



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, November 7, 2016

7:00 PM

Council Chamber

ROLL CALL

ROLL CALL

Present: 6 - Councilor Gary Anderson, Councilor Jay Fosle, President Noah Hobbs, Councilor Barb Russ, Councilor Joel Sipress and Councilor Zack Filipovich
Absent: 1 - Councilor Em Westerlund

PLEDGE OF ALLEGIANCE

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PRESENTATION OF PETITIONS AND OTHER COMMUNICATIONS

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1. [16-152](#) Application to Conduct Excluded Bingo
John Beargrease Sled Dog Marathon

Indexes:

Attachments: [John Beargrease Sled Dog Marathon - Excluded Bingo Application](#)

This Petition/Other Communication was received.

2. [16-153](#) Application for Exempt Permit
Twin Ports Walleye Association

Indexes:

Attachments: [Twin Ports Walleye Association](#)

This Petition/Other Communication was received.

REPORTS FROM THE ADMINISTRATION

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REPORTS FROM OTHER OFFICERS

REPORTS FROM OTHER OFFICERS

REPORTS OF BOARDS AND COMMISSIONS

REPORTS OF BOARDS AND COMMISSIONS

3. [16-147](#) Civil Service Board Meeting Minutes

Indexes:

Attachments: [08-02-16 Civil Service Board Minutes](#)

This Board or Commission Report was received.

4. [16-148](#) DTA Board Meeting Minutes

Indexes:

Attachments: [04-26-2016 DTA Meeting Minutes](#)

[08-31-2016 DTA Meeting Minutes](#)

This Board or Commission Report was received.

5. [16-149](#) DAA Meeting Minutes

Indexes:

Attachments: [09-20-2016 DAA Meeting Minutes](#)

This Board or Commission Report was received.

6. [16-150](#) DECC Meeting Minutes

Indexes:

Attachments: [05-19-2016 DECC Meeting Minutes](#)
[06-28-2016 DECC Meeting Minutes](#)

This Board or Commission Report was received.

7. [16-151](#) HRA Meeting Minutes

Indexes:

Attachments: [9-27-2016 HRA Meeting Minutes](#)

This Board or Commission Report was received.

REPORTS OF COUNCIL COMMITTEES

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REPORTS OF COUNCIL OPEN ISSUES

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OPPORTUNITY FOR CITIZENS TO BE HEARD

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CONSENT AGENDA

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BY COUNCILOR HOBBS (PURCHASING & LICENSING)

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8. [16-0776R](#) RESOLUTION AUTHORIZING CHANGE ORDER 1 TO CONTRACT C22736 WITH KTM PAVING FOR FIREHALL #6 DRIVEWAY IN THE AMOUNT OF \$12,960.02 AND A NEW TOTAL CONTRACT PRICE OF \$111,018.02.

This Resolution was adopted unanimously.

9. [16-0783R](#) RESOLUTION AUTHORIZING A CONTRACT WITH HITACHI DATA SYSTEMS FOR ANNUAL SUPPORT AND MAINTENANCE OF THE CITYWIDE CAMERA SYSTEM FOR AN AMOUNT NOT TO EXCEED \$71,382.

Indexes:

Attachments: [Exhibit A 10.27.16.docx](#)

This Resolution was adopted unanimously.

10. [16-0790R](#) RESOLUTION ISSUING A 3.2 PERCENT MALT LIQUOR LICENSE AND APPROVING ISSUANCE OF AN ON SALE WINE LICENSE TO ZEN HOUSE, INC. (ZEN HOUSE), 4023 WOODLAND AVE.

This Resolution was adopted unanimously.

BY COUNCILOR ANDERSON (PERSONNEL)

BY COUNCILOR ANDERSON (PERSONNEL)

11. [16-0780R](#) RESOLUTION APPROVING PROPOSED AMENDMENTS TO THE SPECIFICATIONS FOR THE EXISTING CIVIL SERVICE CLASSIFICATION OF PROPERTY & FACILITIES MANAGER.

Indexes:

Attachments: [Property & Facilities Manager](#)
[Property & Facilities Manager \(strikeout\)](#)

This Resolution was adopted unanimously.

BY COUNCILOR RUSS (PLANNING & ECONOMIC DEVELOPMENT)

BY COUNCILOR RUSS (PLANNING & ECONOMIC DEVELOPMENT)

12. [16-0778R](#) RESOLUTION AUTHORIZING REPROGRAMMING OF \$101,200 IN 2011 AND 2012 CDBG FUNDS AND TRANSFERRING IT TO THE WEST DULUTH FOOD ACCESS AND EDUCATION PROJECT.

This Resolution was adopted unanimously.

13. [16-0779R](#) RESOLUTION AUTHORIZING PROPER CITY OFFICIALS TO ACCEPT A DONATION FROM KIFF SAMUELSON FOR THE DEMOLITION, UTILITY CUT-OFFS, AND SITE RESTORATION FOR THE HOUSE AT 1019

NORTH 14TH AVENUE EAST IN THE AMOUNT OF \$11,835.

Indexes:

Attachments: [Attachment 1](#)

This Resolution was adopted unanimously.

