



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, February 11, 2019

7:00 PM

Council Chamber

ROLL CALL

Present: Councilors Anderson, Filipovich, Forsman, Fosle, Sipress, Westerlund, Van Nett and Present Hobbs
Absent: Councilor Russ

PLEDGE OF ALLEGIANCE

APPROVAL OF MINUTES

APPROVAL OF MINUTES

1. [19-027](#) Meeting Minutes of the Duluth City Council

Indexes:

Attachments: [January 28, 2019](#)

These Minutes were approved.

PUBLIC HEARING: Proposed ordinance amending chapter v, section 36 of the city of Duluth home rule charter, 1912, as amended, pertaining to civil service requirements for deputy fire chiefs.

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REPORTS FROM THE ADMINISTRATION

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REPORTS FROM OTHER OFFICERS

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REPORTS OF BOARDS AND COMMISSIONS

REPORTS OF BOARDS AND COMMISSIONS

- 2. [19-025](#) Duluth Transit Authority Meeting Minutes

Indexes:

Attachments: [Duluth Tranist Authority 11-28-18](#)

This Board or Commission Report was received.

- 3. [19-026](#) Library Board Meeting Minutes

Indexes:

Attachments: [Library Board 11-27-2018](#)

This Board or Commission Report was received.

REPORTS OF COUNCIL COMMITTEES

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REPORTS OF COUNCIL OPEN ISSUES

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Distinguished Artist Award: Carla Hamilton

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OPPORTUNITY FOR CITIZENS TO BE HEARD

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RESOLUTIONS TABLED

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BY COUNCILOR RUSS (PLANNING & ECONOMIC DEVELOPMENT)

BY COUNCILOR RUSS (PLANNING & ECONOMIC DEVELOPMENT)

- 4. [19-0062R](#) RESOLUTION APPROVING THE 2019 ANNUAL ACTION PLAN AND AUTHORIZING A REQUEST FOR HUD FEDERAL COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG), HOME PROGRAM (HOME), AND EMERGENCY SOLUTIONS GRANT PROGRAM (ESG) PROGRAM FUNDS. (REPLACEMENT)

Indexes:

Attachments: [Summary Memo and 2019 Annual Action Plan](#)
[2019 Action Plan 2.1.19](#)

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

Yea: 7 - Councilors Anderson, Filipovich, Forsman, Fosle, Sipress, Westerlund and Van Nett

Absent: 1 - Councilor Russ

Abstain: 1 - President Hobbs

CONSENT AGENDA

CONSENT AGENDA

BY COUNCILOR ANDERSON (FINANCE)

BY COUNCILOR ANDERSON (FINANCE)

- 5. [19-0057R](#) RESOLUTION CONFIRMING ASSESSMENT ROLL FOR SIDEWALK REPAIRS AT SEVEN CITY LOCATIONS IN 2018.

Indexes:

Attachments: [Exhibit A](#)

This Resolution was adopted unanimously.
Councilor Russ: Absent

6. [19-0114R](#) RESOLUTION APPROVING SETTLEMENT IN THE MATTER OF JACK LEVINE AND DOROTHY LEVINE VS 3M COMPANY, ET AL., IN AMOUNT OF \$50,000 AND PURSUANT TO TERMS OF SETTLEMENT AGREEMENT.

Indexes:

Attachments: [Levine v. City of Duluth - Release and Indemnification Agreement](#)

This Resolution was adopted unanimously.
Councilor Russ: Absent

BY COUNCILOR FOSLE (PURCHASING & LICENSING)

BY COUNCILOR FOSLE (PURCHASING & LICENSING)

7. [19-0061R](#) RESOLUTION AUTHORIZING AN AGREEMENT WITH PYROTECHNIC DISPLAY INC. FOR THE CREATION AND EXECUTION OF A FIREWORKS DISPLAY FOR JULY 4, 2019 FOR A TOTAL NOT TO EXCEED \$50,000.

Indexes:

Attachments: [Exhibit A](#)

This Resolution was adopted unanimously.
Councilor Russ: Absent

8. [19-0092R](#) RESOLUTION APPROVING THE EXEMPTION OF A RAFFLE LICENSE AND BINGO PERMIT AND WAIVING THE 60 DAY WAITING PERIOD FOR STELLA MARIS ACADEMY.

