. [16-0332R](#) RESOLUTION AUTHORIZING APPLICATION TO THE GREATER MINNESOTA REGIONAL PARKS AND TRAILS COMMISSION TO REQUEST REGIONAL DESIGNATION FOR HARTLEY PARK.

Indexes:

Attachments: [EXHIBIT A - 16-0332R](#)

[EXHIBIT B - 16-0332R](#)

This Resolution was adopted unanimously.

Yea: 9 - Hanson, Councilor Russ, President Hobbs, Councilor Westerlund, Hansen, Councilor Anderson, Councilor Sipress, Councilor Fosle and Councilor Filipovich

21. [16-0333R](#) RESOLUTION AUTHORIZING APPLICATION TO THE GREATER MINNESOTA REGIONAL PARKS AND TRAILS COMMISSION TO REQUEST REGIONAL DESIGNATION FOR THE ST. LOUIS RIVER CORRIDOR RECREATION AREA.

Indexes:

Attachments: [EXHIBIT A - 16-0333R](#)
[EXHIBIT B - 16-0333R](#)

This Resolution was adopted unanimously.

Yea: 9 - Hanson, Councilor Russ, President Hobbs, Councilor Westerlund, Hansen, Councilor Anderson, Councilor Sipress, Councilor Fosle and Councilor Filipovich

22. [16-0334R](#) RESOLUTION AUTHORIZING APPLICATION TO THE GREATER MINNESOTA REGIONAL PARKS AND TRAILS COMMISSION TO REQUEST REGIONAL DESIGNATION FOR THE LAKEWALK CORRIDOR RECREATION AREA.

Indexes:

Attachments: [EXHIBIT A - 16-0334R](#)
[EXHIBIT B - 16-0334R](#)

This Resolution was adopted unanimously.

Yea: 9 - Hanson, Councilor Russ, President Hobbs, Councilor Westerlund, Hansen, Councilor Anderson, Councilor Sipress, Councilor Fosle and Councilor Filipovich

23. [16-0335R](#) RESOLUTION AUTHORIZING APPLICATION TO, AND ACCEPTANCE OF, IF OFFERED, THE NATIONAL PARK SERVICE LAND AND WATER CONSERVATION FUND STATE AND LOCAL ASSISTANCE PROGRAM OUTDOOR RECREATION LEGACY PARTNERSHIP PROGRAM (LWCF ORLP) FOR \$750,000 IN GRANT FUNDS TO IMPLEMENT THE LINCON PARK MINI-MASTER PLAN.

Indexes:

Attachments: [EXHIBIT A - 16-0335R](#)
[EXHIBIT B - 16-0335R](#)
[Exhibit C - Project Agreement](#)

This Resolution was adopted unanimously.

Yea: 9 - Hanson, Councilor Russ, President Hobbs, Councilor Westerlund, Hansen, Councilor Anderson, Councilor Sipress, Councilor Fosle and Councilor Filipovich

END OF CONSENT AGENDA

END OF CONSENT AGENDA

BY COUNCILOR HOBBS (PURCHASING & LICENSING)

BY COUNCILOR HOBBS (PURCHASING & LICENSING)

24. [16-0343R](#) RESOLUTION AUTHORIZING THE PURCHASE OF A FIRE RESCUE VEHICLE FROM CUSTOM FIRE APPARATUS, INC. IN THE AMOUNT OF \$632,632 AND STATING THE INTENT TO ISSUE GENERAL OBLIGATION NOTES

Indexes:

Attachments: [Bid Tabulation](#)

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

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

Nay: 1 - Councilor Fosle

BY COUNCILOR ANDERSON (PERSONNEL)

BY COUNCILOR ANDERSON (PERSONNEL)

25. [16-0372R](#) RESOLUTION CONFIRMING THE APPOINTMENT OF MICHAEL TUSKEN AS POLICE CHIEF FOR THE CITY OF DULUTH.

This Resolution was adopted unanimously.

Yea: 9 - Hanson, Councilor Russ, President Hobbs, Councilor Westerlund, Hansen, Councilor Anderson, Councilor Sipress, Councilor Fosle and Councilor Filipovich

26. [16-0373R](#) RESOLUTION CONFIRMING THE APPOINTMENT OF DENNIS EDWARDS AS FIRE CHIEF FOR THE CITY OF DULUTH.

This Resolution was adopted unanimously.