14. [16-0784R](#) RESOLUTION APPROVING THE FIRST AMENDMENT TO THE AMENDED AND RESTATED DEVELOPMENT AGREEMENT BETWEEN THE DULUTH ECONOMIC DEVELOPMENT AUTHORITY AND GARFIELD BUSINESS PARK LLC.

Indexes:

Attachments: [Exhibit A. Amendment to Amended and Restated Development Agreement](#)
[Attachment - Map](#)

This Resolution was adopted unanimously.

15. [16-0786R](#) RESOLUTION AUTHORIZING CONSTRUCTION AND TEN YEAR OPERATIONS AGREEMENT WITH DULUTH COMMUNITY ACTION DULUTH FOR THE CITY'S DENFELD GREENHOUSE PROJECT.

Indexes:

Attachments: [Exhibit A - 16-0786R](#)

This Resolution was adopted unanimously.

BY COUNCILOR WESTERLUND (PUBLIC WORKS & UTILITIES)

BY COUNCILOR WESTERLUND (PUBLIC WORKS & UTILITIES)

16. [16-0750R](#) RESOLUTION OF INTENT TO RECONSTRUCT WHITTIER STREET BEGINNING AT CLAYMORE STREET AND ENDING APPROXIMATELY 750 FEET SOUTH OF CLAYMORE STREET.

Indexes:

Attachments: [16-0750R Map](#)

This Resolution was adopted unanimously.

BY COUNCILOR FOSLE (PUBLIC SAFETY)

BY COUNCILOR FOSLE (PUBLIC SAFETY)

17. [16-0751R](#) RESOLUTION AUTHORIZING THE EXECUTION OF AN AMENDED AND RESTATED LAKE SUPERIOR DRUG AND VIOLENT CRIME TASK FORCE JOINT POWERS AGREEMENT PROVIDING FOR THE PARTICIPATION THERETO BY THE VIRGINIA, HIBBING, BABBITT,

BREITUNG, CHISHOLM, EAST RANGE, ELY, EVELETH, AND GILBERT POLICE DEPARTMENTS AND THE U.S. BORDER PATROL AND FURTHER AUTHORIZING EXECUTION OF AN MOU WITH U.S. IMMIGRATION & CUSTOMS ENFORCEMENT AND THE U.S. BORDER PATROL.

Indexes:

Attachments: [16-0751R Exhibit I](#)
[16-0751R Exhibit A](#)
[16-0751R Exhibit B](#)

This Resolution was adopted unanimously.

18. [16-0761R](#) RESOLUTION AUTHORIZING COOPERATIVE FIRE PROTECTION AGREEMENT WITH MNDNR DIVISION OF FORESTRY FOR COOPERATIVE RESPONSE TO WILDLAND FIRE CALLS.

Indexes:

Attachments: [Exhibit A 16-0761R](#)

This Resolution was adopted unanimously.

19. [16-0775R](#) RESOLUTION AUTHORIZING PROPER CITY OFFICIALS TO ACCEPT A GRANT FROM THE UNITED STATES DEPARTMENT OF JUSTICE IN THE AMOUNT OF \$41,022 AND FURTHER AUTHORIZING EXECUTION OF GRANT AGREEMENT WITH ST. LOUIS COUNTY.

Indexes:

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

This Resolution was adopted unanimously.

BY COUNCILOR SIPRESS (RECREATION, LIBRARIES & AUTHORITIES)

BY COUNCILOR SIPRESS (RECREATION, LIBRARIES & AUTHORITIES)

20. [16-0782R](#) RESOLUTION AUTHORIZING THE DULUTH INDIGENOUS COMMISSION TO ACT AS A CULTURAL LIAISON FOR PARKS AND RECREATION WAYFINDING AND INTERPRETIVE SIGNAGE.

This Resolution was adopted unanimously.

END OF CONSENT AGENDA

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INTRODUCTION AND CONSIDERATION OF ORDINANCES

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

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BY COUNCILOR HANSEN (FINANCE)

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21. [16-068-O](#) AN ORDINANCE TO AMEND THE BUDGET OF THE CITY OF DULUTH FOR YEAR 2016 BY INCREASING THE BUDGET BY \$700,000 FOR CALLING STREET IMPROVEMENT BONDS SERIES 2008C.

This Ordinance was read for the first time.

BY PRESIDENT FILIPOVICH (COMMITTEE OF THE WHOLE)

BY PRESIDENT FILIPOVICH (COMMITTEE OF THE WHOLE)

22. [16-067-O](#) AN ORDINANCE AMENDING THE DEFINITION OF SIGNATURE IN THE DULUTH CITY CODE, 1959, TO ALLOW FOR ELECTRONIC SIGNATURES

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 HANSEN (FINANCE)

BY COUNCILOR HANSEN (FINANCE)

23. [16-065-O](#) AN ORDINANCE AMENDING ORDINANCE 10473 TO LIMIT THE AMOUNT OF THE FRANCHISE FEE ASSESSED TO ANY MINNESOTA POWER CUSTOMER PURSUANT TO THE FRANCHISE TO AN AMOUNT NOT TO EXCEED \$420,000 PER YEAR.

This Ordinance was adopted.

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

Absent: 1 - Councilor Westerlund

COUNCILOR QUESTIONS AND COMMENTS

COUNCILOR QUESTIONS AND COMMENTS

COUNCILOR PREVIEW OF UPCOMING BUSINESS

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