Indexes:

Attachments: [Stella Maris Academy](#)

This Resolution was adopted unanimously.
Councilor Russ: Absent

9. [19-0098R](#) RESOLUTION AUTHORIZING AN AMENDMENT TO AN AGREEMENT WITH GRANICUS, INC., FOR AN ADDITIONAL THREE (3) YEARS OF SOFTWARE AND MANAGED SERVICES FOR AN AMOUNT NOT TO EXCEED \$138,509.72.

Indexes:

Attachments: [23110 Amendment 1](#)

**This Resolution was adopted unanimously.
Councilor Russ: Absent**

BY COUNCILOR FORSMAN (PERSONNEL)

BY COUNCILOR FORSMAN (PERSONNEL)

10. [19-0056R](#) RESOLUTION CONFIRMING THE REAPPOINTMENTS OF MEMBERS TO CITY BOARDS AND COMMISSIONS BY MAYOR LARSON.

Indexes:

Attachments: [Boards and Commissions Reappointments Attachment A](#)

**This Resolution was adopted unanimously.
Councilor Russ: Absent**

11. [19-0082R](#) RESOLUTION APPROVING PROPOSED SPECIFICATIONS FOR THE NEW CIVIL SERVICE CLASSIFICATION OF DATA RELEASE COORDINATOR, AND SPECIFYING CONTRACT BENEFITS FOR SAME.

Indexes:

Attachments: [Exhibit A](#)

**This Resolution was adopted unanimously.
Councilor Russ: Absent**

12. [19-0083R](#) RESOLUTION APPROVING PROPOSED SPECIFICATIONS FOR THE NEW CIVIL SERVICE CLASSIFICATION OF SEASONAL STREETS LABORER, AND SPECIFYING CONTRACT BENEFITS FOR SAME.

Indexes:

Attachments: [Exhibit A](#)

**This Resolution was adopted unanimously.
Councilor Russ: Absent**

13. [19-0084R](#) RESOLUTION APPROVING PROPOSED SPECIFICATIONS FOR THE NEW CIVIL SERVICE CLASSIFICATION OF SEASONAL UTILITIES LABORER, AND SPECIFYING CONTRACT BENEFITS FOR SAME.

Indexes:

Attachments: [Exhibit A](#)

This Resolution was adopted unanimously.
Councilor Russ: Absent

14. [19-0085R](#) RESOLUTION APPROVING PROPOSED AMENDMENTS TO THE PAY RANGE FOR THE EXISTING CIVIL SERVICE CLASSIFICATION OF JANITOR I.

Indexes:

Attachments: [Exhibit A](#)

This Resolution was adopted unanimously.
Councilor Russ: Absent

15. [19-0086R](#) RESOLUTION APPROVING PROPOSED AMENDMENTS TO THE PAY RANGE FOR THE EXISTING CIVIL SERVICE CLASSIFICATION OF JANITOR II.

Indexes:

Attachments: [Exhibit A](#)

This Resolution was adopted unanimously.
Councilor Russ: Absent

28. [19-0093R](#) RESOLUTION CONFIRMING THE APPOINTMENT OF HOWARD JACOBSON TO THE DULUTH PUBLIC UTILITIES COMMISSION.

This Resolution was adopted unanimously.
Councilor Russ: Absent

16. [19-0107R](#) RESOLUTION CONFIRMING THE REAPPOINTMENT OF CHRIS MCINTOSH, TO THE DULUTH PUBLIC UTILITIES COMMISSION

This Resolution was adopted unanimously.
Councilor Russ: Absent

BY COUNCILOR RUSS (PLANNING & ECONOMIC DEVELOPMENT)

BY COUNCILOR RUSS (PLANNING & ECONOMIC DEVELOPMENT)

17. [19-0103R](#) RESOLUTION VACATING A PORTION OF SUPERIOR STREET IN THE PLAT OF WEST DULUTH SEVENTH DIVISION.

Indexes:

Attachments: [Exhibit A](#)

[Exhibit B](#)

**This Resolution was adopted unanimously.
Councilor Russ: Absent**

BY COUNCILOR FILIPOVICH (PUBLIC WORKS & UTILITIES)

BY COUNCILOR FILIPOVICH (PUBLIC WORKS & UTILITIES)

18. [19-0091R](#) RESOLUTION AUTHORIZING THE RENEWAL OF CONTRACT L30048 WITH API OUTSOURCING INC. FOR MAILING SERVICES AND POSTAGE FOR YEAR 2019 IN THE AMOUNT OF \$183,000.