Yea: 9 - Hanson, Councilor Russ, President Hobbs, Councilor Westerlund, Hansen, Councilor Anderson, Councilor Sipress, Councilor Fosle and Councilor Filipovich

BY COUNCILOR WESTERLUND (PUBLIC WORKS & UTILITIES)

BY COUNCILOR WESTERLUND (PUBLIC WORKS & UTILITIES)

27. [16-0345R](#) RESOLUTION APPROVING SETTLEMENT IN THE MATTER OF MARK TUCKER VS CITY OF DULUTH IN THE AMOUNT OF \$25,000 AND PURSUANT TO THE TERMS OF THE MEDIATED SETTLEMENT AGREEMENT.

Indexes:

Attachments: [Exhibit A Mediated Settlement Agreement](#)

This Resolution was adopted unanimously.

Yea: 9 - Hanson, Councilor Russ, President Hobbs, Councilor Westerlund, Hansen, Councilor Anderson, Councilor Sipress, Councilor Fosle and Councilor Filipovich

INTRODUCTION AND CONSIDERATION OF ORDINANCES

INTRODUCTION AND CONSIDERATION OF ORDINANCES

ORDINANCES TABLED

ORDINANCES TABLED

BY COUNCILOR RUSS (PLANNING & ECONOMIC DEVELOPMENT)

BY COUNCILOR RUSS (PLANNING & ECONOMIC DEVELOPMENT)

28. [16-022-O](#) AN ORDINANCE AMENDING SECTIONS 50-20.3 COMMERCIAL USES AND 50-20.5 ACCESSORY USES, TO AMEND EXISTING STANDARDS FOR VACATION DWELLING UNITS AND ACCESSORY VACATION DWELLING UNITS.

Indexes:

Attachments: [Motion to Amend 16-022-O Hobbs.Filipovich - Passed](#)

[Motion to Amend 16-022-O Sipress \(200ft\) - FAILED](#)

[Motion to Amend 16-022-O Sipress \(parking\) - PASSED](#)

[Motion to Amend 16-022-O Filipovich.Hansen 5.3.16 - FAILED](#)

[Motion to Amend 16-022-O Sipress \(Permit Adjustment\) - PASSED](#)

A motion was made to amend, motion was seconded and failed by the following vote: (Sipress 200ft)

Yay - 2 Councilors Russ and Sipress

Nay - 7 Councilors Anderson, Fosle, Hansen, Hanson, Hobbs, Westerlund and

President Filipovich

A motion was made to amend, motion was seconded and passed by the following vote: (Sipress Parking)

Yay - 8 Councilors Anderson, Hansen, Hanson, Hobbs, Russ, Sipress, Westerlund and President Filipovich

Nay - 1 Councilor Fosle

A motion was made to amend, motion was seconded and failed by the following vote: (Filipovich.Hansen)

Yay - 4 Councilors Fosle, Hansen, Hanson and President Filipovich.

Nay - 5 Councilors Anderson, Hobbs, Russ, Sipress and Westerlund.

A motion was made to amend, motion was seconded and carried unanimously. (Sipress Permit Adjustment)

This Ordinance was read for the first time.

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 HOBBS (PURCHASING & LICENSING)

BY COUNCILOR HOBBS (PURCHASING & LICENSING)

29. [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 read into the record.

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 FOSLE (PUBLIC SAFETY)

BY COUNCILOR FOSLE (PUBLIC SAFETY)

30. [16-024-O](#) AN ORDINANCE AMENDING CHAPTER 29A OF THE DULUTH CITY CODE, 1959, AS AMENDED, TO CLARIFY APPLICATION OF THE INTERNATIONAL PROPERTY MAINTENANCE CODE FOR THE HOUSING AND MAINTENANCE CODE FOR THE CITY, PROVIDE A MECHANISM FOR RESOLVING CONFLICTS BETWEEN THE PROVISIONS OF CHAPTER 29A AND THE HOUSING AND PROPERTY MAINTENANCE CODE, AND STRIKE OBSOLETE CODE LANGUAGE.

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

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

Nay: 1 - Councilor Fosle

COUNCILOR QUESTIONS AND COMMENTS

COUNCILOR QUESTIONS AND COMMENTS

COUNCILOR PREVIEW OF UPCOMING BUSINESS

COUNCILOR PREVIEW OF UPCOMING BUSINESS