Indexes:

Attachments: [Exhibit A](#)

**This Resolution was adopted unanimously.
Councilor Russ: Absent**

19. [19-0097R](#) RESOLUTION AUTHORIZING AN AGREEMENT BETWEEN THE CITY OF DULUTH AND THE MINNESOTA DEPARTMENT OF TRANSPORTATION FOR STORM SEWER, SANITARY SEWER, WATER MAIN, AND GAS LINE DESIGN AND CONSTRUCTION UPON, ALONG, AND ADJACENT TO TRUNK HIGHWAY 39 (MCCUEN STREET) WITHIN THE CITY LIMITS UNDER STATE PROJECT 6941-08 AT AN ESTIMATED COST OF \$455,333.22.

Indexes:

Attachments: [19-0097R-Cooperative-Construction-Agreement](#)

[19-0097R-Map](#)

**This Resolution was adopted unanimously.
Councilor Russ: Absent**

20. [19-0099R](#) RESOLUTION AUTHORIZING AMENDMENT NO. 4 TO A CONTRACT WITH AMI CONSULTING ENGINEERS P.A. TO PROVIDE PROFESSIONAL ENGINEERING SERVICES FOR THE REPAIR AND REHABILITATION OF THE SEAWALL SURROUNDING THE DECC, TO INCREASE THE AMOUNT BY \$69,200 FOR A NEW TOTAL OF \$864,103.39.

Indexes:

Attachments: [19-0099R-Amendment](#)
[19-0099R-Map](#)

**This Resolution was adopted unanimously.
Councilor Russ: Absent**

21. [19-0104R](#) RESOLUTION AUTHORIZING THE CITY TO ENTER INTO A SIX-YEAR AGREEMENT WITH MAGNOLIA RIVER SERVICES, INC., FOR SOFTWARE AND SOFTWARE SUPPORT FOR CITY TO OBTAIN FIELD DATA COLLECTION AND REAL TIME ACCESS TO ITS UTILITY DATA IN AN AMOUNT NOT TO EXCEED \$78,000.

Indexes:

Attachments: [City of Duluth and Magnolia River Services Agreement - Final](#)
[Certificate of Insurance for Duluth MN from Magnolia Rivers Services](#)
[City of Duluth MN FlowGIS Magnolia River Proposal Nov 2 2018](#)

**This Resolution was adopted unanimously.
Councilor Russ: Absent**

22. [19-0105R](#) RESOLUTION OF INTENT FOR THE 2019 STREET PRESERVATION PROJECT AND TO ASSESS A PORTION OF THE COSTS THEREOF.

Indexes:

Attachments: [19-0105R-Map](#)

**This Resolution was adopted unanimously.
Councilor Russ: Absent**

BY COUNCILOR VAN NETT (PUBLIC SAFETY)

BY COUNCILOR VAN NETT (PUBLIC SAFETY)

23. [19-0094R](#) RESOLUTION AUTHORIZING A PURCHASE FROM M & T FIRE AND SAFETY INC. FOR SEVENTY-ONE (71) SETS OF STRUCTURAL

FIREFIGHTING TURNOUT GEAR IN THE AMOUNT OF \$170,258.

**This Resolution was adopted unanimously.
Councilor Russ: Absent**

- 24. [19-0095R](#) RESOLUTION AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE A MEMORANDUM OF UNDERSTANDING AND ANNEX AGREEMENTS WITH THE FEDERAL BUREAU OF INVESTIGATION (FBI) FOR THE DULUTH POLICE DEPARTMENT TO PARTICIPATE IN THE MINNEAPOLIS CHILD EXPLOITATION TASK FORCE AND FURTHER AUTHORIZING THE ACCEPTANCE OF REIMBURSEMENT MONIES FROM THE FBI FOR OVERTIME EXPENSES.

Indexes:

Attachments: [Cover sheet for nonpublic data](#)

**This Resolution was adopted unanimously.
Councilor Russ: Absent**

- 25. [19-0096R](#) RESOLUTION AUTHORIZING PROPER CITY OFFICIALS TO ACCEPT A GRANT FROM THE U.S.DEPARTMENT OF JUSTICE IN AN AMOUNT TOTALING \$468,750, AND FURTHER AUTHORIZING AN AGREEMENT WITH INDEPENDENT SCHOOL DISTRICT NO. 709 AS A SUBRECIPIENT, TO PURCHASE AND INSTALL SECURITY AND ACCESS EQUIPMENT FOR THE DISTRICT AND TO PROVIDE AN ADDITIONAL \$156,250 IN MATCH DOLLARS.

Indexes:

Attachments: [Exhibit A.pdf](#)
[Exhibit B.pdf](#)
[Exhibit C.pdf](#)
[Exhibit D.pdf](#)

**This Resolution was adopted unanimously.
Councilor Russ: Absent**

BY COUNCILOR WESTERLUND (RECREATION, LIBRARIES & AUTHORITIES)

BY COUNCILOR WESTERLUND (RECREATION, LIBRARIES & AUTHORITIES)

- 26. [19-0072R](#) RESOLUTION AUTHORIZING A RENEWAL OF AGREEMENT L30054 WITH CR-BUILDING PERFORMANCE SPECIALISTS, INC. FOR FACILITY ASSET MANAGEMENT (FAM) ASSET MANAGEMENT SOFTWARE MAINTENANCE FOR 2019 FOR AN INCREASE OF

\$75,000 AND A NEW TOTAL AMOUNT NOT TO EXCEED \$114,450.00.

Indexes:

Attachments: [Exhibit A CRBPS Amendment 1](#)

**This Resolution was adopted unanimously.
Councilor Russ: Absent**

- 27. [19-0073R](#) RESOLUTION AUTHORIZING ACCEPTANCE OF A MINNESOTA DEPARTMENT OF EDUCATION LIBRARY CONSTRUCTION GRANT OF \$88,200.00 FOR CONSTRUCTION OF FIRST FLOOR BATHROOMS AT THE DULUTH PUBLIC LIBRARY.

Indexes:

Attachments: [Exhibit A - Draft Library Grant Agreement](#)

**This Resolution was adopted unanimously.
Councilor Russ: Absent**

END OF CONSENT AGENDA

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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 WESTERLUND (RECREATION, LIBRARIES & AUTHORITIES)

BY COUNCILOR WESTERLUND (RECREATION, LIBRARIES & AUTHORITIES)

- 29. [19-005-O](#) AN ORDINANCE AMENDING CHAPTER 2, ARTICLE XXIII, OF THE DULUTH CITY CODE CHANGING THE TITLE OF THE URBAN FOREST COMMISSION TO NATURAL RESOURCES COMMISSION AND EXPANDING THE ROLE OF THE NATURAL RESOURCES COMMISSION TO INCLUDE STEWARDSHIP OF ALL NATURAL RESOURCES ON CITY OWNED AND CITY MANAGED LAND.

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 PRESIDENT HOBBS (COMMITTEE OF THE WHOLE)

BY PRESIDENT HOBBS (COMMITTEE OF THE WHOLE)

- 30. **19-004-O** AN ORDINANCE AMENDING CHAPTER V, SECTION 36 OF THE CITY OF DULUTH HOME RULE CHARTER, 1912, AS AMENDED, PERTAINING TO CIVIL SERVICE REQUIREMENTS FOR DEPUTY FIRE CHIEFS.

Indexes:

- Attachments:** 19-04
 19-03
 19-02

This Ordinance failed by the following vote:

(A unanimously vote is required to pass this Ordinance)

Yea: 7 - Councilors Anderson, Filipovich, Forsman, Sipress, Westerlund and Van Nett

Absent: 1 - Councilor Russ

Nay: 1 - Councilor Fosle

BY COUNCILOR FILIPOVICH (PUBLIC WORKS & UTILITIES)

BY COUNCILOR FILIPOVICH (PUBLIC WORKS & UTILITIES)

- 31. [19-003-O](#) AN ORDINANCE AMENDING CHAPTER 48 OF THE DULUTH CITY CODE, 1959, AS AMENDED TO ALLOW TERMINATION OF WATER SERVICE TO CUSTOMERS OF THE CITY’S DISTRICT HEATING UTILITY FOR FAILURE TO TIMELY PAY UTILITY BILL AMENDING SECTIONS 48-1, 48-208, 48-208.2, 48-208.3, 48-209, 48-210 AND 48-212 THEREOF..

This Resolution was adopted unanimously.

Councilor Russ: Absent

COUNCILOR QUESTIONS AND COMMENTS

COUNCILOR QUESTIONS AND COMMENTS

COUNCILOR PREVIEW OF UPCOMING BUSINESS

COUNCILOR PREVIEW OF UPCOMING BUSINESS